UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE *103d* CONGRESS
FIRST SESSION

VOLUME 139—PART 6

APRIL 2, 1993 TO APRIL 30, 1993
(PAGES 7411 TO 8939)

GENERAL SERVICES ADMINISTRATION
9/25/98
LAW
LIBRARY
CENTRAL OFFICE

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1993

69-059 O—97 Vol. 139 (Pt. 6) 1

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

For sale by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402–9328

Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 103^{d} CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Friday, April 2, 1993*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts are grateful, O God, with the knowledge that with every weakness, there is also strength; that with every pain, there is also healing; with every discouragement, there is also hope; with dying, there is the gift of eternal life. May Your good spirit so live in our lives, and may Your peace touch our very hearts, that we will not yield to disappointment or see only the problems that lead to despair, but learn to trust in Your way and move forward in that confidence that You alone can give. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 155, not voting 38, as follows:

[Roll No. 134]

YEAS—237

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeLauro
DeLay
Dellums
Derrick
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Long
Lowey
Maloney
Mann
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Wheat
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—155

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clay
Clinger
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Hunter
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (OR)
Snowe
Solomon
Spence
Stearns
Stokes
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Zeliff
Zimmer

NOT VOTING—38

Beilenson
Brooks
Brown (CA)
Chapman
Cooper
DeFazio
Dingell
Fields (TX)
Ford (MI)
Ford (TN)
Fowler
Frost
Henry
Hoke
Huffington
Johnson, Sam
LaFalce
Lantos
Lloyd
Manton
McCurdy
Morella
Neal (NC)
Pelosi

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Pombo
Quillen
Rahall
Ros-Lehtinen
Sanders
Smith (IA)
Smith (NJ)
Smith (TX)
Sundquist
Swett
Tucker
Whitten
Young (AK)
Young (FL)

□ 1124

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LAFALCE. Mr. Speaker, on a rollcall that occurred during my leave of absence on account of illness in the family, I would have voted "yes" on rollcall 134.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would invite the distinguished gentleman from Pennsylvania [Mr. WELDON] to come forward and lead the House in the Pledge of Allegiance.

Mr. WELDON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 239. An act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would announce to the House that, by agreement between the majority and the minority, the Chair will recognize 10 Members on each side for 1-minute speeches.

REPUBLICAN GUARDIANS OF GRIDLOCK

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, here they go again. The Republicans on the other side of the Capitol are holding us all hostage with their partisan griping and filibustering. They lost the ball game last November and they are still trying to force us into overtime.

Mr. WALKER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The Chair would admonish the gentleman from California and the Members of the House that such references to the other body or characterizing their actions are not permissible under the House rules.

Mr. FAZIO. Mr. Speaker, the GOP has become the GOG, guardians of gridlock. The President has a strategy and a plan to create jobs, reduce the deficit, and produce long-term economic growth. It has earned the overwhelming support of American people. The House passed the plan and Democrats in the other body are ready to do the same.

But where are the Republicans? They are still guarding the gridlock. Listen to what Americans are saying, my friends. A constituent of mine put it well when they wrote and said, "Under President Clinton's capable leadership we Americans have a rare opportunity to get our economic house in order, thus ensuring a better future for our children. Please do your best," they wrote, "to prevent business as usual from wrecking any plan to get America back on track."

Did you hear that, Republicans? Stop the business as usual. Stop guarding the gridlock.

ENERGY INITIATIVES, THE JOINT VENTURES BETWEEN AMERICA AND RUSSIA

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise today to focus on a very important part of the upcoming Russian summit with President Clinton, and that deals with energy initiatives, joint venture opportunities between American corporations and our Russian counterparts, our Russian enterprises.

My colleague on the other side of the aisle, the gentleman from Texas, GREG LAUGHLIN, and I are today hosting a conference with all the major American petrochemical corporations to try to focus on ways to expedite joint venture opportunities that do not involve American tax dollars.

Mr. Speaker, I yield to my good friend on this point now, in the hopes that we can convince the President to raise this issue at the upcoming summit.

□ 1130

Mr. LAUGHLIN. I thank the gentleman for yielding and would point out to our colleagues that this is a bipartisan effort. We have had the support of the President.

Our companies have been challenged, and we in Congress need to give leadership to this issue to be sure that our companies can do business as we try to help the Soviet Union—or the former Soviet Union republics develop an energy industry, so that we do not have to rely upon American tax dollars.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman will state it.

Mr. BURTON of Indiana. Mr. Speaker, the Chair announced that he was limiting 1-minutes to 10 on each side because of an agreement between the majority and the minority. And I checked with the minority leader, and there was no such agreement. Will the Chair enunciate this issue?

The SPEAKER pro tempore. The Speaker's staff advised the Chair earlier today that this was done by agreement.

Mr. BURTON of Indiana. Mr. Speaker, there was no such agreement.

The SPEAKER pro tempore. The Chair would advise that the Chair's understanding was that this was done by agreement.

DO WE REALLY WANT NAFTA?

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, so you still want to support the North American Free Trade Agreement? How many Members here watched Prime Time Live last night, one of the worst episodes that I have seen where they talked about 19 babies in Mexico who died, born without brains, caused by encephalitis, caused by toxic waste, and they live along the Rio Grande River.

Why did this happen? Because of the toxic waste that is dumped into the river by, who else? American companies who have gone to Mexico to get out from under having to be subjected to EPA rules and regulations. And besides, there they can hire cheap labor at an average of $40 a week.

Where did the American companies locate? Right across the Rio Grande River, folks, the same area where the babies were born without brains.

You still want to vote for the North American Free-Trade Agreement? You better think about it.

IT'S CALLED PORKBUSTING, NOT GRIDLOCK

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I rise to answer the gentleman from California [Mr. FAZIO], a member of the Democrat leadership who just took this well to criticize Republicans for standing firm against pork barrel spending.

This great economic stimulus package that you have touted includes bike paths in Puerto Rico, cemeteries, and fish atlases. It is pure pork, and the Republicans who are fighting this are porkbusters.

Our duty to the American people as Republicans is to stand firm against shams, and the Democrat economic package is a sham.

KING ASSASSINATION

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, 25 years ago this weekend, our Nation lost Dr. Martin Luther King, Jr., a great leader and a hero to many. I lost a friend.

Dr. King showed this Nation and our world a better way—peace, nonviolence, and love. His was a message we need today. Our cities are becoming jungles. People are afraid to go out at night. There is no appreciation for human life. Today, more than ever, we need the spirit of the movement that Dr. King led.

Dr. King and the movement he led reshaped the world in which we live. It moved us closer to the beloved community, which I believe we all seek—a world community of justice, human fulfillment, and love, where, as Dr. King put it, people are judged not by the color of their skin, their place of worship, where they live, their sex or sexual orientation, but only by the content of their character.

We still have a distance to go. Dr. King's message can help us get there. Dr. King gave us hope in a time of hopelessness. He gave us courage when we had every reason to be discouraged. When "our feet were tired," he gave us strength.

He brought people together—black people, white people; Protestant, Catholic, and Jew; young, old; rich and poor—he brought them all together to do good.

As we remember Dr. King, we must remember all that he stood for. Now, more than ever.

PRIVATE SECTOR INVESTMENT FOR RUSSIA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, yesterday, President Clinton delivered an important speech concerning his proposal for a massive infusion of American foreign aid to Russia.

While I share the belief that a stable Russian democracy is a critical element of a more peaceful future, I do not believe that we can throw money at the problems of Russia. Already, one of Russia's greatest economic problems is the need to pay off loans from European nations that were never used wisely.

President Clinton spoke of the money he intends to spend on Russian aid as an investment in the future. For this to be true, this investment should meet the standards of any good investment—it should anticipate a positive return in the future, it should be collateralized in some way, and it should be based on good business judgment.

I have serious doubts about the Federal Government's ability to make these types of decisions. That's why I would prefer that we try to help Russia by private sector investment and increased trade opportunities.

This will protect American taxpayers and contribute to the long-run economic transformation and stability of Russia.

FREE TRADE FOR JAPAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after millions of lost jobs and thousands of factories shut down, the Commerce Department now tells us that Japan and Europe are ripping us off with illegal trade. Wow. Guess what they also said? Our voluntary restraints programs did not work, our memorandums of understanding are a joke, and the side bar agreements are ridiculous.

No kidding, Sherlock? What is next? The only free trade I see is free for Japan. How many more workers have to be ripped off by Japanese trade practices?

I say it is time for Congress, who has been a bunch of wimps on American jobs, to take care and balance the budget by stopping illegal trade and putting the American workers back to work. That is the best way to do it, not give money to Russia and now expand the debt limit.

CONSTRUCTIVE CRITICISM FOR PRESIDENT CLINTON

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, I have suffered in this Chamber for 12 years watching some of my good colleagues on the other side bash Presidents Reagan and Bush in this well, and they always said they did it in the interest of constructive criticism. So, let me give a little constructive criticism to the Clinton White House.

There is a front page story in today's paper in which the President is not just putting a spin on something up at the Naval Academy at Annapolis, but is trampling on the truth. If he does this from ignorance, then he had better correct it.

He said yesterday at Annapolis that no one on his staff told Lt. Gen. Barry McCaffery. "I don't talk to military people." This incident is true. It did happen. It is not in dispute. I have spoken to many of the principles. Our highest-ranking four-star has spoken to the President about it, and the President reportedly told him, "I wish I knew who she was, so I could have a little chat with her." He should do more than that. He should find out who she is and fire her.

It is now incumbent upon everyone in this House to know that Barry McCaffery has three Purple Hearts, four Bronze Stars for valor, two Silver Stars and two Distinguished Service Crosses. He was the point of the spear in the Persian Gulf, Operation Desert Storm, as Commander of the 24th Mechanized Infantry. He led the "Hail Mary" into Iraq.

Barry McCaffery: West Point graduate, airborne ranger paratrooper, Vietnam and Desert Storm veteran, husband and father with a combat infantryman son and combat nurse daughter—also both Desert Storm veterans. True Story, The President: lying or insufferably ignorant.

□ 1140

FAIR ACCESS TO JAPANESE MARKETS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, this morning national public radio said the "U.S. received good economic news," when it described the continued fall of the dollar versus the Japanese yen. Wrong. That is the conventional wisdom, but the United States-Japan trade relationship is not conventional and neither is the Japanese economy conventional.

Supposedly the falling dollar will help the United States trade deficit with Japan and that is why the administration has been jawboning down the dollar. Many economists agree with that effort, but they are wrong. The result will only be that the American people will be poorer and our country will be weaker. Contrary to prediction, this move will not correct the huge, unfavorable trade balance we have with the Japanese.

Why is that? First, Japan has no natural resources. It imports all of the raw materials for its products and many manufactured components. The stronger yen will mean that many of those imports for its manufacturing sector will be less expensive, even though they come not only from the United States but from all over Southeast Asia and elsewhere. Second, American businesses trying to break into Japanese domestic markets will find the extraordinarily high cost of doing business in Japan now astronomically high. Third, look at the big-ticket Japanese exports to the United States. When it comes to electronic consumer goods, Americans walking into Circuit City are unfortunately still not price sensitive. They will plunk down their dollars and buy the Japanese product they want. And, the Japanese will continue to find ways to reduce the cost of their exports to the United States by charging their own consumers and consumers in other countries more to sustain their American markets. Yes, with this exchange rate, automobiles made in Japan will be more expensive. Guess what will happen. Automobile companies in America—domestic and Japanese—will take this opportunity to raise their prices. American car buyers get hit no matter what they buy.

Talking the dollar down, with the resulting higher value yen, will not appreciably cut Japanese exports to the United States. And Japan, cited yesterday by the annual United States Government report as the country with the most unfair trade barriers to United States products and services, will not really buy appreciably more United States imports. America should have learned its lesson from the Plaza accord. A weaker dollar is not the solution, it is disastrous economic and trade policy. The United States must be tough in demanding actual, fair access to Japanese markets and it must do everything possible to assure that American businesses have the confidence of fair access in order to invest resources to capture Japanese markets and afford to do business there.

Mr. Speaker, I strongly urge Secretary Bentsen and the Clinton administration to reverse this tragic policy. The conventional wisdom does not apply to Japanese-American trade and economic relationships.

GRIDLOCK

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Well, folks, here we go again. Gridlock.

You know, last year, as our President campaigned throughout this country, everyone looked forward to his economic package that he was going to deliver to the House and the Senate, which he has done. Part of that economic package, the budget part, has been passed. We in the House have passed the stimulus package. It now sits over in the Senate.

The minority over there has thwarted the will of the majority, refusing to permit it to come to a vote.

Mr. WALKER. Mr. Speaker, regular order.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would remind the gentleman and Members of the House that it is not correct to characterize actions taken by the other body.

The gentleman is recognized. He may continue.

Mr. VOLKMER. Gridlock. That is all it is. Abuse of the rules of the Senate, abuse of the Congress by not permitting this matter that we need to come to a vote.

Just now, just today, we learned that the economy is stagnating again. Just now when we need that stimulus package to make sure it keeps going, who stops it? The minority in the Senate. They say, "Let the country go to pot." Gridlock.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman's time has expired, and, again, the Chair does not wish to be tiresome on this point, but it is very clear that Members today seem to be indulging in an effort to characterize the actions of the other body, in violation of rule XIV. Actions of the other body are not to be characterized in the House of Representatives.

FRESHMAN MEMBERS AS REFORMERS NOT CONFORMERS

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, yesterday, the Capitol Hill magazine Roll Call put out its annual April Fools Day edition. Let me read you some of the headlines: "House Bank to Reopen, Foley Says"; "Three New Select Committees OK'd"; and "Golf Course Is Planned for Grounds of the Capitol."

Although the folks at Roll Call meant this as a joke, I would not be surprised if a group of freshman Democrats did not read this—caucus, and immediately draft a letter to Speaker FOLEY pledging their support for these proposals.

After all, when the House leadership has said jump, the freshman Democrats have perked up and asked "how high?"

That is what happened when the Democratic leadership kept their freshman from showing up at the Omaha summit. And that is why the freshman Democrats were no-shows on the fight to retire the select committees.

And just this week the freshman Democrats showed all the tenacity of a herd of sheep when they issued their milk toast, window dressing House reform plan. Their plan is so watered down, it doesn't even represent a real position to begin negotiating on.

Mr. Speaker, the American people sent 110 new Members to Congress so we could have real change. Unfortunately, Democratic leadership have sucked their freshman into the new old system. The freshman Democrats have been conformers, not reformers.

We freshman Republicans are committed to keeping up the fight for reform. But we cannot succeed alone.

It is time for the freshman Democrats to break the trance their leadership has put on them, remember what they campaigned on, and start doing what the American people sent them to: make real changes in Congress.

STIMULUS PACKAGE HELPS CHILDREN AND YOUTH

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I want to talk about that stuck stimulus package.

Let me talk about what they are labeling as pork. What they are labeling as pork is America's commitment to finally immunizing its children. We have the worst record in the industrialized world.

President Bush promised to change it at the world summit on children and did not. It is time we do it and do it now.

What is another item? It is full funding for Head Start. We promised to do that 30 years ago. We never did it. Let us do that now.

It is about jobs this summer for our youth that have been so forgotten, and they are in so much trouble.

These are the pork barrel issues they are talking about. You all know the great PAC contributions these kids have given.

This is absolutely essential. We always talk about our natural resources. This is a stimulus package that talks about our human resources, and it is time that we get this out. If we do not, I think it is time we go to a unicameral legislature.

DEMOCRATS GET THE CREDIT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Be proud, my friends on the Democratic side of the aisle, for the work that we have done in this brief session of the Congress.

I want you to have all the credit for it. I do not want to reach out and claim any credit for it.

You have, in the past few days, passed an outline for the largest tax increase in the history of this Nation. Be proud of that.

We are struggling with a pork-laden so-called stimulus package that will add $16 billion to the national deficit before Easter. Be proud of that.

We raised the debt limit yesterday to the highest it has ever been in history. Be proud of that.

Today we will pass a phony line-item veto designed to fool the American people and make them think there is a line-item veto when there really is not. Again, be proud, my friends on the Democratic side of the aisle.

But pardon me if I am not.

A PARTNERSHIP FOR PEACE

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, when President Clinton and Russian President Yeltsin meet this weekend, they will be discussing Russia's fledgling democracy, and that country's desperate need for foreign assistance.

Because the United States proposes to be a partner in Russia's democratic development, I feel it is incumbent upon us to remind President Yeltsin that a true democracy promotes freedom both at home and abroad.

Even as we extend aid to our Russian friends, there have been reports that the Russian Government is extending supplier credits to the totalitarian regime in Cuba so that it can complete construction of a nuclear powerplant at Cienfuegos. This plant may pose a real danger both to the people of Cuba, and here at home. An accident at the Cienfuegos plant could wreak havoc not only in Cuba, but it is estimated that winds could spread radioactive pollutants over Florida, the Gulf States and as far as Texas in only 4 days.

Cuba is a signatory nation to neither the Non-Proliferation Treaty nor the Treaty of Tlatelolco, which permit the International Atomic Energy Agency to monitor signatory nation's nuclear facilities.

Mr. Speaker, I urge my colleagues to register their support for President Clinton's pledge to express our concerns to President Yeltsin at their meeting this weekend. The Russian democratic movement must make itself manifest in Russian foreign policy. Our partnership with the Russian people must continue to be a partnership for peace.

PASS A TRUE LINE-ITEM VETO

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I am disturbed and disappointed in this system; 110 new Members and we have almost no reform.

What are we going to do here today? We are going to pass what is seen as a so-called enhanced rescission bill. What a misnomer.

This reduces the days that the Congress has to approve a rescission.

We still have to vote to approve the President's rescission. It does nothing.

Freshman Members, conservatives on the Democratic side of the aisle, you cannot hide behind such a sham. I have more faith in the wisdom of the American people to know the difference.

If you want to represent, and that is what we are sent here for, say no to House Resolution 1578 and do it right. Pass a true line-item veto.

Your voters will appreciate it.

EQUAL EDUCATION FUNDING ACT

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to ask for your support of the Equal Education Funding Act of 1993. This bill will change the way the Federal Government funds education for our students who are most in need.

The current formula shortchanges more than 3 million students nationwide.

There is also a $235 million supplemental appropriation in the stimulus package and not one penny of that money helps to solve the overall problem caused by the current formula.

The bill will: First, provide for annual updates in census numbers used for chapter 1 education funding. Second, creates a formula that recognizes each States ability to pay for education and rewards States who put more of their resources in education.

By cosponsoring the Equal Education Funding Act you will be stating the value you place on classroom teachers because their salaries are part of the formula and you will be telling the States that the Federal Government will no longer disregard the differences among the States in funding education.

The bottom line is this: chapter 1 education funds should go to the students who most need them. This bill does that far better than our current formula and therefore it deserves your support.

□ 1150

TRIBUTE TO HON. J. CALEB BOGGS

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Mr. Speaker, at 2 o'clock this afternoon, in the small town of Cheswold, in the heart of Kent County, DE, J. Caleb Boggs will be laid to rest. This extraordinary man was beyond question the most popular elected official in Delaware's history. A judge, a Governor, a Member of the House, and a U.S. Senator, he was usually addressed simply as Cale. It just fit better than titles.

A Republican by registration, he was equally beloved by people of all political persuasions and backgrounds. His passing is a great loss to his children, his family, and also a great loss to everyone who ever knew him.

To those who would search for competency and decency in politics, Cale Boggs is the best example you will ever find.

Thanks for everything you stood for, Cale, and Godspeed.

LINE-ITEM VETO

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, since I was elected I have taken to this floor several times to make a statement that some people find surprising coming from someone who represents an inner city, majority Hispanic district.

I have said it is time to put fiscal sanity back in our budget process by passing the line-item veto.

Why is a line-item veto important to America?

Because today, every dollar is precious.

Because every time this Congress misappropriates $1, every time a lobbyist lures some spending their way that benefits just a few of them, instead of all of us, the people of America suffer.

Every dollar wasted means $1 fewer that will be spent on immunization of children, $1 fewer to put extra police protection in our communities, $1 fewer to improve access to health care or help create jobs or improve the schools in our neighborhoods.

Fighting against the reality of limited resources, we are all trying to do the most that we can for our constituents.

If we stand together today, and fight for a strong line-item veto, we will be able to stand stronger tomorrow, and make the changes in our neighborhoods that our constituents want.

POLL SHOWS MISUNDERSTANDINGS OF CLINTON ECONOMIC PACKAGE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, the latest Wirthlin poll, released this week, March 30, 1993, reports on the understanding of the American people of the Clinton economic package.

According to the poll, 71 percent of those polled believe that the plan should include fewer taxes while another 66 percent believe that it should include more spending cuts.

If this is what the American people want, Mr. Speaker, this is not what the American people are getting.

In fact, 53 percent of those polled did not know that plan includes $250 billion in new Government spending increases over the next 5 years.

Additionally, the last question on the poll addressed the action they desired from the Congress on the budget. Given the option of a tax increase or cutting deficit spending across the board, a budget freeze, 78 percent—an emphatic figure—demanded the freeze.

Mr. Speaker, my budget proposal mirroring this desire received 122 votes on the floor of this House. I am hopeful that there will be another chance for the American people to be more successfully represented by this body.

CONDITION OF ORPHANS, ROMANIAN TRADE STATUS SHOULD BE LINKED

(Mr. GORDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORDON. Mr. Speaker, today I am introducing a concurrent resolution that links Romania's most-favored-nation trade status with substantial improvement in the conditions for children in Romanian orphanages and less restrictive Romanian adoption policies.

Three years after the notorious Communist dictator was thrown from office, conditions remain intolerable for more than 80,000 Romanian children who are in orphanages, many of which are little more than medieval asylums.

While some human rights abuses have been stopped, the Romanian Government still refers to many of these children as unsalvageables. We can't pretend Romania is moving toward a true democracy as long as these conditions and policies continue.

When we consider MFN status for Romania, we must insist that the Romanian Government do more to save these children. Romania shouldn't expect normal relations with other nations until it takes major steps to end the abuse and neglect endured by its abandoned children and makes it easier for Americans and others to bring hope to these children's lives through adoption.

GRIDLOCK, OR GREASELOCK?

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I have one question: Is it gridlock, or is it greaselock? Is it gridlock because the minority party wants to debate the merits of a $3 billion tax increase? Is it gridlock because the Republicans want to debate the fact that the new package has $2.50 in tax increases for every $1 in cut? Is it gridlock because the minority party wants to debate the merits of raising the debt ceiling $225 billion, which is 2½ times the annual budget of the State of California and over 30 times the annual budget of the State of Georgia? Is it gridlock because we want to debate the necessity of a stimulus package that has $28 million for the city of Washington, DC, to retire their debt, $23 million for Fortune 500 companies to learn more about energy efficiency as if Ford Motor Co. really needs the money, $1.4 million to draw pictures of statues; $3.2 million for sickle fin chub?

Is it gridlock, or is it greaselock?

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman will state it.

Mr. WALKER. The Chair had announced that there would be 10 speeches on each side. Would the Chair tell me how many speeches there have been on each side thus far?

The SPEAKER pro tempore. There have been 11 on each side. The Chair had, by agreement, once again with the minority and the majority, agreed to take four additional speakers on each side.

Mr. WALKER. Was that announcement made to the membership?

The SPEAKER pro tempore. The announcement was not made to the membership, but the arrangement was agreed to.

Mr. WALKER. A further parliamentary inquiry: There were a number of our people who were there and got up and left when the Chair made his announcement. They counted the seats and then they got up and left the floor. I noticed that on this side nobody got up and left, they stayed in their seats, and now because of that we have evidently extended the period or extended the numbers.

So, my parliamentary inquiry is: Why was an announcement not made so that everybody could have participated? It is just passing strange that the Democrats are going to end up with more speakers than the Republicans.

The SPEAKER pro tempore. The Chair would first of all address the gentleman: The Chair himself was approached by Members from the Democratic side who left, having seen the original order. So this may have been a problem for both sides.

But, furthermore, the Cloakrooms were notified of the additional change in adding four more speakers on each side in the 1-minute recognitions.

Mr. WALKER. A further parliamentary inquiry: The Chair announced earlier that this had been done in consultation with the minority leadership. I talked to the minority leader, as did Mr. BURTON, and we found out the minority leader was not contacted.

Maybe his staff was. But you know, there seems to be a problem here in the first place. And then, second, if we are going to have these limitations, then the limitations need to be fairly applied, and it cannot be worked out midstream because you have people coming to the floor to make their 1-minute speeches and when they hear that announcement, they leave. That is not fair to them.

The SPEAKER pro tempore. The Chair would suggest that, in the Chair's opinion, this has been handled with eminent fairness and with complete equity on both sides of the aisle. But if there is a way to do it better, we will always endeavor to do so.

Mr. TRAFICANT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TRAFICANT. Mr. Speaker, I agree with the gentleman from Pennsylvania [Mr. WALKER], and I think the leadership and the Speaker should let the membership know, especially those who take the time to come over to be involved in the process.

The SPEAKER pro tempore. The Chair will convey the information from both sides to the Speaker.

□ 1200

FRESHMAN DEMOCRATIC REFORM PACKAGE

(Mr. FINGERHUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINGERHUT. Mr. Speaker, I came to the floor originally to address the body on the subject of the Freshman Democratic reform package.

I compliment the gentlewoman from Utah [Ms. SHEPHERD] my co-chairman, on her remarks; but I must say that I have to change the focus today because I have been gravely disturbed by the remarks last night of my friend, the gentleman from Ohio [Mr. HOKE] and by the gentleman from Minnesota today who have tried to inject partisanship into the subject of congressional reform.

Mr. Speaker, more important than reform, the voters back home want us to conduct our business in a civil manner. They want us to work together for the best interests of the public.

Mr. Speaker, the leadership of the Republican freshman class knows that. The gentleman from Massachusetts [Mr. TORKILDSEN], the gentlewoman from Florida [Mrs. FOWLER] met with us, the gentlewoman from Utah [Ms. SHEPHERD] and I, to work together and to emphasize the common ground.

Mr. Speaker, I am proud of this freshman Democratic reform package. We emphasize campaign finance reform and lobbying reform as the way to clean up this House and make sure that the special interests are not heard over the public interests.

Mr. Speaker, I ask the well-meaning Members on both sides to reject those people who wish to make addresses in the form of a partisan issue and emphasize the common ground.

CIVILITY

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, it is awfully easy to talk about civility when you are able to ramrod everything you want through this House without even paying any attention to the minority.

The Rules Committee has passed nothing but closed rules this whole year, which means that the 600,000 people that each one of us represents are being gagged because they will not even allow us to bring amendments to the floor.

Do you know why? Because they do not want us to tell the American people about what they are doing.

They say it is an economic stimulus package. It is called a pork-barrel package. That is what it really is, and there is $16 billion worth of special pork-barrel projects; movie theaters, swimming pools, parking garages, libraries, sporting arenas. That is not what the American people want their tax dollars going for, and yet these people over here continue to say, "civility, civility," while they ram things down the throats of the minority and the American people.

We do not need $400 billion in new taxes. We need to cut government spending, the pork you are ramming through.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair will have to remind our friends in the gallery, we are happy that you are with us, but it is improper under the House rules for members of the gallery to take part in demonstrations or acts of approval or disapproval of anything taking place on the House floor.

REPUBLICANS AND THE FUTURE FOR OUR CHILDREN

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARLOW. Mr. Speaker, the previous speaker has pointed out pork.

Let me say this. It was the Republican Party in the Community Development Block Grant Program that insisted back in 1981 that any oversight by the appropriations process be uncoupled from the Community Development Block Grant Program, and it is their fault if there are going to be problems with community development block grants.

Let me say further, I would point out to the children of our Nation that last night they heard some very irresponsible language coming from the Republican side, some very irresponsible advice which I would hope in their lifetimes they steer clear of, and that it is all right to quadruple the national debt, it is all right under Republican leadership to quadruple the national debt because when it is up there you can walk away from it. That was the advice the Republicans gave us last night.

I certainly hope in the future the children of America disavow that.

REPUBLICAN DISCIPLINE

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, I am getting sick and tired of hearing on this floor about the last 12 years and the quadrupling of the debt, because it was a Democrat Congress that passed every one of those bills, and they know it; but this 4 years is going to be even worse under your own President's projections. Your own President under the best of scenarios projects that he is going to increase the national debt by $916 billion, if everything goes right. That is $183 billion over the first term of Ronald Reagan. That is $283 billion over Ronald Reagan's second term.

This package that is in my judgment being responsibly stopped in the Senate is going to add to the debt, add to the burden, increase the deficit and destroy our economy.

I welcome what the Senate is doing. I hope the American people appreciate it. They are finally putting some discipline in that body.

GRIDLOCK AND REFORM

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, I came here initially with the idea of talking about the freshman rules of reform package.

I have listened to the debate for the past 2 days, I must say that I have got to talk about gridlock. I thought it was over, but apparently it is back again.

The public does not want gridlock. They do not want rhetoric. What the public wants is action, and the Democrats in the House have given the public action on major public policy initiatives and we are going to continue to do that.

When I see the gentleman from Indiana unroll his paper about pork and not one of the items that he has on his list is in the bill, I know we have rhetoric and not truth.

We are going to have action today on one of the most fundamental things in Congress, that is the line-item veto that will cut spending. We have action at last.

Mr. Speaker, when I decided to run for Congress last year, I did so because I wanted to create real change in Congress. The people on New Jersey's Eighth Congressional District elected me to help make our Government more responsive and more accountable.

The freshman Democratic reform package will create change by making this Congress more responsive fiscally through fundamental reform in campaign financing and the role of lobbies, and through changes in the way we function. As we freshmen came to Washington, some told us that we should allow the more experienced Members to make the changes. But through our reform package, we are showing that we believe we have something concrete to offer.

This Congress must pass campaign finance reform. We propose spending limits, restrictions on soft money, and limits on pacs.

In the area of fiscal responsibility, this Congress must also reduce spending. We are recommending a 25-percent cut in the legislative branch over 5 years. To eliminate wasteful spending, we have endorsed a statutory line-item veto which gives the President the authority to further cut any wasteful Government spending. We may be new, but we hope all Members from both sides of the aisle will join us in looking for more spending cuts whenever and wherever we can find them. The bottom line is that we will be getting the job of the Government done.

MORE TAXES AND MORE SPENDING

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, yes, we need action, and yes, we need an end to gridlock. I believe that.

And yes, Republicans as well as Democrats have responsibility for the budget deficits.

President Clinton, however, promised that he would represent change and that he was going to end gridlock.

What I find fascinating is that his program is really nothing more than the same old philosophy in George Bush's and the Democrats' 1990 budget summit agreement—more taxes more spending and higher deficits and greater debt.

Mr. Speaker, that is neither effective action nor an end to gridlock. That is business as usual.

How in the world can we increase the debt by a trillion dollars under the President's plan and have annual budget deficits of $228 billion after 5 years of huge tax increases and expect the American public to greet those results with any sort of positive attitude?

The Clinton economic plan is not an end to gridlock. It is not action. It is a formula for economic disaster for the people of this country. We should reject this plan and cut the spending.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All time for 1-minute speeches has expired.

PROVIDING FOR CONSIDERATION OF H.R. 1578, EXPEDITED RESCISSIONS ACT OF 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 642, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 149

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations. After general debate the bill shall be considered as read for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. No amendment to the amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1210

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 149 makes in order the consideration of H.R. 1578, the Expedited Rescissions Act of 1993. The resolution provides for 2 hours of general debate, 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, and 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations.

The resolution makes in order as an original bill for the purpose of amendment an amendment in the nature of a substitute printed in part 1 of the report accompanying the resolution.

No other amendment is in order except those printed in part 2 of the report, which shall be considered as read and considered only as follows: First, an amendment in the nature of a substitute by, and if offered by Representative CASTLE or Representative SOLOMON, or a designee, debatable for 1 hour, equally divided and controlled by the proponent and an opponent; and second, an amendment to the Castle-Solomon amendment by, and if offered by Representative MICHEL or a designee, debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The amendments are not subject to amendment or to a demand for a division of the question in the House or the Committee of the Whole. The resolution waives all points of order against the amendments, and provides that any Member may demand a separate vote in the House on any amendment to the bill or the amendment in the nature of a substitute made in order as original text.

A waiver of clause 7 of rule 16—germaneness—is provided to the Michel amendment to the Castle-Solomon substitute printed in the report accompanying this resolution. This waiver is solely provided to the Michel amendment as it pertains to the Castle-Solomon substituted.

Finally, the resolution provides for one motion to recommit, with or without instructions.

Mr. Speaker, in the publication entitled "A Vision of Change for America," the President outlines a plan to restore the American dream for us and our children.

The President's plan represents a drastic change from the status quo. The President wants to reject the policies and practices of the past which have quadrupled our debt and left many Americans believing their Government doesn't work. The people want change, and the President's program offers change for the betterment of our Nation.

The legislation made in order by this rule would give the President one of the key changes he has sought, and which I believe we desperately need: a modified line-item veto.

Mr. Speaker, we all know wasteful spending sometimes occurs because individual items escape scrutiny by being submerged in large appropriations bills.

Under current procedures a President cannot strike out individual items in appropriations acts. He must sign or veto the whole act, whatever the consequences. H.R. 1578 would give the President an option he does not now have.

Under H.R. 1578, within 3 days of signing an appropriations act the President could send the House a message and bill proposing to rescind, or cancel, individual spending items in that act.

The President's proposal would be referred to the Appropriations Committee. That committee must report it to the floor without amendment within 7 days. The House must vote, up or down, on the President's bill within 10 days of introduction. During this time the funds would not be spent. If the bill passed the House, it would go to the Senate for expedited consideration there, and if passed by the Senate, on to the President for his signature.

To avoid the possibility a President might use this procedure not primarily to reduce the deficit, but instead to promote his own pet projects, H.R. 1578 would allow the House Appropriations Committee to report to the House, simultaneously with the President's bill, an alternative. To qualify for expedited consideration, the committee's bill must propose to cancel spending from the same appropriations act the President drew his rescissions from, and it must propose to cancel an amount of spending equal to or exceeding the President's total.

If the committee reported an alternative, the House would first vote on the President's bill; if adopted by a majority vote, the President's bill would go to the Senate for expedited consideration and the alternative would not be in order. If the House rejected the President's bill and passed the alternative, that bill would go to the Senate instead.

The Senate Appropriations Committee could also report an alternative bill. But it would not be in order to consider anything but the President's bill until the Senate first voted on and rejected the President's bill. The President is thus guaranteed a vote on his proposal.

If both Houses ultimately passed an alternative bill instead, then those funds would be canceled. Thus, under H.R. 1578, if either the President's bill or an alternative bill passed both Houses, spending will be cut and the American taxpayer would be the big winner.

Mr. Speaker, the President supports H.R. 1578 because he believes with a modified line-item veto like this in place millions and perhaps billions of dollars might be saved. These our dollars which our taxpayers worked and earned by the sweat of their brows and sent to Washington to fund the essential activities of Government, not to be squandered on ridiculous pork-barrel projects.

This bill gives the President the tool he needs to block pork-barrel projects like asparagus research, renovating Lawrence Welk's birthplace, or studying the well-being of middle-class lawyers or the aggressive tendencies of fish in Nicaragua. It will let the President force Congress on the record regarding researching cockroaches, or why people fall in love, or building schools for North Africans in France.

Mr. Speaker, these kinds of pork are an embarrassment which we can clearly not afford. The American people won't stand for them, and we don't have any business asking them to do so.

Quite simply, H.R. 1578 will create accountability. No longer will a President be able to sign an appropriations act containing wasteful items and claim he was powerless to block them.

No longer will Congress be able to force upon the President the dilemma of vetoing an entire act and shutting down the Government, or signing the whole thing, bacon and all. If Congress wants to appropriate funds for these purposes, then a majority of either House need only stand up and be counted. If the President does not want them, then he has the responsibility to send them back. It is that simple, and I believe it will work.

Mr. Speaker, last year I held extensive hearings in my subcommittee on various legislative line-item veto proposals, and brought the forerunner of H.R. 1578 to the floor, where it passed by a vote of 312 to 97. The bill before us today is, in my opinion, a better bill than last year's. It deserves our strong support.

The rule also deserves our strong support. It makes in order a Republican substitute, an amendment thereto offered by the minority leader or his designee, and it does not restrict the motion to recommit. Many issues have already been worked out; the rule will allow a full airing of the remainder. I urge all Members to support the rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I thank my colleague, the gentleman from South Carolina, for yielding us half of his time.

Mr. Speaker, I hope that in the next 5 hours that we are going to be able to enlighten the American people on the need for a true line item veto and the problems that led up to the need for it.

Mr. Speaker, this resolution before us which makes in order this expedited rescission bill, is the tenth consecutive modified closed or closed rule reported in this Congress. Not one rule has been open unfortunately.

Over the last 3 months, we on the minority side have been trying to impress upon our Democrat colleagues and on the American people back home as well that when we complain about closed rules we are not simply engaging in some kind of procedural or partisan tantrum. We are instead trying to warn against what we perceive as the deliberate decline of democracy in this House.

Now I will readily admit that to the average American a closed rule probably does not mean anything, but, if we ask that same citizen taxpayer how he or she would feel if they knew that their elected Representative was not allowed to fully participate in the legislative process in the House of Representatives, the anger would begin to rise, and it is beginning to rise, my colleagues. I suspect that their first reaction would be, "Why are we paying them those big salaries if they can't even offer amendments to legislation on behalf of me, our town, our State and our country?"

□ 1220

Why do we call them lawmakers if they do not have any real voice in making laws? And that is what is happening on this floor, ladies and gentlemen.

So all of a sudden the term "closed rule" has some real meaning for the people back home, when they realize that individual people sitting here to represent them cannot even offer amendments on the floor of this House. They begin to realize that their Representative really has no say about what goes on here in Washington. Boy, I would be ashamed if that were me.

Today we have a modified closed rule that allows for just two amendments. And, while one of those two amendments has my name on it along with a group of our freshman Republicans, and is a true line-item veto, I just cannot support this rule.

Instead, I offered in the Rules Committee a substitute open rule that would have specifically allowed our Republican leader to amend the so-called Spratt bill by including tax provisions under the President's expedited rescission authority.

It would also have allowed the freshman Democrats to offer a substitute extending that authority to all tax expenditures and make this rescission authority permanent. Not just 2 years, but permanent, no matter who the President is. That amendment was presented to the Rules Committee on the debt limit bill by Representatives MINGE, DEAL, and INSLEE as an alternative to the Stenholm-Spratt approach.

In other words, they were attempting to put some teeth in this toothless tiger. I was excited and I commended them for being up there testifying before our Committee on Rules. But they were denied the right by their own Democrat Party to offer that amendment, because the Democrats killed my request for an open rule.

Mr. Speaker, that is the way the House used to operate, full and open debate on amendments and deliberation, and we used to produce good legislation. The American people at that time held us in such esteem that about 85 percent of the American people approved of what we were doing here. Now look at the esteem they hold us in. Sometimes it is embarrassing to go home.

Nowadays, however, we are being asked to confine ourselves to partisan boxes. You can have your one partisan amendment, we will have our one partisan alternative, and heaven forbid if any other Member of this House should have an independent idea.

Mr. Speaker, I do not think it is unreasonable on something as important as the issue of the expedited rescission versus the true line-item veto to have an open amendment process. I do not think it is unreasonable to have a process whereby we try to reach a consensus approach that takes the best from both parties and from all Members regardless of political party. Really, that is what representative government is.

And yet, we are told that this rule and the bill it makes in order was in truth brought to this floor as a tradeoff to gain votes for the debt limit bill yesterday.

The truth in that is evident when you consider that the main amendment made in order by this rule as the base bill was not even before the Rules Committee when we took testimony yesterday. It was not the subject of hearings in the Government Operations Committee earlier this year, and I see the ranking Republican sitting over there, or in the Rules Committee late last year that I am the ranking Republican on.

No, this amendment, which showed up on the Rules Committee's doorstep late in the day yesterday, like an abandoned baby of unknown parentage, was suddenly embraced by the majority as a long lost son, though it bears little resemblance to any of the family members that were paraded before our committee earlier in the day.

I am not exactly sure what that makes this new bill, though I am told this bird of a different feather strongly resembles a cardinal. You know what a cardinal is. It has a red hat.

Mr. Speaker, I do not want to dwell on the substance of this new bill, in part because no one testified on its behalf to describe it for us, so I don't think there is anybody here that can explain it today.

Even the chairman of the Rules Committee admitted to me during debate yesterday that he doubted there was any knowledgeable authority who could explain this to our satisfaction or understanding. Yet it is in the base text of this bill.

Ironically, this new bird which was reportedly hatched in a cardinal's nest, and for those people who might be listening, you know cardinals are referred to in this House as appropriators, they set up a system which could ultimately lead to violating the rules and precedents of this House which recognize the supremacy of who, the College of Cardinals, the House Committee on Appropriations.

The reason is that under the House rules all appropriation bills must originate in the House. You all know that. You have read the Constitution. Like appropriation bills, rescission bills which strike previously appropriated funds originate under the jurisdiction of the House Committee on Appropriations.

That is not only how we have operated historically, but that is what the Constitution says.

While this bill initially recognizes that any Presidential rescission bill must originate in the House of Representatives, all that changes if the House passes the President's rescission bill and the Senate does not.

You folks had better go back and think about that, especially you appropriators. You have bitten off more than you can chew.

When that happens, it is in order for the Senate to originate an alternative rescission bill. That means that the Senate bill could be "blue slipped" back to the Senate without a vote because it violates the constitutional prerogatives of this House.

In short, we would be left with no rescission bill at all. The President's rescission bill would be dead. The Senate rescission bill could well be in violation of the Constitution.

And the only real winners would be those who have a voracious appetite for pork. That's spelled o-i-n-k, and is pronounced: "Oink, oink, oink."

Do I make myself perfectly clear?

This new bill, in short, is a gotcha bill. And the reality of this rule is that you now have a choice between a real line-item veto preferred by our side, and by many Members of your side of the aisle as well, and I see some of them sitting over there, and I applaud them for it, and the fiscal equivalent of what I call hog steroids on your side. In clearer terms, that means hog wash.

Mr. Speaker, I tend to doubt that House appropriators seriously intend to give away this important constitutional prerogative, but that is exactly what this bill does. This bill really ought to go to the Committee on the Judiciary and let them study that ramification.

Mr. Speaker, I would therefore urge my colleagues to vote down this rule. I am one of the Members that came here 15 years ago fighting for a line item veto and am still here 15 years later doing the same thing. I would urge Members to vote down this rule and put pressure on your Democratic leadership and Democratic Committee on Rules to bring us an open rule that will allow us to reach a bipartisan consensus approach to a meaningful line item veto bill that is in the best interests of the American people, 80 percent of whom favor not this bill, but a true line item veto bill.

Mr. Speaker, I would ask Members to please vote no on the rule and let us go back upstairs and let all factions in both political parties be represented here on the floor. That is what America is all about.

Mr. Speaker, I include for the record the rollcall votes taken in the Committee on Rules last night on this rule, some updated data on open versus restrictive rules, and a copy of the open rule we offered in the Committee on Rules last night.

ROLLCALL VOTES IN THE RULES COMMITTEE ON AMENDMENTS TO DRAFT RULE ON H.R. 1578, SPRATT EXPEDITED RESCISSION BILL

1. Open Rule.—Two-hours of general debate (divided equally between Rules & Govt. Ops.); Castle-Solomon amendment in the nature of a substitute, subject to amendment by Michel targeted tax provision amendment; and, if Castle-Solomon is rejected, Michel amendment would be in order to bill, followed by consideration of the Minge substitute for Spratt. All amendments would be subject to debate under the five-minute rule under the normal amendment process meaning other amendments could be offered when amendment tree allows. Points of order would be waived against amendments. Rejected: 3–7. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Wheat, Gordon and Slaughter.

2. Michel Amendment to Spratt.—Adding rescission authority for targeted tax provisions to Stenholm's expedited rescission approach (30-minutes of debate, appropriate waivers). Rejected: 3–8. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, Gordon and Slaughter.

3. Minge-Deal-Inslee Substitute Amendment.—Modified line-item veto—permanent authority to rescind budget authority and tax expenditures, subject to majority approval by both Houses (one-hour of debate; appropriate waivers). Rejected: 3–8. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, Gordon and Slaughter.

4. Clinger Amendment.—To Spratt bill, removes two-year sunset provision. Rejected: 3–8. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, Gordon and Slaughter.

5. Duncan Substitute.—Identical to Castle-Solomon except it amends the Budget Act and makes the veto permanent (i.e., no two-year sunset provision). Rejected: 3–8. Yeas: Solomon, Dreier and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, Gordon and Slaughter.

6. Motion to Report Rule.—A modified closed rule making in order just two amendments. Adopted: 8–3. Yeas: Moakley, Derrick, Beilenson, Frost, Bonior, Wheat, Gordon and Slaughter. Nays: Solomon, Dreier and Goss.

OPEN VERSUS RESTRICTIVE RULES—103D CONGRESS

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58—Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176; A: 259–164 (2/3/93)
H. Res. 59—Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	9 (D–1; R–8)	1 (D–0; R–1)	PQ: 248–171; A: 249–170 (2/4/93)
H. Res. 103—Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172; A: 237–178 (2/24/93)
H. Res. 106—Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166; A: 249–163 (3/3/93)
H. Res. 119—Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (D–4; R–9)	8 (D–3; R–5)	PQ: 247–170; A: 248–170 (3/10/93)
H. Res. 132—Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental approps.	37 (D–8; R–29)	1 (not submitted) (D–1; R–0)	A: 240–185 (3/18/93)
H. Res. 133—Mar. 17, 1993	MC	H. Con. Res. 64: Budget Resolution	14 (D–2; R–12)	4 (1–D not submitted) (D–2; R–2)	PQ: 250–172; A: 251–172 (3/18/93)
H. Res. 138—Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164; A: 247–169 (3/24/93)
H. Res. 147—Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	
H. Res. 149—Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993.	5 (D–1; R–4)	3 (D–1; R–2)	

Code: C-Closed; MC-Modified closed; MO-Modified open; D-Democrat; R-Republican; PQ-Previous question; A-Adopted; F-Failed.

H.R. 1578—PROVIDING AN OPEN RULE FOR THE EXPEDITED RESCISSION BILL

Strike all after the resolving clause and insert in lieu thereof the following: "That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority, and the first reading of the bill shall be dispensed with. After general debate which shall be confined to the bill and the amendments made in order by this resolution, and which shall not exceed two hours, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, the bill shall be considered for amendment under the five-minute rule. It shall first be in order to consider the amendment in the nature of a substitute printed in the report of the Committee on Rules to accompany this resolution by, and if offered by Representative Castle of Delaware or Representative Solomon of New York, or a designee, said amendment shall be considered as read, and all points of order against said amendment are hereby waived. It shall first be in order to consider an amendment to said amendment printed in the report of the Committee on Rules by, and if offered by, Representative Michel of Illinois, or a designee, and, if said amendment in the nature of a substitute is not agreed to, it shall immediately be in order to consider the second amendment printed in the report of the Committee on Rules to accompany this resolution by Representative Michel to the bill; both of said amendments by Representative Michel shall be considered as read, and all points of order against said amendments are hereby waived. It shall also be in order, if the amendment in the nature of a substitute previously referred to is not adopted, to consider an amendment in the nature of a substitute printed in the report of the Committee on Rules to accompany this resolution, by and if offered by Representative Minge of Minnesota, or a designee, said amendment shall be considered as read, and all points of order against said amendment are hereby waived. At the conclusion of the consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.".

EXPLANATION

This amendment to the proposed rule provides for a two-hour, open rule for the consideration of H.R. 1578, the "Expedited Consideration of Proposed Rescissions Act of 1993." The rule first makes in order a Castle-Solomon line-veto amendment in the nature of a substitute, which would first be subject to a Michel amendment on targeted tax provisions. If the amendment in the nature of a substitute is rejected, a similar Michel amendment would first be in order to the introduced bill; and, it would then be in order to consider the Minge amendment in the nature of a substitute. The above amendments and other amendments would be considered under an open amendment process under the five-minute rule.

Mr. DERRICK. Mr. Speak, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from New York [Mr. SOLOMON] being the constitutional scholar that he is, must understand and know that the Constitution says nothing about appropriation bills. It says revenue bills.

Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I support the rule, and I oppose the bill. When I hear people talk about the Constitution of the United States and Congress, I want to vomit. We are about as far away from the Constitution as we can get.

For all the new Members, check this out. In 1985 Congress passed a law that not only stripped the power from the people, but gave the Comptroller General, the General Accounting Office, the power to raise taxes and cut spending.

□ 1230

The Supreme Court had to strike it down.

I oppose the bill for one reason. I do not care if the President is Democrat or Republican. I am not for stripping the powers of the people any further and increasing, expanding the powers of the Chief Executive and the courts.

The people are to draft all laws, regulate commerce with foreign nations, raise taxes, pass budgets.

The President has the constitutional power to veto. Nowhere in the Constitution does the President have the power to micromanage the people's laws and budgets.

I oppose this wimp Congress action that is so afraid of the debt they try to delegate it to the guy from OMB so that when the fecal matter hits the fan, they could say, "It wasn't me. It was the guy behind the tree from OMB."

The sheriff does not buy it. I want to say this to the Congress, and I want to caution the Congress, there has never been a nation of free people overthrown by a duly elected representative of the people. Let me say, for every action there is an equal, an opposite reaction.

When we take away the power of the people, we send it somewhere. And it goes to that Chief Executive or to those courts. And the people in America are so upset with their government, they are taking it out on themselves. And we are allowing it.

I am going to vote for the rule. The people want the Democrats to govern. The Democrats bring the rule. But I am not going to rubber stamp any bills that would weaken the power of the people. And I think what I should be saying should not be falling on deaf ears.

I thank the gentleman for yielding time to me and would like to say this: We keep talking about the Constitution. We ought to look at regulating commerce with foreign nations. And if we are going to balance the budget, we will not do it by giving a President a little red ink pen. We will do it by straightening out our balance of trade and putting Americans back to work.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER], the ranking Republican on the Committee on Government Operations where this bill should have originated.

Mr. CLINGER. Mr. Speaker, I rise in strong opposition to this rule. It is more than a little disappointing that the very first bill to be brought to the floor from the Government Operations Committee during the 103d Congress, the very first bill that I will be managing as the ranking Republican of the committee, was never voted on by the committee, never debated by the committee, never subjected to normal and appropriate committee procedures. That is not the way to do business and I don't intend to begin my tenure as the committee's ranking member by supporting such a travesty.

Yesterday, I testified before the Rules Committee expressing my concerns with this distortion of the committee process. Although the Government Operations Committee conducted one legislative hearing this year on the general issue of enhanced rescission authority, no regular mark up was held and no opportunity was given to Members on either side of the aisle to offer amendments, although several of the minority members including myself had an interest in offering amendments.

It is too easy for the majority party, with a Democrat in the White House and control of both Houses of Congress, to abuse the House rules and minority rights by bypassing the normal committee procedures and then allowing few amendments to be considered on the floor. This practice effectively cuts off any opportunity for members from either side of the aisle to participate in the legislative process. It should be in the interest of all House Members that legislation like this be fully considered by the appropriate committees before it reaches consideration on the House floor.

Because it was not, and because we have not been given the opportunity to fully offer amendments, I urge the rejection of this rule.

Mr. DERRICK. Mr. Speaker, for the purpose of debate only, I yield 2 minutes and 30 seconds to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Speaker, I thank the gentleman for yielding time to me.

In the campaign, there was no issue that inspired more discussion among my constituents than the subject of the line-item veto. Both pro and con, debates over whether the President should have the additional power or whether he should not have the additional power.

Mr. Speaker, in just 3 months here, I am more convinced that ever that this is a necessary step. In these days of $1.5 trillion budgets and a far-reaching national government, it is simply not good enough to say that 200-plus years ago the Founding Fathers did not envision this particular distribution of responsibility between the executive and the legislative branch.

It is time for us to bring our procedures into line with the realities of today's government. With a line-item veto, the President will be able to pull out from the avalanche of Federal spending those items that he thinks are inappropriate for the use of taxpayer dollars, and he will be able to force the Congress to come out once again in the light of day, under the glare of the spotlight and decide, separate out from all of the avalanche of Federal spending whether we believe that that particular item is worthy of being sent on taxpayers' dollars.

Mr. Speaker, this debate is on the subject of the rule. Quite frankly, no one has been as outspoken as I have about the need for openness in debate. But I support this rule today for two reasons.

The first is that it fairly frames the question for debate. On an issue as controversial as the line-item veto, that is the responsibility of the Committee on Rules.

For those who want to vote for a modified line-item veto, enhanced rescission, we have that opportunity today. For those who want to vote for the full line-item veto of the gentleman from New York [Mr. SOLOMON] and the gentleman from Delaware [Mr. CASTLE], we will have that opportunity as well.

But most importantly, on a subject as controversial as this, there will never be a procedure that will make everybody happy.

The bottom line is this, and the American people and everyone who supports a line-item veto ought to know it of whatever version, and that is that a vote for this rule brings to the floor of the House of Representatives the line-item veto which so many members of the American public want. And a vote against this rule is a vote against this House of Representatives considering a line-item veto.

I urge support of the rule for supporters of the line-item veto on both sides of the aisle.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. FAWELL], chairman of the task force known as "Porkbusters." He has been one of the real outstanding Members who have tried to get a handle on spending in this Congress.

Mr. FAWELL. Mr. Speaker, I rise in opposition to the rule.

It is time to give the President of the United States a greater part to play in the appropriations process which is tilted too much in Congress' favor.

For years Congress has been a profligate overspender. It has not balanced a budget for more than 23 years in a row. It has run up more than $4.1 trillion of debt. It now incurs $300 billion per year in interest on that debt. That debt amounts to about $16,000 per every man, woman, and child in America and equals about 51 percent of our Nation's GDP. Based on what I have witnessed with all the new taxing and spending now going on, our national debt will grow by the trillions over the next 5 years of the budget resolution we just passed.

So, is it not time that Congress gave some increased power to the executive branch in determining spending? We always like to blame Presidents for our overspending. But we know who the spendthrifts are. We should know by now that Congress is in serious need of help in determining spending priorities.

We have a chance today to vote for either the Solomon or the Stenholm rescission plans. Frankly, I would prefer that we inculcate a Presidential rescission plan in the Constitution. Mr. SOLOMON would agree. That way we would have a real line-item veto and Congress could not think up ways in which to wiggle out of spending cuts by passing new laws or waiving rules, something we are very good at doing. Of what we have before us, though, I think the Solomon bill is the better of the two. I say that because the Solomon bill grants direct power to the President to propose a rescission which goes into effect unless the Congress can pass a rescission disapproval bill in 20 days. The rescission disapproval bill can be, of course, vetoed by the President, and Congress then won't be able to reverse the President's rescissions without a two-thirds vote.

Now that is raw meat. Many Members worry about a President misusing such a statutory line-item veto power. But that's akin to a drunken sailor refusing help. We prefer to keep our profligacys to ourselves while still retaining the right to blame Presidents for our overspending.

My good friend, Congressman STENHOLM also has a rescission plan which amends the Congressional Budget Act of 1974. It has good points but one major flaw. It is the same flaw which has made a wet noodle of our existing Presidential rescission power. I refer to the fact that the Stenholm bill, by amending the Budget Act of 1974, would have its provisions enacted as an exercise of the rulemaking power of the House and Senate. Thus, all of its noble and not so noble provisions can be waived, repealed, ignored, and trampled upon in the same manner in which we view the rules of this House so often being waived, repealed, ignored, and trampled upon whenever the majority wills it.

I suppose it will be the Stenholm bill which will survive, to a great extent because of the respect we have for Mr. STENHOLM, but mostly because the Rules Committee and the majority leadership can make mishmash out of it whenever it suits them.

On the other hand, I frankly do not believe the Stenholm bill will ever survive the rigors of Byrd-land, wet-noodle or not, for one can at least bet that if its provisions are monkeyed with—as they will be—they will have Congressman STENHOLM to deal with. And by passing the House, it will enable a lot of us to say we voted for a line-item veto even though it is not a line-item veto. It is, after all, important to be perceived as being for a line-item veto even if one is not.

HOUSE OF REPRESENTATIVES,
Washington, DC.

TAKE IT FROM ONE WHO'S TRIED: "EXPEDITED RESCISSION" PROPOSALS THAT REQUIRE APPROVAL OF CONGRESS DO NOT, AND WILL NOT, WORK

DEAR COLLEAGUE: I am writing to urge my colleagues to support Rep. Solomon's substitute, when the House takes up "enhanced rescission" legislation. Take it from someone who tried to use the existing rescission authority: The Stenholm/Spratt proposal will not work because it has the same basic flaw that plagues the current law: it is subject to the rules of the House. In fact, Stenholm/Spratt provides that its provisions are enacted as an exercise of the rulemaking power of the House and Senate which means of course that it could be changed at the whim of the Majority.

Rep. Solomon's approach, H.R. 24, is a statutory line-item veto and can work.

This is a very complicated issue, but please bear with me; those who support giving the President line-item veto authority should understand the critical distinction between the Solomon and Stenholm/Spratt approaches.

CURRENT LAW

We already have "expedited Presidential rescission authority" on the books; it is section 1017 of the Budget Act of 1974. This provision allows the President to send rescission messages to Congress. Congress, in response, must approve the President's rescissions, or the money will be obligated. There are expedited procedures in the law that allow just one-fifth of the members of the House to bring rescissions to a vote under this "approval authority."

Last year was the first time since I have been in Congress that a President tested the 1974 "expedited rescission authority". Republicans in the House invoked section 1017 last April to get a vote, as provided under the law, on 96 Presidential rescission messages. We easily had the requisite one-fifth of the House. However, we soon discovered why "expedited approval authority" doesn't work under the Budget Act of 1974.

All of the expedited procedures for bringing rescissions to a vote are part of the Budget Act. Sec. 1017 of the Budget Act is a "rulemaking statute," i.e., it was enacted "as an exercise of the rulemaking power of the House and Senate" and, like other rules of the House, it may be waived or changed if a majority of the Members vote to do so. Accordingly, all of these wonderful expedited procedures can be waived or altered by a simple majority of House members in a rule or otherwise. This is precisely what the Rules Committee did to us last year—they waived our right to get a vote on the Presidential rescissions, even though the Budget Act gave us that right, and the President's rescissions died without any vote as required by the law.

THE STENHOLM/SPRATT RESCISSION BILL

The Stenholm/Spratt Rescission bill inherits this same fatal flaw. It also requires the approval of the President's suggested rescissions by Congress by the passage of the "draft bill" submitted by the President with his rescission message. As an amendment to the 1974 Budget Act it requires that Congress consider rescissions within a specified time period, and requires a "a vote on final passage of the bill shall be taken in the House. However, all of these provisions, under new sec. 1013, are also enacted "as an exercise of the rulemaking power of the House and Senate" and could be waived or altered by a simple majority vote.

THE SOLOMON ALTERNATIVE IS A STATUTORY LINE-ITEM VETO

The Solomon line-item veto proposal, a proposed substitute to Stenholm/Spratt, is a statutory line-item veto proposal for FYs 94. It is completely outside of the Budget Act of 1974 and, therefore, is not subject to, or deemed to be, a part of the rules of the House. It rescinds budget authority so designated by the president, unless a rescission disapproval bill making available all of the amount rescinded by the President is enacted into law by Congress.

The Solomon plan does not give Congress any way to squirm out of voting on the rescissions if they want to spend the money. The President rescinds designated appropriations. The rescissions will never be spent unless Congress passes, and the President signs, a rescission disapproval bill. The President would, most likely, veto the rescission disapproval, but Congress could override the veto with a two-thirds majority. The Congressional Research Service experts tell me that the Solomon approach is clearly constitutional.

Believe me, there is no way to make an "approval" type procedure work by amending the 1974 Budget Act and subjecting such an "enhanced rescission" power to the rules of the House. As long as Congress can avoid taking a vote on the rescissions, and they can always find a way under their "Rules", there is no Constitutional way to ever guarantee a vote on the Presidential rescissions.

Sincerely,

HARRIS W. FAWELL,
Member of Congress.

□ 1240

Mr. SOLOMON. Will the gentleman yield?

Mr. FAWELL. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would ask the gentleman if he would mind asking unanimous consent to submit for the record his "Dear Colleague" letter, which explains the real difference between the two bills.

Mr. FAWELL. I will say to the gentleman, I am glad to do so, if that is in order.

The SPEAKER pro tempore (Mr. MAZZOLI). Without objection, so ordered.

There was no objection.

The Chair would advise Members that the gentleman from South Carolina [Mr. DERRICK] has 16½ minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 14 minutes remaining.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 90 seconds to the distinguished gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Mr. Speaker, this House has already completed action on a budget resolution which will trim nearly $496 billion from our Federal deficit over the next 5 years. Today, we have the opportunity to enact a structural reform which will restore common sense to the budget process.

As one who served as a cabinet secretary in the executive branch of California's government, I know first hand the value of a line-item veto. There are times when executives must have the power to make painful, responsible spending cuts. In fact, 43 Governors today have some form of line-item veto at their disposal.

The new Members of this body, myself included, have seen how difficult it is to make hard choices and necessary spending cuts. The legislation we must pass today will enable the President to take the steps necessary to bring fiscal discipline to our Nation.

I will gladly support expedited rescission authority for the President. I urge my colleagues to cast aside partisanship and vote for this rule which will bring this important legislation to the floor.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from San Diego, CA [Mr. HUNTER], a very valuable Member.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to respond to my colleague, my good friend [Ms. SCHENK], who is from San Diego also, and all other Members who spoke about this rule bringing forth the opportunity to vote on a line-item veto within the next several hours.

It is true that we will have a chance to vote for the line-item veto, but the Democrat proposal is not a line-item veto. Let us make this very clear.

I think we all remember in the movie Crocodile Dundee when Mr. Dundee was accosted by a gentleman who had a very short knife, and he pulled it out, and Crocodile Dundee said, "That is not a knife, this is a knife," and he pulled out a real knife, a big knife.

Let me tell the Members, Solomon-Castle is a real knife. The Democrat proposal is not like the line-item veto of California. Interestingly, it is not like the line-item veto of any one of the 43 States of the Union that have a real line-item veto. In short, it is not a line-item veto.

A majority of either body can kill this line-item veto attempt by the President of the United States, a majority of either body. In the real line-item veto, that is, Castle-Solomon, it takes a two-thirds majority, a two-thirds majority in both Houses to kill the line-item veto attempt by the President.

In other words, Castle-Solomon allows the President to make real cuts. Our constituents want us to make real cuts, and they want this cutting in the public debt, which they are so concerned about, to be a partnership between the President and the Congress. Once again, the line-item veto instrument that the Democrats are offering is not a real line-item veto, and we will show in the full debate what is a line-item veto for every one of the 43 States in the Union that uses a real line-item veto, including California.

This is not like any of them. This is very watered down, and once more, it is an attempt by the Democrat majority to take a Republican issue, suck all the substance out of it, and leave the hollow shell, and tell the American people, "We have done something for you." This does nothing for the debt-cutting process.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I first want to say that I support this rule. I have been one who has believed that more rules need to be opened up. There needs to be more genuine debate on the issues. I think this amendment reflects a good balance in terms of opening up the process and getting full debate. I compliment the Committee on Rules.

This bill establishes a new process for considering presidentially suggested cuts to spending bills. Under current law, the President may submit cuts to Congress as part of the appropriations process, but we are not required to vote on the cuts. The spending will automatically go into effect unless we do.

Under this bill, which is a profound change in law, the Congress must vote on the cuts within 10 days. The bill is for a 2-year period only, while we see if the process works.

As the gentleman from Ohio [Mr. FINGERHUT] and the gentlewoman from California [Ms. SCHENK] and other freshman Democrats who have taken great leadership on this have said, our constituents are most desirous of efforts to reduce nonauthorized and earmarked spending, sometimes referred to as pork barrel, sometimes erroneously, but that is the kind of spending that folks want us to address.

This bill is a genuine effort to focus on making our spending decisions more prudent. I disagree with the Speaker. I think this is a profound change in the way we have done business here.

There are some problems in this bill. Not all spending is covered. Only discretionary spending is covered, so entitlement programs are not affected. Tax expenditures are not covered, although that may be corrected as an amendment to this bill. I think that they should be.

I also know there are some very serious institutional reservations, particularly from some of the appropriators, but other people as well, that this takes away powers from Congress. However, it is a first start to address the public need to see us dealing effectively with the spending issue.

There is an expression that "the perfect is the enemy of the good." This bill may not be perfect, but it is good. It is good enough that we should pass it today and let the American people know that we are serious about making prudent spending decisions in the future.

Mr. SOLOMON. As the Chair can see, we have a had whole host of freshman

Republican speakers. We have another one right now. I yield 2 minutes to the gentleman from Midland City, AL, Mr. TERRY EVERETT, a freshman and a really outstanding Member.

Mr. EVERETT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in opposition to the rule and call on all freshman Members to put aside partisanship and vote against this rule, for the sake of the American people.

I came to this great body, like many of my freshman Democratic friends, largely because the people in my district wanted change.

□ 1250

Part of the change they wanted was a true, a true line-item veto.

Well, I have heard a lot about change, but I have not seen any real change, none at all. Frankly, I have been disappointed that with 110 new Members who have promised the people back home that they would work for that change, that this Congress has not responded. What we have had is the same old nonsense.

Mr. Speaker, it is not too late. We freshmen still have an opportunity to reach across party lines and do something for the American people.

I say to my friends across the aisle, help us vote this rule down. Help us vote this rule down, and as a Republican freshman I will vote to make in order the Democratic freshman true line-item veto.

I prefer the stronger Castle-Solomon true line-item veto, but for the sake of the American people I will vote to make in order the freshman true line-item veto, and to do what the public sent us here to do, make a change and change this place.

So I ask Members to vote no on this rule. It does not represent a true line-item veto, and it does not represent change.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise today in support of the rule. This rule would allow for 2 hours of general debate as well as consideration of two of the leading alternative approaches to line-item veto.

I am surprised, and quite frankly disappointed that my good friend, the gentleman from New York [Mr. SOLOMON] opposes this rule today, because we are truly going to have a debate on the main issue of line-item veto, something that he has wanted and I have wanted. But now we find that he opposes the rule.

My good friend and colleague, the gentleman from South Carolina [Mr. SPRATT] and I have added to the original legislation which I introduced several perfecting amendments on our amendment.

I consistently argue for rules which allow open debate on issues and an opportunity for the House of Representatives to honestly work its will. There have been a number of times, in fact once very recently, when I have been disappointed that the rules have not allowed a full airing of legislation, of opinions and an opportunity to cast votes on leading alternative approaches. Therefore, I appeared before the Rules Committee yesterday and asked that they make all germane amendments requested in order, and they did.

Today we are going to debate the issue of line-item veto, and those who want line-item veto will have an opportunity to vote on that issue today.

The issue of line-item veto authority has been debated for many years, and I have always opposed a straight line-item veto based on my belief that it creates an imbalance in the balance of powers between the legislative and the executive branches. I have found very appealing enhanced rescission authority, which is what we bring today in the Spratt-Stenholm amendment.

I believe that two issues, and there are other issues are now getting mixed up. The contract authority I think has appeal. I think the taxing issue has appeal. The gentleman from Illinois [Mr. MICHEL] will be able to offer his amendment to this issue today, and we can debate it. I believe that these issues belong in the debate, and that is what we will do today.

My visceral reaction is that these issues should be included in rescission order. But I have not yet explored, nor have most of our colleagues on either side explored the pros and cons of adding these issues today. I am eager to hear others with greater constitutional and institutional expertise than I debate the nuances of including tax expenditures and contract authority in rescission authority. I think it is highly likely that 2 years from now when we consider renewing this contract on this legislation that I will be prepared to vote for rescissions of this sort.

At this point, however, I do not believe the debate has matured to the point where we should be attaching these unexplored ideas to legislation which is likely to be signed into law. many were rightfully concerned about minimal committee debate about this issue before it comes up today. Therefore, when we look at the issue before us at this very moment, the rule, how can anyone say that it is not a fair and open rule when we get to debate the issue that is before us today, and that is line-item veto as proposed by the other side and the modified rescission order as proposed by those of us who have believed that that is the proper way to go?

Vote for the rule. Let us get on with the debate, and let the majority rule.

Mr. SOLOMON. Mr. Speaker, in an act of fairness, I yield 1 minute to my good friend, the gentleman from Maryland [Mr. MFUME], one of the fairest speakers who takes the rostrum once in a while. I will pay him back a favor in this manner.

Mr. MFUME. Mr. Speaker, I thank the gentleman from New York for yielding.

I rise today on behalf of the men and women of the Congressional Black Caucus who have taken a position of principle with regard to the matter of this rule and the rescission bill.

The Constitution clearly lays out implied and stated powers, and history has shown that every time a power is ceded, it is very seldom returned, and that the executive branch, whether Democrat or Republican, historically has taken unto itself implied powers within the Constitution. The War Powers Act and a number of other things I could stand here and recite, but suffice it to say that even on the matter of constitutionality there is still a great deal of question as to whether the Founding Fathers of this Nation meant in fact for the executive branch to have that sort of power.

So the Congressional Black Caucus, on a pure position of principle, stands in opposition to this rule, and in opposition to the rescissions act, and would urge Members of this body to join with others in an effort to defeat it.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, today is a better day than yesterday. Last night's debate was an exercise in partisanship, but today we have an opportunity to move beyond that.

Last night a number of people on the minority side wanted to link two votes together, but here 12 hours later there is this rule which will finally give us our chance to vote and debate for the line-item veto.

I would ask my colleagues on both sides of the aisle to recognize that none of these proposals before us nor this rule is perfect. There are many valid arguments over particular details in the program. But nobody always gets what they want. The rule may not be what certain Republicans want, but then we Democrats have a leadership that had us vote on debt ceiling during prime time, and have this debate and vote when none of my constituents are watching.

This rule allows us today to make today better than yesterday was. It allows us to establish the tools to make a better future.

This is an issue that cuts across party lines, as we have just seen from the previous speaker, but this is a rule that allows it to get to the floor. Let us bring it to the floor.

Last night each side just pointed fingers. Today we can do better. We can point the way to a better future.

Vote yes on the rule, and then let us debate and vote on the exact form of line-item veto on the merits.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from the great Georgia, Mr. JOHN LINDER, another outstanding freshman.

Mr. LINDER. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, there is an aphorism that goes, "Never attempt to teach a pig to sing. You will waste your time and annoy the pig."

Trying to sell this to the American people as a line-item veto is very much like trying to teach a pig to sing. It is not. It merely speeds the process up from 45 days to 20 days and requires the body to vote by majority to overrule the President, the same majority that passed the spending to start with. And it disappears in 2 years.

That is why Members must have a closed rule, because this body and the Democratic leadership cannot afford a wide-open vote on a real line-item veto such as they have in 43 States, such as the Castle-Solomon bill, such as the Democratic freshmen's proposal is.

I do not know why they chose not to introduce it or ask that it be made in order in the Rules Committee. But the Democratic freshmen had a better offer than this one before us.

□ 1300

Under the freshman plan, a rescission can only be blocked if both Houses pass disapproval legislation.

Mr. Speaker, if there is one single issue before us that requires us to cast aside partisan concerns and act, it is the problem of the ever-growing Federal deficit. The American people have made it very clear that they want us to act decisively and in unison on this matter.

Only by granting the President a true line-item veto will we be able to say that.

If you will help us defeat this rule, we will make in order the freshman Democrats' proposal, which is a real line-item veto.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the distinguished gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Thank you, Mr. Speaker. As one of the first African-American Members elected from the State of Florida in 129 years, I was sent to Congress to represent my constituents on every issue which is brought before the U.S. House of Representatives, including those involving appropriations and the national budget.

Before being elected to the House, I was a member of the Florida State House for 10 years. During my tenure, I worked with Democratic and Republican Governors who had line-item veto authority. My experience was one in which Governors did not use their power to reduce spending but instead used the line-item veto for partisan purposes.

As a result, I believe that I have an experienced perspective on H.R. 1578, the Expedited Rescission Act which is before the House for consideration. My concern is that H.R. 1578 would shift too much power to the President and the executive branch and give the White House a new tool to press Members of Congress on other matters. For example, the White House could threaten to rescind funding for a project in a particular Member's district if the Member did not support the President on another vote of importance to the white House.

This is the House of Representatives, in other words the people's House. Let's not take power away from the people who sent us here.

As a result, I urge my House colleagues to vote against the rule for H.R. 1578, any amendments, and the bill.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the deputy minority whip, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we need to be very clear here about what is being voted on. This is not a vote on line-item veto. Any of you coming to the floor and thinking you are going to get cover for voting for a line-item veto here, you are not.

The gentleman from Texas [Mr. STENHOLM] himself, and I quote from the CONGRESSIONAL RECORD, said that he will oppose and he has always opposed the pure line-item veto. He says, "I do not believe giving any President one-third-plus-one veto authority on the works of Congress. I think it unbalances the balance of power."

So this is not anything close to a line-item veto. Even the chief sponsor of it says that.

This is another play on words that the Democrats have gotten good at. You know, they now call investments—that is their new word for Big Government spending; contributions are now their new word for Big Government taxes; and rescission is now the new word for pork protection.

What the Democrats really are offering probably should be called enhanced circumcision, because it effectively cuts the truly taxpayer friends out of the process, and this is just an absolutely terrible piece of legislation, if you really want to get to where the President is going to have real authority.

I do not think that you are going to get there with anything that the process today offers. If you really want to help us get to a true line-item veto, what you want to do is defeat this rule so that we can work to make in order the Democratic freshmen's package which is more likely a real line-item veto. That is the way to really get to the heart of the matter here.

I think that there is a good chance this rule may go down. If it goes down, what we ought to get back then is a true line-item veto rather than fooling around at the edges the way this particular package does.

This is simply an attempt to give people cover. We ought not have votes on the floor giving people cover. What we need to have is packages on the floor that do real things.

Mr. DERRICK. Mr. Speaker, I yield 30 seconds to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, will the gentleman answer one question? It is my understanding that the Committee on Rules made in order the Republican leadership's request to grant the gentleman from New York [Mr. SOLOMON] and the gentleman from Illinois [Mr. MICHEL] what you wished to have debated on the floor, and it is my understanding that that is line-item veto. If it is not, why did you not, when you got the opportunity to debate on this floor line-item veto, offer it? But is it not true that your amendment is line-item veto, I ask the gentleman from New York [Mr. SOLOMON]?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, yes, it is.

Mr. STENHOLM. All right. So we will be debating line-item veto. And we will vote on your proposal up and down with the will of the House today. So why would the gentleman from Pennsylvania stand here and say we are giving cover? Everybody is going to get a chance to vote, and you are too, but you are complaining about it.

CALL OF THE HOUSE

Mr. DERRICK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 135]

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Bunning

Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
Lambert
Lancaster
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Roberts
Roemer
Rogers
Rohrabacher
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1412

The SPEAKER pro tempore (Mr. MAZZOLI). On this rollcall, 405 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 1578, EXPEDITED RESCISSIONS ACT OF 1993

Mr. DERRICK. Mr. Speaker, I withdraw the resolution.

The SPEAKER pro tempore. The resolution is withdrawn.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask to proceed for the purpose of yielding to the distinguished majority leader to tell us where we are and where we may be going.

Mr. GEPHARDT. I thank the gentleman for yielding.

Obviously, as the gentleman from South Carolina just said, the rule has been withdrawn. And it would be our intend to revisit this issue, the rule and the bill, at some time when we come back, soon after we come back.

Let me say to Members that we would like to go to a recess after this colloquy to have a few moments to try to make a better determination of what might be happening on the other side. At this moment we do not know what they may be able to accomplish in the next 24 hours. There may be the ability, at some point in the next 24 hours, for them to pass the investment stimulus bill, in which case there could be the ability then to go to conference, and to pass a debt ceiling, which may make it possible for us to go on the district work period.

There also may be a possibility that they could move a debt ceiling that we have already processed here without making a determination on the investment stimulus package, in which case, also, we could go forward with the district work period.

The other possibility is not as inviting for us, and that is that they can do neither and intend to come back on Monday or Wednesday and try again to deal with these matters.

I would apprise Members of the fact that it is our information at some time next week it may begin to cost the Treasury money if a debt ceiling is not finished that would not be expended if we were able to pass the debt ceiling. So we are very reluctant to go into the district work period without trying to bring that matter to a close so that the Treasury is not disinvesting funds and losing interest that would not be lost if we could pass the debt ceiling.

Mr. MICHEL. If I might inquire, if we recessed would we come back at a time certain for the day?

Mr. GEPHARDT. My suggestion is that we try to recess for one-half hour or 1 hour and take a better reading of whatever is happening in the other body. We consult then with you, and then we will come back and give Members the most definitive word that we can at that time.

Mr. MICHEL. I thank the gentleman.

Mr. GEPHARDT. And we would notify Members through the Cloakroom one-half hour before we come back, and we would try to come back within 1 hour.

Mr. MICHEL. I thank the majority leader.

Might I just make an observation, that I think it is quite obvious that the votes were not there for the rule that was reported, and that happens from time to time, not many times. But what I would like to say is that it may suggest that we do have to give real serious consideration to making some adjustments on how our rules are reported, and the nature of those rules so that conceivably most every Member of this body can have an equal opportunity to have his say, like he was elected to do. And I think if we can move in that direction, then I think it is going to be better for all of us over the course of the remainder of this session, certainly, and I would hope that just may be a forerunner of what we could expect by way of accommodation on rules.

Mr. BAKER of California. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from California.

Mr. BAKER of California. Mr. Speaker, I am proud to announce that our freshman Member RICHARD POMBO and his wife, Annette, have been a lot more productive this morning than the House of Representatives. They had a baby daughter born 9:30 this morning, Rena Murre Pombo, 7 pounds, 21 inches.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

I wonder if I could inquire of the distinguished majority leader, upon our return from recess, would the gentleman anticipate that there would be votes, and if a 15-minute vote is called, would the leadership anticipate leaving the vote open for another half hour and 15 minutes for those of us who have been off on an errand to get back and make the vote?

Mr. GEPHARDT. If the gentleman will yield, when we notify Members as to when we intend to come back, and again I say that should be in 1 hour, we will tell Members whether or not to expect further votes.

I do not expect that unless we have some imminent action on the other side that we would have any votes to report, and we would hope that if we then go into the end of our session, in special orders, that we would not have any votes for adjournment at the end of that period so Members could then be free to go.

Mr. MICHEL. And I might make the observation, the last we heard is that the cloture vote scheduled for the other body was not going to be until 5 o'clock, and really there is not much going to happen until you get over that hurdle.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, I was just going to inquire of the majority leader, could we have a definite time, because last night, you know, it went on for hours before we knew where we were. And it would be for the convenience of all of the Members, both Democrat and Republican, if we could come back at say 3:15 and have some kind of a definite explanation of where we are.

☐ 1420

Mr. GEPHARDT. Let me say to the gentleman that I am going to do everything in my power to have us back here at 3:30. The only reason that we would not be able to do that is if we cannot get the kind of information we would like to be able to give you about the end of this period. But we will aim at 3:30 to come back and to inform Members of where we are.

Mr. MICHEL. I thank the distinguished gentleman.

Mr. GEPHARDT. If the gentleman will yield further, the happy announcement was made on that side, and I would like to tell Members that a little earlier I talked to our colleague, the gentleman from New Hampshire [Mr. SWETT], whose 3-year-old daughter underwent surgery for a tumor on her liver today in Boston, and she came through it very well and is doing great.

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore (Mr. MAZZOLI) laid before the House the following communication from the Republican leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 2, 1993.
Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 801(b)(8) of Public Law 100–696, I hereby appoint the following member of the House to the United States Capitol Preservation Commission for the 103rd Congress:

Representative Bill Young of Florida.

Sincerely yours,
BOB MICHEL,
Republican Leader.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 69

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 69.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess. The Members will be advised of the next activity in the House. There will be a half-hour notice given to the Cloakroom, and a 15-minute bell will sound before the House convenes.

Accordingly (at 2 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1625

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MONTGOMERY] at 4 o'clock and 25 minutes p.m.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I request this time that I might yield to the distinguished majority leader to bring us up to date on where we go from here.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to my friend.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, we have been in touch over the last hour or so with the leadership in the other body. I do not believe that I have any more, unfortunately, definitive information that I can give Members about what the other body is likely to be able to do. They will have a cloture vote at 5 and there will obviously be further negotiations on both of the matters that are still under consideration there. There may or may not be able to be action on those matters, either later tonight or tomorrow.

Given that state of uncertainty, we would propose the following schedule for the House and Members over the next days:

We would like to adjourn now, so Members will know that there will be no more votes today. We would like to go over until noon Monday, which may be a pro forma session. We would think it would be a pro forma session, unless some actions are taken in the other body that would require us to be here on Monday to process bills that they have produced or to bring up a recess resolution.

If there is the possibility of votes on Monday, we will inform Members of that fact on Sunday morning. We will try to give 24 hours notice to all Members of whether or not we think there could be a possibility of votes on Monday.

Then looking out beyond that, we would not propose to meet on Tuesday, because it is a Jewish holiday. If there is the necessity of an additional meeting, we would think that would be on Wednesday at 2 p.m., April 7. Obviously that session may or may not be needed. We are just uncertain at this point.

As the gentleman knows, until we pass a recess resolution we have to meet every 3 days while the other body is still in session. That is the reason for the pro forma session on Monday, unless that has to be changed to a session that might have votes, and that is why the next session on Wednesday might be necessary.

Mr. MICHEL. If that session on Monday would become a more meaningful session, other than just pro forma as a result of any kind of agreement that might be reached over the weekend, as the majority leader indicated, we would give the Members notice. From our point of view I suspect it is best through the Cloakroom phone system to simply check in any time Sunday, or even maybe sometime tomorrow, as to what the latest would be then for Monday's session.

Mr. GEPHARDT. Mr. Speaker, the gentleman is correct. We will be following what happens in the other body tonight and all day tomorrow, and will give as much information to both Cloakrooms as we possibly can.

ADJUSTMENT TO MONDAY, APRIL 5, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Monday, April 5, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT FROM MONDAY, APRIL 5, 1993 TO WEDNESDAY, APRIL 7, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday next, it adjourn to meet at 2 p.m. on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 7, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

APRIL 2, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, H-209, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House, that my Committee has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges of the House.

Sincerely yours,
DAN ROSTENKOWSKI.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives.

APRIL 2, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, H-209, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House that the Custodian of Records of my office has been served with two subpoenas issued by the United States District Court for the District of Columbia.

Sincerely yours,
DAN ROSTENKOWSKI.

FRESHMAN DEMOCRATIC REFORM PACKAGE

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. SHEPHERD. Mr. Speaker, this week the freshmen Democratic Members of this body adopted a comprehensive package of congressional reforms.

The most important parts of this package are initiatives on campaign finance and lobbying reform. Together they will insure that this institution is responsive to the people's interest, not the special interests. Campaign and lobbying reform will fundamentally change the way the Congress does its business. Taken alone, however, they are insufficient to fully regain the public's trust. That is why we also propose—

Setting up an independent office of compliance to assure congressional adherence with the letter of every law in the land;

Slashing legislative branch spending by 25 percent; and

A series of internal rules reforms to allow us to do a more effective and efficient job of legislating.

Mr. Speaker, we ran for Congress to be part of a great deliberative body that protects the rights of all people and represents diverse views, but also has the ability to respond fully and decisively to the call for change. The reform package introduced this week will help Congress live up to these ideals.

Mr. Speaker, I include for the RECORD this important document on reform.

FRESHMAN DEMOCRATIC REFORM PACKAGE, MARCH 31, 1993

When the Democratic Caucus met in early December to discuss Caucus and House Rules changes, several changes were recommended by the Caucus Committee on Organization, Study and Review; the Democratic Study Group; and many others. Widespread concerns about the image of Congress—concerns underscored by the problems of the 102nd Congress—let many Members to advocate systemic changes in structure and procedure.

Several new Caucus and House Rules changes relating to organization and procedures were adopted in December and January; many others were referred to the newly created Joint Committee on the Organization of Congress. Seeing the need for further reform, Freshman Democrats asked for the opportunity to prepare their own package of Rules changes. The Democratic leadership granted the Freshmen 90 days to prepare a proposal and promised it would receive consideration in a full hearing upon its completion.

We have taken this responsibility seriously and have thoroughly reviewed a wide range of issues. Our recommendations are ambitious and far-reaching. They also are politically feasible, achievable and sensitive to the Rules changes already adopted. In making these recommendations, we acknowledge and support the ongoing work of the Joint Committee on the Organization of the Congress. These recommended changes reflect the combined wisdom of new Members (many of whom ran on a platform of government reform) and the realities of the House as we have observed them during the early days of the 103rd Congress. Finally, our recommendations address concerns that affect not only new Members of Congress, but all Members of Congress.

We are pleased that the Democratic Leadership provided us with this opportunity, and we look forward to their support in working toward adoption of this package. By adopting these recommendations, this new Congress can provide many of the changes needed by our institution and our nation.

We ask those who review this report, both from inside and outside the institution, to measure it by the same standards we applied in designing this package of reforms:

Do the proposals strengthen the faith of the American people in their government?

Do they make the institution more responsive to average Americans and less so to special interests?

Do they make the Congress a more effective policy making body and a more efficient tool to carry out the will of the people?

We believe this package, taken as a whole, will go a long way toward achieving these important goals.

The legislative branch of government has been the subject of criticism during the last several years. Given the level and intensity of this criticism, we believe it is important for us to restate some foundational principles that have guided our work on this reform package.

We believe the United States has the best form of government in the world; our democratic process is the envy of people everywhere. Congress has played an important role in the greatest democratic success story in political history, and this reform agenda is aimed at making the Congress strong, vibrant, self-confident and assertive. We reject so-called reform efforts that are little more than attacks on the institution. Our job is to strengthen not weaken, to build up not tear down, to empower not erode. We ran for Congress to be part of a great deliberative body that protects the rights of all people and represents diverse views, but also has the ability to respond fully and decisively to the call for change. This review and these recommendations are intended to help Congress live up to those ideals.

I. CAMPAIGN FINANCE REFORM

The essence of our reform proposal centers on the relationship between the American people and their representatives. In election campaigns and in the halls of Congress, special-interest money consistently undermines representative government. Well-financed special interests use their considerable clout to distort the message or drown out the voices of the people. These special interests spend millions to influence legislation, yet they often evade requirements to register as lobbyists or to report how they use their money to get their way. They pour endless dollars into an apparently insatiable campaign finance system that makes campaigns more and more a contest of fund-raising skills and less and less a battle of competing ideas.

Campaign finance reform and lobbying reform are two linchpins of genuine congressional reform. Both are needed urgently, and both must be considered immediately. We view our role as catalysts for the changes that are necessary in these areas. As agents of change, we will push for early consideration—and adoption—of this reform agenda.

Campaign finance reform is a necessary first step in restoring confidence in the Congress. Voluntary overall spending limits are needed to cap runaway campaign costs. Alternative resources, in the form of such items as communications vouchers, are needed as incentives for candidates to agree to limits. We strongly endorse President Clinton's call to eliminate the tax deduction for lobbying expenses, and we recommend the use of the subsequent new tax revenues as a funding source for campaign finance reform. PACs need to be limited in overall contributions they can make to a campaign, and we need tough new guidelines on independent expenditures. Finally, a campaign finance reform initiative must include tight new restrictions on so-called soft money.

Summary of recommendations:

(A) House consideration of campaign finance reform legislation by September 30, 1993;

(B) overall voluntary spending limits on campaigns;

(C) incentives in the form of alternative resources for candidates who accept spending limits paid for by, among other means, the elimination of the tax deduction for lobbying expenses;

(D) place new restrictions on the use of soft money by barring parties from using such donations for federal elections;

(E) limit PAC contributions;

(F) tighten restrictions on independent expenditures.

II. LIMITING THE INFLUENCE OF WELL-FINANCED LOBBYISTS

Citizens are guaranteed the right to petition their government, and the rights of citizen lobbyists must never be impinged. Well-heeled financial interests, however, exert an undue influence on the democratic process and tough new restrictions are necessary.

In the interest of fairness and full disclosure, we strongly support legislation to close numerous registration loopholes. In addition to these new registration requirements, however, we also support efforts to force itemized disclosure of lobbying expenses.

Campaign finance reform and lobbying reform go hand-in-hand. By stemming the flow of soft money, limiting PAC contributions, strengthening lobbying registration requirements and adding comprehensive disclosure standards, the public can be assured that special-interest money finally is being controlled in a meaningful way. This comprehensive approach means that the explosive growth of special interest money will be strictly limited and the money that remains in the system will, for the first time, be fully reportable.

Summary of recommendations:

(A) strengthen lobbying disclosure and registration laws by closing registration loopholes, streamlining disclosure requirements, and providing uniform lobbying disclosure standards;

(B) require lobbyists to itemize expenses;

(C) eliminate tax deduction for lobbying expenses.

III. FISCAL RESPONSIBILITY AND CONGRESSIONAL ETHICS REFORM

Campaign finance and lobbying reform efforts are major initiatives that will fundamentally change the way the Congress does its business. But taken alone, they are insufficient to regain the public's trust. Fundamental changes were made following the much publicized scandals that rocked Congress last year. Closing the House Bank, changing oversight of the House Post Office, and establishing a new professional management system are all important reforms. We applaud the efforts of our more senior colleagues. Nevertheless, several other initiatives are needed.

Although Congress has begun the process of making sure it is subject to the laws it passes for the rest of America, the job is not finished. We believe Congress should be subject to all of the laws of the land and that an independent office of compliance must be established to assure adherence with the letter of the law. We realize that legitimate issues exist regarding the constitutionality of various enforcement ideas. Accordingly, we call upon the leadership of this body to immediately review the specific constitutional issues with respect to enforcement and bring a proposal to the full House as soon as possible.

Spurred on by President Clinton's program of deficit reduction, Congress has begun to cut government spending. In this age of unprecedented budget deficits, Congress must take extraordinary action to reduce its own spending, both as a contribution toward the total deficit-reduction program and also as a method of winning the confidence and support of the American people in this ambitious program of reinvigorating our economy.

Although many Freshman Democrats already have trimmed their budgets voluntarily, we recommend the reduction of legislative branch spending by 25 percent over five years. We believe this dramatic reduction can be accomplished by streamlining the structure of Congress, while preserving essential constituent services.

A handful of special rules and practices continue to reinforce the public's perception that Congress is an institution of privilege. We support efforts to restrict retiring Members' ability to purchase district office furniture; establish uniform standards and accounting methods for congressional travel; and limit federal funding for offices and staff of former House speakers.

This mix of congressional ethics reform initiatives gets at the heart of the public's mistrust of Congress. Reform is an ongoing process, and we will be vigilant in ensuring that no existing privilege is abused and allowed to harm this institution in the future.

Summary of recommendations:

(A) subject the Congress to the laws it passes and establish an independent Office of Compliance to ensure the enforcement of these laws;

(B) reduce legislative branch appropriations by 25 percent over five years, provided that the reduction plan shall avoid cuts in staff who provide constituent services;

(C) restrict retiring Members' ability to purchase district office furniture;

(D) establish uniform standards and accounting methods for congressional travel;

(E) limit federal funding for offices and staff of former House speakers.

IV. EFFECTIVE AND EFFICIENT GOVERNMENT

Although not often viewed as important by the public and the press, several institutional reforms are needed if Congress is to do a more effective and efficient job of legislating. Simply put, the Congress does not work as well as it should, and part of the problem is the way it operates. We advocate a series of changes that will make the Congress a better deliberative body and more efficient in passing legislation.

We strongly urge a major reorganization of the sometimes haphazard committee jurisdictions. Establishing more rational standards for committee will reduce multiple committee referrals and divide the Congress' work more evenly. We strongly support the work of the Joint Committee on the Organization of the Congress in this area, and we urge the members of this committee to be bold and straightforward in their recommendations. In the event of the elimination of any committees or subcommittees, there should be an assurance the subject matter which that committee focused on is not lost.

One of the biggest frustrations we have as new Members is our schedules. We feel unproductive as we are torn between attending committee meetings or the sessions of the House. The manner in which the House operates makes us feel incapable of fully engaging ourselves in the matters before us.

The current House schedule works against thoughtful consideration of legislation. Committee schedules should be coordinated to reduce conflicts and overlap. In addition, committees should not meet when the House has legislation under consideration on the floor. Finally, we suggest that the House schedule be revised to create a more family-friendly atmosphere.

Copies of legislation should be available for review prior to consideration. If this is not feasible, the period of debate on the measure should be extended or an executive summary of the measure should be made available prior to consideration. Debate time on bills brought up under closed or modified rules should be lengthened so that all issues are fully explored. In addition, major legislation should be structured so that non-committee Members can engage sponsors in colloquy concerning the impact and scope of proposed legislation. Special orders should be limited in duration for individuals but also structured to encouraged longer debates between and among Members. Special orders have become a bonus of free television time—which some Members have seen as an opportunity to entertain their constituents for hours on end—rather than as a limited opportunity for Members to address specific issues of concern.

To assure that chairs are appropriately responsive to the Caucus, acting committee and subcommittee chairs should be subject to confirmation by the Caucus.

Many aspects of the current seniority system invite inspection. The 103rd Congress is the most diverse in history. We hope our leaders will reflect this diversity. Therefore, we recommend the Steering and Policy Committee make recommendations that represent the diversity of the Caucus and give Members wide ranging choices for committee and subcommittee chairs. To give more Members opportunities to serve as chairs, we recommend that no Member be allowed to chair more than one committee or subcommittee. Finally, so that more junior Members can be recognized for their diligence in attending hearings, we recommend that Members be called upon in their committees by order of appearance at the hearing.

Summary of recommendations:

(A) limit individual special orders and allow for Oxford-style debates;

(B) prohibit scheduling of committee sessions while the House is in session, and endeavor to minimize scheduling conflicts and overlap among committee meetings;

(C) require that copies of measures be available for a specified period of time before the measure can be considered; if not feasible, extend the period of debate on the measure which is not available in written form or require an executive summary of the measure to be available prior to consideration;

(D) extend general debate time if there is a closed or modified rule;

(E) allow time for colloquy for non-committee members to question leaders on bills on the floor in addition to extended debate;

(F) recommend to the Joint Committee on the Organization of the Congress that it aggressively work to revise committee jurisdictions, so as to avoid duplication and multiple referrals;

(G) allow for Democratic Caucus confirmation of acting committee and subcommittee chairs;

(H) direct the Steering and Policy Committee to give consideration to merit, length of service on the committee, diversity of the Caucus and commitment to the Democratic agenda when making nominations for committee chairs;

(I) require that no Member shall simultaneously serve as chair of more than one committee or subcommittee, or as chair of a committee and a subcommittee;

(J) adopt rules requiring committee members to be recognized in order of appearance for the purpose of making opening statements or asking questions of witnesses.

(K) deem the daily Journal read and approved, provided that within five days any member may propose a motion to correct the Journal, specifying the language to be removed and the language to be substituted or added;

(L) the motion to adjourn shall not be in order unless the House shall have been in session for at least five hours or the Speaker shall certify that the House has finished its business for the day; a motion to adjourn shall not be in order if offered by a member who has previously during the same day offered a motion to adjourn.

VI. CONCLUSION

This reform agenda is the work of many authors and builds on the ideas of other reforms who have taken important steps in making the Congress a more effective body. This is as it should be. Reform and revitalization should be a standard part of the work of the Congress. Today we take a significant step forward with a comprehensive reform agenda that touches on many important issues. But neither our work nor the reform process stops with the adoption of this report by the new Members of the Democratic Caucus.

We will draft specific language on Rules changes and help craft bills that embody the legislative principles outlined in this document. We will push for adoption of these initiatives, both in the Caucus and on the House floor.

What we propose is a renewal of the social contract between the American people and their representatives. The spirit of renewal is strong. We encourage all of our colleagues to join us in the timely consideration and adoption of these recommendations.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LAFALCE (at the request of Mr. GEPHARDT) after 9 p.m. Thursday, April 1, and for the balance of the week, on account of illness in the family.

Mrs. FOWLER (at the request of Mr. MICHEL) for today, on account of medical reasons.

Mr. SUNDQUIST (at the request of Mr. MICHEL) for today, on account of official business.

ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, April 5, 1993, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1010. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's third special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 685 (H. Doc. No. 103-62); to the Committee on Appropriations and ordered to be printed.

1011. A letter from the National Council on Disability, transmitting the Council's annual report on disability for fiscal year 1992, pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and Labor.

1012. A letter from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting corrective pages to the Commission's report of January 22, 1993, on details of the current disposition of previous U.S. exports of uranium [HEU]; to the Committee on Foreign Affairs.

1013. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to provide for the appointment of additional Federal, circuit and district judges, and for other purposes; to the Committee on the Judiciary.

1014. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the annual report of the Attorney General of the United States for fiscal year 1992, pursuant to 42 U.S.C. 3712(b); to the Committee on the Judiciary.

1015. A letter from the Acting Director, Office of Personnel Management, transmitting a report entitled, "The Rights and Benefits of Temporary Employees of the Federal Government"; to the Committee on Post Office and Civil Service.

1016. A letter from the Acting Assistant Secretary of the Army (Civil Works), Department of the Army, transmitting a study by the Army Corps of Engineers on possible flood control and related water resources needs in the Spicket River Basin and Tributaries, Massachusetts and New Hampshire; to the Committee on Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SAWYER:

H.R. 1645. A bill to amend title 13, United States Code, to require that the Secretary of Commerce produce and publish, at least every 2 years, current data relating to the incidence of poverty in the United States; to the Committee on Post Office and Civil Service.

By Mr. TAUZIN:

H.R. 1646. A bill to suspend temporarily the duty on disperse red 279; to the Committee on Ways and Means.

H.R. 1647. A bill to suspend temporarily the duty on fastusol C blue 76L; to the Committee on Ways and Means.

H.R. 1648. A bill to suspend temporarily the duty on 2-Hydroxy-4-Methoxy Benzohenone Sulfonic Acid; to the Committee on Ways and Means.

H.R. 1649. A bill to suspend temporarily the duty on a-Isopropyl-a-((N-methyl-N-homoveratryl)-g-aminopropyl)-3, 4-Dimethoxyphenylacetonitril-hydrochloride; to the Committee on Ways and Means.

H.R. 1650. A bill to suspend temporarily the duty on 3, 7, 11, 15 tetramethy 1-1-hexadecen-3-01; to the Committee on Ways and Means.

H.R. 1651. A bill to suspend temporarily the duty on 2, 3, 5-Trimethylhydroquinone; to the Committee on Ways and Means.

H.R. 1652. A bill to suspend temporarily the duty on riboflavin; to the Committee on Ways and Means.

H.R. 1653. A bill to suspend temporarily the duty on certain chemicals; to the Committee on Ways and Means.

H.R. 1654. A bill to suspend temporarily the duty on diamino imid sp; to the Committee on Ways and Means.

H.R. 1655. A bill to suspend temporarily the duty on 2-(4-aminophenyl)-6-methylbenzothiazole-7-sulfonic acid; to the Committee on Ways and Means.

H.R. 1656. A bill to suspend temporarily the duty on sethoxydim; to the Committee on Ways and Means.

H.R. 1657. A bill to suspend temporarily the duty on 3-ethylamino-p-cresol; to the Committee on Ways and Means.

H.R. 1658. A bill to suspend temporarily the duty on 6-amino-1-naphthol-3-sulfonic acid; to the Committee on Ways and Means.

H.R. 1659. A bill to suspend temporarily the duty on B-naphtol; to the Committee on Ways and Means.

H.R. 1660. A bill to suspend temporarily the duty on rosachloride lumps; to the Committee on Ways and Means.

H.R. 1661. A bill to suspend temporarily the duty on C.I. Pigment Yellow 138; to the Committee on Ways and Means.

H.R. 1662. A bill to suspend temporarily the duty on C.I. Pigment Yellow 183; to the Committee on Ways and Means.

H.R. 1663. A bill to suspend temporarily the duty on Pigment Blue 60; to the Committee on Ways and Means.

H.R. 1664. A bill to suspend temporarily the duty on Pigment Blue 16; to the Committee on Ways and Means.

By Ms. BYRNE:

H.R. 1665. A bill to direct the Secretary of Energy to establish labeling requirements for products that emit low-frequency electromagnetic fields; to the Committee on Energy and Commerce.

By Mr. CARDIN:

H.R. 1666. A bill to provide for the income tax treatment of certain distributions under a governmental plan; to the Committee on Ways and Means.

By Mr. CARDIN (for himself and Mr. BUNNING):

H.R. 1667. A bill to amend the Internal Revenue Code of 1986 to allow a credit or deduction for interest paid on education loans; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 1668. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of deposits under certain perpetual insurance policies; to the Committee on Ways and Means.

By Mr. CUNNINGHAM:

H.R. 1669. A bill to require a temporary moratorium on leasing, exploration, and development on lands of the Outer Continental Shelf off the State of California, and for other purposes; to the Committee on Natural Resources.

By Mr. DORNAN:

H.R. 1670. A bill to restore the 1994 cost-of-living adjustment in the regular military compensation of members of the uniformed services on active duty; to the Committee on Armed Services.

By Mr. FOGLIETTA:

H.R. 1671. A bill to require the Secretary of the Treasury to mint coins in commemoration of the acceptance of the responsibility of the Federal Government for the care and maintenance of the historic buildings in which the United States of America and its Government were created; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1672. A bill to authorize the Secretary of the Interior to make a grant to the Afna Education and Research Fund for the African-American Memorial Tomb of the Unknown Slaves and Historical Sculpture Garden; to the Committee on Natural Resources.

By Mr. FRANK of Massachusetts:

H.R. 1673. A bill to limit to $1,500,000,000 the amount expended by the Department of Defense during any fiscal year for the strategic defense initiative; to the Committee on Armed Services.

By Ms. FURSE:

H.R. 1674. A bill to amend title II of the Social Security Act to eliminate the reductions in Social Security benefits which are presently required in the case of spouses and surviving spouses who are also receiving certain Government pensions; to the Committee on Ways and Means.

By Mr. GEJDENSON (for himself and Mr. Gephardt):

H.R. 1675. A bill to provide for enhanced cooperation between the Federal Government and the U.S. civil aviation manufacturing industry in aeronautical technology research, development, design, and commercialization, and for other purposes; jointly to the Committees on Science, Space, and Technology and Public Works and Transportation.

By Mr. GRAMS (for himself, Mr. Leach, Mr. Knollenberg, Mr. Armey, Mrs. Pryce of Ohio, Mr. Sam Johnson of Texas, Mr. King, Mr. Ramstad, and Mr. Baker of California):

H.R. 1676. A bill to require the President to submit a plan for financing the losses from the resolution of savings and loan associations as a condition for the authorization of additional appropriations for such losses; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JOHNSTON of Florida (for himself, Mr. Gibbons, Mr. Peterson of Florida, Mr. Bacchus of Florida, Ms. Thurman, Mr. Peterson of Minnesota, Mr. Romero-Barcelo, Mr. Hughes, Mr. Hastings, Mr. Moran, and Miss Collins of Michigan):

H.R. 1677. A bill to provide grants to States and local entities to integrate education, medical, and social and human services to at-risk children; to the Committee on Education and Labor.

By Mr. KILDEE (for himself and Mr. Emerson):

H.R. 1678. A bill making appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants, and children [WIC] and of Head Start Programs, to expand the Job Corps Program for the year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

By Mr. MAZZOLI:

H.R. 1679. A bill to amend the Immigration and Nationality Act with respect to nonrefoulement and asylum; to the Committee on the Judiciary.

By Mr. MFUME (for himself, Mr. Shays, and Mr. Dixon):

H.R. 1680. A bill to amend the Internal Revenue Code of 1986 to provide incentives for investments in small business enterprises owned by disadvantaged individuals; to the Committee on Ways and Means.

By Mr. MILLER of California:

H.R. 1681. A bill to waive the time limitations applicable to awarding the Medal of Honor posthumously to Ruben Rivers; to the Committee on Armed Services.

By Mr. ORTON:

H.R. 1682. A bill to repeal the Truth in Savings Act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RICHARDSON:

H.R. 1683. A bill to amend title XIX of the Social Security Act to provide for mandatory coverage of services furnished by nurse practitioners and clinical nurse specialists under State medicaid plans; to the Committee on Energy and Commerce.

By Mr. SCHUMER:

H.R. 1684. A bill to amend the Petroleum Marketing Practices Act to provide consumers with additional information concerning octane ratings and requirements, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TORKILDSEN (for himself and Mr. Meehan):

H.R. 1685. A bill to establish in the Department of the Interior the Essex Heritage District Commission, and for other purposes; to the Committee on Natural Resources.

By Mr. TORKILDSEN (for himself, Mr. McCandless, Mr. Stump, Mr. Zimmer, Mr. Doolittle, Mr. Inhofe, Mr. Levy, Mr. Blute, Mr. Solomon, Mr. Baker of Louisiana, Mr. Fish, Mr. Talent, and Mr. Zeliff):

H.R. 1686. A bill to amend the Internal Revenue Code of 1986 to put tools in the hands of American workers by reinstating a 10-percent investment tax credit for property used in manufacturing, production, extraction, or related purposes in the United States; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself, Mr. de la Garza, Mr. Fazio, Mr. Gunderson, Mr. Oberstar, Mr. Parker, Mr. Wise, Mr. Abercrombie, Mr. Jefferson, Mrs. Clayton, Mr. Volkmer, Mr. Johnson of South Dakota, Mr. Olver, and Mr. Boucher):

H.R. 1687. A bill to provide financial assistance to eligible local educational agencies to improve rural education, and for other purposes; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 1688. A bill to designate wilderness, acquire certain valuable inholdings within National Wildlife Refuges and National Park System Units, and for other purposes; to the Committee on Natural Resources.

By Mr. ARMEY:

H. Con. Res. 79. A concurrent resolution expressing the sense of the Congress that any Federal health care legislation should not include price controls; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. Fields of Texas, Mr. Roth, Mr. Kyl, Mr. Lightfoot, Mr. Zimmer, Mrs. Fowler, Mr. Rogers, Mrs. Vucanovich, Mr. Walsh, Mr. Dornan, Mr. Zeliff, and Mr. Canady):

H. Res. 151. Resolution expressing the sense of the House of Representatives that the income tax imposed on Social Security benefits should not be increased; to the Committee on Ways and Means.

By Mr. SOLOMON:

H. Res. 152. Resolution providing for the consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

72. The SPEAKER presented a memorial of the General Assembly of the State of South Carolina, relative to rural counties; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FRANK of Massachusetts:

H.R. 1689. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Moonshine*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 58. Ms. Harman.

H.R. 145. Mr. Fawell, Mr. Herger, and Mr. Pombo.

H.R. 146. Mr. Istook and Mr. Hefley.

H.R. 147. Mr. Hefley.

H.R. 163. Mrs. Fowler.

H.R. 167. Mr. Foglietta.

H.R. 173. Mr. Crapo.

H.R. 290. Mrs. Clayton.

H.R. 302. Mr. Manton and Mr. Williams.

H.R. 304. Mrs. Meyers of Kansas.

H.R. 334. Mrs. Clayton, Mr. Price of North Carolina, Mr. Neal of Massachusetts, Mr. Cardin, Mr. Valentine, and Mr. de Lugo.

H.R. 349. Ms. Margolies-Mezvinsky and Mr. Cooper.

H.R. 439. Mr. Zeliff.

H.R. 462. Mrs. Vucanovich, Mr. Markey, Mr. Klein, Mr. McDermott, Mr. Ford of Tennessee, Mrs. Johnson of Connecticut, Mr. Kennedy, Mr. Filner, Mr. Scott, Mr. Schiff, Ms. Molinari, Mr. Washington, Mr. Mollohan, Mr. Moakley, Mr. Olver, Mr. Studds, Mr. Levin, Mr. Weldon, and Mr. Ford of Michigan.

H.R. 467: Mr. Peterson of Minnesota, Mrs. Kennelly, Mr. Hochbrueckner, Mr. Faleomavaega, and Ms. Eshoo.

H.R. 522: Mr. Baker of California, Mr. Meehan, Mr. Kopetski, Mr. Gutierrez, Ms. Danner, and Miss Collins of Michigan.

H.R. 535: Ms. Cantwell, Mr. Santorum, Mr. Canady, and Mr. Miller of California.

H.R. 546: Mr. Owens, Mr. Brown of California, and Mr. Doolittle.

H.R. 558: Mr. Johnston of Florida, Ms. Fowler, Mr. Fish, Ms. Maloney, Mr. Towns, Mr. Darden, Mr. Miller of California, Mrs. Meyers of Kansas, Mr. Hochbrueckner, Mr.

VISCLOSKY, Miss COLLINS of Michigan, Mr. McCLOSKEY, Mr. KLECZKA, Mr. PAYNE of New Jersey, and Mr. HAYES of Louisiana.

H.R. 643: Ms. SNOWE, Mr. ZELIFF, Mr. BACCHUS of Florida, and Mrs. ROUKEMA.

H.R. 662: Mr. HEFLEY and Mr. INHOFE.

H.R. 664: Mr. WILSON.

H.R. 667: Mr. SHUSTER, Mr. WOLF, Mr. BREWSTER, Mr. FRANKS of Connecticut, and Mr. McCANDLESS.

H.R. 697: Mr. McDERMOTT.

H.R. 700: Mr. JEFFERSON.

H.R. 723: Mr. BAKER of Louisiana, Mr. SHAYS, and Mr. TORRICELLI.

H.R. 743: Mr. ZELIFF.

H.R. 771: Mr. STUDDS.

H.R. 796: Mrs. MINK, Mr. DIXON, Mr. MFUME, Mr. MARKEY, Mr. VENTO, Mr. CONYERS, Mr. WHEAT, Mr. RICHARDSON, Mr. FORD of Tennessee, Mr. BEILENSON, Mr. GENE GREEN, Ms. VELÁZQUEZ, Mr. CLAY, Mr. STOKES, Ms. McKINNEY, Mr. SWIFT, Mr. STUDDS, Mr. TORRES, Mr. HASTINGS, Mr. WYDEN, Mr. BLACKWELL, Mr. BOUCHER, Ms. MARGOLIES-MEZVINSKY, Miss COLLINS of Michigan, Mr. SWETT, Mr. McHALE, and Mr. SABO.

H.R. 822: Mr. FILNER and Mr. McCANDLESS.

H.R. 833: Mr. GEJDENSON, Mr. RANGEL, Mr. BEILENSON, and Mr. FOGLIETTA.

H.R. 881: Ms. EDDIE BERNICE JOHNSON, Mr. LIPINSKI, Mr. KLEIN, Mr. MANN, Mr. GIBBONS, Ms. VELÁZQUEZ, Mr. FROST, Mr. LAZIO, Mr. DURBIN, Mr. TUCKER, Mr. FALEOMAVAEGA, Mr. REYNOLDS, Mr. ZELIFF, Mr. McKEON, Ms. MOLINARI, Mr. SMITH of New Jersey, Mr. OLVER, Mr. STUDDS, Ms. McKINNEY, Mr. GENE GREEN, Mr. MEEHAN, Mr. DeFAZIO, Mr. BLACKWELL, and Mr. HUFFINGTON.

H.R. 882: Mr. LIGHTFOOT.

H.R. 893: Mr. SERRANO and Mr. BLACKWELL.

H.R. 901: Mr. STEARNS, Mr. McCRERY, Mr. CANADY, Mr. BALLENGER, and Mr. BOEHNER.

H.R. 911: Mr. SCHUMER, Mr. ROGERS, Mr. GEKAS, Mr. SLATTERY, Mr. HEFNER, Mr. McMILLAN, Mr. RAVENEL, Mr. de LUGO, and Mr. FAWELL.

H.R. 974: Mr. FAWELL, Mr. KANJORSKI, Mr. BACCHUS of Florida, Mr. SANDERS, Ms. MARGOLIES-MEZVINSKY, Mr. PRICE of North Carolina, Mr. ROYCE, Mr. SCOTT, Mr. BECERRA, and Mr. ZELIFF.

H.R. 985: Mr. GALLO, Mr. PARKER, and Mr. SHUSTER.

H.R. 1013: Ms. THURMAN, Mr. BONILLA, and Mr. KLEIN.

H.R. 1025: Ms. SHEPHERD, Mr. LAZIO, Mr. TRAFICANT, Mr. DIAZ-BALART, Mr. BLACKWELL, Mr. KENNEDY, Mr. ROMERO-BARCELO, Mr. FORD of Tennessee, Ms. McKINNEY, Mr. HASTINGS, Mr. WASHINGTON, Mrs. CLAYTON, Mr. PAYNE of New Jersey, and Mr. BATEMAN.

H.R. 1056: Mr. CANADY, Ms. MALONEY, Mr. BACCHUS of Florida, Mr. CLEMENT, Mr. HANSEN, Mrs. SCHROEDER, Mr. JACOBS, Mr. BAKER of Louisiana, Mr. BORSKI, and Ms. BYRNE.

H.R. 1078: Mr. KASICH.

H.R. 1079: Mr. KASICH.

H.R. 1080: Mr. ARMEY and Mr. KASICH.

H.R. 1081: Mr. KASICH.

H.R. 1082: Mr. KASICH.

H.R. 1083: Mr. KASICH.

H.R. 1131: Ms. DUNN.

H.R. 1133: Mr. ANDREWS of Maine, Mr. HYDE, Mr. MARKEY, Mr. GIBBONS, Mr. COSTELLO, Mr. FOGLIETTA, Mr. SCOTT, Ms. DANNER, Mr. McHUGH, Mr. CONYERS, Ms. MOLINARI, Ms. DeLAURO, Mrs. CLAYTON, Mr. HASTINGS, Mr. WAXMAN, Mr. BONIOR, Mr. WASHINGTON, Ms. FURSE, Mr. JOHNSTON of Florida, Mr. BORSKI, Mr. CARR, Mr. COPPERSMITH, Mr. HOCHBRUECKNER, Mr. TUCKER, Mr. SABO, Mr. WYDEN, and Mr. TORRICELLI.

H.R. 1141: Mr. CRANE, Mr. ZELIFF, and Mr. HYDE.

H.R. 1152: Ms. FURSE, Ms. McKINNEY, Ms. NORTON, Mr. SWETT, and Mr. FAZIO.

H.R. 1153: Mr. ZELIFF, Ms. FOWLER, Mr. WILLIAMS, Mr. SHAYS, Mr. HANCOCK, and Mr. ACKERMAN.

H.R. 1167: Mr. ROYCE, Mr. PENNY, Mr. ZIMMER, and Mr. ARMEY.

H.R. 1168: Mr. ARMEY.

H.R. 1195: Mr. GILMAN, Mr. NUSSLE, Mr. BROWDER, Ms. BYRNE, Mr. PAYNE of Virginia, and Mr. BISHOP.

H.R. 1222: Mr. BAKER of Louisiana.

H.R. 1308: Mr. KENNEDY, Ms. CANTWELL, Mr. COLEMAN, Mr. MEEHAN, Ms. LAMBERT, Mr. GINGRICH, Mr. KING, Mr. KREIDLER, Mr. ZIMMER, Mr. HOEKSTRA, Mr. JACOBS, Mr. SANGMEISTER, Mr. SKELTON, Mr. McMILLAN, Mr. GRANDY, Mr. DICKEY, Mr. ISTOOK, Ms. SCHENK, Mr. LEACH, Mr. APPLEGATE, and Mr. SLATTERY.

H.R. 1312: Mr. BUNNING and Mr. SARPALIUS.

H.R. 1355: Mr. SCHIFF, Mr. STEARNS, Mr. SHAYS, Mr. INGLIS, Mrs. MEYERS of Kansas, Mr. BAKER of Louisiana, Mr. DeLAY, Mr. ROYCE, Mr. HORN, Mr. GALLO, Mr. ZELIFF, and Mr. SCHAEFER.

H.R. 1368: Mr. GREENWOOD, Mr. EVERETT, Mr. BROWN of Ohio, Mr. CASTLE, and Ms. PRYCE of Ohio.

H.R. 1389: Mr. KOPETSKI.

H.R.1393: Mr. MILLER of California, Ms. MOLINARI, Mr. PASTOR, Mr. BALLENGER, Mr. BILBRAY, Mr. SENSENBRENNER, Mr. BLACKWELL, Mr. STUMP, Mr. SERRANO, Mr. ZELIFF, Mr. ACKERMAN, Mr. LIGHTFOOT, Mr. HASTINGS, and Mr. DOOLITTLE.

H.R. 1402: Mr. SCOTT, Mr. MINETA, Mr. DELLUMS, Mr. STUPAK, Mr. ACKERMAN, Mr. NEAL of Massachusetts, Mr. FOGLIETTA, and Mr. HASTINGS.

H.R. 1406: Mr. TEJEDA, Mr. JACOBS, Mr. SPENCE, Mr. MEEHAN, Mr. HINCHEY, Mr. GINGRICH, Mr. McCOLLUM, Mr. GOSS, Mr. COLEMAN, Mr. MAZZOLI, Mrs. JOHNSON of Connecticut, Mr. HUGHES, Mr. BURTON of Indiana, and Mr. McCRERY.

H.R. 1407: Mr. ACKERMAN, Mr. MANTON, Mr. FROST, Mr. HASTINGS, Mr. ABERCROMBIE, Mr. WAXMAN, Mr. DEUTSCH, Mr. RAVENEL, Mr. INGLIS, and Mr. DeFAZIO.

H.R. 1408: Mr. BROWN of California and Miss COLLINS of Michigan.

H.R. 1417: Mr. BLACKWELL and Mr. KOPETSKI.

H.R. 1459: Mr. COBLE, Mr. HASTERT, Mr. BEREUTER, Mr. FROST, Mr. DORNAN, Mr. HANCOCK, Mr. DOOLITTLE, Mrs. MEYERS of Kansas, Mr. BAKER of Louisiana, Mr. DeLAY, Mr. HORN, Mr. ROYCE, Mr. OXLEY, and Mr. ZELIFF.

H.R. 1472: Mr. ACKERMAN, Mr. DEUTSCH, Ms. MALONEY, Mr. MANTON, Mr. GUTIERREZ, Mr. MEEHAN, Mr. TOWNS, Mr. FRANK of Massachusetts, Mr. LIPINSKI, Ms. NORTON, Mr. JOHNSTON of Florida, and Mr. YATES.

H.R. 1528: Mr. HENRY and Mrs. ROUKEMA.

H.R. 1539: Mr. ANDREWS of Texas and Mr. TAUZIN.

H.J. Res. 36: Mr. HANCOCK.

H.J. Res. 153: Mr. KLEIN.

H. Con. Res. 3: Mr. CRAPO and Mr. GILMAN.

H. Con. Res. 17: Mr. GALLEGLY.

H. Con. Res. 20: Mr. MEEHAN, Mr. SWETT, Mr. JEFFERSON, Mr. RAVENEL, and Mr. SANTORUM.

H. Con. Res. 66: Mrs. MORELLA, Mr. ZELIFF, and Mr. FROST.

H. Res. 26: Mr. TALENT, Mr. INGLIS, Mr. FISH, Mr. LINDER, Mr. SOLOMON, Mr. LIPINSKI, Mr. GREENWOOD, and Mr. FRANKS of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 69: Mr. ISTOOK.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H. Res. 149

By Mr. SOLOMON:

—Strike all after the resolving clause and insert in lieu thereof the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to establish procedures for the expedited consideration by the Congress of certain proposals by the President to rescind amounts of budget authority, and the first reading of the bill shall be dispened with. After general debate which shall be confined to the bill and the amendments made in order by this resolution, and which shall not exceed two hours, one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules to accompany this resolution as an amendment in the nature of a substitute. The amendment in the nature of a substitute shall be considered as read. It shall first be in order to consider the amendments printed in part 2 of the report of the Committee on Rules: (1) a substitute amendment offered by Representative Castle of Delaware or Representative Solomon of New York; and (2) an amendment thereto by Representative Michel of Illinois. Said amendments may only be offered by the named proponent or a designee, shall be considered as read, and all points of order against said amendments are hereby waived. If the substitute amendment of Representative Solomon is not agreed to, it shall then be in order to consider two additional amendments to the amendment in the nature of a substitute: (1) an amendment thereto by Representative Michel of Illinois; and (2) a substitute amendment for the amendment in the nature of a substitute by Representative Minge of Minnesota; said amendments may only be offered by the named proponent or a designee, shall only be offered in the order specified, shall be considered as read, and all points of order against said amendments are hereby waived. At the conclusion of the consideration of the bill for amendment the Committee shall rise and support the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions."

SENATE—*Friday, April 2, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Let us have a moment of silence for the loved ones of Congressman Fred Schwengel, who passed away last night at 10:15.

* * * *they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint.*—Isaiah 40:31.

Gracious God, our Father, this has been a difficult time in the Senate, with long hours, hard work, clash of conflicting agendas and convictions, and the relentless ticking of the clock. As the Senators struggle to finish today, give them grace to get their work done so they may enjoy a much needed rest and the opportunity to carry out their plans for the recess.

Grant, dear Lord, that the promise of Isaiah will be found relevant and real. Help the Senators to discover that serving God renews one's strength. Grant that recess will be a time of refreshing, family renewal, and accomplishment. Encourage the Senators to take care of themselves. Give them safety in travel and prepare them for the hard weeks ahead.

We pray in the name of Him who promised rest for those who labor and are heavy laden. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 2, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Madam President, I ask unanimous consent that at 12:20 p.m. today the Senate proceed into executive session to consider the nomination of Strobe Talbott to be Ambassador at Large and Special Adviser to the Secretary of State, for 40 minutes of debate, under the provisions of the previous unanimous-consent agreement; that at the conclusion or yielding back of time the Senate—

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Madam President, I withdraw my previous request, and I now make the following unanimous-consent request.

That at 12:20 p.m. today, the Senate proceed into executive session to consider the nomination of Strobe Talbott, to be Ambassador at Large and Special Adviser to the Secretary of State, for 40 minutes of debate, under the provisions of the previous unanimous-consent agreement; that, at the conclusion or yielding back of time, the Senate return to legislative session for a period of morning business, with Senators permitted to speak therein, with the time prior to 4:45 p.m. in morning business to be equally divided between Senators BYRD and HATFIELD or their designees; that, at 4:45 p.m., the Senate return to executive session and vote on the confirmation of Mr. Talbott; that, upon the completion of that vote, the President be immediately notified of the Senate's action, the Senate return to legislative session, and vote on the cloture motion that was filed last night on the committee substitute for H.R. 1335, with a live quorum being waived; that the preceding occur without any intervening action or debate; and that, if a second cloture motion is needed and filed today, the vote on such motion occur tomorrow, Saturday, April 3, with the live quorum being waived, at a time to be determined by the majority leader, after consultation with the Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MITCHELL. Madam President, unless the Republican leader has a comment, I yield to the distinguished Senator from Iowa, who wishes to address the Senate for 3 minutes on an unrelated matter, and then I will have a further statement regarding the schedule.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Iowa.

TRIBUTE TO FREDERIC DELBERT SCHWENGEL

Mr. GRASSLEY. Madam President, as the Chaplain has already told us, former Congressman Fred Schwengel, of Iowa, passed away.

I would like to pay tribute to a person whom I consider a great humanitarian, a national treasure—and I will speak of that in just a minute—and a friend.

This is a person whom, as we have already heard, God has called home. That was last night at 10:15. He passed away at the age of 86.

Frederic Delbert Schwengel was born on May 28 in Franklin County, near Sheffield, IA. He was the son of German immigrants—Gerhardt and Margaret Schwengel.

Fred is survived by his spouse, Ethel, who most credit as a substantial factor in the many successes that were achieved by Fred. They were married for 61 years. He is also survived by two children, Frederic Dean Schwengel and Dorothy Jean Cosby.

Madam President, I first met Fred while he was a member of the State legislature, when I was doing research in Des Moines in 1954 on my master's thesis when I was a student at the University of Northern Iowa. He was very helpful to me at that time in my efforts to gain an understanding of representative government.

Shortly thereafter, in fact, I think it was that year, Fred's constituents then, in a larger district, sent him to Washington.

In 1954, he was first elected to the U.S. House of Representatives, from

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Iowa's First District. He served a total of eight terms before retiring in 1973. I remember Fred telling me that he took great pride in his involvement, during the Eisenhower years, in the creation of the Interstate Highway System. As a progressive Republican, he respected the rights of workers, defended civil rights, and was an ardent advocate of the separation of church and state.

Fred's 16 years in Congress, and the 20 years thereafter, were dedicated to serving the people of this country. In 1962, Fred helped establish the U.S. Capitol Historical Society—that is the society that has as its main interest this building and grounds—serving as the society's president until 1992, and as chairman of the board of directors until his death.

In this capacity, Fred's deep appreciation for the Capitol's architecture, its history, and the function it played in representative government were conveyed to those who would visit. It has been said, around here in Congress, that Fred almost singlehandedly brought about the successful effort to complete the mural work in the House wing of the Capitol. For it was Fred Schwengel who enticed Allyn Cox to return to Washington and complete the murals. These murals now adorn the front north-south corridor of the House wing.

What Fred did for me in those early years in Des Moines, he did for tens of thousands of Americans who came to Washington to learn about their Capitol. He enriched our lives and our understanding of representative government.

Those of us who loved Fred will miss him greatly. President Gerald Ford once quoted Tip O'Neil—former Speaker of the House—as saying about Fred:

> Fred is the gatekeeper of history, the caretaker of the U.S. Capitol.

Today, Fred Schwengel is standing at the Gate of Heaven, Mr. President. God will be kind to him and his family, just as he had been kind to so many here on Earth.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. MITCHELL. Madam President, I have consulted with the distinguished Republican leader and with a number of Senators on both sides of the aisle about the schedule in an effort to minimize the inconvenience that will occur as a result of the present situation.

I think all Senators recognize that the events which have occurred were not, and could not have been, predicted, and that, while most unfortunate, Senators' travel schedules will be disrupted.

The circumstances are such that it is necessary to proceed to remain in session.

Therefore, following discussions, as I said, which I have had with the distinguished Republican leader and others, my decision is the following:

We will have the cloture vote today. It will be shortly after 5 p.m. when that cloture vote occurs, immediately following a prior vote on a confirmation.

Then, we will be in session with a cloture vote tomorrow. We will not be in session on Sunday, in recognition of the observance of Palm Sunday. We will be in session with a cloture vote on Monday. We will not be in session on Tuesday in recognition of the observance of Passover. Then we will be in session with a cloture vote on Wednesday.

All of those assume that cloture is not obtained on an earlier vote or the matter is not otherwise resolved. Obviously, that always remains open and I hope that will be possible in one or the other fashion. But if that assumption holds, that is if cloture is not obtained and if the matter is not otherwise resolved independent of cloture, why, then the schedule will be as I have just announced through next Wednesday.

I am not able to make a decision beyond that because, of course, I cannot foresee precisely what will transpire. But there remains to be completed the debt limit extension, which I hope we can complete prior to next Wednesday evening. I have been advised that there will be a large number of amendments offered to the debt limit bill which may result in it taking several days or weeks, as we have seen on this bill. If that occurs and no other alternative is available, it may be necessary to cancel the remainder of the recess—that is next Thursday and Friday and the entire following week—and simply remain in session. I truly hope that will not be necessary but I think it important that Senators have the maximum notice possible with respect to what may occur on the schedule.

My hope is very much otherwise. My hope is that we are going to be able to complete action on the pending measure and on the debt limit extension in time for all of these, the events which I have outlined as possibilities, not to occur.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. Has there been a judgment made as to what time the cloture vote might occur tomorrow? Will that be in the morning?

Mr. MITCHELL. I have not made that decision, Mr. President, and I will as always consult with the Republican leader and with the staffs on both sides of the aisle regarding the schedules of Senators. We do have——

Mr. DOLE. What about——

Mr. MITCHELL. I know of at least one Senator who will be away in the morning and back in the afternoon. If the past is any guide, there will be other Senators who will be present in the morning and away in the afternoon. I will do my best, with the distinguished Republican leader, to do it in a way to accommodate other Senators.

Mr. DOLE. Has there been any determination made yet on the part of the majority leader whether we will be in late this evening, or all night, or late tomorrow night? Has that judgment been made yet?

Mr. MITCHELL. I have not made that judgment and I will, as always, be pleased to hear and consider the views of the Republican leader in that regard.

Mr. McCAIN. Can I ask the leader if he has made a decision yet on amendments to the pending legislation? He was asked last night as to whether amendments would be allowed or not. I wonder if he has made a decision on that yet.

Mr. MITCHELL. As of this moment there will be no amendments today, although I am open on the question.

If I can receive a finite list of amendments and an agreement to vote on the bill at a date certain, I would obviously be willing to have amendments considered.

Mr. McCAIN. Pending a date certain vote on the bill, would it be the inclination of the majority leader not to have further amendments?

Mr. MITCHELL. That would be my inclination because I would frankly see no point to it. If there is to be simply an unlimited list of amendments, and we have been advised that is at least a possibility, including many amendments that have previously been voted on, then I do not think there would be much point in doing so. But we certainly will consider proposals on an individual basis and I am prepared at any time to reconsider that matter. That is simply a judgment at this time for this time. I will be pleased to discuss it with the Senator from Arizona and certainly with the distinguished Republican leader.

EXECUTIVE SESSION

NOMINATION OF STROBE TALBOTT, OF OHIO, TO BE AMBASSADOR AT LARGE AND SPECIAL ADVISER TO THE SECRETARY OF STATE ON THE NEW INDEPENDENT STATES

The ACTING PRESIDENT pro tempore. Under the regular order, the clerk will report the nomination.

The assistant legislative clerk read the nomination of Strobe Talbott, of Ohio, to be Ambassador at Large and Special Adviser to the Secretary of State on the new Independent States.

Mr. McCAIN. Madam President, parliamentary inquiry. I understand there are 40 minutes equally divided, is that correct?

The ACTING PRESIDENT pro tempore. The Senator from Arizona is correct, it is 40 minutes equally divided.

Mr. MCCAIN. I would be glad in the interests of courtesy to allow my friend, the distinguished chairman, to go first if that is his wish—or I will go. It depends. Whichever he wants.

Mr. PELL. I thank the Senator very much indeed.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Madam President, I appreciate the courtesy of the Senator from Arizona and I am pleased to support the nomination of Strobe Talbott to be Ambassador at Large and Special Adviser to the Secretary of State on the new Independent States. I welcome the President's decision to create this new position which will serve as the focal point for United States relations with the former Soviet Union, and I am confident in Mr. Talbott's ability to take on this rather daunting task.

Mr. Talbott would bring to this position a great deal of experience. As a journalist, he spent a significant amount of time visiting, studying, and writing about the former Soviet Union during a time when it was not always easy to decipher the cryptic signals coming out of Moscow. Despite the difficulties of reporting about Moscow, his writing and observations were generally on target. Although some may disagree with his conclusions and predictions, Mr. Talbott stands by his record, and believes, as do I, that it stands the test of time.

In addition to his fine qualifications, Mr. Talbott enjoys the full confidence and indeed, friendship of the President. I believe that will be an important factor in ensuring that our policy toward the new states is not only a top foreign policy priority, but that it is well coordinated among the many Departments and Agencies which have responsibility for elements of the relationship.

I yield the floor at this point.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Madam President, the most obviously important question facing American foreign policymakers today is the future course of our relations with Russia, and the newly Independent States of the former Soviet Empire. With the collapse of communism and the dissolution of that Empire, our policies toward Russia must be informed by our understanding of new geopolitical realities which emerged in the last 2 years.

This is not to say, however, that the judgments and principles upon which we premised our cold-war relations with the Soviet Union are no longer relevant to current considerations of United States policy toward the region. They are quite relevant, especially at this moment of great uncertainty in Russia when on one can predict with certainty whether that nation will evolve peacefully and democratically, collapse into chaos, or return to totalitarianism, be it Communist or fascist.

Our understanding of the vast complexities, historical foundations and perceptions which motivate the people and leaders of the former Soviet Union are absolutely critical to our efforts to help the principles of democracy flourish there. If we are to devote considerable resources to this important endeavor, we will need to quickly and accurately calculate the effect of our actions, and anticipate the political reactions and intentions of the real power brokers in the former Soviet Union, elected or otherwise.

At a minimum, administration nominees who, if confirmed, will help formulate our policies toward the former Soviet Union, should have exercised fairly sound judgment in not only their recent pronouncements on the subject, but also in their past analyses of Soviet leaders and policies, and United States policies intended to contain their cold-war threat to us. Any nominee whose judgment is found to be seriously wanting in either case, should not expect to enjoy the confidence of the Senate.

It is for this reason that I oppose the confirmation of Mr. Strobe Talbott, to be Ambassador at Large, and Special Adviser to the Secretary of State for the newly Independent States.

My opposition to Mr. Talbott's confirmation is neither partisan nor personal. I take no pleasure in denying support to the President's choice for this critically important post. I am aware that Mr. Talbott is a close personal friend of the President's. And I am generally disposed to defer to the Commander in Chief's choice of personnel to implement his foreign policy. But if I find a nominee's judgment to be consistently in error on questions of such great importance to our national security—as I have found to be the case with Mr. Talbott—then I cannot in good conscience vote to confirm his appointment.

As virtually anyone with an interest in United States-Russian relations knows, Mr. Talbott is a prolific commentator on the subject. He has written extensively on his observations and experiences. He has offered numerous opinions on many aspects of our diplomatic and military strategies for Soviet containment. Over the years, I have become quite a consistent reader of Mr. Talbott's, and I have very often disagreed strongly with his analyses.

It is one thing to report mistaken observations and suggest flawed policy solutions. It is another thing altogether to make policy decisions based on similar faulty reasoning which could alter the power structures of a fragile government with far-reaching consequences for U.S. security. The policies of the United States toward the newly Independent States need to be devised with great foresight and executed with great resolve. Mr. Talbott showed little appreciation for either quality in his past observations of United States-Soviet relations.

In the early 1980's, Mr. Talbott wrote in great detail about balance of power contests between the United States and the Soviet Union, acknowledging the immense power of the Soviet Union, and noting its sustainable capability to inflict mass destruction on the United States and the world.

On those grounds, and others, Mr. Talbott was an outspoken critic of the Reagan and Bush administration's strategic defense initiative [SDI]. He strongly believed that the Soviet's would prove SDI to be a strategic blunder by building up their own strategic defenses, and by expanding their offensive arsenal to be sure of penetrating United States defenses. Such a course, Talbott argued, would prove ruinous to administration arms control initiatives. In the January 21, 1985, publication of Time magazine, he wrote:

> If Reagan holds firm on Star Wars, he might as well abandon the pursuit of drastic reductions in existing Soviet weaponry.

Talbott had first sounded this constant theme in his writings 2 years earlier, on April 4, 1983.

> If the U.S. tried to erect the sort of protective umbrella Reagan has in mind, the Soviet Union would suspect that the U.S. was seeking the capability of destroying the U.S.S.R. with impunity. To forestall that, the Soviets would no doubt accelerate their own already considerable research into defensive weapons, while simultaneously refining their offensive weapons in order to "beat" or "penetrate" whatever ABM system the U.S. devises. In that sense, the worst sin against strategic stability is a good defense—particularly the sort of "prevent defense" Reagan has in mind.

Mr. Talbott also dismissed theorists within the Reagan administration who argued that United States nuclear rearmament and a harder diplomatic line with the Soviet Union would ultimately compel the Kremlin toward moderation and reform. In the November 22, 1982 issue of Time magazine, he wrote:

> The Reagan administration's tough rhetoric, its attempt to consolidate anti-Soviet alliances and its program of across-the-board rearmament have all been intended to impress on the Soviets that they have a choice. They can moderate their conduct—which, by implication, means choosing more moderate rulers—and thereby earn a respite from conflict abroad that may be their last chance to tend to their home front.

By my reckoning, Mr. President, the effect of Reagan-Bush Soviet policies has been remarkably close to the theory observed by Mr. Talbott in 1982. But, in that same essay, Talbott showed the disregard with which he would consistently hold Reagan-Bush policies over the last 12 years. "Even if their actually were such moderates lurking in the wings," he wrote:

> It is conceivable that vigorous, sometimes bellicose anti-Soviet policies on the part of U.S. authorities could vindicate and strengthen their hard-line rivals. * * *
>
> Insofar as the administration thinks that it will be doing the Soviet people a favor by increasing pressure on their new leadership to mend its ways "or else." the U.S. may be defying both history and the very nature of the system it is trying to influence.

Virtually any technological advances in the U.S. arsenal were viewed suspiciously by Mr. Talbott. Like ADI, cruise missiles, used so effectively in the gulf war, he considered to be a waste of precious resources, and a threat to the success of arms control efforts. Again, I quote Mr. Talbott:

> One of the burdens under which the administration's arms-control negotiators are laboring is an injunction not to trade away, or even accept, significant limitations on weapons systems where the U.S. has a technological lead. For example, microelectronics and precision guidance put the U.S. cruise missile program well ahead of the U.S.S.R.'s. As a result, cruise missiles have been declared virtually out of bounds for restrictions under START.
>
> This faith in technology as the solution to the country's military problems * * * may be both forgetful about the past and shortsighted about the future.

Mr. President, it is stating the obvious to note that President Reagan's vision was vastly more farsighted than Mr. Talbott's criticism.

Given Mr. Talbott's devotion to arms control initiatives, which he zealously sought to protect from the barbarians in the Reagan-Bush administration, one might have expected him to support negotiating positions which had for their object an ambitious outcome. An ambitious outcome was precisely the object of the zero-zero option of no intermediate nuclear weapons in Europe which the Reagan-Bush administration faithfully adhered to throughout the ultimately successful negotiations for an INF treaty.

But, true to form, Mr. Talbott contrived numerous reasons to challenge the efficacy of that position, and once it successfully bore fruit, Mr. Talbott questioned whether the successful outcome—the complete elimination of an entire class of nuclear weapons in Europe—was the one "we should have asked for? And do we want it now?"

After the zero option was finally accepted by the Soviets as the basis for the INF treaty, Talbott credited Soviet persistence and Soviet ingenuity for the success. As any objective observer will tell you, the success of those negotiations is primarily attributable to three things: first, the deployment of Pershing II's in Europe; second, President Reagan's constant advocacy of the zero-zero option; and third, President Reagan's consistent rejection of Gorbachev's attempts to link INF to an SDI ban and a START Treaty. While, Gorbachev deserves credit for finally acceding to the force of United States positions, it was hardly Soviet persistence that succeeded, it was American resolve. Had we waited for Soviet ingenuity to resolve the matter or had we taken counsel of Mr. Talbott's admonitions, we might very well still be arguing today about how to rid ourselves of an array of nuclear weapons in Europe.

Perhaps, my apprehensions about Mr. Talbott's appointment could have been somewhat mitigated if in recent times he had ever conceded his earlier mistakes in judgment, and given some signal that he understood the nature of those mistakes and taken steps to correct the faults in his reasoning. Unfortunately, to my knowkedge, Mr. Talbott has never conceded that his analyses were frequently in error. At the most, he has simply replaced arguments now proven to have been incorrect with new, but comparably specious arguments.

As the foundations of the Soviet empire were crumbling, Mr. Talbott abandoned his earlier reasoning that the Soviets could and would always respond adequately to United States challenges to the balance of power. But he continued to dismiss the increasingly compelling logic that Soviet efforts to keep pace with the West had, in effect, failed and ultimately destroyed the Soviet system. In January 1990, he argued that:

> The Soviet system has gone into meltdown because of the inadequacies and defects at its core, not because of anything the outside world has done or not done or threatened to do.

In this same article, Talbott goes on to dismiss almost entirely the policy of containment, consistently applied over nearly half a century by nine Presidential administrations, Democrat and Republican alike.

> For more than four decades, Western policy has been based on a grotesque exaggeration of what the U.S.S.R. could do if it wanted, therefore what it might do, therefore what the West must be prepared to do in response.

Talbott declined to admit that few observers of United States-Soviet relations more egregiously exaggerated "what the U.S.S.R. could do if it wanted" than Mr. Talbott. Nevertheless, after a professional lifetime of miscalculating Soviet means and intentions, Talbott now rejects the policy that has proven to have been a most successful exertion of free nations to resist the gravest threat to their security in history. "The doves in the Great Debate of the past 40 years were right all along," says Talbott.

> Yet, ironically, it is the hawks who are most loudly claiming victory, including moderate Republicans who are uncomfortable with that label and would rather be seen as conservatives. * * *
>
> It is a solipsistic delusion to think that the West could bring about the seismic events now seizing the U.S.S.R. and its "fraternal" neighbors. If the Soviet Union had ever been as strong as the threatmongers believed, it would not be undergoing its current upheavals.

In an eloquent emphasis of this point, Talbott attributes the Soviet Empire's collapse to the "nakedness of the red emperor before his enemies." Of course, a few short years before Talbott offered this poignant observation, he was just as adamantly arguing that the Soviet Emperor was clothed in a suit of armor, with weapons at the ready, and prepared to fend off any challenge from the West far into the foreseeable future.

While his reasoning might have changed, his prescriptions did not. In April 1991, Talbott still argued against SDI and for strengthening the ban on testing and deployment of space based systems.

Since that article's publication, Soviet military leaders have admitted that SDI was a realistic and practical proposal—a strategic outcome that significantly altered the military strategy and negotiating position of the Soviet Union. Again, Talbott miscalculated the political and diplomatic consequences of U.S. military strategy. The mere threat of SDI added to the growing list of Soviet weaknesses from which they could not recover through arms escalation, which hastened the bankruptcy of the Soviet system that sped the dissolution of their empire.

The illogic of Mr. Talbott's evolution in thinking, while certainly imaginative and astonishing, is, nevertheless, the most conspicuous attempt at rewriting history that I have ever witnessed. Its purpose, I assume, is not to defend a point of view, but to protect the reputation of its author.

Madam President, as I noted earlier in my remarks, Mr. Talbott is a prolific writer. My lack of confidence in this nominee is solely attributable to the many opinions Mr. Talbott has expressed throughout the body of his work. I have read most of them, and it would require many more hours for me to cite all the examples of mistakes and inconsistencies upon which Mr. Talbott bases his reputation as a Soviet expert. Those that I have mentioned today are sufficient justification for me, and for the Senate, to oppose Mr. Talbott's confirmation.

Foreign policy is more than an academic pursuit. Policymakers may not be immune to the imaginative, but flawed hypothesizing done just for the sake of arguing or demonstrating scholarly brilliance that occasionally occurs in academia. Neither is another common ailment in academia—the zealous defense of one's thesis beyond logic and truth—unheard of in halls of power. But such frailties are more dangerous attributes in government, than they are in our universities.

History is replete with lessons learned regarding the critical synergies of diplomacy, foreign policy and military strategy. Mr. Talbott seems to have learned few of them, if any. It is certainly possible that had we listened to Mr. Talbott's advice during the last decade or so of the cold war, we would find ourselves still immersed in that epic struggle.

Thus, I fear we have no assurance that Mr. Talbott will provide the well-conceived advice and foresight on how we can best assist the newly independent States through their transition to democracy that the Secretary and the President will need to rely on as they take their turn at fashioning a new world order.

There is nothing in Mr. Talbott's work to allay my fear. On the contrary, further reading of his writings merely exacerbates my concern. Both the President and the Nation deserve far better counsel than that which Mr. Talbott is likely to provide. On that basis, I will vote to oppose Mr. Talbott's confirmation, and I urge my colleagues to do likewise.

Madam President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CHAFEE addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL. I yield 5 minutes to my colleague, the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Madam President, obviously the distinguished Senator from Arizona has spent a lot of thoughtful time analyzing the background here. I am not going to contest the points that he has made. I just want to say for the RECORD that I have known Strobe Talbott for some 15 years, and I have worked in connection with matters not directly related to the Soviet Union with Mr. Talbott and have found him a person both of tremendous ability and of high character. He is a man who does speak Russian, which obviously is an added plus for the job for which he is being nominated.

I found Strobe Talbott a person who can analyze a problem and come to what, in my judgment, was the correct conclusion.

Madam President, I listened to the distinguished Senator from Arizona discuss the subject of SDI. All of us have views on that. I personally was opposed to the amount of money that we were spending in SDI, and apparently that is the position that Mr. Talbott had likewise, although I am not totally familiar with it.

It seems to me, Madam President, in all of these jobs we go with somebody who, from our knowledge or from our experience, is a thoughtful and a wise individual. And also in this particular job, which is a very, very difficult one, we want somebody who has drive and energy. It is not a military job. It is a job that will involve trying to provide direct aid—that is one of the facets of it—that is going not only to Russia but to the Republics that made up the former Soviet Union.

So, Madam President, I stand as one who admires Strobe Talbott, and I am a supporter of his and believe he will do a good job in this particular position. So I do hope that his nomination will be approved by this body.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. PELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. PELL. Madam President, I yield myself 3 minutes.

Mr. Talbott's nomination has been given a full airing by our committee, and I thank in this regard Senator HELMS for his cooperation in helping move it along and giving it a fair hearing.

Mr. Talbott called upon members of the committee prior to his nomination hearing to discuss the issues of concern to various individual Senators. On March 23, the Committee on Foreign Relations held a very thorough hearing, chaired by Senator BIDEN, on Mr. Talbott's nomination. In addition, a number of Senators submitted questions for the RECORD, which have been answered by Mr. Talbott. And on March 25, the committee reported favorably Mr. Talbott's nomination by voice vote.

This weekend, actually now, President Clinton will travel to Vancouver to meet with President Yeltsin for their first summit meeting. I believe it would be very beneficial for Mr. Talbott to be confirmed prior to the summit so that he can participate fully in the preparations for Vancouver, as well as the summit itself. That would be another reasons for voting on this nomination expeditiously.

As one who admires Strobe Talbott and has read some of his writings, I think that in general his writing is on target. There are some, I am sure, differences of view.

I believe that he has the trust of the President, which is very important for a man in his position, and that his nomination would be in the interest of the United States. I urge my colleagues to support that nomination.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Madam President, just very briefly, I did not put a hold on Mr. Talbott's nomination. I almost never do that. I did not try to impede the process of this nomination. I understand the requirement that the President have his adviser at his side at this summit meeting that is coming up very soon.

The fact is, unfortunately, my friend from Rhode Island either did not listen to or did not care about what I said. It was not about SDI. It was about the flawed views that Mr. Talbott has held consistently and his flawed prescriptions.

Whether the Senator from Rhode Island supported full funding for SDI or not, the facts are clear in testimony from the Soviet military and civilian leadership that the threat of SDI was a significant factor in bringing about the end of the cold war. The vast majority of opinion substantiates that because the facts are there because of the statements of leaders and former leaders in the then Soviet Union.

But if it had been based simply on SDI, clearly I would not have objected to Mr. Talbott's nomination. It was based on a consistent, thorough misanalysis of the Soviet Union, their policies, what actions the United States needed to take in order to make an adequate response, a rather significant switch in his views about the strength of the Soviet Union following the collapse of the Soviet Union, and again a bit of a total failure to admit that any of those ideas and thoughts—which are voluminous, which I can provide, if necessary, for the RECORD—were wrong. And they were consistently wrong. That is the reason for my opposition.

If my friend from Rhode Island believes that it had nothing to do specifically with the Soviet SDI, he either did not listen or he does not care about the context of my remarks.

I yield the remainder of my time.

Mr. BIDEN. Mr. President, today the Senate considers the nomination of Strobe Talbott to be Ambassador at Large and special adviser to the Secretary of State on the newly independent States of the former Soviet Union.

Mr. Talbott comes before the Senate as the survival of democracy in Russia hangs in the balance. President Boris Yeltsin, the only freely elected leader in Russia's history, is caught in a bitter power struggle with opponents of reform. Yeltsin has chosen a bold course: to defend democracy by going over the heads of the Congress of People's Deputies and seeking a vote of confidence directly from the Russian people.

It is a path fraught with risks, and the stakes—both for the Russian people and the West—could not be higher.

At this historic moment, the United States and the West must do everything possible to assist the cause of reform and democratic government in Russia. I applaud President Clinton's statement in support of President Yeltsin and the democratic process, and I encourage him to take additional steps in the days and weeks ahead.

The United States and the West cannot save Russian democracy. At the end of the day, the Russian people themselves must stand up and defend the principles of self-government now taking root in that vast and troubled land.

But we can offer guidance, assistance, and moral support to President Yeltsin and his allies.

To show our support, we should have a successful summit. And to those who say we must not focus on Boris Yeltsin the man the way George Bush centered American policy on Mikhail Gorbachev, I say Boris Yeltsin is more than one individual: he is the only freely elected leader in Russia's 1,000-year history.

By supporting President Yeltsin, we are not endorsing Boris Yeltsin, we are supporting the Democratically elected President.

In terms of Western assistance, first we should get serious in restructuring Russia's $80 billion debt to the west.

Russia is already in default on payments to the United States for Agricultural credits. All of us must recognize that debt relief is critical to Yeltsin's economic reforms. The G-7 nations wrote down more than half of Poland's debt after their revolution—a crucial step in Poland's transition to a free market economy.

My question is: why should we do less for Russia?

Next, we should persuade Japan to put aside its concerns about the Northern Territories and begin to provide substantial assistance to Russia. Japan's national pride may suffer over the ownership of those four tiny islands; but those wounds will pale in comparison to the damage to Japan's national security should Russian democracy fail.

These are just two ideas. I am confident that the nominee has many others that he will recommend to the President once confirmed.

And because of the urgency of the situation, not to mention the self-evident skill and knowledge of the nominee, I am please we have moved as expeditiously as possible in confirming him.

For many years, as a journalist and a scholar, Strobe Talbott has been a dedicated student of Russia and of United States-Soviet relations. His expertise in the field is beyond dispute.

He brings another important quality as well. As a friend and colleague for more than two decades, Mr. Talbott has the highest confidence of the President.

For those of us who have long advocated designating a top official, with access to the President, to oversee American policy toward the former Soviet Union, his nomination is welcome indeed. I urge my colleagues to support this nomination.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Rhode Island.

Mr. PELL. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. Madam President, I am prepared to yield the remainder of our time.

The ACTING PRESIDENT pro tempore. All time is yielded back.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for morning business until the hour of 4:45 p.m. today. The time between now and 4:45 p.m. is equally divided and controlled by Senators BYRD and HATFIELD or their designees.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum and ask that the time be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

The Senator from Texas.

THE GRAMM AMENDMENTS

Mr. GRAMM. Madam President, I had hoped this morning to offer some amendments to the pending bill. In my opinion, those amendments are very important to the American public. I would like to simply state for the record that I am unhappy that we are being denied an opportunity to amend the so-called emergency stimulus package.

I have two amendments. So that people might know exactly what is in these amendments, I ask unanimous consent that both amendments be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

On page 29, line 24, strike "1993" and insert, "1993.

"SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 74.2 per centum.

"SEC. . It is the sense of the Senate that the savings from this across-the-board reduction shall be used to offset the revenue loss resulting from a two year delay in the implementation of the 85% inclusion of Social Security benefits for purposes of the individual income tax."

Strike the matter proposed to be inserted by the Committee amendment and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Investment Act".

SEC. 2. FAMILY INVESTMENT ALLOWANCE.

(a) In General.—Section 151(d)(1) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) In general.—Except as otherwise provided in this subsection, the term 'exemption amount' means an amount equal to the sum of—

"(A) $2,000, plus

"(B) an additional $1,200 for each dependent for whom an exemption is allowed under subsection (c) who is a child of the taxpayer and who—

"(i) has not attained the age of 16 before the close of the calendar year in which the taxable year of the taxpayer begins, or

"(ii) is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year.".

(b) Phaseout.—

(1) In general.—Section 151(d) of such Code (relating to phaseout) is amended by adding at the end the following new paragraph:

"(5) Phaseout of additional exemption.—

"(A) In general.—In the case of a taxpayer with an adjusted gross income in excess of the threshold amount for any taxable year, the amount of the additional exemption allowed under paragraph (1)(B) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) Amount of reduction.—

"(i) In general.—The amount determined under this paragraph equals the amount which bears the same ratio to the dollar amount under paragraph (1)(B) as—

"(I) the excess of the taxpayer's adjusted gross income for such taxable year over the threshold amount, bears to

"(II) $12,500.

"(ii) Rounding.—Any amount determined under this paragraph which is not a multiple of $10 shall be rounded to the next lowest $10.

"(iii) Threshold amount.—For purposes of this paragraph, the term 'threshold amount' means—

"(I) $47,500 in the case of a joint return or surviving spouse (as defined in section 2(a)),

"(II) $41,500 in the case of head of household (as defined in section 2(b)),

"(III) $28,500 in the case of an individual who is not married and who is not a surviving spouse, and

"(IV) $23,750 in the case of a married individual filing a separate return.

"(C) Adjusted gross income.—Adjusted gross income of any taxpayer shall be determined—

"(i) after application of sections 86 and 469; and

"(ii) without regard to sections 135 and 911.".

(2) Conforming amendment.—Paragraph (3)(A) of section 151(d) of such Code is amended by inserting "under paragraph (1)(A)" after "exemption amount".

(c) Inflation Adjustment.—Section 151(d)(4) of such Code (relating to inflation adjustments) is amended by adding at the end the following new subparagraph:

"(C) Adjustment to additional exemption amount.—In the case of any taxable year beginning after 1993, the dollar amount contained in paragraph (1)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '1992' for '1989' in subparagraph (B) thereof.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992, and before January 1, 1996.

(e) BUDGET EMERGENCY.—

(1) IN GENERAL.—Pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all reductions in receipts provided by this Act for all fiscal years as emergency requirements within the meaning of part C of such Act.

(2) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless the President submits to the Congress a written designation of all receipts legislation provided by this Act for all fiscal years as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1986.

Mr. GRAMM. Madam President, the first amendment printed in the RECORD was an amendment that I had hoped to offer this morning and that I intend to offer at some point during the consideration of this $16.5 billion spending bill. Let me explain briefly what the amendment does.

We have before us a $16.5 billion spending bill that is illegal. The law of the land adopted in 1990 said that we would set out a cap on discretionary spending and that it would be illegal to spend beyond that cap, that there would be a 60-vote point of order in the Senate, and that, if Congress spent beyond that cap, there would be an automatic across-the-board cut in spending to bring us back under the cap.

The bill that is before us has spending that violates the 1990 law, is therefore technically illegal. But it has in it a little provision that says it is an emergency, and, therefore, even though we are spending $16.5 billion and raising the deficit by $16.5 billion, by this trick we spend $16.5 billion but we do not count it as spending. So we raise the deficit by $16.5 billion and we do not count it as deficit. And as anyone who has followed the debate in the last week knows, the funding in this bill is for grants to cities and to States to spend on numerous projects that range from gyms and parks and graffiti abatement, bike paths, parking garages, parking lots, swimming pools, recreation centers, sports facilities, bathhouses, soccer fields, ice skating warming huts, playgrounds, jogging paths, and hiking trails.

In fact, as my colleagues will remember and those following the debate know, I offered an amendment to prohibit any of the funds contained in this bill from being spent for this purpose. That amendment was defeated basically along party lines.

The amendment that I would have offered would cut all the discretionary spending in this spending bill by some 75 percent across the board, and then those savings would be used to offset the revenues that would not be gained by raising taxes on Social Security. So that by cutting spending in these discretionary programs, building fewer jogging paths, painting fewer water towers, building fewer bathhouses and boat landings, we could then be able to take out the Social Security tax increase that would be imposed on the American people to pay for these programs over the next 2 years.

I remind my colleagues that despite the rhetoric of the campaign that only people making over $200,000 a year are going to be taxed by the President's program, the reality is the budget adopted yesterday calls for a Social Security tax on every senior citizen earning over $25,000 a year. And that is well below the $30,000 income level the President claimed would bear no new taxes. But now we know the President was counting the imputed value of rent that a homeowner would have to pay if they did not own their home, the cash buildup in a life insurance policy, and other things as income that never show up on a W-2 form.

My amendment would, if I had an opportunity to offer it today, cut the discretionary spending programs in this bill by 75 percent and then use that money so that we did not have to raise Social Security taxes over the next 2 years.

It seems to me, Madam President, that if the American people understood that we are going to spend more on this bill over the next 2 years on very dubious make-work projects, than we are going to collect by raising taxes on Social Security, people would rather that our Social Security recipients were not taxed and that their money was not spent.

Had I had an opportunity today, I was going to offer that amendment and, in fact, on our side of the aisle, that was the next amendment that was to be offered.

So for those who say, well, there is gridlock in the Congress, let me say that I am here prepared to offer this amendment. I would love to have an opportunity to debate whether or not we ought to tax Social Security to fund the building of parks and graffiti removal and art centers, but I am not afforded the opportunity to do that under the procedure that is being followed.

So for those who will say, well, this is gridlock and people are delaying, I would like to offer this amendment. I would like to have a chance to give people the opportunity to say which they value more—letting people keep their lifetime earnings, their nest egg, versus building all these projects in the name of creating some jobs somewhere for somebody.

The second amendment is a more fundamental amendment, and I still hope to offer it either today or tomorrow. The second amendment seeks to fulfill a campaign promise that the President made during the campaign and that the American people support, and that is a campaign promise of cutting taxes on middle-class Americans. It seeks to do it in such a way as to not raise the deficit.

I remind those following this debate, again, that we have before us a bill to raise brandnew spending by $16.5 billion. What my amendment seeks to do, the second amendment, is to cancel all this new spending and, instead, take that $16.5 billion and raise the exemption that working families have on their income tax for children under 16 years of age by $1,200. Every family in America making $60,000 or less would get a $1,200 tax deduction for each child under the age of 16, and we would let families spend this money, rather than letting Government spend the money.

We have heard argued here by our Democratic colleagues that we need to stimulate the economy by letting government go out and borrow the $16.5 billion, taking it away from people who would have build new homes, farms, and factories and then let Government spend it. That is how they would stimulate the economy.

Quite frankly, Madam President, I do not think there is any chance that that is going to be the case. But what I am doing with this second amendment is giving our colleagues an alternative way, if they are determined that they want to stimulate the economy with $16.5 billion.

The alternative that I am presenting is: Do not let the Government spend the money; let working families spend the money. Take the $16.5 billion and use it to finance a tax deduction for working families, $1,200 per child under 16 for every family in America making less than $60,000 a year. Give them the money back, let them keep more of what they earn, and let them invest it in housing, nutrition, education, and health care.

By letting families invest it, we know it will be invested in the future of America. Quite frankly, I know the Government, I know the American family, and I know the difference.

So if we are just absolutely committed to spending $16.5 billion that we do not have, if we are absolutely committed to raising the deficit by $16.5 billion, even though everything we hear from back home is cut spending first, if our first action is going to be to raise the deficit by $16.5 billion, why not take the $16.5 billion and use it to fund a middle-class tax cut for working families that have children under 16 rather than spending $16.5 billion on parks and bike paths and make-work projects.

So I have two amendments that I am ready and eager to offer. The first amendment would cut the discretionary spending in this bill by 75 percent and use the money to defer this Social Security tax increase that was called for yesterday, in the firm belief that we ought not to be taxing Social Security to fund the pork barrel projects contained in this bill.

The second amendment I have is an amendment that would strike all of the spending in the bill, and if we are determined that we want to stimulate the economy, we would let working families keep that $16.5 billion and invest it in their future and, therefore, in the future of the country.

At the earliest moment that it is possible for me to offer these amendments, I am going to offer them. I am eager to debate these issues, and I hope the people who are running around saying this is gridlock will give me an opportunity to debate these issues. These are important issues. They deserve to be debated, and I think the reason they are not being debated is that people know that if the American people had a choice, they would not choose to spend this money on the programs that we are contemplating spending the money on.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

Mr. BYRD addressed the Chair.

THE PRESIDING OFFICER (Mrs. BOXER). The Senator from West Virginia is recognized.

Mr. BYRD. May I ask the distinguished Senator a question?

Mr. GRASSLEY. Yes.

Mr. BYRD. There is time on his side, of course, that would be controlled by Mr. HATFIELD. Does the Senator wish to speak on the matter that is before the Senate, or does he wish to speak on another matter?

Mr. GRASSLEY. I would like to speak for about 10 minutes on the matter that is before us.

Mr. BYRD. Fine. He can use his time, of course, on any matter he wishes. I am going to discourage Senators on my side, if I can, from talking about various and sundry other matters, so we can continue to focus on the bill.

So, Madam President, the Senator from Iowa also sought recognition. I would like for him to be recognized, and then I would like to be recognized following his remarks.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

DISCIPLINE IN GOVERNMENT ACCOUNTING

Mr. GRASSLEY. Madam President, I yield myself 10 minutes. I think I will be done in 10 minutes. If I am not, I would like to ask for a few more minutes. But I will not take the floor for a very long period of time.

As I indicated to the Senator from West Virginia, the distinguished chairman of the committee, I will be speaking on the issue before us.

I had talked Wednesday, I believe it was, about some lack of accounting in the expenditure of funds and, particularly, as the General Accounting Office and the Comptroller General point out, that we do not have very good accounting and discipline.

I want to follow up on my comments about that, and I related that—as you will recall 2 days ago—to the whole subject of reinventing Government before we throw money at old Government programs, and also in reference to whether or not we have enough discipline and enough integrity in the financial management throughout the Federal Government.

Madam President, this is a very serious problem. This is a crisis; it is a real emergency. More money is not the answer; it is the problem. We have lost control over the people's money, and nobody seems to care.

I would like to briefly revisit the issue. I would like to tell my colleagues where I intend to go with this issue—not with an amendment on this bill, but at some time in the future on an appropriate vehicle. I want to offer a very specific constructive solution.

Wednesday, I explained how and why the Air Force took $649 million from the M accounts to make its books balanced. Both the inspector general at DOD and the General Accounting Office have concluded there is no documentary evidence to support the $649 million taken from the M accounts. And I can explain that this is a violation of the Federal law, section 1501 of title 31, United States Code. This was an illegal transaction—pure and simple.

The Government Accounting Office concludes and I quote:

> Since the difference in records is an accumulation of 30 years of errors, it is doubtful if the Air Force will ever be able to reconcile the $649.1 million difference between departmental and field level records.

That is a sad commentary, but what does it really mean? Without the required documentary evidence, we have no way of knowing what happened to the money. It could have been stolen. We do not know and probably never will know. That is what it means.

Madam President, is that acceptable? Should that be tolerated? I do not think there is a person here in this body that will say it is acceptable or it should be tolerated.

The lack of discipline and integrity in accounting for our tax dollars is inexcusable. It must not be tolerated.

The $649.1 million in unsupported Air Force obligations should be returned to the Treasury and used to reduce the deficit.

Madam President, at an appropriate time, as I indicated, I will have an amendment, not to this bill but to other vehicles, to recover the $649.1 million. My amendment would deobligate and cancel the money involved in this illegal transaction.

I simply want to bring this issue to the attention of my colleagues at this time and to ask for their support when I am ready to offer the amendment.

Toward this end, I would like to advise my colleagues and the managers of bills at a future time that the issue of the unsupported Air Force obligations is described in detail in a General Accounting Office report entitled "Financial Management: Agencies' Actions To Eliminate M Accounts and Merged Surplus Authority."

The unsupported obligations are discussed on pages 3–4 and 33–35 of the report. This report is to be made public today. I hope it has been. I do not know for sure. It is also addressed in the Department of Defense IG Audit Report No. 92–028 entitled "Merged Accounts of the Department of Defense."

Madam President, I invite the chairmen of the appropriate committees and perhaps anybody that is interested in bringing reason to the fact and estoppel to the fact that money can be spent illegally whether it is in the Defense Department, or any place else, to study the facts and decide what might be an appropriate approach if, for instance, you might think my amendment might not be.

I am open to all sorts of ideas and suggestions because we have to stop illegal and abusive expenditures and recover them before we start spending more money.

If we have Government agencies that cannot be audited because the records are so bad and if Congress cannot get an accounting for all the money we appropriate, then, of course, it is time to take very decisive action.

THE REPUBLICAN ROLE

Mr. GRASSLEY. Madam President, this on another point but still related to this issue before us.

We heard this morning from the President of the United States, and obviously he has a wonderful opportunity to use the Presidency as a bully pulpit. He was commenting on the role played by my side of the aisle of this body, the Republican side of the aisle. He says that we represent "43 votes for gridlock." He implies that less than a majority is holding up passage of this pork barrel.

Coincidentally, though, Madam President, the number 43 happens to be the same percentage of vote that Mr. Clinton received in November. That, too, I say to you, Madam President, and the Members of this body, was less than a majority. Forty-three Republicans, each one of us on this side of the aisle, represents 1 percent of what Mr. Clinton received in November: 43 Republicans, 43 percent.

On this side of the aisle, what we are doing is holding, I believe, the President's feet to the fire. We are making him deliver on his promises to the American people.

The President keeps saying that we voted for change. This does not mean that they voted for him to change his mind. If he said that he would lower the deficit, then he should lower the deficit. Since this bill would increase the deficit, then we are holding his feet to the fire.

Had we on this side of the aisle been trying to frustrate what the President campaigned on, that would be gridlock. Rather, what we are doing on this side is preventing irresponsible government.

One other brief point, Madam President: We heard last night from the other side of the aisle that somehow we are trying to embarrass the President before a meeting in Vancouver. First, some weeks ago we were told that patriotism means that we have to swallow new taxes. Now we are told that patriotism means increasing the debt. To me this is somewhat too much doublespeak. And if we have to listen to too much of it, we will have an opportunity to write an Orwellian novel.

TOPIC: CLINTON ECONOMIC PACKAGE AND "GETTING IT"

President Clinton last night, and this morning, said that Republicans "just don't get it" because we oppose the Clinton deficit spending stimulus package before us now.

And you know, Madam President, I guess President Clinton is right.

If by getting it, he means that I understand the reasoning behind adding $16 billion to the deficit. I do not get it.

If by getting it, he means that I comprehend why he advocates a Government jobs bill when it has been proven that this type of approach doesn't create jobs. I do not get it.

If by getting it, he means that I grasp the reason why we are shoving billions of dollars into a spending pipeline that cannot handle it, thereby wasting billions of the taxpayers dollars. I do not get it.

If by getting it, he means that I understand why, just as we are recovering from the recent recession, we are advocating this so-called jobs bill. I do not get it.

And, if by getting it, he means that I understand the reasoning behind massive tax increases, massive Government spending, and adding over a trillion dollars to the debt. I do not get it.

Madam President, I admit it. I do not get it. And I hope I never do.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, how much time do I have under my control.

The PRESIDING OFFICER. The Senator has 115 minutes.

Mr. BYRD. I thank the Chair.

Madam President, it does not really make any difference what the percentage was of the vote that Mr. Clinton received, whether it was 53 or 43, or whatever.

The President of the United States, William Jefferson Clinton, took the oath of office on January 20, 1993. He is the President of the United States.

If we want to talk about slim percentages, we might go back to Mr. Reagan's election in 1980. He received, as I recall—I am speaking from memory—something like 50.7 percent of the 52.6 percent of the votes that were cast by the voting-age population in that election. So, he won by a very slim majority, and only a bare majority of the voting-age population even voted. So this would mean, if one wished to extrapolate the figures, that Mr. Reagan was only really elected by about 26.7 percent of the voting-age population in the election.

So let us forget about the percentages of past elections. The President of the United States is President Clinton and he has sent to the Congress a program.

I note before I begin my prepared remarks that the jobless rate remained unchanged in March. I hold in my hands a wire dated 9:35 eastern standard time today. It is an Associated Press wire.

The heading is as follows: "Jobless Rate Unchanged in March; No Job Growth."

Reading excerpts from the release:

> The report figured to strengthen President Clinton's case for passage by Congress of a $16.3 billion jobs-creation bill that Republicans have stalled in the Senate. Republicans argue the measure is unnecessary because the economic recovery is strengthening and beginning to accelerate the pace of job growth.
>
> The Labor Department said its survey of business payrolls showed that employment in March fell by 22,000 from the month before. Private economists had generally expected the report to show an increase in the range of 100,000 to 150,000 jobs. "I think we have just a whole host of factors that are continuing to slow this job recovery," said Norm Robertson, a Pittsburgh-based economist. "The job market is likely to remain slow and weak. Unhappily, this is going to continue to worry the American consumer."

Madam President, I ask unanimous consent that the entire news release be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

JOBLESS RATE UNCHANGED IN MARCH; NO JOB GROWTH

WASHINGTON.—The nation's jobless rate held at 7.0 percent in March as employment gains in the previous month disappeared and only a few service industries such as health care managed to add jobs, the government reported today.

The report figured to strengthen President Clinton's case for passage by Congress of a $16.3 billion jobs-creation bill that Republicans have stalled in the Senate. Republicans argue the measure is unnecessary because the economic recovery is strengthening and beginning to accelerate the pace of job growth.

The Labor Department said its survey of business payrolls showed that employment in March fell by 22,000 from the month before. Private economists had generally expected the report to show an increase in the range of 100,000 to 150,000 jobs. "I think we have just a whole host of factors that are continuing to slow this job recovery," said Norm Robertson, a Pittsburgh-based economist. "The job market is likely to remain slow and weak. Unhappily, this is going to continue to worry the American consumer."

In February, business payrolls had jumped by 367,000, generating hope among many that the economic recovery finally was beginning to spur job growth. A separate Labor Department survey of households estimated that employment in March rose by 114,000. Economists generally consider the business payroll survey to be a more reliable gauge of the labor market.

Robert Dederick, chief economist at The Northern Trust Co. in Chicago, said he viewed the March report as a "correction" of February's unexpectedly large gain in employment, and that taken together, they reflect modest improvement. "The basic message is that employment is rising, although it certainly is not recovering at anything like a conventional post-recession rate," he said.

William G. Barron, Jr., deputy commissioner of the Labor Department's Bureau of Labor Statistics, said in testimony prepared for delivery today to the Joint Economic Committee that the March report provided little evidence of strength in the job market.

"While we have seen slow but steady declines in unemployment between June and February, joblessness remains well above pre-recession levels," he said, noting that before the recession began in 1990 the jobless rate was in the 5 percent range.

Today's report said there were 8.9 million unemployed people in March, the same as in February, and the total labor force was 127.4 million, up by 102,000.

The number of discouraged workers defined by the government as people who say they want a job but have stopped looking was unchanged at 1.1 million for the first three months of the year, the Labor Department said. It has been steady at that level since the summer of 1991, shortly after the recession officially ended.

Among industry groups, only the services sector showed any gain in jobs in March. Health care services, such as hospitals, medical laboratories and doctor's offices, showed a modest gain of 9,000 jobs. Business services added 37,000 jobs. Also in the service sector, retail business lost 7,000 jobs and transportation and public utilities gained 7,000. Construction was one of the biggest losers. It shed 59,000 jobs in March. The Labor Department attributed the decline to poor weather conditions over much of the country in late February and early March, including a blizzard that hit much of the East Coast.

Factory overtime slipped in March from its all-time high in February, falling by 0.4 hour to 3.9 hours per week. And the average work week for production workers was down 0.1 hour to 34.3 hours. The Clinton administration insists that its proposed $16.3 billion stimulus program is vital to sustaining the economic recovery and creating jobs. It portrayed Thursday's report that claims for jobless benefits rose by 33,000 last week as evidence that the stimulus package must pass Congress quickly.

Clinton underscored the point in remarks to a gathering of the American Society of Newspaper Editors in Annapolis, Md., on Thursday. "In the 1980s, Europe had at least two significant economic recoveries and generated no jobs, and that's the thing that's bothering me now," Clinton said.

"And this recovery allegedly started a long time ago, but the unemployment rate is higher than it was at the depth of the recession, and that's because we are now finding some of the same difficulties," he added.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Madam President, we have before us an emergency supplemental appropriation bill designed to create jobs and boost our lackluster economy. We are blocked, however, from acting upon this jobs bill by a filibuster by our friends on the other side of the aisle. They see no need for this legislation, they say. They suggest that it is unnecessary, and that our Nation would be better off without it.

Yet, Madam President, a review of the latest economic reports—and I have just read one release that was on the AP wire this morning with respect to the continued anemic recovery in respect to unemployment.

So a review of the latest economic reports makes it abundantly clear that this legislation is most necessary, and that without it our Nation runs the risk of falling into an economic recession.

That is what we have been saying here on the floor. That is what President Clinton has been saying. That is the reason President Clinton came forward with his jobs bill. He has three legs to this overall package—deficit reduction, long-term investment, and short-term investment in jobs; the third being represented in the bill that is before the Senate.

For 2 years, our economy has been in an economic recovery—a so-called recovery, for it has been the most anemic economic recovery in memory. In my memory; certainly since the Great Depression, I will say.

Certainly, it is the weakest economic recovery from any recession since the end of World War II. Admittedly, we did experience some quickening of our recovery in the latter half of last year. To the delight of all, economic activity picked up and our gross domestic product grew at a relatively healthy pace in the final two quarters of 1992.

Yet, it is now evident that the upturn at the end of last year was nothing more than an all-too-brief thrill in the rollercoaster ride our economy has been on for the last several years. And the latest round of economic news makes it clear that we need to act—and we need to act now—if we want to keep this train from coming off its tracks.

The Labor Department reported this morning, as I have already indicated, that the Nation's unemployment rate remained unchanged in March at 7 percent, while nonfarm payroll employment actually fell by 22,000 jobs. In February, payroll employment had surged, leading some to suggest that the worst was behind us. I hope that those who might have been swept up into a false euphoria by last month's employment figures will now return to Earth in light of today's report. The reality of our situation is that, after a brief gust of wind—just a slight breeze, perhaps—we find ourselves back in the economic doldrums. Unemployment remains yet still higher today than it was at the trough—at the bottom—of the recession from which we have supposedly recovered, but which has not yet come to my State, and to the Nation, as a matter of fact; not really.

And what is the jobs outlook for the months ahead? Yesterday, the Labor Department reported that initial claims for State unemployment insurance rose by 33,000 in the week ending March 27, pushing initial claims to their highest level since last November. Adding to the less-than-encouraging news from the Labor Department, today's Wall Street Journal reports that "a survey of members of the American Business conference, a group of midsize companies, found that only 17 percent report plans for hiring in the second quarter" of this year.

Further adding to the recent spate of weak economic news is the lastest survey of the nation's purchasing managers, which suggests that growth in the manufacturing sector is continuing to slow. The National Association of Purchasing Management's index, which serves as a leading indicator of manufacturing activity, and has also proven to be a reliable leading indicator of overall economic activity, fell in March for the second consecutive month after reaching a 4-year high in January. The purchasing managers' employment index fell to a level of only 49.6 percent in March, suggesting a downturn in manufacturing employment in the months ahead.

Earlier this week, the Commerce Department reported that personal income grew a miniscule two-tenths of 1 percent in February, while wage and salary income actually declined one-tenth of 1 percent. Although consumer spending remained strong during the month, it did so at the expense of the personal savings rate. With spending growth outpacing income growth, the savings rate fell in February to its lowest level in nearly 2½ years.

Adding to the spate of bad news, the Conference Board reported this week that its index of consumer confidence fell in March for the third—for the third—consecutive month. And what was behind the drop in consumer confidence? A concern about jobs, or, more accurately, the lack of jobs. According to the Wall Street Journal:

> Most of the drop in consumer sentiment during March was due to worry about job prospects. Roughly 41 percent of respondents described jobs as "hard to get," while only 6.7% said jobs were "plentiful."

Forty-one percent of the respondents described jobs as hard to get, while only 6.7 percent said jobs were plentiful.

The Journal further noted that "the deterioration in the Conference Board's index coincides with the drop in consumer sentiment as measured by the University of Michigan."

Mr. President, the American economy is weak—weak. We are trapped in an anemic and tenuous economic recovery. Yet, we are about to embark on a massive deficit reduction program that will impose on this already weak economy a tremendous fiscal drag—a tremendous fiscal drag. Long-term unemployment is higher today than it has ever been at this stage of an economic recovery. More than 20 percent of those Americans unemployed today have been out of work for more than 6 months. This is a critical time for our Nation. This is not the time for dragging of feet. This is not the time for filibuster, it is a time for action.

Now, those of our friends who are opposed to this bill—those who are opposed to the President's economic stimulus proposal, if not his entire economic proposal—claim this bill is unnecessary. They claim we cannot afford it. They claim there is no emergency.

Yet, we face a very real emergency. It is an economic emergency. The American people understand the tenuous nature—the very fragile nature—our current so-called recovery; that is one reason that consumer confidence is slipping. The President knows that we face an emergency; the President knows that we face an emergency; that is why he has asked the Congress for this legislation. And I am confident that a majority of the U.S. Senate knows that. A majority of the U.S. Senate knows that we face an emergency. We are blocked. We are blocked—that is self-evident—however, from acting on the emergency supplemental appropriation bill before us because of the delaying tactics of a stubborn minority.

I do not believe that everybody on the other side of the aisle at heart agrees with the tactics that have been demonstrated. I believe that there are Senators on the other side who want to vote and deal with this emergency now and who are uncomfortable with the situation in which they have been cast, the situation in which they have been cast as a minority that will not bend, that will not vote for cloture. And I say that the American people will be the judge in due time.

But my experience over the years leads me to believe that not everybody on the other side of the aisle is gung ho for this kind of tactic. But I do know that some of those who probably would like to proceed with reasonableness feel they cannot do so. They are probably shouted down by those louder voices and, therefore, feel compelled to go along.

Madam President, the time for delay, the time for filibuster, is over. The time to act is now.

Mrs. FEINSTEIN addressed the Chair.

Mr. BYRD. Madam President, how much time would the distinguished Senator from California wish me to yield?

Mrs. FEINSTEIN. Madam President, I say to the Senator, 10 minutes, if he will?

Mr. BYRD. Madam President, I yield to the distinguished Senator 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized for 10 minutes.

THE PRESIDENT'S PLAN

Mrs. FEINSTEIN. Thank you very much, Madam President.

I rise because the Democratic women of the Senate would like to come forward with a presentation. Madam President, I know you are in the chair at the present time but will join us shortly on the floor to add to this colloquy.

We want to say, all of us together, that we strongly support this economic stimulus plan. I was listening and I heard the distinguished Senator earlier, from the opposition, say that they would oppose anything that added to the deficit, and that he just did not get what we were doing.

I am very pleased to say that the people of California are beginning to get the message. Today I received in the mail a simple button. It has gridlock in the middle. It has a line through the gridlock. It says "Support the Plan, Jobs Now, 1993."

So the people of California, I believe, very clearly see what is happening. It is gridlock; it is an effort to stop a President from the first major achievement of his 72-day-old term in office. I must admit, I am a little frustrated with this experience. Both you and I ran for this office to participate in a major change; to pull this Nation ahead and to move it forward.

The reason I am frustrated is I am beginning to understand why our Nation is in its present crisis. For 12 years, Madam President, we have seen this Congress really refuse to deal with the important things that are contained today in this economic stimulus package. It is not a huge stimulus package. It is a $16 billion package. Let me put that in perspective.

We have, according to the Congressional Budget Office—even the opposition up to this point has put $87 billion on the budget deficit to bail out savings and loans. Even the opposition up to this point is now willing to put together $40 billion into the deficit to continue to bail out failed savings and loans, most of whom have failed because of fraud and corruption within their own ranks. Yet they do this and they do not talk about the deficit. They voted to increase defense by $1 trillion in the 1980's. That went onto the deficit.

I was a mayor of a major city during the 1980's, and as a mayor I saw firsthand during the 1980's what happened to the cities of America. The cities are really the heartland of America because in the cities, most of the people of this great Nation reside today. I saw, during that time, community development block grant moneys, which we are arguing about now, slashed; economic development funds were cut; affordable housing was cut; the Urban Development Action Grant Program was ended; revenue sharing to the cities of America was ended. The only job training program, CETA, was ended. All operating and capital grants to railways were ended. I saw slash and slash and slash during the 1980's.

Did the budget deficit go down? No, Madam President, it did not. Why is this? Because suddenly the cities of America and the needs of people have become a kind of scapegoat, something that can be put out there. And that part of the budget pie that we are talking about is so small. It in no way compares with the part for defense. It in no way compares with the part on entitlements. It in no way compares with the part that is just simply interest on the debt.

Now, we have heard today that there is real concern. We are going into an additional session: Saturday, Sunday, Monday, Tuesday.

Madam President, you and I were supposed to address the Democratic Convention of the State of California tomorrow. We are not. We have canceled it. I was to go on a desert tour—you were as well—with Secretary Babbitt. We are not. We have canceled it. And we have canceled other things as well because I believe that you and I and the women of the Senate really believe in the importance of this program. It is small, but it is important because it says that, once again, America is going to begin to take care of her people again—her people—our children, their education, their health, putting our people back to work.

Madam President, when Ronald Reagan was President, the Democrats of this Congress gave him a chance. As skeptical as they might have been, the Democrats gave Reaganomics a chance. We paid a price, but he was entitled to his day and he was given an opportunity. When Ronald Reagan came into office in 1981, the deficit was just over $80 billion. By the time George Bush left office this year, the Federal deficit stood at almost $300 billion.

When Ronald Reagan came into office in 1980, the Federal debt stood at $700 billion. By 1993, as George Bush ended his term, the debt has gone to $3.3 trillion.

This is a plan that would reduce the debt by $496 billion over the next 4 years. It would call for investment in our future and it would call for some economic stimulus, an economic stimulus that is framed in a way that will benefit the people of America once again.

I say we have mortgaged the future of our children and our grandchildren during the last decade, and the resounding results of the November election make it crystal clear: The people of this country want change and they are willing to be a partner in that effort.

Answering these calls for change, a bold, young President has stepped forward with a plan providing a chance for the economic rebirth of America. In just 72 days in office, President Clinton has put forward a plan, one of deficit reduction and economic stimulus. It is not a big surprise. He has held town meetings, he campaigned on this plan, he indicated what he was going to do. The people of America knew what he was going to do before he was elected. So it should not be a surprise.

What is a surprise is the gridlock. What is a surprise is that the opposition will not give this plan the simple opportunity to bring it to a vote in the Senate of the United States. The fact is the plan has passed the House of± Representatives. The fact is the one thing that is holding up its implementation is the Senate of the United States, 100 people who were elected by the States to discuss the public policy of the future of this Nation; 100 people who should be able to read the tea leaves as well as anyone in this Nation to know that this Nation wants change.

Madam President, we have listened and we have heard people say that we do not need a stimulus, the economy is just fine. Well, Madam President, you and I come from a State where one out of eight Americans live, the largest State in the Union. Things are not well at home. We know that. California is in deep recession, double-dip recession. Unemployment is high. It is double digits in parts of our State. Since the mid-eighties, we have lost 900,000 jobs from a base of 14.4 million jobs; that is a 7-percent decline in the number of jobs in the State, and we are growing. We will gain 600,000 people; we have lost 900,000 jobs. So our employment picture is not a bright one. We have lost 807 manufacturing companies; 20,000 businesses went bankrupt last year. Today, nearly a million and a half Californians are out of work. That is more than the population of 13 other States in this country.

So I think, Madam President, when we talk about whether this Nation is in recession or is not, our voices should have some meaning in this for, after all, we represent 32 million people in this Nation. And what happens in California affects the rest of the Nation.

The PRESIDING OFFICER. May I say to the Senator her 10 minutes has expired. Would she care to get additional time?

Mrs. FEINSTEIN. Madam President, may I ask, please, for another 3 or 4 minutes?

Mr. BYRD. Madam President, I yield an additional 4 minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized for an additional 4 minutes.

Mrs. FEINSTEIN. Madam President, this program conservatively would produce 500,000 direct jobs nationally, 50,000 jobs in California. In addition, 657,000 youngsters between the age of 14 and 21 years of age will have jobs this summer as a result of this plan. The stimulus package contains $1 billion for employment and training in the summer youth program.

Madam President, I cannot begin to tell you what this will mean in California, in areas such as South Los Angeles and San Francisco and East Palo Alto and Oakland and Fresno and Modesto and Sacramento. What better way to jump-start a stagnant economy than to invest in our infrastructure, also in the transportation, in housing, and the schools we need?

According to the Bureau of Labor Statistics, every $1 billion we invest in new roads will produce 25,000 jobs. Every $1 billion we invest in schools yields 27,000 new jobs. Every $1 billion invested in housing yields 29,000 jobs, and every $1 billion invested in local transportation yields 44,000 jobs.

Earlier this week, I spoke in support of the vast opportunities of the Community Development Block Grant Program. I mentioned that as a former mayor I know it well. I put one together for 9 years running. It was hard to develop, but they were worthwhile programs and many have been tested. The Clinton stimulus program contains $2.5 billion in block grant funds. That is about 50 percent more than the $3 billion normal fiscal year 1993 allocation.

Mayor Tom Bradley of Los Angeles has sent us the list of community development block grant stimulus projects that he would engage in. I ask unanimous consent to print this list in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

MAYOR'S PROPOSED ECONOMIC STIMULUS BLOCK GRANT BUDGET

Project title and description	Council district	Cost
Dunbar North South: Housing and Commercial project of 45 family units in area where the City has already invested more than $13 million. Social programs are funded in this project area by the Department of Aging and CDD. Project will leverage $5.2 million from other sources. Construction jobs estimated at 103 positions, and permanent employment of 46 in retail/commercial space	9	$3,140,000
84th and Vermont: A 142 unit family housing over commercial development project. This will complement a proposed major grocery store across the street, and is near planned CDD economic development and the proposed Youth Opportunities Unlimited (Y.O.U.) Center. Project will leverage $14 million from other sources. Construction jobs estimated at 326, and permanent employment of 60 in retail/commercial space	8	5,500,000
Plaza Vermont: An 81 unit family housing project sited with commercial and retail development. Development includes community rooms, training and tutoring space, and outdoor/open space not available in the immediate area. Project will leverage $12 million from other sources. Construction jobs estimated at 200, and permanent employment of 60 in retail/commercial space	9	5,500,000
Hollywest: A 190 unit project for low-income elderly with retail, restaurant and office space including a 40,000 square foot grocery store. Provides direct access to planned metro-rail station. Project will leverage other planned funding by CRA and HPPD. Construction jobs estimated at 505, with permanent employment of 220 in retail space and 26 for housing management	13	6,000,000
Santa Ana Pines: Fifty-six units of modestly priced ownership housing, with 26 units reserved for low-income first-time homebuyers. This is Phase II of a project with $6 million City investment already through a mortgage revenue bond program. Over $10 million from other investment sources is also pledged. Construction jobs estimated at 130, with demonstrated emphasis on local hiring	15	1,000,000
Griffin Court: A 36 unit, new single family home development for low-income first-time homebuyers. Project will leverage $3.6 million in private investment. Construction jobs estimated at 82. Developer is a non-profit community based organization	14	2,000,000
Crittendon Center for Young Women and Children: Rehabilitation of a substandard child care center located within a licensed residential treatment facility for young women and infants. CRA has recently completed $700,000 in seismic improvements to the facility	1	100,000
Grand Plaza Market: Funding to complete the retail component of a mixed use elderly housing and commercial development in the Chinatown Redevelopment Project. Comprised of 301 rental units for low- and very-low-income households. Commercial space is 50% pre-leased for a supermarket. Housing is complete and occupied. Upon completion of the market an estimated 130 permanent jobs will be created	1	2,000,000
Estrada Courts: Within this housing complex, the project will add a community center with a child care facility and a gymnasium. Construction jobs estimated at 33, and permanent employment of 16	14	750,000
Crenshaw Baldwin Hills theatre: Located within the Crenshaw Redevelopment Project area, slated for expansion in a proposed recovery and revitalization effort. The theatre project will be part of the overall mall development, which represents an investment of $50 million in private funds, $40 million in redevelopment funds, and $17 million in previously provided block grant funds. The theatre project will cost $7 million, of which $6 million would be provided by the developers and the theatre operator. Construction jobs estimated at 200, and permanent employment of 25 positions. Brings substantial increase in pedestrian activity to mall, supporting other shops owned by local entrepreneurs. Brings mall to 95% occupancy	8	1,000,000
Central City east business retention package: A community security and sanitation program in the east side of downtown, which contains a significant job base for inner city residents and housing for 12,000 extremely low-income households. Emphasis will be on local hiring, with the objective being to retain businesses by keeping the area safe and clean. During the one-year start-up funded by block grant money, an assessment district will be established by property owners in the area to continue program funding. Project costs include $1 million for street lighting, $1 million toward a $2.5 million truck staging facility and $2.3 million for the security and sanitation component	9 & 14	4,300,000
Wilmington Industrial Park: Project will provide improved paved streets to serve industrial sites which are currently accessed by unimproved dirt roads.—The industrial park has been designated as a redevelopment area, a State enterprise zone, recycling market development zone and revitalization zone. The improvements have been identified in a comprehensive plan for street work in the Industrial Park, adopted by Council, as necessary to attract industrial development	15	1,700,000
Youth Opportunities Unlimited (Y.O.U.) center: Facility will consist of an alternative high school, child care center, recreational center and employment/training center. Federal funding of nearly $3 million has been received for this demonstration program. Project will leverage $2.45 million from other sources	8	1,400,000
Hollenbeck Youth Center: Will add to an existing City-owned facility which serves as a multi-service center, gymnasium, boxing and weight lifting room. Work is 85% complete, with $1.2 million spent, and a need for additional $300,000	14	300,000
Emergency shelter: Expansion of the City's sheltering program to provide 60,000 shelter bed nights for homeless individuals. The City has been unable to meet the recent demand for sheltering	(1)	700,000
Vermont Square branch library: This 80 year old unreinforced masonry building will be seismically reinforced and renovated. The present structure is vacant, and the library operates out of rented quarters. The cost of this project is $2.9 million, of which $1.7 million was originally set aside in the bond fund program approved by the voters in 1989. The additional $1.2 million needed will help assure adequate funding for other library work planned in block grant areas	9	1,200,000
Alpine recreation center—gymnasium/outdoor redevelopment: Construction of an attached gymnasium as the final portion of a multipurpose recreation center. Project will include grounds enhancements such as a free-standing pergola, irrigation, turf and landscape work. Total cost of the project is $3 million, with $2 million from other funding sources	1	1,000,000
94th and Broadway housing site cleanup: Site in possession of CRA, planned for low- and moderate-income housing, has an old hospital building with significant toxic and asbestos problems. This site requires building demolition and toxic abatement prior to development. Private investment for development is estimated at $6 to $9 million	8	600,000
Northeast Los Angeles transit store: This one-year project will involve a storefront location for transit information and services, including bus passes and tokens, maps, schedules and information on ridesharing and bicycle use. Funding will provide the 20% match required for a grant request of $350,000 from another source	14	70,000
Community facilities restoration: Project will involve renovation of inner city parks and recreation facilities by youth who meet federal poverty guidelines. Salaries will be paid through the Summer Youth Employment Program. Block Grant funding will pay for related materials, supplies, equipment and supervision. The Federal government has approved this concept of funding	(1)	1,500,000
Infrastructure development—new housing projects: The purposed housing projects are located in neighborhoods with outmoded public improvements, including streets, sidewalks, rights of way, storm drains and gutters, and similar infrastructure needs. To generate neighborhood recovery and revitalization, the housing projects should bring with them these needed public improvements in the immediately surrounding neighborhoods. The costs are not eligible as housing project costs, but are eligible block grant items as they are in neighborhoods of greatest need. These infrastructure projects support and complement the substantial City investment in these targeted neighborhoods, and provide critical public improvements that the City's capital program cannot currently provide. Linking them to hosing development will ensure real community benefit from the expenditure of scarce resources, and will create jobs and provide visible improvement for the neighborhood	(1)	3,500,000
Non-profit neighborhood facilities: This project would provide funds to non-profit community-based organizations for acquisition, construction, and/or renovation of facilities to provide services to low- and moderate-income residents. A request for proposals (RFP) will be issued, and projects will be selected based on need and readiness for implementation	(1)	1,000,000

MAYOR'S PROPOSED ECONOMIC STIMULUS BLOCK GRANT BUDGET—Continued

Project title and description	Council district	Cost
Housing projects-street improvements and landscaping: Project would finance street and sidewalk repairs and some landscaping within Housing Authority Projects. Estimated need for street repair work is $6.6 million, including curb cuts for compliance with Americans with Disabilities Act (ADA). Block grant funds will be used for streets most in need of work	(1)	1,240,000
Planning and administration: Block grant provisions allow a maximum of 20% for administration. However, these projects are "ready to go," so most pre-project planning is complete. Grant accounting and reporting by CDD may range to 2% or $980,000. The remaining $2.5 million is for various administrative requirements of implementing departments. The full amount may not be required, but should be set aside now until refined estimates can be developed	(2)	3,500,000
Total		49,000,000

[1] Multiple.

[2] N/A.

Mrs. FEINSTEIN. Madam President, there are no swimming pools, there are no cemeteries, there are no golf courses. Let me tell you what there is. Madam President, to quote a few: There is a housing and commercial project of 45 family units in an area where the city has already invested more than $13 million, Dunbar North/South; there is a 142-unit family housing over a commercial development project, 84th and Vermont; there is an 82-unit family housing project sited with commercial and retail development, Plaza Vermont, construction jobs 200, permanent jobs 60; there is a 190-unit project for low-income elderly, 56 units of modestly priced ownership housing, and the list goes on and on.

It is a strong list. It is jobs. It has homeless programs. It has child care programs. It is the kind of thing that people want this Nation to do.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Madam President, I yield 1 additional minute.

Mrs. FEINSTEIN. Madam President, I will conclude because last night I got a copy of the chairman's amendment which would, I hope, reassure the opposition that these moneys are going to be well used. This is from the pending substitute of the Emergency Supplemental Appropriations Act of 1993. Let me just read one small portion of it:

> Notwithstanding any other provision of law, for this act, the Office of Management and Budget shall administer the obligation of all funds to see that no wasteful, unnecessary, or nonmeritorious programs, projects, or activities are approved. The Director of OMB shall, be notice published in the Federal Register, establish such requirements as may be necessary to carry out the intent of this section.

Madam President, I think that the chairman and the Democratic majority have taken the necessary steps to ensure that these moneys will be well spent. Therefore, Madam President, I can only conclude that the objection comes from those who want to create more gridlock.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. Will the Senator yield me 1 minute.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I yield 1 minute to the Senator from Maryland.

Mr. SARBANES. I very much appreciate it because I want to follow up on the comments made by the distinguished Senator from California.

First of all, I commend the distinguished Senator for a very powerful statement in terms of the job import of this legislation, but I particularly want to thank her for the point at the end making it very clear that community development block grant money will be used for extremely important projects. What has happened is the other side has looked through a big, thick, book of projects and tried to pull out of it a few that they can make fun of, whereas the overwhelming number of those projects are clearly meritorious on their face.

Let me make one other point. Up until 1980, there was up-front review at HUD of the projects that the community development block grant money was used for at the local level. The Republicans, when they gained control of the Presidency and the Senate passed legislation, Gramm-Latta, which dropped the up-front review of CDBG projects at the Federal level.

Mr. BYRD. I yield 1 additional minute.

Mr. SARBANES. They said that the money ought to be put our directly to the local governments and let the mayors and the local people decide what projects to fund. So the Republicans were the ones who asserted as a matter of principle that CDBG funding should go directly to the local level without further review by the Department of Housing and Urban Development and the Congress went along with that proposal and it became law. This change came out of the Gramm-Latta 1981 Omnibus Reconciliation Act. It was that legislation, Gramm-Latta, that terminated HUD's up-front review of these community development block grant programs and gave the discretion out to the local level. We said let the mayors and the Governors make the best judgment as to what they need to do.

Mr. BYRD. I yield 1 additional minute.

Mr. SARBANES. They have done so. They came in with a lot of projects. The other side went through them and found a few that they thought they could make fun of, although I think even some of the ones they made fun of make a lot of sense.

The very distinguished Senator from Washington the other evening made the effective point with respect to community swimming pools. She took the floor and made the point that in some neighborhoods that is an important neighborhood community development; they do not have the country clubs to go to, and the local judgment was that this was important.

But I simply want to underscore the fact that the overwhelming number of those projects are meritorious, and I deeply appreciate the Senator putting some of them into the RECORD in illustration, and that the discretion that enables these projects to be lifted in that book was a principle that the Republicans fought for in the Gramm-Latta Omnibus Reconciliation Act which gave out that discretion to the local people.

I thank the chairman for yielding.

Mr. BYRD. Madam President, I also thank the distinguished Senator from California for the powerful speech that she made.

I hope that our friends on the other side will utilize some of their time. I do not want this side to be doing all the debating and then the other side have all the time at the end. I hope that the other side would bring forth some speakers.

I yield 10 minutes to the distinguished Senator from Washington [Mrs. MURRAY].

PASSAGE OF THE PRESIDENT'S ECONOMIC PACKAGE

Mrs. MURRAY. Madam President, I am delighted to join you and my other Democratic women colleagues out here on the floor today to strongly speak in favor of the President's economic package.

I, like many others across this Nation, have listened absolutely amazed to the debate and the talk on this floor for the last several weeks, particularly for the last week, as we have debated this economic package. Over and over, we here the language of "baselines" and "economic theory," and we debate whether having $200,000 a year makes you rich or not, and we talk about points of parliamentary procedure.

Madam President, I think we have lost the essence of why we are here. The essence of why we are here is that people are hurting across this Nation. They are out of work. They are worried about their children going to college. They are worried about their health care. They are worried about what their kids are going to be doing this summer. That is why we have an economic stimulus package in front of us.

Madam President, I would guess that the conversations around most breakfast tables this morning did not center on baselines or CDBG or budget deficits or emergency stimulus. My guess is that the conversations around most family breakfasts this morning were, "Boy, I heard my company was going to be laying off people. I hope it doesn't hit me." Or, "I am really worried; we are at the beginning of the month. The bills are coming in. We don't have enough in the checking account to make it until the 15th of the month." Or, "We are getting to the end of the year. My son is going to college next year. How am I going to be able to afford that?"

Those are the kinds of conversations people in this country are having, Madam President. And I would guess that if their conversations turned to the Senate and the economy, what they would be saying is, "When are these people going to realize what is happening to us? When are they going to be doing something about it? When are they going to pass a bill that I can say makes sense to me and does something for me?"

Madam President, that is what this economic package does. It puts people back to work. It takes care of our children. It gives hope to people once again.

The language of this body is tremendously amazing to me. I called my sister this weekend; she happens to teach in a middle school in Bellingham, WA. I was telling her how amazing the language of the Senate is and how it does not talk to real people. And I said, "You know, I look out here and I wonder how many of my colleagues really understand what life is like for so many Americans today."

She said, "You know what I'll do, I'll go back and I'll ask some of the students in my class to write you letters to tell you what it is really like. She faxed me four of those letters, and I want to share one with you, because this is from a girl who is in the eighth grade in Bellingham, WA. She has not listened to the debate on this floor, but she wrote me a letter, and it is called "What My Life Is Like."

> Well, my life isn't the best. I am 14 years old and in the eighth grade. My family has never been "well off." When I was about seven or eight my mother and father got a divorce. My mother got to keep us four kids and the house and the car, he took the truck and his belongings. My father moved in with one of his friends then moved in with my grandparents. My mother never did go to work but she stayed home with us. My dad paid about five hundred a month for child support but it was never enough. We saw our father every other weekend and he usually gave us five bucks to spend on something we wanted. Five years later my mother remarried to my step-dad who was working at Boeing. After that we had a lot of money, but what do yah know he got laid off. He looked for work but there wasn't any good paying jobs that were hiring. For a while he worked at Domino's now he's starting a boat building business. As soon as I was old enough I got a $5.00 an hour job so I could buy some clothes and other things. We have a big family now, two parents, eight kids including a newborn, renting a house in Bellingham. We need to have more work here, and the closing down of big business doesn't help the problem. Health care is also in great need. I know a lot of people who need medical help but can't afford it. Everyone should have adequate health care. Things I like to do for recreation are swimming in the summer at the lake, but it would be nice to have a community pool and bike riding. It's fun going to the movies but the prices are pretty high. I just hope that our economy improves and people won't have to live in poverty.

The words of an eighth grader, Mr. President, who says to all of us, "My father was working at Boeing at a good job but he got laid off and now he's at Domino's."

There is your economic theory, Mr. President—a child who is telling us that she cannot afford to go to a private club to swim and it would be nice if she had a community pool. Mr. President, that is what this bill is all about.

Mr. President, I have heard a great deal about minority rights in the Senate. Well, the power of the minority that I want you to hear today is the Democratic women of this Senate, who are the real minority in this group, who are saying we understand that our children and our families are hurting and it is time to get this country going again. And we urge our colleagues to hear that message and move on. Thank you.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Washington for an excellent speech and again a powerful speech.

It is my understanding that Senator BOXER wants 10 minutes. I call attention, Mr. President, to the fact that our Republican friends are nowhere to be seen. We have one fine Senator who raises his hand, is here on the floor. I would hope that the Republicans would have some speakers. I would hope that they will use some of the time so that as we draw near the close of the time that we can have somewhat equal time.

So I urge and plead with my Republican friends to get their Senators to the floor so they can speak.

I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. DORGAN). The Chair recognizes the Senator from California [Mrs. BOXER] for 10 minutes.

THE PRESIDENT'S JOBS PROGRAM

Mrs. BOXER. Thank you Mr. President. I thank the chairman for his leadership.

I am very proud today to add my voice to those of the Democratic women Senators urging this body to pass the President's jobs program.

I rise today with a great sense of frustration that the Republicans of this U.S. Senate would stop this jobs program in its tracks. That is what is happening here, Mr. President. This jobs program is being stopped in its tracks. Make no mistake about it. The Republicans have told us that that is what they want to do, and that is what they are doing.

I hope the American people understand exactly what is happening here because you hear all kinds of technical terms, Mr. President, "filibuster," "two-thirds majority," words to explain what is happening here today. It is pretty simple. We need 60 votes to move this program forward, and we are being stopped by the Republicans in this U.S. Senate.

I want to speak as someone who has been involved in politics for a long time. I am not naive about power and how it is used. I am not naive about being in the minority. After all, I served in the House of Representatives for 10 years as a loyal Democrat under Republican administrations.

So I respect very much how it feels to be in the minority. What it is to see programs you believe in, and policies you believe in, thwarted and taking a back seat to someone else's priorities.

When I had that experience, Mr. President, in the House of Representatives, it was not pleasant. I saw bills pass the House and the Senate that I believed in, that created jobs for people, and those bills were vetoed. I saw bills passed for freedom of choice that I believed in, and those bills were vetoed, Mr. President. I saw bills passed for unemployment compensation, and those bills were vetoed.

I saw bills passed that raised the minimum wage a few pennies, Mr. President. And those bills were vetoed.

I saw more than 20 bills vetoed by President Bush. I believed in those bills, and I was unhappy. We had the majority of Members in the House and Senate. Yet, we knew the rules. We understood political life. We understood that the people had voted for these Presidents, and that was the way it was.

We had an election in November. That election was a referendum on this economy. No question about it. Yes, there were many other issues. But they were really peripheral to the economy. This candidate, Bill Clinton, explained exactly what he was going to do.

My colleague, the senior Senator from California, expressed it very well. What is all this surprise about the short-term stimulus program? It was part of Bill Clinton's plan. He took it to the American people. He explained it on television, in townhalls, when he went in his bus and he went all over the country and he explained that he had a three-pronged approach that the Senator from West Virginia explained today.

It was the long-term deficit reduction, new investment in the physical infrastructure, in our human infrastructure, putting people first. This was the plan, and today this part of the plan is being filibustered. It is being stopped in its tracks.

When I was in the House, after we presented our position—Mr. President, you were there as well—we did not filibuster, we did not delay inordinately. We did not make frivolous amendments. We did not complain. We simply went to the American people and we told them the truth about how we felt about issues. And we said if you want these changes elect a Democrat to the White House. We did not stand hour after hour with frivolous amendments. Do my colleagues know how many amendments we have had on this budget resolution and on this package? More than 50. Do my colleagues know how many hours we have debated this stimulus package already? Almost 50 hours. The budget resolution, about 50 hours. That is 100 hours of debate, and more than 50 amendments.

I hear the Senator from Texas [Mr. GRAMM] saying that he wants to add more amendments. That is just not a very sincere argument at this point, if I can put it in the nicest terms.

We have a President who has not only brought us hope but he has brought us a plan. It is a risky plan. I am not saying it is easy. The Republicans should hold his feet to the fire on his plan. But give him his plan. And the Republicans should hold the Democrats' feet to the fire if that plan does not work. But let us give the plan a chance.

We have a President who has a strategy. We should give him a chance to play out that strategy.

Let me say a few words about California, and the very important points that Senator FEINSTEIN made about our State. Our State is in deep trouble. If anyone here thinks that we can have a recovery that is worth anything without California participating, they simply do not know the truth about this Nation. The truth is that California is the largest State in the Union, representing 14 percent of the country's GDP, and any recovery cannot work without California coming back.

This jobs program will help California. There is no question about it.

So, Mr. President, when the Republicans in this body stand up hour after hour offering frivolous amendments and not allowing us to vote on this bill, they are keeping needed jobs from Californians, from Texas, New Yorkers, West Virginians, jobs from people all over this country.

Mr. President, I represent a State that needs this bill badly. And the country needs this bill badly. We do not want to go in a triple-digit recession. If we do that, there will be a larger deficit.

I say these delaying tactics are misdirected and wrong. I do not think they are going to help this Republican Party. I do not think they are going to help this U.S. Senate. I do not think they are going to help this country.

So we are not going to go home. We are going to stay here. I am very sorry about that fact, because I had wanted to go to my State. Senator FEINSTEIN and I had a lot of plans to be with the people of our State. We wanted to go home so much and tell our citizens that gridlock was over. We cannot do that.

Rather, we will stay here and stand up to the "filibuster fellows," until they finally realize that it is in their best interest to get this country moving again.

The PRESIDING OFFICER. Who seeks recognition?

If no Senator yields time, time must be deducted from both sides.

Is the Senator from Pennsylvania seeking recognition?

Mr. SPECTER. I thank the Chair.

Mr. President, I just arrived in the Chamber. I will soon seek recognition. Before I do that, I need to organize my papers because I do not have a prepared text. I will be prepared to address the Chair within 2 or 3 minutes.

The PRESIDING OFFICER. Who seeks time?

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Maryland [Mr. SARBANES] for 3 minutes, until the Senator from Pennsylvania is ready for his remarks.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 3 minutes.

THE UNEMPLOYMENT RATE

Mr. SARBANES. Mr. President, I will be very quick. I want to underscore something the distinguished chairman said earlier in the debate.

The unemployment figures were received this morning by the Joint Economic Committee. The unemployment rate remains at 7 percent. Jobs are down 22,000. Most of the private forecasters have been predicting that there would be at least a job increase of 100,000 to 150,000. This did not happen. So we remain mired in a jobless recovery which constitutes a lot of the rationale for the stimulus program.

We are not recovering jobs in this recovery, as we did in previous recoveries. This chart shows job recovery in this recession recovery period as compared with job recovery in previous recession recovery periods. In previous recession recovery periods, after 10 months we had recovered all the jobs lost during the recession. In this recession recovery period, after 24 months, we have only recovered half the jobs lost. Two years, 24 months, after the bottom of the recession, the unemployment rate is 7 percent, which is higher than it was at the very bottom of the recession, when it was 6.8 percent.

This chart shows what happens to the unemployment rate as you come out of a recession. This is the average in previous recessions and, of course, as you can see, the unemployment rate dropped as we came out of the recession. In this recession, the unemployment rate has gone up, and it is still above where it was at the bottom of the recession.

At the beginning of the recession. We had 5.3 percent unemployment. It was 6.8 percent at the trough and continued to go up to a high of 7.7 percent. It is now at 7 percent. That is where it was last month. We lost 22,000 jobs. The only sector in private industry in which unemployment is higher now than it was before the start of the recession is the service sector. The testimony this morning was that a large share of the job gains in services has been in the temporary help industry. In fact, that industry alone has accounted for one-fourth of the gain in payroll employment since January 1992.

Mr. SASSER. Will the Senator yield for a question?

Mr. SARBANES. Yes.

Mr. SASSER. The Senator has indicated, as I was standing, that the unemployment rate at the beginning of a recession was 5.1 percent; is that correct?

Mr. SARBANES. It vacillated between 5 and 5.3 percent. So it depends on which month you pick.

The PRESIDING OFFICER. The Chair advises the Senator that his time has expired.

Mr. BYRD. Mr. President, I yield 2 additional minutes to the Senator from Maryland.

Mr. SASSER. So here we are 24 months after the trough, and that is the bottom of the recession. We are 24 months now from the bottom of the recession, in a so-called recovery, and the unemployment rate today stands at 7 percent, does it not?

Mr. SARBANES. That is correct. At the trough, it stood at 6.8 percent. In no other recession in the postwar period was the unemployment rate, 2 years after you hit the bottom of the recession, higher than it was at the bottom of the recession. And this unemployment rate is higher than it was at the bottom of the recession. We have never experienced that in any previous recovery from a previous recession.

Mr. SASSER. This is the point I want to make here with the Senator and inquire of the Senator if this is correct. In other words, the unemployment rate today is roughly 2 percentage points higher than it was before the recession?

Mr. SARBANES. That is correct.

Mr. SASSER. That would translate for each 1 percent of unemployment into about 1,100,000 jobs lost. In other words, if the unemployment rate goes up 1 percent, that is roughly 1,100,000 jobs that are lost; is that correct, I ask my friend from Maryland?

Mr. SARBANES. The Senator is correct. The way we keep our unemployment statistics, if you work 1 hour a week or 5 hours a week, you are counted as being employed rather than unemployed. So the figure represents people that are completely unemployed. That figure, as the Senator points out, has gone up more than 2 million.

In addition, there has been a large increase in part-time unemployment—people who want to work full-time and can only find a part-time job—whether it is 5 hours, 10 hours, 20 hours a week. That figure has jumped significantly. The number of people dropping out of the labor force has also gone up. You have those additional dimensions to the unemployment problem.

Mr. SASSER. As chairman of the Senate Budget Committee, I am very concerned about these large deficits we have been running for the past few years. I want to ask my friend, who has served as chairman of the Joint Economic Committee and is knowledgeable in these matters, how much does it raise the Federal deficit for every 1 percent that the unemployment ratings go up?

Mr. SARBANES. The general estimate given is that each increase in the unemployment rate of 1 percent amounts to about an additional $50 billion on the deficit, because are not working and paying taxes. Furthermore, when they are not working, they have to have support payments for their families, such as unemployment insurance, Medicaid, and so forth. So those two things combined give you a cost of $50 billion on your deficit from each 1 percent on the unemployment base.

Mr. SASSER. So if we went back to the time prior to the recession when we were experiencing unemployment rates of about 5, 5.3, and if we add the additional unemployment that has occurred since then, about a 2-percent rise in unemployment, then that would be directly responsible for at least 100 billion dollars worth of increased deficits; is that what the senator is saying?

Mr. SARBANES. Absolutely. The Senator is right on the mark.

I thank the chairman for yielding the time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HATFIELD. Mr. President, I yield 5 minutes to the distinguished republican leader, and I will yield as much time as he may require to the Senator from Pennsylvania [Mr. SPECTER].

RUSSIA

Mr. DOLE. Mr. President, I do not want to disappoint anybody. I am going to speak on another matter. I want to talk about the summit meeting which is going to take place tomorrow in Vancouver.

Mr. President, for more than 40 years American and Soviet leaders have stared across the negotiating table at each other as adversaries, each side armed with huge weapons systems specifically designed to destroy the other.

Tomorrow, in his first foreign summit, and less than 3 months in office President Clinton will look across the table at President Yeltsin as a friend and partner, the engine of change in one of the most dramatic national transformations in history.

During his campaign, President Clinton used the slogan "it's the economy, stupid" to concentrate attention on domestic issues. Attention to foreign policy, foreign assistance and foreign trade became a liability.

I believe President Clinton's excellent speech at Annapolis yesterday confirmed President Bush's claim that yes, it is the American economy but it is also the Russian economy, the Japanese economy, and the economies in many places where the United States has interests.

And whatever the arguments may be about a plan for economic assistance to Russia, no one can say our interests there are anything less than crucial.

The President has outlined the situation to Members of Congress in the past week in a series of meetings and in a briefing with Secretary Christopher. I met with the President yesterday, along with the distinguished majority leader and the House leadership, to hear the President's plans directly.

President Clinton has also met with former President Nixon, and he has had letters of support from other Senators. I think President Nixon is a true expert on Russia. Whatever each you think of President Nixon he understands Russia and understands our opportunities and our challenges there. I would like to commend the administration in its efforts in consultations.

Mr. President, there is no lack of good ideas on how to foster democracy and economic growth in Russia and there is no doubt that the United States Treasury is not big enough to finance all of these plans.

President Yeltsin is dealing with profound economic, political, and ethnic crises as the Russian people recover from 70 years of Communist oppression. I believe we must first of all be modest in our estimates of how much influence we can have on this situation. The turmoil in Russia may well continue for years, may well outlast President Yeltsin and succeeding leaders and could turn violent in the Russian Federation and in neighboring States as well.

We should also recognize that the roots of democracy and economic freedom are growing in Russia from hundreds of cooperatives and small businesses started in the past 2 years and from the tremendous desire of the Russian people for progress.

I believe we can nurture those roots in practical and economical ways that will rebound to the benefit of this country. Here are a few of my ideas how we might do that:

Russia was once an excellent cash customer for American products and its wealth of natural resources will make it a good trading partner again. Let us recognize that and get on quickly with a debt relief plan.

The administration should also construct a barter plan over the next few years, trading American grain and processed products for natural resources.

We should use the sale of food products in Russia to set up special ruble accounts which can be used to pay for local costs of agricultural education, grain storage, food processing, child nutrition, environmental improvement and other worthwhile projects.

We should push the private sector—both Russian and American. The last thing we need in Russia and the Republics are offices full of bureaucrats. We need business people, farmers, bankers, and others on the ground with solid records of achievement.

We should set deadlines in Washington for getting things done. Do not let a dozen or more Government agencies get stuck in endless debates.

Make sure Russia does its part. President Yeltsin needs to make foreign investment easier, do something about inflation and produce a plan to repay debt to the United States Government and private American companies.

We should make sure where we can that Europe and Japan are carrying their share of the burden. We need a lot more action from those countries and lot fewer meetings in Paris and other fine places.

Mr. President, Boris Yeltsin visited my home State of Kansas less than a year ago. The admiration I had for him then has grown along with my admiration for the Russian people and people who live in other Republics of the former Soviet Union.

A lot has been made about whether we help Yeltsin or help Russia but that should not be the argument. If Russia prospers, whoever is in charge will benefit. That is a political fact in Russia and anywhere else.

But it was Yeltsin who took the risk, who faced down the hardliners and who repudiated socialism and communism. We need to show the Russian people that the risk was worth taking.

I have told President Clinton that he has bipartisan support in Congress for assisting Russia and neighboring states because it is in our national interest. Senators NUNN and LUGAR have already demonstrated this on the Senate floor.

There is a great deal at stake in the Vancouver summit and I want President Clinton to know that he goes there with strong Republican backing, and we wish him every success in his first summit meeting.

The PRESIDING OFFICER. The Senator from Pennsylvania.

RELATIONSHIP WITH RUSSIA

Mr. SPECTER. Mr. President, before commenting on the pending legislation, I first commend our distinguished Republican leader, Senator DOLE, for his comments on our relationship with Russia. I would like to add a word or two to that, to this effect.

I believe the United States people, the American people, would be willing to support additional aid to Russia if the loans were made with some collateral such as the very vast mineral, gold, oil, and other resources which the Russians have.

Foreign aid is always difficult and those of us who travel through our States and the country know that the American people are reluctant to give foreign aid at a time when there is so much unemployment, so many needs on health care, the environment, education, crime control, and trade, but we are in a position to make loans providing we get the money back.

The facts are, as related to me, the Russians have not paid either interest or principal on $75 billion of debt. So there is a question why should we lend additional money to the Russians?

I concur with the policy of President Clinton and President Bush before him, and what Senator DOLE has had to say about President Boris Yeltsin of Russia, that it is in our national self-interest to be supportive.

Unfortunately, the American people do not understand when the United States gives foreign aid it is not a gift and it is not a gratuity. It is an expenditure made on a calculation by the United States that it is in our national self-interest to do that. When we advance foreign aid to Greece, it is because we have bases there under the NATO alliance. When we advance foreign aid to Israel of $3 billion, or $2.1 billion to Egypt, it is to stabilize the situation of the Mideast on the calculation that it is in our interest to do that.

But when we give money without a loan or collateral security, it understandably raises questions with the American people.

I introduced a resolution last year, an amendment to the pending bill when we gave aid to the Russians, to have such collateral security.

I urge that this format be followed now as the Congress considers additional aid to Russia in line with the President's comments and request.

SUPPLEMENTAL APPROPRIATIONS

Mr. SPECTER. Mr. President, I now turn to the discussion on the pending appropriations bill, and I am a little at a loss to understand why this discussion is taking form of morning business as opposed to being on the bill itself, because this Senator would like to offer an amendment that I was prepared to offer last night.

I had been on my feet for more than an hour, starting during the rollcall of the pending amendment offered by Senator DOMENICI. When that amendment was over, I sought recognition, but the majority leader was recognized to put the Senate into a quorum call. Then the distinguished Senator from West Virginia spoke. I again sought recognition, and there was again a quorum call. I twice tried to have the quorum call rescinded to offer my amendment, but was not permitted to do so.

I understand the position of the distinguished majority leader to be that he will not list the bill for amendments until there is a list of amendments and there is a time certain for a vote on final passage.

Mr. President, that leaves me somewhat at a loss as to why we are not permitted to proceed with the offering of amendments on this bill, and if the majority leader achieves cloture in the regular course of Senate business, then so be it. But the majority leader has chosen not to do that, and he sets the schedule and he sets the rules with respect to that.

There have been a great many assertions on the floor that there is a filibuster by amendment. I categorically reject that. I say that it is not true because the Republicans have been offering, one at a time, very legitimate and appropriate amendments for consideration on this appropriations bill.

Last night, after I had replied to the distinguished Senator from West Virginia, the distinguished Senator from Maryland [Mr. SARBANES], took the floor and cited the letter which 42 Republicans had sent to Senator DOLE, and read the line: "We will not invoke cloture on this measure."

But, as I had noted last night, he did not finish the sentence, which says, "Therefore, we will not vote to invoke cloture on this measure as presently constituted, notwithstanding the scheduled Easter recess."

And I said last night—and I think it is worth repeating for a moment here this afternoon—that this Senator thought long and hard before signing this letter.

I have grave reservations about not having this appropriations bill passed, because there are provisions which are very important for America, including my State, Pennsylvania. I voted for the authorization bill to extend unemployment compensation at a cost of more than $5 billion, and I did so having stated that I would prefer to pay for it instead of adding it to the deficit.

I think that the provisions on inoculations are important, the provisions on money for highway construction are important, the provisions on mass transit are important. But I think we have raised very valid concerns about the $16 billion, that it is all not legitimately in the category of an emergency appropriations bill.

While we seek to offer amendments—which I would like to do at this moment on health care reform, which I shall presently talk about—we are not conducting a filibuster. We are offering amendments, as we have a right to do under the rules of the Senate.

And when the 42 Republicans signed this letter to Senator DOLE—which I had made a part of the RECORD last night—it was to lay down a marker that, in its present form—with more than $16 billion cash on the barrel head, not paid for, added to the deficit—we were not going to go along with that, so that it would be known to the majority party, the Democrats, precisely where we stood down the road if they sought to invoke cloture after we had finished offering all our amendments.

I can tell you, Mr. President, and I can tell whoever may be listening to this speech on C–SPAN or on the radio, that the Republicans did not get together and concoct a plan to delay the passage of this bill. We have 43 separate minds and we have worked out amendments which we think are important for America.

Now, some may disagree with us. But the amendment which was defeated last night before I sought recognition was an amendment to pay service personnel the cost-of-living increase and it was defeated on a vote of 51 to 49. A number of Senators who voted for that amendment on the Democratic side of the aisle were members of the Armed Services Committee: Senators NUNN, ROBB, and SHELBY; and also Senators MIKULSKI, CAMPBELL, and KRUEGER voted for that amendment.

You cannot come any closer than 51 to 49, unless you sent for the Vice President and are willing to have him break a tie.

The sequence of that vote, as I saw it here on the Senate floor and as anyone can see by looking at the C–SPAN tape—that is the great thing about the television and the tapes, the record cannot be corrected, you cannot expunge it, you cannot alter it—shows, at the very end, a series of Democrats voted no on the tabling motion; they supported Senator DOMENICI.

Now, who can call that measure a filibuster by amendment? You can call it that. You can say it is nighttime outside at 2:34, although it is daytime; you can say that black is white; you can say that it is filibuster by amendment, but it is not so.

These are legitimate amendments which Senators are offering. These amendments have been offered following a sequence last week where the distinguished Senator from West Virginia tied up the tree and, as he said last night on the Senate floor, the 3 B's—Senators BOREN, BREAUX, BRYAN—could not offer the amendment which they wanted; and what we really had was the Senate controlled not by 57 Democrats, but by one manager of the bill.

That led this side of the aisle to take a very hard look at this bill. There is only one line where there is any power by the minority party in the Federal Government today in the legislative or executive branch, the lawmaking branch, and that is in the Senate in our ability to stop a measure from coming up for a vote. There is an overwhelming Democratic majority in the House. There is a 57 to 43 majority in the Senate. The President is a Democrat. The only point where Republicans can stand up and have a vote and a voice and an impact on legislation is not to end debate.

Now, we have not gotten there, Mr. President. We are not debating this bill. We are offering amendments to change the bill, which is different from debating the bill. When we have offered all of our amendments, then we may choose to debate the bill. Like we said in this letter, we are not going to invoke cloture on this measure as presently constituted. But we have not gotten there.

This Senator wants to offer an amendment on health care. I suggest to you that is a very important item for the American people.

After I was finished last night, one of the staff handed me the time on the supplemental appropriations bill—and I represent it as such, without having timed it myself—that up through 7 p.m. on March 31, the Democrats had spoken for 20 hours and 14 minutes and the Republicans for 7 hours and 29 minutes. Last night, up until about 8:15, or thereabouts, when I finally got recognition, the Republicans had spoken on April 1 for 3 hours and 32 minutes and the Democrats for 3 hours and 29 minutes, which gives you a total of about 23 to 10, with the Democrats having used the preponderance of the time.

So, if someone wants to make a point about who is speaking longer, if that carries an implication of delay, it is not the Republican side of the aisle.

But I am not making that point. Any Democrat who wishes to speak has a full right to do so under the rules of the Senate.

I repeat—and I try not to do that very much—that I think it is unfortunate that, as I make my presentation here, it is not in the context of offering an amendment which I have filed, amendment No. 274, which is legislation on health care reform.

I filed that amendment, Mr. President, not in the context of someone who is raising an issue at this date on this bill, but as a Senator who has been on the Health and Human Services Subcommittee of Appropriations for the past 12 years, 3 months, and 2 days, and having worked in this field assiduously for a long time, and having produced legislation on these measures going back for a decade, or almost a decade, at least to 1984, when I offered legislation on low-birth-weight babies.

I offered a series of bills and sought the floor last July 29 offering health care amendments on the energy bill. The distinguished majority leader came to the floor and said that my amendments on health care did not belong on an energy bill. I replied, as set forth in the CONGRESSIONAL RECORD for July 29, 1992, on 20099, that I agreed with the distinguished majority leader that it would be preferable not to add health care legislation on an energy bill and I offered to take down the amendment if the distinguished majority leader would give a date certain for taking up health care legislation.

The distinguished majority leader said he could not do that, because the schedule was too complex. I reminded him that he had given a date certain to product liability legislation. And I do not deny the importance of product liability legislation, but it is no more important, really not as important as health care legislation. Health care legislation is right at the top, alongside an economic recovery.

At one point, the distinguished majority leader said this, at page 20099:

> Mr. MITCHELL. As I have stated many times publicly, from the very place I am standing now, as well as others, comprehensive health care reform is one of my highest legislative priorities, and it is my hope and intention to bring to the Senate this year, if at all possible, such legislation.

Well, unfortunately, it did not happen.

The distinguished Senator from Montana [Mr. BAUCUS] later on in the debate, said at page 20101:

> We also know—at least I have been told—that we will be considering health care legislation this fall.

It did not happen.

That is why, Mr. President, during the months of November and December and January, my staff and I were hard at work in preparing health care legislation, which we did.

On the first legislative day I introduced Senate bill 18. I will hold it sideways so the viewers can see how thick it is. It is a major piece of legislation that I worked on for a long time.

Rather than put this voluminous bill in the RECORD, I ask unanimous consent that a summary of S. 18 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. On January 22, I wrote to the distinguished majority leader as follows: Dear GEORGE: "On the first date of the session"—this letter is dated January 22. It reads as follows: "On the first date of the session, January 21st"—the day before—"I introduced S. 18. As you may recall, in the last session"—and I am leaving some of the less important parts out for brevity—

> As you may recall in the last session I pressed to have health care issues brought to the floor at the earliest possible date.
>
> Whether it is my bill or some other legislative proposal, I urge you to bring this important issue to the floor at the earliest possible time—hopefully no later than this spring.

On the same day I wrote to the chairman of the Senate Committee on Labor and Human Resources, Senator KENNEDY, to ask for hearings on S. 18. On the same day I wrote to Senator MOYNIHAN, chairman of the Senate Finance Committee, to ask for hearings on S. 18 and S. 19, because they were issues within the purview of that committee. And I never had a hearing from any of the committees.

I did receive a reply from the distinguished Senator from Massachusetts [Mr. KENNEDY]. I ask unanimous consent that copies of these letters be printed in the CONGRESSIONAL RECORD at the conclusion of my presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Thereafter, Mr. President, I worked with the Republican task force chaired by the distinguished Senator from Rhode Island [Mr. CHAFEE] because it was my hope that there would be a task force bill prepared which could be offered on legislation at the earliest possible date.

Regrettably that has not been done. But I then took a number of bills from Republican Senators and amalgamated them into one, S. 631, which I introduced on March 23 of this year—the legislative work of Senator COHEN, Senator KASSEBAUM, Senator MCCAIN, and Senator BOND, together with provisions from my own Senate bill, S. 18.

Then, earlier this week, I sent a "Dear Colleague" letter around stating my intention to offer Senate bill 631 on the debt ceiling bill because that was the first bill that would contain tax provisions which would lay the groundwork procedurally for consideration of that bill.

Then I found that the debt ceiling bill was going to be handled in reconciliation and there would be no opportunities for an amendment. So I returned to this bill, the appropriations bill, even though I understand there are certain procedural problems and I understand the difficulty of getting effective action on the bill. I said so in direct terms in the "Dear Colleague" letter.

A concern which this Senator has expressed is the absence of congressional action to move ahead on this plan and not to defer simply for the President, and not to defer simply to the task force which the President has appointed.

Last night, on the Senate floor, I quoted statements from Congressman ROSTENTKOWSKI and Congressman GEPHARDT about the problem that there might not be legislation this year. I quoted the statement made by the distinguished Senator from West Virginia [Mr. ROCKEFELLER] when he made a characterization on August 4, 1992: "This town, which is a one-person town, a one-person town," referring to the fact that they needed Presidential help. The Congress could act on health care legislation.

I noted last night, and it is worth repeating, the plethora—large number—of bills on health care which were introduced in the 102d Congress, in 1991 and 1992—524 in the Senate and 940 in the House, for a total of 1,464; health care legislation introduced up to March 31, during the current 103d Congress, 70 in the Senate and 119 in the House; a total of 189.

So there is an ample base to proceed with legislation on health care.

I believe that what ought to be done is to bring the issue to the floor with a bill, critical mass, like my proposed amendment 274, and start to work on it like we did on the Clean Air Act of 1990. They said that legislation could not be done. The Senate broke up into task forces, went to work, and passed a good bill—not a perfect bill, but a good bill.

I might say in Senate bill 631 there are provisions that are not my preference. When we have worked in the Chafee task force the group came to an understanding early on we could not get a bill which would be to everybody's liking. If we were to have a bill that everyone like we would have 24 bills, the number on our task force, and not one. But that in the interests of getting a critical mass to move the matter ahead, we ought to agree upon a bill, state there were some provisions some of us did not like, and say we were going to offer amendments.

Senate D'AMATO is prepared to be a cosponsor along with other Senators on my amendment. He did not like some of the provisions on taxation, and I agreed to take them out of S. 631, until I found out more people wanted them in than wanted them out. I decided to leave them in after talking to Senator D'AMATO, who said that would be acceptable to him on the express understanding he did not agree with those provisions in the bill.

Frankly, Mr. President, I do not, either—as I do not agree with other provisions in the bill. But there has to be a starting place so the Senate can work its will. I very much am concerned that what has happened on the health care issue is that the matter has fallen prey to politics.

In the news conference which was held with a number of Democrats back on August 4, 1992—I made a point of this last year—the distinguished Senator from West Virginia [Mr. ROCKEFELLER] said that the Republicans would not cooperate in pushing for health care legislation.

He said, and I quote from the transcript:

> We have 57 Senators, and no Republican Senator that I know of would be allowed to vote for that.

As I said last year, Mr. President, I categorically disagree with that. This Senator is prepared to vote for health care legislation, even if it is sponsored by Democrats. I do not care who it is sponsored by.

On a number of occasions in this transcript, Senator ROCKEFELLER repeats the statement, and on one occasion says that the Republicans will not support health care legislation because they have been ordered not to by Governor Sununu. That is categorically wrong. Governor Sununu never made any such statement and if he had, I am sure that the Republican Senators would not have followed it. I can assure you this Senator would not have followed it.

Senator ROCKEFELLER also said:

> There are a lot of Republicans who would agree to one of those approaches, too, but they're not allowed to.

Can you imagine that? We are not allowed to. We are elected to the U.S. Senate, Mr. President, as independent Senators, and when Members on the other side of the aisle, the Democrats, have said that we should not stymie what President Clinton wants to do, I have said both publicly and privately that I want to support President Clinton where I can, but I am not prepared to give him a blank check.

I think it is unfortunate that the budget resolution was adopted almost along party lines, 55 to 45. Two Democrats did cross party lines, the distinguished Senator from Alabama [Mr. SHELBY] and the distinguished Senator from Texas [Mr. KRUEGER]. I think it is interesting that the one Senator who eminently faces an election, Senator KRUEGER in Texas, in a special election, voted against the President, which gives you some idea at least as to his evaluation of his consitituency. Or maybe he does not think it is his constituency, but that is a fair inference.

But in saying that I would like to support President Clinton, that does not mean a blank check. It is true that the American people want to end gridlock. So does this Senator. But that does not mean agreeing with a budget plan which puts a tax increase on middle Americans, to increase Social Security taxes on those who earn $25,000 a year, or married couples who earn $32,000 a year. That is a regressive, inapproprite, wrong tax, Mr. President, and I make no apology for opposing a budget resolution which has that provision. And I oppose the energy tax, which is an inappropriate, wrong tax. Again, I make no apology for opposing that budget resolution.

Last November, Mr. President, President Clinton carried Pennsylvania. So did this Senator. As the President said to me when he spoke to the Republicans at lunch one day, referring to President Clinton and ARLEN SPECTER, we got a lot of the same votes. The people did not send me back to the Senate to be a rubber stamp, but instead to exercise my independent judgment. I have pushed hard to get health care legislation adopted. I intend to continue to push hard to have health care legislation adopted.

On January 26, 1993, I wrote to First Lady Hillary Clinton, enclosing for her a copy of Senate bill 18 and a brief summary of its contents. The concluding sentence said:

> Last year, I pressed Senator MITCHELL, the majority leader, to bring health care to the Senate floor, and again last week I wrote to him on the same subject with the view of having such legislation considered at the earliest possible time this session.

The concluding sentence to the First Lady was:

> I would be pleased to work with you on this important subject.

I sent it on January 26 and I repeat it today.

But I have been concerned, Mr. President, as I said last night, that health care legislation would not be taken up this year.

This morning I was awakened to 99.1 music with a news item that the Clinton administration was not going to be able to meet the May 3 deadline. The President had made a commitment, a promise, to have health care legislation before the Congress within 100 days, which was calculated to be April 30, and they had set the day, May 3. As I said, Mr. President, this is not a one-man, one-person, one-woman town. We have a House of Representatives, we have a Senate, we have officials who are supposed to be acting on these matters.

I secured a copy of the New York Times—in fact, when I walked in, my press secretary handed me the excerpt which is headlined "Clinton May Not Meet Deadline on Health Plan."

I ask unanimous consent that the full text be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. SPECTER. Mr. President, I want to read a couple relevant parts. To read it all would take too long. One paragraph says:

> Drafting of a detail proposal has also been delayed by the overwhelming complexity of the task and the unwieldy nature of the decisionmaking process organized by Ira C. Magaziner, the coordinator of the task force, the official said.

It is a difficult matter. Senator MITCHELL said on "Face the Nation" earlier this year that the Congress was equipped to vote because we had been working on it for 6 to 8 years. When you set up these special task forces with an unwieldy organization on decisionmaking, that is what happens. But the Congress of the United States has more than 200 years of experience in dealing with these issues. That is why this Senator introduced health care legislation, S. 18 and S. 631, to have it submitted to committees, have it come out of committees after markup, and have it considered on the floor.

Another important section of the article, and really the whole article is important, but for a limited purpose reading it:

"Some official said today," datelined April 1, "that they were hoping to complete work on the proposal by late May or early June. Others said July or August was a more realistic goal."

There it is, Mr. President, confirmation of what Congressman ROSTENKOWSKI said that we would not have health care legislation this year, confirmation of what Congressman GEPHARDT intimated that we would not have health care legislation this year.

Then the article goes on to say as follows: "But since then," referring to February 17, "the legislative strategy"—it is referring to President Clinton—"the administration gleaned from cocktail party chatter and candid comments by White House officials speaking on condition of anonymity has become more clear, and that strategy no longer assumes passage of a big health care bill this year."

Mr. President, there you are. I had said about as much yesterday on the Senate floor. The accuracy of the newspaper article might be subject to some question but is consistent with what we have heard about this matter: That there is not going to be this rapid fire chain of events where the White House is going to produce a bill within 100 days that is going to be acted on this year. That is why I think it is important, Mr. President, for the Senate to take up my amendment which details a critical mass on health care legislation and takes up the subject of managed competition, establishes a Federal health board to develop a uniform set of effective benefits with emphasis on primary and preventive care which provides that all persons will be required to carry a uniform set of effective benefits even through a group or individually.

Let the Senate of the United States debate the question of mandates. In our Republican task force, we concluded that a mandate on business was unwise, that it would be unduly restrictive of small businesses, and would cost the American people many, many jobs. We ought to go with mandates on individuals. Maybe that is the wrong approach. Frankly, I am not sure, but I am prepared to go along with legislation which calls for mandates on individuals.

But let us debate it on the Senate floor. We do not need to hear any more experts on that subject, Mr. President.

My amendment calls for States to establish one or more health plan purchasing cooperatives to serve as collective purchasing agents for small businesses and individuals.

My legislation calls for emphasis on preventive care, to expand primary and preventive health services, by authorizing increased availability of comprehensive prenatal services to women at risk for low-birthweight births and assistance to local education agencies and preschool programs in providing comprehensive health education; to increase authorization of several existing preventive health programs such as breast and cervical cancer prevention, childhood immunizations and community health centers.

We have had a lot of analysis of that, Mr. President. We do not need any more hearings that young, pregnant women, especially teenagers, ought to have prenatal and postnatal care.

In my floor statement on S. 18 cites Dr. Koop's proposal modeled after the French to give incentives for young women to have that prenatal and postnatal examinations.

On the issue of access to health care, Mr. President, some of the highlights are on children's health care and self-employed persons to have 100-percent deductibility, just like an individual who is an employee does not have to pay a tax on the benefits and the employer has 100-percent deductibility; and a proposal to establish a refundable tax credit for the purchase of health insurance for children; and proposals which would create a uniform application process for supplemental food program; and a special section on consumer decisionmaking which would require the providers participating in Medicare and Medicaid to make information available to patients of the cost, quality, and options of available health care; and provisions relating to cooperative agreements between hospitals; and the patient's right to decline medical treatment, and on and on, Mr. President, on an elaborate legislative proposal.

Rather than take additional time to present more of this on the floor, Mr. President, I ask unanimous consent that a summary of S. 631 be printed in the CONGRESSIONAL RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. SPECTER. Mr. President, I repeat, because I think it is a matter of substantial importance, that I am at a loss to understand why this discussion should be to a virtually empty Senate Chamber in morning business instead of as an amendment to the bill with debate and a vote.

This bill contains very substantial reductions in costs. Managed health care is likely to reduce health care costs by a least 20 percent. We have billions of dollars expended today on low-birth-weight babies. A baby born weighing about a pound, about as big as my hand—a human tragedy—a child born weighing 16, 18, 20, 24 ounces, carries those scars for a lifetime, regrettably a short lifetime, and at an enormous cost, as much as $150,000 a child. There are billions to be served there, Mr. President.

My legislation calls for more active participation by nurses, who have made such an enormous contribution to medical care in America, to be a more integral part of the system.

This legislation provides for dealing with terminal health care costs so that people have an effective way to express themselves on this important subject.

It is my projection, Mr. President—and I go into this in some detail in my statement on S. 18 which is in the RECORD—that there would be a net saving, when you talk about health care in America at about $840 billion a year, that there would be savings of in excess of 20 percent, and that by changing the laws on insurance coverage to allow small businesses to join together, of the 35 million, 37 million Americans now not covered by health insurance, as many as 20 million, 22 million would be covered.

It is not possible to say with precision exactly what will happen at every stage of the proceeding. It is not possible to say because we have to put some bills into effect providing for insurance market reforms and see how many people are covered.

But at the end of the process, Mr. President, I do believe there will be Americans who are not covered, and I believe that as to those Americans we will have to extend Medicare and Medicaid coverage from the general treasury. But I believe we will have sufficient savings to more than pay for that additional cost.

In 1990, Mr. President, I visited U.S. Health Care, a health care system in the eastern part of Pennsylvania. I was very impressed with what I saw. That company made an offer to undertake to cover 100,000 Medicare patients through their health care system and compare them with 100,000 on Medicare and said there would be a minimum saving of 20 percent. For a considerable period of time, as I have said on this floor before, I tried to get the Department of Health and Human Services to take up that very generous free offer, but it was not done.

But U.S. Health Care laid it on the line with a projection of 20 percent or more in savings. So that is why I submit, Mr. President, that if this legislation were enacted, there would be no additional cost.

It would be my hope that our colleagues on the other side of the aisle would stop talking about a filibuster by amendments when the RECORD shows a series of amendments offered by Republican Senators which have received substantial support among Democrats, Members of the other side of the aisle, and when we talk about an amendment on health care reform which is urgently necessary for America, especially in the face of all the evidence from Congressman ROSTENKOWSKI and intimation from Congressman GEPHARDT and today's report that the Clinton task force is not going to meet the date. But this body ought to get together and go to work on this subject.

A week ago today, just about this time, the distinguished Senator from West Virginia urged the majority leader to cancel the weekend time off, to work on Saturday and Sunday and work through the bill. I came to the floor, and I spoke and said that I agreed with what the distinguished Senator from West Virginia had said, and that in fact I had made a similar proposal in November 1991, as the CONGRESSIONAL RECORD will show; that I urged Congress to stay in session in December and January and tackle the issue of an economic recovery because if we did not, there would be 537 people who worked in Washington out of work—100 in the Senate, 435 in the House, and 2 in the executive branch. That was somewhat of an overstatement because everybody was not up for reelection in the Senate, but that prediction came significantly true with a lot of people losing their jobs because we had not acted and we were consumed by gridlock.

The distinguished Republican leader has articulated it best when he has countered the term gridlock with porklock.

That is what we have here today. We have porklock in a bill in excess of $16 billion. We are not filibustering by amendment, Mr. President. But we are offering legitimate amendments, the legitimacy of which has been verified by the support from the other side of the aisle on the Domenici amendment, with six Democrats, including three members of the Senate Armed Services Committee—Senators NUNN, SHELBY, and ROBB—having supported that amendment, demonstrating that was not a filibuster by amendment.

I, too, hope we will get on with the business at hand, Mr. President, to consider this bill, to take up these amendments, to take the pork out of the bill, and let the Senate work its will.

EXHIBIT 1

COMPREHENSIVE HEALTH CARE ACT OF 1993 (S. 18) SENATOR SPECTER

KEY POINTS OF THE BILL

(1) Provides incentives for young pregnant women, especially teenagers, to secure prenatal and postnatal care to avoid the human tragedies of low birthweight babies with the attendant billion dollar cost;

(2) Establishes federal guidelines for terminally ill patients who exercise their option not to have unwanted medical care;

(3) Encourages the utilization of nurses and other non-physician providers to deliver primary care services, including home care, improve access, increase efficiency, and provide cost savings;

(4) Authorizes funds for a comprehensive health education and prevention initiative for toddlers, elementary, and secondary students to teach children, at every stage of their development, a range of health related subjects;

(5) Institutes incentives to increase the supply of generalist physicians to enhance access to primary and preventive health services;

(6) Expands funding for outcomes research for the development of medical practice guidelines and increasing consumers' access to information in order to reduce the delivery of unnecessary care.

BILL SUMMARY

Title I: Implements a series of small business insurance market reforms and extend 100 percent deductibility for health the cost of health insurance to self-employed individuals and their families ($1.7 billion in FY'94, $8.6 billion over 5 years). The market reforms are consistent with those included in the Republican Health Care Task Force bill of the last Congress and include:

(1) Establishing a basic health benefits plan for small employers and setting minimum standards for insurers offering insurance to small businesses;

(2) Authorizing federal grants for the support of small business health insurance purchasing groups (such sums); and

(3) Fostering the development of efficient managed care plans by exempting plans which meet federal standards from state mandates.

Titles II–VII focus on expanding primary and preventive health services and providers and enhancing the management of health care costs. These titles would implement the following reforms:

Title II: Expand primary and preventive health services by authorizing two new grant programs. The first would increase the availability of comprehensive prenatal care services to women at risk for low birthweight births (FY'94, $100 million). The second would assist local education agencies and pre-school programs in providing comprehensive health education (FY'94, $90 million). Title II also increases the authorization of several existing preventive health programs, such as Breast and Cervical Cancer Prevention, Childhood Immunizations, and Community Health Centers ($1.4 billion over existing authorizations);

Title III: Enhance consumer decision-making by requiring that health care institutions and providers make certain information available to patients;

Title IV: Reduce the delivery of unwanted and unnecessary care in the last months of life by strengthening the federal law regarding patient self-determination and establishing uniform federal forms with regard to self-determination;

Title V: Improves efficiency in health care delivery by permitting access to the most appropriate providers by increasing primary care providers, including generalist physicians, nurse practitioners and physician assistants;

Title VI: Expand access to Medicare beneficiaries to managed care programs through the formation of innovative managed care plans; and

Title VII: Foster the development of medical practice guidelines by implementing a surcharge of one tenth of one cent on health insurance contracts to expand research on effective medical treatments.

Title VIII: Increases access to long-term care by: (1) creating tax credits for the purchase of long term care insurance and tax deductions for amounts paid towards long-term care services of family members; (2) excluding life insurance and IRA savings used to pay for long-term care from income tax; (3) implementing an "extraordinary cost protection provision" by expanding Medicaid to include coverage of any individual, excluding the wealthiest Americans, who has been confined to a nursing home for at least 30 months; and (4) setting standards that require long-term care to eliminate the current bias that favors institutional care over community and home-based alternatives.

EXHIBIT 2

U.S. SENATE,
Washington, DC, January 22, 1993.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR GEORGE: On the first date of the session, January 21, I introduced S. 18, the Comprehensive Health Care Act of 1993.

As you may recall, in the last session I pressed to have the health care issue brought to the Floor at the earliest possible date. I invite you and/or your staff to review my bill which is the product of many years' work.

Whether it is my bill or some other legislative proposal, I urge you to bring this important issue to the Floor at the earliest possible time—hopefully no later than this spring.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, January 22, 1993.

Hon. TED KENNEDY,
Chairman, Senate Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR TED: I believe it is important that the Senate take up the issue of health care reform at the earliest possible time. Last year I pressed Senator Mitchell to take up the issue, but without success.

On January 21, the first day of our legislative session, I introduced S. 18, the Comprehensive Health Care Act of 1993, which is a work product of many years of activity on my part.

I request a hearing by the Labor and Human Resources Committee at the earliest possible date.

Whether it is my bill or someone else's legislative proposal, I ask for your help in bringing this issue to the Floor at the earliest possible time—hopefully no later than the spring of 1993.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, March 11, 1993.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR ARLEN: I apologize for the delay in responding to you about S. 18, the Comprehensive Health Care Act of 1993, and your request for hearings on it. I have been working closely with the White House on preparation of the Administration bill, and I have not yet made a decision on whether hearings will be held prior to the introduction of the Administration plan.

My current expectation is, however, that any hearings before the introduction of the Administration bill will be directed at broad health issues, rather than specific legislative proposals for reform.

I commend you for the thought and ability you have put into your legislation, and I look forward to working with you to make comprehensive health reform a reality this year.

With my respect and warm regards,

Sincerely,

EDWARD M. KENNEDY.

U.S. SENATE,
Washington, DC, January 22, 1993.
Hon. DANIEL PATRICK MOYNIHAN,
Chairman, Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR PAT: With this letter I am enclosing my Floor statements on S. 18 on health care and S. 19 on an economic recovery program.

I believe it is important that the Senate take up these two subjects at the earliest possible time—hopefully no later than the spring of 1993.

I urge you to schedule hearings on S. 19 in the Finance Committee as promptly as possible.

As you will note, there are aspects of S. 18 which come within the jurisdiction of the Finance Committee. I ask that you hold hearings on those issues as promptly as possible.

Sincerely,

ARLEN SPECTER.

EXHIBIT 3

[From the New York Times, Apr. 2, 1993]

CLINTON MAY NOT MEET DEADLINE ON HEALTH PLAN

(By Robert Pear)

WASHINGTON, April 1.—President Clinton probably cannot meet the deadline of May 3 that he set for sending Congress a detailed plan for reshaping the nation's health-care system, Administration officials said today. The delay reduces the chances that the proposal will become law this year.

Health care remains a top priority of Mr. Clinton, and he fully intends to send Congress a detailed legislative proposal to control health costs and guarantee insurance coverage for all Americans, the officials said.

But several factors have delayed the proposal, they said.

Hillary Rodham Clinton, head of the President's Task Force on National Health Care Reform, has been in Little Rock, Ark., tending to her father, Hugh Rodham, since he suffered a stroke on March 19.

Drafting of a detailed proposal has also been delayed by the overwhelming complexity of the task and the unwieldy nature of a decision-making process organized by Ira C. Magaziner, the coordinator of the task force, the officials said.

NO CRISP DECISIONS

The task force has a staff of more than 500 people, organized into more than 30 groups, which meet periodically to analyze options. Administration officials said the policy-making process had brought together articulate, opinionated people to debate alternatives, but had not produced the crisp decisions needed to translate a broad vision of health policy into concrete, detailed legislation.

In writing health-care law, Congress and the Administration want to be precise because thousands of lives, millions of jobs and billions of dollars will depend on their decisions.

In appointing the 12-member task force, Mr. Clinton said its assignment was to "prepare health-care reform legislation to be submitted to Congress within 100 days of our taking office." The 100-day period ends on April 30. Mr. Magaziner and other White House officials have been saying for weeks that the legislation would be ready by Monday, May 3.

Some officials said today that they were hoping to complete work on the proposal by late May or early June. Others said July or August was a more realistic goal. The timetable depends, in part, on the course of Mr. Rodham's illness, which is uncertain, they said.

AIMING FOR EARLY MAY

George Stephanopoulos, the White House communications director, said, "We still hope to finish the bulk of the work by May 3," but he refused to say when drafting of the legislation would be completed. Robert O. Boorstin, a spokesman for the task force, said, "We're still aiming for early May, but Mrs. Clinton's father's illness hasn't made it easy."

Experienced civil servants and lobbyists for the health-care industry say Mr. Clinton and Mr. Magaziner were naive to set such a tight deadline for such an ambitious task. But a top Administration official defended the deadline, saying that Federal employees would not be working so hard without it.

In an address to Congress on Feb. 17, Mr. Clinton said he wanted comprehensive health-care legislation passed "this year—not next year, not five years from now, but this year."

In early March, Representative Dan Rostenkowski, the Illinois Democrat who is chairman of the Ways and Means Committee, said Congress was likely to pass such legislation next year, not this year.

On Sunday, the House majority leader, Representative Richard A. Gephardt of Missouri, voiced uncertainty about whether Congress could meet Mr. Clinton's goal of passing such legislation this year. The health-care bill "will be the toughest bill since the Social Security Act" was passed in 1935, and "it will be just as important," Mr. Gephardt said on the NBC News program "Meet the Press."

GOING TO TAKE OUR TIME

"We're going to take our time to do it," Mr. Gephardt said. "We're going to listen to the American people."

It is impossible for outsiders to know whether Mr. Clinton, on Feb. 17, truly believed that Congress would pass a comprehensive health-care bill this year, or whether he was simply trying to put pressure on Congress. But since then the legislative strategy of his Administration, gleaned from cocktail party chatter and candid comments by White House officials speaking on condition of anonymity, has become more clear, and that strategy no longer assumes passage of a big health-care bill this year.

If Congress fails to act this year, health care will surely be an election issue in 1994. That may help Mr. Clinton because lawmakers will want to show voters that they have responded to public concern about soaring health costs.

Some Administration officials say that a lawsuit filed against the task force, seeking access to its meetings and documents, has also slowed its work, because lawyers must scrutinize its sessions for compliance with a Federal court order.

Mr. Magaziner said he originally recommended a May 31 deadline for sending legislation to Congress. But he said Mr. Clinton insisted on the earlier deadline.

By his own account, Mr. Magaziner is a novice in dealing with the numerous Federal agencies and Congressional committees responsible for health policy. Before coming to Washington, he was an international business consultant whose clients included Volvo, General Electric and Corning.

A staff member of the task force said, "You'll soon see a midcourse correction in the policy-making process, with more reliance on old hands."

EXHIBIT 4

COMPREHENSIVE ACCESS AND AFFORDABILITY HEALTH CARE ACT OF 1993 (S. 631) AMENDMENT

This summary is organized by topic and does not necessarily coincide with the Title number in the bill text.

I. MANAGED COMPETITION/UNIVERSAL COVERAGE

Establish a Federal Health Board to develop a uniform set of effective benefits, with an emphasis on primary and preventive care.

To contain costs, the Board would determine annual limits on the allowable percentage rate of increase in premiums for Accountable Health Plans [AHPs] and develop uniform deductible and cost-sharing requirements. The Board would also develop standardized claims forms and billing procedures, as well as a plan to accelerate electronic billing and computerization of medical records.

The Board will register and develop reporting standards for Accountable Health Plans on data such as cost, utilization, health outcomes, and patient satisfaction. This information would be collected and published annually by the board and made available to participating health plans and consumers.

All persons will be required to carry a uniform set of effective benefits either through a group or individually. Low-income persons will receive direct public assistance for the cost of such coverage (see Section III below).

All insurers in the health insurance market will be required to offer a uniform set of effective benefits and to accept its conditions as identified by the Federal Health Board.

States would establish one or more Health Plan Purchasing Cooperatives [HPPCs] to serve as collective purchasing agents for small businesses and individuals. These HPPCs would contract with a range of competing health plans and would present the full range of plans to their customers. The HPPC would provide consumers with information about the plans prior to enrollment periods, including a "report card" measuring performance based on cost, quality and patient satisfaction information collected by the Board. The HPPCs would also manage the enrollment process. Individual consumers would choose a plan for one year and could subsequently change plans during an annual "open season." States could opt to purchase coverage for Medicaid beneficiaries through the purchasing cooperatives. Federal grant funding would be provided to cover States' costs in establishing and administering the HPPCs.

Insurers would enter into arrangements with providers to form Accountable Health Plans [AHPs] which would each offer the uniform set of effective benefits established by the Board and would compete on the basis of price and quality of care. Plans could offer "supplemental" coverage for additional services. Plans would have to take all applicants and could not exclude participants on the basis of preexisting conditions. All plans would be guaranteed renewable. Premiums could vary according to the plan, but would be the same for all members of the purchasing cooperative, regardless of age, sex or health experience. State mandated benefit and anti-managed care laws would be preempted.

II. PREVENTIVE CARE

Expand primary and preventive health services by authorizing increased availability of comprehensive prenatal care services to women at risk for low birthweight births and assistance to local education agencies and pre-school programs in providing comprehensive health education. Increase authorization of several existing preventive health programs, such as Breast and Cervical Cancer Prevention, Childhood Immunizations, and Community Health Centers ($1.4 billion over existing authorizations).

Improve efficiency in health care delivery by permitting access to the most appropriate providers by increasing primary care providers, including generalist physicians, nurse practitioners and physician assistants.

Clarify that expenditures for health promotion and prevention programs are considered amounts paid for medical care for tax purposes.

Establish a new grant program for states to provide assistance to small businesses to establish and operate worksite wellness programs for their employees.

III. ACCESS TO HEALTH CARE

Refundable tax credit to low and middle-income individuals without employer-provided insurance. The amount of the refundable tax credit would be linked to the amount of the lowest-cost Accountable Health Plan in the region.

Self-employed persons and individuals without employer provided insurance who are ineligible for the tax credit could deduct the full 100 percent of the costs of the lowest-priced Accountable Health Plan available.

Children's Health Care. To make health insurance available to children under 18 through their elementary and secondary schools. Directs the Secretary of Education to establish this new program for children not eligible for Medicaid and would be basic coverage through their school system. The Secretary of HHS would design a minimum package that each plan would have to cover.

Establishes a refundable tax credit for the purchase of health insurance for children to be worth up to $1,000 per qualifying child for families with incomes below 100 percent of poverty, and phased out for families with incomes between 100 to 200 percent of poverty.

Requires the creation of a uniform application form and process for the Special Supplemental Food Program, the Maternal and Child Health Program and Medicaid.

Improved Access to Health Care for Rural and Underserved Areas. This title would increase scholarship and loan repayment opportunities to help relieve the critical shortage of health care practitioners in rural areas. It would also provide a special tax credit and other incentives for physicians and other primary care providers serving in rural areas.

IV. CONSUMER DECISION-MAKING

Enhance consumer decision-making by requiring that providers participating in the Medicare and Medicaid programs make information available to patients of the cost, quality, and options of available health care.

V. COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

Provides a waiver from anti-trust laws for hospitals wishing to enter into voluntary cooperative agreements for the sharing of medical technology and services to contain costs by eliminating the unnecessary duplication of services and equipment.

VI. PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

Reduce the delivery of unwanted and unnecessary care in the last months of life by strengthening the federal law regarding patient self-determination and establishing uniform federal forms with regard to self-determination.

VII. INSURANCE SIMPLIFICATION AND PORTABILITY

Establish a Health Insurance Standards Commission to develop a long-term plan for the implementation of uniform standards for electronic data interchange for qualified health insurance. The Commission would determine the effectiveness and efficiency of the current health insurance claims billing system and would develop a uniform computerized billing process.

VIII. MALPRACTICE REFORM

Encourage states to establish alternative dispute resolution mechanisms like prelitigation screening panels, which have had great success in a number of states in reducing medical malpractice costs.

IX. MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

Expand access to Medicare beneficiaries to managed care programs through the formation of innovative managed care plans.

X. TREATMENT AND OUTCOMES RESEARCH

Foster the development of medical practice guidelines by implementing a surcharge of one-tenth of one cent of health insurance contracts to expand research one effective medical treatments and treats such guidelines as a legal standard.

XI. LONG-TERM CARE

Increase access to and affordability of appropriate long-term care by: (1) creating tax credits for the purchase of long-term care insurance and tax deductions for amount paid towards long-term care services of family members; (2) excluding life insurance and IRA savings used to pay for long-term care from income tax; (3) implementing an "extraordinary cost protection provisions" by expanding Medicaid to include coverage of any individual, excluding the wealthiest Americans, who has been confined to a nursing home for at least 30 months; and (4) setting standard that require long-term care to eliminate the current bias that favors institutional care over community and home-based alternatives.

Mr. SPECTER. I see two of my colleagues have since joined me on the Republican side of the aisle.

Mr. DANFORTH. Mr. President, if the Senator will yield for a question—

Mr. SPECTER. I am delighted to yield for a question.

Mr. DANFORTH. Mr. President, this Senator has been prepared to go forward with an amendment since yesterday. I just arrived on the floor. I know this is morning business and amendments are not in order. But I was concerned about the thrust of what I thought I heard the Senator from Pennsylvania saying.

Is there some effort to prevent amendments from being offered?

Mr. SPECTER. Is there some effort to allow amendments to be offered?

Mr. DANFORTH. To prevent them? It seems to me, Mr. President, as I understand it, the majority leader said something this morning to the effect that he was considering somehow not allowing amendments to be offered. I do not know if that was said or not. I was not here to hear it. It was reported to me. Then we went into morning business for something like 4 hours.

For those of us who do have amendments to offer, is it the Senator's understanding that we are somehow precluded from offering amendments, or will be?

Mr. SPECTER. Mr. President, I am delighted to respond to the inquiry from my distinguished colleague from Missouri.

For those who are watching on C-SPAN 2 and listening to the radio, they may not know what morning business is. But that is a category of business in the Senate where we usually have a half hour to introduce bills or make comments on a variety of subjects. It is very unusual to have morning business for 4 hours. I do not think one would necessarily deny that business on the bill is a lot more important than morning business.

And to answer the question directly, I inquired of the majority leader this morning whether I could offer my amendment because my amendment was next in line on this side. He said that the bill would not be on the floor for amendments. And it would not be on the floor for amendments until the majority leader had a list of Republican amendments and a date certain and a time certain for final passage.

So that in going into morning business and having debate on the floor bill—the distinguished Senator from West Virginia is on the floor now and can hear these comments, and has been on the floor for a considerable period of time, since this Senator arrived about an hour ago. We could be on the bill. We are not on the bill because that has been done by the majority leader.

I could have offered my amendment. There could have been argument on it. We could have voted on it, and the Senator from Missouri could have offered his amendment. There could have been debate on it. We could have voted on it. There probably could have been debate on several other amendments where we are lined up.

The question has been raised, is it a filibuster by amendment? I said earlier—perhaps the distinguished Senator from Missouri or the distinguished Senator from North Carolina may wish to confirm this—43 Republican Senators did not get together, or any part thereof, and concoct a plan, a conspiracy, to organize amendments to slow this bill down. We all have minds of our own. We even have staffs of our own. Staff produces more amendments than Senators do. We all know that. We all have amendments we wish to offer. We are not trying to kill this bill by a filibuster.

I put this letter in the RECORD, which all 42 Republican Senators signed, sending it to Senator DOLE, that we will not vote to invoke cloture on this measure as presently constituted. That is a statement of intent, after we offer our amendments, in terms of whether we want to end debate, which we do not have to do. That is the one point where Republicans today in Washington, DC, have the power to affect the legislative process, and the only point.

So the answer is "No." We cannot offer amendments.

Mr. DANFORTH. Mr. President, further inquiry. This Senator has offered one amendment to this bill. That amendment was under a time agreement, a 1-hour time agreement. It was a significant amendment. It had to do with Amtrak. It is a very controversial amendment. In fact, the majority leader came to the floor and used leader time to speak on the amendment, apparently because the 1-hour time agreement was too short for such a significant amendment.

To me, offering amendments to legislation, particularly to appropriations bills, is the very heart of the legislative process. To offer an amendment with a 1-hour time agreement is hardly a filibuster by amendment.

I have another amendment, and I would describe to the Senator from Pennsylvania just in short what it is. This is supposed to be a jobs bill. I have an amendment to delete certain spending from the bill that, according to the OMB, or in one case according to Amtrak, would cost per job in excess of $100,000 a job. It is the position of the Senator from Missouri that, if this is supposed to be a jobs bill, it is excessive to spend more than $100,000 per job.

I do not think that is the efficient expenditure of public money, to say: Well, we are going to tax people, and then if people lose jobs because they are being taxed too much, we will buy them some more jobs at more than $100,000.

So I have a very simple amendment which says—let us go to some of the parts, not even all of them. I have left some of them out. But let us go to some of the parts of the bill, where the price per job is $100,000, and at least delete that.

I would be willing to enter into a time agreement on this amendment. My guess is that on something like $100,000 per job, probably a number of Senators will want to speak on it; at least will want to inquire how it could be that we are spending $100,000-plus to provide Government-financed jobs and call it a jobs bill.

But I would be willing to enter into a time agreement if anybody is suggesting that this kind of an amendment, which would save us $168.929 million, is somehow filibustering by amendment. Let us enter into a time agreement and vote on it.

But my concern is that, before Tuesday, we were in effect shut out from offering amendments. And now we are put into morning business for an afternoon. The majority leader suggests, as I understand it, well, maybe we are not going to have any amendments somehow from now on. I do not know how he would orchestrate that, but I am not the parliamentary expert.

But I am curious as to whether it is the understanding, or at least the concern, of the Senator from Pennsylvania that even on an obviously relevant amendment, cutting money out of an appropriations bill for $100,000-plus jobs, even on that kind of an amendment, somehow we are going to be shut out.

Mr. SPECTER. If I may respond, and then I will be glad to yield to my colleague from North Carolina.

Mr. HELMS. Mr. President, let me ask the Senator to allow me to make a parliamentary inquiry.

Mr. SPECTER. Of course. Proceed.

Mr. HELMS. I ask the Chair if the time for morning business is not equally divided on the Democrat and Republican side. Is that correct?

The PRESIDING OFFICER (Mr. REID). The Senator is correct.

Mr. HELMS. How much time remains for each side?

The PRESIDING OFFICER. The time controlled by Senator HATFIELD is 31 minutes, 54 minutes for Senator BYRD.

Mr. HELMS. I am hoping that I will be able to make a statement. I see that Senator BYRD probably has Senators on his side who want to speak, and I will defer to that.

I thank the Senator for yielding.

Mr. SPECTER. Having heard that statement, I will conclude briefly by responding to the question of the distinguished Senator from Missouri. I start by saying that even though you had only one amendment, that is one more amendment than this Senator was able to offer.

I intended to offer this amendment on the debt ceiling bill, but when I heard we would be foreclosed there, I decided to offer it here instead. And when the distinguished Senator from Missouri inquires about how it can be accomplished in a parliamentary way why you will not be allowed to offer your amendment, I can tell you it will be done—by having the majority leader not to put the bill on the floor, except when he wants to have a vote on cloture, or it will be done by having the bill on the floor as it was last night, and it was determined by this Senator, as established by our ranking Republican Senator HATFIELD, that when I sought recognition, the majority leader sought recognition and put in a quorum call.

I stood on the floor waiting for an opportunity to offer my amendment. Then the distinguished Senator from West Virginia secured recognition, had the quorum call rescinded, and made a presentation for about 20 or 25 minutes. Then there was a quorum call put in, and I asked twice that it be rescinded so that I could offer my amendment, and each time the majority leader objected. Then the majority leader put the Senate into morning business, so that I had to make a reply not on the bill, not with an opportunity to offer my amendment, but in morning business.

So with my knowledge of the parliamentary rules—and I have had a chance to debate them occasionally with Senator BYRD—I can tell you how this bill will be organized to prevent the Senator from Missouri from offering an amendment.

Mr. DANFORTH. Well, Mr. President, would the Senator from Pennsylvania not agree that that is a filibuster?

Mr. SPECTER. By the majority.

Mr. DANFORTH. Yes, by the majority, in preventing Senators from offering amendments to the bill and providing the orderly progress of the bill.

Mr. SPECTER. Absolutely. The distinguished Senator from West Virginia talked at length last night about the Republican leader's abuse—do not let me quote him casually; let me get the notes. "The Republican leader abused the right of recognition" at some prior time, I believe in 1985.

Last night, this Senator was on his feet for more than an hour seeking recognition under an agreed-upon schedule, and I could not get recognition, because that is the rule of the Senate. I understand that. The majority leader takes precedence and the manager of the bill takes precedence. I understand that. Then they put in a quorum call, and I understand that, too. Then I asked that the quorum call be rescinded and could not get that because somebody objected.

When the majority leader asked that the quorum call be rescinded, I could have objected, but I did not do that. When the majority leader got around to it, in morning business I was recognized to reply, about 40 minutes after the distinguished Senator from West Virginia had finished.

I suggest to the Senator from Missouri and to those in the Chamber, including the Senator from West Virginia, and to the people watching, that is not an appropriate process. When the distinguished Senator from West Virginia makes the speech he made last night, castigating the Republican leader and talking about having a "belly full of this abuse by the minority," I say that the minority was entitled to a prompt rebuttal.

So if you want to call that a filibuster by the majority, I think that is more applicable than saying that there is a "filibuster by amendment."

Mr. DANFORTH. I thank the Senator.

Mr. SPECTER. I yield the floor, Mr. President.

The PRESIDING OFFICER. Senator HATFIELD has 26 minutes remaining. Senator BYRD 54 minutes.

Who yields time?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I yield 5 minutes of time from Senator HATFIELD to myself.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

ABUSING THE MINORITY

Mr. SIMPSON. Mr. President, I, too, would like just to briefly speak about the issue of this filibuster by amendment, which I can assure you is not taking place on behalf of my party.

I think you have already seen the numbers as to how many minutes have been dedicated to the majority and how many minutes have been dedicated to the minority. It is a total and significant difference favoring the majority.

What you have here is a thing that should become apparent to the American public. We have a situation where we have simply been precluded from making amendments. When all of this started, there were 12 amendments, I suppose, on our side of the aisle, which were germane; some may not have been quite palatable in the way of being a little red hot, perhaps, to deal with; nevertheless, they were germane.

We had amendments, and they were not frivolous in any way. They were certainly not a filibuster. It is very odd to hear that particular description applied. Then, of course, we have heard another suggestion to the effect that this is a ploy and, yet, we were simply using the documents from the various communities in America as to what they want in the form of community development block grants.

This is not the House of Representatives. The minority in the House of Representatives is an abused minority. If they were able to receive the staff that the majority gets or in proportion to the number of Republicans in that body, they would not be in that condition over there. When you have a 60-40 split and the majority gets 10 staff members, and the minority gets 1, and when a freshman of the minority comes in and puts an amendment down and some senior staffer takes it and puts a stamp on it and passes it for the majority, you get about what you deserve in a surrounding like that.

That, fortunately, cannot occur in the Senate. It never has here. When I was a committee chairman, I saw to it that my colleague, Senator CRANSTON, received a very adequate budget so that he could perform his duties in an appropriate way.

That is called fairness. Unbridled power may work in the House. It does not work here.

I was here, as was the distinguished President pro tempore, when we had eight separate votes on cloture on campaign finance reform. That is what I call swinging for the canvas, and cloture failed every time. Finally, the Sergeant at Arms went about his duties and hauled a couple of reluctant fellows in here feet first, and it was quite a display.

We have no desire to press for that. But I can assure you that we all must remember how it is when you are a Member of the minority or the majority, and not forget how that is. I have been on both sides. You get that old wheel with the kicker on it and it will come around and get you when you use it. That is the way that works. I have been long enough in legislating to see that. Senator DOLE will relate how these things have taken place in the past, how majority leaders of both parties have broken knuckles.

Mr. President, what is the situation with regard to time?

The PRESIDING OFFICER. The Senator's time has expired. He has used the 5 minutes that he yielded himself.

Mr. SIMPSON. How much time remains?

The PRESIDING OFFICER. Twenty-one minutes.

Mr. SIMPSON. If I may just yield myself 2 minutes and then yield to the Senator from North Carolina for such time as he may require.

Mr. President, President Clinton has called on the American public to let the Congress know what they think of the proposed supplemental appropriations legislation.

Well, they are doing that. The calls are coming into my office, and we have had to assign extra people to handle the phones this morning.

Let me tell my colleagues what they are saying:

For the most part, they are saying to me, "Hang tough." "Don't back down." That is the message that is coming through loud and clear.

President Clinton said that Republicans "just don't get it."

Well, get this: People are tired of pork. They are tired of deficit spending. They do not want us to spend their kids' inheritance on recapturing methane emissions from cows. They do not want us to dole out money to local politicians across the country so that they can proceed with their "ready to go" list of golf courses, tennis courts, and "art arks."

If these programs are truly so important, let us pay for them. If not, let us not pass them.

I have heard Senators from the other side of the aisle talk about the dire need for the spending in this bill. Far more important than what is in the bill is the issue of who is paying for it. If we want to build these items listed in the "ready to go" list, fine—but why send the bill to our kids?

That is the issue. All we tried to do with the Nickles amendment, and with the Kohl amendment, was take some responsibility for the contents of this legislation and pay for it.

I have actually heard it argued here that paying for this legislation defeats its purpose. That is absurd. So now are we to understand that it is not the content of these programs, but the deficit spending that is so crucial? We cannot pay for this, we are told, because we have to deficit spend to be effective? Seems to me that is how we got into this mess—spending money we do not have.

Mr. President, nothing could be more out of touch than this line of argument. If you try to tell the American people that what we desperately need is another $19 billion in deficit spending, they will think you have gone crazy. If stimulus is deficit spending we have all we need—more than $300 billion annually.

Mr. President, this bill is a turkey, and it will not fly. It is time to take this turkey out and shoot it. If the majority will not let us improve it, if they will not even let us offer amendments to eliminate the pork and to pay our bills, then they and not we will have succeeded in killing it.

The game with this bill was all or nothing. The amendments by Republicans and by Senator KOHL were voted down. We have not been allowed to repair this bill. Sometimes when you play all or nothing, you get all, and sometimes you get nothing.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Carolina has been yielded such time as he may use up to 19 minutes.

Mr. HELMS. Mr. President, I inquire of the distinguished Senator from West Virginia, would he like someone on his side to have some time now. I do not want to intrude.

Mr. BYRD. I say to my good friend from North Carolina, and he is my friend, I appreciate his offer, but I have no immediate needs, I say to the Senator.

Mr. HELMS. Very well. I thank the Senator.

The PRESIDING OFFICER. The Senator from North Carolina has previously been recognized.

Mr. HELMS. I thank the Chair.

NOT ANOTHER CENT FOR NICARAGUA

Mr. HELMS. Mr. President, yesterday was April Fools' Day, and I was halfway prepared for a call from my grandchildren—who always enjoy playing pranks on Grandpa. Therefore, I assumed that an early morning call to my home fell into that category, but I knew better when the voice on the other end of the line warned me that the State Department, later yesterday, would throw away another $50 million of the American taxpayers' money.

The caller had in mind the additional $50 million foreign aid gift to the corrupt and inept Government in Nicaragua—a government controlled and operated by the Communist Sandinistas.

This $50 million makes a total of $100 million that this Government, Democrat and Republican, with its bipartisan folly, have sent to that corrupt government in Central America in the last 3 months.

So, Mr. President, it turned out, last night, that the early morning call I received was not a prank. It was an accurate assessment of what was about to happen in Foggy Bottom later in the day.

Sure enough, Mr. President, there came a call to me in the Senate Cloakroom last evening from the new No. 2 man at the State Department, Dr. Cliff Wharton, a very personable gentleman, who began his conversation by saying that "Secretary Christopher wanted me to tell you that $50 million is being released to the Nicaraguan Government" and that the funds were being released on the condition that the Sandinista Army Chief, General Ortega, will leave his powerful post within 3 years.

And who made this promise? It was made by that brazen, wheeler-dealer, sell-out artist, Antonio Lacayo, probably one of the most fraudulent characters ever to occupy a position of power and authority in the history of Central America.

Antonio Lacayo holds the title of "Minister of the Presidency" because he happens to be the son-in-law of Madam Chamorro who was elected President of Nicaragua 3 years ago because she promised over and over to the people of Nicaragua that, if elected, she would throw out the Communist Sandinistas.

She does not run the Government of Nicaragua—on the contrary, she has stood by meekly while her son-in-law has helped ruin any hopes for freedom the people of Nicaragua may have had.

This is the same crowd, Mr. President, who yesterday became the announced beneficiaries of another $50 million of the American taxpayers' money, courtesy of the Clinton administration this time and the State Department which once again, overdosed on dumb pills in making this decision.

I confess having harbored the foolish hope, as it turns out, that the Clinton administration, on this issue, might just prove to be more honorable than the Bush administration in supporting freedom in Nicaragua. Holding that hope, I have dealt with the Clinton administration in good faith because I have been praying maybe, just maybe, some real democratic, with a little "d", reforms could be achieved for the oppressed people of Nicaragua.

Mr. President, this second $50 million foreign aid giveaway to Nicaragua is an outrageous waste of the American taxpayers' money and an insult to them as well.

So the Chamorro government has made fools of the Foggy Bottom crowd again. This decision shows the Administration is not serious about political reform in Nicaragua and not even serious about reducing the Federal deficit if they can hand over $50 million two or three times to the corrupt government of thugs in Nicaragua.

Mr. President, 3 years ago the world applauded the election of Violeta Chamorro as President of Nicaragua. That election was not so much a triumph for Mrs. Chamorro as it was a triumph for the Nicaraguan freedom fighters who sacrificed so much in an effort to oust the Sandinista regime. It was a triumph for all Nicaraguans who stalwartly opposed the Communist dictatorship of the Sandinista Party. While my reservations about Mrs. Chamorro's unwillingness to confront the Sandinistas were a matter of record, it was unquestionably a great time of hope.

In order to help Mrs. Chamorro secure true freedom and democracy in Nicaragua, this Congress approved—with overwhelming bipartisan support—a massive foreign aid package. Since Mrs. Chamorro was sworn into office, the American taxpayers have provided more than $1 billion in foreign aid to her and that government. In fact, during the past 3 years, Nicaragua has been the third largest recipient in the world of United States foreign aid. Nicaragua has also received hundreds of millions of dollars in loans from multilateral sources that the American taxpayers also help support.

But the American taxpayers deserve to know how their money has been spent. Has this foreign aid brought any freedom to Nicaragua? Has it brought any increase in respect for human rights? Has it helped to resolve private property claims of American citizens? Has it put an end to Government-sponsored corruption, intimidation, and even murder? Has it fostered growth in the economy—with increased foreign investment? Tragically, the answer to each of these critical questions is a resounding "no."

The Government there, in a word, is a hoax. It is a fraud. It is not free. It is not the Government that Nicaraguan freedom fighters fought and died for. It is not the Government that people of Nicaragua voted for.

Three years after the inauguration of Mrs. Chamorro, General Humberto Ortega remains as Chief of the Army; perhaps the most powerful man in Nicaragua.

Three years after the inauguration of Mrs. Chamorro, the Nicaraguan police, the Intelligence, the Army and the courts all remain in the hands of the Sandinistas.

Three years later, the fraudulent Sandinista Constitution remains the law of the land in Nicaragua.

Three years later, the stolen homes and businesses of hundreds of American and Nicaragua citizens remain in the hands of thieves—with the blessing of the Chamorro government.

Three years later, more than 200 former freedom fighters—who laid down their arms after the war—have been the victims of a systematic campaign of murder.

Three years later, the coalition that elected Mrs. Chamorro—with the financial backing of the American taxpayers—has been cast into the opposition, and in some cases illegally driven from positions of power.

And, 3 years later, the Nicaraguan Government is linked to the terrorist network responsible for the cowardly attack on the World Trade Center.

When Daniel Ortega lost the election to Violeta Chamorro, he pledged that the Sandinistas would "rule from below." But he has exceeded his own expectations. Today, the Sandinistas rule from above—from key positions of authority throughout the Government. As Ambassador Jeane Kirkpatrick noted, they also rule from behind—behind the smiling facade of Violeta Chamorro and her top adviser, and son-in-law, Antonio Lacayo.

For those reasons—and many more—all United States foreign assistance to Nicaragua was suspended last May. In December, the administration released $54 million to the Government of Nicaragua in exchange for a number of commitments on police reform, human rights, and the recovery of confiscated properties. Once again, the Government of Nicaragua has not fulfilled a single pledge. In fact, since the aid was released, the situation in Nicaragua has deteriorated. Here are just some of the most shocking developments that have occurred since some aid was restored:

Just last month, the FBI discovered Nicaraguan passports in the residence of one of the individuals charged with a role in the bombing of the World Trade Center. There is evidence that senior officials in the Nicaraguan Government were involved in selling passports to terrorists.

Despite countless promises from the Nicaraguan Government, only 1 United States citizen out of approximately 580 has had all his or her property returned. Indeed, senior Government officials—such as the police chief of Managua—continue to live in homes and other properties stolen from American citizens.

On January 6, 1993, the Vice Minister of the Presidency resigned in protest, announcing that General Humberto Ortego is the maximum head in the country.

In January, Nicaraguan authorities identified three men allegedly responsible for the November 1992, murder of Dr. Arges Sequeira, one of the most prominent private-sector leaders. All three men were associated with either the army or the secret police. All three men have been allowed to escape from Nicaragua.

In January, President Chamorro fired the Nicaraguan comptroller general, who played a key role in uncovering the misuse of foreign assistance and massive political corruption within the office of the Presidency. The comptroller general had also fingered Mrs. Chamorro's son-in-law, Antonio Lacayo, as a central figure in the corruption scandal.

On December 29, 1992, President Chamorro ordered the Sandinista-controlled police to surround the National Assembly and bar the leadership from entering. Once this was accomplished, a Sandinista-controlled leadership was installed.

On March 9, 1993, the former right-hand man to President Chamorro's Chief of Staff signed a 134-page sworn affidavit in which he implicates the Chief of Staff in murder, bribery, and extensive political corruption. The affidavit also details significant evidence of drug trafficking by senior members of the Chamorro government.

Since the aid was released, no further efforts have been made to prosecute the case against Humberto Ortego for his role in covering-up the murder of a 16-year-old boy.

There has also been no effort by the Chamorro government to comply with the numerous agreements they signed with the former freedom fighters—in which they pledged to provide for the security and welfare of the freedom fighters and their families.

In January, Cardinal Obando y Bravo announced that the constitutional order of Nicaragua had been broken and refused to attend President Chamorro's annual State of the Union address in protest.

Mr. President, it is clear that the entire United States foreign aid effort for Nicaragua—while well-intentioned—has been a complete and utter failure. Rather than foster true democratic change, it has bolstered the forces of corruption, nepotism, and thievery. Our foreign assistance has helped criminal elements stay in power in Nicaragua.

Since a percentage of the assistance was released in December, the Government of Nicaragua has shown utter contempt for the American taxpayers. Yet just 2 weeks ago the shameless Nicaraguan Minister of the Presidency—Antonio Lacayo—had the audacity to come to Congress begging for more handouts. This is the same Lacayo who had been the architect of the disastrous policies of the past 3 years.

Enough is enough. Too many dollars have been wasted. Too much corruption has been uncovered. The property claims of too many Americans have been ignored. And too many human rights violations have been covered up to justify sending one more cent to Nicaragua.

So, Mr. President, I do hope that the Clinton administration, and especially the crowd in Foggy Bottom at the State Department, will lay off the dumb pills from now on.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

THE TIMBER CRISIS IN THE PACIFIC NORTHWEST

Mr. GORTON. Mr. President, today President Clinton is convening his timber conference in Portland, OR. I applaud the President's commitment to resolving the continuing timber crisis in the Pacific Northwest. Timber-dependent communities are being economically starved by bureaucratic infighting and legal maneuvering. President Clinton's willingness to put his personal prestige and credibility on the line to solve this issue speaks well for his administration.

I ask unanimous consent to have printed in the RECORD a copy of an article from the April 1 Wall Street Journal written by the former Governor of Washington, Dixy Lee Ray.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FOREST RISES FROM THE ASHES, PRIVATELY

(By Dixy Lee Ray)

When President Clinton flies into Portland, Ore., for Friday's Timber Summit, he may, weather permitting, get a spectacular view of Mount St. Helens. The still-simmering volcano that erupted with explosive force on May 18, 1980, leveled trees as far as 15 miles to the north and over a 156-square-mile area. Ten percent of the mountain's mass dissolved into ash, and more than one billion board feet of lumber were downed in a single moment. Most animal life was wiped out. But 13 years later; the area is a testimony to the success of a pursuit that this weekend's summit is likely to ignore: private-sector forest management.

For weeks after the big eruption, and amid all that gray and lifeless landscape, the question persisted: Will this area ever support a forest again? Most people, including many biologists, believed that years would pass, decades, or maybe even centuries, before the land could recover. How wrong they were.

On the government land, Congress in 1982 established a 110,000-acre National Volcanic Monument, where nature has been allowed to take its course, unperturbed and unaffected by human actions. But on neighboring private land, Weyerhaeuser Co. and others set to work immediately, salvaging the downed trees and planting new seedlings. They saved 850 million board feet of timber, enough to build 85,000 three-bedroom homes.

The stage was set for a grand demonstration: On similar but separate parcels of land, side by side, one could observe and compare natural recovery with managed and assisted recovery.

Within a year or two, the return of life, both plant and animal, was remarkable. Today, the differences between the "natural" and the managed areas are dramatic. Both are recovering, but the undisturbed public lands lag far behind.

Nature proved to be far more resilient than most people expected. On the private land, within weeks of the eruption, experimental plantings of tree seedlings were made to determine the ability of young trees to survive on the ash-covered ground. It was found that, as long as the seedlings' roots could reach the soil under the ash, the trees would survive. Using this information and scraping away ash where necessary, 18.4 million trees were planted on 45,500 acres by 1987. Today, the number of new plantings has reached nearly 16 billion.

The result of this effort is a lush forest. Most of the pre-1987 plantings are between 25 and 30 feet tall. Undergrowth carpets the ground and wildlife is abundant. Meanwhile on the public land, natural recovery has taken place at a considerably slower pace. The same species of plants, flowers and grasses have occurred, as have a number of trees, but the growth has been far slower and the trees more sparse than on the managed land.

Moreover, the reforested growth on private land is not significantly different from the original (pre-1980) forest below the slopes of the volcano. Before the eruption, there was an almost unbroken expanse of evergreens, including Douglas Fir (some of these were giants of 400 years in age), Noble Fir, Pacific Silver Fir, and Western Red Cedar. The undergrowth was also extensive and diverse. A four-square-mile remnant of this old growth was shielded by a ridge from the volcanic blast and remains as a striking example of virgin Northwest forest. It can be compared to the public and private reforested recovery areas closer to the mountain.

"Who can say, except on a subjective, emotional basis, which forest is "better"—the old untouched one that evolved slowly over many decades or the newly replanted one? Both have approximately the same complex of tree species and varied undergrowth, and the same wildlife, birds and insects inhabit both. Deciding that one forest surpasses the other is a value judgment heavily influenced by what one believes a forest is "for."

It is true that the history of American private forest management has been mixed; but on the whole it has been extremely successful. Of the 3.6 million square miles that constitute the U.S. today, 1.13 million square miles, or 32 percent, are wooded.

From colonial days to the mid-19th century, there was considerable deforestation; most of the once expansive Eastern hardwood forest was cut before 1900 as the settlers cleared land for agriculture. Up to about 1920, the classic robber-baron "cut and run" philosophy dominated. But beginning early in this century, forestry started to change. In 1909 Henry E. Hardtner, owner of Louisiana's Urania Lumber Co., admonished his contemporaries to "protect your remaining forests and commence at once the reforestation of your denuded areas." Indeed, it was the forest industry itself that provided the leadership and capital to establish the reforestation movement—a movement whose outlook now prevails throughout the industry.

Today the evergreen-dominated forests of New England and the Old South have regrown. In the Southeast, many managed forests and tree plantations have extensively reforested the land. Reforestation in Maine makes that state our most heavily wooded: 90 percent of its surface area is covered with forests.

It's time to get rid of long-outdated stereotypes about rapacious timber companies that slash away at pristine forests without concern for their preservation.

President Clinton and Vice President (and Environmental Czar) Al Gore are in a position to do just that. The White House says the purpose of the Forest Summit is to learn how the federal government can "provide leadership and encourage new, innovative and creative approaches" to addressing the forest-management controversy. But the Mount St. Helens case proves that private companies, employing state-of-the-art reforesting techniques, are leading the way in forest management innovation—as they always have. And they are doing it without the government's help.

Mr. GORTON. Mr. President, her article reminds us, and President Clinton, that people can be a positive force in nature. Contrary to much of the environmental extremist rhetoric, people working with nature, more often than not, improve on nature, left unimpeded.

The article details work done by private companies to repair the damages from the eruption of Mount St. Helens in Washington State in 1980. Without a doubt, the intensive management practices of timber companies like Weyerhaeuser have restored the beauty and productivity of private land at a rate significantly faster than is the case with public land where nature was left alone.

Like Governor Ray, I hope that the Clinton administration realizes that private companies have a long history of actively and carefully managing natural resources. I pray that his adminstration views these companies as a resource to be utilized in solving questions of management of public and private sector timber supplies.

PREVENTING AMENDMENTS TO THE STIMULUS PACKAGE

Mr. GORTON. Mr. President, we are now formally in morning business, basically, I understand to prevent the introduction of further amendments to the so-called stimulus package. This Senator finds that regrettable.

This Senator would hope that there would be a full and complete opportunity to offer such amendments, simply because this Senator believes the entire package to be extremely damaging to the American people and totally inconsistent with the fundamental promises proposed by the President of the United States and by the budget resolution itself.

This Senator regards it as ironic that it is barely 24 hours since the Senate of the United States gave its final approval to a budget resolution, advertised by its proponents as being a method by which we would reduce our budget deficit.

As modest as those reductions were, however, Mr. President, immediately after passing that budget resolution, we took up a bill which falls outside of the resolution itself and adds $16 billion to $19 billion to the deficit above and beyond everything called for by a year budget resolution.

It is, I greatly fear, a prediction of what will happen in the future. Each time anyone comes up with a supposed emergency, we will be outside of the budget and the budget deficits will continue to increase.

We have golf courses, we have swimming pools, we have parking lots, we have Amtrak trains, all listed as emergency spending, even though it is barely 6 months since we made a determination as to how much spending should be earmarked for each of such purposes during this fiscal year.

Mr. President, this is an irresponsible proposal. It will hurt American productivity. It will deprive Americans of private sector jobs with a future. It—and I now am fairly confident in saying—will be defeated or will be substantially modified in a responsible direction.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, may I ask how much time remains?

The PRESIDING OFFICER. Six and a half minutes.

THE SUPPLEMENTAL APPROPRIATIONS PACKAGE

Mr. CRAIG. Mr. President, I yield myself such time as I may consume.

Mr. President, for the last several days, the Nation has watched as this body debated a supplemental appropriations package, known as a stimulus or jobs package, or at least so phrased by the Clinton administration.

As my colleague from Washington has just said, we have heard of money going out to create jobs that would repave tennis courts, paint water towers, build swimming pools, erase graffiti from the sides of roadways, build bike paths, and do other such types of employment, all in the name of job creation.

Clearly, on this side, we have reacted very loudly and very vocally because we do not believe those are the kinds of jobs that the American people who are currently unemployed are asking for.

More importantly, we just finished a budget resolution that said that, over the course of the next several years, we would cut some $7 billion-plus from the budget and raise over $360 billion in taxes—new taxes—and fees, and this was going to create a new and vibrant economy, while at the same time reducing the deficit.

And yet, today, we talk about adding $19.5 billion to the deficit, when we struggled with a budget for the next 4 years for this administration that could only find $7 billion to reduce.

People in Idaho are very, very frustrated at this moment. Where a month ago they supported this President's effort to reduce the deficit, they now are getting a very mixed signal from the Congress and from the Clinton administration.

What in fact is deficit reduction? Is it being done on the backs of taxpayers, or are we actually controlling the size of Government and reducing overall expenditures?

I have with me today, Mr. President, just a small sampling of cards and letters that are now pouring into our offices from citizens in my State, as I know they are in other Senator's offices.

They are all very clear in this message. They say, "I know you will work hard. Please cut spending first."

That is the underlying message. Some say it in just three words. "Cut spending first." Others say it in a good many words.

But, clearly, Mr. President, the message that our President is trying to send at this moment is confused because, where he once said he would control Government, I believe the American people are now convinced he is going to try to control them with ever-increasing taxes and with less ability, certainly on their part, to provide for their families.

Let me read this card that I thought was so important because I think it says it so clear. It is from Barbara Butler, in Naples, ID. It says very clearly:

> DEAR SENATOR CRAIG: Bill Clinton could not have been elected President had he told the truth about raising taxes. The American middle class has lost hope for the future. We no longer have control of our lives. The more we work and try to get ahead, the more we are taxed and the further we fall behind. You, the Government, now live off the sweat of our bodies for 6 months out of every year. We cannot afford more Government. No more taxes. Reduce spending.

I have received now several thousand of those cards.

It appears we are going to be here deadlocked in a debate over whether we are going to increase Government spending with a credit card or whether we are, in fact, going to control Government spending with fiscal responsibility. That is the crux of the debate at hand, Mr. President.

Let me suggest to Senators, while they are waiting over the next several days as we decide whether we are going to spend with that credit card or put it in our hip pockets, that they go back to their offices and begin to read their mail.

Because I am convinced their mail is much like mine. You see, Idahoans are no different than any other American. They understand the responsibilities of government. But they also understand that this Congress and this Senate, for way too long, has lived off the credit card. Once again we are asking the American people to underwrite our credit card spending.

Mr. President, $19.5 billion of make-work jobs does not create an economy. Idahoans understand that, and America is understanding that. It is time we stopped that kind of spending, we assist where we can those who are truly unemployed, but we do not suggest to the American people that this is economic stimulus that will return the economy, build jobs, and create some kind of economic vitality.

Idahoans understand it. Thousands of cards and letters are pouring in with one very simple message: Get off the credit card mentality, Congress, and cut spending first.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. The time controlled by Senator HATFIELD is 45 seconds, time controlled by the Senator from West Virginia is 54 minutes 40 seconds. If there is no agreement on time——

Mr. D'AMATO. I am wondering, Mr. President, if I might request 3 minutes from somebody's time?

Mr. BYRD. Mr. President, what time are the votes to begin?

The PRESIDING OFFICER. At 4:45.

Mr. BYRD. At 4:45. The Senator has 3 minutes, make it 4:48, and 3 more minutes on this side, make it 4:51.

I ask unanimous consent that there be 3 additional minutes for Mr. D'AMATO, and 3 additional minutes for this side.

The PRESIDING OFFICER. Is there objection?

Hearing none, the Senator from New York has 3 minutes and 45 seconds.

A LITTLE PLAIN COMMON SENSE

Mr. D'AMATO. I thank my distinguished colleague from West Virginia.

Mr. President, I would like to address one aspect of this economic recovery plan. I would like to see a real economic recovery plan that can do something to help reduce the deficit and create confidence and move America ahead and create jobs. I truly want to do that.

It is in that spirit that I come forward today and put forth some recommendations that a lot of people on my side might not be happy with. They are what I think is far more prudent than raising taxes, for example, on energy.

Let me tell you what the energy tax does to my State. It costs my State $1 billion a year more. Let me be more precise in telling you what impact it will have in the area that I live, Long Island. Working middle-class families—it will cost the average family $600 a year more and it will cost the area $300 million annually. Long Islanders already suffer the highest energy taxes in the Continental United States and they should not be forced to endure even higher utility rates, especially when these new taxes will be used for new spending programs.

That is why I am going to suggest doing away with this energy tax that is going to hurt middle-class working families and is a transfer of income, basically from working middle-class families to lower income families. The fact is half of the money, $35 billion out of the $71 billion that will be raised, will be income transfer in the way of $25 billion for tax credits for poor people, another $7.2 billion in additional funding for food stamps, and $3 billion for additional heating allowances because these poeple have been pushed into poverty.

If you do not put that tax on them, there will be no need for that. My residents will not have to, then, be hit and faced with this tax. It is not reducing the deficit. It is going for additional spending.

Let me suggest we freeze spending for 2 years and save $50 billion. Let me suggest that you have a space station that costs $32 billion—what do you need a space station now for when you are budgeted for $32 billion and you are going to tax senior citizens on Social Security, you are going to tax every working middle-class family in certain regions $500 to $700 a year more just for energy, and you are using those dollars for these kinds of programs?

You have a superconducting super collider, $8 billion. Let me suggest if science and technology are going to be advanced, let the private sector pick it up. That is $32 billion on the space station, $8 billion on the superconducting super collider, that is $40 billion; $50 billion from a freeze. Do you know what? We have just identified enough money to do away with increasing the taxes on people for Social Security and the energy tax. And we have not hurt the economy.

What about a little plain common sense? I am not down here objecting to be obstructionist, but what I am suggesting is let us get a hold of the spending. Let us curtail that spending. If we are going to take resources and new taxes, let us make sure they do not go for new spending programs. Certainly, the bike paths and trails and the swimming pools and the huts that are heated for ice skating rinks, and the whole plethora that we have heard is out of line.

The PRESIDING OFFICER. All time has expired controlled by Senator HATFIELD.

Mr. BYRD. I yield to the distinguished Senator from Rhode Island [Mr. PELL] 3 minutes.

THE STIMULUS PACKAGE

Mr. PELL. Mr. President, as we continue to debate the supplemental appropriations bill with its provisions for economic stimulus and investment, I am struck by the fact that we may be losing sight of the fact that this bill is an intrinsic part of a larger design—namely a plan to redefine the very core of our national economic policy.

This is an historic time of change in national priorities. Only twice before in my lifetime has the Nation faced such a watershed—once in 1932, with the election of Franklin D. Roosevelt and again in 1960 with the election of John F. Kennedy.

Today we are faced with unique circumstances resulting from epochal changes in the world around us. The cold war is behind us and with it the need for a vast military establishment sufficient to overcome an opponent of equal strength. But with the reduction of that military establishment has come inevitable economic disruption for many parts of the country.

My own small State is no exception. Its principal private sector employer has been for many years one of the Nation's prime builders of nuclear submarines. Hundred of workers have already been laid off and more are sure to follow. In spite of my persistent efforts over the years to persuade the submarine builder to look to the future and diversify its operations, only faltering steps have occurred in that direction.

We also have lost the Navy ships that were homeported at Newport and several small shore installations as well, although I am glad to say the impact so far is nowhere near as severe as it was when the Navy withdrew its fleet operations after the Vietnam war.

But the overall effect of the end of the cold war on my State and on every other State of the Union is undeniably disruptive of patterns of economic activity which have been built up over the past 50 years.

If this were the only factor that our economy has to absorb, the problem would be more manageable. But the military build-down unfortunately coincides with a number of other historic forces and developments which have combined to produce the economic plight we now find ourselves in.

Not the least of these is the emergence of a new competitive world market place in which we share dominance with new centers of power in Europe and Asia. Concurrently, technological change has resulted in great shifts in economic activity; new technology and new processes have posed new and difficult challenges for our work force; jobs have moved overseas, in some cases leaving whole communities bereft of their principal source of jobs.

As a result of all these problems, the so-called recovery of the economy has not been a recovery at all for many parts of the country. The national unemployment rate still hovers around 7 percent, still higher than where it was when the recession began. Most new jobs created in recent months have been part-time jobs taken by people searching for full-time work. And a recent survey of the National Association of Manufacturers indicated that while their members hope to boost productivity in the coming year, they foresee little growth in employment.

So it seems to me that it is far too early to declare that we can be sure the economy is automatically set on a course that will assure sufficient growth to sustain itself and assure support of our national objectives including deficit reduction.

The stimulus package before us addresses our situation in a number of ways, both direct and indirect, designed to provide productive jobs across the country. I have already called attention to the fact that my State only receives one-half of 1 percent of the total outlays in this bill, but even that $50 million will have a powerfully beneficial effect in Rhode Island.

On the national level, I want to call special attention at this time to the provision in the bill which erases the $2 billion shortfall in the Pell Grant Program. This provision will erase all accumulated deficits and give assurance that program funding will be used for student aid.

Those who might question what this provision has to do with economic stimulus fail to perceive that education is the engine of enhanced economic activity. One of the clear implications of the technological and electronic revolutions is that our work force must be more sophisticated, both in terms of those who are just about to join it and those who are experienced but who need to acquire new skills in order to survive.

In recent years, the ranks of individuals eligible for Pell grants—that is whose low income qualifies them for such assistance—have increased dramatically. This is a direct result of the recession in which both unemployed and underemployed workers see additional education as an avenue to a job, as a way to upgrade skills, and as a chance to improve their economic standing.

Restoring health to the Pell Grant Program will mean that individuals and families can count on getting this assistance when they need it. And when they do, it will be a step toward their contribution to national recovery.

I should also note that there is another important education program that would benefit from the stimulus package. That is the so-called Chapter 1 Program which provides basic skills assistance to children from low-income families. The bill would provide an additional $500 million for summer Chapter 1 Programs which can do much to help disadvantaged children sustain the gains made during the school year.

Another $234 million would support Chapter 1 Programs in school districts which did not benefit from census reallocations but which continue to feel the full burden of recession along with a continuation of the full burden of responsibility to meet the needs of poor children.

To return now to the significance of this legislation as a major component of a dynamic program for change, I recognize that there are those in this Chamber who may feel that this stimulus package is too big or that it is behind the curve of economic recovery. They of course do a service in making sure that we take these reservations into account.

But I urge that we look beyond the immediate impact of the stimulus package and not dismiss it as a simple pump priming exercise for short-term gains. We need to understand that it has a long-range economic purpose as a critical component of President Clinton's strategy for economic rehabilitation.

The fact is that we need to fortify the economy for the shock it is going to receive as the deficit reduction program we have just approved goes into effect next year. Deficit reduction will inevitably drain purchasing power from the economy; every dollar of government spending that is cut will result in a cut in someone's income.

Considering the marginal state of the recovery so far, we need to take prudent steps now to give the economy momentum which will carry it through the adjustment which lies ahead. The stimulus package does just that.

In this regard, I was particularly interested in a report called to our attention by the distinguished Senator from Michigan [Mr. RIEGLE], which was prepared by economists at the University of Michigan.

The Michigan report surveys the shaky recovery and the unlikely prospects for economic expansion at the very time a real deficit reduction plan is going into effect. It concludes for these reasons that President Clinton is right to front-load his multiyear deficit reduction package with at least a moderate dose of fiscal stimulus.

In my view, this is the overarching reason for passing the stimulus package promptly without change. To do less would be a great disservice to the economy and to our constituents.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. BYRD. I thank the distinguished Senator from Rhode Island [Mr. PELL], for his fine statement.

I yield 10 minutes to the Senator from South Dakota [Mr. DASCHLE].

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 10 minutes.

GRIDLOCK

Mr. DASCHLE. I thank the chairman for yielding me this time. I appreciate all of his work in the last several days since we debated this most important issue.

It is very hard to fathom this gridlock on jobs, because it is gridlock of the most damaging kind. It is damaging because people's lives are at stake, because millions of people are out of work. They are desperate, and they hope for national leadership. And what are they witnessing? They are witnessing politics as usual; partisan bickering as to whether we ought to create more jobs, over whether this jobs bill is necessary, over the need for an investment strategy that virtually everyone acknowledges could mean new jobs within weeks.

As the distinguished Senator from California said recently, we spent over 100 hours of debate on this economic plan. The other side offered more than 50 amendments so far, keeping us in gridlock, delaying the inevitable, and delaying passage of legislation that could mean help to those who need it so badly.

That should be a debate about jobs, about the necessity of creating them, and about a national investment strategy. Anyone who would be watching what is happening on the floor should come to that conclusion. Certainly, it is a well-intended debate about the issues.

Mr. President, I hope the American people are not fooled by all of what they may see. I hope they will see this effort by Senators on the other side for what it really is. It is an effort to defeat and embarrass the President, pure and simple. They criticize him not necessarily because they disagree, but because some want to play politics. And they are not only harshly critical of President Clinton, but even of old allies who may believe this administration may be on the right track.

I was interested in a story this morning in the Washington Post on the front page, above the fold; the headline reads: "GOP Right, Chamber in Bitter Feud. Clinton Victories Part Old Allies."

It says, in part:

> That the world's most bitter wars break out inside families, and that could explain the savagery of the dispute between two groups that have been allied so long they seem to share bloodlines: the U.S. Chamber of Commerce and the Republican Party.
>
> Republican conservatives embittered by President Clinton's recent legislative victories and suspicious of those who compromise with him, have angrily turned on traditional business allies in the Chamber for applauding parts of Clinton's economic and health care programs.
>
> The conservatives have issued vague threats against the Chamber unless it aggressively opposes Clinton. They have said that if the Chamber doesn't change course, they'll denounce it, demand resignations of top officials and lead a dues strike of the 215,000-member group.

That is the issue, Mr. President. That is what we are talking about. Not what we see in this debate on the Senate floor about amendments that all sound so well intended. This is a partisan feud, a debate about whether we are going to allow this President to lead, a debate about whether we are going to break the gridlock to govern for the first time in many years.

So no one should be misled. It is about business as usual, and the vote this afternoon is a vote on gridlock. We have a choice: We can vote to end gridlock or we can vote for politics as usual. If we fail cloture this afternoon, it should be very clear: Some Republicans just do not get it. They do not understand that the time has long passed since the American people have tolerated political positioning and an unwillingness to confront our Nation's problems.

They know, as we know, that the problem of unemployment is very real. They know that this recovery should have produced 3 million new jobs by now. Mr. President, that is equal to the entire population of South Dakota, North Dakota, Wyoming, Alaska, and Vermont. That is how many people ought to be working if this recovery were working right.

It is not only about jobs. It is the very real drag on the economy that is at stake, too. The Congressional Budget Office estimates that this drag costs our national economy $80 billion a year. They tell us that this slack economy will increase the Federal debt by $175 billion over 4 years. They tell us that each percentage point increases the Federal deficit by $33 billion the first year and $50 billion each and every subsequent year.

So that is really what is at stake here. We are talking about jobs, we are talking about the economy, and we are talking about the Federal deficit. If we truly care about addressing these problems, it is absolutely critical that we get on with passing legislation which creates the tools which we need to create the jobs. We cannot allow those who would sit idly by to prevail while millions of Americans wait for work and scores of companies cut thousands and thousands of jobs.

Since January, Sears, Roebuck has already announced plans to cut 50,000 jobs; the Boeing Co., 20,000; United Technologies another 10,000; and McDonnell Douglas, over 8,000. We are told that there are 481,000 fewer construction jobs today than there were in 1990, just 3 years ago. We are told that there are 389,000 fewer manufacturing jobs than there were at the bottom of the recession, and 1,062,000 fewer jobs than there were at the beginning of the recession. One out of every five unemployed worker has been jobless for 6 months or more. Total unemployment in the Fortune 500 companies has declined 26 percent in the last decade. We have gone from 16 million workers in 1979 to a mere 11.9 million workers in 1991 in Fortune 500 companies.

We now know that during this period, jobs were created that were very low paying in the industrial sector. I think this chart so ably points it out. I hope the camera can pick it up. We have seen a reduction in mining jobs of 50 percent in over the last 10 years, from 1979 to 1991. The average mining jobs over that period of time averaged $630 per week. We have seen a reduction of 15 percent in manufacturing, with an average weekly wage of $455 per week.

But look down at the bottom of the chart. We have seen an increase in service jobs of 40 percent in that period of time, at salaries not at $630 per week, but at about half that, $332 a week. While full-time employment is in the decline, part-time jobs are on the rise. Average weekly hours have gone down each and every year since 1984, Mr. President. So in order to maintain living standards, families have been forced to offset declines in real hourly pay by doing two things: First, by working longer hours; and, second, by putting additional family members into the work force. All families, but especially families with children, have seen substantial increases in the hours of paid work during the eighties.

What we see in this chart points it out very clearly. In the last 10 years, we have seen an increase of more than 8 percent of all families in the number of hours worked per week. We have seen a increase in the number of hours worked by couples with children, those families who need more time with children, those families who want to protect the livelihood and the lives and the health of their children. What are they doing? They are spending more time in the workplace by more than 11 percent over the last 10 years.

While they work longer, American workers' pay is going down, down by 14 percent in the 1980's. In 1979, the average worker brought home $292 a week. In 1991, it was about $40 less. That is why this bill is so important, to change those trends and put people to work, not with false promises but with real expectations.

The PRESIDING OFFICER (Mr. AKAKA). The Senator's time has expired.

Mr. DASCHLE. I ask for 5 additional minutes.

Mr. STEVENS. Reserving the right to object. I am requested to object to any extension of time.

Mr. BYRD. Mr. President, I have control of the time over here.

Mr. STEVENS. I thought he was saying extension of the overall time.

Mr. BYRD. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from South Dakota has 3 minutes.

Mr. DASCHLE. I thank the chairman for yielding me the additional time.

Mr. President, this bill creates 500,000 new full-time equivalent jobs by 1994, building highways and bridges and airports, building mass transit, improving health outreach and educational opportunities, providing new housing, urban improvement, and rural development projects that are long overdue.

South Dakota is typical of what is at stake. This bill is critical to my State for many reasons: Water and sewer dollars for many of our small towns who desperately need the help; for our 3 veterans hospitals that have real need of maintenance; and for 16 specific highway projects in locations in every region of our State.

I have a letter from the Department of Transportation which delineates each and every one of those, Mr. President. I ask unanimous consent to have those printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF TRANSPORTATION,
OFFICE OF THE SECRETARY,
Pierre, SD, April 1, 1993.

To: Erin McGrath, Senator Tom Daschle's Office.

From: Richard L. Howard, Secretary, Department of Transportation.

Subject: Projects to be let to contract utilizing ISTEA funds from the Economic Stimulus Program.

In follow-up to our telephone conversation of yesterday, attached are lists of projects which are ready to be let to contract to utilize expected ISTEA funds under the Economic Stimulus Program. As we discussed, South Dakota has fully obligated its existing FY 1993 ISTEA obligation authority on projects which will be let to contract during April and May, 1993.

Therefore, we propose to have a "special" letting on June 2, 1993 using expected funds from the Economic Stimulus Program. The attached list of projects on page 1 and 2 of the attachment are ready to be let on June 2, 1993. The additional projects listed on page 3 of the attachment could potentially be ready to let on June 2nd; however, there are remaining project development activities such as right-of-way acquisition which may delay these projects until the June 22, 1993 letting.

In addition, we have a significant number of projects which will be ready to let to contract in July, August and September which could be funded if re-distributed Economic Stimulus Funds become available from other states.

Your assistance and support in fully funding ISTEA as part of the Economic Stimulus Program is greatly appreciated. We look forward to utilizing the highway funding which may become available to South Dakota to construct badly needed highway improvement projects while at the same time putting people to work and stimulating the economy of our state.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION, DIVISION OF ENGINEERING/PROJECT DEVELOPMENT, 1993 HIGHWAY CONSTRUCTION PROGRAM

[Planned June 2, 1993 letting: Projects which are ready to let to contract to utilize the funds expected from the Economic Stimulus Program]

Project number	PCN	County	Length	Route number	Location of project	Type of improvement	Funding		Fiscal year	Planning estimate (millions)
							Federal	Other		
P 0018(108)349, (A8), P 0281(49)35[1]	3748	Charles Mix, Douglas	12.1	US18, US281	Fm SD50S to US281N; Fm E Jct. US18 to N of 1st Street in Armour.	Asphalt concrete resurfacing, milling, slope flattening and shoulder widening.	$1.117	$0.246	1993, 6/2/93	$1.363
P 0046(27)334[2]	3719	Yankton	12.1	SD46	From US81 East to Clay County	Asphalt concrete resurfacing, milling and slope flattening.	1.116	.246	1993, 6/2/93	1.362
NH 0085(39)29	2658	Lawrence	5.7	US85	Fm US14A N of Deadwood N	Surfacing	4.088	.900	1993, 6/2/93	4.988
NH 0212(73)154[3]	2677	Dewey	11.4	US212	From Eagle Butte East	Surfacing	2.778		1993, 6/2/93	2.778
P 3065(04)178[4]	K017	Dewey Ziebach	11.4	SD65	From Jct. SD20 West of Isabel, South.	Grading and interim surfacing	2.871		1993, 6/2/93	2.871
P 3065(03)164	2382	Ziebach	11.0	SD65	Fm Jct US212 East of Dupree North.	Grading, structure and interim surfacing.	3.194		1993, 6/2/93	2.595

[1] Combined with PCN 3749 and tied to PCN 559H.
[2] Moved from 4/6/93.
[3] Advanced from 1994.
[4] Deferred from 1993 to 1995 then advanced to 1994.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION, DIVISION OF ENGINEERING/PROJECT DEVELOPMENT, 1993 HIGHWAY CONSTRUCTION PROGRAM

Project number	PCN	County	Length	Route number	Location of project	Type of improvement	Funding		Fiscal year	Planning estimate (millions)
							Federal	Other		
P 1014(21)36[1]	2130	Lawrence	0.6	US14A	Fm 0.25 Mi W of US85 N to 3 Lane in Lead.	Grading, storm sewer, curb, gutter and surfacing.	$1.802	$0.397	1993, 6/2/93	$1.377
P 1014(37)8[2]	3532	Lawrence	3.0	US14A	Fm Jct 190 and US14A at Exit 14 to Spearfish Country Club and S 1.3 Mi on Spearfish Canyon Rd.	Grading and surfacing, intersection improvement and resurfacing and slope flattening.	1.802	.397	1993, 6/2/93	2.183
P 0050(65)323[3]	559H	Charles Mix	.0	SD50	From Jct. US18 and SD50 S	Asph. conc. resurf. and slope flattening.	.082	.018	1993, 6/2/93	.100

[1] ROW (Bankruptcy and possession hearing).
[2] Depends on Timing of Deadwood N. Detour—Moved from 3/16/93.
[3] Tied to PCN's 3748 and 3749—Rev. #93–24.

Note.—Totals for 6/2/93: Planning estimate, 19.617; Federal funds, 18.850; other funds, 2.204; project agreement, 21.054.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION, DIVISION OF ENGINEERING/PROJECT DEVELOPMENT, 1993 HIGHWAY CONSTRUCTION PROGRAM

[Additional projects which could potentially be ready by the June 2 letting—but will definitely be ready for a June 22, 1993, letting to utilize any remaining Economic Stimulus Funds]

Project number	PCN	County	Length	Route number	Location of project	Type of improvement	Funding		Fiscal year	Planning estimate (millions)
							Federal	Other		
NH 0012(80)292[1]	3746	Brown	1.0	US12	From Roosevelt Rd to Melgaard Rd in Aberdeen.	Widen to 5 lane, replace surface with PCC, curb and gutter.	1.836		1993, 6/12/93	2.241
NH 0016(33)0[2]	L004	Custer	11.0	US16	Fm Wyoming State Line E	Surfacing	4.767		1993, 6/12/93	5.817
NH 0012(55)367[3]	2672	Grant Roberts	9.2	US12	From Summit SE to Jct. SD123	Grading, structures and interim surfacing.	3.149		1993. 6/12/93	3.842
P 1771(05)[4]	2961	Pennington	1.0		Sheridan Lake Rd. from Heidiway Land S to Summerset in Rapid City.	Grading, C&G, storm sewer, sidewalk pcc surfacing.	.711		1993, 6/12/93	1.400
IM 29–3(71)77[5]	2381	Minnehaha	0	129	Exit 77 at 41st Street in Sioux Falls.	Replace NB asph. conc. ramps with PCC pavement, widen and resurf. SB ramps and add auxillary lanes fm Skunk Cr. to 41st St.	2.110		1994, 6/12/93	2.319

[1] Moved from 3/16/93, ROW.
[2] Advanced from 1994, hold in reserve in case of "project".
[3] Advanced from 1994—Need Plans—hold in reserve in case of "project slippage".
[4] Rev. #93–62—ROW.
[5] Advanced from 1994—ROW.

Note.—Totals for 6/12/93: Planning estimates, 15.619; Federal funds, 12.573; other funds, 0.000; project agreement: 12.573.

Mr. DASCHLE. Funding would be provided for at least five Community Development Block Grant Program awards to rural communities in South Dakota. I ask unanimous consent to have those printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Aurora County (Plankinton)—total project cost: $192,000.

Population: (604)—CDBG award: 90,000.

The county received a grant to construct a 3,200 sq. ft. building to provide medical and dental services to a rural area. This allowed for the consolidation of health care services for this area under one roof and replaced a dilapidated old building. The area is served by a physician's assistant and medical assistants on a full-time basis and a doctor and dentist on a part-time basis.

Beresford—total project cost: $1,015,000.

Population: 1,849—CDBG award: 195,000.

The city of Beresford received CDBG funds to construct water and sewer lines to serve a new industry (Quality Park Products). Quality Park created 35 full-time jobs of which 20 benefited LMI persons. The company invested $820,000 for building and equipment as the remaining portion of this project.

Douglas County—total project cost: $1,665,000.

CDBG award: 400,000.

Douglas County assisted B-Y Water District to expand its rural water system to serve 130 rural customers. The local ground water contained high concentrations of several elements including sulfate, chloride, fluoride, iron and manganese. The project also serves approximately 50,000 livestock which has improved their productivity.

Garretson—total project cost: $410,000.

Population: 924—CDBG award: 210,000.

Garretson is in violation of primary drinking water standards. The project design will be determined by the final standards which hopefully will be adopted by EPA in the fall of 1993. The city is proposing to construct a new well and degassification facility for radon gas removal. If the standards are not approved as proposed, the city of Garretson will be faced with a project exceeding a million dollars to also remove radium 226 and 228.

Martin—total project cost: $320,000.

Population: 1,151—CDBG award: 160,000.

The city of Martin received a grant to construct a 9,600 sq. ft. building to house the six fire trucks and one ambulance. It also provides a meeting room for training volunteers and storage space for emergency equipment. The facility serves all of Bennett County and portions of the Pine Ridge Reservation. The facility replaced a dilapidated building which had only two exits for all of the emergency vehicles. The building was also expensive to maintain and operate.

Mr. DASCHLE. Finally, funding would be provided for projects on our reservations with roads and facilities and schools and forests and education.

So, Mr. President, our choice is clear. It is between jobs and gridlock, between change and business as usual. No one should be misled. We need this bill. We need the jobs it creates. We need a plan of attack and a strong economy and, above all, we need to demonstrate that at long last we can govern.

I yield back the remainder of my time.

Mr. BYRD. Mr. President, I yield 7 minutes to the Senator from Illinois, Ms. CAROL MOSELEY-BRAUN.

Ms. MOSELEY-BRAUN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. I thank the Chair.

PRESIDENT CLINTON'S STIMULUS PACKAGE

Ms. MOSELEY-BRAUN. Mr. President, I wanted to talk about the President's stimulus package and to pick up on the note about which the Senator from South Dakota was speaking.

After all, Mr. President, we have just been though a recession that has caused more permanent job losses than any previous post-World-War-II-cold-war recession. We have 3 million Americans who would be working right now if this recovery was like other previous economic recoveries. Instead, Mr. President, they are joining millions of other Americans who are either unemployed or underemployed because this economy is not creating anywhere near enough jobs.

Job creation is what the emergency supplemental appropriation is all about, adding some modest stimulus to jump-start job creation in this economy by the private sector. As of the end of last year, we were only creating 23,000 new jobs per month. In any kind of normal recovery, the job creation rate would have been 10 times that high or even higher.

Mr. President, while I wanted to talk about the stimulus program and the need for job creation and about how this supplemental appropriations bill fits into the President's overall economic plan, it is becoming increasingly apparent that there is not much point to that kind of rational discussion.

Unfortunately, Mr. President, the debate we are now having is not about the economic stimulus-supplemental appropriations bill at all. Rather, it is about trying to tear down a new President who is trying to help ordinary Americans and help our country in its future. It is about trying to preserve gridlock and inaction. It is about trying to overturn, Mr. President—overturn—the results of last year's election, and it is about trying, at all costs, to preserve budget myths that have no basis in reality rather than admit that the Reagan revolution was a failure that severely hurt average Americans and undermined our place in the world.

I have heard almost endless argument by Senators from the other side of the aisle about the Democratic tax-and-spend policies, but even when this bill becomes law, Mr. President, spending for this fiscal year will be below the total that President Bush agreed to as part of the 1990 agreement. And every single Senator in this Chamber knows that. To listen to the debate, the average American would think this bill represents the entire economic plan.

I know that we have just spent now over 7 days and cast 46 rollcall votes on the budget resolution, including having to go through the disgrace of voting on 18 different hostile amendments of which no one had seen or heard.

I thought those who opposed the President had had an opportunity to make their case and tried to persuade the Senate and the American public that the President's plan was not the right approach. After all of that, we had a vote on the President's plan, and we won on the budget resolution. Yet here we are today as if none of that had happened. Here we are endlessly debating projects and listening to rhetoric about projects that are nowhere to be found either in the bill before us now or in the committee report on the bill.

Mr. President, here we are today with posturing and long speeches and political diatribes and amendment after hostile amendment all to tear down—not to build, to tear down—part of President Clinton's plan.

I listened earlier to the debate, and one of my colleagues from the other side of the aisle said, well, this is not a filibuster; this is our right to speak out on the issue.

Well, it almost does not matter what you call it, Mr. President. You can call it a filibuster or a talkathon or death by amendment, by the fact is that it is a filibuster, pure and simple. We have been debating the jobs plan now for over 8 days, for over 57 hours. This is filibuster, plain and simple, and its intention is to recreate gridlock.

If last year's election meant anything, Mr. President, it meant the American people were fed up with gridlock and that they wanted to get this country on the move again. That message was crystal clear everywhere in America. It certainly was in my State of Illinois. It was clear to every working person. However, some of the opponents of this bill just do not seem to want to believe that or understand that.

This election, Mr. President, was about change. Folks who are opposed to President Clinton were taken out of power. The voters in this country tripled the number of women in this body, in large part because they were tired of the gridlock; they were tired of the combat; tired of the gamesmanship while our country just drifted into decline.

Senator BYRD has requested the women of this Chamber to speak to this issue, and we have all spoken now with one voice, saying that we are tired of the gridlock. We came here to make a difference. We came here for change. We came here to help get our country's house in order. We are not prepared to stand by and watch business as usual continue. We are here with a singular message, and that is that this activity, this filibuster, is not acceptable. The people and the women of this Chamber want to give President Clinton a chance.

Now, Mr. President, I am the first to recognize there is room for legitimate disagreement, and certainly debate is what this body is about. But the plan before us, this economic stimulus plan, the jobs plan, is what the people have approved. This is the change that they voted for.

Eight days and fifty-seven minutes, Mr. President, to debate a bill that comes down to essentially, if you average it out, 2 hours per page, 2 hours per page on a plan that everybody knows is part of the President's program to get this country going.

What we have, Mr. President, is a fight about whether to move forward or not, whether to end a decade of inaction and inattention to the needs of the American people or not. What we have is an attempt by 43 Senators to dictate to the President, to the House of Representatives, and to the majority of this body what this country's economic policy should be.

What we have is an attempt to preserve the advantage for the wealthiest Americans that two successive administrations conferred on the privileged few. It is not news to anybody that the rich got richer, the poor got poorer, and the middle class got squeezed over the last 12 years in this country, and this President, President Clinton, was elected to turn that around and to change that.

It should be very clear, Mr. President. Those opposing this bill have had an opportunity to have their policies in place for the last 12 years, and those policies have failed. It is time to change. The experiment of the 1990's hurt many to the benefit of the few. It mortgaged our future for short-term political advantage. It promised economic growth and opportunity but produced lost jobs, lost competitiveness, and lost income for most Americans.

As a result of the failures of the 1980's, every man, woman, and child in this Nation has a $16,000 Federal debt hanging over their heads. That is every person's share of the $4 trillion national debt that we have been left with because of the policies of the last 12 years.

Now, the $4 trillion-plus and $300 billion-plus budget deficits, those are numbers that are so large that they seem almost impossible to understand. But let me put it in more human terms.

The PRESIDING OFFICER. The Senator from Illinois has spoken for 7 minutes.

Mr. BYRD. How much time does the distinguished Senator wish?

Ms. MOSELEY-BRAUN. An additional 5 minutes.

Mr. BYRD. I yield an additional 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Illinois has an additional 5 minutes.

Ms. MOSELEY-BRAUN. I thank the Chair.

What those huge numbers translate into is incomes that have not kept pace for the ordinary American. What they mean is people losing their jobs or having to accept new jobs at much lower pay than their old ones. What they mean is more Americans having trouble financing college for their children and that their children are having a harder time finding a good job even if they are able to get a college degree.

What those numbers mean, Mr. President, is more and more two-income families, because having two incomes is the only way that many people can make ends meet. And what they mean is more and more Americans cannot afford to purchase their own home. That is the legacy of the bankrupt policies the opponents of the President's plan want us to return to. That is the legacy of 12 years of policy that did not work and indeed we could argue could not work.

Clinton is trying to change that. He is trying to put ordinary working families first. He is trying to make their lives better and to give us a better future for our children. I believe that this President deserves the same chance that Ronald Reagan got when he took office and that previous Presidents got when they took office. But he is not getting that chance from the opponents of this bill. They will not give his plan an opportunity to succeed. And they are willing to go to any lengths to wreck the plan, to ensure that it does not succeed.

We have been in this filibuster or talkathon, whatever you want to call it now, for 57 hours, 8 days, over jobs, over unemployment benefits, over local government projects, immunizations, education programs—less spending, Mr. President, than President Bush's budget had.

I urge those who are opposing this bill to consider their position carefully. If they are going to be the guardians of gridlock, I think the American people will hold them accountable. And I can assure you, Mr. President, that we have no intentions of backing down. We are going to fight gridlock. We are going to fight it, and we are going to talk about it, and we are going to tell the truth about it, and we are going to do what we can do to bring about the change to end the gridlock and to get this country on the right road again.

The American people know that change is needed. They know that we cannot afford to continue discredited policies of the past. It is not just working Americans who know that change is needed, America's hardheaded conservative fiscal managers have also voted overwhelmingly for change. And they voted with their money, driving down long-term interest rates by over 1 percent since President Clinton's election in November.

The President's economic plan is a good one, Mr. President. The economic stimulus component of that plan is prudent and responsible. This President's priorities are America's priorities—lower deficits, more opportunity, and a better life for working people and their children, and a brighter future for us all.

I believe that this economic stimulus debate deserves our support on its merits. But it also deserves enactment because this is a battle to change the status quo that has so hurt working Americans. The opponents of this bill may see merit in the status quo, in the way that things are, Mr. President. I do not. I do not think the American people do either. That is the reason that we are having this long, protracted debate here on this floor.

The American people expect us to do our jobs. They expect us to act to address their problems. We cannot afford to let the country down. We must give President Clinton a chance.

Mr. President, I urge my colleagues on the other side of the aisle to withdraw from this attempt to recreate gridlock, to withdraw from this attempt to filibuster this legislation, to give this President a fair chance to govern.

Thank you, Mr. President.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Senator for her very moving and excellent speech.

I yield to the distinguished Senator from Maryland [Ms. MIKULSKI] 5 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

THE PRESIDENT'S STIMULUS PACKAGE

Ms. MIKULSKI. Thank you very much, Mr. President.

I rise again in defense of the stimulus package. We are in the closing hours of the debate today and are on the brink of voting for a technical procedure of cloture. As we come on the brink of this vote, I would like to pay my respects and tribute to the most gallant, steadfast, and unrelenting fighter for this program, Senator BOB BYRD.

Senator BOB BYRD has been on this floor day and night defending the American people and the fact that this stimulus program could create jobs, not only in West Virginia, but in every State in the United States of America. Senator BYRD has used the skills of parliamentary procedure, the genius that he is able to execute that, and in the American tradition has used the rule of law to advance an American agenda.

I hope the world is watching on CNN to see how the American people conduct their business; in an open forum. We are on TV. This is an electronic debate on the future of the United States of America. Who has led us? Senator BOB BYRD and our leader, GEORGE MITCHELL.

We could not have a better time. I remember during the dark days of exile when the Republicans were in control of the U.S. Senate, BOB BYRD knew how to hang in there. But I will tell you, BOB BYRD never put the Senate through the gyrations of an obstructionist tactic as is going on today.

When Ronald Reagan went to meet with Gorbachev and those world leaders, BOB BYRD always had the minority organized to tip their hats so that when an American President was meeting with a foreign leader, he did not have to worry about what was going on in the Chambers of the U.S. Congress, that there would be no mischief to undermine his agenda while he was overseas fighting for freedom and stability in the world. I would like the same courtesy extended to Bill Clinton as we extended to Ronald Reagan and to George Bush when they met with their world leaders. We did not do budget summiteering and so on.

So as we come to those final hours, I would like to turn to, Senator BOB BYRD, and thank him for what he has done in the advance of this stimulus package.

I know that we work with appropriations under the aegis of the budget given to us by JIM SASSER, and we are going to advance that American agenda.

Let me tell the American people why we are voting for cloture. Cloture means that you cannot filibuster. People say this is no filibuster. They ask, is that when old, craggy, Senators get up in the middle of night and read from telephone books, and soup recipes, Yankee recipes, lobster pie, chicken potpie?

No. That is when people will know what is going on. That is out of date. That is out of line. That is out of step. And everybody will know that.

We are into something called a groping filibuster, where we are filibustering one amendment at a time. But guess what? We are combat ready, we Democrats, and we will be here to deal with it amendment by amendment. We are going to try to come up with an orderly parliamentary procedure to bring this to a closure. I am ready to do it.

Why? Because I so believe in this package to generate jobs, and we will do it in every State because of something called the Community Development Block Grant Program, one of the anchor chains of the distinguished package, the one that has been minimized and trivialized as pork barrel.

Yet, there were no cries for pork when Jerry Ford invented the program, because in every State in the Union, they knew that those projects were coming in.

We know that community development block grants will enable people at local levels to be able to provide shelters for the homeless, be able to modernize public housing, be able to do worthwhile projects that will stimulate other economic development, the rehabilitation of small business districts that might be deteriorating. There is a whole cornucopia of opportunity that will occur at the local level. And who will be in charge of it? Not the Federal bureaucrats working on regulations, but mayors, city councils, grassroots community organizations, will be determining the destiny of their own communities.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MIKULSKI. Mr. President, I think that will conclude my remarks for now. But if I am needed to enhance this debate, for as long as this long filibuster stands, I will be combat ready with my sister and brother Democrats.

Mr. WELLSTONE addressed the Chair.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Maryland [Ms. MIKULSKI] for her animated, inspiring, great, speech. And I thank her profusely for her kind remarks.

Ms. MIKULSKI. I thank the Senator from West Virginia sincerely.

Several Senators addressed the Chair.

Mr. BYRD. Mr. President, I yield all of the remaining time on this side to Mr. SASSER.

Mr. SASSER. I thank the distinguished Senator from West Virginia. The Senator from Minnesota has been seeking recognition. May I ask the Senator how much time he needs?

Mr. WELLSTONE. I will need 5 minutes.

Mr. SASSER. I yield 5 minutes to the Senator from Minnesota.

FILIBUSTER BY AMENDMENT

Mr. WELLSTONE. Mr. President, first of all, let me just say that I do not know that I want to follow the Senator from Maryland very often. I thank Senator BYRD from West Virginia for being a very strong voice out here on the floor of the Senate for a long, long, long time. And I thank Senator SASSER for his leadership as well. It makes me very proud to be a Democrat.

Mr. President, what we have had on the floor of the Senate is not just a continuation of gridlock—we talked about guardians of gridlock—but I think, more profoundly, a continuation of an old and discredited politics. It is as if our colleagues, by introducing amendment after amendment after amendment and trying to stop and thwart and block an economic stimulus package, have forgotten the meaning of the election.

President Bush talked about just deficit reduction alone, and he turned his back away from real people with real problems and real pain, from people who were unemployed, from young people who were looking for jobs during this summer, from young children who were in the Head Start Program, from children who were not immunized, from young people who could not afford to go on to higher education, from communities that did not have the resources to invest in infrastructure. And President Bush made a very big mistake, because people in our country have said several things to us. One is: Get your economic house in order. Please begin to deal with all of the problems that you swept under the rug for so long. Please begin to bring that deficit down.

But the other thing that people said to us in the United States of America in this past election was: Invest in our communities, invest in our economy, invest in jobs and come through for us, Senators and Representatives, Democrats and, yes, Republicans alike, when it comes to decent, affordable, humane, dignified health care.

Mr. President, this economic stimulus package, from the point of view of a good many of us here in the Senate, really is too little. It is the most reasonable of the reasonable of the reasonable compromises. Many of us felt there should have been more of a stimulus. But it seemed to be a compromise and at least a step forward.

I really believe that my colleagues on the other side of the aisle, by filibustering through amendment, are making a terrible mistake. They are making a terrible mistake on economic grounds, in terms of what is good for our country economic policywise. They are making a terrible mistake by turning their gaze away from real people with real problems and on a huge and full agenda that has to be met.

Finally, let me say, as a political scientist, that I think the biggest mistake of all is to fail to understand this distinction. If our colleagues on the other side of the aisle do not agree with this economic stimulus package, if they do not agree with the budget resolution, or they do not agree with what we do with health care, they have every right to debate it and to say you are wrong, to say that to the people of the country.

But then this is what accountability is: We get a chance to put those policies into effect. And if we do well for the people of the United States of America and begin to turn the economy around, and we do well on health care, and we do well on beginning to bring the deficit down, and we do better in terms of employment policy, then 2 years and 4 years and 6 years from now, people say, it worked, so we will reelect you; or it did not work, we do not reelect you. That is the essence of representative democracy.

This amendment after amendment after amendment, this obstructionism, this filibustering, really takes that very idea of representative democracy and severely undercuts it. It takes the very essence of accountability and undercuts it. It is a terrible mistake from the point of view of what is good government.

I hope my colleagues will, at a certain point in time—the sooner the better—call off the filibuster and let us move forward with the policy.

Mr. SARBANES. If the Senator will yield for a question, is it not the fact that the President has made it very clear that this bill is part of his overall economic package, and that he needs all of his economic package in order to make his economic strategy work, including this legislation that is before us; is that not correct?

Mr. WELLSTONE. I say to the Senator from Maryland, it is an important question because what the President is trying to do is strike a balance between, yes, some deficit reduction, yes, some increase in taxes, yes, a call for shared sacrifice; but also, as the Senator from Maryland knows, of critical importance is that investment, that stimulus right now in an economy which is not producing jobs for people.

Mr. SARBANES. The fact of the matter is, Mr. President, that those who thwart this part of the President's package, in effect, are denying him the opportunity to put forth his comprehensive economic proposals.

If this part of the package is thwarted and the economic proposals do not work, the reason they will not have worked is because they were denied the full opportunity to work. You cannot take one piece of it and let that go and deny the other piece without assuming the responsibility for whether the package is going to work or not.

The President has said that these are interrelated. He needs all of these pieces in order to make this economic strategy work. And those who are denying him this piece, in effect, are denying him the opportunity to put his economic strategy into place and, in my judgment, will ultimately bear the responsibility, if the policy does not prove itself. The President is prepared to be accountable. The President has said: Give me this economic package, and I will take the responsibility for what happens in the economy. You can hold me accountable in the future in terms of how it works out.

Our colleagues on the other side are saying: No, we are not going to give you that chance, Mr. President; we are going to deny you one essential element of your economic strategy.

I say, Mr. President, if that in the end proves to be the case, that we cannot put this essential piece into place and the economic strategy then does not work out, obviously the reason it will not have been worked out is the denial of one essential element of that economic package.

Several Senators addressed the Senator.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I yield 3 minutes to the Senator from Vermont.

Mr. LEAHY. I thank the Senator.

Mr. President, I spoke here a few days ago on this package in my capacity as chairman of the Agriculture, Nutrition, and Forestry Committee. I did that because all of the programs that affect rural America go through that committee.

Every one of us have extolled the virtues of rural America—the clean air, the sense of neighborliness, and all that is there. But one thing that we have to realize, every Senator, Republican and Democrat, is that we all represent some rural areas. In those areas, unemployment has skyrocketed.

One thing that really needs mentioning here is that the President's plan provides jobs in rural America. If we want to go back home and extol the virtues of rural America, let us be able to go back home and say: We voted for jobs for rural America.

President Clinton deserves a vote. If you want to vote against this jobs program, then vote against it. But allow it to come to a vote. The American people expect gridlock to end. They want us to vote on this package. Vote for it, or vote against it, but for God's sake vote. Do not hold a jobs program hostage so you can get some kind of a political or partisan advantage. Allow it to come to a vote.

Keep in mind the President of the United States is representing every single one of us in probably the most important meeting he will have this year, the meeting with the President of Russia. The whole world is watching President Clinton. Every single American wishes him well. Do we want the news to be that his jobs program is being held hostage for partisan reasons, with people saying we cannot even vote on President Clinton's jobs program, at a time when he is supposed to carry the message and the standards of the free world in his meeting with President Yeltsin.

Maybe somebody sees a political advantage in that. I am one American who does not. If there is ever a time the President ought to at least be allowed to have a vote in this great democracy of ours, on his program, it is now, as he goes to meet with President Yeltsin. Let us not deny him that vote. But even more importantly, whether we deny it to President Clinton or not, let us not deny that vote to 250 million Americans who are concerned about whether we are going to have jobs, whether in rural America or urban America.

This is, after all, a program designed to put people back to work. I think all people are concerned either because they are out of a job or because they worry about losing the job they are in.

Mr. President, that is my point. Let us not hold up 250 million Americans who want to see a jobs program voted and let us not embarrass the President of the United States when he is meeting at this important summit.

The PRESIDING OFFICER. The time has expired.

The Senator from Tennessee.

Mr. SASSER. Mr. President, I yield myself 10 minutes.

Mr. President, the Senate has been dealing with the President's job bill here now for more than a week, and that is what it is. It is the jobs bill, a bill to produce jobs for the American people that has been presented to this body by the President of the United States. This jobs bill is an integral part of President Clinton's economic recovery package.

Some of our colleagues on the other side of the aisle say we do not need it. They say if we leave this economy alone, it will recover on its own. They say why if we leave it alone, leave the economy alone, the unemployment lines will simply vanish, the help wanted ads will miraculously choke the classified ads in the newspapers. That is exactly what they were saying last year, and that is exactly what they were saying the year before.

The American people listened to them then. But they have determined they were wrong and they determined they needed a change, and that is the reason they elected Bill Clinton to be President of the United States.

The latest news from the job front knocks all these pipe dreams of our friends from the other side of the aisle into a cocked hat.

The economy reminds me of a weak-kneed prizefighter struggling to his feet, and this filibuster over here on the other side is going to be the punch that sends this weak-kneed prizefighter to the mat for the third time.

We have seen this economy struggle, struggle, and struggle and look as if it was getting into a significant recovery twice before and then fall back off into recession. This is the third time it is coming up struggling, struggling. And what this President is trying to do with this jobs bill is give it some help. Why is he doing that?

I would call the attention of my colleagues to this particular chart here. The distinguished Senator from Maryland has ably pointed this out before, but I think it is helpful to review this.

This chart indicates what is occurring in this recovery and why it is different from every other economic recovery we have had since World War II. At all other stages of an economic recovery since World War II, and technically we are now 24 months from the bottom of this recession, 24 months coming out of it, in every other recovery since World War II, the economy would have produced 4 million jobs by this time as represented by the blue in this chart.

What has the economy done? In this particular instance, in this particular recovery, the economy has produced less than a million jobs, about 825,000 jobs represented by the yellow.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. SASSER. I am pleased to yield to my friend from Maryland.

Mr. SARBANES. It is also important to underscore that the only part of the private sector that has shown a job growth through this recovery is the service sector, and a large share of the jobs produced in the service sector have been in the temporary help industry. In fact, the temporary help industry has accounted for about 25 percent of the job growth in the service area. As we know, the unemployment statistics count as employed anyone who works even 1 hour a week..

Mr. RIEGLE. The Senator is correct.

Mr. SARBANES. So you have not only the unemployed, about 9 million of them, you have a lot of people working part time who want full-time jobs. They are not counted as unemployed, but they may only be working 5 or 10 or 15 or 20 hours a week, and there are 6 million. There are almost 2½ million of such part-time unemployed on top of the 9 million that are unemployed and that are reflected in the unemployment figures.

Mr. SASSER. The Senator is quite right.

As we pointed out on the floor of this Senate yesterday, we have more people on food stamps in this country now than at any time since the inception of the program in 1964.

Mr. LEAHY. One out of every 10.

Mr. SASSER. One out of every 10 of our fellow Americans is on food stamps today. Those who run this program say that these are different types of individuals. People in the food stamp lines now are middle-income, middle-level managers who worked for some of the great corporations—IBM, Boeing, Sears Robuck—all of these people are being laid off.

The distinguished Secretary of Labor, Dr. Robert Reich, testified a week or two ago before the House committee that only 14 percent of these individuals who are being laid off by the great corporations such as IBM, Boeing, Sears Robuck, and General Motors will ever be recalled back to work. That is why President Clinton says we have to get a jobs bill passed here and have a tail wind moving behind this economy.

What is happening in the economy at the present moment as I speak to you?

I call the attention of my colleagues to another chart here captioned "Tracking the Economy." What this chart includes something economists refer to as "coincident indicators." What are coincident indicators? It is an economic measure wherein you combine income of the work force with the number of jobs in the work force, with the sales that are going on in the economy, with the production that is emanating from the economy. That is what we produce. These things lumped together make up what the economists call coincident indicators, and they are a very significant measure of an economy's health.

I want my colleagues to look at what has happened in this economy. Beginning in January of 1990, we see the economy is up at a fairly decent level. Then it suddenly drops off, and that dropoff is occasioned by the war in the Middle East, the Operation Desert Shield, and then Operation Desert Storm. You see it falling off here. Then the war ends at the very bottom and it struggles up just a little bit and then starts falling off again, another fall off into a recession. It struggles up once again, struggles, falls off again. We see here in January 1993, and we see as we come further into 1993 it is struggling up once again and then starts falling off again.

Now, that indicates we have troubles in this economy. Just today the distinguished Senator from Maryland in testimony he took from the Bureau of Labor Statistics learned that 59,000 people lost their jobs in the construction industry last month. The unemployment rate in the construction industry, as I speak to you today, is in excess of 15 percent. The distinguished Senator from Maryland may have the precise number there. It is 15 or perhaps 16.3 if memory serves me correctly. An unemployment level of over 15 percent in the construction industry is depression-level unemployment.

This job bill contains money to put construction workers back to work.

It contains billions of dollars worth of funds for highway construction. These funds are collected from us every time we buy a gallon of gasoline and put it in the highway trust fund. It is there to create jobs.

What do our friends on the other side of the aisle have to say about that particular initiative?

Well, here is what they were saying about the highway bill back in 1991. The distinguished minority leader, for whom I have the highest regard, stated, in his support of the highway bill, that it would create 4 million jobs.

The distinguished Senator from Texas [Mr. GRAMM] who is one of the leaders in this effort here to obstruct the passage of this bill, said, "How can having a highway bill be controversial, a bill that would create tens of thousands of jobs?"

And BOB MICHEL, the Republican leader in the House of Representatives, said, "Thank heavens for a job-creator bill."

Now, that is what they were saying when the highway bill was passed.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. Mr. President, I do not want to use the time unduly.

TRIBUTE TO JOHN HERSEY

Mr. LEAHY. Mr. President, a literary genius has passed away. John Hersey died on March 24; he was 78. Hersey was a renowned writer, known as both a journalist and novelist. His work made us more aware of the human condition, writing about society in terms that captured the perspectives of ordinary men and women within the context of larger life experiences.

The son of American missionary parents, Hersey was born in Tientsin, China, on June 17, 1914. His family returned to the United States when he was 10. Hersey's work spanned over half a century. He published over 20 novels and wrote numerous articles. His career began in 1937, writing for Time and then Life, chronicling the epic events of World War II. Hersey retired as a professor from Yale University in 1984, but he continued to write, handing in his last manuscript 7 weeks ago.

Hersey won a Pulitzer Prize for "A Bell for Adano," in 1945. The book explored the human aspects of World War II in a small Italian village, where American soldiers responded to the cries of the people to replace the church bell which was the central cultural emblem of their town. One of his most famous works, "Hiroshima," tracked the lives of six people who had survived the dropping of the atomic bomb on Japan. In 1950, Hersey published "The Wall," a novel about the Warsaw ghetto during Nazi occupation.

In 1968, Hersey's book, "The Algiers Motel Incident," told the story of a racially motivated murder at a Detroit motel. His most recently published novel, "Antoinietta," in 1991, follows the life of a Stradivarius violin, as it passes through the hands of different people. Hersey used fiction to capture truth. As he wrote for the Atlantic Monthly in 1949, "Fiction is a clarifying agent. It makes truth plausible. Among all the means of communication now available, imaginative literature comes closer than any other to being able to give an impression of truth."

John Hersey explored mankind. He did not write about politics, but about the people it affected. His legacy will live on.

TRIBUTE TO BILL BUFORD

Mr. BUMPERS. Mr. President, I rise today to pay tribute to my friend, Bill Buford, a brave and dedicated public servant. Bill is presently recovering in Little Rock from a gunshot wound he received in late February while involved in the raid on the Branch Davidian sect's compound in Waco, TX.

Buford, the resident agent of the Little Rock office of the Bureau of Alcohol, Tobacco and firearms since 1976, was a part of the unit assigned to the raid on the religious cult. Bill saw one of his own men killed during that raid and attributes that agent's heroism to his ability to escape alive.

Bill and those he supervises are among the scores of civil servants in this country who often risk life and limb to protect our liberties. Most of the time they are unsung heroes; we know little of their efforts.

Mr. President, Bill Buford has now recovered from his wounds sufficiently to return to work. That is true testament to his fortitude and dedication. I want him to know that we wish him well in his recovery and that all Americans appreciate the fine work that he and others like him perform for us day after day in the service of country.

TRIBUTE TO SAMMY CAHN

Mr. LEAHY. Mr. President, one of the greats in American songwriting is gone. Sammy Cahn died at the age of 79, leaving behind a legacy of brilliant collaborations and lyrical hits.

Mr. Cahn was known for his bold, colorful style which he often mixed with sentimentality. He worked with composers Jule Styne, Jimmy Van Heusen, and Saul Chaplin to create music for such talents as Frank Sinatra, Dean Martin, Paul Anka, Sammy Davis, Jr., and Tony Bennett.

Sammy Cahn's career spanned 57 years and included hits on Broadway as well as the big screen. Beginning as a fiddler on the Lower East Side of New York, Sammy Cahn then joined forces with Saul Chaplin to write material for vaudeville acts. In 1947, he worked with Jule Styne to produce the hit Broadway musical, "High Button Shoes," and between 1942 and 1951, the Cahn-Styne duo wrote songs for 19 films. His song "All the Way" from the 1957 film "The Joker is Wild" won Frank Sinatra an Oscar and as with many of Mr. Cahn's other collaborations, became a No. 1 hit. Known for his clever parodies of his own and others' work, Sammy Cahn rewrote the lyrics for "High Hopes" which was made famous as John F. Kennedy's campaign song in 1960.

In the late 1950's, Frank Sinatra brought Sammy Cahn and Jimmy Van

Heusen together to write the title song for the film "The Tender Trap." Their collaborations sent Sinatra right to the top producing the title songs for four of his classic albums. The team then went on to write for three more Broadway musicals. In 1974, Mr. Cahn was a great success in his own, one-man retrospective on Broadway, "Words and Music."

For 20 years, Sammy Cahn served as president of the National Academy of Popular Music, an organization also known quite appropriately as the Songwriters Hall of Fame. He touched so many through his creativity and musical genius. His songs caused us to smile, to hum, to sing aloud. Mr. Cahn dedicated his life to entertainment and to him, his wife Tita and his children, we say thank you.

My wife and I were privileged to know Sammy, to be with him when be played and sang before hundreds—and before a handful in a living room.

He was an American genius.

VIOLENCE AGAINST WOMEN ACT

Mrs. BOXER. Mr. President, yesterday I met with representatives from Childhelp USA, a national nonprofit organization dedicated to the prevention and treatment of child abuse and neglect. I was deeply moved by the distressing situation they described.

Approximately 2.7 million children were reported to State authorities as abused or neglected in 1991, an increase of 6 percent from the previous year, and 40 percent since 1985.

The National Child Abuse Hotline, which Childhelp USA founded and runs, received 360,000 calls last year. Of those calls, 19 percent requested assistance in reporting child abuse to authorities; 53 percent required crisis counseling and referrals to child abuse treatment, mental health and emergency shelter programs; and 28 percent asked for general information about child abuse and neglect.

In addition to the hotline, Childhelp USA created the first residential treatment center for victims of child abuse and neglect in my home State of California. That program has been so successful that it has been replicated in Virginia.

It is time to end child abuse, to end the hurt and the pain. Passing the Violence Against Women Act, which I introduced with the distinguished chairman of the Judiciary Committee, Senator BIDEN, would be a step in the right direction.

In one-half of spouse-abusing families, the children are battered as well. According to a study conducted by the San Francisco Family Violence Project of men who abuse their wives, 63 percent of the abusers had either seen their own mothers abused or had themselves been abused as children.

The Violence Against Women Act would break the cycle of family violence by providing additional funding for the arrest and prosecution of spouse abusers, for battered women's shelters, and for educating youths in all school grades about domestic violence and violence among intimate partners.

I commend Childhelp USA for doing its best to prevent child abuse and neglect, and I hope that Congress will do its part by passing the Violence Against Women Act as quickly as possible.

LUXURY TAX COLLOQUY

Mr. CAMPBELL. Mr. President, a few weeks ago, a discussion took place on this floor among several Senators, including my distinguished colleague from New York, Senator MOYNIHAN, supporting the repeal of the luxury tax. The concern expressed that day focused on the toll this onerous tax has taken on the boating industries of their respective States.

Like my colleagues, I strongly favor a repeal of the luxury tax imposed on boats, jewelry, furs, and airplanes. However, today, I speak against the tax as it relates to jewelry. As a jewelry designer and maker myself, I know first hand how devastating this tax has been to the jewelry industry.

Mr. MOYNIHAN. I welcome my distinguished colleague's support for repeal, and I note with pride that my State, especially New York City, is one of the centers of jewelry production and sales in this country. So I too, have a great familiarity with the industry and the adverse consequences associated with this poorly conceived tax. And, as I have noted before, this is a tax on those who make jewelry, not those who buy it.

Mr. CAMPBELL. First, let me begin by briefly describing the luxury tax as it relates to jewelry. According to the Omnibus Budget Reconciliation Act of 1990, the tax is to be imposed on the first retail sale of jewelry and, even more significantly, a retail sale is defined to include any jewelry manufactured from materials furnished by a customer. The tax is equal to 10 percent of the amount by which the sales price or, in the case of manufactured jewelry, the total fair market value of the jewelry exceeds $10,000 at the time of delivery. The tax is paid by the person who makes the first retail sale.

Since day one of this tax, jewelers have lost business, lost jobs, seen customers refuse to purchase items worth over $10,000, and angered customers when they can't be convinced that the increased costs are due to taxes, and not for the jewelers' own pockets.

One of the greatest problems with this tax is how it affects jewelers who remount stones previously purchased by customers. The law requires that the jeweler must pay the excise tax based on the fair market value of the new piece of jewelry, not just the cost of remounting the materials furnished by the customer.

I know of one jeweler who had a customer bring in a previously purchased diamond valued at $41,000 to be mounted on a $1,000 setting. When she came back to pick up the setting, she refused to pay the $3,200 luxury tax based on the total combined value of the diamond and the setting. The customer was so infuriated she demanded the jeweler unmount the setting. To make matters worse, the customer angrily canceled another order which would have brought $8,000 to $10,000 to the store. These things happen to jewelers all across America, forcing them to give up thousands of dollars in sales.

This story reveals the inadequacy of the luxury tax. Clearly, the tax does not affect the wealthy consumer who could absorb the extra cost, it hurts only the small business jeweler who is struggling to maintain a profit margin.

Furthermore, the design of this tax places the burden solely on the bench jeweler, not the one who sells the stone. According to the law, the luxury tax is charged once the loose gemstone is mounted in a finished piece. Thus, even though a jeweler can mount a diamond solitaire for as little as $150, the jeweler must bear the tax burden to the extent that the stone, as mounted, has a fair market value in excess of $10,000.

The luxury tax underscores one of the problems fallacious tax policies can lead to—unintentional consequences. Before passing a tax, we need to carefully examine its impact on the economy, especially the industries that will be most affected. Nothing in this economy exists in a vacuum. In the final analysis, it's clear we need to repeal this tax, because it just doesn't work.

Mr. MOYNIHAN. I thank my colleague for his remarks. As the distinguished Senator noted, I have long opposed this excise tax because I believe it is an ineffective means of making the tax burden progressive, and instead arbitrarily hurts workers and retailers in specific industries. Indeed, when such a tax was considered in 1987, I led a successful effort to defeat it in the Finance Committee.

I would also note that I was the first Democrat to cosponsor comprehensive, as opposed to single-item, repeal legislation (S. 1261) in 1991. I also supported the comprehensive repeal provisions that were included in last year's tax bills (H.R. 4210 and H.R. 11), both of which were vetoed by President Bush. Thus, I will continue to provide my support for any legislation included in this year's tax bill that would repeal the luxury tax on jewelry.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt—run up by the U.S. Congress—stood at $4,230,579,916,100.67 as of the close of business on Wednesday, March 31.

Anybody remotely familiar with the U.S. Constitution is bound to know that no President can spend a dime of the taxpayers' money that has not first been authorized and appropriated by the Congress of the United States. Therefore, no Member of Congress, House or Senate, can pass the buck as to the responsibility for this long-term and shameful display of irresponsibility. The dead cat lies on the doorstep of the Congress of the United States.

During the past fiscal year, it cost the American taxpayers $286,022,000,000 merely to pay the interest on reckless Federal spending, approved by Congress—spending of the taxpayers' money over and above what the Federal Government has collected in taxes and other income. This has been what is called deficit spending—but it's really a form of thievery. Averaged out, this astounding interest paid on the Federal debt amounts to $5.5 billion every week, or $785 million every day—just to pay, I reiterate for the purpose of emphasis, the interest on the existing Federal debt.

Looking at it on a per capita basis, every man, woman, and child in America owes $16,470.44—thanks to the big spenders in Congress for the past half century. The interest payments on this massive debt average out to be $1,127.85 per year for each man, woman, and child in America. Or, looking at it still another way, for each family of four, the tab—to pay the interest alone, mind you—comes to $4,511.40 per year.

Does this prompt you to wonder what America's economic stability would be like today if, for the past five or six decades, there had been a Congress with the courage and the integrity to maintain a balanced Federal budget? The arithmetic speaks for itself.

SECURITY STRATEGY AND THE DEFENSE BUDGET

Mr. McCAIN. Mr. President, as we begin to shape our Nation's security strategy and defense budget for the coming year, we must pay proper attention to George Santayana's caution that, "those who cannot remember the past are condemned to repeat it."

Before we treat the end of the 20th century as a era of peace, we need to remember its beginning. The world of 1905 was also a period of optimism where few had any idea of the reality that would follow. The Boer War, the Spanish-American War, the Balkan Wars, and the Russo-Japanese War were over. The Moroccan crisis of 1905 seemed little more than a petty colonial incident, and the long cold war between France and Germany seemed less and less likely to explode into a new conflict in Europe.

Constitutional and democratic reform had taken place throughout most of Western Europe. The Hague Conference of 1899 seemed to codify the rules of war, and lay the groundwork for an international court, and preparations were being made for a new Hague Conference of 1907. In spite of nationalism, most of the Western world believed it was already creating a new world order. In fact, two Nobel prizes were to be awarded to leading experts for proving that European nations would never again have any incentive to fight a major conflict.

Then, as now, Russia was moving toward democracy and reform, but presented great uncertainties. An innovative and challenging Japan was growing in power. Change was taking place in most of the developing world, including the Balkans, the Middle East, Asia, and Latin America, but usually in a peaceful and evolutionary fashion. The Indian National Congress came under moderate—not radical—control. The Empire of China was forced to abolish its ancient examination system, and was moving toward the revolution that toppled the Ching dynasty.

This was a time when the major European powers planned for wars that would last a maximum of 30 days. The only real warning of the shape of things to come was the Anglo-German arms race, and that was seen far more as a struggle for prestige than a serious harbinger of war. It was a period in which an interlocking matrix of treaties was being created to secure the world against wars between its major powers—although these same efforts at international cooperation eventually helped trigger the global conflict that followed.

We have had many painful lessons of our own during this century. We failed to see the risk of isolationism and military weakness after World War I. We helped create the climate of international relations that resulted in a second global conflict. After World War II, flush with victory and weary of war, we demobilized our forces and relaxes our defenses beyond the levels which prudence and the apparent hostility of an erstwhile ally demanded. We had confused victory with enduring invincibility, and the cost was a war in Korea, for which we were ill prepared and which we nearly lost.

After Korea, we again raced from war to peace without due regard to the emerging and global threat from the Soviet Union. We lost our ability to fight a European conflict without immediate resort to nuclear war. We lost much of our power projection capability and our technological edge. Our self-imposed weakness invited new challenges from our enemies, and we found ourselves trapped in a long, escalating arms race with a determined adversary.

Stunned and enervated from our losses in Vietnam, we let our forces become hollow. Once again, our conventional options in Europe were abandoned. Our power projection efforts were undermined by inferior readiness and capability. The result was another rapid and often wasteful military buildup. This buildup, however, was critical to checking the expansion of Soviet military power, and served as a key element in hastening the collapse of the Soviet Empire. It also allowed the United States to frustrate the ambitions of a regional empire builder in the Persian Gulf, and defeat the world's fourth largest military power with a minimum loss of life.

The lesson we should learn, that we must learn, from history is that optimism and hope must be supported by consistent strength and by a consistent will and ability to act. It is easy to talk about international stability and emerging world realities, but we need to face the fact that history is unpredictable, and very few have ever accurately foreseen the true nature of the strategic climate they have lived in.

THE END OF THE END OF HISTORY

History has taught that lesson repeatedly since the end of World War II. A study by the Center for Naval Analysis shows that we have used military force more than 240 times since 1945. In spite of our focus on the Soviet Union and Warsaw Pact during the cold war, well over 80 percent of those uses of force had nothing to do with the U.S.S.R. or any Warsaw Pact country.

Well over 90 percent of those uses of force were not included in the scenarios used for planning our forces the year before, and well over 90 percent involved less than 3 months of strategic warning. The uses of force for which we did not shape our force plans or have strategic warning included Korea, the Berlin Wall, Vietnam, Grenada, Panama, Operation Earnest Will, and Desert Storm.

There are obvious dangers in any comparison between 1905 and 1993, but in June 1990, some of my most senior colleagues on the Senate Armed Services Committee rejected the idea that we might need strong power projection forces because of the instability in the gulf. In fact, if you look at the record of the hearings we held during that month, you would find statements that we had no reason to concern ourselves with the gulf, that we had seen the end of the Iran-Iraq War, and that the region was relatively stable. No member of the committee would have made such statements 2 months later.

If we are to shape America's post-cold-war strategy and forces, we must recognize that we are not at the end of history, or even at a dramatic new beginning. We have instead reached another point where history reinvests itself—a moment where one or two catalytic changes alter one critical aspect of the structure of world power without fundamentally altering the balance of international stability in most of the world.

No one can deny that the collapse of the Warsaw Pact, the Soviet Union, and communism has been of momentous importance. The United States, Europe, Russia, and the world will all be safer. The prospect of another devastating world war, or nuclear holocaust, has greatly diminished.

Yet, we face many new uncertainties regarding the future. These include the political and military future of Russia and many of the other former states of the Soviet Union. We see civil war in many countries of the world. We see North Korea moving toward the acquisition of nuclear weapons, refusing inspection of its nuclear facilities by the International Atomic Energy Agency, and continuing to build up conventional forces that are continuously deployed in attack position and which could reach Seoul in a matter of hours.

Two aggressive and proliferating nations—Iraq and Iran—threaten the gulf, moderate Arab states, Israel, and the security of more than 60 percent of all the world's oil reserves. Iraq has emerged from the gulf war with more than 50 percent of its prewar force structure intact. North Korea's military spending and buildup continues in spite of its erratic rhetoric about peace, and North Korea seems unwilling to meet any of its obligations under the Nuclear Non-Proliferation Treaty. Iran is rearming at a rate of 500 million dollars' worth of arms a year.

A bloody war is raging in what was once Yugoslavia. A new arms race is taking place in Southeast Asia. A decade-long effort at peace negotiations has failed in Angola. Syria is buying new conventional arms and North Korean medium range ballistic missiles. India and Pakistan continue their nuclear arms race and efforts to develop long range missiles. A host of other small wars threaten regional peace, and some—like the wars in Somalia and the Sudan—are not small. They have already killed more people than the gulf war and all the Arab-Israeli conflicts combined.

MIXING PEACE WITH STRENGTH

The key issue for national security planning in the post-cold-war era is not how much we can save but rather how we can most cost-effectively provide what we need. If we maintain our strength, history does not have to repeat itself, and the present promise of the post-cold-war era does not have to end in a return to a world of conflict and disorder.

We can mix this ability to use force with peaceful alternatives. We can and should reach out to Eastern Europe and the nations that once formed the Soviet Union and help them create stable democracies, strong economies, and a new alliance that unites East and West.

At the same time, we must be prepared for the fact that it may take decades to bring all of the nations in the East to that level of development, and into such an alliance. We must be prepared for the risks posed by the fact that the nations that make up the CIS still possess vast numbers of nuclear weapons, missiles, conventional arms, and defense production facilities.

We should seek to encourage democracy, strong market economies, arms control efforts, and cooperative security efforts throughout the rest of the world. We should maintain humanitarian relief efforts, expand our peacekeeping efforts, and be ready to support U.N. and international peacemaking efforts even when these involve low- and mid-intensity conflict. We should be able to deter and contain aggression, be able to force the termination of regional conflicts, be able to support friendly states, and deal with the risks posed by proliferation.

At the same time, the use of force—and the ability to use force—are critical to peacemaking. Events in Bosnia, Kuwait, Somalia, and Liberia have already shown us that peace will not be created or endure without United States peacemaking capabilities. We cannot guarantee the security of humanitarian relief efforts; we cannot deal with sudden threats to American citizens or those of friendly nations; we cannot help friends and allies without American power projection forces.

The practical challenge for American strategy is to combine peaceful efforts to create a new world order with the preservation of our status as the world's only true superpower. We must also accept the fact that the central measure of our strategic and military capability to deal with the realities in post-cold-war era will be our power projection capabilities.

STRATEGIC CHANGE IN THE POST-COLD-WAR ERA: UNDERSTANDING THE PROBLEM OF RESOURCES

We have not failed to cut defense spending in the years since it became apparent that the cold war was coming to an end. Defense spending has dropped in real dollars during each of the last 7 years. President Bush and the Congress have initiated major reductions in defense spending which responded to the changing geopolitical circumstances and security threats, and to the fiscal pressures of the time. The United States has achieved a real peace dividend while sustaining its status as the only power capable of meeting aggression, when necessary, anywhere in the world.

At the same time, both history and the current threats of stability and peace warn us about the critical importance of power projection capabilities. They warn us that we cannot afford to plan our forces as if the only thing we will have to face is low-intensity combat or some defining mid-intensity threat. They warn us that we cannot shift from a force posture based primarily on the Soviet and Warsaw Pact threat to one that is driven by narrow budget factors or the economics of the Federal deficit.

If we are to provide the power projection capabilities we need and maintain our status as the world's only superpower, we must take a new and strategic approach to the problem of defense resources. Unfortunately, it is this strategic approach to shaping defense resources which the present administration threatens to undermine.

The Clinton administration's understandable focus on our economic problems has enouraged us to take risks with our security that we can ill afford to take. In fact, there is a clear and present danger that we will sacrifice our status as the world's only superpower on the mistaken premise that such a sacrifice is essential to our economic recovery. There is a very real risk that we will end the 1990's with our military manpower and major combat unit strength cut by 40 percent, having replaced our readiness during Desert Storm with hollow forces, and having substituted empty rhetoric for a real capability to meet our strategic commitments.

THE CLINTON DEFENSE PROGRAM

The only net cuts in Federal spending in the new administration's proposed budget come from defense. Net nondefense spending actually increases, and defense is taxed to reduce a budget deficit it did little to create in a totally disproportionate fashion. During 1990–95, defense was the only part of the Federal budget that took its fair share of cuts. Increases in entitlement spending and discretionary defense spending by a Democrat-controlled Congress transform the supposed $500 billion cut in the budget deficit that was supposed to occur during this into a $500 billion increase. In contrast, defense spending was cut more than was called for by the budget summit.

Table 1 shows how the new administration's bottom line for defense compares with that of President Bush. There are some unexplained differences between the numbers estimated by President Clinton and the lower numbers set forth in Secretary Aspin's defense budget request. The new administration has stated, however, that it proposes to cut $126.9 billion in budget authority in the program Congress approved last year, and $111.8 billion in budget outlays through 1998.

There is no easy way to estimate what these spending cuts will cost us in military capability. Secretary of Defense Les Aspin has only provided force cut data for 1994. These cuts are significant, and will cut Navy battle force ships from 443 to 412 and aircraft carriers, to 12. Army active divisions will be reduced from 14 to 12, and Air Force fighter wings will be reduced from 28 to 24. Readiness is said to be kept constant—although this only seems to involve current operational activity levels—but procurement is to drop by 17 percent in 1994 alone.

The Army is to lose 35,000 personnel, the Navy 46,000, the Marine Corps 8,000, and the Air Force some 19,000. This is a total cut in our Active Forces of 108,000 men and women. In addition, 60,000 men and women will lose their jobs in the Selected Reserve, and the new administration will cut defense civilians by 45,000.

These cuts are only a taste of what is to come, but Secretary Aspin has said that he will not provide us with force plans and a "bottom up review" for fiscal years 1995–99, to explain the impact of President Clinton's massive cuts in defense spending, until late this summer. He has said that he will not provide concrete budget and future year defense plan figures until February 1994.

WHY MASSIVE CLINTON FORCE CUTS SEEM INEVITABLE

Most important, Secretary Aspin has stated that the current Clinton defense spending plans will produce a 42-percent cut in real defense spending between fiscal year 1985 and fiscal year 1998. He has also stated that this will lead to 30-percent cuts in our forces, although there is an obvious imbalance between the cuts in spending and the cuts in forces, and he has provided no real information on what forces and programs will be cut, the degree to which they will be cut, and his future plans for our defense industrial base.

What seems far more likely is that 42-percent cuts in defense spending will produce at least 40-percent cuts in our military forces. If so, the administration is putting us on a course that could cut our forces by 40 percent between 1991 and the end of 1998. A cut of this magnitude could reduce our total military manpower to about 1 to 1.2 million men and women, and result in at least a 20-percent larger reduction of defense industry employees. This would force hundreds of thousands of men and women, including many minorities to accept involuntary separation from the service.

The size of these force cuts may seem surprising, but this is largely because of the way the new administration has issued its proposed defense budget:

First, the Department of Defense issued a press release that only reported a total of $88 billion in cuts. As Table 1 shows, however, the detailed material issued by OMB indicates that the Clinton program cuts another $39.2 billion in 1998—a cut that the press release mysteriously ignores. This statistical gamesmanship means that much of the press has ignored the fact that the administration's cuts are at least 45-percent higher than $88 billion.

Second, there is no clear or credible picture of where the administration's cuts are coming. The only details given in "A Vision for America" concern a proposed $18 billion savings through a "Governmental-wide pay adjustment." This would, in effect, finance new social spending at the cost of fair pay for enlisted personnel and officers—an option the Congress has already rejected. These numbers, incidentally, do not seem to track with the tables issued with the Aspin defense budget.

Third, the administration keeps referring to cuts in military manpower that would reduce our military manpower to 1.4 million men. In fact, however, such figures only cover manning levels through 1997, and again ignore the $39.2 billion additional cut in 1998. The truth is that it will be almost impossible to sustain a future force level of greater than 1 to 1.2 million. The true cuts will be at least 400,000 larger than those recommended by President Bush—enough men and women to field 10 divisions. There must also be massive additional cuts of defense civilian employees and defense industry workers.

These are three good reasons why the Congress should not have voted on a total Federal budget before it saw the details of the administration's fiscal years 1994–98 defense program. Unfortunately, Congress not only acted before it thought, it acted before it understood. It also acted in a political climate where few understand that the United States has already made major cuts in defense spending and were planning further cuts in the coming years.

TABLE 1.—CLINTON DISCRETIONARY DEFENSE SPENDING

[In billions of current dollars]

	1993	1994	1995	1996	1997	1998	1994–98
Current OBRA baseline:							
Budget authority	274.3	288.0	296.4	304.5	312.9	321.5	1,523.3
Outlays	294.3	289.6	293.8	299.8	306.5	313.8	1,503.5
Changes from OBRA to congressionally adjusted Bush baseline:							
Budget authority	....	−12.5	−18.5	−26.2	−28.3	−28.1	−113.6
Outlays	....	−5.3	−9.5	−15.2	−20.0	−24.8	−74.8
Current congressionally adjusted Bush baseline:							
Budget authority	....	275.5	278.0	278.3	284.6	293.4	1,409.8
Outlays	....	284.4	284.3	284.6	286.5	289.0	1,428.8
Proposed Clinton changes:							
Budget authority	....	−11.8	−15.2	−24.5	−36.2	−39.2	−126.9
Outlays	....	−6.7	−11.7	−19.7	−37.4	−36.3	−111.8
Proposed Clinton discretionary defense spending:							
Budget authority	274.3	263.7	262.8	253.8	248.4	254.2	1,282.9
Outlays	294.3	277.7	272.6	264.9	149.1	252.7	1,317.0
Aspin proposed fiscal year 1994 defense budget:							
Budget authority	273.0	263.4	261.1	253.7	246.0	253.9	1,278.1
Outlays	290.7	276.9	270.9	264.7	246.9	252.5	1,311.9

Source.—Table 1 to Appendix to President Clinton's "Vision for America" and tables attached to Secretary of Defense Les Aspin's press release on the FY1994 defense budget.

THE PEACE DIVIDEND OF THE REAGAN AND BUSH PROGRAMS

Two years ago, the United States won a decisive victory against a heavily armed enemy with few American or allied casualties. It did so because it had the best military forces in the world. We had the best trained and most combat-ready men and women. It had the best weapons, intelligence, communications, and logistics. It was ready to project power anywhere in the world, and to sustain our forces in combat.

That victory came in combat, but the United States had won an even more important victory earlier without any casualties and without firing a shot. We had demonstrated a level of military capability and resolve that helped catalyze the collapse of the Soviet Union and Warsaw Pact. It had responded to a massive Soviet military build-up, and shown the leaders of the Soviet Union that they had no hope of dominating or intimidating the West.

The United States would never have won either victory if it had not been for the buildup in our forces and defense spending during the Presidency of Ronald Reagan. President Reagan took office at a time when we had hollow military forces. Forces that were underequipped, undertrained, lacking readiness, and lacking sustainability. By the mid-1980's, that situation was reversed, and the United States had a mix of high technology new weapons programs.

Since that time the cold war has ended, and the Soviet Union and Warsaw Pact have vanished into history. President Reagan and President Bush have signed the most successful arms control agreements in history—ending Warsaw Pact superiority in conventional forces, eliminating most deployed theater nuclear missiles, and putting us on a path that will reduce the strategic nuclear threat to the United States from more than 20,000 weapons to 3,000—a seven fold reduction that includes the elimination of virtually every risk from a nuclear first strike.

President Bush did not, however, rest on these accomplishments. He took advantage of these strategic victories to achieve a massive peace dividend. He carried out a series of carefully planned and managed cuts in defense spending. As a result, the United States saved over $330 billion during 1985–93, relative to the peak spending levels of the Reagan buildup in 1985. In fact, defense spending dropped by nearly one-third in constant dollars.

These savings, however, are only part of the story. Under the Bush administration, defense spending dropped from 27 percent of the Federal budget to less than 17 percent the lowest share of the Federal budget in more than half a century.

This point is critical because the burden defense puts on Federal spending is not a function of how many dollars are spent, but rather how much defense consumes out of the total Federal budget. Our economy and Federal revenues grow constantly, and when defense budgets drop, they drop far more quickly in terms of the burden they place on total spending than they do in dollars.

The Bush 1993 defense budget provided vast security benefits while placing only a minor burden on the total budget. It is less than one-third of the 57 percent of the Federal budget we spent at the time of Korea, and less than half of the 43 percent we spent during Vietnam.

In fact, defense spending has contributed virtually nothing to our current budget and deficit problems—the issues that President Clinton says he is trying to address. During the period from 1950 to the present, which includes all of the major increases in the Federal deficit, payments to individuals, the so-called entitlement programs have risen from 18 percent of the Federal budget to over 50 percent.

Defense has also dropped massively as a burden on our economy. We spent 11.9 percent of our GNP on defense at the time of the Korean conflict, and 9.1 percent during the Vietnam War. President Bush reduced defense spending to less than 4.5 percent of our GNP today, versus 6.3 percent at the height of the Reagan buildup—this is a reduction of roughly 33 percent in the burden defense places on our economy since the beginning of the end of the cold war.

THE BUSH DEFENSE PLAN AND ADDITIONAL PEACE DIVIDENDS

There were times when President Bush might have acted faster, and achieved deeper defense cuts. He was slow, for example, to cut forces during the fiscal year 1992, and to terminate cold war relics like the *Seawolf*, B–2, and small ICBM. By fiscal year 1993, however, President Bush planned major additional defense cuts and peace dividends.

President Bush also presented a very clear plan for reducing our military forces and defense expenses. The Base Force plan that was proposed by General Powell, and which President Bush approved, reduced military manpower by 360,000 people between 1991 and 1997, or from 2.0 million to 1.63 million. It cut Army divisions from 26 to 18 divisions, aircraft carriers from 15 to 12, combat ships from 536 to 448, Air Force fighter wings from 34 to 26, and strategic bombers from 228 to 181.

These force cuts would have reduced defense spending to only about 16 percent of Federal spending, and 3.5 percent of the GNP by 1997. By that time, we would have been spending more on the paperwork and overhead costs of medical care than we would have been spending on our national security.

THE DANGEROUS IMPACT OF THE NEW ADMINISTRATION'S PROGRAM

As has been touched upon earlier, the new administration's program goes far beyond either the Bush cuts or those the Congress agreed to in voting on the fiscal year 1993 budget. These trends have already been shown in table 1, but four additional factors need to be considered in estimating the true impact of the Clinton 1994–98 defense program.

First, the administration's program clearly extends through 1998. Any analysis of the administration's program that ignores this is meaningless, and so are references to cuts of only 200,000 men or any other adjustment to our defense program that ignores the administration's $39.2 billion cut in 1998—the "balloon mortgage" of the administration's defense reductions.

Second, the administration's cuts are incremental to the major cuts that President Bush and Congress have already made.

Third, while many people talk about budget outlays, because these affect the deficit in a given year, it is budget authority that counts when it comes to shaping the trends in total force size and military capability.

Fourth, Secretary Aspin stated in his March 27, 1998 press release that defense spending is expected to drop to 3 percent of the GNP by 1998, and 13.5 percent of the Federal budget.

Given this background, it is striking that the OMB estimates that the administration relied on in its Vision for America list defense expenditures in 1998 of $254.2 billion in budget authority in current dollars. This total is 14 percent less than the $293.4 billion recommended by President Bush, and the Senate Budget Committee staff estimates that it is equal to only $232 billion in constant 1994 dollars. Similarly, the Congressional Budget Office estimates expenditures in constant dollars of $234 billion.

Given the fact that the Bush 1994–98 defense spending plan was already planned to produce at least 25 percent force cuts, a further reduction of 14 percent in defense spending almost inevitably leads to total force cuts of at least 40 percent.

The truth, however, could be much worse. There are also major uncertainties regarding the extent to which the administration believes or does not believe it can seriously freeze the pay of every man and woman in uniform, and defense civilian, for half a decade. The military have already lagged about 7.8 percent behind inflation during the last decade, and 11.7 percent behind civilian pay. The estimates Secretary Aspin provided in his testimony to the House Armed Services Committee indicate that the military will lose at least 6.6 percent more of the value of its pay during 1994–98 as a result of the new limits on pay increases, and this loss of real pay could exceed 13 percent if the January 1992 estimates of inflation prove to be more realistic than the administration's far more optimistic assumptions.

The new administration is only assuming about two-thirds of the inflation during the next 5 years that President Bush assumed last year, and it is far from clear that this is realistic. It is not clear what the new administration is assuming about energy tax costs, and serious questions arise about the assumptions regarding management and efficiency savings.

At least one-half billion dollars a year evidently has to be reprogrammed into defense conversion and some part of $17 billion in additional spending for technology and business reinvestment and defense conversion may have to come out of the defense budget.

These factors have a powerful cumulative impact. Even if we are charitable about the administration's plans for a pay freeze, these assumptions are almost certain to be offset by the undercosting of the 1994–98 program, and by the major diseconomies of scale that raise force costs as we cut our total force structure and defense industrial base.

WHAT DOES A 40-PERCENT FORCE CUT MEAN?

Given these data, what would a 40-percent force cut mean? A conservative estimate is shown in Table 2, and indicates that it could mean total active military manning of about 1.0–1.2 million men and women. It could mean cuts of at least 3 more active Army divisions, one more Army reserve division, 3 carrier battle groups, 100 more surface ships, 3 carrier air wings, 1 MEF equivalent, 5 active tactical fighter wings, 3 reserve fighter wings, and 60 more bombers. It could also mean at least 20 percent more cuts in the manpower in defense industry, and cuts of well over 100,000 more defense civilians.

During the period between fiscal year 1991 to fiscal year 1998, we would go from 28 Army divisions to 12–14, we would go from 13 carriers to 8, we would go from 545 combat ships to 300–340, from 15 carrier air wings to 8, from 3 Marine Expeditionary Forces to 2, and from 36 Air Force fighter wings to 15–19, and from 268 bombers to 120–141.

TABLE 2.—SLASHING DEFENSE: THE PROBABLE REAL WORLD IMPACT OF THE CLINTON PROGRAM

Forces	Actual end 1992	Bush base force in fiscal year 1997	Aspin plans for fiscal year 1997				Probable impact of Clinton budget by fiscal year 1998
			A	B	C	D	
Total active military manpower (millions)	1.8	1.6	....	1.4?	1.4?	1.4?	1.0–1.2
Army divisions:							
Active	14	12	8	8	9	10	8–9
Reserve	10	6	2	2	6	6	4–6
Marine Corps divisions:							
Active	3	3	2	2	2	3	2
Reserve	1	1	1	1	1	1	0.5
Air Force unit equivalents:							
Active fighter wings	18	16	6	8	10	11	9–11
Reserve fighter wings	12	11	4	6	8	9	6–8
Total fighters	1,296	1,098	....	....	....	....	750–780
Total bombers	250	211	....	....	....	....	120–141
Navy Forces:							
Total nonstrategic combat ships	441	432	220	290	340	430	300–340
Total carriers	14	13	6	8	12	15	8
SSNs	87	80	20	40	40	50	40
Amphibious ships	65	50	50	50	50	82	35–45
Mobility/prepositioning:							
C–5	128	128	....	....	....	....	....
C–141	250	to 0	....	....	....	....	....
C–17	0	to 120	....	....	....	....	60
Fast Sealift ships	8	8	16	24	24	24	10
New surge ships	0	11	....	....	....	....	(?)
Reserve fleet	99	142	....	....	....	....	80
MPS squadrons	33	3	....	....	....	....	(?)
Prepo ships	12	23	20	24	24	24	18–20

Other risks are less clear because they are harder to cost, but they are not less important. We already are letting some aspects of our forces to go hollow. We are not buying the major spare parts and advanced munitions we need. We are not keeping our military bases modernized. We are reducing support activities, and we are slowing many other areas of force modernization. We are disguising this by not cutting normal operational and training rates, but the fact remains that we are losing readiness.

We often forget what Desert Storm taught us about shortfalls in our forces. Our modernization of strategic and tactical airlift is far behind schedule, and critical areas like Marine Corps tactical lift are effectively unfunded. Strategic sealift has funds, but little tangible activity. Maritime prepositioning is inadequate and underfunded, as are many aspects of mine warfare. We face block obsolescence in amphibious lift, and we are funding shipbuilding at a rate that can only sustain a 200-ship Navy. We have no clear program to deal with the growing risk that we will face long range missiles and weapons of mass destruction on the battlefields of the future.

Not all of these cuts and problems can be blamed on the administration's program. Some are attributable to undercosting and exaggerated management savings during President Bush's term. Roughly a third are the long term consequences of the budget cuts made by Congress before President Clinton took office.

Such cuts would mean we cannot maintain an effective defense of Asia. We cannot provide security for Israel and the gulf. We cannot provide adequate safeguards for the security of Europe. They also mean we will have no real reserve for peace-making and other contingencies. We will probably have lost much of the technology edge we had during Desert Storm. We will have crippled part of our defense industrial base.

The alternative to such a slash and burn approach to defense cuts is to use a fundamentally different approach to sizing our defense expenditures and our forces. It is to build upon the knowledge that we have already reduced defense spending as a share of total Federal expenditures and our GNP to levels that are both acceptable and sustainable indefinitely. Given this fact, we can reexamine the base force concept to see what forces are needed and what forces are not, and pursue strategy-driven solutions to adjusting our forces to the post cold war era, rather than narrow budget-driven approaches.

Such a strategy-driven approach does not produce one fixed set of force numbers for the next 5 years. We must continuously be prepared to deal with uncertainty, and there are areas like sizing our future strategic forces and strategic defense efforts which require comprehensive zero-based study on a bipartisan basis. It is clear that some force improvements and additions must be made to strengthen our power projection capabilities, as well as force cuts. However, one thing is clear. There are some areas where significant force cuts are possible, and if these cuts are less draconian than the Clinton cuts, they would still allow us to meet our strategic requirements and stay within 15 percent to 17 percent of the Federal budget, and 3.5 percent of our GNP.

STRATEGIC CHANGE IN THE POST COLD WAR ERA: RESTRUCTURING OUR FORCES FOR EUROPE AND IN THE ATLANTIC FORCE PACKAGE

The Atlantic force package portion of President Bush's base force is one of the areas where significant savings seem possible. We should continue to restructure our forces to match the pace of change within the former Soviet Republics, the improvements in East-West relations, advances in arms control, and the growing wealth of our Europeans allies.

We can make further cuts in defense spending by creating a new trans-atlantic bargain. Such a bargain would restructure our strategic relations with Europe so that Europe takes over primary responsibility for the security of Europe while the United States concentrates on the security of Asia and other out of area commitments.

Such a change in United States strategy could allow us to reduce our presence in Europe. This is now planned to drop from 300,000 to 150,000 men, although Congress has legislated that it should drop to 100,000. It is scheduled to be reduced from two corps with four divisions to one corps with two divisions, and from 8.8 fighter wings to 3.3 wings.

Further reductions are possible. Total manpower in Europe could drop to 70,000–80,000 men. Our ground forces could consist of two active brigades, dual capable in power projection missions. We could preposition an additional two to four brigades worth of equipment to allow the United States to build up to corps strength in 30 days, and provide suitable reinforcement forces in the United States to provide rapidly deployable combat and support forces. Such forces could be far smaller than the traditional support forces used in structuring a NATO corps, taking into account the fact that a prolonged theater-wide conventional conflict in Europe is no longer a credible threat.

Our air component in Europe should be kept at a strength near three wings, but it should be clear that such forces will be dual capable in power projection missions and will not be dedicated to NATO if out of area crises arise. At least one wing should be deployed in the southern flank area where it can deploy immediately to out of area missions in the gulf and the Middle East. We also restructure our Air Force units in Europe to concentrate on deploying the high technology and special purpose aircraft our allies do not have, and using smaller wing structures designed to be as economic in peacetime as possible. Such a mix of air units might be deployable for as little as the cost of two of the kind of wings we now deploy in Europe.

The present crisis response force in the United States—that is part of the Atlantic forces package of the base force—is the least necessary component of our present force posture. We should stop maintaining dedicated Active and Reserve Forces in the United States for NATO. We are not going to buy the lift and sustainability to deploy anything like three Active and six Reserve divisions for Europe. Without such lift, however, such reinforcements are largely symbolic in character.

Further, Europe currently shows no signs of maintaining the kind of forces in the central region that would allow such forces in the United States to play a useful role in a theater conflict even if such a conflict seemed likely, and even if the United States had 90–180 days of strategic warning to deploy and mobilize such forces.

Virtually every European nation is now cutting its forces and defense expenditures to the point where they will no longer maintain the strength and capabilities for theater-wide conventional war. There are strong indications that most of the central region nations that now rely on conscription will either see those systems end or drastic new constraints on the amount of manpower called up and periods of service.

Accordingly, the land element of the crisis response force can probably be cut to one Active and three Reserve divisions, using some of the savings to improve deployability and out of area power projection capabilities. There is no requirement for the two Army cadre divisions in the reconstitution force of the Atlantic forces package, or for the Navy frigates assigned to this force. They are artifacts of the cold war and should be disbanded as quickly as possible.

The 2 Active and 11 Reserve air wings currently assigned to the crisis response force have more practical value. They can deploy relatively rapidly, and they have an inherent dual capability for power projection missions. Thy are, however, a force component where further cuts can be made, and reducing this force to one Active and five Reserve wings would free substantial assets for higher priority power projection forces.

The four carrier battle groups and Marine expeditionary force currently assigned to the Atlantic forces package are power projection forces and should be retained in the force structure. They are vital elements of our peace making capability, rapid reaction capability, and ability to intervene in low- and mid-intensity conflicts.

There are, however, two major changes that should be made in structuring our Navy and Marine forces for Europe that should be made in all these forces world wide. The U.S. Navy does not need its current mix of surface escorts, ASW assets, or attack submarines. It needs to thin out its forces in the Atlantic to create far more cost-effective power projection forces, and reflect the post cold war shift away from blue water conflicts to littoral warfare. It needs to emphasize the dual capability of its carrier aircraft, and converting the F-14 to dual capability in attack missions should be given high priority in view of the age of the A-6 and the fact the A-X cannot be deployed until well after 2025.

At the same time, emphasis needs to be given to providing improved cruise missile attack capability, improved missile defense capability, improved mine warfare capability, and improved shore support capability. The idea of mounting the multiple launch rocket system [MLRS] on shipboard deserves serious consideration. The Marine Corps probably needs at least one additional prepositioning ship to improve sustainability and capability for mid-intensity conflict.

The United States needs to reevaluate the heavy weapons strength and sustainability of the Marine Corps expeditionary forces [MEF's]. The recent roles and missions study by the Chairman of the Joint Chiefs of Staff does not come to grips with the need to deploy power projection forces with the artillery, armored, tactical lift, and sustainability to fight well armed Third World forces like those of Iraq.

It simply does not make sense to maintain or restructure U.S. Army forces to support the Marine Corps in these areas which can never be as flexible, rapidly deployable, or as well integrated into an amphibious strike force as Marine Corps units, and strengthening Marine Corps forces—potentially with U.S. Army equipment—would be far more cost-effective.

The United States cannot abandon Europe, or Atlanticism, but it must focus its military resources on the ability to deploy forces anywhere in the world, and it must concentrate its contingency planning on missions in Asia and the developing world. The time has come where the United States must not only push Europe to assume primary responsibility for Europe, but make it clear that Europe has no other choice.

STRATEGIC CHANGE IN THE POST COLD WAR ERA: RESTRUCTURING OUR FORCES FOR ASIA AND IN THE PACIFIC FORCE PACKAGE

The situation in Asia and the Pacific is radically different from the situation in Europe. The confrontation between North Korea and South Korea represents one of the two most serious risks that United States will be involved in mid- to high-intensity conflict—the other being the risk of renewed conflict in the gulf.

United States forces in Asia play a major role in stabilizing the balance between Japan, the PRC, and Russia. They help assure and there are no confrontations between nations in Southeast Asia, they act as a presence that limits the risk of further conflict in Cambodia, and they deter armed clashes in the South China Sea.

Unlike the Atlantic forces package we do not have a major forward deployed force in Asia, and we do not have large surplus active and reserve forces for Asia in the United States. There is only one light division in South Korea, and it has only two brigades. We deploy less than two fighter wing equivalents in country.

Now that we have withdrawn from the Philippines, our only other major forces that are forward deployed in Asia consist of 1–2 fighter wings in Japan, a forward deployed carrier battle group and amphibious readiness group and a Marine expeditionary force in Okinawa. Our reserve forces in the United States consist of one division and one fighter wing in Hawaii and Alaska, and five carrier battle groups in Hawaii and the United States—the core of our naval power in the Pacific.

There are no major regional powers with military forces that can take the place of the present strength of U.S. forces. Japan is assuming virtually all of the Yen costs of deploying our forces in Japan, and South Korea is steadily increasing its burden sharing contribution. We are able to project power that brings a high degree of stability to nearly half the world at only minimal cost.

There are, however, useful changes we can make to our present force structure. Our forces in South Korea can be given dual capability in power projection missions. This would allow some further economies in our force structure in the United States, provide some strengthening of their combat capability, and improve our rapid reaction capability during periods where we did not face an immediate threat from North Korea. It would also encourage further South Korean efforts to assume command functions in Korea.

The Marine expeditionary force in Okinawa has gradually dropped in readiness and deployability. It needs to be strengthened and brought to full readiness as a power projection force that can be used both regionally and in the gulf and Indian Ocean area. As in the case with the MEF in the Mediterranean, more armor and artillery are needed, and probably at least one more repositioning ship to improve sustainability and capability for mid-intensity conflict.

There is little practical point in keeping land forces in Alaska in the post-cold war era, and the 6th Light Infantry Division can be disbanded. The U.S. Army also needs to reexamine its force and support structure in Hawaii. A lean power projection-oriented force component—which should require only limited changes to the 25th Light Infantry Division—is what is required.

As was the case with the Atlantic force package, the U.S. Navy does not need its current mix of surface escorts. ASW assets, or attack submarines. It needs to thin out its forces to create far more cost-effective power projection forces, and reflect the post cold war shift away from blue water conflicts to littoral warfare. It needs to emphasize the dual capability of its carrier aircraft, and converting the F-14 to dual capability in attack missions should be given high priority in view of the age of the A-6 and the fact the A-X cannot be developed until well after 2025.

Once again, new emphasis needs to be given to providing improved cruise missile attack capability, improved missile defense capability, improved mine warfare capability, and improved shore support capability. The idea of mounting the Multiple Launch Rocket System [MLRS] on shipboard deserves serious consideration. The Marine Corps probably needs at least one additional prepositioning ship to improve sustainability and capability for mid-intensity conflict.

STRATEGIC CHANGE IN THE POST COLD WAR ERA: RESTRUCTURING OUR CONTINGENCY FORCES PACKAGE

The contingency forces package was originated before Iraq's invasion of Kuwait, but time has validated the wisdom of this package. It is clearly apparent that we need a strong component in the United States of rapidly deployable Army divisions, Air Force fighter wings, and Marine and Navy forces.

The present proposal to maintain a five-division Army force, with three heavy, one airborne, and one air assault division represents the minimum force we should be able to deploy and sustain within a 30- to 60-day period. Giving this force the readiness and strategic sealift it needs should be one of our highest priorities. The same is true of providing it with seaborne munitions and sustainability.

It is possible that the present goal of maintaining seven tactical fighter wings can be reduced to five, but an alternative is to give the National Guard and Air Reserve a role in the contingency forces to allow us to maintain the present strength. Similarly, Desert Storm has shown that a new total force concept might well include substantial reserve combat and service support for the Army's active divisions.

The Marine expeditionary force assigned to this package represents the Marine Corps' global reserve. It should be strengthened and given added firepower and maritime prepositioning, just as has been the case with the MEFs assigned to the Atlantic and Pacific Forces.

Two other major changes are needed in this package:

First, even the best strategic sealift cannot deploy a heavy U.S. Army division in time to defend the gulf, and more than 60 percent of the world's oil reserves, from Iran and Iraq. Every effort should be made to persuade Kuwait, Saudi Arabia, and the other southern gulf states to fund prepositioning of one heavy division in the gulf. The alternative is to seek burdensharing for maritime prepositioning. We need true rapid deployment capability for at least one MEF and one Army division to both deter Iraqi and Iranian aggression and to respond to it if it occurs.

Second, the original base force plan never specifically dedicated strategic air lift, strategic sealift, maritime prepositioning forces, or naval air, missile, and fire support for this package. These power projection capabilities should be identified as specific parts of the contingency force package, and the naval forces in the Atlantic and Pacific Forces that will be specifically tailored to support contingency force operations should be identified and possibly even earmarked to the contingency force.

We need to recognize that the contingency force has a major potential war fighting mission—the defense of the gulf. We need to ensure that it can fight such conflicts successfully. We also need to be extremely careful to ensure that the contingency force keeps its war fighting capabilities. General purpose forces tend to become no purpose forces as congressional pork and inter-service politics take their toll. This must not happen in the future.

STRATEGIC CHANGE IN THE POST COLD WAR ERA: RESTRUCTURING OUR STRATEGIC FORCES PACKAGE

President Bush has already created a climate that allows massive reductions in the strategic forces component of the base force package. Our goal should be to work with Russia and the other members of the CIS that have nuclear forces to move towards the goal of no more than 3,000 nuclear weapons on each side as soon as possible.

REEXAMINING OUR NEEDS FOR STRIKE AND STRATEGIC OFFENSIVE FORCES

It is tempting to spell out the details of such a shift, but what is really needed is not more proposals for altering the triad, weapons mixes, or patterns of downloading. What we need is a comprehensive review of what the United States and Russia can realistically accomplish, of the costs and tradeoffs involved, and of the options for United States action and force planning.

We must tailor our cuts in force modernization to a very clear net assessment of Russian actions. We must tailor our cuts in the bomber force to a comprehensive reappraisal of the role the bomber force can play in conventional combat.

The Air Force has raised some interesting ideas in this regard, but there are massive uncertainties in its estimate of the potential lethality of the B-52, B-1B and B-2 in conventional combat that need independent validation by research centers that are not affiliated with the Air Force. This includes evaluation of such key factors as aircraft and weapons performance, sortie generation and sustainment capability, targeting capability

At the same time, equally demanding analysis is needed of the linkages and tradeoffs between bomber and strike fighters. We need to examine how the most realistic bomber road map compares with Navy and Air Force plans to modernize attack and strike fighters. Recent roles and mission studies attempt to resolve these issues on a doctrinal, rather than an analytic basis. They avoid direct examination of tradeoffs between the air fleets of given services, and we lack the resources to tolerate such an approach.

The United States also needs to examine the need for a future triad, and reexamine its strike planning. For example, reducing ICBM's, and emphasizing SSBN's, would eliminate key land targets. At the same time, it would increase force costs and present some problems in terms of the START II agreement. Limiting D-5 modernization and loading could reduce costs, but increase the need for ICBM's. Freezing modernization of the B-1 could save money, but potentially limit some conventional capabilities.

Our goal should not be to make some simple set of program tradeoffs but to find ways we can simultaneously reduce the risk of conflict, first strikes, and total force cost. It may well be possible to reduce such costs of strategic forces by 10 percent more per year if we are successful in working with Russia to reduce the capabilities on both sides. However, we must not take risks with strategic offensive forces.

A BIPARTISAN APPROACH TO ZERO-BASING OUR THEATER AND STRATEGIC DEFENSE FORCES

As for strategic defenses, our program should not be budget or ideology driven, or tied rigidly to the current interpretation of the ABM Treaty. We need to break out of the partisan impasse of the last 5 years, and restructure the entire SDI Program on the basis of a comprehensive reassessment of the need for theater and strategic defenses. The best way to approach this would be a bipartisan commission, similar to the Scowcroft Commission, that examined all the options involved.

This commission should also look beyond the narrow mandate of ballistic missile defense. It should examine our combined need for ballistic missile, cruise missile, and air defenses. It should examine theater threats, the problem of proliferation, the risk of accidental launch, and options for further deterring any risk of a strategic exchange. It should examine what models of technical and cost risk should drive plans and schedules, and tie the program to a realistic reassessment of potential threats. It should reexamine all our assumptions about space and land based systems, deployment versus R&D activity, and the role each service should play in theater and strategic defense.

It should specifically examine options for cooperation with Russia, rather than treat it as an opponent, and it should examine time frames for the deployment of given types of defenses and the need for continuing research where deployment is not yet indicated. It should examine sea- as well as land-based theater defense options, and it should integrate the analysis of ballistic missile defense options with the analysis of cruise missile and air defenses.

Such an approach might allow us to make substantial near term reductions in the Bush spending plan for SDI. It is unlikely, however, that such reductions would come close to the Draconian, budget-driven cuts proposed by President Clinton. In any case, our program should be based on a zero-based review, founded on the best analysis available, and not on partisan ideology.

STRATEGIC CHANGE IN THE POST COLD WAR ERA: RESTRUCTURING OUR SUPPORTING FORCES PACKAGE

One of the critical flaws in the way the United States now tries to manage strategic change is that it tends to focusing on making tradeoffs among its most useful forces—its combat ready and forward deployed forces—while it ignores the need to reduce the vast mix of support capabilities it maintains in the United States.

It is a strategic fact of life that cutting active and reserve combat and combat support forces threatens our security, but cutting unnecessary overhead, headquarters, support, military bases, and other facilities in the United States does not.

These support capabilities have been reduced as a result of the actions of the Base Realignment and Closing Commission, management review efforts by the Department of Defense, and actions by the individual military services. Many, however, are still vestiges of prior wars or are sized to meet the very different requirements of the cold war era. As Secretary Aspin has admitted in his testimony to the Base Closing Commission, the sum total of our base closings and realignments to date—including every aspect of the 1993 efforts now under examination by the Commission—will close only 15 percent of our domestic bases. This compares with plans to cut or forces by 30–40 percent and to reduce defense spending by 42 percent.

It is almost impossible to believe that we cannot make major further cuts in non-strategic defense activities in the United States if we restructure our current base closing and management efforts to make a comprehensive effort to reduce them by the same share as we reduce our combat forces and defense spending. Such an effort could produce tens of billions in additional savings, and it is important to note that such savings would generally not mean a net loss of jobs or income for most states.

There is a fundamental fallacy in the way the Congress generally treats local interests and pork. It is assumed that every dollar spent or job saved produces a net saving for the State involved. In fact, all that ever happens in an era of declining defense budgets is to trade needed jobs and activities that contribute to our national security for ones that do not.

A given district may benefit from pork, but—in general—preserving unneeded bases and programs simply means cutting the number of active military, needed bases, or defense industry jobs at the same time by roughly the same amount. An honest effort to resize our defense support activities in the United States would produce new base closings and changes in facilities, but it would be counterbalanced by allowing us to preserve larger forces and a larger defense industrial base.

STRATEGIC CHANGE IN THE POST COLD WAR ERA: THE DEFENSE INDUSTRIAL BASE

The defense industrial base is another area that needs bipartisan analysis and planning, and not ideological quick fixes. We cannot afford to try to solve the problem through either industrial Darwinism or planning of a kind that eliminates market forces and competion. We also cannot afford to downsize our industrial base simply to meet our short term needs without considering future risks and the lead times necessary to recreate key defense production capabilities.

The key is to pull together experts from industry, the military services, and academic centers to form a bipartisan task force that will make specific recommendations about both the steps we need to take in the near future and the future management of our industrial base. Such a task force should be set up immediately and provide at least a preliminary report before Congress takes its final vote on the fiscal year 1994 defense budget. It should work closely with the military services and Office of the Secretary of Defense.

Most importantly, it should recognize certain basic strategic realities.

First, the United States must maintain the technology edge it used during Desert Storm. Deployed technology is both a force multiplier and a deterrent, and we must size our RDT&E, procurement programs, and defense industrial base accordingly.

Second, we must not indulge in either over-ambitious procurements, or in focusing on RDT&E efforts that do not reach the troops. We know all too well we cannot count on years of strategic warning to procure the equipment we need. We know from bitter experience that few major systems are ever really combat ready that are not tested and modified by units in the field, and adapted on the basis of realistic training and exercises. We know that nearly half the cost and delays of the learning curve in major programs comes after equipment enters initial full scale production.

Third, we know there are many areas where we will be able to afford only one major center of production capability. We must preserve competition wherever we can, but there are many areas where competition already does not exist. We must plan such centers of excellence and substitute improved government management for a lack of competitive efficiency.

Fourth, while we need to clearly identify the areas where we must preserve a defense industrial base that is separate from the civil industrial base, we also need to move as swiftly as possible to redesign our combat technology and production systems to use civil parts and manufacturing capability in every other area. The only way to achieve future economies of scale, and preserve critical production capability, is to end as much of the separation of the civil and defense industrial bases as possible. This will maximize the strength of competition and our ability to use the free market system.

The last thing we need is partisan debates over the merits of industrial planning versus competition. We need both. We also need to recognize that cost and on-schedule performance must be absolute conditions for going ahead with major programs, not simply strategic need or technical excellence. We must not confuse preserving the defense industrial base with preserving firms that cannot perform or industries that have lost their importance.

STRATEGIC CHANGE IN THE POST COLD WAR ERA: ARMS SALES AND THE PROBLEM OF PROLIFERATION

Finally, we need to recognize that both the United States and other Western states face a world where power projection faces the threat that Third World states will use weapons of mass destruction, and where every advanced conventional weapon that falls into unfriendly hands complicates our ability to project power.

The ongoing process of proliferation in the developing world may well be emerging as a much more serious long term threat than the residual capabilities of the Russian Republic. North Korea, Iran, Iraq, Libya, and Syria already possess significant capabilities for chemical warfare and probably for biological warfare as well. They already have advanced long range strike aircraft and surface-to-surface missiles. India and Pakistan are already nuclear powers, and the most radical states in northeast Asia and the Middle East are seeking nuclear capability as well.

It is one thing to sell advanced conventional weapons to states like South Korea, Singapore, Egypt, Israel, or Saudi Arabia. It is quite another to sell them to states that may stay friendly or neutral, or to states like Iran, Libya, and Syria. We already created one Frankenstein's monster in Iraq. We will have only ourselves to blame if we create another.

We need to recognize that we must both prepare to fight wars where weapons of mass destruction may be used, and that the effort to limit proliferation and the transfer of advanced conventional arms to potentially hostile states has the highest possible strategic priority. Arms control is not the enemy of effective power projection. It is its essential partner, and no analysis of emerging world realities can afford to ignore this.

ACCEPTING THE CONTINUING NEED FOR AMERICAN POWER

There is no way to cost all of the recommendations set forth in this paper. Many require detailed follow-on planning efforts, and many involve complex changes in force structure that are far beyond the simplistic and inaccurate cost models used outside the Department of Defense. It is clear, however, that all of these measures can be implemented for less than the cost of the adjusted Bush program for fiscal years 1993–98. It is also clear that they will cost more than the program advocated by President Clinton.

Such an added investment will be worth far more than its cost. It is easy to counsel retreat and to list the risks of American involvement overseas. It is easy to strip away defense resources in a period of peace. It is much harder to remember the inevitable costs of taking such advice. The fact remains, however, that we need strategy driven force plans and defense budgets. Further, any short term savings we can achieve are almost certain to be more than offset by the costs of our resulting indifference and weakness.

It is all too clear that we are not present at the creation of a new world order—if that is supposed to mean a world where political and economic forces can preserve peace and democracy. In fact, in many ways, the world we face today is very similar to the world that existed when this century began. This is the reason we cannot make the kind of cuts in defense spending now proposed by the new administration without threatening our security. It is the reason such cuts could eventually force us into far higher defense expenditures than if we maintained the level of military capability we need in the first place.

The United States cannot act alone in the world, nor should it oppose the strengthening of international coalitions, arms control efforts, and peace making. Being the world's remaining superpower is not an end in itself. It is only a bridge to the time when cooperation between East, West, and the developing nations of the world can achieve greater security by more peaceful means.

The last thing we should seek is a United States faced with responsibilities it cannot really afford, and thrust into a solitary role that can only mix arrogance with isolation. The United States should limit any power projection role it plays to its own vital strategic interests, or to aiding threatened democracies that cannot defend themselves without American aid.

However, we must not burn our bridge to a secure future before we cross it. An era of limits must not become an era of impotence, and the only thing worse than being the world's only policeman is trying to live in a world with no policeman at all. The emerging realities of the post cold war world are forcing the United States to change its forces and deployments to adopt a new power projection strategy. This is the only way that we can hope to preserve international stability, deter and repel aggression, and buy the time we need to create a more stable world.

POWER OF PROSECUTION

Mr. WALLOP. Mr. President, prior to the Senate's vote to confirm Ms. Janet Reno as the Nation's next Attorney General, the majority leader made some rather curious remarks about our Nation's judicial system.

After discussing Ms. Reno's experience as a prosecutor for the State of Florida, the majority leader spoke generally about "the power of prosecution" in our society.

He stated that "One of the greatest powers in a democratic society is the power of prosecution." Mr. President, this Senator certainly has no quarrel with that particular comment. In any society, the prosecutorial power of the State is formidable.

However, the majority leader subsequently proclaimed that, "The power of prosecution is greatly abused in a democratic society." He also inveighed against the power of prosecution as "The greatest power for which there is little or no accountability."

Mr. President, if the majority leader is truly concerned about the unfettered and unaccountable power of the prosecution in our society, the Senator from Wyoming suggests he turn his attention to the activities of independent counsel Lawrence Walsh. The conduct of Judge Walsh's investigation mirrors perfectly the concerns the majority leader has expressed.

Mr. President, when our judicial system operates within the institutions and the principles set forth by our Founding Fathers in the Constitution and Bill of Rights, there are numerous and powerful restraints on the State's prosecutorial power.

However, when our Government creates offices and empowers officers outside the bounds of these very important strictures, we seriously threaten the core principles upon which this Nation was established. The independent counsel law is one such example.

One of the reasons we place limitations upon the State's prosecutorial power is to prevent it from engaging in witch hunts. Nevertheless, we now have the spectacle of an independent counsel—whose authorization to exist expired December 15 of last year—continuing to pursue alleged villains with reckless abandon. Of course, to date, Judge Walsh's efforts to convict the individuals he has hounded have proven quite unsuccessful. Perhaps it is due to frustration that his office's investigation has taken on the appearance of a vendetta.

But Mr. President, it is for just such an eventually that we have institutional constraints and constitutional protections.

The majority leader emphasized the need for accountability among those vested with the power of prosecution. Does it not trouble him that until last year the General Accounting Office had failed to conduct an audit of Judge Walsh's Office, in operation since 1987, as required by law?

This despite the fact that Judge Walsh's expenditures to date—nearing the $40 million mark—account for roughly 90 percent of all the money spent by independent counsels since 1978. Does it not bother the Senator from Maine that when the GAO audit was finally conducted, a number of improprieties were discovered, including:

The failure of Walsh and his chief deputy, Craig Gillen, to pay District of Columbia income taxes while living and working in the city;

The improper billing to the taxpayers of 78,000 dollars' worth of meals and lodgings;

The improper billing of first-class air travel;

The improper leasing by Walsh of a Government vehicle for transportation between his office and Washington residence;

The granting of excess leave credit without written justification. As of

March 30, 1992, 30 employees had reportedly accrued 5,300 hours of leave time; and

A number of other financial and ethical misdeeds.

If practices such as these trouble the majority leader—and they should—then he ought to be even more appalled that the GAO agreed to waive—yes, waive—the applicable Federal pay and procurement standards with respect to the operation of Judge Walsh's office.

That's right. Having been informed that these activities violated Federal guidelines, Judge Walsh asked for, and was granted—yes, granted—by GAO, an exemption from applicable Government rules. In effect, Judge Walsh has been pardoned; he cannot be held accountable for his activities. To make matters worse, not only has Judge Walsh's office been granted a waiver from applicable Government regulations for its past actions, it has also been notified it need not comply with some of the same rules for the remainder of its investigation. How preposterous. What American citizen can expect the same absolution?

Perhaps the majority leader could explain to the Senator from Wyoming and the American taxpayer how such waivers and exemptions fulfill his notion of accountability.

As the evidence of Judge Walsh's financial and political intemperance mounts, it becomes ever more clear how dramatically Congress erred when it created the Frankenstein monster known as the independent counsel law.

With the authorization for the law having expired, one would hope that this monster, having met a timely demise, would be laid to rest for good. However, as in the many sequels to the classic horror film, some mad scientist always takes it upon himself to resurrect the hideous creature hoping to tame him once and for all.

It should come as no surprise then that the Judiciary Committee in the other Chamber recently, after issuing bipartisan criticism of Judge Walsh and his office's conduct, voted along party lines to revive the independent counsel law. Can similar action in the Senate be far behind?

So, Mr. President, if the majority leader is truly distressed about malicious and overzealous prosecution, about the lack of accountability among prosecutors, and about prosecution with a political agenda, he will have an excellent opportunity to confront these problems if and when some of our colleagues attempt to revive the independent counsel legislation.

This Senator would be happy to work with the Senator from Maine to prevent that from happening.

Mr. President, I yield the floor.

CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 64

Mr. DORGAN. Mr. President, I rise to support the conference report on House Concurrent Resolution 64, the budget resolution for fiscal year 1994 and succeeding years, because it embodies fundamental economic change that this country direly needs.

This compromise resolution requires that we take some tough medicine to help cure our budget deficit problems. But we must not shrink from doing so because the American people expect no less.

The conference report sets forth the biggest deficit reduction package in our history. The $500 billion cut in red ink will help to ensure both that deficits do not undermine the foundations of our Government and that they do not cripple economic growth.

The spending cuts and tax increases required by this legislation will create some pain in sectors throughout our Nation. President Clinton said that this sacrifice should be fairly shared. And that's as it should be.

I have worked to see that those most able should shoulder the biggest burden of sacrifice. I have also sought equity in the plan so that rural America received fair treatment.

I am pleased to report that the resolution before us does indeed assume that the wealthy will bear the largest burden of tax increases. Under the Clinton plan, two-thirds of the revenue increases would fall on taxpayers with incomes over $100,000. Meanwhile, the resolution assumes full funding for programs that help fight poverty, such as WIC, Head Start, Child Immunization, and the Mickey Leland Hunger Program.

Moreover, the Clinton Administration has cooperated with me and other colleagues to put deficit reduction for agriculture and rural America at the same relative level as for other sectors. We achieved this result by retaining the Senate's budget level for agriculture, which was $3.2 billion higher than the House proposal over 5 years. This compromise softens the impact on agriculture and gives us room to design a decent price support program and to make sound reforms in the Agriculture Department.

The President has also agreed to exempt ethanol from the Btu tax and to fix the problem that tax might have created for the Dakota Gasification Plant. The conference agreement also recognizes that agriculture and energy-producing States should not bear a disproportionate share of the Btu tax. It further affords some flexibility in adjusting grazing fees so that ranchers are not unfairly penalized.

May I also add that this budget achieves savings through prudent reductions in Government overhead and defense spending. We can do so as a result of Federal management reforms and the end of the cold war, respectively. Reining in wasteful and unneeded spending can enable us to invest in such priorities as education, health care, and transportation systems. Prior administrations have neglected these needs and I commend President Clinton for turning the spotlight back on them.

In a word, this budget meets the twin tests of economic change and fairness. It charts a path toward economic competitiveness and deficit reduction. It asks my constituents in North Dakota to make a meaningful contribution to deficit reduction, but does not ask them to bear an unfair burden compared to other regions of the country. That is why I intend to vote for the conference report on the fiscal year 1994 budget resolution.

EXECUTIVE SESSION

NOMINATION OF STROBE TALBOTT, OF OHIO, TO BE AMBASSADOR AT LARGE AND SPECIAL ADVISER TO THE SECRETARY OF STATE ON THE NEW INDEPENDENT STATES

The PRESIDING OFFICER. Under the previous order, the question is on the confirmation of Strobe Talbott.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Strobe Talbott, of Ohio, to be Ambassador at Large and Special Adviser to the Secretary of State on the New Independent States?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. KRUEGER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. GREGG] is necessarily absent.

The PRESIDING OFFICER (Mr. BAUCUS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 89, nays 9, as follows:

[Rollcall Vote No. 99 Ex.]

YEAS—89

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum

Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mathews
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wellstone
Wofford

NAYS—9

Craig
Faircloth
Gorton
Helms
Kempthorne
Lott
McCain
Smith
Wallop

NOT VOTING—2

Gregg
Krueger

So the nomination was confirmed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on committee substitute to H.R. 1335, the emergency supplemental appropriations bill:

Harlan Mathews, Dianne Feinstein, Barbara Boxer, Jeff Bingaman, Bob Kerrey, Barbara A. Mikulski, Robert C. Byrd, Pat Leahy, Frank R. Lautenberg, Wendell Ford, David Pryor, Carol Moseley-Braun, Tom Daschle, John D. Rockefeller IV, Jim Sasser, Bill Bradley, Patty Murray.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute to H.R. 1335, the emergency supplemental appropriations bill, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. KRUEGER] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. GREGG] is necessarily absent.

The yeas and nays resulted—yeas 55, nays 43, as follows:

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—55

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Gregg
Krueger

The PRESIDING OFFICER. On this vote, there are 55 yeas and 43 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MITCHELL. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. The Senate will not proceed until the Senate is in order. All those wishing to converse, please take their conversations to the cloakroom.

The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Republican leader be recognized to use his leader time; that following his remarks I be recognized to use my leader time; and that following my remarks, the Senate stand in recess subject to the call of the Chair.

Mr. BYRD. Mr. President, reserving the right to object, I do not intend to object, I hope we will know before the day is over what time tomorrow we will come in.

Mr. MITCHELL. Mr. President, we will.

Mr. BYRD. I thank the leader.

Mr. GRAMM. Will the distinguished Senator yield?

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, I will not object, I simply would like to ask a question.

If we come in tomorrow to vote on cloture, will we have an opportunity tomorrow to offer amendments?

Mr. MITCHELL. I will discuss that with the distinguished Republican leader during the evening. Obviously, if the request is accompanied with a list of amendments and a time certain for voting on the bill, it will be very carefully and sympathetically considered and reviewed. We will be happy to discuss that with the Senator from Texas and the distinguished Republican leader and others following discussions.

Mr. GRAMM. I just say to the distinguished majority leader, I have amendments to this bill that I think are relevant. I am eager to offer them. If we are going to be in anyway, I would like to get that opportunity.

Mr. MITCHELL. If we can get a list of amendments and a time certain for vote up or down on the bill, and the Senator would like to help us in that regard, obviously we will be pleased to consider that.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

Mr. MITCHELL. Mr. President, I ask that prior to the statements by the distinguished Republican leader, and myself, that the Senator from Iowa be recognized for up to 3 minutes to deliver a eulogy on former Representative Schwengel from Iowa.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FRED SCHWENGEL

Mr. HARKIN. Mr. President, today is a very sad day for me and the State of Iowa and for Americans everywhere. As the Chaplain already mentioned in his opening prayer last night, a good friend of mine, former Congressman from the State of Iowa, Fred Schwengel, died after a long bout of illness.

History tells us that on the day John F. Kennedy died, a tailor in New York put a sign on the door that read, "Closed Due to a Death in the Family." That is the way I feel today—it is like we had a death in the family.

Fred was born and raised in Iowa. Many of this body knew him personally, as well as his wife Ethel, who survives him, as well as two children, five grandchildren, and one great-grandchild.

In fact, Mr. President, it was just a little over a month ago that Fred celebrated the birth of his great-grandson. His granddaughter-in-law, Betsy Schwengel—who is a member of my staff—gave birth to a bouncing baby boy, Riley Kenworth Schwengel. And I'll tell you, Fred was proud of that great-grandson.

He was a progressive Republican who served for eight terms in the U.S. House, and five terms in the Iowa Legislature. I knew Fred for over 30 years. In fact, I probably would not be here in the Senate today if it were not for Fred Schwengel. My first experience in Washington was as an intern in a program set up by Fred Schwengel to bring both Republican and Democratic young Iowans to Washington, DC, to intern for the summer.

As we all know, one of Fred Schwengel's true loves was history. He was both a teacher and a historian. Back in 1962, Fred Schwengel founded the U.S. Capitol Historical Society. He served as its president until 1992, and was chairman of the board until his death. We've all seen him leading guiding tours through the Capitol, talking about the institution that he loved. He enriched our lives and our understanding of this building.

Fred used to tell me that "sometimes he wanted to say to those who are still in school, and who think that history is a dry thing that lives in a book: nothing is every lost in this building." And if you walk through the Capitol rotunda today and listen closely, you can still hear Fred leading a group of students through and point to the paintings or to the center of the rotunda, and saying "that is where the body of Abraham Lincoln layed in State."

As any Senator can attest whoever went on a tour with Fred Schwengel that it was a real treat to go on the tour of the Capitol with Fred Schwengel.

He loved history and approached it as both a romantic and a realist. He could quote from the Lincoln-Douglas debates easily. In his love and support of America's historical treasures, Fred Schwengel himself became a national treasure.

He was probably on of the foremost scholars of the Capitol in the world. He also wrote a book on the history of the Republican Party. I would say that Fred Schwengel is probably the only person who could get me to talk about the history of the Republican Party on the floor of the U.S. Senate.

I recommend it to everyone, both Republicans and Democrats. But, Mr. President, I would like to read just one paragraph from Fred Schwengel's book on the history of the Republican Party. I recommend it. It is a wonderful book.

This is what Fred Schwengel wrote about the Republican Party—actually about America.

> I believe that moderation is a virtue—especially in a democracy of contending interest—and that extremism is a divisive vice. My reaction in 1964 led me to conduct research on political moderation. I have come to the conclusion that moderation is to be recommended above all political philosophies because it will alone recognizes the common fate and aspirations of all human beings; it alone understands the influences that drive people to extremes; and, finally, moderation alone respects the sacredness of humanity. Moreover, I have discovered that the Republican Party has a heritage of moderation. Lincoln, far from being the radical, was a moderate who followed Ben Franklin's advice to "avoid extremes."

Fred Schwengel was, indeed, one of the individuals who influenced me to go into politics. I always kidded that he got me involved in government but could never make me a Republican. He was a dearly beloved figure, one of the closet friends I had in my lifetime. He was a credit to his country and a credit to the U.S. House of Representatives, a credit to the Capitol.

The last time I worked with Fred was about 6 months ago. He has just successfully worked to set up the Harry S. Truman Program for the importance of history at Northeast Missouri State University. They were having a dinner and he asked me to send a letter.

In that letter, I wrote that "in the long history of the world, mankind has pondered whether people make history or history makes people. Harry Truman reminded us that people do indeed make history—but it's up to all of us to make sure that that history is never forgotten."

Mr. President, I think the same may be said of Fred Schwengel. Thomas Carlyle once said that "history is the biography of great people." Fred Schwengel was a great person, he was a great friend, and a credit to this institution. He lived a long and full life, and he left his mark. And we are all going to miss him.

Mr. President, I yield the floor.

Mr. MITCHELL. I ask unanimous consent that the Senator from Virginia be recognized for up to 5 minutes to submit a resolution unrelated to the pending bill.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. I thank the Chair.

(The remarks of Mr. ROBB pertaining to the submission of Senate Resolution 92 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Republican leader is recognized.

ALTERNATIVE ECONOMIC STIMULUS PACKAGE

Mr. DOLE. Mr. President, there has been a lot of double-talk lately about this so-called jobs bill.

Well, let me tell the American people exactly what this bill really stands for: It stands for everything the American people voted against last year; it is everything they detest about Washington—big deficits, big spending, and big promises from a Congress that still refuses to exercise a little discipline when it comes to spending the taxpayers hard-earned dollars.

That is not change. That is shortchanging the American people. If you are looking to stimulate the deficit, vote for this bill.

Of course, this is not a jobs bill. Oh, it does provide some temporary makework jobs, but there is nothing in this package that will create longterm job opportunities for Americans looking for real jobs and real hope.

Some of the double-talk we've heard lately has also tried to describe this bill as some kind of emergency. Well, it is an emergency—it is an emergency for the taxpayers; and it is an emergency for our economy, which cannot take any more deficit spending by the White House and Congress.

In my opinion, a vibrant private sector will create far more good, lasting jobs than the President's plan to send a $19 billion IOU to future generations of Americans.

The clever salesmen behind this plan's false advertising have also tried to hide the truth behind the gridlock gimmick.

Well, let us make one thing clear—when it comes to wasting another $19 billion, the American people are counting on gridlock to save them from the tax and spend crowd that cannot wait to get their hands on the taxpayers' wallets.

However, while my Republican colleagues and I have serious problems with much of the President's package, we are ready to offer an alternative plan that contains the better elements, and saves the taxpayers from having to pay for all those swimming pools, gymnasiums, and that infamous ice skating warming hut.

Our plan includes support for unemployment benefits, summer jobs, immunization, and highway and mass transit funding. These five items are all either time-sensitive, genuinely create jobs, or are legitimately needed.

This leaner, meaner alternative puts the Government on a healthier diet by cutting out the pork and the fat—no pork, no political favors, no fooling around with the taxpayers dollars. I hope my Democratic colleagues will embrace this package. Forget the gridlock gimmick what we have here is greedlock, the wasteful pork barrell proposals that have put this terrible bill in jeopardy, which is exactly where the American people are hoping we put it.

Our alternative supports summer jobs, immunization, highway and mass transit funding—and here is the best part—and it pays for them with across-the-board cuts in Government administrative costs. It is a fair and equitable way to pay for programs.

It is regrettable that funding to extend unemployment compensation will not be offset elsewhere in this amendment. That is because the most recent extension bill passed by Congress considers all funding to extend unemployment benefits emergency spending. I voted against this approach, but in this case, I have little choice but to abide by the statute passed by the majority of my colleagues.

Let us face it, dialing the legislative equivalent of "911" has become a major loophole that needs to be closed. Everyone in this Chamber knows that simply slapping the emergency label on clearly questionable spending in a supplemental appropriations bill will not stop it from adding to the deficit. If we need something, we should be honest enough to pay for it within the spending caps set in the 1990 budget agreement.

The American people are demanding change and an end to business-as-usual. What better way to give it to them than by paying for new spending rather than taking the easy way out and jacking up the deficit.

Mr. President, it had been my intention yesterday to offer an amendment. I still hope I may have an opportunity to do this, if not tomorrow, some time next week.

I want to discuss what the amendment would do. We have all heard the debate on what the entire bill will do and whether or not it is a stimulus package and what the American people want.

I know one thing they do not want are big deficits, big spending, and big promises from the Congress that refuses to exercise very much discipline when it comes to spending the taxpayers' money. It just seems to me that we have voted and demonstrated that we do have an impasse here. Some would call it gridlock; I call it porklock. Call it what you will. There is a big difference of opinion on what we ought to do.

Some would say this is an emergency bill, and some would categorize it as an emergency for the American taxpayer, that we ought to halt this bill in its entirety, because it is an emergency for the taxpayers and for our economy.

Many of us believe we just cannot continue to pile up deficit spending and say do not worry about it, it is not that much money, and add it to the deficit. In the opinion of many in this country, including Republicans or Democrats, the best recovery will come from the private sector, from lasting jobs and not make-work, short-time summer jobs, whereever it may be.

So it seems to me that we will have a lot of debates in the next 2 or 3 days.

To summarize, I do not think there is any dispute about the unemployment compensation, about that $4 billion. We have already voted on that. It has already been authorized. So there is no dispute about the $4 billion. I think we would be prepared—at least I would be; I cannot speak for all of my colleagues—to put in additional sums for summer jobs, immunization, highway and mass transit funding; in other words, complete this fiscal year, and this would be outlays. The total would be $350 million, plus the $4 billion that is not paid for, the unemployment compensation; we would pay for the $350 million.

This leaner and meaner alternative puts the Government on a healthier diet. We cut out a lot of the areas that we do not think are necessarily job-creating.

I hope that there might be some opportunity to offer the amendment. I am not under any illusion that it might be passed. But it might set the stage—if there is any way of working out something here in the next few days—for at least sending a signal that we are just as sensitive, we believe, as Members on the other side of the aisle when it comes to some of these programs. We just have a basic difference. We think they ought to be paid for.

We believe they can be paid for. If we did it on a pay-as-you-go basis, there would be considerable support on this side of the aisle.

So we pay for it with the across-the-board cuts in Government administrative costs. It is fair and it is a fair way to pay for it. When you ask the American people who ought to sacrifice, they say the Government. They do not see the Government sacrificing. We just passed a big, big tax bill called an economic package, but we do not see the Government making any sacrifice. So it would seem to me that we can at least make a step in the right direction.

It is regrettable, in my view, that we are going to extend unemployment compensation without paying for it, but we have already been through that. I voted against it because we did not pay for it. In this case we have little choice but to abide by the statute, so let us fact it. I think this would give us an opportunity to at least take a look at whether or not there is any way we can figure our way out of this impasse. If not, then I assume we will be on this bill for a considerable amount of time.

I hope that sometime tomorrow or sometime on Monday I will be offered an opportunity to offer this amendment because I think it should be voted on. It is relevant, it is germane, it does deal with the specific issue before us, and it would offer some degree of relief, not as much as some would like, but it does go into the areas where we think there are job opportunities, at least some relationship, and funds those programs for the fiscal year 1993. In my view the Appropriations Committee will find ways to fund the programs in 1994, 1995, 1996, and thereafter. Why not pay for what we do? That seems to me a fairly responsible approach. It is the one the American people want when they tell us to cut spending first. If we are not going to cut it, as least we ought to pay for it. In my view, that is a very responsible position to have. I wanted to state that I hoped to offer this amendment yesterday afternoon, but I had a matter I had to attend to and was not here and able to do that.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

In the pending substitute, on page 28, line 22, [sec. 201] strike the period and insert ": *Provided*, That no appropriations contained in this act may be made available for obligation except (1) all of the additional amounts under the heading "Training and Employment Services" under the heading "Employment and Training Administration" under the Department of Labor, (2) all of the additional amounts under the heading "Advances to the Unemployment Trust Fund and Other Funds" under the Department of Labor, (3) all of the additional amounts under the heading "Office of the Assistant Secretary for Health" under the heading "Assistant Secretary for Health" under the Department of Health and Human Services, (4) all of the additional amounts under the heading "Federal-Aid Highways (Liquidation of Contract Authorization) (Highway Trust Fund)" under the heading "Federal Highway Administration" under the Department of Transportation and Related Agencies", (5) and all of the additional amounts under the headings "Formula Grants", "Discretionary Grants", and "Trust Fund Share of Transit Programs (liquidation of contract authorization) (Highway Trust Fund)" under the heading "Federal Transit Administration" under the Department of Transportation and Related Agencies."

PAY-AS-YOU-GO PROVISIONS

(A) Of the amounts provided in previous fiscal year 1993 appropriations acts and available budget authority under previous appropriations acts, such amounts of budgetary resources are rescinded so as to equal $350,000,000 in outlays as provided in subsections (B) and (C).

(B) The Director of Office of Management and Budget shall make uniform percentage reductions in budget authority in Federal agency administration expenses, except that no reductions shall be made in current rates of pay under current law.

(C) For the purposes of this section, Federal agency administration expenses are defined as object classes 10 (excluding object classes 12.1, 12.2 and 13.0), 20 (excluding object class 23.1), and 30.

(D) To the extent budgetary resources are not provided in appropriations acts, the Director shall make the same uniform percentage reduction as required in subsection (B) in Federal administrative expenses as determined in section 256(H) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STRIKE EMERGENCY PROVISION

On page 28, strike section 202.

Mr. DOLE. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, what the American people want are jobs and an end to gridlock, and end to the politics of the past which has tied this institution and this country in knots and not permitted the kind of change in progress for which the American people voted in November. The rate at which new jobs are being created coming out of this recovery is only one-tenth the rate at which jobs have been created in previous recoveries.

The economic news today indicated that in the last month, rather than an expected 100,000 increase in jobs, the economy suffered a decrease of 22,000 jobs with very large decreases in manufacturing. I say to my colleagues, the most pressing need in America today is the creation of jobs, and this is a jobs bill, which is intended to and will create jobs. A vote against this bill is a vote to deny Americans the 500,000 jobs which would be created by this bill. That is the central issue.

What Americans also want is an end to gridlock, an end to what has occurred over the past 7 days in which a majority favoring the bill, which is an important part of the President's program, is denied the right to vote on the bill because a minority, acting within their rights under the rules, has denied that right. All of us at one time or another have exercised the rules to our favor. We all recognize that fact. But in this case, a new President has presented a comprehensive economic program which will reduce the budget deficit by $496 billion over the next 5 years, and those who say they want to reduce the deficit voted against the President's deficit reduction program.

This bill is a part of the whole. President Clinton was elected to change the economic policies that the previous administration followed. He offered a comprehensive economic program for change and job creation and deficit reduction. Our opponents, our colleagues, want to continue the failed policies of the past. We want to change those policies. That is the essential difference that confronts us here today.

Now the effort to defeat and embarrass the President is focused on picking his program apart piece by piece, first in opposing the deficit reduction of $496 billion and then opposing the job-creating program on the contention that it does not reduce the deficit even though those making that argument voted against the deficit reduction program which we just adopted in the budget resolution.

It is opposing every part of the President's program on a piecemeal basis. The American people understand that the President's program is a complete program, an integrated economic whole, and it makes sense. The pressing need now is job creation so the first step is to create 500,000 jobs with this jobs bill.

In order to sustain economic growth over the coming 5 years, it is necessary to bring the deficit down, so the President's program does that by a combination which includes $223 billion in spending reductions and $273 billion in revenue increases, every dollar of which will go to reduce the deficit.

Viewed as a whole it makes sense. But under the rules of the Congress we cannot vote on it as a whole. We must vote on it piece by piece, and that enables our colleagues, first, to oppose the deficit reduction plan and then to oppose the jobs bill on the grounds that it does not reduce the deficit.

I think the American people understand the issue at stake here. President Clinton has been in office for just over 2 months. Are we the Congress, going to give our new President a chance to get his program started? Or are we going to block the President? Are we going to give the President the chance to do what he was elected to do—change the economic policies of this country? Or are we going to try to block the President? Are we going to give President Clinton the opportunity to demonstrate to the American people that they were right when they elected him last year to change the economic policies? Or are we going to try to block the President? That is what is at stake here.

I regret the vote that just occurred. I understand it. I respect each and every one of my colleagues, and I surely respect my good friend the distinguished Republican leader. We do have a fundamental difference of opinion on how best to approach this.

I wish to address just briefly the subject of amendments. We have been told that there are unlimited amendments to be offered by the other side. Several Senators have suggested that it is inappropriate that they not be allowed to offer amendments. Mr. President, we have been on this bill for 7 days. Where were they when they had the opportunity to offer amendments earlier? Second, I have made it clear that if our colleagues will give us a list of amendments that they want to offer and a specific time when we can vote on this bill up or down when those amendments are completed, surely we will consider them. But when the suggestion is made that "we want to offer amendments" and they are unlimited in number and they refuse to give any time for final action on the bill, then it is clear that this is a filibuster by amendment.

So everyone should understand that. If we can get an agreement on what amendments are going to be offered and we can vote on this bill up or down at some point, why, then of course the amendments will considered.

Mr. President, in conclusion I say I regret the result of the vote. I understand it. I respect the arguments presented by my friend and colleague. We disagree, as we often do, not in a disagreeable way. I believe the President's program is right for the country. I believe the American people elected him to put this policy into effect, and I believe this Senate ought to give him that chance.

Mr. President, I reserve the remainder of my time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. FEINGOLD). The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I do not want to extend this and I certainly do not want to quarrel with my good friend, the majority leader. But I am compelled to indicate that, as of last night, the Democrats have used 24 hours and 6 minutes and the Republicans have used 10 hours and 58 minutes.

I think when you look at the time that has been allotted to the two sides, it is very clear where most of the debate has been coming from. So it has not been an effort on this side to hold up this legislation.

Every time I hear this about gridlock, I think back to 1985 when I was the majority leader. At 2 o'clock in the morning, we finally passed a budget—a tough budget—by a vote of 50 to 49. One Democrat was in that group of 50, the late Ed Zorinsky from the State of Nebraska.

We had not learned about gridlock then. I guess we knew what it was, but we had not been able to define it.

So when I look at back at 1985—and we were not raising taxes; we were cutting spending and making a lot of tough decisions—I could not encourage or persuade any but one of my colleagues on the other side to vote with us.

I agree with the majority leader—and I will address this more maybe tomorrow—about how we use the rules and how some say we abuse the rules.

I remember when we had a brandnew President—his name was George Bush—in 1989. He had an economic plan. The key element of that plan was reduction of the capital gains tax rate.

A strange thing happened. We had some parliamentary maneuver worked out so it took 60 votes. We had a majority, but we could not get 60 votes. That went on for 4 years. You talk about gridlock. This is nothing. That lasted for 4 years. Never could get a vote on the capital gains tax rate reduction, which would have done a lot for the economy. Maybe we would not be here today if we had passed that part of President Bush's economic package.

So there are a lot of parallels.

At the same time, the two leaders, we disagree from time to time, but we are never disagreeable. We have to make this place run and we hope we can continue to do that.

But there is, I think, a basic difference in philosophy. We believe we ought to pay for what we spend. That is the only point we are trying to make.

I hope we can work out some agreement on amendments. We have a number of relevant, germane amendments on this side that we would like to offer. We hope that is a possibility.

The majority leader has left the door open—slightly. You cannot get through it, but we can see through it. But, in any event, we will be working on that.

So I just say to my colleagues, we appreciate your patience. We hope it is as good on Wednesday as it is this evening.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 6:02 p.m., recessed subject to the call of the Chair; whereupon, at 7:40 p.m., the Senate reassembled, when called to order by the Presiding Officer [Mr. PELL].

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The Senator majority leader.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on committee substitute to H.R. 1335, the emergency supplemental appropriations bill:

Wendell Ford, Pat Leahy, Patty Murray, Barbara Boxer, George Mitchell, Daniel Inouye, Dianne Feinstein, Claiborne Pell, Robert C. Byrd, David Pryor, Jim Sasser, Tom Daschle, Paul Sarbanes, John F. Kerry, John Glenn, Byron L. Dorgan, Paul Wellstone, Carol Moseley-Braun.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 63, James B. King to be Director of the Office of Personnel Management; Calendar No. 65, Eugene Allan Ludwig to be Comptroller of the Currency.

I ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

OFFICE OF PERSONNEL MANAGEMENT

James B. King, of Massachusetts, to be Director of the Office of Personnel Management for a term of 4 years.

DEPARTMENT OF THE TREASURY

Eugene Allan Ludwig, of Pennsylvania, to be Comptroller of the Currency for a term of 5 years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

SENATE LEGAL COUNSEL TO APPEAR AS AMICUS CURIAE

Mr. MITCHELL. Mr. President, I send to the desk a resolution to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in a case pending in the U.S. Court of Appeals for the Sixth Circuit, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 93) to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in *United States ex rel. Taxpayers Against Fraud, et al.* v. *General Electric Company*.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, by Senate Resolutions 104, 117, 160, and 289 of the 101st Congress, and Senate Resolutions 287 and 343 of the 102d Congress, the Senate authorized the Senate Legal Counsel to file briefs as amicus curiae in the name of the Senate in defense of the constitutionality of the qui tam provisions of the False Claims Act. The provisions in question authorize private plaintiffs to initiate civil lawsuits against contractors who have defrauded the Government and, as an incentive for such actions, to share a portion of funds recovered on the Government's behalf.

The Government contractors, who have been the defendants in these cases, have advanced two challenges to the constitutionality of the False Claims Act. First, they maintain that authorizing private individuals to initiate civil litigation in the name of the United States violates the constitutional separation of powers and infringes upon the executive branch's law enforcement responsibilities. Second, they argue that the qui tam provisions of the act violate the standing requirement of article III of the Constitution.

All the district courts that have addressed the constitutional issues, and recently the U.S. Court of Appeals for the Second Circuit, have rejected challenges to the act's constitutionality. Appeals on the constitutionality of the act will soon be heard by the U.S. Court of Appeals for the Ninth Circuit.

The qui tam provisions of the False Claims Act have also come under challenge by the defendant in United States ex rel. Taxpayers Against Fraud, et al. versus General Electric Company, which is now pending in the U.S. Court of Appeals for the Sixth Circuit. As with the prior cases, the Department of Justice has not appeared in the litigation to defend the constitutionality of the qui tam provisions of the act. We understand that the Department is reviewing its position on this issue, and look forward to an early decision by it to defend the constitutionality of this significant tool to protect the Government against fraud. While the issue is under review by the Department, it remains important for the Senate to continue its defense of the law.

Accordingly, this resolution authorizes the Senate Legal Counsel to appear in this case as amicus curiae on behalf of the Senate to defend the constitutionality of the qui tam provisions of the False Claims Act. Senate Counsel will not be addressing other issues between the parties in the appeal.

The PRESIDING OFFICER. Without objection, the resolution is agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 93

Whereas, in the case of United States ex rel. Taxpayers Against Fraud, et al. versus General Electric Company, Nos. 92-4283 and 93-3015, pending in the United States Court of Appeals for the Sixth Circuit, the constitutionality of the qui tam provisions of the False Claims Act, as amended by the False Claims Amendments Act of 1986, Pub. L. No. 99-562, 100 Stat. 3153 (1986), 31 U.S.C. 3729, et seq. (1988), have been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288l(a) (1988), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the case of United States ex rel. Taxpayers Against Fraud, et al. versus General Electric Company to defend the constitutionality of the qui tam provisions of the False Claims Act.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEDICATION OF THE U.S. HOLOCAUST MEMORIAL MUSEUM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 76, a joint resolution concerning the dedication of the U.S. Holocaust Memorial Museum; that the Senate then proceed to its immediate consideration, that the joint resolution be deemed read three times, passed, and the motion to reconsider laid upon the table and the preamble be agreed to.

The PRESIDING OFFICER. Without objection is so ordered.

The joint resolution was deemed read a third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 76

Whereas, in 1980, the Congress of the United States established the United States Holocaust Memorial Council (Public Law 96-388, dated October 7, 1980) by unanimous vote and mandated it with the creation of a permanent living memorial museum to the victims of the Holocaust;

Whereas, through the great generosity and unstinting efforts of thousands of individuals from all walks of life, the United States Holocaust Memorial Museum has now been built on Federal land with private contributions and will be officially dedicated on April 22, 1993;

Whereas this institution will underscore the ideals of human rights and individual liberty this Nation was founded upon, as expressed by President George Washington in 1790, when he declared that the United States had created "a government which to bigotry gives no sanction, to persecution no assistance";

Whereas four administrations and every Congress since 1980, and especially Members of Congress and individuals who have served on the Council and officials of the United States Departments of State, the Interior, and Education, have joined with the American public in bringing this institution to life; and

Whereas this museum signifies national dedication to remembering the Holocaust and will serve as the Nation's leading educational facility to teach current and future generations of Americans about this tragic period of human history and its implications for our lives and the choices we make as individuals and societies against crimes based on hate and prejudice regarding race, religion, and sexual preference: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the One Hundred Third Congress officially commemorates the opening and recognizes the historic importance of this unique institution as it takes its place among the other great memorials and museums in our Nation's Capital that honor the democratic precepts this Nation is based upon; and be it further

Resolved, That Congress encourages all citizens of the United States, and all who come to Washington, District of Columbia, to visit the Museum and avail themselves of the opportunities presented within its walls to learn about the past and to contemplate the moral responsibilities of citizenship; and be it further

Resolved, That in remembrance of those who perished in the Holocaust; in tribute to the survivors who came to the United States to build a new life, and who, with their families, have contributed so much to the fabric of our diverse society; in recognition of heroic American soldiers who liberated prisoners of Nazi camps; in recognition of the anonymous bravery of rescuers from many lands who had the courage to care and placed their own lives in peril to help others in need; and in hope that Americans will learn from this museum the need to remain vigilant against bigotry and oppression; we welcome the United States Holocaust Memorial Museum to the center of our American heritage and state now, in recognition of the Museum's motto, that for the dead and the living and those yet to be born, we do bear witness.

DEDICATION OF U.S. HOLOCAUST MEMORIAL MUSEUM

Mr. MITCHELL. I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 156, a House companion joint resolution, just received from the House; that the joint resolution be deemed read three times, passed, and the motion to reconsider laid upon the table; and that the preamble be agreed to.

The PRESIDING OFFICER. Without objection it is so ordered.

The joint resolution was deemed read a third time and passed.

The preamble was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-708. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report for fiscal year 1992; to the Committee on Commerce, Science and Technology.

EC-709. A communication from the Employee Benefits Manager, transmitting, pursuant to law, notice of information on the retirement and thrift plans, and financial statements for the period ending August 31, 1992; to the Committee on Governmental Affairs.

EC-710. A communication from the Acting President of the United States Institute of Peace, transmitting, a report of the audit for fiscal year 1992; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MOYNIHAN, from the Committee on Finance, without amendment:

S. 766. An original bill to provide for a temporary increase in the public debt limit.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DANFORTH (for himself, Mr. EXON, Mr. LAUTENBERG, and Ms. MIKULSKI):

S. 738. A bill to promote the implementation of programs to improve the traffic safety performance of high risk drivers; to the Committee on Commerce, Science, and Transportation.

By Mr. BUMPERS:

S. 739. A bill to amend the Internal Revenue Code of 1986 to simplify the limitation on using last year's taxes to calculate an individual's estimated tax payments; to the Committee on Finance.

By Mr. COHEN:

S. 740. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority and certain tax expenditure repeals; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committees have thirty days to report or be discharged.

By Mr. BREAUX:

S. 741. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 742. A bill to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON:

S. 743. A bill to require court clerks to report the posting of bail in an amount exceeding $10,000 in certain criminal cases, and for other purposes; to the Committee on the Judiciary.

S. 744. A bill to provide for drug-testing of Federal prisoners on release from prison; to the Committee on the Judiciary.

S. 745. A bill for the relief of Hardwick, Inc; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 746. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for stage 3 aircraft; to the Committee on Finance.

By Mr. ROTH:

S. 747. A bill to suspend temporarily the duty on Pigment Red 254; to the Committee on Finance.

S. 748. A bill to extend the temporary suspension of duty on 7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene; to the Committee on Finance.

S. 749. A bill to suspend temporarily the duty on Pigment Blue 60; to the Committee on Finance.

S. 750. A bill to suspend temporarily the duty on pectin; to the Committee on Finance.

S. 751. A bill to suspend temporarily the duty on 6-Acetyl-1,1,2,3,3,5-hexamethyl Indan; to the Committee on Finance.

By Mr. BUMPERS:

S. 752. A bill to modify the boundary of Hot Springs National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 753. A bill to extend the temporary suspension of duty on certain carbodiimides; to the Committee on Finance.

S. 754. A bill to extend the temporary suspension of duty on octadecyl isocyanate; to the Committee on Finance.

S. 755. A bill to extend the temporary suspension of duty on 1, 5-naphthalene diisocyanate; to the Committee on Finance.

S. 756. A bill to suspend temporarily the duty on certain carbodiimide masterbatches; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. PRYOR, Mr. WOFFORD, Mr. SIMON, and Mr. GLENN):

S. 757. A bill to correct the tariff rate inversion on certain iron and steel pipe and tube products; to the Committee on Finance.

By Mr. SIMON:

S. 758. A bill to amend the Harmonized Tariff Schedule of the United States to restore the duty rate that prevailed under the Tariff Schedules of the United States for certain twine, cordage, ropes, and cables; to the Committee on Finance.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 759. A bill to provide for the establishment of the Margaret Walker Alexander National African-American Research Center, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WARNER:

S. 760. A bill for the relief of Leteane Montasi; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 761. A bill to amend the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska; to the Committee on Energy and Natural Resources.

By Mr. PRYOR (for himself, Mr. BAUCUS, Mr. BOREN, Mr. BREAUX, and Mr. SARBANES):

S. 762. A bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes; to the Committee on Finance.

By Mr. DURENBERGER:

S. 763. A bill to amend section 1729 of title 38, United States Code, to improve the Department of Veterans Affairs medical care cost-recovery program; to the Committee on Veterans' Affairs.

By Mr. WOFFORD:

S. 764. A bill to exclude service of election officials and election workers from the Social Security payroll tax; to the Committee on Finance.

By Mrs. BOXER (for herself, Mr. DECONCINI, and Mr. FEINGOLD):

S. 765. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve protection of benefits under group health plans, to provide for adequate notice of adoption of material coverage restrictions under such plans, and to provide for effective remedies for violations of such title with respect to such plans; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 766. An original bill to provide for a temporary increase in the public debt limit; from the Committee on Finance; placed on the calendar.

By Mr. NICKLES:

S. 767. A bill to amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") to redirect and extend Federal and State activities to protect public water supplies in the United States, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself and Mr. MURKOWSKI):

S. 768. A bill to amend the Japan-United States Friendship Act to recapitalize the Friendship Trust Fund, to broaden investment authority, and to strengthen criteria for membership on the Japan-United States Friendship Commission; to the Committee on Foreign Relations.

By Mr. DANFORTH (for himself, Mr. MURKOWSKI, Mr. STEVENS, Mr. HATCH, Mr. GORTON, and Mr. MCCAIN):

S. 769. A bill to prohibit any increase in the tax on the sale of certain aviation fuel, and to prohibit any tax on such fuel or on the energy content of petroleum or petroleum products used in the production of such fuel; to the Committee on Finance.

By Mr. DANFORTH:

S. 770. A bill to amend the Federal Aviation Act of 1958 to authorize the Secretary of Transportation to prevent United States air carriers from engaging in predatory pricing; to the Committee on Commerce, Science, and Transportation.

S. 771. A bill to provide a limited exception to the restriction on foreign ownership and control of the voting interest in United States air carriers; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 772. A bill to amend the Internal Revenue Code of 1986 to provide a simplified tax on all income, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S.J. Res. 79. A joint resolution to designate June 19, 1993, as "National Baseball Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON:

S. Res. 91. A resolution to refer S. 745 entitled "A Bill for the Relief of Hardwick, Inc.," to the Chief Judge of the United States Court of Federal Claims; to the Committee on the Judiciary.

By Mr. ROBB (for himself, Mr. BIDEN, Mr. HELMS, Mr. MURKOWSKI, and Mr. D'AMATO):

S. Res. 92. A resolution condemning the proposed withdrawal of North Korea from the Treaty on the Non-Proliferation of Nuclear Weapons, and for other purposes; to the Committee on Foreign Relations.

By Mr. MITCHELL:

S. Res. 93. A resolution to direct the Senate Legal Counsel to appear as amicus curiae in the name of the Senate in United States ex. rel. Taxpayers Against Fraud, et al. v. General Electric Company; considered and agreed to.

By Mr. GRAMM:

S. Con. Res. 22. A concurrent resolution concerning the approximately 190 children and youths at the Romanian Institution for the Unsalvageables at Sighetu Marmatei who are in desperate need of humanitarian assistance; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DANFORTH (for himself, Mr. EXON, Mr. LAUTENBERG, and Ms. MIKULSKI):

S. 738. A bill to promote the implementation of programs to improve the traffic safety performance of high risk drivers; to the Committee on Commerce, Science, and Transportation.

HIGH RISK DRIVERS ACT OF 1993

• Mr. DANFORTH. Mr. President, I am pleased to introduce with Senators EXON, LAUTENBERG, and MIKULSKI the High Risk Drivers Act of 1993. The goal of this legislation is a reduction in the disproportionate number of highway crashes involving younger and older drivers and drivers with bad driving records.

Last October, the National Highway Traffic Safety Administration increased its 1990 estimate of the annual cost of traffic crashes from $74 billion to $137.5 billion. This estimate reflects only the economic loss of crashes, which includes lost productivity, property damage, and health care costs. There are, however, more devastating losses. If the current trends continue, over the next 10 years, an estimated 400,000 people will be killed and over 5.2 million will be hospitalized as a result of highwy crashes. We can prevent a substantial portion of this economic and human loss by reducing the disproportionate number of crashes and fatalities involving younger and older drivers and repeat offenders.

In 1991, drivers under the age of 21 experienced the highest crash involvement rate per licensed driver. Nationally, 7.4 percent of licensed drivers were 16 to 20 years of age. Despite the lower percentage of young licensed drivers, drivers between the ages of 16 and 20 were 15.4 percent of traffic fatalities and were involved in over 20 percent of all single-vehicle accidents. In my home State of Missouri, 29.5 percent of all 1991 traffic accidents and 26.4 percent of fatal accidents involved a driver under the age of 21, although those drivers comprised only 7.7 percent of all licensed drivers. In 1991, a total of 277 Missourians were killed and 21,171 injured in accidents involving young drivers. This translates to one person killed or injured in a young driver related accident in Missouri every 24.5 minutes.

This legislation will combat the major causes of young driver crashes by establishing an incentive grant program under which qualifying States must institute a provisional licensing system. This system would mandate that a minor may not obtain a full license until he or she has maintained a clean driving record for 1 year. California, Maryland, and Oregon have experienced as much as a 16-percent reduction in accidents and a 15-percent reduction in traffic convictions for 16- to 17-year-old youths after implementing such systems.

Qualifying States would have to take additional steps to combat youth-related highway safety problems, including a 0.02-percent blood alcohol content [BAC] maximum for minors; an open container prohibition; a minimum $500 penalty for selling alcohol to a minor; mandated belt use for front and rear passengers; a minimum 6-month license suspension for any minor convicted of an alcohol-related offense; a youth-oriented traffic safety enforcement, education, and training program for State officials and young drivers; substantial compliance with the drivers license compact to ensure the efficient interstate transfer of driver records; and a minimum $100 penalty for driving through a railroad crossing while the gate is closed or being opened or closed.

The criteria were selected based upon their past effectiveness. For example, after a 0.02 percent BAC maximum was introduced in Maryland, there was a 21-percent reduction in crashes involving drivers under 21 who had been drinking. When combined with a public information and education campaign, those crashes decreased 50 percent.

Moreover, the National Transportation Safety Board released a report on March 3, 1993, which concluded that several actions can be effective in reducing automobile crashes involving young drivers, including lowering the maximum blood alcohol level for minors, vigorous enforcement of minimum drinking age laws, and provisional licenses for young drivers.

A supplemental grant program is also available to States which take steps, such as providing information to parents on the effect of traffic convictions on insurance rates, and mandating stricter penalities for speeding for drivers under the age of 21.

This legislation also establishes a research program on issues related to older drivers. According to an insurance institute for highway safety study, drivers 75 years and older had 11.5 fatal crashes per 100 million miles driven, as compared to 2 fatal crashes per 100 million miles for drivers aged 35 to 59. Research on the problems of older drivers had never been consistently funded, despite the fact that, by the year 2020, 51 million people will be over the age of 65, as compared to just over 30 million today.

This bill directs the Department of Transportation [DOT] to research and disseminate information on the abilities of older drivers and the ability of licensing agencies to deal with older drivers. The issues to be studied include identification of factors that predict the ability of older drivers; the training of examiners; an evaluation of licensing programs; the promotion of voluntary actions on the part of the older driver; encouragement of restricted license use as a way to preserve older driver mobility; the advancement of technology to benefit older drivers; and the commitment that alternative transportation take into account the needs of older persons. The legislation ensures that DOT acknowledges the importance of mobility for older persons and the need for States to be sensitive to the transportation needs of older Americans.

Finally, the High Risk Drivers Act of 1993 confronts the problem of drivers with repeated traffic violations and crashes. A driver with 12 or more convictions on his or her driving record is 6.9 times more likely to crash than a driver in the general population. Given this evidence, the legislation requires that DOT report to Congress on additional Federal activities that may be needed to improve driver record and control systems, so that enforcement authorities are aware of a driver's past and can take remedial action.

Mr. President, the High Risk Drivers Act of 1993 has the support of the American Association of Retired Persons, Mothers Against Drunk Driving, the American Insurance Association, and a number of Senators who have led the fight for transportation safety. Senator LAUTENBERG was the lead sponsor of legislation establishing a national uniform minimum drinking age of 21. Senators EXON and MIKULSKI have been strong supporters of transportation safety legislation, including the law requiring drug and alcohol testing of airline and rail crews and commercial drivers. With their support and the support of our colleagues, we can reduce this unnecessary slaughter on our highways.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Risk Drivers Act of 1993".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Nation's traffic fatality rate has declined from 5.5 deaths per 100 million vehicles miles traveled in 1966 to an historic low of an estimated 1.8 deaths per 100 million vehicle miles traveled during 1992. In order to further this desired trend, the safety programs and policies implemented by the Department of Transportation must be continued, and at the same time, the focus of these efforts as they pertain to high risk drivers of all ages must be strengthened.

(2) Motor vehicle crashes are the leading cause of death among teenagers, and teenage drivers tend to be at fault for their fatal crashes more often than older drivers. Drivers who are 16 to 20 years old comprised 7.4 percent of the United States population in 1991 but were involved in 15.4 percent of fatal motor vehicle crashes. Also, on the basis of crashes per 100,000 licensed drivers, young drivers are the highest risk group of drivers.

(3) During 1991, 6,630 teenagers from age 15 through 20 died in motor vehicles crashes. This tragic loss demands that the Federal Government intensify its efforts to promote highway safety among members of this high risk group.

(4) The consumption of alcohol, speeding over allowable limits or too fast for road conditions, inadequate use of occupant restraints, and other high risk behaviors are several of the key causes for this tragic loss of young drivers and passengers. The Department of Transportation, working cooperatively with the States, student groups, and other organizations, must reinvigorate its current programs and policies to address more effectively these pressing problems of teenage drivers.

(5) In 1991 individuals aged 70 years and older, who are particularly susceptible to injury, were involved in 12 percent of all motor vehicle traffic crash fatalities. These deaths accounted for 4,828 fatalities out of 41,462 total traffic fatalities.

(6) The number of older Americans who drive is expected to increase dramatically during the next 30 years. Unfortunately, during the last 15 years, the Department of Transportation has supported an extremely limited program concerning older drivers. Research on older driver behavior and licensing has suffered from intermittent funding at amounts that were insufficient to address the scope and nature of the challenges ahead.

(7) A major objective of United States transportation policy must be to promote the mobility of older Americans while at the same time ensuring public safety on our Nation's highways. In order to accomplish these two objectives simultaneously, the Department of Transportation must support a vigorous and sustained program of research, technical assistance, evaluation, and other appropriate activities that are designed to

reduce the fatality and crash rate of older drivers who have identifiable risk characteristics.

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:

(1) The term "high risk driver" means a motor vehicle driver who belongs to a class of drivers that, based on vehicle crash rates, fatality rates, traffic safety violation rates, and other factors specified by the Secretary, presents a risk of injury to the driver and other individuals that is higher than the risk presented by the average driver.

(2) The term "Secretary" means the Secretary of Transportation.

SEC. 4. POLICY AND PROGRAM DIRECTION.

(a) GENERAL RESPONSIBILITY OF SECRETARY.—The Secretary shall develop and implement effective and comprehensive policies and programs to promote safe driving behavior by young drivers, older drivers, and repeat violators of traffic safety regulations and laws.

(b) SAFETY PROMOTION ACTIVITIES.—The Secretary shall promote or engage in activities that seek to ensure that—

(1) cost effective and scientifically-based guidelines and technologies for the nondiscriminatory evaluation and licensing of high risk drivers are advanced;

(2) model driver training, screening, licensing, control, and evaluation programs are improved;

(3) uniform or compatible State driver point systems and other licensing and driver record information systems are advanced as a means of identifying and initially evaluating high risk drivers; and

(4) driver training programs and the delivery of such programs are advanced.

(c) DRIVER TRAINING RESEARCH.—The Secretary shall explore the feasibility and advisability of using cost efficient simulation and other technologies as a means of enhancing driver training; shall advance knowledge regarding the perceptual, cognitive, and decision making skills needed for safe driving and to improve driver training; and shall investigate the most effective means of integrating licensing, training, and other techniques for preparing novice drivers for the safe use of highway systems.

TITLE I—YOUNG DRIVER PROGRAMS

SEC. 101. STATE GRANTS FOR YOUNG DRIVER PROGRAMS.

(a) ESTABLISHMENT OF GRANT PROGRAM.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 411. Programs for young drivers

"(a) GENERAL AUTHORITY.—Subject to the provisions of this section, the Secretary shall make basic and supplemental grants to those States which adopt and implement programs for young drivers which include measures, described in this section, to reduce traffic safety programs resulting from the driving performance of young drivers. Such grants may only be used by recipient States to implement and enforce such measures.

"(b) MAINTENANCE OF EFFORT.—No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate estimated expenditures from all other sources for programs for young drivers at or above the average level of such expenditures in its 2 fiscal years preceding the fiscal year in which this section is enacted.

"(c) FEDERAL SHARE.—No State may receive grants under this section in more than 5 fiscal years. The Federal share payable for any grant under this section shall not exceed—

"(1) in the first fiscal year a State receives a grant under this section, 75 percent of the cost of implementing and enforcing in such fiscal year the young driver program adopted by the State pursuant to subsection (a);

"(2) in the second fiscal year the State receives a grant under this section, 50 percent of the cost of implementing and enforcing in such fiscal year such program; and

"(3) in the third, fourth, and fifth fiscal years the State receives a grant under this section, 25 percent of the cost of implementing and enforcing in such fiscal year such program.

"(d) MAXIMUM AMOUNT OF BASIC GRANTS.—Subject to subsection (c), the amount of a basic grant made under this section for any fiscal year to any State which is eligible for such a grant under subsection (e) shall equal 30 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title. A grant to a State under this section shall be in addition to the State's apportionment under section 402, and basic grants during any fiscal year may be proportionately reduced to accommodate an applicable statutory obligation limitation for that fiscal year.

"(e) ELIGIBILITY FOR BASIC GRANTS.—

"(1) GENERAL.—For purposes of this section, a State is eligible for a basic grant if such State—

"(A) establishes and maintains a graduated licensing program for drivers under 18 years of age that meets the requirements of paragraph (2); and

"(B)(i) in the first year of receiving grants under this section, meets three of the eight criteria specified in paragraph (3);

"(ii) in the second year of receiving such grants, meets four of such criteria;

"(iii) in the third year of receiving such grants, meets five of such criteria;

"(iv) in the fourth year of receiving such grants, meets six of such criteria; and

"(v) in fifth year of receiving such grants, meets six of such criteria.

"(2) GRADUATED LICENSING PROGRAM.—

(A) A State receiving a grant under this section shall establish and maintain a graduated licensing program consisting of the following licensing stages for any driver under 18 years of age:

"(i) An instructional license, valid for a minimum period determined by the Secretary, under which the licensee shall not operate a motor vehicle unless accompanied in the front passenger seat by the holder of a full driver's license.

"(ii) A provisional driver's license which shall not be issued unless the driver has passed a written examination on traffic safety and has passed a roadtest administered by the driver licensing agency of the State.

"(iii) A full driver's license which shall not be issued until the driver has held a provisional license for at least 1 year with a clean driving record.

"(B) For purposes of subparagraph (A)(iii), subsection (f)(1), and subsection (f)(6)(B), a provisional licensee has a clean driving record if the licensee—

"(i) has not been found, by civil or criminal process, to have committed a moving traffic violation during the applicable period;

"(ii) has not been assessed points against the license because of safety violations during such period; and

"(iii) has satisfied such other requirements as the Secretary may prescribe by regulation.

"(C) The Secretary shall determine the conditions under which a State shall suspend provisional driver's licenses in order to be eligible for a basic grant. At a minimum, the holder of a provisional license shall be subject to driver control actions that are stricter than those applicable to the holder of a full driver's license, including warning letters and suspension at a lower point threshold.

"(D) For a State's first 2 years of receiving a grant under this section, the Secretary may waive the clean driving record requirement of subparagraph (A)(iii) if the State submits satisfactory evidence of its efforts to establish such a requirement.

"(3) CRITERIA FOR BASIC GRANT.—The eight criteria referred to in paragraph (1)(B) are as follows:

"(A) The State requires that any driver under 21 years of age with a blood alcohol concentration of 0.02 percent or greater when driving a motor vehicle shall be deemed to be driving while intoxicated for the purpose of (i) administrative or judicial sanctions or (ii) a law or regulation that prohibits any individual under 21 years of age with a blood alcohol concentration of 0.02 percent or greater from driving a motor vehicle.

"(B) The State has a law or regulation that provides a mandatory minimum penalty of at least $500 for anyone who in violation of State law or regulation knowingly, or without checking for proper identification, provides or sells alcohol to any individual under age 21 years of age.

"(C) The State requires that all front seat and rear seat occupant of any motor vehicle shall use safety belts.

"(D) The State requires that the license of a driver under 21 years of age be suspended for a period specified by the State if such driver is convicted of the unlawful purchase or public possession of alcohol. The period of suspension shall be at least 6 months for a first conviction and at least 12 months for a subsequent conviction; except that specific license restrictions may be imposed as an alternative to such minimum periods of suspension where necessary to avoid undue hardship on any individual.

"(E) The State conducts traffic safety enforcement activities, and education and training programs—

"(i) with the participation of judges and prosecutors, that are designed to ensure enforcement of traffic safety laws and regulations, including those that prohibit drivers under 21 years of age from driving while intoxicated, restrict the unauthorized use of a motor vehicle, and establish other moving violations; and

"(ii) with the participation of student and youth groups, that are designed to ensure compliance with such traffic safety laws and regulations.

"(F) The State is a member of and substantially complies with the interstate agreement known as the Driver License Compact, promptly and reliably transmits and receives through electronic means interstate driver record information (including information on commercial drivers) in cooperation with the Secretary and other States, and develops and achieves demonstrable annual progress in implementing a plan to ensure that (i) each court of the State report expeditiously to the State driver licensing agency all traffic safety convictions, license suspensions, license revocations, or other license restrictions, and driver improvement efforts sanctioned or ordered by the court, and that (ii) such records be available electronically to appropriate government officials (including enforcement, officers, judges, and prosecutors) upon request at all times.

"(G) The State prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway; except as allowed in the passenger area, by persons (other than the driver), of a motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers.

"(H) The State has a law or regulation that provides a minimum penalty of at least $100 for anyone who in violation of State law or regulation drives any vehicle through, around, or under any crossing, gate, or barrier at a railroad crossing while such gate or barrier is closed or being opened or closed.

"(f) SUPPLEMENTAL GRANT PROGRAM.—

"(1) EXTENDED APPLICATION OF PROVISIONAL LICENSE REQUIREMENT.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 10 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires that a driver under 21 years of age shall not be issued a full drier's license until the driver has held a provisional license for at least 1 year with a clean driving record as described in subsection (e)(2)(B).

"(2) PROVISION OF INSURANCE INFORMATION.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State provides, to a parent or legal guardian of any provisional licensee, general information prepared with the assistance of the insurance industry on the effect of traffic safety convictions and at-fault accidents on insurance rates for young drivers.

"(3) READILY DISTINGUISHABLE LICENSES FOR YOUNG DRIVERS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State—

"(A) requires that the provisional driver's license, or full driver's license, of any driver under 21 years of age be readily distinguishable from the licenses of drivers who are 21 years of age or older, through the use of special background, marking, profile, or any other features, consistent with any guidelines developed by the Secretary in cooperation with the American Association of Motor Vehicle Administrators; and

"(B) employs the Social Security number as a common identifier on every driver's license so as to facilitate the transfer of traffic records among State.

"(4) DRIVER TRAINING PREREQUISITE.—For purposes of this section, a State is eligible for a supplemental grant in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires that a provisional driver's license may be issued only to a driver who has satisfactorily completed a State-accepted driver education and training program that meets Department of Transportation guidelines and includes information on the interaction of alcohol and controlled substances and the effect of such interaction on driver performance, and information on the importance of motorcycle helmet use and safety belt use.

"(5) REMEDIAL DRIVER EDUCATION.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires, at a lower point threshold than for other drivers, remedial driver improvement instruction for drivers under 21 years of age and requires such remedial instruction for any driver under 21 years of age who is convicted of reckless driving, driving under the influence of alcohol, or driving while intoxicated.

"(6) PROVISIONAL LICENSE REQUIREMENT AFTER LICENSE SUSPENSION OR REVOCATION.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State requires that any driver whose driving privilege is restored after license suspension or revocation resulting from a traffic safety violation shall for at least 1 year be subject to the following:

"(A) The restored license shall be immediately suspended, for a period to be determined by the Secretary, upon the driver's conviction of any moving traffic safety violation, except that the Secretary may by regulation define limited circumstances under which the State may waive this immediate suspension requirement.

"(B) A full driver's license shall be issued only after the driver has held a provisional license for at least 1 year with a clean driving record, as described in subsection (e)(2)(B).

"(C) The driver shall be—

"(i) deemed to be driving while intoxicated if the driver has a blood alcohol concentration of .02 percent or greater; or

"(ii) prohibited from operating a motor vehicle with such a blood alcohol concentration.

"(7) RECORD OF SERIOUS CONVICTIONS; HABITUAL OR REPEAT OFFENDER SANCTIONS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount apportioned to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State—

"(A) requires that a notation of any serious traffic safety conviction of a driver be maintained on the driver's permit traffic record for at least 10 years after the date of the conviction; and

"(B) provides additional sanctions for any driver who, following conviction of a serious traffic safety violation, is convicted during the next 10 years of one or more subsequent serious traffic safety violations.

"(8) OVERSIGHT OF ALCOHOL SALES TO UNDERAGE DRINKERS.—For purposes of this section, a State is eligible for a supplemental grant for a fiscal year in an amount, subject to subsection (c), not to exceed 5 percent of the amount appropriated to such State for fiscal year 1989 under section 402 of this title if such State is eligible for a basic grant and in addition such State exercises effective oversight of colleges and universities that provide or allow the selling of alcohol to underage drinkers as defined by State law or regulation.

"(g) APPLICABILITY OF CHAPTER 1.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, all provisions of chapter 1 of this title that are applicable to National Highway System funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to the Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section.

"(2) INCONSISTENT PROVISIONS.—If the Secretary determines that a provision of chapter 1 of this title is inconsistent with this section, such provision shall not apply to funds authorized to be appropriated to carry out this section.

"(3) CREDIT FOR STATE AND LOCAL EXPENDITURES.—The aggregate of all expenditures made during any fiscal year by a State and its political subdivisions (exclusive of Federal funds) for carrying out the State highway safety program (other than planning and administration) shall be available for the purpose of crediting such State during such fiscal year for the non-Federal share of the cost of any project under this section (other than one for planning or administration) without regard to whether such expenditures were actually made in connection with such project.

"(4) INCREASED FEDERAL SHARE FOR CERTAIN INDIAN TRIBE PROGRAMS.—In the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, the Secretary may increase the Federal share of the cost thereof payable under this title to the extent necessary.

"(5) TREATMENT OF TERM 'STATE HIGHWAY DEPARTMENT'.—In applying provisions of chapter 1 in carrying out this section, the term 'State highway department' as used in such provisions shall mean the Governor of a State and, in the case of an Indian tribe program, the Secretary of the Interior.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $18,000,000 for each of the fiscal years ending September 30, 1994, and September 30, 1995, $20,000,000 for the fiscal year ending September 30, 1996, and $22,000,000 for each of the fiscal years ending September 30, 1997, and September 30, 1998.".

(b) CONFORMING AMENDMENT.—The analysis of chapter 4 of title 23, United States Code, is amended by inserting immediately after the item relating to section 410 the following new item:

"411. Programs for young drivers.".

(c) DEADLINES FOR ISSUANCE OF REGULATIONS.—The Secretary shall issue and publish in the Federal Register proposed regulations to implement section 411 of title 23, United States Code (as added by this section), not later than 6 months after the date of enactment of this Act. The final regulations for such implementation shall be issued, published in the Federal Register, and transmitted to Congress not later than 12 months after such date of enactment.

SEC. 102. PROGRAM EVALUATION.

(a) EVALUATION BY SECRETARY.—The Secretary shall, under section 403 of title 23, United States Code, conduct an evaluation of the effectiveness of State provisional driver's licensing programs and the grant program authorized by section 411 of title 23, United States Code (as added by section 101 of this Act).

(b) REPORT TO CONGRESS.—By January 1, 1997, the Secretary shall transmit a report on the results of the evaluation conducted under subsection (a) and any related research to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Public Works and Transportation of the House of Representatives. The report shall include any related recommendations by the Secretary for legislative changes.

TITLE II—OLDER DRIVER PROGRAMS

SEC. 201. OLDER DRIVER SAFETY RESEARCH.

(a) RESEARCH ON PREDICTABILITY OF HIGH RISK DRIVING.—(1) The Secretary shall conduct a program that funds, within budgetary limitations, the research challenges presented in the Transportation Research Board's report "Research and Development Needs for Maintaining the Safety and Mobility of Older Drivers".

(2) To the extent technically feasible, the Secretary shall consider the feasibility and further the development of cost efficient, reliable tests capable of predicting increased risk of accident involvement or hazardous driving by older high risk drivers.

(b) SPECIALIZED TRAINING FOR LICENSE EXAMINERS.—The Secretary shall encourage and conduct research and demonstration activities to support the specialized training of license examiners or other certified examiners to increase their knowledge and sensitivity to the transportation needs and physical limitations of older drivers, including knowledge of functional disabilities related to driving, and to be cognizant of possible countermeasures to deal with the challenges to safe driving that may be associated with increasing age.

(c) COUNSELING PROCEDURES AND CONSULTATION METHODS.—The Secretary shall encourage and conduct research and disseminate information to support and encourage the development of appropriate counseling procedures and consultation methods with relatives, physicians, the traffic safety enforcement and the motor vehicle licensing communities, and other concerned parties. Such procedures and methods shall include the promotion of voluntary action by older high risk drivers to restrict or limit their driving when medical or other conditions indicate such action is advisable. The Secretary shall consult extensively with the American Association of Retired Persons, the American Association of Motor Vehicle Administrators, the American Occupational Therapy Association, the American Automobile Association, the Department of Health and Human Services, the American Public Health Association, and other interested parties in developing educational materials on the interrelationship of the aging process, driver safety, and the driver licensing process.

(d) ALTERNATIVE TRANSPORTATION MEANS.—The Secretary shall ensure that the agencies of the Department of Transportation overseeing the various modes of surface transportation coordinate their policies and programs to ensure that funds authorized under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 1914) and implementing Department of Transportation and Related Agencies Appropriation Acts take into account the transportation needs of older Americans by promoting alternative transportation means whenever practical and feasible.

(e) STATE LICENSING PRACTICES.—The Secretary shall encourage State licensing agencies to use restricted licenses instead of canceling a license whenever such action is appropriate and if the interests of public safety would be served, and to closely monitor the driving performance of older drivers with such licenses. The Secretary shall encourage States to provide educational materials of benefit to older drivers and concerned family members and physicians. The Secretary shall promote licensing and relicensing programs in which the applicant appears in person and shall promote the development and use of cost effective screening processes and testing of physiological, cognitive, and perception factors as appropriate and necessary. Not less than one model State program shall be evaluated in light of this subsection during each of the fiscal years 1996 through 1998. Of the sums authorized under subsection (i), $250,000 is authorized for each such fiscal year for such evaluation.

(f) IMPROVEMENT OF MEDICAL SCREENING.—The Secretary shall conduct research and other activities designed to support and encourage the States to establish and maintain medical review or advisory groups to work with State licensing agencies to improve and provide current information on the screening and licensing of older drivers. The Secretary shall encourage the participation of the public in these groups to ensure fairness and concern for the safety and mobility needs of older drivers.

(g) INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.—In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary shall ensure that the National Intelligent Vehicle-Highway Systems Program devotes sufficient attention to the use of intelligent vehicle-highway systems to aid older drivers in safely performing driver functions. Federally-sponsored research, development, and operational testing shall ensure the advancement of night vision improvement systems, technology to reduce the involvement of older drivers in accidents occurring at intersections, and other technologies of particular benefit to older drivers.

(h) TECHNICAL EVALUATIONS UNDER INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT.—In conducting the technical evaluations required under section 6055 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102-240; 105 Stat. 2192), the Secretary shall ensure that the safety impacts on older drivers are considered, with special attention being devoted to ensuring adequate and effective exchange of information between the Department of Transportation and older drivers or their representatives.

(i) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized under section 403 of title 23, United States Code, $1,250,000 is authorized for each of the fiscal years 1995 through 2000, and $1,500,000 is authorized for each of the fiscal years 2000 through 2005, to support older driver programs described in subsections (a), (b), (c), (e), and (f).

TITLE III—HIGH RISK DRIVERS

SEC. 301. STUDY ON WAYS TO IMPROVE TRAFFIC RECORDS OF ALL HIGH RISK DRIVERS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Secretary shall complete a study to determine whether additional or strengthened Federal activities, authority, or regulatory actions are desirable or necessary to improve or strengthen the driver record and control systems of the States to identify high risk drivers more rapidly and ensure prompt intervention in the licensing of high risk drivers. The study, which shall be based in part on analysis obtained from a request for information published in the Federal Register, shall consider steps necessary to ensure that State traffic record systems are unambiguous, accurate, current, accessible, complete, and (to the extent useful) uniform among the States.

(b) SPECIFIC MATTERS FOR CONSIDERATION.—Such study shall at a minimum consider—

(1) whether specific legislative action is necessary to improve State traffic record systems;

(2) the feasibility and practicality of further encouraging and establishing a uniform traffic ticket citation and control system;

(3) the need for a uniform driver violation point system to be adopted by the States;

(4) the need for all the States to participate in the Driver License Reciprocity Program conducted by the American Association of Motor Vehicle Administrators;

(5) ways to encourage the States to cross-reference driver license files and motor vehicle files to facilitate the identification of individuals who may not be in compliance with driver licensing laws; and

(6) the feasibility of establishing a national program that would limit each driver to one driver's license from only one State at any time.

(c) EVALUATION OF NATIONAL INFORMATION SYSTEMS.—As part of the study required by this section, the Secretary shall consider and evaluate the future of the national information systems that support driver licensing. In particular, the Secretary shall examine whether the Commercial Driver's License Information System, the National Driver Register, and the Driver License Reciprocity program should be more closely linked or continue to exist as separate information systems and which entities are best suited to operate such systems effectively at the least cost. The Secretary shall cooperate with the American Association of Motor Vehicle Administrators in carrying out this evaluation.

SEC. 302. STATE PROGRAMS FOR HIGH RISK DRIVERS.

The Secretary shall encourage and promote State driver evaluation, assistance, or control programs for high risk drivers. These programs may include in-person license reexaminations, driver education or training courses, license restrictions or suspensions, and other actions designed to improve the operating performance of high risk drivers.●

By Mr. BUMPERS:

S. 739. A bill to amend the Internal Revenue Code of 1986 to simplify the limitation on using last year's taxes to calculate an individual's estimated tax payments; to the Committee on Finance.

SMALL BUSINESS TAX ACT OF 1993

● Mr. BUMPERS. Mr. President, today I am introducing legislation that will resolve a crisis the Congress created in November 1991 for certain small businesses and individual taxpayers. The crisis was created when the Congress repealed the safe harbor these taxpayers relied upon to avoid a penalty for underpayment of estimated taxes.

My reform proposal avoids the economic and political problems created by the estimated tax reform proposed by the Senate Finance Committee last fall. As my colleagues will remember last October I nearly prevailed on a motion to strike the committee's proposal.

I was not ready then to present my own proposal for solving the estimated tax crisis. I am now ready to do so and my proposal for reform is contained in the legislation I am introducing today.

This legislation restores a safe harbor for all taxpayers regarding penalties for underpayment of estimated taxes. This safe harbor is based on the taxpayer's tax liability for the previous year. By relying on the tax liability of a taxpayer in the previous year, we avoid the expense and penalties that are now being imposed on taxpayers who cannot rely on any safe harbor based on their previous year's tax liability.

I am happy to report that this proposed estimate tax reform generates $600 million in revenue to use to reduce the budget deficit. I am not proposing that these revenues be expended for any purpose other than deficit reduction.

NOT THE OPENING BID

I have developed this proposal in consultation with the key small business representatives in Washington. They represent the taxpayers who need a safe harbor so they can avoid penalties for underpayment of their estimated taxes.

Let me be clear about the limits of their endorsement and my endorsement of this proposal. When the President's deficit reduction and investment program is consider, it might be tempting for the administration or the congressional tax writing committees to extract a higher price for reform of the estimated tax crisis. Last year's estimated tax safe harbor reform proposal would have raised $3.9 billion in revenue and I am sure that the administration or the Finance Committee would find many different ways to spend $3.9 billion.

The small business community wants reform of the estimated tax system and needs a safe harbor based on their previous year's tax liability. It supports this legislation, but I can guarantee the administration and tax writing committees that the small business community will fight any proposed estimated tax payment reform that costs more than $600 million. This is as much as the small business community is willing to pay for remedying the safe harbor problem which, after all, was created by the Congress, not by small business taxpayers. If the price of reform is greater than this, the small business community would prefer no reform at all.

The small business community is reluctant to pay any price for remedying the safe harbor problem. This problem was created by the Congress in November 1991. This is not a case where the small business community has a longstanding problem with the tax system and is proposing reform. It is, in fact, quite outrageous to ask the small business community to pay any price to remedy the problem Congress created. By proposing a reform that raises $600 million in revenue for the Government the small business community expects that the reform will be enacted expeditiously and in the form proposed.

The small business community will not be lured into paying a higher price for reform of the estimated tax payment mess. This is a generous offer and it is not the opening bid.

UNDERPAYMENT PENALTIES AND SAFE HARBORS

Let me take a minute to explain the crisis created by the November 1991 repeal of the safe harbor for certain small businesses.

Ever since the current estimated tax and tax withholding systems were instituted taxpayers have faced penalties if they do not make estimated tax payments, or have withheld enough taxes. These penalties for failing to make sufficient estimated tax payments, or to have enough taxes withheld, can be substantial. Most taxpayers have their tax withheld from their paychecks, but many taxpayers, particularly sole proprietors, partners and S corporation shareholders make estimated tax payments instead. In both cases, there are penalties for not paying enough taxes to the Government in a timely manner as income is earned by the taxpayer.

Under current law these underpayment penalties are imposed if a taxpayer does not make estimated tax payments, or have withheld, 90 percent of one's current year tax liability. It is, however, often difficult for a taxpayer to determine in the middle of the tax year the appropriate amount of taxes to pay, or have withheld, to satisfy the 90 percent standard. So, the Congress has established a safe harbor which waives any penalties for underpayment of estimated taxes if a taxpayer makes estimated tax payments or has withheld an amount equal to 100 percent of the taxpayer's previous year's tax liability.

This 100 percent previous tax year safe harbor is a standard that is easy to use because it looks to the taxpayer's previous year's tax liability. All taxpayers know how much they paid in tax for the previous year, so this 100 percent previous tax year safe harbor is an objective standard that does not rely on a moving target focusing on the taxpayer's current year tax liability. This safe harbor has been in our tax laws since at least 1954.

In November 1991, the 100 percent safe harbor was repealed for certain taxpayers. Starting in 1992 certain taxpayers were barred from using the 100 percent previous tax year safe harbor to avoid penalties for underpayment of estimated taxes. These taxpayers were, in effect, required to make estimated tax payments equal to 90 percent of the current year's tax liability. They could not use any safe harbor based on their previous year's tax liability.

The repeal of the 100 percent previous tax year safe harbor created the mess that leads to introduction of this legislation today to restore a safe harbor for these taxpayers based on the previous year's tax liability.

The November 1991 law did not provide a workable, objective standard on which these taxpayers could rely. Rather it set a floating standard based on the current year's tax liability. This is the problem; the repeal of the safe harbor leaves these taxpayers in an untenable and costly situation.

The taxpayers who lost the old 100 percent previous tax year safe harbor are described by a formula. The November 1991 law provides that taxpayers could not use the 100 percent previous tax year safe harbor if the taxpayer had adjusted gross income of more than $75,000 in the current tax year and their income for the current year was more than $40,000 higher than the income for the previous tax year. Only these taxpayers lost the 100 percent previous tax year safe harbor.

Let me be clear. The 100 percent previous tax year safe harbor continued to be available to all taxpayers who did not fit this floating standard. Most taxpayers can still use the 100 percent previous tax year safe harbor. They are not affected by the November 1991 law either because they do not have over $75,000 in AGI or their income for the current year is not more than $40,000 greater than their previous year's tax liability.

The problem is that taxpayers often don't know until the end of the current tax year whether they can use the 100 percent previous tax year safe harbor. They often don't know if their adjusted gross income will exceed $75,000 of if the increase in income will exceed $40,000. They might meet one of these two tests and not the other. They might have a surge in income in the last quarter that will take them over the $75,000 and/or $40,000 thresholds. Their income doesn't always come in predictable amounts or at predictable times.

If they assume that they can use the 100 percent previous tax year safe harbor and at the end of the year it turns out that they are, in fact, barred from using it, they can get hit with substantial penalties for underpayment of estimated taxes in the second, third or fourth quarters of the year.

It is an absolute nightmare because the 1991 law requires these taxpayers or their accountants to compute their taxable income for each estimated tax period (months ending in May, August, and December regardless of the business' tax year) within a two week window to determine how much in estimated tax payments to make. This is simply an impossible burden. All of these calculations are tentative and subject to change. And, depending on the final, yearend tax situation of the taxpayer, these complicated calculations may be wholly unnecessary. They might well qualify to use the 100 percent previous year safe harbor, which requires only that they multiply that tax liability by 25 percent and pay that amount each quarter. This is simplicity itself and it compares with the nightmare for the taxpayers who can't use any safe harbor based on their previous year's tax liability.

Many taxpayers are being caught by this nightmarish game of chance. They are guessing wrong, assuming that they can use the 100 percent previous tax year safe harbor, and assuming that they do not need to make estimated tax pavements equal to 90 percent of their current year's tax liability. For these taxpayers there will be substantial penalties for guessing wrong. My proposal will solve this problem and eliminate this game of chance. Simplicity and certainty is what my bill will provide.

REFORM PROPOSED IN H.R. 11

As my colleagues will remember the Finance Committee last fall proposed to restore a safe harbor to higher income taxpayers based on their previous year's tax liability. That was the good news. But, unfortunately, the safe harbor was not set at 100 percent, 110 percent, or even 115 percent of the taxpayer's previous year tax liability; it was set at 120 percent.

Even more outrageous, the proposed reform did not apply only to the higher income taxpayers who needed reform, who wanted an objective safe harbor based on their previous year's tax liability. It repealed the 100-percent safe harbor for everyone who can use it now and hit all of them with the 120-percent requirement as well.

Higher income taxpayers wanted and needed a safe harbor based on their previous year's tax liability—an objective standard—and wanted to avoid trying to comply with unworkable floating standard from the November 1991 law. They did not, however, support paying 120-percent of their previous year's tax liability.

But, applying this new 120-percent safe harbor to everyone else was completely unjustified. It hit all taxpayers, including the tens of millions of taxpayers who had not lost the 100-percent safe harbor in November 1991 and had no need for any reform. The new safe harbor hit every partner in every partnership, every sole proprietor and every shareholder of an S corporation who earned more than a minimal amount of income. All of them would be forced to pay more estimated taxes to avoid a penalty for underpayment of estimated taxes. For them H.R. 11 would simply have accelerated their tax payments, with no offsetting benefit.

An acceleration of tax payments is, in effect, a tax increase. If the Government has the use of the taxpayer's money earlier, it enjoys the time value of the money. It doesn't have to borrow as much, which reduces its costs. And, for the taxpayer the opposite is true. The taxpayer loses use of the money and might in some cases even have to borrow funds to make up the difference. In the many cases where the taxpayer makes more than enough payments of estimated taxes, the taxpayer will later have to wait for a refund. What we have here is the Government extracting interest free loans from taxpayers. The Congressional Budget Office and Joint Tax Committee certainly score the acceleration as a revenue increase and this is an accurate reflection of the reality from the perspective of a small business owner.

It can be said that small businesses can avoid paying the 110-percent, 115-percent, or 120-percent amount by simply paying 90-percent of their current year's tax liability. But, using the 90-percent standard—which looks to the taxpayer's current year tax liability—requires these taxpayers to hire and pay accountants to help them make the complex quarterly estimated tax calculations and to avoid an underpayment penalty at the end of the year.

This choice isn't really a choice. They would be forced to make estimated tax payments equal to 110 percent, 115 percent, or 120 percent of their previous year's tax liability as the lesser of two evils, even when this means that they will be filing for a tax refund the following April. They would pay early and then file for a refund, giving the Government the interest free use of their money in the meantime.

To be fair to the Finance Committee, this 120-percent safe harbor proposal as applied to all taxpayers came from the Bush administration and many Members of the committee did not like the proposal. But, they did adopt it and sent it to the Senate floor for debate.

Responding to the outrage over this proposal in the small business community, I took the floor last October to move to strike the 120-percent safe harbor. I said that this onerous provision in H.R. 11, if adopted, was likely to precipitate a reaction in the small business community reminiscent of the reaction to section 89 or the automobile mileage logs. I said that I thought my colleagues would remember those issues and would not want to vote for a provision that will generate the same hostility in the small business community.

I won that vote 57-37. Unfortunately I needed 60 votes to prevail since I was moving to waive a Budget Act point of order against my amendment. It is, of course, extremely rare for a Member to win a vote to waive the Budget Act. But, the absolute margin in favor of my motion was a powerful statement in opposition to the reform proposal of the Finance Committee. It was clear that an overwhelming majority of the Senate wanted this provision deleted from the bill.

The 57 votes I received last year were particularly significant since I did not offer any proposal for making up the revenue that would have been lost had the 120-percent safe harbor proposal been stricken from the bill.

In that debate I made it clear that I did not object to reform that would set a new and higher safe harbor rate for the higher income taxpayers, including unincorporated businesses, who lost the 100-percent safe harbor in November 1991 and who wanted reform. It was and is my understanding that these higher income taxpayers were and are willing to pay estimated taxes in an amount equal to 110-percent of their previous year's tax liability—not 120-percent. They are willing to meet a standard that is higher than the old 100-percent standard. But, I did and do object to any proposal to impose a 120-percent safe harbor and to a repeal of the 100-percent safe harbor for all the other taxpayers who can still use it.

DESCRIPTION OF LEGISLATION

The legislation I am introducing today retains the 100-percent previous year tax safe harbor for those who can now use it. It restores an estimated tax safe harbor based on a previous year tax liability for the small business taxpayers who lost their safe harbor in November 1991. It would require certain higher income taxpayers to pay 110-percent of their previous year's tax liability, not 100-percent. So, this reform comes at a price for the higher income taxpayers who want a safe harbor, a price that these taxpayers are willing to pay to regain the use of a safe harbor.

The new 110-percent safe harbor only applies to higher income taxpayers. It has virtually no effect on the taxpayers who can currently use the 100-percent safe harbor.

Here's what it says:

The new 110-percent safe harbor applies to the estimated tax payments made by a taxpayer in year three. It applies to a taxpayer who has over $150,000 in adjusted gross income in year two and whose income in year two exceeds his income in year one by more than $40,000.

These taxpayers may avoid a penalty for underpayment of estimated taxes in year three if they make estimated tax payments in year three equal to 110-percent of their tax liability in year two.

This sounds complicated, but it isn't. Let me put this in the form of an outline:

Year one: Taxpayer has $110,000 AGI;

Year two: Taxpayer has $150,001 AGI;

Note: Taxpayer's AGI in year two is over $150,000 and it exceeds previous year's AGI by more than $40,000.

Year three: Taxpayer has safe harbor if he makes estimated tax payments equal to 110-percent of year two tax liability.

If this taxpayer's adjusted gross income in year two did not exceed

$150,000 or his or her AGI in that year did not increase by more than $40,000 from his or her AGI in year one, the taxpayer would have a safe harbor in year three if he or she made estimated tax payments equal to 100-percent of their tax liability in year two. That's the safe harbor under current law.

I ask unanimous consent that an outline of current law and this bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATED TAX PAYMENT OPTIONS: CURRENT LAW AND BUMPERS BILL

Option 1: Current Law and Bumpers Proposal: Taxpayers avoid penalty for underpayment if they make estimated tax payments equal to 90% or more of current year tax liability.

Option 2: Current Law and Bumpers Proposal: Most taxpayers can avoid penalty for underpayment if they make estimated tax payments equal to 100% of their tax liability in the immediately previous year. This is a "safe harbor."

Current Law: But, some taxpayers do not have Option 2—they have no "safe harbor"—and only have Option 1. The taypayers who only have Option 1 are those with more than $75,000 AGI and whose income is over $40,000 greater than their AGI in the immediate previous year.

Option 3: Bumpers Proposal: Under the Bumpers bill all taxpayers would have a "safe harbor." Most taxpayers would be able to continue to use Option 2 (100% of their previous year's tax liability). But, taxpayers whose AGI in the previous tax year exceeded $150,000 and whose AGI in that tax year exceeded their AGI in the immediate previous year by more than $40,000 can avoid a penalty for underpayment if they make estimated tax payments equal to 110% of their tax liability in the immediately previous year. This is their new "safe harbor."

Mr. BUMPERS. This reform solves the problem created by the November 1991 law. It provides a safe harbor based on a taxpayer's previous year's tax liability for all taxpayers. For most the safe harbor remains at 100-percent of their previous year's tax liability. For some it would be 110-percent.

I cannot say that there are no taxpayers who currently can use the 100-percent safe harbor who would now have to make estimated tax payments under the 110-percent standard. But, I can say that the number who would have to do so is sure to be negligible. I cannot make a categorical statement about the impact of the 110-percent safe harbor on those who can still use the 100-percent safe harbor because the November 1991 law is based on one's current year tax liability. This bill applies the new 110-percent safe harbor based on one's previous year's tax liability. The two groups of taxpayers are not precisely the same, but it is a fair approximation of the same group.

The key point is that my bill sets a 110 percent safe harbor, unlike the Finance Committee's 120 percent proposal of last year, and it would not impose the 110 percent safe harbor on taxpayers who are now able to use the 100 percent safe harbor. It would restore a safe harbor for the small business taxpayers who lost the use of a safe harbor in November 1991 and not penalize those who didn't.

Further, those taxpayers will know that they are subject to the higher safe harbor before they start making the increased estimated tax payments. They will not have to guess what their income will be quarter by quarter during the tax year and guess whether they must make the increased estimated tax payments.

REVENUE ESTIMATE

As I have said, this reform bill raises $600 million over 5 years because the November 1991 law is scheduled to expire at the end of 1996. This bill sets the new 110 percent estimated tax safe harbor permanently into law. This means that it raises $2.6 billion in 1997. It loses $2 billion in 1994 because it restores the safe harbor to taxpayers who lost it in November 1991.

It loses no revenue in 1993 because it applies to tax years beginning after December 31, 1993.

So, it is a strange revenue estimate, but on a net basis it raises $600 million over 5 years with no revenue loss in the first year. Obviously this is important for parliamentary reasons.

COALITION OF SUPPORTERS

I am introducing this legislation on behalf of a coalition of the American Institute of Certified Public Accountants, the National Federation of Independent Businesses, National Small Business United, National Society of Public Accountants, and the National Association of Enrolled Agents. They endorse this legislation, find that it solves the estimated tax safe harbor crisis in a fair and equitable way and reluctantly accept the $600 million cost that will be paid for this reform.

Let me be clear. None of these groups is happy at the prospect of paying any price for the estimated tax payment reform proposed here. They do not feel it is fair that any price be paid to solve a problem that the Congress, not they, created. But, they are realistic and they want to restore a workable safe harbor for the small business taxpayers who lost their safe harbor in November 1991.

ACCEPTANCE OF THIS OFFER

This is a proposal for reform that is acceptable to the taxpayers who need reform and it raises revenue to apply to the deficit.

It has no effect on the taxpayers who can use the 100 percent safe harbor. It will not lead to the revolt we witnessed last year.

I know that the Finance Committee would like to avoid a fight on this issue. I assume it would prefer a reform proposal that would generate $3.9 billion in revenue. But, that option is simply not available. This option, and $600 million in revenue, is available.

This is the way to solve the estimated tax crisis and I look forward to working with the Finance Committee and the Administration to secure its enactment into law.•

By Mr. COHEN:

S. 740. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority and certain tax expenditure; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

EXPEDITED RESCISSION LEGISLATION

• Mr. COHEN. Mr. President, last week I offered an amendment to the budget resolution calling for expedited rescission authority. I was pleased that 64 of my colleagues joined me in opposing a motion to table that amendment.

Yesterday, Senator CRAIG and I introduced legislation to give the President expedited rescission authority. The Craig-Cohen bill is a companion bill to the one introduced by Congressman STENHOLM in the House and would apply to appropriation measures only.

I am now introducing legislation that would grant expedited rescission authority to both appropriations and tax expenditures.

Under current law, a rescission request does not take effect unless Congress affirmatively approves the request within 45 days. The Congress can—and often does—choose simply to ignore these requests, allowing them to wither on the vine.

Rescission authority needs to be strengthened for it to be more effective in reducing Government waste. The question, of course, is what is the best way to strengthen rescission authority without undermining the balance of powers between the legislative and executive branches.

One way to expand rescission authority without upsetting the balance of power is through expedited rescission authority. Under this authority, Congress would be required to vote on rescission requests within 20 days. Rescissions would not take effect without congressional approval, but Congress could no longer simply choose to ignore rescission requests.

There is broad bipartisan support for expedited rescission.

The expedited rescission authority we are calling for is similar to the bill passed by the House last year by an overwhelming vote of 312 to 97. Congressman STENHOLM has reintroduced this legislation, and the House is expected to vote on this bill as early as today.

In his 1988 budget, President Reagan proposed "a change of law that would require the Congress to vote 'up or down' on any proposed rescission, thereby preventing the Congress from ducking the issue by simply ignoring the proposed rescission and avoiding a recorded vote."

Last November, then President-elect Clinton expressed an interest in the expedited rescission bill that passed the House last year. In President Clinton's words, expedited rescission is "functionally almost identical" to the procedures he used as Governor of Arkansas to reduce wasteful spending.

Last month, two scholars—Thomas Mann of the Brookings Institute and Norman Ornstein of the American Enterprise Institute—endorsed expedited rescission in their testimony before the Joint Committee on the Organization of Congress of which I am a member.

Past efforts to strengthen rescission authority have been criticized because they would effect appropriated spending only. I think those criticisms are legitimate. Wasteful spending is not limited to appropriations bills. Tax expenditures, as my colleague from New Jersey, Senator BRADLEY, recently pointed out in the Wall Street Journal, also have been a source of wasteful spending. A wasteful tax credit is no different than a wasteful appropriation and, as such, should be subject to rescission authority.

Expedited rescission authority will not significantly reduce the deficit, and we certainly do not offer this proposal as a panacea to deficit reduction. Much harsher medicine will have to be swallowed to achieve that goal. By the same token, we should employ every possible tool in our efforts to reduce the deficit. I think expedited rescission should be one of those tools.

I realize that expedited rescission does not go far enough for some of my colleagues and goes too far for others. For this very reason, expedited rescission offers a responsible and workable alternative to both the status quo and proposals that would shift too much power to the President.

Last November, the American people voted for increased accountability in Washington. Expedited rescission provides greater accountability by requiring Congress to vote on rescission requests. Congress would no longer be able to duck the tough votes.

Expedited rescission by itself will not balance the budget, but it will enhance accountability and reduce Government waste. I believe it is a step in the right direction and urge my colleagues to support expedited rescission authority when it comes before the Senate.●

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 742. A bill to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Park, and for other purposes; to the Committee on Energy and Natural Resources.

KALOKO-HONOKOHAU NATIONAL HISTORICAL PARK ACT OF 1993

● Mr. AKAKA. Mr. President, I rise today on behalf of myself and Senator DANIEL INOUYE, to introduce legislation to reestablish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, located on the big island of Hawaii.

The Advisory Commission was originally authorized for a 10-year period under the National Parks and Recreation Act of 1978, the bill which established the Kaloko-Honokohau National Historical Park. Unfortunately, since the National Park Service did not acquire a sufficient land base for park operations to begin until October 1990, the 10-year period expired without the Commission being established.

My bill simply reauthorizes the Friends of Kaloko-Honokohau to complete its original mandate. The Commission will advise the Director of the National Park Service on the historical, archeological, cultural, and interpretive programs, for the park. Particular emphasis will be given to traditional native Hawaiian culture demonstrated in the park.

Mr. President, Congress intended Kaloko-Honokohau Historical Park to be dedicated to the preservation and perpetuation of traditional native Hawaiian culture and activities. The reestablishment of Friends of Kaloko-Honokohau is a necessary step in achieving this goal.●

By Mr. SIMON:

S. 743. A bill to require court clerks to report the posting of bail in an amount exceeding $10,000 in certain criminal cases, and for other purposes; to the Committee on the Judiciary.

ILLEGAL DRUG PROFITS ACT OF 1993

● Mr. SIMON. Mr. President, I rise today to introduce important legislation suggested by Mayor Richard M. Daley of Chicago at a Judiciary Committee hearing—legislation that will give this Nation's law enforcement agencies a new weapon in our efforts in the war against drugs and crime.

Mr. President, we all know only too well that our Nation is faced with a terrible crisis. While Government studies report a decrease in casual drug use, there are more people using dangerous drugs like cocaine—and its derivative crack—in greater quantities than ever before. The ravaging effects of illegal drug use do not discriminate between young and old, rich and poor, black and white. We, as a nation, are all victims.

The manufacture, distribution, and use of illegal drugs are pervasive problems which have a substantial and damaging effect on the health and general welfare of the American people. The prospect of illegal and untaxed profits from the manufacture and distribution of drugs is a substantial incentive to such activity and contributes greatly to this national tragedy.

While over the past few years Congress has passed a number of initiatives to help end this tragedy, much more needs to be done. We must constantly seek out new ideas. We cannot let down our guard until we have solved the problem.

As Mayor Daley suggested, one way to do this is by tracking down the illegal cash in the drug system.

Individuals owe taxes on earned income, from whatever source—even criminal drug enterprises. But criminals rarely pay taxes on illegal profits, and often attempt to launder illegal revenues through legitimate businesses. We need the highest possible scrutiny of drug traffickers, and others who facilitate the transfer of illegal drug profits. Such scrutiny of the financial operations of major drug trafficking organizations is a vital part of the battle to take our streets back from the drug dealers.

But how will the IRS identify the individuals and organizations to scrutinize? As Mayor Daley pointed out in his testimony before the Judiciary Committee last session, every day of the year alleged drug offenders or their friends walk into court and post bail with enormous amounts of cash—cash which might well come from the very crimes of which they are accused—cash which may represent illegal and untaxed drug profits—cash which may well represent the devastation of more American lives. The drug dealers have been telling us in our State and Federal courts who among them have the real money, but we haven't been listening.

This legislation I am introducing today will help us listen to major drug dealers as they identify themselves. This bill requires clerks in both State and Federal courts to inform the Internal Revenue Service and criminal prosecutors of all incidents in which an alleged drug offender or money launderer or racketeer posts a substantial bail in cash. The IRS will be able to use this information to identify and investigate major drug dealers and other powerful criminals and use the civil and criminal tax penalties of the Internal Revenue Code to cut down their financial empires.

We already have laws which require honest American businesspeople to report large cash transactions between them and their clients and customers. This has been one of our tools in identifying the flow of illegal cash into legitimate businesses. If we put this requirement on honest Americans, isn't it time we got at the large amounts of cash held by the drug dealers?

Mr. President, the fight against drugs is for the health and future of all Americans, and we need all the help we can get in this battle. I thank Senator BIDEN and Mayor Daley for their help in crafting this important legislation, and I urge my colleagues to join me in adding this potent weapon to our arsenal.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Illegal Drug Profits Act of 1993".

SEC. 2. REQUIRED REPORTING BY CRIMINAL COURT CLERKS.

(a) IN GENERAL.—Each clerk of a Federal or State criminal court shall report to the Internal Revenue Service, in a form and manner as prescribed by the Secretary of the Treasury, the name and taxpayer identification number of—

(1) any individual charged with any criminal offense who posts cash bail, or on whose behalf cash bail is posted, in an amount exceeding $10,000, and

(2) any individual or entity (other than a licensed bail bonding individual or entity) posting such cash bail for or on behalf of such individual.

(b) CRIMINAL OFFENSES.—For purposes of subsection (a), the term "criminal offense" means—

(1) any Federal criminal offense involving a controlled substance,

(2) money laundering (as defined in section 1956 or 1957 of title 18, United States Code), or

(3) any violation of State criminal law involving offenses substantially similar to the offenses described in the preceding paragraphs.

(c) COPY TO PROSECUTORS.—Each clerk shall submit a copy of each report of cash bail described in subsection (a) to—

(1) the office of the United States Attorney, and

(2) the office of the local prosecuting attorney, for the jurisdiction in which the defendant resides (and the jurisdiction in which the criminal offense occurred, if different).

(d) REGULATIONS.—The Secretary of the Treasury shall promulgate such regulations as are necessary within 90 days of the date of the enactment of this Act.

(e) EFFECTIVE DATE.—This section shall become effective 60 days after the date of the promulgation of regulations under subsection (d).•

By Mr. SIMON:

S. 744. A bill to provide for drug-testing of Federal prisoners on release from prison; to the Committee on the Judiciary.

FEDERAL PRISONER DRUG TESTING ACT OF 1993

• Mr. SIMON. Mr. President, I rise today to introduce legislation to mandate drug testing for Federal prisoners as a condition of probation, parole, or supervised release.

Mr. President, between 1980 and 1987, the number of defendants sentenced to Federal prison for drug offenses almost tripled. This is the fastest growing segment of the Nation's prison population. Roughly 60 percent of all Federal prisoners today are serving sentences for drug-related offenses. Many of them were using illegal drugs prior to or during the commission of the crime for which they were imprisoned.

Unfortunately, illegal drug use and drug-related activity does not necessarily cease as a result of incarceration. Surprisingly, many inmates carry out well-organized criminal endeavors with drugs and other contraband smuggled in by staff and visitors.

But currently, there is no requirement for mandatory drug testing to determine whether a released inmate is using one or more illegal substances. Nor is being drug-free a condition of release.

As a result of this gap in our system, prisoners using drugs are released and returned to our communities. One could predict that a prisoner using drugs would, upon release, commit drug offenses or other crimes either while under the influence of drugs or in order to obtain illegal drugs. A cycle of crime, arrest, prosecution, and incarceration is perpetuated. This is obviously unacceptable. This situation certainly helps to explain a recidivism rate that, according to the Bureau of Justice Statistics, is greater than 40 percent for Federal prisoners.

To break this destructive cycle, we in Congress must act to ensure that inmates using illegal drugs are not released into our communities.

In furtherance of this goal, my legislation provides that any Federal inmate eligible for supervised release or parole must pass a urinalysis test within 15 days of release on probation or supervised release and must submit to two periodic drug tests thereafter. Supervised releasees and probationers face the possible revocation of their sentence and return to prison if they test positive for an illegal substance.

Mr. President, the benefits of this legislation to our communities and our criminal justice system are potentially great. I urge the cosponsorship and support of my colleagues.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEDERAL PRISONER DRUG TESTING.

(a) CONDITIONS OF PROBATION.—Section 3563(a) of title 18, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and";

(3) by inserting after paragraph (3) the following new paragraph:

"(4) for a felony, a misdemeanor, or an infraction, that the defendant refrain from any unlawful use of a controlled substance and submit to 1 drug test within 15 days before or after release on probation and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance."; and

(4) by adding at the end the following: "The results of a drug test administered in accordance with paragraph (4) shall be subject to confirmation only if the results are positive, the defendant is subject to further imprisonment for failing the test, and either the defendant denies the accuracy of the test or there is another reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts, after consultation with the Secretary of Health and Human Services, may determine to be of equivalent accuracy. The court shall consider the availability of appropriate substance abuse treatment programs when considering action against a defendant who fails a drug test.".

(b) CONDITIONS ON SUPERVISED RELEASE.—Section 3583(d) of title 18, United States Code, is amended in the first sentence—

(1) by striking "and that" and inserting ", that"; and

(2) by striking the period and inserting ", and that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days before or after release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The results of a drug test administered in accordance with the preceding sentence shall be subject to confirmation only if the results are positive, the defendant is subject to further imprisonment for failing the test, and either the defendant denies the accuracy of the test or there is another reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts, after consultation with the Secretary of Health and Human Services, may determine to be of equivalent accuracy. The court shall consider the availability of appropriate substance abuse treatment programs when considering action against a defendant who fails a drug test.".

(c) CONDITIONS OF PAROLE.—Section 4209(a) of title 18, United States Code, as in effect pursuant to section 235(b)(1)(A) of the Comprehensive Crime Control Act of 1984 and section 316 of the Judicial Improvements Act of 1990 (18 U.S.C. 4201 note), is amended—

(1) in the first sentence by striking ", and" and inserting ", that the parolee pass a drug test prior to release and refrain from any unlawful use of a controlled substance and submit to at least 2 periodic drug tests (as determined by the Commission) for use of a controlled substance, and"; and

(2) by inserting after the first sentence the following: "The result of a drug test administered in accordance with the preceding sentence shall be subject to confirmation only if the results are positive, the parolee is subject to further imprisonment for failing the test, and either the parolee denies the accuracy of the test or there is another reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts, after consultation

with the Secretary of Health and Human Services, may determine to be of equivalent accuracy. The Commission shall consider the availability of appropriate substance abuse treatment programs when considering action against a parolee who fails a drug test.".•

By Mr. SIMON:

S. 745. A bill for the relief of Hardwick, Inc.; to the Committee on the Judiciary.

HARDWICK, INC. RELIEF ACT OF 1993

• Mr. SIMON. Mr. President, I rise today to introduce a resolution, Senate Resolution 91, and its accompanying bill, S. 745. These proposals ask the U.S. Court of Federal Claims to advise the Senate on the merits of legal or equitable claims that Hardwick, Inc., may have against the United States.

Hardwick, Inc., is a family-run construction company, owned by an elderly couple in Beardstown, IL. The company was first organized in 1923 and grew into a multimillion dollar operation. By the mid-1970's, Hardwick employed 50 to 75 men during peak seasons. The company could bond 8 to 10 million dollars' worth of work, fully owned its equipment, and had a quarter of a million dollars in the bank.

Then, in 1977, the U.S. Government awarded the Hardwicks a contract to construct a levee near Brunswick, MO. The project, however, soon turned into a financial quagmire. The Hardwicks allege that, due to errors by the U.S. Corp of Engineers, the levee project entailed enormous cost overruns, rendering the company insolvent. The elder Hardwicks, the original owners of the company, have been left in personal bankruptcy. Their family farm—the only property they have left—is now in jeopardy of foreclosure.

As a result of this unfortunate situation, the Hardwicks have been involved in a contract dispute with the U.S. Government for over a decade. Last year, a decision in the case appeared to be imminent. However, before the court could rule, the Federal circuit issued a decision in an unrelated case, called *UNR Industries, Inc.* v. *United States*, 962 F.2d 1013 (Fed. Cir. 1992). This decision altered the jurisdictional rules for bringing a case in the Court of Federal Claims. As a result, the court determined that it would have to dismiss the Hardwick's claim, as well.

In doing so, the court acknowledged the injustice in dismissing the case after so many years of litigation based on an unforeseen change in the law. The judge urged the Hardwicks to seek congressional redress, telling the Hardwicks that "you may very well be able to proceed * * * to obtain a congressional reference * * * It would appear to me on the basis of my opinion in UNR that you would have a meritorious case in Congress."

This is exactly what the congressional reference resolution I have introduced accomplishes. However, I should emphasize, Mr. President, that a congressional reference resolution is not the same as a private relief bill. As explained in 28 U.S.C. §2509, a congressional reference resolution simply asks the U.S. Court of Federal Claims for a nonbinding recommendation on the merits of the Hardwick's legal or equitable claims against the U.S. Government. In short, the congressional reference procedure gives an injured party a forum for determining the merits of its grievance, which the Senate may then decide whether or not to enforce.

Mr. President, the Hardwicks have suffered enough. They must not be left without a forum for determining the merits of their claims. I urge my colleagues to join me in this just cause.

At this time, I ask unanimous consent to offer this bill into the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of money not otherwise appropriated, to Hardwick, Inc., of Beardstown, Illinois, the sum of $ for all of its claims and demands against the United States relating to Contract DACW 41-77-C-0126 for the construction of Levee Unit L-246, Stage I, near Brunswick, Missouri. Payment of this sum shall be in full satisfaction of all claims of Hardwick, Inc., formerly known as Hardwick Brothers Company II against the United States arising out of such contract.•

By Mr. D'AMATO:

S. 746. A bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for stage 3 aircraft; to the Committee on Finance.

INVESTMENT TAX CREDITS—AIRCRAFT NOISE REDUCTION LEGISLATION

• Mr. D'AMATO. Mr. President, I rise today to introduce legislation that would assist the U.S. airline industry in meeting Federal aircraft noise reduction standards, and benefit the public in securing much needed relief from excess aircraft noise. I am joined by my distinguished colleagues Senators BOXER and LIEBERMAN who are original cosponsors of this bill.

This bill also would provide a real economic stimulus to the ailing aerospace industry with respect to the performance of modification work required to accomplish the goal of reducing aircraft noise. It is supported by the Air Freight Association, the National Airport Watch Group—a coalition of 163 citizens groups across the Nation—as well as by the Natural Resources Defense Council.

Simply stated, the legislation provides a 10 percent investment tax credit [ITC] to be available to aircraft owners for completing noise modification alterations to their aircraft. The ITC would expire by the end of 1996. Such an incentive would induce aircraft owners to quiet their fleets at the earliest possible time. It would benefit communities that are burdened with disproportionate amounts of aircraft noise, and assist the aviation industry to meet Federal noise standards, and create jobs in the industries that retrofit aircraft with hush kits or re-engine them.

The greater New York metropolitan area contains the vast preponderance of the Nation's aircraft noise impacted citizens—about one-third of such persons. Virtually every aircraft in the U.S. fleet cycles into and out of the New York City area from as frequently as several times per month to once every month or two; this includes the noisiest aircraft known as stage 2. While aircraft noise concerns must be addressed, the aviation industry has tremendous economic importance for the New York metro region, as well as for many other areas in the country. Finding ways in which aviation and residential communities can coexist is a difficult challenge and one that Congress must undertake.

The Aircraft Noise and Capacity Act of 1990 gave the Federal Government broad authority over the issue of aircraft noise. This law directed the Secretary of Transportation to issue regulations establishing a national aviation noise policy. It also phases out virtually all stage 2 aircraft by the year 2000. According to the FAA, when the phase out is completed, the number of people exposed to significant aviation noise will be reduced from 2.7 million to 400,000. The reduction in the New York metropolitan area is expected to be from approximately 700,000 to fewer than 100,000 people.

I would like to outline some specific provisions of this bill:

It would provide a 10-percent ITC for the costs incurred by taxpayers for aircraft noise modifications which return aircraft to service between January 1, 1992, and December 31, 1996. Thus, the ITC has a finite lifespan of 5 years;

The ITC would apply to noise modifications of aircraft from stage 2 to stage 3 noise levels, as defined by Federal Aviation Administration Regulations, part 36;

The ITC would apply against the alternative minimum tax as well as against the regular corporate tax.

The gross cost of the ITC has been estimated at approximately $120 million per year, and is expected to be offset many, many times over by accompanying job creation, industrial stimulus and economic multiplier effects. These estimates were performed by aerospace industry experts.

Mr. President, I ask unanimous consent that a copy of this bill be printed in the RECORD at the conclusion of my remarks. I urge my colleagues to support this worthwhile legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INVESTMENT CREDIT FOR STAGE 3 AIRCRAFT MODIFICATIONS.

(a) ALLOWANCE OF CREDIT.—Section 46 of the Internal Revenue Code of 1986 (relating to amount of investment credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) the stage 3 aircraft modification credit."

(b) AMOUNT OF CREDIT.—Section 48 of such Code is amended by adding at the end the following new subsection:

"(c) STAGE 3 AIRCRAFT MODIFICATION CREDIT.—

"(1) IN GENERAL.—For purposes of section 46, the stage 3 aircraft modification credit is the stage 3 aircraft modification percentage of the basis of each stage 3 aircraft modification property placed in service during the taxable year.

"(2) STAGE 3 AIRCRAFT MODIFICATION PERCENTAGE.—The stage 3 aircraft modification percentage is 10 percent.

"(3) QUALIFIED STAGE 3 AIRCRAFT MODIFICATION PROPERTY.—For purposes of this subpart—

"(A) IN GENERAL.—The term 'qualified stage 3 aircraft modification property' means tangible property—

"(i) which is an integral part of and modification of a nonstage 3 aircraft (including the installation of different engines or the retrofit of the existing engines with sound attenuation devices),

"(ii) which is certificated by the Federal Aviation Administration and is made to qualify the aircraft for the stage 3 noise level requirements, and

"(iii) the original use of which begins with the taxpayer.

"(B) STAGE 3 NOISE LEVEL.—The term 'stage 3 noise level' has the meaning given such term by section 36.1(f)(5) of title 14, Code of Regulations (as in effect on February 15, 1993).

"(C) NONSTAGE 3 AIRCRAFT.—The term 'nonstage 3 aircraft' means an aircraft with a maximum gross takeoff weight in excess of 75,000 pounds which did not meet the stage 3 noise level requirements before the stage 3 aircraft modification property was installed.

"(4) SPECIAL RULE FOR CERTAIN PURCHASES AND LEASES.—For purposes of paragraph (3)(A)(iii), a qualified stage 3 aircraft modification property shall be treated as originally placed in service by a person if it is sold to such person or is leased by such person within 3 months of the date such modifications are made.".

(c) STAGE 3 AIRCRAFT MODIFICATION CREDIT ALLOWABLE AGAINST REGULAR TAX AND ALTERNATIVE MINIMUM TAX.—Subsection (c) of section 38 of such Code (relating to limitation based on amount of tax) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR STAGE 3 AIRCRAFT MODIFICATION CREDIT.—

"(A) LIABILITY FOR TAX.—In the case of the stage 3 aircraft modification credit, the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(i) the sum of—

"(I) the taxpayer's tentative minimum tax liability under section 55(b) for such taxable year determined without regard to the stage 3 aircraft modification credit, plus

"(II) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(ii) the sum of the credits allowable against the taxpayer's regular tax liability under part IV (other than section 34 and the stage 3 aircraft modification credit).

"(B) APPLICATION OF THE CREDIT.—Each of the following amounts shall be reduced by the full amount of the credit determined under subparagraph (A):

"(i) the taxpayer's tentative minimum tax under section 55(b) for the taxable year, and

"(ii) the taxpayer's regular tax liability (as defined in section 26(b)) reduced by the sum of the credits allowable under part IV (other than section 34 and the stage 3 aircraft modification credit).

If the amount of the credit determined under subparagraph (A) exceeds the amount described in clause (ii) of subparagraph (B), then the excess shall be deemed to be the adjusted net minimum tax for such taxable year for purposes of section 53."

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 38(c) of such Code is amended by striking "The credit" and inserting "Except as provided in paragraph (3), the credit".

(2) Paragraph (2) of section 55(c) of such Code is amended—

(A) by striking "For provisions" and inserting "(A) For provisions", and

(B) by adding at the end the following new subparagraph:

"(B) For provision allowing the stage 3 aircraft modification credit against the tax imposed by this section, see section 38(c)(3)."

(3) Section 49(a)(1)(C) of such Code is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) the basis of any qualified stage 3 aircraft modification property.".

(4)(A) The section heading for section 48 of such Code is amended to read as follows:

"SEC. 48. OTHER CREDITS."

(B) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 48 and inserting the following:

"Sec. 48. Other credits."

(e) EFFECTIVE DATE.—The amendments made by this section apply to stage 3 aircraft modification property completed after December 31, 1991, and placed in service after December 31, 1991, and before January 1, 1997.●

By Mr. ROTH:

S. 747. A bill to suspend temporarily the duty on Pigment Red 254; to the Committee on Finance.

S. 748. A bill to extend the temporary suspension of duty on 7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene; to the Committee on Finance.

S. 749. A bill to suspend temporarily the duty on Pigment Blue 60; to the Committee on Finance.

S. 750. A bill to suspend temporarily the duty on pectin; to the Committee on Finance.

S. 751. A bill to suspend temporarily the duty on 6-Acetyl-1,1,2,3,3,5-hexamethyl Indan; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

● Mr. ROTH. Mr. President, today I am introducting five miscellaneous duty suspension bills on behalf of two constituent companies in my home State of Delaware. It is my understanding that these bills are noncontroversial. I am introducing them because they will help lower the overall costs of production for the companies involved, which will, in turn, bolster their competitiveness.●

By Mr. BUMPERS:

S. 752. A bill to modify the boundary of Hot Springs National Park, and for other purposes; to the Committee on Energy and Natural Resources.

HOT SPRINGS NATIONAL PARK ACT OF 1993

● Mr. BUMPERS. Mr. President, today I am introducing legislation to modify the boundary of Hot Springs National Park in Hot Springs, AR.

This is a noncontroversial bill that would modify the boundary of Hot Springs National Park by deleting 297.8 acres of privately owned property from the park. The areas proposed for deletion are not necessary for the management and operation of the park and would not affect the park's mission to protect and preserve the famous thermal springs.

The boundary modification will also add approximately 1.7 acres of land to the park. Of this amount 1.67 acres is already owned by the Park Service but falls outside the authorized boundary. The remaining 0.03 acre is part of a larger piece of property already within the park boundary. The addition of these parcels will help protect the critical recharge zone of the hot springs.

This legislation will not only result in a more manageable boundary but will help safeguard the natural resources of the park. This legislation has the support of the city of Hot Springs and National Park Service.

Mr. President, I ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 752

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

(a) The boundary of Hot Springs National Park is modified as depicted on the map entitled "Proposed Boundary Map Hot Springs National Park", numbered 128/80015, and dated August 5, 1985.

(b) Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.●

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 759. A bill to provide for the establishment of the Margaret Walker Alexander National African-American Research Center, and for other purposes; to the Committee on Labor and Human Resources.

MARGARET WALKER ALEXANDER NATIONAL AFRICAN-AMERICAN RESEARCH CENTER ACT OF 1993

• Mr. COCHRAN. Mr. President, today I am introducing legislation to provide for the establishment of the Margaret Walker Alexander National African-American Research Center.

This center will be located at Jackson State University in Jackson, MS. The University's challenges and opportunities include providing effective programs and services to meet the needs of both black and white populations in the Jackson metropolitan area. The research center will provide an opportunity for the university to interpret the African-American experience for all Mississippians and for others from across our Nation.

This national research center will be named in honor of Margaret Walker Alexander, professor emeritus in the department of English at Jackson State University and a noted author and poet. She is perhaps best known for her Civil War novel "Jubilee," her volume of verse "For My People," and for her biography about her novelist friend, "The Daemonic Genius of Richard Wright."

The primary purposes of the center will be the preservation of 20th century African-American materials and archival resources. The facility will serve as a national center for the study, research, and teaching of African-American literature and history and as a repository for papers and memorabilia relating to the life of Margaret Walker Alexander and other individuals noted for their work in African-American literature, history, and the civil rights movement.

Since there is currently no national oral history research facility focusing exclusively on 20th century African-Americans, this center will provide much needed resource materials to inform present and future generations of African-American contributions to our Nation.

Mr. President, I urge other Senators to support the establishment of the Margaret Walker Alexander National African-American Research Center.•

By Mr. WARNER:

S. 760. A bill for the relief of Leteane Monatsi; to the Committee on the Judiciary.

LETEANE MONATSI RELIEF ACT OF 1993

• Mr. WARNER. Mr. President, I introduce an act for the relief of Leteane Monatsi. Leteane, the adopted son of Dr. Robert Edgar, of Virginia, is originally from Lesotho in southern Africa. His natural parents are both deceased. Regrettably, Leteane's circumstances are extreme, and can only be remedied through the extraordinary relief afforded by enactment of a private immigration bill.

Leteane has osteogenesis imperfecta, a debilitating bone disease more commonly known as brittle bones and characterized by multiple fractures during one's early developing years. Because of the lack of medical care available to Leteane while he was growing up in Lesotho, he now has severe and crippling physical disabilities and is permanently confined to a wheelchair. He speaks English well, but functions academically at a third-grade level due to learning disabilities which result from severe early malnutrition.

Dr. Edgar is a distinguished member of the Department of African Studies at Howard University's College of Arts Sciences. He was a Fulbright lecturer in history at the University of Lesotho when he met Leteane and was struck by his plight: the child, then 14 years old, weighed all of 20 pounds. While the two became very close, stringent adoption laws in Lesotho prevented Dr. Edgar from adopting Leteane prior to his return to the United States. However, Dr. Edgar was able to establish guardianship for Leteane. In an effort to provide needed help to the young man, Dr. Edgar obtained a student visa, enabling him to bring Leteane to the United State to attend the Stonewall Jackson Special Education School in Arlington, VA, in 1987. Dr. Edgar also arrange for Leteane to receive needed medical attention, including several surgical procedures at Children's Hospital to correct his crippled limbs. While Leteane experienced some relief, he will never be able to walk.

Dr. Edgar has legally adopted Leteane Monatsi, although the process has not resolved any problems. Lesotho's laws would not permit the adoption to go through until Leteane reached the age of 18. Unfortunately, however, U.S. immigration law does not recognize adoptions which take place after a child reaches age 16. As a result of this contradiction, Leteane Monatsi, now 22 years old, has no legal status in the United States. Dr. Edgar is understandably concerned about his adopted son's future, particularly in the event that something should happen to Dr. Edgar, himself.

My staff and I have spent countless hours exploring possible avenues of administrative relief for Dr. Edgar and his son, but to no avail. Neither the U.S. Immigration and Naturalization Service nor the courts have any remedy available in this unique and tragic situation.

Leteane's options if he were forced to return to Lesotho are very bleak. As stated earlier, both of his parents are deceased; he has no other family capable of caring for him, and it is unlikely he will ever be fully able to care for or support himself. Perhaps most tragic of all, Lesotho's resources for assisting handicapped individuals are virtually nonexistent. To return Leteane to Lesotho would be to condemn him.

I recognize fully well that private relief legislation is not so much the court of last resort, but rather the only resort. It exists to offer relief when absolutely no existing statute or policy can provide remedy. Few cases are quite as singular and atypical as this one, or as demanding of extraordinary solution. Leteane Monatsi was born in a time and place when the help he so desperately needed was, and is, impossible to acquire. Dr. Edgar sought to remedy Leteane's problems and also to provide him with the love of a parent he did not have. After some 8 years together, it is unthinkable that Leteane could be taken from Dr. Edgar due to an unfortunate inconsistency which exists between the law of the United States and that of Lesotho. Dr. Edgar has gone out of his way to abide by the laws of both nations and to provide his adopted son with legal status in this country, in addition to a home and sound care. I believe it is right and appropriate for Congress to exercise its prerogative in the realm of private immigration relief in this very special case. I will work to the best of my ability to see this desperately needed measure enacted successfully and I urge my colleagues to support it at the appropriate time.•

By Mr. STEVENS (for himself and Mr. MURKOWSKI):

S. 761. A bill to amend the "unit of general local government" definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska; to the Committee on Energy and Natural Resources.

ALASKA FEDERAL LANDS ACT OF 1993

• Mr. STEVENS. Mr. President, Alaska shoulders more than its fair share of the Federal lands. Federal lands are costly to State and local governments.

The local governments can not impose a property tax on the Federal Government.

We are not able to develop the Federal lands to produce jobs and an economy.

Payments in lieu of taxes provide Federal funds to local governments which have tax-exempt Federal lands within their boundaries.

PILT funding is designed to relieve the fiscal burden which Federal lands impose on local governments by severely reducing the property tax base.

The PILT Act directs the Secretary of the Interior to make annual payments to each unit of local government where entitlement lands are located.

Alaska is currently only the 10th highest PILT recipient because:

Only 40 percent of the Federal land in Alaska is included in PILT calculations—those Federal lands within the organized boroughs.

PILT calculations include population statistics so Alaska will never receive as much as some of the Western States with high populations and relatively high Federal acreage.

This bill would amend the definition of "units of local government" for the purpose of determining PILT payments to include Federal lands which are not within organized boroughs.

Alaska is unique in that 60 percent of the Federal lands are located outside of the organized boroughs—and there are hundreds of villages located within these unorganized boroughs which receive no PILT payments.

This oversight in the act fails to recognize 60 percent of the Federal lands in Alaska for payment in lieu of taxes.

Hundreds of poor rural Alaskan communities surrounded by Federal lands are denied funding through the PILT Program.

This bill will resolve a great injustice. The villages in Alaska that are surrounded by tax-exempt Federal lands should be compensated for loss of property tax revenues and for the inability to use the lands for any development.

Most of these villages lack adequate sewer and water systems and do not have health facilities within 200 or 300 miles.

The increase in Alaskan PILT payments will directly benefit villages which are in desperate need of resources to sustain basic necessities for their remote existence.

The increased amount of funds the State and villages would increase by about $2.5 million. Currently, the local governments in Alaska receives about $4.5 million a year from PILT.

Although $2.5 million a year will only scratch the service in improving the living conditions in the villages—it will help. And it is much needed.

This bill would not increase PILT funding—it will only change the way the PILT fund is divided. It would not reduce any other State's PILT funds by very much.

It is a matter of fairness—60 percent of the Federal lands in Alaska are not included under current PILT calculations.

Alaska is the only State not fully compensated for all of their Federal lands. Even the territories and the District of Columbia are fully compensated.

This legislation would not increase the current entitlement ceiling for PILT. It merely provides a small additional share of the PILT distribution to those Alaskan communities that are outside organized boroughs.

I would appreciate the support of the other Senators to see that Alaska finally receives PILT funds for all of the Federal lands in the State—not just 40 percent of them.●

Mr. MURKOWSKI. Mr. President, I join the senior Senator from Alaska in offering an amendment to the Payment in Lieu of Taxes Act. This act provides payments to local governments which have tax-exempt Federal lands within their borders.

Nearly 70 percent of all the land in Alaska is Federal land. In fact Alaska is so vast and contains so much Federal land that 34 percent of all the Federal lands in the United States are in Alaska.

There are 51 million acres of Park Service land in Alaska. That is 70 percent of all Park Service acreage; 15 percent of land in State.

There are 76 million acres of U.S. Fish and Wildlife Service refuges. That is 85 percent of all Fish and Wildlife Service lands; 21 percent of land in State.

There are 90 million acres of BLM lands. That is 34 percent of all BLM lands; 25 percent of land in State.

And there are 57 million acres of wilderness already designated in Alaska. That is 60 percent of all the wilderness designated in the United States; 16 percent of land in State.

That is more Federal land than any other State, but somehow, Alaska ranks 10th in PILT payments. Why is that? Why should the State with the most Federal land receive less than nine other States?

The reason is that 60 percent of the Federal lands in Alaska are outside of organized boroughs. In Alaska, a borough is an equivalent unit of local government to another State's county. The way that the PILT law is currently written, villages located outside of organized boroughs receive no PILT payments.

Mr. President, Alaska has hundreds of villages outside of boroughs. These villages have desperate needs for funding. The very basic services usually provided by local government are wanting in many of our villages. We struggle to find funding for clean drinking water systems, for sewer systems, and for education and health care services. These villages are often surrounded by Federal land, but the land provides no tax base.

Mr. President, this is a situation that this Congress can and should correct. The current law has simply overlooked the fact that Alaska has so much land outside an organized unit of local government. I suspect this was a simple oversight that came about because no other State has any land outside an organized unit of local government. Members considered their home State and the PILT formula seemed to work correctly. But in Alaska, PILT does not work as it was intended.

If this bill passes, it will not raise the current entitlement ceiling for PILT payments nationwide, but it would send an additional $2.5 million to the villages of Alaska; $2.5 million may not sound like much, but its an important and much-needed $2.5 million when spread into the very poor villages of bush Alaska.

I urge my colleagues to support this small bill that will mean so much to the people in the many remote villages of Alaska.

By Mr. PRYOR (for himself, Mr. BAUCUS, Mr. BOREN, Mr. BREAUX, and Mr. SARBANES):

S. 762. A bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes; to the Committee on Finance.

PENSION SIMPLIFICATION ACT OF 1993

● Mr. PRYOR. Mr. President, during the 102d Congress, I introduced the Employee Benefits Simplification Act, S. 1364, with, then chairman of the Finance Committee, and now Secretary of the Treasury Lloyd Bentsen. We were joined by 32 of our distinguished colleagues who cosponsored this bill.

The pension simplification legislation was included as part of both tax bills passed by Congress in 1992, but was vetoed by President Bush for other stated reasons.

Mr. President, this year, and in this new 103d Congress, support for pension simplification is still strong. House Ways and Means Chairman ROSTENKOWSKI has included pension simplification legislation in his Tax Simplification Act of 1993, H.R. 13, and today I am offering substantially identical legislation in the Senate.

The Pension Simplification Act is a significant first step toward reducing the costs associated with providing pension benefits. The bill achieves this result by eliminating many of the complexities and inconsistencies in the private pension system which will, in turn, promote the establishment of new pension plans by both large and small employers.

Mr. President, included in the bill are changes which would:

Simplify the definition of highly compensated employee;

Allow 501(c)(3) organizations access to cash or deferred arrangements under section 401(k) of the Internal Revenue Code;

Eliminate the need to perform complicated and expensive tests by providing safe harbors for section 401(k) deferred compensation plans;

Repeal the current historically performed test on leased employees and create a control test based on common law;

Clarify the present law treatment of national Voluntary Employee Beneficiary Associations [VEBA's];

Modify the minimum participation requirements to focus rules on the areas where abuses are more likely to occur;

Clarify the manner in which the benefit limit rules apply to State and local government plans;

Clarify that disability benefits will not be adversely affected by the pension limits; and

Increase the number of allowable participants for salary reduction SEP's from 25 to 100 and make the participation rules for SEP's more consistent with the general rules governing pensions.

Mr. President, in addition to these provisions, there are a number of others designed to simplify and improve the consistency of the law.

The bill also takes the next step toward improvement of our Nation's private retirement system by establishing the National Commission on Private Pension Plans to take a comprehensive look at the private pension system. The Commission will conduct studies and public hearings on the status of our Nation's retirement system, and then, report to Congress on September 1, 1994 with recommendations to improve the system. The Commission would disband immediately after its report.

The idea of the Commission was first introduced by Senator Bentsen in 1992. The Commission was appropriated for in the fiscal year 1993 budget, however, because the authorizing legislation, H.R. 11, was vetoed, the Commission was never authorized.

Given the importance and complexities of the issues dealing with our private retirement system, it is of critical importance to call on all available resources to do our homework before taking the critical next step. I believe the Commission will help assure that this next step is in the right direction.

Mr. President, I ask unanimous consent that the bill be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENTS OF 1986 CODE.

(a) Short Title.—This Act may be cited as the "Pension Simplification Act of 1993".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—SIMPLIFIED DISTRIBUTION RULES

SEC. 101. REPEAL OF 5-YEAR INCOME AVERAGING FOR LUMP-SUM DISTRIBUTIONS.

(a) In General.—Subsection (d) of section 402 (relating to taxability of beneficiary of employees' trust) is amended to read as follows:

"(d) Taxability of Beneficiary of Certain Foreign Situs Trusts.—For purposes of subsections (a), (b), and (c), a stock bonus, pension, or profit-sharing trust which would qualify for exemption from tax under section 501(a) except for the fact that it is a trust created or organized outside the United States shall be treated as if it were a trust exempt from tax under section 501(a).".

(b) Conforming Amendments.—

(1) Subparagraph (D) of section 402(e)(4) (relating to other rules applicable to exempt trusts) is amended to read as follows:

"(D) Lump-sum distribution.—For purposes of this paragraph—

"(i) In general.—The term 'lump sum distribution' means the distribution or payment within one taxable year of the recipient of the balance to the credit of an employee which becomes payable to the recipient—

"(I) on account of the employee's death,

"(II) after the employee attains age 59½,

"(III) on account of the employee's separation from service, or

"(IV) after the employee has become disabled (within the meaning of section 72(m)(7)),

from a trust which forms a part of a plan described in section 401(a) and which is exempt from tax under section 501 or from a plan described in section 403(a). Subclause (III) of this clause shall be applied only with respect to an individual who is an employee without regard to section 401(c)(1), and subclause (IV) shall be applied only with respect to an employee within the meaning of section 401(c)(1). For purposes of this clause, a distribution to two or more trusts shall be treated as a distribution to one recipient. For purposes of this paragraph, the balance to the credit of the employee does not include the accumulated deductible employee contributions under the plan (within the meaning of section 72(o)(5)).

"(ii) Aggregation of certain trusts and plans.—For purposes of determining the balance to the credit of an employee under clause (i)—

"(I) all trusts which are part of a plan shall be treated as a single trust, all pension plans maintained by the employer shall be treated as a single plan, all profit-sharing plans maintained by the employer shall be treated as a single plan, and all stock bonus plans maintained by the employer shall be treated as a single plan, and

"(II) trusts which are not qualified trusts under section 401(a) and annuity contracts which do not satisfy the requirements of section 404(a)(2) shall not be taken into account.

"(iii) Community property laws.—The provisions of this paragraph shall be applied without regard to community property laws.

"(iv) Amounts subject to penalty.—This paragraph shall not apply to amounts described in subparagraph (A) of section 72(m)(5) to the extent that section 72(m)(5) applies to such amounts.

"(v) Balance to credit of employee not to include amounts payable under qualified domestic relations order.—For purposes of this paragraph, the balance to the credit of an employee shall not include any amount payable to an alternate payee under a qualified domestic relations order (within the meaning of section 414(p)).

"(vi) Transfers to cost-of-living arrangement not treated as distribution.—For purposes of this paragraph, the balance to the credit of an employee under a defined contribution plan shall not include any amount transferred from such defined contribution plan to a qualified cost-of-living arrangement (within the meaning of section 415(k)(2)) under a defined benefit plan.

"(vii) Lump-sum distributions of alternate payees.—If any distribution or payment of the balance to the credit of an employee would be treated as a lump-sum distribution, then, for purposes of this paragraph, the payment under a qualified domestic relations order (within the meaning of section 414(p)) of the balance to the credit of an alternate payee who is the spouse or former spouse of the employee shall be treated as a lump-sum distribution. For purposes of this clause, the balance to the credit of the alternate payee shall not include any amount payable to the employee."

(2) Section 402(c) (relating to rules applicable to rollovers from exempt trusts) is amended by striking paragraph (10).

(3) Paragraph (1) of section 55(c) (defining regular tax) is amended by striking "shall not include any tax imposed by section 402(d) and".

(4) Paragraph (8) of section 62(a) (relating to certain portion of lump-sum distributions from pension plans taxed under section 402(d)) is hereby repealed.

(5) Section 401(a)(28)(B) (relating to coordination with distribution rules) is amended by striking clause (v).

(6) Subparagraph (B)(ii) of section 401(k)(10) (relating to distributions that must be lump-sum distributions) is amended to read as follows:

"(ii) Lump-sum distribution.—For purposes of this subparagraph, the term 'lump-sum distribution' means any distribution of the balance to the credit of an employee immediately before the distribution."

(7) Section 406(c) (relating to termination of status as deemed employee not to be treated as separation from service for purposes of limitation of tax) is hereby repealed.

(8) Section 407(c) (relating to termination of status as deemed employee not to be treated as separation from service for purposes of limitation of tax) is hereby repealed.

(9) Section 691(c) (relating to deduction for estate tax) is amended by striking paragraph (5).

(10) Paragraph (1) of section 871(b) (relating to imposition of tax) is amended by striking "section 1, 55, or 402(d)(1)" and inserting "section 1 or 55".

(11) Subsection (b) of section 877 (relating to alternative tax) is amended by striking "section 1, 55, or 402(d)(1)" and inserting "section 1 or 55".

(12) Section 4980A(c)(4) is amended—

(A) by striking "to which an election under section 402(e)(4)(B) applies" and inserting "(as defined in section 402(e)(4)(D)) with respect to which the individual elects to have this paragraph apply",

(B) by adding at the end the following new flush sentence:

"An individual may elect to have this paragraph apply to only one lump-sum distribution.", and

(C) by striking the heading and inserting:

"(4) Special one-time election.—".

(13) Section 402(e) is amended by striking paragraph (5).

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

(2) Retention of certain transition rules.—Notwithstanding any other provision of this section, the amendments made by this section shall not apply to any distribution for which the taxpayer elects the benefits of section 1122 (h)(3) or (h)(5) of the Tax Reform Act of 1986. For purposes of the preceding sentence, the rules of sections 402(c)(10) and 402(d) (as in effect before the amendments made by this Act) shall apply.

SEC. 102. REPEAL OF $5,000 EXCLUSION OF EMPLOYEES' DEATH BENEFITS.

(a) In General.—Subsection (b) of section 101 is hereby repealed.

(b) Conforming Amendment.—Subsection (c) of section 101 is amended by striking "subsection (a) or (b)" and inserting "subsection (a)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 103. SIMPLIFIED METHOD FOR TAXING ANNUITY DISTRIBUTIONS UNDER CERTAIN EMPLOYER PLANS.

(a) GENERAL RULE.—Subsection (d) of section 72 (relating to annuities; certain proceeds of endowment and life insurance contracts) is amended to read as follows:

"(d) SPECIAL RULES FOR QUALIFIED EMPLOYER RETIREMENT PLANS.—

"(1) SIMPLIFIED METHOD OF TAXING ANNUITY PAYMENTS.—

"(A) IN GENERAL.—In the case of any amount received as an annuity under a qualified employer retirement plan—

"(i) subsection (b) shall not apply, and

"(ii) the investment in the contract shall be recovered as provided in this paragraph.

"(B) METHOD OF RECOVERING INVESTMENT IN CONTRACT.—

"(i) IN GENERAL.—Gross income shall not include so much of any monthly annuity payment under a qualified employer retirement plan as does not exceed the amount obtained by dividing—

"(I) the investment in the contract (as of the annuity starting date), by

"(II) the number of anticipated payments determined under the table contained in clause (iii) (or, in the case of a contract to which subsection (c)(3)(B) applies, the number of monthly annuity payments under such contract).

"(ii) CERTAIN RULES MADE APPLICABLE.—Rules similar to the rules of paragraphs (2) and (3) of subsection (b) shall apply for purposes of this paragraph.

"(iii) NUMBER OF ANTICIPATED PAYMENTS.—

"If the age of the primary annuitant on the annuity starting date is:	The number of anticipated payments is:
Not more than 55	300
More than 55 but not more than 60	260
More than 60 but not more than 65	240
More than 65 but not more than 70	170
More than 70	120

"(C) ADJUSTMENT FOR REFUND FEATURE NOT APPLICABLE.—For purposes of this paragraph, investment in the contract shall be determined under subsection (c)(1) without regard to subsection (c)(2).

"(D) SPECIAL RULE WHERE LUMP SUM PAID IN CONNECTION WITH COMMENCEMENT OF ANNUITY PAYMENTS.—If, in connection with the commencement of annuity payments under any qualified employer retirement plan, the taxpayer receives a lump sum payment—

"(i) such payment shall be taxable under subsection (e) as if received before the annuity starting date, and

"(ii) the investment in the contract for purposes of this paragraph shall be determined as if such payment had been so received.

"(E) EXCEPTION.—This paragraph shall not apply in any case where the primary annuitant has attained age 75 on the annuity starting date unless there are fewer than 5 years of guaranteed payments under the annuity.

"(F) ADJUSTMENT WHERE ANNUITY PAYMENTS NOT ON MONTHLY BASIS.—In any case where the annuity payments are not made on a monthly basis, appropriate adjustments in the application of this paragraph shall be made to take into account the period on the basis of which such payments are made.

"(G) QUALIFIED EMPLOYER RETIREMENT PLAN.—For purposes of this paragraph, the term 'qualified employer retirement plan' means any plan or contract described in paragraph (1), (2), or (3) of section 4974(c).

"(2) TREATMENT OF EMPLOYEE CONTRIBUTIONS UNDER DEFINED CONTRIBUTION PLANS.—For purposes of this section, employee contributions (and any income allocable thereto) under a defined contribution plan may be treated as a separate contract.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply in cases where the annuity starting date is after December 31, 1993.

SEC. 104. REQUIRED DISTRIBUTIONS.

(a) IN GENERAL.—Section 401(a)(9)(C) (defining required beginning date) is amended to read as follows:

"(C) REQUIRED BEGINNING DATE.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'required beginning date' means April 1 of the calendar year following the later of—

"(I) the calendar year in which the employee attains age 70½, or

"(II) the calendar year in which the employee retires.

"(ii) EXCEPTION.—Subclause (II) of clause (i) shall not apply—

"(I) except as provided in section 409(d), in the case of an employee who is a 5-percent owner (as defined in section 416) with respect to the plan year ending in the calendar year in which the employee attains age 70½, or

"(II) for purposes of section 408 (a)(6) or (b)(3).

"(iii) ACTUARIAL ADJUSTMENT.—In the case of an employee to whom clause (i)(II) applies who retires in a calendar year after the calendar year in which the employee attains age 70½, the employee's accrued benefit shall be actuarially increased to take into account the period after age 70½ in which the employee was not receiving any benefits under the plan.

"(iv) EXCEPTION FOR GOVERNMENTAL AND CHURCH PLANS.—Clauses (ii) and (iii) shall not apply in the case of a governmental plan or church plan. For purposes of this clause, the term 'church plan' means a plan maintained by a church for church employees, and the term 'church' means any church (as defined in section 3121(w)(3)(A)) or qualified church-controlled organization (as defined in section 3121(w)(3)(B)).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 1993.

TITLE II—INCREASED ACCESS TO PENSION PLANS

SEC. 201. MODIFICATIONS OF SIMPLIFIED EMPLOYEE PENSIONS.

(a) INCREASE IN NUMBER OF ALLOWABLE PARTICIPANTS FOR SALARY REDUCTION ARRANGEMENTS.—Section 408(k)(6)(B) is amended by striking "25" each place it appears in the text and heading thereof and inserting "100".

(b) REPEAL OF PARTICIPATION REQUIREMENT.—Section 408(k)(6)(A) is amended by striking clause (ii) and by redesignating clauses (iii) and (iv) as clauses (ii) and (iii), respectively.

(c) CONFORMING AMENDMENTS.—Clause (ii) of section 408(k)(6)(C) and clause (ii) of section 408(k)(6)(F) are each amended by striking "subparagraph (A)(iii)" and inserting "subparagraph (A)(ii)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 202. TAX EXEMPT ORGANIZATIONS ELIGIBLE UNDER SECTION 401(k).

(a) GENERAL RULE.—Subparagraph (B) of section 401(k)(4) is amended to read as follows:

"(B) STATE AND LOCAL GOVERNMENTS NOT ELIGIBLE.—A cash or deferred arrangement shall not be treated as a qualified cash or deferred arrangement if it is part of a plan maintained by a State or local government or political subdivision thereof, or any agency or instrumentality thereof. This subparagraph shall not apply to a rural cooperative plan."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to plan years beginning after December 31, 1993, but shall not apply to any cash or deferred arrangement to which clause (i) of section 1116(f)(2)(B) of the Tax Reform Act of 1986 applies.

SEC. 203. DUTIES OF SPONSORS OF CERTAIN PROTOTYPE PLANS.

(a) IN GENERAL.—The Secretary of the Treasury may, as a condition of sponsorship, prescribe rules defining the duties and responsibilities of sponsors of master and prototype plans, regional prototype plans, and other Internal Revenue Service preapproved plans.

(b) DUTIES RELATING TO PLAN AMENDMENT, NOTIFICATION OF ADOPTERS, AND PLAN ADMINISTRATION.—The duties and responsibilities referred to in subsection (a) may include—

(1) the maintenance of lists of persons adopting the sponsor's plans, including the updating of such lists not less frequently than annually,

(2) the furnishing of notices at least annually to such persons and to the Secretary or his delegate, in such form and at such time as the Secretary shall prescribe,

(3) duties relating to administrative services to such persons in the operation of their plans, and

(4) other duties that the Secretary considers necessary to ensure that—

(A) the master and prototype, regional prototype, and other preapproved plans of adopting employers are timely amended to meet the requirements of the Internal Revenue Code of 1986 or of any rule or regulation of the Secretary, and

(B) adopting employers receive timely notification of amendments and other actions taken by sponsors with respect to their plans.

TITLE III—NONDISCRIMINATION PROVISIONS

SEC. 301. DEFINITION OF HIGHLY COMPENSATED EMPLOYEES.

(a) IN GENERAL.—Paragraph (1) of section 414(q) (defining highly compensated employee) is amended to read as follows:

"(1) IN GENERAL.—The term 'highly compensated employee' means any employee who—

"(A) was a 5-percent owner at any time during the year or the preceding year, or

"(B) had compensation for the preceding year from the employer in excess of $50,000.

The Secretary shall adjust the $50,000 amount under subparagraph (B) at the same time and in the same manner as under section 415(d).".

(b) SPECIAL RULE WHERE NO EMPLOYEES TREATED AS HIGHLY COMPENSATED.—Paragraph (2) of section 414(q) is amended to read as follows:

"(2) SPECIAL RULE IF NO EMPLOYEE DESCRIBED IN PARAGRAPH (1).—

"(A) IN GENERAL.—If no employee is treated as a highly compensated employee under paragraph (1), the officer who has the highest compensation for the year shall be treated as a highly compensated employee.

"(B) EXCEPTION.—This paragraph shall not apply to any organization exempt from tax under this subtitle with respect to a plan if—

"(i) the plan is maintained by more than one employer, "(ii) either—

"(I) in the case of a plan to which section 410(b)(6)(E) or 403(b) apply, at least 90 percent of the organization's nonexcludable employees are eligible to participate in the plan, or

"(II) in the case of any other plan, a fair cross section of individuals employed by the organization benefit under the plan,

"(iii) all similarly situated participants employed by the organization are eligible on a uniform basis for the same benefits and features under the plan, and

"(iv) the plan was in effect on April 1, 1993, and at all times thereafter, except that in the case of a cash or deferred arrangement adopted by such organization, the date which is 12 months after the date of enactment of this paragraph shall be substituted for April 1, 1993.".

(c) TREATMENT OF FAMILY MEMBERS.—Paragraph (6) of section 414(q) is hereby repealed.

(d) CONFORMING AMENDMENTS.—

(1) Paragraphs (4), (5), (8), and (12) of section 414(q) are hereby repealed.

(2)(A) Section 414(r) is amended by adding at the end thereof the following new paragraph:

"(9) EXCLUDED EMPLOYEES.—For purposes of this subsection, the following employees shall be excluded:

"(A) Employees who have not completed 6 months of service.

"(B) Employees who normally work less than 17½ hours per week.

"(C) Employees who normally work not more than 6 months during any year.

"(D) Employees who have not attained the age of 21.

"(E) Except to the extent provided in regulations, employees who are included in a unit of employees covered by an agreement which the Secretary of Labor finds to be a collective bargaining agreement between employee representatives and the employer.

Except as provided by the Secretary, the employer may elect to apply subparagraph (A), (B), (C), or (D) by substituting a shorter period of service, smaller number of hours or months, or lower age for the period of service, number of hours or months, or age (as the case may be) specified in such subparagraph.".

(B) Subparagraph (A) of section 414(r)(2) is amended by striking "subsection (q)(8)" and inserting "paragraph (9)".

(3) Paragraph (17) of section 401(a) is amended by striking the last sentence.

(4) Subsection (l) of section 404 is amended by striking the last sentence.

(5) Section 1114(c)(4) of the Tax Reform Act of 1986 is amended by adding at the end the following new sentence: "Any reference in this paragraph to section 414(q) shall be treated as a reference to such section as in effect before the Revenue Act of 1992."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 302. MODIFICATION OF ADDITIONAL PARTICIPATION REQUIREMENTS.

(a) GENERAL RULE.—Section 401(a)(26)(A) (relating to additional participation requirements) is amended to read as follows:

"(A) IN GENERAL.—In the case of a trust which is a part of a defined benefit plan, such trust shall not constitute a qualified trust under this subsection unless on each day of the plan year such trust benefits at least the lesser of—

"(i) 50 employees of the employer, or

"(ii) the greater of—

"(I) 40 percent of all employees of the employer, or

"(II) 2 employees (or if there is only 1 employee, such employee).".

(b) SEPARATE LINE OF BUSINESS TEST.—Section 401(a)(26)(G) (relating to separate line of business) is amended by striking "paragraph (7)" and inserting "paragraph (2)(A) or (7)".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to years beginning after December 31, 1993.

SEC. 303. NONDISCRIMINATION RULES FOR QUALIFIED CASH OR DEFERRED ARRANGEMENTS AND MATCHING CONTRIBUTIONS.

(a) ALTERNATIVE METHODS OF SATISFYING SECTION 401(k) NONDISCRIMINATION TESTS.—Section 401(k) (relating to cash or deferred arrangements) is amended by adding at the end thereof the following new paragraph:

"(11) ALTERNATIVE METHODS OF MEETING NONDISCRIMINATION REQUIREMENTS.—

"(A) IN GENERAL.—A cash or deferred arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii) if such arrangement—

"(i) meets the contribution requirements of subparagraph (B) or (C), and

"(ii) meets the notice requirements of subparagraph (D).

"(B) MATCHING CONTRIBUTIONS.—

"(i) IN GENERAL.—The requirements of this subparagraph are met if, under the arrangement, the employer makes matching contributions on behalf of each employee who is not a highly compensated employee in an amount equal to—

"(I) 100 percent of the elective contributions of the employee to the extent such elective contributions do not exceed 3 percent of the employee's compensation, and

"(II) 50 percent of the elective contributions of the employee to the extent that such elective contributions exceed 3 percent but do not exceed 5 percent of the employee's compensation.

"(ii) RATE FOR HIGHLY COMPENSATED EMPLOYEES.—The requirements of this subparagraph are not met if, under the arrangement, the matching contribution with respect to any elective contribution of a highly compensated employee at any level of compensation is greater than that with respect to an employee who is not a highly compensated employee.

"(iii) ALTERNATIVE PLAN DESIGNS.—If the matching contribution with respect to any elective contribution at any specific level of compensation is not equal to the percentage required under clause (i), an arrangement shall not be treated as failing to meet the requirements of clause (i) if—

"(I) the level of an employer's matching contribution does not increase as an employee's elective contributions increase, and

"(II) the aggregate amount of matching contributions with respect to elective contributions not in excess of such level of compensation is at least equal to the amount of matching contributions which would be made if matching contributions were made on the basis of the percentages described in clause (i).

"(C) NONELECTIVE CONTRIBUTIONS.—The requirements of this subparagraph are met if, under the arrangement, the employer is required, without regard to whether the employee makes an elective contribution or employee contribution, to make a contribution to a defined contribution plan on behalf of each employee who is not a highly compensated employee and who is eligible to participate in the arrangement in an amount equal to at least 3 percent of the employee's compensation.

"(D) NOTICE REQUIREMENT.—An arrangement meets the requirements of this paragraph if, under the arrangement, each employee eligible to participate is, within a reasonable period before any year, given written notice of the employee's rights and obligations under the arrangement which—

"(i) is sufficiently accurate and comprehensive to appraise the employee of such rights and obligations, and

"(ii) is written in a manner calculated to be understood by the average employee eligible to participate.

"(E) OTHER REQUIREMENTS.—

"(i) WITHDRAWAL AND VESTING RESTRICTIONS.—An arrangement shall not be treated as meeting the requirements of subparagraph (B) or (C) unless the requirements of subparagraphs (B) and (C) of paragraph (2) are met with respect to all employer contributions (including matching contributions).

"(ii) SOCIAL SECURITY AND SIMILAR CONTRIBUTIONS NOT TAKEN INTO ACCOUNT.—An arrangement shall not be treated as meeting the requirements of subparagraph (B) or (C) unless such requirements are met without regard to subsection (l), and, for purposes of subsection (l), employer contributions under subparagraph (B) or (C) shall not be taken into account.

"(F) OTHER PLANS.—An arrangement shall be treated as meeting the requirements under subparagraph (A)(i) if any other plan maintained by the employer meets such requirements with respect to employees eligible under the arrangement.".

(b) ALTERNATIVE METHODS OF SATISFYING SECTION 401(m) NONDISCRIMINATION TESTS.—Section 401(m) (relating to nondiscrimination test for matching contributions and employee contributions) is amended by redesignating paragraph (10) as paragraph (11) and by adding after paragraph (9) the following new paragraph:

"(10) ALTERNATIVE METHOD OF SATISFYING TESTS.—

"(A) IN GENERAL.—A defined contribution plan shall be treated as meeting the requirements of paragraph (2) with respect to matching contributions if the plan—

"(i) meets the contribution requirements of subparagraph (B) or (C) of subsection (k)(11),

"(ii) meets the notice requirements of subsection (k)(11)(D), and

"(iii) meets the requirements of subparagraph (B).

"(B) LIMITATION ON MATCHING CONTRIBUTIONS.—The requirements of this subparagraph are met if—

"(i) matching contributions on behalf of any employee may not be made with respect to an employee's contributions or elective deferrals in excess of 6 percent of the employee's compensation,

"(ii) the level of an employer's matching contribution does not increase as an employee's contributions or elective deferrals increase, and

"(iii) the matching contribution with respect to any highly compensated employee at a specific level of compensation is not greater than that with respect to an employee who is not a highly compensated employee.".

(c) YEAR FOR COMPUTING NONHIGHLY COMPENSATED EMPLOYEE PERCENTAGE.—

(1) CASH OR DEFERRED ARRANGEMENTS.—Clause (ii) of section 401(k)(3)(A) is amended—

(A) by striking "such year" and inserting "the plan year", and

(B) by striking "for such plan year" and inserting "the preceding plan year".

(2) MATCHING AND EMPLOYEE CONTRIBUTIONS.—Section 401(m)(2)(A) is amended—

(A) by inserting "for such plan year" after "highly compensated employee", and

(B) by inserting "for the preceding plan year" after "eligible employees" each place it appears in clause (i) and clause (ii).

(d) SPECIAL RULE FOR DETERMINING AVERAGE DEFERRAL PERCENTAGE FOR FIRST PLAN YEAR, ETC.—

(1) Paragraph (3) of section 401(k) is amended by adding at the end thereof the following new subparagraph:

"(E) For purposes of this paragraph, in the case of the first plan year of any plan, the amount taken into account as the actual deferral percentage of nonhighly compensated employees for the preceding plan year shall be—

"(i) 3 percent, or

"(ii) if the employer makes an election under this subclause, the actual deferral percentage of nonhighly compensated employees determined for such first plan year."

(2) Paragraph (3) of section 401(m) is amended by adding at the end thereof the following: "Rules similar to the rules of subsection (k)(3)(E) shall apply for purposes of this subsection."

(e) DISTRIBUTION OF EXCESS CONTRIBUTIONS.—

(1) Subparagraph (C) of section 401(k)(8) (relating to arrangement not disqualified if excess contributions distributed) is amended by striking "on the basis of the respective portions of the excess contributions attributable to each of such employees" and inserting "on the basis of the amount of contributions by, or on behalf of, each of such employees".

(2) Subparagraph (C) of section 401(m)(6) (relating to method of distributing excess aggregate contributions) is amended by striking "on the basis of the respective portions of such amounts attributable to each of such employees" and inserting "on the basis of the amount of contributions on behalf of, or by, each such employee".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

TITLE IV—MISCELLANEOUS SIMPLIFICATION

SEC. 401. TREATMENT OF LEASED EMPLOYEES.

(a) GENERAL RULE.—Subparagraph (C) of section 414(n)(2) (defining leased employee) is amended to read as follows:

"(C) such services are performed under significant direction or control by the recipient.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to years beginning after December 31, 1993, but shall not apply to any relationship determined under an Internal Revenue Service ruling issued before the date of the enactment of this Act pursuant to section 414(n)(2)(C) of the Internal Revenue Code of 1986 (as in effect on the day before such date) not to involve a leased employee.

SEC. 402. MODIFICATIONS OF COST-OF-LIVING ADJUSTMENTS.

(a) IN GENERAL.—Section 415(d) (relating to cost-of-living adjustments) is amended to read as follows:

"(d) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—The Secretary shall adjust annually—

"(A) the $90,000 amount in subsection (b)(1)(A), and

"(B) in the case of a participant who separated from service, the amount taken into account under subsection (b)(1)(B),

for increases in the cost-of-living in accordance with regulations prescribed by the Secretary.

"(2) METHOD.—

"(A) IN GENERAL.—The regulations prescribed under paragraph (1) shall provide for adjustment procedures which are similar to the procedures used to adjust benefit amounts under section 215(i)(2)(A) of the Social Security Act.

"(B) PERIODS FOR ADJUSTMENT OF DOLLAR AMOUNT.—For purposes of paragraph (1)(A)—

"(i) IN GENERAL.—The adjustment with respect to any calendar year shall be based on the increase in the applicable index as of the close of the calendar quarter ending September 30 of the preceding calendar year over such index as of the close of the base period.

"(ii) BASE PERIOD.—For purposes of clause (i), the base period is the calendar quarter beginning October 1, 1986.

"(C) BASE PERIOD FOR SEPARATIONS.—For purposes of paragraph (1)(B), the base period is the last calendar quarter of the calendar year preceding the calendar year in which the participant separated from service.

"(3) ROUNDING.—Any amount determined under paragraph (1) (or by reference to this subsection) shall be rounded to the nearest $1,000, except that the amounts under sections 402(g)(1) and 408(k)(2)(C) shall be rounded to the nearest $100.".

(b) EFFECTIVE DATE.—The amendments made by this section apply to adjustments with respect to calendar years beginning after December 31, 1993.

SEC. 403. PLANS COVERING SELF-EMPLOYED INDIVIDUALS.

(a) AGGREGATION RULES.—Section 401(d) (relating to additional requirements for qualification of trusts and plans benefiting owner-employees) is amended to read as follows:

"(d) CONTRIBUTION LIMIT ON OWNER-EMPLOYEES.—A trust forming part of a pension or profit-sharing plan which provides contributions or benefits for employees some or all of whom are owner-employees shall constitute a qualified trust under this section only if, in addition to meeting the requirements of subsection (a), the plan provides that contributions on behalf of any owner-employee may be made only with respect to the earned income of such owner-employee which is derived from the trade or business with respect to which such plan is established.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 404. ELIMINATION OF SPECIAL VESTING RULE FOR MULTIEMPLOYER PLANS.

(a) IN GENERAL.—Paragraph (2) of section 411(a) (relating to minimum vesting standards) is amended—

(1) by striking "subparagraph (A), (B), or (C)" and inserting "subparagraph (A) or (B)"; and

(2) by striking subparagraph (C).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after the earlier of—

(1) the later of—

(A) January 1, 1994, or

(B) the date on which the last of the collective bargaining agreements pursuant to which the plan is maintained terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) January 1, 1996.

Such amendments shall not apply to any individual who does not have more than 1 hour of service under the plan on or after the 1st day of the 1st plan year to which such amendments apply.

SEC. 405. FULL-FUNDING LIMITATION OF MULTIEMPLOYER PLANS.

(a) FULL-FUNDING LIMITATION.—Section 412(c)(7)(C) (relating to full-funding limitation) is amended—

(1) by inserting "or in the case of a multiemployer plan," after "paragraph (6)(B),", and

(2) by inserting "AND MULTIEMPLOYER PLANS" after "PARAGRAPH (6)(B)" in the heading thereof.

(b) VALUATION.—Section 412(c)(9) is amended—

(1) by inserting "(3 years in the case of a multiemployer plan)" after "year", and

(2) by striking "ANNUAL VALUATION" in the heading and inserting "VALUATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 406. ALTERNATIVE FULL-FUNDING LIMITATION.

(a) IN GENERAL.—Subsection (c) of section 412 (relating to minimum funding standards) is amended by redesignating paragraphs (8) through (11) as paragraphs (9) through (12), respectively, and by adding after paragraph (7) the following new paragraph:

"(8) ALTERNATIVE FULL-FUNDING LIMITATION.—

"(A) GENERAL RULE.—An employer may elect the full-funding limitation under this paragraph with respect to any defined benefit plan of the employer in lieu of the full-funding limitation determined under paragraph (7) if the requirements of subparagraphs (C) and (D) are met.

"(B) ALTERNATIVE FULL-FUNDING LIMITATION.—The full-funding limitation under this paragraph is the full-funding limitation determined under paragraph (7) without regard to subparagraph (A)(i)(I) thereof.

"(C) REQUIREMENTS RELATING TO PLAN ELIGIBILITY.—

"(i) IN GENERAL.—The requirements of this subparagraph are met with respect to a defined benefit plan if—

"(I) as of the 1st day of the election period, the average accrued liability of participants accruing benefits under the plan for the 5 immediately preceding plan years is at least 80 percent of the plan's total accrued liability,

"(II) the plan is not a top-heavy plan (as defined in section 416(g)) for the 1st plan year of the election period or either of the 2 preceding plan years, and

"(III) each defined benefit plan of the employer (and each defined benefit plan of each employer who is a member of any controlled group which includes such employer) meets the requirements of subclauses (I) and (II).

"(ii) FAILURE TO CONTINUE TO MEET REQUIREMENTS.—

"(I) If any plan fails to meet the requirement of clause (i)(I) for any plan year during an election period, the benefits of the election under this paragraph shall be phased out under regulations prescribed by the Secretary.

"(II) If any plan fails to meet the requirement of clause (i)(II) for any plan year during an election period, such plan shall be treated as not meeting the requirements of clause (i) for the remainder of the election period.

If there is a failure described in subclause (I) or (II) with respect to any plan, such plan (and each plan described in clause (i)(III) with respect to such plan) shall be treated as not meeting the requirements of clause (i) for any of the 10 plan years beginning after the election period.

"(D) REQUIREMENTS RELATING TO ELECTION.—

"(i) IN GENERAL.—The requirements of this subparagraph are met with respect to an election if—

"(I) FILING DATE.—Notice of such election is filed with the Secretary (in such form and manner and containing such information as the Secretary may provide) by January 1 of any calendar year, and is effective as of the 1st day of the election period beginning on or after January 1 of the following calendar year.

"(II) CONSISTENT ELECTION.—Such an election is made for all defined benefit plans maintained by the employer or by any member of a controlled group which includes the employer.

"(ii) TRANSITION PERIOD.—In the case of any election period beginning on or after July 1, 1993, and before January 1, 1994, the requirements of clause (i) shall not apply and the requirements of this subparagraph are met with respect to such election period if—

"(I) FILING DATE.—Notice of election is filed with the Secretary by October 1, 1993.

"(II) INFORMATION.—The notice sets forth the name and tax identification number of the plan sponsor, the names and tax identification numbers of the plans to which the election applies, the limitation under paragraph (7) (determined with and without regard to this paragraph), and a signed certification by an officer of the employer stating that the requirements of this paragraph have been met.

"(iii) REVENUE OFFSET PROCEDURES.—The Secretary shall, by January 1, 1994, notify defined benefit plans that have not made an election under this paragraph for the transition period described in clause (ii) of the adjustment required by subparagraph (H). The revenue offset for the transition period shall apply to plan years beginning on or after July 1, 1993, and before January 1, 1994.

"(iv) EXCESS CONTRIBUTIONS MADE BY NON-ELECTING PLANS.—To the extent a defined benefit plan sponsor makes a contribution to a defined benefit plan with respect to the transition period described in clause (ii) which exceeds the limitation of paragraph (7), as adjusted by the Secretary for the transition period, the sponsor shall offset the excess contribution against allowable contributions to the plan in subsequent quarters in the taxable year of the sponsor. If no subsequent contributions may be made for the taxable year, the trustee of the defined benefit plan shall return the excess contribution to the sponsor in that taxable year or the following taxable year. Notwithstanding any other provision of this title, no deduction shall be allowed for any contribution made in excess of the limitation of paragraph (7), as adjusted by the Secretary for the transition period, and no penalty shall apply with respect to contributions made in excess of such limitation to the extent such excess contributions are either used to offset subsequent contributions, or returned to the plan sponsor, as provided in this clause.

"(E) TERM OF ELECTION.—Any election made under this paragraph shall apply for the election period.

"(F) OTHER CONSEQUENCES OF ELECTION.—

"(i) NO FUNDING WAIVERS.—In the case of a plan with respect to which an election is made under this paragraph, no waiver may be granted under subsection (d) for any plan year beginning after the date the election was made and ending at the close of the election period with respect thereto.

"(ii) FAILURE TO MAKE SUCCESSIVE ELECTIONS.—If an election is made under this paragraph with respect to any plan and such an election does not apply for each successive plan year of such plan, such plan shall be treated as not meeting the requirements of subparagraph (C) for the period of 10 plan years beginning after the close of the last election period for such plan.

"(G) DEFINITIONS.—For purposes of this paragraph—

"(i) ELECTION PERIOD.—The term 'election period' means the period of 5 consecutive plan years beginning with the 1st plan year for which the election is made.

"(ii) CONTROLLED GROUP.—The term 'controlled group' means all persons who are treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

"(H) PROCEDURES IF ALTERNATIVE FUNDING LIMITATION REDUCES NET FEDERAL REVENUES.—

"(i) IN GENERAL.—At least once with respect to each fiscal year, the Secretary shall estimate whether the application of this paragraph will result in a net reduction in Federal revenues for such fiscal year.

"(ii) ADJUSTMENT OF FULL-FUNDING LIMITATION IF REVENUE SHORTFALL.—If the Secretary estimates that the application of this paragraph will result in a more than insubstantial net reduction in Federal revenues for any fiscal year, the Secretary—

"(I) shall make the adjustment described in clause (iii), and

"(II) to the extent such adjustment is not sufficient to reduce such reduction to an insubstantial amount, shall make the adjustment described in clause (iv).

Such adjustments shall apply only to defined benefit plans with respect to which an election under this paragraph is not in effect.

"(iii) REDUCTION IN LIMITATION BASED ON 150 PERCENT OF CURRENT LIABILITY.—The adjustment described in this clause is an adjustment which substitutes a percentage (not lower than 140 percent) for the percentage described in paragraph (7)(A)(i)(I) determined by reducing the percentage of current liability taken into account with respect to participants who are not accruing benefits under the plan.

"(iv) REDUCTION IN LIMITATION BASED ON ACCRUED LIABILITY.—The adjustment described in this clause is an adjustment which reduces the percentage of accrued liability taken into account under paragraph (7)(A)(i)(II). In no event may the amount of accrued liability taken into account under such paragraph after the adjustment be less than 140 percent of current liability.".

(b) ALTERATION OF DISCRETIONARY REGULATORY AUTHORITY.—Subparagraph (D) of section 412(c)(7) is amended by striking "provide—" and all that follows through "(iii) for" and inserting "provide for".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1993.

SEC. 407. DISTRIBUTIONS UNDER RURAL COOPERATIVE PLANS.

(a) DISTRIBUTIONS AFTER CERTAIN AGE.—Section 401(k)(7) is amended by adding at the end thereof the following new subparagraph:

"(C) SPECIAL RULE FOR CERTAIN DISTRIBUTIONS.—A rural cooperative plan which includes a qualified cash or deferred arrangement shall not be treated as violating the requirements of section 401(a) merely by reason of a distribution to a participant after attainment of age 59½.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions after the date of the enactment of this Act.

SEC. 408. TREATMENT OF GOVERNMENTAL PLANS UNDER SECTION 415.

(a) DEFINITION OF COMPENSATION.—Subsection (k) of section 415 (regarding limitations on benefits and contributions under qualified plans) is amended by adding immediately after paragraph (2) thereof the following new paragraph:

"(3) DEFINITION OF COMPENSATION FOR GOVERNMENTAL PLANS.—For purposes of this section, in the case of a governmental plan (as defined in section 414(d)), the term 'compensation' includes, in addition to the amounts described in subsection (c)(3;—

"(A) any elective deferral (as defined in section 402(g)(3)), and

"(B) any amount which is contributed by the employer at the election of the employee and which is not includible in the gross income of an employee under section 125 or 457."

(b) COMPENSATION LIMIT.—Subsection (b) of section 415 is amended by adding immediately after paragraph (10) the following new paragraph:

"(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL PLANS.—In the case of a governmental plan (as defined in section 414(d)), subparagraph (B) of paragraph (1) shall not apply.".

(c) TREATMENT OF CERTAIN EXCESS BENEFIT PLANS.—

(1) IN GENERAL.—Section 415 is amended by adding at the end thereof the following new subsection:

"(m) TREATMENT OF QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENTS.—

"(1) GOVERNMENTAL PLAN NOT AFFECTED.—In determining whether a governmental plan (as defined in section 414(d)) meets the requirements of this section, benefits provided under a qualified governmental excess benefit arrangement shall not be taken into account. Income accruing to a governmental plan (or to a trust that is maintained solely for the purpose of providing benefits under a qualified governmental excess benefit arrangement) in respect of a qualified governmental excess benefit arrangement shall constitute income derived from the exercise of an essential governmental function upon which such governmental plan (or trust) shall be exempt from tax under section 115.

"(2) TAXATION OF PARTICIPANT.—For purposes of this chapter—

"(A) the taxable year or years for which amounts in respect of a qualified governmental excess benefit arrangement are includible in gross income by a participant, and

"(B) the treatment of such amounts when so includible by the participant,

shall be determined as if such qualified governmental excess benefit arrangement were treated as a plan for the deferral of compensation which is maintained by a corporation not exempt from tax under this chapter and which does not meet the requirements for qualification under section 401.

"(3) QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENT.—For purposes of this subsection, the term 'qualified governmental excess benefit arrangement' means a portion of a governmental plan if—

"(A) such portion is maintained solely for the purpose of providing to participants in the plan that part of the participant's annual benefit otherwise payable under the terms of the plan that exceeds the limitations on benefits imposed by this section,

"(B) under such portion no election is provided at any time to the participant (directly or indirectly) to defer compensation, and

"(C) benefits described in subparagraph (A) are not paid from a trust forming a part of such governmental plan unless such trust is maintained solely for the purpose of providing such benefits.".

(2) COORDINATION WITH SECTION 457.—Subsection (e) of section 457 is amended by adding at the end thereof the following new paragraph:

"(15) TREATMENT OF QUALIFIED GOVERNMENTAL EXCESS BENEFIT ARRANGEMENTS.—Subsections (b)(2) and (c)(1) shall not apply to any qualified governmental excess benefit arrangement (as defined in section 415(m)(3)), and benefits provided under such an arrangement shall not be taken into account in determining whether any other plan is an eligible deferred compensation plan.".

(3) CONFORMING AMENDMENT.—Paragraph (2) of section 457(f) is amended by striking the word "and" at the end of subparagraph (C), by striking the period after subparagraph (D) and inserting the words ", and", and by inserting immediately thereafter the following new subparagraph:

"(E) a qualified governmental excess benefit arrangement described in section 415(m)."

(d) EXEMPTION FOR SURVIVOR AND DISABILITY BENEFITS.—Paragraph (2) of section 415(b) is amended by adding at the end thereof the following new subparagraph:

"(I) EXEMPTION FOR SURVIVOR AND DISABILITY BENEFITS PROVIDED UNDER GOVERNMENTAL PLANS.—Subparagraph (B) of paragraph (1), subparagraph (C) of this paragraph, and paragraph (5) shall not apply to—

"(i) income received from a governmental plan (as defined in section 414(d)) as a pension, annuity, or similar allowance as the result of the recipient becoming disabled by reason of personal injuries or sickness, or

"(ii) amounts received from a governmental plan by the beneficiaries, survivors, or the estate of an employee as the result of the death of the employee.".

(e) REVOCATION OF GRANDFATHER ELECTION.—Subparagraph (C) of section 415(b)(10) is amended by adding at the end thereof the following new sentence: "An election made pursuant to the preceding sentence to have the provisions of this paragraph applied to the plan may be revoked not later than the last day of the 3rd plan year beginning after the date of enactment with respect to all plan years as to which such election has been applicable and all subsequent plan years; provided that any amount paid by the plan in a taxable year ending after revocation of such election in respect of benefits attributable to a taxable year during which such election was in effect shall be includible in income by the recipient in accordance with the rules of this chapter in the taxable year in which such amount is received (except that such amount shall be treated as received for purposes of the limitations imposed by this section in the earlier taxable year or years to which such amount is attributable)."

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall apply to taxable years beginning on or after the date of the enactment of this Act. The amendments made by subsection (e) shall apply with respect to election revocations adopted after the date of the enactment of this Act.

(2) TREATMENT FOR YEARS BEGINNING BEFORE DATE OF ENACTMENT.—In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), such plan shall be treated as satisfying the requirements of section 415 of such Code for all taxable years beginning before the date of the enactment of this Act.

SEC. 409. UNIFORM RETIREMENT AGE.

(a) DISCRIMINATION TESTING.—Paragraph (5) of section 401(a) (relating to special rules relating to nondiscrimination requirements) is amended by adding at the end thereof the following new subparagraph:

"(F) SOCIAL SECURITY RETIREMENT AGE.—For purposes of testing for discrimination under paragraph (4)—

"(i) the social security retirement age (as defined in section 415(b)(8)) shall be treated as a uniform retirement age, and

"(ii) subsidized early retirement benefits and joint and survivor annuities shall not be treated as being unavailable to employees on the same terms merely because such benefits or annuities are based in whole or in part on an employee's social security retirement age (as so defined).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 410. UNIFORM PENALTY PROVISIONS TO APPLY TO CERTAIN PENSION REPORTING REQUIREMENTS.

(a) IN GENERAL.—

(1) Paragraph (1) of section 6724(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by inserting after subparagraph (B) the following new subparagraph:

"(C) any statement of the amount of payments to another person required to be made to the Secretary under—

"(i) section 408(i) (relating to reports with respect to individual retirement accounts or annuities), or

"(ii) section 6047(d) (relating to reports by employers, plan administrators, etc.).".

(2) Paragraph (2) of section 6724(d) is amended by striking "or" at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting a comma, and by inserting after subparagraph (S) the following new subparagraphs:

"(T) section 408(i) (relating to reports with respect to individual retirement plans) to any person other than the Secretary with respect to the amount of payments made to such person, or

"(U) section 6047(d) (relating to reports by plan administrators) to any person other than the Secretary with respect to the amount of payments made to such person.".

(b) MODIFICATION OF REPORTABLE DESIGNATED DISTRIBUTIONS.—

(1) SECTION 408.—Subsection (i) of section 408 (relating to individual retirement account reports) is amended by inserting "aggregating $10 or more in any calendar year" after "distributions".

(2) SECTION 6047.—Paragraph (1) of section 6047(d) (relating to reports by employers, plan administrators, etc.) is amended by adding at the end thereof the following new sentence: "No return or report may be required under the preceding sentence with respect to distributions to any person during any year unless such distributions aggregate $10 or more."

(c) QUALIFYING ROLLOVER DISTRIBUTIONS.—Section 6652(i) is amended—

(1) by striking "the $10" and inserting "$100", and

(2) by striking "$5,000" and inserting "$50,000".

(d) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 6047(f) is amended to read as follows:

"(1) For provisions relating to penalties for failures to file returns and reports required under this section, see sections 6652(e), 6721, and 6722.".

(2) Subsection (e) of section 6652 is amended by adding at the end thereof the following new sentence: "This subsection shall not apply to any return or statement which is an information return described in section 6724(d)(1)(C)(ii) or a payee statement described in section 6724(d)(2)(U)."

(3) Subsection (a) of section 6693 is amended by adding at the end thereof the following new sentence: "This subsection shall not apply to any report which is an information return described in section 6724(d)(1)(C)(i) or a payee statement described in section 6724(d)(2)(T)."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to returns, reports, and other statements the due date for which (determined without regard to extensions) is after December 31, 1993.

SEC. 411. CONTRIBUTIONS ON BEHALF OF DISABLED EMPLOYEES.

(a) ALL DISABLED PARTICIPANTS RECEIVING CONTRIBUTIONS.—Section 415(c)(3)(C) is amended by adding at the end thereof the following: "If a defined contribution plan provides for the continuation of contributions on behalf of all participants described in clause (i) for a fixed or determinable period, this subparagraph shall be applied without regard to clauses (ii) and (iii)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning after December 31, 1993.

SEC. 412. AFFILIATED EMPLOYERS.

(a) IN GENERAL.—For purposes of Treasury Regulations section 1.501(c)(9)-2(a)(1), a group of employers shall be deemed to be affiliated if they are substantially all section 501(c)(12) organizations which perform services (or with respect to which their members perform services) which are the same or are directly related to each other.

(b) SECTION 501(c)(12) ORGANIZATION.—For purposes of this section, the term "section 501(c)(12) organization" means—

(1) any organization described in section 501(c)(12) of the Internal Revenue Code of 1986,

(2) any organization providing a service which is the same as a service which is (or could be) provided by an organization described in paragraph (1),

(3) any organization described in paragraph (4) or (6) of section 501(c) of such Code, but only if at least 80 percent of the members of the organization are organizations described in paragraph (1) or (2), and

(4) any organization which is a national association of organizations described in paragraph (1), (2), or (3).

An organization described in paragraph (2) (but not in paragraph (1)) shall not be treated as a section 501(c)(12) organization with respect to a voluntary employees' beneficiary association unless a substantial number of employers maintaining such association are described in paragraph (1).

(c) EFFECTIVE DATE.—The provisions of this section shall apply to years beginning after December 31, 1993.

SEC. 413. SPECIAL RULES FOR PLANS COVERING PILOTS.

(a) GENERAL RULE.—

(1) Subparagraph (B) of section 410(b)(3) is amended to read as follows:

"(B) in the case of a plan established or maintained by one or more employers to provide contributions or benefits for air pilots employed by one or more common carriers engaged in interstate or foreign commerce or air pilots employed by carriers transporting mail for or under contract with the United States Government, all employees who are not air pilots."

(2) Paragraph (3) of section 410(b) is amended by striking the last sentence and inserting the following new sentence: "Subparagraph (B) shall not apply in the case of a

plan which provides contributions or benefits for employees who are not air pilots or for air pilots whose principal duties are not customarily performed aboard aircraft in flight."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to years beginning after December 31, 1993.

SEC. 414. TREATMENT OF DEFERRED COMPENSATION PLANS OF STATE AND LOCAL GOVERNMENTS AND TAX-EXEMPT ORGANIZATIONS.

(a) SPECIAL RULES FOR PLAN DISTRIBUTIONS.—Paragraph (9) of section 457(e) (relating to other definitions and special rules) is amended to read as follows:

"(9) BENEFITS NOT TREATED AS MADE AVAILABLE BY REASON OF CERTAIN ELECTIONS, ETC.—

"(A) TOTAL AMOUNT PAYABLE IS $3,500 OR LESS.—The total amount payable to a participant under the plan shall not be treated as made available merely because the participant may elect to receive such amount (or the plan may distribute such amount without the participant's consent) if—

"(i) such amount does not exceed $3,500, and

"(ii) such amount may be distributed only if—

"(I) no amount has been deferred under the plan with respect to such participant during the 2-year period ending on the date of the distribution, and

"(II) there has been no prior distribution under the plan to such participant to which this subparagraph applied.

A plan shall not be treated as failing to meet the distribution requirements of subsection (d) by reason of a distribution to which this subparagraph applies.

"(B) ELECTION TO DEFER COMMENCEMENT OF DISTRIBUTIONS.—The total amount payable to a participant under the plan shall not be treated as made available merely because the participant may elect to defer commencement of distributions under the plan if—

"(i) such election is made after amounts may be available under the plan in accordance with subsection (d)(1)(A) and before commencement of such distributions, and

"(ii) the participant may make only 1 such election.".

(b) COST-OF-LIVING ADJUSTMENT OF MAXIMUM DEFERRAL AMOUNT.—Subsection (e) of section 457 is amended by adding at the end thereof the following new paragraph:

"(14) COST-OF-LIVING ADJUSTMENT OF MAXIMUM DEFERRAL AMOUNT.—The Secretary shall adjust the $7,500 amount specified in subsections (b)(2) and (c)(1) at the same time and in the same manner as under section 415(d), except that the base year in applying such section for purposes of this paragraph shall be 1993.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 415. TREATMENT OF EMPLOYER REVERSIONS REQUIRED BY CONTRACT TO BE PAID TO THE UNITED STATES.

(a) IN GENERAL.—Subparagraph (B) of section 4980(c)(2) (defining employer reversion) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end thereof the following new clause:

"(iii) any distribution to the employer to the extent that the distribution is paid within a reasonable period to the United States in satisfaction of a Federal claim for an equitable share of the plan's surplus assets, as determined pursuant to Federal contracting regulations."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to reversions on or after the date of the enactment of this Act.

SEC. 416. CONTINUATION HEALTH COVERAGE FOR EMPLOYEES OF FAILED FINANCIAL INSTITUTIONS.

(a) ENFORCEMENT OF CONTINUATION OF HEALTH PLAN REQUIREMENTS OF ACQUIRERS OF FAILED DEPOSITORY INSTITUTIONS.—Subsection (f) of section 4980B (relating to continuation of coverage requirements of group health plans) is amended by adding at the end thereof the following new paragraph:

"(9) SPECIAL RULES FOR ACQUIRERS OF FAILED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any acquirer of a failed depository institution—

"(i) shall have the same obligation to provide a group health plan meeting the requirements of this subsection with respect to qualified individuals of such institution as the failed depository institution would have had but for its failure, and

"(ii) shall be treated as the employer of such qualified individuals for purposes of this section.

"(B) TAX NOT TO APPLY IF FDIC OR RTC PROVIDE CONTINUATION COVERAGE.—No person shall be subject to any liability under this section by reason of being an acquirer of a failed depository institution if the Federal Deposit Insurance Corporation or the Resolution Trust Corporation elects to relieve such acquirer from its obligations under subparagraph (A). In any such case, the requirements of subparagraph (A) shall apply to the Federal Deposit Insurance Corporation or the Resolution Trust Corporation, as the case may be.

"(C) ACQUIRER.—For purposes of this paragraph, an entity is an acquirer of a failed depository institution during any period if—

"(i) such entity holds substantially all of the assets or liabilities of such institution, and

"(ii)(I) such entity is a bridge bank, or

"(II) such entity acquired such assets or liabilities from the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, or a bridge bank.

"(D) FAILED DEPOSITORY INSTITUTION.—For purposes of this section, the term 'failed depository institution' means any depository institution (as defined in section 3(c) of the Federal Deposit Insurance Act) for which a receiver or conservator has been appointed.

"(E) QUALIFIED INDIVIDUAL.—For purposes of this section, the term 'qualified individual' means—

"(i) any individual who was, on the day before the date of the appointment of the receiver or conservator, provided coverage under a group health plan of the failed depository institution by reason of the performance of services for such institution, and

"(ii) any individual who was, on such day, a beneficiary under such plan as the spouse or dependent child of the individual described in clause (i).".

(b) TREATMENT OF DEPOSITORY INSTITUTION FAILURES AS QUALIFYING EVENTS FOR RETIREES OF SUCH INSTITUTIONS.—

(1) IN GENERAL.—Subparagraph (B) of section 4980B(f)(3) is amended—

(A) by striking "The termination" and inserting "(i) The termination",

(B) by striking the period at the end and inserting ", or", and

(C) by inserting after clause (i) the following new clause:

"(ii) the appointment of a receiver or conservator for a failed depository institution from whose employment the covered employee retired at any time.".

(2) CONFORMING AMENDMENT.—Subclause (I) of section 4980B(f)(2)(B)(i) is amended by striking "AND REDUCED HOURS" and inserting ", REDUCED HOURS, AND FAILURES OF DEPOSITORY INSTITUTIONS".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply as if included in section 451 of the Federal Deposit Insurance Corporation Improvement Act of 1991 as of the date of the enactment of such Act.

(2) LIABILITY OF FDIC.—In the case of the Federal Deposit Insurance Corporation or any acquirer from such Corporation, the amendments made by this section shall apply only to failed depository institutions for which the receiver or conservator is appointed after the date of the enactment of this Act.

(3) SPECIAL RULE FOR COVERAGE UNDER FDIC PLAN.—Effective as of the date of the enactment of the Federal Deposit Insurance Corporation Improvement Act of 1991, coverage under the health care continuation plan maintained by the Federal Deposit Insurance Corporation on June 25, 1992, and any other substantially similar plan maintained by such Corporation, shall be deemed to satisfy the obligations of the Federal Deposit Insurance Corporation (and any acquirer from such Corporation) under section 4980B(f) of the Internal Revenue Code of 1986 and section 451 of the Federal Deposit Insurance Corporation Improvement Act of 1991 with respect to qualified individuals of failed depository institutions.

SEC. 417. NATIONAL COMMISSION ON PRIVATE PENSION PLANS.

(a) IN GENERAL.—Chapter 77 is amended by adding at the end the following new section:

"SEC. 7524. NATIONAL COMMISSION ON PRIVATE PENSION PLANS.

"(a) ESTABLISHMENT.—There is hereby established a commission to be known as the National Commission on Private Pension Plans (in this section referred to as the 'Commission').

"(b) MEMBERSHIP.—

"(1) The Commission shall consist of—

"(A) 6 members to be appointed by the President;

"(B) 6 members to be appointed by the Speaker of the House of Representatives; and

"(C) 6 members to be appointed by the Majority Leader of the Senate.

"(2) The appointments made pursuant to subparagraphs (B) and (C) of paragraph (1) shall be made in consultation with the chairmen of the committees of the House of Representatives and the Senate, respectively, having jurisdiction over relevant Federal pension programs.

"(c) DUTIES AND FUNCTIONS OF COMMISSION; PUBLIC HEARINGS IN DIFFERENT GEOGRAPHICAL AREAS; BROAD SPECTRUM OF WITNESSES AND TESTIMONY.—

"(1) It shall be the duty and function of the Commission to conduct the studies and issue the report required by subsection (d).

"(2) The Commission (and any committees that it may form) may conduct public hearings in order to receive the views of a broad spectrum of the public on the status of the Nation's private retirement system.

"(d) REPORT TO THE PRESIDENT AND CONGRESS; RECOMMENDATIONS.—The Commission shall submit to the President, to the Majority Leader and the Minority Leader of the Senate, and to the Majority Leader and the

Minority Leader of the House of Representatives a report no later than September 1, 1994, reviewing existing Federal incentives and programs that encourage and protect private retirement savings. The final report shall also set forth recommendations where appropriate for increasing the level and security of private retirement savings.

"(e) Time of Appointment of Members; Vacancies; Election of Chairman; Quorum; Calling of Meetings; Number of Meetings; Voting; Compensation and Expenses.—

"(1)(A) Members of the Commission shall be appointed during the period for terms ending on September 1, 1994.

"(B) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the vacant position was first filled.

"(2) The Commission shall elect 1 of its members to serve as Chairman of the Commission.

"(3) A majority of the members of the Commission shall constitute a quorum for the transaction of business.

"(4) The Commission shall meet at the call of the Chairman.

"(5) Decisions of the Commission shall be according to the vote of a simple majority of those present and voting at a properly called meeting.

"(6) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Commission.

"(f) Executive Director and Additional Personnel; Appointment and Compensation; Consultants.—

"(1) The Commission shall appoint an Executive Director of the Commission. In addition to the Executive Director, the Commission may appoint and fix the compensation of such personnel as it deems advisable. Such appointments and compensation may be made without regard to the provisions of title 5, United States Code, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title that relate to classifications and the General Schedule pay rates.

"(2) The Commission may procure such temporary and intermittent services of consultants under section 3109(b) of title 5, United States Code, as the Commission determines to be necessary to carry out the duties of the Commission.

"(g) Time and Place of Hearings and Nature of Testimony Authorized.—In carrying out its duties, the Commission, or any duly organized committee thereof, is authorized to hold such hearings, sit and act at such times and places, and take such testimony, with respect to matters for which it has a responsibility under this section, as the Commission or committee may deem advisable.

"(h) Data and Information From Other Agencies and Departments.—

"(1) The Commission may secure directly from any department or agency of the United States such data and information as may be necessary to carry out its responsibilities.

"(2) Upon request of the Commission, any such department or agency shall furnish any such data or information.

"(i) Support Services by General Services Administration.—The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

"(j) Authorization of Appropriations.—There are authorized to be appropriated for each of fiscal years 1993 and 1994, such sums as may be necessary to carry out this section.

"(k) Donations Accepted and Deposited in Treasury in Separate Fund; Expenditures.—

"(1) The Commission is authorized to accept donations of money, property, or personal services. Funds received from donations shall be deposited in the Treasury in a separate fund created for this purpose. Funds appropriated for the Commission and donated funds may be expended for such purposes as official reception and representation expenses, public surveys, public service announcements, preparation of special papers, analyses, and documentaries, and for such other purposes as determined by the Commission to be in furtherance of its mission to review national issues affecting private pension plans.

"(2) Expenditures of appropriated and donated funds shall be subject to such rules and regulations as may be adopted by the Commission and shall not be subject to Federal procurement requirements.

"(l) Public Surveys.—The Commission is authorized to conduct such public surveys as it deems necessary in support of its review of national issues affecting private pension plans and, in conducting such surveys, the Commission shall not be deemed to be an "agency" for the purpose of section 3502 of title 44, United States Code.".

(b) Conforming Amendment.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7524. National Commission on Private Pension Plans.".

SEC. 418. DATE FOR ADOPTION OF PLAN AMENDMENTS.

If any amendment made by this Act requires an amendment to any plan, such plan amendment shall not be required to be made before the first day of the first plan year beginning on or after January 1, 1995, if—

(1) during the period after such amendment takes effect and before such first plan year, the plan is operated in accordance with the requirements of such amendment, and

(2) such plan amendment applies retroactively to such period.•

By Mr. DURENBERGER:

S. 763. A bill to amend section 1729 of title 38 United States Code, to improve the Department of Veterans Affairs medical care cost-recovery program; to the Committee on Veterans Affairs.

LEGISLATION REGARDING THE VETERANS MEDICAL CARE COST RECOVERY PROGRAM

• Mr. DURENBERGER. Mr. President, it is of great concern to me and the veterans of the State of Minnesota that steps be taken to remove the burden placed on Veterans' Administration medical centers [VAMC] throughout the United States.

I have been at the business of addressing the problems of this Nation's health care system since I came to the Senate in 1978. I commend the President for continuing to focus his attention on the health care crisis in America. However, I can't help but notice that there is not much discussion regarding how the Veterans' Administration will fit in to the final picture. I understand Secretary Brown is eager to reform the VA system and increase access to the system for more veterans. I trust that he will elevate health reform discussions to also focus on the VA health care delivery system.

Mr. President, we all agree that the underlying problem with the VA health system is funding levels. Today, the Veterans' health care system is short of money, staff, and equipment. Rising medical costs and Federal budget constraints have tightened the VA's budget and restrained the health care delivery system, thereby affecting this country's promise to provide medical care to our veterans.

However, the Veterans' system differs from the other Government-supported health programs in that facilities stand alone. When funding falls short of demand, there is no means to shift costs. Congress must consider the effect of funding on access and quality. Current demand in the VA system is high. The average age of World War II veterans is 70 years. The average age of Korean veterans is 62 years. In other words, the VA serves a large veteran population with multiple illnesses. This stresses the delivery system.

The best way to improve the delivery system is to make sure that the buyers make demands on the system. We in Congress are the buyers of health care for the 26 million veterans through the Veterans Affairs Health Administration. Despite our best efforts to date, we have failed to provide adequate funding levels to ensure that all veterans have access to quality care.

It's time we get to the true source of the problem—funding levels. I rise today, Mr. President, to introduce legislation that will provide VA medical centers with the funds they have given up for the past 6 years. From 1987 to 1992, $1.1 billion has been collected through the Medical Care Cost Recovery Program. The Minneapolis VA Medical Center led the Nation in recoveries, collecting $8,575,487 in fiscal year 1992.

The 171 Veterans' hospitals in our Nation have the authority to collect payments from third-party payers when veterans are covered under their own insurance policies, such as workers' compensation, no-fault automobile insurance, or a health insurance plan. This authority sunsets on August 1, 1994. My bill will permanently extend the Government's authority to collect from third-party payers. However, current law demands that the FA medical centers collect from these third-party payers, and send the entire payment to the U.S. Treasury. Not only must these medical centers provide the health care, but they also must provide the staff to collect and process all third-party claims. Although the facilities are funded for staff to collect these funds, all additional staffing expenditures come out of the facilities' budgets. All of this effort, and the VA doesn't even get to keep any of the revenue it collects.

My bill would provide VA medical centers with an additional revenue source to enable the centers to expand services and treat more veterans. This change is important for three distinct reasons: choice, equity, and productivity.

First, veterans make a choice to have third-party insurance coverage, and they have the choice of where to receive health care services. This is why it is important that patients have confidence in the system. If the VA system does not compete with other hospitals to deliver quality care, those with third-party payers can walk out the door. However, most veterans associate themselves with the VAMC environment and prefer to be treated within the VA health system. Therefore, it is only right that the facility be able to keep the funds it is paid for treating an individual with private insurance, and reserve Federal funds for the uninsured veterans that are now turned away due to inadequate appropriations. In other words, retaining collected third-party payments should not be viewed as paying for care already appropriated by the Federal Government. Rather, it should provide funds to expand access to care and bring more veterans into the system. In addition, our goal to achieve universal coverage through health reform will further level the playing field by equalizing the medical centers' access to third-party payers. In 1987, almost 80 percent of all veterans were covered by private health insurance.

Second, the current veterans' health care delivery system is inequitable. Minnesota has a strong health care delivery system that enhances the VA system. Cooperation between the Minnesota medical community and the Minneapolis and St. Cloud VA Medical Centers allows for superior quality of care to Minnesota veterans. In addition, these facilities are serving veterans nationwide. The Minneapolis VAMC is a referral facility for a number of specialty care procedures, including cardiac, chemical dependency, gastrointestinal, emphysema, and neurology. However, the money does not necessarily follow the patient to the referral facility. Unfortunately, the Minneapolis VAMC is operating at a deficit.

Currently, the VA medical centers receive funding through the Federal appropriations process. The fiscal year 1993 VA medical care appropriation is $14.64 billion, an increase of 7.7 percent. The Minneapolis VAMC's fiscal year 1993 budget is $192 million, an increase of just 0.7 percent over fiscal year 1992. Yet, the center has to absorb cost-of-living increases as well as the usual inflation of medical supply costs. Therefore, it only seems correct that the collected funds remain with the collecting facility. This would provide an incentive and the means to expand underfunded care.

Third, the VA health system is more productive than the civilian system. Productivity simply means that we get better access to quality care for fewer Federal dollars. Statistics prove that Veterans' health facilities deliver care at a lower cost than other hospitals. One way or another, the third-party payer is liable for reimbursement under current law. Therefore, it is more cost-efficient to the Nation's health care delivery system to encourage that care be delivered through the VA center.

In addition, we can encourage greater productivity in the Veterans' system. Currently, under the VA system, patient care is directed toward inpatient services even though outpatient care is proven more cost-effective. The infusion of additional funds, collected from third-party payers, can provide funding for additional outpatient care.

Mr. President, this legislation was borne from constituent meetings with various Minnesota veterans groups highlighting the budgetary problems experienced by the medical centers in Minnesota. The 1.4 million members of the Minnesota and National Disabled American Veterans strongly support this bill. In addition, the Minnesota Veterans of Foreign Wars, the American Legion, and the Jewish War Veterans have conveyed their support for allowing VA medical centers to keep a major portion of the funds collected. I have no doubt that allowing medical facilities to keep the funds they collect from third-party payers will increase the quality of care and provide access to the system for a greater number of veterans.

Mr. President, this proposal makes sense. It will provide some much needed relief to the financially strapped veterans' hospitals. The Veterans Affairs Health Administration can be a leader in the health care reform process. The introduction of my bill will bring us closer to identifying the problems in the current VA health care delivery system. Hopefully, Congress and the administration will be persuaded to refocus our efforts toward debating the solution.

I ask unanimous consent that this bill and a section-by-section summary of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT AUTHORITY TO RECOVER COSTS FOR CARE PROVIDED TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1729(a)(2)(E) of title 38, United States Code, is amended by striking out "August 1, 1994,".

SEC. 2. CREDITING OF THIRD-PARTY PAYMENTS RECEIVED BY DEPARTMENT OF VETERANS AFFAIRS.

Paragraph (4) of section 1729(g) of title 38, United States Code, is amended to read as follows:

"(4)(A)—The unobligated balance remaining in the Fund at the close of business on September 30 of any fiscal year which is in excess of any part of such balance that the Secretary determines is necessary in order to enable the Secretary to defray, during the next fiscal year, the expenses, payments, and costs described in paragraph (3) shall, not later than January 1 of the next fiscal year, be deposited to the credit of appropriations available for the operation of Department medical centers, to be allocated to each medical center in proportion to the amounts credited to the Fund during the previous fiscal year that were attributable to care and services furnished through each such medical center.

"(B) Amounts credited under subparagraph (A) may not be offset by reductions in amounts otherwise available to the centers referred to in that subparagraph or in the total amount of funds to be made available to the Department for health care and medical services.".

SECTION-BY-SECTION OF THE VETERANS' HEALTH CARE PROPOSAL

SECTION 1. PERMANENT AUTHORITY TO RECOVER COSTS FOR CARE PROVIDED TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES

This provision would remove the current sunset provision in the statute with respect to recoveries from health insurance of veterans with service-connected disabilities when they are treated for their nonservice-connected conditions. The sunset provision was included in the authority to pursue these recoveries as part of the Omnibus Budget Reconciliation Act of 1990 and amended by the Veterans' Benefits Act of 1992. The Medical Care Cost Recovery program was established in P.L. 99-272 (COBRA).

The Office of Management and Budget (OMB) estimates that this proposal will raise $46 million in fiscal year 1994 and $1.17 billion over four years. However, the Administration cites a sunset date of October 1, 1993. The sunset date was amended to August 1, 1994 (sec. 604, P.L. 102-568).

SECTION 2. CREDITING OF THIRD-PARTY PAYMENTS RECEIVED BY DEPARTMENT OF VETERANS AFFAIRS

(A) Revises the rules relating to crediting of third-party reimbursements received by the United States for the costs of medical services and hospital care furnished by the Department of Veterans Affairs. This provision allows the balance of funds to be returned to each medical center in proportion to the amounts collected.

(B) This provision prohibits any amounts credited to medical centers from being offset by reductions in amounts otherwise available to such facility or in the total amount of funds made available to the Department for health care and medical services.•

By Mr. WOFFORD:

S. 764. A bill to exclude service of election officials and election workers from the Social Security payroll tax; to the Committee on Finance.

SECURITY TAX WITHHOLDING AND ELECTION WORKERS ACT OF 1993

• Mr. WOFFORD. Mr. President, the collection of Social Security taxes is harming local governments' ability to retain the people we need to run fair elections. Today I am introducing legislation to remedy this problem.

Most election officials serve out of a sense of civic duty. Indeed the registration commissioners of Lancaster County, PA, well described election workers when they wrote:

> The payments for their services are minimal in comparison to the dedication they give to responsibilities in providing service to thousands of voters. These individuals are the true backbone of our election process.

Many communities often find it hard to recruit election officials. But the withholding of Social Security taxes is making that task more difficult. It is causing people to not work on election day. In fact, some are just up and quitting their posts.

In addition, the paperwork costs associated with collecting Social Security taxes from election workers unnecessarily burdens our local officials. The amount of money from each person is so small—I wouldn't be surprised if local governments spent more to process the withholding than they collected.

Very simply, the legislation I am introducing would exempt election workers, who make less than $500 annually, from the Social Security payroll tax. Similar legislation was passed last year as part of H.R. 11, which failed to become law.

Mr. President, I urge my colleagues to support this legislation and I ask unanimous consent that its full text appear following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. EXPANSION OF STATE OPTION TO EXCLUDE SERVICE OF ELECTION OFFICIALS OR ELECTION WORKERS FROM COVERAGE.

(a) LIMITATION ON MANDATORY COVERAGE OF STATE ELECTION OFFICIALS AND ELECTION WORKERS WITHOUT STATE RETIREMENT SYSTEM.—

(1) AMENDMENT TO SOCIAL SECURITY ACT.—Section 210(a)(7)(F)(iv) of the Social Security Act (42 U.S.C. 410(a)(7)(F)(iv)) (as amended by section 11332(a) of the Omnibus Budget Reconciliation Act of 1990) is amended by striking "$100" and inserting "$500 with respect to service performed during 1994, and the exempt remuneration amount determined under section 218(c)(8)(B) with respect to service performed thereafter".

(2) AMENDMENT TO FICA.—Section 3121(b)(7) of the Internal Revenue Code of 1986 (as amended by section 11332(b) of the Omnibus Budget Reconciliation Act of 1990) is amended by striking "$100" and inserting "$500" with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(c)(8)(B) of the Social Security Act with respect to service performed thereafter".

(b) CONFORMING AMENDMENTS RELATING TO MEDICARE QUALIFIED GOVERNMENT EMPLOYMENT.—

(1) AMENDMENT TO SOCIAL SECURITY ACT.—Section 210(p)(2)(E) of the Social Security Act (42 U.S.C. 410(p)(2)(E)) is amended by striking "$100" and inserting "$500 with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(c)(8)(B) with respect to service performed thereafter".

(2) AMENDMENT TO FICA.—Section 3121(u)(2)(B)(ii)(V) of the Internal Revenue Code of 1986 is amended by striking "$100" and inserting "$500 with respect to service performed during 1993, and the exempt remuneration amount determined under section 218(e)(8)(B) of the Social Security Act with respect to service performed thereafter".

(c) AUTHORITY FOR STATES TO MODIFY COVERAGE AGREEMENTS WITH RESPECT TO ELECTION OFFICIALS AND ELECTION WORKERS.—Section 218(c)(8) of the Social Security Act (42 U.S.C. 418(c)(8)) is amended—

(1) by striking "on or after January 1, 1968," and inserting "at any time";

(2) by striking "$100" and inserting "$500 with respect to service performed during 1994, and the exempt remuneration amount determined under subparagraph (B) with respect to service performed thereafter"; and

(3) by striking the last sentence and inserting the following new sentence: "Any modification of an agreement pursuant to this paragraph shall be effective with respect to services performed in and after the calendar year in which the modification is mailed or delivered by other means to the Secretary.".

(d) INDEXATION OF EXEMPT REMUNERATION AMOUNT.—

(1) IN GENERAL.—Section 218(c)(8) of the Social Security Act (as amended by subsection (c)) is further amended—

(A) by inserting "(A)" after "(8)"; and

(B) by adding at the end the following new subparagraphs:

"(B) The Secretary shall, on or before November 1 of 1993 and of every year thereafter, determine and publish in the Federal Register the exempt remuneration amount which shall be effective with respect to service performed during the following calendar year.

"(C) The exempt remuneration amount determined under subparagraph (B) shall be the larger of—

"(i) the dollar amount in effect under subparagraph (A) with respect to service performed during the calendar year in which the determination under subparagraph (B) is made, or

"(ii) the product of—

"(I) $500, and

"(II) the indexing ratio described in subparagraph (D).

"(D) For purposes of subparagraph (C)(ii)(II), the indexing ratio is the ratio of—

"(i) the deemed average total wages (as defined in section 209(k)(1)) for the calendar year before the calendar year in which the determination under subparagraph (B) is made, to

"(ii) the average of the total wage (as defined in regulations of the Secretary and computed without regard to the limitations specified in section 209(a)(1)) reported to the Secretary of the Treasury or his delegate for 1991 (as published in the Federal Register in accordance with section 215(a)(1)(D)),

with such product, if not a multiple of $100, being rounded to the next higher multiple of $100 where such product is a multiple of $50 but not of $100 and to the nearest multiple of $100 in any other case.".

(2) CONFORMING AMENDMENT.—Section 209(k)(1) of such Act (42 U.S.C. 409(k)(1)) is amended by inserting "218(c)(8)(D)(i)," after "215(b)(3)(A)(ii),".

(e) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall apply with respect to service performed on or after January 1, 1993.•

By Mrs. BOXER (for herself, Mr. DECONCINI, and Mr. FEINGOLD):

S. 765. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve protection of benefits under group health plans, to provide for adequate notice of adoption of material coverage restrictions under such plans, and to provide for effective remedies for violations of such title with respect to such plans; to the Committee on Labor and Human Resources.

HEALTH INSURANCE PROTECTION ACT OF 1993

• Mrs. BOXER. Mr. President, I introduce the Health Insurance Protection Act of 1993 with my colleagues, Senators DECONCINI and FEINGOLD.

This bill is based upon what—this Senator thinks—is a very fair and basic principle: If a working man or woman relies upon his or her employer for insurance protection—that employer cannot pull the rug out from that individual when they become seriously ill. It is that simple.

The bill I introduce today amends ERISA [the Employee Retirement Income Security Act of 1974] by:

Making it unlawful to cancel or reduce benefits for a person in a group health plan because the person suffers from one or more particular diseases or medical conditions;

Making it unlawful for a group health plan to discriminate among diseases or medical conditions with respect to the maximum benefits an individual may receive in his or her lifetime;

Requiring that any significant change in a person's insurance coverage may not take effect without giving the affected person 60 days notice of the proposed change in language which is easily understood by him or her; and

Providing that where health benefits are given under a self-insured plan—a plan where employers, rather than buying an insurance policy choose to pay medical costs for employees out of company funds—the plan description and summary will contain a statement which indicates that it is a self-insured plan and not a policy of insurance and therefore the employee may be responsible for some part of the medical care.

This bill is partially in answer to a shameful practice that has arisen and been sanctioned by our courts, Mr. President. Namely, the fifth circuit court in the H&H Music case found that an individual, once covered by a very generous group health insurance plan, could be retroactively terminated from that plan after contracting AIDS.

Imagine, Mr. President, if you or someone you care about contracted a serious life-threatening disease or illness—only to find out that your employer—whom you counted on to be there when you needed them most—unilaterally shut you out of the very insurance you were relying upon to help you make it through a painful illness.

I daresay the betrayal would be difficult, costly, and in any case painful.

Accordingly, this bill makes clear that if an individual has taken a job, and that job offers health insurance, and that person gets seriously ill and files a claim under the company insurance policy and the employer decides that the employee, once presumably a valued asset, is now a liability—that employee could not be dropped from the company insurance policy without serious repercussions.

Likewise, this bill provides that lifetime benefits caps cannot be lowered for a specific disease or illness. What this means, Mr. President, is that a company cannot unilaterally decide that a given disease or illness will have a lower lifetime cap than other diseases or illnesses.

With respect to this particular provision, however, this bill specifically provides an out if the participants are covered by a collective bargaining agreement which addresses the issue otherwise or the sponsor of the group health plan demonstrates to the Secretary of Labor that the plan will be unable to continue unless it is allowed to lower its caps.

To put teeth into these changes and hopefully dissuade employers from discriminating against sick employees, this bill has a strong damages section. An individual who proves injury under this legislation could receive actual, consequential, and punitive damages.

In closing, Mr. President, I want to make clear that this Senator realizes that the issue my colleagues and I address today is but a small part of the total health care crisis. I realize that not all employers are motivated by bad faith. But the sad fact of the matter is that without adequate deterrence, employers may—faced with more costly health insurance—be tempted to turn their backs on employees who, through an accident of chance, become seriously ill.

I hope my colleagues will take a close look at this legislation and strongly consider joining Senator DECONCINI, Senator FEINGOLD, and me seeking to rectify the unconscionable situation created by the courts.●

By Mr. NICKLES:

S. 767. A bill to amend title XIV of the Public Health Service Act—commonly known as the Safe Drinking Water Act—to redirect and extend Federal and State activities to protect public water supplies in the United States, and for other purposes; to the Committee on Environment and Public Works.

WATER SUPPLY PROTECTION ACT OF 1993

● Mr. NICKLES. Mr. President, today I am introducing legislation entitled the "Water Supply Protection Act of 1993," a bill to reform the EPA drinking water and ground water protection program.

There has been a clear and loud call for dramatic reform of the Federal drinking water program. Thousands of letters have been sent to members of Congress asking for a moratorium on various drinking water regulations. The Nation's consumer advocates have called for greater reliance on risk management by EPA. The National Governor's Association and the Governors' Forum on Environmental Management have called for fundamental changes in drinking water legislation and a rebalancing of the State-Federal drinking water partnership. It is widely recognized that under no reasonable circumstances can they implement the current program. In addition, water suppliers and their national organizations have also recommended significant changes to the current Safe Drinking Water Act.

Last year, Senators DOMENICI, BROWN, and myself, led an effort to restore some common sense and reasonableness into the regulation of drinking water. We sought a 2-year moratorium on the implementation of additional drinking water regulations during which time EPA would conduct an in-depth study to determine among other things, whether the costs of these regulations are justified by the benefits to the public. Unfortunately, our efforts failed on a 43 to 53 vote.

The bill I introduce today is a comprehensive proposal intended to spur serious consideration of a variety of basic changes to the drinking water program. Upon review of the current EPA drinking water program, it is apparent that EPA has addressed the problems which motivated the passage of the 1974 Safe Drinking Water Act and it is time for a redirection of the program. Over 220,000 water systems are now under the direct supervision of the States, as compared to just 25,000 before passage of the act. Nearly all States have adopted the Federal program, up from only 14 before passage of the act. Well over 95 percent of water systems are in compliance with drinking water standards, up from less than 15 percent before the act. And, EPA has documented basic health information on over 100 potential drinking water contaminants, up from just 15 prior to passage of the act.

The current law, however, does not direct EPA attention to the fundamental elements of pollution prevention and use of risk management principles when developing its regulations. In fact, if the current drinking water regulations are not changed, a family in small town America will see the costs of their water go through the roof. There are cases where increased costs are justified because of real risks to health. But for the vast majority of regulations, the current act is forcing the public to pay to remove risks that are smaller than natural background risks which we all accept as a normal fact of life. A Nation entering a great debate on how to ensure health care for all citizens must also recognize and amend laws which would force expenditures of very scarce health resources on meaningless risks.

Since the 1974 act was passed, and the subsequent 1986 amendments, there has been significant growth in development and use of pollution prevention methods which may be more effective and less costly to implement than treating or cleaning up the water after contamination. There are cases where pollution prevention requirements may be even more effective than drinking water regulation. Further, there are cases where EPA regulations require communities to analyze for pesticides not even used within their state.

I have also found that States, communities, citizens and even foreign nations have asked for more and better technical information on the health and aesthetic effect of contaminants and on the means for contaminant removal. There is an especially loud call for information on low-cost technology useful in small communities and in developing nations. In addition, there is a growing interest in pollution prevention practices that can be used to protect sources of drinking water.

This bill redirects Federal attention to this new generation of problems. It addresses most of the issues raised in the last Congress and proposes a rebalancing of the Federal-State partnership that will guarantee responsible protection of the Nation's water supply and the health of our citizens.

I urge my colleagues to closely examine the proposals made in this bill, and to discuss them with the leadership of communities large and small throughout your States. It is critically important that the currently unimplementable program be redefined. The American public deserves to have a Federal drinking water program that is stable, well ordered and takes into account the best use of scarce resources in our States and communities.●

By Mr. ROCKEFELLER (for himself and Mr. MURKOWSKI):

S. 768. A bill to amend the Japan-United States Friendship Act to recapitalize the friendship trust fund, to broaden investment authority, and to strengthen criteria for membership on the Japan-United States Friendship Commission; to the Committee on Foreign Relations.

JAPAN-UNITED STATES FRIENDSHIP ACT AMENDMENT OF 1993

● Mr. ROCKEFELLER. Mr. President, I am today introducing legislation to update the authorization for the Japan-United States Friendship Commission, on which I have been privileged to serve since 1991. Joining me in sponsoring this bill is the Senator from Alaska [Mr. MURKOWSKI], who has just joined the Commission. Senator MURKOWSKI's appointment is particularly apt, Mr. President, in view of his interest in and experience with the United States-Japan relationship. I am looking forward to working with him on the Commission to improve our two countries' understanding of each other, which is the Commission's mandate.

The Commission was created in 1975 out of funds provided by the Japanese Government following the Okinawa reversion. Congress believed that a United States-led effort to improve communication, understanding, and knowledge between Americans and Japanese was important to the health of our bilateral relationship, a relationship that was expected to grow in importance, and the funds were set aside for grants to projects intended to promote that understanding.

In its submission this year to the Appropriations Committees, the Commission clearly defined its mission:

1. To promote understanding and respect between the Japanese and American peoples by providing grants to support scholarly, cultural, artistic and public educational activities between Japan and the United States, as authorized by the Japan-United States Friendship Act (Public Law 94-118, as amended);

2. To help prepare Americans to better meet the challenges and opportunities presented by the emergence of Japan in international affairs by providing focused information on the Japanese political economy in its particulars and by training Americans in all spheres and communities to use such information in a purposeful way to meet these challenges and opportunities;

3. To use the influence and example of the Commission to encourage other organizations and individuals, both governmental and private, in both countries, to develop programs of their own to further mutual understanding and respect and to offer financing for such purposes.

The Commission has carried out numerous projects with a national scope to fulfill its mandate to promote mutual understanding between the peoples of the United States and Japan. For example, in the past several years, the Commission has been instrumental in the establishment of a new coordinating committee to determine needs for Japanese-language research materials on a national scale and to help coordinate available financial and human resources to acquire and catalog those materials for easy access from anywhere in the United States.

As Japanese sources of funding begin to diminish during the current recession in Japan and in light of the policy of re-Asianization, the Commission has played a pivotal role in the continued intellectual vitality and financial health of the Interuniversity Center of Yokohama, the premier Japanese language training center for Americans and a truly national institution.

In the past year, the Commission has funded research on numerous topics with significant implications for American policymakers in such diverse subjects as the deregulation of Japanese financial markets, land use policy in Japan, the political context of Japanese secondary school curriculum development and other equally useful subjects. In order to assure that the results of such research reach those for whom it is important, the Commission continues to cooperate with such Washington-based organizations as the Congressional Economic Leadership Institute and the George Washington University Elliot School of International Affairs to help organize discussions of the results for Members of Congress and their staff, as well as to provide these key figures in Japan relations with the opportunity to engage their Japanese legislative counterparts in frank and open discussions.

In reaching out to a broader spectrum of the American public, the Commission works closely with the media to help provide its members with the training and opportunities to report on Japan professionally. One example is the masters degree program the Commission supports at Columbia University School of Journalism to train emerging journalists in the language and background necessary to carry out reporting on the Japanese political economy from Japan through direct reporting and interviews, without intercession of Japanese intermediaries. The Commission has provided significant funding for a three-part series on a comparison of the political economies of Germany, Japan, and the United States to be produced by Mr. Hedrick Smith, a veteran observer of foreign affairs with a well-established reputation for the quality of his documentaries. The show will be broadcast on PBS stations across the United States in late 1993. Through the efforts of its own staff, the Commission has produced "On the Record," the first directory specifically for members of the American media to experts on issues and subjects in Japan from the arts to economic and political policy.

These represent only a few of the numerous projects the Commission supports through its funds and its own staff work to carry out its mandate. This is the only focused effort in the United States to carry out the work of educating both experts and the general American public to work more effectively on the many issues and problems that face the United States-Japan relationship. If the Commission did not exist, it would have to be invented, given the seriousness of the issues it is asked to address.

As these examples demonstrate, the Commission addresses them effectively and purposefully. But that effort does not come cheaply. The Commission was established in 1975 by Congress with an endowment of $18 million and the yen equivalent of approximately the same amount. Congress requires that the Commission appear before the Appropriations Committee annually to seek permission to spend the interest its principal earns, but it also has given the Commission permanent authority to spend up to 5 percent of its principal annually, without regard to action by Congress.

Over the years, the Commission has spent down its dollar fund, which now stands at just under $15 million. In 1990, the Commission adopted a policy, with Congress' approval, of limiting expenditure to interest earnings only, a policy it now rigorously enforces. Nevertheless, given the diminution of its principal, the effects of inflation, and the low interest rates that will continue into the foreseeable future, the Commission's earnings now enjoy only one quarter of the purchasing power they had at the time of its establishment. Moreover, even with a stable portfolio, the Commission will earn progressively less each year, as old bonds mature and new bonds must be purchased with lower rates of return. The returns will drop from a projected $1.277 million in fiscal 1994 to $1.069 million in fiscal 1998.

The predicament facing the Commission is clear. The ever increasing importance of its mission—to establish the expertise and understanding in the American public to work effectively with Japan—is equally clear. Thus, the Commission needs relief in two forms. The first is to seek authority to expand the scope of its investments, currently limited by Treasury Department policy to Treasury instruments. With the ability to invest its funds in all forms of public debt, the Commission's financial adviser has estimated that it can increase its returns by at least 1½ points.

Second, and most important, the Commission needs to be recapitalized. At the rate of return that prudent advice now projects for the foreseeable future—6.6 percent, the Commission requires an additional $50 million if it is to regain the financing power that Congress originally intended it to have in 1975. One appropriate schedule for such recapitalization is to spread the funding over 5 years at $10 million annually. As with the current funding mechanism, these additional amounts would be added to existing principal. Only the additional interest would be used for Commission programs.

I am asking the Commission to submit a model budget of how the interest earned from these new funds would be used to build new programs critical in our capacity to deal effectively with Japan. Moreover, given that the bulk of those new funds would be used to train Americans in the language and cultural skills needed to understand the Japanese in their own right, the

Commission believes firmly that these funds should be taken from new funds made available for the training and retooling of the American work force, not from those set aside for foreign affairs.

The third change in this bill to bring the Commission up to date is a change in the criteria for appointment of the public members that places greater emphasis on knowledge and experience in Japan issues and the United States-Japan bilateral relationship. This has not been sufficiently taken into account as a specific criterion in the past, and, as the Commission is restored to financial health, it is also important to make sure that members of the Commission are fully and adequately prepared for their responsibilities, including consideration of grant requests.

Mr. President, these changes in the Commission's status will better equip it to play a more active role in increasing bilateral understanding, which will become increasingly important in the future. I hope that as the Foreign Relations Committee considers United States-Japan relations and how to improve them, that it will review this bill favorably.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECAPITALIZING THE FRIENDSHIP TRUST FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 3 of the Japan-United States Friendship Act (22 U.S.C. 2902) is amended—

(1) by adding at the end the following new subsection:

"(f)(1) There are authorized to be appropriated to the Fund $10,000,000, plus any amount described in paragraph (2), for each of the fiscal years 1994 through 1998.

"(2) Any unappropriated portion of the amount authorized to be appropriated by paragraph (1) may be appropriated in any subsequent fiscal year.".

(b) CONFORMING AMENDMENTS.—Section 7 of the Japan-United States Friendship Act (22 U.S.C. 2906) is amended—

(1) in subsection (a)(1), by striking "sections 3 (d) and (e)(1) of this Act" and inserting "subsections (d), (e)(1), and (f) of section 3"; and

(2) in subsection (b), by striking in the second sentence "section 3(d) of this Act" and inserting "subsections (d) and (f) of section 3".

SEC. 2. UNITED STATES PANEL OF THE JOINT COMMITTEE ON UNITED STATES-JAPAN CULTURAL AND EDUCATIONAL COOPERATION.

Section 4 of the Japan-United States Friendship Act (22 U.S.C. 2903) is amended by adding at the end the following new subsection:

"(d) The membership of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation shall be drawn from among individuals who are deeply familiar with Japan and United States-Japan relations, as demonstrated in their professional careers, and who have performed distinguished service in—

"(1) law, business, or finances;

"(2) education, training, or research at postsecondary levels;

"(3) the media or publishing;

"(4) foundation or philanthropic activity;

"(5) the American arts, culture, or the humanities; or

"(6) other aspects of American public life.

SEC. 3. BROADENING INVESTMENT AUTHORITY.

Section 7 of the Japan-United States Friendship Act (22 U.S.C. 2906) is amended—

(1) in subsection (b)—

(A) in the first sentence, by inserting ", at the direction of the Chairman of the Commission," after "'Secretary')"; and

(B) in the second sentence, by striking "in interest bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States" and inserting "in instruments of public debt with maturities suitable to the needs of the Fund"; and

(2) in subsection (c), by inserting ", at the direction of the Chairman of the Commission," after "sold".●

By Mr. DANFORTH (for himself, Mr. MURKOWSKI, Mr. STEVENS, Mr. HATCH, Mr. GORTON, and Mr. MCCAIN):

S. 769. A bill to prohibit any increase in the tax on the sale of certain aviation fuel, and to prohibit any tax on such fuel or on the energy content of petroleum or petroleum products used in the production of such fuel; to the Committee on Finance.

By Mr. DANFORTH:

S. 770. A bill to amend the Federal Aviation Act of 1958 to authorize the Secretary of Transportation to prevent U.S. air carriers from engaging in predatory pricing; to the Committee on Commerce, Science, and Transportation.

S. 771. A bill to provide a limited exception to the restriction on foreign ownership and control of the voting interest in U.S. air carriers; to the Committee on Commerce, Science, and Transportation.

AVIATION LEGISLATION

● Mr. DANFORTH. Mr. President, 15 years ago, we radically changed our aviation policy with the enactment of the Airline Deregulation Act. The act establishes the principle that vigorous competition is essential to protect the interests of the traveling public. The purpose of the act is to secure a safe aviation system with a "variety of adequate, economic, efficient, and low-price services." The act also states that we must avoid "unreasonable industry concentration, excessive market domination, and monopoly power." The act emphasizes the importance of providing employment in the industry "at fair wages and [with] equitable working conditions."

Market share statistics, numerous bankruptcies and declining employment demonstrate that we have failed to meet these goals. In the last decade, the combined market share of the top three U.S. airlines has expaned from 38 percent to 60 percent. Braniff, Eastern, Frontier, Midway, Pan Am, and Peple Express are gone. America West, Continental, and TWA are in bankruptcy. The remaining carriers have reported record losses. Here is some of the red ink for 1992: USAir—$1.23 billion, Northwest—$1.06 billion, United—$957 million, American—$935 million, and Delta—$822 million. If this trend continues, there may be only two or three major U.S. airlines left. This will obviously reduce consumer choice. These losses have had a devastating impact on those working in the aviation field. Since 1990, the Air Transport Association [ATA] reports a net loss of 13,000 airline jobs. Moreover, as airlines have cancelled aircraft orders, the major airframe manufacturers, McDonnell Douglas and Boeing, and Pratt & Whitney, a leading aircraft engine maker, have announced layoffs that may exceed 45,000 employees.

After 15 years, it is time to reevaluate and revamp these policies. Today I am introducing three pieces of legislation designed to improve the health of the aviation industry. If enacted, this legislation could help this nation meet these goals by improving the financial performance of our faltering airlines and aerospace companies, stabilizing employment levels in these industries, and attracting much needed capital to the aviation sector. We do this by cotrolling predatory pricing, allowing greater foreign investment in U.S. carriers in exchange for achieving open skies agreements with the investors' home countries, and preventing a massive tax increase on an industry that is experiencing record losses.

AIRLINE PREDATORY PRICING PREVENTION ACT OF 1993

At the time of deregulation, economists argued that the airline industry would flourish under competition. For a time, it did. The argument was that this industry lacked economies of scale or barriers to entry. A theory of contestable markets was developed under which any airline seeking to charge supracompetitive fares would be challenged by another carrier who would simply shift planes to that market. The theory of market contestability appeared to work. Aggressive carriers such as People Express sought to use their cost advantage to challenge larger, well established carriers. There were ominous signs that this market was not functioning well, however. For example, when People Express attempted to compete with Northwest Airlines in the Minneapolis market, Northwest lowered its prices far below its cost and expanded its capacity. This strategy forced People Express out of the market.

We now see that this is an industry with many barriers to entry in the major markets. An airline cannot start or increase operations at four of our busiest airports, Chicago O'Hare, Kennedy, and LaGuardia in New York, and Washington National, without landing and takeoff slots. Even if an airline is willing to sell slots, these slots cost more than $1 million each. In addition, international routes are limited under bilateral treaties and, although they are government granted privileges, they have been sold for hundreds of millions of dollars. Gate space at major hub airports is also scarce.

Computer reservation systems also provide a well-documented edge to the major carriers through sophisticated yield management schemes. The larger carriers use their computers to keep tabs on every seat on every flight for months before its departure and adjust the price depending on demand. Ticket prices paid by travelers sitting beside each other vary by hundreds of dollars. This sophisticated management can also allow a dominant carrier to offer enough discounted seats in a market to deter potential low-fare carriers.

Ronald Allen, CEO of Delta, attributes last year's red ink to "the half-price fare sale and American's four-tier fare structure." Last April, American Airlines announced a new four-tier fare structure which dramatically reduced most airfares. Full-fare coach fares were reduced by nearly 40 percent and first class by 20 to 50 percent. American said it was doing this, not as a temporary promotion, but rather as an attempt to reduce prices over the long run.

The next month, Northwest Airlines offered a special discount fare allowing a person over 12 to travel free if accompanied by a child paying the normal excursion fare. Northwest argued that this was a routine summer discount. The next day, American slashed its discount restricted fare 50 percent across the board. American also dropped the advance purchase requirements from 14 to 7 days, making it easier for business travelers to qualify for those fares, and allowed the trade-in of previously purchased higher fare tickets.

Three of the weaker airlines, American West, Continental and Northwest, have filed suit against American over its pricing conduct last summer. In Continental's complaint against American, Continental described the events of last year:

> American implemented a program in April 1992 intended to further its goal of eliminating competition by establishing industry price levels that would result in ruinous losses to weaken and destroy competitors. American intended to recoup its extremely heavy losses by raising its prices to supracompetitive levels once those airlines and perhaps others were driven out of business or were sufficiently weakened so that they would not offer effective competition.

As would be expected, American argues the price wars were the product of aggressive pricing by carriers in chapter 11 bankruptcy. Last fall, on "This Week with David Brinkley," American's president, Robert Crandall, stated:

> What we tried to do was to reduce the number of fares, reduce the level of fares, and simplify the fare structure. It has been a failure in the sense that various of our competitors chose to undercut it and to proliferate the number of fares and so we are back to a complex fare structure once again. . . . In the long run, this industry and every industry has to make a profit if we are going to invest the capital in new airplanes, provide health care benefits for our employees, and provide income security.

Regardless of who is the culprit, it is clear that the red ink has reached record proportions. Moreover, the airlines' financial problems are negatively affecting the economy. As Mr. Crandall pointed out, the airlines must earn profits if they are to replace their fleets. The recent order cancellations have prompted 45,000 aerospace manufacturing layoffs. Another point of agreement is the fact that consumers need more than two or three major airlines. As the commercial goes, "You can pay me now or you can pay me later." If another major fare war erupts, there is no doubt the weaker carriers will go the way of Eastern, Midway and Pan Am. Given the industry's substantial barriers to entry, those carriers left standing will finally be in a position to recoup their losses. Consumers' options will be severely limited and fares will skyrocket. In a 1990 study, the General Accounting Office [GAO] found, that airlines operating at concentrated airports—that is one carrier with 60 percent or two carriers with 80 percent of the traffic—charged over 20 percent more than carriers flying comparable routes that did not involve such an airport. GAO will update its study in the near future with numbers indicating that this concentrated airport premium is as much as 34 percent.

The traditional remedy for challenging pricing is to file a complaint in federal district court. Unfortunately, these suits usually drag on for years. By the time a complaining airline gets an answer, it is likely to be out of business. Moreover, in recent years, the tests applied to determine whether there is predatory pricing have made it virtually impossible to prevail. In Matsushita Electric Industrial Co. versus Zenith Radio Corp., the Supreme Court concluded that courts should only find predatory pricing when certain conditions are met, such as a market with a dominant firm and high barriers of entry. The Matsushita decision has led courts to be more willing to grant summary judgment in predatory pricing cases.

During the Presidential campaign, Bill Clinton said he intended to step up antitrust enforcement. The airline industry is in desperate need of such enforcement. A remedy is meaningful only if it comes before a complaining airline is put out of business. That is why I am introducing the Airline Predatory Pricing Act of 1993 to provide Department of Transportation [DOT] review of such complaints under section 411 of the Federal Aviation Act. Such a change, would mean that, for the first time since the 1978 Deregulation Act, the Department is enforcing its responsibility to prevent what the act called unfair, predatory, or anticompetitive practices in air transportation.

Within 7 days of the filing of a complaint, DOT must determine whether there is a significant likelihood that an airline has been engaging in predatory pricing and, if it has, DOT shall order the carrier to temporarily cease and desist from charging that fare. DOT then has 90 days to reach a final determination and, if it finds predatory pricing, must issue a permanent cease and desist order. If DOT chooses not to issue a cease and desist order, it must publish its reasons in the Federal Register.

In addition, in reviewing such complaints, DOT will presume a carrier has violated the law if its fare actions fail either of two tests. First, the legislation will prevent airlines from engaging in excessively low pricing by prohibiting an air carrier from pricing below its direct operating costs. Direct operating costs are the costs sustained by an airline in making a flight, and are comprised of both station expenses and aircraft operating expenses. Station expenses include sales or travel agents' compensation, landing fees, inflight food and beverage expenses, and liability insurance. Aircraft operating expenses include flight crew compensation, fuel and oil, hull insurance, all direct and overhead costs of maintenance, and the prorated amount of the rental charge or depreciation of the airplane. This provision will prevent pricing designed to provide only a minimal cash flow to meet current expenses, without regard to long-term profitability. The two cases most often cited as examples of this sort of pricing conduct are the actions of Eastern Airlines and Pan Am, immediately before they collapsed. This type of pricing conduct is destructive because it forces healthy carriers to match unrealistic fares, leading to losses.

Second, the bill prohibits an airline from reducing prices in a market significantly below ordinary seasonal price drops when all airlines in that market are losing money because of a sustained downward trend in fares. In making this determination, DOT shall take into account the costs of the carrier, including the repayment of debt and reasonable capital outlays, and pricing levels in comparable markets. This provision will prevent a recurrence of the disastrous fare war which occurred last summer.

If we act quickly and the DOT acts quickly, we can prevent further consolidation of the airline industry. Moreover, the industry will be financially healthy enough to order planes. We cannot afford to wait. The Nation is watching and the future of two of our most important industries hangs in the balance. I urge my colleagues to support this important legislation.

THE AIRLINE INVESTMENT ACT OF 1993

One factor contributing to the present troubles of the U.S. airline industry is DOT's focus on international issues to the exclusion of domestic concerns. This focus has led to the approval of international route system with little concern about their domestic impact. We need one basic principle to guide aviation policy. That principle is the encouragement of competition in the domestic marketplace. I believe it is more important for there to be competitive service in the St. Louis to New York market than in the St. Louis to Paris market.

If we keep this guiding principle of vigorous domestic competition in mind, we need to take steps to prevent the disappearance of all but three major airlines. The three largest airlines American, Delta, and United Airline now control almost 60 percent of the air travel market. GAO's studies indicate this increasing concentration in the airline industry will limit consumer options and increase fares.

We can take measures to reverse this trend. The most critical step is the identification of major sources of capital for airlines. During the remainder of this decade, ATA has estimated that airlines will need $130 billion to convert their fleets to quieter, stage 3 aircraft. Attracting this capital will be difficult because ATA also says that profit margins in the U.S. airline industry have been about half those of the average U.S. company over the past decade.

There are four potential sources for these capital needs: internal cash reserves, mortgage or sale of assets, government subsidies, and outside investments. Except for the top three U.S. airlines, internal cash reserves are low, and most assets have been sold or previously used to secure debts. Furthermore, a subsidy will increase the Federal budget deficit, unless taxes are increased or budget cuts are made elsewhere.

The last source of capital is outside investment. In recent years, domestic investors have demonstrated little interest in troubled carriers because of high debt loads and historically low rates of return. Moreover, on March 11, Standard and Poor's downgraded the debt of the three biggest airlines to noninvestment junk grade. Many institutional investors are precluded from buying junk bonds.

There is interest from foreign investors, but this capital infusion has been limited by the citizenship tests of current Federal law. These tests require that one cannot operate an U.S. airline unless at least 75 percent of an airline's voting stock is held by U.S. citizens. DOT has interpreted the law as allowing a foreign investor to hold as much as 49 percent of an airline's total equity, as long as foreign investment does not violate the statutory limit on voting stock. In addition, an airline's president and at least two-thirds of its key management officials must be U.S. citizens. Moreover, although the statute is completely silent on such a test, DOT has interpreted the law as requiring effective control of an airline by U.S. citizens.

Encouraging foreign investment will make a difference. European Community [EC] countries permit up to 49 percent voting stock interest by noncitizens. A recent GAO report entitled "Airline Competition, Impact of Changing Foreign Investment and Control Limits on U.S. Airlines" found that relaxing statutory limits on foreign investment to match the level permitted by EC countries "could potentially give U.S. airlines, particularly those in financial difficulty, greater access to needed capital, thus enhancing their domestic competitive position."

There has been considerable debate about whether approval of such an investment must be conditioned on the liberalization of our bilateral aviation treaties with countries wishing to invest. I do not believe we should link our interest in open skies agreements to investment permitted under the current statute, if it means standing idly by while more U.S. carriers liquidate. Literally tens of thousands of jobs are at stake. We have watched while proud industry pioneers, Eastern and Pan Am, and promising newcomers, such as Midway and People Express, have vanished. Rather, I believe that raising foreign investment caps can be used as a carrot to encourage open skies agreements. I am proposing that when the United States has achieved an open skies agreement with a foreign government, its citizens should be allowed to acquire up to 49 percent voting stock interest in an U.S. airline. In its report, GAO noted that this change could benefit U.S. airlines.

> Foreign airlines are the most likely source of investment because they can benefit from integrating their international service with that of U.S. airlines. However, unless foreign investors can exercise control commensurate with the amount of voting stock held, they may not want to invest in U.S. airlines.

On March 15, DOT approved the first phase of a three-phase British Air investment in USAir. Under this phase of the agreement, British Air obtained a 19.9 percent voting stock interest in USAir for $300 million. British Air would like to own as much as 44 percent of USAir's voting stock if permitted by U.S. law, but must comply with the current 25 percent limit if it remains in place. In granting limited approval of the British Air/USAir proposal, Mr. Pena stated that the existing bilateral does not allow U.S. carriers sufficient access to the British market and announced his intention to pursue a new agreement. For Mr. Pena to be successful in these negotiations, he will need a number of bargaining chips. One such chip would be higher permissible investment levels in U.S. carriers. During negotiations on last year's British Air/USAir proposal, John MacGregor, the British Transport Secretary, said the major stumbling block to agreement on greater United States access to London's Heathrow Airport was the United Kingdom's demand that United States law be changed to permit non-United States airlines to own up to 49 percent of voting rights in a United States airline.

Under my legislation, a qualifying open skies agreement would include the elements established in the August 1992 DOT order and were the basis for the aviation treaty negotiated with the Netherlands in 1992. Such an agreement would include open entry, without restrictions on capacity or frequency, between any two points in the United States and the other country, as well as permitting service to intermediate and beyond points.

We should not sit idly by while more airlines fail. TWA has 25,000 employees; 13,000 of them work in Missouri. If these jobs are lost, they will be difficult to replace. Other major airlines are in similar situations. We must take steps to ensure their survival. Improving the opportunity for foreign capital infusions into these carriers in exchange for freer international air commerce is a good way to slow the tide of airline liquidations. I urge my colleagues to support the Airline Investment Act of 1993.

AIRLINE TAX STABILIZATION ACT OF 1993

As legislators, we should take note of the Hippocratic Oath which instructs physicians to "abstain from whatever is deleterious and mischievous." In other words, a responsibility "to do no harm." Throughout the campaign, President Clinton emphasized the need to foster high-technology, high-skilled jobs in key industries. His tax proposal delivers a body blow to one of these industries—our airlines. The February 19 edition of USA Today states:

> President Clinton says he wants to help them, but airlines and aerospace companies see little evidence so far. A day after Clinton unveiled his economic plan, stocks of most leading companies in both industries plunged on Wall Street Thursday.

I ask unanimous consent that this article be reprinted in the RECORD at this point.

One of the most damaging aspects of this plan is its impact on jet fuel prices. According to the ATA, each 1 cent increase in jet fuel costs the industry $150 million a year. ATA estimates that, when fully implemented, Clinton's proposed energy taxes will cost airlines $1.4 to $2.1 billion a year. The airlines simply cannot afford this added tax burden. U.S. carriers have lost $8 billion over the last 3 years. During the best year in their history, 1988, the airlines earned only $1.7 billion.

On February 22, the Journal of Commerce editorialized against the jet fuel tax increase. It noted, "There's nothing like $2 billion in higher operating costs to revitalize a depressed industry." I ask unanimous consent that this editorial be reprinted in the RECORD. In an article from the February 21, St. Louis Post-Dispatch titled, "Ailing Airlines Fear Increase in Fuel Price," the President of the Air Transport Association, James Landry, said:

> In recent months, the carriers have been going through a painful cost-cutting process—laying off employees, cancelling aircraft orders, and reducing service to customers. This tax will only be a setback to these efforts [to return to profitability].

I ask unanimous consent that this article be printed in the RECORD at this point.

The ATA estimates that the airlines would have to increase ticket prices by 3 percent in order to cover the costs associated with the Btu tax. Airlines will not be able to recoup this additional cost from their passengers because the demand for air travel is too low. In 1991, the load factor for U.S. airlines was 62.7 percent. During the fare wars of 1992, the airlines lost a record $4.7 billion, but the average load factor only increased by 1 percent to 63.7 percent. The airlines will once again look to their employees for wage and benefit cuts to cover these increased costs. It is misguided to believe that an industry in a $8 to $10 billion hole can dig itself out solely through employee givebacks.

Mr. President, I am introducing the Airline Tax Stabilization Act of 1993 to ensure that we do not increase airlines' jet fuel taxes during this critical period. This industry has been concentrating rapidly. If we greatly increase taxes on the industry, we will push a number of the weaker carriers into liquidation.

I am pleased that Senators MURKOWSKI, STEVENS, HATCH, and GORTON are cosponsoring this legislation. I urge my colleagues to join us in supporting this important effort to ensure that airlines are no worse off under the President's proposed economic legislative package. At least we can fulfill our obligation to do no harm.

Mr. President, I ask unanimous consent that the text of these three bills be printed immediately after my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION.

Notwithstanding any other law, there shall be—

(1) no increase in the tax under section 4091 of the Internal Revenue Code of 1986 (26 U.S.C. 4091), as in effect on January 1, 1993, on the sale of—

(A) jet aviation fuel, when such fuel is sold to a registered commercial aircraft operator which uses it to transport passengers or cargo; or

(B) non-jet aviation fuel; and

(2) no direct or indirect tax on—

(A) jet aviation fuel, or the energy content of petroleum or petroleum products used in the production of jet aviation fuel, when such fuel is sold to a registered commercial aircraft operator which utilizes it to transport passengers or cargo; or

(B) non-jet aviation fuel or the energy content of petroleum or petroleum used in the production of non-jet aviation fuel.

SEC. 2. RIGHT TO RECLAIM.

If a registered commercial aircraft operator purchases aviation fuel on which a Federal excise or energy tax was paid by a prior owner of such fuel, or the petroleum from which such aviation fuel was produced, such commercial aircraft operator shall be permitted to reclaim any excise or energy tax attributable to such fuel if such fuel is used to transport passengers or cargo.

SEC. 3. DEFINITION.

In this Act—

(1) The term "jet aviation fuel" means any aviation fuel within the meaning of section 4092(a)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 4092(a)(3)), as in effect on January 1, 1993, that is suitable for use as a fuel in a jet aircraft.

(2) The term "non-jet aviation fuel" means any aviation fuel within the meaning of such section 4092(a)(3) that is not jet aviation fuel.

(3) The term "registered commercial aircraft operator" means any operator of aircraft used in a business of transporting persons or property for compensation or hire by air which is registered with the Secretary of the Treasury pursuant to sections 4101(a) and 4093(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 4101(a) and 4093(c)(3)), as in effect on January 1, 1993.

S. 770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Predatory Pricing Prevention Act of 1993".

SEC. 2. AUTHORITY TO ISSUE CEASE AND DESIST ORDERS.

(a) IN GENERAL.—Section 411 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1381) is amended by adding at the end the following new subsection:

"(1) PRELIMINARY INVESTIGATION AND CEASE AND DESIST ORDER.—

"(A) INVESTIGATION.—Within 7 days after receiving a written complaint of sufficient particularity by any person that any air carrier has been engaging in predatory pricing in the provision of air transportation in a city-pair market, the Secretary of Transportation shall conduct a preliminary investigation into the allegations made in the complaint.

"(B) CEASE AND DESIST ORDER.—If as a result of the preliminary investigation the Secretary finds that there is a significant likelihood that one of the two indicators of predatory pricing specified in paragraph (4) exists, the Secretary shall order such air carrier to cease and desist from engaging in the alleged predatory pricing until the conclusion of a full investigation under paragraph (2) or the elapse of 90 days following the date of such order, whichever occurs first.

"(C) NEGATIVE FINDING.—If as a result of the preliminary investigation the Secretary finds that there is not such a significant likelihood, the Secretary shall publish in the Federal Register an explanation of the reasons for that finding.

"(2) FULL INVESTIGATION AND PERMANENT CEASE AND DESIST ORDER.—

"(A) INVESTIGATION.—If the Secretary of Transportation makes the finding described in paragraph (1)(B), the Secretary shall conduct a full investigation into the alleged predatory pricing. The Secretary shall, in the course of such full investigation, provide interested parties with an opportunity to furnish information that the Secretary considers important.

"(B) PERMANENT CEASE AND DESIST ORDER.—If after conducting a full investigation under subparagraph (A) the Secretary finds that an air carrier has been engaging in predatory pricing, the Secretary shall order such air carrier to cease and desist from engaging in such predatory pricing.

"(C) REBUTTABLE PRESUMPTION.—In a full investigation under this paragraph, an air carrier is presumed to be engaging in predatory pricing in a city-pair market if any of the two indicators of predatory pricing specified in paragraph (4) is shown to exist. This presumption may be rebutted by clear and convincing evidence.

"(3) PENALTIES.—Any person who knowingly fails to obey a cease and desist order under paragraph (1) or (2) shall be subject to a civil penalty of $10,000 for each offense, and each day during which such offense continues is deemed a separate offense.

"(4) INDICATORS OF PREDATORY PRICING.—The two indicators of predatory pricing referred to in paragraphs (1)(B) and (2)(C) are as follows:

"(A) The pricing by the air carrier for air transportation in the city-pair market at issue is below the direct operating costs of the air carrier in providing such transportation.

"(B) Decreases in the pricing by the air carrier for such air transportation are occurring when market forces have led to sustained downward development of air fares deviating significantly from ordinary seasonal pricing movements and resulting in widespread losses among all air carriers for providing such air transportation, taking into account—

"(i) the level of pricing for air transportation in comparable city-pair markets;

"(ii) the revenue levels that were at the time of the transportation adequate under honest, economical, and efficient management to cover total operating expenses and to provide each such carrier with a flow of net income, plus depreciation, adequate to support prudent capital outlays, assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and take into account reasonable estimated or foreseeable future costs.

"(5) DIRECT OPERATING COSTS DEFINED.—In this subsection, the term direct 'operating costs' means the costs sustained by an air carrier in the preparation and execution of a single flight of an aircraft in a city-pair market, including—

"(A) expenses related to the aircraft, including flight crew compensation, landing fees, fuel and oil, hull insurance, all direct and overhead costs of maintenance, and the prorated amount of the rental charge or purchase amount of the aircraft; and

"(B) expenses related to passengers and freight, including sales or travel agents' compensation, in-flight food and beverage expenses, and liability insurance.".

(b) CONFORMING AMENDMENT.—In the table of contents of the Federal Aviation Act of 1958, the item relating to section 411 is amended by adding at the end the following: "(c) Predatory pricing.".

S. 771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airline Investment Act of 1993".

SEC. 2. FOREIGN INVESTMENT IN AIR CARRIERS.

(a) DEFINITION OF CITIZEN OF THE UNITED STATES.—Section 101(16) of Federal Aviation Act of 1958 (49 App. 1301(16)) is amended by striking "and in which" and all that follows and inserting in lieu thereof "and to which either of the following apply:

"(i) at least 75 percent of the voting interest of the corporation or association is owned or controlled by persons who are citizens of the United States or of one of its possessions; or

"(ii) at least 51 percent of the voting interest of the corporation or association is owned or controlled by persons who are citizens of the United States or of one of its possessions, and the country of nationality of each non-United States citizen who owns or controls any voting interest of the corporation or association implements, through its laws and enforcement, an open skies agreement with the United States.".

(b) DEFINITION OF OPEN SKIES AGREEMENT.—Section 101 of the Federal Aviation Act of 1958 (49 App. U.S.C. 1301) is amended by inserting immediately after paragraph (30) the following new paragraph:

"(30A) 'Open skies agreement with the United States' means an agreement between the United States and one or more other countries in which each such other country guarantees to the corporate and other citizens of the United States the following:

"(A) Open entry for air carriers of the United States on all air transportation routes to and from such country.

"(B) Unrestricted capacity and frequency for air carriers of the United States on all such routes.

"(C) Unrestricted air transportation route and traffic rights for air carriers of the United States between any point in the United States and any point in such country, including no restrictions as to intermediate points and points beyond, change of gauge, routing flexibility, coterminalization, or the right to carry Fifth Freedom traffic.

"(D) Double-disapproval pricing for air carriers of the United States providing Third and Fourth Freedom transportation to and from such country.

"(E) Liberal arrangements for charter air carriers of the United States that are at least as unrestricted as arrangements for the charter air carriers of any other country, regardless of the origin of the flight.

"(F) Liberal cargo arrangements, using criteria that are at least as comprehensive for all-cargo air service of the United States as those provided for any air carrier that carries persons and also property or mail.

"(G) Earnings conversion and remittance arrangements under which air carriers of the United States can convert earnings in such country into the hard currency of any other country and remit to the United States promptly and without restriction.

"(H) Open opportunities for air carriers of the United States to share flight codes with air carriers of such country.

"(I) The right of air carriers of the United States to perform and control their airport functions in such country that support their air transportation operations to, from, or between points within such country.

"(J) Procompetitive provisions on commercial opportunities, user charges, fair competition, and intermodal rights.

"(K) Nondiscriminatory operation of and access for computer reservation systems, guaranteed by the country's explicit commitment.

"(L) Equivalent rights to financial investment in the air carriers that fly such country's flag.".

[From USA Today, Feb. 19, 1993]

PLAN SLAMS AIRLINES, AEROSPACE FIRMS

(By Doug Carroll)

President Clinton says he wants to help them, but airlines and aerospace companies see little evidence so far.

A day after Clinton unveiled his economic plan, stocks of most leading companies in both industries plunged on Wall Street Thursday.

Adding to the bad news, Boeing announced it will eliminate 23,000 jobs this year and another 5,000 by mid-1994. The cuts, representing almost 20% of its workforce, stem from declining orders for its commercial jets and downsizing at its Defense & Space Group.

Boeing's stock rose Thursday, to $33⅞ a share, up ⅛. But analysts pointed out the stock also had lost more ground on a percentage basis than other aerospace companies this year. The cutbacks had been expected, too.

Boeing's announcement underscores how weak the airline and aerospace businesses are. Airlines have lost more than $8 billion since 1989 and have canceled dozens of orders for aircraft. Aerospace firms cut 117,000 jobs last year—38,000 in civil aircraft production—and are expected to shed more than 47,000 jobs this year.

Airlines are howling about Clinton's plans to boost energy taxes, a move their trade association says will raise the industry's jet fuel costs between $1.4 billion and $2.1 billion a year. Jet fuel is the airlines' second biggest expense, after labor. Each one-cent increase in jet fuel raises the industry's costs by $150 million a year. In a weak travel market, airlines worry that raising airfares will keep travelers home.

"The carriers have been going through a painful cost-cutting process—laying off employees, canceling aircraft orders and reducing service to customers. This tax will only be a setback to those efforts to reduce costs," says James Landry, president of the Air Transport Association.

The Aerospace Industries Association, which represents manufacturers, says Clinton's investment tax credit proposal might help its members, but any benefit could be offset by his plan to raise corporate income taxes.

Tax credits might not help airlines much at all. "It only helps if you have earnings," says Herbert Lanese, McDonnell Douglas senior vice president of finance.

He's not happy about what higher fuel taxes might mean for airlines that buy McDonnell Douglas jets, either.

"I get very nervous about that. I don't know where the revenues are going to come from to pay for (fuel taxes)," he says.

He also questions Clinton's move to spend $30 billion over two years on public works projects to stimulate the economy.

"It makes no sense to destroy the aerospace industry and lose high-tech, high-skilled jobs and build up the construction industry by building highways and bridges," Lanese says. "The president makes a serious mistake if he goes after low-tech jobs instead of high-tech jobs."

[From the Journal of Commerce, Feb. 22, 1993]

GIVING AND TAKING

Many business leaders supported candidate Bill Clinton because he promised to end 12 years of laissez-faire government. Most thought that would be a good thing. Many are now wondering.

Mr. Clinton's brand of government activism promised more attention to industry's problems. That meant more government spending in their sectors, more federal research and development and tougher enforcement of "unfair" trading laws. As companies are quickly learning, however, activist government isn't all it's cracked up to be.

Take the airline industry. Last Tuesday, the Clinton administration proposed creation of a high-level government panel to recommend ways to revitalize the airlines, which have lost $8 billion during the last three years. A day later, however, Mr. Clinton proposed an energy tax that will raise the cost of jet fuel 15 cents a gallon.

There's nothing like $2 billion in higher operating costs to revitalize a depressed industry.

[From the St. Louis Post-Dispatch, Feb. 21, 1993]

AILING AIRLINES FEAR INCREASE IN FUEL PRICE

(By Christopher Carey)

The nation's airlines, battered by billions of dollars in losses over the past three years, have been looking for opportunities to raise fares.

But an increase in fuel prices, which would follow from President Clinton's proposed energy tax, is hardly what they had in mind.

The airlines fear that the added costs—absent offsetting cuts in other taxes or fees—will make it harder for them to return to profitability.

"In recent months, the carriers have been going through a painful cost-cutting process—laying off employees, cancelling aircraft orders and reducing service to customers," said James Landry, president of the Air Transport Association in Washington, D.C. "This tax will only be a setback to those efforts," . . .

Clinton wants to tax fuel on the basis of its energy content as measured in British thermal units or BTUs.

Although the airlines were resigned to some form of new tax on fuel, the option Clinton chose could prove disastrous, Landry said.

"The initial thought of a fair, equitable, across-the-board energy tax has been replaced by one which socks it to petroleum users," he said. "It is now clear that the airlines are being asked to shoulder a disproportionate share of the tax, which at a minimum will ultimately cost U.S. airlines $1.4 billion per year."

To pass along those costs, the airlines would have to raise ticket prices by at least 2 percent.

Such an increase, if implemented now, would boost the unrestricted round-trip fare from St. Louis to New York by $9, to $445, and boost the advance-purchase fare to Orlando, Fla., by $7, to $337.

The added cost, coupled with any other increases the airlines impose, could hurt the industry and the economy by reducing demand for travel.

When fares rise too sharply, U.S. companies cut back on employee trips to stay within their budgets, said John Hintz, president of the National Business Travel Association.

"If prices go up 10 to 15 percent, then you have to cut your travel by the same amount," said Hintz, who works for Price Waterhouse, a major accounting firm.

Airlines, however, will have an equally hard time absorbing the extra costs.

Fuel accounts for at least 15 percent of each carrier's operating expenses, said Tim Neale, an ATA spokesman.

"It's the second biggest cost item for the industry, after labor," he said.

The ATA based its economic impact figure on an increase of 10 cents to 15 cents a gallon in the price of jet fuel.

The ATA got that estimate from the American Petroleum Institute. That trade group warned last week that refineries, which will have to pay the energy tax, will be unable to pass along the cost to all customers in equal proportion.

The petroleum group says that power plants, factories and other users of residual oil might balk at paying their full share, because they can switch to coal or natural gas.

Thus, the burden will fall more heavily on auto owners and airlines, which have no practical alternatives.

Airlines are now paying about 68 cents a gallon for fuel.

The ATA's statistics suggest that if airlines pay an extra 10 cents a gallon for fuel, they will have to boost ticket prices by more than 2 percent to cover the added cost.

The increase in fuel prices would run counter to industry trends, Landry said.

The scheduled passenger and cargo airlines in the United States lost $4.5 billion last year, pushing their collective deficit for the past three years to more than $10 billion.

However, $2 billion of the loss for 1992 was caused by one-time charges to account for the cost of retiree health care and other benefits.

Some people in the industry are predicting that the airlines will break even this year if the economy picks up and demand for air travel improves.•

By Mr. DECONCINI:

S. 772. A bill to amend the Internal Revenue Code of 1986 to provide a simplified tax on all income, and for other purposes; to the Committee on Finance.

SIMPLIFIED TAX ACT

• Mr. DECONCINI. Mr. President, I am reintroducing a bill today to restore fairness and simplicity to our tax system. Anyone who has filed, or attempted to file, a tax return knows how incomprehensible the regulations, instructions, and interpretations of the Tax Code can be.

My bill will make the Tax Code fair to all taxpayers—middle-income families and business tycoons alike. It removes loopholes, tax shelters, tax subsidies, tax credits, and tax deductions currently in the Tax Code. We will be assured that the wealthy will not avoid paying taxes by utilizing loopholes which, though unfair, are currently legal. We will be further assured that people will not fail to file or inaccurately file their tax returns due to the complexity of both the forms and the instructions.

This bill will not only save the American taxpayers the headache involved in pouring through complex instructions and forms, but also save them the tens of millions of dollars spent each year to hire expert tax advice. In addition, my bill will save our country a great deal in taxpayer dollars by reducing the IRS budget that has become necessary to issue regulations and enforce compliance with this complicated system. Perhaps most important, this bill will aid our economy by assuring that individual and corporate decisions are made on sound economic judgment, not on the basis of a tax advantage.

Under my bill, personal income taxes would be subject to two rates. A single filer would pay 15 percent on the first $50,000 of income and 25 percent on income above $50,000. Couples filing jointly would pay 15 percent on the first $100,000 of income and 25 percent on income in excess of that amount. Determining taxable income would no longer require confusing calculations. I have also included a large personal exemption of $4,000 per person because I believe a family of four can hardly survive on $16,000 per year. A family only making that amount would not have to pay any taxes. Under my bill, income tax returns would be simple enough to fit on a post card.

I consistently hear complaints from Arizonans that the tax system we have is too complicated, too confusing, and unfair. It is impossible to argue with them when one sees the thousands of pages of regulations, interpretations, and opinions which have been issued on the current Tax Code. My bill offers the chance to reassert fairness and equity in our tax system. In this tax season, that is something which all Americans can embrace.

Mr. President, I ask unanimous consent that the text of my bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 772

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIMPLIFIED TAX.

(a) IN GENERAL.—Subtitle A of the Internal Revenue Code of 1986 is amended to read as follows:

"Subtitle A—Income Taxes

"Chapter 1. Computation of taxable income.
"Chapter 2. Determination of tax liability.
"Chapter 3. Exempt organizations.
"Chapter 4. Withholding.

"CHAPTER 1—COMPUTATION OF TAXABLE INCOME

"Sec. 101. Nonbusiness taxable income defined.
"Sec. 102. Business receipts defined.
"Sec. 103. Cost of business inputs defined.
"Sec. 104. Cost of capital equipment, structures, and land defined.
"Sec. 105. Business taxable income defined.

"SEC. 101. NONBUSINESS TAXABLE INCOME DEFINED.

"(a) IN GENERAL.—For purposes of this title, the term 'nonbusiness taxable income' means—

"(1) all compensation, and

"(2) any income other than compensation from whatever source derived.

"(b) COMPENSATION.—Compensation means all cash amounts paid by an employer or received by an employee, including wages, salaries, pensions, bonuses, prizes, and awards.

"(c) CERTAIN ITEMS INCLUDED.—Compensation includes—

"(1) the cash equivalent of any financial instrument conveyed to an employee, measured as market value at the time of conveyance; and

"(2) workman's compensation and other payments for injuries or other compensation for damages.

"(d) CERTAIN ITEMS EXCLUDED.—

"(1) COMPENSATION.—Compensation excludes—

"(A) reimbursements to a taxpayer by an employer for business expenses paid by the taxpayer in connection with performance of services as an employee;

"(B) goods and services provided to employees by employers, including but not limited to medical benefits, insurance, meals, housing, recreational facilities, and other fringe benefits; and

"(C) wages, salaries, and other payments for services performed outside the United States.

"(2) OTHER INCOME.—No gain from the sale or exchange of the principal residence of a taxpayer shall be included in income described in subsection (a)(2).

"SEC. 102. BUSINESS RECEIPTS DEFINED.

"Business receipts are the receipts of a business from the sale or exchange of products or services produced in or passing through the United States. Business receipts include—

"(1) gross revenue, excluding sales and excise taxes, from the sale or exchange of goods and services;

"(2) fees, commissions, and similar receipts, if not reported as compensation;

"(3) gross rents;

"(4) royalties;

"(5) gross receipts from the sale of plant, equipment, and land;

"(6) the market value of goods, services, plant, equipment, or land provided to its owners or employees;

"(7) the market value of goods, services, and equipment delivered from the United States to points outside the United States, if not included in sales; and

"(8) the market value of goods and services provided to depositors, insurance policyholders, and others with a financial claim upon the business, if not included in sales.

"SEC. 103. COST OF BUSINESS INPUTS DEFINED.

"(a) IN GENERAL.—The cost of business inputs is the cost of purchases of goods, services, and materials required for business purposes.

"(b) CERTAIN ITEMS INCLUDED.—The cost of business inputs includes—

"(1) the actual amount paid for goods, services, and materials, whether or not resold during the year;

"(2) the market value of business inputs brought into the United States; and

"(3) the actual cost, if reasonable, of travel and entertainment expenses for business purposes.

"(c) CERTAIN ITEMS EXCLUDED.—The cost of business inputs excludes purchases of goods and services provided to employees or owners, unless these are included in business receipts.

"**SEC. 104. COST OF CAPITAL EQUIPMENT, STRUCTURES, AND LAND DEFINED.**

"The cost of capital equipment, structures, and land includes any purchases of these items for business purposes. In the case of equipment brought into the United States, the cost is the market value at time of entry into the United States.

"**SEC. 105. BUSINESS TAXABLE INCOME DEFINED.**

"Business taxable income is business receipts less the cost of business inputs, less compensation paid to employees, and less the cost of capital equipment, structures, and land.

"CHAPTER 2—DETERMINATION OF TAX LIABILITY

"Sec. 201. Personal allowance.
"Sec. 202. Nonbusiness tax.
"Sec. 203. Business tax.

"**SEC. 201. PERSONAL ALLOWANCE.**

"(a) IN GENERAL.—The personal allowance of a taxpayer for any taxable year is an amount equal to the sum of the allowance amounts for the taxpayer, the spouse of the taxpayer if filing jointly, and each dependent of the taxpayer.

"(b) ALLOWANCE AMOUNT.—The allowance amount for any individual is $4,000. Each year the allowance amount for taxable years beginning in such year shall be the amount in effect for the preceding year, increased by the proportional increase during the preceding year in the Consumer Price Index.

"(c) SPECIAL RULES.—For purposes of this chapter—

"(1) a taxpayer is considered married if he was married at the end of the year or if the taxpayer's spouse died during the year,

"(2) a taxpayer is a head of a household if the taxpayer is not married at the end of the year, and maintains as the taxpayer's home a household which is the principal home of a dependent of the taxpayer, and

"(3) a dependent is a son, stepson, daughter, stepdaughter, mother, or father of the taxpayer, for whom the taxpayer provides more than half support for a taxable year.

"**SEC. 202. NONBUSINESS TAX.**

"(a) IN GENERAL.—There is hereby imposed a tax on the nonbusiness taxable income of every person for each taxable year (reduced by the amount of the personal allowance under section 201) a tax equal to—

"(1) 15 percent of so much of such income as does not exceed the limit, plus

"(2) 25 percent of so much of such income as exceeds the limit.

"(b) LIMIT.—For purposes of subsection (a)—

"(1) the limit for married taxpayers filing jointly, heads of household, and surviving spouses is $100,000, and

"(2) the limit for any other taxpayer is $50,000.

"**SEC. 203. BUSINESS TAX.**

"(a) BUSINESS DEFINED.—Each sole proprietorship, partnership, and corporation constitutes a business. Any organization or individual not specifically exempt under chapter 3, with business receipts, is a business.

"(b) COMPUTATION OF TAX.—Each business will pay a tax of 19 percent of its business taxable income, or zero if business taxable income is negative.

"(c) FILING UNITS.—A business may file any number of business tax returns for its various subsidiaries or other units, provided that all business receipts are reported in the aggregate, and provided that each expenditure for business inputs is reported on no more than one return.

"(d) CARRYFORWARD OF LOSSES.—When business taxable income is negative, the negative amount may be used to offset positive taxes in future years. The amount carried forward from one year to the next is augmented according to an interest rate equal to the average daily yield on 3-month Treasury Bills during the first year. There is no limit to the amount or the duration of the carryforward.

"CHAPTER 3—EXEMPT ORGANIZATIONS

"Sec. 301. Exempt organizations.

"**SEC. 301. EXEMPT ORGANIZATIONS.**

"Organizations exempt from the business tax are—

"(1) State and local governments, and their subsidiary units; and

"(2) educational, religious, charitable, philanthropic, cultural, and community service organizations that do not return income to individual or corporate owners.

"CHAPTER 4—WITHHOLDING

"SEC. 401. Withholding.

"**SEC. 401. WITHHOLDING.**

"Each employer, including exempt organizations, will withhold from the wages, salaries, and pensions of its employees, and remit to the Internal Revenue Service, an amount computed in the manner prescribed in tables published by the Secretary. Every employee will receive a credit against tax for the amount withheld.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1993.•

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S.J. Res. 79. A joint resolution to designate June 19, 1993, as "National Baseball Day"; to the Committee on the Judiciary.

NATIONAL BASEBALL DAY

• Mr. LAUTENBERG. Mr. President, I rise on behalf of myself and Senator BRADLEY to introduce legislation to designate June 19 as National Baseball Day.

This bill will commemorate June 19 as a historic day in the evolution of baseball. On that day, one of baseball's earliest and most influential teams—the Knickerbocker's—invited a group known as the New York Club to join them in a game of ball under a unique set of written rules which they had recently improvised. That game took place in 1846 on Elysian Fields in Hoboken, NJ.

As the game spread throughout the country, it became known as the New York game. Today, we know it simply as baseball—a game which unlike any other has had a profound influence on the American experience.

Baseball holds a special place in the memories of millions of Americans. It rhythms reassure in a way no other sport can—guiding us from season to season, from generation to generation. At its heart baseball is a communal experience and its memories are those we inevitably share.

To commemorate this game and the cultural tradition of baseball, we hope our colleagues will join with us in supporting this resolution. This day will give anyone who has ever enjoyed a game of ball the opportunity to celebrate an important part of their heritage that traces its roots to a field in New Jersey.

Mr. President, I ask unanimous consent that this joint resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 79

Whereas the seeds of modern baseball were planted on the Elysian Fields of Hoboken, New Jersey, on the warm spring afternoon of June 19, 1846;

Whereas, on that historic date, one of baseball's earliest and most influential teams, the Knickerbockers, invited a group known as the New York Club to join them for a "game of ball" under a unique set of rules that the Knickerbockers had recently devised;

Whereas the game the Knickerbockers conceived so excited and captivated the imagination of sports enthusiasts that other "base ball clubs" soon began to assemble;

Whereas these early clubs organized and modeled themselves on the example set by the Knickerbockers, and adopted their written "Rules of Play";

Whereas in the months and years that followed, many of these early clubs joined the Knickerbockers for "regular play" at the Elysian Fields and at other locations in and around New York City, New York;

Whereas these men and teams were "amateurs" in the noblest sense of the word, since they played for the sheer joy they found in this new and captivating game;

Whereas, over the next decade, the Elysian Fields grew into the first great center of baseball activity in the United States, and began to attract players and spectators from across the Nation;

Whereas Alexander Joy Cartwright, Jr. was the guiding force behind the Knickerbockers, and is the American who, perhaps, best deserves the title of "Father of Modern Baseball";

Whereas as the game of baseball spread north and south along the east coast of the United States it became known as the "New York Game";

Whereas today this game is known simply as "baseball", a game which, unlike any other, has had a profound influence on generation after generation of Americans;

Whereas for millions of Americans, baseball is part of their earliest childhood memories, including the crack of a bat, the smell of a glove, and the endless summers spent on sandlots in every community across this great Nation in a uniquely American rite of passage;

Whereas, for many Americans, their first real heroes wore pinstriped baseball uniforms, and these heroes taught generations of young Americans important values and inspired their first dreams of glory;

Whereas, in every American generation since 1846, baseball has been an important bond between millions of parents and their children who have shared countless afternoons at the ballpark;

Whereas today, baseball binds one generation of Americans to the next through a shared experience which has become central to our cultural identity as a Nation;

Whereas it is often said that to understand America, one must first understand the game of baseball; and

Whereas the designation of a "National Baseball Day" will provide an opportunity to celebrate America's "national pastime" and to reflect upon a game that has become a metaphor for our Nation's values and a living symbol of our cultural heritage: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in recognition of the fundamental role that the game of baseball has played in shaping our American experience, and as a tribute to those who first pioneered the game, June 19, 1993, is hereby designated as "National Baseball Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 51, a bill to consolidate overseas broadcasting services of the U.S. Government, and for other purposes.

S. 211

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 211, a bill to amend the Internal Revenue Code of 1986 to provide tax credits for Indian investment and employment, and for other purposes.

S. 293

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 293, a bill to provide for a National Native American Veterans' Memorial.

S. 295

At the request of Mr. DURENBERGER, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 295, a bill to amend title 23, United States Code, to remove the penalties for States that do not have in effect safety belt and motorcycle helmet traffic safety programs, and for other purposes.

S. 297

At the request of Mr. STEVENS, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Colorado [Mr. BROWN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 439

At the request of Mr. COATS, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 439, a bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes.

S. 474

At the request of Mr. COATS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 474, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the exemption for dependent children under age 18 to $3,500, and for other purposes.

S. 477

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 477, a bill to eliminate the price support program for wool and mohair, and for other purposes.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 503

At the request of Mr. D'AMATO, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 503, a bill to amend the Immigration and Nationality Act to provide that members of Hamas—commonly known as the Islamic Resistance Movement—be considered to be engaged in a terrorist activity and ineligible to receive visas and excluded from admission into the United States.

S. 513

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 513, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products, and to use the resulting revenues to fund a trust fund for health care reform, and for other purposes.

S. 545

At the request of Mr. BOREN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 568

At the request of Mr. BURNS, his name was added as a cosponsor of S. 568, a bill to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and for other purposes.

S. 570

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 570, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 591

At the request of Mr. D'AMATO, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 591, a bill to authorize the President to suspend the application of laws and regulations that impede economic revitalization and growth.

S. 729

At the request of Mr. REID, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 729, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

SENATE JOINT RESOLUTION 43

At the request of Mr. LIEBERMAN, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 43, a joint resolution designating the week beginning June 6, 1993, and June 5, 1994, as "Lyme Disease Awareness Week."

SENATE JOINT RESOLUTION 44

At the request of Mr. LIEBERMAN, the names of the Senator from Montana [Mr. BAUCUS], the Senator from New Jersey [Mr. BRADLEY], the Senator from Colorado [Mr. BROWN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Nebraska [Mr. EXON], the Senator from California [Mrs. FEINSTEIN], the Senator from Ohio [Mr. GLENN], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Nevada [Mr. REID], the Senator from Tennessee [Mr. SASSER], the Senator from Alabama [Mr. SHELBY], the Senator from Virginia [Mr. WARNER], the Senator from Minnesota [Mr.

WELLSTONE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arkansas [Mr. PRYOR], the Senator from West Virginia [Mr. BYRD], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 44, a joint resolution designating the week beginning April 18, 1993, as "Primary Immune Deficiency Awareness Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. THURMOND, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from California [Mrs. FEINSTEIN], the Senator from Texas [Mr. KRUEGER], the Senator from Utah [Mr. BENNETT], the Senator from Delaware [Mr. BIDEN], the Senator from California [Mrs. BOXER], the Senator from Louisiana [Mr. BREAUX], the Senator from Colorado [Mr. BROWN], the Senator from Montana [Mr. BURNS], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from South Dakota [Mr. DASCHLE], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Washington [Mr. GORTON], the Senator from Texas [Mr. GRAMM], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Mississippi [Mr. LOTT], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Oklahoma [Mr. NICKLES], the Senator from Georgia [Mr. NUNN], the Senator from Oregon [Mr. PACKWOOD], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 66, a joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

SENATE JOINT RESOLUTION 71

At the request of Mr. BROWN, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Alaska [Mr. STEVENS], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. PRESSLER], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 71, a joint resolution to designate June 5, 1993, as "National Trails Day."

SENATE JOINT RESOLUTION 78

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 78, a joint resolution designating the beach at 53 degrees 53′51″N, 166 degrees 34′15″W to 53 degrees 53′48″N, 166 degrees 34′21″W on Hog Island, which lies in the Northeast Bay of Unalaska, Alaska as "Arkansas Beach" in commemoration of the 206th regiment of the National Guard, who served during the Japanese attack on Dutch Harbor, Unalaska on June 3 and 4, 1942.

SENATE RESOLUTION 70

At the request of Mr. BRADLEY, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Resolution 70, a resolution expressing the sense of the Senate regarding the need for the President to seek the advice and consent of the Senate to the ratification of the United Nations Convention on the Rights of the Child.

SENATE CONCURRENT RESOLUTION 22—RELATIVE TO CHILDREN IN ROMANIA

Mr. GRAMM submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 22

Whereas there are approximately 190 children and youths at the Romanian Institution for the Unsalvageables at Sighetu Marmatiei who are in desperate need of humanitarian assistance, including proper medical attention and treatment;

Whereas a private, nonprofit organization known as the Chalcedon Foundation of Vallecito, California, in coordination with EPIC Healthcare Group of Dallas, Texas, has committed to facilitating such assistance through the provision of medical attention and treatment and housing for such children and youths in the United States;

Whereas the Chalcedon Foundation has guaranteed that once these children and youths arrive in the United States they will not become a public charge or burden on the taxpayer; and

Whereas increased cooperation among the United States Government, the Government of Romania, and interested individuals and humanitarian organizations is needed if these children and youths are to be saved: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress calls upon—

(1) the Government of Romania to allow the approximately 190 children and youths at the Romanian Institution for the Unsalvageables at Sighetu Marmatiei to come to the United States for humanitarian assistance, including proper medical attention and treatment; and

(2) the Secretary of State to facilitate this process by granting these children and youths entry into the United States with the immediacy that their intolerable situation demands.

Mr. GRAMM. Mr. President, today I would like to join my colleague in the House, Congressman RICHARD POMBO from California, in his important efforts to help 190 abandoned Romanian orphans. I applaud his leadership and am proud to introduce the companion resolution to House Concurrent Resolution 68 in the Senate.

This resolution, like Mr. POMBO's, calls upon the Romanian Government to allow privately financed relief efforts on behalf of these suffering children to continue, and for the Secretary of State to move quickly to arrange to let these children into the United States so they can receive care. The plight of these children requires the immediate attention of our two governments to lower the bureaucratic barriers that prevent this vital assistance from being provided.

I would also like to express my appreciation to the two groups which have taken a leading role in helping these orphans, the Chalcedon Foundation of California and Epic Healthcare Group of Dallas. Their efforts show the important role private relief efforts play in helping people all over the world.

SENATE RESOLUTION 91—TO REFER S. 745 ENTITLED "A BILL FOR THE RELIEF OF HARDWICK, INC.," TO THE CHIEF JUDGE OF THE U.S. COURT OF FEDERAL CLAIMS

Mr. SIMON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 91

Resolved, That the bill 745 entitled "A Bill for the Relief of Hardwick, Inc." now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Court of Federal Claims. The Chief Judge shall proceed with consideration of such case in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code (notwithstanding any other appeal, statute, case law, or regulations, including section 1500 of title 28, United States Code, that may limit in any way the jurisdiction or authority of the court), and report thereon to the Senate at the earliest practicable date giving findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable against the United States, and the amount, if any, legally or equitably due to the claimants from the United States.

SENATE RESOLUTION 92—RELATING TO NORTH KOREA'S PROPOSED WITHDRAWAL FROM THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

Mr. ROBB (for himself, Mr. D'AMATO, Mr. BIDEN, Mr. HELMS, and Mr. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 92

Whereas North Korea stated its intention on March 12, 1993, to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, done on July 1, 1968;

Whereas North Korea remains obligated under the Treaty for a 90-day period;

Whereas no other country has ever formally withdrawn from the Treaty on the Non-Proliferation of Nuclear Weapons;

Whereas no other country has ever compelled the International Atomic Energy Agency (IAEA) to request a special inspection of its nuclear facilities;

Whereas North Korea refuses to allow a special inspection of suspected nuclear waste sites in violation of the Treaty on the Non-Proliferation of Nuclear Weapons;

Whereas representatives from 35 countries make up the IAEA Board of Governors allowing the Agency to act in an impartial manner;

Whereas the United States withdrew all tactical nuclear weapons from the Korean peninsula in 1991; and

Whereas annual Team Spirit U.S.-Republic of Korea exercises are conducted for defensive purposes are not a provocative act of war: Now, therefore, be it

Resolved, That (a) the Senate hereby condemns North Korea for its stated intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons.

(b) It is the sense of the Senate that the United States and its international partners should take measured steps to compel North Korea to remain a party to the Treaty and to allow unconditional special inspections of apparent nuclear waste sites and other areas suspected of harboring a nuclear weapons-building program.

Mr. ROBB. Mr. President, I rise today to introduce a resolution condemning North Korea for its stated intention to withdraw from the Nuclear Non-Proliferation Treaty [NPT].

Senators BIDEN, HELMS, and MURKOWSKI join me as original cosponsors.

Mr. President, North Korea's decision to opt out of the treaty suggests that President Kim Il-song and heir apparent Kim Chong-Il have adopted a go-for-broke strategy to develop a nuclear weapons capability.

Besides threatening the security of Northeast Asia, Pyongyang's move may provoke other rogue nations to follow suit—that is, leave the NPT—and critically undermine United States attempts to stem the proliferation of nuclear weapons.

To avoid that outcome, I believe the United States must respond with measured steps to compel North Korea to remain a party to the treaty, and to allow unconditional special inspections of areas suspected of harboring a nuclear-weapons building program.

Let me outline what I envision those steps to be.

Initially, Mr. President, I advocate a full-court diplomatic press, between now and the mid-June date, when the North's withdrawal from the treaty becomes effective, to promote dialog and communication with the North Korean leadership.

Our discussions at the counselor level in Beijing with the North, direct North-South talks, and interventions from other members of the international community, specifically China, are all means to persuade Kim Il-song and Kim Chong-Il of abiding by nonproliferation regime guidelines and permitting inspections.

A go slow approach is called for, Mr. President, where all voices are heard and listened to.

Simultaneous to the entreaties, this matter merits the consideration of the U.N. Security Council, notwithstanding official Chinese statements that "the PRC is opposed to North Korea's nuclear issues being referred to the United Nations."

Mr. President, the Democratic People's Republic of Korea's actions are grave and serious.

It is the first country, among 155 signatories, to accede to the NPT and then withdraw, and reject repeated IAEA requests for a special inspection.

In light of this United Nations affiliated agency's inability to enforce its own mandate, it is appropriate and necessary for the parent body to formally address the issue.

I was pleased to see the IAEA board of governors take this course of action yesterday when it approved referring North Korea's rejection of inspection requests to the United Nations.

Mr. President, while China's blocking of a March 12 attempt at the United Nations to initially condemn North Korea signifies reluctance to punish an old ally, the international community should not be deterred by these tactics.

In fact, to the degree that we do not lose sight of our objective of denying North Korea a nuclear weapons capability, there is ample incentive to work in tandem with China given Beijing's influence with Pyongyang.

Mr. President, should North Korean noncompliance continue through the spring months, a special U.N. envoy should be tasked to compel North Korea to rethink its decision, while resolutions of disapproval are adopted by the Security Council to build international consensus.

To add further pressure, a list of punitive sanctions should be crafted between now and mid-June.

The list should be shared with Kim Il-song and Kim Chong-Il so they understand the import of thumbing their noses at the international community.

Sanctions on oil would be particularly important, and agricultural products, military supplies, heavy machinery, and other strategic items should be targeted.

Along these lines, suspending Japanese investment in North Korea would be a key element of a general economic embargo.

Estimates of two way trade between the two countries range from $200 and $500 million.

While Chinese acquiescence on sanctions may be difficult to obtain, it should be pursued.

In 1991, North Korea reportedly received 1.1 million tons of oil from China, 1 million tons from Iran, and 40,000 tons from Libya.

The oil is North Korea's lifeline, and the mere threat of cutting it off could quickly change minds in Pyongyang.

Russia, too, has a role to play. Along with the other constituent Republics of the former Soviet Union, oil exports to North Korea last year totaled 340,000 tons, and there were noteworthy bilateral sales of Russian military equipment.

A multilateral embargo should attempt to zero out such trade.

Among our own limited options, the United States should lay the groundwork for halting its food shipments to North Korea. License authority presently exists for U.S. commercial sales of up to $1.2 billion.

Mr. President, the noose around North Korea's neck can be tightened further through military enforcement of sanctions, and it is not an option that I rule out. Failing eventual North Korean concessions, we have the capability to block North Korean shores from the import of Iranian and Libyan oil.

Mr. President, I have spent considerable time in the last month with United States intelligence and State Department officials, including just this morning, who confirm that North Korea is actively attempting to disguise its nuclear weapons program. It is a program that is alive, well, and speeding toward the ability to construct an atomic device.

Mr. President, I am not prepared to welcome North Korea into the nuclear club. I emphasize a route of dialog and communication to prevent that from occuring. Beyond diplomacy, I favor measured steps to bring this rogue nation into line.

Mr. President, I thank the Chair. I thank the majority leader and the Republican leader, and I yield the floor.

SENATE RESOLUTION 93—RELATIVE TO UNITED STATES EX REL. TAXPAYERS AGAINST FRAUD, ET AL. V. GENERAL ELECTRIC COMPANY

Mr. MITCHELL submitted the following resolution; which was considered and agreed to:

S. RES. 93

Whereas, in the case of United States ex rel. Taxpayers Against Fraud, et al. v. General Electric Company, Nos. 92-4283 and 93-3015, pending in the United States Court of Appeals for the Sixth Circuit, the constitutionality of the qui tam provisions of the False Claims Act, as amended by the False Claims Amendments Act of 1986, Pub. L. No. 99-562, 100 Stat. 3153 (1986), 31 U.S.C. 3729, et seq. (1988), have been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(c), 288e(a), and 288l(a) (1988), the Senate may direct its counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it *Resolved*, That the Senate Legal Counsel is directed to appear as amicus curiae on behalf of the Senate in the case of United States ex rel. Taxpayers Against Fraud, et al. v. General Electric Company to defend the constitutionality of the qui tam provisions of the False Claims Act.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

COHEN AMENDMENT NO. 296

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to amendment No. 283 to the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, as follows:

At the end of the amendment add the following new section:

SEC. . (a) The Congress finds that—

(1) the Federal Government owns over 400,000 buildings that cost the taxpayers hundreds of billions of dollars;

(2) the Federal Government is the largest single tenant and builder of office space in the United States;

(3) the Federal Government currently has $11,400,000,000 of construction in the works which, when completed, will add approximately 23,000,000 square feet of office space;

(4) the Federal Government is constructing, or entering into long-term leases for buildings constructed expressly for the Federal Government, in areas with building vacancy rates as high as 30 percent;

(5) significant budget savings can be achieved if, before considering new construction, Federal agencies aggressively explore the possibilities of purchasing or leasing suitable office buildings available in the market or acquiring suitable real estate under the control of the Federal Deposit Insurance Corporation or Resolution Trust Corporation;

(6) the physical space requirements of Federal agencies and the Judiciary are too often overstated and inflexible and, therefore, do not permit the acquisition or lease of existing properties which may be suitable and cost-effective;

(7) current scorekeeping rules may be discouraging agencies from entering into the most responsible arrangements for securing office space (for example, in some cases, a lease/purchase agreement may be most cost-effective but current scorekeeping rules require that the budget authority and outlays for the entire obligation, paid over a period of years, be scored in the year the contract is signed); and

(8) the Federal Buildings Fund, established in 1972 as a revolving fund to cover the General Services Administration's cost of rent, repairs, renovations, and to pay for the construction of new Federal buildings, and funded by the rent agencies pay to the General Services Administration, has failed to be self-sustaining and has required billions in appropriations to finance new construction.

(b)(1) The Director of the Office of Management and Budget shall conduct a comprehensive review of Federal property management policies and procedures and make recommendations to promote better coordination between Government agencies, maximize efficiency, and encourage flexibility to make decisions which are in the best interest of the Federal Government.

(2) The review required by this section shall include—

(A) recommendations requiring the General Services Administration, the Department of Defense, the Postal Service and all other Federal agencies and the Judiciary, when appropriate, to develop or modify existing building requirements in such a way as to allow for—

(i) the purchase, lease, lease/purchase of existing buildings at market rates; and

(ii) the purchase of Resolution Trust Corporation-owned and Federal Deposit Insurance Corporation-owned real estate rather than new construction of buildings;

(B) in conjunction with the Director of the Congressional Budget Office, developing recommendations to revise scorekeeping rules for Federal property leasing, lease/purchase, construction, and acquisition to encourage flexibility and decisions which are in the best interest of the Federal Government; and

(C) recommendations on whether the Federal Buildings Fund should be maintained, alternatives for meeting the Fund's objectives, and changes to the Fund that will enable it to meet its objectives and become self-sustaining.

(3) Not later than July 1, 1993, the Director of the Office of Management and Budget shall report the recommendations developed pursuant to this section to—

(A) the Senate Committees on Governmental Affairs, Appropriations, and Environment and Public Works; and

(B) the House of Representatives Committees on Government Operations, Appropriations, and Public Works and Transportation.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, April 22, 1993, at 9:30 a.m., in SR-301, Russell Senate Office Building, to receive testimony from the members of the Federal Election Commission on their fiscal year 1994 budget authorization request.

For further information on this authorization hearing, please contact Jack Sousa, Chief Counsel of the Rules Committee, on 202-224-5647.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Friday, April 2, beginning at 10:30 a.m., to mark up section 112 of S. 171, legislation to abolish the Council on Environmental Quality.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON REGULATION AND GOVERNMENT INFORMATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Governmental Affairs Subcommittee on Regulation and Government Information be authorized to meet during the session of the Senate on Friday, April 2, 1993, at 9:30 a.m. to hold hearings on the loss of hundreds of millions of dollars through incorrect Medicare payments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CENTER STAGE CELEBRATES 30TH ANNIVERSARY

• Mr. SARBANES. Mr. President, I am pleased to join my fellow Marylanders in celebrating the 30th anniversary season of Center Stage, one of our State's most distinguished cultural resources.

Center Stage has, over three decades, grown to become one of the premier resident professional theaters in the United States. Center Stage has been honored as the State Theater of Maryland, seen its productions praised in national and international publications and attained important national recognition as the recipient of prestigious awards.

I believe that Center Stage's most important recognition comes from the accolades and support from the community. Through creative interpretations of classics, the offering of new works and the consistent high quality of all productions, Center Stage has earned the support and affection of the entire community.

Over the years, Center Stage has undergone tremendous transformation and growth. Originally located in a converted gymnasium, it soon outgrew this location and moved to North Avenue where it stayed for 10 years. In 1975, the present theater opened on North Calvert Street with the broad-based support of the community.

Today, Center Stage looks toward the future dedicated to expanding the network of artists associated with the theatre. Increasing its commitment to presenting dramas that reflect the generational and cultural diversity in its community, utilizing its two theaters more fully with a wider range of performance and educational activities, and nurturing new playwrights.

I am sure Center Stage will meet these goals and continue to present the people of Maryland with unsurpassed theater. The artists, officials, and trustees of Center Stage deserve much credit for leading this community-based theater and its audience by continually challenging, educating, and informing us.

Since ancient times, theater has been an essential element in explaining and ennobling the human experience, and I join in saluting Center Stage's first 30 years.•

THE PRIVATE VOUCHER REVOLUTION

• Mr. COATS. Mr. President, our Nation's education system is in crisis. This unfortunate fact has become a truism echoed repeatedly by educators, parents, local and State officials, our Nation's Governors, and elected officials on both sides of the political aisle. Our schools are spending more and teaching less. Test scores continue to slide, despite increased education funding.

The diagnosis clear. Our education system is stagnant.

The challenge, of course, lies in shoring up the resolve to act boldly and decisively to reverse these trends. For bold action will contest the status quo, defy the notion that the answer simply lies in spending new money, and shake up entrenched bureaucracies and advocacy groups.

The American people are far ahead of the Federal Government in terms of education reform. There is a lot of talk in Washington about breaking the mold and providing educational choice for parents, but States like my home State of Indiana are doing more than talking about change—they are leading the way.

In fact, Indiana is home to an educational choice program which has started a national trend. In 1991, J. Patrick Rooney, the CEO of Golden Rule Insurance Co., announced that the company would give $1.2 million to test an education voucher program. In conjunction with other Indiana-based firms, such as Eli Lilly, Golden Rule's CHOICE Charitable Trust provides low-income families with educational vouchers to enable them to send their children to private schools.

CHOICE has received national recognition. The Wall Street Journal lauded the plan as, "a breakthrough in corporate support for educational choice." In 1992-93, this program served almost 950 students—with a waiting list of over 400 children.

The Golden Rule Program has inspired other corporations and charitable organizations to create similar initiatives. I recently came across an interesting article by Patricia Farnan, director of the American Legislative Exchange Council, which details how this private voucher revolution is going on throughout our Nation, and I ask that it be included in the RECORD in its entirety.

The article follows:

A CHOICE FOR ETTA WALLACE—THE PRIVATE VOUCHER REVOLUTION IN URBAN SCHOOLS

(By Patricia Farnan)

The school-choice debate is about to be transformed by a quiet revolution that is sweeping American urban education.

Across the United States—from Indianapolis to Milwaukee, from San Antonio to Atlanta—business leaders and other citizens are starting privately funded voucher programs that enable low-income parents to send their children to religious and other private schools. Most of the participating families are black and Hispanic, and their overwhelming response to the private vouchers suggests that inner-city parents are deeply unhappy with the education their children are receiving in public schools. Private voucher programs thus promise to change the political dynamics of the choice debate.

Taxpayer funding for school vouchers has so far been defeated almost everywhere it has been proposed. Powerful teachers' unions have mobilized to defeat such measures, and they have been joined by leading black and Hispanic civil rights organizations, which see public school employment as a major avenue of upward mobility for their constituencies. The American Civil Liberties Union and other organizations have also opposed voucher plans on separation of church and state grounds; even where limited publicly funded voucher plans have been approved, as in Milwaukee, they have been used only for secular private schools, not religious ones.

The new privately funded vouchers overcome these political obstacles. They can go to denominational schools without raising any question of church-state entanglement. They avoid the dangers of government interference in the affairs of private schools. They require no large coalition activity to initiate. Moreover, by concentrating on low-income families in the inner city, they can quickly make an immediate difference in the lives of the children who would benefit most from school choice.

THE INDIANAPOLIS 900

Privately funded vouchers have been discussed for some time, but the first business leader to make a major commitment to the idea was Patrick Rooney, CEO of the Golden Rule Insurance Company in Indianapolis. In August 1991, he established the CHOICE Charitable Trust, donating $1.2 million for vouchers enabling low-income children in Indianapolis to attend the private school of their parents' choice. The voucher covers half the tuition of any elementary student who qualifies for the federal free lunch program, with parents paying the remainder. The total amount of the voucher is capped at $800, one-half of the $1,600 that most private schools in Indianapolis charge for tuition. Parents who already send their children to private school are eligible if they meet the income criteria.

The response of low-income families has been overwhelming. CHOICE cautiously had anticipated that 100 to 200 students would participate in the 1991-1992 school year. But in the first three days after the announcement, 621 families requested applications. In the first year, CHOICE awarded 744 vouchers to eligible children, enough to fill every available space in the city's private schools. Other corporate leaders in Indianapolis soon joined Mr. Rooney in supporting CHOICE, and the number of vouchers rose to 944 in 1992-1993. Mr. Rooney hopes that private schools will expand, and that new ones will open, to meet the demand of the hundreds of parents on the voucher program's waiting list.

THE CHOICE THAT MADE MILWAUKEE FAMOUS

Business leaders in other cities quickly followed Mr. Rooney's example, and received a similarly enthusiastic response from low-income families. The Bradley Foundation and corporate donors are financing Partners Advancing Values in Education (PAVE) in Milwaukee, which provides half-tuition vouchers to 2,146 students, with about 900 students on the waiting list. The participating students are taking their vouchers to 78 elementary and seven secondary schools, including Catholic, Lutheran, evangelical Christian, Jewish, and independent private schools. By contrast, Polly William's much-acclaimed plan provides about 600 vouchers per year for use in eight schools.

Since publishing its first application in mid-April 1992, the Children's Educational Opportunity (CEO) Foundation in San Antonio has processed more than 2,300 applications, awarded 929 scholarships to students attending 73 different schools, and placed more than 1,000 students on the waiting list.

The Children's Education Foundation in Atlanta received 5,500 applications within nine days of offering its voucher program. Last fall, it offered 179 vouchers to cover one-half of private school tuition, with a cap of $3,000.

Even Bill Clinton's Little Rock now has a private voucher program. The Free to Choose Charitable Trust supports 18 low-income students attending private schools in Little Rock, with the hope of increasing this number to 50 in the next academic year. According to local businessman Blant Hurt, who founded the program, three times this many children applied for the voucher despite almost no publicity about its availability. New programs are being set up in Arizona, California, Florida, Maryland, upstate New York, and Washington, D.C., to name but a few. By fall 1993, it is expected that there will be at least 15 privately funded voucher programs across the country.

A HELPING HAND, NOT A HANDOUT

The half-tuition principle is an important feature of the private voucher programs. By providing one-half the tuition, resources can be spread over a greater number of children. Even more important, the programs aim to provide "a helping hand, not a handout." One reason private schools do a better job than public schools in educating low-income children is that parents often must sacrifice to send their children to these schools, and they therefore pay more attention to the children's schoolwork. Children are also more likely to apply themselves to their lessons when they know their parents have sacrificed for their sake. Requiring families to pay half-tuition gives both parents and children a greater stake in education. It encourages parental involvement and student responsibility.

It is a horrible indictment of public education that so many low-income parents will make the half-tuition sacrifice. According to Timothy Ehrgott, executive director of the CHOICE Charitable Trust, a third of the families in the Indianapolis voucher program earn less than $10,000 a year. These families still manage to pay their share of school tuition. "Sending my kids to Baptist Academy takes every penny I make," says Marsha Keys, mother of Renee and Randy. "We could have nice furniture. We could have a new car. But to have my children have an education, and know that people care about them, that's what counts. And my children know that Mom does care when I put them in this school." The Baptist Academy enrolls 250 low-income children; 39 of its students participate in Mr. Rooney's program.

School principals are full of stories describing the superhuman effort of parents working two or three jobs, cutting corners at home to manage their meager budgets, doing whatever possible to give their children the gift made possible by the CHOICE voucher. Sister Gerry O'Laughlin is principal of Holy Angels Catholic School in Indianapolis, with 175 kindergarten to sixth-grade students, all of them African-American. CHOICE "makes our school a viable option for our children. Without it, many of our families would be forced to leave because of financial difficulties."

CHOOSING AGAINST BRUISING

The beauty of the privately sponsored voucher programs is their simplicity. Grants are awarded on a first-come-first-served basis. There are no long, complicated forms to fill out. No academic test is administered. Parents can select any school that meets their child's needs, and that admits the child. Where a family lives does not determine where the child goes to school.

Safety, a strong emphasis on teaching values, and proximity to home are the most often-cited reasons parents give for participating in the voucher program. Reverent Charles Barcus, principal of Calvary Christian School in Indianapolis, says a fear of violence is a major reason low-income parents want to take their children out of public schools. According to Reverend Barcus, "A typical child who transfers from the public school to Calvary Christian has grown so fearful of physical harm and other threatening conditions that he has literally shut down his desire to learn. Parents come to me desperate to put their child back on an academic track. In many cases the risks are high, for the students are literally failing out of the public school. Nothing could be more rewarding than watching them blossom again into happy children with a strong curiosity to learn." Calvary Christian School enrolls mostly low-income children. One-third of the 105 students in the school participate in Mr. Rooney's voucher program.

Etta Wallace, mother of three boys now attending St. Mary Magdalene school in San Antonio, explained that she was tired of her children being attacked and beaten by gang members at the public school. "When I tried to transfer the children the school blamed my boys for the trouble. After many incidents, they finally transferred them to a school far from my home with the same gang problems as the school they just left. When I learned about the CEO Foundation program I was so relieved. Now they attend St. Mary Magdalene school and I have yet to be called for a single incident. The boys' grades are improving, and they are much happier in their new school."

Parents also come to the private schools seeking discipline and an emphasis on teaching values. "The values they teach in a private school are to respect other people, to respect the teachers and your elders no matter if the children think something is wrong or not. This training is very important to my child and our family, because we're a Christian family. And, for her to go to a school where she receives the same values that she's getting at home, it keeps her from being confused as far as what we're teaching her and what she's learning in the world," explains Debbie McClung, whose daughter Ashlee attends Capital City Seventh-Day Adventist School in Indianapolis. This school of 80 inner-city, minority students currently enrolls 43 voucher recipients. High expectations, respect for home and community, discipline, and hard work are part of a moral system of education that is central to the success of the private schools. As Sister Gerry O'Laughlin explained, "We work from a spiritual base at Holy Angels. That's what our families are looking for. That's what works with our students."

KEEPING DOORS OPEN

The private schools that parents select are usually neighborhood schools. This is especially true in cities like Indianapolis, where parents fear for the safety of children bused to some far-away public school in another part of the city. Parents typically want convenient access to their children's school themselves, and the knowledge that their child is not traveling alone through the city is a great relief. One mother, Sandra Allensworth, expressed her feelings in a letter to Mr. Rooney: "Thank you so much for allowing my three children the opportunity to attend St. Andrew the Apostle parochial school. It is such a blessing and the school is only four blocks from our home. They previously were bused to a school many miles away. I love the school and so do the children, and the teachers and principal are so close and involved in helping the children to achieve to their best. St. Andrews enrolls 207 mostly African-American students, 40 of whom participate in the CHOICE voucher program.

An important effect of the voucher programs has been to keep open the doors of private schools that otherwise would have closed. "If the business community in Milwaukee had to come to our assistance, we would no longer exist," says Sister Leonis Skaar, principal of St. Matthew's School in Milwaukee. Like many of the parochial schools in the inner cities, St. Matthew's has lost most of its income as its parishioners have moved to the suburbs. Its costs have also risen as fewer sisters of religious orders are available to teach; many of the lay teachers have incomes above the poverty level only by working a second job.

Although the schools still operate on a shoestring, PAVE has allowed St. Matthew's to say open. The voucher program is invaluable to these students challenged by the high-crime and gang-infested area of Milwaukee's near south side, where many children roam through the streets during the day, never attending school at all. The students of St. Matthew's are low-income and truly multicultural, including Hispanic, Native American, Slavic, black, and Hmong children.

The Genesis Academy, a nondenominational private school in San Antonio, credits the corporate voucher program with supporting 22 of its 31 students. The school, which opened its doors in fall 1992, enrolls pre-kindergarten through 12th-grade students, most of whom come from low-income and Hispanic families. Robert Lara, principal and classroom teacher at the Genesis Academy, noted with satisfaction the effect his school is already having on the students enrolled. "Our students are coming from public schools infested with gangs and drugs, and lacking the special attention these children need to succeed. When they arrive they are easily angered, with poor attitudes about school. Now they are more than academically better off—they are emotionally happier."

POLITICIANS SIGN ON

Beyond the effect of these voucher programs on the children they serve, their impact on the political environment of the nation is profound. Despite the defeat of voucher ballot measures in Colorado and Oregon, it is becoming more likely that a voucher program that includes religiously affiliated schools will pass.

In Maryland, for example, Governor William Donald Schaefer has included a voucher provision in his 1993 budget for up to 200 low-income children in Baltimore. The voucher, set at 50 percent of the overall per pupil cost or $2,908, can be used at participating nonpublic schools, including religious schools. The provision, now before the state House Appropriations Committee, has the support of Committee Chairman Howard P. Rawlings, a minority Democrat from Baltimore, and other key Democratic and Republican leaders in the legislature. If passed, the Baltimore program will be the first of its kind in the nation. As Governor Schaefer noted in his State of the State address, "Maybe it's time to see how our public schools perform against private schools and parochial schools."

Governor Schaefer and Delegate Rawlings are not alone. Mayor John Q. Norquist of Milwaukee has endorsed the efforts of Governor Tommy Thompson to raise the limit of the number of students participating in the Milwaukee publicly funded school choice plan. He also promotes the inclusion of parochial schools "for choice to have a bigger impact on quality."

State Representative William Crawford, who represents a low-income, largely minority area of Indianapolis, has proposed voucher legislation similar to the Maryland provision. In Indianapolis, eligible low-income students would receive up to $1,500 to attend private schools, including religious schools. In Florida, state Representative Carlos Valdez is fighting to pass a voucher pilot program for low-income children identified as academically at-risk in Dade County. The voucher would provide almost $3,000 for children to attend Miami-area private schools, including parochial ones.

Connecticut state Representatives Tim Barth and James Amann have proposed school choice and vouchers as a means to desegregate the state's schools and improve the quality of inner-city education—an alternative to the busing proposal advanced by Governor Weicker. The Barth-Amann bill, supported by a bipartisan coalition in the state House, would grant parents a voucher worth maximum of $2,500 per child to attend private schools, including those religiously affiliated. It also would allow for the interdistrict transfer of students in the public school system. Representative Barth is confident that his plan will garner the support of the full legislature. These efforts, and others like them, demonstrate the political viability of the issue on both sides of the political aisle.

A MODEL FOR BUSINESS PHILANTHROPY

It is no accident that politicians are becoming more interested in vouchers. They sense a growing constituency for choice, especially in low-income black and Hispanic neighborhoods. The best evidence comes from the long waiting lists of parents hoping to receive a voucher. In Milwaukee and other cities, politicians also are reacting to a groundswell from parents who are ineligible for private vouchers and want to know how their children can be included.

The private voucher programs offer similar opportunities for business leaders seeking to help inner-city education. Over the past decade, businesses have poured hundreds of millions of dollars into urban public schools.

These efforts so far have failed to improve urban public schools or the skill levels of their graduates. Patrick Rooney's idea offers a different approach: instead of trying to improve public schools directly, why not give inner-city students the opportunity to go to private schools that already do a better teaching and discipline job than do public schools?●

RECOGNITION OF NATIONAL LOGISTICS WEEK, APRIL 4–10, 1993

● Mr. KRUEGER. Mr. President, I wish to recognize the Council of Logistics Management and its commemoration of the First National Logistics Week beginning April 4, 1993.

Logistics is the process of planning and controlling the efficient, cost-effective flow and storage of raw materials, finished goods, and related information from point of origin to point of consumption. As such, logistics is an essential element in the economic well-being of our Nation and a critical factor for both the manufacturing and service industry sectors. Carriers, warehousemen, ports, terminals, airports, and manufacturers all participate in the logistics process. It has been estimated that logistics processes account for 20 percent of gross domestic product.

Most of us never think about how a product found itself on a shelf, in an office building, at a construction site, or in another country. The mission of the Council of Logistics Management is to provide leadership in defining and understanding the logistics process and to create awareness of career opportunities for logistics management. It also provides a forum for exchange of ideas and research that enhance customer value and performance of the supply chain.

The Council of Logistics Management was founded in 1963. Its affiliates came later and among them are the north Texas and Houston roundtables in Texas. Individual affiliates are integral parts of educating the public and providing a professional organization for logistics.

Mr. President, I commend the Council of Logistics Management on its endeavors to keep our country's products and economy moving to appropriate destinations of purpose and success. We should recognize the role logistics professionals play, making indispensable contributions to business, industry, and commerce. I congratulate the council on its efforts to bring recognition to its profession and mission by designating April 4–10, 1993, as the First National Logistics Week. I wish them success in the future.●

A TRIBUTE TO TOYOTA 1992 SUPPLIER AWARD WINNERS

● Mr. McCONNELL. Mr. President, I would like to take a moment from today's debate to pay tribute to Toyota Manufacturing, U.S.A., and 10 outstanding Toyota suppliers located in Kentucky.

On March 24, Toyota Manufacturing, U.S.A., which assembles the popular Toyota Camry at the Georgetown, KY, plant, presented 18 of its 174 suppliers with outstanding service awards. The awards recognize suppliers who excel in quality, delivery, and value engineering/value analysis activity.

Mr. President, I am especially pleased to announce that 10 of the 18 suppliers honored were Kentucky businesses. The suppliers, located across the Bluegrass, provide Toyota Motor Manufacturing with many parts, including batteries, wheel covers, and brake components. In order to be recognized as an outstanding supplier, each of these businesses was required to meet strict performance guidelines. The result is an outstanding partnership between Toyota and its Kentucky suppliers.

I'm sure that my colleagues will agree that Toyota Motor Manufacturing, U.S.A., and its Kentucky suppliers are a prime example of a successful international business relationship. I salute their progress and wish them added success in the future.

Mr. President, I ask that an accompanying list of Kentucky's 1992 Supplier Award Recipients be included in today's RECORD.

The list of recipients follows:

TOYOTA MOTOR MANUFACTURING, U.S.A., INC.

[1992 supplier award recipients]

Company and Location	Part supplies	Award
Kentucky:		
Ambrake Corp., Elizabethtown.	Brake components	Excellent Quality Award, Excellent Delivery Award
AP Technoglass Co., Elizabethtown.	Automotive-laminated & tempered glass.	Excellent Delivery Award
Central Manufacturing Co., Paris.	Steel wheels	Excellent Quality Award
Curtis Maruyasu America, Inc., Lebanon.	Tubing assemblies	Excellent Delivery Award
DJ Inc., Louisville	Interior & exterior plastic components.	Excellent Delivery Award
Johnson Controls, Inc. SLI Battery Group, Louisville.	Batteries	Excellent Delivery Award
Qwik Tool & Manufacturing Co., Lexington.	Stamping	Excellent Delivery Award
Sumitomo Electric Wiring Systems, Inc., Morgantown.	Wire harnesses	Superior Quality Award, Excellent Delivery Award
Thompson International, Nicholasville.	Wheel covers	Superior Quality Award, Excellent Delivery Award, Excellent Value, Engineering/Value, Analysis Award
Vista Performance Polymers Premiere Plant, Jeffersontown.	Instrument panel skin	Superior Quality Award, Excellent Delivery Award

EXECUTIVE BRANCH TRADE FUNCTIONS

● Mr. ROTH. Mr. President, last month I introduced legislation in the Senate (S. 580) designed to substantially reorganize and reinvigorate our executive branch trade functions. I am absolutely convinced that if America is to compete successfully in the global economy, we must get organized and project a strong, resolute trade presence to the world that will command respect and serve our domestic trade interests. Our present system, by failing to integrate into our overall economic policy economic and other global concerns, makes it virtually impossible to develop a coherent and effective strategy for the post-cold-war era.

An article entitled "Washington's Trade Octopus" by Diana Lady Dougan was published in the San Diego Union-Tribune on February 28, 1993. In that piece, Ambassador Dougan urges consolidation of our Government's trade policy and export promotion functions under one agency, an idea that I have been advocating for more than a decade. A new department dedicated to trade will expand our exports by giving American firms and workers the tools necessary to compete and win in international competition. As Ambassador Dougan points out, "trade and international development issues are balkanized among 17 Federal agencies. Turf protectionism, agency shopping by special interests and lack of coordination of trade and export issues undercut America's ability to respond to the changing international market."

I believe the Clinton administration has been presented with a unique opportunity to fundamentally change the way our Government does business. But we must move swiftly. The importance of our ability to compete in international markets is central to our future economic growth, our domestic welfare and our national security. Unless the United States puts muscle and coherence into its trade policy and institutions, we may squander what is perhaps our greatest growth opportunity. While a trade department is by no means a new idea, it is, in my view, an idea whose time has come.

Ambassador Dougan served Presidents Ford, Carter, and Reagan in Senate-confirmed positions and is currently senior adviser to the Center for Strategic and International Studies and chairwoman of the International Communications Studies Program. Her remarks follow and I ask that they be submitted for the RECORD.

The article follows:

WASHINGTON'S TRADE OCTOPUS

(By Diana Lady Dougan)

As the clock ticks on "the first 100 days" of the Clinton administration, the focus is on the new people who are going to head the old bureaucracies. While it is important that confirmation hearings zero in on the qualifications of the Cabinet and sub-Cabinet appointees, too little attention is being given to how the bureaucracies should be restructured.

Few officials relish mandates to down-size, much less disband their newly acquired domains, but now is the time to lay down the markers while bureaucracies, as well as Congress and the electorate, are receptive to major change. A case in point is international trade and development.

Despite the assertion of Clinton that it won't be "business as usual," hot-ticket items like U.S. competitiveness already are diffusing among a gaggle of agencies and congressional committees with overlapping mandates and jurisdictions. And more than a few of Washington's 80,000 lobbyists are quickly reclaiming their "special interest" real estate.

With Clinton's announcement that he will "make Commerce more visible and more powerful" with Commerce Secretary Ron Brown, an already powerful Washington insider, and Mickey Kantor, a street-smart Washington outsider as U.S. trade representative, optimism is high.

But beefing up the Commerce Department, getting tough on trade barriers, not to mention pouring more money into export promotion, redirecting the Agency for International Development (AID) and setting up new commissions to study the problems of international competitiveness have been part of every president's agenda since World War II.

Today, trade and international development issues are balkanized among 17 federal agencies. Turf protectionism, agency shopping by special interests and lack of coordination of trade and export issues undercut America's ability to respond to the changing international market.

The longstanding separation between the Department of Commerce and its role in trade promotion, and the U.S. trade representative in trade negotiation, served America well during this past decade's emphasis on establishing global trading frameworks, but the future rationale of this division is questionable.

Furthermore, much of the real policy impact on export competitiveness is created by the Treasury Department and myriad multilateral lending and assistance organizations. Meanwhile, U.S. preoccupation with the deficit and economic strength here at home have downgraded development-assistance programs abroad that can play major roles in international trade and economic growth.

As it is, the lion's share of the already diminishing resources of AID have long been subsumed by thinly veiled defense set-asides. (The "security assistance" programs for just three countries—Israel, Egypt and the Philippines—represent 65 percent of the overall AID "economic support fund" budget.)

Congressional gridlock and micro-managing have kept the well-meaning people at AID on continuing resolution since 1986. Meanwhile, Japan's Overseas Development Agency now surpasses the United States in assistance giving and largely targets strategic market development and creative financing schemes.

Indeed, most assistance-giving countries, with the exception of the United States, assure that major business contracts go directly to their own nationals.

U.S. international economic stakes are high. Despite a boost from the undervalued dollar, current U.S. exports (including services) represent less than 10 percent of our gross domestic product (GDP). By contrast, major trading partners like Germany and France derive close to 30 percent of their GDPs from export revenues.

John Macomber, Export-Import Bank chairman for the Bush administration, touted a modest goal of increasing U.S. export revenues by 5 percent a year over the next five years to 15 percent of our GDP. But the results would be far from modest—more than $250 billion in new revenues. Clinton's nominee to succeed Macomber, Goldman Sachs' Ken Brody, and others with international economic portfolios probably will pick up the theme.

If we are to accomplish this goal to which both Democrats and Republicans subscribe, the issues of international trade, commerce and development must be refocused and restructured. Some useful and cost-saving starts would be:

Consolidate trade policy and export promotion under one agency. This includes folding the U.S. trade representative, the Export-Import Bank, Overseas Private Investment Corp. and State Department's Trade Development Program into the Department of Commerce.

Disband the Agency for International Development, which Clinton already has targeted for $500 million in cuts over the next five years. Disperse its responsibilities to other agencies (e.g., the Peace Corps for humanitarian assistance, Department of Defense for security assistance and United States Information Agency for development training).

An even more cohesive approach would be to consolidate the Department of Commerce, AID and the related international trade, financing and assistance activities into a new lean and focused Department of Trade and Development.

This new department would absorb all major international economic activities currently spread among Commerce, the U.S. trade representative, Trade Development Program, Treasury and others. The various domestic functions of the Commerce Department logically can be moved to already existing bureaus in the departments of Labor, Agriculture, Transportation, Energy and Interior.

These suggestions may seem draconian, but they are practical if tackled early in the process. The most far-reaching trade-reform attempt was during the Reagan administration when a new Department of Trade and Industry was approved. It was doomed. Beyond concerns over the perceived flirtation with "industrial policy," the real flaw was that the proposal was not launched at the very beginning of the new administration when politicians on both sides of the aisle were prepared, to carry out a mandate for change.

Clinton says the Reagan administration was an important role model for transition and organization. Let us hope he learns from its failures as well as successes.●

SPRING AND MOTORCYCLING

● Mr. McCONNELL. Mr. President, as the weather continues to warm, over 10 million registered motorcyclists will take to our Nation's roads and highways. Although not one myself, ask any Kentucky motorcyclist and they will tell you that spring marks the beginning of a new riding season.

As I have done for the past several years, I come to the floor today to offer two suggestions to make the roads safer for motorcycles and other motor vehicles. The first is for automobile and truck drivers: Please be alert for motorcyclists. Check your mirrors and look over your shoulder before changing lanes. When you make a left turn, be sure no motorcyclists are in oncoming traffic.

My second suggestion is for the benefit of motorcyclists: Remember to think safety. Dress appropriately for the road and anticipate the potential hazards of traffic. Above all, ride sober—alcohol and motorcycling do not mix.

I am extremely encouraged by the latest figures from the National Highway Traffic Safety Administration which show that during 1991, highway motorcyclist fatalities declined more than any other type of motor vehicle deaths—a decrease of 13 percent over the previous year. This is a 20-year low in motorcycle-related fatalities, and surely represents the success of motorcycle safety programs and the hard work of motorcycle associations and organizations. I am confident that various State and local efforts to designate May as "Motorcycle Awareness Month" will further decrease motorcycle-related accidents.

I would be amiss if I did not recognize the special landmark that passed this year when the Motorcycle Safety Foundation [MSF] trained its 1 millionth rider through its riding and street skills course. I am certain my colleagues join me in extending congratulations to the MSF on this outstanding achievement.

In closing, let me recognize the special contributions to motorcycling of the Kentucky Motorcycle Association and the American Motorcyclist Association. I wish their members—and all our Nation's motorcyclists—a safe and enjoyable riding season.●

THE TOTAL QUALITY MANAGEMENT SEMINAR AND THE ARIZONA COUNCIL FOR ECONOMIC CONVERSION

● Mr. DECONCINI. Mr. President, I would like to take this opportunity to commend the Arizona Council for Economic Conversion [ACEC] for being instrumental in assisting defense contractors throughout Arizona to develop plans and strategies to convert their businesses and products to commercial applications.

On May 6, 1993, in Tucson, AZ, ACEC will sponsor a seminar to introduce the concepts and philosophy of total quality management and explain how these resources are available to the Arizona small business community. Total quality management is a method by which companies can improve the quality of their products and services, and thereby improve their competitive position both domestically and internationally.

This seminar will focus on developing more efficient internal processes, involving people in company decisions, and improving the way a company serves its customers which, in turn, will ensure the ability to compete and grow into the 21st century.

I ask my colleagues to join me in commending the Arizona Council for

Economic Conversion for its efforts to promote total quality management for Arizona's business community, and I urge them to consider the council as a model for conversion efforts in their own communities.•

A TRIBUTE TO MIDWAY

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the great central Kentucky town of Midway in Woodford County.

Midway was founded in the early 1830's by the Louisville & Ohio Railroad. At the time, tracks were being placed between Lexington and Frankfort, and a town midway between the two cities developed. Although the Louisville & Ohio Railroad soon closed, Midway, which contains streets named for former L&O executives, flourished.

Today, most Kentuckians equate Midway with the beautiful, rolling horse farms which have brought the Bluegrass international attention. Names like Millford, Airdrie Stud, and Hurstland stand tall in this small community as a reminder of Kentucky's prominence in the horse industry.

Horses, however, are not Midway's only resource. Midway College, originally established in the mid-19th century to provide a formal education for female orphans, today provides baccalaureate programs for more than 800 students and is the largest employer in Midway. Midway also boasts an active historic business district. Visitors can stroll through the nostalgic buildings, shop at numerous antique stores, and dine at the elegant Holly Hill Inn located on the edge of town.

Perhaps, however, Midway's greatest resources are its people. Midway residents hope to see growth and prosperity in their future, but they also realize the importance of maintaining small-town values. Residents are ready to work and willing to sacrifice for their town, but they also want to hold onto the sense of community which draws them together.

Mr. President, I honor the town of Midway and the good people who make this Kentucky town such an outstanding community. Midway residents should be proud of their heritage and excited about their bright future.

Mr. President, I ask that an article from Louisville's Courier-Journal be submitted in today's RECORD.

The article follows:

MIDWAY

(By Fran Ellers)

Some high schools have more students than Midway has residents, but virtually no other town in Kentucky has as many advantages as the Woodford County community.

Encircled by horse farms and anchored by a private college, Midway sits on an interstate highway between two major cities in the wealthiest county in Kentucky.

It is suffused with charm. The railroad tracks that run through the business district are lined with homes and buildings that are certifiably historic, or architecturally significant, or both. Most are occupied, some by successful retailers.

It has a glistening new elementary school and a ritzy new subdivision. Intriguing people to live there. On Saturday mornings Gov. Brereton Jones, who owns nearby Airdrie Stud Farm, goes to a diner to jaw with old friends who advise him on politics. On Sundays, the Rev. Peggy Bright—one of three women pastors in Midway—leads the Midway Presbyterian Church.

And during the week, in an obscure but elegant office on Main Street, a local visionary plots how to make it all better.

A local visionary?

It is something few small towns have but most of them—even Midway—need. For in spite of ample prosperity and charm, Midway sank into a sort of community depression about two years ago—partly because Logan's, a key clothing store, had closed and partly because so much energy was going into a dispute over development of land near Interstate 64.

Signs of the malaise are on Main Street, also known as Railroad Street. The Midway business district, with its pretty painted store fronts, antique shops and small restaurants, once stood as a model for struggling downtowns. Although some businesses are still successful, it's apparent that others are not. Paint peels, stores change hands and some are open only part time.

So new landlord Henry Alexander—who admits, rather than proclaims, that he is "trying to be a visionary"—is talking about turning Midway around.

"It's not something you do easily. I figure I'll be an old man before it's done," says Alexander, an entrepreneur who made his money by selling and managing horse farms.

"I just think it can be made better. . . . I'm very near the point of just committing to it completely and, as the old saying goes, just have at it. If you've got it in you, you have got to do something about it."

It's not that Alexander wants to muscle aside Midway's city council, which is supporting development, or stampede the struggling merchants guild. He has purposely steered clear of both so he can remain objective.

But Alexander has the ideas—they come tumbling out in conversation—and the means to influence the future. His financial interests include at least four buildings on Railroad Street. He also has experience on development issues as one of the leaders in the compromise over the widening of historic Paris Pike in Fayette and Bourbon counties. He was a member of the preservation group that once opposed it.

He also has intent, and that counts for a lot. "Henry can do it," says Rose Lyons, who runs the Holly Hill Inn, a restaurant and inn in a Victorian home at the edge of town.

"I feel like his heart and his head are in the same place," agree Becky Moore, a leader in the fight against major development along the interstate. Although Moore said she regrets that Alexander hasn't joined the group that is fighting major development. "He's in the best position to sort of take advantage of what we've done."

Obviously Alexander isn't the first local visionary—others have contributed to the development of Railroad Street and other aspects of Midway—nor is he the only one now.

In recent years Midway College, which was a junior college for women, took a calculated risk in adding baccalaureate degrees while retaining its identity as the state's only women's college. It is now growing again, both as a commuter campus for adults who need a degree to get better jobs, and as a home for traditional college students.

Futhermore, Mayor Carl Rollins Moore and others have been trying to improve things in Midway—even though they are sometimes at cross purposes. They compromised on developing the new subdivision, for instance, but remain at loggerheads on developing the area near the interstate.

Alexander would focus energy and finances on ideas that could work downtown, while contemplating how to reach a compromise on the interstate issue. The son of a horse-farm groom who grew up along Paris Pike, Alexander became a successful horseman and at one time owned a farm near Midway. About five years ago he bought a building downtown, but later the retail climate began to suffer.

"I sort of woke up one day and thought, 'My building's not worth a nickel,'" Alexander said recently. "It became a matter of, do you go forward or do you just pull back?"

Alexander went forward, buying three other buildings, including the vacant Logan's, which at one time drew customers from all over Central Kentucky. He has been looking for a clothier for the building—and may have found one, he said. But he has bigger ideas. He and his wife have been visiting small towns in other states for inspiration.

"The only thing I'm absolutely sure of is that it seems to a little business district like Railroad Street, the most important thing is a restaurant," he said.

Midway already has two on Railroad Street, but Alexander would like to see a bigger draw—such as an old-fashioned boarding-house restaurant, the kind at which heaping helpings are passed around in big bowls.

"Most everything we're thinking of is built in some way around nostalgia," he said. He added, "It just seems today that we have lost a lot of values in our lives. You can sort of regain that feeling in a little town like Midway. My push right now is just trying to . . . recapture that."

The development issue is related. Midway sits off I-84 on a stretch of horse farms between Lexington and Frankfort, but there is little development for a much longer stretch, one of the most scenic in the Bluegrass. Contemplating, say, a McDonald's at the Midway exit is unthinkable to many.

But Mayor Rollins is perfectly willing to make such an inflammatory suggestion, saying that while there is no plan for a McDonald's, he doesn't think it would be a bad idea.

Midway should think about the changing needs of the families who live there, and think about the long term, particularly if the horse industry continues to falter, he said.

Young families "would like to see a place where you could go get something to eat quick," he said. Even though the unbroken expanse of horse farms is arguably Midway's ace in the hole, "We can't continue to expect the horse farms around here to continue to maintain this parklike atmosphere" without some sort of tradeoff.

Rollins says that to provide services, the city needs a broader tax base, even though he admits that the budget is in no trouble. Midway, whose biggest employer is the college, should provide jobs for its citizens like "any healthy city," he says.

But Moore and others wonder why. People in Midway work in Lexington, Frankfort, and Versailles, where there are plenty of jobs within a short commute. Small businesses are best for Midway, they contend.

Small businesses have certainly prospered. D. Lehman & Sons has been open on Winter Street for about 150 years, and has an established clientele for its antiques. It's also still in the family. William Feagin, 23, is managing now, and hopes to restore the old family home nearby and live there. Years ago David Lehman designed some of the town's homes and buildings, giving them a distinctive flair.

Around the corner on Railroad Street, The Red Brick House, which offers antiques and gifts, opened 20 years ago to begin an earlier resurgence. Proprietor Ann Sullivan wants to help revive Midway as well, but is concentrating for now on what seems like a small thing—a "Welcome to Midway" sign.

The sign is actually an old controversy. Years ago, Phyllis George Brown, the wife of then-Gov. John Y. Brown Jr., helped arrange for an interstate exit sign that says "Historic Midway," one way of luring people to stop. But that didn't comply with federal law so the state took it down, along with another sign that was visible from the interstate. Recently the state erected a sign alerting visitors to the historic district but there still isn't a bona fide welcome sign.

As Sullivan, a young mother, discussed Midway one recent afternoon, Liz Columbia, who also works at The Red Brick House, recalled when things were different—when trains came through town regularly, and when people milled around on Saturday nights at the stores of a variety of eccentric proprietors.

Then they all died off and nobody else took over. That's the time when your mother came in town," she told Sullivan.

Sullivan's mother, Marilyne Griese, helped get Railroad Street going, but died late last year. But she never quit believing in Midway, Sullivan said.

"My mother said right before she got sick, it will come back."

Population (1990): 1,290; Woodford County, 19,933.

Per capita income (Woodford County, 1989): $21,819, or $7,996 above the state average.

Jobs (Woodford County, 1989): Manufacturing, 3,223; wholesale/retail, 1,303; services, 1,133; state/local government, 658; contract construction, 292.

Big employers: Midway College is the biggest employer in Midway with 100 jobs; others are Tococo Inc., maker of blue jeans, 75; and Northside Elementary, 47.

Transportation: Roads—I-64, U.S. 62 and U.S. 421 all serve Midway as does the old Frankfort Pike. Rail—Midway is now served by CSX. Air—Lexington's Blue Grass field is just a few minutes away.

Media: Besides Midway College publications, the Woodford Sun, a weekly newspaper, circulates in Midway.

Education: The new Northside Elementary has 356 students. Also, 57 attend Woodbridge Academy for students with learning disabilities. Midway College had about 800 full-time and part-time students last fall.

Topography: Midway, in the heart of the Bluegrass, is surrounded by rolling land and horse farms.

FAMOUS FACTS AND FIGURES

Midway College, Kentucky's only women's college, evolved from the Kentucky Female Orphan School, which was established to provide a formal education for young women who—in the mid-19th century—had little prospect for schooling of any kind. Today, Midway College offers a broad array of programs for its more than 800 students.

A West Virginia native, Gov. Brenston Jones married Elizabeth Alexander Lloyd, a member of a prominent Woodford County family. He operates Airdrie Stud, a thoroughbred farm not far from Midway.

Midway was the first town in Kentucky to be laid out by a railroad, on a railroad. In the early 1830s the Louisville & Ohio Railroad was laying track from Lexington to Frankfort and Midway was laid out midway between the two cities. As a railroad, the L&O didn't last long—the Louisville & Nashville Railroad eventually took over—but it named the streets in Midway after some of its executives, such as Winter, Turner, Gratz, Bruen and Higgins. The track still runs through the center of town, but trains only go through once or twice a day, locals say.

Midway makes two cultnery claims to fame—the Trackside Pie at the Depot restaurant, which won first prize in Procter & Gamble's 1984 national dessert bakeoff, and Porterhouse steaks. The Trackside has elements of Derby, pecan and chess pies—chocolate chips, nuts and goo, plus coconut flakes. The Depot has changed hands in the last decade, but the pie remains a staple. The Porterhouse steak apparently originated in the late 1870s when Susan Porter operated a boarding house on Winter Street called the Porter House, which served the big cut of beef.•

GUN-RELATED VIOLENCE

• Mr. SIMON. Mr. President, I am deeply concerned about the increase of firearm-related violence in the United States. Over the past 2 years, firearms have killed 60,000 Americans, more than the number of United States soldiers killed in the Vietnam war. According to the Center for Disease Control, firearm injuries, fatal and nonfatal combined, are the third most costly type of injury overall. Data from 1985 suggest a total national cost of $14.4 billion, which increased to at least $16.2 billion by 1988.

The statistics are even more compelling for adolescents. Guns figure in more than 75 percent of adolescent homicides and more than half of adolescent suicides. According to the Center for Disease Control, 1 in 20 teenagers carries a gun to school.

Evidently, these statistics concern many other Americans, gunowners, and nongunowners alike. According to the USA Today/CNN/Gallup Poll, both groups are siding with gun control advocates in the push for new restrictions on firearms.

The poll identifies specific support from gunowners for restrictions that have been enacted in various State legislatures. These include supporting a total ban on the possession of assault weapons and limiting handgun purchases to 1 a month.

The poll also supports the figures that there are as many as 200 million privately owned firearms in this country and that about half of all households have at least one gun.

Mr. President, I ask to include into the Record at this point, the text of the article in USA Today that details the USA Today/CNN/Gallup Poll. This public opinion poll clearly emphasizes that a significant majority of the population is in support of stricter gun laws.

Poll: Owners Favor Gun Laws

(By Dennis Cauchon)

Gun owners are siding with gun control advocates in the push for new restrictions on firearms, a new USA TODAY/CNN/Gallup Poll shows.

Fifty-seven percent of gun owners favor stricter gun laws, 36% want no change and 6% want less stringent laws.

Among non-gun owners, 82% favor stricter gun control vs. 13% who want no change.

Gun owners strongly oppose an outright ban on handguns—a move favored by non-gun owners. But otherwise, gun owners come down solidly in favor of gun control.

Among gun owners:

88% support the Brady Bill requiring a seven-day waiting period to buy a handgun.

60% favor a total ban on the possession of assault weapons. The New Jersey Senate upheld a similar law Monday.

60% favor limiting individuals to one gun purchase per month. Virginia's Legislature approved a one-handgun-a-month restriction last month.

The poll reports that guns are found in about half of U.S. households, with some estimates as high as 200 million firearms in private hands.

The survey finds gun control support strongest in cities, in the East and among women.

More than one-third of those polled say they fear gun violence at home and at work.

The National Rifle Association charges the poll is tilted to get pro-gun control answers.

"You can get anything you want out of a poll. The questions were geared to get progun control results," says NRA executive vice president Wayne LaPierre.

He says, "If you asked, will more gun control reduce violent crime or do Americans have a constitutional right to own a gun, you'd get much different results."

But Handgun Control Inc.'s Susan Whitmore says the poll shows the NRA is out of touch with gun owners: "The vast majority of Americans, including gun owners, support commonsense laws on guns."

The Brady Bill and a ban on assault weapons died in Congress last year, but are expected to fare better this year.

As for New Jersey's assault weapons ban, Gov. Jim Florio says, "People are fed up with violence."

The survey of 1,007 people, taken Friday through Sunday, has a 3 point margin of error.•±

NEW SPENDING NOT THE KEY TO ECONOMIC GROWTH

• Mr. KERREY. Mr. President, I rise in opposition to H.R. 1335, the emergency supplemental appropriations bill for fiscal 1993, also known as the President's stimulus package.

I do so with great regret because of my respect for what President Clinton is trying to do: Avoid a triple dip American recession. And, I do so knowing that without the stimulus my State, Nebraska, will not receive some additional Federal spending. Departments and agencies of the Federal Government have been quick to point out that Nebraska could receive in excess of $66 million from this spending bill.

There is no question that Nebraska could quickly obligate additional funding for highway, mass transit, community development, rural housing, and water and sewer projects, the so-called traditional stimulus areas. There is also no question we have human needs that beg to be addressed. Head Start, Chapter 1, immunization programs, and Pell grants are high-priority as are the proposals to renovate and modernize our veterans facilities. Finally, it is difficult for me to oppose funding for programs designed to advance technology and the application of technology and networking in the classroom.

I vote against the stimulus package believing it has been given a stature it does not deserve. Its economic significance is, at best, marginal in that it generates a net 200,000 temporary jobs. At worst, it puts us and interest groups who call upon us in a mood to spend more money.

Thus, I choose to vote against this new spending because I have concluded the risk is not worth the gain. The risk is by voting for new spending we lose the edge needed to say no, and as a result we fail to reduce our fiscal deficit.

Proponents of the stimulus package point out that investing in these areas would give us a jump on the process of altering our spending to place a higher priority on human needs and begin to invest in the technologies which promise to make our Nation more competitive and prosperous in the years ahead.

Mr. President, this stimulus package is not the best vehicle to begin this effort. Instead, I believe we took the most important step in restructuring those priorities last week with the passage of the budget resolution. And we did so in a way that reduces the deficit by $502 billion over the next 5 years.

The legislation we passed last week is much more than a budget resolution. It is the beginning of a fundamental change in the way our Federal Government spends money and the way the Federal Government operates. The central and powerful idea behind the message of President Bill Clinton is this: The economic status quo is unacceptable.

It is unacceptable because too often the Federal Government has been an opponent rather than a partner to the urgent need to create new jobs in an extremely competitive workplace. While American businesses and workers have been struggling mightily to increase their productivity while delivering quality and value to their customers, Federal polices have been only occasionally supportive, and more often than not have stood in the way.

Mr. President, we all know where we need to change. The deficit is piling debt on top of debt. Health care costs are driving workers onto welfare, job out the window, and businesses down the drain. Lobbyists have their hands at our throats while we have our hands in their pockets. Our public institutions—especially schools and social service agencies—are being crushed by paperwork and regulation.

In the midst of this chaos we are distracted and have not seen what is going on in the American workplace. The facts are we have around 100 million private sector jobs in America. These taxpaying workers support a lot of government effort. Their taxes pay the wages of 18.5 million local, State, and Federal Government workers. Their taxes support the incomes of 46 million retirees.

Mr. President, I believe that we must acknowledge up front and without apology that for working American families of all incomes the price of Government has gotten too high. The very people we want to help with new spending are the ones who are paying the bulk of the bills.

Our No. 1 concern as we debate the economic stimulus package is the lack of job creation in America. Our No. 1 goal is more American jobs. We share this objective because we all know the value of a job. A job is more than just a pay check. A job is a source of income, of pride, and of self-reliance.

Mr. President, if we want to create jobs, the first place to start is with actions that do not involve new spending. I believe the best way we can help Americans compete and succeed in today's workplace is through radical reform of our education and our health care institutions.

Every year we spend billions for education and health care. In the budget resolution we recently passed Federal spending for health care increases from $284 billion in this fiscal year to $318 billion in the next. Spending for education increases from $37.1 billion to $40.3 billion. Those who question whether or not we are getting our money's worth with the existing institutions are on solid ground.

What is needed is more competition in both areas. Health care and education are two of our least competitive environments. We need more accountability for outcome so we as purchasers of the services can compare results. We also need more personal responsibility so we as consumers of the services have incentives to excel academically and to stay healthy.

Mr. President, I believe we should extend the right of health care access to all Americans. I don't want a single American to have to prove they are poor enough, or to prove they are old enough, or to get blown up in a war before they are deemed worthy of health care. I don't want a single American to discover that after paying for a policy for 25 years they are not eligible when they finally need care.

At this hour, I believe we are very fortunate to be led by President Clinton, who has demonstrated that he has the courage to tell the American people the truth. He has begun the process of change, which Americans in large numbers desire.

The budget resolution we passed last week, not the stimulus package, is the beginning of this change. Not only does it reduce the deficit by $502 billion over the next 5 years, it also calls for focusing our attention on the human skills and talents needed for a high-wage economy. With this budget we start to invest in our people; an investment that is long overdue.

But at the same time, Mr. President, we must, with certainty, slay this deficit which like Freddie Krueger of the dreadful movie series, "Nightmare on Elm Street," keeps coming back to haunt us. This stimulus package sends a message that we prefer the easy course of more spending rather than the difficult course of real change.

As attractive as it would be to issue a series of press releases taking credit for this borrowed money, I cannot do it. This is $16.2 billion plus interest of money we do not have to spend. We will borrow in order to finance the spending. In doing so we weaken our resolve to resist all those friends who are opposing the spending cuts in the budget resolution just passed.

Mr. President, the simple and difficult truth for us and America is that our most difficult problems will not be solved with increased Federal spending. Press releases announcing more money cannot paper over deep problems in the American workplace, frightening deterioration of the American family, and difficult structural problems with America's Federal Government.

Again, with great respect and regret, I urge my colleagues not to support this stimulus package, and instead to focus their support on efforts to change our spending priorities and to do the difficult work of making sure not only that we create new jobs, but that we create a higher moral standard as well.●

REMARKS OF JEFFREY R. LEWIS

● Mr. WOFFORD. Mr. President, I submit for printing in the Congressional Record today a speech by Jeffrey R. Lewis, who was my predecessor John Heinz' former staff director on the Senate Special Committee on Aging. The speech is very provocative; it raises important issues regarding generational equity in the context of the debate on health care. While I do not agree with all of the arguments set forth by Mr. Lewis, I believe my colleagues will find Mr. Lewis' speech an interesting and thought provoking contribution to the national health care debate.

The remarks follow:

CHILDREN, MIDDLE AGED AND ELDERLY POPULATIONS BALANCING PERCEIVED NEEDS AGAINST CHANGING SOCIETAL PRESSURES, PRIORITIES AND BUDGET CONSTRAINTS

(By Jeffrey R. Lewis)[1]

SUMMARY

This paper argues against an expansion of federal benefits for elderly Americans, unless and until the needs of children and middle-aged Americans are addressed. It is incumbent upon older Americans, whose political strength has been and continues to be clearly shown, to work toward solving the health care crisis confronting children and middle-aged Americans. Older Americans can teach their children and their children's children how to gain access to and mold the political system, so their needs are addressed and benefit from proposed solutions.

For example, although incremental steps have been taken to address the health care needs of some poor children, children remain the innocent victims[2] of the benign neglect of this nation's failed policies to ensure parity in health care coverage. Evidence of this is best seen by the fact that some 25 percent of all infant deaths are preventable when prenatal care is available.[3] Yet, because health care for children has not been attacked comprehensively, it has become increasingly recognized that the problems of children are a matter of national survival.[4] These problems, coupled with the emerging crisis facing middle-aged Americans who know and will continue to find themselves as caretakers for their dependent children, parents and grandchildren requires a change in course of the "me-first" generation—senior citizens. Retired Americans whose perceived political strength has caught the attention of elected officials, must now help solve the legitimate needs of other population groups like children and middle-aged Americans. If not, the economic crisis confronting this nation will grow worse and with it, intergenerational inequities. This article argues for an immediate examination and implementation of a national strategy to address the problems of children and middle-aged Americans if we are to face our future and remain competitive in the global marketplace.

INTRODUCTION

The White House, Congress and the American public are now involved in a national debate. Although the debate is multi-faceted, it has but one underlying theme—economic survival. Too often it is asserted that the illusion of difficult choices is over. However, in reality, the difficult choices are finally here. In very specific terms we will have to make choices among generational priorities—children, middle-aged Americans and elderly citizens. Decisions that will not be easy, but are necessary to make if we are to move forward as a nation.

The American family today is fighting to survive. Nevertheless, for some politicians the rhetoric has not changed. The promise of a better tomorrow without raising taxes or cutting spending continues despite the fact that in reality, the well has gone dry.

Today, the issues are no longer which political party should be accused of defaulting on its promise to the American public. In reality, there is plenty of blame to be shared between Democrats and Republicans. But, talking about the problem or trying to shift the culpability to one political party no longer serves our best interests. What is at stake is our economic future and the human vitality of this nation.

In one of the richest nations in the world, we have allowed millions of our children to live without adequate or perhaps any medical care. Teenage mothers continue to ignore or understand the benefits of prenatal care; thousands of children age two or less are not receiving necessary immunizations and, as a result, we are fostering a population of children who begin life two-steps behind the curve before they even start school. Such problems have placed this nation's future at peril.

For years, the perceived political strength of the "senior vote" has intensified and with it numerous political victories. However, these triumphs are not without a cost to both children and middle-aged Americans. The silent cries of children's needs have and continue to go unaddressed by Congress and the White House. Children do not vote, organize protests, make financial contributions or put up lawn signs. As such, they do not have the ability to "glad-hand" with newly elected officials for whom they worked so hard to elect and lobby for their specific cause or issue.

Their silence, while being very real, has not gone unnoticed. Today, we are witnessing increased recognition of generational inequity. The issue is not the old against the young, it is middle aged Americans and children vs. the elderly. this is not something that campaign rhetoric can solve.

Thus, we are presented with a two-fold question:

a. Will the Democrats maintain a posture of "devout readiness," that is, talking extensively about the problems that they inherited and reminding the Clinton majority that these problems were caused by or aggravated through inaction by the Reagan and Bush Administrations?

b. Will Republicans and Democrats alike brave the cold and explain to the American public that there is no single solution or quick fix; That what we have to do are raise taxes and decrease spending?

As a former "insider" the answer is all too clear. The problems from the 1970's and 1980's will continue into the 90's. This is not because legislative strategies are unavailable or solutions' impossible. Rather, it is caused for the most part by the fact that special interest groups continue to foster unrealistic self-serving strategies and our nation's infrastructure, both human and structural, is crumbling.

What we have witnessed is the emergence of the "me-first" generation of politics and its is pushing the interests of children and middle-aged Americans into last place. Middle-aged Americans find themselves caught between the legitimate needs of children and the perceived needs of person aged 65 and over. Middle-aged Americans are slowly beginning to recognize that unless they begin to speak up to protect their individual and familial rights, their needs now and in the future may go unaddressed.

The problem is economic, the problem is social, the problem political. Yet, unless we honestly address these problems, we will cause irreparable harm to our future.

I. ECONOMIC PRIORITIES AND THE BUDGET DEFICIT

i. Setting Forth the Framework: Spending Controls and Non-Controls

Our current economic problems are complicated by existing federal budget laws[5] that constrain the ability of Congress to deal effectively with various problems that subgroups assert need immediate remedy. For example, under the Gramm-Rudman-Hollings law,[6] Members of Congress are procedurally constrained from offering amendments that would violate budget resolution totals. Therefore, if a Senator offered an amendment that would breach an agreed upon deficit target, a series of procedural steps is required before the Senator could offer his underlying substantive amendment. These procedural barriers were strengthened in 1990 with the passage of the Omnibus Budget Reconciliation Act of 1990[7] (OBRA 1990).

A critical element of the 1990 changes put in place specific limits on discretionary spending and a "pay-as-you-go" requirement for entitlement programs.[8] However, these constraints over overstated. Congress also enacted into OBRA 1990 plenty of "wiggle-room" to evade these new budget constraints.[9]

For example, if a Senator proposed expanding the Medicare entitlement program to include coverage for long-term care, such expansions could not occur unless the programs were revenue neutral, either by dedicating a specific revenue source to pay for the expanding program or by cutting (reducing) some other medical services within the Medicare program to pay for these new services. But, should a Senator be able to obtain at least 60 votes from legislators who agreed that they wanted to add this new program no matter what the budget consequences, the budget enforcement laws would be waived and the Senator's substantive amendment would be considered on its merits.

The message: action may be difficult, but it is not impossible.

ii. The consequences of a failed budget policy

As the 103rd Congress begins, it is confronted with a deficit of more than $300 billion[10], and a federal debt that have quadrupled from $735 billion[11] when President Reagan first took office January 1981 to $3 trillion today.[12] To put that in perspective, consider the fact that current interest on the federal debt, $200 billion[13], far exceeded combined federal spending on welfare, education, housing, and transportation in 1992.[14] More important, as the interest on the federal debt multiplies, it further erodes the ability of legislators to address "mounting" domestic problems of children, middle-aged, elderly and disabled Americans. In otherwords, about 14 cents of every dollar is spent to pay interest on the national debt.[15] And, if circumstances remain the same, by the year 2003 it is estimated that the public debt will equal 78% of the gross domestic product.[16]

iii. Defining the problems and examining the realities

The Impact of the Federal Debt on Specific Entitlement Programs

An issue that is rarely discussed is how the federal debt and the net interest on it can stymie the ability of both Congress and the incumbent Administration to effectively orchestrate change. Particularly critical here is how the interest on the federal debt can bind Congress from making effective changes in domestic policy, and further eroding its ability to help rebuild our human and structural infrastructure.

For example, in 1980, before President Reagan took office, interest on the federal debt was $75 billion or 8.9 percent[17] of what the government spent. This meant that nine cents our of every dollar taxed was spent paying off interest on the debt. Today, approximately 14 cents our of every $1 the government spends is used to pay off accrued interest on the debt. Notwithstanding, when this problem is considered in conjunction with four federal entitlement programs (Medicare Part A, Medicare Part B, Social Security, and Medicaid), the compounded impact on the federal budget and each of us is enormous.

Social Security[18]

As a percentage of taxable earnings, Social Security costs represent approximately 11 percent today. This means that 11 cents of every federal tax dollar is dedicated to the Social Security program. As baby boomers begin to retire around 2025, Social Security as a percentage of payrolls will represent more than 15 cents of every dollar taxed.

Social Security and Medicare Part A

When Social Security is combined with Medicare Part A, they represent about 13 cents of every dollar taxed. By the year 2025, these two programs will consume almost 24 cents of every dollar taxed.

Social Security, Medicare Parts A and B

Adding Medicare Part B to the equation means today the three programs (Social Security, Medicare Parts A and B) represent 15 cents of every federal dollar taxed. By 2025 they will account for more than 30 cents of every dollar.

Social Security, Medicare Parts A & B and Medicaid

By adding Medicaid to this mix of programs, we find that these programs represent 20 cents of every dollar taxed today. In the year 2025 they will consume approximately 43 cents of every dollar.

Social Security, Medicare Parts A & B, Medicaid and Net Interest on the Debt

By including the costs of net interest on the federal debt with the four entitlement programs cited, 24 cents of every tax dollar will be used for these five programs today. This number will escalate to 51 cents in 2025. In other words, four federal entitlement programs and the net interest on the federal debt could consume 51 percent of each payroll tax dollar.

When examining this problem as part of the Gross Domestic Product, the magnitude is even more apparent. Today, these five programs represent $1 of every $10 of federal tax dollars the government spends. By the year 2025, they will represent $1 of every $5. This means that the federal government will spend as much on these five programs in 2025 as the entire federal budget today.

Result: Hard Choices

This means as a nation we have mortgaged our future leaving middle-aged Americans, their children and grandchildren with a colossal debt and all of its consequences. President Clinton has proposed unheralded tax increases to begin attacking this problem. Sadly, however, such tax increases adversely impact middle-aged Americans as they prepare for retirement in 10 or 15 years, and force the "baby-boom" generation to forestall building savings for the future.

Arguably, such tax increases should help not only defray the debt, but make more domestic dollars available for federal initiatives in problem areas that Republicans failed to address—or did they? Let's examine this issue.

In truth, we do not have the resources today to accomplish the bold agenda set forth by President Clinton, nor do we have the ability to enact comprehensive measures yet to be formally proposed unless we impose even greater tax increases on both corporations and individuals of all incomes. Moreover, Congress and the Clinton Administration will also have to address significant spending cuts until the deficit and the debt problem is arrested.

This means that Congress must prioritize federal spending, setting the stage for a greater class and age conflict. With some 20 Democratic United States Senators up for reelection in 1994, the supportive rhetoric in favor of the President's initiatives may soon erode and Congress must grapple with the cold hard reality of an even greater federal deficit and debt, or dare to cross the line and tell more than 30 million persons aged 65 and over that their problems are not as important as the future of this nation, both its human and structural infrastructure.

Similarly, Congress will have to address the growing problems facing children under the age of 18, primarily in the areas of education and job training. I will argue that unless and until we address the total needs of children under the age of 18, the future of this once vibrant nation will remain in severe jeopardy. But, we must address these needs without bankrupting middle-aged Americans through regressive tax increases.

The best way to prepare to address the challenge of the future is to examine the needs of three groups in particular, (1) children, (2) middle-aged Americans, and (3) older Americans, and determine what steps should be taken to respond to a growing generational dispute and the increasing war of words. Arguably, the status of children is directly dependent upon the well being of their parents. That means that their health and economic status are directly dependent on the economic survival of their parents—middle-aged Americans.

II. DEMOGRAPHICS

i. Older Americans

We know that America is an aging society. While this is not new, the reality of its implications continues to present the Congress and society in general with difficult moral and political decisions. Those decisions are tied directly to the budget debate in Congress and a potential class warfare for middle-aged and older Americans.

Between 1960 and 1990, the portion of the population age 65+ had nearly doubled growing from 16.7 million to an estimated 31.6 million,[19] while the proportion of young people had decreased by 28 percent.[20] In 1989, 1 in 8 Americans was at least 65 and by the year 2030, 22 percent of the population will be 65 and older, while 21 percent will be under the age of 18.[21]

As the population has grown older, it is important to note that the ratio of elderly people to those in the working population has also radically changed. In 1900, there were about seven elderly people for every 100 people of working age. In 1990, the ratio was about 20 for every 100, and by the year 2030, it will increase to 38 per 100.[22] Perhaps a more instructive way of examining this issue is as follows:

Following the Korean conflict in 1950, there were about 16 workers for every retiree receiving Social Security;[23]

In 1960, the ratio had been reduced to five to one;[24]

By 1970, that ratio had been reduced to about three to one;[25] and

By 2020, when many baby boom children retire, the ratio of workers to retired persons is expected to be reduced to a ratio of approximately 2.2 to one.[26]

The declining ratio of workers to Social Security recipients will result in forcing our working population and their employers to pay even higher Social Security taxes to support an aging population.

ii. Children

The demographic numbers discussed previously are important because they represent not only a portrait of a changing America, but raise the question of whether there are similar transformations occurring at the other end of the age spectrum. The answer is a dismal no.

The birth of the "baby-boomer" generation following World War II, saw childbirth increase from 2.6 million to 3.6 million over a period of ten years (1940–1950), peaking at about 4.3 million in the early 1960's.[27] Since then, there has been a downward spiral in childbirths. The reality is that unless we bring healthy children into this world, ensuring that mothers obtain the necessary prenatal[28] and postnatal care needed, healthy children, our future workers will be unable to sustain meaningful employment or provide much of any benefit to society.

To effectively understand how well the political grim reaper has devastated our current and future populations of children under age 18, it is important to examine the perils faced by children in America today. This writer believes that Congress has too often yielded to the perceived political clout of elderly voters. The result has been the creation of a safety net full of gaping holes for children and middle aged Americans.

For example:

One year olds in the U.S. have lower immunization rates than children of the same age group in 14 other countries,[29] and the problem of adequate immunization is getting worse—particularly among certain racial and economic subgroups.

Evidence of this problem has recently been brought to the forefront by the Centers for Disease Control (CDC).[30] CDC has estimated that less than half the two-year olds in the United States are fully vaccinated.[31] And, the rate may be as low as 10% in certain inner city areas.[32]

The problem today is not the availability of the vaccines, rather, it is failing to get the vaccines to the most susceptible children at an early enough age, inadequate public health structures, parents who do not understand or care about the importance of the vaccines, and physicians who fail to ensure that every child who comes into their office at that age has been fully vaccinated.[33] The fact that the Congress and the federal government have allowed this to occur, confirm that the basic needs of children have gone unaddressed.

III. CHANGING POPULATION PRIORITIES

i. The health care debate: Can we strike a balance of need vs. perception?

a. Children

We begin from two parallel paths. First, we know that of the more than 33 million[34] uninsured Americans, about one-fourth are children.[35] Second, one out of every five is poor.[36]

Concerning the uninsured population as a whole, it is instructive to understand some basic information. First, of the more than 33 million uninsured Americans:

70 percent who are uninsured remain that way all year;[37]

30 percent of the uninsured remain so for part of the year;[38]

Many of these are workers employed where their annual income is between 100 and 200 percent of poverty;

Three-quarters of the uninsured are workers or their dependents;[39] and

Persistently uninsured persons are often not categorically eligible for Medicaid.[40]

Approximately one-fourth of the uninsured are children under the age of 18. These are children who come from single and two-parent homes, but because the parent's employer either does not provide health insurance coverage or coverage is limited to only the employee, these children have no health insurance. For example, in 1980, 40 percent of employers provided full health insurance coverage for dependents. By 1990, this had been reduced to 30 percent.[41]

Moreover, it is estimated that one-third of all mothers receive insufficient prenatal care.[42] This is caused by two factors. First, 14 million women of reproductive age cannot afford health insurance, and second, obstetricians working in our largest cities are refusing to treat pregnant women on Medicaid or who lack health insurance.[43] The lack of accessible prenatal and pediatric health care has had and continues to have a three-fold impact on children:

1. Children born to mother who did not have comprehensive prenatal care are at significantly greater risk for infant mortality, low birthweight and developmental delay or impairment;[44]

2. Low birthweight and developmental delay when combined with inadequate pediatric care are correlated with increased susceptibility to illness, poor health status, and lower school achievement;[45]

3. Fetal malnutrition affects up to 10 percent of babies born in the U.S. This damage occurs during the twelfth to twenty-fourth weeks of gestation, a time critical to brain development;[46]

Compounding the problem facing children generally, are the dual perils facing children from families living in poverty. Research studies that have focused on child development have found that poverty is the greatest single predictor of "health problems, underachievement and/or failure to graduate from school, and subsequent welfare dependency."[47]

Children from families living in poverty are at an increased risk for many health problems that do not otherwise face the average American family.[48] Specifically, poor children are more likely to become ill and suffer from more serious illnesses.[49]

Today, one out of four children lives in families with incomes below the poverty level.[50] As the children reach adolescence, those who are members of a racial or ethnic minority are particularly at risk because it is unlikely there will be a safety net to help them.[51]

Even more startling is the impact of drugs and alcohol on children born each year. For example, about 40,000 babies are born annually in the U.S. with profound problems related to alcohol abuse by mothers during pregnancy.[52] Moreover, about 10 percent of all newborns had mothers who used marijuana, cocaine, crack, heroin, etc. during their pregnancy.[53] Children born from these circumstances are more likely than their contemporaries to have low birth weight, and be developmentally delayed and learning impaired. And, for those children who mother abused alcohol during pregnancy, the likelihood of increased language deficiency and mental retardation are heightened.[54] Perhaps the most troubling cost aspect is the fact that while babies of low birth weight account for only 7 percent of all births, they consume almost 60 percent of all health care costs for neonates.[55]

Further, children born to teenage unwed mothers is also on the increase.[56] Since the mid-1980's, births to teenage mothers have increased in the aggregate by almost 10 percent.[57] Even more alarming is the dramatic increase in the rate of births to unmarried mothers. For example, between 1960 and 1988, the birthrate of unmarried mothers increased from 5 percent to 25 percent.[58]

The final factor jeopardizing the lives of children born to poor women whose health insurance is provided through Medicaid is the fact that these future mothers are more likely to delay receiving prenatal care than women whose health care is financed by private health insurance.[59] While there are numerous reasons for this, what is most important is the fact that these children enter life behind everyone else.

Poor children often begin school two steps behind the curve. Poverty, lack of proper diet and nutrition, a healthy home environment, etc. are all factors that contribute to causing children to start school without a good beginning.[60] These are not positive signs as we prepare future generations of workers.

To remain competitive in the Twenty First century, we will need people who have the skills necessary to function in a technical and information oriented world.[61] This means children who have grown up healthy both physically and mentally.[62] Absent immediate steps to resolve the problems confronting pre-school age children today, an estimated one-third of the one million children projected to be entering the first grade simply won't be prepared.[63]

In the United States today, it is estimated that we spent more than $70 billion on health care for children and pregnant women, more than any other county in the world. Yet many children born today in the United States have less of a chance of surviving than a child from many third world countries.[64] Sadly, there is no quick fix to our high infant mortality rates.[65]

The national complacency demonstrated by federal and state governments, federal and state legislators and businesses, has left generations of future Americans beginning life behind their peers and ultimately, as they become the next generation of workers, our nation is at risk of being unable to compete in the global marketplace.

b. Elderly Americans

Unlike the more than 12 million children who are without health insurance coverage, retried Americans do not suffer a similar plight. Fewer than one percent of persons age 65 and over lack health insurance coverage for hospitalization and physician care[66], and some six percent of elderly persons have dual Medicare and Medicaid coverage.

The importance of this comparison is to underscore a new argument for the "have's" and "have not's." Traditionally, the argument has been successfully articulated that elderly Americans even with Medicare coverage are being financially devastated by catastrophic illnesses, rising prescription drugs prices and cost of nursing home care.[67]

When Congress passed the Medicare Catastrophic Coverage Act, cost was not an overriding consideration for two reasons. First, 1988 was an election year and both Democrats and Republicans alike wanted to go home and represent to voters over age 60 that they had accomplished the impossible—comprehensive reform to Medicare—something that had not happened since the passage of Medicare. Retired Americans are important voters because a majority of them cast their votes. Second, the Congressional Budget Office (CBO) had told the Congress that this legislation with certain provisions built into it, would not cost the government more money.

Interestingly, while campaigning for the retiree vote, Congress was refusing to address a much greater national epidemic—ensuring that no child was ever without necessary * * *.

While I do not argue that older Americans suffer from the lack of affordable public and private coverage for long term care, this need does not rise to the same level as guaranteeing that a child obtains the medical care necessary to survive pre and post-birth. It would be nice to begin the next century knowing that every child who enters the world does so with an even chance, not a step behind because their parents could not afford health insurance.

c. Middle-Aged Americans

i. Raising a family

Middle-aged Americans suffer from the double-edged sword of trying to prepare their families for the future, while concurrently facing the arduous task of preparing for retirement. In both cases, they are struggling.

Before the children of middle-aged Americans leave home, many go to college hoping and planning for a better life than the one they perceive their parents are living. However, because the costs of both public and private colleges and universities have skyrocketed, many middle-aged families are signing or co-signing education loans, taking second mortgages on their homes, and basically mortgaging their future for their children. In addition, if they have been reasonably successful through their professional careers, they have also seen their tax burden increase—not decrease.

ii. Becoming a parent again even after all their children have grown and moved out

Another peril facing middle-aged Americans today is the fact that their parents are living longer and as a result, parents often become dependent upon a child.[68] Too often, when one parent is institutionalized or dies, the other parent moves in with a child. As this occurs, familial and financial burdens change. No, the parent is not a dependent for purposes of the U.S. tax code, but she lives there and often needs financial assistance with medical costs, clothing and other living expenses. The middle-aged Americans who thought that once the last child left home they would face a different kind of life was right. Unfortunately, it is not the kind of difference they expected.

This problem is further exacerbated by a growing problem in the United States—Grandparents as Parents. As the children of middle-aged Americans marry, some have sadly become parents long before they should have. This, coupled with the fact that drugs or crime also becomes a part of their life, has forced middle-aged Americans into the role of parent again. Not for their own children, but their grandchildren.

Such changes to the lives of middle-aged Americans has been difficult financially and emotionally. Yet, the federal government rarely offers any kind of support unless the daughter or son is willing to give up custody and the grandchild is adopted by the grandparents.

iii. Middle-aged and fighting for employment

The problems facing middle-aged Americans today are further complicated by the reality that many have and will be tantalized with the luxuries presented by early retirement. However, as this occurs, more middle-aged persons will be mustered out of the workforce with promises of long-term benefits that disappear as quickly as the ink dries.[69] Thus, the once comfortable position of financial security fostered by employment begins to erode and with it the ability to control one's destiny.

As an industrialized nation, the United States continues to promote opportunities for the young and disadvantaged, seemingly leaving behind older workers. Thus, we are seeing job destruction now beginning to have an even greater impact across the age spectrum. This, coupled with the fact that job creation that "proliferated 18.6 million jobs during the 1980's has petered out in the Nineties."[70]

Currently, only 15 percent of workers recently laid off expect to return to the same position.[71] And, the unemployment picture across the U.S. does not appear much better:

6 million people are now working part-time because they have been unable to obtain full-time employment; and

Major corporations like Sears, IBM, Boeing, and United Technologies have cut or announced the reduction of more than a 116,000 total combined jobs.[72]

CONCLUSION

America's future lies in abeyance while its political leaders and interest groups try to carve out a path for this nation. Every day, more and more children are suffering and greater numbers of middle-aged Americans are placing their lives in economic jeopardy in order to pay for the programs of the "me-first" generation.

The road we follow today will set the course for future generations—some who have already begun life and others who are yet to come. For too long we have heard from politicians who assert that budget rules and restraints are prohibiting our ability to move forward. What you have not heard is that these are not insurmountable roadblocks that can be overcome, but they haven't.

We have allowed inter-generational warfare to rear its ugly head, but that might not be as bad as it sounds. Given what four entitlement programs and interest on the national debt are doing, issues of equity need to be discussed and carefully examined as we look out towards the future.

With a deficit of more than $300 billion, it should be recognized that being a loud squeaky wheel will mean your group will be first in line. Similarly, the issue is not taking from the elderly and giving to the very young because we now understand that the parents of the very young are also hurting.

While the marketplace of ideas remains intact, as a nation the decisions are going to be very difficult. We must have the courage to make the hard decisions about what is best for America now and in the future.

The problems facing children, middle-aged Americans and retired citizens cannot be looked upon as single issues—because they are woven together and impact each of us either economically, personally or professionally.

One thread truly does unite us all—children and their future. For without children, we have no future. With them, we can begin to rebuild our nation's human infrastructure and compete in the global marketplace of ideas and decisions.

FOOTNOTES

[1] Mr. Lewis is the former Republican Staff Director for the United States Senate Special Committee on Aging, and currently serves as the Chief of Staff (issues) for Mrs. H. John Heinz III and Executive Director of the Heinz Family Foundation. None of the material contained herein or his oral presentation are necessarily representative the views of the Heinz Family or its philanthropies.

[2] Drew Altman, Child Health (unpublished paper prepared for Our Children's Future Retreat) (April 20-22, 1990) at 1.

[3] Donald Robinson, "Save Our Babies," Parade June 30, 1991 at 8.

[4] David Olds, Home Visitation as a Preventive Intervention for At-Risk Families (unpublished paper prepared for the Our Children's Future Project) (September 25, 1990) at 1.

[5] P.L. 99-177, the Balanced Budget and Emergency Deficit Control Act of 1985, better known as the Gramm-Rudman-Hollings (GRH) deficit reduction law; P.L. 100-119, the Balanced Budget and Emergency Control Reaffirmation Act of 1987; and P.L. 101-508, the Budget Enforcement Act of 1990 which established among its titles procedures to enforce a five-year $500 billion deficit reduction package.

[6] P.L. 99-177.

[7] P.L. 101-508.

[8] D. Koitz, "Social Security: Its Removal From the Budget and Procedures for Considering Changes to the Program," 92-23 EPW Congressional Research Service/Library of Congress 1, 4-5 (1993).

[9] For example, a point of order provision was included that requires a Senator to obtain three-fifths of those Senators voting to avoid coming within the confines of the pay-as-you-go provision.

[10] 139 Cong. Rec. 3084 (daily ed. March 18, 1993) (statement of Sen. Hollings during the Congressional debate on Concurrent Budget Resolution for Fiscal Year 1994).

[11] Id. at 3086.

[12] 139 Cong. Rec. 3018, 3020 (daily ed. March 17, 1993) (statement of Sen. Sasser during debate of the Concurrent Resolution on the Budget for Fiscal Year 1994).

[13] Id. It is also important to explain that the debt has quadrupled since 1980. Moreover, by having to continue to dedicate federal dollars to pay off the net interest on the debt, such funds cannot be used for improving education, health care or infrastructure.

[14] K. Cahill, "The Largest Entitlement Programs", 92-400 EPW Congressional Research Service/Library of Congress 1, 3 (1992).

[15] Sasser at S3020.

[16] Id.

[17] This percentage is expected to double in 23 years to 17.8 percent, and the deficit will increase to more than $653 billion under current budget policy.

[18] This analysis was prepared with the assistance of David Koitz of the Congressional Research Service, Library of Congress.

[19] U.S. Department of Commerce, Bureau of the Census, Series P-25 No. 1018, "Current Population Reports: Projections of the Population of the United States, By Age, Sex, and Race: 1988-2080" 8 (1989).

[20] "Aging America: Trends and Projections" (1991 edition) at page xix (hereinafter referred to as Aging America).

[21] Id.

[22] "Aging America" at xix.

[23] H. Hodgkinson, "Where the Myths Meet the Facts," 1991 CDP Demographics for Education Newsletter 1, 3.

[24] Id.

[25] Id; see also Linda Darling-Hammond, Education for the 21st Century (unpublished paper) (April 20-22, 1990) at 1 ("as our aging population continues to increase substantially, the greater costs for Social Security, health care, and other services will be borne by a smaller number of potential").

[26] Id.

[27] Green Bok at 958.

[28] Research from the Institute of Medicine has found that a $1 of investment in prenatal care saves more than $3 in the care of low-brithweight infants.

[29] "Children 1990: A Report Card, Briefing Book and Action Primer," Children's Defense Fund 1990, 1, 6 (1990) (hereinafter referred to as CDF).

[30] "Childhood Immunization," U.S. Department of Health and Human Services "Fact Sheet," February 12, 1993 at 1.

[31] Id.

[32] Id.

[33] Measles is an example of this problem. Before the measles vaccine was approved in 1963, there were an average of 400,000-500,000 cases reported each year. Following the introduction of the vaccine, reported cases dropped to 1,497. However, the cases of reported measles during the fall of 1989 was the highest of the decade and, between 1989-91 the measles epidemic had once against emerged as a major health threat with 55,000 cases reported and 64 deaths—the highest in two decades.

[34] Dr. Louis W. Sullivan, Secretary of the U.S. Department of Health and Human Services address to Howard University (February 19, 1991).

[35] "Beyond Rhetoric: A New American Agenda for Children and Families," the Final Report of the National Commission on Children, 1, 137 (1991).

[36] Jason Juffras and Isabel Sawhill, Our Children's Future: Introduction and Overview (April 9, 1990) (unpublished manuscript); see also Barbara Starfield, "Child and Adolescent Health Status Measures," 2 The Future of Children 25, 33 (1992).

[37] G. Wilensky, Presentation before the United States House of Representatives, Committee on Ways and Means, April 19, 1991.

[38] Id.

[39] Id.

[40] Wilensky at 4; see also S. Rep. No. 101-114, "A Call for Action," report of the U.S. Bipartisan Commission on Comprehensive Health Care (1990) at 3 (in 1987, among families with incomes below 25 percent of poverty nearly one-quarter were not covered by Medicaid and, by 1990 55 percent of the poor were not covered).

[41] Congressional Research Service of the Library of Congress, Committee Print prepared for the House Committee on Education and Labor, Subcommittee on Labor-Management Relations and the House Committee on Energy and Commerce, Subcommittee on Health and the Environment, and the Senate Special Committee on Aging, "Health Insurance and the Uninsured: Background Data and Analysis," 1, 66 (1988).

[42] "The Financing of Maternity Care in the United States," Alan Guttmacher Institute at 27 (1987).

[43] Donald Robinson, "Save Our Babies," Parade June 30, 1991 at 8.

[44] "Beyond Rhetoric" at 122; see also "Health Technology Case Study 38: Neonatal Intensive Care for Low Birthweight Infants: Costs and Effectiveness," Congress of the United States, Office of Technology Assessment (1987); "Preventing Low Birthweight," Institute of Medicine, pages 221, 224, and 232; "The Future of Children," 2 Center for the Future of Children 1, 13 (1992) ("low birthweight babies who account for 7% of all births consume almost 60% of the health care costs of all newborns"); and Andrew Racine, Theodore Joyce and Michael Grossman, "Effectiveness of Health Care Services for Pregnant Women and Infants," 2 The Future of Children 40, 47 (1992) (infant mortality rate among black babies is twice that of white babies).

[45] L. Schoor, "Within Our Reach: Breaking the Cycle of Disadvantage" (1989); see also, B. Schultz, R. Rogers and M. Albert, "Overcoming the Odds: Children at Risk in Pittsburgh and Allegheny County 1990" (1990); Donald Robinson, "Save Our Babies" Parade June 30, 1991 at 8 (low birthweight accounts for about 66 percent of all infant death).

[46] L. Newsman and S. Buka, "Every Child a Learner: Reducing Risks of Learning Impairment During Pregnancy and Infancy," Denver Education Commission of the States at 17-18 (1990).

[47] L. Schoor, supra note 38.

[48] "Beyond Rhetoric" at 79.

[49] Barbara Starfield, "Child and Adolescent Health Status Measures," 2 The Future of Children 25, 33 (1992).

[50] Drew Altman, Child Health (April 20-22, 1990) (unpublished paper); see also K. Keniston and the Carnegie Council on Children, "All Our Children: The American Family Under Pressure," 1, 76 (1977).

[51] "Adolescent Health," Congress of the United States/Office of Technology Assessment (Vol. 1 Summary and Policy Options) (1991).

[52] Ernest Boyer, "Ready To Learn: A Mandate For The Nation" (Princeton University Press, 1991) at 17; see also Juffras and Sawhill at 3 (It is also important to note that the number of children in foster care jumped from 275,000 in 1985 to more than 340,000 in 1988, an increase attributed in part to drug abuse).

[53] Boyer at 17.

[54] Newsman at 8.

[55] National Commission to Prevent Infant Mortality, "Troubling Trends Persist: Short-Change America's Next Generation," Washington, D.C. Match, 1992.

[56] "Current Population Reports: Projections of the Population of the United States By Age, Sex and Race 1988-2080," U.S. Department of Commerce, Bureau of the Census, series P-25, No. 1018, 1, 8.

[57] E. Lead, "Teenage Childbearing," 2 The Future of Children (1992) at 186, 187.

[58] 1 "Vital Statistics of the United States" (Natality) 7, U.S. Department of Health and Human Services, National Center for Health Statistics (1988) (table 1-6).

[59] E. Howell, et. al, "A Comparison of Medicaid and Non-Medicaid Obsterical Care in California;" 12 "Health Care Financing Review," 1-15 (1991); see also M. Grossman and T. Joyce, "Unobservables, Pregnancy Resolutions, and Birth Weight Production Functions in New York City," 98 Journal of Political Economy 983-1007 (1990).

[60] H. Hodgkinson, "Reform Versus Reality" 73 Phi Delta Kappa 10 (1991); see also Lawrence Schweinhart and David Weikart, Chapter 5 "The High/Scope Perry Preschool Program" (Fourteen

Ounces of Prevention) at 53 ("poor children are likely to fail in school * * * and students who fail in school are likely to become adults who live in poverty").

[61] Barbara Bowman, Early Childhood: Laying The Foundation (unpublished paper for Our Children's Future Project) (September 25, 1990) at 1.

[62] Id.

[63] Southern Regional Education Board, "Goals for Education: Challenge 2000" at page 5 (1988).

[64] J. Heinz, "Health Care for Children: Our Future—Our Destiny," Federation of American Health Systems Review 6, 8 (November/December 1990).

[65] Sharon Voas, "Infant Mortality Solutions Sought," Pittsburgh Post-Gazette, March 17, 1993, at B-1, 4.

[66] "Aging America" at 131.

[67] 133 Cong. Rec. S. 29315 (daily ed. October 27, 1988) (statement of Sen. Roth).

[68] J. Lewis, "Changing Trends in American Families and The Future of Health Care in America", speech to the Western Michigan Gerontological Society (1992).

[69] M. Beck, "The New Middle Age," Newsweek December 7, 1992 at 50, 52.

[70] M. Magnet, "Why Job Growth Is Stalled," Fortune March 8, 1993 at 51, 52.

[71] K. Labich, "The New Unemployed" Fortune March 8, 1993 at 40.

[72] Id. at 41.•

TOBACCO LEGISLATION

• Mr. McCONNELL. Mr. President, last week my colleague from Texas, Senator KRUEGER, introduced legislation to eliminate the price support program for tobacco. I feel compelled to inform the Senate of the consequences of such an ill-advised proposal.

All too often in the debate over tobacco, it is the farmer who is the forgotten part of the industry equation. People criticize the tobacco industry and its powerful lobby and broadly state "let's end the Government's involvement in the tobacco industry" without regard to what happens to our tobacco farmers. Tobacco companies have diversified into many other areas of business and the companies will survive, but the tobacco farmers in my State have few other options.

Tobacco ranks sixth among field crops produced in the United States. Total U.S. tobacco production is 1.6 billion pounds and farmers in 16 States earned over $3 billion from the sale of tobacco in 1992. More burley tobacco is grown in Kentucky than anywhere in the world. Last year Kentucky farmers earned nearly $900 million from the sale of tobacco and that multiplied into over $5 billion in economic benefits, from labor hired, to goods and services bought.

The average Kentucky farmer grows less than 3 acres of tobacco and, there is no other crop alternative which provides the income tobacco does on such a small acre. The economics of this intensively managed crop does not lend itself to planting soybeans, peanuts, or corn. There have been attempts to replace tobacco production with other crops and almost none are economically feasible.

Beyond the farm gate, tobacco farming is immensely important to hundreds of small rural communities. There are tobacco quotas in 119 of Kentucky's 120 counties and it is actually grown in all but 5 of those counties. Without the tobacco program the value of farmland would fall dramatically, local tax bases would diminish significantly, and the loss of income from leasing the tobacco quota, or actually growing the crop, would reduce the standard of living considerably across my State. Nearly 160,000 families derive income from tobacco production, and thousands more people earn their living from an area in the marketing and manufacturing process. Eliminating the tobacco program would essentially destroy an asset base worth more than $3 billion.

The tobacco program was adopted in Agricultural Adjustment Act of 1938 which attempted to boost prices and control the supply of tobacco. Through the years there have been a few modifications to the program, but the basic underlying intent to stabilize the supply of tobacco and reduce farmers' price volatility remains intact. This is really no different from any of the 14 other commodity programs which seek to reduce the economic uncertainty from agricultural production.

The tobacco program attempts to achieve stability through a combination of a statutorily determined price support and strict acreage and poundage allotments to limit production. The method of price support is a nonrecourse loan through the Commodity Credit Corporation within the U.S. Department of Agriculture. The overwhelming majority of tobacco is sold above the price support and is never covered by the loan program, but, if for some reason, a farmer's tobacco does not sell for the Government-prescribed price the tobacco goes under a nonrecourse loan. The farmer's tobacco is taken as collateral in exchange for the loan. The tobacco is later sold and any loss in operating the program is made up by assessment to tobacco growers and manufacturers, not by taxpayer dollars. Tobacco loans made this year would not normally be repaid until some later year. This is not a subsidy or a gift. The program operates with Government-backed loans repaid with interest, and this has been the case for more than a decade.

The No Net Tobacco Act of 1982 established the only self-supporting commodity program. Annual assessments to growers and manufacturers are used to reimburse the Government for any financial losses. In fact, over the past 5 years, the USDA has received more than $1.3 billion from profits generated through the operation of the tobacco program. Mr. President, I want to reemphasize that the tobacco program operates at no net cost to the taxpayers, it is fully funded by the tobacco growers and manufacturers.

Throughout the entire 50-year history of the tobacco program the U.S. Government has lost only $65 million out of the more than $8 billion in principal loaded out to operate the program. I would point out that the U.S. Government has lost nearly $30 billion on other commodity loan and inventory operations.

The tobacco program provides market stability to farmers. Without the program I predict that tobacco would still be grown in our country but only by a few large farmers. Or the tobacco would be purchased from 1 of the more than 100 foreign countries which grow tobacco. It is interesting to note that the United States produces only 9 percent of the world's tobacco. Ending the tobacco program would merely open the door for other countries to fill the demand for tobacco products. Very few of Kentucky's 60,000 tobacco farmers would remain in business without the tobacco program.

Admittedly, there are administrative costs associated with tobacco just as there are for cotton, cattle, or corn. Actual costs associated with tobacco related activities in USDA have averaged only $26 million over the past 10 years. Included in this total are the administrative costs for ASCS personnel, Economic Research Service Situation and Outlook Reports, and market reporting by the Agricultural Marketing Service. Other USDA agencies such as the Foreign Agricultural Service, Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Statistics Service have expenses included in the $26 million. These types of costs are inherent in the role of USDA's service to farmers. Also, it is very difficult to separate out tobacco from normal operating activities within USDA, and I would argue that $26 million annually is inaccurately high.

In the Omnibus Budget Reconciliation Act of 1990, tobacco, like many other commodities, was required to contribute to deficit reduction. Even though tobacco is the only commodity program which operates at no net cost to the Government, it is still required to contribute to deficit reduction. An assessment is collected on every pound of tobacco marketed and in fiscal year 1992, this assessment generated over $24 million of revenue for the Government.

Whatever an individual's personal views are on tobacco, the economic importance of this crop is undeniable. In addition to the 2.5 million jobs for American workers, the sale of tobacco products generates nearly $20 billion in tax revenue, contributes over $40 billion to the gross national product, and provides a trade surplus of about $6 billion. A single tobacco plant generates 61 cents in gross farm income, $3.24 in Federal taxes, $3.51 in State tax revenue, and more than $23 in retail product value.

Leading tobacco States like North Carolina, Kentucky, and Virginia are not the only States whose economies benefit from tobacco. Tobacco provides jobs to countless Americans. The hundreds of thousands of people involved in the tobacco industry buy cars built in Michigan, refrigerators built in Iowa, computers from California, and buy insurance from New York companies. Also, the billions of tax dollars supplied by the many facets of the tobacco industry support schools, pay for roads, help build America, and sustain the history we are all so very proud of.

Mr. President, tobacco helped the Nation pass through its early growing pains and it has remained a vital element in our economy. It has touched in one way or another, for over 400 years, almost every aspect of human life, religion, education, agricultural advancement, politics, and the arts. Tobacco has been an integral part of Kentucky history and economy for over 200 years and it is my sincere hope that it will continue to do so for many years to come.

Elimination of the tobacco program as this bill suggests would do irreparable harm to our tobacco farmers. It would essentially take away the limits from the amount of tobacco produced and lower the price of tobacco. Tobacco companies would survive and people will continue to smoke, but our farmers would be out of business and hundreds of small rural communities would dry up. Mr. President, I yield the floor.•

UNIVERSAL PURCHASE VACCINE INITIATIVE

• Mr. DANFORTH. Mr. President, yesterday Senators KENNEDY and RIEGLE introduced this administration's universal purchase vaccine initiative. I commend Senators KENNEDY and RIEGLE and this administration for their commitment to preventative health and the health and well-being of our Nation's children. The need to do a better job of immunizing America's children is beyond dispute, but the solution they propose is misguided.

The Centers for Disease Control and Prevention [CDC] estimated that in 1991 only 40–60 percent of all 2-year-olds were fully immunized. The recommended course of vaccines requires children to receive 5 vaccines: DTP—diphtheria, tetanus and pertussis; polio; MMR—measles, mumps and rubella; meningitis; and hepatitis B. In 18 shots, 15 of which should be received before age 2. In fact, this failure to immunize children in a timely fashion was the primary cause of the 1989 measles epidemic that afflicted over 55,000 by 1991 and consumed $160 million in health care costs.

Such results are especially disappointing in light of the known beneficial value of timely vaccination. Each $1 spent to vaccinate a child yields a potential savings of $10 on future care and treatment.

These facts are compelling. No one will argue on that point. The point of disagreement is over how to remedy the situation. The administration, while acknowledging a variety of measures designed to improve the infrastructure of vaccine delivery, has made the centerpiece of its proposal the universal purchase of childhood vaccines by the Federal Government. In fact, the proposal puts nearly three times as much funding into the purchase of vaccine as it does into addressing outreach, education, and infrastructure.

Data from the CDC shows that the 11 States that currently have universal purchase systems have immunization rates for 2-year-olds that are not significantly different from immunization rates in all other States. In light of this evidence, on what basis does the administration propose the universal purchase of childhood vaccines by the Federal Government?

In addition, the CDC estimates that a universal vaccine purchase program would increase the annual cost to the Federal Government of the childhood immunization program from about $350 million to approximately $1.5 billion. At the same time, it is widely acknowledged by experts in my State as well as those across the country that the cost of vaccines is not the major reason for poor immunization coverage; there is an ample supply of vaccines that are distributed free in public health clinics and, instead, it is the delivery, education, and outreach that require our attention. Even professionals at CDC acknowledge this off the record. How can the administration justify spending so much money on the Federal purchase of vaccines when the impact on immunization rates may be marginal? We should be targeting our limited resources to areas where we can do more good, namely improving the vaccine delivery system—including tracking, education, outreach, and coordination—and subsidizing the cost of vaccines for those most in need, rather than buying vaccines for children whose parents can afford them.

Aside from being wasteful and ineffective, there are also significant concerns about the impact universal purchase would have on the quality, availability and continued innovation of childhood vaccines. At a minimum, great amounts of Government energy would have to be expended to devise a system to replace the private market here. And all this when we do not even know how long the system would be in effect, since the proposal would not become effective until fiscal year 1995 and would phase out at such time as immunization services are provided for all children as part of health care reform.

Senators KASSEBAUM, DURENBERGER, HATCH, and I have been developing an alternative proposal that would address the real barriers to immunization without resorting to universal purchase. There are clear areas of agreement with Senators KENNEDY and RIEGLE on the need to develop a tracking system and to improve vaccine delivery, outreach, and education, but we were unable to support the elements of national universal purchase. This is a serious issue where we have an opportunity to significantly improve the health of children. We are hopeful that we can make this a bipartisan effort and will continue work on an alternative proposal to present when the Senate reconvenes in late April.•

FACES OF THE HEALTH CARE CRISIS—THE COSTS OF A CATASTROPHIC ILLNESS

• Mr. RIEGLE. Mr. President, I rise today in a continuing effort to put a face on America's health care crisis. Too many people in this country have inadequate health care coverage for catastrophic illnesses. Mary Ellen Lehikoinen of Livonia, MI, is one example of how high health care costs can be financially crippling when a catastrophic illness strikes. Mary Ellen's father wrote to me in January to tell me her story.

Mary Ellen is 29 years old and has been a diabetic for 25 years. She is insulin dependent and suffers from several secondary diabetes complications, including problems with her eyes, kidneys, and nervous system. Mary Ellen has a degree from the Detroit College of Business and upon graduation in 1987, she began working at Psychiatric Services in Southfield. But she was forced to quit her job in 1990 in order to receive kidney dialysis for her diabetic condition.

Mary Ellen's doctor referred her to physicians at the University of Minnesota Hospital who specialize in the type of treatment she needed. In February 1992, she had pancreas and kidney transplant surgery. After her surgeries, she was frequently rehospitalized for various infections. Mary Ellen was discharged from the University of Minnesota Hospital on February 19, 1993. She is currently at home being cared for by her parents who are senior citizens.

Mary Ellen has been on Social Security disability insurance and Medicare since 1991. As a result of the frequent and prolonged rehospitalizations, she exhausted Medicare's 90-day hospital benefit period and the 60-day lifetime reserve benefit. She has been unable to requalify for hospitalization coverage under Medicare because she does not meet the requirement of being out of the hospital for 60 days in a row.

Mary Ellen does have secondary insurance through a local HMO. This company, however, has a provision which rejects payment for costs incurred for care if the primary insurer has rejected payment for any reason. Because Medicare is not covering any of the hospital charges, the HMO will not pick up any of the hospital costs either. Mary Ellen and her family are currently in the process of appealing these coverage denials with her HMO. She has also applied for Medicaid through the State but it does not cover services outside of Michigan, so it will not help her with her current situation.

The bottom line for Mary Ellen is that she now owes more than $405,000 on hospital bills for surgeries and hospital stays throughout 1992. These bills represent what remains uncovered after Medicare payments were made and her hospitalization benefits were exhausted.

Mary Ellen's father and mother live on a fixed income from Social Security and pension benefits. The outstanding hospital bills weigh heavily on them—they worry daily about how and whether the bills will ever be paid.

Mary Ellen's situation illustrates what can happen to people whose health insurance has no limit on out-of-pocket costs, and does not provide coverage for catastrophic illnesses. She believed she had health care coverage sufficient to meet her needs. But because that coverage ran out, she is now faced with extremely high health care bills and feels she has nowhere left to turn.

Mr. President, this just isn't right. People need to have the peace of mind that, should they be hit with a catastrophic illness or injury, they will be able to obtain appropriate medical care, without fear of being financially ruined. That is why we need comprehensive reform of our health care system.•

FACA AMENDMENTS AND HEALTH TASK FORCE LITIGATION

• Mr. GLENN. Mr. President, the Department of Justice has notified the Senate Legal Counsel that, in an appeal to the U.S. Court of Appeals for the D.C. Circuit, the Department is arguing that, if the Federal Advisory Committee Act, which is also known as FACA, is construed to apply to the President's Task Force on National Health Care Reform, then the act is unconstitutional. From time to time when the Congress is notified that the Department of Justice is not supporting the constitutionality of an Act of Congress, on the ground of separation of powers, the Senate authorizes its counsel to appear to defend the law. There is good reason in the present matter, however, to rely on the effort of the Department of Justice to persuade the court that FACA does not apply to this task force, and to address the constitutional issues in the course of considering amendments to FACA.

Last year the Committee on Governmental Affairs reported S. 2039 to amend the Federal Advisory Committee Act. S. 2039 built upon legislation that I had introduced in the 100th and 101st Congresses and on which the Governmental Affairs Committee had held hearings in 1988 and 1989. In crafting last year's legislation, the committee further benefited from the views of a number of interested agencies and private organizations, both in writing and through meetings at the staff level. Unfortunately, there was no opportunity during the last Congress for action on S. 2039 by the full Senate.

Mr. President, several goals underlay the committee's proposed revisions to FACA. First, the bill sought to reorganize and reconcile FACA's various provisions. Second, the bill clarified a number of concepts and terminology used in the act that have raised problems throughout the law's 20-year history and, in some cases, have confounded courts striving to interpret congressional intent. Third, the bill strengthened ethical controls for advisory committees where appropriate and necessary.

I am convinced that enactment of S. 2039 would have strengthened and improved the Government's ability to draw upon the expertise of entities and individuals outside the Government through the advisory committee system. However, among the issues that have persisted are differences with the Department of Justice over particular aspects of the amendments, including constitutional concerns that the Department presented to the committee about the application of FACA to presidential advisory committees. The committee went to great lengths to address the Department's concern in S. 2039, but some differences remained.

Mr. President, now, after 20 years of experience under FACA, this is an appropriate time to return to our efforts to improve and reform the advisory committee system and ensure that advisory committee system and ensure that advisory committees provide the most useful, most balanced, and most cost-effective assistance to the federal government possible.

The pending litigation over the applicability of FACA to the Health Care Task Force highlights the need to ensure that the text of the advisory committee statute serves to accomplish its intended legislative objectives. Within the past few weeks, a Federal district judge held, over the arguments of the Department of Justice, that the President's Task Force on National Health Care Reform, chaired by the First Lady, Hillary Rodham Clinton, is an advisory committee covered by the requirements of FACA. The court went on to hold that some of the requirements of FACA, including the open meeting requirement as it pertains to deliberative meetings, were unconstitutional as applied to this task force. Other requirements do apply, according to the court.

The D.C. circuit has expedited the Department's appeal. The first argument of the Department is that the Health Care Task Force is not an advisory committee within the intended scope of FACA. The Department points out that FACA by its own terms does not apply to groups of full-time Federal officers and employees. The act's purpose is to ensure openness and balance in the provision of advice by the private sector and public at large to the Government, not to regulate the formation of policy proposals entirely within the Government itself.

The district judge concluded that the Health Care Task Force is a FACA committee solely because of the participation of the task force's chair, Mrs. Clinton. The judge found that, because the First Lady, alone among the members of the task force, is not formally an employee or officer of the Government, the task force is not a purely governmental body and, accordingly, is a FACA committee.

The lower court's reading of the law is inconsistent with the approach through which the Supreme Court has directed that FACA is to be construed, and that is to fulfill, not frustrate, Congress' intent in enacting the law. There is no support for the view that Congress has ever sought to regulate the manner in which the President chooses to avail himself of advice from the First Lady in performing his responsibilities. Historically, First Ladies of both parties have made great contributions to the success of the Presidency. The key to this discussion is that they have done so solely as the representative of the President, with no other outside employment or other arrangements with private interests causing concerns about conflict of interest. Mrs. Clinton is no exception. She represents no private interests in her work on the Health Task Force. She represents only the President. The fact that she is paid no salary for her work on behalf of the President does not render her a private citizen, as the district judge apparently thought.

In fact, Congress has explicitly recognized in Federal law the official role of the First Lady as a representative of the President by authorizing in 3 U.S.C. section 105(e) that governmental services be provided, not only to the President, but also "to the spouse of the President in connection with the assistance provided by such spouse to the President in the discharge of the President's duties and responsibilities."

In light of the history and law surrounding the position, and the facts of this case, the First Lady clearly has a unique relationship to the President and occupies a unique role in our Government. As the spouse of the President, Mrs. Clinton is the only individual, who, by virtue of that relationship, is unequivocally a representative of the President, whether or not an officer or employee of the Government under title V of the United States Code. The fact that this is a class of one does not diminish the importance of recognizing, as the Department of Justice is arguing, that Mrs. Clinton is not a private citizen within the contemplation of FACA. Construing FACA as seeking to regulate the participation of Mrs. Clinton in advising the President would lead to a result which does not fulfill the intent of Congress in enacting the law, and therefore, that interpretation should be avoided.

The gravity of the court's inaccurate reading of the intent of Congress is augmented by the court's subsequent determination, having decided that the act applies to the First Lady's role in the Health Care Task Force, that FACA is unconstitutional as applied to the task force's deliberations. The court eschewed the well-known rule, which the Supreme Court has applied in FACA litigation, to construe laws as to avoid interpretations that create serious constitutional questions. Instead, the district court chose to construe the law in order to force the resolution of a constitutional issue, which led to the court's invalidating the statute in this circumstance.

It is unfortunate that the district court felt it necessary to address questions about the constitutionality of the advisory committee statue in a setting so removed from its intended operation. FACA has served us well over the 20 years of its existence. It has led to accountability for advisory committees, better management of their operations, and the attainment of public scrutiny. These were all key goals of the three Senate sponsors of FACA, Senators Lee Metcalf, Charles Percy, and WILLIAM V. ROTH, JR. The executive branch has proven able to function under the law with no sacrifice to the performance of its functions. Invalidating this law on objections so abstract and theoretical, and so ungrounded in the practical reality and history of the law's operation would, in my view, be lamentable and unwarranted.

That is not to say that there is no occasion to examine the legal issues raised by the district court's opinion, for there is always room for improvement. In my mind, Mr. President, this recent controversy merely reinforces the basis for Congress to revisit the law of advisory committees to see where the Act may be revised and improved. During the course of this Congress, we should do what we in the Senate can to revise FACA in the areas in which it needs improvement and to provide legislative solutions to the interpretative issues that have taxed the courts. In addition to the elements contained in last year's bill, the current litigation suggests two other topics for examination.

First, we should consider adding a definition to the phrase "officer or employee" in the act, so as to put finally to rest any suggestion that a governmental task force includes private interests solely because a President has asked his or her spouse to represent the President by chairing the task force.

Second, we should renew our effort with the Department of Justice to consider the constitutional concerns which it has raised about applying FACA to Presidential advisory committees. Although last year's bill went far toward addressing the issuesraised by the Department of Justice, the overall issue of applying FACA to Presidential advisory committees is clearly on the table and could bear further analysis.

We now have a 20-year history of Presidential advisory committees under the act, which should provide a useful empirical record upon which the abstract legal arguments that have been made by the Department of Justice about FACA's intrusion into executive operations can be studied and evaluated. Speaking just for myself, I believe that those arguments have been overstated and that the record will show little, or more likely no, actual interference with the President's ability to perform his constitutionally committed functions resulting from the advisory committee law.

According to a study published by the Congressional Research Service, President Reagan appointed more than 20 advisory committees in the areas of foreign affairs, organized crime, the arts and humanities, housing and Social Security reform. See "Presidential Commissions: Their Purpose and Impact," by Stephanie Smith, August 7, 1987, page 39 (CRS No. 87-668 GOV). It appears his ability to receive advice in order to make legislative proposals to Congress pursuant to article II, section 3 of the Constitution was enhanced, not diminished, by his numerous blue ribbon FACA committees. For example, the National Commission on Social Security Reform, chaired by Alan Greenspan, was charged with developing recommendations for reform of the Social Security system, and its success in forging a bipartisan proposal ultimately led to the enactment of the Social Security Amendments of 1983. Ibid., pages 40–41. President Bush had a similar experience with his Commission on Federal Ethics Law Reform, whose legislative recommendations formed the basis for the Ethics Reform Act of 1989.

Moreover, it was the clear intention of the Congress in enacting FACA to include committees used by the President. During debate on the original FACA legislation, several key Senators criticized the Executive order that governed advisory committees at that time for its failure to cover such committees. (See 118 CONGRESSIONAL RECORD 30274, remarks of Senator Percy; 30278, remarks of Senator Metcalf; and 30280, remarks of Senator ROTH). I note that these Senators were particularly concerned that the record of some Presidential advisory committees showed a lack of:

> * * * adequate administrative guidelines and any mechanism for evaluation and followup of their public reports and recommendations, including what action was taken by the Executive—positive or negative—on such recommendations.

(See 118 CONGRESSIONAL RECORD 30272, remarks of Senator Metcalf; 30274, remarks of Senator Percy). For this reason, FACA's section 6(b) requires a report from the President or his delegate stating "either his proposals for action or his reasons for inaction, with respect to the recommendations" contained in a public report of a Presidential advisory committee.

Nevertheless, my mind remains open and the inquiry should be instructive. On the basis of our 20 years of experience with FACA, we can ask whether any of the asserted problems and issues regarding Presidential advisory committees are different from those involving the far more numerous agency committees. For example, we can study whether the high level of public scrutiny that Presidential committees naturally receive may take the place of some of the regulatory elements that have proven to be so critical at the level of agencies' advisory committees.

Although it has been the Congress' judgment, and my own opinion, that the present law serves faithfully to accommodate the mutual concerns of the legislative and executive branches, consistent with the Constitution's requirements, I am willing to reserve judgment until we have had an opportunity to reexamine the issues that I have discussed. It should be clear, however, that the focus will be on studying and refining and improving FACA, not on weakening or gutting the law.

Ultimately, examination of these various questions may contribute substantially to our ability to preserve the most important goals underpinning the advisory committee law and ensure that, when the Government calls upon individuals from the private sector for advice and assistance through the advisory committee system, it receives balanced views, subject to appropriate scrutiny from the public on whose behalf the Government acts.

With regard to the pending litigation, it is my strong hope that the courts will recognize that adherence to the intent of Congress will enable the courts to avoid an unnecessary judgment on constitutionality, and that the Congress and the President will then be able to resolve through the legislative process outstanding questions about the proper accommodation of executive and legislative interests.•

• Mr. LEVIN. I fully support Senator Glenn's analysis of the legislative history of FACA and its application to Presidential advisory committees. I also agree that Mrs. Clinton's presence on the Task Force on National Health Care Reform does not transform it into a FACA committee and I conclude that as one who has intimate association with the FACA legislation.•

HONORING THE FLINT URBAN LEAGUE

• Mr. RIEGLE. Mr. President, on April 14, the Urban League of Flint will celebrate its 50th anniversary. I commend the Rev. James Kennedy, the board chairperson; Melvyn S. Brannon, the board president; members of the board; and the thousands who have provided years of valuable service to their community.

The Flint Urban League has contributed a great deal to my hometown of Flint and has played a critical role in building a stronger community. For 50 years, it has provided meaningful assistance to people in search of better job opportunities, quality housing, and decent medical care. It has been a powerful force against racism and bigotry. Through the work of the Urban League, our society has moved closer to the high ideals that we have set for our Nation.

In 1943, when the Flint Urban League was founded, there was a great need for people to organize themselves to tackle difficult problems related to race and poverty. Under the leadership of William Valentine, the first executive director, and Edward Cumings, the first board president, the Flint Urban League began to tackle the deep-rooted problems that have prevented America from truly becoming one country. At the very beginning of that quest, they focused on the basic human needs of the people: education, employment, health care, and housing.

The Flint Urban League has always recognized that the ability to obtain a good job was at the core of what we want in our society. The Flint Urban League developed their first employment program back in 1946 that helped returning veterans, and others, find jobs. In 1950, it worked with the State of Michigan to get an agreement to minimize discriminatory hiring practices. In the ensuing years it has developed and implemented countless programs to provide job training and provide opportunity to young people through youth job programs.

Through the leadership of Art Edmonds, the executive director from 1952 to 1960, the Urban League in Flint sought to improve housing for all. The Flint Urban League was among the first to point out the disparity between the housing needs of African-Americans and the opportunities available to them. In 1954, it found that many more African-Americans would buy homes if good housing were available to them. Two years later it documented the poor living conditions that many residents of Flint faced.

In the 1960's, under the leadership of John Mack and others, the Urban League of Flint played a major part in the civil rights movement. Twenty-five years ago, Flint became the first city of its size in America to adopt an open-occupancy ordinance. In countless other ways, the Urban League confronted inequality and helped our Nation move ahead during that period.

Since 1970, led by its current president, Mervyn S. Brannon, the league continues to help to forge a better future. The Salute to Black Scholars Program brings the community together to recognize high academic achievement by young African-Americans. This annual dinner honoring these young people has become an important event in the Flint community.

The league's tradition of concern for the living conditions of our people remains strong. As we now try to address the health care crisis, we can look to the decades of effort and achievement by the Flint Urban League to bring quality health care to people in need. From its inception in 1943, the Urban League of Flint surveyed the health care opportunities of the community and began to address the problems. Today, the Urban League is fighting contemporary problems such as AIDS and barriers that many face in obtaining access to health care.

The Flint Urban League has made perhaps its biggest impact by serving as the conscience of the community by chronicling and confronting racism and bigotry. By making the living conditions of African-Americans and other people of color in Flint known to the wider community, it has sparked the attention of others and spurred action. The Flint Urban League has given many a stronger voice. It has helped to provide opportunity where little had existed in the past.

I know I join thousands in Flint in honoring the Urban League's 50 years of fighting for equal opportunity and equal justice. We are grateful for the service of so many in Flint who have given much through the Urban League. And as we look ahead to the progress that still must be made, we are grateful that the Urban League will continue to work to make Flint a better place to live.•

FREE DOAN VIET HOAT: POLITICAL PRISONER IN VIETNAM

• Mr. WELLSTONE. Mr. President, I rise today to condemn the harsh sentence recently meted out to Dr. Doan Viet Hoat, a respected Saigon academic who has been detained since 1990 on charges of trying to overthrow the government there by establishing a political organization and publishing a typewritten newsletter called Freedom Forum.

Several months ago, relatives of Dr. Doan, who live in Minnesota, contacted me about his detainment and about the work that respected human rights organizations, including Asia Watch and the Committee to Protect Journalists, were doing on his behalf.

After a long detention in violation of Vietnam's own laws on pretrial detention, Dr. Doan Viet Hoat was tried this week, found guilty, and sentenced to 20 years in prison—solely for peacefully exercising his rights to freedom of expression and association. The Vietnamese Government has denied him access to his family, and prohibited visitors from the trial in violation of international covenants to which Vietnam is a party.

I and numerous other Members of Congress, including Senators MCCAIN, KERRY, House Foreign Affairs Committee Chairman HAMILTON, and others have intervened on behalf of Doan Viet Hoat, but have gotten little response from the Government of Vietnam. The State Department has also intervened to urge that he be allowed access to counsel, but so far to no avail.

I ask to include in the RECORD a letter I sent on January 6, 1993, to Trinh Xuan Lang, the Ambassador to the Socialist Republic of Vietnam's Permanent Mission at the United Nations, urging Dr. Doans' release, along with a March 31 statement and an extensive background report on the case prepared by Asia Watch, whose staff have worked intensively to secure his release for many months. The Committee to Protect Journalists and other human rights monitors have also been very active in his defense, and should be commended for their work.

I hope that the Vietnamese Government will immediately reconsider its decision not to allow him access to counsel for his upcoming appeal, and will reconsider the potentially grave implications for normalization of relations between our two nations of this and other similar cases. While substantial progress with respect to POW-MIA's and the situation in Cambodia are important yardsticks by which to measure our relationship with Vietnam, they are not exclusive measures. As we consider United States-Vietnamese relations in the months to come, I urge my colleagues to keep in mind its troubling human rights record, and to insist on respect for the internationally recognized human rights of all in Vietnam.

The material follows:

JANUARY 6, 1993.

Hon. TRINH XUAN LANG,
Permanent Representative, Permanent Mission of the Socialist Republic of Vietnam to the United Nations, New York, NY.

DEAR MR. AMBASSADOR: I have recently been contacted by a constituent of mine, Mr. Hiet Doan, regarding the imprisonment of his brother, Dr. Doan Viet Hoat, who I understand has been held in Phan Dang Luu jail since November, 1990.

Dr. Hoat has remained in pre-trial detention for over two years, in violation of Vietnam's obligation to set reasonable limits on pre-trial detention as required by Article 71 of the Law on Criminal Procedure of the Socialist Republic of Vietnam. This long and unwarranted detention has even exceeded all possible extraordinary extensions allowed by Vietnamese law.

I am deeply concerned that Dr. Doan has been imprisoned simply for the peaceful expressions of his views. I understand that his long detention has exacerbated his already serious kidney problems, for which he still requires medication. His detention violates not only Vietnamese law but also international norms of procedure which Vietnam has pledged to uphold under the International Covenant on Civil and Political rights.

I urge your government to release immediately and unconditionally Dr. Doan Viet Hoat, and allow him to be reunited with his family. If your government has any evidence of criminal wrongdoing by him, it should promptly charge him and give him a fair and speedy trial before a tribunal which meets internationally-recognized standards of judicial fairness, and which is open to international observers.

The due process of law and observance of internationally-recognized human rights and judicial standards are basic prerequisites to any normalization of relations between Vietnam and the United States. Your prompt action on this case would send an important signal of your renewed commitment to these international standards.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,

PAUL DAVID WELLSTONE,
United States Senator.

[From Asia Watch, Mar. 31, 1993]

ASIA WATCH CONDEMNS HARSH SENTENCE GIVEN TO VIETNAMESE DISSIDENT

The human rights organization, Asia Watch, a division of the New York-based Human Rights Watch, condemned the harsh sentence given to Vietnamese dissident, Dr. Doan Viet Hoat, and said it was in clear violation of international human rights standards.

A respected Saigon academic, Dr. Hoat was sentenced to 20 years in prison on March 30 after a two-day trial on charges of trying to overthrow the government by establishing a political organization and publishing a typewritten newsletter called Freedom Forum (Dien Dan Tu Do). He was arrested in November 1990, held over two years in violation of Vietnam's own laws on pre-trial detention, and brought to trial on March 29, 1993. Seven other dissidents were sentenced by the Ho Chi Minh City court, together with Dr. Hoat. Pham Duc Kham, a former South Vietnamese military officer, received 16 years and Nguyen Van Thuan, reportedly a former member of South Vietnam's Ministry of the Interior, received a 12-year sentence.

"We believe Dr. Hoat was arrested, detained and convicted solely for exercising his rights to freedom of expression and freedom of association, as proclaimed in Articles 19 and 20 of the Universal Declaration of Human Rights," said Sidney Jones, Executive Director of Asia Watch, at a United Nations-sponsored human rights meeting in Bangkok today. She noted that an Asia Watch request to attend the trial had been turned down by the Vietnamese government.

Jones said that while Dr. Hoat had been a sharp critic of the Vietnamese government, he had never advocated its violent overthrow, and it was difficult to understand how his call for the release of political detainees, implementation of political freedoms, and free and fair elections could constitute a serious threat to national security.

"The government may not agree with his opinions, but under international law, he has every right to express them," Jones noted.

She said Dr. Hoat's right to be presumed innocent of the charges against him had also been compromised by the publication last May 6 of a newspaper article in the daily of Saigon, Saigon Giai Phong, about Dr. Hoat's newsletter. The article was headlined "Smash the Dark Schemes of Reactionary Forces at Their Inception."

"The article suggests that Dr. Hoat's guilt was established long before he came to trial," Jones said.

The trial itself was closed, according to the Asia Watch sources, in violation of Article 14 of the International Covenant on Civil and Political Rights, to which Vietnam is a party. Asia Watch was also concerned that Dr. Hoat was being denied access to his family in violation of United Nations Standard Minimum Rules for the Treatment of Prisoners (Article 37).

"Asia Watch takes no position on the political opinions advanced by Dr. Hoat," Jones said, "But as there is no indication that he or his colleagues used or advocated violence, he should have been free to form an organization or disseminate his ideas. We urge the government of Vietnam to make available all documents presented at Dr. Hoat's trial so that the nature of the evidence against him and the fairness of trial procedures may be thoroughly examined and evaluated. On the basis of the information available now, we can only conclude that by international human rights standards, Dr. Hoat should be immediately and unconditionally released."

On January 3, 1993, Asia Watch released a report entitled "The Case of Doan Viet Hoat and Freedom Forum: Detention for Dissent in Vietnam."

Asia Watch was founded in 1985 to promote internationally recognized human rights in the region. The Chair is Jack Greenberg and the Vice Chairs are Harriet Rabb and Orville Schell. The Executive Director is Sidney Jones.

Asia Watch is a division of Human Rights Watch, which also includes Africa Watch, Americas Watch, Helsinki Watch and Middle East Watch. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. The Executive Director is Aryeh and the Deputy Director is Kenneth Roth.

[From Asia Watch, Jan. 3, 1993]

THE CASE OF DOAN VIET HOAT AND FREEDOM FORUM: DETENTION FOR DISSENT IN VIETNAM

INTRODUCTION

In November 1990, public security officials in Ho Chi Minh City began to arrest intellectuals who had been prominent in South Vietnam prior to 1975. At the center of this loose circle of intellectuals was Doan Viet Hoat, an academic, who was charged with publishing and circulating a reformist newsletter called Freedom Forum [Dien Dan Tu Do]. The charges appeared on May 6, 1991 in an article in the official newspaper Saigon Giai Phong (Appendix I). Freedom Forum, according to the article, was the group's prime vehicle for aiming to "overthrow the people's power," a capital offense.

Freedom Forum, in fact, was a collection of typewritten sheets passed from hand to hand by readers, that included writings by Vietnamese citizens associated with both the former South Vietnamese regime and the present government and translations of articles from abroad. Although some of the writings included criticism of government policies and various proposals for political reform, none advocated violent overthrow of the present government.

Among the intellectuals arrested and subsequently named in the Saigon Giai Phong article were Nguyen Xuan Dong,[1] Le Duc Vuong, Pham Thai Thuy, and Nguyen Thieu Hung (pen name Mai Trung Tinh), all writers; Pham Duc Kham, a former South Vietnam military officer, Hoang Cao Nha, and Nguyen Van Thuan.[2] Another writer not named in the article is also believed to be under arrest, Thai Vi Thuy, (pen name Chau Son). The article named as collaborators Bui The Dung and Le The Hien, although both had emigrated to the United States well before the crackdown. Also named was Nguyen Mau, arrested in December 1990, who was released from jail at the end of 1991 and died on January 25, 1992. Freedom Forum came to the attention of the Vietnamese authorities when Nguyen Mau, on a visit in June 1990 to his wife, who lives in Canada, brought out copies of the group's writings which were reprinted in a Vietnamese language publication in the United States.

Asia Watch is concerned that Doan Viet Hoat and those associated with Freedom Forum are being detained for nothing more than the peaceful expression of their views. Their prolonged detention without trial violates both Vietnamese law and international standards of fairness. The appearance of a condemnatory article in the official press suggests that their case has been prejudged by Party officials, and that they will not face an impartial tribunal in a trial open to international observers.

DOAN VIET HOAT

Public security officials arrested Dr. Hoat at 2:00 pm on November 17, 1990 at his house at 18 Le Van Sy, Phu Nhuan district of Ho Chi Minh City. His family did not learn of his place of detention, Unit 4 of Phan Dang Luu jail, until six months later. Dr. Hoat had been previously arrested without charge on August 28, 1976 during a campaign to "reeducate" South Vietnamese intellectuals, and was detained without trial in Chi Hoa prison in Ho Chi Minh City until February 9, 1988. His release form charged him with being an anti-socialist reactionary. Following his release, Dr. Hoat taught at the University of Agriculture and Forestry, where his wife is still employed. In the course of his earlier 12-year imprisonment, Doan Viet Hoat developed kidney problems, for which he still requires medication. At present, Dr. Hoat's family has been allowed to deliver medication for him and on occasion to visit him.

Dr. Hoat's wife Tran Thi Thuc, also an English professor, issued a public letter to the authorities in response to the Saigon Giai Phong article (Appendix II). Fearing that the article in effect announced a verdict in her husband's case before he had ever been tried, she protested its publication to national and local authorities, charging that its publication had violated her husband's right to an impartial trial. Tran Thi Thuc has not suffered any retribution for her appeal so far, but neither has she received a response.

---

[1] One of the men arrested in conjunction with Doan Viet Hoat is named Ho Xuan Dong, so "Nguyen Xuan Dong" may be an error.

[2] In a different official Vietnamese publication, an article describing the case against another dissident, Dr. Nguyen Dah Que, mentions one Nguyen Van Thuan who was a former member of the South Vietnamese regime's Interior Ministry. However, sources familiar with Freedom Forum did not know of any connection between a Nguyen Van Thuan and Doan Viet Hoat. See infra note 6.

Dr. Hoat has remained detained without trial for over two years, in violation of Vietnam's obligation to set reasonable limits on pre-trial detention.[3] On November 1, 1992 he issued a public statement from jail to the leaders of the Communist Party calling on them to launch the process of "dialogue and national concord among all Vietnamese patriots within and outside the communist party, inside Vietnam and abroad" (Appendix III). To that end, he appealed for the release of all political detainees, the implementation of civil and political freedoms, and the commitment to free and fair elections in which all citizens, regardless of their political orientation, can run for office.

As a student, Doan Viet Hoat had been a member of the Buddhist Students' Association which led a protest movement against the policies of the Diem government. He earned a bachelor's degree in education from the University of Saigon in 1964, and a doctorate in education from Florida State University in Tallahassee in 1971. Upon his return to Vietnam, he was appointed Vice-President of Van Hanh University, a Buddhist university in Saigon.

Prior to his latest arrest, Doan Viet Hoat, his wife and youngest son had been approved by the Orderly Departure Program to emigrate to the United States, where Dr. Hoat's two older sons already live. However, US officials have declined to proceed with the mother and child's emigration since Dr. Hoat's detention.

THE ROLE OF THE STATE-CONTROLLED PRESS

Important political trials are often heralded by the appearance of condemnatory articles in the official press, such as that published in Saigon Giai Phong concerning Freedom Forum. In such cases, no room for doubt is left as to the verdict, and the official pre-trial accusations are intended to caution the public as to the limits of acceptable criticism of the government and Communist Party. According to a report on a recent seminar sponsored by the Vietnam Journalists' Association and attended by a Politburo member, the mass media, "an efficient weapon on the ideological and cultural front," has also "laid bare the schemes and manoeuvres of the anti-socialist forces who want to negate the party's leadership and divert Vietnam from the socialist path."[4]

Condemnatory articles, which often appear to be written by persons with access to police records, provide virtually the only clue as to the specific case against the accused. Similar articles appeared before the trials of other political prisoners such as Nguyen Dan Que, an endocrinologist sentenced to twenty years' hard labor for publicly calling on the government to respect human rights and implement political reforms, and Doan Thanh Lien, a lawyer sentenced to 12 years for circulating proposals for constitutional reform.[5]

In Dr. Que's case, an article that accused him of advocating human rights for the purpose of overthrowing the communist party was published in the October 28, 1991 issue of the Ho Chi Minh City edition of Phap Luai, an official magazine on legal matters, a month before he was convicted of "activities aimed at overthrowing the people's government" on November 29, 1991. There are numerous details that show the author of the article was intimately familiar with the interrogation of Dr. Que and other suspects. Phap Luai names three men as Dr. Que's followers who earlier had been described by Saigon Giai Phong as Doan Viet Hoat's collaborators, and had been in jail since late 1990.[6] One, Le Duc Vuong, is cited as "confessing" that Dr. Que had told him that he had sent a telegram to protest the Japanese government's decision to return a pilot who had hijacked an airplane in a bid to escape from the People's Republic of China. Another, Nguyen Van Thuan, is actually quoted as saying Dr. Que "understood little about Marxist doctrine and Eastern philosophy" and "is the type of person who wants to act on everything he wants to accomplish, to act on it immediately, and to force everyone to join in his cause in the way that politics are done in the West."[7] The article describes Dr. Que's "phlegmatic" demeanor before the investigating committee, and his "insolent attitude" in insisting that missing documents be included in the file of papers the police confiscated, so that his actions would not be misrepresented.

In the case of Doan Thanh Liem, an article in the June 8, 1991 edition of Saigon Giai Phong and a five-part series published in July 1991 in the Ho Chi Minh City edition of Cong An (the latter an official publication of the public security authorities) accused Liem and others of participating in a spy ring led by Americans. Although the Cong An article was sensationalistic, the Saigon Giai Phong article appeared more carefully researched, drawing on material elicited from police interrogation of those arrested in the affair, among them Michael Morrow, an American businessman, and Nick Malloni, a freelance journalist. Liem was not tried until May 14, 1992, following strong protests against his detention by foreign governments, including that of the United States. According to Asia Watch sources, Liem's actual conviction rested not on the charges of espionage suggested in the articles published prior to his trial. Instead, the main evidence at his trial was that he received an article from an American friend on the role Catholicism played in the transformation of East Germany, that he circulated proposals for constitutional and governmental reform, and that he had written down thoughts on socialism and education in Vietnam in a private notebook. This account appears to be consistent with a May 15, 1992 article in Saigon Giai Phong, which reported his conviction for the crime of "spreading anti-socialist propaganda."

CONCERNS

Asia Watch is concerned that Doan Viet Hoat and his associates have been detained simply for the peaceful expression of their views. Their prolonged detention violates not only domestic but also international norms of procedural and substantive justice which Vietnam has pledged to uphold, as a signatory to the International Covenant on Civil and Political Rights. Asia Watch therefore calls on the government of Vietnam to release Doan Viet Hoat and others implicated in the Freedom Forum affair. If the government has evidence that these individuals have committed criminal acts, it should promptly charge them and bring them to trial before a tribunal which meets international standards of fairness, and the trial should be open to international observers.

APPENDIX I: THE CASE AGAINST DOAN VIET HOAT IN THE OFFICIAL PRESS

"Smash the Dark Schemes of Reactionary Forces at their Inception"

[Excerpt from article published May 6, 1992, in Saigon Giai Phong, p. 2.]

II. The "Freedom Forum" Case

From July to October 1990 in the urban areas, a reactionary document in the form of a newsletter called Freedom Forum [Dien Dan Tu Do] was surreptitiously circulated among a number of bad elements in Ho Chi Minh City. This was an extremely reactionary document containing articles written in the country and some translations of articles published in foreign papers (by overseas Vietnamese). These articles aimed at distorting the methods and policies of our party and our government, attacking socialism, denying our people's achievements, and calling and agitating for the abolition of the Communist Party and the overthrow of the people's government.

The Freedom Forum "newsletter" was essentially a document used by a reactionary group as a most important means of rallying forces to oppose and sabotage our country. This reactionary group was led by Doan Viet Hoat. Hoat was formerly head of the Modern Language Department of Van Hanh University. From 1968 to 1971 he went to the United States for study, and became Vice-President of the University upon his return. In early 1989, when the situation in socialist Eastern Europe became increasingly complex, Hoat and his gang—including Pham Duc Kham, Bui The Dung, and Le The Hien, all of whom once served in the former Saigon administration—thought that their opportunity had finally arrived because "the communist party will have to accept political pluralism as the Eastern European countries did." Doan Viet Hoat's group feverishly pressed forward with establishing a political organization to operate in secret. The most important political ploy they chose was the argument for "democracy." Therefore, they lost no time in drafting an "appeal to all the people to struggle for democracy in Vietnam" which fully and clearly exposed their sinister intention and dark and crazy ambition in four programs of action. These were to disseminate propaganda about the adverse political developments in Eastern Europe, to exploit Vietnam's economic difficulties, to take advantage of the so-called internal conflicts, and to design ways to rally the masses to struggle in the manner of "peaceful evolution." At the same time, they planned three stages of action. The first stage would be building up their forces, publishing a newsletter, making declarations, secretly recruiting bad elements and inciting the people. The second stage would consist of recruiting more people, expanding misleading propaganda, creating a "political opposition movement" to first demand better living conditions, democracy, freedom of the press and freedom of expression, and then demand political pluralism and a multiparty system, and eventually to set up openly an opposition party which would openly oppose the revolution through the newsletter Freedom Forum. The third stage would involve continuing to use Freedom Forum as a vehicle for criticism and attack, leading to the demand of the abolition of the communist party, the government, socialism, as well as the dissolution of the National Assembly. At the same time, demagogic activities would be intensified to mislead the people in order to increase the prestige of Hoat's group, creating the right conditions for them to run for elections for a new "parliament" and seize power. Between July and October 1990, Hoat published the first issues of Freedom Forum and, at the same time together with [Pham Duc] Kham, [Bui The] Dung, and [Le The] Hien, Hoat sought out a number of people who had once served in the former Saigon puppet army and administration. Eventually, they admitted seven more persons into their group. They were Nguyen Van Thuan, Hoang Cao Nha, Nguyen Xuan Dong, Le Duc Vuong, Pham Thai Thuy, Nguyen Thieu Hung and Nguyen Mau.

---

[3] Vietnam's criminal procedure law sets four months as the normal period for temporary detention for the purpose of police investigation of serious crimes, subject to extension. Law on Criminal Procedures of the Socialist Republic of Vietnam, Article 71. The relevant language governing extensions is as follows:

2) In cases involving many complicated details and requiring a longer period for investigation, the head of a people's organ of control at the provincial level and higher and the head of a military organ of control at the military region level and higher is authorized to extend the period of temporary detention but not to exceed two months for less serious crimes, and not to exceed four months for serious crimes. The Chief Procurator and Chief Central Military Procurator may extend the period for serious crimes, but not to exceed four months. When necessary, for crimes of particular danger to national security, the Chief Procurator may further extend the period.

Once the decision has been made to initiate legal proceedings, similar rules govern the time period and extensions for the government's preparations to bring a case before the court. See Article 97. In theory, Doan Viet Hoat's continued detention, if authorized by all relevant authorities, may be consistent with the requirements of the criminal procedure law. That law, however, appears to authorize indefinite detention subject to no outside review, in direct contradiction to Vietnam's obligations under its 1992 Constitution, which strictly prohibits "all forms of persecution" (Article 71) and the International Covenant on Civil and Political Rights, which prohibits "arbitrary arrest or detention" and stipulates that criminal defendants are "entitled to trial within a reasonable time or to release" (Article 9, §§1 and 3).

[4] "Nguyen Duc Binh Attends Mass Media Seminar," Hanoi VNA Broadcast in English on December 8, 1992, Reprinted in FBIS-EAS-92-236 (December 8, 1992).

[5] For descriptions of the cases of Dr. Nguyen Dan Que and Doan Thanh Liem, see Asia Watch, "Vietnam: Repression of Dissent," News from Asia Watch, (New York: Human Rights Watch, March 1991) and Asia Watch, "Vietnam: Citizens Detained for Peaceful Expression," News from Asia Watch, (New York: Human Rights Watch, June 1991).

[6] These were the writer Pham Thai Thuy, Le Duc Vuong, described as "one of Nguyen Dan Que's best 'friends'," and Nguyen Van Thuan, described also as a "close friend" and a former member of South Vietnam's Interior Ministry who at one time was also involved with the Chien Hoi program of the South Vietnamese government to promise amnesty to communist defectors.

[7] Ellipses in original.

In order to increase their numbers and appeal to the outside world, Hoat and his gang sought alliances with reactionary elements living in exile overseas. In July 1990, when Nguyen Mau went to Canada to visit his wife, Hoat assigned him the task of contacting Nguyen Dinh Thiep, Nguyen Ngoc Huy, Nguyen Truong Ba, Vo Van Ky, and Phan Nhu Toan, who are members of the Vietnam Kuomintang (in the United States),[8] and Bui Duc My and Nguyen Van Tiet (in Canada). During this trip, Nguyen Mau tried to establish contacts and introduce the activities and organization of Hoat's group in Vietnam. He also tried to draw public attention in the United States and other countries to this organization, hoping to increase its backing and support overseas, especially for the future when there would be opportunities for development. Mau had the United States-based magazine The People of October [Ngoi Dan Thang Muoi] publish an article called "A Forward by the Editorial Staff of Freedom Forum". Mau also carried out a special mission: He wrote a petition and asked Pham Duc Trung Kien, a nephew of Pham Duc Kham, to relay it to President Bush,[9] urging him to continue the trade embargo against Vietnam, thereby creating favorable conditions for Hoat's reactionary group to intensify its opposition to and sabotage of the country. On another front, Nguyen Mau also worked hard to study anti-communist activities by reactionary exiles, especially in the United States, so he could report back to Hoat and his accomplices to help them in their planning.

The entire plot of this reactionary group led by Doan Viet Hoat was uncovered at an early date and smashed right in November 1990. Hoat and his accomplices were arrested and are being prosecuted before the law for the crime of "carrying out activities aimed at overthrowing the people's power."

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate complete its business today, it stand in recess until 9:15 a.m., on Saturday, April 3; that following the prayer, the Journal of the proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 1335, the emergency supplemental appropriations bill, with the time until 11:45 a.m. for debate only, and that the time be equally divided and controlled between Senators BYRD and HATFIELD, or their designees; that at 11:45 a.m., without intervening action or debate, the Senate vote on the motion to invoke cloture on the committee substitute to H.R. 1335.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9:15 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess, as previously ordered.

Thereupon, the Senate, at 7:44 p.m., recessed until Saturday, April 3, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate April 2, 1993:

DEPARTMENT OF STATE

HARRY J. GILMORE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

PATRICK FRANCIS KENNEDY, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ARTHUR W. FORT, RESIGNED.

DEPARTMENT OF LABOR

GERI D. PALAST, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE FRANCES CURTIN MCNAUGHT, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

STEVEN ALAN HERMAN, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE HERBERT TATE.

IN THE COAST GUARD

PURSUANT TO THE PROVISIONS OF 14 USC, 729, THE FOLLOWING NAMED COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF CAPTAIN.

LAWRENCE W. RYAN, JR.
GEORGE L. MEHAFFY
ROBERT V. BARROW
JAMES E. WHITE
ROBERT E. COSBY
PAUL W. LJUNGGREN
LARRY W. FOGERSON
DANIEL J. GOGGINS
RONALD T. WHITE
DUNCAN C. SMITH, III
IGNACIO RIVERA-CORDERO
MICHAEL J. FERRIOLA
JAN T. RIKER
JOSEPH R. CHERRY
CHARLES H. MAGUIRE, JR.
GORDON N. HANSON
ROBERT A. CASE
MICHAEL J. RAUWORTH

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN S. FAIRFIEL [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL E. RYAN [redacted] UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. DALE W. THOMPSON, JR [redacted] UNITED STATES AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. WILLIAM H. CAMPBELL [redacted]
BRIG. GEN. HENRY A. KIEVENAAR, JR [redacted]
BRIG. GEN. ALFONSO E. LENDARDT [redacted]
BRIG. GEN. GEORGE A. FISHER, JR [redacted]
BRIG. GEN. JOHN W. HENDRIX [redacted]
BRIG. GEN. JOHN M. KEANE [redacted]
BRIG. GEN. JAMES W. MONROE [redacted]
BRIG. GEN. JOHN J. CUSICK [redacted]
BRIG. GEN. TOMMY R. FRANKS [redacted]
BRIG. GEN. ERIC K. SHINSEKI [redacted]
BRIG. GEN. ROBERT F. FOLEY [redacted]
BRIG. GEN. ALBERT J. GENETTI, JR [redacted]
BRIG. GEN. WILLIAM J. BOLT [redacted]
BRIG. GEN. JOHN N. ABRAMS [redacted]
BRIG. GEN. CARL F. ERNST [redacted]
BRIG. GEN. JAMES J. CRAVENS, JR [redacted]
BRIG. GEN. DAVID R.E. HALE [redacted]
BRIG. GEN. JOHN A. DUBIA [redacted]
BRIG. GEN. JOE N. BALLAR [redacted]
BRIG. GEN. JOSEPH E. DEFRANCISC [redacted]
BRIG. GEN. LEONARD D. HOLDER, JR [redacted]
BRIG. GEN. GEORGE A. CROCKER [redacted]
BRIG. GEN. THOMAS A. SCHWARTZ [redacted]
BRIG. GEN. DOUGLAS D. BUCHHOLZ [redacted]
BRIG. GEN. PATRICK M. HUGHES [redacted]
BRIG. GEN. LARRY R. JORDAN [redacted]
BRIG. GEN. WILLIAM F. KERNAN [redacted]
BRIG. GEN. DAVID A. WHALEY [redacted]

THE UNITED STATES ARMY RESERVE OFFICERS NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADES INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3371 AND 3384:

To be major general

BRIG. GEN. WALTER E. KATUZNY, JR [redacted]
BRIG. GEN. THOMAS W. SABO [redacted]

To be brigadier general

COL. JAMES M. AUBUCHON [redacted]
COL. JAMES W. DARDEN [redacted]
COL. ROBERT H. MCINVALE, JR [redacted]
COL. JOEL G. BLANCHETTE [redacted]
COL. JACK H. KOTTER [redacted]
COL. MICHAEL T. GAW [redacted]

---

[8] Nguyen Truong Ba and other members of the Vietnam Kuomintang Party (Viet Nam Quoc Dan Dang) named have denied having any contact with Nguyen Mau.

[9] Pham Kien has denied having any contact with Nguyen Mau.•

In the marine corps

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MARTIN L. BRANDTNER [redacted] USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. JOHN J. SHEEHAN [redacted] U.S. MARINE CORPS.

ENVIRONMENTAL PROTECTION AGENCY

DAVID GARDINER, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE J. CLARENCE DAVIES.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 2, 1993:

OFFICE OF PERSONNEL MANAGEMENT

JAMES B. KING, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS.

DEPARTMENT OF STATE

STROBE TALBOTT, OF OHIO, TO BE AMBASSADOR AT LARGE AND SPECIAL ADVISER TO THE SECRETARY OF STATE ON THE NEW INDEPENDENT STATES.

DEPARTMENT OF THE TREASURY

EUGENE ALLAN LUDWIG, OF PENNSYLVANIA, TO BE COMPTROLLER OF THE CURRENCY FOR A TERM OF FIVE YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

SENATE—*Saturday, April 3, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mrs. MURRAY].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

A psalm of praise on the Sabbath:

Praise ye the Lord. Praise God in His sanctuary: praise Him in the firmament of His Power.

Praise Him for His mighty acts: praise Him according to His excellent greatness.

Praise Him with the sound of the trumpet: praise Him with the psaltery and harp.

Praise Him with the timbrel and dance: praise Him with stringet instruments and organs.

Praise Him upon the loud cymbals: praise Him upon the high sounding cymbals.

Let every thing that hath breath praise the Lord. Praise ye the Lord.—Psalm 150.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 1335, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Byrd amendment No. 283, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The time until 11:45 a.m. shall be for debate only and shall be equally divided and controlled by the Senator from West Virginia [Mr. BYRD] and the Senator from Oregon [Mr. HATFIELD] or their designees.

Who yields time?

If time is not yielded by either side time will be charged equally.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Madam President, our Republican friends have argued that the CDBG funds requested in the President's economic stimulus package are not needed.

They also argue these funds will be spent for nothing more than pork barrel projects like swimming pools, golf courses, ice skating rinks, gymnasiums, and other public recreation facilities.

Well, let us see, Madam President, how this thing all began. Let us go back to its roots.

This is a program that began in the Nixon-Ford administration. On June 12, 1974, HUD Secretary James Lynn, under the Nixon administration, said in testimony before the Senate Appropriations Committee:

> Our Budget includes two program appropriation requests for 1975 in the Community Planning and Development areas. As I said earlier, we are seeking $2.5 billion for activities under the proposed Better Communities Act. * * *
>
> Funds would go to local elected officials for use for community needs, determined locally. * * *
>
> *Application requirements would be simple. Second-guessing by Washington would be replaced by decision making by local officials as to which projects would be funded.* (Emphasis added) [H.R. 15572/93rd Cong, 2nd Sess./VA-HUD Hrgs, Part 2/p. 1253].

This was HUD Secretary James Lynn under the Nixon administration.

So this program originated under the Nixon administration. And it was ballyhooed as a great program for cutting out redtape at the Federal level. The idea was to let the local officials make the decisions as to what projects would be funded.

Under the Ford administration, HUD Secretary Carla Hills testified, again before the Senate Appropriations Committee, on April 21, 1975:

> We are requesting $2.7 billion for the new Community Development Grant program in 1976. * * * Under this new program, funds are now available to communities on the basis of a statutory formula which takes account of their needs in terms of population, poverty, and housing overcrowding. * * *
>
> We will be looking for community initiative in planning and carrying out activities. *The communities themselves will set priorities for the use of funds they receive.* (Emphasis added) [H.R. 8070/94th Cong, 1st Sess./VA-HUD Hrgs, part 1/pp. 636–37].

Who is talking? Carla Hills. Where? In testimony before the Senate Appropriations Committee. What did she say, under this program that was a Republican program: "The communities themselves will set priorities for the use of funds they receive."

April 5, 1976, HUD Secretary Carla Hills in testimony before Senate Appropriations Committee:

> We are requesting the full authorization of $3.25 billion for the Community Development Block Grant program in 1977. Under this program, funds are available to communities on the basis of a statutory formula which takes account of their needs in terms of population, poverty and housing overcrowding. * * *
>
> We are pleased with the results of this program. * * * We find that combining categorical grant programs into a block grant program gives localities an important opportunity to change their funding priorities. * * *
>
> *I am also pleased to report that a majority of the cities surveyed by the Department that had prior program experience indicate that the block grant program in 1975 represented a decrease in Federal red tape.* (Emphasis added) [H.R. 14233/94th Cong, 2nd Sess./VA-HUD Hrgs, part 4/pp. 1161–62]

Carla Hills speaking way, way back in 1976, under the Ford administration.

Let me read her lines again:

> I am also pleased to report that the majority of the cities surveyed by the Department that had prior program experience indicate that the block grant program in 1975 represented a decrease in Federal red tape.

The CDBG Program is essentially a Republican program. It was created by Republicans in the Nixon and Ford administrations.

It has been supported by Republican Housing Secretaries Jim Lynn, as I have already quoted; Carla Hills, as I have quoted; Samuel Pierce and Jack Kemp.

CDBG was first proposed by President Nixon. First authorized in the Housing and Community Development Act of 1974, which was enacted August 22, 1974.

HUD first requested appropriations for it in fiscal year 1975.

So the testimony given before the Senate Committee on Appropriations, by Republican administrations on the fiscal years 1975, 1976, and 1977 budgets all demonstrate that the key to this program's success is giving decision-making to local officials—the local officials.

The flexibility contained in CDBG today was an idea initiated by the Reagan administration. Secretary Pierce laid out the Reagan administration philosophy in connection with the HUD fiscal year 1982 budget request.

In testimony again before the Senate appropriations committee, HUD Secretary Samuel Pierce on May 20, 1981, said this:

> Now I would like to discuss our 1982 appropriation request for the Community Develop-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

> ment Block Grant program. Mr. Chairman, as you know, changes in both the Block Grant and Urban Development Block Grant programs are currently under development.
>
> Proposed legislation would substantially restructure Title I of the Housing and Community Development Act of 1974 to increase local flexibility and minimize Federal involvement, consistent with our desire to return power and decision making to localities and States. * * *
>
> In the State block grant program, each State would receive an allocation based on the current dual formula. States would distribute funds to their smaller units of general local government to carry out eligible community and economic development activities. *States would be free to design fund distribution systems tailored to local needs and preferences, and would be responsible for overall administration of funds distributed.* [H.R. 4034/97th Cong, 1st Sess./VA-HUD Hrgs., part 2/pp. 1357–59]

There you are. That was Secretary of HUD, Mr. Pierce. I do not know where he is now or whatever happened to him, but this is a Republican program.

This is a Republican program and they wanted it fashioned so that the States and local communities would make the determination as to what programs would qualify, and thus cut out redtape at the Federal level.

The year after these changes were enacted, the Department of HUD boasted of reducing Washington's control of this program.

In testimony before the House Appropriations Committee on the fiscal year 1983 HUD budget, May 5, 1982, Assistant Secretary for Community Planning and Development—this is a Republican official—stated:

> Under the legislative amendments that were enacted in 1981, the entitlement program (for CDBG) was improved. Complex applications are no longer required of entitlement grantees. Applications have been replaced by a statement of community development objectives and a description of the projected use of funds, resulting in considerable time savings for individual grantees. Communities can concentrate more on carrying out community development activities with greater efficiency because they have been granted relief from much of the previous paperwork requirements.

So, Madam President, the Republicans, for partisan political reasons, as a canard used to defeat this President's economic program, are trying to undo—trying to unravel nearly 20 years of Republican commitment under the Nixon administration, the Ford administration, the Reagan administration, and the Bush administration—trying to undo nearly 20 years of Republican commitment to the goals and details of the CDGB Program.

So our Republican friends have come in here, waving a big book about that thick saying: Oh, these are lists of items that were in this bill. And then when they are forced to say, "Well, they are not in the bill," they say "Well, they are in that miserable, hateful CDBG grant, for $2.5 billion"—that grant which allowed the local officials—local officials, State officials—to determine how the moneys would be spent. "We do not like that program," they say.

It is their program. They initiated it. They defended it. They promoted it. They supported it. And they said that it was a great success.

They do not like that program today. They say that under President Clinton's jobs bill, that program will be abused. They do not want decisions made at the local level anymore. They do not want decisions made at the community level; or at the State level. They now want the decisions made at the Washington level.

So, in this bill that is before the Senate, I have an amendment that is attached to the underlying bill. It is already in the committee substitute which, if adopted by the Senate, would read as follows:

"Section 204. Notwithstanding any other provision of law, for this Act"—notwithstanding any other provision of law—"for this Act, the Office of Management and Budget shall administer the obligation of all funds appropriated or otherwise made available by this Act in a manner that will ensure that no wasteful, unnecessary, or nonmeritorious programs, projects or activities are approved. The Director of the Office of Management and Budget shall,"—not may, shall—"by notice published in the Federal Register, establish such requirements as may be necessary to carry out the intent of this section."

So, Madam President, our Republican friends are shouting fire and it is not right, it is not legally right to falsely shout fire in a crowded theater. In a crowded theater: "Fire, fire, fire, fire—we do not like that program." It is their program. It was initiated under a Republican President, supported by Republican departmental officials before the Appropriations Committee. They do not like it now, so they are yelling "Fire."

But they are falsely yelling fire.

Mr. HARKIN. Will the distinguished chairman yield?

Mr. BYRD. Yes.

Because in this substitute there is language that says: No. No. The decisions will not be left to State and local officials like the Republicans had it, like they wanted it. It will not be done that way. Under this legislation, the OMB Director shall—not may, "shall administer the obligation of all funds"—not just some funds, not just part of the funds—"all funds appropriated or otherwise made available by this Act in a manner that will ensure that no wasteful, unnecessary, or nonmeritorious programs, projects or activities are approved. The Director of the Office of Management and Budget shall"—also do this by notice—where? In the Federal Register—"establish such requirements as may be necessary to carry out the intent of this section."

What intent? The intent that—"all funds appropriated or otherwise made available by this act will be made in a manner that will ensure that no wasteful"—no "unnecessary," no "nonmeritorious programs, projects, or activities are approved."

So, Madam President, we have put in the assurance, the insurance, the guarantee that the decisions will not be made at the local levels but finally will be made here in Washington again.

Mr. HARKIN. Will the distinguished chairman yield on that?

Mr. BYRD. I yield.

Mr. HARKIN. Madam President, I thank the chairman for pointing that out this morning. I listened very closely to his remarks and I have found it most curious and most odd, over the last few days, and I think most indicative of underlying motives, that our friends on the other side of the aisle have been loudly proclaiming that they want to make the decisions on how the money is to be spent at the local level. Yet it is our friends on the other side of the aisle who loudly proclaim and tout, at least in their political campaigns, that Washington makes too many decisions and that we ought not to put this money out with all these strings attached, and that it ought to go out to the communities and let people in local communities decide how to spend that money.

That is exactly what we have right here. It is, as the distinguished chairman said, a follow-through on the programs initiated and promoted under a series of Republican administrations.

So we have this curious situation here where the Republicans are arguing that we cannot put this money out in the local level because the people at the local level may misspend it. As the chairman has pointed out, he has put language in the underlying amendment saying they cannot spend it in a frivolous manner but they can spend it within certain parameters.

Mr. BYRD. Parameters in connection with which the regulations will be published in the Federal Register by the Office of Management and Budget Director.

Mr. HARKIN. Precisely. I just wanted to add one little point to this. I heard a lot of talk in the last couple of days about swimming pools and things like that being built.

There is a swimming pool in a park in a small community in Iowa, still operating today. Outside it has a plaque, a little plaque on the outside and it says, "Built by the Works Progress Administration." I forget the date, I think it was 1938, if I am not mistaken.

That swimming pool is still operating today—still operating. Obviously, it has probably been fixed up a few times since then. But take yourself back in time to 1938—again, I think that was the date, I could be mistaken on that—when it was built in the middle of the Depression. I am sure a lot of people said, "Oh, no, they should not make that decision to build that swimming pool. They should do something else with it." But the local people in that community decided that is how they would spend that money and that is what they would do.

Who knows how many children and families since that time have congregated during the summer months at that swimming pool, and how it has brought the community together, has given kids in that local community some recreation. It is still operating today after all these years. I can imagine there were those at that time saying it was a horrible waste of money. We have proven it was not a waste of money. It helped that community, helped countless families and young people.

Again, I want to buttress what the distinguished chairman said. Within the parameters that have been set out, published in the Federal Register within these guidelines, let us let the people at the local level decide how best to use the money and put people to work and let us not follow our friends on the other side of the aisle.

Let me note a few facts about the Community Development Block Grant Program. It was started during the Nixon administration. The funds are allocated by formula, not just to the big cities, but to all areas of the country. In Iowa, small towns, many with less than 1,000 people will receive funds for important projects based on competitive grant applications to the Iowa Department of Economic Development whose director Allan Thoms is appointed by Terry Branstad, a Republican Governor. So, charges that this program is a political payoff to the big city mayors is simply absurd.

The money goes to every part of our Nation. Every rural area of the Nation as well as the large cities are eligible for funding.

Mr. President, I ask consent that a letter from Allan Thoms, Iowa's director of the department of economic development and a table of projects in small towns and rural areas in Iowa that might receive funding under the Community Development Block Grant Program if this bill becomes law be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF IOWA, DEPARTMENT OF ECONOMIC DEVELOPMENT,
April 2, 1993.

Hon. TOM HARKIN,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HARKIN: I am writing concerning the economic stimulus bill currently before the Senate, particularly with reference to the Community Development Block Grant (CDBG) program. Today's *Washington Post* states that some Senators are concerned that CDBG funds would be used for "frivolous or non-essential programs". Examples are cited such as parking garages, bike paths, and a performing arts center.

I would like to assure you that Iowa's CDBG program has consistently addressed pressing needs among lower-income communities and households. Typical grants awarded by IDED are for basic public works including community water and sewer systems, facilities for developmentally disabled persons, rehabilitation of deteriorating housing, and job creation. All projects involve substantial local financial contributions.

Should the stimulus bill pass, we would have no difficulty finding additional worthwhile projects in Iowa. After making our 1993 CDBG general competitive award several weeks ago, we still have over $23 million in unfunded requests. A list of projects is attached. News of the possibility of supplemental CDBG funding has already prompted numerous cities and counties to contact us about making additional applications.

Again, the quote from the *Post* article definitely does not apply to the excellent Iowa record on CDBG. Based on our contacts with other states, I believe that the article misrepresents the case nationwide. I trust that you and your fellow Senators will take this into account as you debate the bill.

Please contact me or Lane Palmer, Iowa CDBG Manager (Phone: 515 242-4837) if you have questions. Thank you for your consideration.

Sincerely,
ALLAN T. THOMS,
Director.

1993 CDBG APPLICANTS PROJECT DESCRIPTIONS—PROJECTS NOT FUNDED

I.D.	Community	$CDBG	Cum. CDBG$	Locals	Others	Brief description of projects
88	Adair	$200,500	$200,500	$95,000		Community Center.
89	Adair County	102,776	303,276	46,739		Day Care Center.
4	Algona	279,333	582,609	139,667		Senior Center, Sanitary Sewer Improvements.
47	Armstrong	302,186	884,795	151,094		Sewer System Improvements.
104	Auburn	142,586	1,027,381	73,454		Water Improvements.
81	Belle Plains	151,160	1,178,541	75,803		Sanitary Sewer Improvements.
150	Boone	321,130	1,499,571	160,570		Storm Sewer Construction.
113	Bouton	31,333	1,531,004	15,667		Fire Station.
32	Britt	277,667	1,808,671	138,833		Sewer System Improvements.
116	Brooklyn	375,166	2,183,637	187,684		Water Treatment Facility.
99	Carroll County	361,350	2,545,187	186,150		Group Home.
125	Carson	163,970	2,709,157	82,230		Water Tower.
37	Cerro Gordo County	200,000	2,909,157	596,763	$282,737	Wastewater Collection System.
159	Cherokee	600,000	3,509,157	1,591,250		Water System Improvements.
75	Clark County	900,000	4,409,157	977,903		Jail Construction.
111	Clemons	171,800	4,580,957	85,900		Rural Water Connections.
86	Corning	326,500	4,907,457	153,250		Water Lines, Sewer System Improvements.
72	Creston	600,000	5,507,457	310,800		Water Distribution Improvements.
95	Davis City	38,000	5,545,457	19,000		Fire Station.
87	Diagonal	55,990	5,601,447	25,495		Community Center.
7	Drakesville	172,000	5,773,447	86,000	545,100	Wastewater Treatment System.
53	Dubuque County	325,000	6,099,447	163,000		Vocational Services Center.
128	Dyersville	263,667	6,363,114	131,833		Water, Sewer, Storm, Street.
28	Elk Horn	248,000	6,511,114	125,000		Rural Water Connection.
36	Elk Run Heights	146,587	6,757,881	73,283		Water Drainage Improvements.
34	Evansdale	207,466	8,965,147	103,734		Storm Sewer Improvements, Water System Improvements.
21	Farragut	250,000	7,215,147	200,000		Outfall Sewer Replacement, Lagoon.
13	Fayette	104,000	7,319,147	52,000		Sewer System Improvements.
11	Floris	172,000	7,491,147	86,000	359,100	Wastewater Treatment System.
185	Forest City	587,626	8,078,773	293,814		Storm Sewer, Sanitary Sewer Improvements.
46	Fostoria	205,000	8,263,773	216,125		Water Main Replacement.
163	Garwin	250,000	8,533,773	219,000		Water System Improvements.
106	Grand Junction	69,303	8,603,076	34,851		Wastewater Treatment Improvements.
130	Grand Mound	105,333	8,708,409	52,667		Well.
25	Grant	123,000	8,831,409	86,260	288,950	Rural Water Connection.
152	Hampton	499,675	9,331,084	249,838		Water System Improvements.
5	Hancock County	55,800	9,386,684	27,800		Water Treatment Facility.
122	Henry County	429,388	9,816,050	214,684		Sanitary Sewer, Water and Street Improvements.
51	Hull	800,000	10,616,050	844,000		Rural Water Connection and Improvements.
40	Indianola	413,200	11,029,250	225,000		Group Home.
43	Ireton	172,819	11,202,069	100,000		Senior Center.
20	Irwin	178,000	11,380,069	89,000		Rural Water.
52	Jackson County	151,735	11,631,805	76,870		Group Home.
105	Jefferson	317,925	11,849,731	158,964		Drainage Improvements.
67	Kirkville	177,000	12,026,731	88,500	532,500	Sanitary Sewer.
158	Lamoni	400,000	12,426,731	1,484,290		Water System Improvements.
42	Lansing	121,200	12,547,931	120,000		Water and Sewer Extension.
85	Lenox	58,320	12,606,251	29,210		Fire Station.
110	Liscomb	249,466	12,855,717	124,734		Water Tower.
14	Little Sioux	26,000	12,881,717	13,000		Well.
15	Logan	400,000	13,261,717	204,500		Water Distribution System Improvements.
126	Lowden	250,000	13,531,717	155,000		Sewer Treatment Improvements.
145	Lucas County	122,645	13,664,382	81,400		Removal of Architectural Barriers (elevator).

1993 CDBG APPLICANTS PROJECT DESCRIPTIONS—PROJECTS NOT FUNDED—Continued

I.D.	Community	$CDBG	Cum. CDBG$	Locals	Others	Brief description of projects
18	Magnolla	100,000	13,754,362	50,000		Water System Improvements.
117	Malcom	114,090	13,868,452	53,554		Water Main Loop, Storm Sewer Installation.
54	Mason City	800,000	14,668,452	400,000		Workforce Center.
44	McGregor	108,032	14,778,484	56,668		Water Main, Well.
123	Middleton	244,540	15,021,024	126,975		Street Improvements.
19	Missouri Valley	600,000	15,621,024	300,000		Fire Station/Community Center.
12	Monona	140,772	15,761,796	70,596		City Hall Renovation, Street Improvements.
22	Montgomery County	600,000	16,351,796	1,409,940	1,462,820	Rural Water System.
74	North English	234,730	16,598,526	120,922		Water Treatment Improvements.
77	Norway	150,857	18,747,383	80,000		Water System Improvements.
142	Odebolt	122,103	16,869,488	51,052		Water System Improvements, Fire Station.
60	Orient	109,256	16,978,772	49,894		Community Center/Library.
103	Paton	103,300	17,082,072	51,650		Water Treatment Improvements.
59	Patterson	41,715	17,123,787	20,000		Street Improvements.
100	Pierson	106,800	17,230,587	53,400		Well, Water System Improvements.
6	Pisgah	80,000	17,310,587	40,000		Water Storage.
55	Pleasant Plain	43,150	17,353,737	21,600		Community Center.
10	Pulaski	250,000	17,603,737	125,000	516,100	Wastewater Treatment System.
31	Rake	100,000	17,703,737	50,000		Water System Improvements.
16	Red Oak	550,000	18,253,737	275,500		Water System Improvements, Sheltered Workshop.
107	Remsen	115,000	18,368,737	57,500		Community Action Agency Expansion.
58	Ringgold County	203,653	18,572,390	101,827		Child Care Center.
129	Ryan	110,000	18,682,390	55,000		Water System Improvements.
120	Salem	157,040	18,839,430	76,520		Storm Sewer Improvements, Sanitary Sewer Improvements.
48	Sanborn	252,000	19,091,430	250,000		Water System Improvements.
139	Spencer	291,900	19,383,330	215,000		Senior Center.
26	Stanton	250,000	19,633,330	150,000		Water System Improvements.
157	State Center	300,000	19,933,330	314,500		Electrical Service.
115	St. Anthony	112,000	20,045,330	92,200		Rural Water Connections.
161	Sully	250,000	20,295,330	173,000		Sanitary Sewer Improvements.
33	Sumner	104,500	20,399,830	52,250		Sanitary Sewer Improvements, Water Improvements.
24	Tabor	250,000	20,649,830	1,050,000		Wastewater Treatment System Improvements.
112	Tama County	600,000	21,249,830	2,500,000	1,187,265	Rural Water Facility.
71	Thornburg	31,331	21,261,161	15,666		Demolition, Community Center.
23	Thurman	239,000	21,520,151	125,000	311,000	Water System Improvements.
35	Tripoli	129,373	21,649,534	64,687		Storm sewer, Sanitary sewer.
131	Truesdale	55,870	21,705,404	27,935		Water Main Replacement.
102	Vall	90,265	21,795,659	44,480		Water System Improvements.
70	Van Buren County	234,935	22,030,604	115,715		Care Facility Improvements, Demolition.
121	Wapello	226,775	22,257,379	108,225		City Building, Well.
76	Washington	192,840	22,450,219	96,420		Social Service Facility Improvements.
79	Washington County	600,000	23,060,219	2,000,000		Rural Water Distribution.
108	Whiting	161,700	23,211,919	147,000		Water System Improvements.
39	Williamson	166,000	23,377,919	210,000	507,400	Wastewater Treatment and Collection System.
17	Woodbine	260,000	23,637,919	130,000		Wastewater Treatment System Addition.

Mr. BYRD. That is not what we are saying in our amendment. Our amendment is saying the OMB decides so as to protect against wasteful spending.

Mr. HARKIN. The local people can decide as long as it is within the parameters.

Mr. BYRD. They can decide within those parameters.

I will yield to the Senator from Maryland. I will yield to the Senator from Nevada shortly.

Mr. SARBANES. Madam President, I want to add one observation to this debate on the community development block grant. Until 1981, there was up-front review at HUD before they could do these projects. You had to get the clearance ahead of time, file an application. That was counter to Republican theory, which had taken the view that you should have a complete delegation of this authority. And in the Gramm-Latta reconciliation in 1981, they removed up-front review at HUD and gave this discretion to the State and local authorities.

Now, that was done by a Republican administration and a Republican Senate that took that step to provide this delegation now to the State and local governments. Of course, as the distinguished chairman has indicated, he is not putting screening back in, but the grant of the authority to even list these projects in the book was a Republican policy.

Mr. BYRD. Absolutely; absolutely.

Madam President, I promised to yield to the Senator from Nevada 10 minutes. I yield 5 minutes, following the Senator from Nevada, to the Senator from Tennessee, and then 5 minutes to the Senator from Maryland. My time is limited; 5 minutes to the Senator from Iowa; and 5 minutes to the Senator from Kentucky. And I want to reserve 5 minutes, Madam President, for myself before the cloture vote, if the Chair will protect my 5 minutes.

Mr. REID addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Madam President, let us understand that the programs we are talking about relate to people. I received a letter in the last couple of days from a Republican county commissioner in Washoe County, NV, part of the Greater Reno metropolitan area. A Republican county commissioner wrote me a three-page letter and indicated that the project that they want money for that will come from these funds provides the means to deal with the increasingly serious youth and family problems in Sun Valley, the name of the suburb of Reno. It would include a day care center, family resource center, parenting library, ballfields, park facilities, and a multipurpose recreation building.

We have heard so much negative about these types of buildings. Let us listen to what a Republican county commissioner has to say:

> When the project is built, many public and private nonprofit human service agencies have agreed to set up early intervention programs in it for youth and families.

And he lists all those agencies.

Why is that important? The problem is this:

> Housing is predominantly mobile homes, and the neighborhood has none of the typical urban amenities such as sidewalks, curbs or street lights. According to the National Recreation and Park Society standards, Sun Valley has less than one-third of the recreational facilities that it needs.

"So what?" That is what we have been hearing from the other side. So what? Here is what it means, according to a Republican county commissioner:

> The necessity for programs that help children and their families is best evidenced by the crime statistics of the Washoe County sheriff's department: In the unincorporated area of Washoe County, 26 percent of all calls are to Sun Valley. Almost 40 percent of family disturbance and domestic violence offenses are in Sun Valley. Other statistics show that 26 percent of child abuse, 28 percent of runaways, and 28 percent of juvenile offenses occur in Sun Valley. The two Sun Valley schools, Virginia Palmer Elementary and Sun Valley Elementary, account for first and second place in the number of reported incidence of child abuse in Washoe County's 50 elementary schools. Each of these schools has twice the incidences of the third-place school.

Madam President, we are talking about helping human beings, problems that relate to crime. That is what these programs mean, some of these programs.

"We believe," says the Republican county commissioner, "the President's 'economic stimulus package' could provide a once-in-a-lifetime opportunity to build this project quickly as a whole coordinated package. The construction activities would provide jobs in the community" now "and the completed project would provide" now "long-term benefits to Sun Valley's at-risk kids and low-income families. With the site already in hand, and the planning and design work completed, we could begin construction" now.

That, Madam President, is what we have heard so many times from that side of the aisle in the last week or more; that these programs are worthless, we do not need them. Who needs a recreation area? Who needs a swimming pool? Who needs a place where these troubled youth can come and be taken care of?

We have some good news. Russia is not in civil war; the economy, we thought, was making a recovery but, of course, it is not. The statistics yesterday indicate problems are increasing as far as unemployment. We know that violent crime is exploding all over. I have given one instance of it.

Americans are asking two questions of Congress: Will we end gridlock to give a new President with a new plan a chance to implement that plan; or will we follow the path that the American public thinks we have been following recently, the path of gridlock?

The first step, we passed the President's budget and that is good. But, Madam President, we have problems in this country, problems that this stimulus package is trying to address. I have heard the chairman of this Appropriations Committee on many occasions tell anyone who will listen about the problems we have with domestic discretionary spending. We spend very little in domestic discretionary spending compared to what we used to on programs that mean something. Entitlements are skyrocketing, but on programs in science and education and anticrime, we spend one-half of what we did a decade ago. We spent 26 percent of our budget on domestic discretionary; now it is down to less than 13 percent. That, Madam President, is not good.

Madam President, I consider myself not a partisan person. I was the first Democrat to announce publicly that I would support the President's plan—President Bush's plan—in the gulf, the first Democrat to announce it publicly. I have been the key vote in many of President Reagan's and President Bush's plans over the past 10-plus years that I have been here. And I am proud of that fact. I am not a partisan person. That is what is so troubling to me as to what is going on now because we have rank partisanship forcing this country into gridlock.

I see in the U.S. News & World report a letter to the editor that says:

> In his March 1 editorial "Doing What Is Necessary," Mortimer Zuckerman referred to Republicans who once preached fiscal responsibility. The older generation of Republicans would be turning in their graves if they could see what Reagan-Bush voodoo economics has done to the American economy.

Madam President, they have to get real. They have to understand what is going on and back off from the partisanship.

I heard President Clinton say, "Even those who did not vote for me want me to succeed," and that, Madam President, is the truth. That is the truth. Even those who did not vote for President Clinton want him to succeed. But there are people here who want gridlock to continue. They cannot win. The President is looking good, so they are willing to hurt this country to prove that a small minority can lock up this country.

Madam President, Gerald Ford, a Republican President said, and I quote an address he gave before a joint session of Congress in 1974:

> I know well the coequal role of the Congress in our constitutional process. I love the House of Representatives. I revere the tradition of the Senate, despite my too short internship in that great body. As President, within the limits of basic principles, my motto toward Congress is communication, conciliation, compromise, and cooperation.

Within this branch of Government, the legislative branch of Government, Madam President, we should take a book from Gerald Ford.

And remember that communication is important, conciliation is important, compromise is important, and cooperation is important. We must succeed. The country needs a stimulus. People are out of work. In Sun Valley, NV, a suburb of Reno, kids need our help. They need it now. There are projects ready to go that will cause kids who would go to jail not go to jail, that would cause kids not able to graduate from high school to be able to graduate from high school. We need this economic stimulus package.

I yield the remainder of my time.

Mr. BYRD. Madam President, I hope that our Republican friends will have opportunities to speak also, and I ask unanimous consent that times which I have already allotted to certain Democratic Senators on this side, that Republicans may have an opportunity to come in between any one of those Senators with——

Mr. HATFIELD. Madam President, do we have to have unanimous consent to get recognition?

Mr. BYRD. No. No, they do not have to, but I had asked unanimous consent that certain Senators be recognized and given so many minutes each. I did not mean that that be consecutively. I am trying now to make that clear.

Mr. HATFIELD. Madam President, I say to the chairman, I am on the floor, have been waiting my turn. So far I have not had much opportunity, but whenever the floor is yielded, I will be asking for recognition.

Mr. BYRD. Madam President, I only see one Member on the other side of the aisle. That is Mr. HATFIELD, who is here dutifully fulfilling his post as manager of the bill. I ask unanimous consent that the second Senator to whom I yielded time wait until our friend, Mr. HATFIELD, has his opportunity.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATFIELD. Madam President, I thank the chairman.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. I, too, want to indicate that as far as rotation or whatever other system, we wish to give opportunity to both sides to be heard on this subject rather than utilizing all of the time on one side and then have all the time lopped over on the other side.

Madam President, I frequently find myself listening and wondering just exactly in what kind of a situation we are involved. I have heard this morning from our Democratic friends that the Republicans originated CDBG under the Nixon administration but somehow now here we are abandoning it.

Madam President, that is not true. We have voted for $4 billion in the current fiscal year budget. My chairman of the full committee and my chairman of the subcommittee, both on the floor, know that I am one of the strongest supporters of the CDBG in the Appropriations Committee, and I still stand here this morning as a supporter of CDBG.

But, Madam President, I think we have to understand precisely the circumstances. This is not a debate on whether we should continue the community block grant program. This is a question of whether we should add another $2.5 billion to a program that has unobligated funds at this very moment from the $4 billion that we have already appropriated in 1993. We are 6 months into this current fiscal year, and we have money, billions of dollars, I understand, still unobligated in that account. And we want to add $2.5 billion more?

Now, I do not purport to stand here to represent every one of the Republicans on this side. I am not sure any one Republican can do that. First of all, I want to make it clear it is not an issue with me as to whether we should continue giving the local communities that kind of flexibility to determine those programs. That is not the issue.

The issue is whether we should add another $2.5 billion without it being scored. We call it an emergency. Remember, this is not a regular appropriations bill. This is a supplemental appropriations bill, and we have more supplementals probably coming along the track that, if they should run out of money, we could consider at that point in time. So this is not the final judgment on adding more money to the existing account that has not obligated all of its existing funds.

I will tell you what this does. This adds another $2.5 billion to the national deficit. Madam President, let me draw the analogy. We went through the Vietnam war, and we did not pay for that war at the time we went through it. We postponed the payment on that. That is part of our problem today. I do not want to add to that problem because we talk about the deficit being the cancer in our economic life, and I think it is.

Madam President, we cannot add more to that deficit at this point in time. If we are really serious about attacking the deficit, we will count this, not declare an emergency in order to circumvent the so-called scoring system that adds to the deficit. It adds to the deficit.

Now, let us take the full package a moment, $19.5 billion. We have been led to believe by our Democratic friends that somehow this came from Mount Sinai, known as the White House, that somehow this is written in stone, this whole package. Madam President, let us remember that the committee itself, chaired by the distinguished Senator from West Virginia, made changes in this whole package in the committee. We had a substitute that changed the formula on the Summer Jobs Program. And then when it was brought to the floor, we had another substitute. We cut over $100 million out of the IRS part of the President's package, hardly then sacrosanct about any other changes. We added a substitute amendment, or an amendment to the substitute which cut $5 million from the GSA building program, hardly sancrosanct at that point.

So let us bear in mind—and I do not question the reasons for cutting over $100 million from the President's package by the leadership of the Democratic Party on this bill. I supported it.

So consequently, we then found ourselves in a position that 99 other Senators, any one of the 99 other Senators who wanted to make a further change in this bill, were locked into a parliamentary situation which would have made it rather meaningless.

Now, let us take that one step further. I think we have to clarify the situation we are in as I have listened to it this morning described. I think we have to understand, too, that no one on this side, to my knowledge, denies the need to act on the $4 billion as a part of this total package on unemployment compensation extension.

Madam President, I have a card here that I have been kind of carrying around this week waiting for a hopeful moment at which we could perhaps discuss a compromise. I think you would find a goodly number on this side that would say, "yes", highways should be activated or accelerated in the trust fund—whether $3 billion or not, I do not know, but at least that is another possibility. I think some of us would take the immunization factor out of this program and say that could be a very important part of a compromise. I think some of us could say summer jobs maybe, instead of $1 billion, some lesser figure.

I am just using this as an indication that this rigid gridlock that has been described I think has far more flexibility than an awful lot of speeches and rhetoric on both sides, I might say, have indicated. But I do think we have to start from an agreed baseline as to the situation we are in, not to raise this matter now as to somehow this is a philosophical problem that we face merely because we say those CDBG programs might be nice to have but are they in such emergency situation that we should add $2.5 billion more onto our national deficit.

(Mr. WELLSTONE assumed the chair.)

Mr. HATFIELD. That is my perspective. I am not going to be locked into this categorization that somehow I am opposed to local control or that any—I do not know how many Republicans, I have not taken a poll on that, but I believe there are people on both sides of the aisle if you isolate this and say it is a nice thing to have, maybe, this activity at the local level, to create a casino or swimming pool or something else. But is it worth the addition to our national deficit? That is the perspective I want to make clear that at least a goodly number of the people on this side of the aisle believe that our position truly is.

I think the argument is facetious. It is almost like saying, oh, let us reintroduce the OPA, the Office of Price Administration during the wartime. Nobody is suggesting that would be valid today. It might have been valid before.

Mr. President, let me also make one other point. Just because a Republican President might have offered a program does not necessarily mean that every Republican believes in it, or believed in it at the time. I am one of the Republicans who voted against Mr. Nixon's proposal on revenue sharing. Why? Because I did not trust local government? No. My view is that the point of revenue sharing makes the local governments more dependent upon the central government.

If you want to take a classical definition of liberalism, to me, my position was the liberal position for diffusing power rather than concentrating power in the central government. I was a Governor, as my colleague from Kentucky and others in this body, where at a time we had to go out and raise our own revenues. We had to be accountable to the people, not just to go back to the Federal Treasury and have them come back and collect our revenue sharing.

That is a philosophical point.

But, just because a Republican President proposed it certainly did not mean that I had to support it. In fact, I was ranked by a number of groups that ranked votes—I always think that is sort of a semiserious exercise, to affix a label as the goal of making these rankings of votes—I had the least support for the Republican administration than any Republican on this side of the aisle. That does not prove that, you know, every Republican proposal that is offered by a Republican President is sacrosanct or valid any more than a Democratic President offering us a so-called stimulus package becomes sacrosanct between Pennsylvania Avenue and Capitol Hill.

I have listened very carefully over the years. I consider that the Senator from West Virginia has been a real mentor, not just to me, but to many people. And I have heard him stand on this floor many times and say, I am a man of the Senate, I represent the Senate to the White House.

I am not the person who necessarily takes the White House perspective every time to represent to the Senate. "I am a man of the Senate."

Well I think we all have to say that there are times when we have to represent our administrations. I am sort of in a situation here at the moment, not representing the White House, but representing my party on this side of the aisle.

But I have talked enough to my individual Democratic friends to know that there is no more uniformity or conformity to any one perspective in a package of this size. We have heard the amendments offered by the other side of the aisle already to this package. The Chair has offered amendments to this package.

One last point. We hear about phantom lists, and the fictitious lists. Mr. President, it is very interesting that if we want to change some of those items, if it comes to fictitious lists or phantom lists, where at the same time two amendments were offered by the majority dealing with the same phantom list and the fictitious list, I join the chairman—and it was a Byrd-Hatfield amendment that said we have heard the House of Representatives debating this issue, and they have raised certain items in a list that was created by the mayors, and therefore we eliminate those by name, by category, by subject.

Later on, we had then this so-called generic restriction placed upon expenditures on the CDBG given to the OMB. I supported it.

So I just want to make it clear, that in this whole debate, we are going to present the best face for either side. Of course that is expected. But I want to just make certain that this is understood as not a debate on the generic legislation community block grant programs. We already have appropriated $4 billion that has not all been obligated.

I am not going to get into the general economic package, but just to make that clarification at this moment.

I yield the floor.

THE PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. HATFIELD. Would the Senator yield for one further statistic?

Mr. BYRD. Surely.

Mr. HATFIELD. I sent for a statistic that I wanted to include in those remarks if I might.

I have now the information that as of March 9, according to OMB, only 29 percent of the $4 billion appropriation in fiscal year 1993 CDBG funds, has been obligated. Excuse me. I cannot read my staff's writing. Not 29—2 percent, only 2 percent of the $4 billion in the current fiscal year has been appropriated and is available. Only 2 percent of fiscal year 1993 has been obligated.

Mr. FORD. Mr. President, will the Senator yield for a question? When the Senator says only 2 percent has been obligated, how much is in the pipeline and how many requests are about ready to be? I am talking about the CDBG.

Mr. HATFIELD. I understand. CDBG programs under HUD. There is a total of $15 billion in the pipeline, and 2 percent of the $4 billion that we appropriated in the current fiscal year has been obligated.

Mr. FORD. We have $15 billion requested. They are now going through those to award those that they think are in the best interests of the communities.

Mr. HATFIELD. The simple point, is Mr. President, the simple underlying, or the simple bottom line, is that we are asking for $2.5 billion more in this package, when only 2 percent of the $4 billion has been obligated thus far.

Mr. BYRD. Mr. President, before I yield further, may I say that my distinguished friend, Mr. HATFIELD, is one of the calmer heads in this Senate. As always, it is with great respect that I speak with him, and speak of him. I just wish sometimes that I could be as calm as can the distinguished Senator from Oregon.

He made reference to the amendments that we made, he and I made, to the bill early on. Let us make it clear, however, that the items that we were addressing those amendments to were not in the bill either. Those items were not in the bill. But we had heard that certain items were being used over in the House as bogeymen when the House debated this bill.

Mr. President, the time to begin with was equal, was it not?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. So the Republicans have equal time.

Mr. President, I believe the next Senator I yielded to was Senator SASSER.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. SASSER. Mr. President, I thank the Senator from West Virginia for yielding.

Mr. President, this morning I think the front page of the Washington Post tells the story about as well as it can be told in the top right-hand headline, which says: "Jobs Report Shakes Faith in Recovery, March Rates Stuck at 7 Percent, Dow Off 69." Then on the left-hand side, we see the headline, "Senate GOP Fights Off Cloture Bid."

Mr. SARBANES. Would the Senator yield for just one second?

Mr. SASSER. Yes.

Mr. SARBANES. Just to underscore this jobs report that is contained in the paper, not only does it say the, "March Rates Stuck at 7 Percent, Dow Off 69 Points," but, "long-term interest rates climbed back above 7 percent and the dollar hit a new low against the Japanese yen."

There are many dimensions to this economic problem reflected in yesterday's jobless figures and, of course, this very legislation is designed to try to do something about that.

Mr. SASSER. The Senator is quite right. What this article is indicating is that this economy that was supposed to produce an additional 100,000 jobs in the month of March; instead it lost 22,000 jobs; 59,000 jobs were lost in the construction industry. The unemployment rate in the construction industry today stands at 15.3 percent. That is a depression rate of unemployment.

In the middle of the Washington Post, it speaks of "Hill Republicans turn majority's hard ball tactics into rally point."

In the body of the story, what they are saying is that our Republican colleagues are upset that they are filibustering this jobs bill because the distinguished chairman of the Appropriations Committee filled the tree. If we wanted to amplify all this, perhaps—and I see a picture of our Republican colleagues here, and some of them look suitably indignant over this whole problem. If you wanted to carry it further, they ought to have a picture, perhaps, of myself and Senator SARBANES down here below, and we ought to be saying: Well, the Republicans did it to us 7 years ago; they filled the tree on us 7 years ago, so it is all right for us to fill the tree on them now. What do you think the American people think of that? What do they think of that?

Here is the New York Times headline: "An Impasse on Jobs Bill; Senate Quarrels Instead."

Did the American people send us here to quarrel over a jobs bill, to quarrel at a time when this economy is on the verge of going down again? Did they send us here to quarrel and have the minority party filibuster and try to kill a bill that this President of the United States has sent over here to create jobs for the American people, to prevent us from falling off into another economic decline, another triple-dip recession? I think not. I think not.

And when the American people read these headlines, they have to wonder what is going on, why will they not let the President's economic proposal come to a vote? Why will they not let the majority rule? Why aré they taking advantage—as they can and are entitled to—of the technical rules of the U.S. Senate to block a jobs bill that can bring economic security and economic insurance to an economic recovery.

I say to my colleagues on the other side of the aisle, this economy is in a precarious state. We are on the verge now of going into a triple-dip recession. This jobs bill that this President has proposed could be just the thing to foreclose that triple-dip recession and keep this economy moving upward on a path toward recovery.

I plead with my colleagues on the other side of the aisle, let us quit this quarreling; let us stop this filibustering; let us do what the American people sent us here to do; let us put the interest of the American people and the interest of this economy ahead of petty political quarrels, as outlined on the front page of the Washington Post; let us do our job; let us pass this job bill, and let us get this economy moving again.

Mr. President, I yield back whatever time I may here.

Mr. BYRD. Mr. President, my Republican friends are not ready at the moment.

I yield 5 minutes to the distinguished Senator from Maryland [Mr. SARBANES].

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I am pleased that the distinguished Senator from Oregon is on the floor, and if at any point as I speak he wishes to interrupt and have a dialog or a colloquy, I say to him I would welcome that. I regret that the debate here, unfortunately, tends to take the shape where people sort of get out and make their pronouncements, and if you try to challenge them or question them on it, they say, no, no, I want to finish, and they finish and walk off the floor. So I am happy to have any observations I might make challenged or discussed.

I want to make one major point, but I want to make some very quick points ahead of time. I think we have addressed this morning the community development block grant problem. This discretion given to local people was a policy decision that was made essentially coming from the Republican side, that they ought to have that discretion in terms of determining how to use that money. In fact, the chairman of the committee has put provisions in here now for up-front review by the OMB, which is something that was taken away by the Reagan administration.

Second, my colleague has just spoken about the economic need for this jobs program and how essential it is. Third, I do want to make the point that the other side talks about this jobs bill, this stimulus bill, and says, well, this is emergency spending that is going to add to the deficit. But they do that out of the context of the fact that we passed the budget resolution that will reduce the deficit by $496 billion.

If we had only this bill alone, not in that context, it seems to me you would have a deficit argument to make, but this bill, which could not be put in the resolution because it is a current bill—the resolution deals with the next fiscal year. When you put it in that context, you are putting this in the context of a $496 billion deficit reduction.

There is a larger point I want to make, and I have been thinking about this now for some time, and I thought about it quite a bit last night. I think what is happening here really raises the point about the validity of a filibuster in the Senate and the whole cloture process. I do not believe that this process was ever intended to be used by one party or the other, whichever one happened to be in the minority, as a way of frustrating majority action. That in not the origin of this provision in the Senate rules, and that is not its use over the years until recent times.

The American people need to understand what is happening here.

A minority is keeping us from getting to the bill and voting on it. They can vote against the bill when we get there. No one is saying that somehow if you cannot produce a majority you should not be able to work your will. But the minority is keeping us from actually getting to this bill.

It is now being used as a standard technique. It used to be an extraordinary thing to do what is happening here today. They would have a Congress where maybe after filibuster cloture would have been invoked two or three times in the course of a 2-year Congress. But in recent Congresses the numbers have jumped enormously, 48 times in the last Congress. Right at the beginning of this Congress, we had the motor-voter bill. The filibuster was used on the motor-voter bill.

The filibuster in the past was used when sectional or regional interests felt the particular concern of theirs was not being addressed or small State Senators said: "Wait a minute. We need to take a more careful look."

What has happened now is it has become a standard technique on the part of the minority party, so much so that they now put it in letter form. We do not even go to a vote. We go to letter form. In effect, what is says is unless you write this bill in a way that the minority accepts, we are going to block any action on it.

The minority is not being blocked from offering amendments to the bill and having them voted upon. They can do that. They may lose the votes, but they have the option of offering those amendments. But now they are saying, "no, no."

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. SARBANES. Mr. President, will the Senator yield me 2 additional minutes?

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 26 minutes and 48 seconds remaining.

Mr. BYRD. I yielded how much of that time?

The PRESIDING OFFICER. An additional 10 minutes of that time was yielded.

Mr. BYRD. So I have 16 minutes plus.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I yield 3 minutes to the Senator from Maryland.

Mr. SARBANES. Mr. President, I frankly tell you I think this has reached the point where we need to examine this. I serve on the committee on the organization of the Congress, and I think very frankly we need to examine this.

I do not think the filibuster rule was ever intended to be taken as it is now being used as a standard technique on every measure of significance by the minority party to, in effect, say, "Unless you write the bill in this and this way, we are going to block reaching the bill and trying to pass it, even though you are the majority and we are only the minority, as long as we have a minority of 40 or more to invoke the filibuster rule," which I submit was an extraordinary provision in the rules of the Senate and was used consistently over the years only in extraordinary circumstances. Now it is being used all the time as a matter of course, as the majority leader will tell you.

The majority leader in fact testified before the committee to study the organization of the Congress on this very point, that in effect the Senate was being prevented from simply doing its business.

So what is happening here, and it needs to be understood, is a minority of the Senate is preventing the Senate from getting to the legislation. The minority has the right to offer amendments. They have the right to vote against the bill when it finally comes up. But they are saying, "No, no, we are not going to let you get to that bill unless you rewrite it the way we want it."

And it is not only this bill. It was on the motor-voter bill. We thought it was going to happen on the family and medical leave bill. It did not happen I assume because we got cloture in the last Congress on the family and medical leave bill, and I assume that was adjudged to be sufficient for the purpose.

I appreciate that it was done with the help of the Senator from Oregon. I do agree with the chairman of the committee when he earlier said the respect we have for him as a very honorable and reasonable Member of this body.

But I do want to underscore. I think there is a real problem developing here. I think the reaction on this side must be understood by the other side as being seen in the context which I have been outlining, in other words, in effect, making this a standard tool in the consideration of the amendment.

And now the letter says exactly that. I assume these letters will come on every bill. Therefore, we will not vote to invoke cloture on this measure as presently constituted.

In effect, what it says is: Look. We only have 43 Members. We are a minority, but we are not even going to let you do your business unless you do the business the way we want it done. We are just going to block you from getting to it unless you rewrite it to satisfy us.

So, we do not get where the majority decides what the bill will look like. The minority decides what the bill will look like. The minority says: Unless you make the bill look the way we want it to look, we are not even going to let you get to the bill. We are going to put you in gridlock, even though you have a measure that the President says is an essential part of the economic recovery program.

It is not being done once in awhile. It is being done again and again and again, and that is where this gridlock comes from. I do not think the American people want gridlock. They want us to act. They want us to get on with it. I think they understand there are differences. Some will vote for it; some will vote against. But I do not believe they want action thwarted as is taking place with the constant and consistent, in my judgment, not use but abuse of the filibuster rule.

I thank the chairman for yielding me time.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Maryland.

I hope the Republicans will now take some time.

THE PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I yield at this time 10 minutes to the Senator from New Mexico [Mr. DOMENICI].

THE PRESIDING OFFICER. The Senator from New Mexico is recognized for 10 minutes.

Mr. DOMENICI. Thank you very much, Mr. President. I thank my friend, the ranking member of the Appropriations Committee.

Mr. President, I rise to talk about two issues related to this entire budget process and the stimulus package, and I will cover the stimulus package last.

The reason that I think consumer confidence is going down in the United States is because the American people are beginning to understand what this so-called plan for an American recovery is all about. Let me just give you an example.

The example is the energy tax that has been proposed, called the Btu tax. The American people are beginning to understand that this entire package is full of politics. What is on the floor today is predominantly politics with the exception of a couple of programs, but they are beginning to understand and if they have not yet, they will very soon, that even the energy tax is filled with politics. They thought we had a real game plan, one that was fair and that everybody was going to be treated the same.

The ink is not even dry on the budget resolution that calls for $273 billion in net new taxes, that is the new number because in the nighttime with no Republicans around, the budget was changed somewhat, and now it is $273 billion in net new taxes. Just the day before yesterday the list of exemptions to the energy tax grew to 13 in number. I will put them in the RECORD. And we do not even take into account these 13 exemptions in the budget. That is because there is pressure being put on. We let someone out from under it. We do not even count in that 13 the fact that for fuel oil use in the country we have decided that they would pay only one-half, the minimum amount of the Btu tax, not only defer it for a year but then only pay half, but the industries in the country that are going to lose jobs, lose profits, and have to lay off people will just have to pay a higher tax. There is the airline industry with thousands of workers. Who knows how much of that industry will survive with the kind of tax we are putting on?

So I think the marketplace and the people are beginning to understand. Let me give you another example.

There is much being said on the floor about an economic stimulus package we are talking about which other than the unemployment compensation is an ordinary exercise of spending money, nothing more or nothing less. In fact they are on a joyride to spend this money right now.

But the truth of the matter is the American people will soon find out that this little stimulus is going to do nothing because wait until they find out that in the President's package in the budget resolution are retroactive income taxes. Guess how many? Guess how many in this year, and we are going to be clear up into July before we even impose them, Mr. President—$27 billion in new taxes which will start in about July or August of this year and be retroactive.

You know how much of this spending package is going to spend out this year under other than unemployment compensation? Less than $3 billion. Who is kidding whom? Do you need that kind of stimulus because the economy needs stimulus or do you need it because you are putting a $27 billion tax on the American people and American business this very year?

I would ask any economist in America, those who favor spending, those who think reducing deficits count: Is this stimulus going to do something alongside of a $27 billion new tax, which makes it pale? And the taxes are on the negative side, not the positive side of the growth.

I ask unanimous consent that an analysis of a Btu tax be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BROAD BASED ENERGY TAX VIOLATES TRUTH IN LABELING

We are considering a bill on the floor that is filled with pork and they call it an economic stimulus package. To call it an economic stimulus is a violation of truth in labeling.

The broad based energy tax is touted as an environmental, conservation, energy independence initiative. It is also a violation of truth in labeling.

The newly proposed exemptions are quickly chipping away at the broad base. It is looking more and more like a big gasoline tax and a tax on electricity and natural gas.

The exemptions are being handed out like goodies in the economic stimulus package.

A 50 percent decrease in the proposed home heating oil tax for the northeast;

An exemption for the farm belt for ethanol and methanol;

An EOR exemption for California;

A jet fuel exemption for the big international airlines; and the list grows by the minute—just like those economic stimulus projects "ready to go."

A rifle shot exemption for coal bed methane produced in operating mines most of which are concentrated in West Virginia. Coal bed methane is produced in a lot of states but our resource comes from wells—not operating mines.

As originally proposed, the Southwest was the hardest hit region by the energy tax. We are hit harder than the mid-Atlantic states. The annual tax in the Southwest is expected to be $652, but for the mid-Atlantic it is $390. The new exemptions will make this regional disparity even worse.

The major changes in the Btu tax proposal deal primarily with the number of exemptions and the collection point.

There are now 13 exemptions to the Btu tax.

The original proposal only had three exemptions for (1) non-fuel uses of fossil fuels, (2) non-conventional fuels (solar geothermal, biomass and wind) and (3) exported fossil fuels.

Each exemption costs money. To raise the same amount of revenue, the tax will have to be more severe on those who are not exempt—our oil and gas producers.

If this exemption proliferation continues this "broad based energy tax" will end up as a narrow, but hefty tax on essentials like gasoline, and heating and cooling homes with electricity and natural gas.

There are concessions for a lot of special uses, but there is still no concession for the high tax proposed on our domestic production of oil.

Oil is taxed at twice the rate of coal and natural gas. If we want to encourage domestic production there should be an exemption for independent producers or for stripper production.

There is still nothing in this proposal to significantly reduce our dependence on foreign oil.

As originally proposed the gasoline tax would increase by 7.5 cents per gallon when fully phased in, but all these new exemptions can only mean one thing: an even higher gasoline tax on the billion gallons of motor fuel we use each year.

We drive a lot in New Mexico. We depend a great deal on tourism and the gasoline tax is a damper on tourism. It hurts the trucking industry, too.

Exempts Ethanol, Methanol, ETBE, MTBE and feedstocks used in their producion, but does not exempt natural gas. If the environment is the justification for the two-tier tax structure, there is no reason to discriminate against natural gas but provide a full exemption for ethanol and methanol.

Helps California by exempting natural gas used in enhanced oil recovery for heavy oil. At least some of New Mexico's natural gas will benefit from this provision since it is used in the enhanced oil fields in California.

Exempts jet fuel used in international flight. This does nothing to help domestic-only airlines like Mesa. It also does nothing to help our fighter pilots because DOD is still expected to pay the jet fuel tax.

Since energy produced in the U.S. but exported does not bear the energy tax, it will make it more expensive for our firms doing business in the state to compete with firms using our energy to make goods in nearby Mexico.

The proposed tax on home heating oil has been cut in half to help the Northeast. Home heating oil will now be taxed at the natural gas and coal level. This is good news for the cold climates of the Northeast, but gives no relief to Sunbelt residents who spend a lot on electricity and natural gas to cool our homes in the summer.

The uniformity and fairness of this tax is getting riddled with loopholes and special concessions.

For natural gas, the tax collection point is now the city-gate, which any savvy natural gas producer knows, does not exist any more as a result of restructuring. The LDC is expected to owe the tax, but the pipeline is expected to pay the tax to the IRS.

Why is the pipeline being asked to pay the tax on a product it doesn't own, and under the FERC rules isn't even allowed to know to whom it belongs?

Oil collection point is moved to the tailgate of the refinery. This is probably one of the few moves in the right direction to come out of the new information we have about the Btu tax.

For coal, it is still back at the minemouth. The tax is still hidden from the consumer.

They say the devil is in the details and I think this energy tax is one very ugly devil.

ENERGY TAX EXEMPTIONS

Tax would not be imposed on the following:

(1) Nonfuel uses (*e.g.*, feedstock uses) of fossil fuels.

(2) Nonfuel products such as asphalt, lubricants, and waxes.

(3) Exported fuels and electricity (an appropriate refund or credit would be provided for fossil-fuel-generated electricity).

(4) Bunker and jet fuel used in international transportation.

(5) Coal used in the production of synthetic natural gas.

(6) Coal seam methane from operating mines.

(7) Hydroelectricity from pump storage.

(8) Natural gas used in enhanced oil recovery for heavy oil.

(9) Imported electricity if the importer establishes that an energy source other than fossil fuels, hydropower, or nuclear power was used to generate the electricity.

(10) Ethanol, methanol, ETBE, MTBE, and feedstocks used in their production.

(11) Biomass including landfill gas, wood waste, and bagasse (sugar cane biomass).

(12) Municipal solid waste and tires burned as fuel.

(13) Solar, wind, and geothermal energy.

Mr. DOMENICI. Mr. President, last night our distinguished majority leader gave a summation, wherein he was trying to make the case that you have to look at the whole package. You have to look at the whole package because you should not talk about spending $19.5 billion now that we do not have the money to pay for it, go into more deficit spending now, without looking at the whole package, said the distinguished majority leader.

Well, I am going to look at it just for a minute with all of you. The American people thought the plan had deficit reduction in it. Let me give you one set of numbers.

If you look at the budget resolution that was agreed to by the conferees—again, I repeat, Republicans were not part of it—domestic spending will increase $566 billion over the next 5 years. And that is not including Social Security.

In the current fiscal year, discretionary spending and non-Social Security mandatory spending will total nearly $660 billion. Over the next 5 years, under this budget resolution, domestic spending will total $3.8 trillion. Now, actually, that is, no matter how you slice it, $566 billion more than the annualized current spending level.

I do not think the American people really would sit still for 1 minute for $273 billion in new taxes to get the American fiscal deficit under control, when this budget lets spending, nondefense discretionary and mandatory without Social Security, go up $566 billion over this 5 years.

Now, having said that, let me talk a minute about what could have been done. Again, these are the final numbers after we have had a chance to look at the budget resolution that was changed in about 24 hours in conference.

The President is going to ask us to cut $168 billion out of the domestic and mandatory side of this budget and, lo and behold, Mr. President, he is also asking, and this budget resolution says, add back $153 billion in new spending.

Again, I repeat, I do not believe the American people would sit still for a minute if they knew that the talks of cuts and reductions are in a budget environment where $153 billion in new expenditures are being asked for.

Now, let me just discuss the taxes that are part of this big picture. There are $337 billion in gross new taxes, with $64 billion given back in rebates, for a net tax increase of $273 billion, and it is called a bold new plan. It is essentially a tax plan.

Two-hundred and seventy-three billion dollars net new taxes, and all we get is this little tiny piece you can hardly see on this chart, $15 billion in net domestic cuts. And today, on the floor of the Senate, we are going to take that little $15 billion, that little, mousy thing that has been referred to by others in different contexts, this little $15 billion total domestic cuts over 5 years, and we are going to reduce that some more by spending some more money.

It will be $9 billion when we are finished with this project, if we ever pass this bill. The $15 billion in total domestic cuts, I say to the distinguished chairman, over 5 years will be reduced by this so-called jobs package to a total of $9 billion.

Now, that is the grand plan. In a $1.4 trillion Federal budget each year, in 5 years, we are going to cut $9 billion in domestic spending. And here on the floor, we are being asked to spend money to create jobs.

The plan says, tax Americans and tax businesses to create jobs.

Mr. BYRD. Will the Senator yield?

Mr. DOMENICI. I will be pleased to in a moment.

I really cannot believe that that is an economic plan for jobs.

Yes, I will be pleased to yield to the chairman.

Mr. BYRD. The Senator asked, will the deficit be cut?

Mr. DOMENICI. Did you ask me if it will be?

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. BYRD. Is that the Senator's question? Will the deficit be cut?

Mr. DOMENICI. No, I did not ask the question.

Mr. BYRD. I thought that was the thrust of his statement.

Mr. DOMENICI. This will not cut the deficit. It will add to the deficit.

Mr. BYRD. Did we cut the deficit under Mr. Bush?

Mr. DOMENICI. Listen, if Mr. Bush's programs had been adopted, we might have.

But I guarantee you, we would not cut the deficit under Mr. Bush or Mr. Reagan or anyone just by adding taxes.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired.

Mr. HATFIELD. I yield 2 more minutes to the Senator.

The PRESIDING OFFICER. the Senator may proceed for 2 more minutes.

Mr. DOMEMICI. Let me just wind this up.

Consumer confidence is going to be spoken of here on the floor. I gather, because consumer confidence is waning, somebody is going to say consumer confidence in this country is waning because of what is going on, on the floor of this Senate.

Frankly, I do not think 5 percent of the America people know what is going on, on the floor of the Senate.

The truth of the matter is, if consumer confidence is waning, it is because the American people are beginning to see the light about the Clinton economic plan, which is supposed to produce jobs, which is supposed to produce sustained economic growth. The marketplace is beginning to see it will not work. It is all taxes and no cuts, other than defense spending reductions.

And when that finally gets out there and they feel the taxes of the first year, which will be $27 billion in new taxes—and you will not put those on until July or so. So just imagine what is going to happen with reference to the income taxes for the American people and for small business with a retroactive tax of that sort.

So let no one be fooled. This will not help the economy; it is not big enough to do anything. Second, it is borrowing money we do not have in the name of creating jobs.

I yield the floor and I thank the ranking member for the time.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, the Senator from Louisiana [Mr. BREAUX] has asked for some time. I am prepared to yield him some time.

Mr. BYRD. Mr. President, I believe I yielded to which Senator next?

I yield 5 minutes to the distinguished Senator from Kentucky [Mr. FORD].

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. FORD. Mr. President, I think I am no different from my colleagues. Having seen polls for the last 18 months, the No. 1 priority in the minds of the American people is jobs—jobs.

I have talked, in the real poll, in campaigning last year, to the men and women in my State. They want a job. They want the dignity of being able to pay their bills and of not looking for extended unemployment compensation. They want the dignity of being able to send their children to school. They want the dignity of being able to raise their social standard. So jobs is the question here.

We get carried away and start talking about the budget and other things. We ought to be brought back to why we are here today and what we are trying to do, and that is jobs.

In talking to them in my State, they need the extended unemployment; need it badly. They need the funds for highway programs.

A highway is laid and if you do not have any maintenance for 7 years, that is long-term. You build a new bridge, that is 25 or 30 years. That is long-term help.

Summer jobs for rural and urban children, that is needed. It is needed now.

Education. We have some tutoring money in this bill to help those children in the single-parent families that have a hard time grasping those things that are out there. Tutoring for the summer is in this bill.

There is child care, to let people have an opportunity to see that their children are well taken care of and maybe they can go out and find a job.

So, Mr. President, my State would like to have this.

And we talk about all the frustrations going on. I read a quote the other day from a Republican aide—it was not from a Senator—that he has never seen the mood on that side so mean and surly. And you read that there is no leadership; we are tying to find a cohesive way.

It even went so far as the Republican leadership in the House writing the U.S. Chamber of Commerce. Here is the question they asked. "The House GOP conservatives are enraged with the U.S. Chamber of Commerce for not opposing the Democratic administration down the line." That is in the letter.

Then we have, "the Chamber, however, appears to have its reasons for working with the Democratic Congress and the President. Its counsel is being sought by Democrats on issues such as relieving the credit crunch for small business and seeking ways to control health care costs."

That is what the U.S. Chamber wants.

Then, "In addition, chamber officials, who met"—listen to this—"chamber officials, who met not long ago with more than 1,800 of their members in five regions of the country, said the message at those sessions was the same." That message was: "The members were sick and tired of the Washington gridlock." That is business in this country. That is the U.S. Chamber and 1,800 business people in five regional meetings. They are "sick and tired of gridlock in Washington, tired of the chamber's perennial adversarial role, and they wanted to see some action on economic problems."

So, with the frustration on the other side, and as one Republican aide described it, "We had a tennis racket and a ball but no wall to bounce it against." And then they found it: ROBERT C. BYRD. That is the reason they gave for coming together—all 43. Because he put out a little legislative procedure here—it has been used by that side—and that gave them a reason to be against Democrats.

He said he did not mind being a scapegoat because he was doing what he thought was right, he was doing what he thought his President wanted him to do, and he was doing what he thought the people of this country wanted. Because that side did not get but 38 percent of the vote last time; 62 percent of the American people said we did not like what was going on, we did not like the path that we were being taken down.

So they had to find a reason, a wall to hit the tennis ball against, and that was ROBERT C. BYRD.

There is not a Senator in this Chamber today that he has not helped. There is not a Senator in this Chamber today who has not made a request of ROBERT C. BYRD at one time or another; and he has sat down with them and made an effort to work out the things in their States. And the new Members who come, no one gives them more time and instills the grandeur of this institution than ROBERT C. BYRD. And here we are, going to use him as a wall to bounce a tennis ball against.

If that is a reason, that is a reason, but I do not believe the American people appreciate it.

It is time to listen to the Chamber, listen to the businessmen, stop the gridlock—stop the gridlock and let us get on with it.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. FORD. Well, I was just getting warmed up, Mr. President. Thank you.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. I hope our Republican friends will take some time. I only see one stalwart warrior on the other side—he has been here from the very beginning—and that is my friend and colleague, Senator HATFIELD.

May we hear some Republican voices?

Mr. HATFIELD. Mr. President, in due time.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Mr. President, I would like to ask a question of the Senator from West Virginia.

Mr. BYRD. On my time.

Mr. REID. Maybe the reason the Republicans are not here is, Mr. Chairman, it seems to me—I am familiar with filibuster by speaking a long time. I am familiar with filibuster by offering amendment after amendment after amendment. But this new procedure—you do not need to talk a lot. You do not need to offer amendments. You just need to write a letter. Filibuster by letter, is that new to the esteemed chairman of the Appropriations Committee?

Mr. BYRD. In over 200 years in the Senate's history, that is the first time it has ever been used, to my knowledge, in this fashion.

Mr. President, my time is running short. I yield to the Senator from Iowa 5 minutes.

I see nobody on the other side except Mr. SPECTER. He is coming now. But I yield to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. BYRD. I must not yield more than that.

Mr. HARKIN. I thank the chairman for yielding.

Mr. President, the arguments made by the distinguished ranking Republican on the Appropriations Committee, the Senator from Oregon, were most lucid and learned, as all of his arguments are, and very moderate in tone. I caught sort of an undertone, however, of the argument made by the Senator from Oregon that we have to be somewhat fearful, I think, or perhaps on guard, as to, perhaps, the tyranny of the majority, not letting the minority have its part of working its will.

I understand that argument and I sympathize with that and I support that argument. We have to be wary of the tyranny of the majority.

But there is also the flip side of that coin, and that is the tyranny of the minority, of a handful or a few people who want to stop and block up everything until they get exactly what they want. It is perhaps like the antics of a small child who says, "If I do not get my way, no one else gets his or her way." So we have to be careful, I think, about both.

Right now the bill is open to amendment. Amendments are offered, and if those amendments are accepted, they then become part of the bill. The distinguished chairman of the committee made that accommodation over a week ago. Yet we do not see any kind of serious endeavor on the part of the Republican side to offer those amendments. So I would say what we have now is a tyranny of the minority who will not let this body work its will.

Let me shift to the arguments made by the distinguished Senator from New Mexico [Mr. DOMENICI]. He said the bill now is pure politics. Now? The bill has been the same basically all along. It is the President's package. If the Senator thinks it is pure politics, I would ask him to ask the nearly 9 million Americans who are out of work if they think it is politics that we want to put them back to work. We want to offer them some hope, a job—not a handout. Ask them if they think this is pure politics.

Second, the Senator from New Mexico said if the Bush programs and budgets had been adopted, we might have cut the deficit. I submit the Senator may have a short memory. In every one of the 12 years—8 years of Mr. Reagan, 4 years of Mr. Bush—whenever they sent their proposed budget to the Congress, this Congress appropriated less money than they asked for. That is right. We appropriated less money in each of 12 years than either Mr. Reagan or Mr. Bush asked for.

So the argument made by the Senator from New Mexico is very hollow. I say he has had a lapse of memory there when he says if we would have adopted the Bush budgets, we would have cut the deficit.

Last, I hear—I must be living in a surreal world here, in a bad dream. The Senator from New Mexico now says one of the problems here with this stimulus package is it is too little, it will not do anything. We have heard for a week, the last 10 days, it is too big, too much money, we have to cut it down. Now the Senator from New Mexico says it is too little. Which is it, too much or too little?

By making those kinds of spurious arguments, it unmasks, really, what a small handful on the other side are up to, and that is to block and thwart the will of the majority, to pull the rug out from underneath this President—at a time when he is now in Vancouver, he will be meeting with Mr. Yeltsin, to pull the rug out from underneath him.

Is this too little or is it too big? Mr. President, again, I say the 9 million Americans out of work can answer that question. We need to get them back to work.

I am reminded of the story of the little boy who put his finger in the dike. I am sure some of those on the other side were making the arguments that maybe this is too little. They would have said to the little boy, sticking your finger in the dike will not do anything, you have to build a whole new dike. There has to be a new dam there. Sometimes it is the little plug that you put into the dike that stops the dam from bursting. Or it is the little breach that causes the dam to break open.

What we have here is a part of the President's overall package of deficit reduction, revenue increases, and, yes, economic stimulus to put people back to work until we get this country moving in the right direction again. Like that little kid who struck his finger in the dike, I do not think you can say this is too little. What it does is it begins to stop—it stops this tremendous unemployment factor we have in America that Senator SASSER referred to earlier this morning. I close on this note: Too many people out of work.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, the ranking Republican on the Appropriations Committee, for yielding time. I had come to the floor earlier this morning to seek time to speak on the pending bill. I exchanged a few pleasantries with all the Members on the floor, including the distinguished Senator from West Virginia. I stepped off the floor just briefly to make an outline of my comments. I had been here and expressed my intention to speak. I am glad to have these few minutes.

In analyzing the stimulus package, Mr. President, I ask three questions: Does the economy need the stimulus? If so, how much? Should the appropriations for the stimulus be paid for now if we decide there should be a stimulus?

On the first question, I think the economy does need a stimulus; not positive but I would say it does, and I would beyond that defer to what President Clinton has said.

How much? That is a question that I think has to be decided, certainly not $16 billion-plus. I think this body has a duty to find an accommodation, a compromise on how much that stimulus should be.

Should the appropriations for the stimulus be paid for now? That is the one question which this Senator can answer categorically, and it is yes. We ought not to engage in any more deficit spending.

When people say that the American voters have expressed confidence in President Clinton and we should follow his leadership, I say again what I have said both publicly and privately, and on this floor, that I am prepared and want to support the President. I understand that the American people want answers to the problems, whether they are provided by Democrats or Republicans.

President Clinton carried Pennsylvania, but so did I. When the voters of Pennsylvania elected me to come back to Washington, they expected me to exercise independent judgment and not give President Clinton a blank check.

Another question has emerged as this bill has been considered, and that is: Are the Republicans responsible for stopping this bill or perhaps are the Democrats responsible for stopping this bill? The Democrats have argued that this is a filibuster by amendment, and I submit to the American people that the answer to that question is conclusively no on the face of this record:

The Democrats have said that the Republicans are offering phantom amendments. I counted up the amendments and found six offered by Republicans which drew votes from the Democrats. The last amendment to be voted upon, the Domenici amendment ensuring sufficient funding for a cost-of-living pay raise in 1994 for military employees and civilian employees, had six Democrats voting for it. As the C-SPAN tape will show, because the CONGRESSIONAL RECORD does not record when a Senator voted, there was a large number voting right at the end, coming right up to the brink, as to how many Democrats could support that amendment without calling on the Vice President to break a tie.

Among those Democrats were three members of the Armed Services Committee who understand that question very well. While the Domenici amendment was being voted upon, I stood on this floor because Senator HATFIELD, my leader on this bill, had scheduled my amendment next on health care reform. I have been in the Senate long enough to know that if you want to get the floor, you better stand up so everybody knows you want the floor, because there is a little bit of deference here, just a little bit.

As soon as the Domenici amendment was finished, I sought recognition, and the majority leader was recognized. I can understand that. I was a little surprised, however, to hear a quorum call to cut off my opportunity to offer an amendment. A few minutes later, the distinguished Senator from West Virginia was recognized. I can understand preference to Senator BYRD, the manager of the bill, to make a presentation, which lasted about 25 or 30 minutes.

When he finished, I sought recognition, but a quorum call was put in. A few minutes later I asked that the quorum call be taken off. Before I could even make the request, the majority leader objected and I asked leave, as the RECORD would show, to finish my question, and I did. There was objection.

Several minutes later I again tried to get the quorum call taken off. Finally, the majority leader put us into morning business, and I would question the appropriateness—I am not going to come to any conclusions; I think there have been too many harsh conclusions articulated on this floor about Senators—but I am going to raise a question as to whether it was appropriate to have a long delay, 35 or 40 minutes before a Republican had a chance to answer very serious and heated charges made by the distinguished Senator from West Virginia.

Among those charges was a statement of improper conduct by the Republican leader in controlling the recognition issue. What was happening by the Democrats when this Senator sought recognition? Was that a control of recognition stopping a Senator from coming forward to offer an amendment?

Mr. BYRD. Mr. President, will the Senator yield?

Mr. SPECTER. I will on your time.

Mr. BYRD. The Senator from West Virginia never charged the Republican leader with improper conduct.

Mr. SPECTER. The Senator from West Virginia said that the Republican leader abused his powers by denying Democratic Senators recognition, and I would ask the distinguished Senator from West Virginia if that is inaccurate?

Mr. BYRD. The Senator from West Virginia will speak on his own time.

Mr. SPECTER. I take that to be an affirmative answer, Mr. President. I will send for the transcript and we will compare my recitation with what the transcript says. I do not come to the floor with all of the transcripts, but the statement is accurate. The Senator from West Virginia said the Republican leader abused his powers in denying Democrats recognition when Senator DOLE was the majority leader.

That is why I ask the question as to whether it was appropriate to deny any Republican a chance to respond in a timely manner to what the distinguished Senator from West Virginia had said. There is a quality about argument and there is a quality about reply, and one of the critical ingredients is timeliness. A lot of people were watching on C-SPAN. The Republicans were entitled to make a reply. We sought to make a timely reply, and we were denied that reply.

I raise the question as to whether or not that is appropriate conduct. Perhaps the distinguished Senator from West Virginia—well, he said he would reply on his own time. So I will await that reply and perhaps have a comment to make on that.

I find it curious, Mr. President, that the action by the distinguished majority leader to stop votes on amendments came just when my amendment on health care reform came up. When the distinguished Senator from Iowa said a few minutes ago that the bill was open for amendment, I respectfully suggest he is incorrect about that. We had a long period of argument yesterday for morning business. For those watching on C-SPAN, that is a category that we talk about on opening matters where bills are introduced. It is obvious that it is more important to talk about the bill than it is on morning business. But we were in morning business to stop any Senator from offering an amendment.

I note the distinguished Presiding Officer is about to pound the gavel. I wonder if I might have 5 additional minutes.

Mr. HATFIELD. I yield 5 minutes to the Senator.

Mr. SPECTER. I thank my distinguished colleague.

We were in morning business so no Senator could offer an amendment. The bill was brought up today from 9:15 until 11:45 under a unanimous-consent agreement that no amendments could be offered. Had I been on the floor, Mr. President, I would not have objected to that because the majority leader could have put us into morning business. The majority controls the calendar, the docket, and what is going to be done.

In a sense I feel complimented, Mr. President, that it was my amendment on health care reform which brought down the curtain. I think it is obvious that the Democrats do not want to vote on the subject of health care reform. This is not a subject which this Senator brought up for this occasion to embarrass anybody or to make a point on this bill. I have been pushing legislation on health care reform for the better part of a decade, going back to about 1984 when I offered legislation on the issue of low-birth-weight babies because it was a major problem in my State. Last year I introduced major legislation that I pushed for a floor vote last July 29. On the first legislative day this year, January 21, offered S. 18, and I tried to get hearings on it.

I put materials on my efforts for hearings in the RECORD yesterday. I wrote to the majority leader, to the chairmen of the relevant committees. We cannot get a hearing.

In working with the Republican task force chaired by Senator CHAFEE which is preparing a bill for introduction. I took the parts that I considered best from bills, introduced by Senator KASSEBAUM, Senator COHEN, Senator BOND, and Senator MCCAIN and introduced S. 631. When I brought this measure to the floor after I had circulated a "Dear Colleague" letter saying the amendment would be offered on the debt ceiling, because it is appropriate to have a tax issue on the debt ceiling, I found out the debt ceiling bill was not going to be open for amendment through another procedural approach. I will not call it a divisive maneuver. I will call it an approach.

So I offered the amendment on this bill. There are solid indicators that we are likely not to have a health bill this year because of statements made by a number of key Democratic legislators. In yesterday's New York Times there was an elaborate report about how the task force appointed by President Clinton was not going to complete its work within the 100 days and they did not expect a bill this year.

So that the American people, right next to the economy and the stimulus, want health care reform. When the Senator from West Virginia [Mr. ROCKEFELLER] said last year that this is a one-person town—and I put that in the RECORD yesterday—I disagreed with it last year, I disagreed with it yesterday, and I disagree with it today. The Congress of the United States can legislate.

I cited statements made by the distinguished majority leader on "Face the Nation" that he had worked on this issue for 6 or 8 years and the Congress was ready to legislate. The American people are entitled to an answer why we have not legislated on health care reform. The American people are entitled to an answer why the majority leader did not bring the question up last year as he said on July 29 he intended to do, if at all possible. The American people are entitled to an answer why the chairman of the Health and Human Resources Committee and the chairman of the Finance Committee have not scheduled hearings on health reform. The American people are entitled to an answer why the majority leader cuts off debate on pending amendments.

Now, this is not a filibuster by amendment. There are valid amendments to be brought to the floor in addition to mine. Senator DANFORTH was here yesterday. Senator GRAMM was here yesterday.

What does the majority leader say? He says we will vote on amendments if there is a list of amendments presented and a time for final passage.

Mr. President, the majority leader can control the docket, but I raise again the question as to the propriety of that. Why are we not permitted to vote on our amendments? We have plenty of time. We were on this bill for 4 hours yesterday, although in morning business. We adjourned early last night. We adjourned early Thursday night when the majority leader put us into morning business. We have time to vote today except we are precluded from doing so.

Now, Mr. President, I voted for the extension of unemployment compensation benefits.

I ask for 2 more minutes. I am just about out of time. I notice the very patient Presiding Officer holding the gavel but not pounding it, just giving me a little warning.

I voted to extend unemployment benefits even though we were not going to pay for them, although I introduced a sense-of-the-Senate resolution that we ought to pay for anything that we appropriate. And I say, as a fundamental matter, if it is worth appropriating, it ought to be paid for now.

When President Clinton proposes a budget for 5 years that is going to reduce the deficit by $500 billion, that is a misnomer. I will not call it deceptive. What it does is instead of having $300 billion a year deficit, there is a $200 billion a year deficit. So that at the end of 5 years the deficit is 5 times $200 billion or $1 trillion more instead of $1.5 trillion. If that is reducing the deficit by $500 billion, I do not know how to add or subtract. I am prepared to vote for unemployment compensation benefits even though it is not paid for. Most of my colleagues would not do that.

But I suggest, Mr. President, that the delays now are squarely on the shoulders of the Democrats who are not allowing our amendments to be voted on.

Mr. KERRY. Will the Senator yield for a question?

Mr. SPECTER. I will on the Senator's time.

The PRESIDING OFFICER (Mr. KOHL). The time of the Senator from Pennsylvania has expired.

Mr. KERRY. I do not have any time. It goes to the heart of the point the Senator has just raised.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Who yields time?

Mr. SPECTER. I wonder if Senator HATFIELD will yield enough time for the Senator to propound his question.

The PRESIDING OFFICER. One minute.

Mr. KERRY. The Senator says it is squarely on the shoulders of the Democrats. The majority leader has asked for a list of amendments with a time certain to vote on the bill. Republicans can raise all the amendments they want, vote forever, with a list and time certain. Why would they not provide a list with time certain and let us vote? We are ready to vote right now.

Mr. SPECTER. Let me answer that question from the Senator from Massachusetts. He already knows the answer. And that is after we have offered all our amendments, we do not intend to vote on this bill in its present form which includes $16.3 billion. It is too much. And we submit——

Mr. KERRY. The Senator is answering——

Mr. SPECTER. Let me respond. I have the floor. And we submitted the letter saying that we would not end debate with a bill in its present form. We have not gotten to that point. But if we get to the point where this bill costs $16.3 billion, billions of wasteful spending, we are not going to end debate. That is why we are not going to tell the majority leader that we have a finite list of amendments, that is, we will end at some point and then be prepared to vote, because the rules permit us to continue to debate the $16.3 billion which we think is excessive. That is the one pressure point where the Republicans have in this town today a way to stop the steamroller of the Democrats, and we intend to use it.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. KERRY. I ask the Senator——

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. GORTON. Mr. President, over a period of several weeks, we debated a budget resolution, a guide for spending for 1994 and for 4 successive years.

Members on this side were concerned about and opposed that budget resolution because it included hundreds of billions of dollars in new taxes, and little, if any, spending restraint.

Finally, in the middle of this week, the last form of the budget resolution came in front of this body. As the distinguished senior Senator from New Mexico so eloquently pointed out, the total domestic spending reductions in that entire bill amounted to about $15 billion, and all of them were concentrated in the last 2 years of the 5 years covered by the budget resolution.

Immediately upon the passage of that budget resolution, we were once again presented this bill which spends somewhere between $16 and $20 billion. In other words, at the very beginning of the process, presumably covered by that budget resolution, we were asked to spend more money immediately than all of the savings in domestic programs included in an entire 5-year budget resolution and left until the end of that period of time.

Can any reasonable person possibly believe that that predicted under this Congress and this administration is a serious attack on the budget deficit? Of course, it did not. Of course there will be other emergencies as this one, an emergency almost invisible to the naked eye. There will be more this year, I predict, and certainly next year and the year after that.

And the net result is the people of the United States will pay close to $300 billion in new taxes, and they will get no deficit reduction at all. That is what we are debating here in connection with this bill. This $16 to $19 billion in new spending is too much on top of the spending which is already going on, on top of the huge deficits which are already present. And it is clearly not an emergency by any stretch of the imagination.

With respect to the debate, it is a curious filibuster in which those who want the bill passed spend more than twice as much time on the floor speaking on it as those who are opposed to it. For those who wish it were passed, we went for 3 days without allowing any meaningful amendments, had 1½ days' worth of amendments on which they had to vote and on which their votes were most uncomfortable, and then once again have effectively cut off amendments unless we agree to give up on a bill which we are absolutely convinced not only will not create jobs but will deprive people of jobs across the United States because it will add to inflation, add to the pressures on small, medium, and large businesses, and will go at exactly the opposite direction from the fiscal responsibility which is the only base for a vibrant and for a growing economy.

This bill, Mr. President, is not good for the people of the United States. It will not provide them with jobs. It will provide them only with more spending and more inflation. The people of the United States have said cut spending first. We are now asked to increase taxes but to add to spending first.

The President has asked for people to call their Members of the Senate, especially on their side and tell them to pass this program. Even in my quite liberal State and even in my liberal city of Seattle the calls, while moderate, are of a majority against this spending program. The calls to my office here are in the majority against this program. The calls I suspect to almost all Republican Senators are against this program.

The people of the United States, Mr. President, say cut spending first, not add spending first.

This cloture motion should be rejected.

Mr. SARBANES. Will the leader give 30 seconds?

Mr. BYRD. Mr. President, I yield to the Senator from Maryland 1 minute.

Mr. SARBANES. Thirty seconds.

I want to say to the Senator from Washington. If he thinks this is a bad bill; I think it is a good bill. I think the Senate ought to be allowed to vote on the bill. If a majority thinks it is a good bill, it will pass. If a majority thinks it is a bad bill, it will not pass. But what you are doing is you are preventing us from even voting on it. You are putting in the gridlock so we cannot make the judgment. Then the people can hold us accountable. I think we ought at least get to the bill and vote on it.

You are saying, oh, no, we are not even going to allow you to get to the bill. You are so sure you are right that you will not permit a vote on this legislation. I do not think that is what the American people want.

Mr. HATFIELD. Mr. President, I would like to just say for the record that, as of last night, the Democrats have twice as many hours as the Republicans had. I think the fact of delay ought to be evaluated on the basis of the record of the floor.

Mr. KERRY. Would the Senator yield for a question?

Mr. HATFIELD. I am happy to.

Mr. KERRY. The Senator has been here for many years and he is one of the most eminently reasonable people in the U.S. Senate. Surely, the Senator understands that in this situation the real measurement of delay is not who has spoken and who has not spoken. It is whether or not we are able to move forward. Always, the Senator knows, we cannot move forward. We will allow, as the Senator knows—my question is coming—the amendments that you want. But clearly we cannot proceed because of the gridlock.

I ask the Senator, is it not a fact that the majority leader has asked again and again for a list of amendments, with a time when we could vote on this bill? Is that not a fact?

Mr. HATFIELD. Mr. President, I would be very happy to respond to the Senator. I think we ought to put this in context.

First of all, we were denied along with the Senator from Massachusetts and 99 other Senators who were offering an amendment in the beginning of this case a meaningful amendment because of the way the parliamentary procedure was lined up—legal, according to the rules. We are, according to rules, at this moment in time as well.

I want to say second, the great legislation of this body, namely, civil rights, and even the last civil rights case, family leave, and I can enumerate others, it was the composite of both sides of the aisle. All we are asking is that if you want us to be bipartisan on any of these matters, let us be able to proceed, not just hand us a package and say you have got to support the President. I do not think that has been set forthrightly.

The Senator from Pennsylvania has indicated also that from yesterday, the parliamentary procedure was put into place where no amendment can be offered. We are now shutout again. So let us get the record straight. There is enough blame to go around and there is enough credit to go around. But, nevertheless, to say that it is on one side of the aisle or the other, I think it is a composite of both.

I would like to make one observation. From Ecclesiastes:

> And I saw that all labor and all achievements spring from man's envy in his neighbor. This too is meaningless. * * * chasing after the wind, the fool folds his hands and ruins himself. Better one handful with tranquility than two handfuls with toil and chasing after the wind.

And I only use that because I would like to say I think the time has come when we should try to put together a package that some Republicans at least can support as well as some Democrats.

We have been in a steamroller situation from a parliamentary perspective, for far too long to ask us to be bipartisan at this time and not that we were being partisan. We are protecting our rights, and we are working according to the rules of the Senate. If you do not like the rules, I would say, then it is time to review them and I will be happy to look at the review of the rules.

I yield 3 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I just got a final recap from the Congressional Budget Office of the budget. Let me ask that three tables be made a part of the RECORD as if I went into them in detail.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFICIT REDUCTION ASSUMED IN THE BUDGET RESOLUTION AGREED TO BY THE HOUSE AND SENATE ADJUSTED FOR STIMULUS SPENDING

[By fiscal year, in billions of dollars]

	1994	1995	1996	1997	1998	1994–98
Total discretionary outlays:						
CBO baseline[1]	538.9	540.2	554.8	569.8	585.1	2,788.8
Budget resolution[2]	545.2	544.5	548.1	547.9	547.9	2,733.5
Discretionary savings	6.2	4.3	−6.7	−21.8	−37.3	−55.2
Mandatory outlays:[3]						
CBO baseline	962.2	1,033.9	1,090.6	1,164.8	1,255.0	5,506.3
Budget resolution[4]	959.2	1,025.7	1,071.0	1,131.5	1,207.7	5,395.2
Mandatory savings (including debt service[5])	−3.0	−8.2	−19.6	−33.1	−47.3	−111.1
Total outlay savings	3.3	−3.9	−26.2	−54.9	−84.6	−166.4
Revenues:						
CBO baseline	1,214.4	1,289.8	1,355.3	1,412.7	1,480.5	6,762.6
Budget resolution	1,241.8	1,330.2	1,413.3	1,486.3	1,553.7	7,025.3
Revenue increase	27.4	40.5	58.0	73.7	73.2	272.7
Total Deficit Reduction[6]	24.1	44.4	84.2	128.6	157.8	439.1
Increase in debt held by the public	265.9	243.8	220.0	220.6	232.5	1,182.8
Increase in debt subject to limit	372.3	366.0	355.8	359.1	369.7	1,822.9

[1] Assumes compliance with the discretionary spending limits in the Budget Enforcement Act through 1995; discretionary outlays are assumed to grow at the same pace as inflation after 1995.

[2] Includes IRS compliance spending of $183 million in 1994 and $184 million in 1995 that are excluded from the budget resolution for Budget Enforcement Act technical reasons. Also includes outlays from House-passed Emergency Supplemental Appropriations Act of 1993 (H.R. 1335), which are not included in budget resolution.

[3] Includes all non-discretionary spending.

[4] Includes outlays from Emergency Unemployment Compensation Amendments (P.L. 103–6), which are not included in budget resolution.

[5] Includes reductions in net interest resulting from other reductions in spending (including discretionary savings) and increases in revenues.

[6] Including effects of Emergency Unemployment Compensation Amendments (P.L. 103–6) and House-passed Emergency Supplemental Appropriations Act of 1993 (H.R. 1335), which are not included in budget resolution.

Note: The budget resolution figures are based on the amounts in the conference report agreed to by the House and the Senate.

DEFICIT REDUCTION ASSUMED IN THE BUDGET RESOLUTION AGREED TO BY THE HOUSE AND SENATE

[Not including effects of stimulus spending; by fiscal year, in billions of dollars]

	1994	1995	1996	1997	1998	1994–98
Total discretionary outlays:						
CBO baseline[1]	538.9	540.2	554.8	569.8	585.1	2,788.8
Budget resolution[2]	538.9	541.5	547.3	547.3	547.9	2,722.9
Discretionary savings	0	1.3	−7.5	−22.4	−37.3	−65.9
Mandatory outlays:[3]						
CBO baseline	962.2	1,033.9	1,090.6	1,164.5	1,255.0	5,506.3
Budget resolution	956.9	1,025.7	1,071.0	1,131.5	1,207.7	5,392.9
Mandatory savings (including debt service[4])	−5.3	−8.2	−19.6	−33.1	−47.3	−113.5
Total outlay savings	−5.3	−6.9	−27.1	−55.5	−84.6	−179.4
Revenues:						
CBO baseline	1,214.4	1,289.8	1,355.3	1,412.7	1,480.5	6,752.6
Budget resolution	1,241.8	1,330.2	1,413.3	1,486.3	1,553.7	7,025.3
Revenue increase	27.4	40.5	58.0	73.7	73.2	272.7
Total Deficit Reduction	32.7	47.4	85.0	129.2	157.8	452.1

[1] Assumes compliance with the discretionary spending limits in the Budget Enforcement Act through 1995; discretionary outlays are assumed to grow at the same pace as inflation after 1995.

[2] Includes IRS compliance spending of $183 million in 1994 and $184 million in 1995 that are excluded from the budget resolution for Budget Enforcement Act technical reasons.

[3] Includes all non-discretionary spending.

[4] Includes reductions in net interest resulting from other reductions in spending (including discretionary savings) and increases in revenues.

Note: The budget resolution figures are based on the amounts in the conference report agreed to by the House and the Senate.

Mr. DOMENICI. Let me make some points.

First, the Congressional Budget Office confirms that this deficit reduction is not $496 billion, it is $440 billion.

Second, and even more dramatic, the Congressional Budget Office finds that the budget resolution has no—and I repeat—no domestic discretionary cuts planned for 1994 or 1995. Most of the cuts are back-end loaded into 1998. Nearly 60 percent of the domestic discretionary cuts take place in 1998. Anybody that believes that is going to happen has not been around the Senate very long and has not seen budget resolutions.

Third, taxes on the other end are front-end loaded. Total gross taxes, $337 billion. Tax credits for EITC and others, net taxes, 273. But the taxes begin immediately, and according to the Congressional Budget Office, they would go up $27 billion, while spending reductions would total $5 billion. That is the equivalent of $5.20 in taxes for $1 in spending.

Finally, in the congressional budget analysis this morning—it is interesting that the budget conference agreement we adopted by 55 to 45 violates the Budget Act. We did not even have the right numbers. It does not even come within the caps in 1995. It is $1 billion over. The whole budget would have been subject to a point of order had we had CBO's final estimates, and I do not believe the Senate would have adopted it.

One last point. With additional time to study the figures, I asked my staff to assess the increased spending cuts and the increased spending. I now can report to the Senate that it is very different than 3 days ago. The resolution adopted yesterday includes increased domestic spending of $153 billion, rather than $124 billion. So that the upshot of all this is that we cut spending $168 billion; we increase spending $153 billion; and with this huge, first-of-a-kind, deficit reduction package, which means $15 billion in all of domestic over 5 years, with the adoption of this bill, if we were to do it, we would add to the deficit, and we would end up with $9 billion as the total deficit reduction on the domestic side of this budget over 5 years, with most of it in 1998.

I do not think it is a plan. Frankly, I think it is a hoax. We are going to get plenty of taxes and nothing else.

I yield the floor.

Mr. HATFIELD. Mr. President, I yield 3 minutes to the Senator from Florida [Mr. MACK].

Mr. MACK. Mr. President, I thank the Senator for yielding. I was observing the conversations this morning on the floor, and there were discussions about the frustrations that people were feeling. And there was this sense of pointing at the other side for causing these frustrations.

I must say to the people I saw speaking there must be an incredible sense of frustration on your side. Maybe it is because there is a recognition that the people in the country are beginning to recognize exactly what is in this bill. You are worried that you are not going to get this thing passed; that the $16 billion that had been promised to all the different interest groups around the country may not be there and, gee, if that $16 billion is not paid off to everybody, maybe there will not be the support for the tax bill later in the year.

Well, I for one am not particularly frustrated. I am delighted to have the opportunity to tell the people in this country what is going on. By allowing us to continue to talk and not allowing us to offer amendments, we still can inform the people that this bill is about more spending, more spending, more spending, and about more pork, more pork, more pork. The more people around the country hear this simple fact, the more they are inclined not to support the President's so-called economic plan.

You all talk about jobs. Well, if you pass this bill the way it is, it is going to cost you $90,000 to create one job in the country; $90,000 for every job that is going to be created. Well, it does not cost the private sector that kind of money to create jobs. These are temporary jobs. So while you are in the process of creating these temporary jobs, what is going to happen? The deficit is not going to be reduced. Overall spending is not going to be reduced. It is going to increase. When the people in this country hear that the debt of this Nation is going to be increased because of this pork bill, they will reject it.

In almost every office in the Senate, the calls are coming in expressing one simple message—"defeat this plan." Then I hear my colleagues on the other side of the aisle say, "Where is everybody? Why are you not here talking?" One minute you are saying we are talking too much; then you say we are not talking enough. One minute we are offering too many amendments, and the next minute we are not offering enough amendments. Come on. You cannot have it both ways.

We would be delighted to have the opportunity to offer these amendments. However, you do not want us to offer the amendments because it is embarrassing to you that the people in this country are finding out that this bill is nothing but more and more and more spending. We are prepared to stay here and defeat this bill because we believe in paying for our spending decreasing the deficit down, reducing the debt, and getting our country moving again.

There is a philosophical difference, and I am well aware of that. You want to raise taxes and increase spending. We want to reduce taxes and reduce spending. That is something worth fighting for.

Mr. HATFIELD. Mr. President, I yield 3 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, when we were debating the budget, we were talking about billions of dollars in baselines and nobody knew what we were talking about. And the President's budget had special protection because of rules that required a vote on the budget. Now we are talking about a bill under the ordinary rules of the Senate that the public understands.

First, the public understands that this bill is illegal, that you are having to put in here an emergency designation because this bill violates the law of the land that the American taxpayer paid $150 billion-plus to get a spending freeze, and this bill violates that law and raises the deficit by $19.5 billion.

Second, we are no longer talking about billions of dollars in baselines. We are talking about good, old-fashioned pork barrel. We are talking about ice skating rink warming huts, we are talking about boat docks; we are talking about biking paths. And people understands that issue.

I spent a lot of yesterday talking to pork producers. They are very unhappy that we are comparing their product to this bill. They are very unhappy because they have spent 30 years getting the fat and waste out of pork to make it America's other white meat. Well, I suggest to my colleagues, if we want to break the impasse, let us do to this bill what the pork producers have done to their product. It probably is unfair to compare the kind of waste in this bill to modern American pork. Let us work together and get this fat out.

I submit, Mr. President, that we are not going to let this bill pass until we get the pork out. Now, we may be here on April 15, a day that is enshrined in the heart of every working American, because it is on that date that they have their closest relationship with Government. It is on that date that Government takes their money. If we are here on April 15 with our Democratic colleagues trying to explain why they will not ban in this bill the painting of water towers, the building of ice skating rink warming huts, bike paths, jogging paths, and parks—if we are here on that day debating those issues, I think the American people will understand.

And I, for one, am not going to vote for this bill. I am going to do everything in my power to keep it from passing in its current form, because this bill will hurt America. We are borrowing money from small business and family farms, taking it away from them to spend on make-work, giveaway projects. We should not do it.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have remaining.

The PRESIDING OFFICER. The Senator has 9 minutes, 7 seconds.

Mr. BYRD. Mr. President, I want to reserve some time to close my side of the argument. I yield 4 minutes to the distinguished Senator from California [Mrs. FEINSTEIN] and the remaining minutes to Mr. Riegle. That is all the time I have left.

Mrs. FEINSTEIN. Mr. President, I really would like to address my comments to the respected Senator from Florida [Mr. MACK], if I might, for a few minutes, because he said some things that I would like to respond to.

Let me tell you, Senator, how I look at this package. I have spent a lot of time on the floor and I have listened to all the debate and have looked at all the charts.

There are two charts that speak to the heart of this package, and if the Senator thinks these comments have any merit, I would really appreciate it if he would take them to his colleagues.

The first chart is this one. This chart, in essence, says that in past recoveries the job cycle went up, people returned to work. In this recovery, people have not returned to work. The net difference between this line and that line is 3 million jobs.

The second chart that makes some sense is what is happening to consumer confidence. Consumer confidence, it is going down. That is reflected in the righthand column on the front page of this morning's Washington Post in which the headline is "Jobs Report Shakes Faith in Recovery."

Mr. MACK. Mr. President, will the Senator yield?

Mrs. FEINSTEIN. If I could just finish for 1 second; it is very quick.

The President's program is essentially in direct jobs, one-half million direct jobs. That is 500,000 jobs. It is not very much if you have a 3-million-jobs deficit. If you cut this economic stimulus program, as has been proposed by the other side, you reduce the number of jobs to be created to less than 250,000 or 200,000. If you do that, you might as well not do the program. You will not provide any stimulus to the econc .

If anything, the program is too short in what it produces in net new jobs to have that kind of effect.

If the Senator wants to talk deficit, let's talk about the billion which has been added on the deficit in the past and the $40 billion to be added this year in bailing out the savings and loans. Every member on the other side of the aisle was aware of that amount added to the deficit, but I only hear them attacking this much smaller, but vital economic stimulus package.

Mr. MACK. Mr. President, is the Senator willing to yield?

Mrs. FEINSTEIN. I am happy to now yield to the Senator.

Mr. MACK. Mr. President, I thank the Senator very much for giving me the opportunity.

I will respond both to the jobs and confidence issues which the Senator from California has just raised. It is clear in my mind what happened to jobs in this country. This Congress has used its power to impose more and more burden and regulation and costs on employers in this country. This has resulted in employers thinking, "If I hire one more employee, it is going to be way too expensive."

This Congress, this Government has encouraged the employers of this country to find other ways to get higher productivity without hiring employees. That is point No. 1.

Point No. 2, with respect to confidence, it is very, very obvious to me what has happened to confidence in this country. People found out what this plan is all about and have seen there are tax increases, more spending and more debt in the President's plan and they are losing confidence.

I thank the Senator for yielding.

Mrs. FEINSTEIN. Mr. President, I had to plead for this small amount of time that I have and I trust the Senator understands my utilizing the time.

The point I want to make about this stimulus package is that it produces jobs rapidly. The true reason it is called stimulus.

What the President did is find within the Federal parameters a program that could rapidly produce jobs to the tune of one-half million, a small portion of the 3 million that I referred to earlier which are really necessary. To me, the heart of the recession is the lack of jobs—good jobs, that can support our families and our children.

I would be happy to work with the Senator on any kind of package that can produce one-half million jobs rapidly.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, I thank the Chair.

It is obvious to anyone following this debate that gridlock is back and our friends on the other side of aisle are insisting upon it.

It is bad economics and bad for the country. At the heart of it, I think, is really Presidential politics in 1996. We have some people, some in this Chamber on the other side of the aisle, who want to run for the Presidency in 1996, and they just cannot wait to get started. They get started by trying to hurt this President, who just got elected and who has come in here with an economic plan for the country, which the country desperately needs. They are doing everything they can by means of a filibuster here to prevent him from having a chance to put an economic recovery plan in place.

Do we need an economic recovery plan? We certainly do.

Look at all the data. Last month's unemployment numbers that just came out for the month of March showed no job growth. In fact, we lost 23,000 jobs in the economy. The stock market yesterday was down 68 points because investors are looking at this and they see the return of gridlock and the old-fashioned politics coming from the other side here and they are worried about the economic future.

As has been said by the Senator from California, who just spoke, the consumer confidence numbers are down again now; long bond rates were jumping up again yesterday. There is no question in my mind a large part of the people are watching this debate and they are saying, even though the Republicans in the Senate only have 43 votes, they can use that to jam the works and they can use that to prevent an economic recovery plan from being put in place, and they can stymie this President and they can try to wound this President because they are looking ahead to 1996. Someone on their side of the aisle can get out there and run for President and try to take the power of this country back.

The problem is—first of all, I think—that that is absolutely unconscionable in terms of the needs of the country. But strip off the veneer and that is what is going on here.

The people on the other side of the aisle had 12 years. They had their President for 12 years. We had 8 years at the movies with Ronald Reagan, and then we had 4 years with Bush and Quayle, and the other side controlled the Senate for 6 of those 12 years. So they have had a chance to try their plan, and their plan did not work. Their plan gave us monstrous deficits, monstrous trade deficits, high unemployment, stagnant wages, and a decline in our country.

We are trying to change that. People voted that out and they voted Bill Clinton and AL GORE in to put the country on a new path. They come in here with a plan, and it is a sensible plan. We need every penny of this stimulus. We need every penny of it.

Let me tell you what the Japanese are doing, out of the New York Times yesterday. Last year, according to the New York Times, the Japanese had a stimulus plan of $93 billion. We are talking here about $16.3 billion. The Japanese had $93 billion last year, and their unemployment rate is all the way up to 2.5 percent. Ours is at 7. They are worried about it. They want to put their people to work. They just decided to have another stimulus plan. They are going to have, according to the New York Times, $130 billion of stimulus.

The Republicans are in here fighting tooth and nail to prevent $16 billion-plus worth of stimulus for this country, to get some jobs out there now, to help people get to work. And every job we create we know that person takes the income, they spend it on groceries, on clothes for their kid, on rent, on house payments. That money moves through the economy. They help create the next person's job, and it keeps moving all through the United States. That is how we get some lift into this economy.

But the other side wants gridlock because they want the Presidency back. They want to make this President unable to function. And even though they do not have a majority here—they only have 43 votes—if they stick together and use the filibuster and require us to have 60 votes to break it, they can stymie his plan and try to stymie this President so they can elect one of themselves, or try to, 4 years from now.

That is what this is all about. This is Presidential politics, plain and simple. And they are prepared to wound this President and wound his chances to help this country because of their own ambitions, and it is wrong, and in time I think we will defeat this strategy.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The minority controls 9 minutes.

Mr. HATFIELD. I yield 9 minutes.

Mr. DOLE. Mr. President, I know that there are other sharp differences on each side of the aisle on issues, and I am not certain they can be resolved. I have read the same stories about consumer confidence and other things happening, the stock market yesterday, and it is going to be a hard sell to tell the American people that, because we refused to spend $16 billion and not pay for it and add it to the deficit, all this is happening.

The truth of the matter is that the American people are beginning to understand what President Clinton is all about and what his economic package is all about and that it is $273 billion in increased taxes net over the next 5 years. That is why confidence is down, that is why the stock market is in trouble, and that is why a lot of things are going to be changing.

So, I think it is just a fundamental difference in parties in this debate. We believe we ought to pay for them. First, we believe we ought to cut spending first, and, second, we believe if we are not going to cut spending, at least we ought to pay for the increased spending. We do not do either in this exercise. This is not a stimulus. This is a downer as shown by the stock market, shown by consumer confidence, and shown by other indicators. This is not a stimulus package.

So I just suggest that we have the financial markets now beginning to grasp the full significance of the economic plan. We get all these higher taxes—the Senator from New Mexico pointed out earlier this morning that when we get through, we pass this plan, the net nondefense spending cuts over the next 5 years are $9 billion.

Now we can do better than that and the American people expect us to do better than that.

This is a debate that probably we ought to have.

I hear some of my colleagues on the other side—the sharpest critics President Bush ever had, almost personal sometimes—on this Senate floor attacking President Bush and his economic policy.

We have not done that. We do not intend to do that; at least, this Senator does not intend to do that. I am not attacking President Clinton. I agree with the general concept of reducing the deficit.

I stood on this floor yesterday supporting President Clinton in his efforts today with President Yeltsin. I share his view totally in that area. He has strong Republican backing. So it is not a question of disagreeing with President Clinton.

This is one issue—one issue.

I heard the crocodile tears shed this morning about, well, we invented a new filibuster by letter. There are a lot of letters written around this place, a lot of letters written on both sides of the aisles. I have signed a lot of each.

The letter was directed to me, saying that, as presently written, we cannot accept this package.

The Founding Fathers—and others who were around here for the last couple hundred years—thought that, at least in the Senate of the United States, there ought to be a chance for debate.

This has been debated for 24 hours on that side and about 11 hours on this side. So it is hard to suggest we are filibustering, when about 2 to 1 the time has been taken on that side.

But in their wisdom, the Founding Fathers felt, in the Senate, at least, there ought to be a chance for debate and an opportunity for the American people to hear what the issues were.

So in my view it is fundamental. There is no reason to raise our voices. It is just a fundamental difference. Republicans believe in cutting spending. If we cannot cut spending, at least we ought to pay for it and not add it to the deficit.

That is not the view of my colleagues on the other side of the aisle.

It just happens to be a fundamental, basic, philosophical difference between the two parties.

I believe, in this instance, the American people are with us. They may not be with us next week—they may be with the other side—but on this debate, the American people understand that we cannot continue to spend money and spend money and spend money and raise taxes and raise taxes and raise taxes and stimulate the economy.

So that is why we are prepared, with 43 votes or 44 votes, to block consideration of this bill, if it comes to that.

As I indicated yesterday, we are also, at least this Senator is, prepared to try to determine if there is some middle ground or some way it can be resolved. We are not at that point yet.

Mr. President, I just hope that cloture will not be invoked. This is a bad bill. That is why phone calls, at least in my office, are running about 3 to 1 against the package.

Mr. President, for all the reasons that have been stated on this side of the aisle, I hope that we do not invoke cloture.

The PRESIDING OFFICER. All time has expired.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on committee substitute to H.R. 1335, the emergency supplemental appropriations bill:

Wendell Ford, Pat Leahy, Patty Murray, Barbara Boxer, George Mitchell, Daniel Inouye, Dianne Feinstein, Claiborne Pell, Robert C. Byrd, David Pryor, Jim Sasser, Tom Daschle, Paul Sarbanes, John F. Kerry, John Glenn, Byron L. Dorgan, Paul Wellstone, Carol Moseley-Braun.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that the debate on committee substitute to H.R. 1335, the emergency supplemental appropriations bill, shall be brought to a close.

The yeas and nays are required. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. CONRAD], the Senator from Alabama [Mr. HEFLIN], the Senator from Texas [Mr. KRUEGER], the Senator from Georgia [Mr. NUNN], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO], the Senator from New Hampshire [Mr. GREGG], the Senator from North Carolina [Mr. HELMS], the Senator from Mississippi [Mr. LOTT], the Senator from Arizona [Mr. MCCAIN], and the Senator from Alaska [Mr. MURKOWSKI], are necessarily absent.

I further announce that, if present and voting, the Senator from Arizona [Mr. MCCAIN] and the Senator from North Carolina [Mr. HELMS] would vote "nay."

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 52, nays 37, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—37

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Hatch
Hatfield
Jeffords
Kassebaum
Kempthorne
Lugar
Mack
McConnell
Nickles
Packwood
Pressler
Roth
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—11

Conrad
D'Amato
Gregg
Heflin
Helms
Krueger
Lott
McCain
Murkowski
Nunn
Shelby

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 37. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, and Members of the Senate, just prior to the vote, I spoke with the distinguished Republican leader, and we agreed to meet following this vote to discuss how best to proceed with respect to the pending matter and we will do that.

In the meantime, I will momentarily propose that there be a period for morning business, during which time debate can continue on the measure with the time to be equally divided under the control of Senators BYRD and HATFIELD until 2 p.m., at which time, either then or prior to then, I hope we will have had a chance to talk and I will be in a position then to make a decision and announce the schedule thereafter.

Mr. BUMPERS. The Senate is still not in order.

The PRESIDING OFFICER. The Senate will please come to order.

Mr. BUMPERS. Mr. President, this is important. The majority leader deserves to be heard. Will Senators take their seats?

Mr. MITCHELL. Mr. President, I have discussed with a very large number of Senators individually the scheduling for Monday, and with the distinguished Republican leader. I have concluded that the best way to proceed on Monday would be for the Senate to come in at 9 a.m. to have 90 minutes of debate, equally divided, and have the cloture vote on that day at 10:30. This accommodates, by far, the largest number of Senators, although it is inconvenient for several others. To them I apologize. There is simply no way to do this in a manner that can precisely meet each Senator's needs.

Mr. DOLE. If the majority leader will yield, in the event there should be amendments offered that were debated, say, today or Monday morning, those votes would occur at the same time or prior to the cloture vote.

Mr. MITCHELL. Yes; that is my intention. I have discussed with the distinguished Republican leader his amendment and have indicated to him that we will be pleased to have him offer his amendment, which is essentially an alternative to the pending measure, at his convenience and to debate and ultimately vote on that. We will be very pleased to do that at such time as is convenient for the distinguished Republican leader.

Mr. DOLE. But the vote would occur on Monday.

Mr. MITCHELL. If we proceed in that fashion, yes.

And as I have also discussed, if that is the case, there may be others as well.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, that being the case, I now ask unanimous consent that there be a period for morning business until 2 p.m. with the time to be equally divided in the usual form under the control of Senators BYRD and HATFIELD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate will come to order.

Mr BYRD. Mr. President, I ask unanimous consent, with the concurrence of the distinguished Senator from Oregon [Mr. HATFIELD] I ask unanimous consent that the speakers in this period of morning business alternate from side to side.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, reserving the right to object, I think we have to bear in mind that if we follow this procedure, this morning there were many on the Democratic side ready to speak. We had a little more time; we had to rustle up our own speakers this morning.

If there is to be this unanimous consent, I suggest then that any time there has to be a quorum call, it be equally charged to both sides in order to fulfill that alternate speaking.

Mr. BYRD. Mr. President, I withdraw my request.

Mr. HATFIELD. I thank the Chair.

The PRESIDING OFFICER. Who yields time? If no time is yielded—

Mr. BYRD. I take it that our friends on the other side do not wish to utilize any time at this point.

Senator HOLLINGS, how much time?

Mr. HOLLINGS. Three or four minutes.

Mr. BYRD. I yield 5 minutes, Mr. President, to the distinguished Senator from South Carolina [Mr. HOLLINGS].

The PRESIDING OFFICER. The Senator from South Carolina.

WHY DO THEY FILIBUSTER AGAINST JOBS AND ECONOMIC STIMULUS?

Mr. HOLLINGS. Mr. President, I hesitate to talk because this filibuster orchestrated on the other side of the aisle is being measured in terms of who has been talking the longest.

Mr. RIEGLE. Can we have order, Mr. President?

The PRESIDING OFFICER. The Senate will come to order.

Mr. HOLLINGS. Mr. President, the filibuster is designed to continue the talk. We are trying our dead level best to stop talking and vote.

The PRESIDING OFFICER. Will Senators please take their conversations off the floor and come to order?

Mr. HOLLINGS. Mr. President, I just wanted to make a few comments about some of these squibs that I hear. There is one correction that should be made. Fault is not to be measured by who is talking the longest in a filibuster. We have not been supporting this filibuster.

How many days have we been on this bill?

Mr. RIEGLE. Eight days.

Mr. HOLLINGS. How many? Eight days; 8 days and it by now is quite obvious we are confronted by a Republican filibuster by amendment.

Mr. SARBANES. Will the Senator yield? It is actually now a filibuster by letter.

Mr. HOLLINGS. Filibuster by letter.

Mr. SARBANES. A letter, yes. The other side all signed a letter and they sent it in and they said: Therefore, we will not vote to invoke cloture on this measure. So it is now a filibuster by letter. The Republicans have all signed that letter.

Mr. HOLLINGS. They have that power, Mr. President. They have that power. There is not any question about it. This filibuster is their way of trying to obtain political recognition in the wake of their defeat by the vote of the people last November.

The people voted for dramatic change. There is not any question about it. Only a year before, in November 1991, no one thought that the distinguished President, George Bush, would ever be defeated, certainly not by the little Governor from Arkansas. And what happened was the distinguished Governor of Arkansas did not win on any of his promises that we are being reminded of. Instead, he was elected on the singular promise that President Bush made, and that was the promise that he was not going to do anything about the economy. There was not any doubt about it.

I mean, President Bush was preoccupied with foreign policy and wars in the Mideast, swaggering that he would, and I quote, "kick ass" in Iraq and so on. But you could see that this course was sending the country down the tubes economically, and so the people said, "Look, let us have the gentleman from Arkansas come in and let us see if he can turn the economy around." And that is exactly what President Clinton is doing.

You have a program that has been endorsed by none other than Al Greenspan and other eminent economists. It has been endorsed by the U.S. Chamber of Commerce, so the Republican leadership sent a letter to the Chamber of Commerce, threatening reprisals if the Chamber continued to support elements of the Clinton plan. If you open your mouth and want to get a new program and a new direction for the country, they will send you a letter like they have this morning with regard to cloture. They have the power to block cloture. And they even had the American Textile Manufacturers Institute—my crowd, my Republican crowd. I tell you, you need Sherlock Holmes to find a Democrat in that group. I know them. And I know them well. After all, my State went overwhelmingly for President Bush.

So what really happens is the President comes forth with a comprehensive program and some Senators get picky, picky, picky. Along comes one Senator talking about, well, we might permit unemployment compensation and highway funding and let that go. And by the way, he had no offsets for it. I remember him talking. I was waiting for his offsets but he offered none. Yet he was so concerned about spending, so concerned about spending.

For 12 years, heavens above, they have spent us blind with interest costs alone, the debt that they ran up during the Reagan-Bush years. They are trying the same old nonsense that has carried the Republicans thus far on a wing and a prayer. They are trying to continue their singsong about tax and spend, tax and spend.

The truth of the matter is that when they talk about how we are going to add $16 billion to the deficit, or when they add up the costs they say: We have looked at the whole economic program and there is some $295 billion in new taxes. You know what, Mr. President? The net interest costs are running over $200 billion annually. So over the next 5 years, thanks to the prolificacy of the Reagan-Bush years, we are going to increase spending, for absolutely nothing, by $1 trillion to cover our interest costs. Mark it down; mark it down. So the new taxes proposed by President Clinton are not aimed at financing new spending programs; they are aimed at paying for the huge interest cost obligations incurred under Presidents Reagan and Bush.

The fact is that President Clinton comes to town and he has a runaway animal that he has to bridle and ride at the same time.

Mr. BYRD. I yield 3 more minutes to the Senator.

Mr. HOLLINGS. He has to bridle this runaway interest animal and ride it at the same time. It is a sort of balancing act. He has to keep the economy going, both here and internationally. There is zero growth in Europe. Japan has economic difficulties. And the Prime Minister of Britain comes and tells the President of the United States: Look, for the sake of the global economy, you have to keep the U.S. recovery going. And I think that is what President Clinton is trying to do.

Now, in that light, the President has presented a very valid program of $16 billion in investment and stimulus. And, incidentally, I have been trying diligently to pay the bills and strengthen the economy by pushing a value-added tax. So I am ready to put up the tax and pay the bill. But, in the meantime, the President has an impressive $500 billion in deficit reduction. He also has a stimulus program for investment and jobs. And we are going to try to get a grip on health costs, which are costing this Government $400 billion annually. Add it up.

They are all complaining on the floor about $800 billion the country spends; $400 billion of it—you add up veterans' health, and you add up CHAMPUS, you add up Medicare, you add up Medicaid, write off Hill-Burton, write off the taxes.

The prince of pork. I heard a distinguished Senator from Texas comment, the gentleman who is for the super collider and the space station—and the additional $45 billion that we must now spend on the S&L bail out—half that total will go to Texas. So it is another $22 billion in bailout money for Texas alone, dwarfing the $16 billion in this stimulus package designed to get America back to work. But they have a proposal afoot where he is going to get another $22 billion for pork in Texas. Pork is a many-splendored thing. Enough about pork in that one State alone. I am trying to get jobs for the whole country, along with the President. Bear in mind that when taxes are paid on April 15, 61 cents of every dollar you and I are going to pay in personal income taxes will go for interest costs—61 cents of every dollar to pay for the waste of interest costs.

Here was a crowd that said it was going to get rid of waste in tune with the Grace Commission. Instead, they memorialized waste into perpetuity in this town, I can tell you that right now. The greatest waste program we have ever heard of is the astronomical interest costs on the debt run up under President Reagan and Bush.

The minority party has the power. They have the power to continue the filibuster.

I ask for 1 more minute.

Mr. BYRD. I yield another minute.

Mr. HOLLINGS. Mr. President, I suspect they will come out here and measure the minutes of time used on our side. All we want to do is vote and not talk. They will not let us vote, and they can continue to filibuster.

But if we are going to have Government, the filibuster was intended for extended debate to better understand an issue. We already understand this issue. The other side can prevent us from moving forward with a program of the President's and majority of the Congress. We were elected to do the job of the people.

Let me commend the Senator from Michigan because he put it right on target. They are starting their Presidential race on this bill. They will not let us vote. Reference was made earlier to the famous midnight vote in 1985 on the fiscal year 1986 budget resolution. The Republican majority put a freeze on Social Security, and they said they had one Democrat, but let me point out that we were not filibustering. We were allowing them to vote. The only reason they had only one Democrat is because the President, their own President Reagan, said, "I am not going along with it." They were in shock the next morning to learn President Reagan's opposition. So we were not going to throw ourselves on the Social Security and tax sword when their own President was going in the other direction. They knew we were not filibustering in 1985. We were allowing them to vote. That is all we are asking for today.

Mr. BYRD. That is it. That is right. I thank the distinguished Senator from South Carolina.

Mr. President, does any Senator on the other side wish to speak?

Mr. President, I understand that our friends on the other side are in caucus at this point. So they have asked us to go ahead and use our time.

I yield to the distinguished Senator from Illinois, Ms. CAROL MOSELEY-BRAUN—how much time?

Ms. MOSELEY-BRAUN. Five minutes.

Mr. BYRD. I yield 5 minutes to the Senator.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

PRESIDENT CLINTON'S PLAN

Ms. MOSELEY-BRAUN. Mr. President, where I come from in Illinois we have a saying that I grew up with, and the old expression was, "Fool me once, shame on you; fool me twice, shame on me."

And as I listened to their debate, I am convinced that what is going on here is an attempt to fool the American people twice. The American people saw through the charade, the failed economic policies represented by the people who are screaming the loudest about President Clinton's plan. They decided in November to change courses to get our economic house back in order, to get our ship of state together, to put our country on the right footing. They elected Bill Clinton for a reason—because they wanted to have change.

The people on the other side of the aisle are trying once again—I listened to these comments, pork barrel jokes, we have got to pay for it. I listened to all of it, and it really amounts to no more than trying to fool us twice.

The opponents of this bill say that the problem is that this bill is emergency spending and that they want it paid for. That sounds fine. The people of the country ought to know that, based on our procedures, if this bill were increasing military spending, the emergency declaration would not even be necessary. So what they are really opposed to is an increase in spending on the domestic issues, an increase of spending here at home, spending on the things that are going to matter to people in their communities all over this country in this upcoming year. That is what this debate is about.

The opponents of this bill say they will support a stimulus bill so long as it is paid for. That sounds wonderful. We all want to make certain that we pay for our bills. We all want to be fiscally responsible, and this President's plan is fiscally responsible. But the opponents on the other side of the aisle know that the spending in this bill is totally offset by the cuts. They are not talking about that. They are trying to fool the people again.

What they are really saying is that they want to continue this economic shell game that they have been playing on the American people over the last 12 years. Let us talk about that for a minute. We have heard a lot of conversation about deficit reduction. We are all concerned about deficit reduction, and indeed deficit reduction is in the President's plan. But ask yourself the question, just a little common sense: Where do the deficits come from in the first place? The deficits were up over a factor of 4, the annual deficits up by a factor of 4, for the last 12 years. They had a chance to pay the bills, to pay for the spending as they went. And they did not. What they did was they borrowed out the back door and said to the American people it is the Democrats who want to increase your spending, not us.

While they increased taxes—they increased taxes, but they did it at the back door and by borrowing, and that is how we have a deficit to begin with. Now they are screaming the loudest we have to reduce the deficit more.

Mr. President, I say to you that is called "fool me twice." And the fact of the matter is the people on this side of the aisle want to take the responsible course that President Clinton has laid out for us, the responsible course that ways we will do deficit reduction, invest in people in this country, and we are going to provide a short-term stimulus to this economy that so badly needs it. The stimulus bill really is less spending than, frankly, in the end, the overall cap for this year that even President Bush agreed to.

So when they talk about wild-spending Democrats, what are they talking about? There is less spending here. This fits within the cap that was agreed to when President Bush was in office. Yet, now they are going to raise the flag like somehow or another this is new, wild, uncontrolled pork barrel spending by the Democrats.

"Fool me twice," Mr. President, is what is going on here, or what is attempted to go on here. I say the American people are not going to buy it, if we tell them the truth. And we are telling the truth. What we are telling them in this—today's newspaper tells them what is going on in this economy. And it is bad news, Mr. President. Unemployment is still at 7 percent. In my State of Illinois, it is up to one of the highest levels we have seen in the last decade. The number of private sector jobs has actually decreased, private sector jobs, decreased by 22,000. The construction industry, which is always supposed to see a boom come springtime and give people jobs working building houses, has lost 59,000 jobs. The stock market, the papers tell us today, has fallen by 2 percent and long-term interest rates have risen to over 7 percent. Why? Because the markets, the people who will invest in money and make this economy run, are afraid the American people are in danger of being fooled twice.

We are going to stay on this floor, I tell you, Mr. President, until it freezes over if we have to break this filibuster, to let the American people know the truth, to make the point that this is responsible, this is the direction our President has put us in, we want to give this President a chance to govern. That is all this issue is about.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. MOSELEY-BRAUN. Two more minutes?

Mr. BYRD. I yield 2 more minutes.

PLAIN AND SIMPLE OBSTRUCTION

Ms. MOSELEY-BRAUN. Thank you very much. I do not think it is any accident that the stock market is falling and interest rates are rising. I think, in no small part, that money managers are concerned that the opponents of this bill may be able to derail the President's economic plan. It is just almost ironic this is happening. He is out trying to give us the opportunity to save democracy in Russia and here at home; the opponents of this bill are trying to pull the rug from underneath him.

I believe, Mr. President, that we have a critical issue here. We already have a triple-dip recession. Do the opponents of this bill really want to see our economy falter again? I do not think so. I think the people of this country, the American people, want to see change. They want to see a future that is brighter and not driven into one that we faced in November. They want to have their confidence restored that we can manage this Government, that we can have fiscal responsibility, fiscal prudence, and we are not going to just spend money without paying for it, that we will have a plan and a program to get our economic house in order. And that is what the President's plan does. That is what this bill is doing.

It is absolutely irresponsible, Mr. President, for this filibuster, or talkathon, filibuster by amendment, filibuster by letter, I have heard all the words you want to put on it, it is plain and simple obstruction. It is a plain and simple attempt to fool the American people twice, Mr. President. And I hope that they are not allowed to get away with it.

Thank you very much.

Mr. BYRD. Mr. President, I hope that our colleagues on both sides of the aisle will read—those who have not heard—the statement made by the distinguished Senator from Illinois. I hope they will read her statement in the RECORD. It is a fine statement.

Mr. President, this morning's Washington Post, as the distinguished Senator from Tennessee pointed out earlier today, has the headline, "Jobs Report Shakes Faith in Recovery, March Rates Stuck at 7 Percent, DOW Off 69."

Mr. President, the recovery is at stake here while the Senate sits on its hands, mired in a filibuster—a filibuster by letter.

Mr. President, in another story by David S. Broder, I see this paragraph. I will not read the Senator's name, but a certain Senator, Republican Senator, said, "Republicans would rather be accused of causing gridlock than to be treated like a bunch of doormats."

Mr. President, if the Republican Party here in the Senate thinks that is good publicity—and I beg to differ with them—the Dow Jones Industrial Average dropped almost 69 points yesterday; long-term interest rates climbed back to 7 percent, and the dollar hit a new low against the Japanese yen.

On Wall Street, the 2-percent decline in stock prices was also fueled by estimates of disappointing sales and profits over the next 6 months in several key industries. Unemployment remains at 7 percent. Reports released earlier this week showed a sharp increase in unemployment claims, falling consumer confidence, and a drop in the index of national business purchasers and managers.

All of this economic news leads me to believe that this economic recovery is in danger of sputtering completely out. Meanwhile, 43 Senators—43 Senators on the other side of the aisle—are standing in the way of help for the American people and for this very troubled economy; 43 Senators have banded together to wage a filibuster by letter, to wage a filibuster by a letter, a threat by a letter, to block this new President's much-needed jobs bill—jobs bill.

What does the President say about it? In the same newspaper, the Washington Post of today says Republicans are "keeping hundreds of thousands or more Americans out of work just to perpetuate political gridlock. Clinton told reporters at the forest summit in Portland, OR—this is what the President said—"Republicans are keeping hundreds of thousands or more Americans out of work just to perpetuate political gridlock. This is just pure politics, and if they"—meaning the Republicans in this Senate—"keep more Americans out of work, that is fine with them."

Mr. President, the economy sputters and 1.8 million people are in danger of losing their life-support system within a few days. These 43 Senators have decided to imperil this recovery, this anemic recovery, because they—43 Senators—and I do not believe all of them really want to do this, but the whip is cracked, and 43 Senators on the other side have decided that their judgment is better than the judgment of the President, the majority of the House of Representatives, the majority in the Senate, and the American people, who elected this new President based on believing that his programs would be good for this Nation.

Let us all come to our senses; let us give this President a vote on his jobs bill. The partisan bickering is not what is important. The good of the Nation is what we should be thinking about. Let us stop this delay and vote on this jobs package.

Senator HATFIELD was right this morning—the President's program is not sacrosanct. No President's program is sacrosanct. I have voted against Democratic Presidents' programs in the past, and I have voted for Republican Presidents' programs. But there is an important point of difference to consider here. This Presidency is only 73 days old today. This President ran on a platform of change, major change, in the economic policies of the past. This program, this jobs bill, is a major element in his package, and his package deserves a vote. Let us vote, Senators, on the bill. Let us vote on it.

Mr. President, I reserve the remainder of my time.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri [Mr. BOND] is recognized.

Mr. BOND. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes.

KEEPING FAITH WITH THE AMERICAN PEOPLE

Mr. BOND. Mr. President, this debate is about keeping faith with the American people. This debate is about ensuring that the Federal Government does not destroy our economy. We have heard today that the stock market took a heavy hit yesterday and was down, and that consumer confidence is down.

I think I can tell you the reason that confidence is down. I think I can tell you why the markets are saying we are not going to see profits, we are not going to see growth, we are not going to see jobs, because this body—appropriately enough on April Fools' Day—passed a budget resolution saying that we would increase taxes a whopping $273 billion—$273 billion. The tax rates that would be jacked up under that resolution may contend that they will raise $273 billion. But we have learned something about taxes, and that is that taxes discourage economic activity.

It was this body, with the leadership of the opposite side of the aisle, that had a wonderful idea in the 1990 deficit reduction package, and that was to soak the rich with luxury taxes. They were going to stick it to people who bought big boats, cars, jewelry, and furs, by adding a 10-percent excise levy on top of it. But guess what? Taxes affect behavior, and people stopped buying the big boats, the so-called luxury boats. We did not get the revenue. The men and women who worked in the boat-building industry were thrown out out of work. They had to get unemployment compensation instead of getting good salaries and wages and paying tax on them. The companies that built those boats, instead of paying taxes on their corporate profits, went out of business.

Yes, there is good reason. If you look at the economic game plan that President Clinton has asked for and that the majority in both Houses have adopted, the economic game plan is a recipe for disaster. This so-called stimulus package, which I think is more appropriately labeled an "emergency deficit increase package," is going in exactly the opposite direction of what is needed.

We also have the prospect that the Clinton administration will provide even more tax requests for health care, and perhaps even more mandates, mandates on small businesses that would cost jobs. No wonder people who are seasoned observers are making the judgment that America is becoming a less and less attractive place to invest money and create jobs. It is because we have seen a rebirth of the old tax-and-spend philosophy. I do not believe that in the discussions of the deficit last year any Presidential candidate said: I am going to raise taxes $273 billion, but I am going to keep spending increasing so that the deficit goes up. This is what the deficit would be without doing anything, and it goes all the way up, and by the year 2000 it would have reached $450 billion.

But with 273 billion dollar's worth of tax increases, the Clinton plan, endorsed by this body, turns back up again and by the year 2000 the deficit is back up to $300 billion a year. By the year 2003, it would be $400 billion a year.

None of the Presidential candidates when asked about the deficits said what this economy needs is a heavy dose of taxes to allow us to increase spending.

We are talking about this package before us today, the emergency deficit-increase package. There are some good things in it, some things that I have supported in the past and will support again.

But, Mr. President, we are living in a very difficult time under the budget constraints of past actions. We have a deficit that is too high now. If we want these good programs—and I favor highways; I worked for summer jobs programs in the past—I say we ought to pay for them. If these programs are important enough that we need them right now, let us pay for them. This stimulus package, this deficit-increase package before us does not pay for them.

The President prior to submitting his State of the Union Message told us we were going to get $2 of spending cuts for every $1 of tax increase. In the State of Union Message, he said, "It is about divided." He came to the Republican caucus and said, "If you have any good ideas of spending cuts let us have them."

Mr. President, I took him up on that offer. I wrote to him on March 5, and I said: We can cut spending and here is how we can do it, and here is how much we would save over 5 years. Terminate the superconducting super collider, $2.2 billion; the Appalachian Regional Commission, $600 million; the Economic Development Assistance Program, $800 million; the Advanced Solid Rocket Program, $1.7 billion; the mission to Mars, $600 million now but it goes to tens and perhaps hundreds of billions later on; HOPE 1 grants, $1.2 billion; State and local immigration assistance grants, $900 million; and environmental technical research, $700 million. The EPA Green Lights Programs is $160 million.

I offered an amendment on the floor several days ago, about Green Lights, and I pointed out that it was a corporate welfare program. It will create jobs, yes. It will hire 45 additional EPA bureaucrats to help people like Amoco, Boeing, Arco, Humana, Warner-Lambert, Xerox, U.S. West, Sallie May, Martin Marietta, and Lockheed. The idea was that the EPA bureaucrats give them advice, and they could save money. Boeing said they would save $500,000 a year; I believe they will. That is great. I believe in energy conservation.

I believe we ought to be encouraging businesses to cut the use of energy. But it makes money for them. It makes sense. So why do not we have the private sector do it? Is it an emergency? Is there such an emergency that we have to hire 45 new EPA bureaucrats?

Yes, those are jobs, but those are jobs that taxpayers have to pay for. If that responsibility were turned over to the private sector, it would still be worthwhile for the corporations to pay for it and for a private company to earn a profit and pay salaries by doing it and pay taxes on it.

That is why I say this program is just another pork program.

We talked about the methane emissions, a badly misguided effort to try to shift the blame for global warming to livestock.

Looking back at the other cuts I proposed, I proposed that we privatize Federal crop insurance and save $2.4 billion over 5 years.

The total in terminations was $14 billion. I believe we ought to do something about entitlements. We ought to have the Medicare reimbursement rates for FEHB employees and retirees. That would save $4.6 billion. If it is good enough for the people on Medicare, we who are covered by Federal Employees Health Benefits ought to be entitled to the same kind of reimbursement for our insurance claims. We ought to limit the subsidy of high income Medicare. It would save $2.2 billion. Managed care in Medicaid—if we went to a managed care system, according to the Federal agency that oversees it, the Health Care Finance Agency, that would save $35 billion over 5 years.

I offered that amendment in the Budget Committee as we debated the Clinton budget. People were not listening to arguments. They were voting the straight party line. All efforts by the Republican side to show where we can cut spending have been rejected on a straight party-line vote.

The specific reforms I have suggested in entitlements would save $65 billion over 5 years.

Then I presented to the President other reforms and reductions, things like eliminating the community development block grant entitlements for wealthy communities, communities that have plenty of money to take care of their low-income people. That would save $2 billion. Allowing the ANWR sale to go ahead would bring in $4.1 billion. Freezing international organizations in economic support funds, $1.2 billion; cutting Congress' budget by 25 percent over 2 years would save $1.8 billion. The total of these reforms would be $18 billion.

And then, I've pared back the President's new spending proposals. This would amount to a total saving over 5 years of $221 billion. But these would require choices. We would have to make decisions on a budget like families have to make decisions when they do not have enough money for all they want to buy. We would have to make some tough choices, Mr. President, and that is what this body is refusing to do.

Like children who go into a candy store, they want it all. A parent has to step in and say, "You can choose one or two, but you cannot have everything."

State governments have to live within their budget. As a Governor I had to make tough choices and cut spending when we did not have the revenue to fund all the programs we needed.

It is an issue of prioritize and determining what is most important.

We had opportunities on the floor to address some of these reforms and others. I joined with my colleague from Iowa in an amendment to freeze domestic spending, although not each and every program. There are certainly things in the domestic spending area that I think ought to increase, and I will continue to support them. Things like the women, infants' and children, feeding program, immunization, child care programs, highways—we have not funded the highway program. But we can do those, if we were to set priorities within the freeze domestic spending. We could still do those if we cut other programs and we would reduce the deficit.

Our leader, Senator DOLE, with our Budget Committee leader, Senator DOMENICI, presented an alternative budget deficit reduction plan that would save more than the Clinton budget adopted by this body would save, and they did it without increasing taxes. If we had cut spending as they proposed—look at this blue line on the chart—the deficit would go down more than it would under this so-called deficit-reduction program, and it would stay well below what the budget adopted by this body has done and will do in the future.

This, to me, is a responsible way to go about setting priorities and to deal with the deficit. The budget passed by this body does not do it. It increases spending and it has a whopping tax increase.

The bill before us today would add another $16 billion to the deficit numbers under that budget. It is being proposed as an emergency. Well, there is an emergency in this country today and most people outside the Beltway understand it. They realize what would happen to this Government if we continued to add to the deficit $400 billion, $500 billion, $1 trillion a year. The CBO baseline goes up and shows a $1 trillion a year deficit before the year 2010.

At some point, the Government is not going to be able to finance its debt. We are essentially going to be bankrupt.

But, in any event, we are going to be putting a tremendous burden on our children and our children's children. They are going to have to pay taxes on that. They are not going to enjoy the standard of living we have, or certainly the standard of living we would like to see them have, because our increased taxes in the budget resolution—the increases in spending there, plus the increased spending that is proposed in this package before us—will go on to their credit cards. And that is a dirty trick.

I see many young people coming to Washington, full of hope, full of optimism. I am embarrassed to tell them that we have already put $4 trillion of debt on their credit cards.

And during the first—and I trust the only—Clinton administration, we would add another $1.25 trillion to that debt.

The Republican Members of this body are united. We have fought to bring some economic sense out of our current budget. We have said: "Cut the additional spending. Don't jack up taxes, particularly when they are going to kill jobs."

The waterway user fee is a good example. I joined with the Senator from Washington [Mr. GORTON] to try to knock that out, because that 525-percent increase on waterway users would bankrupt the barge industry and put it out of work and everybody in it.

Well, my colleagues were not willing to deal with it and defeated our amendment to take it out. But the other side then adopted a sense-of-the-Senate resolution, saying, well, we ought to deal with it, still saying we do not like it, but unwilling to take out the numbers in the budget. Who is kidding who?

The Btu tax is another good example. I have talked to a lot of farmers in my State. It has been estimated at $700 a year more, $900 a year more. Most farmers I know, who have a family farm and they are trying to run it to make a good profit on it, know precisely how much it is going to cost. They tell me $1,100, $1,400, at a time when agriculture is in great difficulty.

This Btu tax would boost direct energy costs. It would raise the cost of fertilizers and the other inputs, and bring even more hardship to agriculture.

Airlines, trucking companies, bus companies, energy intensive industries, like aluminum and many others, are going to be laying off people if this Btu tax ever goes through. I hope we can block it, because it is a tax on jobs.

We talk about 7 percent unemployment. I believe that the taxes in this measure will drive that unemployment figure even higher, and thus add to the deficit. Spending, if it is left unchecked, is going to drive the deficit back up even with taxes.

We believe the time has come to get serious about the deficit. And the only way to get serious is to cut spending.

Senator DOMENICI, the ranking member of the Budget Committee, has, I believe, already today highlighted what the Congressional Budget Office says about this budget package that we have just adopted.

It does not reduce the deficit $496 billion. The true number is only $440 billion. No domestic discretionary cuts are planned for 1994 and 1995. And probably the budget that we passed even violated the 1990 Budget Act, because it increases spending a billion in the first year. Sixty percent of the domestic discretionary cuts contemplated in the budget do not occur until 1998, a classic example of: "I am here from the Federal Government and I have come to help you," or "The check is in the mail."

We are buying a pig in a poke if we think somehow in 1998 we are going to get 60 percent of the domestic discretionary cuts. But, we will get front-end taxes of $273 billion, and those begin right away and those are going to kill jobs.

If the measures in this bill are important enough to do, then I think they are important enough for us to pay for. That is what this debate is all about. That is our responsibility, to set priorities and make choices.

The American people are tired of the politics of the past, where Congress continued to vote more and more money without regard to revenues. The tax-and-spend philosophy has not worked. We are attempting to keep faith with the American people who thought we would get a handle on spending.

If we spend money now, and more money that the Government does not have, we will leave the bill for someone else down the road—and that is our children.

Mr. President, there is much more that could be said about this, but I know others want to speak.

I would only say that, in this bill, the emergency for 1993, only 39 percent would be spent this year. We would still be spending almost $600 million of this emergency in fiscal year 1997.

What does that have to do with an immediate stimulus? Nothing, I suggest.

I urge my colleagues to stay with us and cut spending.

I thank the Chair and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The President pro tempore.

Mr. BYRD. Mr. President, the distinguished Senator said the time has come to get serious about the deficit.

Mr. President, let us go back over the past 12 years and talk about this deficit that the distinguished Senator has said the time has come to get serious about.

Up until the first fiscal year for which Mr. Reagan was responsible, there had been no triple-digit billion-dollar deficit. Throughout the previous 39 administrations and the previous 192 years of history, this country had never run a triple-digit billion-dollar deficit.

We had gotten into some double-digit billion-dollar deficits under Mr. Ford, $70 billion, $50 billion the next year; under Mr. Carter, $55 billion, $38 billion, $73 billion, and $74 billion.

Then came the Reagan era. The first fiscal year for which Mr. Reagan was responsible, a $120 billion deficit. Never heard of before; unheard of before.

The next year, $208 billion; the next year, $186 billion; the next year, $222 billion; the next year, $238 billion; the next year, $169 billion; the next year, $194 billion; the next year, $250 billion; the next year, $278 billion.

That is the first fiscal year for which Mr. Bush was responsible. He had been trained very well under Mr. Reagan, his predecessor.

So in his first fiscal year for which he was responsible, a $278 billion deficit; the next year, $322 billion; the next year, $340 billion; and the next year, $352 billion.

Now, Mr. President, we hear all of this palavering about the deficit; the time has come to get serious about the deficit.

After all of this?

Our new President is trying to get serious. He has just been in office 73 days. He has sent up a package which is a well-balanced package. It is composed of three elements: deficit reduction, long-term investment in infrastructure, and short-term jobs investment. That is what the bill before the Senate does.

Now, the distinguished Senator from Missouri says, and I am quoting him: "The tax-and-spend philosophy will not work."

Well, Mr. President, what I have just shown about this chart concerning the Federal deficits, fiscal years 1976–93—there are the deficits. We are told now that the tax and spend philosophy will not work. Under the Reagan administration, under the Bush administration, we were following a borrow and spend philosophy, a borrow and spend philosophy.

Mr. President, what happened to the total debt as a result of these deficits? When we run deficits, we increase the debt. We are talking about the last 12 years. We are not talking about the previous 192 years in this Republic's history, during which time the country ran up a total of $932 billion in debt; $932 billion. Less than $1 trillion. But because of the budgets that occurred during the Reagan and Bush years, the triple-digit billion-dollar deficits, we ran up a debt of $4,114 billion as of March 1, 1993.

So when the distinguished Senator says he is embarrassed when schoolchildren ask him, why do we not do something? What is happening to our economy? He is embarrassed about the deficits; he is embarrassed about the debt; he is embarrassed about the interest on the debt. Mr. President, there it is. Under whose Presidencies did that debt mushroom, like the prophet's gourd, overnight; from less than $1 trillion, from January 20, 1981, when President Reagan first took office, to $4,114 billion on March 1 of this year?

Tell the schoolchildren about that. Tell them when the deficits occurred. Tell them under whose administration those deficits occurred.

Mr. President, when those schoolchildren talk to the Senator from Missouri he is going to tell them about the interest on that debt, and rightly so. But the interest on the debt when Mr. Reagan took office was $69 billion in that year. And in fiscal year 1993 it is $198.7 billion. Almost $199 billion. Almost $200 billion.

So, Mr. President, tell those children—I hope the Senator will not be embarrassed to tell them when those deficits occurred, when that debt quadrupled, and when the interest on the debt rose from $69 billion to almost $200 billion.

That is a hidden tax, $200 billion a year. That is a hidden tax, a hidden tax. And it is caused by those burgeoning deficits that took place over the last 12 years—a hidden tax.

This President is trying to do something about that hidden tax. He is trying to reduce the budget deficits and eventually, in time, to reduce the debt and, concomitantly, the interest on the debt. So I just hope what I said will be helpful to the distinguished Senator from Missouri when he faces those children who are—embarrassed about the deficits.

My grandchildren, my two daughters, and my two sons-in-law are embarrassed, too, about the debt. But I tell them how it rose. And the President, this President who has been in office just 73 days—73 days—is trying to do something about it.

The distinguished Senator from Tennessee has brought out a budget resolution here that deals with reducing the deficit. We passed it in this Senate. And this bill deals with jobs, the need to put people back to work now. Let this President have a chance. Give him a chance.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Missouri.

THE PRESIDENT'S BUDGET PLAN

Mr. BOND. Mr. President, I yield myself such time as I may need.

I do not intend to speak long but I do want to call to my colleagues' attention a few things that I thought about since I sat down and heard the very eloquent words of our distinguished President pro tempore. He said—I believe the quote is correct—"This President is trying to do something about this hidden tax," referring to the interest.

So I went back and I got this book called A Vision of Change for America, the President's budget plan. In the appendix, page 140, it talks about net interest. It projects net interest at $202 billion this year, and by 1998 it projects that with the Clinton plan enacted net interest, that hidden tax, at $272 billion a year. That is about a 35-percent increase in the hidden tax.

I am indebted to my colleague from Iowa, Senator GRASSLEY, for giving me this chart that talks about what we have done in the past. And we did run up the debt. The debt grew because each year we ran a deficit, and I think that is bad. I have heard it said that these were the responsibilities of the Presidents. Certainly I do not think they did enough to curb the deficit. I disagreed with them. I argued with Republican Presidents, saying they ought to cut spending and they ought to get serious about it; they ought to support the Domenici-Nunn-Robb-Rudman budget of last year because that would have capped spending, particularly entitlements.

But now we are at this point. We have a choice. Which direction are we going to go? Under the Clinton plan that debt goes from $4.4 trillion to $6.2 trillion over 5 years. We have a choice. Do we want to go that way or do we want to slow the growth in it by cutting spending? I hope we will slow the growth.

Some of my colleagues in this body say when the President submits a budget, boy, that locks us in. We have to spend the money he tells us we should spend.

It reminds me of that lame school excuse, "The dog ate my homework" or "The devil made me do it."

This is only my seventh year in this body, Mr. President. Something very different happened this year. The first 6 years I was here, the leadership of both bodies immediately proclaimed the President's budget DOA, dead on arrival. They made it clear they were not going to adopt the President's budget and, indeed, the President cannot spend money until Congress appropriates it. In the 6 years under the Reagan and then the Bush administrations, and I was here each year, the majority party in both Houses established their budget. They were the ones who established the budget that increased the debt to $4.4 billion.

Frankly, I think it is time we get off the blame game. There is plenty of blame to go around. Over $4 trillion on our children's credit cards is bad enough. One of the things the people told me as I campaigned this past year is stop blaming each other and do something. Do something constructive.

I think we all agree we have a problem. We made mistakes in the past. I do not think you can blame them on a Republican President, certainly not when both Houses of Congress are controlled by the Democrats.

But let us put that behind us. Let us start making some responsible choices about where we go in the future. Do we want to continue, as the Congressional Budget Office has said, increasing spending, putting through a monstrous increase in taxes, and holding out the hope—and I suggest it is a very faint hope—that somehow Congress is going to get religion, get some spine, and cut maybe 60 percent of the domestic spending cuts in 1998?

That is a promise that I do not believe the people of America will accept. They know what happens when Congress raises taxes—they raise spending next. And they just keep doing it. Congress raises taxes and it just encourages them to spend more.

I believe it was my distinguished colleague from Oklahoma on the other side of the aisle who, in commenting on this so-called stimulus package, said going forward with a massive deficit increase in spending right off the bat is like asking your 5-year-old to eat his ice cream first and then hope that he will eat his spinach later. We are asking for the ice cream in the bill before us today, the emergency deficit increase bill, as I call it, but we are ducking the spinach. We are not willing to take the tough medicine to make choices, cut out some of these things that we have recommended to the President, that we offered in the Budget Committee, that we offered on the floor.

I believe and I hope that, as a result of the very strong concern by the Members on this side and some of the Members on the other side of the aisle, we will come to our senses and take a look at this package and say, if there are important things we need to do, then let us pay for them, let us put behind us the blame game. There is plenty to go around. Let us work together to find out how we can pay for things like highways, immunization, unemployment compensation, and summer youth employment.

We do not need things like the Green Lights Program. We do not need an emergency dump of $28 billion to the District of Columbia that we tried to eliminate. These are items that are not emergencies and should not even be included in a budget. But for things that are needed, if we need them now, let us pay for them. That is what this debate is about. This debate is about keeping faith with the American people and not sticking our children with the heavy burdens of a $6.2 trillion debt or, as has been described earlier, the hidden tax of interest rates which, under the Clinton administration projections, would reach $272 million by 1998. I thank the Chair, and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I think the distinguished Senator from Kansas [Mrs. KASSEBAUM] has been waiting to be heard, and I will not detain her because she has been on the floor waiting. I merely want to say, in response to my friend from Missouri, I have a great deal of respect for him. I like him personally. He said something here that caught my attention. Referring to the American people, he said, "They know what happens when Congress increases spending."

Mr. President, this chart to my left will show that during the years 1981 to 1992, calendar years, during those years, covering the three administrations—Mr. Reagan and Mr. Bush—the administration requested $7,476,374,580,074; in short, $7.4 trillion. The Congress appropriated $7,447,582,699; in other words, Congress appropriated $29.3 billion less during those years than the Presidents requested.

Now let it not be said that the Congress has increased the spending over what the President requested. I just want to make that clear.

There is one thing I will say in that regard. When the Senator talks about discretionary spending, during the fiscal years 1981 to 1992, using this zero line, this baseline, during those years, entitlements increased over baseline, over inflation $983 billion. The military spending increased during those years over baseline, over inflation $679 billion. Foreign operations stayed about level. It was under baseline $14 billion. But the real element of the total budget that suffered disastrous cuts was the domestic discretionary spending. It was cut $430 billion under baseline, under inflation during those years.

Mr. President, I hope these charts will show graphically what has happened with discretionary spending and also make the point succinctly that the Congress has appropriated less money than the Presidents requested during those 12 years of the Reagan-Bush administrations. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

NOT THE ANSWER TO ECONOMIC ILLS

Mrs. KASSEBAUM. Mr. President, there is, I suppose, ample blame to go around, but I know that on both sides of the aisle we care about the good of this Nation. The distinguished chairman of the Appropriations Committee said earlier that it is the good of the Nation that is at stake. I would argue that, indeed, we all share those concerns, but many times we approach it from different angles.

I feel strongly that this economic emergency stimulus package is something that, in general, is not the answer to our economic ills at the moment—although we would all agree on the need for the unemployment benefit funding included in the bill. The reason that it is designated an emergency is to avoid our having to offset the costs of this package. That fact has been pointed out many times, and I do not want to revisit that debate as such.

I would just like to highlight a portion of this emergency supplemental as one among many other examples of what I would consider ill-advised spending increases.

My concern is the proposed $1 billion in supplemental appropriations for the summer youth employment and training program, which is funded under the Job Training Partnership Act [JSTPA]. What is not pointed out, Mr. President, is that there is already $900 million that was appropriated last year still to be spent for summer job training and summer jobs. That money is already available. What we are asking for in this emergency supplemental is an additional $1 billion, which would bring the program close to $2 billion in total spending. So it is not as if there will be no money for summer jobs for youth if we do not approve this emergency supplemental.

Although I think we would all agree that having a quality Summer Jobs Program is important, I would just like to share with you, Mr. President, my concerns about doubling the size of this program at this time.

These concerns are twofold:

First, I think there are serious flaws in the program which raise real questions about the value of it to young participants. Before doubling the size of the program, I think we need to undertake a thorough examination of its purposes and operations. I believe strongly that we can and should provide a far more meaningful experience, for instance, of academic enrichment than the disadvantaged youth of our Nation are currently receiving. By this, I do not mean just the same classroom structure. There are some very innovative programs in which academics are an important part of that summer job, as well as job skills training. If, indeed, we do not make sure that these programs, work, Mr. President, I would argue that we are not being fair to our young people. Just to give them money that has been called walk-around money is a real disservice to them.

So while we would all agree on the importance of providing support for summer jobs, I would argue it is equally important to assure that funds for this purpose are well spent. We have very little time to assure this is the case.

This is my second concern. Quite simply, it is unrealistic to expect that, in the few weeks remaining between now and the onset of summer, cities can develop programs which will effectively utilize substantial funding increases. Over a decade ago, I cautioned that an overly rapid buildup of defense spending would surpass the ability of the military to absorb additional resources without leading to wasteful and inefficient practices. I stand here today to make that same point regarding the summer jobs program. I think we would all hope that this program will not produce the domestic equivalent of the $800 toilet seat.

I believe that the wisest course would be to defer a major portion of the $1 billion in supplemental funding for summer jobs until we can be assured that these funds will support effective programs which offer long-term results for young people. We must create programs that combine career jobs skills with academic enrichment and that instill discipline, good work habits, and the incentive to succeed. These programs must offer real job skills instead of short-term, low-skilled, make-work positions.

Further, I believe the rules of the title II–B Program of JTPA should be changed to permit private sector businesses to create work-study programs to offer young people the confidence and knowledge that they have what it takes to succeed in today's labor market.

Currently, businesses are not eligible to apply directly for title II–B funds. A handful have received subgrants from public agencies to develop programs. One such example is a 7-week program in Chicago where professional aviation specialists teach 340 inner city youngsters about the requirements of various careers in the aviation field. The program requires participants to use their reading and math skills to master subjects ranging from federal aviation regulations to problems associated with coordination global air travel. During the 2 years this program has been in operation, reading and math scores of participating youngsters have risen dramatically.

I would also support funding to enable the Secretary of Labor to award competitive grants to public or private entities to develop the kind of comprehensive, year-round work-study programs that are needed by the nation's disadvantaged youth. Programs supported by such grants could serve as a foundation for restructuring title II–B in a way which would avoid having the gains made during the summer disappear by Christmas.

Take, for example, the summer work-study program in the east San Gabriel Valley section of Los Angeles, which is a cooperative effort among the public and private sector and the local school system. It is not simply a summer work-study program but, rather, a year-round effort in which high school students gain on-the-job experience while continuing their high school education. It does not just stop with some moneys for the summer. There is a follow-through to make sure that gains are sustained. The students receive mentoring from small business owners who volunteer their time because they know they will receive a return on their investment in the long run in the form of motivated and well-trained young people ready to work.

Senator MIKULSKI and several other of my colleagues have spoken eloquently about the positive results of some other summer youth programs. Yes, there are innovative programs that do more than simply hand out money. Unfortunately, I would argue, these innovative programs are not the rule but, rather, the exception. This legislation does little to assure that these creative work-study programs become the rule, not only during the summers, but in a year-round context. I think that is what we must work to achieve.

Secretary Reich has taken a step in the right direction by providing that $300 million of this appropriation be used exclusively for the academic enrichment component of the summer program. I would argue though, Mr. President, this is just a small part of what is needed. The hard truth is, considering the tight deadline, it is highly unlikely that any academic enrichment programs put together on a crash basis can have any significant impact on literacy enhancement.

I think we would be far better served by taking the time to do things right. President Clinton has spoken forcefully about the need to reinvent Government, moving away from business as usual in terms of how the Federal Government operates. Reform of the Summer Youth Employment Program would seem to be an excellent place to start, but this program cannot be reinvented in 8 short weeks. We need answers that are effective for the long term, are constructive for the long term, and do not add direct additional debt over the long term.

I think all three are components we owe to our youth and to future generations.

I would welcome the opportunity to work with the President and the Secretary of Labor to take a fresh look at the Summer Jobs Program, with a view toward putting in place reforms that will make a lasting impact on its young participants.

I close, Mr. President, by saying that the distinguished chairman of the Appropriations Committee is someone who knows the rules and procedures of the Senate better than any other Senator in this body. He is someone who has cared a great deal about his own people in West Virginia, and the well-being of others in this country. But there are times, I would argue, that we have to stop and make sure that what we are doing is not just borne out of our frustration of the moment with obvious weaknesses in our economy and in our labor force. Rather, we must focus on how we can act most constructively in positive assurances that we have addressed in a constructive way shaping programs important to our future.

I yield the floor, Mr. President.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Kansas [Mrs. KASSEBAUM]. She made, as always, a fine statement.

Mr. President, I yield to the Senator from Pennsylvania, 10 minutes.

Mr. WOFFORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE EMERGENCY IN OUR LAND

Mr. WOFFORD. The Senator from Kansas noticed that I share her approach to the summer jobs and to the job training partnership program for young people, and I look forward to working with her and other members of our committee, and our new Secretary of Labor, Robert Reich, in shaping mandated programs for youth. Having administered them in Pennsylvania, I have a lot of ideas how they can be done better. But I do not agree that we do not need a very substantial new source of funds for summer jobs and summer work, and I do not believe that we are not able to do even better this summer with those funds.

For those on the Senator's side of the aisle—she has not, but others have—who ridicule the notion that there is an emergency in this land, I ask them come to Los Angeles with me, walk in Los Angeles where I walked the weekend of the riots and smelled the smoke and saw the crisis of our cities and the crisis of our young. John Kennedy said come to Berlin. Well, I say let us go to Los Angeles, or to Philadelphia, with the jobs lost, the summer coming, the young people going out on the streets. Come to Pittsburgh, where the problem of the young is growing. There is an emergency in this country that calls for urgent action.

Mr. President, there is a danger hanging over us today. The Good Book tells us of the cloud no larger than a man's hand which will soon come to darken the whole sky. Well, that cloud which is darkening our future today is not on the horizon; it is here, in this Chamber, hanging over us today. And it is far larger than one man's hand. It is 42 men's hands and perhaps 1 woman's hand.

It is a cloud that is over the country, too. It is this threat of Government by blackmail, by filibuster, not by one Senator standing up on conscience to try to stir the country. It is by 42 men and possibly 1 woman on the other side of the aisle who are joining to block the change that Bill Clinton was elected to bring about, to block the new course that deals with the deficit for the first time in modern history and also deals with the urgent needs for investment in jobs and economic growth in our young people.

If this dark cloud is not dispersed now, if this filibuster can work today, then it will be used to block health care reform tomorrow; it will be used to block every major step in the new course our new captain has charted.

Mr. President, I am sorry the Republican leader has just left the floor, because I want to appeal to the Republican leader and to other leaders among the Republicans to turn back from this tactic of gridlock by filibuster and turn inward to rediscover the kind of Republican leadership that was once given to our country by the first great Republican leader, Abraham Lincoln.

At our prayer breakfast this week, I reflected with my colleagues from both sides of the aisle on Lincoln's words about his hope that the mystic chords of memory would stir once again the better angels of our nature. I want to strike two of those mystic chords of memory.

The first has to do with the civil rights struggle in the 1940's and the 1950's. I do this on the eve, tomorrow, of the 25th anniversary of the death of Martin Luther King. Martin Luther King lived under the shadow of the threat of filibuster and struggled and endured, as everyone who struggled for human rights of this country lived under that shadow, throughout the 1940's and 1950's. That is what blocked civil rights action until Martin Luther King went into the streets, and hundreds of thousands of people went into the streets and into jail, until John and Robert Kennedy responded. And from the era of filibuster came the era of civil rights in the 1960's.

Here we are again with that same shadow, that same tactic, being used to block the new course for our country.

Then I want to strike the other chord of memory. It was 60 years ago last Wednesday, this week, that Franklin Roosevelt signed the Civilian Conservation Corps Act. He came to office 60 years ago and found millions and millions of Americans unemployed, and 500,000 young men had dropped out of school, unemployed and on the streets of the cities.

He said, I want to get those young men, those boys in the woods. And he asked Francis Perkins to come in and design a plan for him in the first weeks of his administration to get those boys in the woods. He said let the Army get the camps ready. Let the Labor Department recruit the young men. Let the Interior Department find the hardest projects that our country needs to get done, and get those boys in the woods.

He sent a message to the Congress in his first 10 days, and 10 days later Congress enacted the Civilian Conservation Corps Act. And Roosevelt said, let us get a quarter of a million men by the end of summer into our CCC camps. And 5 months later, July 31, there were 1,300 camps, and there were more than 300,000 young men doing the work our parks and forests needed, and transforming their lives in the process.

That was a time when there was no filibuster. That was a time when there was no gridlock. That was a time when people gave Franklin Delano Roosevelt a chance.

I ask my colleagues on the other side to turn back from the course that they are now taking to help this country move on to the new course, to give Bill Clinton, to give change a chance.

We gave Franklin Roosevelt that chance. Yes;, it was a Great Depression of the economy. Today the problems are difficult and more complex. But we have a great crisis in our country. We have a depression of the spirit in this country. We have needs that need to be met. We have a program that is ready to go forward. Do not use this tactic to block the new course this country needs. Turn back, my friends, and rediscover the better angels of our nature so that we can move forward in this country.

Mr. President, I yield the floor.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, in the absence of the chairman of the Appropriations Committee, I would yield myself such time as I may use.

The PRESIDING OFFICER. The Senator is recognized.

JOBS IN AMERICA

Mr. RIEGLE. I thank the Chair.

Let me thank the Senator from Pennsylvania for his important, and inspiring, significant comments that give us some sense of broader perspective as to what brings us here today on Saturday, and the problem of the logjam, the gridlock that we are seeing again here today as we try to get this economy going and get jobs going again in our country.

He reminds us, going back in time, of the struggles of Dr. Martin Luther King and those who fought for civil rights advances in this country. At the heart of Dr. Martin Luther King's efforts was not just the civil rights struggle, which he is most remembered for and which he more than any other person led in this century, but the fact that he was fighting for economic justice. Very much a part of his message was economic justice, about seeing to it that people get enfranchised in terms of voting rights, equal rights in our society, but also economic opportunity and economic rights, and economic security.

That is what we are talking about today; trying to change the economic direction of this country to open the economic system up, to get people who are unemployed, underemployed, who are homeless, who have given up looking for work, to get this economy moving at a faster rate to create more jobs, more opportunities and more ladders into the system, up through the system.

So people, whether they are in the inner cities or they are out in our rural areas today who do not have work, who desperately need the work, actually have the chance to become part of the American economic system. Dr. King fought for that, as many others have.

I am so struck by the fact that our Senate colleagues on the other side of the aisle are doing everything they can do stymie and thwart this new President. President Clinton has not been in office very long, just a matter, really, of weeks. He is doing everything he can to try to give the country a new and stronger economic direction. He has developed a thoughtful and balanced economic plan, a jobs plan. He has brought it forward. It is here now. A key part of it is the jobs creation part, to try to get more jobs coming forward in our society, to give people an opportunity to get into this economic system, to support themselves, their children, their families; to be able to have a sense of being able to participate in the economic promise of this country.

We have gone for years now without a real economic strategy for America, particularly the over the last 12 years—8 years under Reagan and Bush, and then the final 4 years under Bush and Quayle. A great emphasis, was given to foreign policy, almost no attention was paid to the problems here in America.

I think fundamentally that was what the last election was all about. The American people wanted to elect a new President who had a sense of direction, and urgency about the American economy; about problems here in our country that need attention.

So they elected a new President. They removed a sitting President and elected Bill Clinton; because he had a plan for the country, an economic plan, and a health care plan, and other fresh ideas.

You really have to go back I think to 1961 to find the last moment in our modern history where there was a time quite like this one. That of course was the time when we had another young President, John Kennedy, who came in, and the tragedy that followed we all know. We did not have him for very long, about 1,000 days. It was just getting started and it was cut short by an assassin's bullet.

Lyndon Johnson, to his great credit, came in as the Vice President, assumed the Presidency, and the great stride that he made was to try for a period of his Presidency to focus on the terrible human problems in our country, on the civil rights injustices. He led the fight to get landmark civil rights legislation passed. And he should always be acknowledged and revered for having done that. But then we got drawn into Vietnam. That was the great tragedy, and the destruction really of the Johnson administration.

Following that, we went into the Nixon-Agnew period. And into Watergate. And after that, the Ford Presidency. Then for a brief time, the Carter Presidency. Then that ended after one term.

And then we had the 12 years of Reagan-Bush, Bush-Quayle.

Now it is 1993 and over 30 years have passed. And the great promise that was there in the early sixties somehow got away from us. Things are worse today in America than they were in the 1960's. We have more people on food stamps in America than ever in our Nation's history today. The largest city in America with the highest rate of child poverty today is in my home State. It is the city of Detroit and No. 4 on that list is my own hometown of Flint, MI.

My heart aches for those facts. The unemployment rate is 7 percent, but the figure is far higher than that, because we do not count the people who have become so discouraged they have stopped looking for work. They do not count the people in that number who are working part time, part time because they cannot find full-time work. We are told that there are at least 17 million people in this country who need and want full-time jobs and cannot find them and cannot support themselves, cannot provide for their families, cannot give the country the economic lift that the country needs.

No here comes a new President with some vision, some fresh energy, some ideas. And he comes in with a plan. It is a good, sensible plan. It is aimed at helping America. And the jobs part of the plan is $16.3 billion. It is a modest amount. I think in fact we need much more than that.

Let me tell you what the Japanese are doing right now. They have a problem of unemployment in their country. It is a much smaller problem than we have. Our unemployment rate is 7 percent. It is actually much higher than that. But in Japan the unemployment rate today is only 2½ percent. But the Japanese Government cares so much about their people and their unemployed people that they have decided they need a stimulus plan. Do you know how much their stimulus plan amounts to in Japan?

Let me read you the numbers from yesterday's New York Times. Last year, the Japanese put in place an economic stimulus plan for their country, according to the New York Times, of $93 billion. They spent $93 billion last year to get their economy going. They decided they needed some more, so they are just now announcing a new stimulus program. This story says that is going to be another $130 billion.

Here we are now, with the Republicans in the Senate blocking even a $16 billion stimulus program and jobs program for this country. I think, as I said earlier today, it is Presidential politics. They want to wound this President. They want to keep him from being able to fulfill his promise of change and job creation. We have at least two Members on that side—and it is no secret—who are running for President in 1996. It is a little awkward for them to go up to New Hampshire right now and campaign openly, so they come in and campaign by filibuster here. They come in and do everything they can to sabotage this new President—although he has literally only been in office a matter of a few weeks—as he is trying to fulfill his mandate and his promise to the American people to present an economic plan and to foster job creation; they are doing everything they can to prevent that from happening.

I know there is another candidate, the former Housing and Urban Development Secretary, Jack Kemp, a friend of mine. He is out there campaigning for the Presidential nomination in 1996, and some of our Senate colleagues on the other side cannot stand that. He is out there and able to go around and give his speeches in New Hampshire and Iowa and wherever else, so they have to come in here and they have to do everything they can to perpetuate the gridlock and to try to stymie this President and make it impossible for this President to put his program in place.

The PRESIDING OFFICER. I remind the Senator that the time allotted to Senator BYRD has expired.

Mr. RIEGLE. Mr. President, is it appropriate to seek unanimous consent for additional time?

Mr. BYRD. The other side has time, but they have not used any of it yet.

Mr. RIEGLE. I ask unanimous consent, if I may, that the period for morning business be extended. I would like to speak, and I would like another 10 minutes. I ask unanimous consent that I be permitted to speak for an additional 10 minutes.

Mr. BYRD. Mr. President, I certainly do not have any objection to it. I would like to have more time, likewise.

The distinguished majority leader, at some point, I think, wants to put the Senate out. I certainly have no objection to the Senator's request. I may have a request for some additional time myself.

Mr. EXON. Reserving the right to object——

Mr. BYRD. The Senator's request is 10 minutes for each side, the Republican side and this side?

Mr. RIEGLE. Mr. President, I ask for 20 minutes for each side.

Mr. BYRD. Does the Senator from Nebraska also want some time?

Mr. EXON. Yes. I would like to reserve the right to object, and I very likely will not. However, the Senator from Nebraska would like some time in morning business, if possible, to discuss another very important matter that is going on today—the meeting between President Yeltsin and President Clinton. I can take that after the present time has run out. But I reserve the right to ask unanimous consent to make remarks for up to 10 minutes in that regard.

Mr. RIEGLE. Mr. President, I add the request of the Senator from Nebraska to what I am suggesting, which is an additional 20 minutes on both sides on the issue before us, taking into account the request of the Senator from Nebraska.

Mr. EXON. Reserving the right to object further, I am not sure that the time that has been suggested by the Senator from Michigan would be adequate. At the appropriate time, I will ask unanimous consent for up to 10 minutes to be assigned to the Senator from Nebraska over and above any other constraints with regard to the matter at hand. I shall not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIEGLE. If I may, I will shorten my remarks because others want to speak. I ask to be told by the Chair when 3 minutes have elapsed, so I can try to finish within that period of time.

The PRESIDING OFFICER. The Chair will so inform the Senator.

Mr. RIEGLE. Mr. President, I have brought a series of charts, but I will not take the time on them. This huge stimulus program the Japanese are engaged in is money essentially coming from America through a large trade deficit we have with them.

We have to get our people back to work here. I want to say to the people on the other side of the aisle, they have 4 years to run a Presidential campaign and 4 years to try to decide who is going to get nominated on their side in the 1996 Presidential race. But let us give this President and the country a chance now to get some things done. We just had an election. It is too soon to start another Presidential election, quite frankly, and we ought to allow this President to have a chance to put the economic plan in place that he ran on and that the American people voted for.

We need the jobs. We desperately need the jobs. Each job will help create every other job, because the money does not stop when somebody gets a job and earns their weekly income. They spend that money on the necessities of life, and that money moves around. It helps create their neighbor's job, and that helps to create the job for somebody in the next town or somewhere else in the State, or in another State. That is the way we lever this economy up, with more jobs.

But we just learned that last month 22,000 jobs disappeared in the economy. Consumer confidence is down, and the stock market was off 68 points yesterday. We are in a situation here now where we have to drive this economy up to a higher and stronger level of performance.

So the President has a plan and it ought to be supported. I ask my friends on the other side of the aisle, at least for a few more months, put away your Presidential ambitions; just put them away, and let the people have a chance to let this President we just elected have an opportunity to fulfill the commitments that he made and that the people have asked him to carry out. Let us get the job creation going. But make no mistake about it, if the other side, using 43 votes in the filibuster, if they wreck this plan and if they insist on crippling this plan and this President, there will be no mistake in the minds of the American public as to where it came from.

The public does not want that. They have had enough of that. So I say to my colleagues on the other side, put the Presidential ambition away for a while. If you want to practice your Presidential interests and Presidential campaign, go to New Hampshire and go to Iowa, but do not bring it in here on the Senate floor in the form of gridlock and in the form of filibuster to prevent us from getting a job program in place.

Finally, this. The other day, ABC News did a news story on two veterans who are homeless and unemployed here in Washington, DC. They were veterans of Desert Storm. They served this country in uniform with distinction. They came back to this country, were unable to find work, and today have no income; they are unemployed living in cardboard boxes here in the District of Columbia. That is just not right. That situation is multiplied all across this country.

We need jobs in America, and we need them now. We need jobs in America, and we need them now. We need this job stimulus plan. The President has given us a plan. Let us enact it and let us help America.

I thank the Chair and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time does the Senator want?

Mrs. BOXER. Three minutes.

Mr. RIEGLE. Mr. President, I yield 3 minutes to the Senator from California.

OUR STATE IS REELING

Mrs. BOXER. Mr. President, I thank my friend, the Senator from Michigan, for yielding. I associate myself with his remarks.

As I mentioned before, I am very disappointed that I was not able to leave with my colleague, Senator FEINSTEIN, and go back to my home State where I have a very vigorous schedule planned. She and I were going to address the Democratic Convention that is meeting in California, in Sacramento.

We had both hoped so very much to be able to tell the people of California that we were part of a history-making legislative year, that we were able to be part of breaking the gridlock in Washington and coming home with a message of hope for our children, who have been neglected for too long, for our working families, who have been neglected too long, to the defense workers, who so much cry out for help as we move from a military-based economy to a civilian-based economy.

We had so hoped to be able to come home and announce that not only had we passed the budget resolution, which contains the largest reduction in history and which contains long-term important investments for our people; but, yes, that we had passed a modest but very important stimulus program for this Nation.

Our State is reeling. We have 1.5 million Californians out of work, losing hope. This jobs bill that has been stalled here today and the last several days by the Republicans will bring 50,000 jobs to our State of California. And what does that mean? Fifty thousand jobs which will ease the burden on 50,000 families, on spouses and on children and on communities. Yet, the Republicans in this U.S. Senate, the filibuster fellows, as I call them, the darlings of delay, have decided that they are going to take a stand.

I say to Senators, it is fine to take a stand. But do not take a stand against job creation; do not take a stand against turning around this recession; do not take a stand in favor of stopping a President dead in his tracks after he has been in office for such a short period of time. Give his program a chance.

But the American people are seeing it for what it is, and I only hope that they will let those Republican Senators know that their tactics are not good for America and their tactics are not good for the Republican Party.

I ask for an additional minute.

Mr. RIEGLE. I yield an additional minute.

Mrs. BOXER. Mr. President, I say to my colleague from Michigan, who is such a leader in this body for those who do not have a voice, for those who need a fair break, for those who need housing for their families and credit for their small businesses, that I am very proud to be a Democrat, that I am very proud to be a part of an institution where we have a number of us here, united as Democrats, united, more importantly, as Americans, speaking out in favor of this jobs program.

I say to him that I will stand with him and with my fellow colleague, friend, and Senator from California [Mrs. FEINSTEIN], and with the leadership and with Senator BYRD, and my chairman, Senator SASSER, for as long as it takes until we get these funds out to our communities where they belong, where they are needed, where they will help our people because that is why I got elected and that is why I am here.

Mr. RIEGLE. I thank the Senator.

I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. RIEGLE. Mr. President, as the Senator from California points out, this President has come along now and offered a plan for this country to try to help people, and especially working people, just everyday citizens in the country that have been ignored for such a long time.

The last administration, you know, had an economic program for every country in the world except this one. That is why they were voted out. Now a President has come along and he has come up with an economic program for this country, and we need it. You certainly need it in your home State in California; we do in Michigan. All the 50 States today are struggling in one way or another. And we are talking about trying to get some economic lift into our system.

That is why the Japanese are doing so much. I cited earlier the fact that over 2 years, they are going to spend over $200 billion in stimulus effort because their unemployment rate got all the way up to 2.5 percent. Here we are up at 7 percent, and our friends on the other side of the aisle do not want anything in this package that is designed to create jobs in America. They just do not get it.

They did not understand the message of the last election. Now they have their eyes on the next election, in 1996. If they want to take that argument up to New Hampshire, that is fine with me. It has no place on the Senate floor. We need the jobs plan, and we need it now.

The PRESIDING OFFICER. The time has expired.

Mr. RIEGLE. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator from Nebraska.

Mr. EXON. Madam President, as I had indicated earlier, I ask unanimous consent that 12 minutes be allowed the Senator from Nebraska at this point, without the 12 minutes being charged to either side on the matter that has been discussed.

My remarks have to do with the meeting today between President Clinton and President Yeltsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. I thank the Chair.

THE RIDDLE OF TRADE WITH RUSSIA

Mr. EXON. Madam President, I believe that these remarks are particularly important and particularly on point today as President Clinton conducts what perhaps will be the most important meeting of his Presidency. The Vancouver summit now going on between President Clinton and President Yeltsin offers an unprecedented opportunity to launch a new era of peace, understanding, and cooperation. I think we all wish them well.

The previous administration heralded The collapse of communism, but our new young President has an opportunity to help lay the cornerstone on a new structure—a structure built with freedom, democracy, and a market economy.

The new era is one of the greatest opportunities we have ever had. The former Soviet Union offers a huge new market for virtually any product and service produced in America and the post-Communist era allows the United States to turn its attention away from the Soviet threat and toward many of our needs here at home.

To open the vast Soviet market to American goods and services, the President must solve a riddle; namely, how can the United States sell its food, products, and services to a country with virtually no money to pay for food, products, and services.

At least an important and practical answer to that riddle lies in a concept that I have been promoting for a number of years. That idea is barter. What is barter? In its simplest form, it is trading goods for goods, such as trading food for oil. In its broadest use it is a host of financial devices which build on that idea—such as countertrade, collateralization, escrow and other self-liquidating transactions.

Russia needs just about anything our Nation can produce. They need food, technology, heavy equipment, consumer goods, and services. At the same time Russia and the Republics of the former Soviet Union are rich with many of the resources our country and the world want and need such as energy, gold, diamonds, metals, and minerals. In addition, the former Soviet Union has a highly literate and educated work force.

The solution to increasing trade between the United States and Russia and the other Republics is to use that great nation's resources and potential production of energy and minerals to finance its much needed food requirements and infrastructure investments.

Many of our Nation's trade competitors have already solved the riddle. We are way behind. Last week, Canada announced a wheat for cotton and diamonds arrangement with Russia and Uzbekistan. Australia also recently announced a wheat for aluminum deal with Russia and other countries.

Australia also recently announced a wheat for aluminum deal with Russia. They join France, Poland, Korea, and other, all of which have barter arrangements already in effect with the Republics of the former Soviet Union.

In pressing the case for new thinking in trade finance, I have encountered years of the old fashioned cash on the barrel head thinking in the Reagan and Bush administrations. Despite this, I have persisted with many statements and speeches to spur this concept. It appears it is finally beginning to produce some constructive results.

In 1987, I proposed legislation to create an Office of Barter in the U.S. Department of Commerce and, after some discussion, the Reagan administration was grudgingly convinced not to object to provisions creating that office and an Interagency Group on Countertrade as a part of the 1988 Omnibus Trade and Competitiveness Act. The barter office in the Department of Commerce is now there, languishing in inaction but there to be used if we can but develop a little foresight.

In 1989, I pressed the Reagan administration to implement the trade bill's barter provisions and use the new barter office to expand agriculture and business markets for U.S. trade in Eastern Europe. In 1990, I suggested that President Reagan propose a food for oil initiative to President Gorbachev. In 1991, I traveled to the Soviet

Union and met with the Soviet Ministers of Oil and Gas and Agriculture. Both were enthusiastic about the prospect of a U.S.-U.S.S.R. barter arrangement. I had similar meetings with the new Ministers of post-Communist Russia on a subsequent visit and also received encouraging responses. In 1992, I finally won approval of a provision in the energy bill to require the administration to report on the feasibility of using barter to finance the repair of the battered energy sector in the former Soviet Union and help the United States diversify its source of imported oil.

Over the years, I pressed, prodded, and encouraged the Reagan and Bush administrations in letters, conventions, hearings, and legislation to embrace the concept of barter but they just did not get it. They did not understand that to solve the riddle of trade without cash, new thinking would have to embrace a very old way of doing business.

Madam President, I am pleased to report that our new President and his administration does get it. Soon after President Clinton was elected, I wrote to him about barter and countertrade and received a response which endorsed "greater access to countertrade." I was also thrilled with Secretary Brown's enthusiastic endorsement of barter as a means to open new markets when he testified at his confirmation hearing. In addition, I was pleased to congratulate Secretary Espy for his suggestion in a speech in Nebraska that barter be considered as a way to restart grain shipments to Russia and address the issue of creditworthiness.

In recent days, the World Bank agreed to waive its so-called negative pledge clause to permit barter-type escrow arrangements. Most encouraging, however, have been published reports that barter-type transactions are under active consideration for inclusion in the President's Russian aid package.

Madam President, I send President Clinton my best wishes for his discussions with President Yeltsin. I look forward to working with the President to finally solve the riddle of trade with Russia. The solution to that riddle will create jobs in America and new markets for American products while at the same time promote stability, democracy, and economic development in Russia and the other Republics.

Madam President, I ask unanimous consent that correspondence between President Clinton and myself be printed in the RECORD as well as other relevant material in this regard.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, Mar. 19, 1987]

THE UNITED STATES IS MISSING THE BARTER TRAIN

Mr. EXON. Mr. President, after years of economic dominance, the United States finds itself in a most uncomfortable situation. For 6 years our Nation has been intoxicated with the "feel good" policies of supply side economics. While the Washington crowd talked of "the dawn of America" and told the Nation that "America was on the move," some serious warning aches and pains were ignored in the Nation's economic body.

Now that the intoxicant is wearing off, America is waking up to one of its worse economic "hangovers" ever. The economic statistics of 1986 illustrate how negligent the Nation's leadership has been. In 1986, the annual budget deficit topped a record $220 billion and the accumulated national debt broke through the $2 trillion barrier, the trade deficit hit a record $168 billion, and the Nation became the world's largest net debtor nation.

These records were set against a backdrop which included a continuing depression in rural America and a new crisis in the Nation's oil producing States. After years of strength in agriculture trade, the United States actually imported more food than it exported for several months during 1986. Also of concern is the fact that our Nation's dependence on foreign oil returned close to its preembargo levels.

Rather than search for new answers to the Nation's economic problems, the administration has clung to its dogmatic principles of supply side economics and "free trade."

The solutions to the Nation's decaying economic status are as complex as the causes for our current difficulty. Certainly the most effective measure to restore the Nation's economic health would be to place the Federal Government on a balanced diet of deficit reduction. In addition, there are other smaller, less dramatic, but important therapies which can help nurse our Nation out of its supply side "hangover."

One small step which could help the Nation restore its international position would be to better utilize the trade technique of barter. It has been estimated that barter accounts for 25 percent of world trade. The United States has been woefully slow to respond to this trend. A recent article by Columnists Jack Anderson and Dale Van Atta appropriately noted that "Shunning barter agreements means turning our back on a rapidly growing portion of world trade."

The 1985 farm bill included authorization for the Secretary of Agriculture to institute a pilot program to use surplus commodities to acquire strategic or other materials that the United States does not domestically produce in sufficient amounts.

I am sad to report, Mr. President, that the Department of Agriculture has been very slow to use this authority. Secretary Lyng reported to Congress on January 29, 1987, that "no agreements have been concluded for this pilot program." In fact, in several other areas, the administration has been active in its opposition to barter. This attitude represents another lost opportunity for the American economy. It is like a passenger arguing the merits of steam locomotion while the diesel trains pull away from the station. The United States cannot afford to be left off this train.

We live in an era where America must think creatively about trade problems. The United States faces a serious deterioration of its economic strength while our prospective customers are strapped by massive international debt or economic recession due to declining commodity prices. As Economist Eliot Janeway, a long-time advocate for barter has noted, these negatives can be multiplied into positives. Just as in mathematics, $-2-2=+4$, difficult problems can be paired to produce positive solutions. Take, for example, Third World nations and the troubled U.S. rural economy.

The U.S. Government operated a barter program from 1950 to 1973 to dispose of surplus agriculture commodities, acquire strategic materials and to acquire goods and services for U.S. overseas development and military programs. During that period, $6.65 billion worth of agricultural commodities were exported. The programs were suspended in 1973 when Government-held agricultural surpluses dwindled to nothing.

The current agricultural stockpile greatly exceeds the levels of the 1950's and 1960's. The time is right to take a new look at barter. The United States should expand its efforts to use barter as a way of engaging developing and nonmarket economies into mutually beneficial commerce. Rather than fight the growing interest in barter transactions, the administration should board the barter train to give a lift to our troubled agricultural sector.

Debt-ridden Third World nations, particularly those rocked by the recent decline in oil prices, should be offered barter opportunities to exchange grain for their oil or materials. Such a strategy would allow Third World nations to obtain agricultural staples in exchange for a product which they hold in abundance. In the case of nonmarket economies, with currencies of little use to the United States, barter could be a new avenue for mutual cooperation.

In the 1985 farm bill, the Congress attempted to prod the administration into exploring the benefits of barter.

The Congress should continue to encourage the administration to dispose of surplus commodities through bartered exchanges. The administration should also examine the possibility of bartering processed and semiprocessed goods. New forms packaging can make American food products virtually indestructible. This value added also means jobs for American workers.

A barter office and information bank should be established in the Department of Commerce to facilitate and encourage private sector barter transactions. In addition, our State and Defense Departments should examine their expenditures to see if barter transactions using food products could better pay for goods and services purchased abroad. Essentially anywhere cash is spent, commodities paid in kind could be used. Where such a transaction would not compete with existing U.S. commerce, or in cases where such transactions could open the door in a new market, the Department of State and the Department of Defense should use surplus commodities to help pay its foreign bills. Our Government should look at our commodity surplus as a special bank account that can be drawn upon when the use of commodities or food products will not displace existing U.S. trade.

In the long term, the United States should also examine the possibility of negotiating a multilateral treaty between the key agriculture nations and the developing Third World which would barter agricultural commodities for environmental protection. The Third World, starving for development, has often turned to the conversion of delicate tropical environments into agricultural land. In an era of shrinking tropical forests and surplus crops, such action does not make sense. In defense of the developing nations, there are few options available to these struggling nations. It is unrealistic to expect that these nations would forsake their future for the benefit of the developed world or some abstract concern about the global environmental protection.

This long-term creative use of the world's food surplus could preserve the global environment, establish reliable relationships built on food security, stem the growth of the global grain surplus, and spur constructive development in the Third World.

Mr. President, I raise these points for discussion and consideration. The U.S. Congress must look for new solutions to the growing trade deficit. In the short term, the administration already has the authority to facilitate and use barter to open markets where traditional trade transactions have failed. The United States should use all of its tools available to fix the trade problem. In the long term, we also need to look at ways which can move food to hungry people and prevent the destruction of fragile land.

As a member of the Senate Commerce Committee, I look forward to our discussions on the 1987 trade bill and will encourage my colleagues to look at the uses of barter as a tool of international trade.

Mr. President, I ask unanimous consent that the February 20, 1987, article on barter written by Jack Anderson and Dale Van Atta be printed in the RECORD, as read. I also ask unanimous consent that the January 29, 1987, letter from Secretary Lyng to the Speaker of the House be printed in the RECORD as read.

Thank you, Mr. President.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Washington Post, Feb. 20, 1987]

WORLD BARTERING LEAVES U.S. IN THE COLD

(By Jack Anderson and Dale Van Atta)

For most Americans, the word "barter" conjures up a vision of explorers swapping colored beads and other trinkets with innocent natives for ivory, furs or precious gems. For tax dodgers, barter is the foundation of an underground economy that trades one service for another—dental work for plumbing repairs, perhaps—with no cash changing hands to attract the attention of the Internal Revenue Service.

On the international scene, barter has a fancy name—countertrade—and it involves much more than trinkets or a new swimming pool. Barter is big business. Unfortunately, the U.S. government has been slow to pick up on this growing trend, and as a result is being left out in the cold, stubbornly insisting on cash deals.

In 1976, countertrade accounted for a mere 2 percent of the world's total trade of about $1 trillion. Now it's a different story entirely. The Organization for Economic Cooperation and Development estimates that countertrade accounts for up to 10 percent of world trade.

At the high end of the estimates, a Commerce Department cable we've seen suggests that country-to-country barter agreements cover at least 25 percent of total world trade. In fact, states the cable, "If crude oil barter and other types [such as arms deals] are included, countertrade-related trade should exceed $1 trillion in 1986." In other words, the barter share of world trade today is the equivalent of all world trade just 10 years ago.

The estimates are just that, of course, because many participating governments—like Iran's—won't disclose their barter arrangements.

"The best barter deal is the one you don't hear about" is an industry maxim.

Barter is attractive because it helps a country preserve its foreign exchange reserves, assures a stable supply of essential imports, expands exports and facilitates technology transfers.

For whatever reason, barter is growing despite behind-the-scenes U.S. opposition. A separate Commerce Department study showed that in 1984, at least 100 countries ordered state-owned or private companies to engage in barter agreements. It has become an essential part of world trade.

One such deal that actually made it into the headlines—mainly because of the Reagan administration's vain attempt to stop it—was the Soviet natural-gas pipeline to Central Europe. The customer governments provided equipment, labor and financing for construction of the pipeline in return for a guaranteed amount of gas once it became operational.

Although officially neutral on the subject, the U.S. government actively tries to discourage barter agreements. U.S. representatives to international economic bodies argue against the booming countertrade trend. And the IRS understandably makes life difficult for U.S. merchants involved in international barter deals.

Our sources believe it's time for the government to rethink its position. Shunning barter agreements means turning our backs on a rapidly growing portion of world trade, to say nothing of the American heritage of bartering expertise: Manhattan island was acquired by canny Dutch settlers for $24 worth of junk jewelry.

DEPARTMENT OF AGRICULTURE,
Washington, DC, January 2, 1987.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: We are reporting here the status of the pilot barter program authorized in Section 1129 of the Food Security Act of 1985. This pilot program provides for the barter of Commodity Credit Corporation commodities for strategic and other produce domestically in sufficient amounts. The materials received may be used to meet domestic requirements or fulfill stockpile goals.

As of this date, no agreements have been concluded for this pilot program. It remains our intent to comply with the Act by developing the two specified pilot projects, along with appropriate evaluations. Efforts to initiate substantive discussions will continue with several countries with food and currency reserve shortages which offer potential for obtaining strategic materials.

We remain hopeful that agreements can be negotiated with mutually agreeable terms to usefully test this pilot program.

An identical letter has been sent to the President of the Senate.

Sincerely,

RICHARD E. LYING,
Secretary.

U.S. SENATE,
Washington, DC, April 20, 1989.

Hon. ROBERT A. MOSBACHER,
Secretary, Department of Commerce, Washington, DC.

DEAR SECRETARY MOSBACHER: I understand that the Department of Commerce is considering its strategy to implement the provisions of the Omnibus Trade and Competitiveness Act provisions relating to the Office of Barter and the Interagency group on Countertrade.

As you may know, I authored the Senate's Barter Office provision. My concern was that the United States was significantly falling behind our international competitors in this type of trade. Barter and countertrade offer the United States an opportunity to open new markets for American goods and services, especially where hard currency is in short supply. The Commerce Department, with its network of specialists around the world, is well suited to advise and assist American businesses on barter opportunities. Barter also offers an opportunity for the United States government to reduce the cash costs of its foreign operations.

The barter and countertrade provisions of the Omnibus Trade and Competitiveness Act recognize that the United States must aggressively move to become competitive in the international barter arena. There is a serious need for a pragmatic approach to expand trade through civilian barter and countertrade. These provisions offer the United States a chance to turn its past dogmatic opposition to barter and countertrade into an opportunity to expand trade and create new markets for American products.

In reviewing the legislative history of the barter and countertrade provisions of the Trade Bill, you will note that the Conference Committee deleted those provisions which were overtly hostile to this type of trade. As you consider the mission of the Barter Office and Interagency Committee, I trust that you will keep in mind the desire of the U.S. Congress that barter and countertrade be used to expand U.S. export opportunities.

There has been growing public interest in the barter and countertrade issue. I will soon be asking Senator Hollings, the Chairman of the Senate Commerce Committee, to schedule hearings on this important matter. I am available to assist you in anyway to successfully implement the Commerce Department's barter and countertrade responsibilities.

Best wishes.

Sincerely,

J. JAMES EXON,
U.S. Senator.

U.S. SENATE,
Washington, DC, February 20, 1990.

Hon. PAUL POWELL,
Director, Office of Congressional Affairs, International Trade Administration, U.S. Department of Commerce, Washington, DC.

DEAR DIRECTOR POWELL: Through correspondence with Secretary Mosbacher, I understand that you will be overseeing the implementation of the Office of Barter and Interagency Group on barter and countertrade provisions of the 1988 Trade Bill.

As the author of the Office of Barter legislation, I have greatly appreciated the Secretary's repeated support for the Trade Bill language. In the past, barter and countertrade opportunities have been overlooked and discouraged by the U.S. government to the disadvantage of American business. The provisions of the 1988 Trade Bill offer the United States a new opportunity to seize the initiative in this important sector of international trade.

I strongly recommend that the Bush Administration use the Office of Barter and the Interagency Group as keys to identifying, facilitating and expanding trade opportunities in Eastern Europe and the Soviet Union. Given the absence of hard currency and the significant penned-up demand for American products and services, barter and countertrade are natural devices to gain a foothold in these developing markets. I am especially bullish about the agriculture and processed food opportunities in Eastern Europe and the Soviet Union.

The Barter Office and the Interagency Group should adopt Eastern Europe and the Soviet Union as their pilot project to demonstrate a more realistic, and as the Secretary suggested in his May 1989 letter, "a pragmatic approach toward commercial barter, countertrade and civil offset practices."

It is crucial that the United States move quickly to take advantage of fast-breaking opportunities. I am informed that our European and Asian competitors have already aggressively moved in the Eastern European market and barter and countertrade arrangements are important parts of their trade strategies. The United States must not let unique and existing Eastern European opportunities slip by.

I trust that you will carefully consider these recommendations and that you will keep me fully informed of the organization, activities, staffing, mission and meeting schedule of the Barter Office and the Interagency Group. When I proposed legislation to create the Barter Office, my objective was to help the United States move aggressively into new markets. I look forward to working with you to make America's barter and countertrade policies work to help expand trade opportunities in new markets.

Best wishes.

Sincerely,

JIM EXON,
U.S. Senator.

[From the CONGRESSIONAL RECORD, Sept. 19, 1990]

BARTER AND COUNTER TRADE WITH THE U.S.S.R.

Mr. EXON. Madam President, last week I wrote to President Bush congratulating him on the successful summit with the President of the Soviet Union and an excellent address to the Nation last week. I fully support the President's call for bipartisan cooperation, and in that spirit I offered the President a suggestion which I would like now to briefly discuss.

There is one area of potential cooperation between the United States and the Soviet Union which should be immediately pursued. Madam President, the Soviet Union sits atop of one of the world's largest supplies of oil. The United States, the breadbasket of the world, will soon harvest a bumper crop. The Soviet Union needs food, and the United States needs oil. Therefore, the simple equation of mutual benefit is good for both food producers and oil producers.

Trade with the Soviet Union and Eastern Europe and the Third World has been difficult of the lack of hard currency in many of these markets. However, barter transactions like food for oil is a strategy which I recommend and one which I think could prove very helpful and be done with very little difficulty right now. Indeed, barter and counter trade and other similar nontraditional means of trade and finance present ideal opportunities for the United States and the Soviet Union to expand trade and development.

Not too long ago a Soviet food processing expert bound for a food conference in Nebraska said that if the United States waits for a convertible ruble, there will be no trade left. For quite some time official U.S. trade policy frowned upon barter and counter trade transactions while other trading partners in Europe and Asia used barter and counter trade to capture new and expanding markets.

Fortunately, a provision in the 1988 Omnibus Trade and Competitiveness Act, which I authored, fundamentally changed U.S. policy. U.S. trade law now encourages and supports the use of barter and counter trade to expand U.S. exports.

That legislation created an Office of Barter within the U.S. Department of Commerce and an interagency group on barter and counter trade to coordinate policy throughout several Federal agencies with trade and development responsibilities.

The Commerce Department office is now operational. And the interagency group is scheduled to have its first meeting early in October. In my letter I urged the President to instruct the Barter Office and the interagency group to immediately pursue the possibility of bartering or trading American food products for Soviet oil.

With expectations of a price depressing bumper crop of farm products, a food-for-oil strategy would be welcome news for the American farmer. Expanding the available supply of oil in the United States would put downward pressure on oil prices.

For the Soviet Union, with its chronic food difficulties, such a transaction would prevent another winter of discontent which could cripple the process of perestroika. Certainly over the long term the United States must reduce its overall dependence on imported oil.

Like my food-for-oil strategy, the American farmer is a central force in meeting America's energy needs through the further development of ethanol fuels. However, food for oil is an option which should be pursued right now to replace oil formerly flowing from Iraq and Kuwait.

Madam President, an exchange of food for oil can help the Soviet Union reduce its bread lines and help the United States prevent future gas lines.

Madam President, I ask unanimous consent that a copy of my letter to the President be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 12, 1990.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I congratulate you on your successful summit with President Gorbachev and your inspiring speech last night. I applaud your call for bi-partisan cooperation and in that spirit offer you a suggestion.

There is one area of mutual benefit to the United States and the Soviet Union which I encourage your Administration to immediately pursue. The Soviet Union sits atop the world's largest supply of oil and the United States is truly the bread basket to the world. The Soviet Union needs food and the United States need oil. The simple equation is for the United States to exchange food for oil.

Given the Soviet Union's lack of hard currency, barter, countertrade and other similar non-traditional means of trade finance present ideal opportunities to conduct commerce. Not too long ago, a Soviet food processing expert said that if the United States waits for a convertible ruble, there will be no trade left.

The Omnibus Trade and Competitiveness Act included legislation which I authored to encourage the use of barter and countertrade to expand U.S. exports. The Trade bill created an Office of Barter within the U.S. Department of Commerce and an Interagency Group on Barter and Countertrade to coordinate policy throughout several federal agencies.

The Commerce Department Office is now operational and the Interagency Group is scheduled to have its first meeting early in October. I urge you to instruct the Barter Office and the Interagency Group to immediately pursue the possibility of bartering American products, especially food or American oil drilling technology for Soviet oil.

An exchange of food for oil can help the Soviet Union reduce its bread lines and help the United States prevent gas lines. By expanding the available supply of oil in the United States, there should also be downward pressure on oil prices as well.

Best wishes.

Respectfully,

JIM EXON,
U.S. Senator.

U.S. SENATE,
Washington, DC, November 30, 1990.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I ask that you immediately grant the Soviet Union access to American farm export credit programs to help American agriculture compete in this important and developing export market. Swift action now on a temporary or emergency basis can prevent this massive market from being captured by our global agriculture competitors.

American agriculture is enduring low crop prices and bumper crops. New Soviet grain and food sales will provide a much needed boost for the American grain market. In light of the fact that the new Farm Bill offers no help in boosting farm income, it is absolutely critical that the United States move aggressively to seek new markets for American food products.

In addition to making agricultural export credit programs available to the Soviet Union, I again encourage your Administration to consider a "food-for-crude" program. The 1988 trade bill included legislation which I offered to encourage the use of international barter transactions as a way to expand trade. Trading food for oil would be an exciting new way to advance trade with the Soviet Union.

These two actions will send a clear message to the people of the Soviet Union that the United States is open for business, and to the American farmer that their needs are not being ignored.

Respectfully,

JIM EXON,
U.S. Senator.

EXON IS URGING BUSH TO CONSIDER BARTER

(By David C. Beeder)

WASHINGTON.—President Bush has failed to consider barter as a way to provide the Soviet Union with $1.5 billion worth of U.S. grain, Sen. J.J. Exon, D, Neb., said Tuesday.

"The trouble with the president is he is surrounded by people who have worshipped at the altar of the almighty dollar for so long they don't understand anything else," Exon said.

Exon, who sponsored 1988 legislation creating a federal office of barter, said he plans to urge the White House to consider trading U.S. commodities for Soviet petroleum.

"It makes all the sense in the world unless you are so wedded to the concept of the dollar," Exon said in an interview from Lincoln.

Bush said Monday that he might not be able to authorize a Soviet request for $1.5 billion in additional loan guarantees to buy U.S. grain.

"They've got to move forward to be creditworthy," Bush told a meeting of farm broadcasters. "We are thinking about this. There may be some way to extend credits."

Soviet President Mikhail Gorbachev wrote Bush last month seeking another $1.5 billion in credit guarantees to supplement $1 billion the Soviets were authorized in December.

If granted, the credits would allow the Soviet to buy U.S. wheat, corn and soybeans, or soybean meal, paying for the commodities with U.S. bank loans backed by the U.S. Department of Agriculture.

Exon said that the office of the barter, a division of the U.S. Department of Commerce, has been ignored by the Reagan administration and the Bush administration.

"I don't think they have been called upon to do anything," he said. "It is there in a place where it can be nurtured if we can get the administration to start nurturing it."

Exon said that the office of the barter was not "wanted or asked for" by the Reagan administration. "It's something I put in that they weren't excited about at all," he said. "I'll be hitting them over the head again trying to get their attention."

A spokesman for the office of the barter, contacted by telephone, said the responsibilities of the office have been assigned to an economist in the division of finance and countertrade in the Department of Commerce.

The spokesman was unable to provide immediately any detailed information on the mission or activities of the office.

The economist, Pitt Verzariu, was unavailable for comment, the spokesman said.

Meanwhile, Dean Kleckner, president of the American Farm Bureau Federation, said he would favor providing U.S. grain to the Soviet Union either through additional credits or in a barrier transaction.

"Barter appeals to me," Kleckner said at a press conference. "I think we ought to take a look at it."

He said he also would favor extending additional loan guarantees to the Soviet Union.

"I suspect there will be hungry people in the Soviet Union within a year." Kleckner said, "We may have TV cameras recording starvation."

Kleckner said that if that happens, "the American people will insist on sending humanitarian aid."

"The Soviet Union is going through some very rough economic times," he said. "They are on the verge of an uprising. I think we need to look seriously at extending them credits."

[From the Lincoln Star, May 3, 1991]

EXON: TRADE U.S. FOOD FOR SOVIET OIL

(By Don Walton)

Sen. Jim Exon on Thursday urged President Bush to negotiate a barter agreement with the Soviet Union that would exchange its oil for U.S. food and energy production technology.

Exon wrote the president in response to Bush's comments this week suggesting that the Soviet Union may not be creditworthy enough to qualify for a requested $1.5 billion in additional guarantees to purchase U.S. grain.

"I ask that you give careful consideration to this suggestion: Simply put, a food for oil arrangement makes sense," the senator wrote the president.

"I welcome an opportunity to work with you on this very important matter."

Exon released copies of the letter at a press conference in Lincoln.

American grain farmers need access to the Soviet market, he said, and the United States has "all obligation to help (the Soviet people) if we can.

"I think it is time for us to move aggressively outside the traditional means of exchange."

Exon said Bush's concern about the Soviet ability to manage additional credit guarantees is understandable.

During a recent trip to the Soviet Union, he said, he found support for his idea of barter exchanges.

"The Soviet Union holds the world's largest reserves of oil," Exon wrote the president.

"The United States has a great supply of food and agriculture products and a need to diversify its supply of oil.

"In the new world order, these strengths and needs should be paired to advance the interests of both nations."

In the immediate term, new loans to the Soviet Union could be secured with future oil production, Exon said.

"Hunger in the Soviet Union is a real possibility," he said.

"As I have long said, a hungry bear is a very dangerous thing."

Over the long term, be said, the Soviet market represents "a rich opportunity for the American farmer."

On other matters, Exon said he believes the United States is "doing all we can" at the moment to help Iraq's Kurdish refugees.

But he said he believes it is essential that the president lead an international effort to provide long-term relief aid.

Bush should marshal nations to that cause in the same manner that he organized the coalition that fought the war against Iraq, he said.

Exon returned last Monday from a trip to the refugee camps.

While the United States through the United Nations can guarantee the Kurds safety in their refugee camps or enclaves, Exon said, it cannot guarantee their safety if and when they return to their homes in northern Iraq.

"The Kurds," he said, "have to work out their own deal with Saddam Hussein."

[From the CONGRESSIONAL RECORD, May 8, 1991]

FOOD SALES TO THE SOVIET UNION

Mr. EXON. Mr. President, I rise to address the appropriate response to the Soviet request for grain credit.

The Soviet Union is a critical market for American farmers. Our Nation learned a valuable lesson in the 1970's when it found that using food as a weapon was a counterproductive measure which did not foster reform in the Soviet Union and unfairly punished the American farmer.

America can not afford to make the same mistake again.

Chaos in the Soviet Union, famine in the Soviet Union, unrest in the Soviet Union does not advance the forces of reform.

Former Minister Eduard Shevardnadze, who I met with about a month ago, warned that out of chaos could come the forces of dictatorship.

Given the economic situation in the Soviet Union, I understand the President's concerns about the credit worthiness of the Soviet Union. This difficulty is by no means insurmountable.

Last week, I sent the President a letter outlining my proposal for a "food for oil" arrangement between the U.S. and the U.S.S.R. I raised this proposal with the Soviet Ministers of Oil and Gas and Agriculture and received a warm response.

In short, barter is the key to opening the door to the Soviet market. It is the only realistic means to overcome the Soviet Union's lack of hard currency. In the short term, food credit could be secured with future soviet oil production or for that matter, any other valuable commodity such as gold, minerals or metals. Over the long term, I believe a food for oil agreement between the U.S. and the U.S.S.R. makes a great deal of sense.

Mr. President I ask unanimous consent that the text of my letter to the President be printed in the RECORD. The letter gives more detail to my proposal and is self-explanatory.

I urge my colleagues to support an appropriate grain credit resolution and give serious consideration to supporting a long-term food for oil arrangement with the Soviet Union.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 1, 1991.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I read yesterday with great interest your comments about granting agriculture credits to the Soviet Union and that nation's credit worthiness. I ask that you give serious consideration to an idea which may provide the answer to your present dilemma. Simply put, the idea is food for oil.

As you well know, the Soviet Union represents a significant export market for America's food producers. The potential loss of this important market would have a devastating effect on American grain prices.

Having recently visited the Soviet Union, I understand your concerns about that nation's economic situation. The Soviet transition to a market economy has been an unsteady journey of half steps toward reform. In spite of several recent poor economic decisions, the Soviet Union remains a nation rich in natural resources.

You know that I have been a long time advocate of barter and countertrade as a means to expand U.S. exports. Barter and countertrade (the exchange of goods for goods) and other nontraditional means of finance can facilitate trade where there is a shortage of hard currency. The United States Congress went on record in support of using barter and countertrade to expand exports when it approved legislation I offered as part of the 1988 trade bill to create the Office of Barter in the United States Department of Commerce.

On September 12, and November 30, 1990, I wrote to you about investigating a "food for oil" arrangement with the Soviet Union. When I was in the Soviet Union. I explained this concept to Mr. Leonid Filmanov, the Soviet Minister of Oil and Gas and Mr. Vyacheslav Chernoivanov, the Soviet Minister of Agriculture. They were most receptive to the idea.

The Soviet Union holds the world's largest reserves of oil. The United States has a great supply of food and agriculture products and a need to diversify its supply of oil. In the new world order, these strengths and needs should be paired to advance the interests of both nations.

In the immediate term, new loans to the Soviet Union could be secured with future oil production. Over the long term, I urge your administration to explore an agreement with the Soviet Union which would facilitate the exchange of energy production technology and U.S. food for oil.

I have enclosed for your consideration transcriptions of the notes from my meetings with the Soviet Prime Minister of Oil and Gas and the Soviet Minister of Agriculture. Given your background in the oil and gas industry, I am certain that you will see that there are great energy resources in the Soviet Union which are untapped and in many cases simply wasted. I am convinced that a bit of creative thinking and yankee ingenuity can unlock the value of these and other resources to secure additional American food sales as well as a more productive relationship between our two nations.

Hunger in the Soviet Union is a real possibility. Several reports indicate that there will be poor harvest in the Soviet Union this year. Given the tension I observed in the Soviet Union, food shortages could unleash a series of reactions and emotions within the Soviet Union which could further undermine the road to reform. As I have long said, a hungry bear is a very dangerous thing.

Over the long term, the Soviet market provides a rich opportunity for the American farmer. The development of this market now will provide dividends in the future. Given the drastic cuts in farm programs over the last several years, our nation can not afford to let an important export opportunity like this slip from our grasp.

I ask that you give careful consideration to this suggestion. Simply put, a food for oil arrangement makes sense. I welcome an opportunity to work with you on this very important matter.

Best wishes.

Cordially,

JIM EXON,
U.S. Senator.

[From the CONGRESSIONAL RECORD, May 8, 1991]

OBSERVATIONS ON THE SOVIET UNION

Mr. EXON. Mr. President, last month, I was privileged to represent the Senate Armed Services Committee as part of an official delegation to the Soviet Union and Eastern Europe headed by the chairman of the Senate Intelligence Committee Senator Boren. This is the second of my reports on that interesting and enlightening trip. My earlier report focused on Eastern Europe. Today, I would like to discuss the political situation in the Soviet Union.

Our delegation arrived in Moscow on March 27, the eve of a major showdown between Soviet President Gorbachev and Russian President Boris Yeltsin. Upon arriving in Moscow, the delegation sensed a chilling tension in the air.

The current political landscape of the Soviet Union cannot be sketched in black and white terms. The situation is complex with several forces pulling at the political leadership of the nation. While the delegation was in Latvia, one of the Baltic Republics seeking freedom from the Soviet Union, we met Senator Mavriks Vulfsons, of the Latvian Parliament. He provided the delegation with a succinct summation of the nation's turmoil. When asked about Soviet politics, he prefaced his answers with the comment that "you must understand, this is the Soviet Union. Things are very complicated."

[From the CONGRESSIONAL RECORD, June 6, 1991]

THE NOMINATION OF ROBERT STRAUSS

Mr. EXON. Mr. President, I rise to congratulate the President and my good friend Robert Strauss. I was delighted to learn that President Bush has nominated Robert Strauss, to be the next United States Ambassador to the Soviet Union.

Robert Strauss is a statesman and a most shrewd businessman. He was appropriately described by a fellow Texan as the "ultimate capitalist." Bob Strauss also understands the strategic and economic interests of the United States and is a visionary who can help guide United States-Soviet relations through a most interesting and exciting time.

I can think of no individual more qualified, or more respected by Democrats and Republicans alike than Ambassador Robert Strauss. In terms of world peace and prosperity, the nomination of Robert Strauss could well be considered the President's single most important nomination.

I am especially cheered by the fact that Bob Strauss has keen understanding of how important agriculture is in the United States. The Soviet Union represents one of America's most promising long-term export markets for American food products.

I look forward to discussing an agenda of cautious but constructive cooperation with Ambassador Strauss. As a leading advocate of barter and countertrade, I also look forward to discussing my ideas on trading American food for Soviet oil and other natural resources to expand American food-export markets.

Bob Strauss's incredible knowledge of economic and commercial matters will help guide our Nation in its rapidly developing commercial relationship with the Soviet Union and his deep commitment to United States national security will assure that the United States does not let our high hopes for closer friendship, trade and exchange with the Soviet Union cloud our judgment on security matters.

Mr. President, as the chairman of the Strategic Forces and Nuclear Deterrence Subcommittee with very serious responsibilities for America's nuclear arsenal, I am most encouraged by the President's nomination of Bob Strauss and I look forward to working with Ambassador Strauss and the Bush administration to form American policy toward the Soviet Union.

[From the CONGRESSIONAL RECORD, June 6, 1991]

AREAS FOR UNITED STATES-SOVIET COOPERATION

Mr. EXON. Mr. President, today I present the third report on my observations, recommendations, and reflections following a spring visit to the new democracies in Eastern Europe and the Soviet Union. In my first address I discussed my views on Eastern Europe, my second speech focused on political developments in the Soviet Union, and this report will discuss what I consider to be key areas of U.S.-U.S.S.R. cooperation.

As I have discussed in my previous address, the Soviet Union is undergoing rapid and dramatic change. The economic, political, and social underpinnings of Soviet society are crumbling and that nation is scrambling to rebuild and reshape its very foundation. This is no easy task for a multiethnic nation which covers one-sixth of the globe.

The present represents a unique time in history where the events and actions of the next dozen months can shape the future of the world for decades. The United States should take every opportunity to encourage the Soviet Union to continue down the path of peaceful political and economic reform.

It is a time for caution, but also a time for vision. The United States, unlike any other nation has the ability to influence and coax events in the Soviet Union. As I say in my last address, the United States has provided the Soviet Union and the world a shining example that the path to a better life is the path marked democracy and freedom. The Soviet Union should fully understand that closer ties and cooperation with the United States and the free world are made more likely with each Soviet step toward a free and democratic society.

In light of the dramatic changes which have occurred thus far in the Soviet Union there are several areas where cautious but constructive cooperation is appropriate. These areas emphasize the mutual peaceful aspirations of the United States, the Soviet Union, and the world community. As confidence is built through these initiatives, additional cooperation can be explored.

WORLD PEACE

First and foremost, the central focus of American and Soviet cooperation must be to continue to make the globe a more peaceful and safe place. Arms control, arms reduction, and risk reduction must remain at the top of the United States-Soviet agenda. In my earlier address, I outlined my serious concerns about the Soviet view of the Conventional Forces Europe [CFE] Agreement. While in the Soviet Union, I repeatedly made it known, that the United States Senate would have a difficult time placing confidence in a START Treaty. Since my return, I have been encouraged to learn of a measure of flexibility from the Soviets and will be watching carefully as CFE discussions continue. It now appears that the Soviet Union understands, that a high degree of confidence with regard to the CFE agreement is an absolute prerequisite to progress on the START Treaty.

As the chairman of the Strategic Forces and Nuclear Deterrence Subcommittee of the Senate Armed Services Committee, I am especially concerned that in spite of reductions in other areas of military activity, the Soviet Union continues to modernize their strategic forces. As such, the United States has no option but to continue our modernization program. That is a key reason I strongly support the B-2 bomber and research and development for the star wars system. The United States must consider military capability in planning our national defense, rather than present day personalities or intentions.

Over the long term, change in the Soviet Union coupled with significant verified arms reduction can open entirely new vistas for our two nations. Soviet cooperation in the Persian Gulf represented a remarkable turning point for U.S.-U.S.S.R. relations and for global politics. By working together, our nations can make the world a much safer place.

ENVIRONMENTAL CLEANUP

While in the Soviet Union, I met with Deputy Minister Mikhailov of the Soviet Atomic Energy Ministry. I sought this meeting to discuss a proposal Secretary Watkins and I have been discussing over the last few years, namely that the America and the Soviet Union should cooperate on the cleanup of the nuclear waste created by the production of nuclear weapons. I told the Minister that our nations both know how to make nuclear weapons and components, but as nations we have not done a good job of cleaning up the waste produced by these endeavors. I said that if the United States and the Soviet Union can enter into a START Treaty which attempts to reduce nuclear weapons inventories, certainly, we can get together and work together on nuclear waste cleanup.

Minister Mikailov welcomed the opportunity to cooperate. He said that it is a good idea to get the best minds together on this common problem. He emphasized that it would be very useful to have experts discuss some of the new "exotic" methods of nuclear waste disposal. He also raised another important point that as both nation's disarm weapons, even more waste will be produced, not just former nuclear warheads, but also nonnuclear components which may have been contaminated.

Cooperation on nuclear waste cleanup would serve the interests of the United States, the Soviet Union, and the world. America has a great deal to learn from the Soviets and to teach the Soviets. The tragedy of Chernobyl should be carefully studied to learn more about accident prevention, reaction, and the treatment of radiation disease. It also gives the world a warning about the many dangers of nuclear technology.

Since my return, I have discussed this nuclear waste cleanup initiative with Admiral Watkins, the U.S. Secretary of Energy and gave him copies of transcripts of our meeting notes. In the coming months, I will be working with the Secretary to find appropriate avenues for United States-Soviet exchanges of scientists to find answers to our mutual nuclear waste cleanup problems.

AGRICULTURE TRADE

Mr. President, with regard to our economic relationship with the Soviet Union, the old saw that bread is the staff of life is a most apt description of United States-Soviet trade relations. Food is a basic human need and the basic ingredient of an important trade relationship. For political, economic and humanitarian reasons, agriculture trade is a most appropriate first step toward building a closer economic relationship with the Soviet Union. Food shortages could spark chaos which could derail reforms in the Soviet Union.

In the economic arena, nowhere are the needs of the United States and the U.S.S.R. more closely matched than in the agriculture and food sector. American farmers need new markets and the Soviet people need American food.

During our visit to the Soviet Union, Senator Heflin and I had fascinating meetings with Vyacheslav Chernolvanov, the new Soviet Minister of Agriculture and Leonid Filmanov, the Soviet Minister of Oil and Gas.

We sought these meetings to explore opportunities to increase agriculture and food related exports from the United States to the Soviet Union and to discuss a proposal I had made last year regarding an exchange of American food for Soviet oil.

At our meeting with the new Minister of Agriculture, Senator HELFIN and I were perhaps one of the first United States officials to be informed of the Soviet Union's interest in additional credit guarantees. It was clear that the Soviet Union's food situation is very serious. Hunger in the Soviet Union is a real possibility. Several reports indicate that there will be a poor harvest in the Soviet Union this year and waste in the Soviet system is widespread. The Minister spoke of 20 percent waste and American experts at the American Embassy told us of upward of 40 percent waste in Soviet agriculture production.

Given the political tension I observed in the Soviet Union, food shortages could unleash a series of reactions and emotions within that country which could further undermine any movement toward reform. That would not be in the interests of the United States. As I have long said, a hungry bear is a very dangerous thing.

On May 15 the U.S. Senate overwhelmingly passed a resolution endorsing the extension of additional credit guarantees by the U.S. Government for additional American food sales.

This resolution backed the extension of credit guarantees in a manner which both encourages continued political and economic reform in the Soviet Union and in a manner which would limit risk to United States taxpayers. It stands as a prime example of the type of cautious but constructive cooperation that I recommend.

As a member of the working group which helped craft the language of the resolution, I am pleased to report that the legislation took into consideration the legitimate human rights concerns raised by several Senators.

The resolution urged the Bush administration to secure clear and binding assurances from the Soviet Union that the credits will not be used to export the military, security, or Communist Party apparatus at the expense of the people of the Soviet Union and that the credits will not be used to pressure the Baltic States or the Soviet Republics to support the new U.S.S.R. Union Treaty.

I was especially pleased that the Senate resolution included language I offered to urge the Bush administration to explore barter, countertrade, collateralization, and other nontraditional means of finance to facilitate additional Soviet purchases of United States agricultural and food products. The resolution also included language I suggested regarding the repayment of past and present credit extended under U.S. guarantees by currency or barter acceptable to grain providers and the United States.

Mr. President, as the Senate knows, I have for some years been an advocate of barter and countertrade as a means of expanding U.S. export markets. Some estimates suggested that 25 percent of world trade moves via barter and countertrade arrangements. For a number of years, the United States officially and unofficially discouraged firms from engaging in barter transactions. In 1988, the Congress changed the policy and adopted legislation I offered to the 1988 trade bill which created the Office of Barter in the U.S. Department of Commerce and made it clear that barter and countertrade should be part of our Nation's strategy to win new export markets.

Barter offers the United States the key to opening markets in areas such as the Soviet Union and Eastern Europe where hard currency is simply not available. Such arrangements would be ideal for expanding United States agricultural trade with the Soviets. For some months I have been encouraging the Bush administration to pursue a food for oil initiative with the Soviet Union.

As I mentioned, I discussed this proposal with the Soviet Minister of Agriculture and the Minister of Oil and Gas. Both of whom expressed great interest in my proposal.

The Soviet Union has the globe's largest oil reserves and the United States has the world's most productive food sector. The Soviet Union needs American food and the United States could use Soviet oil. As I have outlined in several previous speeches, it is time to match up these needs in a mutually beneficial manner. The United States could trade energy technology and food for future Soviet oil deliveries. It can be done on a project by project basis, or under a long-term framework agreement between the United States and Soviet Government. I should point out that the French have already concluded a similar framework agreement. U.S. export promotion programs such as the Export Import Bank and the Overseas Private Investment Corporation should be adapted to facilitate sound but creative financing.

Bartering food for oil is a very practical approach. If the United States waits for a convertible Soviet currency, valuable trade opportunities, especially in the food sector where the present Soviet need is so great will have been lost. The barter and countertrade language in the Senate-passed resolution attempts to further prod the Bush administration to explore barter arrangements.

The Soviet Union is an important agriculture market for the United States constituting about 10 percent of America's agriculture exports. The extension of credit guarantees will have a significant positive impact on America's grain markets and represents an important investment and development of a most promising long-term market. When considering food sales to the Soviet Union, it should not escape the attention of the Senate that the French and the Canadians have seen fit to extend agricultural credits to the Soviet Union in recent weeks.

Over the long term, the Soviet market provides a rich opportunity for the American farmer and by using barter and countertrade, the United States can begin to explore the frontier of an expanded trade relationship.

FOOD PROCESSING

In a related area, the Minister of Agriculture made it very clear to Senator HEFLIN and me that his country desperately needs food storage, and processing equipment. The Minister asked about credit opportunities to secure American storage and processing equipment. Nebraskans, including Omaha's former Congressman John Cavanaugh have been very involved in efforts to sell processing equipment in the Soviet Union and there are other Nebraska related business concerns looking into the Soviet food distribution network.

I am pleased that President Bush detailed a team to evaluate and advise the Soviets on their food distribution system. Improving the food distribution system is an excellent area for humanitarian assistance and an area where the United States has unparalleled expertise. Such an initiative can also form the groundwork for developing a mutually beneficial trade relationship. Food production, marketing, and distribution are clear American strengths. Rationalizing the Soviet distribution system can also be good for American farm exports. The geography of the Soviet Union is so vast, that there are regions of that nation which can and should be served largely by food exports from the United States. Presently, Soviet trains hauling grain pass each other going in opposite directions. Regional distribution makes sense for the Soviet Union and could create a trade opportunity for the United States. A rational distribution network forms the infrastructure of a market economy. It is my understanding that the Burlington Northern Railroad, a firm with significant operations in Nebraska, has been working on such a plan with the Soviet Government to improve Soviet food distribution and transportation. The Soviet Union can learn a great deal from the United States in this regard and the President is to be congratulated for this initiative.

MILITARY CONVERSION

In another critical economic area, one point I heard at several meetings in the Soviet Union was that the military industrial interests are somewhat immovable because arms production employs so many Soviets. Our delegation heard of disappointing and failed efforts to convert Soviet military operations to the production of consumer goods.

If the Soviet Union is to successfully convert its economy, it must make drastic cuts in defense spending, just as reformers, including Boris Yeltsin and Stanislav Shatalin have suggested. Such a reduction will also bring dramatic improvements in the U.S.-U.S.S.R. relationship and add to the level of global security and risk reduction.

While in the Soviet Union, it struck me that the United States should lend technical expertise to the effort to convert Soviet factories from military production to consumer goods production. Upon my return, I saw an excellent article written by former Gov. Richard Celeste which advocates the creation of an International Conversion Management Institute to help both the United States and the Soviet Union identify and implement conversion opportunities. There may be business opportunities in this area as well. Through this cooperation, joint venture partners may be able to identify Soviet military technologies which could be spun off into the consumer and medical sector.

Mr. President, I ask unanimous consent that the article "A United States-Soviet Joint Venture" be printed in the RECORD at the conclusion of my remarks. While I do not embrace every suggestion by Governor Celeste, I believe his article is an excellent place to begin consideration of conversion cooperation. Such cooperation, of course, must be carefully implemented, and progress on the basis of mutual confidence building. In no way would we want to assist the Soviet Union to convert obsolete defense plants and apply American manufacturing innovations to newer more efficient defense operations. Appropriately implemented, such cooperation could help tame the Soviet military bear, meet the growing needs of the Soviet people and build a closer relationship.

In this regard, there exists an even more pressing need for conversion cooperation in Eastern Europe where the needs for employment and hard currency earnings make it very difficult for the governments of the new democracies to end arms production and turn down sales to countries in global hot spots. In the coming weeks I will discuss and explore the possibilities of conversion cooperation with defense and foreign policy experts.

TELECOMMUNICATIONS

To enter the modern age, the Soviet Union, and Eastern Europe for that matter, must modernize their telecommunications infrastructure. Cooperation in this area is also consistent with American expertise and philosophy. The information revolution is a freedom revolution. Even at the height of repression in the People's Republic of China during the Tiananmen massacre, the truth got out via phone calls, faxes, and satellites. Assisting the Soviet Union update its consumer and business communications network serves American interests in promoting free speech, free minds, and free markets.

The beauty of a telecommunications development project is that it is partially self-financing. The Soviet Union has perhaps the worst telephone system in the modern world. It was recently reported that there are only 17 public international phone lines out of Moscow. I can personally report on how difficult it is to call the United States from the Soviet Union. The interesting thing about long-distance phone traffic is that the receiving country earns a tariff on each incoming call. Those revenues are in hard currency. Each improvement in a country's phone system brings an increase in revenues in addition to opportunities for economic development.

Telecommunications is a key area where the United States holds a competitive advantage over the rest of the world, and an area of development which can support future exports. If the Soviet Union and the new democracies in Eastern Europe would devote increased phone tariffs to telecommunications infrastructure development, a good deal of the needed improvements could be self-financed.

The United States should target telecommunications opportunities for export promotion in Eastern Europe and the Soviet Union. As they say in the investment business, this is a chance to get in on the ground floor. Make no mistake, our European competitors are also scouting these important high-technology markets. If the United States does not move aggressively in this sector believe me, our competitors will step into the void. The continuing chill in Soviet-Japanese relations and the anxiety of East Europe and the Soviet Union regarding Germany, create a competitive breech into which the United States should move.

Telecommunications development will not only facilitate commerce, it will foster freedom.

SPACE AND SCIENCE

Another area where the United States already has had some experience is in the area of space and science cooperation. There are a number of exciting exchanges which have already occurred between the United States and the Soviet Union and we all remember the successful joint space mission in the 1970's. Exchanges in space and science should continue and be expanded.

From space, the Earth is not marked by political boundaries, it is but a fragile blue sphere floating in space. Cooperation in space exploration provides a poetic reminder of what is at stake in the U.S.-U.S.S.R. relationship. It appears that both the United States and the Soviet Union have similar ambitions for future space exploration. Both nations face critical fiscal restraints. It simply makes sense to consider joint space missions and to share data from civilian space missions.

PEOPLE TO PEOPLE CONTACTS

The recent liberalization of Soviet travel restrictions may usher in a new opportunities for international travel and people to people exchanges. In many ways, international understanding has built one friendship at a time. While on the last leg of our trip, I had one of the most pleasant surprises of our journey. I was proud and pleased to meet Silvija Purkalitis, the assistant professor of business at Doane College which is located in Crete, NE, when our delegation visited Riga, Latvia, one of the Baltic Republics. Ms. Purkalitis was teaching English to Latvian students. It was thrilling to meet a fellow Nebraskan halfway around the world. The friendships between American and Soviet citizens are one of the best ways to build understanding.

I am also proud of a group of pioneering students from Omaha's Westside High School who are now participating in an exchange program with Soviet students and living with Soviet families. I am certain that these students will return with new friendships, valuable insights and a renewed appreciation of the blessings of America.

In this regard, I also must mention Omaha's SCOLA satellite network which broadcasts global news programs including programming from the Soviet Union to colleges, universities, and secondary schools across the United States to help students and scholars learn foreign languages, economics, and political science.

I salute Ms. Purkalitis, the students of Westside High, and the dozens of Nebraska educators, farmers, and business people who have taken the extra effort to share their knowledge and wisdom with our new friends in the Soviet Union. The United States should encourage more travel, more study, and more student and professional exchanges.

CONCLUSION

In conclusion Mr. President, I have outlined several areas of constructive cooperation with the Soviet Union which make sense under current conditions. If the Soviet Union continues its movement toward a free and democratic society the areas of cooperation are boundless. In implementing my recommendations for constructive cooperation, the United States must work to expand contacts with individual Soviet Republics because that is where increasing Soviet power is moving. At the same time increased contacts with the Republics can serve to make it clear that the United States expects the Soviet Union to respect human rights and negotiate peacefully the future confederation of the Soviet Union.

The liberation of Eastern Europe and the end of the cold war mark the dawn of a new era. Circumstances have given the United States unique leverage in this new era. Our Nation should use that leverage to encourage reform and global security. Certainly, our power must be used carefully and responsibly. However, failure to use that leverage would be squandering a unique and valuable moment in history.

Following World War II, the United States truly created a new world order, not by punishing the vanquished but by welcoming all who embraced freedom including our former foes into the world community. At the dawn of this new era, America can not afford to be timid or short sighted. Eastern Europe and the Soviet Union are embracing freedom. While the scope of our actions are restrained by America's decade of debt, there are prudent investments which the United States can now make in the United States-Soviet relationship and the economic development of Eastern Europe which promise to pay huge dividends for years to come.

My visit to the Soviet Union and Eastern Europe was an enlightening and inspiring journey. It presented a contrast between the joys of new found freedoms in Eastern Europe and the growing anxieties of a former superpower with an economy on the edge of collapse. Our delegation had an opportunity to only touch the surface of the scope of change in Eastern Europe and the Soviet Union. America must now plan a strategy to lock in the victories of liberty over the last 2 years.

These are exciting times. There is a new opportunity for the United States to close the door on decades of adversity and to work together to create the environment for peace and prosperity around the globe.

Mr. President, I ask that the article entitled "A U.S.-Soviet Joint Venture" by Richard Celeste and a partial list of delegation meetings be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Foreign Service Journal, May 1991]

A U.S.-SOVIET JOINT VENTURE

(By Richard F. Celeste)

The scope of change in the Soviet Union today is mind-boggling. And although the change may be too slow for ordinary Russian citizens lining up for daily necessities or for radical reformers articulating "500-day" visions, its pace is astonishing as well.

In February 1990, I led a delegation of 14 Ohio business people to Moscow and Riga, Latvia to explore trade opportunities. We were the guests of the mayor of Moscow and the prime minister of Latvia, both senior Communist Party officeholders. Arriving the same evening that the Soviet Parliament responded favorably to President Gorbachev's request to eliminate the primacy of the Communist Party in the Soviet Union, we saw the beginning of change. Nevertheless, I returned skeptical of the opportunities for joint enterprise between U.S. business and Soviet counterparts.

In November 1990—only 10 months later—I returned to Moscow as part of a joint business-academic delegation, sponsored by the Council on Economic Priorities, to meet with Soviet counterparts. Our dialogue focused on the transfer of public investment from military to civilian production in both our nations. In contrast to my earlier visit, this time I was cautiously optimistic.

TOOLING UP FOR CONSUMER GOODS

Today, the Soviet Union is struggling to bring about a virtual industrial revolution, as governments work to shift the focus of the economy from military to civilian production. Some Soviet experts say that military expenditures have constituted 20 to 25 percent of GNP in real terms. Much of those productive resources must be shifted to satisfy huge pent-up consumer demand.

In the United States as well, we are seeing efforts at the state level to come to grips with the impact of shifting patterns of defense spending, as we begin to adjust to a post-Cold War defense budget. In January 1990, Ohio sponsored the first such effort: a study and needs assessment culminating in a conference of 250 small defense contractors. The conference focused specifically on the needs of small businesses that are eager to lower their level of dependency on the military-contract treadmill. Now, several other states have followed their lead.

The Soviet Union is grappling with efforts to bring about four revolutions at once. One is the switch from military to civilian production throughout the economy. The second is a change from a command-administrative economy to one that will be decentralized and market-oriented. The third revolution is a change from a single, all-powerful central government and political party to increasingly assertive republican and local governments led by multi-party coalitions (almost as if the United States were to move from our Constitution back to the Articles of Confederation). And finally, the Soviet Union is changing from a closed society hunkered down behind the Iron Curtain, jamming incoming broadcasts to a vastly more open society in which vigorous debate now occurs on the streets and in the newspapers all across the country.

In one manifestation of this new openness, the Soviets now welcome foreign business delegations at previously high-security military production facilities to talk about the potential for civilian joint ventures using state-of-the-art military and space technology. And on a crisp November morning 10 of us, including senior officials from Digital Equipment and TRW, climbed the already chipped concrete and marble stairs of one of the new buildings in the Almaz defense production conglomerate.

In a small fourth-floor office, we were hosted by academician Boris Bounkin, astrophysicist and senior manager of this far-flung "scientific industrial corporation," which until 1988 was devoting 70 percent of its production to military contracts such as printed circuit boards for SA-10 missiles. For nearly an hour Bounkin and his top associates described the impact of military-civilian conversion—and that of the other profound changes taking place in this society—upon their enterprise.

In 1988, the Almaz marching orders, handed down from the central planning agency, Gosplan, called for increasing defense contracts from 700 million rubles to 750 million; the very building in which we were sitting was then under construction to increase the manufacturing capacity of the *5,000-person enterprise. Suddenly, Gorbachev announced substantial unilateral Soviet military cuts at the United Nations. No one quarreled with the decision (other than whether the cuts were deep enough). At Almaz, however, they complained of lack of notice.

Military contracts for the enterprise fell immediately to 650 million rubles, then to 580 million rubles in 1990. This year the expectation is for just 500 million rubles of military contracts, representing a cut of one-third from the plan under which Almaz was operating three years ago.

As a consequence, the new plant is still unfinished. Now totally dedicated to civilian production, only 10 percent of its space is utilized, due to lack of product or orders. Almaz executives look forward to producing 200,000 TV sets for Great Britain in 1992, but have only just begun to reconfigure factory space for that production. And they are producing sample circuit boards for UNISYS in place of the old product, which was destined for the SA-10 missiles and is now stacked up under plastic covers gathering dust.

GROPING IN THE DARK

To cope with the necessity to switch to civilian production without adequate central government financing or clear-cut direction, the Almaz team contemplates bank-borrowing to finance new production equipment, early retirement to reduce the workforce while retaining highly skilled employees (including some 7,000 scientists and engineers), and management training in Moscow for senior management personnel who need new skills to survive in the new economic environment.

Finally, over tea and coffee, the Almaz senior management sought almost desperately to invite American interest in the possibility of joint production. "We believe we could produce 16-layer circuit boards for $20 apiece." "Here is a new-ink jet printer we designed in just six months." "We can make a deal directly without approval from the * * * or the Russian Republic (read "state capital") on any non-military product."

MEETING OPENNESS WITH OPENNESS

There was a certain messiness and even chaos in the Almaz attempts to move into civilian production. But they left me with general optimism about the capacity for change—not because the obstacles had diminished in the short period between my two visits, but rather because I became convinced that the sweeping changes in the Soviet Union are irreversible. They are unpredictable, yes. But still, the changes are moving irreversibly toward the market, toward civilian goods, toward decentralized political decision-making, and toward participation in the global marketplace.

For joint enterprise between the United States and the Soviet Union to flourish, however, certain steps are essential. On our side, we must offer Most Favored Nation status to the Soviets and provide trade credits or investment guarantees. We must reciprocate the openness on their side with authorization for our own military contractors to welcome Soviet counterparts to their plants and focus on state-of-the-art collaborations. That means further easing COCOM restrictions on the export of high technology as well.

On the Soviet side, they must provide investment guarantees (especially for any large-scale projects) and ensure the opportunity to bring our profile in hard currency. They must investment immediately in telecommunications infrastructure so that phone and fax contacts in that country are prompt and dependable. Perhaps both sides could set aside (for us, through the Export-Import Bank) to finance joint ventures that expedite conversion of military plants to the civilian sector.

We also should create an International Institute of Conversion Management, under the cooperative auspices of the Soviet Academy of Sciences and the National Academy of Sciences, and based at two or three outstanding business schools in each country. The institute ought to offer both theoretical and hands-on training in new market development (especially exports), product modification and redesign; technology transfer, cross-cultural understanding and worker retraining. These are skills certain to be increasingly in demand in both of our nations.

Finally, the profound changes under way in the Soviet Union invite a bold response from our own leadership, as we wrestle with decisions about cuts in our own defense budget. As a means of strengthening the prospects for peace and cooperation between the United States and the Soviet Union. I believe we should launch a major joint conversion project at the government-to-government level. We could both pledge to devote 1 percent of our respective defense budgets for the next five years to address some shared urgent need. I have in mind, for example, the clean-up of nuclear weapons production sites and the disposal of nuclear waste. Citizens in both nations would be the beneficiaries for generations to come.

Two years ago it was hard to imagine the fall of the Berlin Wall or German reunification. A year ago it was hard to imagine taking to Soviet military contractors about bank loans, early retirement, and contracts for TV sets and circuit boards. Now is the time for bold imagination in our own private investment decisions and in our own public policy initiatives.

(Richard F. Celeste is former Governor of Ohio. He operates Celeste & Safety Ltd., an international business advisory firm specializing in providing business linkages to world markets.)

EXON SAYS BUSH'S TACTIC ON TRADE WAS POLITICAL

(By David C. Beeder)

WASHINGTON.—Sen. J.J. Exon, D-Neb., said the Bush administration has rejected for political reasons the use of barter as a way to increase trade with cash-short countries.

"The Republican philosophy has always been to worship at the altar of the almighty dollar and let the trickle-down theory take over," Exon said in an interview.

He disputed Secretary of Agriculture Edward Madigan who said the federal government could find no U.S. business interested in swapping food products for oil from the newly independent republics in the former Soviet Union.

Exon, a member of the Senate Commerce Committee, sponsored a 1987 law that established a U.S. Office of Barter at the Commerce Department.

TOTAL OF ONE PERSON

"The Bush administration has had a total of one person working in the office," Exon said. "They just want to close their eyes to any kind of immediate steps to aid America in the creation of new jobs."

Exon attributed the administration's reluctance to use barter for U.S. farm products to the policies of Madigan and his predecessor, Clayton Yeuter, a native of Eustis, Neb., who now is chairman of the Republican National Committee.

"There isn't any question that it would be better to trade U.S. products for cash," Exon said. "The problem is the Soviet republics don't have any cash."

Madigan, at a year-end press conference Tuesday, said U.S. firms consider barter, "rightly so, as a very inefficient way of doing business."

Exon described Madigan's statement as "ridiculous on the face of it."

SEVERAL FIRMS

He said a Senate Commerce subcommittee hearing he held in November included testimony by several firms indicating they had participated in barter transactions.

Wayne Cooper of Arcon Manufacturing Inc., Charlotte, N.C., testified that barter had been used for a shipment of his firm's grain silos to the Soviet Union.

Cooper said the silos were sold for cash to Poland, which bartered them to the Soviet Union for natural gas.

Gary Pacific of McDonnell-Douglas Helicopter Co., Mesa, Ariz., testified before Exon's subcommittee that his firm traded crop-spraying aircraft to Hungary for spark plugs, aluminum foil, glassware and steel containers.

FIVE YEARS OF STUDY

Meanwhile, John Cavanaugh, chairman of Omaha-based Summit Ltd., said his firm has been studying the possibility of using barter instead of cash for deals the firm has been making in the Soviet Union for five years.

Cavanaugh said Summit Ltd. has been selling food products and farm equipment to the Soviet Union, which had an annual total of $65 billion in international trade before it was dissolved.

He said Summit Ltd. now will concentrate on making business contacts in the newly independent republics, primarily in Russia and Ukraine

Cavanaugh said Summit also is helping to establish food-processing facilities in Former Soviet republics.

NEARLY EVERY COMPANY

"As far as I know, nearly every company that is doing business over there is beginning to look at barter deals," he said. "It is not a matter that it is not possible. It's more a matter of lack of American experience with barter."

Cavanaugh said the most widely known barter arrangement with the Soviet Union was its agreement with Pepsico in which U.S.-made soft drinks were traded for Russian vodka.

He said DuPont, the largest U.S. chemical company, also has been interested in negotiating barter transactions with Soviet republics.

SENATOR WANTS U.S.-CIS BARTER DEALS

(By Bill Pietrucha)

WASHINGTON.—The United States is severely limiting its trade opportunities with the former Soviet republics—particularly in trading food for oil—because of the Bush administration's "can't do" attitude toward barter, says Democratic Senator James Exon of Nebraska.

Some U.S. companies have arranged independent barter deals in the Commonwealth nations but Exon says the federal government must develop a comprehensive policy.

"Barter now constitutes about 20 percent of all international trade," Exon said. "And if we want to deal with the republics of the former Soviet Union, we need to be creative and think of alternative ways to do business besides direct cash for good."

Exon, a former governor of Nebraska, has been a leading proponent of barter for years and authored legislation that created an Office of Barter and Countertrade in the Department of Commerce.

Exon said America's emphasis on the dollar has limited its ability to think creatively in terms of international trade.

"The capitalist system has a preoccupation with worshiping the almighty dollar," he said, "Unfortunately, the former Soviet Union doesn't have many dollars for us to worship. They simply do not have the capital reserves for us to expand our trade opportunities."

Exon visited the Commonwealth in January and has developed an understanding of its problems.

"There are more possibilities for trade between our countries if we barter, especially in commodities in which we both have an abundance, such as oil for U.S. wheat," he said.

Opening up to the possibility of barter "recognizes the simple fact that America needs oil and the former Soviet Union needs food," Exon said.

"A barrel of oil purchased or bartered with the former Soviet Union could facilitate additional American sales of food and products, whereas a barrel of oil from a Persian Gulf nation would simply add to a bilateral trade deficit.

"In other words, oil from the former Soviet Union could equal new American exports," he said.

Exon says the United States will be missing "a golden opportunity" if it doesn't pursue barter agreements.

"We can continue to give the people of Russia and the other former Soviet republics hope for the future," he said, "and we can't turn our back on any avenues available to accomplish that goal, including barter."

Other nations that are more agreeable to bartering are getting ahead of the United States, Exon said.

"France, Poland, Germany and Cuba all have announced food-for-oil transactions," he said.

Exon said despite "limited leadership from the U.S. government," a growing number of U.S. firms, particularly oil companies, are engaged in or considering trading equipment, goods and services for oil. But Exon's proposals go far beyond these individual endeavors.

"We've got to be more innovative as a country and promote these efforts at the federal level to more efficiently and effectively coordinate barter between the U.S. and the Commonwealth republics," he said.

Federal coordination could include establishment of a national database of U.S. and CIS companies interested in barter opportunities, or a barter insurance program to guarantee some percentage of the barter arrangement. This could be similar to the Overseas Private Investment Corporation's economic risk insurance now offered to more traditionally financed venture.

The Bush administration, however, has thwarted Exon's plans for years.

"When my bill to establish a barter office within the Commerce Department was passed in 1988, the administration didn't like it," he said.

"The administration thinks the concept behind barter is primitive. When officials at the Treasury Department asked me. 'Why barter when dealing in money is better,' I told them, 'Well, one side doesn't have any money.'"

Although the barter office ultimately was established in the Commerce Department in 1989, Exon said the administration thought it was overstaffed.

In a classic "good news-bad news" scenario, Exon said the good news was that the administration only wanted to cut one job from the barter office. The bad news, he said, is that the office had only one person.

"I'm giving Commerce Secretary [Barbara] Franklin a little time to show her support or lack of support for the barter office," Exon said, "and then determine if the administration will need additional prodding."

U.S. SENATE,
Washington, DC, March 23, 1993.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I was delighted with your January 13th letter in response to my suggestions on using barter, countertrade and other self liquidating means of finance to solve the riddle of increasing trade with Russia while there is little hard currency in that country. Your support for "greater access to countertrade" was most welcome. Its importance takes on an even greater significance in light of recent events in Russia.

The Russian market is of critical importance to American Agriculture. The interruption of grain shipments to the former Soviet Union has had an adverse impact on commodity prices and farm income as well as increasing the cost of U.S. agriculture programs.

Energy and mineral resources from the former Soviet Union are nearly cash equivalents which could be traded, leveraged or escrowed to finance imports of food, machinery and products from the United States. In addition, revitalizing the Russian energy industry could help keep fuel prices under control and diversify our own energy sources.

Commerce between the United States and Russia cannot expand as we want with old "cash on the barrelhead" thinking. Our trade competitors are already using barter and countertrade with the former Soviet Union. Last week Australia announced a wheat for aluminum barter arrangement and this week Canada announced a wheat for cotton and diamonds barter arrangement. The United States should not let this critical market slip from our grasp.

As you prepare for your meeting with President Boris Yeltsin next weekend, I encourage you to look at ways to facilitate, assist and promote public/private barter and countertrade arrangements to increase U.S. exports and jobs and to foster economic stability and economic growth in the former Soviet Union.

I wish you the best on your discussion with President Yeltsin and offer my help and support for using barter, countertrade and other self-liquidating finance measures to increase U.S. food and product exports to Russia. This could be our "ace in the hold" in constructing a bold initiative to continue progress toward democracy and free markets in the former Soviet Union.

Sincerely,

JIM EXON,
U.S. Senator.

OFFICE OF THE PRESIDENT-ELECT
AND VICE PRESIDENT-ELECT,
Washington, DC, January 13, 1993.

Hon. J. JAMES EXON,
U.S. Senate,
Washington, DC.

DEAR JIM: Thank you for your letter regarding the expansion of exports and jobs to the Republics of the former Soviet Union. I appreciate your sharing your views.

The Republics of the former Soviet Union pose a formidable challenge for the United States and indeed the rest of the world. We must help foster growth and opportunity in this area. This region of the world could be an enormous market for our goods over time, thus providing a vast new export market for our products.

I appreciate your bringing to my attention your amendment requiring the Department of Commerce's Office of Barter and the Interagency Group on Countertrade to report on non-traditional methods of trading. American companies need greater access to countertrade and other trading methods. The report required by your amendment should help further the debate on this important issue.

I have shared a copy of your letter with Secretary of Commerce-designee Ron Brown, and we both look forward to working with you on this issue during the 103rd Congress.

Sincerely,

BILL CLINTON.

U.S. SENATE,
Washington, DC, November 18, 1992.

President-elect CLINTON,
Transition Headquarters,
Little Rock, AR.

DEAR PRESIDENT-ELECT CLINTON: As you organize your priorities during the transition period, I wanted to offer you a suggestion which would help address two of the most pressing problems your Administration will face, namely, expanding exports and jobs and dealing with the growing economic crisis in the Republics of the former Soviet Union.

The Republics of the former Soviet Union and the new democracies of Eastern Europe make up a huge new potential market for American food, services and products. The problem has been the lack of hard currency in these newly-freed economies to conduct trade. The solution is to use non-traditional means to finance trade such as barter, countertrade, collateralization, dedicated imports and other self-liquidating means of finance.

Barter holds the key to opening new markets for American products. Rather than use cash, goods are traded for goods, natural resources are collateralized or future production is dedicated to finance U.S. exports. The former Soviet Union is resource rich and cash poor. These resources should be tapped to finance American food, service and manufactured exports. Several sectors of the former Soviet economy including energy, telecommunications, food and food processing are ripe for development and well suited for a barter-type finance mechanism.

The recently enacted Energy Policy Act of 1992 contains an amendment which I authored which requires the Office of Barter within the U.S. Department of Commerce and the Interagency Group on Countertrade to report on the feasibility of using barter, countertrade and other self-liquidating finance methods to facilitate the strategic diversification of U.S. oil imports through cooperation with the former Soviet Union in the development of its energy resources.

This provision gives your Administration an opportunity to enunciate a bold new policy for encouraging American exports and helping the former Soviet Union.

The newly-freed economies of Europe and Asia could be the economic engine that provide the United States and the industrialized world a way out of our current doldrums. Commerce between the United States and these nations cannot expand with old "cash on the barrelhead" thinking. The United States must encourage, facilitate and assist creative public/private barter arrangements to expand U.S. exports and jobs and to foster stability and economic growth in the former Soviet Union.

The Strategic Diversification Report is due next spring. I have enclosed a copy of the provision and an August article from an Izvestia/Hearst publication in Russia on barter for your consideration. If you or your transition team have any questions, please do not hesitate to contact me. I welcome the opportunity to work with you on this important matter.

With best wishes.

Sincerely,

JIM EXON,
U.S. Senator.

Enclosure:

SEC. 3019. STRATEGIC DIVERSIFICATION.

The Office of Barter within the United States Department of Commerce and the Interagency Group on Countertrade shall within six months from the date of enactment report to the President and the Congress on the feasibility of using barter, countertrade and other self-liquidating finance methods to facilitate the strategic diversification of United States oil imports through cooperation with the former Soviet Union in the development of its energy resources. The report shall consider among other relevant topics the feasibility of trading American grown food for Soviet produced oil, minerals or energy.

Mr. EXON. Madam President, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

EXPERTS CAN BE WRONG

Mr. HATFIELD. Madam President, I would just like to break the rhythm for a few moments here.

We heard, after the Bay of Pigs, a very profound statement offered by the President of the United States, John F. Kennedy, to the effect that experts can be wrong.

I suppose, to draw the analogy to the moment, perhaps some things could be wrong as we hear the experts on both sides of the aisle.

But I heard last night another example of how experts can be wrong. One of my favorite programs is Jeopardy. I think Alex Trebek is one of the classiest, most human figures on television today.

A few months ago, there was a gathering here in Washington on the "high and mighties," as they are referred to in the media. And when I heard that Alex Trebek was in the audience, I sought him out, just to be able to meet him, because I have such great admiration for him. And I still have admiration for him, but I am happy to say that even Alex Trebek can be wrong.

Last night, the question was put to the panel: "What Republican from the State of Virginia is the ranking member of the Senate Armed Services Committee?"

No one could answer that question, Madam President. And so, Alex Trebek said it was JOHN WARNER.

Of course, we all know that was true maybe a year ago. It is not true today. Senator THURMOND, of South Carolina, is the ranking member of that committee.

So I just wanted to insert, at this moment in time, that any expert can be wrong. I can be wrong; people on this side of the aisle can be wrong, sincerely wrong; people on that side can be wrong; and even Alex Trebek can be wrong.

The PRESIDING OFFICER. Who yields time?

The majority leader is recognized.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL-TOWN AMERICA IS FIGURING OUT THE REALITY BEHIND THE ADMINISTRATION'S RHETORIC: THOSE TAX HIKES WILL REALLY HURT

Mr. DURENBERGER. Madam President, Americans in every walk of life are waking up to the fact that the administration's tooth-fairy economic plan is going to take money from under their pillow, not leave anything there.

Consider, for example, the administration's Btu tax. The tax is structured in a way that makes it almost impossible for average Americans to determine the taxes that they will have to pay, because the tax is imposed so far up the energy production chain. Thus, by design, the tax will raise prices throughout the economy, and it will be devilishly hard to figure out how much of a price hike is due to taxes.

But people in the business community must, of necessity, keep a close watch on their costs, present and future. And in small towns in Minnesota and elsewhere in the country they are already altering their behavior. They will have to adjust to the President's taxes by cutting back on hiring, on buying equipment, and on other economic activity.

An article in a recent issue of the Minneapolis Star-Tribune detailed the pernicious effect that higher taxes will have on Lake Wilson, MN, population 319, and on the surrounding area in Minnesota's Second Congressional District. That largely agricultural area will be especially hard hit by energy taxes: Those taxes raise the prices of fertilizer, transportation, crop drying, and everything else that a farmer does, but as price takers on the world market, the farmer will be unable to pass along those greater costs.

The article begins as follows:

> The economic expansion in Lake Wilson, population 319, suffered a setback a couple of weeks ago when Roger and Don Bose canceled an order for a truck. The Boses, who run a small trucking business, concluded that they couldn't afford both the $81,000 vehicle and the $31,000 in higher fuel taxes they expect to pay under President Clinton's deficit-reduction plan. So scratch the driver's job they would have added to Lake Wilson's tiny work force.

What is the administration offering, other than taxes? The administration's so-called economic stimulus plan adds about one-fourth of 1 percent of gross domestic product to spending. At best, it will have the same stimulative effect that adding 6 cents to a child's $25 monthly allowance would have. And, of course, it adds to the deficit, just as the economy is beginning to recover.

As has been made abundantly clear, the spending cuts, which ought to come first, come later—if at all. Under the spending plan adopted by the Congress, only $81 billion in planned spending is to be cut back during the coming 5 years.

To give an example of the general reluctance to cut spending, last week, Mr. President, by a largely party-line vote, the Senate defeated an amendment I offered which would have lowered revenues and spending in order to provide for an exemption for ethanol from the Btu tax. My amendment would have reduced spending, and taxes, by a grand total of $82 million over 5 years—only $1 million in fiscal 1994 and $10 million in fiscal 1995—from the trillions of dollars in spending during the years covered by the budget resolution. But the Senate was unable to support even those modest cuts.

Small-town Minnesotans, together with Minnesotans living on farms or in suburbs and large cities, will soon discover what this economic plan is all about—higher taxes and more spending.

Madam President, I ask that the article, "Clinton's Tax Plan Means a Job Lost in Outstate Town," be reprinted in full at this point in the RECORD, and ask that my colleagues reflect on what we are going to be doing to small-town and rural America if we put this administration's economic plan into full effect.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Minneapolis Star-Tribune, Mar. 14, 1993]

CLINTON'S TAX PLAN MEANS A JOB LOST IN OUTSTATE TOWN

(By Dennis J. McGrath)

The economic expansion in Lake Wilson, population 319, suffered a setback a couple of weeks ago when Roger and Don Bose canceled an order for a truck.

The Boses, who run a small trucking business, concluded that they couldn't afford both the $81,000 vehicle and the $31,000 in higher fuel taxes they expect to pay under President Clinton's deficit-reduction plan.

So scratch the driver's job they would have added to Lake Wilson's tiny work force.

And add the Boses to the list of Minnesotans who embrace Clinton's deficit-fighting plan in theory but balk at paying higher taxes. "I don't mind paying my fair share, but that's a little out of line," Roger Bose said of the proposed fuel tax.

The complaint that Clinton's energy tax is unfair cropped up repeatedly at town meetings that freshman Rep. David Minge, a Democrat, held in southwestern Minnesota last weekend. The protests echo what members of Congress are hearing from virtually every rural district in the nation, from cotton farmers in the South to ranchers in Montana.

The reaction of these and other constituencies in communities across the United States, and the extent to which they pressure their representatives in Congress, will shape the final deficit-reduction plan. Real people—not just tassel-loafered lobbyists—will help determine the success of Clinton's program. So from time to time, the Star-Tribune will check back with the Boses and others profiled in this survey of southwestern Minnesota to seek their reaction to the progress of the plan.

In addition to resisting the energy tax, the dozens of people who attended Minge's town meetings shared the conviction that Clinton's spending cuts are too shallow.

Interviews with more than a dozen people suggest that while there is widespread support for Clinton's goals, including the need for tax increases, an abiding distrust of the federal government keeps people from embracing his plan entirely. Their stated willingness to pay extra taxes is overtaken by the fear that those taxes will be squandered and that the deficit will continue to swell.

That suspicion was reflected by Michele Ager, a 28-year-old bank employee who founded the Pipestone chapter of Ross Perot's United We Stand, America. "We've been taxed before, and it didn't help out the deficit," Ager said. "If we pay more taxes and it doesn't pay off the deficit, we'll be worse off than we were before."

Before she pays higher taxes with the money she and her husband, Joe, earn from her bank job, his job at the Pipestone County museum and their janitorial business, Ager wants to see more than superficial cuts in government spending.

If Clinton's plan is adopted in its present form, the energy tax is the one that would fall hardest on most of the 546,887 residents of Minge's largely rural Second Congressional District, which stretches from the Twin Cities' westernmost suburbs to the Iowa and South Dakota borders.

Fewer than 2 percent of the district's households earn enough money—more than $140,000 in taxable income for couples filing jointly—to get bumped to a higher income tax bracket, according to the Minnesota Planning Department. Most earn between $15,000 and $50,000, which means they would get pinched by higher gasoline, electric and heating costs resulting from the energy tax.

The White House says the energy tax would cost a typical middle-class family $118 a year in higher fuel costs. An additional $322 would be embedded in higher production costs of items the family buys. In southwestern Minnesota, however, where agriculture dominates the landscape and the economy, the energy tax would be felt more keenly. Minnesota Agriculture Commissioner Elton Redalen predicts that it would cost a typical farmer about $1,600 a year.

That tax seems especially severe to farmers now, because they already are being squeezed by grain prices that have dipped below the cost of production and local property taxes that have jumped by double digits this year.

Those at Minge's meetings were well-versed in examples of government extravagance. With anecdotes culled from Paul Harvey's radio show and a popular book, "The Government Racket: Washington Waste From A to Z," they complained about the $20,000 given annually to Lyndon Johnson's widow for expenses, the free Secret Service protection for former President Gerald Ford as he picks up $50,000 as top on the lecture circuit and the research program on why people don't ride bicycles to work.

Among those who pressed Minge for more spending cuts was Fenton Groen, a 43-year-old Chandler resident who knows about stretching budgets, both as a business manager for the past 18 years and as the father in a family of nine. "I can't afford to go out and buy original oil paintings or to decorate our house with expensive furniture, and I don't think the government should either," he said. "They should cut, cut, cut, cut."

For a start, Groen suggested slashing funding for the National Endowment for the Arts, ridiculous university research programs and a jobs program that, he said, subsidizes employers to hire workers they would hire without federal aid in most cases anyway.

The favorite targets of others at the town meetings were foreign aid—several mentioned Israel—the size of the congressional staff and the $11 billion superconducting super collider project in Texas.

While most of those interviewed were unable to cite cuts that would make a major dent in the deficit, they were confident that waste is not marbled throughout the bureaucracy but can be cleanly and easily excised.

"I guarantee if you put me on any government program, I'd find ways to cut it without completely destroying the services the program provides," Groen said. There would be pain, he said, but this is a time for painful choices.

Still, few sounded willing to endorse limits on expensive government programs. Mel Winter, a 63-year-old retired farmer and mechanic from Minnesota, would protect programs for the mentally ill, disabled and elderly. "I don't think they're overfunded," he said. "I don't think they could stand a hit."

And an official of a Rural Electrification Association cooperative argued that funding for the program was unfairly added to Clinton's hit list.

But most of the complaints about fairness centered on the proposed energy tax. It is highly unpopular among farmers, who use large amounts of petroleum products to plant, fertilize, harvest, dry and transport commodities.

Clarence Fluit, who raises corn, soybeans and hogs near Luverne, predicted that the tax would cost more than the official projection of $4 an acre. But even at that level, it would add $4,000 to the cost of running his 1,000-acre farm—money he doubts he would recoup.

Fluit, a successful farmer earning more than $50,000 a year, would rather pay the extra taxes on his income. "If you make any money, then you can afford to pay it," he said. "The (energy) tax is the most unfair tax there is. It's not linked to income." While Minge mostly heard complaints such as these at his meetings, the results of a Star Tribune/WCCO-TV Minnesota Poll conducted Feb. 26 to March 4 offer more encouragement.

In southern Minnesota, which includes Minge's district and the First Congressional District in the southeastern corner of the state, 55 percent said Clinton's plan was fair to them, while 29 percent said it was too much of a burden on them.

Perhaps those who attended Minge's meetings were angrier than most, or, like 46-year-old Roger Bose, were feeling betrayed by Clinton's campaign pledge to spare the middle class from tax increases. "I thought it (the tax increase) was supposed to be on higher-income people," said Bose, the co-owner of the Lake Wilson trucking firm he and his brother started 20 years ago.

Bose figures the tax on diesel fuel will be a dime a gallon; he used 314,000 gallons for the 13 refrigerated trucks his company ran cross-country last year. The Boses added two more trucks before Clinton proposed his budget but then canceled the order for a 16th truck.

Bose said that Bose Bros. Trucking Co. will survive. "It's just that a guy will have to work more for less money," he complained. And that's what made him mad when he heard Minge support the energy tax at the town meeting in Lake Wilson's City Hall.

"That's all I need to hear," Bose said to Minge with disgust. "You won't get my vote." Bose abruptly stood up, brushed past the congressman and walked out of the meeting, his cup of coffee still steaming.

TRIBUTE TO DON MULLALLY

Mr. LEAHY. Madam President, Vermonters get most of their information from radio. We have no rapid transit systems in our State. Most of us must commute by car—and our constant companion as we drive to and from work each day is our local news broadcaster.

No one has ever filled this role better than Don Mullally who has retired after almost a half century of broadcasting in the Northeast Kingdom of our State. Since 1949, Don has been reading and reporting the news, alerting travelers to avoid road construction and drifting snow, reporting the latest quirks of Vermont weather, announcing club news and schedule of community events, and keeping track of births, deaths, and the vital statistics that affect our community.

He has been broadcasting the news and current events over station WSTJ in St. Johnsbury, VT, since I was a boy. In recent years, I have been a regular guest on Don's talk show—and I always looked forward to chatting with Don and our neighbors.

A wonderful, public-spirited gentleman, Don Mullally is a Vermonter who participates actively in the life of the community and is no mere chronicler of events. He has remained the quintessential Vermonter in changing times—consistent and faithful to Vermont values.

I wish Don and his family many enjoyable years of retirement and ask that these two portraits of Don that appeared in the Chronicle of Barton and the St. Johnsbury Caledonian-Record be printed in their entirety as a tribute to this wonderful gentleman, and a very close friend of the whole Leahy family.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the St. Johnsbury (VT) Caledonian-Record, Mar. 26, 1993]

LAST WAKE-UP CALL FROM VOICE OF WSTJ

(By Janice McCormick)

Don Mullally may have awakened more people in the Northeast Kingdom than anyone—with his morning radio show, that is.

But today is the last awakening—at day's end, Mullally is retiring from this decade-spanning career at WSTJ, where he has earned the nickname the "Voice of the North Country."

"I'll find something to do—fishing, golfing," said Mullally, who turned 65 this month. "Will I miss it? Oh yes, there's no question about that."

Mullally joined the AM station in 1951, when it was called WTWN. Except for the year he worked at a Glens Falls, N.Y., radio station, Mullally has spent his entire career at St. Johnsbury's first radio station.

"The ego trip never took me very far," Mullally said about his desire to stay in St. Johnsbury.

There was also the time Mullally lost his job—but just for a day.

"It's funny now," he said. "But then . . ."

According to Mullally, the story goes like this: he was out golfing one day in the hot sun, had a couple of drinks. Then, he was suddenly called back into work to cover for an ill employee.

A little too much heat, Mullally said, made him pass out while reading the sportscast.

"They said you could hear my head hit the control board," Mullally said.

Mullally was also quite well-known for his practical jokes at the station.

Broadcasters would have to be on the lookout for "hot news items" from Mullally—they were usually on fire, former colleague Arnie Munkittrick said.

"Don was a carefree type to work with," former colleague Doug Drown said.

"Some of the things he did you probably couldn't print," he jokingly added.

Although Mullally can't imagine being anything but a radio broadcaster, it wasn't always his lifelong dream to become one. When he first walked through WTWN's doors, he was looking for an engineering job.

"The engineering never panned out," he said, smiling. "I was all thumbs."

But at a microphone, Mullally quickly found home.

Through the years, he has not only hosted radio shows, disc jockeyed, and broadcast the news, he has also emceed local events, and gone on the road to cover local sporting events.

Over those years, the longtime St. Johnsbury resident has been witness to many changes in the radio business. Today, radio is much more technical, he said. Most of the station's music is picked up from a satellite "feed," and it has acquired an FM signal that broadcasts country music.

"We were also much more local 40 years ago," Mullally said.

"I know it sounds corny," he explained, "but someone would call and say 'if so-and-so is listening, would you please shut the gas stove off.'"

"One morning," he added, "we had 38 kittens, lost and found and given away . . . it was crazy."

Local businesspeople were also featured on a daily basis.

"The late Joe Caplan had a 60-second phone call," Mullally said. "Those calls ranged from 60 seconds to 1½ minutes . . . and with Mr. Caplan, you just never knew (what he'd say.)"

Another program included a daily call from Milt Rogers, a Hardwick meat packager who would talk about the specials.

"People still mention those shows," Mullally said.

Mullally also recalls the early radio days when he interviewed a United States president by telephone the morning after the election—something that would be nearly impossible for a small-town radio station today.

"To this day, nobody knows how we got through," Mullally said, laughing.

He's had the chance to meet Dwight Eisenhower, and has established "fine friendships" with Vermont's U.S. Senators Patrick Leahy and James Jeffords.

But despite the national figures Mullally has met, this down-to-earth man has found greater satisfaction in the friendships he has made in the community.

"I just love being around people, that's all," he said.

"He's more than a friend to me," said Drown.

Drown, who now works for St. Johnsbury Academy, spent about 28 years on the road with Mullally, covering local sports for the radio station. The job took them to just about every high school in the state, Drown said.

"He is a very valuable asset to the community," Drown said.

Mullally, on the other hand, doesn't really see himself as an "asset." Although he emcees just about any event he is asked to, is active in dozens of organizations, and was once named Citizen of the Year by the Chamber of Commerce, he sees his involvement as just a way of giving something back to the community.

"It's a means of saying thanks," he said.

For those who want to say thanks to Mullally, there will be a free WSTJ listener party in his honor on April 9 at 7:30 p.m. at the Lincoln Inn in St. Johnsbury.

Reservations can be made through WSTJ at 748–2345.

[From the Burton (VT) Chronicle, May 1, 1991]

DON MULLALLY: PROFILE

(By Bethany M. Dunbar)

ST. JOHNSBURY.—A radio man since just after World War II, Don Mullally has hobnobbed with politicians from former Governor Phil Hoff to Presidents Dwight Eisenhower and Harry Truman.

But he's more likely to be found announcing for the cavalcade of cattle, sheep and roosters at the Caledonia County Fair, or singing, "Sentimental Journey" with the area's 17-piece Big Band.

In fact, Mr. Mullally is involved in so many local clubs and activities on top of his job at WSTJ radio that there's not many nights he isn't already booked up for some engagement or another.

Hel'll be missing the Big Band's next gig in Montpelier May 4 in order to attend a dinner to be given in his honor by the Northeast Kingdom Chamber of Commerce. Mr. Mullally was chosen citizen of the year.

Mr. Mullally shook his head when the award was mentioned. It came "straight out of the blue and a real shocker," he said, looking a little embarrassed at the attention.

"There are many, many more that are more deserving," he added.

Possibly, but it's hard to imagine there are very many people involved in more community activities.

Mr. Mullally is a member of Passumpsic Lodge number 27 F&AM (Masons), the Order of the Eastern Star, the Veterans of Foreign Wars, the American Legion, past president of Kiwanis, an honorary member of the Lions Club, director of the Caledonia County Fair Association, works on the annual Stars and Stripes festival, ice shows, and used to be in the St. Johnsbury Players.

He said he got into all these things simply because he was asked. His philosophy is that if someone calls and asks if he'll do something, as long as he has the time free, he agrees to do it.

"I think it's a way of paying back," he said.

Mr. Mullally grew up in St. Johnsbury. His parents were originally from Montpelier but lived in Massachusetts for a little while, moving back to St. Johnsbury in 1938. Mr. Mullally was in the class of 1947 at St. Johnsbury Academy, but went to war before he graduated. He ended up graduating with the class of 1948.

"I classify myself as a member of both," he said, for the purposes of alumni activities.

A radio operator in the Navy, Mr. Mullally decided to go to Massachusetts Radio and Television School, and learned about the electronic end of radio. But he thought it wasn't for him.

He got a job for a while in the receiving department of an auto parts store. Then decided to apply for a position at WSTJ, which opened in 1949.

He said he went in and had an interview with the owner at the time, E. Dean Finney.

"The next thing I knew I was hired as a night man," he said. That shift was from 3 p.m. to sign-off. The longer he worked there, the better hours he got. He moved from night to mid-afternoon and then to where he's been for years, the morning slot, 4:30 a.m. to 12:30.

When he first worked at the station, it was completely independent. Later it joined with NBC and then CBS.

"We used to carry some of the major programs, like Arthur Godfrey," he said.

Most recently, the station gets national news and disk jockeys from the Starlight Music News via satellite. The format is adult contemporary—music from the 1950s, '60s, '70s and '80s, and the show is broadcast to some 300 stations across the country.

Mr. Mullally likes it all right but misses the independence the station used to have.

"We don't dig back into the library," he said, for music of the Big Band Era. Well, actually, he said, "I guess we do throw something on once in a while."

The station maintains its local emphasis, particularly in the area of sports. Mr. Mullally is a Red Sox fan and likes to hear those games, but he's especially proud of the station's policy of following local high school football and basketball clubs, even on away games.

"We do both boys and girls," he said. "We stand pretty proud about that because we're one of the few stations that travel all over."

He talked to politicians mostly when he was covering their campaigns. He said he doesn't often get tongue-tied, but he felt that way around Eisenhower and Governor Deane Davis. He's not sure why he was nervous around Mr. Davis. He thought maybe it was because of his age.

He met Eisenhower when Ike was campaigning in New Hampshire. WSTJ's sister station, WIKE in Newport, had been named after him. So the reporters went up with a microphone and stuck it in Ike's face to take a picture.

"The Secret Service almost had a fit," said Mr. Mullally, recalling the scene. But no bombs went off, and the picture hangs at WIKE.

"The night Harry Truman won, we called him and got him out of bed," Mr. Mullally recalled. He said the headlines were that he had lost, but they turned out to be wrong. He said he can't remember exactly what the President said, but basically the same things he said to the newspapers.

He met all the governors for the last several years, but he got to know Mr. Hoff the best and believes he is coming to his award dinner. He remembers when they met, at an event celebrating the Fairbanks company and museum.

Mr. Mullally's three children were on a balcony near Mr. Hoff, and the Governor grabbed Michael to hold up in front of the crowd. One of the big magazines—Time or Life—ran a picture of them.

Mr. Mullally met his wife, Velvier, when she was working as a lab technician at the former Brightlook Hospital.

"It was a blind date. I was home on leave at the time," he said. The romance developed into a marriage, and the Mullallys have raised three children. Lynda is a private secretary for a large law firm in Washington, D.C., Don Jr. works at IBM in Essex, and Michael works at the medical center in Colchester as a radiology technician.

Mr. Mullally got his love of entertainment from his father, who used to be a minstrel man and was one of the founders of a barbershop singing group in Littleton. He also ran businesses, including a dairy bar and antique shop, and he worked at Fairbanks long enough to get a union going there.

His mother, Abbie Mullally who just died in March, gave her son Don his outgoing nature, he said.

"It made no difference whether you came in with manure on your shoes or hightop boots," he said. "You got the same kind of treatment."

His mother was called Molly, a pun on her last name, by all her friends. She was a buyer for different companies, most lately Hovey's. She was 95 when she died of complications from a collapsed lung.

Mr. Mullally said she wasn't much for hospitals or doctors but agreed to go see a doctor when she became "a little short of breath" lately, as she put it. Her doctor had not seen her for six years.

When he's not announcing something for someone (the only thing he hasn't done is a harness race, he said), Mr. Mullally likes to hunt, play golf, and go look at the foliage in the fall.

Hunting camp is a great retreat, he said.

"Every once in a while I forget and take the gun," he said, laughing. On the Friday night before the season, he and his friends have a tradition. The six who are in the jazz band part of the Big Band come up to the camp in Lunenburg, which belongs to Loren Phelps. His father, Robert Phelps started this tradition, Mr. Mullally added.

They crank up the saxophones, trumpets and trombones and let 'er rip. Sometimes Mr. Mullally will even sing, "Who's Sorry Now?" maybe.

He did not say what effect this concert has on the wildlife or the hunters' chances the next day, but clearly it's a big part of the overall experience of hunting camp.

Mr. Mullally said people sometimes ask him when he's going to retire. He tells them as soon as the rubber band in his jaw wears out.

FOR GOOD MEASURE

Mr. PELL. Madam President, I would like to bring to the attention of my colleagues a recent Washington Post editorial. To my mind, the editorial rightly points out that without national education standards, the American educational system will continue to suffer. It is absolutely critical that we have national standards which tell us what we expect students to know and be able to do, and that we measure our progress in meeting those goals.

Over 25 years ago, Senator John Sherman Cooper and I joined forces to introduce the Quality in Education Act of 1967. The purpose of that legislation was to give local school districts, parents, and policymakers an indication of how their students compare with those in other areas. If we do not know how our students are progressing on a district-by-district basis, it will be very difficult to know exactly where and what kind of changes are needed in our schools.

Madam President, standards will coordinate American education. Assessments can improve instruction, increase the targeting of resources, and help identify talented students who might otherwise go unrecognized.

I urge my colleagues to read this Post editorial in preparation for our work in the coming weeks on the administration's school reform bill, Goals 2000: Educate America Act of 1993. I ask that the full text of the Post article be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 20, 1993]

FOR GOOD MEASURE

Whatever became of national achievement tests? Remember that less than two years ago there was a headlong rush to develop and administer examinations by the 1993–1994 school year. That was the utterly unrealistic goal of Gov. Roy Romer and others on the now-disbanded National Council on Education Standards and Testing. They didn't allow time for popular misgivings, congressional skepticism or presidential elections. They didn't prepare for culture shock among certain members of the education establishment.

The idea of testing what schoolchildren actually know in the core subjects—not just how students compare with one another—is still a good idea. Most other industrialized countries have established curriculum standards and examinations based on those standards. Students in the European Community, for instance, know what's expected of them in an effort-driven system. This country, with its pluralistic traditions, has shirked national exams—until now. Worries about student achievement and global competitiveness have intensified the push for more sophisticated accountability mechanisms. Tests tied to tough standards just might improve performance.

Congress slowed the considerable momentum toward national exams when it failed to pass even a modest education bill last year. Now the current administration is set to revive interest in standards and testing. The Education Department is preparing legislation that would encourage states not only to determine what kids should know but to measure their performance as well. Most states are moving in this direction anyway, if they're not already doing it. The danger is that multiple standards (and a variety of tests) will mean no standards at all. Nationwide consensus is important, so that educators and policymakers can make comparisons across states and school districts.

There remains a lot of confusion about, and opposition to, national examinations. The concept has nothing to do with a federal test written in Washington. It has to do with agreeing on and adopting certain expectations for all students and then seeing if those expectations are met. That amounts to something radical—and right—for America's schools.

BOSNIA: A TIME TO ACT

Mr. JEFFORDS. Madam President, for the last few weeks, Congress has been preoccupied with the budget debate, and rightly so. However, I am distressed that no attention has been given to the situation in the former Yugoslavia, where war crimes are being committed that are reminiscent of the Nazis a half-century ago. Although the Serbian forces are not so organized as the murderers of the Holocaust, their attempts to expel, terrorize, and kill non-Serbs have an all-too-familiar cast to them. Concern worldwide quite justly deepens with each passing day, and I am compelled to bring it to the attention of this body.

Last August, as a member of the Senate Foreign Relations Committee, I visited the former Yugoslavia. Our delegation was shocked by conditions there, and by the tales of horror told us by refugees from the fighting. I returned in February and what I saw and heard only increased my concern. One car mechanic told me of his confinement in a prison camp containing about 3,500 people. Released after 3 months, he estimated that only 1,500 prisoners remained. Few of the other 2,000 people walked out alive. Stories such as his, and of mass rapes of Moslem women in these camps, are too numerous to be discounted.

Serbian forces continue their relentless quest to control more and more land and establish purely Serbian enclaves in what were once villages of Moslems, Christians, and others. Serbs have repeatedly violated cease-fires, and have ignored U.N. resolutions calling for an end to their aggression and brutality.

Many efforts have been made to negotiate a peace agreement, especially by U.N. envoys Cyrus Vance and David Owen. But the plan they have devised seems not only unworkable, but to set a most dangerous precedent for resolving future religious or ethnic conflicts. That plan would divide Bosnia into 10 enclaves, separating people by religion and ethnic group. This would be like limiting the residents of townships to only Presbyterians, or only Catholics. A certain percentage of non-Presbyterians could live in the Catholic township, but there would be a maximum number allowed. This type of setup goes against everything America stands for and seeks to promote worldwide. It also sets a horrendous precedent for other multidenominational or multiethnic states.

The leaders of nations with whom I've spoken, including Egyptian President Mubarak, feel the Vance-Owen plan would lead to eventual disintegration of Bosnia into chaos. You can't just draw lines on the map and start moving people out of their ancestral homes, throw up barriers between them, tell them they can't live together, and expect this to bring peace. Such a peace would merely set the stage for more war.

What would such a system of conflict resolution lead to in other regions? In the Middle East, where many states have borders set up by colonists and populations with mixed ethnic groups, the result of Vance-Owen type divisions would be an unbelievable patchwork of little states. And the effects of such a plan on Africa would be an unthinkable disaster.

Instead, we should work toward a Bosnia that allows people of diverse faiths and races to live together. The Vice President of Bosnia, with whom I just met in Washington, fully agrees. He also feels the Vance-Owen plan is not the solution. But Bosnian Government is willing to accept the military accords proposed by Vance and Owen and to work out their problems with the proposed ethnic enclaves.

While all parties in the former Yugoslavia are to some degree at fault, the major aggressive force remains the Serbians. The arms embargo has not worked to control their continued onslaughts. The economic sanctions are equally ineffective, in part because the Serbs are self-sufficient in most critical materials. While the other major parties are willing to compromise, the Bosnian Serbs are still unwilling to negotiate seriously. Just yesterday, the Bosnian Serb Parliament rejected a motion to enter into direct negotiations with Bosnian Moslems and Croats to resolve their problems with the Vance-Owen plan.

I am at the present time opposed to the use of American ground troops in Bosnia. But the use of air power is another matter. I wish this were a more perfect world, when all our military flights could be limited to those of cargo planes dropping crates of food and medicine. But when Serbian actions only increase human suffering, other measures must be considered.

I support the recent U.N. Security Council authorization to use military force to enforce the ban on military flights over Bosnia. However, because the Serbs are not reliant upon air power, a strictly enforced no-fly zone would do nothing to impinge upon the Serbs, ability to conduct the war. The time has come when, if the Bosnian Serbs continue to ignore all pleas for stopping their onslaught, we must no longer rule out using force. I therefore would favor the use of American warplanes to attack the facilities that allow Serbs to continue making war. If they will only understand force before they will talk peace, we will need to make sure we are very clear.

We might well begin by striking at the petroleum depots and manufacturing facilities used to perpetrate the war in Bosnia. It is not an easy option—the use of military force never is. Nor is it a precise tool—we must be realistic about its limited utility. It will not end the suffering in Bosnia. But the grim realities of the situation, including the sad testimony of victims of this bitter war, have led me to the conclusion that it is time to use force.

The war in Bosnia sets an important precedent for the role of the United Nations in conflict resolution. Serb leaders have shown complete contempt for the authority of the United Nations, and for the U.N. peacekeeping troops on the ground. We must not let this stand. We must support the United Nations' efforts to limit the fighting. The United States must now be ready to bring its air might to bear in the name of humanity.

THE 25TH ANNIVERSARY OF THE ASSASSINATION OF MARTIN LUTHER KING, JR.

Ms. MOSELEY-BRAUN. Madam President, tomorrow will mark the 25th anniversary of the assassination of Dr. Martin Luther King, Jr. This event offers us a good opportunity to reflect on the triumphs of the man and his dream and the status of that dream in 1993. Dr. Martin Luther King, Jr., dedicated his life to fighting for justice and equality not only for minorities and the poor who had been denied for so long, but for all Americans. His dream for the future of America is the same dream we all share: To open the doors of opportunity and prosperity to every American.

It was the voice of Dr. King which stirred Americans from all walks of life to believe in themselves and their future. He challenged this Nation to change, and would not allow the words "not now" to turn him back. For 13 years, from the Montgomery bus boycott, that propelled him to national prominence, to his death in 1968, he devoted his life selflessly to the civil rights movement. His commitment to nonviolent social change spoke to the conscience of this country and produced a reevaluation of the Nation's priorities. He stood and worked against hate, divisiveness, and discrimination. And in the end, gave us the most potent weapons with which to fight evil: A belief in the dignity of every person and the courage to love.

Thanks to the efforts of men and women like Dr. King, America has come a long way from the era when blacks had to ride in the back of the bus, use bathrooms for colored only, and live in fear of indiscriminate lynching.

King fought against the second-class citizenship of African-Americans, crusaded to end the gap between the wages of African-American and white workers, and strived to end segregation in our Nation's schools. It is now 25 years since his violent and untimely death and some way, somehow, it seems too many of us have forgotten many of the lessons his life taught us. And we know those who forget history are doomed to repeat it.

This forgetfulness has contributed to the widening gap that remains between the salaries of white and African-American workers, the increasing gap between the incomes of middle and lower income African-Americans, the continuing segregation of our cities' schools and communities, and the violence among our youth which has reached heights unimaginable even a few years ago.

And we have not yet made enough progress in another area Dr. King championed: racial harmony. Over the last 12 years our national Government too often turned a blind eye to the need for equal justice and an end to discrimination. In his "Letter from Birmingham Jail," Dr. King describes the horrifying brutality African-Americans were unjustly subjected to, often by police who struck with impunity. I never thought my 15-year-old son would have to witness that type of brutality. But it continues today as we know all too well from the Rodney King and Howard Beach incidents.

Dr. King's message of unity was and is for all Americans, of whatever ethnic background or color. We must strive hard to reunite all people of this great Nation.

The United States was founded on diversity and cannot survive in the 21st century without greater understanding and tolerance among all of its people. Our diversity is our strength—not a weakness—and when we appreciate that fact, we build our foundation for progress. To quote Abraham Lincoln, "A house divided against itself cannot stand." By coming together, we strengthen the American fabric and give opportunity for all people to contribute to our society.

I look at this time as a new era and a new period in this country's history. Because of Dr. King's fight for justice, many more African-Americans than ever before are achieving positions of real power. We now have 39 members of the Congressional Black Caucus—an unprecedented number. At the State and local level, from Denver city hall to the Virginia statehouse, we have made gains that didn't seem possible 25 years ago.

There is no excuse not to further King's legacy. It is on his shoulders that each and every one of us stand as we enter our Capitol Chambers to cast a vote. In King's sermon "I've Been to the Mountaintop" which he gave exactly 25 years ago today, he asked us to "rise up with greater readiness * * * and move on in these powerful days, these days of challenge to make America what it ought to be. We have an opportunity to make America a better nation. * * *."

His challenge of 1968 is the same challenge we face today. His dream that one day America will live up to its promise is my dream and should be the dream of every American. We have made progress.

My own story is a testament to King's dream. I was elected to the Senate by an electorate that was only 11 percent African-American. The coalition of Illinoisans that stood behind me included every race, religion, and ethnic group.

But it is not yet time to rest. If we do not heed the call in these momentous times, and implement the policies which will continue to move America forward, we will never fully realize King's dream or fulfill the promise we have made to the Nation as legislators.

Dr. King spent his life fighting for a better future for all Americans. The tools he used for his fight were words and ideas, not force and guns. He is truly one of the greatest leaders of this century. It is only fitting that he has been honored with a national holiday.

Dr. King was killed in the fight to free all Americans. Though his death was a tragic one, the heroism of his words and deeds remain with us. We must never forget the meaning of his life and continue to recognize his achievements. For this reason I have cosponsored S. 27, legislation introduced by Senator SARBANES and legislation introduced yesterday by Senator WOFFORD. Both seek to continue Dr. King's dream, the first by a memorial to be established by the Alphi Phi Alpha fraternity in the District of Columbia and the second to promote a day of service on the King holiday. The memorial will serve as a reminder to all who visit the Nations' Capitol of the extraordinary contributions of this great man. The principles on which he based his struggle: Justice, peace, and righteousness are still noble ones, and our youth in particular, need to be reminded how difficult it was to gain the freedoms they now take for granted. The memorial will also serve to remind those of us who toil in these hallowed halls of the work that remains to be done. Most importantly, however, it will remind all Americans of King's legacy of love, courage and hope.

We have a chance on this day to keep the dream alive. Let us commit ourselves to work and strive, and to speak and teach the message of love and the legacy of action that Dr. King's ultimate sacrifice gave to us.

Mr. KERRY. Madam President, I ask if I can be yielded a couple of minutes? Three minutes?

The PRESIDING OFFICER. Without objection, it is so ordered.

THE QUANDARY

Mr. KERRY. Madam President, this morning I was sitting in my office listening to some of the debate and sort of contemplating the quandary that we find ourselves in. A few words came to me that I thought I would share with the Senate. I do so with profound apologies to William Butler Yeats and Percy Bysshe Shelley and others.

GRIDLOCK IN THE SENATE

What kind of Senate is this
Sinking fast into the abyss?
What has become of all of the fun
They promised before we all came?
Now that we're here, it's chaos I fear
Our behavior is always the same!

What kind of Senate is this?
Something is surely amiss
There's not enough time to duck all the slime
The "distinguished friends" are throwing
We seem really stuck and there ain't enough luck
To get our economy growing

What kind of Senate is this?
Now it's schedules at home that we miss.
Some debate is too hollow, like lemmings we follow
The previous patterns of grid-lock
One side says go, the other says no!
While the Nation goes into big-hock

What kind of Senate is this
With increasing venom they hiss?
Our citizens scream—you ain't no team
By now, we thought you would know!
We sent you to work—not behave like a jerk
While the Nation is sinking so low

What kind of Senate is this?
Locked in your state of paralysis.

The voters all know that this kind of show
Will not be rewarded next fall
They've had quite enough of your filibuster stuff
And the shadow you cast is a pall

What kind of Senate is this
That everyone wants to dismiss?
There's just too much talk and legislative balk
While the nation is looking for change
So stall at great length with all of your strength
But really you look pretty strange

So what kind of Senate is this?
The minority in love with paralysis
The good G-O-P once used to be
The Grand Old Party we'd give-a-cheer
Now that it's lost in delay at any cost
Their destiny's to just disappear

So what kind of Senate is this
Where minority rule runs amiss?
Your numbers too few, in bitterness you stew,
And you hold up the jobs that we need
So get out of the way and remember this day
President Clinton was elected to lead

So what kind of Senate is this
That's sinking toward the abyss?
Do we not understand that all over this land
The people don't want us to fight
They want us to move, legislation approve
They want us to do what is right

Again, my profound apologies to all prior poets of distinction, and probably to the Senate for having kept us here overtime.

(Disturbance in the Visitors' Galleries.)

Mr. BYRD. Madam President, may we have order in the Senate. May we have order in the Senate and in the galleries.

The PRESIDING OFFICER. Yes. The galleries will refrain from any expression whatsoever.

Mr. BYRD. Madam President, I compliment the distinguished Senator, a new poet, the new poet laureate of the Senate. I think he has written an excellent poem, well taken, and the thrust of it was right on point.

It reminded me of a poem, the author of which I believe is unknown.

There wanst was two cats of Kilkenny,
Each thought there was one cat too many,
So they quarreled and they fit,
They scratch'd and they bit,
Till, barrin' their nails.
And the tips of their tails,
Instead of two cats, there warnt any.

That is about what is going to happen to us if we do not get on with the business.

Madam President, I would like to inquire of the distinguished majority leader, and the distinguished Senator from Oregon as well, if he could enlighten us——

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. No, I am recognized. This Senator is recognized.

The PRESIDING OFFICER. Oh, I beg your pardon.

Mr. BYRD. But I want to inquire of the majority leader if the distinguished Republican leader intends to call up his amendment? He has indicated for several days that he had an amendment. And it was my understanding that he had hoped to call up the amendment either yesterday or today. I only would like to see the amendment before the Senate, so we will have an opportunity to study it, so that we can discuss it, perhaps discuss it some this afternoon.

As it is, I do not know what the Republican leader is going to offer as an amendment. I do know that he has sent an amendment to the desk which is purported to be what he will call up. But of course, as every Senator knows, any Senator can go up to the desk, including the author of the amendment, and change it at any point, and any Senator can call it up—any Senator other than the Republican leader can call it up. But I would hope that the Republican leader would call up the amendment so that Senators might know what is in that amendment and we might discuss it and debate it, and perhaps after debating it some, vote on it.

Mr. MITCHELL. Mr. President——

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I believe the inquiry would of course be properly directed to the Republican leader since any decision on his offering of his amendment is a decision for him to make. I earlier stated here on the Senate floor that we would be pleased to have the Republican leader offer his amendment so it could be considered. He has not indicated to me his intention in that regard and I believe it would be appropriate that any statement in that regard come from him.

I will be pleased to yield to the distinguished ranking manager, if he has any comment in that regard.

Mr. BYRD. Madam President, the only reason I directed my question to the majority leader is because I would presume that the majority leader and the minority leader have been discussing the proposal or the amendment, and what may happen down the road. And I just wondered whether or not the majority leader knew of any indication that the Republican leader would call up his amendment.

I thank the majority leader for his response.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I did have a brief meeting with the distinguished Republican leader after the last vote, and at that time we agreed to meet later today, after the Senate goes out of session—which I expect will be sometime in the near future. And he has not—in that meeting the Republican leader did not indicate to me one way or the other his intentions with respect to his amendment.

Mr. BYRD. And does the distinguished Senator from Oregon have a response to my question?

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. BYRD. No, this Senator is recognized, Madam President.

I yield to the Senator for a response to my question.

Mr. HATFIELD. Madam President, I would say to the distinguished chairman of the Appropriations Committee, I do not have a time certain of which I have been informed, as to the Republican leader offering his amendment. I would like to make an inquiry, though. We do have other amendments that are ready, available to be offered. Does this mean that we are now in a position to consider other amendments that may be in the minds and on paper?

Mr. BYRD. The distinguished majority leader has answered that question already. He has offered to the Republican side an opportunity to call up amendments, perhaps, if he knows what amendments, if those amendments are identified, if he can get a time agreement on the amendments and a time to vote on the bill.

Mr. HATFIELD. Assuming, then, the majority leader has that agreement with the Republican leader of a time certain, and he has a copy of the amendment—I cannot speak for the Republican leader at this time.

Mr. MITCHELL. Madam President, there has been a considerable amount of misunderstanding about the current legislative situation, particularly with respect to amendments. I had been advised directly that our Republican colleagues had an unlimited number of amendments to offer to this bill and was not able to obtain any identification of amendments or a time certain for disposition of the measure.

I then stated that it appeared clear that this was, in fact, a filibuster by amendment and that it would just go on indefinitely were we to continue in that mode. Therefore, I did not feel it appropriate or useful to do so. However, I stated at that time and since then that we would, of course, consider any amendment that was presented of which we could be made aware, if it was relevant and a serious and substantive amendment. That is clearly the case with the distinguished Republican leader's amendment. As he had described it here on the floor, it is a serious amendment. It is essentially an alternative to the pending bill.

I had made clear my complete willingness to have that amendment offered and we would debate it and upon completion of the debate vote on it. But any decision in that regard will, of course, be that of the distinguished Republican leader. We will do the same thing with respect to other amendments.

What I have sought to avoid is simply getting into a situation where we spend days and days and days. We are now in what I believe is our eighth day of consideration of this measure, considering one amendment after another, a large number of which are either not relevant to the bill—this is my own characterization—or do not have serious legislative purpose and simply delay the bill indefinitely by amendment.

For now I believe that the matter has been sufficiently discussed and debated today. Unless some other Senator at this time wishes to seek recognition, Madam President, I will first state that, and I repeat now what I stated just a few moments ago, that following the last vote, I met with the distinguished Republican leader and we met briefly and agreed that we would confer again following the completion of this session.

So I expect to discuss with the Republican leader again later today how best to proceed with respect to this measure. Until then, it is now my intention to recess the Senate until Monday morning. I understand the Chair has an appointment to make, and I will now withhold pending that appointment.

Mr. EXON. Will the majority leader yield for a question?

Mr. MITCHELL. Might we permit the Chair to make an appointment?

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 101-549, appoints the following individuals to the Risk Assessment and Management Commission:

Norman T. Anderson, of Maine; and

David P. Rall, of the District of Columbia.

Mr. MITCHELL. The Senator from Nebraska was asking to be recognized?

Mr. EXON. May I ask the majority leader to yield for a question?

Mr. MITCHELL. Certainly.

Mr. EXON. Has the determination been finally made as to what time we are anticipating coming in Monday morning, as you had indicated earlier, and at what time the scheduled cloture vote will be held?

Mr. MITCHELL. Yes, it has. The Senate will return to session at 9 a.m. on Monday and the cloture vote will occur at 10:30 a.m.

Mr. EXON. I thank the majority leader.

MESSAGES FROM THE HOUSE

At 11:55 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1430. An act to provide for a temporary increase in the public debt limit.

The message also announced that pursuant to section 801(b)(8) of Public Law 100-696, the minority leader appoints Representative YOUNG of Florida to the U.S. Capitol Preservation Commission for the 103d Congress, on the part of the House.

The message further announced that pursuant to section 1404(b)(2) of Public Law 99-661, the minority leader appoints Mr. STUMP on the part of the House to the board of trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for the 103d Congress.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1430. An act to provide for a temporary increase in the public debt limit.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-711. A communication from the Chairman of the United States Consumer Product Safety Commission, transmitting, pursuant to law, a report of information relative to the Consumer Product Safety Act; to the Committee on Commerce, Science, and Transportation.

EC-712. A communication from the Executive Vice President of the Tennessee Valley Authority, transmitting, pursuant to law, a report of a statistical summary for the fiscal year 1992; to the Committee on Environment and Public Works.

EC-713. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the status of the process for resolution of commercial interests disputed in Saudia Arabia; to the Committee on Foreign Relations.

EC-714. A communication from the Acting Director of the United States Office of Personnel Management, transmitting, pursuant to law, a report entitled "The Rights and Benefits of Temporary Employees In the Federal Government"; to the Committee on Governmental Affairs.

EC-715. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Abstracts of Reports and Testimony: Fiscal Years 1992"; to the Committee on Governmental Affairs.

EC-716. A communication from the Executive Director of the Kaho'olawe Island Conveyance Commission, transmitting, pursuant to law, a report entitled "Kaho'olawe Island: Restoring a Cultural Treasure"; to the Committee on Armed Services.

EC-717. A communication from the Acting Assistant Secretary of the Army (Installations, Logistics and Environment), Department of the Army, transmitting, pursuant to law, notice of a discovery at Fort Meade, Maryland; to the Committee on Armed Services.

EC-718. A communication from the Interim Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, a report to Congress; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. DURENBERGER, Mr. KRUEGER, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. REID, Mr. SIMON, Mr. WARNER, and Mr. WOFFORD):

S. 773. A bill to require the Administrator of the Environmental Protection Agency to establish a program to encourage voluntary environmental cleanup of facilities to foster their economic redevelopment, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WOFFORD (for himself, Mr. BRADLEY, Ms. MOSELEY-BRAUN, and Mrs. FEINSTEIN):

S. 774. A bill to authorize appropriations for the Martin Luther King, Jr., Federal Holiday Commission, extend such Commission, establish a national Service Day to promote community service, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SIMON (for himself, Mrs. KASSEBAUM, Mr. JEFFORDS, and Mr. FEINGOLD):

S. Res. 94. A resolution expressing the Sense of the Senate with respect to the tragic humanitarian crisis in Sudan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG (for himself, Mr. BAUCUS, Mr. CHAFEE, Mr. DURENBERGER, Mr. KRUEGER, Mr. LIEBERMAN, Mr. METZENBAUM, Mr. REID, Mr. SIMON, Mr. WARNER, and Mr. WOFFORD):

S. 773. A bill to require the Administrator of the Environmental Protection Agency to establish a program to encourage voluntary environmental cleanup of facilities to foster their economic redevelopment, and for other purposes; to the Committee on Environment and Public Works.

VOLUNTARY ENVIRONMENTAL CLEANUP AND ECONOMIC REDEVELOPMENT ACT OF 1993

• Mr. LAUTENBERG. Mr. President, today I am introducing the Voluntary Environmental Cleanup and Economic Redevelopment Act of 1993. This legislation will foster the voluntary cleanup of potentially thousands of toxic waste sites around the country. It can lead to significant economic development and create jobs at a time when we need them. In my State of New Jersey, it could be especially significant, as urban and suburban areas still bear the scars of neglect of decades of industrial waste disposal.

Mr. President, the Federal Government has an array of Federal laws in place to regulate the discharge of pollutants into our environment and to assist the cleanup of environmental contamination caused by previous disposal activities. The Superfund Program provides Federal authority to assist in cleaning up abandoned waste sites that pose the most serious threats to public health and the environment. So far, EPA has identified about 1,200 of the worst sites on the national priorities list.

But there are over 100,000 sites that do not fall under the Superfund Program because they have very low levels of contamination. Even though the risks posed by these sites are relatively slight, in many cases their full economic use is being stymied because there is no ready mechanism for getting them cleaned up—even when the owner of the property is ready, willing, and eager to do so. Prospective developers and bankers are reluctant to get involved in transactions with these properties because of the concern, however minimal, for potential environmental liability.

These fallow or underutilized sites have an enormous potential for economic redevelopment. To unleash this potential, several States—including New Jersey, Oregon, Illinois, Indiana, Massachusetts, and Minnesota—have developed expedited procedures to clean up sites that do not pose a significant threat to public health or the environment. Under these voluntary cleanup programs, site owners can volunteer to pay for the costs of remediation and State oversight. In return, they get a letter from the State which they can use to assure prospective buyers and lenders that the property has been cleaned up to the Government's satisfaction and that other parties need not fear for potential cleanup liability. This so-called clean bill of health removes a major impediment to economic development and can help restore stagnant local economies.

In New Jersey, over 550 parties have signed up for the State's voluntary cleanup program in just the first year and a half of its existence, and in Illinois and Oregon, over 1,000 parties have signed up over the past several years to participate in voluntary cleanup programs. The economic benefits associated with these programs are undeniable. In my State alone, a $3 million investment by the State in its voluntary cleanup program has, in just 18 months, already generated several thousand jobs and hundreds of millions of dollars of economic development.

One such example is a project going forward in Hackensack, NJ. The city's department of public works yard and an adjoining oil tank farm are being redeveloped for a new Price Club discount retail and food store, complete with a riverwalk promenade and park area. The redevelopment of this site is estimated to be worth about $15 million, and will result in the creation of up to 350 new permanent employment opportunities. Fallow, unattractive land is being converted into a new vital center for the community and its visitors.

I have visited a series of similar sites in New Jersey. This is the kind of program that we should encourage and promote. My legislation would provide financial assistance in the form of grants to encourage States to develop voluntary cleanup programs or expand existing voluntary cleanup programs that are in place. It would also make grants available to qualified municipalities to conduct site assessments on contaminated property within their jurisdictions, to facilitate their cleanup and redevelopment. The grants could be used to determine the feasibility of voluntary cleanups at these sites. Finally, the legislation would provide financial assistance in the form of low interest loans to current owners, prospective purchasers, and municipalities to facilitate voluntary cleanup actions where traditional lending mechanisms are not available.

The minimal seed money envisioned by this program would leverage substantial economic payoffs. Indeed, existing State voluntary cleanup programs, after the first year, have become largely self-sufficient, supported by the payment of oversight costs offered by private site owners as part of their voluntary cleanup arrangement with the States. My legislation would replicate this on the Federal level with the hope that such programs will become self-financing. We can start the ball rolling, and then let the private market run with the ball.

I am joined in introducing this legislation by Senators BAUCUS, CHAFEE, DURENBERGER, WARNER, REID, METZENBAUM, LIEBERMAN, WOFFORD, SIMON, and KRUEGER. The bipartisan support for this bill indicates the strong appeal of this legislation to States throughout the country and to the business and environmental communities.

I also want to make mention of the leadership shown by Senator RIEGLE in encouraging the reuse of abandoned land in economically and socially distressed communities. I look forward to working closely with him to consider ways to combine the approach taken in his legislation introduced earlier this year with the approach I have chosen in my bill.

Mr. President, this bill represents a strong marriage of environmental and economic goals, and should empower interested States to achieve quicker cleanups and promote economic opportunities at a time when our citizens want progress on both fronts.

As chairman of the Subcommittee on Superfund, Recycling, and Solid Waste Management, I will be reviewing the Superfund Program during this session of Congress. During that process, I am committed to considering whether some of the innovative ideas represented by my voluntary cleanup legislation can be integrated into the Superfund process. But I believe that for the hundreds of thousands of low priority sites not governed by Superfund, the time has come for us to create a mechanism for the States to foster voluntary cleanups under an expedited process that also protects the public health and environment.

Mr. President, I ask unanimous consent to print in the RECORD a brief section-by-section analysis of the legislation and a copy of the bill itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voluntary Environmental Cleanup and Economic Redevelopment Act of 1993".

SEC. 2. FINDINGS.

(a) FINDINGS.—Congress finds that—

(1) past uses of land in the United States for industrial and commercial purposes have created many sites throughout the United States that have environmental contamination;

(2) Congress and the governments of States and political subdivisions of States have enacted laws to—

(A) prevent environmental contamination; and

(B) carry out response actions to correct past instances of environmental contamination;

(3) many sites are minimally contaminated, do not pose serious threats to human health or the environment, and can be satisfactorily remediated expeditiously with little government oversight;

(4) promoting the cleanup and redevelopment of contaminated sites could lead to significant environmental and economic benefits, particularly in any case in which a cleanup can be completed quickly and during a period of time that meets short-term business needs;

(5) the private market demand for sites affected by environmental contamination frequently is reduced or eliminated, often due to uncertainties regarding liability or potential cleanup costs of current owners and prospective purchasers under Federal and State law;

(6) the abandonment or underutilization of affected sites impairs the ability of the Federal Government and the governments of States and political subdivisions of States to provide economic opportunities for the people of the United States, particularly the poor and unemployed;

(7) the abandonment or underutilization of affected sites also results in the inefficient use of public facilities and services, as well as land and other natural resources, and extends conditions of blight in local communities;

(8) cooperation among Federal agencies, departments and agencies of States and political subdivisions of States, and owners and prospective purchasers of affected sites is required to accomplish timely response actions and redevelopment or reuse of affected sites;

(9) there is a need for a program to—

(A) encourage voluntary cleanups of affected sites; and

(B) facilitate the establishment of programs by States to foster voluntary cleanups of affected sites;

(10) there is a need to provide financial assistance to local governments to characterize certain affected sites in order to facilitate the cleanup of the sites so that the sites may be redeveloped for economically beneficial uses; and

(11) there is a need to provide financial incentives and assistance to qualified parties to clean up certain affected sites so that the sites may be redeveloped for economically beneficial uses.

(b) PURPOSES.—The purposes of this Act are to create new business and employment opportunities through the economic redevelopment of affected sites that do not pose a serious threat to human health or the environment by—

(1) encouraging States to adopt and develop a program for sites that would not currently be remediated under other environmental laws (including regulations) in effect on the date of enactment of this Act;

(2) encouraging private parties to participate in State voluntary cleanup programs that facilitate expedited response actions that are consistent with business needs at affected sites;

(3) directing the Administrator to establish programs providing financial assistance to—

(A) encourage the development of State voluntary cleanup programs;

(B) facilitate site characterizations of certain affected sites; and

(C) encourage cleanup of appropriate sites; and

(4) reducing transaction costs and paperwork, and preventing needless duplication of effort and delay at all levels of government.

SEC. 3. DEFINITIONS.

Except if the context specifically provides otherwise, as used in this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) AFFECTED SITE.—

(A) IN GENERAL.—The term "affected site" means a facility that has environmental contamination that—

(i) could prevent the timely use, development, reuse or redevelopment of the facility; and

(ii) is limited in scope and can be comprehensively characterized and readily analyzed.

(B) EXCEPTION.—Such term shall not include—

(i) any facility that is the subject of a planned or an ongoing response action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(ii) any facility included, or proposed for inclusion, in the National Priorities List maintained by the Administrator under such Act;

(iii) any facility with respect to which a record of decision has been issued by the President under section 104 of such Act (42 U.S.C. 9604);

(iv) any facility that is subject to corrective action under section 3004(u) or 3008(h) of the Solid Waste Disposal Act (42 U.S.C. 6924(u) or 6928(h)) at the time that an application for a grant or loan concerning the facility is submitted under this Act, including any facility with respect to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures;

(v) any land disposal unit with respect to which a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted and closure requirements have been specified in a closure plan or permit;

(vi) any facility that contains polychlorinated biphenyls subject to response under section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e));

(vii) any facility with respect to which an administrative order on consent or judicial consent decree requiring cleanup has been entered into by the President under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) or title XIV of the Public Health Service Act, commonly known as the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(viii) any facility controlled by, or to be remediated by, a department, agency, or instrumentality of the executive branch of the Federal Government; and

(ix) any facility at which assistance for response activities may be obtained pursuant to subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

(3) CONTAMINANT.—The term "contaminant" includes any hazardous substance, as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)) and oil, as defined in section 1001(23) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(23)).

(4) CURRENT OWNER.—The term "current owner" means, with respect to a voluntary cleanup, an owner that is an owner at the time of the cleanup.

(5) DISPOSAL.—The term "disposal" has the meaning provided the term in section 1004(3) of the Solid Waste Disposal Act (42 U.S.C. 6903(3)).

(6) ENVIRONMENTAL CONTAMINATION.—The term "environmental contamination" means the existence at a facility of 1 or more contaminants that may pose a health or environmental risk.

(7) ENVIRONMENT.—The term "environment" has the meaning provided the term in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(8) FACILITY.—The term "facility" has the meaning provided the term in section 101(9) of such Act (42 U.S.C. 9601(9)).

(9) GROUND WATER.—The term "ground water" has the meaning provided the term in section 101(12) of such Act (42 U.S.C. 9601(12)).

(10) INDIAN TRIBE.—The term "Indian tribe" has the meaning provided the term in section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).

(11) LOCAL GOVERNMENT.—The term "local government" means the governing body of a political subdivision of a State, including the governing body of any county, parish, municipality, city, town, township, Federally-recognized Indian tribe or similar governing body.

(12) NATURAL RESOURCES.—The term "natural resources" has the meaning provided the term in section 1001(16) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(16)).

(13) OWNER.—The term "owner" has the meaning provided the term in section 101(20) of such Act (42 U.S.C. 9601(20)), except that the term shall also include a unit of State or local government that acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government acquires title by virtue of its functions as a sovereign.

(14) PERSON.—The term "person" has the meaning provided the term in section 101(21) of such Act (42 U.S.C. 9601(21)).

(15) PROSPECTIVE PURCHASER.—The term "prospective purchaser" means a prospective purchaser of an affected site.

(16) RELEASE.—The term "release" has the meaning provided the term in section 101(22) of such Act (42 U.S.C. 9601(22)).

(18) RESPONSE ACTION.—The term "response action" has the meaning provided the term "response" in section 102(25) of such Act (42 U.S.C. 9601(25)).

(19) SITE CHARACTERIZATION.—

(A) IN GENERAL.—The term "site characterization" means an investigation that determines the nature and extent of a release or potential release of a hazardous substance and meets the requirements referred to in subparagraph (B).

(B) INVESTIGATION.—For the purposes of this paragraph, an investigation that meets the requirements of this subparagraph shall include an onsite evaluation, and sufficient testing, sampling and other field data gathering activities to accurately analyze whether the site is contaminated and the health and environmental risks posed by the release of contaminants at the site. The investigation may also include review of existing information (available at the time of the review) and an offsite evaluation, if appropriate.

(20) VOLUNTARY CLEANUP.—The term "voluntary cleanup" means a response action at an affected site—

(A) undertaken and financed by a current owner or prospective purchaser subject to oversight and approval by a State; and

(B) with respect to which the current owner or prospective purchaser agrees to pay all costs of oversight by the State.

SEC. 4. VOLUNTARY CLEANUP GRANT PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT OF GRANT PROGRAM.—The Administrator shall establish a program to provide a grant to any State that submits an application that is approved by the Administrator to establish or expand a State voluntary cleanup program that meets the requirements of paragraph (3).

(2) CERTIFICATION.—In an application for a grant under this section, a State shall be required to certify that the voluntary cleanup program of the State will meet the requirements of paragraph (3).

(3) REQUIREMENTS FOR STATE VOLUNTARY CLEANUP PROGRAM.—A State voluntary cleanup program meets the requirements of this paragraph if the State—

(A) provides adequate opportunities for public participation, including prior notice and opportunity for comment, in selecting response actions;

(B) provides technical assistance throughout each voluntary cleanup;

(C) has the capability of assuming the responsibility for undertaking a cleanup if the current owner or prospective purchaser fails or refuses to complete the necessary cleanup; and

(D) provides adequate oversight and has adequate enforcement authorities to ensure that voluntary cleanups are completed in accordance with all applicable Federal and State requirements, including any ongoing operation and maintenance or long-term monitoring activities.

(b) Grant Awards.—

(1) In general.—In carrying out the program established under subsection (a), the Administrator shall, subject to the availability of appropriations, award a grant to the Governor of each State that submits an application to the Administrator that meets the requirements of this section to conduct a State voluntary cleanup program that the Administrator approves.

(2) Grant amount.—The amount of a grant awarded to any State under subsection (a) shall be determined by the Administrator on the basis of the financial need of the State for establishing or expanding a voluntary cleanup program, and shall be in an amount not less than $200,000, but not to exceed $500,000 for each fiscal year.

(3) Reporting.—Each State that receives a grant under subsection (a) shall submit to the Administrator, not later than 2 years after receipt of the grant, a progress report that includes a description of the cleanups made in accordance with the voluntary cleanup program of the State.

(4) Termination of grants.—If the Administrator determines that a State voluntary cleanup program no longer meets the requirements of subsection (a)(3), the Administrator may terminate a grant made to the State, and require full or partial repayment of the grant award.

(c) State Certification.—Each Governor of a State that receives a grant under this section shall not later than 1 year after receipt of an initial grant, and annually thereafter, submit to the Administrator a certification that states—

(1) the State voluntary cleanup program meets the criteria referred to in subsection (a);

(2) all cleanups achieved or undertaken pursuant to the State voluntary cleanup program fully comply with all applicable requirements of Federal or State law;

(3) public participation opportunities have been adequate during the process of selecting a cleanup method for each voluntary cleanup;

(4) voluntary cleanups achieved or undertaken pursuant to the State voluntary cleanup program have been undertaken in a manner that has reduced or eliminated health and environmental risks to the satisfaction of the State; and

(5) for any voluntary cleanup initiated pursuant to the State voluntary cleanup program that has increased health and environmental risks, the State has taken timely and appropriate steps to reduce or eliminate the health and environmental risks.

(d) Statutory Construction.—Nothing in this Act is intended—

(1) to impose any requirement on a State voluntary cleanup program existing on or after the date of enactment of this Act if the Governor of the State has not been awarded a grant under this section; or

(2) to preclude a Governor of a State with a voluntary cleanup program referred to in paragraph (1) from submitting an application for a grant under this section.

SEC. 5. SITE CHARACTERIZATION GRANT PROGRAM.

(a) In General.—The Administrator shall establish a program to provide grants to local governments to conduct site characterizations for affected sites at which voluntary cleanups are being conducted or are proposed to be conducted under a State voluntary cleanup program that is the subject of a grant award under section 4.

(b) Scope of Program.—

(1) Grant awards.—In carrying out the program established under subsection (a), the Administrator may award a grant to the head of each local government that submits to the Administrator an application (that is approved by the Administrator) to conduct a site characterization at an affected site within the jurisdiction of the local government.

(2) Grant application.—An application for a grant under this section shall—

(A) include a description of the affected site;

(B) include information demonstrating the financial need of the owner of the affected site for funds to conduct a site characterization;

(C) include an analysis that demonstrates the potential of the affected site for stimulating economic development on completion of the cleanup of the site; and

(D) provide such other information, and be in such form, as the Administrator determines appropriate to carry out this Act.

(3) Approval of application.—

(A) In general.—In making a decision whether to approve an application submitted under paragraph (1), the Administrator shall consider—

(i) the financial need of the owner of the affected site for funds to conduct a site characterization;

(ii) the demonstrable potential of the affected site for stimulating economic development on completion of the cleanup of the affected site if the cleanup is necessary;

(iii) the estimated fair market value of the site after cleanup;

(iv) other economically viable, commercial activity on real property—

(I) located within the immediate vicinity of the affected site at the time of consideration of the application; or

(II) projected to be located within the immediate vicinity of the affected site by the date that is 5 years after the date of the consideration of the application;

(v) the potential of the affected site for creating new business and employment opportunities on completion of the cleanup of the site;

(vi) whether the affected site is located in an economically distressed community; and

(vii) such other factors as the Administrator considers relevant to carry out the purposes of the grant program established under this section.

(B) Grant conditions.—As a condition for awarding a grant under this section, the Administrator may, on the basis of the criteria considered under subparagraph (A), attach such conditions to the grant award as the Administrator determines appropriate.

(4) Grant amount.—The amount of a grant awarded to any local government under subsection (a) for characterization of an affected site shall not exceed $100,000.

(5) Termination of grants.—If the Administrator determines that a local government that receives a grant under this subsection is in violation of a condition of a grant award referred to in paragraph (2), the Administrator may terminate the grant made to the local government and require full or partial repayment of the grant award.

SEC. 6. ECONOMIC REDEVELOPMENT ASSISTANCE PROGRAM.

(a) In General.—

(1) Establishment of program.—The Administrator shall establish a program to provide a loan to be used for the cleanup of affected sites to an owner or a prospective purchaser of an affected site (including a local government) at which a voluntary cleanup is being conducted or is proposed to be conducted under a State voluntary cleanup program that is the subject of a grant award under section 4.

(2) Disqualification.—If the Administrator determines that an applicant has adequate resources to conduct, in the absence of financial assistance provided under this section, a cleanup that is the subject of a loan application, the Administrator shall not approve the application.

(b) Scope of Program.—

(1) In general.—

(A) Loans.—The Administrator may award a loan to be used to clean up an affected site to each eligible applicant described in subsection (a)(1) that submits an application to the Administrator that is approved by the Administrator.

(B) Loan application.—An application for a loan under this section shall be in such form as the Administrator determines appropriate. At a minimum, the application shall include the following:

(i) A description of the affected site, including the nature and extent of any known or suspected environmental contamination at the affected site and the legal description of the real property associated with the affected site.

(ii) A complete description of the financial standing of the applicant that includes a description of the assets, cash flow, and liabilities of the applicant.

(iii) A written certification that attests that the applicant has attempted, and has been unable, to secure financing from a private lending institution for the cleanup action that is the subject the loan application. The certification shall specify—

(I) the name of each private lending institution to which the applicant submitted an application for a loan; and

(II) with respect to each application to a lending institution referred to in subclause (I)—

(aa) the date that the loan application was submitted and the date that the applicant was notified of the refusal;

(bb) the amount of the loan requested;

(cc) the term of the loan requested;

(dd) proof of the refusal of the loan by the lending institution; and

(ee) the reasons given, if any, by the private lending institution for the refusal of the loan for the cleanup.

(iv) A justification for the amount of the financial assistance requested, including evidence that the amount of financial assistance requested by the applicant is not available to the applicant through other sources.

(v) The proposed method, and anticipated period of time required, to clean up the environmental contamination at the affected site.

(vi) An estimate of the proposed total cost of the cleanup to be conducted at the site.

(vii) An analysis that demonstrates the potential of the affected site for stimulating economic development on completion of the cleanup of the site.

(2) Loan approval.—In determining whether to award a loan under this section, the Administrator shall consider—

(A) the need of the applicant for financial assistance to clean up the affected site that is the subject of the loan application, taking into consideration the financial resources available to the applicant;

(B) the ability of the applicant to repay the loan in a timely manner;

(C) the inability of the applicant to secure a loan from a private lending institution or through other means of financing;

(D) the extent to which the cleanup of the affected site would reduce health and environmental risks caused by the release of contaminants at, or from, the affected site; and

(E) the demonstrable potential of the affected site for stimulating economic development on completion of the cleanup, including—

(i) the estimated fair market value of the affected site after cleanup;

(ii) other economically viable, commercial activity on real property—

(I) located in the immediate vicinity of the affected site at the time of consideration of the application; or

(II) projected to be located within the immediate vicinity of the affected site by the date that is 5 years after the date of the consideration of the application;

(iii) the potential of the affected site for creating new, or expanding existing, business and employment opportunities on completion of the cleanup of the site;

(iv) the estimated additional tax revenues expected to be generated at the site by the economic redevelopment;

(v) whether the site is located in an economically distressed community;

(vi) whether the cleanup and the proposed redevelopment is consistent with any applicable State or local community economic development plan; and

(vii) such other factors as the Administrator considers relevant to carry out the purposes of the loan program established under this section.

(3) Loan amount.—The amount of a loan made to an applicant under this section shall not exceed—

(A) 75 percent of the cost of the cleanup that is the subject of the loan; or

(B) $750,000,

whichever is less.

(4) State approval.—Each application for a loan under this section shall, as a condition for approval by the Administrator, include a written statement by the State under whose voluntary program the voluntary cleanup is being conducted, or proposed to be conducted that—

(A) the voluntary cleanup or proposed voluntary cleanup is cost effective; and

(B) the estimated total cost of the voluntary cleanup is reasonable.

(c) Loan Agreements.—Each loan under this section shall be made pursuant to a loan agreement. At a minimum, the loan agreement shall include provisions that address the following items:

(1)(A) The loan shall bear interest at the applicable rate specified in subparagraphs (B) through (D).

(B) For local government entities, the rate of interest shall be 1 percentage point below the average current yield on marketable obligations of the United States Treasury having comparable maturities.

(C) For prospective purchasers of an affected site, the rate of interest shall be 1 percentage point above the average current yield on marketable obligations of the United States Treasury having comparable maturities.

(D) For current owners of an affected site, the rate of interest shall be 2 percentage points above the average current yield on marketable obligations of the United States Treasury having comparable maturities.

(2) The maturity period of the loan (as determined by the Administrator) shall not exceed 10 years.

(3) The repayment of the loan during the maturity period shall be in accordance with any schedule for payments that the Administrator may specify in the loan agreement.

(4) Each payment referred to in paragraph (3) shall be made to the Secretary of the Treasury for deposit in the general fund of the Treasury.

(5) If the sale or redevelopment of the affected site results in a net profit to the applicant (taking into consideration any amount of reimbursement that may be required under this paragraph) in an amount greater than or equal to 10 percent, in addition to paying interest on the loan (as specified in paragraph (1)), the applicant shall make a payment to reimburse the Federal Government for the full and actual costs incurred by the Federal Government of making the loan to the applicant, including any administrative costs.

(6) The applicant shall comply with all applicable Federal and State laws (including regulations) applicable to the cleanup and shall proceed in accordance with any voluntary cleanup program in effect in the State.

(7) The applicant shall guarantee repayment of the loan.

(8) The applicant shall use the loan solely for purposes of cleaning up the environmental contamination at the affected site, and shall return any excess funds to the Administrator immediately on a determination by the Administrator that the cleanup has been completed.

(9) The loan shall not be transferable, unless the Administrator agrees to the transfer in writing.

(10) Such other terms and conditions that the Administrator determines necessary to protect the financial interests of the United States.

(d) Federal Lien.—

(1) In general.—A lien in favor of the United States shall arise on the contaminated property subject to a loan under this section. The lien shall cover all real property included in the legal description of the property at the time the loan agreement provided for in this section is signed, and all rights to the property, and shall continue until the terms and conditions of the loan agreement have been fully satisfied. The lien shall arise at the time the United States grants a loan under this section, and shall not be subject to the rights of any purchaser, holder of a security interest, or judgment lien creditor whose interest is or has been perfected under applicable State law, except that any interest held by the United States as security for a loan under this section shall be subordinate to any lien on the property for taxes due on the property to a State or political subdivision thereof.

(2) Definitions.—As used in this paragraph, the terms "security interest" and "purchaser" shall have the meaning provided the terms in paragraphs (1) and (6), respectively, under section 6323(h) of the Internal Revenue Code of 1986.

(e) Enforcement.—

(1) In general.—If any person fails to comply with any condition of a loan agreement entered into pursuant to this section, the Administrator may request the Attorney General of the United States to commence a civil action in an appropriate district court of the United States to enforce the loan agreement.

(2) Jurisdiction of district court.—The district court shall have jurisdiction to enforce the loan agreement and grant such relief as the public interest and the equities of the case may require.

SEC. 7. REGULATIONS.

The Administrator shall promulgate such regulations as are necessary to carry out this Act. The regulations shall include the procedures and standards that the Administrator considers necessary, including procedures and standards for evaluating an application for a grant or loan submitted under this Act.

SEC. 8. ECONOMIC REDEVELOPMENT REVOLVING FUND.

(a) In General.—There is established in the Treasury of the United States a trust fund to be known as the "Economic Redevelopment Revolving Fund" (referred to in this section as the "Revolving Fund") consisting of such amounts as may be appropriated to the Revolving Fund, or transferred or credited to the Revolving Fund pursuant to this section.

(b) Transfers to the Revolving Fund.—

(1) Transfers.—There are hereby transferred to the Revolving Fund amounts equivalent to the amounts received in the Treasury pursuant to section 6(c)(4).

(2) Monthly transfers.—The amounts transferred by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Revolving Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

(c) Management of the Revolving Fund.—

(1) Investment.—The Secretary of the Treasury shall invest such portion of the Revolving Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. The investments may be made only in interest-bearing obligations of the United States. For such purpose, the obligations and may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(2) Sale of obligations.—Any obligation acquired by the Revolving Fund may be sold by the Secretary of the Treasury at the market price.

(3) Interest on certain proceeds.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Revolving Fund shall be credited to and form a part of the Revolving Fund.

(4) Report.—It shall be the duty of the Secretary of the Treasury to hold the Revolving Fund and (after consultation with the Administrator) to report to Congress each year concerning—

(A) the financial condition and the results of the operations of the Revolving Fund during the preceding fiscal year; and

(B) the expected condition and operations of the Revolving Fund for the five fiscal years following the preceding fiscal year.

(d) Expenditures From the Revolving Fund.—Amounts in the Revolving Fund shall be available, as provided by appropriation Acts, only for purposes of carrying out the loan program established under section 6.

(e) Authority To Borrow.—

(1) In general.—There are authorized to be appropriated to the Revolving Fund, as a repayable advance, an amount equal to $15,000,000 for each of fiscal years 1994, 1995, 1996, and 1997.

(2) Repayment of advances.—

(A) In general.—If the Secretary of the Treasury determines that there are sufficient funds available in the Revolving Fund to repay a repayable advance, the Secretary shall transfer from the Revolving Fund to the general fund of the Treasury an amount equal to the amount of a repayment plus interest (as determined by the Secretary under subparagraph (B)).

(B) RATE OF INTEREST.—The amount of interest on an advance made under this subsection shall be at a rate determined by the Secretary (as of the close of the calendar month preceding the month in which the advance is made).

SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.

(a) VOLUNTARY CLEANUP PROGRAM.—There are authorized to be appropriated to the Environmental Protection Agency, to carry out section 4, an amount not to exceed $15,000,000 for fiscal year 1994, and $7,500,000 for each of fiscal years 1995 through 1997.

(b) SITE CHARACTERIZATION PROGRAM.—There are authorized to be appropriated to the Environmental Protection Agency, to carry out section 5, an amount to exceed $15,000,000 for each of fiscal years 1994 through 1997.

(c) ECONOMIC REDEVELOPMENT ASSISTANCE PROGRAM.—There are authorized to be appropriated to the Environmental Protection Agency, to carry out section 6, an amount to exceed $15,000,000 for each of fiscal years 1994 through 1997.

(d) AVAILABILITY OF FUNDS.—The amounts appropriated pursuant to this section shall remain available until expended.

SEC. 10. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not later than January 31 of each of the succeeding 3 calendar years thereafter, the Administrator shall prepare and submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives describing the achievements of each grant or loan program established under this Act.

(b) CONTENTS OF REPORT.—The report shall, with respect to the programs established under this Act, include a description of—

(1) the number of grant and loan applications received by the Administrator during the preceding calendar year;

(2) the number of grants and loans approved by the Administrator during the preceding calendar year;

(3) with respect to each voluntary cleanup program of a State that was the subject of a grant under section 4—

(A) the purposes to which the grant awarded to the State was applied; and

(B) the achievements of the program;

(4)(A) the affected sites identified by local governments; and

(B) the status of the sites referred to in subparagraph (A) regarding subsequent cleanup and economic redevelopment;

(5)(A) the affected sites at which a cleanup was initiated pursuant to the economic redevelopment assistance program under section 6; and

(B) the status of the sites referred to in subparagraph (A) regarding ongoing or completed cleanup actions and economic redevelopment activities;

(6) the grants and loans disapproved during the preceding year, and the reasons for disapproval;

(7) the amount of grants and loans made during the preceding year, and an estimate of the total cleanup costs incurred by parties receiving a loan under the economic redevelopment assistance program; and

(8) the number of applicants for grants and loans that may be in need of financial assistance in establishing voluntary cleanup programs, performing site characterizations, and conducting cleanups to achieve economic redevelopment under this Act.

SEC. 11. FUNDING.

(a) ELIGIBLE COSTS DEFINED.—For the purposes of each grant and loan program established under this Act, the term "eligible costs" shall include administrative and nonadministrative costs.

(b) NONADMINISTRATIVE COSTS.—As used in this section, the term "nonadministrative costs" shall include the cost of—

(1) oversight for a cleanup by contractor, owner, or prospective purchaser;

(2) identifying the probable extent and nature of environmental contamination at an affected site, and the preferred manner of carrying out a cleanup at an affected site;

(3) each cleanup, including onsite and offsite treatment of contaminants; and

(4) monitoring ground water or other natural resources.

(c) ADMINISTRATIVE COST LIMITATION.—Not more than 15 percent of the amount of a grant or loan made pursuant to this Act may be used for administrative costs. No grant or loan made pursuant to this Act may be used to pay for fines or penalties owed to a State or the Federal Government.

(d) OTHER LIMITATIONS.—Funds made available to a State pursuant to the grant program established under section 4 shall be used only for establishing or administering a voluntary cleanup program.

SEC. 12. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to affect the liability or response authorities of any other law (including any regulation) for environmental contamination including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et. seq.), the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or title XIV of the Public Health Service Act, commonly known as the "Safe Drinking Water Act" (42 U.S.C. 300f et seq.).

SECTION-BY-SECTION ANALYSIS RELATING TO THE VOLUNTARY ENVIRONMENTAL CLEANUP AND ECONOMIC REDEVELOPMENT ACT OF 1993

This Act, to be known as the "Voluntary Environmental Cleanup and Economic Redevelopment Act of 1993," provides a financial assistance program to encourage states, local governments, and private parties to expedite cleanup of environmentally contaminated sites that do not pose serious health or environmental risks.

Section 1 provides the short title for the Act.

Section 2 contains Congressional findings and objectives that describe the need for this legislation. In particular, there are many sites throughout the country whose productive economic use is being frustrated by minimal levels of contamination that do not pose serious health or environmental risks. Facilitating cleanup at such sites would create new business and employment opportunities, while at the same time achieving better health and environmental protection.

Section 3 defines the key terms used in the legislation. One of these terms ("affected site") also clarifies the scope of this Act. Thus, this bill excludes a number of types of sites, including those that are the subject of planned or ongoing CERCLA response actions, are on or may be placed on the National Priorities List, are subject to RCRA corrective action or closure authorities at the time they are being considered for initial participation in the program, and are owned or operated by the federal government.

Section 4 establishes a voluntary environmental cleanup grant program, to be administered by the Administrator of the Environmental Protection Agency. This section contains minimum requirements that, if certified by the State to be satisfied, would trigger a grant by the Administrator subject to available appropriations. In its program, the State would have to: provide for adequate opportunities for public participation in selecting cleanups, have the capability to assume responsibility for undertaking a cleanup if the owner or prospective purchaser fails or refuses to complete the necessary cleanup, provide technical assistance for voluntary cleanups, and have sufficient oversight and enforcement capabilities to ensure proper cleanup actions at affected sites.

Grants of up to $500,000 each year may be awarded by the Administrator during the four-year-term of this program, and may be used to establish or expand a State voluntary cleanup program. A state with a preexisting voluntary cleanup program would not be required to meet the criteria of the Act, unless it sought funding provided by this Act. Assuming the Act's criteria are satisfied, individual states would be free to design the details of their programs according to the particular needs of their communities. Pre-existing state programs in New Jersey, Massachusetts, Illinois, Indiana, Minnesota, and Oregon could well have elements that could be adopted by other states initiating programs with the seed money provided by this Act. In general, voluntary cleanup programs are designed to operate on the basis of funds initially made available by current site owners or prospective purchasers to cover the State's oversight and administrative costs.

States receiving grants under this section would be required to prepare and submit to the Administrator a progress report. They also would be required to certify on an annual basis assurances as to the continuing adequacy of the program, including a certification that cleanups achieved under their voluntary cleanup programs fully comply with all applicable Federal and State requirements, and reduce or eliminate risks to the satisfaction of the State.

Section 5 establishes a site characterization grant program to be used exclusively to characterize sites that are participants in a State voluntary cleanup program which has received a grant pursuant to Section 4. Under this program, EPA would make grants available to local governments needing financial assistance in order to conduct site characterizations at affected sites within their jurisdiction. Such characterizations may often be pivotal in facilitating cleanup because they provide a clearer picture of the extent of contamination, the estimated costs of cleanup, and the scope of potential liability. This information is particularly important in obtaining relevant financing from lending institutions for cleanup or other purposes. It is also extremely useful in facilitating transactions with prospective purchasers who might be interested in economically redeveloping an affected site.

Because of financial constraints, many local governments are unable to conduct site characterizations at abandoned sites within their jurisdictions. This grant program is designed to assist financially needy local governments by allowing them to obtain site characterizations which can foster the cleanup and economic redevelopment of affected sites. The grants are made available even for sites that are not owned by the local government; it is anticipated that some privately owned sites will be viewed by a local government as being of such economic value to the community at large that the local government is willing to submit a grant application for the benefit of the private owner.

Section 5 also specifies several criteria the Administrator would consider in awarding a grant under this section, including the financial need of the affected site's owner, the site's potential for creating economic benefits once cleaned up, and whether the community surrounding the site is economically distressed. Local governments could apply for grants of up to $100,000 for each site characterization.

Section 6 establishes an economic redevelopment assistance program to be carried out by the Administrator of EPA exclusively for sites that are participants in a State voluntary cleanup program which has received a grant pursuant to Section 4. Current owners or prospective purchasers of affected sites—including local governments—could apply for low interest loans to cover cleanup costs of up to $750,000. The loan amount could represent up to 75% of the total cleanup costs to be incurred at the affected site.

In deciding whether to make financial assistance available to the applicant, the Administrator would consider a number of factors, including the applicant's ability to repay the loan, the site's potential for creating economic benefits once cleaned up, and whether the community surrounding the site is economically distressed. In addition, applicants would have to demonstrate they do not have other adequate financial resources with which to conduct the cleanup, and would have to show they had been unable to obtain financing from a private lending institution. As a condition for approval of an application, each applicant would have to provide a written statement issued by the State under whose voluntary cleanup program the cleanup is to be conducted, stating that the cleanup is cost effective and the estimated total cost of cleanup is reasonable.

Current owners of affected sites, as well as prospective purchasers and local governments, would be eligible to apply for low interest loans subsidized by the Federal government. Different rates would apply to these three categories of applicants, but the loans would be available at rates designed to encourage cleanups to take place. The loans would be made for a ten-year term, and applicants would be required to reimburse the United States for its actual costs in making the loan if the subsequent sale or development of the property resulted in a net profit (calculated on the basis of having paid the loan off and reimbursing the United States for its actual costs) of more than 10%. The legislation also would provide for a Federal lien that would attach to the property until the loan and other obligations had been fully repaid.

Section 7 would provide authority for the Administrator to issue regulations, procedures and standards needed to implement this legislation.

Section 8 would create the Economic Redevelopment Revolving Fund to be used in carrying out the loan provisions of Section 6, and would establish various requirements regarding the management of the revolving loan fund.

Section 9 would authorize appropriations of $45 million for the grant and loan programs established by this legislation for fiscal year 1993, and appropriations of $37.5 million for each of the following three fiscal years.

Section 10 requires the Administrator to prepare and submit annual reports to the Senate Environment and Public Works Committee and the House Energy and Commerce Committee, describing the accomplishments achieved under the grant and loan programs established by this bill.

Section 11 would contain limitations on eligible costs. Specifically, no more than 15% of funds made available under the grant and loan programs established by this legislation could be used for administrative costs; the rest of the funds are to be used for actual cleanup and monitoring expenses.

Finally, section 12 would address the relationship of this legislation to other Federal law. In particular, nothing in the Voluntary Environmental Cleanup and Economic Redevelopment Act would affect the liability or response authorities of the Comprehensive Environmental Response, Compensation, and Liability Act and other applicable Federal statutes.

• Mr. CHAFEE. Mr. President, I am pleased today to cosponsor the Voluntary Environmental Cleanup and Economic Redevelopment Act of 1993. The bill introduced today is the first step in addressing an extremely important issue facing our local communities—how to clean up and redevelop contaminated sites so that economic revitalization can go forward in an expeditious manner.

Mr. President, I think that most of my colleagues have heard stories about abandoned sites in their States. A developer seeks to make productive use of a contaminated industrial site that is now abandoned. The fear of liability under Superfund and other environmental laws—whether justified or not—scares the developer and his or her bankers and investors away from developing the property. Instead, the developer invests in a greenfield site, causing the loss of precious and dwindling open space. Mr. President, in my view, our policies should be strongly encouraging the redevelopment of industrial sites, not forcing development in the greenfields.

The bill introduced today is designed to respond to this problem in several ways. First, it provides seed money to States to develop voluntary cleanup programs for sites with low-level contamination. Second, it establishes a loan program for local governments to characterize contaminated sites that would participate in the voluntary cleanup program. Information gathered in a site characterization provides useful information concerning the precise level of contamination at a site for lenders and other potential investors. That information will often provide the additional comfort necessary for investment to go forward.

Finally, the bill provides a revolving loan program to encourage local governments, existing property owners, and prospective purchasers of property to cover up to 75 percent of the cleanup costs at a site. A tiered system of favorable interest rates would be offered to these prospective borrowers.

Mr. President, several groups—including those in the banking, development, and real estate industries, as well as environmental groups—have expressed support for the concept of a voluntary cleanup program for sites that present relatively low health and environmental risks. These groups all recognize the need for getting the less contaminated sites cleaned up quickly and returning them to economic productivity.

While I think that this bill is an important first step in bringing economic revitalization to areas with contaminated property, I believe that we may need to go further. In the hearings to be held on this legislation, I will seek to determine from prospective investors in contaminated sites whether this bill provides adequate incentives to truly achieve the desired goal of revitalization. Will developers, bankers, and others make financial commitments if a State signs off on a voluntary cleanup or are other legal assurances required? How will the cleanup levels set by States in these programs encourage or discourage cleanups?

And, Mr. President, although this is a question for Superfund reauthorization to come later on, should we be looking at some of the same incentives for redevelopment of Superfund sites that are presenting the more difficult redevelopment challenges? This is a stickier problem, but clearly one of equal or greater importance to future economic prosperity.

Mr. President, I appreciate the efforts of the principal sponsor of this bill, Senator LAUTENBERG, in developing this bill, along with several members of the Environment and Public Works Committee, including myself. I look forward to working with him and others on this legislation in the coming months.•

• Mr. BAUCUS. Mr. President, I am pleased to join Senator LAUTENBERG, Senator CHAFEE, a bipartisan majority of the members of the Environment and Public Works Committee, and others in introducing the Voluntary Environmental Cleanup and Economic Redevelopment Act of 1993.

This legislation will provide much needed assistance to economically distressed and rural areas in this country by expediting cleanup of contaminated property. There are over 100,000 parcels of such property throughout the country, including many in my State of Montana.

Mr. President, we have all heard concerns about the credit crunch and the difficulty of moving real estate transactions in the current economy. One of the obstacles to property transactions has been concerns about environmental liability associated with contaminated property. Prospective buyers and tenants, and their bankers, are simply afraid to get involved with a site even if the level of contamination is minimal. The result is that many properties are lying fallow or underutilized—even though just a little effort spent on cleanup and some level of assurance by the Government would free up those properties for potentially enormous redevelopment.

Our Nation cannot afford to let those properties continue to lie fallow. We must provide a ready mechanism for cleanup and assurances by the Government that prospective buyers and lenders need not fear to get involved in these low priority sites that can so readily be cleaned up. I think this legislation will provide that mechanism, and I applaud Senator LAUTENBERG and others for bringing this issue to the forefront.●

By Mr. WOFFORD (for himself, Mr. BRADLEY, Ms. MOSELEY-BRAUN, and Mrs. FEINSTEIN):

S. 774. A bill to authorize appropriations for the Martin Luther King, Jr. Federal Holiday Commission, extend such Commission, establish a National Service Day to promote community service, and for other purposes; to the Committee on the Judiciary.

KING HOLIDAY AND SERVICE ACT OF 1993

Mr. WOFFORD. Mr. President, today I am introducing in the Senate and Congressman JOHN LEWIS will be introducing in the House the King Holiday and Service Act of 1993. It has the strong support of Coretta Scott King, who chairs the King Holiday Commission. It is fitting and proper to introduce this legislation today, even as we work and struggle to move forward on pressing matters of our economy.

Twenty-five years ago last Sunday, Martin Luther King, Jr., was shot down in Memphis. Five years earlier John F. Kennedy fell to another assassin's bullet in Dallas. And 2 months later, Robert Kennedy would meet the same fate.

That was a season of terrible tragedy, but it had been a decade of amazing achievement. A worship service at the Mount Ararat Baptist Church in Pittsburgh which I attended a few days before the King anniversary brought back a flood of memories:

As I read the church's explanation of why it was named for the resting place of Noah's Ark, I recalled the first time I heard Martin Luther King preach at his Dexter Avenue Baptist Church in Montgomery, AL, in 1957.

"Noah is the patron saint of people who stick their necks out," the Mount Ararat program said. "Noah stuck his neck out, convinced a few people to go along with him, and sailed and sailed."

So did Martin Luther King.

"My body's weak, I haven't had much sleep this week, but my spirit's strong," said Mount Ararat's young preacher, Donald O. Clay, Jr., who is on dialysis. "Father, let this cup pass from me," he said in his sermon on the Garden of Gethsemene. "But if I must drink of it, thy will be done."

I remembered the night my wife and I drove Martin and Coretta King from Baltimore to Washington, DC, after Martin had castigated a national black fraternity for spending more money on its weekend convention than the whole annual budget of the NAACP.

Sitting with my wife in the back seat, Coretta told of her recurring nightmare that at the end of the road, Martin would be killed. He leaned back from the front seat and said she should dream instead of all the things that they could do while he was alive. Then he added, "I didn't ask for this. I was asked and said yes." He hummed a line from a spiritual: "The Lord asked me and my soul said yes."

In 1956, Martin had been a promising, prospering young minister of a middle-class congregation when Rosa Parks was arrested for refusing to give up her seat and accept segregation on a Montgomery city bus. When she said no, a group of civil rights activists asked King to take the lead in calling a boycott of the buses, and he said "Yes."

At a workshop on Gandhi and nonviolence that Martin had me give at his church on the first anniversary of the boycott, a member of the congregation got up and said, "Well, Gandhi's good, but we get all this straight from Jesus Christ."

At Mount Ararat in 1993, the plain wooden altar faced us with six carved words: "This do in remembrance of me." Now, 25 years after Coretta's nightmare became a reality, what should we do in remembrance of Martin?

We should certainly celebrate and never forget the victories won in that decade of nonviolent direct action. While Martin was alive, the right to vote was won in one-third of our country and segregation laws were struck down everywhere in the land.

But Martin would want us to raise our sights to the work yet to be done. In his sermon the night before he was killed, he said he had been to the mountain and seen the Promised Land but might not reach it himself. He was no longer afraid of any man, or death itself, he said. He was ready to drink the cup. And he was ready to climb the whole range of mountains still ahead.

Are we, at long last, ready to resume the climb?

Having seen and smelled the smoldering fires of both the 1965 Watts riots and of South-Central Los Angeles less than a year ago, I know that Martin would have found it a scandal to let another generation of young Americans fall into a vicious cycle of poverty, drugs, crime, prison and death. If he had been with us these last 25 years, he would have been leading the action to meet the crisis of our cities and of the young in our cities.

This year, from June 11–13, we will have days of action and learning at Pennsylvania's first statewide Martin Luther King, Jr. Youth Assembly. Some 500 teenagers from throughout Pennsylvania will gather in Harrisburg to learn of King's nonviolent philosophy and how to apply it to resolving conflicts in their own lives and communities.

During our 3-day conference, we will work to help young people value not only their civil rights, but also their civic responsibilities. They will learn valuable skills for school, for work, for life. They will join together in discussions of a central question of our cities: "How Do We Stop the Violence?"

Since Martin was a man of action, it's important that a conference in his name include more than just talk. So the participants will work with social service agencies who serve the homeless and others in need. And after the conference is over, the volunteer service will continue in communities across the State.

The Federal King Holiday Commission, which has sponsored five national youth assemblies, hopes that our action in Pennsylvania will become contagious. So my office will be ready to help other States organize their own MLK, Jr. youth assemblies.

The King Commission has been very cost-effective. It has taken strong action. It is good that all 50 States have adopted the national holiday. But this milestone doesn't mean the Commission's work is done. On the contrary, I think the most important work is just beginning.

Nothing would have ticked Martin off more than people supposedly honoring him by sitting on their duffs watching the tube or sleeping late.

The King holiday should be a day on not a day off. A day of action, not apathy. A day of responding to community needs, not a day of rest and recreation.

So my old civil rights colleague of the Selma march, Congressman JOHN LEWIS, and I have introduced legislation designed to remember Martin the way he would have liked: a day that reflects his proposition that "everybody can be great because everybody can serve." A day that brings the greatness out in people by bringing them together to make a difference in their communities. Fixing parks, tutoring children, rebuilding schools, feeding the hungry, immunizing children, housing the homeless.

Imagine what 10 million Americans could do in just 1 day of community service. And think what they could do if they carried on that service throughout the whole year. Our legislation is designed to enable the current Commission to organize the holiday as a fitting tribute to Dr. King, a day of interracial cooperation and community service.

It will link the King Commission with another innovative Commission, the Commission on National and Community Service created by the Congress in 1990. Working together, the Commissions will use existing funds to provide grants to States, local governments, colleges and universities, school districts, local and State education associations, private industry councils, labor unions or community-based organizations to encourage service opportunities in conjunction with the holiday.

The night that Dr. King was assassinated Robert Kennedy went into the streets of Indianapolis, to give the news to a waiting throng of black citizens. He was determined to try to stop the kind of burning and bloodshed we saw once again last year in south-central Los Angeles.

At that meeting arranged by my friend, colleague and House sponsor of this legislation, JOHN LEWIS, he said:

> What we need in the United States is not division. What we need in the United States is not hatred. What we need in the United States is not violence or lawlessness, but love and wisdom and compassion toward one another. And the feeling of justice towards those who still suffer in our country, whether they be white or be black. Let us dedicate ourselves to that and say a prayer for our country and for our people. Let us dedicate ourselves to what the Greeks wrote so many years ago—to tame the savageness of man and to make gentle the life of this world.

On January 18, 1993 at my alma mater Howard University, President Clinton said:

> More than anyone else, Martin Luther King lived and died in the fight to remind us of what is the greatest struggle in our lives in the present day—how to close the gap between our words and our deeds.

Some have said it's time to sunset the King Commission and no longer try to organize the holiday to be something more than a day of rest, recreation and work. Instead, we need this Commission to work actively to make the day a sunrise of reflection and service.

Words, Martin's words, will always be part of what we celebrate. Next to Lincoln's, his are probably the most moving words in American history. But let us remember Martin most of all his deeds and by our own.

I ask unanimous consent that the text of the bill and a summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "King Holiday and Service Act of 1993".

SEC. 2. MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION.

The Act entitled "An Act to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.", approved August 27, 1984 (36 U.S.C. 169j et seq.; Public Law 98-399; 98 Stat. 1473) is amended—

(1) in section 3(1) by inserting "including service opportunities" after "activities";

(2) in section 4 by adding at the end thereof the following new subsections:

"(e)(1) No less than 3 of the members appointed to the Commission under the provisions of subsection (a)(6) shall be under the age of 29 years on the date of such appointment.

"(2) The requirement under paragraph (1) shall apply with regard to appointments made during fiscal year 1994 and each fiscal year thereafter.

"(f) The Chairperson of the Board of the Commission on National and Community Service established under section 190 of the National and Community Service Act of 1990 (42 U.S.C. 12651) shall be an ex officio member of the Martin Luther King, Jr. Federal Holiday Commission. Such ex officio member shall be a voting member.";

(3) in section 6(a) by striking out "grade GS-18 of the General Schedule under section 5332" and inserting in lieu thereof "a position above GS-15 of the General Schedule under section 5108";

(4) in section 7 by striking out "$300,000 for fiscal year 1989 and each of the 4 succeeding fiscal years." and inserting in lieu thereof "$300,000 for each of fiscal years 1994 and 1995 and such funds as may be necessary for each of fiscal years 1996 and 1997.";

(5) in section 8 by inserting after "under this Act" the following: "or under section 168 of the National and Community Service Act of 1990"; and

(6) in section 9 by striking out "April 20, 1994" and inserting in lieu thereof "until terminated by law".

SEC. 3. NATIONAL SERVICE DAY.

Part IV of subtitle E of title I of the National and Community Service Act of 1990 (42 U.S.C. 12621 et seq.) is amended by adding at the end thereof the following:

"SEC. 168. NATIONAL SERVICE DAY.

"(a) GRANTS.—The Commission may make grants under section 102 to eligible entities to pay for the Federal share of the cost of planning and carrying out service opportunities on the Federal legal holiday honoring the birthday of Martin Luther King, Jr.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a), an entity shall be a State, community, institution of higher education, local educational agency, State educational agency, a private industry council established under section 102 of the Job Training Partnership Act (29 U.S.C. 1512), or a community-based agency.

"(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit an application at such time, in such manner, and containing such information as the Commission may require.

"(d) CONSIDERATION OF APPLICATIONS.—

"(1) CONSULTATION.—In making grants under subsection (a), the Commission shall consult with the Martin Luther King, Jr. Federal Holiday Commission.

"(2) RECOMMENDATIONS.—The Martin Luther King, Jr. Federal Holiday Commission shall review the applications submitted under subsection (c) and make recommendations with respect to the entities that shall be eligible to receive a grant under subsection (a).

"(3) SELECTION.—The Commission shall not make a grant under subsection (a) to an entity unless the Martin Luther King, Jr. Federal Holiday Commission has recommended that the entity be eligible to receive such a grant.

"(e) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the cost of planning and carrying out the activities described in subsection (a) shall be 30 percent.

"(2) CALCULATION.—The State and local share of such cost may be in cash or in kind, fairly evaluated, including facilities, equipment, or services.".

(b) DEFINITION.—Section 101(23) of such Act (42 U.S.C. 12511(23)) is amended by striking out "students or out-of-school youth" and inserting in lieu thereof "participants or volunteers in programs under this Act".

(c) REPORT.—Section 172(b)(2) of such Act (42 U.S.C. 12632(b)(2)) is amended by adding at the end thereof the following: "Each such report shall also contain an evaluation, conducted under section 179, of the service opportunities carried out under section 168.".

(d) EX OFFICIO MEMBER.—Section 190(b)(1)(B) of such Act (42 U.S.C. 12651(b)(1)(B)) is amended by striking out "and the Director of the ACTION agency" and inserting in lieu thereof "the Director of the ACTION Agency, and the chairperson of the Martin Luther King, Jr. Federal Holiday Commission".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 501(a) of such Act (42 U.S.C. 12681(a)) is amended—

(1) in paragraph (1)(A), by striking out the period and inserting in lieu thereof "and such sums as may be necessary for each of the fiscal years 1994 through 1999."; and

(2) in paragraph (2)—

(A) at the end of subparagraph (C), by striking out "and";

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

"(D) $300,000 shall be available to carry out section 168; and".

(f) TABLE OF CONTENTS.—Section 1(b) of such Act (42 U.S.C. 12401 note) is amended by inserting after the item relating to section 167 the following:

"Sec. 168. National service day.".

THE KING HOLIDAY AND SERVICE ACT OF 1993—BILL SUMMARY

The best spirit of Martin Luther King is captured in one of his most famous quotes: "Everybody can be great because everybody can serve." Throughout his life, Dr. King sought to forge the common ground on which people from all walks of life can come together as equals to address issue of community need.

This bill, the King Holiday and Service Act of 1993, will make the annual King holiday reflect Dr King's values and ideals. The bill's central purpose is to transform the observance of Martin Luther King's birthday into a national day of service.

Specifically, the bill amends the Martin Luther King Jr. Federal Holiday Commission Act of 1989 and the National and Community Service Act of 1990 to: create a National Service Day on the King Holiday; make the promotion of community service an explicit part of the King Commission's purpose; extend the Martin Luther King Jr. Federal Holiday Commission until terminated by law and to authorize funding for this Commission for four years—two years at $300,000, it's current authorization levels and two years for such sums as may be necessary; and require evaluation and reporting to Congress on the success of the Commission and the National Service Day program.

Representative John Lewis, another former colleague of Dr. King's is introducing this legislation in the House of Representatives.

SENATE RESOLUTION 94—RELATIVE TO SUDAN

Mr. SIMON (for himself, Mrs. KASSEBAUM, Mr. JEFFORDS, and Mr.

FEINGOLD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 94

Whereas a civil conflict in Sudan has resulted in a severe humanitarian emergency that has placed an estimated 4,000,000 people at risk;

Whereas the resulting emergency conditions require an increase in the action and attention devoted to Sudan by the international community;

Whereas the United States Centers for Disease Control found during a recent visit to Sudan that as many as 80 percent of the children in many areas of Sudan are malnourished;

Whereas certain populations of Sudanese are acutely vulnerable as a result of the military policies of the Sudan Government and of fighting between factions of the Sudan People's Liberation Army (SPLA) in southern Sudan;

Whereas on June 30, 1989, the National Salvation Revolutionary Command Council suspended the Sudan constitution, dissolved all political institutions in Sudan, and banned or dissolved all political parties, civic organizations, trade unions, professional associations, social organizations, and privately-owned mass media in Sudan;

Whereas the National Salvation Revolutionary and Command Council has taken control of the judiciary in Sudan, has granted itself sweeping powers to detain Sudanese citizens under the National Security Act and other laws, and has promoted a pattern of arbitrary arrest, detention with charge or trial, and torture;

Whereas, according to Amnesty International, such detention includes the detention of at least 250 people in Khartoum, Sudan;

Whereas the Sudan Government has engaged in a campaign of ethnic cleansing, forcibly relocating tens of thousands of Nuba people from Kordofan Province and killing hundreds;

Whereas the 1993 World Report of the International Labor Organization states that "traditional slavery survives in modern-day Sudan" and that such slavery "seems to be on the increase" as a result of raids by armed militia in the border areas between northern and southern Sudan;

Whereas Amnesty International reports that hundreds of people were executed without trial or other judicial process by Sudan Government forces in Juba and that more than 100 men arrested in Juba in mid-1992 have disappeared;

Whereas, in October 1992, the Congress agreed to a resolution condemning human rights and humanitarian abuses in Sudan;

Whereas, on December 4, 1992, the United Nations General Assembly agreed to a resolution condemning human rights abuses in Sudan;

Whereas, on March 10, 1993, the United Nations Human Rights Commission agreed to a resolution appointing a Special Rapporteur for Human Rights for Sudan;

Whereas, despite these resolutions and other measures, reports indicate that widespread human rights violations continue in Sudan;

Whereas the Sudan Government denies the existence of such violations;

Whereas the Sudan Government and factions of the SPLA have signed a series of agreements with the United Nations and non-governmental organizations (NGOs) in Nairobi, Kenya, and Khartoum whose purpose is to improve access to populations of Sudanese people in need of emergency aid, and the parties have demonstrated a willingness to take further actions in responding to the humanitarian crisis in Sudan through an on-going process of negotiation: Now, therefore, be it

Resolved, That the Senate—

(1) strongly condemns the egregious human rights abuses of the Sudan Government and calls upon the Sudan Government to cease such abuses;

(2) deplores the internecine fighting among factions of the Sudan People's Liberation Army (SPLA) which has caused an increase in the number of deaths of Sudanese civilians;

(3) urges the Sudan Government and factions of the SPLA to grant immediate and full access to areas of needy people in Sudan to humanitarian relief organizations; and

(4) calls upon the President—

(A) to act expeditiously to avert a humanitarian disaster of unprecedented proportions in Sudan by expanding relief operations (including airlift, airdrops, and other means of delivering humanitarian supplies;

(B) to increase the amount and expedite delivery of financial assistance to non-governmental organizations that supply emergency aid to southern Sudan;

(C) to urge the United Nations to address actively and energetically issues relating to Sudan by encouraging the United Nations—

(i) to pass a United Nations Security Council Resolution on Sudan;

(ii) to appoint a United Nations Special Representative for Sudan;

(iii) to negotiate agreements with the Sudan Government and the SPLA for the expansion of corridors of access to Sudan (including access along the Sudan-Uganda border) for the supply of humanitarian relief and for the safe passage and free movement of civilians in and through Sudan;

(iv) to explore the creation of internationally monitored demilitarized zones and resettlement zones in southern Sudan in which Sudan Government forces, factions of the SPLA, and militia would not be allowed;

(v) to place human rights monitors under the jurisdiction of the United Nations in areas of Sudan affected by the fighting and human rights abuses in Sudan; and

(vi) to support the on-going negotiations for a cease-fire between the Sudan Government and various factions of the SPLA;

(D) to appoint a United States Special Negotiator to work with the United Nations, the Organization of African Unity, the Sudan Government, factions of the SPLA, and governments of nations of the region; and

(E) to take immediate action in the international community with a view toward putting pressure on any party in Sudan that obstructs the delivery of humanitarian assistance into ceasing such obstruction, including imposing sanctions against such party or taking such other actions as the President considers appropriate.

Mr. SIMON. Mr. President, it was 6 short months ago that I stood in this Chamber to introduce a resolution on the grave humanitarian crisis in Sudan. That resolution, Senate Concurrent Resolution 140, passed readily in mid-October of last year, and I have heard since from many sources that officials of the Sudanese Government were aware of that resolution and its provisions.

It should not be necessary, therefore, to have to stand before you again in this new congressional session to introduce another resolution on the situation in Sudan. Yet I am compelled to do so, because the suffering of the Sudanese people has not been alleviated either by the Government of the Sudan or by those forces in opposition to the Government. Indeed, the suffering of the people has increased, and many have died, because of the indifference of their leaders.

The world has come to know of the starvation in Somalia, a country bordering on Sudan. The United States, working with many other countries in the United Nations, took the lead with bold action to deliver humanitarian relief supplies to that country, and in the process, ensured with its own troops that international relief would get to those in need. Most of the world does not know, however, that similar suffering and starvation exists in Somalia's neighbor, Sudan. Many otherwise well-informed people would be surprised to learn that perhaps twice as many people in southern Sudan face starvation as did in Somalia. No one knows for sure, but estimates of as many as 4 million people at risk in southern Sudan alone are credible.

Suffering and dying in Sudan is happening because the Government of Sudan is abusing its citizens while prosecuting a civil war against rebels in the southern part of the country. Suffering and dying in Sudan is happening also because the various factions of the rebel Sudan Peoples' Liberation Army are fighting each other and the Government without apparent regard for the lives of the civilians caught in the middle of the fighting. In the meantime, international relief provided by the United Nations and many nongovernmental organizations is not getting through or is denied outright by Government or rebel action.

This terrible situation cannot be allowed to continue. The resolution that I am introducing today in conjunction with my colleagues Senators KASSEBAUM, JEFFORDS, and FEINGOLD, urges the Government of Sudan and the factions of the SPLA to allow humanitarian relief organizations immediate and full access to areas of need in Sudan. In addition, the resolution calls upon the President to act urgently to expand relief operations including airlifts, airdrops, and other means to deliver humanitarian supplies where they are needed most. Our resolution also asks the President to appoint a United States special negotiator to work with the United Nations, the Organization of African Unity, and the Sudanese parties to establish internationally monitored demilitarized zones and resettlement routes where life can begin again for at least some of the desperate Sudanese people while negotiations for a cease-fire are pursued.

The world must take greater active responsibility for the suffering people of Sudan. Our resolution represents one step in that direction. However, it is the leaders of Sudan, both in the Government and within the factions of the SPLA, that must in the end bear responsibility for the welfare of the citizens of their country. We call on those leaders to step forward, negotiate on behalf of their people, institute a cease-fire, and cooperate with international efforts to save the people of Sudan.

ORDERS FOR MONDAY, APRIL 5, 1993

Mr. MITCHELL. Madam President, if there is no other Senator seeking recognition, I now ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Monday, April 5; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 1335, the emergency supplemental appropriations bill; that at 10:30 a.m., without intervening action or debate, the Senate vote on the motion to invoke cloture on the committee substitute to H.R. 1335, with the mandatory live quorum being waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. MITCHELL. Madam President, I now ask that the Senate return to consideration of H.R. 1335.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate continued with the consideration of the bill.

CLOTURE MOTION

Mr. MITCHELL. Madam President, I now send a cloture motion to the desk and I ask that it be stated.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Committee Substitute to H.R. 1335, the emergency supplemental appropriations bill:

Wendell Ford, Pat Leahy, Patty Murray, Barbara Boxer, George Mitchell, Daniel Inouye, Dianne Feinstein, Claiborne Pell, Robert C. Byrd, David Pryor, Jim Sasser, Tom Daschle, Paul Sarbanes, John Kerry, John Glenn, Byron L. Dorgan, Paul Wellstone, Carol Moseley-Braun.

RECESS UNTIL MONDAY, APRIL 5, 1993 AT 9 A.M.

Mr. MITCHELL. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 2:25 p.m., recessed until Monday, April 5, 1993, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Monday, April 5, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our prayers are words of celebration and acclamation for blessings in days past and our prayers today are words of petition for the time before us. O gracious and loving God, You have been our strength in all the generations and our hope for years to come, be our guardian and guide in all we do so Your spirit will be with us and bless us until the day's end and the shadows flee away and we are at rest. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the gentleman from Michigan [Mr. KILDEE] to lead us in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM CHAIRMAN AND RANKING MEMBER OF COMMITTEE ON HOUSE ADMINISTRATION

The Speaker laid before the House the following communication from the chairman and ranking member of the Committee on House Administration:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, March 31, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the authority vested in the Committee on House Administration by House Rule X, Clause 4(d)(3), and upon recommendation of the Subcommittee on Administrative Oversight of the Committee on House Administration pursuant to Clause 3(j)(2), the Committee has directed the following, effective on April 1, 1993:

The responsibility for the operation of the House Office Furnishings, the House Office Supply Service, and the House Office Systems Management activities is transferred to the Director of Non-Legislative and Financial Services, subject to the oversight of the Subcommittee on Administrative Oversight of the Committee on House Administration.

It is intended, to the extent applicable, that the House Office Furnishings, the House Office Supply Service, and the House Office Systems Management offices continue to operate under the existing statutory authority of the Clerk of the House, but at the direction of the Director of Non-Legislative and Financial Services, until such time as the necessary statutory changes are enacted.

Pursuant to the House Employees Position Classification Act, 2 USC §291 et seq., the Committee further directs:

The following positions are transferred from the Office of the Clerk to the Office of the Director of Non-Legislative and Financial Services:

Position and grade: 1 assistant to the clerk, HS 15; 1 secretary, HS 06.

Upon receipt of a copy of this letter, the Clerk of the House is directed to continue to carry out the ministerial functions imposed by statute with regard to the operation of the House Office Furnishings, the House Office Supply Service, and the House Office Systems Management offices subject to the direction of the Director of Non-Legislative and Financial Services, and to continue to work cooperatively with the Director and the Subcommittee on Administrative Oversight of the Committee on House Administration to ensure that all functions and operations of these offices are timely executed.

Sincerely,

CHARLIE ROSE,
Chairman.
WILLIAM M. THOMAS,
Ranking Republican Member.

APOLOGY TO GENZYME, INC., FOR OVERSTATING CURRENT PROFITS FROM ORPHAN DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I would like to correct a statement made upon introduction of the Orphan Drug Amendments Act of 1993.

In identifying the profitability of the product Ceredase, the distinction between projected profits and current profits was not made. This is an important distinction and I apologize for the mistake.

Using data drawn from an Office of Technology Assessment [OTA] report, calculations were made regarding the projected profitability of the Genzyme, Inc., product Ceredase. As reported in the OTA study, between 2,100 and 11,000 people in the United States suffer from gaucher's disease. Ceredase is sold at a retail price of $3.50 per unit. The cost of manufacturing, marketing, and distributing Ceredase is reported to be $1.90 per unit. According to the OTA, depending upon the treatment dose employed, a year of therapy can cost between $71,160 to $552,760.

Multiplying the midpoint of the estimated number of potential beneficiaries, 6,550 by the price of the most conservative treatment regime identified, $71,160 and factoring out the cost of manufacturing, marketing, and distribution—$1.90 of the $3.50 per unit price, or $0.54 per retail dollar—generates a projected $214 million of revenues above the cost of manufacturing, marketing, and distribution.

Whether the 6,550 potential beneficiaries cited represents the annual number of Ceredase recipients or the total number of treatment years provided—roughly 800 patients in each of 8 years—the point is the same. The revenues generated in excess of the cost of production, marketing, and distribution are many times the initial investment of $29 million. Windfall profits are being taken on this product.

Genzyme, Inc.'s pricing policy appears to be particularly excessive when compared against the extremely limited risk assumed by Genzyme, Inc. in the development of the product. I'd like to refer to my introductory statement to reiterate a point that should not be overlooked:

> It was government-sponsored research that discovered the underlying defect causing Gaucher disease. It was government-sponsored research that devised a method for harvesting the enzyme to treat the disease. It was government-sponsored research that refined the harvesting procedure in order to greatly improve the effectiveness of the enzyme.

Using figures provided by one Wall Street pharmaceutical analyst, it is possible to make a similar estimation using the actual sales of Genzyme, Inc. last year. In 1992, total revenues were reported to be $95 million from the sale of Ceredase. Applying the cost-to-price ratio calculated by the Office of Technology Assessment of .54:1, revenues in excess of costs in the neighborhood of $40 million may have been generated from Ceredase patients in 1992 alone.

It is interesting to note that the $95 million in revenues for 1992 were reported to be generated from a patient base of 800 people. This is an average of $118,750 per Gaucher patient, or $47,000 per patient more than that used in my calculations on the projected profitability of Ceredase. If this figure is employed rather than the more conservative estimate of $71,160, the potential earnings from Gaucher disease would be increased substantially.

The design and goal of the amendments that I have proposed are to ensure a balance in the risk-reward equation employed in the development of orphan drugs. Whether we focus upon projected future sales or current sales, the point here is the same. This balance is currently not in place as some manufacturers are abusing the protections granted in the Orphan Drug Act.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 30 minutes, on April 20.

Mr. CANADY, for 60 minutes, on April 20.

(The following Members (at the request of Mr. INSLEE) to revise and extend their remarks and include extraneous material:)

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, on April 12.

Mr. LAROCCO, for 30 minutes, today.

Mr. CONYERS, for 60 minutes each day, on April 28 and May 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. INSLEE) and to include extraneous matter:)

Mr. ARCHER in two instances.

Mr. SOLOMON in two instances.

Mr. ROTH.

Mr. DICKEY.

Mr. RIDGE.

Mr. WELDON.

Mr. UPTON.

Mr. DREIER.

Mr. BEREUTER in two instances.

Mr. THOMAS of California.

Mr. BUNNING.

Mr. FRANKS of New Jersey.

Mr. CUNNINGHAM.

Mr. CRANE in two instances.

Mr. BATEMAN in two instances.

Mr. YOUNG of Alaska.

Mr. MYERS of Indiana.

Mr. HORN.

(The following Members (at the request of Mr. INSLEE) and to include extraneous matter:)

Mr. RICHARDSON in two instances.

Mr. TAUZIN.

Mr. KILDEE.

Mr. MAZZOLI in three instances.

Mr. BILBRAY.

Ms. HARMAN.

Mr. GEJDENSON.

Mr. JOHNSON of South Dakota.

Mr. ROEMER.

Mr. MILLER of California.

Mr. WILLIAMS.

Mr. SCHUMER in two instances.

Mr. HOYER.

Mr. KANJORSKI in two instances.

Mrs. MINK in two instances.

Mr. SWETT.

Mr. ANDREWS of Maine.

Mr. MOAKLEY.

Mr. POSHARD.

Mrs. COLLINS of Illinois.

Mr. ORTON.

Mr. MFUME.

Mr. PETERSON of Florida.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 239. An act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 6 minutes p.m.) under its previous order, the House adjourned until Wednesday, April 7, 1993, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1017. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report made by the Commission under section 37 of the Consumer Product Safety Act, pursuant to Public Law 101-608, section 112(f)(2) (104 Stat. 3117); to the Committee on Energy and Commerce.

1018. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to France for defense articles and services (Transmittal No. 93-08), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1019. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 93-10), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1020. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment and services sold commercially to INTELSAT (Transmittal No. DTC-17-93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1021. A letter from the Comptroller General, General Accounting Office, transmitting a compilation of the summaries found in the monthly lists sent between October 1991 and September 1992, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

1022. A letter from the Executive Vice President, Tennessee Valley Authority, transmitting the statistical summaries as part of the TVA's annual report, covering the period beginning October 1, 1991, to September 30, 1992, pursuant to 16 U.S.C. 831h(a); to the Committee on Public Works and Transportation.

1023. A letter from the Director, Congressional Budget Office, transmitting the CBO's Sequestration Preview Report for fiscal year 1994, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); jointly, to the Committees on Appropriations and the Budget.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. INSLEE:

H.R. 1690. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Natural Resources.

By Mr. ANDREWS of Maine:

H.R. 1691. A bill to provide universal access for all Americans to basic health care services and long-term care services; jointly, to the Committee on Energy and Commerce, Ways and Means, Education and Labor, Rules, Armed Services, Veterans' Affairs, and Post Office and Civil Service.

By Mr. ANDREWS of Texas:

H.R. 1692. A bill to renew until January 1, 1997, the previous suspension of duty on certain chemicals; to the Committee on Ways and Means.

H.R. 1693. A bill to reduce until January 1, 1997, the duty on certain chemicals; to the Committee on Ways and Means.

H.R. 1694. A bill to suspend until January 1, 1997, the duty on certain chemicals; to the Committee on Ways and Means.

By Mr. CARR:

H.R. 1695. A bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for the health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Mrs. MINK:

H.R. 1696. A bill to provide for the regulation of the airspace over National Park System lands in the State of Hawaii by the Federal Aviation Administration and the National Park Service, and for other purposes; jointly, to the Committee on Natural Resources and Public Works and Transportation.

By Mr. MONTGOMERY (for himself and Mr. GONZALEZ):

H.R. 1697. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Women in Military Service for American Memorial; to the Committee on Banking, Finance and Urban Affairs.

By Mr. POSHARD:

H.R. 1698. A bill to prohibit Members of the House of Representatives from using official funds for the production or mailing of newsletters; to reduce by 50 percent the amount which may be made available for the Official Mail Allowance of any such Member; and for other purposes; to the Committee on House Administration.

By Ms. WATERS (for herself, Mr. RANGEL, Mr. MFUME, Mr. CLAY, Ms. NORTON, and Ms. MEEK):

H.R. 1699. A bill to provide assistance to community development lending institutions to increase the availability of credit to low-income families and for economic and community development and other activities in low-income neighborhoods, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Ms. WATERS (for herself, Mr. RANGEL, Mr. CLAY, Ms. NORTON, and Ms. MEEK):

H.R. 1700. A bill to amend the Community Reinvestment Act and the Home Mortgage

Disclosure Act of 1975 to improve the availability of credit on a nondiscriminatory basis; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WAXMAN (for himself and Mr. DINGELL):

H.R. 1701. A bill to amend title XVI of the Public Health Service Act (the Safe Drinking Water Act) to establish State revolving funds to provide for drinking water treatment facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MINK:

H.J. Res. 176. Joint resolution proposing an amendment to the Constitution of the United States protecting reproductive rights; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 502: Mr. GOSS, Mr. DOOLITTLE, Mr. ZIMMER, Mr. ROYCE, Mr. TORKILDSEN, Mr. BEREUTER, and Mr. ZELIFF.

H.R. 503: Mr. STEARNS.

H.R. 579: Mr. UPTON and Mr. DINGELL.

H.R. 776: Mr. TAYLOR of North Carolina and Mr. FISH.

H.R. 786: Mr. SUNDQUIST.

H.R. 798: Mr. PENNY, Ms. WATERS, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 951: Ms. BYRNE and Mr. SISISKY.

H.R. 995: Mr. EVERETT, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.

H.R. 1032: Ms. WATERS.

H.R. 1158. Mr. BLACKWELL and Mr. BARRETT of Wisconsin.

H.R. 1286: Mr. BARRETT of Nebraska, Mr. PAYNE of Virginia, Mr. GOSS, Mr. MANZULLO, Mr. KIM, Mr. MURPHY, Mr. HASTINGS, Mr. ZIMMER, Mr. MOORHEAD, and Mr. HUTTO.

H.R. 1322: Mr. FRANKS of New Jersey.

H.R. 1456: Mr. BOEHNER, Mr. MCHUGH, Mr. FINGERHUT, Mr. WALSH, Mrs. CLAYTON, and Mr. DORNAN.

H.R. 1505: Mr. ZIMMER.

H.J. Res. 155: Mr. MANN, Mr. FISH, Mr. ROHRABACHER, Mr. SUNDQUIST, Mr. LIPINSKI, Mr. STARK, Mr. JEFFERSON, Mr. PETERSON of Minnesota, Mr. GILLMOR, Mr. VOLKMER, Mr. SHARP, Mr. MYERS of Indiana, Mr. BURTON of Indiana, Mr. MCCLOSKEY, Mr. ROEMER, and Mr. JACOBS.

H. Con. Res. 38: Mr. ACKERMAN, Mr. ENGEL, Ms. MEEK, Mr. LEVY, and Mr. MCCURDY.

H. Con. Res. 69: Mr. MCHUGH, Mrs. MINK, Mr. RAHALL, Mr. RICHARDSON, Mr. ROGERS, Mrs. VUCANOVICH, Mr. WILSON, Mr. CLINGER, Mr. SWETT, Mr. SISISKY, Mr. CAMP, Ms. DANNER, Mr. BREWSTER, Mr. MANZULLO, Mr. POMEROY, Mr. BARCIA Mr. HAYES of Louisiana, Mr. RIDGE, Mr. SKEEN, Mr. SPENCE, Mr. KOPETSKI, Mrs. UNSOELD, Mr. PAYNE of Virginia, Mr. STRICKLAND, Mr. DEFAZIO, Mrs. CLAYTON, Mr. SANDERS, and Mr. VOLKMER.

H. Con. Res. 74: Mr. WALSH, Mr. TORKILDSEN, and Mr. INGLIS.

H. Res. 134: Mr. FRANKS of New Jersey, Mr. MCKEON, Mr. LAZIO, and Mr. KNOLLENBERG.

H. Res. 135: Mr. JACOBS.

SENATE—*Monday, April 5, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

For all have sinned, and come short of the glory of God.—Romans 3:23.

God of Passover, who emancipated Israel from bondage to Egypt, deliver America from bondage to secularism.

We do not like the word "sin," and yet, it is at the bottom of all trouble and tragedy in human history. Education, legislation, administration cannot touch it.

President Lincoln recognized this in his 1863 proclamation for a day of prayer and fasting. "We have grown in numbers, wealth and power as no other nation has ever grown. But we have forgotten God. * * * And we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us. It behooves us, then, to humble ourselves, to confess our national sins, and to pray for clemency and forgiveness."

Gracious God, when we fail to recognize the problem of sin, all our efforts are like rearranging the furniture while the house is burning down. Give us the wisdom to take account of sin and seek the forgiveness of a loving Saviour, in whose name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 5, 1993.

To the Senate:

Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable THOMAS A. DASCHLE, a Senator from the State of South Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DASCHLE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of H.R. 1335, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Byrd amendment No. 283, in the nature of a substitute.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

The Chair would advise the Senate that there is no time agreement presently in effect.

Mr. BYRD. There is no time agreement.

Mr. President, this is the ninth day on which the Senate has been debating the President's jobs bill. We have been mired down now for several days in a Republican filibuster.

At first, I reported from the committee a committee substitute, which made one change in the bill that the House had sent to the Senate, a change with reference to the formula in respect to summer jobs.

Senator HATFIELD and I then offered an amendment on the floor to guard against providing funds in this bill for the items that we had heard raised during the debate in the other body, and we set up a safeguard against those.

Then there were other lists brought in on the Senate floor of items that were not in this bill and which the administration indicated would not be funded under moneys in this act. But nevertheless, the criticism continued.

And so I then offered legislation which provided that the Office of Management and Budget Director would publish in the Federal Register the regulations governing applications for funds in the act and also providing that the OMB Director act to prevent the expenditure of funds for such items as were in the lists. There were two books of lists constituting about, I would guess about 1,700 pages.

Mr. President, time and time again we have indicated, stated very carefully—the President has stated, the OMB Director has stated, and the amendment now in the substitute, which I have included therein has made it very clear—that funds will not be spent for such items as ice skating rinks heating, bike paths, golf courses, et cetera, et cetera. But the claim continues.

Now, Mr. President, the warning signals are out. We see them everywhere. We saw them in last Wednesday's Wall Street Journal. The headlines: "Consumer Confidence Index Slips Again, Raising Fears That Recovery May Stall." And reading the first paragraph:

> Consumer confidence fell in March for the third straight month, raising concerns that the newfound firmness in the economy may be in jeopardy.

And so there it is. For the second consecutive month, I believe, consumer confidence has slipped after an initial bound brought forth by the Clinton programs that have been enunciated for the recovery. Then the confidence began to slip. What else happened?

What other warning lights are on? Last Friday it was stated that the rate of unemployment in this country was 7 percent for the second straight month. In other words, unemployment today is two-tenths of 1 percent higher than it was at the trough of the recession, 23 months ago, at the bottom of the recession, 23 months ago, at which time it was 6.8 percent. And it is well over 1 point higher, probably well over 1.5 points higher, than it was when the recession first began.

So there is the warning signal—continued unemployment.

Food stamps. More than 1 out of 10 Americans is on food stamps. And today we are told that those in the food stamp lines are a different kind of American. We find millions—management, people who held middle-management positions in large corporations who are out of a jobs; people with college degrees who have lost work—who are on food stamps. The greatest Nation on the face of the Earth has over 10 percent of its people living on food

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

stamps—26 million on food stamps. That is a disgrace. We all ought to be ashamed of that. We can do better.

Then there are over 14 million people on the AFDC rolls, aid to families with dependent children; and over 32 million on Medicaid throughout this country. Again, the highest on food stamps, the highest on AFDC rolls, the highest on the Medicaid rolls.

These are all warning signals. We find people who have been cut off from IBM, General Motors, Boeing, Sears-Roebuck, a long list of companies that would make it look like the Fortune 500—people on food stamps.

We are told that for every 1 percent increase in unemployment, that means 1.1 million more Americans out of work. And for every 1 percent increase in unemployment, the deficit goes up $50 billion.

We are talking about wanting to reduce the deficit. We all want to reduce the deficit. And this President campaigned on a program of reducing the deficit. He also campaigned on a program of increasing the investments in our own country and putting people back to work. So his proposal is a broad one—cutting the deficit, long-term investment, and short-term investments to provide jobs now, in the immediate future.

At the summit in 1990, I said time and time again, we have not only a Federal fiscal deficit, we have a Federal trade deficit, and we have an investment deficit, and, for the past 12 years, we have failed to invest in America's future, failed to invest in America's people, failed to invest in the infrastructure of this country, its bridges, its highways, its airports, its waterways, its water and sewerage facilities, education, civilian research and development. All down the line we have failed to invest.

Other countries have invested. Take the 10 largest economies in the world. Japan, at the top with respect to the percentage of gross domestic product, invested in infrastructure, public investment, Japan at the top; Spain the second; Australia, third; Germany, fourth; The Netherlands; France; Italy; Canada; United Kingdom. At the bottom Uncle Sam, good old United States of America, investing less as a percentage of gross domestic product than any of those nine nations that I have listed. These are the 10 largest economies of the world. But as to the percentage of investment of GDP in their infrastructure, the United States is the last.

Mr. President, I noted with some amusement our Republican friends who say they cannot offer amendments. They had the opportunity to offer amendments. First they would not offer the amendments. The opportunity was there. They complained about a stacked tree in which I, as the manager of the bill, had placed two substitutes.

Mr. President, I stacked that tree because I was concerned that the triple B amendment, Boren-Breaux-Bryan, three Democratic Senators, I was concerned that until such time as their problem with the bill had been resolved, we would be divided on our side and we could not, of course, face off the assault from the other side of the aisle from the Republicans.

Therefore, I stacked the tree, and the Democrats on my side of the aisle, three Senators, were in consultations with me, with the White House, with the majority leader, and others. Senators BREAUX, BOREN, and BRYAN finally resolved their problems. At that time, I took down the tree, opened it up, because we had resolved the division on our side of the aisle.

Then our Republican friends took great umbrage at Senator Byrd's having stacked the tree. I said, well, I was just doing what had to be done. It had to be done in order to cure the division on my side of the aisle.

I only did what the distinguished majority leader, the Republican leader, had done in the Senate here in 1985. I will spend but just a moment on this, but just to show what the distinguished Republican leader did, within his rights, within the rules, on the first concurrent budget resolution in 1985. Here was the chart at that time, to be found on page 70 in the old rules manual.

When I stacked two amendments early on in this debate, I stacked A and B, both substitutes. That is all I stacked. In 1985, if we use this same chart, the Republican leader began by offering a substitute to the resolution. Then he offered a perfecting amendment designated as "C" on the chart. Then he offered an amendment to the C amendment designated as "D" on the chart. As long as these amendments were pending, of course, the positions A and B were closed.

Then the distinguished Republican leader, within his rights and within the rules, proceeded to lay down an amendment at position E and then an amendment at position F. Thus far, he had laid down five amendments, effectively blocking the then minority leader, Robert Byrd, and all Democrats from offering any amendments.

Then following that, the distinguished Republican leader, the majority leader at that time, Mr. DOLE, offered a motion to recommit with instructions. He then offered an amendment to the text of the instructions, A, and then a perfecting amendment, C, to the amendment of the text, thus, effectively blocking out a substitute amendment.

So here the distinguished Republican leader had offered seven amendments over the course of 3 or 4 days, effectively blocking out all Democratic amendments. Did I scream? Did I complain? I said, well, I do not like this, but I said the Republican leader is acting within his rights, he is acting within the rules. He has the right of first recognition, which he should have. That has been the custom, and that is the way it ought to be. But with the then majority leader's right of first recognition, I did not have a hope or a prayer. There were seven amendments erected, blocking three trees effectively. All we Democrats could do was just sit on our hands.

So, Mr. President, enough of that. I wanted to explain for the RECORD the story of the trees.

Mr. President, what you see here now is politics—politics—being played by our Republican friends. Mr. President, I want to make it clear. Not all Democrats are alike. They come in varying shades on the ideological spectrum. Some are way over to the left, some are more in the middle, some are over on the right. Our Republican friends are the same. They are not all the way over on the extreme side. There are some moderate Republicans. I am sure that they cannot say it, will not say it, and I would not expect them to say it, but I am sure that in their hearts some of them would rather we would get on with this bill, and they probably really do not want to be cast in the image of filibustering the bill. But that is the position their party has taken. So I can understand their position.

I can understand the situation in which they are placed. Mr. President, we have a new President here, and I have served in Congress under Mr. Truman—17 days under Mr. Truman—Mr. Eisenhower, Mr. Kennedy, Mr. Johnson, Mr. Nixon, Mr. Ford, Mr. Carter, Mr. Reagan, and Mr. Bush. And never have I seen in my career, which is now 40 years in the Congress, an attempt made to shackle an American President in the first 75 days of his Presidency, within the first 100 days—today is the 75th. Here we are. We have had a filibuster going on by the other side of the aisle for days now. First, they did not want to offer amendments. Then when I removed the tree, they offered some amendments and they had them rejected. I think there might have been one that was agreed to, but I believe that they have offered 10, had one agreed to and 9 tabled.

So, for a while, they offered amendments and had them tabled. And then they decided, after filibustering by amendment, to filibuster by letter. So they wrote that well-publicized letter, 42 signatures, 42 Republican Senators, sending a letter to their leader in which they said in part: "Therefore, we will not vote to invoke cloture on this measure as presently constituted, notwithstanding the scheduled Easter recess." I do not think the Easter recess has anything to do with it. We get paid year around, Mr. President, the same salary, whether we are here or whether we are not.

I can remember back in the old days, I think we were out for Easter perhaps

Thursday and Friday, Good Friday and Saturday and Sunday and back on Monday or Tuesday. That was in the old days. Now we are out 2 weeks. That is all right.

But, today we have a serious situation existing in this country with joblessness—7 percent unemployed. That is only those who are full-time unemployed; that does not count the part-time unemployed. That does not count those who have been unemployed, who have grown discouraged and who have stopped looking for work.

Here, Mr. President, we have a new President who has offered a plan, who was elected on a program of change, changing the economic policies of this country, a program of putting people back to work, a program of investing in this country's infrastructure, investing in its physical infrastructure and investing in its human infrastructure. Mr. President, he is being hobbled, he is being chained, and he is being hampered by a group of fine Republicans who have elected to filibuster—filibuster. They cannot change the bill by amendment, but after it has been demonstrated that they cannot change the bill by amendment, they say, well, you have to rewrite the bill and make it the way we want it.

Mr. President, that reminds me of the XYZ affair which occurred in the early days of our Republic. When Charles Cotesworth Pinckney was sent as one of three ambassadors to France to try to work out some conditions for peace, Pinckney said, "Millions for defense, but not one cent for tribute." That was the spirit of the old America. Yet, our Republican friends say, we cannot amend the bill; you have to rewrite it to suit us.

Mr. President, that is a kind of blackmail and, of course, if they succeed in this, it is going to be done again and again and again. Mr. President, the American people do not want to pay tribute to gridlock. The American people thought we were through with gridlock. The American people want this President to have a chance.

When Mr. Reagan was elected, I said to my people in West Virginia, "Mr. Reagan deserves to have a chance." I voted for Mr. Reagan's tax cut. I voted for his massive military buildup. My Democrats did not write me a letter saying that that bill had to be changed, or we would not vote for cloture. I believe we had a larger minority at that time than the Republicans now have.

But we did not choose to go down the road of filibuster, of shackling a new President, of threatening political blackmail. We did not choose that. We gave the President a chance. I say let us give this President a chance. Every new President has been given a chance at the beginning of his term for his program.

So, Mr. President, I plead with our Republican friends to reassess their position in this situation.

Here we are, Mr. President. My Republican friend, and he is my friend, the Republican leader, Mr. DOLE, on January 14 of this year, according to an AP wire, had this to say.

Mr. DOLE said he hoped Democrats and Republicans would stop political finger-pointing about the deficit and other problems to provide a chance for Clinton and the Congress to work together.

"I think we ought to have a truce, stop the politics for 90 days and let us see what we can do," said DOLE.

There it is. The Republican leader himself saying, "I think we ought to have a truce." The Republican leader himself saying, "* * * stop the politics for 90 days and let us see what we can do." Mr. President, has it been 90 days?

It is only the 75th day and there is no truce. The Republicans have elected not to have a truce. The Republicans have elected not to stop the politics. The Republicans have elected to filibuster and not give Mr. Clinton's programs a chance.

Did the distinguished Senator from Maryland wish me to yield?

Mr. President, I hope that we will lower our voices and see what we are doing to the country, see what we are doing to this country's future. The American people are wondering why it is that this President is not being given a chance, as we have given to other Presidents—the same chance that we gave to Mr. Reagan. The American people are wondering. I am sure they thought we had gotten rid of gridlock. Now they see gridlock as tight as ever.

Then the same Wall Street Journal of last Wednesday, March 31, as I say, pointed out "Senate Republicans Threaten to Block Clinton Stimulus Package Until It Is Cut."

This is the President's package, the President's jobs package. He has said that we need it. It is fulfilling a promise that the President made that he would put people to work, and I think we ought to let him have it.

Mr. President, I do not know how many of my colleagues on the other side will remember that 2 years ago, at the request of the Bush administration, the Congress approved emergency legislation to provide financial aid to the nations of Israel, and Turkey, as well as to refugees from Iraq.

In the Senate, the vote on final passage of the bill that provided aid to the nations of Israel and Turkey was 92 to 8, with 82 percent of those Senators on the other side of the aisle, 82 percent of the Republicans, supporting final passage. And 30 Members who today still sit on the other side of the aisle of the Senate voted for that emergency supplemental appropriations bill. Mr. President, I wonder where they are today.

As to the humanitarian assistance provided for Iraqi refugees, that emergency supplemental bill passed the Senate by a voice vote. Where are those voices today?

President Clinton has asked Congress to use the same emergency provisions that were used to provide assistance to people living in foreign lands 2 years ago to now pass legislation that will provide assistance to people living in the United States. Yet, pending before the Senate is an amendment—not pending before the Senate—but the Republican leader has an amendment at the desk, that would strike over two-thirds of the assistance that the President is seeking to help stimulate our economy and put Americans back to work.

Do the proponents of this amendment believe that the American people are any less deserving of a helping hand than the people of Israel, Turkey, or Iraq?

Mr. President, I hope the Senate will reject the amendment by Mr. DOLE, if it is ever called up. I doubt that it will be. But I hope the Senate will reject the amendment that he has indicated he intends to offer. I hope that the Senate will strike down such an alternative, just as we voted down amendment after amendment designed to maintain the gridlock that has too long gripped our Government.

Mr. President, I am prepared to yield to any Senator or to yield the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that prior to the cloture vote at 10:30 a.m., the time for debate be equally divided and controlled between Senator HATFIELD and myself, and this would include the time that I have consumed thus far, and for debate only.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oregon.

Mr. HATFIELD. Mr. President, I too would like to see the present impasse that we have reached concluded.

Mr. President, we have been presented again this morning with an analysis that somehow any difference of opinion that the Republican side of the aisle or other Democrats have on this package is motivated by politics.

I can remember years ago there were 17 Republicans on this side of the aisle, 17 at a time when the Senate consisted of 96 Members. Of course, they could not divide the aisle as it is divided today. So there was what they called the Cherokee strip of Democrats that surrounded the Republicans across the back of this side of the aisle and the 17 Republicans were down here in this front part of the Chamber.

This was very interesting because with that kind of strength, President Roosevelt could have had any piece of legislation he wanted. But there were voices of opposition at that time raised on both sides. Just because the President proposes a plan does not mean the Congress has to buckle under and be nothing but a rubber stamp for the President of the United States. Certainly, if at any time a rubber stamp existed, it was during those early days of the New Deal.

Now, that led Mr. Roosevelt to the proposal at some point in time, in 1937 to be exact, because he did not like the Supreme Court as it was constituted, to propose restructuring the Supreme Court—power, power in the hands of the Chief Executive.

The chairman of the Appropriations Committee, the Senator from West Virginia, has given some of the most eloquent statements on this floor against the line-item veto by recalling through history unchecked, unlimited power in the hands of an executive, not this country, but any country with an executive without a check and balance of the so-called legislative branch of Government and the judicial branch of Government in our country.

I only cite this historic reference to indicate that whenever the President sends up any proposal, it is our duty and responsibility to analyze it and not merely say, well, because he is new, he has had only a few months in office, or because he is our party's President, he deserves just unanimous assent to anything that he proposes.

Let us move it down to this very specific point. It is interesting to note that it was not just Republicans that wanted to change this proposal of the President, it was the Democrats—Mr. BREAUX, Mr. BOREN, Mr. BRYAN, Mr. KOHL, and there were others. Go back to the vote on some of these proposals. Mr. EXON, Mr. KERREY of Nebraska, Mr. NUNN of Georgia, and other Democrats had voted for changes.

This did not have the unanimous support of even the majority party. But, no, we were locked in where a meaningful amendment was not possible to propose by either side, not just Republicans, 99 Senators out of 100. I was in that privileged group of two where we did propose an amendment, that was when it first came to the floor.

It was, in fact, a very meaningful amendment. But it was one of the ones that were not accepted.

Mr. President, what has happened up to this point—I watched the tube this morning on the morning news, and there was a leading Democrat from the Senate saying it is time now to come to a compromise and modify this proposal—a Democrat.

So lest there be a bit of imagery out here that the Republicans are the only ones that do not fully agree and would like to see some modification and some changes, I think the report in the media indicates there are at least some Democrats as well who would like to see some changes.

The chairman of the Appropriations Committee and I have been associated for many years in our roles on the Appropriations Committee. I think the chairman will agree that we have fought shoulder to shoulder for causes that he has talked about this morning.

The infrastructure—I will take a backseat to no Senator as to my commitment to building this country's infrastructure. And I am also delighted to be able to join hands across the aisle with the chairman, who has been as dedicated a leader as anyone I know in this Senate as to building or rebuilding our infrastructure.

Humanitarian care of our people—just to make a sharper point, Mr. President, there is not one penny of money in this for food stamps. I have voted for food stamps ever since I have been in the Senate, and will continue to do so. I agree, it is a disgrace that so many of our American people have to depend upon food stamps.

Aid to Families With Dependent Children—there is not one penny of money for aid to dependent children in this bill. I, too, have supported aid to dependent children throughout my political life and will continue to do so.

Mr. President, we have heard a great deal about all these so-called projects that have lesser appeal, perhaps as a result of the debate, then they may have had when the mayors proposed them under the community development block grants.

But let me remind the body that, with my vote and the majority of our committee, we had $4 billion for community development block grants in the current 1993 appropriations bill, and not more than 2 percent of that $4 billion has been committed, obligated. It is there. Yet, this bill says, "Spend $2 billion more."

Some of us say, "Wait a minute. If you have obligated only 2 percent of the $4 billion we have already appropriated, why increase the deficit at this moment in time when we have other appropriation supplements coming down the track, and the 1994 appropriations bills coming down the track? Why should we do it at this moment?"

More spending. People in my State say, cut spending; cut spending.

Now, they say, "Well, the President has a big picture here of a package with the budget resolution."

Mr. President, let us remember the distinction. A budget resolution is nothing but a declaration of intent. That is all. It has to go through the process of the Finance Committee and the process of the Appropriations Committee. And that is way down the road, months from now.

But this is a supplemental appropriations bill, which means raise spending now, this moment. Any reductions of the so-called Clinton package or any reductions in spending or any increase of taxes in all that big package is months down the road.

This is, today, to raise spending $16 billion—and do not pay for it; do not pay for it. There is no offset on this.

That is not what I hear from the American people, especially on that part of the Clinton package that says we want to raise the taxes of seniors; we want to raise taxes on fuel, taxes on use of fuel. In effect, what I hear the people saying is: Until you demonstrate the seriousness of the Government to cut spending, do not come and ask us to increase our tax bite.

I think that the chairman and I could sit down at this very moment and put together a legitimate proposal as a modification.

I do not have any disagreement—and there is not a Republican on this side that has a disagreement—on the $4 billion for unemployment compensation; not one.

All right. Let us start with the cornerstone of $4 billion for unemployment compensation. I think there would be a very substantial number of Republicans on this side of the aisle that would say, "Let's take that $3 billion for highway construction out of the highway trust fund and add that."

All right. That is $7 billion.

I think you would find a substantial number of Republicans who would say, "Let's take some money for further immunization of our children." I think you would have a substantial number there, let us say $300 million as a hypothetical situation here.

I think you would find a number of Republicans that would say, "Let's pay for it. Let's pay for that immunization. Let us just not chalk it up on the deficit. Let's pay for it now."

Let me remind you, we went through a war in Vietnam and we did not pay for it. That is part of our problem today. That is part of the great escalation of our national debt. In all of that costly war—costly in lives, but also costly in dollars—we all said, "Put it on the cuff."

You can go back and start back, if you want to, in 1933, and say this is a locomotive that has been coming down this track for 50 years—Depression, World War II, Korea, cold war, Vietnam, always on the cuff. And now, today, we are facing very, very serious consequences.

Let us not continue that kind of practice that brought us here today, even doing it again today, as if we had learned nothing from the past of putting it on the cuff. That is what this bill does.

Not $1 of offset. Pay for it later. Increase $16 billion for spending today.

Let me add further, Mr. President, I think that that would give us, say, a package close to $8 billion. And I think, more specifically, jobs now; not down the road—jobs now.

I am not sure how much immunization we have even committed and obligated—$342 million in the current bill; that is the regular fiscal year 1993 bill.

I am just mentioning these items because I do believe, Mr. President, we have reached a place where Democrats and Republicans would like to see some change in this bill that has been declared sacrosanct—President Clinton's package; we cannot change it.

I hope I am never here long enough that I do not think, when a Republican or Democrat sends up a proposal, that I do not have a right, as an elected Representative of the people, to review and analyze and make some suggestions. If not, why have the Congress?

That, to me, is the role of the Congress, the responsible role of divided powers in this country, to stop overconcentration of political power.

What I am saying is, at no time have the Republicans been saying other than: Give us a chance to have some kind of a participating role.

And I also would like to go back to the civil rights bill. Democrats could not get a civil rights bill through. They could not get it through. They had the southern Democrats that were filibustering every time they would come up with the civil rights bill.

But then the day came when Lyndon Johnson, the majority leader, and Everett Dirksen, the Republican leader, said, "Now is the day for civil rights." And the bipartisan effort that was brought together by those two senatorial leaders brought us civil rights legislation.

Mr. President, we could not get a family leave bill, because of the opposition on our side of the aisle, and of the President. And yet the day came when Members of the Democratic Party and Members of the Republican Party got together and said we want a family leave bill, and we achieved it. We did the same thing again with the civil rights—in the adoption last year of the civil rights bill. After it was passed by the Congress, vetoed by the President, again Democratic and Republican got together and said we want the civil rights bill.

Mr. WELLSTONE. Will the Senator yield?

Mr. HATFIELD. And we got one.

I will when I am finished.

I think this is the moment when we can find a majority of the people in this body who say we want a supplemental appropriations bill, but it has to be the combined efforts of people on both sides of the aisle, not something that is offered by one side of the aisle—take it or leave it. That is not, to me, the legislative process.

I yield the floor. Does the Senator wish some time?

Mr. WELLSTONE. I just wanted to ask the Senator a question.

Mr. HATFIELD. I will be happy to respond.

Mr. WELLSTONE. I thank the Senator. First of all, I do not even need to tell the Senator from Oregon how much I appreciate not only his words but his history here. That is said all the time on the Senate floor, but I really mean it.

This is the question I want to ask the Senator. When the Senator talks about responsibility as a Senator to analyze, debate, deliberate, not to rubberstamp—I understand that. Is there not a distinction between analyzing, debating, introducing amendments, and voting, as opposed to just using a filibuster—not agree to a time limit—to block? Does the Senator not see a distinction?

And my second question—and these are questions, the political scientist to the historian, if you will—does the Senator not also see a distinction between the way in which filibuster was once upon a time used here in the Senate for the momentous questions of our time, civil rights bills being a good example, as opposed, in the last several years especially—and I just have been here for 2 years and the Senators has this history he can draw from—over and over and over again being used? I think that is part of what is at issue. I put those two questions to my colleague, in good faith.

Mr. HATFIELD. Mr. President, I think when one goes back to the rules one would have to see there is a distinction made from the historic filibuster when one person, generally—I remember reading about Senator THURMOND talking for over 20 hours, Senator Morse of Oregon for over 20 hours—when the filibuster was sort of the work of one person who was trying to thwart the will of the whole body, or a small group of people, a minority, so to speak.

Then the time came when there was developed in this body by a former Senator from Alabama, Senator Allen, what came to be known as the postcloture filibuster, where once a cloture motion was put down—I can remember Richard Russell of Georgia saying, "I have had my day when a cloture motion is laid down. That means the will of the Senate has to work its way." Even when it was against him. But then came the day when people would mount a postcloture filibuster. But a filibuster was always the last resort.

Today we bring up a cloture motion on a motion to proceed. So the whole system of our filibuster has changed. Indeed it has. This is called a filibuster by amendment. Yet the period of time we have spent on this, I have seen more time spent on other items in my time in the Senate. I must tell my colleague, I filibustered through three cloture petitions on the line-item veto in this body, back during the Republican control of this Senate, to bring it down. And it was brought down.

So they have different results. I am not saying we are in a committed filibuster at this point. You see, usually with a filibuster you want to kill something—you want to kill the idea. With me, regarding the line-item veto, I do not want it at any time. The chairman of the Appropriations Committee, Mr. BYRD, has in effect threatened and talked for hours upon hours against a line-item veto. That is not the case here.

There are a group of people on this side of the aisle—I will not say everyone—who want a supplemental bill now. We are not trying to filibuster this to kill it. We are trying to filibuster, if you want to use that word against us, in order to have a voice in creating this bill. There is a distinction in that case.

Mr. WELLSTONE. This will be my last question. The Senator has been very gracious with his time and I see the Senator from Pennsylvania wants to speak.

What I cannot understand, both as a Senator and as a political scientist, is this. If the Senator from Oregon and others—whatever the outcome is, whatever the outcome is—believe that "the budget resolution may or may not be serious and therefore we do not know whether the spending cuts are going to take place, we believe this adds to the deficit as opposed to investment that would bring unemployment down and subtract from the deficit," we can have an honest disagreement about that. I have heard people condemn swimming pools. If you own a home next to a lake or river you can condemn a swimming pool, but if you do not, you may believe it is important. But if you believe this is pork, if you believe it is wrong, why not let it come to a vote so the President has a chance to enact his total economic policy as embodied in the present budget resolution, and of course this stimulus? Then the people in the country get a chance to see whether it works or does not work and vote accordingly.

It strikes me what you are doing right now is essentially thwarting the idea of representative democracy and accountability. Am I wrong about that?

And that is my last question. I do not want to take up any more of your time.

Mr. HATFIELD. I say to the Senator, if we were in a normal situation today, where we had a budget of the President up here, which we do not have, therefore it is all speculation yet to some degree. We talk about the President saying he wants to raise taxes on Western lands and then that has now been abandoned. The whole package, in effect, is in a state of evolution. I do not think anybody on this floor, on either side, can tell us precisely what the President is going to have as his final proposal or his bottom line on his economic package. We now have a package which is spending more money with no offsets, it is adding $16 billion to the deficit. But we really have yet to find out how the so-called other reductions and other revenue enhancements, or new taxes, are going to play out. That is going to be months down the road.

So there is a time lag here. We do know one thing. We will be certain to increase the deficit with no offsets, and increase spending by this package. Everything else is speculative. That is how I would respond.

Mr. WELLSTONE. I thank the Senator.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. HATFIELD. I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from Pennsylvania is recognized for 10 minutes.

Mr. SPECTER. I thank the Chair. I thank my distinguished colleagues from Oregon. I begin by complimenting the distinguished ranking member of the Appropriations Committee for his comments.

At the outset, I supplement the last answer given by Senator HATFIELD to the question from the distinguished Senator from Minnesota, when Senator WELLSTONE asked, "Why not allow the bill to come up and let it be voted on and let us see how President Clinton's program works out?" I supplement what Senator HATFIELD has responded by adding that the one place where Republicans in Washington, DC, today have sufficient votes to stop a Democratic proposal is in the Senate, where we refuse to allow a measure to come up for a vote. There is a Democrat in the White House, there is an overwhelming majority in the House of Representatives, there is a decisive majority in this body. But as long as we have 41 votes plus, and we have 43, this is the one place where we can have an effect on the legislative process in the Federal Government. This is a very important point. This political authority was exerted on the motor-voter bill, and is being exerted here, too.

I want to respond to a couple of points made by the distinguished President pro tempore, when he said earlier this morning that there has never been a time when the hands of a new President have been tied. I would remind the distinguished Senator from West Virginia about, exactly 4 years ago, the time when we had the last new President who proposed former Senator John Tower to be Secretary of Defense.

That new President's hands were tied. On a very rare occasion, his nominee for a Cabinet position, not a judicial position, but a Cabinet position was rejected. So you do not have to go back very far in history, just to the last new President.

The distinguished Senator from West Virginia then contended that there was a filibuster by amendments and then a filibuster by letter. I would submit that there has been neither. The amendments which were offered were not phantom amendments, as asserted by Members on the other side of the aisle, but as this Senator detailed on Saturday, many of those amendments had very substantial support from the other side of the aisle. The last amendment to be voted upon, the amendment by the distinguished Senator from New Mexico [Mr. DOMENICI], to give a cost-of-living adjustment to military and civilian Federal personnel, had six Democrats who supported it, including three Senators from the Armed Services Committee.

The very next amendment which was scheduled to be offered was an amendment by this Senator on health care reform. At that point, the curtain came down and the majority leader exercised his power, the power of recognition and the power of setting the schedule, to foreclose this Senator from offering an important amendment on health care legislation.

Other amendments were also pending: An amendment by Senator DANFORTH, which he described on Friday; amendments by Senator GRAMM of Texas; and other amendments have been proposed which are valid amendments which seek to change this bill.

Then when the distinguished Senator from West Virginia talks about a filibuster by letter, and he refers to the letter signed by 42 Republican Senators to Senator DOLE which says we will not vote to invoke cloture on this measure as presently constituted, that was a statement about the future; that was not a statement as to what the Republicans were doing. We have not gotten to the point where we are debating the bill itself and would have to exercise our rights not to permit cloture to be invoked.

When the distinguished Senator from West Virginia says that the Republicans are "threatening to blackmail," I think that is inappropriate; then it was changed to "political blackmail." I submit, Madam President, that when you talk either about blackmail or even political blackmail, it is not appropriate because we have a right to continue to offer amendments under the rules, and we have a right, if, as, and when we get to the point, to continue to debate. Those are our rights, and it is not blackmail and it is not political blackmail. Blackmail is when someone exercises force, coercion, threats, or intimidation to prevent someone else from carrying out a legitimiate right. We are carrying out a legitimate right and there are no coercive or intimidating factors here, nothing is being done which is wrong.

So I want to object as strenuously as I can to the use of terms "blackmail" and "political blackmail."

Madam President, we are now going to be looking at our third cloture vote, and I believe that it is a safe prediction that this move for cloture will also be defeated. It would be my suggestion, Madam President, that two things occur. One is that we follow the suggestion by the distinguished ranking member of the Appropriations Committee, Senator HATFIELD, add try to find a way to effect an accommodation or a compromise. When Senator HATFIELD has articulated the number of items—he mentioned $4 billion for unemployment compensation—may I say on that point, Madam President, that although most Republicans opposed the authorization bill on unemployment compensation, this Senator supported it. I argued that we should pay for it, but I said that, notwithstanding our inability to pay for it, I would support it because it was so important to so many unemployed people in my State of Pennsylvania and across the country.

Senator HATFIELD then talks about $3 billion in highway construction and the highway trust fund. He talked about $300 million for children for inoculations.

I refer back, Madam President, to an article which appeared in the Washington Post on Saturday, March 27, which is headlined "Mitchell Brokers Deal on Stimulus Package." That article referred to the filibuster which had been conducted on Thursday by two Democratic Senators, Senator BOREN and Senator BREAUX. The article refers to "the agreement that has begun to take shape," and says "only $6.9 billion of the $16.3 billion package is to be spent during the fiscal year which ends September 30."

I suggest, Madam President, that is an outline for realistic compromise. If you change this bill to appropriate $6.9 billion, you save $9.4 billion. That makes sense. That would accommodate the rough outline as to what Senator HATFIELD proposed. If the administration has already committed or suggested in this article to withhold, as a matter of executive power, the expenditures of $9.3 billion, why not adopt that? These items can be taken up in due course in the regular appropriations process where we think there has been a commitment to pay for whatever is spent. That is the baseline problem with this appropriations bill; that it requires too much money; that there are items here which ought not to be appropriated, as articulated earlier by Senator HATFIELD on community development block grants.

I compliment the administration on their lobbying tactics. I have been contacted by many mayors from Pennsylvania who want to have additional community development block grants to provide millions of dollars for my State, an item that I, like Senator HATFIELD, traditionally support. As Senator HATFIELD has pointed out, there is money available in that account which was appropriated last year, for fiscal year 1993, which can be spent. As Senator HATFIELD said a few moments ago, only 2 percent of $4 billion has been allocated.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER. Eleven minutes on each side.

Mr. SPECTER. Madam President, I have been asked by the distinguished Senator from Oregon to reserve 4 minutes for Senator DOLE. Since there is no other Republican on the floor, so none can seek recognition, I grant to myself, Senator HATFIELD's surrogate, an additional 5 minutes.

Madam President, as I was saying, there is ample funding available now for those community development block grants to be allocated. So I say that what we ought to do is to move ahead with that kind of a compromise.

The second recommendation that I have is that Republican Senators be allowed to offer their amendments at the present time. This Senator intends to press my amendment on health care because I think it is very important that the Senate take up that subject. I am not in the position to say how many other amendments there are, but I would speculate that there may be others and perhaps a number of others.

So instead of adjourning after a vote at 11:45 on Saturday, and instead of locking out Republican Senators today to offer amendments that can be called for a vote, I would suggest we continue. If the majority leader is considering a recess after this vote at 10:30, so people can undertake other activities, perhaps the opening of the baseball season in Baltimore, which this Senator would like to do as well, I am, however, prepared to stay and offer my amendment.

Let us not race the clock down to the wire where we come back perhaps on Wednesday, when a compromise has been worked out and that everybody wants to finish up immediately, and there is not a time for amendments to be offered, and we get into the bargaining process about time agreements which are undesirable when you talk about a health care amendment. So let Senators like ARLEN SPECTER have an opportunity.

Now, we cannot talk about Saturday anymore, last Saturday or last Friday or last Thursday. We cannot talk about today. Let this Senator have a chance to offer his amendment.

When the statement is made that we ought to let the new President have his way, Madam President, I pointed out that while President Clinton carried Pennsylvania, so did this Senator. When President Clinton—and I today have the totals—received 2,239,164, that was some 119,000 less than the 2,358,125 this Senator received in Pennsylvania, or a difference of 118,961 votes.

While it is true that President Clinton received support from Pennsylvania, so did ARLEN SPECTER. I was not sent here to be a rubberstamp, Madam President.

Yesterday's Washington Post contains an important and relevant story about "Rebel Senator Faces White House Wrath," referring to Senator SHELBY. This story does not recount, which I think is very important, that Senator SHELBY has a 6-year term, which is 2 years longer than President Clinton's 4-year term. When the Constitution was devised and Senators were given a 6-year term, it was to provide an additional indicia of independence, so that Senators would have the independence of speaking their minds. I think Senator SHELBY would have it in his last day of his term, not only the last 2 years or the last 4 years. But he has a 6-year term. Senator SHELBY received an overwhelming number of votes in Alabama, and I have that total.

Mrs. BOXER. Madam President, will the Senator yield for a question?

Mr. SPECTER. I would be glad to on the time of the distinguished Senator from California.

The PRESIDING OFFICER. The Senator yields for a question. Is there objection?

Mr. BYRD. Objection.

The PRESIDING OFFICER. There is an objection.

Mrs. BOXER. I do not have the time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. In the event, I will yield on my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Senator very much.

I agree with the Senator. Of course, the Senator was not sent here to be a rubberstamp, nor was this Senator from the largest State in the Union, California. But the question I have is, Why will the Senator not let this bill come to the floor and then vote his heart against it? You can vote against this bill. But the Republican strategy, the minority of this Chamber, is to stop this bill from coming to the floor. So the question is, Why will the Senator not allow this bill to come to the floor and then vote against it?

Mr. SPECTER. I have the question. The answer is——

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. That the Republican minority has the right emphatically prescribed under the Senate rules to offer amendments, which we seek to do, and when our amendments are finished, to continue to debate as long as we have more than 41 Republican Senators who take that position. So that in asserting that authority, we exercise our rights for a very good purpose.

The PRESIDING OFFICER. The additional 5 minutes of the Senator from Pennsylvania have expired.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER. Five minutes 5 seconds.

Mr. SPECTER. Madam President, I ask unanimous consent that the full text of the article on Saturday, March 27, headlined "Mitchell Brokers Deal on Stimulus Package," and the full text of the article from yesterday's Washington Post headlined "Rebel Senator Faces White House Wrath" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 27, 1993]

MITCHELL BROKERS DEAL ON STIMULUS PACKAGE; BOREN, BREAUX WOULD DROP BID FOR DELAY

(By Eric Pianin)

Senate Democrats dissatisfied with President Clinton's $16.3 billion stimulus package were working toward an agreement with the White House last night that would end the dispute over the plan and set the stage for its approval next week.

Senate Majority Leader George J. Mitchell (D–Maine) stepped in yesterday to broker a compromise after an embarrassing episode Thursday evening in which Sens. David L. Boren (D–Okla.) and John Breaux (D–La.), who favor postponing some of the spending until Congress completes work on cuts in other parts of the budget, filibustered Clinton's bill for 4½ hours.

Under the agreement that has begun to take shape, Boren and Breaux would withdraw their amendment to delay part of the economic stimulus in return for some type of administrative order or other step that would delay authorizing spending not deemed "time-sensitive," sources said. Only $6.9 billion of the $16.3 billion package is to be spent during the current fiscal year, which ends Sept. 30.

In that way, Boren and Breaux could claim a small political victory in delaying billions in deficit spending, while the administration can keep its bill intact. The White House also wants another $15 billion in tax cuts as part of its stimulus plan.

Breaux and Boren said late yesterday they were "guardedly optimistic" an agreement will be worked out by early next week, when the Senate and House gear up for a big push to complete work on the stimulus package, a budget resolution and a new debt ceiling.

"I want something that gives me confidence" that some of the spending will be put off, Breaux said. "It doesn't have to be done through legislation. There are ways of doing it other than through an amendment."

Senate Appropriations Committee Chairman Robert C. Byrd (D–W. Va.), a champion of the stimulus package, said through a spokesman that after returning from a meeting at the White House he was "cautiously optimistic" the dispute would be resolved.

The stimulus package—a key component of Clinton's overall economic recovery strategy, includes funding for summer jobs for youth, extended unemployment insurance benefits, community development block grants, and highway and waste water projects.

House and Senate Republicans have scorned the package as a wasteful administration political payoff to big city mayors and other special interest groups that would do little to help the economy, would create mostly temporary jobs and far fewer than the president promised last month, and mainly add to the $300 billion deficit.

Even among many Democrats, support for the package is lukewarm. Moderate and conservative Democrats like Breaux and Boren, both members of the senate Finance Committee, agree that some of the spending is justified. But they say they are under pressure from constituents who want to see more proof of the Democrats' resolve to reduce spending before signing off on all of the stimulus package.

The Boren-Breaux filibuster was touched off Thursday evening after Byrd, the floor manager of the bill, employed a rarely used parliamentary procedure by which amendments can be approved but then wiped out by a vote at the end of the process.

The procedure, which has been used in the past by Republicans when they were in control, tilts the playing field and makes efforts to amend the bill, in the words of one Republican senator, an exercise in futility.

Byrd, in a somewhat haughty and dismissive tone, replied "If this is an 'exercise,' it is not the first time we have engaged in this kind of an exercise of debate in futility, seeing our amendments defeated."

"This senator plays by the rules," he added. "Most senators I have found, based on my observations through the years, do not pay much attention to the rules."

Not surprisingly, neither Republican or Democratic members rushed forward to offer amendments, which produced a stalemate on the floor for much of yesterday. Byrd stood on the floor, complaining that "I need to get off my feet, I need to call my wife," and urging members from either side of the aisle to offer an amendment.

Also, noting that Democrats were staying away from the floor, Byrd asked, "Where are my troops?"

House Democratic leaders, faced with an amendment potentially more destructive than the one offered by Breaux and Boren, used similarly tough tactics last week to kill it off.

House Speaker Thomas S. Foley (D-Wash.) ordered the Rules Committee to prevent from being considered on the floor the amendment that would have eliminated more than half the stimulus unless the cost was offset by spending cuts in other areas.

That amendment, offered by Rep. Charles W. Stenholm (D-Tex.), was gaining in support and was viewed as "dangerous" by the leadership and the White House.

Even as the Democratic dustup was beginning to settle yesterday, Boren criticized White House officials for mishandling the intraparty dispute by attempting to "steamroller" Democratic critics of the stimulus proposal.

He said that while House Democratic leaders, with their huge majority, have greater latitude in overcoming dissent, the balance of power in the Senate is much more fragile.

"I think they [White House officials] made some mistakes in not understanding there are differences between the House and the Senate," Boren said. "Steamroller tactics don't build support from moderate Democrats."

Noting that the Finance Committee will soon begin drafting Clinton's tax bill, Boren said that he and Breaux will be important votes for the administration down the road. Democrats hold a slender 11 to 9 majority on the committee.

"This isn't just one vote," Boren added. "It's a process. It's counter-productive to try to narrow your base of support rather than broadening the road."

Stenholm, a leading conservative Democrat on the Budget Committee, echoed Boren's concern about "steamroller" tactics yesterday, during a luncheon meeting at The Washington Post.

"I think our leadership has to understand you can't do that but a few times," Stenholm said. "You can go to the well only so many times on a procedure before it backfires."

[From the Washington Post, Apr. 4, 1993]

REBEL SENATOR FACES WHITE HOUSE WRATH; JOBS SHIFTED FROM ALABAMA IN REPRISAL AGAINST DEMOCRAT SHELBY

(By Lloyd Grove)

The all-out war between Senator Richard C. Shelby and the White House began with three little words.

They were uttered by the Alabama Democrat immediately after the leader of his party, President Clinton, unveiled his economic plan to Congress. They were uttered despite a White House plea for Democrats to give Clinton three days' grace before criticizing the plan. Shelby told reporters waiting in the Capitol's Statuary Hall: "The taxman cometh."

That was six weeks ago—before Shelby publicly humiliated the vice president, before the White House retaliated by moving federal jobs out of Alabama, before Shelby answered by voting consistently against Clinton's program, and before the White House struck back by denying Shelby extra tickets to a South Lawn ceremony honoring his alma mater's championship football team.

Shelby, who may be the first Democrat to feel the new president's wrath, has shown no signs of buckling under these White House reprisals, both grave and petty. On Friday, before heading to Alabama for the weekend, he was the lone Democrat to vote to let Senate Republicans continue their filibuster of Clinton's $16.3 billion economic stimulus package.

"What are they going to do to me?" Shelby asked during an interview. "Are they going to threaten me? That doesn't get them anywhere. Or do they want to work with me on some issues?"

For the moment, Clinton & Co. don't want to work with Shelby. They don't even want to persuade him. They simply want to punish him—mainly by relocating more than 90 jobs in a $375 million program of the National Aeronautics and Space Administration from the Marshall Space Flight Center in Huntsville, Ala. to the Johnson Space Center in Houston.

What's more, they want every Democrat to know that Shelby is being punished—and understand the consequences of messing with Bill Clinton.

Usually such disputes are handled discreetly, and few outsiders ever hear about them until long after they are resolved. But half a dozen White House officials, speaking on condition of anonymity, were eager and even anxious to spread the word of Shelby's predicament as they strained against a recalcitrant Senate to enact the first major legislation of the new administration. The incident provides a window on the workings of the Clinton White House, but the strategy of publicizing Shelby's punishment is also fraught with risk.

"You've got to make it stick," said a senior White House aide. "You do not fail on something as publicized as this." The episode marks Clinton's first foray into the practice of lobbying by stick instead of carrot, a technique honed to perfection by President Lyndon B. Johnson in the 1960s and seldom employed as expertly since.

"Lyndon Johnson called [Sen.] Harry Byrd [D-Va.] down to the White House because he was resisting the civil rights bill," recalled Sen. Dale Bumpers (D-Ark.), citing one example. "He said, 'You know, Harry, [Defense Secretary Robert S.] McNamara says we got to close that Norfolk naval base down there, and I don't much want to do it. . . .' And Harry Byrd couldn't wait to get back to the Senate and vote for the civil rights bill."

Bumpers added that he couldn't tell yet whether the White House treatment of Shelby would produce the desired result. "Sometimes it causes a senator to dig his heels in deeper, because he feels discriminated against for doing something he really believes in," he said. "But I think more often . . . it's pretty effective."

Another observer, veteran corporate lobbyist Tom Korologos, said his soundings of senators suggest that "they've got to be petrified with the White House playing this kind of shock-treatment game." Korologos, who used similarly tough tactics as a White House lobbyist for Richard M. Nixon, added: "Clinton's better than Nixon. I give these guys six months before they have a team of plumbers. Pretty soon they'll be at the Watergate. Seriously, they're playing hardball and I admire them."

The episode began on Feb. 18, when Vice President Al Gore invited Shelby to his office in the Capitol for an afternoon one-on-one. Clinton aides had seen Shelby's "taxman cometh" line in reports of congressional reaction to the president's speech the night before, and considered it both damaging and disloyal, especially in light of the White House request that Democrats hold their fire. Shelby said in an interview last week that he was unaware of the plea, but that knowing about it wouldn't have made a difference. "I hope no one in the Senate would feel like they had a gag order on them about what they could say or not, or when they could say it or not."

Gore, who had worked during the budget planning process to help Shelby protect NASA's space station—a project potentially worth billions of dollars to the Alabama economy—hoped to discover what might induce his former colleague to support the Clinton plan. But Shelby had other ideas.

His press secretary, Tricia Primrose, ordered up a television camera from the Senate Democratic Policy Committee and notified all 19 Alabama television stations that video of the Shelby-Gore meeting would be transmitted that evening by satellite. A network pool camera also was included in the pre-meeting photo opportunity in Gore's office.

As the two men posed for the cameras, someone asked Shelby's reaction to the Clinton program. "It's high on taxes, low on [spending] cuts," Shelby replied, appearing to lecture a clearly surprised and embarrassed Gore under the bright video lights. The clip of Shelby's attack was widely carried in Alabama, and prominently featured on the "NBC Nightly News."

Gore was outraged, as were Clinton and members of the White House staff. But Shelby makes no apologies.

"I never intended to embarrass anyone, including Al Gore," said the Senator, who was reelected in 1992 with 66 percent of the vote, 25 points ahead of the second-place Clinton-Gore ticket in Alabama. "Obviously, Al took it that way. But if he's that sensitive about things after being in politics. . . . My goodness!"

The White House began plotting its response that very night, on the theory that such insubordination could not go unanswered. "This is a 'Mack-Clinton special'" said a senior White House adviser, referring to the president and White House Chief of Staff Thomas F. "Mack" McLarty. "This wasn't driven by passion—those guys do not believe in letting emotion cloud judgment," the adviser went on. "It was a very deliberate, considered move to advance the president's political agenda. . . . As the saying goes, 'Revenge is a dish best served cold.'"

The White House revenge play, the adviser added, has been "quarterbacked" by Clinton's legislative affairs director, Howard Paster, with assists from political director Rahm Emanuel and Gore's chief of staff, Roy Neel. Emanuel, for one, is no stranger to the revenge business, having once sent an enemy a rotting fish.

In this case, Shelby didn't even know he was being targeted until he read about the NASA move in the Wall Street Journal. Neel, working with staffers of the Office of Management and Budget, found a way to carry off a surgical strike by transferring employees attached to the External Tank Project Office of the space shuttle program.

On Feb. 24, OMB Director Leon E. Panetta sent a memorandum to Daniel S. Goldin, the acting administrator of NASA, ordering the transfer as part of an effort "to improve management of the shuttle program. . . . Please forward to this office a copy of your directive effecting this change and a timetable for its completion."

Goldin, according to a source familiar with the episode, was baffled.

Meanwhile, Gore briefed Shelby's senior colleague, Sen. Howell T. Heflin (D-Ala.), about the White House action, reassuring him that no offense was intended for him, and that the White House would do everything it could to protect one of the former Alabama Supreme Court justice's pet projects, the federally funded State Justice Institute that serves as a continuing education program for state judges. As if to underscore Gore's assurance, the White House gave Heflin 15 tickets to the University of Alabama's south Lawn visit March 25. Shelby got one.

"I'm not getting involved in that squabble," a clearly pained Heflin said last week, walking away from questions.

Shelby, noting a 67 percent approval rating in a recent statewide poll, said he has been getting a lot of positive feedback from constituents who praise him for standing up to the White House.

"They can keep going after me," he said, grinning like an unruly student who has been unsuccessfully disciplined by the principal. "It's playing pretty well." He predicted that time and circumstance may change the White House attitude: "They might need me on something."

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD addressed the Chair.

Mr. BYRD. Madam President, how much time does the distinguished Senator from Tennessee wish?

Mr. MATHEWS. May I have 3 minutes.

Mr. BYRD. I yield 3 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. MATHEWS. Mr. President, I rise today to support President Clinton and to salute the distinguished Appropriations Committee chairman, Senator BYRD. I applaud his efforts to move the President's emergency investment package toward final passage, and I hope my colleagues in the Senate will see the wisdom of passing this much needed stimulus proposal without delay.

Mr. President, much has been said in opposition to this package and the goals of the new President. I suggest that this proposal has one goal in mind, and that goal is the stimulation of the economy through job creation.

I am pleased that in my State, Tennessee, this stimulus package addresses the sagging segments of our economy, the demographics of the unemployed and other obvious areas of pain and suffering.

I talked with our State commissioner of employment security earlier this week. I asked if Tennessee is experiencing job growth. I am pleased to report that the unemployment rate which was reported March 31, shows a decline from 6.6 percent for January to 5.9 percent for February. This is good news. But we have no reason to relax, he said.

Business and industry remain cautious about hiring permanent workers. Instead, employers are resorting to overtime, confining their operations to the present work force. The comfort level has not yet been attained. They are not sure that our economy is on solid footing.

Mr. President, we need the stimulus of this investment package to ensure continued job growth—in Tennessee and in this country.

If my colleagues in the Senate wish to see continued economic recovery, it is imperative we do not back away from the national response in support of the President's package. In addition to the Nation's Governors and mayors, the supplemental bill has been endorsed as a means of further economic recovery by economists across the country.

Mr. President, we cannot simply assume that more spending is good spending. I for one do not adhere to that principle. However, the spending in this supplemental bill is targeted at job creation, and that is a principle which I will fully support.

The Congressional Budget Office estimates that every percentage point increase in the unemployment rate will also increase the Federal deficit by some $30–$50 billion. A decrease in the unemployment rate is obviously a boost for the economy. Such a boost will be a primary factor in determining our ability to reduce the deficit.

The spending in this supplemental does what the President and the Senator from West Virginia and others claim—creates jobs. I was pleased to see the breakdown of funds which will be provided to Tennessee. Estimates predict my State will receive some $194 million. These dollars will be targeted to the extent possible to those areas of the State with high unemployment and low incomes, exactly the areas which President Clinton hopes will benefit from the program.

If we believe in the future of this country, if I am committed to the future of Tennessee, then there is no doubt these are crucial investments. These moneys will not be wasted. They will be injected directly into the economy of Tennessee.

I do not believe in spending simply for spending's sake. Rather, I feel strongly that these funds are an investment. A crucial investment for the future of Tennessee, and the Nation, providing critical improvements to infrastructure, and community development to help our towns and cities grow, prosper, and compete in an ever more complex and competitive marketplace. This stimulus begins to make the human investments necessary for us to move ahead and build a better future for all our citizens.

Mr. President, we cannot ignore that this is supplemental spending. However, the additional funds spent here are accounted for in the budget resolution which we passed just this week. The overall savings, some $500 billion over 5 years, has calculated these additional expenditures. We have planned for this bill, and now some would say that we are trying to force new spending that is unaccounted for through the Senate. Mr. President, that is simply not the case.

I recently made a statement in support of the Senate budget resolution passed last Thursday. In that statement I noted that we were voting on a package with several components. This is one of those components, Mr. President.

The budget deficit will not go away by itself, but neither will the current recession which is devastating our economy. I congratulate the President for offering to the Congress a long-term, comprehensive plan. I urge my colleagues not to delay the elements of this package any longer.

Mr. President, I again note my respect for the efforts of the chairman of the Appropriations Committee and hope that we will soon be sending these funds to where they are needed the most, to the people of America.

Also, I would like to take a moment this morning to do a couple of things. One is to thank the distinguished Senator from West Virginia for his leadership on this bill, for his friendship to me and to the other freshmen Senators who are here and who are hoping to be able to represent our constituency in this body.

I would like to take just a moment, if I could, to say to the American people that not all of the things that are in the bill are of a frivolous nature, that there are some legitimate—and I hope all of them are legitimate, but that there are real reasons why this bill ought to be passed and that there are people out there wanting to be helped and people who we need to help.

On the weekend of February 20, an awesome looking tornado formed in our State, in the eastern portion. For those of you who have never seen one, I hope you will take an opportunity to look at this picture here because in just a matter of a few seconds, it caused 10 million dollars' worth of damage in a small community there. I visited this community just a day or two after it happened, and I found an area devastated. I found people in shock, but I found people who were pitching in to help each other.

There have been a lot of things happening in the State of Tennessee, the communities of which have marshaled their resources, but there is still need for help that can come through community development block grants, and I ask for us to take this into consideration.

Just a few short weeks later another community in our State, a community which for three times in 1 month 2 years ago was flooded, was hit again by a serious flood.

The letter which I received from the major of that town just a few days ago says, "As you are surely aware, Spring City was flooded again on March 23 and we are in dire need of your assistance in getting Piney Creek corrected to relieve this problem. We have had several near tragedies but we feel our luck will run out eventually. Must we wait until we have lives lost before the Corps of Engineers, TVA, EPA, and FEMA will act to correct this problem?"

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MATHEWS. I thank the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I understand in talking with the distinguished Senator from Oregon [Mr. HATFIELD], the ranking member of the committee, that Mr. DOLE wishes to have 4 of the remaining minutes on that side reserved to him. So how much time do I have?

The PRESIDING OFFICER. The Senator from West Virginia has 7 minutes 12 seconds.

Mr. BYRD. Madam President, this jobs package is a key part of the President's economic program. The opportunity to amend the package is available, has been available. The American people deserve to have these amendments offered and debated on the floor, out in the open. Let the sun shine in. But our friends on the other side of the aisle do not want to let the sun shine on this process. Some on that side of the aisle want to move the debate behind closed doors, work out a deal behind closed doors, get behind closed doors where the American people cannot see, cut a deal. They want to do that because they know that their amendments will not win.

The distinguished Republican leader has had an amendment at the desk for days, and I thought he was going to call it up Friday. I thought he was going to call it up before that.

They know their amendments cannot win. They are holding this package hostage because they are unable to win their points in any other way.

Why do they not bring their alternatives to the Senate floor? Let us hear their ideas. Call up the alternative amendments. Let us look at them. Let us talk about them. Let us put them to a vote

If they want jobs now, if they want to release some of these funds, let the people hear their ideas expressed on this floor. A majority of the House, the majority of the Senate, and the President of the United States want this package. The American people want to see Congress act to put people back to work. The other side can try to amend the bill, but the tactic of holding the bill hostage to force back-room negotiations denies the American people an opportunity to see and to hear what is happening.

Further, it denies this new President his right for a vote on a critical part of his package. I say offer the amendment. Let the American people see what the plan is. People know where Bill Clinton stands. They have heard his plan for helping this limping economy regain its vitality. Let us hear the specifics of the Republican leader's plan on this floor.

I yield the balance of my time to Mr. SARBANES.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I thank the chairman.

Madam President, I want to underscore the need for this jobs bill. There have been some arguments made on the floor of the Senate that we are in a recovery and that we do not really need a jobs bill. The President has made it very clear that the jobs bill is part of his overall package. People say that this particular bill is not being paid for, but this bill is in the context of the budget resolution that was adopted last week that provided for $496 billion worth of deficit reduction over the next 5 years.

This bill is an essential piece of the President's overall economic strategy. We think the President ought to have a chance to put his policies in place. If you deny him an essential piece of his strategy and his strategy then does not work, it seems to me the accountability rests on those who deny him the essential elements of his economic strategy.

The President is prepared to be held accountable. He in effect has said: Give me my economic package, and I will answer for the consequences. The people on that side believe it is not going to work. No one can guarantee it is going to work. There is always risk you take with respect to economic policy. But the President said: Give me my package, and I will be held accountable for whether this works or not. If you deny him an essential piece of his package, I think you no longer can hold him accountable. In fact, I would argue that the responsibility then shifts to those who have said: Oh, no; we are not going to let your strategy work. The President has an economic strategy, and I think the economic circumstances call for passing this legislation.

Just this weekend, there were several articles in the newspaper regarding the strength of the economy. I will quote them very briefly.

> Reports provide for signs of slower recovery. Reports issued yesterday on jobs, building, and manufacturing provide fresh evidence that the economy has slowed from its rapid year-end acceleration. First-time claims for unemployment benefits jumped unexpectedly a week ago and construction spending remained anemic in February, the Government reported. In fact, the Labor Department report showed that 380,000 newly unemployed workers filed applications for benefits in the week that ended March 27, the most since 382,000 in the week that ended November 7.

More workers filed claims for unemployment insurance last week than any week since November 7. This morning, the paper says:

> Numbers suggest economy waning. America's job growth stalled in March. Factory output slowed, exports weakened, anxious consumers grew spendthrifty.

Madam President, we need this jobs bill. We need it now. I urge the Senate to vote for cloture so that we can consider this important measure. We are being denied the opportunity to vote on the legislation itself. I urge the Senate to invoke cloture.

Mr. RIEGLE. Madam President, will the Senator yield at that point?

Along the same line, in today's Wall Street Journal, page 8, there is a story that says "Republican Filibuster Stalls Jobs Bill for $16 Billion in Economic Stimulus." We are finding ourselves in the situation here where we are being denied the chance to help the economy. As I said last week, I think it is Presidential politics. There are people who want to be President in 1996. They want to hurt this President now. They want to hurt this President now by denying him his economic program.

It is the country that is suffering. It is the unemployed workers who are suffering. We need this economic package. It's a jobs package. We need it now. We lost 22,000 jobs just last month. The stock market was off on Friday, consumer confidence is down, and we are getting more gridlock from that side of the aisle because they are playing Presidential politics.

There will be plenty of time to run for President in 1996. Let's not do it in 1993 when we need to pass the jobs bill here in the Senate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Madam President, what time do I have remaining?

The PRESIDING OFFICER. There are 4 minutes 39 seconds remaining to the Senator from Oregon.

Mr. HATFIELD. I yield 1 minute to the Senator from Mississippi, and the remaining part of the time to the Republican leader.

Mr. COCHRAN. Madam President, the President of the United States, in my judgment, would be well advised to ask the Senate leadership to tear up this bill and start over. In its present form, it will not pass the Senate.

Let me suggest first that the funds for unemployment benefits be stripped from the bill and considered separately. Those benefits have already been authorized by this Congress to be paid. So approval will be voted whenever it is called up. The $4 billion for unemployment benefits was never considered to be an element of a plan to expand the economy or to create new jobs.

Second, take all the funds out of this bill that do not respond to some genuine emergency. The word emergency should be agreed to mean what Webster's dictionary says it means: "An unforeseen combination of circumstances or the resulting state that calls for immediate action."

This bill provides funds for a wide variety of services, programs, and projects that are not emergencies.

Unless substantial changes are made along these or similar lines, I see no way for the bill to be passed.

Others may have better suggestions, but this is my opinion. I don't know how much money that would require be included in this supplemental, but it would markedly change the bill from a grab bag of election spoils to a bill that addresses the needs we can afford and that are justified as true emergencies that cannot be considered more prudently in the due course of the appropriations process.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, I want to again restate who is taking most of the time around here on this bill. The Democrats consumed 26 hours and 6 minutes; the Republicans, 10 hours and 58 minutes. Still, I hear in the media there has been some kind of a filibuster. I do not know who has all the time. It has not been on this side of the aisle.

Let us keep the record straight: 26 hours versus 10 hours would indicate to me that most of the talking has been done on that side.

When I hear my colleagues shedding crocodile tears about economic packages and about Presidential politics, I am reminded how for 4 years President Bush could not get his economic plan through the Democratic Congress. Capital gains rate reduction—he tried time and time again, and the very Senators who are up here today saying, "Oh, we ought to give Clinton a chance to spend $17 billion or $19 billion more money without paying for it," I do not know where they were for the last 4 years.

I was here. I know what they said. I know how they delayed the capital gains rate reduction and a lot of other economic plans that President Bush had.

Mr. SARBANES. Will the Senator yield?

Mr. DOLE. I only have 2 minutes. Did the Senator hold up the capital gains rate reduction?

Mr. SARBANES. We were the majority. We did not think the bill made good sense. If you were with the majority, you could vote against that bill.

We need a jobs bill now and that is exactly what the President is proposing.

Mr. DOLE. It was bipartisan, Madam President. There were about 50-some Members, both Democrats and Republicans, for that particular aspect.

But the Senator from Mississippi has laid it out fairly well. Let us go ahead and work. What we ought to do right now, after this vote—and the Democrats are not going to prevail. They will not prevail Wednesday. They will not prevail Friday. And they will not prevail next week.

We ought to bring up the debt ceiling, but the $4 billion unemployment package together, and send it back to the House so nobody gets blamed around here on the 17th of April because unemployment compensation can go out.

We can do that today. Maybe we can work it out on a voice vote so nobody misses a vote.

This is not any emergency. Take that out, and there is no emergency left. Then we come back after the recess and try to work out some package on a job-related program. OK. We pay for it; OK.

But as I said the other day, there is just a fundamental difference in our parties. The Democrats like to tax and tax and tax, and spend and spend and spend, and we like to cut spending first. If we cannot cut it back, we would like to pay for it. That is a basic difference in our parties. That is just the way it is.

We just passed a great big budget resolution of $273 billion in new taxes, increased taxes, over the next 5 years, not with any votes on this side of the aisle, but with every vote on that side of the aisle, almost every vote, 56 votes on that side of the aisle.

So, Madam President, we are prepared to discuss working out some compromise, if that is the word. But first we are going to cut it. First we are going to cut it, and then we are going to pay for it. Those are the two principles we espouse.

I yield the remainder of my time.

Mr. SARBANES. Madam President, I ask unanimous consent that a letter demonstrating filibuster by letter, signed by the Republican Senators, be printed in the RECORD. This says they will not vote to invoke cloture.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 31, 1993.

Hon. BOB DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR BOB: As currently written, H.R. 1335, the so-called "Emergency Supplemental Appropriations," contains $19.5 billion in additional deficit spending. This increase is $8.5 billion more than the net domestic spending cuts contained in the entire five year budget reduction plan.

The American people are asking the Congress to cut spending first, and then consider other options of reducing the deficit. The enactment of H.R. 1335, in its current form, would be contrary to demands from taxpayers all across America.

Therefore, we will not vote to invoke cloture on this measure as presently constituted, notwithstanding the scheduled Easter recess.

Sincerely,

John Warner, Chuck Grassley, Larry Pressler, Al D'Amato, John McCain, Connie Mack, Larry E. Craig, Trent Lott, Nancy Kassebaum, Arlen Specter, Alan Simpson, Kit Bond, Bob Packwood, Paul D. Coverdell, Frank H. Murkowski, Lauch Faircloth, Conrad Burns, Robert F. Bennett, Slade Gorton, Bill Cohen.

Thad Cochran, Pete Domenici, Jim Jeffords, David Durenberger, Don Nickles, Dan Coats, Malcolm Wallop, Dirk Kempthorne, Judd Gregg, Mark Hatfield, John Danforth, Mitch McConnell, Bob Smith, Strom Thurmond, Phil Gramm, Richard S. Lugar, Jesse Helms, John H. Chafee, Orrin Hatch, Bill Roth, Ted Stevens, Hank Brown.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Committee Substitute to H.R. 1335, the emergency supplemental appropriations bill:

Wendell Ford, Pat Leahy, Patty Murray, Barbara Boxer, George Mitchell, Daniel Inouye, Dianne Feinstein, Claiborne Pell, Robert C. Byrd, David Pryor, Jim Sasser, Tom Daschle, Paul Sarbanes, John Kerry, John Glenn, Byron L. Dorgan, Paul Wellstone, Carol Moseley-Braun.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute to H.R. 1335, the emergency supplemental appropriations bill, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arizona [Mr. DECONCINI], the Senator from North Dakota [Mr. DORGAN], the Senator from Iowa [Mr. HARKIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], and the Senator from Texas [Mr. KRUEGER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Missouri [Mr. BOND], the Senator from Indiana [Mr. COATS], the Senator from New York [Mr. D'AMATO], the Senator from Minnesota [Mr. DURENBERGER], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Washington [Mr. GORTON], the Senator from Texas [Mr. GRAMM], the Senator from New Hampshire [Mr. GREGG], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. MCCAIN], the Senator from Oklahoma [Mr. NICKLES], and the Senator from New Hampshire [Mr. SMITH] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. GORTON], the Senator from Utah [Mr. HATCH], and the Senator from Arizona [Mr. MCCAIN] would each vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 29, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—49

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Heflin
Hollings
Inouye
Johnston
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—29

Brown
Burns
Chafee
Cochran
Cohen
Coverdell
Craig
Danforth
Dole
Domenici
Grassley
Hatfield
Kassebaum
Kempthorne
Lott
Lugar
Mack
McConnell
Murkowski
Packwood
Pressler
Roth
Shelby
Simpson
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—22

Bennett
Bond
Coats
D'Amato
DeConcini
Dorgan
Durenberger
Faircloth
Gorton
Gramm
Gregg
Harkin
Hatch
Helms
Jeffords
Kennedy
Kerrey
Krueger
McCain
Nickles
Nunn
Smith

The PRESIDING OFFICER. On this vote the yeas are 49, the nays are 29. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. May we have order?

Mr. SARBANES. Madam President, parliamentary inquiry. What was the previous vote?

The PRESIDING OFFICER. The yeas were 49, the nays 29.

Mr. SARBANES. Twenty-nine?

The PRESIDING OFFICER. Yes.

Mr. SARBANES. I thank the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MITCHELL. Madam President, although 63 percent of the Senators present and voting voted to terminate the filibuster, the rules require 60 percent or more of all Senators. Therefore, the vote is insufficient to terminate the filibuster.

I will shortly meet with the distinguished Republican leader, the distinguished chairman of the Appropriations Committee, and other interested Senators to determine the best way to proceed.

I regret the results.

Although it is clear a substantial majority of the Senate wishes to proceed to a vote on this matter, we will not be able to because of the filibuster.

Therefore, I believe that the best course of action is for us to discuss the matter and try to determine how best to proceed.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, I am not certain I understand the definition of the word "filibuster," because, as I look at the RECORD, Democrats have consumed 24 hours and 6 minutes, and Republicans, 10 hours and 58 minutes, which would indicate to the objective observer that there has been much more talk on that side of the aisle than there has been on this side of the aisle.

But if it is whether or not cloture can be invoked, I think it is fair to say cloture cannot be invoked today or Wednesday or thereafter.

So there is a willingness—I will say it is divided on this side—to try to figure out some way to end the impasse.

I have an amendment—I did not send it to the desk, I had it printed in the RECORD—and I will modify that amendment sometime today and hopefully be in the position to discuss it with the distinguished majority leader Senator MITCHELL.

Madam President, it seems to me we just have this basic fundamental difference in our philosophies: We want to cut spending. My colleagues on the other side want to increase spending. We want to pay for it. My colleagues on the other side do not want to pay for it. That is a fairly big gap in our philosophy.

We would be willing to split off at this moment, or sometime very soon today, the unemployment insurance provision, the $4 billion which has already passed the House and the Senate. We do not pay for it, but that has already been done. I did not vote for that bill because we did not pay for it.

We would be prepared to add that to the debt ceiling and let the debt ceiling go to the House with that amendment. Hopefully, that can be done, so somebody is not being blamed around here later in the week or next week for holding up unemployment compensation checks. We do not want to do that and I am certain my colleagues on the other side do not want to do that.

So I will be submitting an amendment today to do just that and we will be discussing that and other matters with the majority leader.

Mr. MITCHELL. Madam President, it had not been my intention to debate the matter now, but I feel constrained to respond to the comments by the Republican leader just now.

The Republican leader seeks to name this as they are for cutting spending and we are for increasing spending; and we are for paying for it and they are not.

I just point out again, Madam President, as I did the other day, the President's package is a total whole. It is a comprehensive program that will cut the deficit by nearly $500 billion over the next 5 years.

Every single Republican voted against the deficit reduction package; every single one.

Now, this part of the President's program calls for some increased spending. There are spending cuts and spending increases. The net is a sizable reduction in spending.

What they are seeking to do, of course, is to isolate this part of the package and say that is the President's program.

It does call for some spending, but it is more than offset in the total package by in excess of $200 billion in spending cuts, which every single Republican voted against.

So, I repeat, the President's economic plan is a coherent whole. It does call for some increased spending. But that increased spending is more than offset by an amount in excess of $200 billion in spending cuts.

So no one should be under the impression that the description of "We want more spending, they want less" describes the entire program of the President.

We, obviously, have debated this for a while and we can keep debating it, but I did not want that to go unchallenged or without some response.

We are trying to bring this to a conclusion. I hope that we can bring it to a conclusion. I will be discussing the matter further with the distinguished Republican leader later this afternoon.

MORNING BUSINESS

Mr. MITCHELL. Madam President, I ask unanimous consent that there be a period for morning business between now and 1 p.m., with the time equally divided and controlled by Senators BYRD and HATFIELD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, will the distinguished Republican leader yield for a question?

Mr. DOLE. Could I have some time?

Mr. HATFIELD. I yield the Senators 5 minutes.

Mr. PRYOR. Madam President, could we have order, please, in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from West Virginia.

THE DOLE AMENDMENT

Mr. BYRD. Madam President, the distinguished Republican leader indicated as far back, I believe, as last Thursday that he has an amendment that he wished to call up. I think he indicated that he would hope to call it up on Friday or perhaps on Saturday.

Does he entertain any present inclination of calling up that amendment at all and letting the Senate debate it?

Mr. DOLE. If the Senator will yield?

Mr. BYRD. Yes.

Mr. DOLE. I think the answer is in the affirmative. But I will be modifying the amendment. We have been studying over the weekend some modifications we think should be made. So I think the answer is yes, unless there is some other resolution—which is possible. But I would modify, because there are some areas where I think we have made—well, in my view we did not do the right thing. But the answer is "Yes."

And, as I understand from the distinguished chairman of the committee, that if that amendment were offered we would be permitted to proceed with that amendment. At least I understood the chairman and the majority leader——

Mr. BYRD. As far as this Senator is concerned, I would like to see the amendment pending so that the Senate could debate the amendment and——

Mr. DOLE. Will there be a chance the Senator would support the amendment?

Mr. BYRD. There might be a chance the Senator from West Virginia would move to table the amendment.

Mr. DOLE. I was fearful of that.

Mr. BYRD. I daresay to my friend, I think the American people want to legislate in the sunshine. Let us have the amendment out. Let the American people see what is in it, let us debate it, let us not just work on a proposal behind closed doors and work out a deal back there. Let us have the amendment out on the floor and let it be debated.

I do not intend to offer an amendment in the second degree to that—I might even vote for it up or down, but it is my inclination to table the amendment.

Mr. DOLE. If I was certain the Senator from West Virginia would vote for it, I would run and get it right now, but I need to make a few modifications, as I indicated earlier.

The PRESIDING OFFICER. The Senator from Maine is recognized.

ORDER OF PROCEDURE

Mr. MITCHELL. Madam President, I have completed my remarks. I understand now there will be a period for morning business until 1 p.m., with the time to be equally divided and controlled by Senators BYRD and HATFIELD.

Mr. BYRD. Madam President, is it the majority leader's intention there be no amendments called up during that period?

Mr. MITCHELL. That is correct; morning business, debate only, unless the distinguished Republican leader wants to offer his amendment. We would be pleased to have that offered at such time as he is ready. I discussed that. Other than that, no.

Mr. BYRD. Is that an order of the Senate, Madam President, no amendments will be eligible to be called up during this 2-hour period, with the exception of a possible amendment by Mr. DOLE?

The PRESIDING OFFICER. The Senate is currently in morning business. The time has been reserved until 1 o'clock. We are no longer on the emergency supplemental appropriations bill, so therefore no amendments would be in order.

Mr. BYRD. But as I understood the majority leader, he was willing and I am willing, also, for the distinguished Republican leader to be able to call up his amendment and make it the pending amendment and have it debated during the 2-hour period.

The PRESIDING OFFICER. To the Senator from West Virginia, no such motion was made and you would need to make that part of the consent order.

Mr. BYRD. Madam President, I make that request that the distinguished Republican leader be permitted to call up his amendment and that it be in order, then, for the distinguished majority leader or for the chairman of the committee to offer an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, as I indicated, I am not prepared to offer the modification. I may be soon, but I am not certain. I need to discuss it with a number of my colleagues. Therefore I object.

The PRESIDING OFFICER. Objection is noted. The Senator from West Virginia.

Mr. BYRD. I understand the Senator from Oregon wishes to speak?

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Madam President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oregon.

KEITH MAINLAND

Mr. HATFIELD. Madam President, I was saddened to learn over the weekend of the death of Keith Mainland, who was clerk and staff director of the Committee on Appropriations of the House of Representatives from 1972 to 1985.

Keith Mainland joined the staff of the House Appropriations Committee in 1962. The late Representative George Mahon made Keith the clerk of the committee in 1972, and he was serving in that capacity for Chairman Jamie Whitten when I became chairman of the Senate Appropriations Committee in 1981. Working with Keith Mainland and the staff of the House Appropriations Committee was one of the most pleasant and rewarding aspects of my chairmanship.

Unfailingly loyal to the House, Keith was no less committed to the appropriations process, and never once in my association with him did he ever pursue a partisan purpose. We worked together in a true bipartisan bicameral tradition. With all the talk of legislative gridlock these days, it is consoling to remember that it is not an inevitable consequence of our form of government.

Keith Mainland's service to the House of Representatives and the U.S. Congress was a shining example of dedicated public service, and he was honored with the John McCormack award shortly after his retirement in 1985.

Keith Mainland has left us too soon, but he has left us with memories, and a record of outstanding service to the people's branch of our Government. Our sympathies and prayers are with his wife Sandy, and his children Kirk and Marlene.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Vermont has been wanting some time. I want to leave the floor for a while. I want to yield all the time to Mr. SARBANES for his control on this side, and Senators who wish time may speak with him. I understand he has to leave after a while. In that event, I would like then for the time to be controlled by Mr. SASSER on this side.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. LEAHY. Will the Senator from Maryland yield 4 minutes?

Mr. SARBANES. I yield 4 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Vermont [Mr. LEAHY].

RURAL INITIATIVES AND THE STIMULUS PACKAGE

Mr. LEAHY. Mr. President, I appeal to rural State Senators today to break the Republican impasse on the stimulus package. We must pass this plan—it is the first economic plan that has remembered rural America and the needs of States like my own State of Vermont.

This $16 billion stimulus package focuses on infrastructure projects that will create jobs and end the constant exodus of high school graduates who leave our State against their will because jobs are somewhere else.

The Senate today is gridlocked by a filibuster based on a letter signed by 43 Republican Senators who steadfastly refuse to end debate and vote on the administration's program.

The Senate cannot hope to get a vote on the President's plan since it cannot muster the 60 votes necessary to end the filibuster in the face of solid, GOP opposition.

Americans living in rural America will be the ones to suffer when one of the first economic packages ever to consider the problems of rural States like Vermont becomes a casualty of gridlock and is never put to a vote.

I don't want our kids to graduate from Vermont high schools and have to leave for jobs in other States. This bill contains the rural imperatives that would allow these Vermonters to stay at home to work and raise their families.

I urge my colleagues to vote to end this filibuster and put rural Americans back to work.

Mr. REID. Mr. President, I ask the manager of the bill, the Senator from Maryland who controls the time, that I be able to ask him a couple questions.

Mr. SARBANES. Mr. President, I yield myself such time as I may use.

FILIBUSTER

Mr. REID. Mr. President, I ask the Senator from Maryland, I have heard at least twice on the floor this morning on the other side of the aisle about the time that had been used on this bill. I think it has been clearly established—and I ask the Senator to answer this question—I think it has been clearly established on this floor during the past 9 or 10 days that there are different ways of conducting a filibuster. Of course, we are familiar with the filibuster by people talking a long time.

The Senator from Maryland is familiar with that; is that true?

Mr. SARBANES. That is correct.

Mr. REID. There is also a filibuster by amendment where an amendment is offered, and as soon as it is defeated another one is brought up. You are also familiar with filibuster by amendment; is that true?

Mr. SARBANES. That is correct, Mr. President, and it is my understanding, as the majority leader has indicated earlier in this debate, that the Republican side was prepared to offer an unlimited number of amendments; in other words, to constantly offer amendments.

The majority leader has tried repeatedly to get an agreement with the Republican side on a limited number of amendments and an agreed-upon time for voting on this bill, and they have consistently refused to provide that agreement. In other words, they have kept this wide open, so we find ourselves in the position where a minority of the Senate can prevent us from getting to this bill.

Mr. REID. Also a question that I propose to the Senator from Maryland is the fact that for the first time in the history of the Senate, that I am aware of, there has been a new method of filibustering, and that is by letter. The Senator from Maryland one night last week had, as part of this RECORD, a letter that was signed by 42 Senators to the minority leader indicating that they were going to filibuster this and they indicated so by letter; is that true?

Mr. SARBANES. The Senator is absolutely correct. In fact, I happen to have the letter in front of me. The letter says, in this concluding paragraph:

> Therefore, we will not vote to invoke cloture on this measure as presently constituted, notwithstanding the scheduled Easter recess.

What the other side has made very clear is that they are not going to vote for cloture and this is the first time I have ever seen this technique used in the U.S. Senate, the first time.

Mr. REID. So, Mr. President, this avoids talking and it avoids offering amendments. It is just kind of a quick way to tell everybody that nothing is going to happen on the Senate floor; is that true?

Mr. SARBANES. That is right.

Mr. President, the Republican leader says we disagree with the Democrats on what the strategy ought to be. I understand that. We do disagree. There is a disagreement here, and that has been reflected as we treated the budget resolution, and now as we are treating this jobs bill. But the important point is that the Republicans will not allow us to vote on the disagreeing perceptions. The Republicans say: Not only do we disagree with the approach that President Clinton is taking and that you are taking, but we are not even going to allow that issue to be put to a vote in the Senate of the United States because we are going to simply block a substantive consideration of the issue, and to demonstrate it, we have sent you this letter that 43 of us have signed.

So now we have a cloture motion. Most of the Democrats were here and voted for it. A goodly number of the Republicans have fled the scene. Of course, you do not need two-thirds of those present and voting under the filibuster rule. If you needed two-thirds of those present and voting, we, in fact, would have invoked cloture on this last vote. But the requirement is that you need 60 people to vote to cut off debate. But there are not 60 Members of the Senate on this side of the aisle.

The other side has signed a letter saying: We are not going to allow you to get cloture. And so a goodly number of their people have simply left and were not here for the last vote. The last vote was 49 to 29 in favor of cloture, and if the rule was two-thirds of the people here and voting, we would have invoked cloture. All cloture means is that we can get to the bill and vote on it "yes" or "no."

If the other side has a differing view of what ought to be done, then obviously they should vote "no" on the bill when it comes up; and those of us who think it is a good bill, that we need a jobs bill, we need to get people back to work would vote "yes." But we are not being given even that opportunity to actually vote on the bill.

They say you have used more time talking on your side than we have on our side. It is really irrelevant when you come up against a filibuster by letter.

Mr. President, I ask unanimous consent that this letter, signed by all the Republicans Senators to their Republican leader indicating that they will not vote for cloture on this bill, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 31, 1993.

Hon. BOB DOLE,
Republican Leader, U.S. Senate,
Washington, DC.

DEAR BOB: As currently written, H.R. 1335, the so-called "Emergency Supplemental Appropriations," contains $19.5 billion in additional deficit spending. This increase is $8.5 billion more than the net domestic spending cuts contained in the entire five year budget reduction plan.

The American people are asking the Congress to cut spending first, and then consider other options to reduce the deficit. The enactment of H.R. 1335, in its current form, would be contrary to demands from taxpayers all across America.

Therefore, we will not vote to invoke cloture on this measure as presently constituted, notwithstanding the scheduled Easter recess.

Sincerely,

John Warner, Chuck Grassley, Larry Pressler, Al D'Amato, John McCain, Connie Mack, Larry E. Craig, Trent Lott, Nancy Kassebaum, Arlen Specter, Alan Simpson, Kit Bond, Bob Packwood, Paul D. Coverdell, Frank H. Murkowski, Lauch Faircloth, Conrad Burns, Robert F. Bennett, Slade Gorton, Bill Cohen.

Thad Cochran, Pete Domenici, Jim Jeffords, David Durenberger, Don Nickles, Dan Coats, Malcolm Wallop, Dirk Kempthorne, Judd Gregg, Mark Hatfield, John Danforth, Mitch McConnell, Bob Smith, Strom Thurmond, Phil Gramm, Richard S. Lugar, Jesse Helms, John H. Chafee, Orrin Hatch, Bill Roth, Ted Stevens, Hank Brown.

Mr. REID. Mr. President, my final question to the Senator from Maryland would be there then should be no mistake by whom the filibuster is being conducted; is that a fair statement?

Mr. SARBANES. I think that is very clear. I thank the Senator for his questions.

Mr. President, we reserve our time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the distinguished ranking member of the Appropriations Committee designated me to control time in his absence. We are going to go back and forth. How much time has been used on their side?

The PRESIDING OFFICER. The time controlled by the Senator from Maryland has used approximately 15 minutes. The Senator from New Mexico has 56 minutes remaining.

Mr. SARBANES. Mr. President, the Senator from Maryland has used 15 minutes and has 45 minutes remaining?

The PRESIDING OFFICER. Forty-six, to be exact.

Mr. SARBANES. And the Senator from New Mexico has?

The PRESIDING OFFICER. Fifty-six.

Mr. SARBANES. I thank the Chair.

Mr. DOMENICI. Mr. President, I yield as much time as I may use, but if there are any Republican Senators who want to speak, I will yield to them.

I yield myself 10 minutes, and then I will yield to Senator CHAFEE.

Mr. President, let me first address the issue which the distinguished majority leader continues to use on the floor regarding the President's entire economic package, and let me tell you what the Congressional Budget Office says the President's package is. I really thought we were going to use the estimates of the Congressional Budget Office. The President admonished us that night when he gave his speech to the American people that we should do that.

Using CBO's current law capped baseline estimates, this package of deficit reductions is not $496 billion, rather it is $440 billion. A Senate Budget Committee Republican analysis also suggests that when you look at what makes up the $440 billion in so-called deficit reduction, the following makes up that package, and let me go through it very simply one more time: $75 billion of that cut is in defense. If this stimulus package is passed, believe it or not, only a net $9 billion of this deficit reduction package is made up in cuts in the domestic part of the Federal budget.

Two-thirds of the Federal budget is domestic, and the President's package, analyzed by the Budget Committee Republican staff, indicates that after this spending package, we will have cut domestic spending over 5 years by $9 billion; a net $9 billion.

Now let me put that in perspective so those listening might understand what that means. In every part of the domestic budget, except Social Security, leave Social Security aside, those programs that we are going to cut a net $9 billion under the President's plan are actually growing, Mr. President, by $578 billion. Well over $120 billion a year.

Now, I thought the American people wanted some cuts. They stand up and say, "We are giving you the cuts." But the cuts are just what I said—$75 billion, according to Budget Committee analysis in defense; $9 billion in domestic, once we pass this spending package; and the budget is growing at $578 billion while we are cutting it a net of $9 billion.

Why such a small number? Because everybody should know that while we are cutting, we are spending more. While we are reducing some programs, we are putting money into increases for programs and even to fund new programs. And the difference between the new programs, new funding, and the cuts is the astronomical amount of a net $9 billion.

Now, if we were to just stop there and say, well, that is not much—and it sure is not—much of a deficit reduction package, what else is in this big package to which the majority leader continues to refer?

Well, let us make sure we understand. Eighteen billion dollars of it is new fees, new fees that he plans to assess against users of Federal Government services or properties. That is $18 billion. Believe it or not, $59 billion they are taking credit for is nothing more than saving interest on the national debt because interest rates are coming down, and we are planning on cutting the budget. We are giving ourselves credit for all those cuts and all those new taxes, and we are saying the interest will be $59 billion less than otherwise. Can you imagine? And that is a cut.

What is the real package, however, that makes up this deficit reduction plan? Now is where you really get to putting the rubber on the road—$273 billion is new taxes. Frankly, one can almost say it is really a tax package.

Let me go through it again. Nine billion dollars in domestic cuts of all types, net, over 5 years. Let me just give a nice aside about that. Sixty percent of those cuts are sort of believe it or not cuts, or, if you believe it, you believe in fairy tale kind of cuts. Sixty percent are in the year 1998, meaning we will probably never achieve them. They will be forgotten. They are not in entitlement programs; they are just domestic discretionary reductions. We plug them in 5 years out.

So here we are—$75 billion in defense, $9 billion net in all of the domestic programs—these are by way of cuts—and the rest is made up of fees of $18 billion, interest savings allegedly of $59 billion and new taxes of $273 billion.

Now, I do not have the exact ratio, but let me suggest that it is somewhere over $3 in new taxes for every $1 in spending cuts. In fact, it probably has not changed much from the $3.88 that we figured, so it is somewhere in the neighborhood of $3.50 in new taxes for every $1 in spending reductions.

I do not believe the American people expected that. I do not think anybody though the President campaigned on that. And, frankly, for anyone to say that the Republicans ought not do everything in their power to keep that plan from becoming law is ignoring the fact that we believe it will be ruinous to the American economy, not helpful.

Now, some last remarks before I yield at this moment—unless there are other Republicans who want to speak, and I will yield to the other side. It has been said by some here today on the other side of the aisle that this is an integral part of the President's plan, and it behooves those who would oppose it to understand that they are dismantling the President's program and they may be held accountable.

Mr. President, do you know what is going to cause the American economy not to continue in its recovery mode and add another 400,000 jobs or more to the 409,000 jobs that it added in the months of January and February, far more jobs in those 2 months than this bill is going to create if it works in the remainder of this year? Let me tell you what is going to cause the American economy not to work, and you can mark my words. When we finish the reconciliation bill, the order to the committees that says produce taxes, we will have levied a tax this year, retroactive, of $27 billion. It will continue to grow until it reaches $273 billion in new taxes over 5 years, the largest tax bill in the history of the Republic—Senator MOYNIHAN has said in the history of the world—and it is supposed to be an economic recovery plan.

The other side can continue to talk about a great recovery plan, but I really believe that $273 billion in net new taxes, offset by net cuts in the domestic programs of this country of only $9 billion, is far from a recovery plan. As a matter of fact, let us put a couple of numbers in perspective again.

The Congressional Budget Office took this stimulus package—and so everyone will know they said in 1993, the year that they are saying we need the stimulus, let us get things gong, the Congressional Budget Office estimated that out of all of the $12.3 billion in new discretionary spending in this spending package, only $2.9 billion will actually be spent in 1993—$2.9 billion will be spent in 1993, not $10 billion, not $15 billion—$2.9 billion.

Now, what is the matter with this plan is—

Mr. SARBANES. Will the Senator yield on that point?

Mr. DOMENICI. Let me yield in a moment.

What is the matter with this plan is that that little $2.95 billion in this year under the umbrella of a $16.3 billion program is going to be offset in about 2½ months, if the Clinton plan passes, by $27 billion in new taxes.

One additional minute.

I would clearly ask those who work with economists, those who are members of various economic committees here, I would ask them to ask any economists whether $2.9 billion in spending this year, which is what the Congressional Budget Office says this big discretionary spending plan is going to do, will have much impact in a $1.5 trillion economy? I would ask them which is going to do more good or more harm, the $27 billion in new taxes on this economy effective this year or $2.95 billion in new discretionary spending?

Mr. President, I believe they would all say forget the stimulus, forget the spending, and cut the taxes. That might be a good tradeoff.

I will take 2 more minutes, Mr. President.

Take the money that is planned to be spent here, except for the unemployment compensation payments, and deduct that whole amount from the taxes we are going to impose on the American people this year. Reduce those taxes by that amount if you want a plan. That will do more for the recovery of the economy than the programs and policies encapsulated in this bill could have done under anybody's imagination, much less real economic facts.

Mr. SARBANES. Will the Senator yield?

Mr. DOMENICI. I would be pleased to yield on my time for a question from the distinguished Senator from Maryland.

Mr. SARBANES. Just a very brief question. Where does the Senator get the $2.9 billion figure as the part of this program that would be effective this year since $4 billion of it is for unemployment insurance, and that is only to take the program into the first week of October.

Mr. DOMENICI. Yes. What I said was $2.9 billion will be spent other than unemployment compensation. Unemployment compensation is not a discretionary program like the rest of these programs. Where I got the numbers—

Mr. SARBANES. So the Senator's $2.9 billion is not counting unemployment?

Mr. DOMENICI. Yes.

Mr. SARBANES. Because the Senator then made the point that there was $16 billion and only $2.9 billion of it spent this year. But the $16 billion includes the $4 billion in unemployment.

Mr. DOMENICI. Yes.

Mr. SARBANES. So if the Senator is going to make that statement, at least the figure should be $6.9 billion. I want to check the rest of the Senator's figures.

Mr. DOMENICI. Senator, let me just repeat. I did not intend to mislead anybody.

Mr. SARBANES. No. I listened very carefully because I was wondering, I just thought to myself that figure cannot be right no matter what the spendout rates are of some of these programs. You said there is 16 billion dollars' worth in this program and only 2.9 is going to be spent this year. But you are telling me that 2.9 does not count the $4 billion, but the $16 billion does count the $4 billion.

Mr. DOMENICI. I think what I said—will repeat this—is that the Congressional Budget Office, in their analysis of this spending package, estimated that for the discretionary spending, in the bill only $2.95 billion is going to spend out in 1993. Unemployment compensation is going to be for those whose unemployment benefits have expired. I really do not think that spending is intended by anyone to be a stimulus. I think that was voted on separately and now we are funding those extended benefits in this bill. If one wants to call it a stimulus, then clearly when I proposed the other night that we ought not cut the cost-of-living increase for all the thousands of Federal civilian and military employees, that would be more of a stimulus than most things in this package. Give Federal workers their pay raise and cut some of these other things out.

Let me repeat. What is going to harm the economy is not a failure to pass their package. Nobody is going to agree to that, no matter how much the people on the other side of the aisle clammer about it. What is going to hurt the economy is $27 billion in new taxes, which makes the stimulus qualities of this bill pale. You are pulling down the economy to the tune of $27 billion in new taxes while you are spending $2.9 billion on so-called programs to create jobs.

So I do not think those are refutable. The only thing one could say is that taxes do not harm the economy, even when you are trying to pull out of a fragile recovery. Or, one could say, the estimates of the Congressional Budget Office should not be used. We ought to go back to OMB estimates. I don't think either is valid.

As I say to my friend from Mississippi, the Congressional Budget Office is the one that has said how slowly this money will spend out. They are the ones that have confirmed the amount of new taxes to be imposed this year.

I think he knows that the President said follow CBO, the Congressional Budget Office. We are following it. There is not any big bang this year out of this package. It comes later. But I will tell you, there is one big bang, and it is going to be when we put the Btu energy tax on everybody and every business; and, raise marginal tax rates in one instance by 29 percent and another by 36 percent, the largest marginal rate of tax increase in the history of the Republic.

It puts us alongside of England with the kind of tax structure that nobody thinks anybody ought to have in terms of the way it imposes taxes on small businesses around the country that are putting their money back into their businesses. Now they are going to have to take it out and give it to Uncle Sam.

Mr. LOTT. Does the Senator control the time?

Mr. DOMENICI. I do.

Mr. LOTT. Would he yield 7 minutes.

Mr. DOMENICI. I yield 7 minutes to my friend, Senator TRENT LOTT.

Mr. LOTT. I thank the distinguished Senator from New Mexico for his remarks this morning, for his outstanding work this year on the so-called budget plan, and also for his thoughtfulness in describing this particular piece of legislation.

Let us make no mistake about it. This is a spending bill. It is not paid for. There are not even new taxes to pay for it. It is just going to be added to the deficit. The key to this is in the title. This is a supplemental. There is additional new spending above what was already agreed to last year when we had our regular appropriations process. And the American people have figured it out. This is more spending, it is unnecessary spending and, it is spending that is not paid for; it is spending that is going to be added to the deficit.

Mr. President, who in this body worries about the working, taxpaying people of America that are bearing the burden of these increased taxes? And they and their children will bear the burden of the increased deficits. I was home for some events Saturday afternoon. I met with my own constituents. They came up and said, "you are right, please do not give in." They have it figured out. This bill would allow the Government to spend another $16 to $20 billion, and much of it for wasteful programs.

We have already heard the long list of pork that is going to be funded through the CDBG Program. A lot of these other programs that are going to be funded or have their funding increased are not going to create any jobs. Even in the Democratic proposal of the Senator from Louisiana and the Senator from Oklahoma, they admit many of them do not create new jobs. It is additional spending. The only thing that it might actually do is provide some sugarcoating for the spending and the tax increases that were approved in the budget bill. That is the way even the Washington Post described it. Their editorial on January 28, 1993, described this stimulus package as a political stimulus, not an economic stimulus.

The only part of this package that might do some good by creating some jobs quickly, would be the part that would advance funding for highways out of the highway trust fund and for improvements in airports from the trust fund. We need to do that. The money is there, it should be used, and I support that.

I think we could put together a package, an agreement, that would substantially reduce the size of this package and pay for it. We should certainly, move only those parts of the proposal that are really going to create jobs. Some of this package does not do that. We are talking about almost $16.3 billion not counting what we have for the highways and airports that would come out of the trust funds. So this is not an insignificant amount of money.

Let me make some points about the specific spending proposals. We already have programs like the Army Corps water projects. $3.487 billion in funding for the Army Corp's water projects has already been approved for this year. This bill would add $94 million to that. We have the immunization program. Most people would be willing to support more immunization. But we are adding $300 million to that program. It already has $341.1 million in fiscal year 1993. How many jobs would this additional funding create. It will create 250, supposedly, in 1993, none in 1994. The WIC Program already has $2.860 billion in fiscal year 1993. This bill would add another $75 million. How many jobs will that create? They say 300. I think that is doubtful. None in 1994.

Many of the programs that are proposed here, such as the Ryan White Care Act, would create no new jobs, in 1993 or 1994. There is a list here of about eight or nine of these that create no jobs. That is acknowledged by what was excluded from the Democratic proposal. So much of this program is just not going to do what it is billed to do.

We should not pass this package in the way it has been offered. We ought to allow amendments to be offered and have an opportunity to be accepted, including the Democratic amendments have been rejected. The difficulty is, you are going to get this whole hog, pass it all, or you are not going to get any of it.

My reaction is, none of it, then. When you get ready to negotiate seriously, take the debt ceiling out, maybe move the unemployment compensation, maybe some other parts that really create jobs. Yes, then I think that you will find everybody is willing to talk. But if it is going to be a deal, "You take this all or nothing," then you are going to get nothing, because this is a wasteful spending program. It is not paid for.

The American people have figured that out. We have a hard time getting our message through the news media. But I found that it is getting through, while I was home this past weekend. The people understand what is going on here.

Mr. President, I do not understand what has been going on this year. We have been talking about lifting the ban on homosexuals in the military, arguing about bringing in immigrants with AIDS, and now we are going to have Federal funds through Medicaid for everybody to get an abortion. We have had tax increases, spending increases, and now on top of all of that, a bill that alleges it is going to create more jobs than it will and that will add to the deficit.

So I think it is proper that we draw the line here. I know this: While the Republicans are the ones that are taking the lead in stopping this bad bill, there are a lot of our colleagues on the other side of the aisle that are very uncomfortable with it.

They privately say: Look, we are not comfortable with this. We know it is too big. We know it ought to be paid for. We know it is not going to do what we are being told it is going to do.

This is pork barrel. This is porklock. This is wasteful spending, and this is the place to draw the line. Some people say, "You are just trying to embarrass the President." That is not true. I do not want to do that. I wanted him to have a successful summit meeting in Vancouver. He ought to be embarrassed to put everything on the line, to hold on to this package lock, stock, and barrel, every nickel of it, no matter whether it is paid for or not. Just add it to the deficit and, supposedly, it will create a lot of new jobs.

It will not do it. It will hurt the economy, Mr. President. This time, the American people have it figured out. We can work out something that is fair and understandable, that might have some positive effect, or we can stay here and have amendments or debate it, however the leadership would like to do it. This time we are not going to let a bad bill go forward that is nothing more than a political payoff. That is what it really is.

I yield the floor.

Mr. SARBANES. Did I understand the Senator's comments to mean that the transportation package that is in this bill meets his approval?

Mr. LOTT. I said that——

Mr. SARBANES. Highways, mass transit, and airports?

Mr. LOTT. I did not mention mass transit.

Mr. SARBANES. That comes out of the trust fund.

Mr. LOTT. I said I think there are areas where we can work out an agreement. It might not be the way I would like to do it if I were totally in charge of the package. But in cases where the funding is not going to be added to the deficit because it is in a trust fund, and if you can show it will produce some benefits, I think we can support that advanced funding. I would rather not include the entire area that you just spoke about, but I think we can work that out.

If we would go with the parts of this bill that really create jobs, then I would be willing to support that. I think that could be an area where maybe we could reach an agreement. But the problem is, everybody says you have to add this and that, and the next thing you know it is up to $12 or $14 billion again, and not paid for; it is just added to the deficit. At least with the two trust funds, you are moving money that is there, that can be used and can be used quickly to projects that have been identified. So if you want to talk about that, then we can talk about it. But I certainly would not support all these other spending increases.

Mr. BUMPERS. Will the Senator from Maryland yield?

Mr. SARBANES. What is the time situation, Mr. President?

The PRESIDING OFFICER. The Senator from Maryland has 46 minutes, 35 seconds remaining. The Senator from New Mexico has 31 minutes remaining.

Mr. SARBANES. I yield to the Senator from Michigan.

Mr. BUMPERS. For the time being, not to preempt the Senator from Michigan, will the Senator yield 1 minute?

Mr. SARBANES. I yield 2 minutes to the Senator from Arkansas.

Mr. DOMENICI. Will the Senator yield?

Mr. BUMPERS. I wanted to ask the Senator from Mississippi, who has talked a great deal here, as have other Members of that side of the aisle, about paying for this package. I have a sporting proposition for the Senator.

I have a series of bills pending in the U.S. Senate to cut really massive amounts of spending. But I will just give the Senator four of them: space station, super collider, advanced solid rocket motor—which, unhappily, is made in the Senator's home State—and

SDI. If the Senator will vote for those four items which, incidentally, will cut a lot less spending than is in this package for 1994, if you vote for all four of those, you will save about $4.5 billion. In the next 30 years, you save about $300 billion. If you vote for those four, you will get about $4.5 billion in 1994.

If the Senator will give me his word on the floor right now that he will vote against every one of those projects, I will vote against this stimulus package. I wonder if the Senator would yield an additional minute for the Senator from Mississippi to respond.

Mr. SARBANES. Yes.

Mr. LOTT. I would be happy to respond. First of all, the Senator from Arkansas said I have talked a lot about what is in this bill. I have spoken, I think, 7 minutes. This bill has been debated since last Wednesday or Thursday, for 30 or 35 hours. This is the first time I have spoken on this legislation.

If the Senator from Arkansas wants to offer some amendments to pay for what is in this bill, he should put them up and I think he will maybe have a chance. No, I will not vote for all of those. I might vote for some of what is in this package, and I might vote for some of the other items. Put them up. Somebody ought to offer something to pay for this bill. The Senator from Arkansas would be the first one that offered something that might pay for it. I urge him to do that.

Mr. BUMPERS. I have already done it. Every one of those things are pending in the U.S. Senate right now.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. Mr. President, I yield 8 minutes to the Senator from Michigan.

Mr. DOMENICI. If the Senator will yield, I just wanted to state that Senator CHAFEE is going to control our time.

Mr. SARBANES. Will the Senator from Michigan yield me 30 seconds?

Mr. RIEGLE. Off his time or mine?

Mr. SARBANES. Off my time.

Mr. President, I just want to underscore that the Republicans have said they are going to do "everything in our power to prevent this measure from becoming law," including not allowing us to vote on it. It is very important that that be understood. I was told what people heard when they went home for the weekend. What I heard is: Why do they not give this new President a chance; give Bill Clinton, who was elected by the American people as President in the first week of November, an opportunity to get his program into place? He is willing to be accountable for it. Why do they not give him a chance to do that, and at least why do they not give the Senate a chance to actually vote on the substance of his program instead of frustrating it.

People see this as a return of gridlock. As I hear it, they want the new President to have a chance. They want him to have a chance to try to change the country, move it in a different direction, and try to address these problems that have confronted the Nation. I thank the Senator.

Mr. RIEGLE. Mr. President, I want to continue in that vein. This is this morning's Wall Street Journal, page 2. It says: "Republican filibuster stalemates bill for $16 billion in economic stimulus."

I have heard the other side of the aisle say they are not blocking things. It is not gridlock. They do not have the works jammed up here. That is not true. In fact, we are confronting a filibuster. The first line in this story in the Wall Street Journal says, "Republican filibuster tactics plunge the Capitol back into stalemate."

That is the Wall Street Journal's opinion of it. Let me give you something more current off of the Associated press wire service within the last 40 minutes. It comments on the vote we just had here this morning. The headlines: Senate Republicans Again Block Vote on Clinton Stimulus Plan. The writer, Jim Luther, says: "Senate Republicans refuse for a third time today to allow a vote on President Clinton's stimulus plan."

I want to talk about two things here in the time I have, and the time is limited. I want to talk about the merits of the issue and then about the politics of the issue. In terms of the merits, the economy is in real trouble. We have seen this chart before, and it shows in past recessions, noted here by this blue line, that as the months have gone by in the recession, you come down to the bottom of the recession and you come out of it and you cover the jobs you have lost; and by this point, some 2½ years after the recession started, you are way up here with a good, strong job recovery.

The red line here is what has happened in this recession. We are way down here. There is a huge gap here. We are not getting the job recovery. In fact, we just got the numbers for March indicating that in our entire economy, we lost another 22,000 jobs. That is why President Clinton has put this jobs program before the country and before the Congress and why we need to enact it.

I realize people on the other side are a little sensitive about it, because they just lost the Presidency, because they had a President who had an economic plan for every country in the world except our own. He had a plan for Kuwait, a plan for Mexico, a plan for this country and that country, but no plan for America. The people said they had enough of that, so they got rid of that crowd, brought in a new President who had a plan for America, and now the plan is here on the Senate floor, and that side of the aisle refuses to allow us to enact this plan.

In addition to this chart that shows a lack of job recovery, this is what the last 12 years have looked like in terms of our merchandise trade deficit with the rest of the world.

Back in 1980, we had roughly a balance of trade. By the time we got up to the end of 1992, we had $1.2 trillion in cumulative merchandise trade deficits with the rest of the world.

We are hemorrhaging money out of this country and hemorrhaging jobs with it. The worst part of the problem is within the country of Japan. If you take our deficits each year with Japan, from 1980 up through 1992, it hit a high point of $60 billion in their favor—$5 billion a month going out of this country to Japan in 1987. It came in at $49 billion last year. Japan has taken a half trillion dollars out of the United States since 1980. Five hundred billion dollars' worth of jobs, of economic strength, has left America and gone to Japan.

What is Japan doing right now with their economy, even after draining all this wealth out of our country? Here is another story out of the New York Times just this week. Last year, because the unemployment rate in Japan got all the way up to 2.5 percent—imagine that; ours is a little over 7 percent; theirs got up to 2½ percent—they decided they needed an economic stimulus plan. How much did they put in it? They put in $93 billion. We are talking here about a U.S. stimulus plan of $16.3 billion. Last year, the Japanese, according to the New York Times, had a $93 billion stimulus.

The Japanese have come along this year and decided they need to put some muscle into their economy, so they are going to have a new stimulus program. This story says the new program is going to be $130 billion more. The Japanese are going to invest that much in their country to provide jobs and economic lift.

And here we have, on the other side of the aisle here, this adamant objection by the Republicans to even a $16 billion plan by President Clinton to help this country, and it helps all 50 States. In my own State of Michigan, roughly a third of a billion dollars would come in, some for transportation and highway projects, some of it for summer jobs, some of it for the Head Start Program, some of it for community development block grants to help the cities get things going and get the employment up there. Some of it is to help the veterans.

This money is going to help the country not only create jobs, but it is going to put money in circulation. Every person's job helps create another person's job in this country. That is why we need it.

On the merits of the case, there is no question we need the jobs now. We are seeing jobs disappear. Last month, consumer confidence was dropping. The stock market was off nearly 70 points on Friday. Now we are finding that the Treasury Department cannot even proceed with their normal Treasury funding because the debt limit issue is all tangled up in this.

On the merits, it is clear the public voted in November for change, a change in jobs, and a change in President, a President for America. They had it with having a President for every country in the world, but no President for our own country. Now we have a President, Bill Clinton, a President for this country. And he came in with a focused, sensible economic plan.

It is just killing our friends on the other side of the aisle. This President has only been in some 11 weeks, and they are doing everything they can to cripple his Presidency and not let him get started with the plan he was elected to do.

I know we have at least a couple of Presidential candidates on this side of the aisle itching to start the 1996 Presidential race. They cannot go up to New Hampshire just yet. That is a little awkward and it would look pushy to do that. I know they are dying to do that.

What they do instead is come in here and do everything they can to damage this President, who was just elected, because they are furthering their own personal political ambitions, trying to help themselves for 1996.

Oh, they are concerned with other candidates in their party who are not stuck in the Senate. One I will mention is Jack Kemp, who is out there going around the country giving speeches. Some Senators here do not want to be outdone by Jack Kemp, and they are going to do what they can to help thwart this President now in the notion they are helping their Presidential prospects in 1996. That is what is going on here when you strip all the verbiage and veneer off it.

When Japan last year did 93 billion dollars' worth of job stimulus, and this year is going to do another 130 billion dollars' worth of job stimulus, and unemployment is only 2½ percent, for Republicans to come in here and say, "Look, we are not going to give you the $16 billion to try to do something about a much bigger unemployment problem in America," the only possible reason they are doing that is sheer politics, and it is Presidential politics. It is just killing them that they do not have the White House after 12 years.

They do not deserve to have the White House. They squandered the White House. But do not hurt this President. This President has a sensible plan.

I yield myself 1 additional minute.

Mr. SARBANES. Mr. President, I yield the time for managing to the Senator from Michigan. I yield him an additional 2 minutes now, and then he can yield time.

The PRESIDING OFFICER. The Senator from Michigan will now control the time.

Mr. RIEGLE. I thank the Chair and the Senator from Maryland.

So we are in a situation now where the other side will do anything they have to to create and maintain the gridlock. That is what the Wall Street Journal said. They did not invent this headline. This headline is a statement of fact: "Republican Filibuster Stalemates Bill for $16 Billion in Economic Stimulus."

There is this headline on the story off the AP wire now: "Senate Republicans Again Block Vote on Clinton Stimulus Plan."

It is obvious what is going on here. I know some on that side think things are going to come to a head with this, and they are going to score a few points, politically stocking up, because they hurt this President.

You cannot hurt this President without hurting America. When you hurt the President, you hurt America and hurt unemployed people out there. People are fearful they are going to lose their jobs. It is time we did something for this country, and it is time that people on that side of the aisle decide to do something for people in this country.

Their party was taken out of power in the executive branch because they failed on the economic issue, and they ought to be honest enough to recognize it and to not try to cripple the new President, who has come in here and has an economic plan to try to get job growth going again. Give him a chance. He has only been there 11 weeks. He has only been there 11 weeks. He won the election and has come in with a sensible plan. We need the jobs. So let us do something for America.

They can worry about the Presidency, the Republican Party, and nomination sometime later on down the road, when we get closer to 1996. But let us take the Presidential politics out of here and let us pass this jobs plan and let us put people to work in this country.

We need jobs in America. We do not need any more politics coming off the other side, politics of division, stalemate, gridlock, and filibuster.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator controls 30 minutes and 37 seconds.

Mr. CHAFEE. Mr. President, one of the strangest things that happens in this Senate is people seem to think if they shout at the top of their lungs, events can be changed; and that if they can launch into enough wild charges, it will make a difference in this place.

The fortunate thing is the people of the United States are fairly intelligent, and they can see through some of the nonsense that is said on the floor of this Senate, and that is a great tribute to the American people.

I have heard some statements about President Bush doing everything for foreign countries and nothing for America. It is very strange that those comments should be made about President Bush hard on the heels of President Clinton just returning from Vancouver where he pledged $1.6 billion to the country of Russia.

I support that. I do not attack that, just like I did not attack and felt that the President of the United States, President Bush, was taking the right steps when he was supportive of foreign measures. But we do not look for consistency on the other side. We are used to palaver being poured out attacking our President Bush and everything is perfect with President Clinton. The Republicans are all for increasing unemployment—if you listen to some of that nonsense, you are liable to believe it. But I think nobody does believe it.

Now, Mr. President, it is apparent that this year, which is the first in Mr. Clinton's Presidency, that things have gotten off to a bad start in the Senate. The first major spending measure to come before this body has found every Member of the Republican Party against it. It is no secret that perhaps a half dozen Democrats are likewise deeply concerned about the measure that is before us. We have had the bill before us for more than a week, and not one vote has shifted. It is akin to a vehicle being deep in the snow drift; we are not moving 1 inch.

Nothing is achieved by fiery statements about the supposed evils of gridlock, nor is any progress being made as a result of this Democratic Senator bellowing at the top of his lungs that Republicans do not care about the jobless, or another Democratic Senator sardonically inferring that Republicans are extending the recession. Nobody is extending the recession. Nobody believes such nonsense including, I suspect, the speakers themselves.

For the Democratic administration, Mr. President, gridlock represents a failure, a failure to lead, and a failure to fashion legislation that is acceptable to enough Senators to achieve passage.

What counts, Mr. President, is not invective in the CONGRESSIONAL RECORD, but passage of bills that will hopefully result in solving national problems. So gridlock represents a failure, a failure of the President, and a failure of the leadership in the Senate. Somehow, on this particular measure, a compromise will eventually be worked out. But it seems to me, Mr. President, it is more important to ascertain how we got into this situation and how does the majority seek to avoid such imbroglios in the future.

May I offer some observations which are based upon having served in the Senate under Democratic administrations and under Republican administrations, with Republican majorities and with Democratic majorities?

To date, the Clinton administration has evidenced, it seems to me, in its relationship with the Senate, two characteristics: First, a cavalier attitude. Perhaps hubris is the better word, but it is all the same. Overbearing pride; the belief that the virtues of its position are so manifest, so evident, that the results sought will be achieved and a large group in the Senate can be ignored.

Second, associated with this attitude has been an unwillingness to consult with and to reason with Republicans.

Perhaps this is understandable. There is a Democratic President in the White House, there are overwhelming Democratic majorities in both branches of Congress—60 percent in the House and 57 percent in the Senate. Why waste time talking to a group that is usually noncohesive and, if it was united, would constitute only a minority in either legislative branch?

But experience has shown that consultation produces better results than confrontation. Some of the most significant legislation sought by Democratic and Republican administrations has come about through bipartisan coalitions that have provided the necessary numbers to produce passage, sometimes prevailing over a majority of the administration's own party.

For example, in 1978 the Carter administration was extremely anxious to have lifted an arms embargo imposed on Turkey. That action was agreed to by the Senate by a vote of 57 to 42, with only 30 of 62 Democratics voting with the majority. Less than half of the Democratics voted with the majority. The Republicans, with 27 votes, supplied the margin of victory for President Carter.

Likewise, in that same year, the Carter administration wished to sell certain aircraft to Egypt, Israel, and Saudi Arabia. The so-called F-15 sale, as it is remembered. Thirty-three Democrats voted against the sale and only 28 for it—less than half of Democrats voted for it, 28—but the Carter position prevailed with 26 Republican votes.

Frequently, Republican votes have proven very helpful when a politically unpopular position is taken by a Democratic President. Example: Ratification of the Panama Canal Treaty in 1978. Sixteen Republicans, including Howard Baker, the Republican leader, joined 52 Democrats to provide a substantial majority to pass the treaty. Indeed, Howard Baker, the Republican leader, voted with President Carter on each of these three votes I have cited, each of them big, important votes to the Democratic administration.

All virtue—which is a surprising admission for anybody on the floor of the Senate—all virtue does not reside in either of the parties. Members of both parties are anxious to advance the welfare of our Nation.

If the President, President Clinton, is to wrestle successfully with a host of extremely contentious matters, it is essential that he have some Republican support. Looming on the horizon are at least three issues that will probably see a significant number of Democratic defections: the President's economic plan, which will be coming along later; his health care reform proposal; and the approval of the North American Free-Trade Agreement [NAFTA]. There is much in each of these proposals that deeply appeals to Republicans. If consulted, they can be extremely helpful.

It behooves President Clinton to alter drastically his present approach to congressional Republicans, especially those in the Senate. Arrogance will not succeed. Consultation will. The result will be a constructive session that will be beneficial to our Nation.

So, Mr. President, I do urge that those on the other side take some heed to these thoughts that have come as a result of the time that I have served here in the Senate.

Mr. President, I yield the remainder of my time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, on behalf of the Senator from Maryland, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator is recognized.

A MONUMENTAL TRAGEDY

Mr. BUMPERS. Mr. President, I want to say, in opening, what a tragedy, what a monumental tragedy is being played out here in the U.S. Senate. A young, new President gave hope to the people of this country. He promised that he was going to be a President of change. He sends a whole economic program over here for the U.S. Congress to consider. His program, so far, has passed the House, but it cannot get past the Senate. The budget resolution was not filibustered, but now the Republicans have decided to filibuster the so-called stimulus package.

People say, as they said in the paper this morning, and as Ross Perot has said, and captured the imagination of an awful lot of people, "You cannot do business as usual."

And yet, out of 535 Members of Congress, 435 on the House side and 100 on the Senate side, 43 out of 535 say, "No, Mr. President, we are not going along with you on this. It has to be paid for."

I have not heard anybody suggest how it is going to be paid for, just the generic argument it needs to be paid for.

Many of you here heard me make the proposition to the Senator from Mississippi a while ago: You vote with me on four amendments to kill the space station, to kill the super collider, to cut SDI by a couple billion dollars, to eliminate the advanced solid rocket motor in Mississippi—all of that comes to about $4.5 billion for 1994—Republicans, you promise to vote with me to kill that spending, and I will vote with them to torpedo the package against the President of the United States, whom everybody knows has been my good friend for 20 years.

Yes, I will rupture that relationship and vote against this stimulus if they will vote against what will ultimately be $350 billion in spending over the next 30 years.

No, they are not going to do that. They simply want the argument. They want to talk about finding the money to pay for it.

If they are looking for the money, there was $500 billion in the budget resolution which would cut the deficit over the next 5 years by $500 billion.

Who have you heard longer and more lamentably than the Republicans about cutting spending and getting the deficit under control? And when we come with a budget resolution to cut $500 billion out, how many Republican votes do we get? Not one. How many Republican votes did we get on the stimulus package? Not one.

Can it be that of 43 men and women on the Republican side, not one—not one—believes that they ought to support the President who just took office a little over 2 months ago?

We all know what is going on here. The minority leader said this morning. "The Democrats have talked longer than we have. That is not a filibuster." In the old days, to filibuster you had to be at the floor and keep it. Today it is much more sophisticated. All you have to do is get 41 votes on that side of the aisle, and we are dead, dead, dead.

If we could not get a single vote on that side to cut the deficit by $500 billion, if we cannot get a single vote on that side for extended unemployment benefits, to build roads—you do not have to pay for that. That is coming out of the trust fund. It is already paid for, $3 billion in here. The Small Business Administration, the only game in town as far as small business people are concerned in this country because the banks will not loan money to small businesses—there is $144 million in this that generates $2.56 billion in loans for small businesses. Do you know that on May 3, a month from now, the Small Business Administration is out of business if we do not pass this?

That is not an emergency to these people on the other side of the aisle. They are not in small business. But to poor old mom and pop out there, who are going to have to get it at the Small Business Administration because the banks will not loan it to them—it is an emergency to them.

I said it the other day, I make $135,000 a year, probably overpaid—I promise you 95 percent of the people in the country think I am overpaid. And they think the rest of this body is overpaid too. I must say, based on what has happened here in the last week, it would be hard to argue with them.

My children, all well situated, great educations, stable, commonsensical, well-paying jobs—they do not have an emergency. No, of course they do not. It is the people across this country, it is the people across this country who have been desperately looking for jobs—it is an emergency for them.

Mr. President, sometimes I listen to these arguments on the other side about how much we are cutting. Do you know that budget resolution costs $250 billion in spending and they are saying we are not cutting anything? They are worried about a big book that the mayors of this country put out about all the projects, some of them silly—golf courses, bike paths. Bike paths are not silly. We build them in national parks and we think it is wonderful. We build them in some cities because it saves gasoline and energy. But those are not in the bill. That is a distraction. That is designed so when C-SPAN cameras beam this debate across the country, people sitting in their living room say: Look at those clowns. They are up there appropriating money for bike paths and golf courses and swimming pools. It is nonsense. It simply is not true.

Then I see in the paper where the Republicans are filibustering because they are angry with Senator BYRD—always reluctant to say things like that on the floor—angry with him because in the parliamentary situation he filed the tree up so they could not offer amendments. I am not going to comment on that but I am going to say this. The fact that people on that side of the aisle may be angry with Senator BYRD has nothing to do with the fact that 250 million people in this country are not concerned about who is angry with whom. They are concerned about this country doing something to help them.

I heard the Senator—I yield myself 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. I heard the Senator from Missouri—I am sorry he is not on the floor. I heard the senior Senator from Missouri on the floor Saturday afternoon saying, why, when you count the number of jobs you get with this $16 billion it comes to $100,000 a job.

Do you know who the biggest contractor on the space station is? McDonnell Douglas. Do you know where they are? In Missouri, home of the senior Senator. Do you know what the jobs on the space station cost? One hundred thousand smokes each.

Do you know what the super collider down in Texas—and incidentally Texas gets the lion's share of the space station too—do you know what the jobs on the super collider cost? One hundred thousand smokes each. I wanted to ask the Senator from Missouri, is he going to vote against the space station and the super collider because they cost $100,000 for every job they create? Of course he is not. I know the answer without asking. So that is not the test.

Mr. President, it is so sad to see this body—what shall I say—tying itself in knots. I am ready to vote the whole package down so we can get on. But when you do that, what have you accomplished? You have said to this new President, no, we are not going to support you. You got elected telling the American people you favor change. We have new information for you, Mr. President. If you cannot get a single Republican vote for a budget resolution which reduces the deficit by $500 billion, if you cannot get a single Republican vote to keep the Small Business Administration afloat, help people who are out of work with unemployment compensation benefits, to build housing, the most job-intensive money in the bill—if you cannot get a single Republican vote for that, you tell me how we are going to pass 250 to 300 billion dollars' worth of taxes, when I promise you we will not get a single Republican vote.

So what 43 Senators are doing is saying to the American people: Forget it. You elected a new President; 43 people out of 535 will be calling the shots. It is a travesty and a monumental travesty.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Maryland?

Mr. SARBANES. Mr. President, could I inquire what is the time situation?

The PRESIDING OFFICER. The Senator from Maryland controls 23 minutes, 17 seconds. The Senator from Rhode Island, 21 minutes, 32 seconds.

Mr. SARBANES. We have been trying to rotate. I will yield 5 minutes and then I guess we will go back to the other side.

Mr. WELLSTONE. Unless the Senator from Rhode Island would like to respond to the Senator from Arkansas? I would be pleased to yield.

Mr. SARBANES. We will go to the other side after the Senator from Minnesota. I yield 5 minutes to the Senator from Minnesota.

ECONOMIC STIMULUS

Mr. WELLSTONE. I thank the Senator from Maryland.

I just want to say to the Senator from Arkansas before he leaves the floor, if he is going to leave the floor, I am going to build my remarks on what the Senator from Arkansas said. So, Mr. President, these comments are not well rehearsed or polished.

I think the Senator from Arkansas was speaking with some passion because he was trying to take this debate—which all too often has been discussion of political advantage and strategy, and I think the Senator from Arkansas was trying to make this debate real in human terms.

When I go home to the State of Minnesota, all too often what happens—and every Senator on this floor has probably experienced this, and it really is very difficult to take because it is real pain—people come up, rural and urban, and they say to me, "Senator, I am out of work. I do not have a job."

Or they say, "Senator, I lost my job and I am working, I am not counted as unemployed, but I do not even make poverty wages and I have no health care benefits."

Or they say, "Senator, my child graduated from college but she cannot find any work. Or she can only find a temp job."

Or they say, "Senator, I am really worried about my teenager this summer, whether or not he or she will have any job at all."

Or, "Senator, I really feel like I am not going to be able to be successful, I cannot keep my small business going."

Or, "Senator, I do not know what we are going to do in our community because we do not have the resources to work with."

This is a very real debate. I just want to make two points because I only have 5 minutes.

My first is, I really think the $16 billion is probably not even near what we should be doing by way of economic stimulus and economic investment, strategic investment in our own economy. The Senator from Michigan [Mr. RIEGLE] has been making this point over and over and over again. We had a group of Nobel laureate economists within the last year here arguing we needed to invest at least $60 billion. I do not know whatever happened to this economic analysis, that you invest in your economy on the front end so you can be further ahead; that for every percentage of unemployment you bring down, it reduces the deficit by $50 billion.

Where did we get away from the fundamental tenet that what is good for the economy and people in this country is to move toward an economy that generates jobs, the kind of jobs people can count on—jobs with decent wages with decent health care benefits? President Clinton has presented a smaller stimulus package. It is part of his overall economic package. It already is a compromise.

Mr. RIEGLE. That is right.

Mr. WELLSTONE. I think he offered it in the spirit of compromise.

Now my political science point. I heard the Senator from Rhode Island say we need to think more about consultation and not confrontation. But it is the President of the United States who is held accountable by people in this country for the economic performance of this Nation. President Bush found that out.

If, in fact, you have a filibuster and you essentially obstruct and you do not let the new President have the opportunity to go forward with his economic program, then you essentially undercut the very essence of representative democracy.

For the life of me, I do not understand why our colleagues on the other side do not debate it—they should—offer amendments—they can—and tell the people in the country it will not work, and vote against it. And then we will see what happens. We are asking for an opportunity. President Clinton is asking for an opportunity. The people have given him this opportunity to present a plan, to have that plan enacted and for us to try and do well for the people in this country. That is what is being sabotaged on the floor of the Senate. That is what has been sabotaged for a week plus, and I think it is unconscionable. I yield the rest of my time.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I yield myself such time as I need.

Mr. President, the problem with this so-called economic emergency stimulus package is, it is neither an emergency nor is it a stimulus. We all recognize that. What is more, all these wonderful programs that are in it, they laud on that side as being so splendid, whether it is an extension of the Pell grants or doing something about summer jobs or immunization programs. They all think they are wonderful, but they are not willing to pay for any of it. They have not come forward with a proposal to pay for them, and that is the problem.

I notice on the other side there are several Senators who serve on the Banking Committee. As such, they have had before them Mr. Alan Greenspan, who is Chairman of the Federal Reserve. Let me just give a few quotes from the testimony that Mr. Greenspan gave before the Finance Committee in the Senate on March 24. This is what Mr. Greenspan had to say:

> * * * our burgeoning structural budget deficit, unless addressed, will increasingly threaten the stability of our economic system. Time is no longer on our side. * * * On a cyclically adjusted or structural basis, the deficit has hovered around 3 percent of potential GNP for the last 10 years, a phenomenon without precedent in our peacetime history. * * * The deficit is a corrosive force that already has begun to eat away at the foundations of our economic strength. Financing of private capital investment has been crowded out and, not surprising, the United States has experienced a lower level of net investment relative to GDP than any other of the G-7 countries in the last decade.

This, by the way, is the Chairman of the Federal Reserve. And he ends up as follows, after some eight pages of testimony:

> Let me conclude by reiterating my central message. The deficit is a malignant force in our economy. How the deficit is reduced is very important, that it be done is crucial. Allowing it to fester would court a dangerous erosion of our economic strength and a potentially significant deterioration in our real standard of living.

Now there it is, Mr. President. No one, I think, argues with the conclusions that Mr. Greenspan reaches, and yet we have before us $16 billion, that truly even the most urgent enthusiastic proponents of this legislation on the other side would have to conclude that a great portion of it has nothing to do with an emergency and less to do with a stimulus. And yet it is not paid for.

They do not like to hear that, and they would rather show charts and display—this is the great chart season, Mr. President. We have charts for every possible purpose. If you showed what charts were showing last week they would not be in agreement with the charts. For instance, last week's charts were the horrors of the deficit, but those have been put aside to foster some other program that they are on now.

Mr. President, they rail on the other side against what is taking place, and the junior Senator from Minnesota says it is unconscionable. He just does not like the way the rules of the Senate are. Now that is difficult but these rules have been in effect for a good long time and I suspect are going to be here after the Senator from Minnesota moves on.

It seems to me they ought to deal with the cards that are dealt. It is obvious this package, as it comes before us, is not going to pass. Frankly, I believe the American people do not want it to pass. They see this trash that is in it.

Let me just read down—they do not like to hear this business about pork. Let us see what Arkansas has in here. They have a baseball and a soccer park in Jonesboro, AR. That is some baseball and some soccer park, $5,300,000.

Mr. SARBANES. Will the Senator yield?

Mr. CHAFEE. You just be quiet over there. You will get your chance. You have been speaking.

Mr. BUMPERS. Tell us what page of the bill that is on? Tell us what page of the bill that is on?

Mr. CHAFEE. You will have your chance; you will have your chance.

Mr. BUMPERS. Let us be honest in the debate.

Mr. CHAFEE. The list below is taken from the National Conference of Mayors' ready-to-go book of more than 4,000 public projects. It gives a sense of exactly where much of the money would be going. Is it specifically listed? The Senator from Arkansas knows thoroughly well that these are not specifically listed as such. There are the items that are in the community development block grant section; that there is a possibility for.

Let us see how Minnesota makes out. Well, Minneapolis, MN, is going to convert a brewery to an industrial park for $5 million.

How about Maryland? See, Maryland is not on this current list. I do not know what happened there in Maryland.

Mr. SARBANES. Your research must have broken down.

Mr. CHAFEE. Or else the Senators from Maryland were not vigilant. But I can hardly believe that. Let us see who else we have here.

Mr. SARBANES. You need a new research team.

Mr. CHAFEE. Detroit, MI, here is one: Purchase four bus wash racks for $480,000 and that will provide three jobs.

Mr. RIEGLE. Will the Senator yield on that point?

Mr. CHAFEE. I am just about finished and then you can have all the time you want.

Mr. RIEGLE. I would like to make one point——

The PRESIDING OFFICER. The Senator from Rhode Island has the floor. Does the Senator from Rhode Island yield?

Mr. CHAFEE. I will be finished in a few minutes. The Senators on the other side can have all the time they want.

But the point is, Mr. President, nothing is going to be achieved by caterwauling on the floor here that they are being treated unfairly, that 43 Senators are keeping them from achieving what they want. They all know the rules. They have all used them to great effectiveness in the past. Indeed, no one has used them more effectively than the chairman of the Appropriations Committee; no objections on that side to that undertaking; no objections to things being included in reconciliation. So those are the rules. So we are playing by the rules as we see them.

So, Mr. President, I hope that both sides will get together, come up with those things that make sense out of this package and get on with it, because we have a lot of work to do in the Senate.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. I yield 30 seconds to the Senator from Michigan.

Mr. RIEGLE. Mr. President, let me say to the Senator from Rhode Island that Detroit today has the highest rate of child poverty of any large city in America, and we have more people on food stamps in the whole country than we have ever had in our history.

This bill before us provides urgent help to people out there. It provides summer jobs. It provides help for Head Start. People need this. The Senator from Rhode Island may not need it. But you cannot judge the whole country by our own circumstances. The city of Detroit is in deep trouble, as cities are all across this country. It is time we did something about it.

The last time the other side was in Detroit was in 1980, when we nominated Reagan. We spent 8 years at the movies with Ronald Reagan.

We know where we are today. And it is time to create some jobs in this country.

The PRESIDING OFFICER. The Senator's 30 seconds have elapsed.

Who yields time?

Who yields time?

Mr. SARBANES. I yield 4 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey has been yielded 4 minutes. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Senator from Maryland and I thank the Chair.

Mr. President, we are hearing about process and we are hearing about the rules, and I am shocked that that is what the American public is treated to daily on television as we meet. Gridlock is winning, the American people are losing, and partisan conflict is again delaying the needed action. We argue each day and attempt to point to colleagues' motives in the extreme so that we can continue to postpone a vote that is a positive vote for America that gets people back to work.

In my State of New Jersey, the unemployment rate is up to 8.3 percent, a full percentage point and three-tenths higher than the national average. And whatever the signs are about recovery, I can assure you, Mr. President, we do not see it in New Jersey, and we do not see it in Michigan, and we do not see it in other States around the country. A jobless recovery is an empty recovery, Mr. President, and we have to do something about getting people back to work.

Mr. President, Americans spoke clearly in November, and they continue to stay engaged, communicating their desire for change through the pollsters, our phone lines, our fax lines, and the mail. They want us to break the gridlock and take real and positive steps to change the economic policies of the past two administrations.

Mr. President, they want us to do something big. Even as they are concerned about unemployment, about loss of a job, about the cost of health care, or loss of coverage, they are also hopeful and engaged. They are willing to make sacrifices as long as they believe that we are acting on their behalf, and not on behalf of special interests.

They are willing to share in the burdens of building a better future as long as they know their tax dollars are not wasted, that deep spending cuts are being made, and that the Government is going to slim down and not continue to grow at their expense.

Mr. President, the economic policies of the last 12 years have failed. Those policies, boiled down to their essence, were based on giving tax breaks to the wealthiest among us, spending substantial sums on the military, and, largely as a result of the first two, running huge budget deficits.

Under the last two administrations, we've had skyrocketing deficits, phony numbers, and trick accounting. These evasions have misled the American people about the real scope of our problems and the need for hard decisions.

But, the 1992 election was like a national teach-in.

The country responded in loud and clear terms. The people said we're tired of gridlock. We're tired of being misled. We want bold action to revitalize our economy. We want to get our fiscal house in order and invest in our long-term growth and our people.

They said that we are willing to share in solving these problems as long as spending is cut as much as possible, waste is eliminated, we invest for a better future, and we achieve significant deficit reduction—not just a bigger bureaucracy or more perks for the Government.

President Clinton's economic plan responds clearly to these desires. It promises to reduce the budget deficit, to remove an unfair burden from our children and grandchildren. And it promises to invest in the economic foundations of our country—our people's education and job training, our infrastructure, and our technology and research base.

With the passage of the budget resolution, the Congress has begun the process of making good on these promises. The deficit reduction plan goes beyond what the President has called for to cut almost $500 billion in red ink over the next 5 years. And it will provide the necessary funds to begin to reduce the investment deficit as well.

The third critical element of the President's plan is a modest package of tax cuts and investments designed to stimulate the economy in the short run, to get the unemployment rate down, and create jobs so we can escape from this deep and sustained recession.

Mr. President, I just don't have one or two or even three good reasons for supporting the pending economic stimulus package—I have 325,000 of the most important reasons in the world. This is the number of unemployed New Jerseyans. That is 325,000 mothers, fathers, daughters, sons, sisters, and brothers ready, willing, and able to go to work, earn a living, and improve their lives and their families' lives.

A recent survey in New Jersey found that one out of every three households in my State has had at least one family member out of work during the past year. One out of three.

Anyone who thinks that we are in a recovery should climb aboard the next Metroliner and head north.

I support this package because I believe that we must give this key component of the President's plan a chance to provide a needed spark to ignite our sagging economy.

This is not a make-work package, as some have suggested. It is a true investment package that will create jobs today that make our people and our public infrastructure better ready to compete in a global marketplace. It puts funds in the hands of State and local governments who, strapped as they are, can be counted on to make wise use of funds and not squander them on unneeded pork.

For New Jersey alone, this package will mean the investment of more than $308 million. One of the areas of investment I am most pleased to see is transportation investment. As chairman of the Transportation Appropriations Subcommittee, I have long supported increased investment in transportation as proposed in the intermodal Surface Transportation Efficiency Act, or ISTEA.

The economic stimulus package will pump more than $4 billion into our highways, buses, trains, airports, and Amtrak right away. This investment will create thousands of jobs immediately. And it will lay the groundwork for increased productivity and economic growth down the line.

In New Jersey, the plan will make as much as $145 million available immediately. And I can assure my colleagues that the State is ready to go to create an estimated 6,000 jobs and complete needed projects.

The President's plan will provide another $75 million for the Community Development Block Grant Program this year. This program provides flexible funds to our local communities that they can use to attract new jobs and industries, meet critical infrastructure needs, and build a base for economic growth.

Almost $35 million of this package will go to building wastewater treatment facilities in our State. In New Jersey, as throughout the Nation, we need this capacity to meet current demands and to create capacity for hoped for growth.

Another $26 million of this package will go to create tens of thousands of summer jobs in my State. These are the kind of jobs that not only put kids to work but that give kids the skills to work that they carry with them throughout their lives.

Last, the package will fund the extension of unemployment insurance to some 70,000 New Jerseyans who have been looking for jobs for more than 26 weeks. For these New Jerseyans, this package isn't about economic recovery, it's about keeping their homes, keeping food on their tables, and keeping their dignity.

Mr. President, the time for talk is over, because the American people have already spoken. They had a choice in November. They could have chosen to continue the "do nothing, everything is fine" policies espoused by the last administration and their allies in the Congress.

The people didn't choose that path. Instead they voted for change. And their cards, letters, phone calls, and faxes tell this Senator that they haven't regretted the decision.

I support the President's plan because it is the best I've seen, and the critics offer nothing but more of the same tired old rhetoric. They don't have a plan. The President does.

The economic stimulus package is a critical part of that plan. The time for action is now. Each day we delay is another day this economy does not recover, another day our family members are out of work, another day someone loses hope for a better tomorrow.

As we review this program and hear the critics, we hear some statements that absolutely contradict their deeds. For instance, one distinguished Senator from the West, someone who railed against the bill, saying spending, spending, spending, tax, tax, tax—that very Senator has a request here to me in letter form that asks for 92.7 million dollars' worth of projects in his area. The letter refers to community transit moneys to purchase four natural gas buses and $5.7 million for community transit to purchase two passenger-only ferries.

Mr. SASSER. Will the Senator yield for a question on that point?

Mr. LAUTENBERG. I am happy to yield.

Mr. SASSER. I thought mass transit was part of this stimulus bill, I say to my friend from New Jersey.

Mr. LAUTENBERG. The chairman of the Budget subcommittee is absolutely correct.

Mr. SASSER. So a Senator on the other side, railing against the spending here and railing against not paying for it, has requested $92 million in projects——

Mr. LAUTENBERG. No, $92.7 million.

Mr. SASSER. $92.7 million—from the chairman of the Transportation Appropriations Subcommittee.

Mr. LAUTENBERG. Yes. It would come right out of the stimulus package, the package that the Senator who wrote me does not want in the first place. So when we use the term "railing," whose rails are we talking about? We obviously are not talking about the rails that this particular Senator wants.

Mr. SARBANES. Is it right out of the bill?

Mr. LAUTENBERG. It is right out of the supplemental.

Mr. SARBANES. I want to be clear on one point. The requests that the Senator is referring to are requests from this supplemental appropriations bill. Is that correct?

Mr. LAUTENBERG. That is right, $92.7 million.

Mr. SARBANES. I thank the Senator.

Mr. LAUTENBERG. But if I may say to those who are in attendance or listening, I have a request for the stimulus bill, a letter sent in early March from one of the distinguished persons on the other side of the aisle. This one is smaller; it is only $18.95 million. It is one of the States in the center of our country. That has a couple of nice projects.

Mr. President, I think what we are looking at here is, unfortunately, hypocrisy at its worst.

Mr. SASSER. If the Senator will yield for a question.

Mr. LAUTENBERG. I am happy to.

Mr. SASSER. Let me see if I understand this. In other words, some of the same Senators who on the other side of the aisle are denouncing this bill, this emergency supplemental bill, this jobs bill, who are denouncing it as being useless and unpaid-for spending, they are writing the Appropriations Committee requesting projects to be funded out of this same bill?

Mr. LAUTENBERG. Apparently this is selective denunciation, I say to my friend from Tennessee.

The PRESIDING OFFICER. The time yielded the Senator from New Jersey has expired.

Mr. SARBANES. I yield the Senator 2 more minutes.

The PRESIDING OFFICER. Two additional minutes.

Mr. RIEGLE. It sounds to me as though what is happening is those Senators on the other side are coming out here denouncing this bill, then they go off the floor, write the Senator a letter, and they ask the Senator for some of the money in the bill.

Mr. LAUTENBERG. No. First they write me the letter.

Mr. RIEGLE. I see. So they wrote the Senator first.

Mr. LAUTENBERG. So they were clearly on the record and shamelessly stand here and say, "We don't want this jobs bill for America, except in my State." Yes, they can use the jobs.

Mr. RIEGLE. But the Senator has not received a second letter back from them saying they retract the first letter?

Mr. LAUTENBERG. No. I am waiting.

Mr. RIEGLE. The Senator will wait a long time.

Mr. LAUTENBERG. If I may, in the couple minutes that I have, even this city boy from the State of New Jersey, the most densely populated State in the Union, a State that is struggling with unemployment, trying to keep the heads of families above water, needing jobs desperately, needing unemployment benefits to carry them through this difficult period, even I, Mr. President, can give a lesson on barnyard feeding. We talk about pork, pork, pork. I think I heard one Senator repeat the expression three times this morning. This is nothing but pork, pork, pork. But what we have seen is when the pork is nice and lean and it looks like ham or bacon, there are Senators who are complaining about this bill who want their share. What we are seeing, Mr. President, very simply is when the trough is full of swill, the hogs knock each other over getting to it, and they want their share no matter what happens.

Mr. President, I just wish we could put this into focus and have our colleagues on the other side stand up and say to the American people, "We do not want this bill because we want to destroy this Presidency in its early infancy. We do not want this bill because we are partisan and we want gridlock. That is what we want to serve up for the American public." I would like them to admit the truth, that when it comes to their constituents, they want to tell them how good they are at getting money for their States. But when it comes to the public at large, they are saying, "No, no, no, because we want to destroy this Presidency in its infancy." They are putting party ahead of country. It is a pitiful sight that we are seeing.

Mr. President, I hope we can dispense with this debate, get on it, and let us vote it up or down and see what happens. We should let the public know who is responsible for the defeat of this jobs bill.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I really take deep umbrage at the fact that the Senator from New Jersey has referred to some of his Democratic colleagues as hogs getting up to the trough to get the swill. I just do not think that is fair to his fellow Members of the Senate on that side, many of whom are not present. True, they have asked for many, many items that truly look like pork, but to call them hogs and that they want to get next to the swill I think is very rough, to refer to his fellow Democratic Members that way. For those absent Democratic Members, I would like to come to their defense and say that I do not think they should be referred to in such a fashion.

Mr. LAUTENBERG. Will the Senator yield?

Mr. CHAFEE. I do not yield, Mr. President.

Now, the problem that the other side has is they do not have the votes. And it seems to me that if we want to achieve something here, as in politics, in Government, what is Government? It is the art of compromise. It is the art of attempting to achieve passage of that which both sides seek. There is much in this program that will receive approval from the Republican side. That has been made clear. There are certain items that clearly have support. We voted on them in the past.

Mr. SARBANES. Will the Senator——

Mr. CHAFEE. Mr. President, could I speak without interruption for a while.

The PRESIDING OFFICER. The Senator from Rhode Island does not yield for questions or inquiries.

Mr. CHAFEE. Mr. President, items like the unemployment compensation, I voted for that. I would vote for it again. I would vote to pay for it or, if that is not the attitude of those on the other side, then accept it. That out of the total program is $4 billion—$4 billion out of a total program of $19.5 billion.

There are other items in it that there can easily be a compromise arrived at—summer jobs, immunization possibly, programs dealing with trails in the public forests and national parks.

It seems to me nothing is gained here by continuing this as it is. We truly are like a vehicle that is stuck in the snow. We are not going anywhere. There has not been a single vote changed after a week of this.

So it seems to me incumbent upon the other side to come forward and say, look, let us get on with governing the Nation. It does no good to just bitterly complain about the status of the rules. They know the rules. They have been there for years and years. These Senators are not novices around here. As a matter of fact, all of them have been here as long as I have. They understand the situation.

So, Mr. President, it is my hope that instead of spending time on this floor during the recess hammering back and forth at each other, suggesting that the Republicans are cold-hearted and do not care about unemployment, do not care about the recession, do not care about the situation in Michigan or wherever it might be, New Jersey—that they get on and make a proposal. And as happens in all kinds of legislation, arrive at a settlement that all sides can approve of and we can get on with the job.

I thank the Chair.

How much time do I have left?

The PRESIDING OFFICER. The Senator from Rhode Island controls 9 minutes 37 seconds.

Mr. SARBANES. I yield 1 minute to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I want to set the record straight. Perhaps the distinguished Senator from Rhode Island did not hear me when I said that the requests I received for supplemental transportation funding were made by those on that side of the aisle. As a matter of fact, I had a request from a Republican leader for something out of this supplemental. I have a request from another Senator. The last time I looked he was not a Democrat.

So I am not talking about the swill being served up on their side. We here on this side admit that we want to get people back to work and are proud of it. They over there say, oh, no, that is not the purpose of this. This is tax and spend.

Mr. President, one last word. When we talk about jobs, and you have heard people support transportation, we are talking about getting 40,000 to 50,000 jobs per billion dollar's worth of expenditure. And we ought to move that along, just as those who send me letters at the beginning of each fiscal year from State after State, Republican and Democrat, want to invest in their State.

So, Mr. President, I hope we will be able to move this legislation and get a vote on it, and make sure the public knows who is voting for jobs and who is voting against them.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. What is the time situation?

The PRESIDING OFFICER. The Senator from Maryland controls 8 minutes 44 seconds. The other side 9 minutes 44 seconds.

Mr. DOLE addressed the Chair.

Mr. CHAFEE. Mr. President, I yield such time as the distinguished Republican leader may use.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, there have been a lot of quotes from the Wall Street Journal this morning by my friend from Michigan. I thought I would include in there a piece that appeared called "Pork Carry-Out" which is in the Wall Street Journal. The Senator from Michigan gives that a lot of credence these days.

I ask unanimous consent that the article on "Pork Carry-Out" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PORK CARRY-OUT

Polls show that support for the Clinton economic program fades the more people learn the details. While 81% of Americans say they know the Clinton budget will raise taxes, a Wirthlin Group poll found that only 45% know the plan would raise federal spending by $250 billion. Once aware of the spending increases, 68% say they're less likely to support it. That number might be even higher if they knew the details of the President's $16.2 billion "stimulus" package.

The list below, taken from the National Conference of Mayors "Ready to Go" book of more than 4,000 public works projects, gives a sense of exactly where much of the money would be going. While the "Ready to Go" projects aren't specifically included in the stimulus package, HUD Secretary Henry Cisneros told Congress in February it is the list the administration will work from in dispensing the $2.5 billion earmarked in the bill for community development.

State	Project	Jobs	Amount
Auburn, AL	Construct new gym	13	$460,000
Huntsville, AL	Indoor baseball field	53	1,081,500
Birmingham, AL	Picnic shelter repair	5	150,000
Jonesboro, AR	Baseball and soccer park	60	5,300,000
Phoenix, AZ	Renovate theater	75	3,500,000
Highland, CA	Grafitti abatement	4	100,000
Modesto, CA	Build three bike paths	0	1,337,000
Navato, CA	Physically challenged fitness center.	0	250,000
Riverside, CA	Boathouse restoration	41	200,000
San Francisco, CA	Fund the "art ark"	40	1,200,000
San Leandro, CA	Civic center expansion	75	12.800,000
Denver, CO	Build a media center	55	1,000,000
Bridgeport, CT	Theater restoration	20	1,000,000
Hartford, CT	Building facade improvement.	80	3,652,000
Manchester, CT	Build an ice-skating warming hut.	5	30,000
West Haven, CT	Construct a casino building.	20	1.000,000
Key West, FL	Parking garage	25	3,500,000
Atlanta, GA	Repair historic wall around cemetery.	0	2,500,000
Atlanta, GA	Replace gym	0	4,500,000
Elk Grove Village, IL	Pump house demolition	8	15,000
Evanston, IL	Resurface tennis courts	5	28,000
Shawnee, KS	Period-type street lighting	40	750,000
Portland, ME	Ten projects	0	9,865,000
Brookline, MA	Renovate Coolidge library	15	275,000
Worcester, MA	Sidewalk repairs at various locations.	12	1,000,000
Detroit, MI	Purchase four bus wash racks.	3	480,000
Minneapolis, MN	Convert brewery to industrial park.	60	5,000,000
Las Vegas, NV	Art center	4	1,000,000
Camden, NJ	Park rangers	20	100,000
Newark, NJ	Performing arts center	600	15,000,000
Elmira, NY	Sports and recreation building.	12	756,000
White Plains, NY	Pool	5	35,000
Columbus, OH	Parking lot development	4	300,000
Columbus, OH	Movie theater	33	2,700,000
Eugene, OR	Research for bike path	30	800,000
Caguas, PR	Build alpine slide	100	2,500,000
Guayana, PR	Improve art center	15	200,000
Guayanilla, PR	Two trollies	3	150,000
Rio Grande, PR	Three trollies	6	135,000
San Juan, PR	Traffic safety center for children.	25	1,200,000
E. Providence, RI	Carousel renovations	25	400,000
Midland, TX	Three swimming pools	0	1,000,000
Sandy City, UT	Culinary master plan	150	75,000
Seattle, WA	10,000 trees	288	5,090,000
Wheeling, WV	Playground renovation	20	142,000
Janesville, WI	Land acquisition for Ice Age Trail.	0	65,000

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I reserve the remainder of my time.

Mr. SARBANES. I yield 4 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee [Mr. SASSER].

Mr. SASSER. Mr. President, I thank the Senator from Maryland.

We have pretty much descended into political rhetoric here on the floor in the Senate this morning and perhaps worse. I think we have now gotten into meaningless political rhetoric. My distinguished friend from Rhode Island a moment ago was calling out what he thought were numerous projects that would be perhaps contemplated in certain States and seemed to imply that if this bill passed, why, these projects of course would go forward. Nothing is further from the truth.

These projects are included in something that the National Conference of Mayors compiled called Jobs Ready To Go. What these mayors are saying is—this is a thick book—if funding is available, perhaps some of these projects could be considered because they could go forward.

As the distinguished Senator from Maryland pointed out the other day, our friends on the other side of the aisle in 1981 in their so-called omnibus reconciliation bill in which they wrapped in all of the Reagan initiatives—we could not really debate that. We could not offer any amendments because it came out under a reconciliation process, and was highly privileged. We simply could vote up or down.

But in that bill, in that omnibus reconciliation bill, our friends on the other side of the aisle took away from the responsible Federal agencies the authority to veto some of these projects.

The rationale in 1981, as I understood it, was that these matters should be better decided at the local level by local government, by the mayors, by the city councilmen. But now they come in when the mayors and the city council make these recommendations, and make light of these recommendations.

My friends, you cannot have it both ways. Either local government decides, or the Federal Government decides. You decided in behalf of local government.

The distinguished chairman of the Appropriations Committee has passed through this body last week a sense-of-the-Senate resolution saying that none of these projects that are not meritorious should be funded.

My distinguished friend from Rhode Island, he is my friend—I am sorry he chose to point out the projects that some mayors in certain States had submitted here. I well remember when my friend from Rhode Island came before the Banking Committee with the distinguished Governor of Rhode Island—I see the chairman of the Banking Committee on the floor—and asked for $180 million in Government guaranteed loans to help bail out the State of Rhode Island from its credit union crisis.

I did not make fun of the Senator from Rhode Island when he did that because I thought he was doing his job then, and I think today he is still doing his job. And I think had the Federal Government not guaranteed those loans it would have been a serious problem in the State of Rhode Island causing widespread unemployment, and financial suffering on a wide basis.

Mr. SARBANES. Will the Senator yield?

Mr. SASSER. I am pleased to yield.

Mr. SARBANES. In fact, it was asserted to us at the time that it would even mean the collapse of the economy in the State of Rhode Island, and therefore it rose to a Federal level, and that was the way it was treated in the committee in order to be of assistance. We had sort of an understanding that it in fact might involve an important national interest. It was asserted to us very strongly by the two Senators from Rhode Island that this was a matter of absolute financial catastrophe in their State.

Mr. RIEGLE. I might just say if the Senator will yield—we supported the Senator from Rhode Island on a bipartisan basis when he came in with that appeal. Because of an emergency condition we put the politics aside and, we helped him get that enacted because it was so important to the economy of his State. But we cannot just have responses to one State and turn our back on the other 49. We cannot do that. That is not fair.

Mr. SASSER. The Senator makes a good point. I am sorry that the fact that a project submitted, I suppose, by the municipal government of Detroit—which may or may not be funded—was made light of here on the floor of the U.S. Senate when the city of Detroit has some of the highest unemployment in the Nation. In fact there are Third World countries that have a higher per capita income than certain areas of the city of Detroit.

My friends on the other side decry the fact that, oh, my goodness, this is a spending bill. When you boil it all down, there is probably about 6 billion dollars' worth of spending in this bill, that they will not endorse. They are for the unemployment compensation insurance extension. They are for the highways money. They are for the mass transit money, a whole host of it. But they decry the fact that this is going to spend about $6 to $8 billion more than they think we ought to spend. Where were they last week when we passed the budget resolution on the floor of this Senate that cut $496 billion off the deficit in 5 years? Four hundred ninety-six billion dollars in savings passed this Senate last week, with not a single vote, not one vote from the other side of the aisle. I say to my colleagues, if they are so concerned about cutting spending, where were they then? That bill cut $110 billion in defense spending over 5 years. It cut $81 billion in nondefense discretionary cuts; $92 billion in mandatory and entitlement cuts.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired.

Mr. SASSER. I thank the Chair.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized and has 9 minutes 11 seconds remaining.

Mr. CHAFEE. Mr. President, I am going to yield to the Senator from Georgia in a minute, but let me say that the Senators speaking on the other side, all of whom are members of the Banking Committee, discussed the loan guarantee given to the State of Rhode Island last year. I hope they will stress that that was a guarantee; there was not a penny that was not collateralized in that loan. They remember setting up that loan very carefully, as does the administration, working with it, requiring that that loan be collateralized. To date, it has not cost the U.S. Government a penny. Indeed, we had to pay interest on it, as the Senators on the other side know.

To somehow portray that as a giveaway similar to a grant is not accurate. I am not sure they intended to give that impression. But that was a loan guarantee.

Mr. SARBANES. Will the Senator yield on that point?

Mr. CHAFEE. Yes.

Mr. SARBANES. First of all, it was scored as an outlay in the budget process. Second, it carried with it, obviously, the risks that you would have to pay on all of those guarantees. Fortunately, that has proven not to be the case thus far, and I hope it does not prove to be the case. At the time we undertook to do it, we understood there was a risk involved and that, in fact, we might be carrying a very heavy cost.

Mr. CHAFEE. Mr. President, perhaps the Senator does not recall that it was required under the terms—and Treasury was very stern on this—that there be high-grade collateral for that loan. This was not just a loan signed by the State of Rhode Island. There had to be actual collateral put up for it, and the collateral had to be appraised by one of the rating agencies that is out there in the Wall Street area.

The Senator from Georgia wanted 5 minutes.

I yield to him.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, this morning I thought the distinguished Senator from New Mexico, ranking member on the Budget Committee, made an excellent comment when he said that we perhaps ought to be reviewing what our Nation's major economists are saying about this deficit spending plan.

Just a few moments ago we heard from the distinguished Senator from New Jersey that there are a lot of recriminations on both sides of the aisle, pointing fingers back and forth as to what the motives may or may not be of the various Members of the Senate. I thought the Senator from New Mexico made an excellent suggestion.

I was reviewing the Sunday paper, the Atlanta Journal/Constitution, and I saw an article entitled "Clinton's Job Program Only Treats Symptoms."

Who is saying that? Some politico, some partisan, one of these people that everybody has been pointing to here? No, it is from Donald Ratajczak, the director of economic forecasting, Georgia State University, a nonpartisan, a person that is not engaged in the political foray, does not have an ax to grind, just talking about our deliberations. I quote from him. He starts off with an interesting comment. He says:

> Creating jobs is not a difficult problem. The Egyptians created lots when they built the pyramids. The real trick is creating value with those jobs.

He goes on to say:

> Until recently, I marveled at President Clinton's ability to differentiate between a job program and a Government "investment." However, he has begun to call his $16.3 billion stimulus package a job program, and I think he has lost some understanding of what Government ought to be doing.

He goes on to say:

> If emergencies are not dire, enough projects of merit should be found to create value from the jobs. The summer youth program in Mr. Clinton's stimulus package is only loosely related to creating value. To teach youth to work, but not allow them to create value is not providing them with a worthwhile work experience.

I have one more comment about it. He says:

> Instead of weaning people from Government handouts, it increases the number of handouts. Instead of building programs that enhance performance at other stages of Government or in the private sector, it substitutes Federal activity for other actions.

It closes by saying:

> But the opportunity to get more value from our tax dollars is lost in this plan, and we ought to do better than that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COVERDELL. Mr. President, I yield the floor, and I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLINTON'S JOB PROGRAM ONLY TREATS SYMPTOMS

(By Donald Ratajczak)

Creating jobs is not a difficult problem. The Egyptians created lots when they built the pyramids. The real trick is creating value with those jobs.

Until recently, I marveled at President Clinton's ability to differentiate between a job program and government "investment." However, he has begun to call his $16.3 billion stimulus package a job program, and I think he has lost some understanding of what government ought to be doing.

In dire emergencies, a job program may be needed to put purchasing power in the hands of American consumers. The great economist John Maynard Keynes proposed during the Great Depression that people should be hired to fill tin cans with money and place them in mines around Great Britain. Other people would be hired to find them. Their reward would be the contents of the cans.

Such an elaborate plan was proposed because Keynes did not want to destroy the incentive to work. If only he were around to redesign our welfare system, he would not hesitate to demand work in exchange for the dole.

Anyway, if emergencies are not dire, enough projects of merit should be found to create value from the jobs. Yet the summer youth program in Mr. Clinton's stimulus package is only loosely related to creating value. To teach youth to work but not allow them to create value is not providing them with a worthwhile work experience. Other training programs in that package also fail on the value-creating meter.

INFLATION IS A THREAT

Aside from damaging incentives to work, jobs that do not create value create inflationary pressures. To be sure, $16.3 billion in a $6 trillion economy will have only a muted impact. Nevertheless, providing income without producing desired goods or services for that effort means more dollars are created to chase goods and services, but no more goods and services are provided.

Moreover, the major reason for our unemployment problem is not weak demand. In the second half of 1992, the economy expanded at more than 4 percent. This is well above the 2.7 percent average rate of economic growth during the past two decades.

Rather, the difficulties are with the types of jobs people desire or the lack of training for jobs. Today, increased spending will not re-employ all those investment counselors from the consolidating banking industry. Nor will it solve the lack of education too many of our unemployed youth have.

(Actually, increased spending can solve those problems, if the spending is strong enough. However, the side effects will include roaring inflation as producers scramble to find high-quality workers first.)

What is more troubling is the growing concern that a large part of the $176 billion "investment" program that will come after the stimulus package also is short on creating value. Instead of weaning people from government handouts, it increases the number of handouts. Instead of building programs that enhance performance at other stages of government or in the private sector, it substitutes federal activity for other actions.

Inflation will not soar from this misdirection of effort, because military activity will be shrinking. Thus, one set of spending is replaced by another. But the opportunity to get more value from our tax dollars is lost. We ought to do better than that.

Mr. HATFIELD. Parliamentary inquiry, Mr. President. What is the time remaining?

The PRESIDING OFFICER. The Senator from Rhode Island controls 2 minutes 33 seconds. The Senator from Maryland, 1 minute 27 seconds.

Mr. HATFIELD. Further parliamentary inquiry, Mr. President. At the end of that period of time, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, morning business would close at 1 p.m. The Senate will resume consideration of H.R. 1335.

Mr. HATFIELD. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I am prepared to return the remaining part of my time, if the other side is ready to return their 1 minute.

The PRESIDING OFFICER. The Senator from Oregon has expressed a willingness to release the remainder of time under his control.

Several Senators addressed the Chair.

Mr. SARBANES. Mr. President, I see the distinguished Republican leader on the floor and——

Mr. HATFIELD. If the Senator will yield.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I renew that I am ready to return the remaining part of my time and then let the parliamentary procedure move as it will.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I was going to make a request that we extend morning business for, say, 15 minutes, equally divided, if that is agreeable. I have a couple of people here who still would like to speak.

The PRESIDING OFFICER. Is that a request?

EXTENSION OF MORNING BUSINESS

Mr. SARBANES. Yes. I ask unanimous consent that the time for morning business be extended until 1:15 under the same terms and conditions as previously, and that at 1:15, upon the expiration of morning business, the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. Mr. President, what is the time situation now?

The PRESIDING OFFICER. The Senator from Maryland has 41 seconds remaining on the previous time, and now 7 minutes 30 seconds on the time as ordered.

Mr. SARBANES. Mr. President, I yield 3 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KERRY. Mr. President, I thank the distinguished Senator from Maryland, and I appreciate the time.

I just was listening to the debate as some of us do back in our offices. I really wanted to clarify one point which I think is important here.

A number of colleagues on the other side of the aisle have stood in the course of debate, particularly most recently my friend from Rhode Island, who serves on the Finance Committee, who said, "We on this side do not want to spend money or have programs that we are not paying for."

In principle, I think that is terrific. In fact, I agree with that principle except under certain circumstances where you have to. But I was struck by, I guess, the sort of double standard that is being set here, which is the only way to put it politely—there are other words to be found that are less polite, but it is a double standard.

The Senator from Rhode Island last year voted against an amendment, which I proposed, to pay for the RTC bailout as you go. So I guess it really depends on what suits you at some particular moment. Last year we put $25 billion at that time and were then looking for another $25 billion to add to the deficit, and I came to the floor with an amendment that sought to say that we cannot do this; we have got to pay for this as we go. Ninety-three percent of my colleagues on that side of the aisle voted against paying as you go because it was their President at that moment who thought this was the way they ought to proceed—93 percent of them.

Today they are here on the floor of the Senate saying we cannot afford to pay for summer programs to keep kids out of trouble, and we cannot afford to have mass transit programs that will put construction workers back to work. They say they are willing to have $4 billion for unemployment insurance compensation, but they are stopping us voting for it and having it at this point because they want to have pay as you go.

Go back to David Stockman's comments in the early 1980's when he said that the great Trojan horse of that period was the program by which they reduced revenues but increased spending on the military as a way of increasing the deficit so you could not pass money for programs that "liberals or Democrats like to spend money on." Indeed, we went from $1 trillion of debt to now almost $4 trillion of debt.

The folks who say they do not like to have programs that you cannot pay for presided over the Senate and the White House during the period of the greatest growth in deficit and debt in the history of this Nation.

So there really is a double standard being applied here. This is not just a question of finding a program or two that people do not want to pay for. This is a question of trying to let the minority of the Senate have their way over the President of the United States, who has a package, as the Senator from Maryland has pointed out, a package which, I might add, pays for all of these programs because there are more cuts than there are expenses.

The PRESIDING OFFICER (Mrs. FEINSTEIN). The Senator's time has expired.

Mr. SARBANES. I yield the Senator 2 additional minutes.

Mr. KERRY. I thank the Senator from Maryland.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. KERRY. Madam President, there are programs of the President that have been pointed out again and again, but clearly we cannot point them out enough.

All of the taxes raised go to reduce the deficit. Why? Because there are more cuts here than there are expenditures.

So if you take this $16 billion out of the package as they want to do and debate it all alone, then you can try to confuse people, but the American people understand that President Clinton has proposed a package and in his package there is over $500 billion of deficit reduction, more than the Republicans ever achieved in any year that they held office, and all of the programs that are being proposed which are critical to this country getting moving again are paid for by the cuts that we are making.

America, we are cutting. We have heard you. But we have also heard the cry of people who are unemployed, people who desperately need a job. So we are trying to balance the needs of putting people back to work at the same time as we try to reduce the deficit.

This is a predicament that was created during the most irresponsible period in the management of our economy in history. Democrats probably bear some blame for some of that, sure, but it was the President's signature that went on those bills. No one picked up his hand and forced him to put his signature to them. He certainly was never forced to choose between signing the bill into law and vetoing it. And this was a President who certainly knew how to veto because he sent us 35 consecutive vetoes up here of good legislation—child care, long-term care, a host of things.

Mr. SARBANES. The family and medical leave bill.

Mr. KERRY. I say to my friends on the other side, do not throw these phony arguments at us about pay as you go when you look at the record of the last year. This President deserves a chance to put this program into play.

The PRESIDING OFFICER. Who yields time?

Mr. SARBANES. Madam President, what is the time situation?

The PRESIDING OFFICER. The time situation is 2 minutes and 21 seconds for the Democratic side of the aisle and 8 minutes and 18 seconds for the Republican side of the aisle.

Mr. SARBANES. If it is agreeable to the Senator, maybe I will take 1 minute and we could yield back our time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, I just want to make a couple points.

First of all, the President has a comprehensive package. This is part of the package, but another very important part of the package, really a much larger part of the package, was a deficit-reduction resolution that was passed last year that provides for $496 billion in deficit reduction over 5 years. This jobs bill has to be seen in the context of that deficit reduction program. That deficit reduction program, in effect, pays for this jobs bill 31 times over. Thirty-one times over it is paid for by that deficit reduction program.

So, in effect, we have tried to put it within a total context where we get a jobs bill where we have an investment strategy for the future strength of our country and where at the same time we reduce the deficit. That is the problem that President Clinton was confronted with. He was handed a deck of cards with large deficits, a runup in debt, an investment deficit, and no jobs growth. And he has tried to put together a total package to address that. We need to have the opportunity to vote on that total package and not simply be blocked from reaching it by the invoking of the filibuster and the supermajority rule of 60.

The PRESIDING OFFICER. The time is up.

Mr. SARBANES. I yield another 30 seconds.

Madam President, I simply submit to the Senate that the new President ought to be given a chance. I think that is what the country wants. I understand that there is a rule that the Republicans are invoking, but I am simply pointing out that the use of that rule in this instance is, in effect, thwarting the ability of the Senate to address the President's program directly. They are against this program and should vote against it if that is the way they feel. They ought to give us an opportunity to vote for it, and they ought to allow the program to pass if, in fact, a majority of the Senate and the House—and they have already voted it in the House—can be mustered to support the program. Otherwise, we will find ourselves locked in gridlock, we will find the President unable to put his program in, and I think the President needs to be given a chance.

The PRESIDING OFFICER. Time is up.

Mr. HATFIELD. Since the time is up, I am happy to yield time on my side.

Mr. SARBANES. I am ready to yield back time if the Senator wants to.

Mr. HATFIELD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO ISAAC WITHERS

Mr. GRAHAM. Madam President, on March 25, 1993, south Florida lost a cherished public servant, Isaac Withers.

Mr. Withers died of cancer in South Miami Hospital. He was 66.

In a fitting tribute to Mr. Withers, the Miami Herald wrote

> Withers broke through Dade's Jim Crow segregation in the 1950's to end up on the

29th floor of Metro Government Center—one of 6 assistant county managers.

That achievement was testimony to Isaac Wither's devotion to his community and his faith in Government's ability to serve the people.

Mr. Withers achieved the assistant county manager job in 1986 after more than three decades of service in Metro-Dade government. He served in five county agencies, from directing the Kendall Children's Home to heading the Community Action Agency.

Mr. Withers retired last August as Metro-Dade's highest-ranking black employee. The Miami Herald lists his many accomplishments, all reflective of his commitment to justice for the elderly, the poor, the handicapped, and especially children.

Isaac Withers came to Florida in the early 1950's. In 1957, he landed his first job as a public servant as a probation officer for the Dade Juvenile Court. In 1965, Mr. Withers became superintendent of the Kendall Children's Home, where he was responsible for integrating the home. Later, Withers became deputy director of the community relations board, where he spent 16 years fighting poverty.

In 1986, Mr. Withers was promoted to an assistant county manager.

Mr. Withers retired briefly last August, only to return as a volunteer when Hurricane Andrew hit south Florida.

Isaac Wither's commitment to service and to community helped change the face of Miami. He set an example for all of us. We honor his work and his family. We are grateful for his shining example and will strive to uphold his standard of justice and kindness for all.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. ROCKEFELLER. Mr. President, I wish to express my strong support for President Clinton's economic stimulus package and the larger program of which it is a part. It is no accident that my distinguished senior colleague from West Virginia, Senator BYRD, has been a leader on this legislation, which is so important to West Virginia and the country. For over a generation, Senator BYRD has been a leader in the fight for a strong America, often in the face of great obstacles. As we renew that fight today, I commend him for all he has done for our country.

I have been waiting for a chance to enact a program like President Clinton's economic program for a long time. In fact, I have been waiting for this opportunity for over 20 years.

I remember an America that was in control of its own destiny—one that did not have to look to international banks in Tokyo and arbitragers in Europe to know what its financial policy would be.

I remember an America that was not hostage to the explosive politics of the Middle East for the energy lifeblood of its economic vigor.

I remember an America where industry and Government worked in partnership to preserve freedom in a dangerous century.

I remember an America where political leadership recognized that discrimination and poverty and illness threatened not only the minority who were afflicted, but the majority who were not. I remember leadership that rallied the Nation to grapple with those threats and expanded the frontiers of liberty and justice for all.

I remember it. You, my fellow Senators remember it. But a whole generation has now come of age that does not remember it, and it is time to restore the great country we knew.

This administration has offered the Congress a program to do that, and it is now time for Congress to begin to act.

For 12 years we have heard rhetoric about fiscal responsibility. For 12 years we have heard about radical surgery on the Constitution of the United States to implant a balanced-budget amendment gimmick.

But when it came time to do something real instead of gimmicks and just talking about it, there was nothing. They never even sent a balanced budget to Congress.

For 12 years we also had rhetoric about economic growth, but instead we got a record-long recession. The talk turned out to be a cover for a massive tilt in the tax burden against people of ordinary means.

Now instead of talk there is an opportunity for action. An opportunity to cut the deficit, an opportunity to invest in infrastructure and technology to produce good jobs and solid economic growth, and an opportunity to restore fairness to the tax laws by seeing to it that the well-off pay their fair share.

The President took counsel at the economic summit with the leaders of labor and industry and with top economists. He faced the difficult task of simultaneously reducing the deficit and increasing long-neglected investment in our economic future. He returned to the commonsense idea that we must cut fat but strengthen economic bone and muscle.

The President struck the right balance. Public opinion supports the program. Many Members of Congress rallied to support his leadership and to seize the opportunity we finally have for action.

And yet on the floor of the Senate, we hear loud if not numerous notes of discord. Why is that?

The habits of the 1980's die hard. Then, there was no leadership, so many resigned themselves to gridlock and talk without action. Today, they are still practicing the politics of paralysis when the public is demanding action.

Every Senator can find a part of any economic package they don't particularly care for. If every Senator insists on their agenda, we can have 100 different agendas and keep talking about fixing the economy rather than actually fixing it. If I were doing the choosing, I would not have chosen the British thermal units tax. But I and some others who share my misgivings have been working with the administration to try to assure that the provision is as fair as possible. The alternative of everyone picking and choosing will destroy the overall package. The result would be a return to talk without action. The result would be to sacrifice the greater good of deficit reduction and the investments in strengthening our economy which have been so long neglected.

The habits of the 1980's die hard. Then, there was no leadership, so in the confusion, people got away with criticism without offering alternatives. Oh, sure, now we are hearing alternatives, but they are the same discredited proposals to dump the burdens on those least able to bear them and ignore investment in economic growth. The critics want to cut nutrition programs. They want to cut housing programs. They want to cut technology and infrastructure.

And what about the attack on the President's proposals to stimulate the economy to turn this pathetic recovery into a solid era of growth?

They say we don't need the stimulus program or can delay it because the economy is doing fine now. Let me tell you that we have not seen that in my State of West Virginia and it has not occurred in much of the country. In West Virginia, we still have 12 percent unemployment. Across the country, monthly job gains average 23,000, compared to 10 times that in a normal recovery.

Yes, the habits of the 1980's die hard. The critics are satisfied with this lame recovery. The critics also want to return to neglect of long-term investment. They want business as usual and back to the policy of the 1980's—the policy of drift.

In West Virginia, we know from the experience of the 1980's, the price of that kind of national policy. With exploding deficits and high interest rates, the inflated dollar decimated our exports in the markets of the world, and padlocked plant gates spread across the Mountain State as a tragic monument to failed national economic policy.

Across the country, people were shut out, without an opportunity to retrain for tomorrow's jobs. Roads and bridges were allowed to fall into disrepair, and just as surely, America's schools and schooling were allowed to crumble, leaving our students far below world-class standards in science and math.

If there is a Senator on this floor who doubts that the American people are in dead earnest about reversing this decline, I suggest you do as I have done in recent weeks. I convened five economic summits in all parts of my State. Hundreds of West Virginians from business and labor and all walks of life turned out for these meetings, to hear officials and experts explain and discuss the President's program so that people could learn first hand.

The result of these economic summits was clear. I did not find the hesitation and confusion that I have seen too frequently on the floor of the Senate. Our citizens are determined that this country not continue to drift. Our citizens are determined that this Government take prompt and bold action to restore America's strength. Our citizens are saying very clearly that they are fed up with timidity and gridlock and decline, when the tools of restoration in this country, so rich in resources and talent, are everywhere at hand.

Enough is enough. With a return to fair, responsible tax and budget policy, we seek to put the Nation's books in order so that the debt of the 1980's will not destroy opportunity for our children and their children. By cutting fat and strengthening economic muscle and bone in technology and infrastructure, we seek to assure a path of long-term growth. At the same time, the need for long-term effort for tomorrow must not become an excuse for throwing out the stimulus package and returning to a policy of neglect for the persistent problems of today.

The Senate faces a test, and in fact, the country faces a test. In the past, the country has faced and overcome civil war and global conflict. But now we face a different test—a slow-burning fuse that in the end could be ruinous, even though the threat is not as obvious to some. And this may be a test uniquely important for the future of our democratic form of Government.

The enemies of democracy have always said that its weakness is one of self-indulgence and lack of discipline. For 12 years, our economic and budget policy has looked like a caricature drawn by the critics of democracy—with giveaways to the affluent and a false prosperity driven by debt, buying trouble for the future.

The enemies of democracy have always said that a pandering to short-term popularity eventually causes democracies to commit suicide by neglecting the long term as well as the real problems of today. Our challenge is to prove that prophecy wrong.

Fortunately, in America we have been proving the critics of democracy wrong again and again, generation after generation, for over two centuries. This generation need only look to the fundamental principles of the American tradition. As Gen. Omar Bradley said, "We need to start steering again by the light of the stars and not by the lights of every passing ship."

The principles I am talking about are those of hard work, enterprise, opportunity for all, fairness, dedication to the common good, and a sense of the rights and responsibilities that come with freedom.

Those are the principles on which the President has based his program. As we face new times and new conditions we must act anew, not to discard, but to preserve, our traditional values.

Any Member of Congress who hesitates between gridlock and the President's program of action need only look to the American people. They are rallying in support of this program as they always have to the call of great leadership striving to preserve this Nation's values and its future.

Every Senator here remembers an America on the march, a champion of freedom and justice, a strong nation in control of its destiny and an example for the world. We now have the chance to transform that memory into renewed action by supporting the President's program.

Where does the Senate stand? There can be only one answer. The Senate must stand with the President in restoring the strength of America and the promise of American life.

Mr. HATFIELD. Madam President, I am ready to yield back the remainder of my time, then I understand we would go into a recess subject to the call of the Chair.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 1:09 p.m., the Senate recessed until 11:07 p.m.; whereupon, the Senate reassembled, when called to order by the President pro tempore.

The PRESIDENT pro tempore. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that immediately upon the granting of this consent request, the Senate proceed to the consideration of Calendar No. 56, H.R. 1430, the Reconciliation Debt Limit Extension; that all time be yielded back and the bill be read for a third time and passed and the motion to reconsider be laid upon the table, all occurring without any intervening action or debate; that the Senate then resume consideration of H.R. 1335, with the only motions or amendments in order prior to the cloture vote being the following: an alternative amendment to be offered by Senators HATFIELD and DOLE, and an alternative amendment to be offered by Senators BYRD and MITCHELL;

That when the Senate finishes its business today, it stand in recess until Wednesday, April 7 at 1:30 p.m.; that when the Senate completes its business on Wednesday it stand in recess or adjournment until Monday, April 19, at 2 p.m. pursuant to an expected adjournment resolution; that the time for the two leaders be reserved for their use later in the day; the Journal of proceedings be approved to date; and that the Senate, upon the completion of the prayer, resume consideration of H.R. 1335, the supplemental appropriations bill; that the time prior to 6 p.m. on that day be equally divided between the two leaders or their designees; that it be in order to have both the Hatfield-Dole and the Byrd-Mitchell amendments in the first degree pending at the same time; that at 6 p.m. the bill be laid aside until 10 a.m. on Tuesday, April 20; that at 10 a.m. on Tuesday, April 20, the Senate, without any intervening action or debate, vote on or in relation to the Hatfield-Dole amendment, if offered, or in relation to a point of order thereto; to be immediately followed, without any intervening action or debate, by a vote on, or in relation to the Byrd-Mitchell alternative, if offered, or in relation to a point or order thereto; that upon the disposition of the Byrd-Mitchell amendment there be 1 hour for debate, equally divided between Senators BYRD and HATFIELD; that at the conclusion or yielding back of time the Senate, without any intervening action or debate, vote on cloture on the committee substitute, with the mandatory live quorum being waived; finally that Senators have until 4 p.m. on Monday, April 19 for file first-degree amendments in accordance with the provisions of rule XXII.

The PRESIDENT pro tempore. The Senator from Kansas.

Mr. DOLE. Mr. President, reserving the right to object, I do not believe I shall object but I wanted to ask—or at least make one comment and then note—ask some questions of the distinguished majority leader.

First, I think it is spelled out in the first paragraph that if this request is agreed to, the debt ceiling extension will be taken up, passed and sent to the President. So I want to note this is done with the cooperation of Republican Senators and Democratic Senators, otherwise this could not be accomplished this evening and would have to wait until Wednesday, at which time I assume we might be able to work out something.

So I just point out all the talk about gridlock and lack of cooperation, that that is not the case in most instances and this is another instance of cooperation between the leaders and others who have a direct interest in that particular legislation. I am authorized to speak for Senator PACKWOOD, the ranking Republican on the Senate Finance

Committee which has jurisdiction of the extension.

I guess the question I have then of the majority leader—I guess, first of all, does the majority leader anticipate any votes on Monday?

Mr. MITCHELL. I do not. That is Monday, April 19.

Mr. DOLE. Monday, April 19.

Mr. MITCHELL. I do not.

Mr. DOLE. No record votes on that date. I guess the question I have is, in the event, without suggesting whether amendments will be offered by Senator HATFIELD or myself or by the distinguished chairman of the committee and the majority leader, in the event an amendment is offered by the chairman of the Appropriations Committee and the majority leader, then that will be followed by a cloture vote. As I understand it, after the cloture vote, it would then be in order for this Senator or the majority leader, obviously to have prior recognition, or the occupant of the chair to offer an amendment dealing with unemployment compensation, which can in effect scale back anything that might be in the supplemental and it would include, if adopted, only the unemployment provision; is a correct assumption?

Mr. MITCHELL. Mr. President, it is my understanding, and I will ask the Parliamentarian to correct me if I am incorrect, that at that point, the bill would be open to amendment and that the Senator from Kansas, the Senator from West Virginia, the Senator from Maine could offer that or any other amendment at that time.

The PRESIDENT pro tempore. The majority leader is correct.

Mr. DOLE. Mr. President, further reserving the right to object, it is my understanding from discussions earlier today that the Director of the Office of Management and Budget, Mr. Panetta, and the Secretary of Labor, or someone at the Labor Department, has indicated that on April 20 that they would not be in a position to mail out additional unemployment checks unless action were taken by Congress; is that the understanding of the majority leader?

Mr. MITCHELL. Mr. President, I have been so advised by the Office of Management and Budget, not by the Labor Department. I have received at least an indirect report that the Labor Department suggests it may not be on that day but may be shortly thereafter.

Mr. DOLE. Further reserving the right to object, the reason I make that point, in the event it happens between now and that time, well, maybe April 20 is not the precise date and, say, maybe it is April 25, then I could foresee a possibility of additional amendments to the supplemental, as amended by the Byrd-Mitchell alternative, if adopted, if offered. I wonder at what point we might conclude action on the supplemental? Will there be additional cloture votes in the event the Byrd-Mitchell amendment was offered and adopted; is that a possibility?

Mr. MITCHELL. That is a possibility. What I propose we do is that on Monday, April 19, that the distinguished Republican leader, myself, the chairman of the Appropriations Committee, and the ranking member of the Appropriations Committee meet to assess where we are at that time to consider all options and to make a decision on the best way to proceed.

Mr. DOLE. Further reserving the right to object, I guess the point this Senator is trying to make is we want to make certain—I know it is true of Senators on the other side so this is not a partisan statement—that the last thing we would want to happen is we would fail to act promptly enough so that unemployment checks, for some reason, would be suspended and not mailed to those who are entitled to receive the unemployment compensation. So I assume that at some appropriate time it might be also in order to offer maybe a freestanding bill on unemployment insurance extension.

Mr. MITCHELL. Mr. President, it would be possible at any time for any Senator to make that request, and I believe it will be the desire of every Senator—and I mean every Senator—that there be no action which would cause unemployment checks not to be issued timely.

Mr. DOLE. Further reserving the right to object, it is obvious we enter into these agreements in good faith. Certainly I understand that to be the intention of the majority leader and the Presiding Officer and certainly this Senator.

But some concern has been expressed that by not immediately going to the unemployment insurance amendment we, in effect, I guess are about where we are right now.

Mr. MITCHELL. I believe that is correct, Mr. President.

Mr. DOLE. Where the bill is open to amendment, and I assume still open to some further discussion about some compromise that might be acceptable to both parties, the House and the White House.

Mr. MITCHELL. Yes, that is the case.

Mr. DOLE. I have no further objection.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection, and the agreement will be the order.

DEBT-LIMIT INCREASE

The PRESIDENT pro tempre. Under the previous order, Calendar No. 56, H.R. 1430, the debt limit extension, is the matter before the Senate.

The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1430) to provide for a temporary increase in the public debt limit.

The PRESIDENT pro tempore. Under the agreement, all time is yielded back.

The question is on the third reading and passage of the bill.

The bill (H.R. 1430) was ordered to a third reading, was read the third time, and passed.

The motion to reconsider was laid on the table.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD at this point:)

Mr. HELMS. Mr. President, if a rollcall vote were held on passage of H.R. 1430, the debt limit extension, I would have voted in the negative.

Mr. COVERDELL. Mr. President, the Senate has just passed by voice vote H.R. 1430, a measure to increase the current ceiling on the Federal debt. I request that the RECORD reflect that I do not support passage of this measure.

Mr. BROWN. Mr. President, I oppose the increase in the debt limit. Had the Senate had a recorded vote on increasing the debt limit, I would have voted no.

It is a great mistake to exceed budgetary spending limits, and Congress' continued pattern of ignoring those limits threatens the future of all of our citizens.

Mr. KEMPTHORNE. Mr. President, I recognize that the Senate of the United States has just voted by voice vote to increase the debt limit of the Federal Government, adding burden onto the American people had there been a recorded vote I would have voted in the negative. It was my vow to the people of the State of Idaho that I would not vote to increase the debt limit and I want it to be crystal clear and recorded in the CONGRESSIONAL RECORD that I do not approve nor do I vote in favor of increasing the debt limit.

The people of the State of Idaho sent me to Washington to deliver the message that we must not increase the burden on our children but rather that we must cut spending first. Mr. President, I want my no vote on the debt limit extension to be reported in the CONGRESSIONAL RECORD as a reminder to the Congress and the people of the State of Idaho that I remember the message and I will act accordingly.

Mr. EXON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. EXON. Mr. President, just for the record here, somewhere between 11 and midnight in the middle of a championship basketball game, we are passing a debt ceiling extension, and there has been no mention as to how much of a debt ceiling extension we are passing. As I understand it, it is to be enough money to carry us through sometime to the first of October, at the beginning of the new fiscal year. I would like to ask the managers of the bill if that is correct and what is the amount of the increase in the debt ceiling that we are now considering?

Mr. MITCHELL addressed the Chair.

The PRESIDENT pro tempore. The majority leader.

Mr. MITCHELL. The legislation just enacted provides that the public debt limit be increased to $4.37 trillion as of September 30, 1993.

Mr. EXON. So basically it is true then we are increasing the debt ceiling temporarily here, or for a period of time, from about $4.1 trillion, where it is now, to a little over $4.3 trillion, and the matter then will have to be revisited again sometime before adjournment this year. Is that correct?

Mr. MITCHELL. The Senator is correct. The precise figures are—the current figure is $4.145 trillion, the new figure is $4.370 trillion, for an increase of up to $225 billion.

Mr. EXON. For the record, the Senator from Nebraska would like to be recorded in the negative on the vote.

I would like to ask a further question first with regard to the amendments that the majority leader indicated would have to be filed by 5 p.m., as I understand it, on Monday, April 19, does that mean that unless amendments are in place and on file at that time, no further amendments would be available for consideration? If you do not have it in by 5 o'clock on April 19 and filed, then it will not be considered as a part of the bill?

Mr. MITCHELL. That is the case only if cloture is invoked on the cloture vote the following day. That is pursuant to and strictly in accordance with the cloture rules of the Senate, that if cloture is invoked, those amendments which would then be eligible for consideration in the postcloture period would have to have been filed the previous day.

Mr. EXON. And if cloture is not invoked, then the measure would be open for amendments thereafter?

Mr. MITCHELL. That is correct.

Mr. EXON. One last question of the majority leader.

I recognize that the two leaders have been under an awful lot of stress, and I have been, frankly, frustrated with the procedures. And I am sure the frustration level of the leaders is as high or higher than the individual Members. However, I would like to say I assume then that there is no rollcall votes anticipated to be held on Wednesday, when the Senate reconvenes, and that the next rollcall vote then would not be held, as has been indicated and outlined by the majority leader, until Tuesday, April 20?

Mr. MITCHELL. That is correct.

Mr. EXON. I would only like to make an editorial comment in that regard. As the majority leader knows full well, there was a general decision that everybody remain at their post after the Saturday vote. And I only observe once again that those of us who remained at the post at the request of the majority leader find ourselves in a situation that I had more or less anticipated at the time, and that is that the rule then is usually played out in the Senate: Go about and do our business, and scatter to the four winds, because the rest of them will stay there and take care of things.

Certainly, this is no criticism of the two leaders because certainly you have been here. I only cite that as a little editorial comment that I think it is going to be quite difficult to hold Members, including this Member, in the future, when I am asked to do something, and I find that when I do it, I am the only one that destroys—I am one of those who destroyed my schedule, along with a lot of my colleagues, and those who did not do that took the wisest course of action.

With that statement, and with the understanding that I will be recorded as negative on the vote—is that agreed to—I yield the floor.

Mr. MITCHELL. Mr. President, first let me make clear to my colleague from Nebraska that the requirement for the provision for filing of amendments as of the date prior to the cloture vote by the terms of the agreement applies to first-degree amendments.

Mr. President, this has been the end of a very long and difficult day for all of us. I apologize to all of those of my colleagues who have been inconvenienced by the uncertainty throughout the day until this time. But, as I said, many times the rules of the Senate create an inherent uncertainty, and it is not always possible to be precise and certain with respect to what may occur. I concluded, following discussions with the distinguished chairman of the Appropriations Committee and the distinguished Republican leader and a large number of other Senators, that there was no useful purpose to continue on this bill at this time; that the course of action outlined in the agreement which defers final action on the matter until we return on April 19 and 20 is the best course of action for all concerned.

If, on reflection, we on the Democratic side decide to offer an alternative, we have the right to do so and to vote on that; and if that is adopted, that will be the subject of the cloture motion. The same option exists on the Republican side. I believe this gives us time—all of us respectively—to make our case to the public and to consider whether or not we wish to proceed with our alternative.

I am certain that this procedure will completely satisfy few people, and I am certain that no course of action which we could take would completely satisfy some. It does seem to me to be the best course of action under the current circumstances.

Finally, I say that it is significant that we were able to enact the debt limit extension prior to the deadline, so that we did not have to go through what in the past has been all too typical "Perils of Pauline," with the debt limit up to and sometimes past the hour of extension.

And for that I am grateful to all concerned, including the distinguished Republican leader, the chairman of the Finance Committee, Senator MOYNIHAN, who handled the matter with great skill; Senator PACKWOOD, the ranking Republican on the Finance Committee; and all the Senators concerned in that regard.

Mr. President, I yield now to the distinguished Republican leader for any comments he may wish to make in this regard.

The PRESIDENT pro tempore. The Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the majority leader. I think I made most of my comments and reservations. I just had questions about the process.

It is my view if we cannot resolve our differences, that sooner or later we have to end the debate somewhere, and I took the liberty of entering into the agreement with not knowing for certain when the debate might end. That is without checking with any of my colleagues on this side.

It had been our hope early on that we might have ended the debate in the event cloture was not invoked on Tuesday, April 20. That still may happen. I think the majority leader has left that open.

Again, if there is some flexibility in the time the Secretary of Labor finds it necessary to stop mailing checks, if that should be extended from the 20th to the 22d or the 23d, that would provide opportunities not only for the majority but I assume the minority to offer additional amendments or at least to discuss if there are any possibilities of reaching some agreement. We are not there yet and not close to an agreement but there is still that possibility.

So I believe and hope it is a good agreement. I believe that we have done about what we could do.

I share the view expressed by the Senator from Nebraska because Senators on both sides have altered their schedules and some have had to miss town meetings and other things in their State. But as the majority leader pointed out, we are never quite certain what can be done, and it seems to me this is the best disposition. There is no doubt about it. On Wednesday of this week, there are going to be considerable absentees on our side. I am not certain about the other side. Cloture would not be invoked and we probably would be right back either Thursday or maybe following Easter voting again on cloture. It seems to me this is the best course to pursue.

I congratulate the majority leader and the Presiding Officer for their efforts.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The PRESIDENT pro tempore. The Senate now resumes consideration of H.R. 1335.

The clerk will report.

The bill clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate continued with the consideration of the bill.

CLOTURE MOTION

Mr. MITCHELL. Mr. President, I send a cloture motion to the desk and ask unanimous consent that the vote on this motion occur on Tuesday, April 20, in accordance with the consent agreement just agreed to.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Committee Substitute to H.R. 1335, the emergency supplemental appropriations bill.

Harlan Mathews, Dianne Feinstein, Barbara Boxer, Jeff Bingaman, Bob Kerrey, Barbara A. Mikulski, Robert C. Byrd, Patrick J. Leahy, Frank R. Lautenberg, Wendell Ford, David Pryor, Carol Moseley-Braun, Tom Daschle, John D. Rockefeller, Jim Sasser, Bill Bradley, Patty Murray.

MORNING BUSINESS

JUDICIARY COMMITTEE HEARINGS ON DOMESTIC TERRORISM

Mr. BIDEN. Mr. President, on February 26, a massive bomb exploded in the World Trade Center in New York City; 6 people died, over 1,000 people were injured, and at least a billion dollars of damage resulted as the explosion ripped through seven concrete floors and destroyed the building's power, communications, and safety systems.

The terror felt by those present at the explosion—visible on the faces of survivors who streamed out of the building—was palpable. While not matched, this terror was mirrored in the minds of all Americans who felt suddenly and gravely at risk.

For many years, we have watched as deadly terrorist attacks flared in Europe, the Middle East, and elsewhere.

Americans have been the targets of terrorism abroad, suffering devastating loss of life, including the leveling of the Marine barracks in Beirut, and the bombing of Pan Am 103.

But, although a few incidents of deadly terrorism occurred in the United States in the 1970's, we have been largely safe from such violence here at home.

So the attack in New York—on American soil indeed on a major American landmark—makes us feel vulnerable to the threat of violent terrorism with a depth and immediacy not felt strongly before.

In the month since the bombing, law enforcement officials have made substantial progress in uncovering who carried out the World Trade Center bombing.

Several suspects are now under arrest and indictment, and many facts about how the attack was carried out are known.

Nonetheless, it is clear that many questions remain to be considered and, hopefully, answered. Restoring peace of mind to all Americans depends on our ability to address these questions effectively.

Later this month, the Judiciary Committee will convene several days of hearings to examine the questions raised by the bombing of the World Trade Center. Experts from Government and from academia will testify on all aspects of domestic terrorism.

At the outset, we will seek an overview of the problem.

First, what are the causes of such terrorist acts? Although terrorist violence—often claiming innocent men, women, and children as victims—seems senseless, there is usually an underlying logic. Sinister means are engaged to serve what the perpetrators believe is a persuasive purpose—however murky that purpose may seem to outsiders.

We must learn to read the danger signs—to identify individuals who trade in terror before they act, to be sensitive to the potential motivating factors that may cause them to act, and to identify potential targets and reduce their vulnerability.

In short, we must better understand the nature of the threat we face on American soil and the means to attack these threats.

Second, can we respond to terrorist acts, when they do occur, so as to deter future violence? For example, when airport security measures were improved following a wave of hijacking, the incidence of such acts decreased dramatically.

Is focusing quickly on counteracting a developing pattern of a particular form of terrorism where our emphasis should lie?

Is a demonstrated willingness to retaliate—as with the 1987 bombing of Libya—effective in deterring terrorist acts?

Third, does law enforcement have the tools it needs to prevent terrorist acts from occurring? The key question here is—do we have resources sufficient to target all those reasonably capable of inflicting injury here?

Fourth, can we improve international cooperation in the fight against terrorism? The recent return from abroad of one of the suspects in the New York bombing is a tremendous success in the area.

Still, we must ask: Is our intelligence capability adequate? Do we have the necessary ability to obtain foreign cooperation in the investigation and extradition of suspects?

Examining these broader questions will provide the necessary underpinnings for the committee to review existing Federal law on terrorism, identify any gaps in coverage, and propose needed legislation.

Last Congress, many of us worked to pass a comprehensive crime bill that contained my Counterterrorism Act of 1991.

This bill was explicitly designed to address the threat of domestic terrorism. Unfortunately, due to the opposition of the previous administration, the omnibus bill was not passed. Had it been enacted, the bill would have, among other things:

Made it a Federal crime to use, or attempt or conspire to use, a weapon of mass destruction against persons or property within the United States;

Established a new criminal offense for providing material resources or support to terrorists;

Provided the death penalty for terrorist acts committed within the United States or against U.S. citizens abroad; and

Authorized additional funding for the counterterrorist activities of the FBI, the State Department, the Secret Service, and State and local law enforcement agencies.

I will ask my colleagues again this year—and soon—to support the comprehensive crime bill containing these important measures on terrorism.

At the same time, at the committee's hearings, we will expand our review to other areas that may need legislative attention.

For example, in my view, existing Federal regulation of explosives is insufficient. Restrictions on the purchase of explosives and requirements for obtaining permits are minimal and must be enhanced.

Today, a person can obtain a 30-day license to manufacture or sell explosives for $5. A one-time-only user permit is available for $2. Convicted felons—who are prohibited from buying guns, can easily obtain an exemption from ATF to purchase explosives.

Strengthening these laws is an important step, but not a complete defense to the risk of bombings. Explosives can be made at home from relatively common chemicals that are readily available. Indeed, press accounts suggest that the World Trade Center bomb was just such a mixture.

The committee will look to whether there are other appropriate steps we can take to limit the ability of terrorists to wreak havoc through explosion.

We should also explore the feasibility and effectiveness of using taggants—enabling explosives to be tracked from manufacture, to purchase, to use.

Another issue raised by the World Trade Center incident is whether the Immigration and Naturalization Service has the resources necessary to identify those individuals who should not enter or remain in this country and follow through on that determination.

We are a nation of immigrants whose strengths is founded in our diversity. We must not close our borders to today's immigrants who will continue that tradition. We must also continue to offer a safe haven to those who face persecution at the hands of authoritarian regimes.

But, with procedural safeguards intact, we must ensure that those who come here to do violence are excluded quickly and with finality.

The full committee, and Senator KENNEDY'S Subcommittee on Immigration, will review the INS policies and practices and seek answers to key questions:

When an individual is on the list of suspected terrorists, is entry to the country denied?

Is such information available to embassies abroad which issue visas for entry?

If such a person enters somehow, what is the procedure for deportation?

Finally, the committee will examine whether building and communications security needs improvement and what technologies for improvement exist:

Can garage security procedures be reasonably changed to facilitate detection of explosives?

Can communication, fire, and escape systems be located or otherwise protected so as to better withstand attack?

In short, we will try to identify measures that architects, engineers, and building managers can use to increase the odds that communications and safety systems remain operational in the event of a terrorist attack.

For many years, there has been a perception that the United States was somehow immune from terrorism—that because of good law enforcement, refusal to negotiate with terrorists, and a willingness to retaliate—terrorists steered clear of our shores.

Whether or not the bombing in New York crosses a threshold to a new era is unclear. But it serves as a reminder that we should not take our safety for granted. We must reassess the threat of terrorist violence in the United States.

And we must prepare to deter and to respond to specific acts of terrorism that put American lives at risk here at home.

I hope the hearings convened by the Judiciary Committee later this month will begin this process. Following the hearings, the committee will make its findings available in a public report, and will draft and introduce necessary legislation for consideration by the full Senate.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination:

Calendar No. 64. James Lee Witt, to be Director of the Federal Emergency Management Agency.

I further ask unanimous consent that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR STAR PRINT—S. 714

Mr. MITCHELL. Mr. President, I ask unanimous consent that Report No. 103-36, the report to accompany S. 714, the Thrift Depositor Protection Act, be star printed to reflect the changes I now send to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, APRIL 7, 1993

Mr. MITCHELL. Mr. President, I ask unanimous consent that following the prayer on Wednesday, April 7, the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON HAZARDOUS MATERIALS TRANSPORTATION—MESSAGE FROM THE PRESIDENT—PM-12

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

In accordance with the requirements of section 109(e) of the Hazardous Materials Transportation Act (Public Law 93-633; 49 U.S.C. 1808(e)), I transmit herewith the Annual Report on Hazardous Materials Transportation for calendar year 1991.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 5, 1993.*

MESSAGES FROM THE HOUSE

At 12:15, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 239. An act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes.

H.J. Res. 156. Joint resolution concerning the dedication of the U.S. Holocaust Memorial Museum.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. BYRD].

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-59. A concurrent resolution adopted by the Legislature of the State of West Virginia relative to a federal magnetic elevated train system; to the Committee on Commerce, Science and Transportation.

"HOUSE CONCURRENT RESOLUTION NO. 3"

"Whereas, The need to improve the nation's transportation system for the next century, the need to create jobs, the need to reduce reliance on foreign oil for energy and the need to improve the nation's infrastructure requires investment in projects which hold promise of success; and

"Whereas, Morgantown, West Virginia has had a long standing and successful elevated train system located on the West Virginia University Campus; and

"Whereas, Pittsburgh, Pennsylvania is a modern metropolitan center strategically located in a thriving coal producing area of this nation; and

"Whereas, The research facilities at West Virginia University and recent innovations and improvements in coal mining and coal burning technology will provide an excellent environment for the pilot study and will assure sufficient clean energy supplies to operate a magnetic elevated train system well into the future; and

"Whereas, Clean coal technology will benefit the entire nation by increasing employment, by decreasing reliance on foreign oil, by providing upstart by-products that can be used in a multitude of ways by the United States Department of Defense, the United States Department of Transportation and the United States Department of Energy as well as many other segments of federal and state governments; and

"Whereas, Undertaking the pilot project in an area which includes rural, mountainous and metropolitan terrain strategically situated between large centers of population in the midwest and the east coast offers the best opportunity to expand the pilot project to a modern transportation system worthy of the worlds most innovative and powerful nation; therefore, be it

"*Resolved by the Legislature of West Virginia*, That the President and the Congress of the United States are hereby urged to select a route between Morgantown, West Virginia and Pittsburgh, Pennsylvania for the federal magnetic elevated train system pilot project; and, be it

"*Further Resolved*, That this project be powered by electricity produced from coal or natural gas or a combination thereof; and be it

"*Further Resolved*, That the Clerk is hereby directed to send a copy of this resolution to the President, the leadership of both Houses of the Congress and West Virginia's delegation in Congress."

POM-60. A joint resolution adopted by the Legislature of the Commonwealth of Virginia relative to American POWs/MIAs in Southeast Asia; to the Committee on Governmental Affairs.

"SENATE JOINT RESOLUTION NO. 198

"Whereas, SJR 125, passed by the General Assembly in 1992, memorialized Congress to enact legislation which directs federal departments and agencies to make public any information relating to POWs, or MIAs and directs the Department of Defense to make a list of all people so classified; and

"Whereas, there are at least 2,273 American servicemen and civilians who have yet to be accounted for in Southeast Asia as a result of the aftermath of the war in Vietnam and Southeast Asia; and

"Whereas, 54 of those unaccounted for in Southeast Asia are Virginians whose names, hometowns, and branch of service are as follows: Angell, Marshall Joseph (USA, Roanoke), Ashby, Donald Roberts, Sr. (USN, Newport News), Bessor, Bruce Carleton (USA, Fairfax), Blodgett, Douglas Randolph (USA, Alexandria), Booth, Lawrence Randolph (USA, Stoney Creek), Bowles, Dwight Pollard (USAF, Staunton), Boyd, Walter (USMC, Norfolk), Brown, Robert Mack (USAF, Portsmouth), Buckley, Victor Patrick (USN, Falls Church), Burd, Douglas Glenn (USAF, Hampton), Chaney, Arthur Fletcher (USA, Vienna), Clarke, George William, Jr. (USAF, Hampton), Compton, Frank Ray (USN, Chatham), Consolvo, John Wadsworth, Jr. (USMC, Ft. Belvoir), Cooley, David Leo (USN, Warwick), Davies, Joseph Edwin (USAF, Alexandria), Dodge, Edward Ray (USA, Norfolk), Donahue, Morgan Jefferson (USAF, Alexandria), Dotson, Jefferson Scott (USAF, Pound), Dove, Jack Paris, Sr. (USAF, Bluefield), Driver, Dallas Alan (USA, Stephens City), Ellen, Wade Lynn (USA, Norfolk), Evans, Billy Kennedy, Jr. (USA, Roanoke), Forame, Peter Charles (USA, McLean), Fowler, Roy G. (USN, Annandale), Greenwood, Robert R., Jr. (USAF, Portsmouth), Gregory, Paul Anthony (USN, Virginia Beach), Harley, Lee D. (USAF, Danville), Holtzman, Ronald Lee (USA, White Post), Jackson, Paul Vernon III (USAF, Hampton), Jones, Orvin C., Jr. (USAF, Newport News), Kennedy, John W. (USAF, Arlington), Kosko, Walter (USAF, Columbia), Lee, Leonard Murray (USN, Pulaski), Malone, Jimmy M. (USA, Norfolk), Mauterer, Oscar (USAF, Charlottesville), McCants, Leland S. III (USA, Alexandria), McPherson, Everett Alvin (USMC, Norfolk), Midgett, Dewey Allen (USA, Chesapeake), Mulhauser, Harvey (USAF, Charlottesville), Owen, Robert D. (USA, Chatham), Parish, Charles C. (USN, Lexington), Pepper, Anthony John (USMC, Richmond), Perkins Cecil Carrington (USA, Portsmouth), Pruett, William David (USAF, Bluefield), Rash, Melvin D. (USAF, Yorktown), Roark, James David (USN, Abington), Scott, Vincent Calvin, Jr. (USAF, Richmond), Stuller, John Charles (USA, Falls Church), Taylor, Fred (USA, Castlewood), Versace, Humberto Roque (USA, Norfolk), Weston, Oscar Branch, Jr. (USAF, Norfolk), Whitmire, Warren T., Jr. (USA, Fairfax, and Winkler, John Anthony (USN, Alexandria); and

"Whereas, there is a body of credible evidence suggesting that live Americans or identifiable remains of Americans remain in Southeast Asia; and

"Whereas, the executive branch of the United States government and the Congress of the United States have declared that resolution of this issue is of the "highest national priority"; and

"Whereas, the agencies of the United States government, including the Department of Defense and the Defense Intelligence Agency have had since the official termination of hostilities in May of 1975 to resolve these issues; and

"Whereas, the Department of Defense has created and maintained an unnecessary veil of secrecy and ignorance by classifying most of the available information concerning live sightings, status reports, and other data relating to those who are still missing, the declassification of which would not compromise resources, means, methods, and identities of intelligence operatives; and

"Whereas, it would appear that by promulgating a classified plan referred to as a "road map for normalization of relations" between the United States, Laos, Cambodia, and Vietnam, the government of the United States is poised to "normalize" relations with those governments in spite of the unresolved issues concerning prisoners of war, those missing in action, and the repatriation of the remains of those Americans who made the ultimate sacrifice; now, therefore, be it

"*Resolved by the Senate, the House of Delegates concurring*, That the General Assembly memorialize the President of the United States, by executive order, to declassify information, data, and intelligence pertaining to all matters relative to these issues, except for that data or information which would reveal the means, methods, and identities of intelligence operatives; and, be it

"*Resolved further*, That the General Assembly urge that the respective branches of the armed service be assigned to resolve these issues; that any and all future remains returned from Southeast Asia be placed, for purposes of identification, with the Smithsonian Institution, Washington, D.C.; and that normalization of relations with those countries of Southeast Asia be deferred until such time as the issues identified herein are satisfactorily and adequately addressed; and, be it

"*Resolved finally*, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Virginia congressional delegation so that they may be apprised of the sense of the General Assembly."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CRAIG (for himself, Mr. WALLOP, Mr. MURKOWSKI, Mr. BENNETT, Mr. BURNS, Mr. HATCH, and Mr. STEVENS):

S. 775. A bill to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Mr. WALLOP, Mr. MURKOWSKI, Mr. BENNETT, Mr. BURNS, Mr. HATCH, and Mr. STEVENS):

S. 775. A bill to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Energy and Natural Resources.

HARDROCK MINING REFORM ACT OF 1993

• Mr. CRAIG. Mr. President, as we all know the mining laws of the United States have been under attack for the past several years. The charges have ranged from the biggest giveaway of Federal lands to mineral production not paying its fair share of the Federal largess. Neither of these charges are correct, as indeed, is the case with most of what we have heard about the mining law.

Today along with several of my colleagues I am introducing the Hardrock Mining Reform Act of 1993. My colleagues and I offer this bill as an honest and fair legislative answer to the numerous concerns that have been raised pertaining to the current mining law.

The production of minerals in the United States is a vital part of our economy. As we move to make changes to the mining law, we must assure that we do not destroy this part of our economy. Minerals touch every facet of our lives. We will continue to use minerals to fuel our economy. We have a simple choice as it relates to mineral production—will we produce minerals from Federal lands in this country or will we institute policies that will drive mineral production to other countries who will welcome the good paying jobs that come with the production? I chose to support a bill that keeps jobs in this country and that is exactly what my legislation accomplishes.

This bill addresses all of the issues that have been raised as it relates to the mining law. It assures a secure and reliable source of minerals in the United States. It recognizes that mining activities on Federal lands should be consistent with land use plans and conducted in compliance with all Federal and State environmental laws and regulations including those governing mined land reclamation. It recognizes that the United States should recognize a fair economic return from minerals mined on the Federal lands.

The purposes of the bill are clear. They are:

First, provide for increased revenues from fees and royalties.

Second, provide for payment of fair market value for the surface of any land patented under the general mining laws.

Third, assure mined lands are reclaimed in concert with State and local reclamation authorities.

Fourth, establish a hardrock reclamation program for abandoned mines.

This bill accomplishes these purposes while protecting small business and assuring that we will not drive mineral production to foreign shores. It is a fair bill and I encourage my colleagues to join with me in support of this legislation.●

Mr. BURNS. Mr. President, I rise today to join Senator CRAIG in introducing the Hardrock Mining Reform Act of 1993. This bill represents a middle ground solution to the debate over mining on our public lands.

Throughout the history of our country and my State of Montana, mining has been a driving force. Mineral exploration and development played an important role in our country's expansion westward. In fact, in Montana's 25-year history as a territory, its capital was located in communities in the heart of mining activities. Mining is not only part of my State's history, it will be an important part of Montana's future.

Mining activities are important to my State's economy by supplying communities with a tax base that helps to fund schools, construction of roads, and other necessary programs at the local level. In my home State of Montana, operating mines employ about 3,500 people with a payroll equaling $150 million. These employees pay $5 million a year in State taxes, and the mines added $24 million a year in State severance and property taxes. In 1990, nonfuel mineral production in Montana was valued at $573.8 million.

As many Westerners are aware, the general mining law of 1872 has come under increasing criticism over the last few years. Some people are saying too many abuses of the law are occurring and that it is time for a wholesale revamping of the law. However, if they looked more closely at the issue, they would find that is not true.

The general mining law is not an outdated 120-year-old law—it has been amended over 100 times. While I will admit that some changes are needed, the basic tenets of the general law are still appropriate today. The law is not perfect, but it has provided guidance to exploration and development of mineral resources found on public lands. The provision included in the Reform Act introduced today will help to modify and strengthen the 1872 law.

This reform act makes the general law current and up to date, both environmentally and fiscally. The bill strengthens the environmental safeguards for hardrock mining operations. Established will be a program to help in the reclamation of abandoned hardrock mines. Not only is reclamation emphasized, all operations conducted under this plan shall be done in accordance with all applicable State and Federal environmental laws—these laws include the Endangered Species Act, the Clean Water Act, the Clean Air Act, and many others.

In addition, this bill includes financial provisions that are fair and balanced. Federal revenues will be raised through increased fees and a 2-percent royalty. The bill calls for the payment of a fair-market-value of patented lands. Also, individuals would not be allowed to hold mining claims on public lands for other purposes.

States and local jurisdictions will benefit by the passage of this reform act. One-third of the revenues raised by the royalty will go back to the State where the mining activities took place. This still leaves two-thirds of the revenues raised by the royalty for the Federal deficit reduction.

Recently, Secretary of the Interior Bruce Babbitt has indicated that President Clinton is in favor of a major overhaul of the general law. In addition to royalties, the President wants to increase the claim fee to return funds to the Federal Treasury. The reform bill introduced today does this by returning an adequate and fair amount of revenue to the Federal Government.

I have heard from many miners in Montana in the last few months. And while they may not agree with every part of this legislation, I believe they understand changes have to occur.

And as a nation, we have a continued need for nonfuel hardrock mining. The reform bill introduced today addresses increased Federal revenues, while still protecting the possibility for future exploration.

I would like to thank Senator REID, Senator WALLOP, and the other Members who help put this piece of legislation together. The reform act is not only responsive to mining needs, it is environmentally and fiscally responsible.

Mr. President, I yield the floor.

Mr. WALLOP. Mr. President, since ancient times people have been developing, producing, and trading our natural resource commodities. As far back as 2800 B.C. Phoenicia developed into a premier manufacturing and trading center. The prosperity of the Phoenicians resulted chiefly from developing natural resources such as cedar which supported a thriving trade in lumber and its byproducts—oils, tars, and resins. But even then a break in trade with Lebanon had a resounding effect on the mortician's industry, reverberated in a text of the 12th dynasty:

> They sail no more to Lebanon nowadays. How shall we have pines for our mummies, with whose products we bury the Pure Ones (Dead), the oils with which we embalm the Great Ones?

With timber, skills were also exported. Phoenician carpenters and shipwrights constructed extraordinary things from woods and the prophets chronicled the city of Tyre as both an island and a shipyard. From Tyre came merchant vessels powered by sail and oar, and good navigators with a broad knowledge of sea routes and winds. These vessels took the Phoenicians to Spain, Egypt, Africa, and Arabia. They established trading centers around the Mediterranean.

Trade was based largely on goods derived from natural advantages—the presence of desirable natural resources such as tin, gold, amber, ivory, or ebony. Eventually the great trading centers of the Mediterranean were eclipsed by the growth of new centers farther west, mostly on or near the Atlantic. With these new trade centers came a new composition of commodities—tomatoes, potatoes, cocoa, green beans, and corn were all introduced from the New World. These products and many others transformed European and American life.

Mr. President, today, nearly 50 centuries later, our National, State, and local economies still thrive on the development and production of our vast natural resources. Yet this administration and some Members on the other side of the aisle have suggested an agenda that appears aimed at gutting the very industries that have brought us jobs, economic growth and prosperity since Roman times. I find this puzzling, indeed deplorable, coming from an administration that campaigned on job creation, economic stimulation, equal opportunity, and upward mobility.

I for one have had a difficult time rationalizing what this administration is trying to accomplish with its unreasonable proposals on royalty rates and fees for the multiple use of our public lands.

I am unable to fathom either their objectives or their agendas. To satisfy their campaign commitments of increased jobs and growth in the economy, one would think they would be encouraging development of our natural resources—the only true way of creating new wealth to pay for the new programs being proposed for the public.

But we will succeed at none of that if this administration and others proceed with excessive and unrealistic mineral royalties, sky-high grazing fee increases and elimination of some timber sales. Virtually all studies indicate their proposals of high royalties and increased fees will trigger the loss of jobs and reasonably priced commodities. Ultimately the United States will be forced to increase its importation of critical and strategic minerals and materials. What we will then have is a classic example of the absolutism of the East versus the free institutions of the West.

But I will not belabor those points. Today my attention turns to the debate on mining law reform. I am pleased to join my distinguished colleague from Idaho, Senator CRAIG, and others, in cosponsoring the Hardrock Mining Reform Act of 1993.

This legislation is the product of many hours of work among staff and comments from industry. I believe this bill is a workable compromise and offers a balanced approach to mining law reform.

Our legislation retains the existing claim location and patenting system. We incorporated bonding, without exception, reclamation, including elimination of the 5-acre minimum disturbance and an Abandoned Hardrock Mine Reclamation Program. Also included are limitations on occupancy, something the Bureau of Land Management has sought to revise administratively. Our bill includes a permanent $100 holding fee, with some exceptions for small businesses. We added a realistic royalty, giving the Secretary authority to adjust it based on a claim holder's ability to pay the royalty and continue operations. For future patents, royalty payments and reclamation are mandatory.

Mr. President, these are reasonable changes and I urge my colleagues to study them carefully and weigh both sides of the equation.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. ROTH, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 39, a bill to amend the National Wildlife Refuge Administration Act.

S. 91

At the request of Mr. THURMOND, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 91, a bill to authorize the conveyance to the Columbia Hospital for Women of certain parcels of land in the District of Columbia, and for other purposes.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Nevada [Mr. BRYAN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 300

At the request of Mr. MACK, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 300, a bill to provide for the utilization of the latest available census data in certain laws related to airport improvements.

S. 302

At the request of Mr. MACK, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 302, a bill to provide for the utilization of the latest available census data in certain laws related to energy and natural resources.

S. 303

At the request of Mr. MACK, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 303, a bill to provide for the utilization of the most current census data in certain laws related to the environment and public works.

S. 304

At the request of Mr. MACK, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 304, a bill to provide for the utilization of the latest available census data in certain laws related to urban mass transportation.

S. 305

At the request of Mr. MACK, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 305, a bill to utilize the most current Federal census data in the distribution of Federal funds for agriculture, nutrition, and forestry.

S. 306

At the request of Mr. MACK, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 306, a bill to provide interim current census data on below poverty, urban, rural, and farm populations.

S. 307

At the request of Mr. MACK, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 307, a bill to require that, in the administration of any benefits program established by or under Federal law which requires the use of data obtained in the most recent decennial census, the 1990 adjusted census data be considered the official data for such census.

S. 402

At the request of Mr. DURENBERGER, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 402, a bill to amend the Social Security Act to increase the domestic service wage exclusion, and for other purposes.

S. 412

At the request of Mr. EXON, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 455

At the request of Mr. HATFIELD, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 469

At the request of Mr. WARNER, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Colorado [Mr. BROWN], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alaska [Mr. STEVENS], the Senator from Alabama [Mr. SHELBY], the Senator from Virginia [Mr. ROBB], the Senator from Oregon [Mr. PACKWOOD], the Senator from Indiana [Mr. COATS], the Senator from Arizona [Mr. MCCAIN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 469, a bill to require the Secretary of the Treasury to mint coins in commemoration of the Vietnam Women's Memorial.

S. 545

At the request of Mr. BOREN, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 572

At the request of Mr. DURENBERGER, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 572, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 573

At the request of Mr. BREAUX, the names of the Senator from Nevada [Mr. BRYAN], the Senator from South Carolina [Mr. THURMOND], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer Social Security taxes paid with respect to employee cash tips.

S. 657

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 657, a bill to reauthorize the Indoor Radon Abatement Act of 1988, and for other purposes.

S. 670

At the request of Mrs. KASSEBAUM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 670, a bill to amend the Head Start Act to make quality improvements in Head Start programs, and for other purposes.

S. 689

At the request of Mr. BRADLEY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 689, a bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes.

S. 729

At the request of Mr. REID, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 729, a bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes.

SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week".

SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the names of the Senator from Michigan [Mr. LEVIN], the Senator from South Carolina [Mr. THURMOND], the Senator from Maryland [Mr. SARBANES], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Arkansas [Mr. BUMPERS], the Senator from New York [Mr. D'AMATO], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Rhode Island [Mr. PELL], the Senator from New Jersey [Mr. BRADLEY], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Arizona [Mr. DECONCINI], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 61

At the request of Mr. SIMON, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Missouri [Mr. DANFORTH], the Senator from Virginia [Mr. WARNER], and the Senator from Kentucky [Mr. FORD] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "Mental Illness Awareness Week".

SENATE JOINT RESOLUTION 74

At the request of Mr. KENNEDY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution expressing the sense of the Senate regarding the Government of Malawi's arrest of opponents and suppression of freedoms, and conditioning assistance for Malawi.

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

SENATE CONCURRENT RESOLUTION 21

At the request of Ms. MOSELEY-BRAUN, the names of the Senator from Arizona [Mr. MCCAIN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress that expert testimony concerning the nature and effect of domestic violence, including descriptions of the experiences of battered women, should be admissable if offered in a State court by a defendant in a criminal case.

SENATE RESOLUTION 94

At the request of Mr. SIMON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Resolution 94, a resolution expressing the sense of the Senate with respect to the tragic humanitarian crisis in Sudan.

ADDITIONAL STATEMENTS

TRIBUTE TO UNIVERSITY OF MAINE BLACK BEARS NCAA HOCKEY CHAMPIONS

• Mr. COHEN. Mr. President, the movie "Hoosiers" tells the true story of a small-town Indiana high school basketball team whose miraculous State championship victory captured the hearts and stirred the emotions of an entire State.

Over the past few days, we in Maine have savored our own "Hoosiers" experience as the University of Maine Black Bears won the NCAA college hockey championship.

This championship has been, quite simply, a defining moment for my State. These are hard times in Maine's economy, and there has been little to cheer about at the end of a long and brutal winter. The triumph of the Black Bears is much more than a simple sports victory; it is a moment of much larger implications. The 42-1-2 season and resulting championship offers clear evidence that our State university has fashioned a program which produces amazing young adults who also happen to be champions. Through this experience, the group of young men learned the joy of clean competition, the sweet rewards of victory, the value of hard work and discipline—the whole range of experiences each of us will come to know over a lifetime.

The stories of the semifinal game last week against the University of Michigan and the final game Saturday night against Lake Superior State will be told and retold in Maine over the years and become a permanent part of the State's lore. Both games revealed the true character of the Maine team—grace under pressure, courage in the face of adversity, and the fellowship among team members which allowed them to stage two dramatic come-from-behind victories.

As in "Hoosiers," this remarkable championship has galvanized an entire State. During last Thursday's semifinal game, activity throughout Maine nearly ceased as people gathered around televisions and radios to follow the heart-stopping contest, which Maine won in overtime. The same was true Saturday night, as fans statewide enjoyed the euphoria of a quick two-goal lead, then suffered through a second period in which Lake Superior State scored three unanswered goals, and finally endured a dramatic third period when Maine senior Jim Montgomery, assisted by freshman phenomenon Paul Kariya, scored a three-goal hat trick and the Maine defense and goalie Garth Snow held off the strenuous advances of the Lakers as Maine held on for a one-goal victory.

When the team returned to Maine Sunday, not only did about 3,000 fans greet them at Bangor International Airport and another 6,000 at Alfond Arena, the team's home ice in Orono, but fans also dotted the 10-mile stretch of interstate highway between Bangor and Orono to hold signs, honk horns, and show support. In a State starved for good news, the arrival of the returning heroes was a most welcome event.

Whether in sports, scholastics, politics, or in life itself, it is important to win without engaging in conduct that shows you are unworthy of winning. Coach Shawn Walsh and his entire program can take great pride in not only producing a national champion, but doing so in such a way that has gladdened hearts throughout Maine and the entire country.•

"JEWISH COMMUNITY HOUR RADIO SHOW" CELEBRATES 30TH YEAR

• Mr. SIMON. Mr. President, this year commemorates the 30th anniversary of the "Jewish Community Hour Radio Show." Under the able direction of Mr. Bernard Finkel, the "Jewish Community Hour" has continued to provide music, commentary, humor, special features, interviews, weather reports, and news from Israel to over 50,000 people throughout the Chicago area.

Since its first airing in mid-1963, the "Jewish Community Hour" has served as a bastion of cultural pride and identity to its listenership, and has instilled a sense of community and public service in Chicago and beyond. Programs like the "Jewish Community Hour" have been instrumental in promoting a cultural mosaic in the United States. Chicago is proud to play in part in America's cultural diversity.

Finally, I want to take this opportunity to congratulate the "Jewish Community Hour Radio Show" and wish it 30 more years of successful broadcasting.•

HONORING THE URBAN LEAGUE OF FLINT

• Mr. RIEGLE. Mr. President, on April 14, the Urban League of Flint will celebrate its 50th anniversary. I commend the Rev. James Kennedy, the board chairperson; Melvyn S. Brannon, the board president; members of the board, staff, and thousands who have provided years of valuable service to this organization and to the community.

The Urban League of Flint has contributed a great deal to my hometown and has played a critical role in building a stronger community. For 50 years, it has provided meaningful assistance to people in search of better job opportunities, quality housing, and decent medical care. It has been a powerful force against racism and bigotry.

In 1943, when the Urban League of Flint was founded, there was a great need for people to organize themselves to tackle difficult problems related to race and poverty. Under the leadership of William Valentine, the first executive director, and Edward Cumings, the first board president, the Urban League of Flint began to tackle the deep-rooted problems that have prevented America from truly becoming one country. At the very beginning of that quest, they focused on the basic human needs of the people: education, employment, health care, and housing.

The Urban League of Flint has always recognized that the ability to obtain a good job was at the core of what we want in our society. The Urban League developed their first employment program back in 1946, that helped returning veterans and others find jobs. In 1950, it worked with the State of Michigan to get an agreement to minimize discriminatory hiring practices. In the ensuing years it has developed and implemented countless programs to provide job training and provide opportunity to young people through youth job programs.

Through the leadership of Art Edmonds, the executive director from 1952 to 1960, the Urban League of Flint sought to improve housing for all. The Urban League of Flint was among the first to point out the disparity between the housing needs of African-Americans and the opportunities available to them. In 1954 it found that many more African-Americans would buy homes if good housing were available to them. Two years later it documented the poor living conditions that many residents of Flint faced.

In the 1960's, under the leadership of executive director John Mack and others, the Urban League of Flint played a major role in the civil rights movement in Michigan and the Nation. Of special note is the role the Urban League played in the adoption of an open occupancy ordinance 25 years ago, making Flint the first city of its size in America to adopt such an ordinance. In countless other ways, the Urban League confronted inequality and helped our Nation move ahead during that period.

Since 1970, led by its current president, Mervyn. S. Brannon, the League continues to help to forge a better future. The Salute to Black Scholars Program brings the community together to recognize high academic achievement by young African-Americans. The annual dinner honoring these young people has become an important event in the Flint community.

The League's tradition of concern for the living conditions of our people remains strong. From its inception in 1943, the Urban League of Flint surveyed the health care opportunities of the community and began to address the problems. Today, the Urban League is fighting contemporary problems such as AIDS and barriers that many face in obtaining access to health care.

The Urban League of Flint has made perhaps its biggest impact by serving as the conscience of the community by chronicling and confronting racism and bigotry. By making the living conditions of African-Americans and other people of color in Flint and Genesee County known to the wide community, it has sparked the attention of others and spurred action. The Urban League of Flint has given many a stronger voice. It has helped to provide opportunity where little had existed in the past.

I know I join thousands in Flint and Genesee County in honoring the Urban League's 50 years of fighting for equal opportunity and equal justice. We are grateful for the service of so many in Flint who have given much through the Urban League. And as we look ahead to the progress that still must be made, we are grateful that the Urban League will continue to work to make Flint and Genesee a better place to live.•

CLEAN SITES: UP AND RUNNING WELL

• Mr. SIMON. Mr. President, I would like to recognize the Clean Sites' Chicago office on a very successful first year of operation. Clean Sites has become involved in several environmental projects involving citizens and organizations in the Great Lakes region.

In January 1992, the Clean Sites Chicago office began its environmental involvement with a project in northwest Indiana to increase stakeholder participation in cleanup activities planned by the Environmental Protection Agency. Working with the EPA, Clean Sites launched the cleanup project and held two workshops, one on the treatment of contaminated sediments in the Indiana Harbor Canal, and the other concerning the implementation of the new Clean Air Act.

Clean Sites' commitment to a better environment will not end with that project. Senior analyst and mediator Tim Brown explains:

> We intend to make stakeholder participation a hallmark of our work here as we bring diverse parties together in an effort to expedite cleanup efforts.

Upcoming activities include roundtable meetings with senior EPA staff and community leaders in northwest Indiana, as well as a workshop on petroleum contamination.

As we all know, Mr. President, our efforts now to improve the environmental are critically important, both to our health and the well-being of future generations. I commend the Chicago office of the Clean Sites organization on its sincere dedication to a cleaner environment.•

HONORING THE 944TH FIGHTER GROUP

• Mr. DECONCINI. Mr. President, I rise today to honor the courageous reservists of the 944th Fighter Group from Luke Air Force Base, AZ. Their dedication to their country and exemplary training skills were demonstrated during Operation Provide Comfort II, for which they were called to enforce the no-fly zone over northern Iraq as mandated by U.N. Security Council Resolution 688.

In November 1992, about 100 military personnel and their F-16C fighters departed from Luke AFB to add their support to the air operation based in southern Turkey near the city of Adana. The mission of the 944th was to provide relief for the active duty forces who have been enforcing the no-fly zone since April 1991.

The air crews of the 944th worked around the clock to get the job done, despite harsh weather and limited living space. They performed exceptionally well whether it was providing maintenance, intelligence, or enforcement of U.N. Resolution 688. The dedicated personnel of the 944th did all this under the threat of a potential engagement with hostile Iraqi forces.

The pilots of the 944th were on constant alert for any sign of the Iraqis breaking the no-fly zone. Crews flew four to eight sorties daily, with each flight lasting 3½ to 4½ hours. They performed this duty with skill and expertise, ensuring that the Iraqis would not challenge the Security Council Resolution.

Mr. President, I applaud the efforts of the men and women of the 944th. The 944th provided an outstanding demonstration of the high-quality performance and training achieved by our Reserve Forces. They deserve the gratitude of the entire Nation for their unselfish sacrifice in enforcing the U.N. sanctions against Saddam Hussein.●

GUN DEATHS AMONG YOUNG AMERICANS

● Mr. SIMON. Mr. President, once again, I wish to speak to the tragedy of gun-related deaths in our Nation. The National Center for Health Statistics [NCHS] has recently reported that the rate of firearm deaths among those age 15 to 24 has risen to the highest rate ever recorded. Guns are now involved in 1 out of every 4 deaths in that age group. Firearms cause more deaths among those age 15 to 24 than all natural causes combined. Even more alarming is how fast rates have jumped. For 15 to 19 year olds, the rate rose from 13.3 deaths per 100,000 population in 1985 to 23.5 deaths per 100,000 in 1990.

Mr. President, these statistics are a national disgrace. The youth of America are our future. We can and must do a better job of protecting our children from the terror of guns which plagues our streets. It is time for those of us on both sides of the aisle to recognize the magnitude of this crisis and enact responsible gun control legislation. Our children's lives depend on it.

At this time I would like to enter into the RECORD a copy of the Washington Post article of March 24, 1993, reporting the results of the NCHS study.

The article follows:

[From the Washington Post, Mar. 24, 1993]

RATE OF GUN DEATHS RISES SHARPLY AMONG 15-24 AGE GROUP

(By Barbara Vobejda)

The rate at which young Americans are killed by guns has risen dramatically in recent years, and firearms are now involved in one of every four deaths among persons age 15 to 24, the federal government reported yesterday.

The National Center for Health Statistics (NCHS), which has been tracking firearm death rates since the late 1960s, reported that the rate among people age 15 to 19 has climbed to the highest ever recorded in this country. In that age group, and among those age 20 to 24, firearms are the cause of more deaths than all natural causes combined. Only motor vehicle accidents cause more deaths in those age groups.

The rates of gun-related deaths among 15- to 19-year-olds rose gradually through the late 1960s, 1970s and early 1980s, according to Lois A. Fingerhut, an epidemiologist at NCHS and author of the study. But then the figures jumped—from 13.3 deaths per 100,000 population in 1985 to 23.5 deaths per 100,000 in 1990, the last year for which complete data are available. Fingerhut called the difference "startling."

The study did not examine why the figures have risen so rapidly, and Fingerhut said there is not a single explanation. "There are multiple variables in this," she said. "For some unknown reason, they've all come together. You can't open a newspaper without reading about someone else being killed."

At a recent congressional hearing examining the increasing violence in children's lives, experts and children's advocates cited a host of causes, including the easy accessibility of guns, increasing drug traffic, glorification of violence in the media and the breakdown of the family.

"It is frightening and intolerable to see this waste of young lives," Health and Human Services Secretary Donna E. Shalala said in a statement released with the report. "Our young people need to see opportunity ahead of them and rewards for hard work, not the emptiness and unpredictability of violent injury."

In 1990, guns involved in homicides, suicides or accidents caused the deaths of nearly 4,200 teenagers, the report said, compared to about 2,500 in 1985.

The rate rose 77 percent among all those age 15 to 19 from 1985 to 1990. Even among the very young, guns were involved in a rising number of deaths: For black males age 10 to 14, the rate more than doubled over that period. And for all black teenage males, the firearm homicide rate nearly tripled over that period, reaching 105.3 deaths per 100,000.

Rates among white teenage boys rose rapidly—an annual average increase of 24 percent from 1988 to 1990—largely in the Hispanic community, Fingerhut said. But the figures were much higher among blacks. Sixty percent of deaths among black teenage males were caused by guns, compared to 23 percent among white teenage males.

Among persons 15 to 24, the number of firearm deaths in 1990 was 9,542. Deaths by natural causes totaled 7,959, and motor vehicle accidents claimed 12,607.

Fingerhut said a previous study showed that the rates were highest in big cities such as Washington, Los Angeles and Detroit, but that rates were increasing in small cities too.

Focusing only on death rates may understate the larger problem, she said, because it does not reflect the extent of serious injury caused by guns. There are seven times as many nonfatal firearm injuries as there are deaths caused by guns, she said, adding: "The cost to society is unbelievable."●

DEFENSE REDUCTIONS

● Mr. HARKIN. Mr. President, our colleague from Michigan, Mr. LEVIN, recently wrote an excellent article for the Los Angeles Times, in which he shatters recent arguments heard on this floor that uncertainty in Russia is justification to stop the very modest decreases in military spending planned by President Clinton.

The President has proposed a very modest cut of $127 billion over 5 years, compared to President Bush's $1.4 trillion military spending plan. That amounts to a reduction of just 9 percent, hardly a gutting of our Defense Establishment, considering that the Pentagon justified about 60 percent of its budget to stop a sudden Warsaw Pact attack on Western Europe.

During recent debates over the fiscal year 1994 budget resolution, some of our colleagues argued that since Boris Yeltsin might be replaced, or since his Democratic and market reforms might not succeed, therefore we should not proceed with the modest defense reductions.

Mr. President, a change in leadership in Russia could present the United States with formidable foreign policy challenges, but the conventional military threat to Western Europe that existed for decades could never be reassembled without many years if not decades of warning. As Senator LEVIN said:

> The Cold War is over, but old Cold War thinking is not. Red ink, not the Red Army, is the greater challenge to preserving America's strength.

Mr. President, I ask to insert into the CONGRESSIONAL RECORD Senator LEVIN's excellent analysis, along with a March 30 New York Times editorial.

The material follows:

[From the Los Angeles Times, Mar. 30, 1993]

RUSSIAN CHAOS WON'T JUSTIFY DEFENSE EXCESS

(By Carl Levin)

Some critics of President Clinton's budget blueprint are using the crisis facing Russia's Boris Yeltsin as a rationale for higher military spending here at home. It is clearly in our interest to have Russia's trend toward democratization continue. But even if Yeltsin falls, there is no immediate prospect of a renewed security threat from Russia that justifies higher U.S. defense budgets.

Plans still in place for the U.S. military are based on assessments that President Bush and his advisers made years ago. They assumed that we would be facing military forces of a size and capability almost unimaginable now. Since they devised our "base force" to meet those perceived threats, the Soviet military has rapidly deteriorated.

The Warsaw Pact is gone and the former Soviet Union is divided, splintering the military and reducing weapons production. Russia can no longer rely on armies from East Germany and Poland—if it ever could. Political and ethnic divisions are boiling within Russia and funds for the military are extremely scarce. The Red Army has dwindled to about half its former size, smaller than the forces of the European NATO countries. Morale among the remnants is low. Infrastructure, air defenses, supply and communications networks to support Red Army forces are also divided haphazardly among several states. Russia's navy is crippled by insufficient fuel supplies and spare parts.

The Bush defense budget did not take into account these very real changes in the threat. The Clinton budget begins to do so, making an additional modest reduction from 1.6 million to 1.4 million in the active-duty U.S. military. Many of our allies in Western Europe are making deeper cuts in their military forces. None of them have determined that Yeltsin's situation merits reversal of the build-down in their armies.

It is unclear what the effect will be on Russia in the unfortunate event that Yeltsin does not survive as president. But there is no indication that any of his potential successors would be hostile to the United States, our allies or our direct security interests. Chaos and further disintegration of Russia into its ethnic component parts will keep Russian leaders busy, whoever they are.

Finally, if a security threat to the United States and its allies were to materialize, we would have ample time to respond politically or militarily. Secretary of Defense Les Aspin concluded last year, while he was chairman of the House Armed Services Committee, that the United States would have years of warning of a new Russian threat, enough to generate substantial forces from scratch.

The greatest potential threat from Russia, especially if Yeltsin falls and instability increases, is the thousands of nuclear weapons still deployed there, along with those that have been retired to storage. Command and control of these weapons, and their potential spread to other countries, pose a security threat to the United States and the world right now, even with Yeltsin in power. We cannot effectively counter the pressing threat of nuclear proliferation from Russia by keeping another 200,000 personnel in uniform or by spending billions more dollars for the Strategic Defense Initiative.

What we can do is speed the use of funds already available for dismantling and securing of Russian weapons. And we need far stronger controls on ballistic-missile technology and a much tougher system of inspections by the International Atomic Energy Agency. We can have both for a fraction of the cost of planned "Star Wars" research.

Our nuclear deterrent will remain strong, even at greatly reduced levels. And if a change of leadership in Russia stops or slows down missile retirements planned under the START and START II treaties, we could take similar action at a very low cost.

The best way to assure a continued decline in any military threat from our former adversary is to play a leadership role in supporting the development of democracy in Russia, and getting our allies to help.

The Clinton defense budget is the right response to changes in the former Soviet Union, because it begins addressing post-Cold War threats and makes appropriate reductions from Bush's plans, so as to help get our civilian economy going again. The challenge faced by Boris Yelstin does not justify increasing the Clinton budget.

The Cold War is over, but old Cold War thinking is not. Red ink, not the Red Army, is the greater challenge to preserving America's strength.

[From the New York Times, Mar. 30, 1993]

WHAT RED ARMY?

The Red Army, once one of the world's most formidable fighting forces, is in an advanced state of disintegration. Its finest divisions have splintered. Its draft calls go largely unheeded. Much of its equipment is inoperative. Only its strategic nuclear forces remain potent.

The shocking deterioration of this once-powerful military machine has profound implications. Unless the dimensions of the decline are recognized, there can be no sound military policy in the West or in Russia.

The key lesson to absorb is that the Red Army is no longer ready to rampage beyond Soviet borders. Its strongest divisions, once based in Germany, have withdrawn, their morale shattered. Its next-best divisions, based in Ukraine, have turned over their weapons to that newly independent state. And many Ukrainian soldiers, once 40 percent of the officer corps, have gone home. In Russia, only a minority answer the army's draft calls, and those who do so in hopes of three square meals a day soon go hungry, and AWOL. Military exercises have been drastically curtailed for lack of fuel.

Yet in Washington, Congressional supporters of the Pentagon are drawing the wrong lessons from the daily reminder of just how fragile Boris Yeltsin's reformist rule might be. Fearful that a military coup could bring to power aggressive nationalists who would restore authoritarian rule and the Red Army, they want to delay deeper cuts in the Pentagon budget. But it could take years to reconstitute the Red Army and even then it could not pose the same threat as it did when the Soviet Empire and the Soviet Union were still intact.

The Red Army is as riven as the rest of Russian society. It has so far kept out of politics. For it to take sides for or against Boris Yeltsin would risk further fragmentation, even civil war. The army has some revanchists who can't wait to restore the Evil Empire. But it also has its share of Yeltsin sympathizers. And it is commanded by a new breed of military modernizers who want economic reform and ties to the West that will help them keep pace with military technology.

There are two chief dangers in the Red Army's disintegration. Some disgruntled divisions are fueling separatism in Moldova and Georgia, threatening to embroil Russia in wars on its new periphery. The West could help ease this problem by paying to house and even pension off Red Army officers to keep them from fomenting trouble.

If extreme nationalists regained control, the nuclear missiles might again pose a threat to the U.S. That's why it's urgent to begin dismantling the Russian and other ex-Soviet republics' arsenals even before the Start treaty is ratified. By getting Congress to vote defense funds for this purpose, Senators Richard Lugar and Sam Nunn have pointed to creative ways to rethink U.S. security.

Washington spends as much on defense as do Russia, Britain, Germany, France, Iran and Japan combined. A little money spent to encourage Russian reform could do a lot more for U.S. security than new tanks, ships or planes.●

COSPONSORSHIP OF S. 455 PAYMENTS IN LIEU OF TAXES [PILT]

● Mr. DURENBERGER. Mr. President, I rise to cosponsor legislation introduced by my friend and colleague from Oregon, Senator HATFIELD. S. 455, adjustments to the Payments in Lieu of Taxes [PILT] Program, will go a long way toward correcting inequities that have existed between counties and the Federal Government for many years.

Enacted in 1976, the PILT Program provides compensation to county governments which have tax-exempt programs, Federal lands such as national parks, forests, wildlife refuges, and Bureau of Land Management [BLM] lands within their boundaries. More than 1,700 counties throughout 49 States benefit from this program.

PILT funds help county governments meet the real and growing needs of their citizens for education, transportation, health care, law enforcement, waste disposal and many other essential services. PILT payments are an extremely important source of revenue for counties who are being continually asked to provide increased services with diminishing budgets.

The problem with PILT since 1976 is that the program's authorization level has not increased, whereas the Consumer Price Index has increased by 120 percent. In 17 years, the value of PILT has eroded to less than half of when originally enacted.

Senator HATFIELD's bill will phase in over 5 years an adjustment increasing the formula from 75 cents for each acre of entitlement land to $1.65 per acre. For the alternative method of determining PILT payments, the increase will be from 10 cents per acre to 22 cents per acre. Additionally, the population cap will be amended proportionally. And finally, the program would be indexed for inflation starting after the first year and will still be subject to the appropriations process.

An important feature of this bill is the 5-year phase-in of the full adjustment. Previous legislation, which I cosponsored, mandated the full adjustment in a 1-fiscal year period. The appropriations process was simply not able to accommodate an additional $115 million, and the legislation was subsequently stalled. I believe that this feature makes the bill more acceptable and fiscally responsive.

While there are other States that benefit more from PILT payments, many Minnesota counties have come to rely on them as a significant source of revenue. Minnesota has 2,582,664 entitlement acres of Federal land, most located in northern Minnesota. Several counties comprise the majority of this land: Cook County contains 629,000 acres, representing 69 percent of its entire acreage; Lake County contains 727,025; and St. Louis County contains 837,935 acres. In fiscal year 1992, counties in Minnesota received roughly $680,000 from the BLM.

Under S. 455, Minnesota will see a first-year increase to $685,811, and by the fifth year, an increase to $2,885,074. These payments are essential to counties in providing the important day-to-day services in places such as the Boundary Waters Canoe Area. Some of these counties have additional burdens because of the large increase in visitors and part-year residents during the summer months, increasing the demands for services.

Mr. President, this legislation is a fair and equitable solution to a problem that has hampered counties for many years and I look forward to securing its passage.●

THE ECONOMY

Mr. DOLE. Mr. President, despite all the 1992 campaign rhetoric, President Clinton inherited an economy in recovery. Almost every statistic since November confirmed that fact. That is why the recovery can rightly be called the Bush recovery.

Since the inauguration, Wall Street, big and small businesses, and America's consumers were hopeful that perhaps the new President could build on the Bush recovery. For a while, there was hope, hope based more on President Clinton's clever salesmanship than anything substantive. But, then something happened. The details started emerging—details about Bill Clinton's economic plan that proved that he was not a new Democrat—he was an old Democrat, a Democrat who sees taxing and spending as the only answers to a sluggish economy.

THE IMPACT OF CLINTONOMICS

There are signs that the economy may be more sluggish than projected earlier this year. I believe that there is a simple explanation for the markets' actions, and you can sum it up in one word: Clintonomics.

Mr. President, the financial markets are beginning to grasp the full meaning of the misguided Clinton economic plan and the impact that a record tax increase—$291 billion in higher taxes and user fees—could have on the U.S. economy.

On top of that concern comes another distressing signal. Immediately following the vote on the President's $440 billion deficit reduction plan, the Democrats are pushing $19.6 billion more deficit spending for a political stimulus package. To me, this decision raises serious questions about the Democrats' commitment to cut spending and reduce the deficit. Republicans want Uncle Sam to put his charge card away. If this bill is necessary, then Democrats should be willing to pay for it. It's that simple—it is a basic philosophical difference.

Let us face it, while the American people are starting to tune into the deficit reduction channel in record numbers, the Democrats are still glued to their favorite network—"Pork-TV."

THE EFFECTS OF A TAX HIKE

Let us look at some of the early returns on Clintonomics.

Last week, the conference board's index of consumer confidence dropped for the third straight month. The Commerce Department's index of leading economic indicators increased for the fifth time in 6 months, but the increase was lower than expected.

The Labor Department reported that 22,000 private sector jobs disappeared in March, factory output slowed, and exports weakened. On Friday, the Dow Jones Industrial average dropped 68 points.

Mr. President, I am not here to wring my hands and suggest that the sky is falling. It is not. But, all of this information does suggest that the economy's progress this year may fall below the brisk pace set in the final quarter of 1992. I agree with those economists who point to worries about a tax hike as a major factor contributing to the slowdown.

The March blue chip survey of 50 private economic forecasters showed that the consensus forecast of real GDP growth in 1994 fell two-tenths of a percentage point. The panel members cited—and I quote, "The potentially negative effects on the pace of economic growth stemming from the Clinton administration's plan," as a reason for their lower growth projections.

The Democrats have gleefully pointed to Alan Greenspan as a key supporter of the President's plan. But, I would remind my colleagues that on March 24, Federal Reserve Chairman Alan Greenspan testified before the Senate Finance Committee. He said:

> It is important to recognize that trying to wholly, or substantially, address a structural budget deficit by increasing revenues * * * is more likely to fail than to succeed.

I agree with Chairman Greenspan. Unfortunately, it appears that President Clinton and those who support his plan do not.

HIGHER TAXES WILL NOT CREATE JOBS

Mr. President, here is the bottom line: $291 billion in higher taxes and fees means that businesses and consumers will have $291 billion less to spend and invest over the next 5 years. It also means that most of those companies that made the tough decisions—to cut their debt load and streamline—in order to increase their competitive position, those companies that are now poised for expansion, will either reduce or delay decisions to hire new employees if they see higher tax bills on the horizon.

THE INFORMATION BLACKOUT

Mr. President, last week, we were forced to vote on the President's budget plan without all the legally required details. That was an unprecedented move on the part of President Clinton and the Democrat leadership to try to put the President's program in place before people understand what is in it. But, they are not going to be able to sustain the information blackout for long.

THE PORK BARREL SPENDING STIMULUS

Mr. President, the markets are not reacting to the President's $19.6 billion pork barrel spending stimulus. I do not think that $19.6 billion more deficit spending can do much to help a $6 trillion economy. But, one thing is for certain: It will add to our $319 billion deficit. And, that is distressing news to American taxpayers and financial markets alike.

TAX AND SPEND AND BUSINESS AS USUAL

The markets are reacting to 291 billion dollars' worth of higher taxes and user fees. People outside Washington, DC, are beginning to understand that despite all the slick packaging and the good-sounding rhetoric, the President's recipe for deficit reduction is nothing more than a mixture of tax-and-spend and business-as-usual.

Republicans support change—constructive, positive change. Change that keeps the economy moving. Change that creates jobs, change that cuts spending and reduces the deficit.

We offered a plan to do just that. It would have cut the deficit by $460 billion over 5 years without raising taxes. Fifty-five Senate Democrats voted to defeat our version of real change.

The Clinton plan does not solve the deficit problem. It will not keep the economy moving. And it will not create jobs.

CONCLUSION

It is amazing how so many can stand on this floor and say with a straight face that stopping a $19.6 billion pork barrel spending bill is somehow bad for the economy.

The good news is that the American people know better. They are watching and they are waiting for leadership. If Congress does not have the guts to stop this kind of shameless spending, then we can expect more troubling news from an economy that already has too little confidence in Congress.

So, this is it. This is the test. It is not much of a test, but we believe it is worth the fight.

THE U.S. HOLOCAUST MEMORIAL MUSEUM

Mr. DOLE. Mr. President, the beginning of spring also means the beginning of tourist season here in Washington, DC.

Every day, men, women, and children arrive here to see their Government at work, and to tour some of American's most cherished monuments.

And in just a matter of weeks—on April 26—Americans will be able to visit a new memorial in our Nation's Capital—the U.S. Holocaust Memorial Museum.

For many years, courageous Jewish-Americans—along with Americans from every race and creed—hoped for the day when a permanent memorial would help ensure that the memory and the lessons of the greatest of human tragedies would never be forgotten.

And in 1980, their dream took the first step to becoming a reality, when legislation creating the U.S. Holocaust Memorial Council was signed into law by President Carter.

The council was charged with overseeing development of the Holocaust Memorial, which would serve as a living museum.

While the memorial is on public land, and will be operated by the Federal Government, it has been entirely financed by private funds.

Indeed, under Presidents Carter, Reagan, and Bush, the planning and construction of the Holocaust Memorial has been and example of what can be accomplished when Government works in a partnership with private citizens.

And, under President Carter, Reagan, and Bush, it had also been a strictly nonpartisan and nonpolitical process.

Sadly, that has now changed.

According to today's Washington Post, the Clinton administration has told Harvey Meyerhoff and William Lowenberg that they will be removed from their positions as council chairman and vice chairman as of May 1.

Mr. Meyerhoff has served as council chairman for the past 6 years. He and his family have also donated $6 million to the museum.

No doubt about it—this month's opening of the Holocaust Museum would not have occurred without the leadership and generosity of Harvey Meyerhoff.

While asking Meyerhoff to step down as chairman is certainly a decision within President Clinton's right, it is just as certainly a decision without class and without good sense.

I could not say it better than did Democrat Congressman SID YATES, who is chairman of the subcommittee that oversees appropriations for the museum. Congressman YATES said:

> The museum is still in the delicate and sensitive process of being opened. Its staff is working day and night. It seemed to me they could wait a couple of weeks. Right on the threshold of opening the museum—it doesn't make sense to me to resort to pressure politics.

But, Mr. President, one thing we have learned in the first few months of the Clinton administration—especially with the firing of all U.S. attorneys—is that pressure politics is the name of the game.

I am saddened that the Clinton administration has now chosen to inject pressure politics into what should be a very solemn and meaningful dedication ceremony on April 22.

Mr. President, I look forward to visiting the Holocaust Memorial Museum, and, on behalf of all Members of this body, I want to thank Harvey Meyerhoff and William Lowenberg for their leadership and generosity.

PROGRAM

Mr. MITCHELL. Mr. President, I would like to describe briefly the circumstances which led to the agreement we have just entered, and the schedule for the immediate future, although the latter has been pretty well described in our colloquy that we just had. So let me deal with that first.

There will be no rollcall votes on Wednesday. The Senate will return to session on Monday, April 19, for debate only, on the pending measure and the possible two amendments, alternatives, that may be offered on that date pursuant to this agreement.

There will be rollcall votes on Tuesday morning. The agreement permits but does not require that alternatives may be offered on the Republican side by Senators HATFIELD and DOLE, and on the Democratic side by Senators BYRD and MITCHELL.

If those are offered, they will be debated on Monday, and votes will occur on or in relation to those amendments, or on a point of order to those amendments, beginning at 10 a.m. on Tuesday, first on the Hatfield-Dole amendment, if offered; then on the Byrd-Mitchell amendment, if offered.

Then a cloture vote will occur. A cloture vote will occur in any event. If no amendment is offered, or no amendment is adopted, then the cloture vote, of course, would be on the bill as presently constituted. If an amendment is offered and adopted, then the cloture vote would be on the bill as amended by that amendment.

If cloture is not invoked, then as previously stated, the bill would be open to amendment.

RECESS UNTIL WEDNESDAY, APRIL 7, 1993, AT 1:30 P.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, 11:36 p.m., recessed until Wednesday, April 7, 1993, at 1:30 p.m.

NOMINATIONS

Executive nominations received by the Senate April 5, 1993:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JERRY D. KLEPNER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE STEVEN B. KELMAR.

DEPARTMENT OF THE INTERIOR

ELIZABETH ANN REIKE, OF ARIZONA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE JOHN M. SAYRE, RESIGNED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

J. BRIAN ATWOOD, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

IN THE AIR FORCE

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be lieutenant colonel

RONALD W. HANROTE [redacted]
RONNIE J. KIRSCHLINE [redacted]
JAY H. MEAD [redacted]
JOHN B. PAYNE [redacted]
STEPHEN L. PHO [redacted]

THE FOLLOWING REGULAR OFFICERS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, TITLE 10, UNITED STATES CODE.

LINE

To be lieutenant colonel

WILLIAM J. CAROLAN [redacted]
DOUGLAS JAMES [redacted]
THOMAS H. LARNED [redacted]
CHARLES R. LIPE [redacted]
DAVID L. MOSBY [redacted]
JONATHAN N. PIETSCHMAN [redacted]
WILLIAM T.M. REUSCH [redacted]
DAVID A. RUDDOCK [redacted]
MARIE C. SHADDEN [redacted]
GILBERT J. TALKINGTON [redacted]
ALAN R. WESTROM [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

STEVEN G. BROOKS [redacted]
KEITH R. GORDON [redacted]
JOHN B. MACLEOD, [redacted]

JUDGE ADVOCATE GENERAL

To be lieutenant colonel

ROBERT J. DAUTRICH, [redacted]

ARMY

To be major

*MICHAEL J. KALIL [redacted]

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

To be lieutenant colonel

PATRICK M. HOLDER [redacted]
ROBERT J. ROSENAU [redacted]

MEDICAL CORPS

To be lieutenant colonel

*EDWARD FLETCHER [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

PATRICK A. SUPON [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

*VICTORIA J. RANSOM [redacted]

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL CORPS

To be major

RAYMOND L. CAPPS [redacted]
WALTER J. LAWRENCE [redacted]
JOHN M. LOWERY [redacted]
ERIK P. PETERSON [redacted]

DENTAL CORPS

To be major

STEVEN S. KIM [redacted]

MEDICAL SERVICE CORPS

To be major

CLEM D. MCDUFFIE [redacted]

CONFIRMATION

Executive Nomination Confirmed by the Senate April 5, 1993:

FEDERAL EMERGENCY MANAGEMENT AGENCY

JAMES LEE WITT, OF ARKANSAS, TO BE DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

C–17 AND NOW, MORE GOOD NEWS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. HORN. Mr. Speaker, two committees of the House or Representatives recently completed oversight hearings on the C–17, the Nation's newest military transport aircraft. The House Armed Services Committee's Subcommittees on Military Procurement and Investigations held joint hearings the week of March 9. The Legislation and National Security Subcommittee of the Government Operations Committee held hearings on the aircraft the week of March 15. Witnesses from the Air Force, the General Accounting Office, and the Defense Department Inspector General were among those who participated.

There have been frustrations among Members of Congress about this program because of schedule delays, technical problems, and cost overruns. However, the facts remain: The U.S. military needs this capability; the plane is flying; it is meeting requirements mandated by Congress in the fiscal year 1993 defense authorization bill; and to date, the Government has not paid one dime more for the program than is provided for by contract.

I would like to submit for the RECORD a statement by Mr. David O. Swain, senior vice president for transport aircraft with McDonnell Douglas, who has been in charge of the C–17 Program since January 1991. Mr. Swain had hoped to present this testimony at the Legislation and National Security Subcommittee hearing on March 18 but was not given the opportunity to testify. This statement provides an overview of the C–17 Program and addresses a number of the concerns which have been raised about it. Highlights of this statement include:

There are more than 300 major suppliers in 40 states involved in this large-scale, complex program.

Although Douglas Aircraft won the C–X contract in 1981, it was not until December 1985 that a full-scale engineering and development contract was funded.

The aircraft being built today is significantly more advanced than that originally envisioned by the government and McDonnell Douglas. In the long run, this aircraft with its more modern technology will save operating and maintenance costs.

The aircraft will operate will into the 21st century.

Despite an onerous contract and multiple levels of oversight from different government agencies, McDonnell Douglas has made the transition from development to flight test and into low rate production.

The technical issues which have arisen do not pose a significant risk to the program, are not unusual in a development program and have solutions which are being implemented—at a cost to McDonnell Douglas, not the federal government.

Operational and flight testing is progressing. The aircraft combined test fleet has amassed more than 1,000 hours on some 300 flights. It has set 14 world payload records and undergone three weeks worth of loading demonstrations with the Army at Fort Hood, Texas.

There are clear indications of significant improvements in the program. Assembly hours for the sixth production aircraft were 50 percent of that required to build the first.

I would like to close with a quote from Mr. Swain's statement:

When you talk to the pilots who have flown the C–17—from the Air Force flight test crews to our most senior company pilots—they all have high praise for its performance. Some have commented to me that they believe we are building a classic—one made in America—in the finest tradition of U.S. aerospace leadership.

As with any issue, there are always two sides to the story. I believe it is important that the Congress be fully informed on the C–17 Program before rendering judgment.

The statement follows:

STATEMENT OF DAVID O. SWAIN—SENIOR VICE PRESIDENT, TRANSPORT AIRCRAFT, MCDONNELL DOUGLAS AEROSPACE

SUBCOMMITTEE ON LEGISLATION AND NATIONAL SECURITY, HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, MARCH 18, 1993

Mr. Chairman, I am pleased to have this opportunity to speak to you about the C–17. I have been in charge of McDonnell Douglas' C–17 program since January 1991.

As many of you are aware, the C–17 is a very large aircraft—fully loaded it weighs 580,000 pounds; its wing tips would stretch from one sideline of a football field to the other, and if the tip of the tail was on your goal line, the nose would extend almost ten yards beyond the 50 yard line. The plane has more than 9 million pieces and contains more than 130 miles of wiring. We have more than 300 major suppliers in 40 states who are involved in this large-scale, complex program.

Our company's involvement in the C–17 dates back to the successful YC–15 that we developed for the Advanced Medium Short Takeoff and Landing (AMST) Transport program of the mid-1970s. We brought in our flying prototype ahead of schedule and under budget. I'd like to point out that one of the highlights of that shortened program was the revolutionary approach to government contracting that steamlined the process, cut through the bureaucratic red tape and allowed the contractor to set up a commercial-style program.

In 1979, the Air Force asked for proposals for a larger type of airlifter, dubbed the C-X—with the goal of using a low-risk, fixed-price contract approach, based on the success of the YC–15 philosophy. Douglas Aircraft won the C-X competition in 1981, but it was not until four years later, in December 1985, that a full-scale engineering and development contract for the C–17 was funded. By 1986, aircraft technology, customer and contractor personnel were changing and thereafter the YC–15 acquisition philosophy upon which the contract was based, began to erode. The aircraft we are building today is one significantly different and more advanced than that envisioned by the government and McDonnell Douglas in 1981. In the long run, this aircraft with its more modern technology provides the desired performance requirement for the user while at the same time reducing operating and maintenance costs. While this aircraft will operate well into the 21st century, I'd have to say the development process has been very disruptive to MDC and our USAF customer.

From 1985 until today, we have been designing and building the world's most modern military airlifter. We began assembly of the first aircraft in 1988 and flew the first one in 1991. It is the first U.S. transport—military or commercial—to employ an electronic flight control system. Its modern avionics and flight systems use 56 computers and include headup displays for the cockpit crew, technology previously seen in the U.S. military only on fighters, attack aircraft and tactical helicopters. This modern design allows the C–17 to be handled by a reduced cockpit crew of two and one loadmaster—a third of the aircrew requirement in today's aging airlift fleet. The C–17 has the largest pressurized door opening of any aircraft in the world. It also has more maneuverability and agility on the ground than any airlifter today.

When you talk to the pilots who have flown the C–17—from the Air Force flight tests crews to our most senior company pilots—they all have high praise for its performance. Some have commented to me that they believe we are building a classic—one made in America—in the finest tradition of U.S. aerospace leadership.

A government program of this magnitude will always be a challenge—with demanding engineering, flight test and production issues, funding struggles and a demanding customer. As you know, we are doing this under a fixed price contract that contained both development and production activities. I believe this type of approach—which was prevalent in the 1980s—has harmed the aerospace industry and not properly supported our national security interests. I fully endorse recent DOD policy—which was spearheaded by Congress—to move away from the fixed price, full scale engineering development programs.

But despite this onerous contract and multiple levels of oversight from different government agencies, we have transitioned from development to flight test and into low rate production. The technical issues which have arisen do not pose a significant risk to the program, are not unusual in a development program and have solutions which are being implemented. It is no secret that these solutions are costing our company a great deal of money. For example, we expect to spend $50 million of our own money to repair the wing on the static test article and modify aircraft which have been delivered or are currently on contract.

Today we have delivered six flying aircraft to the Air Force, plus our static and durability ground test airframes. The combined test fleet has amassed more than 1,000 hours on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

some 300 flights. We're near completion of testing throughout speed and altitude parameters, to include landings in less than 3,000 feet; we've begun missions systems testing with parachute loads; and we've conducted three weeks worth of loading demonstrations with the Army at Fort Hood, Texas, to include the M-1 tank, weighing nearly 130,000 lbs. One plane is in the Air Force's climatic hangar at Eglin Air Force Base in Florida and another was delivered last week to Patuxent River, Maryland, to the Naval Air Warfare Center, for electromagnetic and lightning testing. We've set 14 world payload records and have flown more than 160,000 pounds of Marine equipment from California to Florida and back over routes of more than 2,400 nautical miles—a successful demonstration of the C-17's operational utility.

There are clear indications of significant improvements in the program. Assembly hours for P-6 were 51 percent of that required to build P-1. Out of position work is another example. With the first test aircraft, only 32 percent of the work was done in position prior to major join. With the ninth production aircraft we have improved to the point that 93 percent of the work was done in position prior to major join. Quite simply, these are excellent measures of improvement in quality. The aircraft are being built more efficiently and the costs of each C-17 are less than the preceding aircraft. All of this is occurring in spite of major changes to the congressionally approved buy profile, delays in the development program, and significant disruption in our assembly work force. The latter is driven by the commercial airliner market downturn and union personnel being "bumped" from Douglas' commercial lines to the C-17 program. Having said all this, I must say that I am very proud of what our work force has accomplished in a most difficult environment.

Mr. Chairman, we have made mistakes and learned many lessons getting to where we are today. Clearly, we would do some things differently given the opportunity, but this is real life, we cannot change the past, we must learn from it to improve the future.

We are proud of this aircraft and what we are accomplishing. I'm proud to lead the team building it, which includes more than 10,000 McDonnell Douglas men and women, and more than 20,000 people at our suppliers. These dedicated aerospace workers are truly a national asset.

Mr. Chairman, if it would be helpful, I'd be willing to give the committee a short program status and then take any questions you may have.

MR. WELDON CONGRATULATES VFW SCRIPTWRITING CONTEST WINNER

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. WELDON. Mr. Speaker, I rise today to congratulate Robert John Flickenger for receiving the Jessie A. Lewis Memorial Scholarship Award. Robert, a resident of my district, was awarded a scholarship by the Veterans of Foreign Wars of the United States and its Ladies' Auxiliary for his submission in the VFW Voice of Democracy broadcast scriptwriting contest. Robert was among the 29 students chosen from 136,000 contest entrants nationwide.

Robert Flickenger is a shining example of the bright young minds that will lead our Nation into the future. Let us hope more students follow in Robert's footsteps by becoming more active and involved in their Government. His script champions the citizen's role and influence in policymaking, and reminds us that democracy thrives with citizen involvement. I would like to submit his script for the RECORD and urge my colleagues to read this inspiring piece.

MY VOICE IN AMERICA'S FUTURE

(By Robert Flickenger)

The event that occurred on November 3rd, 1992 is another for the history books—the election of our president. One hears the usual chatter that people use just before the election: "I'm Voting Republican"; "Why would you vote for HIM?"; or even "I don't know who to vote for—it's such a hassle anyway * * * maybe I just won't vote * * *"

The last of these is a phrase that is most disturbing to me. Ever since I became aware of how our great democratic system works, I have longed to be a part of it. Think of it! Millions of people, all coming together for one day to select our figurehead, our standard, the very person whom the eyes of the world look upon as America itself—and some would rather sit at home and watch television.

It is guaranteed that we all have a "Voice in America's Future," but I believe it is the responsibility of each of us to take advantage of that right. By not voting, not making a difference, we give up control of the destiny of our exceptional nation to others, and America itself loses something. In America, as in nowhere else in the world, the fate of the nation is directly dictated by the opinions of the people, and if even one person chooses not to participate, the concept of America is not expressed to the fullest. Some feel that their vote is meaningless; that they become lost in a tumultuous sea of numbers and statistics. We must keep in mind, though, that America is its people, and without their votes, it is no longer a democratic society.

However, our responsibility does not stop at the voting process. Once our officials are elected to office, they must learn what the needs of the people are. Therefore, suggestions, letters, newspaper articles, peaceful demonstrations, and other forms of expression are needed to show just what the people require of their government. Sadly, some people are under the impression that they can never make a real difference, that their voice will never be heard, no matter what they say. It is for this reason that the United States was originally founded; to give the average person a chance to make his opinion known and to contribute to the formation of his own government, with the proper representation. But, the person who feels this helplessness is usually the person who is too afraid or too lazy to stand up for their own beliefs and dynamically bring about the change they envision.

Most importantly, these endeavors must be pursued actively, and always with an open mind. Although every person in America has an opinion as to how things should be run, it is the politician's job to find a suitable compromise that is affable to everyone. It is said that patience is a virtue that the young need most, but which takes a lifetime to acquire. I realize that this country may be imperfect, but it has been built on a strong foundation of trust, liberty, and freedom. And, as with any house, it will occasionally need some minor repairs, a new coat of paint, or redecorating of the living room. In the same way, I believe that the destiny of this country is in the hands of my peers, the new generation of political, social, and community leaders. By making my voice heard, I know that I am contributing to the wonderful concept that is my America.

HOW A BILL BECOMES A LAW

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. FRANKS of New Jersey. Mr. Speaker, those of us in Congress who are so close to the legislative process sometimes forget that a majority of Americans, and especially younger Americans, do not clearly understand how a bill becomes law. My office periodically receives inquiries about this question.

The distinguished Republican leader from Illinois, Mr. MICHEL, has prepared a brief summary of the legislative process in the hope it may be useful to anyone who is interested in how Congress writes the laws of our Nation. The text follows:

[From the CONGRESSIONAL RECORD, Jan. 31, 1985]

HOW A BILL BECOMES LAW

Ours is a Government of the people, by the people, for the people. It is not a pure democracy. It is a republic in a democracy. It is a representative democracy.

Our laws are the embodiment of the wishes and wants, the ideas and ideals of the American people as expressed through their Representatives in the Congress: 435 in the House of Representatives and 100 in the Senate. Any Member of the House or Senate may introduce a bill embodying a proposed law or revision of existing law, at any time when his respective House is in session. When introduced, the bill will be entered in the Journal of the House and the title and sponsors of it printed in the CONGRESSIONAL RECORD of that day.

EACH BILL NUMBERED

Each bill introduced is assigned a number by the clerk of each House and referred to the committee having jurisdiction over the subject matter by the presiding officer, that is, the Speaker of the House or the President of the Senate. Copies of the bill are printed by the Government Printing Office and made publicly available from the congressional document rooms.

Acting through its chairman, the committee decides whether a bill should be taken up by the full committee or referred to a subcommittee for its initial consideration.

THE DELIBERATIVE STAGE

The committee's deliberations are the most important stage of the legislative process. It is here that detailed study of the proposed legislation is made and where people are given the right to present their views in public hearings. When the chairman has set a date for public hearings it is generally announced by publication in the CONGRESSIONAL RECORD.

Copies of the bill under consideration by the committee are customarily sent to the executive departments or agencies concerned with the subject matter for their official views to be presented in writing or by oral testimony before the committee. The number of witnesses, pro and con, heard by the committee is largely dictated by the importance of the proposed legislation and degree of public interest in it.

TESTIMONY HEARD

The transcript of the testimony taken is available for inspection in the individual committee offices. Quite frequently, dependent on the importance of the subject matter, the committee hearings on a bill are printed and copies made available to the public.

After conclusion of the hearings the committee proceeds to meet in executive sessions—sometimes referred to as "markup" sessions—to discuss the bill in detail and to consider such amendments as any member of the committee may wish to offer. Each committee has its own rules of procedure but they generally conform to the rules of the House itself.

THE COMMITTEE VOTE

By a formal vote of the committee, it decides whether to report favorably to the House the bill with or without committee amendments. A committee report must accompany the bill, setting forth the nature of the bill and reasons for the committee's recommended approval. The report sets forth specifically the committee amendments and, in compliance with the rules of each House, indicates all changes the bill would make in existing law. Any committee member, individually or jointly, may file additional, supplemental or minority views to accompany the majority committee report. The committee report, accompanying the bill, is viewed by the courts and the administrative agencies as the most important document as to the intent of the Congress in the proposed legislation.

AFTER REPORTING

When a bill is reported by the committee it is placed on the appropriate calendar. The majority leadership decides how and when the bill will be considered on the floor. In general the bill is allowed to remain on the calendar for several days to enable members to become acquainted with its provisions.

In both the House and the Senate innumerable measures of relatively minor importance are disposed of by unanimous consent. In the Senate, where debate is unlimited, major bills are brought up on motion of the majority leader and in the House are called up under a privileged resolution reported from the Rules Committee which fixes the limits of debate, and whether amendments may be offered from the floor. The Rules Committee resolution is called a rule for consideration of a bill; a closed rule if no amendments are allowed, as is generally the case in tax bills, and an open rule if amendments can be offered.

REACHING CONSENSUS

While there are distant differences between the House and Senate procedures, in general a bill is debated at length with the proponents and opponents presenting their views to acquaint the membership, as well as the general public, with the issues involved, and all with a view to arriving at the consensus. Amendments are frequently offered to make the measure more in conformity with the judgment of the majority. In the course of consideration of the bill there are various parliamentary motions, in both the House and the Senate, which may be offered to determine the sentiment of the members with respect to the pending legislation. The measure may be postponed to some future date or referred back to the committee which reported it.

With the conclusion of general debate and the reading of the bill for amendments, the question becomes whether the House or Senate, as the case may be, will pass the bill in its final form. The CONGRESSIONAL RECORD of the day the bill was under consideration will set forth the verbatim debate on the bill and the disposition made of such amendments as were offered.

AFTER PASSAGE

With the passage of a bill by either body it is measured to the other with the request that they concur. If no action has been taken on the like measure by the body receiving the message the bill is usually referred to the appropriate committee of that body for consideration. Hearings are again held and the bill reported for floor action. On relatively minor or noncontroversial matters the Senate or the House accepts the measure as messaged to it by the other body.

If there are substantial differences between the House and Senate versions of a given bill, the measure is sent to a conference committee which is appointed by the Speaker and the President of the Senate from the ranking committee members of each body having original jurisdiction over the bill. The object of the conference committee is to adjust the differences between the two bodies, and to report back to each its agreement. The report of the conference committee must be in writing and signed by those agreeing thereto and must have the signature of the majority of the conferees of each House.

CONFERENCE REPORT

The report of the conference committee cannot be amended and must be accepted or rejected by each House as it stands. If either House finds itself unable to accept the conference committee report a further conference is usually requested.

When the bill has been agreed to in identical form by both bodies a copy of the bill is enrolled, signed by the Speaker and by the President of the Senate, for presentation to the President. The bill becomes law with the President's signature of approval, or it may become law without his signature if he does not return it, with his objections, to the Congress within 10 days of its presentation to him.

If the President should return the bill, with his objections, to the originating body of the Congress, his veto may be overridden by two-thirds of both the House and Senate respectively voting to have the measure become law the President's objections to the contrary notwithstanding. Both the President's veto message and a record of the vote of the individual Members in the motion to override are required by the Constitution and set forth in the CONGRESSIONAL RECORD.

TRIBUTE TO WALLY LARSEN

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. JOHNSON of South Dakota. Mr. Speaker, I would like to take this opportunity to recognize the long and distinguished career of Wallace L. Larsen, the director of engineering and chief engineer of the State of South Dakota. Wally consistently demonstrated utmost dedication and professionalism in his 32 years of service to South Dakota.

Wally Larsen's leadership, hard work, and engineering expertise directly contributed to the completion of numerous transportation projects. These diverse projects, which are essential to the economic development of South Dakota, include: the Forest City Bridge stabilization project, the Benson Road Interchange, the Deadwood North project, the Dakota Dunes Interchange, the Cedar Shores project, the Louise Avenue Interchange, among many others. Moreover, because of Wally's administrative skill and perseverance, the Federal Highway Administration notified the South Dakota Department of Transportation that it was the first State in the Nation to obligate 100 percent of the State's Federal-aid highway funds for fiscal year 1992. This enabled the State to receive over $4 million in additional funds, as other States were unable to obligate all of their apportioned funds.

In recognition of his outstanding service, Wally was awarded the Outstanding Engineer of the Year by the Central Chapter of Engineering Society in 1982 and the Governor's Award for Excellence in Management in 1992. The efforts of Wally Larsen throughout the last 32 years have gained him the respect of everyone whom he has worked with, and South Dakota will benefit from the fruits of Wally's labor for years to come. I am pleased to have an opportunity to recognize him today.

REPEAL OF TRUTH-IN-SAVINGS

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. ORTON. Mr. Speaker, today I am introducing legislation to repeal the Truth-in-Savings Act.

This provision was enacted as a part of the Federal Deposit Insurance Corporation Improvement Act of 1991 [FDICIA]. Regulations have been issued and the requirements will soon take effect. At this moment, banks throughout the country are spending millions of dollars in new software to implement this provision.

I believe that we in Congress have a duty to evaluate the benefits of any new legislation against its costs and disadvantages. I further believe that such an analysis of truth-in-savings would result in a number of definitive conclusions.

First, the cost of implementation is enormous. I have received numerous letters and phone calls documenting the costs to financial institutions in my district. For example, one large bank estimates its costs of implementation to be $1.2 million. Although the cost is much smaller for many community banks—for example, one bank in my district expects to spend only $20,000—this is still a significant amount, proportionately to their size.

What is also noticeable is the enormous sense of frustration of the bankers who are trying to implement this law. Comments range from "unnecessary," to "terribly ill-advised."

Now I do not believe that the mere fact that this regulation is costly and burdensome alone is enough to merit its repeal. We in Congress and in the executive branch have a legitimate duty to regulate banks and other federally insured deposit institutions. For example, one regulatory duty that we have is to ensure safety and soundness, in conjunction with FDIC insurance and the implicit taxpayer guarantee. Of course, truth-in-savings does not contribute to safety and soundness; in fact, it detracts from the financial health of financial institutions because of the reduction in capital caused by economically unproductive expenditures.

The other rationale for regulation is consumer protection. As the providers of basic checking services, banks and other federally insured financial institutions provide services to millions of unsophisticated customers. The sale of millions of dollars of Lincoln Savings uninsured, subordinated debentures to unwary senior citizens illustrates how easy it is for people to be taken advantage of. I believe we should have consumer protection laws which protect against unscrupulous behavior and provide for reasonable disclosure.

However, I do not believe that any law which simply purports to be a consumer protection provision is enough to justify its existence. In the case of truth-in-savings, the evidence is that there is simply no benefit to consumers. One banker in my district notes that "In my 17 years in banking, I have never had a customer come and request the disclosures that you are asking us to provide."

Finally, despite its overwhelming complexity, the statute does not even necessarily make disclosures more reliable. While the purpose of truth-in-savings is apparently clear and uniform disclosure of the annual percentage yield [APY], this provision does not require the APY to be uniformly calculated. Furthermore, while this new requirement applies to banks and other FDIC-insured institutions, it does not apply to other competing institutions, such as investment companies and insurance companies. As a result, there is a strong argument that the consumer will erroneously conclude from this law that a simple interest rate comparison between a bank CD and a mutual fund investment product can be made. At the very least, this new cost imposition creates a competitive disadvantage relative to other competing financial firms.

In short, there is simply no consumer benefit to the imposition of truth-in-savings. Given that conclusion, there can be no justification for this imposition of new costs and burdens on federally insured financial institutions. While time is running short on the possibility of preventing this new provision from taking effect, I feel compelled to advocate its repeal in the form of free-standing legislation. I would welcome cosponsorship of this bill, and support for its consideration in committee.

Furthermore, I would like to make it clear that I believe this type of systematic analysis should be applied to all banking regulations. Much has been said over the last 6 months about the cost and burden of banking regulations, and their possible relationship to low levels of small business and consumer lending. This week, the Clinton administration issued a policy statement eliminating unnecessary documentation for loans to small- and medium-sized businesses and farms. This action represents a well thought out balancing of the potential benefits of regulations to their costs.

However, the administration's flexibility with regard to banking regulations is severely limited by statutory requirements. Therefore, I would urge my colleagues in the Banking Committee to move forward with deliberations and hearings on a systematic basis to identify those regulations which can be modified or eliminated, without endangering safety and soundness or rolling back on true consumer protection. A number of my colleagues on both the Democratic and Republican side of the aisle have already done a lot of hard work on this issue. I applaud their efforts, and look forward to the possibility of enacting legislation later this year.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF TRUTH IN SAVINGS ACT.

(a) IN GENERAL.—Subtitle F of title II of the Federal Deposit Insurance Corporation Improvement Act of 1991 is hereby repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents of the Federal Deposit Insurance Corporation Improvement Act of 1991 is amended by striking the item relating to subtitle F of title II of such Act and all that follows through the item relating to section 274.

SEC. 2. WAIVER OF LIABILITY FOR ANY PRIOR VIOLATION.

Notwithstanding any provision of the Truth in Savings Act, no person shall be liable for any violation of such Act, or any regulation prescribed under such Act, which occurred before the date of the enactment of this Act.

TRIBUTE TO DELBERT W. MILLER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. CRANE. Mr. Speaker, it is my sad duty to pass on the tragic news of the death of a fine public servant in Illinois, Delbert W. Miller.

Del was president of the Township Officials of the State of Illinois at the time of his death. He was a resident of Cary, IL, in McHenry County which I had the honor of representing until the congressional reapportionment following the 1990 census. His death came as he was in his 18th year as the Algonquin Township highway commissioner. He was also president of the Cary Fire Protection District, the McHenry County Highway Commissioners Association, and the Wisconsin Aquaculture Association. His most active career included service as president of the Cary Chamber of Commerce, and the Fox River Grove Lions Club. He was also past board member of the U.S. Trout Farmers Association. A trout farmer, he owned the Lake Julian Trout Farm in Cary.

The just mentioned record is proof enough of the time and efforts he gave to his communities, his State, and his profession. If a worthy cause put out a call for assistance, Del could be counted upon to hurry to its aid.

Del Miller was a good friend of ours and he will be missed.

We wish to offer our sympathy to his lovely wife, Dorothy, and two sons, Robert and David.

KAUAI SUPPORTS H.R. 935

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mrs. MINK. Mr. Speaker, I received a copy of Resolution No. 17–93 of the county council of the county of Kauai, State of Hawaii, supporting the passage of H.R. 935, the Earthquake, Volcanic Eruption, and Hurricane Hazards Insurance Act of 1993. I respectfully submit Resolution No. 17–93 of the county council of the county of Kauai, State of Hawaii, for inclusion in the CONGRESSIONAL RECORD.

On September 11, 1992, Hurricane Iniki struck the island of Kauai and parts of the island of Oahu in the State of Hawaii. The damages sustained as a result of the hurricane reached approximately $2 billion. Prior to 1987, no single disaster had ever resulted in losses in excess of $1 billion.

The damage sustained as a result of Hurricane Iniki forced Hawaiian Insurance & Guaranty—the major underwriter of policies affected by Hurricane Iniki—into bankruptcy, catapulting Hawaii into a statewide homeowners insurance crisis.

In the aftermath of Hurricane Iniki, all but a few insurance companies stopped issuing new and renewal homeowners insurance policies. The homeowners insurance crisis in Hawaii left 70,000 to 100,000 policyholders, statewide, without insurance—unable to satisfy mortgage requirements.

Many homeowners have been unable to obtain insurance and others have been forced to do business with an insurer of last resort, paying three to four times more than their prehurricane homeowners insurance premium payment.

The devastation of Hurricane Iniki is not confined to September 11, 1992. Six months after Hurricane Iniki, many of the residents of Kauai still have not received their insurance claims in accordance with their homeowners insurance policies.

The experience of Hurricane Iniki has made glaringly apparent, our need for an affordable Federal insurance and reinsurance program to protect homeowners in the event of catastrophic disasters. Residents of Florida and Louisiana—victims of Hurricane Andrew—also recognize the need for a Federal program of insurance to protect against catastrophic disasters.

H.R. 935 is identical to a bill introduced in the last session. I urge my colleagues to join me in supporting the passage of H.R. 935. Perhaps, if we had acted sooner, we could have alleviated some of the suffering of the victims of Hurricanes Andrew and Iniki. We cannot change the past, but we can act to ensure a better future.

The resolution follows:

RESOLUTION SUPPORTING H.R. 935

Whereas, On September 11, 1992, Hurricane Iniki struck the island of Kauai and portions of Oahu with devastating effect, causing billions of dollars in damages; and

Whereas, Because of the damages sustained during Hurricane Iniki many insurance companies have stopped issuing new and renewal homeowners insurance policies; and

Whereas, Natural disaster residential insurance is necessary as many homeowners

> are now faced with the lack of insurance coverage which ultimately creates a situation where mortgage requirements cannot be satisfied; and
>
> Whereas, Because of the insurance crisis facing Kauai and the State of Hawaii, including the unavailability of insurance and skyrocketing premiums, compounded by the dismal living conditions in the wake of Hurricane Iniki, it is imperative that the insurance crisis be resolved; and
>
> Whereas, The establishment of an affordable federal insurance and reinsurance program to protect homeowners against financial ruin from losses resulting from disasters as introduced by U.S. Representative Patsy T. Mink, H.R. 935, "The Earthquake, Volcanic Eruption, and Hurricane Hazards Insurance Act of 1993," would be of great benefit for our country's homeowners; now, therefore,
>
> *Be it resolved by the council of the county of Kauai, State of Hawaii,* That it supports and respectfully requests the enactment of H.R. 935, "The Earthquake, Volcanic Eruption, And Hurricane Hazards Insurance Act of 1993," as introduced by U.S. Representative Patsy T. Mink.
>
> *Be It Further Resolved,* That copies of this Resolution be forwarded to President Bill Clinton; President of the Senate Albert Gore; House Speaker Thomas Foley; Senator Daniel Inouye; Senator Daniel Akaka; Representative Patsy T. Mink; Representative Neil Abercrombie; Governor John Waihee; State Senate President James Aki; State House Speaker Joseph Souki; and State Insurance Commissioner Linda Chu Takayama.

TRIBUTE TO FLORIDA'S 12 FORMER BLACK 2-YEAR COLLEGES

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. PETERSON of Florida. Mr. Speaker, I rise today in celebration of the rich tradition of education in Florida, and specifically, in recognition of Florida's 12 former black 2-year colleges that existed from 1949 through 1966.

Eleven of these distinguished institutions were established subsequent to the landmark 1954 Supreme Court decision regarding the desegregation of public schools. Although none of the original schools currently exist, all were eventually absorbed by existing public 2-year colleges following the 1964 Civil Rights Act.

Many of the students of these junior colleges have gone on the become significant figures in their own right. Today, at long last, the State Board of Community Colleges honors these institutions and their founders for their immeasurable and significant impact on the education system in Florida.

Mr. Speaker, in recognition of this long overdue event, I would like to submit for the CONGRESSIONAL RECORD the names and locations of each of these 12 institutions and their founders. It is my hope that the this will help ensure that we will never forget the accomplishments of these courageous and selfless individuals.

Booker T. Washington Junior College, Pensacola, Dr. G.T. Wiggins, president.

Carver Junior College, Cocoa, Mr. James R. Greene, president.

Collier-Blocker Junior College, Palatka, Mr. Albert Williams, president.

Gibbs Junior College, St. Petersburg, Dr. John W. Rembert, president.

Hampton Junior College, Ocala, Mr. William H. Jackson, president.

Jackson Junior College, Marianna, Mr. William H. Harley, president.

Johnson Junior College, Leesburg, Mr. Perman William, president.

Lincoln Junior College, Ft. Pierce, Dr. Leroy Floyd, president.

Roosevelt Junior College, West Palm Beach, Mr. Britton G. Sayles, president.

Rosenwald Junior College, Panama City, Mr. Calvin Washington, president.

Suwannee River Junior College, Madision, Dr. James G. Gardener, president.

Volusia Community College, Daytona Beach, Mr. J. Griffin Greene, president.

ALASKA PENINSULA WILDERNESS DESIGNATION ACT OF 1993

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing a bill entitled the "Alaska Peninsula Wilderness Designation Act of 1993." This bill provides for the designation of wilderness in the Aniakchak National Monument and Preserve, the Alaska Peninsula National Wildlife Refuge, and the Becharof National Wildlife Refuge. In addition, the legislation also authorizes the acquisition of approximately 275,000 acres of selection rights of Koniag, Inc., an Alaska Native regional corporation with interests in lands in these three conservation units.

This bill was passed by the House last year and was sent to the other body for consideration. Unfortunately, because of the lateness in the session, the Senate did not have an opportunity to consider it prior to adjournment. The bill which I am introducing today is the same as that which was passed. It includes the amendments which were made in committee last year.

I believe that this legislation is representative of what can be accomplished if we work together. It is not often that you will see my name as sponsor on a wilderness bill. However, in this case, I believe that all sides have made an attempt to be reasonable. The bill protects the present users of these lands, the sportsmen, and the subsistence users. It seeks to avoid the wholly unacceptable effect many wilderness bills have of throwing people off the land and ruining valid and environmentally sound economic opportunity. The areas proposed to be designated as wilderness were designed to not include any lands which were agreed to between the State, Federal Government, and local residents as necessary corridors for future transportation needs. I remain committed to working with those affected by the legislation to take care of problems which may be as yet unseen.

I am hopeful, Mr. Speaker, that we will be able to move this legislation quickly through the House for consideration by the Senate.

NATIONAL HEALTH SECURITY ACT OF 1993

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. ANDREWS of Maine. Mr. Speaker, I rise today to introduce the National Health Security Act of 1993. This legislation provides universal access for all Americans to basic health care services and long-term care services. Last year, I introduced this legislation as the American Health Security Plan of 1992 to establish a single payer health care system which caps costs, provides States flexibility, and cuts redtape.

BACKING OFF BEST

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the April 2, 1993, Norfolk (NE) Daily News, regarding President Clinton's emergency stimulus package. This Member strongly endorses the editorial's message that the stimulus package is unnecessary because the economy is already recovering, and that additional spending will only hurt, not help the economy.

> BACKING OFF BEST
>
> The best argument for President Clinton's $16.3 billion "emergency" jobs bill is that it is not some larger amount. It could have been worse—that is to say, half again as much, to try to create the more than 300,000 new jobs which the administration projected a month ago.
>
> Now the estimate for the package which the administration proposed and which the Congress has affirmed on a party-line vote is that 219,000 new jobs will be generated. That computes to $75,000 per job.
>
> Were these permanent jobs created with investment in the private sector and not sustained by taxation, the benefits would be lasting—and more revenue for the government would be provided. As it is, the jobs are mostly temporary in nature and part time.
>
> Inner-city kids and additional Head Start teachers will be given some summer work; construction workers will, too, for such "necessary" projects as a $5 million parking garage in Ft. Lauderdale, Fla., and $1 million for a municipal cemetery in Puerto Rico. The Works Progress Administration of the New Deal may be long dead, but the spirit is alive.
>
> It was alive even in the Reagan era, when a jobs bill that cost $9 billion (about as much in current dollars as the new Clinton proposal) was supposed to create new jobs to stir a faltering economy. Then, because of tax policy changes, the economy took off without that stimulus. The 35,000 jobs which could actually be traced to that package thus cost about $276,000 each.
>
> A lack of success with government job creation cannot be blamed on the occupants of the White House. It is the nature of things in a free enterprise system.
>
> Even as the plans for the latest stimulus were being drawn by a new administration in

Washington—because of campaign commitments—the American economy was beginning to enter a new growth cycle. New jobs created without the stimulus amounted to 365,000. A surge in consumer spending in late 1992 resulted in the fastest economic growth in five years. Now the estimate is that the nation's gross domestic product will grow about 3 percent for the year. That may not be spectacular, but it is steady.

What Washington most needs to do now is to back off on those extra spending plans. Other campaign promises have been ignored or reversed. So should those.

KILDEE HONORS 50TH ANNIVERSARY OF URBAN LEAGUE OF FLINT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. KILDEE. Mr. Speaker, I rise today to ask that the House of Representatives join me in honoring the 50th anniversary of the Urban League of Flint.

Since its inception in 1943 the league has been a beacon of hope and leadership in the Flint community. As its first project, the league developed a survey of race relations in the areas of health, employment, and housing. With this auspicious beginning, the Urban League was able to intervene in these areas over the next several years.

The Urban League worked to form the first employment program in Flint. In 1950 it signed a pact with the Michigan Employment Security Commission to minimize discriminatory hiring practices. It opposed a plan to establish a black hospital in the community, began a foster care program, and published a quarterly newsletter. By 1956 there were 60 Urban League affiliates nationwide. The Urban League of Flint was the third largest.

Throughout the 1960's the Urban League continued to educate the community about urban renewal, housing, employment, and health and social reform. It led the fight to pass an open housing law by the vote of the people. Flint was the first city of its size in the United States to take this step toward creating equal housing opportunities for all its citizens.

Over the years the Urban League of Flint has worked to find employment opportunities for minorities with General Motors and IBM. It has provided training programs and opened the Whitney M. Young, Jr., Street Academy in 1971. It has fought to increase the number of black professionals working in the Flint area. The Urban League has worked with private businesses, government officials, and nonprofit agencies to improve the quality of life and create opportunities for all minorities. In 1989 it formed a coalition with the Spanish Speaking Information Center and the Genesee Indian Center for the prevention of AIDS. The Flint Urban League was 1 of 6 affiliates in the Nation to receive a community mobilization grant in 1990.

I congratulate the Urban League of Flint on its achievements and fervently hope that it will continue to be an instrumental force in enhancing the life of the Flint community. I ask the House of Representatives to join me in applauding the Urban League of Flint on its 50th anniversary and express our gratitude to its members for their commitment and dedication to helping others.

CHILDREN RATE NO. 1 IN NEW HAMPSHIRE

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. SWETT. Mr. Speaker, last week I received some very encouraging news concerning the children in my home State of New Hampshire. The report "Kids Count Data Book," published annually by the Annie E. Casey Foundation, focuses on the health, economic, educational, and social well-being of children in the United States. I am proud to announce that after averaging all of the factors which reflect the quality of children's lives, "Kids Count Data Book" rated New Hampshire as the best in the country. Whether it be percentage of children in poverty, family stability, educational achievement, youth involvement in crime, or infant mortality rate, New Hampshire is often either bucking negative trends or leading the way in positive ones. These findings are very encouraging and provide great promise for the future. I salute those in the State and municipal agencies and government that have worked so hard to help our State's children and families.

But this first place rating does not mean that everything is perfect. In New Hampshire, as elsewhere, serious problems still exist in providing the best for our children. We must remember that behind statistics are real children, real lives.

Many issues remain as a cause for great concern, regardless of how good we look when we are compared with the rest of the Nation. The scourge of child abuse and neglect, the challenge of children not covered by health insurance, and the problem of children being born to teenage mothers are just a few of the problems which must be tackled. New Hampshire's reports of child abuse and neglect increased 15 percent between 1990 and 1991. In 1991, 2,095 children in New Hampshire were in foster care, group homes, residential facilities, and emergency shelters. In 1991, 8 percent of New Hampshire's children were not covered by health insurance. In 1989, 7.5 percent of all babies born in New Hampshire were born to teenage mothers, and 39.5 percent of those mothers received no early prenatal care.

Mr. Speaker, we cannot be complacent. So, while I congratulate everyone who has worked so hard in New Hampshire for our children, I also challenge my fellow Granite Staters not to stop their work until there are no children in our State or Nation who remain disadvantaged. We must not rest on our laurels. The children of New Hampshire and the children of our Nation need our continuous commitment to ensuring their health and well-being. One abused child is one child too many. One uninsured child is one child too many. One preventable death is one death too many. And one high school dropout, is one dropout too many. Our children are the key to tomorrow. Our efforts for them are an investment in our future as well as their future. We must all work together to help them so America will succeed.

MEN IN WOMEN'S BASKETBALL

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, according to a story in this week's Washington Post entitled, "Coaching Women: Just Whose Job Is It?" the Women's Basketball Coaches Association scheduled a forum to discuss the subject of "Men in Women's Basketball." I thought that the forum might address how women have consistently been losing coaching jobs to men in women's basketball.

However, the article revealed that the reason for the forum was to address male women's basketball coaches concerns about gender equity and hiring trends, and over whether men are welcome in women's basketball.

It is absolutely incredulous that they have the gall to see the effort by women to coach women's basketball teams as reverse discrimination.

Are the male coaches concerned about the fact that they are paid an average of $6,000 more than their female counterparts. No.

Do the men plan to discuss why only 63.5 percent of women's basketball teams have female coaches, down from 90 percent, 20 years ago? No.

Are the men concerned about the fact that women run only 16.8 percent of the women's athletic programs and that 27.8 percent of the Division I programs have no women administrators? No.

Testimony during the recent hearing I chaired to examine the gender equity requirements of title IX, revealed that among 107 Division 1–A institutions, only two women serve as athletic directors for women and men's sports.

In the Post article some of the men coaches expressed concern about a glass ceiling. I wonder how many male coaches are concerned that over 99 percent of men's basketball teams are coached by men.

When you look at funding for salaries, for recruitment, for scholarships and facilities, collegiate women athletes, 21 years after Congress passed title IX, are still getting the short end of the stick. I introduced H.R. 921, the Equity in Athletics Disclosure Act, to focus attention on colleges and universities that are not complying fully with title IX.

So what do the men coaches want? It sounds to me like they want more of the same. Control.

As Laurie Priest, athletic director at Mount Holyoke College, put it: "What [men] see at discrimination is simply equal opportunity being given to women as well as men. Men experience that as something not being given to them."

Well, there is one thing the men can't complain about. One of their own has been elected president of the Women's Basketball Coaches Association.

SALUTE TO OPAL MOTSINGER

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to Mrs. Opal Motsinger of Pittsburg, IL, who will be honored on April 12, 1993, for 50 years of service to the Pittsburg Rebekah Lodge.

Mrs. Motsinger joined Lodge No. 802 in 1943. She has served in every elected office, served as Noble Grand of the lodge two different times, member of degree staff, and was musician for the lodge for many years. All 50 years with the fraternal order she attended regularly and was faithful to the Rebekah creed.

The Pittsburg Rebekah Lodge has been greatly honored to have her as a member.

Mrs. Motsinger was born April 5, 1908, In Homer, IL, to Bruce and Ettie Belle Hickman. She was the youngest of three daughters. The older sisters, Hazel and Helen, raised Opal in later years.

Opal attended grade and high school in Homer and college at James Millikin College in Decatur. She was married to Freeman Motsinger in Marion in 1935.

Mrs. Motsinger began her school teaching career in the fall of 1943 at Pittsburg High School and taught there for 5 years. She then taught in the Pittsburg Elementary School for 23 years. The last 12 years were spent as a grade school teacher.

Her cherished accomplishment was teaching her four grandchildren their first year of school.

Mr. Speaker, I am indeed honored to congratulate Mrs. Opal Motsinger on this outstanding achievement.

HIGHER TAXES HURT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. BEREUTER. Mr. Speaker, this Member would like to commend to his colleagues the following editorial from the April 1, 1993, South Sioux City (NE) Star, regarding the Clinton economic plan. The editorial makes clear the disastrous consequences faced by businesses, individuals, and the entire economy as a result of the Clinton plan. It is a noteworthy commentary.

HIGHER TAXES HURT

President Clinton has vowed to tax the wealthiest Americans—as well as the lower to middle class.

But the predictable result of the Democrats' soak-the-rich tax hike will be to dry up an important source of capital investment that is essential to the expansion of small- and mid-sized businesses where most job growth will come from the rest of this century.

The reason: Wealthy Americans derive most of their income from investments and Clinton's higher tax rate is basically a tax on investment. Tax more of it and you will end up getting less of it.

More important, say economists Gary and Aldona Robbins in their latest study for the National Center for Policy Analysis, higher taxes on investments are really a tax on wages.

The economic "trickle down" theology preached by the Democrats fosters the false notion that people who put up investment capital for a business enterprise reap most of the benefits. "This is not true," the Robbinses say.

"One of the most surprising findings of the economics of capital is that the overwhelming bulk of extra income generated by capital accumulation flows to people in their role as wage earners, rather than to the owners of capital." Among their study's findings:

"For every additional dollar of income produced by a larger capital stock, two-thirds goes to labor and only one-third to capital."

"After taxes and depreciation, the discrepancy is even greater: labor receives 43.7 cents of each additional dollar of sales, while owners of capital receive only 3.7 cents."

"In other words, workers get to keep $12 in after-tax wages for every $1 of additional after-tax income to investors."

The study points out that tax policies that promote increased capital accumulation and investment largely benefit middle class wage earners, while tax policies that become disincentives to investment end up penalizing wage earners.

In 1990 when Congress raised excise taxes on jewelry, furs and boats, among other taxes, lawmakers actually believed they would bring in more tax revenue to curb the deficit. But the tax bill that democratic Leader George Mitchell guided through the Senate ended up hurting these industries, even destroying the jobs of his very own constituents among Maine's boatmakers.

The tax hikes not only raised no revenue they worsened the deficit because the companies and employees that were put out of business ceased paying taxes.

Clinton took office after six months of 3.5 percent economic growth, and he must now show that he can do at least as well or better than that. But most forecasters are predicting the growth rate will average about 2.5 percent over the next few years. The reason: higher taxes and an avalanche of regulations.

Now Clinton is preparing to raise income taxes again, aiming his biggest tax hike at investors. But his tax will really hit wage earners whose incomes he said he would fight to increase.

You can't have more employees without more employers and those who invest in them. And you can't have more investors if you raise taxes on their investment capital. It's that simple.

LISTENING TO WORKERS PAYS OFF

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. CUNNINGHAM. Mr. Speaker, I want to inform my colleagues of a tremendous honor just received by the workers at the North Island Naval Air Depot in San Diego. This morning's USA Today announced that the men and women of the depot have been awarded the Rochester Institute of Technology/USA Today Quality Cup.

This award goes to teams of people that have radically improved the quality of the products and services they provide. Each winner used teamwork and the principles of total quality management to solve problems, cut costs, and make operations more efficient.

This is not the first award won by the men and women of NADEP North Island, and it comes as no surprise to those of us who have followed their work. They have aggressively worked to rethink every facet of their business and were among the first Government Institutions to compete successfully in both public and public-private offerings. They offer 24 percent lower cost for engine depot maintenance than the Air Force depots. Their costs are 20 percent lower than private firms in air frame depot maintenance.

For this commitment, they are recognized leaders in total quality management, being the first recipient of the President's Total Quality Award and numerous other awards. They are recognized leaders in environmental protection.

Mr. Speaker, this latest award for the workers of NADEP North Island is national recognition of their achievements. The North Island Naval Aviation Depot is a national asset and should be a benchmark at a time when innovative change, cost control, and excellence are necessary. I salute them on this outstanding recognition by USA Today and commend the following article to my colleagues.

[From USA Today, Apr. 2, 1993]

LISTENING TO WORKERS PAYS OFF

(By John Hillkirk)

NORTH ISLAND NAVAL AIR DEPOT, CA.—Navy Capt. Charles Sapp used to avoid Building 472.

The workers here—250 craftsmen, machinists and managers—make replacement parts for F/A-18 Hornet fighter planes, the 1,262-mph jets that double as Blue Angels in daredevil air shows. Building 472, across the bay from San Diego, was dirty, dark, lifeless. Around the Navy yard, people joked that it was an earthbound black hole where airplane parts, money and morale disappeared, never to be seen again. "All sorts of surly people were stalking around," says Sapp, the commanding officer. "You almost needed armed bodyguards when you walked in the place."

Sapp knew what was wrong. For years, the Navy has been preaching the virtues of what it calls total quality leadership (or TQL), a management approach based on the teachings of consultant W. Edwards Deming.

But Navy officers and middle managers often don't practice TQL. They use buzzwords like teamwork, trust and worker empowerment. But they cling to power and ignore front-line workers' ideas. In scores of U.S. companies, as well as the Navy, getting middle managers to buy into a total-quality approach is the biggest stumbling block to improvement.

Sapp's solution: Create a team of 10 middle managers drawn from various departments in Building 472—planning, engineering, materials and others—and give it the power and money to rescue the money-losing operation. This was a life-or-death proposition: If it didn't work, the operation would be closed; 250 people would lose their jobs.

Mission accomplished. That tiny team, led by Deborah Vergos, revamped the manufacturing process by listening to workers and giving them the tools to do their jobs. Over the past 1½ years, the team's improvements have saved the Navy at least $1.7 million. The time it takes to manufacture and deliver an F/A–18 part has dropped from 172 days to 100 days, a 42% decline. Perhaps most impressive: Government employees in Building 472 are stealing work from private contractors.

Their accomplishments earned a 1993 RIT/USA Today Quality Cup in the government category and helped the depot avoid the ax in Pentagon cutbacks that will close three of six depots nationwide. "One way to get a bulls-eye drawn in the center of your chest was not trying to use TQL says former Navy Under Secretary J. Daniel Howard.

The Navy has captured the Quality Cup in the government category two years in a row and is wildly hailed as the leader in the federal government's quality-improvement effort. In January, the Federal Quality Institute presented three awards—Uncle Sam's version of the Baldrige Award for U.S. businesses—and the Navy won two. Almost 90% of the Marine Corps' generals and 70% of the Navy's admirals have learned TQL. This year, the Navy will train 11,000 at two Navy schools, one on each coast, dedicated to TQL. Over the past five years, the Navy's TQL effort has saved taxpayers at least $6 billion, Howard says.

Still, when Quality Cup judge Tom Johnson visited the North Island Depot, he didn't expect to see anything exciting. He, too, had read the horror stories about the Pentagon buying $120 coffee-cup dispensers, $117 soap dishes and $640 toilet-seat covers. "I was just floored when I saw the dedication and skill of this team," says Johnson, a quality expert at Portland State University's School of Business.

Vergos' team was packed with people who were good team players, including Ken LaVere, softspoken psychologist who acted as a group coach. The team started with a two-day offsite meeting at a local university.

Vergos had learned problem-solving techniques from Deming, who had visited the depot several times since 1979. (At Deming's insistence, the Navy changed the name from Naval Air Rework Facility to Naval Air Depot in 1985. Deming rails against rework and waste.)

At the first meeting, she asked the team to list the reasons for the high costs, poor quality and slow turnaround time that plagued Building 472. The team came up with 70 causes and whittled the list to five. Among the five:

Bitter rivalries. Workers and managers in one department, such as manufacturing or engineering, blamed their problems on other departments. Two team members—Don Chalmers and Richard Riebe—never spoke.

"We couldn't stand each other," Riebe says.

Managerial arrogance. The depot employs about 100 highly skilled artisans, who make up to 10,000 parts a month. (The Depot makes F/A–18 replacement parts because the original manufacturer—McDonnell Douglas/Northrop or subcontractors—charge too much or won't make a small lot.)

Management used the artisans' hands, not their heads. They never asked them what might make their work lives easier or more productive. "We used to treat people like mushrooms—lock them up in the dark and leave them alone," says Chalmers, a quality-assurance supervisor.

Nightmarish controls. Some customers would order parts from Building 472 that would never be delivered. Or, if they were delivered, the customer never got a bill. In some cases, people who needed parts walked into Building 472, picked up what they needed and walked away.

"We were eating up to $3 million a year because customers never paid for our work," Vergos says.

Power-hungry bosses. Publicly, managers said they supported teamwork; privately, they warned employees not to spend too much time in team meetings—or to give up control of the department's pet projects. "They'd walk into a team meeting with both hands behind their backs and one leg cut off," Sapp says.

Sapp addressed that problem by yanking the people on Vergos' team away from their bosses. The team was put in charge of changing the organization. Sapp gave it a budget; the money that customers paid for replacement parts went directly to Vergos. If a worker wanted a new tool, she and her team bought it.

Obviously, the old bosses didn't like it, and they complained. But Sapp stood firm.

"My job was to protect Debbie's team and allow them to succeed," Sapp says.

Empowered by Sapp, Vergos and her team began to attack those deeply rooted problems. They grouped their desks in one room to force team members to communicate.

They started meeting with customers two to three times a week. They asked: "What can we do to serve you better? Name it. We'll do it."

Customers said they waited weeks for simple parts that cost as little as 25 cents each. While they waited, a $20 million F/A–18 sat in the hangar. The team set up a Quick-Access Center, which guarantees delivery of basic parts within 10 days. "That's a model that a lot of private businesses should study," says Johnson, a judge.

The payoff for their hard work hit home recently when Building 472 decided to compete against several private firms to make an F/A–18 part called a faring assembly, a metal sheet that deflects air.

The Navy's bid "blew the others away," Sapp says. "Government workers like these are generally viewed as slothful, lazy and somehow lacking in ingenuity, motivation or entrepreneurial spirit. I would put this group up against any commercial activity any day."

LOUISVILLE'S JEWISH COMMUNITY CELEBRATES 150TH ANNIVERSARY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. MAZZOLI. Mr. Speaker, the evening of April 5, 1993, will mark the beginning of the celebration of Passover commemorating the exodus of the Jewish people from the bondage of slavery thousands of years ago. And, in May 1993, the National Holocaust Memorial Museum will officially open here in Washington, DC, as a memorial to one of the most tragic events in the course of human history.

To commemorate these events, I have cosponsored House Joint Resolution 126, designating April 25 through May 2, 1993, and April 10 through April 17, 1994, as Jewish Heritage Week. I have also cosponsored House Joint Resolution 151 which will designate April 18, 1993, as "Warsaw Ghetto Uprising Remembrance Day" commemorating the Jewish uprising against the occupying Nazi army in Warsaw, Poland in 1943.

These resolutions and the events which they commemorate highlight the resiliency of the Jewish people throughout the history of the world, and remind all of us that intolerance and bigotry have tragic consequences.

With these resolutions in mind, I would also like to recognize Congregation Adath Israel-Brith Sholom of Louisville, KY, which, this year, celebrates its 150th anniversary.

Founded by three German-Jewish immigrants in 1843, Adath Israel's first synagogue was consecrated in 1849. That building on Fourth Street was home to the first Jewish congregation in Louisville, and one of the first Reform Jewish congregations in America. Since the founding of Adath Israel in 1843, the Jewish community in Louisville has grown to 9,000 people who support five synagogues encompassing all the major denominations within Judaism: Reform, Conservative, and Orthodox.

Mr. Speaker, I honor the congregants of Adath Israel/Brith Sholom and Louisville's entire Jewish community on the 150th anniversary of the founding of Adath Israel. I include for the RECORD, an article entitled "Faith Rewarded" which appeared in the January 1993 issue of Louisville Magazine and which commemorates this anniversary.

[From Louisville Magazine, January 1993]

FAITH REWARDED

(By Steve Weingarten)

It was 150 years ago this month that Louisville became home to one of the first chartered Reform Jewish communities in America, Congregation Adath Israel. That body, whose members held their earliest services within the inauspicious confines of a Market Street attic, would go on to become today's 900-family-strong Congregation Adath Israel Brith Sholom, which worships at The Temple, an eye-pleasing, 64,000-square-foot synagogue situated on the corner of U.S. 42 and Lime Kiln Lane.

Founded by three Bavarian emigrants—one of whom, Abraham Tandler, became its first president (his home's attic served as that first "synagogue")—the original congregation felt it important to carry on the liberalization of Orthodox Judaism begun in late-18th-century Germany. (Conservative Judaism, developed in Germany during the mid-19th century, aims for a balance between the Orthodox and Reform views.)

Finding an inspirational spearhead for the congregation's mission proved easy, although recruiting a day-to-day religious overseer who could deliver sermons in German wasn't. "Abraham Tandler had three daughters," explains Ann Friedman, president of The Temple Sisterhood and a great-great-granddaughter of Tandler. "One of them married a man named Joseph Bloch, whose sister was married to Rabbi Isaac Mayer Wise," the founder of Reform Judaism in America and head of a huge congregation in Cincinnati, the movement's hub city.

"He came to Louisville on a number of occasions in the 1850s," says Dr. Herbert S. Waller, The Temple's rabbi emeritus, "and brought with him the concept of Reform Judaism as it applied to Adath Israel." Rabbi Wise, in fact, authored the treatise—titled *Minhag America*—that would soon become the standard prayer book for Reform Judaism in the U.S.

But Wise's home congregation objected to the Louisville visits, says Friedman, because of "the many demands on his time," so for the next few years Adath Israel had to make do with a chosen cantor (a person who leads worship services but does not have rabbinic ordination) and visits by other rabbis from across the country.

Ecumenical Before Its Time. Adath Israel's first true synagogue, consecrated in 1849, was located on Fourth Street between Green (now Liberty) and Walnut (now Muhammad Ali)—where the Galleria now stands. A fire destroyed the building in 1866, and a new temple was built in 1868 at the corner of Broadway and Sixth. The congregation remained there until 1906, when it moved to Third Street between York and Breckinridge, where Greater Bethel Temple stands today. This was Adath Israel's home until 1977, when it combined with Brith Sholom, some of whose members broke off to form Temple Shalom, located on Lowe Road.

As Louisville's first Jewish congregation of any kind, Adath Israel was for many years a highly influential city organization. Its members, eschewing ethnocentrism, involved themselves in the community-at-large by participating in various business, political, and humanitarian efforts. For instance, Rabbi Adolph Moses, elected the congregation's religious leader in 1881, "was an early advocate of ecumenicism," says Temple administrator Jack Benjamin. "He met regularly with area Catholic and Baptist leaders." This was back in the late 1800s, when efforts to promote understanding and cooperation between religions were practically unheard of.

Other prominent members of Adath Israel over the years included Charles Morris, a well-known lawyer and a national figure in Jewish organizational life; Dann Byck Sr., founder of the defunct Byck's women's-clothing chain, as well as a Board of Aldermen president and a leader in local educational reform; and Dr. Joseph Rauch, after whom the University of Louisville's Rauch Memorial Planetarium is named and whom Dr. Waller calls "one of the most highly respected clergymen of any faith in the community." Waller himself is a founder of the Kentucky Interfaith Community and a recipient of an Outstanding Citizen award from the National Conference of Christians and Jews.

According to Alan Engel, executive director of the Jewish Community Federation, there are approximately 9,000 Jews in the Louisville area, about 40 percent of whom follow Reform teachings (another 38 percent are Conservative, 14 percent Orthodox, and the last 8 percent independent).

The Temple has scheduled a number of special events to mark its century-and-a-half celebration. Alexander Schindler, president of the Union of American Hebrew Congregations, will lead a special service on Friday, Jan. 8 with descendants of The Temple's founders honored later that evening. But what is perhaps the ultimate tribute will take place on Saturday morning, March 27, when three active rabbis who grew up at The Temple return to lead the worship service. Their presence on the altar will be a telling illustration of the influence a strong institution can have on its members—and a reminder of the enduring nature of the local Jewish community.

ELIMINATE FEDERAL MANDATES FOR ILLEGAL IMMIGRANTS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. DREIER. Mr. Speaker, last week I introduced H.R. 1620, which will eliminate Federal mandates that require States to provide benefits to illegal immigrants. The Federal Government currently requires that States provide a number of services to illegal immigrants—including free health care and education—yet it fails to provide the necessary funds to carry out these expensive programs. If Congress cannot pay for new entitlement programs, it should not impose that burden on the States.

Federal mandates for illegal immigrant benefits are one of the major problems facing my State of California as it attempts to deal with its current budget crisis. For example, under Medicaid—the cost of which is split 50–50 by the State and the Federal Government—the State must pay for the emergency health services of illegal immigrants. As a result, many illegal immigrants cross the border to go to emergency rooms in southern California for minor medical care, checkups, and to give birth to their children.

Since 1986, when Congress passed the mandate requiring States to provide free emergency medical and pregnancy-related services, the cost for such coverage has grown by a factor of 200. Undocumented immigrants cost the Medi-Cal Program an estimated $489 million per year.

A 1982 Supreme Court decision also requires that States take children of illegal immigrants into the public school system. Gov. Pete Wilson's office estimates that this requirement cost California over $1 billion in fiscal year 1992. It is ironic that schools can demand to know whether a student lives within the school district, yet they cannot inquire about one's immigration status.

H.R. 1620 eliminates the burdensome Federal mandates on States to provide these services; however, the States could continue to offer them if they wish to do so.

In addition, H.R. 1620 prohibits direct Federal financial benefits and unemployment benefits for illegal immigrants. At a time when the Government has difficulty funding programs for its own citizens, benefit programs for illegal immigrants are hard to justify. Illegal immigrants are currently eligible for Federal housing, social services block grants, WIC programs, school lunch and breakfast programs, and Head Start. Although illegal immigrants are not eligible for AFDC benefits, any children they have in the United States make them eligible. I believe that if individuals are breaking the law by entering this country illegally, they should not be rewarded with financial and other benefits.

Mr. Speaker, the citizens of California and other border States are feeling overwhelmed by the influx of people pouring over the border illegally to take advantage of our generous benefit programs. Yet our cities cannot absorb these people, who end up living in abject poverty while straining our already scarce State and Federal resources. This legislation would alleviate the burden on States, and eliminate the perverse incentives that attract illegal immigrants to the United States. I ask my colleagues to join me in supporting this legislation, which will help put an end to this growing crisis.

COMMENDING JAMES FAY FOR HIS YEARS OF COMMUNITY SERVICE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. CRANE. Mr. Speaker, I rise today to pay tribute to an outstanding citizen from Arlington Heights, IL, the superintendent of schools for Elk Grove Township, school district 59, Mr. James K. Fay. Over the last 30 years, he has devoted his life to the service of others, and he deserves our highest praise for his selflessness, his concern for children, and his efforts to improve all those around him.

After graduation from St. Ambrose College, Jim was drafted by the New York Knicks, and attended their training camp before being asked to serve his country. He spent 2 years in an Army uniform, before returning to his native Chicago to teach physical education in the Chicago Public School System.

In 1964, Jim moved to Elk Grove Village, where he continued to teach. He soon became an assistant principal and then principal before assuming his present position as superintendent in 1978. During those years, he guided his schools through difficult financial times and had the foresight to lead district 59 into the computer age. He was also responsible for a shift in the teaching philosophy, moving away from memorization and learning by rote. Instead, he asked his students to think for themselves and to take an active role in their learning process.

During these years, Jim not only found time to improve his own educational background, by going back to school for his master's and study toward his doctorate, but also, along with his wife Joanne, found time to raise six lovely children. To do either alone is quite a challenge, but it is truly extraordinary to find time simultaneously to be a student and a father. As a former educator, I respect the dedication involved in the former, and as the father of eight children myself, I can attest that the latter is no small feat.

Throughout his years with district 59, Jim has proved himself an effective and visionary educator. The residents of his school district, the children whose lives he touched, and all those who care about education owe him a debt of gratitude that can never be adequately repaid. We thank him and wish him good luck in his retirement. After 35 years of teaching, he deserves it.

INTRODUCTION OF H.R. 1590

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. ARCHER. Mr. Speaker, on April 1, I introduced H.R. 1590, a bill to suspend temporarily the import duties on four chemicals. This bill would help U.S. manufacturers control their costs by suspending a duty on four products which are not produced in this country. The imported chemicals which are the subject of this bill are used in the United States to produce drugs for a variety of ailments, including prostate cancer, high blood pressure, certain bronchial conditions and allergies.

The chemicals are currently subject to substantial duties: two are dutiable at 6.8 percent, and the other two at the very high compound rate of 15.6 percent plus 3.7 cents per kilo. These duty rates are well above the average U.S. tariff; and in this case serve no particular purpose because they do not protect a U.S. manufacturer. A duty suspension will support the manufacturing of finished pharmaceutical products in the United States, including investment in extensive research and development efforts, and the jobs and tax revenues that this entails. The revenue impact of providing these duty suspensions will be modest, and will amount to less than $5 million a year.

The following are the products that are the subject of this request:

First, 5-(N,N-debenzylglycyl)-salicylamide—also known as LBH–B/C: A chemical intermediate used to manufacture Labetalol Hydrochloride, a product used for the treatment of hypertension and tachycardia.

Second, 2-(Nn-benzyl-N-tert-butylamino)-4′-hydroxy-3′-hydroxymethylacetophenone hydrochloride—also known as Glycyl Hydrochloride: A chemical intermediate used to manufacture Albuterol and Albuterol Sulfate. Albuterol and Albuterol Sulfate are products used for the prevention and relief of bronchospasms in patients with reversible obstructive airway disease.

Third, Flutamide: The active ingredient in a drug used for the treatment of prostate cancer.

Fourth, Loratadine: The active ingredient in a drug used for the treatment of symptoms associated with seasonal allergic rhinitis.

Our trading partners, particularly the European Community, grant duty suspensions for pharmaceutical products on a much broader basis than does the United States. Where—as in this case—no U.S. manufacturer would be harmed, we should make similar efforts to support our research and development-based industries which are the cornerstone of America's competitiveness in international markets. My bill is intended to further these goals.

MINORITY EQUITY CAPITAL FORMATION ACT OF 1993

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. MFUME. Mr. Speaker, today my colleagues, Mr. SHAYS, Mr. DIXON, and I are introducing the Minority Equity Capital Formation Act of 1993. This legislation creates, as part of the current law business credits, a new tax credit for long-term investments in venture capital funds targeted to minority small businesses. The purpose of this legislation is simple—to increase the availability and flow of capital to the minority business marketplace.

Mr. Speaker, the minority business community is afflicted by a chronic and debilitating capital crisis. The problem has been repeatedly studied and documented. Much rhetoric has been spoken and many pay lipservice to this issue, particularly following civil disturbances such as occurred last year in Los Angeles. Yet the problem continues in urban and rural communities all across America unaddressed in any realistic way.

The key to minority economic development and job growth is simple and straightforward—targeted capital formation. Thus, the legislation we introduce is a capital formation incentive that will stimulate the creation of capital pools dedicated to minority enterprise development. In 1992, the President's Commission on Minority Business Development found that the availability of capital is probably the single most important variable affecting minority business. The Commission characterized the problem as "the capital gap."

There are three critical and interrelated components of the capital gap. First, there are very few capital pools which are dedicated to the minority marketplace and, as further explained below, the existing resources are underfunded. Second, minority entrepreneurs and venture capitalists who serve the minority marketplace are generally unable to access traditional equity financing sources such as pension funds, insurance companies, other institutional investors, or investment partnerships. Many of the barriers which exist are grounded in discrimination, institutional bias, or ignorance.

The third major component of the capital gap, Mr. Speaker, concerns Government, public policy, and leadership. Public policies that could greatly encourage capital formation for the minority community have not been developed or adopted. Moreover, certain other existing initiatives suffer from lack of commitment.

The response to last year's disturbances in Los Angeles is a clear example of this problem. A common refrain from the affected community was, and still is today, lack of capital for investment, job creation, and growth. The Federal response to these underlying economic issues has been severely wanting. Moreover, we have failed to utilize existing tools, such as minority enterprise small business investment companies, so-called MESBIC's, or adopt comprehensive targeted capital formation strategies.

Mr. Speaker, I believe a brief history of the minority venture capital industry and an overview of the MESBIC Program will help to illustrate solutions. MESBIC's are Venture Capital companies licensed by the Small Business Administration [SBA] which provide financing to small disadvantaged businesses. The MESBIC Program was created by Congress in 1971, following the urban disorders of the late 1960's, to provide Venture financing to small minority businesses. In fact, this program, technically the Specialized Small Business Investment Company [SSBIC] Program is the only source of venture capital exclusively dedicated to the minority small business community.

Over the past 20-plus years, a minority venture capital industry has developed, comprised of approximately 150 firms, both SBA licensees and nonlicensees, managed by a well-trained core of venture professionals. Although relatively small in size, the minority venture capital industry has an admirable record. Over $1 billion in capital has been invested in more than 26,000 businesses. More than 200,000 jobs have been created.

Impressive as the record may be, more can and must be done. The key for the future is additional capital. Note the following fact—in the last 10 years, more than $36 billion in new venture capital funds have been raised. However, almost none of these funds have been available to, or targeted toward, the minority marketplace.

Mr. Speaker, the minority business marketplace is literally starved for new capital. The SBA resources available under the SSBIC programs are not commensurate with the need. Moreover, the ability of SBA licenses to provide financing is a direct function of their private capital. These companies are thus hamstrung because of the lack of capital available to them.

The capital gap is present for all sectors of capital: Preseed and seed; working capital; expansion financing and secured financing. A recent study commissioned by the U.S. Department of Commerce found that "the demand for capital of all types by disadvantaged business far exceed the available supply. The greatest need [is] for equity or near-equity capital."

Mr. Speaker, the capital gap for minority business is a national emergency which requires immediate Presidential leadership and action by the Congress. The Minority Equity Capital Formation Act is designed to focus our attention on one of the most important elements, perhaps the most critical, of a national strategy for providing equity capital targeted to the minority marketplace. The legislation is not intended as a substitute per se for other programs such as enterprise zones or Community Reinvestment Act enforcement. Rather, the bill addresses a critical component of the problem—capital formation for investment and an efficient delivery system.

To increase the availability and flow of capital to the minority marketplace, the legislation we introduce today would add to the general business credit under current law a new 25-percent credit against Federal income tax for long-term investment in Venture Capital Funds dedicated to financing small minority-owned companies. Mr. Speaker, the Minority Equity Capital Formation Act of 1993, is similar to legislation which I cosponsored with several of my colleagues in the 102d Congress, H.R. 4221. The bill introduced today is the product of continued dialogue with members of the minority business community, and other experts, and is thus more targeted toward the objective of capital formation.

The legislation is very focused and contains a comprehensive design to ensure compliance with its policy goals. For example, the bill imposes a minimum 5-year holding period for eligible investments and strict recapture provisions for instances where the Venture Capital Fund fails to remain qualified. In addition, the key definitions set forth in the legislation are drawn from those under existing Federal statutes which will assist in regulatory oversight and administration. A summary of the bill follows my statement and I encourage my colleagues to review it carefully.

Mr. Speaker, the Minority Equity Capital Formulation Act is designed to serve as a powerful Federal catalyst for private sector investment by individuals for institutions. The bill is grounded on the notion of partnership between the Federal Government and the private sector. In addition, the bill focuses our attention on an existing capital delivery system, Minority Venture Capital companies, which know and understand the minority marketplace and who can effectively deploy capital resources, thereby lowering investment risk.

Targeted capital formation policies have been utilized successfully for other important purposes such as low-income housing, historic preservation, alternative energy production, and for research and experimentation. In addition, large capital formation programs have been implemented for Eastern Europe and other places around the world, for example, the Polish-American Enterprise Fund. I support these programs, however, the capital needs of the minority community in the United States are equally worthy of our attention. Action now is needed to help facilitate the full inclusion of African-Americans, Hispanic-Americans, Asian-Americans, and other ethnic minorities in the U.S. economic system as business owners and job creators. Otherwise, our country may face the dire consequences of neglect.

I encourage my colleagues to join me in cosponsoring the Minority Equity Capital Formation Act.

PERFORMANCE OF THE U.S. COAST GUARD DURING THE STORM OF THE CENTURY

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. TAUZIN. Mr. Speaker, I rise today to call attention to the heroic efforts of the U.S. Coast Guard in the performance of their duties during the weekend storm of the century. I would like to particularly commend the men and women of the Gulf and Atlantic Coast Guard Districts who responded to the Coast Guard's busiest weekend in 50 years.

During the recent deadly winter storm that wreaked havoc in the gulf coast and Eastern portions of the United States, the Coast Guard was called upon to provide search and rescue assistance to vessels in distress at record levels. Throughout the weekend, Coast Guard aircraft and ships responded to cover 125 incidents at sea in extremely adverse conditions in an all out effort to save, protect, and assist life and property at sea.

In order to meet the challenges associated with the storm, highly trained Coast Guard units were called upon in a myriad of emergency situations. Throughout the Atlantic Ocean and Gulf of Mexico, huge waves, and hurricane-force gusts caused vessels to flounder, take on water and in several extreme cases, capsize and sink. Numerous victims were hoisted to safety aboard Coast Guard helicopters and cutters. Also, Coast Guard Marine Safety teams responded and provided assistance to tankers aground preventing potential major pollution incidents.

In the Eighth Coast Guard District alone, which serves my congressional district in Louisiana, 33 lives were saved and an additional 93 persons were assisted to safety. They are truly deserving of the motto, Guardians of the Gulf.

As chairman of the Subcommittee on Coast Guard and Navigation, I would like to applaud the efforts of all the Coast Guard men and women who risk their lives on a daily basis to provide their outstanding service to this Nation. While the storm of the century is only a memory in the minds of many, the legacy of "semper paratus" lives on.

INTRODUCTION OF EVERY FIFTH CHILD ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. KILDEE. Mr. Speaker, last Friday, I reintroduced the Every Fifth Child Act, a bill designed to achieve full funding and expansion of programs essential to combating the poverty and disadvantage experienced by 20 percent of American children.

Every fifth child in America lives in poverty. Every 35 seconds, on the average, another American infant is born into poverty. In the last decade, childhood poverty increased 21 percent, and children are the fastest growing segment of the homeless population. These figures are startling and painful because they represent lives, hopes, and dreams.

The legislation I am introducing increases the funding for three Federal programs that alleviate the effects of poverty and hunger on the lives of children. Each program serves a unique purpose in the stages of a child's life: the Special Supplemental Food Program for women, infants, and children [WIC], starts meeting a child's nutritional needs before birth; Head Start ensures excellent preparation to enter the world of learning; and Job Corps helps a child make the transition between school and the world of work.

WIC is an essential weapon in combating malnutrition in pregnant and postpartum women and their infants and children. It is the first line of defense against low birthweight, the No. 1 cause of U.S. infant death. Since 80 percent of brain development occurs by the time a child turns 3, WIC is essential in improving cognitive development. It also increases a child's chance of receiving immunizations and regular health care.

WIC is also proven to be very cost effective. Every dollar spent on a pregnant woman under WIC saves between $1.92 and $4.21 in Medicaid costs. The problem with WIC, is that it only serves 58 percent of those currently eligible. The funding level in this bill is designed to ensure that WIC is fully funded by 1996, a goal that is wholeheartedly supported by President Clinton.

Head Start is another program that has had considerable successes in its 26-year history, and is hindered only by its inability to reach all eligible children. The program currently serves only 1 in 3 children eligible for its comprehensive early education and health services.

Children who participate in Head Start are twice as likely to graduate from high school as children in similar circumstances and are less likely to require remedial education and counseling services. The bill reflects the same funding levels proposed by President Clinton that would enable all eligible children to be served by 1999.

Job Corps serves economically disadvantaged youths ages 14 through 21 who have disruptive home environments, by providing intensive remedial education and skill training in a residential setting, or Job Corps Center. Job Corps has helped open the doors of opportunity for 1.5 million youths. Unfortunately, the program only serves 1 in 7 of the Nation's most needy youth. This proposal calls for the establishment of 50 new centers by the year 2001, and an increased participation of 50 percent.

These programs are a sound financial investment for this country in terms of money saved and human potential realized, but much more than that, they are a moral obligation for a government whose role is to promote, protect, defend, and enhance the human dignity of all its citizens.

PROVIDING MEDICAID COVERAGE OF ALL CERTIFIED NURSE PRACTITIONERS AND CLINICAL NURSE SPECIALISTS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce legislation today providing Medicaid coverage for all certified nurse practitioners and clinical nurse specialists for services they are legally authorized to perform, whether or not they are supervised by a physician.

As the need to provide basic medical care to the Nation's medically deprived population increases, the need to facilitate access to quality, cost effective primary care provided by nurse practitioners also increases. Over 400 studies have confirmed the high quality of health care provided by nurse practitioners in a variety of both urban and rural primary care settings. It is well known that the majority of our underserved populations are located in rural and inner city settings across the Nation. While nurse practitioners are willing and able to provide services in these settings, not all nurse practitioners are currently being reimbursed by Medicaid for their services in these areas.

Currently, patients are able to access the care of certain nurse practitioners such as family and pediatric nurse practitioners, but others such as adult and women's health nurse practitioners are not accessible. The legislation I am introducing would enable all nurse practitioners, regardless of specialty, to provide care to Medicaid recipients.

Nurse practitioners are especially prepared to provide health care to the indigent. Their educational programs emphasize the provision of care to patients who have limited financial resources. In a national survey conducted by the American Academy of Nurse Practitioners, over 60 percent of the patients seen by these providers had family incomes of less than $16,000 per year.

Nurse practitioners rate as high in financial efficiency as they do in consumer satisfaction. Their ability to focus on preventative and curative medical services contribute to the quality as well as the cost effectiveness of the care they provide. A study by Record & Denton calculates the savings of $300,000 to $1 million per year if nurse practitioners were used to provide the services they are qualified to provide.

Nurse practitioners can play a central role in achieving our national goal of providing quality, cost efficient health care to all who receive Medicaid benefits. I am hopeful this legislation will help to eliminate disparities in access to care for rural and inner city Medicaid populations by providing direct reimbursement to nurse practitioners and clinical nurse specialists who have proven their ability to deliver quality care in a cost-effective manner.

A SALUTE TO BILLY G. GENAUST

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. POSHARD. Mr. Speaker, I rise to pay tribute to Mr. Billy G. Genaust, who recently retired from district 12, Illinois State Police, near Effingham, after 38 years of service with that law enforcement agency. We thank him for his years of service and dedication to the citizens of district 12 and all of those whom he has served.

I would like to submit the following article in the CONGRESSIONAL RECORD so that Mr. Genaust receives his due recognition.

[From the Effingham Daily News]

TROOPER RETIRES AFTER 38 YEARS

On October 16, 1954, Billy G. Genaust went to work at the District 12 State Police, which is located south of Effingham of U.S. 45. On Dec. 31, 1992, he retired with 38 years, two months and 15 days.

During that time, many changes have taken place. When I went to work, there were only two people on duty in headquarters during a given shift. I would take the telephone calls and make the assignment, and the person working the radio would take care of the dispatch and also radio repairs. We then had 36 police officers who worked two shifts, an 8 a.m. to 4 p.m. and a 4 p.m. to midnight. We in the office three shifts, an 8 a.m. to 4 p.m., 4 p.m. to midnight and midnight to 8 a.m. We then covered 15 counties. On many occasions, I have assigned squad cars to handle accidents nearly 100 miles from Effingham in Hamilton and White counties.

When I started work, there were still members of the Shelton families and Charles Harris family living in the Fairfield area. These were remnants from the Shelton-Berger gang wars from earlier years, which was the only time in history in the United States where gangs actually used tanks and airplanes against each other.

One of our officers, a good friend of mine, grew up, went to school with, and knew the Shelton and Harris families well.

In the late 1950s, a sub-post was established at Albion in Edwards County, and with increased workload and increased manpower, the sergeants were brought in to take over the desk operation. We then worked with the sergeants, which resulted in a more efficient operation, especially when something serious happened.

During the 38 years, I have received calls on almost everything, including many accidents, hazardous material spills, murders, rapes, abductions, lost persons, drownings, family disputes, drugs and many other problems. In addition, I was working when several police officers were shot. This included state police officers, city police officers and a sheriff. I was also working when Cathy Jo Harris was abducted and murdered near Newton and when Amy Shultz was abducted and murdered near Kell.

During these 38-plus years, the Illinois State Police and District 12 have been a good place to work. I have made many friends over the years, both within the Department of Law Enforcement and with those in the many departments and agencies with which we have had contact. In my job, I had many contacts with the news media. I had many friends in the news media, and I enjoyed working with them over the many years. They are a great group of people.

As in all jobs and careers, there are low and high points. The low points in my job with the Illinois State Police were when two good friends, Trooper Frank Doris and Trooper Layton Davis, were shot and killed in the line of duty. I did have the satisfaction to be able to help during the search for and the apprehension of Trooper Davis' killers. I was also working when two other good friends, Trooper Terry Prince and Master Sgt. Kim Rhodes, were shot in the line of duty. Fortunately, these two incidents turned out much better, as both officers survived a near brush with death. The high points of my career were when then Director of Law Enforcement James Zagel presented me with my 30-year pin, when former Director of Law Enforcement Jeremy Margolas presented me with my 35-year pin, and recently when present Director of Law Enforcement Terrance W. Gainer presented me with a medallion and a letter of appreciation for my 38-plus years with law enforcement. This letter has been placed in a frame which is now on the wall of my den.

In leaving, I will miss the many good friends in the news media and the other various law enforcement agencies and departments, also my good friends at District 12 and throughout the Department of Law Enforcement. They will all be missed. The motto of the Illinois State Police is "Integrity, Service and Pride," and this is as I have found it to be during my 38-plus years with the department.

THE 1994 VIETNAM VETERANS MEMORIAL COMMEMORATIVE COIN ACT

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. RIDGE. Mr. Speaker, I rise today to join our colleague, DAVID BONIOR, in introducing H.R. 1608, the 1994 Vietnam Veterans Memorial Commemorative Coin Act. This past Veterans Day was the 10th anniversary of the dedication of the Vietnam Veterans Memorial, commonly known as the Wall. Since its dedication, the Wall has become the most visited monument in the United States, drawing more than 2.5 million visitors annually.

Many of these visitors leave personal mementos at the base of the memorial in remembrance of those that were killed in the war. In this way, the Wall helps to heal the wounds caused by the Vietnam war. Now it is time to help the Memorial that means so much to all those that fought in the Vietnam war.

The Wall was built by Vietnam veterans who raised the funds entirely from private sources. Current expenses for the Memorial's upkeep continue to be the responsibility of the Vietnam Veterans Memorial Fund [VVMF]. In 1992 alone, the VVMF spent $200,000 to repair the memorial. The legislation introduced today would raise money for this purpose.

H.R. 1608 requires that the Secretary of Treasury mint coins to commemorate the 10th anniversary of the memorial. Through issuing 500,000 coins, the legislation will raise approximately $5 million to permanently endow the Vietnam Veterans Memorial. I would like to emphasize that H.R. 1608 is revenue neutral and will ultimately represent a savings to the Government as it precludes the need for any future appropriation to repair the wall.

I would like to encourage all my colleagues to cosponsor H.R. 1608.

CONGRATULATIONS TO WILLIAM H. TREMAYNE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me today in honoring the achievements of a very special person, Mr. William H. Tremayne, on the occasion of his retirement.

A 1957 graduate of Wilkes University, Mr. Tremayne holds the Chartered Life Underwriter designation from the American College. His professional life has been devoted to work in New Jersey with the Prudential, first as a field auditor, then in the tax administration department where he was appointed vice president and assistant comptroller when he assumed responsibility for Prudential's internal audit function.

William Tremayne also understands the importance of public service to ensure the efficient running of our society. With this in mind he serves as a trustee of the Garden State Arts Center Foundation, and a trustee of the New Brunswick Cultural Center and the Public Affairs Research Institute of New Jersey. He also serves as a vice chairman with the Metro Newark Chamber of Commerce, and a commissioner of the highway authority, where he served as chairman from August 1988 through May 1990.

Mr. Tremayne retires from the Prudential as senior vice president in charge of the public affairs department, where he has served with distinction since 1983. In that post he is responsible for public relations, advertising, community initiatives, issues management and Federal Government relations. Mr. Tremayne has done an outstanding job, he will be sorely missed in New Jersey and Washington. His shoes will be hard to fill after his official retirement on July 1, 1993.

Mr. Speaker, I know my colleagues join me in congratulating Mr. William H. Tremayne on his retirement and in wishing him every success in the years ahead.

HAWAII STATE RESOLUTION URGING OPPOSITION TO AFTA

HON. PASTY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mrs. MINK. Mr. Speaker, I received a copy of Senate Resolution No. 33, S.D. 1 from the Hawaii State Senate, urging Hawaii's congressional delegation to oppose the North American Free-Trade Agreement, in its present form, in order to protect Hawaii's sugar and agricultural industries. I respectfully submit Hawaii State Senate Resolution No. 33, S.D. 1 to be included in the CONGRESSIONAL RECORD.

The Hawaii State Senate resolution urges the Hawaii congressional delegation to oppose the NAFTA because the sugar provisions in the NAFTA threaten a way of life for 17,000 residents of Hawaii. Many of Hawaii's residents employed by the sugar industry can "trace their roots to the plantation life and a common past."

The Hawaii sugar industry is an integral part of the fabric of life in Hawaii. Sugar has been grown commercially in Hawaii for 157 years. It was the call of the sugar plantations that echoed throughout Asia to many of our ancestors who immigrated to Hawaii and endured tremendous hardship toiling on the plantations to build a new life.

Sugar is Hawaii's third largest industry today. The ratification of the NAFTA would decimate Hawaii's sugar industry. The 17,000 people of Hawaii who work on the sugar plantations would lose more than just a job under the NAFTA—they would lose their link to the past, their community, and their way of life.

Mr. Speaker, I know the history of sugar in Hawaii, the prominent position sugar still holds in the economy of Hawaii, and the 17,000 people it employs in Hawaii today. I know that the sugar industry in Hawaii is worth defending. And, I will.

SENATE RESOLUTION—HAWAII

Whereas, the sugar industry is an integral part of Hawaii's history, culture, and natural beauty; and

Whereas, the sugar industry currently provides employment and a way of life for 17,000 residents and many of Hawaii's families can trace their roots to the plantation life and a common past; and

Whereas, sugar lands account for 162,000 acres of green fields, providing a lush backdrop that enhances the beauty of our islands, thereby contributing to the success of Hawaii's visitor industry; and

Whereas, Hawaii's sugar industry produces the highest sugar yield per acre of land in the world, more than double its nearest rival; and

Whereas, Article XI, Section 3, of the Constitution of the State of Hawaii requires the Legislature to provide standards and criteria to accomplish the conservation and protection of agricultural lands; and

Whereas, the sugar title to the Farm Bill, enacted in 1981, recognizes the importance of domestic sugar production and preserves the viability of Hawaii's sugar industry; and

Whereas, the impending North American Free Trade Agreement (NAFTA), as proposed, severely undermines the United States sugar industry; a result which will have a negative impact not only on Hawaii's sugar industry but on its visitor industry and ultimately its overall economic well-being; and

Whereas, NAFTA is the first United States trade agreement with a developing country, resulting in a large number of issues that were ignored in previous trade agreements but now must be addressed; and

Whereas, over a fifteen-year period, NAFTA would provide Mexico with increasing incentives to produce a surplus of sugar, thereby affecting the entire world sugar market and in turn destroying not only Hawaii's sugar industry, but the sugar cane and sugar beet producers of the rest of the nation as well; and

Whereas, Mexico's current sugar quota of 7,258 metric tons will be raised indiscriminately to 25,000 tons within a six-year period (322,000 tons within a fifteen-year period), with provisions allowing export of the country's entire surplus; and

Whereas, there will be no limit to Mexican sugar exported to the United States after fifteen years, and the tariff on refined sugar and sugar-containing products will be reduced to zero after nineteen years; and

Whereas, Mexico will be able to achieve a large exportable surplus without increasing production by raising its wholesale prices to reduce consumption in two ways:

(1) The beverage industry, which currently consumes 1,500,000 tons of sugar per year, will switch to lower priced corn sweetener, which it could import from the United States or eventually produce itself; and

(2) Consumer demand for sugar will be dampened by government-controlled retail prices, currently a little more than one-half the United States levels; and

Whereas, Mexico could sell its domestically produced sugar to the United States, thus meeting the rules of origin requirements, while purchasing Cuban raw sugar or European Economic Community refined sugar for domestic use; and

Whereas, it is thus probable that Mexico will be able to ship to the United States, as early as year seven of NAFTA, a surplus exceeding 1,000,000 tons (by comparison, the entire United States sugar import quota, from thirty-nine countries, will be 1,230,000 tons in 1992–1993); and

Whereas, environmental protection is a global concern, and Mexico's present environmental regulations, although less stringent than those of the United States, are seldom enforced; and

Whereas, environmental groups have joined together in opposition to NAFTA, recognizing that if one country chooses to place permissive environmental standards on industries operating within its borders, NAFTA effectively subsidizes those industries to the extent of the cost of environmental protection and clean-up that need not be done; and

Whereas, other segments of Hawaii's agriculture industry could be damaged considerably under NAFTA in the ability to compete with Mexico for access to U.S. mainland markets for several reasons, including Mexico's lower environmental and labor safety standards, farm wages which are a fraction of Hawaii's, and freedom from strict marketing restrictions which Hawaii and other U.S. growers must comply with; now, therefore, be it

Resolved by the Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, That the Senate goes on record in opposition to the North American Free Trade Agreement, in its present form, to the end that agriculture may continue as an essential component of Hawaii's economic and social well-being, and strongly urges the Hawaii congressional delegation to stand against NAFTA as proposed; and be it further

Resolved, That certified copies of this Resolution be transmitted to the Governor, the President of the United States, each member of Hawaii's congressional delegation, the Chairperson of the United States Senate Committee on Agriculture, Nutrition and Forestry, the Chairperson of the United States House of Representatives Committee on Agriculture, the Chairperson of the United States Senate Committee on Finance, the Chairperson of the United States House of Representatives Committee on Ways and Means, the United States Trade Representative, and the United States Secretary of Agriculture.

PAUL RUNYAN AWARDED COMMEMORATIVE MEDAL

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. MYERS of Indiana. Mr. Speaker, it gives me great pleasure today to recognize Mr. Paul Runyan, a veteran of World War II and a resident of Clinton, IN, who was recently awarded the 40th Anniversary of the Victory in the Great Patriotic War Commemorative Medal by Russian President Boris Yeltsin and a grateful Russian people. This prestigious award is given to Navy armed gunners and Merchant Marines who participated in supply convoys that carried much-needed materials to the Russian nation. This medal is in recognition of the sacrifice made by our fine men and women, like Mr. Runyan, to fight for freedom against the tyranny of Nazi Germany.

Mr. Runyan served as a gunner aboard the USS *Elijah Kellogg* and fought off freezing temperatures on the deck of the ship as well as fighter aircraft in order to preserve the convoy's mission. I extend all congratulations to this valiant servant of our Nation and am grateful to have this opportunity to make the Nation aware of this honor bestowed upon him.

ST. PATRICK'S DAY STATEMENT

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. MOAKLEY. Mr. Speaker, I would like to enter into the RECORD recent remarks made by the Archbishop of Boston, Bernard Cardinal Law, delivered in conjunction with the Boston Archdiocesan celebration of St. Patrick's Day. In the past couple of years, Cardinal Law has delivered remarks addressing the ongoing violence and terror in Northern Ireland. I found his remarks this year to be especially timely, focused, and direct. I am reprinting Cardinal Law's statement in the hopes that his words will find a receptive audience in the hearts and minds of Catholics and Protestants in both Northern and Southern Ireland.

ST. PATRICK'S DAY STATEMENT

Last summer, it was my good fortune to welcome to Boston two families from the North of Ireland, Mrs. Hamil and her four children and Mrs. Gray and her five children. The fathers of both these families were killed in the violence that has beset the North for more than twenty years. Mr. Gray was a Catholic. Mr. Hamil a Protestant. I visited their families a year ago shortly after their tragic deaths and invited both families to come to Boston together for a holiday. This they did and everyone who helped make that such a memorable visit for them, including Mayor Flynn, can tell you what a moving experience it was for us to see these two families sharing a holiday as one.

I mention this because in a singular way those two families symbolize the tragic present reality and the indestructive hope for the future that are the two hallmarks of Northern Ireland today. If we are to move from today's tragedies to tomorrow's hope, we would do well to learn the lessons taught us by these families.

The first lesson is that religious differences are not the barrier that has created enmity and division. Division and enmity are the products of inequality, injustice, exclusion and suspicion. These two families were strong in their own religious convictions. They also showed the authentic Irish tradition of respect for the religious heritage of each other.

Second is the truth that violence brings nothing but more violence, destruction of life, pain, sorrow and loss. If anyone is ever tempted to resort to violence, even for a worthy cause, speak but a few minutes to these two widows. No one, and especially no one from our faith community here in Boston, can ever justify supporting violence to resolve the current difficulties in the North.

Third is the necessity to recognize the legitimacy of both the Irish and the British dimensions in the life of the North. I am grateful to Cardinal Cahal Daly who explained this truth so eloquently when he was here in Boston last month in a significant visit to this country with three Protestant Church leaders from the North. It is a deep insight that merits a few words of explanation.

According to the Cardinal, it is imperative to recognize that there is both a British dimension and an Irish dimension to life in the North. It is untrue and unjust to imagine the North as being simply British. To do so is effectively to deny the legitimacy as citizens of all those who are committed to Irish nationality. Equally, to try to deprive the Unionists of their identity and rights is to deny them their legitimacy as citizens in their own country.

The answer then must lie in an acceptance and affirmation of both the British and Irish dimensions. Both are necessary components of any internal solution to the North. With that must come the acceptance that the Republic of Ireland and the government at Westminister both have legitimate interests that have a rightful place and a necessary role in any future solution to the current crisis.

That future solution must begin with a commitment of restoring self-government to the North in such a way that neither community will be deprived of its rightful voice. Only in this way will communities have, and be convinced that they have, a participatory role in the decision making process for themselves and their children.

At present that is not the case. Nor has Northern Ireland ever had "constitutional arrangements or political institutions appropriate to the internal composition of its nationally and politically polarized population" (Cardinal Daly's address, Fontbonne Academy, February 13, 1993). Therefore, each community must be willing to overcome past prejudices and work for one another, in a common effort that does not seek superiority of one over another nor advance a hidden agenda that will cause new suspicions to be built upon the old.

Instead, there must be a growth in what the Cardinal calls "the moderate middle ground". There is every evidence that the vast majority of the nationalist community is committed to non-violence and peace. There is every evidence that the majority of the unionists wish to live in peace with their nationalist neighbors. They must resist the paramilitary forces and the politicians who polarise. They must support the Church leaders and businessmen, the educators and trade unions who want collaboration and do not see their opposite numbers as a threat or a curse. Two of the Hamil and Gray children went for a ride in a limousine while here in Boston. In the glory of moment one said to the other: "wouldn't it be grand to have this back home. Then I could come by to your house and fetch you in my limousine". In a simple way these two youngsters, one Catholic, the other Protestant, both now fatherless because of violence, remind us what we hope and pray for: a Northern Ireland of equality, fraternity, mutual respect and care for a common future.

These youngsters represent that hope. Today I want to ask all of us here as well as in England and Ireland, if we have the will to work and pray, above all to pray, so that these two boys and all the boys and girls of the North might have that common future.

As President Clinton sets his stamp on the foreign policy of the United States, it is to be hoped that the influence of this country will be exerted on England and Ireland to get on with the unfinished business of reconciliation between Irish men and women. If U.S. influence is to be effective, clear policy goals must be articulated. To this end, a special and visible fact-finding commission responsible to the President might be helpful.

There is a no need to live in a fatalistic despair which assumes that there is no way out of Northern Ireland's problem. Hope shines in the bright faces, Protestant and Catholic, of the Hamil and Gray children. Hope is there in the witness of four religious leaders from Northern Ireland, Catholic, Church of Ireland, Presbyterian and Methodist, touring this country in the cause of economic development and peace. The world desperately needs a sign of hope in the face of so many conflicts tearing at the fabric of human solidarity. Northern Ireland can provide that hope to the world.

Investment of American firms in Ireland's future can do much to foster that hope. Unemployment breeds alienation, which feeds violence. Ireland needs jobs, not guns. Job creation is the best service Irish Americans can give at this time to the land of their forbears, the land of Saint Patrick.

Pope John Paul II in his words at Drogheda on September 29, 1979 points the way to human solidarity for Ireland and wherever it is that division and violence has taken root: "Each human community—ethnic, historical, cultural or religious—has rights which must be respected. Peace is threatened every time one of these rights is violated. * * * As long as injustices exist in any of these areas that touch upon the dignity of the human person, be it in the political, social or economic field, be it in the cultural or religious sphere, true peace will not exist. The causes of inequalities must be identified through a courageous and objective evaluation, and they must be eliminated, so that every person can develop and grow in the full measure of his or her humanity."

A VOTE FOR SCHOOL CHOICE

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. ROTH. Mr. Speaker, I rise today to commend a schoolteacher from my district who is fighting an uphill battle to improve our educational system. Ms. Linda Cross, a public high school English teacher in Hortonville, is a candidate for Wisconsin's Superintendent of Public Instruction. She is also a strong advocate of private school choice.

Like a growing number of her colleagues, Ms. Cross realizes that an educational voucher system benefits children from low- and middle-income families by granting them the same choices that wealthier families already enjoy. School choice allows John and Jane Doe to evaluate their child's needs and choose the most suitable school according to those needs—exactly what President and Mrs. Clinton did for their daughter.

Unfortunately, teachers unions across our Nation strongly oppose school choice, as well as the candidates who promote it. Although Linda Cross' support of school choice may not be welcomed by Wisconsin's teachers unions, it is well received by the community. This community backing is evident in her strong performance in the race for State superintendent, and her resulting qualification in the runoff election for this position.

Ms. Cross' strong showing is but one sign of the popularity of school choice in Wisconsin. The results of a recent survey of black Milwaukee residents regarding education are another sign. This survey revealed that 75.6 percent support Milwaukee's private school choice program, which is the first of its kind in the Nation.

School choice will give our Nation's children the chance to select the best education possible. That is why I am extending Ms. Linda Cross my best wishes for a victory in this election, and my support for her continuing battle to rescue America's schools.

VINCENZO PALMIOTTO RETIRES AFTER CAREER OF PUBLIC SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. SOLOMON. Mr. Speaker, I like to call them quiet American heroes. They are men and women who aren't in the headlines every day, but who nevertheless leave a positive mark in their communities and workplaces.

Today, I'd like to tell you about one of them, Vincenzo Palmiotto, of Loudonville, NY.

Mr. Palmiotto recently retired as assistant district manager of the Schenectady office of the Social Security Administration. The best tribute he could possibly receive has already been rendered, and that's the best wishes of his coworkers mixed with regret at losing him to retirement.

Originally from Peekskill, Mr. Palmiotto is a graduate of Syracuse University. One of his undergraduate distinctions was being the third-ranked collegiate boxer in the country.

Mr. Palmiotto is also a veteran, another thing which makes him special to me. He served in the Korean war, and is also a retired major in the Air Force Reserves.

He joined the Social Security Administration in 1954, and joined their management team in 1959. He served at the Schenectady office from 1965 until his retirement this year.

His retirement will give him more time to spend with his wife, Ellen, their six children, and many grandchildren. Like many of my quiet American heroes, Mr. Palmiotto is not only a solid family man but one who gives something back to his community. He is quite active in charity work at his church, another likely beneficiary of his additional time during retirement.

You see, Mr. Speaker, Mr. Palmiotto's attitude is that he has been blessed with fairly good health, and he wants to repay his good fortune by helping others. That's the kind of guy he is.

And that's why he has been so popular with his coworkers. District Manager Thomas M. McGovern says Mr. Palmiotto is the very embodiment of "decency and honesty," a colleague who will be "sorely missed."

Everyone who knows him feels that way about him. And that's why, Mr. Speaker, I would ask you and all Members to join me today for our own tribute, wishing many happy retirement years to Vincenzo Palmiotto, a dedicated public servant and my good friend.

KERN COUNTY REGISTERED NURSE OF THE YEAR

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. THOMAS of California. Mr. Speaker, it gives me great pleasure to recognize an exemplary individual, Edyth "Edee" Ellenberger, R.N., C.N.S., C.R.R.N., upon being named the 1993 Kern County Registered Nurse of the Year. This honor is bestowed upon Edee because of her outstanding achievements in rehabilitation nursing in Kern County as well as her contributions to the community.

Edee has worked at Bakersfield Regional Rehabilitation Hospital [BRRH] since its inception. Her help was crucial in the development of the Preceptor program, in giving an indepth orientation on rehabilitation nursing to newly hired nurses at Bakersfield Regional Rehabilitation Hospital. She has been a clinical instructor at California State University, Bakersfield, in the Department of Nursing, as well as a charge nurse for Greater Bakersfield Memorial Hospital in the Surgical Services Department. She has given lectures to students worldwide as well as teaching nursing classes to the First Baccalaureate School of Nursing in Indonesia at the request of the World Health Organization.

In addition to her programs at BRRH, Edee has also developed a short course on rehabilitation nursing which has been taught at Valley of the Sun Rehabilitation Hospital in Phoenix, AZ, and the Rehabilitation Institute of Tucson. She is an avid writer and lecturer and has authored numerous rehabilitation study guides. She has also been published in the American Journal of Nursing. And while lecturing and teaching are all part of the continuing role she plays as an educator of nurses, she also finds time to volunteer at the Wisma-Cheshire Sheltered Workshop for persons with spinal cord injuries.

Edee Ellenberger's involvement in community affairs is extensive considering her busy schedule. She has been the director of Sunday school at All Saints Anglican Church in Jakarta, Indonesia, and a Cub Scout den leader for 5 years. Presently, she is a member of the troop committee for the Boy Scouts and a chair of education commission for the First United Methodist Church.

Edee Ellenberger's untiring efforts to improve the health and welfare of Kern County residents are certainly worthy of recognition. She is a rolemodel for nurses throughout California and the United States and I congratulate her on being named the Kern County Registered Nurse of the Year.

TRIBUTE TO MAJ. EUGENE McCARTHY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to pay tribute to Maj. Eugene McCarthy of Brooklyn, NY, who gave his life for his country in the Persian Gulf war.

In remembrance of his service to his community and country, Major McCarthy's family and friends will be dedicating a street in Brooklyn in his honor on Sunday, April 18, 1993.

Major McCarthy was educated in Brooklyn's parochial schools, graduated with honors from Nazareth Regional High School, and received a regents scholarship. After attending the U.S. Naval Academy in Annapolis, he joined the U.S. Marine Corps, where he rose to the rank of marine major at the young age of 35.

Major McCarthy, an employee of the Drug Enforcement Administration, was a veteran of two raids into Bolivia and Peru in a brave effort to end the war on drugs.

Major McCarthy's years of service to his country, culminating in the loss of his life, will not be forgotten by the Brooklyn community, which knew firsthand his kindness and devotion. We are eternally grateful for his efforts to make our country and our world a safer and more democratic place.

THE SMART WAY TO FINANCE ENVIRONMENTAL NEEDS ON THE UNITED STATES-MEXICO BORDER

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. RICHARDSON. Mr. Speaker, I want to share with my colleagues an editorial on the North American Free-Trade Agreement [NAFTA] and United States-Mexico border environmental problems.

The article, written by Michael Curley, a member of the Environmental Financial Advisory Board of the U.S. Environmental Protection Agency [EPA], provides a blueprint for directing more resources for environmental protection.

Most of the environmental and public health problems in the United States-Mexico border area stem from inadequate or nonexistent environmental infrastructure. Solving these problems, therefore, will require significant financial resources to construct such environmental infrastructure necessities as water and wastewater systems.

In this article, Michael Curley echoes my call for the creation of a border environmental guaranty fund for environmental infrastructure bonds. I hope my House colleagues have the chance to read this important editorial as well as the legislation, House Concurrent Resolution 46, that I have introduced to create such a fund.

Mr. Speaker. I insert this editorial, which appeared in the Journal of Commerce on March 16, 1993, into the RECORD.

[From the Journal of Commerce, Mar. 16, 1993]

HEALING NAFTA'S ACHILLES HEEL

(By Michael Curley)

The glaring disparity in environmental quality between the United States and Mexico could be the Achilles heel of the North American free-trade agreement (Nafta).

The cost of environmental pollution in the border area alone has been estimated by the U.S. Environmental Protection Agency at $7 billion. The majority of the problem lies in substandard or non-existent environmental infrastructure.

The Mexican government is not going to write a check for $7 billion. Neither is the White House. No central government can afford to meet all of its environmental needs. The environment must compete with nutrition, public health, housing, education and defense for scarce government funds.

Nor will multilateral institutions such as the World Bank solve the problem. They are equipped to handle a very small number of very large projects, not a very large number of very small projects.

There are 58,000 water systems in the United States. There will be thousands in Mexico. If the $7 billion problem on the border is going to be solved, a source of capital other than central governments and multilateral banks must be found.

Last year, more than $200 billion in municipal bonds were sold in the United States. More than 10%, or $20 billion, of those bonds were issued for environmental infrastructure.

That amount is more than triple what all governments in the United States—federal, state and local—spent directly on environmental projects. A similar ratio of bond financing to direct government spending is needed in Mexico.

The new source of capital for Mexico's environmental needs is the private sector. At a recent colloquy on border environmental problems in Santa Fe, N.M., senior Mexican financial officials expressed interest in a domestic public securities market to raise capital for environmental facilities.

They wanted to learn the American system and to "Mexicanize" it. Mexico already has allowed the privatization of several highways. Water and wastewater systems would have similar legal structures.

Creating a public securities market in Mexico for environmental projects will be an awesome task. In the United States, water and sewer bonds are paid with fees charged to system users. Mexico's first priority must be to institute such a system.

Mexico is poorer than the United States and Canada, but it is not destitute. Even if initial user fees are not enough to pay all system costs, the process must be started.

Users won't pay for shoddy service. It is estimated that over 50% of Mexican wastewater treatment facilities are substandard. The principal reason for this is a lack of competent personnel. Mexico's first task is to develop a corps of well-trained sanitary engineers to run its infrastructure.

Administration is also a problem. Mexico has no university-level programs for managers of local government. The second task is to train cadres of qualified public administrators who can run fiscally autonomous water, wastewater and solid waste systems—both public and private—in Mexico.

The third task is to legislate the controls, both financial and administrative, which are necessary to assure that fees get from the system's users to the system's bondholders. Such controls must not only be enacted, but enforced. No one will buy a bond whose payment procedures are vague or lax. There must be strong sanctions against the careless and the criminal.

Finally, a new public securities market for thousands of environmental infrastructure bonds will not spontaneously capture the hearts of the Mexican people without an initial external credit support to win investor confidence. But this cannot take the form of a government guaranty. Central government financial resources, both cash and credit, are finite.

The historical experience in the United States is that users pay reasonable fees for safe and reliable service. Defaults in this sector are rare. The same should be true for a well implemented plan in Mexico.

As such, needed credit enhancement can come from an insurance fund capitalized by the private sector. In America, over 25% of all municipal bonds are privately insured each year. Government could also contribute some capital.

Rep. Bill Richardson, D-N.M., has just introduced legislation creating just such a guaranty fund. It would work on the same principle as an insurance company: a few hundred million dollars of shareholders' capital is leveraged to provide many billions of dollars of insurance coverage for Mexican environmental infrastructure bonds. This is where the billions can come from to address the needs highlighted by Nafta.

What is the role of the United States? We could certainly contribute to the capital of a bond guaranty fund. But we can do something more important and less costly. We can provide badly needed technical assistance to Mexico. We have highly trained sanitary engineers, excellent public administrators and the world's greatest experts in public securities markets.

Mexico needs these resources. We should provide them. It will be good for Mexico. It will be good for the United States. And it will be good for the environment.

AUGUSTA SENIORS VISIT NATION'S CAPITAL

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. BUNNING. Mr. Speaker, I rise to commemorate this special day for the young people who make up the senior class from Augusta, KY, because today, April 2, 1993, the Augusta seniors visited their Nation's Capital.

I know my colleagues here in the Chamber will join me in welcoming them to Washington, DC, and wishing them a very enjoyable visit.

I hope the young people from Augusta will go back to Bracken County with a new appreciation for their Nation and a new pride in being part of it. Washington, DC, is considerably different from Augusta. The population there is about 1,400. They come from a land of scenic rolling hills and winding roads far different from the noisy city streets and marble buildings we are so used to seeing around us here. So, it was a change for the Augusta seniors.

I just hope they enjoyed their visit, learned a lot, and had a good time.

PROPOSED DUTY RECLASSIFICATION FOR 1,6-HEXAMETHYLENE DIIOSOCYANATE [HDI]

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. ARCHER. Mr. Speaker, on April 1, Mr. DELAY and I introduced miscellaneous tariff bill H.R. 1591, on behalf of Rhone Poulenc, Inc. [RPI]. RPI manufactures polyisocyanate resins at a facility in Freeport, TX, for use by the U.S. paint-manufacturing industry in the production of polyurethane coatings. These laminates are complex chemical structures which demonstrate extraordinary durability. Due to their exceptional strength and stability, they have become the coating of choice among manufacturers of various types of military equipment, as well as among automobile manufacturers. In connection with its formulation of such advanced resins, RPI imports a key raw material known as 1,6-hexamethylene diisocyanate, or HDI.

Effective January 1, 1989, the United States converted its system of commodity classification for tariff purposes to the Harmonized Tariff System, developed pursuant to the Tokyo round of GATT negotiations, which is widely in use throughout the world today. At the time of conversion, the administrative reclassification of HDI caused its duty to increase more than 100 percent, from 7.9 percent ad valorem, to 16.2 percent ad valorem plus $.029 per kilogram. This increase resulted entirely from the technical process by which conversion to HTS was implemented and did not reflect any affirmative determination that a higher duty on HDI was either warranted or appropriate.

The Customs and Trade Act of 1990 provided a temporary duty reduction on HDI to the level predating U.S. conversion to HTS. That reduction, imposed for a 4-year period beginning January 1, 1989, was in effect until December 31, 1992. This legislative tariff reduction substantiates the legislative intent underlying the conversion to HTS that such conversion should be revenue neutral with respect to reclassified commodities. Inasmuch as that rationale shall maintain after the scheduled expiration of the existing duty reduction applicable to HDI, RPI now seeks to have HDI reclassified in a manner that will impose a 7.9-percent duty rate on a permanent basis.

Such action will assure that RPI remains a reliable source of polyurethane resins for its downstream customers in the automotive and aerospace industries. Moreover, the establishment of a 7.9-percent ad valorem duty will preclude the need to increase prices in order to absorb the presently scheduled duty increase and will eliminate the attraction of implementing a strategy of exporting manufactured resins in order to obtain duty drawbacks, both actions which will be harmful to U.S. consumers. Finally, in light of past market conditions, such action should not be expected to harm any domestic manufacturer of HDI because supplies of domestically produced HDI have been consumed entirely in-house. That market condition, combined with the fact that such domestic manufacturers compete directly with RPI in downstream product lines, suggests that domestic producers of HDI could not be considered a reliable source of RPI. On this basis, the reclassification of HDI represents sound economic policy as well as sound trade policy.

IN MEMORY OF LONG-TIME LAS VEGAN WARD WENGART

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. BILBRAY. Mr. Speaker, I rise today to honor the memory of a long-time Las Vegas resident and personal friend, Mr. Ward Wengart. My friend Ward Wengart was an expert banker, a compassionate humanitarian, and an upstanding member of the southern Nevada community.

As a native Las Vegan, Ward was a bit of a rarity. When he attended Las Vegas High

School the city boasted a thriving population of just 8,500 residents. The Las Vegas we know today is home to nearly 900,000 people, most of whom will never know the role Ward Wengart played in the building of their city.

Ward Wengart was also a veteran. He served 3 years in Japan, including time with the Allied occupation forces. After returning from his service, Ward continued his education. He attended the University of London and the Pacific Coast School of Banking. After graduating magna cum laude from Stanford University, he followed his father's footsteps into the banking business.

Mr. Wengart's banking career went on to span almost four decades. He eventually worked his way to become both chairman of the board of directors and senior vice president of Pioneer Citizens Bank of Nevada. He gained the respect of his peers and others in the community through his low-keyed, compassionate leadership.

But Ward Wengart did not excel only in his profession, he excelled as a person as well. It is difficult to count the number of groups and organizations he touched with his compassion. Although his friends may have described him as quiet and reserved, Ward was not shy about helping those needing his expertise. He devoted countless hours to organizations like the United Way, the Las Vegas Downtown Progress Association, the Rotarians, the Nevada Community Foundation, and the Las Vegas Chamber of Commerce.

My life-long friend, Ward Wengart, is gone now, but, as many Las Vegans, I will carry with me the memory of his kindness and generosity. I ask today that my colleagues of this auspicious body stand with me so that we may honor his lifetime of accomplishment.

SUPPORT FOR A LINE-ITEM VETO

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Ms. HARMAN. Mr. Speaker, I am very disappointed that we could not bring the Spratt-Stenholm line-item veto bill to the floor today. I strongly support the measure, and I will work to see that this vital bill is brought before this House and passed into law at the earliest possible date.

As an original cosponsor of the Stenholm bill, I firmly believe that the Congress must show this Nation that we have the discipline and the desire to make the hard choices necessary to reduce our crippling deficit. In addition to making cuts ourselves, we must give the President the tools to make additional cuts—and to require that any fat be considered on its own merits.

I am a new Member who is committed to retaining and building high-skill, high-wage jobs. Part of that commitment means that Government must work as a partner with business to invest in the industries of the future. It is vital that we eliminate Government waste to free up more money for private sector investment. This majority line-item veto will go a long way toward cutting our deficit and freeing up that vital capital.

The public is demanding that Government be run more like a business. Like every successful business, our CEO must have the ability to eliminate wasteful expenditures. I urge passage of this bill so that our President will have the power to cut needless spending.

THE AVONS OF GLENS FALLS, AN ALL-AMERICAN FAMILY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. SOLOMON. Mr. Speaker, I like to give credit where credit is due. Recently, my hometown newspaper, the Glens Falls, NY, Post-Star, published a feature story on what may be the finest family I have ever met.

Robert Avon is a retired army colonel who settled in Glens Falls. Despite the rigors of military life, the family stayed together and today is closer than ever. I'm very proud to know them, and Glens Falls is fortunate to have them as neighbors.

But I'll let the Post-Star tell the story.

[From the Glens Falls Post-Star, Mar. 24, 1993]

NOT IN THE ARMY NOW

(By Michael DeMasi)

To help keep track of all the cities, towns and military bases the Avon family has ever lived in, Robert—retired colonel, self-styled pitch man and patriarch of the clan—put together a list recently on several sheets of lined paper.

Stitched together with strips of clear plastic tape, the 3½-foot long by 16-inch wide registry painstakingly details virtually every shift in the Avons' existence.

As a military family, they've had plenty.

While growing up, daughters Regina and Debbie and son, Bob, passed through the doors of 41 different schools between kindergarten and 12th grade.

They'd get used to the teachers and the daily routine, catch up on the lesson plan and then, six months or so later, pack up and move.

They lived in locales as romantic as Italy, Puerto Rico and Monterey, Calif., and as middle class as Evansville, Ind., and Yonkers, N.Y. They moved around the United States 10 times. Overseas, seven times.

And when they grew up and had families of their own—two children each, actually—they stayed to live near their parents in Queensbury. After challenging the U.S. Post Office to keep up with them for so long, the Avons finally gave the address-forwarding people a break and settled down.

"Our days of moving are over," said Bob with a smile, at 40 the youngest of the three Avons. Seated next to him on the living room sofa of his parents' home on a recent night were Debbie, 42, and Regina, 43.

The elder Avons—father Robert and mother Shirley—each sat in a chair on either side of the room. Together, they tried to relate what it was like growing up in a family where new friends came and went quickly and where packing up and moving away were a way of life.

When they were youngsters, the Avon siblings said, having an Army dad meant living in places all over the world that other kids only read about in textbooks, going to integrated schools on military bases and learning how to rely on each other for help and support.

Each time they entered a new house, it was the same routine. With the kids lending a hand, Robert and Shirley would unpack every single box and hang pictures and other items to make the place feel like home. Unlike typical family moves, they said, the adjustment was fairly quick.

"The Army taught us to be secure," said Regina, whose married name is Tompkins, "Those moves weren't traumatic. We would look forward to it."

Once they settled in, though, it was a challenge to get used to the new school and new kids. Each one handled it differently. Regina, who described herself as the most outgoing of the three, said she usually had a boy carrying home her books by the end of the first day. Debbie and Bob, on the other hand, were a little more reserved.

In a few ways, they were all the same. They were all very organized and wouldn't put down a job until they'd finished it. They also lived for Sundays, the day Robert was off-duty and they could go exploring the neighboring cities and towns. They would sing in the car.

"It was like a '50s sitcom, except they had the friends next door and we didn't," Bob said.

Despite popular myths, having a military father didn't mean living under an iron fist, they said. They weren't required to call him "Sir" or expected to join the Army. Robert said he wanted his kids to follow whatever path in life they chose, as long as college was a part of it.

The constant travel had its down sides, of course. When they transferred from military to civilian schools, they didn't talk about their experiences for fear of alienating other kids. For the longest time, they didn't know how to use money because they were so used to military scrip.

In high school, they couldn't take part in some of the typical after-school activities. Each went to a different school in 9th, 10th and 11th grades, after all.

"I was always interested in drama, but I could never get a lead," said Debbie, whose married name is Aquilino. Bob said he couldn't join any sports because he never had a chance to try out for the team.

It wasn't until 12th grade, in fact, that Bob said he felt comfortable about school. That was 1970, the year the family moved to Glens Falls. Robert had retired from the Army, and the family was finally in one place to stay for a while.

On his walks to school, Bob said, he met the same kids each day and got into a regular routine. He started dating a girl who had lived in this area her entire life. Eventually, he married her.

"All three of us married someone who grew up in one place," Bob said. "In my wife, I saw stability."

Regina settled in Lake George with her husband and became branch manager of a bank. Debbie, a school nurse, lives in Queensbury. And Bob, a special education instructor, bought a house in Glens Falls.

Having settled in this area and set down their roots, the Avons said they have no plans to leave. They get together as often as they can and they do love to talk about the old days.

"We're blessed," Robert said, "Our whole family is still one."

THE 25TH ANNIVERSARY OF THE ASSASSINATION OF DR. MARTIN LUTHER KING, JR.

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. MAZZOLI. Mr. Speaker, I rise to honor an American whose work, quite simply, made this country a greater Nation, and brought it closer to exemplifying the ideals upon which it was founded: equality, liberty, and justice for all.

Sunday, April 4, 1993, will mark the 25th anniversary of the tragic assassination and death of Dr. Martin Luther King, Jr. As the great leader of the civil rights movement of the 1950's and 1960's, Dr. King peacefully and nonviolently led black Americans from the immoral laws of Jim Crow and toward equal justice under the law. His life's work was to ensure that the phrase "equal opportunity for all" represented more than just words. Rather, those words were a creed by which the American Nation should live.

His legacy to America is well known, but, I think were he here today, he would say that the work is not yet completed. We are still working to bring African-Americans into all facets of American life; we are still working to stamp out the remnants of bigotry and intolerance; we are still working to ensure that justice is colorblind; we are still working to provide equal opportunity in life for all people.

Last September, I had the opportunity to speak before the 22d annual Congressional Black Caucus legislative weekend. This gathering annually draws thousands of leaders from the African-American community across America to Capitol Hill for discussions and conferences relating to the most important political, social, and economic issues facing the African-American community today. I was joined at the conference by Louisville Alderwoman Rhonda Richardson, a true leader in Louisville and Jefferson County, KY.

That weekend epitomizes the history of African-Americans since the civil rights movement of the 1960's. It demonstrates how far America has come in the time since Dr. King's death by showcasing for the Nation the vibrant class of African-American scholars, professionals, and civic leaders so important in American life today. Simultaneously, the forums and work sessions during the weekend point out that America still faces problems of equality and opportunity, and that we must remain vigilant if we are to conquer the remnants of intolerance and divisiveness from America's history.

On the anniversary of Dr. King's death, I would also like to note the contributions of two great African-Americans who died a quarter century after his passing. I believe history will remember them as two of the greatest African-Americans of this century.

The death of retired Supreme Court Justice Thurgood Marshall provoked a perhaps unprecedented outpouring of emotion in the Congress and across the land in tribute to the man who won the landmark Brown versus the Board of Education decision in 1954. This case destroyed the separate-but-equal doctrine of public education and thereby changed the course of American history in this century.

Appointed to the Supreme Court by President Lyndon Johnson in 1967, Justice Marshall served with distinction for nearly a quarter of a century in which he rendered opinions in favor of justice, human rights, and equal opportunity for the little person and the poor. He used his seat to enlighten his judicial colleagues and really, all Americans, on how the law affected American life in very personal ways. His decisions always reminded us that compassion is a defining characteristic of justice.

Another great African-American who will be missed is Arthur Ashe, who died in February of this year. Having grown up playing tennis on the segregated courts of Richmond, VA, Ashe became the first African-American to win the Men's Tennis Championship at Wimbledon. He was a star on the predominantly white professional tennis tour, thereby opening the door for other African-Americans to join the tour and to move the game of tennis away from a country club image and toward the common man, including the African-American community.

In addition to his Wimbledon title, he captained the U.S. Davis Cup team many times, and served as a role model to disadvantaged youth across America by bringing the game of tennis to them through free clinics and camps. He was more than a star athlete; he was also a champion of civil rights and social justice to the very end of his life.

Mr. Speaker, Arthur Ashe and Thurgood Marshall are just two of the great African-Americans who were remembered during Black History Month in February of this year. I honor them, I honor Dr. Martin Luther King, Jr. on this anniversary, and I honor the contributions of all African-Americans in the development of our Nation.

AERONAUTICAL TECHNOLOGY CONSORTIUM ACT OF 1993

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. GEJDENSON. Mr. Speaker, today I am introducing the Aeronautical Technology Consortium Act of 1993, to provide enhanced cooperation between the Federal Government and private industry in aeronautical technology research, development, design, and commercialization.

A strong commercial aircraft industry is critical to the national security of the United States. Today that industry is faced with two critical challenges in trying to maintain its position in the world. The first is the reduction in defense spending in the aeronautical area both for procurement of aircraft and related expenditures in support and research and development. The second challenge comes from the growing competition from the European aircraft consortium, Airbus Industrie.

In 1970, the U.S. aeronautical industry controlled 91 percent of the commercial aeronautical business in the world. Today our market share has declined to 67 percent, and Airbus alone has taken 30 percent. In my own State of Connecticut, our largest private employer is United Technologies, which includes Pratt & Whitney and Hamilton Standard, both of which are highly dependent on the military and civilian aircraft industry. Since 1980, UTC has lost over 14,000 skilled hourly jobs. Just since 1991, we have lost over 5,800 jobs at UTC and approximately 7,000 more jobs are going to be lost in Connecticut by October of this year. UTC is also reducing their floor capacity by as much as 5 million square feet over the next 2 years. The story is, at least, as bad throughout the aircraft industry—just read the stories about Boeing, McDonnell Douglas, or any other company in this industry that you can think of.

We know that aircraft production in the United States affects nearly 80 percent of the economy. Nonetheless, Federal programs related to aeronautical research and development are spread across several different agencies and are not coordinated with the industry or necessarily targeted to the areas which are vital to the strength of the industry. We also know, however, that a coordinated effort involving the Federal sector and the private sector, which supports joint ventures, improved communications, and defined, yet flexible, goals, can succeed in revitalizing an industry in this country that we determine to be worth the effort. The example of this success and the prototype that we can follow is Sematech which has been such a success in salvaging the microchip industry in this country.

The Aeronautical Technology Consortium Act of 1993 that I am introducing today would bring the strengths of the Sematech example to bear on the aeronautical industry in this country. A consortium would be formed to assist industry-led joint ventures in advancing manufacturing technologies, subsonic and supersonic technologies, and the transition of technology from military to commercial use. Under the umbrella of a National Aeronautics Strategy and the administration of an Aeronautical Technology Coordinating Committee, headed by the Director of the Office of Science and Technology Policy, the consortium can lead the aeronautics industry back to a competitive position in the world market. Along with that will come the preservation of our aeronautical industrial base and the preservation of our highly skilled and well paying aeronautical jobs.

None of this is a one way street. As with Sematech, we will require matching funding by the aeronautical industry in the efforts of this consortium. With full industry participation, and a strong stake in its success, including financial, we can focus our efforts in those areas which will produce the greatest payback. We can be assured that our efforts are directed to the technology areas which the industry believes are most important to advancing the state of the art and regaining market share. This legislation will give the aeronautical industry in this country, and its workers, the focus and the mechanism it needs to accomplish these goals.

I urge and encourage my colleagues to support this legislation which aims to revitalize this critical American industry, restore the competitive position of our companies, and save American jobs.

FOREST HILLS JEWISH CENTER HOLDS GALA CANTORIAL CONCERT

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to pay tribute to a rare and wonderful musical event in my district. The Forest Hills Jewish Center, a vibrant part of the Queens Jewish community, held a gala cantorial concert on March 28, 1993.

Cantor Erno Grosz of the Forest Hills Jewish Center, Cantor Avi Albrecht of the Shelter Rock Jewish Center, Cantor Renee Coleson of the North Shore Synagogue in Syosset, and Cantor Dov Keren of the Sutton Place Synagogue, were accompanied by pianist Else Levy at the center's Rabbi Ben Zion Bokser Sanctuary.

Among the finest cantors in the country, these men and women celebrated the Jewish musical tradition, performing a beautiful selection of liturgical, Yiddish, and Hebrew music.

THE LEGAL SERVICES PROGRAM OF NORTHERN INDIANA CELEBRATES 40TH YEAR

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. ROEMER. Mr. Speaker, the Legal Services Program of Northern Indiana is celebrating its 40th year of existence. Founded in 1953 as a not-for-profit organization by a group of private attorneys, Legal Services of Northern Indiana now serves a 24-county area with offices in South Bend and Lafayette, IN.

Mr. Speaker, Legal Services provides a wide range of valuable assistance. Not only do they provide traditional legal services to low-income people, but they offer programs targeted to specific groups. The older adult impact project and the farm counseling project are two specific examples. The former extends assistance to our elderly population when they are experiencing difficulty with Social Security, food stamps, and other vital programs. It represents them and works to protect their rights. The latter provides legal assistance to our financially troubled farmers at no cost. This is very important in a State heavily dependent on the success of the family farm. My district office and I have the good fortune of being able to work with Legal Services on a daily basis. They are doing wonderful work for those in need.

Mr. Speaker, while this country is blessed with Legal Aid clinics across this land, the Legal Services Program of Northern Indiana is unique in how it provides services in an era of dwindling resources. As you well know, the last 12 years were not kind to many programs designed to serve as a safety net for those who unfortunately fall through the cracks of our economic system. Undaunted by this setback, Legal Services of Northern Indiana successfully implemented a volunteer program that tapped the talent of the local community. This creative approach has brought in a wide range of people from various backgrounds. Retirees, law students, attorneys, homemakers, and part time professional people are among the many different individuals from various walks of life who make this program a success. Through the hard work and coordination of dedicated staff, the volunteers represent the equivalent of 4.5 full time staff positions. Legal Services would be unable to function at its current level without the volunteers. They answer the phone, do research, conduct client intake, perform data entry, pamphlet preparation and delivery, serve as administrative assistants, library assistants, and handle cases through pro bono work. The success of the volunteers was evident when Legal Services was honored by the Indiana Bar Association as the recipient of the 1992 Law Related Education Award for the dissemination of legal information to the community as a public service.

Mr. Speaker, in light of this milestone—40 years of service to the citizens of Indiana—I call on my colleagues to join me in saluting the Legal Services Program of Northern Indiana. There is no greater measure of a society than how it treats the widow and the orphan. The widow, the orphan, and the less fortunate of our society are well served by Legal Services of Northern Indiana and by legal clinics across this land.

President Clinton most eloquently summoned Americans to answer the call to service. Legal Services of Northern Indiana heard the trumpet over 40 years ago and has answered it faithfully ever since. May they continue to serve as a beacon of leadership for this new generation of Americans and for generations to come.

RURAL SCHOOLS OF AMERICA ACT OF 1993

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. WILLIAMS. Mr. Speaker, today I am introducing with 13 of my colleagues the Rural Schools of America Act of 1993.

Several years ago the Nation's Governors and then-President Bush met in Charlottesville, VA, to set national education goals as a first step toward achieving true school reform. One of the Governors involved in that education summit, in fact the leader of the Governors at that summit, is our current President, Bill Clinton. President Clinton has built on the important and far-reaching national school reform efforts he began in Charlottesville and had made education reform a top priority in his administration. This bill will be a big help to him in that endeavor.

Mr. Speaker, rural schools are integral to education reform. Approximately 60 percent of our country's public school districts are rural districts. If we are to reform our schools, rural schools will have to be major actors in that effort. These schools have to be part of the solution to the problems facing our Nation's schools. Yet rural schools and the children they serve face their own difficult problems. Approximately one of every four of America's rural children live below the poverty line. The average rural school is more than 45 years old and in disrepair. Rural preschoolers have less access to early childhood programs than other children. And rural schools face far greater teacher shortages than do others.

Rural schools need help. We can provide that help. The Rural Schools of America Act of 1993 is a good start.

This legislation provides funds to rural school districts to help them meet the national education goals, to undertake genuine school reform, and to prepare more rural graduates for higher education and vocational training and train and recruit classroom teachers to rural classrooms. It provides assistance to support and develop early childhood development programs. It gives rural schools the resources to use the most advanced telecommunications technologies for learning. Finally, it provides funds to repair and renovate rural school buildings, to build desperately needed new facilities, and to remove environmentally hazardous materials.

This bill also makes several major changes in the way the Federal Government conducts its business. It provides a rural focus within appropriate Federal agencies. It authorizes the establishment of rural regional education centers to conduct research and evaluation activities important to our Nation's rural areas. It calls for the convening of a White House Conference on Rural Education. And it creates the office of Assistant Secretary for Rural Education within the Department of Education.

The Rural Schools of America Act of 1993 will be an important and essential step in addressing the education needs of rural America and rural children. For these children, many of them living in isolated regions, education is the only real opportunity to change their lives. As we consider school reform legislation this Congress, we must not overlook or forget the needs of rural America. I hope my colleagues will join me and the other sponsors of this bill in seeing that this does not happen.

BERWICK HIGH SCHOOL BULLDOGS FOOTBALL TEAM NO. 1 IN THE NATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize the Berwick Bulldogs football team—the No. 1 ranked high school team in the Nation by USA Today, the Associated Press, and a number of other national polls.

This group of fine young men are truly winners. They finished off a 15–0 season last year by capturing the PIAA Class AAA Football Championship. Mr. George Curry, since becoming head coach in 1971, has accumulated a 213–48–3 record. Under his leadership, Berwick has won 12 championships in the last 15 years, including a State championship in 1988.

Coach Curry takes a real personal interest in his players' academic performance as well as their athletic achievements. Also the school's guidance counselor, Coach Curry has had a positive influence and on the entire student body by providing encouragement and sound advice.

Recognized by Sports Illustrated Magazine for its excellent program, Berwick football has produced several professional players, and several current team members have been recognized for their individual efforts. Jason Soboleski, Chris Orlando, and Ron Powlus were named to the Associated Press Big School All-Star Team. Quarterback Powlus also has been named Player of the Year by USA Today, the Associated Press, and Parade Magazine.

In Berwick, football is not just a game, it is a passion. The fans dedication and devotion to their team is also a reflection of the kind of people who live in northeastern and central Pennsylvania. On Friday nights, the Dawgs attract more than 10,000 fans—Berwick's population is 10,976.

On April 15, the championship Berwick Bulldogs will be joining me here in Washington where they will visit the Capitol and later call on President Clinton at the White House. Mr. Speaker, I am very honored to have the No. 1 ranked Bulldogs come to visit, and I am certain my colleagues join me in welcoming them to Washington.

The Berwick Area Senior High School Bulldogs football team is coached by Mr. George Curry. He is assisted by Andy Mihaly, Alf Melito, John Jola, Jon Pruitt, Joe Casarella, Bob Bower, Cosmo Curry, Dave Parmenteri, Terry Bobersky, and Keith Seely.

The members of the 1992 Championship Bulldogs team are:

TEAM ROSTER

Name jersy No., and position	Grade	Height	Weight
Chris Orlando, 5,WR	12	6'1"	165
Ron Powlus, 7, QB	12	6'4"	210
Mike Bennett, 8, WR	10	6'4"	185
Noel Shortlidge, 10, DB	12	5'8"	160
Darite Pecorelli, 11, QB/WR	11	6'1"	160
Dave, Keck, 12, QB/DB	10	5'11"	170
Mike Coffman, 20, RB	10	5'8½"	155
Ryan Traugh, 21, DB	11	5'10"	170
Jordan Kessler, 22, RB	11	5'10"	175
Chad Roberts, 23, WR	12	5'10"	175
Jack Harmon, 24, WR	10	5'8"	140
Gabe Peters, 25, DB	10	5'10"	155
Jason Weaver, 26, DB	10	5'8"	150
Tim Hess, 27, WR	10	5'10"	155
Ryan Mason, 28, DB	12	5'9"	170
Rico Margani, 31, WR	11	5'7"	140
Bill Hetler, 32, LB	12	5'10½"	200
B.J. Hayes, 33, RB/DB	10	5'9"	165
Mike Sobolewski, 34, RB	12	5'8"	165
Chris Chapin, 35, WR	10	5'8"	145
Jeff Holloway, 39, LB	12	5'7"	160
Dave Beaupain, 40, LB	11	6'	177
Jamie Bogart, 42, WR	11	5'10"	145
Jose Pacheko, 44, RB	10	5'9"	145
Chad Fedder, 45, RB	12	5'10"	175
Ryan Wolfe, 50, NG	11	5'9"	185
Wesley Shaffer, 51, LB	11	6'1"	160
Josh Markle, 52, OG	11	5'10"	205
Brian Stanley, 54, DE	10	6'2"	170
Jim Whitmire, 55, C	12	5'9"	205
Pat Brennan, 56, C	11	5'9"	205
Nick Fedako, 58, LB	12	5'11"	175
Jason Canouse, 59, LB	10	5'10"	180
Henry Hosler, 60, OG	10	5'9"	200
Joe DiPippa, 61, OT	10	5'10"	264
Tony Martin, 62, OT	11	5'9"	215
Randy Weaver, 63, DL	12	5'9"	205
Corey Gilbert, 64, OL	10	5'9"	205
Bob Szpynda, 65, OT	11	5'9"	210
Josh George, 66, C	10	6'2"	215
Dennis Heimbach, 67, DL	11	5'10"	190
Matthew Thomas, 68, OG	11	6'	200
John Stoker, 70, OG	11	6'3"	242
Tony Saltasia, 72, OT	12	6'	247
Ken Tonkinson, 74, OT	12	6'2"	220
Bob Croop, 75, OG	11	6'	218
Chris Kishbaugh, 76, OT	10	6'	255
Vinnie Kishbaugh, 77, OT	10	6'	280
Jason Kalbach, 78, OG	10	5'10"	210
Shawn Stimeling, 79, OT	11	6'1"	260
John Kile, 80, TE	10	5'10"	185
Roman Reyes, 81, TE	12	5'9"	160
Joe Knowles, 82, WR	12	5'11"	160
Cam Newman, 83, DE	11	6'3"	190
Brandon Hontz, 84, TE	10	6'2"	215
John Fulton, 85, TE	12	6'2"	225
John Lipsey, 86, DE	11	6'	200
Scott Berlin, 87, DE	12	6'	170
J.J. Cleaver, 88, DB	11	5'9"	165
Greg Michael, 89, TE	11	6'	205
Brad Kishbaugh, 90, DL	12	6'4"	212
Jason Soboleski, 99, RB	12	6'4"	225
Justin Weaver, OG	10	5'8"	190

THE ENTERPRISE ZONE AND MODEL NEIGHBORHOOD AID ACT OF 1993

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. UPTON. Mr. Speaker, on March 15, I introduced H.R. 1338, the Enterprise Zone and Model Neighborhood Aid Act of 1993. The introduction of that bill fulfills a promise I made to the people of the community of Benton Harbor, MI, when last year's effort to pass enterprise zone legislation and release the $500 million in urban aid enacted last year fell short. Benton Harbor is a severely distressed community with poverty rates in the range of 40 percent and unemployment nearing 30 percent. Benton Harbor has had the misfortune of being labeled Money magazine's 300th of 300 worst cities in which to live, and was ranked in the top 5 of this country's most economically burdened areas in every year of the HUD UDAG Program.

This legislation is based on the urban aid provisions contained in last year's H.R. 11, and reintroduced this year in the Senate by Senator RIEGLE and in an expanded House version by Representative RANGEL, H.R. 15. While I am a cosponsor of H.R. 15, I have modified some provisions of these bills to reflect my recommendations based on my experiences and in-depth work with the Benton Harbor community for the past 2 years. My bill attempts to tie several legislative and administrative community development ideas and initiatives into one comprehensive package. It is offered to the new administration with the intent of presenting a ready made bill that they can call their own, and pass relatively easily. It does that by consolidating and building upon the direction of the concepts and efforts held in bipartisan esteem and already initiated in various degrees in both the executive and legislative branches.

For me the genesis of this bill is January 1991. In a crowded room at a rehabilitated hotel in downtown Benton Harbor, a process began that led that urban community in southwestern Michigan to support and adopt a strategy for neighborhood revitalization as a ray of hope for their community. On that Sunday night, local ministers, social workers, law enforcement officials, local officials, and concerned citizens gathered to discuss what to do about the tragic murder of an innocent young teenage girl named Tamika Swanson. She was killed in the crossfire of opposing groups of neighborhood youths.

One of the solutions discussed to the area's rising crime and violence rates was an innovative approach known vaguely as weed and seed. U.S. attorney for western Michigan, John Smietanka, a top Department of Justice official shared with the new Benton Harbor task force the Philadelphia weed and seed experience. In short, the premise of weed and seed is more a general strategy than a specific program. The strategy is to initiate a concerted and coordinated effort to weed out crime in targeted, distressed neighborhoods, and then initiate a comprehensive neighborhood revitalization program to plant positive seeds to bring forth a better quality of life in those areas.

From the start of that task force, it was evident that in order to fully address the crime situation in the Benton Harbor area—as is the case with probably any community—the effort must be a comprehensive one. A comprehensive strategy would fight crime, but also attack the social and economic roots of crime. That is the concept behind the name "weed and seed," a concept that drew widespread bipartisan support from elected officials at the Federal level and local governmental officials and associations.

The practical application of that concept in Benton Harbor during that first year was dealing with how to avoid expected problems in the summer when youths would not have much to do except get into trouble. Local agencies and organizations, in conjunction with the Benton Harbor Crime Task Force, began steps toward implementing what could be termed the weed and seed strategy in a somewhat piecemeal fashion. Weed activities included the initiation of a cooperative law enforcement and prosecutorial effort involving the U.S. attorney's office as well as State, county and local agencies. Private organizations donated funds for extra summer police patrols. After a representative from HUD visited one of the task force meetings and toured the Benton Harbor's housing units, drug elimination funds were ultimately awarded to add police officers and recreational opportunities in public housing.

The city and local organizations also began—on somewhat of an ad hoc basis—many initiatives that could be termed "seed activities." For example, the city of Benton Harbor began an expanded, comprehensive area-wide recreation plan. It was intended to keep youth engaged in productive uses of their time over the summer. Task force members were involved in raising extra funds for these activities. In addition, several Federal grant applications were submitted by various local groups for community planning programs, drug training and education programs, youth job training programs.

The year 1992 built on the successes of 1991 with a recreation program that was expanded to include adjacent Benton Township. The HUD drug elimination grant was renewed. And early in 1992 the crime task force developed into a grassroots community effort that examined the community's needs and priorities in a comprehensive manner. The Los Angeles riots only further spurred their efforts as the outlines of potential additional Federal assistance to distressed communities became clearer. The approach being developed in

Congress built on a growing bipartisan consensus with the following framework: Enterprise zones to create job opportunities, economic development, and private investment in distressed areas, targeted Federal aid to those zones in a variety of categories and agencies, and community involvement in improving residents' neighborhoods. These concepts mirrored those of President Bush's January 1992 proposal for fiscal year 1993 to expand the original 20 weed and seed pilot projects receiving Department of Justice funds to other communities. That proposal also incorporated the delivery of Federal aid from other Federal agencies to weed and seed sites beyond what had only been Justice Department assistance. Eighty percent of the targeted aid was to be dispersed to enterprise zones. During the time that original proposal was being considered and built upon by Congress through its work on H.R. 11 throughout last year, the Justice Department established an interagecy weed and seed council to identify and coordinate existing Federal program aid to the existing pilot sites, which had been appropriated $9 million in crime fighting funds from the Justice Department in 1992.

The outline of these Federal legislative proposals which were merged into H.R. 11 and the administrative initiatives and directions of the Department of Justice in the summer of 1992 was met with great enthusiasm in the Benton Harbor community. It offered Benton Harbor an unprecedented opportunity to fully review its crime and related problems in a comprehensive manner at the grassroots level, to review how existing Federal, State, local, and private programs may or may not be addressing those needs, and to develop a single blueprint for making improvements. It also offered the prospect of receiving some additional Federal aid. Notwithstanding the fact that H.R. 11 was not signed into law leaving $500 million in additional Federal urban aid in limbo, the community finished the strategy it had been working on since April. Hundreds of people were involved in developing this blueprint for neighborhood improvement called "reaching the unreached." Its recommendations included community policing and neighborhood watch programs, in combination with improved social and human services. Recommendations included youth recreation and community beautification programs, as well as an innovative idea calling for the establishment of a central outreach site for information and referrals on job training and placement opportunities and other existing social services.

Due to the broad interest from communities across the country in the weed and seed strategy and the pilot projects, in September 1992, the Department of Justice established procedures where a community could develop a grassroots strategy for review and approval by the Interagency Council on Weed and Seed. The Justice Department had been providing technical assistance to interested nonpilot site communities, primarily through the U.S. attorneys offices, and State governments had already begun using their Federal law enforcement funds to help fund locally developed weed and seed strategies. In fact, President Clinton served on a Weed and Seed committee for the National Governor's Association as the then-Governor of Arkansas.

Official recognition by the interagency council meant two things: That the neighborhood crime and revitalization strategy developed by the community was consistent with the National Drug Control Strategy and that the Federal agencies represented on the interagency council would help identify existing Federal programs that might carry those programs out. Before the approval process was halted in January 1993 until further guidance from the new administration was received, five communities received Federal recognition. Benton Harbor was one of those five. At least 50 other communities were preparing strategies or had expressed interest in doing so. In fact, one of those 50 communities was Miami, on which the new Attorney General Janet Reno served as a member of the Weed and Seed community advisory board in her capacity as Dade County prosecutor.

My legislation, H.R. 1338, ties all of these efforts together into a comprehensive and innovative package for neighborhood revitalization. It builds upon enterprise zone legislation last year, together with the concept of providing additional targeted Federal aid for existing programs in five basic categories—job training, education, health, crime, and housing and community development—to the distressed areas designated as enterprise zones as well as providing for a model way of delivering Federal aid to nonenterprise zone communities with comprehensive neighborhood revitalization strategies. It also provides for a transition for dealing with existing weed and seed sites, both the 20 originally designated and the 5 additional communities with approved strategies.

The centerpiece of this bill is the creation of an Interagency Council for Neighborhood Aid to coordinate Federal programs to distressed areas in five major categories: Crime, health, community and housing development, education, and job training. We have a multitude of Federal programs already in existence to combat poverty and rebuild distressed neighborhoods. However, the Federal Government does a woeful job of coordinating those programs because they exist across so many different Federal departments and agencies.

The Federal Government also stifles innovation and priority setting at the local level. Even though the people that make up a community know best how to make their community better, the diverse sources of Federal funds for community programs are rarely coordinated with the local, State, and private programs or with local desires.

In an era of record deficits, we have the responsibility to ensure that our existing programs work better with each other and that any new funds are targeted in innovative ways to the communities that need the most help, in conjunction with comprehensive and coordinated neighborhood revitalization strategies.

The Interagency Neighborhood Aid Council is intended to spur local communities to develop coordinated neighborhood aid plans developed by grassroots community advisory committees filled with people who want to make their lives better. A neighborhood aid plan is similar to developing a weed and seed strategy for retaking communities. A comprehensive plan involves all levels of neighborhood assistance both public and private, and must be more than just a wish list for more Federal or State dollars. A good plan should be able to get started on its own—with Federal funds supplementing and strengthening the strategy, not leading it.

The Interagency Council would have the responsibility for distributing enterprise community block grant funds, according to approved coordinated neighborhood aid strategies for designated areas. The Council would also encourage nonenterprise zone communities that develop comprehensive neighborhood aid plans through the Model Neighborhood Aid Program.

The Model Neighborhood Aid section is the most innovative part of my bill. It is similar in some respects to the Model Cities Program of the 1960's; but we now have almost three decades of experience and a number of proven Federal programs that did not exist at that time. The idea is to stimulate new ways of delivering services to distressed neighborhoods. The reward for nonenterprise zones that develop these strategies is an innovative manner of accessing existing Federal programs in different agencies through a single application process. A one-time strategy implementation grant would also be available to continue the local advisory boards that develop the strategy and help monitor its implementation. The implementation grant would also be used as a filler to supplement the single application request where funds for existing programs have run out, or to fund elements of the neighborhood aid strategy deemed essential to its success when no other program funds are available to make it happen. As a cosponsor of Mr. CLINGER's Community Assistance Reform Act, I think that his idea to give even greater flexibility to local governments by giving them permission to integrate Federal program aid in new ways would complement the goals of this bill and be incorporated into it.

This single application approach for Federal programs provides the incentive and, indeed, the necessity for local communities to develop a coordinated and comprehensive revitalization plan. It also provides Federal agencies with a broad perspective and the assurance of knowing how their limited program funds will be spent in conjunction with a well-thought-out plan to attack a community's problems. From my experience in Benton Harbor, I am convinced that some of Benton Harbor's Federal seed grant applications in 1991 would have met with greater success had the agencies known that the proposal was an outgrowth of a concerned community-wide effort to address identified problems. I know how much easier it would be for the Benton Harbor community as it implements the "reaching the unreached" strategy if they could apply for the Federal programs they have been made aware of in the various Federal agencies.

To summarize, I agree with Representative RANGEL that effective initiatives to bring about social change must be grounded in the community and the commitment of community leaders to pull together. Good programs, strong leaders, and commitment of the people is out there. What we need is a comprehensive strategy to empower these people to attack their problems creatively, and provide the incentives and resources where necessary to make things really click.

SUMMARY OF OTHER DIFFERENCES BETWEEN H.R. 1338 AND H.R. 15 (AND H.R. 11 AS PASSED BY 102D CONGRESS)

H.R. 1338 provides for the designation of 100 enterprise zones over the next five years instead of H.R. 15's 150 to more closely reflect President Clinton's original call for 75 to 125 enterprise zones.

Provides for small cities of less than 100,000 population rather than less than 600,000 to receive one/third of the enterprise zones. While I strongly believe a small city set-aside is necessary to give cities like Benton Harbor a fair shot at competing for an enterprise zone against metropolises like New York or Los Angeles, setting such a high population threshold for small cities virtually guarantees a federal enterprise zone for every city larger than 600,000 with little or no competition.

Other changes made to improve the small cities provisions of H.R. 15 are the deletion of the prohibition of an enterprise zone covering the central business district and the modification of the poverty criteria to include data from only those census tracts wholly within the enterprise zone. Unlike many big cities, where the only substantial investment has been in the central business districts, the downtown areas of small cities often need the most help. In fact, these two criteria in H.R. 15, if enacted, would prevent Benton Harbor from replicating the boundaries for its state of Michigan business enterprise zone when it applied for a federal enterprise zone. The Benton Harbor's enterprise zone, Michigan's only, encompasses the entire city boundary, comprising a population of 12,000 whose overall poverty rate approaches 40%, but would be disqualified if data from tracts that crossed into adjacent municipalities were included.

While the tax incentives for job creation contained in last's year enterprise zone bill could be improved, H.R. 1338 fundamentally adopts the same provisions in that bill which include: expanded Targeted Job Tax Credit, some capital gains relief, a tax credit for hiring residents of enterprise zones, deductions for stock purchases of enterprise zone businesses, and authority for issuing tax exempt redevelopment bonds. This will allow for President Clinton to make any additional recommendations or modifications to Congress. The only added incentive is one that will hopefully encourage lending institutions and banks to set up shop in enterprise zones, expand loan operations to these distressed areas, and cooperate with business ventures there. Under this proposal, banks with operation in enterprise zones would be permitted to sell securities of corporations in zones. This incentive approach is much preferable to proposing more regulatory means of ensuring reinvestment in distressed communities.

To further increase the flexibility of enterprise zone communities to develop a neighborhood aid strategy and priorities for additional funding from federal programs as the local advisory committee determines best fit their needs, the Head Start, Job Corps Youthbuild, Neighborhood Reinvestment Corporation, and Community Health Center programs are brought under the menu of programs from which the community can choose in the enterprise zone block grant. Under the final provisions of H.R. 11 last year, all of the additional funds for the above programs were required to be spent in enterprise zone communities. That being the case, it is more consistent with the grassroots empowerment theme embodied in the concept of the enterprise zone block grant to let the community choose whether and how much they would like to take advantage of all of the additional spending targeted to distressed communities.

SUMMARY OF TITLE II—ADDITIONAL ASSISTANCE TO ENTERPRISE ZONES AND OTHER DISTRESSED COMMUNITIES

Allocation of Appropriations To Be Released in Fiscal Year 1993 (in millions):

Enterprise Community Block Grant	400
Model Neighborhood Aid	40
Community Economic Partnership (CDCs)	40
Capital Access Program	20
	500

NOTE: 100% of model neighborhood aid, and 50% of CDC and Capital Access are targeted for non enterprise communities.

INTERAGENCY COUNCIL FOR NEIGHBORHOOD AID ELIGIBLE PROGRAMS

For the Enterprise Community Block Grant and the Model Neighborhood Aid Single Federal Application Process:

CRIME

Justice—Community Policing; Justice—Alternative Sanctions; Justice—Gang Intervention.

JOB TRAINING

Labor—Young Adult Employment; Labor—JTPA (Title II); Labor—Reverse Commute; Labor-Job Corps; Commission on National and Community Service—Conservation and Youth Corps.

EDUCATION CHILD CARE

HHS—Comprehensive Child Development/Family Resource Centers; HHS—Child Care Block Grant; HHS—Head Start; Education—Chapter I Elementary and Secondary Education; Education—TRIO; Education—Literacy; Education—Vocational and Adult Education.

HEALTH FAMILIES

Agriculture—Women, Infants and Children; HHS—Substance Abuse Treatment Improvement Grants; HHS—Substance Abuse Treatment Capacity Grant Expansion; HHS—Substance Abuse Treatment for Individuals; HHS—Substance Abuse Treatment for Pregnant Women; HHS—Community Partnership Grants; HHS—Ryan White AIDS Health Care Act; HHS—Homeless Family Support Program; HHS—High Risk Youth; HHS—Community Health Centers.

HOUSING/COMMUNITY DEVELOPMENT

HUD—CDBG (Increase Public Service Cap); HUD—Public Housing Modernization; HUD—Public Housing Drug Elimination; HUD—Family Investment Centers; HUD—Rental Housing Assistance; HUD—HOME; HUD—Youthbuild; FmHA—523 Self-Help TA; FmHA—533 Rural Housing Preservation; FmHA—515 Rural Rental; FmHA—521A Rural Rental Housing Assistance; FmHA—Water/Sewer Grants; FmHA—Private Business Enterprise Grants; FmHA—Minority and Disadvantaged Farmers; Neighborhood Reinvestment Corporation.

A BILL TO WAIVE THE TIME LIMITATIONS APPLICABLE TO AWARDING THE MEDAL OF HONOR POSTHUMOUSLY TO RUBEN RIVERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 5, 1993

Mr. MILLER of California. Mr. Speaker, I rise today to introduce a bill to enable the President to award the Medal of Honor posthumously to Ruben Rivers, of Tecumseh, OK, for acts performed at the risk of his life and beyond the call of duty while serving as a staff sergeant during World War II.

The time is long overdue for Sergeant Rivers to be awarded the Medal of Honor for his acts of bravery. He was injured severely enough in battle for his commander to order his evacuation for treatment of a leg torn to the bone by shrapnel. Sergeant Rivers not only refused to abandon his battalion, but also refused morphine to kill the pain because he wanted to remain alert. He fought for 2 days in an intense battle and was killed in the line of duty on November 19, 1944, in Bougaltroff, France, trying to destroy German antitank positions that were firing on his company.

To this date, no black serviceman has ever been awarded the Medal of Honor for his acts during World War II, despite the fact that 1.2 million blacks served in that war. This bill would waive the 1952 time limitation of awarding Medals of Honor for World War II, in order that Sergeant Rivers can be justly recognized for his outstanding service to our country.

Mr. Speaker, the battalion commander has testified to Sergeant Rivers' bravery. The time has come to pay tribute to this war hero. I hope that my colleagues join with me authorizing the President to award the Medal of Honor posthumously to Ruben Rivers.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 6, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 20

10:00 a.m.

Foreign Relations

To hold hearings on foreign policy, focusing on budget requests for fiscal year 1994.

SD–419

2:00 p.m.

Foreign Relations

To hold hearings on the nomination of Thomas R. Pickering, of New Jersey, with the personal rank of Career Ambassador, to be Ambassador to the Russian Federation.

SD–419

APRIL 21

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.

SD–192

Commerce, Science, and Transportation

To hold hearings to examine the competitiveness of the U.S. aerospace industry, and on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aero-

nautical technology research, development, and commercialization.
SR-253

2:00 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on the Report of the Kaho'olawe Island Conveyance Commission.
SD-366

APRIL 22

9:30 a.m.
Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission.
SR-301

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of the Judiciary.
S-146, Capitol

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Environmental Protection Agency.
SD-106

2:30 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.
SD-366

APRIL 27

9:30 a.m.
Governmental Affairs
To hold hearings to examine environmental problems in the Federal Government.
SD-342

10:00 a.m.
Judiciary
To hold hearings on issues relating to health care fraud.
SD-226

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish the Death Valley, Joshua Tree, and Mojave National Parks.
SD-366

APRIL 28

10:00 a.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold hearings on the roles and missions of the Department of State in the 1990's.
SD-419

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To continue hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks.
SD-366

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to examine the roles and missions of the Department of State in the 1990's.
SD-419

APRIL 29

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold oversight hearings on implementation of the Alternative Agricultural Research and Commercialization Act of 1990.
SR-332

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the North American Free Trade Agreement's effects on U.S. competitiveness.
SR-253

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Development.
SD-106

2:30 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on waste minimization and industrial energy efficiency.
SD-366

MAY 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.
SD-138

MAY 5

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 6

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 646, to establish within the Department of Energy an international fusion energy program.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Commission on National and Community Service.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD-138

MAY 11

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.
SD-138

MAY 12

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 13

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.
SD-106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

MAY 14

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.
SD-192

MAY 18

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.
SD-138

MAY 19

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD-138

MAY 25

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.

SD-138

MAY 26

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MAY 27

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.

SD-106

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD-138

JUNE 8

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-138

JUNE 10

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.

SH-216

SENATE—*Wednesday, April 7, 1993*

(Legislative day of Wednesday, March 3, 1993)

The Senate met at 1:30 p.m., on the expiration of the recess, and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

The King shall joy in thy strength, O Lord; and in thy salvation how greatly shall he rejoice!—Psalm 21:1.

Eternal God, Lord of history, Ruler of nations, help the leadership of our Nation to discover the strength of the Lord as many ancient kings did, that they may labor in that strength and in the pleasure of His might.

Gracious Father, these have been difficult days, filled with frustration and emotion. As the Senators disperse for the spring recess, go with each in blessing and strength. May the futility that has been felt be dissolved, and may the recess be a time of healing and restoration. Bless the Senators with their families that their time together may be profitable and that they may return prepared for the hard work ahead.

We pray in His name who is Lord of the nations. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 7, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 10 minutes each.

The Senator from Hawaii is recognized.

CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE AND HOUSE

Mr. INOUYE. Mr. President, on behalf of the majority leader I send a concurrent resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 23) providing for a conditional recess or adjournment of the Senate on Wednesday, April 7, 1993 until Monday, April 19, 1993, and a conditional adjournment of the House on Wednesday, April 7, or Thursday, April 8, 1993, until Monday, April 19, 1993.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 23) was considered and agreed to as follows:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 2 p.m. on Monday, April 19, 1993, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 noon on Monday, April 19, 1993, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate and the Speaker of the House, acting jointly after consultation with the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. INOUYE. Mr. President, on behalf of the majority leader I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 66, National Organ and Tissue Donor Awareness Week, that the Senate proceed to its immediate consideration, that the resolution be deemed read a third time, passed, that the preamble be agreed to and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The joint resolution (S.J. Res. 66) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 66

Whereas a new patient is added to the national patient waiting list for an organ transplant every 20 minutes;

Whereas thousands of lives are saved or significantly improved annually by organ and tissue transplantation; and

Whereas increasing the number of transplantable organs and tissues would save American taxpayers millions of dollars: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That weeks beginning April 18, 1993, and April 17, 1994, are each designated "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

ECONOMIC EXPANSION

Mr. COCHRAN. Mr. President, the discussion of economic stimulus and growth and expansion of our economy have dominated Senate debate over the last several weeks.

I read two articles in the Christian Science Monitor which I thought were appropriate to the debate. One is in connection with the North American Free-Trade Agreement which was negotiated in the administration of and actually signed by President Bush. During the campaign, then-candidate—now President—Clinton, expressed support for the agreement but suggested that certain modifications in the form of side agreements needed to be considered. Those have been discussed now.

This article makes the point that it would be a very important step toward economic expansion for the United States if this agreement could go forward and be implemented as it has been negotiated.

One provision of this article says:

> Every credible study has concluded that NAFTA will be a decisive economic plus for the U.S., creating good jobs for American workers and making the U.S. economy stronger.

Elsewhere in the article the author has this to say:

> Latin America spent some $60 billion on U.S. exports last year, more than either Japan or Germany.

The size of this economy is expanding. The importance of a free trade relationship between the two countries is obviously very important to future economic growth for the United States, and so a part of any economic stimulus plan should be the carrying forward of our commitments to a North American Free-Trade Agreement.

The other article I mention, Mr. President, is entitled "Economy on Upward Path." This article points out that the economy here in the United States is expected to expand—in terms of the gross domestic product—by 3.5 percent this year. There is concern, however, over some of the proposals made by the President in his economic plan of so-called recovery for America. A recent survey, this article says, of the board of the National Association of Manufacturers, found that 83 percent did not think the President's plan would stimulate the economy, 70 percent said it would not create new jobs, and 93 percent doubted it would increase private investment.

Mr. President, I ask unanimous consent that both articles I referred to in the Christian Science Monitor be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, Apr. 1, 1993]

NAFTA AGREEMENT IS GOOD U.S. ECONOMICS

(By Peter Hakim)

The Greeks have a saying: "Milk turns sour when shaken too much."

That is what may be in store for the North American Free Trade Agreement (NAFTA) unless the Clinton administration moves forward quickly to nail down the details of this accord and presses hard to gain its approval in Congress.

Throughout his presidential campaign, Bill Clinton consistently supported NAFTA and its goal of eliminating trade barriers between the United States, Mexico, and Canada.

A month before the election, he devoted an entire speech to endorsing the 2,000-page NAFTA pact negotiated and subsequently signed by then-president George Bush—although signaling his intention to seek supplemental accords on a few issues like the environment and labor rights that were not adequately addressed.

Since taking office, however, the Clinton administration has done little to build public and Congressional backing for the agreement.

The president's few statements on NAFTA, although supportive, have been brief and lacking in enthusiasm. US Trade Representative Mickey Kantor has been energetically promoting the agreement, but swelling criticism has put him on the defensive.

If the president wants a NAFTA agreement, he and his advisers must now take the initiative. They need to communicate a clear and comprehensive rationale for proceeding, linking NAFTA to the administration's strategy for revitalizing the American economy. Until that is done, NAFTA's critics will have the field to themselves. They have been effective in galvanizing the opposition, so much so that doubts are emerging on whether NAFTA can gain approval.

In contrast, the president's allies on the issue remain on the sidelines, finding it difficult to join the debate without direction from the White House.

The president has to make a convincing case for NAFTA, not by responding to its critics, but by fully explaining how this agreement serves US interests. Time is running short. Here are the key arguments that should be advanced:

Every credible study has concluded that NAFTA will be a decisive economic plus for the US, creating good jobs for American workers and making the US economy stronger.

Exports to Mexico will expand significantly in response both to lowered trade barriers and increased Mexican buying power, as that economy prospers. Every dollar Mexico spends on imports, more than 70 cents ends up in the US. Nowhere else do we enjoy that advantage. In the last five years, as Mexico has emerged from its economic slump, its purchases from the US have soared by nearly 150 percent to almost $40 billion in 1992 and could eclipse our sales to Japan.

The promise of closer economic cooperation has already contributed to a sharp decline in the suspicion and distrust that traditionally characterized Mexican attitudes toward the US, and is opening the way for more effective cooperation on such other vital issues as drugs, immigration, and the environment.

NAFTA will produce improvements in environmental conditions within Mexico and along the US border. Mainstream environmental groups acknowledge that NAFTA already includes sound ecological provisions.

These should be further strengthened by the proposed supplemental accords.

Although NAFTA will lead to a net gain in US employment, it will also put some American workers out of jobs. The administration has to make clear that it will address the needs of displaced workers through improvements in US labor legislation.

The administration should recognize it is concluding an economic pact with a nation that is not genuinely democratic, and commit itself to pressing Mexico to open its politics, keep elections honest, and end human rights abuses.

Finally, NAFTA should be promoted as a crucial first step toward building a hemisphere-wide free trade area. Although struggling to shake off a prolonged economic depression, Latin America spent some $60 billion on US exports last year, more than either Japan or Germany. In recent years, the region has been our fastest growing export market.

By boosting Latin America's economic prospects and opening further its markets, free trade arrangements would spark new demands for US goods and services.

Every 1 percent of added growth in Latin America increases US exports by about $5 billion, compared with only $1 billion for the same rise in Japan's growth rate. And, as in the case of Mexico, stronger US-Latin American economic relations are the essential basis for stronger political ties and expanded cooperation on many shared problems.

NAFTA is good trade policy, good economic policy, and good Latin American policy.

[From the Christian Science Monitor, Apr. 1, 1993]

ECONOMY ON UPWARD PATH, BUT NOT AT ROUSING PACE

(By Ron Scherer)

Moderate economic growth may be on the books for the second half of the year.

At least that's how economists are interpreting a 0.5 rise in the February index of leading economic indicators, released yesterday. The largest positive contributors to the report were manufacturers' unfilled orders—which will keep factories busy in the future as they fill the orders—and contract orders for plant and equipment. The numbers indicate "moderate growth," according to Merrill Lynch & Co.

However, the economic indicators do not point toward the kind of robust economy desired by the White House. "This is not a full-blown rousing recovery; there is just enough increase to ward off the wolves," says Bob Dederick, chief economist at Northern Trust Company in Chicago.

"The Clinton administration will not be doing handstands with these economic numbers," Mr. Dederick says.

The new numbers are not likely to change economists' views that growth will accelerate modestly in the second half, after growing by 3 to 3.5 percent in the first half. In a forecast released yesterday, the University of California at Los Angeles predicts the nation's gross domestic product, the sum of all products and services, will grow by 3.5 percent this year.

Depsite the better economic numbers, some economists are not impressed. "The real forward-looking indicators in the financial markets are soft. * * * The dollar is softening up, which is a real bet the US economy is not going to be leading in growth," says Lincoln Anderson, the economist at Fidelity Investments in Boston.

Even though the economy is continuing to grow, economists are not convinced the pace can be maintained without some growth in employment. On Friday, the government releases the March unemployment rate, which is expected to remain at the 7 percent level. "It is important that we start to get some better employment data. In the last analysis, people with jobs and income spend. Those who don't won't," says Donald Straszheim, chief economist at Merrill Lynch.

He says economists should not draw too many conclusions from the March data because of the impact of the snowy winter.

There is no question the adverse weather had an impact on business. For example, William Toal, chief economist at the Portland Cement Association, reports cement shipments dropped 10.6 percent in January. He expects shipments were down in February and March as well. Despite these drops, he expects 1993 to be a very good year since the industry is running at 86 percent of capacity.

"We are already getting calls from people wondering where they can source cement," says Mr. Toal.

The end of winter should start to benefit a lot of businesses. "We may see a boost in the April housing starts numbers," predicts Michael Carliner, an economist at the National Association of Home Builders in Washington.

Yet Mr. Carliner does not expect any large increase in home building this year even though mortgage rates are at their lowest point in 20 years.

"The weakness in employment and consumer confidence will restrain builders," he says. On Tuesday, the Conference Board reported its index of consumer confidence fell for the third month in a row.

Home builders are also concerned about the soaring price of lumber, which has more than doubled in the last six months. This has added $5,000 to the price of a new home. Carliner is hopeful President Clinton's forest conference tomorrow will help resolve the probe since the price rise stems partly from restrictions on the sale of timber from government lands.

"If the president says he is going to ease up, the market will respond quickly," predicts Carliner.

Although President Clinton can help reduce the price of a house in the future, some business leaders are doubtful his economic plan will stimulate the economy or increase private investment.

In a survey of its board of directors to be released today, the National Association of Manufacturers (NAM) found 83 percent did not think the plan would stimulate the economy, 70 percent said it would not create new jobs, and 93 percent doubted it would increase private investment. The NAM plans to meet with Treasury Secretary Lloyd Bentsen today to critique the Clinton economic plan.

Despite the views of NAM directors, there is still no sign that business is losing confidence. In a recent survey of 5,000 firms, Dun & Bradstreet found 44 percent of all firms expect to increase outlays during 1993, while only 17 percent expect lower expenditures.

Economists expect this optimism to be reflected in the April 8 government report on plant and equipment spending for the third quarter of last year. Early indications are it will rise 5 percent.

"There are signs industry is doing better, which we expect will be reflected, in business capital spending," says Richard Rippe, chief economist at Prudential Securities Inc.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized, Mr. KEMPTHORNE.

THE REPUBLIC OF BOSNIA AND HERZEGOVINA

Mr. KEMPTHORNE. Mr. President, I rise today in support of Senate Resolution 79, introduced by the distinguished junior Senator from Wisconsin [Mr. FEINGOLD].

Mr. President, I feel compelled to speak out on the current situation in the Republic of Bosnia and Herzegovina.

This area of the world has been filled with atrocities for hundreds of years. While the Serbs are currently the aggressors, for centuries they were the victims. The Serbs may consider this justice, or retribution, as they seek to unite all Serbians into a greater Serbian State.

But while I can be aware of and sympathetic to the history of the Serbs being the victims, I cannot simply watch the current atrocities being directed at the Bosnian Moslems and sit by dispassionately.

I have read with horror the atrocities of the Jewish Holocaust in World War II. This Nation was appalled and repulsed when it learned of what had taken place. A vow was made that has been invoked repeatedly and that vow is "Never again, never again."

But it is happening again.

We are being desensitized to such horror by the phrase "ethnic cleanings." In another era we called it murder. We called it genocide. We called it a holocaust.

We said, "Never again." For me personally, if I choose not to speak out because it may be controversial, then I cannot in good conscience or good faith use that emotional phrase simply at times when it is politically convenient. I must be outspoken when I believe that atrocities and genocide are happening. And they are happening in Bosnia.

Let me read you the definition of genocide according to Webster's dictionary.

> Genocide: The use of deliberate systematic measures (as killing, bodily or mental injury, unlivable conditions, prevention of births) calculated to bring about the extermination of a racial, political or cultural group or to destroy the language, religion, or culture of a group.

Genocide is taking place today; it is taking place in Bosnia and Herzegovina.

So who is right? Atrocities have taken place in this region for centuries. And for most of those centuries, including through World War II, the Serbs were the victims. It is deplorable and tragic what was done to the Serbs. But we cannot atone for such a bloody past, and we cannot condone such a bloody revenge. We must deal with the present.

So what do I advocate be done? Do I advocate the use of United States ground forces in Bosnia? Absolutely not. We do not seek strategic advantage in the Balkans. My reason for this action is based solely on humanitarian concerns.

Do I believe that the European nations should play a greater role in leading the parties to peace? Absolutely.

Then what can the United States do differently at this time that it is not already doing? I advocate that the current U.N. arms embargo be lifted as to Bosnia and Herzegovina.

One concept that Americans certainly understand is self-defense. Now it may seem extremely inconsistent that to advocate peace in the region I advocate that weapons be allowed. However, the fact is that as long as one side is so clearly dominant in firepower, as the Serbs are with the arsenal of the former Yugoslavian Army, there is no impetus to go to the peace table.

Lifting the arms embargo will, at best, allow some balance to this dire situation so that all sides will seek peace. At worst, it may allow some form of self-defense that may curb some of these atrocities.

All must be reminded that this action would not be necessary if the Serbs would agree to a cease-fire and end the horror that has become Bosnia and Herzegovina.

I also advocate a concept first suggest by Senators DANFORTH, KASSEBAUM, and LAUTENBERG that rape should be regarded as a war crime. Rape is a brutal crime in any situation. It is being deliberately used as a means to defile Bosnian women because in their religion and in their culture, rape makes them unwanted and unsuitable for marriage or for childbearing, and thus, another means to ending a race.

I ask my colleagues to join in these efforts so that the phrase "Never again" is one which we honor and not just simply mouth.

It is a pledge that civilization made to the Holocaust victims. We owe it to them. We owe it to ourselves. And we owe it to the children, all of our children whether they are Serbs, Moslems, Croatians, or any other nation of this world.

Mr. President, I ask unanimous consent that my name be added to Senate Resolution 79 as a cosponsor, and I yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Idaho yields the floor.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO FRED SCHWENGEL

Mr. SIMPSON. Mr. President, I think many of us were very saddened to learn of the recent passing of former Congressman Fred Schwengel. He was a very special man, a very kind, gentle individual, a man deeply engaged in his two great passions: history and politics.

Fred served in the House while my father served in the U.S. Senate. I recall very well that my father just arrived on the political scene in Washington in the early sixties as Fred was putting together the beginnings of what was to become his magnificent obsession, which was the U.S. Capitol Historical Society. Magnificent is just what he made it. He was the Historical Society's founding president and its driving force. It was through his work with that marvelous organization that I came to know him and hold him in such high regard. Without Fred's dedicated labors, we would not have our knowledge of the splendid artifacts and the works of art that make this wonderful building a place where history is made and has been made and history is revered and recorded in infinite detail.

This building belongs to the people of the United States. That was Fred's view of it. We were just temporary occupants of it. I shall not enumerate all of Fred's accomplishments over the years because he did so much in a lifetime of public service. Perhaps his greatest achievement is the fact that under his superb leadership, the Historical Society acquired over a million dollars' worth of art and artifacts and historical documents that are viewed by Americans from every State as they come to watch their Government in action.

Fred had a true passion for this institution, and this building was an integral part of his spirit. His spirit will occupy it forever, and his warm genuine feelings for this Capitol and his excitement about it were very infectious. I hope many Members have been able to, as I did, take some of those guided tours with Fred Schwengel. Today, this very day in the Capitol, the building is filled with people touring. How he loved to do that with them.

Over the years, I came to know Fred through a long list of common activities: reading, our enjoyment of commemorative coins—interest and hobbies we both found very consuming and rewarding. The unique paths that led us both to this remarkable arena were marked by a great many of the same signposts and stops along the way in which we both thoroughly enjoyed those experiences.

He also had a great love of sports. We enjoyed talking about our days, earlier days in college athletics. He was a remarkable track star at Northeast Missouri State Teachers College, probably could jump a little higher than at least I could in those days when I weighed 260 and had hair and thought beer was food.

Nevertheless, we both shared a great love for the games of our youth, and we would reminisce about them from time to time.

In college, it was there Fred began to focus on two of the three great loves of his life: history and politics. He was fascinated, immediately so, and identified with one of the major figures of our Nation's past: Abraham Lincoln.

I, too, have always admired Lincoln's abilities and his courage in the face of great hardship, and I, too, found great inspiration in his life.

Then soon after college, Fred discovered the remaining and the most important part perhaps of his life's plan, for it was after college that he married his beloved Ethel, and their life together became a truly remarkable success and love story. With Ethel at his side, he moved on to newer things and bigger things, and he made his political dreams a reality then. He became active in local Republican politics, and when he felt the time was right he ran for and won election to the U.S. House of Representatives. He served ably and well there for eight terms before he retired in 1993. He left an impressive mark on this institution which we love and deeply respect.

He was a very wonderful, down-to-earth person, easily understood philosophies of Government, understood history and how to make it work, and he understood politics. He understood partisan politics and how you could make that work, too.

As a devoted student of Lincoln, Truman, and other great leaders of our country, Fred crafted his own political philosophy of moderation in all things. He had no ability to take much patience with extremists in his own party. He held very firm to the belief that moderation is a virtue and that extremism a divisive device. For Fred, moderation was the key element that recognizes the common fate and aspirations of all human beings; it alone understands the influences that drive people to extremes; and moderation alone respects the sacredness of humanity.

Fred, too, had a great love of Masonry, in the Freemasonry of the world, for he was a very active Mason, attaining the highest degree, the 33d degree from that special fraternity. He was very honored to receive the Grand Cross of Honor from the Scottish Rite of Freemasonry, an honor which I have also been proud to receive.

Still, all of his success would not have been possible nor held the same meaning for him without his life's partner Ethel. That is something else we have in common. We are both blessed by the presence of special spouses, talented, intelligent women who saw us through all of the high peaks and low valleys that life and politics have to offer, and through it all Ethel shared 61 years of a very special life with this man. They were not only richer for that themselves, we all are and were.

And so now the Senate and the Members of the House who served with Fred, and all of the staff and all of those who knew him and loved him, reach out to Ethel and their wonderful family to offer comfort and support at this time of sorrow. May God bless them. They will be in our thoughts and prayers.

Through his work in the Historical Society, and also a most extraordinary writing that he was so proud of, he prepared and sought publication of a book entitled "The Republican Party, Its Heritage and Its History." It is more a history of moderation within the Republican Party, which has made people gravitate toward that party, a very remarkable document, and that will be part of a remarkable heritage.

And so, through his work in the Historical Society, by his service in Congress, and because he was an inspired and inspiring man, Fred has left behind an incredible legacy. His was a life fully and well lived. While we all shall deeply miss him, may we all find solace in the knowledge that Fred's love for and dedicated service to the history of this remarkable building will never be diminished. His presence will be here through the decades.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming [Mr. SIMPSON] suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT BY THE MAJORITY LEADER

Mr. INOUYE. Mr. President, on behalf of the majority leader, pursuant to Public Law 103–3, I announce the appointment of the following individuals as members of the Commission on Leave:

The Senator from Connecticut [Mr. DODD];

Lenore Miller, of New Jersey; and

Donna Lenhoff, of the District of Columbia.

TRIBUTE TO BERT BLYLEVEN

Mr. DURENBERGER. Mr. President, last Thursday baseball lost one of its truly great competitors with the retirement of pitcher Bert Blyleven. Known throughout the game for his biting curveball and good humor, I can safely say that he will be missed by baseball fans both young and old.

Bert began his major league career in 1970 with the Minnesota Twins and during a career which spanned three decades he played on two world championship teams and amassed 287 victories. His longevity also produced 3,701 strikeouts as well as 60 shutout victories.

But his contributions to baseball have gone far beyond the playing field. Bert Blyleven is also known throughout baseball for his leadership in the clubhouse and his influence on young players. He has served as a teacher to many players and although he has left the game his influence will remain.

Bert ended his career in the same way he had played the game: with class. Perhaps he said it best when he stated:

> I've heard that the Florida Marlins are interested. Well, there are kids there who have the dream of pitching in the majors, and why should some 42-year-old guy who hasn't been in camp with them come in and take their

spot? Baseball is a great game and everybody should have the opportunity to fulfill their dreams. I have. Now it's time to let some other kid do it.

Mr. President, in my view that statement exemplifies the true spirit of what baseball is all about.

I congratulate Bert Blyleven on his many accomplishments on and off the field and I thank him for allowing the fans of Minnesota to be a part of his marvelous career.

SOUTH DAKOTA: STATE OF OPPORTUNITY

Mr. PRESSLER. Mr. President, during these past few weeks, the majority of the Senate's debate has focused on an allegedly struggling economy and whether legislative action—namely additional deficit spending—will remedy our Nation's ails. Indeed, the No. 1 concern facing America today is the growing national debt—which is now over $4 trillion. I do not believe increasing this astronomical Federal debt through what has been designated emergency spending is the answer. Indeed, such a practice is the long-term problem, not the long-term solution.

While the national debt is our most serious domestic problem, I am here to remind my colleagues not to lose sight of our Nation's strengths. The 103d Congress will face many tough challenges and issues throughout the next 2 years. During this time, let's not have it be said that we "could not see the forest for the trees." With that, I encourage my colleagues to reflect on the successes of their home States—such as balanced budgets and health care reform initiatives. Indeed, much is right with our country—particularly in my home State of South Dakota.

Mr. President, last fall I had the privilege to report to my colleagues that Sioux Falls, SD, was recognized as the best place to live in America in the September 1992 issue of Money magazine. Such an acknowledgment is well deserved and I congratulate the citizens of Sioux Falls for their continuous efforts to ensure the city maintains its number one rating.

I am pleased to report once again that South Dakota has received national recognition. In the April 4, 1993, Parade magazine, South Dakota was highlighted in the article, "The Best Places in the U.S." The Parade article listed seven categories as those people consider the most important aspects of their living environment. These categories include:

Best for getting a job;
Best for young families;
Best for entrepreneurs;
Best for retirement;
Best for college students;
Best for finding a mate; and
Best for diversity.

Two South Dakota cities—Rapid City and Sioux Falls—were included among cities in six States in the "Best for getting a job" category. Rapid City and Sioux Falls were recognized because of their low rates of unemployment, as reported by the U.S. Department of Labor. In fact, South Dakota consistently ranks among the States with the lowest unemployment rates in the Nation. I ask unanimous consent that a chart provided by the South Dakota Department of Labor, depicting the State's employment growth by industry from 1988 through 1992, be printed in the RECORD at this point.

South Dakota also was noted by Parade in the "Best for young families" category. This recognition was given for the State's college preparedness—with South Dakota having the third highest college entrance test scores in the Nation.

Mr. President, South Dakotans should be proud for being recognized in two of the more important categories. Parade's acknowledgment should not be taken lightly. South Dakotans work hard to maintain a safe and friendly atmosphere in which to raise their families, while at the same time, support efforts to further the State's economic development.

What makes South Dakota such a great place to live? A variety of factors. Low crime rates, a diverse economy, and excellent health care facilities are just a few. Time after time, South Dakota is recognized in news articles and surveys for its many exceptional attributes. I would like to share with my colleagues a few of the noteworthy successes of my home State.

South Dakota recently established a statewide information superhighway—the South Dakota Rural Development Telecommunications [RDT] Network. This state-of-the-art two-way audio and video network currently connects eight cities and every public university in South Dakota with fiber optic cable. Before long, at least 19 sites will be linked.

By using satellite communications, every high school in the State—nearly 200 locations—eventually will be connected to the network. After only a few months in operation, the RDT Network already has been used to teach 20 university courses; hold government personnel training meetings; examine county health nutrition guidelines; discuss private business marketing strategies; and take depositions. The RDT Network can provide substantial cost savings by substituting telecommunications for travel. As the RDT Network evolves, it promises to improve the day-to-day lives of many South Dakotans.

Mr. President, to continue on the subject of South Dakota's technology, I am pleased to report that for 20 years the EROS Data Center outside Sioux Falls has been the Nation's primary center for managing and distributing land remote sensing data. EROS holds over 7 million aerial photographs, 3 million satellite photographs, and more than 1 million satellite images in digital format. Its excellent track record for making this information available has made EROS famous among scientists throughout the world. Last year, Congress recognized the value of the EROS data library when it adopted the Land Remote Sensing Policy Act of 1992. I am proud to have authored this law, which designates EROS as the National Satellite Land Remote Sensing Data Archive.

Mr. President, I also want to report on South Dakota's highly regarded transportation infrastructure—the fundamental framework upon which our State's economic and commercial interests are built. A study conducted by the University of North Carolina ranked South Dakota's highway system as the second best in the Nation. South Dakota was among the States with the best overall highway and bridge conditions, minimal traffic congestion and low-cost highway repair practices.

A sound and efficient transportation network is necessary to meet the needs of South Dakotans and those who travel through my home State. The Heartland Expressway and the Dakota Expressway are two South Dakota highway projects I am supporting—two projects that will enhance South Dakota's superb highway system.

Mr. President, earlier I mentioned South Dakota's excellent health care services. I should point out that according to a survey by the American Hospital Association, a day's hospital stay in South Dakota costs less than in any other State. In fact, South Dakota has held this distinction during 8 of the last 10 years. In addition, South Dakota has been noted in a survey for being among the top 10 healthiest States in the Nation. As Congress addresses health care reform initiatives, we should focus on what is working in the industry as we work to improve upon its problems.

Another important and successful industry in South Dakota is banking. In fact, the profitability of the State's banks in the first quarter of 1992 was the best among all States in the Ninth Federal Reserve District. The return on South Dakota's banks' assets averaged 1.58 percent while the nationwide average was 0.88 percent.

Mr. President, I have touched only on a limited number of South Dakota's numerous merits. The unique attributes of my home State are great and I am proud to sing its praises. In short, South Dakota offers something for everyone—from agriculture to tourism, from Indian reservations to cities—we are a State of cultural diversity and unlimited opportunity. I ask unanimous consent that a copy of the Parade magazine article, "The Best Place in the U.S." be printed in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NONFARM WAGE AND SALARIED EMPLOYMENT 1988–92 ANNUAL AVERAGE

	1988	1989	1990	1991	1992[1]	Percent change 1988–92
South Dakota industry:						
Total, all industries	266,100	276,000	288,700	296,400	307,000	15.4
Mining and construction	12,200	12,900	14,300	14,300	15,300	25.4
Manufacturing	31,600	32,300	34,400	35,000	36,900	16.8
Transportation and utilities	13,500	13,500	13,300	13,600	14,500	7.4
Wholesale and retail trade	69,800	72,500	76,200	78,500	79,800	14.3
Finance, insurance and real estate	14,600	15,700	16,300	16,700	17,100	17.1
Services	64,500	67,500	71,700	74,700	78,000	20.9
Government	60,100	61,600	62,700	643,400	65,300	8.7

[1] Preliminary data and subject to revision.

Source: South Dakota Department of Labor, Labor Market Information Center.

[From Parade Magazine, Apr. 4, 1993]

THE BEST PLACES IN THE UNITED STATES

(By John Tepper Marlin)

Is there one "best city" in the U.S.? In the 1980s, a widely publicized report rated Pittsburgh as the No. 1 place to live. People were amazed, but they apparently weren't convinced. More than 54,000 moved out of Pittsburgh during the decade. How could a city have been ranked so high yet have people voting by the thousands with their feet to leave? Despite its many advantages, the city was not generating jobs!

Is there one best city in the country? No. Is there a best city for you? Yes, but it depends on what you want most. Are you most interested in a better job or a place to retire? Are you seeking the best place to raise a family, or are you most interested in finding a mate? Want the best city to start a business, or is cultural diversity most important to you?

Here are our top choices in these categories:

Best for getting a job. How long is your career view? U.S. Department of Labor unemployment data show that right now metropolitan areas in six states are hungriest for workers: Honolulu, Hawaii; Iowa City and Sioux City, Iowa; Lincoln and Omaha, Neb.; Grand Forks, N.D.; Sioux Falls and Rapid City, S.D.; and Green Bay and Madison, Wis.

But looking ahead to 2010, NPA Data Services projects that the most new jobs will be created in these 10 metropolitan areas: Los Angeles, Anaheim, Phoenix, San Diego, Houston, Dallas, Seattle, Washington, D.C. (including Fairfax County, Va.), San Jose and Fort Lauderdale.

Taking an even longer view—to 2015—Woods & Poole Economics projects that four of the five fastest-growing areas will be in Florida: Fort Myers, Naples, Orlando and Bradenton (the fifth is Laredo, Tex.).

If you want to join the competition for making the most money possible, consider that half of the 4 million highest income earners in America work in metropolitan New York City. Best for young families.

For many young couples, finding affordable housing and good schools are top priorities. Of 40 metropolitan areas with comparable data, Oklahoma City has the least-expensive housing (costing 3.2 years average income). Tulsa housing prices are nearly as low. Other areas with less-expensive housing, in part because of recent job losses (be sure you have a job lined up), are Louisville, Detroit, Houston, Kansas City, St. Louis, Indianapolis, Tampa, Rochester, N.Y., and Jacksonville, Fla.

Primary and secondary schools vary in teaching quality among cities in a state and among neighborhoods within a city. But some states do a better job of getting youngsters ready for college, judging by average college-entrance test scores (SAT and ACT tests). Those with the best test scores are Iowa, Massachusetts, South Dakota, Connecticut, Vermont, Wisconsin, Oregon, Maryland, Minnesota and Nebraska.

Best for entrepreneurs. Want to start a business? Central cities always have been hospitable to entrepreneurs, because they provide easy access to buyers and producers. But, in the 1990s, hotbeds of entrepreneurial activity also may be found away from central cities.

The metropolitan area with the greatest international business presence, according to the business-location specialists Moran, Stahl & Boyer, is New York, followed by Chicago, Houston and San Francisco. Others rated highly as places to do business in 1992 were Seattle, Atlanta, Raleigh-Durham, N.C., Boston, Denver and Orlando. Of these 10, Raleigh-Durham is rated highest for manufacturing, followed by Orlando.

The 10 metropolitan areas rated most highly for their "pro-business" attitude are Charlotte, N.C.; Nashville; Fort Worth; Dallas; Salt Lake City; Columbus, Ohio; Atlanta; Indianapolis; Houston; and Raleigh-Durham.

Consider growth cities, where services are badly needed. Seven of the 10 fastest-growing areas of the 1980s were in Florida: Naples, Fort Pierce, Fort Myers, Ocala, Orlando, West Palm Beach and Melbourne. Others on the fastest-growing list were Riverside, Calif., Las Vegas and Austin, Tex.

Best for retirement. Strictly from a physical and economic point of view, the best bet for retirement living is a place with lots of sunshine and a low cost of living.

By taking 26 large metropolitan areas and dividing the number of days of sunshine by the cost of living, we get the following top 10: Los Angeles, Kansas City, San Francisco, Honolulu, San Diego, St. Louis, Cincinnati, New York (Surprise! Lots of clear days, and the metropolitan area cost of living isn't so high), Portland, Ore., and Dallas.

If health is a factor, consider that people appear to live longest (average age taken into account) in Honolulu, Anchorage, Denver, Charlotte, Bridgeport (its metropolitan area is much of southern Connecticut), Washington, D.C., Salt Lake City, Seattle, Miami and Sacramento.

But studies have shown that elderly people prefer to live 10 to 15 minutes away from at least one of their adult children, in what is called "intimacy at a distance." For many retirees, that means the smartest move may be to stay near the kids.

Best for college students. For students, the best city may be one with lots of other young people and things to do. During this exciting period of life, young men and women seek out cities that have public places where they can find one another. The 10 metropolitan areas with the largest number of students are New York, Los Angeles, Chicago, Boston, Philadelphia, Washington, D.C., Anaheim, Nassau County, N.Y., Detroit and Newark, N.J. The student populations in Detroit and Newark are predominantly outside the central cities—in Wayne County, Mich., and New Brunswick, N.J., for example.

Best for finding a mate. To find a partner, look for a city where there is lots to do and where there are many other people of your age group. The urban areas with the most working-age singles are Manhattan (36%), Washington, D.C. (Alexandria city and Arlington County, and the District of Columbia), Denver, San Francisco, Travis County, Tex. (Austin), Suffolk County, Mass. (Boston), Richmond, Va., and St. Louis.

Since singles may be reluctant to put down roots, they should know that the 10 urban areas with the greatest availability of rental living space are Manhattan (more than 80%, but expensive), Brooklyn, Honolulu, Arlington County (and Alexandria city), Va.; and five California counties; San Francisco, Monterey, Alameda (Oakland), Santa Barbara and Los Angeles.

The single male-to-female ratio is highest in San Diego, because of its large naval base. The single female-to-male ratio is highest in New York City.

Best for diversity. Where are different ethnic and racial groups close neighbors? For someone looking for a diverse city, four of the 10 urban areas with the most diverse populations (evenly balanced between non-Hispanic whites, non-Hispanic blacks, Hispanics and non-Hispanic other races) are in New York City: the boroughs of Manhattan, Queens, Brooklyn and the Bronx. Three are in California: Los Angeles, San Francisco and Oakland. The other three are Jersey City and Houston's Fort Bend and Harris counties.

You also may want to consider the range of incomes within a city, which indicates a diverse population. The 10 cities with the widest-ranging incomes are Atlanta, Miami, Dallas, Los Angeles, Washington, D.C., Cincinnati, Houston, New York (although Manhattan, taken by itself, would top the list), Detroit and Denver.

ENSURING NUCLEAR SAFETY WITHIN THE ENERGY DEPARTMENT

Mr. COHEN. Mr. President, this morning's Washington Post was a source of both great irony and great concern.

On the international page we read of yesterday's accident at the Russian Tomsk-7 nuclear facility in which a storage tank containing high-level waste exploded, spewing radioactivity over the surrounding countryside. On the Federal page, we read that the Director of the Department of Energy's Office of Nuclear Safety has resigned in protest because the new Energy Secretary has announced plans to eliminate that office.

As too few Americans, and perhaps too few administration officials, are aware, the type of accident that happened in Russia could very well occur here. DOE's Hanford site near Richland, WA, has numerous storage tanks containing high-level nuclear waste mixed with other toxic and explosive chemicals. Experts believe that there is an appreciable chance that Hanford's single-shell tanks could explode, contaminating the surrounding area.

Mr. President, I would urge Secretary of Energy Hazel R. O'Leary not to act on her announcement unless and until she announces an alternative management structure to ensure safety that is at least as effective as the existing structure. The current approach to nuclear safety, initiated by former Energy Secretary James D. Watkins, a retired admiral who had previously served as Chief of Naval Operations, is modeled on that used by the Navy's nuclear propulsion program. While the Navy's management approach to nuclear safety is cumbersome, I would point out that the Navy has an extraordinary nuclear safety record. Until we can come up with a better approach to safety and a credible plan for implementing it, we should not tamper with a good thing—especially when the stakes are so high.

Requiring the Department of Energy [DOE] to have the most stringent approach to safety is particularly important given dismal safety record of the nuclear weapon complex over the past five decades. Nuclear safety has traditionally ranked low in DOE priorities. I am afraid this proposed action sends precisely the wrong signal to a DOE culture that does not think safety.

Secretary O'Leary has proposed merging the Office of Nuclear Safety with DOE's Office of Environmental Safety and Health. While the Environmental Office has helped to improve DOE's safety-related practices, the proposed merger could result in greater danger of a catastrophic accident.

The Environmental Office focuses on matters of worker safety and environmental compliance. I am concerned that the proposed merger could result in DOE giving short shrift to nuclear safety concerns needed to prevent a major accident. I would also point out that just last month the Congressional Office of Technology Assessment reported that the Environmental Office tended to be "reactive * * * to problems that might have been avoided."

I believe the merger should be canceled unless the Environmental Office is given the tools and mandate to act aggressively to prevent accidents.

I am impressed with Secretary O'Leary experience in the civilian energy industry and want to give her the benefit of the doubt. But I cannot condone hasty action to eliminate DOE's most effective mechanism for protecting the lives and health of thousands of Americans. A well-thought-out plan is required before any changes are made.

Mr. President, given the gravity of this matter, I intend to request the General Accounting Office to review the existing DOE nuclear safety management structure and compare it with Secretary O'Leary's ideas for changing it. To ensure that this issue receives the objective, bipartisan attention it deserves, I intend to consult with Democratic Senators who serve with me on the Armed Services and Governmental Affairs Committees, which oversee the DOE nuclear weapon complex. In particular, I intend to consult with Senator GLENN, the chairman of the Governmental Affairs Committee, who has long been a leader on DOE safety issues.

Mr. President, I ask unanimous consent that the two articles from the Washington Post be inserted in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 7, 1993]

BLOWING A FUSE AT ENERGY

(By Thomas W. Lippman)

Steven M. Blush has done what every government employee has probably thought of doing at one time or another: quit, firing off a scorched-earth blast at the boss on the way out.

On Friday, Energy Secretary Hazel R. O'Leary announced a plan to abolish the Office of Nuclear Safety, which Blush has directed since 1990, as part of her departmental reorganization. Its functions are to be absorbed by the assistant secretary for environment, safety and health.

That afternoon, Blush delivered the kind of letter management experts always advise bruised staffers to put in a drawer overnight until the writer cools off.

Addressing himself to "Secretary Hazel R. O'Leary"—no "Dear"—Blush said he "cannot abide by" the decision.

"These past two months have been intolerable," he wrote. "I urged you to issue a statement of your personal safety philosophy so that the momentum for change that had been initiated by the previous administration would continue, even offering to draft it for you. But I received no reply."

He said he had "repeatedly requested to see you" to discuss safety issues at the department's troubled nuclear weapons plants but "nothing has come of it."

He said O'Leary had belittled his office in staff meetings and "neglected even to mention the issue of safety" when listing the department's priorities.

He attached letters from outside experts, including antinuclear watchdogs, attesting to the need for an independent safety office and praising his stewardship of it.

If his intention was to persuade O'Leary to change her mind, it didn't work. O'Leary not only accepted his resignation but authorized a department official to describe Blush to a reporter as "petulant" and his resignation letter as "melodramatic" and a "tantrum," as well as factually inaccurate.

"That is not the way to get things done with Hazel O'Leary," the official said.

Rumors that Blush was in trouble circulated last week after he objected on safety grounds to a procedural memorandum to department contractors, and asked for an investigation by an independent panel appointed by Congress.

When asked in an interview on Thursday if Blush was still director, O'Leary replied, "Of course he is," calling the rumors "the damnedest thing I ever heard of."

But then she signaled what was to come, adding, "In my mind, there shouldn't be an office of Environmental Safety and Health and a [separate] Nuclear Safety office. Those offices should be working together," to ensure that all department employees put safety at the top of their list of concerns.

"In areas where we have little talent, so few people, someone needs to persuade me that these two offices should be separate."

Blush's department was set up by O'Leary's predecessor, James D. Watkins, to be an independent safety disciplinarian for a department that had neglected safety.

But O'Leary said, "We need to have one coalesced group of people doing that work, not a series of people checking each other. . . . My style of management is, we need to be each other's junkyard dogs" on safety issues.

[From the Washington Post, Apr. 7, 1993]

NUCLEAR WASTE TANK EXPLODES IN RUSSIA

MOSCOW, April 6.—A tank of radioactive waste exploded today at a nuclear fuel plant in the Siberian city of Tomsk-7, spewing radioactivity into the air, Russian officials said.

Initial reports of the seriousness of the radiation release were contradictory. The independent Interfax news agency said about 2,500 acres had been contaminated and the Associated Press quoted Vitaly Nasonov, an official of the Nuclear Energy Ministry, as saying some firefighters had been exposed to dangerous levels of radiation.

Reuter quoted another official of the ministry, Sergei Yermakov, as saying that radiation had spread over several hundred square yards around the building where the explosion occurred, but have failed to reach residential areas and even some parts of the large nuclear facility at Tomsk-7.

Yermakov said no people were in the vicinity of the explosion. "We were told there were no casualties," he said.

No efforts to evacuate the region were reported. Yermakov said cleanup operations would include washing down of irradiated areas and removal of contaminated snow.

The explosion happened in a stainless steel tank holding a solution of uranium waste products that was buried underground within a building, according to Russian officials quoted by news agencies. The international environmental organization Greenpeace said the explosion came after nitric acid had been added to the tank.

All accounts said the explosion blew a reinforced concrete cover off the tank, which Yermakov said punched through the building's roof. The explosion damaged wiring in the building that started a fire, which was extinguished, accounts said.

Greenpeace described the site of the explosion as a plutonium separation factory, part of a secret nuclear weapons complex in Tomsk-7, the Associated Press reported. Greenpeace said the explosion apparently did not involve plutonium, which is fatal if inhaled in even microscopic amounts. It said its information came from a Russian group member, whom it did not name, who had spoken with Nuclear Energy Minister Viktor Mikhailov.

Tomsk-7 is believed to be about 12 miles outside Tomsk, a city of 500,000 people about 1,700 miles east of Moscow. But because Tomsk-7 is secret, it does not appear on ordinary maps. During the Soviet era, secret cities were set up across Russia to work on military projects, including Soviet nuclear weapons.

Interfax said the maximum dose among the firefighters was 0.6 roentgens, a dosage that Roland Finston, a health physicist at Stanford University, said "would not cause any clinically detectable illness," the AP reported. The average acceptable dose for nuclear workers is 2.0 roentgens per year according to the International Commission on Radiological Protection.

In 1990, the Tomsk-7 complex was blamed for contaminating the nearby Tom River with nuclear waste. At least 38 people were hospitalized in that incident.

The press center of the State Committee for Emergency Situations told Interfax that six mobile units of civil defense troops had set up temporary headquarters at the plant.

RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. INOUYE. Mr. President, I ask unanimous consent that the RECORD remain open until 3 p.m. for statements, and the introduction of legislation.

The PRESIDING OFFICER pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the other of the Senate of January 5, 1993, the Secretary of the Senate on April 7, 1993, received a message from the President of the United States submitted sundry nominations, which were referred to the appropriate committees.

The nominations received on April 7, 1993, are shown in today's RECORD at the end of the Senate proceedings.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-719. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material; to the Committee on Armed Services.

EC-720. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, notice of a report on military-to-military contacts pursuant to agreements with states of the former Soviet Union; to the Committee on Armed Services.

EC-721. A communication from the Acting Comptroller of the Department of Defense, transmitting, pursuant to law, notice of a report on agreements between the United States Department of Defense and a Ministry of the Russian Federation; to the Committee on Armed Services.

EC-722. A communication from the Director of the Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, notice of corrective pages to accompany a report on highly enriched uranium; to the Committee on Foreign Relations.

EC-723. A communication from the Special Counsel, U.S. Office of Special Counsel, transmitting, a draft of proposed legislation; to the Committee on Governmental Affairs.

EC-724. A communication from the Office of the Attorney General, transmitting, pursuant to law, notice of an appeal from a district court's decision; to the Committee on the Judiciary.

EC-725. A communication from the Acting Vice President and General Counsel, Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report for calendar year 1992; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-61. A resolution adopted by the Senate of the Legislature of the State of Kansas relative to federal mandates; to the Committee on the Judiciary.

"SENATE RESOLUTION NO. 1835

"Whereas, the most rapidly growing category of expenses facing state and local units of government is that mandated by the federal government; and

"Whereas, mandated expenses are taking up an increasing share of state and local government budgets, and result in higher and higher taxes; and

"Whereas, every mandate imposed by the federal government contains hidden costs to state and local government. Such costs include the cost of recordkeeping, the cost of new employees and employee benefits, the cost of time of current officers and employees and the cost of training and retraining employees; and

"Whereas, in a 1990 report by the EPA it was estimated that in 1987, the EPA, states and municipalities spent about $40 billion for environmental protection mandates and it is expected that $61 billion will be spent annually by the year 2000; and

"Whereas, the EPA estimates that by the year 2000 the local share of funding federal environmental mandates is expected to reach 87% compared to 76% in 1981; and

"Whereas, the EPA estimates that in small communities the expenditure from household income to pay for environmental mandates is expected to increase from 2.8% in 1987 to 5.6% by the year 2000; and

"Whereas, the federal government has imposed costly mandates upon the states and local units of governments therein through many other laws, including the Fair Labor Standards Act and the Americans with Disabilities Acts as well as authorizing the adoption of rules and regulations through agencies such as the Occupational Safety and Health Administration; and

"Whereas, in 1990, at least 20 additional mandates with an estimated cost over $15 billion were imposed upon states and local units of government therein; and

"Whereas, it is often difficult, if not impossible, to calculate the exact total cost of mandates to the states and local units of government therein; and

"Whereas, if the United States Congress enacts a Balanced Budget Amendment without a strict prohibition against unfunded mandates, the unfunded mandates problem can be expected to worsen: Now, therefore, be it

"*Resolved by the Senate of the State of Kansas,* That the Senate urges the United States Congress not to enact any laws or authorize the adoption of rules and regulations which would impose mandates upon states and local units of government therein without providing full funding for such mandates; and be it further

"*Resolved,* That the Senate urges the United States Congress to include in any Balanced Budget Amendment to the United States Constitution it may adopt, a prohibition against the imposition of unfunded mandates upon states and local units of government therein; and be it further

"*Resolved,* That the Secretary of State be directed to transmit copies of this resolution to the Clerk of the United States House of Representatives, The Secretary of The United States Senate and each member of the Kansas delegation in the United States Congress."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN:

S. 776. A bill to provide for consistency in National Aeronautics and Space Administration budgeting; to the Committee on Governmental Affairs.

By Mr. ROTH (for himself and Mr. LIEBERMAN):

S. 777. A bill to establish the United States-Japan Joint Antitrust Consultative Commission for intensive examination of antitrust activities in Japan and the United States; to the Committee on Foreign Relations.

By Mr. BOREN:

S. 778. A bill to amend the Watermelon Research and Promotion Act to expand operation of the Act to the entire United States, to authorize the revocation of the refund provision of the Act, to modify the referendum procedures of the Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SASSER (for himself, Mr. MOYNIHAN, and Mr. WARNER):

S. 779. A bill to continue the authorization of appropriations for the East Court of the National Museum of Natural History, and for other purposes; to the Committee on Rules and Administration.

By Mr. LAUTENBERG:

S. 780. A bill to prohibit expenditure of appropriated funds on the Superconducting Super Collider, the Advances Solid Rocket Motor, or the Space Station; to the Committee on Appropriations.

S. 781. A bill to require the Secretary of Energy to raise rates for Federal hydroelectric power to speed debt repayment for power projects, to increase domestic livestock grazing fees, to require a royalty for the production of locatable minerals from Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

S. 782. A bill to reduce spending for agricultural programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRYAN (for himself, Mr. BOND, and Mr. RIEGLE):

S. 783. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself, Mr. REID, and Mr. MURKOWSKI):

S. 784. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE (for Mr. MITCHELL):

S. Con. Res. 23. A concurrent resolution providing for a conditional recess or adjournment of the Senate on Wednesday, April 7, 1993, until Monday, April 19, 1993, and a conditional adjournment of the House on Wednesday, April 7, 1993, until Monday, April 19, 1993; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN:

S. 776. A bill to provide for consistency in National Aeronautics and Space Administration budgeting; to the Committee on Governmental Affairs.

NASA CONSISTENCY IN BUDGETING ACT

• Mr. COHEN. Mr. President, over the past month as the Senate has considered the budget resolution and the supplemental spending bill, a major focus has been the great ill affecting the American economy, which is of course the Federal deficit.

I am proposing legislation today that is intended to be preventative medicine to ensure that the illness does not get worse. And here, as is usually the case, prevention is far cheaper and less painful than seeking treatment after the illness spreads.

This bill addresses a matter the General Accounting Office has labeled a high risk problem with the budget of the National Aeronautics and Space Administration.

NASA's current 5-year program plan was built on the assumption that its funding would continue to grow at the rapid pace it did in the late 1980's, when the NASA budget grew by more than 50 percent in 3 years.

When the Bush administration decided to flatten NASA's long-term budget, NASA should have scaled back its buying plans accordingly. It didn't. Instead, it acted as if nothing had changed and, as a result, a huge gap developed between its long-term buying plans and its long-term budget.

While the new Clinton budget would increase NASA funding above the levels proposed by the Bush administration, it would still limit NASA funding growth to less than the rate of inflation. Moreover, the Clinton budget proposes $2 billion in new NASA initiatives that apparently are not included in the current NASA program plan.

The result, as illustrated on this chart, is an $18 billion gap between NASA's 5-year program plan and its 5-year funding profile.

And I would point out, Mr. President, that just 2 weeks ago the Senate unanimously adopted an amendment I offered to the budget resolution clearly stating that NASA would not receive funding beyond that proposed by the President. That provision was included in the budget resolution conference report given final approval last week.

This huge gap between NASA's 5-year program plan and its 5-year budget has several consequences:

NASA is committing itself to more programs than it can possibly pay for. As a result, downpayments are made on programs that later must be canceled, wasting billions of taxpayers' dollars.

In an effort to avoid cancellation, some programs will be stretched out, reducing their cost in any given year but increasing their total cost, again wasting taxpayers' money.

Rational planning is rendered impossible for both NASA and its contractors, and the stable, predictable environment needed to manage NASA's complex development and acquisition programs is destroyed.

NASA experts abdicate their responsibility to set priorities among NASA programs, leaving Congress to substitute its judgment—which is often based on factors other than what is best for the Nation as a whole.

And the ever-present threat of stretch-outs or terminations undermines morale at both NASA and its contractors.

In December, the General Accounting Office released its High-Risk Series of reports on areas of Government management facing grave dangers of waste, abuse, and mismanagement. Not surprisingly, NASA contract management was the focus of one of these high-risk reports. According to GAO, the foremost problem is that:

> NASA's planning was not realistic; it was based on a much higher level of funding than was likely to be made available. For example, NASA's program plans for fiscal years 1993 through 1997 called for up to about $20 billion more than was likely to be provided. To adjust plans to actual budgets, NASA's projects and programs often have to be slowed down, thereby extending schedules and increasing total contract costs.

The GAO high risk report went on to state:

> An overarching concern that can ultimately affect NASA's ability to manage its contracts is the agency's failure to plan realistically for the budgetary resources that are likely to be available to fund its programs. Unless strategic and program plans are reasonably consistent with likely budgets, there is an increased risk of significant adverse impact on NASA's programs.
>
> NASA is currently overcommitted, with its program planning estimates for 1993 through 1997 up to about $20 billion higher than the amounts likely to be appropriated under current federal budget constraints.
>
> Unplanned program cost increases would, of course, further exacerbate potential funding shortfalls. In addition, there are several support areas in which further funding demands may emerge, including hazardous waste cleanup and maintenance of facilities. NASA's overcommitment, plus potential additional funding demands, mean the agency's programs may not be able to proceed as planned. However, NASA does not clearly differentiate between the programs it "must do" and the programs it "should do." For example, NASA's first agencywide strategic plan, Vision 21, failed to recognize the budget-planning mismatch and to set relative priorities should the agency be forced to stretch out or cancel programs because of lower-than planned funding. Without a set of priorities or contingency plans, NASA will have no orderly method of choosing between or among programs should be faced with making such decisions. Unless it starts to plan realistically, NASA will continue to perpetuate resource shortages that limit its ability to effectively manage contracts by subjecting its programs to a recurring annual cycle of cutbacks, restructurings, schedule extensions, and potential terminations.

Mr. President, we have seen this all before. During the 1980's, the Pentagon created for itself an identical bow-wave problem, making small downpayments on more programs than it could possibly pay for once the full bills came due.

Congress dealt with the defense bow-wave problem by adopting legislation to require the Pentagon to live within its means. Specifically, we passed a law requiring the Pentagon's 5-year defense plan to be consistent with the President's 5-year defense budget.

It worked. While we still have disputes over whether Pentagon accountants have estimated the cost of programs properly, the bow-wave problem was essentially resolved, even though we have slashed defense procurement by more than half since 1987.

This legislation would simply impose on NASA the same discipline: NASA's 5-year program plan would have to be consistent with the 5-year budget proposed by the President for NASA.

Mr. President, it is simply good sense and good government to require agencies to base their long-term plans on the President's budget submissions. This is especially important for agencies such as the Pentagon and NASA that engage in large-scale procurements that spend out over many years and, thus, are at special risk to procurement bow-waves.

I am pleased that the new administration seems to be beginning to recognize the problem. Last month, the White House Science Adviser John Gibbons said that the Clinton administration ordered the space station to be redesigned after it found out that cost overruns on the station threatened all of NASA's other space and aeronautics programs. According to Gibbons, the space station has become "like a Pacman * * * it was going to eat everything NASA had."

What the administration needs to realize, however, is that the problem extends well beyond the space station. Even before the space station cost overruns came to light, NASA had committed itself to programs it could not possibly afford.

This was precisely the warning given to us 2 years ago by the House Appropriations Committee when it voted to kill the station, judging it to be less important than other NASA programs.

The problem goes well beyond the space station to a culture of denial at NASA that has failed to come to grips with budget realities. Since assuming his post last year, NASA Administrator Daniel Goldin has begun to deal with these realities, but the extent of the problem and its institutional nature, transcending administrations and administrators, requires us to act legislatively.

Mr. President, I want to emphasize that the bill I am introducing is policy neutral. It does not prejudge how we will close this gap between NASA's 5-year program plan and its budget.

I personally believe that the space station should be sacrificed to save other NASA programs that I view as more valuable, including aeronautics R&D, environmental and climate monitoring programs, and space science research. Others will disagree and will place higher priority on the space station.

But we can all agree that NASA cannot continue to deny reality by trying to implement a program plan that far exceeds the President's proposed budget for NASA.

And regardless of what priorities are established, bringing NASA's plans in line with its budget is essential if NASA is to have rational, stable, and ultimately successful programs.

So I hope that Senators, whether they support or oppose the space station, will join with me in cosponsoring this legislation.

Mr. President, I ask unanimous consent to insert in the RECORD testimony provided by the General Accounting Office in March 1993, describing this problem as it stood at that time, as well as an excerpt from the GAO's High-Risk Series report, NASA Contract Management (GAO/HR-93-11).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.S. General Accounting Office]

NASA BUDGET: POTENTIAL SHORTFALLS IN FUNDING NASA'S 5-YEAR PLAN

(Statement of Neal P. Curtin, Director of Planning and Reporting, National Security and International Affairs Division)

(Testimony Before the Subcommittee on Science, Technology, and Space, Committee on Commerce, Science, and Transportation, U.S. Senate)

Mr. Chairman and Members of the Subcommittee: I appreciate the opportunity to testify before the Subcommittee today on the National Aeronautics and Space Administration's (NASA) 5-year program. Our review of NASA's 5-year plan is continuing and our analysis is not complete at this time. We have not yet reviewed cost estimates for individual development programs within the plan. But I would be pleased to share with you our preliminary observations.

NASA's annual budget has grown steadily in current dollars from fiscal year 1988 when it was $9 billion, to $14 billion in fiscal year 1991. There was a good deal of optimism during this period that NASA would continue growing at this rate. For example, in the summer of 1990, in preparation for the fiscal year 1992 budget submission, NASA proposed a 5-year program in which its annual appropriation would reach nearly $25 billion by fiscal year 1995. Some large projects were beginning to grow and new programs were being initiated.

However, the Budget Enforcement Act of 1990 set limits on discretionary spending that have severely constrained the funding allocations for discretionary programs including NASA. For fiscal year 1992, Congress was able to provide NASA only a modest increase of about 3 percent, about equal to inflation. The Senate, in its appropriations report last year, advised NASA to expect roughly a 3 to 5 percent increase for fiscal year 1993 and directed the agency to submit a strategic plan that anticipates more modest budget growth through fiscal year 1995. While NASA's fiscal year 1993 budget submission of about $15 billion (about a 4.5 percent increase) is within the congressional guidance, we are concerned that a bow wave of planned but unfunded program requirements is being pushed to the out-years.

NASA's current 5-year plan estimates ongoing programs and schedules will require $90.4 billion through fiscal year 1997. This excludes approximately $2 billion for development of the Advanced Solid Rocket Motor (ASRM) and the Comet Rendezvous Asteroid Flyby (CRAF) which are proposed for termination in the President's budget and which NASA assumes will not be appropriated. For purposes of our analysis today, we have retained these programs in NASA's 5-year planning line for a total of $92.4 billion. We do this for two reasons. First, there are indications that some in Congress oppose terminating the ASRM, which accounts for most of the $2 billion, and NASA has taken no action to slowdown, defer, or terminate the program. Secondly, even if the ASRM were terminated, there would be near-term costs associated with its termination.

For NASA to realize $92.4 billion in budget authority from fiscal year 1993 through 1997, as its current plan reflects, its budgets would have to increase significantly each year to an appropriation of over $21 billion by fiscal year 1997. Moreover, this includes no leeway for the unanticipated cost growth that commonly occurs in large research and development projects such as those in the NASA program.

While no one can predict the future with certainty, we feel NASA's planning is overly optimistic given the President's budget proposal and the fiscal constraints established on discretionary spending by the Budget Enforcement Act. Although the "wall" between defense and other discretionary spending will come down in fiscal year 1994, this will not change the overall seriousness of the fiscal situation. While the Congress will have more flexibility to determine the distribution of spending, Congress will be faced with difficult choices between deficit reduction and helping to meet a wide variety of important national needs.

The mismatch between NASA's currently estimated program funding requirements and the President's budget is illustrated in the chart in attachment I and detailed in the table in attachment II. Besides the President's fiscal year 1993 budget proposal of $15 billion annually, the chart shows two other funding paths: a straight-line extension of the $14.3 billion fiscal year 1992 appropriation, and the Congressional Budget Office (CBO) baseline projections which include increases for inflation. All three alternatives involve significant shortfalls and raise concerns about NASA's 5-year program planning.

The President has proposed level funding for NASA of about $15 billion for fiscal years 1993–97. This would provide a 5-year total of about $75 billion, requiring reductions in NASA programs of approximately $17.4 billion through fiscal year 1997 ($92.4 billion − $75 billion). The proposed termination of ASRM and CRAF, if approved, would provide up to $2 billion of the needed savings but that would still leave a gap of $15.4 billion to come from other sources, as yet unidentified.

A simple extension of NASA's fiscal year 1992 appropriated level of about $14.3 billion would provide a 5-year funding total of about $71.5 billion for NASA programs, leaving a shortfall of about $21 billion ($92.4 billion − $71.5 billion).

The CBO baseline on the chart includes full inflation adjustments for discretionary programs—that is, it would preserve the current (fiscal year 1992) appropriation in real dollars but provides no increase (or loss) in buying power in future years. This path for NASA spending would provide approximately $79.5 billion over the next 5 years, leaving a shortfall against current planned programs of about $13 billion ($92.4 billion − $79.5 billion).

In summary, there appears to be a serious mismatch between NASA's program plans and the budget resources that seem likely to be available. NASA's recently prepared strategic plan does not address this mismatch. Without a meaningful strategic plan, NASA will be forced to make significant adjustments to its spending plan each year to make up for lower than expected funding. This can lead to program cutbacks, terminations and stretchouts as costs are pushed into the future.

The impact of this type of mismatch between planning and funding can be seen in the situation in the Department of Defense during that 1980s. A similar "bow wave" of programs developed there as many new programs were started when it looked as if defense budgets might be growing indefinitely. When a funding slow-down occurred in the mid 1980s, a funding gap similar to what NASA faces became apparent. Our work during this period showed that too many development and acquisition programs were underway—more than could be funded at the future funding levels being proposed by the

President. Weapons systems programs have had to be stretched out, restructured, or in some cases terminated to accommodate the lower funding. The earlier such a gap is recognized and plans adjusted, the more stable and efficient development and acquisition programs can be.

This concludes my prepared statement. I would be pleased to respond to your questions.

[From the U.S. General Accounting Office's "High-Risk Series"]

NASA CONTRACT MANAGEMENT

LACK OF REALISM IN PLANNING

An overarching concern that can ultimately affect NASA's ability to manage its contracts is the agency's failure to plan realistically for the budgetary resources that are likely to be available to fund its programs. Unless strategic and program plans are reasonably consistent with likely budgets, there is an increased risk of significant adverse impact on NASA's programs. When planning expectations are followed by substantially lower funding levels, NASA is forced to make program changes, including adjustments to the planned content and pace of work. Since most of NASA's work is done by contractors, such program adjustments can contribute to contract cost increases and schedule delays.

From the late 1980s through the early 1990s, NASA received large increases in its budget. However, NASA's budget for fiscal year 1993 is essentially unchanged from the previous year, and Congress has told the agency that its future budget growth may be severely limited. Unfortunately, NASA is currently overcommitted, with its program planning estimates for 1993 through 1997 up to about $20 billion higher than the amounts likely to be appropriated under current federal budget constraints, as shown in figure 1.

In addition, NASA's largest programs, if carried out as currently planned, will consume an increasing share of NASA's future budgets. For example, if NASA received about $15 billion for each of the next 5 years, as anticipated in the President's fiscal year 1993 budget submission, NASA's 11 largest programs in that submission would have required over 75 percent of the 5-year funding total in the President's budget. Figure 2 shows each year's increasing share of NASA's likely funding that these large programs would have required.

Unplanned program cost increases would, of course, further exacerbate potential funding shortfalls. In addition, there are several support areas in which future funding demands may emerge, including hazardous waste cleanup and maintenance of facilities.

NASA's overcommitment, plus potential additional funding demands, mean the agency's programs may not be able to proceed as planned. However, NASA does not clearly differentiate between the programs it "must do" and the programs it "should do." For example, NASA's first agencywide strategic plan, "Vision 21," failed to recognize the budget/planning mismatch and to set relative priorities should the agency be forced to stretch out or cancel programs because of lower-than-planned funding. Without a set of priorities or contingency plans, NASA will have no orderly method of choosing between or among programs should it be faced with making such decisions. Unless it starts to plan realistically, NASA will continue to perpetuate resource shortages that limit its ability to effectively manage contracts by subjecting its programs to a recurring annual cycle of cutbacks, restructurings, schedule extensions, and potential terminations.•

By Mr. ROTH (for himself and Mr. LIEBERMAN):

S. 777. A bill to establish the United States-Japan Joint Antitrust Consultative Commission for intensive examination of antitrust activities in Japan and the United States; to the Committee on Foreign Relations.

JOINT ANTITRUST CONSULTATIVE COMMISSION ACT

• Mr. ROTH. Mr. President, I introduce a bill designed to address one of the fundamental obstacles to American companies seeking to do business in Japan—the reluctance of that country to put a stop to illegal collusive business practices. What this bill proposes is the creation of a bilateral organization—the United States-Japan Antitrust Consultative Commission—that will work to ensure that Japan better enforces its antimonopoly law [AML], thereby permitting American companies a greater opportunity to penetrate the dense web of relationships that make it so difficult for newcomers to enter the Japanese market. The Joint Commission will be attached to the agency responsible for the enforcement of the Japanese antimonopoly law, the Japan Fair Trade Commission [JFTC], as well as to our own antitrust agencies, the Department of Justice and the Federal Trade Commission.

The Joint Commission will be composed of representatives of the key agencies, departments, and ministries involved in antitrust matters and the bilateral trade relationship. Just as important, the chairman and ranking member of the relevant committees from the United States Congress and the Japanese Diet will participate as well. As representatives of the individuals and businesses who have attempted to scale the walls of exclusionary Japanese business practices, Members of the Senate and House have a very important role to play in such a forum. Although not on the Joint Commission itself, business people will be offered an opportunity to express their views at the Commission's meetings.

The Joint Commission will convene annually, alternating between Washington and Tokyo. The American delegation will be led by the Department of Justice which oversees international antitrust matters. The members will discuss and make recommendations on long-term structural differences in antitrust policy and short-term antitrust disputes between the United States and Japan. The Joint Commission will also serve as an open forum to promote more coherent enforcement of antitrust laws in the two countries.

The Joint Commission, of course, can only be formed with Japanese participation. As a bilateral body, moreover, the Joint Commission will address antitrust issues not only in Japan but also in the United States.

While this bill is no silver bullet capable of completely opening Japan's market, I believe the Joint Commission has a very substantial chance of generating enough interest and pressure to push Japan toward significant liberalization. The Joint Commission, of course, does not preclude any of our many other efforts aimed at opening Japan's markets. Indeed, it is meant to complement what we have been doing and will continue to do through other means.

Trade problems remain the single greatest irritant in the bilateral relationship. The obstacles to American and other foreign companies entering the Japanese market remain pervasive. In its just-released white paper on United States-Japan trade, The American Chamber of Commerce in Japan—an organization composed of United States companies who know the Japanese market best because they deal with it every day—outlines 34 areas of particular concern in doing business in Japan, covering product and service sectors as well as generic problems that cut across sectors. In addition, the ACCJ identified a number of recurrent issues that represent the "major obstacles to fair access to the Japanese market * * *." The first two recurrent issues they cite are: First, lack of access due to keiretsu and other exclusionary business relationships; and second, Japan's failure to enforce the existing antimonopoly laws and regulations and to impose sufficient penalties for violations of the law.

Clearly, better enforcement of Japan's antimonopoly law would address the second recurrent issue. On the first issue, keiretsu, per se, do not violate Japan's antitrust laws. According to experts, moreover, if they existed in the United States, keiretsu generally would not violate our own antitrust laws. However, keiretsu can and often do violate the AML through their actions. Thus, better enforcement of Japan's antimonopoly law by the Japan Fair Trade Commission would go a long way toward assisting American businesses in overcoming the two key obstacles they face in seeking access to the Japanese market.

The problem, however, is that the JFTC, which has responsibility for enforcement of the AML, remains one of the weaker bureaucracies in Japan. It is understaffed, underbudgeted and does not have the clout necessary to challenge abuses of monopoly power. In part, it lacks clout because the Ministry of Finance and the Ministry of International Trade and Industry can exercise special influence over the JFTC: the chairman of the JFTC usually comes from the Ministry of Finance and MITI generally has a representative there. Cartels not only benefit member companies, but also the politicians in the zoku or "tribes" which care for and in return receive political contributions from the industries with which they are affiliated. In addition, the ministries in charge of particular industries recognize that cartels are more easily influenced and directed than are open markets. Thus, when the relatively weak JFTC challenges a cartel, it confronts not only the powerful companies who are members of the cartel, but also the politicians and bureaucrats who stand to benefit from a cartelized industry.

Given the powerful interests opposing a more assertive JFTC, how then can we encourage Japan to more strongly enforce the antimonopoly laws that are already on its books? One of the topics of discussion in the structural impediments initiative [SII] was the status of the JFTC and its lax enforcement of the AML. While SII has often been criticized for its failure to produce results—and a good deal of that criticism is justifiable—the JFTC was a direct beneficiary of the talks. Its profile was raised; the maximum penalty for criminal violations of the AML was increased twentyfold; employment in the JFTC's investigations division increased from 129 in Japan's fiscal year 1989 to 178 in fiscal year 1992; the JFTC signed an agreement with the Justice Ministry to allow public prosecutors to inform the JFTC when they discover practices that violate the AML; in fiscal year 1992, the JFTC issued five times as many administrative orders—designed to persuade firms to take corrective measures or face possible criminal charges—as 5 years before; and the JFTC has twice actually filed such criminal charges against Japanese companies since 1990—only one other criminal charge was filed previously in the entire postwar period. Thus, American pressure has had an impact. But with the end of the SII, the momentum is being lost, and the powers aligned against a more aggressive JFTC will likely carry the day unless further pressure is applied.

The United States-Japan Joint Antitrust Consultative Commission bill will permit the United States to apply just such pressure. The Joint Commission will be focused on a very specific area, and its effectiveness will be measurable. Indeed, after 2 years, the bill mandates an assessment of the Joint Commission to gauge its usefulness. Moreover, it includes Members of Congress in addition to officials of the executive so that all the players in the antitrust field are seated at the same table.

I believe the potential rewards American companies may derive from the creation of the Joint Commission are substantial and I urge my colleagues in this body to give the United States-Japan Joint Antitrust Consultative Commission Act their support.

I ask unanimous consent that the text of the bill be placed in the RECORD at the end of my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 777

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Joint Antitrust Consultative Commission Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Antitrust laws are an important legal tool for opening markets to international competition and defusing trade tension.

(2) All nations should make it a priority to enact and vigorously enforce strong competition laws to benefit consumers, encourage international competition and foster growth in jobs, productivity, and investment.

(3) Japanese antimonopoly law is similar to United States antitrust law, partly as a result of its formulation during America's post-World War II occupation of Japan. However, there are observable differences in the respective antitrust enforcement environments of Japan and the United States.

(4) In Japan—

(A) the lenient interpretation and enforcement of the antimonopoly law is insufficient to prevent business practices which result in significant barriers to foreign entry into the Japanese market;

(B) private antitrust lawsuits are very difficult to file and virtually impossible to win in Japan because of strict requirements stipulating proof of damages;

(C) due to political and bureaucratic pressures, criminal prosecution of antitrust violations rarely occurs in Japan;

(D) many cartels are exempted and legal under the antimonopoly law in Japan. The large number of exempted and legal cartels contributes to an environment in which illegal cartels become less subject to criticism and scrutiny; and

(E) the Japan Fair Trade Commission's capacity to enforce antimonopoly law is limited by the small size of its staff and the status of the Commission in the hierarchy of Japanese bureaucracies.

(5) In the United States—

(A) corporations may be apprehensive about participating in certain business activities such as joint ventures or exclusive distributorship arrangements due to uncertainties concerning the enforcement of antitrust law; and

(B) the cost of antitrust litigation, including the risk of treble damages, may have a negative impact on U.S. corporate competitiveness.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to encourage a review of the antitrust policies of Japan and the United States in the context of a changing global economy and to foster ways of improving competition in both countries;

(2) to encourage the Japan Fair Trade Commission and the United States Department of Justice and United States Federal Trade Commission toward more comparable levels of enforcement activity;

(3) to ensure that the Japan Fair Trade Commission increasingly enforces the antimonopoly law based upon antitrust principles of protecting competition;

(4) to encourage Japan to end unfair business practices that result in market foreclosure to foreign competition;

(5) to increase awareness of criminal antitrust enforcement as a means of addressing anticompetitive business behavior in Japan;

(6) to encourage the government of Japan to increase the investigative power of the Japan Fair Trade Commission; and

(7) to encourage the government of Japan to reduce the number of cartels exempted from the antimonopoly law.

SEC. 4. DEFINITIONS.

In this Act—

"antimonopoly law" means codes enforced by the Japan Fair Trade Commission to promote fair and free competition by prohibiting private monopolization, unreasonable restraint of trade, and unfair business practices.

"antitrust policy" means the general principles by which government is guided in maintaining competition in commercial activities.

"antitrust law" means the body of statutes, court decisions, and other law designed to ensure the existence of competition in commercial activities. Antitrust law in the United States protects trade and commerce from unlawful restraints such as price fixing, exclusive dealings, and monopolies.

"Commission" means the United States-Japan Joint Antitrust Consultative Commission established by section 5.

SEC. 5. JOINT ANTITRUST CONSULTATIVE COMMISSION.

(a) ESTABLISHMENT.—There is established the "United States-Japan Joint Antitrust Consultative Commission".

(b) AMERICAN DELEGATION.—

(1) MEMBERSHIP.—The American delegation to the Commission shall be composed of the following members:

(A) Members of Congress:

(i) The chairman of the Committee on Finance of the Senate, or the chairman's designee.

(ii) The ranking minority member of the Committee on Finance of the Senate, or the ranking minority member's designee.

(iii) The chairman of the Committee on Ways and Means of the House of Representatives, or the chairman's designee.

(iv) The ranking minority member of the Committee on Ways and Means of the House of Representatives, or the ranking minority member's designee.

(v) The chairman of the Committee on the Judiciary of the Senate, or the chairman's designee.

(vi) The ranking minority member of the Committee on the Judiciary of the Senate, or the ranking minority member's designee.

(vii) The chairman of the Committee on the Judiciary of the House of Representatives, or the chairman's designee.

(viii) The ranking minority member of Committee on the Judiciary of the House of Representatives, or the ranking minority member's designee.

(ix) The chairman of the Committee on Commerce, Science, and Transportation of the Senate, or the chairman's designee.

(x) The ranking minority member of the Committee on Commerce, Science, and Transportation of the Senate, or the ranking minority member's designee.

(xi) The chairman of the Committee on Energy and Commerce of the House of Representatives, or the chairman's designee.

(xii) The ranking minority member of the Committee on Energy and Commerce of the House of Representatives, or the ranking minority member's designee.

(B) Executive officers:

(i) The Attorney General, or the Attorney General's designee.

(ii) The chairman of the Federal Trade Commission, or the chairman's designee.

(iii) The Secretary of State, or the Secretary's designee.

(iv) The Secretary of the Treasury, or the Secretary's designee.

(v) The Secretary of Commerce, or the Secretary's designee.

(vi) The United States Trade Representative, or the Trade Representative's designee.

(2) LEAD REPRESENTATIVE.—(A) The Attorney General, or the Attorney General's designee, shall be the American delegation's lead representative.

(B) The lead representative shall—

(i) contact the Japanese lead representative to—

(I) set an agenda for the Commission's meetings; and

(II) set mutually convenient annual meeting dates;

(ii) supervise the establishment, procedures, and structure of the Commission with the Japanese lead representative, except such procedures shall allow representatives of industries discussed at such meetings an opportunity to present their views;

(iii) assemble and maintain the reports, records, and other papers of the Commission for use by the American delegation and the public; and

(iv) institute the comprehensive review required by section 8.

(c) JAPANESE DELEGATION.—

(1) CONTINGENCY ON COMMENCEMENT OF ACTIVITIES.—The commencement of activities under this Act by the American delegation to the Commission is contingent on the creation by the appropriate Japanese officials of a Japanese delegation with representation from an appropriate range of institutions and interests that participate in antitrust activities in Japan, as determined by the lead representative of the American delegation.

(2) MEMBERSHIP.—It is the sense of Congress that the Japanese delegation should have the same number of members as the American delegation and be composed of representatives of public, private, and other organizations involved in antitrust activities in Japan. It is the sense of the Congress that such a delegation should at a minimum include the following members:

(A) Members of the Diet:

(i) The chairman of the Budget Committee of the House of Representatives, or the chairman's designee.

(ii) The ranking member of the main opposition party of the Budget Committee of the House of Representatives, or the ranking member's designee.

(iii) The Budget Committee chairman of the House of Councillors, or the chairman's designee.

(iv) The ranking member of the main opposition party of the Budget Committee of the House of Councillors, or the ranking member's designee.

(v) The chairman of the Commerce Committee of the House of Representatives, or the chairman's designee.

(vi) The ranking member of the main opposition party of the Commerce Committee of the House of Representatives, or the ranking member's designee.

(vii) The chairman of the Commerce Committee of the House of Councillors, or the chairman's designee.

(viii) The ranking member of the main opposition party of the Commerce Committee of the House of Councillors, or the ranking member's designee.

(ix) The chairman of the Judiciary Committee of the House of Representatives, or the chairman's designee.

(x) The ranking member of the main opposition party of the Judiciary Committee of the House of Representatives, or the ranking member's designee.

(xi) The chairman of the Judiciary Committee of the House of Councillors, or the chairman's designee.

(xii) The ranking member of the main opposition party of the Judiciary Committee of the House of Councillors, or the ranking member's designee.

(B) Executive officers:

(i) The chairman of the Japan Fair Trade Commission, or the chairman's designee, and 1 additional commissioner of the chairman's choice, or that commissioner's designee.

(ii) The Minister of Finance, or the Minister's designee.

(iii) The Minister of International Trade and Industry, or the Minister's designee.

(iv) The Minister of Foreign Affairs, or the Minister's designee.

(v) The Minister of Justice, or the Minister's designee.

(3) LEAD REPRESENTATIVE.—It is the sense of Congress that the Prime Minister, or the Prime Minister's designee, should appoint 1 of the members of the Japanese delegation as a lead representative to contact the United States lead representative to—

(A) set an agenda for the Commission's meetings;

(B) set mutually convenient annual meeting dates; and

(C) perform such other duties as may be assigned to the lead representative.

(d) MEETINGS.—The Commission shall convene annually, with the first meeting to take place in Washington, D.C., in 1994 and the site of the meeting to alternate thereafter between the United States and Japan.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Commission shall not be considered to be an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 6. COMMISSION FUNCTIONS.

The Commission shall—

(1) discuss and make recommendations on long-term structural differences in antitrust policy and short-term antitrust disputes; and

(2) serve as an open forum to promote more coherent enforcement of antitrust law in Japan and the United States.

SEC. 7. REPORT.

The recommendations and findings of the Commission, reflecting the major views expressed during the deliberations of the Commission, shall be completed and made public through issuance of a report in English by the agency from which the lead representative of the American delegation is selected, not more than 90 days after the Commission holds its annual meeting. It is the sense of Congress that the Japanese delegation should issue a Japanese language version of the report at the same time as the English language report is issued.

SEC. 8. COMPREHENSIVE REVIEW.

The lead representative of the American delegation shall institute a comprehensive review of the activities and responsibilities of the Commission not later than 180 days after the second annual meeting of the Commission to determine—

(1) whether the Commission is carrying out its purpose;

(2) whether consistent with the purposes of this Act, responsibilities assigned to the Commission should be revised; and

(3) whether the existence of the Commission should be continued.

SEC. 9. COMPENSATION.

Members of the American delegation to the Commission shall not be paid compensation for services performed on the Commission.

SEC. 10. PAYMENT OF EXPENSES.

The expenses of departments and agencies of the executive branch and of members and committees of the Senate and of the House of Representatives in carrying out this Act, including travel expenses and expenses relating to preparation of the report under section 7, shall be paid out of general funds that are available and not specifically appropriated for other purposes.•

By Mr. BOREN:

S. 778. A bill to amend the Watermelon Research and Promotion Act to expand operation of the Act to the entire United States, to authorize the revocation of the refund provision of the Act, to modify the referendum procedures of the Act, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WATERMELON RESEARCH AND IMPROVEMENT ACT OF 1993

• Mr. BOREN. Mr. President, I introduce a bill to make technical corrections to the Watermelon Research and Promotion Act.

This bill would allow watermelon producers across the United States to assess themselves on their commodity in order to promote and increase watermelon sales.

These technical amendments would change the referendum procedures by calling for a majority vote for approval of the promotion plan. It would also apply the act to every State and the District of Columbia, while more clearly defining producers and handlers.

Watermelons that are imported into this country that benefit from watermelon promotion plans would also be assessed for their participation.

Mr. President, I ask unanimous consent to have the text of the bill inserted in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Watermelon Research and Promotion Improvement Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Change to majority vote in referendum procedures.
Sec. 3. Expansion of watermelon plans to entire United States.
Sec. 4. Clarification of differences between producers and handlers.
Sec. 5. Clarification of collection of assessments by the Board.
Sec. 6. Changes to assessment rate not subject to formal rulemaking.
Sec. 7. Elimination of watermelon assessment refund.
Sec. 8. Equitable treatment of watermelon plans.
Sec. 9. Separate consideration of watermelon plan amendments.

SEC. 2. CHANGE TO MAJORITY VOTE IN REFERENDUM PROCEDURES.

Section 1653 of the Watermelon Research and Promotion Act (7 U.S.C. 4912) is amended—

(1) by inserting "(a)" after "SEC. 1653.";

(2) by striking the third sentence; and

(3) inserting at the end the following new subsection:

"(b) A plan issued under this subtitle shall not take effect unless the Secretary determines that the issuance of the plan is approved or favored by a majority of the producers and handlers (and importers if subject to the plan) voting in the referendum.".

SEC. 3. EXPANSION OF WATERMELON PLANS TO ENTIRE UNITED STATES.

(a) DEFINITIONS.—Section 1643 of the Watermelon Research and Promotion Act (7 U.S.C. 4902) is amended—

(1) in paragraph (3), by striking "the forty-eight contiguous States of"; and

(2) by adding at the end the following new paragraph:

"(10) The term 'United States' means each of the several States and the District of Columbia.".

(b) ISSUANCE OF PLANS.—The last sentence of section 1644 of such Act (7 U.S.C. 4903) is amended by striking "the forty-eight contiguous States of".

SEC. 4. CLARIFICATION OF DIFFERENCES BETWEEN PRODUCERS AND HANDLERS.

Section 1647(c) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraph:

"(2) If a producer purchases watermelons from other producers in a combined total volume that is equal to 25 percent or more of the producer's own production, the producer shall be eligible to serve on the Board only as a representative of handlers and not as a representative of producers.".

SEC. 5. CLARIFICATION OF COLLECTION OF ASSESSMENTS BY THE BOARD.

Section 1647 of the Watermelon Research and Promotion Act (7 U.S.C. 4906) is amended—

(1) in subsection (f), by striking "collection of the assessments by the Board" and inserting "payment of the assessments to the Board"; and

(2) in paragraphs (1) and (3) of subsection (g), by striking "collected" each place it appears and inserting "received".

SEC. 6. CHANGES TO ASSESSMENT RATE NOT SUBJECT TO FORMAL RULEMAKING.

Section 1647(f) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(f)), as amended by section 5(1), is further amended by adding at the end the following new sentences: "In fixing or changing the rate of assessment pursuant to the plan, the Secretary shall comply with the notice and comment procedures established under section 553 of title 5, United States Code. Sections 556 and 557 of such title shall not apply with respect to fixing or changing the rate of assessment.".

SEC. 7. ELIMINATION OF WATERMELON ASSESSMENT REFUND.

Section 1647(h) of the Watermelon Research and Promotion Act (7 U.S.C. 4906(h)) is amended—

(1) by inserting "(1) Except as provided in paragraph (2)" after "(h)"; and

(2) by adding at the end the following new paragraph:

"(2) If approved in the referendum required by section 1655(b) relating to the elimination of the assessment refund under paragraph (1), the Secretary shall amend the plan that is in effect on the day before the date of the enactment of the Watermelon Research and Promotion Improvement Act of 1993 to eliminate the refund provision.".

SEC. 8. EQUITABLE TREATMENT OF WATERMELON PLANS.

(a) DEFINITIONS.—Section 1643 of the Watermelon Research and Promotion Act (7 U.S.C. 4902), as amended by section 3(a), is further amended—

(1) in paragraph (3), by striking the semicolon at the end and inserting the following: "or imported into the United States.";

(2) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(3) by inserting after paragraph (5) the following new paragraphs:

"(6) The term 'importer' means any person who imports watermelons into the United States.

"(7) The term 'plan' means an order issued by the Secretary under this subtitle.".

(b) ISSUANCE OF PLANS.—Section 1644 of such Act (7 U.S.C. 4903), as amended by section 3(b), is further amended—

(1) in the first sentence, by striking "and handlers" and inserting ", handlers, and importers";

(2) by striking the second sentence; and

(3) in the last sentence, by inserting "or imported into the United States" before the period.

(c) NOTICE AND HEARINGS.—Section 1645(a) of such Act (7 U.S.C. 4904(a)) is amended—

(1) in the first sentence, by striking "and handlers" and inserting ", handlers, and importers"; and

(2) in the last sentence, by striking "or handlers" and inserting ", handlers, or importers".

(d) MEMBERSHIP OF BOARD.—Section 1647(c) of such Act (7 U.S.C. 4906(c)), as amended by section 4, is further amended—

(1) in the second sentence of paragraph (1), by striking "producer and handler members" and inserting "other members"; and

(2) by adding at the end the following new paragraph:

"(3) If importers are subject to the plan, the Board shall also include a single representative of importers, who shall be appointed by the Secretary from nominations submitted by importers in such manner as may be prescribed by the Secretary. If the importers that are subject to the plan fail to select a nominee for appointment to the Board, the Secretary may appoint any importer as the representative of importers.".

(e) ASSESSMENTS.—Section 1647(g) of such Act (7 U.S.C. 4906(g)), as amended by section 5(2), is further amended—

(1) in paragraph (4)—

(A) by striking "(4) assessments" and inserting "(4) Assessments"; and

(B) by inserting "in the case of producers and handlers" after "such assessments"; and

(2) by adding at the end the following new paragraph:

"(5) If importers are subject to the plan, an assessment shall also be made on watermelons imported into the United States by the importers. The rate of assessment for importers (if subject to the plan) shall be equal to the combined rate for producers and handlers.".

(f) REFUNDS.—Section 1647(h) of such Act (7 U.S.C. 4906(h)), as amended by section 7, is further amended—

(1) by inserting after "or handler" the first two places it appears the following: "(or importer if subject to the plan)"; and

(2) by striking "or handler" the last place it appears and inserting ", handler, or importer".

(g) ASSESSMENT PROCEDURES.—Section 1649 of such Act (7 U.S.C. 4908) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end the following new paragraph:

"(2) If importers are subject to the plan, each importer required to pay assessments under the plan shall be responsible for payment of the assessment to the Board, as the Board may direct. The assessment on imported watermelons shall be equal to the combined rate for domestic producers and handlers and shall be paid by the importer to the Board at the time of the entry of the watermelons into the United States. Each such importer shall maintain a separate record including the total quantity of watermelons imported into the United States that are included under the terms of the plan, as well as those that are exempt under the plan, and shall indicate such other information as may be prescribed by the Board. No more than one assessment shall be made on any imported watermelons.";

(2) in subsection (b), by inserting "and importers" after "Handlers"; and

(3) in subsection (c)(1), by inserting "or importers" after "handlers".

(h) INVESTIGATIONS.—Section 1652(a) of such Act (7 U.S.C. 4911(a)) is amended—

(1) in the first sentence, by striking "a handler or any other person" by inserting "a person";

(2) in the fourth sentence, by inserting "(or an importer if subject to the plan)" after "a handler"; and

(3) in the last sentence, by striking "the handler or other person" and inserting "the person".

(i) REFERENDUM.—Section 1653(a) of such Act, as amended by section 2, is further amended—

(1) in the first sentence—

(A) by striking "and handlers" both places it appears and inserting ", handlers, and importers"; and

(B) by striking "or handling" and inserting ", handling, or importing"; and

(2) in the fourth sentence—

(A) by striking "or handler" and inserting ", handler, or importer"; and

(B) by striking "or handled" and inserting ", handled, or imported".

(j) TERMINATION OF PLANS.—Section 1654(b) of such Act (7 U.S.C. 4913(b)) is amended—

(1) in the first sentence—

(A) by striking "10 per centum or more" and inserting "at least 10 percent of the combined total"; and

(B) by striking "and handlers" both places it appears and inserting ", handlers, and importers"; and

(2) in the second sentence—

(A) by striking "or handle" and inserting ", handle, or import";

(B) by striking "50 per centum" and inserting "50 percent of the combined total".

(C) by striking "or handled by the handlers" and inserting ", handled by the handlers, and imported by the importers".

(k) CONFORMING AND TECHNICAL AMENDMENTS.—Such Act is further amended—

(1) in section 1642(a)(5) (7 U.S.C. 4901(a)(5)), by striking "and handling" and inserting "handling, and importing";

(2) in the first sentence of section 1642(b) (7 U.S.C. 4901(b))—

(A) by inserting ", or imported into the United States," after "harvested in the United States"; and

(B) by striking "produced in the United States";

(3) in section 1643 (7 U.S.C. 4902), as amended by subsection (a) and section 3—

(A) by striking "subtitle—" and inserting "subtitle:";

(B) in paragraphs (1), (2), (3), (4), and (5), by striking "the term" each place it appears and inserting "The term";

(C) in paragraphs (1), (2), (4), and (5), by striking the semicolon at the end and inserting a period;

(D) in paragraph (8), as redesignated by subsection (a)(2)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "; and" and inserting a period; and

(E) in paragraph (9), as redesignated by subsection (a)(2)—

(i) by striking "the term" and inserting "The term"; and

(ii) by striking "1644" and inserting "1647"; and

(4) in section 1647(g) (7 U.S.C. 4906(g)), as amended by subsection (e) and section 5(2)—

(A) by striking "that—" and inserting "the following:";

(B) in paragraph (1)—

(i) by striking "(1) funds" and inserting "(1) Funds"; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking "(2) no" and inserting "(2) No"; and

(ii) by striking the semicolon at the end and inserting a period; and

(D) in paragraph (3)—

(i) by striking "(3) no" and inserting "(3) No"; and

(ii) by striking "; and" and inserting a period.

SEC. 9. SEPARATE CONSIDERATION OF WATERMELON PLAN AMENDMENTS.

Section 1655 of the Watermelon Research and Promotion Act (7 U.S.C. 4914) is amended—

(1) by inserting "(a)" before "The provisions"; and

(2) by adding at the end the following new subsections:

"(b) The amendments described in subsection (c) that are required to be made by the Secretary to a plan as a result of the amendments made by the Watermelon Research and Promotion Improvement Act of 1993 shall be subject to separate line item voting and approval in a referendum conducted pursuant to section 1653 before the Secretary alters the plan as in effect on the day before the date of the enactment of such Act.

"(c) The amendments referred to in subsection (b) are those amendments required under—

"(1) section 7 of the Watermelon Research and Promotion Improvement Act of 1993 relating to the elimination of the assessment refund; and

"(2) section 8 of such Act relating to subjecting importers to the terms and conditions of the plan.

"(d) When conducting the referendum relating to subjecting importers to the terms and conditions of a plan, the Secretary shall include as eligible voters in the referendum producers, handlers, and importers who would be subject to the plan if the amendments are approved.".●

By Mr. LAUTENBERG:

S. 780. A bill to prohibit expenditure of appropriated funds on the superconducting super collider, the advances solid rocket motor, or the space station; to the Committee on Appropriations.

S. 781. A bill to require the Secretary of Energy to raise rates for Federal hydroelectric power to speed debt repayment for power projects, to increase domestic livestock grazing fees, to require a royalty for the production of locatable minerals from Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

S. 782. A bill to reduce spending for agricultural programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

BUDGET CUT LEGISLATION

● Mr. LAUTENBERG. Mr. President, with the passage of a budget resolution, the Congress has just completed the first step in what is likely to be a year-long debate on the future of our economy, the budget, and the steps we should be taking to get our economy back on track and move toward a better future for our kids.

Since 1980, we've had skyrocketing deficits, phony numbers and trick accounting. These evasions have misled the American people about the real scope of our problems and the need for hard decisions. Mr. President, the economic policies of the last 12 years have failed. Those policies, boiled down to their essence, were based on giving tax breaks to the wealthiest among us, spending substantial sums on the military, and, largely as a result of the first two, running huge budget deficits.

This year, Mr. President, our deficit is running at about $300 billion. And that's a conservative estimate. In fact, if you exclude the Social Security trust funds, which ought to be considered separately, the actual deficit is approaching $360 billion.

Many economists believe that this level of Federal borrowing—year in and year out—saps our already low-level of private savings, keeping capital out of the hands of entrepreneurs who would use it to invest in creating new businesses and new jobs.

Mr. President, Government borrowing on this scale is also placing a huge burden on our children and grandchildren. It is an obligation on future generations that they have had no say in approving. That's not fair, especially considering that much of the borrowing is being used in ways that will provide no benefits for future generations.

Mr. President, even worse, this borrowing is not being used to invest in things that will produce long-term economic benefits, like education, research, or infrastructure. It is being used to consume for today. And far too much is being wasted on low-priority programs that just cannot be justified. It is an unwise and unfair burden on taxpayers and prevents us from making the kinds of change, the kinds of investments that will put us on track for a better future.

We simply cannot go on like this, Mr. President. The status quo is a recipe for disaster. We've got to change.

As we move to cut the deficit, however, we must be mindful that the so-called recovery is fragile at best. So, as we move to reduce the deficit, we also need some targeted investments to create jobs. We should focus on key areas for investment—education, job training, infrastructure, national service, and technology development, to name a few. Those are real investments in our future. And, by putting people back to work, we will also reduce the deficit in the short term.

Mr. President, when the economy slows, Americans pay fewer taxes and use more Government programs, like unemployment insurance. As a result, the deficit goes up, even if Congress doesn't adopt a single new law. For every one point that the unemployment rate is reduced, the annual deficit is reduced by $50 billion. So, by creating jobs in the short term, we can make substantial inroads on the deficit.

Beyond strengthening our economy, another key to reducing our budget deficit is reforming our health care system. Over the past few years, health care costs have skyrocketed out of control. And the future promises even more dramatic increases.

I am encouraged that President Clinton is committed to health care reform, and I look forward to working with the administration to see such reform enacted as soon as possible. It is essential for our people. It's essential for the economy. And it's essential if we're ever to bring our deficit under control.

Having said all that, Mr. President, to reduce the deficit we need to do more than strengthen the economy and control health care costs. We need to make deeper spending cuts.

That means scrapping unnecessary programs, scaling back the bureaucracy, and cutting wasteful subsidies.

Look at the private sector, Mr. President. Most of America's largest companies are downsizing. In the face of competition literally from around the world, these companies are cutting back, getting leaner, working smarter.

Why can't the Federal Government do the same?

Mr. President, the Congress has approved a budget blueprint designed to achieve substantial deficit reduction. Unfortunately, the budget plan was approved mostly on a party line vote. I had hoped that we would have bipartisan cooperation in moving forward with an economic plan. However, at least we have taken the first steps to break the pattern of conflict, deadlock, gimmicks, and drift and we are moving forward.

In supporting this blueprint for the 1994 budget, I did not agree with every provision or recommendation in the President's proposal. But, I wanted to move the proposal forward, reserving the right to propose or support changes to it.

During consideration of the President's proposed budget outline, the Budget Committee, on which I serve, took steps to reduce the deficit substantially more than President Clinton had first proposed, a step which I supported. In doing so, we approved a budget plan that will save nearly $500 billion, or almost $100 billion more than the President had initially recommended.

However, the budget resolution is a framework only, and does not include proposals to cut specific programs. Now that we have one, we must get down to the hard work of making specific cuts in order to get the deficit under control.

That is why, Mr. President, I am introducing several bills today to begin to identify specific spending cuts that I would like to see enacted to meet the targets of the budget resolution and to go beyond the proposed spending cuts if possible.

Mr. President, in recent years many politicians have talked a good game when it comes to deficit reduction, but when you ask for specifics you get nowhere. You get rhetoric. You get gimmicks. And you get simplistic and unrealistic formulas, like mandatory caps, that allow advocates to issue press releases proclaiming their fiscal conservatism, without offending anyone or accomplishing anything. The American people want specifics.

The proposals I am making today and others that I hope to put forward can make real, concrete spending cuts. These are not gimmicks or temporary freezes in spending. They are specific proposals to cut spending, that together would have a dramatic impact on the deficit without in any way harming Social Security or Medicare beneficiaries.

Mr. President, let me point out a few examples of where I'd place the budget knife.

First, massive, unnecessary science programs. Science and technology are vital to building our economy, but as in all areas we must invest with good sense. NASA's space station, however, sends good sense into orbit. The Pentagon has told us the space station serves virtually no national security purpose. And any civilian purposes can be accomplished better and cheaper in a smaller program.

NASA is also developing a new advanced solid rocket motor to use in the space shuttle. But the only things that will really take off are costs. Even NASA itself says other investments will make the shuttle safer than this billion dollar rocket.

And, finally, who can ignore the Energy Department's superconducting super collider? This 54-mile proton accelerator will absorb about 6 percent of Federal basic science spending, yet produce little in return.

I propose not trimming or snipping, but canceling all three programs, which would save taxpayers some $16 billion over the next 5 years.

Another place to save is by eliminating subsidies for those who use our public lands. By subsidizing those who use our lands for grazing and mining, we not only cheat the taxpayer but also encourage harmful environmental practices. By ending these and other natural resource subsidies, I propose to save the taxpayer almost $1.8 billion over 5 years.

A third place I call for cuts is agriculture. America's farms are a wonder worldwide. But in too many instances, the Federal budget has turned agribusinesses into pigs at an open trough, filled with our tax dollars.

Some examples illustrate my point. Last year Uncle Sam paid mohair producers some $48 million because wool supposedly had some strategic purpose. Beekeepers benefit from Federal taxpayer subsidies, too. The Federal Government subsidizes producers of honey at a 5-year cost to the Treasury of about $60 million.

We also continue to pay for a Rural Electrification Administration to provide low cost loans to rural co-ops even though the original mission of this agency has already been accomplished.

We must ensure that any aid we offer is targeted to the family farm and not the pockets of agribusinessmen. Through a combination of commonsense reforms, my proposal could save more than $19.5 billion over the next 5 years.

Mr. President, I hope my colleagues will take a look at some of my proposals and support them. And I also would challenge them to identify the other areas where we can achieve savings. It's a challenge on behalf of our children and grandchildren.

Mr. President, last November's election results reflected the deep concerns most Americans feel about the state of our economy. Those concerns remain strong and deep in my State.

According to a recent poll by the Eagleton Institute at Rutgers University, 72 percent of New Jerseyans say that our State is still in bad economic times. In the course of the past year, more than 1 in 3 New Jersey households has been touched by unemployment.

One in three households. That's a lot of families. And that doesn't include many families where parents can find only part-time work, or who are struggling to get by in low-wage jobs. Despite talk of recovery, New Jersey's unemployment rate went up last month to 8.3 percent.

Mr. President, I hope that as the Senate gets to work to implement the economic plan, partisan wrangling will be kept to a minimum. We need to get on with the job of investing in our future even as we reduce the deficit; we need to create jobs while getting our fiscal house in order. It's past time to get started on the changes many of us have been supporting for years.•

By Mr. BRYAN (for himself, Mr. BOND, and Mr. RIEGLE):

S. 783. A bill to amend the Fair Credit Reporting Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CONSUMER REPORTING REFORM ACT

• Mr. BRYAN. Mr. President, today I am introducing legislation to amend the Fair Credit Reporting Act with my colleague Senator BOND. When the act was passed 20 years ago, it provided a number of important consumer protections. In the intervening 20 years, the credit reporting industry has undergone drastic changes—from keeping consumer information on handwritten file cards to computer tapes that are updated with billions of entries every month. The time has come to update the law.

The legislation Senator BOND and I are introducing today will make the credit reporting system perform more effectively and will reduce the frustration tens of thousands of Americans experience when their credit reports contain inaccurate information. I can attest to this frustration first hand. My report contained information about credit cards from stores I had never heard of and, for all I know, this faulty information may still be in my file.

There are two provisions in our bill which are especially important to fix the gaps in the current system. First, the bill creates a consumer-friendly reinvestigation process. With billions of entries every month, credit reporting agencies are bound to make mistakes. The real issue is how these mistakes are corrected.

Anyone who has tried to correct a mistake on their credit report knows first hand the immense frustration it causes. The consumer has to prove that the information on his report is erroneous. This can often be difficult, time consuming, and costly. As one witness testified at a field hearing in Las Vegas, how does she prove that she is not married to someone in Alabama? How does someone provide documentation that a judgment against someone else with a similar name is not theirs?

In many cases, proving one's innocence can take months—including countless hours on the phone and writing letters. Innocent consumers should not be burdened with these costs and frustrations.

This legislation changes the burden of proof and puts the onus on the credit reporting agency to verify that its information is correct, and it has to do it within 30 days.

Another recurring problem is that mistakes keep reappearing on a person's report even after the individual has brought the inaccuracy to the credit reporting agency's attention. Our bill would require the agency to notify the individual before reinserting data which had previously been removed. Individuals would also be able to request a free copy of their report for 1 year afterward to ensure the mistake had not crept back in.

The second critical feature of this bill deals with those companies that furnish information to the credit bureaus. There are three legs of the credit information stool—consumers, credit bureaus and those that furnish and buy information from credit bureaus. This third leg—consisting of banks, department stores, and other such companies—has until now not fallen under the purview of the Fair Credit Reporting Act.

While many of the inaccuracies found in credit reports are caused by credit bureaus mistaking two similar names, not all are the fault of the credit bureaus—but are instead caused by erroneous information supplied by credit card companies or department stores. In a vitally important step, this legislation would make these furnishers of information liable if they continue to supply inaccurate data after they have been notified.

While I do not want to discourage companies from supplying information, it is important to hold the furnishers of information accountable for the accuracy of the data they supply. This legislation will provide companies the necessary incentive to improve their reporting and, thus, result in far fewer credit reporting mistakes.

This legislation builds on our experience of last year. Attempts to craft compromises on the issues of free reports and uniform Federal standards proved fruitless. I believe a bill adding more protections for the consumer is possible if an agreement could be reached on the issue of Federal uniformity. I hope that further discussions can occur to see if a compromise is possible.

The credit reporting industry has recently initiated a number of steps that are aimed at the issues of accuracy, privacy, and consumer relations. I applaud these steps and believe they signal a cooperative relationship in crafting legislation.

I am very enthusiastic about our chances of enacting a fair credit reporting bill into law. This legislation will not fix all the problems but should make a significant difference for the tens of thousands of Americans who find themselves the victim of inaccurate credit reports.

I want to say what a pleasure it has been to work with Senator BOND on this issue. Interested parties have very strong feelings on this legislation, and Senator BOND and I have spent countless hours trying to bridge these differences. I appreciate his persistence and determination in working toward getting this legislation enacted. My only regret is that his exceptional subcommittee staff director, Kris Siglin, will be leaving us. I wish her well in her new endeavors.

I ask unanimous consent that the full text of the bill be printed following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Reporting Reform Act of 1993".

(b) TABLE OF CONTENTS.—The following is a table of contents for this Act:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

Sec. 101. Definitions.
Sec. 102. Furnishing and using reports; use of information obtained from reports.
Sec. 103. Amendments relating to prescreening of consumer reports.
Sec. 104. Amendments relating to obsolete information and information contained in consumer reports.
Sec. 105. Amendments relating to compliance procedures.
Sec. 106. Amendments relating to consumer disclosures.
Sec. 107. Amendments relating to procedures in case of the disputed accuracy of any information in a consumer's file.
Sec. 108. Amendment relating to charges for disclosure.
Sec. 109. Amendments relating to duties of users of consumer reports.
Sec. 110. Amendments relating to civil liability.
Sec. 111. Amendments relating to responsibilities of persons who furnish information to consumer reporting agencies.
Sec. 112. State action to enforce Act.
Sec. 113. Administrative enforcement.
Sec. 114. Establishment of toll-free telephone number.
Sec. 115. Action by FTC.
Sec. 116. Effective dates.

TITLE II—CREDIT REPAIR ORGANIZATIONS

Sec. 201. Regulation of credit repair organizations.

TITLE I—AMENDMENTS TO THE FAIR CREDIT REPORTING ACT

SEC. 101. DEFINITIONS.

(a) ADVERSE ACTION.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(j) The term 'adverse action', when used in connection with any action based in whole or in part on any information contained in a consumer report, means any action which is adverse or less favorable to the interest of the consumer who is the report subject. Without limiting the general applicability of the foregoing, the following constitute adverse actions:

"(1) CREDIT.—Any denial or revocation of credit, any increase in the charge for credit, any change in the terms of an existing credit arrangement, or any refusal to grant credit in substantially the amount or on substantially the terms requested. Attempts to collect debts owed or allegedly owed shall not be considered 'adverse actions'.

"(2) EMPLOYMENT.—Any denial of employment or other adverse or less favorable decision relating to employment purposes.

"(3) INSURANCE.—Any denial or cancellation of, any increase in any charge for, or reduction or other adverse or unfavorable change in the terms of coverage or amount of, any insurance, existing or applied for, in connection with the underwriting of insurance.

"(4) LICENSE OR BENEFIT.—Any denial or cancellation of, or any increase in any charge for, or any other adverse or unfavorable change in the terms of, any license or benefit described in section 604(3)(D).

"(5) CONSUMER INITIATED BUSINESS TRANSACTION.—Any denial or cancellation of, or any other adverse or unfavorable change in the terms of, any business transaction which the consumer has initiated or sought to initiate.".

(b) DEFINITION OF CONSUMER REPORT.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended in the second sentence—

(1) by inserting before the semicolon at the end of clause (A) ", or any communication of that information or information (i) from a credit application by a consumer, provided that it is clearly and conspicuously disclosed with the application that the information may be provided to such entities and the consumer consents to such disclosure, or (ii) among the person making the report, an entity related by common ownership to that person, and an entity affiliated by corporate control with that person";

(2) in clause (B), by striking "or" after the semicolon at the end; and

(3) by inserting before the period the following: "; (D) any communication of information about a consumer between persons who are affiliated by common ownership or common corporate control and in connection with a credit or insurance transaction which is not initiated by the consumer, if either of those persons has complied with section 615(d)(2)(B) with respect to a consumer report from which the information is taken and the consumer has consented to use of the report for the transaction in accordance with section 615(d)(2)(C); or (E) any report furnished for use in connection with a transaction which consists of an extension of credit to be used for a commercial purpose".

(c) FIRM OFFER OF CREDIT.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(k) The term 'firm offer of credit' means any offer of credit to a consumer that will be honored if, based on information in a consumer report on the consumer and other information bearing on the creditworthiness of the consumer, the consumer is determined to meet the criteria used to select the consumer for the offer.".

(d) CREDIT OR INSURANCE TRANSACTION WHICH IS NOT INITIATED BY THE CONSUMER.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsection:

"(l) The term 'credit or insurance transaction which is not initiated by the consumer' does not include the use of a consumer report by a person with which the consumer has an account, for purposes of—

"(1) reviewing the account; or

"(2) collecting the account.".

SEC. 102. FURNISHING AND USING REPORTS; USE OF INFORMATION OBTAINED FROM REPORTS.

(a) USE OF REPORTS FOR EMPLOYMENT AND BUSINESS PURPOSES.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is amended—

(1) by striking "A consumer reporting agency may furnish" and inserting "(a) IN

GENERAL.—A consumer reporting agency may furnish";

(2) in subsection (a)(3) (as designated by paragraph (1)), by amending subparagraph (E) to read as follows:

"(E) otherwise has a legitimate business need for the information in connection with a business transaction that—

"(i) is initiated by the consumer; or

"(ii) is a direct marketing transaction for which the furnishing of a consumer report by the agency is not prohibited under subsection (e)."; and

(3) by adding at the end the following new subsection:

"(b) CONDITIONS FOR FURNISHING AND USING CONSUMER REPORTS FOR EMPLOYMENT PURPOSES.—

"(1) CERTIFICATION FROM USER.—A consumer reporting agency may furnish a consumer report for employment purposes only—

"(A) if the person who obtains such report from the agency certifies to the agency that—

"(i) the disclosure required under paragraph (2) or (3), as the case may be, with respect to such consumer report has been made; and

"(ii) information from the consumer report will not be used in violation of any applicable Federal or State equal employment opportunity law or regulation; and

"(B) if the consumer reporting agency provides with the report a summary of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3).

"(2) DISCLOSURES TO PROSPECTIVE AND CURRENT EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes with respect to any prospective or current employee unless—

"(i) the prospective or current employee has received, before the report is procured, a clear and conspicuous disclosure made in writing that consumer reports may be used for employment purposes; and

"(ii) the prospective or current employee has provided a general or specific written authorization for the procurement of the report prior to such procurement.

"(B) WRITTEN MATERIAL CONSTITUTING NOTICE.—A written statement that consumer reports may be used for employment purposes which is contained in employee guidelines or manuals available to employees and prospective employees or included in written materials provided to such persons shall constitute a written disclosure for purposes of subparagraph (A).

"(3) CONDITIONS ON USE FOR ADVERSE ACTIONS.—Before taking any adverse action based on a consumer report used for employment purposes, a person shall provide to the consumer to whom the report relates—

"(A) a copy of the report;

"(B) a description of the consumer's rights under this title, as prescribed by the Federal Trade Commission under section 609(c)(3); and

"(C) a reasonable opportunity to respond to any information in the report that is disputed by the consumer, except that if the person has a reasonable belief that the consumer has engaged in fraudulent or criminal activity, no such opportunity to respond shall be required.".

(b) USE OF INFORMATION OBTAINED FROM REPORTS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding at the end the following new subsection:

"(c) CERTAIN USE OR OBTAINING OF INFORMATION PROHIBITED.—A person shall not use or obtain information from a consumer report for any purpose unless—

"(1) it is obtained for a purpose for which the consumer report is authorized to be furnished under subsection (a); and

"(2) the purpose is certified in accordance with section 607 by a prospective user of the report.".

(c) DISCLOSURE OF CONSUMER REPORTS BY USERS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is amended by adding at the end the following new subsection:

"(c) DISCLOSURE OF CONSUMER REPORTS BY USERS ALLOWED.—A consumer reporting agency may not prohibit a user of a consumer report furnished by the agency on a consumer from disclosing the contents of the report to the consumer if adverse action against the consumer has been taken or is contemplated by the user, based in whole or in part on the report.".

SEC. 103. AMENDMENTS RELATING TO PRESCREENING OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b), as amended by section 102, is further amended—

(1) in subsection (a), by striking "A consumer reporting agency" and inserting "Subject to subsection (d), any consumer reporting agency"; and

(2) by adding at the end the following new subsection:

"(d) LIMITATIONS ON REPORTS RELATING TO CREDIT OR INSURANCE TRANSACTIONS NOT INITIATED BY THE CONSUMER.—

"(1) IN GENERAL.—A consumer reporting agency may furnish a consumer report relating to any consumer pursuant to subsection (a)(3)(A) to any person referred to in such subsection in connection with any solicitation for credit or insurance that is not initiated by the consumer only if—

"(A) the consumer authorizes the agency to provide such report to such person; or

"(B)(i) the transaction consists of a firm offer of credit or insurance;

"(ii) the consumer reporting agency has complied with subsection (f); and

"(iii) the consumer has not elected in accordance with subsection (f)(1) to have the consumer's name and address excluded from lists provided by the agency pursuant to paragraph (1)(B).

"(2) LIMITS ON INFORMATION RECEIVED UNDER PARAGRAPH (1)(B).—A person may receive pursuant to paragraph (1)(B) only—

"(A) the name and address of a consumer; and

"(B) information pertaining to a consumer that is not identified or identifiable with the consumer.

"(3) INFORMATION REGARDING INQUIRIES.—Except as provided in section 609(a)(4), a consumer reporting agency shall not furnish to any person a record of inquiries resulting from credit or insurance transactions which are not initiated by a consumer.".

(b) FURNISHING CONSUMER REPORTS FOR DIRECT MARKETING TRANSACTIONS.—Section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b) is further amended by adding at the end the following new subsections:

"(e) FURNISHING CONSUMER REPORTS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMER.—

"(1) FURNISHING REPORTS PROHIBITED.—A consumer reporting agency may not furnish a consumer report for use for a direct marketing transaction that is not initiated by the consumer to whom the report relates, if—

"(A) the consumer notifies the agency that the consumer does not consent to that use;

"(B) the report includes any information other than the name and address of the consumer; or

"(C) furnishing the information would disclose the credit payment history, credit limit, credit balance, or any negative information pertaining to the consumer.

"(2) NOTIFICATION.—A consumer may notify a consumer reporting agency for purposes of paragraph (1)(A) either—

"(A) in writing; or

"(B) in the case of an agency which compiles and maintains files on consumers on a nationwide basis, by calling the toll-free telephone number established pursuant to subsection (f)(3).

"(f) ELECTION OF CONSUMER TO BE EXCLUDED FROM LISTS.—

"(1) IN GENERAL.—A consumer may elect to have his or her name and address excluded from any list provided by a consumer reporting agency pursuant to subsection (e)(2), by—

"(A) notifying the agency, through the notification system maintained by the agency under paragraph (3), that the consumer does not consent to any use of consumer reports relating to the consumer in connection with any credit or insurance transaction which is not initiated by the consumer; or

"(B) returning to the agency a signed written notice of the election, if provided by the agency in accordance with paragraph (2).

"(2) PROVISION OF WRITTEN NOTICE TO CONSUMER.—A consumer reporting agency shall mail to a consumer a written notice for purposes of paragraph (1)(B), not later than 5 business days after being notified of the election of the consumer in accordance with paragraph (1)(A).

"(3) NOTIFICATION SYSTEM.—Each consumer reporting agency which furnishes a consumer report pursuant to subsection (a)(3)(A) in connection with any credit or insurance transaction which is not initiated by a consumer shall establish and maintain a notification system, including a toll-free telephone number, which permits any consumer whose consumer report is maintained by the agency to notify the agency, with appropriate identification, of the consumer's election to have the consumer's name and address excluded from any list of names and addresses provided by the agency pursuant to subsection (d)(1)(B). Establishment and maintenance of a nationwide notification system and publication by a consumer reporting agency on a nationwide basis in accordance with this paragraph shall be considered to be in compliance with this paragraph by each affiliate of the agency.

"(4) AGENCIES WHICH OPERATE NATIONWIDE.—Each consumer reporting agency which compiles and maintains files on consumers on a nationwide basis shall establish and maintain a notification system under paragraph (3) jointly with other such consumer reporting agencies.

"(5) EFFECTIVENESS OF ELECTION.—An election of a consumer under paragraph (1)—

"(A) shall be effective with respect to a consumer reporting agency beginning on the date on which the consumer notifies the agency in accordance with paragraph (1)(A);

"(B) shall be effective—

"(i) for a period of 2 years after that effective date; or

"(ii) permanently, as may be specified by the consumer in his or her notification of election under paragraph (1)(B), except that the consumer may notify the agency at any time of a change of election in accordance with paragraph (1); and

"(C) shall be effective with respect to each affiliate of the agency.".

(c) FIRST NOTIFICATIONS BY CONSUMERS.—A consumer may notify a consumer reporting agency through a notification system established and maintained by the agency under section 604(f) of the Fair Credit Reporting Act on or after the date which is 1 year after the date of enactment of this Act.

SEC. 104. AMENDMENTS RELATING TO OBSOLETE INFORMATION AND INFORMATION CONTAINED IN CONSUMER REPORTS.

(a) REPEAL OF EXEMPTION PROVISIONS.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended in subsection (a), by striking "(a) Except as authorized under subsection (b) of this section, no" and inserting "(a) OBSOLETE INFORMATION.—Except as otherwise specifically authorized, no".

(b) ADDITIONAL INFORMATION ON BANKRUPTCY FILINGS REQUIRED.—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended to read as follows:

"(b) INFORMATION REQUIRED TO BE DISCLOSED.—Any consumer reporting agency that furnishes a consumer report that contains information regarding any case involving the consumer which arises under title 11, United States Code, shall include in the report an identification of the chapter of such title 11 under which such case arises if provided by the source of the information. If any case arising or filed under title 11, United States Code, is withdrawn by the consumer prior to a final judgment, the consumer reporting agency shall include in the report that such case or filing was withdrawn upon receipt of documentation certifying such withdrawal.".

(c) CLARIFICATION OF REPORTING PERIOD.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(c) RUNNING OF REPORTING PERIOD.—The 7-year period referred to in paragraphs (4) and (6) of subsection (a) shall begin, with respect to any delinquent account which is placed for collection (internally or by referral to a third party, whichever is earlier), charged to profit and loss, or subjected to any similar action, upon the expiration of the 180-day period beginning on the date of the commencement of the delinquency which immediately preceded the collection activity, charge to profit and loss, or similar action.".

(d) DISCLOSURE OF PERSONAL INFORMATION.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(d) DISCLOSURE OF PERSONAL INFORMATION.—A person who prepares any credit report which includes personal credit information on any consumer shall not include in the report any adverse item of information on the consumer with respect to transactions which antedate the report by more than 10 years or which could not be included in any consumer report on the consumer in accordance with this section.".

(e) INDICATION OF CLOSURE OF ACCOUNT.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(e) INDICATION OF CLOSURE OF ACCOUNT BY CONSUMER.—If a consumer reporting agency is notified pursuant to section 622(a)(4) that a credit account of a consumer was voluntarily closed by the consumer, the agency shall indicate that fact in any consumer report that includes information related to the account.".

(f) POSITIVE INFORMATION.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is further amended by adding at the end the following new subsection:

"(f) ACCEPTANCE OF CERTAIN INFORMATION.—A consumer reporting agency shall accept from a consumer and include in the consumer's file relevant and timely information that is not in computerized form if the information—

"(1) would have a positive impact on a determination of creditworthiness of the consumer; and

"(2) is submitted in a form and manner that complies with regulations of the Federal Trade Commission.".

(g) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by striking "**OBSOLETE INFORMATION**" and inserting "**REQUIREMENTS RELATING TO INFORMATION CONTAINED IN CONSUMER REPORTS**".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by striking the item relating to section 605 and inserting the following:

"605. Requirements relating to information contained in consumer reports.".

SEC. 105. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

(a) NOTICE TO USERS AND PROVIDERS OF INFORMATION TO ENSURE COMPLIANCE.—

(1) IN GENERAL.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e), as amended by section 102, is amended by adding at the end the following new subsection:

"(d) NOTICE TO USERS AND FURNISHERS OF INFORMATION.—A consumer reporting agency shall provide a notice to any person—

"(1) who regularly and in the ordinary course of business furnishes information to the agency with respect to any consumer; or

"(2) to whom a consumer report is provided by the agency;

of such person's responsibilities under this title.".

(2) CONTENT OF NOTICE.—The Federal Trade Commission shall prescribe the content of notices under section 607(d) of the Fair Credit Reporting Act by not later than 1 year after the date of enactment of this Act.

(b) RECORD OF IDENTITY OF USERS AND PURPOSES CERTIFIED BY USERS OF REPORTS.—Section 607 of the Fair Credit Reporting Act (15 U.S.C. 1681e) is further amended by adding at the end the following new subsection:

"(e) PROCUREMENT OF CONSUMER REPORT FOR RESALE.—

"(1) DISCLOSURE.—A person may not procure a consumer report for purposes of reselling the report (or the information contained in the report) unless the person discloses to the consumer reporting agency which originally furnished the report—

"(A) the identity of the ultimate end-user of the report (or the information), and

"(B) each permissible purpose under section 604 for which the report is furnished to the ultimate end-user of the report (or the information).

"(2) RESPONSIBILITIES OF PROCURERS FOR RESALE.—A person who procures a consumer report for purposes of reselling the report (or the information contained in the report) shall—

"(A) establish and comply with reasonable procedures designed to ensure that the report (or the information) is resold by the person only for a purpose for which the report may be furnished under section 604, including by ensuring that the person—

"(i) identifies each prospective user of the resold report (or the information);

"(ii) certifies each purpose for which the report (or the information) will be used; and

"(iii) certifies that the report (or the information) will be used for no other purpose; and

"(B) before reselling the report, make reasonable efforts to verify the identifications and certifications made under subparagraph (A).".

SEC. 106. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

(a) ALL INFORMATION IN CONSUMER'S FILE REQUIRED TO BE DISCLOSED.—Section 609(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(1)) is amended to read as follows:

"(1) All information in the consumer's file at the time of the request.".

(b) MORE INFORMATION CONCERNING RECIPIENTS OF REPORTS REQUIRED.—Section 609(a)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)(3)) is amended to read as follows:

"(3)(A) Identification of each person who procured a consumer report—

"(i) for employment purposes within the 2-year period preceding the request; and

"(ii) for any other purpose within the 1-year period preceding the request.

"(B) An identification of a person under subparagraph (A) shall include—

"(i) the name of the person or, if applicable, the trade name (written in full) under which such person conducts business; and

"(ii) upon request of the consumer, the address and telephone number of the person.".

(c) INFORMATION REGARDING INQUIRIES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is further amended by adding at the end the following new paragraph:

"(4) A record of all inquiries received by the agency in the 1-year period preceding the request that identified the consumer in connection with a credit or insurance transaction which is not initiated by the consumer.".

(d) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

(1) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

"(c) SUMMARY OF RIGHTS REQUIRED TO BE INCLUDED WITH DISCLOSURE.—

"(1) SUMMARY OF RIGHTS.—A consumer reporting agency shall provide to a consumer, on or with each written disclosure by the agency to the consumer under this section—

"(A) a written summary of all rights the consumer has under this title; and

"(B) in the case of a consumer reporting agency which compiles and maintains consumer reports on a nationwide basis, a toll-free telephone number which the consumer can use to communicate with the agency.

"(2) SPECIFIC ITEMS REQUIRED TO BE INCLUDED.—The summary of rights required under paragraph (1) shall include—

"(A) a brief description of this title and all rights of consumers under this title;

"(B) an explanation of how the consumer may exercise the rights of the consumer under this title;

"(C) a list of all Federal agencies responsible for enforcing any provision of this title and the address and any appropriate telephone number of each such agency, in a form that will assist the consumer in selecting the appropriate agency; and

"(D) a statement that a consumer reporting agency is not required to remove accurate derogatory information from a consumer's file, unless the information is outdated under section 605 or cannot be verified.

"(3) FORM OF SUMMARY OF RIGHTS.—For purposes of this subsection and any disclosure by a consumer reporting agency required under this title with respect to consumers' rights, the Federal Trade Commission (after consultation with each Federal agency referred to in section 621(b)) shall prescribe the form and content of any disclosure of the rights of consumers required under this title.".

(2) TECHNICAL AMENDMENT.—Section 606(a)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681d(a)(1)(B)) is amended by inserting "and the written summary of the rights of the consumer prepared pursuant to section 609(c)" before the semicolon.

(e) FORM OF DISCLOSURES.—

(1) IN GENERAL.—Subsections (a) and (b) of section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) are amended to read as follows:

"(a) WRITTEN DISCLOSURE.—The disclosures required to be made under section 609 shall be provided to a consumer in writing.

"(b) OTHER FORMS OF DISCLOSURE.—

"(1) IN GENERAL.—In addition to the written disclosures required by subsection (a), a consumer reporting agency may make the disclosures required under section 609 other than in written form if—

"(A) the consumer authorizes the disclosure;

"(B) the consumer furnishes proper identification to the consumer reporting agency;

"(C) the consumer specifies the form of disclosure; and

"(D) such form of disclosure is available from the agency.

"(2) FORM.—A consumer may specify pursuant to paragraph (1) that disclosures under section 609 shall be made—

"(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

"(B) by telephone, if the consumer has made a written request for disclosure by telephone that includes the proper identification of the consumer, as required by paragraph (1)(B);

"(C) by electronic means, if available from the agency; or

"(D) by any other reasonable means that is available from the agency.".

(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the effective date of this Act, each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures required under section 609(a) of the Fair Credit Reporting Act, for the purpose of maximizing the comprehensibility and standardization of such disclosures. The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved.

(3) CONFORMING AMENDMENTS.—

(A) SECTION HEADING.—Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended in the heading for the section by inserting "**AND FORM**" after "**CONDITIONS**".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended in the item relating to section 610 by inserting "and form" after "Conditions".

SEC. 107. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

(a) IN GENERAL.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)) is amended to read as follows:

"(a) REINVESTIGATION OF DISPUTED INFORMATION.—

"(1) IN GENERAL.—If the completeness or accuracy of any item of information contained in any consumer's file at any consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly of such dispute, the agency shall reinvestigate free of charge and record the current status of the disputed information before the end of the 30-day period beginning on the date the agency receives the notice of the dispute from the consumer.

"(2) PROMPT NOTICE OF DISPUTE TO FURNISHER OF INFORMATION.—Not later than 5 business days after the date on which a consumer reporting agency receives notice of a dispute from any consumer in accordance with paragraph (1), the agency shall notify any person who provided any item of information in dispute at the address and in the manner established with the person.

"(3) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that dispute by the consumer is frivolous or irrelevant, including by reason of a failure by a consumer to provide sufficient information to investigate the dispute.

"(B) NOTICE OF DETERMINATION.—Not later than 5 business days after making any determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a consumer reporting agency shall mail to the consumer a written notification of such determination (including the reasons for the determination), and, if authorized by the consumer for that purpose, by any other means available to the agency.

"(4) CONSIDERATION OF CONSUMER INFORMATION.—In conducting any reinvestigation under paragraph (1) with respect to disputed information in the file of any consumer, the consumer reporting agency shall review and consider all relevant information submitted by the consumer in the period described in paragraph (1) with respect to such disputed information.

"(5) DELETION OF INACCURATE OR UNVERIFIABLE INFORMATION.—

"(A) IN GENERAL.—If, in the course of any reinvestigation under paragraph (1) of any information disputed by a consumer, an item of the information is found to be inaccurate or cannot be verified, the consumer reporting agency shall promptly delete that item of information from the consumer's file.

"(B) REQUIREMENTS RELATING TO REINSERTION OF PREVIOUSLY DELETED MATERIAL.—

"(i) CERTIFICATION OF ACCURACY OF INFORMATION.—If any information is deleted from a consumer's file pursuant to subparagraph (A), the information may not be reinserted in the file after the deletion unless the person who furnishes the information certifies that the information is complete and accurate.

"(ii) NOTICE TO CONSUMER.—If any information which has been deleted from a consumer's file pursuant to subparagraph (A) is reinserted in the file in accordance with clause (i), the consumer reporting agency shall, not later than 5 business days after such deletion, mail to the consumer written notification of the reinsertion, and, if authorized by the consumer for that purpose, by any other means available to the agency.

"(C) PROCEDURES TO PREVENT REAPPEARANCE.—A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

"(6) NOTICE OF RESULTS OF REINVESTIGATION.—

"(A) IN GENERAL.—A consumer reporting agency shall mail to the consumer written notification of the results of a reinvestigation under this subsection not later than 5 business days after the completion of the reinvestigation, and, if authorized by the consumer for that purpose, by other means available to the agency.

"(B) CONTENTS.—As part of or in addition to the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing within the 5-business-day period referred to in subparagraph (A)—

"(i) a statement that the reinvestigation is completed;

"(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

"(iii) a description or indication of any changes made in the consumer report as a result of those revisions to the consumer's file;

"(iv) a notice to the consumer that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be provided to the consumer by the agency, including the name, business address, and telephone number of any furnisher of information contacted in connection with such information;

"(v) a notification that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the information; and

"(vi) a clear and conspicuous notification of the right of the consumer to request under subsection (d) that the consumer reporting agency furnish notifications under that subsection.

"(7) DESCRIPTION OF REINVESTIGATION PROCEDURE.—A consumer reporting agency shall provide to a consumer a description referred to in paragraph (6)(B)(iv) by not later than 15 days after receiving a request from the consumer for that description.".

(b) CONFORMING AMENDMENT.—Section 611(d) of the Fair Credit Reporting Act (15 U.S.C. 1681i(d)) is amended by striking "The consumer reporting agency shall clearly" and all that follows through the end of the subsection.

SEC. 108. AMENDMENT RELATING TO CHARGES FOR DISCLOSURE.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended to read as follows:

"§612. Charges for disclosures and certain notices prohibited

"(a) FREE CONSUMER REPORTS.—Each consumer reporting agency that maintains a file on a consumer shall make all disclosures pursuant to section 609 without charge to the consumer—

"(1) if the consumer makes a request under section 609, not later than 60 days after receipt by such consumer of a notification pursuant to section 615 or of a notification from a debt collection agency affiliated with that consumer reporting agency stating that the consumer's credit rating may be or has been adversely affected; and

"(2) upon written request by the consumer not later than 1 year after the consumer receives a notification under subsection (b)(2).

"(b) CHARGE FOR CERTAIN NOTICES PROHIBITED.—A consumer reporting agency shall not impose any charge for—

"(1) providing a notice required under section 611(a)(6); or

"(2) notifying a person pursuant to section 611(d) of the deletion of information which is found to be inaccurate or which can no longer be verified, if the consumer designates that person to the agency before the end of the 30-day period beginning on the date of the notification of the consumer under section 611(a)(6).".

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

(a) DUTIES OF USERS TAKING ADVERSE ACTIONS.—Section 615(a) of the Fair Credit Reporting Act (15 U.S.C. 1681m(a)) is amended to read as follows:

"(a) DUTIES OF USERS TAKING ADVERSE ACTIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER REPORTS.—If any person takes any adverse action with respect to any consumer in connection with credit, employment purposes, insurance underwriting, any license or benefit described in section 604(3)(D), or any business transaction involving the consumer which is based, in whole or in part, on any information contained in a consumer report, the person shall—

"(1) provide written notice of the adverse action to the consumer;

"(2) provide the consumer—

"(A) the name, address, and telephone number of the consumer reporting agency which furnished the report to the person; and

"(B) a statement that the consumer reporting agency did not make the decision to take the adverse action;

"(3) provide to the consumer a written notice of the consumer's right—

"(A) to obtain, under section 612, a free copy of a consumer report on the consumer, from the consumer reporting agency referred to in paragraph (2) and from any other consumer reporting agency which compiles and maintains files on consumers on a nationwide basis; and

"(B) to dispute, under section 611, with a consumer reporting agency the accuracy or completeness of any information in a consumer report furnished by the agency; and

"(4) in the case of an adverse action based in whole or in part on a credit score or other credit rating system, provide to the consumer—

"(A) notice that the credit scoring system was used; and

"(B) the principal reasons for that credit score, if those reasons are required to be disclosed by the person for purposes of compliance with section 701(d)(3) of the Equal Credit Opportunity Act.".

(b) DUTIES OF USERS WHO MAKE CERTAIN SOLICITATIONS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is further amended by adding at the end the following new subsection:

"(d) DUTIES OF USERS WHO MAKE WRITTEN CREDIT OR INSURANCE SOLICITATIONS ON THE BASIS OF INFORMATION CONTAINED IN CONSUMER FILES.—

"(1) IN GENERAL.—Any person who uses a consumer report of any consumer in connection with any credit or insurance transaction which is not initiated by the consumer and which consists of a firm offer of credit or insurance shall provide on or with any written solicitation made to the consumer regarding the transaction a clear and conspicuous statement that—

"(A) information contained in the consumer's consumer report was used in connection with the transaction;

"(B) the consumer received the offer of credit or insurance because the consumer satisfied the criteria for creditworthiness under which the consumer was selected for the offer;

"(C) if applicable, the credit or insurance may not be extended if, after the consumer responds to the offer, the consumer does not meet the original criteria used to select the consumer for the offer;

"(D) no new criteria for creditworthiness will be imposed on the consumer other than the original criteria used to select the consumer for the offer;

"(E) the consumer has a right to prohibit information contained in the consumer's file with any consumer reporting agency to be used in connection with any credit or insurance transaction that is not initiated by the consumer; and

"(F) the consumer may exercise the right referred to in subparagraph (E) by using the joint notification system established under section 604(e)(4).

"(2) LIMITATION ON APPLICATION.—Paragraph (1) does not apply to the use of a consumer report by a person if—

"(A) the person is affiliated by common ownership or by common corporate control with the person who procured the report;

"(B) the person who procured the report clearly and conspicuously disclosed to the consumer to whom the report relates, before the report is provided to the person who will use the report, that the report might be provided to and used by other persons who are affiliated in the manner described in subparagraph (A) to the person who procured the report; and

"(C) that provision and use of the report is consented to by the consumer in writing.

"(3) FALSE AND MISLEADING STATEMENTS.—No statement accompanying a credit or insurance transaction that is not initiated by the consumer shall contain any false or misleading information concerning any condition or criteria for the extension of credit (or offer therefore) to the consumer.

"(4) MAINTAINING CRITERIA ON FILE.—A person who makes an offer of credit or insurance to a consumer under a credit or insurance transaction described in paragraph (1) shall maintain on file the criteria used to select the consumer to receive the offer, until the end of the 3-year period beginning on the date on which the offer is made to the consumer.".

(c) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is further amended by adding at the end the following new subsection:

"(e) DUTIES OF USERS FOR DIRECT MARKETING TRANSACTIONS NOT INITIATED BY CONSUMERS.—Any person who, in connection with a direct marketing transaction that is not initiated by a consumer, uses information concerning the consumer that is provided by a consumer reporting agency shall provide to the consumer with each communication regarding the transaction made to the consumer a clear and conspicuous written statement—

"(1) that information concerning the consumer that was provided by a consumer reporting agency was used in connection with the transaction;

"(2) that the consumer has the right under section 604(e) to prohibit any information concerning the consumer from being provided by the consumer reporting agency for use in connection with any direct marketing transaction that is not initiated by the consumer;

"(3) that the consumer may exercise the right referred to in paragraph (2) by notifying the consumer reporting agency in writing or, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(d)(4), by calling that number; and

"(4) disclosing the name, address, and, in the case of a consumer reporting agency required to establish a toll-free telephone number pursuant to section 604(d)(4), the toll-free telephone number at which the agency may be notified.".

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

(a) WILLFUL FAILURE TO COMPLY.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended to read as follows:

"SEC. 616. CIVIL LIABILITY FOR WILLFUL NONCOMPLIANCE.

"(a) IN GENERAL.—Any person who willfully fails to comply with any requirement imposed under this title with respect to any consumer is liable to that consumer in an amount prescribed under subsection (c).

"(b) EXCEPTION.—A person has no liability to a consumer under this section for a violation of section 622(a)(1).

"(c) DAMAGES.—Liability for a willful failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damages sustained by the consumer as a result of the failure;

"(2) an amount not less than $300 nor greater than $1,000;

"(3) such punitive damages as the court may allow; and

"(4) in the case of any successful action to enforce any liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.".

(b) NEGLIGENT FAILURE TO COMPLY.—Section 617 of the Fair Credit Reporting Act (15 U.S.C. 1681o) is amended to read as follows:

"SEC. 617. CIVIL LIABILITY FOR NEGLIGENT NONCOMPLIANCE.

"(a) IN GENERAL.—Any person who is negligent in failing to comply with any requirement of this title with respect to a consumer shall be liable to that consumer in an amount prescribed in subsection (c).

"(b) EXCEPTION.—A person has no liability to a consumer under this section for a violation of section 622(a)(1).

"(c) DAMAGES.—Liability for a negligent failure to comply described in subsection (a) shall be in an amount equal to the sum of—

"(1) any actual damage sustained by a consumer as a result of the failure; and

"(2) in the case of any successful action to enforce liability under this section—

"(A) the costs of the action; and

"(B) reasonable attorney's fees, as determined by the court.".

SEC. 111. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(1) by redesignating sections 622 and 623 as sections 623 and 624; and

(2) by inserting after section 621 the following new section:

"SEC. 622. RESPONSIBILITIES OF FURNISHERS OF INFORMATION TO CONSUMER REPORTING AGENCIES.

"(a) DUTY OF FURNISHERS OF INFORMATION TO PROVIDE COMPLETE AND ACCURATE INFORMATION.—

"(1) In general.—A person shall not furnish any information to any consumer reporting agency if the person knows or should know the information is incomplete or inaccurate.

"(2) Duty to correct and update information.—A person who—

"(A) in the ordinary course of business, regularly and on a routine basis furnishes information to one or more consumer reporting agencies about their own transactions or experiences with a consumer; and

"(B) furnishes information to a consumer reporting agency, that the person determines is not complete or accurate;

shall promptly notify the consumer reporting agency of that determination and provide to the agency any corrections to that information, or any additional information, that is necessary to make the information provided by the person to the agency complete and accurate.

"(3) Duty to provide notice of continuing dispute.—If the completeness or accuracy of any information furnished by any person to any consumer reporting agency continues to be disputed to such person, the person may not furnish the information to any consumer reporting agency without notice that such information is disputed by the consumer.

"(4) Duty to provide notice of closed accounts.—A person who regularly furnishes information to a consumer reporting agency regarding a consumer who has a credit account with that person shall notify the agency of the closure of that account by the consumer in information regularly furnished for the period in which the account is closed.

"(5) Duty to provide notice of delinquency of accounts.—A person who furnishes information to a consumer reporting agency regarding a delinquent account being placed for collection, charged to profit or loss, or subjected to any similar action shall notify the agency of the commencement of the delinquency immediately preceding that action, by not later than 90 days after the date of that commencement.

"(b) Notice to Consumers of Information Furnished to Consumer Reporting Agencies.—

"(1) Notice required.—A person who in the ordinary course of business regularly and on a routine basis furnishes information about that person's transactions or experiences with any consumer to any consumer reporting agency, shall give notice of that fact in writing to the consumer before first providing any information about the consumer to any consumer reporting agency.

"(2) Contents of notice.—Written notice provided to a consumer by a person pursuant to paragraph (1) shall contain—

"(A) a brief description of the type of information that may be furnished regularly to any consumer reporting agency; and

"(B) a brief description of the frequency with which or the circumstances under which information is furnished to any consumer reporting agency.

"(3) Notice by certain persons.—A person who furnishes information about consumers who have written checks with insufficient funds may give notice for purposes of paragraph (1) by posting the notice in a conspicuous manner at each location where checks are accepted by the person.

"(c) Duties of Furnishers of Information Upon Notice of Dispute.—Upon receiving notice pursuant to section 611(a)(2) of a dispute with regard to the completeness or accuracy of any information provided by a person to a consumer reporting agency, the person shall—

"(1) complete an investigation with respect to the disputed information and report to the consumer reporting agency the results of that investigation before the end of the 20-day period beginning on the date the agency receives notices of a dispute from the consumer in accordance with section 611(a)(1); and

"(2) review relevant information submitted to the consumer reporting agency by the consumer in accordance with section 611(a)(4).

"(d) Limitations.—

"(1) Civil liability.—Sections 616 and 617 shall not apply to any failure to comply with subsection (a).

"(2) Enforcement.—Subsection (a) shall be enforced exclusively under section 621 by the agencies identified in that section.

"(3) Injunctive relief.—In an action alleging a violation of subsection (a)(1), the court shall have jurisdiction to enjoin the violation only where the action is brought by the Federal Trade Commission or the attorney general of a State.".

(b) Clerical Amendment.—The table of sections for title VI of the Consumer Credit Protection Act is amended by redesignating the item relating to sections 622 and 623 as sections 623 and 624, and inserting after the item relating to section 621 the following new item:

"622. Responsibilities of furnishers of information to consumer reporting agencies.".

SEC. 112. STATE ACTION TO ENFORCE ACT.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(d) State Action To Enforce Act.—If any person violates any requirement imposed under this title, the chief law enforcement officer of the State in which such violation occurred (or an official or agency designated by that State) may bring an action—

"(1) to restrain such violation;

"(2) to recover amounts for which such person is liable under this title to each person on whose behalf the action is brought;

"(3) to seek such remedies as are allowed under the law of such State; or

"(4) to collect a civil penalty of not more than $1,000 for each such violation.".

SEC. 113. ADMINISTRATIVE ENFORCEMENT.

(a) In General.—Section 621(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s(a)) is amended in the second sentence—

(1) by striking "Act and shall be subject to enforcement by the Federal Trade Commission under section 5(b) thereof with respect to any consumer reporting agency or person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective" and inserting "Act. All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, irrespective"; and

(2) by inserting before the period ", including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule".

(b) Federal Reserve Board Interpretive Authority.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

"(e) Interpretive Authority.—The Board of Governors of the Federal Reserve System may issue an interpretation of any provision of this title as it may apply to any person identified in paragraph (1), (2), or (3) of subsection (b), and the holding companies and affiliates of such person, in consultation with the Federal agencies identified in paragraph (1), (2), or (3) of subsection (b).".

SEC. 114. ESTABLISHMENT OF TOLL-FREE TELEPHONE NUMBER.

Each consumer reporting agency which compiles and maintains consumer reports on a nationwide basis shall establish (and thereafter maintain) a toll-free telephone number pursuant to section 609(c)(1)(B) of the Fair Credit Reporting Act, as amended by section 106(d), not later than 1 year after the date of enactment of this Act.

SEC. 115. ACTION BY FTC.

The Federal Trade Commission shall prescribe all matters required by this title (including the amendments made by this title) to be prescribed by the Federal Trade Commission not later than 270 days after the date of enactment of this Act.

SEC. 116. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), the amendments made by this title shall become effective 1 year after the date of enactment of this Act.

(b) Exceptions.—Notwithstanding the provisions of subsection (a), the Federal Trade Commission may prescribe regulations, as required by this title and the amendments made by this title.

TITLE II—CREDIT REPAIR ORGANIZATIONS

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Title IV of the Consumer Credit Protection Act is amended to read as follows:

"TITLE IV—CREDIT REPAIR ORGANIZATIONS

"Sec.
"401. Short title.
"402. Findings and purposes.
"403. Definitions.
"404. Prohibited practices by credit repair organizations.
"405. Disclosures.
"406. Credit repair organizations contracts.
"407. Right to cancel contract.
"408. Noncompliance with this title.
"409. Civil liability.
"410. Administrative enforcement.

"SEC. 401. SHORT TITLE.

"This title may be cited as the 'Credit Repair Organizations Act'.

"SEC. 402. FINDINGS AND PURPOSES.

"(a) Findings.—The Congress finds—

"(1) consumers have a vital interest in establishing and maintaining their creditworthiness and credit standing in order to obtain and use credit. As a result, consumers who have experienced credit problems may seek assistance from credit repair organizations which offer to improve the credit standing of such consumers; and

"(2) certain advertising and business practices of some companies engaged in the business of credit repair services have worked a financial hardship upon consumers, particularly those of limited economic means and who are inexperienced in credit matters.

"(b) Purposes.—The purposes of this title are—

"(1) to ensure that prospective buyers of the services of credit repair organizations are provided with the information necessary to make an informed decision regarding the purchase of such services; and

"(2) to protect the public from unfair or deceptive advertising and business practices by credit repair organizations.

"SEC. 403. DEFINITIONS.

"For purposes of this title:

"(1) CONSUMER.—The term 'consumer' means an individual.

"(2) CONSUMER CREDIT TRANSACTION.—The term 'consumer credit transaction' means any transaction in which credit is offered or extended to an individual for personal, family, or household purposes.

"(3) CREDIT REPAIR ORGANIZATION.—The term 'credit repair organization'—

"(A) means any person who uses any instrumentality of interstate commerce or the mails to sell, provide, or perform (or represent that such person can or will sell, provide, or perform) any service, in return for the payment of money or other valuable consideration, for the express or implied purpose of—

"(i) improving any consumer's credit record, credit history, or credit rating;

"(ii) removing adverse credit information that is accurate and not obsolete from the consumer's record, history, or rating;

"(iii) altering the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete; or

"(iv) providing advice or assistance to any consumer with regard to any activity or service described in clause (i), (ii), or (iii); and

"(B) does not include—

"(i) any nonprofit organization which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986; or

"(ii) any attorney at law who is a member of the bar of the highest court of any State or otherwise licensed under the laws of any State, with respect to services rendered that are within the scope of regulations applicable to members of such bar or such licensees.

"(4) CREDIT.—The term 'credit' has the same meaning as in section 103(e).

"SEC. 404. PROHIBITED PRACTICES BY CREDIT REPAIR ORGANIZATIONS.

"No credit repair organization, and no officer, employee, agent, or other person participating in the conduct of the affairs of any credit repair organization, may—

"(1) charge or receive any money or other valuable consideration for the performance of any service that the credit repair organization has agreed to perform for any consumer before such service is fully performed;

"(2) make any statement, or counsel or advise any consumer to make any statement, which is untrue or misleading (or which, upon the exercise of reasonable care, should be known by the credit repair organization, officer, employee, agent, or other person to be untrue or misleading) with respect to any consumer's creditworthiness, credit standing, or credit capacity to—

"(A) any consumer reporting agency (as defined in section 603(f)); or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(3) make any statement, or counsel or advise any consumer to make any statement, the intended effect of which is to alter the consumer's identification to prevent the display of the consumer's credit record, history, or rating for the purpose of concealing adverse credit information that is accurate and not obsolete to—

"(A) any consumer reporting agency; or

"(B) any person—

"(i) who has extended credit to the consumer; or

"(ii) to whom the consumer has applied or is applying for an extension of credit;

"(4) make or use any untrue or misleading representation of the services of the credit repair organization; or

"(5) engage, directly or indirectly, in any act, practice, or course of business that constitutes or results in the commission of, or an attempt to commit, a fraud or deception on any person in connection with the offer or sale of the services of the credit repair organization.

"SEC. 405. DISCLOSURES.

"(a) DISCLOSURE REQUIRED.—Before any contract or agreement between a consumer and a credit repair organization is executed, the credit repair organization shall provide the consumer with the following written statement:

"'Consumer Credit File Rights Under State and Federal Law

"'You have a right to dispute inaccurate information in your credit report by contacting the credit bureau directly. However, neither you nor any "credit repair" company or credit repair organization has the right to have accurate, current, and verifiable information removed from your credit report. The credit bureau must remove accurate, negative information from your report only if it is over 7 years old. Bankruptcy information can be reported for 10 years.

"'You have a right to obtain a copy of your credit report from a credit bureau. You may be charged a reasonable fee. There is no fee, however, if you have been turned down for credit, employment, insurance, or a rental dwelling because of information in your credit report within the preceding 60 days. The credit bureau must provide someone to help you interpret the information in your credit file. A credit report is available annually at no charge.

"'You have a right to sue a credit repair company that violates the Credit Repair Organization Act. This law prohibits deceptive practices by credit repair companies.

"'You have the right to cancel your contract with any credit repair organization for any reason within 3 business days from the date you signed it.

"'Credit bureaus are required to follow reasonable procedures to ensure that creditors report information accurately. However, mistakes may occur.

"'You may, on your own, notify a credit bureau in writing that you dispute the accuracy of information in your credit file. The credit bureau must then reinvestigate and modify or remove inaccurate information. The credit bureau may not charge any fee for this service. Any pertinent information and copies of all documents you have concerning an error should be given to the credit bureau.

"'If reinvestigation does not resolve the dispute to your satisfaction, you may send a brief statement to the credit bureau, to be kept in your file, explaining why you think the record is inaccurate. The credit bureau must include your statement about disputed information with any report it issues about you.

"'The Federal Trade Commission regulates credit bureaus and credit repair organizations. For more information contact:

"'Public Reference Branch
Federal Trade Commission
Washington, D.C. 20580.'.

"(b) SEPARATE STATEMENT REQUIREMENT.—The written statement required under this section shall be provided as a document which is separate from any written contract or other agreement between the credit repair organization and the consumer or any other written material provided to the consumer.

"(c) RETENTION OF COMPLIANCE RECORDS.—

"(1) IN GENERAL.—The credit repair organization shall maintain a copy of the statement signed by the consumer acknowledging receipt of the statement.

"(2) MAINTENANCE FOR 2 YEARS.—The copy of any consumer's statement shall be maintained in the organization's files for 2 years after the date on which the statement is provided to the consumer.

"SEC. 406. CREDIT REPAIR ORGANIZATIONS CONTRACTS.

"(a) WRITTEN CONTRACTS REQUIRED.—A credit repair organization may not provide services for any consumer unless a written and dated contract (for the purchase of such services) which meets the requirements of subsection (b) has been signed by the consumer.

"(b) TERMS AND CONDITIONS OF CONTRACT.—No contract referred to in subsection (a) meets the requirements of this subsection unless such contract includes the following information (in writing):

"(1) The terms and conditions of payment, including the total amount of all payments to be made by the consumer to the credit repair organization or to any other person.

"(2) A full and detailed description of the services to be performed by the credit repair organization for the consumer, including—

"(A) all guarantees and all promises of full or partial refunds; and

"(B) an estimate of—

"(i) the date by which the performance of the services (to be performed by the credit repair organization or any other person) will be complete; or

"(ii) the length of the period necessary to perform such services.

"(3) The credit repair organization's name and principal business address.

"(4) A conspicuous statement in boldface type, in immediate proximity to the space reserved for the consumer's signature on the contract, which reads as follows: 'You may cancel this contract without penalty or obligation at any time before midnight of the third business day after the date on which you signed the contract. See the attached notice of cancellation form for an explanation of this right.'.

"SEC. 407. RIGHT TO CANCEL CONTRACT.

"(a) IN GENERAL.—Any consumer may cancel any contract with any credit repair organization without penalty or obligation by notifying the credit repair organization of the consumer's intention to do so at any time before midnight of the third business day which begins on the date on which the contract or agreement between the consumer and the credit repair organization is executed or would, but for this subsection, become enforceable against the parties.

"(b) CANCELLATION FORM AND OTHER INFORMATION.—Each contract shall be accompanied by a form, in duplicate, which has the heading 'Notice of Cancellation' and contains in boldface type the following statement:

"'You may cancel this contract, without any penalty or obligation, at any time before midnight of the third business day which begins after the date the contract is signed by you.

"'If you cancel, any payment you made under this contract will be returned before the end of the 10-day period beginning on the date the seller receives your cancellation notice.

"'To cancel this contract, mail or deliver a signed, dated copy of this cancellation notice, or any other written notice to [insert name of credit repair organization] at [insert address of credit repair organization] before midnight on [insert date].

"'I hereby cancel this transaction.

"' _____________(purchaser's signature)

"' _____________(date)'.

"(c) CONSUMER COPY OF CONTRACT REQUIRED.—Any consumer who enters into any contract with any credit repair organization shall be given, by the organization—

"(1) a copy of the completed contract and the disclosure statement required under section 405; and

"(2) a copy of any other document the credit repair organization requires the consumer to sign,

at the time the contract or the other document is signed.

"SEC. 408. NONCOMPLIANCE WITH THIS TITLE.

"(a) CONSUMER WAIVERS INVALID.—Any waiver by any consumer of any protection provided by or any right of the consumer under this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"(b) ATTEMPT TO OBTAIN WAIVER.—Any attempt by any credit repair organization to obtain a waiver from any consumer of any protection provided by or any right of the consumer under this title shall be treated as a violation of this title.

"(c) CONTRACTS NOT IN COMPLIANCE.—Any contract for services which does not comply with the applicable provisions of this title—

"(1) shall be treated as void; and

"(2) may not be enforced by any Federal or State court or any other person.

"SEC. 409. CIVIL LIABILITY.

"(a) LIABILITY ESTABLISHED.—Any credit repair organization which fails to comply with any provision of this title with respect to any person shall be liable to such person in an amount equal to the sum of the amounts determined under each of the following paragraphs:

"(1) ACTUAL DAMAGES.—The greater of—

"(A) the amount of any actual damage sustained by such person as a result of such failure; or

"(B) any amount paid by the person to the credit repair organization.

"(2) PUNITIVE DAMAGES.—

"(A) INDIVIDUAL ACTIONS.—In the case of any action by an individual, such additional amount as the court may allow.

"(B) CLASS ACTIONS.—In the case of a class action, the sum of—

"(i) the aggregate of the amount which the court may allow for each named plaintiff; and

"(ii) the aggregate of the amount which the court may allow for each other class member, without regard to any minimum individual recovery.

"(3) ATTORNEYS' FEES.—In the case of any successful action to enforce any liability under paragraph (1) or (2), the costs of the action, together with reasonable attorneys' fees.

"(b) FACTORS TO BE CONSIDERED IN AWARDING PUNITIVE DAMAGES.—In determining the amount of any liability of any credit repair organization under subsection (a)(2), the court shall consider, among other relevant factors—

"(1) the frequency and persistence of noncompliance by the credit repair organization;

"(2) the nature of the noncompliance;

"(3) the extent to which such noncompliance was intentional; and

"(4) in the case of any class action, the number of consumers adversely affected.

"(c) JURISDICTION.—Any action under this section may be brought in any United States district court, or in any other court of competent jurisdiction, before the later of—

"(1) the end of the 2-year period beginning on the date of the occurrence of the violation involved; or

"(2) in any case in which any credit repair organization has materially and willfully misrepresented any information which—

"(A) the credit repair organization is required, by any provision of this title, to disclose to any consumer; and

"(B) is material to the establishment of the credit repair organization's liability to the consumer under this section,

the end of the 2-year period beginning on the date of the discovery by the consumer of the misrepresentation.

"SEC. 410. ADMINISTRATIVE ENFORCEMENT.

"(a) IN GENERAL.—Compliance with the requirements imposed under this title with respect to credit repair organizations shall be enforced under the Federal Trade Commission Act by the Federal Trade Commission.

"(b) VIOLATIONS OF THIS TITLE TREATED AS VIOLATIONS OF FEDERAL TRADE COMMISSION ACT.—

"(1) IN GENERAL.—For the purpose of the exercise by the Federal Trade Commission of the Federal Trade Commission's functions and powers under the Federal Trade Commission Act, any violation of any requirement or prohibition imposed under this title with respect to credit repair organizations shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act.

"(2) ENFORCEMENT AUTHORITY UNDER OTHER LAW.—All functions and powers of the Federal Trade Commission under the Federal Trade Commission Act shall be available to the Federal Trade Commission to enforce compliance with this title by any person subject to enforcement by the Federal Trade Commission pursuant to this subsection, including the power to enforce the provisions of this title in the same manner as if the violation had been a violation of any Federal Trade Commission trade regulation rule, without regard to whether the credit repair organization—

"(A) is engaged in commerce; or

"(B) meets any other jurisdictional tests in the Federal Trade Commission Act.

"(c) STATE ENFORCEMENT OF TITLE.—

"(1) IN GENERAL.—The attorney general of any State, or an official or agency designated under the law of any State, may enforce the provisions of this title in Federal or State court.

"(2) CIVIL ENFORCEMENT ACTIONS.—Any State may bring a civil action in any Federal or State court to enjoin any violation of this title and to recover damages under this title for consumers who reside in such State.".●

● Mr. RIEGLE. Mr. President, I am pleased to join Senators BRYAN and BOND as an original cosponsor of the Fair Credit Reporting Act of 1993. This legislation is designed to correct abuses involving consumer credit reports.

Credit bureaus compile information on the credit histories of consumers and furnish reports for a fee to credit providers who are considering advancing credit to consumers. The bill would impose new duties on credit bureaus, users of credit reports, and those who furnish information to credit bureaus for inclusion in credit reports.

I commend Senator BRYAN and Senator BOND for their outstanding leadership in addressing the serious problems that afflict the current credit reporting system. The Senators worked hard on legislation last year and have built on that legislation in crafting the bill we introduce today. Without their leadership, we would still be at the drawing board trying to figure out how to correct abuses that daily result in the denial of credit to deserving consumers.

Since its passage in 1970, the Fair Credit Reporting Act has been left behind by computerization and changing business practices. As a result, consumers have been denied jobs, credit, and housing—even the right to cash a check—because of errors in their credit reports. Businesses can often look at consumers' credit reports without their permission, and consumers do not have free access to their reports even if they have been denied credit because of errors in those reports.

The legislation we introduce today differs from the legislation offered by Senators BRYAN and BOND in the last Congress in two notable respects. Both these changes respond to concerns that we raised in debate on that measure. First, the bill would no longer preempt State laws that are more protective of consumers. Second, the bill would no longer require credit bureaus to furnish consumers with free reports every other year.

Credit bureaus, credit providers, and consumers will most likely have additional changes that they would like to see before the bill becomes law. But the legislation we are introducing offers a sound foundation for enactment of changes in the law that are long overdue and that will guarantee that consumers can buy homes and borrow money based on a fair and accurate assessment of their credit histories. I look forward to working with Senators BRYAN and BOND, with other concerned Senators, as well as with organizations representing the interests of those affected by the legislation, to refine the bill and to move it to final passage.●

● Mr. BOND. Mr. President, I introduce with my colleague, Senator BRYAN of Nevada, legislation to reform the Fair Credit Reporting Act. Reform in this area is long overdue and I think that it would be a shame for the Congress to adjourn this year without reforming this statute to protect consumers. We introduced a version of this legislation last Congress but it was derailed in the House of Representatives and thus not considered in the Senate.

There are two major reasons to reform FCRA: To improve the accuracy of the information that is kept on consumers in credit bureau files and to protect consumers' financial privacy. This statute was enacted over 20 years ago, and there have been immense changes in computer technology since then which have greatly increased the amount of information that can be kept on individuals. The statute was written for an age of filing cabinets and folders rather than computers.

The deficiencies in the filing cabinet statute now on the books were dramatically described at Banking Committee hearings in the fall of 1991 when we heard from consumers who had been the victims of erroneous information in their credit files. The current law simply does not do the job. Consumers who are the victims of mistaken identity or fraud do not have the rights under current law to remedy the situation quickly. This means that consumers are denied mortgages, student loans, car loans, and credit cards because of information that is wrong. In far too many cases, consumers are unable to get the credit bureaus or the creditors that made the mistake to correct it. Mistaken and false information in consumers' credit history can destroy their finances and ruin their dreams.

I would like to draw my colleagues' attention to two provisions in the bill which should help consumers fix their credit files. The first is expanded reinvestigation provisions which require the credit bureaus to investigate disputed information within 30 days, delete erroneous information, and notify consumers of the result of their investigation. The bill expands the disclosure provisions in current law so that consumers will be sure to be informed of their rights.

The legislation also gives consumers the right to a free copy of their credit report after they have been turned down on the basis of a credit report, and a free report to verify that an error has been corrected. In this way, consumers will know what is in their files and will be able to correct any mistakes. In this age of computerization and rapid information transfer, consumers need help when they confront the confusing credit bureaucracy about their files. Basic access to their files and more rights to challenge that information will help protect consumers from credit abuses and mistakes.

There is broad agreement about most of the provisions in this bill, but last year there was a loud and contentious debate about whether State laws on this subject should be preempted by a new Federal statute. This debate over Federal preemption ended up causing the bill to be defeated on the House floor last fall. I believe that we should apply a uniform Federal standard to govern credit reporting, which is why the bill which Senator BRYAN and I introduced last year preempted State laws. Nevertheless, in an effort to move urgently needed legislation this year, Senator BRYAN and I have agreed to drop the Federal preemption provisions and the section allowing consumers a free credit report every other year.

These two sections of the bill drew the most criticism last year, so we are willing to modify our bill in the hope of moving legislation this year. I prefer a bill with Federal preemption and a free report provision, but I'm willing to try stripping controversial provisions out of the bill in the interest of compromise. I hope that the warring factions will look carefully at our suggested compromise and will suggest ways it can be improved rather than letting FCRA reform slip away again this year.•

By Mr. HATCH (for himself, Mr. REID, and Mr. MURKOWSKI):

S. 784. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes; to the Committee on Labor and Human Resources.

DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1993

• Mr. HATCH. Mr. President, the purpose of this legislation is straight forward: To bring some much needed sanity and order to the regulation of the dietary supplement industry. We need to establish a regulatory structure that will encourage good health through the use of nutritional supplements while, at the same time, protecting consumers from unsafe products.

In the United States, more than 100 million Americans purchase and use, either regularly or occasionally, vitamins, minerals, herbs, amino acids, and other nutritional substances to supplement their diet and improve their health. These supplements include vitamin C tablets, multivitamin and multimineral supplements, capsules that contain herbs and fish oil, and herbal teas.

Many Americans understand that dietary supplements can help promote health and prevent certain diseases, a fact substantiated by an ever-growing body of scientific studies and other evidence. They understand that at a time when America spends over $2 billion a day on health care, prevention is the best and most effective form of cost control.

In my own home State of Utah, healthy lifestyles, coupled with common use of dietary supplements, have made a real difference. Our State is one of the healthiest in the Nation, and we enjoy one of the lowest incidence rates for cancer and heart disease. In Utah, the use of herbs is a well-accepted practice that has passed from generation to generation.

In our free market society, consumers should be able to purchase dietary supplements and companies should be able to sell these products so long as the labeling and advertising are truthful, nonmisleading, and there exists a reasonable scientific basis for product claims.

Unfortunately, not everyone in our Federal Government shares these views. There are some, especially at the U.S. Food and Drug Administration [FDA], who disagree. For more than three decades, FDA has tried to restrict severely the ability of the dietary supplement industry to sell and market its products and, consequently, the ability of consumers to buy them. The agency has repeatedly attempted to impose unnecessarily stringent standards that would leave many if not most supplement companies with no practical choice but to close their doors.

This institutional animosity never made sense, but it is even less logical today in light of the growing body of scientific evidence regarding the disease prevention powers of nutrients. Unfortunately, the effect of the FDA's heavyhanded policy is that consumers are left uninformed and the Nation pays millions of dollars for health care that could have been saved through disease prevention.

The FDA's disagreements are not limited to the dietary supplement industry; the agency has also battled with consumers, respected scientists, and even other Federal agencies.

It is true that, like any industry, there have been problems with a few dietary supplements and claims. We need to make sure that such problems are prevented in the future. Any proposed legislation must provide adequate and effective powers to the Federal Government to ensure the safety of dietary supplements. But, we do not have to eliminate the industry or restrict consumer choices in the process.

In August 1973, FDA published final regulations that attempted to classify many popular vitamins and minerals as drugs. Vitamins A and D would have been subjected to prescription drug regulation. Combinations of vitamins and minerals would have been prohibited, except under the limited circumstances. The public reaction was so intense that in 1976 Congress amended the Food, Drug, and Cosmetic Act to make clear that safe vitamin and mineral products should not be regulated as if they were dangerous drugs.

During the 1980's, FDA's efforts to regulate dietary supplements resulted in the creation of an inexplicable double standard. FDA specifically rejected the concept that dietary supplements could have approved health messages. Consequently, a corner fruit vendor selling oranges could make claims asserting the health benefits of vitamin C, but a dietary supplement of vitamin C could not make the same claim.

In sum, over the last 30 years, FDA has tried to prevent consumer education regarding the disease prevention properties of vitamin A, vitamin C, vitamin E, and other dietary supplements and, at times, has attempted to assert that many of these products were unsafe. At the same time, the agency has readily allowed people to eat conventional food products that are high in saturated fat, cholesterol, caffeine, and calories, or that have few important vitamins and minerals.

Today, FDA is even fighting with the other Federal agencies. For example, the U.S. Centers for Disease Control and Prevention and the U.S. Public Health Service recently concluded that folic acid supplements, when taken very early in pregnancy, can be important in the prevenion of neural tube defects. They have recommended the use of folic acid by women of childbearing age. The Texas State Department of Health is now providing folic acid supplements to women of childbearing age, due to the high incidence of spinal birth defects among children born along the Rio Grande.

The FDA, however, has specifically rejected this health claim and currently bans food companies from making any claim about the proven ability of folic acid to prevent spinal birth defects. In fact, under FDA regulations, if dietary supplement manufacturers gave potential customers a copy of the CDC's findings, it could be found by FDA to be in violation of the law and prosecuted.

In 1990, Congress passed the Nutrition Labeling and Education Act, which, among other things, directed the FDA to promulgate a scientific standard and procedure for the evaluation of health claims for dietary supplements. The statute allowed FDA the option to craft a more lenient standard for dietary supplements than the standard to be used for foods. Not surprisingly, FDA ignored the option.

Under the proposed and final regulation, the FDA would not approve a health claim for most dietary supplement products, and the regulations also appeared to prevent herbal products from making any health claims. Consumer reaction to the FDA proposal was extremely negative. Many Americans felt that the FDA's position prevented consumers from receiving useful information and making informed decisions about how to maintain or improve their health, and they let their Senators and Representatives know of their concerns. I know of few congressional offices that were not deluged with mail on this topic.

Last year, I offered an amendment during consideration of the Labor-Health and Human Services appropriations bill to provide a moratorium on the implementation of these regulations through December 31, 1993. The amendment passed this Chamber by the overwhelming vote of 94 to 1. Subsequently, the House of Representatives and the Senate passed the Dietary Supplement Act of 1992, and it was signed into law by President Bush. The legislation also called for the Office of Technology Assessment and the General Accounting Office to issue reports to Congress on the regulation of dietary supplements so that a more complete analysis of these problems could be presented and understood. Unfortunately, the moratorium will probably expire before these studies can be completed.

Mr. President, the legislation I am offering today will provide the necessary basis to reform the regulation of dietary supplements and, at the same time, provide greater protection to American consumers.

This legislation empowers consumers to make choices about their personal preventive health care regiments based on accurate health benefits related to particular dietary supplements. These claims will be based on either an FDA-approved claim or on a claim that accurately reflects the current state of scientific evidence concerning a dietary supplement's health benefits. The FDA will continue to have the responsibility and power to ban a supplement found to present a substantial risk to consumers.

This legislation provides consumers with needed information about dietary supplements and provides the FDA and the dietary supplement industry with clear direction for a much needed overhaul of the current regulatory approach. The legislation provides for more and accurate information on labels than is currently found on dietary supplement labeling and contains additional consumer safety provisions.

This legislation has the support of the Utah Natural Products Alliance, the National Nutritional Foods Association, the Nutritional Health Alliance, the Council for Responsible Nutrition, Citizens for Health, and the National Council for Improved Health. These organizations represent 100 million Americans who use dietary supplements.

Mr. President, I hope my colleagues will join me in supporting the Dietary Supplement Health and Education Act of 1993, and I ask unanimous consent the bill be printed in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dietary Supplement Health and Education Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) improving the health status of United States citizens ranks at the top of the national priorities of the Federal Government;

(2) the importance of nutrition and the benefits of dietary supplements to health promotion and disease prevention have been documented increasingly in scientific studies;

(3)(A) there is a definitive link between the ingestion of certain nutrients or dietary supplements and the prevention of chronic diseases such as cancer, heart disease, and osteoporosis; and

(B) clinical research has shown that several chronic diseases can be prevented simply with a healthful diet, such as a diet that is low in fat, saturated fat, cholesterol, and sodium, with a high proportion of plant-based foods;

(4) healthful diets may mitigate the need for expensive medical procedures, such as coronary bypass surgery or angioplasty;

(5) preventive health measures, including education, good nutrition, and appropriate use of safe nutritional supplements will limit the incidence of chronic diseases, and reduce long-term health care expenditures;

(6)(A) promotion of good health and healthy lifestyles improves and extends lives while reducing health care expenditures; and

(B) reduction in health care expenditures is of paramount importance to the future of the country and the economic well-being of the country;

(7) there is a growing need for emphasis on the dissemination of information linking nutrition and long-term good health;

(8) consumers should be empowered to make choices about preventive health care programs based on data from scientific studies of health benefits related to particular dietary supplements;

(9)(A) recent national surveys have revealed that almost 50 percent of the 260,000,000 Americans regularly consume dietary supplements of vitamins, minerals, or herbs as a means of improving their nutrition; and

(B) nearly all consumers indicate that dietary supplements should not be regulated as drugs;

(10) studies indicate that consumers are placing increased reliance on the use of nontraditional health care providers to avoid the excessive costs of traditional medical services and to obtain more holistic treatment of patients;

(11) the United States will spend over $900,000,000,000 on health care in 1993, which is about 12 percent of the Gross National Product of the United States, and this amount and percent will continue to increase unless significant efforts are undertaken to reverse the increase;

(12)(A) the nutritional supplement industry is an integral part of the economy of the United States;

(B) the industry consistently projects a positive trade balance; and

(C) the estimated 600 dietary supplement manufacturers in the United States produce approximately 3,400 products, with total annual sales of such products alone reaching $4,000,000,000;

(13) although the Federal Government should take swift action against products that are unsafe or adulterated, the Federal Government should not take any actions to impose regulatory barriers limiting or slowing the flow of safe products and needed information to the marketplace and consumers;

(14) dietary supplements are safe within a broad range of intake, and safety problems with the supplements are relatively rare; and

(15)(A) legislative action that protects the right of access of consumers to safe dietary supplements is necessary in order to promote wellness; and

(B) a rational Federal framework must be established to supersede the current ad hoc, patchwork regulatory policy on dietary supplements.

(b) PURPOSE.—It is the purpose of this Act to—

(1) improve the health status of the people of the United States and help constrain run-

away health care spending by ensuring that the Federal Government erects no regulatory barriers that impede the ability of consumers to improve their nutrition through the free choice of safe dietary supplements;

(2) clarify that—

(A) dietary supplements are not drugs or food additives;

(B) dietary supplements should not be regulated as drugs; and

(C) regulations relating to food additives should only be applied to dietary supplement ingredients used for food additive purposes, such as stabilizers, processing agents or preservatives;

(3) establish a new definition of a dietary supplement that differentiates dietary supplements from conventional foods, while recognizing the broad range of food ingredients used to supplement the diet;

(4) strengthen the current enforcement authority of the Food and Drug Administration by providing to the Administration additional mechanisms to take enforcement action against unsafe or fraudulent products;

(5) establish a series of labeling requirements that will provide consumers with greater information and assurance about the quality and content of dietary supplements, while at the same time assuring the consumers the freedom to use the supplements of their choice;

(6) establish dietary intake standards based on the amount of nutrients needed to prevent disease;

(7) provide new administrative and judicial review procedures to affected parties if the Administration takes certain actions to enforce dietary supplement requirements;

(8) specify the standards applicable to disease and other health-related claims for dietary supplements;

(9) reaffirm that dietary supplement labeling may bear information, other than health claims, about the vitamin, mineral, or other dietary properties of the supplement; and

(10) establish a new Office of Dietary Supplements within the National Institutes of Health to initiate and coordinate research on dietary supplements and advise the Secretary and other officials of the Department of Health and Human Services on dietary supplement issues.

SEC. 3. DEFINITIONS.

(a) DEFINITION OF CERTAIN FOODS AS DIETARY SUPPLEMENTS.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

"(gg) The term 'dietary supplement' means a food for special dietary use, as defined in section 411(c)(3), that—

"(1) includes—

"(A) a vitamin;

"(B) a mineral;

"(C) an herb;

"(D) an amino acid;

"(E) another ingredient for use by man to supplement the diet by increasing the total dietary intake; or

"(F) a concentrate or extract of any ingredient described in clause (A), (B), (C), (D), or (E); and

"(2)(A) is intended for ingestion in a form described in section 411(c)(1)(B)(i); or

"(B) complies with section 411(c)(1)(B)(ii).".

(b) EXCLUSION FROM DEFINITION OF DRUG.—Section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)) is amended by adding at the end the following new sentence: "The term 'drug' does not include a dietary supplement or an ingredient described in clause (A), (B), (C), (D), (E), or (F) of paragraph (gg)(1) in, or intended for use in, a dietary supplement.".

(c) EXCLUSION FROM DEFINITION OF FOOD ADDITIVE.—Section 201(s) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(s)) is amended—

(1) by striking "or" at the end of subparagraph (4);

(2) by striking the period at the end of subparagraph (5) and inserting "; or"; and

(3) by adding at the end the following:

"(6) an ingredient described in clause (A), (B), (C), (D), (E), or (F) of paragraph (gg)(1) in, or intended for use in, a dietary supplement.".

(d) FORM OF INGESTION.—Section 411(c)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350(c)(1)(B)) is amended—

(1) in clause (i), by inserting "powder, softgel," after "capsule,"; and

(2) in clause (ii), by striking "does not simulate and".

SEC. 4. SAFETY OF DIETARY SUPPLEMENTS.

Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

"(f) If it is a dietary supplement that contains an ingredient that is intended to be consumed for its dietary properties and—

"(1) the Secretary finds, after rulemaking, that the ingredient presents a substantial and unreasonable risk of illness or injury; or

"(2) no manufacturer of the supplement, or manufacturer of the raw material comprising the ingredient, has adequately substantiated the safety of the ingredient—

"(A) through evidence of a history of safe use of the ingredient (as part of any intended use prior to the use of the ingredient in such dietary supplement), and through the absence of substantial information that brings the safety of the ingredient into question;

"(B) by well-designed scientific studies conducted in a manner that is consistent with generally recognized scientific procedures and principles; or

"(C) by other appropriate means, unless—

"(i) the Secretary has established, in consultation with the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, and the National Academy of Sciences, a recommended dietary allowance, or an estimated safe and adequate dietary intake level, with respect to the ingredient;

"(ii) the Secretary has determined, prior to the date of enactment of this paragraph, that the ingredient has been generally recognized as safe; or

"(iii) the ingredient is used in conformity with a regulation relating to food additives that is described in section 409(a)(2) and is issued prior to the date of enactment of this paragraph.".

SEC. 5. REPORT ON IMPACT OF SIGNIFICANT CHANGES IN MANUFACTURING PRACTICES.

(a) STUDY.—The Director of the Office of Dietary Supplements shall conduct a study relating to significant changes in the manufacturing practices of manufacturers of raw materials utilized in dietary supplements. In conducting the study, the Director shall analyze the extent to which such changes pose a risk to public safety.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Dietary Supplements shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report containing—

(1) the results of the study described in subsection (a); and

(2) any recommendations for legislative reform.

SEC. 6. DIETARY INTAKE STANDARDS.

(a) NUTRITION INFORMATION.—Section 403(q)(1) (21 U.S.C. 343(q)(1)) is amended—

(1) by striking the period at the end of clause (E) and inserting ", or"; and

(2) by adding after clause (E) the following:

"(F) a declaration of the percent of a daily reference amount for each nutrient specified in clauses (D) and (E), stated as a 'Percent Daily Value' provided by a serving of the food.".

(b) REGULATIONS.—

(1) IN GENERAL.—

(A) DAILY VALUE.—Subject to subparagraph (B), the Secretary of Health and Human Services shall, by regulation, determine, based on the dietary guidance provided by the Department of Agriculture, the Department of Health and Human Services, the Centers for Disease Control and Prevention, the National Institutes of Health, and other authoritative public health organizations, a daily value for each nutrient specified in clauses (D) and (E) of section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act. The daily value shall reflect the daily intake of each such nutrient that will promote optimal health and minimize the risk of disease or other health-related conditions.

(B) LIMITATION.—The daily value determined by the Secretary under subparagraph (A) shall, in every appropriate case, be no less than the United States Recommended Daily Allowances established by the Food and Nutrition Board of the National Academy of Sciences for the age and sex group most at risk of nutritional deficiencies of any particular nutrient.

(2) TIMING.—Except as provided in paragraph (4), the Secretary of Health and Human Services shall issue proposed regulations under paragraph (1) no later than 12 months after the date of the enactment of this Act and shall issue final regulations no later than 24 months after such date.

(3) PENDING DAILY VALUES.—Pending the issuance of final regulations under paragraph (1), the daily values for the nutrients declared under section 403(q)(1)(F) of the Federal Food, Drug, and Cosmetic Act shall be the values specified in sections 101.9(c)(8) and 101.9(c)(9) of title 21, Code of Federal Regulations, as in effect on the date of the enactment of this Act.

(4) ASSISTANCE.—

(A) REVIEW AND STUDIES.—To assist the Secretary of Health and Human Services in issuing regulations under paragraph (1), the Director of the Congressional Research Service, in consultation with the Director of the Office of Technology Assessment, shall review existing scientific data and conduct any necessary studies.

(B) PURPOSE.—Such review and studies shall determine the amount of each nutrient specified in clauses (D) and (E) of section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act that would be provided by the diets recommended by the Department of Agriculture, the Department of Health and Human Services, the Centers for Disease Control and Prevention, the National Institutes of Health, and other authoritative public health organizations, to minimize the risk of disease and other health-related conditions and to promote optimal health.

(C) TIMING.—Such review and studies shall be completed no later than 9 months after the date of the enactment of this Act. If the Congressional Research Service does not complete such review and studies within 9 months after the date of enactment of this Act, the time prescribed by paragraph (2) for the issuance of proposed and final regulations shall be extended by a period equal to the additional time required by such Office to complete such review and studies.

SEC. 7. DIETARY SUPPLEMENT CLAIMS.

Section 403(r) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(r)) is amended by striking subparagraph (5)(D) and inserting the following:

"(D) A subparagraph (1)(B) claim made with respect to a dietary supplement shall not be subject to subparagraph (3).

"(6)(A) A claim made in the label or labeling of a dietary supplement may characterize the relationship between the supplement and a disease or other health-related condition if—

"(i)(I) the Secretary has authorized, under subparagraph (3)(B), a claim of the type described in subparagraph (1)(B) for any nutrient contained in the supplement, with respect to the disease or other health-related condition;

"(II) such characterization is consistent with the claim authorized by the Secretary; and

"(III) the Secretary has not determined, after rulemaking based on the totality of scientific evidence (including evidence from well-designed studies conducted in a manner consistent with generally recognized scientific principles), that consumption of the nutrient in a dietary supplement would not tend to reduce the risk of the disease or other health-related condition in a similar manner as would consumption of the nutrient in conventional foods; or

"(ii) such characterization accurately represents the state of scientific evidence, as of the date of the evaluation of the claim, concerning the relationship between the supplement or ingredient of the supplement and the disease or other health-related condition, taking into account the totality of scientific evidence (including evidence from well-designed studies conducted in a manner consistent with generally recognized scientific principles).

"(B) Nothing in this subparagraph shall—

"(i) prohibit the inclusion, in the label or labeling of a dietary supplement, of truthful and nonmisleading information concerning the vitamin, mineral, or other dietary properties of the supplement (including nutritional information about the manner in which the dietary properties affect processes of the body, or prevent or repair damage caused by diet or other environmental factors); or

"(ii) permit the Secretary to establish any requirement that such a claim made in the label or labeling of a dietary supplement be approved by the Secretary before the claim may be used.".

SEC. 8. REPORT ON NOTIFICATION REGARDING NEW CLAIMS.

(a) STUDY.—

(1) IN GENERAL.—The Director of the Office of Dietary Supplements shall conduct a study regarding the desirability of a notification requirement relating to new claims about dietary supplements.

(2) CONTENT.—Such study shall examine—

(A) the need for a requirement that a person responsible for marketing a dietary supplement provide notification to the Secretary of Health and Human Services before making such a claim;

(B) the feasibility of such a requirement;

(C) the effect of such a requirement on the marketing of dietary supplements and on the ability of consumers to purchase dietary supplements; and

(D) such other issues related to the desirability of such a requirement as the Director of the Office of Dietary Supplements may determine to be appropriate.

(b) REPORT.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Dietary Supplements shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report containing—

(1) the results of the study described in subsection (a); and

(2) any recommendations for legislative reform.

SEC. 9. DIETARY SUPPLEMENT LABELING.

Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

"(s) If—

"(1) it is a dietary supplement; and

"(2)(A) the label or labeling of the supplement fails to list—

"(i) the name of each ingredient of the supplement that is described in clause (A), (B), (C), (D), (E), or (F) of section 201(gg)(1); and

"(ii)(I) the quantity of each such ingredient; or

"(II) with respect to a proprietary blend of such ingredients, the total quantity of all ingredients in the blend;

"(B) the label or labeling of the supplement fails to identify the product by using the term 'supplement', which term may be modified with—

"(i) the name of such an ingredient; or

"(ii) by a general term such as the term 'dietary';

"(C) the supplement contains an ingredient described in section 201(gg)(1)(C), and the label or labeling of the supplement fails to identify any part of the plant from which the ingredient is derived;

"(D) the supplement—

"(i) is covered by the specifications of an official compendium;

"(ii) is represented as conforming to the specifications of an official compendium; and

"(iii) fails to so conform; or

"(E) the supplement—

"(i) is not covered by the specifications of an official compendium; and

"(ii)(I) fails to have the identity and strength that the supplement is represented to have; or

"(II) fails to meet the quality (including tablet or capsule disintegration), purity, or compositional specifications, based on validated assay or other appropriate methods, that the supplement is represented to meet.".

SEC. 10. PROHIBITION ON CERTAIN REGULATORY ACTIONS.

Section 411 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350) is amended—

(1) in the title, by striking "VITAMINS AND MINERALS" and inserting "VITAMINS, MINERALS, AND DIETARY SUPPLEMENTS"; and

(2) by adding at the end the following:

"(d)(1) Except as provided in paragraph (2)—

"(A) the Secretary may not establish, under section 201(n), 401, or 403, maximum limits on the potency of any dietary supplement, or any ingredient that is described in clause (A), (B), (C), (D), (E), or (F) of section 201(gg)(1) within such a supplement;

"(B) the Secretary may not classify any dietary supplement or any such ingredient as a drug; and

"(C) the Secretary may not limit, under section 201(n), 401, or 403, the combination or number of such ingredients within a dietary supplement.

"(2)(A) Subparagraphs (A) and (C) of paragraph (1) shall not apply in the case of such a dietary supplement or such an ingredient that is represented for use by—

"(i) individuals in the treatment or management of specific diseases or disorders;

"(ii) children; or

"(iii) pregnant or lactating women.

"(B) For purposes of this paragraph, the term 'children' means individuals who are under the age of 12 years.".

SEC. 11. ADMINISTRATIVE AND JUDICIAL REVIEW.

The Federal Food, Drug, and Cosmetic Act is amended by adding at the end of chapter III (21 U.S.C. 331 et seq.) the following:

"SEC. 311. ADMINISTRATIVE AND JUDICIAL REVIEW.

"(a) DEFINITION.—As used in this subsection, the term 'affected party' means a manufacturer, processor, packer, distributor, or retailer, of a dietary supplement, or another appropriate person.

"(b) REVIEW OF VIOLATIONS.—

"(1) DETERMINATION OF VIOLATION.—

"(A) INFORMAL HEARING.—If the Secretary determines that an affected party has violated a provision of this Act with respect to a dietary supplement, whether the Secretary makes the determination in a warning letter issued by an officer or employee of the Department or in connection with another action to enforce a provision of this Act, the Secretary shall provide notice to the affected party of the opportunity to obtain a determination on the record after opportunity for an agency hearing regarding the alleged violation. The affected party may request such a hearing not later than 60 days after receiving the notice.

"(B) NOTIFICATION.—Not later than 30 days after the date on which the hearing is held, the Secretary shall notify the affected party whether the determination of the violation has been affirmed, modified, or revoked. Such notification shall constitute final agency action.

"(C) PROHIBITION ON ACTION.—The United States may not bring an action in any Federal court relating to the matter that is the subject of the determination until 60 days after the Secretary provides notification under subparagraph (B), unless the Secretary demonstrates that the dietary supplement involved in the matter poses an imminent hazard to health.

"(D) RIGHT OF ACTION.—Not later than 60 days after receipt of the notification under subparagraph (B), an affected party who receives notification of an adverse decision under subparagraph (B) may—

"(i) bring an action in a district court of the United States in any appropriate judicial district under section 1391 of title 28, United States Code, seeking de novo review of the final agency action regarding the validity of the determination; or

"(ii) bring any other action authorized by law seeking judicial review of the final agency action.

"(E) INFERENCE.—The absence of any request for a hearing under subparagraph (A), or of an action described in subparagraph (D), with respect to such a determination shall not establish any inference that the determination is valid.

"(2) SEIZURES.—

"(A) INSTITUTION OF LIBEL OF INFORMATION.—The institution by the United States of a libel of information for condemnation of a dietary supplement, on the basis of a determination that an affected party has violated a provision of this Act with respect to the supplement, shall constitute final agency action by the Secretary or the delegate of the Secretary.

"(B) RIGHT OF ACTION.—Not later than 60 days after the United States institutes such a libel of information with respect to a dietary supplement, the affected party may—

"(i) bring an action described in paragraph (1)(D)(i) seeking de novo review of the final agency action regarding the validity of the determination; or

"(ii) obtain any other means authorized by law of judicial review of the final agency action.".

SEC. 12. OFFICE OF DIETARY SUPPLEMENTS.

(a) IN GENERAL.—Title IV of the Public Health Service Act is amended by inserting after section 486 (42 U.S.C. 287c-3) the following:

"Subpart 4—Office of Dietary Supplements

"SEC. 486E. DIETARY SUPPLEMENTS.

"(a) ESTABLISHMENT.—The Secretary shall establish an Office of Dietary Supplements within the National Institutes of Health.

"(b) PURPOSE.—The purposes of the Office are—

"(1) to explore more fully the potential role of dietary supplements as a significant part of the efforts of the United States to improve health care; and

"(2) to promote scientific study of the benefits of dietary supplements in maintaining health and preventing chronic disease and other health-related conditions.

"(c) DUTIES.—The Director of the Office of Dietary Supplements shall—

"(1) conduct and coordinate scientific research within the National Institutes of Health relating to dietary supplements and the extent to which the use of dietary supplements can limit or reduce the risk of diseases such as heart disease, cancer, birth defects, osteoporosis, cataracts, or prostatism;

"(2) collect and compile the results of scientific research relating to dietary supplements, including scientific data from foreign sources or the Office of Alternative Medical Practice;

"(3) serve as the principal advisor to the Secretary and to the Assistant Secretary for Health, and to provide advice to the Director of the National Institutes of Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of Food and Drugs, on issues relating to dietary supplements including—

"(A) dietary intake regulations;

"(B) the safety of dietary supplements;

"(C) claims characterizing the relationship between—

"(i) dietary supplements; and

"(ii)(I) prevention of disease or other health-related conditions; and

"(II) maintenance of health; and

"(D) scientific issues arising in connection with the labeling and composition of dietary supplements;

"(4) compile a database of scientific research on dietary supplements and individual nutrients; and

"(5) coordinate funding relating to dietary supplements for the National Institutes of Health.

"(d) DEFINITION.—As used in this section, the term 'dietary supplement' has the meaning given the term in section 201(gg) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(gg)).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 1994 and such sums as may be necessary for each subsequent fiscal year.".

(b) CONFORMING AMENDMENT.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end the following:

"(E) The Office of Dietary Supplements.".•

• Mr. MURKOWSKI. Mr. President, I am pleased to be an original cosponsor of the measure being introduced today by the senior Senator from Utah [Mr. HATCH], the Dietary Supplement Health and Education Act of 1993.

Over the past year, Mr. President, I have received hundreds of complaints and comments from Alaskans about the effects of the Nutrition Labeling and Education Act [NLEA] and regulations promulgated under the act by the Food and Drug Administration. I share my constituents' concerns about Government policy on vitamins, minerals, dietary nutrients, and supplements. Despite the best of intentions by those who authored the NLEA, Mr. President, bureaucrats are attempting to use this good legislation to overreach and become involved in the private decisions of individuals. In this case we are dealing with Americans who simply want to live healthy lives and to enhance their health status by consuming certain safe and legal vitamins, minerals, and herbal and other nutrients. Who in this body is prepared to take away those rights? I for one am not willing to restrict the rights of people to be healthy, and the purpose of the measure now introduced is intended to help guarantee those rights.

Mr. President, Alaska is a unique land. People from all walks of life have settled in the last frontier, including a number of Alaskans who believe that alternatives to the traditional health and medical-care interventions offer them the best chance for long life and good health. I believe that the U.S. Congress has a responsibility to protect the rights of these individuals to make such free choices—particularly when they harm no one and may even be in their own best interest. The Food and Drug Administration—perhaps with all good intention, Mr. President—is moving to restrict peoples' ability to use these alternative health remedies—substances that are safe, economical and consumed freely by individuals interested only in promoting and protecting their own health.

I for one, Mr. President, will not accept the premise that there is only one way to skin a cat. We do not know today why some diseases occur, or what substance prevents or cures illness. We do not know why some drugs work as they do, and, critically, we do not know whether vitamins, nutrients, food supplements and herbal mixtures help people become more healthy. We do know, however, that these supplements probably cause no harm. Until and if science answers many of these questions, Mr. President, I believe that there is absolutely no basis for Government to take away the rights of individuals to consume nutrients and other legal substances. The measure introduced today guarantees these rights to the people, and helps channel the Food and Drug Administration's interests where its expertise lies—in areas of regulating quality, safety and purity of these dietary supplements.

Mr. President, this measure, if enacted into law, will create a new office—the Office of Dietary Supplements—in the National Institutes of Health. The new office will be given a special mission of coordination and research in the area of dietary supplement-related issues. I support this concept of a specialty office for the straightforward reason that its establishment will give us the technical means to examine Government policy in the sunshine, where everyone can see it, rather than continue to permit the FDA to move in an unsupervised way to prevent people from doing what they think is best for them and their families—in this case, to consume safe and legal natural substances in search of improved health.

The act has several other positive provisions, Mr. President. For example, it would require FDA to make rules that determine the safety of specific dietary supplement ingredients. The bill would also place a burden on manufacturers of dietary supplements to establish the safety of these products. And the bill would give FDA appropriate enforcement authority to carry out this proper Federal regulatory role.

Mr. President, I thank my colleague from Utah for his leadership, wisdom and foresight in addressing a real need in the area of alternative health care. I urge all my colleagues to support this measure, which, indeed, brings some long overdue sanity to the debate on dietary supplements.•

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. COCHRAN, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 484

At the request of Mr. DASCHLE, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Illinois [Ms. MOSELEY-BRAUN], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 484, a bill to amend title XIX of the Social Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medicaid program, and for other purposes.

S. 540

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 540, a bill to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, and for other purposes.

S. 600

At the request of Mr. BOREN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 739

At the request of Mr. BUMPERS, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 739, a bill to amend the Internal Revenue Code of 1986 to simplify the limitation on using last year's taxes to calculate an individual's estimated tax payments.

SENATE JOINT RESOLUTION 59

At the request of Mr. WELLSTONE, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of Senate Joint Resolution 59, a joint resolution to express the sense of Congress that the Federal Energy Regulatory Commission should refrain from further processing of restructuring proceedings pursuant to Order No. 636 until 60 days after the submission to Congress of the study of the General Accounting Office of the economic impact of the order on residential, commercial, and other end-users of ratural gas, and for other purposes.

SENATE JOINT RESOLUTION 66

At the request of Mr. THURMOND, the names of the Senator from Virginia [Mr. WARNER], the Senator from Maine [Mr. MITCHELL], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 66, a joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

SENATE RESOLUTION 79

At the request of Mr. KEMPTHORNE, his name was added as a cosponsor of Senate Resolution 79, a resolution expressing the Sense of the Senate concerning the United Nation's arms embargo against Bosnia and Herzegovina, a nation's right to self-defense, and peace negotiations.

SENATE CONCURRENT RESOLUTION 23—RELATIVE TO AN ADJOURNMENT OF THE SENATE

Mr. INOUYE (for Mr. MITCHELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 2 p.m. on Monday, April 19, 1993, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 noon on Monday, April 19, 1993, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate and the Speaker of the House, acting jointly after consultation with the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

COHEN AMENDMENT NO. 297

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment to intended to be proposed by him to amendment No. 283 proposed by Mr. BYRD to the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year year ending September 30, 1993, and for other purposes, as follows:

At the end of the Committee amendment, add the following:

TITLE III—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION BUDGET

SEC. 301. SHORT TITLE.

This title may be cited as the "National Aeronautics and Space Administration Consistency in Budgeting Act of 1993".

SEC. 302. FIVE-YEAR PROGRAM PLAN.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by inserting immediately after section 206 the following new section:

"SEC. 206A. CONSISTENCY IN BUDGETING; THE FIVE-YEAR PROGRAM PLAN.

"(a) IN GENERAL.—The Administration shall submit to Congress each year, not later than 30 days after the date on which the President's budget is submitted to Congress (in accordance with the provisions of section 1105(a) of title 31, United States Code), a 5-year program plan reflecting the expenditures and proposed appropriations included in President's budget.

"(b) CONSISTENCY OF AMOUNTS.—

"(1) IN GENERAL.—The Administrator shall ensure that the amounts described in paragraph (2)(A) for any fiscal year are consistent with amounts described in paragraph (2)(B) for that fiscal year.

"(2) AMOUNTS DESCRIBED.—The amounts referred to in paragraph (1) are—

"(A) the amounts specified in program and budget information submitted to Congress by the Administrator in support of expenditure estimates and proposed appropriations in the President's budget (submitted in accordance with the provisions of 1105(a) of title 31, United States Code) for any fiscal year, as shown in the 5-year program plan submitted pursuant to subsection (a); and

"(B) the total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration, included pursuant to section 1105(a)(5) of title 31, United States Code, in the President's budget submitted to Congress under that section for any fiscal year.".

ADDITIONAL STATEMENTS

NCAA BASKETBALL

• Mr. FORD. Mr. President, if there is one thing most citizens of my State enjoy during March and early April, it is NCAA basketball. This year's tournament was a treat for fans to watch and there were many heartening stories of teams exceeding most people's expectations and displaying teamwork, dedication, and hustle on the hardwood.

I could not be more proud of three schools from my State—Western Kentucky University, the University of Louisville, and the University of Kentucky—who played so well in this tournament and represented the Commonwealth with class, dignity, and sportsmanship. I congratulate coaches Ralph Willard, Denny Crum, and Rick Pitino and the many members of their teams, their assistant coaching staffs, and support personnel for jobs well done.

As further proof of the strength of college basketball in the Bluegrass, the women's NCAA tournament had a very strong Kentucky presence as well. The University of Louisville Lady Cards, with coach Bud Childers and the Western Kentucky Lady Hilltoppers, coached by Paul Sanderford, brought excitement and pride from their fans supporting them on the tournament trail. We are justifiably proud of everyone associated with their teams.

In short, it was a great tournament and a great win for North Carolina and coach Dean Smith. I know I speak for many when I say we look forward to November and another exciting year of men's and women's NCAA college basketball.•

HONORING DR. ALBERT J. SIMONE, PRESIDENT, ROCHESTER INSTITUTE OF TECHNOLOGY

• Mr. D'AMATO. Mr. President, Dr. Albert J. Simone became president of Rochester Institute of Technology September 1, 1992. He is the eighth president in the university's 163-year history. He was formerly president of the University of Hawaii system and chancellor of the University of Hawaii at Manoa for 7 years.

At Hawaii, the 56-year-old Boston native was responsible for a system of 10 campuses enrolling 86,000 students in degree and nondegree programs. He joined the University of Hawaii in 1983 as vice president for academic affairs and was named acting president in 1984.

During his tenure at the University of Hawaii, the university established new schools in ocean and Earth science and technology, and in Hawaiian, Asian, and Pacific studies, as well as 40 new degree programs including doctoral degrees in English, music, mechanical engineering, and communication and information science.

Dr. Simone has been active in many professional and community organizations. He has worked diligently to make a difference in the lives of many. He and his wife Carolie have four grown children.

Dr. Simone is now the president of the 17th largest university in the Nation. Rochester Institute of Technology has been consistently recognized by such publications as U.S. News & World Report, Barron's, and the New York Times Selective Guide to Colleges, as one of the Nation's leading comprehensive universities.

RIT's cooperative education program is one of the oldest and most extensive in the Nation. RIT offers more than 260 professional and career-oriented programs to its 13,000 students. Dr. Simone, with his vast experience, will be an asset of immeasurable value to the Rochester Institute of Technology. I know that Hawaii's loss is now New York's gain.

I commend Dr. Albert J. Simone.●

TRIBUTE TO THE SIOUX FALLS DEVELOPMENT FOUNDATION

● Mr. DASCHLE. Mr. President, today I want to commend the Sioux Falls Development Foundation for its outstanding contributions to the Earth Resources Observation Systems [EROS] Data Center located near Sioux Falls, SD.

The U.S. Geological Survey's [USGS] EROS Data Center was built in 1973 to receive, process, archive, and distribute data obtained from the Landsat satellite system. During the past 20 years, the EROS Data Center has acquired the world's largest collection of images of the Earth, including more than 3 million images acquired from Landsat, meteorological, and foreign satellites. Today, the EROS Data Center employs approximately 350 scientists, engineers, and technicians who are involved in data management, systems development, and research in support of Earth science investigations.

The great success experienced by the EROS Data Center might not have been possible, however, without the leadership provided by the Sioux Falls Development Foundation. The Sioux Falls Development Foundation built the facility under a 20-year lease-purchase agreement. The Sioux Falls Development Foundation and Roger Hainje, its president, have provided excellent management and maintenance services, as well as extraordinary community support, ever since. The lease-purchase agreement is scheduled to expire on May 31, 1993, when USGS will gain full ownership of the facility.

USGS is currently working with NASA to develop the Earth Observing Systems [EOS]. The EROS Data Center is expected to play a significant role in the EOS Program and will be responsible for final processing, archiving, and distribution of all land-related data obtained from EOS space platforms. Since the present facility in Sioux Falls lacks adequate space to handle the vast amounts of data processing and archiving associated with the EOS Program, USGS and NASA have proposed the construction of a building addition to the EROS Data Center.

The Clinton administration recently announced that funding for this project will be included in the President's fiscal year 1994 budget request. This is truly great news for the EROS Data Center and for the Sioux Falls community. Roger Hainje and the Sioux Falls Development Foundation, working with Don Lauer, chief of the EROS Data Center, fought hard to get funding for the building addition at EROS, and they deserve to be congratulated.

Although the formal financial arrangement that existed between the Sioux Falls Development Foundation and the EROS Data Center for the past 20 years is coming to an end, I am confident that the cooperative and supportive relationship between Roger Hainje and the Sioux Falls Development Foundation and the people at EROS, NASA, and USGS will continue to enhance the EROS Data Center's important mission. I look forward to working with the Foundation and EROS to further our mutual goals of economic development and service to the Nation.●

HONORING DR. WON PARK

● Mr. D'AMATO. Mr. President, I rise today to honor a fine man upon his retirement. Dr. Won Park, a general surgeon, has retired from an active surgical practice after more than 33 years of dedicated service to the State of New York and the communities of Orange County.

Dr. Park was born in Korea. He graduated from Seoul University in 1958 and, in 1960, came to the United States and settled in the Newburgh area of New York where he specialized in general surgery. He distinguished himself as a very skilled surgeon, a compassionate person, and a dedicated physician to all of his patients. He is highly respected by his colleagues and is a fine example of what a skilled and gentle physician should be.

Dr. Park's dedication to the betterment of the community is an inspiration to all. His continued activities will continue to help the communities of east Orange County, NY.

I commend him.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lynnett Wagner:									
Switzerland	Franc	1,592.95	1,135.00	126	89.78			1,718.95	1,224.78
France	Franc	5,713.80	1,068.00					5,713.80	1,068.00
United States	Dollar				3,050.00				3,050.00
Total			2,203.00		3,139.78				5,342.78

PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition and Forestry,
Feb. 19, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mark O. Hatfield:									
Taiwan	Dollar		1,620.00						1,620.00
Japan	Dollar				1,018.00				1,018.00
Rand H. Fishbein:									
Belgium	Franc		476.00						476.00
Germany	Deutsche mark		614.00						614.00
United States	Dollar				3,048.00				3,048.00
Scott B. Gudes:									
Germany	Deutsche mark	287.75	189.40	62.00	39.44			349.75	228.84
Total			2,899.40		4,105.44				7,004.84

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Feb. 19, 1993.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Steven J. Cortese:									
Belgium	Franc	14,050	466.00					14,050	466.00
Italy	Lira	966,176	872.00					966,176	872.00
Germany	Mark	478.50	330.00					478.50	330.00
Germany	Dollar		334.50						334.50
United States	Dollar				3,444.10				3,444.10
James W. Morhard:									
Belgium	Frac	14,050	466.00					14,050	466.00
Italy	Lira	966,176	872.00					966,176	872.00
Germany	Mark	478.50	330.00					478.50	330.00
Germany	Dollar		334.50						334.50
United States	Dollar				3,444.10				3,444.10
Senator Mark O. Hatfield:									
Norway	Dollar		375.00						375.00
Austria	Dollar				688.00				688.00
W. Proctor Jones:									
Sweden	Krona	6,189	1,164.00					6,189	1,164.00
Switzerland	Franc	607.95	472.00					607.95	472.00
France	Franc	2,763.32	556.00					2,763.32	556.00
United States	Dollar				5,470.10				5,470.10
Total			6,572.00		13,046.30				19,618.30

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Jan. 25, 1993.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator J. Robert Kerrey:									
Israel	Dollar		1,820.00						1,820.00
United States	Dollars				2,253.45				2,253.45
Total			1,820.00		2,253.45				4,073.45

ROBERT C. BYRD,
Chairman, Committee on Appropriations, Jan. 25, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Earl W. Comstock:									
Scotland	Dollar		2,200.00						2,200.00
United States	Dollar				1,530.00				1,530.00
Total			2,200.00		1,530.00				3,730.00

ERNEST F. HOLLINGS,
Chairman, Committee on Commerce. Science and Transportation,
Feb. 11, 1993.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
Taiwan	Dollar		648.00						648.00
Hong Kong	Dollar		624.00				103.10		727.10
Malaysia	Ringgit		193.00						193.00
Singapore	Dollar		714.00						714.00
United States	Dollar				3,456.10				3,456.10
Michael W. Punke:									
Taiwan	Dollar		648.00						648.00
Hong Kong	Dollar		624.00				103.09		727.09
Malaysia	Ringgit		193.00						193.00
Singapore	Dollar		714.00						714.00
United States	Dollar				2,990.00				2,990.00
Total			4,358.00		6,446.10		206.19		11,010.29

PATRICK J. MOYNIHAN,
Committee on Finance, Feb. 8, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard G. Lugar:									
Russia	Dollar		147.28				330.00		477.28
Kazakhstan	Dollar		147.28						147.28
Ukraine	Dollar		147.28						147.28
Kyrgyzstan	Dollar		147.28						147.28
Estonia	Dollar		147.28						147.28
Latvia	Dollar		147.32						147.32
Senator Daniel P. Moynihan:									
India	Rupee	48,359	1,710.00					48,359	1,710.00
Croatia	Dollar		680.00						680.00
United States	Dollar				5,765.50				5,765.50
Senator Frank Murkowski:									
Japan	Yen	131,208	1,056.00	5,780	46.52			136,988	1,102.52
Hong Kong	Dollar	3,434	442.90	1,950	252.23			5,384	695.13
Taiwan	Dollar	18,223	717.17	770	30.31			18,993	747.48
United States	Dollar				5,249.00				5,249.00
Senator Claiborne Pell:									
Russia	Dollar		170.00						170.00
China	Yuan	4,381.20	795.53					4,381.20	795.53
India	Rupee	13,164.50	465.00					13,164.50	465.00
Israel	Dollar		492.00						492.00
Syria	Dollar		223.00						223.00
Kenya	Shilling	13,700	274.00					13,700	274.00
Senator Paul Simon:									
Philippines	Dollar		126.10						126.10
Singapore	Dollar		345.94						345.94
India	Dollar		227.70						227.70
George W. Ashworth:									
Switzerland	Franc	327.95	243.00					327.95	243.00
Ukraine	Dollar		606.50		91.50				698.00
Austria	Dollar		202.50		32.50				235.00
United States	Dollar				3,545.20				3,545.20
Kristin Brady:									
Guyana	Dollar		644.00						644.00
United States	Dollar				1,178.00				1,178.00
Jennifer Brick:									
Japan	Yen	131,208	1,056.00	6,280	50.54			137,488	1,106.54
Hong Kong	Dollar	6,898.10	892.26	1,705	220.54			8,603.10	1,112.80
Taiwan	Dollar	17,222	677.76	680	26.78			17,902	704.54
United States	Dollar				5,332.00				5,332.00
Geryld Christianson:									
United Kingdom	Pound	332.10	511.30	40	61.60			372.10	572.90
United States	Dollar				3,966.00				3,966.00
Nancy Chen:									
Italy	Dollar		263.00						263.00
Pakistan	Dollar		356.00						356.00
Philippines	Dollar		182.00						182.00
India	Dollar		342.00						342.00
Singapore	Dollar		376.00						376.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Janice H. Demers:									
Russia	Dollar		170.00						170.00
China	Yuan	5,666.84	974.18					5,666.84	974.18
India	Rupee	13,164.15	465.00					13,164.15	465.00
Pakistan	Rupee	4,555	178.00					4,555	178.00
Israel	Dollar		492.00						492.00
Syria	Dollar		223.00						223.00
Kenya	Shilling	13,700	274.00					13,700	274.00
Peter Galbraith:									
India	Rupee	48,359	1,710.00					48,359	1,710.00
Croatia	Dollar		680.00						680.00
United States	Dollar				5,765.50				5,765.50
Croatia	Dollar		1,935.00						1,935.00
Greece	Drachma	89,496	452.00					89,496	452.00
Romania	Leu	21,500	1,040.00					21,500	1,040.00
Bulgaria	Dollar		535.00						535.00
United States	Dollar				3,553.40				3,553.40
Edwin K. Hall:									
Switzerland	Franc	655.85	485.99					655.85	485.99
Ukraine	Dollar		732.00						732.00
Austria	Dollar		235.00						235.00
United States	Dollar				3,545.20				3,545.20
Richard Kessler:									
Russia	Dollar		170.00						170.00
China	Yuan	5,703.80	992.00					5,703.80	992.00
India	Rupee	13,164.15	465.00					13,164.15	465.00
Pakistan	Rupee	4,555	178.00					4,555	178.00
Israel	Dollar		492.00						492.00
Syria	Dollar		223.00						223.00
Kenya	Shilling	13,700	274.00					13,700	274.00
Elizabeth Lambird:									
Australia	Dollar	1,458	1,055.00					1,458	1,055.00
Japan	Yen	166,328	1,360.00					166,328	1,360.00
Singapore	Dollar	1,145.97	714.00					1,145.97	714.00
Malaysia	Ringgit	3,867.72	772.00					3,867.72	772.00
United States	Dollar				5,179.00				5,179.00
Adwoa Dunn-Mouton:									
United Kingdom	Pound	186.05	286.00					186.05	286.00
Kenya	Shilling	47,140	1,000.00					47,140	1,000.00
Ghana	Cedis	443,500	590.00					443,500	590.00
United States	Dollar				4,903.00				4,903.00
Michelle Maynard:									
Croatia	Dollar		1,390.00						1,390.00
Greece	Drachma	89,496	452.00					89,496	452.00
Romania	Leu	21,500	1,040.00					21,500	1,040.00
Bulgaria	Dollar		535.00						535.00
United States	Dollar				3,553.40				3,553.40
Kenneth A. Myers:									
Russia	Dollar		147.28				360.00		507.28
Kazakhstan	Dollar		147.28						147.28
Ukraine	Dollar		147.28						147.28
Kyrgyzstan	Dollar		147.28						147.28
Estonia	Dollar		147.28						147.28
Latvia	Dollar		147.32						147.32
George A. Pickart:									
Algeria	Dollar		672.00						672.00
Tunisia	Dollar	383.460	420.00					383.460	420.00
Egypt	Pound	1,712.91	513.00					1,712.91	513.00
Jordan	Dollar	407.405	591.00					407.405	591.00
Syria	Dollar		223.00						223.00
Israel	Dollar		492.00						492.00
Kenya	Shilling	13,700	274.00					13,700	274.00
Danielle Pletak:									
India	Rupee	29,036	1,026.00					29,036	1,026.00
Pakistan	Rupee	34,070.36	1,334.00					34,070.36	1,334.00
United States	Dollar				1,984.80				1,984.80
John B. Ritch:									
Belgium	Dollar		1,492.00						1,492.00
United States	Dollar				2,986.00				2,986.00
James P. Rubin:									
Switzerland	Dollar		350.00						350.00
Yugoslavia	Dollar		1,390.00						1,390.00
United States	Dollar				3,309.10				3,309.10
Jonathan Stein:									
Italy	Dollar		263.00						263.00
Pakistan	Dollar		356.00						356.00
Philippines	Dollar		182.00						182.00
India	Dollar		342.00						342.00
Singapore	Dollar		376.00						376.00
William C. Triplett:									
Australia	Dollar	1,458	1,055.00					1,458	1,055.00
Japan	Yen	166,328	1,360.00					166,328	1,360.00
Singapore	Dollar	1,145.97	714.00					1,145.97	714.00
Malaysia	Ringgit	3,867.72	772.00					3,867.72	772.00
United States	Dollar				5,179.00				5,179.00
Total			52,611.27		65,806.62		690.00		119,107.89

CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, Feb. 15, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY, FOR TRAVEL FROM OCT. 1, TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Janis C. Long:									
Switzerland	Franc	2,094	1,458.00					2,094	1,458.00
United States	Dollar				3,050.00				3,050.00
Total			1,458.00		3,050.00				4,508.00

JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary, Jan. 27, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Christopher Straub			739.00		914.00				1,653.00
Christopher Mellon			739.00		914.00				1,653.00
Senator David L. Boren			2,390.40						2,390.40
Zachariah Messitte			2,444.00						2,444.00
Dan Webber			2,689.00						2,689.00
Christopher Straub			2,279.00						2,279.00
Michael Hathaway			1,097.00						1,097.00
Total			12,377.40		1,828.00				14,205.40

DAVID BOREN,
Chairman, Select Committee on Intelligence, Dec. 31, 1992.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Dennis DeConcini:									
United Sates	Dollar				5,271.00				5,271.00
Hungary	Dollar		215.00						215.00
Yugoslavia	Dollar		178.00						178.00
Croatia	Dollar		240.00						240.00
Germany	Dollar		268.00						268.00
Jane Fisher:									
United States	Dollar				3,048.00				3,048.00
Hungary	Dollar		215.00						215.00
Yugoslavia	Dollar		178.00						178.00
Croatia	Dollar		240.00						240.00
Germany	Dollar		268.00						268.00
Robert Hand:									
United States	Dollar				3,048.00				3,048.00
Hungary	Dollar		215.00						215.00
Yugoslavia	Dollar		178.00						178.00
Croatia	Dollar		360.00						360.00
Germany	Dollar		268.00						268.00
Victoria Showalter:									
United States	Dollar				3,144.00				3,144.00
Hungary	Dollar		430.00						430.00
Poland	Dollar		1,148.00						1,148.00
Samuel Wise:									
United States	Dollar				3,051.70				3,051.70
Hungary	Dollar		215.00						215.00
Yugoslavia	Dollar		178.00						178.00
Poland	Dollar		169.17						169.17
Total			4,963.17		17,562.70				22,525.87

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe, Jan. 27, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Kerry:									
Hong Kong	Dollar	1,998.70	258.00					1,998.70	258.00
Vietnam	Dollar		192.00						192.00
United States	Dollar				4,871.00				4,871.00
Frances Zwenig:									
Hong Kong	Dollar	3,997.50	516.00					3,997.50	516.00
Vietnam	Dollar		192.00						192.00
United States	Dollar				5,572.00				5,572.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1992—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William Codinha:									
Thailand	Baht	5,405.94	213.00					5,405.94	213.00
Indonesia	Rupiah	1,886,045	916.00					1,886,045	916.00
Singapore	Dollar		238.00						238.00
United States	Dollar				4,290.00				4,290.00
Robert Taylor:									
Thailand	Baht	5,405.94	213.00					5,405.94	213.00
Indonesia	Rupiah	1,886,045	916.00					1,886,045	916.00
Singapore	Dollar		238.00						238.00
United States	Dollar				4,290.00				4,290.00
Senator John McCain:									
Vietnam	Dollar		753.00		810.00				1,563.00
Albert Graham:									
Russia	Dollar		18,152.78						18,152.78
United States	Dollar		8,648.00		1,640.10				10,288.10
Russia	Dollar		4,570.46		60.00				4,630.46
United States	Dollar		2,604.00		1,635.00				4,239.00
John McCreary:									
Czechoslovakia	Dollar		172.20						172.20
Ukraine	Dollar		205.18						205.18
Russia	Dollar		564.75		1,308.00				1,872.75
People's Republic of China	Dollar		231.27		2,237.00				2,468.27
	Yuan			1,493	283.84			1,493	283.84
Senator Robert Smith:									
Hong Kong	Dollar	3,997.50	516.00					3,997.50	516.00
Vietnam	Dollar		192.00						192.00
People's Republic of China	Yuan			1,493	283.84			1,493	283.84
	Dollar		135.00						135.00
United States	Dollar				5,575.00				5,575.00
Dino Carluccio:									
Hong Kong	Dollar	3,997.50	516.00					3,997.50	516.00
Vietnam	Dollar		192.00						192.00
People's Republic of China	Yuan			1,493	283.84			1,493	283.84
	Dollar		135.00						135.00
United States	Dollar				4,884.00				4,884.00
Total			41,479.64		38,023.62				79,503.26

GEORGE J. MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
Feb. 22, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS, FOR TRAVEL, NOV. 12–22, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John F. Kerry:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
Senator Thomas A. Daschle:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
Senator Hank Brown:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		384.00						384.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
United States	Dollar				1,700.00				1,700.00
Frances Zwenig:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong kong	Dollar	1,944.60	258.00					1,944.60	258.00
Deborah DeYoung:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
Neal Kravitz:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
Sally Walsh:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		960.00						960.00
Hong Kong	Dollar	1,944.60	258.00					1,944.60	258.00
William E. LeGro:									
Thailand	Baht	5,400	213.00					5,400	213.00
Vietnam	Dollar		1,920.00		2,651.00				4,571.00
Andre Sauvageot:									
Vietnam	Dollar		960.00						960.00
Delegation expenses:									
Thailand	Dollar						3,275.99		3,275.99
Vietnam	Dollar						23,029.41		23,029.41
Hong Kong	Dollar						4,646.44		4,646.44
Total			12,534.00		4,351.00		30,951.84		47,836.84

[1] Delegation expenses include direct payments and reimbursements to State Department and to the Defense Department under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

GEORGE MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
JOHN F. KERRY,
Mar. 5, 1993.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON POW/MIA AFFAIRS, FOR TRAVEL FROM JULY 1, TO SEPT. 30, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Albert Graham:									
Russia	Dollar		15,427.48						15,427.48
United States	Dollar		6,700.00		1,629.30				8,329.30
Total			22,127.48		1,629.30				23,756.78

GEORGE J. MITCHELL, Majority Leader,
ROBERT J. DOLE, Republican Leader,
Feb. 22, 1993.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, AUG. 18–25, 1992

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator George J. Mitchell:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	46,173.70	170.00					46,173.70	170.00
Senator Claiborne Pell:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	35,309.30	130.00					35,309.30	130.00
Senator James R. Sasser:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	4,660.32	456.00					4,660.32	456.00
Croatia	Dinar	46,173.70	170.00					46,173.70	170.00
Senator Warren Rudman:									
Czechoslovakia	Koruna	18,285.62	674.00					18,285.62	674.00
Austria	Schilling	6,786.08	664.00					6,786.08	664.00
Croatia	Dinar	24,444.09	90.00					24,444.09	90.00
Senator Frank R. Lautenberg:									
Austria	Schilling	4,660,32	456.00					4,660.32	456.00
Croatia	Dinar	46,173.70	170.00					46,173.70	170.00
United States	Dollar				2,653.00				2,653.00
Senator James M. Jeffords:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	4,660.32	456.00					4,660.32	456.00
Croatia	Dinar	46,173.70	170.00					46,173.70	170.00
Walter J. Stewart:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	46,173.70	170.00					46,173.70	170.00
Martha S. Pope:									
Czechoslovakia	Koruna	17,091.90	630.00					17,091.90	630.00
Austria	Schilling	6,929.16	678.00					6,929.16	678.00
Croatia	Dinar	21,728.80	80.00					21,728.80	80.00
Geryld B. Christianson:									
Czechoslovakia	Koruna	13,022.40	774.00					13,022.40	774.00
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	27,161.00	100.00					27,161.00	100.00
Diane Dewhirst:									
Czechoslovakia	Koruna	19,425,08	716.00					19,425.08	716.00
Austria	Schilling	6,479.46	634.00					6,479.46	634.00
Croatia	Dinar	21,728.80	80.00					21,728.80	80.00
Arthur Grant:									
Czechoslovakia	Koruna	15,979.57	589.00					15,979.57	589.00
Austria	Schilling	6,734.98	659.00					6,734.98	659.00
Croatia	Dinar	24,173.29	89.00					24,173.29	89.00
Jan Paulk:									
Czechoslovakia	Koruna	18,767.18	691.75					18,767.18	691.75
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	24,444.9	90.00					24,444.09	90.00
Sarah Sewall:									
Czechoslovakia	Koruna	20,258.78	746.73					20,258.78	746.73
Austria	Schilling	6,711.68	656.72					6,711.68	656.72
Croatia	Dinar	21,728.80	80.00					21,728.80	80.00
Robert M. Walker:									
Czechoslovakia	Koruna	20,998.62	774.00					20,998.62	774.00
Austria	Schilling	6,990.50	684.00					6,990.50	684.00
Croatia	Dinar	28,519.05	105.00					28,519.05	105.00
Germany	Deutsche mark	126.15	87.00	2,638	1,819.31			2,764.15	1,906.31
Delegation expenses:[1]									
Czechoslovakia							4,617.92		4,617.92
Austria							7,855.53		7,855.53
Croatia							5,088.69		5,088.69
Total			20,010.20		4,472.31		17,562.14		42,044.65

[1] Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179, agreed to May 25, 1977.

GEORGE J. MITCHELL, Majority Leader,
Mar. 3, 1993.

HONORING THE 9TH DEFENSE BATTALION ASSOCIATION, U.S. MARINE CORPS, WORLD WAR II

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to the 9th Defense Battalion Association, U.S. Marine Corps, of World War II. The 9th Defense Battalion Association of World War II is made up of the surviving members of the 9th Battalion of World War II, who continue to honor those who gave their lives in the defense of this great Nation. They are also actively involved in community services. They make the difference in many lives through the many activities and programs they make available to others. The members are commemorating their 50th year by honoring Pvt. John J. Wantuck, a true hero who gave his life to save others. Pvt. John J. Wantuck volunteered for a dangerous mission on July 17, 1943. He was briefed on the seriousness of the conditions that existed on this mission. He was killed in that action on Zanana Beach on the Island of New Georgia in the Solomon Islands Group. He was credited with having thwarted an enemy assault which would have inflicted serious consequences on the Marines and Army personnel in the nearby positions and would have facilitated the capture of a supply dump and command post by the enemy. Pvt. John J. Wantuck was awarded the Navy Cross for Bravery.

John was not the only brave and heroic member of the Wantuck family. He had four other brothers who served in World War II: Joseph was wounded in the Philippines and died in a prison camp in 1944; Michael served in the Navy and was awarded the Bronze Star and Purple Heart; Frank joined the Navy in 1942 and served a 7-month tour on the U.S.S. *Wantuck* APD 125; and Stanley, who joined the Army in 1941, served in the European theater. All of the Wantuck family are now deceased, but their bravery and patriotism will be remembered by all who live free because of their sacrifices. We commend the bravery of all who have served and defended their Nation so others can live in freedom.•

(At the request of Mr. INOUYE, the following statement was ordered to be printed at this point in the RECORD:)

THE McCORMICK RAILROAD PARK

• Mr. DECONCINI. Mr. President, I rise today to offer my praise of the McCormick Railroad Park in Scottsdale, AZ. The McCormick Railroad Park was established when Mr. and Mrs. Fowler Stillman donated land to the city of Scottsdale in 1967 to showcase memorabilia from a bygone era of American history. The park serves as a museum, exhibiting railway equipment and artifacts from the social and political heritage of the industrial age. The collection includes boxcars, steam engines, depots, and the pullman car used by Presidents Hoover, Roosevelt, Truman, and Eisenhower, reflecting an era when campaigning was a more personal and direct appeal to the public.

The McCormick Railroad Park combines these historic and educational centerpieces with a rustic setting to produce a casual atmosphere for family gatherings. This 30-acre park features an arboretum created from trees, cacti, and shrubs indigenous to the area and includes picnic facilities and playgrounds. Kids of all ages enjoy riding on the miniature train pulled by a steam engine that chugs past recreated scenes of western life. In the past 2 years, more than 100,000 people from all over the world have taken advantage of the legacy endowed by Mr. and Mrs. Stillman, and many more are expected this year.

Mr. President, it gives me great pleasure to praise the virtues of this park and to thank the family that made it possible. I would like to praise Guy Stillman, the son of Mr. and Mrs. Fowler Stillman, for dedicating himself to the continuation of the McCormick Railroad Park. The people of Arizona, and indeed, people from across the Nation and the globe, are fortunate to be able to share the legacy created by the generosity of the Stillman family.•

REGARDING THE LINE-ITEM VETO

• Mr. McCAIN. Mr. President, a major portion of the debate over the administration's so-called stimulus package has focused on the amount of pork contained in the measure. Senators from both sides of the aisle have sought to ensure that the taxpayers' dollars are not spent on wasteful pork barrel projects. I commend my colleagues for their efforts.

However, Mr. President, one solution to this problem continues to be ignored by both the White House and my Democratic colleagues—the line-item veto. Now is the time to give the President the line-item veto.

President Clinton has stated publicly that it is his hope that none of the Federal funding contained in the stimulus package will be spent on nonessential products. A line-item veto could be used by President Clinton to ensure that the taxpayers' money is not wasted on golf courses, graffiti abatement, and swimming pools.

But, Mr. President, the best interests of the American public are being brushed aside in a disturbing trend toward hypocrisy. Two weeks ago, 73 of my colleagues voted for a sense-of-the-Senate to give the President the line-item veto. I sincerely hope that as many will vote for the real thing.

Let me remind my colleagues, especially those who serve in the other body, that the public correctly understands a veto to require a two-thirds vote of the Senate and the House to be overridden. However, some of the line-item veto bills being talked about in the House and the Senate are not real vetoes, but are in fact measures that only require a simple majority vote to be enacted. Mr. President, referring to these measures as line-item veto bills is a misnomer that is not worthy of this Senate and it should be stopped. Senators and Congressmen should not be attempting to fool the public in this manner.

Additionally, the President made his support for the line-item veto one of the basic tenets of his campaign. Disturbingly, however, his support for this important budget cutting tool appears to now be either hushed or extremely limited.

In early March, I wrote to President Clinton requesting a letter in strong support of the line-item veto. The President had during campaign speeches, in his book "Putting People First," and at a luncheon with Republicans, stated his unwavering support for the line-item veto. Thus, I expected an equally strong letter from the President trumpeting his support for this crucial moneysaving tool.

Mr. President, I was extremely disappointed with the President's response. The letter I received expressed only limited support for the line-item veto. Further, the letter stated that the President believes the line-item veto must be considered only as free standing legislation.

Mr. President, I ask that a letter from President Clinton to me and my response that I am sending to him today appear in the RECORD at this point.

Mr. President, I do not mean to imply anything negative by these comments. To the contrary, I would hope that this statement would serve as a reminder to my colleagues of the importance of the line-item veto and as a thank you for their future support.

The letters follow:

U.S. SENATE,
Washington, DC, April 6, 1993.

Hon. BILL CLINTON,
President, The White House,
Washington, DC.

DEAR PRESIDENT CLINTON: Thank you for your letter of support for the line item veto. I am delighted that we agree on the necessity of enacting this vitally important legislation.

I am frankly surprised and concerned, however, by the rather limited nature of your support, particularly your statement that the "line item [veto] must be addressed in Congress as free standing legislation and not as an amendment." I have researched your previous public statements on this issue, and have been unable to find any instance where you qualified your support for the line item veto in this way.

As you know, I have introduced the line item veto as free standing legislation in each of the past three Congresses, but the Democratic leadership has precluded consideration of these measures in the Senate. Furthermore, given the current disposition of the

Democratic leadership, I know you are keenly aware that support for the line item veto only as free standing legislation is no support at all.

You have previously indicated your support for the line item veto on several different occasions. I sincerely hope that you will abide by your earlier statements and support prompt Senate action on the line item veto without any qualifications.

Furthermore, in view of your statement regarding free standing legislation, I assume that you fully support S. 9, the "Legislative Line Item Veto Act of 1993." I would appreciate written confirmation of your position on this legislation.

I look forward to working with you on passage of the line item veto to enable you to eliminate unnecessary and wasteful pork barrel spending.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

THE WHITE HOUSE,
Washington, March 27, 1993.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your letter regarding the line item veto. I appreciate learning of your strong support for this measure.

I fully support the line item veto and believe this issue needs to be addressed by Congress. However, I stand committed to my position that the line item must be addressed in Congress as free standing legislation and not as an amendment.

I look forward to working with you to develop a policy which properly addresses issue of line item veto.

With best wishes.

Sincerely,

WILLIAM J. CLINTON.•

PROGRAM

Mr. INOUYE. Mr. President, in behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, April 19; that when the Senate reconvenes on that day, the Journal of proceedings be deemed to have been approved to date, that the call of the calendar be waived, that no motions or resolutions come over under the rule, and the morning hour be deemed to have expired; I further ask unanimous consent that the time for the two leaders be reserved for their use later in the day; that following the prayer, the Senate resume consideration of H.R. 1335, the supplemental appropriations bill under the provisions of the previous unanimous consent agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, APRIL 19, 1993

Mr. INOUYE. Mr. President, if no Senator is seeking recognition, and I understand that the acting Republican leader has no further business, I ask unanimous consent in behalf of the majority leader that the Senate stand adjourned under the provisions of Senate Concurrent Resolution 23.

There being no objection, the Senate, at 2:09 p.m., adjourned until Monday, April 19, 1993, at 2 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate April 7, 1993, under authority of the order of the Senate of January 3, 1993:

DEPARTMENT OF JUSTICE

WEBSTER L. HUBBELL, OF ARKANSAS, TO BE ASSOCIATE ATTORNEY GENERAL, VICE WAYNE A. BUDD, RESIGNED.

DREW S. DAYS III, OF CONNECTICUT, TO BE SOLICITOR GENERAL OF THE UNITED STATES, VICE KENNETH WINSTON STARR.

DEPARTMENT OF STATE

MARSHALL FLETCHER MCCALLIE, OF TENNESSEE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HARRIET S. RABB, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE MICHAEL J. ASTRUE, RESIGNED.

DEPARTMENT OF THE INTERIOR

ROBERT ARMSTRONG, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE DAVID COURTLAND O'NEAL, RESIGNED.

BONNIE R. COHEN, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE JOHN SCHROTE, RESIGNED.

HOUSE—*Wednesday, April 7, 1993*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In Your mercy, O God, we receive so many of Your gifts even when we are not worthy. Today we are thankful for the gift of Your light. Gratefully, we acknowledge that the light of Your word allows us to see truth, which, in the rush of daily living, we often bypass and do not see; Your light allows us to see our weaknesses and so to correct them; Your light allows us to see the suffering and hunger in our world and what we can do to ease the hurt; Your light permits us to experience the love of friends and family, and for that we are eternally grateful. We accept Your light that conquers evil, even the despair of death, the light that gives every person the hope and the blessing of a new day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. POMBO] please come forward and lead the House in the Pledge of Allegiance.

Mr. POMBO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a joint resolution and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 76. Joint resolution concerning the dedication of the United States Holocaust Memorial Museum; and

S. Con. Res. 23. Concurrent resolution providing for a conditional recess or adjournment of the Senate on Wednesday, April 7, 1993, until Monday, April 19, 1993, and a conditional adjournment of the House on Wednesday, April 7, 1993, until Monday, April 19, 1993.

The message also announced that pursuant to Public Law 101-549, the Chair, on behalf of the majority leader, appoints Norman T. Anderson of Maine and David P. Rall of the District of Columbia, to the Risk Assessment and Management Commission.

COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 5, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, April 5, 1993 at 3:13 p.m., that the Senate passed without amendment: H.J. Res. 156.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 6, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Tuesday, April 6, 1993 at 1:10 p.m., that the Senate passed without amendment: H.R. 1430.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 5, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, April 5, 1993 at 3:07 p.m. and said to contain a message from the President whereby he transmits the Annual Report on Hazardous Materials Transportation for calendar year 1991.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT ON HAZARDOUS MATERIALS TRANSPORTATION FOR 1991—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce, the Committee on Public Works and Transportation, and the Committee on Merchant Marine and Fisheries:

To the Congress of the United States:

In accordance with the requirements of section 109(e) of the Hazardous Materials Transportation Act (Public Law 93-633; 49 U.S.C. 1808(e)), I transmit herewith the Annual Report on Hazardous Materials Transportation for calendar year 1991.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *April 5, 1993.*

MESSAGE FROM THE SENATE

The SPEAKER. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

S. CON. RES. 23

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 2 p.m. on Monday, April 19, 1993, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on Wednesday, April 7, 1993, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand adjourned until 12 noon on Monday, April 19, 1993, or until 12 noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate and the Speaker of the House, acting jointly after consultation with the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and the House, respectively, to reassem-

---

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO CONFERENCE OF INTERPARLIAMENTARY UNION

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276a-1, the Chair appoints to the delegation to attend the Conference of the Interparliamentary Union to be held in New Delhi, India from April 12, 1993, to April 17, 1993, the following members on the part of the House: Mr. FALEOMAVAEGA of American Samoa, chairman and Miss COLLINS of Michigan.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Monday, April 5, 1993:

H.J. Res. 156. Joint resolution concerning the dedication of the U.S. Holocaust Memorial Museum.

The following enrolled bill on Tuesday, April 6, 1993:

H.R. 1430. An act to provide for a temporary increase in the public debt limit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). The Chair will receive 1-minute requests.

NOTIFYING MEMBERS OF THE PASSING OF KEITH MAINLAND

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITTEN. Mr. Speaker, it is with sadness that I announce the death of Keith Mainland, the eighth clerk of the Committee on Appropriations. Keith died Saturday of a heart attack while at his home at Lake Louisa in central Virginia.

Keith served the committee and the House for 23 years—13 of those as clerk and staff director. He was appointed to the committee staff by Chairman Cannon on March 1, 1962, and appointed clerk and staff director by George Mahon in October 1972. Keith retired on April 30, 1985.

Keith was the 16th recipient of the John W. McCormack Award for Excellence in April 1986.

Keith represented the best in service to the House and the people of the United States.

He was respected and admired by Democrats and Republicans—at his retirement in 1985 Speaker Wright and Minority Leader MICHEL expressed regret at his retirement—as did I and Silvio Conte, who was the ranking Republican of the committee.

Keith is survived by his wife, Sandy, and his two children, Kirk and Marlene. Our prayers are with them today.

MOURNING THE PASSING OF KEITH MAINLAND

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I join with the distinguished gentleman from Mississippi [Mr. WHITTEN] in mourning the death of Keith Mainland. The House is extraordinarily well served by so many of our employees, who provide every service and support that this body needs and could desire, but there are exceptional people who serve here, serve the Members, and serve the committees in their responsibilities with legislation. None was more able and more supportive of the work of the Committee on Appropriations and of the House than was Keith Mainland.

The distinguished chairman of the committee, Mr. WHITTEN, during those years chose wisely when he chose Mr. Mainland to be the chief counsel and clerk of the committee, and his death at a very early age is mourned by all who knew his work and admired his dedication.

We send to all of his family, to his wife and all of his family, our deepest sympathy.

AUTHORIZING THE SPEAKER AND THE MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS NOTWITHSTANDING ADJOURNMENT

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, April 19, 1993, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

□ 1410

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 21, 1993

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 21, 1993.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Guam?

There was no objection.

INTRODUCTION OF LEGISLATION TO RESTRICT FLIGHTS OVER CERTAIN AREAS OF HAWAII'S NATIONAL PARK SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK. Mr. Speaker, on April 5, I introduced legislation to restrict helicopter and fixed-winged aircraft flights over certain areas of Hawaii's national park system, and to require compliance to FAA regulations for all tour helicopters, even those that fly short distances.

The growth of the helicopter tour industry in recent years and the lack of appropriate regulations and enforcement of these flights have resulted in serious safety and noise problems in Hawaii, mainly in and around the national park units.

While helicopter tours provide a unique way for visitors and residents to experience and appreciate Hawaii's beauty and natural resources, the safety and well-being of residents and tourists and the protection of our cultural, natural, and historic resources must not be jeopardized by these flights.

Residents near the Hawaii Volcanoes National Park report helicopters flying as low as 100 feet above the ground and daily overflights which disturb residential activity and the normally peaceful lifestyle in these remote areas.

Flights directly over the national parks disrupt the tranquility sought by park visitors and endanger natural and cultural resources including rare and endangered plant and animal species.

Reckless helicopter maneuvering and flights near acidic volcanic fumes put tourists and flight operators in serious danger. Helicopter accidents are now a frequent occurrence on the big Island of Hawaii, where the lure of the active volcano has increased the number of helicopter tours into this very area. Unfortunately it has taken several high-profile accidents in recent months to attract serious attention to this problem.

My bill, H.R. 1696, seeks to set forth a fair and balanced resolution by establishing flight-free zones in certain areas of the Hawaii's national park system and setting a minimum altitude of 2,000 feet for helicopter and fixed-winged flights over all other segments of the park system. This mechanism has been used in other parks, such as the Grand Canyon, to address similar problems.

Specifically, my bill prohibits flights over Kaloko Honokohau National Historical Park, Pu'u Honua o Honaunau National Historical Park, Pu'u Kohola Heiau National Historic Site, and Kalaupapa National Historical Park.

It establishes the crater district, Kipahulu valley, and the adjacent rain forest within the Haleakala National Park as flight-free zones; and requires a 2-mile standoff distance from the Sliding Sands trailhead.

Within the Hawaii Volcanoes National Park, the bill designates the certain wilderness areas, including Mauna Loa, Ola's Forest, East Rift, and Kau Desert; the summit of Kilauea; and the coastal area between Ka'aha and Kamoamoa as flight-free zones. In addition the bill establishes a 2-mile standoff distance from the chain of craters corridor and the Kamoamoa village sites within this park.

In addition, the bill seeks to address safety issues that affect all flights, not only those over the national parks, by requiring short-term sightseeing flights which begin and end at the same airport and are conducted within a 25-mile radius to comply with stricter Federal Aviation Administration [FAA] flight standards. Under current FAA regulation these types of sightseeing flights are exempt from certain flight operation, aircraft and equipment, flight crew member, and weather requirement regulations that apply to most other commercial operators.

There is no doubt that the commercial helicopter tour industry is important in our tourist driven economy; however, regulations must be implemented and enforced to assure that this industry can provide a safe and enjoyable service which is in harmony with the residents and natural resources of our islands.

Mr. Speaker, this is an urgent matter that demands immediate attention. I urge the Congress to take swift action on this bill.

WHY COMMONWEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 10 minutes.

Mr. UNDERWOOD. Mr. Speaker, last week, with the support of 49 original cosponsors, I introduced H.R. 1521, which seeks to establish the Commonwealth of Guam.

I feel compelled, however, to answer some questions which have been raised by some Members and their staffs.

This legislation has nothing to do with the right of Delegates to vote in the House of Representatives. The right of the Delegate to vote is an internal House rule. H.R. 1521 is not concerned with internal House rules and H.R. 1521 does not mention the Guam Delegate to the House of Representatives. My status and the status of other Delegates is a separate issue.

H.R. 1521 seeks to maintain and improve the relationship between Guam and the United States. H.R. 1521 permits Guam to have more control over its internal affairs and clarifies the process through which Federal laws are applied to Guam.

This is important because Guam is currently an unincorporated territory. An unincorporated territory means that laws can be imposed upon the people of Guam without their consultation, or in a usual context, without considering the unique characteristics and the unique needs of Guam.

By being an unincorporated territory, any law enacted by the Guam Legislature can be abrogated by the U.S. Congress.

By being an unincorporated territory, U.S. citizenship can be taken away from the people of Guam. You might ask, how can U.S. citizenship be taken away, when the people of Guam are already citizens of the United States? The people of Guam are granted U.S. citizenship through the Organic Act. The Organic Act was enacted by Congress. Anything that Congress giveth, Congress can taketh away.

As an unincorporated territory, Guam has no stability in its relationship with the Federal Government, for Guam can be bought, sold or traded by the United States.

Thus, it is in the spirit of cooperation, it is with the intense desire for stability in Guam's relationship with the Federal Government and it is with the intense desire for disability stability in Guam's own internal affairs, the people of Guam seek commonwealth status.

One staffer asked, why not statehood?

Quite simply, because the people of Guam do not want statehood at this time. The people of Guam have voted in two plebiscites on the desired political status. The voters had several choices: Keeping the status quo, that is remaining an unincorporated territory, statehood, incorporation, commonwealth, independence, and free association.

In the first plebiscite, 49 percent of those voting chose the commonwealth option, 26 percent chose statehood, 10 percent chose keeping the status quo. Only 5 percent of the voters selected incorporated status while 4 percent opted for independence and 4 percent opted for free association independence.

A runoff plebiscite was later held between statehood and commonwealth status. This vote attracted over 81 percent of the voters. An overwhelming 73 percent of these voters supported commonwealth status.

Thus, the philosophy of the Commonwealth Act is to structure a better relationship with the United States, a relationship tailored to meet the unique circumstances that exist on Guam, a relationship tailored to meet the growing aspirations of the people of Guam for greater self-sufficiency, a relationship tailored to provide a more balanced partnership between Guam and the United States.

The relationship offered here will begin the dismantling of a colonial relationship begun in 1899 as a clearly colonial one. Guam was administered by the Department of the Navy for most of Guam's relationship with the United States. For all of that time, we had a Navy officer as our Governor. With the passage of the Organic Act in 1950, we have experienced enormous improvements in this relationship but there has been no fundamental shift in Guam's relationship with the Federal Government.

We proposed through the Commonwealth Act a partnership which respects and understands the dignity and history of the people of Guam which acknowledges the contributions of Guam to America's strength, strategically and diplomatically in the Pacific. And which establishes stability in Guam's relationship to this body, the executive branch, and indeed the entire United States.

We do not seek charity, we seek understanding.

We do not seek privilege, we seek dignity.

We do not seek power over others, we seek only the capacity to govern ourselves.

We have learned the lessons of being Americans well. We understand that the consent of the governed is the basis for the establishment of any democratic government. This is what we are offering through this act. It represents Guam's best hope for the next century. It represents the understanding and acceptance of America's democratic ideals and it establishes the basis of a strong partnership.

Biba Amerika yan na'la'la i taotao Guam—Long live America and long live the people of Guam.

IDAHO WILDERNESS, SUSTAINABLE FORESTS AND COMMUNITIES ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho [Mr. LAROCCO] is recognized for 30 minutes.

Mr. LAROCCO. Mr. Speaker, last year, I pledged to resolve the roadless areas issue in Idaho through legislation. I said then that we Idahoans must finally resolve this issue or others would do it for us. I promised to introduce a bill by March 31, 1993.

Last week, I kept that pledge by introducing the Idaho Wilderness, Sustainable Forests and Communities Act of 1993, H.R. 1570. I emphasize, this is another step in the process of legislation, which will no doubt be changed before final passage by Congress.

Early in December 1992, I began a series of town meetings to hear directly from Idahoans on how to resolve the roadless area issue in Idaho. The Idaho roadless area dispute has caused stalemate, gridlock, uncertainty, and instability. It has been particularly harmful to small communities most directly affected by land management agencies on neighboring national forests.

This legislation is a sound, defensible proposal which will foster further discussion on the statewide resolution of this contentious issue. It is balanced and it is serious. It represents the hard work of many thoughtful Idahoans who want to put polarization and gridlock behind us. The legislative process can now begin in earnest in the U.S. House of Representatives.

THE PROCESS

I began with eight town meetings throughout the First District which were attended by more than 2,000 Idaho citizens. I devoted some 27 hours to listening to 326 speakers express their viewpoints on Idaho wilderness.

During the 4-month period from December through March, I assigned two professional staff members, experienced in natural resources issues, to follow up on the town meetings by interviewing groups and individuals who expressed deep concerns about the outcome of an Idaho wilderness bill.

More than 120 contacts were made including representatives from: academia, the timber industry, loggers, labor unions, scientists, biologists, tree planters, elected officials, outfitters and guides, jet boaters, Federal and State agency personnel, ORV users, hunters, fishermen, miners, livestock interests, farmers, educators, environmentalists, snowmobilers, and native Americans. These contacts included organized groups such as the Intermountain Forest Industries Association, Associated Logging Contractors, Northwest Timber Workers Association, Idaho Conservation League, Sierra Club, Inland, Empire Public Lands Coalition, Idaho Forest Watch, The Wilderness Society, Idaho Environmental Council, Audubon Society, Idaho Farm Bureau, Paperworkers Union, Carpenters Union, Woodworkers Union, Idaho Cattle Association, Idaho Woolgrowers, Idaho, Snowmobile Association, Idaho Aviation Association, North Idaho Riders Organization, Boundary County Backpackers, Environmental Balance Committee and the Society of American Foresters.

The process was intended to be inclusionary, not exclusionary, and I believe it has been so.

In addition to personal contacts, I received many written statements, maps, letters, and comments from individuals and groups throughout Idaho.

I also met with Governor Andrus and the Idaho congressional delegation to forge an agreement to move forward with an Idaho wilderness bill. My legislation, then, begins the legislative process in the Congress.

I can summarize the results of this public participation process as follows:

First, the timing is right.

Second, there is a need, for certainty, for timber harvesting.

Third, there is a need to focus on specific areas.

Fourth, there is a need to protect current jobs and to create new jobs.

Fifth, wilderness values are changing. Beyond recreation, many Idahoans expressed concerns about wildlife habitat, water quality, and healthy ecosystems.

I deeply appreciate the participation of many concerned Idahoans. Without their help I would never have been able to draft an Idaho wilderness bill responsive to the needs of Idaho.

I want to especially express my appreciation to Governor Andrus for his support. I also want to make it clear that protecting Idaho's natural resources, while providing certainty, stability, and sustainability, remains my highest priority.

I continued this process by applying the latest and best science available and by working with the best technical experts. I made use of GAP analysis, a computerized system that compares layers of resource information. I reviewed the forest plans of all five national forests in the First District, and I studied the roadless parcels area by area.

I reviewed other proposals as well as the McClure-Andrus wilderness effort of 1988. Past efforts to resolve this issue were building blocks in the process.

I continue, even today, to shuttle my staff among the various interested individuals to gather information, test ideas, and seek new ones. I established a self-imposed timetable to accomplish this task that brought me to where I am today.

THE NATIONAL FORESTS

The following are site-specific highlights of the major features of my legislation for each national forest in the First Congressional District. All acres are approximate.

Idaho panhandle national forests:

From 48 inventoried roadless areas totaling 853,000 acres, I examined and made determinations on 7 of them. Of the 7, I proposed 3 new areas totaling 79,360 acres for wilderness designation. They are:

	Acres
Salmo Priest additions	19,200
Long Canyon	39,040
Scotchmen Peaks	21,120
Total	79,360

The Salmo Priest includes all the area proposed in the Idaho panhandle forest plan as well as the area proposed for wild and scenic river study.

Long Canyon includes the Long Canyon and Parker Creek drainages as well as portions of the Selkirk Crest area that was recommended for wilderness designation in the forest plan. The remaining Selkirk Crest area, comprising 21,120 acres, is proposed for special management area designation.

The Scotchmen Peaks area includes only the areas recommended for wilderness in the forest plan.

The remaining 773,640 acres were released to their assigned forest plan prescription or to special management area status. My objective was to designate the areas of highest quality wilderness and yet free up areas important for timber harvest and other uses.

Proposed special management areas:

	Acres
Selkirk Crest	21,120
Continental Mountain	5,760
Saddle Mountain	6,400
Farnham/Russell	24,320
Burton Peak	8,960
Katka Peak	10,880
Bald Eagle	3,840
Timber/Buck	7,680
Marble Creek historic area	
Total	88,960

The Selkirk Crest SMA is the remainder of the area that was recommended for wilderness in the forest plan. I have proposed the area to be managed for dispersed recreation according to the 1971 agreement between the Forest Service and the State of Idaho. The remaining 67,840 acres of special management areas are to be managed for commercial timber production, general public use, and wildlife.

The Marble Creek historic area includes Marble Creek, parts of the St. Maries River and the roadless area known as Grandmother Mountain. The area will be managed to depict logging history. Logging will be permitted to continue on sites below 5,000 feet elevation. The higher elevation area around Grandmother Mountain is a pristine, unroaded area with some wilderness attributes. It will be managed for primitive recreation and prohibit all motorized use. A map and acreage determination have yet to be completed.

Idaho Panhandle NF summary:

	Acres
Wilderness	79,360
Special management areas	88,960
Released to forest plan	684,680
Total	853,000

Clearwater National Forest:

From 16 inventoried roadless areas totaling some 950,300 acres, I examined and made determinations on 12 of them. Of these 12, I proposed 4 new areas totalling 422,400 acres for wilderness.

They are:

	Acres
Mallard-Larkins	158,080
The Great Burn	179,200
Lewis and Clark (Fish/Hungry)	53,760
Selway Bitterroot additions	31,360
Total	422,400

The Mallard-Larkins includes Foehl Creek, an area composed of thin soils and low timber values and some minor additions to those recommended in the Clearwater and Idaho panhandle national forests plans.

The Great Burn includes the area recommended in the Clearwater forest plan in addition to the Cayuse drainage and the Junction Mountain area. This area is contiguous to a wilderness proposal in Montana which meshes with my proposal.

The Lewis and Clark proposed wilderness is an important cultural resource because it contains a portion of the Lewis and Clerk Trail that is just as it was when Lewis and Clark made their journey through the area.

The remaining 528,000 acres are released to their assigned forest plan prescription or to special management area status. My objective was to designate the areas of highest quality wilderness and yet free up areas important for timber harvest and other uses.

Proposed special management areas wildlife corridors:

	Acres
East Weitas	81,280
Vanderbilt Hill	41,600
Total	122,880

I have drafted prescriptive language for these areas to protect water quality, wildlife migration corridors, and allow timber harvest and motorized recreation.

Clearwater national forest summary:

	Acres
Wilderness	422,400
Special management areas	122,880
Released to forest plan	405,920
Total	950,300

Nez Perce National Forest:

Of a total of 503,000 acres, only Meadow Creek, comprising approximately 200,000 acres, was studied for wilderness designation. Approximately 160,000 acres are proposed for wilderness, and 32,640 acres for special management. The remainder—near the mouth of Meadow Creek—was released to Forest Plan prescription.

The wilderness proposal includes both sides of Meadow Creek and would be an addition to the Selway Bitterroot wilderness. The special management area lies in the headquarters of the west side of Meadow Creek. I have drafted prescriptive language for timber harvest for the area which recognizes the importance of soil stability and water quality. The Meadow Creek is an outstanding, pristine drainage of significant importance to native and anadromous fisheries.

Nez Perce National Forest summary:

	Acres
Wilderness	160,000
Special management area	32,640
Released to forest plan	310,360
Total	503,000

Payette National Forest:

From 21 roadless areas totaling 1,079,300 acres, I have examined and made determinations on 7 of them. Of these seven, I have proposed 294,520 acres in five new wilderness areas.

They are:

	Acres
Patrick Butte	42,240
French Creek	37,760
Needles	95,800
Secesh	116,200
Frank Church River of No Return addition	27,520
Total	294,520

The Needles and Secesh areas were recommended through the forest planning process. I have added portions of Patrick Butte, French Creek, and an addition to the Frank Church River of No Return Wilderness Area. These areas support most wildlife species common to central Idaho mountains and contain numerous mountain lakes and streams.

The remaining 784,780 acres were released to their assigned forest plan prescriptions or to a special management category. My objective was to designate the areas of highest quality wilderness and yet free up areas important for recreation and timber harvesting.

I have proposed two areas for special management:

	Acres
Rapid River	37,760
French Creek	10,240
Total	48,000

The prescriptions for these areas allow for environmentally sensitive timber harvest that recognizes the importance of soil stability and water quality. They also recognize the need for wildlife values and motorized recreation.

Payette National Forest summary:

	Acres
Wilderness	294,520
Special management area	48,000
Released to forest plan	736,780
Total	1,079,300

Boise National Forest:

From 22 inventoried roadless areas totaling 1,200,000 acres I have examined and made determinations on 15 of them. Of these 15, I have proposed 291,210 acres in 5 new wilderness areas. They are:

	Acres
Red Mountain	88,000
Ten Mile/Black Warrior	78,800
Hanson Lake	14,200
Needles	3,970
Peace Rock	106,240
Total	291,210

The Red Mountain, Ten Mile/Black Warrior areas are in the Boise National forest while the Hanson Lake area is located on three national forests; Challis, Sawtooth, and Boise. The Needles area is an addition to the Needles area in the Payette National Forest to the north. All of these areas were recommended through the Forest planning process. I have added Peace Rock which is important for wildlife summer range while having a high potential for soil erosion.

The remaining 908,790 acres were released to their assigned forest plan prescriptions or to a special management category. My objective was to designate the areas of highest quality wilderness and yet free up areas important for timber harvest and recreation.

I have proposed four areas for special management:

	Acres
Breadwinner	40,830
Lime Creek	28,800
Snowbank	21,760
Johnson Creek	174,100
Total	265,490

The prescriptions for these areas protect important fisheries habitat, provide for motorized recreation and allow for timber harvesting which recognizes fragile soils and water quality.

I have included 28,800 acres in the Lime Creek recreation area which is managed by the Boise National Forest. This area is part of a larger recreation area comprising a total of approximately 90,000 acres most of which is located on the Sawtooth National Forest and warrants congressional action in its entirety.

Boise National Forest summary:

	Acres
Wilderness	291,210
Special management area	265,490
Released to forest plan	643,300
Total	1,200,000

Summary

	Approximate acres
Boise National Forest:	
Wilderness:	
Red Mountain	88,000
Hanson Lake	14,200
Ten Mile/Black Warrior	78,800
Needles	3,970
Peace Rock	106,240
Total	291,210
Special management areas:	
Breadwinner	40,830
Lime Creek	28,800
Snowbank	21,760
Johnson Creek	174,100
Total	265,490
Payette National Forest:	
Wilderness:	
Patrick Butte	42,200
French Creek	37,760
Needles	95,800
Secesh	116,200
Frank Church RNR addition	27,520
Total	294,520
Special management areas:	
Rapid River	37,760
French Creek	10,240
Total	48,000
Nez Perce National Forest:	
Wilderness: Meadow Creek (total)	160,000
Special management area: Upper Meadow Creek (total)	32,640
Clearwater National Forest:	
Wilderness:	
Mallard Larkin	158,080
Great Burn	179,200
Selway Bitterroot addition	31,360
Lewis and Clark	53,760
Total	422,400
Special management areas:	
Weitas	81,280
Vanderbilt	41,600
Total	122,880
Panhandle National Forest:	
Wilderness:	
Long Canyon	39,040
Scotchman Peaks	21,120

	acres
Salmo Priest	19,200
Total	79,360
Special management:	
Selkirk Crest	21,120
Continental Mountain	5,760
Saddle Mountain	6,400
Farnham/Russell	24,320
Burton Peak	8,960
Katka Peak	10,880
Bald Eagle	3,840
Timber Buck	7,680
Total	88,960
Grand total:	
Wilderness	1,247,490
Special management area	557,970
Released to forest plan	2,780,140
Total	4,585,600

SPECIAL MANAGEMENT AREAS

In addition to wilderness, my legislation designates special management areas. Prescriptions for these areas would reflect congressional intent for the management emphasis, and would set reasonable, verifiable constraints on activities which could occur in the area. A comprehensive monitoring program, to assure proper management of the designated areas, is an integral component of my legislation.

In developing the management area prescriptions, care was taken not to micromanage the area, recognizing that most land management decisions are best left to scientists and professional land managers. Additionally, future advances in the science of land management should not be precluded by tying the hands of tomorrow's land managers.

ST. JOE FOREST DEMONSTRATION PROJECT

I have included a demonstration project for the St. Joe National Forest with the goal of investing in good sites to grow more timber volume on lands already roaded. Once these highly productive sites are located, they are to be intensively managed for timber using mostly uneven aged management and silvicultural practices including precommercial thinning, fertilization, pruning, and planting of diverse species. A citizens advisory group will help monitor the program's effectiveness, and the program will terminate after 10 years.

WATER

Because so much is currently fluid on the issue of water rights, I have chosen, for now, to be silent on water. I plan to address the issue during the legislative process.

Several efforts in progress hold promise for helping address this issue in an Idaho wilderness bill. Those efforts include: compromise language under negotiation for another wilderness bill currently before Congress; the Snake River adjudication process where the Federal Government has already asserted claims on Federal lands; and changes in water policy which may be made by the current administration.

FOREST AND WATERSHED RESTORATION AND JOBS

In an effort to provide certainty on forest lands which are already roaded, my bill calls for restoration of forests and watersheds, and authorizes jobs to carry out these restoration activities.

The condition of many roaded areas require that future management and production options be severely restricted until restoration efforts are in place. Further, the listing of the chinook salmon under the Endangered Species Act provides a further catalyst for restoring these lands.

Because of this extensive backlog of restoration work on Idaho's forests, my bill provides not just an economic stimulus package, but a long-term economic stability initiative. And the jobs created will not be just temporary jobs, but real jobs which will support families. The skilled workers needed to implement restoration activities include sawyers, heavy equipment operators, woods workers, carpenters, engineers, and farm equipment operators, as well as forest management professionals.

PANHANDLE WATER QUALITY STANDARDS

In response to the concern expressed at my town meetings, I have directed the Secretary to review the water quality standards for the Panhandle National Forest. The review will determine if the standards are sufficient to protect fisheries, watersheds, and water quality and if the standards are being properly implemented. The Secretary is directed to prepare a report to Congress which will allow for public comment.

RELEASE

There has been much confusion about what release language accomplishes. I have tried to include release language in my legislation which is standard in most wilderness bills, but I want to be clear about what this language does and does not do.

What my legislation does:

It states that both the Forest Service and Congress have studied the roadless areas in Idaho for their suitability as wilderness.

It states that the national forest lands in Idaho which were not designated as wilderness or as special management areas are released for multiple use under the direction of the forest plans or other statutory requirements.

It states that, for 10 years, or until the forest plans are revised, whichever period is longer, the released lands do not have to be protected to maintain their suitability for future designation as wilderness. But, because wilderness is considered a multiple use under the Multiple Use Sustained Yield Act, the Forest Service still has the option to manage them as wilderness.

It clarifies that during the plan revision process, which could last for several years, the released lands will remain released.

It states that, once the revised plans are implemented, areas which are not recommended for wilderness designation during the revision do not have to be managed to maintain their wilderness suitability, but areas which are recommended for wilderness during the revision process shall be managed to protect their suitability for wilderness designation.

It insulates from judicial review the wilderness determination decisions made during the forest plan revision, but allows judicial review on other plan decisions.

It relieves the Forest Service from the obligation to conduct a statewide review of roadless lands to determine if they are suitable for wilderness.

What my legislation does not do:

It does not limit judicial review on any action but wilderness determinations made during forest plan revisions, and so allows actions under the National Forest Management Act, National Environmental Policy Act, Endangered Species Act, and other environmental laws to be reviewed in court.

It does not limit or prohibit appeals. Much to the credit of Senator LARRY CRAIG, a new appeals process was enacted last year which limits frivolous appeals and sets a deadline for individuals to file an appeal and a limit on the Forest Service's response time. New regulations are now being promulgated by the Forest Service.

In two ways, I am going the extra mile on release. First, instead of just releasing lands until the next planning cycle, I want to assure there is at least a 10-year period of certainty for the released lands. I am doing this because by the time my legislation is enacted, most of the plans for Idaho forests may be only 3 or 4 years away from revision, and therefore, only 3 or 4 years of certainty are provided.

Second, I have also insulated from judicial review the Forest Service's decision to allocate roadless areas to wilderness when the forest plans are revised. However, I have stopped short of excluding all land allocation decisions in the forest plan from judicial review.

GRAZING

Grazing is one of the multiple uses of wilderness, and my legislation allows grazing where it is established prior to enactment and in accordance with the Wilderness Act.

Additionally, my legislation references a House report from the 96th Congress which further clarifies which grazing-related management activities can occur. This report has been referenced in past wilderness bills and clarifies that wilderness designation should not be used as an excuse to phase out grazing, and that activities necessary to maintain support facilities are allowed, including the occasional use of motorized equipment, where practical alternatives do not exist.

Grazing is allowed on special management areas designated by my legislation where it complies with forest plan standards.

PRIVATE PROPERTY

In proposing wilderness areas, I have made every effort to structure boundaries so private property lies outside the wilderness area.

The Wilderness Act allows for adequate access to any private lands which may be surrounded by national forests lands within designated wilderness. The act also permits "ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated."

As with general forest service lands, private property within the boundaries of any special management area would remain unaffected.

CONCLUSION

From city hall to the Halls of Congress and the White House, Americans are demanding that government officials take action to resolve conflicts and to solve problems.

My legislation, from the promise to my constituents, from the town meetings, to the followup shuttling of ideas, to the drafting and introduction of this proposal, has been intended to take action on a longstanding contentious problem affecting all of Idaho.

A respected colleague of mine in the House of Representatives once advised: "To do right, risk consequences."

The proposal is the right thing to do at the right time.

The resolution of Idaho roadless lands has now begun.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous material:)

Mrs. MINK, for 5 minutes, today.

Mrs. MEEK, for 5 minutes, today.

Mr. UNDERWOOD, for 10 minutes, today.

Mr. LAROCCO, for 30 minutes, today.

(The following Members (at the request of Mr. LAROCCO) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes each day, on April 22 and 29.

Mr. CONYERS, for 60 minutes, on May 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. POMBO) and to include extraneous matter:)

Ms. MOLINARI.

Mr. DICKEY.

Mr. SHUSTER.

Ms. SNOWE.

Mr. GINGRICH in two instances.

Mr. MICHEL.

Mr. BOEHNER.

Mr. WELDON.

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Mr. KANJORSKI.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mrs. LLOYD in five instances.

Mr. HAMILTON in 10 instances.

Mr. DE LA GARZA in 10 instances.

Mr. VENTO.

Ms. DELAURO.

Mr. MAZZOLI.

Mr. ORTON.

Mr. RICHARDSON.

Mr. MFUME.

Miss COLLINS of Michigan.

Mr. KILDEE.

Mr. CONDIT.

(The following Members (at the request of Mr. LAROCCO) and to include extraneous matter:)

Mr. CONYERS.

Mr. MANTON.

Mr. DIXON.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1430. An act to provide for a temporary increase in the public debt limit; and

H.J. Res. 156. joint resolution concerning the dedication of the U.S. Holocaust Memorial Museum.

ADJOURNMENT TO MONDAY, APRIL 19, 1993

Mr. LAROCCO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the provisions of Senate Concurrent Resolution 23, 103d Congress, the House stands adjourned until noon on Monday, April 19, 1993.

Thereupon (at 2 o'clock and 48 minutes p.m.), pursuant to Senate Concurrent Resolution 23, the House adjourned until Monday, April 19, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1024. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the President's determination regarding certification of the 27 major illicit narcotics producing and transit countries, pursuant to 22 U.S.C. 2291; to the Committee on Foreign Affairs.

1025. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the International Narcotics Control Strategy Report for 1993, pursuant to 22 U.S.C. 2291(b)(2); to the Committee on Foreign Affairs.

1026. A letter from the Overseas Private Investment Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1027. A letter from the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the financial outlook for the Hospital Insurance Trust Fund; to the Committee on Ways and Means.

1028. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting notification that this Board concurs in both the tax rate reallocation and DI research recommendations of the prior Board; to the Committee on Ways and Means.

1029. A letter from the Board of Trustees, Federal Hospital Insurance Trust Funds, transmitting the 1993 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2) (H. Doc. No. 103–64); to the Committee on Ways and Means and ordered to be printed.

1030. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting the 1993 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2) (H. Doc. No. 103–63); to the Committee on Ways and Means and ordered to be printed.

1031. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Funds, transmitting the 1993 annual report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2) (H. Doc. No. 103–65); jointly, to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BENTLEY (for herself and Mr. VALENTINE):

H.R. 1702. A bill entitled the "Government Procurement Act of 1993"; jointly, to the Committees on Government Operations and Armed Services.

By Ms. DELAURO:

H.R. 1703. A bill to require employer health benefit plans to meet standards relating to the nondiscriminatory treatment of neurobiological disorders, and for other purposes; jointly, to the Committees on Education and Labor, Ways and Means, and Energy and Commerce.

By Mr. GINGRICH:

H.R. 1704. A bill to suspend until January 1, 1995, the duty on 1,8 Dichloroanthra-quinone and 1,8 Diaminonapthalene; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. OWENS, and Mr. SMITH of Iowa):

H.R. 1705. A bill to amend part F of title IV of the Elementary and Secondary Education Act of 1965 to reauthorize the instruction program on the history and principles of democracy; to the Committee on Education and Labor.

By Mr. MFUME (for himself, Mr. WYNN, Mr. CARDIN, Mr. MCDERMOTT, Mr. BERMAN, Mr. RANGEL, Mr. BLACKWELL, Mr. JEFFERSON, Ms. PELOSI, Mr. TUCKER, Ms. NORTON, Mr. SERRANO, Mr. MAZZOLI, Mr. RUSH, Mr. KENNEDY, Mr. SCOTT, and Mr. WATT):

H.R. 1706. A bill to amend title 18, United States Code, to prohibit the possession or transfer of assault weapons; to the Committee on the Judiciary.

By Ms. MOLINARI (for herself, Mr. ACKERMAN, Mr. TOWNS, Mr. GILMAN, and Mr. LANCASTER):

H.R. 1707. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide death benefits to retired public safety officers; to the Committee on the Judiciary.

By Mr. ORTON (for himself and Mrs. VUCANOVICH):

H.R. 1708. A bill entitled: "Hardrock Mining Reform Act of 1993"; to the Committee on Natural Resources.

By Mr. RICHARDSON (for himself, Mr. INHOFE, Mr. TOWNS, Mr. BOEHLERT, Mr. SCHIFF, Mr. FROST, Ms. NORTON, Mr. BOUCHER, Mr. BOEHNER, Mr. PETERSON of Minnesota, Ms. PELOSI, Mr. HALL of Texas, Mr. UPTON, and Mr. PALLONE):

H.R. 1709. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish provisions regarding the composition and labeling of dietary supplements); to the Committee on Energy and Commerce.

By Mr. SHUSTER:

H.R. 1710. A bill to amend title 49, United States Code, relating to procedures for resolving claims involving unfiled, negotiated motor carrier transportation rates, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SWIFT:

H.R. 1711. A bill relating to customs fees charged with respect to certain commercial truck arrivals in Whatcom County, WA; to the Committee on Ways and Means.

By Mr. THOMAS of California (for himself, Mr. SHAW, Mr. OXLEY, and Mr. LIVINGSTON):

H.R. 1712. A bill to amend title XVI of the Social Security Act to institute certain reforms relating to representative payees and to the provision of supplemental security income benefits to the disabled based on substance abuse, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. VENTO:

H.R. 1713. A bill to establish the Resolution, Asset Management, and Liquidation Agency as a successor to the Resolution Trust Corporation, to abolish the Thrift Depositor Protection Oversight Board and the Resolution Trust Corporation and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WYNN:

H.R. 1714. A bill to provide that determinations relating to annuity benefits under the Civil Service Retirement System or the Federal Employee's Retirement System for survivors of individuals separating before October 1, 1993, shall be made in accordance with applicable provisions of law, as in effect on March 31, 1993; to the Committee on Post Office and Civil Service.

By Mr. DIXON (for himself, Mrs. MORELLA, Mr. JACOBS, Mrs. MINK, Mr. TOWNS, and Ms. WATERS):

H.J. Res. 177. Joint resolution authorizing the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. GORDON (for himself, Mr. FROST, Ms. NORTON, Ms. GALLEGLY, Mr. SYNAR, Mr. HALL of Ohio, Mr. NEAL of North Carolina, Mr. TOWNS, and Mr. LAZIO):

H. Con. Res. 80. Concurrent resolution expressing the sense of the Congress that an important factor in relations between the United States and Romania, including whether to restore most favored nation treatment to the products of Romania, should be actions by the Government of Romania to improve conditions for children institutionalized in Romania; jointly, to the Committees on Foreign Affairs and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Ms. MOLINARI introduced a bill (H.R. 1715) for the relief of the estate of Irwin Rutman; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

INTRODUCTION OF MINING LAW REFORM LEGISLATION

HON. BILL ORTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. ORTON. Mr. Speaker, today, I introduce a comprehensive compromise bill to reform the mining law of 1872. Joining me in introducing this important measure is the distinguished ranking member on the Subcommittee on Energy and Mineral Resources, BARBARA VUCANOVICH.

My fellow colleagues may wonder why am I introducing a comprehensive reform mining law bill, when my good friend and colleague from West Virginia, Mr. RAHALL, has previously introduced a bill on this matter, H.R. 322. The answer is simple. H.R. 322 is under active consideration in the Natural Resources Committee, and if enacted into law in its current form, would devastate the domestic mining industry, and cause adverse effects on the industrial base and defense of the United States. Mining on public lands would cease, with resultant mining industry unemployment in the West, a loss of needed tax revenue, and indirect job losses throughout the rest of the United States. A recent study completed by Evans Economics, Inc., quantified the impacts of H.R. 322 by the year 2004 as follows:

> The U.S. Treasury would lose $505 million a year as a result of reduced economic activity.
>
> States and local governments would lose $106 million a year in lost revenues.
>
> Over 11,000 jobs in the seven major hardrock mining states (Arizona, Colorado, Idaho, Montana, Nevada, New Mexico and Utah) would be lost.
>
> An overall loss of 17,800 jobs in these and other states supplying equipment and other goods to the hardrock mining industry—states like Illinois, Indiana, Michigan, Minnesota, New Jersey, New York, Ohio, Pennsylvania and Texas would be lost.

Other economic analyses, including a Coopers & Lybrand study, have identified much larger impacts on both direct an indirect job losses.

Mr. Speaker, the enactment of H.R. 322 would be directly counter to President Clinton's No. 1 priority of job creation—and particularly high-paying jobs—and economic growth. Maintaining a strong domestic mining industry is therefore consistent with the administration's objectives for restoring the U.S. economy.

The bill I introduce today, the Hardrock Mining Reform Act of 1993, will comprehensively reform the mining law of 1872 to address all of the legitimate criticisms of the current law without the destructive impacts of H.R. 322. It will ensure responsible reform of the mining law while reserving a viable domestic mining industry. This bill is not being introduced as a negotiating vehicle to be amended further, but as a fully crafted compromise piece of legislation. As a consequence, not all members of the mining industry will like all aspects of this bill, nor will the environmentalists. Yet, Members who truly want to vote for responsible and comprehensive mining law reform that will preserve mining jobs in the United States and further America's economic growth, will see the wisdom in supporting this bill.

My fellow Members in the Midwest and East may feel that this mining law issue is of little concern to their districts, because it only affects mining on Western public lands. This assumption is incorrect since mining and the availability of minerals affects everyone in the United States. Either you must grow it, or you have to mine it. Every product made or purchased in the United States comes from minerals mined from the earth.

The value of minerals to our economy cannot be overstated. Three examples of copper usage in our society will put this into perspective: Each new home in the United States uses 430 pounds of copper; every person born this year in the United States will use 1,500 pounds of copper during their lifetime, and, the average commercial airliner uses 10,000 pounds of copper.

Mining and minerals are critical to the economy of the United States. Virtually nothing of any significance to our economy is produced without minerals being involved, either in the production process or as part of the finished product. It is incumbent that the United States continue its national policy of encouraging mining and mineral exploration.

According to the U.S. Bureau of Mines, nearly 10 tons of nonfuel minerals per capita are consumed annually by Americans. In 1991, the domestic extractive industries produced nonfuel raw minerals valued at approximately $31 billion. These materials were transformed into products valued at nearly $200 billion.

Sectors of the economy dependent upon nonfuel minerals account for about 30 percent of gross domestic product and about 25 percent of the Nation's full-time employment. Direct employment in well-paid jobs is significant as well: 165,000 in mining, 540,000 in the primary metals industries.

The availability of minerals is also essential to America's strategic defense. If the mining industry is forced to operate offshore, the supply of needed minerals would be less secure and more vulnerable to disruption, particularly in times of war. Reduced domestic minerals production, due to higher costs or land being declared unsuitable, will certainly increase overall U.S. dependency on foreign sources for minerals, eliminate U.S. jobs, and worsen the Nation's trade balance.

The minerals industry today is highly competitive, with metals and minerals traded on international markets. Prices for most metals are set by the global supply-demand balance. Lacking control over prices, efficient cost control is essential to the survival of the domestic mining industry. The average after-tax return on equity for the mining industry was only 4 percent over the last decade—significantly less than other sectors of American industry.

The competitiveness of U.S. mining can easily be tipped by Government actions—favorably or unfavorably—through increased costs and less land availability. If the domestic minerals industry cannot remain competitive with foreign producers, minerals will be supplied from overseas sources, with resultant U.S. job and tax loss.

In my home State of Utah, mining is the largest private employer and is the highest paying industry. Average pay annually for mining jobs is nearly $30,000. These are not seasonal, but year-round jobs that provide a full complement of benefits for employees and their families, including health insurance. These jobs are critical to the future economic growth of my State, and the future of mining is critically important to the entire West.

The mining law of 1872, which covers the mining of hardrock minerals for example, copper, gold, lead, platinum, silver, uranium, zinc, and other essential minerals, has come under criticism—primarily by environmentalists/preservationists—as being outdated and in need of revision.

The mining law, which promotes the development of the Nation's mineral supply on Federal public lands, has served America well. There are few laws that have been enacted by the Congress that have worked so well for so long. No law, however, is perfect, and certainly changes in the law are now needed to ensure it continues to work well in the future to provide a strong and viable domestic mining industry from which all Americans benefit.

The mining law revision legislation that has been introduced by Congressman RAHALL, H.R. 322, under the guise of mining law reform, will literally shut down domestic mines and prevent future mine development on the public lands—with the loss of thousands of mining jobs.

H.R. 322, if enacted into law, would create a completely untenable business environment for mining in the United States. The two major issues of concern are the excessively high 8 percent gross royalty and the overly stringent environmental and citizen suit provisions of title II.

The imposition of the 8 percent gross Federal royalties, would close many operating mines, and prevent the opening of new mines that are only marginally profitable.

When metals prices drop or mining costs increase, mining companies have three alternatives: diminish investment in exploration for new reserves, increase mine cutoff grades which leaves lower grade ore in the ground, and/or shut down operations. All of these options lead to the loss of jobs in the mining industry and tax revenues.

If the environmental and citizen suit provisions of title II of H.R. 322 become law, new mine development on public lands in the United States will cease. Decisions concerning mining on public lands would be made solely at the discretion of Government officials on a case-by-case basis. For every decision that Government officials make in evaluating a plan of operations, any citizen anywhere in the country could request agency review and public hearings, or bring suit against the mining company or the Federal Government. Furthermore, at any time during the mine's operation, any citizen, for any perceived violation, could demand inspections and public hearings and file lawsuits. The responsible Government regulator would also have authority to change requirements or shut down a mine's operation at any time.

Title II would create a totally unfavorable, unpredictable business environment where ap-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

plicable regulations could change capriciously at any time and be applied selectively on a case-by-case basis. Projects could be stopped arbitrarily or delayed at any stage of development or production.

Under these circumstances, mining companies would be unwilling to invest the enormous sums required for exploration, and banks will be reluctant to make loans on reasonable commercial terms for mining projects in such an unstable economic environment. Money will be invested in other countries to develop and open mines instead of in the United States. This will both decrease U.S. jobs and increase America's dependence on foreign sources for essential metals.

Furthermore, the land-use provisions of the Rahall bill are nothing more than an attempt to close all of the currently open lands to mining under the guise of a so-called unsuitability review. Under the provision, it is clear that environmental advocacy groups will press the administration to close all of the now open lands and only reopen them following a long, laborious suitability review. But what will be the outcome. Less land available for mineral exploration in an economic climate that will inhibit exploration, and cause domestic job loss, more minerals imported from overseas, and a greater strain in our country's balance of payments.

H.R. 322, if enacted into law, would stop exploration for and development of new mineral deposits throughout the United States:

> Continued access to the Nation's public lands by miners would be prohibited through implementation of a massive Governmental program to determine—prior to any exploration—areas of the public lands suitable for mining. Such a program is ill-conceived since (1) no one can determine where minerals are located without exploration, (2) as technology improves, areas previously uneconomic for mining become attractive, and (3) such determinations would take decades to complete. Over 53% of all public lands have already been withdrawn from mining, and this requirement would place the remainder off-limits to mining for the conceivable future.
>
> Royalties as high as 8% of gross income, and annual fees on holding mining claims as high as $25/acre would render most new mining prospects in the United States uneconomic. Exploration efforts would shift to other countries with more favorable economies. Domestic mineral production would decline, and valuable resources will not be developed.
>
> The lengthy permit procedures and opportunities for litigation allowed by the legislation would substantially delay every new exploration and mine project. Since these procedures would apply to both new and existing operations, the entire U.S. mining industry would be debilitated.
>
> Ownership rights to the land and minerals would be eliminated, and limits placed on the life of mining claims. Without real ownership rights, the financing of large mineral projects becomes more difficult, and investment in projects with long lead times would be discouraged.
>
> Imposition of a duplicative and ponderous new set of environmental standards and reclamation requirements fraught with unclear definitions and coupled with overly broad citizen suit provisions, will do nothing but provide opportunities to delay mining projects.

The U.S. mining industry, contrary to the assertions of its critics, is well regulated today. It must meet all Federal, State, and local health, safety, and environmental laws as other industries. In fact, environmental problems attributed to mining are usually associated with past mining practices that are no longer used today.

Mr. Speaker, this debate over mining law revision is also being characterized as a matter of fair Federal return to the U.S. Treasury. It is being alleged that since the United States is the owner of Federal lands on which mining is taking place that it must receive a fair return when Federal lands are used for mining. On its face, this is a reasonable position. My bill deals with the economic issues presented by the mining law revision debate squarely and straightforwardly.

The bill I introduce today deals with the legitimate issues being raised by mining law revision advocates without crippling the industry in the process. This bill will change the way that mining is conducted on Federal lands, but that change will not drive the domestic mining industry from Federal lands and offshore to such foreign locations as Mexico, South America, and the former Soviet Union. That is what will happen if this revision process is not handled correctly or H.R. 322 is enacted into law.

I urge support of my colleagues for the bill I introduce today. It solves the fundamental, economic, and environmental issues currently being debated. The Government will receive a fair economic return and all lands will be reclaimed. The economic return will be fair-market value paid for the surface of lands patented and a realistic mine mouth royalty from the profits made by the minerals industry from public lands. Illegal occupancy is prohibited. A holding fee is provided with a special small, minor provision. An abandoned mine reclamation fund is established, and all the environmental protections under existing law are assured. Let me highlight the major provisions of my bill: First, miners will have to pay fair market surface value for all public lands used for mining; second, reclamation to State or Federal standards is required for all new mining operations on public lands; third, illegal occupancy is prohibited; fourth, public lands used for mining will revert to the Federal Government at the conclusion of mining, and the fair market surface value will be returned to the miners; fifth, holders of claims will have to pay $100 per claim year with less economic burdens on the small miner; sixth, a new net royalty on the value of minerals extracted at mine mouth will be imposed on all new mining production on public lands; seventh, all environmental laws and land-use plans must be in compliance for a mine plan to be approved; eighth, quarterly inspection of all mines is required; ninth, bonding to cover reclamation costs is imposed; and tenth, an abandoned hardrock mine reclamation fund is created, with one-third of all funds going to the State.

This is a comprehensive and well-balanced bill that deserves the full support of all my colleagues.

Mr. Speaker, let's be clear. Proper mining law revision is a matter of economic survival in Utah and throughout the rest of the West. The Federal government and the public often view this and other Western land-use issues from afar.

The vast majority of minerals which are used in everyday life all over this country come from America's public lands located almost entirely in the West. The issue is how to assure that these minerals are made available for use by the American people at low cost—now and in the future—while ensuring responsible utilization of America's public lands.

The Rahall legislation, supported by extreme environmental groups, will not provide for responsible use of America's public lands or for needed economic growth. This legislation would virtually close all of the mines operating on the public lands in the United States. Its gross royalty proposal of 8 percent will destroy the economic vitality of the industry, eliminate mining jobs and lose needed tax revenues.

When this happens in the small towns of the West, these towns shrivel up and die. This is a very serious issue which has to be handled responsibly. The bill I introduce today with Representative VUCANOVICH is such a responsible bill, and I ask the support of all my colleagues.

IN MEMORY OF ERNEST GEDDES

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. CONDIT. Mr. Speaker, agriculture lost a dear friend and advocate on March 9, 1993. Turlock Irrigation District general manager Ernest Geddes passed away March 9 at Emanuel Medical Center in Turlock, CA.

Mr. Geddes was appointed general manager of the Turlock Irrigation District in 1976 after serving as the districts legal counsel for 5 years.

Ernest led Turlock Irrigation District through major changes as the district nearly doubled in size from 36,000 customers in 1976 to nearly 60,000 evolving from a small rural district into a modern advanced agency. He guided the district into geothermal power and worked diligently to help the district negotiate and meet its plan for long-term power needs.

He was a graduate of the University of California Hastings College of Law and held a degree in pharmacy from the University of California at San Francisco. Prior to entering private practice, he served 6 years as district attorney, county counsel, and public administrator for Tuolumne County, CA.

Ernest's leadership on water issues brought him respect and admiration of the agriculture community in my congressional district. That admiration included myself, when I often looked toward Ernest for guidance on many issues. Ernest represented the best qualities of our people. He was courageous and committed, charming, and witty. We will all miss Ernest. His loss is one we can ill afford.

GUIDEPATH TO ECONOMIC RECOVERY: PASSAGE OF THE FISCAL YEAR 1994 BUDGET CONFERENCE REPORT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. MAZZOLI. Mr. Speaker, Congress took a bold step by passing the fiscal year 1994 budget resolution conference report, the blueprint for implementing President Clinton's 5-year economic recovery-deficit reduction program.

I voted for the conference report which provides for $496 billion in deficit reduction over the next 5 fiscal years. This will lower interest rates, lower unemployment rates, create jobs, and foster economic development nationwide. This deficit reduction is achieved with a ratio of about $1 to $1, spending cut to tax increase in the early years and about $2 to $1 in the later years of the 5-year effort.

I am pleased the conference report also includes some $50 billion in additional spending cuts not contained in the President's original proposal. My constituents in Louisville and Jefferson County—in letters and phone calls—have expressed clearly and forcefully the sentiment that they favor balancing the Nation's books by reduced spending first and, only then, by taxes.

But, now Congress moves to the heavy lifting of taking this budget blueprint and turning it into reality—real spending cuts and real revenue increases. It won't be easy. No one in Congress could have thought it to be.

Mr. Speaker, here we should harken and heed the words of President Clinton when he addressed the Nation from this Chamber in February. The President acknowledged that every American could find something wrong and objectionable in this recovery package. But, Mr. Clinton reminded us that the question is not "* * * what is in it for me, but * * * what is in it for us."

The Clinton plan is not perfect, but it is an effort to be fair and balanced to all concerned. While it does raise revenues, it asks most of those who have the most. While it cuts defense spending, the United States remains the one superpower in the world. While certain domestic spending programs are cut, our precious resources are devoted to our most precious national assets: our children; our families; our health; our education; our jobs; and, our economy.

Mr. Speaker, we are off to a good start in the 103d Congress with approval of the fiscal year 1994 budget resolution conference report. Now, let's move forward and implement the President's plan into law.

EQUITABLE HEALTH CARE FOR NEUROBIOLOGICAL DISORDERS ACT OF 1993

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Ms. DELAURO. Mr. Speaker, today I am pleased to introduce the Equitable Health Care for Neurobiological Disorders Act of 1993.

We are now at a truly historic moment for health care reform in our Nation. The American people have cried out to Washington, demanding a restructuring of our health care system. We now have a President who is willing to listen to the American people and has fully committed his administration to ensuring that all Americans have high-quality, affordable health care.

Health care is a right that all Americans are entitled to. All Americans should have the security of knowing that they will have health care coverage—whether they are healthy or sick, rich or poor, chairman of the board of a Fortune 500 company, or an employee of a small business.

There is perhaps no group of individuals who have faced more discrimination by our Nation's health care system than those with severe mental illnesses. In the past 10 to 15 years, a revolution has occurred in neurobiology that has clearly documented that many of these severe mental illnesses are, in fact, physical illnesses. These physical disorders of the brain—neurobiological disorders—are characterized by neuroanatomical and neurochemical abnormalities. Controlled clinical research undertaken by scientists across the Nation have produced a body of irrefutable scientific evidence documenting the physical nature of these disorders.

Despite this, individuals with neurobiological disorders and their families continue to face discrimination and stigmatization by health insurance plans and society at large. I have visited with families who have had to cope not only with the emotional pain of dealing with neurobiological disorders like schizophrenia, but the financial hardship as well. These families are entitled to the same kind of care and treatment that is available to those who suffer from other severe illnesses such as cancer, diabetes, or heart disease.

Families who are faced with severe mental illnesses should not be placed in a different category—financially burdened, stigmatized, and treated as if they had done something wrong.

It is time for those with neurobiological disorders to benefit from the research advances that have been made in recent years. The research has provided us not only with insight into the causes of these disorders, but also how to treat them.

The National Institute of Mental Health has just issued a report at the request of the Senate Appropriations Committee on the effectiveness and the cost of treating these disorders. They found that the success rates in treating neurobiological disorders were overwhelming: Panic disorder and bipolar disorder have an 80 percent success rate; schizophrenia and obsessive compulsive disorder have a 60-percent success rate; and major depression has a 65-percent success rate.

In comparison with some of the most common treatments for other severe diseases these numbers are remarkable. For example, angioplasty, one of the most common treatments for individuals with severe heart disease, has only a 41-percent success rate.

Despite these findings, millions of Americans and many policymakers remain unaware of the effectiveness of these treatments. As a result, people with these conditions continue to suffer from limited access to needed services.

Far too many Americans with severe mental illnesses and their families find that appropriate treatment is unaffordable. Private health insurance coverage for mental disorders is often limited to 30 to 60 inpatient days per year, compared with 120 days or more for physical illnesses. Copayments, which are usually about 20 percent for physical illnesses, are often raised to 50 percent for those with these disorders.

The most important question that remained unanswered until this week was what the cost of adequately covering these illnesses would be. According to this new report, by covering these disorders on a par with other physical illnesses, we will gain both human and economic benefits.

Millions of Americans who are currently partly or fully disabled by these disorders would be able to be more productive at home, at work, and in the community if their disorders were covered equitably. People would no longer need to spend all of their life savings and assets to obtain coverage under the Medicaid Program—the fastest growing program in the Federal Government and an enormous financial strain on State budgets. The huge, hidden costs of leaving these disorders untreated, which are now borne by society, would be reduced.

According to the report, equal coverage of the neurobiological disorders included in the Equitable Health Care for Neurobiological Disorders Act of 1993 would lead to a 10-percent reduction in the use and cost of medical services by people with these conditions. The annual savings in indirect costs and medical services would amount to an estimated $8.7 billion. This cost reduction would more than offset the cost of providing the coverage—it would result in an estimated net benefit to our Nation of $2.2 billion per year.

The Equitable Health Care for Neurobiological Disorders Act of 1993 would require all health plans to provide equal and nondiscriminatory coverage of neurobiological disorders. This coverage must not be more restrictive than coverage for other major physical illnesses, must provide financial protection to the person requiring medical treatment, and use the same cost-control methods—such as copayments and deductibles—used for other major physical illnesses.

In addition, the Equitable Health Care for Neurobiological Disorders Act establishes a method to ensure that the definition of neurobiological disorder used under this act keeps up with the rapidly evolving science of neurobiology. The definition will be continually reviewed and will be changed as scientific knowledge evolves.

It is my sincere hope that this measure will help focus attention on the plight of those suffering from these disorders. By adopting this policy, we will save billions of dollars in wasteful spending, take away the stigmatism and misunderstanding so often attached to these biological conditions, and most importantly, ensure that all those suffering from these devastating illnesses are adequately cared for.

THE NEED FOR THE JOB CORPS

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Miss COLLINS of Michigan. Mr. Speaker, our Nation is filled with millions of at-risk youths who represent a generation of Americans ill-equipped to meet the challenges that confront our work force. During the 102d Congress, there was bipartisan support for one program designed to help these youths turn their lives around: the Job Corps.

Job Corps has served over 1.5 million at-risk youths over its 30 years through a system based on residential education and vocational training. Job Corps serves those who are the least likely to succeed. Yet remarkably, over 75 percent of Job Corps participants become contributing members of our society.

Last week, I introduced a resolution expressing the sense of the Congress that Job Corps is a long-term program that invests in America's future and should serve as the cornerstone of youth policy for the nearly 6 million at-risk youths below the poverty level in America.

I believe that any proposal to remedy the many problems of these youths must be comprehensive and provide total support of their economic and social needs. Job Corps accomplishes this goal, while at the same time providing a return on investment greater than its cost. The small investment we make in job training today will pay greater dividends tomorrow. The Clinton administration recognizes this fact, let us do the same in Congress. Support long-term investment, support youth employment programs. We cannot afford another long, hot, and restless summer.

DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1993

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. RICHARDSON. Mr. Speaker, I am pleased to introduce today the Dietary Supplement Health and Education Act of 1993. This legislation will protect consumers' rights to obtain nutritional supplements and accurate information on their use and the roles they may play in matters of health care, and at the same time strengthen consumer protections on the manufacture of these products.

The exploding costs and inadequacies of our current health care system have caused many citizens and health professionals to explore and investigate the use and efficacy of complementary and alternative forms of health care. Santa Fe, NM, the heart of my congressional district, has grown into national prominence as a center for complementary and alternative health care including acupuncture, Chinese herbal medicine, homeopathic medicine, and nutritional medicine. Additionally, herbal and other alternative treatments are an important part of traditional ethnic minority cultures both in New Mexico and the United States.

The great interest in dietary supplements reflects the desire of our citizens to have more control over their own health care decisions. We must consider, as many of our constituents have, the potential value of dietary supplementation in reducing the cost of health care. Many Americans are using dietary supplements in order to prevent disease and to maintain health and wellness. Scientific research findings continue to show that supplementation of certain nutrients can significantly reduce the incidence of chronic diseases. Recent scientific findings show, for example, that: Folic acid prevents neural tube birth defects like spina bifida and reduces the risk of cervical cancer in women; vitamin A reduces the risk of complications from measles; and antioxidant nutrients like vitamin C, E, and beta-carotene help the body fight cancer, heart disease, lung disease, and cataracts.

In the 102d Congress, one of the most popular constituent issues was the regulation of vitamins and other dietary supplements. Their popularity with consumers led to an unprecedented outpouring of support for their continued availability in the marketplace. While statutory reform was not possible in the last session of Congress, legislation was passed to implement a 1-year moratorium on proposed regulations affecting dietary supplements under the Nutrition Labeling and Education Act of 1990 [NLEA].

The NLEA was passed in 1990 to provide consumers with better health information about the food and food products they consume. Because of the special nature of dietary supplements, Congress asked the Food and Drug Administration [FDA] to adopt new regulations that would treat supplements differently from food or drugs. Although the purpose of the NLEA was to increase the amount of quality health benefit information concerning food and dietary supplements, the FDA issued regulations in November 1991 that would have severely restricted health claim information about nutrients and dietary supplements.

Congress asked the FDA to examine 10 disease-nutrients relationship. Seven of the ten health claims were positive statements that the use of a particular nutrient would prevent or reduce the risk of a particular disease. For example, among the proposed health claims was a claim that Folic acid helps to prevent neural tube birth defects. In spite of the scientific evidence, the proposed NLEA regulations denied all affirmative health claims except for calcium in the prevention of osteoporosis. Yet other Federal health agencies have issued public health advisories regarding nutrient/disease relationships. Last year, the Centers for Disease Control and Prevention issued an advisory to all women of child bearing age to insure that they were getting adequate intake of folate rich foods or supplements to prevent neural tube birth defects.

The FDA's lack of a coherent regulatory policy on nutritional supplements led to the introduction of legislation in the Senate, and my own bill, to strike a balance which recognizes the need for quality and safety of dietary supplements, and the desire of consumers to have access to dietary supplements and accurate health information about them. While my legislation was not considered due to time constraints, a temporary stopgap measure was passed. In October 1992, Congress passed a 1-year moratorium on proposed NLEA regulations affecting dietary supplements to allow for a legislative solution in the 103d Congress.

The FDA has unfairly limited access to dietary supplements through the use of the unsafe food additive provisions in the Federal, Food, Drug, and Cosmetic Act. Fortunately, the courts have begun to point out the error of FDA's ways.

Several weeks ago, the U.S. Seventh Circuit Court of Appeals ruled that the FDA was wrong to seize and condemn black currant seed oil, a popular dietary supplement. The black currant plant has been used by Native Americans for centuries. Today, we know that black currant seed oil contains a unique fatty-acid structure that includes gamma-linolenic acid, one of the essential fatty acids which has been shown to be helpful to those with cardiovascular disease and skin conditions. It is known to be essential for proper functioning of the immune system.

The FDA seized the black currant seed oil, claiming that the glycerine and gelatin capsules were food and the oil in them was an unsafe food additive. In United States versus Two Plastic Drums * * * Trace Labs, 92–1172 (7th Cir, 1993), the court said FDA's definition of a food additive is so broad that even the addition of water to food would make the food a food additive. "The only justification for this Alice in Wonderland approach," the court wrote, "is to allow the FDA to make an end-run around the statutory scheme * * *." The legislation I am introducing today will create an appropriate regulatory framework for dietary supplements and end this administrative abuse. Dietary supplements will no longer be arbitrarily classified as food additives.

The FDA has also repeatedly used implied health claims to prosecute dietary supplement as drugs. The regulatory framework Congress created many years ago regarding health claims works for only one type of product—synthetic patentable drugs. Dietary supplements are natural, non-patentable substances. The current $200 million-dollar, 12-year-long drug approval process simply does not work for non-patentable products like dietary supplements.

Dietary supplements still lack an appropriate regulatory framework that will allow appropriate health claims. We need a standard that will allow truthful nonmisleading health claims for dietary supplements based upon a reasonable level of scientific evidence. My legislation will accomplish this objective by allowing health claims to be made for dietary supplements if: First, the FDA has approved a claim for the same nutrient contained in a food. For example, if the FDA approves claims for beta-carotene in cruciferous vegetables like broccoli, a beta-carotene supplement may make the same claim; or second, accurate statements that consider the totality of scientific evidence concerning a nutrient/disease relationship. Manufacturers are required to provide information in advance to the FDA about any claims being made about the product. Supplements will also be permitted to describe truthful physiological benefits that are not health claims, as in the statement: "Calcium builds strong bones."

This legislation seeks to both protect consumers' rights to obtain dietary supplements and herbs; and assures them that they will be safe, of high quality, and that the information about them will be truthful and not misleading. Americans want greater freedom, participation, and expanded options for themselves in health care, not less. I urge my colleagues to recognize the importance of this legislation and give their support to it.

CHINA'S NEW REALITY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. GINGRICH. Mr. Speaker, as we discuss the future of United States-China relations and the relative merits of our conditions for most-favored-nation trade status for China, I would recommend that my colleague read the following editorial by Mortimer Zuckerman, editor in chief of U.S. News & World Report.

After reading this editorial, I hope that all of my colleagues in the House of Representatives will have a better understanding of the implications for United States policy toward China.

The editorial follows:

CHINA'S NEW REALITY

(By Mortimer B. Zuckerman)

The leader of China, Deng Xiaoping, has seen the communist future and knows it does not work. Instead of Marxism, or socialism with a Chinese face, the Chinese have come to rely on an ism that does work: capitalism. It has enabled them to achieve one of the century's great economic miracles. In a single generation, one-fifth of mankind has been raised up from poverty; in another, several hundred million people will be elevated to the ranks of the middle class.

Since Deng came to power in 1978, real per capita gross national product has virtually tripled. Last year, GNP grew by over 12 percent, investment by over 40 percent and foreign trade by over 22 percent. Now more than 60 million Chinese are middle-class, with enough money for color televisions and washing machines. Over 200 million will be in the middle class by the year 2000.

Numbers do not tell everything. The Chinese are pursuing wealth with the same ardor once reserved for class struggles and mass political movements. Theirs is an economic revolution from the bottom up, in contrast to Russia's top-down approach. China now has the accouterments of a consumer society—neon lights, gleaming hotels, smart department stores, fast food, fashion shows and U.S soap operas. Urban glitter has replaced socialist grimness.

Behind all this is the reality of a market economy for virtually all consumer and industrial commodities, joint ventures with foreigners, stock exchanges and a well-educated work force willing to work for $2 to $4 a day and save 38 percent of its income. With a domestic market of 1.2 billion and access to the capital and business skills from diaspora Chinese, China's economy seems set to grow at 10 percent a year and double again in the next eight. Political leaders may talk politics in Beijing, but everybody in China is talking business.

The downside? China may be vulnerable to the boom and bust of rapidly expanding capitalism—think of America, 1929. And there is a risk that hard-liners may try to get China back to Maoism when Deng dies. But most experts see the current reforms as unstoppable.

The political risks are exaggerated in the American press, which still focuses on the repression of democratic protesters in Tiananmen Square in June 1989. The Army has been reshuffled since then. Reformers have a significant majority in the party's highest reaches. If Chinese leaders don't bring further progress, the next upheaval will not be driven by students demanding democracy but by the middle class insisting on more prosperity. Political leaders will be forced to accommodate demonstrators instead of shooting them for, as in Taiwan and Korea, economic success tends to produce a more pluralistic and humane society.

America should rely on these organic forces instead of taking action to frustrate them. That is the effect, though not the intent, of congressional pressure to deny China most-favored-nation trade status. If we isolate China, we will isolate the very elements we should be nourishing—those in the business and professional classes. We will play into the hands of hard-liners.

This does not mean we should be blind to Beijing's excesses. A private dialogue that balances incentives and pressures has already proved fruitful. We have seen more tolerance in China. Prisoners have been released faster, passports returned to demonstrators. We have secured an unqualified commitment to adhere to the Missile Technology Control Regime.

China is a superpower. It has nuclear weapons. It is a permanent member of the Security Council. It has the world's biggest market. It is the future ruler of that capitalist metropolis, Hong Kong. It could be a potent force in setting regional conflicts, such as a clash between the two Koreas or between India and Pakistan. With the wrong leadership and cold-shouldered by the West, it could be a major force for destabilization.

The upsurge of anger over Tiananmen Square was right and necessary. But righteous indignation is not a policy. The Chinese, too, have cause for indignation—over our sales of fighter planes to Taiwan, for example. What we must have now is a dialogue with China, encompassing weapons proliferation as well as human rights, trade practices as well as passports.

Flexing our moral muscles, we would be wise to remember that the symbol of China's rulers is the dragon. It breathes fire only when it is attacked.

TRIBUTE TO FRED SCHWENGEL

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. MICHEL. Mr. Speaker, I was very sorry to learn that our dear friend, Fred Schwengel, head of the Capitol Historical Society, had passed away.

We know that in the last several months he had been in failing health and in his advanced years it was taking its toll. Fred and I were good friends ever since he was first elected to the Congress from our neighboring State of Iowa. He was a good-natured soul who never had a derogative word for any of his colleagues. He was a real workhorse when he was in the House of Representatives. He was always happy to win on the issues and his own election and sad when we went down to defeat or through circumstances beyond his control, lost his own reelection bid.

He always liked to talk about Lincoln as one of his favorite historical subjects, but there's no question but that he was the real father of our Capitol Historical Society. There was no one better to take you through this edifice than Fred Schwengel, and he explored every nook and cranny of the place and could so interestingly relate the history of our country to the Capitol Building. Oddly enough, he probably made more of a mark during his tenure as head of the Historical Society than he did as a sitting Member of the Congress, but they were both very complementary to his good life.

We always used to enjoy his stopping by the office unannounced with tourists in tow to come view the Capitol Hill office and shake hands with the Republican leader.

I would be remiss if I didn't take these few moments to express my own personal sadness at his passing and to extend to his wife, Ethel, and all the members of the family my profound sympathy and condolences.

I ask unanimous consent that an extended biography of Fred appear in the RECORD in toto following my remarks.

FREDERIC DELBERT SCHWENGEL—1906–1993

Frederic Delbert Schwengel, educator, businessman, Baptist, Freemason, historian and Member of Congress, was born on May 28, 1906 in Franklin County, near Sheffield, Iowa, the son of German immigrant farmers Gerhardt and Margaret (Stover) Schwengel. From his parents he learned the virtues of hard work, tolerance, the Baptist religion and Republican politics. He attended rural schools in West Fork Township and high school in Chapin and Sheffield, graduating from the latter in 1926. Motivated by his teacher, and cousin, Helen Adamson, to further his education, Fred left home to work at a neighbor's farm in order to attend high school.

He excelled in sports, winning third place at the state track meet for his school as a one-man team. His athletic prowess carried him to Northeast Missouri State Teachers College at Kirksville, Missouri (now Northeast Missouri State University). There he became a small college All-American tackle in football and set track and field records in both the discus and shot put. He would later serve as a national committeeman of the Amateur Athletic Union.

While in college, he participated in the founding of the Phi Sigma Epsilon fraternity of which he was a charter member. In addition to serving as chapter president for 1929–30, he was national president of the fraternity from 1932–36, and national executive secretary and treasurer for many years thereafter. He was also a member of the Blue Key national honor fraternity.

During his college days he developed the two major professional interests of his life—history and politics. He was greatly impressed by hearing Carl Sandburg lecture at Kirksville, stimulating what would become a lifelong interest in Abraham Lincoln. Professor Willis McClure encouraged his interest in politics, and he attended rallies for both Democratic presidential candidate Al Smith and Republican candidate Herbert Hoover in 1928, but his heart was with the Republican party.

He received a bachelor of science degree in 1930, and became an athletic coach and history and political science instructor in the Shelbina, Missouri, public schools from 1930–32. He married Clara Ethel Cassity on August 15, 1931, at Unionville, Missouri. From 1932–37, he was the athletic coach and superintendent of physical education for the Kirksville, Missouri, public schools. From 1933–35, he took graduate courses in the summer at the University of Iowa. He also served in the Missouri National Guard from 1929–36, rising to the rank of sergeant.

While teaching in Kirksville he became active in local Republican party politics. He served as chairman of the Adair County Missouri Young Republican Club for 1935–36, attended the 1936 Republican National Convention in Cleveland where his father-in-law was a Landon delegate, and worked in the local 1936 congressional campaign. It was also while in Kirksville that he became a Freemason and met Harry S Truman at a local lodge meeting. Truman's advice; "Young man you gotta know your history if you want to be a good citizen," became an oft-quoted motto for the rest of his life.

In 1936 he moved to Davenport, Iowa, and entered the insurance business. After a year with the Home Life Insurance Company, he was offered the position of general agent for the American Mutual Life Insurance Company at Davenport, and continued with that firm until 1955.

In Davenport he became president of the Junior Chamber of Commerce and was state president for the year 1941–42. He served on the boards of the Community Chest and the Y.M.C.A. and was active in Red Cross drives and in the work of the Boy Scouts of America. He was also an active member of the Baptist Church of Davenport, where he taught Sunday School, served on church boards and committees at both the local and the state level, as well as being active in the Scott County Council of Churches.

He continued to be active in politics as well, first as chairman of the Scott County Young Republicans in 1938–39 and as party chairman of the 2nd District in 1939–40. In 1944 he was elected by a margin of 34 votes to the Iowa legislature as a representative from Scott County, winning re-election to four subsequent consecutive terms. While a member, he was chairman of the School Textbook and Insurance committees, and he also served on the legislature's interim Committee on Interstate Cooperation. He was a strong advocate of state aid to public schools, arguing that money spent on education was an investment in the future, at a time when such a position was not popular with other Republican legislators or with Republican Governor Robert Blue. He was also a member of the Iowa Development Commission, 1949–55, and chairman of the Iowa delegation to the Council of State Governments, 1951–55.

In 1954 he won election to the U.S. House of Representatives from Iowa's First District. He served a total of eight terms, retiring from elected office in 1973. His primary appointment was to the Public Works Committee, but he also served on the District of Columbia and House Administration committees. As a freshman he helped persuade President Eisenhower to support legislation creating the Interstate Highway system by advocating a "pay as you pave" self-financing taxation scheme. He was heavily involved in efforts to reform the Congress, particularly as it related to minority party staffing. In 1963 he was appointed by then Minority Leader, Gerald R. Ford, to chair the Republican Task Force on Minority Staffing. A fiscal conservative, he was a progressive or moderate Republican on most other issues. He was a member of the Wednesday Group and leader in the effort that resulted in passage of the Civil Rights Act of 1964. He respected the rights of labor, defended civil rights, supported home rule for the District of Columbia, and was an ardent champion of the separation of church and state, helping defeat an amendment in 1971-72 to require prayer in public schools.

In his 1987 book, "The Republican Party: Its Heritage and History," he explained his political philosophy: "I believe that moderation is a virtue—especially in a democracy of contending interests—and that extremism is a divisive vice. * * * I have come to the conclusion that moderation is to be recommended above all political philosophies because it alone recognizes the common fate and aspirations of all human beings; it alone understands the influences that drive people to extremes; and, finally, moderation alone respects the sacredness of humanity."

As a lifelong student of Abraham Lincoln, he authored legislation which led to Carl Sandburg's address before a joint session of Congress on the 150th anniversary of Lincoln's birth in 1959: and he was also the central figure behind the joint sessions which commemorated the centennials of Lincoln's first and second inaugurals in 1961 and 1965. He was an honorary member of the Lincoln Sesquicentennial Commission and served as vice chairman of the United States Civil War Centennial Commission.

His interest in history led to the creation of the United States Capitol Historical Society in 1962, an effort in which he was encouraged by Sam Rayburn and assisted by Hubert Humphrey, Carl Hayden, Marguerite Stitt Church and others. He served as president of the Society from 1962 to 1992 when he turned over the position to another former congressman, Clarence J. Brown, remaining as chairman of the board. Working in close consultation with the National Geographic Society he supervised the production of "We, the People: The Story of the U.S. Capitol," the best-selling guidebook to the Capitol building. Under his leadership the Society acquired and donated well over one million dollars in art, artifacts and historical documents to the Capitol, including a major three-part mural project on the ground floor of the House wing. He also instituted a well-respected 16-year symposia series on the history of the American Revolution and early national period, an art and architectural history fellowship, and several publications on congressional history. He also gave hundreds of tours of the Capitol (often including a trip to the top of the Dome) prized for their energy, humor and insight. His affection for the building, its institutions, and, especially for the people who worked or visited there, was genuine and infectious.

He also founded the Republican Heritage Foundation, and was a past president and chairman of the board of governors of the Lincoln Group of the District of Columbia and vice-president of the Eisenhower Society. He was active in the Cosmos Club, the Capitol Hill Club, the Exchange Club of Capitol Hill and the Civil War Roundtable. An avid collector of Lincoln-related books, art and memorabilia, he donated his collection to his alma mater, Northeast Missouri State University, which has installed the collection in the university's library. With his wife, he instituted an annual awards program for college and high school students in the Kirksville area.

A Mason for most of his adult life, he attained the highest degree, 33rd, within the fraternity. He was also a member of the DeMolay Legion of Honor, Zarapath Consistory, Kaaba Shrine, York Rite, Twelve High and the Knights of Pythias. On October 2, 1991, he was honored by the Scottish Rite of Freemasonry with its highest award, the Grand Cross of Honor. He often emphasized the humanitarian focus of freemasonry, remarking that it was one's duty "to make other men better or wiser as we find or can make the opportunity to do so."

A devoted Baptist, he was a member of the Calvary Baptist Church of Washington, D.C. He steadfastly supported the doctrine of separation of church and state, believing that "a religious experience to be acceptable to God and to be worthy of the name must be a voluntary response to God. The power of government in whatever form it may take, must not be used in an attempt to force people to be religious."

He was the recipient of numerous honorary degrees and awards: LLD, Parsons College, Fairfield, Iowa, 1959; LHD, Lincoln College, Springfield, Illinois; Algernon Sidney Sullivan Award, Lincoln Memorial University, Harrogate, Tennessee, 1963; LLD, Southeastern University, Washington, D.C., 1981. He was elected to the Northeast Missouri State University Athletic Hall of Fame in 1983, and he was presented the Joseph Martin Dawson Religious Liberty Award by the Baptist Joint Committee on Public Affairs in 1986. Congress surprised him on his 80th birthday in 1986 with a party at which Speaker Thomas P. O'Neill presented a testimonial scroll signed by the congressional leadership.

In recent years he was busily engaged in writing his memoirs, compiling a book on congressional commemorations of Abraham Lincoln and planning large scale projects, including a program to honor Truman with an endowed chair at Northeast Missouri State University, a sound and light show for the Capitol and the development of the vast cavity beneath the Lincoln Memorial into a museum and visitor center.

He is survived by his wife of 61 years, Ethel, two children, Franklin Dean Schwengel of Santa Monica, California and Dorothy Jean Cosby of Alexandria, Virginia, five grandchildren and one great-grandchild.

MARTIN LUTHER KING, JR., MEMORIAL BILL

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. DIXON. Mr. Speaker, this week marks the 25th annual commemoration of the untimely assassination of a great American. It is with great pride today I introduce a bill which would authorize the establishment of a monument to honor Dr. Martin Luther King, Jr., in the Nation's Capital.

Dr. King's stamp upon American history is profound and indelible. Today, even as many of the substantive gains of the Civil Rights Movement are being eroded, Dr. King's once radical vision of a society in which individuals are "judged not by the color of their skin, but by the content of their character" has near universal acceptance. Through peaceful mass demonstration and stirring oratory, Martin Luther King, Jr., distilled the evil hypocrisy of American apartheid for the world to see, and elevated the ideals of racial injustice and equality to a high moral plane. In so doing, he raised the consciousness of this Nation.

At a King Monument, which would be the first national monument in Washington, DC, to honor an African-American male, visitors could reflect on the supreme sacrifice made by him and others who risked and gave their lives so that the fundamental American ideals of freedom and justice might have equal meaning for all Americans. There, perhaps, visitors might read the words of his historic orations, etched in stone, preserved for perpetuity.

This legislation would authorize the Alpha Phi Alpha Fraternity, Inc., the Nation's oldest black fraternity, and the fraternity to which King belonged, to honor Dr. King. The bill provides that no U.S. funds would be used to pay any cost of the design, construction, installment, or maintenance of the Martin Luther King, Jr. memorial. Rather, Alpha Phi Alpha would organize a nationwide design competition and lead private fundraising efforts to pay for all phases of the monuments' establishment.

While this monument would cost the American taxpayer nothing, it would preserve the memory of a national treasure—an American who paid the highest price in profound service to his Nation—and immortalize his ideal of peace and justice for the citizens of this country and, indeed, the world.

TRIBUTE TO THE DARBY LIBRARY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. WELDON. Mr. Speaker, I rise today to recognize the Darby Library of Darby, PA, founded in 1743. This year marks the 250th year of the library's service to the community. The Darby Library is one of America's first public libraries. To mark this important event in Pennsylvania history, a 250th anniversary dinner will be held on Friday, April 16, 1993.

In 1697, one of the earliest charter members, John Bartram, was asked by Benjamin Franklin for his English book contract so the Philadelphia Library Co. could order books. John Bartram and other Darby Township citizens later founded the library in 1743. The Darby Library has in its impressive collection most of the original books ordered from England and other historical documents such as the minutes of the first founders meeting. The Darby Library began as a subscription library, however, it developed into a public lending library. During recent renovations, a journal kept by Mary Crozier, the first librarian, was discovered in the basement wall.

Currently the library is maintained by the Darby Library Board of Directors and Mrs. Marie V. Jackson, head librarian, and her dedicated staff. Community service remains the main objective of the library. The Darby Township community has benefited from the historical foundation of the library, and today the community continues to profit from the libraries collection, services, and support provided by the staff.

I am pleased to have the honor to recognize the 250 years of outstanding service of the Darby Library located in Darby, PA.

MAYOR HAROLD SHUE HONORED

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. BOEHNER. Mr. Speaker, I am pleased to rise today to recognize the contributions and achievements of Ohio's oldest mayor: 90 years young, Harold Shue is completing his final term as mayor of Anna, OH, marking the end of a long and successful tenure serving his adopted hometown.

Originally from nearby Sidney, OH, Mayor Shue worked for many years selling bakery equipment before beginning his political career at age 72 in the village council of Anna. In 1981, he became mayor of Anna. Harold Shue is to be commended for his active role in a variety of public projects in Anna over the years he has served as mayor, including the establishment of a new wastewater treatment facility, purchase of fire equipment, the completion of improvements to the new water plant, and the development of the Anna Commerce Park and the Gemstone home division.

In addition to taking an active role on council activities, Harold Shue served 8 years as a member of the Advisory Council of the Area Agency on Aging, representing the nine-county area headquartered in Dayton. He also served as a member of the Shelby County Coalition on Aging and is presently a member of the group's executive board. He is past chairman of the Salvation Army Advisory Board and currently serves on the executive board.

Harold Shue has been recognized by a number of groups and individuals for his outstanding leadership and devotion to his community. He was most recently recognized with a community service award from the Great Third District of the Masons of Ohio and through special tribute from State Senator Stanley J. Arnoff, president of the Ohio Senate, and State Senator Robert Cupp from Lima's 12th District.

Harold Shue serves as an inspiration to all those interested in making a contribution to their community. When most are well into their retirement, playing golf, relaxing in a warm climate, or participating in some other recreation, Harold Shue is still working to better those around him, still fulfilling his commitment to community.

Harold Shue continues to serve his community with honor. He has earned the respect and admiration of those who have had the pleasure to know him. It is with great pleasure that I honor before the U.S. House of Representatives Mayor Harold Shue for his dedication and devotion.

TRIBUTE TO THEATRE DEVELOPMENT FUND OF NEW YORK CITY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to the Theatre Development Fund of New York City, which this year celebrates 25 years of service to the performing arts. TDF was founded in 1968 to encourage the production of new plays and musicals in the commercial theater by various forms of subsidy. From small beginnings, by developing new programs and adding services, the fund has grown into the largest service organization for the performing arts, for-profit and not-for-profit, in the country. Each year, it is responsible for distributing, at discounted prices, more than 2 million tickets to performing arts events.

In doing so, TDF accomplishes its double purpose of encouraging new stage production and supporting theater attendance among those who could not otherwise afford it. Those who qualify to receive TDF offers are students, teachers, retired persons, union members, the clergy, Armed Forces personnel, and performing arts professionals. For each ticket, TDF supplies a margin of subsidy.

TDF has successfully pioneered in the development of marketing programs that help to assure the theater and the other performing arts of regular, supporting audiences. They are designed to assist new plays and musicals to overcome early hurdles and survive the initial weeks of a run until such forces as good notices and word-of-mouth begin to attract the public. At the other end of the scale, TDF programs prolong the lives of older shows. They may also be brought into play to help a production through slow periods. Other programs help the major dance companies find enthusiastic audiences in their New York appearances.

But the TDF's work goes well beyond programs of theater and dance subsidy, supplementary ticket sales, group sales. TDF also provides such special assistance as a loan program designed to tide over small not-for-profit groups caught in cash-flow difficulties while waiting for a government or foundation grant to materialize. In certain circumstances, TDF will also post the required Actors' Equity bond to safeguard the salaries of working actors, thereby relieving producers of a heavy initial financial commitment while they try to overcome all the other difficulties in launching a new play or musical today.

Mr. Speaker, for more than a decade, TDF has assisted theater-goers with hearing, visual, or other physical disabilities through its theater access project. TAP provides discounted tickets to plays, musicals, concerts, and dance recitals. In order to assure the best possible sight and sound lines, it secures preferential seating for its clients. It supplies information on wheelchair locations and theater access. It maintains a telephone ticket hotline for blind persons, prints ticket orders in large type for visually impaired persons, and maintains a telephone typewriter to enable deaf persons to communicate with the office.

Each month, drawing upon a pool of theatrically trained sign interpreters, TDF, with the cooperation of Broadway and off Broadway managements, schedules a sign-interpreted performance to a Broadway or off Broadway show. For the past year and a half, in conjunction with the evening division of Juilliard School, TAP has conducted a course in signing for the theater. It is designed to improve the standards of theatrical signing generally and to expand the pool of trained interpreters for all.

While its works is concentrated in New York City, TDF's influence as extended nationally and even overseas. The success of its programs, particularly that of the TKTS booth TDF established in 1973 in Times Square for the same-day sale of tickets at half price, prompted inquiries from other cities. As a result, TDF established a national services department to provide consulting services. Thereafter, with assistance from this department, versions of TTKTS, as well as other TDF programs, were established in Boston, Chicago, Denver, Pittsburgh, San Diego, San Francisco, and abroad, in London, Sydney, Australia, and Toronto, Canada.

A 25-member board of directors headed by David D. Holbrook, chairman, and Thomas F. Leahy, president, determine TDF policy. Under the incorporation laws of New York State, TDF is also a member corporation. The members, numbering the founding directors, are Stephen Benedict, a foundation executive and arts consultant, John E. Booth, a writer and foundation executive, Anna E. Crouse, a past president of TDF, August Heckscher, former New York City Commissioner of Parks and biographer of Woodrow Wilson, and Stuart W. Little, journalist and director of communications at TDF. All are presently involved in the ongoing work of TDF.

Mr. Speaker, for 25 years the Theatre Development Fund has been a valuable service to the city of New York, by maintaining the vitality of all theaters in the area. I know that you will join with me in congratulating TDF on their tremendous accomplishments and continued success.

TRIBUTE TO OUR FORMER COLLEAGUE, BILL GRADISON

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. GINGRICH. Mr. Speaker, I would like to join my colleagues in both parties in recognizing Bill Gradison's distinguished public service in the U.S. Congress over the past 18 years. With Bill's departure, this body has lost a thoughtful statesman.

The void created by Bill's retirement will be acutely felt as the Congress and the Clinton administration work to remedy the seemingly intractable health care problems currently facing our Nation. His intimate knowledge of the vital, yet complex and arcane policy issues related to health care cannot be replaced.

On a more personal level, I will miss his wise counsel and friendship. Though Bill will undoubtedly continue his career of public service as the president of the Health Insurance Association of America [HIAA], it is with great regret that I see him go.

UNIVERSITY OF ARKANSAS DISTINGUISHED ALUMNI HONORED

HON. JAY DICKEY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. DICKEY. Mr. Speaker, I am honored to bring to the attention of my colleagues, two distinguished educators and alumni of the University of Arkansas at Pine Bluff who were honored last week during the Equal Opportunity in Higher Education's 18th Annual National Conferences on Blacks in Higher Education, here in Washington, DC.

Dr. Dorris R. Brown Robinson-Gardner has served higher education in Arkansas for over 23 years. She has been an integral part in the development of the first baccalaureate degree program in regulatory science. Dr. Gardner, a native of Little Rock, AR, assisted in developing community partnerships for science and mathematics programs and homework centers under the Developing Strategies to Address Minority Problems [D-STAMP] Institute. She also served as the State coordinator with the Arkansas Department of Higher Education.

Dr. Gardner received her bachelor's degree in education from Arkansas Baptist in 1970; her masters degree in education from Ouachita Baptist University in 1975; and her doctorate in higher education administration from the University of Arkansas in 1983. Dr. Gardner's service includes 3 years as an outstanding higher education administrator and graduate faculty member at the University of Arkansas at Pine Bluff and adjunct faculty at Arkansas Baptist College.

Prof. Trenton Cooper, a native of Hope, AR, is a professor of education. He earned his bachelor's degree in mathematics from the University of Arkansas at Pine Bluff in 1950. Dr. Cooper continued on in his pursuit of higher education and received his master's degree in radiological health from the University of Minnesota in 1962. He earned his doctorate in science education in 1978. Dr. Cooper's personal dedication and superior achievements in education earned him recognition as an American Educator in 1971 and again in 1972.

Mr. Speaker, I am very proud to recognize here the achievements and outstanding contributions to higher education by Dr. Cooper and Dr. Gardner. They bring credit to themselves for their personal achievements and contributions to higher education. They bring honor to the University of Arkansas at Pine Bluff. I congratulate both of these dedicated educators for being selected as distinguished alumni fellows in higher education. I congratulate the National Association for Equal Opportunity in Higher Education for honoring these two individuals and Arkansas educators.

JOEL T. FISHMAN HONORED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. ENGEL. Mr. Speaker, I take great pleasure in joining with the Bronx Board of Realtors to honor Joel T. Fishman for his contribution to both his industry and the local community.

In naming Joel Fishman as "Realtor of the Year," the board of realtors is recognizing the strides that have been taken under his leadership as president and in various other roles within the organization. In fact, for more than 20 years Joel Fishman has helped the Bronx Board of Realtors grow and prosper.

During his term as president, the board purchased a failing thrift building and turned it into the new home of the organization. It is this kind of innovation that has characterized Joel's work. He has actively rehabilitated more than 2,000 apartments in Bronx County, and has helped many first-time home buyers realize the American dream of home ownership.

I have also seen the side of Joel Fishman that is dedicated to the betterment of his community. During the holiday season last December, we visited the Veterans' Administration hospital in the Bronx and distributed gifts donated by the board of realtors to the disabled patients. Joel said he simply wanted to let the veterans know they were not forgotten during the holidays.

This visit is just one example of the community spirit exhibited by Joel Fishman. There are many more times when he has given of his time and energy to help his neighbors. These acts clearly demonstrate that the honor of Realtor of the Year goes beyond the workplace, especially when we are talking about Joel Fishman.

On behalf of my constituents, I congratulate Joel Fishman for receiving this honor, and I thank him for all his contributions to the community.

REVITALIZATION OF DEPOSITORY INSTITUTION LIQUIDATION PROCEDURES ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. VENTO. Mr. Speaker, I am introducing today legislation entitled the Revitalization of Depository Institution Liquidation Procedures Act. The bill restructures, reforms, and renames the Resolution Trust Corporation [RTC], and assigns all resolution and liquidation activities for savings and loan institutions and banks to the Resolution, Assets Management, and Liquidation Agency (the Agency).

Over a period of 4 years I chaired the Oversight Task Force on the RTC. During that period, I came to know the practices that were successful and unsuccessful. All too often I heard about practices inconsistent with fairness, efficiency, and cost savings. I learned as well about the failures of the FDIC in resolving and selling assets of failed banks. For example, the FDIC holds onto assets for long periods of time. The FDIC does not keep good records of assets, nor note their environmental and historical significance. The FDIC's favorite method of procurement is closed—or limited—competition.

I filed several reports with our Banking Committee, and I provided information to our Senate colleagues. Now with a new administration energized by the American voters' desire for change in Washington, I am offering this bill for consideration as we prepare to provide additional funds for the bailout efforts.

In October of 1993 the RTC will still have at least $100 billion in assets for disposition. Over the next 5 years an estimated additional $90 billion of assets from failed savings and loan associations could fall to whatever entity is given the responsibility for asset disposition. I think that entity should be the Resolution, Asset Management and Liquidation Agency—a new Agency.

The FDIC today has $40 billion of failed bank assets, including aged assets from the Continental Illinois failure of nearly a decade past. The FDIC expects over the next few years to receive an additional $60 billion in assets from future bank failures.

The total RTC and FDIC workload of assets is almost $300 billion—nearly the same as the RTC's sales to date, but of a much more problematic quality.

Most of these assets are financial instruments, or collateral from foreclosures on financial instruments.

The question today is whether it makes sense to have two Government entities doing essentially the same work? Should the FDIC become a major assets sales agency, when its primary function is deposit insurance/bank regulator? Or should the FDIC sell assets only when such sales are incidental to a regulatory action?

We created the RTC to specialize in resolving institutions and in disposing of financial assets. Some efforts of the RTC are worth building upon—the auctions and the securitization of single family mortgage instruments, for example. Unfortunately, the confusion resulting from the misguided and premature effort to close down the RTC has wasted expertise, as well as millions of dollars.

The shortcomings of the RTC—the lack of a management information system, the inadequacy of contract administration, the lack of adequate contractor monitoring, the lack of priority on sales of affordable housing—were never satisfactorily addressed by RTC's management team. But with a potential $300 billion financial institution asset workload, it is not too late to do the job right.

I have concluded, moreover, that we would be unwise to let the FDIC take over these responsibilities. After much work, effort, and consultation with many persons including the legislative counsel, attorneys at the RTC who provided technical guidance, and experts in Government organization, I believe that the best way to conclude this effort has five parts: First, redesignate and reinvigorate the RTC; second, assure the continuance of the RTC's successes and provide guidance or insulation against demonstrated shortcomings; third, delete provisions which are no longer needed; fourth, simplify RTC funding and official status; and fifth, assign all resolution and asset disposition work to this Agency.

The new Agency status would leave behind the inadequacies of the past and operate under reformed procedures found to be necessary from our experiences with the RTC and the FDIC since 1989.

My legislation addresses the following matters:

STATUS AS GOVERNMENT AGENCY

The Agency would be a component of the Treasury Department. At its head would be an administrator appointed by the President and confirmed by the Senate. The Agency's activities will be covered by the Inspector General Act and the Chief Financial Officers Act. This bill will clarify the General Accounting Office's right to do program audits of FDIC resolution and asset sales activities.

SUNSET

The Agency's authority terminates on October 1, 1998. This date assures that the bureaucracy will come to an end. But it operates long enough to enable the administrator to recruit highly skilled staff. On the other hand, the bill limits bonuses paid to super-graded staff who are in many instances receiving more salary than cabinet secretaries.

SINGLE-SOURCE SERVICE

The Agency will be responsible for resolving savings and loan associations insured under SAIF and banks insured through the BIF. This includes as well any remaining activities that originated with FSLIC or with the FSLIC resolution fund. There is no logical rationale for having these specialized activities carried out by three—or even two—Government entities. There are significant economies to be realized from pooling like-kind or co-located assets for sale. There are efficiencies to be realized by calling upon expertise already developed by the RTC. There are dangers to be avoided by not asking the FDIC to make the same mistakes as the RTC. One Agency will be sufficient. That source should be the Agency described in this bill.

INFORMATION SYSTEMS

The Agency is directed to implement a comprehensive, interactive, real-time data system for all its activities—institutions, assets, contractors, contracts and subcontracts, claims and case processing, conflicts of interest, leases, etc. The RTC's failure to collect and monitor data has been apparent since its creation. The FDIC's current ability to keep track of assets has not been subject to public scrutiny, but has at least the same shortcomings as the RTC. The GAO finally obtained information on assets still held by the FDIC from the Continental Illinois failure by obtaining access to the files of a private accountant who had been retained by the FDIC. It is unbelievable that the FDIC itself could not produce this information.

ASSET SALES METHODS

The RTC has been innovative in devising ways to sell assets. Nevertheless some of these methods have proven to be costly, others have been both costly and have perpetuated the Government's liability, and yet other methods are so contingent that costs simply cannot be calculated. This legislation puts restrictions on three methods of sale.

First, it prevents the Agency from placing specific assets in pools or securitization packages if there is an outstanding offer for the property at an equal or higher price. This change alone will assure that bidders or purchasers from the local market will have the opportunity to acquire assets—an opportunity denied them when properties are packaged for sale only to the most wealthy individuals, corporations, or syndicates.

Second, the bill adopts guidelines for securitization, so that only assets with similar characteristics and subject to similar underwriting standards will be sold as securities. This change can be expected to broaden the market to RTC-like assets for the ultimate benefit of the taxpayers.

Third, the bill prohibits the Agency from putting an asset in a bulk sale if it has received an offer at an equal or greater price than the value that would be assigned to the asset in the bulk sale.

CONTRACT MONITORING

For nearly 4 years, the GAO, my task force, and various committees of the House and Senate have been concerned with contracting at the RTC and at the FDIC. As recently as last January, the GAO reported that contract monitoring and administration is inadequate at both Agencies. These organizations award contracts without competitive bidding and with little regard for minority and women-owned businesses. The RTC alone has entered into more than 100,000 contracts with private firms for the entire gamut of goods and services. This legislation would bring all asset disposition and other contracting under the Competition in Contracting Act. This change alone would make it more difficult for RTC or FDIC staff to ignore sound procurement practices. The RTC's inspector general testified that RTC staff have simply ignored the existing system when it became inconvenient for them to follow the rules.

ASSURING CONTRACT AWARDS TO WOMEN-OWNED OR MINORITY-OWNED BUSINESSES

The RTC is obligated to assure that reasonable numbers of contracts go to women-owned or minority-owned businesses. Unfortunately, their record has not been good. The FDIC's performance in diversifying contracts has been troublesome as well. While bringing this workload under the Federal procurement laws won't solve all of the problems, it will close off one avenue of evasion.

PRESERVING HISTORICAL/ENVIRONMENTAL PROPERTIES FOR PUBLIC USE

Tens of thousands of historically and environmentally significant properties are part of the RTC's and the FDIC's inventories. But the FDIC, lacking a complete and accurate listing of these holdings, too often does not, and cannot, realize the advantage for the wider community. Neither Agency has made sufficient efforts to evaluate these intangibles in setting sales prices. This legislation extends the requirement for environmental and historical consideration to assets of properties acquired from banks as well as thrifts. We need not squander the opportunity these assets provide the American public and heritage just to get short-term cash.

PURSUIT OF CLAIMS/WRONGDOERS

Neither the RTC nor the FDIC have been diligent in pursuing claims against wrongdoers and then, when awards are made by the courts, following up on the collection of fines and restitution. This legislation makes four significant changes. First, it provides for a specialized staff to pursue claims and protects that staff from undue influence. Second, it extends the statute of limitations on certain claims so that the organizational disarray at the RTC, and at the FDIC, will not prevent the filing of meritorious suits. Third, it requires improvements in the methods by which orders of restitution are followed and collected, including a private right of action. Fourth, it requires disclosure of examination reports and certain other data on financial transactions involving insiders.

UNCLAIMED ASSETS

The volume of institutions changing hands under this bailout has raised numerous subsidiary questions. One of these which the House has already spoken on is the appropriate recipient for unclaimed deposits. This legislation incorporates language adopted last year by the House that gives preference to State governments.

Mr. Speaker, we must reform the process so that the American people can again have confidence that the National Government can finish this unpleasant task effectively and fairly.

The section-by-section summary follows:

SECTION-BY-SECTION SUMMARY

SECTION 1. SHORT TITLE

This bill is the "Revitalization of Depository Institution Liquidation Procedures Act of 1993."

TITLE I—SINGLE AGENCY FOR CONSERVATOR AND RECEIVERSHIP POWERS

Section 101(a). Establishment of the RAMLA

This section creates the Resolution, Asset Management, and Liquidation Agency ("Agency"), in the Executive branch under the direction of the Secretary of the Treasury. An Administrator (appointed by the President with the advice and consent of the Senate), who would be assisted by a Deputy Administrator (also appointed by the President with the advice and consent of the Senate) manage the Agency.

The Agency's task is to manage and resolve all insured depository institutions for which the Administrator is appointed conservator or receiver. The authority of the Administrator to be appointed conservator or receiver ends on October 1, 1998. The Administrator is required to carry out the responsibilities as conservator or receiver for insured depository institutions in a manner which maximizes the net present value return from the sale of assets, minimizes the impact of transactions on local real estate and financial markets, makes efficient use of funds obtained from the Treasury, minimizes the amount of loss realized in the resolution of cases, and maximizes the availability and affordability of residential real property for low- and moderate-income individuals.

The Administrator's specific powers include the power to acquire, hold, lease, maintain, or dispose of, real and personal property using any available private sector methods including securitization of debt or equity, limited partnerships, and real estate investment trusts. This section, however, limits the Administrator's ability to engage in cash flow mortgages, securitization of assets, and bulk sales in certain circumstances. It also prohibits the Agency from making payments constituting capital contributions to an institution in conservatorship.

In general, the Administrator, like the Director of the Office of Thrift Supervision, may direct, appoint, and fix the pay and number of Agency officers and employees as appropriate without reference to statutory compensation provisions generally applicable to government employees. However, under this section, the Administrator must classify jobs in the same manner as the FDIC and to provide the same rates of basic pay and additional compensation and benefits to employees as those provided to FDIC employees since Agency employees will be returned to the FDIC at sunset. This section also permits Agency employees to participate in the same health, insurance, pension, and other benefit plans available to FDIC employees under the same conditions available to FDIC employees. In view of the Agency's limited lifespan and the need to reassure employees of their job security, the bill further provides for the transfer of employees, whose services the Administrator determines to be unnecessary during its lifespan to their current location, to the closest office of the FDIC in accordance with section 404(1), (2) and (4) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

The Administrator may not limit or modify the employee protections contained in this section by contract, interagency agreement, or otherwise. This section also prohibits the Administrator from paying a bonus or other cash award to any Executive officer whose annual rate of basic pay equals or exceeds Level I of the Executive Schedule.

This section directs the Administrator to organize a staff dedicated to pursuing claims against institution-affiliated parties. In addition, the Administrator is authorized to issue, revoke, or quash subpoenas in connection with any proceeding or claim under this section. This section also allows the Administrator to utilize the services of the private sector to carry out the duties of the Agency where available, practicable, and efficient.

Section 101(b). Temporary Administrator

This section authorizes the President to designate, pursuant to the Vacancies Act, an officer within an Executive department, who was appointed by the President with the advice and consent of the Senate, to act temporarily as the Administrator of the Agency as of the date of enactment.

Section 101(c). Exemption from Certain Management and Disposition of Property Statutory Provisions

This section exempts the Agency, when acquiring or disposing of real property, from titles I, II, IV, and VIII of the Federal Property and Administrative Services Act of 1949. Those titles relate to the establishment of the General Services Administration, procurement and property management policies for Federal agencies, disposition of excess property by Federal agencies, and utilization and disposition of urban land by or on behalf of Federal agencies in accordance with local land use practices and, to the extent practicable, planning.

Section 101(d). Technical and Conforming Amendments

This section makes technical and conforming amendments to sections 21A and 21B of the Federal Home Loan Bank Act.

Section 102. Conservatorship and Receivership Powers of Administrator

Section 102(a). In General

This section adds a new section 21C to the Federal Home Loan Bank Act, incorporating most of the provisions regarding the appointment of receivers and conservators for FDIC insured banks and savings associations and the powers and duties of conservators and receivers currently contained in the Federal Deposit Insurance Act ("FDIA").

Section (a) changes current law by providing that only the Administrator of the Agency, not the FDIC and RTC, may be appointed receiver for all FDIC-insured depository institutions, and permits the appointment of the Administrator as conservator of FDIC-insured depository institutions. The FDIC may no longer accept appointments as conservator or receiver. The RTC is abolished in Section 103.

The bill leaves in place the role of State banking supervisors in the appointment of conservators and receivers for state-chartered institutions.

The grounds for appointment of a conservator or receiver remain the same as the grounds currently provided in §§11(c)(5), (9) and (10) of the FDIA.

Section (b) sets forth many of the powers and duties of conservators and receivers. It contains the powers and duties currently found in §11(d) of the FDIA. This section changes the relevant statute of limitations for filing claims by a conservator or receiver from 3-years to 6-years and provides that the period does not begin to run until the later of the date the claim accrues or the appointment of the conservator or receiver. The provision is not retroactive. Section (c) is identical to §11(e) of the FDIA, the current provisions governing contracts entered into by the depository institutions prior to the appointment of a conservator and receiver.

Section (d) transfers the duty to pay insured deposits to the Agency. The Agency determines the amount of funds needed to pay the claims of depositors and request the funds from the FDIC to pay the claims. The FDIC pays the amount requested from the Bank Insurance Fund ("BIF") in the case of BIF members and from the Savings Association Insurance Fund ("SAIF") in the case of SAIF members.

Section (e) provides that upon payment of the insured deposits of a failed depository institution, the Administrator becomes subrogated to the rights of the depositors against the failed institution. The Administrator's right of subrogation remains subject to the rights of the FDIC to be reimbursed out of the proceeds of the particular receivership, net of the expenses of the Agency. Section (q) requires the Administrator to offer custody of any insured deposits which remained unclaimed 18 months after the resolution of an insured depository institution to the relevant State government authority. Any funds so transferred that thereafter remain unclaimed after 10 years would be transferred back to the Agency's successor.

The remaining sections of the proposed 21C, as well as the provisions of the proposed section 21D include other receivership and conservatorship powers and duties now contained in §§11 and 12 of the FDIA.

The proposed new section 21D also contain provisions that prohibit certain persons convicted of certain offenses and having caused loss to either insurance fund from purchasing assets from the Agency. In addition, the Administrator may not enter into secret settlements of claims. This section clarifies the Administrator's authority to file suit against certain persons for gross negligence. Furthermore, the Administrator is obligated to disclose the names of certain insiders who have financial obligations to the failed financial institution that are more than 90 days in arrears.

Section 102(b). Payment of Insured Deposits and Other Resolution Costs of the Administrator

This section requires the FDIC to transfer funds requested by the Agency to pay insured deposits in a failed financial institution. The FDIC retains a claim against the Administrator for the amount realized by the Administrator as subrogee of the depositors, less the administrative expenses of the Administrator. The FDIC is also required to transfer funds requested by the Agency for assistance under §13(c) of the FDIA.

Section 102(c). Assistance and Acquisition Authority of the Administrator

This section gives the Agency authority under section 13(c) of the FDIA to provide assistance in connection with the resolution of institution under its jurisdiction. The FDIC retains authority to provide assistance under §13(c) to open institutions.

In exercising the authority of the Agency under §13(c) the Administrator may request funds from the FDIC to provide assistance. The FDIC must transfer to the Administrator funds from the BIF or the SAIF, as appropriate.

The least-cost resolution standard continues to apply to the resolution of insured depository institutions. That standard requires the Agency to determine that the method of resolution chosen for a particular failed institution is the least costly method of all possible methods of resolution. All other restrictions on the resolution process found in §13(c) of the FDIA remain in effect.

The Agency may provide assistance in connection with emergency interstate acquisitions of failed banks, and the FDIC continues to exercise its authority in this area, but only with respect to banks for which no conservator or receiver has been appointed. The same division of authority applies to savings associations under §13(k) of the FDIA.

Section 102(d). Repeal of FDIC Receivership and Conservatorship Authority

This section repeals the parts of Section 11 of the FDIA related to the FDIC's receivership and conservatorship authority and also section 12 of the FDIA.

Section 102(e). Transfer of Functions

This section transfers all functions of the FDIC as conservator or receiver of an insured depository institution to the Agency.

Section 102(f). Access to Reports of Condition and Examination Reports

This section makes conforming amendments to the FDIA which will allow the Administrator of the Agency access to examination reports of the insured depository institutions with its jurisdiction. The section also makes the necessary confirming amendments to permit the Agency to share information with other banking agencies without a risk of loss of any privileges and other disclosure protections.

Section 103. Abolition of Resolution Trust Corporation[1]

Section 103(a). In General

This section abolishes the Thrift Depositor Protection Oversight Board ("Oversight Board") and the Resolution Trust Corporation ("RTC") upon enactment of this bill.

Section 103(b). Transfer of Functions

This section transfers all functions performed by the RTC to the Agency. The Agency succeeds to the RTC as conservator or receiver, as appropriate. This section does not transfer the functions of the Oversight Board, except where specifically transferred elsewhere. Most of the functions performed by the Oversight Board will be obsolete as the Agency will be under the general oversight of the Department of the Treasury.

Section 103(c). Transfer of Assets and Liabilities

This section transfers all assets and liabilities of the Oversight Board and the RTC, including any real or personal property, to the Agency.

Section 103(d). Availability of RTC Funds

This section transfers any funds available to the RTC but not obligated on the day before enactment to the SAIF.

Section 103(e). Savings Provisions

This section preserves all rights, duties and obligations to the United States, the Oversight Board and the RTC that existed the day before enactment of this bill, and protects any transactions already in progress on the day of enactment. It also substitutes the Agency or the Administrator for the RTC or the Oversight Board, as appropriate, in all pending litigation.

Section 103(f). Continuation of Orders, Resolutions, Determinations, and Regulations

This section preserves all orders, resolutions, determinations and regulations of the Oversight Board, the RTC or a court of competent jurisdiction until modified or otherwise terminated by the Administrator, by a court of competent jurisdiction, or by operation of law.

Section 104. Employee Transfers

Section 104(a). All RTC-assigned Employees to be Transferred

This section transfers all FDIC employees assigned to the RTC to the Agency 60 days after establishment of the Agency. This transfer applies to all such employees, regardless of their status as temporary, permanent or term employees.

Section 104(b). FDIC-assigned Employees to be Transferred

This section transfers all FDIC employees who are performing liquidation, resolution or other similar functions to the Agency 60 days after its establishment. This transfer applies to all such employees, regardless of their status as temporary, permanent or term employees. The FDIC and the Administrator must jointly identify the employees who are performing such functions.

Section 104(c). TDPOB Employees to be Transferred

This section transfers all employees of the Oversight Board to the Agency 60 days after its establishment.

Section 104(d). Rights of Transferred Employees

This section details the rights that various groups of employees will retain upon their transfer to the Agency.

Section 104(e). Personnel Authority of the Administrator

This section explicitly authorizes the Administrator, to use the services of any FDIC employees assigned to the FDIC or the RTC on a temporary basis during a transition period.

Section 104(f). Transfer Upon Failure of Reauthorize

This section provides that at the point when the Agency is no longer appointed conservator or receiver of failed insured institutions, all its employees, other than employees detailed from other agencies, are to be transferred to the closest FDIC office with the job protections provided to transferred employees under FIRREA, including a one-year job guarantee.

Section 105. Transfer of FSLIC Resolution Fund to Agency

Section 105(a). In General

This section transfers management of the FSLIC Resolution Fund, the insurance fund for deposits of thrifts that failed between January 1, 1989 and August 10, 1989, to the Agency. The assets and liabilities of the fund must remain in a separate fund.

Section 105(b). Technical and Conforming Amendments

This section strikes an obsolete provision relating to the funding of the FSLIC Resolution Fund and makes a conforming change.

TITLE II—FUNDING ISSUES

Section 201. Maximum Obligation Limitation of Agency

Under the bill, the Agency succeeds to the borrowing authority of the RTC. This section limits that authority by reducing the note cap by $18.8 billion, which is the amount by which $50 billion exceeds the contribution from the Resolution Funding Corporation.

Section 202. Borrowing by Administrator Limited to Federal Financing Bank

This section limits the sources from which the Agency may borrow any additional funds to the Department of the Treasury and the Federal Financing Bank.

TITLE III—REPORTS

Section 301. Review of Contractor Performance

This section requires the Administrator to conduct a detailed review of major contracting activities with the private sector, and report to the House and Senate Banking Committees on the benefits and burdens of contracting out tasks to the private sector compared to in-house performance of this work.

Section 302. Quarterly Reports

This section supplements the quarterly reporting requirements that become applicable to the Agency in this bill by mandating detailed, real-time reports on resolutions and asset sales. Reporting is also required for private sector contractor activities, waivers of conflict of interest regulations, and the status of suits and claims.

Section 303. Feasibility Study of Uniform Recordkeeping System

This section requires that the Office of Thrift Supervision conduct a study of the feasibility of devising an automated record keeping system that can be used uniformly in financial institutions across the country in order to improve regulatory monitoring of these institutions. A report must be submitted to the House and Senate Banking Committees by June 1, 1993.

---

[1] This provision does not repeal those sections of FIRREA that provide for the conduct of the affordable housing program or for the compilation and consideration of the environmental and historical significance of properties that come under the control of the Agency. These requirements will continue to be applicable to resolutions of failed savings and loan associations, and in additional will now be applicable to resolutions of failed banks.

TITLE IV—REGULATORY MEASURES

This title adds two requirements in the resolution and disposition of failed financial institutions. Section 401 removes discretion from the bank and savings and loan regulatory agencies to allow an institution having less than 2% capital to remain in operation. A single nine month grace period is permitted and an additional three month period thereafter if the institution succeeds in raising its capital during the nine month period. Acquisitions are still allowed, subject to a finding that the acquisition will solve the capital inadequacy problems of the institution.

Section 402 requires the relevant banking regulatory agencies to disclose to the public information about examinations of institutions that receive financial assistance in mergers or closures. Release of the information may be delayed in limited circumstances such as the conduct of an ongoing investigation of negligence or of criminal activities, or if the supervisory agency makes a finding that disclosure would threaten the safety and soundness of the institution.

Section 403 requires that settlements of claims be made public.

Section 404 describes the coverage of the disclosure obligation.

Section 405 authorizes the supervisory agency to delete customer information from its examination reports prior to public disclosure.

Section 406 contains definitions of key terms such as "failed", "received funds", "insured depository institution" and "appropriate banking agency."

Section 407 requires the disclosure of information about the loan balances of any institution insiders, along with a continuing obligation to report on the status of pending litigation on matters that caused material losses to the institution or the insurance funds.

Section 408 authorizes and directs the General Accounting Office to audit examination reports of financial institution regulators.

TITLE V—COURT-ORDERED RESTITUTION IN CASES IN FINANCIAL INSTITUTION FRAUD AND PRIVATE ACTIONS

This title requires improvements in the system for collecting judgments ordering restitution in certain suits and proceedings and provides for a private collection actions. Section 501 enables the Attorney General to attach property prior to convictions, authorizes the appointment of a receiver to manage the affairs of the defendant until restitution has been paid; and prohibits judges from taking the defendant's ability to pay into consideration in setting the amount of restitution.

Section 502 authorizes citizen suits to collect restitution that is outstanding for six months or longer. It provides for a sharing of proceeds between the victimized financial institution and the citizen in proportion to the amounts recovered. The citizen must notify the appropriate financial institution regulator of the action and may not settle the suit without agreement by the Agency. Costs and attorneys' fees may also be recovered. Certain insiders are prohibited from benefiting from such suits.

UNIVERSITY OF MAINE HOCKEY MISSION ACCOMPLISHED

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Ms. SNOWE. Mr. Speaker, those of us from Maine have many things to be proud of. We take pride in our beautiful coast lines, our wonderful skiing spots, our abundant natural resources, and our delicious lobsters, potatoes, and blueberries. However, this time of year in Maine, the focus of our Maine pride is aimed toward the University of Maine's Black Bear Hockey Team and the most exciting national championship: the NCAA hockey final four.

UMaine hockey, under the direction of Coach Shawn Walsh, has just completed another outstanding regular season. Posting a 42–1–2 record, Maine hockey continued the UMaine tradition of staying atop the college hockey polls throughout the season.

Last week, thousands of fans across Maine gathered to watch their hockey team meet Michigan in the NCAA national championship semifinals. With our 4 to 3 overtime win over Michigan, UMaine went on to take on Lake Superior State in the national championship game on Saturday, April 3. In a great come-from-behind fashion, UMaine defeated defending champion Lake Superior State 5 to 4.

With 40 wins under their belt, Mainers knew that this team was destined to be crowned the 1993 national champions in college hockey. UMaine hockey players are always saying how important the fans in Maine are to their success. In this spirit, hundreds of Maine hockey fans made the journey out to Milwaukee to cheer their Black Bears to victory.

Ninth-year head coach Shawn Walsh has always stressed the importance of the players spending their time off the ice studying and performing community service. The Black Bears that comprise the championship team are no exception. Led by Captain Jim Montgomery, and Maine natives Eric Fenton and Jason Weinrich, the team spirit and camaraderie that exists among the Bears is clearly evident.

With gifted players such as the Hobby Baker Award winner Paul Kariya, right-winger Cal Ingraham, the dynamic duo of Peter and Chris Ferraro and the superb goal tending of all-American Mike Dunham and senior Garth Snow—Maine was definitely the team to beat.

Thousands of Mainers watched the championship game on Saturday night in anticipation of the victory. With the Bears down by two goals heading into the third period the pressure sure was on the Bears. Scoring three goals during that period, the UMaine hockey team showed the country what we in Maine have known all along; UMaine hockey was destined to be named the best.

I was able to join with my fellow Mainers at the Bangor International Airport upon the championship team's arrival on Sunday. The homecoming reception that this group of determined young men received was truly amazing. Throughout all of Maine, congratulations and celebrations abound for this superb team.

Today, I offer my congratulations to the Maine hockey team for another fine regular season, for their memorable come from behind victories in Milwaukee—and for bringing home the long-awaited championship to Maine.

ROCHESTER'S HEALTH CARE SYSTEM HIGHLIGHTS ADVANTAGES OF SINGLE PAYER; HOSPITAL GLOBAL BUDGETS; AND CONTROLS ON CAPITAL AND TECHNOLOGY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. CONYERS. Mr. Speaker, I recently released a General Accounting Office report entitled "Health Care: Rochester's Community Approach Yields Better Access, Lower Costs." The study highlights the advantages of having a health care system that uses global budgets, implements capital controls to reduce costs, and is dominated by a single insurer—all of which are features of H.R. 1200, the American Health Security Act of which I am a lead cosponsor. Another interesting result of this study is the finding that cooperation between providers, not competition, is the best way to rein in spiraling health costs. Managed competition advocates should study this, as their proposal is built on competition between providers. Some important findings taken from the report follow:

SELECTED QUOTES FROM GAO REPORT ENTITLED "HEALTH CARE ROCHESTER'S COMMUNITY APPROACH YIELDS BETTER ACCESS, LOWER COSTS"

UNINSURANCE RATES

"Insurers in Rochester, unlike those in other parts of the nation, use a community-rating system to establish premiums for 85 percent of their policyholders * * * Rochester's continued use of pure community rating has resulted in improved access to health insurance." (p. 18–19)

"U.S. census information shows that between 1989 and 1991, the average rate of uninsured in Rochester was 7.1 percent, compared to a national average rate of 13.7 percent." (p. 11)

* * * 5 percent of Rochester area residents, compared with 13 percent nationally, reported they had gone without needed health care in the previous 12 months. In addition, 18 percent of Rochester area residents, compared with 30 percent nationally, reported having put off or postposed seeking care in the past year because they could not pay." (p. 12)

HEALTH CARE COSTS

"In 1991 the average health insurance cost per employee in Rochester was $2,738, 33 percent less than the average cost in the nation ($3,573) and 45 percent less than in New York State ($4,361)." (p. 9)

"In 1991, Eastman Kodak paid average annual health care costs of $1,915 for its Rochester employees, significantly less than the average cost of $2,826 it paid for its non-Rochester employees." (p. 9)

"Lower hospital costs are a major contributor to Rochester's success in containing health costs. In 1990, total hospital costs per capita in the Rochester metropolitan statistical area were 5.0 percent less than the national average and 27.8 percent less than the average in New York State." (p. 10–11)

"In most other American communities, firms with fewer than 25 workers pay 10 to 40 percent more than large firms for health insurance premiums. Because of the preservation of community-rated insurance in Rochester, small firms there can purchase comparable coverage at the same price that larger firms like Eastman Kodak pay." (p. 10)

SINGLE/DOMINANT PAYER

"In a survey of businesses, insurers and providers, the GAO found that the very important factors contributing to cost control in Rochester were health planning, a single dominant insurer, and employer involvement." (p. 22)

"Blue Cross/Blue Shield dominates the health insurance market in Rochester, providing more than 70 percent of the area's resident's with health insurance * * * Preferred Care, a local HMO * * * provid[es] health insurance to about 15 percent of Rochester's population." (p. 8)

"The presence of a dominant insurer has also facilitated efforts to expand access and contain costs." (p. 25)

GLOBAL BUDGETS, CAPITAL CONTROLS, COOPERATION NOT COMPETITION

"Rochester's system is distinguished by the interaction of several factors, beginning with a long history of community-based health planning. Rochester's planning initiatives have included limiting the expansion of hospital capacity, implementing an experiment of global budgeting that capped total hospital revenues for several years, and controlling the diffusion of medical technology." (p. 2)

"In 1980, Rochester hospitals, * * * began a hospital reimbursement experiment called the Hospital Experimental Payments [HEP] Program * * * hospitals received an annual global budget under which each hospital's revenues were limited to costs in a base year (1978) plus annual inflation * * *. Throughout the HEP experiment, planning decisions for major capital investments were made by the hospitals as a group * * *. During this period of global budgeting under HEP * * * [b]etween 1980 and 1987, real costs per capita for HEP hospitals grew at an annual rate of 2.1 percent, compared with real annual growth of 4.0 percent in New York State and nationally. Between 1987—when global budgeting under HEP ended—and 1990, Rochester hospitals experienced real annual growth in costs per capita of 7.3 percent, compared with 6.1 percent in New York State and 4.9 percent in the nation." (pp.16–17)

"Capital investment decisions under HEP were made by hospitals as a group. As a result, hospitals in Rochester avoided duplication of services by developing expertise in specific services. Only two hospitals, for example, perform open-heart surgery. Pediatrics is also concentrated in two hospitals." (p. 17)

"The global budgeting experiment provided participating hospitals with predictable incomes. Furthermore, Rochester hospitals had positive operating margins for five of eight HEP years, while hospitals in New York State did so for two of the eight years." (p. 17)

"[In 1992] Blue Cross/Blue Shield of Rochester proposes to expand [the] health planning process by managing reimbursement of non-institutionally-based capital and high technology, based on determination of community need." (p. 15)

Copies of the GAO Report (GAO/HRD–93–44) are available from the General Accounting Office, 202–275–2461, or from the Government Operations Committee, 202–225–5051.

LEGISLATION HONORS IRWIN RUTMAN

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Ms. MOLINARI. Mr. Speaker, on a late October evening in 1990, a 55-year-old retired police officer, with 23 years of service, witnessed a crime in progress. Driven by instinct and a sense of duty, retired officer Irwin Rutman rushed to the aid of a fellow citizen. After a difficult physical struggle, Irwin Rutman was shot to death by a ruthless criminal on a dark Manhattan subway platform.

Irwin Rutman left behind a wife and four sons. If this tragedy had occurred a few years earlier, while Rutman was still on active duty, his family would have been eligible for death benefits up to more than $100,000 under the Public Safety Officers' Death Benefits Act. However, despite having served honorably and being vested in the New York City Police pension program, his family was left heartbroken and in difficult financial straits.

The obvious inequity in the law, was highlighted by this unfortunate situation and is the basis for the Irwin Rutman Retired Public Safety Officers Benefits Act.

This bill seeks to amend the current law to make the same benefits available to retired public safety officers that would have been available to them and their families if they had died or become disabled during active duty.

When these men and women retire from active duty, they do not simply lose their instinct or forget their training in responding to public emergency situations and we should not forget them. This bill will significantly help fill the gap in the law to the benefit of these officers nationwide.

Irwin Rutman's heroic gesture demonstrates that public safety officers retired or active are our public protectors. I urge your support in this effort.

IN MEMORY OF DR. MARTIN LUTHER KING, JR.

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. MFUME. Mr. Speaker, April 4, 1993, marked the 25th anniversary of the assassination of a great American revolutionary and civil rights hero: Dr. Martin Luther King, Jr.

Dr. King is most remembered as an advocate of peaceful protest to achieve integration and equality. A spiritual leader who inspired masses both in the United States and abroad, black, white, brown, yellow, and red, to dream a wonderful dream. A dream of equality, acceptance, and love among all Americans. A man who spoke eloquently against violence and led peaceful demonstrations. A renowned speaker, who revealed to us his unforgettable dream in the words of, "I have a dream * * *" in front of the Lincoln Memorial.

Yet, sometimes, we forget his true legacy—his teachings of empowerment from within that exudes out to all those that are willing to absorb his message, and grates upon those who fear true power. He championed a revolution that we must now continue. We must do more than keep a memory of a great man, we must live his dream, and use his strength, to follow his steps and then push further. We must push further ahead past the pain, the hate, and most of all, the complacency that settles when we forget there is more to be done.

This year, 1993, marks not only the 25th commemoration of Dr. King's death, but a turning point in America. With the beginning of the new administration, Americans have shown that they are willing to reassess their values. We in Congress must now work together for the underprivileged and downtrodden. We are all connected, and America will prosper when the least of us prospers. We must all reach out to the dawn of a new era of cooperation. As Americans of all races and creeds, we must no longer only dream, but wake up, work, and ensure that these new opportunities for change are seized. Let us not wallow in a sea of complacency and mediocrity, but takes the challenge inspired by Dr. King.

So, let us bow our heads in memory of America's civil rights hero. But only for a moment, for we must then lift our heads, put our hands to the plow, push, and look ahead, heads high, backs straight, souls lifted by a mighty force, and continue the fight to make his dream a reality.

SUBWAY'S SHARE OUR STRENGTH FOOD DRIVE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Ms. DELAURO. Mr. Speaker, after the winter much of our country has seen, few sights are probably as welcome to us as spring. Particularly now, with the advent of Passover and Easter season, as we eagerly look forward to spending time with our families. Most of us feel hope, renewal, as signs of new life leap forward. But, to millions of hungry Americans, springtime is nothing more than another empty season.

Behind the suffering faces are some frightening statistics: Since 1985, the number of Americans who go hungry each day has increased 50 percent—to 30 million people—enough to fill the entire State of California. The United States has more poor children than there are people in Honduras, Panama, and Nicaragua combined. And, more than 20 million people depend on soup kitchens or food banks for their daily meals.

The problem is, as we know from these grueling few weeks, much bigger than we are in government. Shrinking public funds can't fill those food banks, even at a time when continued high unemployment suggests that to many Americans, the recession isn't over yet.

That's why we need to applaud private enterprise that steps forward to address problems that affect all of our constituencies. In the midst of Easter and Passover season, a time that should be so bountiful for everyone, I'd like you to join me in applauding Subway sandwich stores' canned food drive. On April 18, the week after Easter, nearly 7,000 Subway stores across the United States and Canada will be participating in the largest canned food drive ever. Their aim is to collect 3 million cans of food within an hour and a half. All cans will be donated to local food banks to help that community's hunger needs.

But, good words don't do much without good deeds. So, I'd like to urge you to show your support for these much-needed public-private partnerships. To that end, I am issuing a challenge, not just to everyone in this room, but also to every American, from Main Street to Pennsylvania Avenue. Bring a can of food to a Subway store in your town on April 18. Your donated can will help ease hunger in your community and in our country. This is something we—industry and government and citizens together—can do to help stop hunger. I applaud Subway for undertaking this effort and encourage everyone to do their part to support this wonderful project.

MY VOICE IN AMERICA'S FUTURE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. GINGRICH. Mr. Speaker, today I am placing in the RECORD an award-winning speech by Samuel Tai Anderson of Roswell, GA. Mr. Anderson has a keen understanding of what every American should do to help renew American civilization: Take the responsibility to learn about the issues, to participate in our government, and to offer sophisticated solutions to the problems which we as a nation face.

Mr. Speaker, I hope that my colleagues will take note of Mr. Anderson's enthusiasm for helping America and will join me in congratulating him on this excellent speech.

The speech follows:

MY VOICE IN AMERICA'S FUTURE

(By Samuel Tai Anderson, Georgia winner)

When our founding fathers established this nation they had vision. They knew what they wanted: a constitutional government of the people, for the people, and by the people. This constitution created a context of prosperity, whereby each generation of Americans has been able to achieve a higher standard of living than the previous generation. Today, America is facing a crisis in confidence. Many people, young and old, have become apathetic, feeling their voice is insignificant. Thus, our prosperity has created a lack of appreciation for the freedoms we have historically enjoyed. Americans have abrogated our responsibilities to others, instead of assuming them for ourselves.

With this abrogation of responsibility has come the loss of freedom and a decline in our national confidence. American government has become such a "Goliath" that it has become all too common for the American "Davids" to feel powerless to affect any substantial change. In light of this ominous problem and the many others that face our nation such as: an overwhelming national deficit, inadequate health care, and an inefficient welfare system, how can Americans reclaim their active role in American Democracy.

The first way Americans can begin to take part in our government is by educating themselves. A voice of ignorance has never had any substantial impact on any society. If Americans truly want to bring about healthy reform, they must educate themselves to the many problems that face our nation. Every citizen, has a responsibility to have an active understanding of government. We must know who is representing our interests, locally, nationally, and internationally. We must know how that person feels about issues that are important to us, and we must keep track of their performance, holding them accountable to the American people, not the special interest groups. Americans must also know how our interests are represented by an understanding of how our government works. Too many Americans have never taken the time to truly acquire an understanding of our government. Consequently, democracy is limited to an occasional vote, rather than daily participation in our political process.

The second step in reclaiming our government is to speak up and make our views known to our representatives and elected officials. Too many Americans never share their views. It has been estimated that only one in a hundred constituents actually takes the time to contact his or her representative. Thus, every politician views every letter as a representation of a hundred votes. Every educated American has something positive they can contribute to our nation. In our pluralistic society, it is important that all points of view are considered. Americans can no longer rely on our government to find the solutions to our problems. Rather, we must realize that we are the government. We are responsible for the solutions to the problems that face America. As Americans, this is probably our greatest responsibility, for it is our greatest freedom.

I believe that an understanding of our nation's history is the key to our present and future problems. The United States has had an exciting history with many challenges and conflicts, both internal and external, that had to be faced. Sometimes we were the Champions of Compromise. Sometimes, we had to fight and die to defend our nation, our democracy, and our hope.

Today, many young people have lost hope in the American system. By turning to drugs and violence, they have not grasped their role in society, and in turn have lost their vision and dreams. As the voice of youth, the voice of hope, and the voice of democracy, I will continue to share my ideas and inspirations with those that have provided me with a legacy of excellence, and with my peers as well. It might appear that my generation's hopes and dreams have died, but as all things American, they only need a good jump start to get back on track.

NEGOTIATED RATE AMENDMENTS OF 1993

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. SHUSTER. Mr. Speaker, today I am introducing the Negotiated Rate Amendments of 1993 in an effort to move Congress toward resolution of the negotiated rates dilemma. This is the fourth Congress to study, discuss, and debate this problem. We now need to take action.

Shippers nationwide and in the Commonwealth of Pennsylvania cannot understand the legal nightmare they've been drawn into. They're getting new bills from trustees of bankrupt motor carriers for transportation that they paid for long ago. Because certain tariff filing requirements were not met by the trucker, shippers are being told they have to pay more than the rate that was agreed upon.

Shippers, brokers, and warehousemen across Pennsylvania—indeed, all across the country—are subject to these unfair claims. The Interstate Commerce Commission estimates that total claims could exceed $32 billion. Trustees of motor carriers in bankruptcy have applied limitless imagination to new theories for asserting claims. Knowing the cost of hiring attorneys to fight the claims, many shippers simply pay them, never testing the assertions on which they are based. Some pay them, only to be assessed more weeks later.

This legislation would allow the Interstate Commerce Commission to look at negotiated rates claims and under appropriate circumstances find that they are an unreasonable practice.

This is the fairest solution to a completely inequitable situation. I know that the Public Works and Transportation Committee is exploring many avenues of compromise, and I look forward to working with my colleagues on the committee toward resolving this matter.

CIVIC EDUCATION ACT OF 1993

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 7, 1993

Mr. KILDEE. Mr. Speaker, today I am introducing, on behalf of myself, Mr. OWENS, and Mr. SMITH of Iowa, the Civic Education Act of 1993. This bill proposes a 5-year reauthorization of the successful We the People—the Citizen and the Constitution Program. With a modest amount of funding, that is, $4.3 million in fiscal year 1993, the program—

First, provides upper elementary, middle, and high school students with an innovative course of instruction on the Constitution and Bill of Rights, including the opportunity to participate in competitive, stimulated congressional hearings;

Second, leverages an additional $30 million from State, local, and private sources; and

Third, has been implemented nationwide in 21,490 schools involving 176,000 teachers and more than 12 million students.

In separate evaluations of the program in 1991, the Educational Testing Service found that students at upper elementary, middle, and high school levels significantly outperformed comparison students on all topics studied. Even more impressive were the results of a comparison of a random sample of high school students in the program with a group of freshmen, sophomores, juniors, and seniors at a major university. The We the People high school students outperformed the university students on every topic tested. Finally, an analysis of student voter registration at the Clark County School District in Nevada revealed that 80 percent of the seniors in the program registered to vote, compared to a school average among seniors of 37 percent.

It is clear that this program effectively addresses the need to provide young people with the kinds of instruction and learning opportunities that enable them to meet high standards of achievement in civics and that encourages their active participation in government. The Civic Education Act of 1993 would ensure that We the People continues to be offered to students across the Nation.

We will soon circulate a Dear Colleague letter inviting Members to cosponsor this important legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 8, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 20

10:00 a.m.
Foreign Relations
To hold hearings on foreign policy, focusing on budget requests for fiscal year 1994.
SD-419

2:00 p.m.
Foreign Relations
To hold hearings on the nomination of Thomas R. Pickering, of New Jersey, with the personal rank of Career Ambassador, to be Ambassador to the Russian Federation.
SD-419

2:30 p.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

APRIL 21

9:30 a.m.
Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.
SD-192

Commerce, Science, and Transportation
To hold hearings to examine the competitiveness of the U.S. aerospace industry, and on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.
SR-253

2:00 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold oversight hearings on the Report of the Kaho'olawe Island Conveyance Commission.
SD-366

APRIL 22

9:30 a.m.
Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission.
SR-301

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of the Judiciary.
S-146, Capitol

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Environmental Protection Agency.
SD-106

2:30 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.
SD-366

APRIL 27

9:30 a.m.
Governmental Affairs
To hold hearings to examine environmental problems in the Federal Government.
SD-342

10:00 a.m.
Judiciary
To hold hearings on issues relating to health care fraud.
SD-226

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish the Death Valley, Joshua Tree, and Mojave National Parks.
SD-366

APRIL 28

10:00 a.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold hearings on the roles and missions of the Department of State in the 1990's.
SD-419

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To continue hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks.
SD-366

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to examine the roles and missions of the Department of State in the 1990's.
SD-419

APRIL 29

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold oversight hearings on implementation of the Alternative Agricultural Research and Commercialization Act of 1990.
SR-332

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the North American Free Trade Agreement's effects on U.S. competitiveness.
SR-253

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Development.
SD-106

2:30 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on waste minimization and industrial energy efficiency.
SD-366

MAY 4

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. international economic and commercial interests.
SD-138

MAY 5

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 6

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 646, to establish within the Department of Energy an international fusion energy program.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Commission on National and Community Service.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD-138

MAY 11

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and U.S. foreign policy and security interests.
SD-138

MAY 12

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 13

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.
SD-106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

MAY 14

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.
SD-192

MAY 18

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to examine foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.
SD-138

MAY 19

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD-138

MAY 25

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on foreign assistance and the transition to democracy in the former Soviet Union and eastern Europe.
SD-138

MAY 26

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 27

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.
SD-106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

JUNE 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD-138

JUNE 10

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.
SH-216

HOUSE OF REPRESENTATIVES—*Monday, April 19, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 19, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from whom comes every good gift and to whom we respond with the words of thanksgiving, we come before You with our petitions for this day. We remember people who are ill and have great need, that they will know Your presence and the power of Your healing spirit; we remember those who suffer from the pain of strife and violence, that they will know peace; we pray for those who are hungry and who do not have the necessities of life, that they may be filled; we pray for those who sorrow, that they may have hope. O loving God, may Your grace be sufficient for all our needs and Your peace that passes all human understanding guide and guard us today and in all the days to come. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be given by the gentleman from Texas [Mr. FROST].

Mr. FROST led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

The message also announced that pursuant to Public Law 103-3, Mr. INOUYE announced, on behalf of the majority leader, the appointment of Mr. DODD, Lenore Miller of New Jersey, and Donna Lenhoff of the District of Columbia, as members of the Commission on Leave.

BUDGET OF THE U.S. GOVERNMENT FOR FISCAL YEAR 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-3)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Speaker of the House of Representatives and the President of the Senate:

I have the honor to transmit to you the *Budget of the United States Government for Fiscal Year 1994.*

In my February 17th address to the Congress, and in the report, *A Vision of Change for America*, that followed the address, I outlined the basic elements of the plan that forms the basis of this budget. The plan has three key elements: economic stimulus to create jobs now and lay the foundation for long-term economic growth; long-term public investments to increase the productivity of American workers and businesses; and fair, balanced, and equitable deficit reduction measures to stop government deficits from preempting the private investments needed to create jobs and raise living standards.

The plan flows from the demand of the American people for change and my vision of what America can be if we embark upon an economic strategy of investing in people and putting people first. Achieving this change will not be easy, but the cost of not changing is far greater. To ensure that our children's generation is not the first generation of Americans to do worse in life than their parents, we must restore the American dream.

This budget extends the elements of the plan into each department and agency of the Federal Government and proposes appropriations language and other required information for the Congress to place the plan fully into effect. Enactment of the proposals in this budget will bring the vision that underlies my plan—a vision of a brighter, more prosperous future for America—a step closer to reality.

Although powerful special interests that profit from the status quo may oppose the plan, the American people have demanded change, and it is our responsibility as their elected servants to answer their call and take the action they demand.

I am gratified by and grateful for the support this program has received in the Congress thus far. However, much remains to be done. Therefore, I ask for your continued support and help. Together, we can get the American economy moving again, bring Federal finances back to a sound footing, and restore hope in the hearts of the American people.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *April 8, 1993.*

APPOINTMENT AS MEMBERS TO THE FEDERAL COUNCIL ON THE AGING

The SPEAKER pro tempore. Pursuant to the provisions of section 204(a) of the Older Americans Act of 1965 (42 U.S.C. 3015(a)), as amended by section 205 of Public Law 102-375, and the order of the House of Wednesday, April 7, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on April 7, 1993, did appoint to the Federal Council on the Aging on the part of the House the following members from private life:

Mr. Raymond Raschko of Spokane, WA, to a 3-year term;

Mr. Max Friedersdorf of Sanibel Island, FL, to a 3-year term;

Mr. E. Don Yoak of Spencer, WV, to a 2-year term;

Mr. Eugene S. Callender of New York, NY, to a 2-year term; and

Mrs. Josephine K. Oblinger of Williamsville, IL, to a 1-year term.

APPOINTMENT OF MEMBERS OF THE BOARD OF VISITORS TO THE U.S. MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 4355(a)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of title 10, United States Code, and the order of the House of Wednesday, April 7, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on April 8, 1993, did appointment as members of the Board of Visitors to the U.S. Military Academy the following Members of the House:

Mr. HEFNER of North Carolina;
Mr. LAUGHLIN of Texas;
Mr. FISH of New York; and
Mr. DELAY of Texas.

SELECTION OF MEMBERS OF COMMITTEE ON ENERGY AND COMMERCE FOR ACCREDITATION AS ADDITIONAL OFFICIAL ADVISERS TO U.S. DELEGATIONS TO INTERNATIONAL CONFERENCES, MEETINGS, AND NEGOTIATION SESSIONS RELATING TO TRADE AGREEMENTS

The SPEAKER pro tempore. Pursuant to the provisions of section 161(a) of the Trade Act of 1974 (19 U.S.C. 2211), and the order of the House of Wednesday, April 7, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on April 7, 1993, did select the following members of the Committee on Energy and Commerce to be accredited by the President as additional official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements:

Mr. DINGELL of Michigan;
Mrs. COLLINS of Illinois; and
Mr. MOORHEAD of California.

APPOINTMENT OF MEMBER TO THE TECHNOLOGY ASSESSMENT BOARD

The SPEAKER pro tempore. Pursuant to the provisions of section 4(a) of the Technology Assessment Act of 1972 (2 U.S.C. 473(a)), and the order of the House of Wednesday, April 7, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on April 8, 1993, did appoint to the Technology Assessment Board the following Member of the House:

Mr. MCDERMOTT of Washington.

APPOINTMENT OF MEMBERS OF BOARD OF TRUSTEES OF HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore. Pursuant to the provisions of section 5(b) of Public Law 93-642 (20 U.S.C. 2004(b)), and the order of the House of Wednesday, April 7, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker on April 8, 1993, did appoint as members of the Board of Trustees of the Harry S. Truman Scholarship Foundation the following Members of the House:

Mr. SKELTON of Missouri; and
Mr. EMERSON of Missouri.

CIVIL RIGHTS ISSUES MAY BE FOCUS IN FORT WORTH SKINHEAD CASE

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, Saturday morning a Federal court jury in Los Angeles handed down a verdict which achieved a significant degree of justice in the Rodney King beating case. Two of the four police officers were found guilty of violating the civil rights of Mr. King. This rectified an earlier decision by a California State court.

Recently in Fort Worth, TX, a State court jury found a neo-Nazi skinhead guilty of murdering a black man in a racially inspired hate crime. Unfortunately, the same jury then gave the defendant a 10-year probated sentence.

Following that decision, I asked Attorney General Janet Reno to determine whether Federal civil rights charges could be brought against that defendant, Christopher William Brosky. That matter is currently under review by the Justice Department.

The case in Fort Worth, like the Rodney King case in Los Angeles, is an example of an opportunity for the Federal courts to correct an injustice in the State court system.

I applaud Attorney General Reno's willingness to examine the skinhead killing in Fort Worth, and I hope that, just as in the King case in Los Angeles, justice can be achieved.

□ 1210

THE 50TH ANNIVERSARY OF THE YAMAMOTO SHOOTDOWN

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, last Sunday marked the 50th anniversary of the American shootdown of the plane carrying Adm. Isoruku Yamamoto, the World War II commander of Japan's combined fleet and the strategist behind the attack on Pearl Harbor.

Because of his role in the planning of the Pearl Harbor attack, Yamamoto became one of the most hated men in the United States during World War II. Ironically, Yamamoto was an admirer of the United States, having attended Harvard and served as Japan's naval attaché in Washington. He also advised against attacking the United States, predicting early in 1941 that Japan would be unable to defeat the United States in a prolonged conflict.

In the 1940's, United States cryptologists deciphered Japan's naval code. American intelligence continued to break subsequent codes during the war and gained access to Japan's top-secret radio transmissions. When American listeners intercepted a message that Admiral Yamamoto would be flying from Rabaul to Bougainville to visit his frontline troops, the U.S. forces knew exactly when and where to strike.

On the morning of April 18, 1943, American Army Air Force pilots left their base in Guadalcanal and completed one of the most daring and successful missions of the Pacific war. Even knowing Yamamoto's schedule, the odds were a million-to-one that the U.S. fighters would be able to intercept the admiral's plane. John Mitchell, commander of the 339th Fighter Squadron, navigated with nothing more than a wristwatch, an airspeed indicator, and a Navy compass.

But the odds were on our side that day, as American P-38 pilots attacked the two Japanese Betty bombers and their six Zero escorts. Pilots Rex Barber and Tom Lanphier share victory credits for shooting down Yamamoto's bomber. By shooting down Yamamoto, the United States took from Japan one of its most brilliant military leaders as the Allies worked toward victory in the Pacific war. Today, 50 years later, the wreckage of Admiral Yamamoto's plane still lies in the jungles of Bougainville.

MESSAGE FROM THE PEOPLE: CUT SPENDING, NOT MORE TAXES

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute.)

Mr. THOMAS of Wyoming. Mr. Speaker, day before yesterday on Saturday evening, Senator MALCOLM WALLOP and Senator ALAN SIMPSON and I held a town meeting in Casper, WY. It was probably the only State in which the whole delegation was involved in a town meeting.

The message was loud and clear. That is cut spending and not more taxes.

We can get into great details, of course, of budgets. There are a lot of numbers.

A couple of numbers were very interesting. One is $1.937 billion, a trillion dollars. That is the amount the President's budget will add to the debt over 4 years, precisely the same amount that was added over the previous 4 years. This notion of arguing constantly about Republican Presidents being at fault or Democrat Congresses being at fault is not useful. The fact is we need to do something.

The other number that was interesting is 57 cents; 57 cents out of every $1 you and I paid last Thursday in personal income taxes goes to fund the deficit interest. That is a pretty interesting figure.

Mr. Speaker, people do not want increases before cutting spending. The people do not want new spending without paying for it. People want their tax payments taken seriously. So should Government.

No one wrote a blank check last Thursday. Neither should Congress.

PRESIDENT'S STIMULUS PACKAGE

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, there is a continuing war of wills and a war of words between the White House and the other body concerning the President's economic stimulus package. In it we have many wonderful things, extension of unemployment benefits, childhood immunization programs, Head Start programs, nutrition programs.

But I would like to concentrate today for just a few brief seconds on the summer jobs program for our Nation's youth. We have a very vibrant program for summer jobs in Louisville and Jefferson County, KY. We have put together a program that will employ perhaps over 1,000 young people this summer. But, Mr. Speaker, if agreement can be reached between the White House and the other body on the stimulus program, we might double that number to something like 2,500 summer jobs. And I think it would be very appropriate and important to put our young people to work, to teach them crafts and trades, and teach them the discipline of the workplace.

To that extent, Mr. Speaker, I was very happy, as a native son of Kentucky, to hear the President speak very approvingly and glowingly of a program in Louisville and Jefferson County, a partnership program involving education and job training conducted at Seneca High School involving local government, local businesses, and the Metro United Way.

So, Mr. Speaker, I think our State, and I use those words correctly to the current occupier of the chair, is in the forefront and the vanguard of putting our young people back to work, and I would hope that this impasse between the White House and the other body can be resolved so that Kentucky can put even more of its young people to work this summer.

DEFENSE DEPARTMENT DECISION ON REMOVING STATUE OF FREEDOM FROM CAPITOL DOME

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I was very disappointed that the Defense Department decided not to let National Guardsmen from Mississippi, Alabama, and Pennsylvania use a heavy lift helicopter to remove the Statue of Freedom off the Capitol dome for repairs.

The Architect of the Capitol, George White, was in agreement to let the National Guard do this historic and patriotic mission. We had been working on this for a year and then along comes a private company which put pressure on the Defense Department not to approve the mission for the Guard.

The lawyers at the Pentagon said this was not a training mission and they were afraid of being sued. It is a training mission for the National Guard and I think it is a sad case when one Government Agency can't help another.

It is going to cost the taxpayers over $60,000 for this private firm to do the job when the National Guard could do it on training time.

Mr. Speaker, the Defense Department ought to be helping its own and not worrying about whether to allow this private Johnny-come-lately firm to bid on the project. No one else put in a bid to relieve the National Guard on the streets of Los Angeles or to stand as backup in the Ohio prison standoff. The Guard is trained and ready for jobs like that, just as it is to lift the statue off the Capitol dome.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I am happy to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I just want to associate myself with the gentleman's remarks and make them bipartisan remarks. The gentleman is right on.

Mr. MONTGOMERY. I thank the gentleman.

INTRODUCTION OF THE DELAURO-LOWEY WATER POLLUTION CONTROL AND ESTUARY RESTORATION ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, today I reintroduced legislation which Congresswoman DELAURO and I coauthored last year, to restore the Federal Government's commitment to investing in water pollution control and economic growth. H.R. 1720, the Water Pollution Control and Estuary Restoration Act, is designed to reaffirm the consensus that shaped the original Clean Water Act 20 years ago, that sound investments in water quality yield major economic benefits.

The past 12 years have seen a dramatic decline in our Nation's commitment to investing in our environmental infrastructure, and we are paying the consequences. Long Island Sound, Puget Sound, Narragansett Bay, San Francisco Bay, and dozens of other vital waterways are at risk, due in part to the failure to upgrade our environmental systems to meet the demands of our economy. The influx of pollution is poisoning our fisheries, fouling our beaches, and destroying the economic foundation of many communities. Moreover, underequipped sewage facilities all across the country are stifling private investment and stalling economic recovery.

President Clinton and Vice President GORE clearly recognize the economic importance of investments in clean water. The economic stimulus package, already approved by the House but still awaiting action in the other body, includes $892 million in supplemental funding to upgrade sewage treatment plants and other water quality systems. These funds will create jobs in the near term and build a foundation for economic expansion across the Nation. The administration has also made reauthorization of the Clean Water Act a top priority for this year. It is time for Congress to respond.

Mr. Speaker, over a year ago, Congresswoman DELAURO and I decided to develop legislation to renew and expand the Federal Government's role in controlling pollution and in stewarding our coastal resources. Our work was inspired by local governments and citizens, who are spearheading the effort to save Long Island Sound but who lack the resources to do the job. To them, the environmental and economic consequences of neglecting our infrastructure are real.

My colleague from Connecticut and I have written legislation which, we believe, can reignite Federal, State, and local cooperation in water pollution control. The measure would provide a 7-year, $33 billion Federal commitment to expanding and modernizing the Nation's water pollution control infrastructure. The bill increases funding for the State Revolving Fund [SRF] Program from approximately $2 billion provided this year to $4 billion and eventually $5 billion.

In the context of our continuing budgetary problems, these authorizations may appear high. But our Nation faces an estimated $200 billion shortfall over the next decade in sewage treatment upgrades alone. Without a renewed Federal commitment to clean water, States across the Nation are left with two unacceptable alternatives. They can swamp their residents with higher taxes, or they can allow vital waterways to die and their economies to stagnate.

In addition to providing more money, we must support efforts to spend clean water dollars as intelligently as possible. To that end, H.R. 1720 departs from past practice by earmarking a portion of the SRF funds for the implementation of comprehensive estuary management plans. These plans have been or are currently being developed for approximately 20 of the Nation's major estuaries, under the auspices of the National Estuary Program [NEP].

Rather than throwing money at a problem, these comprehensive conservation and management plans are designed to utilize the most cost-effective mix of policies to reduce water pollution in sensitive coastal regions. Rational watershed planning is widely recognized as the most effective way to maximize the environmental and economic impact of water pollution control investments. H.R. 1720 would provide unprecedented support for implementing out such plans.

H.R. 1720 also seeks to strengthen section 320 of the Clean Water Act, which authorizes the National Estuary Program. First established under the Water Quality Act of 1987, the NEP provides a mechanism for bringing together Federal, State, and local authorities—and interested citizens—to develop comprehensive, watershed-based plans for cleaning up and protecting nationally significant estuaries. In Long Island Sound, Puget Sound, Narragansett Bay, and a number of other estuaries, the NEP has helped bring about unprecedented cooperation aimed at saving these threatened waters.

H.R. 1720 would build on the success of the NEP by clarifying the funding and staffing responsibilities of Federal agencies concerned with the program, including the Environmental Protection Agency [EPA] and the National Oceanic and Atmospheric Administration [NOAA]. Specifically, the bill states that implementation of estuary management plan is a nondiscretionary duty of the EPA. The measure seeks to improve Federal leadership in the NEP by directing the EPA to promulgate guidelines for development, approval, and implementation of comprehensive management plans. Other important proposed changes include measures to improve coordination of cleanup efforts with other Federal activities in estuaries. In short, this bill is designed to make certain that those plans do not end up on shelves in bureaucrats' offices, but instead truly clean up these critical bodies of water.

The plight of Long Island Sound and our economy has inspired an unprecedented development in our area that is giving rise to similar efforts around the Nation. Environmental, labor, and business groups have set aside traditional differences to work together on securing the investments needed to rescue Long Island Sound and strengthen our economy. I want to recognize the central role of this coalition in the development of H.R. 1720. I also want to acknowledge the contributions and support of a coalition of State and local agencies and citizen groups involved with cleaning up estuaries all across the country.

A Federal Government that abdicates leadership on this issue cannot effectively address numerous other challenges facing our country. By failing to help our municipalities meet their infrastructure needs, we are forcing them to tie up scarce local dollars that otherwise could be used to improve schools, fight drugs and crime, provide housing and health care, or meet the needs of the elderly and disabled.

In their zeal to lighten Federal responsibility by getting out of the water treatment business, the previous two administrations have hung our communities out to dry. For more than a decade, the faulty logic of jobs versus the environment has shaped two administrations' policies and rhetoric. We now face an appalling backlog of infrastructure upgrade needs that threatens to choke our economy just as it is robbing our waters of lifegiving oxygen. We must not let this happen.

We need leadership at the Federal level to match the energy and ingenuity of our communities—who are working toward a better environmental and economic future. Without strong Federal leadership and substantial funds to back it up, we run the risk of squandering over 20 years of progress in cleaning up and protecting our waters. But working together, we can reinvigorate the Federal-State-local partnership that launched our Nation's clean water programs.

In conclusion, I want to thank all 49 of my colleagues who have joined Ms. DELAURO and me in introducing this legislation. Mr. Speaker I request that a section-by-section summary of H.R. 1720 be included in the RECORD at the conclusion of my remarks.

Summary of H.R. 1720, Water Pollution Control and Estuary Restoration Act

SECTION 1: SHORT TITLE

"DeLauro-Lowey Water Pollution Control and Estuary Restoration Act"

SECTION 2: FINDINGS AND PURPOSES

(a) FINDINGS.—(See text of bill.)

(b) PURPOSES.—The purposes of this Act are—

(1) To expand and strengthen efforts designed to combat the serious and growing water and sediment quality problems in estuaries of national significance identified under the Clean Water Act;

(2) To reauthorize Section 320 of the CWA in order to improve the development and implementation of comprehensive conservation and management plans for estuaries of national significance;

(3) To provide significant levels of Federal assistance to States and localities seeking to implement comprehensive conservation and management plans; and

(4) To extend and increase Federal support for the State Revolving Loan Fund program in order to address serious water and sediment quality problems in the waters of the United States.

SECTION 3: EXTENSION OF WATER POLLUTION CONTROL REVOLVING LOAN FUND PROGRAM

Authorize $4 billion for fiscal years 1994 and 1995 and $5 billion per year for fiscal years 1996 through 2000 for grants to capitalize State Revolving Loan Funds (SRF).

SECTION 4: FUNDING FOR IMPLEMENTATION OF ESTUARY CONSERVATION AND MANAGEMENT PLANS

Allot a percentage of SRF funds for the restoration of estuaries of national significance (i.e. Puget Sound, Long Island Sound, Narragansett Bay, Santa Monica Bay, etc.). Percentage of set-aside would rise from 2.5% to 15% over the life of the bill to account for the increased number of estuary programs reaching implementation.

2.5 percent for fiscal year 1994 ($100,000,000);
5.0 percent for fiscal year 1995 ($200,000,000);
7.5 percent for fiscal year 1996 ($375,000,000);
10 percent for fiscal year 1997 ($500,000,000);
12.5 percent for fiscal year 1998 ($625,000,000);
15 percent for fiscal year 1999 ($750,000,000);
15 percent for fiscal year 2000 ($750,000,000).

Qualify States, which have approved Section 320 estuary management plans, to receive Estuary Funds to be used to implement their estuary management plans. Estuary Funds would be provided in addition to a State's regular SRF allocation.

Require States receiving Estuary Funds to set up a special account within their SRFs to manage the disbursement of those funds. Reduce State matching requirement for Estuary Funds to 15 percent.

Require that States, on an annual basis and in coordination and with the approval of the management conference, provide specific estimates of funding needs that reflect an effort to maximize efficiency in implementation. Such estimates shall be reported to the Administrator.

Direct the Administrator to submit to Congress on an annual basis a report containing cost estimates for implementing approved estuary management plans in each State and recommended allocations of Estuary Funds. The Administrator shall allocate to each State available Estuary Funds based on the percentage of that State's need, as identified in the Administrator's report, relative to all estuaries in the program.

Amend Title VI of the Clean Water Act to authorize States, which are implementing estuary management plans, to utilize additional funding mechanisms designed to assist financially restricted communities. Those mechanisms include: extended loan amortization periods (up to 40 years) and principal subsidies.

SECTION 5: DISCRETIONARY GRANTS FOR IMPLEMENTATION OF ESTUARY CONSERVATION AND MANAGEMENT PLANS

Authorize $50 million per year through fiscal year 1999 for EPA grants to State and local governments or other public or nonprofit organizations for implementation of estuary management plans. Grants shall be used to support implementation projects not generally funded by States under the SRF program, such as innovative technology demonstrations, integrated farm management planning and other polluted runoff abatement efforts, and public education.

Authorize use of Section 310(g)(2) grants for implementation of interim actions to protect water quality of estuaries during development of comprehensive management plans.

SECTION 6: EXTENSION OF CONSERVATION AND MANAGEMENT PLAN DEVELOPMENT GRANT PROGRAM

Increase to $28 million per year authorization for Section 320(i) grants to support development of estuary management plans.

SECTION 7: NATIONAL ESTUARY PROGRAM IMPROVEMENT

Direct EPA and NOAA to provide necessary levels of funding and staff resources to effectively carry out their functions related to the development, approval, and implementation of management plans.

Clarify that implementation of estuary management plans is a non-discretionary duty of EPA.

Direct EPA to publish and promulgate guidelines setting out criteria for development, approval, and implementation of comprehensive management plans.

Clarify that each management conference shall ensure full coordination and implementation of the Clean Water Act and the updated Coastal Zone Management Act.

Require estuary management conferences to set priorities early on and coordinate their plans with the activities of all Federal agencies.

Require each state to conduct a review of statutory authority required to implement a comprehensive management plan, and require that prior to final approval of a plan the affected Governor of Governors certify that they have the authority to undertake the actions called for in such plan.

Expand opportunities for public comment and participation in the development, approval, and implementation of management plans.

Upon approval of management plans, authorize the extension of management conferences an additional 5 years for the purposes of implementating and monitoring those plans.

WAR POWERS AND SOMALIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today I rise in order to bring to the attention of my colleagues the unprecedented step that President Clinton has taken with regard to recognition of the constitutional war powers and the authority conferred therein approved by Congress in 1974.

During the deliberations, I took some part with the then leading proponent from the Judiciary Committee, my colleague from Texas then, Mr. Robert Eckhardt, who is quite an authority.

For the first time that I know of a President in the shape and form of President Clinton has stated in writing that he is willing to address the longtime conflict, or what is assumed to be a conflict, between the executive and the legislative branches over who has the Nation's warmaking power, though that should be limpidly clear that the Constitution spelled out unequivocally, and it is inherent exclusively as one of the, in my opinion, nondelegable powers deposited in Congress. In a letter dated March 31 which I would like to introduce for the RECORD now, the President for the first time since I have been addressing these collateral issues beginning with the war powers debate, a President has replied.

Prior to that, before the enactment of the War Powers Act, I would, from the first day in the 1960's, rise and point out in this same forum, in this well of the House that Presidents, if they had the power to compel and conscript an unwilling American and impress him into service against his will outside of the continental United States in an undeclared war or one not explicitly authorized by the Congress, that we had then reached the point where our basic structural system known as the American unique constitutional system was not operative. Unfortunately, it was pretty much not listened to and not addressed.

The Congresses have, since 1945 or before 1945, not been willing to shape up and accept and discharge this prime function involving the declaration of war, and it finally took the great divisive and to this day still detrimental Vietnam experience to bring it to the fore at the height of the unpopularity in 1974 by the Congress attempting to define, and which at the time I halfway criticized what the Congress did, with saying that the Congress could not find a way any more than it could setting its own salary. These are constitutional mandates. The Congress cannot delegate to anybody else to set its salary. The Constitution says only the Congress shall set its rate of pay, and it is the same thing with the War Powers Act, and when we got away from that, no matter what justification, that we had entered a period of great contraction in the world where instantaneous electronic communication and the ability to carry warheads from one continent to another in a fraction of minutes, impelled the need to have the unitary power reflected in the Presidency to make those critical decisions.

The only point I was critical about in the War Powers Act of 1974 was that for the first time the Congress said that a President had 60 days in which to make war. Of course, it defined some of the limitations a President in article 3 of the War Powers Act was supposed to consult with the Congress before taking action. That has not been done clear up to the Persian Gulf, and when it is said that the Congress debated the power of the President in the case of the Persian Gulf, or for that matter even before that, the invasions of Grenada, Panama, Beirut, even beginning with President Truman in Korea in which thousands of draftees died, the fact remains that a power was without any perceptible countenance or overt debate given to the Presidency and, therefore, when we had on January 11 or 12, somewhere around there, 1991, the so-called debate on the Persian Gulf, it was not that at all.

What the debate turned around to be, as it did in 1982 in the case of the Nicaraguan Contra issue, was whether or not we were loyal to the President in the actions he had already taken or were not loyal to him.

So I want to sum this up by saying that I wrote the President, that is, President Clinton, on March 5 calling on him to comply with the war powers resolution with regard to United States action in Somalia and later on I will point out in Bosnia as well.

Now, some of my colleagues might say, "Well, wait awhile, what has Somalia got to do? Why there was no introduction of troops into hostilities," but the war powers resolution does not limit the introduction of troops to be defined as invoking the War Powers Act into areas where there is the possibility of aggression or some kind of difficulty against the United States.

□ 1230

It is introducing the troops into areas in which there is conflict and the likelihood, and the chances are good, that it would involve those troops.

So, in writing the letter to the President, I was afraid that the overlooked issue of Somalia—the Congress has never passed a resolution approving President Bush's introduction of those 28,000 or 30,000 troops into Somalia, of which we still have a goodly contingent.

I am very sensitive to the war powers conflict, as I said, and repeat, because of my associations in the attempt then to legislate in 1974. And I clearly recall the debate over the resolution's language, and I know that the intent in passing the resolution was to ensure that Congress, and through Congress the American people—this is what has been forgotten—has an affirmative role whenever U.S. forces are sent in harm's way, in recognition of the enumerated war declaration power set forth in the Constitution.

So, our involvement in Somalia has dragged on and it has involved two administrations, first President Bush's and now President Clinton's. I became concerned that our mission was not clearly articulated or defined, as it has not been in any of the cases since World War II, the active, hot shooting phase. Let me remind my colleagues there really has not been any peace treaty with respect to World War II.

So, that is still what I call in a state of inaction.

But when the hot shooting phase of World War II came to a close in 1945, I believed that the imperceptible involvement in our country's—by our country's leadership in the sequela wars, Korea, then over across in Southeast Asia in Vietnam, and since then in multiple places throughout the world—clearly indicate that we have not addressed this up front as it should have been years ago.

I became concerned that our mission was not clearly articulated, I repeat. It has not been. When the 2,000 marines were sent to Beirut in 1982, I took to the floor and raised the same issues. Of course, as I said, the first President to answer letters since Lyndon Johnson is President Clinton. So, when I raised the issue in October 1982, asking the President what was the military mission of the marines, I received no answer. But about 3 months later, December, or January of 1983, in a press interview in response to a question asked by a reporter, he said, "They are there as peacekeepers."

Well, then, I pointed out that if they were peacekeepers, whose peace were they keeping in Lebanon?

There were four warring factions. So, he answered to another reporter's question, "They were also there in behalf of the Gemayel regime." But that regime was one of three other, four in all, factions. So that when the marines are introduced as peacekeepers but they are on the side of one of the four factions, you are not peacekeeping, you are endangering their lives, and I said so. And I said so until the Thursday that we adjourned.

Mine was the last special order that fateful day where that following Sunday, when the 240 marines were killed. And I pointed out to my colleagues, all of whom had left, and I said, "When you go home, have a nice meal, sleep in a nice comfortable bed," and I said the same thing to the President, very respectfully. I said, "Remember that the marines in Beirut are in extreme danger of their lives or serious bodily harm."

You can imagine my terrible anguish when, that following Sunday, they were killed.

Then the American public's attention was carried away from that because less than 36 hours after that, the President announced the invasion of Grenada. And that took the public attention away from this fatal mistake.

What I had also brought out was that the Commander in Chief, President Reagan, had gone against the unanimous advice of the Joint Chiefs, who had not been in favor of the deployment of the marines under the circumstances that they were, as I have pointed out in my special orders.

So, I speak from a depth of great concern. I consider this one of the several that I have addressed on the floor, very basic, basic issues involving ultimately the freedom and liberty of our people, which has come under great threat and still practically imperceptibly so. And this is the reason that I rise today, because I think that when a President takes the time to respond, address the issue forthrightly in a letter, in writing that we should take note.

When I have written the Presidents, in every one of these I have asked, "What is their mission?"

I did the same thing when it was announced right before his departure from the Presidency by President Bush, that he was sending these troops—humanitarian, on the face of it—to keep from starvation literally hundreds of thousands of Somalians. But underneath it were other, basic issues, very fundamental. And our troops were going to face a situation in which arms that were loose in that country, supplied by us, by two Presidents, though actually the policy began with President Carter, in a very mild way, but with the advent of the dictator Siad Barre of Somalia, President Reagan and President Bush gave him near a billion dollars' worth of armaments, everything from automatic weapons to recoilless rifles, to name some, and they got it; that is the armament that has been responsible for the death of the marines that have died thus far in Somalia.

When Siad Barre was deposed, it left the United States exposed.

Now, what is very little known is that when General Schwarzkopf was the head of the general command staff, he appeared before the Senate committee to recommend that the appropriations, which some Senators were protesting, of moneys to this dictator Siad Barre, would be canceled, and he appeared to argue the other war, saying that Somalia was of vital strategic importance to the United States for several reasons: One, it is there, right below the gulf, the Arab ocean, the lifeline of transportation for, among other things, Saudi Arabian oil. On top of that, our leading oil companies entered into agreements amounting to, I forget how many, billions of dollars' worth of exploration and oil rights exploration with Siad Barre. That is your underlying big stake.

And if you think those big oil interests do not have influence, well, then I am afraid you are ready to believe in the tooth fairy.

□ 1240

I became concerned that our mission was not clearly articulated or defined and that it was based on falsely reported reasons and goals. So I wrote the President. I will ask that a copy of my letter, as well as the President's response, be included in today's RECORD.

His response, his recognition of the existing condition between the executive and legislative branches over warmaking and his most significant agreement to address the issue is I think the most hopeful thing that I have seen and to minimize this tension through discussion with congressional leaders, assuming the congressional leaders are interested, is of monumental importance.

I reported this several times, in fact, and had released, and I would ask that my release be appended following the two letters that I am introducing for the RECORD.

In that release, I stated and related the facts. Nobody would pick up on it.

Now, there was a local rag on the Hill that picked up the fact that I had written the President, but I do not think that it is very favorable to President Clinton. So when I reported the letter, it just simply was not reported anywhere, even in our local press, nowhere, just blacked out.

Now, this is the first President that in writing says, "Yes, it is something that I want to look into very carefully and in consultation with the congressional leaders." He was the first one to do so.

President Bush when I challenged even the announcement on August 3, 1990, of the first sized expeditionary force to the Persian Gulf, he replied to a reporter and said, "Oh, I think that act is unconstitutional."

Now, that compounds the sin. For since when does a President who takes the oath under the Constitution to faithfully execute the laws pick and choose which laws he shall respect and obey?

But President Bush's own record publicly, oh, he was not going to pay any attention to it because he considered it unconstitutional.

I must admit that Congress has failed the American people. But what is Congress?

Well, in the words of President Wilson, it is a conjurese of association of groups and individuals elected at large throughout the country. Ostensibly we are supposed to be representing the people and discharging our own oath to the Constitution. That is the only oath we take. It is the only oath any Federal official takes to uphold, support, defend, and protect the Constitution against all enemies, domestic as well as foreign.

But I recall in the sixties, the big argument I heard, and it was not an argument, it was, "Well, HENRY, what do you know about what the President knows about these commies over there in Asia? Suppose he is right?"

And I say that is not the issue. The issue is what we are supposed to know and do.

I take the floor and I point out that the first peacetime conscription, the first peacetime draft in 1940, was passed after great debate, and that was the day when they really had the date and a lot of amendments were taken in. That is when we had the Soldiers and Sailors Relief Act which I did not see invoked again until the recent gulf war when the Reserves were pressed into duty and all of a sudden these constituents were writing and saying, "What about my job?"

I was the one that resurrected and first brought to attention the fact that the Soldiers and Sailors Relief Act mandated that any person subject to the terms of that draft call would be insured that his job would be preserved when he was discharged, that if his home was going to be foreclosed on, it would be suspended and that at no time should he have to pay more than 3 percent interest.

Now, that was when you had people's representatives, and that was what was first in the 1940's.

Then they came and they sunsetted it, 1 year. Why?

Because it was the first time since the Civil War that you had that kind of conscription. If anybody wants to read the most riotous era, especially in New York, in the history of our country, read the history of the draft riots in New York.

So my colleagues, the issue is still the fundamental one. This is where the men who wrote the Constitution dwelt on the most. You read the debates, such as were preserved by Madison and others of the proceedings of the Constitutional Convention in Philadelphia, you will see this was the prime issue.

First, whether they should even have a Presidency, which they called a Chief Magistrate, and then changed it to the Presidency.

Their fear was that they would go back to where they had fled from, king-made wars.

Well, I ask my colleagues, what are we getting now if not king-made wars, if the people's representatives to now represent and uphold the Constitution as politically unpalatable as it may be.

I will tell you this. Once the soldiers are in the field and you have any kind of shooting, one of us are going to go back and ask questions. We are going to support him.

This is what has enabled Presidents to get away and duck the issues.

Now we have a President who says, "Yes, I agree. This is an issue that a President should be very sensitive to, and I am, and I will pledge that I am going to follow through in concert. There should be some way in which in concert with the Congress a suitable compromise or interpretation can be made."

What more can we ask of a President, I say?

As I say and repeat, I do admit that the Congress has failed the American people with regard to warmaking by a failure to carry out its own laws, but it is also incumbent upon Congress, as well as the President, to uphold the law of the land and the war powers resolution is the law of the land.

Now, there are some who would say, "Oh, we ought to change it."

Well, it is like P.K. Chesterton said of Christianity. He said, "It was tried, found difficult, and then left alone untested."

The United Nations surprisingly when President Bush ran for the U.S. Senate in Texas in 1966. He said that if he were elected the first thing he would do as a U.S. Senator was to demand that the United States pull out of the United Nations.

Well, fate has such a way of calling back the words we throw to the air, not knowing when they will come back.

Well, sure enough, comes 1972 President Nixon has not helped him much in getting elected against Senator—or rather, 1970, in getting elected against Senator Bensten, now Senator Bensten, or was Senator Bentsen, and sends him then after the defeat as the U.N. Ambassador.

□ 1250

And what was one of his first acts? Moving to allow Communist China to enter the United States, which during that campaign in 1966 said that he would demand the United States pull out before any such contemptible action was taken.

So, this is what I mean when I say that it is, most of all, incumbent upon us who have this grave responsibility of presuming to be representatives, which is always, I say, like in mathematics where we study curves, and I am most fascinated by one, and this was a curve that was defined in what we used to call coordinate geometry as one that was always approaching, but never reaching, the axis. It is known as the asymptote.

And that is the way it is with us attempting to represent all of the constituency, which is great in number, not less than 550,000 American citizens of all kinds, backgrounds, religions, ethnic, racial, economic, and so it is a constant challenge: How can we be a representative fairly and squarely, above all honestly, but responsibly, to everyone? Well, everyone has to decide that for him and herself.

In the last 12 years we have widened the scope of intervention in the Western World by the invasion of Grenada, Panama, which I think was a day of infamy where we slaughtered, incinerated, better than 4,000. Of course they were all black in that Turillo district in Panama, and we did this with Stealth bomber action, literally burned them, and we had massacres and we never reported them. Did Hitler ever do worse? Let us be fair. I do not know of anything worse, where you incinerate in these flimsy wooden structures that were constructed in 1908 in order to house the laborers, black, from the Caribbean to work on the building of the canal, and they have been there since.

Where are we now in Panama? Well, look what happened last year when President Bush was there at the base and the riots that took place. That is how happy they are about that invasion. We never have done justice to the Panamanian people. But, you know, when you are a big bully—but look at the consequences.

Right now we have two-thirds of the total number of American troops we had at the height of the invasion, and let me tell my colleagues something else. American lives are not safe in Panama. That never used to be the case. We overlook what the facts are in Panama. You have about one-tenth white, dominant, 300 years domination, apart from the people they look down on: Creoles, mixed, mostly black, and you think that the invasion of December 20, 1989, 1990, is something that we won? Any more than the Persian Gulf?

Why the so-called ending and/or great jubilation and parades here celebrating that one in April 1991 was just the beginning of the war. We are now emerging into the most dangerous threshold of all, particularly with the developments, very little reported in our American press, so I do not blame either of you or the people not knowing, but in the Balkans with the terrible bloodletting, cruelty. It is one of the most barbarous wars going on now.

What is the role of the United States there? Even in airlifting we have the war powers resolution actually involved, and this is what I had written in my letter to President Clinton.

So, in the last 12 years we have seen not a lessening, but a far more dangerous widening, in the scope of this intervention by Presidents.

In El Salvador look at the terrible destruction. I objected to that in a special order on April 1, 1980. Now those who like to think that I am partisan, who was the President on April 1, 1980? President Jimmy Carter, a Democrat, and it was the first time that we sent military troops—first reported like they did back in Vietnam in 1963, which incidentally I also raised an issue. That was the issue I had been disturbing President Kennedy with for 3 months on the fateful day of November 21, 1963, that I and only two other Congressmen were aboard Air Force One going to the first stop which was my hometown, San Antonio. That was the issue because I had been nettling him, I had been needling him. I had been bothering him about the fact that I had constituents that had been so-called advisers in South Vietnam, had been on what they called missions facing hostile fire, but without the right to bear arms because they were supposed to be advisers.

Lo and behold, how do you think I felt, my colleagues, when in 1980 we do the same thing in El Salvador, and I have a constituent who calls me and says, "Hey, what's going on? In the Capital here every night when we walk out on the streets they are shooting or bombing, and we can't carry a gun."

Now the Embassy is a compound, and it is a fortress, and the Embassy employees are being given hazardous duty pay. I ask why they cannot at least have a gun.

Well, I cannot tell my colleagues the dismay to find that in 1980 we had learned nothing since 1963. But it is all in the RECORD. I reported it. In fact, I even had it in one special order, and this is before we had television come in. Remember, my colleagues, that I have been making use of this great privilege since 1 week after I was sworn in 32 years ago. There was no TV or anything. TV did not come in until somewhere around the seventies. I forget exactly the year, but about 1970 or somewhere around there. So, it is in the RECORD if anybody wants to look it up.

Now let me remind my colleagues that I saw where the Chairman of the Joint Chiefs, Gen. Colin Powell, said when asked when President Bush first announced the sending of the troops—they said, "Why are you sending them? What's their mission?"

He said, "Oh, this is to teach those warlords a lesson."

Well, that is not a military mission.

My gosh. Somalia. That used to be British Somaliland, Italian Somaliland, French Somaliland, and they occupy that, and they could never have any kind of peacekeeping. In fact, why did they withdraw?

The situation in Somalia is the very kind of involvement that the war powers resolution was designed to address, my colleagues. President Bush sent 20,000 United States troops—more than that; it was about 28,000—to Somalia last December in an operation that will cost over 500 million and has already cost several United States service personnel's lives. When the U.S. troops were first deployed by President Bush, I questioned that lack of open debate and the fact that established law in sending U.S. forces into areas of conflict were not followed. I also outlined the historic relationship of United States support for the ousted Somali President Siad Barre. It turns out that it went much further than that, much deeper into the vast reserves of oil resting beneath sands and soil of Somalia, and even offshore and where you have conflicting ambitions. Saudi Arabia, Iran, Israel; they are all there. But we had General Scowcroft say—or rather not Scowcroft—I do not know. I have my mind on one of those psychological stresses, I guess, but we had our U.S. commander go before the Senate committee and lay it out from a defense or military standpoint.

□ 1300

One reason he gave was that it was sort of a bulwark against Libya and the dictator there, and also against Ethiopia. It should have been brought out that United States troops were being sent to Africa to protect oil reserves, not for the humanitarian purposes loudly touted and so willingly believed by so many.

As I pointed out last December, former Gen. Norman Schwarzkopf testified in 1990 before the Senate Committee on Appropriations that United States aid to Somalia should be continued to offset the threat of Libya in the region, that is, to protect our oil interests. Remember, the vital flow of Saudi Arabian oil is through that gulf passage.

The consequences of this U.S. alliance with Siad Barre are quite clear—mass starvation, social anarchy and ultimately, U.S. intervention.

But it ends up going beyond counteracting the influence of Libya in the region. The importance of Somalia oil was pointed out by then-Vice President Bush when he was in Yemen in 1986. Yemen borders Saudi Arabia to the south on the Red Sea. Across the Red Sea and the Gulf of Aden lies Sudan, Ethiopia, and Somalia. On the northern shore of Saudi Arabia lies the Persian Gulf, Iraq, Kuwait, Iran, and the Strait of Hormuz. While in Yemen, George Bush stated the importance of developing oil reserves away from the tumultuous Persian Gulf and the treacherous Strait of Hormuz. This included the development of oil in Somalia.

Under the Somalian strong man, Siad Barre, four United States-based oil companies were granted the rights to two-thirds of Somalia's oil and natural gas reserves: Conoco, Amoco, Chevron, and Phillips. During the deployment of United States troops in Somalia last December, the office of Conoco in Mogadishu, Somalia, worked closely with the United States Government in this military action.

The need for some humanitarian relief in Somalia was obvious. But this has not been enough to mobilize thousands of U.S. troops for such international humanitarian crises before. We need look no further than Bosnia for proof of this. And in our own country, murder is rampant, handguns and automatic weapons are endemic, poverty has increased and children go hungry; yet no such dramatic action has been taken here either. We cannot find some $40 or $50 million to make sure every one of our children is immunized against disease, but we could find $100 billion for the Persian Gulf and exempt it from budget accountability—just like in our Banking Committee, in all of these celebrated closeouts of the S&L's and banks that have been exempted from the budget. Now, if that is not Alice in Wonderland, I do not know what it is, except that it is Alice in Wonderland with a tragedy.

All of the bankers that were recently reported as receiving salaries of $2.5 and $3 million, not counting stock options and all, are insured by the taxpayer as depository institutions. And, oh, how they take after me when I point out that there are some minimal rules that they should follow. When one banker got nasty not too long ago, I just said, "Well, you know, when you are on relief"—and they have been, and they are—"there are a lot of rules, and if you don't believe so, go ask the recipients of food stamps."

What is the cost of our Somalia adventure ultimately? We do not know. Where is the United Nations? It was supposed to have taken over several months ago.

We now pay about $20 a barrel for oil in the open market. That is what these oil procurers say. But the real cost to the American citizen, if you factor in all of the defense money we have had to spend to protect those oil lines in the Persian Gulf and everywhere else, is much greater, and we are paying over $50 a barrel. Of course, the oil companies are not about to factor that in or let the American people know that.

The war powers resolution goes further to govern more limited engagement for U.S. military forces to be used. That is the trigger—U.S. forces and the introduction thereof, period. By dodging these basic laws and principles, open debate never occurs, and the true nature of many actions abroad are never known. Ultimately, democratic government itself is undermined, as it has been, though imperceptibly so.

But now this President, President Clinton, has agreed to meet with congressional leaders to discuss war powers, and I cannot overemphasize the significance of his willingness to address this matter which has been a source of attention, confusion, and which has ultimately been a great disservice to the American people, particularly to those who have had to sacrifice, sacrifice not only their lives but their fortunes in U.S. military action overseas. When Congress has failed to stand behind its own legislative enactments, the fact that we have a President who is willing to address the issue in the interest of adherence to the dictates of the Constitution and the interests of the American people, this is in my opinion a tremendously meritorious and monumental occasion.

Mr. Speaker, I include the material to which I referred previously, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 5, 1993.

Hon. WILLIAM J. CLINTON,
President, United States of America,
Washington, DC.

DEAR MR. PRESIDENT: There is good reason to point out that as of February 8th, the order of former President Bush sending armed forces into areas of imminent hostility expired. I respectively urge you to ask Congress for an extension of the 60-day deadline contained in Section 3 of the War Powers Resolution if it is your intention to maintain the commitment of U.S. troops in Somalia.

I have served in Congress for many years, and I served during the debate on and passage of the War Powers Resolution. I clearly recall the debate and remember that what we meant with the Resolution's reference to "hostilities" was in general terms—hostilities between and among groups other than the U.S. as well as hostilities directed at the United States. Clearly, hostilities are present both in Somalia and Bosnia. Further, the intent in passing the War Powers Resolution was to ensure that Congress, and through Congress the American people, has an affirmative role whenever U.S. forces are sent in harm's way in recognition of the enumerated war-declaration power set forth in the Constitution.

Mr. President, I urge you as the first President in many years to share party affiliation with the majority in both the House and Senate, to fully utilize the War Powers Resolution by consulting with Congress and by complying with the deadlines contained in the Resolution. This law was passed with events in mind just as those we face in Somalia and Bosnia—being those events where missions are confused, outcomes are uncertain, where the U.S. feels a moral responsibility and yet the issues are not clear.

It is incumbent upon Congress as well as the President to uphold the law of the land, and the War Powers Resolution is the law applicable to these situations. The United Nations is no substitute for Congress—consultation with the Members of the United Nations is no substitute for consultation with Members of Congress who are the elected representatives of the people of the United States. I urge you to immediately and publicly state recognition of the War Powers Resolution and to move to comply with its provisions.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

THE WHITE HOUSE,
Washington, March 31, 1993.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 5 expressing your views on the use of U.S. military force and the War Powers Resolution.

Effective foreign policy requires close cooperation between the President and Congress. This imperative applies to the sensitive questions surrounding the use of our nation's armed forces.

The current operation in Somalia was preceded by consultations with Congress which helped ensure support for this humanitarian effort. Similarly, the airdrop of humanitarian supplies in Bosnia was consistent with the views expressed in Congressional resolutions (S. Res. 330 and H. Res. 554 passed August 11, 1992) urging decisive action to ensure provision of relief to the affected populations.

While I appreciate your concern for those American troops still in Somalia, I am sure you appreciate that the current phase of operation is almost at an end, and we expect the bulk of our military presence to be withdrawn in the very near future.

I recognize that there have been longstanding differences between Congress and the Executive Branch on the authority of each under the Constitution with respect to war powers. It is in the national interest that our relations on this vital matter minimize unnecessary tensions between our branches while maximizing those constructive discussions dictated by the Constitution and the public good. Clearly this is a subject that deserves serious discussion in the days ahead.

We will be reviewing the complex issues related to the War Powers Act in close consultation with key members of Congress. I look forward to hearing your thoughts.

Sincerely,

BILL.

PRESIDENT RESPONDS TO GONZALEZ' CALL FOR COMPLIANCE WITH WAR POWERS RESOLUTION

Representative Henry B. Gonzalez released the President's response to his March 5th letter to the President calling on him to comply with the War Powers Resolution with respect to Bosnia and Somalia. Gonzalez argued in his letter to the President that the War Powers Resolution "was passed with events in mind just as those we face in Somalia and Bosnia—being those events where missions are confused, outcomes are uncertain, where the U.S. feels a moral responsibility and yet the issues are not clear."

With regard to Bosnia, Clinton replied, "The airdrop of humanitarian supplies in Bosnia was consistent with the views expressed in Congressional resolutions (S. Res. 330 and H. Res. 554 passed August 11, 1992) urging decisive action to ensure provision of relief to the affected populations." The President's letter was dated March 31st, but it did not address the United Nations Security Council vote on the 31st to authorize NATO warplanes to shoot down Serb aircraft that violate a ban on flights over Bosnia. The United States and its allies in the North Atlantic Treaty Organization are making final preparations to enforce the no-fly zone.

Regarding Somalia, Gonzalez stated in his letter to Clinton, "As of February 8th, the order of former President Bush sending armed forces into areas of imminent hostility expired. I respectfully urge you to ask Congress for an extension of the 60-day deadline contained in Section 3 of the War Powers Resolution if it is your intention to maintain the commitment of U.S. troops in Somalia." Clinton replied, "The current phase of operation is almost at an end, and we expect the bulk of our military presence to be withdrawn in the very near future."

In his letter to the President, Gonzalez cited his large role in passage of the War Powers Resolution, and recalled the debate over the Resolution's reference to "hostilities." Gonzalez said, "I clearly recall that what we meant with the Resolution's reference to 'hostilities' was in general terms—hostilities between and among groups other than the U.S. as well as hostilities directed at the United States. Clearly, there are hostilities in both Somalia and in Bosnia."

Gonzalez argued that the intent in passing the Resolution "was to ensure that Congress, and through Congress the American people, has an affirmative role whenever U.S. forces are sent in harm's way in recognition of the enumerated war-declaration power set forth in the Constitution."

On the war powers issue, Clinton replied, "I recognize that there have been longstanding differences between Congress and the Executive Branch on the authority of each under the Constitution with respect to war powers. It is in the national interest that our relations on this vital matter minimize unnecessary tensions between our branches while maximizing those constructive discussions dictated by the Constitution and the public good. Clearly this is a subject that deserves serious discussion in the days ahead. We will be reviewing the complex issues related to the War Powers Act in close consultation with key members of Congress. I look forward to hearing your thoughts."

Gonzalez expressed encouragement over the President's response because the President "clearly showed that he had carefully considered the war powers issue and my arguments." Gonzalez said, "This is the first time since the War Powers Resolution was enacted that a U.S. President has shown any understanding and consideration of the law of the land. I am greatly encouraged that, finally, the American people, through Congress, will have a voice in whether their friends and relatives are sent outside the borders of the United States to die in military action. I look forward to working with the President as he reviews these issues."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SOLOMON) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 30 minutes, today.

Mr. GOSS, for 5 minutes, on April 21.

Mr. DREIER, for 5 minutes, on April 21.

(The following Members (at the request of Mrs. MEEK) to revise and extend their remarks and include extraneous material:)

Mrs. LOWEY, for 5 minutes, today.

Mr. MARTINEZ, for 5 minutes, on April 20.

Mr. MCDERMOTT, for 60 minutes, each day on April 28 and 29.

Mr. MCDERMOTT, for 30 minutes, each day on May 4, 5, and 6.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SOLOMON) and to include extraneous material:)

Mr. BEREUTER.

Mr. SOLOMON in five instances.

Mr. WOLF.

Mr. GILMAN in two instances.

(The following Members (at the request of Mrs. MEEK) and to include extraneous material:)

Mr. MOAKLEY.

Mr. SKELTON.

Mr. HOYER.

Mr. TRAFICANT.

Mr. REED.

Mr. BARCIA.

Mr. ACKERMAN.

Ms. SLAUGHTER.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous material:)

Mr. SKAGGS.

Mr. SWETT.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 8 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 20, 1993, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1032. A letter from the Chairman of the Board, National Credit Union Administration, transmitting their annual report, pursuant to 12 U.S.C. 1833; to the Committee on Banking, Finance and Urban Affairs.

1033. A letter from the Secretary of the Interior, transmitting the annual report on the Youth Conservation Corps Program in the Department for fiscal year 1992, pursuant to 16 U.S.C. 1705; to the Committee on Education and Labor.

1034. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed Technical Assistance Agreement for the export of major defense equipment and services sold commercially to Israel (Transmittal No. DTC–9–93), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

1035. A letter from the Acting Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Marshall Fletcher McCallie, of Tennessee, to be Ambassador to the Republic of Namibia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1036. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Harry Gilmore, of Virginia, to be Ambassador to the Republic of Armenia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1037. A letter from the Acting Administrator, Agency for International Development, transmitting a report on the implementation of section 620(s) of the Foreign

Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1038. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of H.R. 750, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

1039. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1040. A letter from the Administrative Conference of the United States, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1041. A letter from the Director of Operations and Finance, American Battle Monuments Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1042. A letter from the Chairman, Federal Maritime Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1043. A letter from the Acting Director, Office of Personnel Management, transmitting copies of a report of altered Privacy Act systems of records, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

1044. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a copy of their audited financial statements for the fiscal year ended September 30, 1992; to the Committee on Government Operations.

1045. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1046. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a lease prospectus, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. S. 328. An act to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes (Rept. 103–54). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. S. 326. An act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes (Rept. 103–55). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 194. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes; with an amendment (Rept. 103–56, Pt. 1). Ordered to be printed.

Mr. OBEY: Joint Economic Committee. Report of the Joint Economic Committee on the 1993 Economic Report of the President (Rept. 103–57). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SKAGGS:

H.R. 1716. A bill to amend the act of January 26, 1915, establishing Rocky Mountain National Park, to provide for the protection of certain lands in Rocky Mountain National Park and along North St. Vrain Creek and for other purposes; to the Committee on Natural Resources.

H.R. 1717. A bill to amend the Harmonized Tariff Schedule of the United States to extend the temporary suspension of the duties on certain infant nursery intercoms and monitors; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself and Mrs. Collins of Illinois):

H.R. 1718. A bill to award a congressional gold medal to Lou Rawls; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WOLF:

H.R. 1719. A bill to promote the implementation of programs to improve the traffic safety performance of high-risk drivers; to the Committee on Public Works and Transportation.

By Ms. LOWEY (for herself, Ms. DeLauro, Mr. Shays, Mr. Bonior, Mr. Brown of California, Mr. Conyers, Mr. Waxman, Mrs. Kennelly, Ms. Pelosi, Mr. Manton, Mr. Gejdenson, Mr. Miller of California, Mr. Hochbrueckner, Mr. McDermott, Mr. Machtley, Mr. Laughlin, Mr. Frost, Mr. Owens, Mr. Towns, Ms. Maloney, Miss Collins of Michigan, Mr. Dellums, Mr. Weldon, Mr. Bacchus of Florida, Mr. Martinez, Mr. Berman, Mr. Ravenel, Mr. Hastings, Mr. Blackwell, Ms. Furse, Mr. Torres, Mr. Andrews of Maine, Mr. Payne of New Jersey, Mr. Ackerman, Mr. Hinchey, Ms. Norton, Mr. Sanders, Mr. Kreidler, Ms. Eshoo, Mr. Beilenson, Mr. Engel, Mr. Markey, Mrs. Johnson of Connecticut, Mr. Nadler, Mr. Faleomavaega, Ms. Harman, Ms. Waters, Mr. Dicks, Mr. Serrano, and Mr. Reed):

H.R. 1720. A bill to amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. YOUNG of Alaska:

H.R. 1721. A bill to authorize the Secretary of the Interior to grant a special use permit; to the Committee on Natural Resources.

By Ms. SLAUGHTER (for herself, Mr. Frank of Massachusetts, Mrs. Mink, Ms. Pelosi, Mrs. Morella, Mr. Schumer, Mr. Frost, Mr. Kreidler, Mr. Sarpalius, Mr. McHugh, Mr. Levin, Ms. Schenk, Mr. Lipinski, Mr. McDermott, Mr. Barrett of Wisconsin, Mr. Wyden, Mr. McNulty, Ms. DeLauro, Mr. Lancaster, Mr. Kasich, Mr. de Lugo, Mr. Obey, Mr. Wilson, Mr. Ramstad, Mr. Neal of Massachusetts, Mr. Pickett, Mr. Wise, Mr. Gutierrez, Mr. Meehan, Mr. Parker, Mr. Martinez, Ms. Cantwell, Mr. Underwood, Mr. Faleomavaega, Mr. Gekas, Mr. Vento, Mr. Hochbrueckner, Mr. Natcher, Mrs. Meyers of Kansas, Mr. Gordon, Mr. Jacobs, Mr. Foglietta, Mr. Gallo, Mr. Fazio, Mr. Mazzoli, Mr. Washington, Mr. Stokes, Mr. Bilirakis, Mrs. Unsoeld, Mr. Rahall, Mr. Boucher, Mr. Poshard, Mr. Waxman, Mr. Rangel, Mr. Oberstar, Mr. Royce, Mr. Scott, Mr. Wolf, Ms. Waters, Mr. Paxon, Mr. Sangmeister, Mr. Jefferson, Mr. Camp, Mr. Kennedy, Mr. Traficant, Mr. LaFalce, Mr. Towns, Mr. Price of North Carolina, Mr. Applegate, Mr. Kildee, Mr. Bacchus of Florida, Mr. Serrano, Mr. Montgomery, Mr. Sawyer, Ms. Furse, Mr. Blackwell, Mr. Swett, Mr. Walsh, Mr. Quillen, Mr. Markey, Mr. Durbin, Mrs. Kennelly, Mr. Ackerman, Mr. Coleman, Mr. Bonior, Ms. Norton, Mr. Kopetski, Ms. McKinney, Mr. Evans, Mr. Bilbray, Ms. Byrne, Ms. Margolies-Mezvinsky, and Mr. Moakley):

H.J. Res. 178. Joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. TRAFICANT:

H. Con. Res. 81. Concurrent resolution authorizing the 1993 Special Olympics Torch Relay to be run through the Capital Grounds; to the Committee on Public Works and Transportation.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

73. By the SPEAKER: Memorial of the Senate of the State of New York, relative to the Naval Station New York; to the Committee on Armed Services.

74. Also, memorial of the Legislature of Guam, relative to defense matters affecting Guam; to the Committee on Armed Services.

75. Also, memorial of the Senate of the State of New Mexico, relative to banking laws; to the Committee on Banking, Finance and Urban Affairs.

76. Also, memorial of the Legislature of the State of Missouri, relative to the "Federal Mandate Relief Act of 1993"; to the Committee on Government Operations.

77. Also, memorial of the Legislature of the State of Maine, relative to unfunded Federal mandates on States; to the Committee on Government Operations.

78. Also, memorial of the Legislature of the State of Maine, relative to threatened and endangered species; to the Committee on Merchant Marine and Fisheries.

79. Also, memorial of the Senate of the Commonwealth of Virginia, relative to a veterans' medical facility in northern Virginia; to the Committee on Veterans' Affairs.

80. Also, memorial of the Legislature of the State of Nebraska, relative to the repeal of

23 U.S.C. 159; jointly, to the Committees on Appropriations and Public Works and Transportation.

81. Also, memorial of the Senate of the Commonwealth of Virginia, relative to American POW's/MIA's in Southeast Asia; jointly, to the Committees on Foreign Affairs and Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of April 7, 1993]

H.R. 346: Mr. BURTON of Indiana, Mr. SWETT, Mr. ANDREWS of New Jersey, Mr. ZIMMER, Mr. HINCHEY, Mr. LANTOS, Mr. REED, Mr. HUGHES, Mr. CARDIN, Mr. WAXMAN, Mr. GINGRICH, Ms. DELAURO, Mr. MARTINEZ, Mr. EVANS, Ms. MARGOLIES-MEZVINSKY, Ms. LOWEY, Mr. STOKES, Mr. OWENS, Mr. OLVER, Mr. NADLER, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. ROS-LEHTINEN, Mr. HORN, Mr. YATES, Mrs. MORELLA, Mr. LAFALCE, Ms. MALONEY, Mr. KING, Mr. KOPETSKI, Mr. MACHTLEY, Mr. FRANK of Massachusetts, Mr. HOKE, Mr. ENGEL, Mr. BEILENSON, Mr. HASTINGS, Mr. SERRANO, Mrs. MEEK, Mr. DEUTSCH, and Mr. FROST.

H.R. 347: Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. ROS-LEHTINEN, Mr. HORN, Mr. YATES, Mr. LAFALCE, Ms. MALONEY, Mr. MACHTLEY, Mr. FRANK of Massachusetts, Mr. HOCHBRUECKNER, Mr. ENGEL, Mr. BEILENSON, Mr. HASTINGS, Mr. SERRANO, Mrs. MEEK, Mr. DEUTSCH, Mr. FROST, Mr. BURTON of Indiana, Mr. SWETT, Mr. ANDREWS of New Jersey, Mr. HINCHEY, Mr. LANTOS, Mr. REED, Mr. HUGHES, Mr. WAXMAN, Mr. GINGRICH, Ms. DELAURO, Mr. ROEMER, Mr. MARTINEZ, Mr. EVANS, Ms. MARGOLIES-MEZVINSKY, Ms. LOWEY, Mr. STOKES, Mr. OWENS, and Mr. NADLER.

H.R. 543: Mr. DORNAN.

H.R. 602: Mr. SHAYS.

H.R. 605: Mr. BURTON of Indiana.

H.R. 606: Mr. WILLIAMS.

H.R. 611: Mr. COBLE.

H.R. 662: Mr. SOLOMON and Mr. BAKER of California.

H.R. 918: Mr. SERRANO.

H.R. 999: Mrs. ROUKEMA and Mr. GRAMS.

H.R. 1007: Mr. RUSH.

H.R. 1096: Mr. WALSH, Ms. BYRNE, Mrs. COLLINS of Illinois, Mr. HAYES of Louisiana, and Mr. MCHUGH.

H.R. 1142: Ms. NORTON.

H.R. 1167: Mr. FRANK of Massachusetts.

H.R. 1168: Mr. SMITH of Oregon and Mr. GRAMS.

H.R. 1245: Mr. FILNER.

H.R. 1278: Mr. TOWNS, Mr. RANGEL, Mr. GEJDENSON, Mr. SMITH of New Jersey, Mr. HASTINGS, Mr. SERRANO, Ms. MALONEY, and Mr. OWENS.

H.R. 1319: Ms. LOWEY.

H.R. 1411: Mr. SOLOMON.

H.R. 1505: Mr. FRANKS of New Jersey.

H.R. 1507: Mr. POMEROY.

H.R. 1520: Mr. BOUCHER, Ms. MARGOLIES-MEZVINSKY, and Mr. COYNE.

H.R. 1521: Mr. BERMAN.

H.R. 1560: Mr. SHAYS.

H.R. 1573: Mr. MAZZOLI.

H.R. 1630: Mr. STARK.

H.J. Res. 80: Mr. CLAY, Mr. CRAMER, Mr. DE LUGO, Mr. DOOLITTLE, Mr. EVANS, Mr. FISH, Mr. FORD of Tennessee, Mr. FRANKS of Connecticut, Mr. FROST, Mr. GONZALEZ, Mr. HAMILTON, Mr. HANSEN, Mr. HOUGHTON, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. KANJORSKI, Ms. KAPTUR, Mr. LEWIS of California, Mr. MCCRERY, Mrs. MORELLA, Mr. PARKER, Mr. QUILLEN, and Mr. ROBERTS.

H.J. Res. 118: Mr. FORD of Michigan.

H.J. Res. 119: Mr. KILDEE, Mr. REED, Ms. SLAUGHTER, Mr. SCHIFF, and Miss COLLINS of Michigan.

H.J. Res. 148: Mr. SERRANO, Mr. NEAL of North Carolina, Ms. MARGOLIES-MEZVINSKY, and Mr. STARK.

H.J. Res. 166: Mr. FILNER, Mr. ANDREWS of Maine, Mr. OLVER, Mr. FALEOMAVAEGA, and Mr. ROMERO-BARCELO.

H. Con. Res. 73: Mr. CONYERS, Mrs. CLAYTON, Mr. RANGEL, Mr. HASTINGS, Mr. FILNER, and Mr. BLACKWELL.

H. Res. 86: Mr. ANDREWS of Maine, Mr. BAKER of California, Mr. BILBRAY, Mr. BILIRAKIS, Miss COLLINS of Michigan, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. DREIER, Mr. FAWELL, Mr. GILMAN, Mr. HORN, Mr. KILDEE, Mr. LEVY, Mr. LEWIS of California, Mr. MCCANDLESS, Mr. MENENDEZ, Mr. RICHARDSON, Mr. SCHAEFER, Mr. SERRANO, Mr. SKAGGS, and Mr. ZELIFF.

[Submitted April 19, 1993]

H.R. 43: Mr. BLACKWELL.

H.R. 159: Mr. BUYER.

H.R. 163: Mr. GRAMS, Mr. EVERETT, and Mr. LINDER.

H.R. 166: Mr. EVERETT.

H.R. 167: Mr. SERRANO.

H.R. 171: Mr. BAKER of Louisiana.

H.R. 173: Mr. EVERETT.

H.R. 349: Mr. COMBEST.

H.R. 419: Ms. THURMAN.

H.R. 431: Mr. ANDREWS of Maine, Mr. TORRICELLI, and Mr. KREIDLER.

H.R. 455: Mr. SHAYS, Mr. ANDREWS of New Jersey, Mr. HOBSON, Mr. WILLIAMS, Mr. CARDIN, and Mr. MFUME.

H.R. 509: Mr. KIM.

H.R. 522: Mr. GILCHREST.

H.R. 715: Mr. COMBEST.

H.R. 726: Mr. CRAMER.

H.R. 749: Mr. UPTON, Mr. COMBEST, Mr. WILSON, Mr. GALLO, Mr. COLLINS of Georgia, and Mr. STEARNS.

H.R. 769: Mr. STRICKLAND, Mr. OWENS, and Mr. EVANS.

H.R. 881: Mr. SERRANO, Ms. NORTON, and Mr. OBERSTAR.

H.R. 882: Mr. COYNE, Mr. FIELDS of Texas, Mr. STUDDS, and Mr. KOPETSKI.

H.R. 886: Mr. CRAPO, Mr. HOKE, and Mr. BAKER of Louisiana.

H.R. 921: Mrs. JOHNSON of Connecticut and Mr. SERRANO.

H.R. 960: Ms. SNOWE, Mr. BISHOP, Mr. PARKER, Mr. RAVENEL, Mr. GINGRICH, Mr. BROWDER, Mr. KINGSTON, and Mr. ROSE.

H.R. 967: Mr. SARPALIUS, Mr. MOORHEAD, Mr. SISISKY, Mr. POMBO, Mr. WALSH, Mr. DICKEY, Mr. PETERSON of Minnesota, Mr. RIDGE, Mr. HANSEN, and Mr. WALKER.

H.R. 972: Mr. LANTOS, Mrs. MORELLA, Mr. TOWNS, and Mr. YATES.

H.R. 1007: Mrs. CLAYTON and Mr. GINGRICH.

H.R. 1059: Mr. SMITH of Oregon, Mr. RAMSTAD, Mr. SCHIFF, Mrs. MEYERS of Kansas, Mr. SOLOMON, Mr. EWING, and Mr. ZELIFF.

H.R. 1078: Mr. SOLOMON and Mr. KIM.

H.R. 1079: Mr. SOLOMON and Mr. KIM.

H.R. 1080: Mr. SOLOMON, Mr. GRAMS, and Mr. KIM.

H.R. 1081: Mr. SOLOMON and Mr. KIM.

H.R. 1082: Mr. SOLOMON and Mr. KIM.

H.R. 1083: Mr. SOLOMON and Mr. KIM.

H.R. 1096: Mr. HASTINGS, Mr. BLACKWELL, and Mr. FILNER.

H.R. 1099: Mr. INHOFE, Mr. GRAMS, and Mrs. FOWLER.

H.R. 1114: Mr. HASTINGS.

H.R. 1121: Mr. BAKER of California.

H.R. 1124: Mr. PETRI.

H.R. 1126: Mr. GRAMS, Mr. THOMAS of Wyoming, and Mr. PETRI.

H.R. 1127: Mr. FRANK of Massachusetts.

H.R. 1128: Mr. GRAMS, Mr. THOMAS of Wyoming, Mrs. FOWLER, and Mr. PETRI.

H.R. 1129: Mr. GRAMS.

H.R. 1130: Mr. PETRI.

H.R. 1138: Mr. MINGE.

H.R. 1141: Mr. KOPETSKI, Mr. LANCASTER, Mr. CARDIN, Mr. UPTON, Mr. BURTON of Indiana, Mr. VISCLOSKY, Mr. BLUTE, Mr. STUMP, Mr. EMERSON, Mr. CLINGER, Mr. DEFAZIO, Mr. MONTGOMERY, Mr. GUNDERSON, Mr. BUNNING, Mr. CALLAHAN, and Mr. LIVINGSTON.

H.R. 1150: Mrs. MEYERS of Kansas, Mr. FOGLIETTA, Mrs. MEEK, and Mr. BLACKWELL.

H.R. 1155: Mr. EVANS, Mr. LANTOS, Mrs. MORELLA, Mr. MINETA, Mr. TOWNS, and Mr. FROST.

H.R. 1188: Mr. BLACKWELL, Mr. FOGLIETTA, Mr. FILNER, Mrs. MEEK, and Mr. DIXON.

H.R. 1191: Mr. OXLEY and Mr. KIM.

H.R. 1285: Mr. SHAYS.

H.R. 1337: Mr. PARKER, Mr. LIPINSKI, Mr. SCOTT, Mr. MENENDEZ, Mr. ROMERO-BARCELO, Mr. MORAN, Mr. LAFALCE, and Mr. SHAYS.

H.R. 1392: Mr. ARMEY, Mr. PORTER, Mr. GRAMS, Mr. TORKILDSEN, Mr. INGLIS, Mr. RAMSTAD, and Mr. BLUTE.

H.R. 1407: Mr. LEVY, Ms. LOWEY, Mr. RANGEL, Mr. NADLER, Mr. MACHTLEY, Mr. YATES, and Mr. HOCHBRUECKNER.

H.R. 1437: Mr. FROST, Mr. RANGEL, Mr. LANTOS, Mr. TOWNS, and Mr. HILLIARD.

H.R. 1492: Mrs. MEEK, Mr. RANGEL, Mr. TOWNS, and Ms. SHEPHERD.

H.R. 1502: Mr. SWIFT.

H.J. Res. 44: Mr. FRANKS of Connecticut.

H.J. Res. 129: Mr. OXLEY and Mr. KIM.

H.J. Res. 139: Mr. VALENTINE, Mr. HUGHES, Mr. ROWLAND, Mr. GINGRICH, Mr. EVANS, Mr. HENRY, Ms. MALONEY, Mr. ROMERO-BARCELO, Mr. BONIOR, Mrs. MEYERS of Kansas, Mr. FROST, Mrs. CLAYTON, Mr. GEKAS, and Mr. PARKER.

H. Con. Res. 20: Mr. OLVER, Mr. FROST, Mr. YATES, Mr. TOWNS, Mr. BEREUTER, Mr. HORN, Mr. HOBSON, Mr. SOLOMON, Mr. MAZZOLI, Mr. GREENWOOD, and Mr. MILLER of California.

H. Con. Res. 21: Ms. DELAURO.

H. Con. Res. 51: Mr. PACKARD and Mr. BACHUS of Alabama.

H. Res. 40: Mr. FOGLIETTA, Mr. STARK, Mr. FILNER, and Mr. MINGE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

25. The SPEAKER presented a petition of the Legislature of Rockland County, NY, relative to a special envoy to Northern Ireland and the appointment of an ambassador to the Republic of Ireland; which was referred to the Committee on Foreign Affairs.

SENATE—*Monday, April 19, 1993*

The Senate met at 2 p.m. and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember prayerfully Senator STROM THURMOND and his family in their tragic loss last week of daughter Nancy Moore.

"* * * the path of the just is as the shining light, that shineth more and more unto the perfect day."—Proverbs 4:18.

Almighty God, perfect in all Your attributes and all Your ways, this proverb gives us the clue to the regeneration of society. We are mindful that justice and righteousness have the same root word. They are inseparable. To be righteous is to be just; to be just is to be righteous. There is no justice without righteousness; there is no righteousness without justice.

Gracious Father, in this dark world, light is desperately needed—the light of justice and righteousness. In a disintegrating society—a culture fast becoming valueless—spiritual and moral renewal are urgently needed. We pray that You will raise up a leadership that is just, to shine as light in a dark world. Encourage righteous men and women to realize the indispensability of justice at this critical time in the life of our Nation.

We pray in His name who was righteousness and justice incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 19, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

TRIBUTE TO NANCY MOORE THURMOND

Mr. MITCHELL. Mr. President, as the Senate returns to session today, we welcome back with particular affection and concern our colleague, Senator STROM THURMOND, who suffered a shattering loss when his daughter, Nancy Moore Thurmond, was killed in an automobile accident. There can be no more cruel loss than for a parent to lose a child. I know I speak for every one of my colleagues when I say that our prayers are with Senator THURMOND and his family in this time of tragedy.

It was a particular grievous loss because Nancy Thurmond faced a bright future. A senior at the University of South Carolina, she had already determined to pursue the study of law and to devote her life to the defense of children and their needs. Her commitment to public service was evidence. She worked for the Special Olympics, for the Muscular Dystrophy Foundation, and for the Ronald McDonald House.

It is true that the death of every individual diminishes humanity. That is especially true in the case of a beautiful, gifted, and caring young woman like Nancy Moore Thurmond. Her death is a cruel loss to her family and her friends. It is also a loss to the Nation in which she would have made her future. The courageous decision of her father and mother to donate her organs so that perhaps others might live or regain their health reflects the kind of personal commitment that Nancy showed and the love of parents for their child.

This week has been designated as National Organ and Tissue Donor Week to honor those who have the courage to make the decision for life in the midst of the tragedy of death. Senator THURMOND, the sponsor of this national week, did, as he has urged others to do, when he had to make this decision in the midst of personal tragedy.

Our thoughts and prayers are with our colleague, Senator THURMOND, and with his family. May God give them the courage to bear this dreadful grief.

SALUTE TO NANCY MOORE THURMOND

Mr. DOLE. Mr. President, it is said that there is no greater tragedy than to suffer the loss of a child.

And as the Senate returns to work today, we do so with deep feelings of grief, because of the tragic accident that claimed the life of Senator THURMOND's 22-year-old daughter, Nancy Moore Thurmond.

It is hard to find the words to express the profound sympathy that all of us feel for Senator THURMOND, his wife, Nancy, and his family.

I have been around long enough to remember when Nancy was born—and I remember the absolute joy Senator THURMOND took in watching her grow up into a remarkable young lady.

They say the "acorn does not fall far from the tree," and Senator THURMOND's total dedication to public service could also be seen in Nancy Moore Thurmond.

A senior at the University of South Carolina, Nancy intended to pursue a career in law, championing children's causes. She created and produced a countrywide fingerprinting campaign for children, and served as a volunteer for the Special Olympics, the Muscular Dystrophy Telethon, and the Ronald McDonald House.

I know that all those who were present at Senator THURMOND's 90th birthday celebration will remember Nancy's poise as she led us in the flag salute.

It is natural to try and find some meaning to such a tragic and shattering loss. And, Mr. President, this tragedy has instilled me with renewed motivation to do everything possible to stop the carnage which is caused by drunk drivers.

We have made great progress in changing laws and in changing attitudes over the past years, but obviously there is still much more to do.

I have also found meaning, Mr. President, in the fact that in accordance to her wishes, Nancy Moore Thurmond's organs were donated, so that others might live.

This week is also "National Organ and Tissue Donor Awareness Week"—a week designated in accordance with legislation sponsored by Senator THURMOND.

DESIGNATING WEEK OF APRIL 17-24 AS "NANCY MOORE THURMOND NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK"

Mr. DOLE. At this time, Mr. President, on behalf of Senator MITCHELL, Senator HOLLINGS, Senator BIDEN, Senator HATCH, Senator WARNER, Senator NUNN, and myself, I send legislation to the desk designating April 17-24, 1994, as "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week," and I ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The legislative clerk read as follows:

> A joint resolution (S.J. Res. 80) to designate the week of April 17-24, 1994, as "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week."

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The ACTING PRESIDENT pro tempore. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S.J. RES. 80

Whereas Nancy Moore Thurmond was suddenly taken from us in the prime of her life;

Whereas, in an attempt to honor those causes for which Nancy Moore Thurmond was associated, namely the championing of children's causes;

Whereas a new patient is added to the national patient waiting list for an organ transplant every 20 minutes;

Whereas thousand of lives are saved or significantly improved annually by organ and tissue transplantation; and

Whereas increasing the number of organs which can be transplanted as well as tissues would save American taxpayers millions of dollars: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 17-24, 1994, is designated "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.

Mr. DOLE. Mr. President, we believe this commemorative legislation is a fitting tribute to the life of Nancy Moore Thurmond and to her devotion to helping others.

I ask unanimous consent that other Senators be allowed until the close of business today to add their names as cosponsors of this legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Maryland.

TRIBUTE TO NANCY MOORE THURMOND

Mr. SARBANES. Mr. President, I will just take a moment.

I want to follow on the majority leader and the minority leader in expressing my very deepest sympathies and condolences to Senator THURMOND and his wife. All of our hearts really go out to the Thurmonds.

In the ordinary human progression, children bury their parents; parents do not bury their children. It is always a particular tragedy when the normal progression is reversed, as it has been in this very tragic instance.

Nancy Moore Thurmond, whom I knew, was an extraordinary young lady. She had already indicated an intention to commit her life to public service and was well on the way to accomplishing that goal. She was taken from our midst in an auto accident which apparently involved, at least from press reports, the use of alcohol on the part of the driver—but that has not been officially determined—which just underscores this tragedy.

It is a cruel loss to Nancy's family and to all her friends. I know how proud Senator THURMOND was of her at the banquet honoring his 90th birthday. I can say, I believe I speak for all of us when I say we reach out to the Thurmonds in any way that we can to offer them some comfort and solace in this time of their deep personal loss.

Mr. President, I yield the floor.

WORDS ARE INADEQUATE

Mr. HATFIELD. Mr. President, I think everyone, whether they knew Senator THURMOND and Nancy personally or not, especially those who may be parents, can identify with the grief and the sense of loss that our colleague and his wife suffer at this time. I know that words are most inadequate, either to express one's own personal feelings or to communicate those feelings to someone else in a situation of this kind.

There are those of us who recall Senator THURMOND's marriage to Nancy and remember the exciting news of the notice of their first arrival of offspring, Nancy Moore Thurmond.

I and some of my colleagues in the Senate decided to give our colleague a baby shower on that occasion. We wanted to share his joy. I remember it was in S. 207. Senator Mansfield at that time, I believe, was the majority leader, and Senator Scott, I believe, was the minority leader. We all joined and we brought some very rare and not-to-be-spoken-of-in-public kinds of gifts for our colleague. It was time of great joy, a time of humor, wit, and funmaking, as we all joined in this very, very wonderful occasion in his life.

And so we have had the joy of that experience, and now we suffer the grief of the loss of a beautiful young lady, Nancy Moore Thurmond.

I just wanted to make those few remarks, to say that it reminds me of a comment one time, too, that my grandmother made when she lost her youngest of five, my uncle. She made a very wise comment that a child should never precede a parent in death; it was unnatural, as she felt. And I think we all sense that kind of unnaturalness of a child preceding a parent in death. It just violates the normal cycle of life.

I wanted to say these words to also assure the Thurmonds, and to add my deepest sympathy and our prayers for the Lord to be very special in their life at this time in giving them strength and support and encouragement.

TRIBUTE TO NANCY MOORE THURMOND

Mr. PRESSLER. Mr. President, I rise to join and ask to be added as a cosponsor of the legislation. I consider Senator THURMOND and his family close friends. They have been close friends of mine since I came here to the Senate in 1978.

I recall first meeting Nancy Moore Thurmond at Senator THURMOND'S home back in 1979.

This is a staggering loss. I join in this tribute.

NANCY MOORE THURMOND

Mr. BYRD. Madam President, I know that all of our colleagues join me in extending to Senator THURMOND and his family the most sincere condolences for the loss last week of Senator THURMOND's daughter, Nancy Moore Thurmond.

Last Tuesday night, in a senseless and outrageous drunken driving mishap—apparently that was the case, based on press reports—Nancy was struck down while crossing a street in Columbia, SC.

Nancy Thurmond was only 22 years old. Nancy was a senior at the University of South Carolina, with plans to enter law school and pursue a legal career specializing in children's issues.

Whenever a capricious death overtakes any young person, that death is particularly grievous to the rest of us. To be cut short in life at its threshold strikes all caring people as unfair and incomprehensible. But Nancy Thurmond's death amounts to a loss more crushing than most, not because this beautiful young woman was one of our extended Senate family but because Nancy Moore Thurmond promised so much to all of us who were acquainted with her, to the people of South Carolina, and, indeed, to the American people.

A participant in the 1991 Miss South Carolina Pageant, Nancy was an experienced actress, a swimmer, a gymnast, and an equestrienne. Nancy had also participated in modeling in her young life. In short, Nancy Moore Thurmond was an answer to a parent's dream for a daughter, with the promise of even more achievements and solid contributions to our society as she matured.

My youngest grandson, Fredrik Kurosh Fatemi, who is now at the University of Virginia, attended high school, McLean High School, with Nancy Moore Thurmond.

I saw her on the evening of the 90th anniversary of Senator THURMOND's birthday—a beautiful young woman—and I heard her as she spoke of her father in loving terms. I was impressed with her beauty and with the prospects of a meaningful life of service to her State and to her country that I thought lay before her. As we know now, she will never fulfill that vision which I and others had for her.

To Senator THURMOND, I would recall that I am familiar with some of the pain that I know he and his family are enduring now. Some years ago I lost a beloved grandson in a truck accident, a young man in many ways as promising in his own right as Nancy was in hers. And I realize, too, that words can barely penetrate the cloud of mourning and grief that now overshadows Senator THURMOND's life and that of his family.

I went to South Carolina last Friday and attended the service that was held in the First Baptist Church in Columbia. It was the largest church I was ever in. And it was a great turnout of friends upon that occasion.

When I lost my grandson 11 years ago, on the Monday morning after Easter Sunday, I recall that two Senators came to the memorial service. One was my then-colleague, Senator Jennings Randolph, and the other, STROM THURMOND. JAY ROCKEFELLER, who was then Governor of the State, came up from Charleston, WV, and attended the memorial service. But those were the two Senators who came. And, so, I was glad that I was able to attend the service of this child who meant so much to Senator THURMOND.

I assure Senator THURMOND that God's grace is sufficient, even for so unbearable a loss, and that in such moments some soothing is available through the loving concern of all who are around us—our loved ones and our truest friends; in particular, those of us who have shared the fellowship of grief—and there are many of us here in the Senate—those who have suffered the loss of one so near or nearly so near as Nancy was to Senator THURMOND. We extend to our friend from South Carolina a special caring and compassion in this period of trial for him and his beautiful family.

> Let Fate do her worst, there are relics of joy,
> Bright dreams of the past, which she cannot destroy;
> Which come, in the night-time of sorrow and care,
> And bring back the features that joy used to wear.
> Long, long be my heart with such memories filled!
> Like the vase in which roses have once been distilled—
> You may break, you may shatter the vase, if you will,
> But the scent of the roses will hang round it still.

Mr. President, I cannot say that even when time has passed it will explain or make rational the irrationality of a death caused by alcohol and the irresponsibility of the person whose automobile struck down Nancy Thurmond.

Evil, chaos, mindless whim, and accidental tragedy seem to be part of our lot in this life, and no amount of rationalization can replace the muteness and the turbulence that we experience in the face of such events. But suffice it to say that Nancy is not lost forever. That is the way I feel about Michael. Nancy is not lost forever, and the beauty and the love that she brought into the lives of her family and friends will survive eternally in the memories of all those whose lives she touched so radiantly until they meet her again in that world that knows no death, no parting, and no evil.

I would like to reflect upon William Jennings Bryan's words in his "Prince of Peace." He said:

> If the Father deigns to touch with Divine power the cold and pulseless heart of the buried acorn which will spring forth again in the mighty oak, will He leave neglected in the cold and silent grave the soul of man, made in the image of his Creator? If He stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He refuse the words of hope, to the sons of men when the frosts of winter come?
>
> If matter mute and inanimate, though changed by the forces of Nature into a multitude of forms, can never be destroyed, will the imperial spirit of man suffer annihilation after a brief visit, like a royal guest, to this tenement of clay?
>
> No, I am sure that He who, notwithstanding His apparent prodigality, who created nothing without a cause and who wasted not a single atom in all of His creation, has made provision for a future life in which man's universal longing for immortality shall achieve its realization. I am as sure that we live again as I am sure that we live today.

Those were the words of William Jennings Bryan, and to all who believe as I do, they mean something.

I hope our friendship and comradeship here in the Senate will serve as some support to Senator THURMOND in his hours of loss and in this time of grief for him and his family. And when he returns to the Senate, Senator THURMOND and I will undoubtedly sit down and count our blessings together, his blessings of having been loaned this beautiful flower from the garden of Heaven for 22 years, and my blessings of having been loaned a wonderful grandson, Michael, who was cut off in his 17th year. Senator THURMOND may be assured that he and his loved ones will be in the prayers of many—my prayers and the prayers of Erma, my wife—and that we hope for him a special quality of grace and strength in the days ahead.

Mr. GRASSLEY. Mr. President, before I take time to speak about the bill that is before us and to report on what I consider the point of view of my constituents after 2 weeks in my State, I would like to take this moment to express my appreciation to the distinguished Senator from West Virginia for that fine statement that he made, that probably all of us would like to make and probably do not have the capability of understanding, the sensitivity, as he does, as it relates to the loss of someone in the family.

So I want to say to the Senator from West Virginia, thank you very much for those kind remarks. They express, at least for this Senator, a feeling that I would not be able to express as well as you did, and particularly as it relates to the hope of the future and the promise of eternity. I thank you for that.

NANCY MOORE THURMOND NATIONAL ORGAN/TISSUE DONOR AWARENESS WEEK

Mr. BIDEN. Mr. President, we return from our spring recess today, saddened beyond expression by the tragic death of Nancy Moore Thurmond. There are no words adequate to respond to the loss suffered by STROM and Nancy Thurmond and their family, or to convey the shared sense of sympathy and support that we want them to feel from us. We can only say that our hearts and our prayers are with them during this time of grief, as our friendship is with them always.

Many of us had the happy opportunity to watch Nancy Moore Thurmond grow from a bright-eyed young girl into the talented, dedicated, extraordinary woman she became—still with a special spark in her eye. We witnessed and shared the pleasure of what Senator DOLE described so well as the "absolute joy" of our colleague and friend, Senator THURMOND, in his daughter's life and endeavors. It was he who got a spark in his eye whenever Nancy Moore was around, an image still so fresh and vivid in our minds from the celebration of his 90th birthday just over a month ago.

Her family called her "our blessed angel on Earth," and any parent surely would have been visibly and deservedly proud of a daughter like Nancy Moore Thurmond. Among the special bonds she shared with her father was a commitment to public service. Nancy volunteered for a range of charitable and public interest organizations, while working to finish her studies as a criminal justice major at the University of South Carolina. She had planned to devote her life—after graduating next month, competing in the Miss South Carolina pageant and going on to law school—for defending the interests and meeting the needs of our Nation's children.

Nancy Moore already had written a play to support a countywide child fingerprinting project, and she had been a volunteer for the Special Olympics, the Muscular Dystrophy Foundation, and the Ronald McDonald House program. Her professor, George Stephens, described Nancy as a "wonderful, caring, concerned human being" who "used the opportunities prominence brought to serve others" and who "gave tirelessly of her time to the sick and needy—particularly children—and to countless community service projects."

It has been said that "What we have done for ourselves alone dies with us, [but] what we have done for others and the world remains and is immortal." Because of what Nancy Moore Thurmond did for others and the world, this time of the deepest grief is tempered by a due celebration of her life. It was Nancy's expressed ambition to make a difference, and in just 22 years, she accomplished that goal more thoroughly than do many of us granted much more time to pursue it. Her noble endeavors reflected a noble spirit, the kind of spirit that truly is important.

Our greatest hope for STROM and Nancy Thurmond is that they always will feel in that spirit the comfort of their faith and the endurance of their daughter's bond of love. No one who has lost a child—a loss which in a reversal of the expected, natural order can shake life at its very foundation—can think about the Thurmond family without sharing their anger as well as their grief. It is impossible not to be angry.

But, as they always do, STROM and Nancy Thurmond found in the midst of the most challenging times a sense of strength and hope. After spending the night in the hospital at Nancy Moore's bedside, after saying goodbye to her in what must be the moment that represents every parent's greatest fear, the Thurmonds made their daughter's organs available for transplant—so that Nancy might go on making a difference.

It is both with our deep respect and boundless affection for Senator THURMOND, who sponsored the original commemorative legislation on organ donation, and with the sincerest admiration for what Nancy accomplished and contributed in her too brief time in this life, that we offered the resolution passed this afternoon to establish "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week" in April 1994. It is my hope that in that tribute, the nobility of Nancy's example will call with an even stronger voice to our Nation—to give to and care for one another, to look beyond ourselves to those in need and to the children whose future we safeguard, and to make a difference for the better.

In saying goodbye to Nancy Moore Thurmond, we are grateful for her life which by any measure other than years was full and complete and a blessing to us all, and especially to her family. Our prayers remain with STROM, Nancy, Julie, Strom, Jr., and Paul, and with Nancy Moore's many friends. Her immortal spirit will remain with them, and with us, always.

IN TRIBUTE TO ADRIAN MITCHELL

Mr. CHAFEE. Mr. President, it is with great pride that I rise today to pay tribute to a citizen of my State, Mr. Adrian Mitchell, on the occasion of his 50th birthday, which occurred on April 17, 1993.

Adrian Mitchell, a resident of Block Island, has made outstanding contributions to the quality of life of his fellow citizens, not only on the island but throughout the entire State. His life has been a shining example of civic generosity and good old-fashioned island pride.

Mr. Mitchell has continued his family's 200-year stewardship of that piece of Americana known as the Mitchell Farm. One cannot help but be impressed not only by its picturesque beauty, but also by the fact that it is a working farm that helps continue Block Island's agrarian tradition.

In a demonstration of extreme generosity and concern for the preservation of unique open spaces, Mr. Mitchell recently donated the Mitchell Farm to the Nature Conservancy, which will manage the property for the benefit and enjoyment of future generations. Thanks to this grand gesture, we will continue to be able to enjoy magnificent vistas without fear of unsightly development.

Mr. Mitchell must also be recognized for the many other things he does for his community on a daily basis. Since graduating from the Block Island School in 1961, he has maintained a high degree of civic activity and participation in his local church, enriching them greatly by his enthusiastic presence.

I join all Rhode Islanders, as well as Block Islanders, in wishing Adrian Mitchell continued health and prosperity, and I ask my colleagues in the Senate to join me this day in doing the same.

CONDOLENCES TO SENATOR THURMOND

Mr. GRAMM. Mr. President, I wish to join my other colleagues, especially Senator BYRD, who made such moving remarks about our dear colleague, STROM THURMOND from South Carolina. I do not know what you could say to a person who has suffered so great a loss other than that we love you, and that you are very much in our thoughts and in our prayers.

Mr. DOMENICI. Mr. President, the chairman of the Appropriations Committee, Senator BYRD, is on the floor now.

I wanted to say to him, the distinguished Senator from West Virginia, that I have never heard more eloquent remarks than those he spoke today in behalf of our colleague, Senator THURMOND, whose daughter, 22 years of age, was killed in an automobile accident. Anything I would say would pale. I just want to extend in a very, very sincere way, my extreme condolences to the great Senator, Senator THURMOND, to the entire family, and to the mother, Nancy Moore Thurmond, of this 22-year-old, whom I knew. She was a rather special kind of person. I really believe it is something that can never be explained, but we will all have to accept it and hope for the very best for them.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The ACTING PRESIDENT pro tempore. Under previous order, the Senate will now resume consideration of H.R. 1335, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader, Senator MITCHELL.

Mr. MITCHELL. Mr. President, as indicated previously, it is my intention to seek consent for a modification of the order governing consideration of the pending measure, and I am awaiting consultation that is occurring at this time before proceeding with that.

ORDER OF PROCEDURE

Mr. MITCHELL. I understand the distinguished Senator from South Dakota wishes to address the Senate briefly.

Mr. PRESSLER. That is correct.

Mr. MITCHELL. I yield the floor for that purpose.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from South Dakota [Mr. PRESSLER].

TRIP TO AFRICA

Mr. PRESSLER. Mr. President, I want to take a moment to share with my Senate colleagues some initial observations on a just completed Senate delegation trip to Africa.

From April 7 to 18, I visited eight African nations—Senegal, Cameroon, Kenya, Uganda, Central African Republic, Congo, Nigeria, and Mauritania. In 12 days, we traveled through the heart of Central Africa. We met many wonderful people of vastly different cultures, speaking many different languages, and sharing many unique concerns.

I must say this trip was a boyhood dream. I have read much about Africa. What I saw was even more breathtaking: An extraordinary and beautiful continent. We traveled through lush rainforests in the Central African Republic, barren deserts in Mauritania, and Kenyan plains that were remarkably reminiscent of my home State of South Dakota.

But Senator SPECTER and I did much more than see a continent. We came to listen and learn from the people in these countries. We met with four heads of state, one transitional leader, several ministers of government, and scores of local leaders, common citizens and American foreign service officers and citizens living on the continent.

Together, the people of these eight countries face enormous political, economic, and social problems. AIDS and other communicable diseases are widespread. Though rich in undeveloped resources, the economies of most of the countries we visited are dislocated, disorganized, and destabilized. Human rights violations, ranging from political imprisonment to suppression of free speech and free press, exist almost everywhere. Acres and acres of lush rainforests in Central Africa are disappearing daily. Scores and scores of children go to bed unnourished and uneducated.

These problems varied with each country we visited. But there was one overriding issue that each country faces: Democratization. The fall of the Soviet Union has not only brought change in Europe, it has forced a change of thought on the African Continent. Many of the countries in Africa are coming to the conclusion that a central, one-party, totalitarian government is not the answer. They are learning that marxist states only bring prosperity to the few who hold the reins of power, and economic desolation to the common people. The old leaders of Africa—the big men as they were known—are not what is needed. Instead, leaders committed to principles, not absolute power are being sought. In each of the countries we visited, there is a movement toward a multiparty, democratically elected form of government. In Uganda, its President is trying to preside over a transition to democracy. In Nigeria, a national legislature has been formed that is modeled after our own Congress. Presidential candidates were selected in party conventions that are similar to our Democrat and Republican parties.

This transition—evident in all the countries we visited—will not happen overnight. It did not happen overnight in our own country. However, that is no excuse for delay or pressing ahead. We—as the cradle of modern democracy—must assist in this transition. In fact, we found on our trip that the United States is very much looked to for leadership. They are hungry for our ideas on democracy and free enterprise.

Ironically, in most of the countries we visited have not seen a U.S. Senator in many, many years, if at all. We were the first Senators in 16 years to travel to Cameroon. We were the first Senators ever to visit the Central African Republic. Yes, these are remote countries, but they are countries that receive U.S. assistance. More important, these are countries that seek U.S. leadership and support.

Mr. President, we have spent several hundreds of millions of dollars in Somalia. I am not necessarily an advocate or a critic of that policy. But we can prevent some of these expenditures by wise steps.

These are just some observations of our journey across the heart of Central Africa. We will be putting together a report that will offer a more detailed analysis of our trip, along with conclusions on United States-African relations, and policy options on issues ranging from democratization to economic reform.

Finally, Mr. President, I want to commend the many dedicated foreign service officers we met and talked to in Africa. They have a difficult job—so difficult that they receive added compensation because of the tough circumstances in which they work. These people—from the Ambassadors to the administrative offices—are dedicated to bettering United States-African relations. They deserve a big thank you from Congress and the American people for the jobs they do.

I also want to commend the senior Senator from Pennsylvania for his extraordinary work on this trip. He demonstrated boundless energy in the midst of a rigorous schedule. Senator SPECTER pressed the case for human rights at each and every stop. He handed the President of the Central African Republic a copy of the State Department Human Rights Report and challenged the President to defend his actions to suppress free speech and political participation. Senator SPECTER is an extraordinary asset to the U.S. Senate, the people of Pennsylvania, and all peoples of the world committed to the cause of human rights. I have known that for some time. This trip further demonstrates that point and I was honored to have his company on an extraordinary journey through an extraordinary country.

Mr. President, I was disappointed to learn that the President of the United States invited Senator SPECTER to be present at a press conference on Friday. The invitation was issued on Thursday when Senator SPECTER was in the Central African Republic and the Congo. It would have been impossible for him to be there. He was working very hard on issues that affect foreign aid, on issues that affect human rights, and on issues that affect business.

Mr. President, our delegation will be filing a formal report to the Senate. I state these things in a preliminary fashion. We will be covering the issues in each of the eight African countries we visited. We were the first Senate delegation to visit these countries in some time.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, pursuant to a unanimous-consent agreement, an order was entered prior to the recess governing consideration of the pending bill, H.R. 1335, the supplemental appropriations jobs bill. Under that agreement, at 2 p.m. today, there were to have been opportunities for both Senator HATFIELD, on behalf of the Republican Members, and Senator BYRD, on behalf of the Democratic Members of the Senate, to offer amendments.

It had been my expectation that we would proceed pursuant to that order today, with votes on those amendments occurring tomorrow morning, to be followed, after a break for some period of debate, by a vote on the most recent cloture motion to terminate debate on the bill.

I spoke by telephone with Senator DOLE late last week and, by agreement reached then, we met in my office a short time ago. At that time, Senator DOLE, who is now present on the Senate floor, indicated to me that he was not prepared to make a decision on whether to offer an amendment pursuant to the prior order and, if so, what should be in the amendment, because he felt the need to consult with his colleagues before making that decision and a number of his colleagues are not present in the Capitol at this time. Therefore, he requested that we modify the order to extend the time for the offering of such amendments until tomorrow. We then worked out an agreement, which I will shortly propound, to do that.

I indicated to Senator DOLE then and now state that I am, of course, prepared to accommodate his request. It is a reasonable one. It is one which we regularly encounter here where both of us, as leaders, feel the need to consult with our colleagues on the course of action next to be taken.

Therefore, I now yield to Senator DOLE to see if he wishes to make any statement or correct anything I have misstated, and following that I will then put the request.

The ACTING PRESIDENT pro tempore. The Chair recognizes the minority leader.

Mr. DOLE. Mr. President, I think the majority leader stated it accurately. This is a matter that we hope to have some resolution of this week.

There has been a recess period here and we have been unable to contact many of our Members. I think it is important that we have a conference on this issue.

I understand we have our normal policy luncheons on Tuesday, but there is another conflict with that tomorrow. So I think we need to have a separate conference. We hope to have a Republican conference at 10 a.m., and at that time either present something to the conference for their consideration or try to extract from the conference what course we should pursue on this side of the aisle.

I have had an opportunity to visit by telephone on two occasions with the President, President Clinton. We have discussed the stimulus package and what might be done to make it acceptable to some Members, I think on both sides. There are some opposed to it on the other side of the aisle, too.

So we think the consent agreement just sort of moves everything a few hours tomorrow. It is not even a full day. That would give us time to have the conference and to decide whether or not to offer an amendment by myself and the distinguished ranking Republican on appropriations, Senator HATFIELD, and determine what that amendment might include. So I think this accurately reflects our agreement.

UNAMIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, accordingly, I ask unanimous consent that the agreement governing the debate on H.R. 1335, the supplemental appropriations jobs bill, be modified as follows:

That consideration of the bill today be for debate only;

That when the Senate resumes consideration of the bill on Tuesday, April 20 at 11:30 a.m., Senator BYRD be recognized to offer an amendment on his and my behalf; that Senator HATFIELD then be recognized to offer, if he chooses, an amendment on behalf of himself and Senator DOLE; that no other amendments or motions, other than motions to table, be in order prior to the disposition of these amendments; that the time from 11:30 a.m. to 12:30 p.m. be equally divided for debate between Senators BYRD and HATFIELD, or their designees; that the Senate stand in recess from 12:30 p.m. until 2:30 p.m. on Tuesday; that the time from 2:30 p.m. to 5 p.m. be equally divided between Senators BYRD and HATFIELD, or their designees; that at 5 p.m. the Senate vote on, or in relation to, Senator HATFIELD's amendment, if offered, or on a point of order in relation thereto; that upon the disposition Senator HATFIELD's amendment the Senate vote on, or in relation to, Senator BYRD's amendment, or on a point of order in relation thereto; that the cloture vote scheduled to occur on Tuesday occur instead on Wednesday, April 21 at 10 a.m. with the mandatory live quorum being waived; that Senators have until the close of business on Tuesday, April 20 to file first-degree amendments to the committee substitute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Kansas reserves the right to object.

The Chair recognizes the majority leader of the Senate.

Mr. MITCHELL. Mr. President, to clarify the proposed agreement, under the agreement a point of order may be made against either amendment and in the ordinary procedure at that point the proponents of the amendment could make a motion to waive the Budget Act to, in effect, overcome the point of order.

I want to make it clear that it is intended under this agreement that that regular procedure would be permitted; although the literal reading says "no other amendments or motions," that of course if a point of order is made on either side that a motion to waive the Budget Act would be permitted pursuant to this agreement.

The ACTING PRESIDENT pro tempore. Does the Senator from Kansas withdraw his reservation?

Mr. DOLE. With that clarification, I withdraw the reservation.

The ACTING PRESIDENT pro tempore. Without objection the unanimous-consent request is agreed to.

Mr. MITCHELL. I yield the floor.

Mr. DOLE. I just add one other thing. One reason we are able to move this a few hours is because we were notified today by the Labor Department we do have additional time before unemployment payments would be in jeopardy and that is one provision of this package where there is full agreement on both sides of the aisle. We thought that sort of drop-dead date was tomorrow or the next day. We are now told it may be a week, or at least a week, maybe 10 days from now. So I want to point out that is another reason; we could make these few changes without jeopardizing payment of unemployment extended benefits.

The ACTING PRESIDENT pro tempore. Who seeks recognition? The Senator from Maryland.

Mr. SARBANES. Mr. President, could I inquire what the parliamentary situation is?

The ACTING PRESIDENT pro tempore. The Chair would advise the Senator from Maryland the pending business is H.R. 1335.

Mr. SARBANES. Under the unanimous-consent agreement I take it debate on H.R. 1335 is now in order, is that correct?

The ACTING PRESIDENT pro tempore. That is correct. We are now in consideration of H.R. 1335.

Mr. SARBANES. Mr. President, I will be brief but I want to make a few comments about H.R. 1335 and its importance as I see it.

I want to be very clear at the outset exactly where we find ourselves. The difficulty here is that we are being prevented from voting on this legislation by a filibuster. Under the Senate rules, people can keep you from going to a vote on a particular measure unless you can marshal 60 out of the 100 Senators to support cutting off consideration of the measure. We were engaged in this effort for quite some time before the recess and we are now back at it again after the recess.

I very much hope it will be possible to get to vote on this measure. I understand some are opposed to it. I do not agree with them. I support it. But I recognize their opposition and I assume, therefore, that they would vote against the measure when it came up for a vote. What is happening now is we are being precluded from even getting to a vote on the measure.

In other words, we have an essential part of the President's economic package. Before us is an important part of a total picture in terms of the economic program which the President has outlined and which he is now trying to move through the Congress. A minority of Members in this institution are precluding us from moving this legislation forward by refusing to allow an up or down vote on this measure.

I indicated the other week in debate on the floor of the Senate that I thought the use of the cloture rule and the requirement of a 60-vote majority had now been taken to the point where it really had departed from the intent and spirit of that process as contained in Senate rules. In fact, the filibuster over most of the Senate's history was rarely used; it was an extraordinary procedure which only was activated in relatively rare circumstances.

Unfortunately, in recent times it has tended to become a standard method of operation, which means a minority of the Members of the institution block a final vote on the bill. They say not only do we disagree with what you are trying to do but we are not even going to allow you to put it to a final vote. The minority asserts they are simply going to block final consideration unless the measure is changed in order to satisfy them. In other words, the minority extracts, out of the majority of the institution, the measure as they want it written before they will allow it to actually be considered.

If you stop and think about that for only a moment or two I think it is pretty clear that what is happening is the institution is being stood on its head in the sense that the majority does not even get a chance to get a substantive vote on their proposals. We understand if we go to a substantive vote we have to produce a majority of those present and voting in order to pass the measure.

But, what this process is doing is keeping us from even getting a vote on the measure. Mr. President, let me now turn to a couple of points on the substance of this measure.

Mr. WELLSTONE. Will the Senator yield just for a moment?

Mr. SARBANES. Certainly.

Mr. WELLSTONE. I just want to ask the Senator, who has had a little more experience here than I, a question. One of the things that surprises me as a political scientist before being a Senator is that I think in the past when you talk about this particular filibuster, this is part of an overall pattern. I think in the last 2 years we have had pretty close to 50 cloture votes; am I correct?

Mr. SARBANES. That is correct.

Mr. WELLSTONE. So it becomes a matter of course on every single issue where there is a division of opinion, every single issue, every single bill of consequence in the country that almost automatically becomes filibustered. This is very different from what we have seen throughout the history of our country when filibuster has been used when Senators feel, as a matter of conscience, they must filibuster or is a momentous issue of our time. This is a new development; am I correct about that?

Mr. SARBANES. I think the Senator has made a perceptive observation. That is exactly what has happened. You have taken a procedure that was used only rarely for matters of the highest import and turned it into a standard tactic by the minority to impose upon the legislative process their veto, of the ability of the majority to even get consideration of the legislation.

I understand that if we vote on this measure, a number of the people on the other side of the aisle are going to vote against it. In fact, if they can persuade a majority of the body to vote against it the measure will fail. But that is not where we find ourselves today.

What is happening now is we are being denied the opportunity to get to the measure and to vote on it. They are saying we are not going to let you get to a final vote because we are going to use our minority power under the filibuster rule in order to preclude that from happening.

There are 57 Members of the Senate on this side; there are 43 on that side. The 43 have all joined and signed a letter saying: We are not going to allow you to go to a vote on the measure. As long as the 43 insist on that position, they can preclude getting to a vote on the measure. Now, if you vote on the measure, they can vote against it and others may vote against it as well. But they are not allowing a final vote on the President's plan. They in effect have thrown this institution back into gridlock on an important piece of the President's economic program.

Mr. WELLSTONE. If the Senator will yield for just one other process question. I know the Senator from Maryland is anxious to go on to the content of this. What very much bothers me, and let me put this question to you, is whether or not in a sense what has happened here almost becomes a larger question than the $16 billion stimulus, and that is whether or not we have really a functioning representative democracy in our country; in other words, we have been talking about gridlock and all the rest, but is it not true that we just had a Presidential election; President Clinton was elected? He came in saying that he thought it was vitally important for us to really begin to step up to the plate and make some major changes when it comes to economic decisions in this country. And part of his judgment about where we are at right now, given high levels of unemployment, sub-employment, and all the rest and some really basic needs, the needs of children and communities for investment, he felt that at the minimum there ought to be this stimulus package.

Is it not true that basically what is happening right now is this President is not even being given the opportunity to move forward with the program which, in his best judgment, would be an important thing to do for our country? So in that sense, you have the very worst of gridlock, which is the whole system breaks down, or does the Senator think that I am perhaps making too much of this point?

Mr. SARBANES. No; I think the Senator is making a very important point. This is a supplemental appropriations bill. We deal with supplemental appropriations bills all the time in this institution. They are an essential part of how we proceed because you have passed the budget for a particular fiscal year in order to supplement it to address problems that had arisen since the budget was first acted on. You need a supplemental appropriations bill.

President Reagan introduced a number of supplemental appropriations bills and we moved them through this institution. They were not in the language of today "paid for." Democrats did not filibuster those measures. Then the Democrats were the minority party in the Senate and although we could have filibustered and prevented final action on those measures, we did not. We never did that and those measures went to a vote in the early years of the first term of the Reagan administration in order to try to deal with the economic program which that President was putting forward.

President Clinton has put forward this economic program. This measure is an essential part of it. Actually, the assertion is made that this measure has not been paid for. This measure has been paid for many times over because it has to be taken in the context of the major deficit reduction package which we adopted in this body 2 weeks ago.

By the nature of how we do our legislative business, the supplemental appropriations bill had to be handled separately though it is clearly part of the overall package. So if you consider the supplemental appropriations bill in the context of the budget resolution, and what the budget resolution is proposing over the next 5 years in terms of deficit reduction, this particular measure has been paid for many times over.

Mr. SPECTER. Mr. President, will the Senator from Maryland yield for a question?

Mr. SARBANES. Certainly.

Mr. SPECTER. I am listening with interest, as I customarily do when the distinguished Senator from Maryland speaks, when he speaks about the deficit not being increased as a result of this program. I call his attention to a table from President Clinton's budget proposal which contains a baseline deficit for the period 1994 through 1998 at $1.630 trillion, and the resulting deficit from President Clinton's program for the same 5 years, 1994 through 1998, at $1.157 trillion. That leaves a net savings according to the figure projected by President Clinton of $473 billion.

The figures, as I understand them, have been generalized to say that absent President Clinton's program, the deficit will go up about $1½ trillion over 5 years and with President Clinton's program the deficit will go up by $1 trillion, so that there is a calculation of roughly a $500 billion savings. Calculated at $100 billion a year, the deficit does not rise by about $300 billion a year and only goes up $200 billion a year.

If you subtract the resulting deficit under President Clinton's program of $1.157 trillion from the baseline deficit of $1.630 trillion, you come to a deficit of $473 billion.

My first question is, does the distinguished Senator from Maryland agree with those figures and that computation?

Mr. SARBANES. I do not have the table in front of me, so I am not in a position to comment on the exact figures. I make this point to the Senator: The President is trying to turn around the trend lines that we are confronting now in the economy. Therefore, what he is trying to do is to bring the deficit trend line on a downward course, which he has accomplished in his budget resolution. Now that is a dramatic change from the policies that we have been following, where the deficit trend line has been upward. I think it reflects the President's mandate from last fall.

I will simply point out that my colleague from Pennsylvania and his colleagues on that side of the aisle voted against that budget resolution, which was designed to change in very important respects our economic policies in order to get significant deficit reduction over the next 5 years.

What the President says is, "We cannot continue on the same path." The President sought to address two deficits: The budget deficit and the investment deficit—investments in the future strength of our economy: research and development, infrastructure, education, and training. In order to do that, he sought to find resources, and he found them by spending cuts and revenue increases.

He took those resources and said we are going to use a small portion of them for some important investments in the future strength of the economy, and the balance will be used for deficit reduction. And that is the program the President has proposed.

He does not eliminate the deficit altogether. He has been dealt a very bad deck of cards as he takes over trying to address this economy. It is, in fact, an economic reality that if you try to do too much on the deficit too quickly, thereby withdrawing purchasing power from the economy, you may precipitate the economy into an economic downturn and find yourself back in a recession. If you find yourself back in a recession, you are going to get a rise in unemployment, you are going to get a loss of economic growth, and you are going to get an increase in your deficit—each additional 1 percent on the unemployment rate is $50 billion on the deficit.

So the President is trying to get the economy moving with sufficient strength and impetus, and this jobs bill would help to contribute to that, so we can carry the load of the deficit reduction which the President is seeking to make.

The President is changing these trend lines in very fundamental ways. In fact, I just want to quote from this morning's editorial in the Washington Post on the stimulus fight.

> It's fair to ask, what happened to the fundamental difference and where were the Republicans in the 1980's and early 1990's? Surely not in power. The party of offsetting cuts can't be the one on whose watch the national debt quadrupled and interest costs rose to a seventh of the budget, crowding out so much else.
>
> Mr. Dole denounces for a habit of borrow-and-spend a new President who seeks to move the country away from a policy of deficit finance that Mr. Dole's own party took to unimagined heights. The Senator is right about the principle at stake, but not so right about its partisan application. The President in the context of his overall plan is paying for his proposals, good ideas as well as bad. Would that his predecessors had done as much, or as well.

Mr. President, I ask unanimous consent that this editorial from today's Washington Post be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SARBANES. Mr. President, clearly what we have here is the President trying to put an economic program into place that has a number of parts of it. It is an integrated overall economic strategy, and this appropriations bill is part of that strategy. The President is trying to restore economic growth, bring back jobs, and get the economy moving again.

The unemployment rate today, 23 months after the trough of the recession we have just been through, is higher than it was at the trough of the recession. We have never experienced that fact in a previous postwar recession. In every previous postwar recession, this many months after the bottom of the recession, we had recovered all of the jobs that had been lost and then some. And the unemployment rate at this point would have been lower than it was at the trough of the recession. The unemployment rate today is higher—higher than it was at the trough of the recession, and we have not recovered even those jobs that have been lost let alone additional jobs. This jobs bill is intended in part to try to address exactly that problem.

Mr. President, the question really is whether a minority of this body ought to be able to keep us from getting to a vote on an important part of the President's package. If we get a vote, I will argue with the other side that they ought to support it. But I understand they do not want to support it. They say it costs too much. Of course, they voted against the budget resolution which we passed only a few weeks ago that had $475 billion in deficit reduction, to which my distinguished colleague from Pennsylvania just made reference.

Mr. SPECTER. Mr. President, will the Senator yield?

Mr. SARBANES. They voted against that.

I certainly yield.

Mr. SPECTER. Will the Senator from Maryland yield for another question?

In our approach to proceeding with this bill, we have sought on this side of the aisle, the Republican side of the aisle, to offer amendments. At the conclusion of the amendment by the distinguished Senator from New Mexico [Mr. DOMENICI] on Thursday, April 1, this Senator was next on the list. This Senator was on his feet during the middle of the vote, and immediately on the conclusion of the motion to reconsider this Senator sought recognition and recognition was granted to the distinguished majority leader.

This Senator sought, as is well known, to offer an amendment on health care, an amendment which was a compilation of a group of bills by a number of Republican Senators which expanded S. 18, which this Senator had introduced on January 21, the first legislative day. And that bill is a comprehensive bill looking to an individual mandate as opposed to a small business mandate, so as not to hurt small business but to require that health coverage be in existence.

It emphasizes preventive care, looking to low-birthweight babies and the dispersal of nurse assistance throughout the country. It looks to deal with the problem of terminal care costs where people may spend an enormous amount of money in the last few days or few weeks or few months of their lives. It has insurance marketing reforms to allow businesses to combine together, and a whole array of issues to deal with the problem of health care.

In proposing this bill, as this Senator did on March 23, S. 631, and its predecessor on January 21, S. 18, and the predecessor to that which the Senator called to the floor in part last July 29, during the 102d Congress, this Senator sought to bring to the floor a critical mass of legislation in health care because of this Senator's concern that we will not have a health care plan in May as originally proposed, now confirmed by the White House task force.

The question to the distinguished Senator from Maryland is, Is it not an appropriate course for a Senator in this body to offer an amendment on an important subject like health care without being accused of a filibuster?

Mr. SARBANES. Mr. President, I think the Senator from Pennsylvania has made my point for me. We are dealing here with a supplemental appropriations bill to create jobs. We are trying to take immediate action to address some of the job and unemployment problems currently facing the Nation.

The Senator comes along and says, I want to try to add to the supplemental appropriations bill a major health care proposal.

We are going to get to a major health care proposal later in this session, and I assume when we get there the Senate is going to be involved in debate on that issue for many, many days. It is a very important, indeed urgent, issue.

It is a very difficult and complex issue. I am sure that when we reach it, we are going to spend a lot of time trying to work through what are the best changes to make with respect to providing health care.

I think the very question the Senator asked just now demonstrates in a very clear and lucid fashion exactly the problem we are facing. The Senator is now asserting to me that in the normal course of considering this legislation, we ought to undertake a major debate on the health care issue.

The majority leader stood on the floor and said to the Republican side: "Why don't we get a list of amendments, a finite list of amendments, and agree upon them and agree on a time for voting on this supplemental appropriations bill, H.R. 1335?" He could not get that agreement. No, sir. The Republicans refused to give the majority leader that agreement. They refused to agree to go to final passage after having considered amendments along the way.

Now I am being asked, was it not in the normal course that a Member sought to bring forth a major health-care provisions and load it onto this bill? No; I do not think that is in the normal course. I think that demonstrates exactly what I have been talking about; that is, a refusal to allow us to deal with this measure.

My own view is that, although I recognize it is within the rules of the Senate to offer any amendment that one chooses on any bill, I think that there can be abuse of this Senate process. And at some point I think we will have to deal with such practices in this institution. Because what happens is that while you are dealing with one subject matter, people offer amendments to it that in effect bring in an entirely different or largely different very complex matter and add it on to the bill as an amendment.

Mr. WELLSTONE. Mr. President, will the Senator yield?

Mr. SARBANES. Certainly.

Mr. WELLSTONE. Mr. President, just to add to the Senator's point for a moment, there are a number of us in the Senate—the Senator from Pennsylvania is one of them—who are very interested in health care. We have our own legislation; we have many amendments. Buy it is absolutely correct. Everybody in the country knows that health care is the essential compelling issue, and we will take that up in due course.

But it does strike me that that kind of an amendment then becomes, in and of itself, a full-scale debate. And, of course, it is a bit of a sidetrack from the focus on whether or not we will or will not have this appropriations bill, this economic stimulus.

Let me just conclude by raising one final question with the Senator, if I may. I would like to bring this full circle, back to the whole issue of the accountability.

It does seem to me I have heard the Senator from Maryland on the floor many, many times since I came here, and I have heard the Senator from West Virginia, the distinguished President pro tempore, talk about this over and over again: That given the state of this economy, it is vitally important that we have deficit reduction. But it is vitally important that we invest in this economy; that we invest in people in this country; and that we do something not only to officially define unemployment, but sudden unemployment—that this is critically important.

I want the Senator to know when I went back to Minnesota, I talked to people in cafes, talked about cutting the deficit, and jobs for young people during the summer. And also, in local communities, we talked about moneys they needed for housing. I heard discussion about Head Start. I heard discussion about child immunization. I heard discussion about public works, the need to create jobs.

Will the Senator agree with me that ultimately what we are talking about is this fundamental distinction? It is one thing for the Senator from Pennsylvania or any other Senator to disagree to debate it, to vote against it, to tell the people it is not necessary, to tell the people it would add to the deficit—we do not agree, but to make that argument—but let this President have the opportunity to follow through; after being elected President to, in his best judgment, do what he believes is right for this country, as opposed to just filibustering.

Mr. SARBANES. Mr. President, if the Senator will yield on that point. All we are asking is that we have a vote on the measure. The President will not automatically get his way. In order to get his program, a majority of this body would have to vote for it.

But what is happening now is the minority is raising the stakes and requiring a super majority to cut off the debate to get a vote on this bill—60 votes. And 43 of them on the other side have signed a letter saying: We are not going to give you that vote.

My own view is, as I have indicated before, that I think this is taking the filibuster provision and the cloture requirements of the rules out to the extreme. I think frankly it is an abuse of the spirit of the filibuster and the cloture rule. Technically, it is within the rule. You can filibuster any legislation that is being considered on the floor. We had the same thing with the motor-voter bill about a month or 6 weeks ago. It used to be that this procedure would be used once or twice or three times in a Congress. Now it is being used over and over and over again.

Mr. SPECTER. Mr. President, will the Senator yield for a question?

Mr. SARBANES. I always yield to my colleague for a question.

Mr. SPECTER. I thank the Senator. At the outset, I note the comment by the distinguished Senator from Maryland that he acknowledges that it is within the Senate rules for this Senator to offer an amendment on this bill dealing with health care.

Mr. SARBANES. I said, Mr. President, if the Senator will recall, that Senators can offer any amendment to any bill. My own view is that it is one of the ways of doing business around here that has to be corrected.

Actually, I have heard from a lot of people who watch the Senate proceedings on C-SPAN. They say to me: What kind of rules do you all have? What kind of procedure is it you have that when you are dealing with a jobs and a stimulus bill a Senator can offer a major health care bill? Why do you not deal with the jobs and stimulus bill in one setting, and deal with the health care issue in a different setting?

It is my own view, as I indicated to the Senator, that the fact that he wanted to offer a major health care amendment on this jobs bill only substantiates the point I am trying to make of the effort that has been going on here to keep us from dealing finally with this bill and getting an up or down vote on the jobs package.

Mr. SPECTER. Mr. President, I yielded to the Senator from Maryland for his last comment. But if I may proceed with my question—

Mr. SARBANES. Mr. President, who has the floor?

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Maryland has the floor.

Mr. SARBANES. I thank the Chair.

Mr. SPECTER. Mr. President, parliamentary inquiry. Is it not true that the distinguished Senator from Maryland yielded to this Senator for a question?

The PRESIDING OFFICER. I am advised by the Parliamentarian that the Senator may yield the floor, but he may reclaim it.

Mr. SARBANES. I thank the Chair.

Mr. SPECTER. In the midst of my question, may I not continue to propound my question before the distinguished Senator from Maryland may reclaim the floor?

The PRESIDING OFFICER. The Senator from Maryland does control the floor.

Mr. SARBANES. I thank the Chair.

Mr. SPECTER. Further parliamentary inquiry, Mr. President, is it not a fact that this Senator asked the Senator from Maryland to yield for a question, and the Senator from Maryland agreed? And I was in the midst of questioning his reply on my being within my rights when he asked me to yield back, and there was no yielding back by this Senator? And the Senator then proceeded to speak at some length about what his friends had told him on C-SPAN, so that as a matter of procedure, I retained the right to continue to ask the question?

The PRESIDING OFFICER. The Senators may yield to other Senators for questions. And once he has yielded to ask a question, it is not an absolute right that you hold.

The question before us is whether or not the Senator from Maryland chooses to yield further, or whether he wishes to hold the floor.

Mr. SARBANES. The Senator does not choose to yield further, Mr. President. And the reason I do not is I do want to yield for a question and then face a long peroration.

Some of that happened here on the first two questions. I took enough of the third question to understand what it was about, and then answered it.

I have yielded to the Senator now three times, each time he requested.

I have tried to respond to the points he is trying to make. Now I want to go on and develop some additional points, I say to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. SARBANES. I thank the Chair.

Mr. President, I want to also insert in the RECORD, because my colleagues from the other side have been trying to make fun of the Community Development Block Grant Program and are using a book put together by mayors to try to criticize that program. But there is an interesting article today, a column written by Neal R. Peirce, a very able columnist, on this program. I want to quote from that about this jobs bill. He addressed the criticisms that were being made of the potential uses of the community development block grant.

He says:

> But still, the measure is important. It's a small downpayment to urban America. It's a first step back from the 12 years of cold, short-sighted, intentional national disinvestment which culminated in the failure of Congress and President Bush to respond in any meaningful way to last year's Los Angeles riots.
>
> Now, oddly enough, the Republican filibuster crew is attacking the community development block grant program that one of their own, President Richard Nixon, authored two decades ago to free localities of micromanagement by a meddlesome Federal Government.
>
> CDBG does require fairly extensive citizen participation, generally resulting, Housing and Urban Development Secretary Henry Cisneros notes, in so much competition that few "frivolous projects" get funded. Seventy percent of CDBG funds must be used to benefit low- and moderate-income people. And if the new CDBG money is approved, HUD and public interest groups plan to form peer review panels to apply additional pressure for quality, accountable local processes.

Mr. President, this was a program that my colleagues on the other side, in effect, put into law. They removed up front review of these community development block grants. They said that it ought to be extended out to give discretion to mayors and Governors and city and county councils to make these determinations. That is the procedure under which we have been operating. Most of these projects are meritorious.

I ask unanimous consent that this article be printed in full at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SARBANES. Mr. President, I want to finally point out that this measure that is before us has to be taken in the context of the President's total economic package. The total economic package, in fact, cuts spending by over $200 billion, including what is in this bill. In other words, if you take into account the spending that is in this bill in the context of the total budget resolution, the President is cutting spending by over $200 billion. The President is cutting the deficit, over a 5-year period, by close to $500 billion.

In effect, every penny that is being raised through additional revenues will go for deficit reduction. So to the extent additional revenues are being called for, they all go to deficit reduction. And over and above that, since the deficit reduction is much larger than the additional revenues, there are important spending cuts to contribute to the deficit reduction taking place here.

Mr. BYRD. Will the distinguished Senator yield for a question.

Mr. SARBANES. Yes; I yield for a question.

Mr. BYRD. The distinguished Senator is making a very important point here. The other side has talked a great deal about paying for this jobs package. The point that the distinguished Senatoprovisions as a matter of fiscal principle. The size of the bill is not the issue, he says, nor even its contents (though he has some problems with those), but the fact that it isn't financed and would add to the deficit. "If the president wants to have new spending programs, Republicans will continue to demand offsetting cof $205 billion.

Mr. SARBANES. The chairman of the committee is absolutely correct.

Mr. BYRD. Yes; those are the figures I seem to remember.

Mr. SARBANES. The President has total spending cuts of $330 billion. But he said right up front he needed to make investments in the economy and he needed a jobs program. So he reduces the amount of the spending cuts to a net of just over $200 billion. There are 200 billion dollars' worth of net spending cuts after having taken into account this particular program. So if you fit this bill into the context of his overall economic strategy, one can appreciate that the President's focus is on job restoration, investment in the future strength of our economy, and major deficit reductions.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Post, Apr. 19, 1993]

THE STIMULUS FIGHT (CONT'D)

The fight over President Clinton's stimulus proposals needs to be seen in the context of the president's overall economic plan, of which it is a minor part. The broader plan needs to be seen in turn in the context of the fiscal policies of the last 12 years, which it would reverse.

Bob Dole describes Republican opposition to the stimulus provisions as a matter of fiscal principle. The size of the bill is not the issue, he says, nor even its contents (though he has some problems with those), but the fact that it isn't financed and would add to the deficit. "If the president wants to have new spending programs, Republicans will continue to demand offsetting cuts," the minority leader declares. "It's a fundamental difference."

You know that's so, of course; Republicans have said it so often over the years that it must be. But it's fair to ask, what happened to the fundamental difference and where were the Republicans in the 1980s and early 1990s? Surely not in power. The party of offsetting cuts can't be the one on whose watch the national debt quadrupled and interest costs rose to a seventh of the budget, crowding out so much else.

Mr. Dole denounces for a habit of borrow-and-spend a new president who seeks to move the country away from a policy of deficit finance that Mr. Dole's own party took to unimagined heights. The senator is right about the principle at stake, but not so right about its partisan application. The president in the context of his overall plan is paying for his proposals, good ideas as well as bad. Would that his predecessors had done as much, or as well.

The stimulus debate has been overblown on both sides. In broad economic terms, this rather ordinary supplemental appropriations bill would do neither all the good nor all the harm that either party has contended. The broad budgetary pattern of the next few years—the tax and spending totals, the course to be followed between stimulus and restraint—has already been set in the budget resolution adopted three weeks ago at the president's behest. The narrower questions for the next few months will be mainly programmatic—how to achieve the broader goals, which spending to include, which taxes. The debate will be much less about the health of the economy than about who benefits and pays—winners and losers.

The debate over the stimulus bill is part of that. Mr. Dole says that the Republicans "won't compromise" on the principle of offsetting cuts, but they already have; they won't oppose the fourth of the bill that would go to unemployment benefits (and shouldn't oppose it, in our view). The president, in search of a compromise, now asks what else they won't oppose. How do they want to be recorded on not just the fiscal but the social deficit—on childhood immunization, summer youth employment and highway jobs? We'll see, of course—but this should not be confused with a serious fight over either fiscal stimulus or fiscal integrity.

EXHIBIT 2

WHERE'S THE PORK?

(By Neal R. Peirce)

WASHINGTON.—The solid phalanx of Republican senators seeking to filibuster President Clinton's $16.3 billion economic stimulus package into oblivion has been having a field day finding little specks of possible pork in the proposal and then declaring the whole exercise a boondoggle.

The suggested one-time injection of $2.5 billion into the community development block grant (CDBG) program is the whipping boy of choice. The editorial staff of the *Wall Street Journal* combed through a 4,000-item "ready-to-go" public works list complied some months ago by the U.S. Conference of Mayors—projects that cities might or might not eventually select for CDBG funding.

Then, in a chart entitled "Pork Carry-Out," the paper listed the worst it could find. Examples: graffiti abatement in Highland, Calif.; a swimming pool in White Plains, N.Y.; building three bike paths in Modesto, Calif.; renovating a playground in Wheeling, W.VA.; converting a brewery to an industrial park in Minneapolis and funding the "art ark" (housing for poor artists) in San Francisco.

The Journal's list provided instant ammunition for Texas Sen. Phil Gramm, who hurried to call the CDBG package "old-fashioned pork barrel. We are talking about ice skating rink warming huts, boat docks, biking paths."

The Republican senators seem to detest these alleged abuses so heartily they're willing to sacrifice not just the CDBG monies but the stimulus package's $450 million in special aid for the homeless, expanded funds for the Head Start, extended benefits for the jobless and a chunk of delayed highway and mass transit spending.

OK, let's say the critics have some points. Maybe this package won't stimulate the economy with all the 219,000 jobs President Clinton claims. Maybe a few cities will waste some dollars. Perhaps the administration could have been less partisan about the stimulus, reaching out for moderate Republican support before GOP senators got their backs up. Maybe, from the start, it shouldn't have been sold as an economic stimulus package

But still, the measure is important. It's a small downpayment to urban America. It's a first step back from the 12 years of cold, shortsighted, intentional national disinvestment which culminated in the failure of Congress and President Bush to respond in any meaningful way to last year's Los Angeles riots.

Now, oddly enough, the Republican filibuster crew is attacking the community development block grant program that one of their own, President Richard Nixon, authored two decades ago to free localities of micromanagement by a meddlesome federal government.

CDBG does require fairly extensive citizen participation—generally resulting, Housing and Urban Development Secretary Henry Cisneros notes, in so much competition that few "frivolous projects" get funded. Seventy percent of CDBG funds must be used to benefit low- and moderate-income people. And if the new CDBG money is approved, HUD and public interest groups plan to form peer review panels to apply additional pressure for quality, accountable local processes.

Aid to cities has declined dramatically in recent years. At the height of the CDBG program, for example, Hartford, Conn., received $10 million under the program. This year, it's to get just $4.7 million—even though Hartford has close to 70 percent of its region's poor and must, as the Hartford Courant's Tom Condon notes, carry the accompanying baggage of "crime, drugs, welfare dependency, teen-age pregnancy, hunger and broken families."

Or take Seattle. Will it be extravagant if the stimulus package is approved and the city uses its one-time $9 million CDBG infusion to improve parks, libraries, senior centers and add $1 million to its neighborhood matching grants program?

Seattle also hopes to garner from the stimulus package $1 million for expanded housing and services for the homeless, $1 million for a summer Head Start program for disadvantaged 4-year olds, $500,000 to improve nutritional programs for children and pregnant women, $3.4 million for 2,000 summer jobs for youth, $1.6 million for services to AIDS victims, $1 million for immunizations.

If these aren't critically important expenditures for a nation to make, then what are?

Mr. SPECTER. Mr. President, I shall be relatively brief because I know that the managers of the bill have statements to make. I have sought the floor now to make a fundamental point that I had sought to make during an effort to seek a yielding by the distinguished Senator from Maryland. I make the argument at this point that the figures I cited showing an increase in the deficit in excess of $1.1 trillion over 5 years during the Clinton administration is accurate, not based on the nonresponse by the distinguished Senator from Maryland, but based on the facts.

Mr. President, the next line of questions which I had sought to propound to the distinguished Senator from Maryland related specifically to the absence of a need for an emergency appropriations bill, and I seek to correct the RECORD. When the distinguished Senator from Maryland said that this Senator had not yielded to him, that he had waved him off, I do not do that, and I did not do that once, twice, perhaps three times.

But this Senator has noted that there are existing funds, for example, in community development block grants at the present time of some $8.8 billion, unobligated and unexpected. There are existing funds in summer jobs, Head Start, immunization, infrastructure, and summer youth employment, where the President has the authority to increase spending.

It is the hope of this Senator that we can yet reach an accommodation and a compromise on this important matter, that the American people not retain the conclusion that there is gridlock which cannot be worked out. For the moment, I am prepared to move beyond the decision of the distinguished majority leader to take the floor and not permit this Senator to reply to what the distinguished Senator from West Virginia did by way of commenting on Senator DOLE on April 1. I am prepared to move away from the decision of the distinguished majority leader not to permit the Senator to offer the critical amendment on health care.

And I note for a moment the presence of President Clinton in Pittsburgh, PA, on Saturday and an invitation issued to this Senator to travel with him to Pittsburgh, which was extended to me at a time when I was far away and unable to travel with the President.

He made me an offer which he knew I could not accept, based on a conversation which I had last Wednesday with Vice President GORE. I was, as earlier referred to by the distinguished Senator from South Dakota [Mr. PRESSLER] on a trip in central Africa on important matters relating to the Foreign Operations Subcommittee, where the Congress is extending more than $1 billion in credits. I just make reference to that. This Senator will have a more extensive speech on that at a later time.

Noting the presence of the managers of the bill, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished ranking member of the committee, Mr. HATFIELD, will return shortly. He had to go to the telephone. So I shall proceed in accordance with the consent order that was entered.

Mr. President, on March 25, over 3 weeks ago, the Senate began consideration of H.R. 1335, the emergency supplemental appropriations bill. That bill now is the pending business of this body. This is the 10th day of debate on that bill. The bill remains the pending business because the Senate has been prevented from working its will and passing the legislation due to the determined efforts of a minority of Senators intent on blocking action on this bill. Gridlock has reared its ugly head, tying up the Senate and keeping us from moving forward with respect to the needs of our Nation.

Faced with a potentially interminable delay in an important part of his overall fiscal plan, the President has come forward with a compromise proposal. In an effort to break the gridlock, the President has come forward with a modified proposal that is smaller than his initial plan. For those who have not yet had an opportunity to review the details of the President's modified proposal I will summarize it briefly.

Before I do so, I shall read into the RECORD a letter addressed to me under date of April 16, 1993, which reads as follows:

THE WHITE HOUSE,
Washington, April 16, 1993.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: As the Senate prepares to return Monday to consideration of the pending appropriations bill to create jobs, to boost the economy, and to meet pressing human needs, it is important that we renew our commitment to breaking gridlock and to making government work.

To help accomplish those goals, I recommend you consider changes in the pending legislation to reduce its scope, while leaving unaffected certain key programs in the bill. I understand the procedural situation permits you and Senator Mitchell to offer a substitute amendment when the Senate reconvenes. Unfortunately, the rules of the Senate have enabled a minority to block the will of the majority. That makes it necessary for us to step forward and modify the bill in order to meet our objectives. Therefore I recommend you consider offering a substitute that includes these components:

Leave in place the proposed funding levels for these essential programs to create jobs and to meet human needs: highway construction, summer jobs for young people, childhood immunization, the Ryan White program for AIDS victims, construction of wastewater treatment facilities, hiring meat inspectors, and assistance to small business. Of course, the $4 billion for extended unemployment compensation benefits would be left in place.

Reduce proportionately the other programs in the bill to bring budget authority down from $16.2 billion to $12 billion. This will require an across-the-board cut in other programs of about 44 percent.

Target $200 million for grants to local governments to hire police as a means of helping to fight crime and to offset layoffs resulting from the fiscal constraints on local government.

This approach would reduce the budget authority in this bill by approximately 25 percent, but it would create only 18 percent fewer jobs in this fiscal year.

I make this recommendation reluctantly, and regret the unwillingness of the minority to let the Senate act on the original legislation. But our mandate is to achieve change, to move the country forward, and to end business as usual in Washington. By taking the initiative in the face of an unrelenting filibuster I believe we can respond to that mandate and achieve a significant portion of our original goals.

Your advice and counsel, and persistent hard work for the working people of this country are greatly appreciated. You have my respect and the thanks of the millions of Americans in the cities, towns and rural communities across the nation who you are trying to help.

Sincerely,

BILL CLINTON.

Mr. President, I have proceeded then over the weekend to prepare an amendment which I do not presently contemplate being a substitute, as the President has suggested. I contemplate it as being a perfecting amendment, but it would comport with the President's request in every particular.

So on this chart to my left we will note the programs for which the changes are not proposed. These charts will present the President's major provisions and, as I say, first on the chart those programs for which changes have not been proposed: The extended unemployment benefits, $4 billion; the Federal aid to highways obligations, $2,976,250,000, no change.

As to the extended unemployment benefits, the Department of Labor says it will exhaust benefits, and it is a bill to pay benefits for up to 1.8 million jobless people perhaps in the last week of April.

The Federal aid to highways would provide full funding for ISTEA.

SBA loan guarantees would not be changed, and in the bill and in the amendment there is a figure of $140,883,000. Due to the credit crunch, SBA loans have increased dramatically and the current SBA credit will run out by the week of April 26, shutting down the SBA Loan Program. This would generate or create a program level of over $2.5 billion and provide 12,000 direct jobs in 1993 and 1994.

Summer youth employment, $1 billion. There is no change from the President's original proposal.

EPA sewerage treatment construction, $845,300,000, no change.

Childhood immunizations, $330 million. No change in the proposed amendment from what was in the original bill in the committee substitute.

The Ryan White AIDS Program, $200 million; no change. The same as it was in the President's original proposal.

Food safety inspection, $4 million, no change; the same as was in the President's original proposal.

So that the subtotal, budget authority for which changes are not proposed, would be, in accordance with the President's revised proposal, $6,490,183,000.

Based on the President's request in his letter, which I have read, the remaining programs would be reduced approximately 43 percent; to be exact, 42.95 percent.

The resulting programs and the dollar figures would be as follows, on my chart to the left:

Mass transit capital grants would be cut, in accordance with the President's revised proposal, from $752 million to $429 million.

Airport grants would be cut from $250 million, as was the case in the President's original proposal and which is in the bill presently before the Senate, from $250 million down to $143 million.

Amtrak capital grants, which in the bill presently before the Senate would amount to $187,844,000, would be cut, in accordance with the President's revised proposal, to $107 million.

The community development block grants in the bill before the Senate amount to $2.536 billion. In order to comport with the revisions contained in the President's letter, that amount has been reduced to $1.447 billion.

An additional amount of $200 million is proposed for hiring 10,000 police in 1993 and 1994.

Pell grants unfunded shortfall in the bill before the Senate carries a dollar figure of $1,863,730,000. To bring that figure down to where the President in his letter suggests, the figure would be cut to $1.063 billion.

Head Start in the bill is $500 million. That would be cut, in accordance with the President's revised figure, to $285 million.

Waste and waste disposal loans and grants would be cut from $348,588,000 in the bill to $199 million in the revised proposal by the President.

Department of Veterans Affairs. In the bill, there is a figure of $235,557,000 for maintenance and construction projects at VA hospitals and cemeteries. That would be reduced to $134 million, taking into account the President's request that the remaining programs be cut by roughly 43 percent.

National Science Foundation, $207,622,000 in the bill and reduced, according to the President's proposed revisions, to $118 million.

Finally, the economic development grants, which would fund ready-to-go infrastructure projects by States and local governments, as well as assist the victims of Hurricanes Iniki and Andrew, would be cut from $93,900,000 in the bill to $54 million, to bring it into line with the President's revision.

So, overall, the President has offered to reduce the budget authority contained in the bill from $16.3 billion to $12.2 billion, a reduction of some 25 percent. And the amendment which I will offer, on behalf of myself and Senator MITCHELL, the majority leader, and any other Senator who wishes to join in cosponsoring, will bring about the revision in its totality as suggested and recommended by the President in his letter.

Now that is not to say, Mr. President, that all of the programs contained in the President's initial proposal would be cut 25 percent. To the contrary, some would be held harmless. The other programs in the President's initial stimulus package would be cut, across the board, as I have already stated, 43 percent, or 42.95 percent.

So that in toto, the total cut, some of the programs being held harmless and some sustaining a 43-percent reduction, would bring about a total reduction of some 25 percent in the overall package.

As I have stated, an additional $200 million would be appropriated for the Community Development Block Grant [CDBG] Program to fund the hiring of 2,500 local police officers in 1993. This special earmark for local law enforcement personnel was not included in the President's original package.

Will the President's proposed compromise be acceptable to enough Senators on the other side of the aisle to enable the Senate to bring this bill to a final vote? Will we now be able to end the filibuster that has, regrettably, come to symbolize gridlock all over again? Some Senators on the other side of the aisle have criticized the President's compromise proposal in much the same way that they criticized his initial stimulus jobs bill, which is the bill before the Senate. They have repeated, and will undoubtedly do so again and again, many of the same charges—some of which were outlandish with respect to the list of items that, according to those Senators, would be funded by this bill but which, in reality, are not in the bill—and the same false arguments that they used before. Now, as much as I might wish to clear away all the smoke behind which the President's critics have been trying to hide, I will refrain from doing so today.

Over and over, critics have charged that the real problem with the President's program in this instance is that it is not paid for, that there are no offsets for any of the spending contained in the bill, and that the bill will, therefore, increase the Federal budget deficit and add to our national debt. When viewed in the context of the President's overall fiscal program, however, nothing could be further from the truth. When taken as one part of the

President's three-part budget plan—as the distinguished senior Senator from Maryland [Mr. SARBANES] has today stated and has stated repeatedly on the floor several times during the 9 days of previous debate that we have had on this bill—the spending in this bill is more than paid for, many times over. The budget resolution already adopted by the Congress will slash $496 billion off our budget deficits over the next 5 years, more than offsetting any additional spending that would result from passage of this jobs bill.

Yet, this bill does contain an emergency declaration, so that the spending contained in it does not have to be formally offset to avoid its triggering a sequester. I believe it appropriate, therefore, even though this legislation is fully paid for in the context of the President's comprehensive fiscal plan, to ask if designating it as an emergency can be justified. Time and again, we have heard Senators on the other side of the aisle question the emergency nature of the supplemental appropriations contained in this bill. They have questioned whether the bill meets the definition of an emergency; whether the spending in it is truly emergency spending. I have no problem with such questions being asked because I believe each can be answered affirmatively.

Mr. President, to those who still do not understand the purpose of this legislation, I tell them, as I and others already have so many times before, that the emergency at which this supplemental appropriations bill is targeted is our economy. That is the emergency. It is as simple and straightforward as that. The emergency at which this bill is targeted is our economy, and the anemic nature of our current recovery. Our economy is stuck in a rut. We are mired in the slowest economic recovery of the last half century, if not longer.

The purpose of this bill is to put people back to work, if only temporarily, and to put some money in their pockets for the work they do so that they can go out and spend that money in their communities, in turn giving a much-needed boost to both their local and our national economies. That is what is meant by the term economic stimulus. No one is suggesting that the Federal Government take over from the private sector as the employer of first resort or as the primary engine of economic growth. To the contrary, what is being proposed in this legislation is that, in response to inadequate job growth and economic activity within the private sector, Federal spending be used to finance worthwhile projects and activities that will generate jobs in both the public and private sectors, and thereby help jump start the economy and elevate it to a higher rate of growth.

The fiscal year 1994 budget resolution provides for $496 billion in deficit reduction over the next 5 years, as I have stated. This part of the President's fiscal program, the emergency jobs and critical needs component—that is what we are talking about here today—is intended to give our economy a booster shot before the deficit-cutting surgery begins toward the end of this calendar year and the beginning of next fiscal year. This part of the President's plan is intended to put people back to work, while getting people off food stamps, unemployment compensation, and other forms of public assistance. The bill has been crafted in a way so that the moneys contained in it will flow quickly, helping to boost our economy and thus keep it from sliding backwards.

The need to act is real, and it is urgent. Week after week, the evidence continues to mount suggesting that the current economic recovery, already weak, is slowing, and could even stall if we are not careful and do not act to boost our economy.

Mr. President, I believe that the American people are all too well aware that we are trapped in an anemic recovery. It is a tenuous, sluggish, slow, unsteady economic recovery. They understand that, in the near term, job creation is more important that deficit reduction and the polls so indicate that. I only wish that every member of the Senate was equally aware, or sensitive to, the fragile condition of our economy. I say that because, with the economy barely clinging to recovery, we are about to embark on a massive deficit reduction effort that will impose upon our economy a tremendous fiscal drag.

While we all agree on the need to reduce our budget deficits, I urge my colleagues not to turn a blind eye to the risks involved in the deficit reduction effort to which we committed ourselves with the just-adopted budget resolution for which no Senator on the Republican side voted. Let us not ignore the fact that deficit reduction—regardless of whether it is done through higher taxes or lower spending—will, in the near term, have a dampening effect on our economy.

We are about to walk out on a fiscal tightrope—trying to bring down our deficits in an orderly fashion without going too slow, so as to raise questions about the sincerity of our commitment to the task, or without going too fast, so as to slow our economy and risk throwing it into recession.

The emergency supplemental appropriation bill pending before the Senate is designed to give our economy extra lift, the extra lift that it will need if it is to withstand the fiscal drag it is about to encounter when the shock from the reconciliation bill sets in the late summer or in the early fall. We must lift our economy onto a higher growth path if we hope to achieve the challenging deficit reduction goal called for in the budget resolution just passed without dragging the economy down into yet another recession. This bill is part of an effort to inoculate—inoculate our economy as well as our children—inoculate our economy against the threat of a triple-dip recession. It should be thought of as a booster shot. It is also designed to provide assistance to those who, despite 2 years of economic recovery, continue to suffer because of the anemic nature of that recovery.

And so, in an effort to break the stalemate, the President has stepped forward and laid before us a modified stimulus proposal.

I will not offer that amendment today, as had originally been planned, because of the consent order which has been newly entered into by the Senate. But the amendment comporting with the President's revised proposal is ready and will be offered tomorrow in accordance with the new consent order entered by the majority leader.

I am disappointed that the President has been put into this position, and that he has been forced to scale back an important part of his carefully crafted and well-balanced program for reviving the American economy and putting people back to work. And I am disappointed that the country has been put into that position. But at the same time, I commend the President for trying, trying, trying to break the gridlock by coming forward in a spirit of compromise. He has to be given credit for that. It is my hope that a sufficient number of my distinguished colleagues on the other side of the aisle will accept this peace offering from the President, and will set aside this filibuster so that we might get on with the business of the Senate—the business of the Nation—and pass this legislation which will give our economy a much-needed burst of energy and thereby help it escape from the doldrums in which it is currently adrift.

Mr. President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, when we left the Senate for a recess, the parliamentary situation was that on this day, Senator BYRD—the chairman of our committee and manager of the bill—and I would each be recognized to offer an amendment, an amendment that would indicate perhaps hope for an alternative option on the part of the Republican side and a possible modification of the President's package on the Democratic side. That procedure is preserved under the modification of that unanimous-consent agreement that took place earlier today.

I want you to know and my colleagues to know that when I went into recess, I spent a great deal of time working on an alternative package, an alternative plan that would represent the consensus of—hopefully, at least—a majority of the Republicans on this side of the aisle.

Before I outline some of the general features of this proposal—that is not yet in concrete and will be subject, of course, to modification or some changes that may occur as a result of our caucus that is called for tomorrow morning at 10 o'clock—I do want to put this into context.

We have heard it stated by the Democratic Members of the Senate and by others of the Democratic Party, by the media and others, that somehow this is an effort on the part of the Republican Party in the Senate to embarrass the President or to be obstinate, to be obstructionist and to delay, and through that delay hopefully to kill the President's so-called stimulus package.

Mr. President, I cannot climb into the mind of anyone. There are times when I have to get away and sort of get some quiet time to really understand what my own thinking on a complex issue may be. But I have heard no such comments in the heat of our caucus, and we have had some very lively caucuses. I heard no one express an objective in any way to embarrass the President.

Then it has been said that somehow we are using parliamentary tactics to delay a vote, or not to permit a vote to occur, and so forth. Mr. President, we have operated under the rules of the Senate. I want to emphasize we have not gone outside those rules, and if there is fault to be laid of the use of those rules, that is one thing.

But we have also found that rules have been used, and used in a very, very accurate way, according to the content of the rules, in the parliamentary procedure that began this debate on the floor. We did not like it. We expressed ourselves, but they were the rules, and I respect the chairman for having gone and played the game by the rules.

I want to say the same thing about what has happened since the introduction of this bill: We have played by the same rules—not Republican rules, Senate rules.

We expressed displeasure about the rules that were employed at the beginning; our colleagues are expressing displeasure at the rules that we have followed during the process in the debate of this bill. I do not want anyone viewing the proceedings in the Senate to think that somehow we have not heeded and hewed close, and in fact precisely, to the rules of the Senate. We have observed them accurately.

(Mrs. MURRAY assumed the chair.)

Mr. HATFIELD. Madam President, there is also the implication that somehow we are a monolith on this side and the Democrats are a monolith on that side, monolithic in our thinking, and that is not the fact of the case, either.

There have been votes in this Senate during this process in which Senators from Nebraska, Wisconsin, Alabama, Oklahoma, Louisiana, and Georgia have dissented from the majority on their side at different times in different combinations. That certainly should indicate that there is not monolithic thinking on the majority side of the aisle.

On our side of the aisle, we have—to the surprise of us most of all and to others as observers—not been willing to veer from the procedural vote on cloture, but we have varied on the others, as well as those on the Democratic side, in some of those votes that took place on the basis of the amendments offered, amendments offered on both sides of the aisle.

Now, let me just outline very briefly those parts of the package that have come under the greatest fire in opposition from the Republican side. This is a consensus. It does not represent every Republican's view, but it is a consensus. The Republicans have had problems with, basically, the scope of this package, the scope in terms of the total dollars and the scope in terms of a 2-year package as against a 1-year proposal. The Republicans have had difficulty on the basis that there is no offset, that this adds $16 billion—or $19 billion if you want to include the increase on obligations from the highway trust fund to the deficit now.

Madam President, we hear a lot about this is a part of the President's economic package and we have made commitments in the budget resolution that has passed.

Madam President, let us make one thing very clear. That budget resolution is only a declaration of intent—nothing more, nothing less. That does not automatically take place, any part of it. We have to have a reconciliation resolution that instructs the committees to carry out parts of that economic package.

One of those in the budget resolution was for the committee I serve on, with Senator JOHNSTON as the chairman, the Senate Energy and Natural Resources Committee. It said to the committee, raise a certain amount of new fees from western lands on mining and grazing.

That is what the budget resolution said. Well, we are not going to do it. The administration has backed off of that. But that was in the budget resolution, illustrating the fact that the resolution is a declaration of intent yet to be implemented beyond this date, beyond this week, beyond this month, and perhaps not fully implemented before the end of the first session.

But this is an actual, real act taking place now if this passes and is signed by the President. This is expenditures now. This is added to the deficit now.

Oh, we talk about a 5-year plan, and the 5-year plan says we are going to raise taxes a certain amount, we are going to reduce a certain amount, and we are going to therefore have a lesser trend line toward deficit increase by about $500 billion.

But no one can stand here today and say that will occur. That is a declaration of intent. This package is an actual, real, valid expenditure, increasing the deficit now, hoping to be offset, with good intent and good faith, sometime down the road following other actions by the Senate, by the House, and agreed to by the President.

So let us not get the idea somehow that this is all part of a package which is guaranteed for full implementation. This is only the implementation of that package that is going to take place as of today, and it is anybody's guess down the road.

We also have in that same committee a Btu tax. A Btu tax is going to raise a certain amount of money. That is very questionable, both the amount—it is not so much the procedure that is in jeopardy today but the amount. The Presiding Officer at this moment is the Senator from the State of Washington, and we know that the Btu tax as proposed would be devastating upon the hydro industry which supplies over 50 percent of our energy in the Northwest, not that I do not support an increased contribution from hydro energy, but not a plan that would increase hydro energy taxes in the next 3 years by 12 percent and coal by 4 percent, rewarding one of the worst contributors to the greenhouse effect in our environment and only 35-percent efficient as contrasted to the 95-percent efficiency of hydro.

Now, we are going to work out some kind of a change, or at least a modification, but it only is an illustration that nothing is certain in the budget resolution without further actions by the Congress.

This action is certain. It is now, if it passes. So that is one thing I want to make clear in this so-called debate.

All right. There is one other part of this package that has bothered Republicans, and that is the Community Development Block Grant Program. It has been said that this is a program that was initiated under a Republican administration, Mr. Nixon's administration. That is true. And with my support. I am not only a supporter of the CDBG Program, but I want you to know that when I chaired the Appropriations Committee under a Republican administration and they sent their budget up here reducing the community development block grants, with a coalition of support from both sides of our committee we put them back into that appropriations bill year by year, and we even saw a gradual increase. The Reagan administration did not like such programs. They wanted to abolish them. But we refused to permit that to happen. So I stand here as a supporter of the Community Development Block Grant Programs.

Now, let me tell you why I do not want to see those programs included in this current package. Bear in mind in this current fiscal year we appropriated $4 billion to the Community Development Block Grant Programs.

Madam President, today, with $4 billion in 1993 that we appropriated—$4 billion, the highest appropriation in the history of the program, the highest in the initial appropriation, highest in 10 years of the combined supplementals that added to those—in February we had $8.8 billion of unexpended, unobligated funds in that account according to the agency that administers it.

And yet the package says add $2.6 billion more to the program. Pray tell, why? Why should we add $2.6 billion more to this account at a time when there is $8.8 billion unexpended?

Let me explain this a little bit because it is somewhat complex. But I want to be very fair about this whole proposition. There is a process here that explains this situation. There is a process. This is not terribly abnormal for the spendout rate of this program.

First of all, the cities: A large city or a city or a State may come up with a project. They submit what they call a statement of community development objectives and projected use of funds. They determine the funds. One of the things that was sold to the Congress by the Nixon administration was, let us decentralize these expenditures and the selection of those projects because the mayors and the Governors are in a better situation to determine those priorities in their community than we are at the Federal level.

So they submit this statement. The HUD agency that is to administer these funds cannot veto those. They are not subject to HUD's approval.

Therefore, these obligations usually then are listed by HUD within a 10-day span of time. Very quickly, 10 days. And then they are credited against that State or city agencies that have made this statement of intent, and those funds are put in the bank, so to speak, to be drawn upon for those projects.

The local governments oftentimes are under different budgetary cycles than we operate under. So there is usually a time lag. But on the norm you can find this pattern: that in the first fiscal year that we have appropriated funds for that account, only 4 percent usually are expended and obligated; expend 40 percent in the second year, 40 percent in the third year, and 16 percent then in the fourth.

In other words, there is a spendout rate that usually covers a span of 4 years. That has been based not upon the lack of the Federal Government having money available, but on the process with the local governments making those statements of commitment known, given the credit for them, and then the expenditures.

So it is usually a 4-year period. At the end of February this year, $8.5 billion including only $1 billion of the $4 billion in the current fiscal year. So you are getting $7.5 billion of carryover from previous years in this payout-spendout cycle which speaks very strongly to me that there is no necessity of adding $2.6 billion more at this particular time because we are already in the process of the 1994 appropriations. And in 1994 we are going to see additional moneys in the normal appropriations cycle given to this account to spend out from that point in the next 4-year period, or in the next 3-year if it is expedited.

It is one thing, Madam President, to say here is a program that needs funding, and the ability to fund that program in an efficient manner. Throwing money at an issue or problem does not solve it. Money is but a means to an end. It is but a resource, important as it is, but it has to be properly handled.

The Republicans have a great number of points about the projects that were listed by the mayors. The chairman of the Appropriations Committee says these are not listed in the bill. These are on those lists that would probably follow—as I have outlined—the declaration by the local governments of their requests for such funds.

I am not here to discuss at this moment the validity of those projects by projects. I want to say that I could go through any list, and anyone else in this body could go through any list, and find projects that we would probably say "Is that really important?" A swimming pool? Well, a swimming pool certainly would not be very important to be built out in Kalorama, but maybe in Adams Morgan it might be a very important project for that community in this city. But at the same time, they are subject—and should be subject—to proving their worth.

I am not suggesting that. But I am one who supports the initial idea of this legislation to delegate that to the local governments; making them accountable, but certainly letting them find those priorities. But I am not going to use that argument.

But now we are at a point, and Senator DOLE and I have discussed this at some length before the recess, and again after the recess. I would like to outline what I think would be a Republican proposal that merits consideration, sharing the President's concern about jobs, sharing the President's concern about the economy.

There are people on my side who think that no stimulus is necessary at this time, by their economic view that could create inflation, and that we are in enough of a stimulus now with almost a $300 billion deficit without adding $16 billion more deficit as a stimulus. And there are variations of viewpoint on economic philosophy and economic theory.

Let us now try to see what would meet those basic objections that I have tried to outline, basic objections that have been expressed by the people on this side of the aisle.

First of all, we have difficulty in projecting one quarter by one quarter of our economy, let alone 2 years. So we would start off with a 1-year package, a 1-year economic stimulus.

In that 1 year we would say let us pay for it, not add to the deficit. Let us incorporate it as we did with the emergency on the $4 billion unemployment insurance extension back in March. Let me lay out to you the simple fact that this would have in 1993 a requirement of absorbing $492 million out of the total package, and in 1994 $2.6 billion. If this configuration should hold, if this should be the same package that we would introduce under the new unanimous-consent agreement tomorrow, this package is as of today a tentative proposal that I want to outline.

So I want to be right up front. It is going to require tough decisions to absorb this. But if the need is great enough to declare an emergency, it seems to me that we ought to put the priority on the programs in this package to offset it in the current fiscal year, as we prepare for 1994.

First of all, the fast job training activity—we tried to put this together on what will stimulate and create jobs now. And if you went through the letter from Director Panetta of OMB, he wrote to Mr. MCDADE on the House side, you will find in that letter he has a column of his estimates on the jobs that would be created under the moneys expended in these accounts.

I think it is very interesting, as you go through these—by the way, he also lists in this same document the spendout of those programs that have already been appropriated in fiscal year 1993, and he lists there at the end of the first quarter, CDBG, 2 percent of $4 billion. By the end of this month, which will be 6 months into the fiscal year, that will rise by about 25, 27 percent—$1.4 billion. But in the first quarter, 2 percent. Getting to these accounts that create jobs, you will find that in that 1993 column, the current fiscal year for which we are working on this, there are those that do not create any jobs—any jobs. He lists these in this. Some of these do not create any jobs in the first year. Yet, it is called a stimulus employment effect. The estimate of full year equivalent jobs. You can go down that first column—this is very small, and I do not have charts—and it will show zero, no jobs.

What we tried to do was to take all of those out that had no job impact. You cannot spend it that fast, or for other reasons. We put together a package that creates jobs now, as best we can project and estimate. With that in mind, we check off the $4 billion in unemployment extension. That was to be decided in March. We include the highway program. Over the years, we have found that public works and the infrastructure have the opportunity to really influence and create jobs most quickly.

I talked to my State highway transportation director in Oregon, and he tells me of the projects that he could expand contracts on that are underway already, or he could accelerate other jobs which are ready to go, except for funding. I remember again, in going back to the 5-year agreement that we made out at the airbase—Senator BYRD and I were both delegates on that summit conference—one of the things that the chairman of the Appropriations Committee did—and I gave him my best right-hand support—was to get a focus on the infrastructure, jobs as well as the need for infrastructure as a tool of production to strengthen our economy. We added one provision specifically for infrastructure.

So in this package I support the $2.9 billion we would place in that. I think that is the same as in the President's package. Just as an example of, say the highways, that has a priority, and I do not want to get into the detail of the amount so much. I just use this as an example, because again trying to build a consensus on one side of the aisle is very difficult, and then trying to build a compromise across the aisle, I do not think is that difficult, but there are people who do think that is difficult. I stand on the situation today, I say to my colleague, where whatever comes up, there are going to be people on both wings that are going to be very unhappy. I have often said that when I get into those political circumstances where the environmentalists think it has gone too far and the users think the other way, I must be in the right position when I am catching it from both sides. But I have found the public to be more in the center of life than on either extreme.

But if we put the focus here on jobs now, then there is no question that our highway program could be very quickly activated; that is, expansion of the current commitment of the highway program. Yet, Madam President, we have unexpended, unobligated funds in that highway account now. I understand that people are going to say, yes, but we have an administration that is going to give a push to these programs, a push to expenditures and commitments faster than in the past. I acknowledge that could change some of these figures that I am using.

Summer jobs. Yes, that has to be one of our major components. The President has asked for $1 billion. I do not know. If we go for 1 year instead of 2 years, I could easily say, let us cut it in half for the 1 year and put in $500 million. That would be an example of how we are thinking about this type of thing.

Immunization. OMB projects that there will be no unobligated balances in this account at the end of the year. I can remember in the Appropriations Committee how we fought over that figure for fiscal year 1993. We recognized it was going to be addressed. We knew we wanted to make it more, but we did not have the money to make it more at that time. I am sure you would not find a Republican on this side or a Democrat on that side that would say we do not have to put a high priority on continuing the immunization program, even though it probably creates the fewest new jobs, immediate jobs, of anything that we have looked at in our package.

Madam President, we have to look at rural America constantly. We take sporadic approaches to rural programs, but we never really, in my view, take a comprehensive approach as we should. And certainly the many keys to rural life and rural life's future is the waste water grants. I think that would be a very important part of the package.

Madam President, combining the job potential of natural resource protection, and that there are a lot of summer job possibilities as well, getting two for one, so to speak—in our part of the world—and every part of this country has different immediate needs—but we have great public ownership in our area, Federal ownership. We have many lands of various kinds, such as forest lands that need reforestation or expedited reforestation, and we have other such activities across a broad range of lands in this country. So I would think that should be a part of this.

We know, too, that small business, small enterprise is always—by the way, each item mentioned so far is in the President's package. What I am saying in effect is that I would like to see it in our package as well. I would hope that there would be enough support from a range of Republican thinking to give support to this thinking.

Small Business Administration. All of us know the horror stories of being squeezed out of the mainstream of economic life. All of us know that many of the major inventions, creations and innovations made in business come out of small business. And one cannot look in the Fortune 500 to find out how many new innovations come out of there, as the small businessman might keep them in cigar boxes. And then, as the business grows, he moves into a manufacturing plant or service room. Small business is really the source of a lot of our new and future employment, as well as innovations.

I think small business could certainly be well utilized, and that too would have a job impact.

One thing that troubles me in terms of some of the President's package is that we have obligated and expended or committed all the funds at this point. Small business is one of those. Older Americans is another. And I think we ought to replenish that fund as well relating to older Americans.

I am sorry to see the President felt necessary to offer a portion which reduced the transportation account relating to mass transit from $727 million down to $690 million. So I would like to see some pickup here as it relates to mass transit in this package. A very good, immediate job development comes from that.

So if we look at highways, summer jobs, immunizations, SBA, older Americans, natural resource protection, mass transit, sewer water projects for the rural areas, we are coming up with what I think to be a well-balanced, well-rounded package.

What range are we talking about for 1 year, what range? Again, I hate to use a specific figure except to indicate we are serious about this, even though there may be modifications, may be less, may be more, out of our caucus. I am not trying to lock in anyone, and I am only here as a spokesperson for a wide range of viewpoints.

I would say that if you add the $4 billion, you are dealing with something close in the neighborhood of $8 and $9 billion for 1 year. That includes $4 billion of the unemployment, which gives you between a $4 billion and $5 billion otherwise package.

Having outlined that, we are now having to wait until we get to the mode of amendment, and that is preceded by our caucus. There will be a lot of comment, a lot of input, a lot of suggestions about this. Senator DOLE and I went over this, as I say, before the recess and touched base again following the recess. He and I know that we each have one vote, and there are 43 of us on this side. But I do want to indicate at this time as clearly as I can that far from being cast into the role of obstructionists wanting to embarrass the President or other such extraneous rhetoric, the Republicans are most anxious to participate fully in the evolution of important legislation in this body.

The Republicans are not obstructionists from the standpoint that we are standpatters or we are against to be against or we are opposition for the sake of opposition, but that simply perhaps we have a different perspective that can be helpful as it was in developing a civil rights bill.

How many years before 1964 were there those on the Democratic side who wanted a civil rights bill and they could not get one? The day came when they reached across the aisle, as they say, when Lyndon Johnson and Everett Dirksen got together one evening and they decided to have a civil rights bill.

We went through that last Congress, and a civil rights bill emerged which I supported, and some of us on this side supported. The President vetoed it. We got back together again and under the leadership of Senator DANFORTH of Missouri and others of our viewpoint, we put together a bipartisan civil rights bill.

Some of us cosponsored family leave from our side. I was one of those. The President vetoed it, and we got together to try to provide a way in which to have a family leave bill and override the veto.

So, great things have been accomplished by participation at the time of launch and planning before launch by a bipartisan group of Senators.

I want to make one final comment. Perhaps the time has come in this debate, and I must say I have been greatly encouraged by my information, and I can only speak for myself, that I have received from the administration, contrary to what I think the media has tried to ascribe to the administration as peeling off Republicans to vote for a cloture motion. I have not had that in discussion with three members of the Cabinet and the Vice President of the United States, but rather where is our common ground? Where can we put together something in which we can move this country in a direction that we want to move it with the support of Republicans and Democrats alike?

I want to make that point very clear. Nobody threatened me. Nobody suggested any kind of retribution from the administration, but rather where is our common ground?

I think the cloture vote is really an encumbrance at this time to getting to that common ground and getting to that kind of a compromise that eventually if we have any package is going to have to happen. I am not suggesting the compromise has to be i's dotted and t's crossed the way I want it, but I am just saying that I do believe the time has come for both sides to move and, frankly, Madam President, that is the sense I get from those Democratic colleagues of mine with whom I have had personal conversation. It was not on how much longer can we hold out or how much longer can you hold out but where can we get common ground?

This is the time for that. And I have received that sense from my communications with people in the administration, from my colleagues on the Democratic side of the aisle, and I am very hopeful that perhaps as of this moment or this day we can respond as we have tried constructively to the President's proposed compromise that has been outlined by the chairman of the Appropriations Committee and reach some kind of a solution.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Madam President, I thank the distinguished ranking manager of the bill, Senator HATFIELD, my colleague and friend, for his very enlightening statement. It was a statement of moderation and of reason. It indicates a desire to come together.

I have no doubt that if it were a matter left up to Senator HATFIELD and, I like to say, to myself, we would work out an agreement fairly quickly. But we do have to consider every other Senator as well.

I was interested in the remarks of the distinguished Senator from many standpoints. First, with reference to his allusion to the use of the rules and to the use of the rules on this side.

May I say, my use of the rules initially to set up a "tree" was a tactical use and it was intended to avoid any amendment of the bill until such time as we could get a problem worked out on this side of the aisle. We had three Senators—Senators BOREN, BREAUX, and BRYAN—who had an amendment that would have fenced off a part of the bill and the President was very much opposed to that fencing. I felt that it was very important to keep the bill intact against attack from the other side of the aisle until we could bring our own people together first on this side of the aisle. Having done that, I was perfectly agreeable to shifting the playing field to another level.

So that was a tactical use of the rules, and they have been used on me in spades, may I say, in 1985, and I will be happy to go into some detail to show any Senator on any side of the aisle or anyone else just what I mean by that. But there is no point in belaboring that here except to say it had been used on me in spades by the then majority leader.

Now, the question is not really as to whether the rules are followed. Nobody questions the use of the rules by my friends on the other side. The rules are there and every Senator has a right to utilization of the rules. There is no question as to the use of the rules. The question rather is about the wisdom of preventing the Senate from working its will on this bill, which is an important part of the President's overall comprehensive program that is calculated to take this country on a different course from that on which it has been stalled, I might say, over the last 12 years; take it on a different course, change the economic policies of the country, and put people to work.

The President has offered an overall comprehensive program which would bring about a reduction of the deficit over a 5-year period, invest in the country, as we have failed to invest in the past dozen years, stimulate the economy, and put people back to work quickly at this juncture so as to avoid a possible triple-dip recession. That has been the President's goals, and this bill is a component of that overall thrust.

So the question, really, is not about the use of the rules, whether the rule book has been followed. The rule book has been followed. Rule XXII is there. No question about that. The question is about the wisdom of using the rules to prevent the Senate from working its will and reach a final vote on this legislation. That is the question.

The President is attempting to steer a new course and this is a part of the total package.

As to the adding to the deficit of this $16 billion that is in this bill, we have gone over that again and again. As has been clearly stated by the Senator from Maryland [Mr. SARBANES] and others, this bill is paid for in the overall comprehensive package as envisioned in the concurrent resolution on the budget, which was adopted in this Senate and which was adopted by Democrats, and for which no friend on the other side of the aisle voted.

My good friend from Oregon has referred to that budget resolution as a "declaration of intent," saying it was merely a declaration of intent. Well, I have to say that, with respect to our committee, the Appropriations Committee, it was more than a declaration of intent. It cut our outlays for this committee, the Appropriations Committee, for the next 5 years by over $60 billion, and it cut budget authority in 1994 and 1995 by something like $33.5 billion. At least that was what was in the resolution when it passed the Senate. I do not know whether or not the conference changed those figures.

But, in any event, suffice it to say that we get our instructions, we on Appropriations, Senator HATFIELD and I, get our instructions from the budget resolution. We do not wait for any reconciliation bill, because the Appropriations Committee is not given reconciliation instructions by the Budget Committee. So we do not wait on the reconciliation bill, which will probably come along in August or thereabouts.

So we appropriators have had something more than a declaration of intent. We have had it laid down pretty clearly as to the parameters within which we on the Appropriations Committee can operate. And we have operated within those parameters in the past. We have not gone above our allocations during the 5 years that I have been chairman. And I have had the strong cooperation, support, and great assistance, for which I am grateful, from the distinguished Senator from Oregon in that regard.

I was very interested in listening to the distinguished Senator from Oregon, as he indicated those programs on which there seem to be, I gather, a fairly good consensus on his side of the aisle; the consensus of support perhaps not for the exact dollar figures, but that there is support over there for those programs which the Senator enumerated.

As I listened to him, I believe they comported quite well with the programs that were set forth in the President's letter to me on April 16; namely, highway construction, summer jobs, childhood immunization, construction of wastewater treatment facilities, assistance to small business, and $4 billion for extended unemployment compensation benefits.

So it seems to me that the programs which the President laid out in his letter to me as being essential programs, for which he did not recommend any revision from the figures that are in the bill before the Senate, it seems to me that those are the same programs for which the distinguished Senator from Oregon has expressed support, not necessarily to the extent that the President is requesting, but programs in which the Senator expressed a strong interest; and there may have been one or two others. But those, in the main, it appears to me, are considered to be essential programs on both sides of the aisle, at least as between my friend and myself it seems to be, as I have listened to him here on the floor. I think that is an encouraging note.

I will not offer the amendment today. I have the amendment prepared in accordance with the President's letter, as I have stated earlier, which I will introduce on behalf of Senator MITCHELL and myself, and any other Senators who wish to cosponsor it, tomorrow.

I close on this subject by thanking my friend, the distinguished Senator from Oregon [Mr. HATFIELD], for whom I have such high respect and great regard.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. WELLSTONE). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I had the opportunity to be in my constituency during the spring recess, like so many of our colleagues did as well. I had an opportunity to have meetings in at least 28 or 29 different counties of the 99 counties in my State. I had an opportunity to visit with a lot of different groups, as I am sure my colleagues did.

I suppose that there is some danger in expressing an interpretation of how our constituents feel because of our own past positions on legislation and our own philosophical look at particular pieces of legislation. But I want to do it as I see it and I want to be fair to my colleagues and fair to anybody who may be watching on television around the country that I have voted against cloture; I have supported the Republican effort to see that any stimulus package is paid for. And I suppose from that standpoint, I have a bias that puts me against the proposal as the President has made it, but not against what the President has wanted to accomplish in the sense that the President wants some of these programs. OK, but my view and those of my colleagues are that we should find a way of offsetting the costs from other appropriations previously funding other programs or administrative overhead.

So I express this as a result of 2 weeks of recess scheduling in my home State of Iowa. I had opportunities to meet with Rotary and Lions Clubs, with chambers of commerce, and with senior citizen groups. I had an opportunity to go on factory tours, small businesses, and I also had an opportunity to meet with a number of high school groups. If there is any group that has a wide range of questions and without any particular bone to pick or philosophy to express, and across a broader spectrum of legislative issues, it happens to be the high school people of our Nation, or maybe I should just speak of my State of Iowa, but that is what I found in my State.

So I was in all corners of the State of Iowa, and I think I show you that I have had an opportunity to meet with a very diverse group of people. And so I want to tell you what was on the minds of my fellow Iowans.

Well, at almost every meeting of course, without my bringing it up, President Clinton's stimulus bill came up either for discussion—some people maybe presented views to me but most asked questions, but implicit in the questions was some feeling of reluctance to agree that this much money should be added to the national debt as President Clinton would propose. I want to say to you that it was, in fact, topic No. 1, just a little ahead of health care reform, maybe quite a bit ahead of health care reform. I think people did not bring that up quite as often because they are waiting for Mrs. Clinton and her task force to make a report. And then probably this summer when we go home it could very well be topic No. 1.

Now, you should not be surprised that my constituents would ask me about this because, after all, President Clinton, through the media, particularly television, has been urging Americans to, so to speak, put pressure on Senators and, in turn, having our constituents ask us to support his deficit spending stimulus bill. We have seen him traveling, to some extent, around the country making speeches and holding press conferences, all with the intent of putting the squeeze on Senators, particularly those who disagree with his approach on the stimulus bill.

There are a few Democrats who disagree with it, but most are Republicans who believe that we have a responsibility, even though we are minority Members of the Senate, under the Constitution and under the rules of the Senate—and very unique rules of the Senate that give extraordinary protection to the point of view of minority—we feel we have a responsibility as loyal opponents of the President to work out alternatives and present an alternative point of view. And of course this had been going on for about a week and a half at the point of our recess.

So Iowans did what the President asked. They did talk with me, and I am sure they talked to other members of the congressional delegation from my State about his package. But I want to say—and I do not know that there are very many meetings I have where I feel the point of view was so conclusive—in all of my meetings, not once, let me emphasize not once, did I hear anyone criticize the Republican approach to trying to work compromises for the stimulus package, and particularly on the emphasis of paying for it and not adding it to the national debt.

Also, not once did the term "gridlock" come up. Of course, the charge that Republicans are the guardians of gridlock by the majority party here in this body has brought a great deal of attention to that term, and so I was expecting to hear a lot of criticism from my constituents on that particular point. But I think the charge "guardians of gridlock" against Republicans is falling on deaf ears. Iowans know that this is really an issue about commonsense economics, not partisan politics.

Iowans seem to be supporting the Republican approach to this bill, at least in the sense that it ought to be paid for, not just willy-nilly adding it to the national debt. And of course that is the approach that the Republicans are taking.

Quite simply, that approach is whatever you want to spend, Mr. President, from $1 to $19.5 billion, just pay for it. Just pay for it.

Iowans have told me that they want a stimulus package that is paid for. My constituents told me that they oppose deficit spending, period. End of conversation. It seemed it was Democrats, Republicans, and Independents alike. I do not pretend that I have a majority of Democrats who come to my meetings, although a majority of the registered voters in my State by more than 103,000 happen to be Democrats. In some just strictly business groups you get many more Republicans than you do Democrats, I am sure. But if you consider the high schools and the places of business and the factories, and if you consider Rotary Clubs and Lions Clubs, it seems to me you get a fair cross section of our State which obviously would include Democrats and Independents.

So as far as my fellow Iowans are concerned, and as far as this Iowan is concerned, the recent so-called compromise floated by President Clinton is not a compromise at all because it still does not pay for, at whatever level of funding, the programs left over in the compromise bill. It is still, at any level of expenditure, whatever he is willing to spend less than $19.5 billion, will be added to the national debt. It will still be deficit spending. So this so-called compromise would still pass debt on to our children and to our grandchildren. It still asks our children and grandchildren to pay for programs we are not willing to pay for today.

Mr. President, as I have stated previously, I do not oppose this entire package. There are certain parts of the package that I could support, and that is true of the Republican Caucus as well. We have met with some compromises on this, and there is a pretty broad base of support for some parts of this package. But first and foremost, for myself as well as my colleagues, we want to be able to support paying for the bill if the expenditures are going to be made.

Mr. President, Iowans have a wonderful capacity, I believe, for cutting through all of the baloney and telling it like it is. Iowans told me this last week how it is. My constituents told me that Republicans should stick to their guns, not to cave in to the urging on the part of President Clinton for constituents to put the pressure on the Congress. I did not feel the pressure that President Clinton asked the people of America to put upon minority Members of this body.

They have also made the second point, that is, to make sure that whatever compromise is worked out, it is paid for. And that is exactly what I am going to do, Mr. President.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I rise today to discuss the economic stimulus package. We have had a great deal of discussion in the Senate over the last several weeks about the economic stimulus package. We have all had opportunities in the last 2 weeks to be back home, some of us to be around the country, and so I wanted to take a little bit of time today to respond to our President, who has made comments almost every day for the last 2 weeks about this issue. I would like to first make a statement that is the same statement I made on Friday of last week when I responded here in Washington, when many other Members of the Republican leadership were out of town, to the President's proposed compromise.

It is very easy to solve the problem and allow us to move forward with at least parts of the President's so-called economic stimulus package.

The issue here is paying our bills; the issue is the deficit. And what Republicans are saying is simply this: If the President believes that the programs contained in this new spending bill are vitally important, if he believes that they are more important than existing programs, then what the President needs to do is to pay for the bill by proposing cuts in programs that are of lower priority. So the issue is about the deficit.

I, as one Member of the Senate, am willing to work with the President to try to identify lower priority items, to allow some of the measures in his new spending bill to be funded. But I am not willing to vote to raise the deficit by one more dime.

If you listen to the debate about the stimulus package and you listen to those who are arguing for it, you would think that the $16-plus billion they want to spend is coming from heaven. So that if we do not spend that money, it is going to be lost. The reality is we all know but we sometimes want to forget that that money is not coming from heaven, the money is coming out of the pockets of the working men and women of America. And if we do not spend that money, it is not going to be lost, it is going back to families to invest in the American dream. That is what this debate is all about.

Our President would have us believe if we would just raise the deficit by another $16 billion and let him spend this money, that suddenly everything would be great in America. Well, I ask my colleagues if the $300 billion deficit that we currently have underway is not creating prosperity, how will another $16 billion of deficit spending do it? If the $16 billion of deficit spending is stimulus, is not the $300 billion of deficit spending stimulus? And if $300 billion of stimulus has not created economic heaven, how are we going to create it by borrowing another $16 billion?

The reality is that the Government is already borrowing 50 cents out of every dollar saved by every American. If we go out and borrow another $16 billion to pay for this stimulus package, that $16 billion is not going to be available to build new homes, new farms, new factories, to finance the expansion and the growth and the creation of small business and jobs.

So I am against this so-called stimulus package because it does not stimulate the economy. I am against this so-called stimulus package because it raises the deficit. I am against this so-called stimulus package because it is a movement in the wrong direction.

I ask the President: How can we be asked 1 week to raise taxes on income and energy and Social Security supposedly to lower the deficit and help the economy, and then with a straight face 1 week later be asked to spend money to raise the deficit and help the economy?

If raising the deficit helps the economy, why are we raising taxes on Social Security and income and energy?

Well, we are told we are doing that to lower the deficit. But as we know, those of us who have actually looked at the numbers, the President's budget, if everything happens exactly as he says it will happen, if we do everything he asked us to do, the deficit is still almost $225 billion 5 years from now, and $400 billion 10 years from now.

So I think what has happened, and I think the reason that the American people are up in arms, and the reason there is such strong support for the opposition to raising the deficit, is that the American people have broken the code. The President for 3 months said raise taxes on income, energy, and Social Security to lower the deficit, to help the economy create jobs. Now the President is saying raise the deficit to increase spending, to help the economy to create jobs. I think the American people have broken the code and the code basically is raise taxes to increase spending to expand the size of Government.

We have gone into great lengths in the past in talking about projects that could receive money from this bill—Alpine slides in Puerto Rico, ice-skating-rink warming huts in Connecticut, bike paths, the list goes on and on. But the bottom line is this: Can we help the American economy by raising the deficit?

The President today says that Congress is shameless for not allowing him to raise the deficit when Congress so many times in the past has voted to raise the deficit.

Mr. President, I think there should be more shame both in Congress and at the White House. When is this vicious cycle of deficit expansion going to end? I say let it end here. Let us stop this economic stimulus package or something that at least has taken on that name. Let us commit that we are not going to vote to raise the deficit further. Let us renew our efforts to work on a bipartisan basis to reduce the deficit.

I believe if we do that, we will in fact stimulate the economy. We will build confidence, and I think that is what the American people need.

So I feel very comfortable in opposing the effort to raise the deficit by $16 billion. I will never vote to fund this bill by raising the deficit. I cannot speak for anybody else. Fortunately to this point, 44 people have opposed this bill and therefore it has not become the law of the land. I do not know what anybody else is going to decide, but I am never going to vote to raise the deficit to fund all the items in this bill. If the President has offsets, if the President will do what every family and every business in America have to do every year, that is, pay the bills, if he will come up with offsets that cut spending for lower priority programs, then we can have a compromise, and we can move forward.

But on the issue of the deficit, there is not going to be any compromise, at least on my part. And in terms of Congress being shameless for not continuing to raise the deficit, I think those are shameless who propose raising the deficit in the name of helping the economy when only a few weeks ago they were saying tax income, tax energy, tax Social Security to lower the deficit to help the economy.

I do not think you can shift gears that quickly and have the American people keep up with it. I think the American people are wise to the fact that they have not been leveled with on this issue. I think that is why there is growing opposition to raising the deficit to fund this bill. And I am hopeful that if there is any compromise, it is a compromise that says if you are not willing to pay for a program, it is probably a good indication that you ought not to be funding it.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the Chair.

If I am the last one here making it necessary for the distinguished Senator from Minnesota, who is in the chair, to stay here, I want to assure him that I am not going to be long.

Mr. President, I want to talk about two things and reserve one subject for tomorrow. Let me tell the Senate what I have reserved for tomorrow. There has been a lot of press about a Japanese stimulus package, and questions raised as to why the United States should not duplicate and even mimic a Japanese stimulus package. I have researched that issue. Tomorrow I will discuss in detail why what is right for Japan in this instance is based on different economic facts, savings rates, a whole myriad of differences between their economy and ours, not the least of which is that their deficit is about 1½ percent of Japan's gross domestic product, and ours is about 5.2 percent of our gross domestic product meaning we have five times the drag from the deficit compared to Japan, or five times the stimulus however one prefers to look at deficit spending. I will speak about that issue in detail tomorrow.

Today, I want to talk about two things. First, the President's budget package versus the congressional budget resolution that was recently passed. Some might be interested in knowing that there is a very big difference between those two documents. The second issue is the job creation impact of so-called jobs bills.

President Clinton's formal budget submission which, as everybody might recall arrived about 10 days ago after we passed the budget resolution. Congress produced budget resolutions in both Houses without a formal Presidential budget submission for the first time in history. On April 8, Congress received the details of what we think we passed. I recall vividly that as we debated the President's package, everybody was saying: Any time a Republican offers an amendment that changes that package, we have to vote it down. We had almost partisan loyalty to the nth degree. You should vote it down because anything different from the President's budget plan will really cause the package to fall apart.

Well, let us look at what really happened. The President sent us the budget. I did not support the budget resolution because I felt that it relied too heavily on tax increases, and did not focus on the structural component of the deficit; namely, the growth in mandatory programs. The President's recent budget submission has not given me any reason to change my mind because it contains $57 billion more in spending than the recently agreed to congressional budget resolution for fiscal year 1994. Most of this increase—$55 billion—is for domestic discretionary programs. Let me repeat that: $55 billion more in the President's budget is for domestic discretionary programs, over and above what the Congress recommended in their budget resolution, which was supposed to be the President's plan.

Mr. President, I can now begin to understand why the President wants this so-called stimulus package so badly, because it is going to give him his $16.3 billion in new domestic spending that he does not have to account for in the budget resolution for this, and future, years. So it provides an opportunity for some of that extra spending that even the Congress was not for in the budget resolution. It might surprise some, but that $55 billion increase over what is in our congressional budget resolution is only part of the new domestic programs suggested by the President. He has $188 billion in new domestic programs over congressional baseline starting points, and brand new spending—$188 billion—all in the name of getting the American economy to grow.

In fact, this additional spending, the $55 billion over that which is in the congressional budget resolution—let me give you this information, which is rather startling to many, and I am sure if five Senators know this, I would be surprised—the additional spending causes the President's proposed budget to exceed the mandatory spending caps established in law. My good friend, the OMB Director, for whom I have nothing but the greatest respect, has stated that additional spending cuts will be found to offset these increases in investment spending.

My one question for him is: When will you find the cuts? If the administration cannot find $16 billion in additional cuts for this emergency supplemental, or even the $12 billion in their so-called revised package, how are they going to find $55 billion come the next 2 or 3 months?

Mr. President, what I really believe is happening is that this stimulus package is an accommodation to more spending that might otherwise be unavailable because of budget constraints that have been voted in by Congress, all in the name of stimulating the economy. I would only borrow one comment from Senator GRAMM, because I think he originally made this analogy months ago—at least 6 or 8 weeks ago—we are already, Mr. President and friends who are interested in this issue, we are already spending $323 billion more than we take in, which in the eyes of most economists is stimulative, the entire $323 billion is stimulative and is called economic stimulus. That is the definition of overspending your receipts. It is stimulative.

Let us be serious. Why would we have to spend $16 billion more in the name of stimulus when we have all of that other spending already in the pipeline for this year's budget? I think the answer is so that we can spend more and not be accountable for it, because it does not count in the budget resolutions that are on paper now and part of our enforcement mechanism; and second, somehow or another we do not have to pay for them.

I went through this exercise in my mind while getting ready to speak here, and it led me to an interesting conclusion. There has been much talk about what kind of economic program is this program of our President, with increased domestic spending, cuts only in defense, and huge increases in taxes. Well, I think the economic stimulus package gives us a clue as to what kind of economics we are going to be living with if we adopt this big package called the budget and this smaller package called stimulus. We are going to be living with what I choose to call trickle-up economics.

There has been much talk about trickle-down economics. We are going to be living with trickle-down economics. You know what that is? Let us go out and tax the American people, raise their taxes, bring the money into the Federal Government's coffers, and then trickle it up through Government spending. The only problem is that the stimulus package reveals the true problem with that, because that trickle-up process costs us almost $90,000 per job. It costs us $90,000 per job.

I hope that the plans for the next 5 years are not all trickle up, because I cannot imagine that the American taxpayers are going to have enough left to support trickle up for the millions of jobs that the American economy is going to produce through more Government spending.

I am confident we will not produce them through Government spending, and we better be very careful that, in fact, we do not pull down the private sector in the name of stimulating the economy and getting the deficit down, especially when you use mostly new taxes to get the deficit down.

Mr. President, I raise one other issue because I think it ought to be interesting for Senators to understand the efficacy, the effectiveness, and the relevancy of economic stimulus packages. I went back to the last bill that I could discern as a stimulus package adopted by the Congress of the United States to respond to a recession, and I tried to find a report that analyzed it and said what good it did or what good it did not do.

Listen well. The General Accounting Office happens to have done such a study. It has documented the weak and delayed benefits of a stimulus package enacted for the 1982 recession, the Emergency Jobs Act of 1983. It added $9 billion to 77 existing programs, including public works, employment assistance, income support, but most of it went to public works-type programs.

Findings—15 months after enactment, only one-quarter of the money that was appropriated had been spent, meaning that you went almost 1½ year and you still had only spent 25 percent of that package, meaning that it certainly is not much in the way of short-term stimulus.

Of the 5.8 million new jobs that economic growth produced during that era when there was still recession in the economy, GAO found that the public sector job impact was only 35,000. America's private sector produced 5.8 million jobs. The $9 billion added to 77 programs produced only 35,000 jobs. Only 35 percent of the jobs created by that stimulus package went to workers who were previously unemployed. And some of the States that were most severely affected by that recession were among those that received the least of the Federal assistance.

I quote from the 1992 testimony of GAO discussing their findings:

> The Emergency Jobs Act of 1983 was not effective and timely in relieving the high unemployment caused by recession. * * * Few jobs were created when most needed in the economy.

I believe we need to take that to heart. So the mere broadcasting of this package being a jobs bill, the mere rhetoric acclaiming it to be that, should at least be looked at in two lights. One, how much will it cost per job? And equally as important, based on history what makes this so different from previous jobs bills? If anything, it will not do the job because this does not produce the kind of jobs that last, and they do not come on line very quickly.

I do not think there is anything different about this bill than the last one, but it does add to the deficit, and it does permit some ongoing programs to get a whole batch of money without being accountable within the budget process and without being subject to the limitations on discretionary expenditures. So it gives some latitude for those who want to spend more to do it in the name of a jobs bill, in the name of an emergency measure.

For those reasons and more—and tomorrow I will take a little time analyzing this bill compared to what other countries are now doing, including Japan. My hope is that for those who are leaning in the direction of a, Well, let us pass it anyway, sort of attitude, that they might reach the conclusion that many of us have reached that we do not need to waste this money. Just because it is called a jobs bill does not mean that it is. And, frankly, we ought to find a better way to help Americans with jobs than to tax Americans and then spend $90,000 per job on temporary jobs.

I yield the floor at this point.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 102-429, announces the appointment of the following individuals to serve as members of the Selection Panel for the John Heinz Competitive Excellence Award:

John F. Welch, Jr., of Connecticut; and

William A. Reinsch, of Maryland.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUMMER YOUTH JOBS PROGRAM

Mrs. KASSEBAUM. Mr. President, I have spoken earlier at length about my concerns regarding the additional $1 billion for the Summer Youth Jobs Program contained in the Emergency Supplemental Appropriations Act. While I commend the Secretary of Labor for setting aside almost one-third of the funds to be used for the academic enrichment component of the program, I have grave doubts as to whether these funds can, and will, be used effectively for that purpose. I am skeptical whether cities around the country will be able to coordinate and schedule additional academic enrichment curricula to serve what amounts to a doubling of the number of youths in the program this summer.

Moreover, I continue to have reservations about the effectiveness of the existing summer program in providing a lasting impact on the lives of disadvantaged youth. I believe an overall assessment of the summer job program is long overdue. It may be too late for us to recommend any comprehensive reforms before this summer, but we cannot afford to wait another year without meaningful evaluation and assessment of the program. Given the size of our Federal deficit, we must hold programs like this to much higher and exacting standards of accountability and performance.

I am pleased the Secretary has also set aside limited funds to engage in this kind of evaluation. But I also believe it is important for Congress to become involved in the oversight process. We will have an opportunity this fall to look back and determine just how effective the overall program has been, including the academic enrichment component. In this regard, would the Senator from Massachusetts be willing to conduct oversight hearings in the Committee on Labor and Human Resources, shortly after the end of the summer, for this purpose?

Mr. KENNEDY. I share with the Senator from Kansas her desire for congressional involvement in the oversight process of the Summer Youth Jobs Program. I intend to schedule a hearing this fall to evaluate the 1993 summer jobs program, and we will do so as soon as possible after the program ends. We will seek testimony from appropriate representatives from the Department of Labor, as well as from those involved in administering these programs at the local level. I look forward to working with the Senator from Kansas to make this hearing productive.

At the same time, I want to point out that the Labor Department inspector general has recently done an evaluation of the 1992 summer youth program which is very encouraging as to the effectiveness of the program in giving disadvantaged young people worthwhile job experience. The inspector general found that with few exceptions, the local service delivery areas managed successful work programs. * * * Participants were productive, interested, closely supervised, learned new skills they could apply to their schoolwork, and took pride in their employment.

There is, of course, always room for improvement. As Secretary Reich has said, we need to learn from the mistakes of the past and build on the successes. Consequently, the administration has proposed to increase the technical assistance available to assist cities, counties, and States in mounting and operating effective programs and to monitor program planning and operations more closely.

Mr. BYRD. Mr. President, certain questions have been raised about unobligated balances remaining in accounts contained in President Clinton's proposal to create jobs and boost the economy.

It should be noted that many of the unobligated balances are the result of statutory requirements and limitations. For instance, the major reason that the Federal-aid Highway Program has an estimated unobligated balance at the end of fiscal year 1993 is that the law establishes a limitation on obligations from the highway trust fund, thus ensuring an unobligated balance at the end of the year. The stimulus proposal would increase this limitation by about $3 billion and create an additional 13,000 jobs.

The EPA construction grant program contains a statutory requirement that obligations may not occur until the States come up with the necessary 20-percent match. The President's job-creation package includes a waiver of that requirement in order to promote prompt spending of these funds to spur job creation.

Another reason for estimated unobligated balances in some programs is that they are forward funded, meaning that the funds that were appropriated in fiscal year 1993 appropriations bills are for expenditure in fiscal year 1994. That accounts for the unobligated balances in the summer youth employment program and the Chapter 1 compensatory education funds. The funds for these programs included in the President's package are to supplement funds provided for in fiscal year 1992 appropriation bills.

Obviously, funds that were appropriated for the Summer Jobs Program in the fiscal year 1993 appropriations bill cannot be used until the summer comes, so they have not been obligated. There should be no great mystery about that.

Fifty percent of the way through the fiscal year, 60 percent of the immunization funds have been obligated and 44 percent of the Head Start funds have been obligated.

There have been some criticisms of unobligated balances in programs that are not even a part of the package. Reports have cited the Veterans Affairs Department's major construction account as having $833 million in unobligated funds at the end of fiscal year 1993. This account is not even in the President's plan. He proposes $133 million for VA medical care nonrecurring maintenance projects in Veterans' Affairs health facilities.

(Later, the following occurred and appears at this point by unanimous consent.)

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, earlier I had asked to include in the RECORD certain materials pertinent to the bill before the Senate. These are tables, Mr. President, that indicate, for the various programs, in each case the State-by-State distribution of the moneys in the bill. The tables reflect the distribution that would occur under the bill that is before the Senate, still unamended except in certain minor instances in connection with which there were no objections. Some of the tables will have to be changed to reflect alterations that will result from the President's recommended revisions, when and if the amendment I shall offer is adopted, especially in those programs which have been cut in the neighborhood of 43 percent across the board. For those programs for which he has recommended no changes, the figures would remain the same with respect to the number of jobs and the State-by-State distribution of the moneys.

So, in sum, I am saying that the tables reflect the situation as of right now, in the bill before the Senate, without any revisions such as the President has recommended and which will be contained in the amendment I will offer on tomorrow on behalf of the distinguished majority leader and myself and other Senators. The States, and the people within the States, can see what was in the bill as it was brought before the Senate from the Appropriations Committee, the State-by-State breakdown, the distribution of moneys for the various and sundry agencies, before the filibuster began.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of President Clinton's letter addressed to me, to which I referred earlier today, together with certain tables which are pertinent to the bill before the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 16, 1993.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: As the Senate prepares to return Monday to consideration of the pending appropriations bill to create jobs, to boost the economy, and to meet pressing human needs, it is important that we renew our commitment to breaking gridlock and to making government work.

To help accomplish those goals, I recommend you consider changes in the pending legislation to reduce its scope, while leaving unaffected certain key programs in the bill. I understand the procedural situation permits you and Senator Mitchell to offer a substitute amendment when the Senate reconvenes. Unfortunately, the rules of the Senate have enabled a minority to block the will of the majority. That makes it necessary for us to step forward and modify the bill in order to meet our objectives. Therefore I recommend you consider offering a substitute that includes these components:

Leave in place the proposed funding levels for these essential programs to create jobs and to meet human needs: highway construction, summer jobs for young people, childhood immunization, the Ryan White program for AIDS victims, construction of wastewater treatment facilities, hiring meat inspectors, and assistance to small business. Of course, the $4 billion for extended unemployment compensation benefits would be left in place.

Reduce proportionately the other programs in the bill to bring budget authority down from $16.2 billion to $12 billion. This will require an across-the-board cut in other programs of about 44 percent.

Target $200 million for grants to local governments to hire police as a means of helping to fight crime and to offset layoffs resulting from the fiscal constraints on local government.

This approach would reduce the budget authority in this bill by approximately 25 percent, but it would create only 18 percent fewer jobs in this fiscal year.

I make this recommendation reluctantly, and regret the unwillingness of the minority to let the Senate act on the original legislation. But our mandate is to achieve change, to move the country forward, and to end business as usual in Washington. By taking the initiative in the face of an unrelenting filibuster I believe we can respond to that mandate and achieve a significant portion of our original goals.

Your advice and counsel, and persistent hard work for the working people of this country are greatly appreciated. You have my respect and the thanks of the millions of Americans in the cities, towns and rural communities across the nation who you are trying to help.

Sincerely,

BILL CLINTON.

EXPLANATORY STATEMENT OF THE RECOMMENDATIONS OF THE SENATE COMMITTEE ON APPROPRIATIONS ON THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1993, AND FOR OTHER PURPOSES (H.R. 1335)

The Committee on Appropriations, to which was referred the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, reports the same to the Senate with an amendment, and with the recommendation that the bill be passed.

ECONOMIC RECOVERY AND CREATING JOBS

This bill provides for critical investments in the transportation, water resources, and veterans health care infrastructure; youth employment and education; productivity-enhancing technology; rural and urban development; and environment and energy to strengthen America in the world community.

The current economic recovery has been conspicuous by the lack of job creation. Compared to the average of post-World War II recoveries this recovery has created the smallest percentage rise in nonfarm employment of any recovery. It has also produced the slowest rise in growth of gross domestic product [GDP]. It is clear that the economy is operating well below capacity. The recommendations contained in this bill will provide needed near-term jobs and economic stimulus helping to forestall just another downturn in the economy and a possible triple-dip recession.

In addition, provisions providing for ready-to-go infrastructure projects funded in this bill, represent a down payment on the long-term investment program in the Nation's infrastructure, both physical and human.

MAJOR PROVISIONS

Extended unemployment benefits—$4,000,000,000

Congress recently passed, and the President signed into law, legislation to provide up to 26 weeks of extended unemployment compensation.

Although that measure did include provisions to allow the Department to borrow from the advances to the trust funds to pay for benefits in the near term; the Department of Labor advises that without the appropriation of the $4,000,000,000 in this bill, it will run out of money for these benefits during the first part of April, leaving an estimated 1.8 million jobless Americans without unemployment compensation.

Federal-aid highways—$2,976,250,000

The administration's proposal brings the 1993 program level to that contained in the Intermodal Surface Transportation Efficiency Act [ISTEA]. This amount will increase obligations to $20,980,000,000, a 17-percent increase. These funds will be directed to fast-spending projects and will create an additional 120,000 direct and indirect jobs in 1993 and 1994.

Mass transit capital grants—$752,340,000

Under this proposal, 9,000 direct jobs will be created in 1993 and 1994. The funds will be used to replace over-age buses and vans, and to fund railcars and rail rehabilitation projects. The sum of $270,000,000, or 36 percent, will be devoted to quick-to-acquire bus and van purchases, while the remaining amount will be used for either bus or rail capital purposes.

Airport grants—$250,000,000

Many of the Nation's airports are congested, resulting in unacceptable delays for air travelers. Increased airport capacity can help reduce delays, speed air travel, and increase safety in many cases. This proposal will enable airports to undertake safety and capacity improvement projects that are ready to go.

Amtrak capital projects—$187,844,000

To allow Amtrak to purchase new train cars and locomotives, modernize stations and maintenance facilities, and to overhaul aging equipment. This will help Amtrak to improve its financial performance.

Community development block grants—$2,536,000,000

The community development block grant [CDBG] program is a formula-based program designed to enable communities to carry out a wide range of community development activities: neighborhood revitalization, economic development, and improved community facilities and services.

There remains a tremendous unmet need for these funds. The U.S. Conference of Mayors puts the number of unfunded CDBG-eligible projects ready to begin at close to $9,000,000,000. As a result, these funds will go to begin many of them quickly. Among the items for which these funds will be used are housing construction and rehabilitation, and public infrastructure like water and sewer systems.

The administration estimates 60,000 direct jobs will be created from this CDBG appropriation.

Small Business Administration loan guarantees—$2,575,558,000

A very real credit crunch is impacting on small business in this country. Banks just aren't lending to small business. This has led to increased demand for SBA guarantees. In fact, demand for SBA-loaned guarantees increased by 37 percent from 1991 to 1992, and in the fourth quarter of 1992 demand ran 46 percent above the same period the previous year. Appropriations have not kept pace. Current SBA credit will run out by May. If the Congress does not take action on this bill the SBA loan guarantee program will shut down. The administration estimates that this proposal will create over 12,000 direct jobs in 1993 and 1994.

Summer youth employment—$1,000,000,000

This proposal will create an additional 683,000 summer jobs for economically disadvantaged youth ages 14 to 21 years old. This will bring to nearly 1.4 million the total number who could participate in this program this summer. One-half of these funds will be concentrated in the 100 American cities with the greatest number of eligible youth.

Pell grant unfunded shortfall—$1,863,730,000

The President's proposal seeks to eliminate funding shortfalls in the Pell grant program for 1993-94 and prior academic years. These shortfalls occurred as result of an unanticipated surge in eligible applicants. The number of Pell grant recipients increased by 29 percent between 1990 and 1993. The Pell grant program now helps 4.4 million low-income students attend school each year, and eventually move on to become productive, taxpaying citizens. The Pell grant funds included in this package will help ensure that we meet the costs of grants for these students for the 1993-94 academic year.

Head Start—$500,000,000

The administration is proposing a new Head Start summer program which would eventually enroll 350,000 children. About 50,000 direct jobs will be created, mostly for parents of Head Start participants and other residents of low-income communities.

EPA sewage treatment construction—$845,300,000

The administration proposal would provide for States to capitalize their State revolving fund loan funds for sewage treatment construction. With only $2,500,000,000 appropriated for fiscal year 1993 and $2,400,000,000 in fiscal year 1992, these funds are vitally needed to help meet the enormous need for wastewater treatment construction nationwide—estimated at more than $100,000,000,000. The funds will be spent in every State for projects which are ready to begin construction immediately, and will create approximately 50,000 direct jobs.

Department of Veterans Affairs—$235,557,000

The bill provides $235,557,000 for maintenance and construction projects in VA hospitals in every State and six VA cemeteries. This will approximately double VA's funding for maintenance and repair projects in fiscal year 1993 to meet VA's enormous backlog of minor construction projects. It will generate 4,700 direct jobs.

More than 1,000 projects will receive funding—including modernizing patient treatment areas and wards, repairing roofs and windows, removing asbestos and lead-based paint, installing important medical equipment, and repairing and improving roads, buildings and water supply systems in VA cemeteries. These funds will enable VA to provide higher quality medical care to the Nation's 27 million veterans.

National Science Foundation—$207,622,000

The bill includes funds for research and facility activities at the National Science Foundation. This investment will create approximately 2,400 new direct jobs, and help create ideas that will help promote and sustain our Nation's long-term economic growth.

NSF research is designed to improve our country's productivity by generating new ideas that will enhance our long-term competitiveness. In addition, by training the current and next generation of scientists and engineers, the NSF is helping to provide the intellectual infrastructure for America's high-technology industries.

Water and waste disposal loans and grants—$470,000,000

The bill proposes to add $450,000,000 in direct loans. These funds are made available to rural communities with populations of under 10,000 to provide basic service, alleviate health and safety hazards, and promote economic development. There is a current backlog of $1,500,000,000 in loan applications and $600,000,000 in grant applications. In terms of job creation, about 2,500 direct jobs are created for each $100,000,000 in expenditures for infrastructure projects. These are primary jobs and do not include secondary jobs created as a result of the project.

Economic development grants—$93,900,000

The President's proposal includes $93,900,000 for the Economic Development Administration [EDA] grants. These grants will fund infrastructure—water and sewer projects; utilities and industrial sites. Of these funds, $48,900,000 will enable the administration to approve public works grant applications that are ready to go.

Of the funds requested, $15,000,000 will be targeted to help victims of Hurricane Iniki and Hurricane Andrew. Another $15,000,000 is targeted to assist communities impacted by Defense base closures and defense-related contract cutbacks. This will enable these communities to develop economic adjustment strategies and to produce nondefense-related jobs. The administration estimates that 850 long-term jobs will be created through this assistance.

Childhood immunizations—$300,000,000

The request includes $300,000,000 to finance vaccine purchases and education and outreach campaigns toward increasing the vaccination levels for all eligible children under the age of 2 years. The administration's goal is to vaccinate 1 million children during the summer of 1993.

Compensatory education for the disadvantaged—$734,805,000

The President has proposed a one-time supplemental of $500,000,000 to expand summer school programs in 1993 for educationally disadvantaged children from prekindergarten through high school. Funds would be allocated to schools with concentrations of poor children. The equivalent of 14,000 direct education jobs would be created by this request.

In addition, the proposal includes $234,805,000 for a one-time adjustment for local school districts whose allocations are being decreased drastically as a result of using the 1990 census. The funds would be distributed to States based on the amount needed to bring counties up to about 92 percent of their fiscal year 1992 funding levels. This supplemental is important because the biggest cuts in allocations would hit States with the highest unemployment rates in the country. It will also allow States to retain 6,000 teaching positions that would otherwise have been lost.

Set forth below is a table summarizing by subcommittee the recommendations of the Committee:

SUMMARY OF RECOMMENDED APPROPRIATIONS

Subcommittee	Budget authority	Loan authorizations
Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies	$602,655,000	$707,623,000
Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies	507,555,000	2,575,558,000
District of Columbia	28,177,000	
Energy and Water Development	141,822,000	
Department of the Interior and Related Agencies	748,842,547	
Departments of Labor, Health and Human Services, and Education, and Related Agencies	8,814,358,000	
Limitation on administrative expenses	(302,000,0000)	
Department of Transportation and Related Agencies	924,334,000	

SUMMARY OF RECOMMENDED APPROPRIATIONS—Continued

Subcommittee	Budget authority	Loan authorizations
Limitation on obligations	(3,242,100,000)	
Treasury, Postal Service, and General Government	153,093,000	
Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies	4,336,617,000	
Total	16,257,453,547	3,283,181,000
Limitation on administrative expenses	(302,000,000)	
Limitation on obligations	(3,242,100,000)	

LOW-PRIORITY PROJECTS

During House of Representatives debate on H.R. 1335, numerous assertions were made that the President's economic stimulus program earmarked funds for lower priority projects. Included were such items as: (1) community development grants for golf courses and cemeteries; (2) fisheries atlases and studies of the sicklefin chub; (3) construction of whitewater canoeing facilities; and (4) payments for a National Oceanic and Atmospheric Administration class VI computer.

On March 22, 1993, the Director of the Office of Management and Budget wrote to assure the Committee that these type of low-priority projects were not proposed in the legislation submitted by the President and would not be funded. The Director committed to work with Cabinet members and the Appropriations Committees to insure that economic stimulus funding is used only for programs of merit and not for the type of projects discussed during House debate.

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

1993 appropriation to date	$34,514,000
1993 supplemental estimate	37,569,000
House allowance	37,569,000
Committee recommendation	37,569,000

COMMITTEE RECOMMENDATIONS

An additional $37,569,000, the same as the budget request and the House amount, is provided for major modernization and repair of Federal agricultural research facilities, including cleanup of hazardous wastesites. Many of the Federal agricultural research facilities are outdated in terms of fire/safety and environmental codes and are unsuitable for advanced research. The administration estimates that 450 new jobs will be created in 1993–94. Additional jobs are created through demands in the building materials industry to supply these construction projects.

The Committee has been advised that the Department has tentative plans to use the funds for the following projects (amounts are approximate):

Peoria, IL ($13,200,000).—Renovate pilot plant to provide facilities for industrial and bioprocessing research and development activities in cooperation with private companies.

Beltsville, MD ($10,000,000).—Renovate building 001, a 1930's lab facility, to provide modern research labs for natural resources and weed science research.

Plum Island, NY ($3,000,000).—Repair dock and pier facilities at animal disease research facility.

Ames, IA ($3,900,000).—Construct incinerator and necropsy facility at animal disease research lab to comply with environmental codes.

Washington, DC ($2,000,000).—Replace deteriorated water lines at the U.S. National Arboretum.

Albany, CA ($500,000).—Renovate west annex building at the Western Regional Research Center.

Various locations ($2,400,000).—Correct immediate building deficiencies including roof and plumbing repairs, painting, and other maintenance.

Hazardous waste ($3,000,000).—Clean up leaking underground storage tanks and other environmental hazards at Beltsville, Plum Island, and other ARS facilities.

FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

1993 appropriation to date	$489,867,000
1993 supplemental estimate	4,000,000
House allowance	4,000,000
Committee recommendation	4,000,000

COMMITTEE RECOMMENDATIONS

To hire an additional 160 meat inspectors to improve the food safety of meat supplies, the Committee recommends an additional $4,000,000, the same as the House amount and the budget request. The current meat inspection workload is being met with extensive overtime and by putting processing inspectors on the slaughter lines. Processing facilities need to be inspected daily, but every carcass must be inspected at slaughter. While visual inspection will only detect a relatively gross level of bacterial contamination, an adequate number of inspectors assures that proper slaughter and processing procedures are followed to reduce the incidence of contamination.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

1993 appropriation to date	$228,266,000
1993 supplemental estimate	46,961,000
House allowance	46,961,000
Committee recommendation	46,961,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $46,961,000 for watershed project construction to address the more than $1,000,000,000 backlog of planned but unfunded projects authorized under the Public Law 566 and Public Law 534 programs. These programs provide financial and technical assistance to address a variety of purposes including flood control, water quality, erosion control, and recreation. Work is accomplished through project agreements with local sponsoring organizations. These local organizations are responsible for operating and maintaining completed works of improvement on non-Federal land. The administration estimates that 630 new jobs will be created by these funds in 1993–94.

Preliminary information from the Department indicates the funds may be distributed as follows:

State	Project	Funds
Alabama	South Fourche	$1,500,000
California	Beardsley, Llygas, Silva	8,000,000
Georgia	Little River, Tallapoosa	500,000
Iowa	Twelve Mile, Troublesome	1,500,000
Illinois	Lower Des Plaines	6,000,000
Indiana	Honey Creek	700,000
Kansas	Elk Creek, South Fork	1,000,000
Kentucky	South Fork Little River	800,000
Louisiana	Bayou Mallet	800,000
Mississippi	Town Creek	2,000,000
Missouri	Trouble, Grassy, U. Locust	2,000,000
North Carolina	Crabtree	3,000,000
New York	Virgil Creek	2,500,000
Ohio	Little Augling	2,000,000
Oklahoma	Upper Elk, Dry Creek	1,500,000
Tennessee	Hurricane Creek	1,800,000
Texas	Salado Creek	3,500,000
Virginia	Cedar Run	800,000
West Virginia	White Stick-Cranberry	4,500,000
Washington	Green River	2,600,000
Total[1]		47,000,000

---

[1] Total does not equal actual appropriation due to rounding.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

SECTION 502 GUARANTEED LOANS

	Loans	Subsidy
1993 appropriation to date	$329,500,000	$6,096,000
1993 supplemental estimate	234,805,000	4,297,000
House allowance	234,805,000	4,297,000
Committee recommendation	234,805,000	4,297,000

COMMITTEE RECOMMENDATIONS

An additional $234,805,000 in loan authority is provided for section 502 single-family housing guaranteed loans at a cost of $4,297,000. These are the same amounts as the House provided and requested by the President. Loan guarantees of private-sector mortgages are available for the purchase or construction of single-family homes for families with incomes that do not exceed 115 percent of median family income. Funds appropriated for 1993 are expected to be used by May 1993, and this increase is expected to meet the remaining demand and would be obligated by the end of the fiscal year. The administration estimates that these funds, together with the funds recommended for section 504 loans will generate 900 new jobs in 1993.

Estimates of the amounts States would be allocated follow:

State	*Funds*
Alabama	$5,638,000
Alaska	938,000
Arizona	2,332,000
Arkansas	4,424,000
California	9,520,000
Colorado	2,182,000
Connecticut	1,796,000
Delaware	558,000
Florida	6,047,000
Georgia	7,923,000
Hawaii	998,000
Idaho	1,515,000
Illinois	6,656,000
Indiana	5,612,000
Iowa	3,692,000
Kansas	2,762,000
Kentucky	6,743,000
Louisiana	5,052,000
Maine	2,452,000
Maryland	2,616,000
Massachusetts	3,187,000
Michigan	7,611,000
Minnesota	4,237,000
Mississippi	5,034,000
Missouri	5,326,000
Montana	1,244,000
Nebraska	1,651,000
Nevada	522,000
New Hampshire	1,565,000
New Jersey	2,400,000
New Mexico	1,887,000
New York	8,409,000
North Carolina	10,460,000
North Dakota	995,000
Ohio	8,947,000
Oklahoma	3,536,000
Oregon	3,466,000
Pennsylvania	10,897,000
Puerto Rico	5,527,000
Rhode Island	402,000
South Carolina	5,347,000
South Dakota	1,326,000
Tennessee	6,255,000
Texas	11,061,000
Utah	856,000
Vermont	1,255,000
Virgin Islands	750,000
Virginia	6,499,000
Washington	3,952,000
West Pacific areas	750,000
West Virginia	4,087,000
Wisconsin	5,106,000
Wyoming	802,000
State totals	214,805,000
General reserve	20,000,000
Total	234,805,000

SECTION 504 VERY LOW INCOME REPAIR LOANS

	Loans	Subsidy
1993 appropriation to date	$11,330,000	$4,548,000
1993 supplemental estimate	2,818,000	1,124,000
House allowance	2,818,000	1,124,000
Committee recommendation	2,818,000	1,124,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $2,818,000 for very low income repair loans at a cost of $1,124,000, the same amounts as the budget request and as provided by the House. These loans are made to very low income households to repair and rehabilitate existing housing units. The loans are made at 1 percent interest and are repayable in 20 years. The increase reflects the estimated level that can be obligated this fiscal year. The administration estimates that these funds, together with the funds recommended for section 502 loans will generate 900 new jobs in 1993.

Estimates of the amounts States would be allocated follow:

State	*Funds*
Alabama	$85,000
Alaska	14,000
Arizona	34,000
Arkansas	62,000
California	102,000
Colorado	22,000
Connecticut	14,000
Delaware	6,000
Florida	68,000
Georgia	106,000
Hawaii	12,000
Idaho	18,000
Illinois	74,000
Indiana	66,000
Iowa	43,000
Kansas	32,000
Kentucky	103,000
Louisiana	76,000
Maine	27,000
Maryland	29,000
Massachusetts	26,000
Michigan	83,000
Minnesota	53,000
Mississippi	78,000
Missouri	67,000
Montana	15,000
Nebraska	20,000
Nevada	5,000
New Hampshire	14,000
New Jersey	19,000
New Mexico	29,000
New York	78,000
North Carolina	136,000
North Dakota	12,000
Ohio	101,000
Oklahoma	50,000
Oregon	36,000
Pennsylvania	113,000
Puerto Rico	104,000
Rhode Island	3,000
South Carolina	73,000
South Dakota	16,000
Tennessee	90,000
Texas	164,000
Utah	11,000
Vermont	11,000
Virgin Islands	10,000
Virginia	91,000
Washington	42,000
West Pacific areas	150,000
West Virginia	58,000
Wisconsin	58,000
Wyoming	9,000
State totals	2,818,000
General reserve	
Total	2,818,000

RURAL DEVELOPMENT ADMINISTRATION

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

WATER AND WASTE DISPOSAL LOANS

	Loans	Subsidy
1993 appropriation to date	$600,000,000	$87,360,000
1993 supplemental estimate	470,000,000	66,821,000
House allowance	470,000,000	66,821,000
Committee recommendation	470,000,000	66,821,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $470,000,000 in direct loans, at a cost of $66,821,000, for water and waste disposal loans. These funds are made available to rural communities with populations of under 10,000 to provide basic service, alleviate health and safety hazards, and promote economic development. There is a current backlog of $1,500,000,000 in loan applications. The additional funding will reduce this backlog by about one-third. The administration estimates that this funding, together with that recommended for rural water and waste disposal grants will generate 2,100 new jobs in 1993 and 1994.

Estimated State allocations follow:

Region and State	*Funds*
Region 1 (NE & VI):	
Connecticut	$2,783,000
Indiana	8,719,000
Maine	2,961,000
Massachusetts	4,120,000
Michigan	12,680,000
New Hampshire	1,863,000
New Jersey	3,567,000
New York	13,939,000
Ohio	13,156,000
Pennsylvania	16,646,000
Rhode Island	558,000
Vermont	1,603,000
Virgin Islands	450,000
Reserve	27,681,000
Subtotal	110,726,000
Region 2 (Mideast):	
Delaware	842,000
Kentucky	10,880,000
Maryland	3,699,000
North Carolina	16,287,000
Tennessee	10,504,000
Virginia	8,635,000
West Virginia	6,609,000
Reserve	19,152,000
Subtotal	76,610,000
Region 3 (SE & PR):	
Alabama	9,258,000
Florida	7,709,000
Georgia	11,660,000
Puerto Rico	16,744,000
South Carolina	7,985,000
Reserve	17,786,000
Subtotal	71,142,000
Region 4 (Delta):	
Arkansas	6,742,000
Louisiana	8,084,000
Mississippi	9,526,000
Reserve	8,118,000
Subtotal	32,470,000
Region 5 (SW):	
Arizona	2,163,000

Region and State	*Funds*
New Mexico	2,111,000
Oklahoma	5,038,000
Texas	15,572,000
Reserve	8,295,000
Subtotal	33,179,000
Region 6 (NC):	
Colorado	2,526,000
Illinois	9,237,000
Iowa	5,258,000
Kansas	3,551,000
Minnesota	5,871,000
Missouri	7,709,000
Montana	1,822,000
Nebraska	2,666,000
North Dakota	1,670,000
South Dakota	2,075,000
Wisconsin	7,067,000
Wyoming	717,000
Reserve	16,723,000
Subtotal	66,890,000
Region 7 (WP):	
Alaska	639,000
California	9,702,000
Hawaii	582,000
Idaho	2,161,000
Nevada	493,000
Oregon	3,983,000
Utah	1,050,000
West Pacific area	450,000
Washington	4,927,000
Reserve	7,996,000
Subtotal	31,983,000
Totals	423,000,000
National reserve	47,000,000
Total	470,000,000

RURAL WATER AND WASTE DISPOSAL GRANTS

1993 appropriation to date	$390,000,000
1993 supplemental estimate	281,767,000
House allowance	281,767,000
Committee recommendation	281,767,000

COMMITTEE RECOMMENDATIONS

An additional $281,767,000 is recommended for rural water and waste disposal grants, the same as the House amount and as the budget request. These funds are used in conjunction with the loan funds to reduce to reasonable levels the per household cost of repaying the loans. There is a current backlog of $600,000,000 in grant applications which would be reduced by one-half with the additional funding recommended. The administration estimates that this funding, together with that recommended for water and waste disposal loans will generate 2,100 new jobs in 1993 and 1994.

Estimated State allocations follow:

Region and State	*Funds*
Region 1 (NE & VI):	
Connecticut	$1,661,000
Indiana	5,203,000
Maine	1,767,000
Massachusetts	2,458,000
Michigan	7,566,000
New Hampshire	1,112,000
New Jersey	2,128,000
New York	8,318,000
Ohio	7,851,000
Pennsylvania	9,933,000
Rhode Island	375,000
Vermont	957,000
Virgin Islands	375,000
Reserve	16,568,000
Subtotal	66,271,000
Region 2 (Mideast):	
Delaware	503,000
Kentucky	6,493,000
Maryland	2,207,000
North Carolina	9,719,000
Tennessee	6,268,000
Virginia	5,153,000
West Virginia	3,944,000
Reserve	11,429,000
Subtotal	45,715,000
Region 3 (SE & PR):	
Alabama	5,524,000
Florida	4,600,000
Georgia	6,958,000
Puerto Rico	9,992,000
South Carolina	4,765,000
Reserve	10,613,000
Subtotal	42,453,000
Region 4 (Delta):	
Arkansas	4,023,000
Louisiana	4,824,000
Mississippi	5,685,000
Reserve	4,844,000
Subtotal	19,376,000
Region 5 (SW):	
Arizona	1,291,000
New Mexico	1,260,000
Oklahoma	3,006,000
Texas	9,292,000
Reserve	4,950,000
Subtotal	19,799,000
Region 6 (NC):	
Colorado	1,507,000
Illinois	5,512,000
Iowa	3,137,000
Kansas	2,119,000
Minnesota	3,503,000
Missouri	4,600,000
Montana	1,087,000
Nebraska	1,591,000
North Dakota	997,000
South Dakota	1,238,000
Wisconsin	4,217,000
Wyoming	428,000
Reserve	9,979,000
Subtotal	39,915,000
Region 7 (WP):	
Alaska	381,000
California	5,789,000
Hawaii	375,000
Idaho	1,289,000
Nevada	375,000
Oregon	2,377,000
Utah	627,000
West Pacific area	375,000
Washington	2,940,000
Reserve	4,843,000
Subtotal	19,372,000
Totals	252,900,000
National reserve	28,867,000
Total	281,767,000

Farmers Home Administration

VERY LOW INCOME HOUSING REPAIR GRANTS

1993 appropriation to date	$12,500,000
1993 supplemental estimate	5,635,000
House allowance	5,635,000
Committee recommendation	5,635,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $5,635,000 for very low income housing repair grants, the same as the House and budget request levels. The grants are made in conjunction with very low income housing repair loans and the maximum amount of a grant cannot exceed $5,000. Grants are available only to elderly households. The increase reflects the estimated level that can be obligated this fiscal year. An estimated 90 new jobs would be generated in 1993 by this increase.

Estimated State allocations follow:

State	*Funds*
Alabama	$163,000
Alaska	21,000
Arizona	63,000
Arkansas	127,000
California	206,000
Colorado	44,000
Connecticut	35,000
Delaware	13,000
Florida	160,000
Georgia	200,000
Hawaii	20,000
Idaho	36,000
Illinois	171,000
Indiana	143,000
Iowa	105,000
Kansas	81,000
Kentucky	189,000
Louisiana	142,000
Maine	57,000
Maryland	59,000
Massachusetts	65,000
Michigan	179,000
Minnesota	120,000
Mississippi	145,000
Missouri	151,000
Montana	31,000
Nebraska	51,000
Nevada	10,000
New Hampshire	32,000
New Jersey	50,000
New Mexico	50,000
New York	180,000
North Carolina	262,000
North Dakota	28,000
Ohio	213,000
Oklahoma	107,000
Oregon	77,000
Pennsylvania	263,000
Puerto Rico	172,000
Rhode Island	8,000
South Carolina	135,000
South Dakota	36,000
Tennessee	174,000
Texas	327,000
Utah	20,000
Vermont	25,000
Virgin Islands	20,000
Virginia	170,000
Washington	87,000
West Pacific areas	150,000
West Virginia	111,000
Wisconsin	133,000
Wyoming	18,000
State totals	5,635,000
General reserve	
Total	5,635,000

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

CHILD AND ADULT CARE FOOD PROGRAM

Available, 1993	$1,273,160,000
1993 supplemental estimate	56,000,000
House allowance	56,000,000
Committee recommendation	56,000,000

COMMITTEE RECOMMENDATIONS

The Committee recommends an additional $56,000,000, the same as the House amount and the budget request, for the Child Nutrition Programs to increase funds available under the Child and Adult Care Food Program. This increase will fund meals for children participating in the proposed new summer Head Start Program.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN [WIC]

1993 appropriation to date	$2,860,000,000
1993 supplemental estimate	75,000,000
House allowance	75,000,000
Committee recommendation	75,000,000

COMMITTEE RECOMMENDATIONS

An additional $75,000,000, the same as the budget request and the House amount, is recommended for the Special Supplemental Food Program for Women, Infants, and Children. Participation will increase from 5.4 million in 1992 to 6 million in 1993, with up to 300,000 new participants added by this increase. WIC provides participants with coupons worth an average of $31 per month, for the purchase of specific supplemental foods rich in nutrients known to be lacking in the diets of low-income pregnant women and their children. In addition, at an average cost of $10 per month, participants are provided with health care screening and referrals as well as nutrition education and breast feeding counseling. Recent studies of WIC have documented that WIC reduces incidence of low birthweight babies and premature births. In fact, for each $1 spent on prenatal WIC, at least $3 in Medicaid costs are saved in the first 60 days of the child's life.

The Committee concurs with bill language indicating that grants are available to States that maintain the standards for eligibility which were in use on January 1, 1993. The Committee notes that these standards take into account changes in poverty income guidelines issued by the Department of Health and Human Services.

The Committee also concurs with bill language allowing the Secretary to waive regulations governing the allocation of funds and notes that this authority extends to any allocations made during fiscal year 1993. The Committee expects funds to be used in States where the need is greatest and expects to receive prior notification of allocations that deviate from the current regulations.

A distribution of funds based on the current formula follows:

State	*Funds*
Alabama	$699,000
Alaska	727,000
Arizona	2,383,000
Arkansas	379,000
California	17,710,000
Colorado	1,143,000
Connecticut	262,000
Delaware	76,000
District of Columbia	79,000
Florida	6,364,000
Georgia	1,244,000
Guam	205,000
Hawaii	546,000
Idaho	160,000
Illinois	1,328,000
Indiana	643,000
Iowa	360,000
Kansas	808,000
Kentucky	564,000
Louisiana	731,000
Maine	220,000
Maryland	1,081,000
Massachusetts	584,000
Michigan	1,613,000
Minnesota	398,000
Mississippi	543,000
Missouri	1,425,000
Montana	152,000
Nebraska	358,000
Nevada	697,000
New Hampshire	90,000
New Jersey	669,000
New Mexico	350,000
New York	2,320,000
North Carolina	1,201,000
North Dakota	77,000
Northern Marianas	4,000
Ohio	2,502,000
Oklahoma	1,175,000
Oregon	817,000
Pennsylvania	1,254,000
Puerto Rico	1,849,000
Rhode Island	97,000
South Carolina	750,000
South Dakota	97,000
Tennessee	932,000
Texas	12,663,000
Utah	304,000
Vermont	69,000
Virgin Islands	31,000
Virginia	922,000
Washington	1,701,000
West Virginia	247,000
Wisconsin	1,261,000
Wyoming	146,000
Total[1]	75,010,000

[1] Total does not equal actual appropriations due to rounding.

THE EMERGENCY FOOD ASSISTANCE PROGRAM

1993 appropriation to date	$165,000,000
1993 supplemental estimate	23,481,000
House allowance	23,481,000
Committee recommendation	23,481,000

COMMITTEE RECOMMENDATIONS

An additional $23,481,000, the same as the House and budget request levels, is recommended for the Emergency Food Assistance Program for the purchase of easy to consume and nutrient dense commodities to be provided to needy low-income persons in emergency distress. These funds will permit additional commodities to be purchased and allocated to States based on the number of unemployed persons and the number of persons under the poverty line. Through TEFAP, the Federal Government purchases and donates to the States a variety of wholesome commodities, such as peanut butter, raisins, rice, and dry bagged beans. Canned foods such as peas, green beans, applesauce, orange juice, and pork and beef products are also provided. TEFAP operates through a network of largely volunteer organizations which distribute foods donated to them locally and by the Federal Government.

Estimated State allocations follow:

State	*Funds*
Alabama	$444,000
Alaska	42,000
Arizona	350,000
Arkansas	261,000
California	2,795,000
Colorado	265,000
Connecticut	206,000
Delaware	45,000
District of Columbia	63,000
Florida	1,187,000
Georgia	580,000
Guam	8,000
Hawaii	61,000
Idaho	81,000
Illinois	1,019,000
Indiana	402,000
Iowa	195,000
Kansas	163,000
Kentucky	384,000
Louisiana	549,000
Maine	91,000
Maryland	324,000
Massachusetts	468,000
Michigan	876,000
Minnesota	292,000
Mississippi	364,000
Missouri	440,000
Montana	76,000
Nebraska	96,000
Nevada	90,000
New Hampshire	72,000
New Jersey	582,000
New Mexico	177,000
New York	1,638,000
North Carolina	547,000
North Dakota	51,000
Northern Marianas	4,000
Ohio	922,000
Oklahoma	297,000
Oregon	245,000
Pennsylvania	958,000
Puerto Rico	906,000
Rhode Island	84,000
South Carolina	323,000
South Dakota	55,000
Tennessee	462,000
Texas	1,866,000
Utah	116,000
Vermont	42,000
Virgin Islands	9,000
Virginia	463,000
Washington	372,000
West Virginia	223,000
Wisconsin	332,000
Wyoming	33,000
Total[1]	22,996,000

[1] Total does not equal actual appropriation due to rounding.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

1993 appropriation to date	$217,000,000
1993 supplemental estimate	93,922,000
House allowance	93,922,000
Committee recommendation	93,922,000

The Committee recommends a supplemental appropriation of $93,922,000 for economic development assistance programs. This is the same as the President's request and the House allowance.

This appropriation would make additional funds available to the Economic Development Administration [EDA] to make grants to States, local governments, Indian tribes and private and public nonprofit organizations to promote economic growth and create jobs. These funds would provide grants to fund infrastructure, such as water and sewer projects, industrial site preparation, utilities, and access roads.

Of the funds recommended, $48,922,000 are provided to fund additional title I public works projects which can be approved and implemented expeditiously. The Committee also concurs with the President's request in recommending $45,000,000 for title IX economic adjustment grants which can be used for planning and project grants to assist economically distressed areas. These funds would be used to assist: (1) economic recovery for communities in Hawaii, Louisiana, and Florida that were devastated by Hurricanes Iniki and Andrew; (2) business development in riot-impacted communities in Los

Angeles, CA; and, (3) communities adversely impacted across the Nation by Department of Defense base closures, realignments, and cutbacks in military procurement.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

1993 appropriation to date	$37,889,000
1993 supplemental estimate	1,878,000
House allowance	1,878,000
Committee recommendation	1,878,000

The Committee recommends a supplemental appropriation of $1,878,000 for minority business development. This recommendation is the same as the President's request and the House allowance.

These funds would provide the Minority Business Development Agency with resources to manage MBDA business development centers and to develop new strategies to stimulate private sector development and business ownership in America's minority communities. While 25 percent of the U.S. population is minority, only 6 percent of all businesses are minority owned.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

1993 appropriation to date	$1,521,416,000
1993 supplemental estimate	80,773,000
House allowance	80,773,000
Committee recommendation	80,773,000

The Committee recommends a supplemental appropriation of $80,773,000 for operations, research and facilities. This is the same level as the President's request and the House allowance.

These funds would be used as follows: (1) $21,000,000 to accelerate modernization of the National Weather Service through deployment of NEXRAD tornado detecting radars at various sites, and acquisition of supercomputers to facilitate improvements in meteorological forecasting; (2) $15,000,000 for NOAA's data modernization initiative at NOAA facilities in Colorado, Maryland, and North Carolina; (3) $9,000,000 for procurement of computers at National Marine Fisheries Service offices; (4) $10,773,000 for NOAA's participation in the interagency High Performance Computing and Communications [HPCC] Program; and (5) $25,000,000 for procurement of environmental research equipment and instrumentation for NOAA's Oceanic and Atmospheric Research laboratories.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

1993 appropriation to date	$192,940,000
1993 supplemental estimate	14,088,000
House allowance	14,088,000
Committee recommendation	14,088,000

The Committee recommends a supplemental appropriation of $14,088,000 for scientific and technical research and services, the account which funds the National Institute of Standards [NIST] and "Technology's intramural research" account. This is the same as the President's request and the House allowance.

This funding supports NIST's role in the multiagency High Performance Computing and Communications Program. Other agencies involved in this effort include the National Science Foundation, National Aeronautics and Space Administration, and the National Institutes of Health. One objective of this NIST program is to accelerate the deployment of high performance computing and networking technologies. NIST would expedite standards development for electronic networks, with attention to industrial quality control and flexible computer-integrated manufacturing. An advanced manufacturing systems and networking testbed would be established at NIST laboratories to enable research into advanced manufacturing computer systems and networks. Most of the HPCC effort would be performed at NIST's laboratories in Boulder, CO.

INDUSTRIAL TECHNOLOGY SERVICES

1993 appropriation to date	$86,067,000
1993 supplemental estimate	103,315,000
House allowance	103,315,000
Committee recommendation	103,315,000

The Committee recommends a supplemental appropriation of $103,315,000 for the National Institute of Standards and Technology's Advanced Technology Program [ATP]. This is the same as the President's request and the House allowance.

The Committee recommended funding level enables NIST to aggressively expand and support high-risk, generic technology development by providing cost sharing cooperative agreements with industry. The ATP has established itself as a key national program to promote economic growth for American industry and to enhance competitiveness by accelerating the development of critically important technologies. The program is a cornerstone in the President's "Technology For America's Economic Growth, a New Direction to Build Economic Strength."

These funds will allow NIST to award an additional 80 ATP projects. NIST will be able to increase funding for the current competitive solicitation in fiscal year 1993 and to provide a second competition later in the year. Because investment in NIST programs produces jobs in new product areas utilizing advanced technologies, these jobs tend to offer higher paying, higher skilled employment. The administration estimates that the increase in ATP funds will create 330 short-term jobs, and potentially 20,000 long-term jobs.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

1993 appropriation to date	$21,320,000
1993 supplemental estimate	63,867,000
House allowance	63,867,000
Committee recommendation	63,867,000

The Committee recommends a supplemental appropriation of $63,867,000 for the National Telecommunications and Information Administration's Public Telecommunications Facilities, Planning and Construction Program [PTFP]. This is the same as the President's request and the House allowance.

This funding would enable NTIA to provide grants to promote the development and use of broadband, interactive telecommunications networks linking the Nation's schools, libraries, governments, and other public information producers. Grants would be competitively awarded to States, local governments, universities, school systems, and other nonprofit applicants.

The Committee concurs with House language that urges the Department of Commerce to build upon the existing PTFP program in the implementation of this program.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

1993 appropriation to date	$222,000,000
1993 supplemental estimate	8,829,000
House allowance	8,829,000
Committee recommendation	8,829,000

The Committee recommends a supplemental appropriation of $8,829,000 for the Equal Employment Opportunity Commission [EEOC]. This is the same as the President's request and the House allowance.

This funding will enable the EEOC to more effectively and efficiently process new cases filed pursuant to the Americans With Disabilities Act of 1990 and the Civil Rights Act of 1991. Full implementation of these legislative mandates will enable all Americans to develop their full potential in the workplace and thereby increase the overall productivity of the American economy.

The Committee recommendation will enable the EEOC to hire an additional 156 investigators and enforcement personnel, all of whom will be placed in field offices in 35 cities throughout the country. The EEOC offices that would gain the most employment include: Chicago, IL; Dallas, TX; Denver, CO; Detroit, MI; Houston, TX; Miami, FL; San Antonio, TX; and Seattle, WA.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

1993 appropriation to date	$331,500,000
1993 supplemental estimate	140,883,000
House allowance	140,883,000
Committee recommendation	140,883,000

The Committee recommends a supplemental appropriation of $140,883,000 which subsidizes additional Small Business Administration [SBA] section 7(a) loan guarantees totaling $2,575,558,000. This is the same as the President's request and the House allowance. Including fiscal year 1992 carryover, this action would result in a total section 7(a) loan guarantee program level of $6,193,599,000 for fiscal year 1993.

The Committee also recommends inclusion of House proposed language which provides permissive authority to use up to $2,000,000 for program administration and oversight.

Demand for the section 7(a) program has increased substantially, since banks are not extending long-term credit to small businesses. In fact, demand for SBA guarantees increased by 37 percent from 1991 to 1992, and in the fourth quarter of fiscal year 1992 demand ran 46 percent above the previous year. Without supplemental funding, the loan guarantee program will run out of funds during May 1993, and will not be activated until after October 1, 1993.

The top five States which received section 7(a) loan guarantees in fiscal year 1992 were as follows: California ($1,257,101,000); Texas ($519,293,000); New York ($263,881,000); Georgia ($223,362,000); and Wisconsin ($159,440,000). The top five States experiencing increased demand in fiscal year 1992 (as compared with fiscal year 1991) for section 7(a) loan guarantees were as follows: Mississippi (197 percent); Connecticut (189 percent); Alaska (188 percent); New Hampshire (178 percent); and Rhode Island (132 percent).

The administration estimates that the credit extended to small businesses through this additional subsidy appropriation will create 12,100 jobs.

CHAPTER III

DEPARTMENT OF DEFENSE

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

1993 appropriation to date	$8,788,004,000
1993 supplemental estimate	$5,541,000
House allowance	
Committee recommendation	

The Committee recommends no supplemental funds for energy conservation projects for the Department of Defense, the same as recommended by the House. In fiscal year 1993, the Congress provided the Defense Department with authority to use $60,500,000 in the defense business operations fund for this purpose. Therefore, the Committee believes adding another $5,541,000 for this purpose is unneeded at this time.

CHAPTER IV

DISTRICT OF COLUMBIA

1993 appropriation to date	$688,000,000
1993 supplemental estimate	28,177,000
House allowance	28,177,000
Committee recommendation	28,177,000

The Committee concurs with the House allowance and budget estimate providing an additional $28,177,000 for the District of Columbia government. According to information received from the District government this additional Federal amount, which is not an increase in the Federal payment but rather is an additional Federal amount, will help the District continue Mayor Kelly's youth initiative. The authorized level of the Federal payment was set in Public Law 102-102 at 24 percent of the independently audited locally generated general fund revenue from the second previous fiscal year. The General Accounting Office reviews the amounts reported as local revenue and makes a statement to the appropriate committees.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

1993 appropriation to date	$3,487,705,000
1993 supplemental estimate	93,922,000
House allowance	93,922,000
Committee recommendation	93,922,000

The Committee recommends an appropriation of $93,922,000 for economic stimulus activities of the U.S. Army Corps of Engineers civil works program as proposed by the President. The recommendation includes $3,900,000 for construction, general; $76,497,000 for operation and maintenance activities, and $13,525,000 for flood control, Mississippi River and tributaries.

A key element of the administration's long-term investment package is improving the Nation's infrastructure and providing earlier realization of long-term benefits while at the same time increasing employment. The funds recommended in this bill will enable the Corps to expedite construction of ongoing high priority water resource projects and will provide funds for needed maintenance of existing projects. In addition, this program will result in a long-term savings by improving operational efficiency and safety, and replacing antiquated mechanical and electrical equipment.

The majority of the work will be performed by contract with the private sector. It is estimated that approximately 3,500 new jobs will be created by the funding recommended.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT

1993 appropriation to date	$3,015,793,000
1993 supplemental estimate	47,900,000
House allowance	47,900,000
Committee recommendation	47,900,000

The Committee recommendation concurs with the House action in providing $47,900,000 for energy supply, research and development activities as requested by the President. The amount recommended includes $46,961,000 for cooperative research and development agreements [CRADA's] and $939,000 for Department of Energy, in-house energy management activities.

The funding recommended for CRADA's will be used to support non-Defense, multilaboratory collaborations to enhance U.S. competitiveness and contribute to the creation and retention of jobs for U.S. workers. This program will allow non-Defense national laboratory scientists and technicians to work with industry, including small business partners and industry consortia, and will bring the resources of the Department's laboratories to bear on the technology problems of American industries.

The proposed funding for the in-house energy management program will provide for survey audits preparatory to retrofitting energy efficient technologies into Department of Energy buildings.

CHAPTER VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

The proposed fiscal year 1993 economic stimulus package includes a total recommendation of $748,842,547 in additional funds for programs under the jurisdiction of the Interior Subcommittee. Similar programs as those funded in the stimulus package are base funded at a level of $1,890,000,000 in fiscal year 1993.

In general, the funds provided in the stimulus package will help the largest agencies in the Interior bill address some of their critical maintenance and repair backlogs; as well as provide for needed restoration of natural and cultural resources; address backlogs of road maintenance and repair, particularly on Indian reservations and in our national parks; provide educational and economic opportunities for tribes; increase energy efficiency; and accelerate use of alternative-fueled vehicles.

The total number of jobs (calculated in work-years) estimated to be created by the programs under the subcommittee's jurisdiction is roughly 19,300. The actual number of people hired may approximate 40,000, depending on the timing of enactment and progress in complying with Federal employment and contracting procedures.

The components of the President's economic stimulus program for agencies under the jurisdiction of the Interior Subcommittee help to address long identified backlogs or shortfalls. The estimated backlog of maintenance repair and rehabilitation projects for the six largest agencies under the subcommittee's jurisdiction approaches $6,000,000,000. This is nearly one-half the size of the subcommittee's annual funding level for all 40 of the agencies funded in the bill. Each year, funds are provided for maintenance and repair, but the rate at which new projects are added to the list each year surpasses the rate at which projects are removed from the list upon completion. This backlog addresses the physical infrastructure only. In addition, restoration of habitat and other natural and cultural resources under the subcommittee's jurisdiction has not kept pace with the demands placed by ever-increasing use of our public resources. The Department of the Interior supports about 450 million annual visits to the national parks, refuges, and BLM lands. The Forest Service supports an additional 500 million visits annually.

Based on information provided by the agencies, it is anticipated that the funding proposed in the stimulus package will be allocated as follows:

ECONOMIC STIMULUS PACKAGE PRELIMINARY STATE-BY-STATE DISTRIBUTION

[In thousands of dollars]

State	Agency						Total
	National Park Service	Fish and Wildlife Service	Bureau of Land Management	Bureau of Indian Affairs	Forest Service	Department of Energy	
Alabama	$559	$775			$1,125	$691	$3,150
Alaska	4,489	2,749	$54	$400	4,257	515	12,464
Arizona	11,928	1,500	86	23,566	10,845	505	48,430
Arkansas	1,943	1,034			3,679	554	7,210
California	27,009	11,719	180	1,107	39,074	2,555	81,644
Colorado	6,868	753	39	870	7,429	1,559	17,518
Connecticut	295	503				794	1,592
Delaware	165	873				182	1,220
Florida	4,484	5,717		336	1,082	871	12,490
Georgia	2,811	2,059			610	854	6,334
Hawaii	1,298	4,065				107	5,470
Idaho	960	1,696	107	1,133	13,121	572	17,589
Illinois	754	727			2,187	3,851	7,519
Indiana	1,600	570				1,864	4,034
Iowa	1,159	1,229		92		1,413	3,893
Kansas	481	405		276		745	1,907
Kentucky	2,017	50			1,487	1,262	4,816

ECONOMIC STIMULUS PACKAGE PRELIMINARY STATE-BY-STATE DISTRIBUTION—Continued

[In thousands of dollars]

State	Agency						
	National Park Service	Fish and Wildlife Service	Bureau of Land Management	Bureau of Indian Affairs	Forest Service	Department of Energy	Total
Louisiana	838	2,136		88	4,530	486	8,078
Maine	798	809		431		832	2,870
Maryland	7,769	1,192				864	9,825
Massachusetts	6,990	1,081				1,870	9,941
Michigan	4,796	1,974		73	2,774	4,237	13,854
Minnesota	1,639	3,976		3,357	3,145	2,865	14,982
Mississippi	5,557	2,414		1,323	3,815	460	13,569
Missouri	2,202	738			1,445	1,667	6,052
Montana	3,436	1,548	127	3,791	12,883	719	22,504
Nebraska	673	858		390	125	730	2,776
Nevada	5,400	563	75	88	950	281	7,357
New Hampshire	277	177			800	464	1,718
New Jersey	4,797	894				1,587	7,278
New Mexico	4,081	1,163	120	12,714	9,690	528	28,296
New York	18,761	1,578		150		5,567	26,056
North Carolina	15,293	1,297		1,011	2,296	1,170	21,067
North Dakota	882	2,095		4,318		702	7,997
Ohio	1,507	289			686	3,764	6,246
Oklahoma	699	741		1,634	193	736	4,003
Oregon	2,175	2,863	15,915	2,096	18,218	868	42,135
Pennsylvania	7,321	1,398			1,256	4,057	14,032
Rhode Island	296	178				351	825
South Carolina	1,498	940			540	514	3,492
South Dakota	1,892	3,031		8,387	639	542	14,491
Tennessee	2,971	1,133			1,690	1,194	6,988
Texas	4,149	4,958		100	50	1,784	11,041
Utah	11,884	1,080	115	343	6,337	675	20,434
Vermont	198	257			717	374	1,546
Virginia	20,498	2,038			1,444	1,185	25,165
Washington	7,132	4,764		6,248	20,413	1,409	39,966
West Virginia	1,692	331			4,000	865	6,888
Wisconsin	1,410	1,690		1,225	1,210	2,450	7,985
Wyoming	11,358	615	88	536	1,996	341	14,934
Other:							
American Samoa	70					63	133
District of Columbia	13,001	40				198	13,239
Guam	191					68	259
Micronesia (FSM)	207						207
Northern Mariana Islands	74					63	137
Puerto Rico	631	80			1,106	257	2,074
Virgin Islands	593	5				64	662
Unallocated	9,135			26,293		35,033	70,461
Total	253,591	87,348	16,906	102,376	187,844	100,778	748,843

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

1993 appropriation to date	$540,246,000
1993 supplemental estimate	1,878,000
House allowance	1,878,000
Committee recommendation	1,878,000

The Committee recommends an appropriation of $1,878,000, the same as the budget request and the House allowance. These funds are proposed to be used for riparian habitat restoration projects in 11 States throughout the western United States. When combined with the funds in the "Oregon and California grant lands" account, it is estimated that the BLM programs in the stimulus package will support between 350 and 450 work-years, or 1,100 jobs, in fiscal year 1993.

OREGON AND CALIFORNIA GRANT LANDS

1993 appropriation to date	$82,415,000
1993 supplemental estimate	15,027,547
House allowance	15,027,547
Committee recommendation	15,027,547

The Committee recommends an appropriation of $15,027,547, the same as the budget request and the House allowance. These funds will be used to address road maintenance and reforestation backlogs in the forested timberlands of western Oregon. Of the amount recommended, $5,635,000 is for reforestation and $9,392,547 is for road maintenance projects. It is expected that the reforestation funds will reduce by 70 percent the backlog of reforestation projects on the Oregon and California grant lands. The road funds will be used to repair 85 bridges and reduce stream sedimentation by replacing 40 culverts and resealing over 300 miles of roads.

U.S. FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

1993 appropriation to date	$530,537,000
1993 supplemental estimate	87,348,000
House allowance	87,348,000
Committee recommendation	87,348,000

The Committee recommends $87,348,000, the same as the budget request and the House allowance. These funds are proposed to be allocated to all 50 States.

Endangered species.—The budget request includes a total of $19,900,000 for endangered species activities, including candidate species status surveys, habitat conservation and restoration projects, permitting, and recovery activities, including actions, planning, and plan implementation. Prelisting activities will be conducted in support of species stabilization and conservation for the approximately 3,800 species awaiting status surveys.

Habitat conservation.—The Committee recommends $24,299,000, as proposed by the administration, for habitat conservation work. This amount includes $18,299,000 for habitat restoration on private lands. The funds will be used to restore over 50,000 acres of marsh and prairie potholes, plant 18,000 acres of bottomland hardwood forests and 35,000 acres of prairie grasslands, and restore over 200 miles of riparian habitat which will provide benefits to neotropical migratory birds, waterfowl, endangered species, and native animal and plant communities. Additional funding of $4,000,000 will be provided for 20 projects in 9 existing bay and estuary programs, and $2,000,000 will be provided in Florida for the national wetlands inventory.

Refuges and wildlife.—The recommendation includes $28,782,000 for habitat restoration and improvement projects within the national wildlife refuge system. These funds will be used for species population inventories, habitat management and improvement projects, protection of natural habitats, and initiating and updating baseline information regarding fish and wildlife resources on Alaska refuges. Slightly less than one-half of the total recommended for refuges and wildlife will be applied toward wetlands and other habitat projects, and the balance will go toward natural resource projects. The Service has estimated that approximately 200 of the 490 national wildlife refuges will receive funding under this program.

Migratory bird management.—A total of $3,000,000 is recommended to expand existing partnership agreements to protect, enhance, restore, and manage ecosystems for migratory birds and other fish and wildlife. Seven projects are proposed with a focus on urban fish and wildlife monitoring and habitat improvement.

Fisheries.—A total of $7,872,000 is recommended for fisheries habitat restoration and improvement, as well as other fisheries project work to help implement a coordinated, habitat-based fisheries program.

Research.—The administration has proposed funding of $1,455,000 for fisheries research and $2,040,000 for gap analysis. The gap analysis funds will support ongoing biodiversity data base development in 22 States, and to begin demonstrations in the Pacific Northwest and Great Basin, and expand work in New England, Pennsylvania, Delaware, and New Jersey. The fisheries research funds will be distributed to 21 States with ongoing fisheries research programs.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SERVICE

1993 appropriation to date	$983,995,000
1993 supplemental estimate	146,519,000
House allowance	146,519,000
Committee recommendation	146,519,000

The Committee recommends $146,519,000, the same as the budget request and the House allowance. Of this amount, $79,519,000 is provided for cyclic maintenance and repair and rehabilitation in the national parks. The physical plant of the National Park Service includes 15,000 buildings, 8,000 miles of roads, 1,400 bridges, 5,000 housing units, and approximately 1,500 water and sewer systems. In fiscal year 1993, the regions of the National Park Service identified repair and rehabilitation needs of approximately $400,000,000. Additional maintenance backlog funding of $12,000,000 is recommended for cultural cyclic maintenance. Of the 359 units in the National Park System, 203 are predominantly cultural areas. Additionally, natural resource restoration and preservation is funded at a level of $20,000,000, which will allow for over 350 projects nationwide to protect and preserve park natural resources. A recent Interior inspector general report documented a backlog of nearly 4,000 natural resource projects totaling over $400,000,000.

Additional operating funds are provided for exhibit rehabilitation ($5,000,000) and seasonal operations ($30,000,000). The exhibit rehabilitation funds will be used for 27 projects upgrading park interpretive exhibits nationwide, such as fabricating and installing an interpretive exhibit at Padre Island National Seashore in Texas and completion of production of an Acadian culture film for Jean Lafitte National Historic Site in Louisiana. The additional seasonal operational funds will be used to help many park units maintain visitor and interpretive services during the busy summer season, so as to prevent the closure of park areas, including Shenandoah Drive and Independence National Historical Park.

NATIONAL RECREATION AND PRESERVATION

1993 appropriation to date	$23,563,000
1993 supplemental estimate	1,409,000
House allowance	1,409,000
Committee recommendation	1,409,000

The Committee recommends $1,409,000, the same as the budget request and the House allowance. This amount will allow for measured drawings of 28 historically significant structures within the NPS to be completed and recorded and deposited with the Library of Congress. This work is traditionally done by students. These projects are located in 23 different States and will be conducted using cooperative agreements with the American Institute of Architects and the American Society of Civil Engineers, as well as using contracts with private firms. At present, before structures determined to be historically significant through the National Register process are removed or modified, measured drainages must be completed so that the Nation's architectural and engineering heritage are preserved.

HISTORIC PRESERVATION FUND

1993 appropriation to date	$36,617,000
1993 supplemental estimate	22,072,000
House allowance	22,072,000
Committee recommendation	22,072,000

The Committee recommends $22,072,000, the same as the budget request and the House allowance. Of the amount provided, $12,472,000 will be allocated on a formula basis to the States and tribes for historic preservation activities determined at the local level, consistent with the Historic Preservation Act. The balance of $9,600,000 will be provided to the National Trust for Historic Preservation to fund historic preservation activities at 16 historic properties in 8 States and the District of Columbia. The properties are: Aiken House, SC; Belle Grove, VA; Brucemore, IA; Casa Amesti, CA; Chesterwood, MA; Cliveden, PA; Decatur House, DC; Drayton Hall, SC; Filoli, CA; Lyndhurst, NY; Montpelier, VA; Oatlands, VA; Shadows-on-the-Teche, LA; Woodrow Wilson House, DC; Woodlawn, VA; and NTHP Headquarters, DC.

CONSTRUCTION

1993 appropriation to date	$229,831,000
1993 supplemental estimate	83,591,000
House allowance	83,591,000
Committee recommendation	83,591,000

The Committee recommends $83,591,000, the same as the budget request and the House allowance. The recommendation includes $50,000,000 for road maintenance and construction projects at 67 sites. Seven of these projects ($30,000,000) are major reconstruction projects that will be conducted through the Federal Highway Administration program, and the remaining $20,000,000 will be provided for regional road maintenance at 60 sites in 54 parks. The seven major projects are located at Blue Ridge Parkway, VA; Bryce Canyon National Park, UT; Golden Gate National Recreation Area, CA; Lake Mead National Recreation Area, NV; Mesa Verde National Park, CO; Shenandoah National Park, VA; and Yellowstone National Park, WY.

The remaining construction funds are allocated for line item projects ($18,000,000), employee housing rehabilitation ($10,000,000), and storm damage repair ($5,591,000). The storm damage funds will be used to help five units and the North Atlantic regional office recover from damages as a result of the strong, and slow-moving storm of December 1992. The high winds and coastal flooding from the storm resulted in damages to marina facilities, boardwalks, parking lots, seawall structures, and dune and beach front areas. The funds will be used for debris cleanup, resource stabilization, and building repairs so that facilities can open in time for the summer season. It is expected that nearly two-thirds of these funds will be allocated to the Gateway National Recreation Area in New York and New Jersey. If additional repairs are needed at Park Service units as a result of the recent winter storm in the southern and eastern United States, the Park Service should identify these needs in a reprogramming request.

The funding for employee housing will be allocated for 65 different projects in 53 units of the system. The line item construction projects will be used for five major projects that are ready to proceed to construction. These projects are located at Cape Hatteras National Seashore, NC (employee housing); Gateway National Recreation Area, NY (Jacob Riis Park); Grand Canyon National Park, AZ (employee housing); John D. Rockefeller, Jr. Memorial Parkway, WY (electrical lines for facility relocation); and Yosemite National Park, CA (electrical system).

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

1993 appropriation to date	$1,342,391,000
1993 supplemental estimate	92,044,000
House allowance	92,044,000
Committee recommendation	92,044,000

The Committee recommends an appropriation of $92,044,000, the same as the budget request and the House allowance. According to the Office of Management and Budget, these funds are expected to generate additional employment of approximately 1,000 workyears. The actual number of jobs created may be higher since many of the positions generated are expected to be summer jobs.

For school operations and administrative cost grants, a total of $48,844,000 is provided. These funds will be used to cover shortfalls which have resulted from a 5-percent increase in student enrollment at Bureau-funded schools and which could result in early closings of schools and layoffs of personnel. The Committee understands that the additional funds for school operations will restore staff positions which would otherwise be reduced, as well as provide needed supplies, such as textbooks and library materials, and cover increased transportation costs. Of the total of $22,587,000 provided for the 1992–93 school year, $18,497,000 is for school operations and $4,090,000 is for administrative cost grants. Of the total of $26,257,000 provided for the 1993–94 school year, $21,503,000 is provided for school operations and $4,754,000 is provided for administrative cost grants.

The Committee is concerned about the current methodology for estimating and distributing funding for school operations, which uses the Indian School Equalization Program [ISEP] formula. It is unclear that the formula allocates educational resources effectively and, as a result, the Committee is concerned that the quality of Bureau-funded education is being compromised. Given the current budget situation, it is essential that BIA education funds be allocated in a manner that more closely matches funding with identified educational needs and that allocated funds be properly managed.

The Bureau should closely examine the funding, enrollment, and staffing situation at all schools and explore alternative funding distribution mechanisms and improved accountability measures. As part of the ISEP formula reauthorization this year, the Committee encourages the Bureau to work closely with the authorizing committees to devise a funding distribution methodology which will more effectively allocate and manage resources.

The Committee recently concurred with the administration's proposed transfer of funding from the Indian Child Welfare Act [ICWA] grant program to school operations to prevent the closing of several Bureau schools as a result of funding shortfalls for the current school year. The reprogramming was approved as a stop-gap measure on the assumption that the stimulus package, as proposed by the President, would soon be enacted. In order to restore the ICWA grants to the fiscal year 1993 enacted level, it is the Committee's intent that any funds transferred from the ICWA grants be replenished by the funds provided herein for school operations and administrative cost grants for the current year and that these funds be replenished in the same manner that they were transferred to cover the shortfalls in school operations.

For school facilities operations and maintenance, $4,700,000 is provided for summer jobs to clean, paint, and upgrade Bureau-funded Indian schools, many of which are deteriorating. These funds will be allocated on a formula basis to 23 States.

For road maintenance, $23,500,000 is provided to upgrade school bus routes, medical access roads, and rural routes on Indian reservations. It is expected that these funds will result in the creation of approximately 300 new jobs in 15 States.

For forest development, $15,000,000 is provided for tree planting and precommercial thinning to increase future harvesting on about 50 reservations, which have been identified as having the largest acreage of need. According to a recent survey, approximately 1.7 million acres were identified as needing forest development activities.

CONSTRUCTION

1993 appropriation to date	$149,613,000
1993 supplemental estimate	4,696,000
House allowance	10,332,000
Committee recommendation	10,332,000

The Committee recommends an appropriation of $10,332,000, the same as the House allowance and an increase of $5,636,000 above the budget request. Subsequent to submission of the stimulus package to the Congress, the administration proposed transferring funds to this account from other BIA programs included in the supplemental request. The construction funds will help address the backlog of facility repair projects which have been identified on the reservations, which is estimated to be $550,000,000. It is estimated that over 325 jobs would be created with the funds provided.

Within this amount, $4,696,000 is provided to complete facility improvement and repair projects, including education and law enforcement facility repairs, and closure of certain solid waste landfills on Indian reservations.

The remaining $5,636,000 is provided to complete construction of two juvenile detention centers on the Navajo Reservation in Arizona and one juvenile detention center on the Pine Ridge Reservation in South Dakota. Funds provided previously for these three facilities are insufficient to complete construction. The additional funds will allow completion of the facilities.

GUARANTEED LOANS

1993 appropriation to date	$9,687,000
1993 supplemental estimate	5,636,000
House allowance	
Committee recommendation	

The Committee recommends that no additional funding be provided in fiscal year 1993 for guaranteed loans, a reduction of $5,636,000 from the budget request and the same recommendation as provided by the House. The administration has requested that the guaranteed loan funds be shifted to the "Construction" account to complete three juvenile detention centers.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

1993 appropriation to date	$1,307,274,000
1993 supplemental estimate	150,000,000
House allowance	150,000,000
Committee recommendation	150,000,000

The Committee recommends $150,000,000, the same as the budget request and the House allowance. These funds will be used to help reduce the backlog of cyclic maintenance and rehabilitation of facilities, trails, and recreation sites in our national forests. When combined with the funding recommended in the "Construction" account, it is estimated that between 2,300 and 4,000 work-years would be created. The Forest Service has estimated that 4,000 work-years would translate into approximately 8,000 jobs, most of them summer employment.

The recommended funds will be allocated as follows: $75,000,000 for recreation management, $25,000,000 for trail maintenance, $20,000,000 for facilities maintenance, and $30,000,000 for a new line item called ecosystem restoration. The ecosystem restoration funds will be used for a variety of activities, including but not limited to, rehabilitation of watersheds and riparian areas, road obliteration to reduce soil movement and sedimentation, restoration and revegetation of abandoned and inactive mines to help reduce nonpoint source pollution, restoration of fish and wildlife habitat, protection of threatened and endangered species, and treatment of timber stands to improve forest health and reduce the risk of damaging wildfire.

CONSTRUCTION

1993 appropriation to date	$255,259,000
1993 supplemental estimate	37,844,000
House allowance	37,844,000
Committee recommendation	37,844,000

The Committee recommends $37,844,000, the same as the budget request and the House allowance. These funds will be provided for reconstruction and rehabilitation of existing Forest Service facilities, trails, and recreation sites. The facilities funds will be allocated principally to recreation sites ($19,844,000 in 21 States), but some funds will also be used for Forest Service research facilities ($3,000,000 in 14 States) as well as fire, administrative and other buildings ($7,000,000 in 13 States). The FA&O backlog is approximately $369,000,000. No new facilities are to be initiated with these funds. The balance of the funding, $7,000,000, is for trail construction in 23 States.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

1993 appropriation to date	$578,903,000
1993 supplemental estimate	100,778,000
House allowance	100,778,000
Committee recommendation	100,778,000

The Committee recommends an appropriation of $100,778,000, the same as the budget request and the House allowance.

Within the transportation program, a total of $28,177,000 is provided to accelerate the purchase of alternative-fueled vehicles for the Federal fleet and to begin implementation of titles III, IV, and V of the Energy Policy Act of 1992 (Public Law 102–486) regarding alternative fuels. It is expected that an additional 10,000 vehicles will be purchased with the additional funds.

For the Federal energy management program, a total of $6,856,000 is provided. Within this amount, $5,635,000 is provided to train more than 550 new energy managers and perform energy audits at approximately 470 Federal sites around the country. The remaining $1,221,000 is provided to establish a fund to be managed by the Federal energy management program for energy-efficiency improvements at all Federal agencies, except for the Departments of Defense, Energy, Veterans Affairs, and the General Services Administration, which receive direct funding for this purpose.

For the weatherization assistance program, $46,961,000 is provided for the weatherization of approximately 28,000 low-income homes. For the institutional conservation program, $18,784,000 is provided to weatherize approximately 800 school and hospital buildings. These funds are expected to generate approximately 1,000 jobs in over 1,200 communities across the country.

CHAPTER VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

1993 appropriation to date	$4,172,156,000
1993 supplemental estimate	1,000,000,000
House allowance	1,000,000,000
Committee recommendation	1,000,000,000

Summer youth employment

The Committee recommends $1,000,000,000 in supplemental funding for the summer youth employment and training program. Of that amount, $989,500,000 is provided for the summer jobs, bill language has been included to require that 30 percent of those moneys be used for academic enrichment activities. Of the remaining $10,500,000, $10,000,000 has been included for the design and development of models and demonstrations for the academic enrichment portion of the summer youth employment and training program, and $500,000 for the technical assistance and training programs.

Increased funding will provide an additional 657,000 summer jobs for economically disadvantaged youths ages 14 through 21 years of age.

People with disabilities, particularly youths with disabilities, are among the most unemployed or underemployed population in our Nation. It is the intent of the Committee that eligible youth with disabilities be among the targeted groups who are served this summer by this program.

These funds are available only for fiscal year 1993.

The following table displays the Senate formula allocation, which is based on current law.

JTPA title IIB summer youth program for 1993

State	*Current formula*
Alabama	$17,883,594
Alaska	2,543,158
Arizona	13,671,699
Arkansas	10,801,745
California	125,839,558
Colorado	10,846,287
Connecticut	10,409,951
Delaware	2,424,644
District of Columbia	4,480,572
Florida	52,148,184
Georgia	19,744,082
Hawaii	2,424,644
Idaho	3,274,853
Illinois	47,933,718
Indiana	16,085,505
Iowa	5,884,307
Kansas	3,848,665
Kentucky	15,513,700
Louisiana	27,142,350
Maine	4,845,819
Maryland	14,201,499
Massachusetts	28,738,598
Michigan	44,519,404
Minnesota	11,007,359
Mississippi	14,482,310
Missouri	17,038,434
Montana	3,424,888
Nebraska	2,424,644
Nevada	3,389,206
New Hampshire	3,975,685
New Jersey	26,071,827
New Mexico	6,258,443
New York	71,503,632

JTPA title IIB summer youth program for 1993—Continued

State	*Current formula*
North Carolina	19,186,138
North Dakota	2,424,644
Ohio	38,103,424
Oklahoma	10,900,048
Oregon	10,138,511
Pennsylvania	42,315,415
Puerto Rico	35,383,287
Rhode Island	4,306,848
South Carolina	11,781,254
South Dakota	2,424,644
Tennessee	17,405,692
Texas	68,612,989
Utah	3,338,288
Vermont	2,424,644
Virginia	18,578,984
Washington	16,426,033
West Virginia	10,885,261
Wisconsin	12,038,221
Wyoming	2,424,644
U.S. total	969,857,711
American Samoa	78,117
Guam	915,138
Marshall Islands	26,998
Micronesia	63,979
Northern Marianas	35,138
Palau	10,595
Virgin Islands	519,463
Native Americans	17,894,860
Subtotal	19,642,289
Demos	10,500,000
Grand total	1,000,000,000

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

1993 appropriation to date	$390,060,000
1993 supplemental estimate	32,131,000
House allowance	32,131,000
Committee recommendation	32,131,000

The Community Service Employment for Older Americans Program provides employment opportunities for individuals 55 years of age and older. To expand those employment opportunities, the Committee recommends $32,131,000 for community service employment for older Americans. This funding will fund approximately 5,300 additional slots, for a total of 70,000 slots in 1993.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

1993 appropriation to date	$3,160,388,000
1993 supplemental estimate	14,300,000
House allowance	14,300,000
Committee recommendation	14,300,000

The Committee recommends $14,300,000 for the State unemployment insurance and employment service operations appropriation, the same amount requested by the President. These funds will be used to implement a nationwide profiling system to identify structurally unemployed workers and to establish a national center to develop the profiling system and provide technical support in developing new computer applications. The profiling system is funded from State operations at $6,600,000; the center is funded from national activities at $5,000,000, and the remaining $2,700,000 may be transferred to the "Program administration" account.

These funds are available only for fiscal year 1993.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

1993 appropriation to date	$665,000,000
1993 supplemental estimate	4,000,000,000
House allowance	4,000,000,000
Committee recommendation	4,000,000,000

The Committee recommends $4,000,000,000 to cover the fiscal year 1993 costs of the extension of the emergency unemployment compensation benefits from March 6, 1993, to January 15, 1994. This is the amount requested by the President. The extension of the emergency unemployment compensation program will provide benefits to an estimated 1.9 million individuals who have exhausted regular State unemployment insurance benefits. The EUC program extension would end October 2, 1993, for the filing of new claims, but payments for persons in claims status on that date may continue until expiration of eligibility, but no payments may be made after January 15, 1994. Claimants filing new EUC claims under the extension will be eligible for up to 20 or 26 weeks of benefits, depending on the level of unemployment in their State.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

1993 appropriation to date	$2,580,812,000
1993 supplemental estimate	200,000,000
House allowance	200,000,000
Committee recommendation	200,000,000

The Committee recommends $200,000,000 for the Ryan White Comprehensive AIDS Resources Emergency Act: $85,000,000 is provided for title I, for additional grants to 25 eligible metropolitan areas heavily impacted by AIDS; $85,000,000 is provided for title II, for grants to States for home and community-based care, continuing health insurance for people with HIV, purchasing pharmaceuticals, and other services; $25,000,000 is provided for title III, for grants to community-based organizations; and $5,000,000 is provided for title IV, to foster collaboration between comprehensive pediatric and family service projects and clinical research programs.

The Committee expects the majority of title IV funds will supplement ongoing pediatric/family AIDS demonstration projects to increase their capacity to support clinical trials for children, women, and families. In addition, the Committee understands funds will be used to provide planning grants and technical assistance to the 32 States that currently have no organized capacity for referrals and where the benefits of such demonstration projects can be identified.

These funds are available only for fiscal year 1993.

NATIONAL INSTITUTES OF HEALTH

NATIONAL LIBRARY OF MEDICINE

1993 appropriation to date	$104,184,000
1993 supplemental estimate	9,392,000
House allowance	9,392,000
Committee recommendation	9,392,000

The Committee recommends $9,392,000 for the National Library of Medicine for its role in a Government-wide supercomputer initiative. Funds would be used to develop technologies for applications of high-performance computing and high-speed networking in the health care sector. The supplemental appropriations would support research, development, and demonstration projects to create advanced methods of medical computing and communications. This is the same amount requested by the President and recommended by the House.

These funds are available only for fiscal year 1993.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

1993 appropriation to date	$56,984,000
1993 supplemental estimate	300,000,000
House allowance	300,000,000
Committee recommendation	300,000,000

The Committee recommends $300,000,000 for the childhood immunization activities within the Public Health Service.

Of this amount, $282,800,000 is included for the Centers for Disease Control and Prevention [CDC]. These funds are provided to improve the immunization rates among preschoolers. This appropriation is intended to fund the immunization action plans for improving vaccine delivery that were developed by the immunization grantees in 1992. The Committee is aware that many of the immunization action plans integrate the community and migrant health centers in their vaccine delivery efforts, and the Committee intends that the community and migrant health centers be provided additional financial support for these activities through funds provided to the States.

Also included is $4,200,000 for the National Institute of Allergy and Infectious Diseases and $7,000,000 for the Food and Drug Administration for vaccine research. The remaining $6,000,000 is provided for the Office of the Assistant Secretary for Health for coordination and administration of immunization activities. The Committee requests that the OASH report to the Committee on the activities supported with these funds so that the Committee can make informed decisions about fiscal year 1994 funding for coordination activities in OASH.

The Committee has been reluctant to increase funding for the National Vaccine Program Office in the past. While the Committee acknowledges the need for administrative funding to coordinate immunization activities, it believes these funds should be kept to a minimum and every possible dollar should be directed toward the purchase of vaccines and support of delivery activities. The Committee also believes appropriations for vaccine activities in other agencies should be made directly to those agencies.

These funds are available only for fiscal year 1993.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

1993 appropriation to date	$35,242,000
1993 supplemental estimate	10,000,000
House allowance	10,000,000
Committee recommendation	10,000,000

The Committee concurs with the House in recommending $10,000,000, to remain available until expended, to reimburse the old-age and survivors insurance and disability insurance trust funds for administrative expenses expended from the "Limitation on administrative expenses" account for the Social Security Administration to process non-Social Security casework under sections 9704 and 9706 of the Internal Revenue Code of 1986, as amended by section 19141 of the Energy Policy Act of 1992.

The amount provided reflects the estimated cost needed to reimburse the trust funds for the administrative expenses of carrying out the new functions in the Coal Industry Health Benefit Act (established by the Energy Policy Act of 1992) for which the

Secretary of Health and Human Services is responsible.

SUPPLEMENTAL SECURITY INCOME PROGRAM

1993 appropriation to date	$23,346,846,000
1993 supplemental estimate	150,000,000
House allowance	150,000,000
Committee recommendation	150,000,000

The Committee concurs with the House in recommending an additional $150,000,000 for fiscal year 1993 for the supplemental security income [SSI] program.

The amount provided reflects the estimated cost needed to reimburse the trust funds for the SSI program's share of the administrative costs for the proposed fiscal year 1993 supplemental appropriation for the limitation on administrative expenses. In addition, the bill language changes the date from July 31 to June 15 for an indefinite appropriation to finance any benefit payment shortfall for the current fiscal year. This is a technical change and will not change the obligation or outlay pattern for the SSI program.

These funds are available only for fiscal year 1993.

LIMITATION ON ADMINISTRATIVE EXPENSES

1993 appropriation to date	$4,813,101,000
1993 supplemental estimate	302,000,000
House allowance	302,000,000
Committee recommendation	302,000,000

The Committee recommends an additional $302,000,000 from the Social Security trust funds for administrative expenses of the Social Security Administration, the same as the administration request and the House allowance. This bill provides $292,000,000 in additional funding in fiscal year 1993 for disability case processing and for investments in automation and SSA facilities to stimulate the economy as well as improve office habitability and service to the public.

The bill also includes $10,000,000, to remain available until expended, to provide administrative expenses for the Social Security Administration to process non-Social Security casework associated with carrying out the new functions in the Coal Industry Retiree Health Benefit Act for which the Secretary of Health and Human Services is responsible. These functions are chargeable to Federal funds. Thus the Social Security trust funds will be reimbursed for these costs from the payment to Social Security trust funds appropriation.

The Committee has not yet received the comprehensive report requested addressing a number of issues relating to SSA's proposed intelligent work station/local area network [IWS/LAN] initiative. The Committee recognizes that the Agency is continuing to pilot IWS/LAN projects and supports these pilot efforts and their evaluation prior to deciding the appropriateness, timing, and other issues related to national implementation. The Committee looks forward to reviewing the requested report and related budget justifications on the administration's multiyear investment proposal for this initiative.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

1993 appropriation to date	$3,658,391,000
1993 supplemental estimate	500,000,000
House allowance	500,000,000
Committee recommendation	500,000,000

The Committee recommends $500,000,000 to fund a new Head Start summer program. Most Head Start programs operate only during the school year. Providing funding for a summer program will help up to 350,000 disadvantaged children and their families to receive the program's comprehensive services throughout the summer months and also allow some of these children to participate on a full-day basis. In addition, the program will employ approximately 50,000 Head Start staff, most of whom are Head Start parents and other residents of low-income communities.

The Head Start program has a mandate that no less than 10 percent of the population served be children with disabilities. The Committee expects that this mandate will continue to be met by the Head Start program as it expands to serve all eligible children.

These funds are available only for fiscal year 1993.

The following table displays the formula allocation.

Head Start—Tentative estimates, fiscal year 1993

	Summer increase
Appropriation	$500,000,000
Alabama	7,700,000
Alaska	1,000,000
Arizona	7,700,000
Arkansas	4,700,000
California	62,500,000
Colorado	4,900,000
Connecticut	3,900,000
Delaware	1,000,000
District of Columbia	1,500,000
Florida	19,500,000
Georgia	13,100,000
Hawaii	1,400,000
Idaho	1,500,000
Illinois	21,300,000
Indiana	7,500,000
Iowa	3,900,000
Kansas	3,500,000
Kentucky	8,200,000
Louisiana	12,700,000
Maine	1,800,000
Maryland	5,900,000
Massachusetts	8,200,000
Michigan	20,500,000
Minnesota	6,200,000
Mississippi	8,000,000
Missouri	8,800,000
Montana	1,500,000
Nebraska	2,200,000
Nevada	1,400,000
New Hampshire	1,000,000
New Jersey	9,200,000
New Mexico	4,000,000
New York	33,500,000
North Carolina	10,300,000
North Dakota	1,000,000
Ohio	21,400,000
Oklahoma	6,100,000
Oregon	4,400,000
Pennsylvania	18,000,000
Puerto Rico	19,200,000
Rhode Island	1,500,000
South Carolina	6,300,000
South Dakota	1,300,000
Tennessee	9,400,000
Texas	37,500,000
Utah	2,700,000
Vermont	1,000,000
Virginia	7,200,000
Washington	7,900,000
West Virginia	4,000,000
Wisconsin	8,100,000
Wyoming	1,000,000

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

1993 appropriation to date	$6,708,986,000
1993 supplemental estimate	734,805,000
House allowance	734,805,000
Committee recommendation	734,805,000

The Committee recommends a supplemental appropriation of $734,805,000 for chapter I compensatory education programs. This is the same amount as the House and the same as the amount requested by the President. Under this program, formula grants to local educational agencies [LEA's] are provided for supplemental instruction and to help educationally disadvantaged children attain the academic skills they need to succeed in school. This supplemental appropriation for two chapter I activities will help spur economic growth and will create new jobs or retain jobs for many Americans who are or who would have expected to be out of work. This is a forward funded program with fiscal year 1993 funds supporting activities in the 1993–94 academic year.

These funds are available only for fiscal year 1993.

Chapter I summer programs

Of the total amount provided by the Committee for chapter I compensatory education programs, the Committee recommends a one-time supplemental appropriation of $500,000,000 for LEA's in the 50 States, the District of Columbia, and Puerto Rico, to operate 1993 summer programs that would enrich the education of disadvantaged children at the prekindergarten through high-school age levels. This amount is the same amount as the President's request and the House allowance and is the amount necessary to provide each State with adequate funds to operate viable summer programs. Using these funds, LEA's would either create new programs or expand existing summer programs to provide access to disadvantaged children. Funds may be used for educational activities already supported by chapter I and may also be used for additional activities such as arts education, food services, school health services, and transportation. Funds would be distributed using the chapter I concentration grant formula, which provides allocations to counties and LEA's with at least 6,500 children from low-income families or with a poverty rate of at least 15 percent.

The Committee is providing appropriations language requested by the President and provided by the House that will require school districts to obligate all of their funds by September 30, 1993, and also provide assurances that at least 80 percent of their funds will be liquidated by that date. This will ensure that this supplemental funding will contribute to an immediate economic stimulus effect. The chapter I summer programs would provide employment for up to 83,000 teachers, classroom aides, and other related staff. Approximately 80 percent of these funds would go to support salaries and other personnel-related expenses.

The Committee is concerned about the educational needs of children of migrant and agricultural farm workers. Recent reports found that there is a greater likelihood that migrant children will be overlooked by a school district in its assessment of service needs of its educationally disadvantaged population.

In order to fill the educational gap of migrant children and provide these children with needed compensatory education services, the Committee directs the Department of Education to provide guidance to school districts to ensure that children of migrant and agricultural workers participate in the summer chapter I program.

The following table displays the formula allocation.

Chapter I summer programs [1]

State	*Proposed supplemental* [2]
Alabama	$10,920,319
Alaska	356,489
Arizona	9,204,770
Arkansas	6,437,568
California	62,570,623
Colorado	4,009,018
Connecticut	2,333,336
Delaware	320,396
Florida	22,976,105
Georgia	13,460,917
Hawaii	1,024,226
Idaho	1,194,424
Illinois	23,700,534
Indiana	5,590,540
Iowa	1,827,062
Kansas	2,454,058
Kentucky	10,004,984
Louisiana	17,503,940
Maine	669,877
Maryland	4,472,074
Massachusetts	7,107,806
Michigan	21,596,907
Minnesota	4,034,082
Mississippi	11,296,806
Missouri	8,741,193
Montana	2,085,232
Nebraska	1,161,418
Nevada	715,538
New Hampshire	250,000
New Jersey	8,236,881
New Mexico	5,456,289
New York	47,649,582
North Carolina	7,349,933
North Dakota	833,355
Ohio	21,774,927
Oklahoma	7,120,870
Oregon	3,345,843
Pennsylvania	19,993,361
Rhode Island	1,563,847
South Carolina	6,862,683
South Dakota	1,330,478
Tennessee	10,669,177
Texas	51,182,070
Utah	1,310,544
Vermont	250,000
Virginia	5,928,321
Washington	5,146,584
West Virginia	5,778,683
Wisconsin	5,653,028
Wyoming	384,089
District of Columbia	1,826,956
Puerto Rico	22,332,257
Total	500,000,000

[1] Distribution is based on the concentration grants formula, with minimum State allocation of $250,000.

[2] Amounts shown are estimates.

Census adjustment

The Committee recommends a supplemental appropriation of $234,805,000 to help reduce the impact on districts that will lose chapter I funds in fiscal year 1993 as a result of the first-time use of 1990 census data in making chapter I allocations. The amount provided by the Committee is the same as the President's request and the House allowance.

The 1990 census showed that while the number of poor children in each State increased between 1980 and 1990, the distribution of those children shifted so that there are relatively more in the Western States and fewer in the Eastern States. This results in sharp decreases in the 1993 allocations, compared to the 1992 allocations, for all Eastern and many Midwestern States. In fact, the 1993 allocations for several Eastern States will be reduced between 13 and 18 percent in comparison to their 1992 allocations, and some of the biggest cuts will occur in areas that have the highest unemployment rates in the country. This supplemental appropriation will delay the effect of the decreases in chapter I allocations to give districts time to plan a transition to a decreased allocation and a smaller compensatory education program. The supplemental appropriation will provide an economic stimulus by preventing the loss in the 1993-94 school year of up to 6,000 teaching positions and services to up to 250,000 students.

The following table displays the formula allocation.

Census adjustment [1]

State	*Proposed supplemental* [2]
Alabama	$8,530,836
Alaska	185,939
Arizona	
Arkansas	2,954,438
California	1,664,438
Colorado	194,687
Connecticut	5,322,934
Delaware	1,837,369
Florida	6,121,670
Georgia	9,238,125
Hawaii	1,140,251
Idaho	420,309
Illinois	13,716,229
Indiana	1,999,182
Iowa	2,105,089
Kansas	677,372
Kentucky	3,636,262
Louisiana	837,210
Maine	3,327,640
Maryland	7,742,773
Massachusetts	10,387,615
Michigan	1,171,114
Minnesota	2,657,308
Mississippi	4,237,159
Missouri	2,710,520
Montana	275,635
Nebraska	1,325,895
Nevada	174,206
New Hampshire	446,301
New Jersey	19,347,011
New Mexico	131,596
New York	41,739,548
North Carolina	12,803,378
North Dakota	559,114
Ohio	827,746
Oklahoma	448,989
Oregon	146,817
Pennsylvania	14,552,574
Rhode Island	1,457,990
South Carolina	5,843,009
South Dakota	1,000,448
Tennessee	8,157,865
Texas	1,490,878
Utah	121,779
Vermont	652,045
Virginia	9,165,897
Washington	71,740
West Virginia	1,044,648
Wisconsin	1,409,012
Wyoming	58,440
District of Columbia	2,701,787
Puerto Rico	16,034,560
Total	234,805,000

[1] Funds will be provided to States based on allocations to counties that, from the regular chapter I allocation, are receiving less than 92 percent of their fiscal year 1992 allocation for basic and concentration grants combined. Each State's allocation will be determined based on the amount of funding necessary to increase county allocations to 92 percent.

[2] Amounts shown are estimates.

STUDENT FINANCIAL ASSISTANCE

1993 appropriation to date	$7,546,109,000
1993 supplemental estimate	1,863,730,000
House allowance	1,863,730,000
Committee recommendation	1,863,730,000

The Committee recommends a supplemental appropriation of $1,863,730,000 for the Pell grant program within the "Student financial assistance" account. This allowance is the same as the House allowance, but $160,000,000 less than the total amount estimated by the administration as needed to pay off the Pell grant shortfall. The additional $160,000,000 will be considered as part of the regular supplemental the Congress will take up later this fiscal year. The reduction will not decrease the number of jobs estimated to be created by the supplemental package.

Pell grants, considered the foundation of the student aid programs, provide need-based grants to low- and middle-income students to help remove financial barriers to a postsecondary education. Grants are based on statutory need analysis and award rules. Over one-half the recipients in the 1993-94 award year are projected to have incomes below $10,000 and over 90 percent are projected to have incomes below $30,000. Approximately 6,600 postsecondary institutions, including public, private, and proprietary schools, participate in the Pell grant program.

The supplemental appropriation is provided to pay off accumulated Pell grant funding shortfalls. These shortfalls result from the difficulty in projecting program costs, which vary according to external economic and behavioral factors affecting student enrollment decisions. The annual appropriations cycle requires the projection of costs 2 years in advance of award year obligations and 3 years before actual award year costs are known. Recent growth in the number of qualifying Pell grant applicants has resulted in a growing multiple-year funding shortfall. When current year appropriations are insufficient to support current year award levels, the Department is authorized to borrow funds from the next year's appropriation. This borrowing, occurring over a number of years, has resulted in the current cumulative shortfall.

The supplemental is provided to defray program costs already accounted for in prior year and current year obligations and outlays. The supplemental will provide $1,370,730,000 to pay off prior year shortfalls accumulated through fiscal year 1992, and $493,000,000 to partially cover the currently estimated shortfall for fiscal year 1993, which funds awards for the 1993-94 academic year. The supplemental will ensure that no student's grant will be reduced in the school year starting next fall.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

1993 appropriation to date	($2,000,000,000)
1993 supplemental estimate	(250,000,000)
House allowance	(250,000,000)
Committee recommendation	(250,000,000)

The Committee has provided the full $250,000,000 in liquidating cash requested by the administration and recommended by the House for the Federal Aviation Administration's Airport Improvement Program.

In addition, the Committee has increased the limitation on obligations by $250,000,000 as requested. This is in addition to the $1,800,000,000 already appropriated for fiscal year 1993 for the Grants Program, and sets the obligation limitation at the fully authorized level of $2,050,000,000. This represents an almost 8 percent increase over the 1992 funding level.

The Federal Aviation Administration estimates that 75 percent of the funds would be allocated for pavement work, which includes construction, extensions, rehabilitation, and/or general improvements to runways, taxiways, apron areas, and access roads.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

1993 appropriation to date	($15,326,750,000)
1993 supplemental estimate	(2,976,250,000)
House allowance	(2,976,250,000)
Committee recommendation	(2,976,250,000)

The Committee has provided the full increase requested by the administration for the Federal-aid highways obligation ceiling. The supplemental amount, when combined with the previously made available funding ceiling, fully funds the obligation ceiling at $18,303,000,000 as authorized in the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA].

The table below provided by the Federal Highway Administration depicts the distribution of the increased obligation limitation.

CURRENT FISCAL YEAR 1993 OBLIGATION LIMITATION INCREASED BY $2,976,250,000

State	Current formula limitation plus discretionary	Increased limitation	Revised increased total limitation
Alabama	$224,069,313	$47,154,401	$271,223,714
Alaska	176,082,420	37,008,028	213,090,448
Arizona	179,309,277	37,729,331	217,038,608
Arkansas	141,107,908	29,686,981	170,794,889
California	1,237,599,457	260,488,228	1,498,087,685
Colorado	190,775,723	40,163,072	230,938,795
Connecticut	297,526,421	62,598,956	360,125,377
Delaware	57,893,755	12,169,455	70,063,210
District of Columbia	78,687,211	16,539,253	95,226,464
Florida	480,490,621	101,154,774	581,645,395
Georgia	375,045,182	78,939,851	453,985,033
Hawaii	221,640,626	47,006,788	268,647,414
Idaho	94,116,384	19,785,929	113,902,313
Illinois	523,452,461	110,123,140	633,575,601
Indiana	279,959,053	58,987,068	338,946,121
Iowa	175,611,931	36,909,206	212,521,137
Kansas	160,254,387	33,681,425	193,935,812
Kentucky	200,485,160	42,202,599	242,687,759
Louisiana	213,999,477	45,023,338	259,022,815
Maine	70,920,919	14,909,794	85,830,713
Maryland	213,613,659	44,948,654	258,562,313
Massachusetts	879,166,033	184,783,747	1,063,949,780
Michigan	358,067,293	75,412,901	433,480,194
Minnesota	277,312,374	58,569,006	335,881,380
Mississippi	153,798,812	32,349,818	186,148,630
Missouri	296,322,724	62,364,634	358,687,358
Montana	136,200,280	28,625,771	164,826,051
Nebraska	122,960,805	25,869,732	148,830,537
Nevada	86,820,669	18,248,767	105,069,436
New Hampshire	67,951,261	14,283,066	82,234,327
New Jersey	410,597,479	86,328,262	496,925,741
New Mexico	148,380,594	31,185,495	179,566,089
New York	777,798,754	163,571,009	941,369,763
North Carolina	324,853,893	68,351,291	393,205,184
North Dakota	87,258,701	18,340,574	105,599,275
Ohio	471,655,989	99,330,013	570,986,002
Oklahoma	181,953,697	38,277,754	220,231,451
Oregon	168,543,880	35,436,156	203,980,036
Pennsylvania	580,483,136	122,116,499	702,599,635
Rhode Island	88,759,644	18,656,000	107,415,644
South Carolina	194,057,933	40,898,583	234,956,516
South Dakota	93,666,275	19,687,141	113,353,416
Tennessee	274,684,451	57,805,103	332,489,554
Texas	861,611,004	181,322,202	1,042,933,206
Utah	105,253,997	22,124,005	127,378,002
Vermont	62,091,624	13,051,649	75,143,273
Virginia	264,384,320	55,654,807	320,039,127
Washington	272,800,209	57,402,395	330,202,604
West Virginia	132,962,603	27,947,671	160,910,274
Wisconsin	245,124,059	51,573,063	296,697,122
Wyoming	94,250,356	19,809,887	114,060,243
Puerto Rico	67,612,742	14,316,413	81,829,155
Subtotal	13,880,026,936	2,920,803,685	16,800,830,621
Administration	423,092,000		423,092,000
Federal lands	438,000,000		438,000,000
104(a) setaside	283,795,732		283,795,732
Reserved for discretionary	301,835,332	55,446,315	357,281,647
Total	15,326,750,000	2,976,250,000	18,303,000,000

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO NATIONAL RAILROAD PASSENGER CORPORATION [AMTRAK]

1993 appropriation to date	$496,000,000
1993 supplemental estimate	187,844,000
House allowance	187,844,000
Committee recommendation	187,844,000

The Committee has provided $187,844,000 in supplemental funding for Amtrak capital improvements as requested by the administration. This supplemental funding, together with funds already appropriated, will bring total grants to Amtrak to $683,844,000 for fiscal year 1993, including capital funding of $352,844,000. The supplemental funding will be used for a wide variety of Amtrak improvement projects including equipment overhauls, improvements to maintenance facilities, improvements to passenger stations, track and right-of-way improvements, purchases of small equipment, and purchases of locomotives. The Committee is supportive of Amtrak's plans to distribute funding among these projects in a manner that will maximize employment opportunities in the near term.

Consistent with the directives of the House Committee, the Committee concurs that none of the supplemental funds shall be used for the development or evaluation of high-speed rail systems. Contrary to the directives of the House Committee, the Committee directs that not less than $120,000,000 of the supplemental funds made available shall be used for capital projects on or along right-of-way owned by Amtrak or State transportation authorities including the Northeast corridor. The Committee believes that Amtrak has a primary obligation to the capital infrastructure of taxpayer-owned right-of-way.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

1993 appropriation to date	$650,975,000
1993 supplemental estimate	466,490,000
House allowance	466,490,000
Committee recommendation	466,490,000

The Committee has provided the full amount requested, $466,490,000, in new budget authority for the Federal Transit Administration's Formula Grants Program. The Committee has included the requested bill language which would distribute the funds as follows: $17,423,000 for section 16; $26,420,000 for section 18; and $422,647,000 for section 9. In addition to the additional formula grant money from the general fund, the section 9 program would receive $15,850,000 in supplemental contract authority from the trust fund, making a total of $438,497,000 in new funds available for the section 9 capital program.

The total amount of new transit formula capital funds, a combination of general funds and trust funds, contained in the supplemental is $482,340,000. The table below, provided by the Federal Transit Administration, depicts the distribution of the additional capital funds.

IMPACT OF ADDITIONAL FISCAL YEAR 1993 SECTIONS 9, 18, AND 16, FORMULA FUNDING OPTIONS

[By State]

State	Fiscal year 1993 enacted (apportionments)				Fiscal year 1993 proposed stimulus at $482,340,000			
	Section 9	Section 18	Section 16	Total	Section 9	Section 18	Section 16	Total
Alabama	$8,346,608	$2,182,659	$844,035	$11,373,302	$2,348,426	$631,093	$306,935	$3,286,454
Alaska	1,348,700	325,481	167,262	1,841,443	379,474	94,110	135,693	609,277
American Samoa		46,391	51,664	98,055		13,414	50,421	63,835
Arizona	17,253,409	1,000,993	748,998	19,003,400	4,854,470	289,427	282,889	5,426,786
Arkansas	2,665,150	1,744,945	602,032	5,012,127	749,874	504,533	245,702	1,500,109
California	237,322,538	4,258,842	4,392,269	245,973,649	66,773,771	1,231,400	1,204,738	69,209,909
Colorado	16,691,713	909,093	590,113	18,190,919	4,696,430	262,855	242,686	5,201,971
Connecticut	24,468,068	824,633	670,249	25,962,950	6,884,408	238,434	262,963	7,385,805
Delaware	2,742,571	205,726	231,683	3,179,980	771,658	59,484	151,994	983,136
District of Columbia	15,277,294		230,267	15,507,561	4,298,465		151,636	4,450,101
Florida	68,918,832	2,737,771	2,977,168	74,633,771	19,391,206	791,598	846,677	21,029,481
Georgia	26,509,322	3,191,279	1,082,347	30,782,948	7,458,741	922,726	367,235	8,748,702
Guam		132,065	130,535	262,600		38,185	126,400	164,585
Hawaii	12,964,659	358,172	283,614	13,606,445	3,647,775	103,562	165,134	3,916,471
Idaho	1,606,180	722,602	289,287	2,618,069	451,920	208,933	166,569	827,422
Illinois	119,546,843	2,904,577	1,938,956	124,390,376	33,636,053	839,828	583,981	35,059,862
Indiana	18,426,828	2,828,208	1,036,716	22,291,752	5,184,627	817,747	355,689	6,358,063
Iowa	4,740,497	1,819,131	644,144	7,203,772	1,333,800	525,983	256,358	2,116,141
Kansas	4,345,416	1,447,061	546,615	6,339,092	1,222,639	418,403	231,680	1,872,722
Kentucky	9,112,366	2,388,782	810,590	12,311,738	2,563,882	690,692	298,473	3,553,047
Louisiana	14,667,485	1,975,696	813,081	17,456,262	4,126,887	571,252	299,103	4,997,242
Maine	1,152,122	953,350	351,484	2,456,956	324,164	275,651	182,307	782,122
Maryland	39,488,031	1,190,212	816,733	41,494,976	11,110,469	344,138	300,027	11,754,634
Massachusetts	61,057,986	1,275,546	1,158,405	63,491,937	17,179,456	368,811	386,480	17,934,747
Michigan	33,495,615	3,454,396	1,664,814	38,614,825	9,424,425	998,803	514,615	10,937,843
Minnesota	14,108,268	1,987,805	827,673	16,923,746	3,969,544	574,753	302,795	4,847,092
Mississippi	2,521,115	1,939,840	586,048	5,047,003	709,348	560,885	241,658	1,511,891
Missouri	16,969,688	2,315,281	1,050,767	20,335,736	4,774,642	669,440	359,244	5,803,326
Montana	1,215,400	585,365	268,783	2,069,548	341,969	169,252	161,381	672,602

IMPACT OF ADDITIONAL FISCAL YEAR 1993 SECTIONS 9, 18, AND 16, FORMULA FUNDING OPTIONS—Continued

[By State]

State	Fiscal year 1993 enacted (apportionments)				Fiscal year 1993 proposed stimulus at $482,340,000			
	Section 9	Section 18	Section 16	Total	Section 9	Section 18	Section 16	Total
Nebraska	4,593,414	883,241	397,435	5,874,090	1,292,417	255,380	193,933	1,741,730
Nevada	5,421,701	288,365	306,129	6,016,195	1,525,466	83,378	170,831	1,779,675
New Hampshire	1,704,081	763,515	291,460	2,759,056	479,465	220,762	167,119	867,346
New Jersey	93,741,371	1,091,664	1,382,549	96,215,584	26,375,350	315,643	443,194	27,134,187
New Mexico	3,720,714	858,213	354,455	4,933,382	1,046,871	248,144	183,058	1,478,073
New York	295,818,929	3,842,789	3,149,851	302,811,569	83,232,489	1,111,103	890,370	85,233,962
North Carolina	13,092,410	4,082,177	1,225,325	18,399,912	3,683,719	1,180,319	403,412	5,267,450
North Dakota	1,184,785	432,903	234,875	1,852,563	333,355	125,170	152,801	611.326
Northern Marianas		42,991	51,520	94,511		12,430	50,385	62,815
Ohio	46,722,796	4,155,940	2,021,747	52,900,483	13,146,064	1,201,647	604,929	14,952,640
Oklahoma	5,892,893	1,753,873	705,104	8,351,870	1,658,042	507,114	271,782	2,436,938
Oregon	12,836,383	1,410,653	658,401	14,905,437	3,611,683	407,876	259,965	4,279,524
Pennsylvania	86,638,376	4,635,994	2,415,856	93,690,226	24,376,830	1,340,450	704,649	26,421,929
Puerto Rico	13,637,229	1,385,381	626,680	16,649,290	3,837,011	400,569	251,939	4,489,519
Rhode Island	5,569,630	177,470	317,337	6,064,437	1,567,088	51,313	173,666	1,792,067
South Carolina	6,219,407	2,043,150	682,925	8,945,482	1,749,911	590,756	266,170	2,606,837
South Dakota	854,645	527,675	250,375	1,632,695	240,465	152,572	156,723	549,760
Tennessee	12,330,742	2,637,473	989,220	15,957,435	3,469,414	762,598	343,671	4,575,683
Texas	77,268,678	5,568,443	2,493,726	85,330,847	21,740,544	1,610,057	724,352	24,074,953
Utah	10,354,241	400,007	333,095	11,087,343	2,913,300	115,658	177,654	3,206,612
Vermont	429,513	471,787	214,054	1,115,354	120,849	136,412	147,533	404,794
Virgin Islands		100,978	132,027	233,005		29,197	126,778	155,975
Virginia	25,303,071	2,338,375	1,027,439	28,668,885	7,119,347	676,117	353,342	8,148,806
Washington	37,437,582	1,638,470	925,674	40,001,726	10,533,549	473,747	327,592	11,334,888
West Virginia	2,070,763	1,393,172	510,022	3,973,957	582,636	402,821	222,421	1,207,878
Wisconsin	18,074,989	2,407,238	944,210	21,426,437	5,085,632	696,028	332,282	6,113,942
Wyoming	593,465	336,679	188,177	1,118,321	166,979	97,347	140,986	405,312
Total	1,558,474,512	91,374,518	48,636,000	1,698,485,030	438,497,000	26,420,000	17,423,000	482,340,000

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

1993 appropriation to date	$1,134,150,000
1993 supplemental estimate	15,850,000
House allowance	15,850,000
Committee recommendation	15,850,000

The Committee has approved the requested increases of $15,850,000 in liquidating cash and the limitation on obligations for the transit portion of the highway trust fund. These additional funds will be apportioned for section 9 urban formula capital grants.

DISCRETIONARY GRANTS

1993 appropriation to date	$1,725,000,000
1993 supplemental estimate	270,000,000
House allowance	270,000,000
Committee recommendation	270,000,000

The Committee has provided an additional $270,000,000 in new budget authority specifically for discretionary bus grants, as requested by the administration and recommended by the House.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

1993 appropriation to date	$1,480,341,000
1993 supplemental estimate	148,397,000
House allowance	148,397,000
Committee recommendation	148,397,000

The Committee bill includes an additional amount of $148,397,000 for the Internal Revenue Service's "Information systems" account in fiscal year 1993, as requested by the President and approved by the House. These supplemental funds will be used by the IRS to replace outmoded information, tax, and telecommunication systems with state-of-the-art equipment. These funds will permit the IRS to respond more rapidly and accurately to taxpayer requests for account information and result in improved tracking of account receivables. The Committee is advised that contracts are currently in place which will permit the Service to obligate these funds in fiscal year 1993. The Internal Revenue Service indicates that an estimated 850 jobs will be created as a result of this supplemental funding in such areas of the country as San Jose, CA; Austin, TX; Poughkeepsie, NY; and Oklahoma City, OK.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

1993 appropriation to date	$330,501,000
1993 supplemental estimate	4,696,000
House allowance	4,696,000
Committee recommendation	4,696,000

The Committee bill includes an additional $4,696,000 as requested by the President and approved by the House for the General Services Administration's Federal buildings fund. These funds will be used to undertake energy conservation projects in Federal buildings throughout the United States. The General Services Administration estimates that an additional 250 jobs will be created as a result of this supplemental funding at various Federal office building sites in the United States.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

1993 appropriation to date	$14,642,723,000
1993 supplemental estimate	202,684,000
House allowance	202,684,000
Committee recommendation	202,684,000

The Committee has provided $202,684,000 for the "Medical care" account, as requested by the President and provided by the House. The funds provided will significantly augment VA's current budget of $229,626,139 for nonrecurring maintenance projects in VA medical facilities.

These funds will provide for maintenance and repair projects, including modernizing patient treatment areas and wards, repairing roofs and windows, removing asbestos and lead-based paint, and installing important medical equipment. The Department has numerous aging facilities which require maintenance and repair projects in order to correct code and critical operational deficiencies. According to the Department, there is a backlog of approximately $800,000,000 for nonrecurring maintenance projects. The funds provided will enable VA to provide higher quality medical care to the Nation's veterans.

The amount provided includes $751,000 for energy efficiency projects, as requested by the administration.

The following table provides a breakdown of the administration's request by State:

State	*Amount*
Alabama	$1,411,000
Arizona	2,305,000
Arkansas	4,237,000
California	2,229,000
Colorado	545,000
Connecticut	16,076,200
Delaware	404,000
District of Columbia	3,347,000
Florida	1,506,000
Georgia	3,056,000
Idaho	387,000
Illinois	17,675,000
Indiana	9,995,400
Iowa	3,185,000
Kansas	5,444,500
Kentucky	2,252,000
Louisiana	3,289,000
Maine	584,000
Maryland	2,546,500
Massachusetts	5,716,703
Michigan	6,074,000
Minnesota	806,000
Mississippi	1,748,000
Missouri	6,481,000
Montana	59,000
Nebraska	4,248,000
Nevada	284,000
New Hampshire	105,000
New Jersey	5,164,000
New Mexico	28,000
New York	18,726,983
North Carolina	1,081,000
North Dakota	1,314,000
Ohio	13,508,668
Oklahoma	1,798,000
Oregon	2,638,500
Pennsylvania	9,995,271

State	*Amount*
Puerto Rico	121,000
Rhode Island	293,000
South Carolina	2,136,000
South Dakota	5,382,201
Tennessee	2,107,800
Texas	6,938,000
Vermont	932,600
Virginia	5,158,500
Washington	3,402,000
West Virginia	2,745,000
Wisconsin	13,077,174
Wyoming	140,000
Grand total	202,684,000

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

1993 appropriation to date	$149,525,000
1993 supplemental estimate	32,873,000
House allowance	32,873,000
Committee recommendation	32,873,000

The Committee has provided $32,873,000 for minor construction projects, as requested by the President and provided by the House. These funds will provide for improvements at several VA hospitals as well as six national veterans cemeteries. The projects to be funded include renovating wards and clinics, and infrastructure repair and maintenance at cemeteries.

The following table provides the administration's request by State:

State	*Amount*
Alabama	$255,000
Arizona	334,000
Arkansas	232,000
California	5,032,000
Colorado	1,569,000
Florida	629,000
Georgia	631,000
Kansas	2,501,000
Massachusetts	2,434,000
Michigan	2,300,000
Montana	2,378,000
Nebraska	250,000
New Mexico	1,708,000
New York	1,405,000
North Carolina	2,324,000
Oklahoma	2,480,000
Pennsylvania	626,000
South Carolina	245,000
Texas	339,000
Utah	2,435,000
Vermont	418,000
Washington	638,000
Wisconsin	627,000
Wyoming	1,083,000
Grand total	32,873,000

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS

1993 appropriation to date	$4,000,000,000
1993 supplemental estimate	2,536,000,000
House allowance	2,536,000,000
Committee recommendation	2,536,000,000

The Committee recommends a supplemental appropriation of $2,536,000,000 for community development block grants [CDBG]. This is the same amount as the administration request and the House allowance.

The Committee believes that the CDBG program is one of the Federal Government's best measures to stimulate the Nation's economy. It provides capital to States, communities, Indian tribes, and insular areas, on a formula basis, for improving important portions of our infrastructure: housing, public facilities like water and sewer systems, roads, and other public improvements, and for public services. The U.S. Conference of Mayors estimates that there are almost 9,000,000,000 dollars' worth of CDBG-eligible projects ready to be acted upon today. The funds provided under this supplemental appropriation will help address this need and generate almost 60,000 new jobs during the fiscal year 1993–95 period.

The Committee has included language, requested by the administration, that requires local officials to obligate funds under this appropriation by December 31, 1994. This will accelerate the pace at which jobs will be created by this supplemental expenditure.

The Committee has also included language requested by the administration to provide the Secretary with regulatory flexibility to expedite the use of funds by communities to meet certain immediate needs.

The State-by-State distribution of these funds, as proposed by the administration, is as follows:

State	*Total allocations*
Alabama	$37,979,000
Alaska	2,833,000
Arizona	29,015,000
Arkansas	20,037,000
California	273,293,000
Colorado	24,129,000
Connecticut	27,271,000
Delaware	4,768,000
District of Columbia	13,043,000
Florida	101,727,000
Georgia	51,675,000
Hawaii	10,834,000
Idaho	6,371,000
Illinois	133,959,000
Indiana	49,646,000
Iowa	28,739,000
Kansas	20,389,000
Kentucky	36,068,000
Louisiana	50,461,000
Maine	11,625,000
Maryland	38,084,000
Massachusetts	71,762,000
Michigan	100,269,000
Minnesota	41,014,000
Mississippi	27,265,000
Missouri	52,549,000
Montana	6,115,000
Nebraska	14,218,000
Nevada	7,876,000
New Hampshire	7,616,000
New Jersey	75,739,000
New Mexico	12,734,000
New York	250,237,000
North Carolina	44,533,000
North Dakota	5,060,000
Ohio	117,331,000
Oklahoma	22,416,000
Oregon	21,539,000
Pennsylvania	158,943,000
Rhode Island	11,597,000
South Carolina	27,017,000
South Dakota	5,883,000
Tennessee	38,112,000
Texas	169,024,000
Utah	13,883,000
Vermont	4,717,000
Virginia	40,915,000
Washington	36,790,000
West Virginia	18,904,000
Wisconsin	45,129,000
Wyoming	2,875,000
Puerto Rico	82,632,000
Subtotal	2,506,640,000
Indian grants	25,360,000
Special purpose grants (insular areas)	4,000,000
Grand total	2,536,000,000

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

1993 appropriation to date	$150,000,000
1993 supplemental estimate	423,000,000
House allowance	423,000,000
Committee recommendation	423,000,000

The Committee recommends the full administration supplemental appropriation request of $423,000,000 for the Transitional and Supportive Housing Demonstration Program. This amount is the same as the House allowance.

The supportive housing program underwent substantial revision in the Housing and Community Development Act of 1992. Its goal is to provide supportive housing and services, particularly for deinstitutionalized homeless individuals, homeless families with children, homeless individuals with mental disabilities, and other handicapped persons. Funds are awarded on a competitive basis.

The Committee notes that this appropriation is designed to address two needs: the creation of jobs and reducing the growing number of homeless in the United States. Jobs will be created since funds used under this program will provide for the rehabilitation of structures for permanent housing for the homeless. The administration estimates that 11,200 jobs will be created in the fiscal year 1993–95 period. Homeless persons will benefit because the program is designed to deal not with the symptoms of homelessness, but with its root causes: permanent shelter and self-sufficiency skills and services. Cost sharing is required for program recipients.

INDEPENDENT AGENCIES

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAM ACTIVITIES

1993 appropriation to date	$73,000,000
1993 supplemental estimate	15,000,000
House allowance	15,000,000
Committee recommendation	15,000,000

The Committee recommends a supplemental appropriation of $15,000,000 for program activities of the Commission on National and Community Service. This is the same as requested by the administration and the House allowance.

The Committee believes that national service offers a unique opportunity to help create the ethic of service among the Nation's young people. At the same time, it offers the chance for important tasks to be accomplished in communities that otherwise would go undone.

The supplemental funds provided in this act will create 1,000 jobs in the President's summer of service initiative, the initial step in his National Service Program. Young people between the ages of 18 and 25 will be involved in service activities to serve the education, health, public safety, and environment of at-risk children.

The Commission will select between 4 and 10 sites, on a competitive basis, for the use of this appropriation. Service programs must run for at least 8 weeks this summer. Each recipient program must have both service and leadership training for staff and participants. Youth participating in the program will receive a minimum wage stipend and a $1,000 postservice benefit that can be used for either education or training. Participating programs will be required to provide some matching funds to support the work of the summer of service effort in their community.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

1993 appropriation to date	$1,318,965,000

1993 supplemental estimate	20,663,000
House allowance	20,663,000
Committee recommendation	20,663,000

The Committee has provided $20,663,000 to expand the Agency's energy efficiency programs, as requested by the President and provided by the House. These funds will be used to encourage the use of "green" technologies and systems that reduce energy consumption, thereby increasing the productivity of businesses and conserving energy. The Agency estimates that more than $1,000,000,000 in private investments in new lighting, heating, ventilation, building materials, and other equipment will be created as a result of this spending.

PROGRAM AND RESEARCH OPERATIONS

1993 appropriation to date	$823,607,000
1993 supplemental estimate	2,818,000
House allowance	2,818,000
Committee recommendation	2,818,000

The Committee has provided the administration's request of $2,818,000 for the "Program and research operations" account. These funds will provide for approximately 45 full-time employees [FTE's] to expand EPA's energy efficiency programs.

The Committee directs the Agency to provide a report within 30 days of enactment of this legislation detailing how these funds will be expended.

CONSTRUCTION GRANTS/STATE REVOLVING LOAN FUND PROGRAM

1993 appropriation to date	$2,550,000,000
1993 supplemental estimate	892,261,000
House allowance	892,261,000
Committee recommendation	892,261,000

The Committee has provided $892,261,000 for the "Construction grants/State revolving loan fund" account, as requested by the President and provided by the House.

The amount provided includes $845,300,000 for grants to States to capitalize their revolving loan funds for sewage treatment construction. These funds are critically needed to help meet the enormous need for wastewater treatment construction nationwide, estimated by the Agency at more than $100,000,000,000. The funds will be spent in every State for projects which are ready to begin construction. The funds will lead to the creation of approximately 50,000 jobs.

The following table provides the administration's request by State:

State	*State allotment*
Alabama	$9,520,500
Alaska	5,095,700
Arizona	5,750,700
Arkansas	5,569,700
California	60,893,900
Colorado	6,810,600
Connecticut	10,430,600
Delaware	4,179,800
District of Columbia	4,179,800
Florida	28,740,100
Georgia	14,395,700
Hawaii	6,594,200
Idaho	4,179,800
Illinois	38,507,300
Indiana	20,519,400
Iowa	11,523,300
Kansas	7,685,300
Kentucky	10,836,400
Louisiana	9,359,700
Maine	6,590,900
Maryland	20,592,600
Massachusetts	28,907,600
Michigan	36,609,700
Minnesota	15,649,200
Mississippi	7,671,000
Missouri	23,603,100
Montana	4,179,800
Nebraska	4,354,900
Nevada	4,179,800
New Hampshire	8,508,600
New Jersey	34,793,000
New Mexico	4,179,800
New York	93,978,100
North Carolina	15,366,400
North Dakota	4,179,800
Ohio	47,931,800
Oklahoma	6,878,800
Oregon	9,618,200
Pennsylvania	33,726,400
Rhode Island	5,717,000
South Carolina	8,722,500
South Dakota	4,179,800
Tennessee	12,368,500
Texas	38,915,600
Utah	4,486,200
Vermont	4,179,800
Virginia	17,424,700
Washington	14,806,500
West Virginia	13,272,700
Wisconsin	22,018,000
Wyoming	4,179,800
American Samoa	764,400
Guam	553,100
Northern Marianas	355,300
Puerto Rico	11,104,900
Pacific Trust Territory	309,000
Virgin Islands	443,700
Subtotal	841,073,500
Indian set-aside	4,226,500
Total	845,300,000

The Committee has concurred with the administration and the House in waiving the 20-percent State match requirement, in order to expedite the award of funds.

The amount provided under this account includes $46,961,000 for nonpoint source pollution control grants, as requested by the President and provided by the House. These funds will enable our Nation's watersheds to be protected and restored through such activities as the construction of systems to treat urban runoff and animal wastes, urban lake renewal projects, and the restoration of wetland habitats. The amount provided will provide more than 2,400 jobs for laborers, heavy equipment operators, fishery biologists, engineers, and others.

The Committee has concurred with the administration and the House in waiving the 40-percent State match requirement for the section 319 program, in order to expedite the award of funds.

National Aeronautics and Space Administration

RESEARCH AND DEVELOPMENT

1993 appropriation to date	$7,089,300,000
1993 supplemental estimate	4,696,000
House allowance	4,696,000
Committee recommendation	4,696,000

The Committee concurs with the House in recommending a supplemental appropriation of $4,696,000 for research and development activities of the National Aeronautics and Space Administration. This amount is the same level as was requested by the administration.

Funds appropriated under this account will provide for additional activities in NASA's portion of the high-performance computing and communications initiative. Advances in high-performance computing are essential for certain high-technology fields in which NASA plays an important role, including aeronautics, climate change analysis, and space technology. The Committee expects NASA to utilize these funds with an emphasis on the applications that result from the use of advanced computing networks and technology.

National Science Foundation

RESEARCH AND RELATED ACTIVITIES

1993 appropriation to date	$1,859,000,000
1993 supplemental estimate	197,230,000
House allowance	197,230,000
Committee recommendation	197,230,000

The Committee recommends a supplemental appropriation of $197,230,000 for research and related activities of the National Science Foundation. This amount is the same level as requested by the administration and the House allowance.

About 55 percent of the funds provided in this account will go for strategic research initiatives already begun by the NSF in advanced materials, climate change, manufacturing, high-performance computing, and biotechnology. The remaining amounts will go to basic research proposals undertaken by individual investigators and small groups of researchers. Proposals will be selected in part on the basis of their ability to obligate funds quickly. The Committee concurs with the administration in believing that these funds will help stimulate the economy by creating an estimated 2,100 jobs. In addition, research funded by the NSF will promote long-term investment by generating new ideas that will spur the economic opportunities of tomorrow.

The allocation of research funds, consistent with the Administration's request, will be as follows:

Biological sciences	$20,000,000
Computer and information science	47,700,000
Engineering	35,770,000
Geosciences	43,780,000
Mathematical and physical sciences	40,550,000
Social, behavioral, and economic sciences	9,430,000
Total	197,230,000

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

1993 appropriation to date	$50,000,000
1993 supplemental estimate	4,696,000
House allowance	4,696,000
Committee recommendation	4,696,000

The Committee recommends a supplemental appropriation of $4,696,000 for academic research and facilities activities of the National Science Foundation. This amount is the same level as requested by the administration and the House allowance.

The Committee notes its long-standing interest in reducing the tremendous backlog of need for major research equipment and facilities at the Nation's colleges and universities. Funds provided through this supplemental appropriation will be awarded on a cost-sharing basis to high-priority projects that will enhance the research environment.

SALARIES AND EXPENSES

1993 appropriation to date	$111,000,000
1993 supplemental estimate	4,696,000
House allowance	4,696,000
Committee recommendation	4,696,000

The Committee recommends $4,696,000 for salaries and expenses activities of the National Science Foundation. This amount is the same level as requested by the administration and the House allowance. The Committee allocates these funds for connection only in use with the Foundation's relocation to its new headquarters.

TITLE II—GENERAL PROVISIONS

The Committee concurs in a House provision (Sec. 201) that no part of any appropriation contained in the bill remain available for obligation beyond the current fiscal year unless expressly so provided therein.

The Committee concurs in a provision requested by the President and proposed by the House (Sec. 202) that designates all funds provided under the bill to be emergency requirements.

BUDGETARY IMPACT

Section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344), as amended, requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 602 of the act for the most recently agreed to concurrent resolution on the budget for the fiscal year. All funds provided in this bill are emergency funding requirements.

FIVE-YEAR PROJECTION OF OUTLAYS

In compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 (Public Law 93-344), as amended, the following table contains 5-year projections associated with the budget authority provided in the accompanying bill:

[In millions]

Budget authority: Fiscal year 1993	$16,257
Outlays:	
Fiscal year 1993	6,889
Fiscal year 1994	6,218
Fiscal year 1995	3,021
Fiscal year 1996	857
Fiscal year 1997 and future years	592

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(D) of the Congressional Budget Act of 1974 (Public Law 93-344), as amended, the financial assistance to State and local governments is as follows:

[In millions]

New budget authority	$7,075
Fiscal year 1993 outlays resulting therefrom	1,568

Mr. BYRD. I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

COMMENDING THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL FOR WINNING THE 1993 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S BASKETBALL CHAMPIONSHIP

Mr. HELMS. Mr. President, I have a resolution, that I understand has been cleared on both sides, which I send to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read as follows:

A resolution (S. Res. 97) to commend the Tar Heels of the University of North Carolina at Chapel Hill for winning the 1993 National Collegiate Athletic Association Men's Basketball Championship.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senator from North Carolina.

UNC TAR HEELS NCAA CHAMPS THIRD TIME, SUCCEEDING DUKE

Mr. HELMS. Mr. President, I believe it was Dizzy Dean—the Chair might correct me if I am wrong—who said that "Braggin' ain't braggin' if you can prove it."

Assuming that statement is true, no matter who said it, it is on behalf of Dot Helms and all of the many thousands of others who have been graduated from, or who attended—and I add, parenthetically, the present occupant of the chair, Mr. WELLSTONE, attended—the University of North Carolina at Chapel Hill, that I offer this resolution on behalf of myself and Senator FAIRCLOTH to congratulate the University of North Carolina Tar Heels for their having won the NCAA 1993 Men's National Basketball Championship.

It happened two weeks ago tonight, on April 5, at New Orleans, when North Carolina defeated, at about midnight [EDT], the fine University of Michigan team, 77-71.

I have to be careful, Mr. President, about pulling for any team in any sports season, whether it be football, basketball, baseball, or whatever. Counting our two grandchildren who already are in college, with five grandchildren yet to go, our family's loyalties are divided among at least seven educational institutions. But when the regular season is over, any team from North Carolina is the home team—as far as the Helms family is concerned—in any postseason tournament.

Now, then, a little bit of "braggin."

In the past decade, three of our State's basketball teams have won the NCAA championship—N.C. State University in 1983, and Duke University two years in a row, 1991 and 1992. Now the UNC Tar Heels in 1993 have made it four.

So this resolution formally puts the Senate on record as congratulating UNC Coach Dean Smith and his great team—as North Carolina's Senators have done in previous years for Jim Valvano (whose N.C. State Wolfpack was known as the cardiac kids in the basketball season that ended on April 4, 1983, when the Wolfpack defeated Houston, 54-52); and for the great Coach Mike Krzyzewski (when the Duke University Blue Devils had their turn, becoming the NCAA basketball champions two years in a row, 1991 and 1992).

Incidentally, this is the third time that UNC has won the national championship. The first two were in 1957 and 1982.

This 1993 victory is a tribute to UNC's team-centered concept that has characterized Dean Smith-coached squads for more than 30 years. From the gritty, persistent inside play of team leader and senior, George Lynch, to the tenacious defense by Derrick Phelps; from the sheer presence of 7-foot Eric Montross to the sharpshooting of Donald Williams of Garner, NC, this UNC team proved what teamwork can accomplish.

While compiling a 35-4 record, the Tar Heels won the ACC regular season championship and beat each team they faced at least once en route to UNC's third men's NCAA title.

This year's team joins a long tradition of great UNC basketball stars such as Billy Cunningham, Charlie Scott, Bobby Jones, Walter Davis, Phil Ford, James Worthy, Sam Perkins, Kenny Smith, Hubert Davis, and, of course, the one and only Michael Jordan.

But more than that, Mr. President, Coach Smith and his teams have never forgotten what it is to be student-athletes, as they are called, not just athletes. During his 32 years in Chapel Hill, Dean Smith has always emphasized academics to his players—and to his personal credit, the vast majority of his talented players have earned their degrees.

After receiving the NCAA tournament Most Valuable Player Award, Donald Williams dedicated his award to former N.C. State coach Jim Valvano—the first coach to recognize Donald Williams' talent by seeking to recruit young Williams from his high school in Garner, NC.

And by the way, Mr. President, Coach Valvano, or Jimmy V, as he is known affectionately by me and everybody else, has in his battle against cancer been an inspiration to everyone, both sports fans and nonsports fans. Untold thousands, including everybody in the Helms family, is praying for this special man's recovery.

So, Mr. President, congratulations are indeed in order for UNC's Tar Heels. Needless to say, Senator FAIRCLOTH and I are proud that the trophy will remain in North Carolina for three years in a row. Not many of my colleagues can say that.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 97) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 97

Whereas the men's basketball team of the University of North Carolina at Chapel Hill has had another outstanding season;

Whereas the men's college basketball program at the University of North Carolina at Chapel Hill has in the history of college basketball won more games than has the program of any other college or university in the Nation;

Whereas North Carolina Coach Dean Smith has amassed 774 victories in his career, the second-highest total in NCAA history;

Whereas the 1993 North Carolina Tar Heels compiled a record of 35-4 and won the Atlantic Coast Conference regular season championship;

Whereas the North Carolina Tar Heels reached the NCAA's Final Four for the second time in three years; and

Whereas the North Carolina Tar Heels won the 1993 NCAA men's basketball championship: Now, therefore, be it

Resolved, That the Senate commends the Tar Heels of the University of North Carolina at Chapel Hill for having won the 1993 National Collegiate Athletic Association Men's Basketball Championship.

Mr. HELMS. Of course, Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair and I thank the distinguished President pro tempore of the Senate, who is a native of North Carolina, I might add.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 98-183, as amended by Public Law 101-180, appoints the following individual to the U.S. Commission on Civil Rights: Cruz Reynoso, of California.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, earlier in the day I believe the White House, and prior to that perhaps some Members of the Senate or the House, spoke of a number of emergency measures, alleging that they were comparable to declaring this $16.3 billion package an emergency.

I just want to put in the RECORD a detailed list to correct any indication that these emergencies that have been declared are comparable to those cited. The 28, the best I can determine, are all urgent supplementals over a long period of time, not just since 1990 when we had, for the first time, this new definition of an emergency, expenditure and our new 5-year budget agreement, under which we are adopting this emergency stimulus package.

I want to put into the RECORD a detailed list by the Congressional Budget Office of all of these emergencies that were declared since 1990, under the same auspices as the bill. For those who are interested, they will find the overwhelming number and amount were for Operation Desert Storm and then, for about $8 or $9 billion that were domestic instead of defense, the overwhelming proportion of which were real natural emergencies, such as tornadoes, earthquakes, and the like where we had agencies running out of emergency money. Even the Fish and Wildlife Service got an emergency appropriation for the *Valdez* oilspill disaster.

So very few emergency supplementals had to do with domestic programs, and those that did were almost exclusively actual disasters, not an effort to stimulate the economy with domestic spending.

There is little resemblance between the Clinton administration's stimulus plan and the emergency packages approved in recent years.

There is simply no comparison between the administration's deficit-financed stimulus bill and the true emergency appropriations which have responded to natural disasters and overseas conflicts.

While the White House seeks to compare its stimulus package to past emergency packages, an examination reveals few similarities.

Since passage of the 1990 budget act, nine emergency packages have been approved responding to natural disasters such as Hurricane Andrew or western drought relief; the Los Angeles riots, or to help fund ongoing operations during Desert Shield/Storm.

Since passage of the 1990 budget agreement emergency appropriations have totaled $68.9 billion in spending authority. Of that, defense and international emergency appropriations associated with Desert Storm and Desert Shield totaled $59.8 billion. The Desert Storm/Shield appropriations were later offset by contributions from our allies in that conflict.

Therefore, total domestic discretionary emergency appropriations have totaled $9 billion since the 1990 budget agreement. These emergency appropriations covered such items as: Commodity Credit Corporation farm disaster assistance programs, FEMA disaster assistance, U.S. Fish and Wildlife for the *Exxon Valdez* oilspill.

Attached is a list of emergency appropriations since the 1990 budget agreement as prepared by the Congressional Budget Office.

I ask unanimous consent the list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CBO ESTIMATE OF EMERGENCY DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1991–93

[By spending category, in millions of dollars]

	Fiscal year					
	1991		1992		1993	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Defense						
1991 Defense Bill, P.L. 101–511	1,000	776		224		
Desert Shield/Storm, P.L. 102–27	374	344		26		
Desert Shield/Storm, P.L. 102–28	42,626	31,632		6,673		
Humanitarian Assistance, P.L. 102–55	337	269		54		
Disaster Supplemental, P.L. 102–229			10,356	6,783		
1992 Supplementals			3,471		642	3,034
Total Defense emergencies	44,336	33,020	13,827	13,760	642	3,034
International						
Desert Shield/Storm, P.L. 102–27	909	899		7		
Humanitarian Assistance, P.L. 102–55	236	146		55		
1992 Supplementals, P.L. 102–368			6			5
Total International emergencies	1,145	1,045	6	63		5
Domestic						
Desert Shield/Storm, P.L. 102–27	364	511	(150)	(149)		
Disaster Supplemental, P.L. 102–229			2,793	1,513		712
Further Continuing Approprations, Fiscal year 1992, P.L. 102–266			107	28		33
Disaster Assistance for Los Angeles and Chicago, P.L. 102–302			995	537		380
1992 Supplementals, P.L. 102–368			4,425		285	2,810
1993 Interior Bill, P.L. 102–381					218	13

CBO ESTIMATE OF EMERGENCY DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1991–93—Continued

[By spending category, in millions of dollars]

	Fiscal year 1991		1992		1993	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Total Domestic emergencies	364	511	8,169	1.929	503	3,950
Total Discretionary emergencies	45,845	34,576	22,002	15,752	1,145	6,988

Note.—The authority to use $6.3 billion of amounts in the Defense Cooperation Account was provided in P.L. 102–28, but was not used and lapsed at the end of fiscal 1991. P.L. 102–229 provided this authority again and the amount is reflected for each of the public laws shown on this table.

Source/Data.—Congressional Budget Office/March 24, 1993.

FISCAL YEAR 1991/1992 DISCRETIONARY APPROPRIATIONS DESIGNATED BY THE PRESIDENT AND THE CONGRESS AS EMERGENCY REQUIREMENTS[1]

[In millions of dollars]

Category Public Law Budget Account	1991		1992	
	Budget authority	Outlays	Budget authority	Outlays
DEFENSE				
P.L. 101–511				
Defense (unassigned by account)	1,000	776		224
P.L. 102–27				
Military personnel:				
Army	169	160		8
Navy	50	48		2
Air Force	37	36		2
Marine Corps	45	43		2
Operation and maintenance:				
Navy	24	19		4
Army	31	25		5
Air Force	18	14		3
Total P.L. 102–27	374	344		26
P.L. 102–28				
Military personnel:				
Marine Corps	983	942		38
Navy	797	767		29
Army	4,864	4,616		238
Air Force	1,278	1,219		56
Operation and maintenance:				
Army	15,083	11,915		2,413
Marine Corps	1,205	897		241
Navy	2,759	2,152		508
Navy reserve	16	11		4
Air Force	3,701	2,839		692
Air National Guard	55	44		9
Defense agencies	203	175		22
Unspecified O&M	6,000	4,722		1,026
Procurement:				
Marine Corps	127	20		31
Aircraft, Navy	25	3		8
Weapons, Navy	816	79		268
Other, Navy	35	4		8
Aircraft, Army	7	1		3
Missile, Army	664	40		199
Weapons, Army	26	1		11
Ammunition, Army	510	207		29
Other, Army	62	6		20
Air Force	60	3		14
Missile, Air Force	646	181		150
Other, Air Force	423	282		52
Defense agencies	15	6		7
Unspecified procurement	1,873	335		466
RDT&E, Army	30	17		10
RDT&E, Air Force	39	23		11
Military Construction, Army	35	7		15
Air Force stock fund	57	22		19
Coast Guard	19	15		2
Total P.L. 102–28[2]	42,626	31,632		6,673
P.L. 102–55				
Operation & maintenance	319	251		54
Military personnel	2	2		(3)
Military relief societies	16	16		
Total P.L. 102–55	337	269		54
Military personnel:				
Army			685	650
National Guard, Army			10	9
Reserve personnel, Army			80	75
Navy			70	67
Air Force			81	77
National Guard, Air Force			3	3
Reserve personnel, Air Force			4	4
Marine Corps			18	17
Operation and maintenance:				
Navy			1,350	1,053
Navy reserve			28	19
Army			2,945	2,326
Army National Guard			46	36
Army reserve			29	22
Air Force			1,241	952
Air Force reserve			59	48
Air National Guard			59	47
Marine Corps			240	179
Humanitarian assistance				27
Procurement:				
Marine Corps			4	1
Aircraft, Navy			521	70
Weapons, Navy			8	1
Other, Navy			113	12
Aircraft, Army			271	30
Missile, Army			22	1
Weapons, Army			63	1
Other, Army			81	8
Air Force			310	14
Other, Air Force			560	373
Defense agencies			77	28
RDT&E:				
Army			48	26
Navy			6	3
Air Force			24	14
Defense agencies			28	15
Defense business operations fund			1,140	445
Kurdish Protection Force			115	115
Coast Guard			18	14
Total P.L. 102–229[2]			10,356	6,783
Total Defense emergencies	44,336	33,020	10,356	13,760
INTERNATIONAL				
P.L. 102–27				
Administration of Foreign Affairs	40	33		4
Emergencies in the diplomatic and consular services	9	7		3
USIA, salaries & expenses	4	4		1
AID operating expenses	6	6		
Economic support fund	850	850		
Total P.L. 102–27	909	899		7
P.L. 102–55				
International peacekeeping	26	26		
U.S. emergency refugee and migration assistance	68	50		18
International disaster assistance	67	17		18
Migration & refugee assistance	75	55		20
Total P.L. 102–55	236	146		55
Total International emergencies	1,145	1,045		63
DOMESTIC				
P.L. 102–27				
Export Enhancement (EEP)	323	323	(270)	(270)
Agricultural credit insurance				8
FBI, salaries & expenses	5	5		
Immigration & Naturalization	3	3		
Federal payment to D.C	4	4		
Student financial assistance	1	3	3	2
Unemployment trust fund	0	150		
Library of Congress, S&E	(3)	(3)		(3)
Salaries, Capitol Police	6	6		(3)
General expenses, Capitol Police	1	1		(3)
U.S. Customs Service	2	2		
Bureau of Alcohol, Tobacco & Fire	2	2		
U.S. Secret Service	5	5		
Veterans compensation	(3)		1	
Veterans readjustment benefits			60	60
Education benefits fund			56	50
General operating expenses	12	11		1
Total P.L. 102–27	364	511	(150)	(149)
P.L. 102–229				
U.S. Fish and Wildlife: Natural resource damage assessment fund			90	36
FEMA disaster relief			800	320
Commodity Credit Corp			995	995
Veterans medical care			10	5
Total P.L. 102–229			1,895	1,386
P.L. 102–266				
SBA disaster loans			107	28
P.L. 102–302				
FEMA disaster loans			300	150
SBA disaster loans			195	57
Employment and Training Adm			500	330
Total P.L. 102–302			995	537
Total Domestic emergencies	364	511	2,846	1,772
EMERGENCY RECAP				
Defense	44,336	33,020	10,356	13,760
International	1,145	1,045		63
Domestic	364	511	2,846	1,772
Total Discretionary	45,845	34,576	13,202	15,596

[1] In accordance with Sec. 251(a)(2)(D)(i) and Sec. 251(a)(2)(D)(ii) of the Budget Enforcement Act of 1990, amounts shown on table do not count against the discretionary spending limits contained in Sec. 601 of the Budget Enforcement Act.

[2] The authority to use $6.3 billion of amounts in the Defense Cooperation Account was provided in P.L. 102–28, but was not used and lapsed at the end of FY 1991. P.L. 102–229 provided this authority again and the amount is reflected for both public laws shown on this table.

[3] Less than $500 thousand.

Titles of public laws shown on table:

P.L. 101–511: Department of Defense Appropriations Act, 1991

P.L. 102–27: Dire Emergency Supplemental Appropriations for Consequences of Operation Desert Shield/Desert Storm, Food Stamps, Unemployment Compensation Administration, Veterans Compensation and Pensions and Other Urgent Needs of 1991.

P.L. 102–28: Making Supplemental Appropriations and Transfers for Operation Desert Shield/Desert Storm for FY 1991.

P.L. 102–55: Dire Emergency Supplemental Appropriations From of Foreign Governments And/Or Interest for Humanitarian Assistance to Refugees and Displaced Persons In and Around Iraq as a Result of the Recent Invasion of Kuwait and For Peacemaking Activities and Other Urgent Needs of 1991.

P.L. 102–229: Dire Emergency Supplemental Appropriations and Transfers for Relief From the Effects of Natural Disasters, for Other Urgent Needs, and for Incremental Cost of Operation Desert Shield/Desert Storm Act of 1992.

P.L. 102–266: Further Continuing Appropriations, Fiscal Year 1992.

P.L. 102–302: Dire Emergency Supplemental Appropriations Act, 1992, For Disaster Assistance To Meet Urgent Needs Because of Calamities Such As Those Which Occurred In Los Angeles and Chicago.

Source/Date.—Congressional Budget Office/July 21, 1992.

MORNING BUSINESS

TUFTONIA'S WEEK

Mr. KENNEDY. Mr. President, on the occasion of Tufts University's ninth annual Tuftonia's Week, I would like to congratulate the university for maintaining excellent academic standards since 1852. Tufts has 72,000 alumni and enrolls approximately 7,900 students from 50 States and 109 foreign countries. In addition to the traditional Tuftonia's celebration, the university will inaugurate Dr. John DiBiaggio as Tufts' 11th president.

I wish Tufts University a happy Tuftonia's Week and thank them for the excellent education they have provided for over 140 years. I also offer my congratulations to Dr. DiBiaggio for undertaking the challenge to build on the Tufts tradition of excellence.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Thursday, April 15, the Federal debt stood at $4,249,993,950,091.44, meaning that on a per capita basis, every man, woman, and child in America owes $16,546.02, as his or her share of that debt.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on April 7, 1993, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 23. A concurrent resolution providing for a conditional recess or adjournment of the Senate on Wednesday, April 7, 1993, until Monday, April 19, 1993, and a conditional adjournment of the House on Wednesday, April 7, 1993, until Monday, April 19, 1993.

MEASURE PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

H.J. Res. 174. A joint resolution increasing the statutory limit on the public debt.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–726. A communication from the President of the United States, transmitting, pursuant to law, notice relative to Ecuador; to the Committee on Finance.

EC–727. A communication from the President of the United States, transmitting, pursuant to law, a report entitled "Report on the North Atlantic Treaty of 1949"; to the Committee on Foreign Relations.

EC–728. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Bosnia-Herzegovina; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES SUBMITTED DURING RECESS

Pursuant to the order of the Senate of January 5, 1993, the following report was submitted on April 15, 1993, during the recess of the Senate:

By Mr. GLENN, from the Committee on Governmental Affairs:

Report to accompany S. 171, a bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes. (Rept. No. 103–38)

By Mr. BAUCUS, from the Committee on Environment and Public Works:

Report to accompany S. 171, a bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes. (Rept. No. 103–39)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. INOUYE (by request):

S. 785. A bill to require the Federal Communications Commission to promulgate rules pertaining to the use of the Global Maritime Distress and Safety System if such System is required on board United States ships; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. AKAKA) (by request):

S. 786. A bill to provide for an exemption for certain United States flag ships from radio operator and equipment requirements; to the Committee on Commerce, Science, and Transportation.

S. 787. A bill to require the Secretary of Transportation to issue an air worthiness directive related to dense and continuous smoke in aircraft; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 788. A bill to authorize certificates of documentation for the vessels Intrepid Dragon II and Rangoon Ruby; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO:

S. 789. A bill to amend title 38, United States Code, to provide that future increases in the monthly amount paid by the State of New York to blind disabled veterans should be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans' Affairs; to the Committee on Veterans Affairs.

By Mr. INOUYE:

S. 790. A bill for the relief of Bertha Berg; to the Committee on the Judiciary.

S. 791. A bill for the relief of Otto Orenstein; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. 792. A bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purpose of veterans benefits from August 5, 1964, to December 22, 1961; to the Committee on Veterans' Affairs.

By Mr. DURENBERGER (for himself, Mr. KOHL, Mr. FEINGOLD, and Mr. JEFFORDS):

S. 793. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that standards of identity for milk include certain minimum standards regarding milk solids, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD:

S. 794. A bill for the relief of land grantors in Henderson, Union, and Webster Counties, Kentucky, and their heirs; to the Committee on the Judiciary.

By Mr. DOLE (for himself, Mr. MITCHELL, Mr. HOLLINGS, Mr. BIDEN, Mr. HATCH, Mr. NUNN, Mr. WARNER, Mr. PRESSLER, and Mr. AKAKA):

S.J. Res. 80. A joint resolution to designate the week of April 17–24, 1994, as "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week"; considered and passed.

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S.J. Res. 81. A joint resolution designating the oak as the national arboreal emblem; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. MOYNIHAN, and Mr. WARNER):

S.J. Res. 82. A joint resolution to designate May 13, 1994, as "Irish Brigade—Marine Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE:

S. Res. 95. A resolution to reaffirm cargo preference policy; to the Committee on Commerce, Science, and Transportation.

By Mr. BRADLEY:

S. Res. 96. A resolution to authorize the President to proclaim the last Friday in April 1993 and 1994, as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. HELMS (for himself and Mr. FAIRCLOTH):

S. Res. 97. A resolution to commend the Tar Heels of the University of North Carolina at Chapel Hill for winning the 1993 National Collegiate Athletic Association Men's Basketball Championship; considered and agreed to.

By Mr. FORD:

S. Res. 98. A resolution to refer S. 794 entitled, "A bill for the relief of land grantors in Henderson, Union and Webster counties, Kentucky, and their heirs," to the Chief Judge of the United States Claims Court for a report thereon; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE (by request):

S. 785. A bill to require the Federal Communications Commission to promulgate rules pertaining to the use of the global maritime distress and safety system if such system is required on board U.S. ships; to the Committee on Commerce, Science, and Transportation.

RADIO OFFICER ACT OF 1993

• Mr. INOUYE. Mr. President, the FCC issued its rules to implement the global maritime distress and safety system [GMDSS] on March 16, 1992. In that rule the Commission permits shipowners to pick any two of three options for ensuring that GMDSS equipment is properly maintained: First, duplication of equipment, second, onshore maintenance at the next port, or third, on-board maintenance capability. For cost reasons, shipowners are likely to select the first two options. The rule requires that there be a person on board who is qualified to operate GMDSS equipment, but having someone on board who can maintain and repair the equipment is optional. The FCC has yet to decide the qualifications for the GMDSS operator.

Current law already requires ships greater than 1,600 tons to have certain radio telegraphy equipment on U.S. ships and radio officers on board qualified to operate it. The FCC examination for radio officers has not been updated since 1961 and the FCC concedes that it should be updated. Representing radio officers, the American Radio Association petitioned the FCC to update the exam.

Mr. President, this bill would require that any mandate for GMDSS for ships over 1,600 tons would include a requirement to have someone on board who is qualified by FCC examination to maintain and repair that equipment at sea. In addition, the bill would require the FCC to update the radio officer exam to include competency in at-sea maintenance, repair, and operation of GMDSS.

Given the harsh sea environment and the increased complexity of electronic equipment on modern seagoing vessels, safety may be compromised if no onboard personnel can maintain and repair that equipment.

The logical approach may be to upgrade the radio officer's exam to include GMDSS maintenance and repair, especially since current law requires the radio officer's presence on-board anyway.

Mr. President, GMDSS will require over a decade to be fully implemented. The presence of a radio officer, trained in GMDSS maintenance and repair, will provide a safe transition.•

By Mr. INOUYE (for himself and Mr. AKAKA) (by request):

S. 786. A bill to provide for an exemption for certain U.S.-flag ships from radio operator and equipment requirements; to the Committee on Commerce, Science, and Transportation.

COMMUNICATIONS ACT OF 1934 AMENDMENT ACT OF 1993

• Mr. INOUYE. Mr. President, on behalf of the American Institute of Merchant Shipping [AIMS] I am introducing legislation which would amend part II of title III of the Communications Act of 1934. AIMS is a national trade association representing 24 U.S.-flag carriers which own or operate about 12 million deadweight tons of tankers, dry bulk carriers, container ships, and other oceangoing vessels in the domestic and international trades of the United States.

Specifically, the bill would amend section 352 of the Communications Act to exempt U.S.-flag ships from the requirement to carry radiotelegraph equipment and radio officers provided the vessels are operated in accordance with the global maritime distress and safety system [GMDSS] provisions of the Convention for the Safety of Life at Sea, and Fedeal Communication Commission [FCC] rules concerning GMDSS.

As the former chairman of the Merchant Marine Subcommittee and the current chairman of the Communications Subcommittee, I am aware that this proposal has its supporters and opponents. There is merit on both sides of the issue, and it is an important issue which can only be resolved by Congress. For that reason, I regard this measure as a vehicle for hearings so that members may have an opportunity to hear all interested parties—the Coast Guard, the FCC, U.S.-flag carriers, and maritime labor. Then we will be in a postion to decide whether the legislation is necessary.

Mr. President, as with most maritime matters, the issues are somewhat complex and have their roots in longstanding laws and practices. In addition, the most dynamic technology of the 20th century—telecommunication—is added to the mix. The issues have become even more difficult.

In 1914, almost 80 years ago, following the sinking of the *Titanic*, the first International Convention for the Safety of Life at Sea [SOLAS] was adopted. It required that certain ships maintain a continuous Morse code radiotelegraphy listening watch to ensure that calls from a ship in distress would be received. The same requirement applied to coastal stations during their hours of service.

Until 1988, the use of Morse telegraphy as the primary international distress and calling system for ships at sea remained relatively unchanged since 1889, according to the Coast Guard. In 1988, however, the global maritime distress and safety system amendments to the Safety of Life at Sea Convention were adopted.

According to the FCC, GMDSS differs from the current distress and safety system in several ways. First, communication equipment are based primarily on the areas in which the ship operates, rather than the size of the ship. Second, the GMDSS is primarily a ship-to-shore system, designed to communicate with rescue authorities on shore, where the current system is primarily ship-to-ship. Finally, the GMDSS will ultimately replace the current manual Morse telegraphy system with satellite technology and digital selective calling radios. This equipment uses voice and automated narrow-band direct printing telegraphy for communications, and the key to GMDSS is that it is based on automated equipment.

Under GMDSS, all SOLAS cargo vessels over 300 tons must be able to perform nine crucial communications functions:

Ship-to-shore distress alerting;
Shore-to-ship distress alerting;
Ship-to-ship distress alerting;
Search and rescue coordination;
On-scene communication;
Transmission and receipt of locating signal;
Transmission and receipt of maritime safety information;
General radio communications; and
Bridge-to-bridge communications.

In 1992, the FCC amended its rules dealing with maritime radio services to implement the GMDSS, and noted that the GMDSS system will ultimately change international distress communications from manual ship-to-ship system based on Morse code telegraphy to an automated ship-to-shore system based on the aforementioned satellites and digital technology. The FCC expressly stated, however, that the changes in its rules,

> * * * do not relieve ships from the requirements specified in the Communications Act of 1934, as amended. Ships that carry radiotelegraphy equipment must continue to carry radio officers until the Communications Act is amended.

The measure I am introducing would amend the Communications Act and provide such an exemption.•

By Mr. INOUYE (for himself and Mr. AKAKA) (by request):

S. 787. A bill to require the Secretary of Transportation to issue an airworthiness directive related to dense and continuous smoke in aircraft; to the Committee on Commerce, Science, and Transportation.

AVIATION SAFETY ACT OF 1993

• Mr. INOUYE. Mr. President, I rise today to introduce legislation to increase aviation safety for the traveling public by establishing an enforcement mechanism for minimum standards of cockpit visibility in cases of serious smoke emergencies. This bill, if passed, will motivate airlines to capitalize on new technology to eliminate the current unsafe conditions which exist in aircraft flying today, and thereby comply with existing Federal safety regulations.

My colleagues will be troubled to learn that over the last 20 years, there have been at least a dozen accidents on commercial aircraft in which dense continuous smoke in the airline cockpit may have been a factor. A list of these accidents follows my statement. In these accidents, over 850 people died; a tragic loss of life that may now be avoided or reduced if this legislation is passed. I believe this legislation will be welcomed by the aviation community quite warmly. Boeing itself has publicly stated that it has lost seven aircraft where cockpit smoke was a suspected cause. The Airline Pilots Association [ALPA] also expressed its concern with the cockpit smoke issue, and supports a more rigorous standard as provided in this legislation. Similarly, the National Transportation Safety Board [NTSB] has long advocated the standards dictated in this bill, and supports the effort to more swiftly and effectively to deal with dense continuous cockpit smoke. The FAA, while they do not feel such legislation is necessary, has acknowledged that a higher degree of safety must be provided during serious smoke emergencies. The agency has so stated in its proposed advisory circular, 25-9A, which calls for testing and certification of future aircraft to ensure pilot vision under conditions of dense continuous smoke. The FAA, however, would prefer to allow current aircraft to continue to operate with the present unsafe conditions, that is, without the capacity to deal with dense continuous smoke in the cockpit. I strongly believe that with the technology available, and given the graveness of this situation, we cannot wait for future generations of aircraft. We must act now, to prevent any future loss of life.

My colleagues may wonder what enforcement of these minimum standards of safety will cost the airlines. This is certainly a fair question given the current financial distress of most of our major carriers, who have been hurt by the recent recession. They will be glad to learn that for many aircraft there may be little or no cost. Such aircraft may meet the minimum standards proposed by this measure merely by utilizing existing ventilation systems to deal with smoke emergencies. For other aircraft unable to meet the minimum standard with their existing ventilation system, there is new FAA-certified technology available which provides for the positive evacuation or displacement of cockpit smoke from the pilots vital field of vision during serious smoke emergencies. This new technology can easily be retrofitted to existing aircraft, and I am told that, according to airline estimates, the cost equates to less than one penny per airline ticket. I believe we would all agree it is worth one penny per ticket to save the hundreds of lives which are currently being lost to inflight smoke emergencies.

I also believe that the minimum standard of smoke protection which this bill would enforce, currently exists under Federal law. FAR 25.831(d) requires that provisions be available to ensure pilot vision in serious smoke emergencies. The FAA surprisingly does not currently enforce that standard with respect to dense continuous smoke as a serious smoke emergency. I believe it is clear that there could be no more serious smoke emergency than a situation where the smoke is so thick that you cannot see your hand in front of your face, and the source of the smoke cannot be found and therefore cannot be stopped. By excluding these types of hazards—the most serious of smoke emergencies—the FAA, I feel is not adequately enforcing this Federal law. Over the past 2 years, I have asked the FAA to study this issue and report as to the effectiveness of current standards and procedures in dealing with cockpit smoke, and the advisability of elevating that standard to at least meet the minimum objective of the existing safety regulations. Unfortunately, the FAA has neither reacted swiftly nor thoroughly to these requests. Moreover, I found their decision to wait for the next generation of aircraft to deal with this unsafe condition as inadequate and contrary to Federal safety laws—FAR 39.1. That is why I am proceeding with this legislation. While I commend the FAA for their concern on this issue, and recognize them for acknowledging the problem and proposing solutions for future aircraft, I must respectfully disagree with the FAA's timeframe for dealing with this serious safety problem. It would take another 20 to 30 years to eliminate the present unsafe conditions under the FAA's plan, which I feel is not acceptable.

To put this issue in the proper context, I would direct my colleagues to a similar situation that has recently unfolded regarding aircraft deicing. In the last few weeks the wire services have carried disturbing stories revealing that FAA officials had known for 10 years that icing was the cause of several fatal accidents and that a simple solution was available. The agency repeatedly failed to act, however, and the results were tragic. I am convinced that if the smoke in the cockpit issue is not dealt with now, when a solution is readily available, there will be a similar fallout the next time cockpit smoke causes or contributes to a fatal accident.

I am certainly willing to continue to work with the FAA to come up with an alternative approach to this legislation. However, I am committed to seeing an unsafe condition eliminated now, as required by existing Federal safety laws.

In closing, Mr. President, I ask my colleagues to support this measure to maintain the confidence of the flying public in the safety of the aircraft in which they are traveling. The small costs airlines will incur in meeting this vital minimum standard, which, as I have stated, is already called for in existing Federal safety laws, are minimal compared to the cost of a single accident in terms of lives and dollars lost. I urge swift enactment of this legislation so we can begin immediately in making our skies of little more friendly to the traveling public.•

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 788. A bill to authorize certificates of documentation for the vessels *Intrepid Dragon II* and *Rangoon Ruby;* to the Committee on Commerce, Science, and Transportation.

VESSEL COASTWISE ACT OF 1993

• Mr. INOUYE. Mr. President, I am introducing a bill today to direct that the vessels *Rangoon Ruby*, Hawaii hull number HA 5636 B and *Intrepid Dragon II*, official number 548109, be accorded coastwise trading privileges and be issued coastwise endorsement under 46 U.S.C. 12106.

The *Intrepid Dragon II* was constructed in Hong Kong and is currently classified as a recreational vessel. It is 84 feet in length, 18.5 feet in breadth, and has a depth of 7 feet, 9 inches. The vessel has many U.S. made modifications.

The *Intrepid Dragon II* was purchased on February 18, 1988, by David Hoe, who intended to employ it in a special events tour business. However, due to certain vessel documentation laws, the vessel did not meet the requirements for a coastwise license endorsement for the operation of a tour boat business in the United States. The owner is now seeking a waiver of existing law.

The owner's desired intentions will not adversely affect the coastwise trade in U.S. waters if he is granted this waiver. It is also his intention to comply fully with U.S. documentation and safety requirements.

The *Rangoon Ruby* was constructed in Hong Kong and is currently classified as a recreational vessel. It is 34.5 feet in length, 13.5 feet in breadth, and has a depth of 3.5 feet. The vessel has many U.S. made modifications.

The *Rangoon Ruby* was also purchased by David Hoe on October 16, 1992, for a tour business. Like the *Intrepid Dragon* II, this vessel did not meet the requirements for a coastwise license endorsement for the operation of a tour boat business in the United States, and the owner is now seeking a waiver of existing law.

The owner's desired intentions will not adversely affect the coastwise trade in U.S. waters if he is granted this waiver. It is also his intention to comply fully with U.S. documentation and safety requirements for this vessel.

The purpose of this legislation is to allow both vessels to engage in coastwise trade in the United States.●

By Mr. D'AMATO:

S. 789. A bill to amend title 38, United States Code, to provide that future increases in the monthly amount paid by the State of New York to blind disabled veterans should be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

DISABLED VETERANS ACT OF 1993

● Mr. D'AMATO. Mr. President, since the midthirties, New York State has paid blind disabled veterans a monthly annuity. Qualified veterans—of which there are slightly less than 2,000—receive monthly payments of $41.66, the same amount as has been paid since the program's inception.

There is a sentiment among lawmakers in Albany, NY, to increase the blind annuity. Unfortunately, should the State decide to increase the blind annuity, the U.S. Department of Veterans Affairs would respond by reducing Federal pensions paid to these individuals by the same amount. Thus, there would be no net benefit for New York's veterans receiving the annuity.

The legislation that I am introducing today will prevent the VA from penalizing New York's blind veterans should the State increase the blind annuity.

The legislation will exempt any increase in the New York Blind Annuity from the determination of annual income for the purposes of the payment of VA pensions. Incidentally, the Internal Revenue Service already considers the blind annuity to be a gift rather than income. Because this legislation only exempts increases, it is budget neutral.

Mr. President, this legislation will make our Government's policy toward blind veterans more equitable. It will not cost the Government a cent. And it is long overdue. I urge the Senate to enact this legislation at its earliest opportunity.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

To amend title 38, United States Code, to provide that future increases in the monthly amount paid by the State of New York to blind disabled veterans shall be excluded from the determination of annual income for purposes of payment of pension by the Secretary of Veterans Affairs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF CERTAIN AMOUNTS FROM INCOME DETERMINATION FOR PENSION PURPOSES.

Section 1503 of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (9);

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof ", and"; and

(3) by adding at the end the following new paragraph:

"(11) amounts equal to amounts paid to a veteran by the State of New York under a program of that State to make monthly payments to qualifying veterans who are blind and totally disabled, but only to the extent that such amounts are attributable to any increase in the monthly amount of such payments that is provided after the date of enactment of this paragraph."●

By Mr. D'AMATO:

S. 792. A bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purpose of veterans benefits from August 5, 1964, to December 22, 1961; to the Committee on Veterans Affairs.

VIETNAM SERVICE ACT OF 1993

● Mr. D'AMATO. Mr. President, the technical change I am proposing is intended to more accurately reflect service in the Vietnam war for the purpose of veterans benefits.

As my colleagues know, August 5, 1964, is a rather arbitrary choice for the start of the Vietnam war. Clearly, U.S. servicemen were involved years earlier. While the choice of any one day in a conflict that spanned decades is unavoidably exclusive, I believe most would agree that December 22, 1961, is a more appropriate date from which to calculate veterans benefits associated with Vietnam service. This bill is identical to H.R. 394, introduced in the House of Representatives by Representative SOLOMON.

I ask unanimous consent to print the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 792

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(29) of title 38, United States Code, is amended by striking out "August 5, 1964" and inserting in lieu thereof "December 22, 1961".●

By Mr. DURENBERGER (for himself, Mr. KOHL, Mr. FEINGOLD, and Mr. JEFFORDS):

S. 793. A bill to amend the Federal Food, Drug, and Cosmetic Act to require that standards of identity for milk include certain minimum standards regarding milk solids, and for other purposes; to the Committee on Labor and Human Resources.

HEALTHIER MILK ACT

● Mr. DURENBERGER. Mr. President, I rise today to introduce legislation to raise the standards of calcium and protein in milk. This bill, the Healthier Milk Act, will bring the standards for protein and calcium up to the levels that are currently in effect in California.

By increasing the standards of milk, all types of milk, including skim milk, will have the texture and consistency of whole milk—but without the fat. It has been proven in California that a richer, better tasting, lowfat milk improves milk consumption. This is good for both consumers and dairy farmers alike.

Increased consumption of calcium promotes good growth in teenagers and helps to prevent osteoporosis in older women. A recent study by the Harvard School of Public Health showed that increased consumption of calcium actually helps to prevent kidney stones.

Dr. Robert Heaney, a medical researcher at Creighton University, has conducted studies which show that while the current recommended daily allowance for calcium is 800 milligrams a day for adults, new evidence indicates that full protection from the harmful effects of low calcium intake requires 1,000–1,500 milligrams a day. The median actual intakes of calcium of American adults are about 800 milligrams per day for men, and about 500 milligrams per day for women. Fully one-fourth of adult women get less than 300 milligrams of calcium on a typical day.

Higher calcium intake means stronger bones. Stronger bones mean fewer fractures. According to Dr. Heaney, even a 20-percent reduction in the rate of hip fractures would mean 40,000 to 50,000 fewer hip fractures each year in the United States. Increasing the standards of calcium in milk will go a long way to helping us reach this goal.

Significantly, doctors are reversing the long-held belief that kidney stone sufferers should stay away from calcium. Doctors have told patients to stay away from dairy products because most kidney stones are made up of calcium. However, the recent study at the Harvard School of Public Health has shown the opposite—men who consume significantly more calcium than the recommended daily allowance have a one-third lower risk of kidney stones than those who only consume small amounts.

Again, Mr. President, this legislation is good for consumers and for farmers. The Healthier Milk Act is supported by the National Milk Producers Federation, the Older Women's League, the National Osteoporosis Foundation, the Western Dairymen United, and the Washington State Dairy Federation. I urge my colleagues to join me in support of this legislation.●

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S.J. Res. 81. A joint resolution designating the oak as the national arboreal emblem; to the Committee on the Judiciary.

NATIONAL ARBOREAL SYMBOL ACT OF 1993

● Mr. LAUTENBERG. Mr. President, I rise today on behalf of myself and Senator BRADLEY to introduce legislation designating the oak as the national arboreal symbol.

In order for any tree to be an appropriate symbolic representation of this great Nation of ours, it must embody the same qualities and characteristics that combine to make the United States a great nation. The symbol must reflect the threads of diversity, beauty, and strength that are woven so intricately into the fabric of this country.

The mighty oak tree is such a symbol. Found in every State in the Union, there are over 300 species of oak native to North America. Oak wood, hard and strong, is symbolic of the strength of our Nation and its people. Further, the oak tree significantly contributed to the development of America. Our forefathers used the oak for housing, and furniture; sheltering this Nation's Founders from the harsh environment, allowing them to thrive and flourish. In short, the oak tree is representative of our Nation's diversity, beauty, durability, and longevity.

An overwhelming majority of Americans support the designation of the oak as our national arboreal symbol, and, traditionally, this body passes legislation recognizing the last Friday of April as "National Arbor Day."

The adoption of a national tree would heighten environmental awareness and appreciation of the importance of this Nation's natural resources. No tree better represents the characteristics of this great Nation. Thank you, Mr. President.

I ask unanimous consent that the full text of the measure be printed following my statement.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 81

Whereas the oak has more than three hundred species native to North America;

Whereas the oak is grown today in every State;

Whereas the oak represents durability and longevity;

Whereas the fruit of the oak, the acorn, was used as food by early native Americans;

Whereas in a poll conducted by the International Society of Arboriculture, the oak was selected by a majority of people as the tree that symbolizes the United States;

Whereas the oak has been renowned in art, music, and literature; and

Whereas it is fitting and proper that the United States have a national arboreal emblem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the tree commonly known as the oak is designated and adopted as the national arboreal emblem of the United States, and the President is authorized and requested to declare such fact by proclamation.•

By Mr. D'AMATO (for himself, Mr. MOYNIHAN and Mr. WARNER):

S.J. Res. 82. A joint resolution to designate May 13, 1994, as "Irish Brigade—Marine Day"; to the Committee on the Judiciary.

IRISH BRIGADE—MARINE DAY

• Mr. D'AMATO. Mr. President, with my esteemed colleagues, Mr. MOYNIHAN and Mr. WARNER, I am introducing a resolution designating May 13, 1994 "Irish Brigade—Marine Day."

Anyone who has seen the statute of Father Duffy in Times Square commemorating the exploits of the "Fighting 69th" in World War I or walked the fields of Manassas where the Irish Brigade was all but annihilated holding Longstreet on the second day of the Second Battle of Bull Run, knows that the contribution of Irish-Americans to our military history is a point of supreme pride within the Irish community.

Our commemorative, which has also been introduced in the House, thoroughly documents some of the earlier, less well-known exploits of Irish troops in our War for Independence. I look forward to its swift passage.•

ADDITIONAL COSPONSORS

S. 69

At the request of Mr. BREAUX, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 81

At the request of Mr. NICKLES, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 81, a bill to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes.

S. 182

At the request of Mr. MCCONNELL, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 182, a bill to authorize Federal departments, agencies, and instrumentalities to retain revenues from the sale of materials collected for the purpose of recycling, and for other purposes.

S. 207

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 207, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 216

At the request of Mr. D'AMATO, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 235

At the request of Mr. REID, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 289

At the request of Mr. REID, the names of the Senator from Montana [Mr. BAUCUS], and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 465

At the request of Mr. DASCHLE, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 465, a bill to amend the Internal Revenue Code of 1986 to encourage the production of biodiesel and certain ethanol fuels, and for other purposes.

S. 479

At the request of Mr. DODD, the names of the Senator from Missouri [Mr. BOND], the Senator from Alaska [Mr. STEVENS], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 479, a bill to amend the Securities Act of 1933 and the Investment Company Act of 1940 to promote capital formation for small businesses and others through exempted offerings under the Securities Act and through investment pools that are excepted or exempted from regulation under the Investment Company Act of 1940 and through business development companies.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from Iowa [Mr. HARKIN], the Senator from California [Mrs. FEINSTEIN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Michigan [Mr. LEVIN], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 499

At the request of Mr. LOTT, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 499, a bill to amend title 18, United States Code, to provide mandatory life imprisonment for persons convicted of a third violent felony.

S. 573

At the request of Mr. BREAUX, the names of the Senator from Indiana [Mr. COATS], the Senator from Tennessee [Mr. MATHEWS], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 573, a bill to amend the Internal Revenue

Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 574

At the request of Mr. LEAHY, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 574, a bill to amend the National Cooperative Research Act of 1984 with respect to joint ventures entered into for the purpose of producing a product, process, or service.

S. 670

At the request of Mrs. KASSEBAUM, the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 670, a bill to amend the Head Start Act to make quality improvements in Head Start programs, and for other purposes.

S. 671

At the request of Mr. DOMENICI, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 671, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

S. 746

At the request of Mr. D'AMATO, the names of the Senator from California [Mrs. BOXER] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 746, a bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for stage 3 aircraft.

SENATE JOINT RESOLUTION 39

At the request of Mr. D'AMATO, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 39, a joint resolution designating the weeks beginning May 23, 1993, and May 15, 1994, as Emergency Medical Services Week.

SENATE JOINT RESOLUTION 60

At the request of Mr. BYRD, the names of the Senator from Illinois [Mr. SIMON], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Rhode Island [Mr. PELL], the Senator from New Jersey [Mr. BRADLEY], the Senator from Maryland [Mr. SARBANES], the Senator from Hawaii [Mr. AKAKA], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nevada [Mr. BRYAN], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month".

SENATE RESOLUTION 16

At the request of Mr. SHELBY, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of Senate Resolution 16, a resolution to appoint Mr. KRUEGER to the Committee on Commerce, Science and Transportation.

SENATE RESOLUTION 35

At the request of Mr. LAUTENBERG, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Resolution 35, a resolution expressing the sense of the Senate concerning systematic rape in the conflict in the former Socialist Federal Republic of Yugoslavia.

SENATE RESOLUTION 95—RELATIVE TO THE MERCHANT MARINE

Mr. INOUYE submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 95

Whereas, the maritime policy of the United States expressly provides that the United States have a Merchant Marine sufficient to carry a substantial portion of the international waterborne commerce of the United States;

Whereas, the maritime policy of the United States expressly provides that the United States have a Merchant Marine sufficient to serve as a fourth arm of defense in time of war and national emergency;

Whereas, the Federal Government has expressly recognized the vital role of the U.S. Merchant Marine during Operations Desert Shield and Desert Storm;

Whereas, cargo reservation programs of federal agencies are intended to support the privately owned and operated U.S.-flag Merchant Marine by requiring a certain percentage of government-impelled cargo to be carried on U.S.-flag vessels;

Whereas, when Congress enacted these reservation laws it contemplated that the federal agencies would incur higher program costs to use the required U.S.-flag vessels;

Whereas, Federal laws require that all U.S. military cargo (The Act of 1904), all cargo purchased with all loan funds and guarantees from the Eximbank (Public Resolution 17), 75% of concessionary agricultural cargo and at least 50% of all other international ocean borne cargo generated directly or indirectly by the Federal Government be carried on U.S.-flag vessels (Public Law 99–198 and Public Law 664);

Whereas, cargo reservation programs are very important for U.S. ship owners who require compensation for maintaining a U.S.-flag fleet;

Whereas, the U.S.-flag vessels which carry reserved cargo provide quality jobs for American seafarers;

Whereas, according to the latest statistics from the Maritime Administration, in 1990, cargo reservation programs generated $2.4 billion in revenue to the U.S. fleet and accounted for one-third of all revenue from U.S.-flag foreign trade cargo;

Whereas, the Maritime Administration has indicated that the total volume of cargoes moving under the programs subject to cargo reservation is declining and will continue to do so;

Whereas, in 1970, Congress found that the degree of agency compliance with the requirements of the cargo reservation laws was chaotic, uneven, and varied from agency to agency;

Whereas, to ensure maximum compliance by all agencies, Congress in 1970 enacted Public Law 664, which centralized monitoring and compliance authority for all cargo reservation programs in the Maritime Administration;

Whereas, notwithstanding Public Law 664, and the purpose and policy of the cargo reservation programs, agency compliance continues to be uneven;

Whereas, the Maritime Administrator cited his agency's limited enforcement powers over government agencies which do not comply with Public Law 664 and other cargo reservation laws;

Whereas, the Maritime Administrator recommended that Congress grant the Maritime Administration the authority to settle any cargo reservation disputes that may arise between a ship operator and a Federal agency: Now, therefore, be it

Resolved, That it is the sense of the Senate that all federal agencies administer their programs to ensure they are in maximum compliance with the intent and purpose of all cargo reservation laws and regulations of the Maritime Administration; and that the Maritime Administration closely and strictly monitor cargoes subject to reservation laws.

• Mr. INOUYE. Mr. President, the law of the land, specifically section 1 of the Merchant Marine Act of 1936, declares that the United States shall have a merchant marine sufficient, among other things, to:

Carry a substantial portion of our international waterborne Commerce; and to serve as a fourth arm of defense in time of war and national emergency.

The importance of these requirements has been dramatically illustrated by the vital role of our merchant marine in World War II; Korea; Vietnam; and most recently during Operations Desert Shield and Desert Storm.

While the privately owned and operated U.S.-flag merchant marine has performed so magnificently and effectively in times of crisis, it has also made extraordinary efforts to ensure that a substantial portion of commercial cargo bound to and from the United States moves on U.S. bottoms. Given the chronic overtonnaging in international shipping, cut-throat competition, and the competitive edge our trading partners give their national flags, this has not been easy. Nevertheless, if our commercial fleet is to continue to be an effective auxiliary in time of war or national emergency, it must first be commercially viable in times of peace. Otherwise, there will be no merchant fleet when the need arises.

I think we all would agree that there is a substantial national interest in promoting our merchant fleet. Indeed, several laws of our land recognize that national interest and spell out specifically how the U.S. Government is to go about promoting it. Federal laws require that all U.S. military cargo, cargo purchased with all loan funds and guarantees from the Eximbank, 75 percent of concessionary agricultural, and at least 50 percent of all other international ocean borne cargo generated directly or indirectly by the Federal Government, be carried on U.S.-flag vessels. According to the latest statistics of the Maritime Administration, in 1990 these cargo reservation programs generated $2.4 billion in revenue to the U.S. fleet and accounted for one-third of all revenue from U.S.-flag foreign trade cargo. The alarming news is that according to the Maritime Administration the total volume of cargoes moving under these programs is declining and will continue to do so. It is therefore imperative that U.S.-flag vessels carry every ton of cargo which these programs and the law intend them to carry. And this brings me to the reason for the resolution I am introducing today. There are two substantial problems which threaten the viability of these programs and therefore the viability of our merchant fleet:

Several agencies administering cargo reservation programs continue to do their almighty best to evade the spirit and letter of the reservation laws, that is, find the law inapplicable to a particular program, or employ other loopholes.

Even though MarAd is responsible for monitoring the implementation of cargo reservation laws, critics say MarAd is too timid, and does not discharge its obligation aggressively. MarAd, on the other hand, says it has limited enforcement powers over those government agencies which are not in compliance.

Mr. President, the resolution I am introducing today merely expresses the sense of the Senate that all of these Federal agencies do what they are supposed to be doing now, under existing law.●

SENATE RESOLUTION 96—RELATIVE TO NATIONAL ARBOR DAY

Mr. BRADLEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 96

Resolved, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1993 and 1994, as "National Arbor Day" and calling upon the people of the United Sates to observe such a day with appropriate ceremonies and activities.

Mr. BRADLEY. Mr. President, many times in the past, Congress has legislated and the President has proclaimed the last Friday in April as National Arbor Day. For the past 6 years, the Senate has passed legislation commemorating National Arbor Day. Today, I am introducing legislation which would once again recognize this important day.

Mr. President, trees are one of our Nation's most important and beautiful natural resources. They not only provide the raw materials for some of our basic industries, they cleanse our environment and add natural grace and beauty to our lives. The establishment of a National Arbor Day acts as a modest reminder to all our citizens to appreciate and protect this vitally important natural resource.

We cannot take our trees and forest for granted. Scientists have observed declines, serious damage, and death of a number of species of trees in large areas of Europe and the United States. Damage to forests has ranged from decline in growth of several species of pine in southern New Jersey to widespread damage to the pondersa pine in southern California. A number of other coniferous species have experienced growth decline in an 11-State region extending from Maine to Alabama. In the 101st Congress, we passed a Clean Air Act to help reverse these sad trends.

Because we are concerned about our forests and trees, we annually designate National Arbor Day to take special note of the importance of trees in our lives. I urge the Senate again to pass this important resolution.

SENATE RESOLUTION 97—RELATIVE TO NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S BASKETBALL CHAMPIONSHIP

Mr. HELMS (for himself and Mr. FAIRCLOTH) submitted the following resolution; which was considered and agreed to:

S. RES. 97

Whereas the men's basketball team of the University of North Carolina at Chapel Hill has had another outstanding season;

Whereas the men's college basketball program at the University of North Carolina at Chapel Hill has in the history of college basketball won more games than has the program of any other college or university in the nation;

Whereas North Carolina Coach Dean Smith has amassed 774 victories in his career, the second-highest total in NCAA history;

Whereas the 1993 North Carolina Tar Heels compiled a record of 35-4 and won the Atlantic Coast Conference regular season championship;

Whereas the North Carolina Tar Heels reached the NCAA's Final Four for the second time in three years; and

Whereas the North Carolina Tar Heels won the 1993 NCAA men's basketball championship: Now, therefore, be it

Resolved, That the Senate commends the Tar Heels of the University of North Carolina at Chapel Hill for having won the 1993 National Collegiate Athletic Association Men's Basketball Championship.

SENATE RESOLUTION 98—RELATIVE TO RELIEF OF LAND GRANTORS

Mr. FORD submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 98

Resolved, That the bill (S. 794) entitled "A bill for the relief of land grantors in Henderson, Union, and Webster Counties, Kentucky, and their heirs", now pending in the Senate, together with all accompanying papers, is referred to the Chief Judge of the United States Court of Claims. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report back to the Senate, at the earliest practicable date, giving such findings of fact and conclusions that are sufficient to inform Congress of the amount, if any, legally or equitably due from the United States to the claimants individually.

AMENDMENTS SUBMITTED

AMERICAN HEALTH SECURITY ACT OF 1993

WELLSTONE AMENDMENT NO. 298

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill (S. 491) to provide health care for every American and to control the cost of the health care system, to the Committee on Finance as follows:

On page 14, line 3, strike the word "and", and insert in lieu thereof "or medically".

Mr. WELLSTONE. Mr. President, I intend to offer an amendment to S. 491, the American Health Security Act of 1993, to cover items and services if they are medically necessary or medically appropriate. The new language more precisely states the bill's original intention, to permit coverage of a range of preventive, primary, home health, and health maintenance services.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

COHEN AMENDMENT NO. 299

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to amendment No. 283 proposed by Mr. BYRD to the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, as follows:

At the appropriate place in the bill, add the following new section:

SEC. ___. EXPEDITED CONSIDERATION OF PROPOSED RESCISSION ACT OF 1993.

(a) SHORT TITLE.—This section may be cited as the "Expedited Consideration of Proposed Rescissions Act of 1993".

(b) EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.—

(1) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new sections:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY.—In addition to the method of rescinding budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriations Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) Not later than 3 days after the date of enactment of an appropriation Act, the President may transmit to Congress a special message proposing to rescind amounts of budget authority provided in that Act and include with that special message a draft bill or joint resolution that, if enacted, would only rescind that budget authority.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill or joint resolution for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second day of continuous session of the applicable House after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Congress in which the appropriation Act involved originated shall introduce (by request) the draft bill or joint resolution accompanying that special message. If the bill or joint resolution is not introduced as provided in the preceding sentence, then, on the third day of continuous session of that House after the date of receipt of that special message, any Member of that House may introduce the bill or joint resolution.

"(B) The bill or joint resolution shall be referred to the Committee on Appropriations of that House. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill or joint resolution within that period, that committee shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed on the appropriate calendar.

"(C) A vote on final passage of the bill or joint resolution shall be taken in that House on or before the close of the 10th calendar day of continuous session of that House after the date of the introduction of the bill or joint resolution in that House. If the bill or joint resolution is agreed to, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the bill or joint resolution to be engrossed, certified, and transmitted to the other House of Congress on the same calendar day on which the bill or joint resolution is agreed to.

"(2)(A) A bill or joint resolution transmitted to the House of Representatives or the Senate pursuant to paragraph (1)(C) shall be referred to the Committee on Appropriations of that House. The committee shall report the bill or joint resolution without substantive revision and with or without recommendation. The bill or joint resolution shall be reported not later than the seventh day of continuous session of that House after it receives the bill or joint resolution. A committee failing to report the bill or joint resolution within such period shall be automatically discharged from consideration of the bill or joint resolution, and the bill or joint resolution shall be placed upon the appropriate calendar.

"(B) A vote on final passage of a bill or joint resolution transmitted to that House shall be taken on or before the close of the 10th calendar day of continuous session of that House after the date on which the bill or joint resolution is transmitted. If the bill or joint resolution is agreed to in that House, the Clerk of the House of Representatives (in the case of a bill or joint resolution agreed to in the House of Representatives) or the Secretary of the Senate (in the case of a bill or joint resolution agreed to in the Senate) shall cause the engrossed bill or joint resolution to be returned to the House in which the bill or joint resolution originated.

"(3)(A) A motion in the House of Representatives to proceed to the consideration of a bill or joint resolution under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill or joint resolution under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill or joint resolution. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill or joint resolution under this section or to move to reconsider the vote by which the bill or joint resolution is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill or joint resolution under this section shall be decided without debate.

"(D) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of a bill or joint resolution under this section shall be governed by the Rules of the House of Representatives.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill or joint resolution under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill or joint resolution under this section, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill or joint resolution under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill or joint resolution, except that in the event the manager of the bill or joint resolution is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill or joint resolution, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill or joint resolution under this section is not debatable. A motion to recommit a bill or joint resolution under this section is not in order.

"(d) AMENDMENTS PROHIBITED.—No amendment to a bill or joint resolution considered under this section shall be in order in either the House of Representatives or the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the day after the date on which either House defeats the bill or joint resolution transmitted with that special message.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) continuity of a session of either House of Congress shall be considered as broken only by an adjournment of that House sine die, and the days on which that House is not in session because of an adjournment of more than 3 days to a date certain shall be excluded in the computation of any period.

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED REPEALS OF TAX EXPENDITURES

"SEC. 1013A. (a) PROPOSED REPEAL OF TAX EXPENDITURE.—The President may propose, at the time and in the manner provided in subsection (b), the repeal of any provision in an Act that would result in a tax expenditure.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) Not later than 3 days after the date of enactment into law of an Act containing a provision described in subsection (a), the President may transmit to Congress a special message proposing to repeal any such provision contained in that Act and include with that special message a draft bill or joint resolution that, if enacted, would repeal such provision.

"(2) Each special message shall include, with respect to the provision proposed to be repealed, a budget analysis of such provision.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—Each special message transmitted pursuant to subsection (b) shall be considered in accordance with the procedures provided for special messages in section 1013(d).

"(d) DEFINITION.—For purposes of this section, the term 'tax expenditure' shall have the meaning given such term in section 3(3) of the Congressional Budget Act of 1974.".

(2) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(A) by striking "and 1017" in subsection (a) and inserting "1013, 1013A, and 1018"; and

(B) by striking "section 1017" in subsection (d) and inserting "sections 1013, 1013A, and 1018".

(3) CONFORMING AMENDMENTS.—

(A) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(i) in paragraph (4), by striking "1013" and inserting "1014"; and

(ii) in paragraph (5)—

(I) by striking "1016" and inserting "1017"; and

(II) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(B) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(i) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(ii) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(iii) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(iv) in subsection (e)(2)—

(I) by striking "and" at the end of subparagraph (A);

(II) by redesignating subparagraph (B) as subparagraph (C);

(III) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(IV) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(C) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(4) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(A) by redesignating the items relating to sections 1013 through 1017 as items relating to sections 1014 through 1018; and

(B) by inserting after the item relating to section 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions.".

(c) TERMINATION.—The authority provided by section 1013 and 1013A of the Congressional Budget and Impoundment Control Act of 1974 (as added by subsection (b)) shall terminate effective on the date in 1994 on which Congress adjourns sine die.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and the public that the hearing to receive testimony on the report of the Kaho'olawe Island Conveyance Commission has been postponed. The hearing, which was originally scheduled to take place on April 21, 1993 before the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources, will be rescheduled at a later date.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, April 27, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Robert Armstrong, nominee to be Assistant Secretary of the Interior for Land and Minerals Management; Jim Baca, nominee to be Director, Bureau of Land Management; Department of the Interior; Bonnie Cohen, nominee to be Assistant Secretary of the Interior for Policy, Management and Budget; Elizabeth Rieke, nominee to be Assistant Secretary of the Interior for Water and Science; and Leslie Turner, nominee to be Assistant Secretary of Interior for Territorial and International Affairs.

For further information, please contract Rebecca Murphy at (202) 224-7562.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, May 4, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Thomas Grumbly, nominee to be Assistant Secretary of Energy for Environmental Restoration and Waste Management, and Susan Tierney, nominee to be Assistant Secretary of Energy for Domestic and International Energy Policy.

For further information, please contact Rebecca Murphy at (202) 224-7562.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Renewable Energy, Energy Efficiency and Competitiveness of the Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on industrial competitiveness through energy efficiency and waste minimization.

The hearing will take place on Thursday, April 29, 1993, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, attention: Patricia Temple.

For further information, please contact Leslie Black Cordes of the Committee staff at 202/224-9607.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding a hearing on Tuesday, April 20, 1993, beginning at 2:30 p.m., in 485 Russell Senate Office Building on S. 521, the Indian Tribal Justice Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

REGISTRATION OF MASS MAILINGS

The filing date for 1993 first quarter mass mailings is April 26, 1993. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office at (202) 224-0322.

ORDERS FOR TOMORROW

Mr. BYRD. Mr. President, on behalf of the distinguished majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m., Tuesday, April 20; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for the transaction of morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each; provided further that Senator GRAMM of Texas being recognized for not to exceed 15 minutes; and that at 11:30, the Senate return to the pending business, H.R. 1335, the economic stimulus supplemental appropriations bill, under the provisions of the previous unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The PRESIDING OFFICER. The clerk will read House Joint Resolution 174 for the second time.

The legislative clerk read as follows:

A resolution (H.J. Res. 174) increasing the statutory limit on the public debt.

Mr. BYRD. Mr. President, on behalf of Mr. PACKWOOD I object to any further proceedings on this measure.

The PRESIDING OFFICER. Under present objection, that places the bill on the calendar.

RECESS UNTIL TOMORROW AT 11 A.M.

Mr. BYRD. Mr. President, if there be no further business to come before the

Senate, I move under the order previously entered the Senate stand in recess until the hour of 11 a.m., tomorrow, Tuesday.

The motion was agreed to, and the Senate, at 6:09 p.m., recessed until Tuesday, April 20, 1993, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 19, 1993:

DEPARTMENT OF STATE

MARK JOHNSON, OF MONTANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL.

MARILYN MCAFEE, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

WILLIAM THORNTON PRYCE, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

E. ALLAN WENDT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

ERIC JAMES BOSWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, WITH THE RANK OF AMBASSADOR.

MARY A. RYAN, OF TEXAS, TO BE ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS, VICE ELIZABETH M. TAMPOSI, RESIGNED.

CONRAD KENNETH HARPER, OF NEW YORK, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE, VICE EDWIN D. WILLIAMSON, RESIGNED.

ALVIN P. ADAMS, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

VICTOR MARRERO, OF NEW YORK, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

VICTOR JACKOVICH, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

DEPARTMENT OF THE TREASURY

MARGARET MILNER RICHARDSON, OF TEXAS, TO BE COMMISSIONER OF INTERNAL REVENUE, VICE SHIRLEY D. PETERSON, RESIGNED.

ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE SIDNEY L. JONES, RESIGNED.

DEPARTMENT OF EDUCATION

KAY CASSTEVENS, OF TEXAS, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE B. ROBERT OKUN.

NORMA V. CANTU, OF TEXAS, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE MICHAEL L. WILLIAMS.

JUDITH HEUMANN, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION, VICE ROBERT REFUGIO DAVILA, RESIGNED.

DEPARTMENT OF THE INTERIOR

JIM BACA, OF NEW MEXICO, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE DELOS CY JAMISON, RESIGNED.

DEPARTMENT OF AGRICULTURE

JAMES R. LYONS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE JAMES R. MOSELEY, RESIGNED.

RICHARD E. ROMINGER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF AGRICULTURE, VICE ANN M. VENEMAN, RESIGNED.

RICHARD E. ROMINGER, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE ANN M. VENEMAN, RESIGNED.

BOB J. NASH, OF ARKANSAS, TO BE UNDER SECRETARY OF AGRICULTURE FOR SMALL COMMUNITY AND RURAL DEVELOPMENT, VICE RONALD R. VAUTOUR, RESIGNED.

BOB J. NASH, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE RONALD R. VAUTOUR, RESIGNED.

WARDELL CLINTON TOWNSEND, JR., OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE CHARLES R. HILTY, RESIGNED.

DEPARTMENT OF COMMERCE

JOHN A. ROLLWAGEN, OF MINNESOTA, TO BE DEPUTY SECRETARY OF COMMERCE, VICE ROCKWELL ANTHONY SCHNABEL, RESIGNED.

SHEILA FOSTER ANTHONY, OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE MARY JO JACOBI, RESIGNED.

CLARENCE L. IRVING, JR., OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION, VICE GREGORY F. CHAPADOS, RESIGNED.

D. JAMES BAKER, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE JOHN A. KNAUSS, RESIGNED.

ARATI PRABHAKAR, OF TEXAS, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, VICE JOHN W. LYONS.

MISSISSIPPI RIVER COMMISSION

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION, UNDER THE PROVISIONS OF SECTION 2 OF AN ACT OF CONGRESS, APPROVED JUNE 1879 (21 STAT. 37) (33 USC 642):

To be a member and president of the Mississippi River Commission

BRIGADIER GENERAL EUGENE S. WITHERSPOON [redacted] U.S. ARMY.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. EDWIN S. LELAND, JR [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. BARRY R. MCCAFFREY [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOHN E. MILLER [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. ROBERT L. ORD, III [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS G. RHAME [redacted] U.S. ARMY.

THE UNITED STATES ARMY NATIONAL GUARD OFFICER NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADE INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385, AND 3392:

To be brigadier general

COL. PAUL G. GEBHARDT [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER, CURRENTLY HOLDING THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), IN THE COMPETITIVE CATEGORY OF SPECIAL DUTY OFFICER (INTELLIGENCE) OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAL ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral

REAR ADM. (1H) JOHN MICHAEL MCCONNELL [redacted] U.S. NAVY.

THE FOLLOWING NAMED REAR ADMIRAL (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

DENTAL CORPS OFFICER

To be rear admiral

REAR ADM. (1H) ROGER WAYNE TRIFTSHAUSER, [redacted] U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral

REAR ADM. (1H) RICHARD IRA RIDENOUR [redacted] U.S. NAVY.

REAR ADM. (1H) FREDERIC GOODMAN SANFORD, [redacted] U.S. NAVY.

SUPPLY CORPS

To be rear admiral

REAR ADM. (1H) JOHN THOMAS KAVANAUGH [redacted] U.S. NAVY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF BRIGADIER GENERAL WHILE SERVING AS THE STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5046:

To be brigadier general

COL. MICHAEL C. WHOLLEY [redacted]

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

To be lieutenant colonel

LINE OF THE AIR FORCE

MAJ. DANA L. ALEXANDER [redacted], 4 OCT 92
MAJ. BRUCE A. BERGUM [redacted], 12 NOV 92
MAJ. LAWRENCE F. HATTEN [redacted], 1 NOV 92
MAJ. HAROLD HUDNALL, JR [redacted], 20 NOV 92
MAJ. JAMES H. MAENNER [redacted], 17 OCT 92
MAJ. GEORGE R. MCCURDY, III [redacted], 3 NOV 92
MAJ. DONALD MCDONALD, JR [redacted], 7 NOV 92
MAJ. RONALD G. MOORE [redacted], 16 OCT 92
MAJ. STEPHEN R. ORR, II [redacted], 19 OCT 92
MAJ. GARY L. PETERS [redacted], 30 OCT 92
MAJ. BRUCE A. SCHULZE [redacted], 26 OCT 92
MAJ. GREGORY J. SCHWAB [redacted], 17 NOV 92
MAJ. HOMER A. SMITH [redacted], 7 NOV 92
MAJ. GERALD J. SONGY [redacted], 7 NOV 92
MAJ. STEVEN L. VANEVERY [redacted], 13 NOV 92
MAJ. RANDALL A. VEENSTRA [redacted], 17 NOV 92
MAJ. EDWIN A. VINCENT, JR [redacted], 30 OCT 92
MAJ. KENNARD R. WIGGINS, JR., [redacted], 3 DEC 92

JUDGE ADVOCATE GENERALS DEPARTMENT

MAJ. LOUIS E. EPPS [redacted], 20 NOV 92
MAJ. JAY R. HONE [redacted], 7 NOV 92

MEDICAL CORPS

MAJ. KEVIN G. HOFFERT [redacted], 7 NOV 92

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL'S CORPS

To be colonel

DALE, BURIS C. [redacted]
DELLORTO, DANIEL J. [redacted]
FINNEGAN, PATRICK [redacted]
HAHN, ALAN K. [redacted]
HODGES, KEITH, H. [redacted]
JOHNSTON, PAUL L. [redacted]
LUJAN, THOMAS R. [redacted]
MORGAN, MICHAEL P. [redacted]
ROGERS, DONALD A. [redacted]
ROSS, JOSEPH E. [redacted]
RUSSELL, JAMES S [redacted]
SMITH, STEPHEN D. [redacted]
ST. AMAND, GERARD [redacted]
THOMASON, TERRY E. [redacted]

IN THE ARMY

THE FOLLOWING NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

RONALD E. MCCONNELL [redacted]

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF

THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A) AND 3385:

ARMY PROMOTION LIST

To be colonel

ARLEDGE, ELZEY J. JR [redacted]
BYRD, JOHNNY R. [redacted]
DRAKE, JAMES M. [redacted]
HEISE, CRAIG R. [redacted]
HOLDEN TY W. [redacted]
HOLT, ROBERT G. [redacted]
LUIS, JOSEPH F. [redacted]
MOWRER, DAVID R. [redacted]
NIPPELL, GEORGE D [redacted]
WILLIAMS, JERRY B [redacted]
WILSON, WILLIAM R. JR [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

ALLRED, MARY A. [redacted]
ANTOSH, PATRICIA M. [redacted]
BARBER, THEODORE M. [redacted]
BUTKI, ALAN G. [redacted]
COUNCIL, TERRY R. [redacted]
DAVIS, MARTIN C. [redacted]
DOW, MARK C. [redacted]
EICHER, ROBERT P. [redacted]
GOLDSBERRY, JAY G. [redacted]
GOTTLIEB, GEORGE S. [redacted]
GREEN, RONALD D. [redacted]
GREENFIELD, JAMES L [redacted]
HATCHER, JOHN S. [redacted]
HOLWECK, RALPH D. [redacted]
KENNEY, FREDERIC H. [redacted]
KUECHENMEISTER, RICHARD W. [redacted]
LANGE, GEORGE, W. JR. [redacted]
MALICKI, GREGG H. [redacted]
RIVERA, RENALDO [redacted]
ROCHE, JAMES L. [redacted]
SCOTT, JAMES L. [redacted]
SNOWBALL, DEE J. [redacted]
STROUD, GERALD L. [redacted]
VENDELA, SCOTT L. [redacted]
VITILLO, NICHOLAS P. [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be lieutenant colonel

TIPTON, GERALD R. [redacted]

MEDICAL CORPS

To be lieutenant colonel

ALBERTSON, TIMOTHY E. [redacted]
BRUCE, WILLIE C. [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

BRINGHURST, WILLIAM [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

LACKEY, MARY M. [redacted]

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF CAPTAIN, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be captain

CALHOUN, BRIAN MURRAY
MCCARTHUR, JAMES DRAKE JR.
STRICKLER, RICHARD WAYNE
TILLEY, PATRICK JAMES

IN THE NAVY

THE FOLLOWING-NAMED COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICER

To be commander

OLSHAKER, ROBERT ANDREW

MEDICAL SERVICE CORPS OFFICERS

To be commander

HEDSTROM, RICHARD CAMERON
MCGINNIS, JAMES A.

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

ALLARD, MARTIN ROBERT
BARNES, STEVEN B.
JONES, JAMES A. JR.
KUHNREICH, JEFF CLARK
LEWIS, CHARLES DWIGHT
MATHERS, JAMES R.
MCNEAL, RONALD JAMES

AEROSPACE ENGINEERING DUTY OFFICER (ENGINEERING)

To be commander

SEE, VICTOR C. JR.

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

ALEY, CHARLES LEE III
ERICHSEN, ROBIN ANNE
GERAGOTELIS, JOHN MICHAEL
GLASER, MICHAEL HENRY
OLSON, GREGORY PHILIP
PAREDES, ROBERT EUGENE
PETERSON, GARY CALMER
PRATER, DAVID LEONARD
SCORBY, JOHN CHARLES JR.
SKIDMORE, CHAD MARLON
SULLIVAN, HOLLY SCOTT
SZARLETA, NORBERT EDWARD JR.
TOWNSEND, RONALD PAUL
WATSON, MARK THOMAS
WEBB, PAUL STUART
WEGERT, SIDNEY JULIUS II

LIMITED DUTY OFFICER (LINE)

To be lieutenant commander

MOORE, ALDEN GRAY

IN THE NAVY

THE FOLLOWING-NAMED LIEUTENANTS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICER

To be lieutenant commander

BAERTLEIN, RICHARD D.
BLACK, JAMES ALLEN

NURSE CORPS OFFICER

To be lieutenant commander

TATE, DOREEN ESTHER

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

LINE OF THE AIR FORCE

ADAMSKI, JAMES S. [redacted]
AMICK, THOMAS S. [redacted]
APPELL, DAVID M. [redacted]
AYERS, SCOTT D. [redacted]
BACHMAN, JONATHAN E. [redacted]
BAIR, WILLIAM S. [redacted]
BAMBERG, ROBERT E. [redacted]
BANKS, JON P. [redacted]
BARNES, SHAWN J. [redacted]
BARNETT, JERRY L., JR. [redacted]
BEAMON, JAMES R. [redacted]
BEHNER, NIKOLAUS W. [redacted]
BIEDERMANN, GEOFFREY B. [redacted]
BIGLER, ROBERT T. [redacted]
BOOTH, GUY R. [redacted]
BOWMAN, KATHLEEN E. [redacted]
BROWN, DAVID A. [redacted]
BRUMLEY, BAILEY [redacted]
BUCK, BRADLEY E. [redacted]
BUTTERS, ANTHONY M. [redacted]
CAMEJO, HARRIET D. [redacted]
CARROLL, RODNEY D. [redacted]
CHAPPEL, STEPHEN W [redacted]
CLIFFORD, MARK L. [redacted]
CLUTZ, FREDERICK A. [redacted]
COLONNIEVES, FELIX R. [redacted]
CORTES, LUIS A. [redacted]
CREEDON, ROBERT A. [redacted]
CRUZ, YELLIXA Z. [redacted]
CURRAN, THOMAS F. JR. [redacted]
CZAPIEWSKI, MARGARET J. [redacted]
DAVIS, TIMOTHY S. [redacted]
DEAN, GREGORY H. [redacted]
DELLARCIPRETE, JOSEPH L., [redacted]
DEXTER, DEBRA A. [redacted]
DOBBINS, JERRY B. [redacted]
DOLLISON, DAVID A. [redacted]
DOUGHERTY, BRIAN K. [redacted]
DRITT, JAMES P. [redacted]
DZUBILO, GARY J. [redacted]
ELLIS, DONALD D.W. [redacted]
EWART, MARK S. [redacted]
FENTON. ROLAND D. JR. [redacted]
FRIESNER, RICK A. [redacted]
FRY, MICHAEL L. [redacted]
GARRISON, DAVID L. [redacted]
GREEN, DEREK P. [redacted]
GREEN, JAMES L. [redacted]
GREGORY, JAMES L. II [redacted]
HABERMAN, DOUGLAS A. [redacted]
HAGEN, KIRK H. [redacted]
HAMIELEC, BARBARA M. [redacted]
HARDY, PAUL R. [redacted]
HART, JAMES T. JR. [redacted]
HEFLIN, STEPHEN L. [redacted]
HEINSOHN, FRANK R. [redacted]
HENRY, STEVEN L. [redacted]
HICKEY, DAVID A. [redacted]
HICKS, KERRY D. [redacted]
HIGHSMITH, WILLIAM S. JR. [redacted]
HOLDER, LON K. [redacted]
HOOK, WILLIAM C. [redacted]
HOOVER, CHARLES W. JR. [redacted]
HOWARD, TYRONE B. [redacted]
HUBER, ROBERT B. [redacted]
HUGGINS, JONATHAN L. [redacted]
HUMPHREY, KERRY S. [redacted]
HUNTER, LARRY D. [redacted]
JOHNSON, PAUL T. [redacted]
JOHNSON, SAMUEL C. [redacted]
JOHNSON, TERRY L. [redacted]
JOLLY, BRENT A. [redacted]
KELLEY, MICHAEL R. [redacted]
KIVI, ERIC A. [redacted]
KLAY, JEFFERY T [redacted]
KLEIN, KURT P. [redacted]
KOSAN, KEITH J. [redacted]
LADSON, FRANKLIN D. [redacted]
LANDFAIR, DAVID G. [redacted]
LARKIN, DALE B. [redacted]
LARSON, KARTER E. [redacted]
LEAHY, TIMOTHY J. [redacted]
LEONE, JOHN P. JR. [redacted]
LIGGETT, JAMES K. [redacted]
LILEIKIS, DENNIS E. [redacted]
MAGUIRE, JOSEPH B. [redacted]
MALONE, DANIEL M. JR. [redacted]
MARRS, LINDA MAUREEN [redacted]
MATTOX, ANTHONY C. [redacted]
MCCUSKER, JAMES J. [redacted]
MCLAUGHLIN, MARK A. [redacted]
MEIXSELL, BERRAE N. JR. [redacted]
MIKESELL, JEFFREY T [redacted]
MILLER, GREGORY L. [redacted]
MILLER, JEFFREY R. [redacted]
MILLER, JONATHAN D. [redacted]
MITCHELL, CHARLES E. [redacted]
MONAHAN, CHRISTOPHE P. [redacted]
MYERS, JOHN E. [redacted]
NOVITSKE, MICHAEL R. [redacted]
NUNAMAKER, THOMAS L. [redacted]
OBRIEN, JAMES W. [redacted]
ODAY, KEVIN W. [redacted]
OWENS, JONATHAN M. [redacted]
PAPROCKI, JEAN JR. [redacted]
PARKER, CHRISTOPHER L. [redacted]
PASZKIEWICZ, WILLIAM C. [redacted]
PENLAND, PATRICK A. [redacted]
PERREIRA, MELVYN T. J. JR. [redacted]
PIONTKOWSKY, CURTIS O. [redacted]
POITRAS, CLAUDE J. [redacted]
PREASKORN, WILLIAM D. [redacted]
PRESTON, STEVEN J. [redacted]
PUGLIA, JOSEPH W. [redacted]
PYKE, GREGORY A. [redacted]
RANK, GEORGE M. [redacted]
REEVES, LOUISE S. [redacted]
RICE, CREIG A. [redacted]
ROCHE, PATRICK P. [redacted]
ROMANO, ANTHONY. [redacted]
ROSSI, CHRISTOPHER J. [redacted]
ROUILLARD, LAURIE M. [redacted]
ROYAL, DAVID B. [redacted]
SARTORE, STEVEN R. [redacted]
SCHAAF, BRIAN M. [redacted]
SCHNEIDER, THOMAS A. [redacted]
SCHONERT, TERRY D. [redacted]
SCHWARTZ, JAMES D. [redacted]
SEBRING, BARRY [redacted]
SEVER, PHILIP E. [redacted]
SMITH, DEWEY L. JR. [redacted]
STALHEIM, MICHAEL L. [redacted]
STEPHENSON, JEFFREY L [redacted]
SULLIVAN, JOHN J. [redacted]
SUMMERLIN, DONALD H. [redacted]
SWADENER, CHRISTOPHER D. [redacted]
SWORTZEL, ROBERT L. [redacted]
TAUSCHER, DOUG E. [redacted]
TAYLOR, BRUCE R. [redacted]
TAYLOR, MICHAEL A. [redacted]
THOMAS, LINDA M. [redacted]
THOMAS, STEPHEN F. [redacted]
THOMPSON, MICHELE B. [redacted]
TURNER, GREGORY S. [redacted]
TURNER, WARREN W. [redacted]
VALENZUELA, JEFFREY A. [redacted]
WALKINGTON, GERALD B. [redacted]
WEAVER, JOHN R. II [redacted]
WEDDLE, CHARLES W. JR. [redacted]
WESTENDORFF, PETER O [redacted]
WHELAN, MATTHEW T. [redacted]
WHITE, DOUGLAS A. [redacted]
WILCOX, DAVID E. [redacted]
WINTERS, DAVID [redacted]
WITKO, JEFFREY A [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

CHAPLAIN CORPS

AZAR, THOMAS P. [redacted]
BARKER, LONNIE B. [redacted]
BLAZEK, EUGENE E. [redacted]
BRIDGEMAN, ALFRED W. [redacted]
BROWN, MICHAEL A. [redacted]
DEANTONIO, MICHAEL R. [redacted]
GUICO, MANUEL R. [redacted]
HAMILTON, FRANK M. JR. [redacted]
HECKMAN, ALLEN L. [redacted]
HENDON, LAWRENCE W. [redacted]
HENRY, GERALD S. [redacted]
HOBBS, MARK S. [redacted]
HUTSON, DENNIS. [redacted]
KELLY, WILLIAM J. [redacted]
KOVALCIN, JOHN A. [redacted]
MORGAN, MARTIN S. [redacted]
MOTSAY, JOSEPH R. [redacted]
NAVARRO, CONRADO E. [redacted]
PERRY, CLIFTON. [redacted]
PITTS, JERRY P. [redacted]
ROBSON, DWIGHT NMN. [redacted]
ROSENFELD, RICHARD H. [redacted]
SANCHEZ, RAUL N. [redacted]
SPARKS, KELLY S. [redacted]
SPRAGUE, EARL G. [redacted]
STROUD, ROBERT C. [redacted]
STURGILL, TIMOTHY M. [redacted]
UNDERWOOD, RONALD [redacted]
UNRATH, THOMAS R. [redacted]
VU, JOSEPH PM. [redacted]
WIERSUM, KARL J. [redacted]

NURSE CORPS

ALSING, BETH A. [redacted]
ANDERSON, BRIAN D. [redacted]
ANDERSON, LORENE R. [redacted]
ARCHAMBAULT, TAMY D. [redacted]
BACHELOR, AMY M. [redacted]
BAGWELL, MICHAEL E. [redacted]
BALLARD, KEVIN D. [redacted]
BENSON, DEBRA L. [redacted]
BENSON, LISTA M. [redacted]
BERGER, CYNTHIA L. [redacted]
BERGMANN, THOMAS M. [redacted]
BERSICK, SHERRY A. [redacted]
BLISE, JEFFREY P. [redacted]
BORGFELD, JOYCE K. [redacted]
BRINSKO, SHARON L. [redacted]
BROEKING, JUDITHALISON K. [redacted]
BROOKS, DANA Y. [redacted]
BROWN, EDNA M. [redacted]
BROWN, PATRICIA A. [redacted]
BRUNNER, DARLENE R. [redacted]
BUDDEMEYER, RALPH T. JR. [redacted]
CALVERT, NANCY J. [redacted]
CAMPBELL, ELAINA L. [redacted]
CARLISLE, ERIN P. [redacted]
CARRIZALES, DAVID R. [redacted]
CASSELS, WARD R. [redacted]
CHANEY, TERESA G. [redacted]
CIPRA, ELIZABETH J. [redacted]
COBB, DEBBIE J. [redacted]
COVELL, RENA E. [redacted]
COX, ROGER L. [redacted]
CURTIS, LARRY R. [redacted]
CUSACK, GRETCHEN A. [redacted]
CUTLER, EDWARD P. [redacted]
DALY, JUDITH M. [redacted]
DEGNER, DEAN F. [redacted]
DELUCIA, MARY C. [redacted]
DEWINDT, JONI E. [redacted]
DEZELL, NANCY A. [redacted]
DIZMANG, DOROTHY E. [redacted]
DOOLEY, JENNIFER K. [redacted]
EARLY, MARVIN E. [redacted]
EAVES, RICHARD H. [redacted]
ECHANIS, DEBORAH L. [redacted]
ECKSTEIN, STEPHANIE J. [redacted]
EDWARDS, ANNETTE W. [redacted]
EGAN, JANET L. [redacted]
ELLISON, ARDYTHE K. [redacted]
EMERSON, ROBERT E. [redacted]
ERICKSON, HARRIET [redacted]
EVANS, PAULA M. [redacted]
EVANS, THOMAS J. [redacted]
FAGERT, MATTHEW A. [redacted]
FERGUSON, JO A. [redacted]
FISHER, RODNEY L. [redacted]
FLEKAL, JULIA A. [redacted]
FLEURQUIN, MARY B. F. [redacted]
GALANG, ANNIE B. [redacted]
GAPASIN, JAIME B. [redacted]
GILL, TOMMI L. [redacted]
GUILLORY, SHIRLEY D. [redacted]
GUTHLAND, SCOTT W. [redacted]
GWYNNBROWN, EVELYN M. [redacted]
HARRIS, VIVIAN C. [redacted]
HATFIELD, BERLAIN, JR. [redacted]
HENDRICKS, JANE C. [redacted]
HENNING, BARBARA J. [redacted]
HICE, RAMON K. [redacted]
HICKEY, DOUGLAS J. [redacted]
HILSHER, CYNTHIA K. [redacted]
HOLDEN, MARIA A. [redacted]
HOLDER, SHIRLEY W. [redacted]
HOLLAND, MARK S. [redacted]
HOWERTON, TRAYCE L. [redacted]
HUDSON, HARRIET L. [redacted]
HUGHART, JOAN P. [redacted]
HUNT, ROBIN E. [redacted]
JACKSON, KAY A. [redacted]
JACO, MARY T. [redacted]
JAHN, JANETTE E. [redacted]
JEWELL, MICHELLE D. [redacted]
JIGGITTS, MARILYN H. [redacted]
JORGENSEN, ANDREW J. [redacted]
KINNEY, LYLE L. [redacted]
LAREW, BRIDGET L. [redacted]
LARSON, CYNTHIA L. S. [redacted]
LECKEY, BETH S. [redacted]
LENZ, MARYBETH S. [redacted]
LIDDLE, CHRISTINE A. [redacted]
LIPPARD, BARBARA J. [redacted]
LOPEZ, ADAM, [redacted]
MARTINEZ, MARIATHERESA G. [redacted]
MATTIE, CATHERINE F. [redacted]
MAZER, STEPHEN J. [redacted]
MCCASKILL, CAROL L. [redacted]
MCGEE, RANDY L. [redacted]
MEYSENBURG, VICKI LYNN [redacted]
MIESNER, JEAN E. [redacted]
MILLER, GERIMARIE P. [redacted]
MILLER, PATRICIA M. [redacted]
MISSOURI, VIVIAN A. [redacted]
MOTE, BEATRIX L. [redacted]
MOZER, LINDA C. [redacted]
MUEHLENWEG, IVONNE Q. [redacted]
MURRAY, CAROLE M. [redacted]
NELSON, BRUCE R. [redacted]
NEWCOMER, ALVIN J. [redacted]
ORTEGA, ROBIN L. [redacted]
OSBORNE, WILLIAM R. [redacted]
PALMER, ELLEN U. [redacted]
PASQUALE, LORI A. [redacted]
PITCHER, EILEEN K. [redacted]
POTTER, JULIANN R. [redacted]
PREMOE, IU DOK, [redacted]
PRENTICEAUSTIN, PATRICIA J. [redacted]
PRIDDY, PHILLIP M. [redacted]
RASMUSSEN, GAYLE P. [redacted]
REAVIS, NIMA D. [redacted]
REINECKE, KATHERINE J. [redacted]
RENTER, THOMAS A. [redacted]
RICE, CATHERINE A. [redacted]
RILEY, LORI A. [redacted]
ROBINSON, SANDRA L. [redacted]
ROSHETKO, THOMAS F. [redacted]
SABOURIN, BEVERLY A. [redacted]
SANTIAGO, NEREIDA C. [redacted]
SCHASZBERGER, ELSIE M. [redacted]
SCHERBENSKE, KELLY J. [redacted]
SEIDEL, TERRY F. [redacted]
SHIREK, ANN M. [redacted]
SIMMONS, SHARON A. [redacted]
SMITH, BEVERLY J. [redacted]
SMITH, DELAINE R. [redacted]
SPAULDING, LESLIE K. [redacted]
SPEAR, DENISE L. [redacted]
SPENCER, PATRICK G. [redacted]
SQUELLATI, ROBIN E. [redacted]
STECKEL, REBECCA L. [redacted]
STETINA, VERONICA R. [redacted]
STEWART, MICHELLE [redacted]
STRAND, BRENDA J. [redacted]
STRONG, JULIE K. [redacted]
SWANNELLIS, WILLETTE E. [redacted]
SWINDLE, JOHNNY L. [redacted]
TATUM, THOMAS M. [redacted]
TERHUNE, LEAH A. [redacted]
THOMAS, FRYER RHEE A. [redacted]
THOMPSON, FRED D. [redacted]
THORN, CAROL A. [redacted]
TROWER, MELINDA H. [redacted]
VALENCIA, ROWENA M. [redacted]
VILLAMIN, PEDRO M., II [redacted]
VILORIA, DENNIS R. [redacted]
VINCENT, DOROTHY A. [redacted]
WADE, RICK L. [redacted]
WARNER, ROSEANNE C. [redacted]
WARNER, WENDY J. [redacted]
WELBORN, DONNA L. [redacted]
WILLIAMS, ANN J. [redacted]
WILLIAMS, THOMAS E. [redacted]
WYBLE, KERRI L. [redacted]

MEDICAL SERVICE CORPS

ACKER, BRIAN J., [redacted]
ADAMS, LINDA M. [redacted]
ALFORD GARNEL E. [redacted]
BREWER, PETER G. [redacted]
BUTTON, GARY D. [redacted]
CAREY, RENEE M. [redacted]
CARLTON, MICHAEL S. [redacted]
CECIL, BILLY P., II. [redacted]
COOK, MELVA R., [redacted]
COOPER, PERRY R. [redacted]
COUNTER, MAUREEN J. [redacted]
CRAMER, BRIAN J. [redacted]
DELANEY, THOMAS S. [redacted]
DESANCTIS, MARIO V. [redacted]
EBLING, LINDA L. [redacted]
EDMONDSON, WILLIAM R. [redacted]
ERICKSON, CATHERINE M. [redacted]
FELINS, JOHN F. [redacted]
FLINT, GORDON, [redacted]
FLOWERS, STEVEN H. [redacted]
FRANKLIN, KENNETH R. [redacted]
GEARY, DANIEL E. [redacted]
HENKE, RONALD B. [redacted]
HERNANDEZ, LYNDA L. [redacted]
IVERY, KENNETH R. [redacted]
JACKSON, LEONARD W. [redacted]
JENKINS, EDWARD W. [redacted]
JOHNSON, JOHN J. [redacted]
JOSEPH, MICHAEL, III. [redacted]
KORLASKE, JOHN M. [redacted]
KOTOVSKY, GRANT D. [redacted]
KUBELICK, KIM A. [redacted]
LANNEN, DAVID J. [redacted]
LEW, DENISE K. [redacted]
MECCIA, NEIL R. [redacted]
MELLON, LAWRENCE J. [redacted]
MURDOCK, MARK, [redacted]
MURPHY, MARK L. [redacted]
MURRAY, DONNA L. [redacted]
PRICE, ROGER B. [redacted]
PUCKETT, WILLIAM G. [redacted]
RILEY, KEVIN F. [redacted]
RITTER, ROBERT G. [redacted]
SADNAVITCH, DAVID G. [redacted]
SANDERS, DENNIS R. [redacted]
SAWYER, DANIEL W. [redacted]
SHOROSKY, ANITA M. [redacted]
STAUFFER, LYNDSAY A. [redacted]
STRUBLE, ERIKA J. [redacted]
TOUZIN, DIANE Y. [redacted]
VOJTECKY, MARK A. [redacted]
WHITTON, JAMES R. [redacted]
WISEMAN, JOHN G. [redacted]
YANKOSKY, LAURIE L. [redacted]
ZIMMERMAN, DANIEL F. [redacted]

BIOMEDICAL SCIENCES CORPS

ALLEN, STEPHEN C. [redacted]
BAIJNAUTH, KRISHENDATT [redacted]
BALDWIN, JAMES B. [redacted]
BARNETT, MICHAEL D. [redacted]
BARTHOLOMEW, ALAN, [redacted]
BECKMAN, KATHI, O. [redacted]
BEESON, DAVID M. [redacted]
BELL, KEVIN T. [redacted]
BENNIE, PETER, JR. [redacted]
BLACK, DENISE K. [redacted]
BLAZICKO, BRIAN A. [redacted]
BOWLES, DAVID E. [redacted]
BROWN, REBECCA L. [redacted]
BUDD, FRANK C. [redacted]
BURHANS, WILLIS E. [redacted]
BUSWELL, ROBERT C., JR. [redacted]
BUTLER, MARK E. [redacted]
CAPORICCIO, CHARLES C. [redacted]
CASHEN, HENRY L. [redacted]
CELIE, JUANITA M. [redacted]
CLAWSON, MICHAEL D. [redacted]
CLOUTIER, JAY S. [redacted]
COLE, KIM G. [redacted]
CONNORS, JESSE N. [redacted]
CORCORAN, SCOTT E. [redacted]
CORPPETTS, YVONNE D. [redacted]
DAVIS, DIANNE C. [redacted]
DELTUVA, JANET M. [redacted]
DIETELS, GUY A. [redacted]
ELLIOTT, MICHAEL G. [redacted]
ETHRIDGE, APRIL S. [redacted]
FARRELL, RAYMOND E., JR. [redacted]
FISHER, CAROL A. [redacted]
FORREST, JAMES F. [redacted]
FRY, JAMES R. [redacted]
GABOS, KEVIN G. [redacted]
GIESBRECHT, KELLY H. [redacted]
GODDARD, DONALD E. [redacted]
GONZALES, GEORGE P. [redacted]
HAGAMAN, LARRY D. [redacted]
HANDLEY, RICHARD D. [redacted]
HARVEY, LANA D. [redacted]
HESS, DAVID W. [redacted]
HEYSE, EDWARD C. [redacted]
HICKMAN, JOHN R. [redacted]
HOLCK, ALAN R. [redacted]
HUBER, DAVID L. [redacted]
INHELDER, RANDALL W. [redacted]
JESSEN, ALAN E. [redacted]
JOHNSON, DONNA M. [redacted]
JOHNSON, GLORIA J. [redacted]
JOHNSON, OSWALD L. [redacted]
JOHNSON, SCOTT A. [redacted]
JONES, GEORGE W. [redacted]
KEFFER, DONNA M. [redacted]
KOMYATHY, KENNETH C. [redacted]
KOTUN, DAVID E. [redacted]
KOWAL, JEANNE, [redacted]
KRUMANAKER, EDWARD L. [redacted]
LAMACCHIA, RICHARD F. [redacted]
LAMOTHE, JEFFERY H. [redacted]
LAWLESS, NAOMI T. [redacted]
LAWSON, NANCY D. [redacted]
LEWIS, TERESA R. [redacted]
LONGOFONO, JOSEPH F. [redacted]
MACCABE, ANDREW T. [redacted]
MARCHAND, EDWARD G. [redacted]
MARCHIONI, RONALD, [redacted]
MARTINSEN, GARY L. [redacted]
MASON, JEFFREY K. [redacted]
MCBRIDE, RICHARD H., JR. [redacted]
MCCOY, RICHARD P. [redacted]

MCKINLEY, VIRGINIA M. [redacted]
MELLO, RICHARD [redacted]
MERIDITH, CARMEN E. W. [redacted]
METCALF, THOMAS R. [redacted]
MEYER, GARY D. [redacted]
MILLER, ALICE L. [redacted]
MILLER, IRA D. [redacted]
MUSZYNSKI, NICHOLAS W. [redacted]
NELSON, JOSEPH T. [redacted]
NELSON, ROGER W. [redacted]
NIELSEN, ERIC D. [redacted]
NOAH, DONALD L. [redacted]
O'CONNOR, ROBERT B. [redacted]
PAYNE, DALE L. [redacted]
PESTANA, LAURA R. [redacted]
PETERSON, ALAN L. [redacted]
PIKE, MONEE P. [redacted]
POSTON, WALKER, S.C. [redacted]
POTEAT, GARY N. [redacted]
POWELL, RICKY A. [redacted]
RADEMACHER, STEVEN E. [redacted]
RAMOS, JAMES M., JR. [redacted]
REILLY, PATRICIA A. [redacted]
RICE, LYNN L. [redacted]
ROGERS, WILLIAM M. [redacted]
SARACENI, FABRIZIO [redacted]
SCOTT, KIMBERLY R. [redacted]
SEEGMILLER, ROBERT A. [redacted]
SELF, DAVID A. [redacted]
SHALITA, ERIC A. [redacted]
SHEEHAN, TIMOTHY J. [redacted]
SHERMAN, CHRISTOPHER P.C. [redacted]
SHERWOOD, GARY D. [redacted]
SIGREST, BILLY W. [redacted]
SIMONS, OLGA B. [redacted]
SMITH, LISA [redacted]
SPLAWN, JOHNNY J. [redacted]
SPRENGER, SCOTT A. [redacted]
STROH, JOHN M. [redacted]
TALBURT, MICHAEL B. [redacted]
THORNSON, WILLIAM L. [redacted]
TONEY, STEVEN D. [redacted]
TRENT, LAURA L. [redacted]
TUREK, DANIEL R. [redacted]
UPCHURCH, ANITA L. [redacted]
VAN ARSDEL, RICHARD E. [redacted]
VANVALKENBURG, MICHAEL E. [redacted]
WAINNER, ROBERT S. [redacted]
WEDDELL, RUTH A. [redacted]
WILLIAMS, PAUL A. [redacted]
WILSON, DAWN E. [redacted]
WOODRUFF, TIMOTHY S. [redacted]
WROBEL, MARK C. [redacted]
ZUPAN, MICHAEL F. [redacted]

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

LINE OF THE AIR FORCE

ABALATEO, MILA D. [redacted]
ACKER, DONALD W. [redacted]
ACKER, WILLIAM P., JR. [redacted]
ACKLEY, VICTOR E. [redacted]
ACRED JEFFREY T. [redacted]
ACREE, KEITH A. [redacted]
ADAMO, JOHN P. [redacted]
ADAMS, LEO C. [redacted]
ADAMS, STEVEN G. [redacted]
AGUILAR, FERNANDO [redacted]
AIROLA, DAVID J. [redacted]
ALAMO, AMY E. [redacted]
ALBRECHT, ROBERT T. [redacted]
ALCORN, DAVID J. [redacted]
ALDRIDGE, TERESA A. [redacted]
ALEXANDER, GARY A. [redacted]
ALEXANDER, JAMES E. [redacted]
ALEXANDER, ROBERT D. [redacted]
ALEXANDER, WILLIAM S. [redacted]
ALLEN, CARL D. [redacted]
ALLEN, HERBERT L., JR. [redacted]
ALLEN, MELVIN E. [redacted]
ALLEN, PATRICK R. [redacted]
ALLEN, RUFUS D., JR. [redacted]
ALLISON, KENNETH [redacted]
ALTMAN, JAMES K. [redacted]
ALTON, ROBERT W. [redacted]
AMELUXEN, THOMAS G. [redacted]
AMES, JOHNNIE [redacted]
AMES, WILLIAM J. [redacted]
AMODEO, FRANK L. [redacted]
AMSEL, BRYAN E. [redacted]
ANDERSEN, KENNETH E. [redacted]
ANDERSON, BRENT A. [redacted]
ANDERSON, CHRISTOPHER J. [redacted]
ANDERSON, GEORGE J. [redacted]
ANDERSON, JOHN P. [redacted]
ANDRASZ, STEVEN N., [redacted]
ANDRESEN, RICHARD L. [redacted]
ANDREWS, PETER C. [redacted]
ANGELL, KAREN D. [redacted]
ANGULO, KARYN I. [redacted]
ANTOLICK, BRIAN D. [redacted]
ARANGO II, SALVADOR [redacted]
ARCHAMB, AULT, DIANE M. [redacted]
ARGUMEDO, MARTA L. [redacted]
ARMANTROUT, JOHN L. [redacted]
ARMSTONG, ERIC R. [redacted]
ARNONE, JOSEPH J. [redacted]
ATKINS, ROBERT T. [redacted]
ATKINSON, DONALD L. [redacted]
ATTARDO, CIRO J. [redacted]
AVERBECK, LAWRENCE M. [redacted]
AVERY, DAVID P. [redacted]
AXELSON, PETER D. [redacted]
AYERS, THOMAS L. [redacted]
BABCOCK, ADAM C. [redacted]
BACHHUBER, JAY C. [redacted]
BAHM, PETER C. [redacted]
BAILEY, JAMES B. [redacted]
BAIN, CHRISTOPHER J. [redacted]
BAINES, AMY M. [redacted]
BAKER, DAVID W. [redacted]
BAKSA, MARJORIE A. [redacted]
BALL, THOMAS P., III [redacted]
BALUS, MARTIN P. [redacted]
BARBER, ELLEN T. [redacted]
BARBOUR, STEVEN F. [redacted]
BARGER, JAMES E. [redacted]
BARKER, ELBERT S., III [redacted]
BARNARD, IRWIN A. [redacted]
BARNES, RICHARD [redacted]
BARNES, WILLIAM R., JR. [redacted]
BARON, EDWARD C. [redacted]
BARRETT, MICHAEL A. [redacted]
BARTEL, THOMAS R. [redacted]
BARTON, RICHARD C. [redacted]
BASS, HOWARD A. [redacted]
BATTIN, JEFFREY L. [redacted]
BAUGH, TERENCE P. [redacted]
BAUR, ANDREW T. [redacted]
BEACH, JOSEPH T. [redacted]
BEAGAN, VERONICA, Y. [redacted]
BEALKOWSKI, JOSEPH, V., JR. [redacted]
BEAN, CLARK, F. [redacted]
BEARD, MARTIN, B. [redacted]
BEARDEN, CHRISTOPHER, A. [redacted]
BEASLEY, KELLY, C. [redacted]
BEASLEY, LLOYD, W. [redacted]
BEATTIE, CLYDE, G. [redacted]
BEATTY, DENNIS, T. [redacted]
BEAUDOIN, JOSEPH, R., JR. [redacted]
BEAULIEU, JOHN, R. [redacted]
BECK, KENT, R. [redacted]
BECKHAM, DAVID, B. [redacted]
BEDESEM, WILLIAM, P. [redacted]
BEDNAR, EDWARD, A. [redacted]
BELK, RICHARD, W. [redacted]
BELKO, ANDREW, E., II. [redacted]
BELL, DAVID, E. [redacted]
BELLEQUE, LYLE, A. [redacted]
BELLI, JOSEPH, A. [redacted]
BELYAN, RONALD, A. [redacted]
BENCE, CHRISTOPHER, J. [redacted]
BENJAMIN, FRANK, K. [redacted]
BENNETT, NORMA, N. [redacted]
BENTLEY, DAVID, W. [redacted]
BENTZ, CATHLEEN, A. [redacted]
BENZ, MARK, R. [redacted]
BERENS, HAROLD, A. [redacted]
BERGSTROM, GREGORY, K. [redacted]
BERKERY, JAMES, M., III [redacted]
BERNER, WILLIAM, S. [redacted]
BERRIOSVAZQUEZ, JUAN, R. [redacted]
BERRY, BRIAN, D. [redacted]
BERUVIDES, RICHARD, J. [redacted]
BESHLIAN, WILLIAM, V. [redacted]
BESSELMAN, JOSEPH, J., II [redacted]
BHATT, SUSHIL, R. [redacted]
BICKLEY, SIDNEY, C. [redacted]
BISCHOFF, TIMOTHY, C. [redacted]
BLACK, DANIEL, O. [redacted]
BLACKWELL, STEVEN, G. [redacted]
BLACKWOOD, JAMES, E. [redacted]
BLANCHFIELD, JODY, L. [redacted]
BLESSE, JOSEPH, F. [redacted]
BOECKMAN, CHARLES, L., JR. [redacted]
BOLLES, JAMES, T. [redacted]
BOLLINGER, RICKY, G. [redacted]
BONAFEDE, JOSEPH, A. [redacted]
BOND, JOSEPH, M. [redacted]
BONSALL, WILLIAM, R. [redacted]
BOOM, MARY, M. [redacted]
BORDEN, ANDREW, J. [redacted]
BOUDREAUX, STACY, M. [redacted]
BOWERS, LARRY, D. [redacted]
BOYLE, JOHN, V. [redacted]
BRADBURY, JOSEPH, F. [redacted]
BRADFORD, ROLANDRIAS [redacted]
BRADY, STEPHAN, P. [redacted]
BRADMIRE, PAUL, A. [redacted]
BRANDSTROM, GARY, W. [redacted]
BRANSFORD, RONALD, G. [redacted]
BRAUN, JOHN, R. [redacted]
BRAUN, MARTIN, C. [redacted]
BRAZA, RUDY, M. [redacted]
BREAKEY, MICHAEL, G. [redacted]
BREMSER, DENNIS, J. [redacted]
BREWER, KEVIN, N. [redacted]
BREWER, MICHAEL, T. [redacted]
BRIDEL, LORI, L. [redacted]
BRIGHTBILL, PATRICIA, L. [redacted]
BRINGOLD, MICHAEL, W. [redacted]
BRINKER, SCOTT, R. [redacted]
BROARDT, GREGORY, J. [redacted]
BROCKHAUS, EDWARD, W. [redacted]
BROLL, PETER, J. [redacted]
BROOKS, STEVEN, J. [redacted]
BROUSE, JAMES, W. [redacted]
BROUSSARD, RANDY, P. [redacted]
BROWN, CHARLES, A. [redacted]
BROWN, DARRYL, D. [redacted]
BROWN, DOUGLAS, M. [redacted]
BROWN, ELIZABETH, A. [redacted]
BROWN, ESTELL, W., JR. [redacted]
BROWN, JAMES, M., II [redacted]
BROWN, MARK, ANTHONY, [redacted]
BROWN, MARK, W. [redacted]
BROWN, SAMUEL, JR. [redacted]
BROWN, STANLEY, L. [redacted]
BROWN, STEVE [redacted]
BRUCE, DOUGLAS [redacted]
BRUMLEY, ROBERT, B., II [redacted]
BRUNER, ALFRED, E. [redacted]
BRYANT, JOHN, P., IV [redacted]
BRYANT, LEAH, M. [redacted]
BRYANT, SCOTT, W. [redacted]
BRYSON, KENRYU, M. [redacted]
BUCHANAN, STEVEN, D. [redacted]
BUCK, KENNETH, D. [redacted]
BUCKLEY, RANDY [redacted]
BUERKLE, MARK, C. [redacted]
BULLOCK, ANITA, C., [redacted]
BUNKER, LAURA, L. [redacted]
BURCH, JAMES, G. [redacted]
BURCH, KENNETH, C. [redacted]
BURGESS, PETER, D. [redacted]
BURKE, KATHERINE, E. [redacted]
BURKEL, AUDREY C. [redacted]
BURKHART, EDWIN I. [redacted]
BURKMAN, SANDRA A. [redacted]
BURRELL, FRED R. [redacted]
BURTON, GEORGE P. [redacted]
BURTON, ROBERT H. [redacted]
BUSH, JOSEPH F. [redacted]
BUSH, VICKI S. [redacted]
BUTLER, ALLAN W. [redacted]
BUTLER, PATRICK F. [redacted]
BUTLER, RICHARD J. [redacted]
BYRD, JEANNE M. [redacted]
BYRD, JOHN B. [redacted]
BYROM, TRAVIS C. [redacted]
BYRUM, RONALD L. [redacted]
CABALLERO, RAYMOND J. [redacted]
CADY, JAMES R. [redacted]
CAHALAN, MICHAEL F. [redacted]
CAICEDO, GREGORY B. [redacted]
CALDERWOOD, TIMOTHY TY. [redacted]
CALDWELL, JAMES A., JR. [redacted]
CALKINS, DANIEL L. [redacted]
CALVANO, PHILIP M. [redacted]
CAMPBELL, RICHARD D. [redacted]
CAMPBELL, TROY D. [redacted]
CANIPE, WAYNE A. [redacted]
CARDILLO, DAVID E. [redacted]
CARDY, ROBERT D., JR. [redacted]
CAREY, LEE W. [redacted]
CARLISLE, BRIAN W. [redacted]
CARLYON, TOBY L. [redacted]
CARMICHAEL, KEITH E. [redacted]
CARPENTER, DOUGLAS I. [redacted]
CARPENTER, PATRICIA M. [redacted]
CARROLL, EDDIE G. [redacted]
CARROLL, MARK T. [redacted]
CARROTHERS, JEFFREY A. [redacted]
CARRUTHERS, GARY R. [redacted]
CARSTENSEN, PAUL J. [redacted]
CARTER, AARON G. [redacted]
CARTER, RICKY E. [redacted]
CARVALHO, CLARK R. [redacted]
CASE, MARTIN [redacted]
CASTILLO, ALBERT, JR. [redacted]
CASTO, RICHARD M. [redacted]
CASTRO, SUSAN M. [redacted]
CASTROP, RICHARD R. [redacted]
CATOE, DAVID W. [redacted]
CECIL, ARDIS G. [redacted]
CHAMBERS, JOHN W. [redacted]
CHANG, ERIC A. [redacted]
CHAPMAN, DAVID A. [redacted]
CHAPUT, DAVID A. [redacted]
CHARLES, CHRISTOPHER W. [redacted]
CHECHOWITZ, PHILIPPE D. [redacted]
CHESHER, BRIAN K. [redacted]
CHI, MAXWELL M. [redacted]
CHICKEN, ERIC K. [redacted]
CHIN, CATHERINE M. [redacted]
CHRIST, GREGORY M. [redacted]
CHROMY, ALLAN J. [redacted]
CHURCH, GREGORY A. [redacted]
CLABOUGH, DAVID A. [redacted]
CLARK, DENNIS P. [redacted]
CLARK, GREGORY C. [redacted]
CLARK, MICHAEL P. [redacted]
CLARK, ROBERT W. [redacted]
CLARKE, RICHARD W. [redacted]
CLARKE, ROBERT S. [redacted]
CLAUNCH, JON E. [redacted]
CLEARY, DAVID B. [redacted]
CLEMENTS, CAROL L. [redacted]
CLEMONS, JOSEPH G. [redacted]
CLEVELAND, GEOFFREY [redacted]
CLINEHENS, NEAL A. [redacted]
CLUNIE, PETER C.R. [redacted]
COATS, JERRY R. [redacted]
COLACO, MICHAEL F. [redacted]
COLAS, CARRIE A. [redacted]
COLLINS, CHRISTOPHER R. [redacted]
COLLINS, DARYL L. [redacted]
COLLINS, DOUGLAS E. [redacted]
COLLINS, PETER J. [redacted]

COLLINS, ROBERT S. [redacted]
COMBS, JAMES P. [redacted]
COMEAU, RONALD C. [redacted]
CONAWAY, CHRISTOPHER [redacted]
CONN, ANDREW D. [redacted]
CONN, DAVID H. [redacted]
CONNOLLY, CORVIN J. [redacted]
COOK, CHRISTOPHER D. [redacted]
COOK, CHRISTOPHER W. [redacted]
COOK, THOMAS M. [redacted]
COOKE, ROBERT M. [redacted]
COOLEY, PHILIP M. [redacted]
COOMBS, CHRISTOPHER M. [redacted]
COOPER, ROBERT J., JR. [redacted]
COPELAND, JR., GLEN F. [redacted]
COPLEY, TODD M. [redacted]
CORBETT, HOMER L., JR. [redacted]
CORGAN, KENNETH A. [redacted]
CORNELIUS, ALLEN B., II [redacted]
CORNELIUS, STAN [redacted]
COSENZA, ANNA M. [redacted]
COTHREN, DALE L. [redacted]
COTTON, ANTHONY J. [redacted]
COTTS, CHRISTOPHER D. [redacted]
COUNTESS, CLEM C. [redacted]
COWAP, STACEY A. [redacted]
COX, AUGUSTUS G. [redacted]
COX, DONALD W. [redacted]
CRANNAGE, ROBERT P. [redacted]
CRAWFORD, CLAY P. [redacted]
CRAWFORD, DOUGLAS J. [redacted]
CRAWLEY, TIMOTHY J. [redacted]
CREAMER, AMANDA P. [redacted]
CREAMER, DUANE T. [redacted]
CREELMAN, BRIAN J. [redacted]
CRESAP, TY R. [redacted]
CRIDER, KIMBERLY A. [redacted]
CRISSEY, JAMES M. [redacted]
CRITTENDEN, KARI L. [redacted]
CROCKER, MICHAEL T. [redacted]
CROUCH, NORMAN C., JR. [redacted]
CROWNOVER, GREGORY J. [redacted]
CRUPE, MICHAEL J. [redacted]
CULJAK, MICHAEL G. [redacted]
CULLEN, CHARLES S. [redacted]
CULP, ZENA M. [redacted]
CUMLER, WILLIAM H. [redacted]
CUNNEEN, SEAN M. [redacted]
CUNNINGHAM, DEIRDRE [redacted]
CURBYLUCIER, THOMAS W. [redacted]
CURRY, GREGORY S. [redacted]
CURTIS, JAMES G., JR. [redacted]
CUTLER, BENJAMIN H., III [redacted]
DAGUE, ROBERT J. [redacted]
DAHLHAUSER, KARL J. [redacted]
DALRYMPLE, SCOTT A. [redacted]
DALY, PAUL S., JR. [redacted]
DANIEL, DAVID W. [redacted]
DANKENBRING, DELEE M. [redacted]
DANLEY, CHARLES A. [redacted]
DAUGHERTY, SHERRILL K. [redacted]
DAVEY, KIM L. [redacted]
DAVIDSONTAYLOR, MARYKATHERIN [redacted]
DAVIS, BRIAN P. [redacted]
DAVIS, BRIAN S. [redacted]
DAVIS, CHARLES E [redacted]
DAVIS, CHARLES E., III [redacted]
DAVIS, CHARLES R. [redacted]
DAVIS, CLYDE W. [redacted]
DAVIS, JERRY L. [redacted]
DAVIS, JONATHAN S. [redacted]
DAVIS, LORI A. [redacted]
DAVIS, RANDY J. [redacted]
DAVISSON, JOHANN H. [redacted]
DAWSON, CARLTON D. [redacted]
DAWSON, KENNETH D. [redacted]
DAY, GREGORY P. [redacted]
DEAKIN, SCOTT E. [redacted]
DEAN, PATRICK K. [redacted]
DEANGELIS, TINA M. [redacted]
DECARLO, CYNTHIA A. [redacted]
DEGEER, DIANE S. [redacted]
DEGROODT, MARK P. [redacted]
DEKEMPER, CARL T. [redacted]
DELACANTERA, ERNESTO L. [redacted]
DELGENIS, ANTHONY J. [redacted]
DELLASALA, ROBERT [redacted]
DELLINGER, ROGER A. [redacted]
DEMMINGS, RICHARD A. [redacted]
DENN, JOHN P. [redacted]
DENNING, DAVID R. [redacted]
DESIMONE, ERNEST J. [redacted]
DETCHEVERRY, MARK R. [redacted]
DEVER, MATTHEW C. [redacted]
DEVITT, DESMOND E. [redacted]
DEVOE, PHILIP R. [redacted]
DEVOE, SUSAN S. [redacted]
DEWEY, WADE F. [redacted]
DEYOUNG, CRISTEN L. [redacted]
DIAMOND, KEVEN B. [redacted]
DIBBEN, MARK J. [redacted]
DIEMER, TIMOTHY H. [redacted]
DIESSNER, WILLIAM G. [redacted]
DILL, MARK A. [redacted]
DILLON, MARK W. [redacted]
DIMODUGNO, LOUIS J., [redacted]
DINGLE, DAVID A. [redacted]
DINUOVO, KATHERINE A. [redacted]
DIRITO, STEPHEN W. [redacted]
DISSELKOEN, ALLEN [redacted]
DODD, WILLIAM A. [redacted]
DODSON, BERNARD, JR. [redacted]
DOHERTY GERALD A. [redacted]
DOLAN, JOHN L. [redacted]
DONATUCCI, STEVEN G. [redacted]
DONAVON, MARK A. [redacted]
DOPP, ANDREA J. [redacted]
DORAN, BRIAN P. [redacted]
DORAN, RICHARD M. [redacted]
DORCEY, PAUL E. [redacted]
DORFMAN, STEVEN N. [redacted]
DORMAN, JAMES E. [redacted]
DORRIS, JOHN W. [redacted]
DOTSON, MARK R. [redacted]
DOUGHTY, MICHAEL M. [redacted]
DOWLER, CONSTANCE A. [redacted]
DOWNEY, GERARD P. [redacted]
DOWNING, STEVEN V. [redacted]
DOYLE, KEVIN H. [redacted]
DRAKE, CARL D. [redacted]
DRENTH, DEBORAH Y. [redacted]
DROTAR, KENT F. [redacted]
DRUESSEL, JEFFREY J. [redacted]
DRURY, ROBERT C. [redacted]
DUCKETT, DION K. [redacted]
DUDANI, MAHENDER [redacted]
DUDLEY, WILLIAM R. [redacted]
DUERR, MARK S. [redacted]
DUFFEK, JOHN C. [redacted]
DUGO, TODD, M. [redacted]
DUNN, ARTHUR N. [redacted]
DUNN, JEFFERSON S. [redacted]
DUNN, SCOTT L. [redacted]
DUNNING, CLIFFORD R., JR. [redacted]
DUPERIER, MICHAEL S. [redacted]
DURIEUX, DUVIDELLE A. [redacted]
DUVALL, LARRY J. [redacted]
DWYER, BRIAN M. [redacted]
DYGERT, JAMES C. [redacted]
EAGER, KARL E. [redacted]
EASTMAN, CHARLES W. [redacted]
ECHTERNACHT, KENNETH L., JR. [redacted]
ECKERT, NORMAN L. [redacted]
ECKHART, STEPHEN D. [redacted]
EDSALL, ANGELA M. [redacted]
EININGER, ALAN [redacted]
EISEL, BRAXTON R. [redacted]
ELIOT, DOUGLAS A. [redacted]
ELLERTBECK, DANIEL P. [redacted]
ELLIOT, DEBORAH A. [redacted]
ELLIS, CATHY S., [redacted]
ELWELL, GERALD W. [redacted]
ENGEBRETH, MARY C. [redacted]
ENNULAT, HAROLD W. [redacted]
ENRIQUEZ, ARNEL B. [redacted]
EPPERSON, SAMUEL H., JR. [redacted]
ERICKSEN, GREGORY J. [redacted]
ERZEN, WILLIAM P. [redacted]
ESPEJO, ROBERT F. [redacted]
ESPOSITO, DOUGLAS R. [redacted]
ESQUIBEL, MICHAEL A. [redacted]
ESSIEN, ORITTA A. [redacted]
ESTES, MICHAEL J. [redacted]
EVANS, DAVID M. [redacted]
EVANS, DAVID R. [redacted]
EVANS, RONALD L. [redacted]
EVGENIDES, JASON G. [redacted]
EVRARD, PAUL W. [redacted]
FAHLBUSCH, FREDERICK L. [redacted]
FALKENSTEIN, TODD J. [redacted]
FALLMAN, FREDERICK W., III [redacted]
FALVEY, ROBERT J. [redacted]
FARINACCI, SUSAN B. [redacted]
FARKAS, KENNETH J. [redacted]
FARMER, CHARLES S. [redacted]
FARRAR, EVELYN C. [redacted]
FARRAR, MICHAEL R. [redacted]
FARRELLY, JENNIFER W. [redacted]
FARRISH, RESE E., JR. [redacted]
FARROW, TAMMY E. [redacted]
FASBINDER, STEPHEN S. [redacted]
FASCHING, JOSEPH A. [redacted]
FAWCETT, JOSEPH G. [redacted]
FEATHER, PAUL E. [redacted]
FELLOWS, RICHARD D., JR. [redacted]
FERGUSON, MICHAEL C. [redacted]
FERGUSON, TIMOTHY D. [redacted]
FERO, RALPH D. [redacted]
FERRA, BARBARA A. [redacted]
FETTER, GLENN P. [redacted]
FIGA, HPAY FRANCES H. [redacted]
FIKES, ALAN D. [redacted]
FISHER, THERON R. [redacted]
FITCH, KEVIN J. [redacted]
FITZGERALD, LIZA M. [redacted]
FITZGERALD, ROBERT P. [redacted]
FLAKES, LORRAINE E. [redacted]
FLANAGAN, CHARLES CRAIG [redacted]
FLINT, WALTER C. [redacted]
FLOOD, MATTHEW W. [redacted]
FLORA, DAVID W. [redacted]
FLYNN, SHERRI K. [redacted]
FODEN, JOHN J., III [redacted]
FORD, CHRISTOPHER D. [redacted]
FOREHAND, JOHN E., [redacted]
FOSTER, WILLIAM P. [redacted]
FOULKE, DAVID L. [redacted]
FOX, JOSEPH W.A. [redacted]
FOX, PRENTICE N. [redacted]
FRANCIS, WILLIAM W. [redacted]
FRANZEL, ANTHONY C. [redacted]
FRATUS, BRIAN S. [redacted]
FRAZER, DAVID S. [redacted]
FREEDLINE, RAY A. [redacted]
FRENCH, THOMAS, [redacted]
FRUSHON, CARL J. [redacted]
FRYE, BABETTE M. [redacted]
FULBRIGHT, JEFFREY D. [redacted]
FURYKOLSON, BARBARA E. [redacted]
GAGLIARDI, GARY, [redacted]
GAGNON, MARK P. [redacted]
GAINES, ANN M. [redacted]
GAINES, JOSEPH M. [redacted]
GAINES, KENNETH A. [redacted]
GALLAGHER, KEVIN P. [redacted]
GALLEGOS, KURT J. [redacted]
GALLOWAY, CHARLETON P. [redacted]
GALLUP, BRADLEY H. [redacted]
GAMEZ, JULIO C. [redacted]
GARCIA, RAYMUND V. [redacted]
GARD, DANIEL C. [redacted]
GARDNER, JEFFREY S. [redacted]
GAREY, JOHN D., [redacted]
GARRETT, DAVID R. [redacted]
GAULT, MICHAEL W., [redacted]
GAUTHIER, JOSEPH L., JR. [redacted]
GEISER, FRANCIS J., III [redacted]
GENDRON, MICHAEL D. [redacted]
GENEVISH, DAVID E. [redacted]
GENTRY, CHRISTOPHER R. [redacted]
GENTRY, JOHN M. [redacted]
GEORGE, SCOTT E. [redacted]
GEROVAC, BRIAN T. [redacted]
GETTS, PETER L. [redacted]
GIACHETTI, DAVID MARTIN [redacted]
GIBBONS, JULIA A. [redacted]
GILCHRIST, ROBERT N. [redacted]
GILLIARD, SHEILA M. [redacted]
GILLS, JAMES P., III [redacted]
GILROY, ANDREW T. [redacted]
GILSON, SCOTT E. [redacted]
GIOELI, TODD A., [redacted]
GIVEN, TERENCE J. [redacted]
GIVENS, KATHI S. [redacted]
GLADFELTER, ALAN R. [redacted]
GLARDON, THOMAS L. [redacted]
GLASS, MARY A. [redacted]
GLENN, KERRIE R [redacted]
GLUNK, MICHAEL P. [redacted]
GNANN, ALAN C. [redacted]
GOBLE, JAMES R. [redacted]
GODFREY, PATRICK E. [redacted]
GOERKE, ROBERT V. [redacted]
GOLDBERG, BRAD A. [redacted]
GOLDBERG, LAURINE P. [redacted]
GOLDEN, WILLIAM D. [redacted]
GOLDSTEIN, BRUCE A. [redacted]
GOOD, CHARLES L. [redacted]
GOODE, PAULA A. [redacted]
GOODELL, MARK R. [redacted]
GOOL, DAVID J. [redacted]
GOOLSBY, MICHAEL L. [redacted]
GORING, DUNCAN T., [redacted]
GORITSAN, JAMES B. [redacted]
GOSNELL, MICHAEL F. [redacted]
GOVERNALE, STEPHEN M. [redacted]
GRAHAM, ALICIA G. [redacted]
GRAHAM, FREDERICK W., III [redacted]
GRAHAM, ROBERT P., JR. [redacted]
GRAMKE, DAVID G. [redacted]
GRANT, BRUCE A. [redacted]
GRAVES, DOUGLAS D. [redacted]
GRAY, SHIRLEY D. [redacted]
GREEN, ROBERT S. [redacted]
GREEN, STEPHEN W. [redacted]
GREEN, TOM D. [redacted]
GREENWOOD, CRAIG R. [redacted]
GREETAN, THOMAS M. [redacted]
GREWE, DAVID C. [redacted]
GRIER, KENNETH C. [redacted]
GRIFFIN, DENNIS D. [redacted]
GROOVER, REBECCA P. [redacted]
GROVE, ADAM F., [redacted]
GROVER, HERBERT J., III [redacted]
GULBRANSEN, DAREN S. [redacted]
GULDNER, JAMES K. [redacted]
GUNNELL, MITCHEL K. [redacted]
GURNER, ROBERT B. [redacted]
GURNEY, TONY D. [redacted]
GUSTAFSON, JOHN A. [redacted]
GUZZWELL, JAMES, [redacted]
HACHMAN, ANDREW C. [redacted]
HAGMAIER, AARON F. [redacted]
HAGY, GEORGE D. [redacted]
HAINLINE, CHARLES H. [redacted]
HALBIG, MICHAEL T. [redacted]
HALE, ZOE M. [redacted]
HALL, JOSEPH P. [redacted]
HALSELL, DOUGLAS M. [redacted]
HALSTEAD, ROBERT T. [redacted]
HAMELIN, DONALD L., JR. [redacted]
HAMILTON, TERRY R. [redacted]
HAMM, ERIC K., [redacted]
HAMMOND, SHELLY D. [redacted]
HAMPSHIRE, JAMES R. [redacted]
HAMPTON, DANIEL J. [redacted]
HAMPTON, WILLIAM E. [redacted]
HANCOCK, TIMOTHY, [redacted]
HANLEY, BRIAN J. [redacted]
HARALSON, JENNIFER M. [redacted]
HARBISON, MICHAEL A. [redacted]
HARDIN, JAMES W. [redacted]
HARDING, KENNETH W. [redacted]
HARDWICK, ROBERT E. [redacted]
HARDY, ANDREW P. [redacted]
HARDY, TERRENCE L. [redacted]

HARLIN, CHERYL C. [redacted]
HARLOW, DOUGLAS M. [redacted]
HARMS, GARY W., JR. [redacted]
HAROKOPUS, KIMBERLY A [redacted]
HARRINGTON, RICHARD P. [redacted]
HARRIS, HAL W. [redacted]
HARRIS, JOHN N. [redacted]
HARRIS, MARK C. [redacted]
HARRIS, PHIL T., JR [redacted]
HARRIS, ROBERT A. [redacted]
HARRISON, PAUL V. [redacted]
HARSH, MICHAEL D. [redacted]
HARTFORD, SCOTT A [redacted]
HARTT, QUINTIN H., JR. [redacted]
HARVEY, JAMES P. [redacted]
HASKELL, EDWARD M. [redacted]
HAUGAN, SCOTT D. [redacted]
HAUN, PHIL M. [redacted]
HAUSSNER, WALTER E. [redacted]
HAVILAND, DEAN W. [redacted]
HAYES, WAYNE H. [redacted]
HAZDRA, RICHARD J. [redacted]
HEBERT, MATTHEW S. [redacted]
HECHT, GLENN H. [redacted]
HECKMAN, SCOT T. [redacted]
HEDDINGS, CLYDE R. [redacted]
HEIDLOFF, GREGORY A. [redacted]
HEIDT, KENNETH R. [redacted]
HEIDT, MICHAEL L. [redacted]
HEISE, SCOTT R. [redacted]
HEISE, SHARON A [redacted]
HEISER, PHILLIP ALLAN [redacted]
HEISER, WILLIAM M. [redacted]
HELFRICH, DAVID G. [redacted]
HELLER, JEFFREY W [redacted]
HELMS, CHARLES A. [redacted]
HENDERSON, DAVID M. [redacted]
HENDRIX, MASAO [redacted]
HENNINGS, JOEL K [redacted]
HENRY, TERESA E. [redacted]
HENRYHAMILTON, LISA L. [redacted]
HENSLEY, ANTHONY C. [redacted]
HEPLER, STEVEN D. [redacted]
HERING, MARK A. [redacted]
HERRIG, STACIA H [redacted]
HESS, MELINDA R [redacted]
HESS, THOMAS J. [redacted]
HEVERLY, BRYAN L. [redacted]
HEVERLY, KATHLEEN M. [redacted]
HEYNE, BRIAN F. [redacted]
HICKMAN, ALBERT A. [redacted]
HICKS, JOHN M. [redacted]
HIDINGER, DAVID S. [redacted]
HIGGINS, TRACY A. [redacted]
HILL, PETER J [redacted]
HINES, JONATHAN C. [redacted]
HINGLE, ANTHONY G. [redacted]
HINTON, MICHAEL W. [redacted]
HINZ, MICHAEL P. [redacted]
HODGE, JACQUELINE R. [redacted]
HOECHERL, LAVERN A., JR [redacted]
HOGAN, JAMES J [redacted]
HOLDAWAY, JONATHAN A. [redacted]
HOLDEN, WILLIAM GREGG [redacted]
HOLLRAH, PATRICK R. [redacted]
HOLLYWOODSTOFFEL, DENISE M [redacted]
HOLMES, STAN L. [redacted]
HOLT, DAVID W. [redacted]
HOOD, JEFFERY L [redacted]
HOOVER, PHILLIP W. [redacted]
HOPKINS, STEVEN [redacted]
HOPPMEYER, DEANNE M. [redacted]
HOSTETTER, MARK F. [redacted]
HOTTENSTEIN, PETER D., JR [redacted]
HOUSTON, RICKEY L. [redacted]
HOWARD, RANDALL B. [redacted]
HOWELL, BRIAN H. [redacted]
HUGHES, ANTHONY W. [redacted]
HUGHES, MICHAEL P. [redacted]
HUMERICK, DOUGLAS W. [redacted]
HUNGER, ALICE N. [redacted]
HUNNICUTT, JORJI R. [redacted]
HUNT, ALAN, L., JR. [redacted]
HUNT, JOSEPH [redacted]
HUNTER, JAMES C. [redacted]
HUNTER, SCOTT A. [redacted]
HUNTER, STERLING E. [redacted]
HURD, JOHN T. [redacted]
HURST, WARREN H., JR. [redacted]
HUSAR, MICHAEL T [redacted]
HUSTON, CHAD M. [redacted]
HUTCHISON, SHERYL L. [redacted]
HUTHMACHER, MARK T. [redacted]
HYATT, KENNETH J. [redacted]
HYDE, JAMES A. [redacted]
IANNELLI, THOMAS A. [redacted]
INGENLOFF, PETER W. [redacted]
INSCOE, PAIGE E. [redacted]
ION, SHELLY K. [redacted]
IRWIN, BILLY J.C. [redacted]
ISHERWOOD, JAMES J. [redacted]
ISSLER, GORDON D. [redacted]
IVERSEN, PETER J [redacted]
IVES, MARK [redacted]
JACKSON, ALAN C. [redacted]
JACKSON, DEE J. [redacted]
JACKSON, KEITH A. [redacted]
JACKY, THOMAS M. [redacted]
JACOBSON, JOSEPH D. [redacted]
JACOBSON, ROBERT E. [redacted]
JACZINSKI, JOSEPH J [redacted]
JAMES, CHARLES L., JR [redacted]
JAMES, GARY M. [redacted]
JANIEC, THEODORE E. [redacted]
JANSSEN, FRANK J.B [redacted]
JARRATT, MARK K. [redacted]
JEFFERS, JAMES D [redacted]
JEFFERSON, VINCENT B. [redacted]
JENNINGS, JAMES L., JR [redacted]
JESELSON, ANDREW P. [redacted]
JEWELL, NATHAN L. [redacted]
JOHNSON, DARRYL W. [redacted]
JOHNSON, DAVID C. [redacted]
JOHNSON, DAVID K. [redacted]
JOHNSON, DICKY L. [redacted]
JOHNSON, JERRY L. [redacted]
JOHNSON, LEIF C. [redacted]
JOHNSON, LOREN J. [redacted]
JOHNSON, RICHARD C. [redacted]
JOHNSON, ROBERT E. [redacted]
JOHNSON, ROBINN O. [redacted]
JOHNSON, ROGER G. [redacted]
JOHNSTON, NICHOLAS G. [redacted]
JOLLEY, DAVID W. [redacted]
JOLLY, TIMOTHY Q. [redacted]
JONES, DAVID E. [redacted]
JONES, DAVID W. [redacted]
JONES, GARY A. [redacted]
JONES, ROBIN G. [redacted]
JONES, STEPHEN D [redacted]
JONES, THOMAS C. [redacted]
JORDAN, BRIAN T. [redacted]
JORDAN, THOMAS F. [redacted]
JORGENSEN, JEFFREY J [redacted]
JOSEPH, CHRISTOPHER A., JR [redacted]
JOYCE, JAMES A. [redacted]
JOYCE, THOMAS C. [redacted]
KAISER, VINCENT L. [redacted]
KALLSEN, KEVIN L. [redacted]
KAMPSEN, CHRIS J. [redacted]
KANE, MICHAEL B. [redacted]
KASBERG, DAVID A. [redacted]
KASCHNER, MARY A. [redacted]
KASPAR, HANS R. [redacted]
KASSAN, MARK W. [redacted]
KATZ, STEPHEN A. [redacted]
KAUFFMANN, STEVEN M. [redacted]
KAUFMAN, DEREK B. [redacted]
KAUFMANN, KARL A. [redacted]
KAYE, DANIEL S. [redacted]
KEITHLEY, WARREN L., JR [redacted]
KELKER, REGINA E. [redacted]
KELLEY, CHARLES K. [redacted]
KELLEY, TODD G. [redacted]
KELLOGG, BOBBY E., JR. [redacted]
KELLY, MARK D. [redacted]
KENDALL, KIMBERLY L [redacted]
KENNEDY, PHILLIP N., JR [redacted]
KENNEY, BRADFORD P. [redacted]
KENNY, JAMES M. [redacted]
KENSINGER, DAVID A. [redacted]
KEPHART, STEVEN D. [redacted]
KERN, JEFFREY F [redacted]
KESTING, LOREN F. [redacted]
KILL, STEPHEN W. [redacted]
KILLIAN, JAMES E. [redacted]
KILROY, WILLIAM J. [redacted]
KIMBLE, PAUL E. [redacted]
KIMBRELL, GREGORY S. [redacted]
KINDER, WILLIAM D. [redacted]
KINDLEY, JEFFREY D. [redacted]
KING, JEFFREY E [redacted]
KIRK, JAMES A., JR. [redacted]
KIRKWEG, BARBARA A. [redacted]
KLETT, GARY R. [redacted]
KRUGE, KRIS D. [redacted]
KNAUB, BRETT W. [redacted]
KNAUB, CLETE W. [redacted]
KNIGHT, MICHAEL T. [redacted]
KNOX, DANIEL G. [redacted]
KODAMA, HARVEY H. [redacted]
KOEHLER, DONALD A. [redacted]
KOHLEY, DAVID W. [redacted]
KOLASA, MARK W. [redacted]
KOLODZIEJSKI, PAUL J. [redacted]
KONG, KEVIN [redacted]
KOPP, CHRISTOPHER G. [redacted]
KORAN, KENTON C. [redacted]
KORTYNA, DAVID J. [redacted]
KOZUSKO, JEAN L. [redacted]
KOZYRA, JEFFREY L [redacted]
KRAMER, MARK T. [redacted]
KRASNER, RICHARD D. [redacted]
KRINGEL, NEAL F. [redacted]
KRIPNER, OLGA M. [redacted]
KRUEGER, JEROME A. [redacted]
KRYWANY, JOSEPH M. [redacted]
KUCHTA, MICHAEL J. [redacted]
KUHN, GARRY L. [redacted]
KUNZ, MARK L. [redacted]
KVETKO, JOHN P. [redacted]
LABOSKY, MICHAEL J. [redacted]
LACEY, ALLEN E. [redacted]
LACHANCE, BURNETT F. [redacted]
LADD, PHILIP D. [redacted]
LADEN, PETER A. [redacted]
LAGER, ANDREW E. [redacted]
LAGIER, ERIC M. [redacted]
LAIDLAW, CHARLES E. [redacted]
LAKE, ALAN T. [redacted]
LANGER, MARK F.B. [redacted]
LANGHAM, RUSSELL K. [redacted]
LANGLOSS, RANDEL K. [redacted]
LAPLANTE, JOEL D [redacted]
LARGENT, LESLIE P. [redacted]
LARSON, BRENDA K. [redacted]
LARSON, BRIAN M. [redacted]
LARSON, EDWIN R. [redacted]
LARSON, ERIC S. [redacted]
LATUS, JOSEPH W. [redacted]
LAVOYE, STEVEN G. [redacted]
LAW, PAUL D. [redacted]
LAWRENCE, DEAN E. [redacted]
LEA, TIMOTHY J. [redacted]
LEADBETTER, RAYMOND D. [redacted]
LEATHERMAN, TODD A. [redacted]
LEDUM, DAVID J. [redacted]
LEE, JONI R. [redacted]
LEE, RICKY A. [redacted]
LEE, ROBERT R. [redacted]
LEFEVRE, ANTONE L. [redacted]
LEHOSIT, DAVID R. [redacted]
LENIO, PETER M. [redacted]
LENTZ, RAYMOND P. [redacted]
LEONARD, MICHELLE A. [redacted]
LEONARD, ROBERT A. [redacted]
LEONHARDT, DAVID P. [redacted]
LESMERISES, ALAN L. [redacted]
LESSEUR, MARCUS R. [redacted]
LESTER, ANDREW W. [redacted]
LHOMME, ALBERT P. [redacted]
LINDERMAN, BLANE L. [redacted]
LINDHORST, MARK J. [redacted]
LINSENMEYER, JOSEPH L [redacted]
LIPIRA, ROBERT S. [redacted]
LIPPERT, ROBERT S [redacted]
LIPSCOMB, STEVEN M. [redacted]
LIPSEY, RICHARD A. [redacted]
LITTLE, RENEE L. [redacted]
LITTLE, WILLIAM. [redacted]
LITTRELL, ROBERT [redacted]
LIVINGSTON, NEAL P. [redacted]
LOCKLEAR, PHIL. [redacted]
LOFTUS, ANN E. [redacted]
LOFTUS, PETER J., JR [redacted]
LOHER, ROBERT F. [redacted]
LONG, JAMES W. [redacted]
LOOS, WILLIAM G. [redacted]
LOOTENS, STEVEN R. [redacted]
LOPARDI, PATRICK A. [redacted]
LOUDEN, PHILIP E., JR [redacted]
LOVELACE, JOSEPH R. [redacted]
LOWRY, THOMAS J. [redacted]
LUJAN, DAVID A. [redacted]
LUKAVICH, ROBERT L. [redacted]
LUNDBERG, KYLE C. [redacted]
LUNN, MICHAEL R. [redacted]
LUNSFORD, GREGG A. [redacted]
LURA, WAYNE T., JR. [redacted]
LUSK, STEVEN R. [redacted]
LUTES, JEFFREY E [redacted]
LYNCH, WILLIAM E., JR. [redacted]
LYONS, ROBERT E. [redacted]
MACDONALD, SCOTT D. [redacted]
MACH, JACKQUELINE M. [redacted]
MACKIE, LEONARD D. [redacted]
MACUT, STEVEN A. [redacted]
MADDOX, DAVID D. [redacted]
MAJOR, MICHAEL K. [redacted]
MALONEY, DONALD P. [redacted]
MANENTE, VITO [redacted]
MANESS, ROBERT L. [redacted]
MANGUM, DANIEL J. [redacted]
MANION, KEVIN J. [redacted]
MANLEY, STEVEN S. [redacted]
MANNING, SCOTT E. [redacted]
MANSPEAKER, STEPHEN L [redacted]
MARCHESANO, ANTHONY J. [redacted]
MARDIS, CHRISTOPHER S. [redacted]
MARKWARDT, CHRISTINE R. [redacted]
MARKWARDT, THOMAS G. [redacted]
MARTIN, GLENN D. [redacted]
MARTIN, JAMES F., JR [redacted]
MARTIN, JAMES J. [redacted]
MARTIN, JEREMY L [redacted]
MARTIN, LARRY D. [redacted]
MARTIN, RONALD K. [redacted]
MARTIN, WALTER D. [redacted]
MARTINEZ, JOE A., II [redacted]
MARX, RONALD PETER [redacted]
MASCIOLA, PHILLIP J. [redacted]
MASSE, GREGORY A. [redacted]
MATHIS, ANTHONY L. [redacted]
MATTISON, JOHN W. [redacted]
MAU, CHARLES C. [redacted]
MAUGHAN, FRED C. [redacted]
MAXWELL, JEFFREY W. [redacted]
MAY, DANIEL K. [redacted]
MAYHEW, ROBERT J. [redacted]
MAYNARD, DALE R. [redacted]
MAYO, MICHAEL W. [redacted]
MAZAIKA, THOMAS J., [redacted]
MCANGUS, LEE G. [redacted]
MCARTHUR, TIMOTHY S. [redacted]
MCBRIDE, ROBERT E. [redacted]
MCCARTHY, DANIEL H. [redacted]
MCCARTHY, PAUL [redacted]
MCCARTY, EDWARD A. [redacted]
MCCAULEY, JOHN D. [redacted]
MCCAULEY, MARK A. [redacted]
MCCLELLAND, PATRICK A. [redacted]
MCCLENDON, GEOFFREY [redacted]
MCCLENDON, VICKY L. [redacted]
MCCLURE, MARK A. [redacted]
MCCORD, JOHN E. [redacted]
MCCORMACK, PATRICK E. [redacted]

MCCREA, PATRICK J [redacted]
MCCULLOUGH, MICHAEL J. [redacted]
MCELROY, CARL A. [redacted]
MCELROY, JEFFREY W [redacted]
MCGHEE, KENNETH A. [redacted]
MCGLAUGHLIN, KEVIN P. [redacted]
MCGUFFIN, EMMETT L., JR [redacted]
MCINTOSH, STEVEN D. [redacted]
MCLAUGHLIN, SCOTT L. [redacted]
MCLEOD, MARK M. [redacted]
MCMAHON, JAMES K. [redacted]
MCMILLAN, STEPHEN R. [redacted]
MCMULLEN, BENJAMIN S. [redacted]
MCNEAL, ROGER A. [redacted]
MCQUOWN, DONALD D. [redacted]
MCRAE, MARY E. [redacted]
MCVICKER, CARL G. [redacted]
MEADOR, JOHN W. [redacted]
MEAKER, DOUGLAS P. [redacted]
MEEKSEURE, MARCIA R. [redacted]
MEGARGLE, RUSSEL J [redacted]
MEGGS, ANTHONY L. [redacted]
MEIERS, ERIC W. [redacted]
MEINTEL, JAMES M [redacted]
MERANDA, RODNEY C. [redacted]
METTENBURG, DAVID J [redacted]
MEYER, JACK A., JR. [redacted]
MEYER, ROBERT C. [redacted]
MEYER, STEPHEN L [redacted]
MEYERS, GEORGE A. [redacted]
MEYERS, LEONARD [redacted]
MICHAEL, STEVEN B. [redacted]
MIKKELSEN, SHERRI L [redacted]
MIKLUSICAK, DANIEL J [redacted]
MILES, DAVID J. [redacted]
MILES, DOUGLAS B. [redacted]
MILLER, DARREN L. [redacted]
MILLER, DENNIS J [redacted]
MILLER, JAMES N [redacted]
MILLER, LAWRENCE M [redacted]
MILLER, MARK B [redacted]
MILLER, MICHAEL G. [redacted]
MILLER, STACY L [redacted]
MILLER, TIMOTHY M [redacted]
MILLER, VINCENT B. [redacted]
MILLS, JOHN B. [redacted]
MINER, CHARLES J. [redacted]
MINOR, BRYAN M. [redacted]
MIROLLI, DAVID S., [redacted]
MISCHO, SCOTT J. [redacted]
MISENHIMER, MICHAEL J [redacted]
MITCHELL, DARRYL G. [redacted]
MITCHELL, KENNETH M. [redacted]
MITCHELL, ROBERT E [redacted]
MIZELLE, THOMAS B. [redacted]
MOCHOWSKI, JOHN E. [redacted]
MOE, BARBARA L. [redacted]
MOHEIT, JAY D. [redacted]
MOLER, JEFFREY L [redacted]
MONAHAN, JOHN F. [redacted]
MONROE, KENNETH E., JR. [redacted]
MONTGOMERY, WILLIAM L., JR. [redacted]
MONTI, DAVID L. [redacted]
MOORADIAN, DEBORAH H. L. [redacted]
MOORE, EDWARD T. [redacted]
MOORE, JERRY D. [redacted]
MOORE, RICHARD S. [redacted]
MOORE, WILLIAM L. [redacted]
MOOSEY, ANTHONY T. [redacted]
MORAN, RANDI H. [redacted]
MORGAN, CHERYL A. [redacted]
MORGAN, JEFFREY W. [redacted]
MORKEN, GREG W. [redacted]
MORRIS, MICHAEL G. [redacted]
MORRIS, MICHAEL L. [redacted]
MORRIS, PATRICK C. [redacted]
MORRISON, DEBBY W. [redacted]
MORTON, SCOTT A. [redacted]
MOSCHELLE, WILLIAM R. [redacted]
MOSER, RANDY J. [redacted]
MOSES, ROBERT L [redacted]
MOSS, CHRISTOPHER SCOTT [redacted]
MOUCH, DAVID P. [redacted]
MOUSER, LARRY J. [redacted]
MUESSIG, SCOTT K. [redacted]
MULHERAN, ROBERT A. [redacted]
MULLIN, BRIAN J [redacted]
MUNOZ, HECTOR L. [redacted]
MURPHY, COLLEEN R. [redacted]
MURPHY, JOHN F. [redacted]
MURPHY, PHYLLIS A [redacted]
MURRAY, KENNETH M. [redacted]
MURRAY, ROGER S. [redacted]
NANFITO, GARY J. [redacted]
NANKERVIS, THOMAS C. [redacted]
NAPIER, PHILIP A [redacted]
NARVID, JUAN C. [redacted]
NEAL, PAMELA J [redacted]
NEAL, TODD W. [redacted]
NEELY, EDWARD G. [redacted]
NEFZGER, TIMOTHY W. [redacted]
NEHRINGS, FREDERICK K [redacted]
NEILL, CRAIG [redacted]
NELSON, CRAIG S. [redacted]
NELSON, LARRY S. [redacted]
NELSON, RODNEY M. [redacted]
NELSON, THOMAS P. [redacted]
NEVILLE, RODNEY S. [redacted]
NEWELL, JOHN F., II [redacted]
NEWSOME, DALLAS N. [redacted]
NICASTRI, JOHN [redacted]
NICHOLAS, CHERYL V. [redacted]

NICHOLAS, DONNA D. [redacted]
NICHOLS, PHILLIP R [redacted]
NICHOLS, STEVEN J [redacted]
NICHOLSON, PAUL A. [redacted]
NICKERSON, DANIEL M. [redacted]
NICKERSON, TIMOTHY P. [redacted]
NIEVES, SIGFREDO G [redacted]
NOLLETTE, DANIEL A. [redacted]
NOVAK, MARCUS F. [redacted]
NOVO, NELSON J. [redacted]
NUGENT, WILLIAM K., JR. [redacted]
NYANDER, BRET L. [redacted]
OAKELEY, BRIAN E. [redacted]
OBERHARDT, MARILYN R. [redacted]
OCHOTORENA, DOMINGO R. [redacted]
OCKEY, GINGER S. [redacted]
OCONNEL, JAMES F [redacted]
OLIVER, DAVID B. [redacted]
OLIVER, SAMUEL JR. [redacted]
OLSEN, LAURA L. [redacted]
OLSON, DAVID, G. [redacted]
OLSON, MARK A. [redacted]
ONEAL, EDWARD J., JR. [redacted]
ONEAL, SEAN E. [redacted]
ORLANDO, LAWRENCE M. [redacted]
ORTH, JOHN H. [redacted]
OSTEN, KEVIN D. [redacted]
OTTINGER, DOUGLAS A. [redacted]
OUELLETTE, JAMES M [redacted]
OUELLETTE, MICHAEL T. [redacted]
OUTCALT, DAVID H. [redacted]
OVERSTREET, JAMES L [redacted]
OWENS, PATRICK J. [redacted]
PADGETT, THOMAS C., JR. [redacted]
PAGANONI, JOHN S. [redacted]
PAGE, LAURENCE P [redacted]
PALMER, LLOYD R. [redacted]
PALMER, MARK D. [redacted]
PANDES, HENRY P [redacted]
PAPPAS, CHARLES H [redacted]
PARKER, BRAD R. [redacted]
PARKER, GUY E. [redacted]
PARKER, TIMOTHY J. [redacted]
PARKHURST, GEOFFREY S [redacted]
PARR, RUSSELL R. [redacted]
PARRISH, PATRICIA A. [redacted]
PARSON, STEPHANIE A [redacted]
PARSONS, DAVID W. [redacted]
PARSONS, GREGORY D. [redacted]
PASCASIO, JOREY M., JR [redacted]
PATCHETT, JOHN E. [redacted]
PATNAUDE, CHARLES W. [redacted]
PATOUT, ETIENNE J [redacted]
PATTERSON, RICHARD V [redacted]
PAUL, MICHAEL K. [redacted]
PAULK, CREG D. [redacted]
PAULSON, JOHN A. [redacted]
PAVLIK, ANTHONY J. [redacted]
PAXSON, JEFFREY B [redacted]
PAYNE, JAMES B., JR [redacted]
PAYNE, MARK B. [redacted]
PEARSON, DENNIS K. [redacted]
PELECH, GEORGE L [redacted]
PEPPARD, THOMAS [redacted]
PERALTA, RICKY D. [redacted]
PEREDA, JOAQUIN E. [redacted]
PERKINS, DONALD E., JR [redacted]
PERNOT, JOHN J. [redacted]
PETERS, GAYLE C. [redacted]
PETERSEN, ANDREW W. [redacted]
PETERSON, CURT J [redacted]
PETERSON, JAMES M [redacted]
PETERSON, JEFFREY L [redacted]
PETERSON, VANESSA D. [redacted]
PETH, DAVID E. [redacted]
PFITZNER, CYNTHIA A. [redacted]
PHAN, VINH T. [redacted]
PHILLIPS, KELLY L [redacted]
PHILLIPS, LISA M [redacted]
PHILLIPS, PAUL E [redacted]
PHILLIPS, TODD R. [redacted]
PHILLIPSON, BRYAN G. [redacted]
PICCERILLO, ROBERT A., JR [redacted]
PICKINPAUGH, DONALD D. [redacted]
PIERCE, GEORGE M., II [redacted]
PIERCE, MARK W. [redacted]
PIGEON, JOHN S. [redacted]
PILCHER, WILLIAM B., JR. [redacted]
PILKENTON, MICHAEL D. [redacted]
PILLSBURY, CHARLES F [redacted]
PINCKNEY, JOSEPH M., JR [redacted]
PINGREY, RICHARD A. [redacted]
PINO, SAMUEL P. [redacted]
PLACE, MICHELLE R. [redacted]
PLASS, MATTHEW L. [redacted]
PLATE, JEFFREY M [redacted]
PLEASANT, DEBORAH L. [redacted]
PLEDGER, LINDA K. [redacted]
PLENTL, BRETT A [redacted]
PLUMMER, THOMAS C. [redacted]
PLYMALE, DOUGHAS R. [redacted]
POHL, DOMINIC [redacted]
POINDEXTER, VAN L. JR [redacted]
POLANECZKY, MICHAEL [redacted]
POLHEMUS, JOHN M. [redacted]
POLLOCK, RANDALL D. [redacted]
POOLE, MICHAEL J. [redacted]
POPP, PETER T [redacted]
PORTER, SCOTT H [redacted]
POUNDS, TONY [redacted]
POWELL, STEVEN W. [redacted]
POWERS, JOSEPH E [redacted]

PRESZLER, SHARON J. [redacted]
PRICE, STEVEN A. [redacted]
PRIEBEL, KAREN A. [redacted]
PRIEST, ALAN L. [redacted]
PRIME, EDWIN J. [redacted]
PRINCE, RONALD R. [redacted]
PRITCHARD, JERRY W. [redacted]
PROUDFOOT, PAUL M. [redacted]
PROUHET, ROBERT W. [redacted]
PROWELL, PAASKHKA E. [redacted]
PRUETT, GINA G. [redacted]
PRUITT, MARK D. [redacted]
PTAK, DAVID C. [redacted]
PUVOGEL, DAVID W. [redacted]
QUESNELL, RICK J. [redacted]
QUINN, JEFFREY M [redacted]
RACICOT, JOSEPHINE L [redacted]
RADER, JAMES A. [redacted]
RAGSDALE, JAMES C. [redacted]
RAINES, RICHARD A. [redacted]
RAINS, RANDALL J. [redacted]
RALSTON, GLEN A. [redacted]
RAMEY, GEORGE C. [redacted]
RAMIREZ, ROSE A. [redacted]
RAMMES, JEFFREY A. [redacted]
RAMSAY, GREGORY A. [redacted]
RAMSEY, JULIANNE F. [redacted]
RAMSEY, STUART W. [redacted]
RANALLI, MARGARET M. [redacted]
RATHBUN, THOMAS F. [redacted]
RAVELLA, JAMES J. [redacted]
RAY, VICTOR, L. [redacted]
REA, MARK J. [redacted]
REAGAN, PAUL K. [redacted]
REARICK, DAVID A. [redacted]
RECKLEY, DALE R. [redacted]
RECORD, KENNETH S., [redacted]
REDD, JUSTIN D. [redacted]
REDING, PHILIP J [redacted]
REED, THOMAS G. [redacted]
REED, VICTORIA H. [redacted]
REED, WESLEY C. [redacted]
REESMAN, KURT L. [redacted]
REEVES, ERIC N. [redacted]
REFF, MARTIN N. [redacted]
REGAN, DANIEL J., JR. [redacted]
REGAN, MICHAEL D. [redacted]
REIDT, TODD J. [redacted]
REILLY, DANIEL L. [redacted]
REILY. JIM G., JR. [redacted]
REIMAN, EMIL J. [redacted]
REIN, MICHAEL J. [redacted]
REINER, JAMES A., JR. [redacted]
REITZEL, JAMES R [redacted]
REJACK, MICHAEL D. [redacted]
REMINGTON, RICHARD [redacted]
RENNER, JEFFREY, S [redacted]
RHUDE, STEVEN A. [redacted]
RIBBLE, TIMOTHY, R. [redacted]
RICHARD, WILLIAM E. [redacted]
RICHARDSON, BRUCE B. [redacted]
RICHARDSON, MICHAEL E. [redacted]
RICKMAN, JACK R., JR [redacted]
RIEL, DAVID M. [redacted]
RIEPING, HEINRICH K., JR. [redacted]
RIFE, SHAWN P. [redacted]
RIFFON, STEPHEN J [redacted]
RIHA, MICHAEL J. [redacted]
RINEHART, GRAHAM W. [redacted]
RIOS, JOSE A. [redacted]
RIVERS, NEHEMIAH, JR. [redacted]
ROBERSON, LESLIE DIANE [redacted]
ROBERTSON, STEPHEN D. [redacted]
ROBINETTE, ROBBIE D. [redacted]
ROBINSON, JEANNE M. [redacted]
ROBINSON, KERI L. [redacted]
ROCHIER, JAMES D. [redacted]
ROETZEL, JEFFREY A [redacted]
ROGERS, MARILYN R. [redacted]
ROGERS, PATRICIA A. [redacted]
ROGERS, PHILIP K. [redacted]
ROLES, GENE W. [redacted]
ROMANO, JOSEPH L., III [redacted]
ROMEO, SEBASTIAN [redacted]
ROMERO, JOHN R. [redacted]
ROOHR, PETER B. [redacted]
ROOT, GREGORY M. [redacted]
ROSE, PAT A. JR. [redacted]
ROTHERMICH, CHARLES [redacted]
ROTONDARO, MATTHEW D. [redacted]
ROUSE, CHARLES R. [redacted]
ROVERSE, MARK E. [redacted]
ROWE, JESSIE J., II [redacted]
ROY, MARBEL C. [redacted]
ROYAL, FREDERICK D. [redacted]
ROYE, DEBORAH L. [redacted]
RUCHIE, MARK J. [redacted]
RUESCH, JASON R. [redacted]
RUMBAUGH, PAUL L., III [redacted]
RUSS, DAVID M. [redacted]
RUSSELL, EDWARD J. [redacted]
RUSSELL, ROBERT L., JR [redacted]
RUSSO, MICHAEL D. [redacted]
RUTHERFORD, LINDA B. [redacted]
RYAN, LON S. [redacted]
SACK, ROBERT J. [redacted]
SACKREITER, JAMES B. [redacted]
SADLER, ORIN W. [redacted]
SAGER, SAMUEL R. [redacted]
SAGHERA, JOHN M. [redacted]
SAILER, BRADLEY D. [redacted]
SALCEDO, CARMIA L. [redacted]

SALISBURY, DAVID H. [redacted]
SALM, DAVID L. [redacted]
SALMON, DENNIS W. [redacted]
SALSBERRY, ROBERT J [redacted]
SAMUELS, RICHARD P. [redacted]
SANCHEZ, ROBERTO J. [redacted]
SANDS, THOMAS R. [redacted]
SASSE, JOHN C. [redacted]
SAUNDERS, KENNETH G. [redacted]
SAVILLE, DAVID E. [redacted]
SCARDERA, MICHAEL P. [redacted]
SCHAEFFER, MICHAEL K. [redacted]
SCHAEUFELE, JOHN GEORGE, IV [redacted]
SCHAFF, JEFFREY L [redacted]
SCHAFFER, TIMOTHY C. [redacted]
SCHAUB, LUKE J., [redacted]
SCHENBERGER, WALTER R., JR [redacted]
SCHEPPER, TIMOTHY J [redacted]
SCHERER, BRADLY A. [redacted]
SCHIESSL, KENNETH T. [redacted]
SCHLICHTE, MARK E. [redacted]
SCHLOZ, LOIS J. [redacted]
SCHOFIELD, RAYMOND K. [redacted]
SCHOLTZ, ROBERT S. [redacted]
SCHOTTER, JANE E. [redacted]
SCHRAUTH, WILLIAM R., JR. [redacted]
SCHULDHEISS, JOHN J. [redacted]
SCHULENBERG, WILLIAM R. [redacted]
SCHULLER, TERRY W. [redacted]
SCHULTZ, RAY C. [redacted]
SCHUSSLER, BRUCE [redacted]
SCHWAB, GREGORY E. [redacted]
SCHWARTZ, KAREN F. [redacted]
SCHWING, RICHARD P. [redacted]
SCOTT, BRUCE A. [redacted]
SCOTT, RAYMOND D. [redacted]
SCOTT, WINFIELD J [redacted]
SCOTTO, JOHN A. [redacted]
SCULLY, TIMOTHY M. [redacted]
SEDGWICK, CHRISTOPHER L [redacted]
SEELING, PAUL F. [redacted]
SEIDBAND, JOEL [redacted]
SEIGEL, MARK A. [redacted]
SETSER, DAVID L. [redacted]
SETTLEMIRE, THADDEUS P. [redacted]
SEYMOUR, THEODORE D. [redacted]
SHARP, FRANK K. [redacted]
SHARRETT, KENNETH R [redacted]
SHATTUCK, JOHN S. [redacted]
SHAWHAN, KARL J. [redacted]
SHEEHY, TODD K. [redacted]
SHELIKOFF, DAVID [redacted]
SHELTON, THEODORE F. [redacted]
SHEPPARD, GREGORY W. [redacted]
SHEPPARD, RICHARD O [redacted]
SHERWIN, CHARLES B., JR [redacted]
SHICK, LEE A. [redacted]
SHIFFLETT, CHARLES P. [redacted]
SHIPLEY, DAVID H. [redacted]
SHIVELY, SCOT D. [redacted]
SHOAF, GUY M. [redacted]
SHOOP, MICHAEL R. [redacted]
SHOPE, STEPHAN F. [redacted]
SHORB, KEVIN A. [redacted]
SHOWMAN, GREGORY L. [redacted]
SHUGHART, RUSTY E. [redacted]
SHULTZ, STEVEN R. [redacted]
SIGLER, MARK E. [redacted]
SIMONS, ANNE R. [redacted]
SITZMAN, JAY T. [redacted]
SKARBEK, KELAN J. [redacted]
SKINNER, TIMOTHY D. [redacted]
SKULBORSTAD, DABRINA T. [redacted]
SLOOP, RICHARD E., JR. [redacted]
SMART, MATTHEW A. [redacted]
SMART, TIMOTHY W. [redacted]
SMITH, ANDREW J., [redacted]
SMITH, DARRYL M. [redacted]
SMITH, DAVID W. [redacted]
SMITH, DEBORAH A. [redacted]
SMITH, DOYLE D. [redacted]
SMITH, FRANK [redacted]
SMITH, JAMES A. [redacted]
SMITH, JAMES K. [redacted]
SMITH, JUSTINA M. [redacted]
SMITH, KENNETH S. [redacted]
SMITH, LEROY D. [redacted]
SMITH, MARTHA M. [redacted]
SMITH, MICHAEL P. [redacted]
SMITH, STANIE R. [redacted]
SMITH, STEPHEN C. [redacted]
SMITH, WADE R. [redacted]
SMITH, WILLIAM J. [redacted]
SNEEDER, MICHAEL C. [redacted]
SNELL, JEFFERY S [redacted]
SNYDER, ROBERT A. [redacted]
SNYDER, WAYNE L. [redacted]
SOARES, JOHN [redacted]
SOLIS, JOSE R., JR [redacted]
SOMMER, RAYMOND E. [redacted]
SOUTHERLAND, DAVID A. [redacted]
SPARKS, KEVIN L. [redacted]
SPENCE, KEITH J [redacted]
SPENCER, CHARLES F., JR [redacted]
SPENCER, LLOYD J. [redacted]
SPINO, BRIAN D. [redacted]
SPRAKER, LESLEY D [redacted]
STACEY, RICHARD D. [redacted]
STAERKEL, RUSSELL P [redacted]
STAHR, MICHAEL ALLEN [redacted]
STAINER, CHARLES E., III [redacted]
STALKER, EDWARD C. [redacted]
STANDLEY, VAUGHN H. [redacted]
STANDRIDGE, JIMMY B. [redacted]
STANLEY, GREGORY S. [redacted]
STARBUCK, LARS E. [redacted]
STARK, ELIZABETH F. [redacted]
STCLAIR, JAMES S. [redacted]
STEFANIK, ANTHONY R., JR. [redacted]
STEINKE, MARCY A. [redacted]
STEPHENS, CHRISTOPHER V [redacted]
STERLE, DAVID M. [redacted]
STEVENS, KEVIN L. [redacted]
STEVENS, PHILIP R [redacted]
STEVENS, RANDY L. [redacted]
STEVENSON, WILLIAM B., IV [redacted]
STEWART, JAMES M. [redacted]
STJOHN, RALPH J [redacted]
STORR, HOWARD J. [redacted]
STRELAND, ARNOLD H. [redacted]
STREPEK, RANDOLPH [redacted]
STRICKLAND, ANTHONY [redacted]
STURMAN, PAUL D. [redacted]
STUTEVILLE, DENNIS [redacted]
SUAREZ, LYNDA L. [redacted]
SUBLOUSKY, JOSEPH A. [redacted]
SULLIVAN, RICHARD S. [redacted]
SULLIVAN, STEPHEN T. [redacted]
SUMMEROUR, PATRICE P. [redacted]
SUMMERS, CHRISTOPHER R [redacted]
SURABIAN, SHARON K. [redacted]
SURABIAN, TIMOTHY H. [redacted]
SURRATT, JACQUELINE [redacted]
SUZUKI, ANDREW H. [redacted]
SWANSON, DAVID E. [redacted]
SWANSON, PHILLIS J. [redacted]
SWIFT, GLENN B. [redacted]
SWIFT, RUSSELL L. [redacted]
SWINNEY, MARY F. [redacted]
SYNORACKI, MICHAEL J. [redacted]
TALLEY, STEVEN J. [redacted]
TALLMADGE, JEFFREY C [redacted]
TAMEZ, MICHAEL A. [redacted]
TANNER, ROGER J. [redacted]
TARRANT, KEVIN A. [redacted]
TATE, THOMAS L. [redacted]
TAYLOR, ANDREW M. [redacted]
TAYLOR, DAVID J. [redacted]
TAYLOR, DAVID W. [redacted]
TAYLOR, MICHAEL K. [redacted]
TAYLOR, RALPH S. [redacted]
TAYLOR, WILLIAM J. [redacted]
TEFT, CRAIG J [redacted]
TEJAS, CARLOS R. [redacted]
TENLEN, DAVID T. [redacted]
TERINO, JOHN G. [redacted]
TERWEE, TERRY W. [redacted]
TERWILLIGER, THOM H. [redacted]
THARP, MARK J. [redacted]
THEURER, KENNETH M. [redacted]
THINGER, CHARLES B. [redacted]
THOMAS, CASSANDRA O. [redacted]
THOMAS, ELIZABETH F. [redacted]
THOMAS, STEFAN A. [redacted]
THOMAS, TIMOTHY M. [redacted]
THOMAS, WILLIAM R. [redacted]
THOMPSON, CAROLYN Y. [redacted]
THOMPSON, JOSEPH J., II [redacted]
THOMPSON, LESLIE W. [redacted]
THOMPSON, ROBERT T., JR. [redacted]
THOMPSON, RONALD E., JR. [redacted]
THOMPSON, THOMAS E. [redacted]
THOMSOM, DAVID A. [redacted]
THOMTON, ERIC M. [redacted]
THURMAN, DEBORAH A. [redacted]
TIDWELL, MARK A [redacted]
TIMMONS, STEVEN R. [redacted]
TIMS, GREGORY S. [redacted]
TINGLEY, SCOTT G. [redacted]
TITUS, NATHAN A. [redacted]
TOBIN, JOHN C [redacted]
TODD, KEVIN L. [redacted]
TOLIAS, NICK [redacted]
TOMASELLI, ALFRED E. [redacted]
TOMASINO, ROBERT W. [redacted]
TOOKE, SAMUEL W. [redacted]
TOOKES, CURTIS W. [redacted]
TRAVIS, ROBERT W. [redacted]
TREDWAY, VALERIE A. [redacted]
TREST, STEVEN J [redacted]
TRIBO, DAVID G. [redacted]
TRICKEY, DENISE M. [redacted]
TRIGG, ARTHUR B. [redacted]
TRIZINSKY, EUGENE E. [redacted]
TROUT, EVAN T. [redacted]
TRUMBULL, GEORGE R. [redacted]
TUCKER, STEVEN J. [redacted]
TUCKER, THOMAS W. [redacted]
TULLY, WILLIAM S., JR [redacted]
TURNER, HAROLD J. [redacted]
TURNER, MICHAEL E. [redacted]
TURNIPSEED, MICHAEL E [redacted]
TUTERAL, DAVID E. [redacted]
TYREE, ROGER T. [redacted]
UHL, GREGORY R. [redacted]
ULIANO, RICHARD S. [redacted]
ULM, JASON P. [redacted]
UNDERWOOD, CHARLES E., JR. [redacted]
UNDERWOOD, MICHAEL R. [redacted]
UZZELL, BAGGETT KARON L [redacted]
VALLENARI, STEVEN C. [redacted]
VALLER, DAVID A., JR. [redacted]
VANAARTSEN, BRUCE H. [redacted]
VANCLEAVE, FREDERICK W. [redacted]
VANDERHAMM, SCOTT A. [redacted]
VANDERHOOF, STEPHEN S. [redacted]
VANDEVENTER, ROLAND K. [redacted]
VANDORPLE, THOMAS F. [redacted]
VANLOBENSELS, JAMES A [redacted]
VANPATTEN, DONALD A. [redacted]
VARAN, MARK G. [redacted]
VAZQUEZ, MICHAEL J. [redacted]
VECERA, MICHAEL G. [redacted]
VESPERMAN, JANE J [redacted]
VINCENT, PATRICK J. [redacted]
VINGER, JEFFERY ALLEN [redacted]
VLK, MICHAEL D. [redacted]
VOGEN, GEORGE S. [redacted]
VOGTMANN, SONYA S. [redacted]
VOLLMUTH, MICHAEL G. [redacted]
VROEGINDEWEY, RICHARD M. [redacted]
WAGNER, DANIEL J., JR. [redacted]
WAGNER, JERRY T., JR [redacted]
WAGNER, MICHELE [redacted]
WAGNER, NOEL L. [redacted]
WAGNER, ROGER L. [redacted]
WAINMAN, RICHARD L. [redacted]
WALKER, JAMES DEVIN [redacted]
WALKER, JULIE A. [redacted]
WALKER, KIMBERLY M. [redacted]
WALKER, MALCOLM C., [redacted]
WALKER, RICHARD W. [redacted]
WALLACE, SCOTT A. [redacted]
WALSH, ANDREAS W., [redacted]
WALTERS, THOMAS A. [redacted]
WALTHER, KIMBERLY A. [redacted]
WALTON, CHRISTINA N. [redacted]
WARANAUSKAS, BRIAN R. [redacted]
WARD, MICHAEL J. [redacted]
WARD, WILLIAM G. [redacted]
WARD, WILLIAM M. [redacted]
WARDEN, WILLIAM W., [redacted]
WARHOLA, PAULA M. [redacted]
WARNER, CHARLES H. [redacted]
WATERS, ESAU N. [redacted]
WATERS, JOHN K., JR. [redacted]
WATHEN, PATRICK D. [redacted]
WATKINS, ROGER H. [redacted]
WATSON, BRUCE A. [redacted]
WATTS, ROBERT E. [redacted]
WEBB, MICHAEL, JR. [redacted]
WEBER, LINDSAY R. [redacted]
WEIDEMANN, HERMANN A. [redacted]
WEIMER, HAROLD S. [redacted]
WEIR, ALISON M. [redacted]
WEISS, GORDON A. [redacted]
WELCH, DOUGLAS J. [redacted]
WELCH, PATRICK G. [redacted]
WELP, RANDALL J. [redacted]
WENBERG, JEFFREY S [redacted]
WENDLAND, JAMES M. [redacted]
WERENSKJOLD, CRAIG J. [redacted]
WERMUND, MERRY D. [redacted]
WESSELMAN, HERBERT H. [redacted]
WESTENHAVER, JOHN K. [redacted]
WESTERGARD, RUSSELL J. [redacted]
WETTERER, CHARLS J. [redacted]
WHARTON, WILLIAM R., JR. [redacted]
WHEELER, ELISE M. [redacted]
WHISNANT, ANDRE P. [redacted]
WHITACRE, DAVID E. [redacted]
WHITAKER, JANICE R. [redacted]
WHITE, ANDREW W. [redacted]
WHITE, EARL R., JR. [redacted]
WHITE, GARY A [redacted]
WHITE, GERALDINE H. [redacted]
WHITE, JOHN B. [redacted]
WHITLEY, CHET L. [redacted]
WHITNACK, JENNIFER L. [redacted]
WHITTENBERGER, JOHN D. [redacted]
WICKER, APRIL L. [redacted]
WICKETT, JAMES J. [redacted]
WIEDER, ALAN J. [redacted]
WIESE, BRENDA S. [redacted]
WIGGINS, GARY L. [redacted]
WILCOXEN, RICHARD S. [redacted]
WILDER, DENNIS B., JR. [redacted]
WILFORD, LESLIE K. [redacted]
WILKERSON, BERNARD E. [redacted]
WILKINS, MICHAEL G. [redacted]
WILKINSON, DAVID S. [redacted]
WILLIAMS, BRIAN H. [redacted]
WILLIAMS, DONNA J. [redacted]
WILLIAMS, EVAN N. [redacted]
WILLIAMS, JOHN E. [redacted]
WILLIAMS, MATTHEW R. [redacted]
WILLIAMS, STEPHEN S. [redacted]
WILLOUGHBY, WESTEL W. [redacted]
WILSEY, DAVID G. [redacted]
WILSON, BRIAN C. [redacted]
WILSON, BRIAN D. [redacted]
WILSON, KEVIN J. [redacted]
WILSON, KURT DANIEL [redacted]
WILSON, ROBERT D., JR. [redacted]
WILSON, ROBERT L. [redacted]
WILSON, THOMAS M. [redacted]
WIMS, DAVID W. [redacted]
WINKLER, GLENN R. [redacted]
WINN, JOHN C., [redacted]
WISER, JUDITH A. [redacted]
WITT, DANIEL T. [redacted]
WITTE, KENNETH J [redacted]
WITTER, JAMES R. [redacted]
WOLFE, DOUGLAS K. [redacted]
WOOD, JOHNNY L. [redacted]
WOODFORD, TROY R. [redacted]

WOOLDRIDGE, JOHN R. [redacted]
WOOLLARD, DAVID P. [redacted]
WORK, BOYD H., III [redacted]
WRABLEY, WILLIAM J. [redacted]
WRIGHT, CHRISTOPHER P. [redacted]
WRIGHT, CONNIE L. [redacted]
WRIGHT, MICHAEL I. [redacted]
WRIGHT, ROBERT W. [redacted]
WRINN, PHILIP A. [redacted]
WROBEL, SHEILA A. [redacted]
WYNN, EDWARD G. [redacted]
WYZYWANY, KENNETH F. [redacted]
YACHABACH, DAVID R. [redacted]
YATES, BRIAN E. [redacted]
YORK, STEVEN W. [redacted]
YOUNG, DARREN C. [redacted]
ZANETTI, MICHAEL T. [redacted]
ZATYKO, KENNETH R. [redacted]
ZAYAS, FREDDIE D. [redacted]
ZELTINS, BRIAN K. [redacted]
ZENT, ANTHONY J. [redacted]
ZICK, EDWARD C. [redacted]
ZIEGLER, JOHN L., JR [redacted]
ZIMMERMAN, GARY R. [redacted]
ZYNDA, EDMUND P., II [redacted]

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

CHAPLAIN CORPS

ANDERSON, TIMOTHY C. [redacted]
BLAIR, STEPHEN N [redacted]
CANNON, WILLIAM D. [redacted]
CZARTORYNSKI, DAVID F. [redacted]
FLETCHER, DAVID W [redacted]
HALL, RICHARD M. [redacted]
HANLEY, DENNIS P [redacted]
HOWARD, LINDSEY J. [redacted]
JESELNICK, STEPHEN E [redacted]
KROGMAN, DAVID L. [redacted]
LAMBERT, PETER S [redacted]
LIM, JOSEPH D [redacted]
WALKER, WILLIAM M. [redacted]
WALTERS, EDDIE L. [redacted]
WEBER, MICHAEL J [redacted]
WILLIAMS, ANTHONY C. [redacted]
WILSHEK, DAVID E. [redacted]
YANEZ, DAVID A. [redacted]

NURSE CORPS

ADDISS, PATRICIA E [redacted]
ALLEN, JENNIFER L [redacted]
ANDERSON, REBECCA J [redacted]
APPLEGATE, LAURA B [redacted]
ARAVE, CRAIG M. [redacted]
ARBUTINA, JOYCE A. [redacted]
ATWELL, DIANA [redacted]
AVERETTBRAUER, TAMARA A [redacted]
BAGBY, CINDY A. [redacted]
BAILES, MARCELINA L [redacted]
BAKKE, KAREN E. [redacted]
BARALL, RENEE A. [redacted]
BARNES, ROBERTA J [redacted]
BELLEROSE, DENISE J [redacted]
BISHOP, CARL K. [redacted]
BISHOP, MICHELLE L. [redacted]
BLALOCK, BECKY L. [redacted]
BRAUER, KATHRYN J [redacted]
BREASTON, DARLENE E [redacted]
BRESLAUER, MARC A. [redacted]
BRIANS, JENNIFER A [redacted]
BRITTAIN, CHARLES D [redacted]
BROADBENT, RAYMOND J. [redacted]
BRODERICK, PATRICE M. [redacted]
BUCHANAN, NONA F. [redacted]
BURKE, HILDEGARDE P [redacted]
BURROUGHS, JOHNNA LOUISE [redacted]
BUSHEME, DANIEL J. [redacted]
CAMPBELL, ELIZABETH A [redacted]
CAPLE, PATRICIA A. [redacted]
CARDINAL, FREDERICK M. [redacted]
CARLSON FAYE Y. [redacted]
CASHION, LINDA J. [redacted]
CHASE, APRIL C. [redacted]
CHILES, NANCY E., [redacted]
CHINNLANG, RENE M. [redacted]
CLARKE, JOSEPH T [redacted]
CLEMENTS, NORA [redacted]
COLLINS, TIMOTHY J. [redacted]
CONDRON, STEPHANIE A. [redacted]
CONWELL, ANNE M. [redacted]
COOPER, LYNN [redacted]
CORKEN, DAVID S. [redacted]
CORKILL, KAREN A. [redacted]
CRISWELL, JANE D [redacted]
CROCKER, NONA R. [redacted]
CURTIS, JIMMY L [redacted]
DAMUTH, FREDERICK R [redacted]
DANIEL, DAWN B. [redacted]
DAVIS, JOYCE A. [redacted]
DAVIS, MARJORIE A. [redacted]
DEDECKER, LISA D. [redacted]
DELK, GARTH D. [redacted]
DI SCIASCIO, EVE F [redacted]
DIBENEDETTO, VINCENT S., JR [redacted]
DIXON, THERESA [redacted]
DONAHUE, DAWN M. [redacted]
DROEGE, ROBERT W. [redacted]
DUNCAN, MARION L. [redacted]
DYKSTRA, PATRICIA L. [redacted]
DZOBA, CATHERINE B. [redacted]
EADS, KAREN L. [redacted]
ECHEVARRIAROSADO, ZELIDETH [redacted]
EISENSTEIN, BARBARA A. [redacted]
ELMENDORF, CHRISTINE R [redacted]
ERCHINGER, ROBIN F. [redacted]
ERICKSON, KENNETH W. [redacted]
FARLEY, EDWARD F. [redacted]
FIELD, DONNA S. [redacted]
FIELDS, SHIRLEY J [redacted]
FINK LORI J. [redacted]
FOLTZ, MARGARET E. [redacted]
FOSTER, MARY C. [redacted]
FOX, IONA L. [redacted]
FRAZIER, LEWIS E. [redacted]
FRIPPS, KELLY J [redacted]
GABRIEL, NICHOLAS W. [redacted]
GARCIA, RENE [redacted]
GASKILL, SUSAN E. [redacted]
GOETTL, DAVID D. [redacted]
GONZALEZ, MELISSA K. [redacted]
GRABOWSKI, BRIDGETTE J [redacted]
GRAHAM, DAWN M. [redacted]
GRIGGS, ROSANNE R. [redacted]
GRINTER, COLLEEN R. [redacted]
GUNN, PENNIE J. [redacted]
GUSEY, CATHERINE A. [redacted]
HAMMOND, MARTHA S. [redacted]
HANSON, JANET S. [redacted]
HARRISON, GLORIA M. [redacted]
HARUNK, WANDA L. [redacted]
HELD, SUSAN E. [redacted]
HENDRIX, THOMAS J. [redacted]
HENRY, STEPHANIE I. [redacted]
HILL, SHEREE L [redacted]
HINTON, PATRICIA L. [redacted]
HODGES, LISA E. [redacted]
HONEYCUTT, LINDA M. [redacted]
HORNEOROSE, KAREN L. [redacted]
HUGHES, SUSAN K. [redacted]
INCIARDI, ANNETTE [redacted]
INGLIS, JAN E [redacted]
JACKIMCZUK, GRETCHEN W. [redacted]
JACKSON, CONSTANCE L. [redacted]
JACKSON, ELLIS R. [redacted]
JEFFERSON, ALETA P [redacted]
JOHNSON, LINDA D. [redacted]
JONIGKEIT, SYLVIA B [redacted]
JUAREZ, PORFIRIO R [redacted]
KEITH, JERILYN [redacted]
KEITH, TRACEY M. [redacted]
KELLER, DENISE A [redacted]
KENNEDY, CAROL M. [redacted]
KLEINMAN, PHILLIP G [redacted]
KREMIN, CALVIN P. [redacted]
LAMER, LEEANNE [redacted]
LANGLOIS, PAUL F. [redacted]
LANGSTON, CAROL A. [redacted]
LARINO, ELIZABETH A. [redacted]
LAU, BEVERLY J. [redacted]
LEIGHNER, LAURA A. [redacted]
LEIHER, LORETTA KAY [redacted]
LENT, DIANE F. [redacted]
LINCOLN, ELISABETH A. [redacted]
LONCAR, DAVID N. [redacted]
LOVE, ELIZABETH K. [redacted]
LUNDE, BARBARA J. [redacted]
MARTINEZ, MARIA O. [redacted]
MASSEY, SUSAN E. [redacted]
MAYLES, WILLIAM B. [redacted]
MCARTHUR, SHIRLEY A. [redacted]
MCAWEENEY, CAROLE C. [redacted]
MCGINNIS, LEZANDRA J. [redacted]
MCIRVIN, LORI L. [redacted]
MCKOY, GLINDA L. [redacted]
MCNITT, SUSAN M. [redacted]
MCQUADE, ANN M. [redacted]
MILLER, ALTHEA B. B. [redacted]
MOORE, KELLEY C. [redacted]
MOYE, GWENDOLYN [redacted]
MULQUEENY, ROSE C. [redacted]
MURPHY, LELILA [redacted]
NAHIGIAN, KAREN L. [redacted]
NESTER, BARBARA G. [redacted]
NIEVESRIVERA, ELBA I. [redacted]
NIMS, KAY H. [redacted]
NOLD, LISA M. [redacted]
NUSSEL, CAROLE A. [redacted]
OCONNOR, NAOMI R. [redacted]
OGUNTALA, VALERIE M. [redacted]
OSBORNE, KATHY A. [redacted]
PALEO, REBECCA A. [redacted]
PARRISH, BECKY L. [redacted]
PEARSON, MARGUERITE D. [redacted]
PETTENGILL, EDWARD W. [redacted]
PICKETT, MICHAEL E. [redacted]
PINTO, PETER W. [redacted]
PLOUZEK, ROBERT M. [redacted]
POCKETT, CONSUELLA B. [redacted]
PRESTON, SABRINA M. [redacted]
RANDALL, MARJORIE J. [redacted]
REGNERY, JO ANN [redacted]
REUSCH, RICHARD J., JR. [redacted]
RICHARDSON, ROSEMARY [redacted]
RIZZA, KATHLEEN M. [redacted]
ROETHER, DENISE A. [redacted]
ROSS, SUK HI [redacted]
ROWLAND, DEBORAH J. [redacted]
RUFF, AMY L. [redacted]
RUNNELS, ROSE A. [redacted]
SABATINO, JODY L. [redacted]
SAMUEL, KATHLEEN [redacted]
SANDERCOCK, DEBRA J. [redacted]
SANFORD, JOHN G. [redacted]
SAUER, BARBARA J. [redacted]
SHAHEEN, JOHN D. [redacted]
SHANER, DEBORAH J. [redacted]
SHANKS, VICKI J. [redacted]
SHAW, DEBBIE B. [redacted]
SHIRRA, BRADLEY J. [redacted]
SHURLEY, REBECCA L. [redacted]
SKELTON, PATRICIA A. [redacted]
SMALL, NATALIE K. [redacted]
SMITH, LAURA N. [redacted]
SMITH, STEPHANIE D. [redacted]
SMITH, VIRGINIA T. [redacted]
SMITH, WILBUR K. [redacted]
SPRADLING, MARTHA J. [redacted]
STALLINGS, ANNE L [redacted]
STETTLER, JEANINE G [redacted]
STEVENS, KEVIN V. [redacted]
STOECKER, FRANCIS J., III [redacted]
STONEULRICH, SHARION L. [redacted]
STRAND, DEBRA J. [redacted]
STUDER, BRENDA K. [redacted]
SUMMERS, JAMES L., I [redacted]
SWEENEY, PATRICIA J. [redacted]
TACKMAN, WANDA L. [redacted]
TASSIN, MYRON J., JR [redacted]
TAYLOR, SHARON L. [redacted]
THOMAS, CLARE M. [redacted]
THOMAS, KELLI J. B [redacted]
TILARO, PAMELA J. [redacted]
VANDYKE, WENDY P. [redacted]
VAUGHN, SHELLY D. [redacted]
WALSH, JAMES A. [redacted]
WALSH, MARGARET M. [redacted]
WARD, MARY C. [redacted]
WEBB, LIDIA P. [redacted]
WEED, DONNA M. [redacted]
WEIS, KAREN L. [redacted]
WENNING, TERESA R. [redacted]
WEST, ELEANOR T. [redacted]
WIER, MARY T. [redacted]
WILLIAMS, STEVEN J. [redacted]
WOJCIECHOWSKI, SANDRA M. [redacted]
WOODUL, JULIA M. [redacted]
WOZNIAKOWSKIDEE, LYNNE M. [redacted]
YOKELL, KATHLEEN A. [redacted]
YOUNGER, JEFFREY W. [redacted]
ZAYAS, CHRISTINE L. [redacted]

MEDICAL SERVICE CORPS

ALI, FRANK [redacted]
ALLEN, BRUCE A. [redacted]
ALMONTE, L JOSEPHINE [redacted]
ASCHER, RONALD A., JR. [redacted]
ASSANTE, GARY L. [redacted]
BEATTY, DENNIS L. [redacted]
BONNER, KENNETH P. [redacted]
BRANDT, WILLIAM J. [redacted]
BURGESS, WILLIAM S. [redacted]
CARRAHER, JOSEPH M., JR [redacted]
CARSON, GREGORY W. [redacted]
CHESTER, LINNES L., JR. [redacted]
CLARK, WALTER, JR. [redacted]
COHEN, JAMES M. [redacted]
CRENSHAW, DEBORAH A. [redacted]
CROW, RALPH K. [redacted]
CULHANE, MICHAEL T. [redacted]
DAVIS, JOHN R. [redacted]
DIXON, LESLIE L. [redacted]
EIBE, DENNIS A. [redacted]
EMMERT, RANDALL M., JR. [redacted]
FRIEDRICH, STEPHEN J [redacted]
GILMER, LYNANNE [redacted]
GLASZ, KEVIN W. [redacted]
GREEN, JOHN R. [redacted]
GRIFFITH, JOHN C. [redacted]
HAINES, THOMAS S., JR. [redacted]
HALE, SCOTT A. [redacted]
HALL, JULIE A. [redacted]
HALL, THOMAS J., II [redacted]
HARMON, DIANE E. [redacted]
HAVARD, MARYANNE H. [redacted]
HEATH, MICHAEL G. [redacted]
HONERBRINK, DANIEL C. [redacted]
JEMISON, JOHN E. [redacted]
JOHNSON, BRUCE W. [redacted]
KRUEGER, JOSEPH J [redacted]
LARY, DEBORAH L. [redacted]
LYDEN, ROBERT J. [redacted]
MACHESKY, STEPHEN A. [redacted]
MARCUSEN, SHELIA [redacted]
MENNING, MICHAEL E. [redacted]
MONVILLE, JOHN D. [redacted]
MORRIS, ROBIN S. [redacted]
PARIS, RAYMOND J. [redacted]
POLLAK, ALAN M. [redacted]
QUITTMEYER, JANE L. [redacted]
RIGGS, BRIAN L. [redacted]
ROBERTS, DUSTIN K. [redacted]
ROGERS, LANE T. [redacted]
RUCKER, MARILYN J. [redacted]
SATZ, DEVIN A. [redacted]
SHAY, DONNA R. [redacted]
SMALTZ, DETLEV H. [redacted]
STOCKTON, RICKY A. [redacted]
STRONG, MARK R. [redacted]

STULL, ROGER D. [redacted]
TEEVENS, ELAINE D [redacted]
TERRAZAS, ANTHONY T [redacted]
WALLACE, JEAN A. [redacted]
WILSON, JAMES P. [redacted]
WING, KELLY A. [redacted]
WITT, LISA K. [redacted]

BIOMEDICAL SCIENCES CORPS

BALAS, JOSEPH J [redacted]
BENJAMIN, ROGER L [redacted]
BLACK, SANDRA J. [redacted]
BRAY, RAYMOND P. [redacted]
BROOKS, KAREN D. [redacted]
BROWN, CYNTHIA E. [redacted]
BURNETT, SARA H. [redacted]
CAMERON, SHELLY D. [redacted]
CARLTON, CHARLES R., JR [redacted]
CARTER, MICHAEL L. [redacted]
CHARLES, JEROME G. [redacted]
CHRZAN, JUDY A. [redacted]
CLINTONCIROCCO, ALAN L. [redacted]
COLEMAN, JOHN H., III [redacted]
COOK, TAMMY J. [redacted]
COPHER,, DEBORAH LEIGH [redacted]
COTA, HIDEO H. [redacted]
COWAN, JAMES B. [redacted]
DATENA, JOHN M. [redacted]
DAVIS, CHARLOTTE Y. [redacted]
DEVENOGE, THOMAS P. [redacted]
DEVONEY, DANIELLE [redacted]
DOBBERTIEN, WILLIAM H., JR [redacted]
DOHERTY, ELAINE R. [redacted]
DORNBUSH, RENEE F [redacted]
DOTY, TIMOTHY J. [redacted]
ELLER, MICHAEL D. [redacted]
FAIRCHILD, STEPHEN D [redacted]
FALCONER, RALPH T [redacted]
FARRELL, DAVID M. [redacted]
FAVRET, JAMES V [redacted]
FERNANDEZ, JOHN H. [redacted]
FISHER, DENISE Y [redacted]
FLETCHER, JERRI L [redacted]
GAMBERA, PATRICIA J [redacted]
GARCIA, RICARDO, III [redacted]
GETSCHOW, KARIN R. [redacted]
GIGLIO, JOSEPH L [redacted]
GLAVES, ANDREW M. [redacted]
GOODEN, WILLIAM J. [redacted]
GRAVES, MARY K. [redacted]
GREEN, DENISE T [redacted]
GREEN, KATHERINE L. [redacted]
GROTH, KEITH M. [redacted]
HAGAN, ROBERT L. [redacted]
HARCARIK, JAMES T [redacted]
HEINLY, ANNE P. [redacted]
HEWITT, JEFFREY A [redacted]
HEYD, JEFFREY A [redacted]
HOAK, WILLIAM V. [redacted]
HOST, KAY A [redacted]
HUDSPATH, VALERIE S [redacted]
IONESCU, MARIA D. [redacted]
JENKINS, JOHN F. [redacted]
JOHNSON, HAROLD T. [redacted]
JOHNSON, HELEN [redacted]
KAPEL, LAWRENCE B. [redacted]
KELLY, EMERY L. [redacted]
KETTE, STEPHEN D [redacted]
KING, GREGORY F. [redacted]
KINTY, SHEILA M. [redacted]
KRUMINS, LINEHAN KRISTINE M [redacted]
LAPUMA, PETER T. [redacted]
LEGENDRE, PAUL J., II [redacted]
LEWIS, ALAN K. [redacted]
LIPINSKI, JAMES E [redacted]
MACOLA, CAROLYN M. [redacted]
MAPP, BAILEY H. [redacted]
MARSTON, JANE M. [redacted]
MATTESON, MICHAEL L. [redacted]
MATTOCH, ANTOINETTE C. [redacted]
MCCALL, RONALD A. [redacted]
MOSER, ANDREW K. [redacted]
MUNKACHY, GEORGE [redacted]
NAUGLE, ALLEN R. [redacted]
NEURATH, SUSAN K. [redacted]
OBRIEN, ROBERT J. [redacted]
OHARA, MARIE M. [redacted]
OTERO, MARCOS [redacted]
PARIDEE, CHERYL S. [redacted]
PETERSON, RICHARD M. [redacted]
PETTERBORG, PHILLIP W [redacted]
PHILLIPS, LARRY C [redacted]
PURVIS, KEVIN S. [redacted]
REARDEN, KATHERINE P [redacted]
REHME, PAUL A. [redacted]
REID, HOWARD A. [redacted]
REIDER, HOLLY A [redacted]
REYES, REVONDA G. [redacted]
REYESRIVERA, JULIO E. [redacted]
RICHARDSON, MELANIE F. [redacted]
RICHIE, CARL S. [redacted]
RIPPETOE, RONALD T. [redacted]
RISMA, SUZANNE Y. [redacted]
RIVERS, EDWARD A. [redacted]
ROSAMOND, LAURA J. [redacted]
ROSS, CHARIS F. [redacted]
RUSH, ELAINE [redacted]
SCRUGGS, STEVEN M. [redacted]
SHAFFER, WINSTON J., II [redacted]
SHEENANFOSTER, LINDA C. [redacted]
SMALLWOOD, MARK E. [redacted]
SMIRNOFF, VADIM, JR. [redacted]
STEPHENSON, DONALD J [redacted]
STEVENSON, KIMBERLY [redacted]
SULLIVAN, MARVIN R. [redacted]
SURMAN, CHARLES F. [redacted]
TEAGLE, THOMAS L., JR [redacted]
THEOBALD, LINDA S. [redacted]
TRAMBLEY, PETER J [redacted]
TRAUGH, MARK W. [redacted]
TUTT, KATHLEEN [redacted]
WEDDLE, SUSAN D. [redacted]
WIDGER, ANDREW P. [redacted]
WIDING, DREW E. [redacted]
WILEY, TIMOTHY G. [redacted]
WILLIAMS, CHARLES A. [redacted]
WILLIAMS, RICHARD J. [redacted]
WIREBAUGH, STEWART R. [redacted]
WISHTISCHIN, ROBERT W. [redacted]
WITTY, ROBERT R. [redacted]
YOUNG, RICKY D. [redacted]
YOW, JON W. [redacted]
ZAYAC, DANIEL R. [redacted]

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

AGUILAR, MICHAEL J. [redacted]
AMOS, JAMES F. [redacted]
ANDERSON, DAVID C. [redacted]
ANDERSON, JERRY S., JR. [redacted]
BENGIER, JOHN E. [redacted]
BORGERT, GREGORY D. [redacted]
BOROS, LOUIS L. [redacted]
BRADLEY, GARY R. [redacted]
BUTLER, AARON X. [redacted]
BYRTUS, JOSEPH A., JR. [redacted]
CALDWELL, JOHN [redacted]
CASTELLAW, JOHN G. [redacted]
CHRISTENSON, ERIC C. [redacted]
COMBS, DARRELL L. [redacted]
CONNOLLY, BART J., IV [redacted]
COOPER, MICHAEL G. [redacted]
CURRER, RUSSEL J. [redacted]
DONOVAN, TIMOTHY E. [redacted]
DOWDEN, F. G. JR. [redacted]
DUGGAN, FRANCIS G. [redacted]
DURRETT, WILLIAM D., JR. [redacted]
DYCK, BRIAN E. [redacted]
ENNIS, MICHAEL E. [redacted]
FEIGLEY, JAMES M. [redacted]
FEUERRIEGEL, JOHN K. [redacted]
FLEMING, DONALD L., JR. [redacted]
FORR, JOHN J. [redacted]
GARDNER, EMERSON N., JR. [redacted]
GEIER, FREDERICK J. [redacted]
GETZ, RODNEY S. [redacted]
GIDO, PAUL A. [redacted]
GILLIS, JAMES A., III [redacted]
GOODMAN, MARK T. [redacted]
GRAY, ROY E. [redacted]
GROVES, WILLIAM L. [redacted]
HALL, MARVIN D. [redacted]
HARTENSTEIN, NEIL T. [redacted]
HEAD, JAMES W. [redacted]
HEIDRICH, JAMES W. [redacted]
HEINE, JOSEPH P. [redacted]
HILDRETH, JAMES D. [redacted]
HILL, JOHN T. [redacted]
HOPKINS, JAMES P. [redacted]
HOPSON, HARVEY A., JR. [redacted]
HUGHES, ROGER D. [redacted]
JOHNSON, STEPHEN T. [redacted]
JONES, HOMER [redacted]
JORDAN, DONNIE B. [redacted]
KURTH, MICHAEL M. [redacted]
LEE, ROBERT E., JR. [redacted]
LEWIS, DONALD C. [redacted]
LINHART, RICHARD J., JR. [redacted]
LOTT, BRADLEY M. [redacted]
LOWERY, MARY K. [redacted]
MANNING, MICHELE [redacted]
MARSH, VICKI T. [redacted]
MARTIN, PAUL W. [redacted]
MASON, JUDSON P., JR. [redacted]
MATTIS, JAMES N. [redacted]
MAZZARA, ANDREW F. [redacted]
MILLER, PETER T. [redacted]
MOCK, STEVEN W. [redacted]
MOTL, RICHARD E. [redacted]
MURRAY, SHERYL E. [redacted]
NASBY, ROBERT S. [redacted]
NASH, GORDON C. [redacted]
ODONOVAN, JOHN A. [redacted]
PARKER, THOMAS W. [redacted]
PAUL, TERRY L. [redacted]
PHILLIPS, THOMAS S. [redacted]
PRICE, GARY J. [redacted]
RICHARDS, RONALD W. [redacted]
ROSEWARNE, JOHN R. [redacted]
SAIKOWSKI, ROBERT F. [redacted]
SIEGEL, JANE L. [redacted]
SMITH, RANDALL T. [redacted]
SMOOTS, JAMES W. [redacted]
SPENCER, WAYNE A. [redacted]
STALDER, KEITH J. [redacted]
STUDENKA, JOHN M. [redacted]
SULLIVAN, MICHAEL W. [redacted]
SUMMERS, STEVEN D. [redacted]
TAYLOR, JAMES L. [redacted]
THORNELL, JOHN F., III [redacted]
THORNTON, CHARLES H., JR. [redacted]
UPTON, JOHN G. [redacted]
WALLACE, ROBERT J. [redacted]
WALSH, JAMES P. [redacted]
WARD, STEPHEN C. [redacted]
WASHBURN, GARY E. [redacted]
WEBER, JOSEPH F. [redacted]
WHITE, RODERICK E. [redacted]
WHITE, THOMAS E. [redacted]
WIJAS, RODNEY J. [redacted]
WILLIAMS, ROBERT L., JR. [redacted]
ZIMMERMAN, ROBERT R. [redacted]

EXTENSIONS OF REMARKS

HOUSE PAYS TRIBUTE TO ROBERT J. "BOB" PEACOCK, LAKE PLACID BOOSTER AND LONG-TIME MAYOR

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. SOLOMON. Mr. Speaker, few things over the years gave me more pleasure than the United States hockey team's victory over the Soviet team in the 1980 Winter Olympics at Lake Placid, NY.

But what I rise to speak about is not that moment itself but a man whose role in bringing those winter games to upstate New York is only one of his many contributions to his community.

Mr. Speaker, I would like to tell you about an outstanding American, Bob Peacock, mayor of the Village of Lake Placid since 1959. I can only list the organizations Bob Peacock has belonged to and the awards he has received to give you some idea of his community service.

He was elected mayor in 1959 and has served in that capacity ever since. Before that he was a village trustee for a year. He has been director and vice president of the Lake Placid Chamber of Commerce, president of the Lake Placid Kiwanis Club, treasurer of the Jaycees, and president of the New York State Conference of Mayors. Bob was a founding member of the Pee Wee Association and held several offices in the Lake Placid Grange. He has been a member of the fundraising committee of the Memorial Hospital, the Lake Placid Sports Council, the board of directors of the Lake Placid Olympic and Winter Sports Museum, and the advisory council of the Olympic Regional Development Authority.

He has been a Cub Scout Master and still serves as a driver on the Volunteer Ambulance Service.

Perhaps most noteworthy of all, however, is his work on the Lake Placid Olympic Organizing Committee. As early as the 1960's Bob Peacock worked to bring the Winter Olympics back to Lake Placid.

In appreciation for his many contributions, Bob Peacock has been named 1967 Man of the Year by the Municipal Electric Utilities Association of New York State, and 1971 Man of the Year by the John Brown Association. The Municipal Electric Utilities Association also gave Bob their Community Service Award in 1980 in recognition of his Olympic organizing activities.

In 1988, Bob Peacock was inducted into the Lake Placid Hall of Fame.

He is, I might add, the longest tenured mayor in the State of New York. That is the highest tribute a public official can receive.

Nevertheless, Mr. Speaker, I would ask this body to rise for its own tribute to an outstanding servant of the people and great American, Robert J. "Bob" Peacock of Lake Placid, NY.

ATROCITIES IN AID PLAN REQUIRE FRESH IDEAS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. BEREUTER. Mr. Speaker, this Member commends to the attention of his colleagues the following editorial by Ms. Lori Shriner in the March 31, 1993 edition of the Seward County, NE, Independent, which proposes an innovative reform of our welfare system by combining elements of community service and the tradition of American volunteerism:

ATROCITIES IN AID PLAN REQUIRE FRESH IDEAS

(By Lori Shriner)

More than one in every 10 Americans receive food stamps, according to figures released by the U.S. Department of Agriculture last week.

Critics of our welfare system will say that is atrocious and point to abuses and lax regulations. To be sure, there are abuses to be found and loopholes galore in the bureaucracy of the welfare system.

Proponents of our assistance system will say that it is atrocious and point to inequities in our economy that prohibit those on the bottom rungs of our economy from climbing up and push those on the middle and lower rungs down further to qualify for such assistance. Juxtaposed with the recent news about Lee Iacocca's retirement package and other executive perks in corporate America, the situation borders on obscene.

Both views are right. The system could use an overhaul.

But what's the solution?

No one wants to cut off families who truly need assistance. Everyone wants to design a system that gets people out of their low-income situations and into a more self-sufficient status. And it would be nice if they could develop some pride and self-esteem in the process.

No one will argue that the attractive salaries some people earn through hard work and perseverance are bad in and of themselves. That is, after all, the American dream.

So what are we to do?

It seems to me that we need to take a clue from President Clinton's plans for student loan repayments and find ways for people to work off their welfare needs. Maybe a single mother who can't afford day care could afford some time in a community soup kitchen or a community garden that would provide fresh fruits and vegetables to food stamp recipients. Maybe a working parent who is struggling to make ends meet in a low-paying job could volunteer one night a week to do repairs on the homes where low-income elderly people reside.

Maybe corporate America could encourage its top salary earners to volunteer at a grassroots level.

I don't think most people want something for nothing. But our system makes it tremendously difficult for folks who need a hand-up to take it without getting a handout. Just as college graduates should have the chance to work off some of their tuition debts by serving their country in some fashion, so should those who are getting welfare assistance.

And who knows, maybe some of the skills the low-income volunteers could learn in gardening, canning or bartering would help them make ends meet. Maybe some of the skills the high-income volunteers could learn by volunteering would help them make better decisions for their companies.

We need to explore options outside the government.

A SALUTE TO DOLLY DOWNS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. GILMAN. Mr. Speaker, I invite my colleagues to join me today in honoring Camp Venture, Inc., located in Nanuet, NY, for their continued success with "Dolly Downs, the doll with the lovable difference."

The doll is manufactured at Camp Venture, Inc., a not-for-profit agency serving developmentally disabled adults and children in my 20th District of New York. Camp Venture's mentally handicapped workers make each doll by hand in a 15-step process.

Dolly Downs is a blond, blue-eyed little girl, with pigtails tied in crimson ribbons. More importantly, Dolly has Down's syndrome. She is the image of Donna, the daughter of a former Camp Venture administrator and a participant in the agency's original program, a summer day some 20 years ago. The story book and audio tape included with the purchase of Dolly, tell Donna was unhappy about looking different from other people until she met the people at Camp Venture. Black and olive-skinned versions of Dolly Downs are also available.

All proceeds from the sale of Dolly Downs are used to pay the salaries of the handicapped workers who make Dolly or to otherwise support the services Camp Venture provides to the developmentally disabled. The latter includes group homes and apartments, treatment and training, recreation, and respite.

The creation of child psychologist John Lukens, Ed.D., the doll is meant to acknowledge the skin-deep differences of Down's syndrome youngsters and to say that there is beauty in being different, once the eye and the heart are trained to behold it. Dolly has already been instrumental in promoting tolerance of retarded children among nonretarded children.

Mr. Speaker, I salute Kathleen Lukens, the executive director of Camp Venture; John Murphy, the president of Camp Venture; and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

John Lukens for their insight, innovation, and compassion in creating Dolly Downs.

Mr. Speaker, I insert into the RECORD at this point an article entitled "Doll Gives Identity to Down Syndrome Children" from the December 12, 1992 edition of the New York Times:

[From the New York Times, Dec. 12, 1992]

DOLL GIVES IDENTITY TO DOWN SYNDROME CHILDREN

(By Melinda Henneberger)

STONY POINT, NY, December 8.—Diana Zernone's new doll is the first she's ever had that looks like her: The 14-year-old New City girl has Down syndrome, and so does Dolly Downs, a pigtailed blonde who went on the market last week, assembled by retarded and developmentally disabled workers at Camp Venture Inc.

Diana identified with the doll immediately, according to her mother, Fran Zernone. "She set up all her other dolls around Dolly and was explaining her to them," Mrs. Zernone said. "She was saying Dolly's different than everybody else, even though she'd like to be the same, but it's O.K. to be different. She told them everybody's different in their own way."

The idea for a doll resembling a child with Down syndrome, a congenital condition characterized by mental retardation, a broad face and slanting eyes, came from a Rockland County couple who have a 31-year-old son with autism and have run programs for the retarded for 23 years. Dr. John Lukens, a child psychologist, and Kathleen Lukens, the executive director of Camp Venture, said their inspiration was a former client who once asked her parents why she did not look like them.

Seeing people with Down syndrome on television's "Life Goes On" and in Oshkosh B'Gosh and Lands' End advertisements convinced the Lukenses that the public might be ready for the doll, which is also intended to teach children who do not have a handicap to be more tolerant of those who do.

"I'LL BE YOUR FRIEND"

On a tape that comes with the doll, a girl's voice sings a songs and says: "I may be a little different from some other children, but I'll be your friend. You can show me how to do the things that you do. Give me lots of time and lots of love, and you'll see."

Like her creators, Dolly Downs is also an advocate of community group homes for the retarded. Camp Venture, a nonprofit agency, runs 25 such homes in Rockland County, and many of them were at least initially opposed by neighborhood groups. A small book tucked into the doll's blue backpack tells a story in which Dolly is sad because she looks different, until her parents take her to visit her new neighbors in a group home.

The building where the doll is assembled is off a country lane, next door to the stables where another Camp Venture program teaches handicapped people to ride and behind the stone cottages of a state institution for the retarded. At one time, some 4,500 people lived in the state center, though today, after 25 years of deinstitutionalization, that number is around 550.

15-STEP PROCESS

The workshop itself is a huge open room. A number of those seated around long tables wave and shout greetings to visitors before returning to their work, but the hall was surprisingly quiet on a recent afternoon, with most people concentrating on putting together pens, packaging cameras and, in one corner, assembling the dolls. Some were stuffing cotton into cloth arms and legs while others unwound skeins of yellow yarn to be used as the doll's hair or pulled on her blue pinafore and black shoes.

The job has been divided into 15 steps, not including the stitching, which is done by several seamstresses who work at machines along the workshop's back wall. And after the last worker on the assembly line ties the red ribbons into Dolly's hair, all of those who have participated in making the doll take turns signing the cards attached to the finished product, which say, "I made this doll."

So far they have made about 100 of the dolls, which are sold for $24.95 and shipped directly from the workshop. The information numbers are (914) 624-5330 and (800) 682-3714. Eventually, Camp Venture directors hope that their new product will help secure steady employment for the 150 handicapped adults in the sheltered workshop. Mrs. Lukens said finding jobs has been hard because state financing for some programs has been cut, and the economy has made it more difficult to place clients in retail, stocking and maintenance positions.

"When things tighten up, they're the first to be let go," she said. "We have to find things they can do if they're going to be independent."

At one table in the workshop, where a spirited discussion of the best moments of "Home Alone" and "Home Alone 2" was in progress, Patty Hayes stopped stuffing a doll's arm with cotton to explain the entire assembly process.

When the doll is finished, "it's beautiful," said Ms. Hayes, who is 34 and has Down syndrome. "You can buy it at the store," she added, and went back to work.

THE HIGH RISK DRIVERS ACT OF 1993

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. WOLF. Mr. Speaker, in 1991, drivers under the age of 21 experience the highest crash involvement rate per licensed driver. A study by the National Highway Traffic Safety Administration [NHTSA] found that although only 7.4 percent of all licensed drivers are 16 to 20 years of age, those drivers are involved in over 20 percent of all single-vehicle accidents. Additionally, young drivers are involved in 15.4 percent of fatal accidents. An Insurance Institute for Highway Safety study found that for every 100 million miles driven, nine young drivers are involved in fatal accidents as compared to two drivers between the ages of 35 and 59.

Many young driver accidents occur because of speeding and drunk driving, and a large percentage of these crashes occur during nighttime hours. Nationally, almost 31 percent of young drivers involved in fatal accidents were intoxicated.

Mr. Speaker, this is a cycle that we must attempt to break. That's why I am today introducing the High Risk Drivers Act of 1993, a bill that has been introduced in the other body by Senator JACK DANFORTH. This legislation seeks to reduce the accident rate among young drivers by addressing three major causes of accidents: inexperience, risky behavior, and driving while intoxicated. An incentive program funded at $100 million over 5 years will be used to encourage States to implement several actions, including a provisional licensing program.

The bill also directs the Department of Transportation [DOT] to study and disseminate information on the driving abilities and licensing of older drivers. The bill has the support of the American Association of Retired Persons [AARP].

The key provisions of the High Risk Drivers Act of 1993 are:

Provisional licensing: Young drivers, ages 16 and 17, must hold a provisional license for 1 year with a clean driving record before receiving a full license. The three States that have implemented provisional license programs—California, Maryland and Oregon—have found a 5- to 15-percent reduction in crashes and a 10-percent reduction on traffic convictions of 16- to 17-year-olds.

A 0.02 blood alcohol content [BAC] maximum for drivers under age 21: A study of Maryland's .02 BAC for minors found a 21-percent reduction in crashes involving young drivers who had been drinking and a 50-percent reduction when combined with a public information and educational campaign.

Belt usage: Drivers aged 16–20 have been estimated to use their safety belts only 29 percent of the time—according to a NHTSA study—while drivers 25 and older use safety belts 45 percent of the time. An unrestrained vehicle occupant is twice as likely to be killed in a crash, heightening the risk of fatality to younger drivers.

A $500 minimum penalty for selling alcohol to a minor. NHTSA data shows a drop of 13 percent in fatal crash involvement when the drinking age was raised to 21 years. Unfortunately, many vendors are selling to minors, as was the case with the accident involving my young constituent where a keg of beer had been purchased by a minor at a store in the District of Columbia.

Use and lose, license revocation for alcohol offenses by minors. Twenty-seven States currently delay, suspend, or revoke youth drivers' licenses for alcohol offenses.

Mr. Speaker, I would hope that action on this legislation could be expedited so that we can give to the States as quickly as possible some tools to fight this deadly assault on our young. And I welcome cosponsorship of this bill to my colleagues.

NEW LEBANON, NEW YORK CELEBRATES 175TH ANNIVERSARY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. SOLOMON. Mr. Speaker, one of the reasons I go home every weekend to the 22d District of New York is to savor the many small towns that give the area its character.

We often forget, Mr. Speaker, that the real America is not Washington, but the small towns and villages where real people live and work in real jobs. I'd like to talk about one of those small towns today.

This Saturday, April 24, New Lebanon, NY will celebrate its 175th anniversary. For those of you who are unfamiliar with New Lebanon, I am proud to tell you that the Lebanon Warm Springs were loved by no less than President Franklin Delano Roosevelt for its healing qualities, that New Lebanon is the birthplace and burial site of former New York Gov. Samuel Tilden, who won a popular vote in a Presidential election but lost by one electoral college vote, that it's the place where the first thermometer was invented, that it's the spiritual headquarters of the Shaker movement and site of the famous Finney revival meetings. And I might add that more recently its girls' soccer team won the class D championship last year.

President Roosevelt was not the first to enjoy the warm springs. The first known non-Indian to visit the area was James Hitchcock, a British Army captain led to the spring by Indians. A few years after he was cured, permanent settlers followed, led by John Wadhams.

In 1818, the town of Canaan was divided into two equal parts, forming the town of New Lebanon. John King was the town's first elected supervisor.

The area was popular as a summer resort. But sawmills, gristmills, woolen mills, and a cloth manufacturer arose to employ the townspeople. The industrious Shakers were typical of early New Lebanon residents.

The town has changed since those days, as just about everything else has in America. But New Lebanon still retains its charm as it has developed into an attractive suburban community for the nearby larger urban areas.

Mr. Speaker, Saturday will be an enjoyable day, with art and baking contests, craft shows and sales, and many other events for all members of the family. I commend Phyllis Galician, president of the historical society and committee chairman of the event, and everyone else who has worked so hard on the event.

And today, I ask all Members to join me in a special anniversary tribute to a great place to live, New Lebanon, NY.

TRIBUTE TO PRISCILLA CICCARIELLO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. ACKERMAN. Mr. Speaker, I rise to pay tribute to Priscilla Ciccariello, upon her retirement as executive director of the National Marfan Foundation. The Health Advisory Council of the Port Washington Library will be honoring Ms. Ciccariello on April 20, 1993, at the Port Washington Library, following a symposium on rare and genetic disorder.

Ms. Ciccariello is an extraordinary woman, having worked tirelessly for over a decade to promote awareness and education of Marfan syndrome. This heinous, and often fatal disease, has intimately touched her life. Ms. Ciccariello lost her son to Marfan syndrome.

Ms. Ciccariello helped hundreds of families struggle with the illness by creating a network of support for those who have faced Marfan syndrome, and those who are at risk of contracting it. Her dedicated advocacy to the medical and lay communities about Marfan syndrome is exemplary; and her contributions to stimulate scientific research to eradicate the disease have led to new and promising discoveries concerning its diagnosis and treatment.

In addition to her important work on behalf of the National Marfan Foundation, Ms. Ciccariello recently retired as the head of information services of the Port Washington Public Library. She had been associated with the library for a quarter century. Ms. Ciccariello has been the recipient of the 1990 Congressional Achievement Award, and the 1992 Public Health Service Award for exceptional achievement in orphan products development, for her work with rare disease organizations.

Mr. Speaker, Priscilla Ciccariello's dedication and commitment to help eradicate Marfan syndrome should be emulated. Individuals like Ms. Ciccariello help to make Long Island, and our Nation a better place in which to live.

THE CSCE HUMAN DIMENSION SEMINAR ON MIGRATION, INCLUDING REFUGEES AND DISPLACED PERSONS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. HOYER. Mr. Speaker, the Commission on Security and Cooperation in Europe (Helsinki Commission), which I have the honor to cochair, has devoted considerable attention over the past year to the ongoing conflict in the former Yugoslavia and the terrible human costs of that conflict—in particular, the creation of millions of refugees and internally displaced persons. At this point, nearly half of the population of Bosnia—some 2 million men, women, and children—have fled their homes. The appalling circumstances that caused them to flee have been replaced by the uncertainty and trauma of their new situation: Many of them separated from their families, far from homes that may no longer exist, robbed of their belongings and their dignity as human beings. And tragically, the plight of refugees from the former Yugoslavia is only the most visible of a series of ongoing or potential refugee crises in Europe, from Turkey to Tajikistan. Clearly, refugee issues in Europe fall among our most pressing human rights challenges today.

From April 20–23, 1993, the Conference on Security and Cooperation in Europe [CSCE] will be holding a seminar on migration, including refugees and displaced persons. This is the second of four human dimension seminars mandated by the Helsinki Document of 1992, and it represents a new direction for the CSCE. The human dimension seminars are designed to encourage the candid exchange of information and experiences among practitioners and policymakers from all 53 CSCE member states. Focusing on issues that affect the entire CSCE community, both within and across boundaries, the seminars offer a unique opportunity for official and nongovernmental actors to seek advice, share ideas, and forge contacts.

The U.S. delegation will be headed by my good friend and colleague Ambassador Warren Zimmermann, whose extensive experience both in CSCE and in refugee matters is well known. He will be joined by a high powered group of migration experts, including practitioners with hands-on experience in refugee resettlement in the United States. I wanted to take this opportunity, in anticipation of the seminar, to lay out some of the issues the Helsinki Commission hopes will be raised and discussed, either formally or in the margins of the meeting.

The significance of migration issues in the CSCE has certainly changed over the years; from the days when securing freedom of movement was among our primary human rights concerns, ethnic strife and regional tensions have forced masses of refugees, asylum-seekers, and economically or environmentally driven migrants to seek an urgent response from many CSCE participating states. As we look toward the future, the CSCE community must focus its attention on securing respect for human rights in the newest independent states and the fledgling democracies, on rebuilding shattered economies across the former Soviet bloc, and on defusing the ethnic and regional conflicts that lead to mass migrations.

As I mentioned at the outset, the refugee crisis resulting from events in the former Yugoslavia is enormous and growing. In the course of a January 1993 Commission hearing on this subject, we were urged to pursue clarification of the legal status of Bosnian refugees in Croatia, Slovenia, Hungary, and other border states. We were told, "In these and other European states, refugees are being treated on an ad hoc basis, vaguely defined as 'externally displaced people' or as having 'temporary refugee status,' terms that are absent from the 1951 Refugee Convention or other international legal instruments relating to refugees. They are left in an uncertain legal position, needing to worry whether they will be permitted to work or travel or whether permission to stay will suddenly be withdrawn."

Certainly, no state wants to take any measures that might be interpreted as facilitating ethnic cleansing, which partly explains the emphasis on the temporary status of the refugees they host. But Bosnians who have fled their homeland clearly meet the 1951 standard of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and as such, deserve the full range of legal protections afforded to refugees by the Refugee Convention and other relevant domestic and international laws. We have urged Ambassador Zimmermann to underscore this point as the situation of Bosnian refugees is discussed at the seminar.

A second concern regards the treatment of asylum seekers in Europe, particularly those persons belonging to national minorities. Migration often stems from inadequate protection of the rights of persons belonging to national minorities, yet, too often, prejudice and discrimination are shared across boundaries. On November 1, 1992, a German-Romanian agreement went into effect, according to which thousands of Romanian asylum seekers are to be repatriated to Romania. The German Minister of the Interior indicated at the time that the majority of these Romanians are Roma, Gypsies, creating the impression that the ethnic and cultural identity of these individuals were important factors in the decision to deport them.

The Commission strongly believes that implementation of existing CSCE commitments regarding the rights of persons belonging to national minorities, and support of many of the ideas advanced at the recent CSCE seminar on tolerance, will help reduce the kinds of pressures that contribute to international migration. By the same token, we maintain that host country authorities at all levels have a particular responsibility to set an example of sensitivity to the very real plight of the vast majority of individuals who have taken the dramatic step of fleeing their homes. This is especially critical in areas where hostility toward refugees risks leading to violence against them. We hope the U.S. delegation will emphasize this point at the seminar.

Consideration of measures to restrict asylum policy in some CSCE countries has included, in some instances, the development of lists of safe and repressive countries. The Commission shares the view of human rights groups like Amnesty International that the list system overlooks the possibility of legitimate individual cases of persecution. Clearly, a balance must be found between respect for the honored principle of asylum and the pressure many policymakers feel to reestablish control over their borders, and we look forward to a fruitful discussion at the seminar of options and strategies, including the establishment of immigration and naturalization policies, as well as measures to speed up asylum processing, and to discourage invalid claims.

The Commission believes this timely seminar offers a critical opportunity for the CSCE member states to work collectively, as countries that generate refugees and countries that receive them, to prevent involuntary migration, to protect involuntary migrants, and to build effective institutions, consistent with CSCE and democratic norms, in the newest member states. A member of the Helsinki Commission staff will serve on the U.S. delegation, and will report fully on the seminar upon her return.

TRIBUTE TO DEDICATION OF TORAH SCROLL AT TEMPLE BETH JACOB

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. SWETT. Mr. Speaker, on April 17, a very special event took place at Temple Beth Jacob of Concord, NH—the dedication of a Torah Scroll that had been taken during the Nazi occupation of Czechoslovakia. This Torah is one of the 1,564 scrolls collected by the Nazis from Czech Jewish communities and transported to Prague with the intent of creating a Museum of the Extinct Jewish Race. Following the war, the scrolls remained in storage in Prague until 1964 when a British group was able to retrieve them. Since that time, they have been devoting their labors to placing the scrolls in synagogues and institutions throughout the world. I am delighted that Temple Beth Jacob was chosen to receive one of these historical scrolls.

This Torah scroll is more than an ancient piece of scripture—it is a symbol. It serves as a reminder of the courage and unwavering strength of those Czechoslovakian Jews who, like all European Jews, endured persecution and prejudices few of us will ever be asked to bear. But the scroll is also more than a symbol of courage and strength—it is standing testimony to the 6 million people who lost their lives because of bigotry, discrimination, and hate.

The journey of this Torah scroll from the Czech village to the safety of the Concord synagogue is similar to the journey of Czechoslovakians Jews themselves. Like the scroll, the Jewish people enjoyed a long history in Czechoslovakia. During the 16th, 17th, and 18th centuries, Prague was considered one of the most important Jewish centers in the World. In Czechoslovakia, European Jews found a place where they were free from religious persecution. They were conferred with the rights and freedoms of other citizens, and a rich Jewish tradition flourished.

Tragically, the security Jews felt in Czechoslovakia was shattered by the Nazi occupation in the early 1940's. A once-proud Jewish community of 350,000 literally vanished. By the end of the war, only a few thousand Jews remained.

Now, more than 50 years later, we must not forget the lessons of the past. Whatever our race or religion, we must rid our Nation, communities, homes, and hearts of prejudice. For even today, our society is beset with anti-Semitism. The Anti-Defamation League's annual national survey for 1992, found the number of reported anti-Semitic incidents of vandalism, violence, and harassment has increased on college campuses by 12 percent over the past year.

Mr. Speaker, to stop the spread of bigotry, prejudice, and hate, we need to teach our youth that this is a world where the freedoms of one group are contingent on the freedoms of others. In the words of Charles Evans Hughes, "When we lose the right to be different, we lose the privilege to be free."

JENAE HALSTED IS PRIZE-WINNER IN VFW POST 10986, VOICE OF DEMOCRACY COMPETITION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. SOLOMON. Mr. Speaker, I'm extremely proud of several young people of Hosanna Christian Academy in Greenville, NY, who took part in the Voice of Democracy speech competition sponsored by VFW Post 10986.

The theme this year was My Voice in America's Future. It is my privilege to place in today's RECORD the winning essay of Miss Jenae Halsted, an 11th-grader from Earlton. Her teachers, friends, and family all have good reason to be proud of her. I certainly am.

Following is a copy of the winning essay and speech by Jenae Halsted:

Can Americans really survive all of the troubles they might have to endure? Can we pull together as we once did? Do we have the strength within ourselves to protect the right to life, liberty, and the pursuit of happiness? And could my humble voice make a difference? I believe all of these questions have an answer and that answer is yes, if we take action and let this nation remember the Biblical principles it was founded on. I pray God will use my voice to make a difference and change the tide of apathy and ungratefulness in our generation.

What molded our nation's stature wasn't a mindless army, but every individual who stood up and said yes, I will fight for freedom, liberty, and our beloved United States. It was Patrick Henry who fought against the great injustices of the Stamp Act. He changed the hearts of many southerners to stand and fight the English. It was the voice of Abraham Lincoln who stirred and awed the hearts of many as he gave his Gettysburg Address.

In order for our voice to be taken seriously, first we must have faith in ourselves so that we can have the confidence to express our beliefs. Then we must set goals because without a goal one doesn't know what direction they want to go in and even if they succeed in their dream they won't realize it. We must understand that every great human being started out with a dream. So many times we have heard that famous quote from Martin Luther, "I had a dream!" But do we really understand the momentum of that statement? I wonder, if things would be the same if he didn't believe in his dreams. That is why we must dream, take action in those dreams and who knows our voice might make a difference in the destiny of this great nation. Not only in the time of crisis do we need to voice what is in our heart, but in the everyday corrode of the moral sanctions of the United States. Our forefathers fought and died for the principles they had and the ideas they believed in. It is a sad thing if we as Americans do not hold fast to what we believe in or even worse don't know what we believe in. If the men who fought for these freedoms could see the indifference and unthankfulness of this nation they would be disgraced. That is why we must stand up and let our voice be heard. Don't let our generation be known as the one who did nothing. Let's make a difference in our world, and return to our values. Let us be thankful not only for our freedoms but for the ones who gave those freedoms to us. So we once more will be able to say: "In God We Trust!"

NORTH ST. VRAIN PROTECTION ACT

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. SKAGGS. Mr. Speaker, today, I am again introducing a bill to protect North St. Vrain Creek, the largest remaining roadless canyon along Colorado's Front Range. This legislation will prevent construction of new dams on this creek as it flows through Rocky Mountain National Park and the Roosevelt National Forest, and will clear up public land ownership along the creek.

The North St. Vrain should be kept free of additional dams and impoundments for all time. This is some of the best meeting of land

and water we have in Colorado—and that is saying a lot.

The bill incorporates the recommendations of a citizens advisory committee, which I appointed in conjunction with the Boulder County Commissioners, and which spent over 5 years developing a consensus proposal on how to protect the creek and canyon while protecting local property and water rights.

This bill represents an astonishing amount of work by Coloradans especially the 50 people who took part in 103 advisory committee meetings and performed over 300 hours of independent research. Another 600 people attended 12 public hearings on the proposal.

During the 102d Congress, the House did not have enough time to consider this legislation. With the work that's already been done by all these people to produce this consensus, I hope it will be possible to move this bill through Congress quickly and early in this session.

The legislation would prohibit any Federal agency from approving a new dam or reservoir on the North St. Vrain Creek or its tributaries in Rocky Mountain National Park, or on the main stem of the creek below the park and above Ralph Price Reservoir, in the Roosevelt National Forest.

The advisory committee originally recommended prohibiting dams just on the stretch of the creek below the park. However, at a special town meeting I held in Allenspark, CO, to hear comments on the advisory committee's recommendation, I received suggestions that the prohibition on dams also apply within the national park. After getting agreement from advisory committee members, I agreed that the change is an improvement.

To some, I suppose this prohibition might appear to be redundant to existing national park protection. However, dams are not currently prohibited in the national park, just as they are not in the national forest. With the inevitable pressure to supply more water for the Denver metropolitan area, it is possible that there will be new proposals for smaller water supply projects all along the Front Range to meet future urban water needs. As recently as 1979, the city of Longmont considered building a dam on the North St. Vrain Creek that would have inundated part of Rocky Mountain National Park. And, in the early 1980's, we had to deal with the proposed Coffintop Dam on the South St. Vrain. That's why it's important to prohibit dams on this wild stream.

The bill also would direct the National Park Service to negotiate with the city of Longmont to acquire the city lands that would have been used for the city's now-abandoned plan for a dam. The lands are located within the park boundaries but not owned by the Federal Government. Another provision of the bill would direct the Forest Service to complete a proposed land exchange involving other Longmont lands in Coulson Gulch, along a tributary of the creek in the national forest.

This legislation itself is the heart of a larger package of policies and agreements that will protect the distinctive natural features of this area, while assuring the continued enjoyment of privacy and productivity by local landowners and water users. I will also seek to win committee approval of report language, recommended by the advisory committee, to clarify various points.

The North St. Vrain Creek is located 20 miles northwest of Boulder. It is the primary stream flowing from the southeastern portion of Rocky Mountain National Park, arising in snowfields near Longs Peak, and tumbling through waterfalls and cascades in the Wild Basin area of the park. After leaving the park, the creek cuts a narrow, deep canyon until it reaches Ralph Price Reservoir. To watch and listen to the creek's falls, either in the park or downstream in the forest, is to stand silent in wonder—not just because it is difficult to be heard above the roar, but also because just watching and listening to the water is the best of conversations.

The watershed includes habitat for bighorn sheep, deer, elk, peregrine falcons, flammulated owls, and mountain lions. It also provides popular hiking, fishing, and hunting terrain relatively near some of Colorado's larger cities.

I introduce this legislation not only with a belief in the importance of protecting the North St. Vrain, but also with a firm conviction that the hundreds of Coloradans who have worked on its protection have crafted a sound and effective consensus. This is a good bill, a clear and simple proposal, which has strong support among the people in the area.

I think we can, and should, pass this bill this year.

CLIFF VAN DYKE: A MOST DISTINGUISHED INDIVIDUAL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. BARCIA. Mr. Speaker, I rise to pay tribute to a good friend and most distinguished individual, Cliff Van Dyke, who has been senior vice president of First of America-Mid Michigan since 1991. He is retiring this year after more than 17 years of active community involvement in the Bay City area. We will miss the guidance and fine leadership that Cliff has provided to our community.

I would like to take this opportunity to share with my colleagues some information about Cliff and his service to the community of Bay City. Originally born in Iowa and raised in Illinois, Cliff graduated from Knox College at Galesburg, IL, and then went on to earn a master's degree in business administration from Harvard Graduate School. Cliff began his career in banking in 1955 when he moved to Detroit. He became vice president of National Bank of Detroit in 1971 and was put in charge of all commercial and public fund deposits and lending in outstate Michigan. However, in 1976, Cliff traded all of that to become president of Peoples National Bank & Trust in Bay City. He later became chairman of the board and chief executive officer.

Not only has Cliff excelled in his position with First of America, he has also been generous with his personal time and has made significant contributions to his community. Cliff has been president of Bay County Growth Alliance, chair of the Mid-Michigan Venture Forum and an active member of the Bay Area Chamber of Commerce, Tri-County Legislative Issues Committee. He serves on the board of Delta College, he is president of the Kantzler Foundation, 1980 chair of the United Way of Bay County and was presented with the United Way's prestigious Carl H. Weber Award for Volunteerism in 1985. Cliff helped found the Junior Achievement Program in Bay City and chaired the Volunteer Committee for Education. To say that Cliff is community-minded would certainly understate the impact he has made on our community.

All of us who know Cliff have been touched by his service and dedication—these are the marks left by a person who has worked hard, not to make a name for himself, but to contribute to others. He has made special efforts to bring economic opportunities to all in Bay County.

It has been a pleasure for me to know Cliff and to call him a friend, and I would like you to join me in wishing the very best to him as he begins a relaxing and fulfilling retirement. His effective leadership will be warmly remembered by our community.

DOMESTIC VIOLENCE AWARENESS MONTH

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Ms. SLAUGHTER. Mr. Speaker, before the gavel brings today's legislative business to a close in the House, nearly 2,000 women and children in America will have been beaten in their homes. We call it domestic violence as if it were nothing more than a dispute over the dinner table. But domestic violence breaks bones just as it breaks hearts; and, it leaves real scars—painful physical, emotional, and psychological scars that run deep and perpetuate the cycle of violence which has taken over our streets, our schools, and our homes. We need to start calling domestic violence what it really is: a crime.

Domestic violence is a brutal crime that kills as many as 4,000 women each year and sends another 100,000 or more to the hospital for medical treatment. In fact, the rate of injury to women in cases of domestic violence surpasses that of car accidents and mugging combined; but, sadly, an estimated 48 percent of incidents of domestic violence are not reported to police.

Women and children have had to suffer alone and in silence because, until recently, few alternatives existed. Statistics show that a woman who attempts to flee her abuser risks increased violence. If she and her children are able to escape, they often have nowhere to go. Indeed, half of all homelessness among women and children is caused by domestic violence. Battered women's shelters have increased in numbers over the past decade, but as many as 250,000 women are still turned away each year because of space, funding, and staff shortages. In my own district of Rochester, NY, Alternatives for Battered Women has a waiting list of more than 75 women and children seeking safe shelter.

An insufficient number of shelters and safe-house programs is not the only reason too few battered women report the crimes against them and seek help. Until recently, law enforcement and judicial officials tended to consider cases of domestic violence as private family feuds and arrests and prosecutions were rare. One survey in 1981 found that police refused to arrest 60 percent of abusive spouses when requested to do so by wives who had clearly been battered.

For 3 years, I have introduced the congressional resolution designating October as Domestic Violence Awareness Month in an attempt to educate the American public about this crime, change attitudes about domestic violence, promote domestic violence training for police and judges, and support the vital work of battered women's shelters and legal advocacy programs. Most important, perhaps, the resolution sends a message of sympathy, hope, and empowerment to the millions of innocent women and children victimized in their own homes: You are not alone, and your terrible nightmare doesn't have to continue; help is available.

Today, I am introducing a resolution proclaiming both October 1993, and October 1994, as Domestic Violence Awareness Month, and I am proud to have the support of 93 original cosponsors. I urge my other colleagues in the House to join me in this effort to put an end finally to a vicious cycle of violence and cruelty which ultimately degrades the humanity of us all.

MELVIN A. BROWN OF LAKE GEORGE, NY: OUTSTANDING PUBLIC SERVANT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. SOLOMON. Mr. Speaker, my favorite people are those who very quietly go about their business, but in the process, give a lot to their communities. I would like to say a few words about one of those special people today.

Melvin A. Brown was a trustee of Lake George Village in upstate New York for 29 years. That fact alone speaks volumes about him, but even that does not tell the whole story of his contribution to his community.

Besides being a trustee for so many years, Melvin Brown was deputy mayor for 12 years and also a police and fire commissioner.

As an old volunteer fireman myself, I admire Mr. Brown's own service in his volunteer fire department. He still found time to be active in many service clubs, including the local Rotary.

Mr. Speaker, Melvin Brown is what America is all about. His spirit of volunteerism, which made a comeback in the Reagan years, is what made this country great. The reason every other nation in the world envies America is that millions of Americans like Melvin Brown give up their spare time to serve in elected office or community work. They do it not for the publicity and power, but out of a desire to make their communities better places to live.

On May 16, the community will be honoring Melvin Brown's many years of service. Mr. Speaker, I would ask all Members of this body to join me for a tribute to Melvin A. Brown of Lake George, NY, who is as fine a public servant as I have ever met and a good friend.

TRIBUTE TO THE COLD SPRING HARBOR WHALING MUSEUM COLD SPRING HARBOR, LONG ISLAND, NY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. ACKERMAN. Mr. Speaker, the Cold Spring Harbor Whaling Museum was recently awarded with the most prestigious honor a museum can be bestowed, accreditation by the American Association of Museums. Approximately 6,500 museums nationwide competed for this honor. The Cold Spring Harbor Whaling Museum was one of a select group 737 museums which succeeded in receiving the accreditation.

Opening its doors to the public more than 50 years ago, the museum has preserved Long Island's rich maritime history. In addition the museum has accurately portrayed Cold Spring Harbor as a bustling port with whaling ships and coasting vessels. Serving three generations of Long Islanders, the year round attendance of the Harbor Whaling Museum has steadily increased over the past decades. Each year, thousands of visitors have flocked to see this historical and educational institution.

Mr. Speaker, I ask my colleagues to salute the leadership and dedication of the numerous individuals who were responsible for preserving the history of Long Island's whaling heritage. Furthermore, I urge my colleagues to join me in congratulating the museum on gaining the accreditation granted to this Nation's most distinguished museums. I wish to praise the Museum's executive director, Ann Gill; and its members of the board, employees, the 65 community volunteers of the Cold Spring Harbor Whaling Museum, and the entire community of Long Island.

TRIBUTE TO THE TENTH ANNUAL JAMES JOYCE RAMBLE

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. MOAKLEY. Mr. Speaker, I rise today to recognize the tenth annual James Joyce Ramble. This road race is one of the truly extraordinary community events in my district and is unlike any other running event in the country.

The ramble takes place on the historic streets of Dedham, MA, and is named for the great Irish author James Joyce. Each segment of the course is named after a Joyce literary work and actors perform staged readings throughout the race. This along with traditional folk music, bagpipes, and Irish stepdancing, combine to create the unique and festive environment that is enjoyed by runners and spectators alike.

At the heart of this event is charity. The race has donated more than $20,000 to the Dana-Faber Institute for Cancer Research. I am confident that with strong public support and the assistance of the many fine sponsors it will continue being an important contributor.

Beyond this fine charity work, the ramble serves another equally important purpose. Each year the ramble actively supports and petitions on behalf of an Amnesty International writer and prisoner of conscience. This effort has raised public consciousness over the plight of a number of authors, most notably Vaclav Havel.

This year the race is dedicated to Xu Wenli, a leader in China's democracy movement who is now serving a 15-year prison sentence after being convicted of participating in counterrevolutionary activities. Xu has been confined to a windowless cell for most of his imprisonment and forced to subsist on meager rations of water and maize pancakes. He has been allowed no contacts with the outside world and reports suggest that he has suffered from malnutrition and lymphatic tuberculosis as a result of his imprisonment.

I join Amnesty International and the James Joyce Ramble in urging the immediate release of Xu Wenli on humanitarian grounds and in making public information on his condition. All people are entitled to proper medical treatment, food, and humane living quarters.

I would also take this opportunity to salute the ramble collaborative, race founder Martin Hanley, the local Veterans of Foreign Wars, the American Legion, and Disabled American Veterans, and the countless others who help organize the James Joyce Ramble and make it a success year after year. The spirit of charity and humanity that this event embodies cannot be overlooked.

RADIOVISION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. GILMAN. Mr. Speaker, on Saturday, May 1, 1993, Radiovision, a closed circuit radio broadcasting service for our blind and sight impaired in the Hudson Valley region of New York, will be celebrating its 13th annual volunteer recognition day.

Radiovision is one of the most impressive and respected organizations in my 20th Congressional District of New York. It is composed entirely of volunteers who read local news, topical literature, shopping hints, and other vital information that is unavailable through the mass media to the legally blind and others who possess disabilities that make it difficult or impossible to hold or read a newspaper, book, or magazine. Radiovision makes it possible for these individuals to have access to valuable information that would otherwise be denied them.

Radiovision's director, Daniel Hulse, and its volunteer coordinator, Carol Cleveland, have done an outstanding job throughout the past 13 years of keeping blind and disabled individuals in touch with their communities. Their tireless efforts have made Radiovision a dependable source and friend to all who need its services.

Those of us who have the gift of sight often take for granted the vast pools of information and entertainment that are literally at our fingertips every day. Televised news, newspapers, magazines—all these sources are denied to those who are vision impaired. However, those who are blind or sight impaired can still share in the audio portions of the news on television and on our public and commercial radio.

But what about the vast amounts of news not covered by television and radio news? What about neighborhood news? What about new literature? What about sales in our local stores? What about other vital information?

Radiovision fills that void for our sightless, by providing these items and many more that can not be found on traditional news broadcasts. The listeners are able to hear the news that day, not weeks after. It is a window on the world for all its subscribers, who receive Radiovision free of charge.

Hudson Valley's Radiovision has an estimated audience of about 650 listeners living in our region who rely on what the volunteers can obtain from the local newspapers, news releases, and other informational sources. The 101 volunteers who contribute their time and energy to Radiovision are truly, as the saying goes, reaching out and touching someone.

Accordingly, Mr. Speaker, I invite my colleagues to join with me in commending the efforts of all Radiovision volunteers on their 13th anniversary.

TRIBUTE TO 1ST LT. WALTER W. AUDSLEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. SKELTON. Mr. Speaker, it is my pleasure to inform this body of a recent presentation of the Navy and Marine Corps Medal to a U.S. Marine from my hometown of Lexington, MS, for heroism during a helicopter crash at sea on March 29, 1992. This young Marine is 1st Lt. Walter W. Audsley. The citation signed by the Secretary of the Navy reads as follows:

> For heroism while serving as CH-46 Helicopter Pilot, Marine Medium Composite Helicopter Squadron 166, 13th Marine Expeditionary Unit (Special Operations Capable). On 29 March 1992, First Lieutenant Audsley's Sea Knight helicopter was wrecked by an inflight explosion and fire shortly after takeoff and began plummeting towards the water. As the cockpit filled with dense smoke, he assisted the pilot in command in ditching the aircraft. Upon egressing and surfacing, First Lieutenant Audsley observed a severely injured Marine trapped in the sinking airframe. With complete disregard for his own personal safety, he swam to the Marine's aid and successfully pulled him free as the aircraft sank below the waves. Struggling to keep the victim afloat, First Lieutenant Audsley provided comfort while coordinating recovery efforts as rescue helicopters arrived on the scene. Only when the last survivors were safe did First Lieutenant Audsley allow himself to be pulled from the shark infested waters. By his courageous and prompt actions in the face of great personal risk, First Lieutenant Audsley was undoubtedly instrumental in the rescue recovery; thereby reflecting great credit upon himself and upholding the traditions of the Marine Corps and the United States Naval Service.
>
> For the President, Sean O'Keefe, Jr., Secretary of the Navy.

I know Members of the House join me in honoring 1st Lt. Audsley for his courage and actions. First Lt. Walter W. Audsley not only made the U.S. Marine Corps proud, but all of us who have learned of his heroism.

TRIBUTE TO SISTER LUCILLE MCKILLOP

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. REED. Mr. Speaker, I rise today to pay tribute to Sister Lucille McKillop as she marks the occasion of two decades of dedicated service as the president of Salve Regina University in Newport, RI.

In July 1973, Salve Regina welcomed Sister Lucille as its fifth president from her academic and administrative positions at St. Xavier College in Chicago. Sister Lucille is a member of the religious Sisters of Mercy and her philosophy of inspiring and challenging students to reach their highest potential in their academics, community participation, and moral character have been the hallmark of her service to the community of Salve.

Her leadership has led Salve Regina to an expanded curriculum and unprecedented growth. During her tenure, Salve Regina changed from a women's college to a coeducational institution, from a college to a university, and from an institution which today has an international perspective in its approach to educating the next generation of young people.

In the community of Rhode Island, Sister Lucille is noted for her humanitarian efforts and her many contributions to those in need. Through her vision in this regard, a spirit of community participation has touched the lives of her students and unselfishly graced the lives of many. Citizenship is an integral part of the Salve curriculum and demonstrates Sister Lucille's desire to instill in her students the commitment to make a difference.

Mr. Speaker, I ask you and my colleagues to join me in paying special tribute to a remarkable woman, Sister Lucille McKillop. Her devotion to the community, her personal integrity, and her leadership as the president of one of Rhode Island's outstanding educational institutions serve as an inspiration to us all. As a member of the Education and Labor Committee, I applaud her stewardship of Salve Regina and ask you to join with me in honoring an outstanding educator on her 20th anniversary year.

FORT WILLIAM HENRY TO HONOR "UNKNOWN SOLDIERS"

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 19, 1993

Mr. SOLOMON. Mr. Speaker, the 22d Congressional District of New York is a virtual museum of colonial American history.

As recently as the early 1950's, human remains were discovered at the sight of Fort William Henry on the shores of Lake George, which played a vital role in the French-Indian War.

On Sunday, May 30, Fort William Henry will unveil a memorial to these unknown soldiers who died to secure the British frontier.

I proudly place in today's RECORD an account of part of that history. It makes for fascinating reading, and I urge all Members not to miss it.

> THE FORT WILLIAM HENRY STORY
>
> CHAPTER ONE: 1755–1757
>
> August, 1757.
>
> Muskets blasted. Cannons roared. Death hung in the air.
>
> Fort William Henry—the proud bastion constructed by the British two years earlier at the southern tip of Lake George—was once again under violent siege by French and Indian forces seeking to advance into the colonies from Canada.
>
> Earlier in the year, the determined British and colonial troops, aided in part by a fierce Adirondack snowfall, had managed to stave off their aggressors. Now, while their hearts remained strong, the proud defenders' strength was running out.
>
> For six days, the Marquis de Montcalm and his massive force of 10,000 French and Indian warriors had bombarded the fort and Col. George Munro's 2,200 men unmercifully. The once mighty walls were beginning to fall, the lives of the many women and children who had sought refuge at the fort, were in peril. Munro had no choice but to surrender.
>
> His braves defense was not in vain, however. As the beleaguered troops battled against hope, thousands of their British compatriots had managed to secure the areas south of Forth William Henry. Montcalm—realizing that further travel into the colonies would prove futile—retreated, and granted the fort's proud defenders safe passage to Fort Edward.
>
> Unfortunately, safe passage was not to be. As the unarmed soldiers, women and children began their day-long trek south, more than 100 were killed in what colonial history would later solemnly refer to as "The Massacre of William Henry."
>
> The once-proud bastion was soon reduced to ashes, a funeral pyre for those who gave their lives.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 20, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 21

9:30 a.m.

Appropriations
Defense Subcommittee
To hold closed hearings to review global defense programs.
SD-138

Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

10:00 a.m.

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Transportation.
SD-192

Judiciary
To hold open and closed hearings to review the threat, policy, and law surrounding terrorism in the United States.
SD-226

Labor and Human Resources
To hold joint hearings with the House Committee on Energy and Commerce's Subcommittee on Health and the Environment on S. 732, to provide for the immunization of all children in the United States against vaccine-preventable diseases.
SD-G50

2:00 p.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign aid and the transition to democracy in the former Soviet Union.
SD-138

2:30 p.m.

Commission on Security and Cooperation in Europe
To hold hearings on the prosecution of violations of international humanitarian law, including violation of the Genocide Convention, in the former Yugoslavia.
SD-608

APRIL 22

9:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for programs of the Department of the Army.
SD-192

9:30 a.m.

Armed Services
To continue hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense and the future years defense program, focusing on the unified commands military strategy and operational requirements.
SR-222

Governmental Affairs
To hold hearings to examine the Federal regulation of medical radiation uses.
SD-342

Rules and Administration
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission.
SR-301

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
S-5, Capitol

10:00 a.m.

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of the Judiciary.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the United States Secret Service of the Department of the Treasury, and the Executive Office of the President.
SD-116

Finance
To resume hearings to examine the Administration's energy tax proposals.
SD-215

Judiciary
To continue hearings to review the threat, policy, and law surrounding terrorism in the United States.
SD-226

2:00 p.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Environmental Protection Agency.
SD-106

2:30 p.m.

Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.
SD-366

APRIL 27

9:30 a.m.

Governmental Affairs
To hold hearings to examine environmental problems in the Federal Government.
SD-342

10:00 a.m.

Finance
To hold hearings to examine the Administration's tax proposals, focusing on trade issues.
SD-215

Judiciary
To hold hearings on issues relating to health care fraud.
SD-226

Veterans' Affairs
To hold oversight hearings on veterans' and health professionals' views on the present and future role of the Department of Veterans Affairs health care system.
SR-418

2:00 p.m.

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
H-5, Capitol

2:30 p.m.

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish the Death Valley, Joshua Tree, and Mojave National Parks.
SD-366

APRIL 28

9:30 a.m.

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on Federal trade data.
SD-342

10:00 a.m.

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold hearings on the roles and missions of the Department of State in the 1990's.
SD-419

2:00 p.m.

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To continue hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks.
SD-366

Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to examine the roles and missions of the Department of State in the 1990's.
SD-419

APRIL 29

9:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold oversight hearings on implementation of the Alternative Agricultural Research and Commercialization Act of 1990.
SR-332

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
S-5, Capitol

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings to examine the North American Free Trade Agreement's effects on U.S. competitiveness.
SR-253

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Development.

SD-106

Finance

To resume hearings to examine the Administration's tax proposals, focusing on trade issues.

SD-215

2:30 p.m.

Energy and Natural Resources

Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee

To hold oversight hearings on waste minimization and industrial energy efficiency.

SD-366

MAY 4

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on U.S. foreign policy and security interests.

SD-138

MAY 5

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MAY 6

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 646, to establish within the Department of Energy an international fusion energy program.

SD-366

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Commission on National and Community Service.

SD-192

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.

SD-138

MAY 11

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.

SD-138

MAY 12

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MAY 13

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.

SD-106

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.

SD-138

MAY 14

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.

SD-192

MAY 18

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on the goals and strategies of development assistance and sustainable development.

SD-138

MAY 19

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MAY 21

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.

SD-138

MAY 25

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on U.S. international economic and commercial interests.

SD-138

MAY 26

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MAY 27

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.

SD-106

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD-138

JUNE 8

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.

SD-138

JUNE 10

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.

SH-216

POSTPONEMENTS

APRIL 21

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the competitiveness of the U.S. aerospace industry, and on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.

SR-253

2:00 p.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold oversight hearings on the Report of the Kaho'olawe Island Conveyance Commission.

SD-366

HOUSE OF REPRESENTATIVES—*Monday, April 20, 1993*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind us, gracious God, that You have created all the people of the world and have blessed every person with gift of life. We confess, O God, that we have not always been respectful of other peoples and have discriminated against others in many and sometimes violent ways and we have not demonstrated the unity we have been given by Your hand. Forgive us, renew us, strengthen us and remind us that we are all creatures of Your hand and destined by Your good will to live together in peace and harmony. May Your blessing that is new every morning encourage us to be Your people and to respect each other in grace and in truth. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MONTGOMERY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MONTGOMERY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 242, nays 137, not voting 51, as follows:

[Roll No. 136]

YEAS—242

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Byrne
Cantwell
Cardin
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (TX)
English (AZ)
English (OK)
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Ford (TN)
Furse
Gejdenson
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Horn
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Roemer
Rose
Roth
Rowland
Roybal-Allard
Rush
Sabo
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thornton
Thurman
Torricelli
Traficant
Tucker
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Watt
Waxman
Wheat
Whitten
Wilson
Wise
Woolsey
Wyden
Wynn

NAYS—137

Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Huffington
Hutchinson
Istook
Jacobs
Johnson, Sam
Kim
King
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McCollum
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Pryce (OH)
Ramstad
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—51

Allard
Andrews (NJ)
Barton
Bateman
Bilirakis
Brooks
Brown (CA)
Bryant
Carr
Clay
Conyers
Deutsch
Dornan
Edwards (CA)
Engel
Eshoo
Fields (TX)
Foglietta
Ford (MI)
Frank (MA)
Frost
Gekas
Gephardt
Henry
Hoke
Houghton
Hunter
Hyde
Inhofe
Johnson (CT)
Kingston
Lantos
Machtley
Morella
Pickett
Quillen
Quinn
Ravenel
Richardson
Rostenkowski
Sanders
Scott
Shaw
Sisisky
Sundquist
Torres
Towns
Unsoeld
Waters
Williams
Yates

□ 1223

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from South Carolina [Mr. INGLIS] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. INGLIS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Thomas, one of his secretaries.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unable to vote on vote No. 136, because I was attending the commemoration of the U.S. Holocaust Museum.

Had I been present, I would have voted to approve the House Journal for April 19, 1993.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a joint resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 80. Joint resolution to designate the week of April 17–24, 1994, as "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week".

The message also announced that pursuant to Public Law 102–429, the Chair, on behalf of the majority leader, announces the appointment of John F. Welch, Jr. of Connecticut and William A. Reinsch of Maryland, as members of the Selection Panel for the John Heinz Competitive Excellence Award.

The message also announced that pursuant to Public Law 98–183, as amended by Public Law 101–180, the Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, appoints Cruz Reynoso of California, to the U.S. Commission on Civil Rights.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 20, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of the official results received from the Secretary of State, State of Mississippi, indicating that, according to the official returns of the Special Election held on March 30, 1993 the Honorable Bennie G. Thompson was elected to the Office of Representative in Congress from the Second Congressional District, State of Mississippi.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

STATE OF MISSISSIPPI,
SECRETARY OF STATE,
Jackson, MS, April 19, 1993.

Mr. DONNALD K. ANDERSON,
Clerk of The House of Representatives, The Capitol, Washington, DC.

DEAR MR. ANDERSON: The special election to fill the vacancy created in Mississippi's Second Congressional District for the U.S. House of Representatives was held March 30, 1993, and in accordance with state law, the runoff election was held April 13, 1993.

Official and certified returns, a copy of which is attached, show Mr. Bennie Thompson to be the winner. The official returns reflect the following vote totals for the two candidates:

Bennie Thompson—72,561.
Hayes Dent—58,995.

Please contact our office if you have any questions. Our telephone number is (601) 359–6357.

Sincerely yours,
DICK MOLPUS.

CERTIFICATION

I, Dick Molpus, Secretary of State of the State of Mississippi, in accordance with Mississippi Code Annotated, Section 23–15–605 (1972), do hereby certify that the attached is an accurate compilation of the whole number of votes cast for each candidate in the April 13, 1993 Special Run-Off Election to fill the unexpired term in the office of United States Representatives, Second District.

Given under my hand and seal of office this the 19th day of April, 1993.

DICK MOLPUS,
Secretary of State.

STATEWIDE ELECTIONS SUMMARY—SPECIAL RUNOFF ELECTION—OFFICE: HOUSE OF REPRESENTATIVES—SECOND CONGRESSIONAL DISTRICT

County	(R) Hayes Dent	(D) Bennie Thompson
Attala	693	920
Bolivar	4,568	6,206
Carroll	2,096	954
Claiborne	847	2,505
Coahoma	3,618	3,579
Grenada	2,984	1,778
Hinds	1,735	12,817
Holmes	1,998	3,764
Humphreys	1,839	2,086
Issaquena	311	380
Jefferson	643	2,694
Leake	390	826
Leflore	4,991	4,575
Madison	2,857	4,857
Montgomery	1,127	744
Panola	867	1,544
Quitman	1,415	1,469
Sharkey	1,053	1,031
Sunflower	3,782	3,340
Tallahatchie	821	1,290
Tunica	596	1,032
Warren	7,883	4,664
Washington	6,950	6,256
Yazoo	4,931	3,250
Totals	58,995	72,561
Percent	44.8	55.2

SWEARING IN OF THE HONORABLE BENNIE G. THOMPSON, OF MISSISSIPPI, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the distinguished dean of the House and dean of the Mississippi delegation, the gentleman from Mississippi [Mr. WHITTEN], and the members of the Mississippi delegation, present and former, please escort the Member-elect from the Second District of Mississippi, BENNIE G. THOMPSON, to the well for the purpose of taking the oath of office?

Mr. THOMPSON appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the House.

The Chair takes great pleasure in recognizing and presenting to the House the Member of Congress from the Second District of Mississippi, the Honorable BENNIE G. THOMPSON.

STATEMENT OF APPRECIATION FROM NEWLY ELECTED MEMBER

(Mr. THOMPSON asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON. Mr. Speaker, on behalf of a number of individuals who afforded me the opportunity to come here, and the fact about it is, it is 71,330, I accept the oath of office. I acknowledge the individuals who come here today in support of my position and oath of office as well as my daughter and wife who are also present.

I look forward to representing the Second Congressional District of Mississippi, as well as working on the problems of this country. I look forward to working on specific legislation that can bring the Second Congressional District off the bottom. We are the second poorest district in the United States, and I need the help of the membership to change that.

Our Secretary and other people have acknowledged that support and pledged his support, so again let me thank all the individuals who came.

I pledge 100-percent cooperation and participation on their behalf.

□ 1230

THE BRANCH DAVIDIAN TRAGEDY

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of Texas. Mr. Speaker, yesterday, the Nation witnessed an immense human tragedy in my district near Waco, TX.

I doubt if anyone can adequately put into words the emotion of watching over 80 men, women, and innocent children perish in a cruel and brutal fire apparently set by the Branch Davidians.

The loss of life anytime for any reason is tragic. The loss of small, innocent children because they were pawns in David Koresh's delusions was senseless tragedy at its worse.

Along with every parent who can comprehend the profound grief of losing a child, along with the families of killed and wounded ATF agents, along with millions of citizens throughout America and the world who can genuinely share the sorrow of losing loved ones, I extend my deepest thoughts and prayers.

Yesterday, we hoped for a peaceful conclusion.

Today, we express heartfelt prayers to all.

Tomorrow, each of us in our own way must make some sense out of this seemingly senseless loss of life.

My plea to the Nation is this: Let us be more committed to saving lives in the future than in laying blame in the past.

Before the ashes even cooled at Mount Carmel, some have blamed Waco, the FBI, the ATF, Attorney General Reno, and even the President.

Monday morning quarterbacks and instant experts have drawn conclusions of blame before the facts are even gathered.

To my colleagues in Congress and members of the media, my plea is this: Let us be guided by a genuine interest in finding the facts rather than by sound bites, sensationalism, and politics. Nothing could be more sickening than for anyone to seek political gain from the loss of human life.

Now that the siege is over, I think it is appropriate for Congress to review the actions of the ATF and FBI. In doing so, I hope we ask: Were the process and decisions reasonable at the time, not were they perfect in hindsight.

If unreasonable mistakes were made, let there be accountability and lessons learned, but let us also not forget the sacrifice and heroism of many Federal, State, and local law enforcement officials. Nobody cared more about a peaceful solution than the agents whose lives were on the line for 51 days.

Finally, I would hope that we can find a means, within or outside of Government, to thoroughly examine this event and the question of how can we save lives in similar situations in the future. We may not find an answer, but we must try in a bipartisan, nonpolitical forum. We cannot bring back the lives already lost, but by dealing responsibly with this tragedy, perhaps we can save the lives of others.

THE TAX MAN

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, I am certain that the President is inspired by that old Beatles song, "The Tax Man," Remember the words, "If you want to drive, he'll tax the street, if you want to walk, he'll tax your feet," and so on. This song came to me on April 15, when the President acknowledged he is thinking of more ways to get his hands on our money.

> If you think you're safe, he'll tax your VAT. If you scream too loud, he'll tax your cat. If you drink a bit, he'll tax your beer. If you think too much, he'll tax your fear. If you take tobacco, he'll tax your smoke. If you think it's funny, he'll tax your joke. If you want to drive, he'll tax your gas. If you want to cry, he'll tax your past.

Bill Clinton is the tax man, and he is coming to take your money away.

LET US HAVE A VOTE ON THE STIMULUS PACKAGE

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, as some of my friends know, I have been working my way through the Truman book, about 1,000 pages of it. I am down to the last 25, and frankly I somewhat regret getting to the end, it has been such a good and educational experience.

What strikes me is that while some people in this institution and the one across the hall are fighting a $16 billion stimulus package, 45 years ago, Harry Truman saw Europe in need at the end of the hot war and he proposed a $16 billion Marshall plan that saved Europe from communism and started their economies again.

When Americans are laid off, we hear $16 billion is too much. Well, let me tell you something: That $16 billion in today's dollars is over $400 billion.

The problem of the stimulus package in my district is not that it is too big; it was not large enough. But it is a minimum of what we should do to put Americans back to work and give them the dignity of bringing a paycheck home. Enough of these speeches and stopping the will of the people. Let the President have a vote. Let us move on with this and put Americans back to work.

□ 1240

PRESIDENT CLINTON AND TAXES

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, Will Rogers once said that he never met a man he did not like. It would seem President Bill Clinton never met a tax he did not like.

In his tax bill that we will consider next month, President Clinton will tax the rich, he will tax the poor, and he will tax the vast middle class. He will tax Social Security, and he will tax energy; but he is not content to stop there, apparently.

No, the President is now considering a value added tax to complement his other tax schemes, announced, ironically, on April 15, Tax Day.

So, President Clinton not only wants to raise marginal income tax rates, he wants to increase taxes on alcoholic beverages, levy a broad-based energy tax, and now he contemplates putting a new tax on all consumer goods.

During the Easter work period, I received an overwhelmingly strong message from my district. Cut spending first. Taxes can wait.

Mr. Speaker, I hope President Clinton will listen to the people and heed their voice.

MOVE THE STIMULUS PACKAGE AND GET ECONOMY MOVING

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, we are going to hear the opponents coming out again today. They are complaining about the President's stimulus package.

Well, it is interesting to hear them talk. What they are not telling you are a few things like this.

Do you remember who brought us in the last 4 years the lowest economic growth period since World War II? That is right. The opponents of the President's stimulus package.

Do you remember who brought us the worst recovery out of a recession at any time since the Great Depression? That is right. The same folks we are hearing today opposing the President's stimulus package.

Just yesterday I heard Michael Boskin come out against the President's stimulus package. He was the one who headed up the gang who could not shoot straight for the last 4 years, and advised the President to the mess we are in, the previous President, that is.

Now, I note also that Japan has just announced a $117 billion stimulus package. Other nations are planning a stimulus package for the Russian economy. Every other nation knows we are in a worldwide recession and there is a need to stimulate their economies, and yet the opponents would come out against those measures which would provide some jobs for our people.

Mr. Speaker, let us move this stimulus package and get this economy moving.

"THAT AIN'T ALL, FOLKS"

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, talk about the gang that cannot shoot straight. President Clinton has proposed an economic stimulus package that is costing the taxpayers $16 billion for swimming pools, parking garages, movie theater renovation. That is a jobs bill?

That is pork for big city mayors and politicians that he is paying off from his campaign. It is not good for America. It is bad for America.

But "that ain't all, folks." He has got $328 billion in new taxes, almost double the largest tax increase in history. But "that ain't all, folks."

There is $74 billion in hidden fees and taxes, like the $29 billion they are adding on to Social Security recipients. But "that ain't all, folks."

On April 15, he came out with a great thing for America, a value added tax, or a national sales tax or whatever you want to call it, that is going to hit every single American. If you add them all together, that is almost half a trillion dollars, almost triple the largest tax increase in history.

And that is going to get us jobs? Baloney.

It is going to cost 1½ to 2 million jobs in the next 5 years.

And what does he want to give America? Pork, pork, pork, and more pork.

THE PRESIDENT'S JOBS AND INVESTMENT COMPROMISE

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, President Clinton's jobs and investment stimulus package offers us a chance to get America working again. One of the reasons that it will get America back to work and that it is widely supported by communities across the country is because it will begin immediately. This summer our teenagers will have a chance to get jobs. But "that ain't all, folks."

Small businesses will have a chance to receive assistance. But "that ain't all, folks."

Our Community Development Block Grants Programs will bring work to the cities. And "that still ain't all, folks."

I cannot emphasize strongly enough how critically important this jobs and stimulus package is to all of our country, and especially to the State of Illinois.

While some Members of the other body are preventing communities everywhere from receiving this greatly needed relief, unemployment continues. And "that ain't all, folks."

Small businesses are still continuing to fail. And "that ain't all, folks."

Teenagers are approaching another summer vacation where long days are still likely to be filled by loitering in play lots and on street corners, and perhaps even doing crimes. And "that ain't all, folks."

America wants jobs now. "That's all, folks."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). The Chair would advise all Members that remarks should not be critical of Members of the other body.

TAXOPHILIA

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I think I have discovered what is ailing the administration.

It has taxophilia. Like hemophilia, this disease is very serious. Every time the Clinton administration gets into trouble, it needs more taxes.

That is the only way I can explain the President's need to talk about a VAT tax on the April 15. As the American people are giving the Government money, the administration can only think of getting more.

So, along with plans to increase sin taxes and energy taxes and all the other taxes, the President wants a tax on all consumer products.

This must be taxophilia. I can think of no other explanation.

OLD WAYS IN WASHINGTON DIE HARD

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, in less than 1 year, America has chosen a new President and 111 new Representatives to the House. Throughout this Nation, people have challenged the old ways of governing, and are rightfully expecting their legislators to do the same.

But in the last 3 weeks, we have learned that the old ways in Washington die hard. The Senate Republicans have taken it upon themselves to carry the banner of George Bush and Dan Quayle. In the face of a flat economy, they still say, "Do nothing." In the face of criticism, they blame the other party.

The SPEAKER pro tempore (Mr. MFUME). The gentleman will suspend. The Chair would advise all Members that such references to Members of the other body should not be made.

The gentleman may proceed.

Mr. POMEROY. I thank the Speaker.

Mr. Speaker, those who are objecting to the President's economic package are the same ones who were telling us last year there was no recession. Last year their goal was to support the Republican President. This year it is to frustrate the Democratic President. Their goals have never been to advance the interests of the people of our Nation.

North Dakotans are demanding that Congress confront the economic challenges that face this country. Like all of us elected to Congress with the charge of ending business as usual, they are tired of partisan gridlock. With the economic package, we have an opportunity to take constructive steps that will help our unemployed, our small businessmen, our farmers, and our children.

For this reason, I call upon our colleagues to put aside partisanship and politics, and work with the President to pass an economic package.

TROUBLE IN RIVER CITY

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, we have trouble in River City.

President Clinton has got a plan. But his plan starts with P, which rhymes with T, and that means taxes. More taxes here in River City.

His plan, he says, will stimulate the economy. But economy starts with E, which rhymes with T, and that means taxes. More taxes here in River City.

He wants a VAT. And VAT starts with V, which rhymes with T, and that means taxes. More taxes here in River City.

He will press for a Btu. And Btu starts with B, which rhymes with T, and that means taxes. More taxes in River City.

But more taxes means more spending. And more spending means more deficits. And deficits starts with D, which rhymes with T, and T means trouble. Trouble here in River City.

THE STIMULUS PACKAGE

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, in my district, the vast majority of the people want to see the President's stimulus package approved.

The recovery they hear about has yet to show its presence in their communities. In fact, of the 16 counties I am privileged to represent, 15 of them have experienced increased unemployment since January. In five of them, the unemployment rate is in double figures, up an average of 0.3 percent since January.

Does this sound like a State in recovery? I do not think so.

There are anxious men and women in my district, and throughout America, who want to work, who want to feel a part of this great experiment called America.

They want to feed, clothe, and educate their children. They want to feel the security that only a decent job can render.

They want to look to the future with hope. They want this Congress to let this new President try his remedy for our Nation's ills.

The minority party of the other body has made its point. Now is the time to get to the point. And the point is that Americans want to work, and they want their Government to work. They want an end to gridlock and the beginning of a new era.

□ 1250

APRIL IS THE CRUELEST MONTH

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, T.S. Eliot wrote in 1922 that April is the cruelest month. It is unlikely there was veiled reference intended in "The Waste Land" to the IRS back then. But in April 1993, the month when Americans wrote sizable checks to Uncle Sam, this refrain rings especially true. It would not be taking excessive poetic license to read T.S. Eliot's words and think of promises yet unfilled—a reading that describes the first 100 days of the new administration. President Clinton was viewed by many as a President of promise upon his election. Today, the media, the pundits, and many Americans refer to him as a President of promises broken. While we all applaud him for trying to tackle our difficult national challenges, a feeling of increasing anxiety unmistakably pervades the Nation about the economic directions he has chosen. Even while paying their taxes, Americans heard of plans for the so-called value added tax. And that comes on top of higher income taxes, higher Social Security taxes, and a whopping energy tax. All for what? Rising deficits after 5 years and an almost $6 trillion debt! Now that is a cruelty America must avoid.

ECONOMIC RECOVERY IN AMERICA

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, I rise today in support of a comprehensive urban agenda and urban policy for America.

Mr. Speaker, we have heard our colleagues on the other side of the aisle come up and make mockery of this issue. They have made it into what we can call alphabet soup with p's, and t's, and d's. Well, the "p" stands for pain, and the "t" stands for trouble, and, if they are not aware of it, they should have looked at the news over the weekend and what happened in Los Angeles. I was there.

Yes, we dodged a bullet this weekend, Mr. Speaker, but America has many bullets to be dodged in the upcoming months. There has been no economic recovery in America. We are still waiting on it.

Mr. Speaker, we find $20 billion to send to Russia to get them recovered. We find money to send to Bosnia to recover them. We find money to do everyone justice but this country and the Americans in the urban communities.

We need jobs now. Those of my colleagues on the other side of the aisle and those of us who are out of touch need to get in touch. I say to my colleagues, "I don't know about your communities, but my communities are asking for jobs. They are asking for jobs. They are asking for jobs. They are asking for jobs now."

DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORN. Mr. Speaker, I rise today to join my colleagues who this week remind us of the victims of the Holocaust. The U.S. Holocaust Memorial Council deserves our thanks for organizing a number of events during the Days of Remembrance of Victims of the Holocaust, April 18–25, 1993. I also congratulate the Council on the successful completion and opening of the U.S. Holocaust Memorial Museum in Washington, DC, this week. The museum will certainly serve the purpose of reminding coming generations of the unbelievable crimes against humanity committed during the Holocaust.

Needless to say, my generation remembers first hand the vile atrocities committed by the Nazis in Germany and throughout Europe. Many of us have family or know individuals who barely survived with their lives from those dark days. It is therefore our duty to remember those victims today and declare our commitment to protest and fight against political, religious, racial or ethnic persecution at home and abroad.

Anti-Semitism is raising its diabolical head again in many countries including those in Eastern Europe and the former Soviet Union. Far too often there are also examples of anti-Semitism in the cities of this Nation. Our world must grow to overcome various ancient hates. The people of Armenia and Nagorno-Karabakh are also struggling to survive. It is hard for those of us who enjoy the security and freedoms of this nation to imagine such situations, but as we sadly know, they exist even today in much of Yugoslavia.

The Days of Remembrance of the Holocaust serve as a timely reminder to the United States that all Americans who believe in justice must continue to be vigilant and fight the evils of violence and hate wherever they arise, particularly during these important days of global political change.

THE HOUSE MUST INVESTIGATE BATF TACTICS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I rise today to strongly question the tactics which has resulted in the death of 17 to 24 children near Waco, TX. Prior to February 27, 1993, the followers of David Koresh were citizens that to my knowledge had caused no problems of any kind in their community. On February 28, 1993, following what appeared to be a staged for TV assault by BATF on the compound they were living in, they all became heinous killers, according to BATF. For many years I have observed the Gestapo-like tactics of BATF, as they have gone beyond normal police procedure and instead staged dangerous assault type raids on individuals' homes and businesses. If, as some believe, BATF fired the first shots on February 28, did in fact those inside the compound have a right to defend themselves? At the very least the reason for the assault, purported illegal weapons, would not have resulted in a death sentence. Why after 51 days was yesterday's action deemed necessary? Why were family members never allowed to talk to their loved ones in an attempt to persuade them to come out?

Mr. Speaker, I fail to see the crimes committed by those in the Davidian compund that called for the extreme action of BATF on February 28, and the tragic final assault yesterday. It is my understanding we will not have the opportunity to review the official search warrant complaint that started this whole tragedy as the search warrant and complaint have been sealed and are not to be unsealed.

I call on the House to investigate this matter as well as the tactics of BATF in many other similar raids around the country.

TEXAS TECH UNIVERSITY RAIDERS—1993 NCAA WOMEN'S BASKETBALL NATIONAL CHAMPIONS

(Mr. COMBEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COMBEST. Mr. Speaker, how about those Lady Raiders? Today I rise to pay tribute to the Texas Tech University Lady Raiders on capturing the 1993 NCAA women's basketball national championship. The Lady Raiders, led by talented head coach Marsha Sharp and her coaching staff, defeated Ohio State 84–82 at the Omni in Atlanta to bring home Texas Tech's first ever NCAA national championship in any sport.

Described as the finest hour in women's college basketball, Texas Tech's all-American senior forward Sheryl Swoopes—that rhymes with hoops—shattered 10 tournament records and tied two others while gathering every honor from MVP of the final four to NCAA national player of the year. Quite simply, she is the best that's ever played the game.

In the last 11 recordsetting seasons at Tech, head coach Marsha Sharp has taken this program to a new level. She has coached the Lady Raiders to the NCAA tournament on six different occasions and captured back-to-back Southwest Conference championships. This year alone, she was named Southwest Conference Coach of the Year for a third unprecedented time and named national coach of the year by two national organizations. And, the Lady Raiders currently enjoy a 19-game winning streak.

As we say in Lubbock, TX, we love ya Lady Raiders.

EQUITY FOR CONGRESS ACT

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, over 200 years ago, James Madison wrote in the Federalist Papers: "Congress can make no law which will not have its full operation on themselves and their friends * * *."

A bill I will soon be introducing, the Equity for Congress Act, will finally achieve the goal that Madison stated so long ago.

My bill will require Congressional compliance with the following laws: Civil Rights Act, Age Discrimination In Employment Act, National Labor Relations Act, Fair Labor Standards Act, Occupational Safety and Health Act [OSHA], and Family Medical Leave Act.

Enforcement will be by administrative or civil action if Congress or any office of Congress is not in compliance.

In the history of the Congress, dating back to 1789, only two Members have ever been expelled from the Congress excluding the Civil War period.

Congress and its Members will be subject to the independent counsel provisions of the Ethics in Government Act.

This bill will send a clear signal across the Nation that Congress recognizes that, it too, is subject to the rule of law. New Members from both sides of the aisle endorse this concept.

I encourage Members to sign on as cosponsors.

CONGRATULATIONS TO MEMBERS OF THE OTHER BODY FIGHTING FOR FISCAL RESPONSIBILITY

(Mr. STEARNS asked and was given permission to address the House for 1 minute.)

Mr. STEARNS. Mr. Speaker, I rise today to congratulate the other body, the Senate, for making their strong stand on fiscal responsibility. Their opposition to the President's spending package, which he calls a stimulus package, is based upon a real commitment to deficit spending, and we have not entirely seen that from the administration.

There are three important reasons why the Senate has opposed the President's stimulus or spending package. First, we are already facing a huge Federal deficit that demonstrates that excessive Federal spending is a drag on the economy and not a stimulus.

Second, while some of the programs in the spending package are worthwhile, the President has included a great deal of pork, and he has not cut spending enough.

Finally and third, Mr. Speaker, the President is ignoring real stimulants that he himself says he favors such as a capital gains tax reduction and enterprise zones.

Mr. Speaker, I have introduced H.R. 1636 to give the President these five important tools, and, in fact, Mr. Speaker, these are in his book, "Putting People First." The President needs to drop his demand for increased spending and work with Congress to reduce the deficit now.

DAVID KORESH AND UNCLE SAM SHARE RESPONSIBILITY FOR WACO TRAGEDY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, as a former sheriff, I believe the massacre in Waco, TX, could have been avoided. I believe it was unnecessary for 90 people to die, including 24 children and 4 Federal officers.

Let us check it out. To start with, in February, David Koresh was informed he would be attacked. No. 2, until this very day the Justice Department tells us they had a well-thought-out plan.

Mr. Speaker, I disagree. When you have 100 TV crews but not one firetruck, that is not a well thought out plan. That is box office, pure and simple. It got the Feds into this mess.

Mr. Speaker, let me say this: When law enforcement gives us a soap opera, real people die. Do not get me wrong, David Koresh is responsible for this massacre in Waco, TX, but Uncle Sam is not without fault.

MARKING THE 50TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

(Mr. KING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING. Mr. Speaker, this week marks the beginning of the 50th anniversary of one of history's most tragic and heroic events—the Warsaw ghetto uprising.

In 1943, the Jews of Nazi-occupied Warsaw had been herded into the ghetto. There, the savagely persecuted Jews were decimated by the twin scourges of starvation and disease while they awaited certain doom in the jaws of the Nazi's grimly efficient death machine.

In April 1943, faced with forced transfer to death camps, the Jews of the Warsaw ghetto rose up against their oppressors and bravely fought for their lives. Although poorly armed, the heroic Jewish freedom fighters withstood highly trained and well-equipped Nazi forces in a desperate struggle.

The heros of the Warsaw ghetto were eventually overcome by a massive application of armed might, but their brave stand echoes through history. Their example will shine as an inspiration to oppressed people throughout the ages.

During this session I introduced a measure to commemorate the gallant stand in the Warsaw ghetto which received a wide measure of bipartisan support in the House. This week throughout the world—in Poland, in Israel, and the United States—ceremonies and observances are being held to mark this anniversary.

We should never forget the Holocaust or the brave freedom fighters of the Warsaw ghetto, but I am deeply saddened, that during these days of remembrance, the same evil forces of oppression, tyranny, and death are again at work in Europe. By turning our backs on the people of Bosnia and ignoring Serbian aggression, we are shaming the memory of those who died in the Holocaust and ignoring the lessons of history.

WORK AND JOBS, THE KEY INGREDIENTS TO ECONOMIC RECOVERY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, many Republicans seem to be acting as though work is a naughty four-letter word. I think most Americans would totally disagree with them. They think work is how we honor ourselves and what this great country was built on.

It is very frustrating for many Americans to see the Japanese, when their unemployment rate hit a little over 2 percent, run out and put together a $115 billion stimulus package to create jobs in all sorts of areas we have hoped to move into. Meanwhile, this country, with twice as many people as the Japanese, cannot even get a multimini program, a $16 billion program, passed. I think many Americans feel there are certain people here who look like Nero, who fiddled while Rome burned. We have many people talking while Americans want action.

Mr. Speaker, I certainly hope we can get this stimulus package out because I think jobs are the way we work our way out of this recession. It is the only way that I know how to do it.

THE SHIRTS OFF OUR BACKS COME WITH MESSAGES

(Mr. INGLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INGLIS. Mr. Speaker, this week I was at home in my district, and the creative people of United We Stand America presented a very clear message to me. They presented it in a very creative way, and that was this: Realizing that they represent many of the taxpayers of America who realize that the problem is not that we are taxed too little but that the Government spends too much, they decided to take the shirts off their backs and give us messages here in the Congress.

In other words, if the President and this Congress are bent on taking the shirts off their backs, their idea is to use those shirts to communicate their messages. Let me tell the Members what a few of those messages are here.

First, here is one that says very plainly, "Make Cuts First." Those folks, the taxpayers of America, also know where those cuts should start. They should start right here in this House, so they tell me, "Roll Back Congressional Perks."

Those people also realize that in order to really get change in this place, we need to do some things like limiting terms and passing a balanced budget amendment.

Finally, Mr. Speaker, from the smallest little one in our district, there is this very simple message: "Read My Shirt, No New Taxes."

MILLIONS OF AMERICANS DENIED EQUAL ACCESS TO HEALTH CARE

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, an injustice has been perpetrated, for too long in this country, against a community of American citizens. The injustice has been the denial of equal access to all U.S. citizens to the benefits provided by the Nation's health care program. The community of American citizens that have suffered this injustice are my constituents.

Access to adequate health care, for all American citizens, must be recognized as a right, not as a privilege. We have not been alone in suffering this unfair treatment. And we are not alone in calling for it to be redressed.

This injustice has been recognized by the Congressional Black Caucus and the congressional Hispanic caucus. They, along with me, are asking, what possible justification can there be to deprive equal access to health care to 3,600,000 Puerto Rican Americans, 80,000 African-Americans in the Virgin Islands, and to the American ethnic minorities in Guam and American Samoa?

I ask for your support, Mr. Speaker and my colleagues, to make sure that equal access to health care for all Americans, without exception, is an essential part of President Clinton's national health care reform.

REMOVAL OF THE STATUE OF FREEDOM

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, it is a sad day when one Federal agency cannot help out another branch of Government. I am certainly not an advocate of the Federal Government competing with the private sector in the free enterprise system, but the matter of removing the Statue of Freedom from the dome of this Capitol is a very unique and one-time deal.

Air National Guard units from Alabama, Mississippi, and Pennsylvania have been involved in detailed consultations with the Architect of the Capitol for months on exactly how the statue removal will be accomplished. These units have also been conducting extensive training exercises on how this mission will be carried out. As a matter of fact, Mr. Speaker, the Mississippi National Guard actually performed a nearly identical mission for the Texas Legislature; but only after bailing out a private crane company who got in over their heads.

The recent decision by William Perry, the Deputy Secretary of Defense, to disallow the Guard from performing the mission because of a DOD policy that forbids competing with private industry misses the point. This is a one-time government mission.

I have been informed that the Architect of the Capitol has sent a letter of intent to a company accepting their bid to remove the statue for $60,000. This bid was unsolicited and noncompetitive.

Mr. Speaker, I think we are confusing the ceremonial and historical aspects of restoring the Nation's Capitol with a Federal construction contract. It seemed perfectly logical and appropriate for the National Guard to remove the Statue of Freedom at the beginning of the restoration project, and it still makes perfect sense today. Let us save the taxpayer some money for a change—let the Guard do it.

□ 1310

LESSONS FROM THE HOLOCAUST

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, three separate events this week remind us of how perversely, how monstrously, and how barbarously human beings can treat one another.

The first event is one from which I just returned: the 13th annual commemoration in the Capitol Rotunda of the Days of Remembrance to remember the victims of the Holocaust. Also, this week we commemorate the 50th anniversary of the uprising in the Jewish ghetto in Warsaw, and this Thursday is the official opening of the memorial museum on the Capitol mall honoring the Holocaust.

These separate events, Mr. Speaker, remind us again of the raw, unadulterated evil which marauds the world and about which we have to be watchful even today. They also remind us, Mr. Speaker, of the grace and the courage and the fortitude and beauty exhibited by the Jewish people a half century ago in the face of dire and difficult circumstances. The lessons they have taught us, Mr. Speaker, reverberate down through history and are as inspirational to us today, 50 years later, as they were then.

GWINNETT COUNTY TOWN HALL MEETING

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, this past weekend, NEWT GINGRICH and I participated in a town hall meeting in Gwinnett County, GA, to give the people of Georgia's Fourth and Sixth Congressional Districts the opportunity to express their views on President Clinton's proposed economic plans.

Not one person in the crowd of over 500 stood to say that he or she believes that they are not paying enough taxes and that our Federal Government spends too little. On the contrary, Mr. Speaker, the people with whom I spoke were very concerned that our new President has already proposed the largest tax increase in our Nation's history.

To add insult to injury on April 15, tax day, the administration announced that, despite earlier denials, it was considering an entirely new tax: the value added tax [VAT]. The VAT tax is essentially a stealth tax that allows politicians to levy large taxes on manufactured goods without being held immediately accountable. Because the tax is levied on the value added to a product at each stage of production, the final cost of the tax is hidden in the price the consumer pays to purchase the good.

I would also like to add that the preliminary results of the Gwinnett County town hall survey show that 98 percent of the people surveyed oppose the value added tax.

Mr. Speaker, if there was ever the slightest doubt in my mind that President Clinton's tax increasing plan is wrong for America, it was put to rest last Saturday. It is abundantly clear that the people of Gwinnett County, GA, and all over America want less taxes, less spending, less government. It is equally clear that the Clinton program offers exactly the opposite.

NCAA VICTORY FOR THE TAR HEELS

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, it is with great pride that I rise today to recognize the accomplishments of the University of North Carolina tar heel basketball team, the 1993 NCAA national champions. With coach Dean Smith at the helm, the tar heels defeated the University of Michigan Wolverines 77–71 in one of the most exciting final four finishes in the history of the championship.

The consistency of Donald Williams from three-point range, the leadership of senior George Lynch, the drive of Derrick Phelps and Brian Reese, and the prowess and sportsmanship of Eric Montross combined with the reliability of seniors Henrik Rödl, Scott Cherry, Matt Wenstrom, and Travis Stephenson to overpower the capable "fab five" from Ann Arbor proving the skies above New Orleans are indeed Carolina blue.

I congratulate Coach Smith on his second NCAA title and on the discipline both on and off the court he instills in his players. And I look forward to a repeat next year.

H.R. 5—UNION TRUMP CARD

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I rise today in strong opposition to H.R. 5—a measure that would rob our current labor laws of balance and fairness. Those in support of H.R. 5 would have us believe that making permanent replacements illegal would increase fairness. In reality, making this change would be like dealing labor unions a huge trump card, thereby guaranteeing victory in every dispute.

Mr. Speaker, this is clearly a ploy by the already too powerful unions to increase their faltering membership and their political power. These unions represent only 12 percent of the private working force in America, leaving nearly 80 percent of private sector American workers unrepresented by this legislation. Even more important to this body, the people who elected us oppose this type of legislation by a 2-to-1 margin.

Mr. Speaker, the decision before us is whether we will stand in defense of mainstream America, or whether we will succumb to the clamoring of a vocal union minority who are asking this Congress to do for them what they cannot do for themselves. I urge my colleagues to stand on the side of fairness and vote with me in opposition to H.R. 5.

THE HEALTH OF AMERICA

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the three biggest issues in the country today are, No. 1 health. If you do not have your health, you have nothing. If you have no health insurance and have no job, your health deteriorates.

Mr. Speaker, No. 2 is the economy. If you do not have any industry and do not have any jobs, your health continues to worsen.

Mr. Speaker, No. 3 is the infrastructure, without which you have no jobs, your environment gets worse, and your health continues to deteriorate.

Thousands of communities throughout the United States and tens of millions of people are caught in this squeeze, but I think that rural America is hit the hardest. Rural America in the past has gotten the short end of the stick, and that has to be reversed. Government response to these issues must bring into focus rural America's neglect of the past, and we cannot continue to allow that to happen.

AMERICA BEING MANEUVERED BY UNITED NATIONS

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, in a few days this House will consider a resolution to keep American forces in Somalia for a year or even longer. The other body has already passed such a resolution which would leave young Americans stranded there for who knows how long.

Mr. Speaker, when American forces were sent into Somalia, they were promised that they would be out in a couple of months. Remember? They will be out by January 20, Inauguration Day. After some of us started asking questions, that promise dissolved, and we were promised, well, within 6 months our troops will be out of Somalia.

Now this promise is dissolving very fast. The American taxpayers have paid for this exercise to the tune of $800 million so far.

The reality is that America is allowing itself to be maneuvered into taking on a burden in a situation that we cannot solve. We are getting the bill for this U.N. action.

Where is the United Nations? Recall that when we went into Somalia, we did it at the behest of the United Nations. To allow American forces to be incarcerated in Somalia for much longer is not fair to them nor to the American taxpayer.

Mr. Speaker, I ask every Member of this House to carefully consider this resolution when it comes up next week.

GUNS, WACO, AND COLUMBIA HEIGHTS

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, how much will it take before we all come to our senses about guns? The people of the Nation's Capital are stalked by a random killer with a shotgun. He was caught yesterday only after he had killed his third victim and wounded four others. At about the same time, the true believing Waco, TX, fanatics, barricaded with enough ammunition for a small army, incinerated themselves.

Last year rampant gunfire in the Nation's streets was not enough to get the Brady gun control bill out of the White House. Last year the Filene, TX, massacre was not enough to spur passage of assault weapon legislation. In fact it was defeated the day after the Filene massacre. This year has brought mass murder and suicide to Waco and random killings and terror to the doorstep of the Capitol. I have had enough. I hope Congress has.

COMMENDING THE MEMBERS OF THE 118TH AIRLIFT WING

(Mr. CLEMENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLEMENT. Mr. Speaker, as Americans, we have grown accustomed to the rights and liberties we are guaranteed in this great democracy. All too often we take these freedoms for granted. Each day the men and women of the Armed Forces are out there quietly serving, protecting our interest, so that the rest of us can confidently go about our business, free of worries.

The men and women of my State, Tennessee, the Volunteer State, have a proud tradition of military service. Whether its John Sevier in the Revolutionary War, Andrew Jackson at the Battle of New Orleans, Davey Crockett, Sam Houston, and a host of others at the Alamo, Sergeant York at the Argonne Forest, or the thousands more in WWII, Korean conflict, Vietnam war, the Persian Gulf, and most recently in Somalia, Tennesseans have always served with great distinction.

Members of the 118th Airlift Wing of the Tennessee Air Guard are the latest to continue this great volunteer tradition. Without fanfare or hoopla, the members of the 118th have put themselves in harm's way to promote our interests and the interests of our democratic way of life.

Since April 10, 60 personnel and 3 C–130 aircraft out of Nashville—members of the 118th Airlift Wing of the Tennessee Air National Guard—have been bravely flying relief missions into war torn Bosnia. We have all heard the horrifying stories and seen the horrible pictures of the atrocities committed in the name of ethnic cleansing. The selfless acts of the military units, such as the 118th, have helped deliver desperately needed food and supplies to the men, women, and children suffering in the former Yugoslavia.

So today, to the members of the 118th Airlift Wing, I say you are not forgotten. We are aware of your action and we appreciate your service. Our thoughts and prayers are with you all. Good luck and God bless.

AMERICAN TAX MONEY GOING TO RESETTLE IRAQI SOLDIERS IN AMERICA

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, there has been some criticism of some of us on this side of the aisle who are questioning the way President Clinton and his administration are spending money. Let me give the Members one example why we are concerned.

There was a recent newspaper article indicating that we are now in the process of paying welfare benefits to Iraqi soldiers who are being quietly resettled into this country at taxpayer expense. Already 1,000 of them have been resettled. There are 4,000 more awaiting, and maybe 10,000 after that.

What are we giving to these folks? We are giving them Medicaid, welfare payments, including Aid to Dependent Families, cash assistance for employment and language training programs, prepaid medical screening, health assessments, and other continuing health care services. We are doing all of that at taxpayer expense to Iraqi soldiers.

We are being told by the administration that we must go deeper into debt in order to stimulate the economy. Yet the way they are spending the money is to provide welfare benefits to Iraqi soldiers and their families. Strange, very strange.

BIG TROUBLE FOR "U"

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN. Mr. Speaker, when we consider the President's tax bill later next month, there will be one provision that will cause great heartache for the American people.

That provision is the Btu or energy tax. What does Btu stand for?

In my mind, it means big trouble for "U."

The Btu tax will increase the prices for all products. It will increase the price of food because of its impact on farmers.

It will increase the price on users of electricity, on users of natural gas, and on almost every other form of energy.

It was interesting how the President floated the idea of a VAT tax on April 15, income tax day.

We haven't even had the time to think seriously about the effects of one tax acronym before he throws another one at us.

The American people should be allowed to concentrate first on the chilling impact of the President's tax bill before we worry about his other tax schemes.

ANNUAL REPORT ON THE ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

To the Congress of the United States:

I transmit herewith the 1991 annual report on the Administration of the Federal Railroad Safety Act of 1970, pursuant to section 211 of the Act (45 U.S.C. 440(a)).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1993*.

SUNDRY REPORTS OF THE DEPARTMENT OF TRANSPORTATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. MFUME) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Public Works and Transportation and the Committee on Energy and Commerce:

To the Congress of the United States:

I transmit herewith the 1991 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act and the National Traffic and Motor Vehicle Safety Act of 1966, as amended (23 U.S.C. 401 note and 15 U.S.C. 1408).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1993*.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of Rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes on the first two bills, if postponed, will be taken after debate has concluded on all motions to suspend the rules; the remaining votes, if postponed, will be taken tomorrow.

□ 1330

SPRING MOUNTAINS NATIONAL RECREATION AREA ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 63) to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes, as amended.

The Clerk read as follows:

H.R. 63

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Spring Mountains National Recreation Area Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) NATIONAL FOREST LANDS.—The term "National Forest lands" means lands included in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(2) RECREATION AREA.—The term "Recreation Area" means the Spring Mountains National Recreation Area established by this Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) preserve scenic, scientific, historic, cultural, natural, wilderness, watershed, riparian, wildlife, threatened and endangered species, and other values contributing to public enjoyment and biological diversity in the Spring Mountains of Nevada;

(2) ensure appropriate conservation and management of natural and recreation resources in the Spring Mountains; and

(3) provide for the development of public recreation opportunities in the Spring Mountains for the enjoyment of present and future generations.

SEC. 4. ESTABLISHMENT OF RECREATION AREA.

(a) IN GENERAL.—Subject to valid existing rights, there is established the Spring Mountains National Recreation Area in Nevada.

(b) BOUNDARIES AND MAP.—The Recreation Area shall consist of approximately 316,000 acres of federally owned lands and waters in the Toiyabe National Forest, as generally depicted on a map entitled "Spring Mountain National Recreation Area—Proposed", numbered NV-CH, and dated August 2, 1992.

(c) MAP FILING.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map of the Recreation Area with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives.

(d) PUBLIC INSPECTION.—The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture.

(e) DISCREPANCIES.—In the case of any discrepancy between or among the acreage referred to in subsection (b) and the map described in subsection (b), the map described in subsection (b) shall control any question concerning the boundaries of the Recreation Area.

SEC. 5. MANAGEMENT.

(a) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall manage the Recreation Area in accordance with the laws, rules, and regulations pertaining to the National Forest System and this Act to provide for—

(1) the conservation of scenic, scientific, historic, cultural, and other values contributing to public enjoyment;

(2) the conservation of fish and wildlife populations and habitat, including the use of prescribed fire to improve or maintain habitat;

(3) the protection of watersheds and the maintenance of free flowing streams and the quality of ground and surface waters in accordance with applicable Federal and State law;

(4) public outdoor recreation benefits, including, but not limited to, hunting, fishing, trapping, hiking, horseback riding, backpacking, rock climbing, camping, and nature study;

(5) wilderness areas as designated by Congress; and

(6) the management, utilization, and disposal of natural resources in a manner compatible with the purposes for which the Recreation Area is established.

(b) HUNTING, TRAPPING, AND FISHING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall permit hunting, trapping, fishing, and habitat management within the Recreation Area in accordance with the laws of the United States and the State of Nevada.

(2) EXCEPTIONS.—The Secretary, after consultation with the Nevada Department of Wildlife, may designate zones where and periods when hunting, trapping, or fishing shall not be permitted for reasons of public safety, administration, or public use and enjoyment.

(c) GRAZING.—The grazing of livestock may be permitted to continue pursuant to Federal law and subject to such reasonable regulations, policies, and practices as the Secretary considers necessary.

(d) PREVENTIVE MEASURES.—Nothing in this Act shall preclude such reasonable measures as the Secretary considers necessary to protect the land and resources from fire or insect or disease infestation in the Recreation Area.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—

(1) PROCEDURES.—Not later than 3 full fiscal years after the date of enactment of this Act, the Secretary shall develop a general management plan for the Recreation Area as an amendment to the Toiyabe National Forest Land and Resource Management Plan. Such an amendment shall reflect the establishment of the Recreation Area and conform to the provisions of this Act, except that nothing in this Act shall require the Secretary to revise the Toiyabe National Forest Land and Resource Management Plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974. The provisions of the national forest land and resource management plan relating to the recreation area shall also be available to the public in a document separate from the rest of the forest plan.

(2) CONTENTS.—The management plan described in paragraph (1) shall be developed with full public participation and shall include—

(A) implementation plans for a continuing program of interpretation and public education about the resources and values of the Recreation Area;

(B) proposals for public facilities to be developed, expanded, or improved for the Recreation Area, including one or more visitor centers to accommodate both local and out-of-State visitors;

(C) plans for the management of natural and cultural resources in the Recreation Area, with emphasis on the preservation and long-term scientific use of archaeological resources, with priority in development given to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Recreation Area;

(D) wildlife and fish resource management plans for the Recreation Area prepared in consultation with appropriate departments of the State of Nevada and using other available studies of the Recreation Area;

(E) recreation management plans for the Recreation Area in consultation with appropriate departments of the State of Nevada;

(F) wild horse and burro herd management plans for the Recreation Area prepared in consultation with appropriate departments and commissions of the State of Nevada; and

(G) an inventory of all lands within the Recreation Area not presently managed as National Forest lands that will permit the Secretary to evaluate possible future acquisitions.

(3) CONSULTATION.—The plans for the management of natural and cultural resources described in paragraph (2)(C) shall be prepared in consultation with the Advisory Council on Historic Preservation established by title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.) and the Nevada State Department of Conservation and Natural Resources, Division of Historic Preservation and Archaeology.

(b) WILDERNESS STUDY AREAS.—

(1) RECOMMENDATIONS.—The general management plan for the Recreation Area shall include the recommendations of the Bureau of Land Management as to the suitability or nonsuitability for preservation as wilderness of the 89,270 acres identified as the Mt. Stirling, La Madre Mountains, and Pine Creek Wilderness Study Areas on the Bureau of Land Management Wilderness Status Map, dated March 1990.

(2) MANAGEMENT.—Pending submission of a recommendation and until otherwise directed by Act of Congress, the Secretary, acting through the Chief of the Forest Service, shall manage the lands and waters within the wilderness study areas referred to in paragraph (1) so as to maintain their potential for inclusion within the National Wilderness Preservation System.

SEC. 7. ACQUISITION OF LANDS.

(a) IN GENERAL.—The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, bequest, or otherwise any lands, or lesser interests therein, including mineral interests, water rights, and scenic easements, which the Secretary determines are needed for the purposes of this Act.

(b) INCORPORATION OF ACQUIRED LANDS.—Any lands, waters, or interests in lands or waters located within the Recreation Area that are acquired by the United States or administratively transferred to the Secretary after the date of enactment of this Act shall be incorporated into the Recreation Area and managed in accordance with the laws, rules, and regulations applicable to the National Forest System and the provisions of this Act.

(c) LAND AND WATER CONSERVATION FUND.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-9), where such boundaries are established for units of the National Forest System, such established boundaries shall be treated as if they were the boundaries of the National Forests as of January 1, 1965. Money appropriated from the Land and Water Conservation Fund shall be available for the acquisition of lands, waters, and interests therein in furtherance of the purposes of this Act.

SEC. 8. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights and except for lands described in subsection (b), all Federal lands within the Recreation Area and all lands, waters, and interests in lands and waters within the Recreation Area that are acquired by the United States after the date of enactment of this Act are withdrawn from—

(1) all forms of entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation under the mineral leasing and geothermal leasing laws.

(b) EXCEPTION.—The lands referred to in subsection (a) are described as follows: W½E½ and W½, Sec. 27, T23S, R58E, Mt. Diablo Meridian.

SEC. 9. COORDINATED MANAGEMENT.

The Secretary shall coordinate the management of the Recreation Area with the management of all proximate lands in a manner that best meets the present and future needs of the people of the United States.

SEC. 10. COOPERATIVE AGREEMENTS.

In order to encourage unified and cost-effective management and interpretation of natural and cultural resources in southern Nevada, the Secretary may enter into cooperative agreements with other Federal, State, and local agencies, and with nonprofit entities, that provide for the management and interpretation of natural and cultural resources in southern Nevada.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 63, the Spring Mountain National Recreation Area Act, was introduced by Mr. BILBRAY. The legislation is very similar to a measure passed by the House in the 102d Congress but on which action was not completed prior to adjournment.

The bill before us today would designate a 316,000-acre national recreation area in the Spring Mountains of southern Nevada. The national recreation area would encompass all of the lands of the Spring Mountains unit of the Toiyabe National Forest.

Located near two rapidly growing populations centers, Las Vegas and Pahrump, the area receives approximately 5 million visitors a year. It is the only area readily accessible to southern Nevadans with forests and snow. At that hearing of the Subcommittee on National Parks, Forests and Public Lands, on March 3, 1993, we learned that the resources of the Spring Mountains are impressive. Dominating the area is Mount Charleston which, at 11,918 feet, is the third highest mountain in Nevada. Vegetation includes ancient bristlecone pines, which are the oldest living things on Earth, five vegetative life zones and 48 plants species found nowhere else in the world. Wildlife includes elk, deer, wild turkey, bighorn sheep, golden eagles, wild horses and burros, and the Palmers chipmunk, which is found only in the Spring Mountains. Threatened species include the desert tortoise and Lahonton cutthroat trout. The Spring Mountains are also the beginning of the water aquifer for the city of Las Vegas.

I urge my colleagues to support this bill which will protect and enhance this beautiful mountain range.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand today in support of H.R. 63 which will create the Spring Mountains National Recreation Area near Las Vegas, NV.

H.R. 63 is supported by my colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH], who represents the district wherein the Spring Mountains lie, and it also has the support of the gentleman from Nevada [Mr. BILBRAY].

This legislation is an appropriate way to preserve the natural resources of the Spring Mountains while respecting valid existing rights and allowing a wide variety of access and recreational uses by the public.

I urge my colleagues to support H.R. 63.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY], who is the sponsor of the measure, along with the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mr. BILBRAY. Mr. Speaker, I am pleased to present the Spring Mountains National Recreation Area legislation. Last year, this same bill passed the House.

Unfortunately, in the final days of the 102d Congress, time ran out before the Senate could take action on this legislation. This year Nevadans can usher in the Earth Day festivities by celebrating the creation of the Spring Mountains National Recreation Area.

I stand here with the full endorsement of the Nevada delegation, the Nevada Mining Association and the Nevada State Legislature's committee on public lands to advance this legislation.

The legislation to create the Spring Mountains National Recreation Area could not have come about without the devotion and vision of the southern Nevada community.

For more than 5 years, teams of Nevadans have worked tirelessly to coordinate the widely diverse interests represented by the many users of the Spring Mountains—to sport hunt, fish, hike, and camp. Offroaders, bikers, and ranchers all share in the benefits from this magnificent resource.

The Spring Mountains contain outstanding outdoor recreation opportunities in the immediate vicinity of the burgeoning urban population of Las Vegas.

Over 20 million visitors are known to come to the Mt. Charleston area. For the 900,000 inhabitants of Las Vegas, the Spring Mountains offer our only forest experience.

As more and more people visit the Spring Mountains, ensuring the protection of these resources is critical.

By providing trailheads and roads for RV's, backpackers, hikers, offroaders, and hunters, passage of this measure will provide great enhancements to Nevadans' existing recreational use of our public lands.

There are nearly 1 million residents in southern Nevada.

As one of the Nation's fastest growing communities, that figure is sure to grow. At present, there are only 10 campgrounds and picnic sites to meet the needs of the entire community.

The goal of this legislation is to increase everyone's access to the Spring Mountains without sacrificing the quality of the outdoor experience.

With this legislation in place, the entire community can protect and preserve these natural resources from the encroachment of both man and the growing metropolitan areas directly to the west and east of this magnificent forest and range of mountains.

I would like to reiterate and clarify to all Nevadans, our hikers, hunters, horseback riders, off-roaders, and campers, that this new status will, by no means, keep them from enjoying these lands.

It will eventually increase and improve the access for all of our outdoor enthusiasts to this local treasure.

By creating the Spring Mountains National Recreational Area, the Spring Mountains will gain their deserved, national recognition. This elevated status will secure for this unique area the necessary Federal funds to effectively manage the area.

Under the present management methods, these valued resources will not be adequately preserved for future generations.

Again, I would like to thank Chairman VENTO, and his excellent staff, for all their efforts and their hard work which has enabled this bill to come before the House so expeditiously.

Mr. Speaker, again I would like to thank all of the Members on this bill, the gentleman from Utah [Mr. HANSEN] and the rest of the minority in this group, and my colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH], who worked very closely with me to get rid of problem areas in the bill. But particularly I would like to thank the chairman of the subcommittee and the chairman of the full committee, as well as the people of southern Nevada who worked so many hours. As I mentioned, for years they have been working on this recreation area to make sure that all of the areas are protected.

These are pristine areas. They are beautiful. They have running streams and creeks and some of the oldest known trees in the world. There are trees that are 3,000 years old. The bristlecone pine is in this area. In fact, I was out there the other day and it was amazing. I saw a bristlecone a little taller than I am and was told that it was 60 years old. They pointed out that if I came back in about 300 years from now, it might be about 3 feet taller, and if I came back 3,000 years from now it might be a full-grown tree.

In fact, this is a very unique area. I know people in southern Nevada appreciate the help they have had from both sides of the aisle on this bill.

Mr. VENTO. Mr. Speaker, I would ask support of the Members for what I think is a sound policy path.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 63, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REHABILITATION OF HISTORIC STRUCTURES IN GATEWAY NATIONAL RECREATION AREA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 328) to provide for the rehabilitation of historic structures within the Sandy Hook unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes.

The Clerk read as follows:

S. 328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MARINE ACADEMY AGREEMENT.

(a) IN GENERAL.—In order to further the revitalization, rehabilitation, and utilization of Fort Hancock within the Sandy Hook Unit of Gateway National Recreation Area, the Secretary of the Interior may enter into an agreement with the Monmouth County Vocational School District or a successor (referred to in this Act as the "District"), to permit the use by the District of properties situated along Gunnison Road and Magruder Road for the purpose of developing and operating, without cost to the National Park Service, a secondary school program to be known as the Marine Academy of Science and Technology.

(b) DESIGN OF FACILITIES.—The design of new facilities and landscape improvements, and the rehabilitation of existing facilities for school and administrative use, shall be subject to the approval of the Director of the National Park Service. In determining whether to approve the design and rehabilitation, the Director shall use standards for rehabilitation and National Park Service guidelines and policies that are approved by the Secretary of the Interior.

SEC. 2. REVERSION.

If the properties, facilities, and improvements referred to in section 1 are not used by the District for a secondary school program, the agreement authorized by section 1 shall be terminated and all use of the properties, facilities, and improvements shall revert, without consideration, to the National Park Service.

SEC. 3. REIMBURSEMENT.

(a) REHABILITATION.—As a condition of entering into the agreement authorized by section 1, the Secretary of the Interior may—

(1) accept reimbursement expenses, of not more than $500,000, to cover the cost of rehabilitating other property within the Sandy Hook Unit of Gateway National Recreation Area for park uses that are displaced from facilities used by the District under the agreement authorized by section 1; or

(2) require the District to rehabilitate other property for the park uses—

(A) under the direction of the National Park Service; and

(B) at a cost of not more than $500,000.

(b) FEES FOR SERVICES.—The Director of the National Park Service may collect and retain reasonable fees for services provided to the District by the National Park Service, including alarm monitoring, permit compliance, fire and police protection, and snow removal.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 328 provides for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey. The bill was approved by the Senate on March 17, 1993, and is identical to legislation approved by the House of Representatives in the 102d Congress.

The Fort Hancock District of the Sandy Hook Unit of the Gateway National Recreation Area in New Jersey contains over 200 historic buildings constructed by the U.S. Army in the 1890's for coastal defense purposes. For the past decade, the Monmouth County Vocational School District has used four of these otherwise unoccupied buildings to house the district's Marine Academy of Science and Technology, a 4-year program for students in grades 9 to 12.

S. 328 authorizes the Secretary of the Interior to continue this arrangement with the Monmouth County Vocational School District. Design of new facilities, landscape improvements, and rehabilitation of existing structures by the district are subject to the approval of the National Park Service and revert to the National Park Service if they are not used by the district for a secondary school program.

The Secretary may accept funds for rehabilitating other properties within the park for park uses displaced by the district and is authorized to collect reasonable fees for services provided to the district.

I believe this is the type of partnership we should be encouraging. Allowing the school district to rehabilitate and use otherwise vacant buildings in the park benefits both the school and the National Park Service. The Park Service has not had the resources to address this neglected area, and the school district has found this a prime location for the school. Passage of this bill will result in improvements to the park and will provide the school with necessary facilities, and I urge my colleagues' support.

□ 1340

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 328. This legislation just makes good sense. It is refreshing to see that we are finding creative ways of improving our local school districts while rehabilitating the existing historical assets of the Sandy Hook Unit of the Gateway National Recreation Area. S. 328 will allow the Monmouth School District, who has already spent over $2 million on rehabilitation, to continue to use and rehabilitate these historic buildings.

Mr. Speaker, I urge my colleagues to support S. 328.

Mr. RICHARDSON, Mr. Speaker, passage of H.R. 328 is critically important to the town of Taos and Taos County, NM. This legislation will convey the Forest Service's old Taos ranger station to the town of Taos, NM. I note that companion legislation, S. 275, was passed by the Senate on March 17.

For many years the town of Taos has tried to obtain the old Forest Service ranger station building in hopes of converting it into a children's library and adult literacy center. Because the condition of the building makes it no longer suitable for use by the Forest Service, the building would be ideal for the town's purposes.

However, because of Taos' meager financial resources, this has not been possible. For the fiscal year 1992, the town of just over 4,000 people raised $186,932 from property taxes. The median family income is approximately $13,000, and 26 percent of families in Taos live below the poverty line. Like the rest of Taos County, which is consistently one of the poorest in the Nation, the unemployment rate hovers around 20 percent. In addition, the town recently received a preliminary construction cost estimate of over $400,000 for the renovations necessary to make the building suitable for use as a children's library.

H.R. 328 will allow the town to obtain the building, at fair market value, under terms that won't impose financial hardship. The town of Taos maintains strict preservation requirements for buildings in the downtown area, ensuring that the historical and cultural integrity of the building will be protected.

Mr. Speaker, transfer of the old Forest Service building to the town of Taos is a logical and practical move for everyone involved. More importantly, it will serve as an invaluable resource for the town of to help educate future generations. I urge my colleagues to join me in support.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 328.

The question was taken.

Mr. COLLINS of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

Mr. VENTO. Mr. Speaker, I move that the House suspend the rules and pass the Senate Bill (S. 326) to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes.

The Clerk read as follows:

S. 326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO NATIONAL MONUMENT.

The boundaries of the George Washington Birthplace National Monument (hereinafter referred to as the "National Monument") are hereby modified to include the area comprising approximately 12 acres, as generally depicted on the map entitled "George Washington Birthplace National Monument Boundary Map", numbered 332/80,011A and dated September 1992, which shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

SEC. 2. ACQUISITIONS OF LANDS.

Within the boundaries of the National Monument, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands, or interests therein, by donation, purchase with donated or appropriated funds, or exchange.

SEC. 3. ADMINISTRATION OF NATIONAL MONUMENT.

In administering the National Monument, the Secretary shall take such action as is necessary to preserve and interpret the history and resources associated with George Washington, the generations of the Washington family who lived in the vicinity, and their contemporaries, as well as 18th century plantation life and society.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 326, the Senate bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill does in fact extend the site of the George Washington Birthplace National Monument in the State of Virginia, the location of his birth. It includes land that is to be donated as well as provides the opportunity on a willing-seller basis to purchase additional lands which separate various parts of that monument today.

This is similar to legislation that had passed in the most recent Congress last year and was not acted upon by the Senate.

It is introduced and brought to us by our friend and colleague, the gentleman from Virginia [Mr. BATEMAN], and again, he has sponsored it, and it is, of course, now before us with the name of the Senate sponsor on the measure, Senators ROBB and WARNER.

This is a noncontroversial matter. The Park Service owns 538 acres in the two contiguous parcels located along Poke's Creek and Dancing Marsh and the Potomac River. Located between the two parcels is the Horner property which includes a loblolly pine forest and eagle-nesting site.

The Horner family has offered to sell the property to the National Park Service today. This Tidewater Virginia farm still remains in much the same historical qualities that existed at the time of our Nation's formation, and more importantly at the time of the birth of then George Washington who later became, of course, the President of our Nation after a distinguished career which we are all aware of.

Mr. Speaker, I would urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill would add 12 acres, owned by a willing seller, to the existing park commemorating George Washington's birthplace. It is my understanding that acquisition of these lands would cost about $50,000–$100,000, and that the measure is viewed as desirable by the National Park Service to resolve existing park management concerns.

I commend Mr. BATEMAN for championing, again this Congress, this measure to better protect this park area.

Mr. BATEMAN. Mr. Speaker, I thank the gentleman for yielding me this time. I also want to commend him, Chairman VENTO and his subcommittee for bringing this legislation before the House in such an expeditious manner.

Mr. Speaker, I rise in strong support of S. 326 which is the companion bill to H.R. 819 which I introduced in the House on February 4, 1993. These bills would expand the boundaries of the George Washington National Monument in Westmoreland County on the historic northern neck of Virginia. I introduced this legislation to better enable my constituents and local National Park Service officials to preserve and protect an important part of America's heritage.

In 1991, I introduced almost identical legislation which was approved unanimously by the House on November 21. Although the Senate also passed a bill to expand the monument's boundaries last year, the House was precluded from agreeing to the Senate's minor change because of the rush to adjourn the 102d Congress.

The First Congressional District of Virginia, which I represent, includes many points of historic significance. Although the origins of this great Nation are found and skillfully interpreted in Williamsburg, Jamestown, Yorktown, and other historically significant parts of what I like to call America's first district, it is only on the northern neck of Virginia that we can trace the early footsteps of the Father of our Country.

Pope's Creek Plantation, birthplace of George Washington in 1732, is located on the Potomac River in Westmoreland County, VA. The Washington family first settled here in 1656 when John Washington, great-grandfather of George Washington, acquired the land as a wedding present. Here, George Washington spent his early childhood. Although he later moved to Mount Vernon from Pope's Creek, George Washington returned periodically to his birthplace. To this day, Washington family descendants continue to live in the area. In fact, I am proud to note that the park's superintendent, Dwight Storke, not only is a descendant of George Washington, but was recognized recently by his peers in the National Park Service as Superintendent of the Year.

Two hundred years after Washington's birth, Congress established the George Washington Birthplace National Monument to memorialize and commemorate the life of the foremost of our Founding Fathers. The National Park Service now owns 538 acres in two contiguous parcels located along Pope's Creek, Bridge's Creek, and the Potomac River. The monument's landscape consists of fields, forests and marshlands. The National Park Service makes full use of this beautiful landscape by maintaining a reconstructed homestead and operating a working colonial farm which recreates 18th century plantation life.

Located between the National Park Service's two parcels are 125 acres of privately owned land. The Horner family owns 12 acres and the Muse family owns the remaining 113 acres. Currently, these private lands are woods, wetlands and agricultural fields which complement and enhance the monument's historic character and cultural setting.

The purpose of S. 326 and H.R. 819 is to revise the monument's boundaries to include the 12-acre Horner family property. This 12 acres is one of the best examples of mature loblolly pine woodlands in the area and is within 400 yards of a bald eagle nesting site. The Horners have exercised excellent stewardship of their land and are to be commended. Because of their property's location relative to the monument's current boundaries, the Horners, local officials, civic organizations and others are concerned with the potential for adverse, nonagricultural development near the monument given the trend of waterfront development in the region.

Although the Muse family initially supported inclusion of their property within the monument, last summer they indicated that they no longer wanted their land officially included within the monument's boundaries. It is my understanding that the Muses became concerned about some of the legal requirements and conditions associated with having their property formally included within the monument. Nevertheless, it is my hope and understanding that the National Park Service will continue to work with the Muses to ensure long-term protection of this beautiful land which has been farmed and well-cared for by the Muse family for over two centuries.

The boundary expansion I am advocating is a logical improvement of the monument's overall configuration. While responding to my constituents' request, this legislation will also improve the National Park Service's ability to ensure the proper and adequate protection of this small, but important part of America's heritage.

Mr. Speaker, I am proud to have been able to introduce and support legislation to help my constituents and the National Park Service. I believe enactment of this measure will be another important and appropriate step taken by Congress to ensure the continued preservation and commemoration George Washington's birthplace deserves. Accordingly, I urge my colleagues to support S. 326.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 326.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceeding on this motion will be postponed.

CONVEYING CERTAIN LANDS TO TAOS, NM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 328) to direct the Secretary of Agriculture to convey certain lands to the town of Taos, NM, as amended.

The Clerk read as follows:

H.R. 328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAOS RANGER DISTRICT.

(a) CONVEYANCE OF PROPERTY.—Not later than 6 months after the date of enactment of this Act, the Secretary of Agriculture shall convey by quit-claim deed to the town of Taos, New Mexico, subject to the terms and conditions stated in subsection (b), all right, title, and interest of the United States in and to the land and improvements thereon described as follows:

That property locally referred to as the "Old Taos Ranger District Office and Warehouse" located in the town of Taos, Taos County, New Mexico, containing approximately 0.633 acres, specifically described in that certain warranty deed dated January 22, 1937, by William T. and Mary E. Hinde, husband and wife, to the United States, as recorded on January 23, 1937, in book A-34, page 415, of the Record of Deeds of Taos County, New Mexico.

(b) TERMS AND CONDITIONS.—

(1) CONSIDERATION.—The conveyance described in subsection (a) shall be in consideration of the amount of $360,000, payable in full within the 6-month period referred to in subsection (a), or, at the option of the town of Taos, in 20 annual payments of $18,000 due on January 1 of the first year following enactment of this Act and annually thereafter until the total amount due has been paid, as agreed upon by the Secretary of Agriculture. The cash so received shall be deposited into a special fund in the Treasury which will remain available, subject to appropriations, until expended by the Secretary for the purpose of acquiring, within the State of New Mexico, lands or administrative facilities on National Forest System lands. The town of Taos shall not be charged interest on amounts owed the United States for such conveyance.

(2) RELEASE.—On transfer of the property under subsection (a) the town of Taos shall release the United States from any liability for claims relating to the property.

(3) REVERSION.—The conveyance described in subsection (a) shall be a conveyance of fee simple title to the property, subject to reversion to the United States if the property is used for other than public purposes or if the compensation requirements described in paragraph (1) are not met.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 328, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection?

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 328, introduced by Mr. RICHARDSON, would convey to the city of Taos, NM, the old Taos Ranger District Office and Warehouse. This building is currently owned by the Forest Service, but is no longer needed by the Agency, which has vacated the building and is now leasing it to the city. Under the provisions of the bill, the United States will receive fair market value for the property. The legislation also provides that if the building is used for nonpublic purposes it will revert back to the United States.

Mr. Speaker, the Congressional Budget Office has notified the Committee on Natural Resources that there was a potential pay-go problem with H.R. 328. While the amount in question is very minor, totaling only $18,000 annually, the legislation at the desk has been amended to address this matter. With this change, the CBO has now told the committee there is no problem with pay-as-you-go procedures.

H.R. 328 is nearly identical to a bill that passed the House in the 102d Congress but on which action was not completed prior to adjournment. This is a noncontroversial measure and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 328 and applaud the efforts to transfer the old Taos Forest Service district office building to the town of Taos, NM.

H.R. 328 is an excellent opportunity to enhance the cultural and educational aspects of the town of Taos, NM. The children's library and adult literacy center will be a great asset for the citizens of Taos.

Mr. Speaker, I urge my colleagues to support H.R. 328.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I ask that the Members support this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 328, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

JEMEZ NATIONAL RECREATION AREA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 38) to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes, as amended.

The Clerk read as follows:

H.R. 38

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) PURPOSE AND ESTABLISHMENT.—In order to conserve, protect, and restore the recreational, ecological, cultural, religious, and wildlife resource values of the Jemez Mountains, there is hereby established the Jemez National Recreational Area (hereinafter in this Act referred to as the "recreation area"), to be administered by the Secretary of Agriculture (hereinafter in this Act referred to as the "Secretary").

(b) AREA INCLUDED.—The recreation area shall be comprised of approximately 57,000 acres of lands and interests in lands within the Santa Fe National Forest as generally depicted on the map entitled "Jemez National Recreation Area—Proposed" and dated September 1992. The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia. The Secretary may from time to time, in consultation with local tribal leaders, make minor revisions in the boundary of the recreation area to promote management effectiveness and efficiency in furtherance of the purposes of this Act.

(c) MAP AND DESCRIPTION.—As soon as practicable after enactment of this Act, the Secretary shall file a map and legal description of the recreation area with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Re-

sources and the Select Committee on Indian Affairs of the Senate. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made. Such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

(d) NO ADDITIONAL LANDS.—No lands or interests therein outside of the boundaries of the recreation area may be added to the recreation area without specific authorization by Congress.

SEC. 2. ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall administer the recreation area in accordance with this Act and the laws, rules, and regulations applicable to National Forest System lands in a manner that will further the purposes of the recreation area. Management of the natural resources within the recreation area shall be permitted only to the extent that such management is compatible with and does not impair the purposes for which the recreation area is established. Recreational activities within the recreation area shall include (but not be limited to) hiking, camping, hunting, fishing, skiing, backpacking, rock climbing, and swimming.

(b) MANAGEMENT PLAN.—The Secretary shall, no later than 5 years after the enactment of this Act, develop a management plan for the recreation area, as an amendment to the Santa Fe National Forest Land and Resource Management Plan, to reflect the establishment of the recreation area and to conform to the provisions of this Act. Nothing in this Act shall require the Secretary to revise the Santa Fe Forest Land and Resource Management Plan pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974. During development of the management plan for the recreation area, the Secretary shall study newly designated land within the recreation area, and adjacent national forest land.

(c) CULTURAL RESOURCES.—In administering the recreation area, the Secretary shall give particular emphasis to the preservation, stabilization, and protection of cultural resources located within the recreation area in furtherance of the Archaeological Resources Protection Act of 1979, the National Historic Preservation Act, and the Act of August 11, 1978 (42 U.S.C. 1991) (commonly referred to as the "American Indian Religious Freedom Act").

(d) NATIVE AMERICANS.—(1) In recognition of the historic use of portions of the recreation area by Indian peoples for traditional cultural and religious purposes, the Secretary shall, in consultation with local tribal leaders, ensure the protection of religious and cultural sites and provide access from time to time to those sites by Indian peoples for traditional cultural and religious purposes. Such access shall be consistent with the purpose and intent of the Act of August 11, 1978 (42 U.S.C. 1991) (commonly referred to as the "American Indian Religious Freedom Act"). The Secretary, in accordance with such Act, upon request of an Indian tribe or pueblo, may from time to time temporarily close to general public use one or more specific portions of the recreational area in order to protect the privacy of religious activities and cultural uses in such portion by Indian peoples. Any such closure shall be made so as to affect the smallest practicable area for the minimum period necessary for such purposes.

(2) In preparing and implementing management plans for the recreation area, the Secretary shall request that the Governor of the Pueblo of Jemez and the chief executive officers of other appropriate Indian tribes and pueblos make recommendations on methods of—

(A) assuring access to religious and cultural sites;

(B) enhancing the privacy and continuity of traditional cultural and religious activities in the recreation area; and

(C) protecting traditional cultural and religious sites in the recreation area.

(e) WILDLIFE RESOURCES.—In administering the recreation area, the Secretary shall give particular emphasis to the conservation and protection of wildlife resources, including species listed as sensitive by the Forest Service, within the recreation area and shall comply with applicable Federal and State laws relating to wildlife, including the Endangered Species Act of 1973.

(f) HUNTING.—The Secretary shall permit hunting and fishing on lands and waters under the jurisdiction of the Secretary within the recreation area in accordance with applicable Federal and State law. The Secretary may designate zones where, and establish periods when, such activities will not be permitted for reasons of public safety, administration, fish and wildlife management, or public use and enjoyment. Except in emergencies such designation by the Secretary under this subsection shall be put into effect only after consultation with the appropriate State agencies responsible for hunting and fishing activities.

(g) TIMBER HARVESTING.—The Secretary may permit timber harvesting in the recreation area for commercial purposes, including (but not limited to) vigas, latillas, the gathering of fuelwood, and for purposes of public safety, recreation, wildlife, and administration, insofar as the harvesting is compatible with the purposes of the recreation area. Trees damaged or downed due to fire, disease, or insect infestation may be utilized, salvaged, or removed from the recreation area as authorized by the Secretary in furtherance of the purposes of this Act. Nothing in this Act shall be construed to affect the timber sales under contract on the date of enactment of this Act. Nothing in this Act shall be construed to effect the Los Griegos timber sale in the Los Griegos Diversity Unit number 0322 as shown on the West Half Diversity Unit map of the Santa Fe National Forest dated November 1991; except that the Secretary shall manage such sale using uneven aged management including the individual tree selection method.

(h) GRAZING.—The Secretary may permit grazing within the recreation area in accordance with regulations prescribed by the Secretary. Riparian areas shall be managed in such a manner as to protect their important resource values.

(i) TRANSPORTATION PLAN.—(1) Within 1 year after the date of enactment of this Act, the Secretary shall prepare a transportation plan that provides for the most efficient use of roads and trails to accomplish the purposes of this Act. The plan shall provide for a comprehensive trails system that provides for dispersed recreation while minimizing impact on significant archaeological and religious sites.

(2) The Secretary shall construct, maintain, and close roads within the recreation area after consultation with local tribal leaders and only in accordance with such plan.

(j) RECREATIONAL FACILITIES.—The Secretary shall provide for recreational facilities within the recreation area. Such facilities shall be constructed so as to minimize impacts on the scenic beauty, the natural character, and the archaeological and religious sites of the recreation area.

(k) VISITOR FACILITIES.—The Secretary shall establish a visitor center and interpretive facilities in or near the recreation area for the purpose of providing for education relating to the interpretation of cultural and natural resources of the recreation area.

(l) POWER TRANSMISSION LINES.—In accordance with Federal and State laws and regulations, the Secretary may permit a utility corridor for high power electric transmission lines within the recreation area only when the Secretary determines that—

(1) there is not a feasible alternative for the location of such corridor;

(2) damage to the recreational and scenic quality and to the archaeological and religious sites of the recreation area will not be significant;

(3) it is in the public interest that such corridor be located in the recreation area; and

(4) a plan to minimize harm to the resources of the recreation area has been developed.

(m) SCIENTIFIC INVESTIGATIONS.—The Secretary may permit scientific investigations within the recreation area upon the Secretary's determination that such investigations are in the public interest and are compatible with the purposes of this Act.

SEC. 3. MINERALS AND MINING.

(a) LIMITATION ON PATENT ISSUANCE.—(1) Notwithstanding any other provision of law, no patents shall be issued after May 30, 1991, for any location or claim made in the recreation area under the mining laws of the United States.

(2) Notwithstanding any statute of limitations or similar restriction otherwise applicable, any party claiming to have been deprived of any property right by enactment of paragraph (1) may file in the United States Claims Court a claim against the United States within 1 year after the date of enactment of this Act seeking compensation for such property right. The United States Claims Court shall have jurisdiction to render judgment upon any such claim in accordance with section 1491 of title 28, United States Code.

(b) WITHDRAWAL.—Subject to valid existing rights, after the date of enactment of this Act, lands within the recreation area withdrawn from location under the general mining laws and from the operation of the mineral leasing, geothermal leasing, and mineral material disposal laws.

(c) RECLAMATION.—No mining activity involving any surface disturbance of lands or waters within such area, including disturbance through subsidence, shall be permitted except in accordance with requirements imposed by the Secretary, including requirements for reasonable reclamation of disturbed lands to a visual and hydrological condition as close as practical to their premining condition.

(d) MINING CLAIM VALIDITY REVIEW.—The Secretary of Agriculture shall undertake and complete within 3 years after the date of enactment of this Act an expedited program to examine all unpatented mining claims, including those for which a patent application has been filed, within the recreation area. Upon determination by the Secretary of Agriculture that the elements of a contest are present, the Secretary of the Interior shall immediately determine the validity of such claims. If a claim is determined to be invalid, the Secretary shall promptly declare the claim to be null and void.

(e) PUBLIC PURPOSES.—The Secretary may utilize mineral materials from within the recreation area for public purposes such as maintenance and construction of roads, trails, and facilities as long as such use is compatible with the purposes of the recreation area.

SEC. 4. ADJOINING LANDS.

The Secretary may evaluate lands adjoining the recreation area for possible inclusion in the recreation area and make recommendations to Congress, including (but not limited to) that area authorized for study by section 5 of Public Law 101–556 (104 Stat. 2764), known as the Baca Location Number 1. The Secretary, in consultation with local tribal leaders and the National Park Service, shall, no later than 2 years after enactment of this Act, submit recommendations *with respect to future boundaries for the recreation area.*

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from Utah [Mr. HANSEN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 38, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 38, introduced by Mr. RICHARDSON, is a modified version of legislation that was passed by the House in the 102d Congress. The bill before us today would establish a 57,000-acre Jemez National Recreation Area within the Santa Fe National Forest in New Mexico.

The national recreation area created by H.R. 38, would encompass a portion of the Jemez Mountains that includes steep canyons with brilliantly colored rimrocks and rich biological diversity. The largest elk herd in New Mexico migrates through the area and the mountains are home to many Federal- and State-listed threatened, endangered, and sensitive species.

The Jemez also contains one of the highest densities of archeological and cultural sites in North America, estimated at approximately 15 sites per square mile and totaling approximately 30,000 sites. Large, ancient Pueblo Indian village sites are particularly abundant. Many of these sites have been nominated and placed on the National Register of Historic Places.

Easy access and scenic surroundings make the Jemez a popular recreational area. National forest figures show that almost 300,000 people a year visit the Jemez Mountains. Within the area is the east fork of the Jemez River, 11 miles of which have been designated as a national wild and scenic river.

The legislation, in addition to enhancing the public's use and enjoyment of the area, will also protect the resources of the Jemez by withdrawing the area from mineral entry and providing that timber harvesting would have to be compatible with the purposes of the national recreation area.

I urge my colleagues to support this bill which will protect and enhance the Jemez Mountains.

□ 1350

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, I have a couple of questions of the chairman. How much will this cost in tax dollars?

Mr. VENTO. Well, this area—I appreciate the gentleman's concern—the area now is managed by the Forest Service as general forest lands. This does not ask for any additional authorization in the bill. I think that some of the cost for general forests would be transferred over to the recreational management of these lands. So that the focus is different.

There is, of course, we estimate that the bill, under the CBO, will increase Federal spending by some dollars in 1994 and over a 6-year period by $6 million. Of course, that means that the Committee on Appropriations would have to appropriate such moneys.

So it is an authorization for that, not necessarily appropriated by this measure.

Mr. BURTON of Indiana. If the gentleman will yield further. So that it will cost about $6 million over the next 5 years if the Committee on Appropriations sees fit to appropriate those moneys.

Mr. VENTO. If the committee appropriates the necessary funds, yes.

Mr. BURTON of Indiana. If the gentleman would yield further, I understand it also allows condemnation of lands surrounding this area.

Mr. VENTO. Well, it does not allow it. Under the general law that is the authority, any time you are in a national forest, they have such authority. So it is wrong to suggest that this bill allows that. It is general forest lands. It does not extend or expand the boundaries of the forest. So that would be a misinterpretation of what takes place here.

Mr. BURTON of Indiana. If the gentleman will yield further. Do the surrounding property owners have any objection to this at all, or does the gentleman know?

Mr. VENTO. I have received no adverse testimony. The largest landholders, the largest group that was interested, are the Native American groups. Although this is all national forest land, there is a high mesa in the center of it, and that was excluded from the recreation area because it is used for religious purposes. But the land is not privately owned, as far as we know. We have received no testimony; I cannot speak for people being silent on this. But as I said, it does not change the authorities of the Forest Service in the sense of, with regard to private property rights, that the gentleman had questioned earlier.

Mr. BURTON of Indiana. All right. But it does authorize up to $6 million over the next 5 years.

Mr. VENTO. Well, it does authorize—there are numerous facilities there. As I say, it is an area where we have 300,000 people entering the area on an annual basis. It is, as I said, a noncontroversial measure in most respects. It does, obviously, take the designation of this land in different directions.

I might point out that obviously there is money to be raised in some sense, too, in terms of these public lands in terms of how they are utilized. We are looking at those features as we deal with other bills in terms of entrance fees and other matters.

Mr. BURTON of Indiana. I thank the gentleman.

Mr. VENTO. Mr. Speaker, I thank the gentleman, and I appreciate the gentleman's inquiry.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant support of H.R. 38 which has been fully explained by the gentleman from Minnesota [Mr. VENTO].

This legislation, which began as an agreement between Mr. RICHARDSON and Senator DOMENICI, is a big improvement over the bill that was initially approved by the House last session but did not become law.

However, there is one major improvement that still needs to be made in this legislation. H.R. 38 currently allows the Forest Service to acquire lands within the NRA through condemnation. Since nearly one-sixth of the proposed NRA is private property, this is a significant issue.

Although some will try to comfort me by pointing out that the Forest Service only condemns private lands as a last resort, the fact remains that the mere threat of condemnation by high-powered attorneys in Washington, DC, is the hammer that turns many small landowners into willing sellers. Most of these folks do not have the time and money to fight city hall and win.

Fortunately, Senator DOMENICI's companion bill contains a ban on condemnation of private property. I am hopeful that he will be able to get the other body to send this legislation back to the House with his condemnation provision intact.

I rise in support of H.R. 38 with the hope that the condemnation issue will be corrected by the other body.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, while I do not have in-depth knowledge of this issue, it is my understanding, after having talked to some of the staff people, that many of the people who own surrounding lands, who may be involved in mining, would rather just go ahead and sell this, rather than having to go ahead with the business decision of mining it, because of Federal regulation restrictions and mining laws and so forth. If there are minerals—and I was trying to find this out a moment ago—of course, this would be negotiated, the value of the land and the sale price.

So, probably one of the reasons we have not heard a lot of opposition to this $6 million over 5 years is because the people who surround that area, who are going to sell it, would just as soon get money from Uncle Sam rather than go ahead and mine that land and go through all the problems they are going to have with the Federal Government regulations and so forth.

So this is $6 million, it is not an awful lot of money in the overall scheme of things, but it is $6 million and something that I think every Member of this body ought to look at very hard.

We have a huge deficit right now and a huge debt. We have to start prioritizing spending. If we authorize this and they appropriate the money for it in the next 2 years, that is another $6 million that will be added to the problem instead of solving the problem. I am not sure that this is a real priority at this time.

With that I thank the gentleman for yielding.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume to comment that I think what the concern is with regard to the valid, existing claims or patented mining activity that might be taking place in this instance is, of course, a reasonable concern. I think I would just appeal to Members again that we are going to be faced constantly with this type of problem, and I think hopefully we will have the right policy in terms of mineral entry on lands. It is a very controversial issue, as the gentleman from Indiana [Mr. BURTON] and the gentleman from Utah [Mr. HANSEN], my friend and colleague on the committee, understand. But I just suggest we ought to try to deal with that because increasingly we are going to see this type of pressure and problem come forth.

Clearly, the elements here are, in terms of what is being mined, as the gentleman from Indiana [Mr. BURTON] has long had a concern about, strategic minerals and so forth. Here we are talking about block pumice, where its principal use, besides being used by the woodworkers, with which I was familiar as a woodworker, is for stonewashed jeans.

So, we have had this issue before us. This bill really is a compromise of what Congressman RICHARDSON had had before the committee before. As I said, it is a long-time interest; it is a very sensitive area, and it is an area that is used by the public. There is a lot of demand in the gentleman from New Mexico's State, and I would hope there would be some understanding on the part of the Members, as to the work that has been done on it.

I therefore support the measure.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield further?

Mr. VENTO. I would be happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding further.

I just want to make sure I understand one thing. The gentleman from Minnesota [Mr. VENTO] said that there are a lot of visitors, I believe he said 30,000.

Mr. VENTO. 300,000.

Mr. BURTON of Indiana. 300,000 that come there.

Mr. VENTO. That is correct.

Mr. BURTON of Indiana. Well, they already come to the park area.

Mr. VENTO. It is not a park. It is a forest.

Mr. BURTON of Indiana. It is a forest, not designated as a national park?

□ 1400

Mr. VENTO. It is not designated a national recreation area. It does not use the word "designated."

Mr. BURTON of Indiana. But the fact of the matter is that they already come there, 300,000 without this being designated.

Mr. VENTO. Well, yes. The gentleman is correct. They do, but there are also other interests in the land in terms of development of the mineral interests and so forth, which obviously would be largely in conflict with the recreational use.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will yield further, if we do not spend the additional $6 million in additional land, that will not prevent people or discourage people from coming, because they already come anyhow.

Mr. VENTO. Well, just reclaiming my time, the point is, I think, there are some inherent conflict in the types of uses that are going on. By designating this national recreation area, we hope to treat it differently in the Forest Service. A visitor's center would be there, campgrounds and other things would be established that would further facilitate the use for that particular purpose.

So inherently we have some conflicts here in terms of mineral use which is not compatible with the types of recreational qualities for which this area is so reveried in the State of New Mexico.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will yield further, I do not want to belabor this, but I want to make one more brief comment. I want to ask a question, and that is, I know this is not a lot of money in the overall scheme of things, but if you have got 300,000 people coming already and you are going to spend $6 million over the next 5 years for something that is really not going to enhance the ability of people to come to this area, I do not see why we should ask the taxpayers to spend it.

Mr. VENTO. Well, just reclaiming my time, Mr. Speaker, I think in essence the dollars spent, if they are spent, if the Appropriations Committee appropriates and does develop a visitors' center and we do deal with boundaries, some of the costs incidentally will need to be made.

But the point is that indeed these tax expenditures, this type of designation does enhance and does in essence protect the type of experience there that has been available on a de facto basis.

If we do not move ahead, we are going to have further mineral claims. We are going to have further sales that are not compatible with the recreation area in terms of timber sales. This does not ban timber sales, but it does impact and does guide them along the use of this area.

So what we are trying to do here is have a balance between utilizing this on a multi-purpose basis and dealing with the other issues.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will yield further, it sounds like after listening to the discussion that we are talking about some environmental concerns, about the minerals coming out of there, and possibly some environmental concerns about the forest; but that has not been raised until the last minute or minute-and-half in this discussion.

My concern is that you already have 300,000 people who utilize this area. They come there already without a recreation center. These recreation centers and parking garages and movie theaters around the country are in that so-called economic stimulus package that the President has.

There is a lot of concern, if you have been back to your district, about this money being spent when it is really not absolutely necessary with the huge deficits this country is facing.

So I would just like to say to my colleague, and he is a very fine chairman of the subcommittee, does a good job, but the problem is that we have to prioritize spending around here. It just seems to me that to authorize $6 million over the next 5 years which will lead to another expenditure of a convention center of some kind of center in this forest area for possible environmental concerns really concerns me.

We do not have the kind of money just to be able to come up with these projects one after another. We have to prioritize spending. We are facing a national economic disaster if we do not start cutting into this deficit and the debt.

So for that reason, I will call for a vote on this and I will urge my colleagues to oppose it.

Mr. VENTO. Well, Mr. Speaker, let me just in terms of reclaiming my time point out that when you have a mineral entry and claims are made and when land is patented, basically the ownership of that land and under the laws with a small fee paid does transfer to private individuals. So once that happens in the Jemez National Recreation Area, we end up then with inholdings and the types of conflicts that destroy the type of multiple use that we would like to personify under this national recreation area, which is designated by this bill.

It is a tough choice. Obviously, I would hope that there would not be the types of claims that are invading this area, are causing disruption, are causing the type of damage to the resource. We are at a point where we have to choose. We have to choose whether we want this area. It is obvious for us that come from different States and maybe not using this area in the southwest, it would be a different matter.

But I would just suggest to the gentleman that in the subcommittee at least we tried to go over these very carefully, all the details of it.

I appreciate the gentleman's question, because it gives me an opportunity to talk more in depth about these topics.

This is going through the authorizing committee in the appropriations process and considered in the regular order. So we have had the regular debates basically for years on this, and I would hope that when we do that, I know there may be honest difference but that we would receive a better response from Members on the floor with regard to positive action. It is a good measure and it ought to pass. It does I think put out some of the choices we have.

Mr. Speaker, without further request for time, I would urge Members to support this.

Mr. RICHARDSON. Mr. Speaker, today, we are considering H.R. 38 to establish a national recreation area in the Jemez Mountains of the Santa Fe National Forest in New Mexico. During the last hours of the 102d Congress, I had great hope that we could pass this bill. However, despite tremendous local support and bipartisan support in the House and Senate, time ran out on this legislation at the end of the last Congress. It is important that we act on this measure and abate the assault on the Jemez Mountains by the reckless strip mining of pumice. The protection of these mountains is one of New Mexico's top environmental priorities.

These volcanically formed mountains and valleys, mixed conifer and deciduous trees, streams, small ponds, steep canyons, and brilliantly colored rimrocks make up one of the most spectacular areas of the country. They are one of the country. They are one of the richest areas of biological diversity in the Southwest. The largest elk herd in New Mexico migrates through the area, and the mountains provide critical habitat for many Federal- and State-listed threatened and endangered species as well as sensitive species including the peregrine falcon, goshawk, Jemez Mountains salamander, and others.

The Jemez also contain one of the highest densities of archaeological and cultural sites in North America, estimated at 15 sites per square mile and totalling approximately 30,000 sites. This includes large ancient Pueblo Indian villages sites, the largest of which contains over 1,800 rooms. The Jemez Pueblo Indians regard these mountains as the breath of life of their existence, and continue to use numerous religious sites in the Jemez.

The Jemez is also a very popular public recreation area. National forest figures show that approximately half a million people a year visit the area to camp, hike, fish, hunt, backpack, rock climb, and cross-country ski. Citizens from New Mexico and all around the country enjoy the Jemez. The area is truly a recreation mecca.

Unfortunately, the cultural, biological, and recreational value of the Jemez Mountains is threatened by the irresponsible strip mining of pumice, a material used to stone wash jeans. In fact, the major pumice mining operator in the Jemez, who is not even a member of the New Mexico Mining Association, has shown nothing but blatant disregard for Federal and State environmental laws. Over the last few years, New Mexicans have become justifiably alarmed about this degradation of the Jemez, resulting in my appointment of a citizens committee to develop a proposal to create a national recreation area [NRA]. Representatives from environmental organizations, timber companies, and concerned citizens held several meetings and worked diligently to produce a viable NRA proposal.

Since then, compelling testimony has been given at two congressional hearings and several town meetings in the Jemez area, and thousands of New Mexicans have called or written to express their support for an NRA in the Jemez. This legislation will provide protection for 57,000 acres of some of the most beautiful land in the country. The bill directs the Forest Service to develop a comprehensive management plan for the recreation area that addresses issues relating to native Americans, cultural resources, wildlife, recreation, mining, and visitors. It specifically withdraws the lands within the recreation area from new mining activity and prohibits the issuance of new mining patents, but protects the rights of those with existing mining operations. Mine operators will be required to reclaim the land as close as possible to its condition prior to mining.

Finally, I have worked hard to ensure that local landowners may continue with traditional uses of the land such as grazing, hunting, and timber harvesting. Because the Jemez Mountains are considered sacred by the Jemez Pueblo, specific language is included to protect their religious and cultural rights. Also, the bill will provide for much needed recreational and interpretive facilities, as well as a visitors center.

Mr. Speaker, it is critical that we look to the future and protect areas like the Jemez for our children and our children's children. This legislation will do just that. I urge my colleagues to join me in this effort.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MFUME). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 38, as amended.

The question was taken.

Mr. BURTON of Indiana. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on the first two motions to suspend the rules on which further proceedings were postponed earlier today, in the order in which that motion was entertained.

Votes will be taken in the following order: S. 328, and S. 326.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

REHABILITATING HISTORIC STRUCTURES IN GATEWAY NATIONAL RECREATION AREA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 328.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 328, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 21, as follows:

[Roll No. 137]

YEAS—410

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)

Combest
Condit
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cunningham
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Hefner
Herger
Hilliard
Hinchey
Hoagland
Hobson

Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Hoyer
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)

Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)

Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Swett
Swift
Synar
Talent
Tanner
Tauzin

Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer

Vucanovich
Walker
Walsh
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Barton
Bilirakis
Byrne
Clay
Conyers
Emerson
Engel

Fields (TX)
Green
Henry
Houghton
Lantos
Moran
Quillen

Richardson
Sundquist
Torres
Unsoeld
Washington
Wilson
Wolf

□ 1427

Mr. EVERETT changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MFUME). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair had postponed further proceedings.

□ 1430

GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

The SPEAKER pro tempore (Mr. MFUME). The pending business is the question of suspending the rules and passing the Senate bill, S. 326.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 326, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 314, nays 93, not voting 24, as follows:

[Roll No. 138]

YEAS—314

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)

Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia

Barlow
Barrett (WI)
Bateman
Becerra
Beilenson

Bereuter
Berman
Bevill
Bilbray
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Callahan
Calvert
Camp
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Duncan
Durbin
Edwards (CA)
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Grams

Grandy
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Horn
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Inslee
Istook
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
LaRocco
Laughlin
Leach
Lehman
Levin
Lewis (GA)
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Morella
Murphy
Murtha
Nadler

Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shepherd
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (IA)
Smith (NJ)
Smith (TX)
Snowe
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Walsh

Waters
Watt
Waxman
Wheat
Whitten
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NAYS—93

Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bonilla
Burton
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Doolittle
Dornan
Dreier
Dunn
Everett
Ewing
Fawell
Fowler
Gekas
Geren
Goodling
Goss
Hall (TX)
Hancock
Hastert
Herger
Hoekstra
Hunter
Hyde
Inglis
Inhofe
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lambert
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Manzullo
McCandless
McCollum
Mica
Michel
Miller (FL)
Moorhead
Myers
Nussle
Orton
Packard
Penny
Pombo
Porter
Ramstad
Rohrabacher
Roth
Royce
Santorum
Saxton
Sensenbrenner
Shays
Shuster
Slattery
Smith (OR)
Solomon
Stearns
Stenholm
Stump
Tanner
Taylor (NC)
Thomas (WY)
Vucanovich
Walker
Weldon
Young (FL)
Zeliff
Zimmer

NOT VOTING—24

Barton
Bilirakis
Byrne
Canady
Clay
Conyers
Engel
Fields (TX)
Green
Henry
Hoke
Houghton
Lantos
Moran
Owens
Quillen
Richardson
Smith (MI)
Sundquist
Torres
Unsoeld
Washington
Wilson
Wolf

□ 1438

Messrs. BURTON of Indiana, PORTER, and ZIMMER changed their vote from "yea" to "nay."

Mr. DUNCAN changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, during rollcall votes 137 and 138 on H.R. 328 and S. 326, I was unavoidably detained. Had I been present I would have voted "yea."

I was attending a meeting with Secretary Henry Cisneros concerning housing and community development in the Houston area.

PERSONAL EXPLANATION

Mr. WOLF. Mr. Speaker, I was unavoidably detained this afternoon during rollcall votes 137 and 138 because I was testifying at a hearing of the Base Realignment and Closure Commission in Arlington, VA, concerning the proposed closing of Vint Hill Farms Station located in the 10th Congressional District of Virginia and the proposed realignment of the Naval Systems Commands from northern Virginia.

Had I been present on the House floor during those votes, I would have voted "yea" on rollcall 137, in support of S. 328, concerning the Gateway National Recreation Area, and "yea" on rollcall 138, in support of S. 326, concerning the George Washington Birthplace National Monument.

□ 1440

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 66) to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. MFUME). Is there objection to the request of the gentleman from Maryland?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, I will not object, I would just like to say that this piece of legislation is being sponsored by my good friend, the gentleman from Indiana [Mr. JACOBS], who unfortunately cannot be here right now. He is the chief sponsor.

Mr. Speaker, the gentleman from Indiana [Mr. JACOBS] is the primary sponsor of this. He is also the chief sponsor of the House companion bill, House Resolution 94, to the Senate Joint Resolution No. 66.

He is very concerned about this issue, as we all are. I strongly support and urge all my colleagues to support the National Organ and Tissue Donor Awareness Week.

Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from South Carolina, Mr. BUTLER DERRICK.

Mr. DERRICK. Mr. Speaker, I thank the gentleman for yielding to me.

I would like to take this opportunity to rise in support of this legislation that was introduced by our senior Senator from South Carolina, STROM THURMOND, some month or so ago.

He had no way of knowing, nor did anyone, but last week his 22-year-old daughter, who was to graduate from the University of South Carolina in May of this year and to enter the University of South Carolina Law School in September of this year, who was a bright, engaging young woman that I have known all of her life, was struck by an automobile in Columbia last week and died with injuries that she received and donated her organs so that others might live.

Our State has been in mourning for this fine young woman for the last number of days. I would like to suggest that the House pass this legislation in memory of a young woman that all of us would have been proud to call our daughter, Nancy Moore Thurmond.

Mr. BURTON of Indiana. Mr. Speaker, continuing my reservation of objection, I yield to my colleague, the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, I would just like to echo what my colleague from Edgefield County over in South Carolina had to say.

Senator THURMOND, in his long, long life, has certainly had his share of tragedy.

His first wife died of a brain tumor many years ago, when he was Governor. He did not marry again for a great many years, and then he married Miss South Carolina, Nancy Thurmond, who many of my colleagues know, and their first child was not born until the Senator was 68 years old, and that was Nancy Moore Thurmond.

A great many of my colleagues probably saw her at the Senator's birthday party, which was held a little less than a month ago. And of course, just recently, within the past week or so, she was walking across the street there in Columbia, SC, where she was a senior at the University of South Carolina, getting ready to run for Miss South Carolina, as her mother had formerly been. She was tragically struck down by an automobile and killed. She lay there in her hospital, I think on the moment of impact she had become brain dead. And her family, quite rightly, decided that her organs should be given so that others might live. And the life support systems were removed, and that occurred, and I just think this is just a very, very fitting tribute not only to that beautiful young lady, Nancy Moore Thurmond, but also to the Senator and his family.

I certainly would hope that the House would cast a unanimous vote for passage of this and in memory of Miss Thurmond.

Mr. BURTON of Indiana. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I am introducing today along with other Members of the South Carolina delegation a measure which would designate April 17–24, 1994, as Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week. As my colleagues may know, Nancy Moore Thurmond, daughter of Senator STROM THURMOND, died tragically in an automobile accident last week.

Although the time she spent with us was only 22 years, she made each of those years count. She contributed unselfishly to children's causes, and had already at such a young age established an exemplary record of public service and dedication.

According to her wishes, her organs were donated, and as an organ recipient myself, I know firsthand what a generous gift that is. Indeed, there are no words that are capable of conveying that gratitude.

I was proud to be a cosponsor of legislation introduced by my colleague ANDY JACOBS to establish the National Organ and Tissue Donor Week and belief that it will increase public awareness for the importance of organ and tissue donations. Yesterday, I was honored to participate in ceremonies in my home State of South Carolina celebrating the establishment of this organ and tissue donor week. Every 20 minutes, a new patient is added to the national waiting list and designating the week of April 17–24, 1994 as the Nancy Moore Thurmond National Organ and Tissue Donor Week will give hope to the many who continue to wait.

When a tragedy such as this occurs, the first question that comes to mind is "why?" As a close friend of Senator THURMOND over the years, I watched his daughter Nancy grow up to become a kind, intelligent, and giving person. The only answer I can think of in response to "why?" is that Nancy was indeed so special that God wanted her close. Heaven has been enriched.

I know that my colleagues will join me in keeping the family of Senator STROM THURMOND and the many other families waiting for an organ and tissue donation in their thoughts and prayers.

Mr. BURTON of Indiana. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Speaker, when I opened up the newspaper and saw the tragedy that had unfolded, the only thing that I could think of was not the headline of the moment but the absolutely beautiful young girl who had brought flowers over to the place that we rented in northern Virginia from her mother and father who lived next door.

I had never met Senator THURMOND at that time. I subsequently became acquainted with him as a neighbor.

When I looked down at the age of 22 and thought of my own sons, who were a little bit older, a little bit younger, all I could think of was the absolute tragedy, and all I could think of was that for years after, when people asked me who is the prettiest young girl I ever saw, I told them it was a 17-year-old little girl that was the daughter of a Senator and who, in a few years later, proved in many contests and on many different kinds of fields that that was the case.

□ 1450

The thing that struck me even more than her outward beauty was her friendliness, her demeanor, and the fact that she was such a warm and likeable person.

I will conclude by saying that this was a tragedy for a very beautiful young lady, beautiful in every sense in which that word can be used.

Mr. BURTON of Indiana. Mr. Speaker, continuing my reservation of objection, I thank the gentleman from Louisiana [Mr. HAYES] for his contribution.

Mr. Speaker, continuing my reservation of objection, and I do not know if this is in order or not, but I ask unanimous consent that the title of the joint resolution be changed to the Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week in honor of this lady who died in an untimely way, and who donated her organs to help other human beings. She is a perfect example of what we all ought to be as far as caring about our fellow man.

It is a very simple procedure, Mr. Speaker, for anybody to allow their organs to be donated to help other human beings in the event of their untimely death. They can do that simply, in most States, by putting a notation on the back of their driver's license, so if there is a terrible tragedy they can see from their driver's license immediately whether or not those organs are to be donated. It certainly would help other human beings.

Mr. Speaker, I ask unanimous consent that the title of this joint resolution be changed, in compliance with Senate Joint Resolution 80.

The SPEAKER pro tempore (Mr. MFUME). The Chair advises the distinguished gentleman from Indiana that the gentleman's sentiments will appear in the RECORD, but the Chair is reluctant to entertain a request to change the title without concurrence of the manager and the sponsors of the bill.

However, again, the Chair again reiterates that the gentleman's sentiments, as have been duly expressed by other Members, will appear in the RECORD.

Mr. KLECZKA. Mr. Speaker, I rise in strong support of Senate Joint Resolutions 66 designating the week beginning April 18, 1993, and the week beginning April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

Ralph Waldo Emerson once said that each person's goal should be to "make yourself necessary to someone". Across our Nation today, more than 30,000 people are waiting for an organ transplant. Their only hope, as they face each uncertain day, is that a fellow citizen has had the courage and faith to give them a second chance by having signed an organ donor card.

My family and I know from personal experience the hopes and fears of those thousands who wait. We also are fortunate to know the joy and deep gratitude of those have been organ recipients and now have a more certain future.

Senate Joint Resolution 66 will serve to remind all Americans that signing an organ donor card is a selfless act to "make yourself necessary to someone." I urge my colleagues to support and adopt this resolution.

Mr. BURTON of Indiana. I thank the Speaker, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland [Mr. WYNN]?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

SENATE JOINT RESOLUTION 66

Whereas a new patient is added to the national patient waiting list for an organ transplant every 20 minutes;

Whereas thousands of lives are saved or significantly improved annually by organ and tissue transplantation; and

Whereas increasing the number of transplantable organs and tissues would save American taxpayers millions of dollars: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks beginning April 18, 1993, and April 17, 1994, are each designated "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

INQUIRY REGARDING BIPARTISAN AGREEMENT ON SPECIAL ORDER TIME

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent to proceed out of order for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. TAYLOR of Mississippi. Mr. Speaker, I have an inquiry of the minority leader.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I would say to the gentleman, the minority leader is not on the floor at the moment. I will be glad to try to, in his stead, answer any questions.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am curious, because as the Members know, before we left for the district work period it was my understanding that the leadership of the majority and the minority parties were to get together in order to bring some sort of structure, some sort of form to the special orders, 160 hours of which were paid for by the citizens last year at about $6,000 an hour.

Mr. Speaker, I would inquire from the minority, what is the status of those discussions?

Mr. BURTON of Indiana. Mr. Speaker, I am happy to answer the gentleman's question. There was a task force appointed by the minority leader on our side of the aisle. That task force, headed by the gentleman from New York [Mr. SOLOMON] of the Committee on Rules, will be meeting at 4 o'clock today to try to come up with a proposal. Excuse me, the Republican Research Committee of the gentleman from Illinois [Mr. HYDE] has been working on that. We will have a proposal that we will be bringing before the body before too long.

They will be talking with the gentleman's leadership on his side of the aisle, the gentleman from Washington [Mr. FOLEY] and the majority floor leader, as well, so they have been working on this and there will be some hopeful resolution before too long.

Mr. TAYLOR of Mississippi. Mr. Speaker, I would ask the gentleman how does "before too long" translate in hours and days?

Mr. BURTON of Indiana. I would inform the gentleman that we had a meeting today, the Republican Research Committee, and they talked about the proposal. It was presented to the body as a whole. It will go to our conference probably this week, and I feel confident that this will be discussed with both the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Washington [Mr. FOLEY] very shortly.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman.

COMMUNICATION FROM THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Director, Non-Legislative and Financial Services, of the House of Representatives:

HOUSE OF REPRESENTATIVES, NON-LEGISLATIVE AND FINANCIAL SERVICES,
Washington, DC, April 7, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

THE HOLOCAUST MUSEUM, A HISTORICAL REMINDER

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MANZULLO. Mr. Speaker, I was shocked to read today that one in five Americans surveyed by the Roper organization thought it possible that the Holocaust never happened.

With the opening of the Holocaust Museum to the public next Monday, there could be no better time to remind everyone of the importance of remembering this horrible event in human history.

On April 15, 1945, Gen. Dwight Eisenhower visited every nook and cranny of the Nazi concentration camps in order, according to his own words, "to be in a position to give first-hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to propaganda."

Mr. Speaker, let's encourage these 20 percent of doubting Americans to visit the Holocaust Museum to see firsthand for themselves the horror of the Nazi past. Let them see the same things as General Eisenhower did nearly 50 years ago. As one famous historian has said, "Those who forget history are condemned to repeat it." Never again.

[From the New York Times, Apr. 20, 1993]

1 IN 5 POLLED VOICES DOUBT ON HOLOCAUST

NEW YORK, April 19.—A poll released today found that 22 percent of adults and 20 percent of high school students who were surveyed said they thought it was possible that the Holocaust, Nazi Germany's extermination of six million Jews, never happened.

In addition to the 22 percent of adult respondents to the survey by the Roper Organization who said it seemed possible that the Holocaust never happened, 12 percent more said they did not know if it was possible or impossible, according to the survey's sponsor, the American Jewish Committee.

The findings shocked Holocaust survivors, some of whom had devoted much of their lives to keeping alive the memory of the systematic extermination of Jews in World War II.

Roper interviewed 992 adults from Nov. 14 to Nov. 21 and 506 high school students from Oct. 19 to Oct. 30. All were asked, "Does it seem possible, or does it seem impossible to you, that the Nazi extermination of the Jews never happened?"

"WHAT HAVE WE DONE?"

Sixty-five percent of adults and 63 percent of high school students said it was impossible to believe that the Holocaust never happened. Twelve percent of the adults and 17 percent of the high school students said they did not know. The margin of sampling error was plus or minus four percentage points for the adult survey and plus or minus five percentage points for the survey of students.

"What have we done?" asked a stunned Elie Wiesel, the Nobel laureate who chronicled his experiences at the Auschwitz and Buchenwald concentration camps. "We have been working for years and years. I am shocked that 22 percent—oh, my God."

Benjamin Mead, president of the American Gathering of Jewish Holocaust Survivors, called the findings alarming. "It was a Jewish tragedy," he said. "But the message is universal: It happened to Jews. It could happen to anyone."

David Singer, research director for the American Jewish Committee, said the study was "the first attempt ever to systematically get at what Americans know about the Holocaust."

The survey also found that 72 percent of adults and 64 percent of high school students said it was essential or very important for all Americans to know about and understand what was done to the Jews by the Nazis.

In addition, 63 percent of adult respondents and 54 percent of high school respondents rejected the idea that 50 years had erased the relevance of the Holocaust.

INSURANCE REDLINING

The SPEAKER pro tempore (Mr. WATT). Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS of Illinois. Mr. Speaker, on March 3, the Subcommittee on Commerce, Consumer Protection, and Competitiveness held a hearing to examine redlining practices of insurance companies. We heard very disturbing reports about a variety of practices insurance companies use to deny access to insurance to the residents of our urban areas.

There are those who deny redlining exists, who say it never happened. Or that it is purely an urban availability problem, not related to racial discrimination. The evidence shows otherwise.

Selwyn Whitehead of the Economic Empowerment Foundation testified at the subcommittee hearing about her experience in trying to get liability insurance for her telecommunications consulting firm in the late 1980's. When she identified her firm as a woman-owned firm, of color, in Oakland, she was turned away or quoted premiums for $8,000 to $10,000 per year. But when she called on behalf of her fictitious white male boss, a Mr. Selwyn Whitehead, the first quote was for $1,200.

And, in later February, there were news reports of a former sales manager for Allstate in California accusing Allstate of closing inner-city offices and ordering workers to lose files from minority insurance applicants.

The statistics speak for themselves. At the subcommittee hearing, Illinois Public Action revealed that there are 52 State Farm offices and 32 Allstate offices in a predominately white congressional district in Chicago. But in the Chicago portion of my district, there are only six State Farm offices and two Allstate offices outside the downtown area.

Illinois Public Action also revealed that in a primarily African-American neighborhood in Chicago, at 79th Street, there is a heavily trafficked Sears store. You can get your car fixed there, but you cannot buy Allstate insurance there, even though you can at many Sears stores.

And ACORN testified that in Chicago, only 51.1 percent of occupied, single family units in low-income neighborhoods, and only 57.6 percent in minority neighborhoods, were covered by any type of insurance, compared to 90 percent coverage in high income and 87.7 percent coverage in white areas.

We heard a somewhat different view from the American Insurance Association. I appreciated the association's willingness to testify and to engage in a dialog about this problem. Unfortunately, the insurance industry's general posture is to take issue with these studies and try to nitpick them to death. But it is hard to take issue with the basic conclusions. However, the industry criticism does point out one basic problem. There is a lack of good, solid, comprehensive data about insurance coverage in urban areas.

To remedy this, I have introduced legislation, H.R. 1188, the Antiredlining in Insurance Disclosure Act. This act will require insurance companies to disclose information about their insurance practices and activities in urban areas, such as the breakdown of policies sold by census tract, itemized by demographic chacteristics. These disclosure requirements would apply to major lines of insurance, such as automobile, property, and small business commercial insurance. The legislation also requires reporting of agent location by census tract.

The information generated by this legislation would help determine the true nature and extent of redlining. The public disclosure of this information would also serve as a powerful disincentive against discriminatory behavior.

In addition, the legislation mandates disclosure to insurance applicants about reasons for rejection or nonrenewal and protects against the termination of agents as a result of their location or the location of their customers. The act would be administered by the Department of Commerce.

As a practical matter, access to property insurance is a prerequisite for access to mortgage loans and is often essential for access to small business loans. Without access to affordable insurance, small businesses in our urban areas cannot prosper nor generate badly needed jobs. Similarly, access to affordable automobile insurance is often essential for residents of the inner cities to keep and hold jobs.

Next week on Monday, April 26, our subcommittee will be conducting a field hearing in Chicago to examine how insurance practices are affecting the ability of low-income and minority residents to purchase homeowners and automobile insurance.

Redlining practices must stop. I am hopeful this legislation will be a first step in developing effective solutions to this problem.

□ 1500

MEDICAL DISCHARGE OF PETTY OFFICER FIRST CLASS NEGRETE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MARTINEZ] is recognized for 5 minutes.

Mr. MARTINEZ. Mr. Speaker, when is a hero not a hero—I'll tell you when—when he happens to be a Persian Gulf veteran by the name of Ruben Negrete. You see, Mr. Speaker, Petty Officer First Class Negrete has a disease which is consuming his life. Immediately after coming back to the United States from a 4-month stint in the Persian Gulf, Ruben Negrete's physical condition began to rapidly deteriorate to the point that he is now of no more use to the Navy; no more use to the institution he served with such loyalty and distinction; no more use to the country he was called to defend. Petty Officer Negrete, a man who invested 14 years of his life in the military service, a man who was building a promising career in the Navy, is being cut loose to fend for himself.

President Theodore Roosevelt once said, in his typically blunt fashion:

> A man who is good enough to shed his blood for his country is good enough to be given a square deal afterwards.

Mr. Speaker, as a proud veteran of the Marine Corps and as a Member of Congress, it saddens me and angers me to say that Ruben Negrete, along with countless of other sick Persian Gulf veterans, is not being given a square deal by the Department of Defense.

From January 8 to April 24, 1991, Petty Officer Negrete was deployed to the Persian Gulf, assigned to Fleet Hospital Six as part of a construction battalion in Bahrain. During his normal course of duty in the Persian Gulf, Ruben Negrete was exposed on a daily basis to large quantities of oil smoke, generator exhaust fumes, microwave radiation, and all types of chemical agents.

While performing under strenuous environmental conditions, Ruben Negrete didn't think twice about the dangers posed by his exposure to chemical toxins—he simply and professionally carried out his assigned duties.

Prior to being deployed to the Persian Gulf, Ruben Negrete was a healthy young man. The Navy even gave Ruben a clean bill of health during a physical before he left for the gulf.

Since his return to the States, however, Ruben has been in and out of naval dispensaries and has been an inpatient at the San Diego Naval Hospital for the last year. Ruben has suffered from memory loss, chronic fatigue, hair loss, and severe arthritis. In fact, Ruben Negrete's ailments are so severe that he has great difficulty walking a street block and suffers constant muscle and joint pain throughout his body.

In the words of Ruben's mother, who has painfully watched the physical deterioration of her son, Ruben has become an immobile shadow of himself.

And how does the Navy treat this wounded warrior? It determines that he is unfit for duty and offers him a medical discharge with 10-percent disability. Upon appeal, the Navy raised Ruben's disability to 40 percent.

Forty-percent disability for a man who has tremendous difficulty performing and sustaining the most basic physical tasks; 40-percent disability for a man who honorably served his country in time of war; 40-percent disability for a man who is expected to support his wife and three children.

Mr. Speaker, how can the Navy realistically expect Ruben Negrete, who has been an inpatient for approximately 1 year and whose medical condition hasn't improved one scintilla, to find and maintain gainful employment upon discharge? How can the Navy expect Ruben Negrete to support and care for his family, when he is nothing more than the shell of his former self?

How can the Navy expect Ruben Negrete to set out on a new career path when he is physically incapacitated by chronic fatigue and pain?

In a 1962 commencement speech before West Point cadets, Douglas MacArthur said:

> The soldier, above all other people, prays for peace, for he must suffer and bear the deepest wounds and scars of war.

Mr. Speaker, Petty Officer Negrete prayed for peace on the eve of Operation Desert Storm.

However, when his marching orders were given, Ruben Negrete put his life in harms way in defense of America's national interests. Today, when the victory celebrations and welcoming home parades for our returning Persian Gulf heroes are nothing but a distant memory, families like the Negretes are reminded daily of the Persian Gulf war.

People like Ruben Negrete are the ones who must live day in and day out with the wounds and scars of the conflict in the Persian Gulf.

Mr. Speaker, Petty Officer Negrete doesn't deserve to have his life brushed under the rug. He deserves, and has earned, a square deal from the Navy.

Ruben Negrete is a man who is physically incapacitated by his ailments and should be entitled to disability benefits that accurately reflect his critical condition. By offering Ruben Negrete 40-percent disability, the Navy is trying to get off cheap. The Navy, in my opinion, should live up to its obligation and acknowledge the fact that Ruben Negrete is clearly unable to work in any capacity.

I am asking the President, the Defense Secretary, and the Acting Secretary of the Navy to review Ruben's case in the farfetched hope that common sense and justice will finally prevail. The question that must be asked is how many other active duty personnel or Persian Gulf veterans suffer from similar ailments. These men and women are out there and the Defense Department needs to recognize that there is a medical problem related to service in the Persian Gulf war.

For nearly 20 years the U.S. Government shamefully ignored the agent orange claims of Vietnam veterans. In an age of the All-Volunteer Force, we cannot afford to treat our service men and women with such disrespect and disregard. Let us confront this problem head on and provide servicemen like Ruben Negrete with the benefits and care they so deserve.

BRANDON STUDENT WINS MISSISSIPPI VFW VOICE OF DEMOCRACY CONTEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, each year the Veterans of Foreign Wars and its Ladies Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. This year, more than 147,000 students participated nationwide and competed for $87,500 in scholarship money.

Mississippi's winner this year was Brad Bowlin of Brandon. Brad is a senior at University Christian School and has an outstanding record of achievement and leadership throughout his years in high school. I want to share with my colleagues Brad's Voice of Democracy entry.

MY VOICE IN AMERICA'S FUTURE

(By Brad Bowlin)

What is my voice in America's future? In order to answer this, I must first ask the question, "Why do I have a voice in America's future?" I have a voice in America's future because of those voices in our past which spoke loud and strong enough to secure and maintain the freedoms I enjoy today.

What are these voices from the past? They are the voices of those pilgrims who perished for the cause of freedom that first dreadful winter at Plymouth.

They are the voices of those 56 courageous men who signed the Declaration of Independence and mutually pledged to each other, their lives, their fortunes, and their sacred honor. Of those 56, many sealed that pledge with the loss of their homes, their families, and their very lives for the cause of freedom.

They are the voices of those statesmen such as Washington, Franklin, Jefferson, Adams, Henry, and Lincoln who hammered out our laws on the anvil of wisdom, compassion, and human dignity. These were tough-minded, clear-thinking, sacrificial men who did more than talk about freedom. They did something about it.

They are the voices of those countless brave men and women whose bodies lie beneath white crosses—veterans who fought and even died that I might live to be free. The lives of these heroes bring to mind forgotten terms such as integrity, bravery, respect, faith, vigilance, honor, discipline, sacrifice, and godliness. To the many in our nation who have given their lives to further it, this freedom was dear—so dear they were willing to die for it.

I as a young citizen of the United States of America would not have a voice in America's future if there had not been those before me who counted the cost of freedom and willingly gave their lives to pay for it. It has been said that freedom is never free; it is always purchased at a great cost.

Because of these voices from the past, America is still the greatest nation in the world. Let negative voices argue about what's wrong with America, but our democratic system is still the envy of the world. Our shores are still the beacon of opportunity, shining to the rest of the globe. While other nations have built barbed-wire fences to keep people from getting out, America still greets a long line of people wanting to get in.

Yes, America is great, but will she remain so? The answer to this lies in my voice in America's future and in the voices of the countless other young men and women standing at the threshold of the 21st Century.

How will my voice in America's future be heard? I believe it will be heard through my vote, my valor, and my values.

First of all, my voice will be heard through my vote. In 1776 one vote gave America the English language instead of German. In 1876 one vote gave Rutherford B. Hayes the Presidency of the United States. In 1923 one vote gave Adolph Hitler leadership of the Nazi party. In 1941 one vote saved the Selective Service—just weeks before Pearl Harbor was attacked.

So what does all of this say? My vote could very well change the course of history.

Next, my voice will be heard through my valor. In the long history of this world, only a few generations have been granted the role of defending freedom in its darkest hour. I trust that I will not shrink from this responsibility and that I too will pay the price if another hour of danger threatens our democracy during my lifetime.

Finally, my voice will be heard through my values. Our real defense as a nation rests in the convictions, character, and commitment of each of us as citizens of this great land. In the words of General Douglas McArthur, it is my desire "to have a heart that is clean; a goal that is high; to learn to laugh yet never forget how to weep; to reach into the future yet never neglect the past."

It is my hope that my voice will be a loud, strong, clear one for the cause of democracy in this, the most blessed nation on the face of the earth—the United States of America.

FREEDOM OF CHOICE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I yield to my colleague, the gentleman from Florida [Mr. CANADY].

Mr. CANADY. Mr. Speaker, I thank the gentleman for yielding.

Today, I rise to address the Freedom of Choice Act, a bill with a title that pays homage to the value of freedom—a value at the core of our beliefs as Americans. "Freedom of choice" are words that evoke the respect of all Americans.

Our country was founded on the principles of freedom—and countless Americans have made sacrifices, both small and great, to protect, defend, and enhance the freedom we enjoy as citizens of the United States.

Freedom is a political, legal, and moral concept. It is at the heart of our political tradition, our jurisprudence, and our collective morality.

But freedom is a concept which in our history as a Nation has never for long been divorced from the concept of responsibility.

□ 1510

Americans have always recognized that there can be no freedom without responsibility. Americans have always understood that our individual and collective choices have consequences. And that understanding is critical to the time-honored American concept of freedom.

Every attempt to undermine the value of personal responsibility and personal accountability will in turn fray and tear the fabric of freedom.

Despite its title, the Freedom of Choice Act would undermine the fabric of freedom by establishing an extremist policy of promoting abortion in America, a policy which is at odds with the views of most Americans.

I am aware that America is divided on the issue of abortion. Many Americans are committed to the pro-life position in opposition to abortion and support stronger laws to protect the lives of the unborn. Other Americans strongly identify with the pro-choice label and view that Government should not place undue restrictions on the ability of a woman to obtain an abortion.

Although the proponents of the Freedom of Choice Act put forward this legislation simply as a pro-choice bill, the truth is far different. The truth is: This bill is not a pro-choice bill, it is a pro-abortion bill, a bill that would invalidate all restrictions on abortion, including the reasonable, moderate restrictions that are supported by an overwhelming majority of Americans.

Consider what this bill would impose on Americans.

It would leave private religious and nonreligious hospitals open to legal action forcing them to provide abortions. Even institutions founded on principles totally at odds with abortion could be dragged into court on the pretext that their policies restrict the right of women to choose abortion.

It would very likely prevent State governments from implementing policies limiting the public funding of abortions. This is an offense not only to pro-life citizens, but also to other citizens who believe that Government funding of abortion simply goes too far.

Mr. Speaker, this bill would, in effect, prohibit any regulation of the practice of abortion, even to protect the health of the pregnant women unless such regulation is accepted by groups representing abortion providers such as the National Abortion Federation and the American College of Obstetricians and Gynecologists.

The bill would prohibit States from requiring that abortions be performed by licensed physicians. It would invalidate parental consent and parental notice statutes which have been adopted by various States and upheld by the courts, and it would, in fact, mandate parental circumvention by allowing a minor to obtain permission for an abortion from any other responsible adult including the abortionist.

The bill would prohibit enactment of meaningful informed-consent laws, laws which are designed to assure that pregnant women know the relevant facts and alternatives before submitting to an abortion.

The bill would prohibit the enactment of a reasonable waiting period prior to the performance of an abortion.

All of these features point out the radical nature of the so-called Freedom of Choice Act. The radical nature of the proposal is further highlighted by its prohibition of State restrictions on abortions after viability. The bill would grant the abortionist unfettered discretion to determine when an unborn child is viable, and it would invalidate the very State laws which establish an objective standard for determining the viability of an unborn fetus.

As a consequence, viable unborn children will be killed by abortionists operating under the protection of a Federal statute, if the Freedom of Choice Act is passed into law.

This is a result which the vast majority of Americans do not support, and it is a result which I submit this House should not support.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Florida [Mr. CANADY] for his research and his remarks.

Mr. Speaker, I yield to my colleague, the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, the President has recently taken action to remove restrictions on Federal funding for abortion. He is now aiming his efforts at striking down the Hyde amendment.

Mr. Speaker, if the Hyde amendment is not upheld and abortions are performed with Federal money, there will be an uproar across this Nation by those who object to their tax dollars being used for what they believe is the taking of the lives of the unborn. They are tired of having the President lift the reasonable and commonsense restrictions mainstream America has supported since the time of Jimmy Carter when he had the foresight to sign them into law.

Mr. Speaker, if the President is looking for a way to ease tensions caused by the abortion controversy, lifting the Hyde amendment is the wrong move. There is overwhelming public support for restrictions of Federal funding on abortion.

A recent CBS News/New York Times poll found that 72 percent of the American people felt that the costs of an abortion should be paid directly by the woman who has the abortion. Only 23 percent felt otherwise. In spite of the overwhelming support for restrictions on Federal funding of abortions, the President who leads the majority party has chosen once again to side with a minority of the American people.

After taking immediate executive action to soften restrictions on Federal involvement in abortion, the administration now looks to strike down the Hyde amendment in order to provide abortion on demand. And we'll have to be on the look out when the President comes out with Mrs. Clinton's new health plan because there will certainly be new provisions for reproductive services there too. Indeed, Planned Parenthood in California is actually trying to build abortion clinics with Federal community development funds.

The Alan Guttmacher Institute [AGI], the research arm of Planned Parenthood, tentatively estimated that the Federal share of Medicaid-funded abortions would cost between $62.5 and $75 million in fiscal year 1994, funding about 312,000 abortions. Thus, the average Federal contribution would be $200 to $240 per abortion. AGI speculated that this may be a low estimate since it is based on the number of abortions paid for through Medicaid in fiscal year 1977, and the number of Medicaid-eligible individuals has increased.

Then the President advocates the Freedom of Choice Act, emphasizing his belief in a woman's right to choose. Of course, he does not say that this act virtually gives a woman the right to terminate her pregnancy at any time. Even worse, the president now advocates Federal funding of these abortions.

Perhaps this explains why so many people who voted for a woman's right to choose are feeling so alienated; they are finding out that what they really voted for was the Government's right to use their money to pay for the termination of a pregnancy at any point in the pregnancy and for any reason.

My question is: Does the President really think that by providing Federal funding for abortions, he'll be able to accomplish his so-called goal of decreasing the number of abortions in this country?

The nature of the controversy itself shows there are grave doubts within the heart of the American people. Even the President seems to have experienced a tugging on his conscience. He said "very few Americans believe that all abortions all the time are all right." He also made it a point in the campaign to mention that he was not advocating abortion on demand, and that he'd really like to see a decrease in the number of abortions performed in this country.

Congress would pay for hundreds of thousands of abortions each year. Prior to the fiscal year 1978, the Federal Medicaid Program paid for about 300,000 abortions each year. In fiscal year 1991, with only the life of the mother exception, only 89 abortions were paid for with Federal Medicaid funds.

Repeal of the Hyde amendment, rather than giving States flexibility, takes away from States the decision whether or not to pay for abortions. Unless HHS designates abortions optional procedures, or treats them differently from all other Medicaid services by paying for them entirely with Federal funds, rather than requiring a State match, States would be required to participate in providing abortions on demand, or lose Federal Medicaid reimbursement.

Mr. Speaker, this is not a gesture that will help decrease the devastation of abortion; it is not a gesture that will strengthen families. This is a gesture that coerces all citizens to help pay for abortions. We must recognize this and vote against the President's proposal.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague, the gentleman from Arkansas [Mr. HUTCHINSON], for his very insightful remarks.

I yield to my colleague, the gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Mr. Speaker, who is there who will speak for the children who cannot speak for themselves; who is there to demand that they be given rights? The children who are conceived come into being without any choices of their own: The choice to have sex is made by the father and the mother; the choice of whether to go to the inconvenience of birth control is made by the parents. Nowhere in here does the child participate in the process. However, whenever conception occurs, a being is created, not by the parents but by God, and as a consequence of these choices the child's rights should be protected.

The real difference between well-meaning people on either side of this issue comes down to when does life begin. If we all agreed that the child-like form in the mother's womb, the creation that has a head, hands, movements, and features, is in fact a child, then the controversy that grips this Nation would be but a whimper. I may be wrong, but that's my opinion.

The reason I say this is that we are a compassionate nation; we rush to the aid of the helpless whether it be the kids in the Waco compound, or the deer in the woods or the fish in the sea. Speaking of deer and fish, the thought occurred to me that we sometimes use names for deer and fish in an effort to stop killing them. We say to the hunter, "Are you going to kill Bambi?" and to the restaurant owner, "Are you going to serve us Flipper?"

To illustrate this point, think what would happen if we gave names to all children who are to be aborted. The names that come to my mind are John, Laura, Ted, and Rachel. These happen to be the names of my children. Abortion could have have sent pain and writhing to their beings and taken their lives; if so, maybe their parents would have had more money and spare time to spend on themselves, but what would have been lost was the chance at life that they were created for. Not parents but children. What about it: Are they not entitled to live their own lives? To have the opportunity like we have to try and fail, try each day to improve on what God has given them, to serve our country, to make their choices of life of how they would help mankind, or just take care of themselves; to choose to be criminals and believe that the world owes them something or even, yes, to take their own lives? If we would give each fetus a name maybe we could see that they are valuable and their rights to make choices should be preserved.

In this time of a ravaging deficit, what are the costs involved in this attempt to force States to allow the funding of abortions or lose the Medicaid services? In 1977, when abortions were federally funded, there were 294,000 abortions inflicted at a cost of $86 million. What the costs would be now is anybody's guess, but someone should be counting. If someone responds and says that we will be saving money through free abortions, the response should be, "A nation doesn't solve the blight of poverty by killing off the poor." And please remember that this law is asking those of us who sincerely disagree to be accomplices to this wrong by using our tax money.

Before someone says that abortions should be treated like other medical services, the figures from the Planned Parenthood affiliate should be examined: 1 percent of abortions are the result of rape or incest; 7 percent to save the life of the mother. What these figures mean is that the rest of the 92 percent of the decisions are birth control decisions—this is wrong, period, but it is wrong for our Nation to fund these decisions, when the parents do not consult the Government before they decide that their drive for pleasure and their unwillingness to be inconvenienced are more important than the Nation's welfare. By doing this we are not only costing dollars that we do not have, but we are further encouraging our Nation to take what we want without having to pay for it.

I do not pretend to know everything about this issue; my opinions don't become more important because I have been elected to Congress, but I do know what I believe to be important: That our Nation can not survive as we want it to unless and until we can speak for the ones who cannot speak, until we can give everyone an equal chance to succeed and contribute. A house cannot be built starting at the top floors; we must build from the bottom. The bottom in this context is at the fetus stage. We were all fetuses and we were all given the right to live and pursue happiness by our parents and our Government.

I am not trying to convince anyone to change your minds; I do not intend to condemn anyone for the decisions that they make; I merely want to publicly state what is a strong, strong, strong conviction on my part, that someone needs to speak for the little children in wombs all across this Nation, the Johns, the Lauras, the Teds, and the Rachels. If we do not I believe sincerely that we will be doing wrong, and you can never do right by doing what is wrong.

□ 1520

Mr. BURTON of Indiana. I thank the gentleman, my colleague from Arkansas, Mr. DICKEY, and his colleagues for those kind remarks.

Mr. Speaker, I now yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank my friend, the gentleman from Indiana [Mr. BURTON], and congratulate him for arranging this special order. I particularly want to thank Mr. CANADY, Mr. HUTCHINSON, and Mr. DICKEY for standing up and speaking in defense of the Hyde amendment.

You know, the United Negro College Fund has one of the best slogans I have ever heard, "A mind is a terrible thing to waste." Boy, is that true.

But if a mind is a terrible thing to waste, so is a whole person, so is a little baby, a defenseless, tiny member of the human family in his or her mother's womb.

You know, the Hyde amendment is an effort, a partial effort, to protect human life at its most defenseless, vulnerable stage. That in the womb of the pregnant woman is not a tumor; it is not a diseased appendix; it is not an abscessed tooth; it is a tiny, growing, burgeoning member of the human family.

Abortion kills that tiny member of the human family.

If we eliminate, as President Clinton has said he is going to do and as the so-called pro-choice people want to do—eliminate the Hyde amendment—then every American who pays taxes will become an accessory, an accessory to the extermination of an innocent human life. And that is terribly, terribly wrong.

So that I hope and pray that enough people will stand tall in defense of the defenseless, voiceless, unable-to-vote, unable-to-escape unborn in the mother's womb.

You know, a pregnant woman should be the natural protector of her child. When that pregnant woman, through whatever reason, becomes the adversary of that child and wants to exterminate that child, then the law should step in and say that the first duty of the law is to protect human life.

Our Founding Fathers in our Nation's birth certificate said, "We hold these truths to be self-evident, that all men are created equal," meaning all members of the human family, "and are endowed by their Creator with inalienable rights, among which are the right to life, liberty, and the pursuit of happiness."

So, the first inalienable right, which is an endowment from the Creator, is the right to life.

And so we who defend the unborn are in the mainstream of American history; we are standing with our Founding Fathers and our Framers to defend the right to life as an endowment from the Creator.

That is why no Congress, no Supreme Court, no jury can divest an existing member of the human family of that right to life.

Oh, you have the power to kill it, to exterminate it—they talk about terminating a pregnancy; well, every pregnancy terminates at the end of 9 months. You want to exterminate a member of the human family because that tiny member is inconvenient, unwanted.

We, the living, can determine who shall live. What a tragic thing.

Well, I just salute my friends for standing on behalf of what is becoming an unpopular cause, the defense of the defenseless. But I say that you have never done a better day's work in your life; you have never taken a better stand than when you defend the tiny unborn.

"Whatsoever you do to the least of these, my brethren, you do unto me," was said by a very great man, I believe the Son of God. And I am not ashamed to say that.

We are supposed to be made in His image and likeness. And to throw a member of the human family away because they are inconvenient, unwanted, or rejected or handicapped is a tragedy of immense proportions. When you kill a baby in the womb, you kill that baby's progeny; you kill grandchildren, great-grandchildren, on through history, one of whom might solve the riddle of cancer, multiple sclerosis, God knows what marvelous things are possible no matter how handicapped a person is.

A handicapped person, if they can get through birth, we can give them a place to park, a special place to park, but they have got to make it through birth first.

So I salute the gentleman from Indiana and our colleagues. I just came over to thank them, to stand with them proudly in defense of the unborn. I thank my friend from Indiana, one of the really great Members of this body.

Mr. BURTON of Indiana. I want to thank my friend from Illinois. I just want to say that there is nobody who speaks more eloquently or more from the heart than HENRY HYDE from Illinois, and I am proud to be a colleague of his.

IN OPPOSITION TO H.R. 25, FREEDOM OF CHOICE ACT

The SPEAKER pro tempore (Mr. WATT). Under a previous order of the House, the gentleman from Pennsylvania [Mr. KLINK] is recognized for 5 minutes.

Mr. KLINK. Mr. Speaker, to my colleagues, I also would like to rise today to speak against the Freedom of Choice Act, or H.R. 25. I thank my distinguished colleague, the gentleman from Florida [Mr. CANADY] for organizing this special order.

I have to just respond away from the prepared text of my script for a moment to talk about some of the comments that were made just previous to me.

In another life before coming to Congress, I was a news reporter. The amazing contradictions that I saw during my stint as a news reporter, as it comes to abortion and life, I hope will cause many of our colleagues on the other side of the issue to stop and think.

A little over a year ago we had a young child who was still in the womb and whose mother was in a hospital in the Pittsburgh area. It was determined that that child, while still in the womb, had some heart problems, yet birth was induced. The child was brought out of the womb and a heart transplant was undertaken to save the child's life. Yet there are many among us who would say that the great efforts made to save that child's life—by the way, the child ended up dying—the effort was for nought, there were many who instead of trying to save the child's life would have allowed that child to be aborted.

There is a distinguishable difference between those of us who stand for pro-life and those who are in favor of choice, and that is that we believe this is a life. We believe that it has a right to live.

I sometimes feel like an outsider in my own party, Mr. Speaker, because my party is one that is supposed to stand up for those who cannot stand up and defend themselves; yet on this one issue we do not do that.

I have also been at the scene as a reporter an inordinate number of times when young women, even though they were allowed to get abortions, would be frightened after giving birth and would take the life of their own child. They did so in panic. They did so because they were scared.

I have a hard time envisioning the difference between killing a child right after birth and just before birth. I do not understand the difference. I think as a nation we have not answered that question.

The Freedom of Choice Act has led thousands of my constituents from southwestern Pennsylvania to write and to call my office and to voice their concerns about this bill. They are concerned with the eradication of Pennsylvania's abortion law. They are concerned with Federal funding for abortion, and they are concerned about children receiving abortions without their parents ever having known, and I share these concerns.

I do not think the Freedom of Choice Act is a good bill. It is designed to undermine laws that States like Pennsylvania have approved. If the Freedom of Choice Act were to pass, it would nullify Pennsylvania's restrictions regarding a 24-hour waiting period, parental consent, and the limitations on abortions in the 7th, 8th, and 9th month of pregnancy.

Mr. Speaker, there are a lot of other reasons that I oppose this, without getting into a long dialog. I will say this is an issue that I stand in very firm disagreement with many people on my side of the aisle. I look forward to having the kind of dialog that we can achieve something, and not the kind of dialog which can cause the divisiveness this has caused, not only in this Congress but our Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOUGHTON (at the request of Mr. MICHEL) for today, on account of attending a funeral.

Mr. BILIRAKIS (at the request of Mr. MICHEL) for today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special order heretofore entered, was granted to:

(The following Member (at the request of Mr. MCHUGH) to revise and extend his remarks and include extraneous material:)

Mr. MICA, for 5 minutes, on April 21.

(The following Members (at the request of Ms. LAMBERT) to revise and extend their remarks and include extraneous material:)

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ENGEL, for 30 minutes, on April 21.

(The following Member (at the request of Mr. BURTON of Indiana) to revise and extend his remarks and include extraneous material:)

Mr. KLINK, for 5 minutes, today.

(The following Member (at the request of Mr. CANADY) to revise and extend his remarks and include extraneous material:)

Mr. DOOLITTLE, for 60 minutes, on April 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCHUGH) and to include extraneous matter:)

Mr. HENRY.
Mr. SAXTON.
Mr. THOMAS of California.
Mr. GINGRICH in two instances.
Mr. GOODLING.
Mr. GILLMOR in two instances.
Mr. MYERS of Indiana.
Mr. CRANE.
Mr. GALLO.
Mr. RIDGE.
Mrs. JOHNSON of Connecticut.
Mr. KOLBE.
Mr. LEWIS of Florida.
Mr. FISH.

(The following Members (at the request of Ms. LAMBERT) and to include extraneous matter:)

Mr. MANN.
Ms. NORTON.
Mr. DIXON.
Mr. MARKEY.
Mr. LIPINSKI in six instances.
Mr. WAXMAN.
Mr. BARCIA.
Mr. RICHARDSON.
Mr. MILLER of California.
Mr. BROWN of California.
Mr. GIBBONS.
Mr. CLEMENT.
Mr. BERMAN.
Mr. BOUCHER.
Mr. GLICKMAN.
Mr. JACOBS.
Mr. SARPALIUS.
Mr. FAZIO.
Mr. SCHUMER.
Mr. STARK in five instances.
Mr. OLVER.
Mr. TRAFICANT in five instances.
Mr. SAWYER.
Mr. DEUTSCH.
Mr. STENHOLM.
Mr. ENGEL.
Mr. DURBIN.
Ms. MARGOLIES-MEZVINSKY.
Mr. KOPETSKI.

(The following Members (at the request of Mr. CANADY) and to include extraneous matter:)

Mr. WOLF.
Mr. MEEK in two instances.
Mr. NADLER.
Mr. DARDEN.
Mr. MCKEON.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the

Speaker's table and, under the rule, referred as follows:

S.J. Res. 80. Joint resolution to designate the week of April 17-24, 1994, as "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

ADJOURNMENT

Mr. CANADY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 21, 1993, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1047. A letter from the Acting Assistant Secretary (Financial Management), Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter October 1 1992, through December 31, 1992, pursuant to Public Law 101-165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

1048. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1993, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 103-66); to the Committee on Appropriations and ordered to be printed.

1049. A letter from the Assistant Secretary of Defense, transmitting a copy of the Fiscal Year 1994 Base Structure Report, pursuant to 10 U.S.C. 115; to the Committee on Armed Services.

1050. A letter from the Interim CEO, Resolution Trust Corporation, transmitting the semiannual report on the Affordable Housing Disposition Program, pursuant to Public Law 102-233, section 616 (105 Stat. 1787); to the Committee on Banking, Finance and Urban Affairs.

1051. A letter from the National Foundation on the Arts and the Humanities, transmitting Federal Council on the Arts and the Humanities' 17th annual report on the Arts and Artifacts Indemnity Program for fiscal year 1992, pursuant to 20 U.S.C. 959(c); to the Committee on Education and Labor.

1052. A letter from the U.S. Court of Appeals, transmitting a recent decision of the U.S. Court of Appeals for the Seventh Circuit in Environmental Defense Fund, Inc., and Citizens for a Better Environment, pursuant to 28 U.S.C. 581 note; to the Committee on Energy and Commerce.

1053. A letter from the Corporation for Public Broadcasting, transmitting activities and expenditures of the Independent Television Service, pursuant to Public Law 100-626, section 8 (102 Stat. 3211); to the Committee on Energy and Commerce.

1054. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's 77th annual report covering its accomplishments during the fiscal year ended September 30, 1991, pursuant to 15 U.S.C. 46(f); to the Committee on Energy and Commerce.

1055. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending March 31, 1993, pursuant to 22 U.S.C. 2768; to the Committee on Foreign Affairs.

1056. A communication from the President of the United States, transmitting his actions in support of the United Nations efforts in Bosnia and Herzegovina (H. Doc. No. 103-67); to the Committee on Foreign Affairs and ordered to be printed.

1057. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 284, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1058. A letter from the Chairman, Federal Election Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b; to the Committee on Government Operations.

1059. A letter from the Senior Vice President, Federal Intermediate Credit Bank of Jackson, transmitting the annual pension plan report for the plan year ending December 31, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1060. A letter from the General Counsel, Federal Mediation and Conciliation Service, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1061. A letter from the President, National Endowment for Democracy, transmitting the annual report under the Federal Managers' Financial Integrity Act for Fiscal Year 1992, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

1062. A letter from the Executive Secretary, National Security Council, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1063. A letter from the Director, Office of Management and Budget, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1064. A letter from the Secretary, Department of Veterans Affairs, transmitting the 1992 annual report of the activities of the Secretary of Veterans Affairs, and the Veterans' Advisory Committee on Rehabilitation Annual Report, fiscal year 1992, pursuant to 38 U.S.C. 529; to the Committee on Veterans' Affairs.

1065. A communication from the President of the United States, transmitting his intent to designate Ecuador as a beneficiary of the trade-liberalizing measures provided for in the Andean Trade Preference Act, pursuant to 19 U.S.C. 3202 (H. Doc. No. 103-68); to the Committee on Ways and Means and ordered to be printed.

1066. A letter from the Inspector General, National Endowment for the Arts, transmitting a copy of the Endowment's Internal Audit Report No. I-A-93-2; a report on the results of his review of its consulting services activities during fiscal year 1992, pursuant to Public Law 95-452, section 8E(h)(2) (102 Stat. 2525); jointly, to the Committees on Government Operations and Appropriations.

1067. A letter from the Secretary of Defense, transmitting the report the conduct of the National Security Education Program; jointly, to the Committees on Intelligence (Permanent Select) and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Natural Resources. H.R. 38. A bill to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes; with an amendment (Rept. 103-58). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 63. A bill to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; with amendments (Rept. 103-59). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Natural Resources. H.R. 328. A bill to direct the Secretary of Agriculture to convey certain lands to the town of Taos, NM (Rept. 103-60). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. KILDEE (for himself and Mr. Emerson):

H.R. 1722. A bill making appropriations to begin a phase-in toward full funding of the special supplemental food program for women, infants and children [WIC] and of Head Start Programs, and to expand the Job Corps Program for the year ending September 30, 1994, and for other purposes; to the Committee on Appropriations.

By Mr. GLICKMAN:

H.R. 1723. A bill to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action; to the Committee on Intelligence (Permanent Select).

By Mr. ANDREWS of Texas:

H.R. 1724. A bill to modify the boundaries of Carlsbad Caverns National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. BACHUS of Alabama (for himself, Mr. Bevill, Mr. Deal, Mr. Johnson of Georgia, Mr. Ewing, Mr. Barrett of Wisconsin, Mr. Ridge, Mr. Sam Johnson, Mr. Cramer, Mr. Royce, Mr. Pombo, Mr. Hilliard, Mr. Blute, Ms. Fowler, Mr. Duncan, Mr. Everett, Mr. King, Mr. Callahan, and Mr. Browder):

H.R. 1725. A bill to limit excessive compensation and bonuses paid by the Resolution Trust Corporation and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BACHUS of Alabama (for himself and Mr. Bevill):

H.R. 1726. A bill to amend the Internal Revenue Code of 1986 to require the Internal Revenue Service to pay interest on late refunds of certain required payments made by entities electing not to have a required taxable year; to the Committee on Ways and Means.

By Mr. BOUCHER (for himself, Mr. BROWN of California, Mr. HOYER, Mr. WELDON, Mr. STOKES, Mr. LEACH, Mr. BARLOW, Mr. MCHUGH, Mr. LAZIO, Mr. MAZZOLI, Mr. GENE GREEN of Texas, Mr. TOWNS, Mrs. MEYERS of Kansas, Ms. ESHOO, and Mr. MEEHAN):

H.R. 1727. A bill to establish a program of grants to States for arson research, prevention, and control, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. COYNE:

H.R. 1728. A bill to revive the suspension of duty on 1,5-naphthalene diisocyanate; to the Committee on Ways and Means.

By Mrs. FOWLER:

H.R. 1729. A bill to permit refund of customs duties on certain drawback entries upon presentation of certificates of delivery; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 1730. A bill to amend chapter 171 of title 28, United States Code, to allow claims against the United States under that chapter for damages arising from certain negligent medical care provided members of the Armed Forces; to the Committee on the Judiciary.

H.R. 1731. A bill to amend the Lanham Act to require certain disclosures relating to materially altered films; to the Committee on the Judiciary.

H.R. 1732. A bill to amend part A of title IV of the Social Security Act to require States, under the program of aid to families with dependent children, to disregard from the income of certain stepparents an amount equal to the State's standard of need for the stepparent's new family; to the Committee on Ways and Means.

By Mr. GUTIERREZ:

H.R. 1733. A bill to amend title II of the Cranston-Gonzalez National Affordable Housing Act to reserve amounts made available to participating jurisdictions under subtitle A of such title to provide smoke detectors and other fire safety devices in single room occupancy housing that qualifies as affordable rental housing; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1734. A bill to prohibit the possession or transfer of nonsporting handguns; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself and Ms. NORTON):

H.R. 1735. A bill to amend title 18, United States Code, to provide additional penalties for drive by shootings; to the Committee on the Judiciary.

By Mr. HUTTO:

H.R. 1736. A bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of members of the National Guard or reserve units of the Armed Forces will be allowable in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 1737. A bill prohibiting the manufacture, sale, delivery, or importation of school buses that do not have seat belts, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. LEWIS of Florida (for himself, Mr. STENHOLM, Mr. DE LA GARZA, Mr. PAYNE of New Jersey, Mr. HASTERT, Mr. HOUGHTON, Mr. ENGLISH of Oklahoma, Ms. DANNER, Mr. KOPETSKI, Mr. CUNNINGHAM, Mr. PETERSON of Minnesota, Mr. CANADY, Mr. ALLARD, and Mr. BOEHNER):

H.R. 1738. A bill to authorize the establishment of a fresh cut flowers and fresh cut greens promotion and consumer information program for the benefit of the floricultural industry and others, and for other purposes; to the Committee on Agriculture.

By Mr. MARKEY (for himself, Mr. MILLER of California, Mr. MOAKLEY, Mr. SHARP, Mr. LAROCCO, Mr. RICHARDSON, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. ROMERO-BARCELÓ, Mr. FALEOMAVAEGA, Mr. JOHNSON of South Dakota, Mr. UNDERWOOD, Mr. LEHMAN, Mr. BERMAN, Mr. DE LUGO, Mr. GEJDENSON, Mr. DEFAZIO, Mr. MURPHY, Mr. RAHALL, Mr. STUDDS, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Mr. KENNEDY, Mr. MEEHAN, Mr. BLUTE, Mr. TORKILDSEN, and Mr. OLVER):

H.R. 1739. A bill to provide for a feasibility study of including Revere Beach in the National Park System; to the Committee on Natural Resources.

By Mr. MCCLOSKEY:

H.R. 1740. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to prohibit the use of solid waste as fuel for any incinerator being used for the destruction of polychlorinated biphenyls or other hazardous substances and to require the Environmental Protection Agency to review and research methods of disposal and storage of polychlorinated biphenyls; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. MCDERMOTT:

H.R. 1741. A bill to extend until January 1, 1998, the previously existing suspension of duty on crude feathers and down; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 1742. A bill making emergency supplemental appropriations for advances to the unemployment trust fund for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

By Mrs. MINK:

H.R. 1743. A bill to amend the Educational Organizational Act to establish an Office of Women's Equity and to amend part A of title IV of the Elementary and Secondary Education Act of 1965 to provide grants to encourage gender equity throughout the education system in the United States; to the Committee on Education and Labor.

By Mr. MURTHA:

H.R. 1744. A bill to authorize the Administrator of the National Highway Traffic Safety Administration to make loans to assist units of local government acquire and maintain equipment for use in the enforcement of alcohol-related traffic laws, and for other purposes; to the Committee on the Judiciary.

By Mrs. ROUKEMA (for herself and Mr. VOLKMER):

H.R. 1745. A bill to suspend until January 1, 1996, the duty on certain chemicals; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 1746. A bill to suspend temporarily the duty on 2,3,6-Trimethylphenol [TMP]; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 1747. A bill to amend the Internal Revenue Code of 1986 to provide for rollover of gain from sale of farm assets into an individual retirement account; to the Committee on Ways and Means.

H.R. 1748. A bill relating to the tariff treatment of certain plastic flat goods; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. HUFFINGTON, Mr. ROBERTS, Mr. RAVENEL, Mr. LAROCCO, Mrs. MINK, Mr. SENSENBRENNER, Mr. SERRANO, Mr. PALLONE, Mr. HUGHES, Mr. TORRICELLI, Mr. MACHTLEY, and Mr. MARKEY):

H.R. 1749. A bill to amend the Land and Water Conservation Fund Act of 1965 to increase the ability of State and local governments to protect and enhance open spaces, enhance the capability of State and local governments to provide recreational opportunities, and for other purposes; to the Committee on Natural Resources.

By Mrs. VUCANOVICH (for herself, Mr. ORTON, Mr. BREWSTER, Mr. ALLARD, Mr. DOOLITTLE, Mr. CALVERT, Mr. LEWIS of California, Mr. GALLEGLY, Mr. HANSEN, Mr. KOLBE, Mr. KYL, Mr. MCINNIS, Mr. ROBERTS, Mr. HERGER, Mr. SCHAEFER, Mr. SKEEN, Mr. SMITH of Oregon, Mr. STUMP, Mr. THOMAS of Wyoming, Mr. THOMAS of California, Mr. YOUNG of Alaska, and Mr. HEFLEY):

H.R. 1750. A bill to make permanent the formula for determining fees for the grazing of livestock on public rangelands; to the Committee on Natural Resources.

By Mr. ZIMMER:

H.R. 1751. A bill to extend until January 1, 1997, the existing suspension of duty on graphite; to the Committee on Ways and Means.

By Mr. MCCLOSKEY (for himself, Mr. APPLEGATE, Mr. BARLOW, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. CLEMENT, Mr. COLEMAN, Ms. DANNER, Mr. DE LA GARZA, Mr. FROST, Mr. GENE GREEN of Texas, Mr. HAMILTON, Mr. HILLIARD, Mr. HUGHES, Mr. JACOBS, Mr. JEFFERSON, Mr. KASICH, Mr. KLEIN, Mr. KOPETSKI, Mr. LANCASTER, Mr. LIPINSKI, Mr. MONTGOMERY, Mr. MORAN, Mr. MURPHY, Mr. NEAL of North Carolina, Mr. PARKER, Mr. PETERSON of Florida, Mr. RAHALL, Mr. RANGEL, Mr. SHARP, Mr. SPENCE, Mr. VOLKMER, and Mr. WILSON):

H.J. Res. 179. Joint resolution designating June 7, 1993, through June 14, 1993, as "National Flag Celebration Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

82. By the SPEAKER: Memorial of the Senate of the State of Louisiana, relative to providing disaster relief to farmers for losses due to recent severe freezing weather in Louisiana; to the Committee on Agriculture.

83. Also, memorial of the Legislature of Guam, relative to the Naval Air Station Guam (Brewer Field); to the Committee on Armed Services.

84. Also, memorial of the Senate of the State of Mississippi, relative to Federal banking laws and regulations; to the Committee on Banking, Finance and Urban Affairs.

85. Also, memorial of the House of Representatives of the Commonwealth of Virginia, relative to enacting District of Columbia tax policies unfavorable to the Commonwealth; to the Committee on the District of Columbia.

86. Also, memorial of the House of Representatives of the Commonwealth of Vir-

ginia, relative to the extension of Amtrak rail services to Roanoke; to the Committee on Energy and Commerce.

87. Also, memorial of the House of Representatives of the Commonwealth of Virginia, relative to the drug RU 486; to the Committee on Energy and Commerce.

88. Also, memorial of the House of Representatives of the Commonwealth of Virginia, relative to the restoration of the exemption of local governments from demonstrating financial assurance regarding solid waste landfills; to the Committee on Energy and Commerce.

89. Also, memorial of the House of Representatives of the Commonwealth of Virginia, relative to reviewing the current Medicaid income eligibility requirements to address the unique drug treatment needs of schizophrenics and other victims of mental illness; to the Committee on Energy and Commerce.

90. Also, memorial of the House of Representatives of the State of South Carolina, relative to providing the necessary funding for the implementation of a service which Congress mandates a State, county, municipality, or other political subdivision to provide and to relieve and exempt a State, county, municipality, or other political subdivision from all enforcement obligations or duties in such situations; to the Committee on Government Operations.

91. Also, memorial of the Senate of the State of Kansas, relative to urging the Congress not imposing mandates upon the States and local units of government therein without providing full funding for such mandates; to the Committee on Government Operations.

92. Also, memorial of the House of Representatives of the Commonwealth of Virginia, relative to ocean dumping; to the Committee on Merchant Marine and Fisheries.

93. Also, memorial of the House of Representatives of the Commonwealth of Virginia, relative to the need for dredging anchorages in Hampton Roads; to the Committee on Public Works and Transportation.

94. Also, memorial of the Senate of the Commonwealth of Virginia, relative to the Haysi Dam in Dickenson County; to the Committee on Public Works and Transportation.

95. Also, memorial of the House of Representatives of the State of Alabama, relative to higher energy taxes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HYDE introduced a bill (H.R. 1752) for the relief of Sgt. Maj. Earnest Sands (Ret.) and Roger Sands; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mrs. COLLINS of Illinois, Ms. SHEPHERD, and Mr. FIELDS of Louisiana.

H.R. 18: Mr. HOLDEN, Mr. WELDON, Mr. HEFNER, Ms. DANNER, Mr. FAZIO, Mr. CLINGER, Mr. HENRY, Mr. KREIDLER, and Mr. MONTGOMERY.

H.R. 19: Mr. NADLER.

H.R. 21: Mr. PASTOR, Mr. HOLDEN, Mr. SCHIFF, Mr. KILDEE, and Mr. JOHNSON of South Dakota.

H.R. 28: Mr. BOUCHER.

H.R. 34: Mr. KOPETSKI, Mr. GONZALEZ, and Mr. WILLIAMS.

H.R. 39: Ms. WOOLSEY, Ms. ESHOO, Mrs. BYRNE, Mrs. MEYERS of Kansas, Mr. GEJDENSON, Ms. SNOWE, Mr. WAXMAN, Mr. FORD of Michigan, Mr. BROWN of Ohio, Mr. COSTELLO, Mr. SHAYS, Mr. BOEHLERT, Mr. REED, Mr. COPPERSMITH, Mr. HAMBURG, Mr. NADLER, Mr. LEWIS of Georgia, Mr. HOLDEN, and Mrs. CLAYTON.

H.R. 88: Mr. COX.

H.R. 112: Mr. EVERETT and Mr. DUNCAN.

H.R. 115: Mr. PARKER, Mr. KOPETSKI, Ms. DANNER, Mr. BLACKWELL, Mr. SERRANO, Mr. LEHMAN, Mr. BROWN of California, and Mr. LANTOS.

H.R. 127: Mr. SHAYS, Mr. PETERSON of Minnesota, Mr. TORRICELLI, Mr. RAHALL, Mr. SERRANO, Mr. KLECZKA, Mr. SANTORUM, Mr. KENNEDY, Mr. COBLE, Mr. SANDERS, and Mr. COLEMAN.

H.R. 144: Mr. ZIMMER and Mr. DeLAY.

H.R. 146: Mr. LINDER, Mr. McCANDLESS, and Mr. DUNCAN.

H.R. 163: Mr. McKEON.

H.R. 171: Mrs. MEYERS of Kansas.

H.R. 212: Mr. McCANDLESS.

H.R. 214: Mr. BALLENGER, Mr. FRANKS of New Jersey, Mr. STUMP, Ms. FURSE, Mr. MONTGOMERY, Mr. COX, Mr. SCHAEFER, Mr. SAXTON, Mr. GORDON, Mr. GILMAN, and Mr. TAUZIN.

H.R. 302: Mr. QUINN, Mr. PRICE of North Carolina, and Mr. LEVIN.

H.R. 304: Mr. TALENT.

H.R. 369: Mr. EVERETT, Mr. ZELIFF, Mr. THOMAS of Wyoming, and Mr. ZIMMER.

H.R. 406: Ms. PELOSI.

H.R. 439: Mr. SENSENBRENNER.

H.R. 441: Mr. HOAGLAND, Mr. JACOBS, Mr. HUTCHINSON, and Mr. GORDON.

H.R. 476: Mr. HALL of Ohio.

H.R. 501: Mr. PETERSON of Minnesota, Mr. FROST, Mr. HASTINGS, Mr. GENE GREEN, and Mr. HUGHES.

H.R. 502: Mrs. ROUKEMA, Mr. EVERETT, Mr. BUYER, Mr. GORDON, and Mr. RAMSTAD.

H.R. 513: Mr. ANDREWS of Texas, Mr. DeFAZIO, Mr. BUYER, Mr. DUNCAN, and Mr. GLICKMAN.

H.R. 518: Mr. GEJDENSON, Mr. COPPERSMITH, Mr. HUGHES, Mr. MEEHAN, Mr. ACKERMAN, Ms. HARMAN, Mr. PRICE of North Carolina, and Mr. GILCHREST.

H.R. 544: Mrs. SCHROEDER.

H.R. 549: Mr. CRANE, Mr. DORNAN, Mr. McCRERY, and Mrs. MEYERS of Kansas.

H.R. 553: Mr. GALLEGLY and Ms. DANNER.

H.R. 591: Mr. McNULTY, Mr. KYL, Mr. McDERMOTT, and Mr. FRANK of Massachusetts.

H.R. 624: Mr. FILNER, Mr. HYDE, Mr. ZELIFF, Mr. BALLENGER, Mr. MEEK, and Mr. POMBO.

H.R. 647: Mr. McCLOSKEY.

H.R. 649: Mr. TORRICELLI.

H.R. 651: Mr. FROST, Mr. BEILENSON, Mr. HUGHES, and Mr. SHAYS.

H.R. 652: Mr. FROST, Mr. BEILENSON, and Mr. HUGHES.

H.R. 653: Mr. BISHOP.

H.R. 656: Mr. PORTER and Mr. HOBSON.

H.R. 667: Mr. TAYLOR of North Carolina.

H.R. 703: Mr. GINGRICH, Mr. PACKARD, and Mr. RANGEL.

H.R. 726: Ms. MALONEY.

H.R. 746: Mr. TRAFICANT, Mr. RAVENEL, Mr. BATEMAN, Mr. FROST, Mr. GILMAN, Mr. SHAW, Mr. HOBSON, and Mr. GINGRICH.

H.R. 749: Mr. MURTHA.

H.R. 767: Mr. EVERETT, Mr. McHUGH, Mr. LANCASTER, Mr. de la GARZA, Mr. EMERSON, Mr. STENHOLM, Mrs. JOHNSON of Connecticut, Mr. FROST, and Mr. EWING.

H.R. 772: Ms. THURMAN.

H.R. 773: Mr. INGLIS, Mr. HOBSON, Mr. SHAYS, Mrs. CLAYTON, and Mr. DeFAZIO.

H.R. 784: Mr. HINCHEY, Mr. NADLER, and Mr. WILLIAMS.

H.R. 790: Ms. FURSE, Mr. ANDREWS of Maine, and Mr. BROWN of Ohio.

H.R. 795: Mr. SERRANO, Mr. ROMERO-BARCELÓ, Mrs. LLOYD, Mrs. CLAYTON, Mr. EVANS, and Mr. VALENTINE.

H.R. 799: Mr. SKEEN, Mr. ROBERTS, Mr. COLLINS of Georgia, and Mr. CRAPO.

H.R. 833: Mr. KOPETSKI and Mr. SANGMEISTER.

H.R. 857: Mr. COX.

H.R. 864: Mr. ABERCROMBIE, Mr. GINGRICH, Mrs. MORELLA, Mr. WOLF, and Mr. KING.

H.R. 882: Mr. SWIFT.

H.R. 894: Mr. HANCOCK, Mr. HOBSON, Mr. ROBERTS, Mr. SMITH of Michigan, Mr. ISTOOK, Mr. BURTON of Indiana, and Mr. SENSENBRENNER.

H.R. 896: Mr. RAMSTAD.

H.R. 903: Mr. TORRES, Mr. SERRANO, and Miss COLLINS of Michigan.

H.R. 911: Mr. SISISKY, Mr. HOBSON, and Mr. GLICKMAN.

H.R. 922: Mr. MINETA.

H.R. 924: Mr. LANCASTER.

H.R. 929: Mr. PORTER, Mr. ZELIFF, and Mr. HUGHES.

H.R. 930: Mr. TUCKER, Mr. INGLIS, Mr. SABO, Mr. MINGE, Ms. MEEK, Mr. WYNN, Ms. THURMAN, and Ms. PRYCE of Ohio.

H.R. 934: Mr. SCHUMER.

H.R. 977: Mr. DELLUMS, Mr. PETERSON of Minnesota, and Ms. DANNER.

H.R. 978: Mr. MINETA.

H.R. 1004: Mr. FROST.

H.R. 1006: Mr. HASTINGS.

H.R. 1008: Mr. FROST.

H.R. 1015: Mrs. JOHNSON of Connecticut, Mr. FIELDS of Louisiana, and Mr. BILBRAY.

H.R. 1036: Mr. MAZZOLI, Mr. FAZIO, Ms. ROYBAL-ALLARD, Mr. VISCLOSKY, Mr. McCLOSKEY, Mr. DURBIN, Mr. LANTOS, Mr. ROMERO-BARCELO, Mr. ACKERMAN, Mr. BROWN of California, Mr. EDWARDS of California, Mr. MINETA, Mr. STUPAK, and Mr. SKAGGS.

H.R. 1055: Mr. CLYBURN, Mrs. MEYERS of Kansas, Mr. LANCASTER, and Mr. HAMILTON.

H.R. 1080: Mr. SCHAEFER, Mr. SAXTON, Mr. DUNCAN, and Ms. FOWLER.

H.R. 1090: Mr. JOHNSON of Georgia.

H.R. 1116: Mr. ACKERMAN, Mr. MFUME, and Mr. HASTINGS.

H.R. 1122: Mr. SAXTON and Mr. LINDER.

H.R. 1126: Mr. BUYER, Mr. DUNCAN, Mr. LINDER, and Mr. GORDON.

H.R. 1127: Mr. DUNCAN and Mr. LINDER.

H.R. 1128: Mr. SCHAEFER, Mr. DUNCAN, Mr. LINDER, and Mr. SAXTON.

H.R. 1129: Mr. LINDER.

H.R. 1130: Mr. LINDER and Mr. SAXTON.

H.R. 1131: Mr. BLILEY.

H.R. 1141: Mr. PARKER and Mr. RAHALL.

H.R. 1146: Mr. BONIOR and Mr. ZIMMER.

H.R. 1148: Ms. BYRNE, Mr. BORSKI, Mr. FIELDS of Louisiana, Mr. DICKS, Mr. PARKER, and Ms. DeLAURO.

H.R. 1167: Mr. McCANDLESS.

H.R. 1168: Mr. McCANDLESS and Mr. ZIMMER.

H.R. 1171: Mr. SERRANO.

H.R. 1188: Mr. HASTINGS.

H.R. 1200: Mr. SERRANO and Mr. McCLOSKEY.

H.R. 1209: Mr. ANDREWS of Maine.

H.R. 1255: Mr. OWENS and Mr. MILLER of California.

H.R. 1257: Mr. HINCHEY, Ms. VELÁZQUEZ, and Mr. DIXON.

H.R. 1260: Mr. HASTINGS.

H.R. 1279: Mr. DIAZ-BALART, Mr. MICA, Ms. MEEK, Mr. FROST, Mr. KYL, and Ms. LOWEY.

H.R. 1322: Mr. TANNER, Mr. SLATTERY, Mr. ROMERO-BARCELÓ, Mrs. COLLINS of Illinois, Mr. WISE, Mr. BARRETT of Nebraska, and Mr. GILMAN.

H.R. 1324: Mr. PETERSON of Minnesota.

H.R. 1330: Mr. SUNDQUIST, Mr. HERGER, Mr. EDWARDS of Texas, Mr. GOODLING, Mr. HANCOCK, Mr. McHUGH, Mr. BURTON of Indiana, Mr. NUSSLE, Mr. SAM JOHNSON, Mr. McDADE, Mr. GILLMOR, Mr. DORNAN, Mr. HASTERT, Mr. BOEHNER, Mr. STUMP, Mr. BARRETT of Nebraska, Mr. TAYLOR of North Carolina, Mr. LEWIS of California, Mr. GALLEGLY, Mr. BARTON of Texas, Mr. COSTELLO, Mr. COMBEST, Mr. BONILLA, Mr. MYERS of Indiana, Mr. ROBERTS, Mr. HUTCHINSON, Mr. SMITH of Texas, Mr. GEKAS, and Mr. HOUGHTON.

H.R. 1332: Mr. BARRETT of Wisconsin, Mr. BEREUTER, Mr. FROST, Mrs. MEYERS of Kansas, Mr. STENHOLM, Mr. STUMP, Mr. VOLKMER, Mr. WYNN, and Mr. YATES.

H.R. 1394: Mr. LIPINSKI, Mr. RICHARDSON, and Ms. KAPTUR.

H.R. 1421: Mr. FOGLIETTA, Mr. LANTOS, Mr. BARRETT of Wisconsin, and Mr. DEUTSCH.

H.R. 1431: Mr. GALLEGLY, Mrs. COLLINS of Illinois, Mr. WILSON, Mr. KING, Mr. RAVENEL, Mr. SAM JOHNSON, Mr. TOWNS, and Mr. GILMAN.

H.R. 1434: Mrs. MALONEY, Ms. FURSE, Mr. OWENS, Mr. BARRETT of Wisconsin, and Mr. BLACKWELL.

H.R. 1438: Mr. FROST, Mr. GINGRICH, Mr. KYL, and Mr. LAZIO.

H.R. 1455: Mrs. MALONEY.

H.R. 1460: Mr. CRAPO and Mr. THOMAS of California.

H.R. 1517: Mr. PASTOR.

H.R. 1552: Mr. DORNAN, Mr. McCANDLESS, Mr. GRAMS, Mr. BALLENGER, Mr. CASTLE, and Mr. ZIMMER.

H.R. 1563: Mr. FILNER, Mrs. MEEK, Mr. TOWNS, Mr. STRICKLAND, and Mr. HUGHES.

H.R. 1565: Mr. KING.

H.R. 1573: Mr. ACKERMAN, Mr. LANCASTER, Ms. DANNER, Mr. KLECZKA, and Mr. DEFAZIO.

H.R. 1583: Mr. ZIMMER.

H.R. 1598: Mrs. CLAYTON, Mr. FILNER, Mrs. MORELLA, and Mr. HUGHES.

H.R. 1600: Mr. FROST, Mrs. CLAYTON, Mr. GINGRICH, Mr. COLEMAN, and Mr. JOHNSON of South Dakota.

H.R. 1670: Mr. DE LA GARZA, Mr. INGLIS, Mr. MYERS of Indiana, and Mr. KING.

H.R. 1712: Mr. WELDON.

H.J. Res. 44: Mr. KING.

H.J. Res. 92: Mr. HINCHEY, Mr. SKEEN, Mr. DIXON, Mr. KOPETSKI, Mr. SWETT, Mr. SERRANO, Ms. VELÁZQUEZ, Ms. MARGOLIES-MEZVINSKY, Mr. FRANKS of Connecticut, Mrs. MEEK, and Mr. REGULA.

H.J. Res. 94: Mr. BORSKI, Ms. KAPTUR, Mr. MAZZOLI, Mr. PRICE of North Carolina, Mr. FORD of Michigan, Mr. TANNER, Mr. BARRETT of Wisconsin, Mr. SMITH of Oregon, Mr. KLUG, Mr. MANN, Mr. WELDON, Mr. GEJDENSON, Ms. FURSE, Mr. CARR, Mr. FORD of Tennessee, Mr. SMITH of New Jersey, Mr. GALLEGLY, Mr. EDWARDS of Texas, Mr. CAMP, Mrs. JOHNSON of Connecticut, Mr. GILLMOR, and Mr. COX.

H.J. Res. 122: Mr. PARKER, Mrs. MEEK, Mrs. MINK, Mr. SMITH of New Jersey, Mr. SWETT, Mr. FROST, Mr. HUGHES, Mr. FISH, Mr. DOOLITTLE, Mr. LEACH, Mr. BATEMAN, Mr. GINGRICH, Mr. BACCHUS of Florida, and Mr. BEVILL.

H.J. Res. 126: Mr. ANDREWS of Maine, Mr. BACCHUS of Florida, Mr. BARCIA, Mr. BARRETT of Wisconsin, Mr. BATEMAN, Mr. BECERRA, Mr. BEILENSON, Mrs. BENTLEY, Mr. BERMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLACKWELL, Mr. BORSKI, Mr. BRYANT, Ms. CANTWELL, Mr. CARR, Mrs. CLAYTON, Mr. CLYBURN, Mr. COLEMAN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. COOPER, Mr. COPPERSMITH, Mr. COYNE, Ms. DANNER, Ms. DELAURO, Mr. EDWARDS of California, Ms. ENGLISH of Arizona, Ms. ESHOO, Mr. EVANS, Mr. FILNER, Mr. FINGERHUT, Mr. FISH, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GEKAS, Mr. GEPHARDT, Mr. GIBBONS, Mr. GENE GREEN of Texas, Mr. GREENWOOD, Mr. GUTIERREZ, Mr. HASTINGS, Mr. HAYES of Louisiana, Mr. HINCHEY, Mr. HOLDEN, Mr. HORN, Mr. HOUGHTON, Mr. HOYER, Mr. HUGHES, Mr. HYDE, Mr. INSLEE, Mr. JEFFERSON, Mr. SAM JOHNSON, Ms. KAPTUR, Mr. KASICH, Mr. KING, Mr. KLECZKA, Mr. KLINK, Mr. KREIDLER, Mr. LAFALCE, Mr. LANTOS, Mr. LAROCCO, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. McHALE, Ms. McKINNEY, Mr. MANN, Mr. MANTON, Ms. MARGOLIES-MEZVINSKY, Mr. MARKEY, Mr. MEEHAN, Mr. MENENDEZ, Mr. MFUME, Mr. MILLER of California, Mr. MINGE, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. NATCHER, Ms. NORTON, Mr. OLVER, Mr. ORTIZ, Mr. PASTOR, Mr. PICKETT, Mr. PICKLE, Mr. POMEROY, Mr. QUILLEN, Mr. QUINN, Mr. RAVENEL, Mr. REED, Mr. REYNOLDS, Mr. RICHARDSON, Mr. ROEMER, Mr. ROMERO-BARCELÓ, Mr. ROSE, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Ms. SCHENK, Mr. SCHUMER, Mr. SERRANO, Mr. SHAW, Ms. SHEPHERD, Mr. SISISKY, Mr. SLATTERY, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. SOLOMON, Mr. STARK, Mr. SYNAR, Mr. TORRICELLI, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mrs. VUCANOVICH, Mr. WATT, Mr. WISE, Ms. WOOLSEY, Mr. WYDEN, and Mr. WYNN.

H.J. Res. 131: Mr. KOPETSKI, Miss COLLINS of Michigan, Mr. JEFFERSON, and Mr. RICHARDSON.

H.J. Res. 142: Mr. McDADE, Mr. HOCHBRUECKNER, Mr. COBLE, Mr. MANTON, Mr. ANDREWS of Maine, Mr. ACKERMAN, Mr. REGULA, and Mr. LIPINSKI.

H.J. Res. 162: Mr. SARPALIUS, Mr. WOLF, Mr. GEKAS, Mr. HOAGLAND, Mr. McDERMOTT, Mr. FROST, Mr. SKEEN, Mr. RANGEL, Ms. FURSE, Mr. KASICH, Mr. CASTLE, Mr. McCOLLUM, and Mr. BACCHUS of Florida.

H. Con. Res. 2: Mr. BILIRAKIS.

H. Con. Res. 3: Mr. COMBEST and Mr. STUMP.

H. Con. Res. 15: Mr. COYNE.

H. Con. Res. 17: Mr. BILIRAKIS.

H. Con. Res. 18: Mr. GRAMS, Mr. CANADY, and Mr. MILLER of Florida.

H. Con. Res. 29: Mr. MANTON.

H. Con. Res. 37: Mr. PRICE of North Carolina, Mr. SHAYS, Mr. GEJDENSON, Mr. TRAFICANT, Mr. GIBBONS, Mr. PETERSON of Minnesota, Mr. WYNN, Mr. KLECZKA, Mr. MORAN, Mr. LEVIN, Ms. SHEPHERD, Mr. McCLOSKEY, Mr. PAYNE of New Jersey, Mr. WATT, Mr. RANGEL, Mr. VENTO, Mr. BARLOW, Miss COLLINS of Michigan, Mr. CLEMENT, Mr. STRICKLAND, Ms. MARGOLIES-MEZVINSKY, Ms. McKINNEY, Mr. NADLER, Mr. DIXON, Mr. FOGLIETTA, Mr. DEFAZIO, Mrs. MEEK, Mr. COYNE, Mr. BONIOR, Mr. CARDIN, Mr. DURBIN, and Mr. MATSUI.

H. Con. Res. 68: Mr. SOLOMON, Mr. KLEIN, Mrs. MORELLA, Mr. TOWNS, Mr. LAZIO, Mr. THOMAS of California, Mr. ACKERMAN, and Mr. DREIER.

H. Con. Res. 80: Mr. SERRANO, Mr. ACKERMAN, and Mr. COBLE.

H. Res. 35: Mr. DORNAN, Ms. HARMAN, Mr. DOOLEY, Ms. ROYBAL-ALLARD, and Mr. SOLOMON.

H. Res. 40: Mr. TOWNS and Mr. OBERSTAR.

H. Res. 53: Mr. DIAZ-BALART.

H. Res. 105: Mr. ZELIFF.

H. Res. 135: Mr. TOWNS, Mr. FILNER, Mr. KOPETSKI, Mr. WALKER, Mr. FINGERHUT, Mr. TORRES, Mr. SMITH of New Jersey, Mr. NEAL of Massachusetts, Mr. LIPINSKI, Mr. PETERSON of Minnesota, and Mr. OXLEY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

26. By the Speaker: Petition of the Prince George's County Government, Maryland, relative to the President's Economic Stimulus, Deficit Reduction, and Investment Plan; to the Committee on Appropriations.

27. Also, petition of city of Springfield, MI, relative to the possible closure of governmental facilities in the State of Michigan; to the Committee on Armed Services.

28. Also, petition of the Department of Health and Human Resources, West Virginia, relative to the budget proposal that would reduce Federal reimbursement in the overall State Medicaid administrative costs; to the Committee on Energy and Commerce.

29. Also, petition of the American Bar Association, relative to support of H.R. 1328 and S. 564; to the Committee on House Administration.

30. Also, petition of the Lenoir County Board of Commissioners of Kinston, NC, relative to opposition of a cigarette tax increase; to the Committee on Ways and Means.

SENATE—*Tuesday, April 20, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable PATTY MURRAY, a Senator from the State of Washington.

The PRESIDING OFFICER. Today's prayer will be offered by guest chaplain the Reverend Dr. Charles G. Hankins from the United Methodist Church, Red Bank, NJ.

PRAYER

The Reverend Dr. Charles G. Hankins, the United Methodist Church, Red Bank, NJ, offered the following prayer:

Let us pray:

Almighty God, grant that Your power, compassionate love and passion for justice for all of humanity pervades the hearts and minds of the men and women of the U.S. Senate. Guide them as they frame legislation that benefits the citizens of all the States represented in this body. Govern their thoughts as they guide our Nation in the area of foreign affairs to allow our leadership in the world to be an example for the new and growing nations.

We humbly ask You, O Lord, to give all of us the wisdom to make right decisions in crucial matters. Give all of the Senate the courage to carry out constitutional mandates. Give to all of this elected body the patience in times of frustration and confrontation over major issues of the day. May each Senator use his power correctly; may the respect they have for one another allow them to differ for the sake of the Nation. Help them understand the gratitude that is felt by this Nation for the work that is accomplished, and to sense Your hand at work in all their deliberations. Give all of this body the proper means and methods to serve those who are in need of help with joy and gladness.

Finally, O Lord, help us all, as citizen-servants, blend our desire to serve this great Nation with a sense of the destiny in which we are involved with You. Grant us Your grace, peace, and love of justice for all. We pray this prayer in Your holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 20, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PATTY MURRAY, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. MURRAY thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak for not to exceed 5 minutes each.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

SCHEDULE

Mr. MITCHELL. Madam President, and Members of the Senate, pursuant to an order entered following the unanimous-consent request yesterday, the Senate will be in morning business until 11:30 this morning, at which time the Senate will resume consideration of H.R. 1335, the emergency supplemental appropriations jobs bill. There will be at that time an opportunity for Senators BYRD and HATFIELD to offer amendments on behalf of themselves and the respective leaders. It is not required that amendments be offered, but that opportunity will exist.

There will then be a period of debate from the time the amendment or amendments are offered until 5 p.m. today, at which time the Senate will vote first on or in relation to the Hatfield amendment, if offered, and then on or in relation to the Byrd amendment.

From 12:30 until 2:30 today, the Senate will stand in recess to accommodate the respective conference luncheons and the Holocaust memorial service, which will occur in the Capitol during that time.

Further under the order, a cloture vote on the bill, as amended, if it is amended, will occur tomorrow morning at 10 a.m., with the mandatory live quorum being waived.

So Senators should be aware that one and possibly two rollcall votes will occur commencing at 5 p.m. today and a rollcall vote will occur at 10 a.m. tomorrow, unless otherwise changed by order of the Senate.

Madam President, I yield the floor.

Mr. PRESSLER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

TRAGEDY FOR THE STATE OF SOUTH DAKOTA

Mr. PRESSLER. Madam President, a great tragedy occurred yesterday afternoon. The Governor of my State, George Mickelson, died in a plane crash, along with everyone else in the plane. George Mickelson was a great Governor of our State. This morning our Lieutenant Governor, Walter Dale Miller, is being sworn in as Governor of South Dakota. I have sent him a message wishing him well and saying that he is my Governor and our Governor. I look forward to working with him.

The Governor and a group of our leading businessmen were flying home from Ohio where they had gone to fight to preserve jobs in South Dakota and in America. One of our large meatpacking plants in Sioux Falls, John Morrell & Co., was threatened with closure. The Governor flew to meet with the owners of the plant. When returning home, one of the plane's engines apparently failed, somewhere over Iowa, and, for some reason, perhaps a storm, it crashed, killing everybody aboard.

I would like to pay tribute, first of all, to the late Gov. George Mickelson. I knew him since our days together at the University of South Dakota. He led our State in economic development. Our State has had enormous economic growth under him. He was in his second term. He was 52 years of age. I send my sincere sympathy to his wife, Linda, and their family. Governor Mickelson's father had been Governor of our State and he represented the best in our State.

Also killed in the plane crash was a dear friend of mine, Angus Anson, 38 years of age, general manager of Northern States Power in South Dakota. I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

have known him and his family since the late 1950's. They operated the food concession at the South Dakota State Fair, where I took my livestock as a 4-H youth. I have known him all my life. He was a great public servant.

Also killed was David Birkeland, president and chief executive officer of First Bank of South Dakota and North Dakota, a leading businessman in our State who was 54 years of age. He was my banker, an official in all of my campaigns, and a dear friend. I send my deepest sympathy.

Also killed was Ron Reed, director of the State office of energy policy and, formerly, the commissioner of economic development. In the last few years our State has had great economic development with the coming of Citibank and many other businesses. The selection of Sioux Falls as having the Nation's No. 1 business climate was in no small part due to Ron.

Roland Dolly, commissioner of the office of economic development, also was on the plane. I knew him when he worked in this Chamber for our former colleague, Senator Jim Abdnor. He returned to South Dakota to work on economic development.

There were others, Roger Hainje, director of the Sioux Falls Development Foundation. All of our congressional delegation worked closely with him on the Eros Data Center, the economic development of Sioux Falls, and other issues. The two pilots, Ron Becker and Dave Hansen, had been with the State for many years, and served as pilots for the previous Governor. They also held other positions in the State. I send my deepest sympathies to their families.

I do not know what more to say. You could not gather more talent in one airplane from our State. It is a great blow to our State. There is very little to say other than it is a great tragedy, an unexplained tragedy.

A wonderful editorial appeared in this morning's Sioux Falls Argus Leader written by Larry Fuller, which summarizes the careers of each of these men. I ask unanimous consent to have it printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STATE MOURNS LOSS OF LEADERS

Today, South Dakotans are coming together, holding hands, sharing tears and trying to find some meaning behind the tragedy that has been unfolding since Monday evening.

We at the Argus Leader join in the sorrow of this incredible loss, remembering Gov. George Mickelson and the seven others who died in the airplane crash near Dubuque, Iowa.

We, like the rest of the state, still are shaken. The news planning meeting for today's edition began with a prayer. Many reporters in the news room produced this newspaper with reddened eyes.

With the immediacy of the loss still burdening our hearts, we'll save the formal tributes for later. We'd like to offer today a few informal remembrances for some important friends of our South Dakota family.

George Mickelson was an incredible personality, a man who at age 52 always seemed to have a reservoir of energy and compassion. He was the kind of governor who was in the middle of everything. He was not easily daunted—not by snowmobiles and fences in the middle of winter and not, at the end, by the possibility of the closing of the John Morrell & Co. meatpacking plant, the state's largest employer.

The governor was an imposing presence at 6 feet 4 inches and, in his words, "about an eighth of a ton." George loved politics and the political process. He was a genuine good guy who never held a grudge. In return, he also was a man who people said good things about even during the heat of political passion.

We fondly remember his commanding presence and leadership that emerged when he was speaker of the South Dakota House in the late '70s. Few political candidates ever worked harder at a campaign than did George during his first run for governor in 1986.

That exuberance, energy and commitment to serve and that unyielding love for South Dakota and for his family have been the hallmarks of Gov. George Speaker Mickelson.

David Birkeland, or "Birkie," will certainly go down as one of the few individuals who have done the most during the last century to make Sioux Falls a better place. He was the guy who got things done, whether in community volunteer leadership or in overseeing South Dakota and North Dakota operations for First Bank. Forward Sioux Falls, one of the nation's leading economic development initiatives, would never have happened without Birkeland.

Birkeland had a passion for action and wore his badge of urgency with pride. But he also had a quick sense of humor that paved the way to results. He was the volunteer and the business leader ready to call for the decision and willing to work as hard himself as he asked of others. He cared about people and especially his family. * * *

Roger Hainje was untiring in selling Sioux Falls. That was his job as president of Forward Sioux Falls and the Sioux Falls Development Foundation. He was always sincere about it, whether appearing on national television after we won the "most livable city" honors last summer or in convincing an industrial prospect to locate here.

Using the qualities of sincerity and honesty, he helped Sioux Falls become one of the fastest growing communities in the Midwest. He, too, had a quick sense of humor and a refreshing perspective on life.

Angus Anson brought a human touch to his job heading local operations at Northern States Power Co. We were impressed by his commitment to customers and by his expanding volunteer leadership roles in Sioux Falls and in the state.

Anson was excited about everything we saw him encounter, and we don't recall ever seeing him without a smile.

Rolly Dolly brought to his job as head of the Governor's Office of Economic Development a focus and a strategy to help bring more employers to the state. He spent a lot of time in governmental offices in Washington, but he was never happier than when back home working for the state. We admired his eagerness in making plans for bringing Canadian business to the state.

Ron Reed served the state well in two jobs in Pierre, but we remember him best for his work in putting Brookings on the economic development map during his time with the chamber and economic development organizations there. Communities like Brookings don't become viable by accident. There's usually someone behind it all, like Reed.

Pilots Ron Becker and Dave Hansen of Pierre, didn't share the high profile. Today we join with the rest of the state in extending our sympathies to their families.

Life will go on, but those in South Dakota will not forget the eight men who died in the crash Monday. We will miss them all, and we will be grateful for their having made a real difference in our lives.—LARRY FULLER.

Mr. PRESSLER. In conclusion, Madam President, I wish well the State's 29th Governor, Walter Dale Miller, who has served as Lieutenant Governor. He is an outstanding individual. I spoke to him on the phone this morning.

I ask unanimous consent to have printed in the RECORD an article from the Sioux Falls Argus Leader containing a summary of our new Governor's biographical background.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILLER BECOMES STATE'S 29TH GOVERNOR

(By David Kranz)

PIERRE—Lt. Gov. Walter Dale Miller will be sworn in as South Dakota's 29th governor today.

Robert Miller, chief justice of the state Supreme Court, said there was no urgency to swear the lieutenant governor in Monday, in the aftermath of the death of Gov. George Mickelson.

"There are automatic powers for the lieutenant governor to act in the absence of the governor. There are just too many things going on today," Justice Miller said.

The constitution allows Miller to serve the remaining 20 months of Mickelson's term, said Dr. John Hendrickson, retired professor of political science at South Dakota State University in Brookings.

Hendrickson said Miller can nominate a person for lieutenant governor, but appointment must be approved by a majority of the South Dakota House of Representatives and Senate.

Until that time, Steve Cutler, the Republican speaker of the House from Claremont, is next in succession after Miller.

Hendrickson said Mickelson was the first of the state's 28 governors to die in office. Gov. Richard Kneip left office to become ambassador to Singapore in 1978. Lt. Gov. Harvey Wollman succeeded him.

Those who knew Mickelson said it is difficult to consider the future while the hurt of the governor's loss is so fresh in their memory.

But they acknowledge that Mickelson left a legacy that provides a foundation of strength for the people of the state.

Lionel Bordeaux, president of Sinte Gleske University in Mission, called Mickelson "a very strong and powerful governor."

He knew Mickelson as a governor who made a commitment to heal wounds between races.

"I know his desire to improve race relations. If there is something we can remember him by, it is a monument to his existence to continue those efforts. It is very tragic. The state will be a long time picking itself up, but the people are strong here. South Dakota has some strong cultures, Indian and non-Indian. They will pull together and continue to do what he wanted to achieve, and his memory will propel us to achieve those things."

Dr. William Farber, retired professor of political science at the University of South Dakota in Vermillion, said the issues Mickelson worked for will become a basis for future growth.

"He was such an active governor. When there was a problem like this, he personally would do something about it," Farber said. "You have to commend a man who would take the time, no matter what, to do the investigating and help in any way he could."

Bob Burns, professor of political science at SDSU, said that even those who differed with Mickelson saw him as bringing a tremendous amount of energy and dedication to South Dakotans.

"I don't look for a lot of change, but I hope that Governor Miller could work to continue Mickelson's efforts in health care. I think that was his biggest disappointment, and I would hope Governor Miller could help propel that," Burns said.

Dona Brown of Huron, a long-time educator, called Mickelson courageous and dedicated.

"We find the deaths of our leaders an overwhelming loss. It will take time to get over the shock but when we do, our entire population will work together with our political leadership to assist Walter Dale Miller."

Two former governors found the loss difficult to accept.

"That is a horrible loss to the state, to the families, to the leadership and direction in this state," said former Gov. Frank Farrar, a Republican from Britton. "It will not be easy to recover from".

"I just hope we can do something for these families. We have to look at their needs now."

Wollman said the state needs to stand still for a moment.

"I think first we should just take some time and be patient. It is a very painful thing to lose people like that. You just take time to hurt and mourn. We can't do things in a hurry. There will be time to look ahead."

Wollman said that despite party differences, he and Mickelson had a good relationship.

"I remember at the governor's hunt, he told people from many states, 'I have the best job in the world and I get paid for it. I love to sell South Dakota.' There was a wonderful spirit about him. He was a great spokesman, and I think we can build on that."

To Wollman, the loss was personal.

"When I heard about it, I had thought for awhile and then I cried."

WALTER DALE MILLER

Birth date: Oct. 5, 1925.

Hometown: New Underwood.

Education: New Underwood High School; attended South Dakota School of Mines, Rapid City.

Family: Three daughters: Nancy Burma, Karey Albers and Renee Johansen; one son, Walter R. Miller. His wife, Mary, preceded him in death.

Career: Lieutenant governor of South Dakota since 1986; rancher near New Underwood; businessman; member of House of Representatives, 1966–1970, 1972–1980, 1982–1984.

Mr. PRESSLER. Madam President, I ask unanimous consent to have printed in the RECORD an article from the Sioux Falls Argus Leader containing a summary of the outstanding career of the late Gov. George Mickelson of our State.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEORGE T. MICKELSON

(By Kevin Woster)

From the beginning, it seemed almost preordained that George Speaker Mickelson would be governor.

Born into a family that thrived on politics and cherished public service, he came first to the South Dakota Capitol in 1947. He was the only son of the new Republican Gov. George T. Mickelson, 5 years old and already growing into the towering man he would become.

There was never any doubt that this boy would be a leader, his mother, Madge Mickelson, would say in a 1986 interview, just days after her son achieved his political destiny by winning the governor's race.

She believed that politics would neither turn his head nor change his innate commitment to the people of his state.

"I don't think you could spoil Speaker," she said. "He's always thinking of the other fellow."

George Mickelson was thinking of others when he died. He was on his way back, with members of his staff and Sioux Falls economic development leaders, from meetings in Ohio intended to help the troubled John Morrell & Co. plant.

Mickelson worked at the plant as a young man and knew how important it was to the state's largest city.

The man who lost to Mickelson in 1986 and saw his dream of following his own father into the governor's chair fade into election night defeat, wasn't surprised that Mickelson was working on economic development during his last hours on earth.

"I'm not surprised. That's what I'd expect him to be doing," said Democratic state Sen. Lars Herseth, a farmer, rancher and businessman from Houghton. "I think the main thing that got him where he was was economic development."

Herseth, whose father, Ralph, was governor from 1959 to 1963, and Mickelson both came to the South Dakota House in 1974. While Mickelson rose to positions of power, including his namesake role as speaker, Herseth became leader of the Democrats.

The 1986 election was a culmination of political and philosophical battles that were always pointed, but never nasty.

"He was a good adversary. I think it seemed inevitable at times that our lives would be intertwined—both of us with fathers who were governors, both of us spending time in Pierre," Herseth said. "We were adversaries, but I think we were friends. We had respect for each other. And agree with him or not, you couldn't question his motives. He always had the best interests of this state at heart."

Mickelson carried his father's deep commitment to South Dakota and its people into a difficult job. But there were clear differences in style.

Like his dad, remembered by many as a hard-nosed politician who shrugged off criticism and sometimes overpowered political opponents, George S. Mickelson also could lean on those who opposed him.

And at a shade over 6-foot-4 and 250 pounds, this governor cast a big shadow. When asked his weight, he preferred "about an eighth of a ton" to actual numbers.

But he didn't like power politics, preferring whenever possible to build consensus, to end each conflict in a handshake. More than any governor, perhaps, in recent times, he looked for answers and solutions not just from his staff and political allies, but also from the people of the state.

Mickelson took Cabinet members and other government leaders on regular journeys across the state in a get-to-know-government event called capital for a day. He held town meetings and used those responses to help shape legislation on prominent issues such as water development and taxes.

One of his best known accomplishments also was one of his most controversial. After campaigning against new taxes in 1986, Mickelson's first major initiative in 1987 was a temporary penny increase in the state sales tax to create a low-interest loan fund to spur industrial development.

Some Democratic legislators still question the way the loans are handled, but Republicans consider it one of their governor's daring and productive ventures.

"That was a brave move, a severe move, maybe, but a brave move," said Mitchell businessman George Shanard, former Republican leader in the South Dakota Senate. "I think that symbolized his total insistence that South Dakota address economic development. I admire anyone who has guts. And he had guts."

Economic development brought Mickelson into a seemingly strange partnership with Sen. Tom Daschle, D–S.D. Daschle won his Senate seat the year Mickelson beat Herseth. And despite their political differences, Daschle said he and Mickelson had a close relationship during their first few years in office.

Although the relationship soured during Mickelson's 1990 race against Democratic challenger Bob Samuelson of Faith, Daschle remembers the cooperative times with the Republican governor as "an example of the way government should be."

"We decided to put politics aside and worked very closely during that period," Daschle said. "We talked to each other at home at night and had dinner together from time to time. This is a tremendous loss. I'm stunned."

When asked about his accomplishments, Mickelson pointed to economic development, record increases in state school aid and an economy that held steady and even improved during the national recession.

He was disappointed that teachers' pay still ranked at the bottom nationally and was criticized for a series of tax study commissions that did little to improve South Dakota's tax structure.

Improving race relations was another Mickelson goal, and one that began with his father, who expressed frustration to his son that he couldn't help bring Indians and non-Indians closer together.

In typically bold style, Mickelson accepted a challenge by American Indian publisher Tim Giago and declared a Year of Reconciliation between Indians and non-Indians in 1990. He followed by extending the reconciliation into the next century, and made an emotional stop at Wounded Knee for the 100th anniversary of the massacre of Indian men, women and children by military troops.

Although it sometimes appeared that reconciliation meant more conflict than cooperation, Mickelson said that was to be expected, because emotional and divisive issues were being addressed. And at his passing, he was praised even by tribal leaders who had battled him over issues like jurisdiction and gambling.

"I was tremendously supportive of the governor's Year of Reconciliation," said Gregg

Bourland, chairman of the Cheyenne River Sioux Tribe. "This is extremely tragic. I was very encouraged over the last few months with negotiations with the state. I think this comes as a blow to us."

That blow will be felt through the entire state, Shanard said, as the grief and loss extends into all the towns and rural townships where Mickelson traveled to talk, and most importantly, to listen.

"I feel greatest sympathy for his family, of course, this is such a terrible loss," he said. "But the governor had 700,000 family members, really, everyone in this state. They'll all be grieving today."

Mr. PRESSLER. I yield the floor.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE STIMULUS PACKAGE

Mr. MURKOWSKI. Madam President, I rise to share a communication with my colleagues concerning the issue before this body, the stimulus package as proposed by our President which would add some $16 billion to the national debt.

I think there is a general understanding prevailing among the public on the issue of additional spending and whether this body has given appropriate attention to reducing spending. Clearly, in the mind of the Senator from Alaska, the emphasis has not been adequate in addressing spending cuts. The fact remains that this measure would add $16 billion in emergency supplemental spending for the purpose of creating jobs. But when one takes the time to look closely at the proposal, one quickly comes to the conclusion that many of these jobs are summer jobs, that many of these jobs have a very short duration and really are not the type of full-time jobs we are looking for that would stimulate the economy.

The specific matter that I think should be addressed here is the manner in which the administration has encouraged the members of the U.S. Conference of Mayors to voice their support for this measure, and how one mayor responded to that encouragement.

I refer to a letter from the mayor of one of Alaska's larger cities, Madam President.

I will briefly refer to the letter addressed to myself, the senior Senator from Alaska, and Alaska's Representative in the other body. It reads as follows:

> As a member of the United States Conference of Mayors, I have been under constant pressure to bombard you people in favor of the Clinton economic stimulus program. I have responded to the administration that I had no intention of putting pressure on the three Members of the Alaska congressional delegation to support his program.

The note that I received yesterday was to put pressure individually upon the senior Senator and myself to see that there is not a filibuster in the Senate.

The next paragraph reads:

> If some kind of stimulus program is passed, I certainly intend to seek our share. However, as you can probably guess, if a stimulus program is going to cost more in taxes, then I am opposed to a stimulus program. Needless to say, I very much am opposed to a proposal that would add to the national debt.

The point is an obvious one, Madam President; the prevailing attitude is that this is a spending program that will either increase taxes or add to the debt, but if it is passed everybody wants into it. The U.S. Conference of Mayors has taken it on as a major issue to encourage lobbying of members who might support it because many mayors just want the money. But the fact is that this proposal adds to the debt and will not create real jobs. We need to cut this proposal back and we need to pay for it without raising taxes.

I thank the Chair.

I suggest the absence of a quorum.

Mr. GRAMM addressed the Chair.

The ACTING PRESIDENT pro tempore. Will the Senator from Alaska withhold that request.

Mr. MURKOWSKI. I will.

RECOGNITION OF SENATOR GRAMM

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Texas to speak under the previous order up until the time of 11:30.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. GRAMM. Madam President, we have talked for a long time about this so-called stimulus package. I would like this morning to go back and outline how we came to be here, and I would like to begin in 1990 because I think often the Congress has a very short memory about commitments it makes to the American people. In 1990, the Congress of the United States adopted a budget package that raised taxes on the American people by some $160 billion, and in turn promised the American people that we would limit the growth of Federal spending for 5 years. That spending limit became the law of the land.

There is a spending cap for this year that is currently law. The only way we can consider, without violating that law, this spending bill is to designate it as an emergency because with that designation, it does not count as spending and it does not count as deficit. The so-called stimulus package before us violates a solemn commitment that we wrote into the law of the land in 1990 when Congress took $160 billion from the American public in new taxes and promised in return to control spending. This bill violates the commitment we made.

Second, for 3 months, the President has said over and over and over again: Raise taxes on income, raise taxes on small business, raise taxes on family farms, because that is what the marginal tax rate increase does, raise taxes on Social Security, impose an energy tax on every family in America, raise taxes to lower the deficit to help the economy. That has been the rallying cry for 3 months.

Madam President, there has been a big gulf between that rallying cry and the budget because, as we all know, if you look at the President's budget, it raises taxes by $3.23 for every $1 of spending cuts, when the President had initially promised $3 in spending cuts for every $1 of taxes. Seventy-five percent of his budget is taxes and the deficit 5 years from now is still over $200 billion, and 10 years from now it is over $400 billion. So over a decade, under the President's plan with all the taxes, deficits go up and not down.

But the rhetoric has always been raise taxes to lower the deficit to help the economy.

When we adopted the President's budget at about 11 o'clock in the morning, by 2 that afternoon the rhetoric had completely changed. The rhetoric by afternoon when we took up this so-called stimulus package was raise the deficit to raise spending to help the economy. And the American people started to figure out what the end game was. The end game was to raise taxes to raise spending so Government could get bigger so that Government could spend more of the money earned by the hard-working men and women of America. That is what this debate is about.

What is the issue here?

The President tells us that, if we would just raise the deficit by another $16 billion and let him spend this money, everything would be great, we would create all these jobs. Just by raising deficits we could create jobs. That is the argument of this bill. Spend this money; and create jobs.

Madam President, when we have a $300 billion deficit this year, why have we not already created all these jobs? If deficit spending creates jobs, why with $300 billion worth of deficit spending have we not reached economic heaven? We have not reached economic heaven because we have to borrow that money, and the money we borrow is being taken away from people who would have invested it to build new homes, new farms, and new factories to generate new economic growth in America. If deficit spending really worked, we would already have prosperity.

What is the issue? The issue is the deficit and the issue is new spending. The position of the Republican Party or the Republican Members of the Senate on this issue is very clear. We have already decided on extending unemployment benefits. That is not at issue here. Our position is this: No net new spending, period. No net new spending. If we want to reorder priorities, if we want to take money away from low-priority programs—and we certainly have a lot of them we are funding in the Federal Government—to fund the higher priority programs, pay for it by cutting another program.

We have said to the President repeatedly—as he has used children trying to find Easter eggs as a backdrop to criticize Republican Members of the Senate—that we are willing to look at programs he is willing to pay for by cutting programs that are of a lower priority. But on that issue there will be no compromise: No net new spending, no new deficits. If the President wants to pay for these programs by cutting lower priority programs, we have the basis of working out an agreement and ending this debate. But if the whole debate here is about new spending and new deficits, that is not going to happen, and that is what the whole issue is about.

So I hope that we can reach a conclusion that the American people do not want to raise the deficit. And the American people must be amazed that we cannot seem to understand that. What part of "no" on deficit spending do we not understand? The American people do not want net new Government spending. But they are on the way to getting a lot of it and they are realizing it, and they are realizing that there has been a gulf between the rhetoric and the reality in this whole debate on the budget and on the stimulus package, and when they finally look at the fine print, when they finally find out what the budget contains, $3.23 in taxes for every $1 of spending cuts—new taxes not on rich people, but on small businesses, family farms, medium-income families, and people on Social Security earning $25,000 a year—the American people are going to be outraged when they find out that we taxed everybody saying we were lowering the deficit and we were not, and now we say let us raise the deficit to spend money to help the economy.

I think the President has shifted direction a little bit too rapidly for the American people. I am hopeful that we will reject this stimulus package and that we will stimulate the economy the old fashioned way, by dealing with the deficit, by freeing capital for private use, by promoting free enterprise, by trying to generate permanent, productive, taxpaying jobs in the private sector of the economy. That is what this debate is all about.

I yield the floor.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

Mr. MITCHELL. Madam President, I would like, if I might, to make a few comments on the bill in response to the comments made by my friend and distinguished colleague from Texas.

First, the American people should know that the President's budget provides for net reductions in expenditures of more than $200 billion in four major areas: Less defense spending, less spending in mandatory programs, less spending in discretionary programs, and as a result of the reduction in the deficit, less spending on debt service.

He does provide for some additional investments in areas that are important, but the net effect of the President's budget is a reduction in spending over 5 years of more than $200 billion. Every single Republican Senator voted against the President's deficit reduction package. They would not vote for the spending cuts that President Clinton proposed. Now having voted against the spending cuts in the President's budget, as contained in the resolution that the Senate approved 2 weeks ago, they now oppose this jobs bill on the grounds that it does not reduce the deficit.

I repeat: The President's budget calls for reductions in spending, some increases in spending including this jobs bill, the net of which is more than a $200 billion reduction. That is the first point.

The second point: 10 years ago last month, when Ronald Reagan was President, this Senate voted on a economic stimulus bill which is strikingly similar to the bill now pending. And most of the Republican Senators now complaining about President Clinton's bill voted for that bill when Ronald Reagan was President. If it is such a bad idea now that Bill Clinton is President, why did they all vote for it when Ronald Reagan was President? The answer is obvious. It is sure politics, an effort to embarrass the President, an effort to defeat the President's program. What is at risk is not the politics of the Presidency but the American economy. That is what is at risk here.

The question before us is: Are we going to improve a bill that will encourage the creation of jobs that will deal with the problems in the American cities in this potentially explosive summer, with millions and millions of unemployed youth facing the prospect of not having summer employment, to score political points for our colleagues? The very people who give the most speeches about the deficit here are the people who will not vote to cut spending, particularly spending that affects their States.

We have huge spending programs here that our colleagues consistently vote for, even as they make the speeches about the budget deficit—huge spending programs, tens of billions of dollars. We ought to ask ourselves what is at stake here. Is it worth scoring a few political points to risk the American economy? Is it worth scoring a few political points to risk the danger of an eruption in an American city this summer? I think not, and I hope my colleagues will join in supporting this bill, an important part of the President's program.

He has been President for less than 3 months. They do not want to give him a chance. That is what this is all about. This is an effort to embarrass President Clinton, to make him look bad in his first couple of months in office. I think we ought to rise above that, just as Democrats did, many of whom voted for President Reagan's economic stimulus program 10 years ago today. It was fine for Republican Senators then when there was a Republican President. Now the same Senators are against it when a Democratic President proposes it. I think that exposes the political nature of what is going on here.

I yield the floor.

TENNESSEE NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES WEEK

Mr. SASSER. Madam President, it gives me great pleasure at this time to request the unanimous consent of my colleagues to the insertion in the RECORD of a proclamation by the Governor of my State of Tennessee.

On March 12 of this year, my good friend, the Honorable Gov. Ned McWherter, signed the proclamation that the week of April 12–16, 1993 shall be known in Tennessee as "National Association of Retired Federal Employees Week." Our State's chapter of this national organization is very spirited and active, and does an excellent job of keeping me aware of matters of concern to its members. My own father was a Federal worker with the Soil Conservation Service in Tennessee, and I am keenly aware of the dedication to duty displayed by those Federal employees who are enjoying their retirement.

I am happy to note that on Friday, March 26, the Senate passed Joint Resolution 11, of which I was a proud cosponsor, designating May 3–9, 1993, as "Public Service Recognition Week." It is in that same spirit that I endorse Governor McWherter's comments in support of a similar tribute to our State's Federal employees, and ask that they be included in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

STATE OF TENNESSEE—PROCLAMATION

Whereas, the United States Civil Service Act of 1883 was signed into law by then President Chester A. Arthur, thereby creating the United States Civil Service System; and

Whereas, the United States Civil Service Retirement System was created in 1920 and signed into law by then President Woodrow Wilson; and

Whereas, virtually all state, county, and municipal civil service systems have developed from the United States Civil Service Act; and

Whereas, untold thousands of United States Civil Service employees have worked diligently, patriotically, silently and with little notice to uphold the highest traditions and ideas of our country; and

Whereas, thousands of federal employees are retired in Tennessee and continue to devote inestimable time and effort toward the betterment of our communities and state;

Now, therefore, I, Ned McWherter, as Governor of the state of Tennessee, do hereby proclaim the week of April 12–16, 1993, as "National Association of Retired Federal Employees Week" in Tennessee, and do urge all our citizens to join in this worthy observance.

IN RECOGNITION OF SISTER LUCILLE McKILLOP, PRESIDENT OF SALVE REGINA UNIVERSITY

Mr. CHAFEE. Madam President, I am pleased to have the opportunity to join in recognizing Sister Lucille McKillop, a member of the Religious Sisters of Mercy who has served as president of Salve Regina University in Newport, RI, since 1973.

Sister Lucille came to Salve Regina at a troubled time in the university's 47-year history. Salve Regina faced extreme financial difficulties and dwindling enrollment. But Sister Lucille did not let these obstacles daunt her.

Under Sister Lucille's leadership, Salve Regina has undergone a remarkable transformation. The University's curriculum has expanded to include 6 undergraduate degrees in over 20 concentrations. Graduate programs were established, with advanced degrees offered in nine fields, including business, financial management, health services administration, and the administration of justice. Study abroad programs were created, allowing students to study in Europe and in Africa. Student enrollment has more than doubled, and the school has been recognized as one of the top 10 small comprehensive universities in the East.

But Sister Lucille's contributions, and those of Salve Regina students, go far beyond the university's gates. Sister Lucille serves on numerous boards including the board of directors of the Newport Music Festival and the advisory board of Dorcas Place, an adult literacy center in Providence. The University and its students have strong commitments to the city of Newport and its surrounding communities and have made a tremendous difference in the lives of the less fortunate by organizing food, clothing, and medical drives, and mentorship programs for local youth.

Sister Lucille is rather humble about her many accomplishments. She once said, "I have really not done all of these things. I am like a conductor. I am taking the bows, but the school is the orchestra. We are all making this music together." And what wonderful music it is for the Salve Regina faculty and students, the city of Newport and surrounding communities, and for our State of Rhode Island.

I wish Sister Lucille continued success in her presidency.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Madam President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved here in Congress.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that Congress could and should have controlled Federal spending.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,251,467,295,773.57 as of the close of business on Friday, April 16. Averaged out, this means that every man, woman, and child's share of this debt comes to $16,551.76 per person.

TRIBUTE TO AN INSPIRED AND INSPIRING WOMAN

Mr. PELL. Madam President, I rise today in honor of a brilliant leader and educator, Sister Lucille McKillop, who is celebrating her 20th anniversary as president of Salve Regina University, a beautiful Catholic institution resting on the shores of Newport, RI.

When Sister Lucille assumed the presidency in 1973, the campus of Salve Regina was suffering under severe financial difficulties and low morale. Under Sister Lucille's visionary leadership, the school shed its massive budget deficit, doubled the student population, increased faculty salaries, and expanded academic programs. The composition of the campus became coeducational, and the vision of the campus became global.

More important than her administrative abilities, Sister Lucille brought to Salve Regina the ability to inspire students to be their best, to strive beyond academic achievement, and to visualize a mission beyond the confines of the classroom. While motivating students to excel in every endeavor, she also instills in them a sense of compassion and human service. The students of Salve Regina gain many opportunities to serve at home in local social work agencies or abroad in Europe or Africa.

A sincerely humble leader, Sister Lucille attributes the success of the past 20 years to the students and faculty of Salve Regina. While I know she feels uncomfortable as the subject of acclamation, this tribute is well deserved and cannot fully describe the wealth of her accomplishments. I ask that my distinguished colleagues join me in saluting this remarkable woman who brings joy to the many lives she touches.

UNITED STATES SHOULD REASSERT CONSTRUCTIVE LEADERSHIP ON LAW OF THE SEA

Mr. PELL. Madam President, during the 1970's the United States played a leading role in the international effort to establish a rule of law for the world's oceans and seabeds. Known as the law of the sea negotiations, these discussions involved more than 150 countries and were a truly remarkable effort to reconcile the interests and concerns of industrialized countries, private corporations, and the many less developed countries that have important ocean coastlines and adjacent seabeds.

I have long been an enthusiastic supporter of this effort. I believe the U.N. Convention on the Law of the Sea agreed to in 1982 was a remarkable document and a testimonial to the negotiating skill of the person who headed the U.S. team, former Ambassador and Cabinet member Elliot L. Richardson.

Mr. Richardson in association with Margaret Tomlinson, who with him chairs the Council on Ocean Law, published an article in the Boston Globe April 7 calling on the Clinton administration to pick up the ball that was dropped by the Reagan administration in the 1980's.

The situation is as follows: Fifty-five countries have ratified the convention, and 5 more ratifications will bring it into force. When that happens it will be more difficult to make changes in the text that would improve the document from the U.S. point of view.

U.N. Secretary General Boutros-Ghali has scheduled talks in late April that provide a fresh opportunity for a new administration to reassert U.S. leadership on this important subject. The United States thus far has played only a limited role in U.N. talks, but even that participation has generated significant support for proposals that would help preserve U.S. interests.

I hope the Clinton administration will see the wisdom of a full and vigorous U.S. participation in the law of the sea talks when they resume at the end of this month.

I ask unanimous consent that the article from the April 7 Boston Globe entitled "Remember the Law of the Sea? It's Time To Sign It" by Elliot Richardson and Margaret Tomlinson be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Apr. 7, 1993]

REMEMBER THE LAW OF THE SEA? IT'S TIME TO SIGN IT

(By Elliot L. Richardson and Margaret L. Tomlinson)

WASHINGTON.—The Clinton administration can still assert US leadership in establishing a constitution for almost three-quarters of the earth's surface—the world's oceans. But it must act quickly. In the 1970s the United States took a leading role in this unprecedented international effort. The UN Convention on the Law of the Sea that emerged in 1982 satisfied our most essential negotiating objectives. The Reagan administration refused to sign it, objecting to its deep-seabed mining provisions.

Now, 11 years later, 55 of the 156 signatories have ratified the convention. Only five more ratifications will bring it into force, and that will greatly add to the difficulty of making changes in the text. With this in mind, former UN Secretary General Javier Perez de Cuellar three years ago began a series of informal talks aimed at modifying the seabed mining provisions so the agreement could become universal law. His successor, Secretary General Boutros Boutros-Ghali, has continued these talks; the next is scheduled for later April. The participants hope that the new administration will play a constructive role.

President Clinton has shown clear awareness of the relationship between the need to reduce Cold War strategic forces and the need to create mobile units capable of meeting new threats to peace. This significantly augments the importance of securing universal acceptance of principles guaranteeing unimpeded mobility for air and naval forces over, on and under the oceans.

Increasing pressures on oceanic resources are adding to the potential for conflict. The UN conference that produced the Law of the Sea Convention was an exercise in preemptive lawmaking—an effort to codify existing rules and create incentives for the observance of new ones, and so prevent the oceans from turning into a battleground. The United States succeeded in getting into the convention language safeguarding freedom of navigation and overflight, even though few other countries share our interest in maintaining this freedom. To the contrary, many give priority to territorial aspirations conflicting with it.

Although the United States could, of course, depend on military power to assure mobility, the countries most likely to challenge us are countries whose friendship we value. Our interests will be much better served, therefore, if, as a party to the convention, we can point to its universal applicability and, when necessary, invoke its dispute-settlement provisions.

A universally accepted regime of ocean law would contribute to other important US objectives as well. For example, it would protect the marine environment far more comprehensively than any other present or prospective international agreement, covering not only vessel-source pollution but pollution carried from land to the sea by rivers and air currents. In fact, the convention was the basis for the ocean-related proposals adopted at the Earth Summit in Rio de Janeiro last June. The United States also needs the convention to underpin the management and conservation of fishery stocks inside our 200-mile zone and to establish the right of our scientific research vessels to operate in remote coastal waters.

Despite these gains for US interests, the convention's ideological opponents persuaded President Reagan not to sign it. Objecting as a matter of course to any supranational regulation even if ocean areas beyond the limits of national jurisdiction, the critics concentrated on the regulatory mechanisms that might someday interfere with the freedom of private enterprise to mine the ocean floor. Fifteen years ago, visions of endless wealth from seabed minerals danced in the heads of the developing countries. Since then the probability that metal prices will continue to be low for many years has indefinitely postponed the economic viability of seabed mining.

These were the developments that led Perez de Cuellar to propose reexamination of the seabed-mining issue. Although the United States has thus far played only a limited part in the UN talks, they have generated significant support for an approach that would preserve the equitable principles framing the seabed-mining regime while deferring its operational details.

As Adm. William L. Schachte, speaking for the Department of Defense, recently pointed out, the convention "could play a significant role in achieving US national security objectives and economic growth in the hears ahead."

"The US," he continued, "is uniquely positioned to assume a more visible leadership role in the ongoing UN effort to achieve a widely accepted international order to regulate and safeguard the many diverse activities and interests of nations regarding the world's oceans."

All countries would benefit from such in international order, especially our own. The Clinton administration can make it happen.

WASHINGTON POST'S DON OBERDORFER, DEAN OF DIPLOMATIC CORRESPONDENTS, TO RETIRE

Mr. PELL. Madam President, for 35 years, Don Oberdorfer has covered politics and foreign policy for the Washington Post.

Don Oberdorfer announced his retirement this week as diplomatic correspondent, a title he has held for 17 years. During that period, and through his entire career as a reporter, he has earned the highest reputation for accuracy, reliability, and thoroughness.

He has covered my work with the Foreign Relations Committee and in the Senate during my entire Washington career. I came to the Senate just a few years after Don Oberdorfer started with the Post. I consider him a friend, and more important, I recognized how that friendship never stood in the way of his objectivity. I have seen time and again how hard he has worked to get a story, and to get it right.

Although there has been no formal selection process as far as I know, Don Oberdorfer is widely acknowledged as the dean of diplomatic correspondents in Washington. His retirement will leave quite a gap, and I am glad to note that he will stay in this city as distinguished journalist in residence at the Johns Hopkins University Paul Nitze School of Advanced International Studies. I hope he will continue to write the kind of analytic articles we have come to expect from him and to produce other books in the distinguished pattern of "The Turn," his definitive study of the end of the cold war.

Don Oberdorfer wrote a typically thoughtful article as his valedictory in the Washington Post April 18, entitled "Lies and Videotape: Watching Journalism Change in an Age of Suspicion." It is a useful and cautionary account of the many ways the truth has been distorted in foreign policy over the years.

I ask unanimous consent that the article by Don Oberdorfer in the April 18 Washington Post "Outlook" section, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIES AND VIDEOTAPE: WATCHING JOURNALISM CHANGE IN AN AGE OF SUSPICION

(By Don Oberdorfer)

It seems surprising from today's perspective, but many of the leading lights of Washington journalism, veterans who had been through wars, political campaigns and much else in their careers, were indignant and almost incredulous that a spokesman of their own government would deliberately lie to them in an official report.

That was 1960, and when I look back on my time as a Washington reporter, I see that as the first big blow to the relationship between the government and the press. The news today would be greeted with a shrug; 33 years ago, there was shock when we learned that State Department spokesman Lincoln White had disseminated a "cover story" that was, in fact, a bald-faced lie. What White had been instructed by his bosses to describe as a "weather research plane" that unaccountably had drifted off course was, actually, Gary Powers's U-2 spy plane, shot down on a pre-planned mission over the Soviet Union.

Since then, we members of the Washington press corps have been lied to by people far more adept than the hapless and despairing Linc White. Under Presidents Johnson and Nixon in the late 1960's, there were bitter disputes over truth and falsehood in the Vietnam War. The Nixon White House lied repeatedly in its attempt to cover up the bungled Watergate break-in.

In the summer of 1986, when I was looking into rumors of undercover U.S. arms dealings with Iran, a National Security Council official told me flatly—I had my notebook out and tape recorder rolling—that no such thing was going on. Later I learned that, months before, he had been along on the secret U.S. mission to Tehran carrying a cake in the shape of a key and promises of U.S. weapons in return for the release of American hostages in Lebanon.

Today the attitude of the press corps is starkly different from what I found when I arrived in Washington as a young reporter in 1958. Then the vast majority of journalists covering national affairs in the capital were trusting and uncritical of the ways of government. There was a certain coziness, a degree of intimacy and civility, between most of the press corps and the people they covered.

Thirty-five years later, many reporters have gone to the other extreme, assuming that nearly every official statement is a lie or half-truth until proven otherwise. There is a pervasive sense of being manipulated by official spokesmen, a sense that is intensified by the widened physical distance between reporters and officials.

No doubt, greater skepticism was sorely needed in the earlier era, when reporters tended to be unquestioning consumers and purveyors of official information. But today's climate is also unhealthy. Without at least a modicum of trust on both sides, it is difficult to see how reporters and officials can relate effectively.

Moreover, the corrosive climate has given rise to a widespread belief in conspiracy or malfeasance even in the absence of credible evidence, as in the case of the alleged "October Surprise" plot to keep U.S. hostages in Iran until Ronald Reagan could win the 1980 election. There is a tendency as well to view governmental mistakes or policy differences, such as the Bush administration's failure to wake up to Saddam Hussein's aggressiveness before the Iraqi invasion of Kuwait, as conspiratorial or criminal behavior.

The sea change in relations between government and press would be of importance mostly to journalism professors and retired reporters except for a central fact: This country has increasingly become "a media democracy," in the words of an extensive 1986 Harvard University study of the impact of the press on federal policymaking. To a large degree, as the Harvard study suggests, the news media have taken over the role of political parties and other established institutions as a source of information and influence.

Since the late 1950's, when decisions were made by a relative handful of officials and blessed by a small number of senior members of Congress, the policymaking process has been opened to many more actors in the executive branch, Congress and outside interest groups. The decline of consensus has brought a willingness, often an eagerness, by various participants to do battle in the press using leaks of inside information or rumors of newsworthy confrontations. The press is a main communications link among these groups as well as an arena for combat, and in the television age it has become a powerful force in shaping public opinion.

If members of the press are now insiders in terms of their importance to government, they are in some ways also more remote from the day-to-day processes.

In the late 1950s, when a reporter entered the main entrance to the West Wing of the White House, the press room was just off the main lobby where visitors to the president came and went. Reporters often sat around the lobby waiting for news from those emerging from presidential meetings. When President Eisenhower's press secretary, Jim Hagerty, had something to say, he summoned reporters to his office, where we all stood around his desk.

A decade later, at the start of the Nixon administration, the press corps was moved away from its tiny space near the lobby to the grander but more remote quarters where it remains today, in a press room built over the former White House swimming pool. Briefings became more sterile and formal, often staged for television cameras. Reporters were increasingly cut off from the comings and goings of presidents and their visitors, as well as the White House staff. Recently the Clinton administration barred reporters from the last of the West Wing offices routinely available to them—that of the press secretary.

Over at the State Department, there are also major changes. In the late 1950s, daily press briefings were held at noon around a long table seating less than 20 reporters, with the spokesman at its head. It was a clubby atmosphere dominated by reporters of the wire services, a few major U.S. newspapers and prestigious overseas outlets such as the Times of London and Le Monde.

Even this was a major dilution of intimacy from the World War II days of Secretary of State Cordell Hull, who usually met the press at his own desk at noon. Those conversations were mostly off-the-record (not for publication), but were often highly informative.

Today State Department press briefings are held in a theater-like room lit for the television cameras. The spokesperson's words are broadcast throughout the government on an internal information system and transcripts are quickly available to most reporters in their office or home computers.

Nowadays the telephone, which has always been a key instrument of Washington reporting, has become even more important, joined by fax machines and computerized transcription services. Many news events are covered live by CNN or C-SPAN. A journalist can cover many of the official events in Washington without leaving the office. The routine work of new gathering has become more remote and impersonal and less interesting.

At the same time, competition for information going beyond the official effusions of spokesmen has increased tremendously. To a greater degree than in the past, the imparting of information and explanations beyond the government line has become a private transaction between reporters and sources, rather than an official transaction of public business. Thus access to policy makers has become essential to coverage of the White House or agencies of the executive branch.

One of the most crucial decisions facing a reporter for a major news organization in Washington is how much distance to maintain from the principals. Some journalists have considered themselves friends and even unofficial advisers to presidents and other high officials; others stay strictly aloof. A few years ago Time magazine placed a series of advertisements in national media boasting of a Time correspondent's credo: "Get as close as possible, as often as possible."

In my 17 years of covering U.S. diplomacy, I tried to be close enough to be reasonably assured of personal access in an emergency but distant enough so that neither the secretary of state, his aides or the public would mistakenly believe I was a mouthpiece for his views. In this, the eight secretaries I covered posed different problems of access and intimacy.

Henry Kissinger, whom I knew well from his days as White House national security adviser, preferred close rapport with key members of the State Department press corps. But after I wrote a front page-story sharply questioning his handling of his personal papers, being too close was no longer a problem. Alexander Haig, with his barracks-room manner, was the most prone to call up unsolicited and complain, but he never considered me in his personal orbit.

Cyrus Vance I respected for many things, including his refusal to lie under any circumstances. He agreed to see me alone at a crucial moment when, it turned out, he was preparing his resignation on policy grounds on the eve of the failed 1980 Tehran hostage raid. Inside his office I discovered that he was furious at me and had been brooding for weeks over what he considered a personal slight to him that appeared in one of my stories.

George Shultz insisted with rare exceptions on staying "on the record" in his contacts with reporters, and many of us called him "the Sphinx" because of our inability to discern what he was thinking beyond established policy lines. After Shultz left office, he spent a great deal of time in interviews with me for my book on the U.S.-Soviet negotiations that ended the Cold War. We eventually became friends in a way that would not have been possible while he was in Reagan Cabinet.

James Baker posed a special problem for me, largely because he and I were classmates at Princeton, a fact known to many State Department correspondents and a number of diplomats, some of whom made the automatic assumption that this meant I would be a Baker insider. I had to tell Baker in our first State Department encounter that I would cover him just as I would any other public official, which doubtless did not surprise him. But because of the assumptions about our relationship, which had been cordial but certainly not close in college and thereafter, I kept my distance from Baker while he was in office to a greater extent than I otherwise would have.

Looking back at the newspapers of my early days in Washington, I have no doubt that the press today does a much better job of gathering, analyzing and disseminating information. Even some of the stories written by that era's media stars, with their easy acceptance of official viewpoints, are embarrassing to read.

In major papers, coverage has expanded. The Washington Post today contains more than twice as many column inches of news as it did in 1958, and its staff is much larger. The Post had one foreign correspondent covering the world in 1958; it has 25 today. Its national, financial, sports and metropolitan news departments are much bigger and better. In the late 1950s, the popular Style section was still called "For and About Women."

In some respects the biggest change in Washington journalism has been brought about by satellites, passing unseen in Earth's orbit. For the first time, news and pictures can be transmitted and received instantaneously nearly anywhere in the world. When dramatic events impend or occur, officialdom as well as journalists now watch in real time on satellite-connected media. This is a glorious technological triumph, but problems abound.

What you see may not mean what you think it does; even events that appear to be unfolding before your eyes depend heavily on context for their meaning and interpretation. And the very instantaneousness of transmission puts terrible pressure on government officials as well as journalists. There is demand for instant interpretation, which is often faulty interpretation, and for instant reaction, which may be panicky or misguided. During the Gulf War, too many newspaper editors hung on every picture and word of CNN rather than relying on their own reporters.

For all the changes and problems, American journalism remains a magnet for talented people. Where else can you have a front seat on great events and be paid to learn more about them and inform others? I had the chance to see first-hand and cover the civil rights revolution in the United States, the rise and fall of the U.S. military effort in Vietnam, the growth of Japan to an international powerhouse, 10 Washington-Moscow summits and other negotiations that held in check and finally ended the Cold War, travels by the secretary of state to more than 50 countries, and the diplomatic activities of five presidents, eight secretaries of state and nine White House national security advisers.

Among my most enduring images of coverage of international affairs was one of the first: that of Iowa corn farmer Roswell Garst throwing handfuls of stinking fodder at reporters crowding too close around Soviet leader Nikita Khrushchev during his 1959 tour of the United States. Garst was furious that the journalists were getting in the way of the epochal first visit by a Soviet leader to this country. Khrushchev was amused and more tolerant. He knew, as the farmer did not, that journalists' words and pictures were powerful tools of diplomacy. As in the case of Roswell Garst, many others have learned that venting ire against the press will not make it go away. For better or worse, we are part of history, and the events that make it.

TRIBUTE TO PETE DEGRAVELLES, JR.

Mr. JOHNSTON. Madam President, earlier this year my good friend and a friend of many throughout the sugarcane belt, P.J. "Pete" deGravelles, Jr., retired as vice president and general manager of the American Sugar Cane League. I rise today to pay tribute to this distinguished Louisianian who many of my colleagues here in the Senate also know from his years of work in behalf of sugar farmers as chairman of the league's national legislative committee and later as president and then general manager of the league.

Those who know Pete have deep respect for his thorough knowledge of the intricacies of sugar production and processing. That he is an expert on the complexities of sugar is no surprise considering that he was born into one of Louisiana's distinguished sugar families. Pete's father, the late P.J. deGravelles, served as county agricultural agent in St. Mary Parish for 30 years and was a recognized leader in the Louisiana sugar industry in the 1930's, 1940's, and 1950's. Pete joined his father in a partnership farming 120 acres of land in 1950. Under Pete's stewardship, this business expanded and was eventually incorporated as the Teche Planting Co. until 1980, when it was sold to a consortium of employees. For many years during this time, Pete was active in the St. Mary Parish Farm Bureau, serving as president, and was an officer and member of the board of directors of the St. Mary sugar coop. He won awards too numerous to list individually, but two examples of the esteem in which he is held are his selection as the "Man of the Year in Service to Louisiana Agriculture" by Progressive Farmer magazine in 1978 and his selection as King Sucrose XXXV of the Louisiana Sugar Cane Festival.

But Pete took on more than the full-time stewardship of his own farm. Early on, he became active in the American Sugar Cane League serving as chairman of the employee relations committee and as spokesman for Louisiana's sugar industry on matters pertaining to labor and legislation. He served as chairman of the contact committee which coordinates research activities on sugar and in 1976 was president of the Louisiana division of the American Society of Sugar Technologists. Pete's leadership ability was also recognized early on and he was soon selected to be chairman of the league's national legislative committee. In 1977 he was elected 29th president of the American Sugar Cane League and since 1988 he has served as general manager of the league.

Pete's hand has been at the helm during some of the most difficult debates on our national sweetener policies, but his leadership and foresight have helped us develop the strong program we now have. This program has been critical to the 18 parishes in Louisiana where cane is the mainstay of the local economy as it has been for generations. Pete understands this well. A lifetime resident of Franklin, LA, Pete served as director of the First Commercial Bank of Franklin, on the advisory council to the Federal Reserve Bank in Atlanta and for 2 years as a member of the Business Advisory Council to the Board of Governors of the Federal Reserve System. Through these roles he saw first hand the critical role of sugar in our State's economy and the direct and indirect impact of sugar throughout related businesses in the area.

Pete has also been very active in strengthening support for Louisiana State University, organizing and serving as the first president of the LSU Parents Club. More recently, he organized and served as chairman of the task force that created the LSU Agricultural Leadership Program, an initiative designed to develop a broad network of informed agricultural leaders throughout the State.

With this background, it should come as no surprise that Pete is an expert on all aspects of sugar and agricultural production in Louisiana's sugar triangle. We will all miss his day-to-day guidance on a variety of complicated issues: agricultural credit, trade, disaster assistance, tax, and a host of other issues. Even though he is stepping down in an official capacity, however, knowing how involved Pete has been in sugar all his life, I am sure we can count on him to continue to give us good counsel from time to time as we tackle difficult issues in the future. I wish Pete, his lovely wife Jane, and his five daughters all the best in the years ahead, but I want them to know that I for one intend to keep his address and telephone number handy.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 1335, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Madam President, I have listened with great interest to the statement by my friend, Mr. GRAMM of Texas. He is a member of the Appropriations Committee. He is well aware of the requests that come to that committee from members of the committee for spending items in their States, and he is well aware of the pressures on the committee. I would like to respond to his remarks this morning.

He talks about the bill violating commitments made in 1990. This bill does not violate any commitments made in 1990. The 1990 budget enforcement agreement very wisely contemplated, as the Senator well knows, that emergencies might arise, unforeseeable in 1990—hurricanes, tornadoes, earthquakes and so on—and that they would necessitate a response by the Federal Government, as the Federal Government does always respond, and as it should respond to emergencies. As a result, emergency provisions were included in the 1990 agreement.

I am just going to read the first paragraph:

> If for fiscal years 1991, 1992, 1993, 1994 and 1995 appropriations for discretionary accounts are enacted that the President designates as emergency requirements, and that the Congress so designates in statute, the adjustments shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing on all years from such appropriations.

So those emergency provisions, Madam President, are as much a part of the law as are the discretionary spending caps. We are not violating any law here. We are merely invoking a provision that was set forth in the 1990 Budget Enforcement Act that would deal with then unforeseen emergencies.

So we have invoked those emergency provisions before. When President Bush asked Congress to declare an emergency to send nearly $1 billion in aid to Israel and Turkey, we complied by a vote of 92 to 8, and 30 of the Republicans in the Senate today voted for that overseas "emergency."

Likewise, we have declared emergencies to respond to natural disasters here at home. I believe these emergencies were justified, just as I believe that we are right to declare an emergency now.

If a family is about to lose its home or a father his job, it really does not matter to that family whether it is due to a natural disaster or to a disaster resulting from the economic policies of this country; it is still an emergency to that family.

The Senator talks about hardworking people. The hardworking people of America are not working. That is what we are talking about. The hardworking people to which the distinguished Senator from Texas has alluded are not working. That is the problem. If they were working, we would not have to extend unemployment benefits again.

The distinguished Senator is willing to spend money to keep people on public assistance, and that is what this might be called. He is willing to keep people on the unemployment benefit rolls. That is a type of public assistance. But he is not willing, and others of his colleagues are not willing, to spend money to put people who are on those rolls back to work.

Oh, yes, they have all on that side of the aisle very readily agreed that: We will support the $4 billion in unemployment benefits, no question about that; we will be glad. We will not raise any question about that. We will not filibuster on that.

What Senators on the other side of the aisle do not want to do is put those people on the unemployment benefit rolls back to work. So Republican Senators are filibustering a bill here that is calculated to put those people back to work. The American people want jobs, not a pink slip, not just an unemployment check. Working Americans mean that there is money going into the communities and into the county and State and Federal treasuries. Nonworking Americans mean that the deficit widens because we are spending money on food stamps, on Medicaid, on Aid to Families With Dependent Children, and on unemployment benefits.

When the working people of this country are not working, less money flows into the Treasury. More people require public assistance. So the course that Senators on that side advocate—including my friend from Texas who serves on the Appropriations Committee with me—means that very likely the deficit will widen because of the inaction of this Senate, because of its inability to remove the obstruction—the roadblock, a simple letter to the Republican leader saying, "We will not move, we will not vote for cloture." That is a filibuster by letter.

Ten percent of our Nation is on food stamps; 26 million of our people are on food stamps. That is a disgrace, simply a disgrace. The greatest Republic in the world, the oldest Republic in the world, a nation that has helped in the past to rid Europe of a madman, to raise the battered and defeated nations of Europe after World War II to their feet; a nation that provided for those countries the Marshall Plan; a nation that has provided food for the hungry peoples of all continents; yet, a nation with 1 out of 10 of its people on food stamps. Think of it!

The minority does not want to take action that will bring people off those food stamp programs. They would rather continue to pay for more and more food stamps and increase the deficit; pay unemployment benefits, keep the people on the unemployment benefit rolls, increase the deficit. They will pay them unemployment benefits. Let them stay there. That is what we are hearing.

The unemployment rate is stuck at 7 percent, yet the distinguished Senator who has just spoken and other Senators on that side say—not all of them; there are some Senators on that side, I think, who want to pursue a moderate course—but here we hear it said: "The line is drawn. There will be no compromise unless we deal with the deficit in the old-fashioned way." The old-fashioned way, they say.

Let me show Senators the old-fashioned way. Let me show the Senate and the viewers the old-fashioned way of dealing with the deficit.

This chart represents the growth in the Federal deficit over fiscal years 1976 through 1993. Up until the first fiscal year in which the Reagan administration was responsible, there had never been a triple-digit billion-dollar deficit. In all the 39 previous administrations, in all the previous 192 years of the Republic, there had never been a triple-digit billion-dollar deficit.

But in that first fiscal year for which Mr. Reagan was responsible, what happened? We had a triple-digit billion-dollar deficit, $120 billion. The next year $208 billion, the next year $186 billion, $212 billion, $238 billion, $169 billion, $194 billion, $205 billion, $278 billion, $322 billion, $340 billion, and then the estimate for 1993, $352 billion; massive, unheard-of previously, deficits.

How did we deal with them? That was the old-fashioned way. What happened as a result of those deficits?

Look at the national debt, which was $932 billion when Mr. Reagan was sworn into office on January 20, 1981. He appeared on our television sets and said, "If those dollars were $1,000 bills and stacked on top of one another, they would reach 63 miles into the stratosphere."

Well, by March 1, 1993, we had the debt that had quadrupled to the tune of $4.114 trillion, and if those $1,000 bills were stacked one on top of another, they would reach 278 miles into the stratosphere. That is what happened to the deficits and that is what happened to the debt under the Reagan and Bush administrations.

The Senator talks about taxes. Well, let us see what is the result of those deficits and that debt. In fiscal year 1981, we paid $69 billion net interest on the U.S. debt. In fiscal year 1993, $198 billion. That is the result of these accumulated debts and the quadrupled debt from the Reagan and Bush administrations, an increase in the interest on the national debt.

We hear the cry about raising taxes. The net interest on the U.S. debt is a hidden, a hidden tax on every American, man, woman, boy, and girl in this country. Not only today's Americans, but the unborn of tomorrow will pay that tax, that hidden tax, which is the result of the deficits having accumulated to build such a mammoth debt, and we have to borrow to pay the interest.

We hear the charge repeatedly from the minority side, tax and spend, tax and spend, tax and spend. What did they do when they were in control of the White House? Borrow and spend, borrow and spend, borrow and spend. And these are the results, the bars on the charts, the hidden taxes, the deficits, the debt. Borrow and spend—that was the Republican policy.

We shifted the debts to our children. And to those who cry today no more taxes, no tax and spend, do not spend for investments in this country's physical and human infrastructure, investments that will enable the country to have a sound economic base and put people to work, they are saying, let us go back to the old fashioned way of borrowing and spending; just let our children pay the debts.

Madam President, President Clinton does not want to go back to that old fashioned way of borrowing and spending and shifting the debt to our children. He is proposing a program here which will cut the deficit over a 5-year period; which will provide investment in this country's infrastructure, so neglected during these past dozen years; and which will provide jobs now.

As the majority leader just stated, and as the Senator from Maryland [Mr. SARBANES] has stated repeatedly, the cost of this bill was included in the overall concurrent budget resolution, which passed the Senate before the Easter recess.

Admittedly, no Member on the other side voted for that. No Member on the other side of the aisle voted for that package which was devised to provide long-term investment in infrastructure, short-term investment in jobs, and a reduction of the deficit. It has already been paid for, and not a single Republican Senator voted for it; not one. But every Republican Senator put his or her signature on that letter to the Republican leader, saying, "We will not be moved. We will not vote for cloture."

Madam President, this is gridlock, gridlock in the old-fashioned—not really in the old-fashioned way. This is a new type of gridlock. In my 34 years in the Senate I have never seen this kind—this kind of tactic: A letter saying, "We will not be moved."

The opportunities have been here to offer amendments. The Republicans, indeed, have offered 9 or 10 amendments on this bill from the very beginning. But they have stopped offering amendments. They simply said we will not budge. We will not allow a vote, a final vote on this bill, until it can be shaped to suit us. It has to be done our way; not the old-fashioned way, our way. So that is what the Senate is up against.

I do not want to take further time except to say, again, that I realize there are Senators on the other side of the aisle who are not accustomed to doing the business of the Senate in that kind of fashion. They are accustomed to offering amendments, having them voted up or down, having cloture votes, vote up or down, and if cloture is invoked, then proceed with the bill until a final vote occurs. The situation on that side is difficult for some Senators, I know. They feel compelled to, reluctantly, not resist.

I ask unanimous consent to have printed in the RECORD, Madam President, that portion of section 251 of the Deficit Control Act of 1985, as added by the Budget Enforcement Act of 1990, which provided the debt forgiveness for Egypt and Poland; also that portion of the Deficit Control Act of 1985, as added by the Budget Enforcement Act of 1990, which provided for IMF funding to be exempted from the caps. Hear me, I say, exempted from the caps.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 251. ENFORCING DISCRETIONARY SPENDING LIMITS. * * *

Section 251(b)(2)(B) and section 251(b)(2)(C) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by the Budget Enforcement Act of 1990.

(B) DEBT FORGIVENESS.—If, in calendar year 1990 or 1991, an appropriation is enacted that forgives the Arab Republic of Egypt's foreign military sales indebtedness to the United States and any part of the Government of Poland's indebtedness to the United States, the adjustment shall be the estimated costs (in new budget authority and outlays, in all years) of that forgiveness.

(C) IMF FUNDING.—If, in fiscal year 1991, 1992, 1993, 1994, or 1995 an appropriation is enacted to provide to the International Monetary Fund the dollar equivalent, in terms of Special Drawing Rights, of the increase in the United States quota as part of the International Monetary Fund Ninth General Review of Quotas, the adjustment shall be the amount provided by that appropriation.

Mr. BYRD. Let me read this:

Debt forgiveness: If in calendar year 1990 or 1991 an appropriation is enacted that forgives the Arab Republic of Egypt foreign military sales indebtedness to the United States, and any part of the Government of Poland's indebtedness to the United States, the adjustments shall be the estimated costs in new budget authority and outlays in all years that have forgiveness.

So we forgave the debts. That was in the Budget Control Act of 1985.

IMF funding: If in fiscal years 1991, 1992, 1993, 1994, 1995, an appropriation is enacted to provide in the International Monetary Fund the dollar equivalent in terms of special drawing rights of the increase in the U.S. quota as part of the International Monetary Fund ninth general review of quotas, the adjustments shall be the amount provided by that appropriation.

So, these were outside the caps provided for in the Budget Deficit Control Act of 1985. I also ask unanimous consent that the paragraph on emergency appropriations be likewise included.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as added by the Budget Enforcement Act of 1990.

(D) EMERGENCY APPROPRIATIONS.—(i) If, for fiscal year 1991, 1992, 1993, 1994, or 1995, appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all years from such appropriations.

Mr. BYRD. Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has 7 minutes remaining.

Mr. BYRD. I have 7 minutes. And the other side has?

The ACTING PRESIDENT pro tempore. They have 29 minutes.

Mr. BYRD. They have 29 minutes. I thank the Chair and I apologize to my colleague on the other side if I have kept him waiting too long.

The ACTING PRESIDENT pro tempore. The Chair will remind the Senator that the unanimous-consent agreement included submitting the amendments that were talked about yesterday.

Mr. BYRD. By?

The ACTING PRESIDENT pro tempore. By both sides, by the Senator from West Virginia and the Senator from Oregon.

Mr. BYRD. By 12:30?

The ACTING PRESIDENT pro tempore. Within the time constraints that have been defined, 6 minutes and 42 seconds; the Senator from Oregon, 29 minutes.

Mr. BYRD. Madam President, may I inquire of my friend on the other side of the aisle, Mr. HATFIELD, as to whether or not there is an intention to offer the amendment. Mr. DOLE had indicated for days before the break that he anticipated he probably would, or might introduce an amendment.

My question now is for the purpose of determining whether or not that amendment, if it is offered, would be a substitute or a perfecting amendment?

Mr. HATFIELD. Madam President, I would respond to the question by saying, yes, there will be an amendment offered by the Republican side of the aisle on behalf of Senator DOLE and myself. No. 2, it will be offered in the form of a substitute.

Mr. BYRD. Madam President, I thank the distinguished Senator for responding thusly. Our problem is, now, I had intended to offer a perfecting amendment, not a substitute. If I offer a perfecting amendment and the other side offers a substitute amendment, except for the verbiage of the time agreement, in the ordinary run of things, the substitute would wipe out my perfecting amendment if the substitute were agreed to. It is to be voted on first, under the agreement.

So, if the substitute were to be agreed to and my perfecting amendment were to be agreed to, in the normal course of things my perfecting amendment would be wiped out and the substitute amendment, if agreed to, would carry the day. I had hoped that the other side would offer a perfecting amendment so that both amendments would be equal in their status in that regard.

I can offer a substitute as well. I would rather not.

Mr. HATFIELD. Will the Senator yield?

Mr. BYRD. Yes.

Mr. HATFIELD. Madam President, let me make very, very clear, there is no parliamentary strategy to our amendment. We have just an expectation that we can offer this amendment and there is part of a unanimous-consent agreement that it will be the first amendment to be voted on at 5 o'clock, I believe, to be followed by an amendment, if it fails, offered by the Senator from West Virginia.

If it is easier from a parliamentary procedure, we will be happy to change ours to a substitute—to a perfecting amendment. Whatever format is going to expedite the matter.

I want to assure the Senator again, the parliamentary part of this procedure has no part in our strategy.

Mr. BYRD. Madam President, I accept that explanation and I have no doubt whatsoever that that is the case.

I am glad the distinguished Senator has indicated his willingness to offer the amendment as a perfecting amendment because even though, by the terms of the agreement, I think that the adoption of the Republican substitute amendment, which would come before the vote on the Byrd-Mitchell perfecting amendment—even though that amendment, if it were adopted, it would not have the effect, as would be the case in the normal course, of wiping out the perfecting amendment, I do not like such procedure. That is a part of the unanimous-consent agreement that escaped my attention. I do not like that.

But if the Senator will offer his as a perfecting amendment, then there is no problem. Therefore, I am ready to offer, on behalf of Mr. MITCHELL and myself and other Senators—Senators BINGAMAN, BRADLEY, BUMPERS, CAMPBELL, DASCHLE, DORGAN, FORD, HARKIN, INOUYE, LEAHY, LEVIN, MIKULSKI, MURRAY, REID, ROCKEFELLER, SARBANES, SASSER, and WELLSTONE—this amendment.

Mr. HATFIELD. Madam President, I wonder if the Senator will yield for just one question?

Mr. BYRD. Yes. I will yield.

Mr. HATFIELD. Madam President, if we shift the parliamentary format here from a substitute to a perfecting amendment we are going to have to redraft our proposal and I am not certain that we can do it by 12:30. So I ask the Senator if by changing this—we do not want to be frozen out—

Mr. BYRD. No.

Mr. HATFIELD. Under the current unanimous-consent agreement.

We are willing to restructure our amendment to satisfy the request of the Senator from West Virginia, but we would like to have it clearly understood that if we need additional time beyond the 12:30 hour in order to complete the restructuring, we have it.

AMENDMENT NO. 300 (TO AMENDMENT NO. 283) OF A PERFECTING NATURE

Mr. BYRD. Yes, I think that is only fair.

I have no objection and, as I understand it, the majority leader has no objection. So I would suggest that we offer our amendments now. If the Senator has to restructure his amendment because of this previous drafting, it will be understood that he will have that right to do so.

I offer the perfecting amendment, and I send it to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. MITCHELL, Mr. BINGAMAN, Mr. BRADLEY, Mr. BUMPERS, Mr. CAMPBELL, Mr. DASCHLE, Mr. DORGAN, Mr. FORD, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SASSER, and Mr. WELLSTONE, proposes an amendment numbered 300.

Mr. BYRD. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oregon is recognized. I advise the Senator he has 26 minutes and 42 seconds remaining.

Mr. HATFIELD. Madam President, I think I will either reserve or yield some additional time to the Senator from West Virginia, if he needs it at this point, because we are in the process of restructuring our amendment. I will be very happy to outline the basic content of our amendment at this time, and then I will reserve the remaining part of our time.

I yield myself what time is sufficient to cover my remarks.

The PRESIDING OFFICER (Mr. BREAUX). The Senator is recognized.

Mr. HATFIELD. Mr. President, yesterday I outlined the evolving package as an alternative option that the Republicans were working on, and we held our caucus this morning. We have modified some of the points I made yesterday and the consensus now that represents the Republican alternative is the following: We will provide for the $4 billion of the unemployment compensation extension, which was already agreed to in March by this body and was included in President Clinton's package that was calculated to be about $19 billion.

We at this time would offer in addition to that, based upon the following criteria: No. 1, will these expenditures create immediate jobs; will they create immediate jobs? No. 2, what is in the pipeline as far as unobligated funds are concerned? If there is money in the pipeline unobligated in these accounts representing these programs, we felt very strongly they should not be further adding to our deficit.

I cited yesterday the example of the CDBG Program—the Community Development Block Grant Program—in which there is today, of unexpended and unobligated in the pipeline, $8.8 billion. We do not feel it is necessary to add further money to that program. It has a 4-year general spendout schedule anyway, and we have appropriated in the current fiscal year $4 billion, the highest in history for that account. At this point, 6 months into the fiscal year of 1993, 26 percent of that has been obligated. So we felt that it was not necessary to include that in our package, and that would be an example of another criteria: Money in the pipeline.

A third criteria that we put together on this was, what will contribute to the deficit? We say cut spending, yes; but we also say, do not add to the deficit. So the additional programs will be offset under administrative costs in our appropriations or in our budget program.

We have added $1 billion to the highway program. Our information is that the highway departments across the country have indicated that the spendout is really going to be very difficult to accelerate beyond that level. The President's package is $2.9 billion. So we are saying that the $1 billion is a more reasonable figure relating to the spendout capability.

Summer jobs: We have seen again that the summer job program, as offered by the President, for a 2-year package—and, by the way, ours is a 1-year package, a 1-year package. We do not believe that emergencies can be predicted over a 2-year period and, therefore, we are considering the emergency character. Even though we do not declare this an emergency because we want to pay for it and offset it, we found it to be in two programs: One, the summer jobs account, which the President had asked for a billion dollars for 2 years. We are suggesting $450 million for 1 year. In addition to that, we are suggesting $150 million for natural resource protection because that includes a lot of summer jobs potential. That is our suggestion for the first year, for the 1-year program, relating to summer jobs and natural resources that also contain a potential for a number of summer jobs: The BLM, the Forest Service, whatever.

The President has asked for $300 million for immunization. We are suggesting $300 million for immunization. Again, a factor emerges here, and that is, in the current immunization program, even though the job impact is going to be less, the fact is that their obligations are running out in this current fiscal year, and we believe that $300 million there is desperately needed for our commitments, our common commitments to the program of protecting our children.

Mr. President, we have also recognized that—and we have spoken on the floor many times about jobs—jobs in industry are really more potentially productive in small business, in small enterprises. There is where the future of a goodly percentage, if not a vast majority, of our new jobs will be created. And so we have a part of our package which would say $100 million for the Small Business Administration.

That comes to a total of $2 billion offset, paid by absorbing it within the agency administrative costs.

Mr. President, that is a basic outline of what we will incorporate in our perfecting amendment that we had proposed as we first structured it as a substitute amendment.

I do not want to spend a great deal of time rehashing history, but I think the President, Mr. Clinton, was very eloquent in his State of the Union Message when he spoke about this common concern that is expressed and felt on both sides of the aisle about our deficit. And he said in that State of the Union Message that there is enough blame to go around.

I could recite recent political history, and I would start with the Vietnam war: Borrow and spend and fight a war.

Borrow and spend and fight a war on Vietnam. We did not pay for that war as we went along. This is part of the accumulated sins of the forefathers that we are dealing with today. And they did not all have a Republican title to their position of responsibility. Some had Democratic titles. But as the President said, there is enough blame to go around.

I could go back to when the Republicans controlled the Senate of the United States, by a margin of 53 to 47, in 1986 and the resolution that came out of a Republican-controlled committee proposed to freeze all the entitlements for 1 year in order to get a grasp on the deficit problem. We had 53 Republicans. We twisted arms and cajoled and browbeat 50 to vote for it and we got 1 Democrat—1, Mr. President, 1 Democrat—to vote for that budget resolution.

So when it is said today that all the Republicans voted against the budget resolution, well, that is a precedent of what happened in 1986, probably some time even before during the time we have had the Budget Act.

But, nevertheless, the point is whether it is the Republican side or the Democratic side that has put its troops into harness and was able to express its opposition or its difference of opinion by a vote of that kind, I do not consider it undermining the cause of good government or whatever else we want to apply to that precedent.

Now, Mr. President, let me say one other thing. The Senator from West Virginia and I have stood shoulder to shoulder on the line-item veto. We opposed it, and I continue to oppose it. I oppose it under a Republican President. I oppose it under a Democratic President. The chairman of the committee opposes it under Republican Presidents and opposes it under Democratic Presidents, so we do not have a difference on that point. But we, in that debate, have heard it argued from the White House the President does not spend a single dollar that is not appropriated by the Congress. And that is true.

Now, when we talk about administrations and deficits that have happened under the administrations, whether Democrat or Republican, or whether they borrowed to fight a war or borrowed to build up military might, a military machine, we in the Congress appropriated every one of those dollars on those charts.

In 1981, when the Republicans controlled this Senate and Mr. Reagan said we are going to go on a big buildup of the military, MX, SDI, nerve gas, all the other ones, there was what was known as the Gang of Six on our side, and that Gang of Six said to our Democratic friends across the aisle, we can deny our party the majority status in the Senate on war-peace issues and on those matters relating to weapons buildup and weapons programs. We can deny the Republican Party, our Republican President, that majority status.

But what happened? Seventeen to twenty-one Members on the Democratic side swung over and supported Mr. Reagan on SDI, MX, nerve gas, and every one of his requested dollars for building up the military. And, remember, the House of Representatives was overwhelmingly controlled by the Democrats—only to illustrate that there is enough blame to go around for this horrible deficit we face today.

I do not want gridlock, but at the same time I think there are certain principles and perhaps certain distinctions that exist between our parties. When I taught political science, I used to say I wish there were more distinctions as to separating what the Democrat Party believes and fights for and what the Republican Party believes and fights for so that the average person out here in the public can see a choice, see a distinction.

That does not mean I want extremes of the left and right, all the liberals on one side or all the conservatives on the other side, but distinctions. And I suppose if you want today to look for that distinction at this moment in time, you could say that 43 Republicans have a great range of viewpoint on social and political issues but fundamentally and basically we are all fiscal conservatives. That is a label. It means something to one person. It may be different to another person. But that is the unifying purpose at this point. It is not to embarrass the President. It is because we have reached a day of reckoning which we as a party participated in bringing this day to pass and the Democrats have as well participated in bringing this day to pass, but this is the day of accountability.

I agree with the chairman when he says we want to not do the old-fashioned ways; we want to do the new ways of some kind. But what is more old-fashioned over the last 50 years of our Federal programs under Democrat and Republican Presidents alike is to tax and spend and to borrow and spend. That is the old-fashioned way.

We are saying in our package today let us meet these needs of immunization of our children and trying to stimulate jobs and providing summer jobs for our youth to get them off the streets, to help our natural resource protection and to help small business, but let us pay for it now by putting such a high priority on it we subtract from some of the other commitments we have in the fiscal year 1993 fiscal year. That is what we are saying.

I am not suffering under any illusion that we have the votes to pass this. But up until this point our position has been in opposition to the pending package before the Senate. We have come to that point in time in this debate, which has not gone on excessively long—I can remember many issues that have taken up the time of the Senate for more hours than this one has—but we have come to a point where we say in effect we have expressed our opposition, we think there is a better way, and this is it.

Now, I know there will be those who will say, well, after all that huffing and puffing, this is all that has been produced; it is not very much to show for the effort, or other such criticisms. But I think, again, it depends on the perspective of where you are coming from, and I respect the diversity of our thinking. Walter Lippmann had it on key when he said whenever everyone is thinking alike, no one is thinking very much.

I feel there is strength in diversity, not conformity. So this is a diversity at this time in our history between 43 Members of the Senate, and I cannot speak for all of the Members on the other side because I have not attended the caucuses, but I am sure there is a variation, as there is on our side, of degrees and extent and measurements of various kinds. Some would say no package is sufficient because there is no basic emergency. Some would say, well, a small package, or a bigger package. But this is the consensus, and this is a proposal that is offered in good faith by our leader, Senator DOLE, and by myself representing the 43 Republicans on this side of the aisle.

Mr. President, I now have my proposal ready. If it is permissible at this time with the Chair and with my colleague, I will send to the desk what is a perfecting amendment that incorporates the program as I have outlined.

AMENDMENT NO 301 (TO AMENDMENT NO. 283) OF A PERFECTING NATURE

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] for himself and Mr. DOLE, proposes an amendment numbered 301.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In amendment 283, strike all after the word "That" and insert: the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I EMERGENCY SUPPLEMENTAL APPROPRIATIONS

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $100,000,000 to remain available until expended: *Provided*, That up to $2,000,000 of this amount may be made available for administrative expenses of the guaranteed loans program and may be transferred to and merged with, appropriations made available under Public Law 102-395 for "Salaries and expenses", Small Business Administration.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $75,000,000.

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", to be used for maintenance, repairs, rehabilitation, and natural resource conservation activities, $75,000,000, to remain available for obligation until the end of fiscal year 1993.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $450,000,000, to carry out activities under part B of title II of the Job Training Partnership Act: *Provided*, That of the funds provided herein, 30 percent shall be for academic enrichment, as defined by the Secretary: *Provided further*, That funds used for academic enrichment shall not be used to supplant other Federal funds for existing academic services or activities, and services shall be maintained at least at the level of funding used for these purposes during the summer of 1992: *Provided further*, That of the funds provided herein, except for the 30 percent expressly used for academic enrichment activities, service delivery areas may transfer up to 10 percent to the program under part C of title II of the Act, if such transfer is approved by the Governor: *Provided further*, That up to 3 percent of each State's allotment used for academic enrichment, at the State's discretion, may be reserved for State administration, oversight, and support of a State practitioner's network.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Assistant Secretary for Health" for carrying out childhood immunization activities under title III and subtitle 1 of title XXI of the Public Health Service Act, $300,000,000, of which $282,800,000 shall be transferred to the Center for Disease Control and Prevention, of which $4,200,000 shall be transferred to the National Institute of Allergy and Infectious Diseases, and of which $7,000,000 shall be transferred to the Food and Drug Administration.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$15,326,750,000" and inserting "$16,326,750,000": *Provided*, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993: *Provided further*, That the additional authority provided under this heading shall be for maintenance activities only".

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 202. (a) Of the amounts provided in previous fiscal year 1993 appropriations acts and available budget authority under previous appropriations acts, such amounts of budgetary resources are rescinded so as to equal $295,000,000 in outlays as provided in subsections (b) and (c).

(b) The Director of the Office of Management and Budget shall made uniform percentage reductions in budget authority in Federal agency administrative expenses, except that no reduction shall be made in current rates of pay under current law.

(c) For the purposes of this section, Federal agency administrative expenses are defined as object classes 10 (excluding object classes 12.1, 12.2, and 13.0), 20 (excluding object class 23.1), and 30.

(d) To the extent budgetary resources are not provided in appropriations acts, the Director shall make the same uniform percentage reduction as required in subsection (b) in Federal administrative expenses as determined in section 256(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This Act may be cited as the "Emergency Supplemental Appropriations Act of 1993".

Mr. HATFIELD. Mr. President, I reserve the remainder of my time, and I yield any time to Senator BYRD that he may wish to use.

Mr. BYRD. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from West Virginia controls 3 minutes 15 seconds.

Mr. BYRD. Mr. President, I thank my colleague for his usual, characteristic generosity in offering to yield time. I do not want to take the Senator's time. I thank him.

Mr. President, just a couple of things: one, I compliment the Senator from Oregon on leadership that he has provided in offering the amendment that he has offered.

That moderating influence that I have seen at work so many times in the Appropriations Committee when he was chairman, and subsequently when he was ranking member, I am sure has had some impact on the Republican caucus. So I thank heaven that we have some people on both sides who try to be moderate and reasoned. The Senator from Oregon is certainly one who has always, to my knowledge, chosen to use that course.

One other thing that he has said about the chart, as I recall, the distinguished Senator from Oregon said that every penny on those charts, on those deficits, were in bills that Congress passed; that the President does not sign any bills that Congress does not pass. Therefore, all those deficits Congress passed and appropriated for. Those may not be the exact words, but in essence I believe that is about what the Senator said.

Let me make this point. It is an important point. Not every dollar on those deficit charts was passed by the Congress. Let us say in addition thereto, not every dollar that is on those deficits was passed by Congress in appropriations bills. No. The appropriations bills over the years 1945 through last year will show total accumulation of all of the amounts, that the appropriation bills came in under the totality of Presidential requests that were made during those years; the totality of the Presidential budget requests. Congress appropriated less money in all those years than the Presidents requested. That holds true for the Reagan and Bush years.

Second, much of those deficits were caused by tax expenditures, not appropriations bills, big tax cuts, the wiping out of tax loopholes and the creation of additional tax loopholes.

I do not say this with any disrespect toward the tax-writing committees, because some of the major portions of those deficits—some of it at least—were brought about by tax expenditures that the appropriations committees had absolutely nothing to do with. I cite one glaring example of such. That was the 1985 tax bill which Mr. Reagan insisted that we pass making cuts in 3 years, 5, 10, and 10 percent respectively in those 3 years. Tax cuts. I voted for them. So I plead guilty.

But, the cry came out of the countryside, give the new President a chance. So I heard that cry that came out of the hills of West Virginia, and I voted to give that President a chance.

I wish we would do that now, and give this President a chance.

Mr. President, I am sure that the distinguished Senator has something that he wishes to say.

Mr. President, I ask unanimous consent to include in the RECORD a letter from President Clinton addressed to me—and I believe he wrote also a letter to Senator MITCHELL—which outlines the reductions that President Clinton has recommended and which are included in the amendment which I have introduced on behalf of myself, Senator MITCHELL, and other Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, April 16, 1993.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: As the Senate prepares to return Monday to consideration of the pending appropriations bill to create jobs, to boost the economy, and to meet pressing human needs, it is important that we renew our commitment to breaking gridlock and to making government work.

To help accomplish those goals, I recommend you consider changes in the pending legislation to reduce its scope, while leaving unaffected certain key programs in the bill. I understand the procedural situation permits you and Senator Mitchell to offer a substitute amendment when the Senate reconvenes. Unfortunately, the rules of the Senate have enabled a minority to block the will of the majority. That makes it necessary for us to step forward and modify the bill in order to meet our objectives. Therefore, I recommend you consider offering a substitute that includes these components:

Leave in place the proposed funding levels for these essential programs to create jobs and to meet human needs; highway construction, summer jobs for young people, childhood immunization, the Ryan White program for AIDS victims, construction of wastewater treatment facilities, hiring meat inspectors, and assistance to small business. Of course, the $4 billion for extended unemployment compensation benefits would be left in place.

Reduce proportionately the other programs in the bill to bring budget authority down from $16.2 billion to $12 billion. This will require an across-the-board cut in other programs of about 44 percent.

Target $200 million for grants to local government to hire police as a means of helping to fight crime and to offset layoffs resulting from the fiscal constraints on local government.

This approach would reduce the budget authority in this bill by approximately 25 percent, but it would create only 18 percent fewer jobs in this fiscal year.

I make this recommendation reluctantly, and regret the unwillingness of the minority to let the Senate act on the original legislation. But our mandate is to achieve change, to move the country forward, and to end business as usual in Washington. By taking the initiative in the face of an unrelenting filibuster I believe we can respond to that mandate and achieve a significant portion of our original goals.

Your advice and counsel, and persistent hard work for the working people of this country are greatly appreciated. You have my respect and the thanks of the millions of Americans in the cities, towns and rural communities across the nation who you are trying to help.

Sincerely,

BILL CLINTON.

The PRESIDING OFFICER. The Senator from Oregon has 4 minutes 40 seconds.

Mr. HATFIELD. Mr. President, I merely want to thank the Senator from West Virginia. I thought I said that none of the dollars expended or created on those charts were there without an act of Congress. I make the distinction obviously between that money which is appropriated by Congress and the appropriations process, those entitlements which are established by an act of Congress, all going back to the Constitution that says all moneys expended must be for the Treasury, must be through an act of Congress which includes, of course, appropriations and other implementing legislation.

I appreciate the opportunity to clarify that point.

I still say that this is the basic relationship, of course, between the Constitution provision that puts the power of the purse strings in the Congress and the people's bodies, as against the President of the United States based upon history of the power of the kings and the autocrats who not only can tax and spend, but they do not have to ask anybody for it.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from West Virginia has no more remaining time.

Mr. BYRD. I thank the Chair. I thank my colleague.

I used a minute of his time in thanking him for his continuing support against the line-item veto, and expedited rescissions and enhanced rescissions and all such.

The Constitution did give the power of the purse to this body and the other body, but it also gave a veto to the President of the United States, not a line-item, but a veto.

I do not recall Mr. Reagan or Mr. Bush having vetoed any appropriations bills. Perhaps I have forgotten. That is my recollection. But certainly not for the reasons of the dollars. We may have gotten a veto of the appropriations bills in the District of Columbia, and he may indeed have done it, but for the reason of its pertaining I believe to funding of abortions and not because of the amounts remaining overall in the bill.

So I thank my friend. We are going to continue to stand together, and we are.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order the Senate will now stand in recess until the hour of 2:30 p.m.

Thereupon, the Senate, at 12:28 p.m., recessed until 2:29 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business for 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Reserving the right to object.

Mr. President, I ask the Senator to amend his request, if he would, that the time be charged equally against the situation of the controlled time at the moment.

Mr. SPECTER. Reserving the right to object.

Mr. President, I am here to speak on the bill. I will not object if I may have a unanimous-consent agreement that I be recognized immediately at the conclusion of the Senator's remarks.

Mr. DASCHLE. Mr. President, reserving the right to object to that request. The distinguished Senator from South Dakota and I had understood that we were going to be allowed just a couple of minutes to offer a resolution in recognition of the fact that we lost the Governor of South Dakota yesterday. We had hoped we could pass that resolution and, in just a very short period of time, make a couple of comments with reference to that resolution.

MORNING BUSINESS

Mr. HATFIELD. Mr. President, if the Senator will yield, I ask unanimous consent that 10 minutes be set aside at the moment for morning business, equally charged, and that the Senator from Pennsylvania [Mr. SPECTER] be recognized thereafter.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I ask the distinguished ranking member again what his request is.

Mr. HATFIELD. I requested that we take 10 minutes for morning business, equally divided between the two sides, and let the Senators speak as they will within that 10 minutes.

Mr. SPECTER. And at the conclusion of that, Mr. President, I will be recognized.

Mr. DASCHLE. Reserving the right to object, Mr. President, the Senator from Montana wanted 7 minutes, which would exceed by 2 minutes the time allowed for this side.

Mr. BAUCUS. Mr. President, if I might——

The PRESIDING OFFICER. Is there objection to the unanimous-consent request by the Senator from Oregon?

Mr. LIEBERMAN. Reserving the right to object, I ask if I might be included for up to 3 minutes in morning business, as well.

Mr. HATFIELD. Mr. President, I am trying to accommodate my colleagues. We are under controlled time now. We do have a Senator on the floor ready to talk on the matter that is pending. If we get into longer than 10 minutes, I am afraid we are going to cut ourselves short in the debate on the pending issue.

To try to accommodate, I will increase that to 12 minutes, 6 minutes on a side, equally charged; but I am afraid that is about the limit.

Mr. BAUCUS. Reserving the right to object, I can cut my time down to about 3 minutes to accommodate other Senators.

Mr. HATFIELD. Mr. President, I so modify my request, with the Senator from Pennsylvania being recognized thereafter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise to commend the results of President Clinton's summit meeting with Japanese Prime Minister Kiichi Miyazawa.

It is about time that an American President honestly and forthrightly—at the very first meeting—tells Japan that we will no longer tolerate lopsided trade imbalances. This strong message is certain to let the Japanese know that, while we value our ties with them, we want fairness and balance.

Our trade deficit with Japan, at $49 billion in 1992 and rising, deserves immediate attention. This is over half our $84 billion trade deficit with the entire world. Something is clearly wrong.

I am pleased at the way the administration spoke this strong message with one voice. Over the past week, even Secretaries Christopher and Bentsen documented the need for increased computer sales to Japan. As the Japanese said very aptly later, our "honne," or underlying intent, matched our "tatemae" or public rhetoric.

This is something we have not seen in the past. It means not only that we are speaking with one voice, but that trade has achieved the importance it deserves. I am encouraged to know that our Chief Trade Negotiator, Mickey Kantor, need not go to the White House hat in hand for trade issues to receive top priority. Unfortunately, this is what his predecessors often had to do.

This proves the Clinton administration's commitment to treating economic issues as national security concerns. This is just what President Clinton told us he would do, on the campaign trail and during his watershed speech at American University 1 month ago. How refreshing it is to see that commitment in action.

MORE THAN JUST TALK

But let me get to the heart of the matter—results. The Clinton administration's strong signals, unified front, and new resolve on economic issues were not just hot air. At the end of the day, President Clinton and Prime Minister Miyazawa had agreed to create a framework for results-oriented negotiations within the next 3 months—just in time for the Group of Seven meeting in Tokyo.

I look forward to working with the Clinton administration over the next few months as it fleshes out the details of this framework. In particular, I think my proposal for a United States-Japan framework for expanding trade and investment [FETI] would achieve their goals very well.

My FETI proposal would enable the administration to target specific sectors of the Japanese market—supercomputers, electronics, aviation, agriculture, and autos—that have eluded United States exporters. The key is to target sectors that have larger structural barriers looming behind them, and thus killing two birds with one stone.

For example, Japan's exclusive distribution system is part of the reason for poor United States auto sales in Japan. If we can secure an agreement in this sector, we can get at the larger distribution problem as well.

By targeting real-life instances where structural barriers exist, we can make more progress than the United States-Japan structural impediments initiative [SII] talks ever did. I am pleased that the Clinton administration has no intention of extending SII past its June expiration. The SII was a cultural exchange program, not a bona fide trade negotiation.

SII showed us, once again, that trade talks with Japan must have teeth if they are going to get results. That is why FETI would feed into Super 301 after 1 year if the sector-specific negotiations failed.

I think FETI is a formula for success. I am hopeful the President will use it as a model for these historic negotiations.

Mr. President, I think last week's talks between President Clinton and Prime Minister Miyazawa rounded a corner in United States-Japan relations.

Finally, we are treating Japan like a grown man, not a little brother. Perhaps it took a President born in the post-cold-war era to make this transition. I am sure that our relationship with Japan will be the better for it.

Indeed, this is a new era in United States-Japan relations, an era that demands a fresh approach to economic and security issues. Both the United States and Japan must be prepared to shoulder the challenges of their maturing relationship together. After all, the United States-Japan relationship is the most important one we have.

TRIBUTE TO GEORGE MICKELSON AND OTHER LEADERS OF SOUTH DAKOTA

Mr. DASCHLE. Mr. President, it is with deep sadness that I come to the floor today. Yesterday South Dakota's Governor and my friend, George Mickleson, and seven other South Dakotans were killed in a plane crash.

George Mickelson was working for us when he died. They all were really.

He did not have to be in that plane trying to save a couple of thousand jobs for South Dakotans.

There was not any press. There was nothing in it for him. It was just his job. He was serving his State, and he died doing it.

The last time I spoke with George Mickelson was on a weekend. He was working. He called to express his concern that we might lose the very facility he was traveling to Cincinnati Monday to try to save.

It was typical George Mickelson. Giving up a weekend. Not worrying about what political party anyone was in. Just looking for ways to solve problems and make things come out right.

How much every one of us who knew him wishes now that everything had come out right for him.

And how much our State has lost because it did not.

George Mickelson's death surely defines the word "tragedy."

The tragedy is deepest and most horrifying for a wife and children whose compassion and caring for one another have shown all of us in South Dakota what family truly ought to mean.

All who do jobs like George's, all of us here, know the pain of hours torn from our families. Those are hours intended to be repaid. Sadly, for George that can never be.

For those hours every person in my State is in the debt of Linda Mickelson and her family. They lost those hours for us.

Words are inadequate to express our grief at this moment. We offer our prayers and sympathy. We send our heartfelt thanks and gratitude for what Linda and her family have given, but we know they are not enough.

The tragedy of George's loss is deepest by far for them, but it is deep indeed for all of South Dakota. In George Mickelson we have lost a man who truly believed in service—a man willing to give whatever it took, to risk everything in the service of others.

He did it first in Vietnam. Then as a young prosecutor. He served us in our legislature, as our speaker, and, finally, as the Governor of our State.

Sometimes we fought, he and I. But it did not matter. Because with George Mickelson you knew the fights were about how to serve best. Sometimes you disagreed for the moment, but always you respected the man, because you knew he sought to do what he felt was right.

Nothing was more important to Governor Mickelson than jobs for South Dakota. Economic development was his passion. The team he assembled to pursue this passion was first rate.

That our loss should extend beyond our Governor, that it includes seven others, people who were the heart of his economic development team, only compounds the tragedy. Like the Governor, each one of those men stepped into that plane to serve our State.

Roger Hainje, whose effortless brilliance helped make his city number one.

Roland Dolly, who led our State's development team.

Ron Reed, our energy commissioner.

Dave Birkeland and Angus Anson of First Bank and Northern States Power, men who volunteered their special abilities to the effort the Governor was making.

Ron Becker and David Hanson, two professional pilots who did their best in a tragic and unavoidable situation.

All of them were working for us. Each of their families has our most profound sympathy and thanks.

Too often we take men like these, and like George Speaker Mickelson, for granted. What they do for us. Who they are. We just assume it will go on forever.

We often do not realize how fortunate we are to have people like them—people like Gov. George Mickelson.

Then we lose them, and we know.

Mr. President, for myself, my family, and my State, I join Senator PRESSLER in this expression of sorrow at the death of Gov. George Mickelson. It is so little, but it is all we can do.

EXPRESSING SORROW FOR THE DEATH OF GOV. GEORGE MICKELSON AND OTHER LEADERS OF SOUTH DAKOTA

Mr. PRESSLER. Mr. President, I send a resolution to the desk on behalf of myself and Senator DASCHLE, and ask for its immediate consideration.

This is a resolution saluting the eight careers that ended yesterday, of those who served our State.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 99) to express the sorrow of the Senate upon the death of George Speaker Mickelson, Governor of the State of South Dakota, and other South Dakota leaders.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. PRESSLER. Mr. President, I join in my colleague's remarks. I spoke this morning at length on my friendship with the Governor and with many of the people on the plane. They were serving our State on a flight to save jobs for South Dakota. I have known some of the people on the plane for 35 years from 4-H activities at the State fair. It was a great personal blow and a great blow to our State.

There is very little more that can be said, except that these men are an example to us all, and I think that the editorial in today's Sioux Falls paper summed it up best.

Mr. President, I yield the floor.

THE TRAGEDY IN SOUTH DAKOTA

Mr. LIEBERMAN. Mr. President, I join my colleagues in extending our sympathies to our distinguished colleagues from South Dakota and the families of those in their State who perished yesterday.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 99) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 99

Whereas, Governor Mickelson had a long and distinguished career, having been born in Mobridge, South Dakota in 1941, earning a law degree from the University of South Dakota in 1965 and serving a tour of duty with the United States Army in Vietnam;

Whereas, he was first elected to the South Dakota State House of Representatives in 1974, where he served six years and served as House Speaker in 1979–80;

Whereas, he was elected Governor of South Dakota in 1986 and was reelected in 1990, during which time he was dedicated to numerous initiatives, including economic development, education and health care, and served as cochairman of a National Governors' Association task force on health care and as chairman of the Western Governors' Association; and

Whereas, Governor Mickelson and South Dakota State business leaders Roland Dolly, Ron Reed, Angus Anson, Dave Birkeland, Roger Hainje and pilots Ron Becker and David Hansen were killed in a plane crash while returning to South Dakota from a meeting to help advance economic development in the State: Now, therefore, be it

Resolved, That the Senate has heard with deep sorrow and profound regret of the death of Governor Mickelson and expresses its sympathy to his wife, Linda, his daughter, Amy, and his sons, Mark and David.

Resolved, That the Senate has heard with deep sorrow and profound regret of the deaths of Roland Dolly, Ron Reed, Angus Anson, Dave Birkeland, Roger Hainje, Ron Becker and David Hansen and expresses its sympathy to the families of these leading South Dakotans.

THE TRAGIC EVENTS IN WACO, TX

Mr. LIEBERMAN. Mr. President, Americans have been transfixed by the tragic events in Waco, TX, and there has been much discussion already about what happened yesterday.

I rise today not to engage in what might be called Tuesday morning quarterbacking, but to say that I think there has been too much of that already.

It is too early and wrong to be pointing fingers of blame at anyone other than David Koresh. It is he who is responsible for the terrible events that occurred yesterday. And it was he who was responsible for the terrible event that took place 52 days ago, when four Federal agents were murdered and more than a dozen were injured, at his command. Today we mourn for the children who died yesterday, innocent victims of Koresh's madness. But let us not forget to mourn for the children and families of the law enforcement agents who were killed at the outset of this crisis. They, too, are victims of Koresh.

It is certainly appropriate for a review of this case to take place. We can learn from this tragedy, as we always learn from tragedy. All the answers are not in. But from all we know right now, I believe it is clear that Attorney General Reno and the FBI deserve our support for the extremely difficult decision they made, under fire. They were involved and on the scene in a way that their critics were not. As they have said, they acted in a measured way, only after a thorough and careful review of all the facts available. The FBI did not storm the compound, guns blazing, yesterday. The only guns that were blazing belonged to David Koresh and his followers and they were being fired at the FBI. Every opportunity was given for those inside to come out. Koresh and his followers had every opportunity to give up, peacefully, for 51 days. They had the opportunity to give up, peacefully, yesterday. So let us not, in a frenzy of finger pointing, forget who started this crisis and who ended it in a conflagration yesterday—it was David Koresh.

Mr. President, let us not forget the respect we owe to the law enforcement people throughout this country—Federal, State, and local—who put their lives on the line every day to protect the rest of us from criminals and madmen.

The buck may stop with Attorney General Reno and the FBI, but the blame should go directly to David Koresh, who bears the fullest responsibility for all that has occurred in Texas.

I thank the Chair and I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business has expired.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I seek recognition to support the amendment offered by the distinguished Senator from Oregon, the ranking Republican on the Appropriations Committee, in the amount of some $6 billion, covering $4 billion to extend unemployment compensation, an additional $1 billion for highways, an additional $450 million for summer jobs, $300 million for the immunization program, $150 million for natural resources, and $100 million for the Small Business Administration.

It is my hope, Mr. President, with this amendment being offered by Senator HATFIELD, that we will move toward an accommodation of compromise to end the gridlock which has paralyzed the Nation. I believe, Mr. President, that the problems of America need to be solved and Americans are not concerned whether they are solved by Democrats or Republicans.

I have said in the past, off the floor and on the floor, that I am prepared to help President Clinton, but I am not prepared to give him a blank check.

In opposing his so-called stimulus package, I have done so because I do not believe that, aside from unemployment compensation extensions, there is an emergency which ought to be addressed by an appropriations bill.

I make that statement because, in each of the categories where the President has sought additional funds, there are, at the present time, unexpended funds which could be spent at the discretion of the President.

But I am supporting Senator HATFIELD's amendment in the spirit of accommodation and in the spirit of compromise to see if this effort, in the sum of $6 billion, may provide a working point to bring the parties together and to end the gridlock.

We have at the present time, Mr. President, in community development block grants, unexpended and unobligated funds, the sum of $8.8 billion; $3 billion of those moneys are appropriated for the current year, fiscal year 1993, and $5.8 billion are available from prior years. That is the reason the distinguished Senator from Oregon did not include any funds in this Hatfield amendment for community development block grants.

When we take up the issue of transportation on the most recent available figures as of December 31—and this Senator has sought more updated figures—out of $39,954,000,000, only 18 percent were obligated as of that date. But it is possible to have additional expenditures and to spend more money on highways, and that is why the Hatfield amendment has added $1 billion which can be spent and which can provide new jobs. When the appropriations bill was considered last year, this Senator supported a greater appropriation than that which was made. The amendment by the distinguished Senator from Oregon is consistent with that approach in putting up an additional $1 billion.

On the very important subject of summer jobs, there has been appropriated for fiscal year 1993 the sum of $883 million. Again, Mr. President, as of December 31, only 5 percent of those funds have been obligated or expended. But there is the argument and there is the consideration that if additional funds were available, there could be more young people hired for summer jobs. I think it is prudent, as Senator HATFIELD has offered in this amendment, to increase this sum by some $450 million, which will provide considerable additional employment opportunities.

When you talk about summer jobs, the reality happens to be that any amount of money that you add could be expended. But this will be added to the sum of $833 million already appropriated and should provide very substantial additional employment.

Last year, in the wake of the problems in Los Angeles, there was an emergency appropriation for some $500 million to provide additional jobs, so that the suggested addition of $450 million is very much in line with what was done last year.

Similarly, on the item of immunization, an additional $300 million has been added by the amendment from Senator HATFIELD, although it should be noted that there is available as of April 4, a very substantial portion of the $341 million appropriated for fiscal year 1993, with some 59 percent having been obligated, leaving a total of $137 million which would be supplemented by the $300 million in the Hatfield proposal.

To natural resources are added $150 million; the Small Business Administration $100 million; all of this in an effort to move ahead to try to resolve the gridlock, to provide a basis for accommodation and to provide a basis for working out some agreement with the bills which are pending.

Mr. President, as it is well known, President Clinton traveled to Pittsburgh, PA, on Saturday to stimulate support for his package and, beyond any question, to put some additional pressure or some pressure or something on this Senator.

I was invited to join him on Air Force One. I received the invitation when I was in the Central African Republic on a trip for the Foreign Operations Subcommittee on the issue of foreign aid, since the United States has more than $1 billion at issue in Africa.

I would have loved to have gone.

Last Wednesday, from the Central African Republic, I talked by telephone extensively with Vice President ALBERT GORE, and it was just impossible for me to be in Pittsburgh, much as I would have liked to have been there. I think it was interesting, Mr. President, although not dispositive—nothing in our work is dispositive—to note what has happened on the telephone calls to my offices in Pennsylvania since the President's trip to Pittsburgh.

Yesterday, on April 19, on the full day through 5 p.m., the total calls in favor of the President's position totaled 372. The total calls in opposition to the President, or in favor of the position which I have taken, totaled 1,234. And in the city of Pittsburgh, the office there received 118 calls in favor of the President's proposal and 566 calls in favor of this Senator's position.

Today, up until 12 noon, the tally of calls from my offices in the State of Pennsylvania and Washington, DC—the offices being Allentown, Scranton, Harrisburg, Pittsburgh, and Philadelphia—were 134 for the President's position and 326 in favor of the position taken by this Senator.

I think it is entirely possible that we could move through the balance of this bill without having any portion of the bill adopted. The Republicans have stood firm in opposing final passage because there are many amendments which we have sought to offer. And this Senator has sought to offer an amendment on health care, which is a comprehensive bill to provide health coverage for all Americans, which follows legislation which this Senator has introduced going back to 1984, and a comprehensive legislative package on health care introduced in the 102d Congress, a portion of which was brought up in July; a bill, Senate bill 18, which this Senator introduced on July 21, the first legislative day; and a more expansive bill introduced on March 2, Senate bill 618. It was my bill which was on deck, ready for offering, when the majority leader sought to change the procedure and permit only debate on the bill.

This is not a filibuster against the bill. A number of other Senators had announced amendments which they sought to offer, which were relevant to the bill and within the rights of those Senators to offer. We have not come to the point where we are debating simply for the sake of debating, where you would ordinarily say that there is a filibuster, or talking, but have sought to offer these amendments. I think that if there had been simply an attitude of negativism, simply to oppose President Clinton's economic package, the likelihood is strong that the President's package would have been defeated in its entirety and that 43 Republicans would continue to insist on the right to offer these amendments as a preliminary to consideration of the bill in its entirety.

But we have met in a caucus. We have come to a position, and it is not a uniform position. There were some who would have liked to have seen more money and some who would like to have seen less money. But the $6 billion is a good-faith offer for the $4 billion in unemployment compensation benefits. It is simply intolerable not to move ahead and extend those benefits. This Senator was one of a handful of Republicans who voted for this measure many weeks ago, and I said at the time, as the CONGRESSIONAL RECORD will show, that it would be my preference to pay for it but I was prepared to extend unemployment compensation benefits even if they were not paid for.

The amendment offered by the distinguished Senator from Oregon, the ranking member of the Appropriations Committee, does pay for the $6 billion by offsets against administrative costs. So we are standing firm with the position that the expenditures ought not to be made without offsets and offsets have been made.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. SPECTER. I will.

Mr. FORD. The Senator said that—I do not believe the total $6 billion is offset. The $4 billion unemployment extension is under the emergency and that is not paid for. The administrative charge is for the balance. Am I correct in that?

Mr. SPECTER. Well, my response is, to the best of my knowledge, all $6 billion are recovered with the reductions in agency administrative costs. My colleague—if I may?

Mr. FORD. My colleague, that is a huge amount.

Mr. SPECTER. If I may finish?

Mr. FORD. Excuse me. I apologize.

Mr. SPECTER. My colleague from Oregon just signaled me that the administrative costs cover $2 billion.

Mr. FORD. I wanted to be sure, the $4 billion for extended unemployment is under the emergency and is not paid for. But then the $2 billion is paid for by deducting administrative costs somewhere in Government. Is that correct?

Mr. SPECTER. That is correct.

Mr. FORD. I thank the Senator.

Mr. SPECTER. I thank the Senator from Kentucky for his inquiry. We have put this package together since the conference this morning at 10 o'clock—which I had to leave early to go to an appropriations hearing on the Department of Defense. We have conferred over the lunch hour. I am appreciative for Senator HATFIELD's signal—from the bench, here—to make sure as to precisely what is involved.

Senator FORD is correct. The $2 billion is offset and $4 billion is not.

Mr. President, that is the essence of what I have to say.

I, in conclusion, ask unanimous consent that the calls received by my office on April 19 up until 5 p.m., calls received by my office in Washington and across the State up to 12 noon today be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Barry Caldwell and Doug Loon.
From: Jill Schugardt
Date: April 19, 1993, 5:00 pm.
Subject: Constituent totals in response to the President's stimulus package.

	For the Republican position	Against Republican position
Monday calls:		
Washington	369	122
Philadelphia	90	61
Pittsburgh	566	118
Harrisburg	85	28
Scranton/Wilkes-Barre	79	34
Allentown	45	9
Total	1,234	372

The general consensus is for Senator Specter to hold firm and not be swayed by the President.

MEMORANDUM

To: Barry Caldwell and Doug Loon.
From: Jill Schugardt
Date: April 20, 1993, 12:00 noon.
Subject: Constituent tallies.

THE PRESIDENT'S STIMULUS PACKAGE

	For the filibuster	Against the filibuster
Washington	121	40
Philadelphia	26	27
Pittsburgh	146	50
Harrisburg	15	7
Scranton/Wilkes-Barre	3	1
Allentown	15	9
Total	326	134

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I would like to just take a moment to express my appreciation for the very lucid and eloquent statement summarizing the Republican package here today by the Senator from Pennsylvania [Mr. SPECTER]. I hear Mr. SPECTER on frequent occasions take a very complex issue and make it very clear. He has done so again, especially to underscore the point we come here today with this package as an action of good faith to present an option, an alternative to the President's package, recognizing those key elements still have to be expended in a reasonable and an efficient manner, and those accounts that have—as distinguished from those accounts that have pipeline money, great sums of pipeline money unexpended, unobligated. We have made that kind of a separation. Also, with the strong impact upon jobs immediately, jobs now, as against those that would have jobs in the future or those in the President's package that have zero job impact; zero.

So we have tried to make that clear in our package as well. I just wanted to thank the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield myself such time as I may consume.

Let us look at the amendment that has been offered by our friends on the other side of the aisle. Whereas the Clinton proposal would provide $2.9 billion for Federal aid to highways, the Republican proposal would provide only $1 billion.

What we are talking about here is reinvesting in our country. For a dozen years during the Reagan and Bush administrations we disinvested in this country. We penalized domestic discretionary spending, highways and bridges and mass transit and so on. Now, President Clinton is attempting to play a little bit of catch-up ball here and rebuild the infrastructure of this country so that our people can compete, so that our businesses can compete in the world markets. Because we will—by having more public investment—we will encourage private investment and we will also encourage and enhance productivity.

Here is where we have been falling short for so many years. This is the message I carried to the 1990 budget summit.

I have never ceased to harp on it. We disinvested in our own Nation, disinvested in our own people, and here we see today, in the Republican amendment that has been offered, a failure again to grasp the significance of the need to invest in our highways. The money is there. The money has been paid into the highway trust fund by the users, and they expect it to be used.

Then, on the Summer Youth Employment Program, the Clinton proposal is that we add $1 billion. The Republican proposal is that we add only $450 million. What is the purpose of this? The title of the program provides the answer: Summer jobs; summer jobs, mostly for young people throughout this country; in the 100 largest cities in the country and in the rural areas, summer jobs.

We need to put people to work. That is what this bill is all about. It is a jobs bill. What are we going to do with those young people who will be out of school but with no work? The additional $1 billion will provide additional jobs for our young people throughout the country. They will use that money. It will be spent in the communities. It will be spent in the various businesses of the communities, and the ripple effect will produce additional jobs.

EPA wastewater treatment: $845 million in the Clinton proposal, as contained in the amendment offered by us Democrats; zero in the amendment offered by the Republicans. Again, we are talking about infrastructure. We are talking about improving community life, enhancing the opportunities of large as well as small communities to attract businesses. We are also talking about lifting the health level of those communities.

I suppose not many of my friends on the Republican side grew up in the kind of environment in which I grew. We lived back in the "sticks" when I was a boy. We had no electric lights, no running water in the house. We got our drinking water from an old spring house. My mom washed on an old washboard with water heated on a stove that burned wood. No running water in the house, no sanitary facilities. None. And there are people in this country today who live under such conditions. That is what this is all about: Investing in the American people by providing wastewater treatment facilities.

Now we are soon going to be asked to vote for more aid to Russia. How many on that side of the aisle today who are complaining about helping the American people to find jobs will vote for that Russian aid readily and without any questions asked?

Let us also do a little something for our own people. EPA wastewater treatment funds. They will put men and women to work and will help us to catch up from having been behind now for so long in providing this kind of infrastructure.

Childhood immunization remains the same under both amendments. Ryan White AIDS Program: The Democratic amendment provides $200 million; the Republican amendment zero. This is for people, people again. Who is to deny that this money is needed?

SBA 7(a) loans, $141 million in the Democratic proposal; $100 million in the Republican proposal. This money generates bank loans to the tune of $2.575 billion in bank loans for small businesses, as provided under the Clinton program.

Here, again, the attempt by the minority is to slice away and cut away the program that is devised to help small businesses to put people to work and to stimulate the economy of this country so that people can pay taxes, so that they can get off the welfare roll, they can get off the food stamp roll, they can get off the unemployment benefit roll.

Food safety and inspection service: $4 million in the President's program; zero in the Republican program. As an old meatcutter, I can tell you that the inspectors need to be out there looking at those carcasses of mutton, lamb, veal, beef, pork. That is money well spent. It may not put throngs of Americans to work, but it will put some people to work. It will also enhance the health standards of this country and improve the living standards of the country.

As to the other programs concerning which the President has recommended that we reduce by 42.9 percent in our amendment on this side, our friends on the other side of the aisle, again zero; wipe them all out. Let us not have any of them.

Hiring local law enforcement personnel: President Clinton, through this amendment which we are offering on this side of the aisle, would add $200 million for hiring local law enforcement officers; the Republican side says nyet, nyet, no, zero. Who is there to deny that this country needs more policemen out from behind the desks, out on the streets?

I would say that the Republican amendment does do this: To a certain degree, it does admit that at least some of the programs in the President's package do create jobs because in connection with summer youth employment, SBA loans, and Federal aid to highways, it goes along, tremulously, saying me, too, but not much.

Well, why minimize the jobs created by reducing the program? This amendment that we have offered on this side of the aisle invests in the people of America and in its infrastructure.

The Republican amendment cuts the President's programs in many instances—in most instances, as a matter of fact, eliminates it in its entirety and produces fewer jobs. And then the Republican amendment proposes to pay for $2 billion of the total $6 billion. The $4 billion in unemployment compensation was declared an emergency some time ago when the Congress passed the authorizing legislation. At that point Congress declared that as an emergency, so we do not have to do that in this bill. Everyone has agreed that that is an emergency.

But of the remaining $2 billion which the Republicans have included in their amendment, $1 billion of that is Federal aid highway moneys, moneys paid into the highway trust fund by the users, and the other billion has actually been distributed among 3 or 4 or half a dozen programs. The $2 billion they would say is paid for, they would pay for it out of administrative expenses.

Now, when we cut administrative expenses, we cut people out of jobs, so we will be reducing personnel, on the one hand, by taking it out of the agencies' administrative expenses. On the other hand, we will be increasing the number of jobs through the stimulus program. So it is a wash. We take from jobs on the one hand, add to jobs on the other.

Mr. President, it is not a jobs program when we add jobs with one hand and take away jobs with the other.

This amendment ought to be rejected. It is too little, and it negates part of the good that it would do by reducing jobs in the various agencies that administer programs, thus cutting down on the efficiency of the programs themselves.

Mr. President, I reserve the remainder of my time for the moment.

The PRESIDING OFFICER (Mr. DORGAN). The Senator from West Virginia reserves his time. The Chair recognizes the Senator from Oregon.

Mr. HATFIELD. Mr. President, I yield myself whatever time necessary to make a few remarks.

Mr. President, the chairman of the Appropriations Committee, in carrying the responsibility of the President's package, has emphasized constantly, and again in analyzing the Republican amendment, that the President's package is a jobs package, and that we need the money now for these other programs because you would have to assume, if we need this kind of money now, then we are running out of money for those programs that are already in place for the 1993 appropriations bill.

Let us take Ryan White. Let me cite, Mr. President, as far as the jobs impact is concerned, a document prepared by the Executive Office of the President, Office of Management and Budget, March 9, 1993, signed by Leon Panetta, the President's Budget Director. Let us take Ryan White. This program I cosponsored and I have supported from the very beginning and continue to support this program. What is the jobs impact according to the administration's own chief fiscal officer? Zero. Zero. No jobs by this additional money made available, which will add to the deficit.

I might say, going through this whole chart, account by account, again Mr. Panetta's office will list here the jobs impact, accounts affected by the stimulus proposal. You will find zero job impact: worker profited, zero impact; enhanced school operations, zero impact; supportive housing, zero impact, in terms of the immediate job-creating power of this additional money.

So it is not true that in all of these parts of the President's package they have "an immediate jobs impact."

Now, the second point made is that we need this additional money. This is a supplemental appropriations bill to the 1993 appropriations. Rural Development Administration—rural development, certainly a high priority not only on the chairman's part but on my part as well and others on both sides of the aisle—rural water and waste loans and grants, Mr. Panetta's statistics on the first quarter spending, of that amount that was appropriated under the 1993 appropriations bill, 23 percent was expended. If you double that figure, because we are coming to the end of the second quarter now this month, which means in effect we will have reached 50 percent or halfway of the fiscal year, you double that and we still have expended or obligated 46 percent. I do not see any crying need for money now when we still have unexpended, unobligated 54 percent of the 1993 appropriation ready and available.

Mr. President, let me also add there is another supplemental that is being created now coming down the track, another supplemental that we will have to address in the next probably 2 to 3 months. This is not the last train out of Shanghai as far as the availability of funds for programs of importance, whether in this package or other packages.

Mr. President, let me give another illustration. One of the big parts of the President's package was CDBG. I repeated this and I want to repeat it again. That is one of the biggest parts of the President's package, $2.4 or $2.6 billion. And yet at this point in time when we appropriated $4 billion for the current fiscal year for that program, and the unexpended part, unobligated part of that Community Development Block Grant Program with the pipeline of previous year carryovers and you have $8.8 billion.

I do not see any emergency. I do not see any great cause to rush in and add more dollars to a program that has not expended almost twice as much of the current level of appropriations.

Mr. President, it begins to appear to me we see a social problem and we are going to throw money at it and that solves the problem. That has been the character of this Government for far too long. I want to fund those programs that can wisely expend the taxpayers' money, and create jobs. I am one of those on our side of the aisle that believes that there is a legitimate call for some kind of a program, but it has to follow a criteria. The criteria is simply that there is an emergency, they run out of funds or they are going to run out of funds very shortly, and second, that we pay for it because of the priority we place on it in the current fiscal year.

Is that too much to ask? Is that too much to ask, that we wisely expend the taxpayers' money, putting the money where it is needed, and needed now, rather than putting money where there is an $8.8 billion pipeline unexpended, unobligated in part, and the fact that we have appropriated the highest figure in the history of the Community Development Block Grant Program of $4 billion in 1993?

No, there is a difference between these packages. It is not in the scope of the dollars only but it is in the criteria we have used to suggest an appropriation of those dollars.

Let us take the so-called scaled down President's package of 15.2, I believe is the figure, for 2 years. Compare that to our program of 1 year. I must tell you I do not have a crystal ball. I do not have gifts of prophecy. I have no way to say there is going to be an emergency the second year out of a 2-year program even if I agreed there is such an emergency today. I think there is concern for today. Whether I would declare it an emergency to get around the budget responsibilities of paying for it as you go is another story. But that is a technicality.

But let us say it is a full-blown emergency today. How can we go ahead and make commitments today of expenditures adding to the national deficit that will create the cost for interest rates to go up in terms of paying for that additional money, and say it is going to happen down the road the next year? I do not have that kind of foretelling.

But let me take that comparison. Let us take the President's scaled down package of $15.2 billion. Break that down to 7.6 per year. It will not all divide out equally 50–50. But let us take it for the sake of illustration. Our package is $6 billion for a single year. The difference between 6 and 7.2 is not a great gap of difference of money but it is not a me-tooism. It is far from a me-tooism. There is a very clear distinction. That is the President's package and the Democrat's proposal is to put it on the cuff, increase the deficit, add to that deficit now.

As to our package, we agree. There is high priority on this. We are willing to make subtractions and adjustments within the current fiscal year caps and pay for it, pay for it now. That is the distinction.

I think we are down to a point, as I say, where the difference in dollars, if you want to break the President's 2-year package down to 2-year increments and our package as a 1-year package, that gap is not that great. The basic fundamental distinction in principle is this: Do we have less compassion on this side because we have less money we are proposing and suggesting we pay for it as we go? No. Let me say that this idea somehow that there is compassion on one side of the aisle, no compassion on the other side of the aisle, by implication is just not a fact.

I think we have to understand that we do have a concern for summer jobs. We have a very great concern for summer jobs. The President asked for $1 billion for 2 years. We are saying $450 million for 1 year. But do not forget we also included for natural resource protection $150 million, which has tremendous summer job potential for those young people on the streets.

So if you want to break this down as a comparison between the 2-year program and a 1-year program, I think we have an equal amount of compassion represented in our funding proposal level.

Immunization: Of course we are not immunizing, even today with the current budget, enough of our children. There are those children that are going without. But let me also say, Mr. President, doctors have said we cannot drag those children in from their parents to get immunization. Dollars alone are not going to solve this problem. We have to develop some kind of an educational outreach and a broadcast outreach to have those parents know that there is this free immunization available to bring their children into the centers to receive the immunization.

In other words, dollars are a means to an end, not an end in and of themselves. We have to address the total problem in that case. Is there any less compassion on this side for immunization of children? Of course not. We have the same level of funding. Frankly, I would like to see that funding increase, and I would like to see a part of that increase be given over to the kind of advertising and broadcast and educational outreach to get those children into those centers that are not there now even though there is available now immunization protection.

I want to say, Mr. President, that again we are basing our proposal on a very clear criteria, immediate job impact, looking at the pipeline money and the availability and the percentage of that pipeline money that has not been expended or obligated, and to pay it and to pay for it as we go.

Is that a new philosophy? Well, it certainly has not been perhaps as well exercised over the years, but there have been those in this body on both sides of the aisle who have been concerned about the mounting deficit. I have engaged in debates on this floor over the years that I have been in the Senate and oftentimes it is against the imagery and sort of the symbolism that, for instance, increasing military spending does not add to the deficit; that increasing immunization, or women and infant children care, or housing, or some of these social programs are what is causing the deficit. So these debates have been going on about both sides of the aisle wanting to hold down spending.

I do not know about your caucus, Mr. President. But I am sure that it is like our caucus to some degree; that is, each individual Member has perhaps a different set of priorities. Some Member wants to include this, or include that, and another Member says, no, I do not think that is necessary, I want to include this, and I want to include that. And we build a consensus out of those kinds of far-ranging viewpoints of priorities of a normal average group of 43 Americans.

I suppose that one would say that is maybe a weakness. I consider it a strength in spite of the tedious nature of trying to build consensus. I like diversity. And I think it is healthy.

But let us not consider that somehow, because there are two different options here, that one option represents more concern and compassion for those in need, for those out of work, for those who are going hungry as against, say, another group of people. I do not want to ascribe that to any Member of this body, 100 Members. I see it as a different perspective of priorities. And I am happy that everybody does not agree with me.

By the same token, I do not want others demanding that I have to conform to their view. But I think here you have a very solid consensus of 43 Members of this body, good faith, offering what we think is a better proposal, filled with the compassion necessary to meet the needs of individuals, and at the same time being concerned about the growing deficit and the increased spending that this represents.

Mr. GORTON. Mr. President, will the distinguished Senator from Oregon yield 10 minutes?

Mr. HATFIELD. I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington, Senator GORTON, is recognized for 10 minutes.

Mr. GORTON. Mr. President, beginning on the floor of this body some 4 weeks ago at the onset of this debate, a small crack or fissure developed along that center aisle between the parties.

During the course of the first 2 weeks of debate on this bill, and increasingly and dramatically in the 2 weeks of recess since, that crack or fissure has grown to a gulf, perhaps to a chasm separating and distinguishing the views of all of the Members on this side from the great bulk of the Members on the other side.

That difference, that chasm, it seems to this Senator, is made up of two elements. The first element, if I can characterize it appropriately, is that Members on that side of the aisle feel that expenditures on the part of the Federal Government on the order of $1.5 trillion during the course of the present fiscal year are insufficient.

That $1.5 trillion in Federal spending is not sufficient to create a healthy economy which, evidently, according to their views, can only be created by the spending of the Federal Government. And they, therefore, propose to add some $15 billion to that spending—1 percent, if it were all to be spent in the course of this year. Of course, it is not.

Members on this side of the aisle believe that to a very significant degree, it is that spending itself which has caused a major portion of the difficulties under which this Nation operates. Members on this side believe that we should cut spending first, before we discuss and pass the huge increase in taxes which is explicit in the budget resolution passed here about a month ago.

A second and closely related difference between the two is that, evidently, Democrats believe that a $290 billion deficit is too small a deficit, that it is important—nay, vital, if we listen to their arguments—in order to get our economy moving again that that deficit be increased. They believe that the debt of several trillion dollars is too small and that there should be additions to it. Republicans believe that both are too large, and that our primary goal should be directed at their reduction.

There are grace notes in connection with each of these proposals. One fact that few of my constituents, and perhaps even their Senators, failed to realize at the beginning of this debate is that this first $19 billion, now $15 billion, does not include any new programs; it simply represents a broad increase in existing programs, already funded generously for 1993, some at least funded at the highest level in their entire history. But suddenly now, we need more money for each one of them; that if 100 percent is insufficient to stimulate the economy, perhaps 101 percent, another 1-percent increase, will do.

At the same time, in addition to the programs which have been lovingly described, each one of which has merit—lovingly described by the distinguished chairman of the Appropriations Committee—in addition to that—I was going to say the clearer "implication," but it is not an implication; it is a precise element of the proposal that these programs must not be paid for now. They must go on the cuff. In order to have any effect, they must be added to the debt of the United States. And no significant portion of the wherewithal to pay for them should come from the present Government or from the present economy.

In other words, we want these programs, but we want our grandchildren to pay for them. In fact, we can multiply and say our great, great grandchildren, because who in this body seriously believes that in his or her lifetime this debt will be paid off? This current $15 billion will be in addition to the debt of the United States for what, three decades, a century? Our children, grandchildren, great grandchildren, and their children will literally be paying for it forever, the interest on the debt, created to stimulate 3- or 4-month jobs to build particular public works. They are unwilling to pay for this proposal. This is the chasm between the two sides.

It would seem to this Senator fairly obvious that if $290 billion in deficit—that is to say, a Federal Government which spends $290 billion more than it takes in—if that is an insufficient stimulus to the economy, how in the world is adding $7 billion or $10 billion or $15 billion to that deficit going to stimulate the economy? If $1.5 trillion is not enough to spend, how will $15 billion more suddenly revitalize the economy of the United States?

Mr. President, to summarize, it seems to me that most of our articulate citizens are wiser than we are. They see any uncompensated spending bill as increasing the pressure to increase taxes even more. They see the defeat of a spending bill to lower the pressure on increasing a tax burden, which they already regard as too onerous.

Mr. President, it seems to me clear that they are right. Their message is: Cut spending first. And that, of course, is what the amendment proposed by the distinguished Republican leader and the senior Senator from Oregon proposes to do; to spend a modest portion of what is asked on those items which will clearly create jobs, at least in the short-term, but to pay for them in some other Federal program.

Can it seriously be argued that while this $15 billion is absolutely essential to our economy, there is not 1 percent of the rest of the Federal budget which cannot be canceled in order to pay for it? Does that not cry louder than any speech on the floor of this Senate to the true importance of this spending, that its proponents cannot find 1 percent of the rest of the budget to cancel in order to pay for it and to keep that bill from going to our grandchildren?

Mr. President, to this Senator at least, the answer seems self-evident. To this Senator, the jobs vote is a vote for the Dole-Hatfield proposal, or for no bill at all; that to add to our debt, to add to the pressure on our private economy, will almost certainly destroy two jobs in the private sector for every job that this direct Federal spending will add.

The jobs vote on this proposal is yes on this amendment, and if it fails, no on the entire bill. That is the argument we make. That is what the people wish: Cut spending first. We cannot stimulate an economy with an extra $10 to $15 billion in deficit when we have not sufficiently stimulated it with a $290 billion deficit.

First, it is dubious, questionable, almost certainly counterproductive from a jobs point of view to spend this money and effectively to take it from the private sector.

Second, if we are determined to do so, we should at least do it in a way which does not add to our bill for debt service literally forever, and have the courage to find a way to pay for it, or withdraw a set of ideas which will benefit a handful of good grant writers in various Government agencies, but hurt the economy of the country as a whole.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask the distinguished Senator from Washington a question.

How do the Republicans pay for their amendment?

Mr. GORTON. During the current fiscal year, as I understand the explanation from the Senator from Oregon, it is taken out of the administration, out of various agencies of the Federal Government.

Mr. BYRD. Will the Senator say that again, please?

Mr. GORTON. As I understand the explanation of the Senator from Oregon—who would perhaps be a better subject for the question of the Senator from West Virginia—it is taken out of administrative costs of the Federal Government in its various agencies.

Mr. BYRD. Does that not cost jobs? Does that not cut jobs?

Mr. GORTON. Well, if it sends some people whose jobs are unnecessary in the public sector into the private sector, my guess is it will create two jobs in that private sector for every job it will cost in the public sector. That, I say to the Senator from West Virginia, is precisely the argument.

But to spend $15 billion to do that, we do not have to add the pressure on the budget deficit to borrow that. To drive up interest rates is going to hurt the private sector on an order of two jobs for every one that it can conceivably create.

Mr. BYRD. Mr. President, the Senator is proposing to cut jobs across the board—across the board. He is a member of the Appropriations Committee. I believe he is on my Appropriations Subcommittee on the Interior. Does he have any ideas as to what impact that would have on the Interior Department? We have been operating on budgets that are cut to the bone, as far as our Interior Subcommittee is concerned, Mr. President. We have been operating under very tightly constricted allocations.

The Senator is on my subcommittee. He knows the importance of that subcommittee to himself, to his State, to Western States. I have often said it is a Western State subcommittee. He surely knows the impact that this amendment that is offered by the Republicans would have on that Department, the Interior Department, and the various agencies that are included.

Mr. GORTON. Will the Senator yield?

Mr. BYRD. No, not at this point.

So we have a proposal for our new President that attempts to pump funds and to identify backlogs and known resource restoration requirements, and the Members on the other side of the aisle do not want to let those projects go forward.

Mr. President, the American people have seen a minority of Senators use the rules of the Senate, appropriately as far as the rules are concerned—they can be used by Senators—but inappropriately in an effort to avoid a vote on the President's package.

They have offered amendments. They have had those amendments rejected. Yet, they then say, "Well, we cannot amend the bill, but you cannot pass it either. We will not let you vote on it unless you redo it to our satisfaction."

The American people have seen a minority keep a vital piece of the President's economic plan from being implemented in a timely manner, and they have seen that minority perpetuate the gridlock the people themselves told us last November that they were tired of watching.

President Clinton was elected to provide the leadership this country so badly needs. He was elected by the people to change the failed economic policies of past administrations—past administrations—the failed economic policies that put us where we are today.

Oh, the born-again, pay-as-you-go crowd, we hear talking; born-again Senators who are against deficit spending. Their administrations were in the White House for 12 years when we saw the national debt quadrupled, the budget deficits become triple-digit billion-dollar deficits for the first time in the history of this country, and the interest on the national debt rise from $69 billion in 1981 to $200 billion. That is a hidden tax. The minority cries out about taxes. What about the tax—the hidden tax that everybody pays on that national debt which ballooned during their administrations—and the economic policies, failed economic policies of past administrations? What we see going on here in this body is minority Members saying they do not care what the American people want.

Now, I do not believe all the Members on that side say that, but the collective action—collective action, which is to do nothing if you will not rewrite the bill to suit us—the collective action sends that message. It does not make any difference whom the people elected last November, the minority has chosen to use the filibuster—and that is just what it is, despite what they would like people to think—to keep this bill from being voted on in this body.

Why are they doing this? What reasons could they have for telling the American people that they are willing to kill an important part of the President's economic plan? What will they say to the thousands of Americans who would otherwise be put to work as a consequence of this bill, if it is not passed?

For the past 11 days, what we have been hearing from our Republican friends is a virtual avalanche of rhetoric about deficit spending. Can you believe it? We are drowning in a sea of oratory from those on the other side of the aisle that the President's plan to put America back to work will add to the deficit. Suddenly they have become concerned about the deficit. Where was that concern in 1981 when we passed the Reagan tax bill which added to the deficit and which added to the debt, probably to the tune of nearly $3 trillion by now?

Some argue they did not like this piece of the bill or that piece of the bill. But when Senator HATFIELD and I put forth amendments that spoke to those objections, they fell back to their antideficit argument.

Now, besides being wrong, just plain wrong, those arguments are bewildering, in view of the past actions of those who are now decrying the deficits.

Well, I, for one, am amazed, to put it somewhat mildly, to witness this new Republican spirit here in the Senate. I am amazed that many of our colleagues who are clamoring the loudest about deficits are the very same Senators who came to the floor time after time after time and voted for deficit spending when it was proposed by their Presidents. They were our Presidents, too, but the titular heads of their party.

Where were the voices that now decry the morality of Federal spending when the deficit literally exploded during the 1980's? Where were these Senators when President Reagan's budget sent the deficit from $74 billion in fiscal year 1981 to $120 billion in fiscal year 1982? I do not remember anyone from that side coming to the floor and trying to filibuster President Reagan's budget until he sent up a plan that was fully paid for.

Back then, our colleagues did not seem to mind the fact that the President's economic plans called for massive amounts of deficit spending. Back then, our Republican friends did not seem to mind the policy of strapping our children with unprecedented amounts of debt.

There have been some very salty tears shed today and over the past few days concerning the burden that we are going to add to our children's heavy loads by passing this bill—which, it has been explained time and time again, is paid for in the overall comprehensive package for which almost all the Democrats voted a few days ago. Republican Senators talk about strapping our children with unprecedented amounts of debt. The reason we are in the trouble we are in today right in this country is because of the policies, the economic policies, in the main, that were proposed and promoted and pushed through the Congress by Republican Presidents in the last 12 years.

Any major cuts in defense spending during those years would not have gone anywhere. Any any attempt to raise revenues during those years in order to keep from passing the burden on to our children and grandchildren would have been vetoed. Congress could not have overridden the President's veto. So the dilemma we are in right today can be traced back to those days when we had the borrow-and-spend crowd in the White House.

Back then, our Republican colleagues did not seem to mind the fact that the President's economic plans called for massive amounts of deficit spending. Back then, they did not seem to mind a policy of strapping our children and our grandchildren with unprecedented amounts of debt. They passed on the huge tax cuts to the wealthy in this country, making our children pay for the tax expenditures in their time.

Good morning in America. Have a free lunch. Enjoy today at the expense of tomorrow. Those were the Reagan years.

Back then, they did not seem to mind policies that added to the deficits. Back then, with a Republican President, it was OK. Where were those voices of fiscal salvation? Where were those born-again Republicans when President Reagan took the debt on a soaring flight into the stratosphere and virtually tripled it during his administration?

I can tell you, Mr. President, they were not here on the floor attempting to filibuster their own President's economic plan. They did not come here and insist that every dollar of spending proposed by the administration be paid for up front. And they do not argue with that when they come before the Appropriations Committee either, I can guarantee you that. Oh, the appeals, the requests I get from my friends just on my subcommittee. "Do not worry about paying for it up front."

They did not think it was so terrible to use deficit spending to fund the star wars program back then when the Republicans held the White House. I voted for it. People said give him a chance, give the President a chance.

There is no sense in trying to fool the American people. We all know what the difference is between those years and now. It was OK to have deficits back then. Nobody paid any attention to the deficits back then. It was: Borrow and spend. Pass the debts on to our children. Everybody is happy. People only want to hear goods news. So they heard good news every morning from the White House. And now the chickens are coming home to roost.

It was OK to have deficits back then because they were being used to finance the military buildup that the Republican Presidents so desperately wanted. It was OK to push their borrow-and-spend policies back then because the dollars were being spent on new weapons to fight the cold war and being spent on tax expenditures to benefit the rich in this country. That kind of spending was considered politically correct.

I say to my colleagues, the cold war is over, it is finished. It is now time to look to the needs of our own people, to help alleviate their suffering and to put them back to work.

So why have our Republican friends suddenly had a change of heart? Why do they insist on crippling this President, this new President? He has only been in office 90 days today; 90 days. Why did they not use the same tactics they are using now against their own President? Those are the questions that should be asked, and many of those who do ask the questions are the unemployed, or the underemployed, that would be helped by President Clinton's plan. They want to know why this minority of Republican Senators have chosen this time when the people are most in need to use this filibuster, their filibuster, a Republican filibuster.

The American people want to know why the Republicans have chosen this time, when our economy is in such a fragile state, to have suddenly found religion. Religion: Pay for it, pay-as-you-go, do not add to the deficits, do not add to the debt, do not add to the burden of our children and our grandchildren. The minority has now got religion. Suddenly found. Born again.

Well, what are the Republicans going to say to the American people when they are asked why it was OK to spend billions of dollars bailing out the savings and loans that were mismanaged under those Republican administrations? That all added to the deficit. But now it is not OK to spend a modest amount to bail out the unemployed in America.

Why was it OK to put those funds off budget for the savings and loan bailout so it did not have to be paid for in the years they were provided? Those funds were put off budget. They were not paid for. But they added to the deficit. I think the people would be right to ask why our Republican friends did not filibuster and demand that those funds not be appropriated until they were fully paid for. I say, let our friends on the other side of the aisle come forward and explain why they have now suddenly found religion.

Now that we have a new President, let them tell the public why, if their maneuvering has nothing to do with embarrassing our new President, they have suddenly had a change of heart and are now demanding what they have never demanded before—what they have never demanded before. Let them tell the American people why they are perpetuating the gridlock that has for too long gripped this body. Let them tell the American people why, even after the President has offered a compromise to move the process along, they still dig in their heels based on an ideology that they have not practiced in the past.

Fortunately, the American people are not as naive as some of our friends may think. People are quite capable of seeing through the smokescreen the minority has thrown up as an excuse of continuing the politics of the past. The people know that this newfound Republican zealotry does not square with their past actions. People sent us a message last November that they do not want gridlock to continue. And it is time, I think, for the people to hear, for our friends in this body to hear the people.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The Senator from West Virginia has 30 minutes remaining.

Mr. BYRD. Madam President, let me talk just a little bit about the Committee on Appropriations which I chair. The original economic stimulus proposal submitted by President Clinton and pending before the Senate at this moment includes a total of $748 million for agencies under the jurisdiction of the Interior and Related Agencies Subcommittee, which I chair.

These funds are proposed for critical backlogs of identified facility maintenance and repair projects throughout our public lands infrastructure and in our Indian schools. Some of these funds are proposed for restoration of the natural and cultural resources for which the Federal Government has responsibility. Other funding is proposed for road maintenance and repair backlogs. Some of these funds are proposed for energy efficiency and conservation measures.

Madam President, I call these initiatives to the attention of my colleagues, and especially my colleagues on the other side of the aisle, because these are many of the same types of projects that, year after year after year, Members of the Senate write to me about and request funding increases over budgeted amounts.

I have stood on this floor as manager of the Interior appropriations bill for days on end, as Members debate one issue after another affecting the public lands of our country, an issue that is most important to western Senators in particular. Many of these lands are in the West, and the programs and the agencies in the Interior bill are of vital importance to those States.

We hear the repeated cry of the impact of the public lands on the economy of the West. Well, as I said a moment ago, here we have a proposal from our new President that attempts to pump funds into identified backlogs and known resource restoration requirements, and the Members on the other side of the aisle simply do not get it; they do not want to let those projects go forward.

These are not make work projects or new initiatives. They come from identified backlogs and priorities, backlogs that have accumulated over the years: Maintenance and repair, and so on. And the need to do this work will not disappear if these funds are not provided. I hope our friends will keep that in mind.

Let us talk for a minute about the economic impact. Many of these public lands are located in remote rural areas of the country. Funding provided for maintenance and resource restoration will be available for hiring of additional personnel to plant the trees, grade the roads, repair the roofs, operate the campgrounds, restore the watersheds, clear the trails, improve the electrical wiring, fix the sewage systems, stabilize the shore lines, and so forth and so on.

All of these relate to protection of the resource and the provision of services. Try to tell the communities that border on our national parks and refuges and forests and depend on the tourism dollar that these investments are not needed. You tell those people in the Western States that those investments are not needed, and in the Eastern States as well.

Who gets hired to do the work? It is not men and women from West Virginia who go to the State of Washington or to the other States on the far west coast, the State of Oregon, to help with reforestation. It will be displaced timber workers from Forks and Packwood and Roseburg and Grants Pass.

Let me mention briefly the backlogs that exist for the Interior bill agencies. In total, the identified backlogs contain an estimated $6 billion in project work that would be necessary to bring projects up to standard. The biggest single piece of this exists in the National Park Service.

We have all read about the problem of loving our parks to death. The Department of the Interior supports about 450 million annual visits to its resources. The Forest Service supports an additional 500 million visits annually. Those visitor loads affect not just the physical infrastructure but the natural infrastructure as well. The physical plan of the Park Service includes 15,000 buildings, 8,000 miles of roads, 1,400 bridges, 5,000 housing units, and approximately 1,500 water and sewer systems. Of the 359 units in the park system, 203 are predominantly cultural sites. Hence, they might not have a huge land base but extraordinary measures are necessary to protect the resource, whether it be Independence Hall in Philadelphia or the Hamilton Grange in New York or Petroglyphs in New Mexico.

The BIA is responsible for 182 bureau-funded schools and 22,000 miles of reservation roads. Unemployment on Indian reservations averaged 50 percent last year, with some areas experiencing unemployment as high as 90 percent. I hardly call that pork-barrel spending.

Madam President, if this type of infrastructure is not maintained, the cost to protect these resources will just increase in the future. These resources may deteriorate beyond repair. Now we have the opportunity to do something about them, to catch up on the backlog, put people to work repairing the facilities. If we invest the funding now, we can protect and restore many of the problems which so many of my colleagues have been diligent about bringing to my attention each year in the Interior Appropriations Subcommittee. They have been very diligent about bringing to my attention each year those needs. But today they say, "Oh, no, forget the needs, forget the maintenance and repair, forget the backlogs, got to pay for it."

For those who would suggest we should revoke funds already appropriated for this fiscal year to offset the cost—that is what they say—of the stimulus package, I dare suggest that they would be quick to cry out if the funds were taken from some of the very programs that they sought increased funding for during consideration of the Interior bill only last summer—last summer. There would be considerable mirth and the ripples thereof would go across this Chamber out through the galleries and right through that camera up there if one could but see the number of requests that I receive from my dear friends on the minority side who want more money, more money, more money in the Interior appropriations.

It is a great subcommittee. As I say, it is really a Western subcommittee. It helps out all over the country, but the West in particular, and how eager they are, how eager those Senators are to share the allocations. And I do not blame them. They are diligent in pressing for the needs of their people in their States.

I do not quarrel with them for that. But here today it is a different note that is sounded on the bugle. O, we have got to pay for it. We cannot add to the deficit. These maintenance and repairs backlogs, just forget it.

We faced a situation in the Interior Subcommittee over the past several years where the allocations to the subcommittee have been at or below the CBO baseline. Now, you might say, "Well, Senator Byrd, if anyone could fix that situation, you could." And I would respond that I have attempted to set an example of fiscal responsibility with my own subcommittee. I have maintained that it would be unfair for me to expect the other subcommittees to restrain spending if I were not willing to try to do so with my own subcommittee.

And yet, for all the preaching about deficits and the need to reduce spending, the oratory sure seems to be forgotten, forgotten when it comes time to develop the amendment request letters that I receive.

Alexander, in the first years of his reign, when capital causes were brought before him, he used to stop one of his ears with his hand, while the plaintiff was opening the indictment, that he might reserve it perfectly unprejudiced for hearing the defendant.

Well, I have tried to keep both ears open. I have heard those who come before my subcommittee with their pleas. They write letters to me, which I appreciate, and they come to me on the floor, sit down beside me and tell me about their letters and how important all this is to their States. And they are doing their work. That is the work they are supposed to do for their States. I do that for my State.

But we are hearing a different cry today. My eardrums are resounding with the drumbeat, not so muffled a drumbeat: "Let's pay for it. Don't add to the deficit."

Since I took over as chairman of the Appropriations Committee in 1989, the amendment requests to the subcommittee have grown considerably. For fiscal year 1990 there were about 2,000 requests for amendments to the Interior bill. Last year, fiscal year 1993, there were a little over 3,200 requests. This is an increase of nearly 60 percent.

Granted, some of those requests were for programs of national interest. Most, however, were State-specific in nature. And when a request comes in at the door of the Interior Subcommittee, it is treated the same whether it be a letter from one Senator or a letter cosigned by 50 or more Senators.

The Energy Weatherization Grant Program is proposed to receive funds in the President's stimulus package. I would note this program is the subject of an annual letter, usually signed by at least half the Members of the Senate—they are not all on this side of the aisle either by any means—requesting substantial funding increases.

I am puzzled as to Senators who can support that program on the one hand and then 8 months later denounce funding for it in the bill before the Senate.

Last year alone, from members of my own subcommittee, over 700 requests were received totaling some $2.3 billion—just from members of my own subcommittee—totaling some $2.3 billion in requested add-ons. Now, think of that. Both sides of the aisle contribute to this situation. It is not all one side of the aisle—both sides.

The picture does not improve much when one looks at the full committee or the Senate as a whole. Many of the Members with some of the largest requests, the largest requests that come to my subcommittee, are opposing this stimulus package. I will not identify any individual, but I can tell you that some of the very same Members—and we all know who they are—who stand on the floor preaching about fiscal responsibility and the need to cut Government spending do not believe very much in individual responsibility when it comes time to request projects in the Interior appropriations bill.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 14 minutes 12 seconds.

Mr. BYRD. I reserve that time. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DOMENICI. Parliamentary inquiry. I was not here when the time was arranged. Do we have a certain amount of time on our side?

The PRESIDING OFFICER. The side of the Senator from New Mexico has 27 minutes 45 seconds remaining.

Mr. DOMENICI. I certainly do not want to use all of our time. Could I yield myself 5 minutes at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, let me first start by, in my own way, trying to tell the Senate what this debate is about, and what it is not about.

There are Members who want to compare 10 years ago or 8 years ago or 6 years ago with what is going on now in terms of a growing deficit then and a growing sense of frustration on our side now. I am not accusatory of anyone, but let me first take the deficit as it accrued before 1990 and just make sure that everybody understands that that is not a Republican deficit.

We have heard so many times that that deficit is a Reagan or a Bush deficit. Let me just repeat, if you are talking about the Reagan tax cut, the vote was 89 to 11. Many Democrats voted for that tax cut. So why do we call it a Reagan tax cut? All those Democrats who voted for it, did somebody say to them, if you do not vote for that, something is going to happen to you?

They voted for it. Now they are saying that lost us our resources, so that is why we need to raise taxes.

Frankly, I do not want to argue that point. But the truth of the matter is that revenues never went down in America. They went up. It is just that spending did not come down. I really am not accusatory at all of the appropriations process in that dramatic increase. What I do get a bit upset about is that the fiscal plan the President has sent us does not do anything but cut appropriations, and in that regard it cuts only defense. It does not permanently change the entitlements, I say to my friend from West Virginia. It does not permanently change any mandatory spending. So actually we are not going to be any further along once we are off this stimulus package and when we implement the rest of the President's plan because it is all essentially taxes, and the deficit is going to be right back up in 4 years. It is not going to be down. It is going to start up. And in 6 years, 7 years it is going to be close to where we started.

Now, having said that, there also has been some discussion that we have done this kind of urgent supplemental, maybe even some have said emergency supplementals, many times in the past.

Well, I have checked that, and frankly I am not going to argue whether there were many of them in the past. My research indicates that most cases since the 1990 budget agreement had to do with Desert Storm and other real natural disasters.

Why do I say that? Because in 1990, we entered into a new agreement. The President spoke of a new covenant. There was a new covenant, I say to my friend from West Virginia, in 1990, not 1980 or 1983—in 1990. We said we are going to pay as you go if you have new programs, or if you want to exceed the statutory spending caps in the law, pay for it. That was known as pay-as-you-go.

That was the rule, pay-as-you-go. What else did we say? We said you have to have a real emergency to break the caps and not have to pay-as-you-go—in other words to break those mandatory spending limits.

Why would we change that now? Does anybody really believe that this $16.3 billion in new spending, other than the $4 billion unemployment compensation funds, is really beset with a national emergency that such spending is going to resolve? I do not believe that. I am beginning to think the American people are agreeing with us. They do not believe that. It is an effort to spend more money, and, yes, spend more money and not pay for it.

Some might say it is a small amount. I am not so sure the American people expect us to get a deficit under control by cutting $100 billion here, $100 billion there. I think they are thinking $16 billion here and $16 billion there is the way we are going to do it. And this so-called stimulus package is saying that aside from the unemployment compensation funds about $12 billion in new program funding is not going to be paid for, we are going to spend it, and you are not even subjecting it to the discipline of the 1990 agreement. You are going to break the statutory spending caps.

The Republicans are saying, and I think rightly so, the American people are frightened to death of the awesome noise of this huge tax package coming down, energy taxes in excess of $75 billion on everybody, almost nobody escapes it, the remainder of this package of $267 billion in new taxes and user fees. They are wondering what in the world is happening? Where are the cuts? That is why they are responding when we are saying cut this so-called stimulus package. And any rhetoric that says the President is paying for it with his overall plan is merely saying we are taxing the American people more to pay for this. That is in the scheme of the President's plan. He is going to reduce deficits almost totally by increases in taxes.

If you get the Congressional Budget Office to tell you about the overall budget, the big package, it is about $9 billion in domestic cuts and defense cuts net combined—about $9 billion with $267 billion in taxes.

They are saying, wait a minute. Let us not spend more money. Let us cut spending. We are saying let us dramatically cut the President's so-called stimulus package, and we are saying, in essence, not only do we want a smaller one, but we want to pay for all of it except unemployment compensation, which has already been declared emergency spending.

So we want to use the rules that exist today in the budget process, the 1990 agreement, that says pay-as-you-go. We are paying as we go.

Having said that, I am not going to go into the details of the new Byrd-Mitchell amendment. Suffice it to say that it comes nowhere close to the Republican package in terms of cutting spending. I have kind of a new idea that this package is not necessarily the two sponsors' plan for the future, but it is what the President's is.

It seems to me we were accused of trickle-down economics. I think we have a new version, which is trickle-up economics: You tax the public, take it to the Government, then you spend it; thus, it will trickle up in jobs. Very interesting.

I think we can tell why that means that the package—and I have not done a new model on Senator BYRD's amendment—but the original President's package cost $90,000 a job. That ought to be a forerunner and a warning that you are not going to build jobs and strengthen the American economy and its job production qualities by spending more money, because you are going to have to tax way too much for what you spend, and the net result will be less growth, not more.

So I compliment Senator HATFIELD, our leader, on this amendment, and this particular exercise of the last few weeks wherein the Republicans have clearly differed with reference to this so-called stimulus package. I further compliment him for the items that he put in our package along with our Republican leader, Senator DOLE, as its cosponsor.

Frankly, I do not know that we need new immunization money, because I think we might have enough for the rest of the year. We will have another appropriations vehicle, but we want to make sure. So we say we will go along with putting that in the bank, so to speak.

On highways, we think we ought to put in money that will spend out as fast as possible, and I think that is what our leaders are trying to do in moving toward maintenance money. Then the other items within it, including some money for the SBA to make guaranteed loans, which will generate in my opinion the jobs, are underestimated there. I think it will produce some real economic vitality.

So I am not so sure we are going to win with our amendment. I do not know whether our friend from Oregon has speculated on whether we are going to win or not. But I think we proposed some real constructive thoughts for the American people, and I think they are joining us. Why spend more money when you are taxing America to get the deficit under control? Why not tax them less and spend less?

Second, we are making the point that most of the spending package that the President has proposed under the guise of stimulus are really ongoing programs of the Government, very typical to what we do every year, that we appropriate for. And they are not very different. We are already in the red $323 billion. That is the amount of stimulus in the form of the deficit that is already in the fiscal plan of this Nation. Why would we really believe we ought to spend $16 billion, $19 billion, or $20 billion more, and that that might significantly stimulate the economy?

So I thank the ranking Republican on the Appropriations Committee for leaving enough time for me to say a few words.

Mr. President, I have another issue I would like to raise with my colleagues. It has been said we ought to really stimulate our economy like the Japanese have proposed. I have a brief analysis of how different the two economies are. You are going to stimulate the Japanese economy, which has very little deficit as a proportion of their GDP in debt, and talk about America doing the same when we have almost five times the proportion of debt compared to Japan, and our deficit is almost eight times as high as theirs in terms of ratios.

Some who are promoting the President's spending plan say: If Japan can announce a big new Government spending package, why can't we.

It is estimated that Japan plans about $70 billion in new spending. I believe that if United States accounting methods were used to evaluate the real stimulus components of the Japanese plan, their proposal would be much smaller than is currently advertised—maybe half as large, closer to $35 billion.

But the size of their package compared to the President's is not what's important here.

The important point is that there is a world of difference between Japan's fiscal situation and ours—a difference that argues for exactly opposite fiscal policies for the two countries.

Government borrowing demands are low in Japan. The Japanese Government projects their budget deficit to be 8.1 trillion yen for 1993. That's about $45 billion or 1½ percent of their GDP compared to an estimated 5.2 percent for the United States in 1993.

Saving rates in Japan are among the highest in the industrialized world, partly explained by their low Government borrowing demands.

Excess saving in Japan is currently being used to finance large trade surpluses. In fact, they are the world's largest net foreign lender.

The point is, Japan's excess saving could easily be used instead to stimulate their own economy through a sizable Government stimulus program.

Our situation is exactly the opposite—too little national saving. Our 5 percent household saving rate is one-third of Japan's and our national savings rate is half theirs.

Low national saving here results from our large Federal deficits that syphon off private saving. This leaves little for U.S. capital formation.

Unpaid for new spending would make the situation worse by increasing the Federal deficit.

Japan has the fiscal latitude to take that option; we do not.

The President's package of spending increases, left unpaid for, will only leave us in a worse situation with less saving available for private sector growth in the future.

In the latter half of the 1980's, declining trade and Government imbalances among countries—in particulars, declining trade surpluses in Japan and smaller Federal deficits as a share of GDP in the United States—helped to extend the record-breaking global expansion. Let us not forget that lesson.

Promoting increased Government spending in Japan will reduce their trade surpluses and help to lift export growth elsewhere, including the United States Promoting decreased Government spending in the United States will restrain borrowing from abroad, improve United States capital formation, and lift our long-term growth.

Sometimes opposites are most compatible.

Mr. HATFIELD. I am sure all of us on both sides of the aisle have come to understand that when the Senator from New Mexico [Mr. DOMENICI] speaks to matters relating to the budget, he speaks as probably one of the leading authorities in this body and probably one of the leading authorities in the entire Congress and perhaps the entire Federal Government. I listen always with great attention because of the fact that he has this expertise and it is well to heed his counsel.

Madam President, I want to just make a few responding remarks to those recently made by the chairman of the Appropriations Committee, my close companion as well as friend on most matters relating to appropriations. At the risk of being redundant, I heard the call saying: Where were the voices on this side of the aisle during the years of Mr. Reagan and Mr. Bush when these deficits were escalating at astronomical figures? Where were the voices of moderation or restraint as related to adding to those horrendous deficits?

Madam President, first of all, if I might personalize it for a moment, I stand here as one of those voices. I stand here as one of those voices because I voted against every one of those appropriations bills that related to this vast, unnecessary military buildup that, in major part, created the red part of those charts which the chairman has been demonstrating.

But I also want to say, at the fear of being redundant, that those budget appropriations and actions of the Congress in moving that upward was a partnership with a dynamic White House calling for such increased appropriations and actions by the Congress. And that partnership further broke down not only between the Congress as a whole, who has this power of the purse strings, a part of that red ink, without the role of the Congress in some form or another, and the White House, but there were additional partnerships within the Congress.

During all 12 years of the Reagan-Bush years, the Democrats controlled the House of Representatives, and those bills of appropriations had to initiate there. They had to be approved here on the Senate side and had to get the signature of the President. And each time there were efforts not only on the part of a few of us on this side to reduce those requests further, particularly in the military area—again, I recite, SDI, MX missile, and nerve gas—we had a handful of votes here. We controlled the Senate for those 6 years. But it was the two handfuls from the other side of the aisle that made the partnership that gave President Reagan every single one of those weapons. The House itself was totally controlled by the Democrats for 12 years, and the Senate was controlled by the Republicans for 6 of those years and, yet, the gang of six on our side that dissented from our party was offset by the partnership of Democrats and Republicans giving to the President every one of those items.

So, again, as the President said in his State of the Union Address, there is enough blame to go around. But to somehow imply the idea that these deficits were created by a Republican White House without that full partnership of the Congress and that full partnership of Democrats and Republicans in the Congress is unfair. So there is that sufficient blame.

I hear the voice saying, well, perhaps then we are learning a new song, a new gospel. But I think we all heard about this last election turning in part on a time for change, new ways of doing things. Maybe we were more converted than the other side of the aisle to that new change, because we suggest that changes start today. Pay for it, and not add to the deficits through Republican and Democratic administrations through the past with the actions of the Congress who cooperated with the Republican and Democratic Presidents. Maybe this is the time for the change. Maybe this is the new song of change that we represent here today.

I think that the President has failed in saying, in effect, that he needs this money now as represented in his programs.

Let me take a particular area that the chairman has indicated in the Interior Subcommittee programs of the Appropriations Committee, which he chairs, of which I wanted to be a part. And for his great sensitivity to western land problems, I give him accolades. No one in this Senate equals the sensitivity of the Senator from West Virginia to western land problems. He is truly our friend. But is that additional money the President has asked for in his package demanded today? That is the question. Have we run out of money in those programs? Again, I am referring to Mr. Panetta's document as to the obligations of those appropriations of 1993 that have been obligated thus far.

Let us take the road maintenance and repair that we heard today as being important—and they are; we know of the backlog. Madam President, out of the 1993 appropriations measure, 10 percent has been expended on road maintenance and facility repair in the Interior Department; 10 percent in the first quarter. Let us double that, just to be fair about this. We are approaching the 6-month period, the halfway place in the appropriations year. Let us double that and say 20 percent. Madam President, that fails the test of money requirement now to sustain that program, with the moneys already in that account.

Let us take the National Park Service, repair and maintenance, Interior. Twenty-two percent of that appropriation of 1993 has been committed in the first quarter. Let us again apply the second-quarter analysis at the end of this month. Let us say 44 percent. That is a failure to prove the need for money in that account as of now in this package.

I could go on and indicate, as I did, especially in the Community Development Block Grant Program with $8.8 billion of carryover yet unexpended, unobligated funds in that account as of the first quarter—no, the end of February on that one.

So the question is not whether we support road maintenance and upgrading and safety measures in our national parks, in our western land programs, et cetera. The question is: Do they need the money now, as represented and incorporated in the President's proposal?

Let me also go back to one basic definition in the Budget Act of 1974 that we are operating under. This is an emergency supplemental. "Emergency" is defined as some unexpected, sudden change in program that requires additional money. This is an emergency by a declaration of the President. But it does not really follow that definition in the Budget Act, because these statistics, and others that I have indicated before, do not prove a sudden change in effect. Even if you take the whole economy and give it the worst case scenario, as the President has done to justify a jobs bill, there is money in the account. There is unexpended, unobligated funds in many, if not most, of those accounts.

It does not follow the definition. Why is it used? Simply for this reason: We do not have to account for it under the current caps. We merely add it to the accumulated deficit. That is why the term "emergency" was used, to get around the Budget Act in counting this against the current caps that were adopted in the 5-year plan, the summit plan, some 3 years ago. That has been used. This is not the first time it has been used. The Senator from West Virginia has indicated foreign aid, on which so-called emergency was used to get around the caps.

But that is the old way of doing it. This is a new day, a new day of change. This is a new gospel we hear now in the political arena. Stop the old ways of adding to the deficit; borrow and spend, borrow and spend.

We say, spend for these specific needs where definition can be complied with the budget resolution and at the same time represent the needs of people. Keep within the caps. That is the distinction between these two programs.

Plus the fact we are only about $1.5 billion apart, if you want to break the 2-year program of the President down to 1 year, and this is a 1-year program initially as we presented it.

But I just want to say again, there is no way you can put all of the onus of deficit making on one side of the aisle or the other or on a White House, unrelated to the support of the Congress and the support of a bipartisan Congress.

I want to just add one other historical note. If you really want to predate and find the date of origin of this kind of deficit spending, you have to go back to 1932. You have to go back to 1932 when Mr. Hoover, the outgoing President, had elevated the deficit for that year to about $3.2 billion for job creating activity, and the Democratic candidate, in attacking Mr. Hoover's record, called him a deficit-spending President.

But then, Madam President, as you see us going through an attempt to recover from that Depression, moving into World War II, moving into the cold war, moving into the Korean war, moving into the Vietnam war, moving into the Great Society, all of these programs, after 50 years of that coming down the track, this locomotive is about ready to crush us. And through that period of time, there was only 1 year, as I recall, of the Eisenhower 8-year administration that balanced the budget—only 1 year.

So we have had a Democrat, a Republican, Democrats, Republicans, and we are bearing today the burden of that history. But it is not just recent history of 12 years. This is 50 years of history. And perhaps we are a little slow to hear a call for change.

But that is why I feel we can stand here with an option and alternative that is responsible to the people's call to prove your ability to cut spending before you talk to us about new taxes. We are doing that here.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, a question has been raised with reference to unobligated balances.

Unobligated balances occur when appropriations remain uncommitted to specific programs, projects, or activities. This does not mean that the funds will not be spent for a productive purpose. Different programs use appropriations at different rates. Some spend at an even rate over the fiscal year; others spend out late in the year or in future years.

Because Government agencies cannot enter into contracts until appropriations are made, sometimes several months pass before plans are drawn, public hearings are held, and contracts are awarded.

For instance, my friend from Oregon cited the Community Development Block Grant Program as having a large, unobligated balance. I believe he used the figure of $8 billion. The Department of Housing and Urban Development tells us the balance is $3.1 billion.

While these funds remain unobligated, they are not unspoken for. Eight hundred and eighty-nine cities and counties are entitled to receive these funds. They are drawing their plans, holding their hearings, preparing their contracts for sewer systems, improving neighborhood facilities, and Government services. When their work is done, they will call upon these funds to accomplish these tasks and, therefore, I think we should not equate the word "unobligated" with the word "unneeded."

Now, as I said earlier, the distinguished Senator from Oregon has mentioned the fact that we were quick to forgive some of our foreign friends, foreign indebtedness. Let me say again on this point that the 1990 budget agreement was a bipartisan agreement. We all remember that there were some prior revisions that the Bush administration wanted that exempted certain discretionary items from the caps completely, yet they were added to the deficit.

These were $12,313,857,000 for the U.S. share of the IMF—International Monetary Fund—increase as provided for in the fiscal year 1993 Foreign Operations Appropriations Act and as permitted under section 251(b)2(c) of the Budget Enforcement Act. Second, forgiveness of $6,998,100,000 of Egypt's foreign military sales indebtedness to the United States, as provided for in the fiscal year 1991 Foreign Operations Appropriations Act and permitted under section 251(b)2(b) of the Budget Enforcement Act.

Remember, the Bush administration wanted these items exempted from the caps.

Forgiveness of $1.593 billion of Poland's indebtedness to the United States as provided for in the fiscal year 1991 Foreign Operations Appropriations Act.

These funds did not even need to be designated as emergency requirements, Madam President. These provisions were not added at my request, but at the request of the Republican administration, the Bush administration.

Congress, in the fiscal year 1991 Dire Emergency Supplemental, also appropriated a total of $850 million for grants to Israel and to Turkey. These funds were designated as emergency requirements.

So there you have it. The Bush administration was quite willing to help foreign governments to the extent of canceling out their indebtedness in some instances, exempting those costs from the caps. So it is an emergency when it applies to helping foreign countries, but when it comes to helping our own country and our own people, it is pay-as-you-go.

There is going to be another supplemental bill coming along here shortly, Madam President, and contained in it will likely be aid for Russia. On April 2, the distinguished minority leader came to the floor and said President Clinton had the support of his side of the aisle, the Republican side of the aisle, for assisting Russia.

Well, I do not know whether or not I am optimistic—I may not be too optimistic—about the prospects for that Russian aid. I may be wrong, but I think many Members of the Senate and many Members of the other body, the House of Representatives, may have a tough time supporting that aid when we cannot support help for our own people.

So killing this package may just make the Russian aid package harder to swallow, harder to pass. I wonder if our friends who expressed such support for assisting Russia thought of that. I wonder if they considered how hard they are making it on the prospects for Russian aid with their unyielding opposition to a jobs bill, a jobs bill for the American people, to give aid to the American people.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. There are 7 minutes and 50 seconds remaining.

Mr. BYRD. Madam President, this is all the time I will be able to yield because the majority leader is coming to the floor, also. I yield 4 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I thank the distinguished floor manager because I really just want to touch on one part of this bill so that everybody will understand what is at stake here.

First of all, I want to say it is probably a tragedy that this was called a stimulus bill. It should have been called a jobs bill. Everybody is talking about how the President's rating is going down and how there is no support for the stimulus program back home. But do not call it a stimulus program when you ask the question. Call it a jobs bill. You will find that about 70 percent of the people favor that.

Let me tell you what that one little $141 million in the Byrd-Mitchell substitute does. The Small Business Administration is being overwhelmed by requests for loans. Do you know why? Because the banks will not loan them money. Do you know something else? We have used up all the money for the last quarter of this year—July, August, and September—used up because the demand is so overwhelming. And if something does not pass out of here by 1 week from yesterday, the SBA is out of the loan business.

You are always looking for good deals to invest in. Here is a deal. I defy anybody on either side of the aisle to refute these figures. I defy anybody to go home and say I voted against that appropriation for the Small Business Administration because we could not afford the $141 million.

Madam President, the way OMB scores the SBA loan program for that $141 million we get $2.6 billion in loans. Hopefully that will carry us through the rest of the year. I do not know whether it will or not because the demand for the program is so great. What do you get for that $2.6 billion in loans? You will not believe this. The first year you get 27,500 jobs. That is not my computation, that is Price Waterhouse's. It is OMB's scoring that for $141 million you get $2.6 billion in loans. And when the banks loan that money, that creates 27,500 jobs the first year, and over a period of 4 years, it creates 110,000 jobs.

Mr. President, I ask unanimous consent that a table showing projected jobs resulting from the small business portion of the stimulus bill be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION—GENERAL BUSINESS (7A) LOAN INFORMATION (BY STATE) TOTAL REQUEST: $2.6 BILLION

[In millions of dollars]

	Fiscal year 1993 supplemental request	Employee growth	
		1st year	4th year
Alabama	46.9	505	1,984
Alaska	17.5	188	740
Arizona	25.9	279	1,096
Arkansas	26.6	286	1,125
California	441.7	4,757	16,688
Colorado	52.8	569	2,234
Connecticut	32.2	344	1,362
Delaware	5.4	58	228
District of Columbia	18.8	203	795
Florida	88.1	949	3,727
Georgia	101.2	1,089	4,282
Hawaii	5.1	55	216
Idaho	19.9	214	842
Illinois	75.1	809	3,177
Indiana	25.9	279	1,096
Iowa	51.1	550	2,162
Kansas	34.1	367	1,443
Kentucky	20.0	215	846
Louisiana	37.5	404	1,587
Maine	19.7	212	833
Maryland	8.4	91	355
Massachusetts	33.1	357	1,400
Michigan	41.9	451	1,773
Minnesota	44.4	478	1,878
Mississippi	32.9	354	1,392
Missouri	83.7	901	3,541
Montana	39.9	430	1,688
Nebraska	20.1	216	850
Nevada	12.5	135	529
New Hampshire	40.6	437	1,718
New Jersey	41.4	446	1,752
New Mexico	27.7	298	1,172
New York	137.0	1,475	5,796
North Carolina	34.9	376	1,477
North Dakota	18.9	204	800
Ohio	54.2	584	2,293
Oklahoma	23.6	254	999
Oregon	36.1	389	1,527
Pennsylvania	55.0	592	2,327
Puerto Rico	40.1	432	1,697
Rhode Island	17.9	193	757
South Carolina	21.7	234	918
South Dakota	19.2	207	812
Tennessee	45.2	487	1,912
Texas	230.4	2,481	9,748
Utah	23.2	250	982
Vermont	25.3	273	1,070
Virginia	21.1	227	893
Washington	94.4	1,017	3,994
West Virginia	14.0	151	592
Wisconsin	81.9	882	3,465
Wyoming	9.4	101	398
National totals	2,575.6	27,735	106,968

Mr. BUMPERS. Mr. President, look right here on the chart. They say you ought to pay for it. That it is just a tax and spend thing. Tell the people of California who are going to get 16,688 jobs out of just this small portion of the stimulus bill—California, which is going to loose 80,000 jobs just for defense base closings alone. Or, tell Michigan, which has been an economic basket case, that they do not need 11,773 jobs. All the rest of them—just look at the chart. It is on everybody's desk.

The real proof of the pudding is that at the end of 4 years the people who borrowed that $2.6 billion will begin to pay income taxes to the U.S. Treasury in the sum of over $300 million. They do not just do it the fifth year, they do it every year thereafter. You are talking about Federal Express, Apple Computer, Cray Research—all of those people started with these small loans. There are 10 companies that got loans from SBA that pay more in income taxes every year than it costs to run the whole Small Business Administration.

So do not tell me this is not a bargain that everybody here can buy into, when you get twice as much back the fifth year as the whole program costs and twice as much or more every year thereafter.

The PRESIDING OFFICER. The Senator from Arkansas has used the time yielded to him.

Mr. BUMPERS. I thank the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, how much time remains on each side?

The PRESIDING OFFICER. There are 3 minutes and 1 second on this side and 2 minutes 39 seconds on the other side.

Mr. BYRD. Madam President, I yield the remaining time on this side to Mr. MITCHELL.

Mr. MITCHELL. Madam President, I ask unanimous consent that Senator DOLE and I—Senator DOLE first, and then I follow him—be recognized for 5 minutes, with the time above the remaining time to come from our respective leader times.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, first I want to thank my colleagues on both sides of the aisle, and particularly the distinguished Senator from Oregon [Mr. HATFIELD] for his efforts and his willingness to be on the floor and to provide the leadership on this side of the aisle.

Despite the best efforts of the White House to make more Government spending look like a good idea, the American people are not buying it. That is why Republicans are continuing to stand with the overwhelming majority of America on the issue of so-called economic stimulus. The choice remains as clear today as it was when President Clinton introduced his $19 billion spending spree at the expense of the taxpayers and future generations of Americans—it is a fundamental difference, the White House still wants to spend money we do not have, and Republicans want to cut spending.

The American people are hoping that the Democrats will finally get the message—it is time to cut up Uncle Sam's credit card once and for all. The Republican alternative is paid for, and gives them that simple choice.

During this debate, we have heard all kinds of false advertising about the President's spending plan, and all kinds of reckless innuendo about Senate Republicans. Of course, all this hype is coming from inside the beltway, from professional politicians and their spin doctors. But, meanwhile, out in the real world, the spin is a lot different. Let me share with the Senate a few comments I have received from real people sending real telegrams:

> The stimulus package is another tax and spend hoax.
>
> Fourty three percent is no mandate for tax and spend.
>
> Curtail the wasteful legislation in the Senate.
>
> Hold fast. Cut the budget.
>
> Kill the pork. Hang tough.
>
> My wife and I want to surrender to you and the Republican Party any connection we have ever had with the Democratic Party. Keep up the good work.

So, let us take a moment to review where we are. The President proposed adding $19.5 billion to established and previously funded programs for the purpose of creating jobs and stimulating the economy. The proposal by the President contained no provision to pay for this nearly $20 billion in increased spending, it would merely have been charged to the deficit, added to the national debt, and sent to our children and grandchildren for payment.

The Republican response was twofold: First, we doubted whether spending $20 billion in a $6 trillion economy would do much to stimulate economic growth. Second, we demanded the package be reduced to programs that would create jobs in the near term—after all, that's why we were told this was an emergency in the first place. And third, and most importantly, we asked that everything other than unemployment insurance be paid for. That should be paid for, too, but we have already had that battle.

The President responded with a proposal that trimmed some of the spending, but not a single penny of the President's revised package was paid for. Apparently, the White House had not gotten the message all of us have been hearing loud and clear in our home States the past 2 weeks—cut spending first, and if we cannot cut it, pay for new programs with offsetting cuts in other programs.

The American people now know that gridlock starts in the Oval Office. By absolutely refusing to pay for billions and billions of dollars in new spending, the White House has turned its back on the millions of Americans who thought they were voting for change. Meanwhile, Republicans have been offering constructive opposition—good government—to protect the American taxpayers, and promote reasonable alternatives.

Therefore, we reviewed the President's requests and did what we had asked the administration to do in the first place, and what the American people have been demanding. To start, we propose to cut spending drastically. Our alternative would spend a total of $2 billion in only five programs—interstate maintenance in the highway program, immunization, summer jobs, Small Business Administration loans and natural resource protection. All but immunization are job creating programs.

This Republican alternative package, we believe, is far more appropriate to our immediate needs than throwing $15.5 billion at the more than 60 programs contained in the President's original bill.

But the biggest difference between our plan and the President's proposal is we propose paying for our package with spending cuts.

It is a clear choice, Mr. President: You can vote to increase the deficit for a big spending bill that represents everything the American people voted against last November. Or, you can vote to create jobs without threatening the economy and future generations of Americans with another increase in the deficit.

I know there has been a lot of debate about this topic. There has been a lot of discussion during the recess. But I must say this economic stimulus bill is just not a good idea. You can repackage it any way you want, the American people are not going to buy it. They want us to cut spending. If we cannot cut it, we ought to pay for it.

I know there have been hundreds of arguments made in support of this bill, and I have looked at some of them closely. There has been reference made to a jobs bill that passed Congress in 1983. There has been reference made to all these emergency bills that have passed the Congress over the past several years.

Most of the recent emergency funding was for Desert Storm. I assume we wanted to take care of our servicemen who were in that part of the world.

Of the 10 emergency bills that passed since the 1990 Budget Act, 86 percent of the funding was for Desert Shield, 14 percent was for domestic emergencies, such as Hurricane Andrew, agriculture disaster assistance, and the Los Angeles riots, and 1.51 percent was for international emergencies such as Kurdish relief. So these bills were true emergencies and that is what separates previous emergency bills from this particular bill.

And with reference to the jobs bill that passed back in 1983, I must say I think a lot of us made a mistake in voting for that. The Government Accounting Office did a review of that bill. I would like to put a summary of the GAO report in the RECORD at this point:

> GAO found the package only resulted in 35,000 additional jobs by June 1984.
>
> In a survey of selected programs, GAO found that no more than 35 percent of the people employed by these programs were previously unemployed.
>
> The funds in the bill were spent extremely slowly—2 years and 3 months after the bill's passage, about half the funds were unspent.
>
> The money was not spent where unemployment was the highest. An average of about $415 was allocated for each unemployed person, however, nine of the sixteen states with unemployment rates above 12 percent, received less than $400 per unemployed person. Michigan had an unemployment rate of 17 percent and received $289 per unemployed person.

We spent all that money, almost $5 billion, and created 35,000 jobs. Now we want to spend $15 or $16 billion to create half a million jobs—500,000 jobs. If anybody believes that, they will believe almost anything. It is not going to happen. It did not happen with the 1983 jobs bill.

What we have attempted to do on our side of the aisle is to pick out some programs that might create jobs, that perhaps will create jobs. It is a $2 billion jobs creation program. It includes highways and summer jobs. Two programs that will certainly translate into jobs.

I listened to the President at the Easter egg roll saying, in effect, if anything happens to any of these children it would be our fault because they are not going to be immunized. We have taken care of that. We put in the full $300 million the President requested for childhood immunizations. For summer jobs, we have included more than can be spent. We have also added funding for natural resources and Small Business Administration for the very reason the Senator from Arkansas just stated—these programs are opportunities to create jobs and new businesses. We think we can spend about $718 million for highway maintenance; that's an area that will create jobs right now. So we included a billion dollars in highway funding.

I guess the point of our alternative package is this: When it is all said and done, I think the American people have said, let us just slow down. Let us just put on the brakes. Let us have a little focus on spending.

Every day we have a new tax idea. On April 15, of all days, we have a new proposal from the administration for a value-added tax. It is a very regressive tax. It hits low-income people. It is just another tax that the people at the White House thought we ought to tell the American people about—on April 15, which is not a happy day for most Americans when it comes to taxes. Then to suggest one more, really kind of ruins your whole day.

So we have had all these new tax ideas, all these new spending ideas. We have a new budget, the so-called economic plan, that gives you $3.23 in new taxes for every dollar in spending cuts, and the American people are beginning to find out what is in these packages. They do not like it. They are Democrats, they are Republicans, they are Independents.

We have proposed an amendment that is really focused on jobs creation, and we think it ought to pass. We think everybody ought to come together and vote for it.

Everybody knows we are going to take care of the unemployment portion. That is not part of the jobs package, that is just paying extended benefits for those who do not have jobs. There is no quarrel with including unemployment benefits even though it is not paid for. Some of us originally voted against the unemployment extension bill because it was not paid for, but we have lost that battle.

So Madam President, I have talked to the President a couple of times. We had good visits. We talked about whether or not there could be any negotiation. I told him I did not think so unless we could figure out some way to pay for the package. Our guiding principle remains: cut it first and then pay for whatever is left.

We have tried to keep the amount—$2 billion—small so people will understand what it is going for. And we think we have made a pretty good case to the American people.

We may not be right very often. In my view on this particular issue, we are on the right side of the issue.

So I just say to my colleagues, we certainly are prepared to vote on our amendment, and we hope it will be adopted. We hope the other amendment will be defeated, and then we will be in a position to move this bill very quickly and move on to other business coming before the Senate.

Madam President, I ask unanimous consent that a summary of the Hatfield-Dole alternative be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

HATFIELD/DOLE ALTERNATIVE

Amendment. Retains Unemployment Extension and provides for the following programs.

	In millions
Highways	$1.000
Summer Jobs	.450
Immunization	.300
Natural Resources	.150
SBA	.100
	2.000

*Package paid for with reductions in agency administrative costs.

Mr. DOLE. Madam President, I reserve any time I have left.

The PRESIDING OFFICER. There is no time remaining on this side.

The majority leader.

Mr. MITCHELL. Madam President, and Members of the Senate, there is a fundamental difference in the approaches presented here today. On the one side, the approach is to do nothing; on the other side, it is to do something. That is really the difference here.

For the past 4 years, the economic policy of the administration has been to do nothing. We were told over and over again that the recession is over, the recovery is here, the best thing to do is nothing. What we are being offered by our distinguished Republican colleagues is more of the same. It is as though last November's election did not occur. It is as though President Bush were still in office. It is as though the economic policies of the last administration were so successful that we should simply continue them for the next 4 years.

Well, Madam President, that is not what happened in November. President Clinton was elected, and he was elected because he promised to change the economic policies of the previous administration, and this is the first time that this Senate will have to demonstrate whether it agrees that we ought to change the economic policies, which is the President's program, or whether we want the same policies that we had for the past 4 years.

I would like to address in the time remaining the argument we have heard so often: "It is not paid for," we are told.

Madam President, and Members of the Senate, it is paid for. President Clinton submitted a budget which over the next 5 years will reduce spending by more than $300 billion in four major areas: Defense spending is down; mandatory spending programs, like Medicare and Medicaid, down; nondefense domestic programs down; and debt service payments resulting from a lower debt down.

In addition, the President did propose in his campaign and after he took office to increase spending in certain areas that he deemed important, including this jobs bill. The net effect of the President's proposals is to reduce spending by $205 billion over the next 5 years. And when that is added to the increased revenues of $275 billion, the result is to reduce the deficit by $480 billion over 5 years, the largest deficit reduction program proposed by any President in our Nation's history.

Our distinguished Republican colleagues all voted against the President's deficit reduction program. Now having voted against the program to reduce the deficit, they oppose this part of the President's program on the grounds that it does not reduce the deficit even though it clearly is intended to produce jobs now, jobs that are desperately needed in an economy that is suffering from a jobless recovery. And so the fundamental issue facing the Senate today is whether we ought to do nothing, as we have been urged to do for the past 4 years and as our colleagues continue to urge, or are we to do something as President Clinton has proposed to do.

He has not even been in office for 100 days, and our Republican colleagues do not want to give him a chance to get started. They do not want to give the President a chance. They do not want to give the President's program a chance. They want to embarrass the President, to defeat the President, and to cause his program to fail.

Madam President, that is the issue here: Doing nothing or doing something; turning around the economic policies that led us into the current situation or sticking with those same policies; giving the President and his program a chance or not. I think the choice is clear. It is the choice the American people made last November. We should honor that choice in the Senate.

I reserve the remainder of my time if any time remains.

The PRESIDING OFFICER. Thirty seconds remain.

Mr. MITCHELL. I yield back the remainder of my time and we can proceed to vote.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 301. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DOLE. I announce that the Senator from Minnesota [Mr. DURENBERGER] is necessarily absent.

I further announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] would vote "nay."

The PRESIDING OFFICER (Ms. MIKULSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—53

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feingold

Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—45

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Exon
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Kerrey
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Shelby
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Durenberger
Simpson

So the motion to lay on the table the amendment (No. 301) was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to the amendment offered by the Senator from West Virginia.

Mr. HATFIELD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from West Virginia. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. DOLE. I announce that the Senator from Minnesota [Mr. DURENBERGER] is necessarily absent.

I further announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Minnesota [Mr. DURENBERGER] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—52

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—46

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Exon
Faircloth
Feingold
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Durenberger
Simpson

So the amendment (No. 300) was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CREATING POLITICAL GRIDLOCK

Mr. MCCAIN. Mr. President, for the past 3 weeks, the President and Senate Democratic leadership have been accusing Republicans of undercutting the President's economic program and creating political gridlock. They say that a minority of the Senate is challenging the Clinton mandate and thwarting the will of the majority of Americans.

The fact is that President Clinton only got 43 percent of the vote in last year's election. And he got that vote based upon his promises to cut Government spending, reduce the deficit, and to only tax those who made over $200,000 per year. No candidate ran last year's campaign on a platform of higher taxes on Americans making as little as $10,000 per year and more Government spending.

The only mandate the American people sounded during the last election was to cut spending first. The so-called stimulus package that Republicans are objecting to only increases Government spending—mostly on a wide range of traditional Democratic pork barrel projects. This isn't gridlock, it's porklock.

It's true that some polls have shown that a majority of Americans support the President's economic plan. But it's also true that these same polls show that a strong majority of Americans do not support the President's program when they learn that it raises taxes by $3.50 for every dollar in spending cuts, that it increases taxes on Social Security, that it calls for those who make as little as $10,000 to sacrifice to support new Federal spending, that it will add nearly a trillion dollars to the Federal deficit. More importantly, very few people that I've spoken to during the past weeks believe that this so-called stimulus package needs to be enacted, especially by further raising the deficit.

As Citizens Against Government Waste notes in their letter in opposition to the Emergency Supplemental Appropriations Act, while investment, and stimulus, and emergency, may sound like noble endeavors, taxpayers understand that they are simply justifications for spending and larger deficits.

This is also a matter of national priorities. For example, the Democrats would rather deny our Nation's civil servants and men and women who serve in the armed services, many of whom makes less than $20,000, a basic cost of living raise, and instead spend the money on Amtrak subsidies, the District of Columbia, weather service computers, fish atlases and historic preservation. These are skewed priorities and they are wrong.

There are several specific reasons to oppose the supplemental appropriations bill, or so-called stimulus package, whether it is $16.3 billion as first proposed, or $12.2 billion as now suggested:

First, it is not essential, emergency spending. On the contrary, most of the spending will go to pure pork barrel Government projects—political handouts to mayors and other special interest groups.

Examples of some of this spending include: $28 million for the District of Columbia; $23 million for historic preservation; $47 million for weatherization projects; $87 million for fish and wildlife, including fish atlases; $4 million for meat inspectors; $23 million for EPA green programs; $188 million for Amtrak subsidies; $14 million for worker profiling; and $148 million for tax modernization.

Plus: bike paths, softball fields, graffiti abatement, swimming pools, water tank repainting, golf courses, an art ark.

Can any Member of this body seriously argue that these kinds of projects require emergency action, that they will stimulate the economy, that they will result in long-term structural job creation, or that they should be paid for by the Federal Government by further increasing the deficit? And if any Member of this body is willing to make such an argument, do they seriously think the American people will buy it?

Mr. President, the distinguished majority leader and the chairman of the Appropriations Committee will argue that you can look through the emergency supplemental appropriations bill until you are blue in the face and you won't find any mention of some of the more egregious of the above-listed pork projects.

They are correct as far as it goes. The appropriations bill does contain only broad spending categories—with no specific guidance as to how the Federal dollars will be spent. On the other hand, the kinds of pork barrel projects I have referenced are part of the proposals that the President forwarded to Congress, and they are part of the proposals that the Nation's mayors have forwarded to the administration.

Thus, the administration has said this is how it intends the Federal money to be spent. The Nation's mayors have said this is how they intend to spend the Federal largess. It is somewhat disingenuous then of my colleagues to say that the appropriated funds will not be spent in the manner the administration and the recipients intend for it to be spent.

Is the distinguished chairman of the Appropriations Committee willing to state for the record that no Federal moneys will be spent on any of the projects mentioned above? Does he know how exactly how all the appropriated funds will be spent?

The proponents of the stimulus package can't have it both ways. Either we know where appropriated moneys are going, in which case we should be willing to make a determination whether certain projects should be funded on an emergency basis, or we have no idea how taxpayer dollars are being expended, which raises an entirely new set of problems.

Second, the so-called stimulus bill will do nothing to stimulate the economy. In fact, many economists have suggested that the overall Clinton package, with its emphasis on higher taxes and higher Government spending, will actually retard economic growth. It's also intuitively obvious that new spending on projects like graffiti abatement, bike paths, softball fields, and tree planting initiative will not do much to generate economic growth.

As has been well documented, the Bush recovery is well underway and the economy is gathering strength, with robust growth during the last quarter of 4.8 percent. An additional stimulus to the economy is simply not needed, and will actually be counterproductive if it increases the deficit, as this bill would do.

Additional deficit spending, whether it's $12 billion or $16 billion will simply serve to crowd out a similar amount of private sector investment. The economy will benefit only if the Federal Government spends the money more wisely and productively than the private sector. I suspect that there aren't more than a handful of my colleagues who would try to suggest that Congress can actually make better investment decisions than the private sector.

Third, despite administration claims to the contrary, this is emphatically not a jobs bill. By the administration's own estimate, the bill would create only 200,000 jobs during 1993, and 500,000 jobs overall. By comparison, the private sector created 365,000 jobs during February alone. And 19 million new jobs were created during the Reagan and Bush administrations.

Moreover, as noted in a recent Wall Street Journal article, some economists are now arguing that the overall Clinton economic program will actually result in fewer jobs, unless income and corporate taxes are delayed. The DRI/McGraw Hill forecasting firm has calculated that the plan would not add any jobs this year and would result in 250,000 fewer jobs next year than would otherwise be the case.

In addition, most of the jobs that will supposedly be created by the bill are either summer jobs or short-term Government make work projects. This year, for example, many of the jobs are only 8 weeks long for teachers and inner-city teenagers in summer school and Head Start. In fact, of the 219,000 jobs that are intended to be created during 1993, 144,000 are accounted for by low paying summer jobs for inner-city youth.

Most economists have questioned the benefits of pumping millions of dollars into a summer jobs program, noting that it will provide little more than fire insurance for cities, rather than long-term job creation. According to Gary Burtless, a senior fellow at the Brookings Institution who has monitored these programs since the 1960's, "it's like baby-sitting to reduce the risk of urban conflagration."

As noted in a recent Washington Post article, Burtless reflects the views of a number of economists who view the administration's youth jobs plan as an income transfer program that does little to advance Clinton's broader goals of providing useful job training or adding a new gateway for long-term employment.

Other jobs, will result from Government projects such as street paving, tree planting, and graffiti abatement. However, these jobs will disappear as soon as the project is completed or the money runs out. Interestingly enough, President Clinton is intending to create new Government jobs at the same time he is proposing to cut the Government payroll by 100,000 jobs during the next 4 years.

Fourth, most importantly, this legislation is not paid for—it simply increases the deficit by over $16 billion. This comes directly on the heels of a budget resolution which supposedly demonstrated our commitment to reducing the deficit.

This represents perhaps the clearest example of the difference between our parties. While we support some of the programs contained in the supplemental appropriations measure, and are willing to fund them, we recognize that Congress has a fundamental obligation to the American people to reduce the deficit and get our financial house in order.

If the projects in the supplemental appropriations measure are important enough, then they should be part of the normal appropriations process and offset by reductions in other Government spending. If the projects in this package are important enough, then we should commensurately reduce spending for other, lower priority programs.

Mr. President, it should also be emphasized that, according to OMB, $93 billion has already been appropriated, but has not been spent, for the programs sought to be funded by the President. This money is already in the pipeline. There is simply no emergency requiring billions of dollars of new funding. Furthermore, OMB estimates that by the end of fiscal year 1993, $8 billion will have gone unspent—before adding one penny in the stimulus package.

Mr. President, a real commitment to spending restraint and real deficit reduction requires that the President's political grab-bag of Federal funds be rejected.

Republicans are willing to work with the President and help make his program work. But he also has to work with Republicans. We will not simply roll over and play dead if the President and congressional Democrats try to ram through policies, under the guise of economic reform, that are not in the best interests of the country.

VETERANS' PROGRAMS

Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise in strong support of H.R. 1335 because of the important funds it would provide to repair and maintain veterans' hospitals, nursing homes, and other facilities. I am very disappointed that Republican Senators so far have succeeded in blocking this measure, despite the leadership President Clinton has shown in trying to reach a compromise with them.

On April 1, the Senate soundly rejected Republican attempts to delete $25 million from veterans medical care account funds contained in this bill and shift that amount to a Defense Department job training program administered by the Department of Veterans Affairs—a program I strongly support, but one that already has received funding. I think the excellent debate that we had on that rejected amendment exposes as totally misleading the attempts by the other side to portray this bill as nothing but pork.

Mr. President, this package is enormously important for veterans. It contains over $235 million for maintenance and repair of VA facilities—mostly VA medical centers. These projects will help veterans and provide jobs in 47 States, the District of Columbia, and Puerto Rico. For many years, VA has deferred important maintenance for medical centers, nursing homes, regional offices, and national cemeteries, in order to divert money to day-to-day operations. They had to do this, but anyone who has driven down a pothole-filled street knows that deferred maintenance is penny wise and pound foolish. VA's backlog of maintenance projects has reached an astonishing $800 million.

Just in my own State of West Virginia, the projects that will be funded by the supplemental appropriation will improve the quality of life for hospitalized veterans and will create many new jobs—including jobs in areas of high unemployment.

VA medical centers in Beckley and Huntington will use the stimulus funds to construct fences that will improve the safety and security of veterans who are in those hospitals. The Huntington VAMC is on a high hill, surrounded by woods, and the Beckley VAMC has a nursing home that houses frail, elderly veterans who deserve to feel secure there. We all know the horror stories of confused patients wandering off into dangerous wooded areas surrounding a VA care facility.

Mr. President, the Huntington VAMC was built in 1932 and, for a long time, it has needed to upgrade its heating and ventilation systems to meet environmental standards and ensure a comfortable environment for its patients. This package includes money to do that. It also would pay for repairing elevators, improving wheelchair accessibility, and installing sprinkler systems.

In the Clarksburg VA medical center, the stimulus money will be used to improve the health of patients and employees by removing dangerous asbestos; improve safety by replacing door latches and leaking fuel tanks; improve patient care by installing a bedside air/oxygen/vacuum system; improve the building's air-conditioning system; extend the useful life of the hospital's vehicles and equipment by building a shelter to house them; and improve energy efficiency by replacing windows.

Mr. President, at the Martinsburg VAMC, VA will use this money to remove asbestos, recaulk and weatherstrip windows, install an alarm system in the on-site domiciliary, replace worn and torn carpeting, improve the drinking water, replace 50-year-old fire sprinklers, and improve access by fixing walkways and curbs.

Mr. President, all of these projects will create jobs—including jobs in areas hit very hard by the deep and lingering recession.

This is not a huge amount of money for VA—$235 million—but it will go a long way toward improving the lives of veterans and increasing the number of jobs in almost every State in the Union. Our Nation's veterans deserve to receive care in a safe, comfortable environment. Government care doesn't have to mean substandard care.

Mr. President, I would say to my colleagues, if you care about the veterans in your State—if you care about their safety, health, and well-being—you will support this package. And in supporting it, you also will be helping to put people back to work in your State.

ORDER OF PROCEDURE

CLOTURE VOTE

Mr. MITCHELL. Madam President, I now ask unanimous consent that the cloture vote scheduled for 10 a.m. tomorrow occur at 10:45 a.m., with all other provisions of the previous agreement remaining in effect.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Madam President, I now ask unanimous consent that there be a period for morning business until the hour of 6:30 p.m., with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT ON THE ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT—PM 13

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources.

To the Congress of the United States:

I transmit herewith the 1991 annual report on the Administration of the Federal Railroad Safety Act of 1970, pursuant to section 211 of the Act (45 U.S.C. 440(a)).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1993.*

REPORT ON MOTOR VEHICLE SAFETY FOR CALENDAR YEAR 1991—MESSAGE FROM THE PRESIDENT—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science and Transportation.

To the Congress of the United States:

I transmit herewith the 1991 calendar year reports as prepared by the Department of Transportation on activities under the Highway Safety Act and the National Traffic and Motor Vehicle Safety Act of 1966, as amended (23 U.S.C. 401 note and 15 U.S.C. 1408).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1993.*

REPORT ON PROPOSED RESCISSION AND REVISED DEFERRAL OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 15

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one proposed rescission in budget authority, totaling $180.0 million, and one revised deferral of budget authority, totaling $7.3 million.

The proposed rescission affects the Board of International Broadcasting. The deferral affects the Department of Health and Human Services. The details of the proposed rescission and the revised deferral are contained in the attached reports.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1993.*

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

At 11:34 a.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that pursuant to the provisions of section 4(a) of the Technology Assessment Act of 1972, the Speaker, on April 8, 1993, appointed Mr. McDERMOTT to the Technology Assessment Board on the part of the House.

The message also announced that pursuant to the provisions of section 5(b) of Public Law 93-642, the Speaker, on April 8, 1993, appointed Mr. SKELTON and Mr. EMERSON, to the Board of Trustees of the Harry S. Truman Scholarship Foundation on the part of the House.

The message further announced that pursuant to the provisions of section 204(a) of the Older Americans Act of 1965, as amended by section 205 of Public Law 102-375, the Speaker, on April 7, 1993, appointed the following persons from private life to the Federal Council on the Aging on the part of the House: Mr. Raymond Raschko of Spokane, WA, to a 3-year term; Mr. Max Friedersdorf of Sanibel Island, FL, to a 3-year term; Mr. E. Don Yoak of Spencer, WV, to a 2-year term; Mr. Eugene S. Callender of New York, NY, to a 2-year term; and Mrs. Josephine K. Oblinger of Williamsville, IL, to a 1-year term.

The message also announced that pursuant to the provisions of 22 U.S.C. 276A-1, the Speaker appoints to the delegation to attend the Conference of the Interparliamentary Union to be held in New Delhi, India, from April 12, 1993, to April 17, 1993, the following Members on the part of the House: Mr. Faleomavaega, Chairman, and Miss Collins of Michigan.

The message further announced that pursuant to the provisions of section 161(a) of the Trade Act of 1974, and the order of the House of Wednesday April 7, 1993, authorizing the Speaker and the minority leader to accept resignations and make appointments authorized by law or by the House, the Speaker, on April 7, 1993, appointed the following members of the Committee on Energy and Commerce to be accredited by the President as additional official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements on the part of the House: Mr. Dingell, Mrs. Collins of Illinois, and Mr. Moorhead.

The message also announced that pursuant to the provisions of section 4355(a) of title 10, United States Code, and the order of the House of Wednesday, April 7, 1993, authorizing the Speaker and the minority leader to accept resignations and to make appointments authorized by law or by the House, the Speaker, on April 8, 1993, appointed as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. Hefner, Mr. Laughlin, Mr. Fish, and Mr. DeLay.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-729. A communication from the President of the United States, transmitting, pursuant to law, the budget of the United States Government for fiscal year 1994; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on the Budget.

EC-730. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Department of the Navy; to the Committee on Armed Services.

EC-731. A communication from the Senior Civilian Official, Comptroller of the Department of Defense, transmitting, pursuant to law, notice of the obligation of funds relative to the study, assessment and identification of nuclear waste disposal by the former Soviet Union in the Arctic Region; to the Committee on Armed Services.

EC-732. A communication from the Deputy Assistant Secretary (Military Manpower & Personnel Policy), Office of the Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the assignment of joint specialty officers; to the Committee on Armed Services.

EC-733. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of certified material relative to the Total Army Basing Study; to the Committee on Armed Services.

EC-734. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to direct spending or receipts legislation; to the Committee on the Budget.

EC-735. A communication from the President and Chief Executive Officer of the Corporation for Public Broadcasting, transmitting, pursuant to law, a report relative to the activities and expenditures of the Independent Television Service for fiscal years 1991 and 1992; to the Committee on Commerce, Science and Transportation.

EC-736. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to clean coal technology; to the Committee on Energy and Natural Resources.

EC-737. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the viability of the uranium mining industry; to the Committee on Energy and Natural Resources.

EC-738. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to lease prospectuses; to the Committee on Environment and Public Works.

EC-739. A communication from the Acting Assistant Secretary for Legislative Affairs, United States Department of State, transmitting, pursuant to law, a report relative to the proliferation of weapons; to the Committee on Foreign Relations.

EC-740. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the implementation of the Government in the Sunshine Act for calendar year 1992; to the Committee on Governmental Affairs.

EC-741. A communication from the Solicitor of the United States Commission on Civil Rights, transmitting, pursuant to law, the annual report of the Commission for calendar year 1992; to the Committee on the Judiciary.

EC-742. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Federal Open Market Committee; to the Committee on the Judiciary.

EC-743. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the administration of the Freedom of Information Act in the Department for calendar year 1992; to the Committee on the Judiciary.

EC-744. A communication from the Acting Assistant Secretary for Legislative Affairs of the Department of State, transmitting, pursuant to law, a report relative to the administration of the Freedom of Information Act at the Department for calendar year 1992; to the Committee on the Judiciary.

EC-745. A communication from the Attorney General of the United States, transmitting, pursuant to law, a quarterly report relative to Operation Weed and Seed; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following report of the committee was submitted:

By Mr. PRYOR, from the Special Committee on Aging:

Special Report entitled "Developments In Aging: 1992. Volume 1. A report of the Special Committee on Aging, United States Senate" (Rept. No. 103-40).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KRUEGER:

S. 795. A bill to provide for the establishment of a new medical facility for veterans in south Texas; to the Committee on Veterans Affairs.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 796. A bill to provide for a feasibility study of including Revere Beach in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. ROTH:

S. 797. A bill to amend title 5, United States Code, to establish an optional early retirement program for Federal Government employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BRYAN (for himself and Mr. Gorton):

S. 798. A bill to amend the Federal Fire Prevention and Control Act of 1974 to establish a program of grants to States for arson research, prevention, and control, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. METZENBAUM (for himself and Mr. Simon):

S. 799. A bill to require that 4-gallon to 6-gallon buckets distributed in commerce bear a permanent label warning of a potential drowning hazard to young children, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following Senate resolution was read, and referred (or acted upon), as indicated:

By Mr. PRESSLER (for himself and Mr. Daschle):

S. Res. 99. A resolution to express the sorrow of the Senate upon the death of George Speaker Mickelson, Governor of the State of South Dakota and other South Dakota leaders; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KRUEGER:

S. 795. A bill to provide for the establishment of a new medical facility for veterans in south Texas; to the Committee on Veterans' Affairs.

RIO GRANDE VALLEY VETERANS AFFAIRS MEDICAL FACILITY

• Mr. KRUEGER. Mr. President, I introduce legislation to create a Veterans Affairs Medical Facility in the Rio Grande Valley which is located in south Texas.

Veterans residing in south Texas have tried for years to create a full-service veterans' center in the Rio Grande Valley. More than 39,000 veterans permanently live in the area and 10,000 winter Texans live in the valley for 3 to 6 months to benefit from the warmer climate. Yet, south Texas has no place for veterans to receive high-level medical treatment. The nearest veterans hospital is in San Antonio. A 500-mile round trip is required to get the medical treatment so many veterans in the valley need on a regular basis. For an area that is considered to be one of the poorest in the Nation, this trip not only requires an investment in time, but in many cases it requires a travel expense that few can afford.

Our veterans do not deserve this type of inconvenience and hardship. They deserve first-rate health care that is accessible.

Not only is there a large population of veterans in the Rio Grande Valley, but there is a large population of veterans in Texas. Based on the latest VA data, Texas has 1.74 million veterans, ranking second behind California. The trends show that as veterans begin to age, they tend to move to warmer climates. The numbers of veterans are growing in Texas, Florida, and California. The Rio Grande Valley is where the majority of future veteran residents are likely to reside in Texas because of the mild winters. The lack of access to high-level medical care is already a problem in the Rio Grande Valley, and it is likely to get worse as the numbers of veterans increase.

As our country begins to focus attention on the critical lack of access to health care for all citizens, we cannot forget the health needs of our veterans.

Therefore, it is with a sense of urgency that I respectfully request support for the new Department of Veterans Affairs Medical Facility in south Texas.•

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 796. A bill to provide for a feasibility study of including Revere Beach in the National Park System; to the Committee on Energy and Natural Resources.

REVERE BEACH STUDY ACT

• Mr. KERRY. Mr. President, today I am introducing legislation, along with Senator KENNEDY, which would direct the Secretary of the Interior to undertake a 12-month study on the feasibility of including Massachusetts' Revere Beach in the National Park System.

Revere Beach would be an excellent addition to the Park System and I believe that this study will provide the necessary information to show why it is important to incorporate one of the most historically and culturally significant beaches in America.

Located 5 miles north of Boston in the city of Revere, the 3-mile beach along the Atlantic Ocean became our Nation's first public beach nearly 100 years ago. Now, at a time when our beaches are increasingly threatened by erosion, toxic urban runoffs and ill-conceived land use, we must act to protect this precious natural resource on Massachusetts' north shore.

The addition of Revere Beach to the Park System would make more accessible to the Nation some important social and cultural aspects of American history which are not represented elsewhere in the Federal System. Like the historic Boston Commons, Revere Beach has been—in the words of Charles Eliot who initiated the idea for the first public beach back in 1890's—"Set aside and governed by a public body for the enjoyment of the common people." For generations, the citizens of Massachusetts and the Nation have enjoyed the beauty of Revere Beach. The area deserves protection in order that future generations can experience its pleasures and be reminded of the pleasures it provided to earlier generations.

Mr. President, there is considerable local support for this measure. The mayor and the city council of Revere fully support this study. In fact, they came to Washington on more than one occasion to testify in favor of this legislation during the last Congress. In addition, numerous local organizations favor including Revere Beach in the National Park System. I think this legislation again deserves the support of Congress, which passed this bill at the end of last Congress only to have it pocket-vetoed in the waning days of the Bush administration. We should be proud of a resource such as Revere Beach and we must take responsibility for protecting it as well. I urge my colleagues to join me in supporting this legislation.•

By Mr. ROTH:

S. 797. A bill to amend title 5, United States Code, to establish an optional early retirement program for Federal Government employees, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEE EARLY RETIREMENT ACT OF 1993

• Mr. ROTH. Mr. President, I introduce legislation to establish an early retirement window for Federal employees. In light of the increasing Federal deficit and the need for innovative solutions, I am hopeful that this legislation will receive serious consideration during the 103d Congress.

Mr. President, this legislation is timely for several important reasons. First, it builds on President Clinton's promise to reduce Federal civilian employment by 100,000 during the next 4 years. The President has also proposed to reduce agency administration expenses by at least 3 percent per year. Both of these goals can be accomplished through expanded early retirement authority as proposed in my legislation.

The new administration has promised change. President Clinton has expressed tremendous interest in making Government more efficient and responsive to the American people. In announcing the national performance review, the President stated:

> Our goal is to make the entire Federal Government both less expensive and more efficient, and to change the culture of our national bureaucracy away from complacency and entitlement toward initiative and empowerment.

At the heart of these efforts must be a thorough examination of our personnel and management system. Layers of bureaucracy have become mired down in the details of process, rather than focusing on service to the public. This is not a criticism of Federal employees—but of the system in which they operate. The Federal employees I have worked with are very able, competent, and public spirited. Unfortunately, they are confined to a system in which regulations are the rule, and creativity and initiative are stifled. This legislation will help to reduce layers of bureaucracy and improve Government performance.

Second, with the deficit expected to exceed $300 billion for the current fiscal year, the Congress should consider the example set by the Postal Service and the billions of dollars it will save through the use of an early retirement program. The Postal Service has recently undergone an aggressive early retirement program, with 47,000 postal employees taking the option. While the Postal Service has recognized a $1 billion up front cost due to the early retirement incentives offered, Postmaster General Marvin Runyon estimates that savings will exceed $800 million in 1993 and $1.4 billion annually starting in 1994. According to postal officials, there is no indication that this has resulted in a reduction in services. This is a program worth repeating throughout government.

I strongly believe that as we continue through the 1990's, the Federal Government must take greater advantage of the technological advances in the workplace, to help improve worker productivity and service to the American people. The use of computers, word processers, faxes, and other technological advances within the workplace provides a unique opportunity for productivity gains. These advantages should be maximized while permitting a slimming down of the number of employees we need to fulfill our Government's mission. I believe the early retirement bill could provide the transition to this leaner, more productive work force.

In conjunction with technological improvements within the work force, we will have shifts within the Federal Government. Some departments will be increasing their work force, while others, like Defense, will be slimming down. Given the fact that our budget resources are limited, we must focus our personnel resources in those areas with the greatest needs. Shifts within the work force and in the departments provide us with the opportunity to advance the goal of a leaner, more productive work force.

There are several other compelling reasons to consider this legislation. First, to invite employees to accelerate their retirement to avoid possible adverse effects of budgetary decisions. Just as the Department of Defense has recognized the need to offer early retirements, other departments and agencies will begin to feel the pinch of tougher budget realities.

In addition, this bill will accommodate employees who are ready to retire but fall short of current age and service requirements. It will provide job security and career opportunities for women, minorities, and younger workers. I have heard from a number of younger employees who are ready, willing, and able to take more responsibility in their jobs, but are limited in their opportunities—this bill would give them an opportunity.

During the confirmation hearing of James King to be the Director of the Office of Personnel Management, he was asked to respond to the concern that displacement would have an inordinately large impact on women and minorities. In response, Mr. King stated:

> It is disturbing to contemplate that hard-won achievements in workforce diversity would be reversed by an extensive RIF and subsequent bump and retreat. For this reason and others, a RIF should be an option of last resort, to be called upon only after more preferable options more favorable to diversity—including attrition, early retirements and buyouts—have been tried.

Mr. President, this bill is designed to help provide security to those employees who recently joined the Federal Government.

Finally, this bill will help reduce civilian payrolls on a voluntary basis at a time when payrolls are going to be reduced. This legislation follows the lead established by private industry, which uses early retirement as a way to slim down without resorting to layoffs or reductions in force.

Since introducing this legislation several years ago, I have heard from thousands of Federal employees hoping to take advantage of this kind of opportunity. Under this legislation, a 2-month window period is established beginning 30 days after the start of the fiscal year following enactment.

Civilian employees may qualify under any of the following four standards:

Any age with 25 years of service;
Age 50 with 20 years of service;
Age 55 with 15 years of service; and
Age 57 with 5 years of service.

Employees retiring below age 55 take a benefit reduction of 2 percent for each year they are below age 55 just as in current law. Their retirement annuity will be based on their years of service and salary base.

The legislation has built into it a number of provisions to ensure that the efficiency of the Federal Government is not hurt. These include a provision which provides that the President or his designee may exempt up to 25 percent of the agency's eligible early retirees. Exemptions shall be designated by occupational categories deemed to be critical to the mission of the agency. In addition, the exemptions may be made for a particularly critical project or geographic location under the 25 percent rule.

In addition, departments may also hold over, for up to 6 months, an employee who has elected early retirement to ensure the continuous performance of a responsibility or project.

In order to capture the savings from this plan, a department may not replace a worker who retires during the 60-day window period for 5 years beginning at the start of the window period. A department could obviously promote individuals into positions of those who retired, and could fill the positions of those who quit.

To assure the orderly continuation of Government services, the President or Secretary may waive hiring restrictions for occupations critical to the agency's mission. The agency cost of rehiring may not exceed the cost savings resulting from implementation of the legislation.

It is important to point out that savings from this legislation may not be used for other purposes. In other words, this legislation is intended to help reduce our overwhelming deficits. The Director of the Office of Management and Budget shall determine the amount equal to the savings resulting from the implementation of this act for the agency and shall notify the President. The President shall cancel an amount of the budget authority of each agency equal to the amount determined by the OMB Director. This will ensure that savings will result from enactment of this legislation.

Current law permits the Office of Personnel Management to authorize early optional retirements for employees of an agency or segment of an agency when it is determined that a major reduction in force, reorganization, or transfer of function is underway. While this authority is sometimes used, this bill will widen the scope of those eligible by making it available throughout the government and could thus result in more retirements.

I strongly encourage this early retirement plan because it is governmentwide and it is an active rather than reactive plan. Like the Postal Service, the Federal Government should take advantage of the savings offered through an early retirement program. As the Postal Service has demonstrated, Federal agencies can perform their mission with less layers of bureaucracy.

Mr. President, as the Congress begins to work on a budget reconciliation bill, I urge all Members of the Congress, particularly those members on the Senate Committee on Governmental Affairs and House Post Office and Civil Service Committee, to seriously consider the budget savings which can be achieved through this legislation.•

By Mr. BRYAN (for himself and Mr. GORTON):

S. 798. A bill to amend the Federal Fire Prevention and Control Act of 1974 to establish a program of grants to States for arson research, prevention, and control, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ARSON PREVENTION ACT OF 1993

• Mr. BRYAN. Mr. President, we are all greatly saddened today by the tragic events that unfolded yesterday in Waco, TX. The horrible fire that took the lives of more than 80 men, women, and children shocked us all. It is difficult for us to express our grief for the innocent children, as we watched the Davidian compound engulfed in flames. In the aftermath of this tragedy, I hope Congress will enact legislation that combats the terrible problem of arson.

Today, Senator GORTON and I are introducing the Arson Prevention Act of 1993. The purpose of this legislation is to assist firefighting organizations in preventing, detecting, and prosecuting arson. The cost of arson on our society is staggering.

Fires caused by arson kill approximately 700 people annually in the United States and results in property losses of up to $2 billion. There are more than 500,000 suspected arson fires every year. It is time we devoted more resources to combating this catastrophic crime.

This bill provides for an advanced course on arson prevention and for an expansion of arson investigator training programs at the National Fire Academy and the Federal Law Enforcement Training Center. I believe such efforts are needed since the National Fire Protection Association [NFPA] estimates only about 2 percent of arson fires lead to convictions.

This bill also establishes a new competitive grants program to States to improve arson training courses with States required to provide a 25-percent match.

Legislation of this type is particularly important in rural areas. Some 60 percent of all fires investigated by the State fire marshall in rural Nevada are arson and the value of property loss in rural Nevada due to arson exceeds that of accidental fires.

Also, few fire personnel in rural Nevada have the necessary investigative skills to assist in the prosecution of arsonists. Many cases are lost due to contamination of evidence. There is difficulty identifying drug related fires, such as fires in drug producing laboratories.

Congressman BOUCHER is today introducing a House companion bill and is chairing a Science Subcommittee hearing. I commend him for his fine work on this issue. I hope my colleagues will join with me in enacting this legislation as quickly as possible.●

● Mr. GORTON. Mr. President, I am pleased to join with my colleague, Senator RICHARD BRYAN, in cosponsoring the Arson Prevention Act of 1993. As Chairman, and ranking Republican of the Consumer Subcommittee, Senator BRYAN and I have worked on a number of initiatives to address the Nation's fire problems.

The United States has one of the worst fire records of any country in the industrialized world. More than 2.4 million fires are reported every year and millions more go unreported. Fires result in over 6,000 deaths annually, 30,000 injuries, and billions of dollars of property losses. The Nation's fire service is comprised of approximately 1.2 million professional and volunteer firefighters. These dedicated men and women have one of the most important, yet one of the most hazardous, jobs in our country today.

The Arson Prevention Act will provide for the development of advanced courses on arson prevention. The bill allows for the expansion of arson investigator training programs at the National Fire Academy and the Federal Law Enforcement Training Center. It establishes a demonstration program of 10 competitive grant awards to States or consortiums of States to improve training of police and firefighters to combat arson. At least 25 percent of the grant must be funded by a non-Federal source. The act authorizes $4 million in fiscal years 1994 and 1995 for grants. It also authorizes $2 million in fiscal year 1995 for an expansion of the arson investigator training programs at the Federal Law Enforcement Training Center.

The recent outbreak of arson fires in north King and south Snohomish County in my State has focused our attention on the need for expanded arson investigator training and support of arson fire tracking systems. Families and individuals deserve to feel safe and secure in their neighborhoods. Arson fires not only threaten lives, but devastate local communities. This legislation is a positive move to expand coordinated efforts between law enforcement agencies to prevent future arson fires.●

By Mr. METZENBAUM (for himself and Mr. SIMON):

S. 799. A bill to require that 4- to 6-gallon buckets distributed in commerce bear a permanent label warning of a potential drowning hazard to young children, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BUCKET DROWNING PREVENTION ACT OF 1993

Mr. METZENBAUM. Mr. President, I rise to introduce a bill with my colleague, Senator SIMON, of Illinois, to help eliminate a hidden in-home safety hazard which threatens millions of American children each day. Not long ago I heard the heartbreaking recording of a young mother who called 911 to report that her toddler had drowned in an industrial bucket the mother had been using for household cleaning.

Since 1985, over 400 children have died in their homes when they toppled head first into industrial-size plastic buckets, drowning in the liquid contents of these buckets. While we cannot bring these children back, we can help prevent such tragedies from occurring in the future.

The bill I am introducing today will require that warning labels be placed on these industrial-size buckets to avoid such tragedies. Most people do not realize it, but every week—every week—at least one toddler drowns in a 4- to 6-gallon plastic bucket. These buckets may be purchased new in stores for doing heavy-duty household chores, but generally millions of them are used each year by industry to transport commercial quantities of products, such as food, paint, or construction materials. When emptied of their original contents, some of these industrial containers wind up in family homes.

The industrial buckets, when used in homes, present a very real danger to small children and infants. Tragic drowning accidents occur because of the limited physical capabilities of the toddlers. We are talking about very small children. Top heavy when small, toddlers can fall head first into a bucket and not be able to get out of it or tip it over. What a horrible tragedy to occur to any child. What a tragedy to occur to the family.

Nearly 80 percent of all the reported drowning victims were between the ages of 8 and 13 months old. Action needs to be taken—must be taken—and I kid you not, passing the legislation I am introducing will not eliminate entirely the problem, but it will do much to alleviate it.

Today, only 10 percent of industry voluntarily labels its buckets to warn of the drowning hazard. While California has enacted a bucket-labeling law, there are no existing national voluntary or Federal mandatory labeling standards. And despite Consumer Product Safety Commission staff recommendations to the contrary, the Commission has been dawdling and dragging its feet. The Commission has not moved forward to mandate warning labels or performance standards for these buckets.

The bill I am introducing today mandates that clearly visible warning labels in both English and Spanish be placed on these industrial buckets. I believe the Spanish language has to be included because 14 percent of the deaths occurred to Spanish-speaking families. The bill also requires the Consumer Product Safety Commission to promulgate a performance standard to ultimately change the design of these buckets so that drownings cannot occur.

This bill has the support of the National Safe Kids Campaign, the Consumer Federation of America, the Consumers Union, the U.S. Public Interest Research Group, Congress Watch, and California State Firefighters Association. It is an important piece of legislation. In the overall scheme of things about how you make America better, is it important? Probably not. But if you happen to be the parent, or the family, of one of these children, it is the most important piece of legislation that could possibly be enacted by the Congress of the United States.

This legislation has to do with protecting the children who are totally defenseless. The bill's quick passage will help prevent many tragic childhood drownings.

Mr. President, I ask unanimous consent that a letter supporting this bill from several consumer organizations be printed in the RECORD and that the text of the bill be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bucket Drowning Prevention Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that:

(1) Since 1985, approximately 400 infants have drowned in 4-gallon to 6-gallon buckets, or nearly 1 child a week.

(2) Children drowning or hospitalized as a result of falling into a bucket of liquid ranged in age from 1 month to 28 months although nearly 80 percent of all victims were 8 to 13 months old.

(3) Where race was reported in connection with such drownings, African-American infants accounted for more of the drowning

deaths than any other racial group followed by Caucasians and then Hispanics. In approximately 14 percent of the investigated deaths, Spanish was reported to be the spoken language.

(4) Only about 10 percent of 5-gallon buckets manufactured annually are voluntarily labeled, and States are beginning to establish their own labeling standards. There is no mandatory Federal labeling standard regarding buckets.

(5) To prevent infant drownings in buckets and to assure uniformity in bucket labels and a minimal impact on interstate commerce, it is appropriate to establish a Federal labeling standard.

(6) To address the bucket drowning problem in a more permanent way, it is appropriate to establish performance standards.

SEC. 3. LABELING STANDARD REQUIREMENTS.

Effective 180 days following the date of the enactment of this Act, there is established a consumer product safety standard under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058), to eliminate or reduce the risk of injury or death resulting from children falling into 4-gallon to 6-gallon buckets containing liquid. Such standard, when effective, shall require straight sided or slightly tapered, open head containers with a capacity of more than 4 gallons and less than 6 gallons (referred to in this Act as a "bucket"), to bear 2 warning labels, 1 in English and 1 in Spanish. The labels shall meet the following requirements:

(1) Each label shall be permanent so that such label cannot be removed, torn or defaced without the aid of tools or solvents.

(2) Each label shall be at least 7 inches in height, and 5 inches in width, or any larger size as the labeler may choose. The information on the label shall be proportionate to the label's size.

(3) A label shall be centered on each side of the bucket just below the point where the handle is inserted. The label on 1 side shall be in English and the label on the other side shall be in Spanish.

(4) Each label shall have a border or other form of contrast around its edges to delineate it from any other information on the bucket.

(5) Each label shall bear (A) the signal word "WARNING" in bold uppercase lettering, in black ink, on an orange background, and (B) in upper and lower case lettering in black ink on a white background, the words "Children Can Fall Into Bucket and Drown—Keep Children Away From Buckets With Even a Small Amount of Liquid". The signal word panel shall be preceded by a safety alert symbol consisting of an orange exclamation mark on a black triangle.

(6) Each label shall include a picture of a child falling into a bucket containing liquid. A red prohibition symbol shall be superimposed over, and totally surround the pictorial. The picture shall be positioned between the signal word panel and the message panel.

SEC. 4. PROHIBITED ACTS.

(a) REMOVAL OF LABEL.—Once placed on a bucket pursuant to the standard provided pursuant to section 3, it shall be a prohibited act under section 19 of the Consumer Product Safety Act for any person in the chain of distribution of the bucket to intentionally cover, obstruct, tear, deface or remove the label.

(b) CONSUMER PRODUCT SAFETY STANDARD.—The standard established pursuant to section 3 of this Act shall be considered a consumer product safety standard established under the Consumer Product Safety Act.

SEC. 5. EXISTING LABELS.

Any bucket label in use on September 1, 1993, which is substantially in conformance with the requirements in section 3, may continue to be used until 12 months after the date of the enactment of this Act. Notwithstanding the preceding sentence, buckets subject to this Act must bear both an English and Spanish language label after the effective date of the standard established pursuant to section 3.

SEC. 6. AMENDMENTS.

Section 553 of title 5, United States Code, shall apply with respect to the Consumer Product Safety Commission's issuance of any amendments or changes to the bucket labeling standard required by section 3 of this Act. Sections 7 and 9 of the Consumer Product Safety Act shall not apply to such amendments or changes.

SEC. 7. RESPONSIBILITY FOR LABELING.

(a) LABELING.—The standard established by section 3 requires the labeling of buckets covered by such standard to be the responsibility of the manufacturer or distributor of any such bucket without regard to whether or not such bucket is intended for sale by a retailer in an empty state for use as a consumer product, or is intended for sale by a retailer, together with its contents.

(b) TIME FOR PLACING LABELS.—The required label must be on the bucket at the time it is sold or delivered to the end user of the bucket's contents or, in the case of a bucket intended to be sold to the public in an empty state, at the time it is shipped to a retailer for sale to the public.

SEC. 8. PERFORMANCE STANDARD.

Within 30 days following the date of enactment of this Act, the Commission shall commence a proceeding under the Consumer Product Safety Act for the issuance of a performance standard for buckets to address the drowning hazard associated with this product. Section 553 of title 5, United States Code, shall apply with respect to the issuance of such standard. Sections 7 and 9 of the Consumer Product Safety Act shall not apply to the issuance of such standard. Such standard shall take effect at such time as may be prescribed by the Consumer Product Safety Commission, but in no event later than 180 days following the date of the enactment of this Act.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. PUBLIC INTEREST
RESEARCH GROUP,
April 20, 1993.

Hon. HOWARD M. METZENBAUM,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR METZENBAUM: As organizations working to prevent needless deaths and injuries caused by dangerous consumer products, we applaud your introduction of the "Bucket Drowning Prevention Act of 1993."

Since 1985, approximately 400 infants have drowned in five gallon buckets. In other words, nearly one child per week perishes in this manner. The "Bucket Drowning Prevention Act" will help prevent these tragic deaths by adequately informing parents and others, in both English and Spanish, about the need to keep infants away from these buckets. Additionally, the legislation will assure that the Consumer Product Safety Commission will promulgate a performance standard for buckets to address the drowning hazard.

Senator Metzenbaum, we greatly appreciate your leadership on this issue, particularly given the CPSC's failure to take effective action to address these drownings. We look forward to working with you and your staff to assure passage of this important bill.

Sincerely,

HERTA B. FEELY,
Executive Director, National SAFE KIDS Campaign.
M. KRISTEN RAND,
Counsel, Consumers Union.
MARY ELLEN R. FISE,
Product Safety Director, Consumer Federation of America.
EDMUND MIERZWINSKI,
Consumer Program Director, U.S. Public Interest Research Group.
PAMELA GILBERT,
Director, Public Citizen's Congress Watch.

ADDITIONAL COSPONSORS

S. 13

At the request of Mr. HATCH, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 13, a bill to institute accountability in the Federal regulatory process, establish a program for the systematic selection of regulatory priorities, and for other purposes.

S. 50

At the request of Mr. WARNER, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Maine [Mr. MITCHELL], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Tennessee [Mr. SASSER], the Senator from New York [Mr. MOYNIHAN], the Senator from Texas [Mr. KRUEGER], the Senator from Georgia [Mr. NUNN], the Senator from Kentucky [Mr. FORD], the Senator from Hawaii [Mr. AKAKA], the Senator from Louisiana [Mr. BREAUX], the Senator from Montana [Mr. BAUCUS], the Senator from Arizona [Mr. DECONCINI], the Senator from South Dakota [Mr. PRESSLER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Illinois [Mr. SIMON], the Senator from Rhode Island [Mr. PELL], the Senator from Alabama [Mr. HEFLIN], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 185

At the request of Mr. GLENN, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes.

S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 262

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

S. 277

At the request of Mr. SIMON, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 277, a bill to authorize the establishment of the National African American Museum within the Smithsonian Institution.

S. 412

At the request of Mr. EXON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 412, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and nonhousehold goods freight forwarders, and for other purposes.

S. 477

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 477, a bill to eliminate the price support program for wool and mohair, and for other purposes.

S. 542

At the request of Mr. PRYOR, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 568

At the request of Mr. BRYAN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 568, a bill to strengthen the authority of the Federal Trade Commission regarding fraud committed in connection with sales made with a telephone, and for other purposes.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 602

At the request of Mr. BREAUX, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 602, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the Medicare Program for individuals with diabetes.

S. 680

At the request of Mr. GORTON, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 680, a bill to provide for toy safety, and for other purposes.

S. 687

At the request of Mr. ROCKEFELLER, the names of the Senator from Indiana [Mr. COATS] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 737

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 737, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of debentures issued by State and local development companies.

S. 793

At the request of Mr. DURENBERGER, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 793, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that standards of identity for milk include certain minimum standards regarding milk solids, and for other purposes.

SENATE JOINT RESOLUTION 32

At the request of Mr. DODD, the names of the Senator from California [Mrs. BOXER] and the Senator from Wisconsin [Mr. FEINGOLD] were added as cosponsors of Senate Joint Resolution 32, a joint resolution calling for the United States to support efforts of the United Nations to conclude an international agreement to establish an international criminal court.

SENATE JOINT RESOLUTION 50

At the request of Mr. SPECTER, the names of the Senator from Indiana [Mr. COATS] and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 50, a joint resolution to designate the weeks of September 19, 1993, through September 25, 1993, and of September 18, 1994, through September 24, 1994, as "National Rehabilitation Week".

At the request of Mr. RIEGLE, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Kansas [Mr. DOLE], the Senator from Ohio [Mr. GLENN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of Senate Joint Resolution 50, supra.

SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Ohio [Mr. GLENN], the Senator from Texas [Mr. KRUEGER], the Senator from Hawaii [Mr. AKAKA], the Senator from Wisconsin [Mr. KOHL], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the names of the Senator from Texas [Mr. KRUEGER] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the last week of September 1993, and the last week of September 1994, as "National Senior Softball Week".

SENATE JOINT RESOLUTION 73

At the request of Mr. RIEGLE, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Michigan [Mr. LEVIN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques".

SENATE RESOLUTION 64

At the request of Mr. LUGAR, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Resolution 64, a resolution expressing the sense of the Senate that increasing the effective rate of taxation by lowering the estate tax exemption would devastate homeowners, farmers, and small business owners, further hindering the creation of jobs and economic growth.

SENATE RESOLUTION 99—RELATIVE TO THE DEATH OF SOUTH DAKOTA LEADERS

Mr. PRESSLER (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to.

S. RES. 99

Whereas, Governor Mickelson had a long and distinguished career, having been born in Mobridge, South Dakota in 1941, earning a law degree from the University of South Dakota in 1965 and serving a tour of duty with the United States Army in Vietnam;

Whereas, he was first elected to the South Dakota State House of Representatives in 1974, where he served 6 years and served as House Speaker in 1979–80;

Whereas, he was elected Governor of South Dakota in 1986 and was reelected in 1990, during which time he was dedicated to numerous initiatives, including economic development, education and health care, and served as cochairman of a National Governors' Association task force on health care and as chairman of the Western Governors' Association; and

Whereas, Governor Mickelson and South Dakota State business leaders Roland Dolly, Ron Reed, Angus Anson, Dave Birkeland, Roger Hainje and pilots Ron Becker and David Hansen were killed in a plane crash while returning to South Dakota from a meeting to help advance economic development in the State: Now, therefore, be it

Resolved, That the Senate has heard with deep sorrow and profound regret of the death of Governor Mickelson and expresses its sympathy to his wife, Linda, his daughter, Amy, and his sons, Mark and David.

Resolved, That the Senate has heard with deep sorrow and profound regret of the deaths of Roland Dolly, Ron Reed, Angus Anson, Dave Birkeland, Roger Hainje, Ron Becker and David Hansen and expresses its sympathy to the families of these leading South Dakotans.

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

BYRD (AND OTHERS) AMENDMENT NO. 300

Mr. BYRD (for himself, Mr. MITCHELL, Mr. BINGAMAN, Mr. BRADLEY, Mr. BUMPERS, Mr. CAMPBELL, Mr. DASCHLE, Mr. DORGAN, Mr. FORD, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SASSER, and Mr. WELLSTONE) proposed an amendment to amendment No. 283 proposed by Mr. BYRD to the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes; as follows:

In amendment 283, strike all after the word "That", and insert:

the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and facilities", $37,569,000, to remain available until the end of fiscal year 1993.

FOOD SAFETY AND INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000.

SOIL CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and flood prevention operations", $46,961,000 for the costs of emergency watershed protection operations and for small watershed operations, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural housing insurance fund program account", for the costs of very low-income housing repair direct loans, $1,124,000 to subsidize additional gross obligations for the principal amount of loans not to exceed $2,818,000; and in addition, $4,297,000 for the cost of guaranteed unsubsidized section 502 loans, for total loan principal not to exceed $234,805,000.

RURAL DEVELOPMENT ADMINISTRATION

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for the "Rural development insurance fund program account", for the costs of water and sewer direct loans, $66,821,000, to subsidize additional gross obligations for the principal amount of direct loans not to exceed $470,000,000.

RURAL WATER AND WASTE DISPOSAL GRANTS

For an additional amount for "Rural water and waste disposal grants", $281,767,000, to remain available until the end of fiscal year 1993.

FARMERS HOME ADMINISTRATION

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants", $5,635,000, to remain available until the end of fiscal year 1993.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For an additional amount for "Child nutrition programs" for the Child and Adult Care Food Program, $56,000,000, to remain available through September 30, 1994.

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for the special supplemental food program, $75,000,000, to remain available through September 30, 1994: Provided, That these funds shall be available for grants to States that maintain the standards for eligibility which were in use on January 1, 1993: Provided further, That the Secretary may waive regulations governing allocations as necessary to ensure funds are received by States most in need and able to spend additional funds.

THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

For an additional amount for "The emergency food assistance program", $23,481,000: Provided, That notwithstanding section 214(h) of the Emergency Food Assistance Act of 1983, as amended, commodities purchased with these funds may be delivered to States through December 31, 1993.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for "Economic development assistance programs", $93,922,000.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For an additional amount for "Minority business development", $1,878,000 for program management.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, research, and facilities", $80,773,000, to remain available until expended.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services", $14,088,000, to remain available until expended, of which not to exceed $3,613,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for "Industrial technology services", $103,315,000, to remain available until expended, of which not to exceed $1,400,000 may be transferred to the "Working Capital Fund".

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

For an additional amount for "Public telecommunications facilities, planning, and construction", $63,867,000, to remain available until expended, of which not to exceed $2,818,000 shall be available for program administration as authorized by section 391 of the Communications Act of 1934, as amended.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $8,829,000.

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $140,883,000, to remain available until expended: Provided, That up to $2,000,000 of this amount may be made available for administrative expenses of the guaranteed loans program and may be transferred to and merged with appropriations made available under Public Law 102–395 for "Salaries and expenses", Small Business Administration.

CHAPTER IV

DISTRICT OF COLUMBIA

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia" to provide for essential jobs, public safety, health, and other municipal services in the face of its financial crisis, $28,177,000, to remain available until September 30, 1993.

CHAPTER V

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", $3,900,000, to remain available through September 30, 1993, of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterway Trust Fund, for one-half of the cost of construction and rehabilitation of inland waterways projects.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For an additional amount for "Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee", $13,525,000, to remain available through September 30, 1993.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and maintenance, general", $76,497,000, to remain *available through September 30, 1993, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that fund.*

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH, AND DEVELOPMENT ACTIVITIES

For an additional amount for "Energy supply, research, and development activities", $46,961,000, to remain available until September 30, 1993.

For an additional amount for "Energy supply, research and development activities", $939,000, to remain available until expended for additional in-house energy management projects.

CHAPTER VI

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $1,878,000, to remain available until September 30, 1993.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California grant lands", $15,027,547, to remain available until September 30, 1993.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource management", $87,348,000, to remain available through September 30, 1993.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $146,519,000.

NATIONAL RECREATION AND PRESERVATION

For an additional amount for "National recreation and preservation", $1,409,000, to remain available until September 30, 1993.

HISTORIC PRESERVATION FUND

For an additional amount for "Historic preservation fund", $22,072,000, to remain available until September 30, 1993, of which $9,600,000 shall be for the National Trust for Historic Preservation: Provided, That any matching fund requirements in the National Historic Preservation Act Amendments shall not apply to this amount.

CONSTRUCTION

For an additional amount for "Construction", $83,591,000, to remain available until September 30, 1993.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $92,044,000, of which $26,257,000 for school operations shall become available for obligation on July 1, 1993 and remain available for obligation until September 30, 1994; and $65,787,000 shall remain available until September 30, 1993.

CONSTRUCTION

For an additional amount for "Construction", $10,332,000, to remain available until September 30, 1993.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", to be used for maintenance, repairs, rehabilitation, and natural resource conservation activities, $150,000,000, to remain available for obligation until the end of fiscal year 1993.

CONSTRUCTION

For an additional amount for "Construction", to be used for recreation facility and trail construction, $37,844,000, to remain available for obligation until the end of fiscal year 1993.

DEPARTMENT OF ENERGY

ENERGY CONSERVATION

For enhanced "Energy conservation" activities, $100,778,000, to remain available until expended, of which $28,177,000 shall be for implementation of titles III, IV, and V of the Energy Policy Act of 1992 (Public Law 102–486), including no less than $25,677,000 for the acquisition of alternative-fuel vehicles for the Federal fleet and for the conversion of existing vehicles in the Federal fleet to alternative fuels: Provided, That such funds shall only be used to pay the cost differential between the alternative-fuel vehicle and the same model of vehicle in its conventional-fuel design, not to exceed $3,500 for any vehicle; and of which $18,784,000 shall be for full funding for a one-time special award of grants under the Institutional Conservation Program; and of which $46,961,000 shall be for grants to States for the Weatherization Assistance Program; and of which $5,635,000 shall be available to the Federal Energy Management Program for expanded training, site audit, and other support functions; and of which $1,221,000 shall be available to establish a fund administered by the Federal Energy Management Program to provide financial assistance for cost-effective energy efficiency improvements to facilities of any Federal agencies other than the Departments of Defense, Energy, and Veterans Affairs, and the General Services Administration.

CHAPTER VII

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $1,000,000,000, to carry into effect the Job Training Partnership Act, of which $10,500,000 is for activities under part D of title IV of such Act, and $989,500,000 for activities under part B of title II of such Act: Provided, That of the funds provided herein for part B of title II, 30 percent shall be for academic enrichment, as defined by the Secretary: Provided further, That funds used for academic enrichment shall not be used to supplant other Federal funds for existing academic services or activities, and services shall be maintained at least at the level of funding used for these purposes during the summer of 1992: Provided further, That of the funds provided herein for part B of title II, except for the 30 percent expressly used for academic enrichment activities, service delivery areas may transfer up to 10 percent to the program under part C of title II of the Act, if such transfer is approved by the Governor: Provided further, That up to 3 percent of each State's allotment used for academic enrichment, at the State's discretion, may be reserved for State administration, oversight, and support of a State practitioner's network: Provided further, That the funds provided herein for part B of title II shall be available for obligation upon enactment of this Act.

Funds provided in Public Law 102–394 for part B of title III of such Act shall be available for obligation upon enactment of this Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $32,131,000, of which $25,062,000 is for national grants or contracts with public agencies and public or private nonprofit organizations under section 506(a)(1)(A) of the Older Americans Act of 1965, as amended; and of which $7,069,000 is for grants to States under section 506(a)(3) of said Act.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "State unemployment insurance and employment service operations", $14,300,000, to remain available until expended, which shall be expended from the Employment Security Administration account in the Unemployment Trust Fund, to fund worker profiling activities and for oversight of employment programs: Provided, That of the funds provided herein up to $2,700,000 may be transferred to the Program Administration account.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount to carry out title XXVI of the Public Health Service Act, $200,000,000.

NATIONAL INSTITUTES OF HEALTH

NATIONAL LIBRARY OF MEDICINE

For an additional amount to carry out section 301 and title IV of the Public Health Service Act with respect to high-performance computing applications, $9,392,000.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Assistant Secretary for Health" for carrying out childhood immunization activities under title III and subtitle 1 of title XXI of the Public Health Service Act, $300,000,000, of which $282,800,000 shall be transferred to the Centers for Disease Control and Prevention, of which $4,200,000 shall be transferred to the National Institute of Allergy and Infectious Diseases, and of which $7,000,000 shall be transferred to the Food and Drug Administration.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO THE SOCIAL SECURITY TRUST FUNDS

For an additional amount for "Payments to the Social Security Trust Funds" to reimburse the trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME

For an additional amount for "Supplemental security income" for payment to the Social Security trust funds for administrative expenses, $150,000,000; and, in addition, to provide for making, after June 15 of the current fiscal year, benefits payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

LIMITATION ON ADMINISTRATIVE EXPENSES

For an additional amount, $302,000,000, of which $142,000,000 shall be derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund; and of which $10,000,000, to remain available until expended, shall be to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986.

ADMINISTRATION FOR CHILDREN AND FAMILIES

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for carrying out the Head Start Act, $500,000,000.

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for concentration grants under section 1006 of the Elementary and Secondary Education Act of 1965, $500,000,000, which shall become available upon enactment and shall remain available to local educational agencies through September 30, 1993: Provided, That the number of children counted for section 1006(a) shall be the same as counted for 1993 section 1005 basic grants: Provided further, That no State shall receive less than $250,000 of such funds: Provided further, That such funds shall only be made available by State educational agencies to local educational agencies upon assurance that at least 80 per centum of such funds shall be liquidated by such agencies by September 30, 1993: Provided further, That such funds shall be used for activities that benefit educationally deprived children as authorized under section 1011 and other related activities such as food services, school health services, arts education, and transportation, without regard to whether such activities are otherwise authorized under such section: Provided further, That a State educational agency may reallocate any portion of such funds that are not able to be used by local educational agencies in the State to other such agencies on the basis of their relative needs, as determined by the State educational agency, without regard to section 1403(b)(2) of such Act: Provided further, That such funds may be used only to supplement, and not to supplant any other funds, including other funds made available under chapter 1 of title I of such Act or under any other Federal program: Provided further, That such funds, and the activities carried out with such funds, shall not be subject to or considered in applying section 1006(a)(1)(B)-(D), 1019, 1020, 1021, or 1432(b) of such Act or to section 412(b) of the General Education Provisions Act: Provided further, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purpose of section 1403, 1404, 1405, or 1432(b)(1) of such Act: Provided further, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

For an additional amount for grants to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, to carry out subpart 1 of part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, $234,805,000, which shall be allocated to such jurisdictions, notwithstanding any other provision of law, so that all counties that, under title III of Public Law 102-394, are allocated less than 92 per centum of the amount they were allocated under such subpart for fiscal year 1992 shall be allocated, under Public Law 102-394 plus this additional amount, 92 per centum of the amount such counties received under such subpart for fiscal year 1992: Provided, That such allocations to States shall be ratably reduced if necessary: Provided further, That each State shall distribute its portion of such funds to local educational agencies in the State so that all such agencies that, under title III of Public Law 102-394, are receiving less than 92 per centum of the amount they received under such subpart for fiscal year 1992 shall receive, under Public Law 102-394 plus this additional amount, an amount not to exceed 92 per centum of such fiscal year 1992 amount, which percentage shall be ratably reduced as necessary: Provided further, That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purposes of sections 1403, 1404, and 1405 of such Act: Provided further, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

STUDENT FINANCIAL ASSISTANCE

For an additional amount for "Student financial assistance" for payment of awards made under subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended, $1,863,730,000, which shall be available through September 30, 1994, of which $493,000,000 shall be available for such awards made for award year 1993-1994, and $1,370,730,000 shall be available for such awards for the 1992-1993 and prior award years.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by—

(a) deleting "$2,000,000,000" and inserting in lieu thereof "$2,250,000,000"; and

(b) deleting "$1,800,000,000" and inserting in lieu thereof "$2,050,000,000";

Provided, That the increase in commitment authority made available by this Act shall be credited entirely to the discretionary fund established by section 507(c)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(c)(1)), without regard to apportionment under sections 507(a) and 507(b) of such Act (49 U.S.C. App. 2206(a) and 2206(b)), or minimum distributions required by sections 507(c)(2) through 507(c)(4) and 508(d) of such Act (49 U.S.C. App. 2206(c)(2)-2206(c)(4) and 2207(d)).

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$15,326,750,000" and inserting "$18,303,000,000": Provided, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal year 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993;".

FEDERAL RAILROAD ADMINISTRATION

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", for capital improvements grants, $187,844,000, to remain available until September 30, 1993.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount for "Formula grants" for capital grants, $466,490,000, to remain available until September 30, 1993, of which $17,423,000 shall be apportioned under section 16, $26,420,000 under section 18, and $422,647,000 under section 9 of the Federal Transit Act, as amended: Provided, That, if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under such Act, at the discretion of the Secretary.

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,700,000,000" and inserting in lieu thereof "$2,182,340,000".

TRUST FUND SHARE OF TRANSIT PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,134,150,000" and inserting "$1,150,000,000" and by deleting "$1,049,025,000" and inserting "$1,064,875,000": Provided, That these additional funds shall be apportioned under section 9 of the Federal Transit Act, as amended: Provided further, That if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under the Federal Transit Act, at the discretion of the Secretary.

DISCRETIONARY GRANTS

For an additional amount for "Discretionary grants", $270,000,000, to remain available until September 30, 1993: Provided, That none of the funds may be available for grants under section 3(k)(1)(A) or section 3(k)(1)(B) of the Federal Transit Act, as amended.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

For an additional amount for "Information systems", $43,600,000, to fund procurement of computer and telecommunications equipment and services.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For an additional amount for "Medical care", $201,933,000, for nonrecurring maintenance projects in Department of Veterans Affairs' health care facilities.

For an additional amount for "Medical care", $751,000, to remain available until expended, for additional projects to improve energy efficiency at Department of Veterans Affairs facilities.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $32,873,000, for miscellaneous projects and the National Cemetery Program.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOMELESS ASSISTANCE

TRANSITIONAL AND SUPPORTIVE HOUSING DEMONSTRATION PROGRAM

For an additional amount for "Transitional and supportive housing demonstration program", $423,000,000, to remain available until December 31, 1994: Provided, That the Secretary shall fund approvable applications for such additional amount in the order submitted, in accordance with requirements established by the Secretary: Provided further, That the Secretary may waive, in whole or in any part, any requirement set forth in subtitle C of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended, except a requirement relating to fair housing and nondiscrimination, if the

Secretary finds that such waiver will further the purposes of this appropriation: Provided further, That notwithstanding section 426(a)(3) of that Act, the applicant shall own or control the site at the time of application: Provided further, That the total amount approved for any one applicant may not exceed $10,000,000: Provided further, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire: Provided further, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of this appropriation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $2,536,000,000, to remain available until December 31, 1994: Provided, That from the foregoing amount, $25,360,000 shall be available for grants to Indian tribes in compliance with section 106(a)(1) of the Housing and Community Development Act of 1974, as amended, $4,000,000 shall be available for grants under section 107(b)(1) of such Act, and the remainder shall be for States and units of general local government that are eligible under section 106 of such Act: Provided further, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of this appropriation: Provided further, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has not drawn down from its letter of credit, shall be deobligated by the Secretary and shall expire.

INDEPENDENT AGENCIES

COMMISSION ON NATIONAL AND COMMUNITY SERVICE

PROGRAMS AND ACTIVITIES

For an additional amount for "Programs and activities", $15,000,000.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT, CONTROL, AND COMPLIANCE

For an additional amount for "Abatement, control, and compliance", $20,663,000.

PROGRAM AND RESEARCH OPERATIONS

For an additional amount for "Program and research operations", $2,818,000.

STATE REVOLVING FUNDS/CONSTRUCTION GRANTS

For an additional amount for "State revolving funds/construction grants", to make grants under title VI of the Federal Water Pollution Control Act, as amended, $845,300,000: Provided, That notwithstanding section 602(b)(2) of such Act, no State match shall be required for this additional amount: Provided further, That notwithstanding section 602(b)(3) of such Act, States shall enter into binding commitments to provide assistance in an amount equal to 100 percent of the amount of each grant payment within one year after receipt of such grant payment from this additional amount.

For an additional amount for "State revolving funds/construction grants", to make grants authorized under section 319 of the Federal Water Pollution Control Act, as amended, $46,961,000: Provided, That notwithstanding section 319(h)(3) of such Act, no State match shall be required for this additional amount.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For an additional amount for "Research and development", $4,696,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For an additional amount for "Research and related activities", $197,230,000.

ACADEMIC RESEARCH FACILITIES AND INSTRUMENTATION

For an additional amount for "Academic research facilities and instrumentation", $4,696,000.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,696,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 202. All funds provided under this Act are hereby designated to be "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 203. (a) None of the funds under the head "Community Development Grants" in this Act may be used to assist a golf course or cemetery project that would otherwise be eligible for assistance under section 105(a)(2) of the Housing and Community Development Act of 1974, as amended: Provided, That the Secretary shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the provisions of the appropriation under this heading.

(b) None of the funds provided under this Act may be used to support whitewater canoeing facilities on the Ocoee River, fisheries atlases and studies of the sicklefin chub, and payments for a National Oceanic and Atmospheric Administration Office of Oceanic and Atmospheric Research class VI computer.

SEC. 204. Notwithstanding any other provision of law, for this Act, the Office of Management and Budget shall administer the obligation of all funds appropriated or otherwise made available by this Act in a manner that will ensure that no wasteful, unnecessary, or non-meritorious programs, projects or activities are approved. The Director of the Office of Management and Budget shall, by notice published in the Federal Register, establish such requirements as may be necessary to carry out the intent of this section.

SEC. 205. In addition to amounts otherwise provided in this Act under the heading "Community Planning and Development Community Development Grants", an additional amount of $200,000,000 shall be available under such heading, to remain available until December 31, 1994, only for eligible communities to hire police officials: Provided, That such additional funding shall be available subject to the second and third provisos under such heading.

SEC. 206. Notwithstanding any other provision of this Act, funds appropriated or otherwise made available by this Act (including limitations on obligations) for programs, projects or activities shall be reduced by 42.95 per centum: Provided, That this section shall not apply to funds provided under the following headings: "Advances to the Unemployment Trust Fund and Other Funds"; "Federal Highway Administration Federal Aid-Highways (Limitation on Obligations) (Highway Trust Fund)"; "Employment and Training Administration Training and Employment Services"; "Assistant Secretary for Health Office of the Assistant Secretary for Health (Including Transfer of Funds)"; "Health Resources and Services Administration Health Resources and Services"; "Environmental Protection Agency State Revolving Funds/Construction Grants" only for sums provided for activities under title VI of the Federal Water Pollution Control Act; "Small Business Administration Business Loans Program Account"; "Food Safety and Inspection Service Salaries and Expenses"; and funds provided in section 205: Provided further, That reductions under this section shall apply to each amount specifically identified within the amounts appropriated or otherwise made available by this Act: Provided further, That in applying the reductions required by this section, the sum remaining after such reduction shall be rounded to the nearest $1,000.

This Act may be cited as the "Emergency Supplemental Appropriations Act of 1993".

HATFIELD (AND DOLE) AMENDMENT NO. 301

Mr. HATFIELD (for himself and Mr. DOLE) proposed an amendment to amendment No. 283 proposed by Mr. BYRD to the bill, H.R. 1335, supra, as follows:

In amendment 283, strike all after the word "That" and insert:

the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I EMERGENCY SUPPLEMENTAL APPROPRIATIONS

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $100,000,000 to remain available until expended: Provided, That up to $2,000,000 of this amount may be made available for administrative expenses of the guaranteed loans program and may be transferred to and merged with, appropriations made available under Public Law 102–395 for "Salaries and expenses", Small Business Administration.

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the national park system", $75,000,000.

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National forest system", to be used for maintenance, repairs, rehabilitation, and natural resource conservation activities, $75,000,000 to remain available for obligation until and end of fiscal year 1993.

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $450,000,000, to carry out activities under part B of title II of the Job Training Partnership Act: Provided, That of the funds provided herein, 30 percent shall be for academic enrichment, as defined by the Secretary: Provided further, That funds used for academic enrichment shall not be used to supplant other Federal funds for existing academic services or activities, and services shall be maintained at least at the level of funding used for these purposes during the summer of 1992: Provided further, That of the funds provided herein, except for the 30 percent expressly used for academic enrichment activities, service delivery areas may transfer up to 10 percent to the program under part C of title II of the Act, if such transfer is approved by the Governor: Provided further, That up to 3 percent of each State's allotment used for academic enrichment, at the State's discretion, may be reserved for State administration, oversight, and support of a State practitioner's network.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ASSISTANT SECRETARY FOR HEALTH—OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Assistant Secretary for Health" for carrying out childhood immunization activities under title III and subtitle 1 of title XXI of the Public Health Service Act, $300,000,000, of which $282,800,000 shall be transferred to the Centers for Disease Control and Prevention, of which $4,200,000 shall be transferred to the National Institute of Allergy and Infectious Diseases, and of which $7,000,000 shall be transferred to the Food and Drug Administration.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$15,326,750,000" and inserting "$16,326,750,000": Provided, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal 1993 obligation limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993;";

Provided further, That the additional authority provided under this heading shall be for maintenance activities only.

TITLE II—GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 202. (a) Of the amounts provided in previous fiscal year 1993 appropriations acts and available budget authority under previous appropriations acts, such amounts of budgetary resources are rescinded so as to equal $295,000,000 in outlays as provided in subsections (b) and (c).

(b) The Director of the Office of Management and Budget shall make uniform percentage reductions in budget authority in Federal agency administrative expenses, except that no reduction shall be made in current rates of pay under current law.

(c) For the purposes of this section, Federal agency administrative expenses are defined as object classes 10 (excluding object classes 12.1, 12.2, and 13.0), 20 (excluding object class 23.1), and 30.

(d) To the extent budgetary resources are not provided in appropriations acts, the Director shall make the same uniform percentage reduction as required in subsection (b) in Federal administrative expenses as determined in section 256(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

This Act may be cited as the "Emergency Supplemental Appropriations Act of 1993".

McCAIN AMENDMENT NO. 302

Mr. McCAIN submitted an amendment intended to be proposed by him to amendment No. 283 proposed by Mr. BYRD to the bill, H.R. 1335, supra, as follows:

At the appropriate place, add the following:

SEC. . That—

(a)(1) notwithstanding any other provision of law, when any general or special appropriation bill or any bill or joint resolution making supplemental, deficiency, or continuing appropriations, as well as any revenue affecting bill or joint resolution, passes both Houses of Congress in the same form, the Secretary of the Senate (in the case of a bill or joint resolution originating in the Senate) or the Clerk of the House of Representatives (in the case of a bill or joint resolution originating in the House of Representatives) shall cause the enrolling clerk of such House to enroll each item of such bill or joint resolution as a separate bill or joint resolution, as the case may be.

(2) A bill or joint resolution that is required to be enrolled pursuant to paragraph (1)—

(A) shall be enrolled without substantive revision,

(B) shall conform in style and form to the applicable provisions of chapter 2 of title 1, United States Code (as such provisions are in effect on the date of the enactment of this Act), and

(C) shall bear the designation of the measure of which it was an item prior to such enrollment, together with such other designation as may be necessary to distinguish such bill or joint resolution from other bills or joint resolutions enrolled pursuant to paragraph (1) with respect to the same measure.

(b) A bill or joint resolution enrolled pursuant to paragraph (1) of subsection (a) with respect to an item shall be deemed to be a bill under Clauses 2 and 3 of Section 7 Article 1 of the Constitution of the United States and shall be signed by the presiding officers of both Houses of the Congress and presented to the President for approval or disapproval (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

(c) DEFINITIONS.—The term "item" means any numbered section and any unnumbered paragraph of—

(1) any general or special appropriations bill, and

(2) any bill or joint resolution making supplemental, deficiency, or containing appropriations.

(d) The provisions of this Section shall apply to bills and joint resolutions agreed to by the 103d Congress.

DANFORTH AMENDMENT NOS. 303 THROUGH 305

(Ordered to lie on the table.)

Mr. DANFORTH submitted three amendments intended to be proposed by him to amendment No. 283, as amended, proposed by Mr. BYRD to the bill, H.R. 1335, supra, as follows:

AMENDMENT NO. 303

At the end of the amendment, add the following:

SEC. . It is the sense of the Senate that an economic program that does not control the growth of entitlements cannot strengthen our economy.

AMENDMENT NO. 304

At the end of the amendment, add the following new section:

SEC. . (a)(1) Except as provided in paragraph (2), none of the funds provided in this Act may be obligated unless the President certifies that the economy is in a recession at the time the funds are to be obligated.

(2) Paragraph (1) shall not apply to additional amounts for "Advances to the unemployment trust funds and other funds".

(b) For purposes of this section, the term "recession" means an economic period that would trigger a low-growth report as described in section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 305

At the end of the amendment add the following new section:

SEC. . The additional amounts provided under the following headings in this Act are canceled:

(1) DEPARTMENT OF COMMERCE—National Oceanic and Atmospheric Administration, Operations, Research and Facilities; National Institute of Standards and Technology, Scientific and Technical Research and Services.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES—National Institutes of Health, National Library of Medicine.

(3) DEPARTMENT OF TRANSPORTATION—$34,230,000 of amounts for Federal Railroad Administration, Grants to the National Railroad Passenger Corporation.

(4) INDEPENDENT AGENCIES—National Aeronautics and Space Administration, Research and Development.

GRAMM AMENDMENTS NOS. 306 THROUGH 321

(Ordered to lie on the table.)

Mr. GRAMM submitted 16 amendments intended to proposed by him to amendment No. 283, as amended, proposed by Mr. BYRD to the bill, H.R. 1335, supra as follows:

AMENDMENT NO. 306

At the appropriate place, insert:

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 74.2 per centum.

SEC. . It is the sense of the Senate that the savings from this across-the-board reduction shall be used to offset the revenue loss resulting from a two year delay in the implementation of the 85% inclusion of Social Security benefits for purposes of the individual income tax."

AMENDMENT NO. 307

At the end, insert:

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 74.2 per centum.

SEC. . It is the sense of the Senate that the savings from this across-the-board reduction shall be used to offset the revenue loss resulting from a two year delay in the implementation of the 85% inclusion of Social Security benefits for purposes of the individual income tax."

AMENDMENT NO. 308

At the appropriate place, insert:

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 82.7 per centum.

SEC. . It is the sense of the Senate that the savings from this across-the-board reduction shall be used to offset the revenue loss resulting from a two year delay in the implementation of the 85% inclusion of Social Security benefits for purposes of the individual income tax."

AMENDMENT NO. 309

At the end of the language proposed to be stricken, insert:

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 74.2 per centum.

SEC. . It is the sense of the Senate that the savings from this across-the-board reduction shall be used to offset the revenue loss resulting from a two year delay in the implementation of the 85% inclusion of Social Security benefits for purposes of the individual income tax."

AMENDMENT NO. 310

At the end of the language proposed to be stricken, insert:

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 82.7 per centum.

SEC. . It is the sense of the Senate that the savings from this across-the-board reduction shall be used to offset the revenue loss resulting from a two year delay in the implementation of the 85% inclusion of Social Security benefits for purposes of the individual income tax."

AMENDMENT NO. 311

At the end, insert:

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 82.7 per centum.

SEC. . It is the sense of the Senate that the savings from this across-the-board reduction shall be used to offset the revenue loss resulting from a two year delay in the implementation of the 85% inclusion of Social Security benefits for purposes of the individual income tax."

AMENDMENT NO. 312

On page 31, line 7, strike "1993" and insert, "1993.

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 82.7 per centum.

SEC. . It is the sense of the Senate that the savings from this across-the-board reduction shall be used to offset the revenue loss resulting from a two year delay in the implementation of the 85% inclusion of Social Security benefits for purposes of the individual income tax."

AMENDMENT NO. 313

At the appropriate place, insert:

SEC. . INDEXING OF CERTAIN INVESTMENTS AFTER APRIL 15, 1992 FOR PURPOSES OF DETERMINING GAIN.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"Sec. 1022. Indexing of Investments Acquired After April 15, 1992 for Purposes of Determining Gain.

"(a) GENERAL RULE.—

"(1) Indexed Basis substituted for Adjusted Basis.—Solely for purposes of determining gain on the sale or other disposition by an individual of an indexed asset which has been held for more than 1 year, the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) SPECIAL RULE FOR RECAPTURE GAIN.—

"(A) IN GENERAL.—Paragraph (1) shall not apply for purposes of determining the amount of recapture gain on the sale or other disposition of an indexed asset, but the amount of any such recapture gain shall increase the adjusted basis of the asset for purposes of applying paragraph (1) to determine the amount of other gain on such sale or other disposition.

"(B) RECAPTURE GAIN.—For purposes of subparagraph (A), the term 'recapture gain' means any gain treated as ordinary income under section 1245, 1250, or 1254.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) any stock in a corporation, and

"(B) any tangible property (or any interest therein),

which is a capital asset or property used in the trade or business (as defined in section 1231(B)) and the holding period of which begins after April 15, 1992.

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) COLLECTIBLES.—Any collectible (as defined in section 408(m)(2) without regard to section 408(m)(3)).

"(C) OPTIONS.—Any option or other right to acquire an interest in property.

"(D) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (i)(3)).

"(E) CERTAIN PREFERRED STOCK.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(F) STOCK IN FOREIGN CORPORATIONS.—Stock in a foreign corporation.

"(G) STOCK IN S CORPORATIONS.—Stock in an S corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Paragraph (2)(F) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis or is authorized for trading on the national market system operated by the National Association of Securities Dealers other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)),

"(B) stock in a passive foreign investment company (as defined in section 1296), and

"(C) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) INDEXED BASIS.—For purposes of this section—

"(1) INDEXED BASIS.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset shall be determined by dividing—

"(A) the CPI for the calendar year preceding the calendar year in which the disposition takes place, by

"(B) the CPI for the calendar year preceding the calendar year in which the taxpayer's holding period for such asset began. The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-hundredth.

"(3) CONVENTIONS.—For purposes of paragraph (2), if any asset is disposed of during any calendar year—

"(A) such disposition shall be treated as occurring on the last day of such calendar year, and

"(B) the taxpayer's holding period for such asset shall be treated as beginning in the same calendar year as would be determined for an asset actually disposed of on such last day with a holding period of the same length as the actual holding period of the asset involved.

"(4) CPI.—For purposes of this subsection, the CPI for any calendar year shall be determined under section 1(f)(4).

"(d) SHORT SALES.—

"(1) IN GENERAL.—In the case of a short sale of an indexed asset with a short sale period in excess of 1 year, for purposes of this title, the amount realized shall be an amount equal to the amount realized (determined without regard to this paragraph) multiplied by the applicable inflation ratio. In applying subsection (c)(2) for purposes of the preceding sentence, the date on which the property is sold short shall be treated as the date on which the holding period for the asset begins and the closing date for the sale shall be treated as the date of disposition.

"(2) SHORT SALE OF SUBSTANTIALLY IDENTICAL PROPERTY.—If the taxpayer or the taxpayer's spouse sells short property substantially identical to an asset held by the taxpayer, the asset held by the taxpayer and the substantially identical property shall not be treated as indexed assets for the short sale period.

"(3) SHORT SALE PERIOD.—For purposes of this subsection, the short sale period begins on the day after property is sold and ends on the closing date for the sale.

"(e) TREATMENT OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

"(1) ADJUSTMENTS AT ENTITY LEVEL.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the adjustment under subsection (a) shall be allowed to any qualified investment entity (including for purposes of determining the earnings and profits of such entity).

"(B) EXCEPTION FOR CORPORATE SHAREHOLDERS.—Under regulations in the case of a distribution by a qualified investment entity (directly or indirectly) to a corporation—

"(i) the determination of whether such distribution is a dividend shall be made without regard to this section, and

"(ii) the amount treated as gain by reason of the receipt of any capital gain dividend shall be increased by the percentage by which the entity's net capital gain for the taxable year determined without regard to this section exceeds the entity's net capital gain for such year determined with regard to this section.

For purposes of the preceding sentence, any amount includable in gross income under section 852(b)(3)(D) shall be treated as a capital gain dividend and an S corporation shall not be treated as a corporation.

"(C) EXCEPTION FOR QUALIFICATION PURPOSES.—This section shall not apply for purposes of sections 851(b) and 856(c).

"(D) EXCEPTION FOR CERTAIN TAXES IMPOSED AT ENTITY LEVEL.—

"(i) TAX ON FAILURE TO DISTRIBUTE ENTIRE GAIN.—If any amount is subject to tax under section 852(b)(3)(A) for any taxable year, the amount on which tax is imposed under such section shall be increased by the percentage determined under subparagraph (B)(ii). A similar rule shall apply in the case of any amount subject to tax under paragraph (2) or (3) of section 857(b) to the extent attributable to the excess of the net capital gain over the deduction for dividends paid determined with reference to capital gain dividends only. The first sentence of this clause shall not apply to so much of the amount subject to tax under section 852(b)(3)(A) as is designated by the company under section 852(b)(3)(D).

"(ii) OTHER TAXES.—This section shall not apply for purposes of determining the amount of any tax imposed by paragraph (4), (5), or (6) of section 857(b).

"(2) ADJUSTMENTS TO INTERESTS HELD IN ENTITY.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(3) QUALIFIED INVESTMENT ENTITY.—For purposes of this subsection, the term 'qualified investment entity' means—

"(A) a regulated investment company (within the meaning of section 851), and

"(B) a real estate investment trust (within the meaning of section 856).

"(f) OTHER PASS-THRU ENTITIES.—

"(1) Partnerships.—

"(A) IN GENERAL.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners (but only for purposes of determining the income of partners who are individuals).

"(B) SPECIAL RULE IN THE CASE OF SECTION 754 ELECTIONS.—In the case of a transfer of an interest in a partnership with respect to which the election provided in section 754 is in effect—

"(i) the adjustment under section 743(b)(1) shall, with respect to the transferor partner, be treated as a sale of the partnership assets for purposes of applying this section, and

"(ii) with respect to the transferee partner, the partnership's holding period for purposes of this section in such assets shall be treated as beginning on the date of such adjustment.

"(2) S CORPORATIONS.—In the case of an S corporation, the adjustment made under subsection (a) at the corporate level shall be passed through to the shareholders. This section shall not apply for purposes of determining the amount of any tax imposed by section 1374 or 1375.

"(3) COMMON TRUST FUNDS.—In the case of a common trust fund, the adjustment made under subsection (a) at the trust level shall be passed through to the participants (but only for purposes of determining the income of participants who are individuals).

"(g) DISPOSITIONS BETWEEN RELATED PERSONS.—This section shall not apply to any sale or other disposition of property between related persons (within the meaning of section 465(b)(3)(C)) if such property, in the hands of the transferee, is of a character subject to the allowance for depreciation provided in section 167.

"(h) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) A substantial improvement to property.

"(B) In the case of stock of a corporation, a substantial contribution to capital.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—The applicable inflation ratio shall be appropriately reduced for periods during which the asset was not an indexed asset.

"(3) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property."

"(b) GAINS AND LOSSES FROM INDEXED ASSETS NOT TAKEN INTO ACCOUNT UNDER LIMITATION ON INVESTMENT INTEREST.—Subparagraph (B) of section 163(d)(4) (defining investment income) is amended by adding at the end thereof the following new sentence:

"Gain from the sale or other disposition of an indexed asset (as defined in section 1022) held for more than 1 year shall not be taken into account for purposes of the preceding sentence. The preceding sentence shall not apply to gain from the sale or other disposition of any such asset if the taxpayer elects to waive the benefits of section 1022 in determining the amount of such gain."

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of investments acquired after April 15, 1990 for purposes of determining gain."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to dispositions of any property the holding period of which begins after April 15, 1992.

(2) EXCEPTION FOR CERTAIN TRANSACTIONS BETWEEN RELATED PERSONS.—The amendments made by subsections (a) and (b) shall not apply to any property acquired after April 15, 1992, from a related person (as defined in section 465(b)(3)(C) of the Internal Revenue Code of 1986) if—

(A) such property was so acquired for a price less than the property's fair market value, and

(B) the amendments made by this section did not apply to such property in the hands of such related person.

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 37.7 per centum.

AMENDMENT NO. 314

SEC. . INDEXING OF CERTAIN INVESTMENTS AFTER APRIL 15, 1992 FOR PURPOSES OF DETERMINING GAIN.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"Sec. 1022. Indexing of Investments Acquired After April 15, 1992 for Purposes of Determining Gain.

"(a) GENERAL RULE.—

"(1) Indexed Basis substituted for Adjusted Basis.—Solely for purposes of determining gain on the sale or other disposition by an individual of an indexed asset which has been held for more than 1 year, the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) SPECIAL RULE FOR RECAPTURE GAIN.—

"(A) IN GENERAL.—Paragraph (1) shall not apply for purposes of determining the amount of recapture gain on the sale or other disposition of an indexed asset, but the amount of any such recapture gain shall increase the adjusted basis of the asset for purposes of applying paragraph (1) to determine the amount of other gain on such sale or other disposition.

"(B) RECAPTURE GAIN.—For purposes of subparagraph (A), the term 'recapture gain' means any gain treated as ordinary income under section 1245, 1250, or 1254.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) any stock in a corporation, and

"(B) any tangible property (or any interest therein),

which is a capital asset or property used in the trade or business (as defined in section 1231(B)) and the holding period of which begins after April 15, 1992.

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) COLLECTIBLES.—Any collectible (as defined in section 408(m)(2) without regard to section 408(m)(3)).

"(C) OPTIONS.—Any option or other right to acquire an interest in property.

"(D) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (i)(3)).

"(E) CERTAIN PREFERRED STOCK.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(F) STOCK IN FOREIGN CORPORATIONS.—Stock in a foreign corporation.

"(G) STOCK IN S CORPORATIONS.—Stock in an S corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Paragraph (2)(F) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis or is authorized for trading on the national market system operated by the National Association of Securities Dealers other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)), "(B) stock in a passive foreign investment company (as defined in section 1296), and

"(C) stock in a foreign corporation held by a United States person who meets the requirement of section 1248(a)(2).

"(c) Indexed Basis.—For purposes of this section—

"(1) Indexed basis.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) Applicable inflation ratio.—The applicable inflation ratio for any asset shall be determined by dividing—

"(A) the CPI for the calendar year preceding the calendar year in which the disposition takes place, by

"(B) the CPI for the calendar year preceding the calendar year in which the taxpayer's holding period for such asset began.

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-hundredth.

"(3) Conventions.—For purposes of paragraph (2), if any asset is disposed of during any calendar year—

"(A) such disposition shall be treated as occurring on the last day of such calendar year, and

"(B) the taxpayer's holding period for such asset shall be treated as beginning in the same calendar year as would be determined for an asset actually disposed of on such last day with a holding period of the same length as the actual holding period of the asset involved.

"(4) CPI.—For purposes of this subsection, the CPI for any calendar year shall be determined under sections 1(f)(4)

"(d) Short Sales.—

"(1) In general.—In the case of a short sale of an indexed asset with a short sale period in excess of 1 year, for purposes of this title, the amount realized shall be an amount equal to the amount realized (determined without regard to this paragraph) multiplied by the applicable inflation ratio. In applying subsection (c)(2) for purposes of the preceding sentence, the date on which the property is sold short shall be treated as the date on which the holding period for the asset begins and the closing date for the sale shall be treated as the date of disposition.

"(2) Short sale of substantially identical property.—If the taxpayer or the taxpayer's spouse sells short property substantially identical to an asset held by the taxpayer, the asset held by the taxpayer and the substantially identical property shall not be treated as indexed assets for the short sale period.

"(3) Short sale period.—For purposes of this subsection, the short sale period begins on the day after property is sold and ends on the closing date for the sale.

"(e) Treatment of Regulated Investment Companies and Real Estate Investment Trusts.—

"(1) Adjustments at entity level.—

"(A) In general.—Except as otherwise provided in this paragraph, the adjustment under subsection (a) shall be allowed to any qualified investment entity (including for purposes of determining the earnings and profits of such entity).

"(B) Exception for corporate shareholders.—Under regulations in the case of a distribution by a qualified investment entity (directly or indirectly) to a corporation—

"(i) the determination of whether such distribution is a dividend shall be made without regard to this section, and

"(ii) the amount treated as gain by reason of the receipt of any capital gain dividend shall be increased by the percentage by which the entity's net capital gain for the taxable year determined without regard to this section exceeds the entity's net capital gain for such year determined with regard to this section.

For purposes of the preceding sentence, any amount includible in gross income under section 852(b)(3)(D) shall be treated as a capital gain dividend and an S corporation shall not be treated as a corporation.

"(C) Exception for qualification purposes.—This section shall not apply for purposes of sections 851(b) and 856(c).

"(D) Exception for certain taxes imposed at entity level.—

"(i) Tax on failure to distribute entire gain.—If any amount is subject to tax under section 852(b)(3)(A) for any taxable year, the amount on which tax is imposed under such section shall be increased by the percentage determined under subparagraph (B)(ii). A similar rule shall apply in the case of any amount subject to tax under paragraph (2) or (3) of section 857(b) to the extent attributable to the excess of the net capital gain over the deduction for dividends paid determined with reference to capital gain dividends only. The first sentence of this clause shall not apply to so much of the amount subject to tax under section 852(b)(3)(A) as is designated by the company under section 852(b)(3)(D).

"(ii) Other taxes.—This section shall not apply for purposes of determining the amount of any tax imposed by paragraph (4), (5), or (6) of section 857(b).

"(2) Adjustments to interests held in entity.—

"(A) In general.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) Ratio of 90 percent or more.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) Ratio of 10 percent or less.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) Valuation of assets in case of real estate investment trusts.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(3) Qualified investment entity.—For purposes of this subsection, the term 'qualified investment entity' means—

"(A) a regulated investment company (within the meaning of section 851), and

"(B) a real estate investment trust (within the meaning of section 856).

"(f) Other Pass-Thru Entities.—

"(1) Partnerships.—

"(A) In general.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners (but only for purposes of determining the income of partners who are individuals).

"(B) Special rule in the case of section 754 elections.—In the case of a transfer of an interest in a partnership with respect to which the election provided in section 754 is in effect—

"(i) the adjustment under section 743(b)(1) shall, with respect to the transferor partner, be treated as a sale of the partnership assets for purposes of applying this section, and

"(ii) with respect to the transferee partner, the partnership's holding period for purposes of this section in such assets shall be treated as beginning on the date of such adjustment.

"(2) S corporations.—In the case of an S corporation, the adjustment made under subsection (a) at the corporate level shall be passed through to the shareholders. This section shall not apply for purposes of determining the amount of any tax imposed by section 1374 or 1375.

"(3) Common trust funds.—In the case of a common trust fund, the adjustment made under subsection (a) at the trust level shall be passed through to the participants (but only for purposes of determining the income of participants who are individuals).

"(g) Dispositions Between Related Persons.—This section shall not apply to any sale or other disposition of property between related persons (within the meaning of section 465(b)(3)(C)) if such property, in the hands of the transferee, is of a character subject to the allowance for depreciation provided in section 167.

"(h) Special Rules.—For purposes of this section—

"(1) Treatment as separate asset.—In the case of any asset, the following shall be treated as a separate asset:

"(A) A substantial improvement to property.

"(B) In the case of stock of a corporation, a substantial contribution to capital.

"(2) Assets which are not indexed assets throughout holding period.—The applicable inflation ratio shall be appropriately reduced for periods during which the asset was not an indexed asset.

"(3) Net lease property defined.—The term 'net lease property' means leased property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property."

(b) Gains and Losses From Indexed Assets Not Taken Into Account Under Limitation on Investment Interest.—Subparagraph (B) of section 163(d)(4) (defining investment income) is amended by adding at the end thereof the following new sentences:

"Gain from the sale or other disposition of an indexed asset (as defined in section 1022) held for more than 1 year shall not be taken into account for purposes of the preceding sentence. The preceding sentence shall not apply to gain from the sale or other disposition of any such asset if the taxpayer elects to waive the benefits of section 1022 in determining the amount of such gain."

(c) Clerical Amendment.—The table of sections for part II of subchapter O of chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of investments acquired after April 15, 1990 for purposes of determining gain."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to dispositions of any property the holding period of which begins after April 15, 1992.

(2) EXCEPTION FOR CERTAIN TRANSACTIONS BETWEEN RELATED PERSONS.—The amendments made by subsections (a) and (b) shall not apply to any property acquired after April 15, 1992, from a related person (as defined in section 465(b)(3)(C) of the Internal Revenue Code of 1986) if—

(A) such property was so acquired for a price less than the property's fair market value, and

(B) the amendments made by this section did not apply to such property in the hands of such related person.

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 56.8 per centum.

AMENDMENT NO. 315

At the end of the language proposed to be stricken, insert:

SEC. . INDEXING OF CERTAIN INVESTMENTS AFTER APRIL 15, 1992 FOR PURPOSES OF DETERMINING GAIN.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"Sec. 1022. Indexing of Investments Acquired After April 15, 1992 for Purposes of Determining Gain.

"(a) GENERAL RULE.—

"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.—Solely for purposes of determining gain on the sale or other disposition by an individual of an indexed asset which has been held for more than 1 year, the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) SPECIAL RULE FOR RECAPTURE GAIN.—

"(A) IN GENERAL.—Paragraph (1) shall not apply for purposes of determining the amount of recapture gain on the sale or other disposition of an indexed asset, but the amount of any such recapture gain shall increase the adjusted basis of the asset for purposes of applying paragraph (1) to determine the amount of other gain on such sale or other disposition.

"(B) RECAPTURE GAIN.—For purposes of subparagraph (A), the term 'recapture gain' means any gain treated as ordinary income under section 1245, 1250, or 1254.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) any stock in a corporation, and

"(B) any tangible property (or any interest therein),

which is a capital asset or property used in the trade or business (as defined in section 1231(b)) and the holding period of which begins after April 15, 1992

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) COLLECTIBLES.—Any collectible (as defined in section 408(m)(2) without regard to section 408(m)(3)).

"(C) OPTIONS.—Any option or other right to acquire an interest in property.

"(D) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (i)(3)).

"(E) CERTAIN PREFERRED STOCK.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(F) STOCK IN FOREIGN CORPORATIONS.—Stock in a foreign corporation.

"(G) STOCK IN S CORPORATIONS.—Stock in an S corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Paragraph (2)(F) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis or is authorized for trading on the national market system operated by the National Association of Securities Dealers other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)),

"(B) stock in a passive foreign investment company (as defined in section 1296), and

"(C) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) INDEXED BASIS.—For purposes of this section—

"(1) INDEXED BASIS.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset shall be determined by dividing—

"(A) the CPI for the calender year proceeding the calendar year in which the disposition takes place, by

"(B) the CPI for the calender year preceding the calendar year in which the taxpayer's holding period for such asset began.

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-hundredth.

"(3) CONVENTIONS.—For purposes of paragraph (2), if any asset is disposed of during any calendar year—

"(A) such disposition shall be treated as occurring on the last day of such calendar year, and

"(B) the taxpayer's holding period for such asset shall be treated as beginning in the same calendar year as would be determined for an asset actually disposed of on such last day with a holding period of the same length as the actual holding period of the asset involved.

"(4) CPI.—For purposes of this subsection, the CPI for any calendar year shall be determined under section 1(f)(4).

"(d) SHORT SALES.—

"(1) IN GENERAL.—In the case of a short sale of an indexed asset with a short sale period in excess of 1 year, for purposes of this title, the amount realized shall be an amount equal to the amount realized (determined without regard to this paragraph) multiplied by the applicable inflation ratio. In applying subsection (c)(2) for purposes of the preceding sentence, the date on which the property is sold short shall be treated as the date on which the holding period for the asset begins and the closing date for the sale shall be treated as the date of disposition.

"(2) SHORT SALE OF SUBSTANTIALLY IDENTICAL PROPERTY.—If the taxpayer or the taxpayer's spouse sells short property substantially identical to an asset held by the taxpayer, the asset held by the taxpayer and the substantially identical property shall not be treated as indexed assets for the short sale period.

"(3) SHORT SALE PERIOD.—For purposes of this subsection, the short sale period begins on the day after property is sold and ends on the closing date for the sale.

"(e) TREATMENT OF REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

"(1) ADJUSTMENTS AT ENTITY LEVEL.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the adjustment under subsection (a) shall be allowed to any qualified investment entity (including for purposes of determining the earnings and profits of such entity).

"(B) EXCEPTION FOR CORPORATE SHAREHOLDERS.—Under regulations in the case of a distribution by a qualified investment entity (directly or indirectly to a corporation—

"(i) the determination of whether such distribution is a dividend shall be made without regard to this section, and

"(ii) the amount treated as gain by reason of the receipt of any capital gain dividend shall be increased by the percentage by which the entity's net capital gain for the taxable year determined without regard to this section exceeds the entity's net capital gain for such year determined with regard to this section.

For purposes of the preceding sentence, any amount includible in gross income under section 852(b)(3)(D) shall be treated as a capital gain dividend and an S corporation shall not be treated as a corporation.

"(C) EXCEPTION FOR QUALIFICATION PURPOSES.—This section shall not apply for purposes of sections 851(b) and 856(c).

"(D) EXCEPTION FOR CERTAIN TAXES IMPOSED AT ENTITY LEVEL.—

"(i) TAX ON FAILURE TO DISTRIBUTE ENTIRE GAIN.—If any amount is subject to tax under section 852(b)(3)(A) for any taxable year, the amount on which tax is imposed under such section shall be increased by the percentage determined under subparagraph (B)(ii). A similar rule shall apply in the case of any amount subject to tax under paragraph (2) or (3) of section 857(b) to the extent attributable to the excess of the net capital gain over the deduction for dividends paid determined with reference to capital gain dividends only. The first sentence of this clause shall not apply to so much of the amount subject to tax under section 852(b)(3)(A) as is designated by the company under section 852(b)(3)(D).

"(ii) OTHER TAXES.—This section shall not apply for purposes of determining the amount of any tax imposed by paragraph (4), (5), or (6) of section 857(b).

"(2) ADJUSTMENTS TO INTERESTS HELD IN ENTITY.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(3) QUALIFIED INVESTMENT ENTITY.—For purposes of this subsection, the term 'qualified investment entity' means—

"(A) a regulated investment company (within the meaning of section 851), and

"(B) a real estate investment trust (within the meaning of section 856).

"(f) OTHER PASS-THRU ENTITIES.—

"(1) PARTNERSHIPS.—

"(A) IN GENERAL.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners (but only for purposes of determining the income of partners who are individuals).

"(B) SPECIAL RULE IN THE CASE OF SECTION 754 ELECTIONS.—In the case of a transfer of an interest in a partnership with respect to which the election provided in section 754 is in effect—

"(i) the adjustment under section 743(b)(1) shall, with respect to the transferor partner, be treated as a sale of the partnership assets for purposes of applying this section, and

"(ii) with respect to the transferee partner, the partnership's holding period for purposes of this section in such assets shall be treated as beginning on the date of such adjustment.

"(2) S CORPORATIONS.—In the case of an S corporation, the adjustment made under subsection (a) at the corporate level shall be passed through to the shareholders. This section shall not apply for purposes of determining the amount of any tax imposed by section 1374 or 1375.

"(3) COMMON TRUST FUNDS.—In the case of a common trust fund, the adjustment made under subsection (a) at the trust level shall be passed through to the participants (but only for purposes of determining the income of participants who are individuals).

"(g) DISPOSITIONS BETWEEN RELATED PERSONS.—This section shall not apply to any sale or other disposition of property between related persons (within the meaning of section 465(b)(3)(C)) if such property, in the hands of the transferee, is of a character subject to the allowance for depreciation provided in section 167.

"(h) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) A substantial improvement to property.

"(B) In the case of stock of a corporation, a substantial contribution to capital.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—The applicable inflation ratio shall be appropriately reduced for periods during which the asset was not an indexed asset.

"(3) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property."

(b) GAINS AND LOSSES FROM INDEXED ASSETS NOT TAKEN INTO ACCOUNT UNDER LIMITATION ON INVESTMENT INTEREST.—Subparagraph (B) of section 163(d)(4) (defining investment income) is amended by adding at the end thereof the following new sentences:

"Gain from the sale or other disposition of an indexed asset (as defined in section 1022) held for more than 1 year shall not be taken into account for purposes of the preceding sentence. The preceding sentence shall not apply to gain from the sale or other disposition of any such asset if the taxpayer elects to waive the benefits of section 1022 in determining the amount of such gain."

(c) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of chapter 1 is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of investments acquired
after April 15, 1990 for purposes
of determining gain."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to dispositions of any property the holding period of which begins after April 15, 1992.

(2) EXCEPTION FOR CERTAIN TRANSACTIONS BETWEEN RELATED PERSONS.—The amendments made by subsections (a) and (b) shall not apply to any property acquired after April 15, 1992, from a related person (as defined in section 465(b)(3)(C) of the Internal Revenue Code of 1986) if—

(A) such property was so acquired for a price less than the property's fair market value, and

(B) the amendments made by this section did not apply to such property in the hands of such related person.

SEC. . Each amount provided for discretionary items in this Act shall hereby be reduced by 56.8 per centum.

AMENDMENT NO. 316

At the appropriate place, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Investment Act".

SEC. 2. FAMILY INVESTMENT ALLOWANCE.

(a) IN GENERAL.—Section 151(d)(1) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'exemption amount' means an amount equal to the sum of—

"(A) $2,000, plus

"(B) an additional $1,200 for each dependent for whom an exemption is allowed under subsection (c) who is a child of the taxpayer and who—

"(i) has not attained the age of 16 before the close of the calendar year in which the taxable year of the taxpayer begins, or

"(ii) is permanently and totally disabled (as defined in section 22(a)(3)) at any time during the taxable year."

(b) PHASEOUT.—

(1) IN GENERAL.—Section 151(d) of such Code (relating to phaseout) is amended by adding at the end the following new paragraph:

"(5) PHASEOUT OF ADDITIONAL EXEMPTION.—

"(A) IN GENERAL.—In the case of a taxpayer with an adjusted gross income in excess of the threshold amount for any taxable year, the amount of the additional exemption allowed under paragraph (1)(B) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—

"(i) IN GENERAL.—The amount determined under this paragraph equals the amount which bears the same ratio to the dollar amount under paragraph (1)(B) as—

"(I) the excess of the taxpayer's adjusted gross income for such taxable year over the threshold amount, bears to

"(II) $12,500.

"(ii) ROUNDING.—Any amount determined under this paragraph which is not a multiple of $10 shall be rounded to the next lowest $10.

"(iii) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means—

"(I) $47,500 in the case of a joint return or surviving spouse (as defined in section 2(a)),

"(II) $41,500 in the case of a head of household (as defined in section 2(b)),

"(III) $28,500 in the case of an individual who is not married and who is not a surviving spouse, and

"(IV) $23,750 in the case of a married individual filing a separate return.

"(C) ADJUSTED GROSS INCOME.—Adjusted gross income of any taxpayer shall be determined—

"(i) after application of sections 86 and 469; and

"(ii) without regard to sections 135 and 911."

(2) CONFORMING AMENDMENT.—Paragraph (3)(A) of section 151(d) of such Code is amended by inserting "under paragraph (1)(A)" after "exemption amount".

(c) INFLATION ADJUSTMENT.—Section 151(d)(4) of such Code (relating to inflation adjustments) is amended by adding at the end the following new subparagraph:

"(C) ADJUSTMENT TO ADDITIONAL EXEMPTION AMOUNT.—In the case of any taxable year beginning after 1993, the dollar amount contained in paragraph (1)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '1992' for '1989' in subparagraph (B) thereof."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992, and before January 1, 1996.

(e) BUDGET EMERGENCY.—

(1) IN GENERAL.—Pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all reductions in receipts provided by this Act for all fiscal years as emergency requirements within the meaning of part C of such Act.

(2) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless the President submits to the Congress a written designation of all receipts legislation provided by this Act for all fiscal years as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1986.

AMENDMENT NO. 317

In lieu of the matter proposed, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Investment Act".

SEC. 2. FAMILY INVESTMENT ALLOWANCE.

(a) IN GENERAL.—Section 151(d)(1) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subjection, the term 'exemption amount' means an amount equal to the sum of—

"(A) $2,000, plus

"(B) an additional $1,200 for each dependent for whom an exemption is allowed under subsection (c) who is a child of the taxpayer and who—

"(i) has not attained the age of 16 before the close the calendar year in which the taxable year of the taxpayer begins, or

"(ii) is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year."

(b) PHASEOUT.—

(1) IN GENERAL.—Section 151(d) of such Code (relating to phaseout) is amended by adding at the end the following new paragraph:

"(5) PHASEOUT OF ADDITIONAL EXEMPTION.—

"(A) IN GENERAL.—In the case of a taxpayer with an adjusted gross income in excess of the threshold amount for any taxable year, the amount of the additional exemption allowed under paragraph (1)(B) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—

"(1) IN GENERAL.—The amount determined under this paragraph equals the amount which bears the same ratio to the dollar amount under paragraph (1)(B) as—

"(I) the excess of the taxpayer's adjusted gross income for such taxable year over the threshold amount, bears to

"(II) $12,500.

"(ii) ROUNDING.—Any amount determined under this paragraph which is not a multiple of $10 shall be rounded to the next lowest $10.

"(iii) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means—

"(I) $47,500 in the case of a joint return or surviving spouse (as defined in section 2(a)),

"(II) $41,500 in the case of a head of household (as defined in section 2(b)),

"(III) $28,500 in the case of an individual who is not married and who is not a surviving spouse, and

"(IV) $23,750 in the case of a married individual filing a separate return.

"(C) ADJUSTED GROSS INCOME.—Adjusted gross income of any taxpayer shall be determined—

"(i) after application of sections 86 and 469; and

"(ii) without regard to sections 135 and 911."

(2) CONFORMING AMENDMENT.—Paragraph (3)(A) of section 151(d) of such Code is amended by inserting "under paragraph (1)(A)" after "exemption amount".

(c) INFLATION ADJUSTMENT.—Section 151(d)(4) of such Code (relating to inflation adjustments) is amended by adding at the end the following new subparagraph:

"(C) ADJUSTMENT TO ADDITIONAL EXEMPTION AMOUNT.—In the case of any taxable year beginning after 1993, the dollar amount contained in paragraph (1)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '1992' for '1989' in subparagraph (B) thereof."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992, and before January 1, 1996.

(e) BUDGET EMERGENCY.—

(1) IN GENERAL.—Pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all reductions in receipts provided by this Act for all fiscal years as emergency requirements within the meaning of part C of such Act.

(2) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless the President submits to the Congress a written designation of all receipts legislation provided by this Act for all fiscal years as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1986.

AMENDMENT NO. 318

In the language proposed to be stricken, strike all after the first word and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Investment Act".

SEC. 2. FAMILY INVESTMENT ALLOWANCE.

(a) IN GENERAL.—Section 151(d)(1) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'exemption amount' means an amount equal to the sum of—

"(A) $2,000, plus

"(B) an additional $1,200 for each dependent for whom an exemption is allowed under subsection 9(c) who is a child of the taxpayer and who—

"(i) has not attained the age of 16 before the close of the calendar year in which the taxable year of the taxpayer begins, or

"(ii) is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year."

(b) PHASEOUT.—

(1) IN GENERAL.—Section 151(d) of such Code (relating to phaseout) is amended by adding at the end the following new paragraph:

"(5) PHASEOUT OF ADDITIONAL EXEMPTION.—

"(A) IN GENERAL.—In the case of a taxpayer with an adjusted gross income in excess of the threshold amount for any taxable year, the amount of the additional exemption allowed under paragraph (1)(B) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—

"(i) IN GENERAL.—The amount determined under this paragraph equals the amount which bears the same ratio to the dollar amount under paragraph (1)(B) as—

"(I) the excess of the taxpayer's adjusted gross income for such taxable year over the threshold amount, bears to

"(II) $12,500.

"(ii) ROUNDING.—Any amount determined under this paragraph which is not a multiple of $10 shall be rounded to the next lowest $10.

"(iii) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means—

"(I) $47,500 in the case of a joint return or surviving spouse (as defined in section 2(a)),

"(II) $41,500 in the case of a head of household (as defined in section 2(b)),

"(III) $28,500 in the case of an individual who is not married and who is not a surviving spouse, and

"(IV) $23,750 in the case of a married individual filing a separate return.

"(C) ADJUSTED GROSS INCOME.—Adjusted gross income of any taxpayer shall be determined—

"(i) after application of sections 86 and 469; and

"(ii) without regard to sections 135 and 911."

"(2) CONFORMING AMENDMENT.—Paragraph (3)(A) of section 151(d) of such Code is amended by inserting "under paragraph (1)(A)" after "exemption amount".

(c) INFLATION ADJUSTMENT.—Section 151(d)(4) of such Code (relating to inflation adjustments) is amended by adding at the end the following new subparagraph:

"(C) ADJUSTMENT TO ADDITIONAL EXEMPTION AMOUNT.—In the case of any taxable year beginning after 1993, the dollar amount contained in paragraph (1)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '1992' for '1989' in subparagraph (B) thereof."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992, and before January 1, 1996.

(e) BUDGET EMERGENCY.—

(1) IN GENERAL.—Pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all reductions in receipts provided by this Act for all fiscal years as emergency requirements within the meaning of part C of such Act.

(2) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless the President submits to the Congress a written designation of all receipts legislation provided by this Act for all fiscal years as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1986.

AMENDMENT NO. 319

At the appropriate place, add:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Investment Act".

SEC. 2. FAMILY INVESTMENT ALLOWANCE.

(a) IN GENERAL.—Section 151(d)(1) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'exemption amount' means an amount equal to the sum of—

"(A) $2,000, plus

"(B) an additional $1,000 for each dependent for whom an exemption is allowed under subsection (c) who is a child of the taxpayer and who—

"(i) has not attained the age of 16 before the close of the calendar year in which the taxable year of the taxpayer begins, or

"(ii) is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year."

(b) PHASEOUT.—

(1) IN GENERAL.—Section 151(d) of such Code (relating to phaseout) is amended by adding at the end the following new paragraph:

"(5) PHASEOUT OF ADDITIONAL EXEMPTION.—

"(A) IN GENERAL.—In the case of a taxpayer with an adjusted gross income in excess of the threshold amount for any taxable year, the amount of the additional exemption allowed under paragraph (1)(B) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—

"(i) IN GENERAL.—The amount determined under this paragraph equals the amount which bears the same ratio to the dollar amount under paragraph (1)(B) as—

"(I) the excess of the taxpayer's adjusted gross income for such taxable year over the threshold amount, bears to

"(II) $12,500.

"(ii) ROUNDING.—Any amount determined under this paragraph which is not a multiple of $10 shall be rounded to the next lowest $10.

"(iii) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means—

"(I) $47,500 in the case of a joint return or surviving spouse (as defined in section 2(a)),

"(II) $41,500 in the case of a head of household (as defined in section 2(b)),

"(III) $28,500 in the case of an individual who is not married and who is not a surviving spouse, and

"(IV) $23,750 in the case of a married individual filing a separate return.

"(C) ADJUSTED GROSS INCOME.—Adjusted gross income of any taxpayer shall be determined—

"(i) after application of sections 86 and 469; and

"(ii) without regard to sections 135 and 911."

(2) CONFORMING AMENDMENT.—Paragraph (3)(A) of section151(d) of such Code is amended by inserting "under paragraph (1)(A)" after "exemption amount".

(c) INFLATION ADJUSTMENT.—Section 151(d)(4) of such Code (relating to inflation adjustments) is amended by adding at the end the following new subparagraph:

"(C) ADJUSTMENT TO ADDITIONAL EXEMPTION AMOUNT.—In the case of any taxable year beginning after 1993, the dollar amount contained in paragraph (1)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '1992' for '1989' in subparagraph (B) thereof."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992, and before January 1, 1996.

(e) BUDGET EMERGENCY.—

(1) IN GENERAL.—Pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all reductions in receipts provided by this Act for all fiscal years as emergency requirements within the meaning of part C of such Act.

(2) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless the President submits to the Congress a written designation of all receipts legislation provided by this Act for all fiscal years as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1986.

AMENDMENT NO. 320

In lieu of the matter proposed insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Investment Act".

SEC. 2. FAMILY INVESTMENT ALLOWANCE.

(a) IN GENERAL.—Section 151(d)(1) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'exemption amount' means an amount equal to the sum of—

"(A) $2,000, plus

"(B) an additional $1,000 for each dependent for whom an exemption is allowed under subsection (c) who is a child of the taxpayer and who—

"(i) has not attained the age of 16 before the close of the calendar year in which the taxable year of the taxpayer begins, or

"(ii) is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year."

(b) PHASEOUT.—

(1) IN GENERAL.—Section 151(d) of such Code (relating to phaseout) is amended by adding at the end the following new paragraph:

"(5) PHASEOUT OF ADDITIONAL EXEMPTION.—

"(A) IN GENERAL.—In the case of a taxpayer with an adjusted gross income in excess of the threshold amount for any taxable year, the amount of the additional exemption allowed under paragraph (1)(B) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—

"(i) IN GENERAL.—The amount determined under this paragraph equals the amount which bears the same ratio to the dollar amount under paragraph (1)(B) as—

"(I) the excess of the taxpayer's adjusted gross income for such taxable year over the threshold amount, bears to

"(II) $12,500.

"(ii) ROUNDING.—Any amount determined under this paragraph which is not a multiple of $10 shall be rounded to the next lowest $10.

"(iii) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means—

"(I) $47,500 in the case of a joint return or surviving spouse (as defined in section 2(a)),

"(II) $41,500 in the case of a head of household (as defined in section 2(b)),

"(III) $28,500 in the case of an individual who is not married and who is not a surviving spouse, and

"(IV) $23,750 in the case of a married individual filing a separate return.

"(C) ADJUSTED GROSS INCOME.—Adjusted gross income of any taxpayer shall be determined—

"(i) after application of sections 86 and 469; and

"(ii) without regard to sections 135 and 911."

(2) CONFORMING AMENDMENT.—Paragraph (3)(A) of section 151(d) of such Code is amended by inserting "under paragraph (1)(A)" after "exemption amount".

(c) INFLATION ADJUSTMENT.—Section 151(d)(4) of such Code (relating to inflation adjustments) is amended by adding at the end the following new subparagraph:

"(C) ADJUSTMENT TO ADDITIONAL EXEMPTION AMOUNT.—In the case of any taxable year beginning after 1993, the dollar amount contained in paragraph (1)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '1992' for '1989' in subparagraph (B) thereof."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992, and before January 1, 1996.

(e) BUDGET EMERGENCY.—

(1) IN GENERAL.—Pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all reductions in receipts provided by this Act for all fiscal years as emergency requirements within the meaning of part C of such Act.

(2) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless the President submits to the Congress a written designation of all receipts legislation provided by this Act for all fiscal years as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1986.

AMENDMENT NO. 321

In the language proposed to be stricken, strike all after the first word and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Investment Act".

SEC. 2. FAMILY INVESTMENT ALLOWANCE.

(a) IN GENERAL.—Section 151(d)(1) of the Internal Revenue Code of 1986 (defining exemption amount) is amended to read as follows:

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the term 'exemption amount' means an amount equal to the sum of—

"(A) $2,000, plus ±

"(B) an additional $1,000 for each dependent for whom an exemption is allowed under subsection (c) who is a child of the taxpayer and who—

"(i) has not attained the age of 16 before the close of the calendar year in which the taxable year of the taxpayer begins, or

"(ii) is permanently and totally disabled (as defined in section 22(e)(3)) at any time during the taxable year."

(b) PHASEOUT.—

(1) IN GENERAL.—Section 151(d) of such Code (relating to phaseout) is amended by adding at the end the following new paragraph:

"(5) PHASEOUT OF ADDITIONAL EXEMPTION.—

"(A) IN GENERAL.—In the case of a taxpayer with an adjusted gross income in excess of the threshold amount for any taxable year, the amount of the additional exemption allowed under paragraph (1)(B) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—

"(i) IN GENERAL.—The amount determined under this paragraph equals the amount which bears the same ratio to the dollar amount under paragraph (1)(B) as—

"(I) the excess of the taxpayer's adjusted gross income for such taxable year over the threshold amount, bears to

"(II) $12,500.

"(ii) ROUNDING.—Any amount determined under this paragraph which is not a multiple of $10 shall be rounded to the next lowest $10.

"(iii) THRESHOLD AMOUNT.—For purposes of this paragraph, the term 'threshold amount' means—

"(I) $47,500 in the case of a joint return or surviving spouse (as defined in section 2(a)),

"(II) $41,500 in the case of a head of household (as defined in section 2(b)),

"(III) $28,500 in the case of an individual who is not married and who is not a surviving spouse, and

"(IV) $23,750 in the case of a married individual filing a separate return.

"(C) ADJUSTED GROSS INCOME.—Adjusted gross income of any taxpayer shall be determined—

"(i) after application of sections 86 and 469; and

"(ii) without regard to sections 135 and 911."

(2) CONFORMING AMENDMENT.—Paragraph (3)(A) of section 151(d) of such Code is amended by inserting "under paragraph (1)(A)" and "exemption amount".

(c) INFLATION ADJUSTMENT.—Section 151(d)(4) of such Code (relating to inflation adjustments) is amended by adding at the end the following new subparagraph:

"(C) ADJUSTMENT TO ADDITIONAL EXEMPTION AMOUNT.—In the case of any taxable year beginning after 1992, the dollar amount contained in paragraph (1)(B) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting '1992' for '1989' in subparagraph (B) thereof."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992, and before January 1, 1996.

(e) BUDGET EMERGENCY.—

(1) IN GENERAL.—Pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all reductions in receipts provided by this Act for all fiscal years as emergency requirements within the meaning of part C of such Act.

(2) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this Act, none of the preceding sections of this Act shall take effect unless the President submits to the Congress a written designation of all receipts legislation provided by this Act for all fiscal years as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1986.

BROWN AMENDMENT NO. 322

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to amendment No. 283, as amended, proposed by Mr. BYRD to the bill, H.R. 1335, supra, as follows:

At the end of the committee substitute, as amended, add the following:

SEC. . No funds appropriated under this Act shall be considered as an outlay or new budget authority for purposes of sections 250(c)(5), 251(b)(2)(D), and 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

KENNEDY AMENDMENT NO. 323

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 283, as amended, proposed by Mr. BYRD to the bill, H.R. 1335, supra, as follows:

On page 4, line 10, before the period, insert the following: ": *Provided further*, That the Secretary of Agriculture shall promptly notify each State of the dollar value of additional commodities that the Secretary will purchase and allocate to each State, using the additional funds made available under this paragraph, and shall permit each State to request, obtain, and use not more than 10 percent of the dollar value of the additional commodities, using the additional funds, in the form of cash payments for costs associated with the distribution of commodities by emergency feeding organizations".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 6, 1993, beginning at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the subcommittee. The bills are:

S. 172, a bill to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes;

S. 184, a bill to provide for the exchange of certain lands within the State of Utah, and for other purposes;

S. 250, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Red River in Kentucky as components of the national wild and scenic rivers system, and for other purposes;

S. 489, a bill entitled the "Gallatin Range Consolidation and Protection Act of 1993"; and

S. 577, a bill to resolve the status of certain lands relinquished to the United States under the act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Erica Rosenberg of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

SPECIAL COMMITTEE ON AGING

Mr. FORD. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Tuesday, April 20, 1993, at 9:30 a.m., to hold a hearing entitled: "Controlling Health Care Costs: The Long-Term Care Factor."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, April 20, 1993, at 2:30 p.m., in open-closed session, to receive testimony from the unified commanders on their military strategy and operational requirements, and the defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, April 20, 1993, beginning at 2:30 p.m., in 485 Russell Senate Office Building, on S. 521, the Indian Tribal Justice Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on April 20, 1993, at 10:30 a.m., on NASA budget overview.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. I ask unanimous consent that the Committee on Finance be permitted to meet on April 20, 1993 at 10:00 a.m., to hear testimony from Treasury Secretary Bentsen and other witnesses on the subject of the administration's energy tax proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 20 at 10:20 a.m., to hold a hearing on foreign policy overview with the Secretary of State.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 20 at 2 p.m., to hold a hearing on Mr. Thomas Pickering, to be Ambassador to the Russian Federation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, April 20, 1993, at 2:30 p.m., to conduct a hearing on limited partnership rollups.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

A BICENTENNIAL TRIBUTE TO THE OLD KANAWHA BAPTIST CHURCH

• Mr. ROCKEFELLER. Mr. President, I would like to take this time to recognize a truly historical event that occurs this June 13, 1993, in my State of West Virginia. On this date, the Old Kanawha Baptist Church of Pratt, WV, will celebrate its 200th birthday in the Kanawha Valley. This church, one of seven Baptist churches in West Virginia organized before 1800, has played a monumental role in providing service to the southern region of the State.

Recognized as the oldest functioning church in the Kanawha Valley, Old Kanawha Baptist was founded in 1793 by Elder James Johnson, the first Baptist minister to penetrate the Kanawha Valley on a religious mission. His sphere of influence was well-received over a region filled with individuals hungry for knowledge, and driven by strong convictions. It is well known that many of the early members of his denominational persuasion were unable to read or write.

As far as documentation is concerned, the oldest existing written record of the Old Kanawha Baptist Church has this entry: "May, 1797; after prayer and preaching, proceeded to business." It's believed that the Pratt congregation was formed when George Washington was President and Philadelphia was the National Capital. Also, 1793 was the same year Eli Whitney invented the cotton gin. That same year the first western newspaper, the Sentinel of the Northwest was published in Cincinnati, OH, a town that itself was settled in 1790. This was 3 years before Old Kanawha Church came into being as a church.

As the church grew, its field of service extended from Gauley Bridge in Fayette County some 60 miles northwest to the State capital of Charleston on both sides of the Kanawha River. In its first century of existence, the congregation did not have any permanent meetinghouse in which to hold worship services and discussions. These were generally held in the homes of its members.

From 1834 to 1857, the congregation met in a building which belonged to Mr. John Hansford, Sr. About 1859, Mr. Felix G. Hansford, Sr., provided the community with another building which was used until the Civil War. Soon after the outbreak of the war, in 1861, the church had to hold only occasional services, as it was on the road used by the contending armies. However, during the fighting, misfortune befell the church as many of its earliest records were ravaged and destroyed by soldiers.

The Old Kanawha Baptist members began a building fund in May 1889, and in this same year, a lot for the church was kindly donated by Mrs. Julian E. Dickinson. Unfortunately, in July of the following year, just before its completion, the entire $800 building was purposely gutted by a fire, and completely destroyed.

Undaunted, the members began anew. After devoted community involvement and support, the congregation was able to dedicate their first church home, free of debt, on the fifth Sunday in October, 1892. Throughout the years, the congregation was grown immensely. It has expanded from its original humble structure, particularly within the past half century, to accommodate its rapidly growing membership. For instance, in 1957, an educational building was constructed to meet the needs of the church's service and vocational events.

By the mid-1960's, the membership had outgrown the church's sanctuary. Under the direction of the current pastor, Rev. Kenneth Brougham, a spacious, brick edifice was erected and dedicated on August 11, 1968. The church was survived to personify strength, perseverance and dignity in an dynamic society.

Old Kanawha is an independent Baptist Church with a strong missionary focus. At this moment, under the auspices of Rev. Richard A. Johnson, the church has 167 registered members, and helps support some 14 various missionaries not only in the West Virginia area, but throughout the United States and the world.

Mr. President, I would like to close by saying congratulations to the Old Kanawha Baptist Church for two eventful, yet highly appreciated, centuries of unselfish devotion and religious and community service to the State of West Virginia. Indeed you have much to be proud of, and with the good Lord's blessing, I hope you will be able to provide many more centuries of service. You have made us so very proud.•

DEVELOPING NATIONAL STANDARDS IN EDUCATION

• Mr. SIMON. Mr. President, recently, I came across a speech by Diane Ravitch, Assistant Secretary for Educational Research and Improvement and counselor to the Secretary of Education during the Bush administration.

Her comments address the need for both research and standards for our schools.

It is a remarkably straightforward and solid piece of writing.

I urge my colleagues in the House and Senate and, particularly, their staffs who work in the area of education to read what she has to say.

I ask to insert it into the RECORD at this point.

The speech follows:

DEVELOPING NATIONAL STANDARDS IN EDUCATION

(Speech by Diane Ravitch, Assistant Secretary for Educational Research and Improvement and Counselor to the Secretary, U.S. Department of Education)

I told Jim Coleman that my subject this evening would be "Developing National Standards in Education." I am not a sociologist but a historian, and in my estimation, the prospect of national standards represents a historic change in the way that our far-flung and highly decentralized educational system works.

Before getting into the subject at hand, I would like to offer some background. I have been an Assistant Secretary of Education for slightly more than a year. I came to Washington to run the Office of Educational Research and Improvement—or OERI.

OERI was born some two decades ago; it was originally called the National Institute of Education. In preparing to speak tonight, I reviewed testimony delivered by Daniel Patrick Moynihan to a Congressional subcommittee that was considering the creation of the NIE in 1971. Professor Moynihan appeared before the Subcommittee on Education of the House Education and Labor Committee to describe the need for the new NIE. We can easily date Mr. Moynihan's remarks because he begins by apologizing for the typos in his testimony, which he admits he typed by hand.

In retrospect, there are four striking points to be made about Mr. Moynihan's testimony:

First, he was remarkably optimistic about what could be expected from an investment in educational research. He claimed that there had been "a significant influx of men of large ability" into the field, as a consequence of the intellectual ferment created by the Coleman report of 1965. He predicted that educational researchers were on the verge of major breakthroughs; that within a decade, say by 1981, education researchers would be ready to explain how learning occurs, to identify "what goes on in the chemistry of the brain when a child learns something." "Something happens," he said, "They [the researchers] feel they are going to get it."

Second, Mr. Moynihan suggested that federal expenditures for educational research might begin at about $250 million a year and rise—by 1989—to *not less* than $1.1 billion a year.

Third, Mr. Moynihan believed, as a result of his participation in a reanalysis of the Coleman report of 1965, that "traditional measures of school quality, such as pupil-teacher ratios [and] levels of educational expenditure" had "very little educational effect." He insisted that educational research would help identify what needed to be done to improve educational outcomes. He said, "We have learned that things are far more complicated than we thought. The rather simple input-output relations which naively, no doubt, but honestly, we had assumed to obtain in education simply, on examination, do not hold up . . . we confront school systems that are seemingly increasingly chaotic, even anarchic, and which are widely perceived as failing. It may just be that this is partly a result of the expectations included by the rather simple faith that went into such legislation as the Elementary and Secondary Education Act of 1965. Or the reasons may be altogether unrelated to anything done or tried in the past. But the facts are there. Things aren't very good, or don't seem very good to a great many persons, including a great many students."

And fourth, he asserted that the essential purpose of a National Institute of Education was to aim not just for equality of opportunity but for "parity of educational outcomes" among different social groups. His exact words were, "We must master the art of education to the point that achievement is more or less evenly distributed among the different groups in our society and not too enormously varied within such groups."

As a historian, it is my habit to return to original intentions, and it is necessary therefore to note that the federal funding for education research never materialized. After I became Assistant Secretary for OERI, I learned to my dismay that there is virtually no support in Congress for educational research nor has there been for the past 20 years. By using the term "virtually," I fear that I have exaggerated the degree of support for educational R&D. A recent study of our agency by the National Academy of Sciences concluded that funding for educational R&D has declined by 82 percent in constant dollars since 1973. While federal support for R&D has grown steadily in every other field, while the Department of Education's budget has grown steadily, support for educational R&D has declined with monotonous regularity. Today, the Department of Education spends about $58 million for R&D, a laughable amount. The Department's request for an increase for R&D in 1993 was again rejected, although the amounts involved are so small as to be mistaken for a rounding error in the federal budget.

Thus, there has been no significant federal investment in studying how children learn or how to improve teaching, at least not by the Department of Education. The "men of large ability" to whom Dr. Moynihan referred some 21 years ago did not produce the great breakthroughs in educational research that presumably required a large infusion of federal dollars. The woeful description of the schools that he offered has a contemporary ring, many things have changed in these past two decades, but we continue to lament the condition of learning, and for good reason.

What is clear today is that the investment in educational research that was anticipated did not occur. However, our national investment in providing education did continue to grow over these past 21 years. Indeed, our investment in education—the total for all public and private expenditures, from kindergarten through universities—has grown from $263 billion to $425 billion in constant 1991-92 dollars. During this period, the K-12 enrollment has actually declined, from 51 million students to 46 million students, while enrollments in higher education have increased from 8.5 million to 13.5 million. It might interest you to know that higher education, which grew by nearly 60 percent, increased its expenditures in constant dollars by 72 percent, while K-12—where enrollments declined by 10 percent—increased its expenditures by 61 percent.

But we obviously have not achieved "parity of outcomes." We continue to see large discrepancies among groups in educational outcomes.

This is the context in which I wish to discuss the movement to develop national standards. The main impetus for standards, I believe, is the same one that animated the creation of the NIE some two decades ago. It stems from our nation's continuing effort to identify the outcomes that we seek in schooling; it stems, furthermore, from our search for an effective means to provide what Senator Moynihan referred to in 1971 as "parity of outcomes." We cannot, after all, pursue parity of *outcomes unless* we have a sure sense of what those outcomes are.

The movement for national standards has three sources, I believe. First is the impetus that comes from disappointment with American students' performance in international assessments, particularly in mathematics and science.

A second source of this movement emerges from the participation of governors, business leaders, and visionary educators in school reform during the past decade. Those men and women who understood the idea of strategic planning, who knew that a change process must begin by identifying goals, found that education was not accustomed to goal-setting. Those who tried to set goals and to determine appropriate outcomes met resistance and institutional inertia; they realized very quickly that the schools are accustomed to having a multitude of unordered priorities, a multitude of roles, and a plethora of outcomes, none more important than the others. Those who went seriously about the question of reform discovered that American education is characterized by a lack of consensus on desired outcomes and goals. You might even say that there has been a consensus that no need has precedence over any other need; and that this broad receptivity to bearing all burdens and accepting all social responsibilities has served to unfit the schools for achieving any of its ends.

A third reason for the movement for national standards is the example created by the National Council of Teachers of Mathematics, which has successfully developed voluntary national standards over the past several years.

These three causes could be seen at work in the establishment by Congress last year of the National Council on Education Standards and Testing, which issued its report in January 1992, calling for the creation of voluntary national standards and a system of national examinations.

If I may, I would like to go through this scenario in closer detail.

First, the international assessments. Over the past 25 years, the United States has participated in half-a-dozen international assessments of student achievement. More often than not, our students rank below the mean, sometimes quite near the bottom. The most recent international assessment of mathematics and science was released earlier this year. It compared 9-year-old and 13-year-old students in 20 countries. Of these countries, 15 tested representative samples. Thirteen-year-old American students ranked 13th out of 15 in science, and 14th out of 15 in mathematics.

Critics of these assessments have been quite vocal, claiming that the tests are invalid and the rankings are insignificant. As I understand them, they have three basic complaints. First, that is not fair to compare our students to students from cultures where education is valued. I would argue, to the contrary, that we should learn to value education, or continue to pay the consequences in low student achievement.

A second criticism is that it is unfair to compare our students to their counterparts from nations that have a strong coherent curriculum in mathematics and science. Again, the critics miss the point. The test is not at fault for having discovered the price that we pay for *not* having a strong coherent curriculum in mathematics and science. If anything, the lesson from these international assessments is that you learn what you study, and you can't learn what you don't study. Indeed, American students are not on a level playing field when they are matched with students from countries that offer a program of studies that is coherent, cumulative, and thoughtful.

A third criticism one hears is that our country teaches everyone and tests everyone, unlike every other country in the assessment. This is simply not true, although its frequent repetition has caused many people to think it is true. In the last international assessment of science and math, for example, 15 of the 20 participating countries tested comprehensive populations, and in all 15 of those nations, 90 percent or more of the age-eligible children are in school.

So, the international assessments laid the groundwork for those who felt that something was fundamentally wrong in our educational system. The momentum for change was picked up by those governors, educators, and business leaders who became involved in school reform after the publication of *A Nation at Risk* in 1983. For a decade, the states sought to reform their schools. They began raising graduation requirements, initiating merit pay and career ladders, and trying a host of other reforms; recently they have promoted school-base management and a variety of other efforts to restructure the social organization of schools.

Many reformers came to believe that such changes were too piecemeal, too uncoordinated, too incremental. So, in recent years, we have heard more about the need for *systemic* change, for changes that essentially alter the entire system of education. And systemic reformers characteristically step back to look at the system as a whole and to see how they can intervene in a way that makes the system more coherent and to focus attention on improvement of educational *outcomes*. Bill Honig, the State Superintendent in California, was the first to launch systemic reform focused on outcomes; he focused first on changing *what* children learn, by revising the state's curriculum frameworks; and he then changed *how* students are assessed, so that what is taught in the best classrooms is the same as what is tested by the state. Fortunately, there is good research to support systemic reform, such as the work done by the federally-funded Center for Policy Research in Education at Rutgers University.

Goal-setting went national in 1989, when the President invited the nation's 50 governors to Charlottesville, Virginia, where they agreed on the importance of national goals for education. Of particular note here are goals three and four, which states that all students will demonstrate competency in challenging subject matter, including mathematics, science, English, history, and geography. Goal four somewhat redundantly emphasizes the importance of achievements in math and science. The two goals together have become the basis for much of the broad and bipartisan support to establish national standards in subject areas.

For the fact is that you cannot achieve goal three or goal four unless a consensus is established about what students are expected to learn.

In the absence of a consensus about *what* children should learn, the educational system is inherently incoherent:

Teacher education prepares would-be teachers for indeterminate roles, to carry a variety of social burdens, without any clear definition of what they are to teach.

Textbooks base their content on the combined dictates of 22 states that formally adopt textbooks and on the idiosyncratic demands of large city school districts, not on the content that has been shaped thoughtfully and purposefully by the teachers and scholars who know the field best.

Assessments are prepared by commercial test-makers who seek to provide national norms, and these national tests are not based on what is specified in the curriculum or taught in the classroom. Over time, teachers have been "teaching to the test," so that these tests eventually shape the curriculum, instead of the curriculum determining the tests.

In many states, staff development had no connection to the curriculum, because of the absence of a consensus about what was to be taught.

So how in this highly decentralized nation—a nation of 15,000 school districts and 50 state educational authorities, each jealous of its domain—how in this contentious and individualistic nation were we to derive a consensus about what students should learn?

Fortunately, the math teachers came to the rescue and pointed the way. In the mid-1980s, the National Council of Teachers of Mathematics (known as the NCTM) began the arduous process of standard-setting on its own. Having experienced the failure of the New Math, which was criticized for being too abstract, and having watched with dismay as the nation's schools went back to basics with a vengeance, the math teachers deliberated about what they could do to change the teaching of math for the better. The math teachers were helped in their deliberations by good educational research, in this case the work of the federally-funded National Center for Research in Mathematical Sciences Education at the University of Wisconsin, proof that even a small investment in good research has been worthwhile.

After many meetings and much discussion, they hit upon the answer: they decided to develop national standards. They devised an elaborate consensus and review process that ultimately involved thousands of math teachers. By 1989, they were able to publish national standards that represented a dramatic change in the teaching of mathematics.

Instead of computation and memorization of abstractions, the new standards emphasize problem-solving, hands-on activities, use of manipulatives, and the development of mathematics as a way of thinking and reasoning.

The new standards encourage the introduction of elements of algebra, geometry, probability and statistics in the elementary grades.

The new standards set high expectations for all children, instead of dividing children into those who are bound for college and those who are not.

The NCTM standards have been widely accepted by math teachers and by educational leaders in districts and states. Consequently, they have had a dynamic effect on the entire educational system. The NCTM standards are changing teacher education, because new teachers will be expected to learn to teach to them. The NCTM standards have changed teacher training in 41 states, which use them as their basic standard. The NCTM standards have changed the way mathematics textbooks are written, with more attention to problem-solving and real-world situations. The NCTM standards are changing the nature of assessments, reinforcing the move away from standardized multiple-choice tests and toward performance assessments that probe for students' explanations, interpretations, decisions and understanding.

I have seen the NCTM standards at work in a variety of settings. At Mission High School in San Francisco, I saw inner-city students working on a fascinating problem that required them to use algebra and geometry to find a solution. These were youngsters who would ordinarily be tracked into remedial math or consumer math. Every one of those students discovered that they could learn more and use their minds well. The NCTM standards caused a change in instructional methods, a change in materials, a change in teacher training, and a raising of expectations.

What the NCTM standards demonstrate is the power of standards. Good standards establish a goal; they create a consensus about what the education outcomes *should* be. It now seems obvious that in the absence of such a consensus, we are left with the unsatisfactory goal of getting high scores on standardized tests of basic skills and allowing students to believe that learning is nothing more than a guessing game, a game that they can win by mastering test-taking techniques.

It seems clear to a growing number of people, at the federal, state, and local level, that good national standards have the power to create a coherent system, to promote purposeful and constructive changes in the system, to establish clear goals for learning, and to raise the overall quality of education.

When Lamar Alexander was appointed Secretary of Education, he determined that one of his goals would be to begin the development of voluntary national standards. Towards that end, he joined with Congress in creating the National Council on Education Standards and Testing, to examine the feasibility and desirability of setting standards and creating a national examination system. That panel, co-chaired by Governors Carroll Campbell of South Carolina and Roy Romer of Colorado, issued its report earlier this year, which strongly endorsed both national standards and a national system of assessment.

At the Department of Education, we have worked to implement the recommendations of the standards and testing panel. Last fall, the Department made a grant to the National Academy of Sciences to develop content standards in science, that is, what American students should know and be able to do in science. This summer, the Academy has gathered representatives from every science education organization, along with teachers and scholars, to work on the consensus-building process.

Also last fall, the Department made a grant, in collaboration with the National Endowment for the Humanities, to the National Center for History in the Schools, based at UCLA to develop voluntary national standards in American history and world history. The Center has brought together every organization concerned with history, social studies, and social sciences in elementary and secondary education and will engage in a broad review process involving thousands of teachers and scholars and members of the public.

This spring, the Department, with support from other federal agencies, has made grants to develop national standards in the arts, in civics, and in geography. It is our hope that before long we will be able to announce a grant in the field of English. In each case, funding went to professional, scholarly organizations that demonstrated the ability to bring the field together to work in concert on the difficult task of building a consensus about what children from kindergarten through 12th grade should know and be able to do.

The purpose of standard-setting, it should be clear, is two-fold; to promote equality of educational opportunity and to raise the academic achievement of all children.

The small federal investment in educational R&D fortunately has included support for a sturdy program of statistics and data-collection. From the valuable work of the National Center for Education Statistics, we know that there are wide disparities in course-taking in our schools. For example, we learn from NELS:88 (National Educational Longitudinal Study) that curricular tracking can be detected as early as the eighth grade, where children get very different exposure to algebra, for example. Only 18 percent of the children whose parents did *not* graduate high school take Algebra I, compared with 43 percent of the children whose parents graduated college, and 59 percent of children of Ph.D.s, M.D.s, and other professionals. Not surprisingly, the same skewing can be found when one looks at family income or race/ethnicity. In the latter category, it is Asian students who are likeliest to take algebra in eighth grade (46.8 percent), followed by white students (33.9 percent), then by black, Hispanic and Native American students (about 25 percent for each group).

By 11th grade, looking now at transcript studies drawn by the National Assessment of Educational Progress, we can see the effects of curricular tracking in public schools. By that time, only 63 percent of the students whose parents did not finish high schools have taken Algebra I, compared with 91 percent of the students whose parents graduated from college.

Does this disparity have to exist? Is it a necessary part of schooling in America? Consider the same two groups of students enrolled in Catholic schools. The figures for Catholic school 11th graders are as follows: of those students whose parents did *not* graduate from high school, 96 percent have taken Algebra I, compared with those whose parents graduated college: 97 percent.

Why is there so much disparity in the public schools, and so little in the Catholic schools? I suggest it is because the Catholic schools did not ask anyone if they wanted to take Algebra I. In other words, they have standards that apply to everyone, and these standards provide a guarantee of educational opportunity and equity.

All of the standard-setting projects are concerned about equity. The math teachers want to break the connection between coursetaking and such factors as socioeconomic status, parent education, income, and ethnicity. They believe that students can learn much more, and that expectations can be raised much higher for all students. Similarly, the leading science organizations want to build knowledge of science and curiosity about natural phenomena throughout the K–12 curriculum.

Each of these professional groups wants to break the iron grip of tracking and to expose more and more children to a rich diet of inquiry, exploration, problem-solving and active learning. There is general agreement among them that we do not need to ration educational experiences and that we can instead make available to all children the opportunity for a full and rich curriculum.

The first critically important step, then, is the creation of a national consensus among teachers, scholars, and the educational community about what students need to know and be able to do. This is beginning to happen. It will succeed to the extent that the products of these consensus-building activities are accepted by the professional field. If the standards are powerful, they will be embraced, as the NCTM standards have been. If they are not, they will be rejected and ignored. They will stand or fall based on professional review, not by any legal mandate.

What must happen next is implementation, and this depends on actions taken by the states, where most educational authority resides. Many states regularly design curriculum frameworks. Some states, notably California, have used the curriculum process to build high standards for the state's educational system; indeed, the highly regarded California curriculum frameworks are a model for the nation. The National Science Foundation has made sizable grants to 21 states to stimulate systemic reforms, including the development of state curriculum frameworks. Over the next few years, the Department of Education hopes to provide funding for state curriculum frameworks in every important subject area. Over time, the state curriculum frameworks will both reflect and influence the continually evolving national standards.

If the NCTM standards serve as a model, we can expect that the development of high national standards will influence assessments and will drive out the mechanistic standardized tests that have been so long lamented. What will emerge, and what is already emerging in a number of states, is a commitment to constant improvement in assessment, and a commitment to discover ways to gauge student performance that are better than current tests. Of course, we need R&D to encourage the evolution of improved assessments. My agency requested $5 million to invest in such research in 1993, but have thus far not received any support from Congress. States will be hard-pressed to pay for what is rightfully a federal responsibility.

We still need federal support of R&D to achieve the ends we seek. We must continue to work to persuade the Congress that funding is needed in order to understand the consequences of our policies. In the meanwhile, events have moved to bring us to a historic turning of the road through the effort to set voluntary national standards. Perhaps, 20 years from now, someone else will stand before you and assess these efforts harshly. I certainly hope not.

At a recent meeting of the Asia-Pacific nations in Washington, 14 countries—including Japan, Korea, China, Taiwan, Thailand, New Zealand, Canada, Australia, and the U.S.—discussed standards for the 21st century. Every one of the members was either setting or had already established national standards for what students should learn. When asked why they had set these standards, all gave the same answer: first, to raise academic achievement for all students; and second, to provide equal educational opportunity for all students.

It seemed perfectly obvious to those who had done it. We still must persuade many in our country that standards do not mean standardization; that they do not mean setting the bar so high that more children will fail; that they do not mean more reliance on standardized tests. What they do mean is that children, teachers, and parents will understand what is expected to succeed; that textbooks and educational technology will be based on that understanding, that assessments will be based on the curriculum and on what children have been taught, rather than what has been standardized; and that teachers will learn what they are expected to teach.

As a historian, I know where good intentions lead. I know, too, how seldom we achieve what we set out to do. And I understand how often unintended consequences prevail. Yet try we must.

As we promote the development of national standards, we seek the purpose that Senator Moynihan so aptly described in 1971: parity of educational outcomes. To quote the Senator once again: "We must master the art of education to the point that achievement is more or less evenly distributed among the different groups in our society and not too enormously varied within such groups."

Perhaps it is policy, not research, that must lead the way. To be sure, we need both.●

A TRIBUTE TO STANTON

● Mr. McCONNELL. Mr. President, I rise today to pay tribute to Stanton, a small town located in the heart of Powell County in eastern Kentucky.

Stanton, which is the county seat, has a varied terrain which includes rich, farmable bottom land and steep, rocky mountains. The town is bordered on the north by the Red River. Stanton's southernmost boundary is the Bert T. Combs Mountain Parkway, an interstate built during the 1960's which links Stanton with many central and eastern Kentucky communities.

Stanton was originally known as Beaver Pond. The small community was incorporated in 1854, and was named in honor of Richard M. Stanton, a Kentuckian who served in the U.S. House of Representatives.

Since 1854, there has been little change in Stanton, and residents are happy with this slow-paced lifestyle. Although two industrial parks are located on the outskirts of town, community leaders would prefer to bring in smaller plants employing between 50 and 250 workers. The preservation of Stanton's smalltown atmosphere is more important to the citizens than accelerated growth.

Mr. President, today I honor the good people of Stanton and their smalltown way of life. In a world of fast-paced lifestyles, Stanton's quiet atmosphere is very refreshing.

Mr. President, I ask that an accompanying article from Louisville's Courier Journal be submitted in today's RECORD.

The article follows:

[From the Louisville (KY) Courier Journal, Apr. 12, 1993]

STANTON

(By Richard Wilson)

It's hard to find much in this small town just off the Bert T. Combs-Mountain Parkway to contradict the feeling of residents that it's much more than a friendly, laid-back community going its own way and ignoring the hustle and bustle of larger towns down the road in Central Kentucky.

About the only thing generating any impatience seems to be the afternoon traffic backed up at Main Street and College Avenue, where the town's only traffic light slows things down.

But that's only a minor distraction. Otherwise, Stanton is like most other small towns where everybody knows their neighbors and locals seldom hesitate to speak to strangers on the one street in town that has anything close to extensive sidewalks.

The natives say they wouldn't live anywhere else, and the outsiders who have moved in don't seem prone to argue with that assessment.

"This is just a little country town that's doing all right. It's still growing, and a lot of them aren't," says Harding Abner, owner and operator of Abner's Motel, Stanton's only motel.

While the Powell County seat's 4 percent population growth during the past decade may not be phenomenal, it far outstrips that of most of its counterparts in Eastern Kentucky. The growth has been steady since the early-1960s when Combs, the state's last Eastern Kentucky governor, routed the parkway through the area. Ironically, Combs drowned in the rain-swollen Red River a few miles from Stanton on Dec. 4, 1991, while traveling to his log cabin home on nearby Cane Creek.

The parkway that Combs built generated a resurgence that Stanton still capitalizes on. Since that time, numerous Eastern Kentuckians have moved down the parkway and relocated in Stanton to be closer to jobs in Mount Sterling, Winchester, Georgetown and Lexington. And the easy commute has allowed many natives to stay home and head down the parkway every day for the kind of jobs that aren't available in Powell County.

"In the past 20 years we've rapidly become a bedroom community," says Powell County Coroner Carl Wells, a mortician who moved to Stanton from Perry County in 1955.

While Stanton may not be the commuter haven that towns like Nicholasville and Versailles are, "park 'n' ride" lots along the parkway at Stanton and Clay City are filled with cars most weekdays. Even Johnny Napier, Stanton's mayor, commutes to Lexington, where he operates an air-conditioning supply company.

"One of these days I look for Stanton to take off like Nicholasville (one of Kentucky's fastest-growing cities)," says John Cox Jr., a Wolfe Countian who came to Stanton 45 years ago to open his law practice.

"Its potential for growth is unlimited," says Cox, the town's leading University of Kentucky sports fan.

That's way down the road—literally and figuratively. But it didn't have to be that way. If the political winds had blown differently a couple of decades ago, the county might have been a bustling resort area today on the fringes of a large lake created by a dam the U.S. Army Corps of Engineers wanted to build on the Red River.

Environmentalists, politicians and landowners squabbled for years over the dam that opponents said would spoil the nearby Red River Gorge and destroy a collection of flora and fauna unequaled in the Eastern United States in return for questionable benefits. Most locals favored the dam, contending it was needed for flood control and water for a growing Central Kentucky.

The proposal was finally defeated, and the area has continued to remain in the economic development backwaters.

While they may lament what might have been, movers and shakers like Ron Rousey, president of the Powell County Bank, remain optimistic that the town will continue showing the same resiliency that stood it well in the face of past disappointments.

After the discovery of iron pyrite in 1786 near what is now Clay City, the area became the home of one of the first iron forges west of the Allegheníes in 1805. The operation, known as the Red River Iron Works, produced nails and pots and cannonballs used in the War of 1812. Later, when the railroad reached Stanton, the town began reaping the benefits of the coal and lumber industries.

But the lumber industry, like the iron industry before it, declined in the 1920s, and by World War II the rails were taken up and used for scrap. After 20 years of hard times during the 1940s and '50s, Stanton's rebirth came with the parkway as a few small industries began moving into the area.

Today, two industrial parks sit just outside town, ready and waiting for prospects. Rousey, president of the Powell County Industrial Development Authority, says the town isn't looking for large plants but would welcome ones employing between 50 to 250 workers. A new Beech Fork reservoir and a planned modern water-treatment plant position Stanton for future growth and overcome the concerns of an uncertain water supply from the Red River.

"We want to be able to provide jobs for our young people. In a small community like this, in order to get decent jobs, they have to leave. And they're the future of small communities, or any communities," Rousey says.

But many locals, including Napier, say they don't want fast-paced growth that would ruin the small-town atmosphere.

"I'd like to see it stay rather slow and controlled. There's enough of a rat race when you get down here to a place like Lexington. You don't want to have to go home to it too," the mayor said during an interview in his Lexington office.

While Stanton may lack some of the social and cultural amenities of its Central Kentucky brethren, like a theater or white-tablecloth restaurants, locals say it isn't hurting for entertainment, and Lexington is just 45 minutes away. The three video stores are thriving. The local high school's football and basketball teams draw good crowds, and during warm weather the Mountain View drive-in is well-attended.

The town also has a small but modern library. Residents say the Powell County schools are good, and nearly everyone likes to talk about a special tax enacted a few years ago to modernize the schools. The recent opening of a modern computer laboratory at Powell County Middle School is also a point of pride.

But progress has cost the town some of its landmarks. Years ago, before the Mountain Parkway was built, Dalton's Restaurant was a magnet for motorists traveling winding Ky. 15 in and out of the mountains. Most of the old boarding houses are also gone.

Bruen's Restaurant is still there serving rib-sticking meals, along with Cotton's Restaurant, where locals congregate to discuss the issues and gossip of the day. "That bunch over there's got the answers for any problem you can think of," said Harold Hurst, who runs a furniture and appliance store across College Avenue from Cotton's.

While Stanton has never had a college, College Avenue is named for the old Stanton Academy, a private elementary and secondary school affiliated with the Presbyterian Church. It opened in 1908 and closed in 1931. The local school system used the building as a high school until 1937. The building burned in 1984.

Despite the pleasing small-town atmosphere, Stanton is not without problems. A shortage of housing has plagued the community for years, although construction of several apartment complexes has eased the problem. Several unbecoming mobile home parks dot the city limits, and most new home construction is on the town's outskirts nestled in heavily forested hollows.

Napier, the mayor, says the town's coffers are not flush. Stanton could find plenty of ways to spend more revenue if it had it, he adds. Among the projects he would like to see is a storm-drainage system, new sidewalks and more land for the city park. He would also like to start some beautification projects to dress up downtown. A consultant's report recommended several, including grassy medians between sidewalks and streets that "should create a more efficient and aesthetically pleasing downtown area."

The same report outlined ways to capitalize on tourism, particularly at the gorge, Daniel Boone National Forest and Natural Bridge State Resort Park.

Residents also cite a low crime rate as a plus for the town. Several years ago city police began covering the town 24 hours a day, a move that Police Chief Larry Epperson said has cut down on what crime the town had. Epperson, chief for the past six years, say the biggest problem is marijuana and drug sales. "Most of the young kids are back to Bud Lite, which is bad enough. But I'm glad it's not drugs," he added.

A little over a year ago the community was stunned by a crime that drew statewide attention. Popular Sheriff Steve Bennett and Deputy Arthur Briscoe were gunned down in a rural shoot-out when they attempted to serve a warrant. The man charged in the crime, Ralph Baze Jr., is to go on trial later this year. A granite marker in front of the courthouse commemorates the service of the two lawmen and that of Asa (Host) Pettit, a town marshall killed in 1913.

Nearby is another monument, a granite bust of Woody Stephens noting that the famous thoroughbred trainer was born in Stanton in 1913.

Stanton, a mixture of the old and the new, is slowly changing, but many residents, including Mayor Napier, are ambivalent over how fast they want that change to occur.

"I like a rural area, sparsely populated. But you've got to try to balance that somehow with the availability of jobs so people who live here can make a decent living," he said.

Population (1990): Stanton, 2,795; Powell County, 11,686.

Per capita income (1990) $9,883, or $5,082 below the state average.

Jobs (1990): Manufacturing, 685; state/local government, 522; wholesale and retail trade, 387; services, 180, contract construction, 30.

Big employers: Continental Metal Specialty Inc., metal fabrications, electronic and mechanical assemblies, 485 employees; U.S. Brick Inc., 77; Natural Bridge Stone Co., 50, and Burke-Parsons-Bowlby Corp., wooden posts, timber, lumber, treated wood products, 29.

Transportation; Highways—Bert T. Combs Mountain Parkway; Ky. 11, Ky. 15 and Ky. 213. Truck—15 common carriers serve Stanton. Air—Stanton Airport has a 3,000-foot paved runway. Nearest scheduled commercial service is at Lexington's Blue Grass Airport, 50 miles northwest.

Media: Newspaper—Clay City Times (weekly). Radio—WBFC-AM, Southern gospel; WSKV-FM, country. Lexington TV stations serve the community.

Education: Powell County schools, 2,581 students.

Topography: Varied, ranging from rich, fertile bottom land to hilly and steep mountain terrain.

FAMOUS FACTS AND FIGURES

Powell County was formed in January 1852 from portions of Clark, Estill and Montgomery counties. It is named for Lazarus Whitehead Powell, governor of Kentucky from 1851 to 1855 and a U.S. Senator from 1858 to 1865.

Stanton, the county seat, was incorporated in 1854. It was initially called Beaver Pond and was later renamed in honor of Richard M. Stanton, a member of the U.S. House of Representatives from Maysville.

Stanton is one of only five county seats in Kentucky without a daily or weekly newspaper. The others are Catlettsburg, in Boyd County; Newport, in Campbell County; Dixon, in Webster County and Mt. Olivet, in Robertson County. Powell County has a newspaper, the weekly Clay City Times, published in Clay City, the only other major community in the county.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through April 7, 1993. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 287), show that current level spending is below the budget resolution by $2.1 billion in budget authority and $0.5 billion in outlays. Current level is $0.5 billion above the revenue floor in 1993 and above by $1.4 billion over the 5 years, 1993–97. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $392.4 billion, $28.4 billion below the maximum deficit amount for 1993 of $420.8 billion.

There has been no action that affects the current level of budget authority, outlays, or revenues since the last report, dated April 6, 1993.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 19, 1993.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1993 and is current through April 7, 1993. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 287). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated April 5, 1993, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, AS OF APRIL 7, 1993

[In billions of dollars]

	Budget resolution (H. Con. Res. 287)	Current level [1]	Current level +/− resolution
On-budget			
Budget Authority	1,250.0	1,247.9	−2.1
Outlays	1,242.3	1,241.8	−0.5
Revenues			
1993	848.9	849.4	+0.5
1993–1997	4,818.6	4,820.0	+1.4
Maximum Deficit Amount	420.8	392.4	−28.4
Debt Subject to Limit	4,461.2	4,152.8	−308.4
Off-budget			
Social Security Outlays			
1993	260.0	260.0	
1993–97	1,415.0	1,415.0	
Social Security Revenues			
1993	328.1	328.1	[2]
1993–97	1,865.0	1,865.0	[3]

[1] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 103D CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS APRIL 7, 1993

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,425
Permanents and other spending legislation	764,283	737,413	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,820	1,240,833	849,425
ENACTED THIS SESSION			
Entitlements and mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(7,928)	962	
Total current level [1]	1,247,892	1,241,794	849,425
Total budget resolution [2]	1,249,990	1,242,290	848,890
Amount remaining:			
Under budget resolution	2,098	496	
Over budget resolution			535

[1] In accordance with the Budget Enforcement Act, the total does not include the following in emergency funding (in millions of dollars):

Public Law	Budget authority	Outlays
102–229		712
102–266		33
102–302		380
102–368	960	5,873
102–381	218	13
103–6	3,322	3,322
Total	4,500	10,333

[2] Includes revision under sec. 9 of the Concurrent Resolution on the Budget.

Notes.—Amounts in parentheses are negative. Detail may not add due to rounding.•

THE CITY OF WOODINVILLE

• Mr. GORTON. Mr. President, today I would like to take a moment to recognize the recent incorporation of Woodinville, WA. Through the efforts of many dedicated individuals, the incorporation vote passed in May 1992 and on March 31, 1993, Woodinville officially became a city.

While Woodinville only recently became a city, it has been a vital and growing part of Washington State for more than 100 years. Originally founded as a logging community, the fertile river valley surrounding Woodinville laid the foundation for a thriving agriculture industry which dominated the area for many years.

Today, the people who live throughout Woodinville enjoy an exceptionally high quality of life. A suburb of Seattle, this community is the headquarters for many small and large businesses that employ people throughout the Puget Sound region. Retail and industry have built a solid economic base for the people and community of Woodinville.

Parents can take pride in knowing the schools throughout Woodinville give opportunities to students of all ages. The parks and riding trails which dot the landscape provide endless possibilities for recreational activities. Given the many attributes of this fine community, it is no wonder that over 8,000 people call Woodinville home.

The ambitious goals of Woodinville community leaders have produced a clear vision for the future of this new city. I am confident these goals will be fulfilled and that Woodinville will remain an integral part of Washington State for years to come.•

A TRIBUTE TO BOB RUSSELL, SENIOR PASTOR AT SOUTHEAST CHRISTIAN CHURCH IN LOUISVILLE, KY

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Bob Russell, the senior pastor at Southeast Christian Church in Louisville.

Mr. President, in an age when morality and Christian values are often pushed aside, it is refreshing to find a man like Bob Russell who is dedicated to serving God and his church. Bob, who prefers to be called by his first name rather than formal titles like Reverend or Brother, began his life of Christian service at the Cincinnati Bible Seminary in the early 1960's. In 1966, a year after his graduation from the seminary, Bob and his wife, Judy, joined the ministry of Louisville's Southeast Christian Church.

When the Southeast Christian Church congregation first began meeting in 1962, the average attendance at Sunday services was 96. When Bob joined the church staff in 1966, membership hovered somewhere around 125. These numbers began to escalate after his arrival. In his 27 years at Southeast Christian Church, membership has grown to 8,200 people, and in 1992, the average attendance at weekend worship was 7,032.

Mr. President, what draws people to Southeast Christian Church is Bob's ability to present the Bible in a nonthreatening, nonpresumptuous manner. He is not judgmental, nor would he ever bar a member from fellowship for a belief that goes against the church's translation of the Bible. Instead, he uses the Bible's scriptures and his personal experiences to lead church members through life's daily turmoil.

Members can easily relate to Bob because his life parallels so many of their experiences. The son of a factory worker, Bob grew up in a small town and attended church each Sunday with his parents and siblings. He understands the problems most families face, and addresses these issues with sincerity.

Mr. President, under Bob's direction, Southeast Christian Church is planning to build a sanctuary that will seat 9,300. Church members believe this expansion will be a great asset and influence in their community. Although Bob does not consider himself a visionary, I think most will agree that his desire to bring Christianity to the multitudes has indeed inspired the church's growth.

Mr. President, today I honor Bob Russell for his dedication to Southeast Christian Church and the good people of Louisville. He truly is an inspiration to all.

Mr. President, I request that an accompanying article from Louisville's Courier-Journal be included in today's RECORD.

The article follows:

[From the Louisville Courier-Journal, Apr. 11, 1993]

JUST PLAIN BOB

(By C. Ray Hall)

A couple of Sundays ago, part of the multitude that worships at Southeast Christian Church emptied into the midday sunlight. On their way out, two boys peered into a scale model of the church's proposed new 9,300-seat sanctuary.

"Wow! You could play baseball in there," one said. "It looks like Rupp Arena!" said another.

Nobody will have to imagine that Southeast Christian and its senior minister, Bob Russell, are holding forth in a basketball venue today. The 8,200-member congregation, too big for everyone to meet all at once in church, will worship at Freedom Hall at 10 a.m. for the third straight Easter Sunday.

Scriptures under the scoreboard may seem surreal, but Russell, who preached to nearly 13,000 there last year, has done some of his most memorable work in basketball arenas, with celestial questions sort of bouncing off the rafters.

As a Cincinnati Bible College player in 1962, he set a school record with 44 points in a game. He not only walked the walk, he talked the talk: Once, playing against a Baptist college in Chattanooga, Russell ragged the refs so much that he drew two technical fouls by halftime.

At intermission, one fan grabbed his jersey and inquired as to the state of his soul.

"Are you saved?" the fan wondered.

Russell, a paragon of understated pleasantness, would never be so rude. His soul-searching and soul-winning are done softly, in a low-key, low-pressure way, suffused with humor, self-deprecation and an utter lack of presumption.

Rather than stating a church position by saying, "This is what God wants," he says, "It is our understanding from Scripture that * * *."

When one prospective member, aware of the church's stand against abortion, recently asked him, "Do you have to be a pro-lifer?" Russell declared that "being pro-choice is not a bar to fellowship."

Likewise, he said, drinking is not, so to speak, a bar. "I can't find anything in the Bible that says you can't drink a glass of wine," he says. "I wish I could."

Russell is both comfortable and comforting, offering a friendly path toward the firm center of the church. And it is an unyielding center.

"We go against the grain of the secular in issues like abortion * * * pornography * * * homosexuality," says administration minister Michael Graham. "We still believe the Bible is the true word of God, and it hasn't changed. We accept it for what it says and try to follow that teaching. And that makes us somewhat unique, I guess. We are a growing church that has absolutes. Whereas general society doesn't feel there are too many absolutes."

Russell's easy engagability and his long-term wearability surely account, in part, for the church's phenomenal growth during his 27-year tenure: from about 125 to 8,200 members. That makes it the largest church in Kentucky, its leaders say, and its attendance ranks it among the top 15 in the United States.

"The real drawing power is Bob's sermons," says John Coffee, a church leader. "Then the rest of the programs and the worship services, the music, that keeps people."

With a $6.6 million annual budget, the church, at 2840 Hikes Lane, has a mindboggling array of programs—there are about 150 Bible study and fellowship classes alone.

Because the church's 2,400-seat sanctuary cannot accommodate all the members, there are four identical services on weekends. (People may find God, but they sometimes lose each other. One of the charter members, H.W. "Butch" Dabney, says, "I saw one fellow, I thought he'd died—I hadn't seen him in years. I found out he went to the 11 o'clock service.")

On May 15–16, the congregation will vote on a proposal to occupy the 9,300-seat church near the Interstate 64-Blankenbaker Road interchange by 1996.

Russell takes none of the credit for the church's growth.

"I am the pulpit preacher," he says. "I am not the visionary. We have guys in the church who are better visionaries than I."

John Coffee, one of those visionaries, a labor-relations manager with United Parcel Service, says, "I've known a lot of preachers. He is by far the most humble preacher I've ever met.

"He went years and wouldn't accept a raise," Coffee says. "We had to finally force him to take an increase so the rest of the staff could get an increase. It was throwing everything off kilter."

DOWN-HOME VIRTUES

Russell is a 49-year-old man who looks 39 and approaches the world with the wonder of a 9-year-old. His mood swings seem to range from pleasantness to joy to radiance. He rises before dawn and routinely works 15-hour days. The closest thing to a fault anyone ascribes to him is a sharp spirit of competition.

Despite the phone book entry that calls him "Reverend," and the radio-ministry introduction that calls him "Brother," he eschews titles. Just plain Bob will do. He never shouts from the pulpit. A sympathetic critic once chided him for his low key delivery: "I just don't think Bob Russell has ever let himself go in the pulpit." To which Russell replies," for better or worse, "What you see is what you get. I'm giving it everything I've got."

He drives a Honda with 110,000 miles on the odometer. He rarely buys anything for himself, if he wants something, he just asks for it for Christmas. (Usually, he gets golf balls. The more the better, since golf is apparently his only secular passion except for University of Louisville basketball.)

Russell and his wife, Judy, lived in the same house for 21 years while their two sons grew up. Rusty, 25, and his 21-year-old brother, Phil, can recall their childhood days when the rec room was furnished with lawn furniture.

Humility and humor, like charity and the other virtues began at home for Russell. He grew up in the Snow Belt town of Conneautville, Pa., (pronounced "Connie-ought-ville") where his father Charles (pronounced "Chap") worked at a Talon zipper factory for more than 30 years.

"To this day my parents are the best Christian people I know," Russell says. "We went to church every time the doors were open. I was out of high school before I ever saw the end of 'The Wizard of Oz' because that thing came on Sunday afternoon; by the time it was about half-way through, we had to get up and go to church."

One Sunday, he says, "We woke up, there was 18–20 inches of snow. * * * My brother and I thought, well, this is one Sunday we're not going to have to go to church. But that wasn't so. My dad packed us in the car and we took off. We got a half-mile away and got stuck. So we trudged back through the deep snow back home * * *.

"My dad sat us down in the living room with the family. * * * He read the Bible. My sister plunked out some choruses on the piano, and we sang songs with the family. My mother went into the kitchen and got some grape Kool-Aid and some saltine crackers and we had communion in our home."

"And I tell people to this day that was the most memorable church service I've ever been in."

ANSWERING THE CALL

When a weak throwing arm doomed him at a Pittsburgh Pirates tryout camp, Russell thought of pursuing basketball at Clarion College. After visiting the school, he shocked his father and himself by declaring, "This is not where I'm supposed to go to school. I'm supposed to go to Cincinnati Bible Seminary and study for the ministry."

There he met Judy Thomas, a music student from Rushville, Ind. "I was intrigued by him," she says. "He had a sweet personality and a very gentle personality."

They were married the day after he graduated from the seminary. He took a $70-a-week job preaching at Monterey, Ohio. He stayed a year, then came to Southeast Christian in 1966 for about $7,000 a year, enough to allow her to stop working as a brokerage teletype operator. She now works for the church in the "Living World" ministry, sending tapes of her husband's sermons all over the world.

It is a notion scarcely imaginable to a boy who grew up attending a tiny church in rural Pennsylvania.

"I grew up with the concept that the church in which I was involved was about the only one: that you had to be our brand, and if you weren't our brand, your chances of going to heaven were pretty slim," he says.

"I've come to understand that God has people in other folds. I may disagree with some of their doctrinal positions, but I would count them as my brother or my sister in Christ; so I guess I would say concept of God is broader.

"But I have not lost at all the concept of God who is capable of wrath. That's what really concerns me about our country and our churches today, that we've lost any sense of accountability; we've lost our sense of moral values that have been handed down to us from God. And every time in Scripture when a nation or a group of people to whom God, had revealed himself turned their back on Him, there came a judgment."

He says this evenly and rather sadly, without the note of vindication that sometimes colors other evangelists' dark forecasts.

"I'VE GOT A GIFT HERE . . ."

One night a while back, he had trouble sleeping. He went downstairs and slipped a tape into the VCR. The video showed a guest speaker at the church. Unbeknownst to him, the second part of the tape contained one of Russell's sermons.

"It was still 4:30 in the morning," he recalls. "So I thought, well, I'll watch some of this. It was a sermon that I had preached a year and a half or two years ago, and by that time I'm unfamiliar with it * * *.

"As I watched that, I said, 'This is making sense. This sermon is better than I remembered it being.' And then I had that sense, 'That's not me. I'm not capable of doing that.' And it really got to me. I remember sitting there weeping over that thing * * * and I don't cry very often.

"But I remember saying, 'God, what have you done to me?' And there was this feeling of responsibility, with a gift to communicate that I really hadn't fully understood to that point. It wasn't necessarily an ego boost as much as an awareness that I've got a gift here and I'd better use it to the best of my ability. That was an awakening moment for me."

Still, Russell has a hard time explaining why, on the cusp of 50, he continues to work so hard.

"Part of it may be my competitive nature," he says.

How competitive is he?

"Even if it's a game of Monopoly or something," his wife says, "he's out to beat you."

Rusty recalls an episode when his dad was about 35. "This high school kid, he was, like, a track star. Thought he was real cool. And my dad challenged him to a race out on the street. And dad whipped him bad."

In some ways, he also competes with himself.

"I can't go back and do old sermons," he says. "Who would know? I mean, who would know? But I don't get that fire within me when I look at old sermons. I think I can do better * * *"

How competitive isn't he?

Some suggested that the proposed new church building might as well be the largest in the country. Russell disagreed.

"I didn't want to have the biggest church building in the United States," he says. "Too dangerous to become a matter of pride. I just want to keep our focus on service and ministering to people."

THE MEGACHURCH

Southeast's elders made a choice in the early 1980s not to spin off a small satellite from their flourishing church. As Dabney explains it: "We got thinking that sometimes a megachurch is a real influence on a community."

Russell says he misses some of the close personal involvement with congregation members, but Southeast Christian is built on a different model. "We've tried to compensate for that in our church by having a lot of small groups and people ministering to each other.

"A big church is misunderstood by a lot of people," he says. "If you picture the church as the pastor in the center and then a circle of 120 people around him, that's one concept. And then if you picture the big church as a pastor in the center with 7,000 people around him, everything looks like it's impersonal, out of proportion.

"But it's not like that. It's a bunch of little concentric circles, interlapping circles of little churches under one big roof."

Some critics have even called the megachurch "Six Flags Over Hikes Point." Does such talk ever bother him?

"It bothers me," he says. "But I think that's one of the prices you have to pay for leadership"

Russell's goal, meanwhile, is to keep his eye on the goal. If that means working 100 hours a week, that's all right.

"Part of it has to do with the work ethic that I learned as a child," he says. "The conscience that keeps driving me. Another part of it * * * is that I see a lot of guys in ministry who peak out early and begin to coast. I remember an illustration I heard about a guy who was 65 and he tried to climb Mount Everest and he fell and he died. And they put on his tombstone. 'He died climbing.'

"I want to die climbing."•

HONORING IMMACULATE CONCEPTION OF LOURDES CATHOLIC CHURCH

• Mr. WOFFORD. Mr. President, I rise today to salute the Immaculate Conception of Lourdes Roman Catholic Church, on the occasion of their diamond jubilee 75th anniversary celebration.

Founded in 1917 by a small group of Italian Parishioners, the church provided a place of worship under the auspices of Father Anthony Garritano and the St. Anthony's Parish in Chester, PA. On July 3, 1924, Immaculate Conception of Lourdes was established as a separate entity and Rev. Bartole Fioriello was appointed as the inaugural pastor.

Again, I offer congratulations and best wishes to all those associated with this historic institution. May all your future memories of the Immaculate Conception Church be filled with happiness, prosperity, and blessings.•

IN TRIBUTE TO FREDERICK BENSON

• Mr. CHAFEE. Mr. President, it is with great pleasure that I rise today to pay tribute to Mr. Frederick Benson, of Block Island, RI, in recognition of his 98th birthday, which occurred on April 14, 1993.

Fred has long been one of Block Island's most distinguished residents, holding a number of posts involved in almost every level of community activity. He arrived on the island in 1903, at the ago of 8, and lived in the same house there for over 80 years until his recent move to an elderly housing facility.

Fred has been most closely associated throughout his life with the young people of Block Island, from his days as baseball coach, and later teacher of auto shop, in the Block Island School. When he retired at the age of 69, he had branched out into the teaching of carpentry, machine repair, and driving instruction. He even returned to school himself at the age of 55 and gained his high school diploma so he would feel more qualified to teach. But Fred's most significant contribution to the education of the island's youth came in 1977, with the establishment of a scholarship fund for students graduating from Block Island School. This uniquely generous action has facilitated college educations for a number of deserving island residents, contributing directly to the future of our State.

Fred's list of achievements and accomplishments reflect the true nature of a diligent and talented local man. He has served his community in various and distinguished capacities, among which feature the island's civil service director for 12 years, police commissioner, first captain of the local rescue squad, and five times president of the Chamber of Commerce. He has been justly and fittingly rewarded with the appellation "Island Man of the Year."

I ask my colleagues in the Senate to join with me and all Rhode Islanders in commending Fred Benson for his many years of generous service to his area and community, and in wishing him continued health and prosperity.•

THE GREATER FRIENDSHIP AZUSA CHURCH OF GOD IN CHRIST

• Mr. RIEGLE. Mr. President, today I rise to pay tribute to the Greater Friendship Azusa Church of God in Christ. From humble beginnings in 1969 the church has seen tremendous growth as a result of the dedication and hard work of the Shields family, the Cooper family, and Deacon Brown and his family. Today the Greater Friendship Azusa Church is worshiping in a brandnew sanctuary that not only reflects their commitment to serving God but the community as well.

I am delighted to say that countless lives have been touched and changed because of the devotion and faithfulness of those involved in their community efforts. Miraculous things happen when men and women of vision pray and work together, and I am honored to pay tribute to them.

Mr. President, because this church is so important to the community I feel compelled to tell the story of how the church has evolved, as well as how it came to have such a unique name. In August of 1969 the church began as Friendship Chapel C.O. G.I.C. on Lorado St. in Flint. However, over the years the congregation grew dramatically, thus demanding a move to larger quarters. It was because of Elder Shield's vision that Friendship Chapel purchased 30 acres of land on Detroit Street to accommodate the growing needs of the congregation and community.

After the church purchased the land on Detroit Street the congregation needed temporary quarters to worship. The Urban League of Flint's Job Training Center was chosen for that purpose. While at the Urban League the pastor felt that they had outgrown the name chapel. As a result, the congregation decided upon the name of Azusa based upon an upsurge of revivalism on Azusa Street in Los Angeles, CA, at the turn of the century.

It is because of the great importance that this church plays in the community, I would like to extend my deepest gratitude and congratulations on the grand opening and dedication of the Greater Friendship Azusa Church of God in Christ.•

THE DRUG WAR—DEMAND SIDE

• Mr. D'AMATO. Mr. President, I rise today to continue my series of remarks on the future of the drug war. I call my colleagues' attention to an article entitled "'Benign Neglect' Means Danger," by Herbert D. Kleber, that was published in the Tuesday, March 30, 1993, edition of the Washington Post on page A21. This article clearly identifies some of the dangers in following the course of action advocated by Peter Reuter, whose advice on drug matters is apparently held in high regard by the Clinton administration.

In my remarks on March 25, I said that I agreed that victory in the drug war will only be won on the demand side. But I strongly made the point that the supply side should not be raided for funds to augment the demand side.

Those remarks were primarily directed at the international aspects of our supply side efforts. Today, I want to say a few words about our domestic supply side efforts.

First, I could not disagree more strongly with those who want to take a more liberal approach to drug use in our society. What they are proposing to do is to roll back what I believe is the principal reason for whatever success we have had on the demand side. That is, the change in social attitude toward drug use.

Drug use is not only no longer fashionable, it is distinctly unfashionable. The change in message that our popular culture sends to the people at large, and to the young people especially, has had a definite positive impact in reducing the number of people who start abusing drugs. Nancy Reagan's "Just Say No" program, one component of the much larger demand reduction effort, was not the failure its mocking critics claim it was.

If any of my colleagues have forgotten what the popular cultural message was concerning drugs before we expanded the demand side campaign, all he or she has to do is watch a movie dating from the 1970's. Drug abuse was widely portrayed as an acceptable part of an affluent or progressive life style. Some rock and roll song lyrics from the 1960's and 1970's are an even clearer example of popular social tolerance, and even encouragement, of drug abuse.

That has changed. With the exception of material clearly intended to be countercultural, popular culture now conveys the message that drug abuse is not OK, and that people who abuse drugs need help. In fact, with the popularity of so-called "reality programming," many shows feature drug enforcement efforts in a very positive, pro-police light, and show drug dealers and abusers as the criminals, social deviants, and sick people they are.

Dr. Kleber states that this is part of making drugs "* * * 'psychologically unavailable' through denormalization and the stigmatizing of their use." He continues, "[t]he difference in numbers between alcoholics (18 million) and cocaine addicts (2 million) shows what happens when addicting drugs are 'normalized' and not stigmatized."

I strongly agree that we need to keep the pressure on with domestic antidrug law enforcement, instead of retreating to some fantasy land of harm reduction policies. To do so would be to undermine the social message that abuse of illegal drugs is unacceptable as a normal part of everyday life.

Dr. Kleber correctly points out that "[m]ost people using illicit drugs don't come into treatment voluntarily. Many need some push from the criminal justice system. If the justice system relaxes its sanctions, and the addicts know the threat has little to back it up, their willingness to go into involuntary treatment will be substantially less."

And his following point is even more telling: "There is good data showing that individuals who go into treatment under pressure do just as well as those who enter voluntarily. While it makes sense to shift priorities so that treatment, prevention, and research receive 50 percent rather than 30 percent of Federal dollars, this is unlikely to happen unless the public intensifies its pressure rather than just ignoring the drug problem."

It is not just the public that must intensify its pressure—it is law enforcement as well. This means that to reach a 50–50 funding ratio between demand side and supply side, the correct course is to increase funding for demand side while holding supply side steady, not cut funding for the supply side and shift it to the demand side.

This may seem like an unwise course of action under the Federal Government's current fiscal situation. However, let me remind my colleagues that the Health Care Reform Task Force is likely to recommend measures that would provide every American with health care. This number includes drug abusers.

Any decision to shift domestic policy toward a harm reduction posture on drug abuse will cost us an unbelievable—and entirely unaffordable—amount in increased health care cost once universal coverage becomes the rule. There is no valid evidence I know of to support the idea that such a change in policy would actually reduce drug abuse. Without such a reduction, where is the "reduced harm?"

Is it that fewer drug criminals are arrested, prosecuted, and jailed? Is it that drug abusers would be able to keep their jobs without fear of drug-free workplace programs? Is it that numbers of police, prosecutors, judges, and prison guards could be reduced, and funds saved by eliminating their positions could go to hire drug treatment specialists?

Mr. President, I believe the promise of harm reduction policies in fighting domestic drug abuse is an illusion. I strongly believe that our laws against drug trafficking and our social sanctions against drug abuse must be kept strong and be even more effectively enforced. Once that is done, it is appropriate to support enhanced drug treatment and education programs.

One is not a substitute for the other. They complement each other. Each one works better when the other is working well. There is a positive synergy here. If you cut domestic supply side enforcement activities and allow drug abuse to once again become socially acceptable, no matter how much you spend on education and treatment, you will not to be able even to contain the problem, much less reduce it.

Mr. President, I ask that Dr. Kleber's article be printed the RECORD immediately following my remarks.

I again urge my colleagues to read Dr. Kleber's article and to think about the future. The new administration's policies in this area are not yet shaped. I believe those of us with experience and expertise in this area have a clear duty to speak up and make our views clear. I have spoken out again today in the hope that the new administration will not be talked into a major drug policy failure. This Nation simply cannot afford either the human or the financial costs of going back to the beginning and starting to fight drugs all over again.

The article follows:

[From the Washington Post, Mar. 30, 1993]

"BENIGN NEGLECT" MEANS DANGER

(By Herbert D. Kleber)

Peter Reuter, describing the country's drug policies of the 1980s as "costly and largely ineffectual," suggested in a recent Outlook piece that the drug issue could do with a little benign neglect—that is to say, a change in focus from public intolerance of drugs to reducing the harm they cause society.

Specifically, this would mean cutting down on enforcement activities and improving the public treatment system—including use of law enforcement to push addicts into treatment instead of jailing them. While Reuter's goal of expanded treatment is good, his suggestions for getting us there don't stand up to much scrutiny. In fact, if the country adopts a posture of benign neglect and backs away from public intolerance, there is a big danger that the recent progress made against drugs will be slowed or reversed.

Reuter attributes the sharp decrease in drug use in the general population to increased health concerns and greater awareness of the dangers of cocaine and marijuana. But he leaves out a more crucial factor: "denormalization." In the 1960s, '70s and early '80s, drug use became normalized throughout our country. It was acceptable behavior in many circles to use marijuana and cocaine at school, in the workplace and at social gatherings.

The change in this point of view was brought about by a number of factors, including the work of the Partnership for a Drug Free America, the public pronouncements of both Democratic and Republican leaders, the stance taken by our last two presidents and, most important, outspoken community leaders, parents and teachers. Not only were employers no longer willing to tolerate drug use in their workplaces, the workers themselves became more intolerant of use by their co-workers, recognizing both the heightened accident risk and the likelihood that their companies would become less competitive. Social norms at parties changed, as did teenagers' tolerance for drug use among their peers.

To assume that these events occurred simply because of changing several attitudes about health is to misread the message of these years.

Reuter pointed out, and I agree, that we have not been successful in making drugs physically unavailable. But we can help make them "psychologically unavailable" through denormalization and the stigmatizing of their use. The difference in numbers between alcoholics (18 million) and cocaine addicts (2 million) shows what happens when addicting drugs are "normalized" and not stigmatized.

Nor would the funds badly needed for treatment be forthcoming under benign neglect. As Reuter pointed out, many of the people who need drug treatment are not seen as worthy recipients by the public at large. Funding for treatment has been a bipartisan failure, with Republican administrations asking for inadequate funds and Democratic Congresses providing even less. Would neglect improve this situation?

It is also evident to treatment professionals that, while many people need treatment for drug abuse, the demand for it is not great. Most people using illicit drugs don't come into treatment voluntarily. Many need some push from the criminal justice system. If the justice system relaxes its sanctions, and the addicts know the threat has little to back it up, their willingness to go into involuntary treatment will be substantially less.

There is good data showing that individuals who go into treatment under pressure do just as well as those who enter voluntarily. While it makes sense to shift priorities so that treatment, prevention and research receive 50 percent under the 30 percent of federal dollars, this is unlikely to happen unless the public intensifies its pressure rather than just ignoring the drug problem.

The effectiveness of the European harm reduction attempts that Reuter advocates is also overstated. The Swiss recently closed their "needle park" because the tolerance of drug abuse it represented had led to up to 20,000 people congregating there, instead of the few thousands they had predicted. The Italians have paid for their decriminalizing possession of small amounts of heroin for personal use with the highest heroin overdose death rate and one of the highest addiction rates in Western Europe.

It is difficult to determine just what drug policy will be like in this era of new leadership. While the Office of National Drug Control Policy has been proposed for Cabinet level, it has been reduced in size, and no one has yet been named to head it. The House of Representatives has voted to eliminate its Select Committee on Narcotics Abuse and Control.

The change at the drug policy office may not be for the worse if a strong and articulate leader there has President Clinton's support and sufficient funding. But the elimination of the House select committee could do great harm. While 18 or so congressional committees and subcommittees have some aspect of the drug issue within their purview, drugs cannot be adequately covered in such a fragmented fashion, the problem that brought the select committee into being. One committee in Congress needs to remain focused on the drug issue.

While the economy and health care reform get the headlines, neither will be adequately resolved without attention to substance abuse. Every drug treatment professional, every law enforcement officer on the beat, every family with a member struggling to overcome the problem of drug abuse, every social service worker who must go into homes racked by drugs, AIDS and tuberculosis, every community leader worried about drugs and crime in his or her neighborhood should be worried about benign neglect.●

THE REVEREND DR. ROOSEVELT AUSTIN, SR.

● Mr. RIEGLE. Mr. President, today I rise to honor Rev. Dr. Roosevelt Austin, Sr., an outstanding spiritual and community leader whose contributions to his hometown of Saginaw as well as the State of Michigan reflect the true spirit of Christianity.

Reverend Austin began serving as pastor of Zion Missionary Baptist Church in Saginaw in 1956. As pastor of one of Saginaw's most prestigious churches, he has ministered to countless numbers of individuals and families. Under his leadership, Zion Missionary Baptist Church has undergone many changes to make the church not only more beneficial to the congregation but to the community as well.

As a prominent member of the religious community Reverend Austin has been most generous with his time, giving to causes and endeavors which mirror his strong religious beliefs. Reverend Austin served as president of the Wolverine State Baptist Congress of Christian Education, as well as vice president of Saginaw's Clergy Coalition Against Crack Cocaine.

As a citizen concerned with the wellbeing of others, Reverend Austin has lent his leadership to many organizations. He has been involved in the NAACP for years and he founded the Opportunities Industrialization Center of Metropolitan Saginaw. Moreover, Reverend Austin has been very involved with the Saginaw public schools and is a former member of the Saginaw City Council.

Reverend Austin's commitment to his parishioners as well as his community provides an example to us all. He has shown remarkable courage and dedication throughout his distinguished career. It is therefore fitting and appropriate that the Austin Fellowship Hall be named and dedicated in his honor, upon this, his 37th anniversary as pastor of this great congregation, at the Zion Missionary Baptist Church.●

REGARDING S. 184

● Mr. HATCH. Mr. President, in the 102d Congress, Senator Jake Garn and I sponsored S. 2577, known as the Utah Schools and Lands Improvement Act of 1992. Our colleagues in the House of Representatives introduced similar legislation, H.R. 5118. The legislation provided for the exchange of Utah State School Trust Lands located inside Utah's national parks, national forests, and Indian reservations for Federal lands and interests in lands located elsewhere within the State of Utah. The legislation, as passed by the Senate on October 7, 1992, represented the final product of longstanding negotiations between the State of Utah, various Federal agencies, and the appropriate committees of Congress.

Unfortunately, the Utah Schools and Lands Improvement Act of 1992 was not acted upon by the House of Representatives last year simply because time ran out at the end of the session. The officials of the State and the Federal agencies agreed to request identical legislation during the 103d Congress since they were satisfied with the final text of H.R. 5118 as amended.

On January 26, 1993, Senator BENNETT and I introduced S. 184, the Utah Schools and Lands Improvement Act of 1993. Our intent was to introduce the identical language of H.R. 5118 as amended as the text for S. 184. However, technical and conforming changes were made by staff which altered the language from the draft we submitted of H.R. 5118 as amended. When the text of S. 184 was finally printed, many of the people who participated in the negotiations complained to me and the staff that the language agreed to last year had been altered and was unacceptable.

In an effort to prevent further misunderstanding, Senator BENNETT and I wrote Senators JOHNSTON and WALLOP, chairman and ranking member of the Senate Energy and Natural Resources Committee, asking that language identical to last year's legislation be offered as a substitute when the Committee considers S. 184 this year.

Since there are so many people interested in S. 184 that has been tentatively scheduled for a hearing before the committee's Subcommittee on Public Lands, National Parks, and Forests on May 6, 1993, I deem it prudent to insert in the RECORD at this time the entire substitute text for S. 184 as taken from last year's H.R. 5118 as amended. Accordingly, Mr. President, I ask unanimous consent that the substitute text of S. 184 be printed in the RECORD at this time. I am hopeful those providing testimony or comments at the May 6 hearing will address their comments to the substitute text. I intend to request that the committee adopt this text when S. 184 is marked up later this year.

The text of S. 184 follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Schools and Lands Improvement Act of 1993".

SEC. 2. UTAH-NAVAJO LAND EXCHANGE.

(a) ADDITIONS TO RESERVATION.—For the purpose of securing in trust for the Navajo Nation certain lands belonging to the State of Utah, which comprise approximately thirty-eight thousand five hundred acres of surface and subsurface estate, and approximately an additional nine thousand five hundred acres of subsurface estate, as generally depicted on the map entitled "Utah-Navajo Land Exchange", dated May 18, 1992, such lands are hereby declared to be part of the Navajo Indian Reservation in the State of Utah effective upon the completion of conveyance from the State of Utah and acceptance of title by the United States.

(b) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire through exchange those lands described in subsection (a) which are owned by the State of Utah, subject to valid existing rights.

SEC. 3. STATE LANDS WITHIN THE GOSHUTE INDIAN RESERVATION.

(a) ADDITION TO RESERVATION.—For the purpose of securing in trust for the Goshute Indian Tribe certain lands belonging to the State of Utah, which comprise approximately nine hundred eighty acres of surface and subsurface estate, and an additional four hundred and eighty acres of subsurface estate, as generally depicted on the map entitled "Utah-Goshute Land Exchange", dated May 18, 1992, such lands are hereby declared to be part of the Goshute Indian Reservation in the State of Utah effective upon the completion of conveyance from the State of Utah and acceptance of title by the United States.

(b) AUTHORIZATION.—The Secretary of the Interior is authorized to acquire through exchange those lands described in subsection (a) which are owned by the State of Utah, subject to valid existing rights.

(c) OTHER LAND.—(1) The following tract of Federal land located in the State of Nevada, comprising approximately five acres more or less, together with all improvements thereon is hereby declared to be part of the Goshute Indian Reservation, and shall be held in trust for the Goshute Indian Tribe: Township 30 north, range 69 east, lots 5, 6, 7, 9, 11, and 14 of section 34.

(2) No part of such lands shall be used for gaming or any related purpose.

SEC. 4. IMPLEMENTATION.

The exchanges authorized by sections 2 and 3 of this Act shall be conducted without cost to the Navajo Nation and the Goshute Indian Tribe.

SEC. 5. STATE LANDS WITHIN THE NATIONAL FOREST SYSTEM.

(a) AUTHORIZATION.—The Secretary of Agriculture is authorized to accept on behalf of the United States the school and institutional trust lands owned by the State of Utah within units of the National Forest System, comprising approximately seventy-six thousand acres as depicted on a map entitled "Utah Forest Land Exchange", dated May 18, 1992.

(b) STATUS.—Any lands acquired by the United States pursuant to this section shall become a part of the national forest within which such lands are located and shall be subject to all the laws and regulations applicable to the National Forest System.

SEC. 6. STATE LANDS WITHIN THE NATIONAL PARK SYSTEM.

(a) AUTHORIZATION.—The Secretary of the Interior is hereby authorized to accept on behalf of the United States all school and institutional trust lands owned by the State of Utah located within all units of the National Park System, comprising approximately eighty thousand acres, located within the State of Utah on the date of enactment of this Act.

(b) STATUS.—(1) Notwithstanding any other provision of law, all lands of the State of Utah within units of the National Park System that are conveyed to the United States pursuant to this section shall become a part of the appropriate unit of the National Park System, and be subject to all laws and regulations applicable to that unit of the National Park System.

(2) The Secretary of the Interior shall, as a part of the exchange process of this Act, compensate the State of Utah for the fair market value of five hundred eighty and sixty-four one-hundredths acres within Capitol Reef National Park that were conveyed by the State of Utah to the United States on July 2, 1971, for which the State has never been compensated. The fair market value of these lands shall be established pursuant to section 8 of this Act.

SEC. 7. OFFER TO STATE.

(a) SPECIFIC OFFERS.—Within thirty days after enactment of this Act, the Secretary of the Interior shall transmit to the State of Utah a list of lands, or interests in lands, within the State of Utah for transfer to the State of Utah in exchange for the State lands and interests described in sections 2, 3, 5, and 6 of this Act. Such list shall include only the following Federal lands, or interests in lands:

(1) Blue Mountain Telecommunications Site, fee estate, approximately six hundred and forty acres.

(2) Beaver Mountain Ski Resort Site, fee estate, approximately three thousand acres, as generally depicted on the map entitled "Beaver Mountain Ski Resort" dated September 16, 1992.

(3) The unleased coal located in the Winter Quarters tract.

(4) The unleased coal located in the Crandall Canyon tract.

(5) All royalties receivable by the United States with respect to coal leases in the Quitchupah (Convulsion Canyon) tract.

(6) The unleased coal located in the Cottonwood Canyon tract.

(7) The unleased coal located in the Soldier Creek tract.

(b) ADDITIONAL OFFERS.—(1) In addition to the lands and interests specified in subsection (a), the Secretary shall offer to the State of Utah a portion of the royalties receivable by the United States with respect to Federal geothermal, oil, gas, or other mineral interests in Utah which on December 31, 1992, were under lease and covered by an approved permit to drill or plan of development and plan of reclamation, were in production, and were not under administrative or judicial appeal.

(2) No offer under this subsection shall be for royalties aggregating more than 50 per centum of the total appraised value of the State lands described in sections 2, 3, 5, and 6.

(3) The Secretary shall make no offer under this subsection which would enable the State of Utah to receive royalties under this section exceeding $12,500,000 annually.

(4) If the total value of lands and interests therein and royalties offered to the State pursuant to subsections (a) and (b) is less than the total value of the State lands described in sections 2, 3, 5, and 6, the Secretary shall provide the State a list of all public lands in Utah that as of December 31, 1992, the Secretary in Resource Management Plans prepared, pursuant to the Federal Land Policy and Management Act of 1976, had identified as suitable for disposal by exchange or otherwise, and shall offer to transfer to the State any or all of such lands, as selected by the State, in partial exchange for such State lands, to the extent consistent with other applicable laws and regulations.

SEC. 8. APPRAISAL OF LANDS TO BE EXCHANGED.

(a) EQUAL VALUE.—All exchanges authorized under this Act shall be for equal value. No later than ninety days after enactment of this Act, the Secretary of the Interior, the Secretary of Agriculture, and the Governor of the State of Utah shall provide for an appraisal of the lands or interests therein involved in the exchanges authorized by this Act. A detailed appraisal report shall utilize nationally recognized appraisal standards including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition.

(b) DEADLINE AND DISPUTE RESOLUTION.—(1) If after two years from the date of enactment of this Act, the parties have not agreed upon the final terms of some or all of the exchanges authorized by this Act, including the value of the lands involved in some or all of such exchanges, notwithstanding any other provisions of law, the United States District Court for the District of Utah, Central Division, shall have jurisdiction to hear, determine, and render judgment on the value of any and all lands, or interests therein, involved in the exchange.

(2) Any action provided for in this subsection can be filed with the court no sooner than two years and no later than five years after the date of enactment of this Act. Any decision of a district court under this Act may be appealed in accordance with the applicable laws and rules.

(c) ADJUSTMENT.—If the State shares revenue from the selected Federal properties the value of such properties shall be the value otherwise established under this section, less the percentage which represents the Federal revenue sharing obligation, but such adjustment shall not be considered as reflecting a property right of the State of Utah.

(d) INTEREST.—Any royalty offer by the Secretary pursuant to subsection 7(b) shall be adjusted to reflect net present value as of the effective date of the exchange. The State shall be entitled to receive a reasonable rate of interest at a rate equivalent to a five-year treasury note on the balance of the value owed by the United States from the effective date of the exchange until full value is received by the State and mineral rights revert to the United States as prescribed by subsection 9(a)(3).

SEC. 9. TRANSFER OF TITLE.

(a) TERMS.—(1) The State of Utah shall be entitled to receive so much of those lands or interests in lands and additional royalties described in section 7 that are offered by the Secretary of the Interior and accepted by the State as are equal in value to the State lands and interests described in sections 2, 3, 5, and 6.

(2) For those properties where fee simple title is to be conveyed to the State of Utah, the Secretary of the Interior shall convey, subject to valid existing rights, all right, title, and interest, subject to the provisions of subsection (b). For those properties where less than fee simple is to be conveyed to the State of Utah, the Secretary shall reserve to the United States all remaining right, title, and interest of the United States.

(3) All right, title, and interest in any mineral rights described in section 7 that are conveyed to the State of Utah pursuant to this Act shall revert to the United States upon removal of minerals equal in value to the value attributed to such rights in connection with an exchange under this Act.

(4) If the State of Utah accepts the offers provided for in this Act, the State shall convey to the United States, subject to valid existing rights, all right, title, and interest of the State to all school and institutional trust lands described in sections 2, 3, 5, and 6 of this Act. Except as provided in section 7(b), conveyance of all lands or interests in lands shall take place within sixty days following agreement by the Secretary of the Interior and the Governor of the State of Utah, or entry of an appropriate order of judgment by the district court.

(b) INSPECTIONS.—Both parties shall inspect all pertinent records and shall conduct a physical inspection of the lands to be exchanged pursuant to this Act for the presence of any hazardous materials as presently defined by applicable law. The results of those inspections shall be made available to the parties. Responsibility for costs of remedial action related to materials identified by such inspections shall be borne by those entities responsible under existing law.

(c) CONDITIONS.—(1) With respect to the lands and interests described in section 7, enactment of this Act shall be construed as satisfying the provisions of section 206(a) of the Federal Land Policy and Management Act of 1976 requiring that exchanges of lands be in the public interest.

(2) Development of any mineral interest transferred to the State of Utah pursuant to this Act shall be subject to all laws, rules, and regulations applicable to development of non-Federal mineral interests, including, where appropriate, laws, rules, and regulations applicable to such development within national forests.

SEC. 10. LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after enactment, a map and legal description of the lands added to the Navajo and Goshute Indian Reservations and all lands exchanged under this Act shall be filed by the appropriate Secretary with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and each such map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary may correct clerical and typographical errors in each such legal description and map. Each such map and legal description shall be on file and available for public inspection in the offices of the Secretary of Agriculture and the Secretary of the Interior and the Utah offices of the appropriate agencies of the Department of the Interior and Department of Agriculture.

(b) PILOT.—Section 6902(b) of title 31, United States Code, is amended by striking "acquisition." and inserting in lieu thereof "acquisition, nor does this subsection apply to payments for lands in Utah acquired by the United States if at the time of such acquisition units, under applicable State law, were entitled to receive payments from the State for such lands, but in such case no payment under this chapter with respect to such acquired lands shall exceed the payment that would have been made under State law if such lands had not been acquired.".

(c) INTENT.—The lands and interests described in section 7 are an offer related only to the State lands and interests described in this Act, and nothing in this Act shall be construed as precluding conveyance of other lands or interests to the State of Utah pursuant to other exchanges under applicable existing law or subsequent Act of Congress. It is the intent of Congress that the State should establish a funding mechanism, or some other mechanism, to assure that counties within the State are treated equitably as a result of this exchange.

(d) COSTS.—The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

(e) DEFINITION.—As used in this Act, the term "school and institutional trust lands" means those properties granted by the United States in the Utah Enabling Act to the State of Utah in trust and other lands which under State law must be managed for the benefit of the public school system or the institutions of the State which are designated by the Utah Enabling Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.●

NATIONAL FORMER PRISONERS OF WAR RECOGNITION DAY

● Mr. RIEGLE. Mr. President, on April 9, America honored U.S. citizens who have been prisoners of war. These men and women deserve profound recognition and gratitude for the sacrifice which they made for all Americans. These people gave their freedom and often their lives for the democratic ideals for which this Nation stands. Their courage and bravery stand as a true monument to the American spirit.

In World War I, World War II, Korea, Vietnam, and in the Persian Gulf, more than 70,000 brave American men and women were taken prisoner of foreign powers. Many suffered cruel and inhumane treatment at the hands of their captors. Much of this cruelty violated several international treaties and customary norms regarding the treatment of prisoners of war. We honor these people for their valor in the face of adversity.

April 9 was chosen as the day of recognition because of its particular significance to former American prisoners of war. On that day in 1942, over 20,000 GIs fell into the hands of the enemy after the fall of Bataan. These courageous soldiers were forced to bear the now infamous Bataan Death March and nearly 4 years of captivity in harsh conditions. Many died and many more suffered permanent injuries as a result of this tragic and unconsionable event. This day should continue to serve as a reminder of the tremendous sacrifice of former prisoners of war.

In 1992, I supported a bill introduced by Senator BOREN and others which would have increased the medical care that former prisoners of war would receive from the Department of Veterans Affairs. This legislation would have provided these veterans with added outpatient medical care for any disability which they might have suffered. While this bill passed the Senate in an amendment to a larger bill, it was not passed by the House. I will continue my efforts to see that this important piece of legislation becomes law. In some small way, I hope that this piece of legislation might pay back the enormous debt that all Americans owe to these men and women.

This day also provides the opportunity to pay tribute to the more than 2,000 Americans still missing in action in the wake of the conflict in Southeast Asia. A newly discovered Russian document, reportedly a translation of a Vietnamese memorandum, states that Vietnam continued to hold hundreds of American service personnel in prisons when Hanoi and Washington were asserting that all POW's had returned home. While some doubt the validity of this document, its existence only underscores the imperative that we must make every effort to ensure a full accounting of those whose fate is still unknown.

This day of tribute and remembrance should also stand as a reminder of the ongoing effort required to ensure humane treatment of prisoners of war. Wars are tragic events, but all too often they have to be fought in order to ensure a nation's independence and liberty for that nation's people. Let us view this day not only as a tribute to those brave Americans who have made sacrifices as POW's, but also as a symbol of our effort to halt forever the use of military force as a means to solve disputes between nations.●

TRIBUTE TO MEL SEMBLER

● Mr. MACK. Mr. President, I would like to take this opportunity to recognize and congratulate one of my constituents, Mel Sembler, a long-time activist in the Nation's antidrug movement, a successful businessman, and most recently, the former United States Ambassador to Australia and Nauru.

Mel is known for his strong commitment to his community. Seventeen years ago he and his wife Betty formed STRAIGHT, an adolescent drug rehabilitation program. Since its inception, STRAIGHT has graduated more than 12,000 youths, and has come to be recognized as one of the most successful programs of its type in the country. In 1988, Mel served on the White House's Conference for a Drug Free America, and on the Bush Coalition for a Drug Free America.

Mel is recognized in business as one of the Nation's leading shopping center developers. In the last 30 years, he is responsible for 39 major retail projects. His success in business led to his serving as the president of the International Council of Shopping Centers in 1986–87. He now serves on the council's board of trustees.

Mel's success in his community and in business forged a path for him into Government service. His belief in democracy and freedom, and his work to promote these ideals, ultimately led him to be asked to serve as a cochairman of the American Bicentennial Presidential Inauguration. Perhaps Mel's crowning achievement came in 1989, when he was appointed by President Bush as the United States Ambassador to Australia and Nauru where he served his country with distinction until this year.

As Mel returns home from Australia, I believe it is only proper that the United States Senate recognize Mel Sembler for his service to his community and his country, and I am pleased to stand here today in honor of my good friend.●

Mr. MITCHELL. Madam President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 103–5

Mr. FORD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the 1990 Protocol to the 1983 Marine Environment of the Wider Caribbean Region Convention (Treaty Document No. 103–5), transmitted to the Senate by the President today; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Kingston on January 18, 1990. Included for the information of the Senate is a Procès-verbal of Rectification correcting technical errors in the English and Spanish language texts. I also transmit, for the information of the Senate, the Annexes to the Protocol which were adopted at Kingston June 11, 1991, and the report of the Department of State with respect to the Protocol.

The Protocol elaborates and builds on the general obligation in the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, which calls for parties to establish specially protected areas in order to protect and preserve rare or fragile ecosystems, as well as the habitats of threatened or endangered species of fauna and flora. Species of plants and animals that the parties believe require international cooperation to provide adequate protection are listed in three Annexes developed in implementation of the Protocol. The initial version of the Annexes was adopted in 1991. Annexes I and II list species of special concern, including endangered and threatened species, subspecies, and their populations of plants (Annex I) and animals (Annex II). Species included in these Annexes are to receive protection within the geographic area of the Protocol comparable to that for species listed as endangered or threatened under the Endangered Species Act, or protected under the Marine Mammal Protection Act. Annex III lists plants and animals requiring some management, but not necessarily full protection.

The Protocol is considered a major step forward in protecting wildlife and habitats of special concern in the Caribbean. Early ratification will demonstrate our continued commitment to the goal of sound regional environmental management and protection. I recommend that the Senate give early and favorable consideration to the Protocol and give its advice and consent to ratification, subject to the understanding and reservations described in the accompanying report of the Secretary of State.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1993.*

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. FORD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Wednesday, April 21; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for the transaction of morning business not to extend beyond 9:45 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each, and with Senator Gramm of Texas being recognized for not to exceed 10 minutes; and that at 9:45 a.m., the Senate return to the pending business, H.R. 1335, the economic stimulus supplemental appropriations bill, with the time between 9:45 a.m. and 10:45 a.m., for debate on the motion to invoke cloture on the committee substitute, as amended, with the time equally divided and controlled between Senators BYRD and HATFIELD on their designees; that with reference to the cloture vote scheduled to occur at 10:45 a.m., as provided for under a previous unanimous-consent agreement, that Senators may file second degree amendments until 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—1992 PROTOCOL TO THE 1966 CONSERVATION OF ATLANTIC TUNAS CONVENTION TREATY DOCUMENT NO. 103-4

Mr. FORD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the 1992 Protocol to the 1966 Conservation of Atlantic Tunas Convention, Treaty Document No. 103-4, transmitted to the Senate by the President today, and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Protocol adopted June 5, 1992, by the Conference of Plenipotentiaries of the Contracting Parties to the International Convention for the Conservation of Atlantic Tunas (ICCAT) to amend paragraph 2 of Article X of ICCAT. The Protocol was signed by the United States on October 22, 1992. Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol would amend the subject Convention to modify the formula used to calculate the budgetary obligations of the parties to the Convention. The ICCAT, which establishes a Commission to address the conservation and management of highly migratory fisheries stocks in the Atlantic Ocean, has an accumulated debt of over $700,000 due to the inability of some of its very poor member states to meet their obligations to contribute to the annual budget of the Commission. At a Conference of Plenipotentiaries of the States Party to the Convention, held in Madrid June 4 through 5, 1992, a Protocol was adopted which, along with a new financial contribution scheme to be set forth in the ICCAT Financial Regulations, amends the Convention in such a way as to reduce the contributions of the developing countries to make it easier for them to meet their assessments. The Protocol and the new financial contribution scheme will base assessments on the GNP per capita and on tuna production.

The Protocol amending the budget scheme is necessary to ensure the continued viability of ICCAT, which is responsible for the conservation of highly migratory fisheries stocks of great value to the United States. Ratification by the United States will be necessary before the Protocol can enter into force. I recommend that the Senate give early consideration to the Protocol and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1993.*

UNANIMOUS-CONSENT AGREEMENT

Mr. FORD. Mr. President, I ask unanimous consent that upon the conclusion of Senator METZENBAUM's remarks, the Senate stand in recess, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. I thank the Chair.

(The remarks of Mr. METZENBAUM pertaining to the introduction of S. 799 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

ORDER OF PROCEDURE

Mr. METZENBAUM. Mr. President, for the information of the Senate, and on behalf of the majority leader, I would like to clarify that the time between 9:45 a.m. and 10:45 a.m. tomorrow is for debate only prior to the vote on the motion to invoke cloture.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m. tomorrow.

Thereupon, at 6:09 p.m., the Senate recessed until Wednesday, April 21, 1993, at 9:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO ROSALYNN CARTER

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. KOPETSKI. Mr. Speaker, our most important leaders are those who speak out on behalf of those who have been ignored or are disadvantaged. I consider former First Lady, Mrs. Rosalynn Carter, to be one of these leaders. Throughout her involvement in public life over the past two decades, she has been a strong advocate on behalf of one of the most discriminated against and most needy segments of our population: Those with mental health and addictive disorders. She was directly involved in the formulation and passage of the landmark Mental Health Services Act, has received numerous awards for her work as an advocate, and has testified before Congress many times on mental health issues and appropriations.

On March 24, 1993, Mrs. Carter continued her efforts in coming up to Washington, DC, at my invitation, to meet with Senate Majority Leader GEORGE MITCHELL and Speaker of the House THOMAS FOLEY, and to speak at a luncheon for Members of Congress. The message she conveyed was simple: Mental health care services for those who need them must be included in health care reform. The mentally ill have suffered enough. We have the means to help them, and we now have the opportunity to make treatment available. For those who missed the opportunity to hear Mrs. Carter at the luncheon, I am introducing into the RECORD her remarks.

COMMENTS OF ROSALYNN CARTER BEFORE THE HOUSE WORKING GROUP ON MENTAL HEALTH

It is a pleasure for me to be here today to talk with you about the inclusion of mental health in the health care reform effort. I want to express my appreciation to President Clinton and to Hillary for presenting us * * * all of us * * * with the opportunity to undertake the important and challenging task of including all Americans in an equitable, effective and efficient health care system. I also want to thank Tipper Gore for her leadership of the work on mental health.

The goal of universal access to health care, first proposed by President Truman, has proven more difficult to achieve than most could have imagined. The idea that we are now poised to achieve this goal represents an historic occasion. For the millions of Americans who have not had care or who have had limited access to care, the idea that they will now be included is significant.

For those millions of Americans with mental illnesses who have felt specifically excluded from the mainstream of health care, the idea that we will now include them has special significance.

We must develop mental health care that is on a par with physical health care. We must develop mental health care for people with the most severe mental illnesses and for those with less severe illness for whom treatment can be clearly effective. And we must develop the kind of mental care that provides the range of treatments and supports adequate to meet the needs of those who are suffering. These key features have been captured in the wording of HCR 52, introduced by Representative Kopetski. And an article I read last week in the New York Times suggested that these ideas are being actively considered in the current deliberations about reform.

Inclusion of mental health care will signal again our intent as a society to end discrimination against people with mental illnesses. In the tradition of the Fair Housing Act and the Americans With Disabilities Act, we can again confirm our belief in the value of each person to have equal opportunity under the law.

Inclusion will also show our determination to cast aside the old stereotypes and myths that have long worked against adequate care for people with mental illnesses * * * to cast them aside just as years ago we cast off the chains that constrained them.

There have been tremendous strides made in treatments in recent years. The old assumptions about the need for purely custodial care for persons with serious mental illnesses are fading with the development of effective treatments and medicines. We have learned a great deal about the mind, the scope of problems faced by people with mental illnesses and the supports they and their families need, but too many people remain uninformed about the progress. If we are to have sound mental health policy, indeed, a sound health policy, we all must move beyond historic prejudices, misconceptions, and stigma.

Inclusion will signal our willingness to apply the new knowledge we have gained that tells us we must treat the whole person. It is now clear that mental health is an integral part of health and must be an integral part of health care. With all of the recent advances in knowledge, the historic justifications for dealing with mental health differently from physical health are eroding. We know so much more than we did just a decade ago about how our mental state affects our bodies, and about how physical changes in the brain affect mental and emotional functioning. While systems of care for physical illness and mental illness tended to evolve separately, we now see that the basic functions performed by the physical health care system * * * preventive, curative, rehabilitative * * * are the same basic functions that must be performed by a health care system for people with mental illness.

This view has important implications for policy and for the design of delivery systems and financing mechanisms. If similar systems of care are to be provided for physical and mental illnesses, one of the major implications is that there should be parity in coverage. Mental health benefits and physical health benefits should be subject to the same limitations and conditions. We should put an end to the special and arbitrary limits traditionally imposed on mental health benefits, whether in the form of so many days of hospitalization, or a certain number of outpatient visits, or the total amount that may be spent for a person in a year or a lifetime.

Another implication is that mental health benefits must be available for people with serious mental illness and for others with less severe illnesses for whom timely and cost-effective treatment is clearly beneficial. The criterion for coverage should be medical and psychological necessity—not one diagnosis versus another, not one form of pain instead of another. Let us not develop criteria that invite temptations to play games with eligibility and diagnosis in order to push costs from one budget to another.

For those individuals who suffer through a lifetime of serious mental illness and whose loved ones have exhausted every resource, we have a special obligation to provide treatment and supports that maximize their functioning. The recent advances in medications and developments in psychosocial rehabilitation have shown that these people can be helped, and that many can be helped in ways that are cost effective. Indeed, proper combinations of active treatment and rehabilitation demonstrate that community-based services are, for many persons, more humane, more effective and cheaper than institutionalization which is frequently required when we fail to provide the proper services. What we may be discovering is that the old, traditional practice of placing special limitations on benefits packages for mental illnesses, which was done to contain costs, have been penny-wise and pound-foolish—that the savings achieved in the short run will be significantly exceeded by costs in the long run.

With regard to people who experience mental problems that may be less severe than those I have just referred to, it seems neither acceptable nor practically sensible to exclude them from treatments that we know to be effective, efficient, and which can enable them to resume their role as effective contributing citizens in society—whether at home, in school, or at work. Common sense tells us that we should help those at risk of more serious preventable problems to avoid later suffering, dysfunction, and great cost. People with these less severe disorders who receive timely and effective care can be more caring parents, or more alert school children, or more productive workers, and we should enable them to be so through enlightened health policy and accessible care.

A further implication is that the range of services must be adequate to the task. A full range of services for the diversity of problems and people are needed. We should develop a single universal health care system based on real needs. And we should—we must—be as efficient as we can be.

In the matter of financing, I would like to make note of the extremely important role that existing State systems play in both the delivery of services and the financing of services. This role is unique, unlike anything in the public health arena. As deliberations over health care reform proceed, these existing State resources must be given special consideration. They need to be marshaled for maximum impact upon the needs of people with mental illnesses, and harnessed in a way that will not compound the fiscal bur-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

den on States, but will engage them as true partners in the reform. The experiences of State mental health systems in designing and managing whole systems of care may also provide useful lessons for the design of the overall health care system.

We have a challenging task ahead, and there will be very difficult decisions to be made. I know you are aware that the entire mental health community views this time as a rare opportunity. It is an opportunity that has unified the mental health community as never before. While there may not yet be complete consensus about every detail of mental health inclusion in health care reform, there is now—for the first time in my memory—considerable agreement about both the principles at stake in reforming the health care system, and the broad outline of a benefit package to implement those principles.

Hopefully, the proposal that emerges will be one that the entire mental health community can fully support in the coming days. And hopefully, the proposal which is finally adopted by this Nation will be one that future generations of Americans will look back upon as a landmark in the history of enlightened care for our fellow citizens who suffer from mental illnesses.

THE NEED FOR NATIONAL HEALTH CARE REFORM NO. 5: FAMILY FACES 86-PERCENT INCREASE IN 26 MONTHS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. STARK. Mr. Speaker, just another example of why we desperately need health reform and health cost containment in the Nation, ASAP. The letter is from a family in southern California that makes the case more eloquently than I can.

Because of their fear of losing the insurance that they have, I have changed the names to protect the truly innocent. The numbers cited in the letter are accurate.

Excerpts from the letter follows:

DEAR REPRESENTATIVE STARK: My wife was a full-time employee of X until we had our first boy, Tom, in 1987. The medical, dental and vision care we received through X was excellent.

My wife resigned from X in September 1988, and we came under the COBRA umbrella until December 1, 1989. During that time we paid $275.83 a month for our family coverage with Y.

Because our COBRA coverage with X ended, we converted to a Y "individual conversion plan" effective December 1, 1989. Our family premium with Y on the "individual" plan rose to $1,053 per quarter or $351 a month.

In October 1990, Y notified us that their "individual conversion" plan was changing. That meant the loss of prescription drug coverage, the addition of hospital co-payments and an increase in our doctor visit co-pays.

On our one-year anniversary with Y on our "individual" plan, our premiums increased from $351 to $493.99 a month, a 40 percent increase.

That 40 percent increase coupled with the decreased coverage started me looking for other health care program options. However, my wife was four months pregnant with our second child and no insurance company would cover us on the childbirth. Since the pregnancy was considered a "prior condition," we decided to wait until after the birth to change insurers.

On April 12, 1991 our second son, Bob, was born with congenital heart disease. Y was great about his medical care. At five months old Bob had open heart surgery. But aside from the ever-increasing premiums, the change in coverage that year resulted in an extra $1,000 in costs (Co-pays of $500 each for the birth and the surgery.) In addition, Bob's medicines cost $50 to $60 a month, which are no longer covered by our "individual" plan.

Fortunately, Bob's doing great. He is thriving and growing nicely. Unfortunately, because of his congenital heart disease we have not been able to find an insurance company to give us family coverage and we have not been able to switch from Y as planned.

On January 1, 1992, our family rate increased from $493.99 to $581. On January 1, 1993, our family rate increases from $581 to $654.43.

To recap our increases under the "individual conversion" plan:

From December 1, 1989 to November 30, 1990 the monthly premium was $351.

From December 1, 1990 to December 31, 1991, the monthly premium was $492.72—an increase of 41 percent.

From December 1, 1992 to December 31, 1992 the monthly premium was $581—an increase of 17 percent.

January 1, 1993 the monthly premium increased to $654.43—an increase of 13 percent.

The total increase over that 26 months period was 86 percent—from $351 to $654.43.

As a comparison, Kaiser Permanente is currently charging $350.49/month for a family, but they will not accept us because of Bob's heart condition.

Are there any other alternatives available to us?

Please don't hesitate to call if my family can be of any assistance in your efforts on the behalf of all families to bring some sense and fairness to the health insurance industry.

THERE'S STILL NO FREE LUNCH

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. GINGRICH. Mr. Speaker, as this body prepares to address health reforms, we must remain aware of the substantial costs and dislocation that would result from imposing expensive mandates upon business.

In an article which I would like to submit for the RECORD, Robert J. Samuelson lucidly describes the hidden role that increasing health care costs have played in holding down growth in the wages of middle-class American workers over the past 20 years. He argues that health care mandates imposed upon business have prevented real wage increases at a level commensurate with rising worker production.

I commend the article to my colleagues.

[From Newsweek, Apr. 12, 1993]

THERE'S STILL NO FREE LUNCH

(By Robert J. Samuelson)

One of Americans' constant complaints is that our incomes aren't growing rapidly. Between 1972 and 1990, median family income rose 8 percent compared with 89 percent between 1950 and 1970. The usual explanation for this is that the productivity slowdown has hurt wage growth. But something else has also happened. Perhaps half of normal wage growth has been absorbed by things we don't see in our paychecks: the rising costs of health care, environmental regulation and the legal system.

As a society, we have decided—though not in any conscious way—to take more of our pay in forms other than money. We have gotten more medical care, cleaner air and water and easier recourse to law for everything from divorce to product liability. There's nothing inherently wrong with this. Higher health spending has improved millions of lives. Our air and water have become cleaner. But along with the benefits, we need to be more aware of the costs. They affect our debates of everything from health care to legal reform, and yet their magnitude is not widely recognized. Let's see why.

Productivity (the economy's efficiency) is the wellspring of higher living standards. As we produce more, there's more to buy, and living standards rise. Indeed, productivity and family income increased more or less in lock step for the first 25 years after World War II. Since then, the relationship has come unstuck. Even with slower productivity growth, we should have achieved sizable income gains. Between 1972 and 1990, productivity rose 18 percent, about twice the growth of median income.

What happened? America has hordes of economists (116,000 in 1991), and yet this question—the breakdown between productivity and income growth—has been virtually ignored. But a big part of the answer is bound to be the surge of nonwage spending.

There's been a massive spending shift of nearly 7 percent of GDP. In a $6 trillion economy, that means we now spend about $420 billion more annually on these activities than we would have. For all the benefits, this sort of spending erodes take-home pay in two ways.

First, companies channel more of workers' compensation into health insurance, not into paychecks. And second, companies recover higher environmental, regulatory and legal costs by raising prices. Either way, workers' incomes suffer. (A good example of the price effect is the requirement of the Clean Air Act amendments of 1990, which will force oil companies to produce a less-polluting gasoline. The added costs may raise pump prices by 5 to 10 cents a gallon in 1995.)

Suppose that none of these changes had occurred and that, as a result, family incomes had risen another 7 percent between 1972 and 1990. Then, the gain would have been 15 percent (the actual income gain of 8 percent plus 7 percent more), close to the 18 percent productivity increase. From this, I conclude that rising health, environmental and legal costs cut income gains by roughly half.

BIG LOSS

Now let me hedge a bit. This is a crude estimate. It may not be precisely right. Growing income inequality may explain some of the slow rise of median family income (half of all families are above the median, half below); high-income families have done better than average. I have also made a lot of simplifying assumptions. Some exaggerate the impact of health, legal and regulatory spending; others understate it. Finally, I ignore the effect of the growth of two-earner couples on family incomes.

But my hunch is that, if some diligent economist made all the proper adjustments, the basic conclusion wouldn't change. Maybe the wage loss would be as small as one quarter or as large as two thirds. (the Congressional Budget Office estimates that rising health-insurance costs alone have cut real wage gains by half since 1973.) Whatever the details, the loss of money income is a big one.

We need to acknowledge it. Instead, we deny and compartmentalize. We complain that our incomes aren't rising fast enough. Meanwhile, we want extensive health-care benefits, a cleaner environment and more legal "rights" of all sorts. There's only a loose understanding that these matters are ultimately connected. There's a tendency to snicker at businesses that say they can't afford a new fringe benefit, or that they're being overregulated and swamped with paperwork. The assumption is that companies are just whining, that they can absorb the extra costs.

But in the end, the companies don't absorb the costs. We all absorb the costs, which are passed along in one way or another. The cost of any single benefit or regulation isn't typically large. But lots of small costs ultimately become big costs, and they grow over time. The lesson is especially apt now, because we're on the threshold of a major debate about health care. We need to find ways to restrain rising costs. Likewise, we need to avoid the temptation of simply imposing expansive mandates on business—whether for health care or other employee benefits.

The same lesson applies to all regulatory and legal activities. We ought to search for opportunities to make our laws work with more speed and less expense. Reform of product-liability laws (a bill has just been introduced in Congress) is long overdue. In general, we need to be more cost-conscious. The expense of perfection can be exorbitant: for example, eliminating the final ounce of pollution. "However desirable the goal, the question has to be asked: is the last step toward achieving it worth what you're giving up?" says economist Milton Russell, director of the Joint Institute for Energy & Environment. We can disguise or ignore the costs; but we can't eliminate them. That old and clichéd axiom still applies: there's no free lunch.

WINNING SPEECHES OF JILL POLCHAK AND GEORGE M. ZETTS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of Jill Polchak and George M. Zetts, two outstanding young people from my district.

Mr. Speaker, every year the Veterans of Foreign Wars of the United States and their ladies auxiliaries sponsor "The Voice of Democracy" speech writing contest. This contest, in cooperation with the State and National Associations of Broadcasters, gives thousands of high school students the opportunity to voice their opinions on their responsibilities to and reflections of our great country. The winning speeches are then transmitted via broadcasting media across the Nation.

Mr. Speaker, Jill Polchak and George M. Zetts wrote the winning speeches in Mahoning County. Here, for your enjoyment, are these two inspirational works:

MY VOICE IN AMERICA'S FUTURE

(By George M. Zetts)

The United States of America is one of the greatest, if not the greatest, country in the world. Our nation has been in this position for many, many years now. It is up to this young generation, my generation, to work hard to keep America at the top of the totum pole. It is up to us to keep the United States on the right track and make sure that we never get off of it. It is up to us.

It is up to my generation to keep America rolling on. We are Her future; Her tomorrow. Many of the issues that are the burden on today's back must be lifted off and solved by us. It will be our responsibility to get our economic system back on the road to success. It will be our responsibility to educate our children so that they may learn and live a good life for themselves. It will be our responsibility to be positive role models for generations to come so that they will see the light in us and follow it instead of turning towards the darkness. It will be our responsibility to help save our environment so that future generations will have an earth that is safe for living. These will be our responsibilities in the future.

Even though the United States is a great nation, it is obvious that we have some problems. Our economy is not in the greatest state to say the least. With an astronomical national debt, a seemingly valueless dollar, and a high unemployment rate, the economic status is a feable one. It is up to my generation to take this slumping economy by the horns and turn our situation around. We must jump start our economy so that we can once again have a prosperous country.

Education is a key to our future. Without an education, there is no tomorrow. Nowadays, any decent paying job will be occupied by a person with some type of further education. That is why it is our job to start instilling in the generations to come a fervor to learn. The power of learning brings up self-confidence, discipline, and respect. With these characteristics implanted in our children there will be no stopping their progression into the future. But without it we will only slip back into the past.

My generation will be looked upon as the leaders of this country soon. We will be making the decisions that not only will affect us but also the generations coming. That is why we must prove that we are strong, positive examples to our children so that they will have footsteps to walk in as they become the leaders of this nation. Our decisions now will affect their outlook on things to come, so let's get a good lead in this race and pass the baton on with things to look forward to.

As each day passes it seems as though the well-being of our earth is deteriorating. This was never a problem before like it is today. Our disrespect for our planet has put us in a terrible predicament. We must try to put back a respect for this wonderful earth. It will be our responsibility to turn this tide of carelessness around and once again establish a love and respect for our planet.

All too often our elders blame each other for the failures of the American Dream. Group blames group and no progress at our problems takes place. My generation is fully cognizant of the fact that excuses and recriminations will not suffice. We are ready to ignore the foibles of the past and move to correct the problems that shall be our legacy. Let us turn away from the cliches of the past and show that our generation is better than that. We will meet and correct these problems head on and we shall prevail.

This country of ours, the United States of America, is still a great country. It is our responsibility, the responsibility of my generation, to make sure that the United States stays the great country that it is. It is all up to us and my voice in America's future.

MY VOICE IN AMERICA'S FUTURE

(By Jill Polchak)

It slowly yet steadily begins to trickle down, drip by falling drip. What was once only a few small beads instantaneously turned into vicious brooks, brooks streams, and streams torrents. This vivacious flooding embodies every aspect of his wrinkled face. His face grows pale, pale with confusion, and his hands, his hands tremble as he ponders over which one he will discard. His eyes wonder while his body twitches with frustration. Every breath he takes he savors as if it were to be his last. Even the blink of an eye tortures every nerve in his body. For he realizes unless he speaks out soon to say "I fold" he will leave entirely everything up to fate. He silently begins prays to "Lady Luck" in hope of making the right decision.

As he relentlessly abandons five more poker chips my heart begins to flutter with joy and relief. I feel as if a heavy load has just been removed from my back, and my body leaps with ecstasy as I lay down my hand and begin to pursue the jackpot. Filled with sudden bliss I shout out, "I've won Yes, I've really won." While my voice is still echoing in the stale air I begin to hear the splicing sound of the cards being shuffled once again. As the new hand is being dealt my opponent utters: "You may have won this battle, but the war has not yet fully begun.

Our life, too, is a card game we must all play. One full of challenges and worthy opponents we must all face. Our world is like the cards we are dealt. Sometimes we have a "royal flush" and at other times it seems we have nothing. But our voice like the poker chips can determine if our voices will be the one's saying, "Yes, I've won" or mournfully stating, "Maybe next time."

Our country is faced with many decisions, like a player must decide whether or not to continue the bitter game. But I feel winning can be made easier by looking at our opponents straight in the eyes and seeing what chips he has to wager with. Today, our country is one of the greatest around, but it is not necessarily flawless. To gain the ultimate jackpot we must rid it of the "three of Spades" and acquire the Ace of Diamonds, which is composed of efforts that need to be made in the government, and economy of this nation.

First, our government. Some may see it as untouchable as winning in a game of poker when your opponent has a hand of four queens. But with a little perseverance and effort the hand can be won. I believe I can gain access to new cards just by the use of my solemn voice. Although I am not old enough to vote, my voice can be used to: encourage, petition, protest, inspire, teach, and even campaign for what I believe in. The U.S. Government is this Nation's future. Yet many do not realize our government was created "For the people, by the people, and of the people." I feel our future lies in the hands of this generation, and even though I alone can not do everything I made the first step. The first leap to inspire others to take a stand for what our forefathers so bravely died on the battlefield for. They died for this nation, and our inalienable rights which is the greatest jackpot of all this universe will ever see.

A second challenge we must face before we pick up the Ace is poverty. Over thirty million people live below the minimum poverty level and of those thousands upon thousands are Americans. Yet we insist upon aiding foreign countries instead of those within our nation. I feel we should ban together and help out our neighbors first instead of those hundreds of miles away. I speak out to promote the need for more charity and volunteer work within the community, support groups for those disabled or just in need, and even just a little respect for those less fortunate than ourselves. See while we are playing cards in the comfort of our own homes, there are children actually dying in the cold, wet streets of America. I realize I am only one person and I can not do everything, but eliminating poverty is one of my priorities, and I hope it is yours also.

In conclusion, I feel we all need to speak out whether it be through our actions or our voices. If we neglect these problems and stay silent our winning in the "game" will soon be shuffled in with all the other cards in the deck of dreams. I believe we should all speak out and turn our dreams into reality. Besides, the cards have already been dealt, the game has already begun, and the wages have been set. We are expected to win this one for ourselves and the future generations. My Voice In America's Future is the name of the game! Yes, the rule will be intricate and the challenges great, but by being an active vocal participant I will never ever lose the battle.

TEXAS TECH LADY RAIDERS HONORED

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. SARPALIUS. Mr. Speaker, I would like to ask my colleagues to join me in congratulating my alma mater and the Texas Tech Lady Raiders for their victory in the NCAA division I women's basketball national championship. Mr. Speaker, it is important to note that Texas Tech is only the second southwest conference school to win the title in the 12-year history of the NCAA tournament.

The Lady Raiders, under the direction of Head Coach Marsha Sharp, pulled off an impressive 84 to 82 victory over Ohio State to win the NCAA tournament on April 4. It was a great day for all Texans, but it was an even greater day for those of us from west Texas.

The player who left the court with the biggest smile was senior Sheryl Swoopes. Ms. Swoopes was voted most outstanding player of the final four, scoring an NCAA championship game record 47 points. But she, of course, didn't pull off the win by herself.

Eleven of the 12 Lady Raiders are Texans, and nine of them come from west Texas. The Texas Tech Lady Raiders roster includes: Diana Kersey, a junior from Lubbock; Nikki Heath, a sophomore from Sweetwater; Stephanie Scott, a junior from Plano; Krista Kirkland, a senior from Spearman; Noel Johnson, a sophomore from Nazareth; Janice Farris, a junior from Lubbock; Kim Pruitt, a junior from Idalou; Cynthia Clinger, a senior from Freedom, Wyoming; Michelle Thomas, a freshman from San Antonio; Melinda White, a freshman from Borger; Michi Atkins, a freshman from Loraine; and Sheryl Swoopes, a senior from Brownfield.

Mr. Speaker, the Texas Tech Lady Raiders had an incredibly exciting season in 1993, a season that won't soon be forgotten by any Texan. I ask my colleagues to join me in congratulating the NCAA division I women's basketball national champions, the Texas Tech Lady Raiders.

CENTRAL INTELLIGENCE AGENCY SEPARATION PAY ACT INTRODUCED

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. GLICKMAN. Mr. Speaker, today I am introducing on behalf of the administration the Central Intelligence Agency Separation Pay Act. This measure is intended to assist the Central Intelligence Agency [CIA] in meeting personnel reduction targets while avoiding involuntary separations.

The legislation authorizes the payment of a separation bonus—according to formula but in no event greater than $25,000—to CIA employees within certain personnel categories who retire or resign voluntarily. Bonuses would not be authorized for separations occurring after fiscal year 1997, and the bill would be effective upon enactment.

This proposed bill is virtually identical to the measure enacted last year for the Department of Defense. CIA officials argue that separation pay authority will allow the Agency to encourage personnel with skills surplus to its needs to leave, and allow the hiring of a small number of new employees with critical skills, even as the overall number of employees is reduced.

The Subcommittee on Legislation of the Permanent Select Committee on Intelligence will be conducting a hearing on this measure shortly. Should the need for the legislation be justified by the Agency, I expect the committee to take action on this matter prior to consideration of the fiscal year 1994 intelligence authorization bill.

HONORING THE LEADERS OF TOMORROW

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Ms. NORTON. Mr. Speaker, on April 20 in the White House Rose Garden, a very special event will occur. It is not the signing of a piece of legislation, nor is it the introduction of a foreign dignitary. It is, however, an event of equal significance: First Lady Hilary Rodham Clinton has invited 100 young women and men from the District of Columbia to join her as they are honored as Tomorrow's Leaders Today by Public Allies, a program that exemplifies President Clinton's call for commitment and participation by the next generation of our Nation's leaders.

Public Allies was established in 1991 by a diverse coalition of young people, advised by community leaders and public officials who all share a common concern for finding and preparing this country's new leaders. Public Allies connects young women and men, ages 18 to 30, with jobs and training in community-based organizations, public interest groups, and innovative government agencies and programs. The organization provides teams of young people with the tools and opportunities to work professionally to solve pressing public problems and inequities.

Each year, Public Allies identifies 100 young people from varying racial, ethnic, and socioeconomic backgrounds to be honored as Tomorrow's Leaders Today. They are people with diverse visions and unique talents, but they share a common commitment to improving society and pursuing a leadership role in public service and community life.

Public Allies is a paradigm of the kind of innovative program our country needs to give our young people a real stake in their Nation's future. I am pleased to be serving as an honorary host of Tomorrow's Leaders Today, and wish all the honorees every success in the future. We will all reap the benefits of their talents.

VOICE OF DEMOCRACY: MY VOICE IN AMERICAS FUTURE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. GOODLING. Mr. Speaker, I would like to take this opportunity to share with my colleagues the award winning essay by one of my constituents, Ms. Elizabeth Stock, of Camp Hill, PA.

Ms. Stock's essay, "My Voice in America's Future," was awarded first place in the State competition of the Veterans of Foreign Wars [VFW] annual Voice of Democracy essay contest in Pennsylvania. Elizabeth was sponsored by VFW Post 7415 and its Ladies Auxiliary in New Cumberland, PA, and her essay placed 13th in the national competition.

As my colleagues know, the VFW and its Ladies Auxiliary sponsor the Voice of Democracy Broadcast Scriptwriting Program. The program is in its 46th year and requires high school students to write and record a 3 to 5 minute script on a patriotic theme designated by the sponsor. The theme for the 1993 contest was "My Voice in America's Future." Over 136,000 high school students participate in this annual contest and it is truly an honor for Ms. Stock to be selected the Pennsylvania State winner. It is an even greater accomplishment for her to receive 13th place honors in the national contest.

Elizabeth Stock is a senior at Camp Hill High School in Camp Hill, PA. As a former educator, I am always very pleased and encouraged when I see dedicated and committed students excel in academic endeavors and be rewarded for their hard work and talent.

Elizabeth Stock is the daughter of Mr. and Mrs. Charles Stock of Camp Hill, PA, and is currently planning a career in physics research. From reading her essay and meeting this outstanding young lady, it is obvious to me she has a bright future ahead of her.

I would urge all of our colleagues to review Elizabeth's essay, which I have inserted for the RECORD. I believe they will find reading this essay enjoyable and uplifting.

MY VOICE IN AMERICA'S FUTURE

(By Elizabeth Stock)

In the summer of 1787, 55 men met in Independence Hall to frame a new government—a government based on a revolutionary concept—popular sovereignty. In the immortal words of Abraham Lincoln, this was "government of the people, by the people, for the people."

In the beginning, the people were few. Their voices could easily be heard. Their concerns shaped America's laws. Their convictions interpreted them. It was truly government by the people.

There were skeptics who said that this "popular sovereignty" would not last—that it would soon fade into history. They were wrong.

This grand, experimental government has survived and flourished, and proven to the world that democracy does work. Today, our nation is the most prosperous in the world. Our government is stable and effective. We have emerged as a world leader, wielding power and meriting respect. And we have grown.

The question now arises, with all these millions of citizens, can we still have rule by the people? 250 million individual voices, no matter how strong, melt into a meaningless clamor at the national level. To solve this problem, we have a representative form of government. Through this system, my representative in government hears my voice, and is able to vocalize my concerns at a national level.

Sadly, there are those who do not understand this system. They think that what they have to say doesn't make a difference, and tragically, they don't participate in the government. They wrongly believe that the power to govern has been taken out of their hands.

But the voice of a single individual is strong, and so important that it has often changed the course of history. Oliver Cromwell, one of England's most influential leaders, rose to power in 1645 by just one vote. During the American revolution, one vote struck down a bill that would have made the official language of the United States German instead of English. Texas was annexed to the union by one vote, and Andrew Johnson escaped impeachment by a margin of one vote. On November 8, 1923, members of the tiny Nazi party met in a small tavern in Munich and—by one vote—elected Adolf Hitler as its new leader.

One voice has the same power today. At a critical point, one voice can bring about destruction and demise or one voice can build and strengthen a nation, leading to freedom and justice and truth for its citizens. The power lies in one voice—your voice, my voice.

My voice is powerful today. My voice can change America's future. I have a dream for our country. I have fresh ideas and strong ideals, and I have the vision to see them come to pass. I can contribute to the great country into which I was born.

I can and will learn about the issues in question. I will write to my congressmen. I will cast my vote for the men and women whom I believe will best serve our nation, and one day I will represent the people in office myself.

I will make my voice heard in the future of my country, because I believe in rule by the people, I believe in America.

TRIBUTE TO GERTRUDE ALLIONE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. DURBIN. Mr. Speaker, I would like to recognize Ms. Gertrude Allione of Springfield, IL, for realizing her lifelong dream of a high school diploma. At the age of 91, she is about to receive her high school equivalent certificate.

The following article from the March 27 Decatur Herald & Review about Ms. Allione's tremendous achievement follows:

91-YEAR-OLD TO REALIZE DIPLOMA DREAM

SPRINGFIELD.—Gertrude Allione says she's been dreaming of a high school education since she was a child. Now, at age 91, she's about to get one.

"I think I've made it this time," Allione said Friday.

Riddled with obstacles, her struggle for a diploma finally is nearing an end as she prepares to take a U.S. Constitution test—the only thing standing in the way of her diploma equivalent. Last week, she passed a mathematics test, the last of her five General Educational Development exams, and she expects to get her certificate in June.

"She's a delight," said Phil Schmidt, chief GED examiner for the Springfield area.

Her struggles began in the third grade, when she was sent to work at St. John's Hospital to help her family make ends meet.

"I wanted to go to school; I liked school," she said.

Working at St. John's began her nursing career, first as an aide and later as a practical nurse. She studied through mail courses offered by Chicago's Wayne School of Nursing and took additional classes at St. John's to earn her licensed practical nursing degree.

"I think I was born a nurse," she said.

Her husband—she married at age 19—discouraged her efforts to further her regular public education. And state law wouldn't let her sit alongside youngsters in regular classes to pick up where she left off in fourth grade.

In 1932, she persuaded sympathetic educators to establish night classes for her in the basement of a Taylorville church.

Allione stuck with her studies as best she could during a period when she was cooking and doing laundry for seven family members. By the time she reached the equivalent of a ninth-grade education, the law allowed her back into the classroom for day-time courses.

In World War II, Allione quit school again to work for an ammunitions factory in Illinois. After that, she divorced her husband and devoted her life to nursing, from which she retired in 1974.

"I've been dreaming about that diploma ever since dad took me out of grade school," she said.

THE NEED FOR NATIONAL HEALTH CARE REFORM NO. 6: "WHERE IS THE INSURANCE?"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. STARK. Mr. Speaker, where has the insurance in health insurance gone? Citizens of this country live their life in fear of becoming ill due to the fact there is no longer insurance or security in their health insurance.

The following letter from Hayward, CA, is only one of many examples of health insurance horrors. It is a shame when our people must pay such a heavy price for life-saving medical procedures, and then find nowhere to turn as they learn their insurance has run out. Again, I ask, where has our insurance gone?

People must be relieved of this enormous pressure; they must be given somewhere to turn. Health care reform will be too late for some, but it will save millions of people from this and similar situations. We must act now; we must restore insurance and security to our citizens.

REPRESENTATIVE STARK: I know that you have been very active in medical and senior problems.

My husband is 58 years old and has been unemployed since December 1992 except for a few part-time jobs.

He received a kidney transplant 5 years ago and requires lab work approximately every 6 weeks at a cost of $500. His anti-rejection drugs are $700 a month.

We are paying $370.50 a month for COBRA insurance. This will stop in August.

I am 66, and on Social Security.

Can you tell me if there is any help we can receive?

TRIBUTE TO DALLAS SELLS, JR.

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. JACOBS. Mr. Speaker, the following is the exquisite eulogy delivered for the late Dallas Sells, Jr. at the Covenant Baptist Church in Indianapolis.

Dallas Sells was one of the civil saints of our era. He was a high official in the UAW, a labor organization which the record shows is devoted not only to its dues paying members, but also for those who are so downtrodden as to be unable to be dues paying members. Dal Sells, a deeply religious man, spent his life doing the work of the Lord as attested by the eloquence of Rev. Tommy L. Faris, pastor of Covenant Baptist Church.

DALLAS WOOD SELLS, JR.

Born 3 October, 1919 at Anderson, Indiana. Died 20 March, 1993 at Indianapolis, Indiana at the age of 73 years.

He was married to Thelma Pike Sells for 53 years and she survives. Also surviving are sons Dallas R. (Randy) Sells and Larry F. Sells; daughters Sandy Jones and Mary Ann Clippinger; sisters Francis Sells, Virginia Sells, and Doris Jean Donohue; and six grandchildren.

Dallas was a retired director of the United Auto Workers Region 3 and a labour leader for more than 30 years. He attended the General Motors Institute. He was an industrial electrician at Delco-Remy. He was a World War 2 Navy veteran. Dallas served on the boards of nearly 30 community, educational, and governmental organizations. He met three presidents, made visits to the Soviet Union and China as a representative of labour. He received countless awards, honours, and citations.

All of the information in the obituary is astounding. We think, "How could one person have done all of this in one lifetime?" Dallas must have been an amazingly vigourous man. Many of you here today could bear testimony to the integrity, the effectiveness, the resourcefulness, and the persistence of Dallas Sells the union executive, the politician, and the lobbyist. I am sure that Dallas, in his prime, could marshall tremendous forces, both personal and otherwise, for his cause.

Dallas was also enough of a realist to know that he could not always win, but he made sure that he won as often as he could. He had an innate sense for people. He was a good judge of character. He could work with committees and boards and negotiators so well because he could bring people together. With his humour and his quick-wittedness he could defuse tension and direct thought toward new ends. There can be no doubt that Dallas was a man perfectly suited for his work.

What the obituary does not say, what many who did not know Dallas but only knew of Dallas could not have understood, was that the source of Dallas' energy and persistence in his work was that his work was not just a job or a vocation or a career. Dallas' work was his ministry. You see, Dallas was an integrated man. His was an integrated life. Most of us compartmentalize our lives. We break up our self into many selves which we put on and take off like shirt or a jacket. We have the private self that we put on when no one else is around. We have the friends' self, the family self, and, for some, the religious self. In my experience of knowing Dallas Sells for nearly seven years as his pastor and friend I came to see that that did not hold true for him. He did not break up his life into separate boxes. The various aspects of his life flowed together and intermingled. And at the very center of his life, if you were to look, you would have found Dallas' faith in Jesus Christ. That is where it all came down for Dallas. He did not stop believing so that he could do his work. In part, at least, he did his work because he believed. He could question and challenge hypocrisy wherever he found it because he was not hypocritical. He could confront injustice at any level because he was called to love all people without conditions.

While he was accomplishing wonders and miracles in the world of politics and labour, Dallas was also serving on boards and committees and task forces in his church, in the American Baptist Churches, USA, in the National Council of Churches in Christ, and in the World Council of Churches; he was supporting Christian mission work so that people around this city and around the world could be clothed and fed and told the good news of Jesus Christ; and he was teaching Sunday School classes so that future generations could carry on the work of Christ. When he "retired" as a Sunday School teacher at the start of this year, someone asked him how long he had been teaching. He said that he had taught since he was 15 years old!

There have been many times, Thelma, when Dallas' ministry kept him away from home more than either you or your children or even Dallas would have liked, but I know that he loved you all with a deep love. In Dallas we have known true greatness. He was humble, gentle, loving, caring, and compassionate. His greatness was true because it came from the power and the presence of God within.

Dallas' legacy to us is rich. It is a legacy of love in action. It is a legacy of justice, fairness, and compassion rooted in faith in Jesus Christ as Lord. We honour Dallas Sells' memory best when we live our lives in service to Christ.

TRIBUTE TO TUFTS UNIVERSITY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. MARKEY. Mr. Speaker, I rise today to recognize Tufts University in Medford, MA, and to commemorate the ninth annual observance of Tuftonia's Day. The annual weekly celebration was inspired by the Tufts football fight song, "Tuftonia's Day," written by Elliot Wright Hayes, class of 1916. This celebration, traditionally of Dr. John DiBiaggio as Tufts' 11th president on April 25. Alumni and students from all over the world will participate.

The university, founded in Medford in 1852 by Charles Tufts, has been graduating the best and brightest students ever since. In fact, in this year of the woman, Tufts University recognizes their first female graduate, Henrietta Noble Brown, class of 1893. We are fortunate to count two Tufts alumni among our esteemed colleagues, Bill Richardson of New Mexico, class of 1970, and Pete DeFazio of Oregon, class of 1969.

As the U.S. Representative from Medford for the past 16 years, I have long been impressed by the academic prowess and intense loyalty that the students and alumni of Tufts show their university. Much like their mascot, Jumbo, Tuft's alumni never forget.

I congratulate Dr. John DiBiaggio upon his official inauguration as Tufts' 11th president and join with him and the 65,000 alumni and 7,900 current students in celebrating Tuftonia's Day. For while Patriot's Day may be best remembered as the day of "the shot heard 'round the world," for Tuft's alumni and students worldwide it is a special day to share memories, reminisce with old friends, and celebrate the contributions Tufts has made to the community—locally, nationally, and indeed, globally.

INTRODUCTION OF THE ARSON PREVENTION ACT OF 1993

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. BOUCHER. Mr. Speaker, today I join with several of our colleagues to introduce the Arson Prevention Act of 1993.

On February 20, 1993, an infant was killed in an arson fire at an apartment in Capitol Heights, Prince Georges County, MD. The fire was caused by a molotov cocktail thrown into the apartment by juveniles intending to silence a key witness to a recent shooting. More than 50 persons were forced to flee from the building as a result of the fire. This tragic incident reflects the deadly nature of arson, and the need for remedies directed at emerging causes of arson such as drug trafficking, domestic violence, and civil unrest.

Arson remains one of the deadliest crimes known to society. It is a leading cause of fire deaths, accounting for approximately 700 deaths annually in the United States. Each year there are more than 500,000 incendiary or suspicious fires, causing estimated property losses in the range of $2 billion. Despite the devastating human and economic costs of arson, efforts to prevent, detect, and successfully prosecute arson offenses have fallen woefully short.

There is a need for standardization of investigative techniques and reporting methodology to facilitate a more accurate representation of the true scope of the arson problem. Because of the disparity of reporting methods, the real magnitude of arson crimes is unknown. Regardless of how the crime is categorized, the National Fire Protection Association [NFPA] estimates that of all the suspicious and incendiary fires that occur, only one-third are confirmed as arson offenses. Of the confirmed arson offenses, 80 to 85 percent do not result in an arrest that solves the crime. Of those that are solved by arrest, about one-half of the suspects arrested are not prosecuted. About one-third of those that are prosecuted are not convicted. The NFPA estimates only about 2 percent of arson fires lead to convictions. Arson is difficult to detect and even more difficult to prove in a courtroom.

Arson investigators and other public officials concerned with this crime need more effective tools. The bill addresses this need by establishing a new competitive grants program, to be administered by the United States Fire Administration, to as many as 10 States to achieve the following: First, improve arson investigator training courses leading to professional certification of arson investigators; second, provide resources for the formation of arson task forces or interagency organizational arrangements involving police and fire departments and other relevant local agencies such as State arson bureaus and the State fire marshal's office; third, develop and disseminate public education and awareness materials related to arson and arson unit management guides; fourth, support research and new programs directed at civil unrest as a cause of arson; fifth, develop new programs to combat juvenile arson; sixth, support research and new programs directed at drug and gang related arson; seventh, provide resources for initiatives to combat domestic violence connected to arson; eighth, improve the capability of rural firefighters to identify arson and preserve evidence; and ninth, expand training programs at State fire academies, for paid fighters, and through regional delivery methods, for volunteer fire fighters, including teleconferencing and satellite delivered programs.

The bill requires that each program goal be encompassed in one or more of the grants awarded.

As a criteria for qualifying for a grant under the legislation, a State must obtain at least 25 percent of the cost of programs funded by the grant, either in-cash or in-kind, from non-Federal sources. To address the problem of a lack of uniform reporting of arson offenses, the bill requires States receiving grants to make efforts to ensure that all local jurisdictions within the State will provide arson data to the National Fire Incident Report System of the U.S. Fire Administration, or the Uniform Crime Reporting [UCR] program of the Federal Bureau of Investigation. The legislation provides that initial grants to the States are to be for 2 years, subject to renewal for additional periods at the discretion of the Administrator of the U.S. Fire Administration.

A separate provision of the bill provides for the development of an advanced course on arson prevention and expansion of arson investigator training programs at the National Fire Academy in Emmitsburg, MD, the Federal Law Enforcement Training Center in Glynco, GA, or through regional delivery sites. It is essential that as many arson investigators as possible have access to the state-of-the art investigative techniques that are being developed at the National Fire Academy and Federal Law Enforcement Training Center.

The Subcommittee on Science of the Committee on Science, Space, and Technology conducted a legislative hearing on the measure on April 20, 1993.

TRIBUTE TO ROGER F. SMITH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate Roger F. Smith on the special occasion of his retirement from his position as the superintendent of schools for School District 98 in Berwyn, Ill.

Roger began teaching in 1959 at Dundee Junior High. He then held the positions of assistant principal at Algonquin Junior High and then later principal of Lincoln Junior High in Berwyn. Finally, in 1969, he became superintendent of schools for District 98—the position in which he has commendably served for the past 24 years.

Mr. Speaker, I am pleased to commend Roger for his tremendous contributions to our community and for his commitment to educating our youth. I hope my colleagues will join me in saluting him for his many years of service and wishing him the very best for the years to come.

TRIBUTE TO LOCAL NO. 7 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. OLVER. Mr. Speaker, I rise before you today to recognize the achievements of Local No. 7 of the International Brotherhood of Electrical Workers on the occasion of their 100th anniversary. Local No. 7 has seen the transformation of western Massachusetts from an agrarian society to the seat of the electrical manufacturing of the United States. Local No. 7 has been there every step of the way. From the electrification of the city of Springfield to the construction of New England's first nuclear power plant, Yankee Rowe. The men and women of Local No. 7 have shared one basic philosophy throughout this glorious history, a philosophy taken from the International Brotherhood's constitution: "Our cause is the cause of human justice, human rights, and human security."

From World War I to the antilabor movements of the 1920's through the great Depression and World War II to an unprecedented post-war economic boom, Local No. 7 has stayed true to the words of its constitution as it has sought to bring better wages, safer workplaces, and the security of long-term employment to its members.

As Local No. 7 enters its second century, we honor its past, yet we are reminded that the past 12 years have not been kind to the labor movement. From the firing of the PATCO air traffic controllers to attempts to remove the 1914 Massachusetts prevailing wage law from the books, Local No. 7 has had to endure an environment that has been hostile to labor unions. Lax enforcement of Federal regulations prevented opening the door of opportunity to hundreds of minority and women craftsmen. The increase of non-union low-wage competition has had labor unions all over America scrambling to retain the gains of past victories that brought justice and security to the workers of the United States.

Fortunately a new day has dawned. President Clinton recognizes the need to rebuild our economy and shift its focus from Wall Street to Main Street. Our economy must progress from downsizing and unemployment to rebuilding and full employment. The time for change is upon us and unions like Local No. 7 can lead the way.

Local No. 7 has seen change before and embraced it. From the automobile industry to the paper mills of the Connecticut River. From building the college campuses of western Massachusetts to building Westover Air Force Base, Local No. 7 has provided skilled laborers dedicated to doing a job well. With a new course of change being charted as I speak here today, I am confident of one thing: that unions like IBEW Local No. 7 can lead the way to a new era of prosperity. An era when the words of the International Brotherhood of Electrical Workers' constitution are the words of workers all over America. An era when government, industry, and workers alike rise up join forces and unite behind the common cause of justice, human rights, and human security.

I would like to congratulate the officers of Local No. 7 of the International Brotherhood of Electrical Workers: William D. McCarthy, president; Joseph Eisenberg, vice-president; Douglas W. Bodman, business manager; Maureen T. Carney, recording secretary; and Paul H. Fillion, treasurer on their 100th anniversary and wish Local No. 7 good fortune for the next 100 years.

TRIBUTE TO EDWARD J. KUNDUS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of Edward J. Kundus, a man whose dedication to the students of my district is exceptional.

Mr. Speaker, every year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary sponsor "The Voice of Democracy" speech writing contest. This competitive contest provides thousands of high school students with the opportunity to voice their opinions regarding their responsibilities to, and reflections of, our great country. In cooperation with State and National Associations of Broadcasters, the winning speeches are then transmitted across America via broadcasting media.

Mr. Speaker, for the past 25 years Mr. Kundus has been a tireless force behind the success of this contest. His work as the country chairman has encouraged the continued participation of high schools and, consequently, the opportunity for aspiring students to learn and grow.

Mr. Speaker, I commend Mr. Kundus on his selfless efforts on behalf of my district's students. I am proud to call him a citizen of my district.

GAYS IN THE MILITARY: WE ARE HERE TO STAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. STARK. Mr. Speaker, I would like to include in the RECORD an excellent article by one of my constituents, Capt. Philip Adams [USMCR] and others, which appeared in the April 1993 Naval Institute Proceedings, entitled "We Are Here To Stay."

I hope the day will soon arrive when Captain Adams' coauthors and others, who are currently serving in our Nation's armed services, will be free to list their names on a reasoned article such as this.

The article follows:

GAYS IN THE MILITARY: WE ARE HERE TO STAY

(By Capt. Philip Adams, USMCR, et al.)

A riot at the Stonewall Inn in New York City in 1969 began the modern gay rights movement. We are committed to seeing that movement advanced so that all Americans are granted their full civil rights, which includes allowing gays and lesbians to serve their country in the military—unimpeded by bigotry, hate, violence, and poor leadership. The world is crying out for change. Will the United States—a country founded by persecuted peoples—be among the last of the democratic nations in a new world order to grant all of its citizens their basic civil rights? Do we have enlighted civilian and military leaders who are up to the task?

WHO ARE WE?

We do not seek to make the comparison between racial discrimination and gay rights. We do not necessarily seek to refute all of the claims made by Commander Eugene Gomulka in his December 1992 Proceedings article, "Why No Gays." We simply seek to educate. The term "homosexual" is a clinical term, narrowly defined. For example, it does not include those who are bisexual. The U.S. Navy, however, has chosen to use the term more broadly. As quoted from the Naval Military Personnel Manual (Article 3630400), a homosexual is defined as: "a person, regardless of sex, who engages in, desires to engage in, or intends to engage in homosexual acts." A homosexual act is further defined as "bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires."

Contemporary terms are "gay" for men and "lesbian" for women. We do not choose to be gay or lesbian (or somewhere in between). Most psychologists agree that our orientation is a part of our biological and psychological makeup. Therefore, there is nothing to cure or correct. The logical conclusion, then, is that our orientation is manifest as some sort of behavior on an individual basis. Most gays and lesbians pass as straight and are indistinguishable from the population at large. (Many gay officers are currently serving in the five armed services.) Some of us, however, are very queer—that is, we are distinguishable as gay or lesbian. Does that make us bad or less effective, or does it simply offend a small number of bigoted, narrow-minded, hate-oriented service members who adversely affect the morale of all military personnel?

HOMOPHOBIA

Commander Gomulka boldly claims that homosexual behavior is not "normal conduct." What kind of conduct is he referring to, and who determines what is normal for whom? We like to think of all people as individuals, whether they are gay, lesbian, straight, or in between. He asserts that sexual orientation should be considered a private matter. We believe that it is; the government, however, does not encourage privacy. Current laws, like the ban, make private behavior a public issue. Consider the case of Orlando Gotay, a young naval officer who was "forced to resign" because he was accused of being a homosexual. There was no evidence, no misconduct; there was simply an accusation. The naval service "outed" him in the national press as he desperately sought to preserve his privacy. No, the government has made this a public issue, and it must be addressed.

Commander Gomulka is afraid that gays or lesbians will seek public affirmation of their lifestyle. We are not sure what "lifestyle" means. If he means that we want the public to affirm our out-of-the-closet sexual orientation, then he is correct. We demand that we be treated as equals, and are not ashamed of our sexual orientation because it is not chosen. Could society respect gays or lesbians if we did not seek public affirmation? We do not believe that most gays and lesbians will come out of the closet should the ban be lifted. Not all gays and lesbians come out in the civilian community because of their fears about prejudice and career promotions. We do hope that in time, however, all gays and lesbians can come out of the coffin world of the closet and stand proudly among their peers, with dignity, integrity, and self-respect; that they will no longer be seen as evil, bad, or dirty, but as individuals who serve a special purpose in the success of civilization and modern society.

MANNING THE GUNS

Commander Gomulka refers to the military. The military is not merely an institution; it is people brought together under the law to serve and protect all of the United States. As President Clinton iterates, "We don't have a person to waste." Recruitment and retention will not suffer by lifting the ban; no evidence supports such an argument. If it does, institute the draft or recruit more gays and lesbians, who will be happy to serve. After all, since so many have been discharged, recruiters could target the homosexual community to reach the services' quotas.

TOLERANCE FOR DIVERSITY

If it is true that gays and lesbians comprise 10 percent of the population, is a 10 percent minority willing to risk acceptance by offending their fellow shipmates, Marines, or friends? Hardly! What we believe will happen once the ban is lifted is that, as more young people begin to know gays and lesbians as individuals, our nation will become more cohesive and less fragmented. In the words of Marine Corps General John Lejeune, all recruits will be "far better physically, mentally, and morally than they were when they enlisted."

We agree with the chaplain that "legislators and military leaders have a legitimate role to play in providing positive, acceptable role models, especially for young people whose minds and characters are in formative stages." All of our existing gay military personnel are the perfect start for such role models. Extensive military research and recent flag memos cite gays and lesbians as typically being overachievers and hard workers. Is not this the type of example we want to set for America's youth? Perhaps we will be better able to improve upon the concept of mission accomplishment rather than wasting valuable resources on witch-hunts.

SEX MANIACS?

Commander Gomulka seems to think that gays and lesbians have difficulty controlling their behavior. Does he know who his gay shipmates are? We do. We believe in the personal privacy of all service members, which is a separate issue from sexual misconduct. We hope that Commander Gomulka is not serious in saying that gays and lesbians in the military are analogous to alcoholics working in a liquor store. Is this an implication that a minority of gays and lesbians will begin large-scale molestations of the military population? The syllogism here is incomplete. Why should we see unrestrained behavior in the military when there is no evidence of large-scale unrestrained behavior in the civilian workplace?

It is unfortunate that Commander Gomulka feels free to use dated statistics in his sermon. Professionals who understand statistical research are well aware that data can prove almost any thesis. But, does that make the thesis true, and to what degree of error? His evidence of "wide-spread sexual compulsion among homosexual men" is based on a limited Kinsey Institute report that is contrasted with a University of Chicago survey. Two separate sample populations can yield significant disparities. It is ridiculous to assert that 71% of gay men have had more than 500 partners. No one likes to be accused of something that may contain some shred of truth, but is untrue overall. Our Vietnam veterans did not like being accused of being baby killers, and our gay and lesbian service members do not like to be accused of being sex maniacs. Perhaps military leaders and chaplains should consider attending a local Parents and Friends of Lesbians and Gays (P-FLAG) meeting. Then they could begin to dismantle their homophobia and see sexual minorities as real people rather than as negative stereotypes.

If gays and lesbians are sexually promiscuous, it may be linked to society's refusal to affirm same-sex relationships. It is discriminatory for an unmarried heterosexual couple to be denied the same housing benefits that married couples enjoy. We argue the same for same-sex couples. It is time the military redesigned its housing regulations so that each service member is compensated for his or her individual contribution. Service members who choose to have large families should pay their fair share. Treat everyone equally, regardless of their marital status, and eliminate preferential treatment for only one type of family.

SEXUAL MISCONDUCT

Sexual promiscuity is not the real issue. The real issue is: What is the propensity of gays and lesbians to manifest their behavior as sexual misconduct? To that issue, we address the following questions: How many gay rapes have taken place in the military versus straight rapes? How many violent crimes have been committed by gays and lesbians versus straights?

In light of recent scandals in the Catholic church, should we assume that all priests are child molesters? Based on the coverup by key naval officers involved with Tailhook, should we assume that the naval establishment encourages molestation of women? Hardly! Such logic is faulty. Should gays and lesbians violate sexual misconduct rules, they should be prosecuted to the same degree straights would be prosecuted for related offenses. Unfortunately, most heterosexual misconduct is swept under the rug by career-oriented officers. Treat each person separately and assume that everyone is innocent until proven guilty.

WORKING TOGETHER

Commander Gomulka is quick to point out some startling statistics on gay suicides, as well as gay and lesbian alcoholism rates. We do not dispute these claims; we query, rather, what is the logical conclusion one could draw from this data? Perhaps, that gays and lesbians are naturally self-destructive. Or, that they are repressed by an intolerant society that really has not taken time to understand people who have same-sex orientations. Is Commander Gomulka aware that from 250,000 to 500,000 gay and lesbian youths are rendered homeless each year by *traditional* families that throw them out solely because of their sexual orientation?

We also take offense to Commander Gomulka's less-than-Christian view that, by virtue of being gay or lesbian, one will put an undue burden on the military medicine program. All recruits, regardless of sexual orientation, are screened for exposure to HIV. Those service members who are HIV positive or who have AIDS need medical treatment regardless of the provider source—period! Further, HIV infection rates for gays are declining and are increasing for straights. The gay community has been hardest hit by the AIDS epidemic and is in the best position to help the military reduce AIDS cases through education—not a naive insistence that only gays are infective. The military medical establishment has taken an aggressive role among the leaders in medical research and drug trials for persons with AIDS. As a nation, we need to work together to fight this great plague. Many gays and lesbians have lost friends and lovers to AIDS and are all too aware of the risks of infection and the need to protect ourselves and others from it.

LEADERSHIP FAILURE

The real issue is whether we currently have a military leadership failure. The current "model" Pentagon system for fighting bias is unresponsive and repressive. Oftentimes, those who complained about racial or sexual mistreatment claim their careers were ruined by psychiatric evaluations, criminal investigations, or lowered job ratings, while the offenders went unpunished.

Many women who are sexually harassed report that they are investigated as being lesbians, are denied promotions, and are transferred to remote locations. Military officials insist that their policies are fundamentally sound, but Army Chief of Staff General Gordon R. Sullivan admits the military has not been "completely successful in the execution of the program." If the program is there, why are military leaders so afraid to use it? The military's equal-opportunity system clearly lacks the independence to conduct objective investigations and, typically, military commanders are more concerned with their careers than with the truth.

The last vestige of the existing argument for banning homosexuals from military service is morale and discipline. Who is ultimately responsible for morale and discipline? The commander-in-chief. Who carries out his orders? The chain of command! Every leader in the military establishment has the responsibility to carry out his or her orders in the spirit in which they were issued. We believe that many military leaders are unqualified to lead within or outside a military environment. Once the ban is lifted, leaders—true leaders—in the new world order will continue to include all valuable personnel in their organizational objectives, regardless of sexual orientation. Those who cannot are incapable of leadership in the upcoming millennium.

Leaving the service will not change the makeup of the civilian work force where gays and lesbians also abound. What we need are strong, enlightened men and women who are as capable of leading our nation in peace as they are in times of armed conflict. If there is a moral argument, then all moral issues must be included, not just the homosexual one. While many may disagree with our view, it is important to emphasize the need to separate the values of church leaders from the constitutional guarantees of the state.

CONCLUSION

We believe that by lifting the ban against homosexuals, the naval establishment will receive the following benefits: A savings of time for the Naval Investigative Service that would allow it to spend more time pursuing legitimate criminal cases, significant budget savings in a depressed economy by eliminating costly witch-hunts, higher quality of life for all military personnel in a population that accurately reflects the diversity of the entire U.S. population, and increased personal integrity for all service members who can be who they are—not what others would have them be.

Homosexuals currently serve openly in the armed forces of Canada, Australia, Israel, Holland, Denmark, Norway, Switzerland, and France. These countries have assimilated gays and lesbians in their ranks. Do our military leaders have the modern leadership skills necessary to openly accept homosexuals in their ranks and conduct business as usual once the ban is lifted? We are willing to help if our leaders are willing to listen. In the words of Rodney King, a victim of oppression and violence by bigots in uniform, "Can we all just get along?"

CURING OUR HEALTH CARE SYSTEM THROUGH MEDICAL SAVINGS ACCOUNTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. CRANE. Mr. Speaker, in the next few weeks President Clinton is expected to announce his plan to reform the health care industry through managed competition. Although this approach to health care reform has received the most attention in congressional debate this year, it is not the solution to the problems of our health care system. Phyllis Schlafly discussed managed competition in the February 1993 issue of her newsletter The Phyllis Schlafly Report and concluded that his approach would fail to control health care costs and would lead to a rationing of services. As an alternative, Mrs. Schlafly proposes medical savings accounts as a way of preserving the role of individuals in choosing the health care they receive and enabling the free market to control costs. I submit Mrs. Schlafly's article to my colleagues' attention and urge them to consider her concerns and solutions.

WHAT'S AT STAKE IN HEALTH CARE REFORM?

(By Phyllis Schlafly)

Health care reform stands at the top of our national priorities. Just as Bill Clinton's campaign slogan was "the economy, stupid," the first order of business of his administration is supposed to be "health care reform, stupid."

The Clinton people first floated the slogan of "national health insurance," but that did not catch on since it was readily recognized as nothing but expensive socialized medicine. Then the Democrats moved onto "pay-or-play," a plan to shift all the costs of health care onto business. That idea was abandoned, too, after analysis showed that it would destroy small business and increase unemployment.

The Clinton Administration has come up with a new magic label to sell its health care plan: Managed Competition. They know the "managed" part will appeal to Democrats and they hope the "competition" part will seduce Republicans. But the use of the word "competition" in this context is a fraud. In real competition, consumers are free to choose how they spend their money. In "managed" competition, the customer still pays, but someone else chooses how, where and when the money is spent.

The game is on to confuse the American people with some new jargon which you won't see defined in your dictionary. If you don't know what the new phrases mean the game may be over before you know what the stakes are—and it may be a matter of life or death because it involves your own health care. Here are the new words used in news reports about Managed Competition: "a national basic health care package that will be the standard for tax deductions," "standardized benefits and fees, "managed care," "a national health board," "federally mandated universal insurance," and "global budgeting."

Hidden behind this bureaucratic jargon is the attempt by politically and financially powerful forces to seize control of the $839 billion Americans currently spend on health care. The goal is to transfer control of health care expenditures from patients and their private doctors to government and insurance company "managers" (who, of course, will be handsomely rewarded for their services in supervising, restricting, and monitoring health care). "Global" budgeting means the bureaucrats will restrict how private as well as public health care money is spent in order to stay within the "global" figure.

Under Managed Competition, independent private physicians would be largely replaced by doctors employed by large insurance companies. Most patients will find that they no longer control their health care decisions, but will be virtual bystanders while their fate is determined by the insurance company and its salaried doctors. A "National Health Board" would decide how much America will spend on health care and define a "basic comprehensive health package" that must be offered by employers or by the government to everyone in the country.

The Federal Government would use the income tax code's carrot and stick (i.e. tax deductions) to drive all Americans into big managed care groups. Employers would be allowed to take a tax deduction only for the standard basic plan approved by the National Health Board. The Clinton health care team has already floated the idea of requiring employees to pay taxes on any health insurance coverage that exceeds the basic plan approved by the National Health Board. This would amount to a tax increase for millions of Americans.

Under Managed Competition, large Health Maintenance Organizations (HMOs) would dominate all health care. Health insurance would be a product purchased principally by employers, who would choose from among several mammoth HMOs with doctors on their payroll. You could not choose your own doctor. He would be selected by the insurance company executives, and the managers of your company's benefits program. Decisions as to health care and treatment would not be made by patients or doctors, but by the politicians who decide what is tax deductible and by the HMO and employer executives who decide how they will ration the funds they are willing to spend.

Newsweek estimated on December 28, 1992 that the Clinton Administration's health "reforms" would cost "$40 to $60 billion a year" in increased taxes. On December 18, 1992 in Little Rock, President-Elect Bill Clinton floated the idea of limiting health care for those who have insurance in order to promote access for the uninsured. "Once you guarantee a threshold of [necessary] access, there ought to be some limit to utilization, I think," Mr. Clinton said. He also stated that he is "inclined" to begin taxing the portion of employer-paid health insurance premiums that exceed a certain amount.

SHOULD "EXPERTS" MAKE OUR HEALTH CHOICES?

To the liberals, "health care reform" means setting up a management system to make health care decisions for ordinary Americans. It is liberal dogma that the average individual is too dumb to make his own health care decisions, and health care is to important to leave up to the doctor and patient because some of us might make wrong decisions. Liberal dogma teaches that "smart people" (like Congressmen, bureaucrats, Ph.D.s, and insurance company experts) should decide the "correct" health care for individuals.

During the Presidential campaign, Bill Clinton made it clear that he supports the national control of private health care that results from Managed Competition. He said on October 2 that he would "give people significant incentives to be in large managed care groups, and we'll just tell 'em here's how much money we've got and here are the services you have to provide."

We already have the Oregon experience to tell us how a National Health Board might work. Oregon devised a plan to expand Medicaid eligibility by containing costs through rationing of health care. The rationing scheme listed 700+ health care services in the order determined through the political process.

Under Oregon's health care rationing, the services in the top half of priorities included withdrawal from alcohol and other drugs, sterilization procedures, birth control, and abortion. Procedures that ranked lower on Oregon's priorities included operations that might prevent blindness, surgical procedures for cerebral palsy, treatment for miscarriage, surgery for babies born with dislocated hips, and therapy for patients with metastatic cancer who had less than a 10 percent chance of surviving five years.

If you were choosing how to spend your own money, your preferences might be different. You might feel that you should not have to wait in line for heart or hip surgery so that more tax dollars could be devoted to treating alcoholics and drug addicts.

The idea that a National Health Board can determine the appropriate health insurance plan for every family in the country is ludicrous—and will be bitterly controversial. Will the basic health plan cover dental care? Psychiatric treatment? Long-term care for Alzheimer's victims? Drug and alcohol treatment? Treatment of minors without parental consent? Abortion? Abortion rights activists have already staked out their demand that elective abortions be part of the basic package.

Disputes about the necessity for treatment will inevitably arise and cause expensive litigation. Managed Competition could become a bonanza for lawyers, pitting company doctors against physicians selected by plaintiff attorneys. The result would be similar to the worker's compensation system, which many businessmen today describe as "out of control."

Managed Competition makes no more sense than having a National Automobile Board determine a standard car for every family because the "experts" think the engine is too complicated for the ordinary person to understand. If a National Computer Board were set up to choose your computer because you are not "smart" enough to select your own, the price of PCs would be going up, not down.

Managed Competition will both deprive you of your right to choose your doctor and health care plus increase costs on everyone. All our experience with managed social programs shows that they drive costs up, not down.

WHO WILL PROFIT FROM MANAGED COMPETITION?

The large insurance companies have decided that they want to do business with the Clinton Administration, and it's important to realize why. Managed care, such as HMOs, is far different from traditional health insurance. In an attempt to control costs and thereby please employers who are now paying most of the health care bill for their employees, the large insurance companies have established networks of managers, administrators and bureaucrats to limit the utilization of health care by employees. This is called managed care, and it reduces costs by restricting access.

Under this arrangement, employees are channelled to doctors under contract to the insurance company. The doctors must take orders from the managers regarding how long the patient may be in the hospital, what kinds of tests or drugs may be given, and what operations may be performed.

HMOs are not a new idea. A number of employers have already put their health insurance plan into an HMO. Their employees do not have the right to choose their own doctors, but are limited to the doctors under contract to the particular insurance company chosen by the employer. HMOs have been aggressively marketed for the past several years, but still only 15 percent of Americans belong to HMOs. Most people don't like going to a "company doctor," who is under contract and paid by an insurance company selected by the employer, because they believe the old adage that "whoever pays the piper calls the tune." People just don't like it when they find they can't choose their own doctor.

Clinton's scheme of Managed Competition will immensely help HMOs and the largest insurance companies, and also eliminate their smaller competitors. As reported in the American Medical News of December 21, 1992, the largest commercial insurers "have invested heavily in managed care systems and potentially stand to benefit hugely under Managed Competition."

This explains why, once Clinton was elected, the Health Insurance Association of America (HIAA), the trade group of the insurance companies, essentially endorsed Clinton's Managed Competition scheme. The HIAA is dominated by the large insurance companies that deal in managed care. The small health insurance companies, which sponsor traditional insurance, have been left to fend for themselves.

Meanwhile, a major change in accounting regulations has just gone into effect. The new regulations require corporation balance sheets to show as liabilities the health benefits promised to retired employees. This change has caused a terrible problem for Big Business, which has promised billions of dollars in future health benefits to retirees, despite warnings from the medical profession. Big Business is looking for a way out, and it sees the solution as either national health insurance (under which corporations could dump their burden onto the taxpayers) or Managed Competition (which will enable the Fortune 500 companies to give their employees, active and retired, only the cheapest HMO plan available). Those employees not willing to put up with HMO restrictions would have to pay taxes on the higher benefits, which amounts to a tax increase on the middle class.

Some workers would go ahead and pay higher taxes, generating funds for government-sponsored health care for the uninsured; others would not, leaving them stuck with the restrictions and regulations of the cheapest HMO. That's why the Association of Private Pension and Welfare Plans, a trade group representing much of Big Business, announced a dramatic policy shift December 18, 1992. It now supports a plan to require workers to pay income taxes on health care benefits that exceed the cost of basic (HMO) coverage.

The stage is set for a Super Bowl type of showdown. At state is the health of Americans. On one side are President Clinton, the Democratic leadership in Congress, the largest insurance companies, some Fortune 500 corporations, and Washington bureaucrats. on the other side are patients, workers, and taxpayers. The second group is looking for a political leader with the coverage to challenge the first group.

SO WHAT'S THE SOLUTION

The biggest problem with our present situation is the high cost of health care. But the reason costs are so high and rising higher is no great mystery. Most people are spending someone else's money than their own. This is what we call third-party health insurance, that is, insurance provided by an employer, an insurance company, or government.

Before 1965, increases in health care costs were relatively small because most costs were paid by the patients purchasing the care. The tremendous expansion of third-party health insurance has resulted from the great growth of government-paid health care (Medicare for the elderly and Medicaid for the poor), and employer-paid health care (as employers and employees opted for the tax-free benefit of health care instead of taxable wage increases).

While it might sound good for someone else to pay your medical bills, we are now paying the price for this false generosity: stagnant wages and insurance company bureaucrats telling your physician how to practice medicine.

About 95 percent of the payment to hospitals and 80 percent of payments to physicians are now made with other people's money. The patient who contracts for the health services has no incentive to economize and every incentive to overconsume. If your employer agreed to pay your food bills, supermarkets would accommodate you by stocking more prime rib and less hamburger.

On the average, the cost of an employer-provided family health plan is $4,500 per year. The employer buys a group plan that provides third party (insurance company) payment for each full-time employee's health care with a deductible of, say, $100 to $250.

Now consider how that same $4,500 might be spent in a different way—by changing tax law to permit Medical IRA plans. The employer puts $3,000 into a Medical IRA for each employee, which the employee uses to pay the first $3,000 of his family's health care costs each year. The employer spends $1,500 to buy health insurance that pays all medical expenses above $3,000. The employee has no out-of-pocket expenses (unlike the present system).

Here's the sweet part. Any portion of the $3,000 in the Medical IRA that the employee doesn't spend on health care is his to keep, and the unspent portion of $3,000 per year will remain in his IRA account year after year. Most families have less than $3,000 per year of medical expenses. As long as this IRA money is spent for health care (including eyeglasses and dental care), it remains tax free. If the employee chooses to use it for other purposes (buying a house, paying for a college education, etc.), it would be taxed like ordinary income.

If this concept is so great, why haven't some companies already set up such a plan? Because our tax law will not permit the employee to keep the Medical IRA money that he doesn't spend—he must spend it or lose it. Our present income tax code thus subsidizes large insurance companies and discriminates against savings by individuals.

The Medical IRA plan has three tremendous benefits: (1) it would give each employee a valuable and growing financial asset; (2) since it would be a personal account, it would be portable and stay with him if he loses or changes his job; and (3) it would stop the rise in health care costs because millions of cost-conscious Americans would spend their health care dollars carefully, ask the price before ordering any treatment, and avoid unnecessary expense.

Individual Medical IRAs are the only plan that can possibly control costs. They will cut costs by putting dollars and choices into the hands of families (not the government or insurance company managers). They will let individuals have a financial self-interest in spending their own money. The general use of Medical IRAs could reduce total health care spending by more than one-fourth, at the same time preserving the right to choose your own doctor.

The second problem with our present situation is the 37 million uninsured who are not old enough for Medicare and not poor enough for Medicaid. Most of the uninsured are part-time or self-employed workers, students, or employees (and their dependents) of small companies without health benefits. Others are dependents of insured workers who do not pay extra for a contributory family policy, or workers between jobs who do not pay for a continuation of health insurance offered under the 1986 federal law called COBRA.

Whereas employees of bigger companies get their health insurance paid for with pre-tax dollars (i.e., the health insurance is deductible to the company that buys the plan and not taxable to the employee who gets the benefit), the self-employed and employees of smaller companies that cannot afford a health plan must buy their health insurance with after-tax dollars. Those who buy health insurance only after first paying their income and Social Security taxes, in effect, must pay twice as much for the same insurance. No wonder 15 percent of Americans are uninsured!

The massive discrimination is fundamentally unjust and must be eliminated and replaced by tax fairness, which would permit everyone—waitresses as well as executives—to buy health insurance with pre-tax dollars.

Individual Medical IRAs combined with tax fairness would benefit all Americans, and would especially help three groups of Americans who are particularly disadvantaged by the present system:

(a) The uninsured. The fairness plan would enable the uninsured to buy their health insurance with pre-tax dollars, and the competition of Medical IRAs would reduce their health care costs. Many of the uninsured would buy health insurance if they could deduct the cost like corporations do.

(b) Future senior citizens. It is now an open secret that Medicare is going broke and is projected to be insolvent within ten years. Congressmen talk about it as a "bureaucratic disaster." The Department of Health and Human Services has already drafted a proposal to raise the age from 65 to 67. Tom Brokaw reported on NBC-TV that some doctors are now refusing to take Medicare patients because of government red tape and price controls. Middle class workers need a method to save for their health care expenses after retirement, since Medicare won't be able to pay in the future the way it does now.

(c) Employed mothers. The present system that ties tax-free health insurance to full-time career employment is grievously unfair to women workers. It is especially hard on the woman who wants to work part time or occasionally, but doesn't dare quit her job because she can't afford to give up her family's health insurance. Most company health plans require full-time employment in order to receive tax-free health insurance. With Individual Medical IRAs and the ability to buy health insurance with pre-tax dollars earned from part-time work, the woman employee would be liberated from "job lock" and have more options in meeting her family responsibilities. There is no more reason for health insurance to be tied to your job than automobile or life insurance.

Of course, no single plan can possibly solve all health care problems, or assure that everyone is healthy or that all sick people are cured. The health care field is encrusted with costly and counterproductive regulations that should be eliminated or modified. But Congress should deal first with the problems that Congress caused: federal tax laws that have led to skyrocketing health care costs and too many uninsured Americans.

So our first task on the road to real health care reform is to change the income tax code to permit Individual Medical IRAs that are personal and portable and to end the discrimination so that all Americans can buy health insurance on the same tax basis. This is the only cost-control plan that can work; it will make health insurance more affordable; and it will not require a big tax increase.

HONORING FORMER ASSEMBLYMAN LOUIS DESALVIO

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. NADLER. Mr. Speaker, I rise today to honor Louis F. DeSalvio, a former member of the New York State Assembly and a distinguished community leader on the lower east side of Manhattan. On Saturday, April 17, 1993, Louis DeSalvio will be honored by a grateful community of friends, neighbors, and former constituents for his life of service to our city and our State.

I first met Louis DeSalvio when I began my service in the assembly in 1977. Louis served in that august body from 1941 to 1979. His remarkable career spanned several political lifetimes. As the longest serving member, he held the position of president pro tempore of the assembly and served as its institutional memory.

A familiar figure in Albany, Louis was widely respected for his acumen and know-how. Of the many fruits of his leadership in Albany, one of his most cherished legacies to the community he served is the playground at Mulberry Street in Manhattan's Little Italy. The playground is named for his father—it stands as a monument to the remarkable and enduring commitment to the community that the DeSalvio family has demonstrated over the years.

A lifelong Manhattan resident, Louis DeSalvio lives in the South Bridge Towers complex in my district in lower Manhattan. Still a dedicated and active public servant, he serves as a member of the local community planning board to this day.

Louis DeSalvio is the beloved husband to his wife Elvira, and father of two children, John and Maria. He is a distinguished community leader and a valued neighbor.

It is in that spirit, Mr. Speaker, and with great pride that I rise to honor my constituent and former colleague, Louis DeSalvio.

THE 150TH ANNIVERSARY OF ROME NEWS-TRIBUNE

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. DARDEN. Mr. Speaker, this year marks the 150th anniversary of the Rome News-Tribune in Rome, GA. I rise today to recognize this newspaper on its many years of dedicated service to the people of Rome and Floyd County and the State of Georgia.

The Rome News-Tribune's history dates back to 1843, when it was founded as a weekly newspaper. Only during times of the Civil War, when Union troops occupied the city of Rome, was service interrupted at the newspaper. The Rome News-Tribune went to daily service just after the Civil War. This newspaper is the oldest daily in the State, with the exception of the five major metro areas, and is recognized as the oldest continuous business in the city of Rome.

Over its many years of operation, the Rome News-Tribune has featured such notable journalistic greats as Charles Smith, who under the name of "Bill Arp" became the South's leading humorist following the Civil War, and Henry Grady, later associated with the Atlanta papers and who is credited with creating the term "The New South." Poet Frank L. Stanton, John Temple Graves, T. Buford Goodwin, John R. Hornady, and other distinguished writers also have been associated with the newspaper throughout the years.

The Rome News-Tribune has proven to be a leader among 22,000-circulation Georgia dailies in style and service. The newspaper is always a tough contender in Georgia Press Association and Associated Press contests; honors in reporting, editing, photography, lifestyle features, special projects, and other areas of newspaper production have become tradition at the Rome News-Tribune.

The B.H. Mooney family has been involved in the publication of the Rome News-Tribune since 1928. Today, the newspaper is one of a handful of Georgia dailies still locally owned and operated. Currently, Burgett H. Mooney, Jr., serves as chairman of the board of directors for News Publishing Co., the parent corporation of the paper. His son, Burgett H. Mooney III, who represents the third generation at the helm of the paper, is editor and publisher.

Mr. Speaker, I would like to congratulate the Mooney family and the Rome News-Tribune staff on this milestone event in the history of the newspaper. I am confident that the Rome News-Tribune will continue its long tradition of commitment to excellence in journalism for many more years to come.

100TH ANNIVERSARY OF CHICAGO METALLIC CORP.

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize a company located within the Third

Congressional District of Illinois that has stood the test of time and overcome the tough economic climate of today. On April 25, 1993, Chicago Metallic Corp. will be celebrating its 100th anniversary.

Chicago Metallic was founded in 1893 by George Frohlich and upon his death in 1935 the company was sold to Reinhardt G. Jahn. The Jahns are now in their third generation of ownership with six family members involved in the current management of the company. Chicago Metallic is one of the largest sellers of ceiling materials in the world including over $300 million in sales last year. The company employs more than 1,300 people at 10 plants across the United States and overseas, 609 employees alone are located in the Chicago area.

In the past years, the southwest side of Chicago company has designed and supplied ceiling materials for numerous projects including the Sears Tower, O'Hare International Airport, the Georgia Dome in Atlanta, and San Francisco's Transamerica Tower. Currently, Chicago Metallic is supplying materials for the Central Plaza building in Hong Kong, which will be the fifth-tallest building in the world when completed.

Mr. Speaker, I hope my colleagues will join me in congratulating the Jahn Family on this very special occasion. I commend them on their century of hard work and commitment to their community and wish them every success with greater expansion and diversification in the years to come.

1993 J.C. PENNY GOLDEN RULE AWARDS

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. KOLBE. Mr. Speaker, we are all aware of the impact of volunteers on every community in this country. Programs designed to enhance the environment, to care for the homeless, to improve our schools, to deliver many of the services we have grown to depend on could not achieve their objectives without the efforts of volunteers.

I would like to pay tribute to all volunteers by recognizing five of them who are being honored this month as winners of the J.C. Penny Golden Rule Awards in Tucson, AZ.

When Bill Fry was diagnosed with AIDS, he "holed up—turned off the world." But after some thought, he volunteered with a vengeance at the Tucson AIDS project in a variety of different areas. He is reliable, energetic, and trustworthy, and willing to do whatever is needed. Bill transports, visits, and supports TAP's clients on a regular basis. During his own hospitalizations, he continues to visit others. When he is released, the first thing he does is call TAP and say, "I'm ready for work. What have you got for me?" Bill is a wonderful example of people helping people.

Walter Karnas is the founder of the Helmet Peak Volunteer Fire Department. When the Helmet Peak Area was told that the Green Valley Fire District could no longer offer fire protection, he obtained $26,000 in donated equipment and training, garnered support from the Pima County government, and sold thousands of raffle tickets. Fire protection in this area owes its existence of Walter Karmas. It has been said that this man "has the energy of two nuclear powerplants, and his leadership qualities are commensurate."

Project Pride Improvement Program—that's the long name for PIP. This organization offers kindergarten through sixth graders information, attitudes, skills, and support that help them to resist alcohol and drug abuse and gang involvement. A group of parents offered their services to help students develop ways to withstand the onslaught of destructive behaviors. In this age of violence and apprehension, PIP volunteers promote hope and faith in the human spirit—to the leaders of tomorrow.

Bianca Cristina Bustamonte, the youth award winner, supports the March of Dimes Youth Leadership Council, Chain Reaction, with peer to peer health education for southern Arizona high schools. She communicates directly by her presentations to area high schools, recruits teens to participate on the Health Conference Committee of Chain Reaction, arranges for speakers, invites attendees, and had primary responsibility for preparing the program. I call that a deep commitment to the community and a real ability to make a difference.

The winner in the education category is the Rio Vista PTO, whose mission is parents and teachers working together to support and strengthen the educational process. To this end, the group had provided hundreds of volunteer hours in support of the total school community by community outreach, family support, academic tutoring and extracurricular support. In addition, the financial support provided by the PTO has enhanced the quality of education by providing access to valuable resources and funding special school programs.

Together, these volunteers exemplify the spirit of volunteerism. I commend the attention of my colleagues to the work that they do, and the value of the work of all volunteers in this country. Without them, many worthwhile projects would simply not be accomplished. I believe that they deserve our support and respect.

TRIBUTE TO JOANNE MALYS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to honor a woman from my district who has served as the national president for the Italian American War Veterans Ladies Auxiliary for the past year. She has been involved with the Italian American War Veterans Auxiliary for over 30 years as a member of the Charles Marino Post No. 3 in Youngstown, OH.

Mr. Speaker, while at the Post No. 3, Joanne Malys served as president, secretary, and trustee. On the Ohio State level, she served as president, 2 terms, secretary, trustee, and several appointed offices. On the national level, she has served the national executive committee as a president, vice president, Americanism chairman, chief of staff, and as deputy inspector.

Mr. Speaker, after graduating from Youngstown State University and Kent State University with degrees in education, Joanne Malys went on to become a high school business education teacher. Joanne Malys has been actively involved with the PTA, band boosters, the Community Development Advisory Board of HUD, and the Polish Arts Club.

Mr. Speaker, I would like to take this time to recognize Joanne Malys for her contributions to the Youngstown community and to the Italian American War Veterans of the United States.

THE NEED FOR NATIONAL HEALTH CARE REFORM NO. 4: "KEEP THIS IN MIND"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. STARK. Mr. Speaker, enacting a good health care reform plan will be tough—but we must do it.

I periodically have entered in the RECORD horror stories of how the failure to have a decent national health care plan impacts individuals and families. Rarely have I received a letter as short and to the point as the following from a woman in Maryland.

We must enact national health care to save our citizens from this kind of dilemma. I hope we will keep this example in mind.

The letter follows:

DEAR HONORABLE STARK: The purpose of this letter is to inform you of my personal problems in obtaining health care in this country. I know many others have had similar problems. When you are considering health care legislation, I hope you will keep this in mind.

My husband owned his own business and our family and his employees were covered by Blue Cross/Blue Shield of D.C. I developed complications of diabetes in 1985. After this hospitalization I received notification from Blue Cross/Blue Shield that they would no longer cover any medical conditions or complications resulting from diabetes. In the meantime my husband passed away and I continued to make payments to Blue Cross/Blue Shield of $240 per month for health insurance.

In October and November of 1991, I received treatments from an ophthalmologist. The bill came to $2,100 and Blue Cross/Blue Shield paid only $360. At this point I knew I could no longer afford to pay $240 per month for health insurance plus pay doctor bills that health insurance did not cover. I knew most of my medical problems would be associated with diabetes and I would have to pay the doctor's bills for these myself.

Presently my total income is $540 per month. I no longer have health insurance and I cannot afford to pay for visits to the doctor and medical tests that I need. I am not 65 years of age so I do not qualify for medicare and my income from Social Security is slightly above the cut off of medical assistance. In considering medical care legislation please consider people like myself who cannot afford to pay for a doctor's care, are not eligible for medical assistance and are not 65 years of age.

FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION ACT OF 1993

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. STENHOLM. Mr. Speaker, I am pleased to join Congressman TOM LEWIS of Florida, Chairman DE LA GARZA, and others in introducing the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993. The legislation will provide for a nationwide consumer-oriented promotion program to maintain and expand markets for fresh cut flowers and fresh cut greens.

The program will be funded through assessments of one-half of 1 percent of gross sales paid by handlers of fresh cut flowers and fresh cut greens. A referendum will be conducted within 3 years after the order implementing the legislation goes into effect.

Mr. Speaker, more than 50,000 small businesses in congressional districts throughout the Nation are engaged in providing the American public with flowers for special occasions and for everyday use. It is obvious that flowers enhance the quality of life as people engage in their daily activities. Around the world, flowers are symbols of love, sympathy and joy. They also enhance the aesthetic quality of our environment. And beyond that, flowers have proven to have positive psychological and physiological benefits.

Industry funded activities under the program will consist of promotion to advance the image, desirability, and marketability of cut flowers and cut greens; consumer education to provide information on the care, handling and appropriate use of cut flowers and cut greens; and research as needed to support promotion and information activities.

The U.S. floral industry has a record of significant accomplishments which I would like to mention and make part of the official record. United States and international agriculture is indebted to research first conducted in the floriculture industry. Floriculture was the first to use automatic irrigation and fertilization, now a standard practice for many agricultural commodities. Trickle irrigation, derived from greenhouse watering systems, has revolutionized arid climate agriculture.

Floriculture scientists have also developed methods to conserve energy and water, prevent pesticide pollution and reduce air pollution. In addition to enhancing the quality of life, floriculture can literally improve the quality of the environment.

Mr. Speaker, floriculture is truly part of the global marketplace. The American public receives flowers from growers in the United States and from all over the world. While imports have continued to increase, domestic producers are developing new ways to participate competitively in the marketplace. Under this checkoff program, handlers would be assessed the same for all products, whether domestic or imports.

While the cut flowers industry is only part of the floral industry, it is an important part. Industry sources estimate that the U.S. floral industry is approximately a $12 billion industry at the retail level. Currently more than 45,000 acres of greenhouses, shade houses, and open ground are under floriculture production in the United States.

In order for the floral industry to continue its admirable record of serving U.S. agriculture and providing the American public with products and services important to their daily lives, I urge my colleagues in the House to join me in supporting this legislation.

QUALITY EDUCATION BEGINS WITH INDIVIDUALS

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. GALLO. Mr. Speaker, I rise today to pay special tribute to those who have concerned themselves with and have dedicated their careers and long-term goals to educating our young children.

This job is one of the most important because the education of our children represents our future. Potential technological advances and resolved complicated social relationships are dependent on their education.

Early childhood education requires not only teaching academic skills but social skills as well. Therefore, we would not entrust such care to any individuals who were not extremely qualified to take on this task.

The need for such quality education is vital, and many people have dedicated an enormous portion of their lives to improving standards of education and teaching for our children. Such an important job requires higher education, dedication, patience, and understanding. And those educators who have taken the initiative to improve the educational system must be recognized for their leadership roles, as well as for their accomplishments in doing so.

New Jersey has been honored by the outstanding contributions to the educational system by many of its citizens. It is with extreme pleasure and personal pride that I rise now to honor one of the most distinguished New Jerseyans.

Dorothy Engle is a gemstone who has shined brightly for decades in early childhood education and community service. Dot is a woman of remarkable vitality, compassion, and dedication. Her contributions in formal education and community service have always been based on the foundation of love and understanding of young children.

Dot has served eight consecutive 3-year terms on the Board of Education, Sparta Township, NJ. In the Garden State, school board members are elected by the citizenry so this alone testifies to the extreme high regard in which she is held. Her contributions, however, go far beyond school board membership. Dot was an original member in 1946 of the committee to establish statewide standards for the licensing of child care centers. She was instrumental in organizing the New Jersey Association for the Education of Young Children and has had officerships in far too may organizations to herein mention. But Dot, expert that she is in early childhood education, knows full well that children need much more than formal education. She, therefore, has given continuously of her time and talents to groups such as the Girl Scouts, church groups, and the Sparta Youth Development Commission.

Dot was the first woman to serve as president of the Sparta Area Chamber of Commerce and has also served as president of the Sussex County Zonta Club.

In 1983, Dot was named as the "Outstanding Older American of the Year" by the Sparta Township Council. She received the Jay-Cees Distinguished Service Award in 1982, has been named "Woman of the Year" by the Chamber of Commerce and had an entire week dedicated to her in 1980 by the township.

Mr. Speaker, it is with great pride that I rise to honor the contributions of an outstanding New Jerseyan, Mrs. Dot Engle.

EDWARD WELLEJUS HONORED

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. RIDGE. Mr. Speaker, I rise today before the 103d Congress to pay tribute to a distinguished American, an exceptional journalist, and a widely respected member of Pennsylvania's 21st Congressional District—Edward Wellejus.

For 50 years, Ed has held true to the journalistic ideal that in Walter Lippmann's words; "A free press is not a privilege but an organic necessity in a great society." From his early high school years on, Ed's writings and work reflected appreciation for his home and its history.

The author of "Erie, Chronicle of a Great Lakes City," and "Erie and Its Newspaper" he is a veteran newspaperman with an exceptional dedication and commitment to excellence. Now the editorial page editor for the Erie Daily Times and Sunday Times-News, Ed originally joined The Times staff as a sports writer in 1943 while still a student at Academy High School where his work on the school paper caught the eye of then sports editor, Howard Parsons.

With the outbreak of World War II, Ed served his country with distinction in the 87th Infantry Division in Europe. During his tour of duty, he was captured and held as a prisoner of war, enduring the hardships of various German prison camps. Upon his return home, Ed enrolled at Meadville's Allegheny College, where he burned the candle at both ends, studying history while also working as the Times' Meadville correspondent.

Upon his graduation in 1949, Ed moved back to Erie where he became a familiar face reporting from city hall as the Times' Man on the Scene for 15 years. In addition, Ed hosted a daily radio news program for 20 years and also served 2 years as moderator for a question-and-answer program with State legislators on local cable television. As a citizen who believes strongly in contributing to his community, Ed worked on promotion and publicity for Behrend College of Pennsylvania State University for 6 years. He also sat on the boards of the Perry Memorial House, the Erie Humane Society, and, most recently, the community advisory board for WPSE, Penn State Behrend's radio station.

Mr. Speaker, Ed, his family, and his friends can certainly be proud of these accomplishments for they reflect the hard work and dedication of a unique individual. His love for history, his appreciation for books, and his dedication to family and home serves as an example for us all. It is with great pride and honor that we salute and congratulate Edward Wellejus on his retirement.

TRIBUTE TO ST. SYMPHOROSA LADY VIKINGS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the sixth grade girls basketball team of St. Symphorosa School. The Lady Vikings are composed of two teams: No. 1 gold and No. 2 blue. Recently, the No. 2 blue team took first place in the Burbank Park District League of Burbank, IL and the No. 1 gold team took second place in the Burbank Park District League.

Both teams successfully played as one team in the Chicago Park District League at Curie High School in Chicago and took second place. It was the first time in the school's history that three trophies were won in one season by the team.

I congratulate all these young ladies, their head coach, John Chico, and assistant coaches, Dan Athern, Ken Kosowski, and Jim Kane, for their hard work this season and wish them all the best for the years to come. I hope my colleagues will join me in congratulating them for a great season.

The following is a list of the St. Symphorosa Lady Vikings:

No. 1 gold—Gayle Athern, Cathy Burkert, Patti Chico, Jennifer Kosowski, Meghan Dalton, Megan Kennelly, Danielle Rocco, Erica Wojnarowski.

No. 2 blue—Jennifer Smith, Tiffany Kane, Susan Palomino, Erin Marsh, Jennifer Wilken, Tanya Burke, Natalie Cruz, Michelle Rutkowski, Lynda Daly.

TRIBUTE TO THE MILTON LITTMAN MEMORIAL FOUNDATION

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mrs. MEEK. Mr. Speaker, I rise today to recognize the contributions that the Milton Littman Memorial Foundation, in Miami, has made to my community, this Nation, and the world. For 15 years the Milton Littman Memorial Foundation has been helping to educate needy young people, regardless of race, color, creed, or national origin. The Littman Foundation has helped many deserving young people, especially those who have been deprived because of family circumstances or discrimination through no fault of their own, to further their education through cash awards.

Under the leadership of North Miami Beach City Councilman Jules Littman, brother of the late Milton Littman, the foundation has experienced steady growth and broad recognition.

This year I had the honor and privilege of being the speaker at the foundation's 15th anniversary breakfast in my district a few weeks ago, and I was very impressed by the caliber and diversity of the students whom the foundation supports.

The foundation implores the students it assists to give something back to the community and reminds them of their responsibility to make a better city, State, and country.

ANN NICOLE ZAWISTOSKI FINALIST IN WESTINGHOUSE SCIENCE CONTEST

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. MYERS of Indiana. Mr. Speaker, it is with pride that I pay tribute to Ann Nicole Zawistoski who was a finalist in the 52d annual Westinghouse science talent search contest. Ann was honored last month for her outstanding and creative efforts in scientific research. As a 17-year-old student at Edgewood High School in Ellettsville, IN, she won a $1,000 award for studying ancient tidal cycles as revealed in siltstone buildup in whetstone beds in Orange County, IN. Her purpose was to determine the length of a year as it occurred 300 million years ago.

I commend Ann for her creativity and her success. She is a fine example of American youth and a testimony of what this Nation's young people can achieve given the opportunity and the proper support. Our Nation's greatest resource is its youth. I, therefore, also commend Westinghouse and science service for their private sector initiative in honoring young people such as Ann and for providing them with the impetus to extend themselves in scientific study.

SALUTE TO LEONARD DRAYTON—1992 LOS ANGELES RESERVE POLICE OFFICER OF THE YEAR

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. McKEON. Mr. Speaker, I rise today to salute one of my constituents who truly embodies the spirit of national service.

Leonard Drayton of North Hills, CA, was selected this month as the Los Angeles Police Department's Reserve Officer of the Year. As a reserve police officer, Leonard Drayton volunteers his time to ensure the safety of our neighborhoods. Officer Drayton averages an amazing 11 shifts per month, while maintaining a career in the private sector.

Officer Drayton's commitment to self-excellence, his leadership qualities, and his ability to motivate his fellow officers, all add up to making him an outstanding police officer.

Officer Drayton has been commended on numerous occasions for his professionalism, attention to duty and unselfish sacrifice.

In 1992, officer Drayton was awarded both the Meritorious Unit Citation Medal and the Police Star.

Officer Drayton is an excellent example of the professional police officer who is not only dedicated to the principals and standards of the Los Angeles Police Department, but also to the community they serve.

I ask my colleagues to join me in recognizing the unbridled commitment and dedication of Los Angeles reserve police officer Leonard Drayton, and the thousands of his fellow officers who give so much of themselves.

WCPO-TV AND WCCO HONORED FOR THEIR INVESTIGATIVE REPORTS ON SALVAGE FRAUD

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. CLEMENT. Mr. Speaker, while a great deal of attention has been focused on a "60 Minutes" February 21, 1993 segment on a consumer fraud scam associated with salvage fraud, the Society of Professional Journalists has recently honored two local stations for their stories on this very same issue.

I am pleased to inform the House that WCPO–TV in Cincinnati won the Sigma Delta Chi Award for Public Service for its series entitled "Rebuilt Wrecks." The series, "Rebuilt Wrecks" traced totaled cars that had been resold as undamaged. Members of WCPO–TV's investigative team, tracked down histories of rebuilt cars, including previous owners and their stories about the accidents.

The Public Service in Television Journalism Award is given to a television news organization that renders public service to the community it serves through extensive coverage of a controversial issue facing the community.

Mr. Speaker, I viewed this series and found the report absolutely essential in making consumers in the Cincinnati viewing area aware that they may be unknowingly purchasing a previously wrecked vehicle because of the automobile title fraud problem.

I am also pleased to inform the House that the Society of Professional Journalists have honored WCCO in Minneapolis with a Sigma Delta Chi Award for TV investigative reporting for their story "License of Steal."

The investigative team of Steve Eckert, Patrick Weiland, Julie Kramer, Joe Berglove, and Gary Feblowitz uncovered a loophole in Minnesota law that allowed cars which have been wrecked and totaled in other States to be issued clean titles in Minnesota, often without inspection. The TV Investigative Reporting Award is given for investigative reporting by a reporter or reporting team.

I want to commend WCCO for their report. It really is appalling that Minnesota's State law on titling rebuilt wrecks places consumers at such a disadvantage when they purchase a used car. Fortunately, WCCO got on top of the story and provided a valuable public service to their viewers in airing this important report.

Mr. Speaker, it's not just coincidence that the Society for Professional Journalism honored two stations which produced stories on essentially the same topic. Salvage fraud is a hot issue because it is a growing national problem. That's why I have introduced H.R. 1048, the Vehicle Damage Disclosure Act, that would put an end to salvage fraud.

Ordinarily, after a vehicle has been totaled in a wreck, the car's title document is branded "salvage." Salvage fraud occurs because it is easy to wash that salvage designation off the title by simply retitling the vehicle in another State. When the vehicle is later resold, neither the dealer nor the consumer are warned about the prior salvage history.

Many of the people who issued vehicle titles across the United States have been concerned about this problem for years. Their association, the American Association of Motor Vehicle Administrators [AAMVA], established a working group to look into the problem and make recommendations.

The State motor vehicle administrators surveyed all the jurisdictions and recently released their report. The group found that salvage fraud hurts consumers in two ways. First, consumers pay more for rebuilt wrecks than they are worth; second, they face greater safety risks. Salvage fraud also encourages auto theft, and it disadvantages legitimate suppliers of used cars and parts, including auto auctions and dismantlers.

Upon considering the nature and extent of the salvage fraud problem, the State officials' primary recommendation was that Congress pass "Federal legislation to require salvage titles and the carrying forward of title brands." H.R. 1048 is that legislation.

Mr. Speaker, again I want to commend both WCPO–TV in Cincinnati and WCCO in Minneapolis for their very informative news stories on the important issue of title fraud. Their stories have already done a great deal in informing consumers as to the extent of the problem and will greatly assist my efforts in passing H.R. 1048.

CONGRATULATIONS TO DUNWOODY HIGH SCHOOL

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. GINGRICH. Mr. Speaker, today, I am very proud to announce that Karen Saunders and her class from Dunwoody High School, in Dunwoody, GA, will be representing Georgia at the national finals of the We the People * * * The Citizen and the Constitution competition in Washington, DC, on May 1–3, 1993.

I know that State Coordinator Michele Collins and District Coordinator Robynn Greer have contributed a great deal of time and effort to help these outstanding students reach the national finals, and Dunwoody High School teacher Karen Saunders deserves much of the credit for the success of this impressive team.

The distinguished members of the team representing Georgia are: Mehul Bhatt, Kelly Black, Michael Citrin, Evan Cone, Abbie Conner, Troy Coons, Greg Cox, Gray Crawford, Steve Danner, Justin Deasy, Shelle Denkinger, Ross Feingold, Bryce Gartland, Mary Elizabeth Hancock, Matt Harness, Jeff Harvey, Inman Houston, Mike Latham, Brent Loux, Jordan Luftig, Jody Ma, Allison McAndrew, Manashi Mukherjee, Reid Markunas, Sunil Patel, Josh Rosen, Kirk Stonecipher, Mary Beth Telander, Heidi Tuhkanen, Clay Williams, Corinne Wimberley.

The We the People * * * The Citizen and the Constitution program, supported and funded by Congress, provides an excellent opportunity for students to learn about our Constitution, its significance in the history of the United States, and the responsibilities incumbent upon the citizens of our Nation. I am extremely proud of these students representing Georgia and I heartily commend them and their teacher for their hard work. I encourage all of my colleagues to join me in wishing them all the best in the upcoming competition as well as in their bright futures.

TRIBUTE TO WILLIAM B. PEARCH

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of a man who has graced me with loyalty and wisdom. Mr. Speaker, I rise in tribute to Mr. William B. Pearch.

Mr. Speaker, Bill retired April 1, 1993, after serving 8 years as a staff assistant in my Youngstown office As you may know, my district offices are renown for their tireless efforts on behalf of the people of my community. I am very proud of this reputation. I realize, however, that an important element of this service is missing with Bill's retirement.

Bill's unique and successful career spans nearly 47 years. He has worked as a policeman, safety inspector, and claims investigator. His business, Pearch Construction, produced many beautiful, handcrafted homes and remodeling projects that still adorn the Mahoning Valley. Despite his success, he never turned his back on the community. He was deeply involved in women's softball, generously coaching and sponsoring his own team.

After meeting Bill, I commissioned him as a deputy sheriff. He excelled in his position and I eventually appointed him special investigator. His mastery of detective work is evidenced by the 40 specialized courses in law enforcement he has studied. He left the sheriff's department after I won, and served as a loyal employee of mine ever since.

Mr. Speaker, I would like to take this special opportunity to thank Bill for the service he has given me and the 17th Congressional District. I wish him all the best.

God Bless you Bill. We will miss you.

TRIBUTE TO MATT PASSERO, LARRY WILSON, AND ANDY DUERLING

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to three men of the Third District of Illinois. On December 22, 1992, Matt Passero, Larry Wilson, and Andy Duerling attempted to save the life of Chester C. Urbanik of Chicago, who suffered a massive heart attack in public.

The heroic actions of these men should not go unnoticed. Too often today we are inclined to stand by while others are in need of our help. But these three men were not afraid to reach out to Mr. Urbanik. The community of Chicago's 23d Ward is fortunate to have such citizens working for it.

Mr. Speaker, I hope my colleagues will join me in commending these men for their unselfish actions. May the rest of the community follow the fine example they have set.

UP TO THE UNITED STATES TO STOP THE SERBIANS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. FISH. Mr. Speaker, on the 50th anniversary of the Warsaw Ghetto uprising, the world is witness to nothing short of genocide in Bosnia and Herzegovenia. For the benefit of my colleagues, I recommend the following April 19, 1993, New York Times op-ed article by Anthony Lewis. The time for a response by the civilized world is long past.

WAITING FOR CLINTON

(By Anthony Lewis)

WASHINGTON.—Fifty years after the Nazis, will a European state led by a murderous demagogue be allowed to slaughter and expel another people because of their religion?

The question has faced Europe and the United States since Serbian aggression began in the former Yugoslavia 18 months ago. And no matter how hard European leaders and President Clinton wish, it will not go away.

Slobodan Milosevic of Serbia calculated from the beginning that the Europeans and Americans would wring their hands, say tut-tut and do nothing that really mattered as Serb forces attacked the Bosnian Muslims. So far he has been exactly right.

The latest trophy of his strategy is Srebrenica. After solemnly pledging to cease fire a week ago, Serbian generals let go with massive shelling that killed 53 civilians in the town. Over the weekend, a cease-fire demanded by the U.N. went into effect, on terms that will save life but effective end Muslim control.

The increasingly brazen Serbian aggression is accompanied by denials that would have made Joseph Goebbels blush. Thus the Bosnian Serb leader, Radovan Karadzic, said he had "ordered that not a cigarette butt land in Srebrenica." Serbian television said the 53 supposed victims were really Serbs who had been captured and killed.

Margaret Thatcher, the former British Prime Minister, called on the West to use its air power and let the Bosnian Government buy weapons to fight. "We cannot let things go on like this," she said. "It is evil."

Lady Thatcher's remarks seemed only to increase the defensiveness of both British and American officials. Secretary of State Warren Christopher dismissed her appeal as "rather emotional." As if, when more than 100,000 people have been killed and 1 million expelled because of their religion, emotion is inappropriate.

But why is it America's business? If the Europeans have failed to meet the challenge, why look to us? The answer is that this country is the only superpower. And the world will not move unless and until our President does.

Under the headline "Bosnia Waits for Clinton," Joe Rogaly wrote in The Financial Times, London, last week:

"Only President Clinton can stop the Serbs * * * It is up to the United States to decide whether the artillery used against women and children in Srebrenica and elsewhere should be bombed. If—when—it does, its NATO allies will participate or acquiesce."

The President, evidently embarrassed by the assault on Srebrenica, said he was looking again at all options. But he still seems unwilling to do anything that might actually worry the Serbian aggressors.

The trouble is that the fig leaf Mr. Clinton has used to cover a do-nothing policy has vanished. The fig leaf was the peace plan proposed by Lord Owen and Cyrus Vance. Any military intervention, it was argued, would be fatal to "the peace process."

There is no longer any pretense of a peace process. Even Lord Owen, who for months furiously argued against military intervention, has said that if the Serbs "are hell-bent on taking other towns, then we will have to meet this assault on Muslim towns with military action."

It is understandable that Bill Clinton prefers to avoid meaningful action in Bosnia. He is determined to be a domestic President—to tackle the terrible problems afflicting the United States at home. So he does not want to use his political capital on Bosnia.

But an American President who rallies his people to a good cause abroad does not lose political capital; he gains it. Indeed, if George Bush had used his standing after the Persian Gulf war to fight for a domestic program, he might still be President.

There are many horrors in the world today—but none worse than the unapologetic aggression and murder in Bosnia, and none so central to the established American interest in a peaceful Europe. Joe Rogaly, the Financial Times columnist, wrote that Lady Thatcher had made Britons ask themselves, "Where do I stand?" He answered:

"We must not accept that no military counterforce can be deployed when a gang of warriors, acting in the name of national identity, commits every atrocity, every slaughter, in order to gain Lebensraum on European soil. If we do, we are nothing."

And if we do, we Americans are nothing.

TRIBUTE TO DR. JOHN E. ADAMS

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, on April 5, 1993, when Dr. John E. Adams died, children throughout the world lost a great advocate and I lost a very dear friend.

As the executive director of Holt International Children's Services, Jack Adams was a pioneer in the field of adoption. "I have a simple vision," he once said, "It is that we some day have a world where every child is wanted * * * a world in which each child is adequately and permanently nurtured as a wanted person by his parents, whether they are biological or adoptive."

Without Jack, I never could have adopted my two daughters. Without Jack's faith in me—despite the fact that never before had an unmarried U.S. citizen adopted a foreign child—Lee Heh and Holly could never have entered and enriched my life. Without his compassion, dedication, and love, the thousands of children he helped place throughout the world would not enjoy the lives and families they have today.

Jack was recognized throughout the world for his efforts on behalf of children. He served on the United Nations committee of experts who developed guidelines for international foster care and adoption, he spoke at the Milan World Conference on Adoption and Foster Care in 1971, and he was active in the development of the "International Rights of the Child" which was a part of the United Nations International Year of the Child in 1979.

I wish to offer my condolences to his wife, Jan, his four children, his two grandchildren, and to all the thousands of children and parents whose lives he enriched, whose needs he answered, and whose love he shared. Our world is a better place for Jack's having been here.

WESTVIEW CHRISTIAN REFORMED CHURCH CELEBRATES CENTENNIAL

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. HENRY. Mr. Speaker, I want to pay tribute today to Westview Christian Reformed Church located in my congressional district in Grand Rapids, MI.

On June 23, 1993, Westview Christian Reformed Church will be 100 years old. Formerly known as Broadway Christian Reformed Church in the lower westside of the city, it was established as the second English-speaking Christian Reformed Church in North America. Broadway was organized with assistance from the Alpine Avenue Christian Reformed Church, a Dutch-speaking congregation. Broadway was blessed and grew through the period of 1893 to 1963. In 1963, the congregation changed its location, built a new facility, and changed its name to Westview.

The people of Westview Church have given of themselves for many years to their church and to their community. Their contributions have made a significant impact on many people, both within the church membership and those with whom it has come into contact through these many years.

Mr. Speaker, without a doubt, our community is a better place in which to live because of the presence of Westview Christian Reformed Church. I encourage my House colleagues to join with me in extending our sincere congratulations to the congregation at Westview and we pray God's continued blessings on them in their next century.

THE NATIONAL WILDLIFE REFUGE SYSTEM MANAGEMENT AND POLICY ACT OF 1993

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. GIBBONS. Mr. Speaker, 90 years ago President Theodore Roosevelt established the Nation's first national wildlife refuge on Pelican Island in my home State of Florida. He created it to protect wading birds preyed upon by the fashion industry for their decorative plumes.

What would President Roosevelt say of the abused Refuge System in 1993? Today we permit military practice-bombing of refuges. We allow jet ski noise and wakes to drive nesting birds and wildlife from refuges. In fact, the GAO reported in 1989 that harmful, incompatible activities threaten nearly 60 percent of the Nation's wildlife refuges.

Today's System hardly provides the refuge for imperiled fish and wildlife President Roosevelt envisioned. That is why I have introduced H.R. 833, the National Wildlife Refuge System Management and Policy Act of 1993. My bill would establish precise purposes for the System, improve the compatibility determination process governing secondary uses, establish comprehensive planning requirements, and provide for interagency coordination in maintaining refuge resources.

On the issue of hunting, let me say this. President Roosevelt was not only a famed conservationist, but also a noted hunter. Nevertheless, he saw a utility in setting aside lands to conserve, restore, and manage fish and wildlife. My bill reaffirms the right to compatible recreation such as hunting and fishing where congruent with a refuge's purpose. H.R. 833 does not legislate a Systemwide prohibition on hunting.

Celebrate the 90th anniversary of the National Wildlife Refuge System by cosponsoring H.R. 833.

BAKERSFIELD HIGH SCHOOL CENTENNIAL

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. THOMAS of California. Mr. Speaker, I rise today in recognition of Bakersfield High School's first 100 years of dedicated service to the education of young people in Kern County, CA.

When opened on January 12, 1893, in two rented rooms on the upper floor of the Railroad Avenue School, Bakersfield High School had a faculty of two teachers and a student body of 30. Today, Bakersfield High School occupies multiple buildings on a 25-acre campus and the student body has reached almost 5,000.

Over the past 100 years, Bakersfield High School has not only grown in terms of students and physical plant, but also in terms of academic and extracurricular pursuits. In 1893, Bakersfield High School provided advanced instruction in literary and scientific subjects. Today, the school offers instruction in a full array of subjects to prepare students for higher education and for their careers.

Bakersfield High School has also had a long history of outstanding sports teams—especially football teams, which won the State championship seven times from 1916–27—and an active student body both at the school and in the community. The student newspaper, The Blue & White, has been published since 1914 and yearly theater plays have been a mainstay since 1902.

Throughout its history, the staff and faculty of Bakersfield High School have remained dedicated to the school's timeless mission statement:

> Bakersfield High School is committed to a quality educational program, responsible to the needs of its students within a safe, nurturing environment. The staff, students, parents and community assume responsibility for each student's academic and personal success. Recognizing the worth and dignity of each student, Bakersfield High School prepares all students to achieve their fullest potential. Our goal is to produce students who make informed decisions as they become responsible citizens and productive members of society.

The success of Bakersfield High School in meeting the educational needs of its students can be seen in the success of those who have graduated from Bakersfield High School. Governor of California and Chief Justice Earl Warren; Hall of Famer and sportscaster Frank Gifford; prominent Bakersfield citizen and businessman Jim Burke; Chicago School District Administrator Dr. Ruth Love; and mayor of Bakersfield Bob Price are just a few of the outstanding graduates of Bakersfield High School.

For 100 years, Bakersfield High School has served the young people and the community of Bakersfield, and I am sure it will continue to do so for many, many more years.

NATIONAL WILDLIFE REFUGE SYSTEM CELEBRATES 90TH ANNIVERSARY

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. BROWN of California. Mr. Speaker, I am pleased to join my colleague SAM GIBBONS in celebrating the 90th anniversary of the National Wildlife Refuge System. The Refuge System is the only network of lands and waters the country has set aside specifically to conserve and manage fish and wildlife.

From the tiny Pelican Island refuge in Florida, established 90 years ago this month to protect brown pelicans and other birds, the Refuge System has grown to include over 480 units and more than 90 million acres. Today's Refuge System provides habitat for over 700 species of birds, 200 mammals, and 300 amphibians and reptiles.

Throughout its history, the National Wildlife Refuge System has been a cornerstone of our Nation's efforts to conserve wildlife. In the early years of this century, dozens of refuges were established to preserve the remaining breeding grounds for egrets, herons, gulls, terns, and other birds whose plumage was fancied by the millinery trade. In later years, refuges were established to protect the wetlands of the prairie States that are so important to our waterfowl and other migratory birds.

Long before there was an Endangered Species Act, there were, of course, endangered species. National wildlife refuges played an important role in conserving many of these species, from the brown pelican to the whooping crane.

Since the passage of the Endangered Species Act, we have dramatically increased the number of critically imperiled species protected by the National Wildlife Refuge System. In my home State of California, we have over 35 national wildlife refuges. Thirteen of these were established explicitly to conserve one or more endangered species.

In southern California, for example, the Bitter Creek, Hopper Mountain, and Blue Ridge refuges were established to protect habitat for the California condor. Sweetwater Marsh and Tijauana Slough refuges were established to conserve the light-footed clapper rail. In Riverside, important habitat for the Coachella Valley fring-toed lizard is protected by the Coachella Valley National Wildlife Refuge.

Unfortunately, as important as the National Wildlife Refuge System is to our Nation's wildlife, it is a system with many problems. The health of many of our refuges has been undermined by harmful economic and recreational uses, inadequate water supplies, poor planning, and lack of direction.

I am proud to have joined my friend and colleague SAM GIBBONS as cosponsor of the National Wildlife Refuge System Management and Policy Act of 1993, a bill that will put the Refuge System on a steady course for the future. This bill is essential if the Refuge System is to live up to its significant potential.

REVERE BEACH STUDY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. MARKEY. Mr. Speaker, today I am reintroducing legislation that I hope will ultimately lead to the restoration and protection of America's first public beach. Revere Beach, located in the city of Revere, MA, holds the distinction of being the first beach in the Nation that was established for public enjoyment and preservation. It is truly one of New England's great natural assets—a beautiful crescent beach, easily accessible to an urban area, rich in history and with numerous recreational resources. Revere Beach is not only significant as the first ocean property acquired and managed for the public good, but it is also an important example of open space preservation. The bill I am reintroducing today would require the Department of the Interior to conduct a study to determine the feasibility of including Revere Beach as a part of the National Park System. Last year this same study bill was unanimously passed by both the House and the Senate, but then with a pocket-veto issued by former President George Bush, the bill was terminated. It is my hope that under the new Clinton administration this bill will not only find support within the House and Senate, but from the President as well.

It was in the early 1890's when Mr. Charles Eliot, alarmed at the rapid development and loss of natural beach and ocean panorama at Revere Beach, appealed to the Massachusetts Metropolitan Park Commission to take action and establish a public recreation area at Revere Beach. Eliot commented at the time that such a move was "a difficult and novel question, the beach being the first that I know of to be set aside and governed by a public body for the enjoyment of the common people."

Revere Beach first became a summer resort attraction in the mid-1800's because of its accessibility by rail to the city of Boston. Its popularity gave rise to numerous resort hotels, restaurants, bathhouses, and dance halls. By the early 1900's, lively and colorful amusements lined Revere Beach Boulevard including carrousels, roller coasters, fun houses, and various games of chance. Rather than evolving as an exclusive enclave of the wealthy, it represented the first time a seaside recreation areas was set aside for the enjoyment of a basically working class urban population. It is a slice of American history that deserves to be preserved and appreciated for generations to come.

Revere Beach illustrates a way of life, a stage in the development of the American social and cultural life not preserved elsewhere in the National Park System. It is not connected with famous people or events, but embodies the spirit of an era and the development of the American way of life. This beach was a place for working class Americans to enjoy the pleasures of a seaside resort usually reserved for the wealthy. Its easy accessibility to mass transit make it a location to be enjoyed by all.

As Americans take shorter vacations, closer to home, we need to adjust our recreational resources to reflect these new patterns. The accessibility of Revere Beach makes it a perfect destination for a day or weekend trip. Preservation of the public facilities, the historic structures and the beautiful beach at this old resort would make this unique site available to people without the means of travel to wilderness areas and large parks.

I recall taking daily summer swims at Revere Beach as a boy. Located a short ride on the Blue Line from Boston, Revere Beach was a schoolboy's summer paradise. I have fond memories of the sun and sand, ice cream and hot dogs, and the hundreds of people escaping the city heat and bathing in the cool, clean water. Inclusion of Revere Beach in our system of national parks and recreation areas would avail future generations from around the country the opportunity to enjoy fully this his-beach and help to return it to the pristine recreational preserve of the common people. I am hopeful that my colleagues will once again show their support for this legislation and I encourage them to cosponsor this measure, one which I believe deserves the enthusiastic support of this body.

TRIBUTE TO CHICAGO POLICE SERGEANT JOHN CONROY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate Chicago Police Sergeant John J. Conroy on the special occasion of his retirement.

Sergeant Conroy came to the department March 1, 1957, and has worked in numerous positions of responsibility, risk, and protection of the public, particularly on the South Side of Chicago. He represents the highest standard of public service. He truly can be considered a friend of the people of the Chicago community and is to be commended on his retirement after a distinguished law enforcement career of 36 years.

John is retiring in order to spend more time with his family. He and his wife Carol have spent their entire married life together as residents of Chicago's 18th ward.

Mr. Speaker, I am pleased to commend Sergeant Conroy for his tremendous contributions to our community. I hope my colleagues will join me in saluting him for his many years of commitment and wishing him the best in the years to come.

TRIBUTE TO CHARLES MEADOW

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Charles Meadow, a beautiful new housing community for elderly and disabled citizens in the congressional district I represent. Charles Meadow will be dedicated on June 13, 1993, in Tiffin, OH.

I want to commend Mercy Hospital of Tiffin, the Sisters of Mercy, St. Charles Hospital of Oregon, OH, and everyone else involved in making the Charles Meadow project a reality. Its construction stands as testimony to what a community can do when citizens cooperate and work hard for the common good.

Mr. Speaker, Charles Meadow is in a building formerly used for manufacturing. The building now has within it 28 impressive housing units for the elderly and the disabled, and I am confident that it will be a place of warmth, comfort, and security to all those who will dwell there.

I ask my colleagues here in the House of Representatives to join me in wishing the people of Charles Meadow the best of luck in the years ahead, and in congratulating them for all they have done to bring this great new facility to Seneca County, OH.

TRIBUTE TO ROBERT F. FURILLO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of Mr. Robert F. Furillo, the 32d postmaster of Youngstown, OH.

Mr. Speaker, Mr. Furillo was appointed to the top post this year after serving the U.S. Postal Service for 28 years. He began his distinguished career as a letter carrier and moved along the hierarchy to eventually become the postmaster. He has served in a number of capacities, including manager of commercial accounts, director of customer service and, most recently, director of field operations.

Mr. Speaker, as you know, the Postal Service handles huge volumes of mail everyday. The elevation of Mr. Furillo to a position in which he oversees a branch of this massive process is a tribute to his hard work and dedication.

I commend you, Mr. Furillo, on your appointment. I join your daughters, Lisa and Gina, in taking great pride in your accomplishment.

MSGR. HENRY J. KLOCKER HONORED

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. MANN. Mr. Speaker and Members of the House, please join me in congratulating Monsignor Henry J. Klocker on the occasion of the 50th anniversary of his ordination, which he will celebrate on Sunday, April 25, 1993.

Monsignor. Klocker, of Our Lady of Lordes Catholic Church in Cincinnati, OH, has been an integral part of the parish community and the Cincinnati community as a whole. He is originally from Kenwood and attended Purcell High School and local seminaries.

For more than 20 years Monsignor. Klocker served as the director of the Catholic Student Missions Crusade. In this capacity he taught about the needs of the missions and raised money and prayers for their support.

In addition to celebrating the anniversary of his ordination this Sunday, Monsignor. Klocker will also be celebrating his retirement from Our Lady of Lordes parish. At the age of 75 the monsignor has brought the love of Jesus to many individuals in Cincinnati and beyond. Mr. Speaker and Members of the House, I ask you to join with me in wishing Msgr. Henry J. Klocker all the best in his retirement.

TRIBUTE TO RABBI JOHN SHERWOOD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Rabbi John Sherwood, who is retiring after 22 years with Temple Emet in Woodland Hills. On May 28, Rabbi Sherwood will lead his final Shabbat service at Temple Emet. He will be sorely missed by his congregation, to whom he has been a source of intellectual and spiritual guidance for two decades.

Any visitor to Temple Emet would immediately understand how much Rabbi Sherwood has meant to the congregation. He is the author of the Temple's High Holy Day Prayer Book, as well as numerous other liturgical works. Spiritual leadership comes naturally to Rabbi Sherwood, who before he came to Temple Emet, helped launch Reform Judaism in Western Canada.

But Rabbi Sherwood has contributed more to Temple Emet than the written word. An avid photographer, his fascinating pictures of Judaica from around the world are on exhibit in a gallery he created at Temple Emet.

Rabbi Sherwood is as active outside as inside the temple. He has served the Jewish community as president of the San Francisco Valley Interfaith Council, was chaplain for the Los Angeles Police Department, and has been a member of the Northridge Hospital Foundation Human Use and Research Committee. As his résumé attests, Rabbi Sherwood is a man for all the people. His sense of community extends to everyone.

Los Angeles—and any other large city for that matter—could use more leaders such as Rabbi Sherwood. His devotion to his congregation and beyond is an inspiration to us all. I ask my colleagues to join me in wishing him a long, healthy, and happy retirement.

THE 90TH ANNIVERSARY OF THE NATIONAL WILDLIFE REFUGE SYSTEM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. MILLER of California. Mr. Speaker, I would like to join my colleague, SAM GIBBONS, to commemorate an important milestone: the 90th anniversary of the National Wildlife Refuge System. This magnificent System comprises 485 units, including at least one in all 50 States, and is larger than our National Park System. Despite its size and importance, the Refuge System is perhaps the country's best kept conservation secret.

President Theodore Roosevelt—a great conservationist—set aside tiny Pelican Island, in Florida's Indian River, as a preserve for brown pelicans and other birds on March 14, 1903 marking the beginning of the Refuge System. This was a great start.

Now, 90 years later, the National Wildlife Refuge System has grown into a spectacular accomplishment. The 91 million-acre system protects critical remnants of our dwindling wetlands, forests, prairies, deserts and other habitats. Today, over 170 endangered species spend at least part of their life cycle on these refuges. With a growing list of endangered species conflicts on private and public lands, the refuges are becoming increasingly important for the Nation's wildlife.

While we celebrate the 90th anniversary of the Refuge System, we must also remember that this system is in trouble and we must work to maintain the ecological integrity of the refuges.

Just last year, we finally saw legislation enacted which will provide much needed protection for California's embattled fish and wildlife. Among other provisions, it will ensure that the wildlife refuges in California's Central Valley finally will receive adequate and dependable water supplies, The California refuges provide critical winter habitat for the great waterfowl populations of the Pacific flyway, yet in the past they received only a fraction of the water they needed. With the rapid development of California's open spaces, the wildlife refuges really are the lifeline for these birds. The new law will make sure that the lifeline is a real one.

It is important that we all continue to do what we can to protect the Refuge System and the wildlife dependent upon it. This system will only grow in importance as development pressures constrict wildlife habitat. The Refuge System offers a tangible way we can help pass on the wildlife heritage of this country to our children. I am pleased to join in commemorating the National Wildlife Refuge System.

90TH BIRTHDAY OF THE NATIONAL WILDLIFE REFUGE SYSTEM CELEBRATED

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. RICHARDSON. Mr. Speaker, today I am pleased to join with my colleague SAM GIBBONS in recognizing an important anniversary. A few weeks ago, when many of us were digging out from Saturday's huge storm, the Nation quietly celebrated the 90th birthday of our National Wildlife Refuge System.

Our Refuge System is unique in the world. No other Nation has set aside such a diverse network of habitat specifically to conserve its biological resources. Today, 90 years after President Roosevelt established the first national wildlife refuge at Florida's Pelican Island, the Refuge System has grown to encompass over 91 million acres of land and waters. Each of our 50 States contains at least one national wildlife refuge.

In my home State of New Mexico, we have seven national wildlife refuges containing over a third of a million acres. In my district, the Las Vegas refuge provides habitat for over 250 species of birds, including waterfowl, raptors, and shore birds. Resident mammals found at the refuge include pronghorn antelope and mule deer. At the Maxwell refuge, 50,000 ducks annually congregate for the winter. The refuge also provides important habitat for Canada geese, sandhill cranes, bald and golden eagles and numerous other species.

Unfortunately, all is not well with our National Wildlife Refuge System. Unchecked economic, recreational, and other uses have harmed habitat on many refuges. In a study released 2 years ago, the U.S. Fish and Wildlife Service determined that a full 63 percent of our Nation's refuges harbored at least one activity that refuge managers reported as harmful.

Other refuges, especially those in the West, are caught in an endless struggle to find adequate water supplies, and contaminants have been documented on nearly 100 refuges.

To address the myriad problems undermining our National Wildlife Refuge System, I have joined my friend SAM GIBBONS as a cosponsor of the National Wildlife Refuge System Management and Policy Act of 1993 [H.R. 833]. The bill would clarify the purpose of the Refuge System, enhance planning of refuges and improve interagency coordination in the administration of the Refuge System.

I encourage other Members to join in commemorating the long history of the National Wildlife Refuge System by cosponsoring this important legislation.

POVERTY DATA IMPROVEMENT ACT OF 1993

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. SAWYER. Mr. Speaker, on April 2, I introduced legislation that will help Congress target billions of dollars annually in Federal program funds to populations most in need.

The Poverty Data Improvement Act of 1993 (H.R. 1645) would require the Census Bureau to produce and publish poverty estimates for States, counties, cities, and school districts every 2 years. Currently, the only source of reliable poverty data below the national level is the decennial census. More than $20 billion in Federal grants is allocated each year to State and local governments based on those poverty estimates.

Clearly, subnational intercensal poverty estimates represent an emerging data need that has profound implications for policy development and program administration. The infrequent production of small area poverty data has undermined the ability of many critical Federal programs to reach their target populations effectively. Perhaps the most notable example is the chapter 1 grant program for elementary and secondary schools, which we will reauthorize during the 103d Congress.

For the current 1992–93 school year, chapter 1 funds were allocated using poverty data from the 1980 census. That data reflects 1979 income, making the statistics 14 years out of date. Imagine developing foreign policy in 1993 based on the way the world looked in 1979. Understandably, we would have little confidence in the soundness of that policy.

The 1990 census income data, which reflects 1989 economic conditions, will be used to allocate chapter 1 funds for the first time in the upcoming 1993–94 school year. At its best, the data will be nearly 5 years old. Furthermore, income data from 1989 fails to capture the effects of the recession that did not hit Eastern States until the spring of 1990. The decennial census poverty estimates may have the illusion of precision, but they are simply not accurate for program purposes.

The availability of more frequent, and therefore more accurate measurements of poverty for small areas will greatly improve the ability of policymakers to assess need and to develop program formulas accordingly. I believe that, as a matter of sound policy, we ought to ensure adequate and direct funding to produce that data on an ongoing basis.

The Census Bureau has already drafted a proposal for research and development of the methodology for producing intercensal poverty estimates. The estimated cost of the program is approximately $450,000 annually. That figure represents only two one-thousandths of a percent of the funds that are allocated each year on the basis of poverty data, through such programs as chapter 1, the Job Training Partnership Act, community development block grants, the rural housing programs.

The Subcommittee on Census, Statistics and Postal Personnel, which I chair, will hold hearings in the coming months to assess the Census Bureau's proposed methodology for producing small area poverty estimates, identify issues that warrant further research, and determine a realistic timetable for publication of those figures. We will seek assistance from the National Academy of Sciences in evaluating the reliability of poverty estimates for different levels of geography. Timely data are an important factor in policy development; it also is important for policymakers to have confidence in the numbers upon which they rely.

Mr. Speaker, we need the capacity to identify demographic and economic forces that are changing more rapidly than our ability to measure them using traditional data collection methods. Accurate, useful, and timely data can serve as a solid foundation on which to build sound and cost-effective programs. H.R. 1645 represents an important start toward achieving that goal. I hope my colleagues will support this worthwhile legislation.

RECOGNITION OF FLORIDA'S BLACK COLLEGES

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mrs. MEEK. Mr. Speaker, I rise to recognize the contributions and the legacy of the 12 black 2-year colleges that existed in Florida between 1949 and 1962 to provide post secondary education for black Floridians. I wish to recognize as well the contributions of their founding presidents and their dedicated faculty.

Mr. Speaker, my colleague from Florida Mr. Peterson has already identified each of the colleges and their presidents, since three of the colleges were within his district.

From 1949 to 1962 Florida system of black 2-year colleges were a distinct group of institutions that took little and did much for so many for so long. The colleges, their presidents, and dedicated faculty and staff took the budding minds of students and connected them with the blessed benediction of a teacher, because they realized while others did not that they were working with diamonds in the rough.

These institutions and their presidents opened doors to education and doors to opportunity for a generation of black boys and girls for whom opportunities had previously been few and far between. These institutions provided hope where there was no hope, and taught its students to make a way out of no way.

These institutions helped to transform a generation of would be gladiators who perhaps could not design the arenas in which they competed and turned them into college presidents, distinguished educators, scientists, scholars, clerics, and other productive and distinguished citizens. The State of Florida and indeed this Nation is a much better place, because of the contributions made by these 12 colleges, their dedicated presidents, and their distinguished faculty.

C.M. SGT. WALLACE L. HUFFAKER HONORED

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to C.M. Sgt. Wallace L. Huffaker who retires on April 27 after more than 29 years of dedicated service to the U.S. Air Force. For the past year, Chief Huffaker has been serving as the chief, base information management of the 363d Fighter Wing, Shaw AFB.

Originally from Santa Barbara, CA, and later growing up in Kansas City, MO, Chief Huffaker entered the Air Force in 1963. After completing military basic training at Lackland AFB, TX, he was assigned duties in administration at McConnel AFB, KS. In 1965, Chief Huffaker was deployed with the 469th Tactical Fighter Squadron at Korat Air Base, Thailand, to help support the air war over North Vietnam. In 1966, he was assigned to the 4392d Aerospace Support Group at Vandenberg AFB, CA.

Transferred to headquarters 5th Air Force, Fuchu Air Station, Japan, in 1969, Chief Huffaker was assigned in the operations command post and later served as the NCOIC HQ 5AF Command Section. In 1973, he was assigned to Williams AFB, AZ. He went on to technical training school at Keesler AFB, MS. Upon completion in 1975, Chief Huffaker was placed on a remote tour to Osan Air Base, Korea. There he served as the NCOIC of Operations for the USAF Postal Service and inspected postal units throughout Korea.

From there, Chief Huffaker transferred to the 1156th Technical Operations Squadron at Wheeler AFB, HI, he supervised the administrative functions of the squadron and 10 geographically separated units in the Pacific theater. Because of his personal drive for excellence and impeccable integrity, Chief Huffaker was assigned to the position of chief, Administration Management on the Air Force Technical Applications Center [AFTAC] Inspector General team at Patrick AFB, FL in May 1980. There, he planned, scheduled, and conducted worldwide inspections on command units in support of the U.S. Atomic Energy Detection System.

Chief Huffaker was then selected to the position as director of administration for headquarters AFTAC's worldwide network of units. In support of NATO, he was assigned as chief of administration at the 7240th Air Base Squadron, Oslo, Norway in 1988. The following year, Chief Huffaker began serving as executive officer and superintendent to the director of information management, headquarters, U.S. Air Forces Europe [USAFE], Ramstein Air Base, Germany.

Chief Huffaker has attended Community College of the Air Force, earning an associates degree in administration. He also graduated from both the Military Airlift Command Non-Commissioned Officer Academy and the Air Force Senior Non-Commissioned Officer Academy.

Throughout his impressive career, he has been extensively decorated, including the Meritorious Service Medal with two oak leaf clusters, the Air Force Commendation Medal with two oak leaf clusters, the Air Force Achievement Medal with one oak cluster, the Presidential Unit Citation, the Outstanding Unit Award with Valor and two oak leaf clusters, the Organizational Excellence Award with two oak leaf cluster, the Vietnam Service Medal, the Vietnam Gallantry Cross, and the Republic of Vietnam Campaign Medal.

The unique insight, outstanding leadership, and distinctive accomplishments of Chief Master Sergeant Huffaker culminate a distinguished career in the service of his country and reflect great credit upon himself and the U.S. Air Force.

Mr. Speaker, I know my colleagues join me, Chief Master Sergeant Huffaker's wife, Kathryn Ann "Tipton," and their son, Brian, in wishing him a happy and productive retirement.

THE VILLAGE GREEN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. DIXON. Mr. Speaker, I rise to acknowledge a significant event in the history of The Village Green, a unique residential community in my district located in the city of Los Angeles. On Sunday, May 2nd, there will be a celebration commemorating the listing of The Village Green on the National Register of Historic Places.

The Village Green is a product of the "green belt movement" of the 1930's and 1940's, whose goal it was to provide moderate cost housing for growing urban populations. Planning began in 1935 for the construction in 1941 of what was originally known as Baldwin Hills Village, named for E.G. "Lucky" Baldwin who had purchased the property.

Reginald D. Johnson headed a group of architects whose vision emerged as a planned community of 95 buildings containing 627 units with 16 floor plans. The low density of 10 units per acre utilizes only 24 of the total 68 acres. The remaining 44 acres are devoted to green belts and garden courts.

America's involvement in World War II was well underway when the development was completed in 1942. With housing in short supply, units in the Village rented quickly.

The Baldwin family sold their interest in Baldwin Village in 1972 to new owners who converted the development into condominiums, and renamed it "The Village Green." The Village Green Home Owners Association, through its elected board of directors, assumed management of the completed complex after the sale of the last unit in 1978.

In the 50 years since it was constructed, the complex has received many design awards. In 1946, the Museum of Modern Art in New York named it one of the most significant works of architecture in the Nation. The Village Green has also been recognized for architectural excellence by the American Institute of Architects, and the Cultural Heritage Board of the City of Los Angeles which honored the complex as a cultural historic landmark.

However, more important than any architectural prize is the recognition the residents of The Village Green deserve for the quiet way in which they have demonstrated how ethnically diverse communities can succeed. In a society that has become increasingly polarized, they stand as an example more communities should strive to emulate.

Mr. Speaker, I am sure my colleagues join me in congratulating The Village Green on its richly deserved place on the National Register of Historic Places, and the many residents who have created such a special community.

EAGLE SCOUTS HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues two outstanding young individuals from the 3d Congressional District of Illinois who have recently completed a major goal in their Scouting careers. On Sunday, April 18, 1993, Christopher R. Brosilo and Richard Soto, Jr. were honored at an Eagle Scout Court of Honor.

Christopher first joined St. Mary Star of the Sea Cub Scout Pack 4441 in 1983. Two years later, he became a Webelos Scout earning numerous activity badges and in 1986 graduated to Boy Scouting. He supported his troop in several positions including; Webelos den chief, patrol leader, senior patrol leader, and junior assistant scoutmaster. At the same time he earned 22 merit badges, Toting' Chip Badge and the Ad Altare Dei Religious Award. Christopher's Eagle Scout project involved organizing the revitalization of part of a hiking trail at the Little Red Schoolhouse in Palos Heights, IL.

Richard also joined St. Mary Star of the Sea Cub Scout Pack 4441 in 1983. In 1985, he became a Webelos Scout and 1 year later graduated to Boy Scouting. Richard served his troop at several levels including: den chief, recruiter, patrol leader, chaplain's aid, scribe and junior assistant scoutmaster. In addition, he earned 21 merit badges, Junior Leadership Training Badge, Totin' Chip Badge, and the Ad Altare Dei Religious Award. Richard's Eagle Scout project organized his troop to work with the handicapped residents of Misericordia Home in Chicago.

It is important to note that less than 2 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those Scouts demonstrating extraordinary leadership abilities. Christopher and Richard have clearly demonstrated such abilities through their dedicated community service and deserve special recognition.

In light of the commendable leadership and courageous activities performed by such fine young men, I ask you, my fellow colleagues, to join me in honoring Christopher and Richard for attaining the highest honor in Scouting—the rank of Eagle. Let us wish them the very best in all of their endeavors.

TRIBUTE TO BURTON K. DAVIS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to the recipient of the 1993 Outstanding Citizen of the Year Award presented by the Toms River-Ocean County Chamber of Commerce—Mr. Burton K. Davis.

President of Home Town Diary, Inc., and owner of the Home Town Travel Agency, Mr. Davis is an integral part of the Ocean County community. He is also actively involved in numerous civic organizations. He serves as a board member of the Toms River-Ocean County Chamber of Commerce and Community Medical Center; president of the American Heart Association; and maintains membership in the First United Methodist Church of Toms River; the Scottish Rite of Masonry and the Crescent Shrine Temple of Trenton.

His past activities include the presidency of the Beachwood-Berkeley Rotary as a Paul Harris fellow; volunteer for the United Way; cofounder of the Beachwood Little League; presidency of the Beachwood Fire Company; exempt member of the New Jersey Firemen's Association; service as a Big Brother of America; and recipient of the Toms River Schools Hall of Fame Award.

I am pleased to recognize this most deserving citizen who has contributed so much to the State, county, community, and enriched the lives of so many individuals.

TRIBUTE TO TERRA TECHNICAL COLLEGE

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. GILLMOR. Mr. Speaker, I want to take this opportunity to pay tribute to Terra Technical College, which, in addition to celebrating its 25th anniversary, is about to open a brand new student activities center.

Terra Technical College is in Fremont, OH, a great city in the congressional district I am proud to represent. Every time I have had the chance to learn about Terra Tech, either as a Congressman or a State senator, I have found it to be an educational institution of the highest caliber. Ever since it was established as the Vanguard Technical Institute in 1968, the administrators, faculty, and students of Terra Tech have shown a unique and admirable commitment to learning, progress, and vision.

It is this vision that allows us to commemorate the grand opening of Terra's new student activities center on May 16, 1993. Its construction stands as testimony to the ability of Terra Tech to achieve important goals and to meet the challenges of tomorrow.

Mr. Speaker, I ask my colleagues here in the House of Representatives to join me in congratulating the people of Terra Technical College as they celebrate their 25th anniversary and their new facility. Terra Technical College deserves our respect and our applause. As a Congressman, I am very proud of its past and excited about its future.

THIRTY-THREE PERCENT

HON. MARJORIE MARGOLIES-MEZVINSKY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, thirty-three percent.

The percentage of Americans open to the possibility that the Holocaust's extermination of 6 million Jews never happened.

A third of all Americans who do not feel the pain of love ones lost in the concentration camps of Auschwitz and Buchenwald * * * cannot share in the tears shed for children killed for the crime of being Jewish * * * will never understand the universal warning of the survivors that it can happen again.

The powerful story of these survivors is told each year in Philadelphia at the Memorial for the Six Million—a story told both in English and Yiddish as well as in their faces which convey an understanding of the Holocaust's meaning far better than mere words.

This week we commemorate the lives of the 6 million who perished at the hands of the Nazis with the opening of the American Holocaust Museum. But a museum alone will not educate America to the lessons of the Holocaust. Each of us, in our own way, must assume the personal responsibility of educating our community to the horrors of the Holocaust. "Never again" is more than a call to remember, it is a call to educate—a calling to which all of us must respond.

TRIBUTE TO HAROLD WATERHOUSE AND LLOYD AHERN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in saluting Messrs. Harold Waterhouse and Lloyd Ahern, who have been named "Co-Citizens-of-the-Year" by the Palisadian-Post.

Each year, the Palisadian-Post organizes a distinguished committee of local leaders to select a "Citizen of the Year." This year the committee has decided to honor two individuals who have worked in concert to protect and preserve the magnificent Pacific Palisades neighborhood in the congressional district I have the honor of representing.

Messrs. Waterhouse and Ahern are the founders and leaders of the "Palisades Home Defenders." As a result of the efforts of this group, the city of Los Angeles blocked construction of a large real estate development project that would have permanently marred the most scenic section of Pacific Palisades.

The Palisades Home Defenders made political history by producing a highly professional video to argue their case against allowing high rise structures to scar the Palisades environment. This imaginative and artistically crafted video was shown to the Planning Commission and distributed to each member of the Los Angeles City Council. This effort was accompanied by a highly successful petition drive organized by the Waterhouse and Ahern team.

I congratulate Messrs. Waterhouse and Ahern for committing themselves to the protection of their beloved community, and I wish them continued success in all future endeavors.

BOB TRAXLER: ONE MEMBER WHO REALLY CARED ABOUT HIS CONSTITUENTS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. BARCIA. Mr. Speaker, today I rise to pay tribute to our former colleague and my own former Congressman, Bob Traxler. I believe that it is particularly appropriate to raise this matter today since we are at about the exact 19th anniversary of Bob's special election as the Congressman for Michigan's Eighth Congressional District. Bob is being feted on May 13 by the Boys and Girls Clubs of Bay County, my home county, for his infectious leadership, a term which describes the essence of Bob Traxler.

Bob was one individual who constantly remind us that there was a time that the phrase public service and the job title public servant were honorable. He challenged each of us to recapture a spirit that has been too often maligned, and I sincerely hope to follow in his mode.

Mr. Speaker, no matter where I go in the Capitol complex, member after member, and even several staff come up to ask me "How is Bob Traxler doing?" That is the high regard in which he is held within the House of Representatives. In fact, this town can't seem to get enough of him as even the Washington Post last week headlined, in part, one of its stories with "Traxler's Legacy."

Some people leave shoes to fill. Bob Traxler left a folk legend. In his 18½ years in Washington, he never, never, lost sight of serving the people who sent him here. Whether it was something as farsighted as his work on Great Lakes research with the Environmental Protection Agency, or satellite data analysis with the Consortium for International Earth Science Information Network, as immediate with his tireless work on behalf of disaster assistance for farmers that to this day serves as a model for disaster programs, or as personal as his involvement in the day to day problems that constituents had in dealing with Federal agencies, Bob Traxler was a Congressman who really did care about his constituents.

Over the years Bob's reputation has changed from one matter to another. When he came to Washington, his designation as "Bingo Bob" followed him from Lansing, where he authored legislation which legalized the conduct of bingo games as a fund raising activity. He had been described here as affable, humorous, approachable, and most importantly as a shrewd, astute politician who knew how to get things for his district. As a member of the Appropriations Committee's "College of Cardinals," Bob chaired the Subcommittee on VA, HUD, and Independent Agencies for 4 years. He used his position to argue for policies that he believed were in the national interest, even when that meant that he had to work against the administration. He took the time to understand the problems that many of our colleagues faced in their communities, and deserves to be thanked for his willingness to help when bureaucrats would not.

Bob is now immensely enjoying his new role as a member of the board of trustees of Michigan State University, his alma mater, where he is using substantial skills to make MSU an even better institution for the future. As always, Bob Traxler remains an individual serving the public of Michigan while working tirelessly for those causes in which he believes.

Bob Traxler has left the Congress as a member. But his influence and his spirit remain here within many of us. I urge all of my colleagues to join in hearty congratulations as Bob Traxler is honored for his years of service by the Boys and Girls Clubs of Bay County.

TRIBUTE TO DAN ROWLAND AND BARBARA McTIERNAN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to pay tribute to Dan Rowland and Barbara McTiernan who will be honored at this year's ROSAS dinner on Sunday, April 18, 1993, in Brooklyn, NY.

Mrs. McTiernan and Mr. Rowland have demonstrated their commitment to and concern for the New York community through years of service. Mrs. McTiernan, who is currently the president of the Park Slope Civic Council and the vice-chair of the Park Slope Ambulance Corps, has always been extremely active in the Prospect Park community.

She has been on the Prospect Park Advisory Committee and the Prospect Park Environmental Center, and is presently the vice president of development for the Prospect Park Alliance, where she served as coordinator of "You Gotta Have Park." In addition to these numerous positions, Mrs. McTiernan is also active in local arts and education.

Mr. Rowland, the former director of development and community affairs at the Methodist Hospital of Brooklyn, has served on the board of directors of the American Red Cross Brooklyn Chapter, the MHB Child Care Center, and the Park Slope Volunteer Ambulance Corps, among others.

In addition, Mr. Rowland is a member of numerous local organizations, including Community Board No. 6, the South Brooklyn Lions Club and the Cobble Hill Association.

I am sure that I speak on behalf of many members of the community, who have experienced the benefits of Mrs. McTiernan's and Mr. Rowland's hard work, when I thank these two remarkable individuals at this special occasion.

MY VOICE IN AMERICA'S FUTURE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am pleased to insert in the RECORD today an awardwinning speech delivered by one of my constituents, Jeffrey Gubbiotti, of Oakville, CT. Jeffrey wrote this speech for a competition sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary. This year more than 147,000 secondary school students participated in the contest competing for 29 national scholarships totaling $87,500, which was distributed among the top 29 winners. The contest theme this year was "My Voice in America's Future."

Mr. Speaker, I commend Jeffrey's "My Voice in America's Future" to my colleagues:

MY VOICE IN AMERICA'S FUTURE

(By Jeffrey Gubbiotti, Connecticut Winner)

Democracy, communication plus participation equals success. Hypothetical case: Joanne Smith, a lawyer, wife, and mother of two, was overheard complaining to her friend while they were both waiting in line at the grocery store about the newly elected mayor of her city. This was not the first time that somebody heard about Joanne's incessant protest about the outcome of the election, as well as many other complaints about different issues and candidates voted upon throughout previous referendums in the city. One day, her hairdresser, while curling Mrs. Smith's hair, questioned her customer about her attendance and decision for the last balloting at the local school. Mrs. Smith replied that she was too busy with her career and running errands for the upcoming party that she and her family would be hosting to go to the polls and vote. Yet, five minutes later, she began a discussion about how horrible a job the new mayor was doing. What's wrong with this picture?

The forefathers of this great nation, from George Washington to Thomas Jefferson, envisioned a strong government for a strong new country when they laid out the plans for America. They created a democracy, a government of the people, by the people, and for the people. They held that all are equal, and should have equal representation. My voice in America's future must be true to the dreams of these forefathers and execute its share in the government of this nation.

First, America's future. This country has grown in power and importance in the world from July the Fourth, 1776 to today and will continue to grow. America's future is not only within itself, but also in the entire global community. We must act responsibly and responsively, within the borders of the U.S.A. as well as past our borders, towards all other nations in the world. We must dedicate ourselves to liberty, equity, and the preservation of peace for all. My voice is a part of this. It, along with all the other millions of Americans' voices determines, directly and indirectly, this country's future. At times, my voice must be as strong as a thundering monsoon, while at other times, it needs to be as soft as a mother caresses her beautiful baby. As always, actions must be appropriate for their time.

My voice in America's future can be described using the five letters in the key word of the above phrase, "voice." The "V" for vote. From the age of 18 on, every citizen of the United States has a duty and responsibility to cast their vote on a question or candidate that appears on the ballot. We must take advantage of this incredible freedom and privilege that is given to us. The "O" for outstanding. My voice, as well as yours, should be our own, unique opinions and thoughts. We cannot let ourselves be brainwashed by others. For a democracy to work, all must participate for themselves. The "I" stands for initiate. If there is something we find wrong with anything that is subject to change by the government, we each must step up and voice our opinion. If curiosity kills the cat, silence destroys it. We need to get groups together and fight for what we believe is right. The "C" in voice stands for constant. No matter how strongly we feel on an issue one way or the other, we all must all participate all of the time. My voice will be unfaltering. And finally, the "E" for energetic. The old saying goes, "If something's worth doing, it's worth doing right." My friends, I cannot think of anything more worth doing than actively participating in my government and doing my share for America.

My voice in America's future is one of the many vital parts to have our own unique American democracy succeed. My voice must be one note harmonizing with all the others in a chorus of the voices of the millions of Americans singing out so that the whole world can hear, and beyond! Silence is mere consensus and inexcusable carelessness. We all must have some voice, some stake in our country's future, and properly use the great freedoms, liberties, and privileges that the Declaration of Independence and the Constitution give to us. Don't be hypocritical and grossly abuse your rights like Joanne Smith. With rights comes responsibility that must be achieved. Empower people. Arise with your countrymen and cry out democracy all over the land.

HOLOCAUST STUDIES CENTER HONORED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. ENGEL. Mr. Speaker, This week, as we commemorate the 50th anniversary of the heroic Jewish Warsaw ghetto uprising, I wish to recognize a milestone that has been reached by a center of learning in my district that is dedicated to maintaining public awareness of the important lessons of the Holocaust.

It seems appropriate that the Holocaust Studies Center at the Bronx High School of Science is celebrating its 15th anniversary this week. Just as the heroes of the Warsaw ghetto uprising have come to symbolize the strength of the Jewish people in the face of persecution, the young people who operate the Holocaust Studies Center and similar centers around the world represent the hope for a bright future based on the knowledge they gain from the careful study of history.

It is said that those who ignore history are destined to repeat it. Through its unmatched collection of books, photographs, documents and Holocaust-related materials, the center offers tangible reminders of the past, so that we can ensure that a tragedy of the magnitude of the Holocaust is never allowed to occur again.

Many people deserve credit for the growth and development of the Holocaust Center at Bronx High School of Science, including each of the more than 2,000 students who have participated in its programs. The center's director, Mr. Stuart Elenko, has served as the guiding light since its inception. He received the strong support of former principal Milton Kopelman, and continued backing of current principal Vincent Galasso. There are also many elected officials and local activists who helped secure the grant that began the center's work, and who continue to contribute their time and energy.

Although we celebrate this week, we also know that the work of the Holocaust Center is not complete. I read about an opinion poll taken this week that said one of every five Americans believes that the Holocaust may not have occurred. This is an astounding finding, considering the overwhelming evidence and personal accounts that have been compiled. This poll proves that right-minded people must remain vigilant in their efforts to educate and enlighten their fellow man.

Through the work of the Holocaust Center, we have a model and an inspiration for the work that must continue. On behalf of my constituents, I thank all the people who have made the center a success, and I vow my tireless efforts to help support their good work for many years to come.

ADDRESS OF T. TERRELL SESSUMS TO THE SIXTH FLORIDA/JAPAN EXECUTIVES MEETING

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1993

Mr. DEUTSCH. Mr. Speaker, at a recent meeting of the Sixth Florida/Japan Executives in Miami, FL, on March 5, 1993, T. Terrell Sessums, chairman of the Florida Chamber of Commerce, was principal speaker. His remarks were so timely and cogent especially with regard to how one State views international commerce and its contribution to the State and country.

Mr. Speaker, I believe all our colleagues will be interested in the thoughtful presentation that follows:

ADDRESS TO SIXTH FLORIDA/JAPAN EXECUTIVES MEETING

I am honored to speak to you today and appreciate the opportunity to share some information and several thoughts about Latin America, Japan, and the State of Florida. They concern the nature of the economy which is even now taking shape in this hemisphere, where democratic change and economic liberalization have combined with geography to profoundly improve the lives of millions in North and South America. These changes are accelerating the growth of business between Latin America and the world. My thesis today is that Japan will participate in this economic boom, that Florida will continue to be the crossroads between the continents and the gateway to Latin America, and that Florida and Japan have common interests in this process which make them natural partners.

Latin America and the Caribbean are now a market of approximately 430 million people with a combined Gross Domestic Product of over 1 trillion U.S. dollars. Total external debt for the region has finally begun to fall, and an increasing portion of the total is for commercial credit rather than government debt. And while debt levels are still high, what was a crisis of the 1980s appears to be a manageable problem today. Much of this improvement is a result of increasing privatization of state-owned industries in the region. Growing economies require increasingly sophisticated infrastructure to support their growth. Transportation, power, and telecommunications are improving throughout the region, largely through privatization and huge capital investments. Led by Chile, Mexico, and Argentina, regional governments have encouraged debt for equity swaps, converting their sovereign debt into foreign equity stakes in their infrastructure. In November of 1990, Argentina privatized its national telephone company and sold half to each of two investor groups backed by U.S. banks. In this one transaction, Argentina retired 10% of its foreign debt, gained billions in foreign investments to improve its phone system, and dramatically improved service to business and residential customers around the country. Infrastructure spending is only one aspect of an explosion of consumption in Latin America which has provided growing opportunity during the first years of this decade. The United States is the largest exporter to the region. Florida represents the largest portion of that trade to much of the region.

Florida has become a key player in the hub of Latin American activities. Our state's current population of 13.2 million would put us in the middle range of the nations of this hemisphere, but our 1992 Gross Domestic Product of $240 billion would exceed all but the U.S., Canada and Brazil. Our economy is now larger than Argentina's, larger even than Mexico's. Total international trade for Florida last year totaled about $35 billion, nearly 11% over 1991, which was 10% greater than 1990. Most of this growth is in exports—most of that is with Latin America and the Caribbean. Florida now has a dominant role in world commerce with Latin America and the Caribbean and will retain and expand that role as the region grows. Both U.S. and foreign companies choose Florida as a distribution center to markets in the region, using our unsurpassed capacity to move cargo to the region.

According to the British Florida Chamber of Commerce, the U.K., with 150 British firms employing over 25,000 here, is considered Florida's largest overseas investor. British exports to Florida are now estimated to be over $1 billion annually and 70% of British exports are trans-shipped via Miami International Airport or the port of Miami to Latin America. Others exploit our unparalleled communication and passenger air linkages with the region to establish service or communications centers. The superior trade ties which make Florida attractive to these businesses are the product of geography, demography, and international infrastructure. Let's examine each of these.

If geography is destiny, Florida was fated to be the trading center of the Western Hemisphere. Although you sit at this moment in one of our state's major population centers, you are still far closer to Havana than to our state Capitol or Atlanta. Bogota and Caracas are much closer to us today than San Francisco and Los Angeles, and Mexico City is nearer than New York. For much of Florida, the nearest neighbors and the most important potential markets are in foreign countries rather than our own. Even without the other factors, geography alone would be sufficient to ensure Florida's international focus.

However, much more than geography has internationalized Florida. We're meeting today in the U.S. state with the strongest ethnic ties to the rest of the Western Hemisphere. Over its history, Florida has been part of 4 different nations (and 5 if you include our confederacy of the 1860s). The last 30 years have seen a tremendous increase in the internationalization of Florida, primarily through immigration from Latin America and the Caribbean. These new Floridians have brought with them skills and interests which have shifted our gaze increasingly overseas. Today, the languages of the rest of the hemisphere are better understood here than anywhere else in the U.S. When it's time to trade with our neighbors this gives us an overwhelming advantage.

While location and personal ties lay the foundation for our role as crossroads of the Americas, our international infrastructure has been the means of our trading success. We have developed a network of transportation, communications, finance and international services which allow businesses located here to cover all of Latin America and the Caribbean.

It is simple geography which has dictated the development of our international transportation network. Florida is closer to most of Latin America than any other state, and that basic fact has resulted in the finest air and sea linkages with the region anywhere in the U.S. Our airports have the most frequent and convenient flights to the region, so much so that travelers often find it routine to travel between Central and South America via Miami. More Latin American and Caribbean airlines come here than to any other state, and if air cargo is moving to or from the region, it probably passes through here already.

Our 14 deep water ports dominate both cargo and cruise traffic within the region. In the Miami Customs District, which covers most ports on the east coast of Florida, 89% of export shipments are to Latin America and the Caribbean. A cruise to the region is likely to originate in South Florida, the No. 1 world center for that industry. Transportation of motor vehicles will likely involve our Port of Jacksonville, import center for both Japanese and European auto manufacturers. Whether it's petroleum at Port Everglades or bulk commodities at the Port of Tampa, (the closest American port to the Panama Canal) Florida's position and port infrastructure place it squarely at the center of North-South trade routes in this hemisphere. Even Mexico, with its long land border with the U.S., now looks to Florida ports to move its goods in and out. the reason for this also points to our prospective gains from the North American Free Trade Agreement (NAFTA). That long land border is jammed to the point of paralysis with cross-border traffic. U.S.-Mexico trade doubled between 1987-90, and that growth will accelerate after NAFTA is adopted. The overflow of trade has already been forced to the sea lanes and is increasingly crossing the Gulf of Mexico to Florida.

Communications are critical to successful businesses, and here also Florida is the gateway to the hemisphere. Most U.S. calls to the Caribbean pass through switching centers located here by AT&T and other carriers and, for much of the region, Florida is a communications hub. Many businesses in Latin America find it more efficient to locate offices in Florida purely to maintain communication, as long distance from Florida is more reliable than intercity calls in much of Latin America. As governments in the region have moved to improve communications, Florida companies have found a new role as suppliers to the newly privatized phone services. Florida based operations are now building communications infrastructure throughout Latin America, from fiber-optic lines in Chile to cellular networks in Brazil. Every change in the region brings new opportunities to Florida and companies based here.

Successful international operations require other services, of course. Finance, law, accounting, freight forwarding and customs brokerage, even translation. All are necessary in some measure to do business internationally. By now it may not surprise you to learn that Florida is the nation's second leading international banking state, after New York, with banking offices from Europe, Japan, and every part of Latin America. The Export-Import Bank of the United States (Eximbank) has just established an office in Florida to provide greater service to Florida businesses with trade finance needs. Our legal sector offers expertise and linkage with the region unmatched even in New York or Washington. Our international services sector has developed a sophistication to match the increasing volume and complexity of commerce within our region.

I also want to mention the role of our state government, which has recognized the importance of fostering international business in Florida. Our Department of Commerce maintains a strong Division of International Trade to promote international business in Florida. We maintain a network of foreign offices abroad, including one in Tokyo. I think it does say something about state attitudes towards trade that more U.S. states have special offices in Japan than in Washington, D.C.! Florida, I'm glad to say, has an office in both places.

Beyond the government commitments represented by the international operations of our Departments of Citrus, Commerce, Agriculture and Education, Florida has also devoted its efforts to acting strategically in international affairs. The Florida International Affairs Commission (FIAC) is charged with a broad range of international oversight duties, including reviews of proposed state laws for their potential effect on international business. FIAC also works with the U.S. Congress to preserve Florida's strategic interests in the face of proposals such as NAFTA or the recent revisions to the International Banking Act. In this way, the state attempts to protect the interests of international businesses in Florida and to preserve stability in our international business climate. I'm glad to say that the Florida Chamber was an early partner with the state in the development of FIAC.

The latest example of the Chamber's cooperation with state government is the development of Enterprise Florida, which holds the promise to fully integrate economic development in Florida under a joint venture between business and government. I'm pleased to say that this idea was developed under the leadership of the Florida Chamber, and the Chamber will continue to play a strong role in its development. This is a good example of the cooperation between business and government which has become the norm in Florida. In this matter, we may have learned from the Japanese experience. We have found that a cooperative relationship between government and business benefits both.

Florida has not only become the crossroads of North-South trade between the Americas, but also the counterpoint for connecting East-West trade to the North-South business axis. Europeans and Asians have found that Florida acts as a transportation, financial and service hub for doing business in Latin America.

The expansion of business opportunities in consumer electronics, telecommunications, and other high tech areas portends tremendous opportunities for Floridians to facilitate and broker Japanese-Latin American trade. In many instances, we simply need to joint venture existing institutions and organizations that are presently doing bilateral trade with our state and Latin America and Japan.

An example of this business-government cooperation is the Southeast U.S./Japan Association, chaired this year by John C. Bierley of Tampa, which is dedicated to developing relations between Japan and our region of the U.S. Their recent annual meeting was a splendid event held in Orlando and was attended by the governors of the seven southeastern states, including our own Governor, Lawton Chiles, who has given high priority to international business relations. The Japan-America Society of Central Florida has developed a Japanese relationship with Central Florida which is one of the best in the U.S.

Also significant to the Florida/Japan relationship are our educational connections. The Florida-Japan Linkage Institute, co-based nearby at the University of South Florida and St. Petersburg Junior College, supports a number of business and educational programs to develop the relationship between Florida and Japan. Our University of West Florida operates a branch campus at Kobe (Japan) and supports exchanges of Japanese and Florida students. The Dade County school system operates a special bicultural Japanese/English program for the benefit of both Japanese and Florida students.

Finally, perhaps the best indicator of the growing Florida/Japan relationship is the increase in Japanese activity here. The Japan External Trade Organization (JETRO) has maintained a promotion officer in Florida for some time now, and the number of Japanese corporations and banks with offices here is increasing quickly. This Florida/Japan executives meeting is the latest step in our growing relationship, and your presence here shows your readiness to go further in the process.

We at the Florida Chamber of Commerce, in partnership with state government and local communities, can help you benefit from the Florida advantages I've described to you today, to ensure your full participation in the economic boom in this hemisphere. As I close, I want to reaffirm my commitment and that of the Chamber and our International Development Committee, chaired by W. Reeder Glass of Miami, to assist you in any way we can to strengthen the business and personal relationship between Florida and Japan.

SENATE—*Wednesday, April 21, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Gracious Father in Heaven, through Jeremiah the Prophet You asked the question, what evil have your fathers found in Me that they have gone from following after Me and have followed after vanity and become vain?

Our hearts are heavy this morning with the tragedy, the immeasurable tragedy in Waco, and we find it difficult to understand a leader like this and people who will follow a leader like this. And yet we realize, with G.K. Chesterton, that the danger in not following God is that we will believe not in nothing but believe anything. We are incurably religious. We must have some God that we follow, and if not the true God, then a substitute.

Help us to realize, Lord, that there is a sense in which each of us, if we are not following the true God, are believing in something less, and help us to order our lives against the truth of Jeremiah, that we may follow the true God and become like Him. We pray this in Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

Mr. DORGAN. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 21, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader, the Senator from Maine.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, this morning there will be a period for morning business until 9:45 a.m., at which time the Senate will return to consideration of H.R. 1335, the emergency jobs bill, where there will be 1 hour for debate only, followed by a cloture vote on the bill, as amended, at 10:45 a.m.

So all Senators and their staffs, those responsible for the Senate schedule, should be aware that a rollcall vote on a motion to invoke cloture on the emergency jobs bill, as amended, will occur at 10:45 a.m. this morning.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve all of my leader time and I reserve all of the time of the distinguished Republican leader, and I yield the floor.

The ACTING PRESIDENT pro tempore. Without objection, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:45 a.m., with Senators permitted to speak for not to exceed 5 minutes each.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

REACHING A COMPROMISE

Mr. SPECTER. Mr. President, I have sought recognition in morning business to speak in opposition to the motion to invoke cloture, which motion I believe will fail, and then to urge that serious efforts be undertaken to find a compromise between the President's position and the position articulated in the Hatfield-Dole amendment.

Mr. President, as I have expressed on this floor, I do not believe there is a need for an emergency appropriations bill because in each of the accounts requested by the President there are unspent funds. The President has the authority, as President, to accelerate that expenditure vastly in excess of the $19 billion originally contemplated. But in a spirit of compromise, I have supported the Hatfield-Dole amendment because I believe it is very important the American people see that this Chamber is not in gridlock. The proposal of $6 billion offered yesterday by Senator HATFIELD, which I spoke about, is a realistic starting point for a compromise.

The President's position is at $15 billion, and it is my hope that if, as, and when—and I believe it will—the cloture motion fails, there will be a serious attempt by the leadership of this body to try to work out a compromise.

Mr. President, I think it is apparent that the spirit of the country is not really in support of the President's stimulus package. On Senator HATFIELD's amendment yesterday, four Democrats joined the Republicans. On the amendment offered by the distinguished Senator from West Virginia, five Democrats voted against the measure. It was a 52-to-46 vote and with two Republicans absent it would have been 52 to 48.

Mr. President, the calls which I have received in my Pennsylvania offices and in Washington have run strongly against the President's measure. As it is well known, the President traveled to Pittsburgh, PA, last Saturday and urged Pennsylvanians to urge me to support his program, and I said immediately, when I learned that he was traveling there, that I was opposed to his program on the merits.

I have introduced the statistics on calls to my Pennsylvania offices and to Washington, and for the full day on Monday, April 19, they ran 1,234 against the President's package, 372 in favor, and in Pittsburgh the tally was 566 against and 118 in favor.

The full day yesterday, April 20, showed a total of 649 opposed to the President's package, 298 in favor; and in Pittsburgh, 237 opposed the President and 104 favored the President. So that the statistics are very decisive against the President's position.

It has been a surprise to this Senator that we have not seen any national polls, which seem to come out on about every subject under the Sun, as to where the people stand on the President's package.

Yesterday, at the conclusion of the vote, I urged my Republican colleagues to move for an accommodation and a compromise. This morning, Mr. President, I telephoned President Clinton before 8 o'clock. I found he was jogging and talked instead to White House officials. I urged the President to call in Senator MITCHELL and Senator DOLE after the cloture vote, assuming the cloture vote fails.

It is my position as articulated to a White House official this morning that it is time to try to reach a compromise.

It is unconscionable, Mr. President, that we should not have immediate legislation to extend unemployment compensation benefits for $4 billion. This Senator was one of a handful of Republicans who voted for that many weeks ago. I said at the time I would prefer to pay for it, but if it cannot be paid for I would support it even though it could not be paid for.

When we reached the figures on the Hatfield amendment yesterday with $2 billion in addition—and I shall not repeat what I said yesterday—this Senator might have supported a little more, and I did support more on highway funding last year. The $450 million added by Senator HATFIELD on summer jobs is a significant step forward. It is close to the $500 million in emergency funding we put up last year for summer jobs. There is really no end to how much you can do and how many people you can hire. But I think that the Hatfield amendment is a good starting point from where the President's package is for the President to convene the two leaders of this body and try to knock some heads and try to work out a compromise.

The most important factor as I see it, Mr. President, is that the American people should not think that we are at loggerheads, at logjam and in gridlock, but that the leaders in Washington, DC—it is a Senate matter now, and it is a White House matter now. And if the Chief Executive of this country, President Clinton, calls in the two leaders, Senator MITCHELL and Senator DOLE, and seeks a compromise as a last ditch effort to work this out, I think the interests of America would be served.

Mr. President, I ask unanimous consent that the memorandum from my staff on the phone call receipts be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: Barry Caldwell and Doug Loon.
From: Jill Schugardt.
Date: April 19, 1993, 5:00 p.m.
Subject: Constituent totals in response to the President's stimulus package.

	Against the stimulus package	For the stimulus package
Monday calls:		
Washington	369	122
Philadelphia	90	61
Pittsburgh	566	118
Harrisburg	85	28
Scranton/Wilkes-Barre	79	34
Allentown	45	9
Total	1,234	372

MEMORANDUM

To: Barry Caldwell and Doug Loon.
From: Jill Schugardt.
Date: April 20, 1993, 5:00 p.m.
Subject: Constituent tallies.

THE PRESIDENT'S STIMULUS PACKAGE

	Against the stimulus package	For the stimulus package
Washington	251	88
Philadelphia	57	63
Pittsburgh	237	104
Harrisburg	27	15
Scranton/Wilkes-Barre	37	19
Allentown	40	9
Total	649	298

Mr. SPECTER. I thank the Chair. I see my colleagues on the floor. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Texas is to be recognized for the remainder of morning business.

Mr. GRAMM. Mr. President, I am happy to yield to my colleague, if he has a fairly short statement.

Mr. GRASSLEY. I thought I had some time reserved in morning business as well. I was going to use my 5 minutes.

The ACTING PRESIDENT pro tempore. The Chair would advise that it is the Chair's understanding that the Senator from Texas is reserved time and was to consume the remainder of morning business.

Mr. GRASSLEY. Did I have some time reserved?

The ACTING PRESIDENT pro tempore. The Senator from Iowa did not, at least according to the information the Chair has.

Mr. GRASSLEY. Then I should not have been seeking the floor.

Mr. GRAMM. Mr. President, I will try to be brief and then yield what time I have left to our colleague from Iowa.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Texas [Mr. GRAMM].

THE ECONOMIC STIMULUS PACKAGE

Mr. GRAMM. Mr. President, we are going to be debating very shortly the economic stimulus package.

I have had an opportunity to speak at some length on this subject. I thought I would sum up my views in morning business, and leave time available for other Senators who want to speak.

The real issue in the so-called economic stimulus package has to do with one fundamental question, and that question is: Can we create jobs by raising the deficit and spending money? That is the fundamental question. If I believed that raising the deficit another $16 billion so that we might put hundreds of thousands of Americans to work without doing a corresponding amount of damage to the economy, and putting out of work a similar number or perhaps a greater number of people, then I would support the President's economic stimulus package.

The President would have us believe that all we need to do to create prosperity in America is raise the deficit by another $16 billion, and let the administration spend that money creating jobs.

There is a fundamental disagreement in the U.S. Senate about whether or not deficit spending can create new jobs. I ask my colleagues: If deficit spending is an economic stimulus that creates jobs, then why with the largest deficit in the history of our great country do we not have full employment? If 300 billion dollars' worth of deficit spending has not created full employment, if $300 billion worth of deficit spending is not sufficient stimulus, how is another $16 billion of deficit spending going to do the job?

I think the clear answer to the question is that the $300 billion of deficit spending we have today is an impediment to both job creation and economic growth.

About one-half of all the savings by all Americans is not going to build new homes, new farms, new factories this year. Instead, it is being siphoned off to pay for Government deficit spending. We have a capital shortage in the American economy.

I urge my colleagues to go home and listen to small-business people talk about how they want to borrow money to expand their businesses, to create new jobs, and how they are having a difficult time getting that money. If we borrow another $16 billion and spend the money, that $16 billion that might have built new homes, new businesses, new factories, and new farms will instead be spent by the Federal Government.

So the fundamental issue is this: Does deficit spending create prosperity? President Clinton and the economic stimulus package says yes. I say no. And I think the experience of our Nation and the experience of all nations that have followed the path of trying to spend their way to prosperity suggests that deficit spending does not create prosperity. The fundamental issue is this: Should we increase spending? The Democrats and the President say yes. Republicans say no net new spending. Should we raise the deficit? The Democrats say yes. The Republicans say no.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,253,000,590,694.58 as of the close of business on Monday, April 19, averaging out to be a $16,557.72 per capita share for every man, woman and child in America.

THE ARMENIAN GENOCIDE

Mr. DECONCINI. Mr. President, April 24 is the day we commemorate the horrors visited upon the Armenian Community in Turkey during World War I and afterward. On this day, we show solidarity with Armenians everywhere, and reflect upon the meaning and lessons of their suffering and sacrifice.

As many commentators have observed, the massacres and deportations inflicted upon the Armenians during that period were to mark this century of horrors. Civilian populations, defined by ethnic, racial or religious distinctiveness, have become targets of marauding soldiers or paramilitary groups, and in some cases, by sovereign states using all their instruments of military power to destroy a people.

But reflecting upon the fate of the Armenian people in this century is by no means one-sidedly glum. Like the Phoenix of mythology, the Armenian people survived its bleakest days and arose with renewed vigor. Armenians' sense of national identity has been strengthened and the Armenian language is flourishing. Most important, independent Armenian statehood has been restored to guarantee the security and future of the Nation.

Independent Armenia has endured many trials during its brief tenure, and its relations with its neighbors—also newly independent—are troubled. The Nagorno-Karabakh conflict has caused thousands of deaths and turned hundreds of thousands into refugees. Energy blockades have meant four dark and freezing winters, hungry children, and a growing sense of isolation. Nor are there any indications of a speedy end to this conflict. Yet the longer the hostilities continue, the more victims there will be. In the memory of those who have perished since 1988, as well as those killed during World War I, we must do everything we can to bring this conflict to an end, so that the process of normalization among the peoples of Trans-Caucasia can begin.

It is sadly fitting that the commemoration of the Armenian genocide should coincide with the opening of the Holocaust Museum in Washington. For the basic lesson of the horrifying experiences of these two peoples in this century is: "Never again." This is a lesson we must all take to heart as the war in the former Yugoslavia continues, and Bosnia's Moslem civilian population is bombed, shelled, massacred, and deported. The fate of peoples belonging to these three different religions in this century—Armenian Christians, European Jews, and Bosnian Moslems—demonstrates the oneness of the human community and the universality of the lesson of their suffering. If the international community ignores slaughter, its perpetrators will be emboldened. Let April 24 instead inspire us to show our solidarity with the victims and our condemnation of the slaughterers.

ARMENIAN GENOCIDE

Mr. GLENN. Mr. President, I rise today to join my colleagues in commemorating the 78th anniversary of the Armenian Genocide. We are all aware of the tragic details. On April 24, 1915, 200 Armenian religious, political and intellectual leaders were arrested in Constantinople, exiled, or taken to the interior and murdered. Similar measures were pursued throughout the Ottoman empire in Armenian centers. Thus began the 8 years of the Armenians' tragedy. When the horror ended in 1923, 1.5 million Armenian men, women, and children had been killed and another half million forced to flee their homeland.

Sadly, though this was the first occurrence of genocide in the 20th century, it regrettably has not been the last. The Armenian tragedy was followed by the horrors of the Holocaust, the massacre of Cambodians, and even today the scourge of ethnic cleansing in Bosnia. It is extremely disheartening that on a day when we remember the Armenian genocide, and within a week of the dedication of the Holocaust museum, the reality of genocide is still with us, its Bosnian victims appearing nightly on our TV screens.

Today is the day when we commemorate the victims of the Armenian genocide, innocents exterminated simply because of their national origin. My purpose today is not simply to acknowledge and commemorate the Armenian martyrs of genocide; my larger goal is to hold this history up as a warning to Americans today as well as future generations and world leaders yet unborn. We can best serve the memory of the victims of genocides in the past by doing everything possible to prevent such tragedy in the future.

It is often said that those who forget the past are doomed to repeat its mistakes. I pray that we will honor the Armenian genocide victims by rededicating ourselves, as individuals and as a Nation, to ensuring that tragedies like that visited upon Armenians nearly 80 years ago never happen again, and that people of all races, nationalities, ethnic groups and religions enjoy the basic human rights which are their due as human beings.

ARMENIAN MASSACRES OF 1894, 1909, AND 1915–23

Mr. FEINGOLD. Mr. President, I rise today to join my colleagues in commemorating the horrendous massacres of Armenians in Ottoman Turkey in 1894, 1909, and 1915–23.

Mr. President, the Armenians have suffered brutal persecution throughout their 3,000-year history. The most tragic of these injustices occurred within the past 100 years. In the 1890's, 300,000 Armenians were killed under the Ottoman Sultan Abdul Hamid II. By 1909, over 21,000 Armenians had been slaughtered in Cilicia.

By World War I, the stage had been set for an organized, well-plotted massacre of the Armenian population in the Ottoman Empire: from 1915 to 1923, almost the entire Armenian population was systematically removed from their homes. One and one-half million were murdered, and more than half a million were exiled. About 2½ million Armenians were living in the Ottoman Empire on the eve of the First World War. After the bloody campaigns to expel them, less than 100,000 remained in Turkey.

The U.S. Government has rightfully denounced these horrors. The American people have been generous in aiding Armenian survivors. Congress has designated days of remembrance for those who perished in the massacres.

Today in the former Soviet Union, war has again brought suffering to the Armenian people. Armenians in Nagorno-Karabakh are suffering the consequences of a bloody ethnic conflict, deprived of electricity, food, gas, and medicine. In addition, the country is trying to recover from the massive earthquake which demolished it in 1988. All this, as Armenia itself—once again an independent nation—is constructing its democracy and establishing its statehood.

Mr. President, I can only hope that we have learned from the lessons of the past. As I think about the Armenian massacres in 1894, 1909, and 1915–23, I find myself using the same words we are using today regarding the genocide in Bosnia-Herzegovina. It is because of tragedies such as those in Armenian history that mandate a stronger, more just response to the aggression in the former Yugoslavia.

I am sure that the strong American-Armenian friendship will endure. I am pleased that the independent Republic of Armenia has been recognized worldwide. And I hope that with international support it can become not only a strong democracy, but also a haven to protect the victims of ages of abuse.

WARSAW GHETTO UPRISING

Mr. MOYNIHAN. Mr. President, for the past several days events have been held around the world marking the 50th anniversary of the Warsaw ghetto uprising, which began the first night of Passover, April 19, 1943.

Fifty years ago last Saturday, German SS Gen. Jurgen Stroop sent birthday greetings to his master Adolph Hitler with the triumphant message "the Jewish quarter in Warsaw is no more."

He had good reason to send such a message. The mightiest army to every bestride the European continent had been instructed to butcher the starving remnants of Europe's largest Jewish community. And yet for 19 bloody days the defenders of the ghetto fought off the armed might of Nazi Germany.

Fifty years ago this week, as the ghetto burned and war consumed much of Europe, I was a senior at Benjamin Franklin High School in Manhattan. It is fashionable today to suggest that Americans didn't know about the Warsaw ghetto or even about the Holocaust as it was unfolding—that it was some terrible dark secret that the world only discovered when Russian and American troops began to stumble over death camps in the war's closing months.

It is fashionable myth—and a convenient one. But we knew. Even seniors at Benjamin Franklin High School who read the New York Times knew.

On April 20, 1943, 50 years ago yesterday, the New York Times reported that 2,000,000 Jews had been murdered by the Nazis since the beginning of the war and that "more are in immediate danger of execution by lethal gas and shooting. Details of the methods by which others have been brutally murdered achieve a degree of horror which numbs the mind."

Two days later, on April 22, the Times reported on the front page, no less, that a clandestine radio broadcast from Poland had been monitored in Stockholm announcing that: "The last 35,000 Jews in the ghetto at Warsaw have been condemned to execution. * * * The people are murdered. Women and children defend themselves with their naked arms. Save us." And then, the Times reported, the radio "suddenly went dead."

Fifty years ago, tanks slaughtered children in the streets of Warsaw. There was no military logic or geopolitical reasoning for these acts of wanton murder. Over 6 million Jewish civilians were slaughtered during the Second World War—not because of anything they did, but because of who they were.

Fifty years ago we knew what was happening and where it was happening. And today, 50 years later, we know what is happening and where it is happening. Let there be no misunderstanding. Genocide is being committed in the Balkans in 1993 as surely as it was committed, on a vast scale, in 1943.

The Members of the Senate will be pleased to know that our distinguished colleague Vice President GORE made a similar point at the largest North American ghetto commemorative event, held this past Sunday at Madison Square Garden. I was heartened by the Vice President's references to the genocide currently being carried out in Bosnia and by his firm promise that "judgment stands in the wings of history" for those who have sanctioned and ordered these actions.

I was also deeply moved on Sunday by the poignant opening remarks of Benjamin Meed, the chairman of the United States Commemoration Committee, which sponsors this annual gathering, and of his wife, Vladka Meed, who served with heroic distinction as a courier between the fighters in the Warsaw ghetto and the handful of Jewish partisans outside the ghetto walls during the uprising. I believe the Members of the Senate will be similarly interested in their remarks and ask unanimous consent to have them printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY BENJAMIN MEED

Once again we are here to remember our Six Million Kedoshim. But today we participate in a special event; we commemorate the 50th Anniversary of the Warsaw Ghetto Uprising, the first organized civilian resistance in Nazi Europe. Even in our wildest dreams, none of us who survived dared to imagine that we would be part of such a gathering.

In April 1943—fifty years ago almost to the day—I stood outside the walls of the Warsaw Ghetto. Guns and grenades thundered, setting the ghetto ablaze, as people went about their day-to-day affairs. I watched in disbelief as a merry-go-round turned to the joy of my Polish neighbors, oblivious to the tragedy nearby. Inside the ghetto walls—the stench of death and cries for help; outside—the music of a carousel and normal life.

To this day, the scene haunts me. How was it possible for people to act "normally," while Jews burned inside the ghetto walls?

It is this memory—not just of the perpetrators, who pulled the trigger and bear eternal responsibility for their deeds and the machinery of extermination, but of the bystanders in Warsaw and elsewhere—which still tears at my very soul. Millions of Jews, betrayed and abandoned, were slaughtered as our neighbors went about their usual business and the world stood by.

The Holocaust is uniquely a Jewish tragedy. Elie Wiesel put it this way: "While not all victims were Jews, all Jews were victims." We know that millions who were not Jews perished during the war and we mourn for them as well.

But our Jewish children were the first taken, the first beaten, the first gassed. And our people—the Jewish people—were Hitler's chosen target. In this, we had no equal partners.

No one will ever see what passed before our eyes; no one can understand the terror that gripped our bodies; no one can know the unspeakable acts that we saw man to be capable of. Yet today, almost daily, we hear the gruesome echo of the Nazi legacy of hatred and murder played out somewhere around the globe.

Our tragic past has taught us that the unthinkable is possible. For us, it is impossible to ignore the fear that history can repeat itself. We must join with each other; for no Jew can survive if all Jews do not care for one another. How different would the course of history have been if Israel, ready to protect the safety and dignity of every oppressed Jew, existed half a century ago. Thus, in remembering our history, we express solidarity with the State of Israel and its people, whose security is as precious to us as the air we breathe.

While still blessed with life, we survivors will continue to gather to tell and retell—what was done to us, how we lived, and how we resisted.

Those of us fortunate enough to live through the Holocaust adopted a kind of hymn of survival: Mir zeynen do! We are here!

We are here—To honor the Six Million;

We are here—To pay tribute to the resistance fighters of Warsaw and elsewhere;

We are here—To remember and not let others forget. Mir zeynen do!

REMARKS OF VLADKA MEED, COURIER OF WARSAW GHETTO UNDERGROUND Z.O.B.

Fifty years have passed and I can still see the Warsaw Ghetto uprising before my eyes—the flames from the Jewish houses leaping over the ghetto walls and through the clouds of thick smoke, I can still hear the sounds of explosions and the firing of Jewish guns. In its glare I see my people of Warsaw, Lodz, Vilno, Riga, of all the other ghettos and towns. I see them on every road of their tormented life under the Nazis.

Today we know more precisely about the clinical aspects of the enemy's murder machine, of the participation of its industry, its science, its people, in the planned killings. All this is known today, but the world still knows little about the daily life, the struggle and resistance of those who were murdered.

I recall the crowded Warsaw Ghetto streets with starving people, children swollen from hunger, begging for a crumb of bread, corpses lying unclaimed on the sidewalks. I remember my neighbor standing in the doorway of the building watching out for approaching Germans, while upstairs, her daughter held secret classes for children. I recall the illegal schools in the ghetto, the secret libraries, clandestine synagogues, yeshivas, secret cultural events, the political youth groups with their illegal activities and publications. Yes, beyond the horrible suffering, typhoid epidemic, terror and death, there was life pulsating in the ghetto—a life filled with meaning, with dignity and even with hope.

This was resistance with a will to survive as a people and a spirit that refused to be crushed. This was the soil in which the seeds of our later form of armed resistance took hold. But as we know, dying from starvation, from persecution, was too slow a pace for the Germans—they had different plans—the final solution. The carefully coordinated Nazi machinery of mass murder went into operation.

I still see them, our people, among them my dearest ones, filled with fear of the unknown, walking silently, under pointed rifles, to the trains. As their footsteps echo in my mind, I can still hear their unuttered outcry to the world which let this happen. Yet, even then, many still nourished the hope against hope that they will survive.

How could our people, who for generations believed and cherished human values, imagine such evil as that of an enemy who planned our total annihilation? How could we grasp right away the scope of such an huge apparatus installed and supported by trained military death squads?

Let us remember that even during those trying times, when the world closed its eyes in order not to see the smoke of the crematoria, our people struggled to remain "Mentchen", to preserve their belief in humanity, in G'd. In Estonia, camp inmates secretly observed Yom Kippur and organized prayer groups. In Varvara Camp, illegal cultural gatherings took place. Even in the pit of Hell, in Auschwitz, surrounded by the smell of burning flesh, members of the Sonder Commando buried notes and testimonies next to the ovens, so that if everyone perished, the written word would still tell what happened to them.

The hundreds of thousands who were deported, paved the way for further action. Their deeds hammered into the minds of those left behind in the ghetto the brutal truth of mass killings—a truth brought back by victims who somehow escaped death. Then, the last stage of resistance, the determination to die fighting, came into its own.

The coordinated Jewish Fighters Organization was formed and expressed the will and the feelings of the remaining Warsaw Ghetto Jews. Its core was our remaining youth from the illegal political organizations; the Zionists, Socialists, Bundists, Communists and others. They, the young, were at the forefront of the Jewish struggle everywhere. The historic, decisive role of these idealistic young ghetto people has yet to be fully told. It was my destiny to work with them, to see their determination, their spirit, their commitment to undertake the last, unequal fight. None of the young expected to survive an attack on the Germans, nor did they, in the smallest way, expect to influence the war. Nevertheless, a profound conviction that the cause was just, drove us on.

But how do we get arms? This was our biggest concern. The ghetto had no arms. We turned to the outside world, to the Polish underground, the response was pitiful. We had to find our own way. I recall the primitive factories which our armament engineer Michael Klepfish set up in ghetto attics, with the young preparing Molotov cocktails, learning how to handle guns, the smuggling of dynamite over the ghetto wall.

On my missions from the Polish side to the ghetto, I could hear the sounds of hammering. Jews were building bunkers, hiding places. Bakers secretly supplied bread for the fighting groups. Money and jewelry were collected for armaments—"Resist, don't let yourself be taken away," was the call of the ghetto.

The hour struck, April 19, 1943, when German soldiers marched in full gear, into the Warsaw Ghetto to make it "Jundenrein" (devoid of Jews). The streets were empty. Suddenly, at certain intersections, they came under fire. From buildings, from windows, from rooftops of houses, the Jews were shooting. The Germans withdrew. They set up artillery around ghetto walls and from there they systematically bombarded the ghetto houses. Still, the ghetto did not yield. One of the units, at the entrance to the brush makers factory, waited with anticipation for the approaching Germans. When the first soldiers started to enter, a silent signal from the commander, and a moment later, a loud explosion. It was one of the four mines which went off; we were so poorly equipped. Inexperienced, untrained civilians fought against a well-armed Wermacht with tanks, artillery and planes. Block after block, house after house, were set on fire by the Germans. The fire that swept the ghetto, turned night into day. The flames, the heat, the suffocating smoke, drove the people from their hiding places. Men, women and children jumped out of windows and ran through burning ruins, looking for a place where they could breathe. But, where could they go when everything around them was burning? And in the midst of this flaming hell, the fighting went on, until the ghetto was reduced to charred rubble.

The German General, Jurgen Stroop, who destroyed the Warsaw Ghetto, stated in an official report that on May 16, after four weeks of struggle, he ordered the remaining synagogue on Tiomacka Street to be blown up as a sign of his victory over the fighting ghetto. We know, of course, that after that time the ghetto was unable to continue resistance, since the majority of our military organization had been killed. Mordechai Anilewicz, leader of the uprising, and his staff were gassed at Mila 18. Many others were burned to death. But for many weeks afterwards, shots from the ghetto were still heard.

Those final days united them all. Those who were deported, those who had fallen with arms in their hands, those who were gassed and those who suffocated in the smoldering ruins; they were all united in the long chain of resistance.

During the days of the uprising, our representatives on the Polish side sent radio messages to the Polish government in exile in London. We pleaded for arms, for help, but in vain. Our people, who put so much hope in the free world, were entirely alone, forsaken in their final hours. True, a war was going on, battles were being fought on many fronts, but the war against us Jews was entirely overlooked.

Only one year later, I was in the uprising of Polish Warsaw. I remember at that time, the planes flying over the city dropping arms and medical supplies for the Polish fighters. But when the Jews of the ghetto fought, the skies above were empty.

In the months afterward we learned of organized Jewish uprisings in other ghettos and camps, of Jewish partisan fighting in the forests. Our people resisted the enemy in all possible ways till the end. Only the resistance at different times took on different forms.

We now stand at a distance from the shattering times in the ghetto of Warsaw, from events, which shaped our lives and reshaped history. And standing at a distance we look back and remember. The story of the Warsaw Ghetto uprising doomed from the start, must remain a ringing warning and an inspiration to all people in all times.

CDBG WEEK

Mr. KERRY. Mr. President, 2 weeks ago, while the Senate was in recess, communities around the Nation celebrated the success of the Community Development Block Grant Program, the largest Federal assistance program which provides services to local communities. I want to take this opportunity to honor the CDBG Program and those who help administer it in Massachusetts and across the country.

During this time of economic struggle in Massachusetts, when we are seeing major cutbacks in local aid, the CDBG Program provides our cities and towns funding for critical services. It funds such diverse needs as the revitalization of commercial districts, housing improvement loans, aid to small- and medium-sized businesses, essential social programs such as day care, substance abuse treatment, and job creation services, repairing and replacing municipal water and sewer lines, repaving of streets and sidewalks, and modifications of public buildings to make them accessible, depending on local needs and local priorities. President Clinton, recognizing the importance of this program, has made it a central part of his economic stimulus package, which I support.

Many Republicans have attacked the program and are using it as an excuse to hold up the job-creating stimulus plan which contains some additional funding for it. They are attacking it for what I consider its greatest strength: its administration through local municipalities. The effectiveness of the funds it provides has resulted largely from the fact that communities have had the freedom to choose where to apply the funds they receive rather than having the decision made by Federal bureaucrats in Washington.

We should use the occasion of CDBG Week to remind ourselves of the successes of the program and its importance. I, for one, support the CDBG Program wholeheartedly and will continue to work for additional funding for it in the future as I have since I entered the Senate 8 years ago.

NANCY MOORE THURMOND LEGISLATION

Mr. DOLE. Mr. President, I am pleased to report to my colleagues that legislation designating April 17–24, 1994, as "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week," passed by the Senate on Monday, has now been passed by the House of Representatives.

Senator THURMOND recently wrote to me, thanking the Senate for adopting this legislation, and I thought it appropriate to share that letter with my colleagues.

Mr. President, I ask unanimous consent that the letter from Senator THURMOND be entered in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 20, 1993.

Senator BOB DOLE,
Office of the Republican Leader, U.S. Senate, Washington, DC.

DEAR BOB: My family and I would like to express our deep appreciation to you for introducing the Senate resolution designating the week of April 17–24, 1994 as the "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week".

As you know, the Thurmond family has strongly supported organ and tissue donor awareness for a number of years. In the midst of our sorrow over Nancy Moore's loss, my family and I have derived a great deal of comfort from knowing that even in death, she may be able to go on helping others by giving the precious gift of life to someone else's child.

Please express my thanks to the rest of our Senate colleagues as well. I can think of no more fitting memorial to my lovely daughter than one which encourages others to display the generosity of spirit which she had in such great measure.

Thank you again for your kindness and support during this very difficult time. The prayers and good wishes of our friends have been a great help to us all, and we appreciate your friendship more than we can say.

Sincerely,

STROM THURMOND.

RELATIONS WITH THE REPUBLIC OF KOREA

Mr. PRESSLER. Mr. President, I rise today to offer my support for and confidence in the growing relations between the United States and the Republic of Korea. I am particularly proud of the efforts of officials in Yankton, SD, who are encouraging diplomatic efforts between my home State of South Dakota and the Republic of Korea.

I applaud the efforts of Mr. Milo Dailey, a Yankton, SD, resident, who will be traveling to the Republic of Korea as a liaison between the people and city government of Yankton and the people of the Republic of Korea. Milo's hard work, dedication, and sincerity are commendable. His efforts are designed to promote diplomacy and good will.

I support strong ties between cities in the United States and cities in foreign countries. Such grassroots local efforts establish foundations for stronger and more sound diplomatic relations at higher levels of government. I encourage the work of the Yankton, SD, Chamber of Commerce and their liaison, Milo Dailey, to foster stronger ties with the Republic of Korea.

The city of Yankton is a lovely city with much to offer. It is a fine example of a small, rural city willing to extend its warmth and charm abroad in promoting positive relations with a foreign country. I tip my hat to Yankton city residents and local government officials for offering their good fortune to people in the Republic of Korea. Mr. President, again I applaud the sincere endeavors of Milo Dailey and the people of Yankton, SD, as they embark on strengthening friendly relations with the people of the Republic of Korea.

COMMEMORATING THE 78TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. PELL. Mr. President, each April, Armenians worldwide commemorate the anniversary of the genocide that took the lives of an estimated 1.5 million Armenians from 1915 through 1923. The actual day of remembrance, April 24, commemorates the day in 1915 marking the beginning of the Ottoman campaign of religious, political, and cultural persecution against the Armenian people, when hundreds of Armenian community leaders were arrested and killed by Turkish forces to eliminate the Armenian people through deportation and death.

This day of remembrance has special significance in this particular historical moment. After decades of Soviet rule, Armenia is a newly free and independent country. Regrettably, however, many Armenians—both in Armenia and the enclave of Nagorno-Karabakh—are suffering because of the ongoing conflict in the region. That is why I supported the Freedom Support Act, which holds that the President may not provide assistance to Azerbaijan until he determines that Azerbaijan has ended all blockades and other offensive action against Armenia and Karabakh, and respects internationally recognized human rights of Armenians and other minorities within its borders. As attempts are made to end the bitter ethnic fight with Azerbaijan, I believe it is important to commemorate what happened to the Armenian population at the beginning of this century.

I visited Armenia for the first time in January 1992. During that trip, I met with the country's new political leaders, with Armenian refugees from violence in Baku, and with survivors of the 1988 earthquake that leveled the city of Gumry. I was impressed by the commitment of the Armenian leadership to reform their country, and indeed, their eagerness to learn more about the United States political and economic model. I was truly saddened to learn that in Armenia, a country of nearly 3.3 million, 700,000 people are without permanent housing. I was horrified by the accounts of the brutality and violence that the refugees suffered. These incidents take on a deeper meaning in light of the genocide commemoration. It is a reminder that we cannot remain silent.

We cannot remain silent in the face of continued suffering of the Armenian people, or indeed when any group faces persecution and death at the hands of another simply for who they are. The breakup of the Eastern bloc and the Soviet Union has unleashed a host of ethnic conflicts that surge as we speak, any one of which, if the world is not vigilant, could result in yet another 20th-century genocide. In memory and honor of those Armenians killed, such a tragedy must not be allowed to happen again, to any group.

Mr. President, despite a long history of persecution, the Armenian people possess a moral strength, resilience, and a proud spirit. We join in this remembrance with American citizens of Armenian descent, whose ancestors became the victims of the first genocide of the 20th century. These crimes against humanity must never, and should never be forgotten.

NANCY MOORE THURMOND: IN MEMORIAM

Mr. HOLLINGS. Mr. President, the Senate family has been profoundly saddened by the death of Nancy Moore Thurmond last week. Indeed, the entire State of South Carolina has been in an extended period of mourning since last Thursday. In part, this is a reflection of the enormous respect and regard the people of my State have for Senator THURMOND. But it is also a reflection of South Carolinians' realization that we have lost one of our most talented and promising daughters.

Mr. President, over the 22 years of her life, I had the privilege of watching Nancy Moore Thurmond blossom into a truly remarkable young woman. She combined the beauty and grace of her mother with the determination and forcefulness of her father. And yet she was also unique. She was a remarkable human being in her own right, a woman of intellect and character who was a striking presence to all who knew and loved her.

Mr. President, I know firsthand the powerful love of STROM THURMOND for his eldest daughter. Her tragic death has been a tremendous blow to my senior colleague. We, too, have felt that blow. We, too, mourn for the young woman whom the Thurmond family has aptly called "our angel on Earth."

COMMEMORATING THE 78TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, today, once again, we honor the courage and the memory of the 1½ million Armenian men, women, and children who perished during the early years of this century in the tragic ethnic massacres committed under the Ottoman Empire.

I also want to recognize the commitment and the importance of Armenian-American groups, such as the Armenian Assembly of America and the Armenian National Committee of America, in light of their continuing efforts to find a peaceful resolution to the bloodshed and turmoil in Armenia and Nagorno-Karabakh.

Between 1915 and 1923, officials in the Ottoman Empire implemented a policy under which innocent Armenian civilians were murdered or forced into exile. In April 1915, the members of the Armenian leadership in Istanbul and other Armenian centers were executed. Those already conscripted by the Ottoman Army, were disarmed, placed in work battalions, and killed.

Armenian civilians, deprived of their leadership, were deported from cities and villages across Asia Minor and Turkish Armenia. Innocent women, children, and elderly Armenians were sent on death marches into the Syrian desert, during which many were raped and tortured.

This violent repression led to the death, through massacres, disease, and starvation, of a large part of the Armenian population. At the beginning of World War I, more than 2,500,000 Armenians were living in the Ottoman Empire. Today, fewer than 80,000 Armenians remain in that same geographical area.

The murderous persecution that the Armenians suffered for their faith, and the courage with which they bore their tragedy, is unmatched in human history. For this reason, I have strongly supported efforts to make April 24 a national day of remembrance for the Armenian victims.

Sadly, even today, Armenians still face violence and ethnic hatred. Fighting between Armenians and Azerbaijanis for control of the Nagorno-Karabakh enclave has left thousands of people dead. Many more Armenians died this past winter due to lack of food, fuel, and medical supplies. A lasting solution to this tragic conflict can be reached only through peaceful negotiations.

Armenian-American groups, such as the Armenian Assembly of America and the Armenian National Committee of America, have played an essential role in promoting a peaceful resolution to this conflict and in educating all Americans to the issues facing the Armenian people. They have also worked tirelessly to keep alive the memory of those who perished earlier this century.

As the writer H.G. Wells observed, "Human history becomes more and more a race between education and catastrophe." That is why this commemoration and the work of the Armenian groups is so important. Today, in honor of the courageous and proud Armenian people, we reaffirm our commitment to their cause and to the cause of peace.

COMMEMORATING THE 78TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. WOFFORD. Mr. President, today we observe the 78th anniversary of the Armenian genocide. We honor the memory of 1½ million children, women, and men, and note with sadness that the world has yet to take heed of the lessons taught by that tragic event.

Throughout an 8-year period, from 1915 until 1923, Armenians were systematically murdered, tortured, forced out of their homes and left to die, under the Ottoman Empire. In a July 16 telegram to the Secretary of State in 1915, the United States Ambassador, Henry Morgenthau stated that "Deportation of and excesses against peaceful Armenians is increasing and from the harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

Obvious similarities with modern-day tragedies from Saddam Hussein's programs against the Kurds to ethnic cleansing in Bosnia-Herzegovina show that we do well to mark this day. Surely, those who have been the victims of genocidal campaigns must mourn that we who are left to remember seem determined to forget and to turn away. We honor the memory of these Armenians by rededicating ourselves to remembrance.

The violence, however, is not over. Armenia and Azerbaijan continue to struggle for control of Nagorno-Karabakh. Thousands have died already in the conflict. In spite of humanitarian relief provided throughout the year, hundreds more died in Armenia for lack of food, fuel, and medical attention. This crucial humanitarian relief must continue.

Many of the Armenian-American citizens living in this country today are descendants of those who were forced to leave their homeland to escape certain death. Here they have found freedom from persecution and have made immeasurable contributions to their adopted country. We join our Armenian friends and those who embrace the truth of these events so that they may never be forgotten.

I also would like to draw attention to the tireless efforts of such groups as the Armenian National Committee of America and the Armenian Assembly of America to ensure that the memory of the victims of Ottoman persecution endures. And I commend their efforts to bring about a negotiated settlement to the tragic fighting over Nagorno-Karabakh.

Until peoples and individuals feel secure in their right to freedom from ethnic and religious persecution, we will continue to commemorate anniversaries such as this, and recount their painful lessons. "Never again" is happening all around us. For the sake of the present and of future generations, we must never forget.

REMEMBERING ARMENIAN GENOCIDE

Mr. KERRY. Mr. President, today we mark the 78th anniversary of the Armenian genocide. I would like to reflect on several things related to that tragedy and to the changes that have occurred since our comparable commemoration last year.

First, it becomes increasingly evident with each passing year that the work of the Armenian Assembly and others who have strived to ensure remembrance of the genocide has paid off. Research, testimonies, and official statements all bear witness to the historical truth and appalling inhumanity of the genocide. Throughout the latter part of the 19th century and the early part of this century, it was the policy of the Ottoman empire to persecute brutally its Armenian minority. No serious historian can deny this.

During the reign of Sultan Abdul Hamid II, 1894-96, 300,000 Armenians were massacred.

In 1909, 21,000 Armenians were murdered in Cilicia.

And between 1914 and 1923, an estimated 1,500,000 Armenians were killed and another 500,000 forced into exile.

In the words of Henry Morgenthau, America's Ambassador to the Ottoman Empire at the time, "* * * When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race: They understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact."

The genocide all but ended the 3,000-year-old presence of the Armenian population in the Turkish Near East. Survivors scattered across the Russian border, into the newly formed Arab States, into Europe and many to the United States. It is testimony both to the humanitarian nature of the American people, and to the devastating cruelty of Ottoman policies, that 132,000 Armenian orphans came to the United States during this period for adoption or foster care.

Much has been written about the Armenian genocide, the Jewish Holocaust and the massacres in Cambodia by the Khmer Rouge. Much has been written, but the reminders cannot come too often, nor can the cautions against forgetting ever be safely ignored. We live in a world where today's news becomes forgotten news almost immediately and where the lessons of history are studied carefully only rarely and even then by only a few.

This is a tragedy; it is also dangerous. It is said that those who forget their history are doomed to repeat it, and a glance today at the shelled ruins of Dubrovnik, the desperate faces of Srebinica and the fear-filled eyes of Nagorno-Karabakh's children will tell us that the risk of repeating history is real, present, and awful. The welcome end of the cold war has given rise to an unwelcome resurgence in ethnic violence and rivalry that has already claimed thousands of lives and that has no clear end. Thus, celebrations of independence for the new States of Eastern Europe and the Balkans have been accompanied by funerals for their dead. And celebration of Armenia's independence must be accompanied by prayers for an end to the suffering brought about by violence, natural disaster, and economic blockade.

Thus, as we commemorate the millions who suffered at the hands of the Ottoman Empire three-quarters of a century ago, let us resolve never to allow in our time what was permitted to happen in their time. Let us resolve to strengthen support for international recognition of minority rights and all human rights. Let us strengthen support for international institutions that are empowered to intervene diplomatically to resolve international disputes. And let us work to establish an overriding international obligation to act—whenever that is essential—to prevent the systematic persecution of people on ethnic, cultural or racial grounds.

Elie Wiesel, chairman of the U.S. Holocaust Council, has said that Adolf Hitler had the Armenian example very much in mind when conceiving his own sick plan for exterminating the Jews. Hitler was confident that no one would care: "Who, after all, remembers the Armenians," he asked. Sadly, the answer to that question in Hitler's day was silence. But the answer today is we do; we remember the Armenians.

We remember both those who survived and those who perished and we will not allow the truth of their suffering to be obscured by distortions of history or the passage of time. We remember the terrible costs of past indifference and we will not allow the lessons learned to be forgotten. We remember because it is right to honor the past, but because it is even more important to safeguard the future; and because we must never again do less than all we can to prevent the specter of genocide from raising its bloody hand on this planet.

IN COMMEMORATION OF THE ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, Saturday, April 24, is the 78th anniversary of the beginning of Armenian genocide, one of the worst tragedies in human history. Between 1915 and 1923, a systematic and deliberate campaign of genocide by the Ottoman Turkish Government resulted in the death of over 1.5 million Armenian men, women, and children.

On April 24, 1915, hundreds of Armenian religious, political, and intellectual leaders were rounded up by the Turks. Armenian leaders in Istanbul and other Armenian centers were executed. The male population, already conscripted into the Ottoman Army, was disarmed, placed in work battalions, and gradually exterminated. The surviving Armenian women, children, and elderly were then forced on death marches into the Syrian desert, during which the unprotected women, children, and elderly were subjected to rape, torture, and mutilation. Thousands were seized and forced into Turkish and Kurdish homes and harems. The majority of the deportees died during the marches from starvation, exposure, disease, and massacres.

The Armenian genocide effectively eliminated the Armenian population of the Ottoman Empire and marked the beginning of a century of cruelty and suffering, unparalleled in history. Indeed, it served as an inspiration for Adolf Hitler, who asked, before planning the extermination of European Jewry, "Who remembers the Armenians?"

Today we understand all too well the price the world paid for not remembering the Armenian genocide. Yet the lessons of the Armenian genocide and the Holocaust seem to be lost as the world again sits idly by as ethnic cleansing—mass murder, torture, mass rape, and forced deportation—occurs in Bosnia. We owe it to the victims of the Armenian genocide not to forget their suffering, and to do what is in our power as individuals and as a nation to prevent the perpetration of crimes against humanity such as occurred 78 years ago.

ARMENIAN GENOCIDE

Mr. SIMON. Mr. President, we take time today to commemorate the 78th anniversary of the Armenian genocide. Every April we honor the memory of the 1½ million Armenians massacred between 1915 and 1923. Armenian-Americans, largely descended from those who escaped death and were forced to leave their historic homeland, have found security and opportunity here in the United States, and have made significant contributions to every aspect of American life. At this point in history, more than ever, it is absolutely crucial that all Americans remember the atrocities committed against the Armenian people at the hands of the Ottoman government.

Beginning on April 24, 1915, hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled and eventually murdered. Soon thereafter, 250,000 Armenians serving in the Ottoman Army during World War I were disarmed and placed in forced labor camps where they were either starved or executed. The Armenian people, deprived of their leadership and young able-bodied men, were then deported from every city, town, and village in the Ottoman Empire. During these death marches, the men and older boys were quickly separated from the others and executed. The women, children, and the elderly were marched for weeks into the desert, and the majority of the deportees died from forced starvation, disease, and massacres. As a result of the Armenian genocide, the Armenian population was effectively eliminated through a carefully executed government plan.

The Armenian genocide is one of the worst crimes against humanity that history has ever seen. Hitler himself, while planning his "final solution," asked, "Who remembered the Armenians?," citing the extermination of the Armenian people as a precedent for the Holocaust of the Jews. Yet very few Americans are aware of this atrocity. It is our duty to let them know what happened, and to make sure they never forget.

We commemorate this event to acknowledge what happened to prevent future genocides, not to point fingers or to breed ethnic conflict. Let us not ignore history. In remembering the suffering of the Armenians in those final years of the Ottoman Empire, we are telling the world that we know how important it is to remember history, and to not let it repeat itself.

COMMEMORATING THE ARMENIAN GENOCIDE

Mr. D'AMATO. Mr. President, today we commemorate the 78th anniversary of the Armenian genocide. More than 1.5 million Armenians perished at the hands of the Turks in 1915. To this day, Turkey has refused to take responsibility for the atrocities committed against the Armenian people. We should not let our past perish in the smoke of destruction. This genocide, a precedent for the 20th century, reeks of inhumanity. The Ottoman government launched a campaign against the Armenians that was described by Henry Morgenthau as nothing less than "race extermination." In 1993, we are becoming too numb to the realities of race extermination, as it has become commonplace. As we stand face to face with scenes of atrocities around the world, we shake in horror. We must remember that human lives have value and that no group should be subjected to the atrocities that the Armenians and too many after them have faced, and unfortunately continue to face.

Today we commemorate a loss of conscience. This loss of conscience has cost too many people their lives. In only one century, genocide became the easiest of solutions. All too often, various nationalities, races, and religions become the subject of a question to be dealt with. And all too often, the solution was complete extermination. The lesson of the Armenian genocide was not learned. People did not remember. The lesson of the Jewish Holocaust was not learned. The Cambodian, Kurdish, and Bosnian genocides were soon to follow. Genocide as a government policy must end.

The 20th century has been tainted with hatred and prejudice. To answer the question that Hitler once posed, "who remembers the Armenians?" We must always answer "we do and we will never let it happen again."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now resume consideration of H.R. 1335 which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

The ACTING PRESIDENT pro tempore. The time until 10:45 a.m. is for debate only on the cloture motion with the time to be equally divided and controlled by the Senator from West Virginia [Mr. BYRD] and the Senator from

Oregon [Mr. HATFIELD] or their designees.

The Chair recognizes the Senator from West Virginia [Mr. BYRD].

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I have listened with interest, as I always do, to the remarks of the distinguished Senator from Texas [Mr. GRAMM]. He says that the fundamental question is, "Should we raise the deficit?" He says the Democrats say, "yes." And the Republicans say, "no."

He also said that we have $300 billion in deficit spending now already. If that will not bring prosperity, how will an additional $15 or $16 billion bring prosperity? What the distinguished Senator from Texas does not say is that $300 billion deficit that is estimated is not for the creation of infrastructure in this country, it is not for the building of highways, bridges, improved waterways, sewage and water disposal, water treatment facilities, education, and civilian research. The distinguished Senator from Texas apparently conveniently overlooks the fact that $200 billion of that $300 billion in deficit this year will be for interest on the national debt.

If that $200 billion were eliminated, that in itself would decrease the anticipated deficit by almost two-thirds. How did we get the $200 billion in interest on the national debt? Well, that story has been told on this floor many times.

It was through the misguided economic policies that were followed during the Reagan administration, big tax cuts for the wealthy, massive buildup in defense, which is Government spending. And then came the recession, and the savings and loan bailout. All of these things together created triple-digit billion dollar deficits during the Reagan and Bush eras, the first time in the history of the Republic. And as a result of those triple-digit billion dollar deficits, the national debt was quadrupled. And as a result, the interest on the national debt went from $69 billion a year in the last year of the Carter administration, to what it is now, $200 billion a year. So $200 billion of that $300 billion deficit, to which the distinguished Senator from Texas alluded, goes for interest on the national debt. That is a hidden tax on every American—every man, woman, boy, and girl.

Moreover, let it not be thought that we should equate the $300 billion deficit with the $16 billion in this bill, which has been reduced now to $12 billion—reduced by 25 percent—in conformity with the President's recommendations.

What we see here, when stripped of all of its fancy trappings, Mr. President, is not so much a fundamental question, to quote the distinguished Senator from Texas; what we see here is a fundamental change, a fundamental change by Republican Senators, who now say it is time to tear up the national credit card.

Well, it sure is, after they ran it into the ground, ran it into a "red sea" for 12 years. We went on a national credit card binge during the years of the Reagan administration, and now it is coming home to roost.

Now we see a fundamental change in the position of the other side. They want to tear up the national credit card. As it has been explained over and over again, this small bill, the cost of this small bill has been included many times over. The distinguished Senator from Maryland [Mr. SARBANES] has stated it has been included 30 times over, or more, in the budget resolution that was adopted by the Senate not many weeks ago, and against which every Republican voted.

Mr. President, I reserve the remainder of my time.

Mr. GRAMM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Mr. President, I yield myself, on behalf of Senator HATFIELD, 5 minutes.

The PRESIDING OFFICER (Mrs. MURRAY). The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Mr. President, our distinguished chairman of the Appropriations Committee says that we do have $300 billion of deficits this year, but those are bad deficits; those are the wrong kind of deficits. But if we had $12 billion of good deficits, then our problems would go away; we would create hundreds of thousands of jobs, and we would spend hundreds of millions of dollars.

If the $300 billion deficits are not being used for infrastructure, waterways, highways, education, and research, if we are not spending money on the things we should be spending money on, whose fault is it? Did we not appropriate these funds? Did we not set priorities? We just wrote a budget 3 weeks ago, spending a record $1.5 trillion. If we did not put enough money into that budget for infrastructure, highways, waterways, education and research, whose fault is it? It seems to me that it is our fault.

I do not know the difference between a good deficit and a bad deficit. All I know is whether they are good deficits or bad deficits, whether they are Republican deficits or Democratic deficits, we are borrowing money and taking money away from the private sector, money that could go to build new plants, new farms, new factories, and generate new jobs.

The issue here is a simple issue: Can we create jobs in America by going out and borrowing more money and having the Government spend it? Is spending too low? Is Government borrowing too low? Can we raise spending, add to the deficit, increase Government borrowing and somehow create prosperity? That is the fundamental question. Republicans say "no." That does not mean we are not willing to work with the distinguished chairman, or that we are not willing to work with the President.

Our position is this, and on these two issues we have taken a very firm stand: One, no net new spending, period; two, no further increase in the deficit. Those are our two positions.

If there are programs in this spending bill that are truly emergencies, that truly are of higher priority than what we are currently spending money on, then let us sit down together, identify lower priority programs, cut them, and fund these higher priority programs. We have made it clear from the very beginning what the issues here are: no net new spending and no further increase in the deficit. But if the President is willing to cut existing programs to reorder priorities to fund higher priority programs the way families and businesses have to fund higher priority programs by cutting lower priority expenditures, then we can have an agreement.

If there is gridlock, it is not gridlock about a willingness to change priorities or break the status quo; it is a gridlock on the part of the President by trying to maintain the status quo, trying to tax and spend our way to prosperity.

Finally, Mr. President, one of the things that makes this so difficult for the people who feel as I do is that the President has said for 3 months that: We have to raise taxes on income, on energy, and on Social Security, to lower the deficit to help the economy. As it turned out, we adopted a budget. The distinguished chairman of the Appropriations Committee said every Republican voted against it. I am proud that I voted against it because it was the largest tax increase in American history, and those taxes went primarily to new spending.

If everything the President says will happen happens, the deficit never goes below $200 billion, is rising in the fifth year and, 10 years from now, will exceed $400 billion. That is not a movement in the right direction.

So my point is this, and it is a very simple point: If 3 weeks ago we were going to pass a budget to help the economy by raising taxes on income, energy and Social Security so as to lower the deficit, why today are we going to help the economy by raising the deficit to increase spending to create jobs? Either we were wrong 3 weeks ago, or we are wrong today.

Well, the reality is, the rhetoric 3 weeks ago was to raise taxes to lower the deficit and help the economy. But the reality 3 weeks ago was raise taxes to fund spending. That is the same message we are hearing today.

The American people, I believe, have broken the code on the President's economic program. Basically, the code is that the President wants to raise taxes to make the Government bigger, not to make job creation in the private sector of the economy bigger or more vigorous or more powerful.

So our position is a simple position: No net new spending; no more deficit spending. On those issues there is not going to be a compromise. If the President wants to pay for these programs by cutting other spending, then we might have a compromise. But if the President is not willing to do what every family and every business in America has to do every year—and that is pay our bills—then there is not going to be a compromise on this issue.

I yield the floor.

Mr. BYRD. Madam President, 10 percent of this Nation is on food stamps—26 million people. That is not a Democratic problem. That is not a Republican problem. That is a national problem. That is a human problem. It is a real human problem.

Mr. GRAMM. Will the Senator yield?

Mr. BYRD. Unemployment is stuck at 7 percent. If the Senator does not realize that we have an economic emergency right now, right here in this country, then I urge him to talk to some of those real people who are on the unemployment rolls, who do not know how they are going to feed their children after this week or the next. Ask them if they think we have an economic emergency. Ask them if they think we need a jobs bill.

The distinguished Senator says, well, if we have not been investing enough, whose fault is it?

I was at the budget summit. So was the Senator. Who made the fight at that summit? Who led the fight at that summit for investing in infrastructure in this country, for investing in bridges, highways, waterways, water and sewage disposal facilities, and education? Who led it? The Senator was there. I was there. Who led the fight? Not the administration, not the Bush administration. The Bush administration wanted to further cut, cut, cut discretionary domestic spending. Increasing military spending has been fine with people at the other end of the avenue for the past 12 years.

I will tell you one thing. The cry went out in the 1990 budget summit: "We need to invest in this country," and that cry was led by this Senator, supported strongly by the Senator from Tennessee [Mr. SASSER], and by the then Senator from Georgia, Mr. Fowler, and by the then Representative, Leon Panetta. We made the fight. We made some progress, but not enough, because the Bush administration opposed public investment in infrastructure.

Madam President, I do not want to take all the time on my side.

Mr. CHAFEE. Madam President, I wonder if the distinguished floor manager will yield me time. I wish to comment, if I may.

Mr. BYRD. I yield the floor and will let the Senator use his own time.

Mr. CHAFEE. Madam President, I yield 5 minutes from our time.

Mr. BYRD. If the Senator will allow me, I yield the remainder of the time to Mr. SASSER and he can yield time to others. Mr. DORGAN and Mr. WELLSTONE wish some time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, before the distinguished chairman of the Appropriations Committee leaves, I have a question that I would like to address to him. I do not know whether this is accurate, and I would appreciate it if he would straighten me out. I read that the President has added $200 million in new spending to enable cities to rehire, it says, 10,000 laid-off police officers; is that correct? Is that in this legislation?

Mr. BYRD. It is $200 million; that is correct. That is to put police officers out on the street, where they ought to be.

Mr. CHAFEE. I just wonder if the chairman of the Appropriations Committee gets the full import, or has thought of it, because I had an opportunity, and I am sure in his busy schedule that we have in the Federal Government, perhaps he has not. The proposal is that the Federal Government pay for city and town police officers. That is the proposal.

Mr. BYRD. No. The proposal is for CDBG moneys to be used by the localities——

Mr. CHAFEE. Right.

Mr. BYRD. Which they can do now up to 15 percent of their total money. They can do that now to employ people—and I am answering on my time—to employ people in public service jobs.

Why should they not be allowed to employ policemen and get them out from behind the desk?

I hope the Senator is not going to pick on this little item. Let him go out and ask the people of Washington, DC, here. Let him go up to Rhode Island and ask those people if they think we need more policemen on the streets.

This President is trying to do something. He has very little to do it with. And that side of the aisle is not even going to let him do this and allow $200 million.

Mr. CHAFEE. Is this my time, Madam President? I am confused.

Mr. BYRD. No; this is my time. Now, the remainder of it is the Senator's time.

Mr. CHAFEE. All right. I appreciate this opportunity.

Mr. BYRD. I answered the Senator's question, and I did so graciously on my own time.

Mr. CHAFEE. The Senator was very kind, as always, about that.

Now, Madam President, for those who are listening here, you would think to hear the discussion on this floor that there was absolutely nothing done about the infrastructure—that is a big, new word we are using a lot around here—that the Bush administration did nothing about the infrastructure.

Well, as Al Smith used to say, "Let us take a look at the record." For this current fiscal year, there is appropriated for highway building in the United States of America—is it $1 billion or $2 billion or $3 billion—no; $18 billion, the largest appropriations for highway construction in the history of the Nation for a single year.

All right. What about mass transit? Is that being completely neglected? That is $3.8 billion.

Mr. BYRD. Will the Senator yield?

Mr. CHAFEE. No. I am in full flight now, and I will return a little later.

Mr. BYRD. Will the Senator yield for a question on my time?

Mr. CHAFEE. No. I watched the distinguished chairman of the Appropriations Committee on this floor for the last 3 days, solidly.

Mr. BYRD. I thank the Senator.

Mr. CHAFEE. I wish to speak now for a total of 5 minutes, if I can get it.

Mr. BYRD. I thank the Senator. He is in full flight.

Mr. CHAFEE. Now, Madam President, if I might, before I was so rudely interrupted, I would point out what is the authorization. What did those skinflint Republicans authorize——

Mr. BYRD. They authorized——

Mr. CHAFEE. For 6 years?

Mr. BYRD. They authorized a highway bill.

Mr. CHAFEE. They authorized $155 billion.

Mr. BYRD addressed the Chair.

Mr. CHAFEE. Now, were we weeping around here? I have my handkerchief——

Mr. BYRD. Madam President, will the Senator yield on my time?

Mr. CHAFEE. Because we are crying that there is nothing done about the infrastructure. My goodness sake. I am sobbing. Excuse me. I will recover.

We have a terrible situation. The infrastructure of the country is crumbling.

Mr. BYRD. Oh, yes.

Mr. CHAFEE. Nobody is doing anything.

Mr. BYRD. No.

Mr. CHAFEE. I am overcome with emotion.

Mr. BYRD. Let me help the Senator.

Mr. CHAFEE. It is $200 million.

Mr. BYRD. Let me help the Senator.

Mr. CHAFEE. It is nothing. You are skinflints. You are withholding everything from the infrastructure.

Mr. BYRD. Exactly.

Mr. CHAFEE. "Infrastructure" is going to be in the new spelling bee they are having in Washington. How do you spell "infrastructure"? What does it mean? It is now a big new word.

Mr. BYRD. Madam President, will the Senator, now that he has gotten himself under control, now yield?

Mr. CHAFEE. It is very difficult.

Madam President, I hate to appeal—I am reluctant to appeal—for order, but I would like to proceed. And then, I am so overcome that I may have to go back and recover in my office. But I think I will carry on for just 1 more minute with my tears.

Mr. BYRD. I say to the Senator, we put in——

Mr. CHAFEE. Madam President, this is the situation. The basic difference in approach here between the two parties is that the Republican Party is fully conscious that the Federal Government now, for every dollar it spends, 20 cents is borrowed, 20 cents is being levied upon our children and our grandchildren to pay back. That is a horrible situation. And the Republicans are saying enough is enough.

Are we going to end every bit of deficit spending? No. But the time to start is now. As the old Chinese proverb says: The way to start a long journey is to take the first step. And we hear the Democrats say, well, $16 billion is change——

Two additional minutes, please, Madam President.

Sixteen billion dollars, we should not even pay any attention to that. And the Republicans are saying it is not necessary at this time.

The thing is labeled an emergency stimulus package. It is neither an emergency, nor is it a stimulus. Furthermore, if we wanted, there are a whole series of lovely programs that the distinguished chairman has outlined. But the thing is, he is not willing to pay for it. And if you are not willing to pay for it, then what value are they? Do you really want them that much?

Madam President, think of it. This week, all of us noticed a lot of youngsters in the Capitol and in the city of Washington. I assume most of them are here on spring vacation. And it is these young people who are going to pick up the tab for the profligacy of us, our generation—me, the chairman of the Appropriations Committee, and others.

Twenty cents of every dollar the Federal Government spends is borrowed, and I think that is wrong. Can we correct it overnight? No. But we certainly are deserving of a try to end it. And that is what this debate is all about here today.

I thank the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. I am so glad that we did not have to call the doctor. The Senator is fully recovered, and he appears to be in the very best of robust health.

Madam President, what we hear on the other side of the aisle is, for 12 years now, for 12 years we have been using the national credit card; we have been doing deficit spending. Now stop us before we kill again. Stop us before we kill again.

How can they on that side say with a straight face anything about deficit spending when they have been presiding for a dozen years over the largest deficits in the history of this country?

Mr. CHAFEE. I wonder if the chairman would yield for a question from me?

Mr. BYRD. Oh, I will do so graciously.

Mr. CHAFEE. Now, this is it, Madam President. The President of the United States, over the past 12 years, be it Mr. Reagan——

Mr. BYRD. Now this time is on the Senator's time.

Mr. CHAFEE. On my time. I still have part of my 2 minutes.

President Reagan or President Bush have sent budgets up here which have involved all kinds of cuts, including, for instance, in the TVA, where we have a very strong proponent. And what was the code word that was used as soon as that budget was delivered here? How well everybody on that side knows. "The budget is dead on arrival. DOA."

And those were very clever words that they used, meaning that we are not paying any attention to that budget. We are paying no attention to the cuts. It is dead on arrival. We are going to go forward with our spending as we want it.

Think of it—the majority party. We have not had control of the House of Representatives since when? 1938; 1943, maybe.

Mr. BYRD. You have been in the White House most of the time for the last 25 years.

Mr. CHAFEE. In the Senate, we have had 6 glorious years thank goodness for the country.

Mr. BYRD. Glorious years? Triple-digit billion-dollar deficits in those glorious years.

Mr. CHAFEE. In effect, Madam President, this President has submitted, with his most optimistic projections, what is going to happen in 4 years. There will be $1 trillion added to the debt of the Nation. That is under his figures, not my figures; your figures, the President's figures, $1 trillion.

That is what they objected to about the Reagan-Bush years; that every 4 years there was $1 trillion added. In effect, Madam President, they are emulating, indeed, probably going to exceed it, because they have very optimistic predictions in their budgets.

I thank the Chair.

Mr. BYRD. Madam President, may I say to the Senator, he has spoken about the budgets that were pronounced DOA. What about the votes on those budgets? The House leadership put Republican Members to the test on the Republican President's budgets, on Mr. Reagan's budgets, on Mr. Bush's budgets, and Republican Members voted against those budgets. Sure, they were dead on arrival. They did not even have the support of the Republican minority in the House.

Mr. SASSER. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

Mr. SASSER. I ask the chairman of the Appropriations Committee, under the rules, any Senator, when a budget comes to the floor, may call up the President's budget if he or she seeks to do so. Did any Republican Member call up President Bush's budget on the floor to your recollection? I have no recollection of that.

Mr. BYRD. Well, when the Republicans were in control here, they did not even call up their own President's budget. When they were in control in the Senate, they did not even call up their own President's budget for a vote.

Mr. SASSER. Does the distinguished chairman recall that the last Bush budget that was presented to this body had a deficit reduction over 5 years of only $2 billion, whereas the Clinton proposal that passed this body, with not one single Republican vote in favor of it, reduced the deficit by almost $500 billion over 5 years.

Mr. BYRD. Absolutely.

Mr. CHAFEE. I wonder if the distinguished chairman would yield for just a question?

Mr. BYRD. Of course, on the Senator's time.

Mr. CHAFEE. You know, Madam President, I just think we ought to invoke truth in labeling around here. The chairman of the——

Mr. BYRD. We ought to have done that a dozen years ago.

Mr. CHAFEE. The distinguished chairman of the Budget Committee uses language that has become popular also and that is he has reduced the deficit by $500 billion, I think he said.

Now, everybody who is listening to this better understand what he is talking about. He is taking a line that might have been here and saying it is going to be here.

Mr. SASSER. Parliamentary inquiry. Is this a question on the chairman's time or is this a statement on the time of the distinguished Senator?

Mr. CHAFEE. My question is the following.

Mr. SASSER. Parliamentary inquiry.

The PRESIDING OFFICER. The time is being charged to the Senator from Rhode Island.

Mr. CHAFEE. The question is as follows: Is it not so, despite the legerdemain and the descriptions, that at the end of 4 years under the Clinton proposal the debt of the Nation will increase by $1 trillion under the President's figures?

Mr. SASSER. Were it not——

Mr. CHAFEE. Please answer my question.

Mr. SASSER. If the Senator will allow me the common courtesy of an answer, I will be pleased to do that.

Now were it not for the Clinton proposal, the budget deficit would have increased by an additional $496 billion, because the Clinton administration was elected at the end of a 12-year period of the most irresponsible fiscal policy in the history of the United States of America, put in place by Presidents of the party of the Senator from Rhode Island.

Mr. CHAFEE. I was looking for an answer. I have given up.

Mr. SASSER. That is the condition the President finds himself in.

Mr. CHAFEE. May I have an answer? May I have the courtesy of an answer?

Mr. SASSER. If the Senator from Rhode Island is so concerned about reducing the budget deficit, why did the Senator not join forces with those of us on this side of the aisle to reduce that deficit by $496 billion over the next 5 years? Why did the Senator oppose reducing the deficit by almost $500 billion over 5 years? Can the Senator give us a rational explanation for that?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Of course, I did not get an answer to the question because the answer to the question is——

Mr. SASSER. Could I get an answer to my question, Madam President?

Mr. CHAFEE. Under the chairman's own proposal, the debt of the Nation is going to increase $1 trillion. That is the answer.

So with all the pillorying they have had of the prior administrations, what that wicked Reagan administration did, what that Bush administration did, $1 trillion in 4 years. And that is using their figures, Madam President.

Now they say they have presented a budget that is going to do wonderful things. Does anybody believe that? They could not even vote against cutting honey price supports. They will not even vote against price supports for honey.

And take a look at the record of the distinguished chairman of the Budget Committee. Where is he on these votes? Why is he not even willing to cut $16 billion, $16 billion?

So, we are in a very, very sad situation. They have the votes to do lots of things. Thank goodness they do not have the votes to put through this so-called phony stimulus package.

I thank the Chair.

Mr. SASSER. Madam President, the hypocrisy that we have seen on this floor this morning is absolutely breathtaking. I thought I had seen it all here on the floor of the U.S. Senate, but this morning I think a new precedent was established.

I asked my distinguished friend from Rhode Island, who has now left the floor, I see, why would he not vote with those of us on this side of the aisle to try to impose some fiscal responsibility just a few weeks ago and reduce this deficit by an additional $500 billion, $496 billion to be exact? He would not even answer that question.

Where was my friend from Rhode Island when the Presidents from his party over the last 12 years were quadrupling the national debt, quadrupling it? When Ronald Reagan came to office in 1981, the national indebtedness of the American people stood at slightly over $900 billion. And it took us 200 years to build up that indebtedness. And when Ronald Reagan and his disciple George Bush left office, the national debt stood in excess of $4 trillion.

And when economic historians write the history of the decade of the 1980's, they will say there has never been, in a modern, industrialized, democratic society, such reckless and irresponsible fiscal policy in all of the 20th century in any country, save a banana republic.

And here, the Senator from Rhode Island has the gall, the unmitigated gall, to come on the floor of this body and attempt to defeat a jobs bill which is part of an overall effort to pull this economy out of the ditch that his Presidents put it into.

Madam President, for all——

Mr. CHAFEE addressed the Chair.

Mr. SASSER. Madam President, I have the floor and I am going to keep it.

Mr. CHAFEE. Are we going to get some time to respond here, or are we going to have to listen to this? Are we going to give some answers?

The PRESIDING OFFICER. The Senator from Tennessee has the floor.

Mr. SASSER. Madam President, for almost a month, Republicans on the other side of the aisle have held this President's job program hostage—have held it hostage. This jobs bill is part of an overall economic proposal—part of an overall economic proposal that the President took to the American people as a candidate. He was elected on the basis, first and foremost, of getting this economy moving and creating jobs.

The first thing he did was to propose a budget that for the first time, really, in 12 years, dealt with the deficit. To the man—to the man and woman—those on the other side of the aisle voted against that effort to invoke some kind of fiscal responsibility on the Government of this country. They could not defeat it because they did not have the votes. A budget resolution comes to the floor under special protected procedures so they could not filibuster it. A spiteful, willful minority could not defeat that budget resolution because they had to have a majority of votes under the rules of the Senate.

But now we come with a small proposal to try to create jobs for the American people. It does not have that protection against a filibuster. So a willful, spiteful minority, day after day after day, vote after vote after vote, has denied the will of the majority in this body. They have denied the will of the majority of the American people. The polls that I see indicate that the American people want this jobs bill by almost a 2-to-1 majority.

In early April we learned that 22,000 more of our fellow citizens had lost their jobs. In my own native State of Tennessee there are 50,000 people walking the streets today looking for work who had work before this recession started. In early April we learned that almost 60,000 more construction workers had lost their jobs; unemployment up to 16 percent in the construction industry. The distinguished chairman of the Appropriations Committee comes to the floor of this body and says we need to take funds out of the highway bill and get an infrastructure program going and get construction workers to work. The Senator from Rhode Island comes to the floor with the disingenuous argument, "We already authorized the money."

Yes, my friends, but you would not appropriate it. The money has been authorized but it is sitting in a bank account, not appropriated. And construction workers are out of work all across this country.

Then we learn that retail sales plummeted in March, down 1 full percentage point, the largest decline in 2 years. Still, a willful minority would not budge. The jobs program remains mired in gridlock.

We learned that consumer confidence fell. Why? Why? Because people are concerned about jobs. But even this, even more jobs being lost, even construction jobs unemployment standing at 16 percent, consumer confidence going down, retail sales going down—even this did not convince a willful minority to release this President's jobs program, which is part of his overall economic recovery program.

Many have wondered, what are they doing? Are they just trying to embarrass the President? Some have been talked to individually on the recess by mayors of their cities, by county executives, telling them, "We need this jobs bill. Our people are hurting. Will you not relent and let it pass? Let the majority rule."

Some on that side responded, "Well, I would but I do not want to be the first to go. If others will go with me and vote to break this filibuster in our caucus, then so will I. But I cannot be the first to do it."

I say to some of my friends on the other side of the aisle, do we not have a greater responsibility than just partisanship? Do we not have a greater responsibility than just to our political party? Is our responsibility in the final analysis not to the people of this country? That is why we are here. They are the ones who elect us. They are the ones who are paying our salary.

So I would say to some of our more reasonable friends on the other side of the aisle, do what you think you ought to do. Vote to help the mayors and the county executives in your States who are telling you that they need this help. Vote to help the construction workers, who are telling you that they need this help. Vote to help those who are out of work and are telling you that they need this help.

Madam President, how much time do I have left?

The PRESIDING OFFICER. The Senator from Tennessee has 6 minutes and 2 seconds.

Mr. SASSER. Madam President, the Senator from North Dakota has been on the floor and was seeking recognition.

The PRESIDING OFFICER. Senator from North Dakota.

Mr. DORGAN. I thank the chairman of the Budget Committee. I was going to come and offer some quiet, thoughtful, reflective points. I am not sure this is the time in the Senate debate to try to do that.

My dad and I used to own a number of horses that we raced, one of whom required blinders. He was too distracted by reality if we did not put blinders on the horse. And I was thinking of those blinders in the last several weeks during this debate on the jobs bill.

There is almost a disconnection between some of the discussion in this Chamber and the reality outside of this Chamber. What is the reality? The reality is we have a $4 trillion debt and a $300 billion deficit—yes. And that is a serious problem.

And there is more reality. Part of the reality is 10 million people today are looking for work and cannot find it; 25 million people are on food stamps; 35 million people have no health insurance; 2.7 million reported cases of child abuse last year; 4 million kids who were born in this country this year, 1 million without a father; 800,000 of those 1 million kids will never in their lifetime learn the identity of their father. Washington, DC, is the murder capital of the world. That is also part of the reality outside of this Chamber and out in the streets of America.

So, what has President Clinton proposed? A plan that says let us do two things: First, let us cut the budget deficit with the first honest budget presented here in a dozen years. Yes, the first honest budget in a dozen years. Let us cut the deficit in a real way and in a tough way, cutting spending and raising taxes. And we had to find all the votes for that; there was not one vote for it on the other side of the aisle.

And second, President Clinton says, let us construct a jobs program.

Now some on the other side jump up and say, "Wait a second, the last quarter GNP shows economic growth, over 4 percent. This demonstrates that we do not need to do anything." Well, a half a percent of that "growth" was fixing the damage from the hurricane in Florida. If we have more bad news, I suppose we will have more reported economic growth from the other side.

The problem is economic growth is not creating jobs. Economic recovery without jobs is like going to a meal without food. It is meaningless to us. It is meaningless to those in this country who this morning are out of work.

A newspaper reporter once interviewed an 80-year-old man and said, "You must have seen a lot of changes in your life."

The old codger said, "Yep, and I guess I used up every one of them."

I hear that mentality in people who say, let us do nothing, let us be happy, let us let things continue as they have continued.

We know what has happened for the last 12 years is the wrong course. Do we know the Clinton approach is the right course? No; we do not know that for sure, but it is fundamental economic policy change; it moves us in a different direction. It is the first honest budget in a long, long time. He is the first President who says let us deal with real problems in a real way.

I know some of this has become symbolism in this debate, but I hope one of these days real soon we will get the best of what both sides have to offer and move forward. Let's recognize the reality in this country today: People are out of work; people are in trouble; the country is not growing the way we want it to grow. Instead, we want opportunity, hope, and growth for the American people.

So I want to thank the chairman of the Budget Committee for giving me the opportunity to speak. I know we are going to have a vote today on cloture. My hope is that we are successful on that vote so we can move ahead. In 1981, I remember exactly what the folks on the other side of the aisle said in the House. They said, "We have a new President. He deserves to have his plan enacted," and it was.

Mr. SARBANES. Will the Senator yield?

Mr. DORGAN. Now we have a new President. This President deserves to have his economic change plan enacted. That side has stood in the way now for a couple of months.

Mr. SARBANES. Will the Senator yield on that point?

Mr. DORGAN. I will be happy to yield.

Mr. SARBANES. Madam President, I want to just amend the Senator's comments in one respect. Whether the President deserves to have his program enacted or not depends on whether he can get a majority of the Members of this Senate to vote for the program. But the President, in my judgment, is entitled to be able to get to a vote on his program. What this cloture vote is all about is whether a minority of this body is going to continue to frustrate and deny the opportunity to vote on the substance of the President's proposal.

We are not asking the Republicans to vote for the President's proposal, although I think they should because I think it is a good proposal. I think we need this jobs bill. I think the economy is hurting, and I think the American people know that the economy is hurting.

All we are seeking to day is simply the opportunity to get to a vote on the President's program. Members may then vote for it or vote against it. The responsibility then falls upon the majority to try to carry the President's program. But as my colleague said, for a willful minority simply to deny the Senate the opportunity to vote on the President's program is, in effect, cutting the President off at the knees as he tries to get the American economy moving again and respond to the problems that our people are facing all across the country.

Mr. DORGAN. I appreciate the Senator's comments. The point I was making is the President is entitled to have this scaled-down jobs bill move forward. The votes exist to pass the revised jobs bill on the floor of the Senate. Our problem is we cannot get to a vote. That is the point I wanted to make. I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I would like to have 3 minutes.

Mr. HATFIELD. I yield 3 minutes.

Mr. CHAFEE. Madam President, I listened carefully to the discussion by the Senator from Tennessee. I must say he is bringing a new technique of debating on the floor here. Somehow one's rationale and persuasiveness is increased in direct proportion to volume: The louder you yell, apparently, the more persuasive one is.

He has talked as though he has not been in the Senate. He came to the Senate the year I did. He sat securely in the majority for the past 6 years. All those years he was voting cheerfully for different programs. Suddenly, this deficit, the debt of the Nation is all the Republicans, and it is as though he has never been around, nor has his party been in charge of the House of Representatives. I do not know where this tremendous power that the Republicans seem to have had came from. Certainly we were not aware of it.

Now we have heard the Senator from Maryland deplore the fact that a majority is not permitted to carry forward with this program. Well, the shoe is on the other foot now. How well we remember the filibuster that was conducted against the capital gains. I just wonder how the Senator from Maryland voted on that. I know darn well know how he voted. He voted against cloture. And now that was a little different, perhaps. I do not know how it was different.

Mr. SARBANES. Will the Senator yield?

Mr. CHAFEE. It was a filibuster against the capital gains, cheerfully participated in by all the Democrats, and now they do not like it——

Mr. SARBANES. Will the Senator yield?

Mr. CHAFEE. When there is a cloture on this side.

Madam President, also I have watched the distinguished chairman of the Appropriations Committee the other night talk about the rules; that is what the rules are. He filled out the tree, as it were. That was perfectly permissible, but somehow if the Republicans use the rules, there is something sinister about it, there is something devious, there is something un-American about it. Well, I do not think they really think that. I really do not think they think the stimulus package is much either.

Mr. SARBANES. Will the Senator yield?

Mr. CHAFEE. Sure.

Mr. SARBANES. The closest analogy that I can think of to the present situation, if the Senator chooses to draw analogies, was in the first term of the Reagan administration. President Reagan sent to the Congress a supplemental appropriations bill. It was not paid for. Actually, it was not even paid for in the broader context. This bill is paid for in the budget resolution many times over. The net is a spending cut of over $200 billion, taking this bill into account with the budget resolution.

When President Reagan sent a proposal here, we allowed a vote on his proposal. We allowed his supplemental to be voted on up or down. Unlike my colleagues on the other side of the aisle, we did not seek to block the consideration of that proposal. We were in a minority, but we had enough numbers to block its consideration and we refrained from doing so. We gave the President a vote on his bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. I yield whatever time is necessary to the Republican leader.

Mr. DOLE. Madam President, we are going to have a cloture vote in about 7 or 8 minutes, and I do not think cloture is going to be invoked. I do not think that is the end of the world. Again, we have gone back over the past 8, 10 years and put all this in the RECORD about how many cloture motions have been filed when Republicans had the leadership or the majority, and when the Democrats have had the majority. It is pretty much of a wash. We can make that argument all day long.

We are using the rules. We do have a right to be heard, and we do believe this is a big mistake. That is the only thing wrong with this package: It is a big mistake.

As far as gridlock, I think my colleagues on the other side have the world's record. They tied up the capital gains rate reduction for 4 years. We made the case that it was costing jobs in the private sector. But then we get this package out and they say that it creates a lot of jobs in the public sector, and we think, oh, we have to pass this right away. I remember the 1983 jobs bill we passed in the Reagan administration which was roundly criticized by the GAO saying we only created 35,000 jobs, and President Clinton is claiming this is going to create 219,000 jobs, a half-million jobs—every day it is a different figure.

The bottom line is this is just a terrible package. If you go back to your hometown, go back to your home State, they say: Cut spending first, cut spending first. If you cannot cut it, pay for it. At least you have to pay for it. And that has been the difference, the fundamental difference, in the debate on this floor. We can argue the rest of the week or the rest of the year and there is going to be that fundamental difference.

If there is an interest on that side of the aisle, or an interest in the White House, to pay for some of the things they want, then we are prepared to do business. We had a package yesterday. We had a billion dollars for highways, money for summer jobs, money for immunization, money for northwest projects, and also many for the Small Business Administration. We paid for it. It was defeated, but I must say we got four or five Democrats to vote with us. So I think the defections are coming from that side of the aisle. They are hearing from people in their States who say: Cut spending first. That is all the American people want, whether Democrats, Republicans, or Independents.

I think there are a lot of people scared in this country. Every day you hear from the White House that they have some new idea about spending money or some new tax. I met with a group of business people this morning who are scared to death. They are not going to hire anybody or expand their business. There is going to be another economic downturn unless we have a little stability in this administration and they take time out to focus on one or two things they want to do instead of trying to do everything and enact a whole lot of new taxes. There is already $273 billion in net new taxes in the package; $3.23 in new taxes for every dollar in spending cuts. Then on April 15 they advocate another whole new tax called a value-added tax which is regressive, which hits the poor.

It seems to me we have to have a time out. It has only been 91 days, or 90 days, and the American people are saying: Let us cut spending; let us stop talking about new spending; let us stop talking about new taxes; let us get the economy to grow; and let us create jobs in the private sector. That is the jobs bill the American people want.

So I hope my colleagues on the other side of the aisle will join us today in indicating their strong support, that if we are going to do anything on this floor that we pay for it. Then we might be able to work out some package that will satisfy the great majority of the American people, if not a majority of our colleagues. I yield the floor.

Mr. HATFIELD. Madam President, what is the timeframe?

The PRESIDING OFFICER. The Senator from Oregon controls 4 minutes. The Senator from West Virginia controls 13 seconds.

Mr. HATFIELD. I would be happy to share some of my time with the Senator.

Mr. BYRD. Madam President, my friend is so gracious. I would only recall, if the Senator will allow me, Miltiades led the Athenians to victory at the Battle of Marathon, in which there were 10 Athenian generals. Themistocles and Aristides the Just were among those 10 generals. That was in 490 BC. At the battle of Salamis, in 480 BC, Themistocles led the Athenians to a victory over the fleet of Xerxes. Plutarch tells us that Themistocles, on one occasion, said that he looked upon it as the principal excellence of a general to know and foresee the designs of the enemy. Aristides responded by saying, "That is indeed a necessary qualification, but there is also another excellent one, and highly becoming a general, and that is to have clean hands."

I would simply say that when our friends on the other side of the aisle say, "Well, let us pay for it; let us tear up the national credit card; let us not build up the deficit," Madam President, our friends do not come into this court with clean hands. For 12 years they used the national credit card. This President is trying to shift the burden to ourselves. He is having to raise taxes to avoid continuing the shift of that burden to our children.

Madam President, I thank the distinguished Senator and I am ready for a vote.

The PRESIDING OFFICER. The Senator has 1 minute 15 seconds.

Mr. BYRD. Does the Senator want some additional time? I ask unanimous consent that the Senator have 2 additional minutes.

Mr. HATFIELD. I will not take that amount. I thank the Chair and I thank my colleague, the chairman of the Appropriations Committee.

Madam President, I just want to make a closing comment, and that is we have been in a long debate. There has been pretty heavy rhetoric at times on both sides. I happen to be one of those who believes there is a distinction between a battle and a war, and so the battles have been fought and they have been determined by outcome of votes, various kinds of votes on amendments, and so forth.

Madam President, this issue is not totally settled to the satisfaction of anyone, but at the same time I think there is an honorable peace that can be brought to the factions that have been represented in this Chamber. I think the cloture vote is not an end in and of itself. There is a group, I am sure, on both sides of the aisle that would like to find some common ground, some meeting place. I shall not give up that effort, and I do not think this vote will finalize that effort on either side.

CLOTURE MOTION

The PRESIDING OFFICER. All time for debate has expired.

Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Committee Substitute to H.R. 1335, the emergency supplemental appropriations bill:

Harlan Mathews, Dianne Feinstein, Barbara Boxer, Jeff Bingaman, Bob Kerrey, Barbara A. Mikulski, Robert C. Byrd, Patrick J. Leahy, Frank R. Lautenberg, Wendell Ford, David Pryor, Carol Moseley-Braun, Tom Daschle, John D. Rockefeller, Jim Sasser, Bill Bradley, Patty Murray.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the committee substitute, as amended, to H.R. 1335, the emergency supplemental appropriations bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DOLE. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "nay."

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 56, nays 43, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Krueger
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—43

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—1

Simpson

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 43.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business, during which Senators be permitted to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I will have an announcement shortly with respect to the consideration of the pending measure and subsequent actions to be taken by the Senate.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

THE SUPREME COURT VACANCY

Mr. GRASSLEY. Mr. President, I thank the majority leader for giving us time for morning business, because we did not have a whole lot of time at the 9:30 period.

I want to speak about something that is very current in our minds here in the Senate, because we confirm Presidential nominees for the Supreme Court. Obviously, it is more important to the President right now because the President of the United States is considering the various people for the vacancy on the Supreme Court. So even though the White House is primarily concerned about the legislation that we just had the cloture vote on and even though this body is most concerned about that, it will not be long until we are going to have to start giving our attention to whomever the President announces as his nominee to the Supreme Court.

I would like to express to my colleagues some opinions I have on the President's approach, not necessarily on whom he ought to nominate because that is not my responsibility. But there is this upcoming vacancy on the Supreme Court. I think that we ought to give it attention periodically because it is going to be really in our minds later on here during the summer.

The Constitution, of course, gives the President the authority to nominate Members of the Supreme Court. The nomination power is enumerated in article II of the Constitution. That is the President's portion of the Constitution. Accompanying the Presidential responsibility to nominate, as set forth there in article II, is the Senate's obligation to advise and consent.

Over the last three decades the President's role has not changed any, but the Senate's role has very dramatically changed. Not because the Constitution has been amended—nothing has been changed in the Constitution—but there is an evolution of a process here always in the Congress, and on everything. And there has been an evolution of this process of advise and consent on Senate nominations.

Just in comparison, Byron White, who has now resigned from the Supreme Court—and it is his vacancy that the President will be filling—when he came before the Senate Judiciary Committee for his confirmation hearings in 1962, he was asked eight questions by committee members. Mr. President, let me emphasize he was asked just eight questions. His successor, of course, whoever that person is that President Clinton nominates, can look forward to at least 3, and maybe possibly 5 days of questions from the Judiciary Committee. That is generally how long in the last decade and half these hearings have gone on.

When Justice White was confirmed I am not even sure that the Judiciary Committee asked him to produce anything in writing. When Clarence Thomas was nominated he had to produce 36,000 pages of documents for the Judiciary Committee, responding not only to the overall committee questionnaire but also to separate questionnaires from individual Members of the Senate. That is how far we have come from 1962 when Justice White was asked eight questions by the committee, to 36,000 pages being produced on Clarence Thomas.

It is within this new environment that President Clinton will nominate his first Supreme Court Justice. So, I want to offer some suggestions on the kind of an individual fit for the Supreme Court. Obviously, President Clinton has no obligation to listen to my views. He won the election and I am of the other party. It is his responsibility and none of us would deny that or want to disparage it in any way or detract from it. But in a coordinative fashion, you know, he hopefully will consider the views of those who even are not of his party. But if he does listen to us I think he will find that my thoughts transcend politics and party loyalty.

First, the nominee should be of great intellect. He or she should have a great command of the law. I do not think there is anyone in this Chamber that would disagree with that.

And, second—and nobody will disagree with this—the nominee should have great integrity. The American people should have confidence this nominee is above reproach and conducted his or her life in accordance with the letter and spirit of the law.

Third, the nominee must have the temperament for the bench. In this regard, the nominee should be fair and open minded. He or she should approach cases without bias, without predisposition. Some are calling for a litmus test on some specific issues, but let me caution against that. Is it fair to litigants who will come before the Supreme Court to appear before a Justice who has taken a pledge on a specific issue, just to satisfy maybe getting enough votes to get through the Senate? Is it fair to litigants to have a Justice who advocates a particular result in a case maybe just to get the attention and that last little hurdle that maybe he or she will have to get over to have the Presidential final decision to support this or that person.

Of course I hope we all think not, at least I think not, that there should not be a litmus test. A Supreme Court Justice is not on any particular team, Mr. President. When he or she dons the black robes that a Justice does, that Justice then becomes an umpire.

Finally, and maybe the most troubling for both Republicans and Democrats, is to what extent the philosophy of the judge plays a part in whether or not they ought to be confirmed. Of course, the nominee should understand the confined role that a Justice has. In the Federalist papers, Alexander Hamilton wrote that the courts would be the least dangerous branch of Government. We must remember that the Founders, like most Americans today—I believe—were suspicious of Government. In fact, on that very point there was a poll out within the last 2 days about 67 percent of the people in this country really expecting and wanting a smaller and decreasing role of Government in the lives of Americans.

So consequently the Government, as Alexander Hamilton may have thought of it, had the potential to exercise its power to harm an individual's right. And so the Founders saw the Supreme Court interpreting law, not making law, being the least dangerous, the least intrusive in the process of Government which, in turn, then would put them the least intrusive in the lives of Americans, yet, without a doubt, the protector of the freedoms that were either written or unwritten by the people who wrote that document and/or in their minds as they thought about what should be the role of Government in our society.

But in the form of Government the Founders were establishing, the courts would be—again quoting Hamilton—"Least in a capacity to annoy or injure * * *" the people. He went on to say, "The judiciary * * * may truly be said to have neither force nor will, but merely judgment."

The nominee should feel obliged to decide cases within the four corners of the Constitution. The nominee that the President Clinton will propose should demonstrate discipline to stick to the facts and the law before him or her, and the nominee then should leave the making of law, legislating, to us or to the individual States.

These, Mr. President, have been my criteria evaluating nominees for the Supreme Court from Republican Presidents and they will continue to be my criteria in judging anybody that a Democratic President, including President Clinton, puts before this body.

I await the President's nominee. I look forward to studying the nominee's record and the confirmation hearings which will enable me to assess whether the nominee has the intellect, integrity, temperament, and judicial philosophy to become an Associate Justice of the Supreme Court.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

SENATOR GRASSLEY'S REMARKS

Mr. SPECTER. Mr. President, at the outset I congratulate my distinguished colleague, Senator GRASSLEY of Iowa, for those very erudite and profound remarks.

I have had the pleasure, really the honor, to sit next to Senator GRASSLEY on the Judiciary Committee for the past 12 years, 3 months, and 22 days. I can tell you that he makes an outstanding contribution to that committee.

Senator GRASSLEY has an extra advantage in serving on the Judiciary Committee, and that is he is not a lawyer. And that is quite an advantage. I have said to Senator GRASSLEY privately, and now I say publicly, that he reminds me of another great nonlawyer Senator, Senator Harry S. Truman, in the quality of his observations, his analyses, and his conclusions, unfettered by all the years of law school or all the years of practicing law.

It is a distinct pleasure to sit next to him on the committee. While we do not agree on all matters, there is a good bit of overlap in our thinking. The only area of real tension, of disagreement probably between the two of us is—and this is to Senator GRASSLEY's disadvantage—he is frequently mistaken for me. People think that he is Arlen Specter instead of Senator GRASSLEY, and that is quite a burden to carry in Washington and perhaps even to some extent in Iowa.

He told me about last year, in the election cycle, one of his voters castigating him for his role in the Justice Thomas hearings. Senator GRASSLEY said he defended himself by saying he only asked one question. The constituent said, "Senator Specter, you did ask more than one question." When the constituent was convinced it was Senator GRASSLEY, the constituent said, "That one question was one too many."

So those are some of the foibles and some of the problems.

I was on C-SPAN recently and someone criticized me for the Coke-can incident, and I said that was not me. I was not going to identify who is was. Later a caller called up and identified who the Senator was. I should say it was not Senator GRASSLEY either. It was not his one question.

THE STIMULUS PACKAGE

Mr. SPECTER. Mr. President, I sought recognition not only to congratulate our friend, Senator GRASSLEY, because of the timeliness of his comments, but to urge all parties in interest to move to come together now to try to get a compromise and accommodation on the important issue that this Senate has just voted again not to invoke cloture.

As I have expressed on this floor on a number of occasions, it is my conclusion that we do not need an emergency appropriations bill because I do not believe that there is an emergency and have specified in some detail in prior statements an analysis of all the accounts where there are funds presently available: Community development block grants, $8.8 billion, summer jobs, highways, and right down the line.

But in the spirit of compromise, I have supported what Senator HATFIELD has proposed, which is a $6 billion program; $4 billion for unemployment compensation extension and $2 billion in other programs. I think that is a good starting point on the Republican side of the aisle to try to come together.

Earlier today, I said on this floor that I had called the White House early this morning and had spoken to a White House official—I had sought the

President, but he was not available—and had urged that there be a meeting convened with the President, Senator MITCHELL, Senator DOLE, the leaders, to try to hammer out a solution. I made that statement shortly after 9:30 in morning business. I have since had a chance to talk to the President and have repeated that suggestion.

Mr. President, the pending legislation is important. Of even greater importance is what the American people think about what is happening in Washington. There is a consistent view by the American people that gridlock controls the Congress and relations between the Congress and the executive branch, and regrettably I think there is something to that.

I had said on the floor back in November of 1991, urging that we stay through on the Christmas vacation into January to try to tackle the economic problems facing the country and that there would likely be 537 people out of work, 435 in the House, 100 in the Senate, and 2 in the executive branch.

We have seen a new President elected. There are many areas where barbs could be exchanged, where vituperative comments could be made about the way this bill has proceeded with respect to all parties' press releases, public statements, and the rest of it.

But I submit, Mr. President, that the American people are not interested in that. What the American people are interested in is a solution to the problems of America. They do not care whether it comes from Democrats or Republicans.

I have urged our leader, Senator DOLE, who is on the floor at the present time, to try to work it out, and I have made that request of the White House. I hope that will be forthcoming. Because the dollars are not as important as the confidence of America that Democrats and Republicans in the Senate can work together and the Congress and the executive branch can work together in the interests of the American people.

I thank the Chair and yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, has leader time been reserved?

The PRESIDING OFFICER. Leader time was reserved.

The Republican leader is recognized.

TRIBUTE TO GOV. GEORGE MICKELSON

Mr. DOLE. Mr. President, Senators PRESSLER and DASCHLE spoke eloquently yesterday about the life and accomplishments of Gov. George Mickelson of South Dakota. They were absolutely right in saying that Governor Mickelson was a remarkable public servant, whose tragic death deprives South Dakota and America of a true leader.

Elizabeth and I were honored to call George Mickelson our friend. I campaigned for him and with him on numerous occasions, and believed that he was one of the dynamic rising stars in American politics, with an unlimited future before him.

George Mickelson was a man who devoted most of his life to serving his country and his State. It was a devotaion that began at an early age, and was handed down from his father, who served as Governor of South Dakota from 1947–51.

After serving his country in Vietnam, George Mickelson returned to South Dakota, where he would work for the people of Dakota as assistant State attorney general, Brookings County State's attorney, a 6-year member of the South Dakota House of Representatives—where he served one term as speaker—and chairman of the State Board of Pardons and Paroles.

In 1986, South Dakota's voters asked George Mickelson to lead their State as Governor. And for the past 6 years, he has led South Dakota with innovation and great success.

He was a tireless fighter for South Dakota's farm families, for small business, for schools, and for the taxpayer. He was also a national leader in the debate over health care reform, serving as cochairman of the National Governors' Association Task Force on Health Care.

But first and foremost, Governor Mickelson never tired of spreading the word that South Dakota was a great place to live, to start a family, or to own a business. Indeed, at the time of the plane crash which took his life, he and other South Dakota business and government leaders were returning from a meeting where they were trying to save South Dakota jobs.

In this time of tragedy, South Dakotans are fortunate to be led by the experienced hand of Walt Miller, who served for the past 6 years as Lieutenant Governor for his good friend.

I know I speak for all Members of the Senate in saying that our thoughts are with Governor Mickelson's wife, Linda, their three children, Mark, Amy, and David, with the family and friends of the seven other victims of this terrible accident, and with all the people of South Dakota.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader yields the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOSNIA

Mr. GORTON. Mr. President, I understand that the imminent fall of Srebrenica has led the administration to reexamine its position with respect to Bosnia. Unfortunately, after several long meetings, the administration finds that an acceptable new policy simply does not exist.

On Monday, Secretary Aspin told the Washington Post:

> Everywhere you turn, the downsides are there.* * * I have never seen a government program before with totally no good options. It's awful.

This Senator believes that the administration is experiencing some of the frustration that led British Prime Minister John Major to write: "It is the nature of the Yugoslav tragedy that solutions cannot be imposed from the outside." Indeed, our humanitarian efforts minimize the damage, but fail to stop it from occurring. Our sanctions and peace negotiations have had no effect on Serb aggression. Bombing supply lines or artillery sites would be likely only to entrench the Serbs further. It is even arguable that sending ground troops would fail because we have no clear goal in Bosnia, and certainly cannot sacrifice American lives to enforce an unjust partition.

However, the downside of one of our options—a lifting of the U.N. arms embargo—is not that the measure will be ineffective; it is that the measure worries others—some Europeans, the Russians, some Americans. Some of these concerns are legitimate: the United Kingdom is concerned about the safety of its peacekeepers in the region; the Russian Government does not want to increase the ire of its nationalists before the April 25 referendum; and all of the West is concerned about the collateral damage of escalating this conflict.

Some of these concerns are resolvable. The Bosnians, for example, would prefer arms to British peacekeepers.

But even if we cannot entirely remove these concerns, we should recognize that they are not preemptive, or at least not significant enough to prevent us from helping the Bosnians.

In fact, the risks of not helping the Bosnians right now, with this measure, may be just as great. If we follow the course of our current policy to its logical end, we will surely face pitfalls, some that might confront us for decades. The Serbs will win all of eastern Bosnia and a portion of Sarajevo. Then they will call for a peace agreement. If we grant them that agreement, it will surely ratify Serb success, and thus set a troubling precedent for other areas of ethnic rivalry—Azerbaijan, Moldova, Khirghizia, Transylvania, Khazakhstan, Georgia, the Baltics, Slovakia. The list goes on and on.

But just as important, we will have trouble enforcing peace in the Balkans. The Croatian Government waited less than a year before violating a peace agreement that rewarded Serb aggression, and its losses and suffering, while severe, do not match the Bosnians' plight.

Perhaps once this war is over, we will follow the only moral course available to us, and turn Serbia into a pariah state. It will hardly help our interests; we will still face fighting in the region. So far, sanctions have only awakened an age-old Balkan pride and stubbornness. Last December, Mr. Milosovic was comfortably reelected, and his country endures 250 percent per month inflation, 33 percent unemployment, and daily casualties. He now plans a major spring military campaign.

Furthermore, what will prevent the Bosnians from one day seeking justice by attacking unrecognized Serb enclaves? Could we contain Bosnian vengeance against a de facto state after the Bosnians have endured the most massive case of ethnically motivated violence since World War II? Most likely not. We will be confronted by a region where fighting will endure continually, perhaps into the next century.

The only solution that appears practical is a partition; but not a partition that rewards Serb aggression. Since no one wants to send in American troops, we have no choice but to give the Bosnians arms and allow them to fight for that partition themselves. In the meantime, at least they will be able to defend themselves.

But if the President remains concerned with objections of our European allies, I would ask him to consider the West's moral imperative for giving the Bosnians arms. In September 1991, we hoped to choke the flow of weapons to what we perceived to be a complicated jangle of ethnic hatred. That arms embargo has effectively punished only the Bosnians. It has preserved a battle pitting Europe's fifth largest army against a young, nearly defenseless, multiethnic state. Not only have we refused to help protect the Bosnians; we have prevented them from buying the arms with which they could defend themselves. It has not helped contain the fighting. It has not furthered peace negotiations.

We must be willing to abandon a clearly flawed policy. For a year now, we have lived with it, and the Serbs have gained almost all their goals. That the President is now at least considering adopting it has brought us closer to peace than at any time since the fighting began. For this, I applaud the President's efforts.

But as he now considers the regrettable nature of the options before him, I would ask him to consider for whom each of the policies is so terrible. Our current policy is punitive with respect to the Bosnians; a lifting of the arms embargo is not disastrous for anyone—it merely makes the West uncomfortable. It is time that we put our concerns behind the Bosnians' concerns; that we abandon peacekeeping efforts, in order to prevent Sarajevo from falling as Srebrenica did this weekend; and that we risk escalating the war, in order to prevent it from continuing as a genocide. We should do so with United Nations' approval if possible, without it if necessary.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

THE HEALTH CARE CRISIS

Mr. BREAUX. Mr. President, I will use this couple of minutes to bring my colleagues up to date on the series of health meetings that I, and my staff, held during the recent congressional work period that was held. We had hearings in six different cities throughout the State of Louisiana. I will report to my colleagues that the results were most informative for this Senator.

People are anxious to know what the Congress is doing on health care. I think people feel there is a problem. They are not certain of the dimensions of the problem, how large it is. They are not certain what the answers are to solve those problems. But there is a real, genuine interest in my State, and I would suggest in all States, concerning the health care crisis that we have in America and what can, and will be done, to help solve it.

The hearings we held consisted of panels of experts in the health care field, people in the insurance industry, people representing the pharmaceutical interests, and probably most important—consumers; people who are not medical professionals but just people like the average American citizen who is concerned about health care. They want to know that they will have access to quality health care and they will have access to that health care at a value that they can afford.

One of the interesting statistics that was brought out during our health care hearings is how much the cost of health care in America has increased in a relatively short period of time. Back in 1970, as an example, what we were spending on health care, both public and private, was about the same amount of money as we were spending on education in the country. In 1992, just last year, we spent on health care in America, both public and private, the amount of money that we spent on all of education, plus all of defense, plus all the money we spent on running all of the prisons in America, plus all the money that we spent on all of foreign aid, plus running all of the food stamp programs, plus the entire cost of all the farm programs combined.

Is there any question as to why some people suggest there is a problem that needs addressing and needs fixing?

Our health care hearings brought out, I think, that most Americans, at least in my State, do not want the Federal Government to do it all. They would like a national solution but maybe they would not want the Federal Government to be involved in it, which seems sort of ironic to us. They do not want us to go to a government does everything system like our neighbors to the north in Canada have because they have heard, as I have heard, that there are many imperfections in that system where the government becomes the final insurer of everyone and all the doctors and hospitals really work for the government.

I think most of the people who testified before our hearings really would like a combination, a system that will work and they can afford and they can depend on. They want to be able to pick their own doctor and select their own hospitals so they do not have some Government bureaucrat in Washington telling them where to go in order to be treated. I think that makes sense and I think that is the American way. But clearly something has to be done in order to make health care affordable and everybody have real access to it when they need it, in a timely fashion.

We had the opportunity, yesterday, in a bipartisan manner, in the Senate Finance Committee, to hear Mrs. Hillary Clinton bring us up to date on the progress of the health care commission which she is, I think, so ably in charge of.

I was very impressed—I would share this with my colleagues—about the information she brought to my attention and to the attention of both Democratic and Republican Members on our committee.

The senior Senator from New York [Mr. MOYNIHAN] chaired that informal briefing. I think all of us were delighted to hear about the progress; that they are on schedule. It looks as if they are starting to move in a direction that I think is reflective of the desires of most Americans. I think that most Americans realize we are going to have some changes made; that there will be an opportunity to make some improvements.

I am delighted with the approach that Mrs. Clinton is using in bringing together all Members of Congress to be involved in this process. I was particularly pleased that our colleagues from the other side of the aisle, our Republican Members, were involved in this meeting. In fact, she has taken the time to meet with them individually, as she has met with Democratic Members individually, and brought us all together to have a report with some of the top staff that she had with her to report to the Congress through the Finance Committee, which will principally be dealing with this issue, on the progress.

I am just optimistic that we have a real opportunity to get something done; that when they write the history of this Congress they will say that, yes, Congress was able to come together in a bipartisan fashion and address one of the most critical issues facing our country, because everybody in America is touched by what we do on health care. Oh, there are a lot of things we do that some people are affected by and some could care less. Half think we are doing the right thing; half think we are doing the wrong thing; and probably others think we should not be doing anything.

But I think on the question of health care all Americans are directly affected. Not one of us are not concerned about the quality of health care, our family, our children, our friends, our neighbors, and the treatment they get. So I think we have a unique opportunity in this Congress to enact legislation, hopefully in a bipartisan way, to come up with a plan that makes sense and we can adopt, and move on to other issues.

I think those people who are saying, "Well, I don't want to hear talk about a VAT or about a cigarette tax, a liquor tax to pay for any new health care program"—certainly it gets the attention of many of our Members when we talk in those terms.

I think what the administration is doing and I think should do is to talk about the benefits first, so people will understand that we are talking about a program that is going to guarantee comprehensive health care to every American, so that every American can have a health policy that they can utilize to take care of their needs; that that type of system would allow the Federal Government to probably do away with the Medicaid system at a tremendous cost saving to the Federal Government. If everybody had health care, then no one would have to be on Medicaid. I think that would be a step in the right direction.

How many small employers in this country would love to be able to not have to pay for workmen's compensation? We could do away with the workmen's compensation system if everybody had a comprehensive health care system they can depend on. How many small business men and women would want not to worry about automobile insurance for their employees and themselves who get in an accident and have problems? They would not have to carry that type of insurance if everybody had a comprehensive health care plan that would take care of their health needs whenever they were injured in a wreck, an automobile accident, and they would not have to worry about workmen's comp.

Small employers in this country are looking at premium increases of 20, 30, 40 percent, much of which has occurred because of the high cost of redtape in the bureaucracy and filling out countless forms. If everybody had one single comprehensive plan, we could eliminate a lot of that. We could eliminate a lot of costs, not by price fixing or price controls, but merely by improving the delivery system, eliminating the paperwork, eliminating the cost of Medicaid; and yet, at the same time, giving people what I heard from my hearings what they want, and that is security and quality care, and quality care at a value.

I think that is the goal of this administration. I think it is probably the goal of every Member of Congress.

I want to congratulate Mrs. Clinton and the Commission for the fine work they are doing. It certainly represents a great starting point. It is not written in concrete, it is not written in stone, but I do think it represents the best effort by a group of men and women who have studied this issue very carefully and have spent a great deal of time, long hours, and long weekends, working on this proposal that we are going to receive sometime from the middle to the end of next month.

I think it is a good starting point. I think many of the features they will recommend will be accepted overwhelmingly by this Congress. I think when we write the history of this Congress with regard to health care, we will be able to say that we met the challenge and we did the right thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana yields the floor.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio [Mr. METZENBAUM] is recognized.

INTELLIGENCE BUDGET

Mr. METZENBAUM. Mr. President, last week the executive branch submitted to Congress part of its intelligence budget request for fiscal year 1994. This was an event many of us were looking forward to, because President Clinton had made a major campaign promise to trim $7 billion from that budget.

If recent press stories are to be believed, however, we and the American people are in for a rude awakening. Last Thursday, the New York Times reported:

> President Clinton has asked Congress for authority to spend even more money on spy agencies, satellites and other intelligence activities in the 1994 fiscal year than it allotted for 1993.

The story went on to say that the budget request for the National Foreign Intelligence Program was for $17.8 billion, compared to $17 billion in the current fiscal year, while the budget request for tactical intelligence and related activities would be roughly at last year's appropriated level.

Thursday's story included a classic example of budget spin doctors at work. Let me quote:

> * * * the administration has concluded that at least a short-term increase in * * * intelligence spending is needed before * * * deep reductions can be made in the budgets of the Central Intelligence Agency and other spy agencies.

Now, I have to ask, Mr. President, why does intelligence need "a short-term increase?" And what does "at least" mean?

The cold war is over, yet the intelligence budget is more than double what it was in 1979. Its growth was unbridled for a decade, and we have just begun, in the last couple of years, to pare down the fat.

Does U.S. intelligence need a budget increase today? This Senator's answer is, "No way."

Thursday's New York Times story noted some distress on the part of lawmakers and predicted a sharp debate on the intelligence budget. It quoted Representative DAN GLICKMAN of Kansas, the very able chairman of the House Intelligence Committee, as saying, "I'm not going to be thrilled about an increase."

I want to commend Representative GLICKMAN for his stance. He is not slamming the door in anybody's face, but he is sending a message that Congress had good reasons for trimming the intelligence budget, and that any budget presented to us had better be consistent with President Clinton's promises to the American people.

Mr. President, we are working with a new administration that I was delighted to help elect, and I have supported and will continue to support the administration even when I have some personal misgivings. But it gets awfully difficult when you read an Associated Press story on the intelligence budget that says:

> The Clinton administration is * * * hoping Republican support in Congress will help overcome outspoken Democratic objections.

I will give the President the benefit of the doubt and go along with some tax breaks I do not care for. I will accept passive loss changes for the real estate industry, even though I do not think they are right. I will even hold my tongue when western Senators are able to hold onto their precious mining and grazing subsidies.

But if the intelligence budget presented to us turns out to be nothing more than warmed-over George Bush, then I am off the reservation.

The New York Times story says that the total intelligence budget request will be about $28 billion. I do not know what it will be, because the full request has yet to be submitted. But let us assume that the press story is right.

Is $28 billion a lot of money? To those people who think only in terms of the total Federal budget, it may not seem like much. Even as a proportion of the defense budget, it is only about 10 percent.

But $28 billion is still more than the Federal Government spends on education and the environment combined. And as is well known, we just defeated an effort of this administration and many of us on this side of the aisle to pass a jobs program and an economic stimulus program of only $12 billion, less than half of that $28 billion. And to this point it has been defeated. It is more than twice what we will spend on putting Americans back to work if my Republican colleagues allow us to conclude debate on the President's stimulus package. And I will bet that it is even more money than Ross Perot has.

So it makes sense, Mr. President, to spend intelligence money wisely. Last year, when the Senate Intelligence Committee looked at that budget, we not only trimmed more than a billion dollars off it; we also saw that cut sustained in the defense budget, rather than being used to fund other programs. And the appropriations found even more to cut.

This year, as we ask Americans to pay more taxes in order to pare down the deficits of the cold war and the high-living 1980's, we have an even greater obligation to make sure that every penny we put into U.S. intelligence is money that is truly needed, money that will be spent wisely and effectively.

I will listen closely to see whether intelligence officials can make that case for a budget increase, but I will tell my colleagues frankly that for now, I just cannot believe it.

Let me turn now from the substance of the intelligence budget to the fact that its size is being debated. I may disagree with the administration over what the budget should be, but I am delighted that we are talking about it, so that the American people can influence that decision through our democratic political process.

Unfortunately, Mr. President, the playing field for this contest is a bit tilted. When the administration decides to push for a bigger budget, they get to tell the New York Times all about it. As I noted earlier, the Intelligence Committee had not even received all of the budget when the New York Times ran its front-page story.

This article was preceded, moreover, by a March 14 story on an executive branch "campaign to persuade Congress to protect the Nation's * * * intelligence budget" from the cuts being exacted in other programs, a story that quoted CIA Director Woolsey and cited "senior administration officials." Fortunately, the story also quoted Representative GLICKMAN and former CIA Director Colby, who saw room for "substantial cutbacks." I ask unanimous consent that the text of both those articles be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 14, 1993]

CAMPAIGN IS BEGUN TO PROTECT MONEY FOR INTELLIGENCE

(By Douglas Jehl)

WASHINGTON, March 13—Warning of crippling consequences to national security, the Clinton Administration has begun a quiet but forceful campaign to persuade Congress to protect the nation's $29 billion intelligence budget from deep immediate cuts.

The Administration's unexpected protectiveness toward spy agencies that grew up with the cold war stands in marked contrast to the views of Democratic lawmakers who believe that the agencies' budgets should now shrink in accordance with both the collapse of much of the Communist world and Congressional cost-cutting.

The Clinton policy, critics both in an out of Government point out, would leave spy programs with roughly as many federal dollars as are devoted to education and the environment combined.

URGING DELAY IN CUTS

Nonetheless, the new Director of Central Intelligence, R. James Woolsey, has told lawmakers that it would be dangerously unwise in an unstable world to cut next year's spending by more than a relatively small amount.

The White House has not issued a final recommendation, but senior Administration officials said this week that Mr. Woolsey reflected its thinking in urging that any steeper cuts be delayed for at least the next few years.

The differences between Congressional budget cutters and the Administration reflect new tensions in a broad and unusually public debate about the future of American intelligence operations. After decades in which spy agencies spent two-thirds of their budget dollars to track the Soviet threat, no one disputes the need to settle on new missions and new budgets for the nation's vast spy enterprise.

But budget-cutting zeal has intensified disagreements about the pace and scope of change. More than at any other time since the Eastern Bloc's collapsed, Administration and Congressional officials say, the nation's spy agencies must newly justify their roles.

After tripling in size in the 1980's the agencies face their most direct assault from lawmakers who wonder why a shrinkage should not be similarly abrupt. As the chairman of the House Intelligence Committee, Representative Dan Glickman, Democrat of Kansas, told Mr. Woolsey this week, "Times have changed."

Mr. Woolsey says he shares that recognition. As overseer of both the Central Intelligence Agency and the entire, far vaster intelligence community, he told the committee that in the coming months he would offer a broad plan showing how spies, satellites and eavesdropping operations might be put to more efficient use.

Perhaps as much as $1 billion could safely be cut from next year's intelligence budget, Mr. Woolsey said. But he called on lawmakers to "avoid precipitous steps that may bring short-term budget relief but will cripple us in the long run."

Cutting too much too fast would be "disastrous," he added.

Other Administration officials predicted some minor wrangling in the weeks ahead as the Office of Management and Budget and others weigh in on final details of the intelligence budget. But the officials said the decision to spare intelligence agencies from sharp cuts this year reflected an agreement between Mr. Woolsey and Defense Secretary Les Aspin, in whose budget intelligence spending is buried. President Clinton's national security adviser, W. Anthony Lake, also supported the decision, they said.

Mr. Woolsey and his allies contend that the pressure to reduce the intelligence budget quickly reflects a misunderstanding among lawmakers and others. If intelligence agencies' main cause came to be the cold war, they say, that should not obscure that the agencies were created with Pearl Harbor in mind.

Even without a Soviet Union, Mr. Woolsey told lawmakers, the United States must still reckon with a bewildering array of threats, from terrorism to North Korean nuclear weapons, and at a time of great instability in the word. What might seem dispensable now could quickly become essential, he said, and it would be particularly unwise for intelligence agencies to be forced to dismiss those entrusted with their most sensitive secrets.

"We know from experience how costly it can be to react too late," Mr. Woolsey said.

He urged that the United States maintain "cure capabilities" across the intelligence spectrum and said careful deliberations would be needed to identify what those should be. He also said the agencies should be permitted to reduce their staffs through attrition, as it now planned, instead of dismissals brought on by large budget cuts.

SUPPORT AND OPPOSITION

Mr. Woolsey's willingness to accept deeper cuts in the future appears more flexible than the stance of his predecessor, Robert M. Gates. He has also drawn influential support from others, including another former Director of Central Intelligence, Richard M. Helms. Mr. Helms, who served in the Nixon Administration, said recently that he believed that the changing world had left intelligence agencies with "more on their plates than they ever had before."

But other respected professionals in the intelligence community say there may be excessive caution. William E. Colby, who was Director of Central Intelligence from 1973 to 1976, said recently that he believed there was room in the current budget for "substantial cutbacks, particularly in the area of high technology.

"We don't need to worry about Soviet forces busting through the Fulda Gap anymore," Mr. Colby said, noting that monitoring troop movements had been among spy satellites' principal tasks. "We can go back to a much more relaxed and periodic look at the military forces of the world."

The responses of several Democratic members of the Intelligence Committee to Mr. Woolsey this week suggested he may have a difficult time winning them over. Even after the Director's warning, Representatives Nancy Pelosi of California and James Bilbray of Nevada indicated they would probably favor deeper cuts than Mr. Woolsey wanted.

And Mr. Glickman, while clearly sympathetic to Mr. Woolsey, gave him a stern lecture: "We want to provide you with the tools necessary to do your job, but only those tools which are absolutely necessary. We expect the community to reflect in its size and the focus of its activities the fact that times have indeed changed."

IN THE PUBLIC EYE

Because the intelligence budget remains classified, discussions of it have usually been held behind closed doors. What is remarkable about the current debate is that it has been so public.

Even the C.I.A. has taken new strides toward specificity. As evidence that the agency was already changing with the times, a senior agency official said recently that its staff of Soviet military analysts had been reduced to 9 from 125. In addition, other Government officials have said that less than 1 percent of the C.I.A.'s $3 billion budget is now used for covert action.

In the Senate Intelligence Committee, lawmakers who last year talked about the intelligence budget only in private this year have already disclosed the precise figure, $1.9 billion, by which spending was reduced from its 1992 peak. Elsewhere, private experts have published authoritative accounts of how the remaining $29 billion is now divided, with the C.I.A. and its estimated 19,000 employees accounting for only about 10 percent.

According to these estimates, most of the rest is spent on satellites, eavesdropping operations and other technical systems; about $10 billion is devoted to military intelligence. The best-financed single agency remains the National Reconnaissance Office, which receives $5.2 billion and builds the imagery satellites on which the United States relied to monitor Soviet missile sites.

Mr. Woolsey and other intelligence officials say such budget figures should remain secret. But they are being advised by some lawmakers that as they think anew about what intelligence can do, they should do more of their thinking aloud.

As Representative Richard A. Gephardt, the House majority leader, told Mr. Woolsey this week, the world "is growing increasingly impatient with security and clandestine activity."

Frankly, the Missouri Democrat said, "you have to sell your story to the American people."

[From the New York Times, Apr. 15, 1993]

CLINTON SEEKING MORE MONEY FOR SPYING, AIDES SAY

(By Douglas Jehl)

WASHINGTON, April 14.—President Clinton has asked Congress for authority to spend even more money on spy agencies, satellites and other intelligence activities in the 1994 fiscal year than it allotted for 1993, Congressional and Administration officials say.

The request is hidden in classified sections of the Defense Department budget that on the whole reflects Mr. Clinton's plans for significant cuts in military spending.

But the Administration has concluded that at least a short-term increase in the intelligence spending is needed before similar deep reductions can be made in the budgets of the Central Intelligence Agency and other spy agencies.

The new Director of Central Intelligence, R. James Woolsey, had signaled earlier that the Administration would oppose sharp immediate cuts in intelligence spending. But the request for an increase has surprised some lawmakers because Mr. Clinton had promised to slash intelligence spending by $7 billion over four years.

Nearly all of the new spending, Administration officials said today, is to be devoted to launching one or more spy satellites that can take the place of several older ones, saving money in the future.

While some members of both parties have expressed support for such an effort, other lawmakers have privately voiced some distress at the proposal for an increase in the post-cold-war intelligence budget. The request is expected to be the subject of a sharp debate next week when members of the House and Senate Intelligence Committees meet behind closed doors to review the budget.

While the size of the nation's vast intelligence budget remains an official secret, Administration and Congressional officials disclosed today that it would total about $28 billion if the increase requested by Mr. Clinton is approved. They said the previous estimates putting the figure at $29 billion had been exaggerated.

Of the total, the officials said Mr. Clinton had proposed that $17.8 billion be set aside next year for the C.I.A. and other agencies whose mission is to provide policy makers with information about the world. That request represents an increase at nearly double the rate of inflation from this year's final appropriation of about $17.0 billion, they said.

At the same time, Congressional officials said Mr. Clinton proposed only minor cuts in the other component of the intelligence budget, the military programs intended to gather the information used in battle. They said that total remained about $10.1 billion.

By comparison, after accounting for inflation, Mr. Clinton proposed a 5 percent reduction in overall military spending.

Administration officials have told members of Congress that the upward blip in intelligence spending will allow agencies to consolidate programs and make deep cuts in the years ahead.

They also argue that Mr. Clinton has not violated his budget-cutting pledge because his request represents a substantial reduction from the figure President George Bush had planned to spend in 1994. Mr. Bush had set aside $19.0 billion for the C.I.A., the National Security Agency, the National Reconnaissance Office and other national intelligence programs.

Because Congress last year authorized about $400 million more for intelligence than it finally appropriated, an Administration official said last night, the White House intends to portray its proposal as a freeze, not an increase, once inflation is taken into account.

The new Administration hopes such arguments and party loyalty might blunt any Democratic impulse to renew battles that party members fought and won with the Bush Administration to cut intelligence spending. But some Congressional Democrats have already made clear that they intend to fight the new request, even though it comes from a Democratic President.

An influential Democratic lawmaker who spoke on condition of anonymity said in a recent interview that the request for more money for spy agencies showed that the new Administration "just doesn't get it" in terms of gauging opposition to the proposal.

"This increase is just not going to happen." the Democratic lawmaker predicted. "They're going to get cut severely."

Even Representative Dan Glickman, the Kansas Democrat who is chairman of the House Intelligence Committee, said in a recent interview that he had not yet decided whether to support the White House request. "I'm not going to be thrilled about an increase," Mr. Glickman said, "but we'll have to see where the increases are coming from."

FIGURING OUT THE BUDGET

Further evidence of the proposed increases is in a public version of Mr. Clinton's 1994 Defense Department budget request.

While the unclassified document leaves blank the spending requests for specific intelligence programs, simple calculations show that a research budget includes a request for a $150 million increase to be divided among the Defense Intelligence Agency, the National Security Agency and the new Central Imagery Office, which handles requests for spy satellite photographs.

A separate Air Force procurement budget shows a $570 million increase for a category designated only as "selected activities," a category that experts outside government said was used to disguise money set aside for the C.I.A. and the National Reconnaissance Office, which operates spy satellites.

Mr. METZENBAUM. If those stories are accurate, they give a reader a fair idea of the fiscal year 1994 budget. But officially, those budget figures are still classified secret. So, while the executive branch and the New York Times may assert that the U.S. Government wants to spend $28 million for intelligence, we in the Senate are barred from telling the public how much of their hard-earned money we have been asked to authorize.

The secrecy accorded to the intelligence budget figure is, frankly, not befitting our democratic form of Government. And the same is true for a policy that says, "You can't talk about this, but we can leak it."

Congress has twice called upon the executive branch to disclose the budget figure beginning this year. It truly pains me that the executive branch did not take advantage of the opportunity afforded by its fiscal year 1994 budget submission to comply with the will of Congress as we expressed it last year. I worry that some officials may find it easier to leak information than to disclose it openly and honestly.

I recently wrote a pair of letters to President Clinton, one on the need to trim the intelligence budget and one on why the intelligence budget figure should be made public.

My letter on the size of the intelligence budget pointed out the tremendous increase in intelligence spending after 1979. I went on to note some of the areas in which intelligence spending could be reduced. These include wasteful security programs, tactical intelligence systems designed to meet threats that have largely disappeared, and redundant administrative support costs.

My letter on making public the figure for the total intelligence budget emphasized that the end of the cold war has removed any security justification for keeping secret a figure that discloses no truly sensitive information at all. Thus, there is no longer any legitimate bar to disclosing how much we spend on this function of Government.

The President was generous and forthcoming in his response to my letters:

He acknowledged the need "to abide by the letter and spirit of the law" and to "make the congressional oversight committees a partner in deliberations regarding sensitive intelligence activities."

He reiterated his pledge to "save a total of $7 billion over the years 1993–97" and promised "a budget plan that allows intelligence to pay its fair share in reducing the budget deficit."

He pledged consolidation and streamlining of intelligence systems and management, and said that it was "time to reevaluate the onerous and costly system of security which has led to the overclassification of documents."

And he did not reject the idea of disclosing the intelligence budget total, although he asked for time to evaluate the pros and cons and to determine his intelligence priorities before addressing this issue.

I was pleased by this response, Mr. President, and I ask unanimous consent that the full text of my two letters, one of which has been edited to remove all classified material, and of President Clinton's reply be inserted into the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 24, 1993.

THE PRESIDENT OF THE UNITED STATES,
The White House Office,
Washington, DC.

DEAR MR. PRESIDENT: Both public and congressional reaction to your excellent economic program has made clear the need for additional budget reductions. I encourage you to subject the intelligence budget to the same rigorous examination that you apply to the rest of federal spending.

Intelligence spending now stands at [...] billion, which is more than double what it was 14 years ago. As you know, the intelligence budget is divided into two parts: the National Foreign Intelligence Program (NFIP), which includes CIA, DIA, part of NSA, and various smaller programs; and the Tactical Intelligence and Related Activities (TIARA) budget, which combines the tactical intelligence programs of the separate military services. Both halves of the intelligence budget grew tremendously in the 1980s:

The NFIP budget rose 133 percent [from Fiscal Year 1979], before Congress began to trim it back. NFIP now gets [...], which is still an increase of 110 percent since Fiscal Year 1979.

The TIARA budget rose 141 percent from [...] 1979 to [its peak]. The FY93 TIARA budget [...] represents an increase of 98 percent since Fiscal Year 1979.

The intelligence budget has been protected far more than the overall defense budget. The defense budget—with all its pork-barrel spending—rose only 58 percent in real terms between Fiscal Year 1979 and FY85, and the overall rise in the defense budget since 1979 has been only 11 percent.

Recently the Congressional Budget Office published a book of possible budget reductions. Their suggestions included cutbacks in such TIARA programs as the FEWS satellite and SOSUS submarine monitoring, with an annual cost of $650 million. The Senate Intelligence Committee has recommended similar cuts for years. But we lack jurisdiction over TIARA and there is still no effective cross-service review of TIARA programs in the Executive branch, let alone any balancing of those programs against other intelligence expenditures.

Cutting the NFIP budget without harming the national security may not appear as easy as reducing the TIARA budget, but such surgery is both possible and necessary. The National Foreign Intelligence Program is beset by duplication of effort that we can no longer afford, especially in administrative support costs. And the public's money continues to be squandered on feckless projects, from ill-conceived and poorly run covert action programs to [...] "economic security" intelligence efforts that are hardly necessary to the national security, and could even harm it. [...]

Streamlining the tasks assigned to the many NFIP agencies—accompanied by a cutback in needless or conflicting security requirements—would result in substantial budget savings. As reported in a recent Community Management Review that was commissioned by then-DCI Robert Gates:

"The security system that underlies the entire Community is completely out of date and dysfunctional, and is the single greatest barrier to progress in realizing significant improvement in the management of the Community and its relations with consumers.

"Across the board the Community is burdened with too much middle management. The manager-to-worker, or headquarters-to-field personnel ratios are way out of line with efficient or effective management."

It is not easy to combat wasteful and inefficient intelligence spending, although the Senate Intelligence Committee tries to do this. Just as in other parts of the federal budget, there are advocates for every program. And not only are the details secret; even the figure for the total intelligence budget and the statistics cited earlier in this letter remain classified.

I urge you to make public the size of the intelligence budget. If there was ever a security justification for such secrecy, it clearly vanished with the Cold War. Congress has twice recommended, moreover, that you make public the size of the intelligence budget when you submit your Fiscal Year 1994 request in a few months. The enclosed unclassified letter reviews the debate on this issue.

In summary, there is amply room for further reductions in intelligence spending. Some of those reductions will improve the national security by making U.S. intelligence agencies more efficient, while others will eliminate unneeded or even harmful programs. I urge you to mandate these needed reductions in spending, and also to make public just how much of the taxpayer's money is going to the NFIP and TIARA budgets.

Very sincerely yours.

HOWARD M. METZENBAUM,
U.S. Senator.

FEBRUARY 24, 1993.

THE PRESIDENT OF THE UNITED STATES,
The White House Office,
Washington, DC.

DEAR MR. PRESIDENT: For the last two years, the Intelligence Authorization Act has included the following provision regarding intelligence budget disclosure:

"It is the sense of Congress that, beginning in 1993, and in each year thereafter, the aggregate amount requested and authorized for, and spent on, intelligence and intelligence-related activities should be disclosed to the public in an appropriate manner."

With the end of the Cold War, there is a new requirement to buttress public trust in U.S. intelligence. The old forces that once assured a consensus on the need for secret intelligence operations no longer exist.

A limited budget disclosure such as that which Congress has recommended would be an important, and simple, first step toward creating a new basis for that public trust. I urge you to take that step and tell the American people how much of their tax money is devoted to intelligence activities.

The arguments against any budget disclosure are old and discredited. A few people still fear that the disclosure of even one or two numbers will give our enemies useful information that they would not otherwise get. But Admiral Bobby Inman and others have assured the Senate Intelligence Committee that this is highly unlikely.

The intelligence budget total has been called the worst-kept secret in town, moreover, and of course that's true. Last year, in the heat of battle, intelligence officials and Committee leaders called its cut in the National Foreign Intelligence Budget both a $1 billion cut and a five-percent cut, thus informing the public that the NFIP budget request was roughly $20 billion. And last month, a Washington Post article based at least partly on an interview with outgoing Director Gates included a detailed chronology of the cuts made in the NFIP and TIARA budgets—to the nearest $100 million.

Other people fear that a little disclosure will beget more—as though Congress and the Executive branch were incapable of reaching agreement on how much to disclose. But we reach agreement on far more sensitive matters all the time; that's what you and we are paid to do.

Some people in the Intelligence community worry that even such a limited budget disclosure will lead Congress to handle the intelligence budget as a separate item from the defense budget, and that this will lead in turn to lower intelligence budgets. Such results are far from a foregone conclusion, however, and many doubt that they would come about; indeed, some of my colleagues believe that disclosure will increase public support for intelligence funding.

The arguments in favor of limited budget disclosure are more basic. They begin with the premise that the American people should have access to information on how their government functions, when its release would not endanger the national security. The "Statement and Account" clause of the U.S. Constitution (Article 1, Section 9, Clause 7) speaks to this very point:

"No Money shall be drawn from the Treasury, but in Consequence of Appropriations, made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time."

People can argue over whether this clause requires the disclosure of the budget total for intelligence. The Supreme Court has avoided any decision on the issue, ruling instead in U.S. v. Richardson (418 U.S. 166) that a citizen lacked standing to sue.

There is no question, however, that Congress has the power to compel budget disclosure; both the Richardson dictum and Executive branch legal opinions confirm this. I do not doubt, moreover, that we could pass such legislation if we had to.

The real question is why any Executive branch would not, in this post-Cold War era, be prepared to make this modest disclosure on its own. Please take a personal interest in this matter and direct your Administration to comply with the sense of Congress on it. For, if the rhetoric of change cannot be translated into even this little bit of openness, then we shall all have failed the test that you so eloquently propounded, to "scale the walls of the people's skepticism, not with our words but with our deeds."

Very sincerely yours,

Howard M. Metzenbaum,
U.S. Senator.

The White House,
Washington, March 27, 1993.

Hon. Howard M. Metzenbaum,
U.S. Senate,
Washington, DC.

Dear Senator Metzenbaum: Thank you for your recent thoughtful correspondence on the intelligence budget and the need for creating a new basis of public trust regarding intelligence activities. I have considered your letters carefully.

The lessons of the past are well known. The failure of previous administrations to abide by the letter and spirit of the law or make the congressional oversight committees a partner in deliberations regarding sensitive intelligence activities led to disastrous consequences for the intelligence community. More importantly, it led to a crisis of confidence on the part of the American people.

I am determined to avoid that path. We intend to work closely with you and your colleagues in the Congress to ensure that we build an intelligence community that is ready for the challenging intelligence missions of the next century and not the last one. The Cold War is over, and both the American public and the imperatives of security demand that we must move beyond our historical focus on the old Soviet military target. But we must also act on the assumption that the new threats and opportunities require dexterous and well-grounded intelligence.

It is clear that the intelligence community must do more with limited resources. As I promised during the campaign, we will save a total of $7 billion over the years 1993–1997 from the previous administration's request for national and tactical intelligence programs.

The Director of Central Intelligence is reviewing ways to consolidate the operation of costly collection systems and to streamline the management of the intelligence community. In addition, under the auspices of the National Security Council, we are engaged in an effort to redefine both our national security priorities and the appropriate role for the intelligence community in meeting new threats and challenges.

I know that the congressional oversight committees also will conduct a thorough evaluation of these difficult issues. It is my hope that you and your colleagues will be our partners in implementing a new long-term strategy that results in better and more cost-effective intelligence.

If more savings are appropriate, based on our respective reviews, I will work with the DCI and our oversight committees to ensure that additional reductions are carried out in a manner that does not impair our nation's security. I believe that a strong intelligence community is essential to the preservation of our vital interests.

I also believe in change. It is time to re-evaluate the onerous and costly system of security which has led to the overclassification of documents. The result of our effort should not only be to save money but also lead to better security for our most sensitive programs.

Finally, I take seriously your suggestion that our Administration disclose the aggregate amount spent on intelligence when we submit our Fiscal Year 94 budget to the Congress. But as Jim Woolsey and the rest of our national security team attempt to structure new intelligence priorities, my hope is that you will allow us the opportunity to evaluate carefully both the benefits and legitimate concerns which are associated with such public disclosure. I will seek the views of other members and leaders of the Congress as well. At this point, before making a decision on public disclosure, we would like to take the time to establish new intelligence priorities and structure a budget plan that allows intelligence to pay its fair share in reducing the budget deficit.

I remain committed to greater openness and accountability. I hope that we can work together to achieve these objectives and that you will continue to share your thoughts with me in the weeks and months ahead.

Sincerely,

Bill Clinton.

Mr. METZENBAUM. At the same time, I want to assure my fellow Senators and the American people that I expect the administration to follow up these encouraging words with real action. So far, the action seems to go in one direction and the words in another.

I truly hope that somehow the proposed intelligence budget for fiscal year 1994 will reflect new priorities and President Clinton's pledge of savings, and not throw away money on outmoded or undeserving programs while the administration searches for new directions. I also look to the administration to face up to the fact that there is no longer any shred of a security justification for continued secrecy on the budget total.

And it will not suffice to say that disclosure might adversely affect the intelligence budget. In the absence of a legitimate security justification, the norms of our democratic system require that the public be informed.

If necessary, we in the Senate should be prepared to enforce those norms. In that regard, I am pleased to note, Mr. President, a recent Newsday story, which was carried in the Columbus Dispatch, stating that "President Clinton has approved a proposal to allow the congressional intelligence committees to make public" the intelligence budget figure. I hope that is true.

The story quotes our esteemed chairman, Senator DeConcini of Arizona, and others in support of this move, and I applaud my chairman for that stand. I ask unanimous consent that the text of that article appear in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Columbus Dispatch, Mar. 27, 1993]

$28.5 Billion Intelligence Budget Is Headed for Public Scrutiny

Washington.—The U.S. intelligence community, one of the last sacred cows of the Cold War, is heading for the congressional chopping block.

After 46 years of being hidden in the Pentagon budget, Congress is going to make public a limited overview of the intelligence community's budget, now estimated at $28.5 billion.

Although some details are still being worked out, congressional sources said President Clinton has approved a proposal to allow the congressional intelligence committees to make public the overall intelligence community spending.

"It's going to happen," said Chairman Dennis DeConcini, D-Ariz., of the Senate Intelligence Committee. "I've dropped my opposition."

While the details may not be that revealing, officials of the Central Intelligence Agency and its critics predict the new openness will trigger unprecedented public debate on several activities, including:

Global eavesdropping by the National Security Agency, a U.S. military operation at Fort Meade, Md., where supercomputers are used to crack intercepted codes and sort everything from telephone calls in Moscow to missile telemetry from rocket tests by China.

Spying by satellites operated by the National Reconnaissance Office. Concern is growing over the need for the satellites, which cost about $1 billion each.

CIA analysis that has become the predominant government view of world events and the foundation of U.S. foreign policy. In recent years, the CIA has missed events ranging from the dismantling of the Berlin Wall and the Soviet Union to the invasion of Kuwait by Iraqi President Saddam Hussein.

Both defenders of the community, such as DeConcini, and critics on the Senate panel, such as Sen. John Kerry, D-Mass., insist that sensitive information will remain secret.

"What's covert should remain covert," Kerry said.

Antoher panel member, Sen. J. Bennett Johnston, D-La., said public discussion would be "in grand terms. We won't be talking about paying agents to do certain things in certain countries."

But the debate is sure to lead to new cuts in intelligence budgets, say sources in Congress and the spy network. Clinton's economic blueprint calls for a $7.5 billion cut over five years. The Congressional Budget Office has called for cuts of $18 billion over the same period.

Sen. Howard Metzenbaum, D-Ohio, a member of the Intelligence panel, has taken the lead in pressuring Clinton to support a broader congressional debate. "Every member of Congress would have a say in how much we spend on intelligence," Metzenbaum said. "It's the American way."

R. James Woolsey, director of Central Intelligence, is opposed to the move. He argues that even broad-brush and limited public disclosure could lead to the unveiling of covert operations and sophisticated new technology.

"Once you pull the string, the sweater can unravel very quickly," said Richard Helms, a former CIA director who also doubted the merits of public debate. But Helms and another ex-director, William Colby, both predicted substantial cuts could be made in intelligence budgets that peaked in 1990 at an estimated $31 billion.

Mr. METZENBAUM. Finally, let me assure my colleagues that I will keep pressing the executive branch to really combat overclassification of information. The current system, by classifying everything, merely encourages leaks like the budget story in the New York Times and erodes respect for the real secrets that require real protection. It also leads to senseless spending on security to safeguard information that need not be protected, against threats that often are no longer realistic concerns.

President Clinton concluded his letter to me with the statement: "I remain committed to greater openness and accountability." So do we, Mr. President; and I, for one, will do my utmost to help him achieve those important objectives.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate now stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:02 p.m., recessed, subject to the call of the Chair, until 2:42 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. MATHEWS].

The PRESIDING OFFICER. The Senator from Maryland.

ORDER OF PROCEDURE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that I may speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Thank you very much, Mr. President.

CRIME IN OUR STREETS

Ms. MIKULSKI. Mr. President, I rise today to speak on something that is being discussed at the water coolers, cafeterias, and dinner tables around the country. That is the Waco situation.

As we all know, the incident at Waco ended very tragically for everyone involved. My heartfelt sympathy goes out to all of the people who have lived with this difficult problem for 51 days, and especially for the children who met a terrible tragic end, and who did not have a choice.

My heart also goes out to the law enforcement people who risked their lives to save other lives. It was a difficult decision for Attorney General Janet Reno to make, and I understand there were many complex factors to consider and it was certainly difficult for everyone who had to watch those buildings burn.

Now people are calling for a congressional investigation. Now the media is in a feeding frenzy to go and examine this situation in the most minute detail, and also within the Halls of this very institution and within Congress itself people are calling for a congressional investigation.

I acknowledge the tragedy of Waco, but I am calling for a different type of investigation, and I want to bring to the public's attention a different type of tragedy that is occurring, and that is the tragedy of the crime on America's streets. I want to know where are those who call for the congressional investigation on how we lost the war on drugs. During the previous administration, we surrendered on the war on drugs, and now our children are being held prisoners and hostages in their own neighborhood.

The kids in Baltimore are afraid to play jacks on their white marble steps, or to walk out after dark to go to a library, or to join a little league game because they do not know who lurks at every corner.

Where is the congressional investigation to talk about violence on our streets? Where is the congressional investigation to talk about the increasing tolerance for violence? Violence is everywhere and people are gripped by it.

Recently, I visited a middle school in Maryland to talk about opportunities for kids and to encourage them to stay in school. I asked those kids, "What do you want me to tell President Clinton, when I see him?" They said to tell the President to do something about crime. All they wanted to do was talk about crime and their fear of crime. Some are scared to go to school. Some are scared about what happens to them on the way to school. And some are scared about what happens to them in school.

How do we expect them to learn when they are worried about their own safety? How do we expect them to learn when we spend money on metal detectors instead of books? You know, when you talk to those young kids you ask them about their dreams, do they dream about being a police officer, a firefighter, or a mayor, or a Senator? Well, they do not know if they can ever be that, but when they look down the street they know what a drug dealer looks like. They know more about drug dealers than they know about many other aspects of American life.

Yes, Waco was a tragedy, but in my own hometown, on the weekend of Holy Week we had 12 people shot at one time on a city street during a dice game, and while they were on the ground bleeding, waiting for the ambulance to come, people rifled their pockets and even stole from the victims. And during the same 2-week period we had a nun strangled in her own convent. We had a Ph.D., a wonderful woman, dragged to her death in a carjacking in a Maryland suburb, and we had a woman beaten to death in a home she lived in for so many years when she was one of the first African-Americans to be able to buy a home in that neighborhood.

Every one of these instances is a tragedy. And I tell you every one of those instances is as tragic as Waco. And where is the congressional investigation into that?

Last year, the crime bill languished over lawyer-like discussions on habeas corpus. I do not know about habeas but I know the corpses are lying right now in the streets of Baltimore and in the streets of other American communities.

We need to do something about crime. We need to do something about violence. We need to do something about dealing with the growing tolerance for violence. Now the shocking is becoming ordinary. I think that is intolerable, and I am not talking about more programs or adding more bureaucracy. This is not to be solved by technocrats.

Yes, I do think it will be solved by more police, and we ought to get cracking on that crime bill. Yes, I do think it will be solved by more teachers and more public libraries. And I think we need less violence on TV and stronger community ties.

We have to take a stand right here in the U.S. Senate. We have to find a way to contain crime and at the same time we need to reward those who practice self-help. We have to find a way to take care of those people who say "yes" to school and homework and are doing the right thing, and say "no" to crime and drugs.

I am talking about everyone getting involved, people not only in the cities but the suburbs and our rural areas as well.

We need to take responsibility for making all of our streets and our neighborhoods safe again. Let it begin in the U.S. Senate. Let us pass a crime control bill and maybe if we had gun control they could not have built up that arsenal in Waco and the arsenal that we see in American communities.

I know about communities. Long before I became a U.S. Senator, I was a community organizer, and I continue to be a community organizer. It tears my heart out to see us losing sight of what is important. I fought for my city for 25 years. We began to turn that city around until we were eclipsed by the enormous amount of drugs coming into our cities and our communities.

We need to make those changes. Our communities are living a very fragile existence and what happens? We continue to obsess over the wrong news stories and go for the headline rather than dealing with the bottom line of what is happening in our communities.

Waco was a real tragedy and it went on for 51 days. But what is happening in our streets is even a greater tragedy and it goes on every day, 365 days a year, and in every community. People are fighting for their lives, and the police department is trying to help them.

I am here to say we cannot be tolerant anymore. We cannot be tolerant of drugs, we cannot be tolerant of crime, and we cannot be tolerant of violence.

Violence needs to come to an end on our streets and in our neighborhoods. The glorification of violence on TV and in the movies should come to an end.

So now, as we call for investigations, as we do our fingerpointing, as we do our Monday morning quarterbacking, I say, yes, I am sorry that Waco happened, but I am sorry about what is happening to the communities in the United States of America.

Let us not pursue the headline. Let us pursue an American agenda to make our communities strong, our neighborhoods safe, and our children believe that the U.S. Government cares about them and is willing to put its money on the line and police in our communities and teachers in our schools.

Mr. President, those are my thoughts on the Waco tragedy. I hope the U.S. Senate has found them informative.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BARTER PROGRAM

Mr. DORGAN. Mr. President, it is somewhat ironic that, on the same day that we in this body are unable because of a determined minority to move an American jobs program forward, in one of our subcommittees today we are discussing a financial aid package for Russia.

I understand the need that my colleagues and some others describe for a financial aid package to Russia and the other republics. We spent literally hundreds and hundreds of billions of dollars—in fact, trillions of dollars—building a defense in this country to protect us against an adversary called the Soviet Union.

The Soviet Union is now gone. It does not exist any longer. Russia and other republics do exist in the Soviet Union's place.

Russia is on a move toward democratization. Democracy is flowering in Russia. And many make the point, appropriately, that would it not be a shame for us to have spent trillions of dollars to deal with an arms race, but to be unwilling to spend a fraction of that to help Russia become a stable country moving toward democracy.

Well, as we debate that issue in the subcommittee today and in Congress, even as we debate a jobs issue for America, I wanted to share with my colleagues some testimony I have sent over to the subcommittee talking about Russian aid.

The economic collapse of the Soviet Union poses a significant challenge for our country. We should and will be part of a group of nations that attempts to help Boris Yeltsin and others in Russia move that country toward democracy.

But there are several things we must consider as we begin to help the Russians. We must be frugal. We do not have money to give away in any significant quantity. We are running enormous deficits here in this country with an enormous debt, and so we must be frugal.

We must require other nations to do their fair share. We should not extend ourselves and then see the Japanese, or Germans, or French, or others absolve themselves of their responsibilities to help, as well.

We must make sure if aid goes to Russia, it goes to those that need help in Russia. We must target technical assistance to small enterprises. We must avoid pumping money into the bureaucracies of a country like Russia, and we must be flexible and do this the right way.

The reason I took the floor today was to talk about something that I have talked about for a long, long while since I have been in the Congress. It is something we have really not had success on, but I think and hope that will change.

One of our opportunities is to develop an aggressive barter program with Russia. In the mid-1980's, I got a law passed that is on the books in this country. It is the law. It says the administration shall conduct two pilot barter projects. But of course, the Reagan and Bush administrations were opposed to barter, so no such pilot projects were transacted even though the law required it.

What do I mean by barter? I mean that 10 percent of the world trade is noncash trade. It is countries moving goods back and forth on a barter exchange mechanism, the simplest form of trade. It is 10 percent of world trade and growing—growing very rapidly. And we in this country have largely not been a part of it.

Aid to Russia is an outstanding opportunity in my judgment to develop and create an aggressive barter program in which we move American grain and other commodities to Russia that they need, and they in exchange move to us the kinds of things we need such as oil and minerals and other commodities. That is what barter is, in its rudimentary form.

Some say the Russians cannot pay for food so they defaulted on $4 billion of loans, most of it for food. If they cannot pay for it then why do we not find other ways to deal with this? Instead of moving food to Russia and expecting cash payments which are not going to come, why not develop a barter transaction with Russia in which we say to them, "We will move American grain to Russia to feed hungry people. We expect then, in return, under a pilot barter project with you, that you will move commodities to us."

Let me just describe to my colleagues in the Senate some of the opportunities that exist. Obviously, the Russians need food, and we send them a great deal of food. But we need to send them a great deal more. We produce food in abundant quantities all across this country. In fact, one of our problems, people keep telling us, is we produce to much food. It is kind of an irony because 600 million people go to bed at night in this world with an ache in their belly because they did not have enough to eat, and we are told this agricultural machine we have in this country, the network of family farmers across America, is somehow a liability. That is nonsense. It is not a liability. We produce what the world needs. The world needs food.

What does Boris Yeltsin need, what do the Russian people need to keep moving toward democracy? They need to avoid revolution; they need to avoid having people come to the streets and demonstrate because they do not have the most basic of needs—food.

We have the capability of helping in that respect in a very large way. But we do not just need to send food and say, "We will send food and charge it. We know you cannot pay your bill so we will call it a default later."

Here is how we can do this in a much smarter and much more effective way. What we can say is:

> We have a large amount of food and we are willing to share it in a barter program. Russia, we would like to get from you some oil and mineral products. You produce a lot of it. You have a lot of it available. Let us trade food for oil; let us trade food for rhodium; let us trade food for anhydrous ammonia; food for unanium, food for nickel, food for platinum, and food for cobalt and cobalt products, and food for patassium chloride.

The list is almost endless of the kinds of natural resources and minerals the Russians have that we need. The list is pretty obvious of what we have that they need—food.

What I am asking the Secretary of Agriculture and the Clinton administration and this Congress to do is connect a barter project in which we say to the Russians, "Yes, let us move ahead. We will move great quantities of food to Russia and you exchange for that food the kinds of minerals and strategic materials and commodities that we in this country need."

We used to be known in this country as a country of shrewd Yankee traders. What is interesting to me is if you look at our trade policies in the last dozen years or so, they have been almost brain-dead policies. We have lost almost every time we have sent negotiators anywhere in the world to negotiate a trade agreement. They put their silk shirts on, and, you know, their Gucci accouterments, and off they go. And they come back and they have lost in 2 weeks. I do not know why. Do not ask me why, because we are supposed to be a nation of shrewd traders. We have demonstrated an incompetence that is staggering in the area of international trade.

Ventures in barter are not just applicable to Russia. I am speaking of a barter program, an aggressive barter program in which we, government to government, connect a capability of moving our food and our commodities, which we have in such great abundance, to places in the world that need it in exchange for things that we need in our strategic stockpile. It would open up substantial avenues of new trade opportunity and reduce our trade deficit.

Some of us who have served in the House and the Senate for a dozen years, and have been banging our heads against the door to no avail because nobody has been home on some of these issues, feel that there is some new hope and new opportunity.

We have a new administration, an administration that is interested in getting results. We have a new Secretary of Agriculture, whom I think is the most innovative, interesting person I have seen in that job in a long, long while. Instead of representing the grain exchanges or the big food giants—that is who used to populate the top of the USDA—now we have somebody who is a Secretary of Agriculture who comes from a background in Congress of representing family farm in Mississippi. What is his interest? Secretary Espy's interest is how do you construct a system that helps family farmers? That is the origin of all this.

But at the top level, then, if we have a family farm network in this country that produces food in such great abundance, and much of the world needs the food but has no money, why do we not find ways to connect them? I have great hope these days that with a new Secretary of Agriculture, a new President, and a new awareness in bodies like the Senate and the House, we will understand that there is a new approach we can use in reinventing trade policy to connect countries of the world with us in a network of noncash transactions called barter. Barter presents enormous new trade opportunity and allows us to move our most precious resource, one that we have produced in greater abundance than we can ever use—food—to so many people in this world who so desperately need it.

My hope is in the coming weeks, as we begin constructing from the subcommittee hearing today some sort of Russian aid package, that a major part of that package will represent a progressive barter project, and an aggressive barter project, as well, with the Russians, so we can benefit both countries as we move forward.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BOXER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDUCT AND DEVELOPMENT OF NAEP ASSESSMENTS FOR FISCAL YEAR 1994

Mr. DORGAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 801, introduced earlier today by Senator KENNEDY, regarding education statistics; that the bill be deemed read three times, passed and the motion to reconsider laid upon the table; that any statements relating to this bill appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 801) was deemed read the third time and passed, as follows:

S. 801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL CENTER FOR EDUCATION STATISTICS.

(a) IN GENERAL.—Section 406 of the General Education Provisions Act (20 U.S.C. 1221e–1) is amended—

(1) in paragraph (1) of subsection (f), by striking "and 1993" and inserting "1993, and 1994"; and

(2) in subparagraph (C) of subsection (i)(2)—

(A) by redesignating clauses (iii), (iv), and (v) as clauses (iv), (v), and (vi), respectively;

(B) by inserting after clause (ii) the following new clause:

"**(iii) The National Assessment shall**—

"(I) conduct, in 1994, a trial mathematics assessment for the 4th and 8th grades, and a trial reading assessment for the 4th grade, in States that wish to participate, with the purpose of determining whether such assessments yield valid and reliable State representative data;

"(II) develop a trial mathematics assessment for the 12th grade, and a trial reading assessment for the 8th and 12th grades, to be administered in 1994 in States that wish to participate, with the purpose of determining whether such assessments yield valid and reliable State representative data; and

"(III) include in each such sample assessment described in subclauses (I) and (II) students in public and private schools in a manner that ensures comparability with the national sample."; and

(C) in clause (vi) (as redesignated by subparagraph (A)), by striking "paragraph (C) (i) and (ii)" and inserting "clauses (i), (ii) and (iii)".

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 405(f)(1) of the General Education Provisions Act (20 U.S.C. 1221e(f)(1)) is amended by striking "1993" and inserting "1994".

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAGEDY IN BOSNIA

Mr. McCAIN. Madam President, I am pleased to note the presence of my friend from Virginia, Senator WARNER, who is also here to discuss the issue of U.S. intervention in Bosnia. He and I have had several discussions on this issue over the past year, and I know that we are in fundamental agreement on it. I always have the highest respect and regard for his views, and it would be appropriate if the Senator from Virginia would like to interrupt my remarks at any time.

Mr. WARNER. Madam President, I am here to address the Senate on that issue as well. I thank my distinguished colleague, and I will listen to his remarks with great interest since our views are drawn from the same experience. My colleague has had far more combat experience than I in the particular area that I wish to address, but I accept his invitation, and likewise invite him to stay for a few minutes as I speak.

Mr. McCAIN. I thank my colleague from Virginia. I would like to point out that my friend from Virginia has for many years served on the Armed Services Committee. He has a distinguished background as former Secretary of the Navy and has a deep and thorough understanding of the elements which make up the tragic situation in Bosnia.

Madam President, I would like to begin by saying that no one can ignore the tragedy that continues to unfold in Bosnia. No one can deny that the Serbian Government and Bosnian Serbians are committing war crimes against Bosnia's Moslems and Croatians. The cruelty we see day after day on television and in the media document a pattern of aggression that has gone on month after month and that has made a mockery of peace negotiations.

No one can ignore the very real risk that any peace agreement, if one is ever reached, will be treated by the Serbs as nothing more than a scrap of paper. No one can ignore the risk that Serbians will go on creating a greater Serbia using a peace agreement as a cover for their actions.

At the same time, we should be aware that there are no simple solutions nor easy ways out of this tragedy, this horrible situation in which we find these innocent people entrapped.

We all have sympathy and pity for the innocent victims of this horrible civil war. But, it is important for us not only to express sympathy and a desire to see this situation rectified as soon as possible, but to consider what is possible and what is not possible.

And, we have to carefully consider any option that may cost the lives of American men and women in combat.

I would like to point out that I have been a long and consistent advocate of air power. I strongly advocated the use of air power in the Persian Gulf. I stated on this floor prior to the beginning of Desert Storm that I believed that air power could and would play a decisive role in that conflict. I believe that the events that transpired during that conflict proved that the decisive factor in our victory over the Iraqi forces was the judicious use of air power and the impressive use of the high tech equipment associated with it.

At the same time, I urge enormous caution about believing that air power and technology can bring a cessation to the civil war in Bosnia. Air power is not a panacea and it is not a answer to every peacemaking effort. I fear that it is not the answer in Bosnia.

Yesterday, in the Senate Armed Services Committee the commander of all U.S. and allied forces in Europe testified categorically that no senior officer under his command felt or believed that air power alone could bring about a beneficial solution to the dilemma that we face in attempting to resolve the civil war in Bosnia.

This is a warning we all need to heed.

An escalation to the use of offensive air power may well lead to one of two consequences: First, escalating our present level of impotence and reliance on military symbolism, or second, dragging the United States into a military involvement that can only be effective if it involves the major use of land forces, even then the use of land forces might not be decisive and could entangle us in continuing a civil war in which it would be difficult, if not impossible, to identify the enemy and to protect our friends.

Madam President, the Senate floor is not the ideal place for a lecture on air power, but I do believe that some military facts of life need to be put on the record.

Let me be clear in introducing these facts that I am not advocating the use of land forces, only trying to inject realism into the discussion of military intervention in Bosnia. The fact is, however, that there is a broad expert consensus amongst the military planners working on this crisis—both in the United States and NATO—that we cannot use military force to bring an end to this conflict without the use of ground forces.

At the same time, there is no similar consensus over the amount of force that would be needed for peacemaking. This lack of consensus is partly the result of the inevitable uncertainty in any use of force. It is also the result of the failure to agree on the final objective of any peacemaking effort: Whether its objective should be to protect the Moslems in their existing territory or to create a unified Bosnia.

The Supreme Allied Commander of United States forces in Europe said yesterday that a figure of 500,000 men might well be needed. Other reports indicate that the NATO planners feel a force of 6 division force equivalents would be needed. Quite frankly, there is really no precise way to tell how large a force is needed without committing ground forces to direct military intervention and possible combat.

A great deal will depend on intangibles like the seriousness of Serbian resistance. Much will depend on whether the peacemakers go in to enforce a compromise that all sides can live with or are trapped with the impossible goal of building a United Nation of Bosnia. The rules of engagement will be equally critical.

What is absolutely clear is that any such force must be prepared to fight. The 20,000 plus men in the present peacekeeping force have failed because of what has become known as the blue helmet syndrome, have failed because they cannot fight.

This lack of teeth in the present peacekeeping force has been made worse by Western threats to intervene that have had no real followup. We have fallen into the trap of mixing hollow rhetoric with inaction or nothing more than proportionate escalation.

If we do move toward direct military action, however, we need to be honest about one central fact. We have no way to predict the size, length, and casualties of a peacemaking effort. All we can predict is that a credible peacemaking effort involves substantial ground forces and that it has to be able to reinforce quickly to the point where it can create facts on the ground.

We also have to be fully prepared to react to the ability of the Serbian forces to rapidly redeploy their ground forces to reduce their vulnerability to ground attacks; our inability to separate targets from civilian targets; the fact that Serbian forces are already armed well enough to defeat the Moslems without major resupply; the ability of Serbian forces to escalate the fighting and take reprisals against Moslem towns, refugees, women and children; and to a similar Serbian ability to shift tactics to guerrilla and low-level war throughout the countryside and in small villages and enclaves where they do not need to concentrate large forces or use heavy artillery. Further, we must be prepared to deal with the fact that Moslems and Croatians are not united, and we do not face a single set of ethnic conflicts.

We need to firmly understand the limitations of air power. For example, some have suggested that it will be enough to use air power to attack Serbian artillery concentrations. Even if we could be sure that we faced only one enemy, we would have major problems in using air power in this way.

There are some vulnerable artillery targets today but they can be dispersed and/or dug in a matter of hours.

Bosnia is not Iraq. It is easy to conceal artillery from air sensors, to deploy in areas where there are many civilians, to shelter weapons, to take advantage of poor weather conditions and night, to fire and run.

There are many weapons and large stocks of ammunition. These stocks of ammunition have some times been dispersed for years because Bosnia was intended to be the Yugoslav redoubt for guerrilla warfare in the event of a Soviet invasion.

The Serbians control most of these weapons and supplies, and while the Bosnian Serbs are scarcely an effective force by our standards they are much better organized, equipped and trained than the Moslems and Croats in the Army of Bosnia and Herzegovina.

Once this massive mix of artillery weapons is dispersed, it will take a mixture of air and land assets to destroy or suppress them.

The air component of such a force cannot be small. It will take advanced reconnaissance assets and precision all-weather air strike capability. It will take armed reconnaissance capability that must be kept in the air to deal immediately with any major outbreak of fighting or artillery attacks.

Even under these conditions it could take six attack sorties to suppress one gun, once the Serbs and other forces learn how to disperse their artillery weapons and move them rapidly. it often took in excess of 50 sorties in Vietnam to suppress dispersed artillery weapons, although we then used less precise weapons in good weather. There is no way to estimate how many more sorties it will take actually to kill one gun. If the Serbians then shift to using mortars, which will be an effective substitute for tube artillery in many cases, a peacemaking force could only be effective if it had excellent counterbattery radars and artillery fire capability that was able to rapidly suppress mortars as well as tube artillery.

Advanced attack helicopters would be helpful in many such missions, but this would mean a need to secure a base in Bosnia. Helicopters lack the range to operate from the outside and there would be losses.

More importantly, we cannot protect the Moslems by denying the Serbs the ability to use artillery fire near a few enclaves or major cities. The Serbians can easily change their tactics and methods of ethnic cleansing. They can shift to attacking and killing small Moslem towns, at night or killing refugees. They can infiltrate into Moslem areas. They can escalate in ways that could easily destroy the effectiveness of any peace agreement as well as the effectiveness of any air strikes.

There is a very real risk that using air strikes against artillery weapons would end in converting the conflict to terrorism and guerrilla war against the peace makers, blurring an already blurred line between combatants and noncombatants beyond recognition.

There has been talk of escalation to other options involving air power and cruise missiles. All these option's have some potential value. All involve major risks.

We already know that enforcing the no-fly zone can have some psychological impact. However, we also know that Serbian air operations have long since ceased to play a fully significant role in the conflict.

Hitting Serbian troop concentrations in Bosnia is possible, but many Serbian military concentrations are in urban areas and others are widely dispersed. Significant collateral damage to civilians and civilian facilities is likely. Infantry forces will be hard to spot. They will scatter and dig in. They can then conduct raids against scattered Moslem targets in the countryside or suddenly concentrate and engage Bosnia forces at close range where we cannot separate friend from foe or combatant from civilian.

As for using air power to destroy supply dumps and to cut off lines of communications, many experts feel that it is impossible to effectively destroy lines of communications and supply dumps without a major land component. We must again remember that Yugoslavia planned to use Bosnia's redoubt for unconventional warfare in the event of a Russian invasion.

There are up to 300,000 metric tons of munitions and supplies already dispersed in the area, most under Serbian control. Serbia has also already sent many additional shipments.

Cutting off lines of communications by bombing bridges, et cetera, presents further problems because the Serbians can move by paths or small unimproved roads, but the relief effort needs most key lines of communications more than the Serbians. Some experts believe that destroying key bridges and roads would actually make the plight of Moslems much worse, although the truth is very difficult to determine.

There is no way to determine the extent to which crippling economic and infrastructure facilities in the Serbian areas in Bosnia would or would not intimidate the Serbians into halting the fighting. Expert opinion seems deeply divided. It is clear that some civilians would be killed in attacking targets like powerplants, water facilities, refineries, and fuel dumps. We might incite all out Serbian attacks, and it is difficult to believe that any peace would not load to new conflicts and tensions in the region.

Expert opinion is equally divided over the impact of air strikes on military and civilian targets in Serbia proper. Some feel that such pressure could be translated into an effective Serbian government effort to halt the actions of Bosnian Serbian warlords. Others feel that the 14-odd Serbian warlords in Bosnia would continue their aggression. Once again, civilians would be killed. Such attacks would also exacerbate the political problems raised by Russian affinity for Serbia.

All potential solutions to the crisis must deal with the fact that peacemaking efforts take time to implement and could lead to a new rush of killings as all sides attempt to gain position or settle the issue before new forms of intervention take place.

Under these conditions, the worst possible options are those with no clear end objective, that signal reasons for a new round of internal fighting, or that involve unimplementable threats of force or an inability to escalate if a given approach fails.

In saying this, I do not mean to imply that the situation is hopeless, or no military options exist.

Limited amounts of military force have succeeded in peacemaking, particularly when they have been coupled to near exhaustion of the participants and deployed to support peacemaking objectives that all sides can live with.

The problem is that there are no silver bullets that can bring an end to the suffering in Bosnia and any peacemaking operation in Bosnia is fundamentally different from the gulf war.

We cannot blunder into Bosnia with air power alone without having to blunder out.

Any real hope of success requires a willingness to commit substantial ground forces to combat—knowing that we cannot predict the exact amount of forces required, the intensity of the combat that will follow, the role of Russia, or the extent to which Moslem and Croat will be divided against each other.

These ground forces should not be American. Bosnia is in Europe. It is ground forces, although Europe has so far refused to take such action.

I have no magic answer to this dilemma, but it is clear that any use of U.S. air power must be coupled to a clearly defined and achievable end objective as to how we intend to make a peace. It must be coupled to European participation in the air and to the deployment of European combat forces on the ground. It must involve European willingness to move from static peacekeeping to active combat, and it must be coupled to some prior understanding with the former Soviet Union. Any deployment of force must be coupled to an understanding that the Serbians will be able to create new facts on the ground while any peacemaking force is organized, and take many Moslem enclaves hostage. It must be coupled to an understanding that such a peacemaking effort would risk shifting Serbian and possibly Croatian attacks to a prolonged guerrilla war, or create a requirement for a military presence that could last for years—as has been the case with many peacekeeping operations in the past.

Madam President, the late Maxwell Taylor, who was Chairman of the Joint Chiefs of Staff under President Kennedy following the Vietnam war, said there should be several criteria that this Nation must observe when it contemplates the use of force outside the United States. Among these criteria was that the mission behind any use of force must be clearly explainable to the man in the street in one or two sentences, that there must be clear U.S. national security interests involved, and that any such involvement or military operation must be of limited duration.

I would add one more criterion to General Taylor's list as a result of our enormous success in the Persian Gulf war: That any U.S. casualties must be minimal.

It is understandable that the American people want this carnage stopped. This feeling is a typical result of Judeo-Christian principles upon which this Nation was founded. It is a natural reaction to the concern and sorrow we feel for the suffering of innocent civilians that takes place day after day, week after week, month after month.

But, if we find ourselves involved in a conflict in American casualties mount, in which there is no end in sight, in which we take sides in a foreign civil war, in which American fighting men and women have great difficulty differentiating between friend and foe, I suggest that American support for military involvement would rapidly evaporate. The best intentioned beginnings only have meaning if they have good endings, and we could see a situation reminiscent of that of about 20 years ago when the United States left ignominiously from a small country in Southeast Asia.

My view is that we should do everything in our power to bring about a peaceful solution to this terrible agony that transpires day after day. At the same time, we should be very, very reluctant to embark on a military adventure where we do not know the best way to begin, where we do not know what we do once we are there, and where we do not know how to get out.

Madam President, I yield the floor.

Mr. WARNER. Madam President, would the Senator yield for a question or two?

Mr. McCAIN. I am glad to yield.

Mr. WARNER. I am exceedingly grateful for the opportunity to appear with this distinguished American and friend of mine for many, many years who shared with me, together with his distinguished father, several chapters of our military history. When I hear our colleagues call for surgical air strikes here is a U.S. Senator who is well-qualified to discuss with precision the complications of taking out the artillery pieces which seem to be the focal point of so much of the discussion now. All of us are deeply concerned about the artillery, the bombardments, the human suffering. But before we make such calls for air strikes, we should understand what is involved.

I ask my distinguished colleague the following. The first problem that a ground attack pilot will have to solve is acquisition of the target. Acquisition can be best achieved through persons on the ground who in the lexicon of the military paint the target so that the aviator can then direct his ordnance on that target. So that requires persons on the ground to paint it. Otherwise, you would have to bring in helicopters or other airborne platforms to paint the target. They are vulnerable then to ground fire.

Lastly, if you do not have the spotters on the ground and you do not have the helicopters, the only other remaining way to acquire a target is through the pilot's visual acquisition which is extremely difficult and highly dependent on the weather. The weather in Bosnia over 50 percent of the time obscures any ground observation.

The primary reason for my getting up today is to ask the Senate leadership to provide all Senators the same opportunity to learn as Senator McCAIN has largely learned through experience, and I have learned through other avenues about the difficulties involved with conducting air strikes. I went over to the Pentagon last night and spent 2 hours with the persons that would have to work on the formulation of such a military plan to make sure that my understanding of the situation was correct. They corroborated my views.

So I ask my friend, can he give a little guidance to those who are calling for a surgical air strike—what is a surgical air strike, what is required, and what is the likelihood successful strikes could be achieved in this environment?

Mr. McCAIN. I thank my friend from Virginia for posing what I think is one of the fundamental questions affecting our involvement, particularly in light of the fact that many of our well-meaning and well-intentioned colleagues have stated that air strikes would bring about some cessation in the terrible tragedy that is unfolding as we speak and would somehow bring about a cessation of either the attacks or the civil war that is going on in that part of the world.

As my friend well knows, and as he was briefed by experts in the Pentagon, a surgical air strike is something which is extremely difficult to carry out in practice. We were only able to carry out surgical air strikes in the Persian Gulf because we had perfect conditions. We had a static and inflexible enemy deployed in a flat open desert. We had excellent weather during most of our operations. In fact, our effectiveness suffered sharply at the end of the conflict because there was not good weather. This had a significant impact on our decision as to when to end the hostilities.

Yes, we could go into Bosnia, and hit some artillery pieces. However, these people are tough, seasoned fighters, as my friend from Virginia knows. It would take a very short time for them to disburse their equipment to camouflage their artillery, and also employ a tactic which has become effective in recent years, to put their military forces into civilian areas, where civilian casualties would be inevitable if we truly tried to destroy such targets.

I remind my friend that during the Iraq war there was a brief flareup when the Iraqis claimed we had hit an infant formula factory. All of a sudden, the world press focused on the fact we might have killed some Iraqi civilians, and people began agonizing and wringing their hands. Well, there is no possible way that we could attack the military targets in Bosnia in any effective way without inflicting substantial civilian casualties.

I also say to my friend from Virginia that there are times when we must rely on the best military advice we can get. The military should not set national policy, but there is a time when they are the only real source of expertise as to tactics, and whether we can effectively carry out national policy, national goals, or national desires, with a given type and level of force.

I have yet to meet a military expert—as Senator WARNER found out during his discussions in the Pentagon, as we heard from SACEUR yesterday, and as the Chairman of the Joint Chiefs of Staff has stated earlier—who believes that air strikes alone can be decisive. In fact, we hear just the opposite. Until credible military experts can come to the Congress, to the President of the United States, and to the American people, and say that we can succeed with the following detailed plan, we should not act. If they can present such a plan, I think that my friend from Virginia, I, and every other Member of this body will support it. Sadly, no such experts and no such plan has yet appeared.

I thank my friend.

Mr. WARNER. Mr. President, if I could ask another question of my colleague. I think we pretty well have spoken to the question of the surgical air strikes. And the Senator raised the point with which I agree, as does every military person who has come before the Armed Services Committee. We had hearings yesterday; we had hearings today on these issues. I asked General Steiner about the air strike option. He is the CINC in charge of our Special Operations Forces. Those are the troops we call into trouble spots all over the world. If we were to put ground troops into Bosnia—and I do not advocate that option—elements of his command, as he pointed out, would be among the first to go in. General Steiner expressed great concerns with the surgical air strike option.

I am concerned when I hear of persons who get up in this Chamber and elsewhere to advocate various military option for Bosnia—and it is on both sides of the aisle, well-intentioned person. And the reason I am using this time to speak to the issue today is that the President is now about to react to some of these calls for military action. We should take a long pause here in the United States Senate to acquaint ourselves with the actual facts, as Senator McCAIN and I have done in our committee and elsewhere.

The question I have is that some advocate the bombing of the bridges between Serbia and Bosnia. The Senator touched on that. It was pointed out to me that if you take out the bridges, you would not be having a great impact on the Serbian supply lines; but it is those same bridges that are one of the main routes for the transportation of humanitarian relief supplies into eastern Bosnia. Has anybody calculated the number of casualties we would take through starvation and lack of medicine as a result of the cessation of the peacekeeping and humanitarian relief activities?

What the NATO commander said yesterday was that peacekeeping operations and the humanitarian aid mission are totally inconsistent with air attacks by the NATO forces in which the United States ostensibly would be asked to participate. So the peacekeeping and humanitarian aid would come to a halt, and that would result in a whole new category of collateral—indirect though it may be—casualties through the absence of the food and medicine which is currently being brought into Bosnia over the same logistics routes that some advocate taking out.

So I ask my friend, in his own analysis, had he also considered the fact that if you are able, through sustained air operations—and this is not just a few sorties; this is day after day operation by many aircraft—if you are able to do some suppression of artillery then there remains the question of the mortars, which are doing damage commensurate in many respects with the artillery pieces.

As my good friend knows, air power cannot effectively deal a blow against mortars. It might by chance. I suppose if you take the B-52 and carpet bombed day after day, you might get a certain percentage of mortars, but these are mobile and they can be moved in a matter of minutes. They can go into the caves and the reverse slopes and be hidden and brought back in a matter of minutes.

I thank my good friend. I was reading through the testimony of General Shalikashvili yesterday, and his comments were right in track with my friend's comments today.

General Shalikashvili agreed with Senator MCCAIN's assessment in the Armed Services Committee that there is no tactical bombing option that would persuade the Serbs to "change their ways." On the contrary, the general felt airstrikes would cause the Serbs "to dig in their heels."

That was in direct response to my colleague's questions yesterday.

Mr. MCCAIN. If I can make one additional comment, I will then be happy to yield the floor to my friend, who I know has very important comments on this issue.

Not only are there practical problems in conducting airstrikes in Serbia, which my friend from Virginia has already pointed out, but I believe that anyone who makes a proposal to use force should also have a clear plan or option to deal with the consequences if that proposal fails.

My question to those who are advocating airstrikes is what they plan to do if airstrikes fail to bring about the desired result?

I believe there are really only two options: One is to withdraw in failure and leave behind a worse situation than the one we began with. The other is to take a massive escalatory step, and use largescale ground forces.

Are those who are prepared to embark on surgical airstrikes, or nonsurgical airstrikes in reality, are we prepared to take this next step if airstrikes do not bring about a resolution of this situation? Are they prepared to commit U.S. land forces. I do not believe we should overreact to the lessons of any war. We should not overreact to the lessons of the Persian Gulf conflict. We should not overreact to the lessons of the Vietnam war.

But, my friend from Virginia and I remember that we did not get 500,000 young men, and some women, into Vietnam overnight. We deployed them over a period of years, beginning with a few troops here, a couple of air units there, and then Marines to guard the bases, and then some artillery units. We gradually escalated until we found ourselves in an unwinnable situation at the cost of some 50,000 lives.

So one of the valid lessons of the Vietnam war is we must know what the next step is if the step we currently contemplate fails. And, the American people must be told all these steps and their consequences before they are asked to decide whether to support the airstrikes or not.

They should be left in no doubt about the fact that the use of airstrikes is an endeavor filled with risk. I also believe that the overwhelming majority of the American people would only support a European land involvement, not a U.S. land involvement. At least, that is what I am hearing from the people of Arizona.

Madam President, I appreciate the indulgence of the Chair. I appreciate very much my friend from Virginia and his incredible input and dedication on this issue, and I look forward to listening to the rest of his remarks.

Mr. WARNER. Madam President, I would like to just make one other comment. If I am in error, I ask my friend to correct me. He bears the scars of the Vietnam conflict, and he bears them admirably and with courage; a conflict for which, in the end, the military in large measure was held responsible. It was not the military's fault. Historians have proven time and time again it was the political structure and the failure of the people to rally to the support of the brave men like Senator MCCAIN which prevented a military victory.

What my concern is at this moment, if we incrementally, as the distinguished Senator states, take one military option, execute it, and then a second, and possibly a third, the military will be criticized when those steps do not result in an end to the conflict. We have asked them now to enforce the no-fly zone. It will soon be learned that they are doing the job; they saluted and they marched off. But there is testimony in the Armed Services Committee to the effect that enforcement of the no-fly zone will have minimal military impact on the war.

Our military, together with other brave militaries under the flag of the United Nations, is carrying out that mission as we debate here on the floor of the Senate. Now, if we go to another option, to perform surgical strikes, the military will salute and go forward. But I encourage my colleagues to listen to the advice of the military beforehand as to what is involved in such strikes. But they will perform air strikes if ordered to do so. And then what happens when that does not bring about any material change in the conflict or the human suffering?

I say to my friend, I do not want to see the U.S. military or the military of any other nation held as the fall guy for this problem; namely, that they followed the orders of the politicians, they followed and they did the best they could and yet the conflict continues.

The military warned us beforehand that such steps would have little military effect. Their advice was not heeded. Now, when nothing happens as a result of these military actions to bring about cessation of the fighting, I fear some will hold the military accountable and say they are the fall guy, and they are responsible for the failure to end the fighting in Bosnia. That cannot be done.

It is precisely as the distinguished Senator from Arizona said. If you are going to involve them in this option, after first trying the enforcement of the no-fly zone, then you had better find out from them other steps would be required from a military standpoint to bring about some cessation of the fighting in this troubled part of the world.

If I might continue, again.

The PRESIDING OFFICER. If the Senator would like time on his own, he should request it.

Mr. WARNER. Madam President, I ask recognition in my own right for the purpose to continue as if in morning business.

The PRESIDING OFFICER. The Senator is recognized for as long as he wishes.

Mr. WARNER. Again, I express my profound appreciation for my friend and colleague joining me here on the floor.

The primary purpose for getting up this afternoon and joining my friend is to urge the leadership of the Senate to provide other Members of the Senate the same type of information that Senator MCCAIN and I and other members of the Armed Services Committee have received.

But before the Senators elect to join in calls for certain types of military action in Bosnia, I urge them to understand all of the implications involved in such actions. Because when, from across the ocean, and from this Chamber, particularly, comes the call to perform a certain military option, it raises the hopes—it raises the hopes—of the people suffering in the former Yugoslavia. It raises their hopes. They think, the Yanks are coming; they are going to come and help us.

Air strikes, surgical air strikes are being held up as a solution to the problem in Bosnia. Senator MCCAIN and I know that the air strikes alone will not do it. Just look at the experience of Vietnam. We conducted air strikes for 7 years. In the Korean war, in which I had a role as a ground officer with an air unit, we bombed for years. Both wars ended indecisively. In the gulf operation, we bombed intensely before the ground operation started, and then for the 100 hours of the ground operation, we bombed consistently. But in the end, it was ground action which was required to bring about a decisive result.

So, when the statements are made, they raise hopes, false hopes both in Bosnia and here at home. Our citizens want us to see what we can do to stop this frightful murder. I just ask my colleagues to fully understand all of the implications of such actions.

There is no easy option. I commiserate with our President. I think our President is trying to do the best he can. Indeed, those around him—the Secretary of Defense, was quoted in the paper yesterday as saying: "There are no easy options." For hours, the President and his top advisers studied every option. The meeting came, presumably, to an inconclusive result.

Perhaps we can come up with some concerted action with out U.N. allies to bring about an end to the fighting. But I just caution individuals not to get up and select one military option as the solution without fully understanding all of the military ramifications of performing that option.

In my discussions with many persons on this, it was brought to my attention very forcefully that if American airplanes, as a part of the U.N. force, start dropping bombs on the territory of the former Yugoslavia, that is an act of war. Is this institution prepared to declare war? These are the responsibilities we have to face up to if we are going to support the type of military action called for by some of our colleagues who advocate surgical air strikes. It is not some simple operation that will last only a matter of a day.

The military, if it is told to do this mission will tell you it will take a long period of time, with a substantial commitment of assets. There is a whole new political equation that will develop when the first airplane drops the first piece of ordnance on the territory of the former Yugoslavia. We will become belligerents in the conflict.

Peacekeeping operations become severely jeopardized if not halted. Our allies have told us that. That is the primary reason that those nations which have peacekeeping troops currently in Bosnia are hesitant to become involved in air strikes.

Casualties could come about very quickly. We should understand that. I have always taken the position in the various public offices that I have held, both in the Senate and in the Pentagon, that when you make the decision that a member of the U.S. Armed Forces should be deployed in a military operation, you had better be prepared, as a U.S. Senator, or as I did as Secretary of the Navy, to have the courage to go to the family of that service man or woman whose life may be lost, go into their home and tell that family why their loved one was lost.

That will not be an easy explanation, Madam President, in this conflict, a conflict that is so deeply rooted in hatreds that go back for a century or more, a conflict that is deeply rooted in religious differences, ethnic differences.

Several Members of this Chamber, including this Senator, have actually visited Sarajevo and have witnessed with our own eyes the indiscriminate firing. This artillery, which some advocate attacking with surgical strikes, is being fired mercilessly, fired mindlessly.

But if we conduct air strikes against that artillery it becomes an act of war, then the whole question is changed. Peacekeeping, in all likelihood, would be terminated.

I have not seen any estimate of the damage to the civilian population by the deprivation of food and medicine and the inability to evacuate the wounded and the casualties and the homeless. All of that is likely to be drastically changed once the equation is reversed and the first piece of ordnance falls.

General Powell has made it very clear, as have other military experts that a military air strike is inconsistent with the peacekeeping functions now ongoing in Bosnia and that we can fully expect those functions to be diminished, perhaps terminated altogether.

So I simply close by asking my colleagues to take the time, as many of us have done, to study this situation ever so carefully before we go public with options which seem to us to have the hopes of some solution.

I hope that the intensity of this conflict, the horror of it, does demand more and more of our time, because perhaps together and in consultation with the executive branch—in consultation with that segment of the executive branch, namely, the Department of Defense, wherein the military experts are located—we can reach some consensus of what we should do to try to help in Bosnia.

I ask unanimous consent, Madam President, that articles appearing into today's media regarding statements made yesterday before the Senate Armed Services Committee by our NATO Commander, General Shalikashvili, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 21, 1993]

NATO GENERAL IS RETICENT ABOUT AIR STRIKES IN BOSNIA

(By Michael R. Gordon)

WASHINGTON, April 20.—The top NATO commander told Congress today that while limited air strikes might be effective in reducing the Serbian shelling of Muslim towns and cities in Bosnia, it is unlikely that they would bring the Serbs to the negotiating table.

The assessment by Gen. John M. Shalikashvili of the United States came as President Clinton and his top aides met today to discuss the fighting in Bosnia. A senior Administration official said that no decisions were taken at the meeting.

A QUESTION OF AUTHORITY

The Administration has said that it is considering air strikes and lifting the arms embargo on the Muslim-led Bosnian Government, among other measures, to help counter the Serbian attacks.

The question of air strikes has divided the Administration, with Defense Secretary Les Aspin arguing their merits while Secretary of State Warren Christopher has generally been opposed to the use of force.

As part of the deliberations, the Administration has begun looking at the question of whether the United States and its allies would have sufficient United Nations authority to conduct air strikes without obtaining a new Security Council resolution.

Senator Joseph Biden, the Delaware Democrat who is chairman of the Senate Foreign Relations subcommittee on Europe, has argued that the United States already has authority to order air strikes under the Security Council resolution authorizing all means necessary to deliver humanitarian aid to victims of the fighting.

THERE MAY BE BETTER OPTIONS

But General Shalikashvili, appearing today before the Senate Armed Services Committee, argued that air strikes could have limited benefits.

Asked by Senator Sam Nunn, the Georgia Democrat who is chairman of the committee, if air strikes could be carried out against Serbian artillery, General Shalikashvili said "militarily, it can be done." If the goal of the air strikes was to reduce the Serbian shelling, General Shalikashvili said, "to some degree you can do it."

But the NATO commander questioned whether bombing could be used to force the Serbs to the negotiating table. "Perhaps it could happen, but I doubt it," he said, adding that he thought limited air attacks would lead the Serbs to dig in their heels.

Secretary Christopher also told the Senate Foreign Relation, Committee today that air strikes could have negative consequences, such as interfering with the delivery of food and medicine to civilians. "There may be better options," he said.

On the question of exempting the Bosnia Government from the United Nations arms embargo, Mr. Christopher said the embargo has "been to the great advantage of the Bosnian Serbs," and suggested that $50 million already appropriated by Congress could be used to arm the Muslim forces.

In his testimony, General Shalikashvili said that arming the Bosnians would help make the contest more equal. But he also said that it would "raise the level of violence," echoing reservations voiced by the British and French Governments, which have said that an increased flow of arms into Bosnia could endanger the peacekeeping troops delivering humanitarian aid.

While the General gave qualified responses to many questions, he was sometimes caught in the crossfire of Senators who differ on the use of force.

Senator John Warner, the Virginia Republican, argued that the effectiveness of air attacks would decline over time, as the Serbs hid their artillery. General Shalikashvili said that he agreed with this point.

Despite his reservations, General Shalikashvili indicated that he felt NATO had been hemmed in by the United Nations when it came to enforcing the ban on military flights over Bosnia.

The NATO commander said that he would like to have had the authority to attack airfields if they were used to launch aircraft in violation of the ban. But that option was foreclosed by the United States allies on the Security Council, who are reticent about confronting the Serbs with force.

[From Defense Daily, Apr. 21, 1993]

CINC SAYS AIR STRIKES WON'T DOUSE BOSNIAN CONFLICT

A U.N. air assault on Serbian artillery pieces would be logistically difficult and would probably fail to encourage Serbs to seek a peace agreement with Bosnian Muslims, the top U.S. military official in Europe said yesterday.

While air strikes could reduce Serbian shelling of Muslims in the war-torn region, it would not likely "get Serbs to the negotiating table," Gen. John Shalikashvili, Commander in Chief (CINC) of the U.S. European Command, told the Senate Armed Services Committee.

Shalikashvili's remarks were a response to SASC members' questions about the possible U.S. role in quelling the violence in Bosnia. He said a surgical air strike would have only initial success, as Serbs would subsequently hide their weaponry.

"The days when artillery pieces were hidden in tree lines is over," he said. "Now we believe they'll be intermixed with the population."

Estimates of 500,000 ground troops, a number mentioned by Gen. Colin Powell, chairman of the Joint Chiefs of Staff, as the numbers needed to enforce peace, are credible, Shalikashvili said.

The enforcement of the U.N. no-fly zone is going well, he added, noting that forces intercepted two helicopters Monday.

He also said interdicting Serbian supply lines into Bosnia would be difficult. Lifting the arms embargo against all factions in the fighting, while curbing the Serbian advantage, would take some time to take effect because the Muslims would need substantial training and the development of a support base, he added.

Shalikashvili appeared before SASC with Gen. Joseph Hoar, CINC of Central Command, and Adm. P.D. Miller, CINC of Atlantic Command. Among their top requirements, they said, were better operation and maintenance funding to keep a high quality of life for personnel, and improved command and control capability.

In response to questions about political instability in Russia, the CINCs said the Russians could never restore their Cold-War military might. Miller said the Russian navy has expressed interest in some cooperative exercises.

They also pointed to Iran as the biggest emerging threat to U.S. interests in light of its suspected nuclear weapon efforts and its recent purchase of a Soviet kilo submarine.

Mr. WARNER. Madam President, that concludes my remarks. I urge Members to study carefully the remarks of Senator McCAIN, the distinguished Senator who speaks with a base of knowledge far greater than mine. His words deserve the closest scrutiny by the Members of this U.S. Senate, as well as the President and his advisers.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. WARNER. Madam President, I have a communication from the Senate leadership asking that the Chair put the Senate in recess subject to the call of the Chair.

The PRESIDING OFFICER. Is there any objection to the Senate standing in recess subject to the call of the Chair?

There being no objection, the Senate, at 4:05 p.m., recessed, subject to the call of the Chair; whereupon, the Senate reassembled at 6:09 p.m., when called to order by the Presiding Officer [Mr. FEINGOLD].

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 61, Timothy E. Wirth to be Counselor of the Department of State, and Calendar No. 62, Winston Lord to be an Assistant Secretary of State.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, considered and confirmed, en bloc, are as follows:

DEPARTMENT OF STATE

Timothy E. Wirth, of Colorado, to be Counselor of the Department of State.

Winston Lord, of New York, to be an Assistant Secretary of State.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDER TO PROCEED TO CONSIDERATION OF S. 171 ON APRIL 22

Mr. MITCHELL. Mr. President, I ask unanimous consent that at the close of morning business on Thursday, April 22, the Senate proceed to the consideration of Calendar No. 57, S. 171, the EPA Cabinet-level bill, with consideration of that bill limited to debate only on Thursday, April 22.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

The Senate continued with the consideration of the bill.

MODIFICATION OF COMMITTEE SUBSTITUTE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the committee substitute be modified to reflect that it include nothing but the funds for the unemployment trust fund, the text of which I will send to the desk.

The text is as follows:

That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

DEPARTMENT OF LABOR

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

Mr. MITCHELL. Mr. President, I further ask unanimous consent that the committee substitute, as so modified, be agreed to; the bill read a third time and passed; and the motion to reconsider be laid upon the table; with the preceding all occurring without any intervening action or debate.

Mr. BYRD. Mr. President, reserving the right to object, and I do not expect to object, I do expect to say a few words, so I hope the two leaders will indulge me.

As the manager of the bill, I want to say some things. I have stood on this floor now for 12 days and defended this bill as though it were my own brainchild, defended it against attack, and attempted to keep it intact so that we would finally be able to go without a conference and send the bill to the President or if there were amendments, certainly, I had hoped there would be amendments of the nature that the House would accept.

Mr. President, this is day 12, I believe, of the siege of the President's jobs bill. An effort was made to break that siege when the Senate voted for a fourth time on a motion to invoke cloture on H.R. 1335, the emergency supplemental appropriations bill, this morning. Sadly, that effort has failed.

Yesterday, in a vote on the amendment offered by the Senator from Oregon [Mr. HATFIELD] and the Republican leader, Mr. DOLE, the other side of the aisle voted unanimously to appropriate, as an emergency, $4 billion for a program of extended unemployment benefits. No offset would have been required for that $4 billion; it would not have been paid for. It was declared an emergency several days ago. But it would have increased the Federal deficit; it would have added to our national debt.

Every Member on the other side voted for that amendment. What every Member on the other side of the aisle said by that vote was that an emergency exists in this country—an economic emergency of such magnitude that it justifies increasing our budget deficit and our national debt by an additional $4 billion in order to finance a program of extended unemployment benefits. Yet, according to our colleagues on the other side, while the emergency we face justifies spending $4 billion on unemployment benefits, it does not justify spending one thin dime to create jobs.

We are entering the third year of a so-called economic recovery. It has been, and continues to be, an anemic recovery. Everyone in this Chamber agrees that it is appropriate for us to spend $4 billion on extended unemployment benefits for the long-term unemployed.

If we all agree as to the need to provide extended unemployment benefits, it would seem to me to be painfully obvious that steps should also be taken to create jobs and stimulate our economy. If long-term unemployment is so high as to make our regular unemployment compensation system inadequate, is it not elementary that we need to create more jobs to bring unemployment down?

Working men and women want a paycheck not an unemployment check—and that it is what this emergency supplemental appropriations bill was all about. The purpose of this bill was to put people back to work.

Yesterday, a new battle cry arose from the other side of the aisle: "billions for unemployment, not one cent for jobs," to paraphrase Charles Cotesworth Pinckney, during the XYZ affair that occurred during the early part of our country's history, "billions for unemployment, not one cent for jobs." That is the positions our colleagues on the other side have taken.

The Republican side of the aisle has taken its best shot. They have offered their amendments. Those amendments have failed. Yet, they have chosen to continue gridlock and obstruction and have prevented the full Senate from acting on the President's plan.

Obstruction has no place in this body if one is seriously concerned about the country's future. Is the politics of nihilism going to reign here for the next 4 years? Is a determined minority going to deny this President a chance to enact his program? Are we going to see this kind of roadblock to progress thrown up again and again during this Presidency? Are we going to see mail-in cloture votes over and over again? And we will get around, I suppose, eventually to just calling them in on the phone, have cloture by telephone.

The President's effort to create jobs and stimulate our economy has been killed in the Senate. And I use the word "killed" for a reason. It would be misleading to say that the President's jobs bill has been defeated. It has not been, may I say to the press. The bill has not been defeated. It has not been voted on. That would imply that the jobs bill was voted down; that it was brought to a vote and defeated. The fact is that the President's jobs bill never even came to a vote. A determined minority has killed, murdered, without even a shotgun, killed the President's emergency jobs package in the Senate by preventing the Senate from voting on it.

So instead of a jobs bill, we will have an unemployment compensation bill. The minority has said "no" to jobs, but "yes" to public assistance for those on the unemployment rolls. The Federal deficit and the national debt will go up by $4 billion to pay for a program of extended unemployment benefits, but not one thin copper penny will be spent to create jobs and put people back to work. "Billions for unemployment, but not one cent for jobs"—that is the battle cry we hear from the other side of the aisle.

The minority has prevailed, but it has not won. For there is no victory in their killing of the President's jobs bill. Our economy is in trouble. Record numbers of Americans are today eligible for food stamps, Aid to Families with Dependent Children [AFDC], and Medicaid.

Our unemployment rate is higher today than it was at the trough of the recession. Nearly 9 million Americans are officially unemployed, with 1.8 million of that number having been out of work for more than 6 months. Another 1.1 million jobless Americans have become so discouraged that they have given up looking for work. They are no longer officially counted among the unemployed. To the statisticians, they have dropped out of sight. Yet, those real people still exist; they cannot be ignored. An additional 6.2 million men and women are able to find only part-time work. All told, more than 16 million Americans are either unemployed, underemployed, or so discouraged that they have stopped looking for work.

We have heard vast volumes of rhetoric about the deficit on this floor, despite the fact that the deficit is reduced in the President's overall budget, and despite the fact that this modest jobs bill has been paid for many times over.

We have heard dry dissertations on Republican economic theory and ivory tower economic rhetorical seminars on how unwise it is to spend money to put people back to work. We have strapped on the green eyeshades here on the Senate floor and focused with laser-beam attentiveness on the evils of spending. But what about the misery caused by not spending to create jobs? What about the human cost and the economic cost of sitting on our hands while this so-called economic recovery sputters to a standstill? Have we strapped the green eyeshades on so tightly that we have cut off the flow of blood to the brain? What will happen to the deficit if unemployment stays at its current level? What will happen to the deficit if more and more people require unemployment benefits and food stamps? It will rise, that is what will happen. These bloodless theories about the evils of the deficit ignore the fact that to continue to do nothing to put people to work in this Nation will have the very likely effect of increasing the deficit.

One of every ten Americans is today eligible for food stamps. That is a national disgrace. Week after week, we see more and more evidence that the American economy is slowing once again. Yet, those on the other side of the aisle deny that there is an economic emergency sufficient to justify taking any action to create jobs. No, while they are willing to declare an emergency and provide yet another round of extended unemployment benefits, they will do nothing to put people back to work.

I am deeply disappointed and disheartened by what has transpired in the Senate with regard to the President's emergency jobs bill. An obstructionist minority has used the rules of the Senate to effectively prevent this body from acting upon a key part of our new President's overall economic program. No victory has been won today. The American people and the American economy have lost. How often during the past decade did we hear it said, "A rising tide lifts all boats." After today's action by the Senate, I fear the tide is on the way out for millions of Americans. We can only hope that those poor souls who have fallen out of their boats do not get swept out to sea.

Sadly, politics has prevailed in the Senate today. Reason has been shunted aside. Looking back at all the press releases and public statements emanating from New Hampshire, Iowa, and other corners of America over the last few weeks, it now seems obvious that the President's efforts to forge a compromise on a stimulus package were doomed from the beginning. With the next Presidential election only 3½ years away, I suppose it would be naive to think that our new President's economic program might be given a chance to work.

Politics has prevailed today. Gridlock has returned to the Senate. I hope the obstructionists are not too gleeful. For, while they may think they have simply blocked one of the three main components of the President's economic program, what they have blocked is economic progress. While they think they have trashed the President's jobs bill, what they have really trashed is hope for millions of Americans—hope that gridlock will end; hope that the economy will improve and that this Nation can begin to recover from the do-nothing policies of the past 12 years. While the other side is busy congratulating each other on proving that they are a force to be reckoned with—and they are—they have only proved to the American people that they are the guardians of gridlock. So, while the champagne corks are popping on the other side of the aisle tonight, millions of Americans will open a can of beans and a box of soda crackers and wonder where they are going to find a job. Make no mistake about it, the hollowness of the so-called victory won today will not be lost on the American people. They will not forget.

Mr. President, I apologize to the leaders, and I thank them for their indulgence and their patience in allowing me to make these remarks before I state that I have no objection to the request.

Mr. DOLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, I have listened with great interest, as I always do, to the distinguished Senator from West Virginia. I will say that perhaps I have shared his frustrations sometimes in the past, but in this particular instance, I think there is a fundamental difference of philosophy that has brought us to this point.

With regard to the fact that we have agreed on the unemployment package, I would say that when the bill was before the Senate on March 3, 1993, 73 percent of the Republicans voted against that bill because it was not paid for, including this Senator; 23 percent of the Republicans voted for it.

Our view from the start has been we have had our fight on that issue and we lost. For that reason, we were willing from the start, willing a week ago, 2 weeks ago, to separate that package.

I would also add that there have been efforts to try to resolve some of the differences. And whether it was the amount of the package or the fact it was not paid for—well, those two things were the ones that we were concerned about. Some of my colleagues said, well, if you pay for it, the size of the package is not all that relevant. Others were just as determined that it ought to be cut radically, that that ought to be the paramount matter under discussion, not whether it was paid for. And others felt that they probably should just do the unemployment package, period.

But, in any event, after a number of meetings—and we had another meeting yet this afternoon—in an effort to address some of the concerns expressed by the President in the past few days, past 10 days, I did 30 minutes ago, 40 minutes ago, present to the distinguished majority leader, Senator MITCHELL, a modified alternative which differed from our package offered yesterday—which attracted four Democratic votes, I might add—by including the full amount of the President's request for summer jobs, $1 billion; $1 billion for highways; the President's full request for immunization, $300 million; plus $150 million for natural resources and $100 million for the Small Business Administration, for a total of $2.55 billion.

We also indicate, with the exception of the UI package, it would all be paid for with the reductions in agencies' administrative costs. And we also permit, under our modified proposal, reprogramming of the CDBG request, because there have been some concerns expressed that while there may be $8 billion available, there may be a shortage in some areas and maybe a surplus in others. So we recognized that and suggested maybe we should reprogram.

This Senator knows that we are going to be subjected to a lot of criticism from the President—have been already. In fact, today he said the Senator from Kansas did not want people to work and he wanted people to work. Well, I think that is a stretch.

My view is that we all want people to work. And we were very attentive to his concerns by including in this last offer the entire amount requested for summer jobs. We were also advised by experts, insofar as highways are concerned, that there is about $718 million that could create immediate jobs in highway maintenance.

Immunization did not create many jobs, I guess 250, but it was a matter of some concern and certainly is high on the President's priority list, so we tried to accommodate him there.

But, having said that, this Senator will repeat that there is a fundamental difference.

We have had our problems in the past when we were in the majority. And when we were in the minority the past 4 years, the past 6 years, I can recall a debate here, I guess, last year where certain Senators, a bipartisan group, wanted to explore for oil on the Alaska National Wildlife Reserve [ANWR] and it was filibustered successfully by a combination of Democrats and Republicans.

The point I make is that a filibuster is not always a partisan filibuster. It might be based on where we are from—geographic areas; it might be based on bipartisan opposition to a measure; and it might be, as in this case, based on pretty much party-line opposition to a proposal.

If that is gridlock, then it has been around for a long time. It has a new name, but it has been around for a long time. It has been used successfully by the distinguished chairman of the Appropriations Committee when he was the leader. It has been used successfully by this speaker, the Senator from Kansas, and successfully by the distinguished majority leader, Senator MITCHELL. So it is not that this suddenly just cropped up since the election.

I do not believe the American people understand legislative gridlock. They understand traffic jams. I am not certain they understand legislative gridlock. But they do understand when you are spending money and spending money and raising taxes and raising taxes—they understand that.

I know it does not come as any great surprise to anybody in this Chamber that there is not a great deal of confidence in the Congress in America. If you poll the American people about Congress, we would not be up very high. I think as individuals we would be up fairly high, but it is when we are together that the American people worry. And there have been polls on the executive branch and those numbers have been falling some, too.

So, notwithstanding that fact, I think most Americans—there may be some extreme partisans out there—most Americans want President Clinton to succeed. They want strong leadership. They hope they will have strong leadership from the President.

In my view, this is just a bad package. I told the President so a week after his inauguration. We talked about this package and he said it was not something that came up in the campaign. It was not even his idea, as I recall. It was suggested to him. He thought perhaps on the margins it might be helpful.

Is there any emergency in this package? Probably not. We could have the $8 billion unexpended in CDBG's, we have $1.4 billion in summer jobs. We have all this money out there that has not been expended. And we are told this is an emergency and, if we do not act, somehow we are depriving young children of immunization—as the President said at the Easter egg roll at the White House—we are depriving young people in the cities. We are accused—if any cities burn down this summer it will be the Republicans' fault. I guess we expect some of that. We do not accept it, but we expect some of that.

Having been on the floor several years now as Republican leader—and I appreciate that very much—I can recall times, time after time, when we were frustrated at not getting President Bush's economic package to a vote, and we made pretty much the same argument made by the distinguished Senator from West Virginia. We wanted our President to succeed and we want this President to succeed.

President Bush was blamed for the economy and lost the election because of the economy. And I guess no one will ever know, but if we had passed his economic program, things might have been different. Unemployment might be a lot lower today. There might be another occupant in the White House. But that is history. We cannot change that by what we say or what we do.

Finally, I would say this. This may be considered by some to be major legislation. It is important legislation, it is significant legislation, but in my view, if in fact this is the end of this package, it is just a bump in the road for President Clinton. He will be coming up here time after time after time with programs, looking, I hope, for bipartisan support. Maybe it is going to be the North American Free-Trade

Agreement, where we believe Republicans will be there with him. Maybe it is to deal with something else, some other domestic program or some foreign policy program where we believe that Republicans will be there, responsibly supporting what he suggests. So I hope the President will not think this is a finality, this is the end, and that Republicans cannot be expected to cooperate. I think that would be a big mistake.

Finally, I appreciate the majority leader's willingness to cooperate. We have been talking back and forth here for several days. But I think, as he concluded, there comes a time when you have to decide it is not going to work, it is not going to happen. He presented to me earlier today a proposal, a possible compromise. As I said, I met with 10 of my colleagues for about an hour late this afternoon and then submitted an alternative to the distinguished majority leader.

So in the view of this Senator, this is just one step. I will even share the expression used by my friend from West Virginia. I hate to use the word "kill," but I have had some of my legislation, the legislation of President Bush or President Reagan, killed.

I hope the President does not assume this is a defeat. It is not a victory—somewhere in there, somewhere. But the bottom line is we may not be right anymore this year. This may be the last time Republicans are ever going to be right on anything. But if I am any judge, I think the American people are supporting our position when it comes to this package. I say that based on what I have heard, not only from the far corners of New Hampshire and Iowa, but from other States like Ohio and Connecticut and Vermont and Kansas and other States that I have had the pleasure of visiting this past couple of weeks. These were not all Republican meetings. They were public gatherings. Maybe it is not deserved, but most people I talked to tell you one thing: Cut spending first. Cut spending first and do not raise my taxes. They are concerned about what they saw in the so-called economic package. They are concerned about new spending.

It seems to me we have made the right judgment. This time we prevailed, the minority prevailed. The minority does have rights. We do have rights in the Senate and there has been no stronger defender of those rights than the distinguished Senator from West Virginia. So I do not think anybody misunderstands that we are exercising our rights.

To some, we have made a mistake. But, in my view, the majority will say we did the right thing. And if the President tomorrow or next week can demonstrate to us that additional funds are needed, and if they are paid for in some of these programs, he will have the broad support of the Republicans on this side of the aisle.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

If not, H.R. 1335, as amended, is passed.

The motion to reconsider that vote is laid upon the table.

The bill (H.R. 1335), as amended, was read the third time and passed as follows:

Resolved, That the bill from the House of Representatives (H.R. 1335) entitled "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

DEPARTMENT OF LABOR

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I disagree with much of what my friend and colleague has said, but I do agree that there is a fundamental difference in philosophy that has been demonstrated in this debate and the controversy over this bill. And that fundamental difference is whether we are to do nothing to deal with the problems confronting our country or whether we are to do something about them.

The view expressed by our colleagues is that the recession is over, the recovery is here, we should do nothing. Things are fine, let us do nothing.

Our approach is fundamentally different. We believe that with 15 million Americans unemployed or underemployed, with serious economic problems facing our country, we should—indeed we must—do something. President Clinton was elected to change the economic policies this country has been pursuing.

There was vigorous debate and disagreement during that election campaign and the result is history. The American people voted to change the economic policies of their Government. And that is what the legislation here represents.

Our colleagues do not want to change the economic policies of recent years. They wish to continue the policy of doing nothing.

That is the fundamental difference. Do the American people want their Government to do nothing? Do they believe that the economy is in good shape and things are fine? Or do they want their Government to do something, create jobs to get the economy moving again?

Let me address, if I might, the concerns that this program was not paid for and that we must cut spending first.

The President presented a budget and the Senate adopted a resolution which is, in most respects, embracing of the President's budget that calls for a reduction in expenditures by the Federal Government over the next 5 years of some $330 billion. That is in four major areas: Defense spending is down; spending in mandatory programs, like Medicare and Medicaid, is down; spending in discretionary domestic programs is down; and spending to service the national debt is down.

The President also called for increases in spending in some important areas, including this jobs bill, totaling $125 billion over 5 years.

The net effect of the President's budget, as contained in the resolution adopted by the Senate a few weeks ago, is to reduce spending by a net of $205 billion. Every single Republican Senator voted against that resolution which would have reduced the deficit, reduced spending by a net of $205 billion, and when the additional revenues are added, every penny of which will go to reducing the deficit, cut the deficit by some $480 billion over 5 years.

And so one may ask: Where was the concern for reducing spending and for cutting the deficit when we were voting on the budget resolution? This program is fully paid for in the President's overall budget and economic program. It is not paid for within the confines of this bill itself, and that is the approach being taken to pick the President's program apart piece by piece by taking each item in isolation and out of context to create an impression that contradicts the whole.

With respect to the offers, Mr. President, I think it is probably useful, and I believe the Republican leader would have no objection, if I ask that the two documents be printed in the RECORD. One is entitled "Possible Compromise." This was the proposal I made to Senator DOLE 5 or 6 hours ago. And the second is entitled "Alternative," and this is the one he made to me about an hour ago.

I ask unanimous consent to print those two documents in the RECORD.

There being no objection, the proposals were ordered to be printed in the RECORD, as follows:

POSSIBLE COMPROMISE

(Mitchell)

	Budget authority/Obligation	Offset
UI	4.0	No Offset
Highways	2.9	Do.
Other job programs	6.0	[1] $5 billion Offset
Total	12.9	

[1] $5 billion offset comprised of 0.51 percent 1993 across-the-board cut for $2.8 billion in savings, and $2.2 billion of 1995 outlays included under the 1995 cap.

Alternative
(Dole proposal)

Retains Unemployment Extension and provide for the following programs:

	In millions
Highways	$1.000
Summer Jobs	1.000
Immunization	.300
Natural Resources	.150
SBA	.100
	2.5

With the exception of UI, entire package paid for with reductions in agency administrative costs.

Permit reprogramming of CDBG money if requested.

Mr. MITCHELL. Mr. President, I will say that in the possible compromise in behalf of the President, all of the spending, other than unemployment insurance and highway trust fund program, amounted to $6 billion, and we proposed that it be offset by $5 billion in cuts. So even beyond the fact that the President's budget has spending cuts in the net of more than $200 billion, we offered to meet the objection to this bill by going, with respect to programs other than unemployment insurance and highway, five-sixths of the way. That was rejected and the alternative was presented to me which we rejected.

Mr. President, a jobs stimulus bill is not new in America and not new in this Senate. Ten years ago last month when Ronald Reagan was President, the Senate voted on a jobs stimulus bill that is strikingly similar to the bill we are considering right now; $15 billion as opposed to $16 billion, and many of the contents of the bill were the same, and most of the Republican Senators voted for that bill when Ronald Reagan was President. If it is such a bad idea when Bill Clinton is President, why was it such a good idea when Ronald Reagan was President?

Mr. President, this is a defeat, not for President Clinton but for the American people and for the American economy. I believe the effects will be felt in an unfortunate and adverse way. I respect the results of the Senate under its rules. I do not agree with those rules. I propose to change them, but will not be able to do so because our colleagues oppose such changes. But as of now, they clearly are acting within the rules and have achieved this result. That is regrettable, but we will be back. We are not going to give up on trying to find jobs for young people. We are not going to give up on immunizing children who need immunization. We are not going to give up on the other things that are in this bill that we think are important to the future of our country.

This is a defeat for the American people, but I hope and believe that it is a temporary defeat.

Mr. President, I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Mr. SARBANES. Mr. President, this is a sad day for the American people, a very sad day. I deeply regret that this jobs bill has now gone down because of the obstructionist tactics of the Republican minority in this body.

I want to be very clear as to what happened. A minority used the Senate's rules to prevent the majority from working its will. I do not deny that Senate rules allow this, although my own view is the spirit of the Senate rules is being abused by the constant and repeated use of the filibuster to prevent the majority from moving forward. The filibuster rule, which in effect requires 60 Members of the Senate to vote, in other words an extraordinary majority of the body to vote in effect to cut off debate or cut off amendments in order to get to a measure, is an extraordinary procedure and it has been used relatively rarely over the history of the Senate until recent times.

It has now become sort of a standard operating technique and has already been used by the minority in this country more than once simply to say that unless the legislation is written to our specifications, we are not going to allow you to consider the legislation; we are not even going to allow you to get to the legislation unless you frame it to satisfy our requirements. This is the minority talking, not the majority of the institution.

I know the other side thinks the recession is over. They think there are no economic problems out in the countryside. They think everything is fine and dandy. Let me tell you, Mr. President, the unemployment rate today is higher than it was at the bottom of this recession. Twenty-four months ago was the trough of the recession. The unemployment rate was 6.8 percent then. It is 7 percent today.

This so-called recovery is a jobs recession. We have not recovered the jobs that were lost in the course of this recession. We are struggling to try to get those jobs back, and the President put forward this jobs bill in order to give an opportunity to put Americans to work; a bill which included the summer youth jobs program, important transportation infrastructure, highway programs, mass transit programs, programs to address the updating, and the modernizing of veterans hospitals which is sorely needed to improve veterans' health care and, at the same time, creates jobs—construction of wastewater treatment facilities; other environmental measures; Head Start, Chapter 1; in other words, a whole range of programs that would put people to work and at the same time accomplish important national objectives.

Clearly, there was a majority within this institution for this program. If we had been allowed to vote on it, we would have passed it. We have been frustrated now for 12 days on this legislation, both before the recess and after the recess. We have been blocked from considering legislation to put people back to work.

Then the other side says: "Well, this bill is not paid for." Mr. President, this bill, in the context of the President's program, which included the budget resolution as well, has been paid for many times over. The budget resolution has 330 billion dollars' worth of spending cuts in it. It contains 125 billion dollars' worth of spending additions including the original jobs bill which was before us, leaving a net reduction in spending of $205 billion. Let me repeat that. The President's program included a net reduction of spending of over $200 billion taking into account this jobs bill.

So, first of all, it is not accurate or correct to say that this is spending without any offsets. The offsets are to be found in the budget resolution which the Congress has passed and which the other side, the Republicans, voted against. They voted against the budget resolution that contains in it close to 500 billion dollars' worth of deficit reduction.

When Ronald Reagan was President and the Republicans controlled the Senate, Reagan sent to this body more than once supplemental appropriations bills, bills that were not paid for. The Democratic minority had numbers sufficient at that time to block the consideration of that legislation, which then-President Reagan said was an important part of his program. We did not do that. We allowed a vote to take place on those measures. We allowed the President to get a vote on his proposal. Of course, some people voted against it when it came up, but we allowed a vote.

That was denied to President Clinton in this instance by the Republican minority. They have denied to the President an essential part of his overall economic package. There are millions and millions of Americans who are going to suffer as a consequence of this, millions of Americans whose opportunities would have been enhanced and whose economic fortunes would have been improved.

I have listened to the debate carefully throughout the 12 days we have had this legislation before us. The President twice came back and said, well, I appreciate this resistance. I understand the rules of the Senate which allow the Republican minority to in effect take this special procedure ordinarily reserved for very limited use and make it a tool of party politics.

That is what is happening now with this filibuster procedure.

So the President offered to trim his package. His offer met with no response from the other side. The President offered to compromise, but the other side would not. The President came down and essentially, the other side would not budge.

So there has not been, in my judgment, any real effort to try to accommodate the President. The other side even makes fun of the very program that they put into the law, the community development block grants. The mayors were asked to list projects that could be done in a hurry, to get jobs that needed to be done, and they had a big thick book of various projects they could do. The other side went through it, and they tried to extract out of it those projects they thought they could make fun of and proceeded to do so.

Now, the community development block grant was put in by the Republicans. It was the Republicans who wanted to give the mayors and the Governors the discretion to develop at the local level the programs that they thought were most needed in their communities. And it was under President Reagan that up-front review in Washington by the Department of Housing and Urban Development was eliminated from the procedure. So they are the ones who wanted local initiative and local discretion on those programs.

Most of those programs have worked extremely well. There are requirements that they have to be focused in low- and moderate-income neighborhoods. They are essential to mayors all across the country in trying to deal with their problems.

The President has in his revised program a proposal to put more policemen on the streets of the country; a Federal assistance program in order to address the safety on the streets problem by providing grants for the hiring of additional police. That goes down with what has happened today.

The ability of the Small Business Administration to respond to requests for loans has now been severely undercut. The very small business sector which is such an important engine of economic growth in our economy is not going to be able to draw on the programs of the Small Business Administration.

The President had a defense conversion and a high-technology component to his job bill. That is now set aside, and our opportunity to address the defense-conversion issue and the high-technology issue has been lost.

Mr. President, the President carefully worked through a whole series of measures. I think we can show that virtually every one of them is essential to the future strength of the economy. They are needed to address pressing issues, economic and social issues. They would have contributed jobs and contributed to economic growth. They have now been set aside as a result of the tactics employed by a minority of the Members of this institution, tactics used to prevent a vote from taking place on the President's proposal.

In other words, we were precluded from even getting to the jobs bill so we could vote on it. In effect, the minority said, unless the majority does it exactly the way we want to do it, nothing will happen. And nothing has happened.

I am sure we will have an opportunity in the weeks and months ahead to come to develop these various programs because we are going to be able to point to the deficiencies that exist in our economic and social fabric which these programs would have addressed and the difference these programs would have made in the lives of people all across this country, in community after community.

The unemployment rate today is higher than it was in the trough of the recession. We have recovered only about 50 percent of the jobs that have been lost. In every previous recession at this point we had recovered not only all the jobs that had been lost but had gone on to create many more jobs as well. There clearly continues to be a jobs problem. Yet, my Republican colleagues refuse to recognize that. They refuse to recognize that there is still a jobs problem out across the country. They recognize it to the extent that they will allow us to have the extension of the unemployment insurance benefits program, but no programs to put people back to work. We will extend the program to pay the benefits of the people who are out of work. You almost have to do that, otherwise these people fall completely off the shelf. Working people lose their job through no fault of their own and then do not know how they are going to be able to support their family and meet their house and car payments, and put food on the table. So, at least we are getting that program. But we are not getting any of the programs that create jobs and actually put people to work and give the economy some impetus so it can pick up and start moving and start hiring people again.

They say, these are public sector jobs. Are they public sector jobs? In my State, when they do highway contracts, they are done by highway contractors. The contract is put out by the public, but the work is done by private contractors. And the same thing is true of many of these jobs. The rehabilitation of the veterans' hospitals that would have taken place under this proposal would be done by private contractors, by people working in the private sector. They would have had to add on more people in order to do the work.

(Mrs. FEINSTEIN assumed the chair.)

Mr. SARBANES. There is a mix here of these programs, but all of them are designed to address pressing economic and social needs, and to put our people back to work.

This economic downturn is not over. I know the other side of the aisle thinks it is over. They said that all through the campaign. They never recognized that there was an economic problem. There is an economic problem, and there continues to be an economic problem. We need to address that economic problem, and the new President ought to have a chance to put his comprehensive approach into place to try to deal with it.

If he can put it into place and it does not work, it is his responsibility, and the responsibility of those of us here who supported him in trying to do that. But he has been denied that opportunity. And because he has been denied that opportunity, Madam President, in my view, the burden for the economic difficulties that I foresee lying ahead of us rests upon those who have thwarted the President from putting his program into place. The President was prepared to be held accountable. He went to the American people and said "I have a program, and this is my program in its entirety." He also said, "I need all elements of this program in order make it work." You cannot take a piece of it here and deny a piece of it over there and still expect to solve our pressing economic problems.

The President has fitted it all together as a comprehensive economic strategy. And the President was prepared, and those of us supporting him, to say with a lot of risks—because there is no guarantee in this business as to how things are going to work out in the economy—that he was prepared to be held accountable; in effect, to say if you give me my program essentially as I have submitted it, I am prepared to be held accountable for what the economic consequences will be. If it does not work, then we misjudged what was necessary, and we can be faulted for it. If it works, then on would have to say that our judgment about what ought to be done hit the mark, and the improvements that have resulted are the consequence of our program.

That accountability has been thwarted. The accountability the President was prepared to assume has been thwarted by the Republican minority who in effect said, no, we are not going to give you an important piece of your program. We are not going to let you vote on it. We never expected they would vote for it if we could get to a vote. All we wanted to do was get to a vote on the measure.

Just as in the first term of the Reagan administration when President Reagan sent supplemental appropriation bills to the Congress, we, the Democrats, then a minority of this body, did not thwart a vote on those measures. Some people voted against them. The other side had the burden of carrying them, which they did, but they were able to get to a vote. That has been denied to President Clinton by what has occurred over the last 12 days in this body—a practice now that is becoming more and more frequent. It was used 48 times in the last Congress.

Before we took up this bill, we took up the motor-voter bill, a bill which in the context of voter registration, is an important piece of legislation.

But in the overall context of the problems facing the country, the economic problems, the health care problems, and so forth, in my judgment, is not an issue that rises to the same level in terms of its importance. I do not want to minimize it within the context of the issue of voter participation in the election which is of course an important issue, but the economic issues and health issues are pressing in on the country. The filibuster was used on the motor-voter bill. The Republican minority said if you do not write the motor-voter bill the way we want it written, we are not going to allow you to vote on it. We are not going to allow you to get to the bill in order to vote on it.

Exactly the same tactic happened here. Who knows what is down the road? Obviously, a repeat performance lies down the road.

So, in effect, the Republican minority is saying we are going to reinstitute obstructionism in the consideration of legislative programs. We are not going to criticize them, point out their defects, try to change them and vote against them. We are going to keep you from even getting to them. We are not going to let you vote on them.

Mr. President, we are not going to give you a chance to have the Senate support or defeat, as the case may be, a major component of your economic program.

So the job bill now goes down. We get the unemployment insurance only. We do not get the Summer Youth Jobs Program. We do not get the transportation infrastructure projects, highway projects, and mass transit projects, matters really needed for the economic future of the country. We do not get the wastewater treatment facilities. We do not get assistance to small business through the SBA loans. We do not get some of these important programs with very important social objectives, like childhood immunization. We are lagging behind all of the advanced countries in immunization.

The President wanted to do an immunization program, and that has been denied. The President wanted to do programs to deal with AIDS, the Ryan White program; and that has been denied. The President wanted to do some advances with respect to housing, trying to meet housing needs of our people; and that has been denied. The President wanted to do programs to modernize and upgrade our technology to face the challenge of the future; and that has been denied by the Republican minority, denied again and again.

The Republicans have been denying the opportunity to make a change. The country wants change, but change is not easy. Change is difficult to come by. This President has put forth a major program to accomplish change. He has put forth the program to bring down the deficit. He has put forth a program to invest in our future. And he put forth a program to give some stimulus to the economy and to restore jobs and get our economy moving again. The Republican minority pulled the plug on this stimulus and economic growth.

I do not know what tea leaves they are reading. The current economic growth is inadequate. It has not restored jobs in the country. Retail sales were down last month. People are worried about the indicators. There is a lot of concern about where the economy is going. They denied the President this job program to help give the economy a boost, a desperately needed boost in my opinion.

Madam President, I think as we work through these programs in the weeks to come, people will come to appreciate the opportunity that were denied to them in terms of the economic reinvigoration of the economy and in terms of addressing pressing economic and social needs in our country.

We are going into the summer. Many of these programs were essential to address problems that would occur in the summer in many communities across this country. Small business people are going to find when they go to the SBA, the window is going to be closed. The window is going to be closed, and they will not even be able to get their applications for loans considered because this program has not moved through.

So, it is a sad day for the country. The Republican minority has used these rules in a way that thwarts and frustrates efforts to move the country ahead. The losers in this situation in the last analysis are not the President and not the Democratic majority in the Senate, both of whom are always prepared to assume their responsibility. We were prepared to vote and be held accountable for it. In the ultimate analysis, we are not the losers.

The losers are the American people. The losers will be found in communities all across the country, who have been denied the economic boost and the momentum that would have come from this very important piece of legislation.

It is very interesting. The situation has reversed when there was a Republican President and a Republican majority in this institution. We allowed them—we being the Democratic minority—to get the votes on their measures. They were able then to carry the votes. They were in the majority. It was, in a sense, their responsibility. We allowed them to get to vote on the measure. We were never allowed in this instance to vote on the President's measure.

Ronald Reagan sent supplemental appropriations bills up here in his first term. Votes were held on those and they passed. But President Clinton was denied even the opportunity to have a vote on his proposal. Forty-three Republicans signed a letter weeks ago, which said we are not going to allow you to get to a vote on this measure. You have to rework this measure to meet our specifications, or you are not even going to get to a vote on it.

That is the kind of constraint and obstruction and impediment that has been imposed on this institution. I deeply regret it, primarily for the American people, who are the ones who will suffer most because of the actions of my colleagues on the Republican side of the aisle.

I yield the floor.

Mr. SIMPSON. Madam President, I, too, have been observing this activity for many days, as have, I hope, the American people. I want to commend the majority leader for his thoughtful effort to resolve this matter and, of course, our extraordinarily capable leader, Senator DOLE. I commend Senator BYRD, who is our instructor and our mentor. When he speaks on these issues with regard to budget matters, all of us listen attentively.

It has been a long process. I want to enter into the RECORD how long it has been and who took most of the time. We have spent approximately now 47, 48 hours on this issue. The Democrats have consumed 26 hours and 21 minutes. The Republicans have consumed 13 hours and 13 minutes. Who is fooling whom? And the reason that is so out of proportion is because we were unable to enter the amending process.

I understand that, and no one understands it more clearly than my friend from West Virginia. He has taught me much, assisted me when I served a time as Acting Republican Leader, and certainly in my duties as Assistant Republican Leader. We have had 13 days of consideration. We have had 20 rollcall votes in relation to this bill, and it all began on March 25. As I say, how can it be possible to even suggest that the Republicans were doing the filibustering when the Democrats used twice as much time?

That is not my understanding of the word "filibuster." Everyone is entitled to their own opinion, but no one is entitled to their own facts.

Gridlock. I have heard that expression, and I heard it again today. I just gave the statistics from the front desk as to who has used how much time in this debate. Now let me give you the data from the Daily Digest as to whether we are involved in gridlock in this country, in this Congress, and whether the Republicans are involved in it. The Daily Digest tells us that the Senate has passed 102 measures since the convening of the 103d Congress. I think that is pretty good work. I think the American people ought to recognize that as pretty good work—highly bipartisan good work.

GEORGE MITCHELL, the majority leader, and BOB DOLE, the Republican leader, do work together and work together very well in an atmosphere of both trust and partisanship. That is what this is about—partisanship. The body has always been about partisanship. But we have now had 102 measures passed since the convening of the 103d Congress. That is not gridlock in any sense.

I have legislated now for nearly 30 years, sometimes as a citizen legislator, now full time. And I know my friend from Maryland has been a State legislator, and the Senator from West Virginia has been a State legislator. There is where we learned our craft, I feel. In that learning experience, there is one thing you must never forget, and you only forget it when you get arrogant or you get into the majority. And I have been in the majority and I have been in the minority, and it is more fun in the majority.

But there is a wonderful thing that you never, ever, ever want to forget, and that is: Be careful. I will put it in the most delicate terms: Be careful when you get in a fanny-kicking contest, because if you legislate, eventually it will be like that old Rube Goldberg cartoon of the great wheel, with shoes and boots on it and you just spin it, because you can do something to somebody when you are in the majority, and it will come back and hit you in the rump with a velocity that was unanticipated.

So as I listened to my friend from Maryland, who is a very bright, thoughtful, hard-working legislator, who has been a lovely friend of mine, and is, I thought to myself with a sense of irony and some fascination, that I watched the Senator from Maryland [Mr. SARBANES], the Senator from Tennessee [Mr. SASSER], and the Senator from Michigan [Mr. RIEGLE], day after day after day in this Chamber, dissembling the policies of George Bush—a drumfire of ridicule, opprobrium, sarcasm—a drumfire that absolutely sounded like one of the Scotch tattoos out on the heather.

Nothing was supposed to work. Whatever did work was ridiculed, and many of the policies of George Bush simply languished in committees controlled by the Democratic Party, with a standard rule: Do not let him get that one, because if he does, he might get reelected. So we will stiff him here and we will stiff him there, and we will go to the floor and do everything we can, day after day after day—that triumvirate that I speak of.

I understand that fully.

I must say that I had another surge of the irony that goes with the game, if you stay in it long enough. As I say, I have done it 30 years, and I have taken my lumps. It is a contact sport. I enjoy it because I am a legislator. I did not come here to defeat Presidents. I came here to legislate. I like that. Legislating is very dry work, if done correctly. And you take on issues that are fraught with emotion, fear, guilt, and racism, and try to do your level best.

Interestingly enough, during those times I have had remarkable support from the Senator from West Virginia, especially in immigration, and from the Senator from Maryland, who added a great deal of thoughtful instruction in that debate and other debates in things I have been involved in, the Clean Air Act, Superfund, and so much more. That is what we are supposed to be here for.

We are not supposed to be here to cut ribbons, to be President or Vice President or whatever else. We are supposed to be here to legislate, govern, help the American people, and pass the laws in a way that, hopefully, is understandable to them.

I sat in this Chamber—if you want to pick up one issue, Madam President, that was totally and continually denied to President Bush with relish by, especially, my friend from Maryland—capital gains. What would have been the result if we had been able to pass capital gains tax relief? It would have released billions into the economy. And we had the votes, always had the votes. We knew exactly how many Democrats were going to vote for that package, and we knew exactly how many Republicans were going to vote for that package. The percentages might have changed. Were we ever able to get that to a vote? The answer is "No, never."

So to hear that plaintive kind of a keening wail with regard to how terrible this is, I can only conjecture what might have been. "Of all sad words of tongue or pen, the saddest are these, 'It might have been.'" And the Senator from West Virginia will know exactly where that quote came from.

So the capital gains tax languished here for years under a Republican President and a Republican-controlled Senate thanks to that side of the aisle. We had about 16 Democratic votes for that package always, 15, 16, 18, and it never saw the light of day.

Now that is called hardball. That is called politics, and we understood it. On the balanced budget amendments, line-item veto, votes were always there but always the books were cooked so that you never could get to a vote. They understand that. We understand it. The trouble is the American people do not understand it.

So what were we doing here? What is this exercise? The Senator from Maryland says that we will be accountable. Indeed we will be accountable, and indeed the President of the United States will be accountable without any question. Indeed he will.

So, what was presented to us in the budget resolution? The budget of the President of the United States seems terribly different from what I remember the campaign to be about. We lost the campaign. We will take judicial notice of that fact—done. And the reason we lost, we thought, was because the American people were saying cut spending and no new taxes, and no taxes at least on the middle class because that was the "promise of promises."

Well, from the "promise of promises" we now have taxes in this package of $273 billion in 5 years, an energy tax which will reach into the home of every single citizen, and some plenty hard. And now on April 15 we have been advised, I guess in the form of a trial balloon, which looked more like a lead zeppelin, that we would consider a value-added tax, which is the most regressive tax that can ever be levied. It is hard to deal with, hard to define, but easy to find out who pays the bill. The consumer has two choices by the time it has been through five different value-added steps—either buy the product at a lot more than he or she would have or pay it.

So that was a present for us on April 15, the value-added tax, which is not being well received by some on that side of the aisle any more than it is here because it raises extraordinary amounts of money but will stall a country in its systems.

So when we came to this—and then, of course, remember, too, that there was additional spending in the package of $124 billion.

That is what the President gave us in the budget resolution. When the Republicans were asked if you do not have anything to add to this, give us an alternative, we did. And Senator BROWN presented a remarkable plan which he crafted. It had some hard, tough decisions, and that was voted down completely by those on the other side of the aisle.

During my time here in the Senate, in the 14 years—I believe the Senator from Maryland referred to times when we were here and things occurred and they never halted us from going forward with proposals, allowing votes. I remember one remarkable string where I think we had about 47 straight motions to table our activities, whatever they were, 47. I think it was a grand record. So, yes, we got our votes and then we got them in a way which was tailored by the majority. That is the way it works. I understand that, too.

But the election was about no new taxes and cutting spending, and that was the pitch that was presented on that side of the aisle. It apparently had a good ring and it prevailed, and that is that. Now we have to make the country try to work.

And I can assure you we are helping to do that when we have helped pass 102 measures since the convening of the 103d Congress. But with the jobs bill, as this is called, we know the mantra of President Clinton—jobs, jobs, jobs. I hope he can get there, but I do not think he will really probably match Ronald Reagan and George Bush, who gave us 19 million new jobs in those 12 years. That is a correct figure which is easily found with the Secretary of Commerce and others who deal with those statistics. Under Reagan and Bush there were 19 million new jobs created in our society.

So in 1983, when we did that package on jobs, and the President, President Reagan, presented it, yes, there were Democrats who supported that, and certainly there were Republicans who supported it, and I think we spent $5 billion on it. And then remember, though, what happened. Back came the GAO report, back came some other reports. I do not remember which groups. Interest groups and agencies got into the tabulation. But it was found that for that $5 billion we got 35,000 more jobs, 35,000 jobs for a $5 billion price tag.

I listed that one under lessons learned, and we have all heard during this debate over the past 13 legislative days how much these jobs are going to cost. I heard figures range from $30,000 to $60,000 administrative costs, and so on.

So I would have thought that, for the $5 billion we poured down that trail in 1983 and got 35,000 jobs, it was determined that it was money not well spent, nor will this be.

But let us recall what these Republican "rascals" just presented to the majority leader as our package. Our offer was that we will do these things and we will pay for it. I know that is an unheard of thing within the confines of the beltway, but it nevertheless is not unheard of outside of the beltway.

All of us have gone home in the last 2 weeks, and I can tell you that in my State people are saying, "Cut spending, Simpson. That is what you are supposed to be about. And why in the world am I going to end up paying 200 to 400 bucks per year per capita on an energy tax in a State that is the energy State with the No. 1 producer of coal?"

The Senator from West Virginia represents a very formidable producer of coal, second or third to the State I represent, and the energy tax is going to impact his constituents in a way, and proportionally more than any other tax could ever hit someone in West Virginia or Pennsylvania or Kentucky. Now that is the way that is.

The value-added tax, again, does not have any ability to adjust for progressivity. They cannot get there. And then to hear during the debate the issue of "people now will be out on the street after this activity," that really strains all the credibility that I can envision.

How about the people who are going to be out on the street because of the President's actions with the defense budget? Hundreds of thousands of people will be out on the street, and those are just the military people. Then add that to the civilian population of every base in the United States, which is often a support system of a third or a half or 50 percent of the military, add that to every single National Guard unit, every reservist, and you really are talking about people out in the street. Now that is what is coming there.

Oh, yes, there have been discussions about what to do there. But that is the reality of what is coming; and it cannot miss but come.

And to hear the discussion of how people will fall off the shelf, to hear that these "rascal Republicans" have done this dastardly deed and inflicted it upon the country, I do not look upon this as "win or lose."

There will be a lot more things where I will be supporting Presidents, including President Clinton than I will ever not be supporting, and I have proved that up in lots of years of legislating.

Bring out the Russian aid bill and watch some thoughtful work by Republicans. Bring up the North American Free Trade Agreement—and I hope we can get that—I am right with the President and Secretary Bentsen on that one. You will find a lot of Republican help on that one.

It is unfortunate, and perhaps it is the media, too, who must—I think someone has to ascribe some comment to the only unaccountable branch in society, which is the media, who described this thing for 2 weeks as if this was the most vital thing that had ever been performed in a legislative body. What babble! This is a little tiny chunk of a huge plateful of stuff that we will deal with. But because we have been out of town for 2 weeks, you would think that this was the lever that would move the Earth.

Well, it is not about win or lose. I do not know how it will be reported. I suppose the headlines will be "Great Crushing Loss for the President." I would certainly tell him not to lose too much sleep about that; none at all, in fact.

It is not some great crushing loss. It is all something that has been whacked out of proportion, simply because if you leave town long enough they only have so much to chew on. And then it is like bear meat, the more you chew it, the bigger it gets.

So I hope we will not hear too much about the "horror" of what has occurred. And it should not be that we put things on the basis of "win or lose."

The President has discussed things with Senator DOLE, our leader, and he has told us in my presence and has told me, "We want to work with you. I like working with the minority. I did that when I was Governor of Arkansas."

Hillary Clinton, whom I admire greatly and who knows the glossary of terms in health care better than many I have dealt with—and I am learning and have learned and will continue to try to help on that issue—spoke to our Republican Senators in a very adept performance that was authentic, and said, "I will be counting on you to help and I will be looking for your counsel." And then the phone never rang for 3 weeks.

Or the President, telling Senator DOLE and me and others, "I will be counting on you to help in a bipartisan way, to help do what we need to do to make our country work." And we said, "Great. We'll look forward to that." And the phone never rang.

Now, when I say that, I am not speaking as a person who is pouting. We are not off in the corner sucking our thumbs because we have not had a call. But we are saying, "Why don't you just spare us that?" It did get our hopes up and we were dashed there lightly—that is different than pouting. But rather don't say anything to us, just say, "Look, we are going to tough it out and do it ourselves and if we want anything out of you, we will call you." That would be better than saying, "We want you to participate" and then not call us to be involved.

But I noted, interestingly enough, that Senator CHAFEE and, I believe, Senator PACKWOOD and others participated in a recent meeting with the First Lady and her group, and that is very important. We can get a health care bill that is bipartisan without question. And if we do not have a bipartisan bill we will not have a health care bill. Not that we will be dragging our feet. No one, none of us, will know where to go.

We have 600 bills on health care and only 535 of us in both bodies, which means a lot of people have covered themselves twice, being able to go home and say, "I have a health care bill. Magnificent; what a thing."

Of course, they do not tell you how to pay for it. They do not tell you anything more about it at all. "Don't want to irritate the Chamber or AFL–CIO."

We have hard work to do. We have to whack on the AARP. Everybody ready for that? I am. We are going to have to do that; going to have to whack on some of these groups; going to have to whack on the veterans' groups who have a health care system that is going to have to be completely reviewed in this system, as we support the veterans $35 billion a year. That is what we do right here and we do it very genially and very generously.

So those are some things I just wanted to share, as I hear the plaintive cry.

But remember what the Republicans had just proposed when the whole operation shut down. We proposed the entire unemployment extension package; you bet, and many of us voted for that. I have heard that go up.

And the only reason that those who voted against it voted against it was because it was not paid for. And we said, "Run up the unemployment extension thing again and pay for it and you will have an unanimous vote out of us."

But even without that, 10 Republicans supported the unemployment extension even if it was not paid for. So I hope we can lay that one to rest—and we will, because that is a fundamental difference.

You heard our Republican leader state it, and you heard the majority leader state it. There is a fundamental difference. Ours comes from a more painful exercise. Ours comes from the fact that on November 3 we lost, and we lost on the basis of no new taxes and cut spending. And we have seen that completely subverted in these last days—completely turned on its head. And not only with what is coming in the form of energy taxes.

Forget the rich. You could confiscate everything they have, all of it, take it away and just forget taxing them, take it, take every yacht, every villa, every ranch, every stock certificate, and that will run the country for 6 months. That is only $750 billion. And that is the Walton family, and that is Warren Buffett, and that is every little thing you can get your hands on. You pick the list: Fortune 500, Barron's, Forbes—take it all, run the country for 6 months because it is only about—only?—$750 billion at the most and I am being quite genial. I think all of the Wal-Mart family is probably $5.2 billion.

So we have to go through these class warfare discussions in here—the poor, wretched people of the country. Let me tell you, this is a pretty significant country. If I had my way, everybody in the country ought to put $5 into the kitty every year, regardless of their net worth or their income, just to let people know that for the price of a movie ticket or two packs of cigarettes they are in the game. That would raise a few bucks: $5, from every American citizen regardless of where they are in the system.

Oh, we would hear the debate, "I could not afford $5." For Lord's sake, within the support systems we have established for them? And the irony that in this budget is an increase in food stamps because we know that people will go out of work by the policies of the President—boy, that is covering every base. I mean, they really are a sharp bunch there. They are getting it together swiftly.

But, in the course of it, if this whole thing is about jobs, jobs, jobs, jobs, then we will be watching closely to see what we do with Superfund, which if we do not correct will just put millions of people out of work because of joint and several liability. It does not work.

What are we going to do with the defense people that are out of work? What are we going to do with the people who build ships? What are we going to do with the luxury tax? We have done all this. I have been in it, the Senator from Maryland has been in it, the Senator from West Virginia has been in it.

Let us just remember what the last offer was before the blame-placing started. It is a wonderful place to work. It matters not what you do as long as you learn how to place the blame.

So, before the "rascals," evil Republicans who did this terrible thing—which of course in my conjecture, it seems to me now that the theme will be that we defeated this and therefore, 6 months from now if not as many people are working or something has gone awry, it will be because of this singular day, April 21, that Republicans who had just offered $6.5 billion in a package versus the Democrats $12.9 billion, suddenly brought down the Earth. While the deficit is $310 billion, and the debt which we just raised is $4.370 trillion, and somehow this will be the divining, defining time in our country.

Nobody is going to believe that. That just is a laugh.

So, as I say, let us remember what we proposed. We said we will do the unemployment extension. We voted for it. Ten of us voted for it even if we did not pay for it. The rest of us said we will vote for it if you do pay for it and there that vote is. You can look at the rollcall.

We then said: We'll provide $1 billion for highways. This is the Republican proposal, hear this. And do not forget what is out there. We did a highway bill of $156 billion just a few months ago, literally, which is to be expended over 6 years: $156 billion.

Anyway, we proposed another billion. We proposed a summer jobs program of $1 billion. This was in our last package, our last offer—do not miss his—$1 billion in summer jobs which we do not think are truly going to do what they should do. Temporary jobs do not prove to be permanent.

We also proposed $300 million for immunization. And remember that there is still money stuck in the pipeline on immunization. One of the reasons that immunization does not work does not have anything to do with money, it has to do with education and mothers and fathers in the inner city, or in rural areas, who say, "I do not want to have a needle stuck in my child. What is the purpose of it?" Because it is not like when I was a young boy, where polio and measles and diphtheria were a plague on the youth of the Nation. It is not like that at all.

They have heard about needles. "Needles carry infection, they carry viruses, they are utilized by those who use controlled substances." That is where our problem is with immunization. People are uneducated.

I have seen mothers with college educations say I am not going to have my child immunized in a public health place by a bunch of people who are just rolling up their sleeves and changing—they are not going to do that. So they go to their own physician. And then they will do it.

Those are real things.

Anyway, hard-hearted as we are, we did stick in $300 million for that, which is exactly what the Democrats proposed. We did put in natural resources funds: $150 million—that is in there. That is our proposal.

We did put in $100 million for the SBA, that is right here. Right there. Right there.

And do not forget how this thing was crafted. It was crafted so everybody in every State could have a little something and people would call us and say "Oh, Senator, surely you are not going to vote against that package"—whatever they called it, the stimulant package or the "simulous" package or symbolism package—"you are going to vote for that, are you not, because we are going to get some highway money and we are going to get the jogging path or we are going to get the trail fixed in the Shoshone Forest, that one that is near the place where you live."

How odd that would be repaired after all these years, too.

So before we all prostrate, and maybe hear again about motor-voter registration. That probably was a silly thing for us Republicans to do because we just did not think that registering people from the back of a beer truck on Saturday would be the thing to do so we did kind of resist. And we will probably do some of those again.

But in the course of it we are going to try to make this country work. And this singular vote—however it is portrayed—is truly, as our leader said, just a tiny bump in the road. We will be right here, thank you, with a lot of supportive things for President Bill Clinton because he is our President. He is my President. And he is going to be our President, God willing, for 3 years and how many weeks? Forty, thirty. That is the way it is. I am very pleased and honored to come down and visit with him in the White House.

I think the lesson learned here is this is not the House of Representatives where over there they have learned how to deal with an abused minority where you just line them up like 10 pins and fire the ball and just spread them. That is not this place. You do not do that here.

So if there is a lesson to be learned, it is: Mr. President, include us in what you wish, but if you do not wish to, just tell us. But do not lure us and say I want your help, I want your participation and then not do it. Better just say no. But if you are going to, tell us honestly and truly what you want and we will tell you honestly and truly what we think we can do.

He has been through a rocky time with his foreign policy, not including the Republicans. He made that apology to Representative HENRY HYDE. He has come to us. These things are not said by a man who is feeling aggrieved or pouting, but it is said by a person—just do it. If you are going to do it, do it, but do not tell us one thing and do another or else the Presidency or this administration will be in peril. What is now disappointment will in a year turn to what is called betrayal, and that cannot be good for the country.

So I say just watch what we do. We are not here to obstruct. We have not obstructed, neither in this debate nor in the RECORD of the Senate since we started. There will be a lot more of us supporting this President on certain issues. We are here; we are ready to work. It is a bipartisan Government. It is a two-party Government. That is what makes us unique.

I hope the orgy of blame placing about the significance of this day will stop. In the course of human events is not but a flutter of a hummingbird wing near a honeysuckle.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, the hour is late and I am not going to take time to respond to many of the things that the assistant Republican leader had to say, although I disagree very strongly with a lot of them. I just want to address three points.

Early on in his statement he said: Who is fooling whom? Who is fooling whom? He cited a couple of things, and I want to make it very clear who is fooling whom. He said, first of all, "The Republicans have not been doing a filibuster because the Democrats have spoken for more hours than we have spoken in the course of considering this bill."

I say to the distinguished assistant Republican leader, that is really irrelevant. The Republicans sent a letter saying they were not going to vote to invoke cloture on this measure. So what we were facing was filibuster by letter, and, therefore, the debate time, in a sense, was irrelevant.

The majority leader repeatedly asked for an agreement on what amendments would be considered, and on when we could go to a final vote on the measure. We never got it. We had this letter that says, "Therefore, we will not vote to invoke cloture on this measure as presently constituted, notwithstanding the scheduled Easter recess," signed by every one of the Republican Members of the Senate. The filibuster is stated right there in their letter.

So who is fooling whom? We get this hour count which is irrelevant. It may be my distinguished friend can say in half the time that those of us on our side can say the points he wants to make. None of it matters as long as you took this position and held to it, which the Republicans did consistently through 12 days. So who is fooling whom?

Then he says there have been 102 measures passed since the 103d Congress convened and that shows that there is no gridlock taking place here. Now who is fooling whom? Of the 102 measures, the vast majority of them were resolutions. Most of them were simple Senate resolutions appointing a legal counsel, expressing our sympathies on the death of the Governor of South Dakota, congratulating the winner of the NCAA tournament, notifying the President that we were here and ready to do business, proclaiming "Organ Tissue Donor Week" and similar measures on down the line.

We have had four major pieces of legislation in this Congress so far. We have had family and medical leave, motor-voter, the budget resolution, and the jobs bill. The Republican minority filibustered two of them: the motor-voter bill and the jobs bill. They could not filibuster the budget resolution because under the conditions under which it is considered, you have limited time and it cannot be filibustered. They decided in the end not to filibuster family and medical leave because a number of people on that side of the aisle were already on record with respect to that legislation from the last Congress.

So who is fooling whom? One hundred and two measures, have passed in the 103d Congress, most of them dealing with simple resolutions. Of the four measures of real consequence, one could not be filibustered, and two of the other three were filibustered by my Republican colleagues.

Finally, they talk about cutting spending. We had a budget resolution before us that cut spending by over $200 billion and every one of them voted against it.

Madam President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, the hour is late and I do not want to protract this, but perhaps the Senator from Maryland—who I do enjoy greatly personally—and I can both agree that the ones who are really being fooled are the American public. We can stand here and say who is fooling whom. I know what the letter said. I remember signing it. But I also remember the reason for it was so that we could be heard. It is not our duty as a minority to lie under the ark of a steamroller and just watch it plaster us around the wheel. That is not the duty of the minority, and we will not have any part of it.

Mr. SARBANES. Will the Senator yield on that?

Mr. SIMPSON. Yes.

Mr. SARBANES. That is a different point. The Senator may make that point, but do not come out and cite the point of 26 hours of debate and 13 hours of debate when you sign this letter. The Senator is now giving the essential rationale for his position. I may not agree with it, but at least it is a different position. I may not agree with it, but at least it is a different position from citing the number of hours spent on debate and saying, who is fooling whom? The debate hours are irrelevant in the light of this letter. That is the point I am making to the Senator.

Mr. SIMPSON. I guess I can say, Madam President, the word "filibuster" is being misused in this process and perhaps that is part of the fooling, especially when the letter was presented to the majority leader as part of good-faith negotiations where he was wondering where we stood. I thought that was a service to the process. We said in the letter exactly what the Senator from Maryland has expressed. I think that is pretty up front, pretty authentic, pretty real, pretty honest. I am very proud of that. The majority leader knew exactly what to do with that, and then the procedure unfolded and we still came in second place with the number of hours expended.

But you read off a list of things that we have done here. It makes me wonder, I had not realized, why would the majority leader take us through such trivial agenda?

Mr. SARBANES. Will the Senator yield on that? Is that a question? I will be happy to answer it.

Mr. SIMPSON. In just a moment, I will. Indeed, you bring it up to make it sound as if these are trivial things. I ask the Senator from Maryland why the leader would bring up such trivial material when we have so much to do of such import?

Mr. SARBANES. Because a lot of these matters have to be done at the beginning of a session in order to organize the Senate. It is a standard procedure to pass a resolution once we come into session notifying the President that the Senate is now in session and prepared to do business. You have a host of measures of that sort in order to get the institution underway. You appoint legal counsel, then you pass some of these commemorative resolutions which we do as a matter of course.

Now, for the Senator then to cite 102 items and say that proves there has not been any gridlock when most of the items in the broader legislative sense are really not consequential, I want to refer back to the Senator's original question: Who is fooling whom? We have had four major legislative items in this session. On one, there could not be a filibuster because the hours were limited. Two of the other three were filibustered by the Republican minority.

What we have now is filibuster by letter. That is a different technique, I have to admit. I have never seen it before in the Senate. I do not know, but I assume we will be seeing it again. But it is a new departure, and in a sense the Senator is right when he says you now have to redefine the term filibuster to encompass this kind of tactic.

But it was the Senator from Wyoming who put the question, who is fooling whom? He then cited the number of hours of debate to try to make the point, somehow, that they were not obstructing consideration of this measure when there was a letter saying we are not going to let you get to that measure. Here it is, signed in pen and ink. Now I say, who is fooling whom? The Senator from Wyoming said we have considered 102 measures in this Congress. My response was, what were those measures? My recollection was that the items we had considered included only a few major bills. There was no health care bill. There was not a Clean Water Act. There was not a major environmental measure. And I went and looked; and, needed, most of them are the simple resolution and house-keeping measures I have already mentioned.

Mr. SIMPSON. Madam President, is this the answer to my question or the Senator's question?

Mr. SARBANES. I hope so.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. SIMPSON. Madam President, I just was wondering about that answer. But now it is all right. I have it understood.

Let me just say the fooling, as I say, will be of the American public who thought on November 3 that they voted for less spending and no taxes, and in a year they are going to be furious, absolutely furious. And that will not be good. That will not be good for our country. We will have duped them, and the dupe will be $273 billion in new taxes, whether you call them energy fees or user fees or Social Security. And I am ready to do some things with Social Security.

I thought the President made a serious mistake by not means testing or putting a net worth or income limit on people on their cost-of-living allowances. We could have picked up billions of dollars. But, no, no; everybody ran for the exits on that one. We will run for the exits on part B premiums on Medicare. We will run for the exits on taking away deducity of employers on health care. So what are we going to do? And we all know what we have to do.

I caution my friend from Maryland, it is the same thing that happened to me out of my regard and affection for my President. I ended up defending him when he asked me to defend him. Then I ended up defending him when he had not even asked me to defend him, and then you get defensive and you lose. And that could easily happen. I can see the pain as it begins to roll through over there. And, boy, do I understand it. It stings. It hurts.

But if we deal with each either honestly and up front and say if you want our participation, we will be glad to get in the game; if you do not, let us know, at least that gives us a method.

I think was a most authentic approach to governing where instead of making the majority leader guess where we were, we put it right on the table. I think that is good.

But we are ready to work to make the country work. Let us all step up and see what we are going to do with Social Security, Medicare, and Medicaid, and really get in there and whack, because the rest of this stuff is peanuts. If we simply means tested the cost of living allowance on Social Security, we could have passed the whole original package. That is between $14 and $22 billion. And it just goes to everybody, regardless of what they put in or what they have taken out, or what they owe or what they own. How absurd. There is where your bucks are within this system.

So perhaps we can quit fooling the American people because I would like to see somebody walk in here and help me do something with the Veterans Administration budget and whack it down.

Anybody ready for a little hard work? I am ready. We are the only country on Earth that gives benefits to people who have never been involved in combat, the only country on Earth. Are you ready to do some cutting on the Social Security system? Speak up. I am ready to change the retirement date; ready to do some things with the COLA. I am ready to do things with part B premiums. Anybody ready to bring them to 100 percent from 25 percent? Why is Joe Six-Pack paying 25 percent of the premium for Paul Mellon?

Step up to the plate. Comparatively, this bill is kiddie league stuff.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Madam President, let me just simply say, as I listened to the assistant Republican leader say we need to deal with each other honestly, I say to him that is why I raised this point with respect to who is fooling whom. I think it is important to deal with each other honestly, and I think it is very important that we do not seek to fool one another. That is why I addressed those issues.

MORNING BUSINESS

REMEMBERING THE VICTIMS OF THE ARMENIAN GENOCIDE

Mr. RIEGLE. Mr. President, Saturday, April 24 marks the 78th anniversary of one of the most tragic events in world history—the Armenian genocide—in which more than a million Armenians perished at the hands of the Ottoman Turks. Ottoman officials took advantage of a world distracted by World War I to seek its final solution to the Armenian problem. From 1916 to 1923, they carried out a systematic campaign designed to eradicate all Armenians living in the territories of the declining Turkish Ottoman Empire. In all, over 1.5 million Armenian men, women, and children starved to death in detention camps, died in brutal forced marches, or were murdered outright.

At the time of the genocide 78 years ago, Europe found itself torn apart by World War I. The Ottoman Empire, which had experienced several years of rapid decline in its power and stature, had allied itself with Germany in hopes of regaining its earlier prominence. This tactic failed. Russia, on the side of the allies, soon invaded Turkey, bringing the ancient empire to its knees. Instead of looking at its own internal failings the Turks sought a scapegoat, and they found the Armenians.

On the night of April 24, 1915, the Ottoman Government rounded up and exiled hundreds of Armenian religious, political, and intellectual leaders. The Turks eventually executed these people in remote areas of Anatolia. Soon afterward, the Turkish Government stripped the young Armenian men who served in the Turkish Army of their weapons and forced them to work in labor battalions, where most starved to death or were executed.

Having been deprived of their leaders and men of fighting age, the Armenian people had no choice but to accede to the Turkish orders that they disarm and relocate to remote locations in eastern Turkey. The majority of the banished Armenians died from starvation and disease during relentless marches forced upon them by the Turkish Government. Others were massacred. That some 500,000 refugees were able to escape north across the Russian border and south into Arab lands, with many eventually reaching Europe and the United States, was a miracle.

Tragically, those Armenians who could not escape, did not fare as well. Although they battled courageously against the Turkish Army and established an independent Armenian State in 1918—the first since the Armenian Kingdom of 1375—which was enlarged through the Treaty of Sevres between Turkey and the victorious Allies in 1920, the independence was short lived. Later that same year, both the Soviet Union and Turkey invaded and divided the small country. The Armenians who returned to Turkish control continued to be repressed and slaughtered.

Armenian-Americans and their Armenian brothers and sisters throughout the world who lost relatives and friends recall the genocide with profound anguish and grief. Most painful to them is the continuing failure of Turkey to recognize that this genocide under the Ottoman regime ever occurred, despite the existence of considerable documentation to the contrary.

One source of this documentation is Henry Morganthau, who was United States Ambassador to Ottoman Turkey at the time. He is hailed by Armenians around the world as having led the international outcry against the genocide. In 1918, Ambassador Morganthau wrote:

> The facts contained in the report, received at the embassy from absolutely trustworthy eyewitnesses surpass the most beastly and diabolical cruelties ever before perpetrated or imagined in the history of the world.

There are also countless personal descriptions of the horrors, written by Armenian survivors. In his memoirs of the genocide, Abraham H. Hartunian offers the following account of its daily implementation in the city of Marash:

> Every day new lists were prepared, and successively the convoys were put on their way. Everyone knew that in a little while his turn would come. There was not a glimmer of hope. Indeed the bitter scenes daily enacted in the city rendered the people willing to go out and face death as soon as possible. Innocent Armenians by the dozens were hanged from scaffolds in different sections of the city, and their corpses dangling in the air wrought horror upon the people. On different days and in different places nearly five hundred Armenians were either shot or hanged.

In light of the overwhelming evidence, including that which I have just cited, the continued denial by the current Turkish Government concerning the occurrence of the Armenian genocide is intolerable and must be protested vigorously by the United States. Sadly, because of the war and the isolationist attitude in our country at the time, our Government did not more forcefully protest the actions of the Ottoman Turks while they were taking place.

We take time to recount these tragic events not just to honor the courageous Armenians who lost their lives in this senseless persecution and extermination, but to educate future generations in the hope such brutality will never recur. As subsequent events have shown, the Armenian genocide was not the last, but the first of many attempts to exterminate peoples in this century. Six million Jews perished under Hitler, untold numbers of Soviet citizens died in the gulags under Stalin, countless Cambodians under the Poll Pot regime were victims of genocide, and, today, we witness the brutality occurring in Boznia and Hercegovina. In failing to stop the mass murders, starvation and systematic rape occurring there, the world is violating its solemn commitment to guard against the crime of genocide as enunciated in the Genocide Treaty. We are also ignoring our commitment to the memory of the victims of the Armenian Genocide.

It has often been reported that when one of Hitler's aides suggested to him that world public opinion would be extremely hostile if he proceeded with his plans to exterminate the Jews, he replied, "Who remembers the Armenians?" This annual congressional commemoration of the Armenian Genocide is designed to ensure that the 1.5 million Armenians who perished are not forgotten.

The work that the Armenian Study Center at the University of Michigan in Dearborn is making a great contribution to that effort. With some 60,000 Armenian-Americans living in Michigan and approximately 30,000 living in the area of the center, Dearborn is an ideal location for this facility. By promoting objective scholarship, the Center is helping to balance the efforts of those who seek to alter history by denying the significance of the Armenian genocide.

Today, the challenges and difficulties facing Armenia, which gained its independence in 1991, are exacerbated by the brutal blockade imposed upon it by Azerbaijan over the two countries' dispute involving Nagorno-Karabakh. Thousands of Armenians have died and thousands more face death by starvation and disease. I have joined others in condemning Azeri aggression against the Armenian people, and have sent a letter to Secretary-General Boutrous-Ghali urging him to do everything in his power to ensure that food and other supplies can get through the blockade and into Armenia. Unfortunately, little progress has been made. In fact, Turkish Prime Minister Suleyman Demirel recently declared that Turkey would not provide any type of aid to the Armenians and that, to ensure Turkish security, they must employ fear tactics and increased military presence against Armenia.

In light of the past sacrifices that the Armenian people have made and the tragic events that they have endured, we must make sure that this young country has the ability to survive and realize true independence.

The brave Armenian people's ability to survive and the brutal repression carried out against them throughout history stands as a monument to their endurance and will to live. Today, we honor both the victims and their relatives and descendants who have continued to keep the Armenian culture and drive for true independence alive.

Mr. President, the entire world must speak with one voice in condemning the crimes committed by the Ottoman Turks, for they were not simply crimes against the Armenians, but against all mankind. Through commemorations like this one today, the work of organizations such as the Armenian Study Center in Michigan, and the individual efforts of private citizens throughout the world, we must work to preserve the truth of these tragedies, so that future generations might be spared the horrors of the past.

THE 78TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. LAUTENBERG. Mr. President, I rise today to commemorate the 78th anniversary of the Armenian genocide.

The Armenian genocide marked a dark chapter in world history. As we commemorate the anniversary of this grave injustice in Armenian history, we must resolve never to forget the terrible suffering of the Armenian people. Today, the struggle continues for Armenian people.

Azerbaijan's blockade of Armenia, coupled with regional instability, have had a devastating impact on Armenia. In December, President Levon Ter-Petrossian of Armenia declared his country a national disaster. Industry has come to a halt and the people suffered through a long and unbearable winter. The blockade has taken its toll on the people and the nation's industrial base. Oil supplies are short. Basic supplies are lacking. The United States has helped by providing food aid. But more must be done.

The United States needs to pressure Azerbaijan until it lifts the blockade. We need to take every opportunity to support a solution to the conflict in Nagorno-Karabakh.

Mr. President, it is essential that the Armenian people have the opportunity to live in peace. I can think of no day more appropriate than this anniversary to strengthen our resolve to work toward that goal.

COMMEMORATING THE ARMENIAN GENOCIDE

Mr. SARBANES. Mr. President, every year at this time we commemorate the terrible genocidal campaign of 1915, which mercilessly rooted out the vibrant Armenian communities of the Ottoman Empire, tore families apart, killed millions, and drove millions into permanent exile. This year we focus our attention as well on a more recent tragedy—the devastating winter of 1992–93. We honor the victims, and we pay tribute to the indomitable courage and determination of the Armenian people, which have enabled the new Armenian Republic to survive.

Less than 2 years ago that small republic of some 3.5 million people emerged from the graveyard of the old Soviet Union and entered a new and hopeful era of national integrity and independence. By most standards, Armenia is not rich. It is a small, landlocked nation, poor in natural resources; having suffered for 70 years the depredations of Soviet mismanagement and exploitation, it faces all the difficult, painful problems of economic transformation that in some degree afflict all the constituent states of the former U.S.S.R.; and it has had to cope with the consequences of the devastating earthquake that barely 4 years ago killed 25,000 people and destroyed some 10 percent of the republic's industrial capacity.

With independence came a new vision. Armenia's greatest resource is its people—their spirit, their industriousness, their intelligence and imagination, their courage in the face of adversity. Armenian-Americans, and indeed Armenian communities around the globe, rose as one to help build a free, democratic, and prosperous state in the new Armenia. No one expected the future to be easy. Having lived most of this century in the shadow of the terrible tragedy of 1915, however, Armenians did not recoil from the new challenge; rather, they embraced it.

But no one could have anticipated the form this challenge would take over the winter of 1992-93. Armenia's links to the world pass through the neighboring countries of Azerbaijan and Georgia. This winter the expanding Azerbaijani blockade, compounded by unrest in Georgia, severed virtually all those links, depriving the new nation of essential stocks of food, fuel, and medicine, leaving an estimated 95 percent of the population below the poverty level and especially imperiling the society's most vulnerable members, its children and the elderly. The cutoff of fuel and electricity supplies closed the schools, shut down industry, and crippled medical services.

Mr. President, as we commemorate the tragedy of 1915, I call attention to today's crisis in Armenia. This crisis does not end with winter's end; there is little comfort to be taken in the fact that the warmer temperatures of spring leave fewer persons at risk of freezing to death. I have no doubt that the indomitable spirit of the Armenian people will prove triumphant, as it has in the past, and the nascent democratic Armenian Republic will survive the national and myriad personal tragedies of these recent months. But let us have no illusions about the magnitude and long-term implications of the present crisis. These are made clear in the following reports from U.S. observers and from the Centers for Disease Control, and I ask unanimous consent to have them included in the RECORD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Letters From Armenia]

THE WORST OF DAYS

JANUARY, 1993.

DEAR MARYSIA: I'm ashamed to have you look at this because it's so poorly written. But to be honest, it's so hard to be able to work seriously on anything like a funding proposal here. There's something about living without any heat or electricity in below-zero temperatures that makes the thought of doing anything academic pretty absurd.

People here, including myself, have been reduced to the state of animals. For several days there was no water at all where I live because there was not enough electricity to pump it into the building. And even when there is water, the possibility of washing is out of the question because there is no way to heat up the water, and if you decide to wash with cold water, there's no way to warm yourself after you wash. And, of course, hot meals are out of the question, because there is no way to heat up the food.

Things have gotten a little bit better in the last few days because the weather has warmed up a bit and some of the snow has even melted.

They say that the pipeline that exploded in Georgia should be fixed by tomorrow, so we'll be back to 12 hours of electricity a day. (However, even when we theoretically have 12 hours a day, it is a quite common to go without it for many days at a time because the electric stations are so overloaded that they frequently explode. Then you have to wait for someone to come fix them before you get any electricity back.)

As you may have heard, the repair work on this exploded pipeline was slowed down because Azeri snipers were shooting at anyone who came near the pipeline. However, Russia has sent troops to guard the repair work—or so the story goes—and they tell us that things should be better soon.

It is very hard to get any concrete information here at the moment. There are no working phones. The radio and television don't work—it takes electricity to run these things. So, nobody knows exactly what is going on. I was stopped by the police last week as I was walking home at night. It turned out there was a curfew, and I wasn't supposed to be out after dark. I had no way of knowing that because none of the vehicles for conveying information were working. It's pretty spooky.

Marysia, after spending a winter here, I must say that any attitude toward people here has softened a great deal. There is just no way to imagine what it is like to be absolutely freezing month after month.

Last year, the period without gas or electricity was relatively short, so people were able to withstand it. But this year, it has lasted the whole winter. And there is no indication that things are gong to be any better next year.

This year, people were able to manage by cutting down all the trees and buying kerosene. But next year there will be no more valuables left to sell and no more trees left to cut down. I really can't imagine what people will do.

There is a profound depression here. More and more people have stories about neighbors or relatives who have died because of some cold-related reason. Old people and babies who get sick are unable to recover because there is no way to get warm.

I have heard of lots of newborn babies dying of pneumonia or other illnesses. Also, the number of fire-related deaths is growing. Just a few weeks ago, a whole dormitory burned down because of a kerosene-related accident. One person died and three were critically injured. But perhaps the saddest story I have heard was told to me last week by a co-worker of mine.

He said that two children in his apartment were poisoned to death last week. The cause of their death was poisonous gas released by their television set, which imploded after an electricity surge. When the electricity goes off here, you're supposed to turn off all your appliances because sometimes it surges when it goes back on, causing explosions. Apparently, his neighbors forgot to turn off the television. They were out of their apartment when the electricity came back on, and by the time they got back to the apartment, the two children had already been poisoned to death.

It is very heartbreaking to watch what is happening here.

REBECCA MORRIS.

NOTE.—Rebecca Morris is a University of Michigan student doing field work in 19th and 20th Century Armenian History in Yerevan. Ms. Morris, not of Armenian heritage, travelled to Armenia for the first time two years ago to study the language at the AGBU/University of Michigan Intensive Armenian Language Summer Course in Yerevan. She now speaks fluent Armenian.

[Morbidity and Mortality Weekly Report, Feb. 5, 1993]

EMERGENCY PUBLIC HEALTH SURVEILLANCE IN RESPONSE TO FOOD AND ENERGY SHORTAGES—ARMENIA, 1992.

INTERNATIONAL NOTES

Living conditions in Armenia have deteriorated since 1988 as a result of an economic blockade related to a territorial conflict between Armenia and a neighboring country. The effects of this blockade—a drastic reduction in available food, heating fuel, gasoline, electricity, health services, drugs, and vaccines—have placed residents of Armenia at increased risk for morbidity and mortality from nutritional deficiencies, infectious diseases, and hypothermia. To assess and monitor the current health and nutritional status of residents of Armenia, the Armenian National Institute of Health, the U.S. Agency for International Development (USAID), and CDC have developed the Emergency Public Health Information Surveillance System (EPHISS). This report summarizes preliminary results for 1992.

Although existing data collection systems maintained by the Ministry of Health (MOH) of Armenia monitor many health indicators, these systems do not monitor nutritional status or market indicators that might serve as early warning signs of food shortages. The EPHISS was designed to retrospectively and prospectively monitor these indicators.

EPHISS staff collected anthropometric (i.e., height and weight) data from medical records for children born in July and August of 1990, 1991, and 1992 from selected pediatric clinics in the capital, Yerevan. The comparison of data from each of these years in two pilot clinics indicated that the nutritional status of infants and young children had deteriorated; the prevalence of wasting (weight-for-height <2 standard deviations below the median of CDC's National Center for Health Statistics/World Health Organization growth reference) was 5.3% during the last half of 1992, compared with less than 1% during the previous 2 years (1).

To assess food security among elderly pensioners living on a fixed income, EPHISS staff repeated a nutritional needs survey in December for comparison with results obtained in a similar survey in April 1992 (2). Among the elderly, 308 (89%) of 347 pensioners surveyed reported having insufficient money to buy food; 291 (84%), insufficient food; 279 (80%), no savings; and 71 (21%), less than 1 day's food supply at home. The survey suggested that conditions had deteriorated since the previous survey: Increases were noted in the percentage of persons who reported selling personal possessions to buy food (from 18% to 37%) and the percentage with weight loss of 5 kg or more during the previous 6 months (from 45% to 82%) (Table 1).

TABLE 1. CHARACTERISTICS RELATED TO NUTRITION ASSESSMENT AMONG THE ELDERLY—ARMENIA, APRIL AND DECEMBER 1992

Characteristic	April 1992 (n=381)		December 1992 (n=347)	
	Percent	(95 percent CI[1])	Percent	(95 percent CI)
Food security:				
Insufficient money for food	76	(71.1–80.3)	89	(85.7–92.3)
Insufficient food to eat	62	(57.1–66.9)	84	(80.1–87.9)
<1 day's food supply in home	11	(7.9–14.1)	21	(18.7–25.3)
Health status:				
≥5 kg weight loss during past 6 months	45	(40.0–49.9)	62	(56.9–67.1)
Savings:				
0 SUR[2]	NA[3]	....	80	(75.8–84.2)
<500 SUR	71	(68.4–75.5)	82	(77.9–88.0)
Coping strategies:				
Selling personal possessions to buy food	18	(14.1–21.9)	37	(31.9–42.1)
Pension income (per month):				
Mean (SUR/U.S. dollar)	....	340/$3.40	....	1233/$2.74
(Range (SUR)	....	(133–448)	....	(800–2775)

[1] Confidance interval.

[2] Soviet Union ruble. At the time of the April 1992 survey, the exchange rate was approximately 100 SUR=$1 U.S.; in December 1992, approximately 450 SUR=$1 U.S.

[3] Not available.

Data from the MOH were used to assess communicable disease occurrence and crude and infant mortality rates. From April through October 1992, the MOH reported that monthly incidence rates of measles had increased by 60%, diarrheal illness by 61%, viral hepatitis by 163%, and tuberculosis by 75%. During 1991, the infant mortality rate was 17.9 deaths per 1000 live births; data for 1992 are not yet available.

Data on economic and environmental indicators, including the market cost of a standard 1-month basket of food items, and other key items (e.g., cost of gasoline and ruble/dollar exchange rate), indicated an overall inflation rate of 360% from April through December 1992. In comparison, the monthly pension for the elderly increased by 250%, reflecting a loss of real purchasing power. As of December 1992, the monthly pension in Armenia was 1200 Soviet Union rubles (SUR), while the cost of a 1-month basket of food items was 23,000 SUR.

Surveillance data on the health of refugees, including nutritional markers, will be gathered in collaboration with the International Committee of Red Cross during distribution of relief supplies.

Reported by: V Davidiants, MD, Institute of Public Health and Div of Epidemiology, Armenian National Institute of Health, Yerevan, Armenia. SG Olds, MPH, US Agency for International Development, Yerevan, Armenia. Div of Field Epidemiology, Epidemiology Program Office; Div of Nutrition, National Center for Chronic Disease Prevention and Health Promotion; Div of Viral and Rickettsial Disease, National Center for Infectious Diseases, CDC.

Editorial Note: The 15 republics of the former Soviet Union are undergoing extraordinary economic and political change. The instability of the ruble, coupled with shifts to privatization of land and businesses, have imposed severe hardships on the populations of all 15 republics (3). Armenia is particularly vulnerable because of an ongoing territorial dispute that has resulted in an influx of approximately 300,000 ethnic Armenian refugees from Azerbaijan and because of the economic blockade imposed by neighboring republics, which has effectively terminated any substantive importation of fuel and food.

As of December 1992, no fuel oil had been received in Armenia for 3 months, and the fuel supply for the power system was adequate for only 8 days. The shortage of fuel also prevents distribution of commodities and cooking. Power blackouts of 12 hours or more per day throughout the country have reduced availability of running water and, by compromising sanitation, increased the risk of certain infectious diseases (e.g., hepatitis A, enterovirus, giardiasis, and shigellosis). These conditions also may result in adverse health effects related to nutritional deficiencies, cold exposure, inadequate vaccination levels, and inadequate drinking water supplies.

The monthly EPHISS public health bulletin reports critical markers of health and nutritional status that have an impact on the health of persons residing in Armenia and the condition of refugees. The bulletin describes trends in "leading" and "intermediate" indicators of changes in economic, social, and environmental factors that anticipate the evolution of food shortages and famine. Detection and reporting of such changes can trigger early interventions aimed at ensuring adequate food supplies for the population (4). Although a surveillance system based on population-based "sanitary epidemiology" stations has existed since 1922 in republics of the former Soviet Union, reporting of data lacks timeliness (CDC, unpublished data, 1993). Because of critical deficiencies in transportation and communications networks in Armenia, selected simple data-gathering techniques have been identified to enable timely, accurate reporting. Targeting selected communicable diseases allows prioritization of scarce resources among competing health needs (e.g., vaccine-preventable diseases and provision of safe drinking water).

This collaborative surveillance effort is promoting the prompt dissemination of information of public health importance during this period of profound change in Armenia. With USAID support and CDC technical assistance, ministries of health in other republics (i.e., Krgyzstan, Russia, and Uzbekistan) are also working to strengthen dissemination of essential public health information.

REFERENCES

[1] CDC. Famine-affected, refugee, and displaced populations: recommendations for public health issues. MMWR 1992;41(no. RR-13): 11–13.

[2] CDC. Nutritional needs surveys among the elderly—Russia and Armenia, 1992. MMWR 1992;41:809–11.

[3] Chen LE, Rohde JE, Jolly R. A looming crisis: health in the Central Asian Republics. Lancet 1992;339:1465–7.

[4] CDC. Famine-affected, refugee, and displaced populations: recommendations for public health issues, MMWR 1992;41(no. RR-13):4–5.

DECEMBER 1, 1992.

To: Mr. K. George Najarian, U.S.A., 8–101–617–259–9510.

From: Nancy Najarian, Yerevan, Armenia, 011–78852–56–22–74.

THE ARMENIAN CRISIS

A few days ago I sat down to write an essay in which I attempted to explain the sheer difficulty of surviving in the Republic of Armenia, not to mention holding a full-time job. The gist of the essay was that it is so physically exhausting to source needed commodities, deal with a complete lack of heat and hot water in minus 4 degrees Celsius conditions, and endure blackouts of a minimum of twelve hours a day, that to accomplish anything else but existing in Armenia is a superhuman feat.

Unfortunately, I feel compelled to write an essay tonight that touches on an even more serious note. That note wrings of desperation. While you will find most Armenian citizens too proud to openly declare the situation desperate, this Westerner is not afraid to be blunt and say, we in Armenia are in a crisis situation.

Winter in all its beauty and bitterness has blanketed Armenia in an icy coldness that wrings of death. Death because over one-third of Armenia (the population of the capital and largest city in Armenia) are living in subfreezing conditions without sufficient heat, hot water, gas, bread, and other foodstuffs. Babies are cold and without milk, pensioners do not have enough money to support themselves amidst the hyperinflation, and bread and butter are rationed. Just this afternoon Georgia announced yet another blockade. Add this blockade to the one that already exists from Azerbaijan, and you have a situation in which Armenia cannot receive virtually any of the basic necessities of life. Georgia's announcement means that the meager supply of gas and wheat that sporadically winds its way through civil war-torn Georgia to Armenia will stop. I wince at the thought. Sometimes you think that you have reached the point of being so cold and desperate for heat or light that you cannot conceive of conditions becoming worse. But, then you hear the news * * *.

The government of Armenia has been forced to close virtually all of the schools, institutes, and universities. Even the two newly opened American universities that have been able to secure electricity sufficient to remain in operation, are being forced to drastically curtail energy consumption, and virtually shut down as of 4:00 pm each day. What hope, then, can the Armenian youth have for the future, when schools and places of higher education cannot operate? What can a child do at home all day during the most bitter months of the winter in a home that has no heat, water, and probably no light most of the day and evening? There are many teachers, including those from very comfortable western countries, that are committed to staying and teaching through the winter. They want to share with the Armenians a hope and means for a better future. But, how does one sustain hope if the youth have no means to learn and build a better life?

"How deep is the bottom of the barrel? How low can the standard of living plummet?" These questions are not academic. They are questions Armenians ask themselves every day. "Can you believe the price of gas has just jumped the equivalent of $10 in one day, and there are only four places in the city to find it? What bad news should we expect next? How much money do I need to bring too the market, and is it even worth it to go because I cannot afford to buy anything? What shall I do with my children when I have not had electricity or water for three days, and I cannot prepare a hot meal for them or give them a bath? How can I get to work when there is no transport? Where is there to turn when everybody is in the same state, and Armenia is an island among warring or hostile neighbors, with no access to the outside world?

There is a distinct feeling of being held hostage in this country, hostage to external conditions that are beyond the average Armenian's control. In a country that is considered industrialized, and fairly well off by Soviet standards, the horror of hunger, humiliation, and underdevelopment is setting in. All factories except those producing bread are shut down, speculation is rampant, and humanitarian shipments of wheat and other foodstuffs are held or absconded by unfriendly neighbors.

What is the immediate solution? Peace with Azerbaijan? A completely opened border with Turkey? Peace in Georgia? These are all sticky diplomatic problems that require complex negotiations involving world powers. Much more immediate action is needed to confront the crisis in Armenia. Awareness of the situation is the first step. Appeals to federal governments is the next. Air lifts or armed escorts of food and fuel are crucial. There already may be a handful of other countries one can list, where conditions are dire. Be that as it may, three-and-a-half million people are living in subfreezing, subhuman conditions. Feel the crisis, even for a moment, and make some noise. Remember the joy we all felt in the idea of a new world order, where peace and democracy would reign? A cold, hungary, and crippled nation struggling to hold onto its democratic beginnings, is in need. Let's practice a new world sharing among this new world order. Three-and-a-half million people would be most grateful.

Armenia trip #12—October 16 through November 15, 1992, report by Carolann S. Najarian, M.D.

Hospitals visited:

The Republic Hospital for T.B. in Abovian.

The Republic Hospital for T.B. in Gumayri

The Republic Hospital for Maternal Care, Yerevan.

The Orthopedic and Traumatology Hospital, Yerevan.

The Emergency Hospital, Yerevan.

The Erebuni Hospital, Yerevan.

The Republic Ophthalmologic Hospital, Yerevan.

The Republic Infectious Disease Hospital, Yerevan.

The Ambulance Emergency Service Center.

The Physio-Therapy Hospital, +Yerevan.

The Women's and Child Health Care Center (Erebuni), Yerevan.

The Samaritar Hospital, Gumayri (worked at the hospital).

Soviet Army Hospital, Gumayri (patient consultation).

The Second Children's Hospital, Gumayri.

The Maternity Hospital, Gumayri.

The First Children's Hospital, Gumayri.

The Regional Medical-Surgical Hospital, Ghougassian.

In addition, meetings were held with the Minister of Health, Dr. Ara Babloyan and a number of his deputies and with the Chairman of the Board of the new National Institute of Health, Dr. Haik Nikagossian. Reports of these meetings follow.

Two visits were made to the Ministry of health warehouse. The UAF cargo plane was met as well. On behalf of the Armenian Canadian Medical Relief Association, I interviewed potential candidates for their training programs. Supplies were distributed for Artzaghk and different regional hospitals. Patients were examined for the Dioceses surgical-rehab team scheduled for Jan. 1993. In addition, I worked in Gumayri in the intensive care unit of the Samaritar Hospital where I consulted on patients and made teaching rounds with the physicians.

This report includes my observations, assessments and specific of meetings, as well as some recommendations.

THE HEALTH CARE CRISIS IN ARMENIA

A crisis in the health of the people of Armenia will reach an all time high this winter. The long term effects of this crisis will haunt the nation for years to come. The leader of the USAID team from the Center for Disease Control in Atlanta observed that peoples under stress of this kind make it through the first winter, but not through the second. Armenia is now facing its fourth winter with severe shortages of fuel and electricity; it is the second winter with critical food shortages. This, combined with the cold and the profound sense of hopelessness which has taken hold of everyone with whom I spoke, will increase the morbidity and mortality of our people this winter. As one physician put it, "We are loosing the 'ahsk'—the Armenian nation."

What are the signs of this impending disaster?

Deteriorating Nutrition Status: The food crisis and stress of daily life, now into the second year for the vast majority of Armenians, is already having an effect.

1. The birth rate is dropping. (In Gumayri, there were over 4,000 births by this time last year, this year the figure is closer to 2,000. The same kind of drop was quoted in Yerevan. My own observation confirms this: last year at this time the newborn nurseries were full, now the bassinets are empty.)

2. Newborns are showing the effects of poor maternal nutritional status: lower birth weight and lower APGAR scores. (This is the score given to all newborns which reflects their viability at birth. It was developed by Dr. Virginia Apgarian and is used world wide.)

3. Rising rate of premature births.

4. Rising rate of spontaneous abortions.

5. Dropping rate of the number of mothers able to breast feed. (As estimated by physicians, only about 20% of newborns can be adequately breast fed; last year the estimate was 50%.)

The lack of bread is only one part of the problem. All foods items have risen in price 20 to 30 times. Meat is not available on a daily basis. Fish is a luxury. Grains are extraordinarily expensive. One thin sheet of "lavash" is now 30R. A loaf of bread is 36R. Lines for bread start forming at 3:00 a.m. Since my return the lines have stopped because of rationing:

Although much was made of the U.S. flour shipment, it only provided enough flour for one-half the population for one day. The shortage of infant formula cannot be overstated. There were apparently several deaths.

There has been a startling reduction in the number of patients in hospitals by 50%. This is a new phenomenon this winter. Families cannot afford even to get the sick member driven to the hospital; cannot afford the food which must be brought to the hospital; and, the hospitals are cold—home is frequently warmer. Thus, people are sicker when they first seek medical care.

Several population groups are at real risk of significantly higher death rates this year from medical illness, starvation and exposure: newborns, the elderly, refugees and those in the earthquake zone still living in substandard housing. These groups will be particularly vulnerable to the infectious diseases being seen in Armenia.

INFECTIOUS DISEASES

Major epidemics of infectious diseases did not occur after the earthquake. We saw then how strong the people who survived the earthquake were. Similarly, many of the refugees who have been in Armenia for two to three years survived the hardships of substandard living conditions. However there is a point at which that strength begins to break down; the food shortages we are seeing now are just what it will take to devastate this already weakened population. The rise in infectious diseases started toward the end of 1990 and are now a serious public health problem.

In addition to viral respiratory and gastrointestinal illnesses, the most serious infectious diseases are: Hepatitis A and B, followed by brucellosis, yersinia and salmonella. Botulism is a major problem in this country where many people are canning with less than optimal heat. (Last year we were able to send anti-toxin, but this year we have been unable to obtain it from the manufacturer: 40 doses were valued at $20,000.) All of these diseases present in their most severe forms. For example, salmonella meningitis is not uncommon.

In the past year there have been a number of outbreaks of dysentery due to contamination of the water supply by sewerage. We can expect numerous such outbreaks as municipal services deteriorate.

INCREASE IN TB

Another major infectious disease—tuberculosis—is surfacing particularly among the refugee population.

The refugee population is under the most stress with the poorest nutrition and poorest living conditions. It is not unusual for six or seven people to be living in a space six by twelve. Medicine is lacking. Patients are not willing to remain in the hospital to complete their treatment (8–12 months) and are lost to follow-up as outpatients. Doctors cannot offer the most accepted courses of therapy because the access to medication is unreliable.

The following information comes from the TB hospital in Gumayri, Dr. Irina Magurdumian, Chief Doctor.

	1985	1991
In Gumayri:		
New cases of TB	41	29
Total number of cases	375	[1]619
Mantoux tests[2]	40,000	2,800

[1] Number of chronic increased.

[2] No test material and syringes.

One can say from the above numbers that the new cases of TB are not being picked up. Dr. Magurdumian fears an explosion in the number of new cases because of the increase in chronic cases. (TB is spread by the infected person coughing directly on someone else—thus crowded living conditions contributing to the spread of the disease.)

Because the new cases are not being picked up early, patients are presenting with florid active TB. Previously, 73% of patients were cured; now the estimate is less than 60%.

Medications used: Streptomycin (not available), Ethambutol (large shipment from Argentina), Isoniazid (INH)—(intermittently available), and Rifampin (not available).

In Gumayri the TB hospital was completely destroyed by the earthquake. The hospital was relocated in a series of boxcars, encased in a metal outer protective layer to give some warmth. The hospital is dark and cold. There is little food to feed the patients.

There is a 500 bed TB hospital in Abovian about a half hour from Yerevan. There are 375 patients with active and chronic TB in the hospital including 35 children. The children are housed in a separate building. Many of the patients are from the same family. Most are refugees. The Chief Doctor estimates that, if tested, one out of every three refugees would test positive for TB. (This means that they are carrying the TB mycobacteria but are not clinically sick. Under the right conditions, however, they can develop the illness and spread it to others.)

One unfortunate mother from Artzaghk has had two children die of tuberculous meningitis with a third child now ill with TB as well. The building was damp and cold. The windows were broken; the ceiling plaster was coming down because of water leaks everywhere. In short, the building should be condemned. The adult unit was a bit more habitable, but not much. It had surgical units and specialty wards: chest, urologic, gynecologic, orthopedic.

Despite the terrible conditions, the hospital provides 3 hot meals daily for the patients. The food being used now is from the gulf war! An Armenian freedom fighter supervises the food distribution. He was told that he goes off to war for a few weeks and then comes back and does this job. Everything used in his absence is accounted for. I inspected this storage area as well as their relief supplies received from the Health Ministry. They had intravenous solutions and assorted medical supplies.

OTHER ILLNESSES

There has been a steady rise in: young insulin dependent diabetics, hemorrhagic ulcer disease not responsive, hemorrhagic stroke, heart attacks, hypertension, suicide (up 15–20%), and alcoholism and complications of drinking ethyl ETOH.

Armenia needs fuel, food and medicine in that order. Everything else, though important, is secondary.

HOLOCAUST/ARMENIAN GENOCIDE

Mr. DOLE. Mr. President, this is a week for memories—for recollection of events a half century and more ago. It is a week for the remembrance of horror and heroism, for the remembrance of the worst and the best that human beings can produce.

At the beginning of the week, we recalled the uprising in the Warsaw ghetto. We looked to the example of a few outnumbered heroes who made their stand for freedom against the much larger forces of a government determined to see their extermination.

Yesterday, we began the days of remembrance with a national civic commemoration in the rotunda in honor of those heroes. The ceremony, which the distinguished majority leader and I were privileged to attend, began a series of several events during this week which lead up to the opening of the Holocaust Museum tomorrow morning.

Certainly, Mr. President, the Holocaust is the most tragic and appalling crime ever committed by a government against its own innocent citizens and the citizens of neighboring countries. With that in mind, it was most disturbing to read in yesterday's New York Times that a survey sponsored by the American Jewish Committee revealed that 1 in 5 adults and high school students in the United States believes it is possible that the Holocaust never happened.

With all that has been done, with the eyewitness accounts of the liberators in Europe, with the living memory of those who survived the death camps, many still somehow believe that it never took place. Perhaps the museum will correct this serious problem.

And on April 24, Mr. President, we mark the observance of another horrible event which many deny or many may believe never took place. That is the day we remember 1½ million Armenians who perished as a result of the brutal policies of the Ottoman Empire.

Today I wish to join the Armenian-American community in echoing the past statements of Presidents Carter and Reagan and Bush and to join my colleagues in the Senate in an expression of profound sadness at the recollection of the deaths of so many innocent people from 1915 to 1923.

Perhaps, Mr. President, the security and freedom we enjoy in this great country has made us indifferent, unemotional, lacking a sense of determination to deal with crimes on so large a scale. I recall it was well over 30 years after the Genocide Convention was drafted that it finally was approved here in the Senate while I was majority leader.

Mr. President, Elie Wiesel, the founding chairman of the Holocaust Memorial Council and one of the world's great spokesmen for human rights once said: "Before planning the final solution, Hitler asked, 'Who remembers the Armenians?' "He was right," said Elie Wiesel. "No one remembered them, as no one remembered the Jews. Rejected by everyone, they felt expelled from history."

Mr. President, innocent men, women, and children are dying today in Bosnia. The human evil that murdered Jews and Armenians and Cambodians lives on. We must not stand by and invent excuses for inaction. We are the world's superpower. We must act. We must persuade others to act. We must remember what has happened before. We must acknowledge what is happening now. And we must say with conviction "Never Again."

Thank you, Mr. President.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on April 20, 1993, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received on April 20, 1993, are shown in today's RECORD at the end of the Senate proceedings.

GOALS 2000: EDUCATE AMERICA ACT—MESSAGE FROM THE PRESIDENT—PM 16

The PRESIDING OFFICER laid before the Senate a message from the President, transmitting, a draft of proposed legislation to promote a long-term direction for the improvement of education and lifelong learning and to provide a framework and resources to help States and others interested in education strengthen, accelerate, and sustain their own improvement efforts; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the Goals 2000: Educate America Act.

This legislation strives to support States, local communities, schools, business and industry, and labor in reinventing our education system so that all Americans can reach internationally competitive standards, and our Nation can reach the national education goals. Also transmitted is a section-by-section analysis.

Education is and always has been primarily a State responsibility. States have always been the "laboratories of democracy." This has been especially true in education over the past decades. The lessons we have learned from the collective work of States, local education agencies, and individual schools are incorporated in Goals 2000 and provide the basis for a new partnership between the Federal Government, States, parents, business, labor, schools, communities, and students. This new partnership is not one of mandates, but of cooperation and leadership.

The Goals 2000: Educate America Act is designed to promote a long-term direction for the improvement of education and lifelong learning and to provide a framework and resources to help States and others interested in education strengthen, accelerate, and sustain their own improvement efforts. Goals 2000 will:

- —Set into law the six national education goals and establish a bipartisan national education goals panel to report on progress toward achieving the goals;
- —Develop voluntary academic standards and assessments that are meaningful, challenging, and appropriate for all students through the National Education Standards and Improvement Council;

—Identify the conditions of learning and teaching necessary to ensure that all students have the opportunity to meet high standards;

—Establish a national skill standards board to promote the development and adoption of occupational standards to ensure that American workers are among the best trained in the world;

—Help States and local communities involve public officials, teachers, parents, students, and business leaders in designing and reforming schools; and

—Increase flexibility for States and school districts by waiving regulations and other requirements that might impede reforms.

Though voluntary, the pursuit of these goals must be the work of our Nation as a whole. Ten years ago this month, *A Nation At Risk* was released. Its warnings still ring true. It is time to act boldly. It is time to rekindle the dream that good schools offer.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

The White House, April 21, 1993.

MESSAGES FROM THE HOUSE

At 4:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 326. An act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes.

S. 328. An act to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes.

At 7:16 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 30. A joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week."

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 63. An Act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes.

MEASURE REFERRED

The following bill, previously received from the House of Representatives for concurrence, was read, and referred as indicated:

H.R. 63. An Act to establish the Spring Mountains National Recreation Area in Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

ENROLLED BILLS SIGNED

At 7:56 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 326. An Act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes.

S. 328. An Act to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-746. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the continued blocking of Panamanian government assets; to the Committee on Banking, Housing, and Urban Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-62. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Agriculture, Nutrition and Forestry.

"SENATE CONCURRENT RESOLUTION NO. 16

"Whereas, farmers across the state are facing financial disaster due to the recent freezing weather that has crossed the state; and

"Whereas, financial disaster for farmers and a farming slowdown damages the state's economy in that farmers who have lost all or a portion of their crop, whether strawberries, blueberries, peaches, oranges, tomatoes, or otherwise, have reduced or no funds to cover the cost of farming but more importantly, the funds necessary to provide for the essentials of their families; which produces a devastating effect on the economics of their agriculture-based parishes as well as the state, as a whole; and

"Whereas, losses incurred by farmers due to the recent severe weather make it improbable, even impossible, for some of them to pay their expenses and meet credit obligations; and

"Whereas, the recent farming disaster is widespread and severe enough to warrant, even demand, federal assistance.

"*Therefore, be it resolved*, That the Legislature of Louisiana hereby memorializes the Congress of the United States, the secretary of the United States Department of Agriculture and the secretary of the Louisiana Department of Agriculture and Forestry to take necessary steps to provide sufficient disaster relief to Louisiana farmers for losses due to recent severe freezing weather.

"*Be it further resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate, the clerk of the United States House of Representatives, each member of the Louisiana congressional delegation, the secretary of the United States Department of Agriculture and the secretary of the Louisiana Department of Agriculture and Forestry."

POM-63. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Environment and Public Works.

"JOINT RESOLUTION

"We, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States, as follows:

"Whereas, the State of Maine has previously enacted legislation, commonly referred to as the Maine Endangered Species Act, aimed at protecting and promoting the recovery of threatened and endangered species, in part through evaluation of activities that affect habitat essential to those species; and

"Whereas, that legislation has made possible significant progress in restoration of the bald eagle population and that of other endangered species, and the continued success of these critical conservation efforts in states across the nation depends on federal support under the federal Endangered Species Act; and

"Whereas, Congress is considering legislation this year to reauthorize the federal Endangered Species Act; and

"Whereas, biodiversity, the fundamental objective of federal and state endangered species laws, ensures preservation and sustainable use of ecosystems upon which the well-being and natural heritage of the people of our State and of all Americans depend; and

"Whereas, experience at both federal and state levels has shown that this vital conservation effort has not significantly impeded economic growth, as only one project reviewed under Maine's endangered species habitat protection laws and 18 of 17,650 projects under federal endangered species review from 1987 to 1991 have been prevented due to endangered species concerns; and

"Whereas, state and federal endangered species laws involve economic and social considerations beyond the biological question of whether a species should be listed; and

"Whereas, despite concerted state and federal efforts, dozens of species across the nation are at increased risk of extinction due to delays in the federal listing process, inadequate funding for states, stalled efforts to designate habitats necessary for the recovery of species and inadequate enforcement; now therefore, be it

"*Resolved*: That, We, your Memorialists, take this occasion to urge the Congress of the United States to reauthorize the federal Endangered Species Act with provisions to streamline the bureaucratic process for listing threatened and endangered species, to improve critical habitat designation and enhance recovery planning efforts, to ensure adequate funding for vital conservation activities at all levels, to strengthen enforcement provisions and to broaden the scope of the Act to prevent further degradation of biodiversity; and be it further

"*Resolved*: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-64. A resolution adopted by the Legislature of the State of New Mexico; to the Committee on Finance.

"SENATE MEMORIAL 22

"Whereas, each year the President must waive restrictions on extending "Most Favored Nation" trading status to Countries with nonmarket economies, including the People's Republic of China; and

"Whereas, each year, the United States Congress carefully reviews the President's recommendations regarding the Preferential International Trade Status of "Most Favored Nation" for a select group of American Trading Partners, including the Nation of China; and

"Whereas, in recent years the United States Congress has received substantial testimony at its annual Trade Status Renewal Hearings about flagrant and ongoing human rights violations both within China and in Chinese-Occupied Tibet; and

"Whereas, in recent years the United States Congress has passed Legislation placing conditions on the extension of "Most Favored Nation" trading status to China, including conditions on an improvement in the human rights conditions in China and Tibet; and

"Whereas, these human rights violations by China include civil political repression and forced labor camps producing products for foreign trade, as well as over forty years of illegal occupation of the independent Nation of Tibet and the widespread repression of Tibet's six million citizens; and

"Whereas, in addition to the Chinese destruction of six thousand Tibetan Monasteries and the killing of more than one million Tibetan Civilians since 1950, the Chinese Government has now engaged in a massive population transfer of Chinese Citizens into Tibet, effectively reducing Tibetans to Second Class Citizens in their own homeland; and

"Whereas, a population transfer from a Country to an Occupied Territory is a violation of International Law, and the United States Congress has recognized Tibet as an Illegally Occupied Country and that this current population transfer poses a great threat to the cultural identity of Tibet; and

"Whereas, engaged not only in a war against the Tibetan People, the Chinese have also waged a war against the natural environment of Tibet, systematically destroying wildlife, overgrazing the high plateau, disposing of hazardous waste improperly and polluting water resources vital to Tibet and much of Lower Asia;

"*Now, therefore, be it further resolved by the Senate of the State of New Mexico,* That it requests the President and the United States Congress to condition its approval of Most Favored Nation Trade Status with the People's Republic of China by placing human rights provisions on China's Trade Status, including specific provisions mandating a halt to population transfer of Chinese People into Tibet; and

"*Be it further resolved,* That the Senate urge the President to support the nonviolent struggle of the Tibetan People, led by His Holiness the Dalai Lama, 1989 Nobel laureate, and help the Tibetan People in their struggle to achieve self-determination; and

"*Be it further resolved,* That the Senate request the President to bring up the issue of Tibet in all discussions with the People's Republic of China; and

"*Be it further resolved,* That copies of this Memorial be transmitted to the New Mexico Congressional Delegation, to United States Congressman Tom Foley, to United States Senator George Mitchell and to President Bill Clinton."

POM-65. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Governmental Affairs.

"JOINT RESOLUTION

"We, your Memorialists, the Members of the One Hundred and Sixteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States, as follows:

"Whereas, the Federal Government has mandated new programs and transferred the responsibility of funding these programs to the several states and their political subdivisions; and

"Whereas, the Federal Government has also reduced or eliminated funding for certain programs administered at the state or local government level; and

"Whereas, the several states and their political subdivisions, as a result of economic recession and the substantial costs of these programs are experiencing severe revenue shortfalls and budget imbalances that are further exacerbated by having to fund these unfunded federal mandates; and

"Whereas, the several states, unlike the Federal Government, are required by their constitutions to balance their budgets, which further reduces their ability to absorb unfunded federal mandates; and

"Whereas, the State of Maine, recognizing the inequity of passing unfunded mandates on to its political subdivisions amended its Constitution in November of 1992 to prohibit state legislation or state administrative rules that require additional local government expenditures unless the Maine State Legislature funds those mandates; and

"Whereas, the federal practice of deferring program costs to the states is inherently unfair because many states, such as Maine, lack the resources to fund these programs; and

"Whereas, relief from unfunded mandates is most especially needed in the federal laws and rules governing benefits and utilization for Medicaid recipients, benefit levels for other entitlements and environmental regulation so that the several states and their political subdivisions can regain greater authority over their respective budgets and increase their ability to create jobs; now, therefore, be it

"*Resolved,* That We, your Memorialists, respectfully recommend and urge the Congress of the United States to enact legislation that provides waivers to unfunded federal mandates, be they wholly or partially unfunded; and be it further

"*Resolved,* That this legislation direct the various agencies of the Federal Government to streamline the process by which federal mandates will be waived; and be it further

"*Resolved,* That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the governor of each state the Speaker of the Lower House and the President of the Senate in each state and to each member of the Maine Congressional Delegation."

POM-66. A joint resolution adopted by the Legislature of the Commonwealth of Virginia relative to a veterans' medical facility; to the Committee on Veterans' Affairs.

"Whereas, because of the high incidence of federal military installations and contracting industries located in the Commonwealth, over 600,000 veterans of the armed services now live in Virginia; and

"Whereas, an additional 90,000 veterans of Operation Desert Storm also live in the state; and

"Whereas, medical facilities for veterans are now located only in Salem, Hampton, and Richmond; and

"Whereas, the health of many of these veterans is declining as a result of advancing age and health problems associated with their service in the military; and

"Whereas, travel to available veterans' medical facilities is difficult and inconvenient for those who live in Northern Virginia; and

"Whereas, it is estimated that approximately 220,000 veterans live within a 50-mile radius of the proposed Northern Virginia site; and

"Whereas, construction of a U.S. Department of Veterans Affairs Outpatient Clinic in Northern Virginia has been authorized by the federal government but the project has never been started; and

"Whereas, it appears that such a clinic is urgently needed and that land is currently available and is already federally owned; and

"Whereas, a similar resolution was adopted at the National Convention of the Veterans of Foreign Wars in Indianapolis in 1992; now, therefore, be it

"*Resolved,* by the Senate, the House of Delegates concurring," That the Congress of the United States be hereby memorialized to give serious consideration to the construction of a veterans' outpatient clinic in the Northern Virginia area; and, be it

"*Resolved further,* That the Clerk of the Senate prepare and send copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia congressional delegation in order that they may be apprised of the sentiment of the Virginia General Assembly."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 800. A bill to provide for a demonstration project to improve the provision of certain benefits under the Social Security Act through a private aid program; to the Committee on Finance.

By Mr. DORGAN (for Mr. KENNEDY):

S. 801. A bill to authorize the conduct and development of NAEP assessments for fiscal year 1994; considered and passed.

By Mr. LAUTENBERG (for himself and Mr. HARKIN):

S. 802. A bill to require the President to seek to obtain host nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for United States forces, and for other purposes; to the Committee on Foreign Relations.

By Mr. HELMS:

S. 803. A bill to temporarily suspend the duty on N-{{(4-chlorophenyl)amino}carbonyl}-2-diflurobenzamide, and for other purposes; to the Committee on Finance.

S. 804. A bill to extend the temporary suspension of duty on 2,6-Dichlorobenzonitrile; to the Committee on Finance.

S. 805. A bill to extend the temporary suspension of duty on 1-{1-((4-Chloro-2-(tridluoromethyl)-penyl) imino)-2-propoxymethyl}-1-H-imidazole, and for other purposes; to the Committee on Finance.

By Mr. DECONCINI (for himself and Ms. MOSELEY-BRAUN):

S.J. Res. 83. A joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week"; to the Committee on the Judiciary.

By Mr. DOLE:

S.J. Res. 84. A joint resolution designating the week of June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the Fiftieth Anniversary of World War II"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 800. A bill to provide for a demonstration project to improve the provision of certain benefits under the Social Security Act through a private aid program; to the Committee on Finance.

ANTIPOVERTY ACT OF 1993

• Mr. KOHL. Mr. President, today I am pleased to offer legislation which will demonstrate an alternative approach to welfare. I am introducing this bill on behalf of myself, and my colleague from Wisconsin, Senator FEINGOLD. Companion legislation is being introduced in the House by Representatives KLECZKA and BARRETT.

The alternative is called Project New Hope and has encountered considerable success over the past year in Milwaukee. This program is based on a simple premise: poor persons prefer work to welfare. By providing welfare recipients, the working poor, and the unemployed a living wage, child care and health care, Project New Hope seeks to make participants self-sufficient. It assumes that there are several reasons why the poor and near poor are underemployed. Sometimes they can't find work. Sometimes the benefits of working don't offset the costs of child care and transportation. Sometimes, working a full-time job at minimum wage is just enough to throw them off AFDC, with no access to health care for their children.

Similar legislation was sponsored last year by former Representative Jim Moody and I. With the assistance and support of the former administration, the former chairman of the Senate Finance Committee and the House Ways and Means Committee, we were able to include the proposal in the Revenue Act of 1992. Both last year's legislation and this proposal are budget neutral

But the signal that the Federal Government would be an active partner has already had a positive effect on the project's ability to garner private sector support. Last month, the program was awarded a $1 million challenge grant by the Helen Bader Foundation. To date, a total of $2 billion has been pledged from a combination of local, national, and private foundation sources to ensure the continuation of the program. In addition, the Manpower Demonstration Research Corp. has been selected to conduct a rigorous evaluation and to provide technical assistance to Project New Hope throughout this 3-year demonstration period.

Although the project itself does not provide job training, it helps individuals obtain job training if they need it. People who volunteer for the program are offered a job and a wage subsidy if their income is below the poverty line. They are also offered child care and health insurance. Participants are required to conduct an 8-week private sector job search, with the help of the New Hope project. If all else fails, they will be guaranteed a public service job.

The program has broad-based support in Milwaukee. Businesses, labor, education, religious, and governmental leaders have all joined to make this alternative to welfare work.

Mr. President, as you know, over the years the need for welfare has increased dramatically. To address this problem, we need to break down structural barriers and focus on promoting economic self-sufficiency. Project New Hope is an innovative new program that shows considerable promise as an alternative welfare program. I urge my colleagues to join me in support of this legislation.

I ask unanimous consent that the text of the bill, along with a summary of the program be inserted in the RECORD with these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 800

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEW HOPE DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall provide for a demonstration project for a qualified program to be conducted in Milwaukee, Wisconsin, in accordance with this section.

(b) PAYMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), for each calendar quarter in which there is a qualified program approved under this section, the Secretary shall pay to the operator of the qualified program an amount equal to the aggregate amount that would otherwise have been payable to the State in the absence of the program, with respect to participants in the program, for cash assistance and child care under part A of title IV of the Social Security Act, for medical assistance under title XIX of such Act, and for administrative expenses related to such assistance for such calendar quarter. In calculating the amount of such payment, the expenses of the program incurred in evaluating the effects of the program (as required under subsection (d)(1)) may be treated as amounts necessary for the proper and efficient administration of the program for purposes of part A of title IV of the Social Security Act and title XIX of such Act.

(2) LIMITATION OF PAYMENTS.—Payments shall be made under paragraph (1) to participants in the program for no more than 20 calendar quarters.

(c) DEMONSTRATION PROJECT DESCRIBED.—For purposes of this section, the term "qualified program" means a program operated—

(1) by The New Hope Project, Inc., a private, not-for-profit corporation incorporated under the laws of the State of Wisconsin (referred to in this section as the "operator"), which offers low-income residents of Milwaukee, Wisconsin, employment, wage supplements, child care, health care, and counseling and training for job retention or advancement; and

(2) in accordance with an application submitted by the operator of the program and approved by the Secretary based on the Secretary's determination that the application satisfies the requirements of subsection (d).

(d) CONTENTS OF APPLICATION.—The operator of the qualified program shall provide, in the operator's application to conduct a demonstration project for the program, that the following terms and conditions will be met:

(1) The operator will develop and implement an evaluation plan designed to provide reliable information on the impact and implementation of the program. The evaluation plan will include adequately sized groups of project participants and control groups assigned at random.

(2) The operator will develop and implement a plan addressing the services and assistance to be provided by the program, the timing and determination of payments from the Secretary to the operator of the program, and the roles and responsibilities of the Secretary and the operator with respect to meeting the requirements of this paragraph.

(3) The operator will specify a methodology for determining expenditures to be paid to the operator by the Secretary, with assistance from the Secretary in calculating the amount that would otherwise have been payable to the State in the absence of the program, pursuant to subsection (b).

(4) The operator will issue a interim and final report on the results of the evaluation described in paragraph (1) to the Secretary at such times as required by the Secretary.

(e) EFFECTIVE DATE.—This section shall take effect on the first day of the first calendar quarter that begins after the date of enactment of this Act.

EXECUTIVE SUMMARY

The New Hope Project is a three year demonstration project that will assess the effect of subsidizing work for individuals and families who are currently poor. The Project offers participants help in finding a job, a community service job if they are unable to find a job after 8 weeks, wage subsidies that assure an income above the poverty level, health insurance, and child care. Participants may need one or two of these benefits, or all of them. The offer is designed to be flexible and adaptive to the individual circumstances.

The New Hope Project is a nationally recognized demonstration project sponsored by a unique consortium of community, government, business, labor, religious, and social service organizations and representatives. As a model program, The New Hope Project will work with six hundred families and individuals who choose to participate in the program and who live in two targeted inner urban areas in Milwaukee, Wisconsin. The program has four key components:

The guaranteed access to a job: through non-subsidized private or non-profit employment, or if the participant cannot find a job after an eight week job search, a community service assignment will be provided.

A wage supplement: the combination of the federal and state Earned Income Credits and direct additional supplements paid by New Hope. This combination is calculated to raise a person's gross income above the poverty line.

Health insurance: equivalent in benefits to Medicaid, for families and individuals not covered by Medicaid or employer insurance. The Project has a consortium of five Health Maintenance Organization (HMO's) that participants can choose from if their employer's insurance is unacceptable.

Child care: in a home licensed or community facility. New Hope has developed a sliding fee scale to help participants pay for quality child care.

Project members will work with each participant for three years; the fourth year will be spent analyzing and evaluating the effectiveness and cost-benefits of the program.

There are three ways in which the New Hope Project is unique:

1. Guaranteed access to a job: if the participant has not obtained a job within the first eight weeks of job search, New Hope will offer him/her a community service assignment, up to six months at a time. These are jobs that are meant to fill the gap until the participant is able to find private sector employment, which is the overall focus of New Hope. Project staff urge participants to view the community service assignments as jobs of the last resort.

2. Eligibility: the Project uses income level and the willingness and desire to work as the primary eligibility criteria. The participant's household income must be at or below 150% of poverty to enter. Participation is not limited to those currently, or recently on AFDC.

3. Means-Tested: participants are eligible for subsidies for health insurance and child care until their income reaches 200% of poverty. Their payments for benefits increase as their income increases. Wage supplements are generally phased out at approximately 150% of poverty.

Presently, the New Hope Project has begun a 50 person pilot program, designed to be a test-model of the original 600 person program. The pilot will run for a period of approximately 8 months and will precede the start of the original 600 person program. The goal of the New Hope Project is to document the effect of this offer and then translate the successes into policies at the state and federal level. It will work with 650 families when the Project is fully operating.

These first 50 participants were recruited in March and April of this year, and the first Participant Agreements were signed in May 1992. It is in this first phase that the New Hope Project is developing the actual operating procedures that will be used in the full pilot phase that will be evaluated for potential policy changes.

As of this date, the evaluator has not been chosen. That will take place over the summer of 1992 with the consultation of local and national advisory board members.

Again, the Project's ultimate goal is to allow state and national policy makers to focus attention on alleviating the harsh circumstances of poverty through programs which are more humane, cost-effective and self-motivating than current programs which focus on welfare subsidy system.

Finally, it is the fundamental belief of The New Hope Project that all American citizens should have access to an employment opportunity which grants a sense of self-worth and provides a sustainable level of economic certainty.

AN ANTI-POVERTY ALTERNATIVE: THE NEW HOPE PROJECT

Introduction

While there is a national consensus that the current welfare policy in the United States is an institutionalized disaster, critics differ as to causes and solutions. Some contend that recipients manipulate the system for their own personal gain and lack the motivation to be responsible contributors to the economy; others characterize the system as insensitive to the consequences of poverty in which recipients lack access to resources which would promote self-sufficiency. Solutions to the "welfare disaster" have thus far been directed toward "patching" the existing flawed system rather than conceptually reforming how a system could address the needs of those in poverty.

Welfare programs, as they currently exist, foster dependency and hopelessness. Welfare, by design, is a maintenance program, not a program to encourage people to integrate productively into the economic community, and yet this has been the expectation for recipients.

For those who are on welfare, the system keeps people below the poverty level while maintaining major disincentives to leave welfare and move into the work force. Timelines aside, recipients know that they jeopardize health and child care benefits if they move off the system and into jobs which typically do not offer these same benefits.

In this way, the structure of the welfare system discourages the work ethic and family unity; it encourages abuse and manipulation; it has not responded adequately to the changing nature of the family unit. The welfare system advances no vision, much less a strategy, for the development of stable neighborhoods and responsive institution—both of which are critical in restoring community economies and building community resources within the inner city.

Numerous welfare reform measures have been proposed and implemented by governments. Some reforms are purposefully punitive in nature, and foster cynicism and embitterment in recipients. Other reforms concentrate on extending benefits for a set period of time, or mandating work searches, or job training and education.

While perhaps well-intended, these strategies when used as welfare reforms are programmatically fragmented and incomplete. They fail to integrate welfare with a jobs creation program and benefit retention program, and therefore lack the cohesion of a well-developed holistic approach to anti-poverty.

Meanwhile, for those who work at low-wage jobs, there is the harsh reality of working full-time and year-round, and still being poor. As our economy continues to adjust to its new base, few, if any, of these low-end jobs offer employee benefits. Federal and state governments remain deadlocked over what to do about health care for the uninsured, or whether child care is a viable benefit which should be offered through social welfare agencies. The Earned Income Credit, which supplements wages of low-wage workers with dependents, is still not enough to lift a minimum-wage worker's family above the poverty level.

Individuals and families living on the edge of survival fill this nation's city cores. Almost 14% of American people live in poverty with women and children leading the list. And, contrary to a common misconception, only one-third of the poor are on welfare—either Aid to Families with Dependent Children (AFDC) or other forms of means-tested cash equivalents. The other two thirds, over 20 million Americans, belong to the new citizen class: the working poor.

Whether the cause of poverty is unemployment or underemployment, urban poverty manifests itself in crime, drugs, violence and despair. America's inner city families are paying these high costs of poverty.

New Hope initiatives

The core of a successful approach to fighting poverty is, to help people secure jobs and, having secured jobs, to help people keep them. The success of such efforts will depend on a skilled aggressive, and effective placement program. The New Hope Project will work with employment placement and social service agencies to direct project participants to these job openings.

For those thwarted by either job shortages or a lack of preparedness for conventional jobs, The New Hope Project will work with agencies to develop community service jobs, particularly within the project participant's community neighborhoods. Designed to meet the obvious infrastructure and social service needs of poor communities, these jobs would be slots assigned to nonprofit and/or community-based organizations.

Given the demonstrated gap between even a poverty level income and the wages paid by most jobs available to poor workers, The New Hope Project will offer a wage supplement. It would ensure that if individuals work full-time and year-round, their incomes would move them and their families above the poverty line.

And, finally, The New Hope Project will include subsidized child care and health insurance for all uninsured workers and their families. This important component, while expensive, is necessary. Project participants need to know that the two major disincentives for coming off and staying off welfare will be provided for.

Each component of the Project is designed with the goal of creating incentives for people to work full-time in the private sector and to develop career plans that can be achieved. For each family group who chooses to be a part of the Project, project staff will offer on-going assistance and counseling.

The targeted neighborhoods profiled

The two neighborhoods of the New Hope Project were chosen because they are typical areas of urban poverty within the city core. They share high levels of unemployment and welfare utilization. They differ primarily in terms of racial composition.

The North Side neighborhood is 65% African-American and 29% white, while the South Side neighborhood exhibits a more diverse mix with a majority of whites, a Hispanic population of 38%, and small populations of Hmong, Vietnamese and Native Americans.

Urban poverty is evident. Both areas have a higher percentage of female headed households than the city average (50% and 40% respectively), a larger than average family size (3.1 and 2.5 persons) and a large percentage of total population under the age of eighteen (41%).

Although the Project cannot break out these neighborhoods from the overall statistics, Milwaukee leads the nation in teenage pregnancy rates, and displays the largest income gap between white and African-Americans.

The best data the Project has on welfare utilization covers a broader area than either of the targeted two neighborhoods, but there is no reason to believe they do not reflect similar statistics. The following is from a 1988 welfare study within the zip codes.

"In the North Side neighborhood, 22% of the adult population receives food stamps, 20% is on Medical Assistance, and 17% on AFDC. In the South Side neighborhood, 18% of the adult population receive food stamps, 16% are on Medical Assistance, with 14% on AFDC.

"The South Side area had the second highest number of job applications in the metropolitan area at Wisconsin Job Service, with 3,320 applications from January to October 1990. The North Side area was fourth highest, with 3,074 applications in the same period."

ACCESS TO A JOB

Unemployed members of the New Hope Project will be assisted in an eight week job search. If that person is unable to secure employment in the private sector or in the government, that individual will qualify for a Community Service Job. These jobs are designed to be temporary and of limited duration. The goal of the New Hope Project is that individuals who are placed in Community Service Jobs will continue their search for full-time employment in the private sector.

A. Community Service Jobs:

Because the Community Service Jobs comprise a critical part of New Hope's offer to low-income people without full-time jobs, the component is described here in great detail.

The Community Service Jobs are designed to meet the needs of three distinct groups of disadvantaged job-seekers:

Job-seekers whose custodial responsibilities for children or elderly people prevent them from holding most jobs.

Job-seekers who personal or work histories prevent them from being hired.

Job-seekers with severe limitations, whom no employer will hire because of physical, mental, emotional or communication problems.

In addition, Community Service Jobs must provide start-up or interim work for employees who lose work through no fault of their own but rather because of labor market limitations and fluctuations. Project offerings are triggered by participants' successful and continued working at 32 hours a week. Because many jobs at the low end of the labor market fluctuate in hours per day, days per week, or continuity of production or service, participants will predictably find themselves without work for the day. In addition to offering work for people who cannot find work, Community Service Jobs will supplement non-subsidized work so that participants can maintain continuous employment.

All Community Service Jobs pay the minimum wage, with the possible exception of long-term crew work performed directly for the Milwaukee Community Service Corps. No Community Service Jobs will pay more than forty hours a week for work performed. No Community Service Jobs will displace any current worker or infringe on any collective bargaining agreement.

We anticipate many individuals will not be successful in maintaining their first job. For this reason we will allow participants to be assigned to Community Service twice. No one will be able to hold a Community Service Job more than 26 weeks at any given time. On a case by case basis, the New Hope Project staff will determine if an exception to the 2 assignment rule should be made. In general, we would expect that exceptions would be made in very limited circumstances such as personal or family illness or a clear mismatch of skills for available job openings at any given time.

B. Contract with the Milwaukee Community Service Corps:

All Community Service Jobs will be managed by the Milwaukee Community Service Corps (MCSC). The MCSC was established in 1990 to complete significant improvement projects in Milwaukee that were not being addressed by government or the private market. The MCSC also provides employment and training to economically disadvantaged Milwaukee youths between 18 and 23 years old. Under contract with the Project, the MCSC has expanded its mission to include a wider range of ages, and a different set of community service projects.

C. Community Agency Placements:

Some Community Services Job's will be assignments in private, non-profit agencies and organizations. Placements are designed to provide continuous work at positions that are similar to those participants might perform for pay in the future.

Agencies must qualify as sites for Community Service Jobs by meeting the following criteria:

They must perform a community service as identified below or as acceptable to the MCSC.

They must commit to provide employment for a minimum period of time, as specified in a contract between the MCSC and the community agency.

They must agree to have the participant leave the placement at any time the participant can secure non-subsidized employment.

They must agree to the conditions of employment as specified below.

Community agencies must have authorized personnel sign statements that Community Service Jobs at their agencies do not displace current or prospective non-subsidized employers, and that a supervisor at the agency will provide supervisory and administrative oversight of the Project participant.

No Community Service Jobs work may be performed for religious purposes, although Community Service Jobs work may take place in religious institutions that sponsor community services such as recreation programs, child care, education, or meal programs, provided that these programs are not religious in nature.

Non-profit placements:

The following community agencies are authorized community agency placements, subject to review and approval by the MCSC.

Head Start Programs, Non-Profit Day Care Centers, Non-Profit Schools, Youth Recreation Programs, Neighborhood Organizations, Community Service Organizations, Meal Programs, and New Hope Project.

D. Crew Work:

Crew work is designed as comparatively long-term work, lasting at least three months but no more than 26 weeks, as part of ongoing MCSC community improvement projects. It will be available to a limited number of participants.

This work may be limited to participants who meet the MCSC's standard qualifications for jobs, including health standards, income guidelines, the completion of "Individual Development Plans," and age requirements (The MCSC normally accepts people only between eighteen and twenty-three years old).

Unlike most daily work and community agency placements, participants in the work crews will work under the direct supervision of the MCSC. Crew members will be required to abide by all MCSC standards, procedures, and discipline, just as they would any employer.

WAGE SUPPLEMENT COMPONENT

The New Hope Project, Inc. will offer a wage supplement to those participants who are working full-time and have one or more dependent children. The New Hope wage supplement is a combination of existing federal and state Earned Income Credits and a New Hope Expanded Earned Income Tax Credit.

A. Federal and State Earned Income Tax Income:

The New Hope Project will help participants with dependents who are making less than $22,000 file for the Earned Income Tax Credits that are offered by both the state and federal government. The federal credit is available on an advance payment basis or in a lump sum after you file the federal income tax return. The state credit is available only in a lump sum payment after you file the state income tax return. The New Hope Project will use its own staff and existing agencies to help participants take full advantage of these income credits.

B. New Hope Expanded Earned Income Credit:

In addition to the federal and state credits, the Project will offer an expanded income credit to all participants with dependents. The Project is currently working to get tax-exempt status for this wage supplement. The New Hope wage supplement is based on the federal credit and phases out at the same point, $22,000. The goal of New Hope is that the combination of these earned income credits will boost individuals' salaries over the poverty line. The wage supplements are based on the 1992 poverty levels as submitted by the federal government and vary according to family size and salary.

The Project maintains that single parent families with one to four children will receive a combination of Earned Income Tax Credits that will raise that individual's gross income to 115% of the poverty level working full-time at the minimum wage. Two-parent families with one to three children will receive a combination of Earned Income Tax Credits that will raise income to 105% of the poverty level working full-time at the minimum wage. All households over five persons will receive a combination of Earned Income Tax Credits that will raise income to 100% of the poverty level working full-time at the minimum wage.

HEALTH CARE COMPONENT

For most low-wage workers, poverty is compounded by the likelihood that their employers offer no health insurance. According to an October 1990 report by the Social Development Commission, in 1986 there were 123,076 persons without health insurance in Milwaukee County, over 13% of the population. The Social Development Commission of Milwaukee estimates that this number includes 24,000–30,000 households of working poor without health coverage.

Health insurance has been arranged with a consortium of Health Maintenance Organizations (HMO's). New Hope will offer a co-payment plan for all participants who are not covered by their employers. All New Hope Participants must have some form of health insurance, whether it be a private HMO, Medicaid, Medicare, V.A., or CHAMPUS. Participants will be assigned to a specific HMO through a drawing process and will be subject to fees and co-payment for services received as would any person utilizing the HMO. The health insurance offered by New

Hope is designed to offer both individuals and families the same level of insurance available through medicaid. This level of insurance permits both families, and individuals who may become liable for the care of dependents, to make transitions from public assistance to non-subsidized work, and to sustain non-subsidized work even when they may become liable for the care of dependents.

The New Hope Project has devised a sliding co-payment scale for participants. The co-payment increases as the participant's income increases. In all cases, the health care co-payment will never exceed 30% of a participant's net income.

A. How it works:

Participants qualify for health insurance in four ways. AFDC, SSI and other recipients of public assistance qualify by meeting work and reporting requirements, and running out of their eligibility for Medicaid as a result of earning more than the maximum permitted income. Uninsured participants qualify after completing four consecutive weeks of qualifying work, or six weeks within a period of eight calendar weeks, whichever they achieve first. Working participants who can demonstrate at least four consecutive weeks of qualifying work in the eight weeks before entering the Project; or at least six weeks of qualifying work in the eight weeks before entering the Project, are eligible immediately. Working participants who already have health insurance are eligible for partial reimbursement of their individual costs, so that they pay no more than the standard sliding scale personal co-payments required of all participants.

CHILD CARE COMPONENT

For families with children, child care is just as important a consideration as health care or pay scale. Working parents, or those seeking work, need assurance that their children will be safe and well taken care of during the hours they are away. For many inner urban parents, particularly for single parents, this task proves formidable.

Social service agencies have responded to these needs, establishing data banks which detail those child care providers who are state licensed and certified. The state of Wisconsin legislated mandatory education and training for child care workers prior to certification, and a continuing education program for those interested in expanding career options. In addition, the provider must supply background and references and the facility must meet State of Wisconsin health and safety regulations.

The New Hope Project will contract with existing agencies who monitor child care providers to allow project participants access to these certified and licensed providers. Project participants will be able to detail criteria, such as location or cultural preference or special hours, with the assurance that the list of providers not only fit these needs but also address the safety, nutrition and guidance needs of their children.

Providing accessible, affordable child care for project participants removes one of the major obstacles in the employment process. The New Hope Project also sees a second opportunity within this child care component, and that is the opportunity for project participants to become employed in the private sector as child care workers or, as part of a more innovative New Hope Initiative, as a self-employed state-certified or licensed home child care provider.

Through the Guarantee of Jobs Initiative, the Project is interested both in placing people into private or not-for-profit sector jobs and, when needed, through the Community Jobs Initiative, in creating community service jobs especially within the two targeted urban cores.

The New Hope Project will work with existing social service agencies to place interested project participants in licensed group child care centers on a paid basis if possible, and, if not, on a community service basis. The participant will be introduced to the concept of a Family Day Care Center.

To be a Family Day Care Center, the participant must enroll in a certification program. The agencies which monitor child care providers also provide the education and training necessary for this state certification and licensing. The New Hope Project would subsidize some of the costs related to this training.

Referral and placement

Because people on welfare receive an inadequate level of income to provide for even basic necessities, the potential of having to pay for any additional expense of child care while searching for work further pushes employment out of reach for most recipients. While there are county moneys available for the child care needs of the working poor, most existing child care welfare assistance programs (e.g., Title XX and others) are inadequate and underfunded.

When seeking a job, parents need to find quality child care in a safe caring environment, for a price which is affordable, and for the variable hours needed. This task becomes particularly burdensome on single parents and is further exacerbated when more than one child is involved. More often, the job seeker must deliver his or her child to a neighbor or a friend or a relative, who themselves may be ill-equipped to deal with the care and attention a child requires. These short-term solutions rarely offer any consistency of environment for either the children or the parents.

The New Hope Project will offer:

(a) Participants who are working in either the private sector or community service jobs, will receive assistance in purchasing licensed or certified child care services on a sliding scale determined by income. Co-payment will be structured so as not to put an individual below the poverty line and will increase as income increases.

(b) Project staff will assist participants in locating and purchasing child care services from certified or licensed providers.

(c) Participants will have access to a range of child care services including certified group day care and family day care services or other arrangements of the individual's choice.

(d) The New Hope Project will seek formal agreements with existing day care centers and planned (as of the date of this proposal) day care centers to set aside slots for project participants.

(e) The New Hope Project will seek agreements with counseling and referral agencies for child care placement.

(f) The New Hope Project will work with public institutions, such as the Milwaukee Public Schools and Milwaukee County Parks System to take advantage of existing day care supplement programs and to develop new after school programs particularly helpful for parents in the target areas.

(g) Participants who work part-time will receive child care assistance and payments prorated to the hours they work.

(h) Payments and co-payments from the Project will be made to child care providers on a direct basis, or providers will receive payments through Milwaukee County's day care Voucher Program.

(i) Co-payments on behalf of participants will phase out according to Milwaukee County's child care assistance guidelines.

EVALUATION

Because the ultimate goal of the New Hope Project is to transform public policy, the evaluation of this model program is of critical importance. The Project will contract with a nationally-recognized organization with a demonstrated track record of performing credible independent evaluations of employment and social service programs.

The process of evaluation will be ongoing with the project. On a pre-project basis, the contractor evaluator will approve the procedures manual as drafted by staff to assure that Project operations provide the required data, sustain a valid comparison group, and create documented records that will be credible in public discussion about Project experience, results and policy recommendations.

Some questions which the Project will answer:

Did participants achieve results significantly greater than comparison group members? If so, what accounted for greater results with each population? If not, why did the extra services and costs for participants not produce greater results?

Did services for Project participants cost more than services for Project comparison group members?

Did Project members contribute significantly more in non-subsidized wages, taxes paid, and production than comparison group members?

How do Project results compare with other employment and social service programs relative to the Project's primary goals of assisting participants earn economic independence and provide support in a manner more cost-effective than the current system?

Evaluators will also be encouraged to make interim recommendations regarding the Project during the program operations as regards to the effectiveness of the program and the integrity data collection.

After the Project is completed, evaluators will state the policy implications based upon the Project's experience, both in performance and achievements. While recognizing that vastly differing conclusions can be drawn from identical data, evaluators will follow established criteria to conclude which programs could or should be implemented as public policy. Areas of interest include:

Cost-effectiveness between control group and participants;

Job preparation for sustainable employment;

Replications and innovations of the Project;

Integrative quality of Project components into existing system;

Related issues such as quality of child-rearing, health impacts, reactions of employers, general economic activity in targeted urban cores, and educational retention.

• Mr. FEINGOLD. Mr. President, I am pleased to cosponsor the legislation being introduced today by the senior Senator from Wisconsin [Mr. KOHL] which will provide for a demonstration project called New Hope, to improve the delivery of welfare program services under the Social Security Act. I am especially pleased that identical legislation is today being introduced by Representative GERALD KLECZKA of Milwaukee, WI, in the House of Representatives. This legislation would provide for a waiver of various Federal statutes to enable this project to receive Federal support. No funds are authorized beyond the levels that would otherwise be available under current law.

There is a great deal of interest in promoting welfare reform and encouraging innovative programs aimed at dealing with the problems in the current system. President Clinton has promised to end welfare as we know it. He has asserted that welfare must be a second chance, not a way of life, and that if you work, you should not live in poverty. New Hope is exactly the type of innovative project that can demonstrate that these goals are attainable. This program offers the opportunity to demonstrate that we can make a positive difference in the lives of poor men, women, and children that is a lasting one.

The primary goal of New Hope is to demonstrate to leaders, policymakers and citizens that there is a better, more humane, more cost-effective way to deal with poverty and joblessness than the current welfare system. New Hope is a 3-year demonstration project that will assess the effect of subsidizing work for individuals and families who are currently poor. The project will offer a real alternative to welfare, unemployment, and underemployment to 600 individuals in 2 central city Milwaukee neighborhoods by providing: access to jobs in the private sector; community service jobs if no job can be found in the private sector; wage supplements, if necessary to bring a family's income above the poverty line; and health care and child care subsidies up to 200 percent of poverty.

The project will target people currently on welfare, people who are unemployed, but not on welfare and people working, but still poor. While the project shares the goals of economic self sufficiency with existing efforts, it goes beyond them in three ways. First, the project guarantees access to a job. Second, it removes categorizations of who the poor are, and thereby removes some of the disincentives to participate in the current system. Finally, it links subsidies to income level, rather than creating sudden death scenarios for participants when arbitrarily established time limits are reached.

Already, in the New Hope prepilot project 51 participants have been recruited. In the period May–December 1992 there has been an 86-percent increase in the proportion of those participants who are now working full time. There has been a 75-percent decrease in the proportion of participants who are unemployed. As a result, the employed participants will no longer require an AFDC grant, and 25 percent of those participants no longer require Medicaid because employers cover the cost of health insurance.

The core of a successful approach to fighting poverty is to help people secure jobs, and having secured them keep them. The success of such efforts depends on skilled, aggressive, effective experimental demonstrations like New Hope to lead the Nation's poor to economic prosperity.

I had the opportunity last week to visit the New Hope Project and spend some time talking to people involved with this project. I am very enthusiastic about its potential for helping to break the cycle of poverty and providing a national model for other communities. I am very pleased to join with my colleagues from Wisconsin in lending my strong support to this measure and to the efforts of the New Hope Project.●

By Mr. LAUTENBERG:

S. 802. A bill to require the President to seek to obtain host nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for U.S. forces, and for other purposes; to the Committee on Foreign Relations.

BURDENSHARING LEGISLATION

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation to shift the burden of defending Europe and the Pacific from the American taxpayer to our wealthier allies.

The bill would require the administration to secure burdensharing agreements which require most foreign countries with U.S. military installations to pay for at least 75 percent of all U.S. overseas basing costs. Countries that receive foreign assistance from the United States would be exempt.

To ensure that the defense burden will be shifted to our wealthier allies, the bill would prohibit the United States from funding more than 25 percent of the total U.S. overseas-basing costs by fiscal year 1996. In many countries, the United States currently pays more than 75 percent of those costs.

Congress has approved a budget resolution that commits us to reduce the deficit by almost $500 billion over the next 5 years. To relieve the obligation that we are placing on our children and free our economy from the burden of massive Federal borrowing, we must make the hard choices that are necessary to exceed, if possible, the deficit reduction goals we have set.

I have suggested before that my colleagues offer specific proposals to make deficit cuts. I have already put forward several such proposals and this legislation is another such proposal.

When this legislation is fully implemented, it could save the U.S. taxpayer almost $3 billion annually according to Congressional Budget Office estimates. That is $3 billion that we can subtract from the deficit and put back in the hands of American taxpayers.

Mr. President, there is no reason for the U.S. Government to continue paying the lion's share of the overseas basing costs in wealthier countries.

The administration should negotiate a better deal for the American people. It could look to the agreement we have with Japan as a model. While far from perfect, the Japanese agreement is a good model for host nation agreements because it requires the Japanese to pay for the majority of overseas basing costs.

The agreement is saving the American taxpayer money. According to OMB, for example, Japan, paid 70 percent of the U.S. overseas basing costs and the United States paid the remaining 30 percent of those costs in fiscal year 1992.

In fiscal year 1993, Japan is expected to pay for 72 percent of the overseas basing costs. By 1996, Japan is supposed to pay for all of the Japanese labor and utility costs, which are part of overseas basing costs, and will pay for 75 percent of all overseas basing costs. In addition Japan does not charge the United States rent for facilities and land we use in Japan.

On the other hand, some of our wealthier NATO allies take the American taxpayers to the cleaners. In fiscal year 1992, our wealthier NATO allies were spending less than 25 percent of the overseas basing costs. The United States paid the difference. Most of these contributions consist of the value of the land and rent for facilities used by U.S. forces.

In 1992, the German Government contributed only 23 percent of the overseas basing costs of maintaining our military in that country. The Italians contributed approximately 20 percent of the overseas basing costs of our military in that country. The British Government contributed approximately 14 percent of the overseas basing costs.

The American people shouldn't have to pay for so much of the burden. Our wealthier NATO allies can and should be required to do more. They should pay for at least 75 percent of the overseas basing costs. The legislation I am introducing today would move us in that direction.

Mr. President, we're getting the short end of the stick when it comes to paying salaries of foreign nationals as well. Foreign national pay is included in overseas basing costs. Our Government pays for salaries of foreign nationals in Germany and in all host nations who work on United States bases. In fiscal year 1992, the Germans paid for only 13 percent of those salaries. They should pay more.

At the same time, in fiscal year 1992, the Japanese paid 66 percent of those salaries and are supposed to pay for 100 percent of those salaries by the end of the Japanese 1995 fiscal year. That's a pretty good deal, and our Government should try to emulate it with our other wealthier allies.

The South Koreans should pay more as well for costs associated with employing South Koreans to work at United States military facilities. According to OMB documents, in fiscal year 1992, Korea only paid for 14 percent of the salaries for its foreign nationals who work on United States bases and the United States picked up the rest of the tab. The Koreans can afford to pay more. The administration needs to be forceful in requiring them to do that.

Mr. President, this bill is straightforward: It would require the President to seek agreements with our allies to pay at least 75 percent of all costs of maintaining U.S. troops in their countries, except for the salaries of U.S. military personnel, by 1996.

To ensure that our troops will not be undermined and our national security will not be impaired by this provision, the bill would allow the President to waive this restriction if he determines and certifies to Congress that such action is essential to the national security of the United States.

This bill is long overdue. While our economy continues to stagnate, and unemployment claims continue to raise, our wealthier allies are getting a free ride at the expense of the American people. While we pour money into the defense of their nations, they pour money into their already strong and thriving economies.

Yet, we continue to finance a disproportionate share of the defense burden. In 1991, the United States spent approximately $1,180 per capita for the defense of the world, while Germany only spent approximately $446 per capita. And we continue to spend the highest portion of our GDP on defense. According to the most recent available statistics, the United States spent a staggering 5.9 percent of its GDP on defense, while Germany spent only 2.8 percent, and Korea spent 4.3 percent.

The United States simply cannot afford to pay any longer. Our Nation is running a nearly $320 billion deficit, and we have a $4 trillion national debt. Yet, in fiscal year 1992, according to the Office of Management and Budget, we spent about $17.7 billion on overseas basing costs. Over one-third of that, $6.1 billion, was spent in Germany. We can't continue bankrolling the defense of our allies.

The administration must pressure our allies to pick up a greater share of the defense burden. The United States cannot continue paying the lion's share of the defense burden.

Even if the goal of this legislation is met the United States will continue to pay enormous amounts of money to defend collective security interests overseas. We will still pay for 25 percent of the overseas basing costs. We will still pay for the cost of our personnel, our equipment, our operational costs, transportation costs, and ammunition. We will still spend billions defending Europe, the Pacific, and the Middle East.

Mr. President, this bill will move the Nation in the right direction, and will at long last relieve the American people of part of the defense burden which they've carried for far too long. I urge my colleagues to support this bill as one important way to reduce our Federal deficit.

I ask unanimous consent that the full text of the bill be printed in the Record following my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) The Congress has previously directed the Secretary of Defense to seek to enter into multiyear burdensharing support agreements with economically strong North Atlantic Treaty Organization (NATO) allies of the United States in order to obtain increased host nation contributions toward defraying the overseas basing costs for forces of the Armed Forces of the United States in that host country.

(2) In fiscal year 1992—

(A) the government of Germany contributed approximately 23 percent of the overseas basing costs for United States forces in that country;

(B) the government of Italy contributed approximately 20 percent of the overseas basing costs for United States forces in that country;

(C) the government of the United Kingdom contributed approximately 14 percent of the overseas basing costs for United States forces in that country; and

(D) the United States paid the remainder of such costs.

(3) The Japanese government will pay 75.1 of overseas basing costs according to the host nation burdensharing support agreement between the United States and Japan.

(4) In accordance with that agreement, the government of Japan contributed in fiscal year 1992 approximately 70 percent of the overseas basing costs for United States forces in that country, and the United States paid the remainder of such costs.

(5) If the economically strong NATO allies of the United States had contributed 75 percent of the overseas basing costs that were incurred for fiscal year 1992 for United States forces in the countries of such allies, the United States would have saved an estimated $5,000,000,000 of the amount paid by the United States for overseas basing costs for that fiscal year.

(6) It is in the national interest of the United States for the United States and our economically strong allies to enter into burdensharing support agreements that provide for such allies to defray most or all of the overseas basing costs for the United States forces stationed in the allied countries.

SEC. 2. INCREASED BURDEN SHARING BY ALLIES OF THE UNITED STATES.

(a) Defense Cost-Sharing Agreements.—The President shall enter into negotiations with each foreign nation described in subsection (b)(1) to seek to conclude an agreement that provides for such nation to pay at least 75 percent of the overseas basing costs that are incurred for the stationing of members of the Armed Forces of the United States and related civilian employees of the Department of Defense in that nation as a result of the implementation of a bilateral or multilateral defense agreement with that nation.

(b) Covered Foreign Nations.—

(1) In general.—Except as provided in paragraph (2), the foreign nations referred to in subsection (a) are the following:

(A) Each member nation of the North Atlantic Treaty Organization (other than the United States).

(B) Every other foreign nation with which the United States has a bilateral or multilateral defense agreement that provides for the assignment of combat units of the Armed Forces of the United States to permanent duty ashore in that nation or the placement of combat equipment of the United States in that nation.

(2) Inapplicability to certain foreign nations.—The foreign nations referred to in subsection (a) do not include any foreign nation that receives assistance or financing under—

(A) section 23 of the Arms Export Control Act (22 U.S.C. 2673), relating to the foreign military financing program; or

(B) the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.).

SEC. 3. USE OF FUNDS FOR PAYING OVERSEAS BASING COSTS.

(a) Limitation.—Funds may not be expended to pay more than the allowable percent of the overseas basing costs that are incurred during a fiscal year referred to in subsection (b) for the stationing of members of the Armed Forces of the United States and related civilian employees of the Department of Defense in a nation referred to in section 2(a) as a result of the implementation of a bilateral or multilateral defense agreement with that nation.

(b) Maximum Allowable Percent.—For purposes of subsection (a), the allowable percent for a fiscal year is as follows:

(1) Fiscal year 1994.—For fiscal year 1994, 60 percent.

(2) Fiscal year 1995.—For fiscal year 1995, 40 percent.

(3) Fiscal years after fiscal year 1995.—For each fiscal year that begins after September 30, 1995, 25 percent.

SEC. 4. WAIVER AUTHORITY.

If the President determines that it is necessary to do so in the national security interest of the United States, the President may waive, with respect to a foreign nation referred to in section 2(a), the limitation in section 3. In the case of each such waiver, the President shall submit to Congress a written certification of the determination and a description of the extent of the waiver.

SEC. 5. REPORTING REQUIREMENT.

Not later than September 30, 1993, the President shall submit to the Congress a plan and schedule for concluding with foreign nations referred to in section 2(a) agreements that provide for each such nation to pay 75 percent of the overseas basing costs that are incurred for the stationing of members of the Armed Forces of the United States and related civilian employees of the Department of Defense in that nation as a result of the implementation of a bilateral or multilateral defense agreement with that nation.

SEC. 6. OVERSEAS BASING COSTS DEFINED.

In this Act, the term "overseas basing costs" means all costs related to the operation of installations in foreign countries at which forces of the Armed Forces of the United States are based and—

(1) includes but are not limited to—
(A) pay for foreign nationals;
(B) costs of utilities;
(C) costs of local services;
(D) costs of military construction projects;
(E) costs of real property maintenance;
(F) costs of environmental restoration;
(G) leasing costs;
(H) taxes;
(I) user fees;
(J) tolls; and
(K) import duties; and.
(2) does not include the pay and allowances of members of the Armed Forces of the United States and civilian employees of the Department of Defense.

By Mr. HELMS:

S. 803. A bill to temporarily suspend the duty on N-[[(4-chlorophenyl)-amino]carbonly]-2-diflurobenzamide, and for other purposes; to the Committee on Finance.

DUTY SUSPENSION ACT

Mr. HELMS. Mr. President, I am today reintroducing legislation to suspend temporarily the duty on diflubenzuron, which goes by the trade name Dimilin. It is produced only in Holland and is imported by Uniroyal Chemical Co., which operates a plant in Gastonia, NC.

Dimilin is an environmentally safe pesticide used primarily for the control of gypsy moths. It acts biologically on the moth larvae, which prevents it from hatching, rather than as a toxic killer.

Mr. President, when the duty suspension for Dimilin was proposed in 1989, some opposition was expressed to the bill by Sandoz Crop Protection Co. In 1990, Sandoz withdrew its opposition.

The Uniroyal Co. has prepared a thorough description of this compound. I ask unanimous consent that this analysis be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM IN SUPPORT OF LEGISLATION TO SUSPEND TEMPORARILY THE DUTY ON N-[[(4-CHLOROPHENYL)AMINO]CARBONYL]-2,DIFLUOROBENZAMIDE

I. INTRODUCTION

This memorandum outlines the principal arguments for the proposed legislation supported by Uniroyal Chemical Company to suspend through December 31, 1998, the 12.9% ad valorem Customs duties on imported N-[[(4-chlorophenyl)amino]carbonyl]-2,difluorobenzamide (90%) and the 9.7% ad valorem duty plus $0.018/kg duty on N-[[(4-chlorophenyl)—amino]carbonyl]-2,6-difluoro benzamide (25%) and inerts (75%) provided for under HTS subheadings 2924.29.19 and 3808.10.20, respectively. Both of these products are known by their trade name of diflubenzuron.

The proposed legislation was reviewed in depth by the Administration and the Congress during 1991–1992. It was noncontroversial and was included as part of the House-passed Miscellaneous Tariff Act, H.R. 4318, which was pending in the Senate at the end of the session.

II. DESCRIPTION AND USES OF DIFLUBENZURON

The chemical diflubenzuron, commonly known by its registered brand name "Dimilin", falls under two separate HTS subheadings depending on the percentage of basic chemical composition. N-[[(4-chlorophenyl)amino]carbonyl]-2-difluorobenzamide (90%) or Dimilin Tech, is the pure product with only clay and other inerts present. N-[[(4-chlorophenyl)-amino]carbonyl]-2-difluorobenzamide (25%) is diluted with inerts (75%) to compose Uniroyal product Dimilin 25. Both products are registered trademarks of Uniroyal Chemical Company, Inc.

Dimilin was invented by Duphar B.V. of Holland who is the sole producer and holds the U.S. registration as well. Duphar holds the patent for diflubenzuron as well. This patent expires in 2003—well after the requested duty suspension period. Uniroyal has an agreement with Duphar to import diflubenzuron for purposes of regulating pesticide growth.

The chemical is used as an insect growth regulator. While often classified or referred to as an insecticide, it is not, and as a growth regulator, has a unique mode of action. It inhibits the ability of the egg to hatch or the larvae to rupture the cuticle thereby causing the insect to die before reaching maturity.

Its primary uses include forestry (gypsy moth control), nurseries, mosquito control, cotton, soybeans and Christmas trees. The U.S. Department of Agriculture has approved Dimilin as one of three products considered "very safe" for use in the treatment of the boll weevil in cotton. As part of a good integrated pest management program, Dimilin can replace the toxic and nasty products previously used. Dimilin is not toxic to birds, bees or fish. Dr. John Moore, Assistant Administrator of the EPA is quoted in the book "Silent Spring Revisited" as follows:

"Perhaps most encouraging is the recent practice of developing a pest management plan in which chemical pesticides are only a part of a multifaceted scheme. The emergent success story of boll weevil control in cotton production throughout the Carolinas is most illustrative. Through the use of the chemical dimilin (sic.), which has selective larvicidal and chitin-inhibiting properties, early season spraying with conventional chemical insecticides is not needed. Natural predators of other cotton pests that used to be destroyed by these sprayings are once again successful in keeping these pest species in natural balance."

Thirty percent of Dimilin imports are used by State gypsy moth eradication programs where sixty five percent of the products in use by the States is Dimilin.

Another important use of Dimilin is for mosquito control. The World Health Organization approved the use of Dimilin last year for mosquito control and it is being used successfully in the U.S. and many other countries of the world because of its selective mode of operation, its low mammalian toxicity, its non-persistence in soils and hydrofoils, its lack of mobility in the environment and its low biological accumulation and magnification.

III. ENVIRONMENTAL CONCERNS

EPA has never classified diflubenzuron as a known or likely carcinogen. This has been confirmed by Paul Schroeder in Phil Hutton's office at the EPA. Phil Hutton is the EPA product manager for diflubenzuron.

Paul Schroeder told us that the EPA has tested diflubenzuron on rats and mice for a life time at 10,000 parts per million (which is equal to 1% of their diet). They found no incidents of increased tumors and no weight loss. One non-EPA study said that there could be slight carcinogenic characteristics. EPA determined that these tests were not applied under proper conditions and therefore were inadequate, and that there was not sufficient evidence to conclude that there may be carcinogenic characteristics. EPA basically discounted this study. Schroeder said that often times environmentalist groups will use the evidence from one study without checking as to whether or not it was correctly applied or inadequate—simply because the tests concluded what they wanted to hear. Schroeder said that the EPA has no concerns that diflubenzuron is carcinogenic, and that, at present, it is listed in Category E which means that all testing has produced negative results of carcinogens.

Since the use and application of pesticidal chemicals is comprehensively regulated, EPA and other agencies continually review the properties of these materials as exhibited in particular uses. The purpose of this review is to establish standards for applications of these materials to various crops and flora, to insure that no human or animal toxicity will result. EPA has not found diflubenzuron to be a carcinogen, but since the agency is routinely reviewing the properties of these and other pesticidal products in the context of registration renewal some environmentalist groups have interpreted this as means for concern.

Federal pesticide registrations and approvals can be divided into three categories as follows:

(1) Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)—allows EPA to register pesticides after conducting a risk/benefit analysis (i.e., will the pesticide perform its function without unreasonable risk to the environment);

(2) Section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA)—authorizes FDA to establish "safe" residue levels for pesticides found on raw agricultural commodities and other applications. Raw agricultural commodities having residues in excess of prescribed levels are deemed "adulterated" and are subject to seizure and destruction; and

Section 409 of FFDCA—allows FDA to prescribe "safe" residue levels for "food additive" chemicals—i.e., pesticide residues found in food.

Section 409 of the FFDCA contains the controversial "Delaney Clause", which prohibits EPA from establishing a Section 409 food additive level for any substance "if it is found to induce cancer when ingested by man or animal, or if it is found, after tests which are appropriate for the evaluation of the safety of food additives, to induce cancer in man or animal."

Many pesticides and other chemicals are toxic in high concentrations; otherwise, they could not perform their functions. Some pesticide chemicals, if present in sufficient concentrations show evidence of some potentially carcinogenic effects. Read literally, the "Delaney clause" would prohibit EPA from establishing "food additive regulations" for many agricultural pesticides. Accordingly, FDA has proposed an enforcement policy which would recognize a "de minimus" exception to the "Delaney Clause", and allow EPA to establish food additive tolerance levels where (1) carcinogenic risks are negligible, or (2) carcinogenic risks are more than negligible, but EPA decides that the benefit to the food supply outweighs potential risks. In such cases, FDA will establish appropriately low "food additive" levels, to insure that the use of these pesticides in agriculture will not cause a cancer risk to humans or animals.

In implementing this policy, EPA is in the process of identifying potential cancer risks posed by pesticides which have been registered under FIFRA and approved for certain uses. Appendix C of the attached FEDERAL REGISTER notice lists the pesticidal products which EPA is routinely reviewing in the context of registration renewal. Diflubenzuron is on this list for review.

EPA has divided pesticides into five kinds for purposes of assessing cancer risks: Group A (known carcinogens), Group B (probable human carcinogens), Group C (possible human carcinogens), Group D (carcinogenity not capable of assessment), Group E (non-carcinogenic).

IV. MANUFACTURE AND IMPORTATION

Diflubenzuron is not manufactured by any firm in the United States. Uniroyal Chemical is the only importer for purposes of regulating pesticide growth. Uniroyal imports both the Tech grade and finished product. The Tech grade is formulated into finished products at plants in Gastonia, North Carolina and Fresno, California. Another firm American Cyanamid also imports diflubenzuron for purposes of animal healthcare.

While there are other products that may be considered competitive, these are insecticides with very different modes of action and are therefore not considered competitive.

There is one other competitive product on the market that is used in the U.S. mushroom market only. Under the trade name "Apex", the product is marketed by Sandoz/Zoecon. Although "Apex" is not the same chemical as diflubenzuron, there was some confusion on this point when duty suspension for diflubenzuron was originally considered in 1990. In 1990, a bill to suspend the duty on diflubenzuron passed the House of Representatives, but did not pass the Senate because of a Sandoz/Zoecon claim that its product was directly competitive. On July 27, 1990 Sandoz Crop Protection wrote a letter to withdraw its opposition to duty suspension for diflubenzuron, but the letter did not arrive in time to get the bill in the "mini-trade" miscellaneous tariff package enacted by the 101st Congress.

V. COST/SAVINGS

Dimilin is a high cost product with a high duty rate. It is not imported in great quantities since its use is selective although very important. In 1991, Uniroyal imported approximately $1,889,900 total of Dimilin. The duty paid on these imports was approximately $216,791. The savings resulting from a duty suspension on the tariff on difluenzuron could be passed on to the consumers.

IV. CONCLUSION

There are no U.S. manufacturers of these products. Consequently, the enactment of a temporary duty suspension will not cause injury to United States manufacturers or other United States business interests. The product is environmentally safe and is important for agriculture and society. A temporary duty suspension will have a minimal revenue impact and may help encourage its further use in other applications.

By Mr. HELMS:

S. 804. A bill to extend the temporary suspension of duty on 2.6-Dichlorobenzonitrile; to the Committee on Finance.

S. 805. A bill to extend the temporary suspension of duty on 1-(1-((4-Chloro-2-(trifluoromethyl)-penyl)imino)-2-proproxyethy)-1-H-imidazole, and for other purposes; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. HELMS. Mr. President, today I am introducing two bills to suspend temporarily the duty imposed on dichlobenil, and triflumizole. Similar bills have already been introduced in the House.

These products are used by a fine corporate citizen in my State, Uniroyal Chemical Co., which operates a plant in Gastonia, NC.

Mr. President, the Uniroyal Co. has prepared a thorough description of each of the compounds and an analysis of their importance to our agriculture industry. I ask unanimous consent that these analyses be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BACKGROUND INFORMATION IN SUPPORT OF LEGISLATION TO EXTEND THE DUTY SUSPENSION ON 2, 6-DICHLOROBENZONITRILE

I. INTRODUCTION

This background paper provides information in support of a draft bill, supported by Uniroyal Chemical Company to extend retroactively until December 31, 1998 the temporary duty suspension on 2,6-dichlorobenzonitrile and certain imported preparations containing this important anti-sprouting agent as an active ingredient. (See Attachment A)

This duty suspension, set forth in Harmonized Tariff Schedule heading 9902.30.69, expired December 31, 1992, following Congress' failure to enact a package of miscellaneous tariff amendments last year. A provision extending this noncontroversial duty suspension was included in H.R. 4318, the Miscellaneous Tariff Act of 1992, which passed the House but was never reported by the Senate Finance Committee.

II. DESCRIPTION AND USES OF 2,6-DICHLOROBENZONITRILE

Commonly known by the name Dichlobenil, 2,6-Dichlorobenzonitrile is an important anti-sprouting agent widely used throughout the United States in the manufacture of agricultural and horticultural weed and seed control products. As the active ingredient in these products, Dichlobenil functions as a highly selective "pre-emergent" anti-sprouting agent. Simply stated, Dichlobenil prevents the seeds of weeds and similar horticultural pests from germinating, sprouting, and harming valuable agricultural and ornamental crops.

Uniroyal Chemical Company, Inc., an American corporation headquartered in Middlebury, Connecticut, imports and sells Dichlobenil under its trade name Casaron. Uniroyal imports dichlobenil in two forms: Casaron technical grade, which is composed approximately 97% Dichlobenil, with small quantities of inert ingredients, and Casaron 85W, a mixture composed of between 85–90% by weight of Dichlobenil, plus inert ingredients (primarily calcium silicate and other clays), and minute quantities of surfactants.

After importation, both grades of Casaron are compounded with other inert ingredients—again, primarily clays—and minute amounts of surfactants, in order to manufacture anti-sprouting preparations, which are sold in the form of granules and wettable powders. Popular Casaron formulations distributed to United States end-users include Casaron 2G (2% Casaron as active ingredient) and Casaron 4G (4% Casaron as active ingredient). Growers further dilute those formulations in water and spray them on areas where seed and weed growth control is needed.

Anti-sprouting preparations made from imported Dichlobenil are used in many important agricultural and horticultural applications. For instance, Dichlobenil is without question the most selective pest control product for a wide variety of ornamental plant cultures. It prevents the growth of harmful broadleaf weeds, without injuring the valuable ornamental growth. [By contrast, ordinary pesticide chemicals might destroy or injure ornamental plantings, as well as the harmful weeds.] Dichlobenil is also widely used by United States cranberry growers to control bog weeds harmful to their crops. Dichlobenil preparations are extensively used wherever cranberry crops are raised, especially in the New England states, the Upper Midwest (particularly Wisconsin) and the Pacific Northwest.

Dichlobenil preparations are used extensively in orchards and nurseries, and around municipal and commercial grounds and buildings. Paving contractors make frequent use of Dichlobenil preparations to kill weeds under asphalt. Dichlobenil can also be used in the manufacture of aquatic herbicides, and is particularly effective in controlling weeds such as hydrilla, whose uncontrolled growth has choked many waterways in the Southeastern United States.

In short, Dichlobenil is an important chemical used in the manufacture of seed and weed control preparations which are vital to the health of important United States agricultural and horticultural crops, and to the economic well-being of United States growers.

III. ENVIRONMENTAL CONCERNS

The Environmental Protection Agency (EPA) has never classified Dichlobenil as a known or likely carcinogen. This has been confirmed by Mr. Bob Taylor of the EPA. He is the product manager for Dichlobenil.

EPA has divided herbicides into five kinds of purposes of assessing cancer risks: Group A (known carcinogens), Group B (probable human carcinogens), Group C (possible human carcinogens), Group D (carcinogenicity not capable of assessment) and Group E (non-carcinogenic). Dichlobenil is listed in category E, which means that all testing has produced negative results concerning carcinogens.

Since the use and application of pesticide chemicals is comprehensively regulated, the EPA and other agencies continually review the properties of these materials as exhibited in particular uses. The purpose of this review is to establish standards for applications of these materials to various crops and flora, to insure that no human or animal toxicity will result. While the EPA has not found Dichlobenil to be a carcinogen, the agency nevertheless routinely reviews the properties of these and other pesticidal products in the context of registration renewal. As part of such a routine review, the EPA included Dichlobenil on its most recent list for review published in Appendix C of the Federal Register notice, October 19, 1988. Appendix B of this same Federal Register notice lists the EPA "Food Use Herbicides With Evidence of Carcinogenicity." Dichlobenil is not on this list.

IV. MANUFACTURE AND IMPORTATION OF DICHLOBENIL

Under the Harmonized Tariff Schedule of the United States (HTS), Casaron Technical

Grade 2,6-Dichlorobenzonitrile is classifiable under HTS item 2926.90.10.00.6. This item provides specifically for "nitrile-function compounds: * * * Other: Aromatic * * * Dichlorobenzonitrile," with duty at a rate of 6.8% ad valorem.

Casaron 85W, a mixture containing 2,6-dichlorobenzonitrile and other ingredients, is classifiable under HTS item 3803.30.10.00.0, which provides for "Herbicides," anti sprouting products and plant growth regulators: Containing any aromatic or modified aromatic herbicide, anti-sprouting agent or plant growth regulator, dutiable at a rate of 1.8 cents per kilogram plus 9.7% ad valorem.

The industry situation has not changed since the passage of the original duty suspension measure. Dichlobenil is not manufactured by any firms in the United States. All Dichlobenil imported into the United States (and, consequently, all anti-sprouting preparations containing Dichlobenil) are manufactured in the Netherlands by Duphar, B.V. of Amsterdam which controls all United States registrations for the product. Uniroyal has a contract with Duphar to import Dichlobenil for the purpose of producing pre-emergent weed growth controllers which prevent the germination of weed seeds. This is a contract which is automatically renewed each year unless notice is given by either company one year prior to cancellation. The terms of registration are controlled by Duphar. This is not like a patent registration in that other manufacturers may produce the chemical, but in order for it to be used for the same registered purpose, a company must get approval from Duphar.

Dichlobenil is a narrow spectrum product and of limited demand. The incumbent costs to produce it in small quantities are uneconomical and consequently there is little incentive for United States companies to manufacture Dichlobenil. Uniroyal imports both Casaron Tech and Casaron 85W manufactured by Duphar. Dichlobenil formulations are produced at Uniroyal plants in Gastonia, North Carolina, and Fresno, California. In addition, some of these preparations are manufactured by Uniroyal "toll" processors throughout the United States.

A second United States firm, P.B.I. Gordon of Memphis, Tennessee, compounds Dichlobenil preparations as well. Like Uniroyal, P.B.I. Gordon obtains all of the Dichlobenil which it uses from Duphar in the Netherlands. (Dichlobenil is produced by a company in Japan. However, the Japanese product is not registered or approved for use in the United States, and consequently is not imported or used here.)

Various herbicides produced in the United States are used in some of the same applications as Dichlobenil; however, none of these have the exact properties and functions of Dichlobenil (e.g., for use on cranberries). Dichlobenil is not a herbicide, but rather a plant growth regulator; it does not kill or injure any existing plant or animal life, but it prevents the development of harmful seeds. Consequently, it may be said that Dichlobenil does not compete with any domestically produced products.

V. COSTS/SAVINGS

Casaron is a high cost product with a high duty rate. It is not imported in great quantities since its use is selective, although very important. Uniroyal Chemical Co. estimates that the total amount of Casaron 85W imported in 1991 was valued at $1,010,600. The estimated duty savings for Uniroyal was $98,821. During 1991, Uniroyal Chemical Co. imported no Casaron Tech, but will do so in the future.

Uniroyal has already benefitted greatly from the suspension of duties on the import of Casaron. If passed, the duty suspension would continue to allow United States formulators to import this essential chemical at lower costs and to function more efficiently and inexpensively. These savings would be passed on to growers, farmers and consumers.

VI. SOUND PUBLIC POLICY SUPPORTS THE ENACTMENT OF A DUTY SUSPENSION ON DICHLOBENIL

Enactment of this suspension would provide important benefits for United States agricultural and horticultural industries, without harming domestic manufacture. Several factors support its enactment.

First, no United States firms presently manufacture Dichlobenil, nor do any intend to do so. Only Duphar B.V. has obtained the OK for the use of its Dichlobenil product in the United States. While some other herbicides are used for the same purposes as Dichlobenil, none are directly competitive with it. Consequently, the extension of the duty suspension on Dichlobenil will not injure any United States manufacturing interest. To the contrary, the suspension would provide a major benefit for the United States facilities operated by Uniroyal Chemical, P.B.I. Gordon, and their toll processors, which are engaged in the manufacture of anti-sprouting compounds which contain Dichlobenil.

The duty suspension would also provide an important benefit to United States growers and consumers. Customs duties currently represent a significant portion of the landed cost of Dichlobehil. This duty cost is passed along to distributors of Dichlobenil-containing products and, ultimately, to farmers, growers, municipal agencies, and other users of anti-sprouting products containing Dichlobenil. The extension of the temporary suspension of the tariff on Dichlobenil would allow United States formulators to continue to import this essential chemical at lower costs and to manufacture anti-sprouting preparations more efficiently and inexpensively. Duty savings would continue to be passed on to United States consumers, growers, and farmers, and future price increases could be deferred or delayed.

In addition, this duty suspension would not significantly impact United States customs duty revenues. Consumer demand for Dichlobenil is relatively static, and it is expected that imports will not increase by more than 5,000 pounds per year. Enactment of the suspension would not affect this projection.

Finally, environmental considerations support enactment of a duty suspension. As noted above, Dichlobenil is a selective and pre-emergent anti-sprouting agent. Unlike ordinary pesticides, which attack pests and plants after they have sprouted, often harming the flora or fauna, Dichlobenil protects important crops by preventing the germination of harmful seeds. The use of Dichlobenil in the United States is carefully regulated by the EPA to insure human and animal safety. Dichlobenil has been registered with the EPA since 1964, and the EPA has approved numerous Dichlobenil formulations for use in the treatment of broadleaf weeds and grasses and aquatic weeds in a wide variety of applications. Unlike many ordinary herbicides, Dichlobenil has never been classified by the EPA as showing any evidence of carcinogenicity. The formulation, labeling and application of Dichlobenil-containing products are carefully regulated to insure that no adverse ecological consequences ensue from their use.

VII. CONCLUSION

For the reasons given above, Uniroyal Chemical Co. supports the introduction and enactment of the proposed legislation.

Memorandum in Support of Proposed Legislation To Extend the Duty Suspension on 1[1-((4-CHLORO-2(TRIFLUOROMETHYL)-PHENYL)IMINO)-2-PROPOXYETHYL]-1H-IMIDAZOLE

I. INTRODUCTION

This background statement on behalf of Uniroyal Chemical Company, Inc. of Middlebury, Connecticut, provides information in support of proposed legislation to extend retroactively the former duty suspension on 1[1-((4-chloro-2(trifluoromethyl)-phenyl)imino)-2-propoxyethyl]-1h-imidazole (see Attachment A). That suspension expired December 31, 1992, after Congress failed to enact miscellaneous tariff legislation. This product is known by its trade name of Triflumizole.

The suspension on triflumizole was first passed in 1990 as part of the "mini-trade" bill, and was included in the 102nd Congress' House-passed H.R. 4318, Miscellaneous Tariff Act. The draft legislation would extend until December 31, 1998, the suspension of the 13.5% ad valorem United States Customs duty on triflumizole imports provided for under HTS subheading 2933.29.30.00.9. until December 31, 1996. The suspension was provided for in HTS subheading 9902.31.07.

II. DESCRIPTION AND USES OF TRIFLUMIZOLE

The chemical Triflumizole, known by its registered brand names in the United States, "PROCURE and TERRAGUARD," falls under HTS subheading 2933.29.30.00.9. It is a powder which Uniroyal imports from Japan under exclusive license from Nippon Soda. Uniroyal formulates the imported technical grade material into "ready-to-use" active wettable powders. The product is utilized as a fungicide on ornamental plants and is being developed for use on deciduous fruits and to combat powdery mildew on grapes.

Triflumizole was invented by the Japanese company, Nippon Soda, which holds the patent and the U.S. registration. To our knowledge, Uniroyal is the only importer of Triflumizole. Uniroyal Chemical Company has an agreement to import and market the product and its compositions in the U.S. This license is effective as of January 1, 1989 and will be valid for 5 years.

In addition to its use to control cylindrocladium root rot disease on spathapyllum ornamental foliage plants, Triflumizole is being developed by Uniroyal to be utilized to control powdery mildew on grapes. Powdery mildew is one of the most devastating of the diseases to attack grapes. Each year, more than $15 million are spent in attempts to control this disease. Currently sulphur and Bayleton are the two main products employed in the fight against powdery mildew but sulphur is quite irritating to workers during the application process and in recent years, Bayleton is being reported as failing in control of mildew perhaps because of resistance being developed by the disease.

Triflumizole is also intended for use for the control of scab and mildew on apples. At present, Triflumizole is being developed by Uniroyal Chemical for registration on apples, pears, stonefruit, grapes and other crops. For these products, Triflumizole is currently for experimental use only, Triflumizole is registered for its use on ornamental plants and was granted an emergency Section 18 registration by the EPA for its use for the control cylindrocladium root rot disease on spathapyllum ornamental foliage plants.

III. ENVIRONMENTAL CONCERNS

Triflumizole is considered environmentally safe in that it has no adverse effects on birds or bees although it can be toxic to fish at high concentrations. It degrades quickly in the soil, is rapidly metabolized by plants and animals and does not bioaccumulate in fish.

IV. MANUFACTURE AND IMPORTATION

The industry situation has not changed since the passage of the original duty suspension measure. Triflumizole is not manufactured in the United States. Because of the low demand, it is unlikely that any U.S. company will seek a license to manufacture Triflumizole in the U.S.. Uniroyal Chemical is the only current importer. Uniroyal imports the Tech grade and formulates it into finished products at plants in Gastonia, North Carolina and Fresno, California.

There are other competitive products on the market that are used in the U.S. for some of the same applications. These include Captan from Chevron, Funginex imported by FMC, and Dithane imported by Rohm and Haas. While these products are competitive in application, they are not competitive in their mode of action. There is no other product like Triflumizole manufactured in the United States.

V. COST/SAVINGS

Triflumizole is a high cost product with a high duty rate. It is not imported in great quantities since its use is selective and in many cases, still experimental. Approximately 3,500 lbs. of Tech grades were imported in 1989 having a total value of $127,260.00. The duty was approximately $17,180.000 on these imports. Uniroyal has already benefitted greatly from the duty suspension on Triflumizole, which went into effect on October 1, 1990. If passed, the legislation would extend the benefits of the original duty suspension measure and save importers of triflumizole a total of approximately $68,720.00 from December 31, 1992 through December 31, 1996. Savings resulting from the extension will assist in the development of the product for the benefit of the growers and the consumers.

VI. CONCLUSION

There are no U.S. manufacture of Triflumizole. Consequently, the extension of the existing duty suspension will not cause injury to United States manufacturers nor should it injure other United States business interests. The product is environmentally safe and is of growing importance for agriculture and society. An extension of the temporary suspension will have a minimal revenue impact and could help encourage further use of Triflumizole in other applications by reducing its overall cost.

For the foregoing reasons, Uniroyal Chemical Company, Inc. supports extension of the duty suspension.

By Mr. DECONCINI (for himself and Ms. MOSELEY-BRAUN):

S.J. Res. 83. A joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week"; to the Committee on the Judiciary.

LINCOLN LEGACY WEEK

• Mr. DECONCINI. Mr. President, it is with great pride that I rise to introduce a joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week."

In the spring of 1989, students Carol Bien-Wilner, Lizz Cohen, Jamie Lewis, Carol Mach, Ilene Mass, and Heidi Sherman from Saguaro High School in Scottsdale, AZ, together with their history teacher, Mr. John Calvin, stood at the steps of the Lincoln Memorial. As they recalled the historic events that occurred there and reflected upon America's continuing commitment to democracy and liberty for all people, an idea was born. This moment was a catalyst for an inspired undertaking—the desire to create a museum at the Lincoln Memorial to commemorate the living legacy of Lincoln. These students pledged to work together to accomplish their goal.

The students began with a simple plan to place a plaque at the Lincoln Memorial commemorating Dr. Martin Luther King, Jr's., "I Have a Dream" speech. They collected 2,000 signatures in 4 days to support their proposal. They lobbied former Arizona Governor Rose Mofford for a proclamation in support of the project and she complied. During the fall of 1990, with the assistance of the American Federation of Teachers, they returned to Washington, DC, and presented their ideas to Members of Congress and received bipartisan support. When students met with National Park Service officials, they received a positive response. The Park Service had already been considering a similar project and welcomed student involvement. In March 1990, these young people attended the annual National Close-Up Program in Washington, DC, prepared to lobby the other 1,500 students attending the program. After many meetings with more congressional and other officials and many successes, they received bad news. The Commemorative Works Act prohibits placing plaques at national memorials. They were nevertheless undaunted by the news and forged ahead. Instead of a simple plaque, these students decided on a museum to commemorate all the accomplishments of Lincoln.

After a year of hard work and perseverance, the group from Arizona mobilized 17 students from 16 States who gathered together in Washington, DC, in November 1990 under the auspices of the American Federation of Teachers and the Close-Up Foundation, for an intensive study of Lincoln's legacy and a series of meetings with Park Service managers and exhibit specialists. The students played an active role in the meetings and even prepared designs for the museum. They were successful in maintaining the integrity of the project, and solicited ideas from students across the nation whose contributions will be reflected in the exhibits at what will be the Lincoln Memorial Museum.

In February 1992, a core group of students from across the Nation began a nationwide penny drive, appropriately named "Pennies Make a Monumental Difference," to raise the $300,000 necessary for the new Lincoln Memorial Museum. Their campaign, organized with very little private sector support, has been a success. The Lincoln Memorial Museum is scheduled to open in August 1993, the anniversary of King's historic "I Have a Dream" speech in Washington, DC. It will be a museum belonging not only to the thousands of young people who donated their pennies but to all peoples of the world. It is a shining example of what a grassroots effort is all about.

Mr. President, these young people were inspired by Lincoln to pursue a dream. They not only accomplished their goal, but have achieved much more. I urge my colleagues to join me in expressing our deep pride in the students across the Nation who through hard work and deep conviction have realized a dream by cosponsoring this resolution. I ask unanimous consent that the joint resolution be printed in the RECORD at the conclusion of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 83

Whereas Abraham Lincoln exemplified honesty and fairness to all people, generosity of spirit, and unswerving dedication to upholding democracy, human dignity, and the integrity of the United States of America;

Whereas February 12, 1994, marks the anniversary of the birth of Abraham Lincoln;

Whereas Abraham Lincoln is revered throughout the world for his vision of freedom and equality;

Whereas Abraham Lincoln's legacy of freedom and equality for all people continues to capture the imagination of humanity;

Whereas the life and ideals of Abraham Lincoln are commemorated by the Lincoln Memorial;

Whereas the Lincoln Memorial has served as a platform for individuals to exercise their democratic freedoms in support of civil rights, equal rights, and constitutional rights;

Whereas the legacy of Abraham Lincoln has inspired individuals in the United States, such as Dr. Martin Luther King, Jr., to gather at the Lincoln Memorial to share their dreams and lift their voices for a better United States;

Whereas the youth of the United States will display the ideals of freedom and civil rights by joining in the national "Pennies Make a Monumental Difference" campaign, which emphasizes the importance of the involvement of individuals;

Whereas during the week beginning February 6, 1994, students across the Nation will study the legacy of Abraham Lincoln and participate in the "Pennies Make a Monumental Difference" campaign to support new exhibits at the Lincoln Memorial; and

Whereas during the week beginning February 6, 1994, activities will occur that are designed to encourage people to promote the legacy of Abraham Lincoln and further the ideals of freedom and equality for all: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning

February 6, 1994, is designated as "Lincoln Legacy Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.●

By Mr. DOLE:

S.J. Res. 84. A joint resolution designating the week of June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the 50th Anniversary of World War II"; to the Committee on the Judiciary.

OBSERVANCE OF THE 50TH ANNIVERSARY OF WORLD WAR II

Mr. DOLE. Mr. President, today I offer a joint resolution to commemorate the week of June 1 through June 7, 1993, as the National Observance of the 50th Anniversary of World War II.

It seems to me, that with the spread of democracy and freedom throughout the former Soviet Union and Eastern Europe, it is especially fitting that we now honor those brave Americans who fought and sacrificed during World War II to lay the foundation of this new freedom that continues to unfold in Europe.

No doubt about it, America's contribution during World War II was decisive in the defeat of the violent tyrannies that had ignited the most destructive war known to mankind. It was the bravery, productivity, and genius of the American people that made this vital victory possible.

The heroic contribution of the United States began long before the bombing of Pearl Harbor in December 1941. Some examples were: American ships ensured that Great Britain kept its vital sea lanes open; American intelligence experts were breaking the codes that would be key to our future naval victories in the Pacific and the Atlantic; and the U.S. Army was perfecting the tactics that would allow our forces to take North Africa, Italy, and France. There were American volunteers actually flying combat missions over England and China in 1940.

When America entered World War II in full force, the American people were galvanized into action that would change the world. American valor in the air, at sea, and on the ground was supported by the extra efforts of the American farmers and factory workers, and we became the most productive Nation in history. Billions of tons of ships, aircraft, and vehicles were produced at unprecedented rates. And, as the arsenal of democracy became an awesome reality to our enemies, American farmers produced enough food to literally feed the world. It is also very important to remember that our productive farmers saved both our Allies as well as our defeated enemies from starvation after the war.

Our Nation's productivity was exceeded only by its creative genius, American science and technology gave us the ability to transform imagination into reality, with an engineer's exacting precision. The computers would increase our capabilities in all fields. New medical techniques and pharmaceuticals would provide new possibilities in health care. New materials and processes would forever change our manufacturing and construction techniques.

Moreover, the years between 1940 and 1945 were a time of great transition for our Nation. Internationally, we became a superpower. Domestically, we experienced great social changes, as vast population shifts changed the demographics of our Nation, and women took on new and important challenges in the workplace which would redefine their roles in society.

The week of June 1 to June 7, is especially significant to our Nation. It was during this first week in June 1942, when the Battle of Midway was raging, that our naval forces dealt a devastating blow to the imperial Japanese Navy, a victory so complete, that they never recovered. Also in this same week in 1944, Americans liberated Rome from the fascists and stormed the beaches of Normandy to liberate Europe from the Nazis.

Mr. President, I believe it is most appropriate to honor these brave men and women of this Nation who gave their all so that others could live in freedom. Their supreme sacrifice for freedom and democracy 50 years later is being realized. I, therefore, send this joint resolution to the desk to authorize the President of the United States to issue a proclamation establishing the week June 1 to June 7, 1993, as the Week of the National Observance of the 50th Anniversary of World War II.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution ordered to be printed in the RECORD, as follows:

S.J. RES. 84

Whereas the brave men and women of the United States made tremendous sacrifices during World War II to save the world from tyranny and aggression;

Whereas the winds of freedom and democracy sweeping the globe today spring from the principles for which over four hundred thousand Americans gave their lives in World War II;

Whereas World War II and the events that led up to that war must be understood in order that we may better understand our own times, and more fully appreciate the reasons why eternal vigilance against any form of tyranny is so important;

Whereas the World War II era, as reflected in its family life, industry, and entertainment, was a unique period in American history, and epitomized our Nation's philosophy of hard work, courage, and tenacity in the face of adversity;

Whereas, between 1991 and 1995, over nine million United States veterans of World War II will be holding reunions and conferences and otherwise commemorating the fiftieth anniversary of various events relating to World War II; and

Whereas June 4, 1993, marks the anniversary of the beginning of the Battle of Midway, and June 6, 1993, marks the anniversary of D-Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 1, 1993, through June 7, 1993, is designated as a "Week for the National Observance of the Fiftieth Anniversary of World War II", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 20

At the request of Mr. ROTH, the names of the Senator from Nevada [Mr. REID] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 20, a bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 55

At the request of Mr. METZENBAUM, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 55, a bill to amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 177

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 216

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Hawaii [Mr. INOUYE], the Senator from Connecticut [Mr. DODD], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 226

At the request of Mr. DASCHLE, the name of the Senator from Montana

[Mr. BAUCUS] was added as a cosponsor of S. 226, a bill to amend the Internal Revenue Code of 1986 to provide that certain cash rentals of farmland will not cause recapture of special estate tax valuation.

S. 261

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 261, a bill to protect children from exposure to environmental tobacco smoke in the provision of children's services, and for other purposes.

S. 262

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 262, a bill to require the Administrator of the Environmental Protection Agency to promulgate guidelines for instituting a nonsmoking policy in buildings owned or leased by Federal agencies, and for other purposes.

S. 342

At the request of Mr. BOREN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 360

At the request of Mr. DORGAN, the names of the Senator from Colorado [Mr. BROWN], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 360, a bill to amend the Internal Revenue Code of 1986 to extend the deduction for health insurance costs of self-employed individuals for an indefinite period, and to increase the amount of such deduction.

S. 377

At the request of Mr. GRAMM, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 377, a bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration.

S. 381

At the request of Mr. DASCHLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 448

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 448, a bill to amend the Federal Water Pollution Control Act to provide for additional certification requirements for certain licenses and permits, and for other purposes.

S. 487

At the request of Mr. MITCHELL, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. AKAKA], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 505

At the request of Mr. MCCONNELL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 505, a bill to amend the Food Stamp Act of 1977 to identify and curtail fraud in the food stamp program, and for other purposes.

S. 545

At the request of Mr. DOLE, the names of the Senator from Indiana [Mr. LUGAR], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

S. 575

At the request of Mr. KENNEDY, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 575, a bill to amend the Occupational Safety and Health Act of 1970 to improve the provisions of such Act with respect to the health and safety of employees, and for other purposes.

S. 600

At the request of Mr. BOREN, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 660

At the request of Mr. RIEGLE, the name of the Senator from Tennessee [Mr. MATHEWS] was added as a cosponsor of S. 660, a bill to require the preparation of community economic adjustments plans before the closure or realignment of military installations under base closure laws.

S. 670

At the request of Mrs. KASSEBAUM, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 670, a bill to amend the Head Start Act to make quality improvements in Head Start programs, and for other purposes.

S. 716

At the request of Mr. BOND, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from North Dakota [Mr. CONRAD], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 716, a bill to require that all Federal lithographic printing be performed using ink made from vegetable oil, and for other purposes.

S. 763

At the request of Mr. DURENBERGER, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 763, a bill to amend section 1729 of title 38, United States Code, to improve the Department of Veterans Affairs medical care cost-recovery program.

S. 799

At the request of Mr. METZENBAUM, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 799, a bill to require that 4-gallon to 6-gallon buckets distributed in commerce bear a permanent label warning of a potential drowning hazard to young children, and for other purposes.

SENATE JOINT RESOLUTION 47

At the request of Mr. JOHNSTON, the names of the Senator from Virginia [Mr. WARNER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate the week beginning on November 21, 1993, and the week beginning on November 20, 1994, each as "National Family Week".

SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the last week of September 1993, and the last week of September of 1994, as "National Senior Softball Week."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

SENATE RESOLUTION 79

At the request of Mr. FEINGOLD, the name of the Senator from Texas [Mr. KRUEGER] was added as a cosponsor of Senate Resolution 79, a resolution expressing the sense of the Senate concerning the United Nation's arms embargo against Bosnia-Herzegovina, a nation's right to self-defense, and peace negotiations.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on pending nominations on Wednesday, April 28, 1993 at 10 a.m. in SR-332.

For further information please contact Chris Sarcone of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Wednesday, April 28, 1993, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on "Oversight of Federal Trade Data: What We Don't Know Could Hurt Us."

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and the public that a hearing has been scheduled before the Subcommittee on Mineral Resources Development and Production.

The purpose of the hearing is to receive testimony on hardrock mining royalty issues and written statements on S. 775, the Hardrock Mining Reform Act of 1993.

The hearing will take place on Tuesday, May 4, 1993, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for inclusion in the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC, attention: Lisa Vehmas.

For further information, please contact Lisa Vehmas of the subcommittee staff at 202/224-7555.

COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, April 21, 1993, at 9:30 a.m. in open/closed session, to receive testimony from the unified commanders on their military strategy and operational requirements, and the defense authorization request for fiscal year 1994 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 21, 1993 at 10 a.m. to hold a hearing on terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a joint hearing on the Comprehensive Child Immunization Act of 1993, with the House Committee on Energy and Commerce's Subcommittee on Health and the Environment, during the session of the Senate on Wednesday, April 21 at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HISTORICAL PRESERVATION COMMENDATION

• Mr. DECONCINI. Mr. President, I rise today to recognize several Arizonans and to congratulate them for their historical preservation efforts, reflected in the recently restored 1925 La Casita de Maria, a home located in Paradise Valley, AZ. La Casita de Maria owners Jan & Bill Frieder, architect John C. Douglas, AIA, of Douglas Architecture and Planning, and Christine E. Ten Eyck, of the Planning Center spent 9 months designing a restoration plan for the project, which included replacing foreign landscaping with exclusively southwestern plants and making renovations to the 68-year-old adobe home.

Mr. President, the restoration was grounded in the concept of making La Casita de Maria as authentic as possible, and I am pleased to report that their project has met with complete success. The grounds were recently featured in the January/February issue of the National Trust's magazine, Historic Preservation, where it captured Second Prize for Landscape in the magazine's Fourth Annual Great American Home Awards. The honor is especially significant because it is the first Arizona project to win a National Trust Award. In addition, the home and grounds have garnered 12 design awards over the past several months, including 1992 awards from the American Institute of Architects and the American Society of Landscape Architects.

The commitment made by these individuals to restore a part of Arizona history reflects a growing interest in Arizona to preserve our rich heritage so that future generations can appreciate the unique history of the Southwest. I highly commend their efforts and congratulate them for the awards they have won.•

PACIFIC WHITING DECISION

• Mr. HATFIELD. Mr. President, the Department of Commerce issued a set of fishery regulations last week which threatens to do great harm to the coastal economy of my State. These regulations are even more disturbing because of the way in which they were promulgated.

The fishery in question is Pacific Whiting. The regulations deal with the allocation of fishing privileges between various sectors of the industry. Federal law provides a comprehensive and detailed system of regional fishery management under which regulations are to be crafted. The Magnuson Fishery Conservation and Management Act created a group of eight regional councils which are changed with the task of developing proposed fishery management rules. The councils gather scientific data, hold public hearings, debate the issues, and then make recommendations to the Secretary of Commerce. In the case of Pacific Whiting, the council and the region have invested significant time and resources in developing an equitable allocation system for this fishery.

It is largely because of the great deal of effort and compromise which went into the crafting of this plan that I am so disturbed about what took place last week. The Commerce Department, after issuing a proposed rule very similar to that suggested by the Pacific Fishery Management Council, made an 11th-hour change and issued a rule which was a 180-degree reversal of its own proposal. Without getting into questions about why this may have been done, let me discuss the negative impacts the decision will have.

The economy of the Oregon coast has traditionally depended on two sources of jobs and revenue: timber and fishing. I need not go into detail about the woes of the timber industry. Oregon's coastal fisheries have also seen a general decline over the last decade, but the Pacific Whiting fishery offered new opportunities in the fishing industry. The allocation plan proposed by the Pacific Fishery Management Council would have provided further stability for Oregon's coastal economy.

Unfortunately, as a result of the Commerce Department's rejecting the plan, the coastal communities of my State face a bleaker economic future. The vast majority of the Pacific Whiting resource, under the Commerce's plan, will now be given to large factory trawler ships from Seattle for which the Pacific Whiting resource is but a minor component of their economic livelihood. In fact, the amount of fish which had originally been proposed for the small-boat fleet and the onshore processing plants would have lasted them well into the fall. Now, these same fishermen will be out of work and coastal plants will be shut down by the end of June. The result will be that workers and local economies will lose millions of dollars and hundreds of jobs.

Of longer term concern is what this action says about the administration's view of regional management of natural resources. Not long ago, the President, Vice President, and many member of the President's Cabinet visited Oregon for the timber summit. The President provided a very clear policy statement that the best way to work out the dilemmas we face is through scientifically based regional management measures.

It was exactly such a measure which the Pacific Fishery Management Council crafted and presented to the Secretary of Commerce for resolving the allocation disputes in the whiting fishery. And what was the response from the administration? They responded by summarily rejecting the council's proposal and substituting a far different plan of their own making.

How much confidence can such an action give to the many regional agencies and industry groups who are struggling with the problems of the timber harvest and endangered species? In the light of the rejection of the council's whiting plan, many groups involved in management of the timber resource may ask: Why bother? If the administration is going to substitute its judgment for that of the people of the region, then what is the point of pursuing regional strategies?

Mr. President, unlike the plan agreed to by the region, the final rule published by the Department of Commerce is a 1-year rule. The Pacific Fishery Management Council's original plan was a long-term solution to this continuing issue. The goal of the long-term solution offered by the council was to provide a stable, predictable base for this fishery.

The 1-year fix chosen by Commerce means we will be asking the region to once again go through this process—the same process they have followed for the last 2 years. It is my hope for the short term that the Commerce Department will realize the error it has made and will restore the original proposal which its own managers recommended. But perhaps more importantly, it is my hope that in the long term the administration will recall its own recent statements of commitment to regional management and will not continue to fall prey to the insidious notion that Federal bureaucrats in Washington, DC, are the source of all wisdom.•

A TRIBUTE TO TOMPKINSVILLE

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to Tompkinsville, an outstanding town located in south central Kentucky.

Tompkinsville is the county seat of Monroe County, which is located on the Kentucky-Tennessee border. The town is situated on the Eastern Pennyroyal Plateau and lies west of the Barren and Cumberland Rivers.

Tompkinsville and Monroe County have the distinction of being the only county and county seat named for a U.S. President and Vice President who served together. Tompkinsville and Monroe County were named around 1820, the year James Monroe of Virginia and Daniel Tompkins were reelected to our Nation's highest offices.

Although agriculture is the traditional base for Monroe County's economy, it is the growing manufacturing community which employs many Tompkinsville residents. Industries like a fiber optics manufacturer, a garment company which produces jeans for the Gap, and a busy sawmill keep the area's unemployment rate at 5 percent, which is below the State's average.

Perhaps Tompkinsville's most important resource is its residents. Due to Tompkinsville's colorful political history, citizens have learned to be self-reliant. Tompkinsville has become a community of individuals dedicated to hard work and a bright future.

Mr. President, I salute Tompkinsville and the good people who call this Kentucky town home. I honor them for their dedication to growth and prosperity, and I encourage them to continue on their path to success.

Mr. President, I request that an article from Louisville's Courier-Journal be included in today's RECORD.

The article follows:

TOMPKINSVILLE

(By Al Cross)

The drive down Main Street through the heart of Tompkinsville shows little sign that the Monroe County seat has changed much in the last decade or two.

On the north side of town is the office of the Board of Education, still a leading employer. Closer to the square is the home of James C. Carter Jr., the former circuit judge whose family made the schools and county offices political employment agencies for most of this century. At least three local businesses announce the 30th birthday of someone named Tootie, and the closet Wal-Mart is half an hour away. A short drive east is Kentucky's only state-operated ferry; not far west is a place called Bugtussle.

But on the same road to that old ferry is a new airport. Along a newly widened boulevard is a plant that makes optical fiber, a hospital that paid off its debt 12 years early and the headquarters of a company that is the county's top employer and the main jeans supplier for the nation's second-best-selling line of clothing. And the county's oldest industry, sawmilling, seems healthier than ever, with growing exports and new injections of capital.

Tompkinsville is still a small town with second-class roads and other disadvantages, but "all this industry's picked it up," said Bill Stephens, one of several home-grown manufacturers on whom the county once depended—and now one of its newest entrepreneurs, as the owner of a successful motel.

The county's per-capita income and housing values still trail the state's, but are catching up. School enrollment is rising after a decade of decline, and new hires by the jeans maker helped drive unemployment down last year to an average of 5 percent, well below most recent years and lower than the state figure.

"Everybody in Monroe County who wants a job has got a job. They may not be making all the money they'd like to make, but this is a high-employment area," said James Graves, the school superintendent since 1980. "We have to recruit now to hire custodians, to hire bus drivers. When I first came along people would kill for a janitor's job."

As government jobs became less important and the Carter family lost power, the county was transformed—not from the Republicanism it has followed since the Civil War, but from a factional patronage system.

"The economics of the matter have changed," said state Republican Rep. Richard Turner, who steered a largely independent course through what could be called the Carter War of the late 1970s and early 1980s.

"This thing is docile now," Turner said. "The social event of the year used to be an election. People would come from miles around just to watch the spectacle. Now it's the Watermelon Festival. Thank goodness for that."

Graves said: "There's not really any major political faction in the county now. It depends on the election. People come and go as they will."

Without two warring factions, "People have become more aware of actual issues rather than thinking of personalities," said Blanche Bushong Trimble, editor and publisher of the Tompkinsville News. She and others said the war's end led to cooperation on projects such as the airport.

The Carter War, which began with a family split over a school board race in 1975 and was fueled by a shortage of young Carters to inherit the political mantle, ended "basically because of necessity," said Turner. Unless Carters and other Republicans are unified, Democrats and independents can capture local office, as they did in 1985 when a Democrat beat Turner for judge-executive and an independent was elected sheriff.

The war had some bizarre battles and characters. An election for Republican Party officers in a single precinct in 1982 drew 250 voters, more than usually vote in regular elections. The anti-Carter candidate won the ensuing election for GOP chairman by a single vote. In 1983, a district judge jailed the circuit court clerk and her lawyer husband, who later tried to kick the judge in the groin. In the same year, the judge signed warrants for Election Day arrests of the judge-executive and a school board member (both Carters) and two former county officials on election-law charges.

The war pretty much ended in 1986, the first year that no Carter held elective office since 1983—and the year that Election Day chicanery was chilled by the federal conviction of a Monroe County man for vote fraud in a school board election. At year's end, Dr. James Carter, the former circuit judge's nephew, regained his school board seat and struck a truce with the opposition.

"He's a Carter, but not like the old Carters used to be," said Mayor Veachel Harlan. "It used to be rough. . . . They just had control over everything."

"I waved the olive branch," Carter recalled. "I told them I wasn't interested in creating any dynasty, that I was interested in working with them for the betterment of the schools."

There is agreement in Tompkinsville that the alliance has produced results, especially in new, consolidated high and middle schools. "We now have totally modern facilities for every child" with programs to match, Graves said. "There's been a conscious effort on behalf of the school board and the courthouse people to keep politics out of the school elections," Carter said. "And us people on the school board don't want to be seen as trying to influence the county elections."

Carter said he doesn't believe the long-told tales that his clan's elders discouraged industry and progress. But until six or eight years ago, most people in Tompkinsville felt the local political situation discouraged development, said Ken Johnson, chairman of the city-county airport board. "It's probably true, too," said Johnson, a Paducah native who has been Monroe County's soil conservationist for 16 years.

Johnson is among those trying to take the county's forest industries beyond rudimentary shipping pallets to dimension cutting and planing to order for furniture makers. A dimension mill would employ only 30 people but would increase employment at the area's sawmills—and could be a step toward getting a furniture plant.

Tompkinsville seems well situated for such enterprises. It lies near the middle of the Highland Rim, a band of hardwood-forested hills that lie just west of the Cumberland Plateau in Tennessee and Southern Kentucky. "We have a near-unlimited raw supply," Johnson said. "We have the know-how here to get it done, if we can just get it focused in the right place."

"There's a real work ethic among the people here," said Bill Boner of Nashville, president of the county's largest pallet mill, Graham Pallet & Lumber Co., which he bought in late 1991 with a group headed by Ray Danner, former chief executive of Shoney's. Boner, the music city's colorful former mayor and congressman, is a Democrat who voted in Monroe County last year.

Forestry businesses usually have low wages and few benefits. Locals say the best wages are paid at the electronic-wire and fiber-optic plant of Cooper Industries' Belden Division, which opened in 1983. "Belden has helped our community more than anything," said Peggy Stephens, who said Belden produces half the customers at the new motel she and her husband own.

Turner and others give more credit to home-grown industries that have been key employers over the years—most recently Kentucky Apparel and Laundry Co., a jeans maker that employs about 750 people in Monroe County and nearly 2,000 in the region. The company was started in 1982 by Dan Waggoner, a Tennessean who had managed an apparel plant for another company in nearby Gamabel. Now he has a dozen plants, almost all producing for The Gap, a successful retail chain.

"As The Gap grew, we grew," at a rate of about 30 percent a year, said Jerry George, the company's controller.

Local boosters would like to recruit plants that pay better wages than the $4.80 hourly base at Kentucky Apparel, and the No. 1 item on their want list has long been a better road to the north. "There's just no good way to get in and out," George said.

Tompkinsville is one of the few county seats in Kentucky not served by a primary highway. Its main north-south artery, Ky. 163, is due for improvement in two years, but not even to the county line—much less to the Cumberland Parkway, Harian and others are trying to revive an old idea, a north-south road that would connect Interstate 65 at Cave City with I-40 and/or I-24 in Tennessee.

Merchants say the town once attracted much business from the small, rural counties across the state line, but now sends more business to Tennessee because roads and shopping have improved there. That's the latest example of Tompkinsville's divided loyalties. Nashville is 25 miles closer than Louisville, and the local cable-TV system has only two Kentucky stations and no Louisville station.

"Our part of the state is hard-put to know what's going on in the rest of Kentucky," Trimble said, "because most of our news is from Tennessee."

Merchants also worry that they're losing business to other, larger towns. "Our money is going to Tennessee or Bowling Green or Glasgow," said Anita Hamilton, who owns a barbecue restaurant but thinks the town needs more places to eat.

"We just don't have the people here anymore, the crowds, like we used to," said retired car dealer Tom Dotson. "They've got these big Wal-Marts everywhere, and every time they move a load of dirt here, somebody starts a rumor there's going to be one here."

Dotson, who retired last year after 46 years of selling Chevrolets but still claims a loafer's chair at the dealership, is among those who see a shortage of civic capital in Tompkinsville. "Seems like we don't have anybody working for anything, he said.

That may be because Tompkinsville has a way of letting individuals take the lead.

"We try to be self-reliant," Turner said. "Our political history has made us that way."

Big employers: Kentucky Apparel & Laundry Co. (jeans), 703; Monroe County schools, 320; Cooper Industries' Balden Division (electronic wire and cable), 230; Red Kap Industries (men's overalls, shirts), 180; Key Industries Inc. (jeans), 143; Stephens Manufacturing (concrete processing and air-pollution-control equipment), 80.

Media: Newspaper—Monroe County Citizen and Tompkinsville News (both weeklies). Television: Nashville, Bowling Green and Campbellsville stations. Radio: WTKY AM–FM (country music).

Education: Monroe County schools, 2,162 students; Monroe County Area Vocational Education Center, 247 students.

Transportation: Roads—Ky. 163, 100 and 63. Ky. 214 crosses the Cumberland River by way of Kentucky's only free, state-operated ferry. Air—Tompkinsville-Monroe County Airport, 4,000-foot runway. Nearest commercial service is at Nashville. Truck: Served by 11 lines. Rail—none.

Topography: Eastern Pennyroyal Plateau, with limestone and siltstone eroded by creeks. Tompkinsville lies just west of the drainage divide between the Barran River and the Cumberland River, which winds through the more wooded eastern end of Monroe County before entering Tennessee.

Jobs (1990): Manufacturing, 1,801; agriculture, 834; state/local government, 834.

Per capita income (1990): Monroe County, $12,208, or $2,784 below state average.

Population (1990): Tompkinsville, 2,861; Monroe County, 11,401.

FAMOUS FACTS AND FIGURES

Tompkinsville is a town with all its marbles. The Tennessee-Kentucky Sharpshooters, a marbles team with Ron Bransbetter and Bobby Dyer of Monroe County and four players from adjoining Clay County, Tenn., won the British and world championships last April. In July, 14-year-old Wesley Tompson and his 10-year-old cousin, Nathan Thompson, both of Tompkinsville, were winner and runner-up in a national tournament for children 14 and under. Kentucky and Tennessee have a shootout at the annual Watermelon Festival in Tompkinsville.

Monroe County has a singular style of barbecue: Pork shoulder sliced thinner than pork chops, cooked slowly over hickory coals and daubed with a peppery, vinegar-based sauce. It is served on white bread.

Old Mullroy Meeting House near Tompkinsville, built in 1804, is a state shrine and the oldest log meeting house in Kentucky. Hannah Boone Parrington, a sister of Daniel Boone, is buried in the church graveyard.

Monroe County and Tompkinsville are the only county and county seat named for a vice president and president who served together: James Monroe of Virginia and Daniel Tompkins of New York, who held office from 1817 to 1825. The town was named in 1819, when it was incorporated after being known as Watson's Store. The county was created in 1820, the year Monroe and Tompkins were re-elected.

Members of the Carter family held many offices, none longer than circuit judge. The bench was held by James C. Carter Sr. from 1910 through 1948 and by his son, James C. Carter Jr., from 1946 through 1983, a total of 74 years.

Hascel Halle made fine guitars in a workshop behind his home for Chet Atkins and other stars. Halle died in 1986.●

IN TRIBUTE TO MARY J. PAGE

● Mr. DURENBERGER. Mr. President, I rise today to pay tribute to Mary J. Page of Olivia, MN.

Today, in St. Paul, Mary is being honored with the 1993 Susan B. Anthony Award for her pioneering efforts in government, in demonstrating what women accomplish, and for her commitment to supporting other women in public life. This award is bestowed upon her by the Minnesota Center for Women in Government at Hamline University. She is the first rural resident to receive this honor.

The list of contributions by Mary Page to the people of Olivia, to Renville County, to southwestern Minnesota, and to our State is long and distinguished.

Mary's life is a litany of service which includes serving on the Renville County Board of Commissioners, the University of Minnesota Board of Regents, mayor of Olivia, the Southwest Minnesota Initiative Fund, the Countryside Council, Lutheran Social Service, Rice Memorial Hospital, court services guardian ad litem, leadership positions within her church, and numerous steering committees, charter board memberships, and planning commissions for hospices, mental health associations, and economic development.

Mary Page's influence, her pioneering efforts, her clarity of thought and inspiration reaches from her own family to men and women in a sphere of generations. She has shared not only her gifts with all of us, but has helped reveal our own gifts to ourselves.●

TRIBUTE TO BILL ODDO

● Mr. D'AMATO. Mr. President, I rise today to honor a truly heroic New Yorker. Bill Oddo is a man who is courageous beyond words. During the horror of the terrorist bombing of the World Trade Center on February 23, 1993, Bill Oddo risked his own life to save another. Bill Oddo, a resident of Stuy Town and a member of Community Board Six, thought not of himself but for the safety of Katy MacKay, a wheelchair-bound woman whom he stayed with for more than 6 hours and helped carry down 67 flights. Mr. Oddo, an engineer with the Port Authority, was on the 73d floor when the bomb blast occurred. In an effort to evacuate the building, he met other Port Authority employees who helped assist Ms. MacKay down the 48th floor. With the help of several Port Authority officials, Oddo carried MacKay and her wheelchair down to the lobby. Oddo took the lead in this rescue, often walking backward down the smoky stairwells so Ms. MacKay would not be left behind.

Bill Oddo is a true hero. He did not think of himself first. He could have, like many others, evacuated the building by the quickest route. His first thought was to help others.

I salute him for his heroism.●

SALUTING GEORGE SHERVEY

● Mr. DURENBERGER. Mr. President, I rise today to note the recent passing of George Shervey—a man who accomplished more in his retirement than many of us accomplish in a lifetime. George, who was known by many friends as "Mr. Grant County," died April 1 at the age of 88.

George Shervey was one of those pioneer spirits who make small town life such an important part of Minnesota. He devoted his preretirement years to a variety of agribusinesses and civic contributions through a number of local government and community service positions.

But, it was after his retirement from the farm equipment business in 1966 that George devoted almost full time to his love for the history of his home communities in west-central Minnesota.

George was fortunate to live in a county with a strong tradition of honoring its past and, especially for its size, an extremely active and well-funded county historical society. George's postretirement contribution was to make that tradition come alive expanding and further developing Grant County's highly regarded historical society museum in Elbow Lake.

George was also something of a local character, well known for his earthy sense of humor and his warm smile and twinkling eyes. Those eyes are now closed. But, the contributions of this remarkable individual will live on to be enjoyed and remembered by all those who follow.

Mr. President, because of the outstanding contributions George Shervey made to his home communities in Grant County, I would ask that the following tributes to George—written by Grant County Herald publisher Dave Simpkins—be printed at this point in the RECORD.

The material follows:

GEORGE SHERVEY'S HISTORICAL WORKS WERE A LABOR OF LOVE

(By Dave Simpkins)

Grant County history lost a friend Thursday with the death of George Shervey.

The 88-year-old retired implement dealer and local historian dedicated most of the last 25 years of his life to preserving the history of Grant county and its people.

Funeral services were held Tuesday, April 6, 1993 at the United Lutheran Church in Elbow Lake.

Shervey was born northwest of Barrett in 1904. His father Sivert had immigrated from Norway and his grandfather was a pioneer.

He graduated from West Central School of Agriculture with a major in dairy herdsmanship in 1924.

Shervey turned down a job as a herdsman near Milwaukee because he needed to help his aging mother. So he took a job as a mechanic at an implement store in Barrett.

Shervey moved into sales as tractors were replacing horses on farms.

Shervey liked to tell how he told farmers a horse would eat all year long but a tractor only needs to be fed while you use it.

Shervey was also proud to have sold the first milking machines in Grant County.

In 1934 Shervey married Gladys Johnson of Brandon. On his wedding night a band of his friends kidnapped him, tied him up and left him on an island on Barrett Lake for an hour.

The Sherveys had three children, Constance, Barbara and Charles.

While in Barrett Shervey served as mayor, fire chief, councilman, village treasurer, secretary of the Commercial Club, secretary of the Barrett Meat Locker Association, board member of the telephone company and deacon of the church.

In 1945 Shervey entered into a partnership with Anton Christianson of Wendell to form the Christianson-Shervey Implement Company.

In Elbow Lake Shervey served as president of the Lion's Club, president of the Grant County American Revolution Bi-Centennial Committee where he worked on the Grant County Wagon Train project, he served as vice-president of the Senior Citizen's Club and also as vice-president of the Grant County Old Settler's Association.

After Christianson's death, Shervey sold his interest in the company and went to work for the Elbow Lake Auto Implement Company and later sold implements for Aamot and Ellingson Implement Company until his retirement in 1966.

But Shervey didn't have a traditional retirement. He went to work as curator of the Grant County Historical Museum where he left his biggest mark.

Shervey dedicated the next 20 years of his life to Grant County history, working 12 hour days, seven days a week recording the lives of early pioneers as well as maintaining files on many residents.

He accumulated 20,000 family history cards as well as 70 oral history tapes.

Shervey once told a reporter from the Fergus Falls Daily Journal, "I work full-time and then some because I like it. I love to preserve the past for the future. That makes working with the museum a labor of love."

GEORGE M. SHERVEY WAS HISTORY

(By Dave Simpkins)

George Shervey liked to say he spent so much time working around fossils at the Grant County Historical Museum he was becoming a fossil himself.

The dictionary defines a fossil as an old plant or animal that has left an imprint on the crust of the earth revealing life in past ages.

Boy, that really describes George and the job he did preserving history at the Grant County Museum. For 20 years he dominated the museum and worked tirelessly to gather artifacts, celebrate centennials and record the stories of the people who have lived in this corner of the world through the ages.

The museum's walk down Main Street, the log home, the school house and the many files of family histories are all parts of his legacy.

George's funeral will be a sad one for us at the Herald office.

George was a friend of ours. I met him my first week in town while doing research on a feature story. Twice a day he would make a brief stop in the office to share a small bit of nonsense or a recent tidbit of history he had discovered.

He liked to say there was nothing new in history, just different things to discover.

Like the good horse trader he liked to say he was, he worked out a deal with us. He provided us with all the pictures and research we needed for stories and we'd give the museum copies of the paper so he could clip out items on people to put in his family history files. He put in many hours filing those clippings.

George was the kind of town character I wish we'd have more of.

Dressed in a sport coat and bow tie, he had a rare sense of humor that we don't hear too much anymore.

He also told us he came into the Herald office to see if his name was in the obituary column yet.

Many times he'd be wearing a bear claw necklace or carrying some kind of trick with him.

George was not only a preserver of history, he also was history. His Norwegian twang, earthy humor and memories of growing up on the prairies gave you the feeling you were talking with history.

I particularly enjoyed the stories his grandmother told him about the Indians and the ox carts rolling through the county 100 years ago.

It is a shame someone didn't video George giving a group of children a tour of his museum.

Anyone can point out an artifact, but nobody will ever be able to put his colorful twist on things.

George had the perfect retirement. He was active in senior citizen groups and gave many talks on keeping active in old age.

When he left the museum he had plenty of projects, from feeding pheasants to driving the neighborhood kids to Sunday School when their parents couldn't.

After a few laughs George would be in a hurry to move on to his next stop but before he left he would always say, "Thanks for the fun."

George, thanks for the fun.•

TO COSPONSOR S. 763, CREDITING THIRD-PARTY REIMBURSEMENTS FOR TREATMENT AT VA FACILITIES

• Mr. WELLSTONE. Mr. President, I rise today to join with my colleague from Minnesota in supporting legislation that is important to the health care of veterans all over the country. Everyone knows, I think, that the rising costs of health care are making it more and more difficult to make certain that all Americans who need care are adequately served. We are working on a plan to address our national health care needs and, hopefully, we will begin to consider a plan for major health care reform here in the Congress in just a few months. But even as we address the health care needs of all of our citizens, I think we need to pay particular attention to the availability of care for those women and men who have served in the military. This legislation, S. 763, will, I believe, be a significant step toward assuring that all veterans are able to receive the treatment they need within the VA medical system.

As things currently stand, veterans who have service related medical needs or who have very low incomes are able to receive care from the VA without charge. Other veterans, those without service connected problems or with higher incomes, have been able to seek treatment at the VA and draw on their own insurance to pay for that treatment since the enactment of Public Law 99-272 a few years ago. This has been a very important opportunity for those veterans who would not otherwise qualify for treatment in VA medical centers and it goes a long way to fulfilling the promise of lifelong health care that we make to those who serve.

At the same time, the medical care cost recovery program has enabled the VA to collect sorely needed funds from sources other than the Federal budget. From 1987 to 1992 $1.1 billion was collected under this program and, I am proud to note, the Minneapolis Veterans Administration Health Center [VAMC] led the country, collecting $8,575,487 in 1992 alone. If we continue to allow VA medical centers to collect these third-party payments we can expect to see an increasing number of veterans choose to use their services. This will, in turn, make more resources available to those medical centers, without any need for higher appropriations. This is, I think my colleagues will agree, a very attractive idea.

And it is precisely what we are seeking to do in this legislation. This initiative is similar to one introduced in the last Congress by my fellow Minnesotan, TIM PENNY. Our goal is threefold. First, we would like to make permanent the ability of VA medical centers to collect third-party payments for treatments of those veterans who have their own insurance. This would open up the VA system to more veterans and bring in more resources. In Minnesota, the VAMC people think they can double the amount of third-party funds they have brought in in recent years if there was an incentive to do so. By making this provision permanent, we would help them to do this.

Second, this bill would change the way these funds are distributed. Until now, VA medical centers have had to invest personnel and time in collecting the funds, only to send them directly to the U.S. Treasury. Some of this money, but not all of it, has found its way back down to the VAMC's. Our goal with this bill would be to make certain that all of the funds collected would remain with the medical center that did the collecting. This would provide a greater incentive for the local VA medical center to seek out these funds and, consequently, the patients that go with them. It would help to stave off the chronic underfunding of the Veterans' Administration health care system.

Which brings me to our third purpose. We indicate in the bill our desire that none of these third-party payments should be counted against the VA medical centers in determining appropriations for the Department of Veterans Affairs each year. It is not clear to me that we can in fact require this through legislation without having to waive our budget rules. However, what is clear is that by unleashing the local VA medical centers to go after third-party payments and to seek out veterans who have not previously qualified for treatment at VA facilities, we would be taking an important step in reinventing government, a step clearly in line with President Clinton's priorities. It is my hope that the Committee on Veterans' Affairs will be able to find a way to protect the appropriations for the VA while still encouraging the collection of third-party payments.

Mr. President, I am proud to join with my colleague from Minnesota in proposing this legislation. This bill makes sense—it would expand access to Veterans medical services for veterans who might not otherwise be able to access those services and it would do so while bringing additional financial resources into the VA medical system. It would do all this without requiring any additional appropriations from Congress. This is, as I have said, precisely the kind of imaginative legislation that we must continue to pursue if we really do intend to reinvent government. I thank Senator DURENBERGER for introducing this bill and I call on my colleagues to join me in support of it.•

ORDERS FOR TOMORROW

Mr. SARBANES. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. Thursday, April 22; that following the prayer, the Journal of proceedings be deemed approved to date and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each, with Senators BRADLEY and FEINSTEIN recognized for up to 15 minutes each, and Senators REID and GRAMM of Texas for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. For the information of the Senate, under an order obtained earlier, the Senate will proceed to the consideration of the EPA Cabinet-level bill at 3 p.m. Thursday, April 22. On Thursday, consideration of the bill will be limited to debate only.

RECESS UNTIL 2 P.M. TOMORROW

Mr. SARBANES. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 8:07 p.m. recessed until Thursday, April 22, 1993, at 2 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate April 20, 1993, after the recess of the Senate, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF STATE

WENDY RUTH SHERMAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE, VICE JANET GARDNER MULLINS.

DOUGLAS JOSEPH BENNET, JR., OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF STATE, VICE JOHN R. BOLTON, RESIGNED.

JOHN HOWARD FRANCIS SHATTUCK, OF MASSACHUSETTS, TO BE ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, VICE PATRICIA DIAZ DENNIS, RESIGNED.

ALEXANDER FLETCHER WATSON, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE, VICE BERNARD WILLIAM ARONSON, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

NICOLAS P. RETSINAS, OF RHODE ISLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ARTHUR J. HILL, RESIGNED.

Executive nominations received by the Senate April 21, 1993:

DEPARTMENT OF AGRICULTURE

EUGENE BRANSTOOL, OF OHIO, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE JO ANN D. SMITH, RESIGNED.

EUGENE BRANSTOOL, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE JO ANN D. SMITH, RESIGNED.

EXPORT-IMPORT BANK OF THE UNITED STATES

KENNTH D. BRODY, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM OF 4 YEARS EXPIRING JANUARY 20, 1997, VICE JOHN D. MACOMBER, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

SALLY KATZEN, OF THE DISTRICT OF COLUMBIA, TO BE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND

REGULATORY AFFAIRS, OFFICE OF MANAGEMENT AND BUDGET, VICE S. JAY PLAGER, RESIGNED.

PHILLIP LADER, OF SOUTH CAROLINA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE FRANCIS S.M. HODSOLL, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADE OF LIEUTENANT:

GLENA T. SANCHEZ
JENNIFER A. KETCHUM

IN THE ARMY

THE FOLLOWING-NAME OFFICERS FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL AND THE ASSISTANT JUDGE ADVOCATE GENERAL, RESPECTIVELY, U.S. ARMY, IN THE GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 3037:

To be the judge advocate general and major general

BRIG. GEN. MICHAEL J. NARDOTTI, JR [redacted] U.S. ARMY.

To be the assistant judge advocate general and major general

BRIG. GEN. KENNETH D. GRAY [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. DAVID E. FROST, U.S. NAVY [redacted].

IN THE NAVY

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ALLISON, MATTHEW A.
AUGE, BRIAN K.
BALES, LAUREN D.
BATSEL, TANIS M.
BECK, TERESA L.
BONNEMA, CRAIG L.
BOYLE, PATRICK K.
BRETHAUER, STACY A.
BUTTOLPH, THOMAS B.
CAMPBELL, RICHARD S.
CAPACCHIONE, JOHN F.
CARR, DONALD R.
CASH, BROOKS D.
CHUPP, THOMAS M.
CLEM, JOSEPH B.
CRAIG, THOMAS A.
CRONQUIST, STEVEN D.
EDSON, THEODORE D.
ERDMAN, CHARLES W.
GARDNER, LINDA M.
GILSTAD, COLLEEN M.
GILSTAD, JOHN R.
HAMMES, JOHN S.
HOFMEISTER, ELIZABETH M.
HOFMEISTER, ERIC P.
LYSZCZARZ, JOHN L.
MCKAY, PATRICIA L.
MOUTOUX, PAMELA J.
MULLIGAN, LISA P.
MURRAY, DAVID F.
NAUGLE, DAVID K.
OLSON, PETER H.
PADGETT, WILLIAM S.
PAZOS, GEORGE A.
RICCI, ORLANDO
RICE, ROY R.
SCHAFER, THEODORE W.
SEARS, STEPHEN T.
TARVER, JAMES K.
VALAIKI, DANIEL J.
VON RIEDENAUER, WESLEY B.
WALTERS, KEVIN C.
WEISTROFFER, JOSEPH K.
WRIGHT, GREGORY A.

RONALD W. THORNTON, AIR FORCE CADET, TO BE PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 541.

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BURKHARDT, KEITH A.
RATKOVIC, CAMERON P.

IN THE NAVY

THE FOLLOWING NAMED ARMY CADETS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 541:

EIMERS, KARL E.
GARCIA, JACOB L.
ROTH, BLAINE E.
SMALL, STEPHEN E.

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CLARKSON, JEFFREY J.
FRITZ, JOHN E.
GUSINDE, GREGORY P.
KROUSE, JOHN L.
LANE, GEORGE J.
SANDEN, JEFFREY A.
THORNBURGH, ROBERT P.
TRAN, DENNIS Q.
ZEE, NATHANIEL P.

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BEAN, DANIEL K.
BROWN, KENNETH B.
TURNER, INGRID M.

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531 AND 5582(B):

BOLTON, DAVID A.
HETTICH, JOSEPH W.
KRUSH, PAUL S.
MILLER, ROBERT D.

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531 AND 5582(B):

ALEXANDER, RAYMOND
CAHILL, PETER, J.
MCDERMITT, STEPHEN D.

CHARLES R. REUNING, U.S. NAVY OFFICER, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B).

LYLE W. SWANSON, U.S. NAVAL RESERVE OFFICER, TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE CHAPLAIN CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

WILLIAM H. SIMPSON, LIEUTENANT COLONEL, USAR, TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 716.

THE FOLLOWING NAMED MEDICAL COLLEGE GRADUATES TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

HOYT, ROBERT D.
OHTAKE, CHIKARA

THE FOLLOWING NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

ANDERSON, GARELD W.
CECIL, JAMES A., II
ESCUDERO, RONALD J.
GALLO, JAMES, J.
HARKER, LEE C.
SHANNON, KEVIN M.
SNYDER, JAMES E.
WATSON, TIMONTHY B.

MARK W. BIOLO, U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

IN THE NAVY

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE SECTION 531:

ALLENBAUGH, ROGER D.
ANDREWS, MICHAEL A.
ARMSTRONG, CARIN C.
BORDEN, BRADLEY T.
BOYKIN, ALEXIS K.
BROUSSARD, FREDRICK L.
BURKIS, BRENT A.
CALDERON, MARK A.
CALLI, TRINA M.
CARELLI, PAUL A.
COULURIS, JOHN P.
COWAN, CHRISTOPHER S.
CROXSON, ROBERT D.
DEAN, MATTHEW A.
DESJARDINS, KENNETH T.
ESH, TIMOTHY D.
GAETA, ROBERT M.
GILL, PRESTON L.
GRAY, ARLENE J.
GRINDLE, MARK C.
HALL, JAMES T.
HARRELL, JOHN D.
HARRISON, RICHARD K.
HOWARD, LYMAN D.
JOHNSON, CHRISTOPHER T.
KASE, PHILIP J.
KENDA, DANIEL J.
LENK, BRIAN S.
LONG, JOHN A.
LOUDENBECK, SCOTT H.
LYONS, JOHN A.
MCDONALD, SEAN P.
MELSON, MARK A.
MORONEY, JOHN W.
MOSES, KYLE S.
MUTCH, JOYCE R.
MYERS, COLEY R. III
NEELY, BRIAN K.
NETO, FRANCO F.
PARNELL, LANCE D.
PATTERSON, JILL M.
SCHAFF, JOSEPH R.
SPICER, THEODORE R.
STARR, PHILLIP A.
SULLIVAN, JONATHAN D.
TIMMS, RICHARD V.

DOUGLAS B. MCMULLEN, FORMER U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

ROY E. WEYMOUTH, JR., FORMER U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593.

IN THE NAM

THE FOLLOWING NAMED NAVY ENLISTED COMMISSIONING PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BAKER, CHARLES J.
CARROLL, CARLOS J.
FRETER, JERRY D.
GEIGER, DANIEL
GLENN, JAMES R.
GRESETH, GREGORY J.
JOHNSON, JOHN R.
JONES, MATTHEW K.
KEANE, KENNETH F.
LOKEY, DALE A.
NESSETH, JERRY S.
REGAN, ROBERT J.
RUSH, MARVIN P.
STAUFENBERGER, PETER J.
THOMPSON, ROBERT W.

THE FOLLOWING NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BENNETT, JEFFREY D.
BENNETT, WALTER M.
BERGEN, CHRISTOPHER
BERRY, WILLIAM G.
BILLINGSLEY, JON E.
BUBASH, CHRISTOPHER J.
CHEUNG, PETER Y.
CUMMINGS, JOHN J.
GILLAM, HUGH A., JR.
GRANT, JEFFREY D.
HALL, LANCE C.
HARTMAN, ANTON J.
HERMANN, RUSSELL A.
JACOBSON, JANET C.
JOHNSON, JEFFREY L.
KARTVEDT, SCOTT A.
KELLY, SEAN P.
LEHMAN, MATTHEW J.
MANEVAL, SHANE W.
MARSHALL, SCOTT A.
PAYSEE, JOHN G.
SCHWARTZ, VICTOR S.
STURGILL, ERIC D.
VALADEZ, MARC J.
WESSON, JOHN O.
WHEELER, MICHAEL D.

JOHN W. DOLLITTLE, AIR FORCE CADET, TO BE PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 541.

THE FOLLOWING NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BOORDA, ROBERT N.
DUTTON, PETER A.
GIROUX, RICHARD K.
REISMEIER, CHRISTIAN L.
WYNKOOP, TODD A.

PAUL E. MATTHEWS, LIEUTENANT, U.S. NAVY, RETIRED, TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U.S. NAVY FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211.

IN THE MARINE CORPS

I NOMINATE THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR APPOINTMENT INTO THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531:

To be major

ERIK M. WOLF [redacted]

To be captain

ROY S. AKANA [redacted]
SCOTT F. ANDERSEN [redacted]
JAMES A. ARCHER [redacted]
JEFFREY K. ARRUDA [redacted]
SEAN W. ASH [redacted]
DAVID N. ASHBY [redacted]
STEPHEN W. AUSTIN [redacted]
MARK S. BAGLEY [redacted]
GRANT C. BAKLEY [redacted]
BRETT D. BARKEY [redacted]
VINCENT A. BARR [redacted]
BARRY W. BECKNER [redacted]
PHILIP J. BETZ, JR [redacted]
MONTE G. BIERSCHENK [redacted]
MICHAEL A. BISZAK [redacted]
MICHAEL W. BRELAND [redacted]
MARK C. BREWSTER [redacted]
MICHAEL S. BUESCHEL [redacted]
GREGORY G. BUTLER [redacted]
SCOTT K. CAMPBELL [redacted]
GEORGE P. CAULKINS III [redacted]
MATTHEW R. CICHOCKI [redacted]
NEAL A. CONNORS [redacted]
RONALD E. DAHART [redacted]
JOHN P. DANIEL [redacted]
PAUL A. DELUCA [redacted]
RAYMOND R. DESCHENEAUX [redacted]
NORMAND J. DILLON, JR. [redacted]
CHESTER C. DOUGLAS II [redacted]
BYRON W. DUKE [redacted]
TERENCE R. EULING [redacted]
EDWARD I. FARGO [redacted]
CHARLES R. FERGUSON, JR. [redacted]
FRANCIS S. FERRARO [redacted]
CLAYTON J. FISHER [redacted]
JOHN H. FREEMAN [redacted]
CHARLES J. GOODE III [redacted]
AUTHUR P. GOODELL [redacted]
SCOTT T. GOWELL [redacted]
RICHARD L. GREENWOOD [redacted]
JOHN F. HAVRANEK [redacted]
KURT A. HELGASON [redacted]
WILLIAM L. HOGUE, JR. [redacted]
JEFFREY L. HOING [redacted]
WAYNE T. ICE [redacted]
JOHN M. JANSEN [redacted]
JAMES M. JELLISON [redacted]
CHARLES H. JOHNSON III [redacted]
SCOTT A. JOHNSTON [redacted]
MICHAEL T. KEANE [redacted]
KENT J. KEITH, [redacted]
JOHN F. KENNEDY [redacted]
ALAN W. KUBIAK [redacted]
TERENCE J. LARKIN [redacted]
SAMUEL D. LEE [redacted]
JERRY L. LESLIE I [redacted]
DEAN F. LEVI [redacted]
DUGALD E. MACDONALD [redacted]
JOHN F. MARION III [redacted]
JOHN P. MARLEY [redacted]
NICHOLAS J. MARSHALL [redacted]
SCOTT W. MARTIN [redacted]
KEITH E. MAYO [redacted]
SEAN P. MCBRIDE [redacted]
KIRK A. MCDANIEL [redacted]
THOMAS W. MCKNIGHT [redacted]
KENNETH T. MCQUADE, JR. [redacted]
JOSEPH D. MISTRETTA [redacted]
MARK W. MITCHELL [redacted]
MICHAEL E. MOHN [redacted]
BARRY J. MOORE [redacted]
MARC A. MORENO [redacted]
JAMES E. MYERS [redacted]
ANDREW D. NABORS [redacted]
DALE R. NAJEWSKI [redacted]
HOWARD W. NELSON [redacted]
CHARLES E. NEWTON [redacted]
DOUGLAS G. OLBRICH [redacted]

CHARLES A. PANTEN [redacted]
BENTON O. PASCHALL [redacted]
LAWRENCE A. PECCATIELLO [redacted]
KEN A. PERMANN [redacted]
DANNY G. PETERS [redacted]
JAMES B. PHILLIPS [redacted]
RICHARD R. POSEY [redacted]
THOMAS R. PROTZELLER [redacted]
KEVIN F. REILLY [redacted]
MICHAEL P. RICHARDSON [redacted]
FRANK A. RICHIE [redacted]
MIGUEL A. RIVA [redacted]
DANIEL L. ROUSE [redacted]
KEVIN D. SAUTTER [redacted]
AUSTIN C. SCOGGIN [redacted]
ROBERT E. SHELOR [redacted]
MICHAEL G. SHERRILL [redacted]
STEVEN J. SINNER [redacted]
STUART J. SMITH [redacted]
DAVID PAUL H. SNYDER [redacted]
MICHAEL J. SPERRY [redacted]
BRADLEY W. STEPHENS [redacted]
KIRBY A. STOKES [redacted]
DONALD D. TOLBERT, JR [redacted]
ERIC B. TREWORGY [redacted]
WILLIAM J. WEISS, JR [redacted]
THOMAS J. WEMBER [redacted]
DAN B. WILLIS [redacted]
BILLY G. WILSON, II [redacted]
LAUREL A. WOODS [redacted]

To be first lieutenant

THOMAS N. AMAN [redacted]
MICHAEL S. ANDERSON [redacted]
CHRISTOPHER A. ARANTZ [redacted]
CHAD M. BREEDEN [redacted]
BRADLEY W. BROWN [redacted]
MICHAEL H. BROWN [redacted]
RICKY F. BROWN [redacted]
JUSTICE M. CHAMBERS, III [redacted]
JAMES D. CHRISTMAS [redacted]
JOHN A. ESQUIVEL [redacted]
ANDREW P. FETTEROLF [redacted]
PETER D. FOLGER [redacted]
THOMAS R. GALLAGHER [redacted]
VERNON L. GRAHAM [redacted]
PHILIP E. GRATHWOL [redacted]
GREGORY J. GRINAKER [redacted]
DREW A. HANSEN [redacted]
KARSTEN S. HECKL [redacted]
HARRY J. HEWSON, III [redacted]
MICHAEL R. HORROCKS [redacted]
JAMES H. HUTCHINS [redacted]
TAL H. JACKSON [redacted]
DAVID M. JAMES [redacted]
DAVID A. JONES [redacted]
GARY F. KEIM [redacted]
TIMOTHY F. KILBOURNE [redacted]
NICHOLAS L. KNIGHT [redacted]
TED J. KUHN [redacted]
ANDREW J. MACDONALD [redacted]
WILLIAM J. MACKEY [redacted]
ANDREW G. MANCHIGIAH [redacted]
FRANK N. MCKENZIE [redacted]
KEVIN M. MCNERNEY [redacted]
KRISTIN L. MOXLEY [redacted]
MATTHEW W. NUGENT [redacted]
ROBERT E. OGLE [redacted]
ALLAN C. ORR, JR [redacted]
MICHAEL T. REDDING [redacted]
WILLIAM L. RUMBLE [redacted]
JOSEPH J. RUSSELL [redacted]
JAMES B. SCHAFER [redacted]
JOEL T. SCHIRO [redacted]
JOSEPH F. SHRADER [redacted]
NICHOLAS A. SPIGNESI [redacted]
TODD T. STATLEY [redacted]
DENNIS R. STEPHENS [redacted]
CURTIS A. STRADER [redacted]
MARK A. SUHRIE [redacted]
DENNIS F. SULLIVAN [redacted]
MARK S. SZARMACH [redacted]
JONATHAN S. THOMPSON [redacted]
BRADLEY A. TIELBUR [redacted]
EDWARD C. TIERNEY [redacted]
WILLIAM A. TOSICK, II [redacted]
TROY A. TOTH [redacted]
ROGER B. TURNER, JR [redacted]
JOHN S. WEDEMEYER [redacted]
CHARLES A. WESTERN [redacted]
HUGH A. WORDEN [redacted]

To be second lieutenant

MICHAEL N. BERT [redacted]
FORREST D. DODD [redacted]
RICHARD K. HALSTED [redacted]
SCOTT M. MAROSEK [redacted]
MICHAEL D. MCGRATH [redacted]
STEVEN J. METELAK [redacted]
JEROME P. RIZZO [redacted]
KURT J. SIGLIN [redacted]
TIMOTHY C. ZLOTNICKI [redacted]

THE FOLLOWING NAMED LIMITED DUTY OFFICERS OF THE REGULAR MARINE CORPS FOR APPOINTMENT AND DESIGNATION AS UNRESTRICTED OFFICERS IN THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589:

To be captain

RONNIE L. PATRICK [redacted]
HOWARD A. WATT [redacted]

To be first lieutenant

HERMAN L. BARNES, JR [redacted]
JOHN M. CHADWICK [redacted]
MARK A. MCGUIRE [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate April 21, 1993:

DEPARTMENT OF STATE

TIMOTHY E. WIRTH, OF COLORADO, TO BE COUNSELOR OF THE DEPARTMENT OF STATE.

WINSTON LORD, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, April 21, 1993*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, almighty God, that in a world which seems to present anger and outrage, may we also see beauty and wonder and the miracle that is symbolized by the season in which we live. As the days move on comes the birth of flowers and the verdant greenery of the season. Just as we see evil in the world, so may we also embrace the joy and grace of the day and the opportunities for experiencing the marvel of life, the miracle of love and the freedom to be of service to others. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. TRAFICANT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 153, not voting 22, as follows:

[Roll No. 139]

YEAS—256

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Berman
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brooks
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Houghton
Hoyer
Hughes
Hutto
Inglis
Inslee
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lancaster
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pombo
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schenk
Schumer
Scott
Serrano
Sharp
Shepherd
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Washington
Waters
Watt
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—153

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Huffington
Hutchinson
Hyde
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Manzullo
McCandless
McDade
McHugh
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Stearns
Stump
Sundquist
Talent
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Barton
Brewster
Brown (CA)
Clay
Edwards (CA)
Fields (TX)
Greenwood
Gutierrez
Hall (OH)
Hefner
Henry
Hunter
Lambert
Lantos
Lowey
McDermott
Nadler
Quillen
Sisisky
Solomon
Vento
Waxman

□ 1425

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will ask the gentleman from Pennsylvania [Mr. HOLDEN] if he would kindly come forward and lead the membership in the Pledge of Allegiance.

Mr. HOLDEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 84

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 84.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

There was no objection.

TODAY IS TEXAS RED VENISON CHILI DAY

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, today, April 21, is San Jacinto Day in Texas, the anniversary of a great battle for Texas independence.

Today, in the House of Representatives, is Texas Red Venison Chili Day, a day I have served venison chili for the last 25 or more years. It is not four-alarm chili, only two-alarm chili, because you faint-of-heart northerners could not take the full dose.

Since we did not go in until 2 o'clock today, some of the Members may have missed a chance to get a bowl of this delicious red venison chili. It is being served in the Democratic and Republican Cloakrooms now, so if you want to get ready for the debate this afternoon, go forth and help yourselves.

It is mild chili, but it will get your attention. Help yourself.

LINE-ITEM VOODOO

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, later today, we will be considering enhanced rescission legislation that President Clinton would like the American people to believe is really the line-item veto.

In reality, as Representative ISTOOK has observed, it is more like line-item voodoo.

In some back room, the Democrat leadership stirred a pot, and tried to find that perfect spell to fool the public into thinking this is real spending reform.

And they came up with this emasculated rescission bill.

Mr. Speaker, we must break the spell. Enhanced rescission is not the line-item veto. It barely even changes current law.

I urge my colleagues to vote down the rule and send a message to the Democrat voodoo doctors. We need real reform, not magic tricks.

□ 1430

ENHANCED RECESSION

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the legislation we are supposed to consider today has been falsely portrayed as a real tool for deficit reduction.

Unfortunately, this so-called enhanced rescission bill is more like a butter knife than a spending ax.

We need to give the President a line-item veto, so he can have the tools to take out egregious pork barrel spending.

But, in the interests of political cover, the Democratic majority gives the American people this sham of a spending reform.

As the far left of the Democratic caucus continues to dictate more spending, and as our deficit continues to skyrocket, history will judge this vote severely.

This is not really a vote for enhanced rescission. It's more of a vote for an enhanced recession.

THE $238 MILLION FOR IRAQI PRISONERS-OF-WAR? UNBELIEVABLE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Office of Refugee Resettlement wants $238 million for Iraqi prisoners of war. That works out to $7,000 each. Unbelievable.

American veterans from the Persian Gulf war can't get a job; American veterans' benefits are being cut; 47 million Americans without health insurance; record bankruptcies, and Uncle Sam wants to give $238 million to Iraqi soldiers that opposed us in the gulf.

Beam me up. I say if we have $238 million, let's take a look at Cleveland, Chicago, New York, Detroit, and use some of that money here.

I say let us give the taxpayers a break, not the Iraqi soldiers.

EXPEDITED RESCISSION FALLS SHORT

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, the old saying goes that close only counts in horseshoes and hand grenades. President Clinton said that he supported a line-item veto but the Expedited Rescission Act of 1993 falls far short in its ability to reduce the spending that the American taxpayers protest.

A true line-item veto requires action by Congress to stop the rescission—allowing the American people to know who in Washington is responsible for runaway spending. Expedited rescission allows Congress to continue business as usual, because if there is no congressional action, the rescission will not take effect and the funds will be released. The result of enhanced rescission is not the heightened accountability of a true line-item veto.

This bill will not give the President power to veto individual wasteful programs, but will only allow rescission of packages. This is not the line-item veto that the President promised, but a watered-down version that will not combat runaway spending. While expedited rescission and enhanced rescission may sound much the same, let the American buyer beware. It may look and smell like a line-item veto, but in the case of the Expedited Rescission Act, close is not even close.

CLINTON STIMULUS PACKAGE HELD HOSTAGE

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, when "Nightline" began airing its show on the hostage crisis in Iran, when that was in full bloom every day, "Nightline" would announce the number: "Day 27 of American Hostages Held in Iran," "Day 57," "Day 357."

How many days is the country going to be held hostage and preclude us from getting the President's stimulus package? Mr. Speaker, the Japanese have a stimulus package now over $100 billion ready to bring their economy back to life.

We are being held hostage. The President's package is being held hostage. How many more days are we going to have to count while America's stimulus package is held hostage in the other body?

Mr. Speaker, we need to act and move the stimulus package now.

DEMOCRATS FLUNK TRUTH IN ADVERTISING TEST

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, when the Democrat leadership of this House tries to sell you a bill of goods, you had better look pretty closely at what you are buying because it ain't always what its cracked up to be.

The leadership is offering up an enhanced rescission bill that they would lead us to believe and would like the American taxpayer to believe that this legislation is a true line-item veto bill. It is not.

As our Democrat colleagues are wont to do, they have taken a Republican idea, the line-item veto, watered it down to render it virtually meaningless, and now attempt to sell it as positive change.

Our friends on the other side of the aisle are playing games again. This bill gives the President weak authority to make rescissions and is crafted so that the Congress can veto any Presidential rescission by doing nothing at all.

It is business as usual, Mr. Speaker. The American people are demanding an end to pork barrel spending and the Democrats who control this Congress are offering a token bill completely lacking in substance. Say "no" to pork barrel spending, my friends. Vote "no" on the Democrat rescission bill.

CONNECTICUT WORKERS VOTED FOR A CHANGE LAST YEAR

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, late last week I visited the local unemployment office in my district, and I saw more than 150 workers, unemployed Connecticut workers, working people, forced to stand in unemployment lines so that they can feed their families.

I can report to you that the perspective of these Americans is quite at odds with some of the voices that I hear in this Chamber. These workers, Mr. Speaker, told me that they were concerned. They believed they had voiced support for a change last year, they believe we ought to have a change from the old politics of gridlock. They supported a mandate for leadership, a President who would offer a plan to restore economic vitality, a government that would make jobs and the personal security of working Americans a priority for a change.

They did elect a President who wants to change course. But his efforts are being thwarted by a disgruntled minority bent on putting politics above jobs, personal victory above the security of families. That is just plain wrong. It breaks faith with the American people and represents a return to the old politics that dominated this institution for the past 12 years.

"PUTTING PEOPLE FIRST," A MARVELOUS FANTASY NOVEL

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, in his marvelous fantasy novel entitled "Putting People First," President Clinton wrote, "To eliminate pork-barrel spending and Government waste, we must give the President the line-item veto."

Over the past few months I have been quoting Saturday Night Live's Mr. Subliminal, who gets to the directness of things that are maybe a little confusing. We actually need to use Clinton speak, now, no longer the words of Mr. Subliminal.

To crack this code, we need to consider the other campaign promises that have been made.

For example, President Clinton's promise to cut middle-class taxes really meant increased taxes on everyone, especially the middle class. His promise to be a new kind of Democrat really meant he wanted to be a more effective taxer and spender in the finest liberal tradition.

Thus, the translation of Clinton's campaign promise on the line-item veto is, "We need political cover so we can continue to fund pork-barrel projects and continue Government waste." That is what we have with this enhanced rescission program that is supposedly going to come up before us today.

We must vote "no" on this political sham.

FORTY-THREE PEOPLE REFUSE TO LET CONGRESS ACT

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, today this country was again disappointed by those obstructionists who continue to stand between the American people and the economic recovery they so desperately need.

The question of how best to revive our economy was put to the American people last November, and they answered by rejecting the failed voodoo economics, and calling for a new beginning. They ratified the new priorities of job creation, health care, and community development.

And yet, Mr. Speaker, despite the need, despite the acceptance on the part of the people, there stand just 43 people who refuse to let the Congress act; 43 people who stand between recession and recovery, and who say to the American people "No, I will not help."

Mr. Speaker, this obstructionism is a shameful abdication of congressional responsibility. Several of those who stand in the way are on record in the past as supporting just such a stimulus measure when George Bush was in the White House. And yet today, it is not the cry of the people which has their ear, but the call of their political party. I call on these people to lead, follow, or get out of the way. This country cannot wait any longer.

□ 1440

AMERICA IS AGAINST THE ABORTION PRESIDENT INCLUDING ABORTION IN HEALTH REFORM

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, it is becoming abundantly clear that the American people do not support the radical agenda of the abortion President, Bill Clinton.

A CBS/New York Times poll conducted in late March found that only 23 percent want abortion to be covered as part of a basic health care plan. This indicates that the inclusion of abortion in national health coverage is out of the mainstream, it is expensive, and actually jeopardizes the passage of a health care reform package.

Unlike the abortion President, Mr. Speaker, the American people realize that pregnancy is not a disease, that babies are not throw aways, they are not chattel, they are not objects. These little kids deserve better than chemical poisoning and dismemberment by either suction or other means. These kids—like their mothers—deserve our love, our compassion, our respect.

Americans know that every abortion stops a beating heart and they do not want their tax dollars being used to subsidize that kind of violent act.

Incredibly, the President claims that he wants abortions to be rare. Mr. Clinton's actions, however, expose his rhetoric to be nothing more than Orwellian double speak. Congress as a coequal branch of government has an obligation to stand up for the basic human rights of babies to live, and Mr. Speaker, to prevent taxpayers from being forced to pay for abortions.

IN SUPPORT OF PRESIDENT CLINTON'S ECONOMIC STIMULUS PACKAGE

(Mr. RUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSH. Mr. Speaker, I rise this afternoon to express my outrage and disgust that the Republicans in the other body may be successful in defeating the President's modest $16 billion stimulus package.

How can they say to the more than 571,000 residents of my district that their interests do not matter? I suppose one answer to that is reflected in the other body's committee of jurisdiction's voice vote yesterday that supported spending billions of new dollars for the Resolution Trust Corporation.

If the President's package fails, it will be because of the same Republicans who, for the last 12 years, cavalierly ran up multitrillion dollar deficits while the people in my district did not get a dime.

If this package fails, the people in my district will continue to feel alienated and shut out of their rightful participation in the American dream. I will tell them the Republicans defeated the President's package because hard working, decent, honest people like them have to take a back seat to greedy, unscrupulous Wall Street insiders.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAPMAN). The Chair would remind all Members not to refer to either the Members or the procedures of the other body.

THE BTU TAX WILL HURT MILLIONS OF AMERICANS WHO CAN AFFORD IT LEAST

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, this morning members of the Energy and Power Subcommittee held a hearing with our distinguished Secretary of Energy Hazel O'Leary. While several important topics were discussed, the subject that drew the most attention by far was the administration's proposed energy tax.

Members of both parties described to Secretary O'Leary how this tax would hurt consumers, workers, and businesses in their districts and throughout America. I am concerned in central Florida it will hurt senior citizens on fixed incomes.

While Secretary O'Leary graciously answered individual questions, I left the hearing with the impression that this administration simply does not understand the negative effect the energy tax and its other tax increases will have on our economy.

A study by DRI/McGraw Hill sanctioned by the Commerce Department estimated that the energy tax alone will cost America 400,000 jobs by 1998. It also will cost consumers billions of dollars, disproportionately hurting lower income Americans, particularly the elderly and the working poor.

Over the last 12 years, we've heard a great deal about fairness. The consensus at this morning's hearing was that the energy tax may answer the question, "Who's unfairest of them all?"

PASS THE PRESIDENT'S COMPROMISE STIMULUS PACKAGE

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, for the past 12 years we have listened to empty rhetoric about investing in America's future. Finally, we have a President that is willing to invest in our human capital, in our children, and in our Nation's infrastructure.

With millions of Americans unemployed, America's economic plan has to invest in the American worker. This plan does that by creating more than 400,000 jobs.

The President's plan invests in our children. It funds desperately needed programs like Head Start and WIC. It also allows for the immunization of our children so that they do not die needlessly from preventable diseases like the measles.

It invests in our Nation's infrastructure. This plan will improve our Nation's roads and bridges. It will pump life into our Nation's cities and neighborhoods.

Mr. Speaker, it is time that we stop this senseless bickering, pass the President's investment package, and move on. President Clinton has answered the call of the American people for change. Let us support him in this mission.

CRIME HITS VULNERABLE ELDERLY, CHILDREN, AND TOURISTS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, major news events this past week across the country underscore our problems achieving law and order in our society today. The tragic events in Waco, the trials in Los Angeles, and the apparent apprehension of the District of Columbia drive-by shooter have put violence and crime center screen in public consciousness—but in almost every community across America today, crime is a daily headline occurrence. The streets are not as safe as they used to be. People are scared. Many feel this country is still protecting the rights of criminals with more fervor than we protect the rights of victims.

Even as crime becomes more random and bizarre it hits cruelly at our most vulnerable populations: The elderly, children, unsuspecting tourists. Just a few steps from the Capitol Building, businesses have been forced to stop using cash. It is check or credit card only. Cash from customers they fear will be a magnet for crime. We proposed a get-tough-on-crime bill last year but it was gutted by the liberal leadership.

Maybe now that it is too dangerous to use cash to transact legal business in the shadow of the Nation's Capitol, the liberal establishment can understand it is time for tough measures and strong legislation.

THE WACO MURDERS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I would like to take this opportunity to speak directly to Scott and Cameron LeBleau, ages 11 and 1½.

Their father, ATF Agent Conway LeBleau, was murdered at the Koresh cult compound in February.

His actions and those of the other murdered agents were described on this floor yesterday as gestapo like.

Scott and Cameron, your dad did not belong to the gestapo.

Your dad was a brave man trying to make this country safer for children like you—and my two little girls at home.

Your dad was murdered by the followers of a demented criminal, who—despite your dad's best efforts and the overwhelming desire of the American people—was able to amass a huge arsenal of legal and illegal weapons to simply outgun the good guys, the ATF.

What happened in Waco at the start—and at the end—was murder, and David Koresh was the killer.

Mr. Speaker, I am appalled when I see people who should know better fawning over Koresh's relatives and lawyers while rushing to pick, probe, accuse, and condemn the Attorney General and law enforcement—as though they had committed crimes—as though any tactical mistakes are somehow the moral equivalents of Koresh's criminality.

This is shameful and should stop here and now.

Were there any tactical mistakes made in Waco? Probably. And we should examine them to improve our ability to handle these situations in the future.

We should proceed slowly, and thoroughly. But let us not turn a criminal killer of children into a fantasyland victim.

This was a sensational and tragic crime, let us make sure our examination of it is constructive and helpful, not just sensational.

□ 1450

INTRODUCTION OF LEGISLATION TO WAIVE CARGO PREFERENCE ON AID FOR RUSSIA

(Mr BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, while there is a limit to what we can afford, I am generally supportive of the President's decision to aid President Yeltsin and help foster the emerging democracy and free markets in the former Soviet Union. Of note, our past four Republican Presidents also agree that this is good policy for the United States.

But if we are going to agree on this aid, then let us produce the goods.

Of the $1.6 billion Vancouver aid package, more than half is supposedly food aid, credits, and medicine. But we will deliver far short of that amount because our humanitarian cargo must be shipped at two, three, perhaps even five times the international market rate.

In other words, a major chunk of our aid to Russia will be devoured by cargo preference before it even leaves the country.

For a long time cargo preference has been bad for agriculture. Today it's bad for President Clinton and his Russian aid package.

So I urge my colleagues to join my effort to eliminate or partially waive cargo preference for the Vancouver aid package. I will be introducing three bills, each taking a slightly different approach. Take your pick on how we go about it, but let us just do it, and help our President really produce that $1.6 billion for democracy in Russia.

CONGRESS CAN LEARN ABOUT FINANCIAL RECOVERY FROM SCHUYLKILL COUNTY, PA

(Mr. HOLDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLDEN. Mr. Speaker, I rise today to pay tribute to a true financial success story. The credit and congratulations go to a borough in my district known as Shenandoah, Schuylkill County, PA, population 6,221. Just 5 years ago, Shenandoah was in the depths of financial despair. Its expenses exceeded its ability to pay to the point where borough leaders saw no alternative but to declare bankruptcy. But Shenandoah was not to be written off. With some help in the form of a loan from the State of Pennsylvania, Shenandoah pulled itself out of the red ink and is now well on its way to financial recovery. This is a real tribute to Shenandoah's leaders and its people. They realized what had to be done, they demonstrated the courage, and made the necessary sacrifices to get their own house in order. While Shenandoah's population is small, their shining example of fiscal responsibility is no less than monumental. We in Congress should learn from Shenandoah's bold and courageous example, and strive to follow it here in Washington. Our generation is demanding it, and our children and grandchildren deserve it.

CLINTON'S STIMULUS PLAN REJECTED

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, today the Senate Republicans have taken the wise course of rejecting the President's so-called stimulus plan because it increases the deficit $16.3 billion. I applaud this action and I hope that it is the beginning of true deficit reduction.

The entire Clinton package should be sent back to the drawing boards so that we can achieve real deficit reduction through spending cuts, not tax increases. For 3 months the message from my constituents has not changed—cut spending first.

Last month, the Republicans, under the leadership of JOHN KASICH, submitted a plan outlining $430 billion in spending cuts. We met the President's challenge to be specific.

Today, I am introducing legislation to cut spending $30 billion. Dozens of my colleagues have taken this same course of identifying specific spending cuts that they support; $30 billion in cuts is only a start, Mr. President, and we must continue to cut spending wherever possible. The American people have had enough of high taxes and deficit spending—it is time for budget cuts.

ECONOMIC RECOVERY MARKED BY LAYOFFS AND NEW LOW-WAGE JOBS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I understand that there are Members of the Congress who believe that our economy is in a recovery and that it is not necessary for the Congress to pass legislation to create decent paying jobs. Well, you could have fooled me. In the State of Vermont there have recently been large layoffs at IBM, Digital, GE, Simmonds, and other companies, and our State's unemployment rate is rising.

Nationally, 10 million workers remain unemployed, 6 million workers remain underemployed, and there are now 1.4 million fewer jobs than before the recession began in 1990. Even more alarming, an increasing number of the new jobs being created are low-wage, part-time, with inadequate benefits.

Mr. Speaker, if this is an economic recovery, I would hate to see a recession.

I find it ironic that there are Members of Congress who are opposed to spending money now to create decent paying jobs for our workers, and to feed hungry children. Within the next 2 months, however, I suspect that many of these same Members will be voting to dump $42 billion more into the deficit in order to bail out the S&L industry. They will not be worrying about deficit spending then.

Mr. Speaker, let us get our priorities right.

THE PRESIDENT'S JOBS BILL PROMISES CREATION OF HALF A MILLION JOBS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, last Friday's unemployment figures from the Department of Labor said it all. For the 16th consecutive month the jobless rate stayed above 7 percent.

Put another way, there are 16 million Americans who want to work, but cannot work.

Meanwhile, the Senate Republicans do not work and they do not want to work.

These Senators would rather enshrine gridlock as a permanent fixture in the Nation's Capital rather than create new jobs and put people back to work.

President Clinton has proposed a jobs bill that will create half a million jobs. The purpose of the bill is to inject jobs into the jobless recovery.

The real question comes down to this: Are the American people satisfied with a jobless recovery and business as usual?

The answer is "No."

The President and his allies in the Congress will not rest until the jobs bill has been approved and is signed into law.

The Senate Republicans want to block job creation. They would rather do nothing than put people back to work.

Mr. Speaker, the fact is that the economy needs a jump start and the President's jobs bill is necessary to put people back to work.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAPMAN). The Chair would again remind Members not to comment on procedures or Members of the other body.

NO MORE FUNDS FOR RTC

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, we all want to reduce the deficit. Several speakers have talked about it here today. I have a suggestion.

The RTC is asking for another $45 billion. Before we give them another dime, Mr. Speaker, the RTC needs to clean up its management practices and put an end to wasteful spending.

Why do I say this? There is good evidence that the RTC's actions have caused some banks to go down and into receivership. Instead of going after the big guys who cause the problem, they go after smalltown business people who often serve on savings and loan boards for community development purposes. On the management side, Mr. Speaker, the RTC receives bonuses for their employees, up to $30,000. RTC employees are on a different pay scale than other Federal employees and earn up to $158,000. RTC employees can receive an 18.2-percent pay differential.

No more funds to feed this bureaucracy. It should wind up its business and close a dark chapter in American banking history.

THE PRESIDENT'S STIMULUS PACKAGE IS THE LEAST THAT AMERICA DESERVES

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, when the President's stimulus came over to this House, it was smaller than many of us had hoped and certainly smaller than America deserved. It was so small that the mayors have had to indicate that they would use the money for smaller items, not for the large items on their agenda, such as roads and bridges, but for smaller items like swimming pools—the kinds that keep kids out of crime in the summer. The Republicans have used the small items demagogically to redefine the President's stimulus package while 9 million Americans sit unemployed. We were the disciplined ones. The President's package came with cuts. We bit our tongues. The House added larger cuts. We bit our tongues again.

Mr. Speaker, the most depressed parts of America deserve more. America itself deserves better. The President's package is not what we deserve. Mr. Speaker, the President's package is the least that America deserves.

COMMENDING AMBASSADOR KANTOR ON HIS CONSTRUCTIVE APPROACH IN TRADE NEGOTIATIONS

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, this week Ambassador Mickey Kantor has been meeting with Sir Leon Brittan, European Community Commissioner for Trade, over the procurement policies of the United States and Europe.

The European Procurement Code, as embodied in article 29 of the utilities directive, blocks U.S. companies from winning bids on electrical and telecommunications government contracts in Europe. Mr. Kantor is expected to impose similar restrictions on European companies unless the provision is waived. American companies in the European market now bid on $7.8 billion while their European competitors can bid on $16.8 billion in the U.S. market.

I commend Mr. Kantor for his tenacity in dealing with the European Community and encourage him to hold firm in his position.

This situation illustrates the increased attention being given to each nation's procurement policies. Several months ago, a GATT dispute panel found that a U.S. buy American provision, requiring the purchase of a senor mapping system by the National Science Foundation, violated the GATT. We have yet to adopt the panel report. Congress must realize this case has far-reaching consequences for our Nation's domestic policies.

As the international marketplace tightens, more attention will be focused on the lucrative public sector. I urge Mr. Kantor to follow through with this constructive approach to market access in the broader multilateral context of the GATT negotiations.

□ 1500

IN MEMORY OF WALLACE STEGNER

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, last week this country lost one of its great writers, philosophers, and environmentalists.

Mr. Wallace Stegner died at the age of 84 in Santa Fe, NM.

Mr. Stegner was a resident of Los Altos, CA, which is in the district I represent and was a distinguished member of the Stanford University faculty. He was one of the first visionaries of the modern environmental movement.

In his well-known 1943 novel, "The Big Rock Candy Mountain," he reflected on the beauty and grandeur of the Western United States, and he warned of the dangers of overzealous development and environmental degradation.

Wallace Stegner received many accolades throughout his distinguished career, including the Pulitzer Prize for his 1972 novel "Angle of Repose."

He has been called the modern equivalent of Thoreau—and an important part of the environmental movement's spiritual foundation.

Mr. Speaker, I am saddened by the loss of this great thinker, but I am confident his vision will endure.

I ask my colleagues to join me in expressing our condolences to his family, friends, and countless admirers.

TRIBUTE TO "BUD" MEYERHOFF, PHILANTHROPIST AND HOLOCAUST MUSEUM SUPPORTER

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, on the eve of the dedication of the U.S. Holocaust Memorial Museum, I rise to pay tribute to Harvey M. "Bud" Meyerhoff.

A lifelong resident of the Baltimore area, Mr. Meyerhoff has been known for many years within the State of Maryland as an energetic leader and generous philanthropist. In 1987, President Reagan, keenly aware of Mr. Meyerhoff's reputation and abilities, appointed him chairman of the Holocaust memorial Museum.

Since that time, Harvey has crisscrossed the country soliciting funds from numerous sources. These efforts have resulted in donations totalling $168 million. It should be noted that Mr. Meyerhoff did not ask for these funds without making a substantial donation himself. In typical Meyerhoff fashion, his family's gift of $6 million was the single largest endowment the museum received.

As the museum is dedicated tomorrow, many Americans of all religions and ethnicities will watch in hopes that we, as a nation, will not forget the horrors of the holocaust. Let us also not banish into oblivion the tireless devotion of Harvey Meyerhoff whose efforts brought this important project to fruition.

INTRODUCTION OF THE GENDER EQUITY IN EDUCATION ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I was delighted to hear that Secretary Aspin said that he will very shortly release the Tailhook report. At the time that report comes out many Americans will ask, "What can we do to make sure this never happens again and to correct the sexism that is so prevalent in our society?"

Well, the congressional caucus on women's issues, under the directorship of Congresswoman MINK, has answered that today as we introduce the Gender Equity in Education Act. It is a composite of nine very important bills that tries to get on target once again treating young women equally in our schools.

The parents of girls pay exactly the same in taxes as the parents of boys, and yet we have studies that would fill this room showing that the young women do not receive the same kind of education or the same kind of treatment. Once and for all, we must get back on the track that we were on that got dismantled in the last 12 years and get this behind us.

Mr. Speaker, I encourage people to join us in our efforts so we can get this passed.

ENHANCED RESCISSION: NOT BETTER THAN NOTHING

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, the American people want a real line-item veto. Unfortunately, many of my colleagues, especially from the Democratic side, instead support the so-called enhanced rescission bill.

They say it is better than nothing—a step in the right direction. That is simply not true. This bill is worse than nothing.

This bill is worse than nothing because it gives the appearance that we are really changing things, that we are really giving the President a tool to cut waste. But in reality, we are not doing that.

This legislation is a sham, a weak imitation of the line-item veto. A real line-item veto is what we need to give the President and we should not be trying to fool the American people with this bogus reform.

IN SUPPORT OF H.R. 1578, THE MODIFIED LINE-ITEM VETO BILL

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, I rise in support of the modified line-item veto.

On April 29, 1992, candidate Bill Clinton said:

> I strongly support the line-item veto * * * we need to get federal spending under control.

Approving a line-item veto will show the American people that we hear their demands to reduce Federal spending.

We must make the tough choices to cut spending. If not this year, when? If not with a line-item veto, how?

A line-item veto will force Congress and the President to debate the merits of programs publicly.

We must give the American people a reason to believe that we are serious about debt and deficit reduction. Today, we have the opportunity to do this—I hope this chance is not lost.

While I personally support a traditional two-thirds line-item veto, I recognize the President must have a tool for cutting the fat from the budget and H.R. 1578 helps do that.

I urge my colleagues of both parties to support this bill. Let us return our Government to its rightful owners—the American people.

ENHANCED RESCISSIONS BILL NOT A GOOD SUBSTITUTE FOR LINE-ITEM VETO

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, today this House is getting a watered-down line-item veto bill called enhanced rescissions. Let me explain what a Democrat line-item veto, known as an enhanced rescission, is.

First, the President must prepare a list of budget items he feels are too large or unnecessary. Then he sends that list to both Houses of Congress. Each House must set these lists as bills and send them to the Appropriations Committee, which after deliberation, must report them to the floor. Each House must report the rescissions item by item, thereby admitting that they made a mistake in the first place and overspent.

A real line-item veto requires only a two-thirds vote to override the President's action, which is rarely accomplished. By requiring both Houses to vote to approve a Presidential item veto, that means that the veto is worthless. The enhanced rescission is not a tiny step toward fiscal responsibility; it is the end of the line for a line-item veto. It is a sizzle with no steak, and the taxpayers demand a real line-item veto.

□ 1510

COMMEMORATING THE 100TH ANNIVERSARY OF THE SALT LAKE LDS TEMPLE

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. SHEPHERD. Mr. Speaker, in the heart of downtown Salt Lake City, just blocks from my district office, stands the historic Mormon temple—a six spired granite structure revered worldwide for the uniqueness of its design and the history of its construction.

In the mid-19th century, Brigham Young, the Mormon prophet, arrived with his group of Latter-day Saints at the foot of the Wasatch Mountains and proclaimed "this is the place." Within days of their arrival, Brigham Young stuck his cane into the ground marking the exact site where the temple would be built and said "here is the 40 acres for the temple. The city can be laid out perfectly square, north and south, east and west."

Throughout the next 40 years, the early saints worked painstakingly on the construction of the temple. Granite rocks, weighing from 2,500 to 5,600 pounds, were transported by teams and wagons from a quarry in Little Cottonwood Canyon and then cut into blocks. A few chosen members traveled to Europe on architectural missions and returned to oversee the construction and beautification of the temple. Families donated large portions of their incomes to help finance the work, and women toiled making and laundering clothes for the men who labored.

In April 1883, an even century ago, the work was completed and the saints gathered joyfully for the dedication of their temple. To commemorate the temple's 100-year anniversary, the Church of Jesus Christ of Latter-day Saints has orchestrated numerous activities.

The most impressive undertaking is a special exhibit at the LDS Museum of Church History and Art titled "The Mountain of the Lord's House: Construction of the Salt Lake Temple." The exhibit uses original photographs, drawings, artifacts, and diary excerpts to present an intriguing account of the 40-year construction. The church has also created a feature-length film on the subject and will make the temple centennial a major focus of the Days of '47 Parade in July.

Although Mormon temples were built both before and after the dedication of the Salt Lake Temple, 44 in all, the Salt Lake Temple is not only revered as the largest of the temples, but also serves as a symbol for the church. Hundreds of thousands of visitors, both members and nonmembers alike, flock to Temple Square each year to stand in awe and wonder of what has been both affectionately and appropriately described as "the centerpiece of Zion."

May I express my sincerest congratulations to the members of the LDS Church as they commemorate this landmark year. Above the everyday hustle and bustle of downtown Salt Lake, the Mormon temple stands as a monument to the unwavering faith and vision of those who came before.

BTU TAX A BOON TO EUROPEAN COMPETITORS

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, today I rise to speak regarding the Btu tax. Recently I had the opportunity in Ohio to participate in a round table conversation discussion with Senator JOHN GLENN and his guests, who included Mr. Stanley Gault, the chairman and CEO of the Goodyear Tire Co. Mr. Gault had just returned from a trip to Europe where he had spoken with the heads of the European tire companies and other industrial and labor leaders in Europe.

Mr. Gault relayed to the group as he spoke that the industrial leaders and political leaders in Europe were extremely excited about our Btu tax. They were very delighted that the President had proposed it and they were very excited about the hope that it would be passing in the very near future.

Mr. Speaker, why were they so excited about it? Because they knew and they know that it will make our manufacturing base less competitive, that they will have an even greater edge, and that they will be able to defeat us at the base level of manufacturing with the passage of that tax.

THE CONGRESSIONAL ACCOUNTABILITY ACT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, Congress should not be above the laws of the land. The laws of the land should apply to Members of Congress and to this institution as they do to every American and every other enterprise or organization in this great country.

Mr. Speaker, nothing bothers people as much, I believe, than what some have called the imperial privilege of having laws of the land not apply to Congress. And, that is the case today. Occupational Safety and Health Act laws do not apply. Certain privacy acts and certain civil rights acts do not apply to Congress. The Americans With Disabilities Act does not apply to Congress. That would all stop with the passage of H.R. 349, which is the Congressional Accountability Act, primarily sponsored by the gentleman from New Hampshire [Mr. SWETT] and the gentleman from Connecticut [Mr. SHAYS].

Mr. Speaker, I am a proud cosponsor of the bill. I hope that some day it will pass so all the laws of the land will then apply to Congress in the same way as they apply to everyone else.

There is another opportunity through the study which will be reported by the gentleman from Indiana [Mr. HAMILTON] which could also change the way laws apply to Congress. But one way or the other, Mr. Speaker, by a statute or by an internal change, all the laws of the land should apply to Congress.

CROCODILE TEARS FLOODING THE DISTRICT

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I just heard the news: the Weather Service is predicting floods in the District of Columbia. These floods are being caused by the crocodile tears that are being shed at the White House and the other body and today on the floor of the House by my colleagues for the failure of the Senate to pass the $16 billion enhanced deficit stimulation package.

Where were these job creating stalwarts in October 1989 when this House passed the largest private sector jobs stimulator in recent years that would have created 500,000 jobs through a capital gains reduction? Fifty-seven Senators in the other body also supported that package.

Mr. Speaker, guess who stood up and objected and used the filibuster to block that package from moving forward? None other but the master of the crocodile tear, that person who is leading the charge across the country on the media, that is trying to stop the fact that we have in fact stopped the President's enhanced deficit stimulation package.

Mr. Speaker, I am proud that all the Republicans of Pennsylvania today sent a letter to ARLEN SPECTER applauding him for holding tight and preventing the passage of this boondoggle. There are things in there that we want to support. Let us have the guts to stand up and pay for them and not add them to our deficit.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAPMAN). The Chair will caution Members not to refer in either derogatory or complimentary ways to Members of the other body.

WAS CROMWELL CORRECT?

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MEEK. Mr. Speaker, the past several weeks has presented a picture to the American people and the world of gridlock caused by a willful minority.

I find this especially ironic. The Government of Japan just announced a $115 billion public works program to stimulate their economy, yet a willful minority is blocking a similar jobs program one tenth the size for Americans.

Many of these same individuals in 1981 proclaimed a new era for America and successfully voted their program into law.

Their new era resulted in a quadrupling of the national debt. Now they say, "Who me?", and blame Congress even though Congress appropriated less in the aggregate almost every year than their President requested.

They proclaimed a new economic order, but their policies over the last 12 years resulted in tens of millions without health care. And they still say, "Who me?"

They proclaimed a new era of job creation, but that job creation has been in the ranks of disposable workers with lower wages than before and without adequate health care or pension benefits. And to the plight of the disposable workers they say, "Who me?"

Our new President proposes a very modest effort compared to that of Japan to provide jobs for our people, but they oppose it because of the deficits their Presidents and their party created. They cry crocodile tears for those they have put out of work or into disposable jobs, and say "Not my problem."

We see in the other body that they are the party of bankrupt ideas who do not wish to get our country moving again. They are more interested in bringing down America in the vain hope that they will win back the White House. They the party of "Who me."

Mr. Speaker, we can learn from history. Many of the ideas generated by Cromwell and others during the English Civil War evolved over the next century into provisions of the Declaration of Independence or the Constitution. Cromwell's solution to gridlock did not find its way into either document. About 1653, Cromwell abolished the House of Lords.

AMERICA NEEDS TO MOVE FORWARD

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I rise to speak on behalf of those persons who are unemployed; I rise to speak on behalf of the youth of this Nation; I rise to speak on behalf of the communities in this Nation that need bridges and water and sewer; I rise to speak on behalf of the mayors and county commissioners who cannot find the resources to speak to the needs of their community.

Mr. Speaker, I rise to say we need to move America forward. We need to provide those essential ingredients that make our community viable and give hope to people. We must vote for the stimulus. We have no alternative. If we fail to do that, then it is only our fault.

EXPEDITED RESCISSION WOULD GIVE EXECUTIVE BRANCH TOO MUCH POWER

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. BROWN of Florida. Mr. Speaker, as one of the first African-American Members elected from the State of Florida in 129 years, I was sent to Congress to represent my constituents on every issue which is brought before the U.S. House of Representatives including those involving appropriations and the national budget.

Before being elected to the U.S. House of Representatives, I was a member of the Florida State House for 10 years. During my tenure, I worked with Democratic and Republican Governors who had line-item veto authority. My experience was one in which Governors did not use their power to reduce spending but instead used the line-item veto for partisan purposes.

As a result, I believe that I have an experienced perspective on H.R. 1578, the Expedited Rescission Act which is before the House for consideration. My concern is that H.R. 1578 would shift too much power to the President and the executive branch and give the White House a new tool to press Members of Congress on other matters. For example, the White House could threaten to rescind funding for a project in a particular Member's district if the Member did not support the President on another vote of importance to the White House.

This is the House of Representatives, in other words, the people's house. Let's not take power away from the people who sent us here.

As a result, I urge my House colleagues to vote against the rule for H.R. 1578, any amendments, and the bill.

□ 1520

ECONOMIC GROWTH WILL OCCUR FROM CUTTING GOVERNMENT SPENDING, NOT RAISING TAXES

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, time after time today we have heard many of our Democrat colleagues come here and say that the Republicans in the other body are stifling economic growth by not allowing this so-called jobs bill to be passed.

The media of this country, the media of this country, keeps calling this an economic stimulus package. We have, on the Republican side of the aisle, said time and time again that this is a pork-laden bill: parking garages, swimming pool renovation, renovating movie theaters. It is a pork bill, a payoff to many big city mayors and politicians who helped President Clinton be elected President. It is not a jobs bill, it is not something that is going to stimulate economic growth.

The problems we face in this country are how to get the economy moving. The way to get the economy moving is to take a meat cleaver to Government spending, not raise taxes $400-plus billion, but take a meat cleaver to Government spending.

This economic stimulus package is nothing more than a pork-barrel bill, and we should defeat it. I applaud those in the other body who are filibustering this.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAPMAN). One more time the Chair would caution Members not to refer to the other body, either in a complimentary or a derogatory fashion.

ECONOMIC STIMULUS

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I rise today in support of President Clinton's jobs bill. This bill is designed to put unemployed Americans back to work, care for our children, and create a long-term plan to ensure a healthy and growing economy for years to come. The American people have spoken, repudiating 12 years of Republican policies that established weapon systems over health care, tax breaks for the rich over education for the poor, and maintaining the status quo versus a real and positive change in the priorities and direction of our country.

President Clinton has given Congress the opportunity to provide real relief to those who suffered the most during the last 12 years. His stimulus package provides job opportunities, strengthens our Nation's deteriorating infrastructure, and creates educational and summer employment opportunities for our youth. It is a disgrace that this bill that holds such promise for so many Americans is being held hostage for purely spiteful, political reasons. It is unbelievably hypocritical of the 43 Republican Senators who decry gridlock and who share responsibility for the deficit to threaten a program that offers real hope and opportunity to the victims of the Reagan/Bush era. While the GOP Senators continue their powerplay, real people, and families are being harmed each day by their inaction. In New York City alone, 12 percent of the work force is unemployed. To them, those jobs provide income, training, health benefits, and a sense of self-worth that is essential to the recovery of this Nation. It is time to put the concerns of the public above the petty politics being practiced by the minority.

NEW FIRST-CLASS STAMP SENDS A DUAL MESSAGE

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, I will inform my colleague, the gentleman from Indiana [Mr. BURTON], just for the purpose of proper English, it is the Democratic Party, not the Democrat party.

Second, I want to call the attention of the membership to a new commemorative stamp that has been issued by the U.S. Postal Service to honor the New York Stock Exchange. The interesting thing about this stamp is, if the Members will recall, the current price of a first-class stamp is 29 cents. Brace yourselves. Here it is, a beautiful stamp, New York Stock Exchange, and right smack in the middle of it with great big figures, 29.

Does anybody remember 1929 and the stock exchange? I am thinking, "Boy, somebody was not thinking too much over there. It could have been a 12-cent stamp, it could have been a 50-cent stamp." When I saw it, I thought it was a commemorative of the Depression.

URGING THE FBI TO CLOSE THE INVESTIGATION OF THE POLICE CHIEF OF SAXONBURG, PA

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I rise today because of something that jarred a memory during the period of time I was home over the Easter recess. I walked in a local police station back home and saw a wanted poster on the wall. It took me back to December 4, 1980, in a small farming community in Butler County, PA, called Saxonburg. On that day the police chief, Greg Adams, was viciously beaten and was killed. He was left lying in the snow.

The man who was the chief suspect in that case is a man by the name of Donald Eugene Webb. Mr. Webb has been on the FBI's 10 most wanted list for far over a decade. I would like to remember the valiant efforts of Chief Adams in protecting the people of Saxonburg, PA, and I would like to urge the FBI to close this case and find Donald Eugene Webb and bring him to justice.

Many of the witnesses and much of the evidence in this case has been lost over the past 13 years, and I would like this case to be wrapped up as soon as possible.

URGING THE SENATE TO SEND BACK A LIVE AND VIABLE ECONOMIC STIMULUS INVESTMENT PACKAGE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, in November, we had an election. People expected change. With President Clinton elected, I think we put the Bush politics of denial behind us, the Ross Perot no-sweat solutions aside and the Congress passed an economic budget resolution, a blueprint for change.

Now we are trying to work on the pieces of the budget. As a first action, the House did its part and passed the stimulus/investment measure. There was a disagreement in the House, partisan disagreements and a parochial disagreement in some instance, but we did vote and act. Then this first measure, the stimulus/investment, was sent to the U.S. Senate.

It reminds me, the group over in the Senate, of where we have taxidermist and a veterinarian in business together. Their slogan is, "Either way, you get your pet back."

The fact is, Mr. Speaker, our Senate counterparts are talking about a lot of barnyard animals, but I hope that the House will receive back a measure that is alive and viable, that we can respond to, and that will serve the needs of the people we represent. What is really needed is not more gridlock, not more hot air and rhetoric nor more filibusters but some action on the problems that affect people.

We will have differences of opinion, but I hope we can move, and move forward to address the problems of our Nation rather than seek to stymie progress; let's vote in the Senate and House and let the people's voice be heard.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again, the Chair would caution Members to please avoid critical references to Members of the other body.

VACATION OF PROCEEDINGS IN AND RECONSIDERATION OF SENATE JOINT RESOLUTION 66, NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby Senate Joint Resolution 66 passed the House yesterday, and I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 66) to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. BURTON of Indiana. Mr. Speaker, reserving the right to object, yesterday one of the things that we requested but was ruled out of order because the sponsor was not on the floor was that we change the name from the National Organ and Tissue Donor Awareness Week to the Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week, in honor of Nancy Moore Thurmond, the daughter of Senator STROM THURMOND, who was, unfortunately, killed in an automobile accident a week or so ago. She served as an example of what we all ought to be doing in trying to help other human beings in this country, in that she donated her vital organs to help save other people's lives.

☐ 1530

Yesterday we were ruled out of order, and today, for purposes of amending the resolution, it has been brought back to the floor.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Indiana [Mr. JACOBS], the primary sponsor of this joint resolution.

Mr. JACOBS. Mr. Speaker, I thank the gentleman for yielding, and certainly have no objection. Ms. Thurmond did a noble thing, not a difficult thing, but a thing that many Americans forget to do, and that is when she secured her driver's license she did sign the donation reverse side of it. The tragic death of this young woman may have one bright side, and that is continuing life for somebody else.

I think this may be one of the few commemoratives that Congress has ever passed that will actually have an effect. This is not to pat people on the back. This is to remind people to remember not to forget how much they can give by simply signing the back of those drivers' licenses. And it is a great privilege to be able to contribute much by sacrificing little.

That is what it is about, and I thank the gentleman from Maryland [Mr. WYNN] for making this unanimous-consent request, and I thank the gentleman from Indiana [Mr. BURTON] for sponsoring this legislation.

Mr. BURTON of Indiana. Further reserving the right to object, Mr. Speaker, I just want to say that the reason I personally asked for this yesterday was to try to urge all Americans to sign the backs of their drivers' licenses, as the gentleman from Indiana [Mr. JACOBS] just mentioned, and also to make sure that they honor Nancy Moore Thurmond by adding her name to this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. CHAPMAN). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 66

Whereas a new patient is added to the national patient waiting list for an organ transplant every 20 minutes;

Whereas thousands of lives are saved or significantly improved annually by organ and tissue transplantation; and

Whereas increasing the number of transplantable organs and tissues would save American taxpayers millions of dollars: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the weeks beginning April 18, 1993, and April 17, 1994, are each designated "National Organ and Tissue Donor Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such weeks with appropriate programs, ceremonies, and activities.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. President, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN: Page 1, lines 4-5, strike "National Organ and Tissue Donor Awareness Week" and insert "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Maryland [Mr. WYNN].

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. WYNN: Amend the title so as to read: "Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as 'Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week'.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, April 20, 1993, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 328, by the yeas and nays; and

H.R. 38, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONVEYING CERTAIN LANDS TO TAOS, NM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 328, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 328, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 11, as follows:

[Roll No. 140]

YEAS—420

Abercrombie
Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Crane
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)

Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings
Hayes
Hefley
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Inslee
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Knollenberg
Kolbe
Kopetski
Kreidler
Kyl
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Lipinski
Livingston
Lloyd
Long
Lowey
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Studds
Stump
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—0

NOT VOTING—11

Barton
Clay
Cunningham
Fields (TX)
Hefner
Henry
Hunter
Owens
Quillen
Sisisky
Walsh

☐ 1552

Messrs. GRANDY, HILLIARD, and YOUNG of Alaska changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CHAPMAN). Pursuant to the provisions of clause 5 of rule I, the Chair announced that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

JEMEZ NATIONAL RECREATION AREA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 38, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 38, as amended, on which the yeas and nays are ordered.

The Chair would remind Members of the House that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 363, nays 57, not voting 11, as follows:

[Roll No. 141]

YEAS—363

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Byrne
Callahan
Calvert
Camp
Canady
Cantwell
Cardin
Carr
Castle
Chapman
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Dreier
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frost
Furse
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodlatte
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamburg
Hamilton
Hansen
Harman
Hastings
Hayes
Hefley
Herger
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Hoke
Holden
Horn
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inhofe
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klein
Klink
Klug
Kolbe
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
Long
Lowey
Machtley
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McHale
McHugh
McInnis
McKinney
McMillan
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pomeroy
Porter
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Ravenel
Reed
Regula
Reynolds
Richardson
Ridge
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Saxton
Schenk
Schiff
Schroeder
Schumer
Scott
Serrano
Sharp
Shaw
Shays
Shepherd
Shuster
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Sundquist
Swett
Swift
Synar
Talent
Tauzin
Taylor (MS)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant

Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters
Watt
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—57

Allard
Baker (CA)
Ballenger
Bartlett
Burton
Buyer
Clement
Coble
Collins (GA)
Crane
Crapo
DeLay
Doolittle
Dornan
Duncan
Dunn
Everett
Gekas
Goodling
Hall (TX)
Hancock
Hastert
Hoekstra
Huffington
Hutchinson
Istook
Johnson, Sam
Knollenberg
Kyl
Lewis (FL)
Lightfoot
Lloyd
Manzullo
McKeon
Mica
Michel
Miller (FL)
Moorhead
Myers
Packard
Penny
Pombo
Ramstad
Rohrabacher
Royce
Schaefer
Sensenbrenner
Smith (MI)
Stearns
Stenholm
Stump
Tanner
Taylor (NC)
Vucanovich
Walker
Young (AK)
Zeliff

NOT VOTING—11

Barton
Clay
Cunningham
Fields (TX)
Hefner
Henry
Hunter
Owens
Quillen
Sisisky
Walsh

□ 1611

Mr. HASTERT changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CUNNINGHAM. Mr. Speaker, this afternoon I was unavoidably detained in a meeting with the Base Closure Commission and missed two roll call votes. Had I been present, I would have voted "aye" on H.R. 328 and "no" on H.R. 38.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-61) on the resolution (H. Res. 153) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked to proceed for 1 minute that I might inquire of the acting majority leader, or caucus chairman, what the program is for the balance of the day or the balance of the week.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. Mr. Speaker, I yield to the distinguished gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I am glad to have the distinguished minority leader yield to me.

Mr. Speaker, we are hoping still to take action tomorrow, hopefully, on the stimulus package should it move over to this body. We are hopeful that that will occur. We are also, perhaps, waiting on other legislation that might move, but at this point in time we are waiting on the stimulus package, the jobs bill, that we are hopeful will move.

Mr. MICHEL. Mr. Speaker, there was some discussion with respect to time of convening tomorrow because of the dedication of the Holocaust Museum. Has that been agreed to? I know there were intercessions made.

Mr. HOYER. Mr. Speaker, it would be my intention, after the gentleman from Illinois [Mr. MICHEL] yields back, to ask for unanimous consent that we convene tomorrow at 1 o'clock. However, Mr. Speaker, that will be on the assumption that we will roll any votes, journal votes, that are requested until the end of the session. What we are hopeful that will occur and what we expect to occur is that we give Members the opportunity to attend the Holocaust Memorial dedication without having to break in, and so we would expect to have no votes before 2 o'clock, although we would like to go into session at 1 o'clock to have 1-minutes and such other business as we can carry on.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from Maryland.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, we just had a meeting in the Committee on Rules upstairs which put out a rule which will waive the two-thirds rule to bring up the stimulus package hopefully tomorrow. But we also had a colloquy concerning the expedited rescission bill which has been laying on the House floor here for some time now, and, as the gentleman knows, the bill has been pulled, the rule has been pulled, again. We did make an attempt upstairs and had a colloquy with the Members on the other side of the aisle to discuss the possibility of bringing this expedited rescission bill to the floor under an open rule process, and, Mr. Leader, making your amendment in order to the base text of the bill that deals with targeted tax provisions. I must say that the majority leadership, the gentleman from Massachusetts [Mr. MOAKLEY], and the other Members were willing to listen to us. We did not press to have that rule made in order, but they gave us their word that they would take it under consideration and, in consultation with the gentleman from Texas [Mr. STENHOLM] and other Democrat leadership, that they would get back to us and see if we could not resolve this in some way so that we could debate this under a fair process that would allow you and other Members the right to have a fair vote on this issue.

So, Mr. Speaker, I just want to enlighten the membership, and hopefully we will be getting some word back in the very near future on it.

Mr. MICHEL. Mr. Speaker, I do appreciate the efforts which the gentleman from New York [Mr. SOLOMON] has extended in our behalf on that and hope that his efforts will not come to naught.

May I inquire of the distinguished gentleman from Maryland [Mr. HOYER] whether or not this concludes now business for the day?

Mr. HOYER. Mr. Speaker, we have a commemorative that will be coming up now. I do not think we expect to vote on it, but there will be additional business.

Mr. MICHEL. Is that the extent of the official business?

Mr. HOYER. The gentleman is correct.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman from Maryland [Mr. HOYER].

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 1 p.m. on tomorrow.

The SPEAKER pro tempore (Mr. WATT). Is there objection to the request of the gentleman from Maryland?

There was no objection.

JEWISH HERITAGE WEEK

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 30) to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as Jewish Heritage Week, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN] who is the prime sponsor of this legislation.

Mr. GILMAN. Mr. Speaker, I am pleased to have this opportunity to advocate legislation I have sponsored commemorating Jewish Heritage

Week. House Joint Resolution 126 recognizes the rich culture, heritage, and traditions of Jewish Americans, and notes the many contributions made by Jewish Americans in this Nation. And I would like to thank the distinguished chairman of the Post Office and Civil Service Subcommittee, the gentleman from Ohio [Mr. SAWYER], and the ranking member, the gentleman from Wisconsin [Mr. PETRI] for bringing this matter to the floor at this time, and the many Members of Congress who joined my colleague, the gentleman from New York [Mr. NADLER], and me in supporting this measure.

This legislation designates April 25 through May 2, 1993, and April 10 through April 17, 1994, as Jewish Heritage Week, noting in particular the celebration of Israel's Independence Day during these periods. The months of April and May are of particular significance in the Jewish calendar, in which the ancient celebration of Passover as well as other dates of importance take place.

Tomorrow, the long awaited Holocaust Memorial Museum will be dedicated near the Mall here in Washington, DC, with President Clinton and numerous foreign dignitaries in attendance. Creation of the museum, funded entirely by the private section, has evolved over more than a decade, and construction is now complete.

Jewish Heritage Week commemorates the 50th anniversary of the Warsaw Ghetto Uprising, in which so many valiant men and women courageously deterred the Nazi's liquidation of the Warsaw ghetto. Despite insurmountable odds, the Jews of the Warsaw ghetto were able to hold off these forces of evil for several weeks. Their courage in the face of such evil is most deserving of special recognition. Indeed, the theme of Jewish Heritage Week this year is the anniversary of that uprising.

It is troubling that we continue to witness anti-Semitism and violence against foreigners in various parts of Europe. Such activities have no place in the United States. Commemoration of Jewish Heritage Week places Congress and the American people squarely on the side of tolerance, brotherhood, and intergroup understanding.

Accordingly, Mr. Speaker, I urge our colleagues' support of House Joint Resolution 126, and request its immediate consideration.

□ 1620

Mrs. MORELLA. Mr. Speaker, continuing to reserve the right to object, I now yield to a major cosponsor of the legislation, the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, the spring months are traditionally of great importance to the American Jewish community. Several religious and cultural events, including the Passover, Jerusalem Day, Israel Independence Day, the anniversary of the Warsaw ghetto uprising, which commenced 50 years ago last Monday, and the Holocaust Memorial date all occurred during these months.

House Joint Resolution 126, which we have before us now, presents a unique opportunity to foster a renewed appreciation for the rich traditions, heritage, and culture of the Jewish people as well as the contributions of the American Jewish community to our Nation and our society. With this designation, Congress can continue to promote intergroup understanding and the principles of brotherhood and can join in further opposition to anti-Semitism and nazism in all forms.

This year the 50th anniversary of the Warsaw ghetto uprising is commemorated and the long-awaited Holocaust Memorial Museum will open tomorrow in a ceremony at the Mall.

Mr. Speaker, it is, therefore, entirely fitting and appropriate that we designate the weeks of April 25 through May 2, 1993, and April 10 through April 17, 1994, as Jewish Heritage Week, and I urge all my colleagues to join us in this effort.

Mrs. MORELLA. Mr. Speaker, continuing to reserve my right to object, I am proud to be a cosponsor of legislation establishing April 25 through May 2, 1993, and April 10 through April 17, 1994, as Jewish Heritage Week.

Today's action is especially timely, in view of the increased attention given recently to Jews and Jewish Americans because of the opening of the Holocaust Memorial Museum and observances surrounding the 50th anniversary of the Warsaw ghetto uprising. In addition, this week has been established during the spring season to coincide with Passover, the 8-day holiday celebrating the emancipation of Jewish slaves in Pharaoh's Egypt, and Israeli Independence Day.

Jewish Americans have made outstanding contributions to American science, law, politics, music, and other activities. The people of this Nation are indebted to such outstanding citizens as Albert Einstein, Benny Goodman, Supreme Court Justice Louis Brandeis, Hank Greenberg, and many other Jewish Americans who have had a positive impact on the development of our culture and society.

Mr. Speaker, I am pleased to cosponsor this legislation for the observance of Jewish Heritage Week, and I withdraw my reservation of objection.

The SPEAKER pro tempore. (Mr. WATT). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 30

Whereas April 26, 1993, and April 14, 1994, mark the forty-fifth and forty-sixth anniversaries of the founding of the State of Israel;

Whereas the months of April and May contain events of major significance in the Jewish calendar, including Passover, in 1993, the fiftieth anniversary of the Warsaw Ghetto Uprising and the opening of the Holocaust Memorial Museum in Washington, DC, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in the Nation contributes to the unity of this Nation; and

Whereas understanding among ethnic groups in this Nation may be advanced further through and appreciation of the culture, history, and traditions of the Jewish community and the contributions of the Jewish people to this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, are designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such a week with appropriate ceremonies, activities, and programs.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

NATIONAL ARBOR DAY

Mr. WYNN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 127) to authorize the President to proclaim the last Friday of April 1993 as National Arbor Day, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, the minority has no objection to this request, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection..

The Clerk read the joint resolution, as follows:

H.J. RES. 127

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1993 as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WYNN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 20, 1993.

Hon. THOMAS S. FOLEY,
The Speaker,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, April 20, 1993 at 4:18 p.m. and said to contain a message from the President whereby he transmits the fifth *special* message forwarding one proposed rescission and one deferral of budget authority for fiscal year 1993.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

PROPOSED RESCISSION AND BUDGET AUTHORITY AND REVISED DEFERRAL OF BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 69)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one proposed rescission in budget authority, totaling $180.0 million, and one revised deferral of budget authority, totaling $7.3 million.

The proposed rescission affects the Board for International Broadcasting. The deferral affects the Department of Health and Human Services. The details of the proposed rescission and the revised deferral are contained in the attached reports.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 20, 1993.*

VOTE FOR JEMEZ NATIONAL RECREATION AREA

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RICHARDSON. Mr. Speaker, today, the House will vote on H.R. 38, legislation to establish the Jemez National Recreation Area in northern New Mexico.

Efforts to pass this legislation are bipartisan. I worked in the House to get this measure passed last year before adjournment and have worked closely with Senators BINGAMAN and DOMENICI to pass a Jemez bill that has the support of the entire New Mexico delegation. This bill passed the House last year by a wide margin, and it deserves strong bipartisan support this year from the House.

The Jemez Mountains are one of the most spectacular natural, biological, cultural, and recreational areas in the Nation. It is considered one of the richest areas of biological diversity in the Southwest, providing habitat for several Federal and State listed, threatened, endangered, and sensitive species. For those who expressed concerns yesterday on the floor about this bill, I want to emphasize that H.R. 38 does not include language that will allow the Forest Service to condemn land in the Jemez—current Forest Service policy will prevail in this regard.

H.R. 38 has the support of Democrats and Republicans in New Mexico, and it deserves the support of Democrats and Republicans in the House. I urge my colleagues to vote "yes" on H.R. 38.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 21, 1993.

DEAR COLLEAGUE: We are asking for your support for legislation to establish the Jemez National Recreation Area in northern New Mexico. Today, the House will vote on H.R. 38, introduced by Congressman Bill Richardson, and the Senate will shortly take up similar legislation introduced by Senators Bingaman and Domenici.

This bi-partisan effort is critical to protect the unique and valuable Jemez Mountains of New Mexico. During the 102nd Congress, both the House and Senate passed legislation to protect the Jemez. Because time ran out last year due to adjournment, we were unable to complete this legislative effort. The protection of these mountains remains one of New Mexico's top environmental priorities.

The Jemez area is now administered by the Forest Service which has testified in favor of designation of this 57,000 acre tract as a National Recreation Area. Designation of the land will emphasize its recreational qualities and allow for the protection of critical archaeological sites. The bill would also ensure that Native American religious and cultural practices are preserved. In addition, it is important to note that our efforts will still allow for traditional multiple uses of the land, including grazing, hunting, and fishing.

Passing H.R. 38 is an important step in our continuing efforts to protect this precious resource of the State. Hearings will be held before the Senate Energy and Natural Resources Committee, and we ask for your support today in the House in moving our efforts forward.

Sincerely,
JEFF BINGAMAN,
PETE V. DOMENICI,
BILL RICHARDSON,
STEVE SCHIFF,
JOE SKEEN.

THE ECONOMIC IMPACT OF THE C–17

(Mr. HORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HORN. Mr. Speaker, I rise today to commend to your attention a letter sent to me by Mr. Richard Rios, the distinguished president of the Amalgamated UAW Local 148, which represents the Long Beach unit of Douglas Aircraft Co. employees. I am, of course, delighted that Secretary of Defense Aspin has recommended the building of six C–17 aircraft for fiscal year 1994, however, undoubtedly, some will want less. Mr. Rios points out that Congress must consider all the ramifications of a cancellation of the C–17 aircraft program—specifically, that some 12,900 jobs and $1.15 billion in wages and benefits spread over the States of California, Missouri, and Georgia, will be lost. Mr. Rios goes on to show that indirect job losses could total 40,775 and $1.37 billion in wages; and third tier economic impact could affect 26,840 more individuals and result in $2.91 billion in lost wages. The total combined economic impact, he says, would be 80,515 lost jobs and $5.43 billion in lost wages.

Of course, it is the duty of Congress to ensure that public funds are spent wisely, and the continuation of the C–17 will certainly do just that.

Mr. Rios' point is that even if disciplinary action might be warranted against certain individuals in the Government and the corporation, it should not be at the expense of the 110,000 plus assemblers, diemakers, machinists, aircraft mechanics, aircraft electricians and support personnel and subcontractors across America—working men and women whose only crime was to do their jobs exceedingly well, collect their pay, and pay their taxes. I commend Mr. Rios' letter to your attention.

AMALGAMATED UAW LOCAL 148,
Lakewood, CA, April 12, 1993.

Hon. STEPHEN HORN,
1023 Longworth Building, Washington, DC.

DEAR CONGRESSPERSON HORN: My organization joins you in your concern over what the media has called secretly advanced payments by the U.S. Air Force to McDonnell Douglas Corporation in developing the C-17 military transport aircraft. And, while disciplinary action may be warranted against high-ranking members of the Air Force and the corporation, we urge you not to penalize the thousands of hardworking Americans whose livelihoods depend upon fulfillment of the C-17 program.

If the intent behind stopping this program is to punish corporate wrong-doers, consider those who are most likely to feel the sting of your Congressional whip: the 110,000+ assemblers, die-makers, machinists, aircraft mechanics, aircraft electricians and support personnel and subcontractors across America—working men and women whose only "crime" was to do their jobs, collect their pay, and pay their taxes. The following tables represent the numbers behind the tragedy; but, for every number there is a single parent, a blue-collar couple, a rehabilitated youth, a veteran or a recent college graduate—a cross-section of America that considers itself lucky to have a decent job at all.

One final comment about these workers. More than half the jobs lost will be skilled labor in a variety of disciplines. Once lost, they are almost irretrievable. After two years, the number of skilled employees able to return if recalled is only one in twelve.

In closing, I refer you to document entitled, "Commercial Aircraft Operations Are In Decline; McDonnell Douglas Will Exit Business in the 1990's" by Loren B. Thompson, Ph.D., Head of the National Securities Studies Program at Georgetown University. Prepared in October, 1992. This study concludes that, "It seems nearly inevitable that MD will exit the commercial aircraft business in the 1990's." I asked Dr. Thompson "if the cancellation of the C-17 program would move up his doom-date and threaten the existence the parent company as well?" His answer, "Absolutely"!

Chairman Conyers, at real jeopardy may very well be the jobs of every McDonnell Douglas employee: Some 88,000 in California, Missouri, Georgia, Oklahoma, Ohio and Arkansas, not to mention the hundreds of thousands of subcontracting employees and third tier personnel whose staggering numbers are beyond my ability to calculate.

Can the national economy support this many more people on unemployment, welfare and Medicaid?

Unemployed workers cannot buy Ford, Chrysler or General Motors products nor can they buy appliances and homes. Without jobs, people cannot repair their homes nor can they pay the taxes so sorely needed to fund the infrastructure and schools of this country. Without jobs, more people will be forced into bankruptcy and the banking and S&L problems will expand instead of contract.

I urge you to consider these workers and their families by reconsidering your proposal to suspend the C-17 program.

Thank you for your attention.

Sincerely,

RICHARD RIOS,
President.

C-17 military transport

Direct job losses by State if program is canceled:	
California (Long Beach/ Torrance/Huntington Beach)	5,200
Missouri (St. Louis)	1,000
Georgia (Macon)	250
Subtotal	6,450
Estimated loss of management and support jobs:[1]	
California	5,200
Missouri	1,000
Georgia	250
Subtotal	6,450
Total direct job losses, 3 States	12,900
Annual loss of direct wages by state:[2]	
California	$219,321,000
Missouri	38,640,000
Georgia	9,660,000
Subtotal	267,621,000
Estimated loss of management/support wages:[3]	
California	253,564,000
Missouri	44,673,000
Georgia	11,168,000
Subtotal	309,405,000
Total annual direct wages lost, 3 States:	577,026,000
Total annual value of benefits lost[4]	577,026,000
Total annual direct wages and benefits lost	1,150,000,000
Indirect job losses by state:[5]	
California	36,400
Missouri	3,500
Georgia	875
Total	40,775
Indirect annual wages lost by state:	
California	$1,219,400
Missouri	117,250
Georgia	29,313
3 State total	1,370,000,000
Third tier economic impact:[6]	
3 State total, additional lost jobs:	26,840
3 State total, additional lost wages	2,910,000,000

NOTE.—Total Combined Economic Impact: 80,515 lost jobs; $5,430,000,000 in lost wages.

[1] Management and support positions are estimated at 1:1 with labor.

[2] Source: 1992 Payroll data for hourly employees.

[3] Source: Above, modestly adjusted (+15%)

[4] Benefits, including Health Insurance, Dental Insurance, Life Insurance and Disability Insurance, are equal in dollar value to direct wages. The loss of these will double the economic impact on their respective communities.

[5] There are approximately 7 sub-tier contractor employees for every manufacturing employee at Douglas and there are more than 1,300 such contract firms in the country. Job losses were calculated at 50% of workforce, as Douglas is the largest customer at most of these firms.

[6] Customarily calculated at 1.5 times the total of direct and indirect payroll for value of wages and number of employees lost.

* * *

INTRODUCTION OF THE GENDER EQUITY IN EDUCATION ACT

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MINK. Mr. Speaker, I rise today to join my colleagues of the congressional caucus for women's issues in introducing a comprehensive legislative package to address the inequities that exist for girls and women in our education system.

This bill, the Gender Equity in Education Act, is the result of a great deal of collaboration and effort on the part of many members of the caucus. As the chair of the Economic and Educational Equity Task Force of the caucus, which had the responsibility of putting this legislation together, I would like to commend and thank all the Members and their staff who worked very hard to develop the individual proposals included in this omnibus bill.

This is the first time the congressional caucus for women's issues has developed a comprehensive legislative package to address the educational inequities girls and women face in our school system. And I believe this coordinated effort on the part of the caucus will move us forward in achieving the goals and protections many of us have been working toward for over two decades.

My involvement in this issue goes back many years, and I am very excited about this renewed enthusiasm in the Congress, among education and women's groups, and in schools all across this Nation, to rid our education system of the barriers girls and women face in striving for educational, economic, and social equity.

During my previous tenure in the Congress as a member of the Education and Labor Committee I helped to write title IX of the Education Act Amendments of 1972, which prohibits sex discrimination in all federally funded education programs.

Two years later the Congress passed the Women's Educational Equity Act, legislation I authored to develop programs which would assist local school districts in complying with the title IX prohibition of discrimination against female students.

Since its enactment title IX has opened the doors of education opportunity to literally millions of girls and women across the Nation. Title IX helped tear down inequitable admissions policies, eliminate archaic dress codes, improve vocational education opportunities for women, reduce discrimination against pregnant students and teen mothers, and combat sexual harassment in our schools.

However, we still have a long way to go.

A recent study published by the American Association of University Women Educational Foundation entitled "How Schools Shortchange Girls: the AAUW Report," includes alarming data about the discrimination of females in our education system.

This report, which surveys the research that has been done in the area of educational equity for girls and women, concludes that:

Teachers pay less attention to girls than boys;

Girls lag in mathematics and science scores, and even those who do well in those subjects are not encouraged to choose math and science careers;

Sexual harassment of girls is increasing in our schools;

Some tests remain biased against girls, hurting their chances for scholarships and college admissions;

Textbooks still ignore or stereotype women;

Girls learn almost nothing in school about many of their most pressing problems like sexual abuse, discrimination and depression;

Vocational education programs continue to channel women into traditionally female-dominated jobs, which are usually low-skilled and low-paying; and

Discrimination against females in education-related sports activities is endemic.

On April 18, 1972, almost 21 years ago to the day, I first introduced the Women's Educational Equity Act to establish programs that would eliminate the kind of discrimination and inequities reported by AAUW and to educate our children from the earliest moment possible that females and males are equal in this society.

In my statement on the introduction of the bill I stated, "Among the most critical problems in America today is our outmoded attitude concerning the role of women in this society."

What deeply disturbs me is that today, over 20 years later, this statement is still true. Look at the evidence—the Tailhook scandal and the lack of immediate action by the Military Establishment to reprimand the perpetrators in this incident, the Senate Judiciary Committee's decision to ignore Professor Hill's sexual harassment allegations against Clarence Thomas, the fact that women continue to earn only 71 cents for every dollar earned by a male colleague—the examples are endless.

This is what we truly seek to eradicate from our society, the notion that somehow women are second class citizens. And that we continue to believe that the process of eliminating inequities begins in our education system.

The fact that we have not yet reached this goal is not due to the failure of title IX, but it is a reflection of the deterioration of Federal leadership in this area, the lack of title IX enforcement over the last decade, and the pervasive nature of sex discrimination in our educational institutions which has allowed inequities to continue.

The plight of Women's Educational Equity Act over the last two decades documents very well the change in Federal priorities and the failure to address the discrimination that continues to exist in our schools.

In the 1970's WEEA was an extremely successful program, initiating hundreds of projects that resulted in valuable research, curriculum development, and actual services in promoting educational equity for girls and women. In 1976, its first year of operation, WEEA was funded at $6 million. By 1980 funding levels rose to $10 million.

However, during the 1980's the Reagan and Bush administrations sought to eliminate WEEA and curtailed its productivity through severe budget cuts. In fiscal year 1991 WEEA received only $500,000 for information dissemination only, no new programs were funded.

Yet despite severe budget cuts and threats of elimination, WEEA has continued to survive. We were able to increase its appropriation for fiscal year 1992 and fiscal year 1993 to a modest $2 million for the continued development of model equity programs. But so much more is needed, as demonstrated in the AAUW report and in the legislative proposals that have been developed by the caucus.

The Gender Equity in Education Act, signifies a renewal of our commitment to providing girls and women with equitable opportunities at all levels of education.

I am extremely excited about the fact that this omnibus package which addresses many areas of need, begins with the revitalization of the Women's Educational Equity Act. Title I, the Women's Educational Equity Act of 1993, recaptures the original intent of WEEA through the establishment of an Office of Women's Equity, which will promote and coordinate women's equity policies and programs and in all Federal education programs and offices.

Many of the other legislative proposals within the Gender Equity in Education Act call for changes to existing programs and the establishment of new programs within the Department of Education to address the education needs of girls and women. These include initiatives to address sexual harassment in our schools, provide teacher training on equity issues, improve girls' achievement in math and science, establish programs for pregnant and parenting teens, provide coordinated social services within our schools, provide child abuse education, address inequities in athletic programs, and improve data collection.

The Office of Women's Equity will be charged with the responsibility of assisting in the development and coordination of these new initiatives within the Department of Education through technical assistance and other coordinating functions.

The Office will also maintain the current WEEA grant program to develop model programs, curricula, and materials to advance educational equity. However, the most exciting initiative in the Women's Educational Equity Act of 1993 is a new program which will actually give funds to school districts and community organizations to implement equity programs for girls and women within local schools systems. Many model equity programs have been developed over the last 15 years and now is the time to assist schools and school districts in actually integrating these programs into their educational systems.

Reform within the educational system begins at the local level. And as we seek to eliminate the discrimination, inequities and barriers that continue to prevent girls and women from achieving educational, economic, and social parity in this society, we must assure that schools all across this country implement and integrate into their curriculum, policies, goals, programs and activities, initiatives to achieve educational equity for women and girls.

The Gender Equity in Education Act will help achieve this goal. I urge my colleagues to support this important legislation. It will determine the future success of our daughters, granddaughters, and many generations to come.

□ 1630

VALUE ADDED TAX LOOMING ON LEGISLATIVE HORIZON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, looming on the legislative horizon is the value added tax for consumers. We hear and read that it is under consideration by President Clinton. Is this the same President Clinton who on February 19, at a town meeting in Ohio when asked about a value added tax, said that he was not contemplating the tax and that it shouldn't be necessary in the next 10 years if at all. What a confusing signal we get now from the White House.

Has he discussed this tax with the leadership Democrats?

Do they support it?

I'll tell you this. The people in my district don't support it. We already have excessive sales taxes in California. We are taxed up to our ears and this tax will only make life harder for consumers. What is so insidious about the value added tax is the simple fact that the consumer can't determine how much the tax really is. All the consumer will see is a higher price in the products he or she purchases. People will blame business for the price. They will think the manufacturer is benefiting from the inflated costs. In truth, we are going to make every supplier and manufacturer in America a tax collector. The value added tax isn't like a straightforward sales tax. The consumer knows what the sales tax costs on a product. The cost is on the sales receipt or bill of sales. This tax won't show. All the consumers will know is the product costs more. He or she will blame the manufacturer. Does the President want a scapegoat?

This is just like the energy tax bill that will come to the House. This tax will be based on Btu's. Will consumers understand the Btu tax? Bills are paid by kilowatt hours and cubic feet. There's nothing about Btu's on an electric bill or a natural gas bill or a gallon of gasoline.

Mr. Speaker, these suggested tax increases by the President are confusing and insidious. What happened to his pledge to the middle-class—the $30,000-a-year family income?

Now we are hearing about value added taxes and Btu taxes and income taxes and taxes on Social Security benefits. We are talking about deficit stimulus packages that only create summer jobs. We haven't yet seen sensible tax policies that will create real jobs in the private sector.

It is the opinion of many, Mr. Speaker, that the tax plans discussed and put forth by this administration will lead to inflation, end the economic recovery that is just beginning, and lead to higher interest rates and more unemployment. My State can't afford it.

This administration knows that taxes create new powers for government, new domination of the American people, bigger bureaucracies, bigger and bigger government.

We aren't discussing spending cuts in this body. We are hearing about new and bigger spending and new taxes to pay for the new spending proposals.

The higher the taxes—the lower the revenues. No nation on this Earth has ever taxed its way into prosperity. Hasn't history taught this administration anything?

Mr. Speaker, I hope this House will reject these tax increases and dedicate its time and efforts toward responsible action. We need to cut these bureaucracies rather than expand them, seriously reduce the deficit through sensible cuts, pass tax credit to stimulate industry and create new jobs in the private sector of our economy. This administration is steering a very dangerous course.

Isn't it about time we dedicated our efforts to do something for the American people rather than to them?

H.R. 1760, THE YOUTHSAVE ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, today I rise to introduce H.R. 1760, the Job Corps Youth Sentencing Alternative for Vocational Education and Training Act of 1993, to be better known as the Youthsave Act of 1993.

The purpose of this legislation is to establish up to 10 Job Corps Youthsave Centers around the Nation for nonviolent youth offenders who are not eligible to enter regular Job Corps Centers. These Youthsave Centers shall serve as an alternative to incarceration and other traditional sentencing options.

H.R. 1760 is designed to build on the widely recognized success of the Job Corps Program by creating separate Job Corps Youthsave Centers for youth who urgently need education, job training, counseling, and other services to help them avoid a lifetime of crime. Youthsave Centers will provide the disciplined environment associated with boot camps, while offering participants the chance to obtain the skills necessary to succeed.

H.R. 1760 utilizes the Job Corps approach because of its unparalleled record of success. Job Corps is America's oldest, largest, and most comprehensive residential training and education program for unemployed and undereducated youth ages 16 to 24. Job Corps serves an estimated 62,000 new students each year and has a 75-percent placement rate of helping graduates obtain permanent employment, return to school, or enter the armed services. With strong bi-partisan support, Job Corps has consistently returned $1.46 for every $1.00 invested.

President Clinton has made Job Corps an important part of his investment plan by providing funds in his fiscal year 1994 budget to carry out the 50–50 plan—to serve 50 percent more youth by carefully investing in existing Job Corps Centers and systematically opening 50 new Job Corps Centers over the next decade. I wholeheartedly endorse the 50–50 plan, and I congratulate the President for recognizing the potential of this vital program.

I also want to make very clear that the Youthsave Act is designed to expand on the 50–50 plan rather than take funds away from that fundamental effort. The funds my colleagues and I would seek for this measure would be in addition to the money needed to achieve the goals of the 50–50 plan. I am optimistic that the growing awareness of Job Corps' potential will make it possible to support the Youthsave Act and other efforts to utilize Job Corps' valuable concepts and resources.

Eligibility requirements of the regular Job Corps Program, however, limit the participation of youth with behavioral problems and most youth who have been convicted of crimes beyond the misdemeanor level. Without access to the kinds of services provided under Job Corps, most of these juvenile offenders get warehoused in youth detention centers or other facilities. Then, regardless of the seriousness of their crimes, most youth offenders are released at the age of 21, poorly educated, unskilled, and unprepared to enter the work force.

Research on crime prevention shows that early intervention directed at first-time offenders is very effective in helping them break away from crime. Studies have also shown that inmates who receive job training in prison are three times less likely to return to jail after being released than their counterparts who do not participate in job training.

The answer is to adapt the Job Corps approach to the needs of youth with nonviolent behavioral problems. H.R. 1760 would make that possible by establishing special Job Corps Youthsave Centers which youth offenders could, with court approval, choose to enter as an alternative to traditional sentencing options.

The Youthsave Act of 1993 would authorize $60 million in fiscal year 1994 for the design and construction of up to 10 Youthsave Centers and such sums as are necessary in fiscal years 1995–2004 to complete and operate the centers. The measure includes a 30-percent matching requirement for States where Youthsave Centers are established.

Youthsave Centers shall be separate facilities from regular Job Corps Centers, designed to provide an alternative sentencing option for youth convicted of nonviolent offenses. Job Corps Youthsave Centers will provide the comprehensive services available under the Job Corps Program and other special services that the Secretary of Labor may deem appropriate.

Mr. Speaker, Congress has already endorsed the concept of opening up Job Corps to troubled youth. Under section 433(A)(3) of the Job Training Partnership Act, the Secretary is authorized to undertake one or more pilot projects designed to involve youth who have a history of behavioral problems in order to provide these youth with the education, job training, and counseling services that have proved so successful among regular Job Corps participants. The Youthsave Act of 1993 would build on that commitment.

The annual costs of incarceration range as high as $36,000 per inmate and represent one of the fastest growing expenses facing the States. Successful efforts to educate and train convicted youth could result in substantial cost savings in terms of reduced crime, incarceration, and public assistance and in higher payroll tax revenues. In addition to helping youth who are in the most urgent need, we owe it to ourselves to make this wise investment in crime and misery prevention.

Mr. Speaker, I have joined many of my colleagues in endorsing the idea of enrolling certain troubled youth who break the law in boot camps designed to discipline them and, in some cases, shock them into understanding that a lifetime of crime can be nasty, brutish, and short.

But I believe we must do more. We must provide these troubled youth with a tangible alternative to crime. The shock of boot camp inevitably wears off, supplanted by the reality of unemployment and low self-esteem. We must provide these youth with a real opportunity to change, to learn a skill, to earn a decent living, and provide for themselves and their families.

In conclusion, I would like to thank my colleagues, Mr. TOWNS, Ms. DELAURO, Mrs. MALONEY, Mr. FROST, and Ms. JOHNSON of Texas, for joining me in introducing this bill. I also want to acknowledge the hard work of the Home Builders Institute in supporting the development of this bill.

The Youthsave Act of 1993 does not offer convicted youth a reward but, instead, a practical alternative for those who are willing to accept the challenge. We simply cannot afford to write off young men and women who get into trouble. I urge my colleagues to support this legislation.

THE DECLINE OF DELIBERATIVE DEMOCRACY IN THE PEOPLE'S HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I wish to yield to my distinguished colleague from New York, Mr. SOLOMON, who is not only ranking member of the very important Committee on Rules of the House of Representatives, but has tonight the hat of something that may be even more important at this time in the history of this body, and that is the chairmanship of the Republican Leadership Task Force on Deliberative Democracy. This task force has just completed a charge that has been given to us, and I yield to my good friend from New York, to deliver the results of his efforts.

Mr. SOLOMON. Mr. Speaker, I want to thank the gentleman, who is a member of the Rules Committee and the Deliberative Democracy Task Force, for yielding me this time.

Prior to the Easter recess, the Republican leadership appointed me to head-up this Task Force on Deliberative Democracy in the House to develop an action plan to combat abuses of Democrat Party procedures here in the House.

Obviously, the prime focus of our task force has been the string of 10 consecutive restrictive rules which have limited the amendment process on major bills in this Congress.

On Tuesday of this week, we took our action plan, and first report, to the leadership, and earlier today to the Republican Conference, both of which gave their stamp of approval. Tomorrow we will release our first report to the public and media.

Our report is entitled, appropriately enough, "The Decline of Deliberative Democracy in the People's House." The evidence that we have gathered clearly points to a higher amount of Democrat partisanship and oppression in the legislative process, than ever before.

Mr. Speaker, while our task force recognizes the right of the majority to establish rules and the legislative agenda, we conclude that this cannot be done at the expense of the rights of Members and their constituents to fully participate in the legislative process in both committees and on the House floor.

Thus far in this 103d Congress, on the 10 bills brought from other committees through the Rules Committee, only 32 amendments have been made in order out of 163 submitted. Only 21 House Members have been blessed with the opportunity to offer floor amendments and fully represent their constituents.

What that means is that the remaining 414 Members and the 248 million Americans they represent, are being shut out of their own House—what is supposedly the "People's House."

To disenfranchise 95 percent of the American people in their own House is a scandal, it's obscene, and it must end.

Mr. Speaker, I hope the majority leadership will change its ways and reopen this body to the people, as the Founders intended. I will then be happy to close down our Democracy Task Force and get on with the important business of legislating for all the people.

The report follows:

THE DECLINE OF DELIBERATIVE DEMOCRACY IN THE PEOPLE'S HOUSE

EXECUTIVE SUMMARY

Deliberative democracy in a state of dangerous decline in the House which, if not reversed soon, will result in the passage of ill-conceived and ill-considered legislation that will ultimately produce a further erosion of public confidence in the Congress. The electorate's mandate for change does not extend to making change for the sake of change, or to ending gridlock by putting deliberative democracy under a strong-arm hammerlock.

Committees are becoming more partisan and perfunctory in their consideration of legislation, thereby precluding efforts to fashion bipartisan, consensus bills that truly represent the House and the American people.

There has been a general breakdown in the committee system in the House due to multiple subcommittees, Members assignments, and tangled jurisdictions, necessitating such phantom legislative devices as proxy voting, one-third quorums and "rolling quorums." And such phantom legislating detracts from collective and deliberative decision-making. Congress in its committees is no longer "Congress at work," but "Congress hardly working."

On 7 out of 9 reported bills coming through the Rules Committee in this Congress, the three-day availability requirement for reports has been waived and ignored, denying Members of both parties the opportunity to be fully informed of the provisions of major bills before they vote on them.

The percentage of restrictive rules which limit amendments has increased from 15% in the 95th Congress, to 66% in the 102nd, and thus far in the 103rd Congress stands at 100%.

To date in the 103rd Congress, only 32 amendments have been made in order on the 10 bills cleared by the Rules Committee, even though 163 amendments have been submitted.

Only 21 House Members have been blessed by the Rules Committee with the opportunity to offer floor amendments, meaning the other 414 Members and the roughly 248-million people they represent have been disenfranchised during the critical amendment process in the House.

There is an increasing tendency to waive the three-day layover requirement for conference reports, again preventing informed debate and votes at the final stage of the legislative process, often to the later embarrassment of the Congress when hidden-goodies are discovered after a bill is enacted.

When Members are elected to Congress with the expectation that they will be exercising their rights as lawmakers on behalf of their constituents, only to be told they may not fully exercise those rights on the House floor, something has gone radically haywire with the constitutional scheme of things. While the majority party always has the right to establish the rules and legislative agenda for the House, it should recognize the need to place responsible limits on those powers which permit all Members to fully participate in the truly deliberative democratic process and of all the people to be fully represented in their national legislature.

THE TOP TEN DEMOCRAT DODGES AND DENIALS (AMENDMENTS BLOCKED BY THE RULES COMMITTEE FROM FLOOR CONSIDERATION)

A balanced budget constitutional amendment to the debt limit bill;

A statutory line-item veto amendment to the debt limit bill;

A freshman Democrat expedited rescission amendment to the debt limit bill;

A ban on HIV-positive immigrants from permanent admission into the U.S., to the NIH bill;

Retention of the prohibition on homosexuals in the military unless changed by law;

A mandatory removal of persons from voter registration rolls if they have not voted in 50-years, to the "motor voter" bill;

A prohibition on non-citizens from registering to vote, to the "motor voter" bill;

A requirement that economic stimulus spending not be obligated until off-setting reductions have been made;

A government-wide rescission of 747 projects worth $1.963 billion, to the emergency supplemental appropriations bill;

Deletion of the BTU energy tax revenues from the budget resolution.

THE DECLINE OF DELIBERATIVE DEMOCRACY IN THE PEOPLE'S HOUSE

Introduction

"It is in the Congress that the varied needs and interests of the people find expression. It is in the Congress that out of the clash of contending opinions is forged the democratic unity of a democratic people. Too many people mistake the deliberations of the Congress for its decisions. . . .

"Common consent in democratic government springs from common understanding. It is out of the airing of conflicting opinions in hearings, debates, and conferences that a people's Congress comes to decisions that command the respect of a free and democratic people.

"Not all the measures which emerge from the Congress are perfect, not by any means, but there are very few which are not improved as a result of discussion, debate, and amendment. There are very few that do not gain widespread support as a result of being subject to the scrutiny of the democratic process."—Speaker Sam Rayburn, Texas Forum of the Air, Radio Address, Nov. 1, 1942.

The above words of Democratic Speaker Sam Rayburn, during the early days of World War II, sum-up the essence of our democracy and the central role of Congress in mediating the competing opinions and interests of the people to forge a national consensus and unity.

The heart of this process is perhaps best captured by the phrase, "deliberative democracy"—the full and free airing of conflicting opinions through hearings, debates, and amendments for the purpose of developing and improving legislation deserving of the respect and support of the people.

Deliberation is nothing more than the careful consideration of alternatives before reaching a decision. It is, as Rayburn put it, the "scrutiny of the democratic process." Without it, that process would be blind, uninformed, and driven by popular passions or political imperatives rather than by informed debate and analysis.

The Republican Leadership Task Force on Deliberative Democracy in the House was created out of a growing concern that deliberative democracy was being sacrificed on the altar of political expediency.

Therefore, the first priority of the Task Force's House Democracy Project was to conduct an assessment of the state of deliberative democracy at this point in the 103rd Congress. The scope of our inquiry has been, and will continue to be, all stages of the legislative process—from subcommittee hearings to the final adoption of conference reports.

It is the conclusion of this first report that deliberative democracy is in a state of dangerous decline which, if not reversed soon, will result in the passage of ill-conceived and ill-considered legislation that will ultimately produce a further erosion of public confidence in the Congress.

We are acutely aware that the people in last year's elections voted for change and an end to gridlock. But we do not think that mandate extends to making any change for the sake of change, or to ending gridlock by putting deliberative democracy under a strong-arm, hammerlock.

If democratic processes are not preserved as we work together for necessary and realistic changes, that change will not long enjoy the public support and respect that only deliberative democracy and consensus-building can produce. In short, the people are the ultimate losers in any attempt to short-circuit the deliberative process simply to create the perception that we are quick-change artists.

The Committee System

"Congress in its committees," as Woodrow Wilson once put it, "is Congress at work." Committees are the "workshops" or "mini-legislatures" of the legislative branch where the need for legislation is developed through hearings, and the options for legislative solutions are aired through testimony, discussion and amendments. The legislative product that finally emerges from this rigorous committee process is likely to be a fairly representative and balanced piece of legislation that can survive the full scrutiny of the full House, pretty much intact.

Or, at least, that's how it is all supposed to work. However, for a variety of reasons, which have been well-documented elsewhere, the committee system no longer works that way. Some would say it barely works at all. Authorizing committees are squeezed-out by the budget and appropriations processes, and strangled by their own tangled lines of jurisdictions with other committees and subcommittees.

Moreover, with Members spread so thinly with multiple committee and subcommittee assignments, committees must resort to phantom legislative devices such as one-third quorums, proxy voting and "rolling quorums" to get any work done. If Wilson were to observe the committee system today he might conclude that, "Congress in its committees is Congress hardly working at all"—at least not well or as originally intended.

When committees are called-upon by the leadership to bring important legislation to the floor, it is often without adequate notice, preparation, or deliberation, and the final product often reflects the haste with which such legislation is processed. It is little wonder, then, that committee chairmen more and more frequently want to protect their bills from the heat of debate or the critical light of amendments when they reach the House floor. They would not likely survive the battering of sustained deliberation.

The Task Force is troubled by early reports from some committees that markup sessions are more perfunctory and partisan and less deliberative than in previous Congresses. Amendments offered by minority members tend to be dismissed out of hand and voted down along party-lines without serious debate or attempts at compromise.

While this disturbing new attitude may be due in part to the fact that many bills being considered in the early part of the session are retreads from the previous Congress, and are supported in their existing form by the new President, this does not relieve the Congress either of its responsibility to the 110 new Members to reopen debate and inform and educate, or of its responsibility to itself to preserve its independent status as a co-equal branch and its deliberative process that guarantees that status.

The Task Force does take strong exception to the way in which the so-called "expedited rescission" bill was handled, or mishandled, at the committee level. The Government Operations Committee is to be commended on holding a hearing on this and other alternatives earlier this year.

But, when the time came to markup the bill, the committee waited until two days before it was scheduled for floor consideration to tentatively schedule a markup. However, when the chairman was informed that the minority would exercise its rights under House Rules to offer amendments and file minority views, the chairman decided to call-off the markup and allow his committee to be discharged by the Rules Committee.

And, what was ultimately made in order by the Rules Committee was a bill that had not been previously referred to the Government Operations Committee plus a majority substitute that hadn't been testified to at the Rules Committee hearing. The substitute was simply plopped on the Rules Committee's doorstep following a full day of hearings, shortly before the rule was to be reported.

The lack of proper committee deliberation and reporting may explain in part why the rule was initially withdrawn, after nearly an hour of debate, for lack of support.

The Task Force hopes that such committee bypasses are an aberration and not a new pattern to avoid critical committee deliberations, including minority amendments and views, that are such an essential part of the legislative process in the House.

The Three-Day Layover Requirement

One of the most important House Rules in terms of guaranteeing deliberative debate by the House on reported bills is the so-called three-day layover requirement. It states quite simply that the House cannot consider a bill until the committee report on it has been available to House Members for three-days (excluding Saturdays, Sundays and legal holidays).

When this requirement was made a part of House Rules by the Legislative Reorganization Act of 1970, the Joint Committee on the Organization of Congress that drafted the rule explained the need for it in its 1965 final report as follows:

"Finally, there must be time for the report to be studied. A bill that cannot survive a 3-day scrutiny of its provisions is a bill that should not be enacted. Proper consideration must be given to important legislation, even in the closing days of a session. The world's most powerful legislature cannot in good conscience deprive its membership of a brief study of a committee report prior to final action. (p. 13)

Nevertheless, there is an increasingly disturbing tendency of the leadership to schedule floor action on bills only a day or two after the report is filed—meaning the same day the report is first available to Members, or the very next day.

Thus far in the 103rd Congress, waiving the three-day layover requirement has been more the rule than the exception. Of the bills reported from committees that have come through the Rules Committee, seven have been taken up in the House prior to the third day of report availability:

Family and Medical Leave (H.R. 1): reported, Feb. 2, 1993; passed House, Feb. 3, 1993;

National Voter Registration (H.R. 2): reported, Feb. 2, 1993; passed House, Feb. 4, 1993;

Unemployment Compensation (H.R. 920): reported, Feb. 23, 1993; passed House, Feb. 24, 1993;

Hatch Act Amendments (H.R. 20): reported, Feb. 22, 1993; considered on Feb. 23rd, and failed under suspension of rules, Feb. 24th; later passed under a rule, March 3, 1993;

NIH Revitalization Act (H.R. 4): reported, March 9, 1993; considered, March 10, 1993; passed, March 11, 1993.

Emergency Supplemental Appropriations (H.R. 1335): reported, March 15, 1993; considered by House, March 17, 1993; passed House, March 19, 1993;

Concurrent Resolution on the Budget (H. Con. Res. 64): reported, March 15; considered by House, March 17, 1993; passed House, March 18, 1993.

In short, the House has ignored its three-day report availability requirement 77% of the time on reported bills coming through the Rules Committee. The previous high was in the 101st Congress when the three-day layover requirement was waived on 23 occasions comprising 16% of all rules (see Table 1 in the Appendix to this report.)

The Task Force strongly urges the majority leadership to reverse this trend and enforce the three-day layover requirement so as to enable Members to better understand what it is they are being asked to vote on.

Restrictive Rules

The most serious encroachment on the deliberative process in the House has been the limitation on House floor amendments through special rules or order of business resolutions reported from the Committee on Rules.

As can be seen from Table 2 in the Appendix to this report, the trend from open to restrictive rules has been growing gradually over the years. Whereas in the 95th Congress (1977–78) only 15% of the special rules limited House floor amendments, in the 102nd Congress the percentage had risen to 66%, and, thus far in the 103rd Congress it is 100%.

To emphasize just how important special rules are, one must keep in mind that most minor, non-controversial legislation is considered under other procedures—either unanimous consent or suspension of the rules. Special rules are used only for major, controversial bills and involve substantive policy issues and differences.

The fact that the majority leadership has brought every major bill to the floor under a restrictive amendment process in this Congress is clear evidence of its disdain not only for the rights of the minority and individual members, but for deliberative democracy and the rights of all the people it is designed to represent.

Efforts to portray complaints about restrictive rules as mere partisan, procedural whining and bickering ignore the larger institutional and constitutional issues at stake, not to mention the partisan taint such procedural constraints self-inflict on the legislative products of such a process.

As Table 3 shows, two major bills have been completely closed to any amendments—the unemployment compensation and debt limit bills. And two other bills, the motor voter and emergency supplemental appropriations bills, allowed for only one amendment each.

And, in the latter instance, the only amendment made in order to the supplemental was not one of the 37 submitted to the Rules Committee. Instead, it was an unfiled amendment by the chairman of the Appropriations Committee that was never offered on the House floor. See Table 4 for a comparison of restrictive amendment processes on supplemental appropriations from the 95th through 102nd Congresses. Of the 11 restrictive instances, five were under a suspension of the rules (requiring a two-thirds vote for passage), and six were under special rules. Of the six under special rules, only two supplementals were completely closed to amendment.

The Task Force is especially outraged by any attempts to limit amendments to appropriations bills since this directly undermines the House's constitutional authority over the purse strings of government. To prohibit even amendments to cut or eliminate spending in an appropriations bill is a subversion and derogation of that authority and cannot be allowed to continue.

Had the House been able to make some reasonable changes in the supplemental appropriations bill initially, it might not have reached the impasse it did in the other body for so many weeks. Moreover, the Administration's initial take-it-or-leave it, all-or-nothing-at-all approach to this $16.2 billion spending bill is a direct slap at the constitutional prerogatives of the Congress.

While it is not the purpose of this Task Force report to rehash all the specifics of the special rules fights that have marked and marred floor debates in this 103rd Congress from its inception, it should be evident that something is dreadfully wrong with the deliberative process in the House when only 32 amendments have been made in order to the 10 bills considered out of 163 amendments submitted (see the final section of the Appendix for a listing of amendments not made in order by the Rules Committee in this Congress). That comes to an average of 3.2 amendments made in order per bill. Only 21 individual House Members have been blessed by the Rules Committee with the opportunity to offer floor amendments. That means that the other 414 House Members and the roughly 248-million Americans they represent have been disenfranchised during one of the most critical stages of the legislative process.

Among the 131 amendments denied by the Rules Committee, the following ten are perhaps the most egregious examples of "Democrat Dodges and Denials:"

A balanced budget constitutional amendment to the debt limit bill;

A statutory line-item veto amendment to the debt limit bill;

A freshman Democrat expedited rescission amendment to the debt limit bill;

A ban on HIV-positive immigrants from permanent admission into the U.S., to the NIH bill;

Retention on the prohibition on homosexuals in the military unless changed by law;

A mandatory removal of persons from voter registration rolls if they have not voted in 50-years, to the "motor voter" bill;

A prohibition on non-citizens from registering to vote, to the "motor voter" bill;

A requirement that economic stimulus spending not be obligated until off-setting reductions have been made;

A government-wide rescission of 747 projects worth $1.963 billion, to the emergency supplemental appropriations bill; and

Deletion of the BTU energy tax revenues from the budget resolution.

This trend in denying Members the right to offer floor amendments bespeaks the extent to which deliberative democracy is in decline in this new Congress. Whereas an open amendment process served the House well for two centuries in ensuring that the best possible legislation was hammered out in the fires of free and open debate, the restrictive amendment process today is designed purely to ensure that the committee-reported bill will survive intact, regardless of its quality or need.

Even when amendments are made in order, they are usually characterized in partisan terms and offered for an up-or-down vote rather than the free give-and-take that occurs under an open amendment process. Not only does this stiffen the lines of debate, but it hardens the walls of the legislation against any chance for improvement and compromise.

The abuse and overuse of restrictive rules is not a mere partisan complaint by the minority party. Congressional scholars Norm Ornstein of AEI and Tom Mann of Brookings testified before the Joint Committee on the Organization of Congress on February 16th of this year that "restrictive special rules should not become the norm" and "should be used only when absolutely necessary." And they went on to characterize the frequency of the use of restrictive rules as "a disturbing trend which should be rolled back."

While "the majority has developed various rationalizations for their actions," Ornstein and Mann went on, "Taken together, they constitute a disregard for minority rights, the rights of individual members, and a dismissal of the constructive role which the minority or other dissenters can sometimes play in offering alternatives and pointing out the flaws in a pending measure." That is what deliberative democracy should be about.

While this attitude of the majority today that there is no need to compromise with the minority, in the long-run it will find that it cannot deny the rights of individual legislators because they are backed by the legitimate concerns, interests and opinions of millions of people they represent. The walls of the House are permeable to the voice of the people, and eventually that volume will build and seep through.

Other Concerns

The Task Force takes note in passing of two other items that pose further threats to deliberative democracy in the House and which will be subject to further monitoring and comment in our next report.

First is the tendency to waive the three-day layover requirement for conference reports, or, in the alternative, to accept Senate amendments without further debate or amendment in order to avoid going to conference. In the case of the Family and Medical Leave Act (H.R. 1), the House took this one step further by adopting a special rule that, upon its adoption self-executed the adoption of the Senate amendment to the House bill—in other words, sent the Senate bill on to the President without a separate debate on, or amendment to, the substance of the matter by the House.

The House and Senate have been repeatedly embarrassed over the years by conference reports on voluminous pieces of legislation which have been voted on before even properly printed or distributed, let alone understood. Only after their enactment have some of the provisions come back to haunt the Congress.

Deliberative democracy is just as important at the end of the legislative process as it is at the formative subcommittee stages or the amendatory floor stage. In fact, the case can be made that it is even more important that Congress be fully informed and deliberate on that final product since that is the version that will become law.

The second item of concern the Task Force wishes to raise in this section is the threat to curtail or terminate so-called "special order" periods of debate at the end of each day when Members may speak on any subject they wish.

While objections have been raised against such special orders on grounds of cost and utility, the Task Force takes issue with such attempts to place a price tag on free speech or to devalue the content of that speech. It is especially important to the minority that such periods be preserved because it does not set the legislative agenda and therefore is otherwise often precluded from discussing subjects of interest to it—including bills which may be bottled-up in committees.

But, it should also be pointed out that special orders are not solely for the use or benefit of the minority. Individual Members of the majority party are also frequent users of this free speech period and their rights are just as important as those of the minority.

While special orders may not be preceived as having a direct bearing on the deliberative process tied to passing bills, they nevertheless can be considered as part of the deliberative process to the extent that they are concerned with discussing broader national issues or unreported legislation for which there may be growing public support.

Conclusions

The Task Force on Deliberative Democracy in the House finds that deliberative democracy is in a state of serious decline in this 103rd Congress for a variety of reasons. These include the breakdown in the authorizing committee system, the number of Member committee and subcommittee assignments that militate against conscientious legislating, tangled committee jurisdictions and multiple bill referrals, and a hardening of partisan lines at the committee and floor levels that make deliberation and compromise difficult if not impossible.

While many of the above factors have been present in varying degrees in previous Congresses and reflect underlying structural and procedural defects that must be addressed by current reform efforts, there is a disturbing acceleration of the decline in this Congress due to the majority's strong desire to demonstrate it has broken gridlock, no matter what the costs or results. Unfortunately, the cost has already been the decline of deliberative democracy, and the natural result will likely be the decline in the quality of our laws and public support for them.

The drastic curtailment of House floor amendments is but one piece of the overall picture, though certainly the most dramatic and distressing element in the decline of deliberative democracy. When Members are elected to Congress with the expectation that they will be exercising their rights as lawmakers on behalf of their constituents, only to be told that they may not exercise those rights on the House floor, something has gone radically haywire with the constitutional scheme of things.

While the majority party in the House has always had, and should always have, the right to establish the rules and the legislative agenda for the Congress, it should at the same time recognize the need to place responsible limits on the exercise of those powers—limits which clearly recognize the right of all Members to fully participate in a truly deliberative democratic process and of all the people to be fully represented in their national legislature.

TABLE 1.—WAIVERS OF THREE-DAY LAYOVER REQUIREMENT FOR COMMITTEE REPORTS ON LEGISLATION

	Total rules granted[1]	3-day layover waivers[2]	Waivers as percent of total
Congress (years):			
96th (1979–80)	244	19	8
97th (1981–82)	145	9	6
98th (1983–84)	184	10	5
99th (1985–86)	142	13	9
100th (1987–88)	147	16	11
101st (1989–90)	140	23	16
102d (1991–92)	127	18	14

[1] This figure includes all order of business resolutions providing for the original consideration of measures by the House. It does not include rules for conference reports.

[2] This figure covers all rules in which clause 2(L)(6) of House Rules XI is specifically waived against a measure. It does not include blanket waivers which may also cover violations of the three-day layover requirement for committee reports.

Sources: "Survey of Activities of the House Committee on Rules," 96th–101st Congresses; "Notices of Action Taken," House Committee on Rules, 102d Congress.

TABLE 2.—OPEN VERSUS RESTRICTIVE RULES, 95TH–103D CONGRESSES

Congress (years)	Total rules granted[1]	Open rules		Restrictive rules	
		Number	Percent[2]	Number	Percent[3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	10	0	0	10	100

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–102d Congresses; "Notices of Action Taken," Committee on Rules, 103d Congress, through Apr. 19, 1993.

TABLE 3.—OPEN FIFTH RESTRICTIVE RULES, 103D CONGRESS

Rule number and date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58—Feb. 2, 1993	MC	HR 1: Family and medical leave	30	3	PQ: 246–176; A: 259–164 (Feb. 3, 1993.
H. Res. 59—Feb. 3, 1993	MC	HR 2: National Voter Registration Act	19	1	PQ: 248–171; A: 249–170 (2/4/93).
H. Res. 103—Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7	0	PQ: 243–172; A: 237–178 (2/24/93).
H. Res. 106—Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9	3	PQ: 248–166; A: 249–163 (3/3/93).
H. Res. 119—Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13	8	PQ: 247–170; A: 248–170 (3/10/93).
H. Res. 132—Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental approps	37	1 (not submitted).	A: 240–185; (3/18/93).
H. Res. 133—Mar. 17, 1993	MC	H. Cong. Res. 64: Budget resolution	14	4 (1 not submitted).	PQ: 250–172; A: 251–172 (3/18/93).
H. Res. 138—Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20	9	PQ: 252–164; A: 247–169 (3/24/93).
H. Res. 147—Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	6	0	PQ: 244–168; A: 242–170 (4/1/93).
H. Res. 149—Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8	3	

Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ-Previous question; A-Adopted; F-Failed.

TABLE 4.—COMPARATIVE TABLE ON AMENDMENT PROCESS FOR SUPPLEMENTAL APPROPRIATIONS, 95TH–102D CONG.

Congress	Number of supplemental	Open amendment processes		Restrictive amendment processes	
		Number	Percent	Number	Percent
95th	13	13	100	0	0
96th	6	5	83	1	17
97th	11	10	91	1	9
98th	9	6	67	3	33
99th	7	6	86	1	14
100th	4	2	50	2	50
101st	4	3	75	1	25
102d	7	5	71	2	29
Total	61	50	82	11	18

Compiled by minority staff, House Committee on Rules.

Notes.—When no rule was granted, it is assumed the Appropriations Committee called the supplementals up as privileged and they were considered in the Committee of the Whole under an open amendment process as required by the Rules of the House. Of the 11 restrictive amendment processes, five were under a suspension of the rules and six were under special rules. Of the latter, only two were completely closed amendment processes.

Sources: House Calendars, Rules Committee Calendars, and bound copies of "Rules Granted," Committee on Rules.

Amendments Not Made in Order by the Rules Committee in the 103rd Congress

H.R. 1 Family and Medical Leave:

Traficant #1 Adds a "buy American requirement" for all procurements made by the Commission in title III.

Hoekstra #2 Extends deadline for issuance of DOL regulations from 60 to 120 days.

Fawell #3 Extends to employees of the House of Representatives the same rights and protections as to employees in the private sector.

Gunderson #4 Reduces from 12 months to 6 months after the date of enactment, the effective date for businesses that have collective bargaining agreements in place.

Gunderson #5 Changes the amount of leave provided to the levels provided under the 1988 Wisconsin state law.

Grandy/Orton #6 Substitute bill which provides a tax incentive for employers who offer family and medical leave.

Penny #7 Substitute to H.R. 1—includes: up to 12 weeks for birth or adoption, up to 6 weeks for the care of a seriously ill relative, requires doctor certification for medical leave.

Penny #8 Provides 12 weeks of leave for the birth or adoption of a child but limits to 6 weeks all other types of leave in the bill.

Penny #9 Overturns a recent DOL regulation regarding "salaried" employee status by providing that employers who allow salaried employees to use partial-day unpaid leave are not considered hourly employees as defined under the Fair Labor Standards Act.

Weldon #10 Sense of Congress that the federal government covers the cost of state and local governments for compliance with H.R. 1.

Zimmer #11 Provides that if an employer implements a reduction in the workforce during the time that an employee is taking leave then the employee is not entitled to reinstatement.

Boehner #12 Expands the definition of a serious health condition to include an inability to participate in regular daily activities.

Boehner #13 Exempts from eligibility employees who fail in a "material" way to meet his or her obligations as set forth in the bill.

Boehner #14 Adds requirement for advance notice of an employee's return to job.

Bilirakis #15 Substitute to H.R. 1 which includes: (1) eligibility requirement increase to 2000 hours of continuous employment for 14 months (2) provides employer with tax deductions for expenses incurred due to employee leave.

Ballenger #16 Exempts from coverage under this act any employee who is entitled to at least 6 weeks paid leave for the purposes listed in this act.

Goodling #18 Deletes all references to a "reduced leave schedule".

Petri #21 Similar to Penny #9 which would overturn a DOL regulation and would allow employers to provide salaried employees with unpaid leave on a partial day basis.

Solomon #22 Would require that the Department of Defense policy prohibiting homosexuals in the military be retained unless changed by law.

Houghton #23 Raises the employee exemption from 50 to 100 and the required number of hours worked from 1250 to 1500.

Roukema #24 Requires any health care providers—other than a licensed doctor of medicine or osteopathy—to be licensed by the state; eliminates the authority of the Sec. of Labor to designate other health care providers.

Roukema #25 Requires any health care provider designated by the Sec. of Labor as a "health care provider" to be licensed by the state in which the provider performs services.

Myers #26 Reduces the number of workweeks of unpaid leave for civil servants from 12 to 6.

Myers #27 Reduces the number of workweeks of unpaid leave from 12 to 6 regarding general requirements for leave.

Walker/Solomon #28 Defines the term "spouse" as meaning a husband or wife under the law of any state.

Mica #29 Strikes all titles except title III, which establishes a Commission on Leave to study existing and proposed leave policies, the potential costs, benefits, and impact on the productivity of employees.

Carr #30 Substitute to H.R. 1 requires all employers to submit to the DOL, for issuance of a report to Congress, a description of that organization's policy regarding family and medical leave.

H.R. 2 National Voter Registration Act:

Rohrabacher #1 States that no person other than citizens of the U.S. may be registered to vote. (Same as Roberts #14).

Rohrabacher #2 Requires the chief state election official to submit to the Attorney General voter registration information contained in voter registration forms for the purpose of enforcing immigration laws.

Packard #3 Makes compliance by the States voluntary until the costs of implementing the provisions of the bill are fully funded by the federal government. (Same as Condit #11).

Livingston #4 Strikes section which requires the states to provide voter registration by mail.

Livingston #5 Strikes section relating to voter registration agencies.

Livingston #6 Strikes provision that exempts states from complying with the act if the states allow all voters to register at the polling place at the time of voting.

Livingston #7 Changes the procedure for registering to vote while applying for a driver's license or public assistance to require positive action in order to register.

Livingston #8 Allows states to remove the name of a person from the official list of registered voters if the person has not voted during the previous 4 years.

Livingston #9 Allows states to remove the name of a person from the official list of registered voters if the person has not voted during the previous 10 years.

Livingston #10 Allows states to remove the name of a person from the official list of registered voters if the person has not voted during the previous 50 years.

Condit #11 Makes compliance by the states voluntary until the costs of implementing the provisions of the bill are fully funded by the federal government. (Same as Packard #3).

McCollum #12 States that no person other than citizens of the U.S. may be registered to vote. Requires that with respect to the states the act shall not take effect until the Attorney General submits to Congress a report stating that sufficient procedures exist in that state to prevent voter registration by persons who are not citizens.

Roberts #13 Provides that in the case of conflict between the provisions of this act and state civil and criminal law, the state law shall prevail if the state law is more stringent in suppression of voter fraud.

Roberts #14 States that no person other than citizens of the U.S. may be registered to vote. (Same as Rohrabacher #1)

Royce #15 Requires that voter registration forms under this act include the applicant's Social Security number.

Pombo #16 Provides for the simultaneous application for voter registration with the filing of state income tax returns.

Thomas (Ca) #17 Strikes the provision which requires the FEC to prescribe regulations for carrying out the act.

Thomas (Ca) #18 Substitute for section 8 of the bill including provisions relating to the updating of registrant lists and limiting changes to the registration list immediately before the election.

Thomas (Ca) #19 Substitute for section 7 of the bill which provides for a broader list of locations which may be used for voter registration purposes.

H.R. 920 Unemployment Compensation:

Shaw—Provides an additional 13 weeks of unemployment benefits to unemployed people in a federally declared natural disaster area.

Gunderson—Provides that states accepting federal payment for emergency compensation must require that eligible recipients participate in re-training or job search programs.

Johnson (Ct)/Grandy—Excludes any state with a total unemployment rate below 6.5% from benefits under the bill.

Johnson (Ct)—Requires states with positive unemployment compensation balances to abide by the most recent unemployment reform bill until those accounts are depleted.

Johnson (CT)—Requires the bill to be paid for by reducing meal and entertainment expense deduction.

Traficant—Sense of Congress language that Congress should act on job creating legislation.

Mink/Meek—To provide additional unemployment compensation benefits to unemployed people in an area impacted by a natural disaster.

H.R. 20 Hatch Act Amendments:

Wolf #A—Retain Hatch Act for law enforcement, intelligence and senior executive service personnel.

Wolf #B—Retain Hatch Act for Federal Election Commission, Merit Systems Protection Board and Office of Special Counsel.

Wolf #C—Strike provisions in the bill which allow for exemptions.

Wolf #D—Give broad protection to federal employees. One employee could not solicit another to participate in campaign activities.

Foglietta—Retain Hatch Act for law enforcement personnel.

Upton—Federal employees could not run for office in a partisan election.

H.R. 4 NIH Revitalization Act of 1993:

Stearns #2 Requires the Secretary, in carrying out duties under the Immigration and Nationality Act, to consider infection with the HIV virus to be a communicable disease of public health significance. (Identical to Solomon/McCollum/Roukema/Smith (TX) #5)

Solomon/McCollum #4 Prohibits permanent admission into the U.S. of immigrants who are infected with the HIV virus. (Identical to the amendment adopted in the Senate bill, S. 1)

Solomon/McCollum/Roukema/Smith (TX) #5 Requires the Secretary, in carrying out duties under the Immigration and Nationality Act, to consider infection with the HIV virus to be a communicable disease of public health significance. (Identical to Stearns #2)

Smith (NJ) #10 Perfecting amendment to Bliley amendment #7 requiring that a physician make a determination that the human fetus is dead before obtaining fetal tissue for the purposes of research.

Waxman #11 Perfecting amendments if any amendment is made in order relating to the admission of immigrants who are infected with the HIV virus.

H.R. 1335 Emergency Supplemental Appropriations:

Packard #1 Prohibits obligation of any new spending except for $4 billion provided to Advances to the Unemployment Trust Fund, until legislation is enacted to offset the cost.

Walsh #2 Strikes the $28 million payment to the District of Columbia.

Solomon #3 Provides enhanced rescission authority to the President on FY 1994 and FY 1995 appropriations bills.

Traficant #4 Prohibits use of funds unless the entity expending funds agrees to comply with the Buy American Act.

Gallo #5 Requires head of each federal agency receiving funds to report quarterly on the number and type of full-time permanent new jobs created as a direct result of the funding.

Grams #6 Strikes $1.409 million for National Park Service, National Recreation and Preservation account. The money was appropriated for 28 projects in 23 states to produce measured drawings of significant structures and engineering achievements.

Gilchrest #7 Prohibits use of funds unless Labor Secretary certifies that GNP in the first quarter of 1993 grew at a rate of less than 2.5%.

Stenholm #8 Replaces emergency designation in the bill (section 202) with an emergency designation to permit adjustment of FY 1993 caps only.

Stenholm #9 Replaces emergency designation in the bill (section 202) with an emergency designation that applies only to funds spent out in FY 1993.

Orton #10 Rescinds $400 million of unobligated appropriations for HOPE (Homeownership and Opportunity for People Everywhere) grants—combined from FY 1992 and FY 1993 funds; transfers an additional $75 million from the same account to the HOME investment partnerships program.

Goodling #11 Prohibits use of "Summer of Service" funds for a closing summit conference described in the March 8, 1993 Federal Register.

Hefley #12 Reduces by $1.455 million the amount provided for Fish and Wildlife Service, which would be available for fisheries research.

Grandy #13 Strikes emergency spending designation in the bill.

Kolbe/Packard #14 Requires new budget authority in the bill to be obligated only after equal offsetting reductions are made.

Kolbe #15 Strikes emergency spending designation in the bill.

Collins (Ga) #16 Provides that none of the funds designated by this bill may be used for any individual who is not a citizen or a lawfully admitted alien of the U.S.

Johnson (Tx) #17 Strikes $4.696 million for additional salaries and expenses for the National Science Foundation.

Johnson (Tx) #18 Strikes $2.5 billion from the Community Planning and Development—Community Development Grants.

Johnson (Tx) #19 Strikes $187 million for National Railroad Passenger Corporation.

Johnson (Tx) #20 Strikes $4.7 million for retrofitting equipment for energy efficiency in Federal buildings.

Johnson (Tx) #21 Strikes $20.663 million for EPA for abatement, control, and compliance to encourage business conversion to more energy efficient equipment.

Johnson (Tx) #22 Strikes $37.8 million for items relating to "Forest Service—Construction".

Talent #23 Substitute—Economic Growth and Job Creation Act of 1993. Title I—Neutral Cost Recovery. Title II—lowers the maximum capital gains rate to 15 percent for taxpayers in the upper tax brackets and 7.5 percent for those in the lower tax brackets. Indexes capital gains to compensate for inflation. Title III—creates IRA plus accounts. Title IV—provides a $600 tax credit for families with children age 18 and under.

Lazio #24 Provides $10 million for a National Flood Insurance Program that permits FEMA to purchase flood-damaged property and relocate flood-insured homeowners to areas not prone to flooding. The funds would be available for the remainder of FY 1993 and FY 1994.

Bentley #25 Requires federal agency heads to certify that funds spent under this act are used to purchase American produced materials and labor.

McHugh #26 Deletes $800 thousand for design and preliminary planning of the Ocoee River Olympic Venue for whitewater canoeing during the 1996 Olympics.

Gingrich #27 Strikes $1 billion for the summer youth employment program.

Baker #28 Strikes $4.7 million for undertaking energy efficiencies in federal buildings by retrofitting equipment.

Fawell #29 Adds a new title which contains a government-wide rescission list of 747 federally funded projects.

Boehner #30 Strikes activities that are not authorized in law as appropriate uses of Chapter I funds.

Cox #31 Strikes $148 million for IRS tax systems modernization.

Skeen #32 Strikes the phrase "unless expressly so provided herein" which has the effect of making all funds appropriated in the bill lapse after September 30, 1993 unless obligated by that date.

Boehner #33 Strikes $9.4 million for the National Institute of Health/National Library of Medicine.

DeLauro #34 Upon effective date, a state shall have the flexibility to transfer its FY 1993 apportionments from the Interstate Construction Program or the Interstate Substitution Program among the National Highway Program, Congestion Mitigation and Air Quality Improvement Program, Surface Transportation Program, Highway Bridge Replacement and Rehabilitation Program and Interstate Maintenance Program, provided that the transfer shall not exceed 100 percent of a state's FY 1993 apportionment for that specific category.

DeLauro #35 Upon effective date, a state shall have the flexibility to transfer its FY 1993 apportionments among the Interstate Construction Program, the National Highway Program, Congestion Mitigation and Air Quality Improvement Program, Surface Transportation Program, Highway Bridge Replacement and Rehabilitation Program and Interstate Maintenance Program, provided that the transfer shall not exceed 100 percent of a state's FY 1993 apportionment for that specific category.

Barrett #36 Adds rehabilitation and construction of schools to the list of projects eligible for funding under the Community Development Block Grants (CDBG).

Barrett #37 Federal Aid Highway—Requires that the State of Wisconsin allocate funding to the largest metropolitan area which is proportional to the percentage of the state's population which resides in that area.

H. Con. Res. 64 Budget Resolution:

Sanders #1 Reduces defense budget authority and outlays by $15 billion over fiscal years 1994–1998. Transfers $9 billion of that to Income Security and $6 billion to Education, Training.

Walker #2 Directs Ways and Means to recommend changes in law to allow taxpayers to designate up to 10% of their tax liability to retire the public debt. Directs Government Operations to recommend changes in law to sequester each year an amount equal to the amount taxpayers designate for reducing the public debt.

Barton #3 Directs engrossing clerk to send to the Senate a joint resolution proposing a tax limitation/balanced budget constitutional amendment but only if the House adopts the conference report on the budget resolution by a two-thirds vote.

Herger #4 Reduces amount of total tax increases in each fiscal year by the amount assumed for increased taxes on Social Security benefits. Reduces spending in five functions (general science, energy, commerce and housing, transportation, and general government).

Everett #5 Expresses sense of the House that Members may not increase pay if budget deficit has occurred in previous Congress; Members should have pay reduced if deficit was not reduced by previous Congress.

Burton #7 Reduces the deficit by $850 billion over 5 years by limiting the annual growth in overall federal spending to no more than 2%.

Michel #8 Establishes a point of order against extraneous matter in any reconciliation legislation considered at the direction of the FY 1994 budget resolution.

Bentley #9 Caps the FY 1994–1998 budget aggregates and the allocations for each function at the preceding year's amounts, plus two percentage points. Directs the Committee of the Whole to report, by May 14, 1993, a reconciliation bill to reduce expenditures by not less than $17.1 billion.

Allard #11 Decreases total new budget authority for FY 1994 by $1.673 billion. Specifies reductions by budget function, targeting those areas which traditionally have had earmarking or individual projects.

Allard #12 Decreases revenue levels in an amount equal to that which is estimated to result from a BTU tax. Reduces new spending in slightly larger amounts than what would be necessary to offset the lost revenues.

Smith (Mi) #13 Limits outlay expenditures in FY 1994 to either (1) the outlay level of the Kasich substitute or (2) a limited freeze for FY 1994. The freeze would limit the increase in Medicare and Medicaid expenditures to one half the CBO estimate (approximately 6.5% above the FY 1993 outlays) and permit an increase in Social Security to reflect the additional number of retirees projected. After 1994, the amendment would limit outlay expenditures to either (1) the outlay level of the Kasich substitute or (2) a 1% increase in each budget function, including Social Security (which would be adjusted to reflect the increased number of retirees). The amendment assumes the Social Security retirement age would be extended by one month per year for 36 years.

H.R. 670 Family Planning Amendments:

Solomon #5 Requires the Secretary, in carrying out duties under the Immigration and Nationality Act, to consider infection with AIDS to be a communicable disease of pubic health significance.

Dornan #6 Requires a specific means test to establish "low income family" under section 1006 of the Pubilc Health Service Act. This would include counseling services on contraception as well as pregnancy management options. Also, specifies that, for minors, the determination of income will be made without maintaining confidentiality between the minor and the minor's family.

Smith (NJ) #8 Codifies that a Title X project must be kept separate and distinct, financially and physically, from any abortion-related activities.

Solomon #9 Prohibits the permanent admission into the U.S. of immigrants who are infected with the HIV virus (identical to Senate-passed language on NIH Authorization).

Johnson (Tx) #10 Freezes the FY 1994 and 1995 authorization levels at the FY 1993 level.

Baesler #11 Second degree amendment to the Bliley amendment. Provides a judicial bypass in the federal statute.

Baesler #12 Second degree amendment to the Bliley amendment. Permits exceptions for states which have laws in effect requiring parental notification or consent before an abortion is performed on a minor.

Kolbe #13 Reduces authorization levels to those provided in the FY 1993 conference report.

Johnson (Tx) #14 Freezes the authorization level in FY 1994 and FY 1995 to the level appropriated for the previous year.

Waxman #16 Second degree amendment to the Smith (NJ) amendment. Requires that grantees maintain sufficient records to demonstrate that no federal funds were used to provide abortion services.

Waxman #19 Second degree amendment to the Dornan amendment. Defines the target population of the family planning program to be individuals at 185% of the offical poverty line and those whose economic status might otherwise prevent their participation.

H.R. 1430 Increase Public Debt Limit:

Castle-Solomon—A legislative line-item veto for fiscal years 1994-1995, subject to reversal by enactment of a disapproval bill.

Barton—A balanced budget constitutional amendment plus procedures to spin it off into a separate joint resolution for two thirds vote after final passage of debt limit bill.

Michel—Providing that targeted tax provisions be subject to line item veto.

Gekas—Sets fixed deficit targets that would reduce the deficit to zero by fiscal year 2000.

Horn—Establishes spending caps for fiscal years 1994-98 and provides for across the board sequestration (with exceptions) to enforce ceilings.

Minge-Deal-Inslee—The first year Democrat modified line item veto, expedites rescission amendment.

H.R. 1578 Expedited Rescission Act of 1993:

Michel amendment to Spratt substitute—Adding rescission authority for targeted tax provisions to Spratt's expedited rescission approach.

Clinger—To Spratt bill, removes two year sunset provision.

Duncan—Identical to Castle-Solomon except it amends the Budget Act and makes the veto permanent (i.e., no two-year sunset provision).

□ 1640

Mr. GOSS. Mr. Speaker, I thank the gentleman very much for that report.

I would like to point out, Mr. Speaker, that other colleagues in the Chamber have, in fact, participated: The gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Indiana [Mr. BURTON], the gentleman from California [Mr. DREIER], who is at other official duties with the Joint Committee on Organization of Congress, the gentleman from New Jersey [Mr. SAXTON], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Florida [Mr. DIAZ-BALART], the gentlewoman from Ohio [Ms. PRYCE], and, of course, our leader and our whip, have all participated in this.

I guess I overlooked the gentleman from Pennsylvania [Mr. WALKER], and, of course, he is never overlooked by the other side of the aisle or our side of the aisle either. And the gentleman from Tennessee [Mr. QUILLEN], who, regrettably, is unable to be with us this evening because of some health complications but is here in spirit and has participated in spirit in this report.

We are going to deal more with this report under some additional time we have under the time of the gentleman from Indiana [Mr. BURTON].

H.R. 1448, THE CHECK CASHING ACT OF 1993

The SPEAKER pro tempore (Mr. WATT). Under a previous order of the House, the gentleman from Louisiana [Mr. FIELDS] is recognized for 5 minutes.

Mr. FIELDS of Louisiana. Mr. Speaker, I have introduced a bill that I believe will help many working people across the country hold on to more of their wages. The bill is called the Check Cashing Act of 1993. Many low-income people who work very hard for low wages do not do business with financial institutions; rather, they frequent check cashing outlets. According to the Economic Review, these outlets charge anywhere from 1 to 20 percent to cash a check—20 percent. That means someone with a check for $300 is being charged $60 simply for access to that hard-earned cash. That's $60 less for food, rent, transportation, clothing, and other expenses necessary to maintain a household. People do not enjoy giving away that much money, but many of them simply must have their cash right away. They're living paycheck to paycheck and can't afford to maintain the minimum balance required by most banks to open savings or checking accounts. They can't afford to wait for financial institutions to clear checks, so they rely on the convenience of check cashing outlets. And this reliance has created a problem in the household budgets of many people already living at or below the poverty level. The check cashing industry began in the 1930's as a response to banking problems during the depression. The industry has grown tremendously in the last decade. Statistics from the Economic Review indicate that between 1988 and 1991, check cashing outlets grew by 85 percent in Florida, 87 percent in Washington, 96 percent in Missouri, 195 percent in Georgia, and 293 percent in North Carolina—rapid growth but virtually no regulation to make sure consumers are receiving fair service. My bill seeks to remedy that situation by doing the following: Requiring check cashing outlets to charge a maximum of 50 cents or .85 percent of the face value of the check; requiring operators of check cashing outlets to have a license issued by the Federal Trade Commission; requiring depository institutions to cash Federal and State government checks if the payee is the presenter of the check and the payee presents proper identification. It is my goal to help people who use check cashing outlets retain more of their money, while making it easier for people to use financial institutions. Please help working people all across this country by supporting H.R. 1448, the Check Cashing Act of 1993.

INTRODUCING LEGISLATION TO EXTEND GSP TO THE FORMER SOVIET UNION, CONDITIONED ON ACCEDING TO THE NUCLEAR NON-PROLIFERATION TREATY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, today I am introducing legislation that makes Republics of the former Soviet Union eligible for generalized systems of preferences trade status, but after they have fulfilled their nuclear nonproliferation commitments.

My bill would remove the statutory prohibition on the former Soviet Union receiving GSP. But certain of these newly independent States, namely Belarus, Kazakhstan, and Ukraine, could only receive GSP after they have acceded to the Nuclear Non-Proliferation Treaty [NPT]. Once these countries have acceded to the NPT, the President could waive all other conditions and extend GSP to them immediately.

At this time, it is not clear whether or not the GSP program will be extended this year. I hope it will be because this legislation I am introducing today will help accomplish two important foreign policy goals in the former U.S.S.R. It will help promote reform and provide incentives for nonproliferation.

The former Soviet Republics need trade at least as much as aid. GSP status would increase export opportunities for the former Soviet Republics, allowing them to earn much needed hard currency and help their emerging private sector. And, unlike the multibillion aid packages, it won't cost U.S. taxpayers. As a New York Times editorial recently observed, it's hypocritical and masochistic to fork over billions of dollars of aid, but not provide real export opportunities to Russia and the other Republics.

Last year, in the Revenue Act of 1992, H.R. 11, Congress removed the statutory prohibition on the former U.S.S.R. receiving GSP, but this bill was vetoed by President Bush.

The bill will also create additional incentives for the non-Russian Republics to give up the nuclear weapons on their soil. After the Soviet breakup in 1991, Belarus, Kazakhstan, and Ukraine each emerged with substantial nuclear arsenals on their territory. At Lisbon last May, these three Republics signed the protocols to the START I arms reduction treaty and pledged to give up their nuclear weapons and accede to the Nuclear Non-Proliferation Treaty in the shortest possible time.

But so far, only Belarus has followed through on this commitment. The main holdout appears to be Ukraine. Ukrainian President Leonid Kravchuk continues to assure the United States that Ukraine will ratify START I and the Nuclear Non-Proliferation Treaty [NPT].

But some members of the Ukrainian Parliament have argued against giving up their nuclear status.

The stakes for the United States are enormous. If Ukraine retains the nuclear weapons on its soil, then the START I will not go into force, leaving the United States and Russia with nuclear arsenals far larger than are necessary and costing United States taxpayers billions of additional dollars. A nuclear-armed Ukraine would also put in jeopardy the future of the NPT, which comes up for extension in 1995. Some of our European allies may rethink their nonnuclear status if they see additional nuclear powers to the east. If Ukraine fails to join the NPT, it would increase the chances of nuclear smuggling, raise the possibility of a regional nuclear war, and set a terrible precedent for other countries which want an A-bomb capability. Last month, North Korea announced it was dropping out of the NPT. If Ukraine doesn't follow through on its nonproliferation commitment, it could provide further justification for other countries to build the bomb.

This legislation would allow Ukraine to receive GSP status only after they have joined the Nuclear Non-Proliferation Treaty. Then, once Kiev has joined, the President could waive any other restrictions. Belarus, which has ratified the NPT, could receive GSP immediately. President Clinton recently announced a new $65 million aid package to Belarus as a reward for carrying through on its NPT promise. Once again, trade is at least as important as aid. The President should support this legislation.

GLOBAL ENVIRONMENTAL CLEANUP ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, on the eve of Earth Day I come before this body as a former businessman who has traveled throughout the world participating in international trade and business. The appalling manner in which foreign industries are destroying our global environment is of grave concern to me.

What is truly disturbing is that the United States financially supports these practices. Both directly and indirectly America provides financial aid and foreign assistance to countries that are destroying our planet. In many instances we underwrite projects which contribute to the environmental destruction of the Earth.

Each year, U.S. businesses spend billions of dollars on pollution control equipment to comply with environmental laws and meet environmental standards. Meanwhile, our foriegn competitors—whom we finance—ignore even basic protection of the environment.

This lack of environmental pollution controls in foreign countries provides foreign manufacturers and agricultural producers with an unfair competitive advantage in the global marketplace.

Mr. Speaker, that is why I am introducing the Global Environmental Cleanup Act. This bill requires foreign countries to meet environmental standards and follow environmental laws in order to be eligible for U.S. foreign aid or financial support. This bill requires that a portion of any U.S. funds or aid to polluting nations be reserved for environmental cleanup.

Mr. Speaker, on the eve of another Earth Day, I invite my colleagues on both sides of the aisle to join with me in support of this measure. Cosponsor this bill and let us begin together to rescue our fragile planet.

When countries damage local environments with their industrial practices, and do not diligently and constructively enforce environmental laws, the Global Environmental Cleanup Act will withhold U.S. bilateral and multilateral foreign assistance.

This bill requires that the State Department establish an annual report on each country. This report will evaluate the environmental laws, policies and practices of each country. For the first time we will make environmental cleanup a criteria for receiving U.S. financial support and aid.

Mr. Speaker, the United States should no longer financially support countries which destroy the environment through their industrial practices. We cannot afford these practices, the world cannot afford these practices and the abused Earth can no longer afford these practices. This bill establishes international environmental cleanup as a clear U.S. foreign policy priority.

Our Nation's lack of a global cleanup policy can no longer be tolerated. When we create an unfair advantage in favor of foreign countries that adversely impacts our workers and our industries we help destroy our economy and our global environment.

The record of what we are doing to the Earth astounds me. Listen for a moment to what we do with financial aid from the United States.

In 1991, the last year for which figures are available, the United States gave over $2.2 billion in economic and military aid to Egypt. Egypt's environmental atrocities are a worldwide scandal.

United States taxpayers gave over $20 million to Mexico, where severe pollution gags Mexico City nearly all year-round. That pollution can be traced to 36,000 factories and 3 million motor vehicles that spew some 5.5 million metric tons of contaminants into the air every week.

United States taxpayers gave over $14 million to Chile, where industrial pollution from mining, smelting, fossil fuel emissions and paper processing have gone largely unregulated.

United States taxpayers gave over $3 million to Brazil which is renowned for its destruction of the rain forest in the Amazon Basin.

Over the last 30 years United States taxpayers have given almost $3 billion to South Korea, and over $300 million to Taiwan in spite of legendary environmental abuse in both countries, especially in the last decade.

These are just some of the most flagrant examples of blatant environmental abuse in countries to which we send billions of taxpayer dollars.

Mr. Speaker, there is no reason the United States should continue to subsidize industries in foreign countries that do not meet our own environmental standards, and then allow those foreign industries to compete with our industries.

Mr. Speaker, the inequity is clear. We must take action now. It would be hypocritical for us to commemorate Earth Day on the one hand, while turning a blind eye to environmental abuse around the world on the other hand.

Mr. Speaker, on Earth Day 1993 I urge my colleagues to take one small step to establish a global environmental policy. Join me in support of the Global Environmental Cleanup Act. Stop countries from profiting at the expense of our global environment. Stop countries from polluting with our financial blessings and assistance.

The time has come for the United States to take the world leadership role that this situation demands. If we continue to aid and assist in financing the destruction of our Earth I cannot be a participant. If we continue to spend American tax dollars to finance polluting foreign industries I cannot be a participant.

If we ignore what foreign nations are doing to pollute the planet with our financial support, I cannot participate.

□ 1700

COMMEMORATING THE 78TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

The SPEAKER pro tempore (Mr. PICKLE). Under a previous order of the House, the gentleman from California [Mr. LEHMAN] is recognized for 60 minutes.

GENERAL LEAVE

Mr. LEHMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order.

The SPEAKER pro tempore (Mr. PICKLE). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEHMAN. Mr. Speaker, this Saturday, April 24, marks the 78th anniversary of the Armenian Genocide. The purpose of this special order is to pay tribute to those men and women who were brutally murdered in one of the most heinous crimes ever committed. In hopes of raising the consciousness of atrocities of the past, we are trying to prevent them in the future. I am here today because I am committed to the truth about the Armenian Genocide.

On the evening of April 24, 1915, more than 200 Armenian religious, political and intellectual leaders of the Armenian community in Istanbul were arrested, exiled from the capital city, and executed. In a single night's sweep the voice of the representatives of the Armenian nation in Turkey was silenced. This tragic event was only the beginning of an unfolding, systematic policy of deportation and extermination being implemented by the Young Turk government. Consequently, the 24th of April represents for Armenia the symbolic beginning date of the Armenian Genocide.

The Armenians were targeted for extermination by the Ottoman Empire in which more than 1½ million women, children, and men were tortured and killed during the Armenian Genocide of 1915–23. Before 1914, over 2 million Armenians lived in Turkey. By the end of 1923, the entire Armenian population of Anatolia had been either killed or deported. I believe that it is of vital importance that we take the time to remember those Armenians who were brutally murdered.

The horror of the Armenian Genocide is made worse by the refusal of the current Government of the Republic of Turkey to acknowledge that it ever happened. The Turks attempt to account for the vast decrease in the number of Armenians in Turkey as a consequence of war. Do the Turks expect the Armenians to forget the trauma of war and grim reminders of the atrocity simply because they have succeeded in tampering with history and denying the obvious facts?

The truth about the genocide was clearly evident to Henry Morganthau, former Ambassador to Turkey between 1913 and 1916 when he reported back to officials in Washington that, after visiting the Armenian territories he stated:

> I am confident the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem insignificant when compared to the sufferings of the Armenian race in 1915.

The Ambassador went on to state that the Armenian Genocide was the "most colossal crime of all ages."

Perhaps if more people had known about the genocide of the Armenians, Adolf Hitler would not have rallied his troops for the invasion of Poland in August 1939. Hitler was heard to have asked, "Who remembers the Armenians?" To that, 1986 Nobel Peace Prize recipient and Holocaust survivor Elie Wiesel responded, "He was right. No one remembered them."

Today this region is engulfed in another brutal struggle.

Recently Turkey has indicated that it is under "very heavy pressure" from its own people to get involved in the ethnic war in Azerbaijan. There is growing support in Turkey to send weapons and troops to help the Azerbaijanis. Undoubtedly, the involvement of Turkey in this volatile conflict would only contribute to the lack of stability in the region. I believe Turkey's Prime Minister Demirel when he says that Turkey seeks peace and stability. I am confident of his sincerity, but I am very dismayed at the blockade of essential necessities of life that is strangling Armenia today and denying basic decency to people in that country, refugees and civilians.

I am hopeful that today's special order commemorating those killed during the Armenian genocide will demonstrate America's concern for Armenians all over the world. The 24th of April is a day of remembrance for all of us who care about human values and for all of us who care about the truth. A world that forgets these tragedies is a world that will see them repeated. Such denial sends the message that genocide is an acceptable form of behavior that will be tolerated by the world community.

I would like to thank all of my colleagues that will be participating with me today to help communicate that the genocide will not go unacknowledged and unmourned. The historical record is clear and irrefutable: it is our moral responsibility to acknowledge the Armenian genocide.

PREFACE

On 19 May 1985, a full page advertisement was placed in the *New York Times*, the *Washington Times*, and the *Washington Post* contesting the veracity of the Armenian Genocide of World War I. This advertisement alleged that there was no archival basis to the Armenian Genocide thesis, and that the World War I disappearance of Ottoman Armenians should not be considered a consequence of a genocidal policy on the part of the Ottoman Government. Yet, none of the scholars who signed this advertisement had a demonstrated familiarity with pertinent archival materials on the subject of the Armenian Genocide.

This episode assumed a further twist when the prime minister of Turkey entered this debate, and declared the imminent opening of the Ottoman archives on this subject, to settle the matter once and for all. The foreign minister of Turkey announced that copies of these Ottoman materials would even be made available outside of Turkey, for the scrutiny of scholars. He said the Library of Congress would be one such depository of materials.

Almost a decade later, the Ottoman archives have not produced the promised collections, and even materials that were ostensibly available have remained inaccessible to critical scholars. Needless to say, no Ottoman materials on the World War I period were made available in Washington, D.C.

Since the very existence of any archival collection on the Genocide has been brought into question, this publication seeks to engage this "archival debate" and to make a material contribution to the debate with an exposition of some American consular and diplomatic documents on the Armenian Genocide.

DOCUMENT NO. 6

(Enclosure No. 1 with despatch No. 256 to Department of State.)

AMERICAN CONSULATE,
Aleppo, Syria, May 12, 1915.

Subject: Deportation of Armenians, (From J.B. Jackson, Aleppo, Syria.)

Hon. HENRY MORGENTHAU,
American Ambassador Extraordinary & Plenipotentiary, Constantinople, Turkey.

SIR: I have the honor to report as follows in reference to the attitude of the Turkish Government towards the Christians (Armenians) in Zeitoun and Marash and the surrounding towns and villages, and supplementary to my despatch No. 269 of April 21, 1915:

Between 4,300 and 4,500 families, about 28,000 persons, are being removed by order of the Government from the districts of Zeitoun and Marash to distant places where they are unknown, and in distinctly non-Christian communities. Thousands have already been sent to the northwest into the provinces of Konia, Cesaria, Castamouni, etc., while others have been taken southeasterly as far as Deir-el-Zor, and reports say to the vicinity of Bagdad. The misery these people are suffering is terrible to imagine. To go into the details would be a useless waste of time, for all the sufferings that a great community would be subject to in such circumstances are being experienced. Their property they are unable to sell as they are given but a few hours to prepare for the journey, and the Government is installing Mohammedan families in tneir homes, and who take possession of everything as soon as the Armenians have departed. Rich and poor alike, Protestant, Gregorian Orthodox, and Catholic, are all subject to the same order. The local pastors and priests and their flocks without distinction. The old, middle aged, young, the strong and the sick, being driven in herds to the four points of the compass to a fate of which none can predict. Few are permitted the opportunity of riding except occasionally on an ox or a donkey, the sick drop by the wayside, women in critical condition giving birth to children that, according to reports, many mothers strangle or drown because of lack of means to care for. Fathers exiled in one direction, mothers in another, the young girls and small children in still another. According to reports from reliable sources the accompanying gendarmes are told that they may do as they wish with the women and girls. The writer has personally seen several parties of the men that passed through Aleppo, and who were in a most deplorable plight, and wonders what must have been the condition of the others that naturally were much less able to resist such treatment.

In Marash alone there are 6 Gregorian Orthodox Armenian churches, 1 Armenian Congregational, 1 Armenian Catholic, and 1 Latin Catholic church, about 12 Armenian schools, 1 American, 1 German school, 1 American girls' orphanage, 1 German orphanage and a German hospital, practically all of which will be left without congregations or attendance.

About 300 persons, heads of prominent families, have been imprisoned in Marash, of which some 50 are from Zeitoun and about 50 from Osmanic. From Zeitoun about 350 families, or about 2,000 persons have been sent to Marash and from there to Aintab, and are expected to arrive in Aleppo about May 15, to be sent to Meskené, while about 250 or more families are expected to follow before May 20 to report to the Governor of Aleppo. These latter are more fortunate than the first mentioned, as there is a different opinion prevailing in the competent official circles of this city. Seventy-one families were sent to Konia about April 25. A traveller coming from Constantinople said that he met about 4,500 of these unfortunates on the way that were bound for Konia, and his description of their condition was appalling. The Armenians themselves say that they would by far have preferred a massacre, which would have been less disastrous to them.

Copy hereof is being transmitted to the Department of State, in duplicate.

I have the honor to be, Sir,

Your obedient servant,

J.B. JACKSON,

American Consul, July 10, 1915.

DOCUMENT NO. 9

AMERICAN CONSULATE,

Aleppo, Syria, June 5, 1915.

Hon. HENRY MORGENTHAU,
American Ambassador,
Constantinople.

SIR: With reference to my despatch No. 276 of May 12, last, relative to the action of the Ottoman Government in sending the Armenians from their homes in various parts of Northern Syria and Southwestern Asia Minor and scattering them over the adjacent country, I have the honor to report as follows:

There is a living stream of Armenians pouring into Aleppo from the surrounding towns and villages, the principal ones being Marash, Zeitoun, Hassanbeyli, Osmania, Baghtche, Adana, Dortyol, Hadjin, etc. they all come under a heavy armed escort, usually from 300 to 500 at a time, and consist of old men, women and children; all the middle aged and young men having been taken for military service. No animals are provided by the Government, and those that are not fortunate enough to have means of transport are forced to make the journey on foot. They are taken away from their homes and with only the clothes they wear and such scattered belongings as they carry with them.

Several expeditions have arrived here and have been taken care of locally by the sympathizing Armenian population of this city. A few days rest in the churches and schools, where they fill all rooms, courts, balconies and even cover the roofs; then they are forced to continue the journey to some out of the way place where there is neither shelter, food nor means of possible existence. Travellers report meeting thousands in such localities as Anah on the Eurphrates River, five of six days journey from Bagdad, where they are being scattered over the desert to starve or die of disease in the burning heat, accustomed as they were to the higher altitudes.

I am reliably informed that there are at present more than 2,600 of such people in Aleppo, and know that more than that number have been taken out from here and scattered in various directions. According to reports more than 25,000 people have already been taken from their homes and are at the mercy of strangers of antagonistic religious beliefs who martyrize and torture them in various ways. This much has been accomplished in the vicinity of Aleppo.

Trustworthy persons report that in the interior a perfect reign of terror exists, especially at Dairbekir. The same parties report that 300 prominent Christians at that place have been imprisoned in the course of the search for arms and proofs of disloyalty toward the Government, while other reports place the number of victims as high as 1,000. It is also stated that 22 have been beaten to death in the efforts to make them divulge information they did not possess. Some cases of bastingdoing have been treated by physicians, the injured feet having to be operated on to prevent amputation. It is believed that great numbers have been beaten to death. Such has been the condition there since about April 25 last; this is also true of the villages and towns in the country surrounding that city.

One person states that:—

"Christians have been drafted to work on the new barracks of the Army there. These men receive 2 piastes (9 cents) a day for their work; men sent to work on roads at a distance do not receive enough to live on and are compelled to draw upon those at home for money and food."

"These men are not allowed to remain in their homes at night, like most of the inhabitants of the city, but are held as prisoners less they desert; their quarters are vile and filthy, with no accommodations whatsoever in the way of toilet rooms. The men are not permitted to leave their quarters even temporarily."

"The sick are unattended, and unless there are friends the hungry go unfed."

"Gendarmes and recruits worry, annoy and persecute the people of the cities and villages unmercifully. Blackmail is collected generally by the gendarmes."

"A few villages in the Moush plain Keizan, Modgan and Garjgan (Van Vilayet) seem to have been destroyed by government orders because the inhabitants tried to protect themselves."

Hundreds of individual cases of persecution such as blackmailing, beating, imprisoning, etc., could be stated but which would lend no further weight to the general statement of outrages that are being practiced daily upon a defenseless and inoffensive people that demand nothing more than to be given a chance to eke out at the best a miserable existence.

The Government has been appealed to by various prominent people and even by those in authority to put an end to these conditions, under the representations that it can only lead to the greatest blame and reproach, but all to no avail. It is without doubt a carefully planned scheme to thoroughly extinguish the Armenian race.

I have the honor to be, Sir,

Your obedient servant,

J.B. JACKSON,

Consul.

Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from California [Mr. MOORHEAD], who has been very active on this issue for many years. We appreciate his presentation here today.

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I rise to commemorate the 78th anniversary of the Armenian genocide, and wish to thank and commend my colleague, Mr. LEHMAN, for arranging this special order to pay tribute to the Armenian martyrs, who were victims of one of the worst genocides of this century. On April 24, 1915, hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled, and eventually murdered in remote places. In the following years, from 1915 to 1923, a million and a half men, women, and children were murdered in an attempted genocide of the Armenian people by the Government of the Ottoman Empire. We must never forget this tragic crime against humanity.

A strong, resilient people, the Armenians survived these cruelties as they have survived persecution for centuries. Their durability comes from their love of and intense faith in God, dating back to the fourth century, when Armenia became the first nation to embrace Christianity.

In spite of the crimes committed against them, today Armenians flourish as prominent and successful citizens of our great Nation. Many of these citizens live in my hometown of Glendale, CA, and I know how important this tribute is to them. This weekend, the three largest Armenian political organizations in southern California will join together at the monument in Montebello to commemorate the April 24 anniversary of the Armenian genocide. Thousands of Armenians from all over California will participate in this event to pay tribute to their ancestors who lost their lives in this massacre.

We commemorate this date so as not to forget the suffering and pain endured by the Armenian world community. By remembering the Armenian genocide, we are speaking out against the persecution of all peoples.

History is a cruel teacher and has shown us that gross inhumanities have not perished from the Earth. Conditions in Yerevan today are like those in the besieged Leningrad of 1942. A blockade by Azerbaijan on the east, sabotage of fuel lines through Georgia on the northwest and complicity in these actions by Turkey on the southwest have placed Yerevan in a position as desperate as that of Sarajevo.

The brutality against Armenians continues today. We must call attention to the terrible suffering of the people of Armenia and Nagorno-Karabakh caused by Azerbaijan's continuing blockade and ongoing aggression. I will continue to urge that an immediate U.N. peacekeeping force is put in place to end this blockage and to enforce Karabakh's same right to independence as recognized by other surrounding provinces affected by the breakup of the Soviet Union.

We live in a humane and civilized world and cannot continue to allow another reign of terror against the Armenian people. Violence is not the solution to this crisis. The aggression being inflicted by both sides will only lead to more deaths, greater suffering, continued hatred and instability in the region. If the international community does not intervene immediately, the ongoing war and destruction will continue to escalate until it reaches the same levels as in the former Yugoslavia.

History must not forget that Armenians were systematically uprooted from their homeland of 3,000 years ago and eliminated through massacres or exile. As leaders of a free and democratic nation, we have a moral obligation to acknowledge and deplore the events surrounding the Armenian genocide, and we must ensure that such atrocities do not continue. We can only do this by condemning the blockade as a violation of international law and demanding the opening of the Nagorno-Karabakh corridor to facilitate the delivery of humanitarian aid to Armenia.

□ 1700

Mr. LEHMAN. I thank the gentleman for his thoughtful comments.

I yield to the gentlewoman from California, [Ms. ESHOO.]

Ms. ESHOO. Mr. Speaker, I thank the gentleman from California for yielding.

I would like to thank Mr. LEHMAN and all my other colleagues including my freshman colleague KEN CALVERT, for helping to raise the awareness of the Armenian genocide and memoralize the Armenians who were exterminated at the beginning of this century.

While this was the greatest tragedy to befall the Armenian people, it certainly is not the only one.

The genocide is one of many events that has shaken the Armenian people.

But despite the genocide, despite the earthquake in 1988, and the recent tragedy that has been unfolding in Armenia and Nogorno-Karabakh, the Armenians have remained a strong people, united by their enduring faith and character.

The Aremenian people have a powerful sense of family, and they know how to take care of one another.

I know this well, for these are my people. And as the only Member of Congress of Armenian descent, I am committed to ensure that their suffering does not go unnoticed.

The Armenian genocide is considered the first genocide of the 20th century. Between the years 1915 and 1923, millions of Armenians were systematically uprooted from their homeland of 3,000 years and eliminated through massacres and exile.

This was a premeditated act carried out for political gain.

And it is significant that we take the time to recognize this tragedy the same week that the world is remembering the Holocaust, which occurred 50 years ago.

It has been said that, "Those who cannot remember the past are condemned to repeat it." Although this quotation has been repeated often, its meaning cannot be lost or trivialized.

Because the Armenian genocide should have been a lesson to the world.

But instead, this tragedy was forgotten or denied.

Like the Holocaust and the Cambodian genocide, it serves to remind us of the dangers inherent in hatred and intolerance.

Especially today, when acts of hate seem to be prolifering all over the world, we need to remember.

And for those who are falling victim to ethnic cleansing today, I offer them the example of my people, the Armenians.

I pray that they keep the faith and the strength that my people have.

And I pray that they maintain their sense of family.

For it is these values which maintain the Armenians' resilience, despite the many calamities that have threatened their very existence.

Again, I would like to thank my colleague, Mr. LEHMAN, and my other colleagues that have joined us here today to remember this tragedy.

For we must do all that we can to prevent tragic history from repeating itself.

Mr. LEHMAN. Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding. I rise to congratulate my colleague for raising this very important issue and to share in the comments that have been made by my California colleagues about this very important event which is being marked. On April 24, we marked the anniversary of one of the greatest genocides in the history of the world, and it seems to me that as we look at this tragedy it is very important for the U.S. Congress to underscore the fact that it cannot be forgotten.

There is controversy that surrounds this, but no one, no one, can deny the fact that many Armenians were rounded up and in fact killed and tortured at that time. And, Mr. Speaker, it seems to me that as we look at this very tragic event, marking this again as we have over the past several years here in the Congress is very important. I would like to associate myself with the remarks that have been made by my California colleagues, especially those of Mr. MOORHEAD. He does a superb job in representing many Armenians in the Glendale-Burbank area of southern California, and I know he will join us this Saturday in marking the genocide by an event that will take place in Montebello. And I thank my friend for yielding.

Mr. LEHMAN. I thank my colleague from California.

Mr. Speaker, I have many statements here from other Members of the House who are unable to be here today but wanted to be included in the RECORD on this issue. Among them are the gentleman from California [Mr. DOOLEY], the gentleman from Michigan [Mr. LEVIN], the gentleman from California [Mr. THOMAS], the gentleman from Maryland [Mr. HOYER], the gentleman from New Jersey [Mr. TORRICELLI], and the gentleman from California [Mr. WAXMAN].

Mr. Speaker, I would like to quote a line from the statement of the gentleman from California [Mr. WAXMAN], which I think is very poignant at this point in time when we celebrate the opening of the Holocaust Museum here in Washington, and also acknowledge the 50th anniversary of the Warsaw Ghetto uprising of the Jews in Poland. Mr. WAXMAN writes in his statement:

> The line from Armenia to Auschwitz is direct. Undoubtedly the Holocaust which took, the lives of 6 million Jews and millions of other innocent people was inspired by the murder of a million and a half Armenians.

I would point out that in the historical record as we have gone back and studied genocide in this century, it is interesting to note first that the very term "genocide" was first used in 1939 by a Polish Jew. But he was not using it to describe events that were about to take place in Europe, nor was he using it to describe anything that had to do with the Jewish people at that time. He was studying what had happened in Europe, in Armenia in the earlier part of the century, and the only word that he could come up with to describe what was done to the Armenian people was the word genocide, or to kill to the Armenians.

□ 1710

So in fact the word "genocide" itself comes from the experience of the Armenian people in the beginning of this century which was invented by a Polish Jew to describe what happened to them, and the irony is that subsequent to that, it happened to the Jewish people as well. The two events are undeniably linked historically which gives us another reason that I think it is so important that we remember this day.

At this point I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I rise today, along with many of my colleagues from both sides of the aisle and all regions of our Nation to mark a somber, troubling historical event: the massacre of 1½ million Armenian men, women, and children by the Turkish Ottoman Empire. The mind recoils at the horror. The heart is sickened by the very thought that the ongoing methodical premeditated destruction of so many human lives could have happened. But as the historical record proves conclusively, this slaughter did happen. Those of us who have the privilege to serve as elected Representatives in the world's greatest democracy have a special obligation to raise our voices to counter the propaganda and outright lies of those who claim that the genocide of the Armenian people did not happen.

Mr. Speaker, the proud community of Armenian-Americans, whose members have contributed to virtually every facet of life in our country, is largely descended from the survivors of this atrocity, men and women who were driven from their ancestral homelands with whatever few possessions they could carry. These survivors, their children and their grandchildren, have made it their solemn duty to remind the world of this brutal attempt to wipe out the descendants of one of the world's oldest nations. One this occasion, people of decency and conscience should honor the memory of those who perished, as well as pay tribute to the courage and valor of those who survived.

While it is unfortunate to have to dignify the claims that the Armenian genocide did not occur with a response, let us be absolutely clear on this point: the Armenians are not the only historical witnesses to this crime against humanity. The Ottoman policy of deportation, enslavement, and murder was immediately recognized for what it was from the earliest weeks and months. Newspaper accounts from that period paint a clear picture of a pattern of horror for which no word then existed, but which we today call genocide. The United States Ambassador to the Ottoman Empire Henry Morgenthau, spoke out against the program of "race extermination under a pretext of reprisal against rebellion." He said that "I am confident that the whole history of the human race contains no such horrible episode as this," and noted that Turkish officials "made no particular effort to conceal" the goal of the deportations of Armenians, namely, in Morgenthau's words, "the death warrant to a whole race." Protests were organized, while United States and international relief agencies tried to provide comfort and relief to some of victims. Armenian orphans were taken in as foster children. The United States Archives—hardly a source of fictional accounts of history—contain voluminous documentation of this event. In 1920, the United States Senate declared the truth of the claims of "massacres and other atrocities from which the Armenian people have suffered." Presidents Clinton, Bush, Reagan, and Carter have all spoken forcefully about the horror of the genocide, and America's resolve never to forget.

We commemorate the Armenian genocide by marking the date, April 24, 1915, when hundreds of Armenians religious, political, and intellectual leaders were rounded up, exiled and eventually murdered in remote areas of Anatolia. Soon, the Ottoman wrath was loosed upon even those Armenian men who had served in the Ottoman Army during World War I, thus disarming and depriving the population of many of its young able-bodied men, rendering the population vulnerable. Throughout Asia Minor and Turkish Armenia, the innocent, peaceful Armenians were forced into death marches. The men and older boys were usually executed, while the women, children, and elderly were marched for weeks in the desert, subject to rape, torture, mutilation, starvation, disease, and massacres. Approximately 500,000 Armenians escaped into Russia, the Arab countries, Europe, and America. One and a half million perished. By the time the genocide finally subsided in 1923, the Armenian population of the Ottoman Empire was essentially eliminated—by a government executed plan.

Today, the Government of the Republic of Turkey—the recipient of large amount of United States aid—maintains that the Armenian genocide is simply a fiction, or an exaggeration. Turkish leaders say that whatever Armenians perished during this time were simply the victims of a general pattern of chaos and murder that attended the fall of the Ottoman Empire. The historical record frankly debunks these claims. Such claims are not only a distortion of the historical record, but a profound insult to the haunted memories of the survivors and their descendants. As Americans interested in close ties with all nations, we say to the leaders of Turkey: come clean, admit the historical reality, open your historical archives, achieve peace with Armenian people and redemption for yourselves. With a new leader preparing to assume the reins of power in Turkey after the death of President Ozal, now would be a perfect time to begin the healing process.

For the people of Armenia, tragedy is not only a thing of the past. Today, the Armenian people are suffering under a cruel and illegal blockade imposed on them by their neighbor Azerbaijan. While the collapse of the Soviet Union has allowed the Armenian nation to proclaim itself to the world, the borders drawn in the region by Joseph Stalin have laid the groundwork for bloody disputes in the Caucasus Mountain region. I repeat my longstanding call to our State Department, through our partnership with, and influence over, Russia and Turkey, to make the lifting of the Azeri blockade a top priority. Meanwhile, as the Armenians of Nagorno-Karabakh, a predominantly Armenian enclave claimed by the Azeris as their territory, fight to protect their homes in their isolated region, Armenia is unfairly and inaccurately branded in media accounts today as the aggressor. Perhaps unintentionally, the media is playing into the hands of the enemies of Armenia, who are seeking to use the current fighting as a pretext to discredit the Armenian nation and people. But we must not forget the true horror that the great Armenian nation and people are suffering under the Azeri blockade, while neighboring Turkey stands by and allows Armenia to be slowly strangled. This is the reality of aggression and victimization in the Armenian-Azeri struggle today. If we do not stand up on behalf of the suffering of the Armenian people in 1993, our words of remembrance about 1915 are but hollow phrases.

Mr. Speaker, this week, America dedicates a new museum to keep alive the memory of the Nazi Holocaust. The lessons of the Holocaust are "Never Again" and "Never Forget." Tragically, as we have seen most recently in Bosnia, in Somalia and, indeed, in Armenia itself, under the Azeri blockade, the threat of genocide persists even to this day. Every night on our television screens the sad sight of history repeating itself is before our eyes. We cannot ignore the suffering of our fellow human beings, and we must never forget the victims.

I urge all people of conscience to confront, again and again, the memory of the Armenian genocide at the beginning of this century as a warning about what can happen if we ignore or accept violence and oppression.

I want to thank my colleague, the gentleman from California, for taking the lead on this commemoration today and also for all of his work, particularly when he most recently visited Armenia.

Mr. LEHMAN. I thank the gentleman very much.

At this time I yield to the gentleman from Massachusetts [Mr. KENNEDY] who also recently returned from Armenia.

Mr. KENNEDY. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I want to thank the gentleman from California [Mr. LEHMAN] for the leadership he has shown on the issue of speaking out on the concerns of the Armenian people here in the United States as well as throughout the world, and I want to just say how indebted so many of my constituents are to the leadership that he has shown because of his concerns about the quality of life in Armenia and the necessity for the United States to address itself to the concerns.

I think the first action that I saw when I came to the United States Congress with regard to Armenia was the issue that we tried so hard to get recognized was simply the idea that the world, and particularly the Congress of the United States, would recognize the Armenian genocide on April 24, 1915, the beginning of a terrible genocide which took place in what is now known as Armenia.

At that time literally tens of thousands of people were killed simply because of the country of their origin, and it just seems to me that to have the U.S. Congress not be willing to take it upon itself to recognize that genocide was one of the most difficult moments that I have been through since I entered the Congress of the United States. I know that we understand that in this House of Representatives. We have heard the testimony that suggests that not only Tolstoy but Winston Churchill himself bore witness to the Armenian genocide and, in fact, the word "genocide" was coined as a result of what took place in 1915.

But what is, I think, perhaps the most important development is not that the Congress of the United States kowtowed to an Ottoman regime of a bygone era, but rather the tremendous spirit that the Armenian people have shown in the years following 1915. We have seen this people here, come here to the United States, establish communities, work very, very hard and diligently, establish their own schools and culture, partake in the American culture, but maintain their own roots, maintain their own language, maintain their own churches, go to their own dances, and at the same time contribute so tremendously to the life and culture of the people here in the United States.

I do not think there is any group of ethnic people here that have emigrated to the United States for a more fundamental political purpose who have kept their hope of their people alive here in the United States by taking the time to pass along the basic elements of their culture generation after generation to make certain that the Armenian national psyche, that the Armenian national character continued to exist here in the United States.

That, I think, could not have been demonstrated more clearly than when just a few years ago a terrible earthquake did great damage to that small yet important region of this world known as Armenia. That country suffered tremendously. Up to 30,000 people were killed in an instant as a result of that earthquake, and yet the Armenian people here in the United States responded phenomenally, providing all sorts of medicines, providing all sorts of economic aid, involving themselves in the political affairs not only of the United States but of nations throughout the world to make certain the world's resources were mobilized to provide help and assistance to the suffering Armenian nation.

Subsequent to that as we have seen, Armenia, blockaded on the north through the war-torn region of Soviet Georgia, to the east, and the difficulties that are being faced in Azerbaijan, to the south with the problems of Iran, and to the west with the isolation of Turkey.

□ 1720

And as a result of that isolation, we have now seen terrible devastation that has been placed upon the backs and souls of the Armenian people.

Mr. Speaker, I had the opportunity to visit Armenia in the dead of winter. We arrived late at night, in the middle of the night, at Yerevan Airport. It was snowing badly.

We went in by van to the middle of downtown Yerevan, and at that time it was snowing so hard and there was not a light in the place, so that we could not even tell we were in the middle of a city. What we found was that there was no heat, no electricity, no running water, no telephones, no ability to communicate, and yet the spirit of the Armenian people continued to provide a bright light.

I visited orphanages where the little babies are lying in the cold, cold rooms, where the suffering that they endured as a result of having to stay in the same clothing after they in fact urinate in those clothes because there is no place to not only wash the clothes, there is no place to dry the clothes that would have gotten wet.

I visited senior citizens stuck in hospitals who have lived through the Armenian genocide, who lived through the earthquake, who are now forced to suffer and, yes, to die in a climate inside of a hospital room where the temperature never rises above 15 to 20 degrees.

Mr. Speaker, it was one of the most devastating few days of my life, to see the kind of human suffering that takes place. But it reestablished my own personal commitment to stand strong for the people of Armenia, to stand strong with people like RICK LEHMAN and JIM MORAN and so many others on the other side of the aisle who feel deep in their heart that this is a nation that has inspired freedom-loving people throughout the world, who have maintained their culture, who have maintained their roots, and above all, maintained their human dignity despite the onslaught of so many nations, of so many people who have been hell-bent on destroying and eliminating the Armenian people.

Mr. Speaker, I want to commend the gentleman from California [Mr. LEHMAN] for his efforts this evening, and I want to thank the Congress of the United States for recognizing the necessity of having the world's focus and light shine on the Armenian people and the suffering that they have gone through. I once again thank the gentleman for yielding.

Mr. LEHMAN. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. KENNEDY] for those remarks.

Mr. Speaker, I yield to my distinguished colleague, the gentleman from Virginia [Mr. MORAN], who just finished a trip to Armenia with me.

Mr. MORAN. I thank the gentleman from California [Mr. LEHMAN] for yielding to me and for taking this special order.

Mr. Speaker, the massacre of 1.5 million Armenians during and immediately after World War I must be considered alongside the Nazi Holocaust against Jewish people as one of the most unbelievable, vicious examples of man's inhumanity against man.

On April 24, 1915, Turkey began a program of collecting Armenian religious, intellectual, and political leaders, and deporting them to Anatolia where they were systematically executed. Deprived of leadership, the Armenian people including women, seniors, and children were subjected to rape, torture, and mutilation as they were exiled from their homeland. The men and older boys were separated from the groups, never again to be seen, and those remaining were forced on death marches into the desert of Syria. In all, over 1.5 million Armenians were massacred during the 7 years of genocide and more than 500,000 expelled from their homes in the Ottoman Empire.

Many letters of protest, from United States and European diplomats at the time of the Armenian genocide, document this tragedy in stark detail. One letter written by J.B. Jackson, the American consul in Syria at the time, described survivors witnessing "numberless corpses along the roadside, or bodies in all sorts of positions where the victims fell in the last gasps of typhoid, fever, and other diseases." This is just one of many observations of the brutal and inhumane treatment suffered by the Armenian people. I will submit for the RECORD a copy of this letter drawn from the U.S. National Archives.

History tells us that those who do not study the past are doomed to repeat its mistakes. Nowhere in modern history is this lesson more poignant than in the case of the Armenian genocide. While we closed our eyes and let the painful memory of this atrocity slip from our collective memory, Adolf Hitler remembered the effectiveness of this systematic destruction of the Armenian people and rested secure in the belief that the Western powers would not intervene in this Holocaust.

Let us not again forget the atrocities of the past.

DOCUMENT NO. 53

AMERICAN CONSULATE,
Aleppo, Syria, September 29, 1915.

Hon. HENRY MORGENTHAU,
American Ambassador,
Constantinople, Turkey.

SIR: I have the honor to report as follows regarding the deportation of Armenians, supplementary to my dispatch to the Embassy No. 546 of August 19 last:

The deportation of Armenians from their homes by the Turkish Government has continued with a persistence and perfection of plan that it is impossible to conceive in those directly carrying it out, as indicated by the accompanying tables of "Movement by Railway", showing the number arriving by rail from interior stations up to and including August 31 last to be 32,751. In addition thereto it is estimated that at least 100,000 others have arrived afoot. And such a condition as these unfortunates are in, especially those coming afoot, many having left their homes before Easter, deprived of all of their worldly possessions, without money and all sparsely clad and some naked from the treatment by their escorts and the despoiling depopulation en route. It is extremely rare to find a family intact that has come any considerable distance, invariably all having lost members from disease and fatigue, young girls and boys carried off by hostile tribesmen, and about all the men having been separated from the families and suffered fates that had best be left unmentioned, many being done away with in atrocious manners before the eyes of their relatives and friends. So severe has been the treatment that careful estimates place the number of survivors at only 15 percent of those originally deported. On this basis the number of those surviving even this far being less than 150,000 up to September 21, there seems to have been about 1,000,000 persons lost up to this date.

There came persistent reports of the selection of great numbers of the most prominent men from nearly every city town and village, of their removal to outside places and their final disappearance by means of which we are not positively informed but which the imagination can more or less accurately establish, as months have passed and no news has come of their existence. The heinous treatment of thoroughly exhausted women and children in the open streets of Aleppo by the armed escorts, who relentlessly beat and kicked their helpless charges along when illness and fatigue prevented further effort, is evidence of what must have happened along the roads of the interior further removed from civilization.

The exhausted condition of the victims is further proven by the death of a hundred or more daily of those arriving in this city. Travellers report having seen numberless corpses along the roadside in the adjacent territory, or bodies in all sorts of positions where the victims fell in the last gasps of typhoid, fever and other diseases, and of the dogs fighting over the bodies of children. Many of the harrowing tales related by the survivors, but time and space prevent the recital thereof.

The movement continues with the arrival of hundreds daily and the problem is what can be done for their relief when they are rapidly pushed on to Hama, Homs, Damascus, etc., and on to Amman, the railway station furthest south to which Christians have been heretofore permitted to travel. Nearly everything necessary for existence is lacking at most of these places, and at Amman it is reported there is neither food nor drink.

Up to the present the residents of Aleppo have not been molested, but fear the time is approaching when they will follow those now en route before them.

In order to provide the barest existence for these people a most considerable sum is necessary, say $150,000 a month. This would be at the rate of only a dollar a head, which would hardly furnish bread, to say nothing of clothing, shelter, medical treatment, etc. Each religious community has a relief committee to care for its own, but means at hand are altogether inadequate.

Enclosed are tables showing the "Movement by Railway", "List of Gregorians or Orthodox", list of "Protestants", and list of "Catholics", all of which have been compiled from information gathered from obvious sources, showing the number of each sect effected, their whereabouts and needs.

This report is forwarded in sextuplicate, that copies thereof may be forwarded to the Governments of Great Britain, France, Russia, and Italy, respectively, if found convenient, the interests of which in this district have been entrusted to this Consulate. Copy is also being sent to the Department of State.

I have the honor to be, Sir,

Your obedient servant,

J.R. JACKSON

Mr. BILIRAKIS. Mr. Speaker, I rise today to join my colleague from California [Mr. LEHMAN], in commemoration of one of the saddest and most tragic events of human history: The genocide of the Armenian people during the latter half of the 19th century.

In joining my colleague, I also want to heartily commend him once again for taking this time that we may speak about this very disturbing chapter in world history. It is a story that is widely known, however, there is little mention of it in our history books. For while it may be painful to review these events, as long as this is the case—as long as we experience this discomfort and pain—there is hope for humanity.

Unfortunately, the plight of the Armenians and the attempted genocide of 1915, by the Ottoman Turks, is an event that the U.S. Government has still not recognized. In a time where human rights are in the forefront of all of our minds, we must recognize the struggles that the Armenians have gone through in 1915, as well as 1993, with the Azerbaijan blockade.

The Holocaust Museum opening here in Washington, DC, will remind all of us of the unspeakable horrors that the Jewish people of Nazi Germany had undergone. I believe that this museum will send a very important and powerful message reminding all of us, that human rights violations can take place at any time, and any place, to any group of people and that this cannot be tolerated anywhere.

Indeed, in few other instances has man's inhumanity to man been demonstrated so starkly than in the persecution of the Armenians by the Ottoman Empire. And while some 1,500,000 Armenian people died and another 500,000 were exiled between 1915 and 1923, this was but the brutal culmination of events stretching back to 1894.

In that year, 300,000 Armenians were massacred, and in 1909, a further 21,000 perished—all before what is generally considered to be the true genocide beginning 6 years later.

As an American of Greek descent, I always have felt a special tie to the Armenian people, because the land of my ancestors also suffered at the hands of the Ottoman Turks. My colleagues may know that every March, I sponsor a special order in this Chamber to commemorate Greek Independence Day on March 25.

That date marks the beginning of Greece's struggle for independence from more than 400 years of domination by the Ottoman Empire. It was on that day that the Greek people began a series of uprisings against their Turkish oppressors, uprising which soon turned into a revolution.

Greece was more fortunate than Armenia. It did not suffer the dark events that we commemorate today: whole villages exterminated, thousands and thousands rounded up and literally worked to death. However, Greeks, too, know what it means to labor under oppression.

The Greek struggle for independence and the Armenian genocide are two events that erupted in the same region of the world and that fit neatly together to form a message.

It is a message that rings down through the ages and must never be ignored. The message is this: We must continue to speak out, to raise our voices in protest of the mistreatment of our fellow human beings. This is a simple matter of right versus wrong.

It is our duty to call attention to human rights abuses on any scale until the world is united in revulsion for these atrocities; until those yearning only to live free are allowed to do so.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today in rising to commemorate the 78th anniversary of the Armenian genocide. The extermination of 1½ million Armenian men, women, and children by the Ottoman government, between 1915 and 1923, has left an indelible mark on the consciousness of mankind.

In preparing for the final solution, which would consume the lives of 6 million Jews, Adolf Hitler said, "Who remembers the Armenians?" Mr. Speaker, the American people remember the terrible fate of the Armenians under Ottoman rule. We remember, along with the Armenian diaspora, the brutal deportations, forced marches, mass starvations, wholesale executions, and systemic massacres that claimed the lives of 1½ million Armenians.

We bear testimony today so that future generations of Americans will know what happened to the Armenian people during the last years of the Ottoman Empire. We commemorate the 78th anniversary of the Armenian genocide to mourn these fallen, silent victims. We observe this solemn anniversary to remind all democratic nations that we must be ever vigilant and stand united against the violent forces of national, racial, religious, and ethnic intolerance.

The premeditated and systematic extermination of the Armenian people must never, never be allowed to disappear in the dark recesses of history. We must never forget the conflagration that engulfed the lives of so many defenseless people. We must never forget the first bloody campaign of the 20th century to annihilate a whole race of people.

Mr. LIPINSKI. Mr. Speaker, I am pleased to join in this special order to commemorate the 78th anniversary of the Armenian genocide. I thank the gentleman and gentlewoman from California for sponsoring this important effort.

We rise today to call attention to the tremendous injustice brought about by the Ottoman Turk Empire from 1915 to 1923. This is not a story that is widely known. There is little mention of it in our history books. It is not taught to our children in school. And it is not commemorated on the kind of scale it deserves. I join today with the Armenian-American community in Chicagoland and around the Nation in acknowledging this tragedy and its lessons for our lives.

In the early years of this century, the Armenians of the Ottoman Empire were an increasingly nationalistic minority which longed for freedom from religious persecution. The ruling Ottoman Turks wanted none of this Armenian nationalism and began a campaign of genocide in 1915 that did not end until 1923.

Armenian men of military age were rounded up and shot. The women, children, and elderly were forced to leave their homes and move to relocation centers in the Syrian Desert. Thousands died during the long march. Many were murdered and some survivors were subjected to rape. It is estimated that 1½ million Armenians had been killed through deportations and massacres. By 1923 the Turks had successfully erased nearly all remnants of the Armenian culture which had existed in their homeland for 3,000 years.

At the beginning of World War I, there were more than 2½ million Armenians living in the Ottoman Empire. Today, fewer than 80,000 Armenians remain in Turkey. In 1915, approximately half a million Armenian refugees were able to escape death and relocate in Russia, the Arab countries, Europe, and America.

I stand here today to say the genocide did happen. Nobody can erase the painful memories of the Armenian community. Nobody can deny the photos and historical references. Nobody can deny that few Armenians live where millions lived 80 years ago.

Mr. Speaker, we stand here today to recall a tragedy in the history of civilization. This is not a time to place blame. Rather, I believe that this horrible episode must serve as a lesson. We have seen the horrors that people can commit against one another. We must ensure that they never happen again.

Tomorrow morning we will join with survivors of another genocide to dedicate the U.S. Holocaust Memorial Museum. The lessons of the First World War were not heeded by the world when it came to dealing with the ethnic cleansing campaigns of Adolf Hitler and the Nazis. The deteriorating situation in Bosnia merits our attention. I pray that we will not forget the lessons of the Armenian genocide.

We must also honor the victims who perished so brutally. We cannot right the terrible injustice inflicted upon the Armenian community and we can never heal the wounds. But by properly commemorating this tragedy, Armenians will at least know the world has not forgotten the misery of those years. Only then will Armenians begin to receive the justice they deserve.

Mr. TORRES. Mr. Speaker, once again my good friend and colleague from California, Mr. LEHMAN, has brought us together to hold a remembrance for the victims of what has been characterized as the first genocide of the 20th century: the Armenian genocide.

We commemorate this tragic event for specific reasons: First, we pay tribute to the hundreds of thousands of Armenian victims; second, we bear witness to the occurrence of this horror, and finally, by remembering this infamy we voice our commitment to never forget this blot against humanity and to urge our troubled world to find means of resolving issues of differences with greater humanity and compassion.

I have come before this body many times to speak out against the violence which has been done to the Armenian people. I am here again today, once again respectfully urging your contemplation of the injustices suffered over so many years by the people of Armenia; injustices and violence which they continue to shoulder.

Some would claim that our remembrance today fans the flames of atavistic hatred and that the issues of the Ottoman government's efforts to destroy the Armenian people is a matter best left to scholars and historians. I do not agree. For whatever ambiguities may be invoked in the historic record of these events, one fact remains undeniable: The death and suffering of Armenians on a massive scale happened, and is deserving of recognition and remembrance.

The facts speak their own truth: From 1915 to 1923 approximately 1½ million Armenian men, women, and children died, directly or indirectly at the hands of agents of the Ottoman Empire. In May 1915, the Young Turks issued a general order to kill or deport to the southern lowlands, and to the Caucasus, the entire Armenian population of Asia Minor. Soldiers were to carry out the mission. Instructions required Turkish officials to confine their consciences or lose their jobs.

The overall administration of the Young Turk's general order was analogous to the Nazi action against the Jewish people a generation later. Now, I realize that there are some who feel troubled by this statement, I would urge you to be the judge.

As a result of the Young Turk's general order, able-bodied and professional Armenian men were asked to serve on road gangs. Once marched out of the cities, they were attacked and murdered by soldiers and nomads. The remaining Armenian men, women, and children were herded together and sent, without property or adequate provisions, across the Anatolian Mountains and Plains. Along these routes, Armenian women were abused or seized as wives. Robbery and torture was common along the routes. At Trabzon, the genocide became reality when about 10,000 Armenians were loaded onto ships and transported out into the Black Sea where they were forced overboard to their deaths.

The deliberate effort to deport or kill all Armenians from Asia Minor is the basis for the charges of genocide which we commemorate today. We retell the stories of this blot against human civility so that we will not sink into ignorance of our capacities to taint human progress and achievements with acts of mass murder.

We do not have the capacity to right past wrongs, but we can do everything in our power to prevent such atrocities from occurring again. To do this, we educate about these horrible incidents, comfort the survivors, and keep alive the memories of those who have died.

To this end, I encourage everyone to use this moment to think about the terrible loss of precious human lives that resulted from these massacres. It is critical that we recommit ourselves to the spirit of human understanding, to patience and compassion. For these alone are the tools for overcoming our tragic human weakness for resolving our problems by acts of violence.

Ms. PELOSI. Mr. Speaker, I rise today in observance of the 78th anniversary of the Armenian genocide by the Ottoman Turks and thank my colleagues from California, Mr. LEHMAN and Ms. ESHOO, for calling this special order.

The 8-year Armenian genocide was a deliberate, premeditated campaign by the Ottoman Empire which resulted in the death of 1½ million men, women, and children and the exile of more than 500,000 Armenians from their homeland of over 3,000 years. The Ottoman attempt at race extermination virtually destroyed the peaceful Armenian population.

Descendants of the relatively few Armenians who escaped the butchery and made their new home in the United States have become valuable contributing members of our society. The State of California enjoys an active Armenian-American population. In my district of San Francisco, Armenian-Americans have played a significant role in our multicultural community. This week, bay area Armenians will hold a commemorative program, including a requiem service, cultural performances, and a series of speakers at the Armenian Community Center in San Francisco. We join the Armenian people in our country, and all over the world, in observing the anniversary of the first genocide of the 20th century.

Though historical revisionists attempt to erase the facts of the past, today we will remember once again the brutal and devastating acts committed against the Armenian people from 1915 to 1923. This tragedy should not go unheeded. Twenty years after the Armenian genocide, as he planned his holocaust, Hitler asked, "Who remembers the Armenians?" We must learn from history, however belated the lesson, and not allow such a disaster to occur again.

Today, 78 years after the start of the Armenian genocide, we pause to remember all victims of genocide, and especially to memorialize the Armenians who died during the senseless killing rampage of the Ottoman government from 1915 to 1923.

Mr. WAXMAN. Mr. Speaker, I join my colleagues today in rising to commemorate the Armenians who perished in this century's first genocide.

Anyone who has studied or discussed the tragic events that befell the Armenian community 78 years ago—not to mention the preposterous historical revisionism that still exists to this day—can fully understand how important this tribute is to the Armenian community and to the memory of those who lost their lives in the slaughter. I would like to take this opportunity to commend my distinguished colleagues from California, Mr. LEHMAN and Ms. ESHOO, for arranging this special order.

Each year, this day serves as an expression of our commitment to historical truth and to the universal principles of human rights. Each genocide provides a foundation for subsequent horrors. Each historical misrepresentation of efforts to exterminate a particular ethnic group increases the likelihood that such efforts will be undertaken again in another time and place.

The line from Armenia to Auschwitz is direct. Undoubtedly, the Holocaust, which took the lives of 6 million Jews and millions of other innocent people, was inspired by the murder of a million and a half Armenians. Hitler, during an early meeting to map out the extermination of the Jewish people, was asked whether world opinion would not prevent such a plan from being carried out. Hitler laughed. "World opinion. A joke. Who ever cared about the Armenians?"

By holding this special order, we in the House vow that genocide will not go unacknowledged and unmourned. Only by acknowledging this day, year after year after year, can we ensure that genocide remains what it has always been—an unspeakable evil.

The Armenian people, like the Jewish people, although scattered all over the globe, have remarkably kept their culture, language, and religion intact. On this day of remembrance, I salute their tenacity and spirit.

Mr. DOOLEY. Mr. Speaker, I rise today to join my colleagues once again in remembrance of the Armenian genocide.

The timing of this day of remembrance is indeed appropriate, as we commemorate this week the opening of the Jewish Holocaust Museum. In commemorating one human tragedy, it is important to remember other tragedies that had such devastating effects on an entire people. The Armenian genocide is certainly one of those tragedies.

One and one-half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

However great the loss of life and home that occurred during this genocide, a greater tragedy would be to forget that it ever happened. Adolf Hitler, in justifying his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he claimed, "Who remembers the Armenians?" Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish Government to this day refuses to acknowledge this genocide.

The marking of this 78th anniversary also brings to mind the current suffering of the Armenian people, who are still mired in tragedy and violence. Unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people already have perished in this dispute and still many more have been displaced and are homeless. Frustrating the situation is the continual destruction of fuel lines and a blockade of supply routes into Armenia through neighboring Georgia and Turkey.

In the face of this difficult situation comes on opportunity for reconciliation. Now is the time for Armenia and its neighbors, including Turkey, to come together, to work toward a sustaining peace and to rebuild relationships between countries. The first step in this process should be the ending of blockades that are hampering the recovery of Armenia.

Meanwhile, in America the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen abroad. Now numbering nearly 1 million, the Armenian-Americans are a community bound together by strong family ties, a hardwork ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not out of a need to place blame, but out of the desire to answer the question, "Who remembers the Armenians?"

We do.

Ms. WOOLSEY. Mr. Speaker, I rise today to address an issue which still haunts us today. That issue is genocide. Between 1915 and 1923, 1.5 million Armenians were killed in a conflict with the Turkish Ottoman Empire. During World War II, 6 million Jews were killed by the Nazis in Europe. As I stand here today, hideous crimes against humanity are being committed in the former Yugoslavia.

If the international community is serious about preventing crimes against humanity, our first step is to recognize that they occurred. This recognition must start with the Armenian genocide, which remains in the hearts and minds of so many of us today.

During the second half of the 19th century, the Armenian population became the target of increasing persecution by the Government of the Ottoman Turkish Empire. During this period, millions of Armenians were displaced from their homeland and hundreds of thousands of innocent people were killed in the name of politics.

But this hardship was neither the beginning nor the end of the suffering for the Armenian people. On April 24, 1915, hundreds of Armenian religious, political, and intellectual leaders were rounded up, exiled and then murdered by the Ottoman Empire. This was the beginning of the Armenian genocide. During the next 8 years, the Empire conducted a systematic campaign of deportation against Armenian men, marching them out of their homes. Like their leaders before them, most of these men were then executed.

The woman and children, left unprotected after the massive deportation and execution campaign, were then subjected to many of the brutal crimes against humanity which we now see taking place in the former Yugoslavia. The rape, torture, and starvation suffered by these innocent civilians is almost unthinkable. Unfortunately, unlike World War II, there were no Nuremberg trials for these crimes.

Mr. Speaker, I urge my colleagues to recognize the terrible human suffering which the people of Armenia experienced during this dark period of history.

Mr. MEEHAN. Mr. Speaker, between the years 1915 and 1918, thousands of Armenians were uprooted and deported from Turkish Armenia where they died of starvation, disease, and massacres. This tragic event, known as the Armenian genocide, will forever mark the memories of all Armenians and their children.

On May 28, 1918, Armenia declared its independence from the Ottoman Empire. In doing so, they were victorious in their struggle against a hostile government and began to work to overcome the effects of the deplorable genocide of 1915 through 1918. Their independence was short-lived however, and in 1921 the Soviet Red Army swept into Armenia and crushed the nationalist government. For more than 80 years, the Armenian people labored against oppression, working to maintain their language, culture, and religious beliefs.

The Hay Tahd—Armenian Cause—is a national creed which along with the 1990 independence declaration seeks international recognition of the national genocide. Although there are some factions within the Armenian Government that believe that Turkey should acknowledge its guilt and let Armenia recover its lost lands, President Ter-Petrosyan calls for good relations with all neighbors, including Turkey.

It is not the purpose of the Armenian Government and its people to demean the Turkish people for past events. However, it is their goal to have the international community recognize the national tragedy that occurred. The Armenian aspiration is to have this tragedy recognized on the same level as, for example, the Holocaust during World War II. This claim for legitimacy and recognition has unified Armenians throughout the decades, and would signify a great moral victory for its people.

Because of Armenia's strong unification as a people, they were able to choose independence from the Soviet Union in 1991. This nearly unanimous vote, which saw an approximately 95 percent voter turnout, marked a great turning point in Armenian history. Because of this, the United States was able to recognize Armenia as an independent, sovereign nation.

Nagorno-Karabakh has historically been a part of Armenia, but in March 1921, Joseph Stalin arbitrarily transferred the area to Azerbaijan. In the wake of this move, thousands of Armenians were forcefully deported. However, over 140,000 Armenians remain in the area, separated from Armenia by a narrow corridor of Azeri territory. In 1988, the Nagorno-Karabakh Autonomous Oblast [NKAO] Soviet called for its transfer to Armenia based upon the right to self-determination. Azerbaijan disregarded this edict, and the continued blockade of the region by the Azeri Government is a traversty. The Azeri edict of direct rule, abolishing NKAO autonomy, is contrary to international standards of self-determination and human rights, and is a deplorable and capricious decision.

I am distressed by the continued repression of Armenians in the Nagorno-Karabakh region of Azerbaijan. This is why I cosigned a letter to President Clinton asking for the United States to intervene in this crisis and to lead the way toward an international aid effort. Armenia has a unique Western view uncommon in the region. Except for the Baltic Republics, Armenia is the most Westward-headed nation of the former Soviet Union. With over 3,000 years of history as a nation, Armenia has a solid foundation in democratic principles and a drive to establish a solid economy. It is in our best interest that Armenia should not be allowed to disintegrate, not only for their well being, but for its value as a natural ally and a strong trading partner. Let the past be a reference point for the future. I hope that both sides have gained from the 1915 Armenian genocide, and by having the international community recognize the atrocities that took place, we can all prepare and prevent for another reoccurrence of history.

Mr. LEVIN. Mr. Speaker, I wish to thank my colleague from California, RICHARD LEHMAN, for providing this further opportunity to express our commitment to the Armenian people's ongoing struggle for self-preservation. Today, tens of thousands of men, women, and children are suffering in the blockaded Republic of Armenia; decades ago, their forefathers suffered a great tragedy that we in Congress need to recall, year after year.

We are obliged because there are those who dismiss the systematic persecution of the Armenian population during the reign of the Ottoman Empire. They discredit that the April 24, 1915, execution of 200 Armenian religious, political, and intellectual leaders was the beginning of a campaign of terror resulting in the death of 1.5 million Armenians, and the deportation of more than 500,000.

This April 24, on the 78th anniversary of what has become known as the Armenian genocide of 1915–1923, survivors will bear witness to this very real tragedy of humankind. They will never forget the profound pain, and we solemnly pledge to carry on that memory.

Mr. Speaker, I join my colleagues again this year to pay tribute to the innocent victims and their families, to proclaim the horrible truth, and to appeal urgently to nations, both young and old, to honor the rights of all ethnic minorities.

Mr. THOMAS of California. Mr. Speaker, the years between 1915 and 1923 are ones to be remembered forever. Within these 8 years, 1½ million Armenians were tortured and killed in a mass genocide performed by Ottoman Turkey. This is probably one of the most tragic incidents of the 20th century.

April 24, 1915, marks the beginning of the massacres. On this day, hundreds of Armenian leaders were exiled and murdered. Shortly after this, thousands of Armenians were deported from their homeland and placed in Turkish and Kurdish homes and harems. They were sent on marches through the Syrian Desert, where they were severely mistreated. Surviving refugees escaped to different countries, which separated families and scattered them all over the globe.

Some would want to forget this tragedy; it would be much easier to bury it in the past. We cannot ignore what the Armenians went through. This part of history needs to be remembered with profound sorrow and horror at such a shocking example of the brutality of man.

On this 78th anniversary of the Armenian genocide, I wish to join in with the Armenian people in a day of remembrance. On this day, let us think of those people who needlessly lost their lives. This incident should serve to remind each of us of the tragic consequences that can result when ethnic, racial, or religious intolerance spreads unchecked. As events in the world unfold, particularly in Bosnia, let us keep in mind the fate that befell the Armenians, and hope that we do not watch such action occur again.

Mr. HOYER. Mr. Speaker, I solemnly rise today to join my colleagues in marking the 78th anniversary of the Armenian genocide. As this Nation and the world commemorate the opening of the Holocaust Memorial, we must also recall the events of the years 1915–23 so that the cruelty of this period instills in us, and future generations, a revulsion of such actions. I want to commend my colleague and friend, RICHARD LEHMAN of California, for organizing this special order. Since I entered the Congress, I have known him to be a staunch defender of human rights. I also want to thank one of my new colleagues, ANNA ESHOO, also of California, for joining in this worthy effort.

While the tragic events leading to the deaths of over 1.5 million Armenians occurred over 75 years ago, their impact on the psyche of the Armenian people, and indeed the entire world are still apparent. The effects of such atrocities on a people are never overcome. Many can still testify to the deportations and massacres of family members and friends. Others can read or view pictures of the abominations, and all Armenians, young and old, live with the knowledge that their people's existence was seriously jeopardized during the last years of the Ottoman Empire.

Mr. Speaker, the world must be reminded over and over of the brutal crimes perpetrated against the Armenian people. Unfortunately, history's lessons are not easily learned and put into practice, for despite the world's knowledge of this heinous episode, a holocaust of ghastly dimensions occurred only two decades later. Indeed, man's inhumanity has been since evidenced in such places as Cambodia and Iraq, and despite the efforts of many, I am sorry to say that even more acts of mass cruelty are occurring as we speak in the former Yugoslavia.

Mr. Speaker, it is imperative that each of us work to ensure that our generation and future generations never again have to bear witness to such inhuman behavior and feel the pain and suffering of an entire people. The crime of genocide must never again be allowed to mar the history of humankind, and today we stand with our Armenian brothers and sisters, not only to remember and share in their grief for those who died, but to celebrate those who are living.

Mr. TORRICELLI. Mr. Speaker, April 24 marks the 78th anniversary of the Armenian genocide, a tragic event that marked the loss of 1.5 million Armenians. I am here today in remembrance of these victims—to declare that their sacrifice will not be forgotten.

The Armenian massacre was a tragedy of monumental proportions, marking the first genocide of the 20th century. Before World War I, more than 2.5 million Armenians lived in the Ottoman Empire. Within 8 years, 1.5 million of these people were exiled or exterminated by the Ottoman Turks because of their ethnic descent. Armenian intellectuals, politicians, and spiritual leaders—Armenian elderly, women, and children—all were tortured, starved, mutilated, raped, or killed.

During this devastating episode, Henry Morgenthau, the U.S. Ambassador to the Ottoman Empire, stated "the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915." However, these words fell on deaf ears—for within two short decades, the atrocities of the Armenian genocide were forgotten and history repeated itself.

Today, we cannot repeat the mistake of silence. Instead, we must all reflect on the tragedy of the Armenian genocide. For it is in remembering and reacting to this horrible event that we can stop the Hitlers, the Pol Pots, the Milosevics of the world. The world must not be paralyzed in the face of ethnic extermination and must show that genocide anywhere will not be tolerated.

As I rise for the anniversary of the Armenian genocide, I would also like to reflect upon the welfare of the Armenian people today—for the suffering of the Armenian people continues and it cannot be forgotten. For nearly 5 years, ethnic Armenians in Nagorno-Karabakh have waged an armed struggle against the government of Azerbaijan for the right to self-determination. Together, Armenians in Nagorno-Karabakh and the Armenia have endured a crippling blockade imposed by Azerbaijan.

We cannot forget that this bloody conflict in the Caucasus continues and must be resolved. I call on my congressional colleagues and the world community to respond to the needs of the Armenian people and work to find an expeditious resolution to this tragic struggle. It is time for the suffering of the Armenian people to end.

Mr. HUGHES. Mr. Speaker, as we come together this week with world leaders, distinguished dignitaries, and noble survivors to dedicate the Holocaust Museum in Washington, let us, too, remember the genocide that preceded the Holocaust—the genocide in Armenia—and the lives lost in this horrific act of aggression.

Sadly, in the ignorance of the world community to the devastation brought upon the Armenians, Hitler found validation. Let us right this wrong of history by highlighting the suffering of Armenia, the deaths of more than one and a half million of her people, and the fortitude and resilience her people have shown in the face of this evil. In doing so, we shall learn much and be better able to forestall the tides of ethnic hatred.

Here, in America, our diversity is our greatest strength and the source of tremendous pride. The Rodney King trial and its aftermath questioned the stability of that foundation. When we note the horrors of history and remember the scars Armenians continue to bear, we recognize the fragility of the American experiment and renew our dedication to its success.

Therefore, Mr. Speaker, I commend my colleague, Mr. LEHMAN, on calling this special order, so as to recall the atrocities inflicted upon the Armenian population between 1915 and 1923 and to utilize its lessons to reestablish our national and international commitment to ethnic unity.

Mr. FAZIO. Mr. Speaker, I rise today to participate in this special order commemorating the 78th anniversary of the Armenian genocide of 1915—the first genocide of the 20th century.

On April 24, 1915—the date that symbolizes the beginning of this atrocity—over 200 religious, political, and intellectual leaders of the Armenian community were arrested, exiled, and murdered. Armenian representation in Turkey was eliminated. In a single night, the voice of the Armenian nation in Turkey was silenced. During the years that followed, the world witnessed one of history's most egregious examples of man's inhumanity against man—the Ottoman Empire's deliberate attempt to systematically exterminate the Armenian people.

Persecution of Armenians living in the Ottoman Empire began toward the end of the 19th century and increased through the beginning of the 20th century. From 1915 until 1923, 1.5 million Armenians died from the Ottoman Empire's attempts to eliminate the Armenian people. Armenian citizens were either massacred outright, or they were deported and subjected to various kinds of inhumane treatment, including rape, torture, and mutilation. According to Henry Morgenthau, Sr., the United States Ambassador to Turkey at that time, the Armenian genocide was "the most thoroughly organized and effective massacre this country has ever seen." Even the one-half million Armenians who were fortunate enough to have escaped were brutally evicted from the country that they had called home for more than 3,000 years. Most of those who were deported died of starvation, disease, or exposure.

Mr. Speaker, I thank my distinguished colleague from California, Mr. LEHMAN, for again this year calling this special order and focusing our attention on this horrible blight on our history. I appreciate the opportunity to honor both the victims and the survivors of the Armenian genocide, and to pay my respects to their families.

Mrs. MORELLA. Mr. Speaker, I am pleased to join my colleagues today for this Special Order commemorating the 78th anniversary of the Armenian genocide.

Sadly, recent world events have once again thrust genocide onto the center of the international stage. The conflict in the war-torn former Yugoslavia is a vivid reminder to the community of nations that prejudice and intolerance of the most pernicious nature dwell yet within the hearts of mankind. Clearly, the malignant, seething hatred born of racial bigotry is more persistent than the historical revelation that the most important role of nations and governments is to guarantee the fundamental right of the individual to be secure in his person.

We, as Americans, cannot fail to recognize the basic human appetite for freedom. The efforts of the Armenian people to attain some measure of autonomy and sovereignty over their own affairs as a distinct political and cultural entity was for too long repeatedly dashed by inhumanity and brutality. Unfortunately, widespread apathy characterized the world's response to the atrocities of the Ottoman Turks, and it was this practiced indifference that ultimately doomed future generations to learn the hardest lessons of history again and again. The world's failure to acknowledge the reprehensible crimes committed during the Armenian genocide left the door open for future dictators and criminals to continue the persecution of ethnic minorities all over the world.

The United States, as the standard bearer of democracy and freedom, must make it clear that there is no place within the emerging worldwide coalition of peace-loving nations for governments that oppress their own citizens and undertake acts of aggression against their neighbors.

Armenians have found homes in our country, but their very presence in our Nation is a constant reminder of man's continuing inhumanity to man. This week, as we commemorate the Armenian genocide and as we dedicate the Holocaust Memorial Museum documenting Nazi atrocities during World War II, let us not forget the suffering of those who have gone before us, and let us rededicate ourselves to the notion that every person in every nation is entitled to respect for his or her human rights.

Mr. CARDIN. Mr. Speaker, I join my distinguished colleague from California, Congressman RICHARD LEHMAN, in commemorating the tragedy of the Armenian genocide.

Between 1915 and 1923, a systematic and deliberate campaign of mass genocide by the Ottoman Turkish Empire resulted in the deaths of over 1.5 million Armenians and the exile of a nation from its homeland of 3,000 years.

Our purpose today is twofold. First, we want to pay our respects to the millions of Armenians who were killed or driven into exile simply because they shared a common ethnic heritage. Second, we want to educate future generations to the reality of what occurred from 1915 to 1923.

Silence in the face of genocide only encourages those who would commit such atrocities. "Nothing," it has been said, "is more distressing than to see history repeat itself."

I feel it is especially important for Congress to commemorate the Armenian genocide this year as the Armenian people are once again caught in a struggle for their very survival. The current situation in Armenia is so desperate that even the flame burning atop the monument to the Armenian genocide in the capital of Yerevan has died for lack of fuel.

Mr. Speaker, the world must never forget the events surrounding the Armenian genocide. It is our responsibility to do everything in our power to prevent such a tragedy from ever occurring in the future.

Mr. VISCLOSKY. Mr. Speaker, today, I join my colleagues to reflect upon and commemorate the 78th anniversary of the Armenian genocide. On April 24, 1915, over 200 religious, political, and intellectual leaders of the Armenian community in Istanbul were executed. Indeed, between 1915 and 1923, over half of the world's Armenian population—an estimated 1.5 million men, women, and children—were killed. While this anniversary may evoke painful memories, it would be worse if we did not remember these terrible atrocities perpetrated against the Armenian people so that such an event is never repeated.

The Armenians are an ancient and proud people. In the fourth century, they became the first nation to embrace Christianity. In 1915, Christian Russia invaded the Moslem Ottoman Empire, which was allied with Germany in World War I. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

Today, it is important to remember this horrible fact of history to comfort the survivors, as well as remain vigilant to prevent future calamities. Only a fraction of the Armenian population escaped this calculated attempt to destroy them and their culture. Approximately 500,000 Armenian refugees fled north across the Russian border, south into Arab countries, or to Europe and the United States. Currently, it is estimated that fewer than 100,000 declared Armenians remain in present-day Turkey.

I am proud to say that a strong and vibrant Armenian-American community is flourishing in northwest Indiana. In fact, my predecessor in the House of Representatives, the late Adam Benjamin, was of Armenian heritage.

The Armenian genocide is a well-documented fact. The U.S. National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. However, there is an unsettling tendency among both individuals and governments to forget or blot out past atrocities.

Less than 20 years after the Armenian genocide, Adolf Hitler embarked upon a similar extermination of European Jews. While the Holocaust is certainly as terrible an event as the Armenian genocide, the Jewish people have had the catharsis of the world's recognition of what happened to their people. Next Monday marks the opening of the U.S. Holocaust Memorial Museum here in our Nation's capital. This museum is a concrete reminder of the real horrors endured by the Jews of World War II. Yet, Armenians in search of a similar affirmation of their families and ancestors suffering between 1915 and 1923, too often hear that their claims of genocide are lies or exaggerations.

With the dawn of the post-cold-war era, and the emergence of newly independent nations, it is more important than ever for the United States to directly convey its rich tradition of respect for fundamental human rights. It is not only important for us to commemorate the Armenian genocide, but to encourage worldwide recognition of this tragic event in history. An acknowledgement of the Armenian genocide by Turkey would, in addition to serving the interest of truth, help to secure regional stability by increasing the level of trust in an extremely sensitive area of the world.

In closing, I would like to commend my colleague from California, Mr. LEHMAN, for organizing this special order to commemorate the 78th anniversary of the Armenian genocide. It is my sincere hope that this remembrance will not only console the survivors and their families, but may also serve to avert future atrocities.

Mr. TUCKER. Mr. Speaker, I rise today not only in commemoration of the Armenian genocide as many of my colleagues do, but also to bring your attention to the extremely tragic and brutal situation in Armenia. The 4-year blockade the Azerbaijanis have imposed on the landlocked Armenians has been so effective that the people of Armenia have been freezing and starving to death as a result. There are estimates that tens of thousands of Armenians have died so far as a result of the blockade. In short, the situation is grim and tragic for the Armenians.

While this Congress has properly recognized the atrocities taking place in Bosnia and Herzegovina and has condemned the tactics of "ethnic cleansing," we must stop to recognize that those same activities against humanity are taking place in Armenia and must be addressed. The ethnic Armenians are facing a slow strangulation of their vital supplies as the grip of the Azeri blockade tightens. The United Nations has made an appeal for humanitarian need. We must act to loosen the grip.

I support the fine efforts of the antiblockade committee to seek the issuance of regulations under the provisions of 50 App. U.S.C. 2407 to bar participation in any boycott activities directed against Armenia as well as discrimination by American companies directed against Americans of Armenian descent.

To avoid the atrocities of the past we must take part in commemorations such as this one commemorating what is said to be one of the first genocides of this century, the Armenian genocide between the years 1915 and 1923. Clearly, as world events today show, lessons of the past are often forgotten or ignored. Let us not allow the tragic lesson at the beginning of this century to happen again at the end of this century.

Mr. TOWNS. Mr. Speaker, I rise today in remembrance of the 78th Armenian genocide.

From 1915 to 1923, it is estimated that over 1.5 million Armenians were murdered at the hands of the Ottoman Turks. The fruition of this travesty occurred under the guise of moving Armenian citizens from war zones and out of harm's way of the ensuing Russian Army. Forcibly removed from their native lands, the Armenians were deported by the thousands by the Turkish Government. Along their sojourn of death, men and teenage boys customarily, were removed from the caravans and led to their inevitable demise by being shot or butchered. Continuing on foot, the women and children were robbed, raped, and murdered. Those who survived the killings died of starvation, disease, or exposure. Newspaper reports of that period were filled with stories of the plight of Armenians who were reduced to eating grass. Before 1914, over 2 million Armenians lived in Turkey. By the end of 1923, the entire Armenian population of Anatolia and western Armenia had either been killed or deported. The calculated policy of deportation and extermination implemented by the Ottoman Turks resulted in this tragic example of man's inhumanity to man. We pause today in remembrance of the injustices and atrocities that were suffered by the Armenian people. It is incumbent upon all peace-loving people to remember this and similar events in hopes of avoiding future atrocities like those currently occurring in Bosnia.

Mr. CALVERT. Mr. Speaker, tomorrow, April 24, will mark the 78th anniversary of a crime against humanity which should be remembered and condemned by decent people everywhere. On April 24, 1915, the Armenian leadership in Istanbul and other Armenian centers was executed; the male population, already conscripted into the Ottoman Army, was disarmed, placed in work battalions, and gradually executed. The surviving women, children, and elderly were sent on death marches through the desert. This was the beginning of an 8-year campaign of genocide by the Ottoman Turkish Government which resulted in the deaths of over 1½ million Armenians and the exile of a nation from its historic homeland.

Perhaps it is fitting that we remember and condemn this atrocity in the same week that the Holocaust Museum is opening here in our Nation's capital, for Adolph Hitler actually cited the extermination of the Armenians as a precedent for the holocaust of the Jews. We must recognize all crimes against humanity if we are to prevent other crimes like them. Silence in the face of genocide effectively encourages those who would commit such atrocities in the future.

On this 78th anniversary of the massacres, I wish to join Armenians everywhere—and people of good will everywhere—in observing tomorrow as a day of remembrance for the more than 1 million Armenian people who perished in the terrible massacres in 1915–23.

Mr. REED. Mr. Speaker, I rise today to commemorate the 78th anniversary of the Armenian genocide. On April 24, 1915, the Government of the Ottoman Empire rounded up approximately 200 Armenian religious, political, and intellectual leaders. These leaders were subsequently either arrested, exiled, or murdered. For the next 8 years, this regime was responsible for the deaths of over 1½ million Armenians. Those who survived were exiled from their homeland of 3,000 years.

The Armenians are an ancient and a proud people. Tragically, this vibrant culture, its history and all of its accomplishments were brought to the brink of extinction. By 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported. The Ottoman Empire's attempt to eliminate a culture, a language, and an entire face of people from the face of the Earth set a tragic precedent for Hitler's persecution of European Jews.

The horror of the Armenian genocide is made worse by the refusal of the current Government of the Republic of Turkey to acknowledge that this tragedy ever happened. We must not deny the massacre. If we are to avoid a repetition of past mistakes, the United States must expose the truth.

Today, over 500,000 Armenian-Americans contribute to the richness of American culture and the diversity of our Nation.

I join the Armenian-Americans of Rhode Island, and throughout the Nation, in observance of this anniversary to keep the memory and truth of the Armenian genocide alive.

Mr. GILMAN. Mr. Speaker, I want to express my appreciation to my colleague, the distinguished gentleman from California, RICHARD LEHMAN, for arranging this special order today.

Genocide is the most brutal form of violence ever used by states, nations, or other groups. Under this ugly doctrine of evil, persecutors seek out men, women, and children of a certain race, ethnic group, or cultural background, and bring about their isolation and death under conditions of tremendous suffering.

Mr. Speaker, as horrible as genocide is—as inhuman as it is—still it has been carried out on several occasions in the 20th century. It was carried out by the former Nazi Government of Germany against Jews and other ethnic groups in Europe during World War II, by the former Soviet Government of Russia against Ukrainians in the 1930's, and, as we gather here today to remember, by the former Ottoman Empire of Turkey during World War I.

The use of death camps, starvation pits, and death marches in those genocide campaigns are a frightening reminder of man's inhumanity to man. If we want to combat such atrocities in the future, we must not forget.

We stand here today to remember the genocide against Armenians that began in 1915. Anywhere from one-half million to 1½ million Armenians are estimated to have died in the genocidal campaign conducted by the former Ottoman Empire. Not only were many Armenians directly executed by the Ottoman Army, but even more Armenians were force marched into the desert without adequate provisions, and left to die.

The tragedy, loss, and suffering inflicted on the victims of this death campaign, and that endured by their survivors, cannot be erased. By commemorating the victims of this tragic event, however, we hope that we can find in their deaths a powerful reminder of the ever-present threat of genocide in our age.

By acknowledging this Armenian tragedy of almost 80 years ago, perhaps we can also better understand the fears and concerns of ethnic Armenians today living in the Nagorno-Karabakh region of Azerbaijan. And we certainly all hope for an end to the violence now taking place there.

As we commemorate the Armenian genocide, let us all join in calling for a peaceful resolution of the struggle in Nagorno-Karabakh, and for peace throughout the Caucasus region.

Mr. Speaker, again, my thanks to the gentleman from California for holding this special order today.

Mr. FINGERHUT. Mr. Speaker, the Armenian genocide between 1915 and 1923 was the first of many that the 20th century has witnessed. History repeats itself in this tragedy, the Jewish Holocaust, the killings orchestrated by Cambodia's Pol Pot, and now, the ethnic cleansing in Bosnia-Herzegovina.

The Turkish persecution established a cold and ruthless precedent. Intellectual, political, and religious leaders—those who gave voice to the masses—were hunted and cut down in a single night. Next, the government targeted able-bodied Armenian men and plundered the countryside to eliminate the people's means of living. Women and children were rounded up for deportation, and many told tales of sexual abuse that sound eerily familiar today.

Those who used this systematic annihilation as a model remember these events well, but they also remember that the world did not even blink. According to Elie Wiesel, Hitler asked, "Who remembers the Armenians?" as he planned the final solution for Jews.

I would urge us to take this moment of remembrance to consider that the United States, as the world's only superpower and dominant moral force, has a responsibility to stop such atrocities. The weak and vulnerable turn to this country for help, and we must always stand against oppression, persecution, and the taking of innocent life.

Mr. MENENDEZ. Mr. Speaker, today President Clinton inaugurates the Holocaust Memorial here in the Capital in observance of that ghastly episode of inhumanity.

I take this opportunity to ask my colleagues and the American people that as we prepare to solemnly commemorate the opening of this hallowed museum, we also hold sacred the memory of the attempted Armenian genocide of 1915. Mr. Speaker, I rise today in solidarity with Armenians everywhere.

The despicable Serbian campaign of ethnic cleansing in Bosnia-Herzegovina already has claimed the lives of more than 20,000 people. The images we see daily of the atrocities disturb us profoundly.

But in 1915, when the Ottoman Turks began their bloody genocide campaign against the Armenian people, we did not see any images. For 7 long and hopeless years, silence was the response that the Armenians got from the West to their protests and cries.

Fortunately, we did receive irrefutable eyewitness accounts—including from American diplomats—of the brutal Ottoman Turkish campaign. No one can deny the horrors that occurred. In all 1.5 million Armenian men, women, and children were exterminated or died as a result of famine or disease brought on by the Ottoman campaign between 1915 and 1923.

Mr. Speaker, as a member of the House Foreign Affairs Committee, I have repeated time and again that human rights and democracy are universal values. The United States must demonstrate with words and deeds our solidarity with the Armenian people. As we commemorate the 78th anniversary of the Armenian genocide, let us all commit ourselves to never forgetting neither the Jewish Holocaust nor the Armenian genocide.

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 78th anniversary of the Armenian genocide. A systematic and deliberate campaign of genocide between 1915 and 1923 resulted in the deaths of over 1½ million Armenians and the exile of a nation from its historic homeland.

On April 24, 1915, the day the 1915 genocide began, over 200 intellectual, religious, and political leaders of the Armenian community in Istanbul were arrested, exiled from that city, and executed. This date now symbolizes not only the beginning of the Armenian genocide, but also a tragic history of persecution for the Armenian people.

Numerous Armenian citizens, who now reside in my congressional district in southwestern Illinois, have contacted me about the anguish they feel about the events of the past and of the present situation in Armenia. Because they have not forgotten the fate of their Armenian ancestors, I firmly believe the Congress should also remember their past.

The Congress holds a remembrance ceremony for the victims of the Armenian genocide every April. It is absolutely imperative that we, as a Nation, voice our commitment to Armenia and to remembering the tragic crimes against humanity. It is critical for the Congress to stand firm in its resolve to oppose violence and repression against humanity. These crimes must be recognized and remembered to prevent their future occurrence.

Mr. Speaker, I ask my colleagues to join me in remembering the tragedy of the Armenian genocide and in renewing our commitment to human rights.

Mr. WOLF. Mr. Speaker, I wish to speak today in commemoration of the Armenians who suffered and died during the genocide of 1915 to 1923. I thank the gentleman from California [Mr. LEHMAN] for once again bringing this important issue before the Congress.

April 24 is a day that will forever live in the minds of all Armenians. For it was on this day in 1915 that the Ottoman rulers, fearing defeat by the advancing Russian Army, launched an effort to forcefully deport the entire Armenian population from the Ottoman Empire, resulting in the deaths of tens of thousands of innocent men, women, and children.

Officials of the Ottoman government rounded up Armenians, placed them in internment camps, and then forcefully marched them out of Turkey, some to Syria and Lebanon, others east to Armenia. This campaign, lasting from 1915 to 1923, resulted in the deaths of 1.5 million Armenians. The surviving Armenians fled to Europe, the Middle East, and the United States.

Let us never forget the horrible genocide of Armenians which occurred in 1915, and let us ensure that nothing like it ever occurs again.

Mr. LEVY. Mr. Speaker, I rise today in recognition of the 78th anniversary of the Armenian genocide, which took place from 1915 to 1923.

Every April, we pause and reflect upon the events surrounding the 8-year period when over a million Armenians lost their lives at the hands of the Ottoman Empire. What makes this year so special is that, just recently, I, along with many of my colleagues, took part in the dedication ceremonies at the Holocaust Museum, here in Washington. We heard again of the atrocities committed by the Nazis and of the unforgettable accounts of a tragedy that claimed the lives of over six million Jews. What many of us fail to recognize, however, is that Hitler used the Armenian genocide as a blueprint for the Jewish Holocaust.

Mr. Speaker, the Armenian genocide is often referred to as the "first" genocide of the 20th century. That reference is indeed tragic, for if we had recognized this sentiment earlier, we may have been able to spare thousands of Armenians and Jews from the peril of oppressive and blood-thirsty rulers.

We owe to the memory of those who perished the guarantee that genocide must never happen again. Sadly, however, the daily reports from Bosnia exhibit that genocide is not a passing fad, that totalitarian regimes are once again leaving their ugly mark on the world. I call upon my colleagues to recognize this and demand strong leadership from the President and European leaders and put an end to the bloodshed in the former Yugoslavia. The decision not to act sends a message to the million Armenians who perished in the genocide that we have forgotten, that we do not remember their sacrifice.

Let us not be remembered as the world leaders who permitted yet another genocide to take place. Instead, we must recognize these crimes of man's inhumanity to man if we are ever again to prevent them. Silence in the face of genocide does nothing but encourage those who commit such atrocities in the future.

Mr. LEHMAN. Mr. Speaker, as has been mentioned several times on the floor today, Mr. MORAN, Mr. MCCANDLESS, and Mr. BILBRAY recently traveled with me to this region, and we went to Azerbaijan and visited with President Elcibey. We went to Armenia and visited with the President Ter-Petrosyan and Armenian citizens and other members of the Government. We went to Turkey from there and visited with the Prime Minister Demirel.

In a week or so we will be finished with a complete report of our visit for the House, and at that time we will present our findings here in a special order.

But at this time I want to really express my gratitude to the gentleman from Virginia, [Mr. MORAN], the gentleman from Nevada, [Mr. BILBRAY], and the gentleman from California, [Mr. MCCANDLESS], for the tremendous efforts that they put forward on our trip, which was truly an eye opener.

I think the gentleman from Massachusetts [Mr. KENNEDY], hit it right on the head when he said that though the lights were out physically in Yerevan, the light in the souls of the Armenian people was burning very, very brightly and is burning very bright today as we remember the victims of this terrible tragedy at the beginning of this century. Many of us know people who survived that suffering and who have lost so many people during it. And there are personal witnesses today to the atrocities which took place.

Today, as we open the Holocaust Museum and remember the victims of other genocides, the world must never forget what happened to the Armenians.

LEGISLATIVE REFORM

The SPEAKER pro tempore (Mr. PICKLE). Under a previous order of the House, the gentleman from Indiana, Mr. BURTON, will be recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I am very privileged at this time to yield to the great spokesman from the great State of California, the gentleman from California, Mr. DREIER.

Mr. DREIER. I thank my dear friend from Indianapolis for yielding me this time.

Mr. Speaker, I rise to join with my colleagues from Louisiana and Florida, who very eloquently have been discussing over the past several weeks the fact that one of the greatest attacks on the process of representative government has taken place since the January 5, 1993.

Back in the 95th Congress, when we looked at legislation that was moving to the floor of the House, fully 85 percent of the rules which came to the floor bringing legislation for us to consider were open, allowing for free and fair debate, and 15 percent of the rules were restricted.

□ 1730

By restrictive rules, I mean, of course, Members who represent today 600,000 Americans who were prevented from being able to stand up on the floor when they were considering legislation and offer amendments.

We have seen since that time when only 15 percent of the rules being restrictive, we look most recently at the 102d Congress when 66 percent of the rules were restrictive, preventing Members from having the opportunity to represent their constituents and stand up on the floor of the House and offer amendments.

Now as we have moved into this 103d Congress, since January 5, we have had 10 major pieces of legislation which have been considered here on the House floor, ranging from the motor-voter legislation, family planning, family and medical leave, extend unemployment benefits, a wide range of measures, every single one of them have been gag rules preventing Members from having the right to stand up and represent their constituents.

I think the important point that needs to be made here is not that Members' right are being violated, but the rights of the American people are being violated. There are literally millions and millions of Americans who are disenfranchised by virtue of the fact that their Representatives cannot stand here in the well of the House and offer an amendment. That is really what has happened.

The American people are being told very arrogantly by the majority leadership in this institution that representative government does not work, that we know better for you than the person who you elected to represent you.

Unfortunately, that has existed throughout the entire 103d Congress as we are here in mid-April.

Now, one of the things that we have done, we are so frustrated, and it is not just Republicans, it is not just minority Members, but Democrats, too, have been prevented from having the right to offer amendments. So one of the things that we have done on our side, we have established the Republican leadership task force on deliberative democracy, specifically geared toward looking at this problem.

I happen to believe, as I have said, that this is probably the greatest attack on the process of representative government that we have seen in literally decades. I cannot imagine what would be a greater attack on the process of democratic government than preventing elected Representatives from having the right to amend legislation.

There are a wide range of things that have been used to prevent us from working our will on legislation in behalf of our constituents. For example, there is something known as the 3-day layover provision on legislation. It is a very simple and basic thing that came into place, came into effect in 1970. What it says is that there should be 3 days for a committee report to be available for Members before they have to vote on legislation.

So what do we do? We consistently waive that 3-day layover measure. In fact, on 77 percent of the rules that have been considered in the 103d Congress, the 3-day layover period provision has been totally thrown out the window.

Let us look again at the history of this. In 1972 the average length of measures that were considered here on the House floor were 3.2 pages and constantly people were allowed to have 3 days to read, work with their staffs, and look at measures before they voted on them. Today the average length of measures that we consider here is 12.8 pages. So if you look at the very small number of pages that existed in the early 1970's and 3 days to consider it, and today the longer bills that we have to look at and the fact that we have in many cases virtually no time to even read these measures at all, it is again a very serious attack on the process of representative government.

Now, as I look at the constant waivers that we have on the 3-day layover provision, one must ask, would an individual embark on a major contract for the purchase of a home or an automobile or any small business person without having had the opportunity to look at it, whether that person is expert on it or a staff member or an assistant? No, of course not. And yet the Representatives in this House are consistently being told that they have to vote on measures without having the opportunity to look at those at all.

Over the past few weeks we have had very rigorous debates on the budget. One of the other things that we do consistently is that we waive the Budget Act. This debate that we went through on consideration of the budget is something that was taken very seriously on the House floor, and yet when we upstairs in the Rules Committee consider this, what happens is that we throw it out the window, meaning that there is very little meaning to what it is that we are actually doing when we are trying to pass and put into place a budget.

Then, of course, the attack on the amendment process itself. Democrats and Republicans sit in line up in the Rules Committee. My friend, the gentleman from Sanibel, FL, Mr. GOSS, and myself sit there and listen to expert witnesses who have very valid ideas, like the gentleman from Louisiana [Mr. LIVINGSTON], like the gentleman from Indiana [Mr. BURTON]. They come before our committee and they request the opportunity to consider their amendments on the floor of the House. And what happens? Consistently on party-line votes we see the leadership sit there and vote no, denying the rights of Members to even consider these ideas on the floor of the House in full view of the American public.

So I think that the goal of our task force on deliberative democracy is to let the American people know that one of the greatest attacks on representative government has taken place in the first 3½ months of 1993.

The gentleman from Florida [Mr. GOSS] and I and the gentleman from New York [Mr. SOLOMON] and the gentleman from Tennessee [Mr. QUILLEN] will work diligently to try to ensure that the rights of not only our minority Members, but the rights of Democrats are recognized so that they can in fact offer amendments on the House floor and that the arrogance of the Democrat leadership will not continue to stifle the will of the majority Membership of this House, Members on both sides of the aisle who want to have the rights of their constituents recognized.

So Mr. Speaker, I thank my friend, the gentleman from Indiana, for giving me the opportunity to share in his time and I congratulate those who want to struggle in behalf of greater democracy, of greater opportunity for the rights of their constituents to be heard here on the floor of the House.

Mr. BURTON of Indiana. Mr. Speaker, I thank my colleague, the gentleman from California, for his very valuable contribution to our leadership in the Rules Committee. He does a great job up there. Unfortunately, he and Congressman GOSS, Congressman QUILLEN and Congressman SOLOMON are vastly outnumbered up there, and as a result we do not have the kind of fairness we should have.

Mr. Speaker, I yield to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank my friend, the gentleman from Indiana, for yielding to me.

Mr. Speaker, I am pleased to address our colleagues tonight to point out as a member of the task force on deliberative democracy from the Republican conference, this topic of this special order that the gentleman has taken out is extraordinarily important, not just to me and to the gentleman from California who preceded me, and to the gentleman from Indiana and the gentleman from Florida who are here and others who have spoken on this issue, but frankly it should be a major concern to every American, because what we are talking about is the erosion of the role of the House of Representatives which has always been known as the greatest deliberative body on Earth.

□ 1740

Unfortunately that label really is in name only. It is no longer applicable. We can no longer debate the issues affecting the American people on the floor of this House unless precleared by the omnipotent Committee on Rules of the House of Representatives, which is comprised of nine Democrats and four Republicans. So, we know how they might be inclined to rule, but never before have they ruled so excessively strict as they have in the 103d Congress; and what has happened in this Congress is that the rules have virtually been changed to repress the rights of the minority to discuss issues that are of great, great importance to the people of this country.

In the House of Representatives today, playing by the rules these days usually means abusing all normal standards of fairness. It means trampling the rights, and stifling the voice, of the minority party in Congress—and, therefore, of all the millions of people represented by conservative Congressmen nationwide, be they Republican or Democrat.

Here is one example: When a voter registration bill came before the Congress earlier this year, the bill was known as the motor-voter bill or, as I called it, the auto-fraud bill, and I was convinced that a number of its provisions would have made voting fraud easier. In subcommittee I had offered

20 amendments to help reduce the potential of fraud because I wanted an opportunity to offer at least some of the most important of those amendments here on the House floor; and I was outvoted in subcommittee, and that was fair. I took 12 of those amendments to the full committee, and I was outvoted there, and that was fair. But, when I asked the Committee on Rules for the right to present those amendments here on the House floor, I was denied the right to present even the first amendment. In effect the Committee on Rules said:

> We have confected the legislation. It's good for our purposes. Take it or leave it. Vote it up or down. By the way, we've got a majority, so we're going to take it, and you do not have the chance to even address your proposed amendments on the floor of the House of Representatives.

Mr. Speaker, I never had a chance to offer those amendments. The omnipotent, omnipresent, omniprejudicial, and omnipartisan Rules Committee exercised its tyrannical tendencies and shut me out entirely. They wouldn't even let my amendments have a fair chance before the entire House membership to stand on their own and to be voted on individually.

No open hearing. No debate. No chance to improve the bill. No vote on those very well-intentioned amendments. In fact, there was no fairness in the system, and such a situation is not unusual. It goes on consistently in this House of Representatives on virtually every bill that we have voted on in the 103d Congress. The despotic majority has placed what we call a closed rule on every single major bill that has reached the House floor this year.

This means that if Republicans have any ideas whatsoever about how to improve a bill, those ideas will not even be considered in the light of day—and they do not stop at just Republicans, I might add. If any Democrats have any ideas that do not jibe with the party dictates of the conference majority, then they are out of luck, and they cannot present their ideas on the House floor.

What I would like to know is what are the Democrats afraid of? Are they afraid that their ideas and their positions will not be able to withstand public scrutiny? Do they think that Republican ideas are inherently more popular, and thus, that the only way to defeat us is to keep the American people in the dark and not allow us to discuss our views on the House floor?

The American people are too smart for that. In a series of town meetings I have held in the last several weeks in Louisiana, dozens—even hundreds—of my constituents have asked me why the Republicans were being steamrolled when we tried to offer ways to reduce the deficit.

They wanted to know why my friend, the gentleman from Indiana [Mr. BURTON], was not allowed to offer his alternative budget proposal to cut the deficit. They recognized that his alternative was very, very attractive. His proposal would have limited the growth of Government to 2 percent per year without raising taxes and would have substantially improved President Clinton's budget package.

Now I had to tell my constituents that the Committee on Rules would not allow the gentleman from Indiana [Mr. BURTON] the right to present his ideas on the floor of the House, and let me tell my colleagues that they were outraged when they heard about it.

Because of the Committee on Rules railroad job, Mr. Speaker, the American people, they found out and have understood every time we have explained it, they understood that the American people were denied any chance at being alerted to the Burton option and, thus, were denied any chance to urge their own Congressmen to exercise a vote on that option.

I hasten to add that this was not just a partisan objection on my part. My objection is supported by independent, nonpartisan expert analysts like Norman Ornstein of the American Enterprise Institute and Thomas Mann of the Brookings Institution. They testified before Congress this year that, "restrictive special rules should not become the norm" and "should be used only when absolutely necessary." They characterized the frequency of restrictive rules as, "a disturbing trend which should be rolled back."

Now those are nonpartisan, independent experts on activities of the Congress of the United States, and what they are saying is that the practice of the majority who govern the legislation of the House of Representatives has become so stifling, so overwhelmingly restrictive that the American people do not have an adequate opportunity to have their voice heard on this great deliberative body's floor.

The statistics show that unfortunately the warnings of Mr. Ornstein and Mr. Mann are not being heeded. In 1977–78, just 15 percent of all bills had restrictive debate rules. In 1991–92, that number had jumped to 66 percent. That is terrible, but even worse than that, this year the number of restricted rules has been 100 percent. That is not just terrible; it is a travesty. As a result, democracy in Congress suffers as it has never suffered before.

As bad as the problems are with the Rules Committee, they really constitute only a small part of the larger pattern of abuses of justice by the House majority leadership. This is the same leadership that allowed all the scandals to happen in the last few years: the House banking scandal, the restaurant scandal, the post office scandal. We had peole convicted for cocaine abuse. We had people who were manipulating bank funds for their own purposes.

In the wake of those scandals, the liberal leadership promised reform. What we got, though, was even more deformed than it had been before.

First, in a move uniformly criticized even by the liberal news media, the leadership forced through a rules change which lets delegates from U.S. territories to vote on the House floor. It is absurd. In one case, it means that 47,000 American Samoans, people who don't even pay full U.S. taxes, will have the same vote in Congress that my 610,000 taxpaying constituents have. That is just plain nonsensical.

The new House rules also include a rolling quorum provision which makes it even easier for committees to pass bills to the full House without having a majority of committee members even present.

The old rules allowing rampant proxy or absentee voting in committee were bad enough that I had made it a priority for change last year when I sat on a special reform task force. But instead of changing the rules to discourage absenteeism, the new rules that we have just passed encourage it.

Finally, the liberal majority passed a new rule which could be seen as a power grab for the office of the Speaker. Usually, when bills go to conference committees to iron out differences between House and the Senate versions, which iron out the differences between the versions passed by each House, the committee leaders appoint the conference members.

☐ 1750

The committee leaders appoint the conference members. Under the new rule, the Speaker can toss out a conference member for any reason and name his own replacement. This means nearly dictatorial powers in the hand of the Speaker, because anyone who does not agree with him could possibly be thrown out on his ear.

For example, if a conservative wants to protect a House amendment which limits taxes, but the Speaker wants taxes raised, the Speaker can now replace the conservative with someone who will vote against the amendment. That means less protection for every taxpayer in America, and it is not right.

Well, we could go further. Once again I want to tell my friend from Indiana, Mr. BURTON, how much I appreciate his taking the time and yielding me time so we can discuss these terribly important issues. But we could go on about other travesties of justice that occur to deprive the Members of the House of Representatives their rightful fairness and their ability to debate important issues on this floor.

But the point remains unalterable: Today the U.S. House of Representatives no longer operates as a deliberative democracy. Instead, it operates as a rubber stamp for the entrenched elite who rule the Democratic caucus and, hence, ultimately rule the entire House of Representatives, much like the Politburo used to rule the toothless Soviet Congress in the worst days of totalitarian communism.

Mr. Speaker, that is not the America I believe in. I do not think it is the America that my constituents or the constituents of every Member in this Congress believe in.

But that is the system of the House of Representatives, and it needs to be changed. It needs to be corrected. The Committee on Rules needs to be brought back into focus to carry out the functions as it was able to carry them out and guide the process of the house debates without over duly influencing the outcome and restricting and stifling the ability of Members to discuss issues of great importance to them and to the future of this country.

Mr. Speaker, we must bring deliberation back into democracy in the House of Representatives. We must make this House worthy of the country it is designed to serve. It will not be worthy again until the Committee on Rules and the leadership bring fairness back into the system and restore the right of amendment and the right of full, free, and open speech in assembly to what was known as the people's House.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. BURTON of Indiana. Mr. Speaker, I want to thank my colleague for his contribution.

Mr. Speaker, let me just say that some of this might sound like sour grapes, because we are in the minority and we do not have the House of Representatives and we do not have the Senate and we do not have the Presidency. But it is more than that.

This year President Clinton has proposed to the people of this country $402 billion in new taxes and fees; $402 billion. In addition to that, on tax day this year, on April 15, he talked about an ad valorem tax which could cost another $100 billion. So you are looking at $500 billion in new taxes and fees, which is more than double and close to triple the largest tax increase in U.S. history.

Mr. Speaker, what relevancy does that have to the discussion the gentleman from Louisiana [Mr. LIVINGSTON] was just talking about and the gentleman from California [Mr. DREIER] was talking about and which the gentleman from Florida [Mr. GOSS] and I will be talking about?

Well, we proposed alternative budgets. One of those alternative budgets the gentleman from Louisiana [Mr. LIVINGSTON] alluded to a moment ago was the 2-percent solution, which would freeze all Government spending at a growth rate of no more than 2 percent over the next 5 years and would reach a balanced budget in 7 years without a tax increase.

That would have stimulated economic growth, would not have cost any jobs, would have created jobs, and would not have taken any more money out of the pockets of taxpayers of this country.

Contrast that with President Clinton's proposal which is $402 billion right now in new taxes, plus another $100 billion or so with the ad valorem tax, and all the spending he has been talking about, with no real reduction in the deficit. What you come up with is one plan which will get there without raising your taxes, and another one which is going to get there by raising your taxes through the ceiling.

The bottom line is that the Committee on Rules upstairs, run by the tyranny of the majority, would not even allow us to debate the 2-percent solution, which would not raise your taxes. That was the straw that broke the camel's back as far as I was concerned. When they did that, when they issued that closed rule that would not allow us to even debate a budget that would get us to a balanced budget in 7 years without a tax increase, and at the same time they were ramming through President Clinton's budget proposals, we said that was enough.

That is when we started calling vote after vote and using dilatory tactics within the framework of the rules of the House to bring this place to a halt until they allowed a modicum of fairness.

Out of that came this Republican Leadership Task Force on Deliberative Democracy in the House of Representatives. This task force has come up with a policy that we are presenting to the majority which we hope will bring back comity to this House and bring the Committee on Rules into the realm of reality so we can bring open rules to the floor and bring such things as a 2-percent solution to the House.

The gentlewoman from Maryland [Mrs. BENTLEY], to whom I am going to yield, coauthored the 2-percent solution with me. She and myself and others who represent 550,000 to 600,000 people could not have our voices heard, and, hence, our constituents' voices could not be heard in this body on things very important to not only them but the entire Nation.

So that was the genesis of this problem. I want to congratulate my colleagues on the Committee on Rules for their diligence. I am talking about the Republican colleagues on the Committee on Rules, the gentleman from Florida [Mr. GOSS], the gentleman from California [Mr. DREIER], the gentleman from Tennessee [Mr. QUILLEN], and the gentleman from New York [Mr. SOLOMON], for trying to get these rules opened up so we could bring these very important issues to the floor of the House so the people's will could be expressed openly in this body.

Mr. Speaker, I think that may happen in the future. I would just like to say even though we are debating tonight the Republican leadership task force on this issue, if the majority in this House continues to use the tactics they have employed in the past, that is, bringing closed rules to the floor and thus not allowing our constituents to be properly represented and not allowing these legislative proposals we are talking about to be discussed and debated, then we will once again go back to these dilatory tactics that will bring this place to a halt and cause a lot of problems for the majority as well as the minority.

We hope that will not happen, but we want everybody to know if this does not work, we will once again return to the policies that will bring about a modicum of fairness.

Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, I want to thank my colleague for bringing all of this up on the floor today. I also want to point out that on the proposal we had, the gentleman mentioned the fact that we would get to zero deficit spending in 7 years and there would be no tax increase. I think one other important point that the gentleman did not mention is that we were cutting spending by $848 billion during that time, by having that flat freeze with just the 2 percent added on.

I think that is what people are talking about, let us cut spending. That was a very important part of it.

Mr. BURTON of Indiana. Mr. Speaker, I think the gentlewoman brought up a very valid point. The fact of the matter is President Clinton's proposals in 5 years are still going to have a deficit of around $240 billion or so, depending on who you are talking to. I think it is going to be much higher than that.

Contrast that with our proposal that would not raise any taxes, and we would have been on a plane toward a balanced budget in 7 years without a tax increase and cuts of $848 billion. I thank the gentlewoman from Maryland [Mrs. BENTLEY] for her contribution.

Mr. Speaker, I would like to yield to the gentleman from Florida [Mr. GOSS], who is a very valuable member of the Committee on Rules who does a yeoman's service for everybody in this country.

Mr. GOSS. Mr. Speaker, I thank the gentleman from Indiana for yielding and for his very much on target and stimulating comments on the subject.

Mr. Speaker, I think that the beauty of the democratic system that our Founding Fathers set up was the principle of proportionate representation. That is what is at stake here, one man, one vote. That is an idea I think we understand in this country, the idea that everybody would have a voice in the people's palace. Whether that voice was directly to the representative or indirectly to the representative is debatable. It does not make a great difference, as long as that voice was out there.

We have talked a lot about the fact that all of those voices are not being allowed to be heard. It is not only the voices, it is the issues in many cases that are not being allowed to be heard because they are shut off by the Committee on Rules. So what I would call some very meaty, timely issues that the American constituency is saying please deal with this, please talk about this, please work you will on this, and then please come to a more sensible decision than we are presently seeing with the rules that we have to live with today and the costs that we have to bear today, do that. This is what we are asking you to do, those of us who pay your salary, we the American taxpayers and constituents.

☐ 1800

And we are precluded from doing that. The things gets cut off, throttled, as it were, at the Committee on Rules level.

That is not the democratic system or the representative form of government at work doing its job.

I think that that was the idea, but I would say that the reality of the House of Representatives in 1993, that is, since the 103d Congress has been in session, that process has not worked at all.

We have heard some commentary tonight that 100 percent of the rules so far on the major legislation that we have addressed, and we have not addressed very much major legislation in this first 100 days, as we all know, but what we have addressed has all been under restrictive rule.

Now, some has been more restrictive than others and some, perhaps, lends itself to some type of restriction, to be totally fair. But the fact is that comprehensively, the conclusion is that we have been unnecessarily restrictive because of the arrogance of the majority leadership. That is an unmistakable fact, and that is why we have gone and, in good faith, trying to deal as best we can within the system, gone and created a task force, chaired by the gentleman from New York [Mr. SOLOMON], our ranking member of the Committee on Rules, that discusses what actually this decline of the deliberative democratic process entails.

Is it really there? The answer is yes. It really is there. It is happening. It is happening right now in the 103d Congress, why we have issued a report, which we will make public at a press conference at 11:30 tomorrow, and why there are some conclusions and some recommendations for some doable things in there that, if we can get the majority to agree with, will lead to, I think, some very beneficial changes in the way the Committee on Rules does its business and, therefore, the way business of the House of Representatives is done on the floor and through the wonders of modern technology made available to so many Americans in their living rooms through C-SPAN.

There are so many Americans being shut out of the process by this restrictive rules process. I have heard my colleagues, the gentleman from California [Mr. DREIER] this evening say that it was millions. In fact, we did some calculations. We think it is about 250 million so far in the 10 pieces of legislation that we have discussed, if you take a look at the 165 amendments or 163 amendments that have been suggested and the very few that we have allowed on.

If you do a process of arithmetic with that, it looks like it is fair to say that some 250 million Americans have not had their representative voice, have not had a chance to speak here.

Well, are these important subjects? The answer is, you are darn right they are important subjects. We are talking about things like the budget. We are talking about taxes. We are talking about health policy. We are talking about voting rights. We are talking about mandated employee benefits. We are talking about things that come into our mail boxes, that come across our telephone lines and our fax lines every day about which every American should have the say, if they want to, and this is the place they want to come to have that say. And that say has been systematically tred upon by, I think, the majority leadership in what I call the exercise of absolute power, the arrogant exercise of absolute power.

When you start talking about the magnitude of some of these proposals, I think that these things do very much trigger interest in America.

Let me just quickly run through a couple of the proposals that I think are perhaps of more interest than some of the others, and this is an arbitrary list. It could be one of dozens.

Proposals such as whether we should pay for new spending rather than adding additional debt to the national debt. That is our children and grandchildren. We already know that bill is at about $17,000 per man, woman, and child in the country and will go up about 50 percent to about $25,000 per man, woman, and child in the country under the Clinton administration 5-year budget, leading to a national debt of $6.2, or more, trillion by the end of 1998.

The point that the distinguished gentlewoman from Maryland made about getting at cutting spending, that is of interest. Yet proposals have been shut off.

Another proposal, whether any increase in our national debt should be tied to an ironclad balanced budget amendment or the true line-item veto. My Lord, how much time have we devoted to waltzing around with that here? We still have not gotten anywhere on it.

Our problem is, we cannot allow, it seems, the majority of the Committee on Rules will not allow the real meat of the subject to come to the floor and, consequently, all being done behind closed doors, and the American public is not being allowed to see this. And we are getting nowhere. The American public deserves to see this. These are things that have been talked about in campaigns.

These are devices or mechanisms that are well-known to the American people, and they want to know why are we not talking about them on the floor of the House. And the answer is, the Committee on Rules will not let us do it in a way that the American public is asking that we should do it.

Whether our local election supervisors should have the power to ensure that dead people, and people who are not citizens, are not allowed to vote. Surely, that gets at the essence of democracy. Yet there are amendments that were shut off, as the gentleman from Indiana well knows, in the Committee on Rules.

Whether HIV-infected immigrants, and people with full-blown AIDS in other countries, should be allowed to come and live in the United States at a time when our national health care system is already overburdened, and we are not doing anywhere near as well as we should in dealing with the AIDs problems and the HIV infection problems we already have presently, domestically in our borders in this country. Another area of great concern.

Whether we should change the current policy of restricting acknowledged homosexuals from joining the military. Whether that is a top priority or not in the Nation's business, it is certainly a top priority of discussion and was initiated by the Clinton administration as a first order of business. It has created a firestorm of what I will call commentary across our Nation, leading to inevitably some type of action, I would suppose, or at least debate in the U.S Congress. And that is an area where there is a tremendous amount of interest, and we have several times tried to make amendments in order to get that to the House floor so that the House of Representatives can join in the discussion at this point. And we have been forestalled.

Each of these issues, and many others, of course, have been shot down because it is a 9-to-4 situation in the Committee on Rules, and the minority cannot prevail. And whatever the majority wants, the majority seems to get.

So instead of being the gatekeeper for orderly legislation to come to the floor, the Committee on Rules had ended up as an enforcer for the absolute will of the majority that run the place.

I think I will make this observation. Rather than helping break gridlock, which we talk about so much here, what is happening is that the Committee on Rules has actually gone about and is locking up the right to speak in what I will call the gridlocker. We cannot get all of the things we should be talking about out of that locker. And, of course, we need to be doing it because the people we work for are asking us to.

If there is one thing Americans understand, it is fair play. And they understand blatant unfairness, and they understand that something is wrong. And we hope that our report on the decline of deliberative democracy, which we hope every Member will read, will begin to spell out what exactly is wrong. And when the unfairness that is clear becomes obvious to everybody in America, perhaps we will be able to build enough pressure to correct some of our problems.

Mr. BURTON of Indiana. I would like to ask my colleague a couple of questions here.

He serves on the Committee on Rules, and he has watched what is going on.

As has been stated before, up until just a few short years ago 85 percent of the rules were open. And then in the last Congress, it went to 66 percent of the rules were closed, where we could not propose any amendments.

Now it is 100 percent of the rules are closed.

I just wonder, in your opinion, since you have seen these proposals coming out of the White House from the Clinton administration, if this is not a move to completely gag the minority and just to ram through President Clinton's proposals with minimal debate before the American people realize what is in these proposals.

Mr. GOSS. I think that that would be a generally fair characterization. And certainly, you would have that perception, if you sat in the Committee on Rules meetings.

I, of course, cannot speak to the motives because I am not privy to the decisions that are made in the majority. But I would say that that is a fair assessment, with this clarification, that 100 percent of the rules have not actually been fully closed. They have been restrictive.

I will make only that distinction. They have been mostly closed, and they certainly have not been fully open. And as I say, there are a couple of cases where we have had amendments allowed, so that would be technically correct. So they have not been fully closed, but I think that is part of it.

There is an incredible irony there, if the gentleman will continue to yield to me.

□ 1810

That is what we heard so much. We have 110 new Members. Of course, we have all these procedures where we waive the holdover requirements, and it is very important that Members read legislation and understand what they are voting on. When we waive all those holdover requirements and ram this legislation through, as the gentleman from Indiana [Mr. BURTON] has suggested, people really do not know what we are voting on.

Quite often we say we take these issues up year after year, so we always know what we are voting on. Wrong. We have 110 new Members here, and they have not been here year after year after year to be involved in these issues, and of course, new things are happening with these issues and new points of view have come to this body, because we have 110 new Members, welcome new points of view. They should be heard on these issues, and if they are stifled, we are not getting the full measure of the benefit of the wonderful will of the House of Representatives. It is being cut short for some surrogate wisdom somewhere that has been basically usurped by a very small handful of majority leadership.

Mr. BURTON of Indiana. The gentleman from California mentioned the 3-day layover rule. I can remember in recent years when they started going to the closed rules, they would bring a 15-pound piece of legislation tied up in string and set it on that desk and expect us to vote on it within a couple of hours. The transition rules were not even in the legislation, and nobody knew what was in it, and it involved hundreds of billions of dollars, of taxpayers' dollars, that was going to be spent, and we were voting totally in the dark without any chance to review it.

We probably could not have reviewed it adequately in 3 days anyhow, but we did not even have the benefit of 3 days to have our staffs take a look at what they were trying to do. That is when all the pork and the waste and the fraud takes place in this legislation, in the waning hours of the Congress.

That is why I think it is grossly unfair, and I would like to have the gentleman comment on this briefly, it is grossly unfair for the majority to waive those rules, to bring this thing down here and to ram it through without the minority even having the right to review or to propose amendments to it.

Mr. GOSS. Obviously, it is unfair, and one of the things that our report on the decline of deliberative democracy does is not only make those editorial type comments and conclusions that the gentleman from Indiana has so well portrayed, but backs it up with facts and figures of what in fact has happened and been the documentary proof of the procedures so far in the 103d Congress with the Committee on Rules.

Of course, as the gentleman knows, the word deliberative is in the title of this task force, because this is a deliberative body. This is not a place where we rubberstamp what another executive branch wishes to do, whether it is in the same party or another party.

We do have the separation of powers, and how many times we heard the separation of powers arguments involved when we had a Republican administration in the White House. I think the same principles apply, that we do have, indeed, a separation of powers. We are not here to work for the President of the United States. We are here to work with the President of the United States and to provide counsel and wisdom and our best experience and our best advice to whatever the President's program may be, but we represent the people we work for, the people in our districts.

That is what makes democracy work, that cumulative experience of the grassroots working up through representative government with the leadership from a different branch of government, and, of course, the other branch overseeing the constitutional questions that come along inevitably as we go about our business. That is what deliberative democracy is.

If we had to take a test, if any Member of Congress had to take a test on any piece of legislation that they passed, I would be curious to see how well they would be able to do in terms of all the provisions of what is in that legislation.

My guess would be that most Members have not read every single piece of legislation that they vote on, and I think that would be safe ground. I think we do need to afford not only the time but the incentive to be better acquainted with the legislation.

I think the gentleman's point about deliberative democracy is particularly true. Perhaps one other irony I might allude to. Of these 110 new Members we have, I believe 63 are in the Majority party, and of course, they campaigned on change. How much have we heard about change?

It is sort of curious to me that the freshman Democrats seem to have fallen into lock-step behind the party mandate. We have all these party line votes now, and even though we are the ones now in the Minority party, the Republican party, trying and attempting to break through what in fact has become a total gag, and to get a chance to talk about change on the floor, we do not have the support of the Democrat freshmen that we would expect.

I think one of the points that the gentleman has properly alluded to is that our job may very well be to point out in appropriate ways where there is dissembling going on and where there is duplicity going on, so that everybody understands exactly where anybody actually is on one of these issues involving change, whether they are truly for change or whether they are just saying they are for change.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for his comments. He is obviously one of the more eloquent Members of the House. He does a great job on the Committee on Rules.

I would just like to conclude, Mr. Speaker, by saying that this Republican Leadership Task Force on Deliberative Democracy in the House is not sour grapes. I would like to say, Mr. Speaker, if I were speaking to America, that the issue is whether or not we are going to take a course, take a course of action that is going to lead to $400 billion or $500 billion in new taxes without really substantially reducing the debt and the deficit, or are we going to get control of spending in this House and balance the budget and get on with doing what the people of this country want.

We proposed a 2-percent freeze on Government spending that would get us to a balanced budget in 7 years. The Committee on Rules would not even allow us to debate that on the floor of the House. Remember what I said, Mr. Speaker, that would have balanced the budget in 7 years without any new taxes, and it would have frozen Government spending at no more than a 2-percent growth, and would have cut $848 billion in pork and waste out of Government spending. That is what the American people want.

They would not even allow us to debate it on the floor. They literally gagged the Minority so we could not even debate it, because they wanted to ram through President Clinton's proposals of $402 billion in new taxes and fees, $180-some billion in new spending.

The only cuts they were talking about were in the area of defense, and over a 5-year period, instead of balancing the budget, or a 7-year period, we were going to end up with an additional $240-some billion a year in deficit.

As the gentleman from Florida so aptly put it, instead of the debt and the deficit going down, by 1998 we would have a minimum of $6 trillion national debt. We believe, many of us believe, that that national debt by the year 1998 or 2000 is going to be between $8 trillion and $13 trillion.

If that occurs, the interest alone on the national debt will be well above half of all the tax revenues coming in. If that ever occurs, we are going to have them printing money to pay off a lot of the debt so we do not have to pay interest on it, and we could very well have hyper-inflation. We could have bread costing $20 a loaf and milk costing $200 a quart, because we do not get control of the spending problem around this place.

That is a direct result of the Committee on Rules, controlled by the Democratic majority, not allowing us to bring balanced budget amendments to this floor, line item veto amendments to this floor, budgets that will balance themselves in a 5- or 6- or seven-year period without tax increases, because they want to ram through their proposals that are age-old tax, tax, tax, spend, spend, spend, and elect, elect, elect. That is their goal. It has been in the past and it is now.

The American people. Mr. Speaker, ought to know these things. They ought to be writing to their Congressmen and Senators across this country and saying, "Eliminate these gag rules. Bring everything to the floor for a vote. Let the American people see in this body, the people's body, really what the issues are, and let them know who is voting for higher taxes, who is voting against them; who is voting for a balanced budget, who is voting against it; who is voting for line item vetoes, and who is voting against them."

Once the American people know the facts, as Abraham Lincoln said, then they are going to make the right choices. Lincoln said, "Let the people know the facts, and the country will be saved." That is just as true today as it was the day he said it.

I say to the Committee on Rules, Mr. Speaker, let us let the people know the facts. Quit keeping them in the dark. Quit gagging the minority, and let these things be debated openly and fairly on the House floor.

□ 1820

FRIENDLY ALLIES SHOULD NOT SPY

The SPEAKER pro tempore (Mr. PICKLE). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, congratulations are in order for the Knight Ridder News Service for once again exposing the threat to the United States industry from spying by our friendly ally, France. This is not the first time the news service has tried to warn the American Government and business about a serious threat to industry.

This past weekend a story, whose headline read "French Spies Target U.S. Businesses," written by Frank Greve from the Herald Washington Bureau, exposed the massive threat to United States technology by the French.

The source for the information was a memo which "was unsigned, undated and stamped Defense Confidential." It dated from mid-1989 to 1990 and arrived at the Herald Washington Bureau in a plain brown envelope and was written in French on French paper.

Frank Greve wrote about the espionage plan which targeted 49 high-technology companies, 24 financial firms, and 6 U.S. Government agencies. He also pointed out that the French "sought advance knowledge of the bargaining positions of American negotiators in trade talks involving France."

The 21-page assignment sheet was prepared by the French equivalent of the CIA according to Greve. It is considered authentic and has, according to informed American sources, been confirmed as accurate by some of our Government officials.

Twelve allied countries have targeted U.S. business. The article listed France, Japan, Italy, Taiwan, and West Germany as having stepped up spying on United States businesses since the end of the cold war.

Industries targeted by our allies are electronics, defense, and aerospace.

All types of tactics are used to get information from American business from rifling briefcases in hotels to planting moles or informers in companies.

Although the American Government has warned our allies about such illicit tactics, we still continue to suffer from spying.

The most coveted U.S. secrets are "Research, test results, production engineering and sales strategies for Boeing and McDonnell-Douglas, makers of commercial airliners. Both compete against the French-led European conglomerate Airbus Industrie."

Another industry is the advanced helicopter research by Bell Helicopters, Sikorsky and Boeing, particularly on the V-22 Osprey, which takes off like a helicopter and flies like an airplane.

Information on stealth technology is also sought at Lockheed, General Dynamics, and McDonnell Douglas.

Commercial banks, investment houses, and venture capital firms are not immune to spying. According to Mr. Greve, the French mainly wanted the names of lawyers, consultants, and financial organizations, involved in European expansion plans or joint ventures.

The reason this story is so important not only is the competitiveness that U.S. industry loses through theft of information, but also because there is a debate in the Federal Government on what role the CIA and other agencies should play to bring this spying to a halt.

Many government heads claim they cannot stop economic espionage, but we did at one time through Project Socrates at the Defense Department. When that project was closed out, it was set up privately and still functions in the private sector, telling businesses how they can stop the espionage, and when a certain kind of firm is acquired, just what will be threatened next in a business.

There is no reason for American business or the U.S. Government to tolerate this spying. We have an answer in the private sector—it is called Technology Strategic Planning in Stewart, FL.

Listen to the list of companies that are targeted—and remember this is just from one of our friendly allies—France.

They are:

Allied Signal Aerospace Co: Inertial sensors, star sensors, altitude control on global positioning system—research in military aviation, cruise missile propellants, high-altitude turbojet propellants.

Babcock & Wilcox Nuclear Power Division: Future nuclear products and services.

Ford Aerospace Corp.: Telecommunications and weather satellites.

Hughes Aircraft Co.: Telecommunications and weather satellites, particularly the HS 601 communications satellite. Inertial and measuring systems. Fiberoptics in antitank weapons. Phoenix 54 C air-to-air missile technology. Electro-optical sensors. Air-to-ground, ground-to-air, and air-to-air guidance and control systems. APG/71 combat aircraft radar technology.

Litton Industries, Itek Optical Systems Div.: Optical components and mirrors for satellites. Electronic Warfare Systems Group: New technologies for ships and aircraft.

Kearfott Guidance and Navigation Corp.: Accelerometers, inertial navigation equipment, star sensors used in the Trident II D-5 missile.

Lockheed Corp.: Advanced tactical fighter development, particularly stealth and aerodynamic research, infrared and passive sensors. C-130 and P-3 sales strategy. Problems with the C-5 cargo plane. Activities of Orab subsidiaries. Long-range, antiaircraft radar technology.

Los Alamos and Lawrence Livermore National Laboratories: Military-related research.

McDonnell Douglas Corp.: Civilian aircraft sales strategy. Production capacity and costs. Foreign partnerships. Military sales efforts in the Middle East, Asia, and Europe. Local partners. Stealth technology. Short takeoff and landing version of the F-15. Helicopter sales effort. Strategic defense initiative research. Tracking satellites. Ground surveillance tracking system. Battle management command, control, and communications system. Delta rocket launcher. Advances launch vehicle. Aerospace plane.

Tail rotor suppression technology. LHX research. C-17 developments. Advanced tactical fighters programs. F-15, AV-8 sales efforts. Marketing of detection and communications systems.

Martin-Marietta Corp.: Liquid fuel boosters for Titans 2, 3, and 4 rocket launchers, particularly the Titan 3. Pershing 2 technology. Zenith star laser. Space-based interceptor. Tethered satellites project. Space probes. Technical problems with the advanced detection and targeting system.

Development and marketing of ground-to-air missiles with vertical firing capability. Electro-optics research.

Motorola Inc.: Marketing of cellular phones in Europe. Military applications of digital signal processors. Development secure wireless communications systems for top government and corporate officials.

Northcorp Corp.: Gyrolasers. Infrared sensors for MX and Midgetman. Electro-optical sensors for guided weapons. Airborne electronic warfare technology.

Perkin-Elmer Corp.: Electro-optical systems. Mirrors for lasers.

Rockwell International Corp.: Global positioning system satellite. Scramjet engine for aerospace plane. Future shuttles. Space station energy production work package 4. Metals and composites for aerospace plane. Strategic defense initiatives. Space based interceptor. B1-B bomber problems.

Textron Inc., Bell Helicopter Subsidiary: Helicopter sales strategies. V-22 Osprey development. Sales strategy for the LHX helicopter. Marketing efforts in Africa. Cadillac Gage Subsidiary: Local licensing agreements overseas. Textron Inc.: Landing gear.

TRW: Military telecommunications satellites, particularly fleet satellite communications phase 2, defense satellite communications systems.

United Technologies Corp., Pratt and Whitney Division: Aircraft engine sales. Foreign joint ventures. Twenty space station contracts. Solid rocket propulsion systems. Scramjet for aerospace plane. Sikorsky Aircraft Division: Helicopter marketing plans.

Joint ventures, particularly efforts with Westland Aerospace Ltd., to penetrate European markets. Electromagnetic interference problems on S-70 Blackhawk helicopters. Norden Division: Guidance technology for ground-to-ground weapons.

Westinghouse Electric Corp.: New generation radar technologies. Sales strategies—local partners and joint ventures. Technology for detailing electromagneting interference. Combat plane upgrades.

The Boeing Co.: Commercial airliner sales tactics. Production capacity. Technical problems with existing aircraft. Development of future 757 and 767 models. Orbital aircraft research. Cost, production and use of new composites, resins, and alloys.

Litigation with Airbus, particularly through the General Agreement on Tariffs and Trade in Geneva. Strategic defense initiative research. Equipment for special forces. Offsets for Saudi companies in Saudi Government contracts. Priorities with European partners. Ground-to-air missile and communications research.

V-22 Osprey technology and marketing plans. Electronics in E-6A TACAMO aircraft. Space station series 1 contracts.

□ 1830

I might just point out, Mr. Speaker, that the list goes on and on, and I am going to stop at this point on the list for tonight, because I want to do this in about three different parts so the people of our country will understand what is happening, and that many of our so-called friends are doing everything they can to undermine our economy and to steal our technology, and all I can say, Mr. Speaker, is that America needs to wake up and wake up big.

A HISTORY OF BUDGET SUMMIT AGREEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DOOLITTLE] is recognized for 60 minutes.

Mr. DOOLITTLE. Mr. Speaker, I always begin these special orders when we are speaking essentially to an empty Chamber to make that point that although there are not many Members here we know that there are many who are watching C-SPAN, many members of the public who are watching C-SPAN, and we hope that the information communicated here may be of use to all of our citizens, particularly the viewers who are watching.

A number of us held town hall meetings during the district work period, and I wanted to just report back to the House what I found out at my town hall meetings. I had about six of them, and they occurred during the week leading up to Easter Sunday.

I found an overwhelmingly strong response on the part of our constituents. We had, I think, the least number of people we had was around 100, and at several of the town halls we had 120 or so and at one of them in Placerville we had over 350 people in attendance. This was a town hall specifically on the economy. Each one of them was on the economy. It was advertised as such.

People showed up and had a lot of interest, and basically I do not have my charts with me tonight, but I have had them on the floor before for special orders. I made the presentation showing kind of what has been the history of these big-budget summit agreements that we have had in the past, and we talked about 1982, 1984, 1987, 1989, and 1990. So there have been five major budget summit agreements over the decade of the 1980's including the one in 1990.

Each of those promised immediate tax increases of varying amounts, and each of them also guaranteed spending reductions. The interesting feature of each was that we always got every dime of the promised tax increases. However, we never got a single penny of the promised spending reductions.

So here we go again in 1993 with basically the same old tried and failed formula. We are once again being offered by the President, this time President Clinton, a promise of immediate tax increases staged throughout this 5-year period, and then the promise of spending reductions.

I have made this presentation again at the town hall that, based on history, you could not fail to conclude really that the pattern is likely to repeat itself once again because if you take a look at the Clinton administration budget, the tax increases are coming early, and the promised spending reductions are always in the out years, I believe, beginning in the fourth and fifth year. Also, and this was something that I think really grabbed the attention of the people who participated in our town halls, when you realize that during this Clinton plan, during the first 4 years of the 5-year plan, we are going to add another $967 billion to the cumulative national debt, almost $1 trillion, and probably by the time the numbers come in it will be well over $1 trillion, because another thing that these charts revealed, discussing previous budget summit agreements, those charts revealed that the projected deficit always ended up being worse when the numbers were finally in than what they were projecting, and sometimes it was twice as bad, and sometimes, like in this fiscal year, it ended up being three times as big as what they had projected in the 1990 budget summit agreement for fiscal year 1993.

Well, here we are in 1993, and the truth of the matter is it is going to be three times what their projection was. So this was a disturbing fact to most people that we were adding maybe $1 trillion, in round numbers, and I think it would be fair to say we are adding $1 trillion in cumulative national debt, and this is even more disturbing, because people were, I think, willing and, frankly, most people, I believe, in this country would be willing to engage in the shared sacrifice or the belt-tightening that is being talked about if we really felt that we would get a good result.

You know, they say that sacrifice is giving up something good for something better. Well, what is the result that we achieve under the Clinton 5-year economic plan using his own numbers? This is what disturbed, I think, most people deeply. It disturbs me deeply.

Using his own numbers, after the most massive tax increase in history, after all the new spending for domestic programs, using his own numbers, at the end of the fifth year, what is our annual national deficit? After all, all of this shared sacrifice, all of these tax increases, all of this new domestic spending, all of this is being done under the rubric of improving the economy and reducing the deficit.

So what is the deficit annually, using the Clinton numbers, assuming all of his proposals are enacted into law without change; what does he say the deficit is annually? In 1998, by his numbers, we will have an annual deficit of $228.5 billion. You know what that means? The next President, or Clinton himself should he be reelected, is going to have to come in, and the first item on his agenda will be this national fiscal emergency, because we have a $228.5 billion annual deficit, and we have to do something about it, folks, and we will get another proposal for the same sort of phony proposal we have had in the past that has never worked, that has always given us immediate tax hikes which came through and will give us promised spending reductions none of which has ever come true.

I guess it is time to say the emperor has no clothes. This is a phony plan for rejuvenating this country. It certainly will not reduce the deficit.

It will make matters tremendously worse, because we will have added $1 trillion to the cumulative national debt.

Mr. Speaker, I yield to the gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, I thank the gentleman very much for yielding.

I just would like to add our experiences up in Merrimack, NH, some of the town meetings, but across all the way to the coast.

Basically, first of all, I would like to congratulate the Senate again today for holding firm.

☐ 1840

That was a good vote for America and a good vote for the taxpayer, and also for our grandchildren and the kids who are not going to have to pay off that debt. And I hope they continue, and I certainly give them a great round of applause.

You know, I was able to attend about 20 town meetings—95 of them in my first session back in 1991—I have done about 20 town meetings in the last 2 months. I was lucky enough to combine and join forces with Senator PHIL GRAMM on Saturday at Merrimack, NH. We had about an hour and a half up there. We had probably about 150 people. It was kind of interesting.

We started out with pretty much of a bipartisan group. We took a straw vote at the end, and we had some eight people who were in favor of the stimulus package and the balance were against it as it is now written.

A very interesting thing is that in our town meeting we kind of talked a little bit about accountability and what this little card represents, this voting card. I asked somebody, as I do with you, "Do you happen to have a Master Card? Or a Visa or American Express?" There was always somebody in the audience who could give it to you. But the difference is that there is usually a limit on that. In other words, they had either hit their limits or there was a little left on it to go. So the risk is not as great. But the potential, representing some 550,000 to 600,000 people, with this card here it has no limit; and we were talking about accountability.

In the State of New Hampshire, for example, we talked about a State that has had some real tough times and just now coming out of it, and we are still fighting real hard to get availability of capital. We are slowly putting jobs back, although we still have an 8-percent unemployment rate.

What I am really concerned about is that I heard the President's speech on February 17, I heard him say four things which I certainly agree with: One is that we want to get our economy turned around and get a sustained rate of growth; two, we want to put people back to work; three, we want to solve our health care problems; and four, we want to live within our means.

I think it is absolutely critical that we stated those four objectives. So far, I have been a little bit disappointed in seeing the commitment by words only in terms of a plan to reduce the deficit.

What we are really seeing is a tax plan, particularly the energy tax portion of that $71 billion, that is going to really hurt New Hampshire particularly, and New England. We are working very hard to make sure people are aware of that, that it is a very regressive tax; 7½ cents tax on gasoline for those people who have to drive to work.

Everything that you have on—your shoes, your socks, all your clothes, your tie, your shirt—are all going to be affected by that Btu tax. If you look at the effect on New England, and New Hampshire in particular, $124 per person, per capita, additional taxes as a result of just the Btu tax. And there are more.

I think we have to revisit that tax. Not only are additional taxes being asked of us—you know, we are willing to sacrifice, we are willing to sacrifice if we can balance the budget. But this plan does not do that. I think we need to revisit the goals.

I think we also need to take a look at defense. If you look at what President Bush's plan was in terms of cutting back $50 billion in defense, I think that made sense. He had a plan, it took it down in a businesslike manner, but we are still going to be able to defend ourselves from any crisis that might come up around the world.

But now we are taking $127 billion out of defense to pay for additional spending; some of which I think is a good return on investment. We should look at things like prenatal care, WIC Program, the Head Start Program, and make sure that they have accountability. We ought to make sure that we make the right investments. But we should be funding those programs by cutting back unnecessary waste, programs that are no longer of any value.

Frankly, the stimulus program, there are some things in the stimulus program that should be funded; and the same thing with the $5.7 billion extension of unemployment benefits that we did about 6 weeks ago. That should have been funded as well.

So I think it is time, and certainly New Hampshire in our town meeting—the meeting that I did with Senator GRAMM came back very conclusively with, "Let's cut the spending first. Let's take a fresh look at defense, but make sure we are not gambling away the future security of our country." Also, "Let's make sure we take a look at all these tax increases and maybe put them last, not first; let's make sure we cut back a lot of that waste and inefficiency in the Government first."

That is kind of what we found out up in New Hampshire. I think that is a good sign for the country as well.

Mr. DOOLITTLE. Well, that was very similar to our experience in California. I think the point the gentleman makes is very good. This time we should begin with the Government in terms of making sacrifice. I think our citizens have made the sacrifice over the decade of the 1980's and at least on five separate occasions where we had tax hikes first and promised spending reductions. Now we are being offered the same formula. It did not work in the 1980's. I would just suggest, as the gentleman has, let us have the spending cuts first and then we will talk about any increase, any necessary increase, in tax hikes, if there be any at all, down the road.

Mr. ZELIFF. You know, when George Bush made his fatal mistake in 1990, you can see what happened. We agreed, as a Congress, then—and I was against that, as the gentleman in the well was—but we agreed to $164 billion tax increase. You see what happened to the revenue curve. The revenue curve went down. More unemployment came as a result of that fateful decision.

Now what we are doing is going twice that in terms of tax increases, and I think history will be our judge that we are going to have more unemployment and the economy is not going to grow as it should.

So I think the more that we take from the private sector and add to the public sector, it is going to hurt us in the long run. And history will be our judge.

Mr. DOOLITTLE. I have read that the Clinton economic plan could cost between 2 million and 3 million jobs in this country, amazing as that sounds.

Mr. Speaker, I yield to the gentleman from Georgia.

Mr. KINGSTON. I thank the gentleman for yielding. I wanted to jump in on this and thank the gentleman from California [Mr. DOOLITTLE] and the gentleman from New Hampshire [Mr. ZELIFF].

But getting back to the chart of the gentleman, the one on the Bush budget summit of 1990, we went back, in our office, and researched what tax increases in budget summits resulted in. It has only been since 1982 that we have had six budget summits; five of those have called for higher taxes.

Not one single one has come close to the deficit reduction level that was promised. What we did was we made a little chart and said do higher taxes decrease the deficit? The answer is "no." There is absolutely no way, whether you are a liberal, conservative, Republican, Democrat, from the North, South, East, or West, there is no way you could ever prove or show any correlation between higher taxes and lower deficits.

What I have found in our town meeting—and I had probably in the heart of the South, actually the Okefenokee swamp in Waycross, GA, where Pogo, among many others, lived—but that was in the deep South. Yet they were saying the same thing that you were hearing in New Hampshire and that you hear in California: Cut spending first. Those three words over and over again.

An interesting part, along with that, is that people were saying, "When are you two parties going to get along? When will the Democrats accept the Republicans? When will the Republicans accept the Democrats? When are you going to work for a better America?" Yet, when I told them that the President of the United States stood in the well of the House and said, "Give me your specifics," and the Republican Party, under the leadership of JOHN KASICH, offered 35 specific ideas that would not detract from his budget but enhance it with lower deficit numbers and deeper cuts, 35 amendments were rejected along a party-line vote. An 84-page deficit alternative was offered and yet voted down on a party-line vote.

When I tell them that, then they say, "I guess we know who the part of the problem is," and it is the same crowd that controlled the House for over 30 years.

Mr. ZELIFF. I have to relate a story. There was a 12-year-old in the audience on Saturday morning, a guy named Duncan Stebbins, who has a small company. Frankly, he paid $84 in income taxes this year; and 12 years old, I thought that was pretty neat. He captured the hearts of everybody in that crowd.

Basically, what he said was, "I am 12 years old, and I have a company and I am trying to create revenue, and I am happy to pay taxes. But if you keep taking away more and more of what I create and earn, what benefit is there for me to keep working like I am working at 12 years old after school?" You know, out of the mouths of babes, I mean it was amazing.

So then I went down and I asked him a couple of questions after about an hour into our town meeting. So I said, "Duncan, I am a businessman like you, and I think we can understand each other. What do you think of all this discussion on the stimulus package and the economic plan?" And he said, "It is pretty confusing." I said, "Well, I have to agree it is.

"Well, let's put the numbers down, let's just call it $300 a year. Let's say you have a projection for the next 5 years in your little business, which happens to be running in the black. Let's make sure it stays that way, but God forbid, let's just say it is $300 a year over the next 5 years, $300 a year in debt, that is going to accumulate to $1,500 at the end of those 5 years.

□ 1850

"Now, what would you do right now? If you had just set up a plan, would you be spending a lot more money right now or would you be maybe cutting back on some expenses? What would you do? What would your priorities be?"

Well, he said, "I wouldn't have any choice. I would have to cut back my expenses first."

And I said, "Well, you know what kind of climate we are in. Do we raise prices now, or raise taxes in a small business? Would it be a good time to raise taxes?"

His answer came back again, "It wouldn't be a good time to raise prices, either, because frankly we have a delicate economy down there and the more my taxes are raised, the less I am going to sell."

So out of the mouths of babes come gems. We are talking about the same thing relative to lots more billions of dollars in the economy on a national basis; but I thought he had a way of just kind of bringing that right down to focus pretty well.

Mr. KINGSTON. If the gentleman will yield further, absolutely. I had a similar experience. It is amazing how these thing happen. But an 8-year-old, a young fellow named Buck Moon came up to me. It was the last question in our town meeting. We said, "OK, we have time for one more question." Nobody came up, and this young fellow, Buck Moon, walked up and said, "Sir, I want to know why my parents' tax dollars have to pay for the sickle fin chub fish."

And I said, "Buck, if you find out, you will probably find out about the same time I do, because there are a lot of Members of Congress who want to know why your tax dollars are going to catalogue an atlas for sickle fin chub. We have never heard of that fish in our part of the country."

I think he was hitting the nail on the head. Folks are tired of pork barrel spending. The $28 million for the city of Washington, DC, to pay part of their debt, and $23 million for Fortune 500 companies to learn how to be more energy efficient, as if the Ford Motor Co.

needs the EPA to tell them when to turn off a light bulb. The sum of $1,400,000 to draw pictures of statues, $3 million for a pool and a gymnasium, $5 million for a beachfront parking lot. It just goes on and on.

I think the point that Buck Moon was making is that this is not what the Government is supposed to be doing with my tax dollars and my daddy's and my mommy's tax dollars.

But as the gentleman said, gems of wisdom come out of the mouths of babes, and that was an example of it.

Mr. ZELIFF. Mr. Speaker, if the gentleman will yield further, I think the sooner we can all in the Congress here, and I know the gentleman does it for California, we need to somehow think as we press that button and we vote yea or nay on new taxes and new programs, I kind of think of Peter Kelly, who was my head selectman up in my little town of Jackson, population 642. He is a logger.

How many more cords of wood does Peter have to cut in order just to stay even? Just take the energy tax. In order to stay even with the energy tax, how many cords of wood?

Or back in Manchester at the Merrimac Restaurant on Elm Street or the Back Room Restaurant, how many more meals do they have to serve in order to stay even with just the energy tax?

I think the more we start to do that, the better off we are going to be in terms of putting in sensible taxes.

As a very last resort, you look at taxes, but we have so much misuse and waste of resources here that that is a place where we really need to start. I think it is irresponsible for us not to do that.

Mr. DOOLITTLE. Well, Mr. Speaker, I think the gentleman makes a good observation. I guess we are in a weak economic recovery, except in California where it is still in a recession.

It is inescapable to me that if we have this kind of a hike in taxes, we will end the recovery and head back into the recession. We cannot afford to do that.

Our people are hard pressed. You talk to just about anybody, unless they truly are wealthy, they may be making decent salaries, couples who are sort of upwardly mobile, but even they do not feel exempt from the economic pressures. They are hard pressed. They have big mortgage payments, car payments. They are not flush with money.

There are people on retirement who have basically fixed incomes who have seen their income drop due to the drop in interest rates, for example. Now the Clinton administration is going to increase from 50 percent to 85 percent the taxation on their Social Security benefits.

Americans are hurting. People ask, "What is going to happen to my children and my grandchildren? What is going to happen to my own family?" It is a legitimate question to ask.

In California now not only are we saddled with a recession, and that seems destined to go on for at least a couple more years, now we are faced with defense cutbacks. We have seen jobs lost by the tens of thousands now, and then we are having the base closures proposed, and of course, we are 11 percent of the entire country, so we are dragging the whole country down in effect by what is going on.

I think the only way to reverse this is to get a handle on excessive Government spending and to do what we can through tax cuts to stimulate new investment in job-creating enterprises.

I will give the President credit for that. He has proposed, albeit I think in too narrow a fashion, but he has proposed modification of the capital gains tax. I hope that we can make that more significant, because I think that will do more to create good jobs and improve people's lot than any other thing that has been proposed.

Mr. ZELIFF. Mr. Speaker, if the gentleman will yield further, I have a bill that I tried for over 2 years to put in, H.R. 2359, the investment and capital gains reduction bill. I think, frankly, if we would stick to incentives to take risks, to get entrepreneurs to put risks out there, to be able to invest in the future of their companies, expand their companies, ultimately they will hire more people. That is the way to create more jobs. You are not going to create jobs by painting town halls and doing the kinds of things that are listed in this stimulus package.

I just think he is on the right track with the idea of the investment tax credit and modified capital gains, but we ought to open that up. I do not know what we are afraid of.

Another thing is that I believe when it comes to base closures, I have a bill in on enterprise zones. Put an enterprise zone on a base that has been closed and let the private sector supply the money in terms of economic impact aid and stuff like that.

Why does the Government keep having to bail us out all the time? Why can we not put private sector initiatives in place that will create private sector investments?

I think we would blow the doors off a place like peas if we have enterprise zones. Why are we waiting? It is a great idea.

Again I applaud the President looking at it. It is an idea we have talked about.

When America wants change, I think America wants these kinds of positive changes. They want a capital gains reduction to free up capital. They want investment tax credits that are going to put jobs out there. I think investment tax credit is the best single thing we can possibly do to create jobs. But I do not think they want 600 pages of spending programs to create change. I think that is an important issue as well.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield further, the thing I have heard over and over again, along with investment tax credit and capital gains cuts, is less regulation. The businesses that I have talked to in my district, and I know they are the same as in the gentleman's district, they do not wake up in the morning worrying about what new program the Government might pass to help them. They worry about what the Government is going to do to them. They say, "We have had enough. We don't want Uncle Sam as our business partner. We just want a good environment to do business in and we will give the consumers the best products at the best prices available. We are not afraid of foreign competition or American competition. Just get Uncle Sam out of our way."

Along that line, businesses have been hit hard by this package, 34- to 36-percent increase in corporate rates, less deductions for entertainment, the CEO high salary tax penalty and the Btu tax in Georgia is going to cost our businesses an average 6 percent across the board.

Now, that is not if you have a law firm or an accounting office, but if you are in manufacturing or farming or you have a lot of energy you are using, it might be as much as 10 percent, and that is a tremendous tax. All these things are going to be passed on to that middle-class taxpayer in the form of higher goods and services, that middle class person who was promised by this President a tax cut, and instead they are going to get hit indirectly by business taxes and directly from the Btu tax and a change in their own tax rates.

Mr. ZELIFF. Mr. Speaker, if the gentleman will yield further, I had the pleasure of going up to Wilmington, DE, and speaking. I spent 17 years at the Dupont Co. prior to 1976. I had a chance to visit with the top management, Ed Willard, the chairman of the board.

□ 1900

Over dinner, Mr. Speaker, after we had our meeting, I asked, "Mr. Chairman, what effect does the changing corporate income tax rates, plus the energy tax have," and of course Dupont is a worldwide company that is involved. The cost of energy is very evident in most of their products. "What effect would it have on your business? What effect would it have on employment?"

And frankly he said, "You know, it puts us in a tough situation, but basically it puts us in a position that we're going to have to cut back product programs and people because in order to compete worldwide we're not going to be able to just raise prices."

My colleagues can see that the only people that can raise prices seem to be the Federal Government. Everybody else is in an uncertain economy where competition rules the roost, and there is a case again where they cannot raise their prices. They have to manage their businesses by cutting back waste or cutting back expenses. In this case it is going to affect unemployment and put more people out of work.

So, my colleagues, I think that somehow we have to revisit going back to the four goals of the President's plan as he described here on February 17: turn our economy around, a sustained rate of growth, put people back to work, solve the health care problem and live within our means.

Mr. Speaker, if it does not do that, then it is a bad idea.

Mr. KINGSTON. Absolutely. If the gentleman would yield, the message I got is very clear along those lines.

One other thing we have not discussed that our folks are asking is what does the budget do for health care. We are going to get hit with this $250 billion tax increase. Is that going to take care of my health care problem?

Mr. Speaker, when I said, "No, there was no provision for health care in that budget," they are saying, "Well, what's the big tax increase for," and, when I tell them that the likelihood is that another tax increase is going to come on the middle class in the very near future, probably in this fiscal year, they were shocked, and they are saying, "No health care provision?" and we are seeing it. It is a big burden on them already, but the health care, there was not one dime of this that was earmarked for health care reform.

Mr. Speaker, that was very disturbing for the folks back home.

Mr. DOOLITTLE. Mr. Speaker, if I might jump in here, in the last week we have heard the President's own lips now: a value added tax to pay for health care on top of this broad based energy tax, which is kind of like a value added tax in the way it works. So that would be, as my colleagues know, two highly regressive taxes levied.

And then today we read in the paper that Mrs. Clinton has floated the idea on top of these other taxes, that we may be levying a tax on the value of one's health care benefits. In other words, they figure out how much one gets in health care, which is roughly for a family about $4,000 a year, I believe, or $4,500 a year, and then they will treat that as if it were part of their income, and, whichever bracket one falls into, then they will pay taxes on that additional so-called $4,500 of income.

So, I mean it really, if it were not so serious, it would be funny. It is just amazing how many new taxes are pouring out of these folks, and they have not even reached their first 100 days yet, and the promise was that they were not going to tax the middle class. Indeed they were going to relieve the tax burden on the middle class.

Well, I know we have someone following this special order, someone following us. I appreciate the gentleman from New Hampshire [Mr. ZELIFF] and the gentleman from Georgia [Mr. KINGSTON] participating tonight. There will be further discussion of the issue of regulation coming up, which is an equal, if not greater, drag on the economy, even than the enormous problem of the deficit and the cumulative debt, and its is something that needs to be discussed thoroughly, and we need to work to develop a majority approach that would be effective to dealing with that and addressing that problem.

LESSONS WE CAN LEARN FROM RUSSIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I am going to talk on renewing America, lessons we can learn from Russia. My colleagues may remember that back on January 25 I talked about renewing American civilization and the importance of confronting how badly we need to renew our own country and to look at the problems we face, problems in the economy, problems in our school systems, problems in health, challenges on crime and drugs, and that in fact America itself is at stake. I suggested that we cannot maintain a civilization with 12-year-olds having children, 15-year-olds killing each other, 17-year-olds getting AIDS, and 18-year olds getting diplomas they cannot read and that we have to in very basic, fundamental ways renew America if, in fact, we are going to be able to give our children and grandchildren a truly civilized country.

Recently, thanks to the gentleman from Missouri [Mr. GEPHARDT], the Democrat majority leader, and the gentleman from Illinois [Mr. MICHEL], the Republican leader, I was able to go on a trip with them to Ukraine in Russia. It was an amazing experience: 7 days seeing a dramatic scale of change. And yet when I was done with the trip, I was most impressed with lessons I thought we could learn here at home, lessons about change in Russia that can be applied here in America, and it occurred to me that, beyond telling them what to do, that we should watch them, watch their courage, watch their willingness to go through so much and recognize that maybe we Americans should be a little humble, and maybe we should respect two nations, Ukraine and Russia, which are going through so incredibly much.

In the case of Ukraine, Mr. Speaker, for the first time in over 700 years, almost 750 years, there is a chance for real freedom. There was a very brief period of freedom right after the Russian Revolution of 1917, and it did not last long, but now the Ukrainians have the possibility, the dream, that they can be free.

There are tremendous changes in the Ukraine. They are no longer a part of the Soviet Union. There has been a change in the flag, a change in the military, a change in the economic structure, a change in the political structure.

And, Mr. Speaker, when one moves north, to Russia, they find a similar scale of change. They find a people that I have been carrying and showing back home in Georgia where I have been visiting high schools and sharing with the young people in the high schools this 5 ruble note which I brought back home, and, interestingly, right up by the 5 it has CCCP which is in the Cryilic alphabet U.S.S.R. or Soviet Union. I say to my colleagues, when you realize that the new notes say "Bank of Russia" and no longer say "U.S.S.R." it begins to give you a flavor for change when you know that the new higher denomination notes no longer have Lenin's picture on them.

In fact, Mr. Speaker, I was walking through at one point, and the gentleman from Illinois [Mr. MICHEL] pointed to an area where on his previous visits there had been a huge portrait of Lenin lecturing, I believe, to the workers and the sailors during the revolution, and that portrait was up there, someone told me who had seen it on television, as recently as President Bush's visit which, I believe, was in early January. This was in the Kremlin. Now that has been replaced by a 19th century painting of Russia, a more traditional painting of pre-Communist painting.

I walked in Moscow to what used to be Zherzinsky Square. Felix Zherzinsky was the founder of the secret police, then called the Cheka, later called the KGB, and in that process we had the remarkable experience that, first of all, it is no longer Zherzinsky Square because Zherzinsky's statue is gone. It is now down by Gorki Park made famous by the mystery novel of the same name, and it is there almost as a tourist attraction.

So, the square had changed. The KGB headquarters had changed. A few blocks down the street the Communist Party headquarters that used to run the Soviet empire was now just a political party. In fact, so many streets and squares had changed their names that many Russians were finding it hard to get around town because they kept trying to go to a street that no longer existed, and somebody would say, "Meet me at the new street," and they had to say, "Oh, you mean the old street," and they would have to talk out what was going on.

It is a remarkable period of change. The flag has changed back to the classic Russian flag, no longer the hammer and sickle on a red flag. The name has changed. No longer is it the Soviet Union, but now Russia. The scale had changed. No longer Eastern Europe, the Baltics, Ukraine, Kerzatskan, and all the outlying areas, but instead pulling back to Russia itself.

□ 1910

The government had changed. No longer the head of the Communist Party, but instead the President, freely elected, of Russia. And the structure of the economy was in the process of changing. Marvelous stories.

The head of McDonald's mentioned that in order to get McDonald's an area of land that they could build the first McDonald's in Russia on, and it is the largest McDonald's in the world, serving over 30,000 people a day. It has 27 cash registers, it employs 1,860 Russians, led by a Russian woman named Olga who has been trained to be a franchise manager for McDonald's. It is a marvelous facility.

In order to have a land register, which they had not had in 70 years since the Revolution, they actually xeroxed part of the Fulton County, GA, land register and sent it over so that the McDonald's head could give it to the Moscow city government to see what a land register looked like. That is the scale of change.

The head of the Coca-Cola facility of Coca-Cola in Russia, a brilliant young man, 29 years old named Craig Cohan who had been really working very diligently to create a free enterprise environment and to share one of America's most famous products at a modest profit with as many people as possible, told us this wonderful story, that they wanted to have a sidewalk, what is called a kiosk, which would be a little stand here, they wanted a stand that was shaped like a Coca-Cola can and wanted it to be large enough to have people inside and to have refrigerated equipment so in the summer they could sell Coke.

The can happens to be exactly the same size as an SS–20 missile and is now being built for them by the SS–20 military factory, which is in the process of conversion because they are no longer building SS–20s.

They wanted panels to put up, metal panels to put up that would last, that said Coca-Cola, and the MiG–29 factory called and said, "We can build the panels." So MiG–29 factory workers are now making Coca-Cola panels to help them advertise.

Again and again and again a scale of change we can hardly imagine, a level of courage that we have to recognize. So I want to suggest, first of all, that we Americans have to respect and have to recognize what an enormous human risk the people of Russia are taking, and we have to ask ourselves, if they are this prepared to change their country, how much are we prepared to change our country?

When you realize, for example, that in the length of time it took for three Americans to be killed in Somalia, and each of them was a national story, 48 Americans were killed in the District of Columbia. Sixteen Americans were killed in our national capital for every American killed in Somalia during that period. You recognize obviously that we need changes in the United States.

When you recognize that one-third of the high schools in Chicago rank in the bottom 1 percent in college scores, one-third of them, you recognize how much we need change in America.

When you look at the impact of three and four generations of welfare, whether it is in West Virginia or in Checkwood Homes in Atlanta, you recognize how much we need change.

I would start by saying the No. 1 lesson I brought back from Russia was our need to be prepared to change boldly and dramatically and with courage. The Russians are going through an 85-percent drop in military procurement. They are shrinking their military from 5 million to 1,500,000.

We were told that just to house the officers' families and the senior noncommissioned officers' families who will come back from the empire, who will return to Russia, they need 350,000 housing units for officers and their families, and 100,000 units for senior noncoms.

The forces coming back from East Germany alone are about the size of the entire U.S. Army. That is the scale of change which is breathtaking, bold, revolutionary, and we need to do more than applaud it.

If Russians who have lived for 70 years under communism can be expected to learn market incentives, privatization, decentralization, free markets, private property, then why cannot Americans in Baltimore, New York, Detroit, Philadelphia, Atlanta, also be asked to learn?

If they can privatize their apartments in Moscow, why can we not find a way to privatize public housing in America?

If they can find a way to encourage people to shift from working for a bureaucracy that is very, very inefficient to working in a free market economy, why can we not find a way to take welfare and turn it into a work requirement and encourage everyone in America to actually earn a living and create an environment where everyone goes to work?

It was fascinating. We went in Nizhni Novgorod, again an example of change, a city 200 miles east of Moscow that used to be called Gorky, which was closed to all Americans. It has now taken back its older name of Nizhni Novgorod and it has dramatically privatized. It is sort of the Silicon Valley of Russia.

The reason it was closed historically was it was the center of electronics and physics research. It is the city that Andre Sakharov was exiled to.

A tremendous scale of change there. They auctioned off virtually all the trucks in the city and created private trucking firms. They are auctioning off businesses in the city on a regular basis. They gave all of the citizens of the city 10,000 ruble vouchers that they could come in and use to buy stock in a company. They could pick the company to invest in.

The day we were there we went to their auction house and looked at their insipient stock exchange. We interviewed every day working Russians who had shown up to apply to buy stock with their 10,000 ruble vouchers.

They were in the process of genuinely privatizing on a scale that we in America could hardly imagine, something which if it were done in New York City would dramatically change the entire culture and environment of the most bureaucratic city in America.

As we watched this happening, we went and visited what used to be the Lenin radar factory, 30,000 employees. They showed us the radar they had designed, the long wave radar designed to defeat the B–2, or to find the B–2, and allowed us to go through it. They offered to sell it to us for $10 million in hard currency and told us that they are in the process of making the transition of 30,000 workers away from military procurement for the Ministry of Defense, toward the free market.

They showed us television sets, they showed us coffeepots, they showed us a range of goods they were now creating which they were having to learn to market.

Now, that is a scale of change which we looked at, we applauded, we supported.

But my first point would be that if the Russian people can be expected to have that much change, if they can be expected to learn that many new things, if they can be expected to be that effective, then we Americans have an obligation to replace our welfare state.

If their centralized bureaucratic command system is wrong, then so is the Health Care Financing Administration. If their redtape-ridden central bureaucracy is wrong, then so is much of the Food and Drug Administration.

If in fact the things we tell them we were to apply to ourselves, we would this year pass dramatic change.

As it is, the Russians are rushing into dramatic change. We are frankly, if anything, tippy-toeing in the wrong direction and doing the wrong thing.

So my first report back is on sheer courage, which I admire in the Ukrainian and Russian people, and which I believe the American people should ask of their political leadership.

The second striking thing I thought was the constant repetition of two goals. When you would ask Ukrainians and Russians what do you want, what kind of future do you want, they would say, "We want to live in a normal country and we want to be civilized."

Now, these are very delicate words. Russia is a great civilization. It is important to remember that Kiev was a very, very important city many hundreds of years before Washington was founded. It is important to remember that the people of St. Petersburg were already actively living in their city almost 80 years before Washington became a city. It is important to remember that there is a long and rich and vital Russian culture and Russian civilization.

But what they meant by the words "normal" and "civilized" were something remarkably like an America without violent crime. They meant the rule of law, private property, contract rights, incentives, the right to dream, the right to work hard, the right to create a better future. They meant the kind of opportunities and the kind of neighborly relationships and the kind of teamwork which at our best Americans take for granted, and which we are tragically losing as our civilization decays.

I was very struck with how wise the Founding Fathers were and how much the basic desires of humans, whether it is in Japan or Italy, whether it is in Brazil or Germany, whether it is in Russia or America, the basic desire of humans, the right to own property, the right to work hard and keep what you have earned, the right to have controls over your life and to choose what is going to happen to you, the right to speak out, the right to have free elections, the right to take an argument to a court that you trust you will get justice and not some political decision. That all of those things join us together and we should be more aggressive and tougher minded in insisting that America be normal and be civilized.

Anyone, by the way, I would just say to my colleagues, that anyone who doubts what I am talking about, watch any major city's local news for 3 nights. If you think the local news of New York or Atlanta, of Washington or of Los Angeles, the bloodshed, the rapes, the armed robberies, the murders, if you think that is normal and civilized, we need to have a long talk about what you think would be abnormal and uncivilized.

□ 1920

The fact is, we have allowed a level of decay in American civilization which risks making us abnormal and uncivilized, and we have an obligation to go back and to reestablish what are the rules of American civilization. What do you have to learn to truly be American. What are the basic habits of obeying the law, the work ethnic, the willingness to honor the other person's free speech and to have your own right to free speech, the importance of the secret ballot and of elections. What are the key principles that every American should be required to learn, and what should the Government do to reestablish a normal and a civilized world, because we in America want that fully as much as the Russians. And both we and the Russians want the right to pursue happiness.

And our civilization, of course, has taught us, from the Founding Fathers on, that we are endowed by our Creator with certain unalienable rights.

I would suggest that for the people killed, the 48 people killed in the District of Columbia, they lost all their constitutional rights. They had lost everything their creator endowed them with. They lost the dream of a future, and that those people deserve a Government strong enough and a country committed enough to be normal and civilized that they could today be pursuing happiness.

So second, in addition to courage, I would argue that we need to focus honestly and courageously on the need to be normal and to be civilized and to insist on it.

The third point I would make is about economics. What works? It is a large, centralized bureaucracy with centralized planning, with college graduates who are taken into rooms in the National Capital, who work on computers and design 5-year plans? Is that the best way to run an economy?

Or is it better to have market incentives and decentralization and privatization and free enterprise?

I must say, I found one of the most fascinating experiences in the whole trip was realizing that we are preaching one thing to President Yeltsin and the Russians and practicing another in Washington, that in Russia we are saying, "You need less bureaucracy, you need less redtape, you need more incentives, you need more privatization, you need more decentralization, get power out of Moscow back to the local communities, get power away from the bureaucracy back to the marketplace, have the marketplace set prices and set incentives."

I could not help at one point but think with all the talk in Washington about wage and price controls, maybe there is a Rutskoy Wing of American politics and maybe all the people who we say are bad in Russia, when they talk about not having a market, Rutskoy is the Vice President of Russia and somebody who has talked about reestablishing wage and price controls, if wage and price controls are wrong in Russia, then they are wrong in American health care. If wage and price controls do not work in Russia, they will not work here either.

If, in fact, we want to go to a decentralized, privatized market-incentive oriented system, then we, frankly, should abolish the Health Care Financing Administration, rethink the whole process of health care from the ground up, and go to a system dramatically more in favor of the individual and the family and the right of choice and the right to have access based on your personal interest with your personal insurance dealing with your personal doctor. A totally different model than the ones you hear about in Washington, DC.

In fact, ironically, the worst examples of redtape we ran into, both in Ukraine and in Russia, as redtape involving the United States International AID Program.

The Agency for International Development was consistently a disaster; it was as bad as anything in the Russian bureaucracy. Place after place after place in Moscow, in Kiev, in Nizhni Novgorod, in St. Petersburg, we ran into examples of State Department bureaucracy and AID bureaucracy that were so slow, so unresponsive, so ridiculous that it was an embarrassment to America. And it was destructive of freedom. And it is clear that of the money we have, in fact, allocated already, a very large amount of it is simply tied up in the redtape and in the bureaucracy of the American Government.

And in a very real way, we are our own worst enemies. This is not just a problem with international aid.

I noticed in the Wall Street Journal, in an article on Housing and Urban Development, where I know that Secretary Cisneros is a very sincere and a very intense person, who genuinely wants to continue to build on the things that Jack Kemp did when he was at HUD and who genuinely wants to revitalize the inner city, this is a paragraph from the Wall Street Journal article, talking about the problems of the Department of Housing and Urban Development, again, as an example of how much we are failing to listen to what we tell the Russians:

> Adding to difficulties is that HUD for years has been "a garbage heap" for political incompetents, says Roger Wilkins, a professor of history at George Mason University. A demoralized work force, whose numbers have fallen to 13,500 from 17,000 a decade ago, is struggling to keep things going. In a devastating portrait of the agency, the Clinton transition team on HUD warned that "a long-term pattern of fundamental systematic mismanagement . . . threatens the provision of vital services to millions" of Americans. The HUD team was headed by Andrew Cuomo, the son of New York Gov. Mario Cuomo and now an assistant secretary-designate at the department.

Let me say now, at the beginning of the Clinton administration, that the advice I would give to President Clinton and his team is to be as bold in redesigning HUD and redesigning the Department of Agriculture and redesigning the Department of Labor and redesigning the Department of Health and Human Services, to be as bold as we hope the Russians will be in redesigning their economy, to recognize that the American command bureaucracy, the American centralized capital, the American system of having Government civil servants massively dealing with tons of redtape is in its own way as ineffective, as destructive, as expensive as anything we complain about in Moscow, and that if market incentives and decentralization and privatization encouraging individuals, encouraging the private sector, if that is good for Russia, then it is good for the United States, and that we ought to bring back home the lessons that many Americans are learning.

When we were in Nizhni Novgorod, there are over 40 American technical advisers. I turned to one very bright young woman who was there, who worked as an adviser on privatization.

I asked her whether she, when she got done, would she come back home to Washington and help us apply to our major cities the lessons she was learning in Russia.

She said, yes, and she said she was absolutely convinced that if we had the courage and the imagination to apply it here that we would, in fact, be able to dramatically change in remarkably short time, not 10 years, not 20 years, but instead 10 months or 20 months, to change things dramatically.

I just suggest to you, imagine, if you will, taking, whether it is the West Virginia welfare system, which is the worst State system in the country, or whether it is the District of Columbia or New York or Atlanta, if we were to try to have the same scale of change in the structure of Government, the same reduction in bureaucracy, the same privatization and decentralization, the same establishment of market incentives that we are watching happen in Russia or watching happen in Ukraine, how dramatically different would our cities be 2 years from now.

I think the answer is obvious. They would be remarkably healthier, remarkably better and well worth our paying the time and the attention to do.

My fourth point, after courage, the need to be normal and civilized, and the importance of the right economic pattern, my fourth point would be that inflation is frightening and it matters. This 5 ruble note I was talking about was worth about $7 3 years ago. It is worth half a penny today. From $7 to half a penny.

They have inflation at 1 percent a day.

We talk about 2, 3, 4 percent a year. Under President Carter it reached its post-war peak of 13 percent. And we thought it was terrible. We thought the wheels were going to come apart. We had a 21-percent interest rate, and we thought, how can we survive it. One percent a day. It went from about 720 rubles to the dollar the first day we were there to 7.28 the next, to almost 760 by the time we left.

□ 1930

You literally, if you went shopping, they would check for that day's price in converting U.S. dollars, because the difference was that dramatic.

I would suggest that the scale of inflation we are seeing in Russia should be a warning to us about our own debt, should be a warning to us about the need to make sure that we are able to have a stable dollar, should be a reminder that the interest rates, which in the last year have begun to return toward a normal level, have in fact for over 20 years been artificially high because of the threat of inflation.

The Russian experience of inflation—and inflation robs everybody; it robs every property holder, it robs every person who saves, it robs every senior citizen, and in Russia the people who have been hurt the most are the retired and the older citizens who are living on a fixed income and who do not have their income going up at the rate of inflation.

In those settings we have an obligation, I think, to remember that balancing the budget, paying down the debt, not charging to our children and grandchildren an enormous deficit, not having a huge interest payment, that those are not just lessons for Russia, those are lessons for America.

Our drawing the line now, particularly as the baby boomers become more mature, as they begin to plan for their retirement in 20 years, that it is very, very important that we take the lesson of inflation and what it is doing to Russia and we make sure that America moves toward a stable dollar and moves toward a sound currency with lower interest rates, so when people do save they know it is real money and when people prepare for their retirement they know that it is real.

The fifth thing I learned after courage, being normal and civilized, going to market incentives in the economy, and the importance of stopping inflation, the fifth thing was one, frankly, I had no idea I would learn, and it was one which was purely an accident.

We were in Nizhni Novgorod, a fabulous city on the Volga River in early April. It was still chilly. There were huge icefloes. As a Georgian, we had about 4 inches of snow once this year which stopped Atlanta for 2 days, and we were here in a city where there were literally 30-foot-long icefloes going down the river. The Volga is about the size of the Mississippi at St. Louis.

For lunch we went to the American Restaurant. It was fascinating, and I was intrigued by it. We came in and Neil Diamond was on the tape recorder singing "Coming to America." There was a huge American flag on the wall, and they served southern fried chicken, which as a Georgian I appreciated.

Then I got to talk to the owners. The fifth point I would make would be on being American. The owners were wonderful. They were from Houston, TX. I talked with their daughter today to get the story down straight and to make sure I understood all of it. It was fabulous.

Let me tell the Members briefly about them, because it illustrates the point I made back on January 25 about renewing American civilization and what a remarkable country America is and how in so many ways we may be the first universal nation that draws people together and has people work together and live together in a way which we are being reminded so tragically in Bosnia is not as common as we wish it was.

The couple were Victor and Mary Khoury, and this is their story. Mary Khoury was born in Jerusalem. She grew up in Kuwait. She married a man of Greek descent. They had four children. They came to Houston, TX to seek their fortune. They found their fortune. She ended up getting divorced.

She then found a man who was an entrepreneur in Houston and who was successful, and she married him. Victor, however, was born in Amman, Jordan, went to school in England, and then came to America. They were married. They have four children.

I talked today with their daughter, and I hope I get her name right, Neusha Petro, a lovely young lady, on the phone. There are two daughters and two sons. The older daughter has graduated from the University of Houston in business, the younger daughter is going to graduate this spring from Southern Methodist University.

They have an older son who is in the U.S. Army. In fact, he was a tank commander, when I talked to his mom, but he is now at the Ranger camp in Georgia, and they have a younger son in college at St. Stephens in Austin, TX.

It was fascinating to me, because here they were serving a Tex-Mex Middle Eastern menu in the middle of Russia, 200 miles east of Moscow, in an American restaurant, and they were totally American. While they may have grown up in the Middle East, they had absorbed the essence of the American culture. They were optimistic, they were open, they were hard-working, they were entrepreneurial, they believed in creating a better future.

They went to Russia seeking an even more interesting career than the one they had already had in Texas. They went initially to help advise on a hospital, found an opportunity to open a restaurant, had never run a restaurant before, and now were running such a successful restaurant that they employed quite a number of Russians.

They were teaching everybody around them the free enterprise system and the idea that you can dream, you can pursue happiness, you can seek opportunities, you can have incentives.

They are building a genuine team. Mary Khoury was telling me that when they have their anniversary, they have it with the staff at the restaurant. They treat the restaurant staff as their family. She on occasion bakes cakes and tries to do things to build morale and to maintain a sense of togetherness, the kinds of things that Dr. Edwards Deming, with his emphasis on quality, would appreciate so much.

It just drove home to me what a unique thing it is to be American, not to be defined by your race, not defined by your birthplace, not defined by your religion.

Being American is defined by an attitude and a set of principles and a way of life and a style and an approach that is open and that says, "We can do it together. We can build a better future, we can create a more powerful opportunity, we can leave our children better off. Together we can work, we can create, we can invent, we can get the job done."

The Khourys are absolutely, totally as American as apple pie. The restaurant is a wonderful place. I hope any of my colleagues or anyone else who happens to read or to listen to this will themselves, should they ever get to Nizhni Novgorod, go to that wonderful hill looking out over the Volga and have at least a brief meal, some wonderful food. It is the only Tex-Mex Middle Eastern restaurant in that part of Russia, and it is a remarkable place.

What it reminded me of was how remarkable all of America is, how precious our country is, how much we take it for granted, how easily we have been allowing it to decay.

As I have said before, learning to be American requires recognizing that every generation has two waves of immigrants. One is geographic. They are people from overseas like the Khourys. The other is temporal, their children. Both waves of immigrants, both the geographic immigrants and the temporal immigrants, both those born overseas and those born in America, have to learn what it is to be American. For the last two generations we have not had the courage, the commitment, the drive, the willpower to insist on everyone learning to be an American, so that everyone can pursue happiness, everyone can enjoy the rights that their Creator has endowed them with, everyone can have a chance to have a better future, a safer future, to leave their children with a better opportunity.

Everything I have learned said two things to me: One, as we look at public policy in the next few weeks, and I hope that the Clinton administration will take these ideas seriously, that they will in fact go toward market incentives, decentralization, privatization, that they will recognize the importance of controlling spending to fight against inflation, that they will commit themselves to the changes necessary in our great cities and the changes necessary in our welfare state to have schools that work, a health system that works, to eliminate the bureaucracy which is so maddening at the Health Care Finance Administration, to eliminate the bureaucracy and the redtape which is killing American jobs at the Food and Drug Administration, to recognize the need to rethink, to be bold, and to come in with the kind of changes that are at least as great for America as the changes we expect of the Russian people.

Second, this fall I am going to teach a course at Kennesaw State College on renewing American civilization. We are going to take these ideas, the ideas of personal strength, which are so clear in Russia and the Ukraine and so necessary everywhere in America, the concept of quality as taught by Edwards Deming and as practiced by Victor and Mary Khoury and so many other people, and which I saw being practiced at McDonald's and practiced at Coca-Cola and practiced by many people across Russia, the concept of technological progress.

When we learn, for example, that Russian banking has no electronic funds transfer, that all of the checks are still handled at the central bank by hand, we understand all of a sudden how important, how dynamic, technology has been in America in liberating us and in creating efficiencies and in giving us greater choices; the concept of entrepreneurial free enterprise, going out and getting the job done, which we saw over and over among Russians, among Americans, among Ukrainians, as people pursued a better life in this new world; and then the concept of learning the lessons of American people, what it is we need to learn about ourselves to reestablish and strengthen being American.

Then I hope in this course at Kennesaw State to apply it to economic growth, to health, and to saving the inner city. I believe if we Americans would focus on those three first, if we would make sure we were growing economically, and I can tell the Members, when we see the level of concern in the economy of the Ukraine and we see the level of concern in the economy of Russia, it reminds us how important economic growth is in a free society.

When we think about applying it to American health, applying all of the principles we are telling President Yeltsin, and applying it to reforming the American health system, the principles of market incentives, decentralization, privatization, all the things we would tell the Russians, we get a radically different approach to health and a much more classically American approach to health than the things I have been reading in the newspapers.

Finally, we must save the inner city, because it is impossible to have a healthy America with cities that are violent, with neighborhoods that have schools that do not work, with young people who are not getting educated to work in the world market, with jobs that do not exist.

☐ 1940

In order for us to truly once again be a normal and a civilized country, to apply to us the terms the Russians apply to themselves, we must save our inner cities.

Last, I am going to talk about 21st-century citizenship, because Victor and Mary Khoury to me are indicative of the future. Good Americans from the Middle East living in Nizhni Novgorad or citizens of Houston, TX, in that kind of a world. And Mrs. Khoury told me that she called her four children regularly, and she actually spent a good bit of money every month on her long-distance phone bill. And when I talked to her daughter today in Houston she said that yes, her mom had said that I might be calling. So yes, there is a certain amount of intimacy that is maintained, a price that is paid economically and in time to keep family together and to keep citizenship up and community up. How are we in an age of CNN, and jets, and faxes and telephones, how are we going to be citizens that have an effective, a healthy, a civilized, and a normal country in the 21st century?

The reason I am going to teach this course at Kennesaw State on Saturday mornings is that I honestly believe those of us who are in elective life have an obligation to back out of everyday politics, to back out of 30-second TV commercials, to back out of the kind of normal fights that occur so often on this House floor and ask ourselves fundamental questions.

The Italians voted over this weekend to replace their current political system. The Brazilians are voting today on their political system. The Japanese political system is under tremendous pressure. In Ukraine and Russia the political system is changing radically. In the United States in the 14 States that voted on term limitations, 77 percent of the American people voted for term limitations in those 14 States. Certainly that is a decisive example, and if this Congress were to put term limitation on a national referendum to apply across the board, my guess is that it would pass by almost 3 to 1.

So you have a political system under pressure. You have an American culture under pressure. You have a welfare state, bureaucracy collapsing. And

I do not think we can solve that just with normal politics. I think it takes a serious intellectual commitment to understand how we replace the welfare state, how we create an opportunity society, and how we renew American civilization.

I hope from our part to build on the tremendous lessons of courage and persistence, of idealism and heroism that we saw in Ukraine in Russia, and I hope to draw from that in teaching this course this fall at Kennesaw State.

I urge my colleagues to take similar opportunities to really work at thinking in fundamental ways what does America have to become if we are going to give our children and our grandchildren a normal and a civilized country, if we are going to create for ourselves and for our descendants the opportunities, the safety, the freedom that our parents gave to us.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. QUILLEN (at the request of Mr. MICHEL) for the week of April 19, on account of medical reasons.

Mr. SISISKY (at the request of Mr. GEPHARDT) for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCHALE) to revise and extend their remarks and include extraneous material:)

Ms. ENGLISH of Arizona, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, on April 28.

Mr. HOYER, for 60 minutes, on April 22.

Mr. GUTIERREZ, for 60 minutes, on April 22.

(The following Members (at the request of Mr. MICA) to revise and extend their remarks and include extraneous material:)

Mr. HERGER, for 60 minutes, on May 26.

Mr. DOOLITTLE, for 60 minutes, on April 22.

Mr. WOLF, for 30 minutes, on May 3.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MICA) and to include extraneous matter:)

Mr. TAYLOR of North Carolina.

Mr. BURTON of Indiana.

Mr. PACKARD.

Mr. CALVERT in two instances.

Mr. GINGRICH.

Mr. QUINN.

Mr. GEKAS.

Mr. WELDON.

Mr. SOLOMON.

Mr. CUNNINGHAM.

Mr. FIELDS.

Mr. SAXTON.

(The following Members (at the request of Mr. MCHALE) and to include extraneous matter:)

Mr. BAESLER.

Mr. BOUCHER.

Mr. CLAY.

Mr. HAMILTON in three instances.

Mr. NEAL of Massachusetts in two instances.

Mr. DEUTSCH.

Mrs. MINK.

Mr. SANDERS in three instances.

Mr. HOCHBRUECKNER.

Mr. BROOKS.

Mr. MANTON.

Mr. SABO.

Mr. STARK.

Ms. SLAUGHTER.

Mr. GENE GREEN of Texas.

Mr. LEVIN.

Mr. ENGEL in two instances.

Mr. TRAFICANT.

Ms. WOOLSEY.

Mr. KLECZKA.

Mr. HUGHES.

Mr. DURBIN.

Mr. STOKES in two instances.

Mr. VOLKMER.

Mrs. MEEK.

Mr. RICHARDSON in two instances.

(The following Members (at the request of Mr. GINGRICH) and to include extraneous matter:)

Mrs. FOWLER.

Ms. SNOWE.

Mr. GRAMS.

Mr. KYL.

Mr. SAXTON.

Mr. FAWELL.

Mrs. MORELLA.

Mr. FILNER.

Mr. JOHNSON of South Dakota.

Mr. PASTOR.

Mr. TEJEDA.

Mr. STUDDS.

Mr. PAYNE of New Jersey.

Mr. VISCLOSKY.

Mr. ACKERMAN.

Ms. SHEPHERD.

Mr. CARDIN.

Mrs. UNSOELD.

Mr. CONDIT.

Mr. KLEIN.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 326. An act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes.

S. 328. An act to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway National Recreation Area in the State of New Jersey, and for other purposes.

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 22, 1993, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1068. A letter from the Comptroller of the Department of Defense, transmitting notification of transfer of funds pursuant to section 9110(a) of the Defense Appropriations Act of 1993; to the Committee on Appropriations.

1069. A letter from the Directors of Congressional Budget Office and Office of Management and Budget, transmitting a joint report on the technical assumptions to be used in preparing estimates of National Defense Function (050) outlays for fiscal year 1994, pursuant to Public Law 101-189, section 5(a) (103 Stat. 1364); to the Committee on Armed Services.

1070. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the International Development Association Act to authorize consent to and authorize appropriations for the United States contribution to the 10th replenishment of the resources of the International Development Association, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

1071. A letter from the Acting General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Asian Development Bank Act to authorize consent to and authorize appropriations for the United States contribution to the fifth replenishment of the resources of the Asian Development Fund, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

1072. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the District of Columbia Public School System's Personnel, Payroll and Budget Practices," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

1073. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Audit of the District of Columbia Public Schools" Internal Accounting System, REMCIS," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

1074. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting notification of the Presidents' exercise of his authority under 610(a) of the Foreign Assistance Act of 1961, pursuant to 22 U.S.C. 2364(a)(2); to the Committee on Foreign Affairs.

1075. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Victor Jackovich, of Iowa, to be Ambassador to the Republic of Bosnia and Herzegovina, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1076. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Eric James Boswell, of California, to be Director of the Office of Foreign Missions, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1077. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Mark Johnson, of Montana, to be Ambassador to the Republic of Senegal, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1078. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Alvin P. Adams, Jr., of Virginia, to be Ambassador to the Republic of Peru, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1079. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Marilyn McAfee, of Florida, to be Ambassador to the Republic of Guatemala, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1080. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of William Thornton Pryce, of Pennsylvania, to be Ambassador to the Republic of Honduras, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1081. A letter from the Acting Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of E. Allan Wendt, of California, to be Ambassador to the Republic of Slovenia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1082. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1083. A letter from the President, African Development Foundation, transmitting a draft of proposed legislation to authorize appropriations for the African Development Foundation; to the Committee on Foreign Affairs.

1084. A communication from the President of the United States, transmitting a report on the North Atlantic Treaty of 1949, pursuant to Public Law 102-484; to the Committee on Foreign Affairs.

1085. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1998 resulting from passage of S. 662, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1086. A letter from the Chairman, First South Production Credit Association, transmitting the annual pension plan report for the plan year ending December 31, 1992, pursuant to U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1087. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 1992 Annual Report of its activities, pursuant to 15 U.S.C. 78w(b); to the Committee on Government Operations.

1088. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting a report on proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

1089. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a draft of proposed legislation amending section 5379 of title 5 U.S.C; to the Committee on Post Office and Civil Service.

1090. A letter from the Acting Director, Central Intelligence Agency, transmitting a draft of proposed legislation entitled "Central Intelligence Agency Voluntary Separation Pay Act"; to the Committee on Intelligence (Permanent Select).

1091. A letter from the Secretaries of Defense and Veterans Affairs, transmitting a report on the implementation of the health resources sharing portion of the Department of Veterans Affairs and Department of Defense health Resources Sharing and Emergency Operations Act" for fiscal year 1992, pursuant to 38 U.S.C. 8111; jointly, to the Committees on Armed Services and Veterans' Affairs.

1092. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "Coast Guard Authorization Act of 1993"; jointly, to the Committees on Merchant Marine and Fisheries, Ways and Means, the Judiciary, Education and Labor, and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 153. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 103-61). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PENNY (for himself, Mr. HASTINGS, Mr. JACOBS, Mr. JOHNSTON of Florida, and Mr. STOKES):

H.R. 1753. A bill to amend the Internal Revenue Code of 1986 to require the participation in primary and general election debates of any candidate who receives public financing, and to establish criteria for participation of certain candidates in election debates; to the Committee on House Administration.

By Mr. PENNY (for himself, Mr. SABO, Mr. HASTINGS, and Mr. STOKES):

H.R. 1754. A bill to amend the Federal Election Campaign Act of 1971 to provide for election day registration for elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. PENNY (for himself, Mr. HASTINGS, and Mr. GUNDERSON);

H.R. 1755. A bill to enforce the guarantees of the 1st, 14th, and 15th amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Administration.

By Mr. MCDADE (for himself, Mr. MICHEL):

H.R. 1756. A bill making emergency supplemental appropriations for advances to the Unemployment Trust Fund for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

By Mr. BOUCHER (for himself, Mr. BOEHLERT, Mr. BROWN of California, Mr. VALENTINE, Mr. TRAFICANT, Mr. HAYES of Louisiana, Mr. BACCHUS of Florida, Mr. CRAMER, Mr. BARCIA, Mr. KLEIN, Mr. FINGERHUT, Mr. MCHALE, Ms. ESHOO, Ms. EDDIE BERNICE JOHNSON, Mr. HINCHEY, Mr. COLEMAN, Mr. WISE, Mr. BLACKWELL, and Mr. KANJORSKI):

H.R. 1757. A bill to provide for a coordinated Federal program to accelerate development and dissemination of applications of high-performance computing and high-speed networking, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. BROOKS:

H.R. 1758. A bill to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, and V-X of title 49, United States Code, "Transportation," and to make other technical improvements in the Code; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. HOYER, Mrs. BENTLEY, Mr. MFUME, Mrs. MORELLA, Mr. GILCHREST, Mr. WYNN, Mr. BARTLETT of Maryland, Mr. BATEMAN, Mr. BLILEY, Ms. BYRNE, Mr. MORAN, Mr. WOLF, Mr. BOUCHER, Mr. SISISKY, Mr. MURPHY, Mr. GOODLING, Mr. WELDON, and Mr. BLACKWELL):

H.R. 1759. A bill to assist in the restoration of the Chesapeake Bay, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Science, Space, and Technology.

By Ms. LOWEY (for herself, Mr. TOWNS, Ms. DELAURO, Ms. MALONEY, Mr. FROST, and Ms. EDDIE BERNICE JOHNSON):

H.R. 1760. A bill to amend the Job Corps Program of the Job Training Partnership Act to establish a program to provide education and job training services to youths who have been convicted of nonviolent criminal offenses; to the Committee on Education and Labor.

By Mr. ROBERTS (for himself, Mr. SLATTERY, Mr. LANCASTER, and Mr. BEREUTER):

H.R. 1761. A bill to amend title XVIII of the Social Security Act to extend special treatment rules under the Medicare Program for regional referral centers and to permit a hospital that fails to qualify as a regional referral center under the program as a result of a change in geographic classification to decline such change and qualify as such a center; to the Committee on Ways and Means.

By Mr. ROBERTS (for himself, Mrs. VUCANOVICH, Mr. SLATTERY, Mr. LANCASTER, Mr. BEREUTER, and Mr. GUNDERSON):

H.R. 1762. A bill to amend the Public Health Service Act to provide grants to States for the creation or enhancement of systems for the air transport of rural victims of medical emergencies, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROBERTS (for himself, Mr. THOMAS of Wyoming, Mr. SLATTERY, Mr. LANCASTER, Mr. BEREUTER, Mr. GUNDERSON, and Ms. SNOWE):

H.R. 1763. A bill to amend the Public Health Service Act and title XVIII of the Social Security Act with respect to health professional shortage areas; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GUNDERSON (for himself, Mr. ROBERTS, Mr. SLATTERY, Mr. LANCASTER, and Mr. BEREUTER):

H.R. 1764. A bill to amend title XVIII of the Social Security Act to extend until October 1, 1994, the period during which Medicare-dependent, small rural hospitals may be paid under alternative reimbursement methodologies for the operating costs of inpatient hospital services under the Medicare Program; to the Committee on Ways and Means.

By Mr. SLATTERY (for himself, Mr. SYNAR, Mr. THOMAS of Wyoming, Mr. ROBERTS, Mr. BEREUTER, and Mr. STENHOLM):

H.R. 1765. A bill to exempt from the antitrust laws, mergers and service allocations entered into by certain hospitals in low population areas; to the Committee on the Judiciary.

By Mr. GUNDERSON (for himself, Mr. ROBERTS, Mr. SLATTERY, Mr. THOMAS of Wyoming, Mr. LANCASTER, Ms. SNOWE, and Mr. KYL):

H.R. 1766. A bill to amend the Public Health Service Act to establish an Office of Emergency Medical Services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LANCASTER (for himself, Mr. HOYER, Mr. HASTINGS, Mr. GALLEGLY, Mr. ROBERTS, Mr. SLATTERY, and Mr. GUNDERSON):

H.R. 1767. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of tax-exempt bonds by certain organizations providing rescue and emergency medical services; to the Committee on Ways and Means.

By Mr. SLATTERY (for himself, Mr. SYNAR, Mr. THOMAS of Wyoming, Mr. ROBERTS, and Mr. BEREUTER):

H.R. 1768. A bill to amend title XVIII of the Social Security Act to make miscellaneous and technical changes to the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. THOMAS of Wyoming (for himself, Mr. GUNDERSON, Mr. SLATTERY, Mr. ROBERTS, Mr. EMERSON, Mr. LANCASTER, Mr. BEREUTER, Mr. STENHOLM, Mr. BARRETT of Nebraska, and Mr. STRICKLAND):

H.R. 1769. A bill to amend title XVIII of the Social Security Act to require that, in considering the application of a hospital to change its geographic classification for purposes of determining the amount of payment to the hospital for the operating costs of inpatient hospital services under part A of the Medicare Program, the Secretary of Health and Human Services find the hospital's wages to be comparable to the wages of hospitals in the geographic area in which the hospital is applying to be classified if the average hourly wage of hospital is at least 85 percent of the average hourly wage of hospitals paid in such area; to the Committee on Ways and Means.

By Mr. ROWLAND (for himself, Mr. HALL of Texas, Mrs. VUCANOVICH, Mr. THOMAS of Wyoming, Mr. EMERSON, Mr. LANCASTER, Mr. ROBERTS, Mr. BEREUTER, Mr. SLATTERY, Mr. STENHOLM, Mr. GUNDERSON, Ms. SNOWE, and Mr. DURBIN):

H.R. 1770. A bill to provide incentives for physicians to practice in rural areas and in rural medically underserved areas; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

H.R. 1771. A bill to reduce infant mortality in rural, underserved areas by improving access to needed health care services by pregnant women; to the Committee on Energy and Commerce.

By Mr. EMERSON (for himself, Mr. GUNDERSON, Mr. THOMAS of Wyoming, Mr. STENHOLM, Mr. LANCASTER, Mrs. VUCANOVICH, Mr. BEREUTER, Ms. SNOWE, Mr. ROBERTS, Mr. SLATTERY, Mr. DURBIN, and Mr. KYL):

H.R. 1772. A bill to amend the Public Health Service Act to revise and extend the program of making grants to the States for the operation of offices of rural health; to the Committee on Energy and Commerce.

By Mr. EMERSON (for himself, Mr. GUNDERSON, Mr. THOMAS of Wyoming, Mr. STENHOLM, Mr. LANCASTER, Mr. BEREUTER, Mr. ROBERTS, Mr. SLATTERY, Mr. DURBIN, and Mr. KYL):

H.R. 1773. A bill to reauthorize the rural health care transition grant program established under the Omnibus Budget Reconciliation Act of 1987, to direct the Secretary of Health and Human Services to give preference in making grants under such program to hospitals that establish consortia with other providers in the communities in which the hospitals are located, and to revise the frequency of the Secretary's reports on the program to Congress; to the Committee on Energy and Commerce.

By Mr. GUNDERSON (for himself, Mr. SLATTERY, Mr. ROBERTS, Ms. SNOWE, Mr. EMERSON, Mr. THOMAS of Wyoming, and Mr. STENHOLM):

H.R. 1774. A bill to amend the Public Health Service Act to establish a program of grants for rural health outreach; to the Committee on Energy and Commerce.

By Mr. PAYNE of Virginia.

H.R. 1775. A bill to amend title XVIII of the Social Security Act to include services provided by interns and residents at federally qualified health centers that provide services in a rural area in determining the amount of payment to hospitals under part A of the Medicare Program for the indirect costs of medical education; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 1776. A bill to facilitate and assist in the economic adjustment and industrial diversification of defense industries, defense-dependent communities, and defense workers that are adversely affected by the termination or reduction of defense spending or defense-related contracts; jointly, to the Committees on Armed Services, Ways and Means, Small Business, Education and Labor, Public Works and Transportation, and Banking, Finance and Urban Affairs.

By Mr. COBLE (for himself and Mr. TAYLOR of North Carolina):

H.R. 1777. A bill to suspend until January 1, 1995, the duty on 1.8-Dichloroanthraquinone; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself and Mr. HUNTER):

H.R. 1778. A bill to amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under Medicare; jointly, to the Committees on Armed Services, Ways and Means, and Energy and Commerce.

By Ms. DANNER:

H.R. 1779. A bill to designate the facility of the U.S. Postal Service located at 401 South Washington Street in Chillicothe, MO, as the "Jerry L. Litton United States Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. FIELDS of Texas (for himself, Mr. STUDDS, Mr. TAUZIN, Ms. SNOWE, and Mr. KING):

H.R. 1780. A bill to amend the Merchant Marine Act of 1936, to authorize State maritime academies to reimburse qualified individuals for fees imposed for the issuance of certain entry level merchant seamen licenses and merchant mariners' documents, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GILCHREST:

H.R. 1781. A bill to amend the Federal election Campaign Act of 1971 to prohibit nonparty multicandidate political committee contributions in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. GILCHREST (for himself, Mrs. BENTLEY, Mr. CARDIN, Mr. BARTLETT, Mr. MFUME, Mr. HOYER, Mrs. MORELLA, and Mr. WYNN):

H.R. 1782. A bill to require the Administrator of the Environmental Protection Agency to apply the hazard ranking system under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to areas in the Chesapeake Bay Program in the same manner as such system is applied to areas in the National Estuary Program; jointly, to the Committee on Public Works and Transportation and Energy and Commerce.

By Mr. HUGHES:

H.R. 1783. A bill to amend title 5, United States Code, to include service during World War II in the U.S. merchant marine as military service for purposes of the Civil Service Retirement System; to the Committee on Post Office and Civil Service.

By Mr. KLECZKA (for himself and Mr. BARRETT of Wisconsin):

H.R. 1784. A bill to provide for a demonstration project to improve provision of certain benefits under the Social Security Act through a private aid program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. KNOLLENBERG:

H.R. 1785. A bill to make various budget cuts and for other purposes; jointly, to the Committees on Public Works and Transportation, Energy and Commerce, House Administration, Natural Resources, Banking, Finance and Urban Affairs, Government Operations, Agriculture, Ways and Means, Post Office and Civil Service, Education and Labor, and Appropriations.

By Mr. KREIDLER (for himself and Mr. SWIFT):

H.R. 1786. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to require the inspection of meat and poultry to determine the presence of microbial contamination that can cause food poisoning or infection in humans, to require the Secretary of Agriculture to develop appropriate labeling to warn purchasers of meat and poultry of potential microbial contamination and give proper handling and cooking instructions to destroy microbial contaminants, and for other purposes; to the Committee on Agriculture.

By Mr. LEVIN:

H.R. 1787. A bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare Program, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. MACHTLEY (for himself and Mr. Neal of Massachusetts):

H.R. 1788. A bill to amend the Small Business Act to promote lending to small business concerns in States in which there are a declining number of federally insured financial institutions; to the Committee on Small Business.

By Mr. McDERMOTT:

H.R. 1789. A bill to provide for the tax treatment of certain distributions made by Alaska Native corporations; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself, Mr. Kleczka, Mr. Shaw, and Mr. Hastings):

H.R. 1790. A bill to provide for the treatment of Indian tribal governments under section 403(b) of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. Rahall, Mr. Towns, Mr. Rangel, and Mr. Williams):

H.R. 1791. A bill to restore reductions in veterans benefits made by the Omnibus Budget Reconciliation Act of 1990; to the Committee on Veterans' Affairs.

By Mr. SAXTON (for himself, Mr. Tauzin, Mr. Fields of Texas, Mr. Hughes, Mr. Bateman, Mr. Lipinski, Mr. Coble, Mr. Hutto, Mr. Weldon, Mr. Laughlin, Mr. Inhofe, Mr. Lancaster, Mr. Cunningham, Mr. Hastings, Mr. Kingston, Mr. Stupak, Mr. Castle, Mr. King, Mr. Diaz-Balart, Mr. Gallo, and Ms. Kaptur):

H.R. 1792. A bill to amend title 46, United States Code, to require that any regulation establishing or increasing a fee or charge for a person engaged in the carriage of goods or passengers by vessel for hire be issued after notice, hearing, and comment and on the record, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. SCHROEDER (for herself, Ms. Snowe, Mr. Kildee, Mrs. Mink, Mrs. Collins of Illinois, Mrs. Lowey, Ms. Molinari, Mrs. Morella, Ms. Slaughter, Mrs. Unsoeld, Ms. Woolsey, Ms. Brown of Florida, Ms. Byrne, Mrs. Clayton, Ms. Kaptur, Mrs. Kennelly, Mrs. Lloyd, Mrs. Maloney, Ms. Margolies-Mezvinsky, Mrs. Meek, Ms. Norton, Ms. Pelosi, Ms. Roybal-Allard, Ms. Schenk, Ms. Shepherd, Ms. Velazquez, Ms. Waters, Mr. Dellums, Mr. Evans, Mr. Frank of Massachusetts, Mr. McDermott, Mr. Miller of California, Mr. Reed, Mr. Towns, Mr. Yates, Ms. Eshoo, Miss Collins of Michigan, Ms. Furse, Ms. Harman, Ms. Eddie Bernice Johnson of Texas, Ms. McKinney, Ms. Long, Ms. Cantwell, Mr. Williams, and Mr. Martinez):

H.R. 1793. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure gender equity in education, and for other purposes; to the Committee on Education and Labor.

By Mr. SLATTERY:

H.R. 1794. A bill to amend the Truth in Savings Act to delay the effective date of certain regulations; to the Committee on Banking, Finance and Urban Affairs.

By Ms. SNOWE (for herself, Ms. Woolsey, Ms. Long, Mrs. Schroeder, Ms. Norton, Ms. Pelosi, Ms. Slaughter, Ms. Roybal-Allard, and Ms. Margolies-Mezvinsky):

H.R. 1795. A bill to amend the Elementary and Secondary Education Act of 1965 to assist schools and educational institutions in the elimination of sexual harassment and abuse; to the Committee on Education and Labor.

By Mr. SPENCE (for himself and Mr. McNulty):

H.R. 1796. A bill to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor; to the Committee on Veterans' Affairs.

By Mr. STARK:

H.R. 1797. A bill to prohibit the designation as a beneficiary developing country under the Generalized System of Preference any country that engages in certain actions regarding nuclear weapons, nuclear weapon components, and nuclear weapon design information; to the Committee on Ways and Means.

H.R. 1798. A bill relating to the application of the Generalized System of Preferences to Russia, Belarus, Kazakhstan, and Ukraine; to the Committee on Ways and Means.

H.R. 1799. A bill making accession to the Treaty for the Non-Proliferation of Nuclear Weapons a condition for designation as a beneficiary developing country under the Generalized System of Preferences; to the Committee on Ways and Means.

By Mrs. UNSOELD (for herself and Ms. Slaughter):

H.R. 1800. A bill to amend the Elementary and Secondary Education Act of 1965 to ensure that needs of pregnant and parenting teenagers are addressed by the education system, and for other purposes; to the Committee on Education and Labor.

By Mr. VISCLOSKY:

H.R. 1801. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in that fund to carry out projects to restore and recover waters of the United States from damages resulting from violations of that act, and for other purposes; to the Committee on Public Works and Transportation.

By Ms. WOOLSEY:

H.R. 1802. A bill to ensure equity in education; to the Committee on Education and Labor.

By Mr. HOEKSTRA (for himself and Mr. Hutchinson):

H.J. Res. 180. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

H.J. Res. 181. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to propose amendments to the Constitution by an initiative process; to the Committee on the Judiciary.

By Mr. SPENCE (for himself, Mr. Spratt, Mr. Ravenel, and Mr. Clyburn):

H.J. Res. 182. Joint resolution to designate the week of April 17–24, 1994, as "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. HOYER (for himself, Mr. Cardin, Mrs. Bentley, Mr. Wynn, Mr. Wolf, Mr. Moran, and Mrs. Morella):

H. Con. Res. 82. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby; to the Committee on Public Works and Transportation.

By Mr. RAMSTAD:

H. Con. Res. 83. Concurrent resolution calling upon the President to insist that the removal of Iraqi President Saddam Hussein from power should be a condition for the cessation of economic sanctions by the United Nations against Iraq; to the Committee on Foreign Affairs.

By Mr. TRAFICANT:

H. Con. Res. 84. Concurrent resolution establishing the Ad Hoc Joint Committee on Labor Relations for the Capitol Police; to the Committee on Rules.

By Mr. MANZULLO:

H. Res. 154. Resolution amending the Rules of the House of Representatives to provide that any general appropriation bill making appropriations for the Veterans' Administration may not make appropriations for any other department or agency of the United States; to the Committee on Rules.

By Mr. SAXTON (for himself, Mr. Tauzin, Mr. Fields of Texas, Mr. Hughes, Mr. Bateman, Mr. Lipinski, Mr. Coble, Mr. Hutto, Mr. Weldon, Mr. Laughlin, Mr. Inhofe, Mr. Lancaster, Mr. Cunningham, Mr. Hastings, Mr. Kingston, Mr. Stupak, Mr. Castle, Mr. King, Mr. Diaz-Balart, Mr. Gallo, and Ms. Kaptur)

H. Res. 155. Resolution to amend the Rules of the House of Representatives to require economic impact statements for reported bills and amendments that create or increase any taxes, duties, or other fees on the maritime industry, and for other purposes; to the Committee on Rules.

By Mr. STEARNS:

H. Res. 156. Resolution repealing rule XLIX of the Rules of the House of Representatives relating to the statutory limit on the public debt; to the Committee on Rules.

By Mr. HYDE:

H. Res. 157. Resolution referring the bill (H.R. 1752) for the relief of Sgt. Maj. Earnest Sands [Ret.] and Roger Sands to the chief judge of the U.S. Claims Court; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

96. By the SPEAKER: Memorial of the Senate of the State of Washington, relative to support for Guam in its quest for commonwealth status; to the Committee on Natural Resources.

97. Also, memorial of the Senate of the State of Washington, relative to the Fast Flux Test Facility at Hanford; to the Committee on Science, Space, and Technology.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Miss Collins of Michigan and Mr. Kopetski.

H.R. 14: Mr. Stokes, Mr. Moran, Mr. Boehlert, Mrs. Mink, Ms. Woolsey, Ms.

Cantwell, Mr. Hochbrueckner, Mr. Neal of Massachusetts, Mr. Dellums, Ms. Maloney, Mr. Owens, Mr. Strickland, Ms. Eshoo, Mr. Gonzalez, Ms. Fowler, Mr. Sangmeister, Ms. Molinari, Mr. Peterson of Minnesota, Mrs. Schroeder, Mr. Baker of California, Mr. Kopetski, Mr. Schumer, Mr. Hughes, Mr. Diaz-Balart, Mr. Blackwell, Ms. Norton, Mr. Ford of Tennessee, Mr. Rangel, Mr. Nadler, Mr. Edwards of California, and Mr. Evans.

H.R. 26: Mr. Dicks and Ms. Roybal-Allard.

H.R. 59: Mr. Santorum, Mr. Franks of Connecticut, Mr. Crane, Mr. DeLay, and Mr. Wilson.

H.R. 65: Mr. Hansen, Mr. Towns, Mr. Cunningham, Mr. Wise, Ms. Pelosi, Mr. McCurdy, Mr. Sisisky, Mr. Peterson of Minnesota, Mr. Young of Alaska, Mr. Chapman, Mr. Combest, Mr. Skeen, Mr. Bacchus of Florida, Mr. Sarpalius, Mr. Traficant, and Mr. Pickett.

H.R. 66: Mr. Bereuter.

H.R. 94: Mr. Schumer, Mr. Thomas of Wyoming, Mr. Smith of New Jersey, and Mr. Sisisky.

H.R. 109: Mr. Wise, Mr. Hamburg, and Mr. Wynn.

H.R. 123: Mr. Doolittle, Mr. Ballenger, Mr. Young of Alaska, Mr. Cramer, Mr. Rogers, Mr. Bachus of Alabama, and Mr. Inglis.

H.R. 124: Mr. Shays, Mr. Scott, Mr. Lipinski, Mr. Kim, Mr. Doolittle, and Mr. Inglis.

H.R. 133: Mr. Orton, Mr. Penny, Mr. Olver, Mr. Darden, and Mr. DeFazio.

H.R. 140: Mr. Hoke, Mr. Lantos, and Mr. Quillen.

H.R. 147: Mr. Linder and Mr. McCandless.

H.R. 153: Mr. Livingston.

H.R. 166: Mr. Swett.

H.R. 207: Mr. Zimmer.

H.R. 212: Mr. DeFazio and Mr. Swett.

H.R. 214: Mr. DeFazio and Mr. Swett.

H.R. 225: Mr. Shays.

H.R. 242: Miss Collins of Michigan.

H.R. 303: Mr. Cunningham, Mr. McCurdy, Mr. Peterson of Minnesota, Mr. Young of Alaska, Mr. Chapman, Mr. Combest, Mr. Myers of Indiana, Mr. Skeen, Mr. Sarpalius, and Mr. Traficant.

H.R. 313: Mr. Sanders.

H.R. 325: Mr. Grandy, Mr. Coyne, Mr. Murphy, Mr. Kildee, Mr. Barrett of Wisconsin, Ms. Eddie Bernice Johnson, Ms. Roybal-Allard, Mr. Jacobs, Mr. Kopetski, Mr. Serrano, Miss Collins of Michigan, Mr. Stark, Mr. de la Garza, Mr. Baesler, Mr. Owens, Mr. Spence, Mr. Foglietta, Mr. Upton, Mr. Mollohan, Mr. Hyde, Mr. Roberts, Mr. Towns, Mr. Zeliff, Mr. Inslee, Mr. Sangmeister, Mr. Gutierrez, Mrs. Kennelly, Mr. Sensenbrenner, Mr. Greenwood, Mr. Sisisky, Mr. Payne of New Jersey, Mr. Bevill, Mr. Hoekstra, Mr. Weldon, Mr. Moran, Mr. Wise, Mr. Chapman, Mrs. Clayton, Mrs. Mink, Mr. Dellums, Mrs. Meyers of Kansas, Mr. Kennedy, Mrs. Unsoeld, Ms. Byrne, Mr. Fawell, and Mr. Gillmor.

H.R. 326: Mr. Towns, Mr. Kildee, Ms. Slaughter, Mr. Ford of Michigan, Mr. Swett, Mr. Gutierrez, Mr. Volkmer, Mrs. Johnson of Connecticut, Mr. Levin, Mr. Sharp, Mr. Serrano, Mr. McCloskey, Mr. Owens, Mr. Williams, Mrs. Clayton, Mr. Jacobs, Mr. Filner, Mr. Sangmeister, Mr. Conyers, Mr. Engel, Mr. Berman, Mr. Ackerman, Mr. Dixon, Mr. Visclosky, Mr. King, Mr. Wilson, Mr. DeFazio, Mr. Gejdenson, Mr. Rahall, and Mr. Barcia.

H.R. 348: Mr. Neal of North Carolina, Ms. Long, Mr. Hayes of Louisiana, Ms. Dunn, Mr. Gunderson, and Mr. Hoekstra.

H.R. 349: Mr. Smith of Oregon, Mr. Stump, Mrs. Vucanovich, and Mr. Kim.

H.R. 353: Mr. Goodling.

H.R. 355: Mr. Gunderson.

H.R. 356: Mr. Serrano.

H.R. 357: Mr. Brewster and Mr. Parker.

H.R. 407: Mr. Zeliff.

H.R. 408: Mr. Young of Florida and Mr. Taylor of North Carolina.

H.R. 429: Mr. Herger.

H.R. 462: Mr. Buyer, Mr. Romero-Barcelo, Mr. Barcia, Mr. Sabo, Mr. Fazio, Mr. Sangmeister, Mr. Hayes of Louisiana, Mr. Foglietta, Mr. Fields of Louisiana, Mr. Clinger, Mrs. Lloyd, Mr. Borski, Mr. Lantos, Ms. Roybal-Allard, Mr. Swift, Mr. Dooley, Mrs. Maloney, Mr. Ballenger, Mr. Houghton, Mr. Cardin, and Mr. Klink.

H.R. 465: Mr. Canady.

H.R. 468: Mr. Mineta.

H.R. 498: Mr. Lehman.

H.R. 501: Mr. DeFazio, Mr. Valentine, Mr. McCurdy, and Mr. Blackwell.

H.R. 502: Mr. DeFazio and Mr. Hefley.

H.R. 508: Mr. Gingrich, Mr. Paxon, Mr. Cox, Mr. Shays, Mr. Blute, Mr. McDade, Mr. Doolittle, Mr. Burton of Indiana, Mr. Schiff, Mr. Solomon, Mrs. Johnson of Connecticut, Mr. Hyde, Mrs. Vucanovich, Mr. McCrery, Mr. Bartlett of Maryland, Mr. Rohrabacher, Mr. Minge, and Mr. Goss.

H.R. 538: Mr. Torricelli and Mr. Washington.

H.R. 561: Mr. Bateman, Mr. Gordon, Mr. Santorum, Mr. Nussle, Mr. Hoke, Mr. Bliley, Mr. Cunningham, Mr. Walker, Mr. Murtha, and Mr. Sisisky.

H.R. 567: Mr. Packard.

H.R. 591: Mr. Coyne and Mr. Hoagland.

H.R. 602: Mr. Stump, Mr. Jacobs, Mr. Hefley, Mr. Swett, and Mr. DeFazio.

H.R. 608: Mr. Peterson of Florida and Mr. Williams.

H.R. 643: Mr. Porter, Mr. Goss, Mr. Frank of Massachusetts, Ms. Slaughter, Ms. Byrne, Mr. Barrett of Wisconsin, Ms. Danner, Mr. Lazio, Mr. Saxton, Mr. Darden, Mr. Swett, Mr. Penny, and Mr. Meehan.

H.R. 649: Mr. Swett.

H.R. 667: Mr. Shaw.

H.R. 672: Mr. Weldon, Ms. Lowey, Mr. Blute, Mr. Studds, and Mr. Lantos.

H.R. 723: Mr. Stearns.

H.R. 739: Mr. Applegate, Mr. Dornan, Mr. Sensenbrenner, and Mr. Bunning.

H.R. 743: Mr. Bereuter, Mr. Frank of Massachusetts, Mr. Brown of Ohio, Mr. Saxton, Mr. Zimmer, Mr. Darden, and Mr. Swett.

H.R. 749: Mr. Kildee and Mr. Hobson.

H.R. 778: Mr. Bevill, Mr. Schiff, Mr. McCloskey, Mr. Sundquist, Mr. Wise, Mr. Volkmer, Mr. Johnson of South Dakota, Mr. Minge, Mr. Nussle, Mr. Brewster, Mr. Pomeroy, Mr. Smith of Texas, Mr. Sarpalius, Mr. Costello, Mr. Cramer, Mr. Hansen, Mr. Clyburn, Mr. Boucher, Mr. Hall of Texas, Mrs. Clayton, Mr. DeFazio, Mr. Gunderson, Mr. Leach, Mr. Rogers, Mr. Thomas of Wyoming, Mr. Durbin, Mr. Glickman, and Mr. Hoagland.

H.R. 784: Mr. Matsui.

H.R. 789: Mr. Dooley, Mr. Pallone, Mr. Orton, Ms. Thurman, Mr. Condit, Mrs. Kennelly, Mr. Swift, Mr. Costello, Mr. Jefferson, Mr. LaRocco, Mr. Bilirakis, Mr. Brewster, Mr. Cardin, Mr. Andrews of Texas, Mr. Spratt, Mr. Shays, Miss Collins of Michigan, Mr. Hefner, Mr. Sangmeister, Mr. Sanders, and Mr. Towns.

H.R. 799: Mr. Cunningham, Mr. Williams, and Mr. Mann.

H.R. 811: Mrs. Unsoeld.

H.R. 827: Ms. Meek, Mr. Hutto, Mr. Upton, Mr. Kanjorski, Mr. Sisisky, Mr. Fish, Mr. Clyburn, Mr. Olver, Mr. Ballenger, Mr. McDermott, Mr. Pickett, Mr. Wolf, Mr. Blackwell, Mr. Bevill, Mr. Gilman, Mrs. Vucanovich, Mr. McDade, Mr. DeFazio, Mr. Shuster, Mr. Greenwood, Mr. Herger, Mr. Meehan, Mr. Moran, Mr. Fazio, Mr. Klink, and Mr. Gekas.

H.R. 852: Mr. Shays, Mrs. Roukema, Mr. Johnston of Florida, Mr. Hastings, Mr. Solomon, and Mr. Smith of Texas.

H.R. 962: Mr. Hancock, Mr. Hastings, Mr. Goss, Mr. Canady, Ms. Ros-Lehtinen, Mr. Clement, Ms. Furse, Mr. Shaw, Mr. Sisisky, Mr. Camp, Mr. Santorum, Mr. Jefferson, Mr. Skelton, Mr. Crane, Mr. Walker, Mr. Miller of Florida, Mr. Clinger, Mr. Parker, Mr. Strickland, Mr. Duncan, Mr. DeLay, Mr. Holden, Mr. Diaz-Balart, Mr. Taylor of North Carolina, Mrs. Lloyd, Mr. Clyburn, Mr. Gallo, Mr. Allard, Mr. King, Ms. Danner, Mr. Wolf, and Mr. Goodling.

H.R. 975: Mr. Owens.

H.R. 986: Mr. Washington.

H.R. 998: Mr. Pete Geren.

H.R. 999: Mr. McCandless, Mr. Schaefer, and Mr. Swett.

H.R. 1007: Mrs. Mink.

H.R. 1009: Mr. Hutchinson, Mr. Gordon, and Mr. Swett.

H.R. 1026: Mr. Frank of Massachusetts, Mr. Bacchus of Florida, Mr. Jacobs, Mr. Gordon, and Mr. Brown of Ohio.

H.R. 1036: Mr. McDermott, Mr. Rahall, Mr. Pallone, Mr. Hamburg, Mr. Deutsch, Mr. Kopetski, Ms. Eshoo, Mrs. Collins of Illinois, Mr. Johnston of Florida, and Mr. Beilenson.

H.R. 1067: Mr. Lehman.

H.R. 1105: Mr. McMillan, Mr. Goodlatte, Mr. Armey, Mr. Sensenbrenner, Mr. Boehner, Mr. Fish, Mr. Emerson, Mr. Stearns, Mr. Ewing, and Mr. DeLay.

H.R. 1123: Mr. Schaefer.

H.R. 1125: Mr. Swett.

H.R. 1126: Mr. Cox and Mr. Swett.

H.R. 1129: Mr. Ramstad and Mr. Schaefer.

H.R. 1130: Mr. Schaefer.

H.R. 1141: Mr. Smith of Oregon, Mr. Coble, Mr. Houghton, Mr. Pastor, Mr. Grandy, Mr. Hobson, Mrs. Meyers of Kansas, and Mr. Tauzin.

H.R. 1146: Mr. Darden.

H.R. 1151: Mr. Evans, Mr. Nadler, Mrs. Morella, and Mr. Mfume.

H.R. 1164: Mr. Mineta.

H.R. 1168: Mr. Darden and Mr. Ramstad.

H.R. 1172: Mr. Markey, Mr. Waxman, Mr. Torres, Mr. Deutsch, Mr. Jacobs, Mr. Torricelli, Mr. Murphy, Ms. DeLauro, Mr. Owens, Mr. Mfume, and Mr. Payne of New Jersey.

H.R. 1174: Mr. Hochbrueckner, Mr. Schiff, Mr. Sangmeister, Mr. Lipinski, Ms. Byrne, Mr. Skeen, Mr. Levy, Mr. Costello, Mr. Ackerman, Mr. Frost, Mr. Mineta, Mr. Ford of Michigan, and Miss Collins of Michigan.

H.R. 1194: Mr. McHale, Mr. Peterson of Minnesota, Mr. Sundquist, Mr. Smith of New Jersey, Mr. Clyburn, Mr. Serrano, Mrs. Mink, Ms. Furse, Mr. LaFalce, Mr. Meek, and Mr. Hastings.

H.R. 1200: Mr. Blackwell, Mr. Watt, Ms. Meek, and Mr. Swift.

H.R. 1242: Mr. Sensenbrenner.

H.R. 1277: Mr. Solomon, Mr. Bartlett, and Mr. Gallegly.

H.R. 1289: Mr. Hall of Texas, Mr. Stenholm, Mr. Sisisky, Mr. Filner, Mr. Petri, Mr. Moorhead, Mr. Barton of Texas, and Mr. Ortiz.

H.R. 1291: Mr. Towns, Mrs. Maloney, Mr. Hyde, Mr. Lantos, and Mr. Ackerman.

H.R. 1293: Mr. Hansen, Mr. Horn, and Mr. Thomas of Wyoming.

H.R. 1313: Mr. Mazzoli, Mr. Berman, Mr. Mann, Mr. Scott, Mr. Glickman, Mr. Frank of Massachusetts, Mr. Reed, Mr. Nadler, and Mr. Sensenbrenner.

H.R. 1322: Mr. Talent.

H.R. 1396: Mr. Mazzoli and Mr. Shays.

H.R. 1406: Mr. Foglietta, Mr. Romero-Barcelo, and Mr. Frost.

H.R. 1414: Mr. Hobson and Mr. Pombo.

H.R. 1415: Mr. Towns and Mr. Evans.

H.R. 1423: Mr. Henry, Ms. Danner, Mr. de la Garza, Mr. Klug, Mr. Roberts, Mr. Fish, Mr. Studds, Mr. Jacobs, Mr. Richardson, Mr. Kasich, Mr. Schiff, Mrs. Meyers of Kansas, Mr. Greenwood, Mr. Myers of Indiana, Mr. Livingston, Mr. Wolf, Mr. Sam Johnson, Ms. Maloney, Mr. Coble, Mr. Thomas of Wyoming, Mr. Everett, Mr. Knollenberg, Mr. Gekas, Mr. Dreier, Mr. Inglis, Mr. Peterson of Minnesota, Mr. Holden, Mrs. Lloyd, Mr. Volkmer, Mr. Smith of Oregon, Mr. Olver, Mr. English of Oklahoma, Mr. Tauzin, Ms. Fowler, Mr. King, Mr. Ballenger, Mr. Leach, Mr. Darden, Mr. Payne of Virginia, Mr. Crapo, Mr. Solomon, Mr. Callahan, Mr. Crane, Mr. Grandy, Mr. LaRocco, and Mr. Swett.

H.R. 1428: Mr. Linder and Mr. Zeliff.

H.R. 1455: Mr. Stokes.

H.R. 1482: Mr. Jacobs.

H.R. 1490: Mr. Condit, Mr. Barcia, Mr. Smith of Oregon, and Mr. Coble.

H.R. 1493: Mr. Zimmer.

H.R. 1496: Mr. Doolittle, Mr. Spence, Mr. Dornan, Mr. Zeliff, Mr. Levy, Mr. Solomon, Mr. Hyde, Mr. Gingrich, Mr. Cunningham, Mrs. Johnson of Connecticut, and Mr. Kasich.

H.R. 1509: Mr. Towns and Mr. Blackwell.

H.R. 1543: Mr. Zeliff and Mr. Frost.

H.R. 1560: Mrs. Unsoeld and Mr. Oberstar.

H.R. 1565: Mr. Bateman, Mr. Bevill, and Mr. Ramstad.

H.R. 1578: Mr. Gordon, Mr. Pomeroy, Mr. McHale, Mr. Wilson, Mrs. Lloyd, Mr. Edwards of Texas, Mr. Pallone, Mr. Andrews of Texas, Mr. Hughes, and Mr. Johnson of Georgia.

H.R. 1595: Mr. Evans, Ms. Long, Mr. Pomeroy, Mr. Minge, Mr. Slattery, Mr. McCloskey, Ms. Pelosi, Mr. Emerson, Mr. Peterson of Florida, Mr. Payne of New Jersey, Mr. Poshard, Mr. Hayes of Louisiana, Mr. Costello, Mr. Serrano, Mr. Lightfoot, Mr. Gillmor, Ms. Slaughter, Mr. Sangmeister, Ms. Danner, Mr. Ewing, Mr. Johnson of South Dakota, and Mr. Peterson of Minnesota.

H.R. 1627: Mr. Johnson of Georgia, Mr. Parker, Mr. Darden, Mr. Lipinski, Mr. Stump, Mr. Hancock, Mr. Bereuter, Mr. Walsh, Mr. Dornan, Mr. Bateman, Mr. Hughes, Mr. Smith of Michigan, Mr. Herger, Mr. Baker of Louisiana, Mr. Payne of Virginia, Mr. Inhofe, Mr. Coble, Mr. Sundquist, Mr. Ravenel, Mr. Pombo, Mr. Sisisky, Mr. Wise, Mr. LaRocco, Mr. Camp, Mr. Canady, Mr. Walker, and Mr. Roth.

H.R. 1637: Mr. Swift, Mr. Hutchinson, Mr. Kreidler, and Mr. Peterson of Minnesota.

H.R. 1677: Mr. Miller of California.

H.R. 1720: Mr. Stokes.

H.J. Res. 27: Mr. Duncan and Mr. Rowland.

H.J. Res. 41: Mr. Penny, Mr. Hefner, and Mr. Gunderson.

H.J. Res. 44: Mr. Bateman, Mr. Bevill, Mr. Hyde, Mr. Ramstad, and Mr. McNulty.

H.J. Res. 86: Mr. Kopetski, Mr. Hobson, Mrs. Meyers of Kansas, Mr. Sanders, Mrs. Meek, Mr. Mineta, Mr. Saxton, Mr. Hinchey, Mr. Hastings, and Mr. Mann.

H.J. Res. 94: Mr. Orton and Mr. Baker of California.

H.J. Res. 111: Mr. Gekas, Mr. Jefferson, Mr. Cardin, Mr. Machtley, Mr. Franks of New Jersey, Mr. Rowland, Mrs. Roukema, Mr. Callahan, Mr. Valentine, Mr. Markey, Mr. Spence, Mr. McCloskey, Mrs. Bentley, Mr. Hobson, Mr. LaFalce, Mr. McDermott, Mr. Gonzalez, Mr. Serrano, Mr. Klein, Mr. Coble, Mr. Gingrich, Mr. Mann, Mr. Sundquist, Mr. Kingston, Mr. Reed, Mrs. Morella, Mr. Hinchey, and Mr. Livingston.

H.J. Res. 119: Mr. Carr, Mr. Ackerman, Mr. Clement, Mr. Cramer, Mr. Evans, Mr. Fazio, Mr. Lantos, Mr. Moran, Ms. Waters, Mr. Waxman, Mr. Wilson, Mr. Valentine, Mr. Bilirakis, Mr. Coble, Mr. Doolittle, Mr. Gallegly, Mr. Hyde, Mr. Leach, and Mr. Quillen.

H.J. Res. 122: Mr. Cooper, Mr. de Lugo, Mr. Diaz-Balart, Mr. Gekas, Mr. Hayes of Louisiana, Mr. Andrews of New Jersey, Mr. Hefner, Mr. Martinez, and Mr. Hall of Texas.

H.J. Res. 126: Mr. Applegate, Mr. Bereuter, Mr. Boehlert, Mr. Burton of Indiana, Mr. Conyers, Mr. DeFazio, Mr. DeLay, Mr. Emerson, Mr. Engel, Mr. de la Garza, Mr. Gallo, Mr. Gejdenson, Mr. Hall of Ohio, Mr. Kildee, Mr. Klein, Mr. Lewis of Florida, Mr. Livingston, Mr. Manzullo, Mr. Matsui, Mr. McDade, Mrs. Meyers of Kansas, Ms. Molinari, Mr. Murphy, Mr. Porter, Mr. Roth, Mr. Royce, Mr. Sarpalius, Mr. Shays, Mr. Washington, Mr. Yates, Mr. Ballenger, Mr. Crapo, Mr. Dellums, Mr. Dreier, Mr. Gonzalez, Mr. Stearns, Ms. Brown of Florida, Mr. Duncan, Mr. Traficant, Mrs. Mink, Mr. Tucker, Mr. Flake, Mr. Payne of New Jersey, Mr. Foglietta, Mr. Hilliard, Mr. Lightfoot, Mr. Gunderson, Mr. Leach, Ms. Pryce of Ohio, Mr. Dornan, Ms. Lambert, Ms. Eddie Bernice Johnson, Mr. Kennedy, Mr. Hoagland, Mrs. Kennelly, and Mr. Smith of Michigan.

H.J. Res. 127: Mr. Martinez, Mr. Kasich, Mr. Saxton, Mr. Hutto, Mr. Jacobs, Mr. Hochbrueckner, Mr. Gallo, Mr. Payne of New Jersey, Mr. Blackwell, Ms. Roybal-Allard, Ms. Norton, Mr. Ford of Michigan, Mr. Johnson of Georgia, Ms. Eshoo, Mr. Valentine, Mr. Inslee, Mr. Smith of Michigan, Ms. Eddie Bernice Johnson, Mr. Rush, Mr. Bonior, Mr. Brown of California, Mr. LaRocco, Mr. Gutierrez, Mr. Kennedy, Mr. Klink, Ms. Velázquez, Mr. Deutsch, Ms. Waters, Mr. Wynn, Ms. Maloney, Mr. Vento, Mr. Barrett of Wisconsin, Miss Collins of Michigan, Mr. Manton, Mr. Hinchey, Ms. Danner, Ms. Schenk, Mr. Filner, Ms. Margolies-Mezvinsky, Mr. Hamburg, Mr. Kopetski, Mr. Clyburn, Mr. Ridge, Mr. Bishop, Mr. Bacchus of Florida, Ms. McKinney, Mrs. Clayton, Mr. Swett, Ms. Shepherd, Mr. Doolittle, Ms. Kaptur, Mr. Levy, Mr. Moran, Mr. Holden, Mr. Regula, Mr. Becerra, Mr. Gejdenson, Mrs. Vucanovich, Mr. Skelton, Mr. Yates, Mr. Coppersmith, Mr. Montgomery, Mr. Everett, Mr. Roemer, Mr. Orton, Mr. Minge, Mr. Scott, Mr. Hoyer, Mr. Barcia, Mr. Flake, Mr. Watt, Ms. Snowe, Mr. Darden, Mr. Bevill, Mr. Slattery, Mr. Franks of New Jersey, Mr. Deal, Mr. Wyden, Mr. McCloskey, Mr. Mann, Mr. Baesler, Mr. Sabo, Mr. Tucker, Mr. Neal of North Carolina, Mr. Hilliard, Mr. Peterson of Florida, Ms. Lowey, Mr. Quinn, Mr. Horn, Mr. Lazio, Mr. Ackerman, Mr. Engel, Mr. Schumer, Mr. Frank of Massachusetts, Mr. Wise, Mr. Visclosky, Mr. Durbin, Ms. Pelosi, Mr. Price of North Carolina, Mr. Traficant, Mr. Abercrombie, Ms. Woolsey, Ms. English of Arizona, Mr. Gene Green, Mrs. Kennelly, Mr. Porter, Mr. Andrews of Maine, Mr. Nadler, Mr. Brown of Ohio, Mr. Cardin, Mr. Lewis of Georgia, Mr. Mazzoli, Mr. Spratt, Mrs. Thurman, Mrs. Meek, Mr. Brooks, Ms. Lambert, Mr. DeFazio, Mr. Castle, Ms. Dunn, Mr. Meehan, Mr. Pomeroy, Mr. Coleman, Mr. Stenholm, Mr. Sisisky, Mr. Barlow, Mr. Moakley, Mr. Wheat, Mr. Kim, Mr. Hastings, Mr. Synar, Mr. Natcher, Mr. Reynolds, Ms. Brown of Florida, Mr. Oberstar, Mr. Sarpalius, Mr. Edwards of California, Mr. Kreidler, Mr. McCurdy, Mr. Pickle, Mr. Cramer, Mr. Richardson, Mr. Serrano, Mr. Dickey, Mrs. Lloyd, Mr. Waxman, Mrs. Collins of Illinois, Mr. Mfume, Ms. DeLauro, Mr. Swift, Mrs. Mink, Mr. Pastor, Mr. Markey, Mr. Brewster, Ms. Byrne, Mr. Rose, Ms. Slaughter, Mr. Kanjorski, Mr. Fields of Louisiana, Mr. Jefferson, Ms. Furse, Mr. Pete Geren, Mr. Rowland, Mr. Miller of California, Mr. Lehman, Mr. Pickett, Mr. Payne of Virginia, Mr. Hall of Texas, Mr. Dellums, Mr. Berman, Mr. Reed, Mr. Tanner, Mr. Bateman, Mr. Levin, Mr. Volkmer, Mr. Gordon, Mr. Tejeda, Mr. Zimmer, Mr. Torres, Mr. Bachus of Alabama, Mr. Grams, Mr. Boucher, Mr. Chapman, Mr. Evans, Mr. Clement, Mr. Poshard, Mr. Owens, Mr. Matsui, Mr. Neal of Massachusetts, Mr. Coyne, Mr. Smith of New Jersey, Mr. Callahan, Mr. Gekas, Mr. Moorhead, Mr. Roth, and Mr. McHale.

H.J. Res. 133: Mr. Wise and Mr. English of Oklahoma.

H.J. Res. 134: Mr. Applegate, Mr. Coleman, Mr. Dixon, Mr. Frank of Massachusetts, Mr. Hughes, Mr. Kim, Mr. Sawyer, Mr. Smith of Texas, Mr. Synar, Mr. Torricelli, Mr. Wise, Mr. Castle, Mr. Kopetski, Mr. Schiff, Mr. Gallegly, Mr. McCollum, Mr. Gillmor, Mr. Manton, Mr. Rogers, Mr. Hansen, Mr. Rose, Ms. Furse, Mr. Hamburg, Mr. Gingrich, Mr. Wynn, Mr. Pickle, Mr. Bliley, Mr. Tucker, Ms. Velazquez, Mr. Carr, Mr. Talent, Mr. Baker of California, Mr. Ballenger, Mr. Becerra, Mr. Gutierrez, Ms. Kaptur, Mr. McNulty, Ms. Roybal-Allard, Mr. Chapman, Mr. Rangel, Mr. Fish, Mr. Skeen, Mr. Wolf, Mr. Reynolds, Mrs. Waters, Mr. Quinn, Mr. Wilson, Mr. Bilirakis, Mr. Mazzoli, Mr. Browder, Mr. Inhofe, Mr. Sanders, Mr. Ravenel, Mr. Bevill, Mr. Lewis of California, Mr. Hyde, Mr. Burton of Indiana, Mr. Leach, Mr. Slattery, Mr. McCrery, Mr. Oberstar, Mr. Cox, Mr. Studds, Mr. Hoyer, Mr. Lancaster, Mr. Engel, Mr. Payne of New Jersey, Mr. Owens, Mr. Wyden, Mr. Goodling, Mr. Thomas of Wyoming, Mr. Young of Alaska, Mr. Doolittle, Mr. Pallone, Mr. Spratt, Mr. Mollohan, Mr. Lantos, Mr. LaRocco, Mr. Dornan, Mr. Evans, Mr. Hastings, Mr. Hefner, Mr. Hobson, Mr. Hutto, Ms. Eddie Bernice Johnson, Mr. Lehman, Mr. McDade, Ms. Meek, Mrs. Morella, Mr. Murphy, Ms. Schenk, Mr. Traficant, Mrs. Unsoeld, Mrs. Bentley, Mr. Borski, Mr. Camp, Mr. Cardin, Mr. Hunter, Mr. Johnson of South Dakota, Mr. Klein, Mr. Mann, Mr. Michel, Mr. Price of North Carolina, Mr. Sangmeister, Mr. Skelton, Mr. Smith of New Jersey, Mr. Valentine, Mr. Washington, Mr. Brown of Ohio, Mr. Deutsch, Mr. Brewster, Mr. Gallo, Mr. Hamilton, Mr. Livingston, Mr. Montgomery, Mr. Moran, Mr. Paxon, Ms. Slaughter, Mr. Spence, Mr. Stokes, Mr. LaFalce, Mr. Lewis of Florida, Mr. DeLay, Mrs. Vucanovich, Mr. Clement, Mr. Andrews of New Jersey, Mr. Flake, Mr. Walsh, Mr. Darden, Mr. Nussle, Mr. McCloskey, Mr. Roth, Mr. Callahan, Mr. Sisisky, Mr. Ford of Michigan, Mr. Abercrombie, Mr. Weldon, Mr. Mfume, Mr. Swett, Mr. Torkildsen, Ms. Fowler, and Mr. Pastor.

H.J. Res. 147: Mr. Skeen and Mr. Gene Green.

H. Con. Res. 13: Mr. Shays, Mr. Scott, Mr. Lipinski, and Mr. Doolittle.

H. Con. Res. 38: Mr. Romero-Barcelo, Mr. Frost, and Ms. Snowe.

H. Con. Res. 42: Mr. SANDERS, Mr. FILNER, Mr. FORD of Tennessee, and Mr. FROST.

H. Con. Res. 52: Mr. BRYANT, Ms. PELOSI, Mr. DEFAZIO, Mr. MCCOLLUM, Mr. SHARP, Mr. JEFFERSON, Mr. OBERSTAR, Ms. LOWEY, Mr. NADLER, Mr. STUDDS, Mr. MARKEY, Mr. BEILENSON, Mr. SERRANO, Mr. MANTON, Mr. SMITH of New Jersey, Ms. FURSE, Mr. BONIOR, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. BLACKWELL, Mr. GEKAS, Mr. HOBSON, Mr. OWENS, Mr. TUCKER, Mr. FOGLIETTA, Mr. POSHARD, Mr. YATES, Ms. WATERS, Mr. WYDEN, Ms. MARGOLIES-MEZVINSKY, Mr. BORSKI, Mr. ACKERMAN, Mr. CONYERS, Mr. HEFNER, and Mr. LEWIS of Georgia.

H. Con. Res. 70: Mr. HANSEN, Ms. DANNER, Mr. BACCHUS of Florida, Mr. EWING, Mr. BREWSTER, Mr. DURBIN, Mr. SCHIFF, Ms. NORTON, Mr. WHITTEN, Ms. MEEK, Mr. ENGLISH of Oklahoma, Mr. FINGERHUT, Mr. KINGSTON, and Mr. TANNER.

H. Con. Res. 76: Mr. WOLF, Mr. KREIDLER, Mr. COLEMAN, Mr. TOWNS, Mr. GINGRICH, Ms. ROYBAL-ALLARD, Mr. ROYCE, Mr. MCCURDY, and Mr. LIVINGSTON.

H. Con. Res. 79: Mr. DELAY, Mr. DOOLITTLE, Mr. SAM JOHNSON, Mr. DORNAN, Mr. TALENT, Mr. BARTLETT, and Mr. BAKER of Louisiana.

H. Res. 28: Mr. KNOLLENBERG and Mr. HORN.

H. Res. 38: Mrs. UNSOELD and Mr. MILLER of California.

H. Res. 139: Mr. ZELIFF, Mr. INGLIS, Mr. SCHIFF, Mr. LEVY, Mr. CRAPO, Mr. MOORHEAD, Mr. KIM, and Mr. GOODLATTE.

H. Res. 151: Mr. SCHIFF and Mr. BAKER of Louisiana.

EXTENSIONS OF REMARKS

LEGISLATION WILL GIVE MILWAUKEE RESIDENTS NEW HOPE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. KLECZKA. Mr. Speaker, today, Congressman BARRETT, Senators KOHL and FEINGOLD, and I jointly introduced legislation which could serve as a model for reforming our Nation's welfare system.

The New Hope Project, is a nationally recognized demonstration project sponsored by a consortium of community, government, business, labor, religious, and social service organizations. Under current plans, the program will work with 600 poor families and individuals who live in two targeted inner city areas in Milwaukee. Our legislation will provide approximately $6 million of Federal funds for a 3-year test of the program.

With the emphasis of the program being that people will prefer a job to welfare, the New Hope Project will provide four key components to its participants. First, it will guarantee participants access to a job. If, participants cannot find employment after an 8 week search in private or nonprofit firms, a community service job will be provided for them. This will be a temporary job, meant to fill the gap until the participant is able to find private sector employment—the overall goal of New Hope.

Second, through a combination of earned income tax credits and direct supplements from the New Hope Project, individuals are guaranteed their income, if working, will be above the poverty level. Third, participants will receive health care benefits equivalent to those provided by Medicaid if they are not already covered by Medicaid or employer insurance. And finally, participants will be able to receive child care, either in a home licensed or community facility, based on a sliding fee scale.

Participants will be selected based on their income level and the willingness to work. The participant's household income must be at or below 15 percent of poverty to enter. These are often the unfortunate people who work at low-wage jobs, full time and year round, but are still poor. Few, if any, of these individuals have benefits such as health insurance associated with their work.

Whether the cause of poverty is unemployment or underemployment, urban poverty manifests itself in crime, drugs, violence, and despair. All of America is paying these high costs of poverty.

The two neighborhoods of the New Hope Project were chosen because they are typical areas of urban poverty within the city core. They share high levels of unemployment and welfare utilization. They differ primarily in terms of racial composition. The North Side neighborhood is 65 percent African-American and 29 percent white, while the South Side neighborhood exhibits a more diverse mix with a majority of whites, a Hispanic population of 38 percent, and populations of Hmong, Vietnamese, and Native Americans. Milwaukee also regrettably leads the Nation in teenage pregnancy rates, and displays the largest income gap between white and African-Americans—further evidence that something needs to be done.

Because the ultimate goal of the New Hope Project is to transform public policy, the evaluation of this model is of critical importance. The project will contract with a nationally recognized organization with a demonstrated track record of performing credible, independent evaluations of employment and social service programs. Ultimately, the project will answer such questions as: Will people currently on public assistance respond to the opportunity to work when disincentives are removed? Can community service jobs successfully fill any gaps between available private sector jobs and low-skilled unemployed individuals? And, how does the cost of the New Hope Project compare to what is currently spent in direct and indirect costs for social welfare?

Finally, one of the most appealing elements of the New Hope Project is that it does not cost the Federal Government anything. The entire Federal contribution is offset by money that will not be paid to participants in the form of welfare payments.

Clearly the best welfare program is a good job. The New Hope Project gives individuals who have faced obstacles in their lives an opportunity to develop their skills to the fullest, and become productive members of our society.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NEW HOPE DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall provide for a demonstration project for a qualified program to be conducted in Milwaukee, Wisconsin, in accordance with this section.

(b) PAYMENTS.—(1) Except as provided in paragraph (2), for each calendar quarter in which there is a qualified program approved under this subsection, the Secretary shall pay to the operator of the qualified program an amount equal to the aggregate amount that would otherwise have been payable to the State in the absence of the program, with respect to participants in the program, for cash assistance and child care under part A of title IV of the Social Security Act, for medical assistance under title XIX of such Act, and for administrative expenses related to such assistance, for such calendar quarter. In calculating the amount of such payment, the expenses of the program incurred in evaluating the effects of the program (as required under subsection (d)(1)) may be treated as amounts necessary for the proper and efficient administration of the program, for purposes of part A of title IV, and title XIX, of such Act.

(2) LIMITATION ON PAYMENTS.—Payments shall be made under paragraph (1) to participants in the program for no more than 20 calendar quarters.

(c) DEMONSTRATION PROJECT DESCRIBED.—For purposes of this section, the term "qualified program" means a program operated—

(1) by The New Hope Project, Inc., a private, not-for-profit corporation incorporated under the laws of the State of Wisconsin (referred to in this section as the "operator"), which offers low-income residents of Milwaukee, Wisconsin, employment, wage supplements, child care, health care, and counseling and training for job retention or advancement; and

(2) in accordance with an application submitted by the operator of the program and approved by the Secretary based on the Secretary's determination that the application satisfies the requirements of subsection (d).

(d) CONTENTS OF APPLICATION.—The operator of the qualified program shall provide, in the operator's application to conduct a demonstration project for the program, that the following terms and conditions will be met:

(1) The operator will develop and implement an evaluation plan designed to provide reliable information on the impact and implementation of the program. The evaluation plan will include adequately sized groups of project participants and control groups assigned at random.

(2) The operator will develop and implement a plan addressing the services and assistance to be provided by the program, the timing and determination of payments from the Secretary to the operator of the program, and the roles and responsibilities of the Secretary and the operator with respect to meeting the requirements of this paragraph.

(3) The operator will specify a methodology for determining expenditures to be paid to the operator by the Secretary, with assistance from the Secretary in calculating the amount that would otherwise have been payable to the State in the absence of the program, pursuant to subsection (b).

(4) The operator will issue an interim and final report on the results of the evaluation described in paragraph (1) to the Secretary at such times as required by the Secretary.

(e) EFFECTIVE DATE.—This section shall take effect on the first day of the first calendar quarter that begins after the date of enactment of this Act.

A TRIBUTE TO THE MEMORY OF JOSIAH MOORE, CHAIRMAN OF THE TOHONO O'ODHAM NATION

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. PASTOR. Mr. Speaker, it is with great sadness that I report to my colleagues the passing of one of the great leaders in the native American community: Mr. Josiah Moore, Chairman of the Tohono O'odham Nation.

Chairman Moore was a friend of longstanding. It was my privilege to work closely with him on several causes to which we shared a strong commitment.

Josiah was a leader in developing and directing education programs for the native American community in Arizona. Before assuming the chairmanship of the 17,000 Tohono O'odham Nation, he was the education coordinator of the tribe. In that capacity, he pioneered basic education programs which enabled young native Americans to pursue higher education and vocational training programs. The programs he developed were designed to assist the tribe in developing the human resources necessary for the Tohono O'odham Nation to govern itself and become economically sufficient. He also broadened the exposure of many young members of his tribe by involving them in foreign exchange study programs.

As an educator, he was associated with a number of different institutions of higher education where he created an awareness of the needs of native Americans in our country's social structure. He was a professor of English at Arizona State University. At ASU, he became involved in the school's Upward Bound Program, serving as an English instructor and counselor. He also served as a counselor at Mesa Community College and sat on the advisory council of South Mountain Community College.

Chairman Moore later left the classroom to work for the Arizona Department of Education. From 1977 to 1979, he was an education program specialist for the bilingual education unit. Between 1979 and 1983, he directed the Indian education unit for the State of Arizona.

In 1983, Josiah was first elected chairman of the Tohono O'odham Nation. Under his leadership, the nation received a number of road and construction projects. He also fought to protect the natural resources of the tribe's reservation. He served as chairman of the tribe until 1987 and was later re-elected in 1991.

I share with my brothers and sisters of the Tohono O'odham Nation the feeling of deep personal loss. The nation is declaring April 23 as a national day of mourning and rededication in honor of Josiah. I urge my colleagues to join with us in remembering the contributions of this great man and good friend.

PUBLIC SCHOOL 160 HONORED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. ENGEL. Mr. Speaker, I wish to recognize today the 20th anniversary of Public School 160, which is located in my home community of Co-op City in the Bronx.

As a resident of Co-op City, I know that our community and its surrounding neighborhoods are a unique place to live. There is a mix of people from different ethnic and religious backgrounds who work together to maintain their quality of life. At P.S. 160, the process of learning to live in the community begins. Thanks to the dedication of Principal Mary Jane Whalen and her staff, the children of P.S. 160 receive the best start possible in their academic careers.

P.S. 160 boasts the largest special education unit in the city. As a barrier-free school, it emphasizes the fact that every child has potential which simply needs to be nurtured. For the past two decades, the school has clearly established itself as a place where diversity and quality education are celebrated.

I commend all the educators, parents and students who have contributed to the success of P.S. 160, and I know we all look forward to many more years of achievement.

INTRODUCTION OF THE RURAL FQHC RESIDENT TRAINING ACT

HON. L.F. PAYNE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. PAYNE of Virginia. Mr. Speaker, today I have introduced the Rural FQHC Resident Act. This legislation will provide a major opportunity for rural medically underserved communities to increase the number of doctors serving their populations.

The act accomplishes this by changing the way Medicare reimburses teaching hospitals for the cost of resident and intern training. Presently Medicare reimburses the hospitals for both direct and indirect costs of graduate medical education. In 1991 direct costs reimbursements totaled $1.5 billion nationwide, while indirect cost reimbursements totaled $3.3 billion nationwide. In Virginia alone, 1991 direct cost reimbursements totaled $23.5 million, and indirect cost reimbursements totaled $49.3 million.

Hospitals which chose to send residents out of the hospital for training in rural area clinics presently can receive direct cost reimbursement for these residents, but they cannot receive indirect cost reimbursement. As a result, many hospitals which would be willing to send residents to rural area clinics for family practice training do not do so because it costs them the indirect reimbursement.

The act permits Medicare to reimburse hospitals for the indirect costs of residents assigned to rural area health care facilities in medically underserved areas.

Mr. Speaker, 13 of the 17 counties in my district are classified by the Department of Health and Human Services as medically underserved. Any federally qualified health care facility [FQHC] in these counties would be eligible under the bill to receive an intern or resident from a teaching hospital, with the hospital receiving full Medicare graduate medical education reimbursement for the intern or resident.

The act does not require that the health care facility receiving the resident be an FQHC. Examples of FQHC's are Community Health Centers, Migrant Health Centers, several types of Indian health facilities, health programs for the homeless and "look-alike" private facilities. In my district there are six community health centers.

I have not yet received a cost estimate on the act, but I anticipate it will be small, if any. The act does not authorize new spending, but only permits hospitals to shift the training site of interns and residents they are very likely already receiving reimbursement for.

I believe this bill is the right type of medicine for deficiencies in rural health care. It is only a small part of the necessary prescription, but it can make a big difference for some of our rural communities.

Mr. Speaker, I believe health care reform must move our health care system toward better coverage of underserved populations. To do so most cost effectively, we need bureaucratic flexibility and partnerships between major health care system players. The FQHC Resident Training Act brings together Medicare, major hospitals, rural clinics, and rural physicians to provide a superior family practice training experience for our young doctors, while increasing service in some of our most underserved rural areas.

EFFECT OF THE NORTH AMERICAN FREE TRADE AGREEMENT ON THE TRANSPORTATION INDUSTRY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. FILNER. Mr. Speaker, as the House of Representatives prepares to debate the advantages and disadvantages of the North American Free Trade Agreement, it is essential that the following compelling argument against NAFTA be considered in any discussion of the treaty. The argument is presented by Richard Aceves, secretary-treasurer of Teamsters Local Union No. 542 in San Diego, and clearly illustrates the dramatic differences in wages and safety standards between Mexico and the United States. My constituents in the 50th District know from firsthand experience the dangers of lowering U.S. standards to meet the terms of NAFTA. We cannot ignore their concerns.

PRESENTATION TO CONGRESSIONAL BRIEFING BY RICHARD ACEVES, TEAMSTERS LOCAL UNION 542 ON THE EFFECT OF THE NORTH AMERICAN FREE TRADE AGREEMENT ON THE TRANSPORTATION INDUSTRY

Good morning. My name is Richard Aceves. I am Secretary-Treasurer of Teamsters Local Union No. 542 in San Diego, California.

The Teamsters Union, which represents 1.4 million working men and women, is adamantly opposed to the North American Free Trade Agreement. This agreement will cause massive job loss, a threat to public safety, and destruction of the infrastructure of the U.S. transportation system.

Teamster truck drivers are the most qualified and skilled commercial motor vehicle operators in the United States. We take pride in the safe and efficient delivery of our nation's goods.

American drivers simply cannot compete, nor should they, with Mexican commercial drivers who are paid as little as $7 per day and whose employers are not required to provide prevailing U.S. wages, workers' compensation insurance, unemployment insurance, or Social Security.

Yet, NAFTA would permit companies to exploit Mexican drivers to do work now done by American truckers. It would allow companies to use Mexican drivers to haul freight to Boston, Detroit, Chicago, or anywhere else in the United States. There would be no effective guarantee that either the drivers or the trucks they use would meet safety standards which have been developed in the United States over many years.

We want Mexican truck drivers to have good, safe jobs at good wages—the same as us—and we don't want to see our jobs and our safety destroyed. That's why we feel so strongly that NAFTA is bad for working people in both nations.

I come from a local union in the border area, so I've seen first hand what the rest of the nation is in for if NAFTA passes.

Prior to the announcement that negotiations had been completed on NAFTA, Californians had a preview of that agreement. On November 21, 1991, the United States government entered into a secret agreement called a Memorandum Of Understanding—or MOU—with the government of Mexico.

With the stroke of a pen, this agreement granted Mexican drivers full access to the United States by treating the Mexican federal truck drivers license as a valid commercial drivers license—or CDL—in the U.S. The MOU prohibits all states from issuing their own non-resident CDL's and applying their normal standards to Mexican drivers residing in Mexico.

To add insult to injury, the Department of Transportation under George Bush issued a Final Rule on July 16, 1992 implementing the agreement without hearing or comment. The Teamsters Union has a lawsuit pending questioning the legality of the Memorandum of Understanding and implementing regulations. We also have petitioned the Clinton Administration to terminate the MOU and revoke implementing regulations.

DOT claims that a Mexican CDL satisfies the U.S. commercial driver testing and licensing standards. But does it? Let's compare:

In the U.S., you must be 21 to get a CDL to drive in interstate commerce. In Mexico, you only have to be 18.

In the U.S., commercial drivers are legally required to "read and speak the English language sufficiently to converse with the general public, to understanding highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records." Under DOT's Final Rule, no language requirement exists for Mexican commercial drivers.

Under present U.S. regulations, American drivers must demonstrate specialized knowledge and skill to operate specific equipment such as double/triple trailer trucks or tank trucks or to transport placarded hazardous materials. U.S. CDL's are issued with separate vehicle group and license endorsements for individuals who have met the required tests. The Mexican CDL does not require separate tests of knowledge for these vehicles.

In the U.S., no state was allowed to issue a CDL until it was hooked up to a national computer network for exchanging information on problem drivers. We have no such formal system with Mexico.

U.S. commercial drivers are required to submit to random drug and alcohol testing. Mexican commercial drivers are not.

U.S. commercial drivers are subject to the most comprehensive limits in North America on hours of service to minimize dangers caused by fatigue.

So far we're talking about Mexican commercial drivers. Now, NAFTA would also expand where Mexican trucks can go in the United States.

Mexican carriers with ICC authority already operate in U.S. commercial zones along the border. NAFTA would lift all restrictions and allow foreign carriers unlimited access, phased in within ten years following ratification.

Article 913 of NAFTA establishes sidebar negotiations to harmonize the transportation systems of the U.S., Canada and Mexico.

The average age of Mexican trucks is 15 years compared to four and a half years for U.S. trucks.

Both Canada and Mexico allow longer and heavier trucks. Whose standard will prevail? Will highway user fees increase to pay for the added road maintenance which will be required as a result of bigger trucks? Who will pay and how much.

Braking systems—DOT is moving towards anti-lock brake regulations for trucks. Mexican trucks aren't even required to have front brakes, while this has been a requirement on all U.S. trucks manufactured since 1980.

What about inspections? How will this be done and where? The low frequency of truck inspection in the U.S. has been a great source of concern for a number of years. The reason consistently given is inadequate number of DOT inspectors. The NAFTA agreement will further exacerbate this problem. How will it be remedied? Who will pay for the training and hiring of more DOT inspectors?

The transportation industry is still reeling from the job loss and upheaval caused by the Motor Carrier Act of 1980 and other misguided deregulation policies of that era. The NAFTA will again tax the resources of state officials and governments who are already overburdened by increased enforcement activity.

NAFTA is a bad deal for workers and communities in all three countries. Massive job loss and the potential impact on highway safety is a real concern for the professional Teamster driver, highway officials, and the general public. We hope you will carefully examine the issues we have raised here today when you consider your position on the North American Free Trade Agreement.

REMEMBERING GAY VICTIMS OF THE HOLOCAUST: WILLEM ARONDEUS—HERO OF THE RESISTANCE

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. STUDDS. Mr. Speaker, on the occasion of the formal dedication of the U.S. Holocaust Memorial Museum, I rise to pay tribute to those victims of the Nazi terror who were persecuted because of their sexual orientation.

In the decades before Adolf Hitler's rise to power, Germany was home to the world's first homosexual rights movement. The Nazis responded with a vicious campaign against "homosexual degeneracy" during the 1930's. Some 50,000 to 63,000 men were convicted of homosexual offenses in Nazi courts from 1933 to 1944; 10,000 to 12,000 homosexuals—most of them men—were imprisoned in the concentration camps. They were often singled out for the harshest treatment, and more than half of them died.

Gay prisoners in the camps wore uniforms that bore a pink triangle—an insignia that has since been adopted as a symbol of the modern lesbian and gay rights movement.

According to materials compiled by the Holocaust Memorial, gay survivors were subjected to continued persecution after the collapse of the Nazi regime. The Allied Military Government of Germany refused to release those who had been imprisoned for homosexuality, and the Nazi law criminalizing homosexuality remained in effect until 1969.

For too long, the Nazi victimization of gay people has remained a secret little known and seldom mentioned. The curators of the U.S. Holocaust Memorial Museum have taken an important step in redressing this neglect by including among the displays a poignant collection of artifacts documenting the persecution of homosexuals.

Visitors to the museum are issued an identity card that tells the story of a person of the visitor's age and gender who lived during the Holocaust. During my visit last Monday evening with some of my congressional colleagues, I received a card describing the life of Willem Arondeus, born in Amsterdam, Netherlands, in 1895. This is his story:

> One of seven children, Willem grew up in Amsterdam where his parents were theater costume designers. When Willem was 18, he fought with his parents about his homosexuality. He left home and severed contact with his family. He began writing and painting, and in the 1920s was commissioned to do a mural for the Rotterdam town hall. In 1932 he moved to the countryside near Apeldoorn.
>
> 1933–39: When he was 38, Willem met Jan, the son of a greengrocer, and they lived together for the next seven years. As a struggling painter, Willem was forced to go on welfare. In 1938 Willem began writing the biography of the Dutch painter Matthijs Maris, and after the book was published, Willem's financial situation improved.
>
> 1940–44: The Germans invaded the Netherlands in May 1940. Soon after the occupation, Willem joined the resistance. His unit's main task was to falsify identity papers for Dutch Jews. On March 27, 1943, Willem's unit attacked the registry building and set it on fire. They were attempting to destroy records against which false identity papers could be checked. Thousands of files were destroyed. Five days later the unit was betrayed and arrested. That July, Willem and 11 others were executed.
>
> Before his execution, Willem asked his lawyer to testify after the war that "homosexuals are not cowards." In 1945 Willem was posthumously awarded a medal by the Dutch government.

There is a special poignancy in our remembrance of gay Holocaust victims like Willem Arondeus. Unlike those who could marry and have children, many gay people perished with no one but us to remember them. We are their family, and we will never forget them.

Mr. Speaker, I am struck by the remarkable fact that the dedication of the U.S. Holocaust Memorial Museum coincides with what will be one of the largest civil rights demonstrations in U.S. history. The march on Washington for lesbian and gay civil rights, scheduled for Sunday, April 25, 1993, is expected to draw hundreds of thousands from throughout the United States. These people are coming to Washington to bear witness to the continuing discrimination visited upon lesbian, gay, and bisexual Americans. Like Willem Arondeus, these Americans are murdered, assaulted, and denied basic civil rights simply because of who they are. Those who have the moral and physical courage of Willem Arondeus are told they are unfit to serve their country.

This situation represents a tragic failure of our society to learn the lessons of history. We must never forget, nor allow the world to forget, that the degradation and dehumanization of any member of the human family endangers the life and liberty of us all.

GENDER EQUITY IN EDUCATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mrs. MORELLA. Mr. Speaker, today, I joined with several of my colleagues to announce the introduction of the Gender Equity in Education Act. This legislation is an omnibus bill that addresses inequities in educational opportunity, and includes several bills relating to teacher training, sexual harassment and abuse, child abuse education and prevention, school dropouts, and athletic programs. The two bills that I have introduced include one that addresses gender equity in math and science education and another to provide coordinated services to address the needs of at-risk youth.

As our Nation moves toward the year 2000, academics, researchers, and classroom teachers are looking for ways in which to study and correct inequities in math and science education. While it is true that many changes have occurred during the past 15 years, women are still underrepresented in math and science fields. Former National Science Foundation Director Erich Block has urged Americans to look to underrepresented women to meet the growing demand for scientists and engineers in the United States.

While girls are taking almost the same number of math and science courses, boys still outnumber girls in upper-level math and advanced chemistry and physics. Research has identified several reasons why boys show more interest in math and science. Boys in math and science classes tend to receive more time and attention than girls. Teachers have been found to give boys more praise, more criticism, and to be more apt to accept boys' responses. According to a report from the American Association of University Women [AAUW], "even girls who take the same number of math and science courses as boys, and who perform as well on tests, are much less apt to pursue scientific or technological careers than are their male counterparts."

The Gender Equity in Science and Math Education, H.R. 1408, would encourage the recruitment or retraining of more math and science teachers at the elementary and secondary levels. While 45% of the math teachers in grades 9 through 12 are women, the sciences present a more discouraging picture. Only 37 percent of high school biology teachers, 34 percent of chemistry teachers, and 22 percent of physics teachers are women. Women continue to be underrepresented in math and science careers. Female teachers would serve as role models to encourage girls' participation in math and science courses, and would reduce the isolation felt by girls who are interested in math and science.

Research shows that although inequitable practices are widespread and persistent, they are nearly always inadvertent. This bill would provide for training for teachers and other school staff to help them identify and change the unexamined practices that create gender inequities. The Federal Government must take the lead in encouraging local school districts to make gender equity training available to teachers, counselors, and administrators.

My legislation would specify that informal education, such as that provided by community-based organizations, is included in the allowed activities for demonstration and exemplary programs. Research indicates that girls decide to take more math and science after participating in math and science sessions they see as more fun, more relaxed, with less pressure and less competition, with more hands-on work and problem solving.

In order to give gender a higher priority in federally-funded education research, this legislation would encourage education data, whenever it is technically and economically feasible, to be collected, analyzed, and cross-tabulated by sex, race or ethnicity, and socioeconomic status.

The Link-Up for Learning Act, H.R. 520, would establish a $250 million grant program in the Department of Education to encourage a coordinated approach by parents, schools, and social service agencies to provide school-based community services to children identified as at risk. These services include tutoring, mentoring, and remedial programs, as well as parent education and job training and placement. By recognizing the importance of non-education needs in school reform, we will be lifting the obstacles to learning for many of our troubled youth.

WENDY KANESHIRO'S WINNING SCRIPT HONORED

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mrs. MINK. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct a voice of American democracy broadcast scriptwriting contest. This year 147,000 students participated in the contest, writing scripts for the theme, "My Voice in America's Future." I am proud to announce that a student in my district, Ms. Wendy Kaneshiro of Waipahu, HI, writing of the desire of people across the globe to live under democracy, was one of the 29 winning finalists. As a recognition for her success as a finalist in the contest and in praise of the sentiments expressed in her speech, I am inserting her winning script in the CONGRESSIONAL RECORD.

Following is the text of the winning script:

MY VOICE IN AMERICA'S FUTURE

(By Wendy Kaneshiro)

It fights for life in Tiannamen Square. It struggles for a foothold in the streets of Moscow. If given the chance, it thrives wherever people go unheard by their rulers and have the fire in them to fight for a better way of life. It is the foundation of our country—an idea so precious that life in the United States would be forever changed without it. Democracy. We have been handed this right at a time when so many others are paying with their lives for a glimpse of this elusive entity. Now it falls on us, the children of democracy, to maintain and pass on our democracy at the standards set at its creation. My voice—all our voices—must unite as one to keep this precious gift alive.

In my eyes, democracy is an original work of art. Like a fine tapestry, democracy needs weavers to first put the idea into motion. These were our forefathers: the rebels, the dissenters, and the patriots. From them, we inherited a democracy ". . . of the people, by the people, for the people . . ." It has been in our blood for so long, in fact, that many Americans take this as a given. For us, freedom and democracy are one.

A tapestry is a remarkable piece of work. Admiring it from afar, the picture looks as if it were painted, but as you walk closer, you begin to realize that instead of being whole, there are an infinite number of tiny threads closely woven together to make the scene. Some are shorter than others and a few are snagged or torn, but they are all needed to create the overall effect the tapestry gives. Likewise, America is known as the "melting pot of the world." People of all nationalities and classes reside here, and many more come hoping to make a better life. These people and the cultures and ideas they bring are what makes America, and all are needed threads in our tapestry of democracy.

As citizens in a democratic society, every person owes it to themselves and their country to develop their abilities to the fullest. Why? Because democracy means "people power". What good is that power if no one wants to wield the responsibility? What good is democracy if no one uses it to its full potential? As each thread is somehow intertwined with the rest, so too are all our fates dependent on the actions of each individual. If even one thread is broken, the entire weaving will slowly unravel and collapse. Because of this, we must put our differences aside and make all our voices ring as one to preserve our way of life. Only by doing this can we develop as a nation, and keep our democratic movement alive.

As the true spirit of democracy will never cease to grow or change, neither will our tapestry. Our forefathers began the design with the realization of a free society. With dexterous hands they first bound together the threads that would eventually become the foundation for one of the greatest nations in the world. Into every succeeding generation was this weaving then passed, each one adding their own unique experiences and peoples to the existing scheme. Throughout the course of time, this work of art has been through much. Threads snapped, rows frayed, and once in a while complete collapse seemed inevitable. Each time, however, the work was carefully repaired by loving hands. By this scrupulous care alone it has been able to survive more than two centuries of existence.

Now, the time has come for us, the next generation of Americans, to preserve and pass on this ever-existing, ever-changing tapestry. The dawn of a new day has arrived, and we eagerly extend our hands to receive that which is rightfully ours; that which has been paid for in the blood, sweat, and tears of our ancestors. Although we are young, the past generations have taught us well, and we are ready for this arduous task. Our young voices are the threads waiting to be connected to the larger work. The future of the democratic movement depends upon us and how well we learned from our predecessors, for in my voice—our voices—rests the fate of the tapestry of democracy . . . the essence, the spirit, and the soul of America.

MS. WILLOW DEY LANPHER WINS SCRIPTWRITING CONTEST

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. SANDERS. Mr. Speaker, I am proud to insert into the CONGRESSIONAL RECORD the following script by Ms. Willow Dey Lanpher of Lydonville, VT. Hers was the winning script from Vermont in the Voice of Democracy broadcast scriptwriting contest conducted by the Veterans of Foreign Wars and its ladies auxiliary.

MY VOICE IN AMERICA'S FUTURE

(By Willow Lanpher)

I remember a voice from my childhood that told me stories while I sat on his lap. I remember the way his laughter sounded and when his voice was heavy with concern. I could tell when he was happy, or angry just by the sound of his voice. I remember the stories, there was always a story, for every occasion, and every circumstance. I remember the way he told his stories, eyes smiling, fingers tapping on the table, he would look at me and wink, and I would laugh. I loved the way he wove his tales together to form beautiful tapestries of spoken words.

Not even though I am too big to sit on his lap, and I don't see him very often, I still love to sit near him and listen to his stories. And when I'm not in his presence, I hear his voice sometimes, I hear his laughter, and his pictures wink at me. He is my grandfather, and if I could have my voice be remembered in any way, it would be as I will always remember his.

I don't know what kind of an impact my voice will have on America's future. I can't say, although I would like to, that I will change the world with my lonely quiet voice. It takes many voices joining together to make an impression. And then, when everyone is singing together in the same key, the music is beautiful.

It seems that most of the problems today are caused because everyone is yelling, out of turn, creating sounds that run into each other instead of flowing together. Too many people are angry, there is not enough laughter. The chorus is out of key and off beat.

We learn very early on in life that it is the loud people who are the leaders. The people who stand up to be counted, are counted. If you want to get your point across you have to say what your point is and you have to say it loud enough to be heard. If you keep your opinion and ideas to yourself, you can be the only one to blame when they are not known. It is in this way that the quiet everyday people are lost in the shuffle, never heard from and often never understood.

I will be happy if I only have a strong impact on those closest to my heart. I will tell them of their heritage. I will tell them of things that should be told, not locked in a wooden chest. Mistakes should be learned from, not hidden away to save humility.

I will teach my children and grandchildren to be proud of who they are, to be happy with what they have, to smile and let the world smile back, I will tell them they don't have to be loud as long as they mean what they say. I will tell them to be leaders, not followers, to believe in themselves and their decisions.

I will make sure that they learn never to judge someone by their color, or race, or sex, but to look inside, beyond the skin to the soul. That beauty is in the eyes of the beholder, and comes from the heart.

I will tell them the stories my grandfather tells me. They will hear my laughter, and my concern. And when I leave this place, I will feel confident that I have left my mark. There will probably be no buildings or cities named after me. My name will probably not be inscribed in any history books. There will probably be no monument in some famous cemetery. But there will be my children and grandchildren who will always remember my voice, and will pass on what I taught them. That is what my voice in America's future will be like. It will be small, and quiet and may be far from famous, but it will be important to all of those lives that it touches. And that is better than any page in a history book. Thank you.

REPORT ON U.S. ARMS SALES IN FISCAL YEAR 1992

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to a quarterly report pursuant to section 36(a) of the Arms Export Control Act that includes a complete tabulation of U.S. arms exports and U.S. licenses/approvals for the export of commercially sold defense articles and services. This report was provided to the Committee on Foreign Affairs on January 22, 1992, but important aspects of it were only recently declassified. This report is worthy of both congressional review and public scrutiny as we endeavor to reshape our thinking and arms sales policies in the post cold war era.

In fiscal year 1992, the United States sold $14.983 billion in defense articles and services, plus an additional $187.965 million in foreign military construction and issued licenses/approvals of $15.997 billion for the export of commercially sold defense articles and services. It should be noted that licenses/approvals do not equal military sales agreements.

They are permits for U.S. corporations to compete for commercial foreign military sales. In this regard, officials at the Department of State estimate that 40 to 60 percent of these license approvals result in actual sales.

In fiscal year 1991, the United States sold $22.981 billion in defense articles and services, plus an additional $805.9 million in foreign military construction, and issued licenses/approvals of $39.109 billion for the export of commercially sold defense articles and services.

Tables from the section 36(a) report follow:

Total value of defense articles and services sold to each country/purchaser as of Sept. 30, 1992, under foreign military sales

	Millions
Antigua-Barbuda (a)	$0.3
Argentina	5.8
Australia	148.6
Austria	5.0
Bahrain	14.0
Barbados (b)	.8
Belgium	35.1
Belize	.6
Bolivia—Intl. Narc (c)	17.2
Botswana (d)	.7
Brazil	69.7
Burundi	.1
Cameroon (e)	.5
Canada	158.2
Cape Verde (f)	1.6
Central African Republic (g)	.2
Chad	2.6
Chile	5.5
Colombia	1.6
Colombia—Intl. Narc (h)	64.4
Congo	(1)
Costa Rica	.3
Denmark	70.9
Djibouti	1.2
Dominica	.3
Dominican Republic	1.6
Ecuador	6.2
Ecuador—Intl. Narc	1.7
Egypt (i)	860.1
El Salvador (j)	34.3
Finland	2,427.1
France	28.1
Gabon (k)	(1)
Gambia	.4
Germany (l)	189.4
Greece	625.0
Grenada	.3
Guinea	.1
Guinea-Bissau	.4
Honduras (m)	14.8
Indonesia	11.1
Israel	98.0
Italy	206.4
Ivory Coast	1.4
Jamaica	1.7
Japan	355.0
Jordan	7.9
Kenya	.7
Korea (Seoul)	2,640.9
Kuwait (n)	482.9
Lesotho (o)	(1)
Luxembourg	.4
Malawi	.5
Malaysia	4.6
Malta	(1)
Mexico	2.3
Morocco	13.6
Namibia	.1
Netherlands	313.9
New Zealand	8.1
Niger (p)	2.2
Norway	43.8
Oman	5.6
Panama	.9
Paraguay	(1)
Peru	.8
Peru—Intl. Narc	5.1
Philippines	47.5
Portugal	27.0
Qatar	1.5
Rwanda (q)	.3
Sao Tome & Principe	(1)
Saudi Arabia (r)	974.2
Senegal (s)	4.1
Sierra Leone	.8
Singapore	85.4
Spain	99.2
St. Kitts and Nevis	.1
St. Lucia	.4
St. Vincent and Grenadines	.2

Sweden	41.1
Switzerland	28.6
Taiwan	477.9
Thailand	442.5
Togo	(1)
Trinidad-Tobago	.3
Tunisia	7.8
Turkey	1,852.2
United Arab Emirates	509.2
United Kingdom	252.0
Uruguay	6.2
Venezuela	19.4
Zimbabwe	.1
International Orgs	90.8
Classified Totals[2]	1,012.3
Total	14,983.7

[1] Less than $50,000.

[2] See classified addendum to CPD.

NOTE.—Details may not add due to rounding. Construction values are excluded as follows: (a) $48,500 (b) $297,100 (c) $5,000,000 (d) $194,200 (e) $82,500 (f) $97,100 (g) $116,500 (h) $8,200,000 (i) $107,500,000 (j) $1,900,000 (k) $92,300 (l) $50,500 (m) $4,800,000 (n) $13,600,000 (o) $194,200 (p) $98,500 (q) $9,700 (r) $45,300,000 (s) $268,600 (t) $106,800.

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES—SEPT. 30, 1992

[In thousands of dollars]

Country/Purchaser	October to December	January to March	April to June	July to September	Cumulative
Algeria	6	266	618	473	1,363
Andorra	8	78	12	53	151
Antigua	2	8,174		1	8,177
Argentina	4,387		6,361	38,256	49,004
Australia	167,416	270,043	78,306	57,495	573,260
Austria	9,446	2,619	9,277	4,726	26,068
Bahamas	2,274	14	87	46	2,421
Bahrain	2,671	5,152	519	154	8,496
Bangladesh	36	1	8	229	274
Barbados	9	25	76	103	213
Belarus				1	1
Belgium	29,436	64,283	38,251	72,507	204,477
Belize	13	31	1	6	51
Benin				(1)	(1)
Bermuda	4	12	33	16	65
Bhutan		58	15		73
Bolivia	391	2,815	584	1,342	5,132
Botswana	11	69	8,188	159	8,427
Brazil	23,439	17,237	24,999	9,077	74,752
British Virgin Islands			(1)		(1)
Brunei	3,105	87	589	87	3,868
Burundi		17	4		21
Cameroon	7			3	10
Canada	5,592	495	44,197	2,294	52,578
Cayman Islands	7	15,035	52	14,904	29,998
Chad		299		4,932	5,231
Chile	3,387	3,208	2,846	1,275	10,716
China	565	200		4,632	5,397
Colombia	2,768	772	1,946	765	6,251
Congo			88		88
Costa Rica	20	10,863	3,968	168	15,019
Cyprus	16	64	27	3	110
Czechoslovakia	59	161	233	16	469
Denmark	13,635	16,373	14,138	27,590	71,736
Djibouti			19		19
Dominica	1		8	1	10
Dominican Republic	180	270	216	499	1,165
Ecuador	942	790	1,129	2,968	5,829
Egypt	60,471	50,211	140,114	200,875	451,671
El Salvador	793	345	19	68	1,225
Finland	27,812	9,722	6,144	4,731	48,409
France	126,288	66,992	154,742	76,633	424,655
French Guiana	9,856	107	48,635	1	58,599
French Ploynesia	1			32	33
Gabon	507	158		1	666
Germany, Berlin		133			133
Germany, Federal Republic of	182,963	255,737	379,990	324,530	1,143,220
Ghana	4			5	9
Greece	55,277	175,960	324,902	42,742	598,881
Grenada	0	(1)	0	0	(1)
Guatemala	175	576	175	1,173	2,099
Guinea		8	2	1	11
Guyana	61	4	17	12	94
Haiti				(1)	(1)
Honduras	611	2,114	973	205	3,903
Hong Kong	914	3,642	36,588	37,698	78,842
Hungary	31	172	179	648	1,030
Iceland	23	2	16	3	44
India	52,032	2,766	7,391	8,071	70,260
Indonesia	12,955	15,339	22,407	49,702	100,403
Ireland	390	1,134	1,491	983	3,998
Israel	209,074	121,731	162,094	136,885	629,784
Italy	84,230	67,746	108,517	46,784	307,277
Ivory Coast	2	108	1	(1)	111
Jamaica	84	1,478	1,339	456	3,357
Japan	340,644	547,923	596,058	615,322	2,099,947
Jordan	8,277	8,624	9,144	1,082	27,127
Kenya	131	81	2	163	377
Korea, Democratic Peoples Republic	17	241,113	233,780	114,077	588,987
Korea (Seoul)	903,991				903,991
Kuwait	4,275	52,409	31,143	10,378	98,205
Lebanon	613	47	81	330	1,071
Liechtenstein				2	2
Lithuania				50	50
Luxembourg	4,546	2,982	1,723	3,885	13,136
Macau	17	11	22	173	223
Madagascar		2		5	7
Malaysia	67,190	219,818	11,372	62,070	360,450
Maldives			318		318
Mali	2			1	3
Malta		(1)			(1)
Martinique				20	20
Mauritania		2			2
Mauritius	2	27	544		573
Mexico	216,595	114,742	216,753	153,316	701,406
Monaco	1		11		12
Morocco	20,121	76	19,096	7,186	46,479
Mozambique		59			59
Namibia	660	609	288	1,383	2,940

LICENSES/APPROVALS FOR THE EXPORT OF COMMERCIALLY SOLD DEFENSE ARTICLES/SERVICES—SEPT. 30, 1992—Continued

[In thousands of dollars]

Country/Purchaser	October to December	January to March	April to June	July to September	Cumulative
Nepal	(1)		34		34
Netherlands	152,532	62,228	42,698	64,724	322,182
Netherlands Antilles	42	19	3	52	116
New Caledonia	7	39	30	27	103
New Zealand	4,410	11,140	2,318	12,921	30,789
Nicaragua	88	94	11	15	208
Niger	200				200
Nigeria	1,059	897	278	446	2,680
Norway	72,282	21,676	68,997	22,439	185,394
Oman	2,033	549	18,535	1,532	22,649
Pakistan	50,176	52,289	8,867	15,628	126,960
Panama	2,374	818	2,133	349	5,674
Papua New Guinea	1,601	11	1,128	24	2,764
Paraguay	711	2,085	1,677	702	5,175
Peru	5,580	3,912	81	96	9,669
Philippines	18,547	1,924	23,255	2,631	46,357
Poland	150	1	495	135	781
Portugal	3,480	7,185	31,642	8,567	50,874
Qatar	164	995	343	876	2,378
Russia		17	8	1	26
San Marino	7				7
Saudi Arabia	240,120	43,448	109,365	232,488	625,421
Senegal	367	274			641
Sierra Leone	633	1,608	94	32	2,367
Singapore	82,868	15,120	70,772	15,531	184,291
Solomon Islands		8	2		10
Spain	22,339	74,786	72,207	64,706	234,038
Sri Lanka	1,166	303	39	15	1,523
St. Lucia	20	4	(1)	4	28
Sudan		41			41
Suriname	11	1	11	1	24
Svalbard and Jan Mayen	600				600
Swaziland	4	16			20
Sweden	62,417	10,418	99,747	65,830	238,412
Switzerland	80,320	7,569	30,380	17,812	136,081
Taiwan	31,264	14,400	9,845	46,251	101,760
Tanzania	1	2	559	32	593
Thailand	39,626	10,822	123,093	202,514	376,055
Tokelau		23	32		55
Tonga				3	3
Trinidad & Tobago	110	21	31	93	255
Tunisia	348	66	168	1,592	2,174
Turkey	101,701	39,390	228,847	289,468	659,406
Turks & Caicos Islands	1	(1)			1
Uganda	135	18	7	1	161
Union of Soviet Socialist Republics			6,034	(1)	6,034
United Arab Emirates	13,617	74,734	132,188	12,376	232,915
United Kingdom	265,261	177,753	386,544	190,595	1,020,153
United Nations				445	445
Uruguay	3,562	6,308	3,005	1,146	14,021
Venezuela	3,040	25,553	10,012	26,679	65,284
Yemen (Aden)		3	3		6
Yemen (Sanaa)	1			131	132
Yugoslavia		13,096			13,096
Zambia		16	179	342	537
Zimbabwe	8	13	9	195	225
Classified Totals[2]	379,249	113,539	224,863	168,926	886,577
International Orgs	59,904	3,112	369,491	1,040	433,547
Worldwide total	4,365,604	3,182,565	4,832,926	3,615,876	15,996,971

[1] Less than $500.

[2] See classified addendum to CPD.

Note.—Details May not add due to rounding.

THE ROTARY CLUBS OF THE BRONX AND MOUNT VERNON HONORED

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. ENGEL. Mr. Speaker, it is with great pleasure that I recognize the 75th anniversary of the Rotary clubs of Bronx and Mount Vernon, two communities which are covered by my congressional district.

In their individual activities and as part of the Rotary club network, the Mount Vernon and Bronx Rotary clubs are dedicated to maintaining their communities and helping their neighbors. A few of their good works include supporting the Polio Plus Program that provides immunizations to children in Third World countries, working with students at their adopted schools in the inner city, and assisting local YMCA chapters in their spousal abuse prevention program and other activities.

Individually, the members of the Rotary club, who number close to 150 in Mount Vernon and the Bronx, are upstanding citizens who are fine role models for our children. They are actively involved in the community and often take a leadership role on important issues.

I am pleased to know that the rich tradition of the Rotary club is well-represented in Mount Vernon and the Bronx. I commend the members and their families for their achievements and wish them many more years of success.

THE DEDICATION AND OPENING OF THE U.S. HOLOCAUST MEMORIAL MUSEUM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. STOKES. Mr. Speaker, on Thursday, April 22, 1993, the world will witness the dedication of the U.S. Holocaust Memorial Museum here in our Nation's Capital. Thirteen years in the making, the museum was created as America's national memorial to the victims of the Holocaust. To individuals across this country and throughout the world whose families and friends were victims of the Holocaust, the opening of this memorial symbolizes an achievement of epic proportions.

In recent weeks, much has been written about the museum, a stark building designed by James I. Freed, himself a refugee from Nazi Germany. A reporter for the Washington Post writes, "Inside, a world that was systematically destroyed by the Nazis is chillingly recaptured on film, in photographs and in tattered reminders of daily life."

The Holocaust Museum tells the story in vivid detail. The exhibitions of personal photographs, prisoner uniforms, and other relics honor the memories of the millions persecuted by the Nazis. At the same time, the Holocaust Museum pays tribute to those who survived, as well as the rescuers and liberators of the survivors.

Mr. Speaker, our Nation's newest historic and cultural endeavor boasts more than artifacts and other tangible objects. Within the confines of the Holocaust Museum, visitors will wrestle with the various lessons embodied in the artifacts themselves. The Holocaust Memorial Museum forces us to examine ourselves and our own feelings toward hatred, indifference, and intolerance. Simultaneously, we are asked to renew our commitment to peace, compassion, and understanding toward all people. These lessons are more important today than ever.

Of the numerous individuals involved in this crusade, I am proud that many boast of Cleveland roots. Sara Bloomfield, the U.S. Holocaust Memorial Council's executive director; Jeffrey La Riche, consultant to the executive director; and Mark Talisman, the executive director of the Council of Jewish Federations; all hail from the Cleveland area. I also take pride in welcoming constituents from my congressional district and residents of Ohio who will join these individuals for the historic dedication of the Holocaust Memorial.

Mr. Speaker, the dedication of the U.S. Holocaust Memorial Museum marks an important juncture in our Nation's history. It is through the opening of such a museum that we are better able to understand the culture and heritage of a people. It is our hope that this understanding will result in a nation that can better appreciate and benefit from the diversity of its constituency.

FIRST HISPANIC WOMAN IN SPACE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. RICHARDSON. Mr. Speaker, I take this opportunity to bring to my colleagues' attention a bit of history being made. On April 8, 1993 at 1:29 a.m., the space shuttle *Discovery* blasted off from the Kennedy Space Center with the first Hispanic woman aboard, Dr. Ellen Ochoa. This is a great accomplishment for Dr. Ochoa, the Hispanic and women's communities, and for our country. There is no greater symbol of America's diversity than the strength of our space program. Dr. Ochoa's historic flight contributes to our rich history and her accomplishment is celebrated.

I have tremendous respect for our space program. The National Aeronautics and Space Administration has made headway in hiring and promoting qualified minorities and I hope that the future will bring greater opportunity for all Americans. Human knowledge is ever expanding and it's essential that all voices are heard. The programs of NASA are of such great consequence to our society and the world that participation of all races is imperative.

Born on May 10, 1958 in Los Angeles, CA, Dr. Ochoa considers La Mesa, CA, where she graduated from Grossmon High School, her home. Dr. Ochoa received a bachelor of science degree in physics from San Diego State University and masters and doctoral degrees in electrical engineering from Stanford University. Upon receiving her Ph.D., Dr. Ochoa began work at Sandia National Laboratories in the field of optical science. In 1988, Dr. Ochoa continued her work in optics at NASA's Ames Research Center. Dr. Ochoa quickly moved up the ranks at NASA and today she is a shining star of America's space program. Throughout her educational and professional career Dr. Ochoa has proven herself a model for achievement.

Today, Dr. Ochoa is married, a classical flutist, a private pilot, a bicyclist, and a volleyball player, and an astronaut. It is with great pride that I introduce my colleagues to this American who is making a difference in all of our lives. I applaud and celebrate Dr. Ochoa's accomplishments and I invite my colleagues to share in this exciting piece of history.

TRIBUTE TO KATHRYN HANEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to a woman from my 17th District in Ohio who has written a beautiful song entitled "Give the Children a Chance."

Mr. Speaker, Kathryn Haney is a mother of three and a grandmother of five. She is also a foster mother to many of the children and adults on Youngstown's East Side. She has given much of her time to the people of Youngstown. Amazingly, this is not the only wonderful aspect of Kathryn Haney that makes her special.

Mr. Speaker, Kathryn wrote this song without knowing how to read or write music. She credits divine intervention for giving her the ability to write the song in the middle of the night after a dream. Everett McCollum, a retired music teach and school administrator in the Youngstown schools, helped write the score.

Kathryn has sent recordings of the song to many prominent people and to all areas of the world. She hopes that the message of the sound, that children are the most important thing on the face of the planet.

Mr Speaker, I would like to thank Kathryn Haney for taking the time with the children of Youngstown, and all the children of the world.

CRAWFORD LINCOLN: 15 YEARS OF SERVICE AT OLD STURBRIDGE VILLAGE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity to pay tribute to a man who has spent the last 15 years overseeing the operation of one of the finest historical sites in New England. I am speaking of Crawford Lincoln, the president of Old Sturbridge Village in Sturbridge, MA. Crawford Lincoln has had an extraordinary tenure as president of this living history museum. Mr. Lincoln is retiring as president later this month and will be succeeded by Alberta Sebolt George, the executive vice president of Old Sturbridge Village [OSV].

Mr. Speaker, Old Sturbridge Village is a favorite destination for travelers from all over the Northeast. In 1992, more than 100,000 school children visited OSV and walked through the gate and into a New England town of the 1830's. It is one of the best places in America at combining an enjoyable time with education. The trustees of OSV have spent half a century saving and preserving historically significant buildings and artifacts from early 19th century America. They have done a magnificent job. No one who visits the village ever forgets the experience. The attention to detail at OSV is amazing. I have visited many times and each time I take away new information about this important period in our history. I urge everyone who visits Massachusetts to be sure and visit the village.

Crawford Lincoln has been entrusted with the preservation and continued development of Old Sturbridge Village since August 1, 1978. He can be justifiably proud of events at OSV on his watch; the Hervey Brooke kiln was completed and has been fired, the first Elderhostel program at OSV was organized, the horse shed was built by the historical construction crew, the Hutchings Cider Mill was opened, many publications relating to OSV and life in the 1830's were published, important archives were preserved and organized, the J. Cheney Wells Clock and folk art gallery was opened, and the list could continue for several pages.

This list of accomplishments, while impressive, does not do justice to the type of leadership that Crawford Lincoln has provided at Old Sturbridge Village over the past decade and a half. He has been accessible to the communities in the area. He has been an activist both for OSV and for the larger preservation issues in New England. I have always enjoyed working with Crawford and have been proud to be an outspoken supporter of Old Sturbridge Village. He will be missed.

Mr. Speaker, Crawford Lincoln is retiring as the president at Old Sturbridge Village, but I have no doubt that he will continue to be active in the arts and in historic preservation. In fact, I understand that he will continue to work with OSV on special projects. I wish Crawford Lincoln, his wife, Ann, and sons, Brian and Howard, all the best in the years ahead. His work at Old Sturbridge Village has guaranteed that this fine resource will have a bright future.

FUNDING OF THE DEPARTMENT OF EDUCATION LIBRARY PROGRAMS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mrs. MORELLA. Mr. Speaker, I rise today to emphasize the importance of restoring funding to the Department of Education Library Programs, both in the Higher Education Act and in the Library Services and Construction Act.

As a former educator at the secondary and collegiate level, I am well aware of the vital role that libraries play in the growth of our citizens. Libraries are focal points in our communities; they entertain, they educate, they enlighten. Most importantly, they are born of our communities, supported and enriched by the families and individuals they serve.

I was greatly disappointed to learn that the President's fiscal year 1994 budget request eliminates all HEA Library Programs. The budget also cuts or severely diminishes several LSCA Programs. Specifically, one-fourth of the 24 programs slated for elimination under the Department of Education budget are library programs.

The LSCA Programs planned for elimination would remove assistance for public libraries to meet the requirements of the Americans with Disabilities Act, to broaden access to information through the use of new technologies, to obtain foreign language materials, and to provide crucial adult literacy programs.

With severely diminished budgets, our libraries are unable to provide the programs our communities so desperately need. In some inner-city areas, libraries are open only 1 day. Libraries are the Nation's resource that should provide our children with free information.

Although public libraries are predominantly a State and local responsibility, Federal support is crucial for augmenting diminishing reserves to reinvigorate essential programs and provide increased accessibility to our citizens.

EUROPEAN WINNER IN VOICE OF DEMOCRACY SCRIPTWRITING CONTEST

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. SANDERS. Mr. Speaker, I am proud to insert into the Congressional Record the following script by Ms. Colleen Marie Crook. Ms. Crook is this year's European winner in the Voice of Democracy broadcast scriptwriting contest conducted by the Veterans of Foreign Wars and its Ladies Auxiliary.

My Voice in America's Future

(By Colleen Crook)

The sailors are tossed as if they were toys by the turbulent seas of time. These mariners are cold, wet and frightened. The wind shreds their clothes, eager to draw them into the ocean. We are all, at some time in our lives, sailors on life's rough seas. For those of us whose career takes them abroad, we may feel alone, scared, or in desperate need of help. It is then, like sailors guided safely home by a beacon of light, that we too will look for direction. I plan to provide that direction, to be a beacon of light to all Americans in foreign lands through a diplomatic career. Just as the lighthouse symbolizes the ocean, I want to stand for the goals and ideals of America. I desire to show the grandeur of the United States, standing tall against the darkest sky, secure in my foundation of solid stone. That foundation is democracy.

Though the seas may be tempestuous, the lighthouse stands with hermetic walls. She is serene in the face of destruction. The light never fails in wind, rain, fog or sleet. As a diplomat, I want to be a light to those in the world not yet touched by democracy, or to those battered by strife and war. I desire to warn people of the coming dangers, and attempt to help them avoid disaster. I realize my job will be, at times, as hard and as lonely as that of the lighthouse, but to hear the cries of those saved from the rocks, or to see the smile on a child's face is enough to power the lighthouse for one hundred years.

When I return home from my stay abroad, I wish to shine a light for the youth of our country, for it is in them the hope for the future lies. However, we must take action, for as Ben Franklin said, "He who lives on hope shall die fasting." I hope to teach the young people in this country to use their talents to shine. They can all be lighthouses if they use their gifts. I aspire to teach them they are all gifts, and not to abuse themselves through the use of drugs, for each one who does not shine, leaves a void, allowing the sailors to drown.

With another sweep of my long arm, the beacon, I desire to shine a light on the adults of this nation, to make them see in the face of every youth, the future of our country. I challenge them to nurture, and by example, show the youths the way to channel their gifts into a single beam of light with which they may enlighten the world. I ask the adults to realize that their job in the nation's future is not over, and though a new generation of lighthouses is on the horizon, the problems will not wait. The time for action is now!

Finally, we must keep our democratic institutions, the foundation of our lighthouses, strong. We must repair each rent and gash with loving hands, for without their foundation, no lights will shine. The tasks at hand requires both individual and group effort. I challenge everyone to stand proudly on their foundation of democracy, focus their talents into a powerful beam, and to use that beam to reach out to others, because our future rests on everyone. I would like to close with two questions. For the youth of America: What kind of light are you going to shine in this world? And for the Adults of America: What kind of light are you showing the youth of this nation today?

SMALL BUSINESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 14, 1993, into the Congressional Record:

Small Business

Small business is the backbone of the American economy. It drives our economic success; it is in this sector where jobs are created and recoveries generally take off. Between 1981 and 1992, the number of small businesses grew to 21 million from 13 million, and they employ 60 percent of the nation's 99 million private sector workers. They also contribute to the economy by applying new technologies, introducing new products, serving new markets, and improving working conditions. Even so, many small businesses are facing challenges as they emerge from the recent recession.

THE CREDIT CRUNCH

For many months now, small business owners have been coming to me and complaining that they have not been able to get financing. Repeatedly they have told me that they could expand, employ more people and improve their businesses if they had access to capital. Many reasons are given for the "credit crunch." Bankers say that new banking regulations which followed the savings and loan crisis are overly burdensome and restrictive, costing them money and impeding their ability to lend. They believe that regulatory red tape is to blame for a slowdown in bank lending that has kept small firms from getting loans they need to expand and create new jobs. Others believe that interest rates, not regulations, are to blame. While short-term rates are at historic lows, long-term rates have been relatively high. This spread has allowed banks to achieve profits simply by investing depositors' money in risk-free government securities, rather than in less secure or lower-yield investments.

ACCESS TO CAPITAL

President Clinton unveiled a new program on March 10, 1993 to spur small business lending by reducing the paperwork needed to make certain loans, easing requirements on property appraisals, and making it easier for banks to make character loans. On March 30, 1993 the President announced a policy to implement one of these initiatives. Under this policy, which takes effect immediately, commercial banks will have the opportunity to make up to $38 billion in character loans—loans which are based more on a borrower's proven reliability than on rigid compliance with rules that require certain documentation and paperwork. This will allow the nation's banks to begin making loans to small business without the paperwork normally required, and to give the economy a general boost. No action is needed by the Congress. Other parts of the President's program will be implemented over the next few months.

SBA GUARANTEED LOANS

The Small Business Administration (SBA) plays a role in increasing credit available for small business. SBA has evolved from a program providing direct loans to a program where bank loans, financed with private money, are backed by a government guarantee. This guarantee secures up to 90 percent of the loan, should the borrower default. The credit crunch has placed increased demands on this program. In response, the House recently approved an economic stimulus package that includes funding for an additional $2.6 billion in guaranteed loans for this year. If enacted, the total level of guaranteed loans would rise to $6.2 billion.

PRESIDENT'S ECONOMIC PLAN

Congress is considering the President's economic plan, which includes several proposals benefitting small business. First, he has called for an investment tax credit targeted for small business. For companies with sales of less than $5 million, the plan proposes a permanent investment tax credit at 7 percent for the first two years and 5 percent thereafter. Second, the plan includes a targeted capital gains tax cut. For companies with less than $50 million in capital, the President proposes a 50 percent capital gains tax break on newly issued stock held for five years or more. Third, the plan would create 50 enterprise zones in economically distressed areas where small business would qualify for certain investment incentives and employment tax credits. Other provisions of the President's plan, including a partial restoration of the passive loss deduction, the establishment of community development banks, and the development of technology extension centers could benefit small business as well.

SECONDARY MARKETS

Congress is also debating the merits of creating a secondary market for business loans, a market in which small-business loans could be bought and sold in much the same way that mortgage-backed securities are traded. A secondary market might work as follows: A bank that makes a loan to a small business could sell it, at a profit, to investors around the country. The cash that the bank gets from the loan would enable it to make additional loans. The secondary market would, in effect, bring more people into the business of lending to small business, while also spreading the risk of lending.

REGULATION

Another challenge that continues to face small business is the impact of government rules and regulation. Federal regulations do provide a certain degree of protection to individuals in the workplace and the environment, but sometimes they can be overly burdensome. A better balance must be struck. Proposals have been introduced in Congress to require federal agencies to take into account the impact and cost of their regulations on small businesses and to design ways to minimize that impact. Proposed and existing regulations should be carefully reviewed in order to eliminate those that are burdensome and outdated.

DEFICIT REDUCTION

Some small businesses have expressed concern about the impact of the President's deficit reduction plan on small business. The plan, which includes tax increases, will affect various businesses differently, and I am sympathetic to those who feel that they will be disproportionately impacted. I agree with the view that any tax increase should be broadly shared, and my preference would be to see $2 in spending cuts for every dollar in tax increases. I will continue to work with my colleagues to achieve additional spending cuts throughout the budget process. Deficit reduction could be a big help overall to small business if it leads to lower interest rates.

CONCLUSION

My view is that those of us in government should try to help small businesses compete by increasing their productivity—by increasing the quality and quantity of capital their workers use, by improving their employee skills through training, by providing tax incentives to small business, and by enhancing their management skills. Ensuring that financing is available and affordable will be critical to allowing small business to achieve these goals. Because regulation can place a disproportionate burden on smaller firms, their competitiveness will also be affected by the regulatory climate. Small firms must also continue to do what they do best—experiment with new products and process innovations—if they are to hold their important position at the leading edge of the American economy.

COMMEMORATING THE 30TH ANNIVERSARY OF PIMA COMMUNITY COLLEGE SKILL CENTER

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. PASTOR. Mr. Speaker, I am pleased to announce that on May 18 and 19, 1993, Pima Community College Skill Center will celebrate its 30th anniversary. The Pima Community College Skill Center has 30-years experience in providing employment and training services to economically disadvantaged youths and adults. The skill center began providing employment and training services in 1963 with initial funding from the 1962 Federal Manpower Development and Training Act. Vocational training services have been provided to over 24,000 economically disadvantaged youths and adults and/or handicapped individuals. The skill center enjoys an overall completion rate of 90% and a job placement rate of 85%. The skill center issues certificates in 30 different areas related to health occupations, business and office, food service, printing, and various customized trainings. Additionally, hundreds of Pima County residents have received vocational assessments, employment skills, placement assistance, upgrade skills training, and other employment-related services.

The skill center utilizes a nontraditional approach to education. The primary goal of the Pima Community College Skill Center is to provide each student with marketable skills for the labor market with a major emphasis on training for employment. The skill center provides skills training for immediate employment in the labor market. Hands-on training is made as much like a job as possible. The end result is a graduate who has the skills necessary to secure, maintain, and advance in an unsubsidized employment.

Throughout its 30 years of operation, Pima Community College Skill Center has consistently developed and implemented innovative methods and services to continually improve the effectiveness of programs for disadvantaged populations in metropolitan and rural areas. Many pioneering concepts such as open-entry/open-exit enrollment, competency-based instruction, employer-developed curricula, employment skills, and vocational assessments, are now standard requirements in many employment and training programs as well as in traditional educational delivery systems.

In addition to the regular and ongoing vocational training programs, the skill center has a long history of designing and implementing customized training programs to meet the needs of new and/or expanding employers—public and private. This customized approach has been well-received by more than 20 employers and has been effectively used for economic development in the community and ensuring that economically disadvantaged individuals are afforded opportunities for newly created jobs.

DROPOUT PREVENTION LEGISLATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Ms. SLAUGHTER. Mr. Speaker, today I am pleased to join Representative UNSOELD to introduce legislation that will expand dropout prevention programs to meet the needs of a growing population—pregnant and parenting teens.

This legislation was initiated in part by last year's study, "How Schools Shortchange Girls," issued by the American Association of University Women and the Wellesley College Center for Research on Women. After extensive research for this study, AAUW and the Law Center concluded what we have suspected for years: that some children are getting the short end of the educational stick because of current policies and attitudes.

Dropout statistics underscore the grim reality of the number of students that fall through the cracks in our system. The economic realities for students who do not complete their education are troubling, given the increased need for an educated work force that can adapt to the changing demands of modern technology.

Many of these students—nearly one-fourth of the total dropout populaton—leave school because of pregnancy and parenthood. In my own district of Rochester, NY, four teenagers in Rochester get pregnant and two become parents every day. At least two of those teens will not complete the school year, and may never go back for their degree. These statistics are staggering.

Teen parents are often unable to support themselves and a child and must turn to social welfare programs for assistance. As we all understand, this cycle of dependency is self-perpetuating, and prevents many teen parents from returning to school to complete the education they need to hold a productive job.

This year, Congress is undertaking the important task of making sure that once our children are in school they are given every opportunity to stay there and to succeed. I am pleased to be working with Representative UNSOELD on a bill that will expand the scope of existing dropout prevention programs to target the specific needs of pregnant and parenting teen populations which are too often overlooked.

Among other measures, this legislation will allow teens enrolled in school to participate in the important programs provided by the Even Start Family Literacy Program. It will include the goal of obtaining a high school degree in Even Start's adult education programs. In addition, the bill will require certain dropout prevention programs to provide needed services to teens, including academic skills training, parenting and child development classes, onsite child care or transportation to a nearby facility, and an outreach program to educate teens about such assistance programs.

With this effort, we are making firm the commitment to meet the needs of an often overlooked population of adolescents. We cannot afford to do less to promote our Nation's future productivity and viability. I urge you to join me in support of this important legislation.

HISTORY TALKS ON PRICE CONTROLS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. GINGRICH. Mr. Speaker, I would like to bring to my colleagues' attention the following op-ed piece that recently appeared in the Wall Street Journal. As a former chairman of the Price Commission in the 1970's, Dr. C. Jackson Grayson's authority on this matter cannot be equaled.

Price controls appear to be a simple solution to the problem of rising health costs. History tells us, however, that they have never proven effective and have resulted in excessive administrative burdens. Even worse, the quality of health care would suffer under price controls and access to care would become limited.

History also tells us that whenever the Government promises that price controls will be temporary, voluntary, and limited in nature, they instead end up being permanent, mandatory, and comprehensive. Dr. Grayson's lesson is that price controls act like a lid on a pot of boiling water—they do nothing to reduce the pressure. We need to focus reform on turning down the heat of rising costs by finding ways to manage our health care resources as efficiently as possible.

[From the Wall Street Journal, Mar. 29, 1993]

EXPERIENCE TALKS: SHUN PRICE CONTROLS * * *

(By C. Jackson Grayson, Jr.)

It now seems likely that some form of price controls will emerge from the President's Task Force on National Health Care Reform. It will be a mistake.

Whether the proposed health controls are global budgets, per-capita state budgets, freezes, caps on physicians' or hospital fees—whether they're interim, voluntary, or mandatory—they won't fix the underlying health care problems of quality, cost and access.

Price controls will make things worse. Believe me, I've been there.

In 1971–73, I was chairman of the Price Commission for Phase II of the wage-price controls. We had price controls on hospitals, insurers, nurses, drug companies, physicians—everybody. Controls have not worked in 40 centuries. They will not work now. Here is why:

1) Getting into controls is a lot easier than getting out of them. Controllers nearly always say: "We will keep interim controls on only until we fix the system. Then we'll take them off." But the controls themselves hamper the "fixing," so they go on and on. Moreover, it's hard to get out of controls for fear of a price explosion. Though most Phase II controls ended in early 1973, health care wasn't decontrolled until 1974. The fear was an exploding "price bubble." Sure enough, it was there. Health expenditures grew 10.9% in 1973, 13.3% in 1974, and 14.5% in both 1975 and 1976.

DISTORTIONS INEVITABLE

Finally, interim controls encourage endgames. Business and labor spent as much time trying to outsmart and outguess us on when Phase II controls might end as they did on making the controls work. Las Vegas even started running odds on decontrol dates. The same will happen again.

2) No matter how clever the price control designers, they cannot prevent distortions. In less than a year after initiation of Phase II, lumber controls led to artificial middlemen, black markets and sawmill shutdowns. Companies, trapped in inequitable positions at the beginning of controls, sold out, scaled back and sent capital overseas. Shortages appeared in staples, like molasses and fertilizer.

Distortions have already occurred with Medicare's 1984 fixed diagnosis-related group (DRG) reimbursement fee. Since the reimbursement is often below actual costs, some doctors now refuse to see Medicare patients. Hospitals compensate by expanding uncontrolled outpatient, psychiatric and rehabilitation services and "cost shift" about 38% to other payers.

Add more controls and you will see "new" services appear in hospitals and doctors' offices that look a lot like controlled old services. Expect "unbundling" of services—with the price of individual units, when added together, totaling more than the original bundled service.

3) Quality does not improve with controls. A 1988 Department of Health and Human Services Inspector General's report estimated 540,000 Medicare patients received poor-quality hospital care, primarily due to Medicare's price controls.

A 1992 General Accounting Office study of health care in Germany, France and Japan concluded that "concerns exist * * * about the side effects of the controls * * * and especially in the long run on the quality of care."

4) Cost controls actually increase costs. While controls do hold down costs for a while, they soon start rising, with many of the real costs hidden.

Controls not only fail to tackle the root causes of rising costs, they usually block innovations that would reduce inefficiencies. Price controls cost money to administer—particularly if mandatory. The regulatory apparatus requires added personnel at the federal, state and local levels. In Phase II, we created lots of business for lawyers, accountants and consultants.

But the largest control-generated cost increases will come from costs incurred by organizations complying with the controls. Already, 24% of U.S. health care is spent on administrative costs, overhead and billing expenses. Now add new price control forms, the additional people, the diversion of time from productive work—the "hassle factor." Expect costs to increase.

5) Controls breed more controls. Grayson's Maxim: No matter how simply you begin, your controls will get more complex and voluminous. We started in Phase II with 3½ pages of regulations and ended with 1,534. In an effort to correct one inequity, you create another. I found myself ruling on whether frozen horse sperm was a raw agricultural product or a processed product. And anyone who thinks they can control prices without controlling wages is naive. In Europe, because health care costs are still rising, France and Germany are now considering extending budget controls to parts of the health industry now uncontrolled.

6) Voluntary becomes mandatory. The Task Force reportedly is now considering whether to make some or all controls voluntary or mandatory. The record on voluntary controls is not encouraging.

The GAO study reported that voluntary targets did not slow cost growth. After Germany's voluntary targets for physicians' fees were consistently ignored, it adopted mandatory caps. The economist Walter Heller used to quote Al Capone: "A kind word will go a long way, but a kind word and a gun will go even further."

As voluntary becomes mandatory, enforcement becomes an expensive problem. Assume physicians' fees are limited to a 2½% increase. How will the consumer know what is the legal price for the doctor to charge? Will the doctor be required to "post" prices? Where is the poster to be displayed? Who audits the price?

As enforcement mounts, so does evasion. The people on the Task Force are no match for people whose livelihoods depend on finding ways around controls. Tragically, this ingenuity is wasted on beating controls, not making improvements.

What will you do with the violators if you catch them? Fine them? Send them to jail? States: Watch out. The feds like to load administrative and enforcement costs on you. Also, be prepared for some nasty scenes. In Paris, there have been physician strikes and street protests over controls. In Phase II, protesters threw flour on me, and chicken farmers in Texas gassed thousands of little yellow chicks to death (in front of a prime-time national TV audience) to protest "Grayson's" controls causing excessively high feed costs.

7) Global budgets don't work. These seem to be a popular option with the Task Force, and I urge it not to use them. Global budgets imply that costs will stop rising when they hit the "thou shalt not spend" ceiling. They won't. An Organization for Economic Cooperation and Development study summarized: "* * * underlying pressures for healthcare outlays remain high everywhere in the OECD area and are likely to get stronger." They concluded: "The root cause of such [cost] pressures lies in the very nature of the system of health care provision and financing." Pressures to increase global budgets in Britain are called "shroud waving."

So what do I recommend?

First, forget controls. Focus instead on a fundamental restructuring of the entire health care system, just as American business is restructuring, using two primary tools to make the changes: Total Quality Management (TQM) and benchmarking.

TQM is a customer-focused improvement process based on prevention and quality. Benchmarking helps organizations identify and adapt "best practices" used by others. Together, these two paradigm-busting approaches are revolutionizing American business. They are already beginning to do the same in health care.

MONUMENTAL WASTE

At the American Productivity & Quality Center, we are implementing TQM in 173 Veterans Administration hospitals and many private hospitals. Benchmarking is spreading rapidly through the International Benchmarking Clearinghouse and others. A Boston-based firm, MediQual, which provides comparative data for benchmarking, estimates that $100 billion will be saved if all hospitals move performance to the best practice levels. There is such monumental waste in the system now that these improvements will yield billions. three states—Pennsylvania, Iowa and Colorado—are requiring clinical outcomes measures right now.

An argument is that this all will take way too long. Not so. There is nothing faster than the market. When the incentives are set right, it works with blinding speed, provided that controls do not jam the change and incentive signals.

It was Gov. Clinton who said "Managed competition will make it work, not price controls." It was Gov. Clinton who was tutored in TQM in Arkansas by Eastman Chemical and became a believer. It was Gov. Clinton who said, "the private sector is the engine of the economy." President Clinton, listen to Gov. Clinton.

TRIBUTE TO DR. OWEN L. WOODWARD

HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. VOLKMER. Mr. Speaker, after serving nearly three decades as mayor for the city of Atlanta, MO, my friend, Dr. Owen L. Woodward is retiring.

Dr. Woodward, more commonly known to the residents of Atlanta as Doc Woody, has been an active member of this north central Missouri town for over 40 years. Doc Woody came to the Atlanta community in 1952 and opened his medical practice. Doc and his wife Marybelle found the residents of Atlanta friendly, hard-working, and very community oriented. As a result, they settled into the Atlanta community, raised their three daughters, and have remained active in the community ever since.

On April 13, 1964, Doc Woody took his oath of office to become the Atlanta, MO city mayor. As mayor, Doc Woody used his leadership in the community to accomplish many projects that have resulted in great improvements to the city of Atlanta. The construction of a city water plant, sewer facility, and upgrade of the city's roads from gravel to blacktop are several examples of how Doc Woody's work as mayor benefited each and every resident of the community. In addition, one of Doc's biggest accomplishments was the completion of Atlanta's Senior Citizen Housing in 1970.

Doc Woody's community involvement and concern for the health and welfare of the residents of Macon County extend beyond the Atlanta City limits. As a rural physician, Doc understands the predicament which rural and small town residents face when medical emergencies arise. Because of this understanding, Doc worked diligently and successfully with other concerned citizens of Macon County in getting the Macon County ambulance district to serve the entire county.

Doc's many accomplishments as mayor of Atlanta for the past 29 years, in addition to his many years of community service independent of his mayoral position, have gained him the appreciation and admiration from all those whom he has touched through his actions and deeds.

April 7, 1993, was the last city council meeting which Doc Woodward would preside over, drawing to close an era in the city of Atlanta's history in which Doc Woodward played a large hand in improving.

Even though my friend Doc Woodward is retiring from politics, he plans to continue to serve the residents of Atlanta, MO by remaining active in his medical practice.

I wish to add my name to the long list of residents, businessmen and women in the Atlanta community who want to extend to Doc Woody our sincere appreciation and thanks for his 29 years of work and commitment to the community of Atlanta, MO.

MEETING WITH CHILEAN FINANCE MINISTER ALEJANDRO FOXLEY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. RICHARDSON. Mr. Speaker, I would like to brief my colleagues on an educational event that our colleague Sam Gibbons and I hosted recently. On Wednesday, March 24, 1993, we hosted a luncheon meeting for Chile's Finance Minister Alejandro Foxley Rioseco. Minister Foxley is credited with maintaining Chile's economic success in Latin America and putting Chile on the fast track to global competitiveness.

During the meeting, attended by numerous members, Minister Foxley answered questions on an array of subjects dealing with Chile's success and Latin America's economic future. Chile is now positioned to begin negotiations with the United States on a bilateral free-trade agreement. Chile's past success has prepared it well for a trade agreement with the United States, and its economy exhibits the necessary maturity for such an undertaking. In addition many countries of Eastern Europe and the Republics of the former Soviet Union are now seeking help from Chile. Many would like to emulate Chile's model for economic growth. Minister Foxley is hopeful that for the sake of Chile, Latin America, and the world the United States will extend fast-track authority for Chile.

The Chilean delegation included: Rene Cortazar, Minister of Labor; Patricio Silva, Ambassador of Chile; Eugenio Tironi, Chilean Director of Information; Juan Salazar, counselor to Minister Foxley; Blas Tomic, director for Chile at the Inter-American Development Bank; Nicolas Flano, director for Chile at the World Bank; Jose T. Letelier, Minister Counselor; and Joaquin Montes, counselor.

I believe the success of this luncheon merely underscores Chile's economic success in recent years. It is important for a robust trade policy that we remain globally inclusive and work in partnership with those countries exhibiting the willingness to compete in an increasingly complex global market. I hope that those who attended the lunch and others interested in seeing our Hemisphere and global economy prosper, will continue to work for Chilean free trade. Chile's progress must be recognized, South America needs our cooperation, and developing countries of the world need a model to follow; Chilean free trade is the obvious path to achieving all these goals. I look forward to working toward a Chilean free-trade agreement and I hope you will join me in reaching that goal.

TRIBUTE TO THE MAHONING VALLEY POST 93

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the Mahoning Valley Post 93, Veterans of Foreign Wars, which celebrates its 75th anniversary this year.

Mr. Speaker, Post 93 was granted a charter by the national department March 27, 1918. It was one of the original four posts from which the Ohio department was formed. In 1924, the ladies auxiliary was chartered and became known as the Dorthy Millman auxiliary to Post 93.

Post 93 has received tremendous support from the community, especially in times of need. It was the beneficiary of a new home in 1938 and its campaigns to shore up its building funds are marked by success. In return, Post 93 is active in a number of community services, including Christmas parties for children, the decoration of graves for Memorial Day and visiting DeShon Hospital.

Mr. Speaker, I am proud of both the history and character of Post 93. It is a valued institution in our community. I am delighted to take this special opportunity to wish this fine organization a very happy 75th anniversary.

YOM HA'SHOA, HOLOCAUST MEMORIAL DAY

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. KYL. Mr. Speaker, Yom ha'Shoa, Holocaust Memorial Day, was observed on Sunday with a solemnity and heaviness of heart by Jews and non-Jews around the world. This year there is perhaps a new assurance that "Never Again" will such a complete travesty of justice take place: the dedication of the U.S. Holocaust Memorial Museum in Washington, DC.

Although the Holocaust Museum opens this week, we cannot take for granted that the world will remember the 6 million Jews and the millions of other people deemed by Hitler as "subhuman" who were barbarically murdered by the Nazis in World War II. In fact, a recent Roper organization survey revealed that as many as 1 in 5 Americans believe it is possible that the Holocaust never happened. Mr. Speaker, these disturbing figures not only emphasize the need for the Holocaust Museum, they indicate the pressing need to continue to educate all Americans about the atrocities of the Holocaust. It is my profound hope that Yom ha'Shoa will be commemorated in the future by all Americans, with the recognition and understanding of the horrifying realities of the Holocaust.

JOHN QUILL: 40 YEARS OF ON-AIR SERVICE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, It is my pleasure to pay tribute to a man who recently celebrated 40 years as a television weather personality in western Massachusetts. Mr. John Quill began with WWLP–TV 22 on St. Patrick's Day, March 17, 1953.

Mr. Quill has been delivering weather broadcasts, continuously on one station, longer than anyone else in the United States. Prior to arriving at WWLP in Springfield, MA, John worked as both weathercaster and chief engineer at radio station WCAX and WJOY in Burlington, VT. Mr. Quill's introduction to weather came when the station manager asked him to go to the Burlington airport and not just to bring in the forecast but to deliver a description of the weather as well. While John was at the airport, he received the book "Weather for Pilots," and upon reading half of the first page he was hooked, and destined to pursue a career in meteorology.

When John Quill came to Springfield in 1953 he was the original television weather personality in western Massachusetts. In 1959, when he was admitted as a member of the prestigious American Meteorological Society, he became the only professional meteorologist broadcasting in the area.

Mr. Speaker, this outline of the accomplishments of John Quill cannot give anyone a real sense of the impact John Quill has had on the western Massachusetts area. Many people think John Quill creates our weather. Over the years there have been bumper stickers praising John Quill, as well as a few, usually seen during a particularly hard winter, that read "Impeach John Quill." When John marches in the annual Holyoke St. Patrick's Day parade, he always gets a rousing welcome. He is also well known for his personal appearances at charity events around the area.

It is with great pleasure that we pay tribute to Mr. John Quill on this special occasion. He has served conscientiously and with pride for 40 years. John has been providing residents of the area with accurate and informative weather broadcasts for as long as most people can remember. Mr. Speaker, we look forward to many more bright, sunny forecasts from Mr. John Quill.

WHEN WE TALK OF SUCCESS, THERE'S GAIL CRAWFORD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues, a milestone occasion for one of my constituents, Gail Crawford. Gail will be celebrating her 20th anniversary with the Prudential Insurance Co., on Friday, April 23, 1993.

Gail Crawford is an excellent example of what the American dream should mean to all of our citizens. Gail was born in Albany, GA, the oldest girl of 10 children. She is the single parent of a 23-year-old daughter. She attended night school and has earned an associates degree in accounting from Essex County College and many credits toward her baccalaureate degree at Rutgers University College.

Gail joined Prudential on April 23, 1973, as a level two clerk in the corporate human resources area. Her primary responsibilities were filing and delivering mail from building to building. For the next several years she was a statistical clerk with the treasurer's department, where she helped prepare the company's books on an actual and a projected cash basis. Her next assignment was with the real estate investment area where she was a research assistant. In May 1990, Gail transferred to the group insurance human resources area as an assistant training consultant where she does training and development and serves as a diversity coordinator.

One of the reasons for Gail's success is her diverse nature. She is a caring person who is not afraid to take risks. She is a champion for the less fortunate and a mentor to many. Gail has been extremely active with Minority Interchange, an organization established in the early 1970's to assist minority employees climb the corporate ladder. She has served as its chairperson in 1986 and 1990 to 1993. She was the chairperson of the northern New Jersey chapter in 1983 to 1985. Gail was a member of the board of directors of the Newark South Ward Boys' and Girls' Club, 1988 to 1992. She is currently a member of the Roseland Community Service Committee.

Rudyard Kipling in his verse "If—" wrote of being able to talk with crowds and keep your virtue, or walk with kings and not lose the common touch. Mr. Speaker, Gail Crawford is that kind of person. I am sure my colleagues will want to join me as I extend my best wishes to Gail, her family, and colleagues.

FEDERAL MANDATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 21, 1993 into the CONGRESSIONAL RECORD:

FEDERAL MANDATES

Later this year hundreds of communities in Indiana and around the country will have to comply with tougher federal drinking water standards. These requirements were enacted into law as part of an effort to ensure safer drinking water supplies for Americans. And yet, meeting the standards will be costly to implement. For example, Indianapolis recently completed a $30 million treatment plant and plans to spend several million dollars more to upgrade its water system to comply with the standards. Local leaders appreciate the need to provide safe drinking water to their citizens, but complain that they will have to bear a disproportionate share of the compliance costs.

Federal mandates, like the drinking water standards, are a growing source of irritation between the federal government and states and localities. The objectives sought by these federal requirements are almost always worthy: clean water, safer roads, bridges, and buildings, and equal access. But while the federal mandates may be regional, collectively they often drain cities and states of money. For example, compliance with the federal clean water act is expected to cost state and local governments $32 billion a year by 1995. If the trend toward unfunded mandates continues, it will gradually usurp the powers of states and turn them into administrators of national policy. The challenge is to find ways to alleviate the financial burden on state and local governments caused by the mandates without letting the worthy objectives of the mandates slip away.

TYPES OF MANDATES

Federal mandates appear in many forms and cover a wide range of subjects. Some require communities to take specific actions as a condition for receiving federal grants, such as requiring that public buildings can accommodate the handicapped. Others are direct orders, requiring state and local governments to comply with national standards and administer federal statutes. Direct federal mandates include environmental, criminal justice, and health care regulations like testing children for lead poisoning.

Hoosiers are familiar with some of the larger mandated programs. Medicaid, the federally subsidized health care program for low-income families, costs states $38 billion a year to finance. Medicaid spending has risen dramatically in Indiana in recent years, consuming over $2 billion in the last budget cycle. Environmental laws are also expensive. For example, school districts throughout Indiana have spent millions of dollars removing asbestos from school buildings as required by a 1986 law.

FEDERAL BUDGET CUTS

The federal budget deficit has been a driving force in the debate on federal mandates. In the 1960s and 1970s, federal money to state and local governments grew steadily as a percentage of state and local outlays from 14% in 1960 to a peak of 27% in 1978, and states and localities expressed little concern about the conditions attached to federal money. In the 1980s the federal government responded, in part, to growing budget deficits by cutting aid to states and localities. Financial aid to state and local governments dropped to a low of about 18% in 1988.

However, the number of mandated programs continues to grow even as federal resources available for states and localities to meet these mandates dwindle. New regulations adopted between 1983 and 1990 imposed cumulative estimated costs of between $8.9 billion and $12.7 billion on states and localities. Although states have challenged the legality of federal mandates in courts in recent years, they have generally been unsuccessful.

SOLUTIONS

The federal government should take several steps to ease the burden on states and localities. First, the President and Congress need to recognize that in general it is simply unfair to the states and localities to try to achieve national goals, even worthy ones, by pinning the cost of compliance on states and localities. Second, the President and Congress should conduct a comprehensive study of federal mandates and act to eliminate unnecessary regulations and reporting requirements and streamline others. This would help cut costs, and improve accountability for the success or failure of a particular program. Third, states and localities should be given more flexibility in administering mandated programs. State and local governments have been innovators in providing services efficiently on reduced budgets. Fourth, the federal government should try to make more resources available to states and localities to meet mandates. Some have suggested a general mandate compensation item in the federal budget, similar to revenue sharing, to offset the costs of mandates. Fifth, Congress and the President should assess the impact of their actions on state and local governments whenever they are considering legislation and regulations, and select policies which have the least adverse consequences. Too much legislation has been enacted without any reliable estimates of the costs to state and local governments. For example, the cost of the Americans with Disabilities Act—commendable legislation to provide the disabled with equal access to services, employment, buildings and transportation—is only now being fully recognized. I have co-sponsored a bill this year which would require the federal government to estimate the costs of legislation and regulations on state and local governments. Congress must choose more carefully the things it mandates and do a better job of providing funds for what it requires.

The most comprehensive approach to the problem of unfunded mandates would be to have the federal government handle activities that it does best, or which states cannot handle alone like managing air traffic control, national defense, social security, and health care. But states would take the lead for other activities—education, training, community development, housing, and most public capital projects. Developing responsibility for these programs to the states could reduce federal spending, reduce the federal deficit, and make the federal government a more manageable enterprise.

CONCLUSION

Many federal mandates are intended to achieve important and laudable policy objectives. But Congress must, as a fundamental matter of responsibility and fairness, ensure that mandates can be reasonably met by state and local governments. Resolving the problem of federal mandates will require sorting out the proper federal, state, and local roles in particular issues, and then determining who should perform them and who should pay for them. I am hopeful that tough fiscal times will prompt innovative thinking and improved cooperation among the different levels of government.

IF THIS IS AN ECONOMIC RECOVERY, I'D HATE TO SEE A RECESSION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. SANDERS. Mr. Speaker, one of the major aspects of the debate in Congress around President Clinton's economic stimulus package has to do with an assessment of the current economic recovery. There are some, especially Republicans and conservative Democrats, who believe that the economy is recovering and that it is unnecessary for the Federal Government to play a significant role in job creation. Consistent with the philosophy of Reaganomics, they believe that the best thing for the Government to do is nothing, and that the natural workings of the marketplace will, by themselves, create new jobs and economic growth. As someone who voted for the Clinton package with reluctance, because I believed that it was too small to do what was really required, let me briefly discuss the current economic recovery.

Today, 10 million American workers remain unemployed. An additional 6 million workers remain underemployed—they would like full time jobs but are working part-time. In the midst of this recovery, there are now 1.4 million fewer jobs than there were before the recession began in June 1990. In terms of wages, 4.8 million workers currently are earning at or below the minimum wage, which is a poverty wage. Even more alarming, the real wages of the average American worker continue to decline—in real terms, they're now down to about the level of 1965.

Is the economic recovery that some are boasting about bringing us decent-paying jobs, with good benefits and job security? Absolutely not. The alarming rise in part-time, contingent work has made the average American worker extremely fearful about his/her future. As Time writes—March 29, 1993:

> Already, one in every three U.S. workers has joined these shadow brigades [of contingent workers] carrying out America's business. *Their ranks are growing so quickly that they are expected to outnumber permanent fulltime workers by the end of this decade.* Companies keep chipping away at costs, stripping away benefits or substituting contingent employees for full-time workers * * *. *And there is no evidence to suggest that such corporate behavior will change with improvement in the economy.*" [Italics mine.]

If this is an economic recovery, I'd hate to see a recession.

In my view, if we are to create meaningful, decent-paying jobs in this country and give a measure of hope to the young, the poor, and the working class, the Federal Government must play a very strong role in rebuilding our economy—a far greater role than Clinton is suggesting, and in another world from what the Republicans are talking about.

Maybe we have something to learn from countries like Japan, a nation which is creating new jobs by reinvesting far more in its infrastructure and national needs than anyone in our Government is even contemplating. In fact, Japan's latest stimulus program is 10 times President Clinton's latest proposal, in an economy half the size of ours. After 12 years of Reaganomics, we have enormous unmet physical and social needs. We can put millions of our people to work rebuilding our city streets and State roads, our water treatment plants and landfills, our inadequate mass transportation, our deteriorating housing stock, our failing educational and child-care systems, and our understaffed police and fire departments.

Where do we get the money? By cutting back on the $130 billion a year defending Western Europe and Japan and the tens of billions more spent on star wars and B-2 bombers. Let's bring that money back home and put people into meaningful jobs improving the quality of life for all Americans.

There is more than enough work to be done. Let's get to it, now.

A RADICAL SHIFT AWAY FROM NUCLEAR ENERGY

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. FAWELL. Mr. Speaker, this morning the President delivered his Earth Day address at the Botanical Gardens and reaffirmed his personal commitment, and announced the Nation's commitment "to reducing our emissions of greenhouse gases to their 1990 levels by the year 2000." He also announced that he was instructing his administration "to produce a cost-effective plan by August that can continue the trend of reduced emissions."

I want to point out, however, that the President's fiscal year 1994 budget proposal for the Department of Energy's Nuclear Energy R&D program signals nothing less than the elimination of nuclear energy in this Nation's long-term energy mix—a vital technology that supplies more than one-fifth of our Nation's electricity without emitting any greenhouse gases.

And I want to emphasize that this is not a deficit-cutting move by the administration—the administration is proposing to spend $8.04 billion on civilian DOE programs in fiscal year 1994, an increase of $1.15 billion, or 16.6 percent, above the fiscal year 1993 appropriated level of $6.9 billion for DOE's civilian activities. Rather, it is a calculated and radical shift in priorities away from nuclear energy.

Once again, let me emphasize the point—this budget does not cut the deficit—it increases it by over $1.1 billion. What it really does is kill the long-term nuclear option.

DOE advertises that its fiscal year 1994 budget request for Nuclear Energy R&D programs totals $182.2 million. In fact, a more accurate portrayal of the true Nuclear Energy R&D budget shows that this deplorable situation is even worse—we are really looking at a request of only $143.3 million, a reduction of $168.0 million, or 54 percent, from a comparable fiscal year 1993 appropriation of $311.3 million.

DOE's budget representation distorts the true picture by including $38.9 million in non-R&D related programs such as Policy and Management, $12.6 million; Oak Ridge Landlord, $24.9 million; and Test Reactor Area [TRA] Hot Cells, $1.4 million in its fiscal year 1994 Nuclear R&D budget request.

What specifically does the President's budget do?

First, it eliminates all but $21.9 million for Advanced Reactor Programs, specifically the advanced liquid metal reactor [ALMR] design and almost all of the ALMR supporting facilities;

Second, it terminates the fast flux test facility [FFTF], a unique and capable liquid metal reactor facility that might also be adapted toward neutralizing excess weapons plutonium;

Third, it kills the modular high-temperature gas-cooled reactor [MHTGR], which also promises to be competitive in the energy marketplace;

Fourth, it also calls for the termination of projects for electric power for space applications—projects like the SP-100 and thermionic generators—both of which have demonstrated promising capabilities; and

Fifth, it drastically underfunds the Civilian Radioactive Waste Management Program, with a request of only $380.0 million—in spite of the fact that the Department will collect an estimated net of $664.8 million in fees and interest in fiscal year 1993 and $670.0 million in fiscal year 1994—a request that files in the face of the recent recommendations of the Nuclear Waste Technical Review Board's March, 1993, Special Report to Congress and the Secretary of Energy.

The Advanced Nuclear R&D Programs, the key to the long-term viability of nuclear power, have been consistently supported by the Congress and previous administrations—both Democrat and Republican—support that was reaffirmed by the recently enacted Energy Policy Act of 1992.

Yet, with the exception of a minuscule amount, the administration is simply wiping them out and closing down facilities in which this Nation has invested billions of dollars.

I must say that I am grateful that the administration maintained at least a minimal amount for the Integral Fast Reactor [IFR] and Light Water Actinide Recycle Programs. However, the proposed termination of most of the IFR's supporting facilities threatens its success at a critical juncture.

The IFR Program, in particular, has been the centerpiece of the Energy Department's Advanced Reactor R&D Program. The IFR, which will receive $13.5 million in financial support from Japanese utilities this year, offers a safe, economically promising, and environmentally sound solution to many of the concerns that have been raised about nuclear power.

The IFR's many advantages include passive, walk-away safety; proliferation resistance; dramatically reduced waste-disposal problems; and a fuel cycle that is integral, self-contained, and potentially less expensive. In addition, the IFR's fuel cycle is nearly inexhaustible. The June, 1992, "Report of the National Academy of Sciences" recommended that the IFR should be the highest priority long-term nuclear option and called for expansion of the existing design activity.

I want to particularly highlight the IFR's potential for dramatically reducing waste-disposal problems. The IFR technology permits practical actinide recycling, which reduces the effective lifetime of high-level nuclear waste from millions of years to a few hundred years and the high-level waste volume by a factor of 4 or more.

The IFR is also designed to recycle and burn its own actinides, the actinides generated in traditional light water reactors or even excess plutonium available due to nuclear disarmament—providing solutions for the long-term high-level nuclear waste disposal problem.

As I noted earlier, the IFR Program is now strongly supported by international participation. Japanese utilities are contributing $46 million for the initial phase of the technology demonstration, including $13.5 million this year, and the prospects for much broader international cooperation appear excellent.

The U.S. utility industry, including the Electric Power Research Institute [EPRI], has also begun to take an interest in the IFR technology—Southern California Edison has indicated its intent to start providing some financial support—estimated to be about $2 million this year—a landmark event in advanced reactor development.

The bottom line is that development of the IFR technology represents an investment in America's energy future. The IFR Program is addressing the most promising solutions to the most important environmental and safety issues facing nuclear power today. Continued research and development of the IFR and continued support for its accompanying facilities are critical to fulfilling our responsibility to provide adequately for America's energy future.

This budget request is particularly ironic in light of the President's announcement of earlier today of a national commitment to reducing our emissions of greenhouse gases to their 1990 levels by the year 2000.

Yet, at the same time, his administration is proposing to write off the long-term future of a technology that supplies more than one-fifth of our Nation's electricity, with a safety record unmatched by any major alternative source, without emitting smoke, sulfur dioxide, nitrogen oxides, and the major greenhouse gases, carbon dioxide and methane. This is simply not rationale.

It is critical that the Nation continue to develop long-term energy options that reduce or eliminate greenhouse gas emissions. While it is important that energy conservation and renewables and natural gas receive continued and increased emphasis, there is simply no way our economy can continue to grow without additional supplies of energy—particularly electricity. And there is simply no viable long-term alternative to the use of nuclear energy to supply a significant fraction of that additional electricity.

It follows, then that the IFR, the most promising next-generation nuclear option, should and must be strongly supported. It also follows that we must continue to support the MHTGR, as it is also on the threshold of success.

Mr. Speaker, this is the most radical budget proposal and the most abrupt shift in energy policy I have seen during my years in Washington. I do not believe that Members of Congress, or the American public at large realize its long-term and potentially devastating consequences. Such a proposal deserves a lengthy, reasoned public debate.

It is for this reason that I have asked that the House Committee on Science, Space, and Technology hold a series on nuclear energy. We need to hear a broad cross-section of views of the American public—both pro and con—on the future of nuclear power before we allow such a precipitous action to occur. This is simply too important to be treated casually.

Mr. Speaker, I know there are a number of Members in this body that oppose nuclear energy. However, in light of the President's national commitment to stabilize greenhouse emissions by the year 2000 and the major implications of this commitment for the Nation's energy future, I would respectfully request that they consider reexamining their position.

LEGISLATION REGARDING MERCHANT MARINERS INTRODUCED

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. HUGHES. Mr. Speaker, today, I introduce legislation which will at long last recognize the courageous service provided by American merchant mariners and the valuable contribution these men made to the American war effort during World War II.

Under present law those who served honorably in the Armed Forces, the regular or reserve corps of the Public Health Service, or as commissioned officers of the Environmental Science Services Administration receive civil service retirement credit for their military service. However, those who served honorably in the merchant marines during World War II do not. I believe these brave men served their country with honor and distinction and deserve the same consideration.

My bill will allow civil service retirement credit for merchant marine service during World War II.

The U.S. merchant marine was clearly vital to the allied war effort during World War II. Almost 2 years before the United States entered the war in December 1941, U.S. merchant marine ships began braving their way through the Wolfpaks of German U-boats that waited in prey in the Atlantic, in order to deliver surplus war material to Britain. From that time, until well after the war was over in 1945—when a number of vessels were sunk and damaged by leftover mines while carrying materials to rebuild a war-torn Europe—merchant marine ships served our Nation with bravery and honor. And as a consequence, many merchant mariners made the ultimate sacrifice for our Nation.

In 1988, the Department of Defense granted veteran status to merchant mariners who served during World War II. This decision allows these individuals to be eligible for benefits administered by the Veterans' Administration only, such as treatment at VA hospitals and burial in national cemeteries. Civil service retirement is administered by the Office of Personnel Management and is not included in this decision.

In 1942, President Roosevelt lauded the service of the merchant marine when he noted, "two million men have been called to the colors. In far places and near, our soldiers, our sailors, our air pilots, the beleaguered men of the merchant marine, have shown the stuff of heroes."

These other heroes receive civil service retirement credit for their service to our country. The merchant mariners are the only group of war veterans that do not receive such credit. I believe that our World War II merchant mariners have earned this consideration.

I urge my colleagues to support this legislation and give the World War II merchant mariners this modest credit which is long overdue.

BASEBALL BLACKOUT: HOW THE MAJOR LEAGUES SHUT OUT AFRICAN-AMERICAN FANS—AND HOW TO WIN THEM BACK

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. STOKES. Mr. Speaker, the 1993 Major League baseball season is well underway. Yet, while batting averages are being compiled and home runs tabulated, another important issue is under discussion. That issue is Major League baseball's dismal record of hiring minority coaches, managers, and front office personnel.

In a Washington Post article dated Sunday, April 4, 1993, the author explored whether the lack of minority hiring is related to the declining numbers of minorities who attend major league baseball games.

Mr. Speaker, I am pleased to bring the article to my colleagues' attention and hope they will take a moment to read this insightful commentary.

BASEBALL BLACKOUT—HOW THE MAJOR LEAGUES SHUT OUT AFRICAN-AMERICAN FANS—AND HOW TO WIN THEM BACK

(By John B. Holway)

While President Clinton is throwing out the first ball at Camden Yards tomorrow, Jesse Jackson plans to be outside the stadium making waves. He and 1,000 picketers will be protesting Major League Baseball's dismal record of hiring minority coaches, managers and front-office personnel.

I sympathize fully with Jackson's goal, but question whether his methods will work. African Americans have already been boycotting baseball—for about 40 years.

The next time you go to a game, look around. Chances are you'll see almost as many blacks on the field as in the grandstand. It wasn't always thus. Close to 50,000 fans used to turn out to see the annual black All Star Game at Chicago's Comiskey Park in the 1930s and '40s. I saw the old Homestead Grays pack 30,000 into Washington's Griffith Stadium to cheer Satchel Paige and the Kansas City Monarchs hours after the white Senators had played to 3,000 fans. In the flush of excitement over the debut of Jackie Robinson in 1947, African Americans rushed hundreds of miles to see the Dodgers. Now they won't go across town.

This is the longest-lasting legacy of the Jackie Robinson revolution: not that African American players were admitted into the major leagues—they'd always been playing big league-caliber ball—but that black owners and black fans were squeezed out. Today most big league teams have hardly two black typists on their payrolls, let alone a black general manager or vice president. While the owners cluck about Marge Schott, the owner of the Cincinnati Reds who liked to bandy racial insults around the office, they pay little more than lip service to demands that they open their corporate doors to blacks.

The white public may find it hard to believe that the absence of black faces in the front office can affect black attendance. But the historic exclusion of African Americans from top management, dating back to the days when baseball was desegregated, is in fact a central reason why the major leagues are attracting so few black fans.

Ten years ago, the office of Commissioner Bowie Kuhn estimated that blacks made up only 3 percent of big league ticket buyers. There is no more current estimate; my guess is that the figure is now less than 1 percent. One reason why can be found in statistics cited by Jackson. Blacks account for 31 percent of players, 21 percent of managers (6 out of 28, an all-time high), 8 percent of front-office employees and only 4 percent of executives.

The estrangement of blacks from baseball is rooted in the way the major leagues were desegregated four decades ago. Integration, a godsend for black players, was a disaster for black owners, who were defenseless even to protest. Branch Rickey, the Brooklyn Dodgers owner who broke baseball's color line, was so anxious to grab black players that he forgot to grab his checkbook to pay for them. Rickey never paid a nickel for the contracts of Robinson, Roy Campanella or Don Newcombe—talents who had been nurtured by the owners of the Negro League. Cum Posey, owner of the Homestead Grays, muttered on his deathbed, "It's like coming into a man's store and stealing everything off the shelves."

It is very easy for white fans to forget that integration deprived the black community of its institutional stake in baseball. The damage done is obvious if you imagine a different sort of integration. Imagine if the ownership of baseball had also been integrated in 1947—if say, Cum Posey and J.L. Wilkinson, owner of the Kansas City Monarchs, had been granted major league franchises. The Homestead Grays and the Monarchs, of course, would not and could not have remained all-black teams. They would have hired white and Latin ballplayers, but they would have been black-run enterprises that might not have been so quick to offer lame excuses about how there are no qualified blacks to manage their teams or run their front offices. They would be cultivating, not ignoring, fans in the black community.

But none of this came to pass. Instead, Branch Rickey and other white owners raided the assets of the Negro League owners (in a way that they never would have done to each other) and called it "progress."

Integration also took the black fans from the Negro Leagues. After integration, "We couldn't draw flies," recalls Grays first baseman Buck Leonard. When black major league baseball finally folded in the 1950s, the lily-white ownership of the American and National leagues lost interest in black fans. Indeed, beginning in the late 1950s, owners sought to escape black fans by moving from the old downtown stadiums near black neighborhoods to the white suburbs, a trend that only stopped recently. At the same time, the allegiance of the black community began shifting to basketball, a sport where black contributions, tradition and style are more honored.

By the 1980s, A. Bartlett Giamatti, then the president of the National League, at least understood that baseball was squandering a huge asset. In a letter to me, he denied that the game was turning its back on black fans and insisted that he wanted to reach out to them. However, he did not follow up with any public statement, and apparently no action was taken.

As such indifference has accumulated in the consciousness of black fans, Major League Baseball has again become the white man's game that it was in the pre-Jackie Robinson era. Blacks don't sit around talking about the pennant races. The game draws a yawn from most African Americans. Black kids flip off the game of the week and go out to the playground to dream of slam dunks.

How to stem that creeping indifference? If I were Jesse Jackson, I'd offer the owners a carrot, not a stick. To hear the owners talk, most of them are on the financial ropes, facing inflated player payrolls and vastly deflated TV contracts. But suppose Jackson could hold out the prospect of more black fans—and thus more green money—to the owners. An additional 5,000 fans per game, over the course of 81 home games, would mean an additional 400,000 fans. If each fan spent, conservatively, $12 for a ticket and concessions, that's about $5 million dollars extra a year in the cash register, and a nice chip to bring to the bargaining table at the next round of TV negotiations.

The Orioles and Blue Jays may not need any more fans—nor have any empty seats to put them in. But for the Indians, the Astros, the Expos and a dozen or more other teams, an infusion of black fans could be their salvation. Five million dollars would spell the difference between solvency and bankruptcy, between buying a superstar on the free agent market and selling one for desperately needed cash.

It's not a goal that can be achieved this season or next, but it is a goal worth pursuing by both sides. Baseball and the African-American community will have to work together to make it happen.

First of all, the sport will have to convince African Americans that baseball is not just a white man's game. To do that, Major League Baseball should go into the city schools and playgrounds, offering equipment, coaches and money to organize boys' and girls' baseball leagues.

In addition, baseball should put its personnel policies on a merit basis. That means recognizing that former black players like Chris Chambliss, Joe Morgan and Al Bumbry are ready and able to manage major league teams and hiring more of them to do it. An alert major league club just might find another Rube Foster, a world-class pitcher in early black leagues who went on to found the Negro National League in the 1920s and to manage the Chicago American Giants. By all accounts, Foster was one of the most innovative thinkers in baseball in this country.

One of Jackson's complaints is that African-American players are portrayed in the media almost exclusively by white announcers and reporters. The emergence of women covering and writing about baseball reflects famale interest in the game. But of all the baseball beat reporters at major newspapers, only five are black. Hall of Famer Joe Morgan did a superior job as a TV analyst during the World Series a few years ago, but he was never invited back.

As important as improving the present situation, however, is acknowledging fully and generously black players' rich baseball history. For starters, this means inducting the old Negro League stars into the Hall of Fame. Only 11 have made it so far, compared to about 150 whites of the same era. Under the present voting system—a committee of 15 whites and three blacks—no black oldtimer has been elected in seven years. The old rules still apply—a black can get into the white man's hall of fame only if he entertained white fans. If, like old-time home run champ Mule Suttles, he entertained blacks, forget it.

How to make Cooperstown more than a white man's memory bank? President Clinton might use his bully pulpit to bring attention to this long-standing injustice. Last year President Bush spent two hours talking in the White House to old-timers like Monte Irvin and Leon Day of the old Newark Eagles, yet he issued no statement of support for equal opportunity at the Cooperstown ballot box or at the pension table.

In addition, baseball should help the black old-timers, who didn't make the big bucks that modern stars make. Now in their seventies and eighties, many are wheelchair-bound and have few dollars saved up for emergencies. While the major league pension fund has turned its back on them, Joe Garagiola and the Baseball Assistance Team (BAT) have stepped in. BAT, with the assistance of the commissioner's office, raised more than half a million dollars last year, primarily from the annual Upper Deck oldtimers' games in each league park. These funds are distributed on a confidential basis to needy veterans, both black and white. Former commissioner Fay Vincent led discussions about getting health insurance for black vets, but his ouster has made the future of such plans unclear.

Today's millionaire stars, both active and retired, should also help. They could stage an annual all-star game to benefit these oldsters. I believe many white stars would also play in it—men like Ted Williams and Tom Seaver, who have supported the Negro Leaguers in the past.

Finally, the black business community needs to organize to buy a major league club. Joel Ferguson, owner of an East Lansing TV station, made a bid to buy the Detroit Tigers last year but lost out to another group with a lower bid. Ferguson is philosophical about being turned down, noting that he offered an installment purchase while his rival offered cash. In any case, baseball's all-white ownership ranks remained intact—to its ultimate peril.

Welcoming blacks back into the family of baseball is not a matter of charity; it's in Major League Baseball's clear and immediate self-interest. By recognizing its past, rethinking its current hiring practices and cultivating the black fans of the future, the league will give a whole new meaning to Opening Day.

YOUTH MANAGEMENT DAY

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mrs. FOWLER. Mr. Speaker, on Saturday, April 24, over 10,000 young people between the ages of 16 and 20 will have the opportunity to demonstrate their business savvy when they participate in Youth Management Day at Winn-Dixie.

The young people have been chosen for being the best of the best Winn-Dixie associates from all over he southern United States and will become store managers and department managers for the entire day. Youth managers will replace their department heads and effectively run the store, demonstrating their excellence where it counts—closest to the customer.

These associates have already demonstrated leadership potential essential to their stores and communities. This dramatic display of confidence of a $10 billion company in its youngest personnel is a recognition of their commitment to excellence and dedication.

Youth Management Day will bolster the morale of over 10,000 of your Nation's young people, and it will thank these part-time associates for their valuable contributions. The success of this event benefits Winn-Dixie staff, stores, and the entire community.

The people of Florida and the Nation should be encouraged to recognize this creative, confident, and beneficial program and the positive effect it will have on thousands of young people.

TRIBUTE TO BOY SCOUT TROOP 95

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. GEKAS. Mr. Speaker, this year Boy Scout Troop 95, sponsored by St. John the Evangelist Roman Catholic Church in Enhaut, PA, will celebrate its 59th anniversary of continuous registration as an active scouting unit. This fine record is a tribute to both the dedicated efforts of the men and women who have provided the leadership, as well as to the success of the boys who have benefitted from their endeavors.

Troop 95 was first organized in 1934 through the efforts of Mr. John Reed, district commissioner, and Rev. John Weber, St. John's pastor. St. John's Church was at that time located in Steelton, PA, but has since moved to a new building in Enhaut. Mr. Frank Blazi served as the first scoutmaster; he held that position for 25 years.

Troop 95 flourished under Mr. Blazi's leadership. It won the Bishop's Troop Award on one occasion, and it was nominated as runner-up numerous other times. Unfortunately, a siege of illness caused Mr. Blazi to give up his cherished work with the Boy Scouts.

Mr. Charles Farren succeeded Mr. Blazi, and in turn was succeeded by Mr. Richard Speese in 1966. During his term, the entire troop visited Canada's Expo '67, as well as various Canadian camp sites.

Mr. Robert Slovanac succeeded Mr. Speese, and served until the latter part of 1970, when he was succeeded by Mr. Jacob Frischkorn. Mr. Sam Rennard assumed the duties of Scoutmaster in 1972. One of the highlights of Mr. Rennard's tenure was the troop's attendance at the 1973 National Scout Jamboree. In 1975, Mr. Henry Pacey became Scoutmaster, and he served for 2 years. He was followed by Mr. Don Stevens.

Mr. Stevens served as Scoutmaster until 1980. Troop highlights during this period include trips to Annapolis and West Point, camping in the Adirondacks, Philmont expeditions, and the 1977 National Jamboree. The troop's next Scoutmaster was Mr. Tom Gustin, who was one of Troop 95's Eagles returning to serve his unit. Mr. Gustin was contingent leader for the Council Philmont Expedition in 1983, and he now serves as committee chairman.

Troop 95's current Scoutmaster is Mr. Frank Sinkovitz. Mr. Sinkovitz served as assistant Webelos Leader in Pack 95 before assuming the position of Scoutmaster. Under his leadership, Troop 95 is continuing an active outdoor and advancement program.

The Scouting program at St. John's has included approximately 840 boys, 46 of whom have achieved Scouting's highest honor, Eagle Scout. Scouters from Troop 95 have left their mark on this world as all American football players, service academy graduates, doctors, lawyers, priests, engineers, scientists, and college professors.

With the ongoing fine cooperation of the parish and the many friends of Scouting, I would like to pay tribute to the newest members of Troop 95's Eagle Scout honor role: Kevin LaVia, Meade Huggins, and Arthur Wallace.

Kevin LaVia is the son of Michael and Leslie LaVia. Mr. LaVia is an Assistant Scout Master for Troop 95, and works as a national sales manager for a computer manufacturing company. Mrs. LaVia is an assistant accountant for the local township.

Kevin has an 11-year-old sister, Melanie, who is a Junior Girl Scout with Troop 985. His seven-year-old brother, Andrew, is a Tiger Cub in Pack 202.

Joining Cub Pack 95 in 1984, Kevin earned his Bobcat, Wolf, Bear, and Webelos badge. As a Webelos, he earned all 15 activity badges and his Arrow of Light. He also earned the Parvulei Dei religious award as a member of St. Ann's Roman Catholic Church in Steelton, PA.

Kevin joined Troop 95 in October, 1988. During his years as a Boy Scout he has earned 9 skill awards and 22 merit badges. He is an member of the Order of the Arrow. Kevin attended Junior Leader Training at Hidden Valley in 1990. In 1992, during summer camp, Kevin won the archery tournament. He has held the following leadership positions in his troop: assistant patrol leader, patrol leader, assistant senior patrol leader, and den chief for Pack 95. In 1992, he joined the Medical Explorer Post at Polyclinic Hospital, where he learned about medicine and hospital operations.

Currently a sophomore at Central Dauphin East High School, Kevin is an active member of St. Ann's Church, where he has served as alter boy. Equally active in sports. Kevin played baseball for the Chambers Hill Athletic Association for six seasons. He was also a member of the Rainbow Hills Swim Team for 9 years, during which he received numerous awards.

Meade Huggins has been in Scouting since he was 8 years old. After earning the Bobcat, Wolf, and Bear ranks, he earned all 15 activity badges as a Webelos. He also earned the Arrow of Light badge.

When he was 11, Meade joined Troop 95. As a Boy Scout, he earned many leadership positions, including assistant patrol leader, patrol leader, assistant senior patrol leader, and senior patrol leader. He also served as den chief for the Webelos Den. Meade attended North Star Junior Leadership Training at Camp Hidden Valley, as well as the National Canadian Scout Jamboree in 1985 and the 1989 National Jamboree at Fort A.P. Hill in Virginia.

A senior at Central Dauphin East High School, Meade has participated in various choral ensembles. He is also an active member of St. John's Evangelical Lutheran Church in Steelton, PA. He has served as president of the newly formed youth group. He sings in the adult chancel choir, and he has served as acolyte, crucifer, and lector. He has also been active in the Confirmation Camp program, where he has served as a student counselor.

Meade is the youngest son of Ella and Jack Huggins of Enhaut, PA. His parents have been active in scouting for over 20 years. At the present time, they are members of the Troop Committee.

Having been accepted to the Millersville University, Meade will begin studies in elementary education in the fall. He hopes to teach kindergarten after he completes his degree.

Arthur Wallace began scouting at age 10, when he became a Webelos in Pack 95. While a Webelo, he earned all 15 activity badges, as well as the highest award in Cub Scouting, the Arrow of Light. He also earned his God and Country Religious Award as a member of Salem Lutheran Church in Oberlin, PA.

Art continued into the Boy Scouts at age 11. He earned the First Aid Merit badge, and having found the work to be so interesting, he became the instructor who taught first aid to the younger scouts. Art also attended Junior Leader Training. During this week of intensive training in leadership skills, he served as patrol leader for his group. Art is an ordeal member of the Order of the Arrow, the honor Scouting organization.

As a member of Troop 95, Art held several leadership positions. He was a scribe, assistant patrol leader, and patrol leader. His Eagle service project involved repairing the garden stairway in St. John's Lutheran Church.

A Senior at Dauphin County Vocational Technical School, Art lives with his father, Arthur Wallace. Mr. Wallace has worked for Bethlehem Steel as a machinist for 22 years. His mother, Mrs. Juanita Cooley, is assistant manager at Keystone Portable X Ray.

Mr. Speaker, I ask all my colleagues to join me in congratulating these fine young men on attaining the rank of Eagle Scout, and in paying tribute to Boy Scout Troop 95, on celebrating its 59th anniversary as an active Scouting unit.

THE BASE CLOSURE PROCESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 7, 1993, into the CONGRESSIONAL RECORD:

The base closure process for 1993 in now under way. It is the third round of closings since 1988. The 1988 and 1991 lists closed, in part or in whole, 125 military installations, including the Jefferson Proving Ground, Grissom Air Force Base and Ft. Benjamin Harrison in Indiana. The Indiana Army Ammunition Plant has been inactivated outside the formal base closure process. This year's list will be followed, under current law, by a final round in 1995.

What Has Been Proposed? Defense Secretary Aspin recommended on March 12, 1993 that 31 major military installations be closed and that 12 other be realigned to support a smaller and less costly force structure. In addition, Aspin announced recommendations for the closure, realignment and disestablishment of 122 other small bases and activities. This round of base closures and realignments is projected to save $3.1 billion per year starting in 2000 and reduce DOD employment by 24,000 military and 57,000 civilian personnel nationwide.

Why Were These Recommendations Made? Secretary Aspin said these closures are necessary because there is no way to downsize the military without closing military bases. Thus far, base closures have not kept pace with the overall reductions in defense. The defense budget will decline by more than 40% from 1984 to 1997, and military personnel in the U.S. will be reduced by about 30%. In contrast, base closings agreed to in 1988 and 1991 will reduce the domestic base structure by 9%. Aspin's proposals would raise that figure to 15%.

What Is The Closure Process? Secretary Aspin's closure list will undergo a vigorous review process. A bi-partisan Base Closure and Realignment Commission is now holding hearings on the list; the list will also be analyzed by the General Accounting Office. The Base Closure Commission will report to President Clinton with its own set of recommendations by July 1. The President will then have until July 15 to accept or reject the Commission's findings. If the list is rejected, the Commission will have until August 15 to submit a second list to the President. If the President accepts the original or revised list, he will then submit the list to Congress. From that point, Congress will have 45 days to consider the recommendations and reject them by joint resolution if it so chooses. If Congress does not act, or the resolution fails in either house, the Secretary of Defense may proceed with the base closings.

What Is The Impact On The 9th District? The 9th District would not be affected by Aspin's recommendations. Crane and the Naval Ordnance Station are not on the list.

What Is The Impact On Indiana? The proposed closures and realignments would have a minor impact on Indiana. Aspin would close a Defense Information Systems Agency site in Indianapolis and reserve centers in Terre Haute and Fort Wayne. Overall, Indiana will lose 206 personnel. In contrast, California would lose about 31,000 personnel; South Carolina about 10,000; and Virginia about 8,000. Indiana was hit hard in previous closure rounds, and the state will lose over 13,000 military jobs and more than $200 million in annual output and earnings.

What Is The Status Of The DFAS Competition? Evansville and Indianapolis were among the 20 finalists in the Defense Department's competition for Defense Finance and Accounting Service [DFAS] centers. Aspin decided to suspend the competition because he thought it would be unfair to "transfer from the federal government to local taxpayers the burden of financing facilities used by DOD." For the time being DFAS operations will continue at the existing five large centers—including Indianapolis—as Aspin reviews the issue.

What Is The Impact On Overseas Bases? Current law does not allow Secretary Aspin to include overseas bases on his closure list. However, since January 1990, the Department of Defense, in consultation with host nations, has undertaken plans to end or reduce its operations at 629 overseas installations, a reduction of 35 percent.

How Will Workers And Communities Be Helped? President Clinton has proposed spending $1.8 billion this year and $20 billion over the next four years on defense conversion programs. This year's package would provide $375 million for transition assistance, employment services and job training. It would also provide over $100 million in economic adjustment assistance for communities adversely affected by cuts in defense spending.

What About Cleanup Problems? Many closing installations like JPG have major environmental problems which can hamper or delay community plans for reuse. Congress approved legislation last year that will expedite the release of clean parcels of land at contaminated bases. Congress has also appropriated $830 million to clean up closing bases—although overall cleanup costs for active closing bases will likely exceed $35 billion. A recent study found that the cleanup costs for JPG alone range from $1–8 billion depending on the level of reuse.

What is Happening at JPG? JPG was included on the 1988 base closure list. JPG is slated to close in 1995, but testing will cease at the base in 1994. JPG employees are being offered transition assistance. The JPG Redevelopment Board is planning for reuses of the installation after closure. Possible reuses might include: commercial use of the buildings in the 3,000 acre cantonment area; use of the firing ranges by a private contractor; expanded use of the facility by the Indiana Guard; commercial use of a resurfaced airfield at JPG; and use of the northern portion of the base as a nature preserve/recreation area. I am also working on securing funding for cleanup activities at JPG.

What is happening at INAAP? The ammo plant was inactivated last year. The workforce has been cut from 1,000 to 200, who are assisting with layaway activities. The workforce will be trimmed to less than 100 people later this year. ICI, the plant contractor, recently signed an Army contract that will allow ICI to secure and maintain the facility, bid on available Army and third party production work, and use the resources at the installation for possible non-military work. Congress approved $200 million in last year's defense law for the Armament Retooling and Manufacturing Support [ARMS]. Initiative, a new program designed to help develop new business and job opportunities at ammunition plants like INAAP. The ARMS program provides various incentives for industry to use government owned facilities for military and non-military commercial manufacturing. I have also supported the establishment of a state park on the northern end of the plant.

STATE MARITIME ACADEMY LICENSING RELIEF ACT OF 1993

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. FIELDS of Texas. Mr. Speaker, I am pleased to introduce today a bill to provide relief to the young men and women who attend our State maritime academies: Texas A&M University at Galveston, the California Maritime Academy, the Maine Maritime Academy, the Massachusetts Maritime Academy, and the New York Maritime Academy.

These academies educate and train licensed officers for service during war and peace in the maritime industry, the Navy, the Coast Guard, and the National Oceanic and Atmospheric Administration. Unlike students enrolled at the national service academies, cadets at our six State maritime academies pay their own tuition and fees for their education, including training cruises and naval science courses. In addition, their academic year lasts 11 months, which deprives them of the opportunity for summer employment. In order to get a maritime job, graduates have to take and pass examinations for a license as an engine or deck officer.

Regrettably, in 1990, the Omnibus Budget Reconciliation Act (P.L. 101–508) removed long-standing prohibitions against the collection of fees or charges for these examinations and licenses. While I oppose any fee or charge for the issuance of a maritime license, I am particularly distressed that there are no exemptions from these fees, and that they even apply to cadets graduating from our

State maritime academies. In response to that act, the Coast Guard has imposed a number of new fees requiring these fine young men and women to pay up to $500 to obtain their licenses and merchant mariner documents.

Mr. Speaker, State maritime academy cadets, who normally take a licensing examination within 3 months of graduation, do not have the financial resources to pay these fees. They have just completed 4 years of college, have spent thousands of dollars on college expenses, and have yet to earn a penny in their chosen profession. The fees place a heavy burden on cadets at a time when they can least afford it. They are a disincentive to those contemplating a career in the U.S. maritime industry and they are patently unfair, in that other transportation professionals, like airline pilots and train engineers, are not required to pay licensing or examination fees.

These fees will do little to reduce our Federal deficit; they will cause tremendous pain for our State maritime academy graduates; and they will further strain the U.S. merchant marine industry, which is already struggling for its survival.

Superintendents at the State academies strongly recommend that the user fees for licenses be repealed for all cadets taking an entry level examination. In testimony before the House Committee on Merchant Marine and Fisheries, the superintendents stated that "It is unconscionable to mandate to young men and women who pay for an education which clearly supports our national security to take and pass a licensing exam, and then charge them a fee to take it. In essence, the user fee is a graduation tax which is exorbitant in relation to an entry level cadet's income history."

While my preference would be to either repeal these onerous fees or waive them for first-time recipients, unfortunately, the Congressional Budget Office has indicated that either approach would create a pay-as-you-go [PAYGO] budget problem. Since I am not interested in increasing anyone's tax burden, I have decided to solve this problem in a different way.

Under my bill, our six State maritime academies would each receive a portion of a $300,000 authorization to pay any Coast Guard user fees associated with the cost of a cadet obtaining an original license and merchant mariner document. Furthermore, this reimbursement system would only be activated when Congress appropriates the additional money required to satisfy this purpose. Until that occurs, State maritime cadets will have to pay their own fees. In this way, Congress can ease the financial burden on these maritime cadets without forcing their academies to reduce funding for vital training or educational programs.

Mr. Speaker, I urge my colleagues to join Representatives GERRY STUDDS, BILLY TAUZIN, OLYMPIA SNOWE, PETER KING, and me in support of the State Maritime Academy Licensing Relief Act of 1993.

J.E. SAWYER & CO., INC., CELEBRATES 110 YEARS OF GROWTH AND SUCCESS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. SOLOMON. Mr. Speaker, about 85 percent of the real jobs in this country come from small businesses. That's one of the reasons I enjoy paying tribute to the outstanding small businesses in our 22d District in New York.

One of the finest business neighbors in my hometown of Glens Falls is J.E. Sawyer & Co. On Friday, April 30, the company will celebrate its 110th year in business.

When J.E. Sawyer & Co., Inc. began in 1883 it was a small supply store that sold saddles for $10 and feed boxes for horses for $3.50. Today, the company is a major player in the wholesale plumbing and heating market. And I needn't remind anyone how hard it has been for businesses to prosper in the State of New York.

But at Sawyer's, the tradition of hard work, good products, and customer service has made the company a leader in the business community.

And, Mr. Speaker, I think the company will be around for many years to continue that outstanding tradition.

Please join me in wishing a happy birthday to J.E. Sawyer and Co., Inc. of Glens Falls, NY, the kind of business that has made America great.

HOLOCAUST REMEMBRANCE DAY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mrs. MEEK. Mr. Speaker, I would like to join with so many others today in commemorating the Annual Days of Remembrance for the victims of the Holocaust. Every year at this time the citizens of our country and millions of others around the world pause to reflect on the worst of humanity's acts, the Holocaust. It is difficult to believe that the murder of 6 million Jewish people and millions of others happened a mere 50 years ago. The promising lives of men, women, and children were brutally taken from them. I join in the condemnation of the Nazi horror and mentality and vehemently condemn the resurgence of such evil in our world of today.

The lessons of the Holocaust must continue until ignorance is overcome and prejudice undone. We will not learn to overcome the evils of antisemitism and racism until we understand the lessons of the Holocaust, and understand the unique and universal implications of annihilating six million Jews as a policy of the state. I applaud the opening of the U.S. Holocaust Memorial Museum as a living memorial to those who perished and as part of the educational endeavor that must take place forever if we are to earn the humanity for which most of us strive.

One cannot reflect on the Holocaust without also feeling the connection with what is occurring in the former Yugoslavia today. The abhorrent actions of the Serbians against women, and the Serbian policy of ethnic cleansing is sadly reminiscent of the Nazi abuses against innocent people. We cannot stand idly by without doing everything in our power to help stop the atrocities, and we cannot be silent.

NEW PATIENT CARE PAVILION AT SAN DIEGO'S CHILDREN'S HOSPITAL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. CUNNINGHAM. Mr. Speaker, I want to draw my colleagues' attention to the dedication of the new Patient Care Pavilion at San Diego's Children's Hospital. This addition will more than double the number of beds at Children's and greatly improve the quality of care, including the San Diego region's first pediatric emergency room and a new critical care and trauma unit.

Children's Hospital has been a critical part of San Diego County since its founding in 1954 to help care for children during an epidemic of polio. It has grown tremendously since and had an enormous positive impact on the community.

Mr. Speaker, I wanted to share the remarks of Blair Sadler, the president of Children's Hospital, from the recent dedication ceremonies. I know my colleagues join me in saluting the fine work of Children's Hospital of San Diego.

STATEMENT OF BLAIR SADLER

Good morning everyone. I'm Blair Sadler, President of Children's Hospital and Health Center. I want to welcome each of you as we celebrate this landmark event in the history of our Children's Hospital—the opening of our new Patient Care Pavilion. This new facility defines dramatically the future of medical care for the children of San Diego. It is a future we look forward to with renewed confidence and hope.

After a short program here this morning, we'll open the doors of our new hospital pavilion for the first time and invite you in for a tour of this exciting new health care facility. We'll begin the day's activities by introducing some of our distinguished guests.

Last evening, we had the pleasure of giving a sneak preview of our new hospital to Governor and Mrs. Pete Wilson. I'm proud to tell you that they were overwhelmed with this new facility and, though they couldn't be with us this morning, the Governor asked me to share his enthusiasm and congratulations to all who helped make this building possible—as well as a special thank you to all who work so hard to provide quality health care to the children of our community. Pete and Gayle Wilson are special friends of Children's Hospital and enthusiastic champions for kids.

I would like to recognize three talented political leaders who are supporters of children and Children's Hospital. They are: Congressman Randy "Duke" Cunningham, Valerie Stallings, newly elected to the City Council in whose district Children's Hospital resides, and Dianne Jacob, newly elected to the Board of Supervisors.

With us this morning, scattered through the crowd, are a number of our community's business, civic, and political leaders. To each of you, welcome. And thank you for being with us on this landmark day. The business community, through its generosity together with our elected officials who understand the special needs of children, are among our most important resources in the quest to ensure that kids have the very best health care services possible at the only medical center in our community just for them. Children indeed do have unique health care needs. It takes both a special place and specially trained teams of physicians, nurses, and other health professionals to take care of them. That's what Children's Hospital is all about. We're all about kids!

Also with us today are some very special leaders of the Children's family who we had a chance to recognize last night. Without calling on them by name, let me tell you how grateful I am that we have had such talented and dedicated volunteer leaders over the years who have served as Trustees and Directors of our Boards. Let met pay special recognition to two of our Trustee leaders, Ernest Rady, Chairman of the Center's Board of Trustees and Tom Carter, Chairman of the Hospital Board of Directors. These two men, together with so many other leaders on those Boards and our Foundation Board, have been our touchstone to the community throughout this project. They have helped us remember that our special role at Children's Hospital is not only to care for children but to care about them, too.

And we have been so fortunate to have skillful physicians who have served as Chiefs of our medical staff where they have worked to continually improve the quality of health care services available to the children of San Diego. I am especially grateful to our current Chief of Staff, Dr. Buzz Kaufman, who has been so helpful throughout the planning and development of this new Pavilion. And to each member of our medical staff who contribute to what Children's is all about, thank you for your participation in this building program and for your extraordinary medical talent.

Also here today are many of our Auxiliary members whose countless volunteer hours raising the necessary contributions and serving as Ambassadors for kids make them invaluable. To each of you here today, to those not able to join us, we thank you. And to Sharon Guadagnola, the current President of the Auxiliary, my special thanks for your leadership.

There are many, many other volunteers here with us today. Some of you work in areas close to our patients so we have a chance to see you and thank you from time to time. Others work further from sight and are often far removed from the bedside—you too are a valued part of the Children's family. I thank you for being here.

And to each of our employees, this new building is one which I hope will make you even more proud to be part of the Children's team. You are a real part of the daily miracles which so many families in San Diego have come to appreciate. Each of you contributes to the important work of making sick children well and returning them to their families. So many of you helped in this building's design. We couldn't have done it without you. Thank you! I'm proud to work with you on behalf of the kids of San Diego.

The input and suggestions of our employees and our medical staff in the creation of this building has been extraordinary. In a few minutes, you will see for yourself. But, eventually, all the input has to be passed on to professional design teams and architects who translate our ideas into a plan—and the plan worked! A special thanks to the architects of NBBJ of Seattle. With us from NBBJ are Jim Jonassen and David Noferi, who labored over this project for more than five years.

Thanks also to our construction manager, Centex-Golden, which brought together a terrific team of construction pros from so many different trades to build this wonderful new building. Joining us today, representing Centex-Golden are Jim Link and Mike Saia.

You will see in this building some very special features that help to contribute to its unique design. Thank you to all of the artists and designers who were a part of this labor of love. And my special thanks to Annette Ridenour of the Aesthetics Collection and her associate, Linda Richardson, and their colleagues for the special touches that will truly make this a building that will heal.

I would also like to pay special tribute to but a few of our many supporters whose special generosity has helped make our dream become a reality. They represent the best any community can expect * * * a generous response to a most pressing need.

Please join me in extending our heart felt and sincere gratitude to those donors whose leadership gifts will serve as a model for others to follow. As I recognize them individually, I ask you to extend your appreciation for their extraordinary support.

Representing our outstanding Children's Hospital Auxiliary, which made the first contribution to this building in the amount of $1 million, is the President of the Auxiliary, Sharon Guadagnola.

Our Auxilians have led the way in supporting Children's Hospital even before the hospital doors opened in 1954. We thank them for their gift which will be commemorated in the central interior courtyard of this remarkable new building. Sharon, thank you and all Auxiliary members for your untiring efforts on behalf of Children's.

Another of our special contributors is a true treasure to our community, our children and our Children's Hospital. Together with Ernie, her beloved partner, Jean Hahn has taken up the cause of children and become one of their greatest advocates. We express to Jean our deepest thanks for her inspiring generosity toward our Children's Hospital. And in recognition of the Hahn family's outstanding support of this project, we announce today the establishment of the Ernest Hahn Critical Care Center in our new Children's Hospital.

Over the last few years, one of the most thoughtful philanthropists in our community has become an essential catalyst for our growth and our strength. Sam and Rose Stein, perhaps more than any others in our community, have studied many of our great community institutions which are devoted to health and to science. We are proud that they have included Children's Hospital among those organizations to which they have directed such generous support. With their help, San Diego will now have its first emergency room dedicated solely for children. I am pleased to announce today the establishment of the Sam and Rose Stein Ambulatory Care Center and the Sam and Rose Stein Emergency Center at Children's Hospital. Please join me in thanking very special friends of Children's Hospital, Sam and Rose Stein. Thank you Sam and Rose!

I would also like to recognize and thank two other remarkably generous supporters of Children's Hospital. Joyce and Gene Klein contributed in so many ways to the success of Children's over the years. We have all missed Gene these past several years but his generosity lives on after him and together with the wonderful support of Joyce, Children's Hospital will be able to enhance its important work.

And lastly, another couple who, since moving to San Diego have demonstrated the wondrous achievements their philanthropy has made possible. Paul and Ione Harter have made a major commitment toward the establishment of this new Patient Care Pavilion and we are grateful to them today.

Unfortunately, neither Joyce Klein nor Paul and Ione Harter could be with us this morning but please join me in a special round of applause for them and for all those whose contributions help sustain and enhance our special place of caring.

As we gather to celebrate the opening of this wonderful new Patient Care Pavilion, it is appropriate to pause and remind ourselves how very special the quality of our care is—it has to be—because our patients are so special. To help put in perspective what Children's means to our patients and their families, I'd like to call on one of our most special patients, Jessica Esquivel and her mom, Lisa Esquivell.

Thank you Lisa and Jessica. You are why we're here and why we'll always be here for children for generations to come. Thanks for sharing your story. Nothing I could say this morning could capture the spirit of Children's Hospital any better than you have.

Meeting the needs of kids—that's been the mission of Children's Hospital since the day our doors first opened.

In 1954, during a devastating polio epidemic, the community needed a Children's hospital. So we built it.

In the seventies, our surgeons were working in cramped and inadequate operating rooms. The community needed a surgical wing that provided kids with the same state-of-the-art operating facilities as adults. So we built it—the Jean Hahn Surgical Wing opened its doors ten years ago in 1982.

Since that time, the needs of children have become greater than ever. During the last decade, Children's has been forced to turn away hundreds of kids—solely because our beds were full.

In the last decade, most other hospitals in the community have turned to Children's for leadership in pediatrics. San Diego's physicians requested it; the community expected it; and California's political leaders supported it.

And, during that decade, San Diego was one of the fastest growing areas in the United States. Those are the reasons this new building was needed—desperately needed. And those are the reasons we built it.

In our search for a design that would best meet kids' needs, we turned to our leadership for counsel—to our physicians, our mustees, our staff. These people understood children and knew instinctively what this facility should do and they helped contribute to its design.

We also turned to other community leaders for their guidance. Among them was Ernie Hahn, one of the greatest leaders San Diego has ever known. I remember one day four years ago—we were walking the campus with Ernie and pointing out where we had decided to build our needed parking garage in the middle of our 27 acre campus. We felt we had no other alternative. Then Ernie paused and pointed to the hillside over the 805 freeway—"That's where it should go," he said. "Use the hillside and save your key land for future patient care and research growth." And that's how one of the best land use decisions in San Diego history was made.

Children's leaders were determined that this new facility should meet the medical needs of kids * * * that's why it is a miracle of modern technology. They were also determined that it would meet their emotional needs * * * that's why every aspect has been designed to contribute to the healing process.

In creating this new environment of caring for our children, we worked toward a unique two-part objective—functions and feelings.

Is our new hospital functional? As one of our own patients might say—"it's functional to the max!" Just listen to what this new facility brings to the community: 114 beds bringing our total to 220; a new ultra-modern critical care and trauma unit; 36 outpatient clinics—doubling our previous capacity; diagnostic and treatment facilities that are state-of-the-art; parent rooming-in capabilities in our medical units, and the region's first pediatric emergency room, opening in early summer under the direction of an outstanding new Director of Pediatric Emergency medicine.

We made a pledge to the community at the beginning of this project that, in the future, the health care needs of children in San Diego would be fully met at its own Children's Hospital. Today, we are making good on that pledge. No longer will a child from our community ever be turned away because we lack the space to provide care.

Is our new hospital cost effective? We certainly believe so. The project is $1.4M under budget and already we've turned over those funds for other uses for kids.

In addition to being functional and cost effective, we remained true to our commitment to design an environment that: is not intimidating; is bold, innovative, and creative; expresses a sense of caring; is a place where parents want to come and where people want to work, and expresses the special characteristics of San Diego.

This is a place that is friendly to kids. A place that welcomes investigation, encourages visitors, suggests fun, creates a sense of wonder, and challenges a child's imagination at every turn. The scale of the building suits a child's perspective. The design creates a home-like atmosphere. The rooms, nurses' stations, and corridors, are reminiscent of a neighborhood.

We believe we achieved something very special by keeping the qualities of function and feeling in front of us throughout the entire project and by returning to them virtually every day.

But, as this remarkable new "Caring Environment for Kids" is about to open, we must all be mindful that the overall environment for many of California's-and San Diego's—kids is not only—not caring. It is frequently apathetic and, too often, even violent and dangerous.

It is now widely recognized that the 1980's will be remembered, among other things, as "The Decade America Forgot Its Children."Infant mortality is shockingly high. Less than one half of San Diego's children are adequately immunized by the age of four; the incidence of child abuse has skyrocketed and teenage suicide is increasing. And the 1980's brought two new nightmares: first, AIDS and second, drug addicted babies—which Pete you have aptly described as "child abuse through the umbilical cord."

So, what do the 1990's portend? With the changing demographics of California and the enormous financial pressures on the state—how will California's children fare? In Governor Wilson's memorable 1992 "State of the State" address entitled, "Investing in Our Children's Tomorrows", he called on California to adopt a vision of government that is preventive rather than remedial—that would dedicate more money for pre-school, for healthy start and for early mental health counseling.

In calling for the creation of a Cabinet level "Children's Secretary" to head a new Child Development and Education Agency, he recognized the vital link between health and education. As he stated: "For education to fulfill its promise, we must first have a healthy child. A healthy child can learn—an unhealthy child cannot".

We agree. We are active partners in San Diego's Promising "New Beginnings" program. And we have developed San Diego's first school based health program at Hoover High School. But this is only a beginning. As we address painful budget choices, let's create ways in which our leaders in education and health care will work together on behalf of children.

We also agree that the state's Medi-Cal program needs attention, but our children's needs must not be lost in the understable transition to managed care.

Last month, our trustees made another pledge. They approved a bold, innovative proposal for Medi-Cal reform in San Diego. We called it: Children 2000. It is designed to be a true public-private partnership to launch a comprehensive long-term attack on the underlying health problems facing San Diego's poor children. It would take the Surgeon General's Year 2000 health goals, match them to San Diego's current Condition of Children, and systematically close the gap. For example, we would take San Diego's currently deplorable 48% level of childhood immunizations and take measure to reach the 90% target over the next seven years. We believe we can both reduce the spiraling cost increases and improve the health status of our community's kids. With Children's as the hub of a broad based coalition of committed physicians, community clinics, and hospitals, we would strive to assure that no child is lost in the system—and that all children are healthy and ready to achieve their full potential. We would intend to subject our efforts to external review and evaluation and to publish our results. We believe this program is doable if we all have the will.

How great it would be in the year 2000: to look back on 1993 as not only the year when Children's Hospital opened a new "Environment of Caring" in Kearny Mesa, but together we launched a public/private crusade on behalf of all children—to make San Diego truly "America's Finest City" as measured by how we treat its future leaders! For, if we don't get childhood right—how are we ever going to get adulthood right?

Returning to our new hospital pavilion, we thought it would be important to say "welcome" even before our patients and their families reach our front door. In fact, more than just saying welcome, we want to send the message loud and clear that the Children's Hospital is a special place. . . Just for kids. We want all who come here to know that our only purpose, our only reason in being here is to care for children.

We thought about the many different ways we could send that message and we decided that as wonderful as this building is, inside we should send the message right from the beginning of a child's experience. So we searched for someone who could help us create a symbol that would show our special focus even on the outside of the building. And we discovered a very talented sculptor—Dennis Smith—from Salt Lake City, Utah who, for twenty years, has been able to capture the spirit of the child in his art. Dennis created a powerful symbol for us to gain renewed enthusiasm and motivation and for our children to realize comfort and hope.

I'd like to call Jessica back up here and ask that she bring along some of her friends, other former patients, each of whom stood on this site on August 10, 1991 as we broke ground for this building and each of whom have returned as a symbolic link between our past, our present, and our future. And I'd like to call Dennis Smith up to help our kids lead us in the countdown to the unveiling of our special symbolic sculpture.

Ladies and gentlemen, because children are our future * * * and our inspiration, please join in as Dennis Smith and our kids lead us in the unveiling of an original bronze sculpture entitled * * * inspiration!

Ladies and gentlemen, we will be going into the building in just a moment. Before we do, I want you to know that there will be refreshments in the tent to the south of the building during the open house. We ask that you do not take any food or drink inside the building. When you enter the building, you will be given a map of the new pavilion and a commemorative publication which appeared in yesterday's San Diego Union-Tribune. The television sets in the hospital are all showing a special brief video on the building and we invite you to take a few moments to watch. There are tour guides throughout the building who can answer questions. The building will be open until 3:00 p.m. today. There will be public open house tours on this Monday, Tuesday, and Wednesday from noon until 8:00 p.m. We encourage you to invite your friends to come and see our new environment of caring for our children.

And now, I will ask you to clear a path and let Jessica and her friends walk to the front door where they will lead us in to their new Children's Hospital! And as they do, I now officially declare the new Children's Hospital dedicated * * * to our children and to San Diego.

Thank you!

WELCOME TO JESSAMINE COUNTY MIDDLE SCHOOL EIGHTH GRADERS

HON. SCOTTY BAESLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. BAESLER. Mr. Speaker, I rise today to welcome the eighth graders from Jessamine County Middle School in Nicholasville, KY, who will be arriving in our Nation's Capital tomorrow. I am delighted to see these young students come to visit and witness firsthand an inside look at Washington, DC.

Their trip will include educational visits to the Lincoln Memorial, Jefferson Memorial, the Washington Monument, the Capitol Building, the Smithsonian Institution, Ford's Theatre, and the Vietnam Memorial. Also, as a demonstration of honor and respect for all Americans who have served this country so bravely, these students will participate in a wreath laying ceremony at Arlington National Cemetery.

Again, I welcome these fine young Kentuckians to Washington, DC. I hope they enjoy their trip, and I am confident that their experiences here will give them a greater insight and appreciation for our democracy.

TRIBUTE TO DICK BECK

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. DURBIN. Mr. Speaker, I rise in honor of Mr. Dick Beck of Springfield, IL, who is retiring after 28 years of coaching excellence at the St. Aloysius Grade School.

As a volunteer coach, Dick Beck devoted thousands of hours of his time because of his love for the game of basketball and working with young people in the community.

Dick Beck began his coaching career at 20 years old at St. Aloysius, then went on to coach all or parts of four decades. The community has recognized him as one of the most successful basketball mentors due to his innovative strategies and knowledge of the game. I can recall when my son's team played St. Aloysius. We always knew that we would have our hands full when Dick Beck was coaching.

One of his colleagues paid tribute to Mr. Beck by saying, "The thing I remember the most is that Dick's teams were always prepared, they were always ready for you, always prepared to beat you. Dick's obviously a very good teacher."

Again, I congratulate Dick Beck for his service to the youth of St. Aloysius.

SOUTH DAKOTA VOICE OF DEMOCRACY WINNER

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. JOHNSON of South Dakota. Mr. Speaker, Sarah Smith of Yankton, SD, was recently selected as a State winner in the voice of Democracy broadcast script writing contest conducted each year by the Veterans of Foreign Wars of the United States and its ladies auxiliary. The contest theme for this year was "My Voice in America's Future," and of the more than 136,000 secondary school students who participated in this year's contest, Sarah also placed 23d at the national level.

Mr. Speaker, I ask that Sarah's winning script be reprinted in the CONGRESSIONAL RECORD. Sarah deserves to be commended for her exceptional efforts in writing this script and participating in this contest. Her insights and enthusiasm will serve as a model to others her age.

MY VOICE IN AMERICA'S FUTURE

Many sounds abound on the earth; the dripping of a water faucet, the breathing of the wind, the screeching of car tires, the harmonizing of the big bands, and the singing of a robin. But undeniably the most beautiful sound in the universe is the sound of the human voice. Whether in reaction, speech, sign language, or song, the voice in its magnificence holds the importance of virtually every component of the past, present, and future. It can be profound or powerful, but every voice is vital to the future's prominence.

It was but a small voice that persuaded King Ferdinand and Queen Isabella to let a Spanish fleet of ships travel to find a shorter route to the Indies. Instead, the voyages of Christopher Columbus introduced Europe to America, which created the foundation for the most historical country ever.

It was but a small voice that cried "Give me liberty or give me death," when he stood up as an advocate of democracy. Patrick Henry praised the cause and convinced his state of Virginia to side with the colonists in the Revolutionary War.

It was but a small voice that refused to give up her seat on a bus in Alabama because she was black. That woman was Rosa Lee Parks. She was sent to jail because she fought the civil injustice that faced her.

It was but a small voice that said while walking on the moon, "One small step for man; one giant leap for mankind," as he was the first human to touch the moon. Astronaut Neil A. Armstrong and his partner Edwin E. Aldrin, Jr., later hung the American flag on the moon as a symbol of America's scientific victory.

History has shown that small voices change the world. The individual does hold the power to improve any situation by their voice, especially in a democracy. This is the ultimate basis of a democracy—change the world with your voice. The voice of democracy strengthens every time it utilizes the freedom of speech. This voice created America.

My voice in America's future will strive for many things. But above all, I will encourage others to voice their beliefs. It has often been said that the common individual has no voice in what happens in the future. Many honestly believe in that philosophy, and never speak out for what they believe in. The truth is that the problems of today could be solved if only people spoke up.

Democracy in its initial stages made listening to opinions a priority. It being a new invention, the details had to be pounded out. The ideas weren't going to come from the history books, because the creation of America was the democratic history in the making. Democracy still holds listening in high regard. Things constantly change, and adjusting must occur.

Imagine the enormity of the world's population. One could have the cure for cancer. Another may have idea for a wonderful children's book. Someone has the potential to cure the environment. Another may hold the plan for paying off the deficit. One may have the solution to stopping prejudice. Somebody may want to volunteer, but doesn't know how. One may have an idea on how to get everyone to vote. Another could have the most glorious symphony playing inside their mind. Whatever it may be, each individual has at least one idea that could make the world a better place to live in.

In every day, you would make it a point to ask someone, "What do you think?" or "How could this be better?" tomorrow would look a little brighter and more promising. So many people want to be heard, but they have no one to listen.

My voice in America's future will be heard because I am willing to use my right of freedom of speech. If everyone were encouraged to do the same, the answers we need would be found.

The sounds that we hear every day stir many feelings and reactions, but the most disturbing sound of all is pure silence. We cannot allow the basis of democracy to die. The solutions for keeping America and the world alive are there; they just need to be tapped into. The spirit of democracy must continue to thrive, and the sound of the people's voice must be heard.

NATIONAL PRISONER OF WAR RECOGNITION DAY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. QUINN. Mr. Speaker, I rise today to salute National Former Prisoner of War Recognition Day which will be celebrated at Buffalo VA Medical Center on Friday, April 23.

On this special day, former POW's from the western New York area will come together to commemorate and honor the courageous American men and women who became prisoners of war while serving their country. We pause to honor the former American POW's who traded their liberty for ours.

Thanks to the service of these men and women, much of our world is a safer place for democracy and freedom. Our way of life has been preserved and protected through their many sacrifices.

All Americans are aware of the great debt of gratitude owed to our fighting men and women in uniform—those who were willing to serve, those who gave the ultimate measure of devotion for their country by giving their life, those who were wounded or disabled, and those who were held captive as prisoners of war.

These brave men and women had their lives changes forever as prisoners of war. We know that many serving under the American flag have been subject to brutal torture and inhumane deprivation in violation of international law and of human morality.

Today we remember the ordeals our former POW's endured for this country. I am proud to pay tribute to them. Let us not, however, forget them on any other day.

INTRODUCTION OF THE HIGH PERFORMANCE COMPUTING AND HIGH SPEED NETWORKING APPLICATIONS ACT OF 1993

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. BOUCHER. Mr. Speaker, the national telecommunications network will play as central a role in our Nation's development in the 21st century as did roads, canals, and railroads in the 19th and 20th centuries. I have introduced today the High Performance Computing and High Speed Networking Applications Act of 1993 to provide a critical component for building the world's most modern communications network and to embody the vision of an information superhighway announced by the Clinton administration.

At the core of this measure is the provision of funding to develop the means to capture the emerging capabilities of computer networks to route information at unprecedented speeds in order to make routine such applications as transmitting medical information for real-time consultations among physicians in different clinics or accessing libraries of digital data from remote locations.

In 1991, Congress recognized the importance of high performance computing and high speed networking for the Nation's future by passing the High Performance Computing Act. That legislation provided Federal assistance, in collaboration with industry and academia, for development of advanced computer hardware and software, as well as network technologies needed to route data at gigabit speeds. To help ensure future progress in these areas, basic research and education in computer and computational sciences also were targeted for support.

In order to capture the promise of research accomplishments in high performance computing and high speed networking, the proposed legislation will develop exciting new applications of these technologies for purposes that will benefit all of our citizens. The means will be created for medical specialists throughout the country simultaneously to evaluate CAT scans, MRI images and other diagnostic data while the patient still resides in an examining room.

The bill will also lead to establishing uniform formats and protocols which will enable individuals throughout the nation to have access to electronically stored data in libraries and to the vast stores of government information. Development of such capabilities will hasten the day when a student sitting at home can browse thought the electronic index at the Library of Congress, retrieve a specific document and have it printed on the student's laser printer, within the space of minutes.

Other provisions of the bill provide for expansion of network connections for schools and libraries throughout the United States. Better connections for schools will enable the Internet, the network of interconnected public and private data networks, to be used for distance learning and will result in better communication among teachers for development of improved instructional materials and methods. Finally, support is provided for research that will address problems common to all of the applications envisioned, including development of user/network interfaces designed for nonspecialists in computing and networking.

Like the 1991 law, the bill tasks the White House Office of Science and Technology Policy [OSTP] to develop an overall plan for the applications program which will be carried out by various Federal R&D agencies. OSTP will also coordinate the activities of the participating agencies in implementing the plan. A summary of the provisions of the bill follows my statement.

Mr. Speaker, the High Performance Computing and High Speed Networking Applications Act is one part of a three-part strategy designed to build a fully interoperable high speed national telecommunications network. In March I introduced H.R. 1504 to create the economic incentives necessary to ensure the deployment of broadband technology into homes, businesses, and research centers by allowing telephone companies to offer cable TV service. The telephone industry maintains that if given the ability to participate in this lucrative market, it will deploy the necessary fiber, coaxial, or other technology to end users nationwide. This deployment will provide the off ramps and city streets of the information superhighway. I also introduced legislation, H.R. 1312, to ensure the broad availability of an advanced telephone network by permitting joint network planning and infrastructure sharing by telephone companies with the goal of making the network fully interoperable nationwide.

Taken together, the three bills will ensure that the United States has the world's foremost telecommunications network. I urge my colleagues to join me in support of these important measures which will provide enormous benefits for the Nation.

SUMMARY OF THE HIGH PERFORMANCE COMPUTING AND HIGH SPEED NETWORKING APPLICATIONS ACT OF 1993

The proposed legislation amends the High Performance Computing (HPC) Act of 1991 to establish an interagency program for development of applications of computing and networking technologies for education, libraries, health care, the provision of government information, and other appropriate fields. The Director of the Office of Science and Technology Policy (OSTP) is required to develop a program plan, including specification of agency roles and proposed funding levels. The program must focus on applications which are accessible and usable by all citizens.

The following program components are required:

1. Network Access. As part of the applications plan, NSF is tasked to assist educational institutions at all levels, libraries, and local governments to establish local networks and to connect to the Internet (the network of interoperable public and private packet-switched data networks). A five-year authorization is provided for NSF totaling $310 million.

2. Research in Support of Applications. The plan is required to specify research activities to address issues underlying all of the computing and networking applications being developed, especially research needed to provide the means to assure network security and privacy and research to develop and demonstrate user-friendly network interfaces. A five-year authorization is provided totaling $150 million.

3. Applications for Education. The plan is required to specify applications for education at all levels. Activities must include: demonstrations of the educational uses of the Internet; development of hardware systems, software and networks for teacher training and for formal and informal education; and provision for connections among schools in local regions and for connection to the Internet. A five-year authorization is provided for NSF totaling $364 million.

4. Applications for Health Care. The plan is required to specify applications for use in the health care sector, including development of clinical information systems, provision of health information to the public, and development of health delivery systems and population data sets. A five-year authorization is provided for HHS totaling $364 million.

5. Applications for Libraries. The plan is required to specify projects that will enable digitization, organization and storage of large quantities of electronic information; and will develop software for searching and manipulating digital libraries. Prototype digital libraries, providing public access via the Internet, are to be developed to serve as testbeds for these technologies. A five-year authorization is provided for NSF and NASA totaling $245 million.

6. Applications for Government Information. The plan is required to specify applications to provide improved public access to information generated by federal, state and local governments, including connections for depository libraries to the Internet and a requirement to establish a locator system for federal information accessible via the Internet. A five-year authorization is provided totaling $118 million.

In other amendments to the HPC Act of 1991, the scope of the public advisory committee to the program is broadened to encompass the applications activities, and the membership of the committee is expanded to include representation from the K-12 education community and from consumer and public interest groups. Amendments are made to the portion of the HCP Act of 1991 which establishes the National Research and Education Network (NREN) in order to define a revised NREN Program having three components: (1) research and development required for achieving gigabit data transmission rates, (2) test bed networks to demonstrate advanced networking technologies and to support applications requiring levels of network performance not otherwise available, and (3) provision of support for researchers, educators and students to obtain access to and use of the Internet for purposes consistent with the Act. Reports to Congress are required which specify a plan for achieving the goals of component (3) defined above, and which describe annual progress toward implementation of the plan.

Finally, the bill amends the National Science and Technology Policy, Organization, and Priorities Act of 1976 by (1) adding an additional, presidentially appointed Associate Director for OSTP to oversee federal efforts to disseminate scientific and technical information and (2) adding to the functions of the OSTP Director the task of assisting the President in disseminating scientific and technical information.

WRITER EXPRESSES OPPOSITION TO CENSORSHIP

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. CLAY. Mr. Speaker, I wish to bring to the Members' attention a letter to the editor printed in the April 4, 1993, edition of the Washington Times. The writer, Kimberly A.C. Wilson, also expresses my concern regarding the censorship of reading materials on the shelves of our public libraries. Her letter follows:

[From the Washington Times, Apr. 4, 1993]

WHEN A HOMOSEXUAL PAPER IS AT THE LIBRARY

(By Kimberly A.C. Wilson)

Regarding the Fairfax County community decision concerning the presence of the Washington Blade on public library shelves, I am with those who spoke in fewer numbers initially, but with the righteous authority of those who believe that access to reading materials is not a wrong but a right.

What was at issue was not just the particular local circumstance of preventing young library users from laying their hands on a particular newspaper, but the widespread national phenomenon of parents handing over the private responsibility to parent our children ourselves to outside bodies who make life easier by playing the bad guy for us.

It seems American parents are increasingly unwilling to be "the heavy" when what we believe may distance ourselves and our children from the mainstream or our children from ourselves. That is a risk that accompanies parenthood.

We may march for the unborn, the infirm, the unsheltered, yet we do not march to enlighten our children on the working set of these harsh realities.

We stave off the inevitability of our children's awareness of difference: of lifestyle, of sexual orientation, of race, religion, politics (for they are often one and the same thing) as though the period of ignorance we are charging for them (ignorance is always bought on credit) will be something (a) they will value, and (b) they will not at some later date have to pay for themselves. Like all credit, blissful ignorance is a debt none of us can afford to pay. It is always too late to become aware and it is far more enriching to learn truth today than it is to hold off knowledge for some Norman Rockwell day when (sigh) everything is what it used to be.

So while I disagree that the library ought to act as a moral or social watchdog in relation to our children, its shelves pruned of the irreverent, the disparate, the inane, I heartily believe that we parents need to take that role insofar as our personal values diverge from those base and basic ones offered by society.

There is power in the rank of parenthood—over one's children and no one else. Fortunately, reason overruled intolerance this time around. We continue to be granted the right and leisure to read and learn in Fairfax libraries without the (dis)approving eye of censorship.

TRIBUTE TO MONSIGNOR BONNER HIGH SCHOOL

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. WELDON. Mr. Speaker, I rise to bring to the attention of my colleagues the long-lasting success in education which Monsignor Bonner High School has provided its students over the past 37 years. Monsignor Bonner, located in beautiful Drexel Hill, PA, has consistently been regarded as one of the premier high schools in the area.

In 1808, Philadelphia was established as a diocese and, in 1875, was erected as an archdiocese, solemnly consecrated to the Sacred Heart of Jesus and to the Immaculate Heart of Mary. The present archbishop is His Eminence Anthony Cardinal Bevilacqua. Today there are 26 high schools in the archdiocesan system.

Monsignor Bonner was the fifteenth school to be established in this archdiocesan system. Its campus was originally the country estate of the late Anthony J. Drexel. His picturesque 40-acre estate was subsequently acquired by the archdiocese and dedicated as St. Vincent's Home for orphaned children in 1917.

In 1956, a new school building and a monastery for the Augustinian priests of the faculty were constructed on the spacious campus. The new school was designated for boys under the official name of Monsignor Bonner High School, Drexel Hill, PA. Archbishop Prendergast High School then became a diocesan high school for girls. The two diocesan high schools, although situated on the same campus, are under separate principals and teaching staffs.

Msgr. John J. Bonner, a priest of the archdiocese of Philadelphia, served as a superintendent of schools from 1926 to 1945. While his major contributions in developing the school system within the archdiocese brought him national fame as an educator, he should be considered an intimate friend-in-spirit and model of priestly zeal for every student and teacher at Bonner. He was a warm and affectionate person, prone to talk with and inspire young people, and interested in the small problems that eased and advanced the cause of Catholic education.

Mr. Speaker, I am honored to pay tribute to such an institution. I would like to congratulate Monsignor Bonner High School on its dedication to providing our Nation's youth with the finest education and extend my warmest wishes that it may enjoy the same success for many years to come.

A TRIBUTE TO THE PLAINVIEW—OLD BETHPAGE HIGH SCHOOL

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. ACKERMAN. Mr. Speaker, I rise today to recognize the fourth anniversary of the creation of the Plainview-Old Bethpage High School's Holocaust-Genocide Study Center. This special project enables the community to learn about crimes against humanity, and to help prevent them from reoccurring.

Members of the Plainview-Old Bethpage Central School District will visit Washington DC for the Holocaust Memorial Museum dedication activities on April 20 to 22. The district officials include: Ginger Lieberman, board of education president; Henry Grishman, superintendent of Plainview-Old Bethpage Central School District; and Barbara Wolfe, librarian of Plainview-Old Bethpage School District. These distinguished and committed educators have all helped establish the powerful and inspiring center at Plainview-Old Bethpage High School.

On Sunday morning, May 21, 1989, 200 guests witnessed the opening of the Holocaust-Genocide Studies Center. At the event, Dr. Arthur Colver, superintendent of schools, called for the lights of the darkened center to be turned on as a symbol of dispelling prejudice, evil, and persecution in the world. The effect was overwhelming, and signified the fact that this center would keep alive the voices of all who suffered.

Mr. Speaker, I would like to acknowledge two special women who helped make this unique center possible: Librarians Barbara Wolfe and Nancy Cammarano were the first to conceptualize a Holocaust-Genocide Center. The center was established to teach people about the horrors of the Holocaust and the heinous crimes committed in Europe during the Holocaust, as well as other acts of genocide committed by other nations.

In June 1987, New York State Assemblyman Lewis J. Yevoli vigorously endorsed the idea of the establishment of the center, and in January 1988, the State legislature awarded the center $10,000.

Actual planning of the center began with the formation of a steering committee comprised of teachers, students, and community members. On November 9, 1988, a Kristallnacht commemoration was held in the library. A glass was broken to mark the groundbreaking of the Holocaust-Genocide Studies Center.

As construction of the center continued, books, magazines, video cassettes, and display materials were ordered to document genocides of the Armenians, Ukrainians, gypsies, Cambodians, American Indians, in addition to the Jewish Holocaust. Dedicated community members participated in the mitzvah of establishing this memorial by loaning priceless artifacts to the center. These members promptly responded to a newspaper article written by Ronald Kaniuk, a senior and steering committee member. Several survivors who had also seen Kaniuk's article, volunteered to share their experience with the students.

Felicia Standel, the student producer of the TV studio class at Plainview-Old Bethpage High School, along with other students from the studio class, began a project which involved the interviewing of survivors that came to speak at their school. This special project was initiated by the students to preserve the touching stories of how these people survived the Nazi regime. These interviews were recorded, and the students produced a moving series of video testimonies for the center.

Special features of the center are a Wall of Remembrance, glass display cases housing memorabilia, a viewing center, and an art gallery. Modular furniture encourages small group visits to hear guest speakers, musical interludes, and poetry readings. In addition, numerous programs are already being planned for the upcoming school year.

Mr. Speaker, I commend the Plainview-Old Bethpage High School students and officials for establishing this rare and valuable Holocaust-Genocide Studies Center.

TRIBUTE TO MATTHEW LITTLE

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. SABO. Mr. Speaker, I would like to take this opportunity to honor Mr. Matthew Little, a constituent and longtime friend of mine. He recently announced his retirement as president of the Minneapolis chapter of the National Association for the Advancement of Colored People [NAACP].

Matt has spent his entire adult life working to improve civil and human rights in Minnesota. He has been a leader in the Minneapolis NAACP for 35 years, holding nearly every office in the organization.

As president, Matt has represented Minneapolis at the NAACP national convention for

12 years, and has been an elected member of the NAACP's national resolution committee for 4 years. The resolution committee gives national policy for the organization. He also writes a weekly newspaper column for the Minneapolis Spokesman and St. Paul Recorder, major newspapers for African-Americans in the Twin Cities.

Matt's work as a community leader does not end with the NAACP. He serves as cochair of the Stop the Violence Committee, a Minneapolis coalition comprised of 36 civic and social organizations. He also is involved with Pro-Diversity Partnership, a coalition of Hispanic, Asian, Native American and African-American leaders, and the Private Industry Council of Minneapolis, which seeks to find jobs for low-income individuals.

He is a member of Citizens for a Safer Minnesota, the Boys and Girls Club of Minneapolis, the African-American Advisory Committee to the president of the University of Minnesota, Richfield's civil service and charter commissions, and Opportunity Minnesota, Inc., which reviews Small Business Administration loans to small businesses.

Matt is also a leader in the State Democratic-Farmer-Labor Party, serving on the State executive committee. He was a delegate to the Democratic National Conventions in 1980 and 1984.

Although it is difficult for me to imagine Matt without an official role at the Minneapolis NAACP, I do not expect him to fade away. He will continue to be a strong force in our community, working to ensure the civil and human rights for all Americans.

I know my colleagues will join me in congratulating Matt on his past achievements and wishing him the best of luck in his future endeavors.

TRIBUTE IN MEMORY OF ROBERT THOMPSON

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. TEJEDA. Mr. Speaker, I rise today to remember a friend and one of the true leaders of San Antonio's labor community. His inner strength and integrity gained him the admiration and respect of all who came into contact with him. His death this past Saturday from cancer saddens me greatly. I regret that I could not attend his funeral yesterday, but hope these words offer comfort to his wife, Linda Chavez-Thompson, and to the other members of his family.

At 54, Mr. Thompson left us at a young age. Yet in those years, he amassed the accomplishments of a full lifetime. For most of his life, Robert was a member of the Amalgamated Transit Union, whose members maintain and drive the metropolitan buses in San Antonio. For nearly 15 years, Mr. Thompson served as the union's president and provided the inspiration that held the union together in difficult times. Via management recognized Mr. Thompson's talents. In 1989, when he stepped down as president of the Amalgamated, Mr. Thompson became chief of the Viatrans service for the mobility impaired.

Under Mr. Thompson's leadership, the union fought vigorously for its members. During his tenure as president, wages and benefits for mechanics and bus drivers increased by roughly 200 percent. He rallied voters to approve the creation of the Via Metropolitan Transit Authority in 1978, a move which gave new life to mass transit in San Antonio. In what turned out to be his crowning achievement, Mr. Thompson spearheaded the union's legal battle to obtain overtime pay for transit workers. After a 9-year battle, including 6 years of litigation, the U.S. Supreme Court handed victory to Mr. Thompson and the workers he represented. We have all benefited from his hard work and devotion.

On a personal level, Mr. Thompson was a warm and caring man. He was devoted to his wife and family, and loved them deeply. His love did not stop at his doorstep, however. Mr. Thompson extended his heart and hand to those less fortunate than he, to the poor, to the downtrodden. He has left behind many loved ones and friends. He gave and we benefited, and for that we offer our eternal gratitude.

PRESIDENT CLINTON'S BUDGET AND STIMULUS BILL

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. SAXTON. Mr. Speaker, today I rise to comment on President Clinton's budget and stimulus bill.

Let me say for the RECORD, that I want our President to succeed. The American people spoke in November when they elected then-Governor Clinton to lead us. I have no quarrel with this outcome. On the other hand, I was elected by the citizens of the Third District of New Jersey to represent them here in Washington.

I take this obligation very seriously.

Mr. Speaker, I would like to take this moment to comment on the tax proposals in the President's plan and how they effect small business.

Let me review the major tax proposals the President has put forward: First, increasing from 50 to 85 percent the amount of Social Security benefits taxed for older Americans making as little as $25,000 per year; second, imposing a new Btu [British thermal unit] energy tax that will cost the average family almost $500 per year, and extending the gasoline tax; third, increasing the top personal income tax rate from 31 to 36 percent for families with taxable income over $140,000 or individuals—and many small businesses—over $115,000; fourth, creating a 10-percent surcharge on persons—or businesses filing individual returns—with taxable income over $250,000; fifth, increasing the corporate tax rate from 36 to 38 percent; and sixth, remove the wage ceiling—currently $135,000—on the 2.9-percent Medicare hospital insurance payroll tax rate.

Many economists believe as I do, that these new and higher taxes would stifle job creation by placing too great a burden on business. At the margin, each new and higher tax puts more businesses under, moves other businesses closer to bankruptcy, makes profitable businesses less profitable, and puts more American workers out of work.

The Federal Government has gone too far in raising taxes. Those who support the new taxes say it is time for business to pay its fair share. Unfortunately, increasing the costs to business results in fewer jobs and a lower standard of living for all Americans.

A recent study by Congress' Joint Economic Committee found that the Government burden per worker—taxes and regulations—has soared 34 percent between 1989 and 1992. It's no coincidence that job growth has been anemic in this period. By contrast, job creation was robust during the 1980's when unnecessary Government regulation was rolled back.

As history shows, the same was true for the mid-1960's. Some of the economic policies enacted by Reagan were similar to the policies advocated by President John F. Kennedy. What both Presidents Kennedy and Reagan believed, in 1960 and 1980 respectively, is that a "rising tide lifts all boats." Both Presidents believed in the "know how" spirit of the American people. They believed, as I do today, that lowering individual marginal tax rates for all Americans, along with a lower tax burden on capital formation, joined with tax incentives for businesses, will lead to a robust economy and millions of new jobs.

Both Kennedy and Reagan proved that good tax policy will create jobs. This is what I advocate today. I have written to the President on several occasions explaining my position. I believe that tax increases like those he proposes will be devastating to small business. I know few businesses that can hire more people when their bottom line shrinks. That is exactly what the energy tax and higher income taxes will do.

For the reasons I just mentioned and for many others, I have voted against the President's budget and stimulus plan. However, I did not vote for the Republican substitute which reduced the deficit by some $400-plus billion without raising taxes.

In closing, I would like to reiterate my dedication as a Member of Congress to lessen the burden the Federal Government places on small business and the individual taxpayer. Actually, I have gone so far as to take a pledge not to raise taxes on the American people. It's my view that small businesses and individuals benefit more by spending their own money than by allowing tax-and-spend Washington bureaucrats the chance to spend it for them. I will continue to fight the tax-and-spend majority in Congress if they try to increase taxes on the American people.

CONGRATULATIONS TO LONG ISLAND UNIVERSITY'S PRESIDENT'S YOUTH SERVICE AWARD WINNERS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I am honored to have the opportunity to extend congratulations to the winners of the President's Youth Service Award from Long Island University's Southampton Campus.

The President's Youth Service Awards are presented to students from around the country who demonstrate exemplary service to their communities. These dedicated students are committed to improving the quality of life throughout the Nation and we owe them our most sincere appreciation.

I am proud to announce that the following students received the national award for their "Commitment to Children": Sharmila Ahamad, Jody Bevilacqua, Mark Boivin, Lakeino Brown, Chris Buchman, Maria Collura, Allison Cremona, Michele Davidson, Kenya Chavies, Laura LeMay, George Link, Pamela Lutz, Brian Maher, Annemarie Moore, Benita Olsen, Charles Leong, Vincent Pascarella, Virginia Passi, Kamalic Polanco, Nicolette Torres, Scott Waterhouse, Kristi Willis, Evernesia Wilson, Vernetta Carter, Johana Diaz, Kelly Ernst, Andrew Palya, Kathy Popielaski, Erin Reilly, Robert Slabinski, Chris Hahn, Jason Tickner, Mia Davis, Jaye Doroski, Nancy Dragonetti, Jennifer Edwards, Brendan Fleming, Jacki Franklin, Linda Jacobs, Robert Kolsin, and Anthony Saul.

The following were awarded the national award for their work toward "A Decent Environment": Dawn Kavanaugh, Mary McNielly, Rosana Mosquera, Rosemary Fukuda, Michael Bois, Chris Papatsos, Judy Preiato, Lizette Morehead, Leonard Evans, and Alwan Rogers.

Craig Geraghty, Darlene Gonzalez, Theresa Ledek, and Peter McCabe received the national award for both their "Commitment to Children" and their work toward "A Decent Environment."

Audra Gibson was awarded the President's Award for her "Commitment to Children." and her work toward "A Decent Environment."

I would like to thank these dedicated students for all their hard work and sacrifice. Please join me in commending these outstanding citizens for their service to their communities and their contribution to our Nation. Their leadership is a brilliant example of a new generation's dedication and commitment toward national service.

REMEMBRANCE OF THE 78TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. CONDIT. Mr. Speaker, I rise today to join my colleagues in remembrance of the 78th anniversary of the Armenian genocide. More than 1.5 million Armenians lost their lives at the hands of the Ottoman Turkish Government, from 1915–23, widely recognized as the first genocide of the 20th century.

As people around the world fight to ensure democracy and a better life for all their people, one thing must remain constant: The fight for basic human decency for all people. Recent objective news reports out of Armenia have told of conditions unfit for humans. The long war between Armenia and the Azerbaigani Government has left the country without food, heat, basic sanitation, and many other things we take for granted here in America. This Congress and the rest of the country have been reaching out to this war-torn region and sending humanitarian supplies, but our concern is not enough. We must take action to ensure that these supplies get through to needed areas and that hope can again flourish in an unstable region of the world.

The United States Government, along with the international community, must force the Azerbaijani Government to stop this inhumane treatment of their neighbors by lifting the 4-year-long blockade. I, along with my colleagues, have circulated a letter to President Clinton asking for assistance in this area.

The Armenian people have a history of suffering, but they also have a history of perseverance in the face of overwhelming odds. It is this spirit that lights the lives of the many Armenian-Americans living here today and causes us to stop and pay tribute to the many who lost their lives in the genocide.

I stand here before you as a representative of a significant Armenian community in the central valley of California. I honor them for the contributions they have made to our society and our world and for their perseverance under such terrible odds.

TRIBUTE TO JIM SHELTON

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. BURTON of Indiana. Mr. Speaker, I would like to insert in the Extensions of Remarks an article which appeared in the February–March 1993 edition of the World War II Times. The article commemorates the lifetime achievements of Jim Shelton, a World War II veteran and personal friend of mine. In today's world, where there are so few people we can look to for guidance and inspiration, Jim Shelton exemplified the personal qualities we all should aspire to. I hope everyone will take a few moments out of their day to read about a real American inspiration.

REMEMBERING "THE COLONEL"

(Elbert L. Watson, Publisher)

I wish you could have known my friend Jim Shelton. He was very much like you, a World War II veteran who answered his country's call during a critical time, then came home to live out his life as a good citizen.

Very much like you, Jim had deep, abiding loyalties to his country, family, and community. His "Colonel" title came from his affiliation with the Confederate Air Force, which he joined in 1980.

Whatever cause he accepted, Jim made a total commitment to it. He labored long and hard with the CAF, the Indianapolis Aero Club, and more recently, the World War II National Commemorative Association.

Very much like you, Jim was a person who loved life and lived it to the fullest. For some 50 years he worked (served might be a better word) for Indy's powerful radio station, WIBC. He spent half of those years behind the mike, or out on the street daily at our Monument Circle with his popular "Pick-A-Pocket" show.

Very much like you, Jim was a veteran who grew out of the Great Depression—a youngster whose father had passed away.

And also like many of you, Jim was blessed with a mother who instilled within him a desire to set high goals during this earthly race.

Very much like you, Jim found that it was more blessed to give rather than to receive. He grew up sensitive to the needs of people around him—much more so than is the case with an "average" person.

During his full and rich life, Jim served on 12 different health organization boards; for 20 years he held Christmas parties for crippled children; and made regular visits to the Indiana School for the Blind.

Oldtimers remember the time he spent an entire day downtown in a wheel chair to dramatize the need for better walk ways and toilet facilities for handicapped citizens.

And they remember that other time when he broadcast, as best he could, in an iron lung at Monument Circle to attract thousands of WIBC listeners to the plight of Polio victims.

Very much like you, Jim loved sky-blue heavens where he had soared many times during and since World War II.

He was an avid golfer and for many years you heard his voice as one of the announcers for the "Indiana 500".

Long ago Solomon, writing his Proverbs, knew the likes of a person like Jim Shelton: "A good name is rather to be chosen than great riches, and loving favor rather than riches and gold."

We are known by our names. Jim Shelton's many right choices in life, his fidelity, his sparkling personality ("Hello Buddy"), his intrepid spirit—all combined to give him a good name.

I wish you could have known Jim Shelton. You, Like me, would have been proud to call him "Buddy."

CALIFORNIA TAXPAYERS FACE FEDERAL MANDATES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. PACKARD. Mr. Speaker, the Clinton administration has federally mandated a multibillion dollar secondary sewage treatment program. This means that the city of San Diego is faced with complying with Federal standards without Federal funding.

Once again, California taxpayers find themselves faced with financing Federal mandates in a time of State budget shortfalls. The Governor's office recently found that the cost of mandates placed on local government's from the State that originated at the Federal level were $1.3 billion during the 1991–92 fiscal year. A survey by the U.S. Conference of Mayors further reveals that 33 cities spend an estimated average of more than $21 million on Federal mandates.

Local communities like San Diego are struggling to balance their budgets. Meanwhile, Congress is still passing laws without funding. This year already the House passed a motor-voter registration bill that will cost California $26 million per year to implement.

It is time Congress realizes the burden it places on State governments already hamstrung by budget shortfalls. Local and State governments must not be responsible for funding Federal programs without the proper financial assistance. We can no longer pass the buck, if the bucks cannot be found to pay.

COMMEMORATING THE 100TH ANNIVERSARY OF THE INCORPORATION OF FOREST LAKE

HON. ROD GRAMS

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. GRAMS. Mr. Speaker, I rise today to recognize the city of Forest Lake, MN, and its residents who will observe the 100th anniversary of the city's incorporation on May 15, 1893.

The Forest Lake community possesses a rich history dating back to the early migrations of the Dakota Indians. Few artifacts remain from this bygone time, except arrowheads and Indian burial mounds, to remind us how life was before a German immigrant named Louis Schiel settled in what is now Forest Lake in 1855.

From Schiel's settlement in Forest Lake to the present, this city has witnessed a great deal of change. Forest Lake's location made it a main stop for trains passing through, going from Minneapolis/St. Paul to the port city of Duluth. The railroad also brought tourists who came to enjoy the relaxing environment of the lakes and escape Minnesota's summer heat.

The advent of the automobile and highways brought even more change. New industries, businesses, and residents began to pour into Forest Lake, transforming the atmosphere from that of a resort community to that of a modern suburb. Contemporary Forest Lake is supported not only by tourism but also by a healthy industrial base which its citizens will be able to rely on for employment opportunities now and in the future.

During Forest Lake's evolution from an early farming community to a resort town, and finally to becoming a modern progressive city with a population of over 6,000 people, it has never lost its sense of community. The strength of this community is evident by the many festivals in Forest Lake.

Forest Lake symbolizes the quintessential American home town that is often emulated by other communities but rarely achieved. The pride and the achievements of Forest Lake as well as its citizens deserve to be recognized by this body, the U.S. Congress, as Forest Lake celebrates its 100th anniversary.

FOOD LION SERVES WESTERN NORTH CAROLINA WELL

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. TAYLOR of North Carolina. Mr. Speaker, recently, Food Lion grocery stores has received some very unfair press reports generated by those who wish to unionize this organization.

My wife and I have been shopping at Food Lion for years, and I am here to tell you that these stories are erroneous and unjust. Food Lion has been serving the good people of North Carolina very well for years.

Food Lion, Inc. has approximately 60,000 employees working in over 1,000 stores across 14 States, mainly in the South. They value their employees, treat them with respect, and in return get one of the hardest working group of folks in this country.

In my western North Carolina district, Food Lion has 14 stores with 778 employees and a yearly payroll exceeding $7.3 million. This translates into over $140,500 per week that is pumped into the local economy.

Mr. Speaker, Food Lion is the second largest private employer in the State of North Carolina, behind Duke University. They created over 6,100 jobs in 1992 at a time when many other companies were laying off employees or closing down stores, creating economic distress to the communities they once served.

Food Lion is at the forefront of employee benefit programs, too. They provide for the welfare of their workers without the heavy hand of Government-mandated benefits. For example, the company has a profit-sharing plan unparalleled in the grocery industry. The company contributes an amount equal to 15 percent of each employees' salary into the plan each year—the maximum amount allowed by law. This profit-sharing fund now exceeds $431 million, with over 26,000 employees participating and more than 6,000 fully vested.

Food Lion and their employees are part of and care deeply about their communities. During last year's devastating Hurricane Andrew in Florida, Food Lion and Food Lion employees contributed $100,000 in cash and 1 million pounds of food to the victims of this disaster.

I commend Food Lion for its contribution to the economy and well-being of the communities I represent in western North Carolina. We are fortunate to have a company that cares about its employees and the areas it serves. Food Lion truly is a good friend and a good neighbor.

MEDICARE CANCER COVERAGE IMPROVEMENT ACT OF 1993

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. LEVIN. Mr. Speaker, I am pleased to introduce today the Medicare Cancer Coverage Improvement Act of 1993. This legislation proposes three changes in Medicare policy which will significantly improve the care for Medicare beneficiaries afflicted with cancer, and will contribute substantially to our progress in conquering this disease.

This legislation was first introduced in 1991. It received wide bipartisan support, it was endorsed by many medical groups including the American Society of Clinical Oncologists, the National Coalition for Cancer Survivorship and the Michigan Cancer Foundation, and the Congressional Budget Office deemed it would have no budgetary impact because its cost savings affects offset any increased spending. The major provision of this legislation was included in H.R. 11, from the last Congress, which was vetoed by President Bush. I am reintroducing this legislation with some technical rewording, and I am confident that these logical provisions can be signed into law.

The Medicare Cancer Coverage Improvement Act of 1993 would ensure that state-of-the-art care is available to Medicare cancer patients by providing coverage for oral anticancer agents that can be substituted for injectable forms of the same drugs. Medicare currently reimburses outpatient chemotherapy only where the products used to fight cancer are administered through injection. Coverage of oral anticancer drugs is specifically precluded by current Medicare statutes.

On its face, this policy, with no medical or scientific basis, severely restricts the treatment options available to cancer patients and their doctors, by depriving them of access to products that are available in oral, rather than injectable, form. Perversely, Medicare's policy also has the effect of actually increasing the cost of cancer treatment in some cases. In situations where the same drug is available in both oral and injectable form, it creates a powerful incentive for physicians to opt for more costly administration by injection, and in some instances unnecessary hospitalization.

Less obvious perhaps, but no less significant, is the policy's potential effect on the research process. By paying only for injectable products, the effect of Medicare's policy may well be to encourage the development of only injectable therapies and discourage their conversion to oral ones. Instead, we should be developing reimbursement policies that both expand access, to lifesaving therapies and promote scientific advances.

In addition, substituting oral for intravenous therapy would often result in reduced side-effects and a reduced travel burden for patients.

Blue Cross and Blue Shield of Michigan routinely pays for oral products that can appropriately be substituted for injectable versions of the same drug, even for patients who do not have outpatient drug coverage They have this policy because they realize that expanding treatment options in this way can actually save money in the long run. But it only does so for patients covered under their private side of business. Medicare beneficiaries are denied this coverage.

The second way in which this legislation would improve care for Medicare beneficiaries stricken with cancer is to cover all medically accepted indications of anticancer drugs. Most cancers are treated today with chemotherapy, the cost of which is usually reimbursed by Medicare as incident to the physician's service. However, because research far outpaces the more formal drug approval process of the Food and Drug Administration [FDA], chemotherapeutic agents are quite often used to treat cancers not included in their FDA-approved labeling. Indeed, the GAO found that over half of all cancer patients receive chemotherapy which includes at least one drug used for a so-called unlabeled indication. In short, unlabeled usages often represent the state-of-the-art in cancer treatment, a fact recognized by the FDA, the NCI, and virtually every expert in the field of cancer.

Medicare itself currently covers such unlabeled indications if they are generally accepted within the medical community. This determination, however, is now made at the local level, by the insurance companies that act under contract as fiscal agents for the Medicare Program. The GAO found that this decentralized decisionmaking process produces wide regional variations in coverage of unlabeled indications, with the result that Medicare policy is frequently shifting and confusing. For this reason, the GAO has recommended that the Medicare Program establish uniform standards for coverage of unlabeled uses of cancer drugs.

Michigan law has required coverage of unlabeled uses of cancer chemotherapy for the last 3 years. The benefits are clear and we should provide them to all of our citizens.

To remedy this situation, the bill would establish a uniform policy by requiring Medicare to cover any use of an FDA-approved drug in an anticancer chemotherapeutic regimen that first, appears in the drug's labeling; second, is included, or has been approved for inclusion, in any of the standard medical compendia; or third, appears in the peer-reviewed medical literature.

The GAO has found that many physicians frequently admit patients who could otherwise receive chemotherapy on an outpatient basis to the hospital—where coverage of unlabeled uses is more consistent—simply to circumvent Medicare's uncertain reimbursement policy. The bill would eliminate the need for this subterfuge, thereby avoiding the increased costs of hospitalization. Ensuring that Medicare's current coverage policy is applied consistently across the country will result in minimal costs and may even produce budget savings.

I would like to emphasize, finally, that the bill's focus on coverage of unlabeled indications in the treatment of cancer does not mean that Medicare may refuse to pay for accepted unlabeled uses of drugs in the treatment of other diseases. Medicare's current policy, in theory at least, is to pay for all medically accepted unlabeled uses. In practice, as the GAO found, the program's compliance with its policy is uneven. Cancer patients are hurt by this situation more than any other group of beneficiaries, because they are the persons most likely to receive a drug prescribed for an unlabeled indication, cancer chemotherapy is often very expensive, and patients with cancer cannot wait for HCFA to act. Thus, cancer is addressed specifically in this bill. Medicare must nevertheless continue to cover medically accepted uses of non-cancer drugs.

The third and final way in which the bill works to improve the care available to Medicare beneficiaries who suffer from cancer is to require the Secretary of Health and Human Services to study the development of criteria for coverage of the patient care costs associated with clinical trials of new anticancer therapies.

Medicare, like most insurers, will not pay for care that is considered experimental. The practical effect of the policy is to deny coverage of the hospital and physician costs associated with clinical trials of new drug therapies. While this policy may make sense in the case of a disease for which there is a proven treatment, in the case of cancer the policy often works to deny patients access to state-of-the-art care.

Despite the great strides we have made in recent years in the diagnosis and treatment of cancer, it remains in far too many cases an incurable disease. There simply are no proven therapies for many kinds of cancer. For this reason, as the NCI has frequently stated, investigational treatment frequently offers the best—and perhaps the only—hope cancer patients have of beating their disease. Indeed, while participation in clinical trials may sometimes raise ethical issues for physicians and their patients, in the case of a cancer for which all proven effective treatments have been tried, it may actually be unethical for a physician to deny a patient access to a potentially life-saving investigational therapy.

Medicare's policy of not covering patient care costs associated with clinical trials thus forces patients either to pay for these costs themselves, receive treatment that has been shown to be ineffective, or do without treatment altogether. This result is not only unfair to individual patients, it is counterproductive in a much broader sense as well. By systematically excluding a large population of patients from research on this disease, we may deprive future cancer patients of the opportunity to receive improved treatments—a situation that can harm us all. Several of our colleagues have been stricken—and succumbed—to cancer. Simple statistics say that they will not be the last of us to walk their path.

We need to investigate policies to ensure that Medicare beneficiaries will have access to investigational cancer therapies in appropriate circumstances. To this end, the bill requires the Secretary of Health and Human Services to study the effects of covering the patient care costs associated with clinical trials of new cancer treatments and recommend criteria for such coverage. The Secretary is directed to focus on participation in trials that have been scientifically validated, such as investigations that meet NCI or similar standards, including ethical review by an Institutional Review Board. The factors to be considered by the Secretary include the cost, if any, of such coverage; the extent to which these trials represent the best available care; whether progress against the disease would be assisted by such coverage; and whether special conditions should apply to participation, depending on the age and physical condition of the beneficiary.

Mr. Speaker, because over half of all persons with cancer in this country are aged 65 or older, Medicare is the primary source of health insurance for cancer patients. The changes in Medicare policy that I just outlined would go far toward assuring that these patients receive the state-of-the-art care that they deserve. We cannot afford to continue permitting payment policies to influence how individual cancer patients are treated, particularly when those policies may result in less than optimal care, and also have the effect of impeding our progress in fighting this disease.

Mr. Speaker, I request that a summary and text of the bill be included in the RECORD following my remarks.

SUMMARY: MEDICARE CANCER COVERAGE IMPROVEMENT ACT OF 1993

UNIFORM MEDICARE COVERAGE OF ANTICANCER DRUGS

Current Law: The Medicare program covers items and services that are "reasonable and necessary." A drug prescribed for an "off-label" indication (i.e., a use other than those specifically approved by the Food and Drug Administration) is considered reasonable and necessary if the unapproved use is accepted in the medical community. Medicare carriers determine whether a particular indication is medically accepted.

Proposal: Any use of an FDA-approved anticancer drug that is approved by FDA, appears in the peer-reviewed medical literature, or is included in one or more of the three major medical compendia is considered, a medically accepted indication and must be covered.

COVERAGE OF CERTAIN SELF-ADMINISTERED ANTICANCER DRUGS

Current Law: Medicare covers injectable drugs administered on an outpatient basis as incident to a physician's service. Medicare does not cover self-administered outpatient prescription drugs.

Proposal: An oral drug prescribed for a medically accepted indication in an anticancer regimen is covered if the drug contains the same active ingredient as a drug that would be covered if administered as incident to a physician's service.

STUDY OF MEDICARE COVERAGE OF PATIENT CARE COSTS ASSOCIATED WITH CLINICAL TRIALS OF ANTICANCER DRUGS

Current Law: None.

Proposal: The Secretary of Health and Human Services shall study the costs of patient care for Medicare beneficiaries enrolled in clinical trials of new cancer therapies (where the protocol for the trial has been approved by the National Cancer Institute or meets similar scientific and ethical standards, including approval by an Institutional Review Board) and develop criteria for such coverage.

CODIFICATION OF TITLE 49, UNITED STATES CODE, TRANSPORTATION

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. BROOKS. Mr. Speaker, I am today introducing a bill to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V–X of title 49, United States Code. This bill has been prepared by the Office of the Law Revision Counsel as a part of the program of the office to prepare and submit to the Committee on the Judiciary of the House of Representatives, for enactment into positive law, all titles of the United States Code.

This bill makes no change in the substance of existing law. It is the final phase in the codification of title 49 and, on its enactment, will complete the codification of that title.

Anyone interested in obtaining a copy of the bill and a copy of the draft committee report—containing reviser's notes and tables—to accompany the bill should contact Edward F.

Willett, Jr., Law Revision Counsel, House of Representatives, H2-304, Ford House Office Building, Washington, DC.

Persons wishing to comment on the bill should submit those comments to the committee no later than May 31, 1993.

LEGISLATION TO CONDITION GSP STATUS TO NONPROLIFERATION INTRODUCED

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. STARK. Mr. Speaker, today I am introducing two bills to condition Generalized System of Preferences [GSP] to nonproliferation.

Congress created the GSP Program to provide developing countries with lower tariff rates on certain goods to spur their exports and economic growth. But in order to receive this status, countries must meet a number of conditions. These conditions include recognizing worker rights and not supporting international terrorism. In addition, Communist countries are barred—except under certain circumstances—as are members of OPEC.

These are worthwhile conditions, but nuclear proliferation should be at least as much of concern to the United States. Within the last decade, Pakistan, Iraq, and North Korea have either acquired or reached the threshold of having nuclear weapons. These proliferant States all received significant support from other countries. Now there is concern that Pakistan, for example, might assist Iran's nuclear weapons efforts.

My first bill would deny GSP status to countries that contribute to proliferation, either by developing their own nuclear weapons or assisting another country in doing so.

My second bill would deny GSP to countries which have not joined the Nuclear Non-Proliferation Treaty. With more than 150 parties, the NPT is virtually an international norm. We must use what leverage we have to get holdout countries to join the treaty.

COLUMBIANA COUNTY CAREER CENTER SPONSORS 13TH ANNUAL SKILLS FAIR

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of the Columbiana County Career Center [CCCC], which recently sponsored its 13th annual skills fair.

Mr. Speaker, the skills fair is a celebration of vocational education which gives participants a chance to receive first hand experience in a variety of fields. Participants may work with a computer program or receive a manicure. They may gain valuable knowledge witnessing student remodeling displays or absorbing the voter registration presentation. Regardless, Mr. Speaker, the students are exposed to an exciting, enlightening series of demonstrations that transcend normal book learning.

Mr. Speaker, in these times of skyrocketing unemployment, I am proud to see such foresight on the part of the CCCC. The skills fair encourages students to develop a skill they can market to employees. Using this practical approach to combating economic roadblocks, the CCCC is taking a proactive stance on behalf of its youth.

Mr. Speaker, I would like to take this special opportunity to commend the CCCC for again sponsoring its annual skills fair.

THE 100TH ANNIVERSARY OF THE SALT LAKE LDS TEMPLE COMMEMORATED

HON. KAREN SHEPHERD

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Ms. SHEPHERD. Mr. Speaker, in the heart of downtown Salt Lake City, just blocks from my district office, stands the historic Mormon temple—a six-spired granite structure revered worldwide for the uniqueness of its design and the history of its construction.

In the mid-19th century, Brigham Young, the Mormon prophet, arrived with his group of Latter-day Saints at the foot of the Wasatch Mountains and proclaimed "this is the place." Within days of their arrival, Brigham Young stuck his cane into the ground marking the exact site where the temple would be built and said "here is the 40 acres for the temple. The city can be laid out perfectly square, north and south, east and west."

Throughout the next 40 years the early saints worked painstakingly on the construction of the temple. Granite rocks, weighing from 2,500 to 5,600 pounds, were transported by teams and wagons from a quarry in Little Cottonwood Canyon and then cut into blocks. A few chosen members traveled to Europe on architectural missions and returned to oversee the construction and beautification of the temple. Families donated large portions of their incomes to help finance the work, and women toiled making and laundering clothes for the men who labored.

In April 1883, an even century ago, the work was completed and the saints gathered joyfully for the dedication of their temple. To commemorate the temple's 100-year anniversary, the Church of Jesus Christ of Latter-day Saints has orchestrated numerous activities.

The most impressive undertaking is a special exhibit at the LDS Museum of Church History and Art titled "The Mountain of the Lord's House: Construction of the Salt Lake Temple." The exhibit uses original photographs, drawings, artifacts, and diary excerpts to present an intriguing account of the 40-year construction. The church has also created a feature-length film on the subject and will make the temple centennial a major focus of the Days of '47 Parade in July.

Although Mormon temples were built both before and after the dedication of the Salt Lake Temple—44 in all—the Salt Lake Temple is not only revered as the largest of the temples, but also serves as a symbol for the church. Hundreds of thousands of visitors, both members and nonmembers alike, flock to Temple Square each year to stand in awe and wonder of what has been both affectionately and appropriately described as the centerpiece of Zion.

May I express my sincerest congratulations to the members of the LDS Church as they commemorate this landmark year. Above the everyday hustle and bustle of downtown Salt Lake, the Mormon temple stands as a monument to the unwavering faith and vision of those who came before.

DROPOUT PREVENTION FOR PREGNANT AND PARENTING TEENS

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mrs. UNSOELD. Mr. Speaker, today I am introducing a bill, along with Representative LOUISE SLAUGHTER, to address the devastating problem of high school dropout among pregnant and parenting teenagers. Our bill would expand existing programs within the Elementary and Secondary Education Act to help local school districts implement programs to assist these at-risk young women.

Each year in my home State of Washington, pregnancy becomes a fact of life for 1 out of every 13 female teens. One out of every five high school dropouts is a pregnant teen or a teen mother.

The fundamental question facing us is not, "How much will it cost us to keep these young women in school?" but rather "What is the cost to these young women and to our entire society if we don't?"

The evidence clearly shows that the economic consequences are devastating not only for the mothers themselves, but for society as a whole. In Washington State, taxpayers fund 75 percent of all prenatal care and infant delivery services. Additionally, more than half of the women on welfare first become mothers as teenagers.

Just as important, studies show that teen mothers who earn a high school degree have a much better chance of success. They are less likely to rely on welfare to support their families, and their children are also more likely to succeed in school.

These are not just statistics with which we are dealing here. These are young women and young children who can either succeed or fail, who can either take from society or give back to society, depending on our actions and our commitment. This is a classic example of why we need to invest resources today to save money and lives tomorrow and ensure a better future for these women and for our Nation. If we can prevent these teens from dropping out of school in the first place, our society will be a better place for it. We believe this bill is an important first step, and I want to outline what it does.

First, our legislation expands the eligibility for the Even Start Family Literacy Program, which serves parents without a high school diploma and also provides services to their young children. This legislation expands eligibility to include parents already enrolled in high school and pregnant teens to the list of those eligible for services.

Another potentially invaluable program for dropout prevention—one that has never been funded—is the Secondary School Program for Basic Skill Improvement and Dropout Prevention. We hope to secure funding for this important State grants program, and to require that States use 25 percent of the program funds to serve pregnant and parenting teens. Our bill also requires programs to provide basic services to parenting teens, including day care and child development/parenting courses.

The Chapter 2 Program provides assistance to States for a number of purposes, one of which is dropout prevention. This bill would require that programs for pregnant and parenting teens be eligible for these funds.

The fourth section of this bill expands allowable uses for funds under the Drug-Free Schools and Communities Act. This program already targets some high-risk youth, including pregnant teens; our bill would expand it to include parenting teens as well. Our bill would also expand eligible uses of program funds to include drug abuse prevention and intervention counseling for pregnant and parenting teens.

The final section of the bill expands the School Dropout Demonstration Assistance Act by requiring that the Department of Education set aside 25 percent of the program funds for programs with an emphasis on the special needs of pregnant and parenting teens. It requires these programs to provide certain essential services as part of their program.

CHESAPEAKE BAY RESTORATION ACT OF 1993

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. CARDIN. Mr. Speaker, today, I, along with cosponsors from throughout the Mid-Atlantic region, am introducing the Chesapeake Bay Restoration Act of 1993. Rarely is a piece of legislation so broadly and deeply supported. This bill has the support of every imaginable group interested in the Chesapeake—each of the regional States and the District of Columbia, industry groups, and a wide array of environmental and citizens groups. There is perhaps no other issue that so unites the people of our region as the clean up of the Chesapeake. It is our hope that this legislation continue and improve the Chesapeake Bay Program will be included as a section of the Clean Water Act reauthorization to be taken up by Congress this year.

The 1993 Restoration Act, and its companion bill introduced by Senator SARBANES and the other Senators from Maryland, Virginia, and Pennsylvania, seeks to continue and build upon one of the real success stories of the Clean Water Act—the Chesapeake Bay Program. Begun over 10 years ago, with the signing of the original Chesapeake Bay Agreement by the EPA Administrator, the Governors of Maryland, Virginia, and Pennsylvania, the District of Columbia Mayor, and the tristate Chesapeake Bay Commission chairman, the bay program has grown into an international model for regional, intergovernmental cooperation in long-term environmental restoration and protection.

This year's bill calls for better coordination of the many Federal activities and responsibilities related to the bay. Organizing varying Federal agencies' efforts in the clean up has become increasingly important. Today, nine Federal agencies have formal memorandums of understanding with the EPA's Bay Office, and others manage large tracts of land or major facilities within the watershed.

In addition, a number of ongoing Federal activities related to the bay clean up would be directly unified under this authorization. While this makes sense by further improving coordination and implementation, additional current spending would be shown in the new authorization total. So although this bill calls for a $23 million authorization in fiscal year 1994, growing to $28 million in 1999, these are not significant increases over current Federal outlays for the varying programs we are trying to bring together. In fiscal year 1993, $19 million was appropriated for the narrowly defined EPA Bay Office activities alone.

I would ask that a section-by-section analysis of the bill be included with my statement in the RECORD and I would like to highlight a few points:

One of the offshoot programs begun in recent years that we are now trying to bring under the bay program "umbrella" is a toxics reduction strategy for the bay watershed. This effort had its genesis in a Baltimore field hearing held by the Water Resources Subcommittee in March 1988 to consider toxic pollution in the Chesapeake. This legislation authorizes the EPA to coordinate the collection of data and assist the States in implementing specific actions to reduce toxics use and risks in the basin.

A second, ongoing effort being unified into the bay program is habitat restoration and enhancement. More is known about the bay ecosystem than perhaps any other major estuary in the world; this knowledge provides the best means for testing and understanding demonstrations of wetlands protections, shoreline forest buffers, or other measures. As coordinator of these studies the EPA will also ensure that knowledge of the most valuable techniques identified is widely distributed.

The EPA continues as the lead bay program agency, while a Chesapeake Bay Federal Agencies Committee is established with representatives from the 16 Federal agencies with related activities. Federal facilities within the bay watershed are brought into consistency with the goals of the bay program. Agencies are also required, as a part of their annual budget submission, to report on their goals in the program.

And, given that this is the 10th anniversary of the program, the bill also directs the EPA to undertake a comprehensive assessment of the entire intergovernmental effort.

The Federal role in the Chesapeake Bay Program has been the glue holding the Federal, State, and local governments' activities together in the long-term battle to reverse the bay's decline. There are signs of improvement and many victories:

Phosphorus discharges into the bay, a key component in the nutrient loading problem, have declined by 35 percent from 1985 levels; in large part due to a ban on phosphates in detergents and the construction of new sewage treatment facilities.

Submerged aquatic vegetation [SAV], critical habitat for many bay species, has been making a slow, but steady comeback in the estuary's shallow waters; due to overall improvements in water quality.

And striped bass populations in the bay are up from dangerously low levels in the early 1980's; based on successful management controls.

But the toughest challenges lay ahead and the threats to this Nation's most productive estuary remain very real—nutrient loads of nitrogen have increased about 5 percent since 1985; many key species, including oysters, shad, and white perch, continue to decline; toxics concentrate in the bay's sediments and waters; and most importantly, population pressures on the ecosystem of the entire watershed are growing. The population in the bay region grew 40 percent in the last 20 years, and whether from associated runoff from newly planted lawns or air pollution from additional automobiles, that pace threatens to overwhelm our efforts to restore the ecosystem.

Though many challenges remain, the EPA Chesapeake Bay Program is a great success and a model for similar regional efforts. I would ask all my colleagues to join me and the original cosponsors in supporting the Chesapeake Bay Restoration Act of 1993.

SECTION-BY-SECTION ANALYSIS OF THE CHESAPEAKE BAY RESTORATION ACT OF 1993

SECTION 1. Short Title.

Establishes the title of the bill, the "Chesapeake Bay Restoration Act of 1993."

SEC. 2. Findings and Purpose.

States that the purpose of the Act is to expand and strengthen the cooperative efforts to restore and protect the Chesapeake Bay and to achieve the goals embodied in the Chesapeake Bay Agreement.

SEC. 3. Definitions.

Defines the terms, "Administrator," "Chesapeake Bay Agreement," "Chesapeake Bay Program," "Chesapeake Bay Watershed," "Chesapeake Executive Council," and "Person."

SEC. 4. Management of Chesapeake Bay Program.

Provides authority for EPA to continue to lead and coordinate Federal agency participation in the Chesapeake Bay Program, in cooperation with the Chesapeake Executive Council, and to maintain a Chesapeake Bay Liaison Office.

Directs the Chesapeake Bay Liaison Office to provide support and coordinate Federal, state and local efforts in developing strategies and action plans and conducting systemwide monitoring and assessment to improve the water quality and living resources of the Bay.

Establishes a "Chesapeake Bay Federal Agencies Committee" to facilitate collaboration, cooperation and coordination among the agencies and programs of the Federal government in support of the restoration of Chesapeake Bay.

Directs each agency to provide, as part of its annual budget submission to the Congress, a report on the activities being undertaken and planned and the resources being provided to assist in the Bay restoration effort.

SEC. 5. Federal Facilities Compliance.

Requires each department, agency or instrumentality of the United States which owns or operates facilities within the Bay watershed to perform an annual assessment of their facilities to ensure consistency and compliance with the commitments, goals and objectives of the Bay program. Also requires the agencies to develop a detailed plan, funding mechanism and schedule for addressing or mitigating any potential impacts.

SEC. 6. Chesapeake Bay Watershed, Tributary and River Basin Program.

Authorizes a comprehensive research, monitoring and data collection program to assess the status and trends in the environmental quality and living resources of the major tributaries, rivers and streams within the Chesapeake Bay watershed and to assist in the development of management plans for such waters. Directs the establishment of a system for accounting for sources of nutrients, and the movements of nutrients, pollutants and sediments through the watershed.

Provides for development of a coordinated Chesapeake Bay watershed land use data base, incorporating resource inventories and analyses in a digital format, to provide information necessary to plan for and manage growth and development and associated impacts on the Bay system.

Encourages local and private sector participation in efforts to protect and restore the rivers and streams in the Bay watershed by establishing a technical assistance and small grants program. Requires that local efforts be coordinated in a watershed-wide strategy.

SEC. 7. Habitat Restoration and Enhancement Demonstration Program.

Establishes a habitat restoration and enhancement demonstration program to develop, demonstrate and showcase various low-cost techniques for restoring or enhancing wetlands, forest riparian zones and other types of habitat associated with the Chesapeake Bay and its tributaries.

Directs the Administrator, in cooperation with the Chesapeake Executive Council, to develop a plan for the protection and conservation of wetlands, contiguous riparian forests and other habitats within the Bay watershed, within two years from the date of enactment of the act.

Establishes a central clearinghouse to facilitate access to information about Bay watershed habitat locations, types, acreages, status and trends and restoration and design techniques.

Directs the Administrator to publish and disseminate on a periodic basis a habitat protection and restoration guidance manual describing methods, procedures and processes to guide State and local efforts in the protection and restoration of various types of habitat.

SEC. 8. Basin Wide Toxics Reduction.

Authorizes EPA to assist the States in the implementation of specific actions to reduce toxics use and risks throughout the Bay watershed. Directs the Administrator to assist the States in improving data collection on the sources of toxic pollutants entering the Bay and integrating this information into the Chesapeake Bay Program Toxics Loading Inventory. Also directs the Administrator to begin implementing toxics reduction, pollution prevention and management actions, including targeted demonstration projects, to achieve the toxics reduction goals of the Bay Agreement.

SEC. 9. Study of Chesapeake Bay Protection Program.

Directs EPA to undertake an assessment of the Chesapeake Bay Program and evaluate implementation of the Bay Agreement. Also directs EPA to assess priority needs for the Bay and make recommendations for improved management of the program.

SEC. 10. Authorizations.

Authorizes $23 million for fiscal year 1994, $24 million for fiscal year 1995, $25 million for fiscal year 1996, $26 million for fiscal year 1997, $27 million for fiscal year 1998 and $28 million for fiscal year 1999 to carry out this act.

TRIBUTE TO NORMA CIRINO

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Norma Cirino, who after years of dedicated and distinguished service as a member of Community School Board 24, will retire at the end of this month. Norma Cirino is a lifelong resident of Corona, NY. She has been active in community affairs for more than 40 years; as a member, as president of the Northside Democratic Organization, and as a Democratic district leader, she has worked diligently for the people of her community.

As a teacher, active in many community organizations, she used her energies to obtain support for school programs. She was successful in getting a Higher Horizons Program specifically for Corona schools. The goal of the program was to give the children of the area opportunities and experiences outside the community that had not been available to them. As a member of Community School Board 24, she has continued in her efforts to help the Corona schools. Although she wears many hats, she is nonetheless consistent in the pursuit of her goal to bring more resources and benefits to the Corona community.

I remember standing in Penn Station with Norma waiting for the train to take us to Washington to attend my first swearing-in as a Congressman. Even then she was commenting on what a wonderful idea it would be to take the children to see the Capitol.

Mr. Speaker, I am sure Norma Cirino will continue to play a vital role in the Corona community and continue to fight for the people of Corona.

CONGRATULATIONS TO THE 1993 SENIOR CLASS OF ARLINGTON HIGH SCHOOL

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. CALVERT. Mr. Speaker, we hear a lot these days about what is wrong with our schools—and what is wrong with the kids in school.

But, we must never lose sight of the fact that there are many very good things happening in public and private classrooms throughout this country—and many outstanding young people working very hard to get a good education, and to make their communities better places in which to live.

One school in my district where a lot of positive things are taking place is Arlington High School in Riverside, CA. Not only does Arlington have an exceptional academic program and an outstanding athletic program, it also encourages students to look beyond the boundaries of school and become involved in the broader community around them.

The senior class at Arlington has responded to this challenge by working on a variety of community service projects in Riverside, including a recent effort to paint over graffiti in the neighborhoods surrounding the school. And, these students have not worked on these projects simply because community service is part of their curriculum. In fact, they have gone well beyond the community service work required for graduation.

In recognition of their community service work, Arlington's senior class has been named the State's winner of the Noxzema Extraordinary Teen Award for outstanding community service work, and their class has become one of five regional finalists to compete for a $2,500 grant for future service work.

Mr. Speaker, Noxzema will announce the grand prize winners of the teen service contest May 5, and while I hope they win, it is clear to me and to the Riverside community that they are already winners. On behalf of the citizens of the 43d Congressional District, I want to congratulate the seniors of Arlington High School for being named California's winner in the Noxzema Extraordinary Teen Award for outstanding community service, and to thank them, and their teachers, for their efforts to make our community a better place for all of us to live.

[From the Press-Enterprise, Apr. 13, 1993]

ARLINGTON HIGH WINS AWARD FOR SERVICE

Arlington High School's senior class has been named the state's winner of the Noxzema Extraordinary Teen Award for outstanding community service work.

Arlington becomes one of five regional finalists to compete for a $2,500 grant for future service work.

The awards program now in its fourth year honors teens in 50 states and the District of Columbia who have participated in volunteer projects that "inspire and motivate other teens" to work on behalf of their community.

Amy Gotlin, a spokesperson for the awards program, said Arlington was honored for efforts beyond the community service work required for graduation.

Arlington seniors worked on a variety of service projects, including a recent effort to paint over graffiti in the neighborhoods surrounding the school.

Noxema will announce the grand prize winners of the teen service contest May 5 in New York City.

NOXZEMA,
New York, NY, April 9, 1993.

Mr. DICK DIAMOND,
Class of '93 Senior Project,
Arlington High School, Riverside, CA.

DEAR MR. DIAMOND: We are delighted to inform you that the Class of '93 Senior Project has been selected as the California State Winner of the 1993 Noxzema Extraordinary Teen Awards.

With its selection as a state winner, your group joins extraordinary teen groups from 50 states and the District of Columbia who have been honored for outstanding volunteer efforts that have yielded measurable results in local, national and international communities. Your group's ability to inspire and motivate other teens to join in community service activities was also a key factor in its selection as a state winner.

As a state winner, your group now becomes eligible for selection as one of five regional finalists who will be awarded a $2,500 grant for its project. From the regional finalists, a Blue Ribbon Selection Panel of nationally recognized celebrities, educators and community service leaders will name one group Grand Prize Winner and award a Grand Prize of $10,000.

Congratulations on your group's selection as a state winner of this year's Noxzema Extraordinary Teen Awards program. A Certificate of Recognition for your group's achievements will be forwarded to you a latter date.

Through its energy, enthusiasm and commitment to make a difference, your group is truly changing the face of the world in extraordinary ways!

Cordially,

MARK STEELE.

Senior Class of Arlington High School Selected as California Winner in Noxzema Extraordinary Teen Awards Program

CINCINNATI, April 9.—The Senior Class from Arlington High School in Riverside has been named the California winner of the 1993 Noxzema Extraordinary Teen Awards. This unique program, now in its fourth year, was created to recognize the volunteer efforts of remarkable teens who are dedicated to improving the world around them.

The Senior Class was chosen as state winner in the Teen Group Category for the group's volunteer work on behalf of a variety of community service programs. This category honors teen groups from 50 states and the District of Columbia who have undertaken volunteer projects which have yielded measurable benefits to the local, national or international community. Winners in the group category must inspire and motivate other teens to join in their group's community service activities.

"The environment, homelessness, illiteracy and hundreds of other issues are facing today's teenagers," says Tim Knight, spokesperson for Noxzema. "We believe that the Noxzema Extraordinary Teen Awards program gives them the tools they need to work for a change. Noxzema is proud to sponsor a program that motivates ordinary teenagers to have an extraordinary impact on the world around them.

As the California winner of the Noxzema Extraordinary Teen Awards, The Senior Class will now be eligible to become one of five regional finalists, who will receive a $2,500 grant for its project.

From the regional finalists, a panel of celebrity judges including Joey Lawrence of "Blossom," Gabrielle Carteris of "Beverly Hills 90210," Malcolm-Jamal Warner of "The Cosby Show," Tabitha Soren of "MTV News" and Miss America 1993 Leanza Cornett will select a Grand Prize Winner and award a Grand Prize of $10,000. The Grand Prize Winner will be announced at a gala Awards luncheon in New York City on May 5.

This year the Noxzema Extraordinary Teen Awards program will award over $30,000 to individual teens and groups who have worked to benefit a special cause.

How To Develop Voluntarism in Students

(By Dick Diamond)

Looking back, what happened was a harbinger of a new decade. In March 1989, Steve McNitt, a high school sociology teacher at Arlington High School, Riverside, Calif., offered students extra credit if they accompanied him one night a week to serve meals to the homeless. Ten students opted for the credit.

Six of the students went back on their own for no extra credit, taking some of their friends with them. The students expressed a genuine feeling of satisfaction and accomplishment in so doing.

At the same time, Steve Wyper and Dick Diamond, economics teachers at Arlington High School, showed their students a film that addressed the problems of homelessness. A few students asked what they could do.

The three teachers decided the Class of 1990 was ready to respond to the challenge of civic virtue and responsibility.

McNitt developed a pilot program in student volunteerism while teaching American government in summer school. Focusing on the reasons for homelessness and the government and private sector response to the problems in Riverside, the students were given the task of helping the homeless as one portion of a several-part assignment.

Assisting in church programs, at the Salvation Army, and at several homeless shelters, 60 students began climbing the ladder of civic responsibility.

In September, the three teachers contacted various organizations—some of which had welcomed students the past summer—about how and in what numbers seniors could provide help. By early October, the program was ready to be presented to the students in a formal meeting.

In mid-October, the entire senior class was challenged to help their fellow human beings. Students were to "donate" a minimum of 10 hours per semester to programs that dealt with homelessness.

A reward program encouraged students to increase their academic grade by no more than one letter for hours worked over and above a certain number. The final class grade would be based on their academic standing with hours served equivalent to a long-term assignment. Failure to participate would result in a grade no higher than a D.

If students or their parents thought they could not participate in the project for moral, ethical, religious, or any other reason, an alternate written assignment of the teachers' choosing would suffice.

There was a legitimate concern that students might be placed in danger, considering some of the neighborhoods they had to go in to serve meals at night. To offset this concern, students were encouraged to develop alternate programs, all of which were designed to help the homeless.

Students have been involved in clothing drives and toy drives. In addition, a fundraising breakfast for the needy was held in the school gym—organized and staffed by students. Underwritten by the local state assemblyman, two local grocers, and MacDonald's, all the $1,250 in proceeds went to organizations providing direct help to the homeless.

REFINING THE PROGRAM

During the first year, more than 350 students donated more than 8,000 hours between November 1989 and June 1990. During the second year, the program was refined to broaden the focus of assistance. Students were given the opportunity to volunteer in the areas of homelessness, tutoring, hospital work, working with senior citizens, working in the city parks and recreation programs, and assisting in environmental projects.

During the 1991–92 academic year, the program was further refined. A list of approved organizations was developed and in the field of tutoring and child care, volunteer time was limited to "not-for-profit" organizations. This meant students who wanted to become involved in child care at their local church, for example, could do so and gain credit.

In three years, more than 35,000 hours of service have been provided, ranging from collecting telephone books for recycling to "food for all" campaigns, to working with Special Olympics, to tutoring elementary school students.

THE SENIOR PROJECT FRAMEWORK

The following framework provides a format schools or districts can use for a student volunteer project.

1. Students are given a two-page information sheet at the end of the third week of the semester. The sheet explains the philosophy and purpose of the program as well as the parameters of the work.

2. Listed on the information sheet are six broad areas of service: tutoring, homeless and abused care, not-for-profit child care, senior care, environmental care, and disabled and health care.

3. The number of hours needed for a certain grade are detailed. For example, to maintain an A average, a student must perform at least 25 hours of work and maintain an A academic average. As an incentive, students who perform multiples of 5 hours of work above the minimum required for that grade will get a bonus of 1 percent added to their academic grade. On the other hand, students who do A work academically but only volunteer 15 hours of work are awarded a final grade of C.

4. The alternative writing project is explained as is the criteria for completing a community project not listed as approved.

5. A statement of acknowledgment is provided which states that the student and his or her parent or guardian has read the requirements and understands them. If the student and parent/guardian do not sign and return the statement, or if a request is made for the alternate writing assignment, it is accepted and the information is forwarded to the principal.

6. Students are given "time cards" that provide space for date and time worked, task performed, location, signature of supervisor, and phone number.

During the past three years, only four papers have been written; more than 95 percent of the students have participated; fewer than 50 students have received grades of D as a result of non-compliance; and more than 25 percent of the students have received higher grades for more hours served than required. The average number of hours has been 35 per student.

TWELVE KEYS FOR SUCCESS

Successful programs don't just happen. The following can be used as a guideline for successful volunteer projects:

1. Have as a core concept the belief that high school students are worthy citizens, capable of giving of themselves and willing to do so when encouraged.

2. Do not coerce participation by threatening to withhold a diploma. Provide an alternative, such as a written project, for those who do not want to become involved. To "coerce" volunteerism with the threat of not graduating makes volunteerism negative.

3. Limit the program to seniors. Problems linked to maturity levels in community interaction are dramatically reduced. Furthermore, transportation is less of a problem for them.
4. Give students a hand in determining what they will do. If the suggested programs are not to their liking, students should be able to suggest others.
5. The administration must be supportive. Program leaders will give more if administrators back them.
6. Inform and involve the community. By involving community leaders from the beginning and by focusing on the local, not the world community, everyone is able to see immediate results.
7. Keep program cost minimal. This ensures agreement and support; and by not creating yet another office and staff to administer something that the community can do, the program is virtually cost-free.
8. Concentrate on the local community. Students can see the impact they make and how they are giving something back to their community. Moreover, the community sees a multi-dimensional portrait of the student—one based on high visibility in a positive role.
9. Provide an incentive and reward program for students who volunteer over and above the hours contracted. Students gain the understanding that positive actions are rewarded.
10. Give the program a name of which students can be proud. The term "community service" may conjure the image of people in orange vests cleaning up freeways to work off jail time for misdemeanors. The project described here is simply called "The Senior Project."
11. Assume the program is not perfect. Evolution is constant; course adjustments are necessary to meet community and student needs. As long as the focus of civic virtue and responsibility is not ignored, the program will meet its intent.
12. Raise student expectations; students will rise to the occasion.

GENDER EQUITY IN EDUCATION

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Ms. SNOWE. Mr. Speaker, I rise today as cochair of the Congressional Caucus for Women's Issues to introduce a major legislative package on the important issue of gender equity in our Nation's schools. The Gender Equity in Education Act, developed by the Congressional Caucus for Women's Issues, addresses in a comprehensive fashion the subtle, yet systematic discrimination against girls in our education system. Such discrimination has significant repercussions not only for the girls themselves, but for our entire society.

The caucus has been working for over a year to develop the Gender Equity in Education Act. This package contains nine bills that will establish an Office of Women's Equity at the U.S. Department of Education, provide training for teachers, boost math and science participation by girls, assist pregnant and parenting teens to remain in school, and address sexual abuse and harassment in the schools.

The caucus' efforts were given new impetus after the release of a report commissioned by the American Association of University Women entitled, "How Schools Shortchange Girls." This report reveals that America's education system is not meeting the needs of girls—they receive less teacher attention than boys and are often discouraged from enrolling in math and science courses.

Compounding this disturbing information, a study released last month found devastating evidence of sexual harassment in our Nation's schools. Commissioned by the National Organization for Women's Legal Defense and Education Fund, and conducted by researchers from Wellesley College's Center for Research on Women, this national study of 2,000 school-age girls found that 39 percent of girls reported being harassed at school every day during the last year. Another 29 percent said it happens once a week. This is more than just another statistic. This is more than just a problem. It is a tragedy.

Members of the House, sexual harassment and discrimination is, and always has been illegal in schools. And yet, according to the study, when students told a teacher or school administrator that they had been harassed, the school took action in a mere 55 percent of the cases. By not taking any action in the 45 percent of cases reported by girls and remaining silent, our schools further the image of institutional insensitivity, undermine the seriousness of sexual harassment, and perpetuate the deleterious attitude that "boys will be boys." Well, it's time for the boys to grow up.

Sexual harassment has serious adverse effects on learning both inside the classroom and outside. According to a 1980 study on peer to peer sexual harassment in high schools, girls felt embarrassed, powerless, angry. They feared retaliation, lost self-confidence, and felt cynicism about education and teachers. Students identified physical symptoms like insomnia, and reported a reduced ability to perform school work, excessive absenteeism, or tardiness. They also indicated that sexual harassment led them to transfer from a particular course or field of study and, in some cases, to withdraw from school.

There is no question that any one of these conditions, according to the report, constitutes a denial of equal educational opportunity for these girls. If we cannot even protect our school-age girls from sexual harassment in our schools, how can we promise them a brighter future in the American workforce?

In February 1992, the Supreme Court sent a wake-up call to school systems that sexual harassment won't be tolerated. In the Franklin v. Gwinnett County School District decision, the Court permitted damages for students who are victims of sexual harassment and discrimination. As a result, some school districts have begun to establish written policies regarding harassment, but more schools must take action. Clearly, a great deal more needs to be done, an that is why I am also introducing the Sexual Harassment Free Schools Act, as part of the Gender Equity in Education Act.

This legislation assists schools in their nascent efforts to eradicate all forms of sexual harassment and abuse. The bill authorizes a research and development grant and an implementation grant for programs to address sexual harassment and violence. This effort will help keep schools free from threats to the safety of students and employees.

My bill also expands the definition of "effective schools program" in the Elementary and Secondary Education Act (ESEA) to include a safe and orderly school environment, free from sexual harassment and abuse. This not only allows teachers and students to focus their energies on academic achievement today, but prepares both girls and boys for proper professional conduct in tomorrow's workforce.

Finally, my legislation authorizes funds under ESEA's Programs for the Improvement of Comprehensive School Health Education to be used for sexual harassment and assault programs.

Members of the House, these are simple provisions that have the potential to make a big difference in the lives of female and male students throughout the country. I hope that this bill, and the Caucus' entire Gender Equity in Education Act package, will be included in the reauthorization of the Elementary and Secondary Education Act. The reauthorization process provides us with a unique opportunity to address some important, and, frankly, startling deficiencies in girl's education. Perhaps if we turn our attention to eliminating sexual harassment in its very early stages in our Nation's schools, we can create a climate of proper conduct and respectful attitudes for our children's tomorrows.

NATIONAL CLEAN WATER TRUST FUND ACT OF 1993 INTRODUCED

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. VISCLOSKY. Mr. Speaker, today I am introducing legislation to expedite the cleanup of our Nation's waters. This bill, the National Clean Water Trust Fund Act of 1993, which is similar to legislation I introduced in the 102d Congress (H.R. 2724), would create a trust fund established from fines, penalties, and other moneys collected through enforcement of the Clean Water Act to help alleviate the problems for which the enforcement actions were taken.

Currently, there is no guarantee that fines or other moneys that result from violations of the Clean Water Act will be used to correct water quality problems. Instead, some of the money goes into the general fund of the U.S. Treasury without any provision that it be used to improve the quality of our Nation's waters.

I am concerned that EPA enforcement activities are extracting large sums of money from industry and others though enforcement of the Clean Water Act, while we ignore the fundamental issue of how to pay for the cleanup of the water pollution problems for which the penalties were levied. If we are really serious about ensuring the successful implementation of the Clean Water Act, we should put these enforcement funds to work and actually clean up our Nation's waters. It does not make sense for scarce resources to go into the bottomless pit of the Treasury's general fund, especially if we fail to solve our serious water quality problems due to lack of funds.

Specifically, my bill would establish a National Clean Water Trust Fund within the U.S.

Treasury for fines, penalties, and other moneys, including consent decrees, obtained through enforcement of the Clean Water Act that would otherwise be placed into Treasury's general fund. Under my proposal, the EPA Administrator would be authorized to prioritize and carry out projects to restore and recover waters of the United States using the funds collected from violations of the Clean Water Act. However, this legislation would not preempt citizen suits or in any way preclude EPA's authority to undertake and complete supplemental environmental projects [SEP's] as part of settlements related to violations of the Clean Water Act and/or other legislation.

For example, last month, Inland Steel announced a $54.5 million multimedia consent decree, which includes a $26 million SEP and a $3.5 million cash payment to the U.S. Treasury. I strongly support the use of SEP's to facilitate the cleanup of serious environmental problems, which are particularly prevalent in my congressional district. However, my bill would dedicate the cash payment to the Treasury to the Clean Water Trust Fund.

The bill further specifies that remedial projects be within the same EPA region where enforcement action was taken. Northwest Indiana is in EPA region 5, and there are 10 EPA regions throughout the United States. Under my proposal, any funds collected from enforcement of the Clean Water Act in region 5 would go into the National Clean Water Trust Fund and, ideally, be used to cleanup environmental impacts associated with the problem for which the fine was levied.

My bill also instructs EPA to coordinate its efforts with the States in prioritizing specific cleanup projects. Finally, to monitor the implementation of the National Clean Water Trust Fund, I have included a reporting requirement in my legislation. One year after enactment, and every 2 years thereafter, the EPA Administrator would make a report to Congress regarding the establishment of the trust fund.

To illustrate how a National Clean Water Trust Fund would be effective in cleaning up our Nation's waters, I would like to highlight the magnitude of the fines that have been levied through enforcement of the Clean Water Act. Nationwide, in fiscal year 1992, EPA assessed $61 million in penalties for violations of the Clean Water Act. These penalties represented 43 percent of all penalties assessed by EPA under various environmental statutes.

In region 5 alone, in fiscal year 1992, EPA collected $2,270,500 in civil penalties for violations of the Clean Water Act. These funds were the result of five consent decrees and 11 administrative penalty orders. So far this year, EPA region 5 has collected $2,357,500 in civil penalties for violations of the Clean Water Act.

My legislation has already garnered the endorsement of several environmental organizations in northwest Indiana, including the Grand Calumet Task Force, the northwest Indiana chapter of the Izaak Walton League, and the Save the Dunes Council. Further, I am encouraged by the initial support within the national environmental community and the northeast-midwest congressional coalition for the concept of a National Clean Water Trust Fund. I would also like to point out that, in a 1992 report to Congress on Clean Water Act enforcement mechanisms, an Environmental Protection Agency [EPA] workgroup recommended amending the Clean Water Act to establish a National Clean Water Trust Fund.

In reauthorizing the Clean Water Act, we have a unique opportunity to improve the quality of our Nation's waters. The establishment of a National Clean Water Trust Fund is an innovative step in that direction. By targeting funds accrued through enforcement of the Clean Water Act—that would otherwise go into the Treasury Department's general fund—we can put scarce resources to work and facilitate the cleanup of problem areas throughout the Great Lakes and across this country.

A TRIBUTE TO VINCENT D. PAVESE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to a man of remarkable character and achievement, Vincent D. Pavese. His extraordinary accomplishments in community service benefited many residents of Passaic County. The State of New Jersey has lost an outstanding citizen. We all will miss him dearly.

Vincent Pavese, president and chief executive officer of the United Way of Passaic Valley, dedicated the last 10 years of his life to working for the community. Many credit him with uplifting the United Way of Passaic Valley from the depths of financial trouble to new levels of prominence and success. It was said of Mr. Pavese:

> If you spoke to Vince, the conversation moved very quickly to what we can do to help the people of Passaic County. His whole interest, his whole focus and work was to improve the situation for the people here.

The success Mr. Pavese achieved was through self-discipline and sharp organizational skills driven by a strong desire to make a difference. His strategy to forge a close working relationship with corporate executives and the business sector with the community was a success. Soon, his United Way chapter was recognized as a leader among social service organizations.

During his tenure, the Passaic Valley United Way Campaign raised over $15 million for health and human service agencies. He was also instrumental in establishing the Volunteer Action Center for Passaic County. This effort helped recruit volunteers for community service projects throughout the county.

Mr. Pavese was born in Presque Isle, ME, and moved to Utica, NY, as a child. Remaining in New York State, he graduated from Utica Free Academy in 1968 and matriculated at Mohawk Valley Community College. From there he went on to receive his bachelor's degree in political science from the State University of New York, Oswego. Continuing with his education, Mr. Pavese did graduate work at Cornell University and Antioch School of Law in Washington, DC.

Before coming to Passaic County, Mr. Pavese served as director for business development and then as a group vice president of the United Way of Greater New York.

Mr. Pavese has been previously honored by the Association of Retarded Citizens of Passaic and Bergen Counties, the Paterson Task Force for Community Service, the Hogar Infantil Child Development Center and the Salvation Army.

Mr. Pavese is survived by his mother, father, stepmother, two brothers and a sister, his maternal grandparents and many nieces, nephews, aunts, uncles and cousins. He was only 40 years old.

A Vincent D. Pavese Scholarship Fund has been established to set up endowments for minority residents.

While Mr. Pavese is no longer with us, what he accomplished for his community will live on. His memory and achievements continue to serve as inspiration for all who extend a helping hand. I thank my colleagues for joining me in saluting Vincent D. Pavese.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 22, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 26

2:00 p.m.

Governmental Affairs

To hold hearings to examine issues relating to the human genome diversity project.

SD-342

Judiciary

Courts and Administrative Practice Subcommittee

To resume hearings on S. 540, to improve the administration of the bankruptcy system, address certain commercial issues and consumer issues in bankruptcy, and establish a commission to study and make recommendations on problems with the bankruptcy system, focusing on claims of asbestos exposure against the bankrupt Johns Manville Corporation.

SD-226

APRIL 27

9:00 a.m.

Judiciary

Constitution Subcommittee

Business meeting, to mark up S.J. Res. 41, proposing an amendment to the

Constitution of the United States to require a balanced budget.

SD–234

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nominations of Robert Armstrong, of Texas, to be an Assistant Secretary of the Interior for Lands and Minerals Management, Jim Baca, of New Mexico, to be Director of the Bureau of Land Management, Department of the Interior, Bonnie R. Cohen, of Massachusetts, to be an Assistant Secretary of the Interior for Policy, Management, and Budget, Elizabeth Ann Reike, of Arizona, to be an Assistant Secretary of the Interior for Water and Science, and Leslie M. Turner, of New Jersey, to be an Assistant Secretary of the Interior for Territorial and International Affairs.

SD–366

Environment and Public Works

Clean Air and Nuclear Regulation Subcommittee

To hold hearings to examine efforts to design and produce a cleaner automobile.

SD–406

Governmental Affairs

To hold hearings on S. 185, to revise title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, and to protect such employees from improper political solicitations.

SD–342

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Agriculture.

SD–138

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on multilateral assistance funding and policy issues.

SD–106

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of State.

SR–253

Finance

To hold hearings to examine the Administration's tax proposals, focusing on trade issues.

SD–215

Judiciary

To hold hearings on issues relating to health care fraud.

SD–226

Veterans' Affairs

To hold oversight hearings on veterans' and health professionals' views on the present and future role of the Department of Veterans Affairs health care system.

SR–418

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on committee structure.

H–5, Capitol

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish the Death Valley, Joshua Tree, and Mojave National Parks.

SD–366

APRIL 28

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on Federal trade data.

SD–342

10:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on pending nominations.

SR–332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Forest Service, Department of Agriculture.

SD–116

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To hold hearings on the roles and missions of the Department of State in the 1990's.

SD–419

Labor and Human Resources

Aging Subcommittee

To hold hearings to examine new directions in policy for the aging population.

SD–106

2:00 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To continue hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks.

SD–366

Foreign Relations

Terrorism, Narcotics and International Operations Subcommittee

To continue hearings to examine the roles and missions of the Department of State in the 1990's.

SD–419

APRIL 29

9:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold oversight hearings on implementation of the Alternative Agricultural Research and Commercialization Act of 1990.

SR–332

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on committee structure.

S–5, Capitol

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the North American Free Trade Agreement's effects on U.S. competitiveness.

SR–253

Governmental Affairs

To hold hearings to examine the rebuilding of the Federal Emergency Management Agency in an effort to be prepared for the next possible disaster.

SD–342

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Development.

SD–106

Finance

To resume hearings to examine the Administration's tax proposals, focusing on trade issues.

SD–215

10:30 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD–226

2:00 p.m.

Judiciary

Immigration and Refugee Affairs Subcommittee

To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.

SD–226

2:30 p.m.

Energy and Natural Resources

Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee

To hold oversight hearings on waste minimization and industrial energy efficiency.

SD–366

MAY 4

9:30 a.m.

Energy and Natural Resources

To hold hearings on the nominations of Thomas P. Grumbly, of Virginia, to be an Assistant Secretary of Energy for Environmental Restoration and Management, and Susan Fallows Tierney, of Massachusetts, to be an Assistant Secretary of Energy for Domestic and International Energy Policy.

SD–366

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on committee structure.

H–5, Capitol

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on U.S. foreign policy and security interests.

SD–138

MAY 5

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

MAY 6

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 646, to establish within the Department of Energy an international fusion energy program.
SD–366

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
S–5, Capitol

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Commission on National and Community Service.
SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD–138

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 172, to establish the Spring Mountains National Recreation Area in Nevada, S. 184, to provide for the exchange of certain lands within the State of Utah, S. 250, to designate certain segments of the Red River in Kentucky as components of the National Wild and Scenic Rivers System, S. 489, the "Gallatin Range Consolidation and Protection Act," and S. 577, to resolve the status of certain lands relinquished to the U.S. under the act of June 4, 1897 (30 Stat. 11, 36).
SD–366

MAY 11

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
H–5, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.
SD–138

MAY 12

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the U.S. Coast Guard.
SR–253

MAY 13

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.
SD–106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD–138

Joint Organization of Congress
To resume hearings to examine congressional reform proposals.
S–5, Capitol

MAY 14

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.
SD–192

MAY 18

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H–5, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on the goals and strategies of development assistance and sustainable development.
SD–138

MAY 19

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

MAY 20

10:00 a.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S–5, Capitol

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD–138

MAY 25

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H–5, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on U.S. international economic and commercial interests.
SD–138

MAY 26

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

MAY 27

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.
SD–106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD–138

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S–5, Capitol

JUNE 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD–138

JUNE 10

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.
SH–216

CANCELLATIONS

APRIL 22

9:30 a.m.
Governmental Affairs
To hold hearings to examine the Federal regulation of medical radiation uses.
SD–342

HOUSE OF REPRESENTATIVES—*Thursday, April 22, 1993*

The House met at 1 p.m. and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 22, 1993.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Dale Meyer, the Lutheran Hour speaker, St. Louis, MO, offered the following prayer:

O God, You are hidden in light we cannot approach. Come to us, we humbly pray, and make us willing servants for Your good and just purpose.

You who are true wisdom, prevent us from relying solely upon our thoughts. You who are unbounded power, prompt us to invoke Your help.

You who are holy, give us true forgiveness when we lament our weakness and failure.

Since You rule all things, guide us into all that is true, all that is right, and thereby into the way of Your perfect peace.

O God, eternal light who daily makes the light to dawn on this world, shine in our hearts and give us the knowledge of Your glory in the face of Jesus Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BURTON of Indiana. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on agreeing to the Chair's approval of the Journal will be postponed until later today.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] will lead the House in the Pledge of Allegiance.

Mr. GOSS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1335. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the Senate has passed a bill of the following title, in which the concurrence of the House is requested:

S. 801. An act to authorize the conduct and development of NAEP assessments for fiscal year 1994.

WELCOME TO THE REVEREND DR. DALE MEYER

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, it is my pleasure to welcome the Reverend Dr. Dale Meyer to the Chamber today and to thank him for his opening prayer.

Dr. Meyer is the speaker on "The Lutheran Hour," which is one of the largest religious radio programs in the country, with over 1,200 stations. These popular programs are also heard around the world in 30 different languages and broadcast on more than 700 stations in 110 countries. Programs have recently been started in Russia, China, and several other countries in Eastern Europe.

Dr. Meyer has been the speaker since 1989, and his inspirational words of hope have been heard by millions of people in our country and the world.

The headquarters of "The Lutheran Hour" are in my district in St. Louis, and on behalf of my colleagues I am particularly pleased to welcome Dr. Meyer and thank him for the opening prayer.

THE TWO DEFICITS

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, I am sure President Clinton and his advisers are asking themselves what happened in regards to their pork package.

They should think about the two deficits. The budget deficit and the trust deficit.

Republicans are concerned about the budget deficit. Adding more pork programs to our massive debt is a bad way to start. When you are in debt, you first need to stop spending. Republicans reminded the President of that basic rule when we blocked his pork package.

The Nation as a whole is concerned about the President's trust deficit. He cannot continue to break every single campaign promise he made to the American people while following through only on those promises he made to narrow, special interest groups.

In short, the President needs to worry about both the budget deficit and the trust deficit. Without a commitment to solving both, his Presidency will be a failure.

DOMESTIC AND OVERSEAS HUNGER HEARINGS SLATED FOR HOUSE AGRICULTURE PANELS

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, on behalf of the Committee on Agriculture, I want to advise the Members that our committee and subcommittees will hold hearings on hunger issues starting April 28. It is also my purpose here to invite any Members that are interested in the hunger issue, both foreign and domestic, to testify at these hearings.

Mr. Speaker, as chairman of the Committee on Agriculture, I strongly support legislation to fight hunger here at home and abroad, and I have worked hard to strengthen the Committee on Agriculture's involvement in food and hunger issues.

The Committee on Agriculture's commitment to domestic feeding programs within its jurisdiction—such as the Food Stamp Program, our Nation's largest feeding program—is evidenced by our effort to move the Mickey Leland Childhood Hunger Relief Act, which passed this Chamber in both the 101st and 102d Congresses. The Mickey Leland legislation would strengthen our Food Stamp Program, with a particular focus on ending hunger among low-income children in our country.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The committee's interest in overseas food and hunger issues has been expressed through legislative improvements in the Food for Peace Program—the Public Law 480 Program—and through authorities we have provided for the donation of surplus American agricultural commodities to needy peoples around the world.

I want to apprise my colleagues that the Agriculture Committee is renewing its efforts to address domestic and overseas hunger issues again in the 103d Congress starting next week.

We are kicking off these hearings next Wednesday afternoon with Secretary of Agriculture Mike Espy, who will discuss the administration's views on the Mickey Leland Childhood Hunger Relief Act and the status of USDA overseas food assistance programs.

I would invite any Members of Congress interested in these issues and these programs to offer testimony. And I am extending a special invitation to the former members of the Select Committee on Hunger for their input in this hearing.

Also Wednesday afternoon the Agriculture Subcommittee on Department Operations and Nutrition will hear public testimony on H.R. 529, the Mickey Leland Childhood Hunger Relief Act.

On Thursday, April 29, the Agriculture Subcommittee on Foreign Agriculture and Hunger will hold a public hearing on overseas hunger issues.

Mr. Speaker, it is our intention to bring appropriate legislation before the full House that will increase the effectiveness of our Nation's domestic and overseas food assistance programs. We on the Committee on Agriculture are committed to continuing to focus the attention of this Congress on the problems of hunger here at home and abroad throughout this session.

REVOLVING DOOR OPENS BOTH WAYS

(Mr. CANADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANADY. Mr. Speaker, when Bill Clinton was running for President, he criticized the revolving door between lobbyists and Government.

He said it was unethical for former Government employees to use their connections to become lobbyists.

But what about lobbyists who use that revolving door to enter high governmental office?

I refer to the President's choice of Daniel Tarullo for the position of Assistant Secretary of State for Economic and Business Affairs.

Most recently, Mr. Tarullo represented the Mexican Government during negotiation of the North American Free-Trade Agreement.

The Mexican Government handsomely rewarded Mr. Tarullo's law firm for its efforts.

The law firm has filed this lobbying report, showing nearly $3 million in fees from the Mexican Government last year.

Now, Mr. Tarullo is nominated to work on behalf of the American people.

Is this consistent with the President's own campaign promises?

It is not consistent.

In the best interest of the American people, the President should withdraw this nomination.

EARTH DAY: A TIME TO CONSIDER ALTERNATIVE FUELS

(Mrs. THURMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. THURMAN. Mr. Speaker, I join millions throughout this country and the world in celebration of Earth Day. I rise today out of concern for the fact that we continue to deplete the earth's finite energy resources. I am also concerned that for too long we have supported the use of the very fuels that cause great harm to this planet. I rise today to speak for alternative fuels, and in particular for solar energy.

The beauty of renewable energy is that it is not depleted by its use. The sun does not pollute the earth, it renourishes it. We have an inexhaustible supply of sunlight, yet we continue to drain away fossil fuels, knowing that one day soon it will all be gone. We continue to emphasize fuels that we know pollutes our air and water.

We must change our course if we are to leave an Earth for our children to celebrate. Mr. Speaker, that is why I was pleased to see that the President excluded solar energy from his energy tax proposal.

Benefits from solar and other renewable energy:

Jobs creation: A recent study shows that we could create over 375,000 jobs over the next 20 years just by removing market barriers to solar and other renewable forms of energy. These are high-value jobs in upper-level technology and construction.

Savings: I have learned that the cost of a solar heater on a home, approximately $700, can save a homeowner hundreds of dollars each year in energy costs. This is money that the homeowner can plow back into the economy instead of wasting it on non-renewable forms of energy.

Trade: Solar energy provides the United States with enormous opportunities for world trade. The world market for solar thermal equipment is growing 26 percent annually. Yet the United States ranks last, where it once ranked first, among seven major trading nations in the amount of resources it commits to promote the export of renewable energy technologies.

The world market for solar equipment is growing at 20 percent yet the U.S. share is down from 65 percent just 10 years ago to about 35 percent today.

Lower dependence on foreign oil: In the past 10 years we have seen the national security implications from our dependence on foreign oil. Renewable forms of energy provide us the freedom from that danger.

While there are few vehicle uses currently for solar energy, even solar energy use reduces our dependence, because a secondary market for solar energy is created to replace electric and natural gas that are used for vehicles.

Mr. Speaker, we are the leaders of the greatest Nation on Earth. We are in a unique position to help our citizens understand the need to change our world view and reshape the future. If our children and their children are to inherit an earth worth celebrating, we must not steal from them the energy they will need to survive. We must not pollute the air they breathe and the water they drink. I urge my colleagues to join me in the pursuit and support of clean and renewable energy.

□ 1310

PINPOINTING PORK IN THE STIMULUS PACKAGE

(Mr. ARCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCHER. Mr. Speaker, in his last press conference on March 23, President Clinton responded to a press question about the pork barrel projects in his so-called economic stimulus bill and he said, "You will read those bills for years in vain and not find those projects."

Was he forthcoming? Well, it took me only a few minutes to read the legislation and find the following items: On page 7, line 23, $28 million for the District of Columbia to help reduce its deficit.

On page 10, line 12, $1.4 million for drawings of 28 significant structures and engineering achievements.

And those are just a few of the specifically designated items in the bill.

In addition, the justification documents emanating from the agencies as to how they will spend the lump sums in the bill add many other items which become the force of law. Unlike in State governments with which the President is familiar, the Federal Government includes these in the record.

It is good the Senate stopped this pork barrel project.

REACHING AMERICANS FACED WITH ONGOING HARDSHIP

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, yesterday, the minority party killed a plan that gave genuine attention to the problems inherent in our economy. We have been offered a new stimulus plan which provides $4 billion in unemployment benefits, while doing nothing to provide for jobs and permanent relief for the jobless.

Mr. Speaker, regardless of what the minority party has said about economic recovery, we are faced with an unemployment rate that remains at 7 percent for the month of March. Despite the economic conditions of this jobless recovery, the American people are confronted with more gridlock.

We must not give up our aim of providing for real and long-term jobs for the American people. We must not only provide support for the unemployed; we must also help put people back to work.

Mr. Speaker, I urge my colleagues to not forget about those throughout our land who are faced with ongoing hardship. Let us resolve to continue to work toward reaching out to those people who desperately need our help. Let us end business as usual, and put America back to work.

COMMUNITY ENHANCEMENT ACT

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, this week, I introduced the Community Enhancement Act, a bill that will guarantee that a fair share of the Federal moneys in the Land and Water Conservation Act will be available to help State and local governments preserve and protect parks and open space.

The land and water conservation fund was established in 1965 to provide funds for land acquisition, open space planning, and recreational facility development. At the time of its enactment, both Congress and the administration recommended that at least 60 percent of the fund go to the States for matching programs, while the remaining 40 percent of the fund be targeted for expanding our national parks system.

Over the years, however, the 60–40 formula has been drastically altered and instead of receiving 60 percent of the fund, the State projects have averaged less than 10 percent of the annual expenditures from the fund. As a result, State and local projects worthy of conservation are subsequently shelved.

My legislation will restore fairness in the land and water conservation fund's financing equation and gradually bring the fund closer to its original 60–40 formula. After a 3-year transition period, the fund will operate on an even 50–50 split between the State-side and Federal-side funding thereby enabling States like my own State of New Jersey to receive a fair share of Federal funds.

The money for the fund is already there. My bill just calls for an equitable distribution of moneys already set aside for open space preservation.

I advise Members that the Community Enhancement Act has wide congressional support that breaks through party and geographic lines and enjoys the endorsement of recreation and conservation groups. I urge you to join this coalition by cosponsoring this bill.

REPUBLICAN REGULATORY RELAY

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, today, the Republican Research Committee's Task Force on Competitiveness is kicking off the second round of the Republican regulatory relay.

Our country is faced with a huge and growing Federal bureaucracy. Congress continues to extend Government control as far as possible into the lives of our constituents. We are regulating American businesses, raising consumer prices and just plain standing in the way of America's ability to compete.

The Republican regulatory relay will target the barrages of unnecessary and ill-conceived rules that suffocate American businesses and American consumers. From today until the October adjournment, every week, a relay team member will highlight a different aspect of our regulatory system run amok.

Tune in Tuesday during special orders when I take the baton to run the opening lap in the relay. My subject: the Department of Transportation determination that salad dressing is a hazardous material. This is no joke, it is serious, and very expensive.

EARTH DAY

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, Shakespeare could have been referring to Florida when he penned the lines: "This other Eden * * * this stone set in the silver sea* * *." I represent the most beautiful, the most abundantly blessed district in the country. What Member should not be able to make that same claim on this day, Earth Day 1993, when we celebrate the natural beauty found all across this Nation, and in every corner of the globe? These days, debate over environmental issues too often decays into the rhetoric of jobs versus nature. It is important to remember that our economy and our environment are inherently intertwined. In Florida, our tourism industry, our fishermen, our fruit and vegetable growers all depend on clean air, soil, and water. Of course, each region has unique economic and environmental needs and challenges.

As we look forward on this Earth Day to the reauthorizations of the Marine Mammal Protection Act, the Clean Water Act, and other important environmental legislation that may come before us this year, let us remember that the environment and the economy must be partners, not competitors.

EARTH DAY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate Earth Day. As thousands of Americans across the Nation celebrate Earth Day today, I am pleased to commend President Clinton for his commitment to sign the Biodiversity Treaty developed at the U.N. Earth Summit in Rio de Janeiro last June. With all of the world's economic leaders now signing the treaty, I am hopeful that we will be able to successfully restrict the senseless destruction of plant and animal species in forests around the globe. In addition, I am pleased that the President yesterday also committed the United State to the emission reduction targets contained in the Earth Summit conference's global warming treaty.

I believe that it is our responsibility to work aggressively to protect the environment to ensure a promising future for our children and grandchildren. It is crucial that we reject the myths of the past that pit the environment against the economy. Instead, we must work to create economic growth by promoting environmental protection and energy efficiency. In addition, our efforts must be dedicated to protecting our precious lands that provide wildlife habitat, ecological biodiversity, and scenic beauty.

With our new, environmentally conscious administration in place, and with the invigorated commitment of Congress, I hope that we can celebrate our Earth, not just 1 day a year, but each and every day of the year, by developing and implementing strong and effective environmental policies.

FEDERAL GOVERNMENT LEASE DEAL COSTS TAXPAYERS MILLIONS

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, our Federal Government is about to enter into a lease deal for office space in downtown Atlanta that will cause a loss of at least $475 million for the taxpayers.

The GSA has been directed to negotiate a 27-year lease for 1.4 million square feet of space.

By the most conservative estimates, this lease-purchase deal will cost taxpayers $704 million.

Major construction companies and others familiar with this project have estimated that GSA could have a building of the size needed built for $229 million, or less.

GSA originally requested authority to build its own building in Atlanta.

However, in highly unusual language, a bill passed last year orders the GSA to lease directly from the Downtown Development Authority of Atlanta.

In other words, GSA is not even allowed to consider competitive offers from other building owners.

Also, OMB scoring rules are prohibiting GSA from building its own building in this situation.

This is one instance where these administrative scoring rules can and should be waived.

Federal financing as it relates to real estate needs to be reviewed and changed before taxpayers lose even more.

There are cheaper and better ways to obtain this space.

THE CHILD IMMUNIZATION INCENTIVE ACT OF 1993

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, today I am introducing legislation which I hope will become a component to providing greater access to immunization and enlarging the public health immunization delivery system. All objective evidence indicates that the missing link is enforceable standards. This is consistent with my strong and long-held belief that our welfare system, our social safety net, must ultimately be based on personal responsibility—to ourselves, to society, and to our children.

First, my legislation, the Child Immunization Incentive Act of 1993, requires that parents, in order to qualify for AFDC benefits, must have their children properly immunized and up to date on the vaccinations and immunizations recommended by the American Academy of Pediatrics and the Surgeon General.

Second, my bill requires that day care and child care centers which receive Federal moneys must certify that these same immunization requirements are met before enrolling a child.

Mr. Speaker, for generations we have taken this approach in requiring immunizations for school enrollment—and it has been incredibly—as in 95 percent—successful. If we require this immunization, and tell parents that their child won't start school without them, it happens—the parents get the children the shots.

It is a national disgrace that in this country—the most advanced country on the globe, with the best medical care available—we rank down there with the Third World bloc when it comes to immunization standards.

Across the country, the Department of Health and Human Services indicates that only 60 percent of our Nation's children are properly vaccinated by age 2. And not surprisingly, the highest numbers of children without proper immunization are in our cities, where the health risk and transmission of disease are highest.

Unfortunately, the rhetoric surrounding this issue would indicate that the vaccines are not out there. That children are getting sick and we don't have the medicine to prevent it. Not so. In fact, no public health officer with whom I have spoken will even try to make the case that we don't have enough vaccine.

The problem we face is behavioral—too many parents are not making the effort to have their children immunized. This is what was heard in the testimony of hearings on immunization yesterday: Either through ignorance or apathy, parents—especially those in rural and inner city low-income families—are failing to get their children immunized. And sadly, I say to my colleagues, it is these children who are the victims.

That is why, in addition to the new AFDC and day care requirements, my legislation mandates that States provide appropriate education and outreach for child immunization programs. The Child Immunization Incentive Act requires States to increase public awareness of preventive health care and the need for immunization, the availability of preventive health care and immunization services, the location and availability of free or subsidized immunization clinics, and the transportation and child care services available to assist parents in obtaining immunization for their children. In this way we can solve the problems of ignorance or lack of information as to vaccination and immunization; the rest is up to beneficiaries.

President Clinton has called for emergency funding for child immunization programs, the bulk of which will go for immunization access—enlarging local and public health immunization delivery systems. If there are shortages here, if these moneys are needed, of course, we all do.

However, I would say that if we are to move forward with these increases, we demand something in return. We must require from AFDC recipients that the children whom the Federal Government is helping to support are given the preventive medicine they need.

I stress preventive medicine here—medical and scientific evidence has shown that $1 invested in childhood immunization saves $10 in future health care costs. Yet despite this compelling evidence, and despite our vast technology and remarkably effective vaccines, our Nation has begun to face increases in preventable childhood diseases. This is unconscionable. Again, New Jersey's experience demonstrates the costs of the failure to properly immunize our children: Over the last 6 years, we have had five measles outbreaks affecting more than 3,000 people. Forty percent of these cases resulted in hospitalization and the soaring costs associated with inpatient care. Even more tragic, New Jersey saw six measles-related fatalities. These were unnecessary, preventable deaths.

This is health care reform. I urge my colleagues to support my effort today, and join me as cosponsors of the Child Immunization Incentive Act of 1993. So long as we maintain a welfare system to aid people in need, we must hold these beneficiaries to a standard of responsibility—to society, but above all, to their own children. I am likewise hopeful that as the 103d Congress address welfare reform, and systemic overhaul of our Nation's public assistance systems, we address the issue of required immunizations, and adopt the provisions of the Child Immunization Incentive Act.

□ 1320

THE PRESIDENT'S STIMULUS PACKAGE

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the ultimate authority in our democracy is the collective will of the American people. They exercised this authority in November when they elected a Democratic President to reverse the human disregard of the past 12 years. However, by blocking the President's much needed economic stimulus package, the Republicans have proven that they will not listen to the American voter.

So, while they relish their political victory over the stimulus package today, the American people will be suffering for some time to come. Poor children will go without immunizations, at-risk urban youth will not find summer jobs, our damaged roads and bridges will remain in disrepair, and our homeless families will continue to live without shelter and proper services. We cannot allow this to happen.

Mr. Speaker, the House of Representatives, the people's Chamber, must introduce and pass another stimulus bill and get our communities on the road to true recovery.

THE HOLOCAUST MEMORIAL MUSEUM

(Mr. INGLIS of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INGLIS of South Carolina. Mr. Speaker, recently I received an anonymous letter at my home that has sharpened my perspective on one of the world's greatest crimes against humanity. As I worked at my desk, my wife read the letter aloud to me, her words punctuated with disbelief. Straining all credulity, this letter proclaimed that the Holocaust never occurred; that the sobering new U.S. Holocaust Memorial Museum commemorates nothing more than an elaborate, lengthy conspiracy. I dismissed it as the work of a terribly misguided mind but came face to face with the reality that apparently many believe its contents. Based on an article in one of my local papers on Tuesday, it appears that many are similarly deluded. The fact that there are people who choose to ignore the calculated destruction of 6 million human beings is staggering.

It is my hope that the new Holocaust Museum will educate and inform us and future generations about the atrocities of the Holocaust first hand, reminding us and them of the need to be vigilant to prevent recurrences. Those who believe this terrible genocide never occurred need only visit the collection. The photos and personal effects of the victims graphically will assign humanity to the statistics in the history books. They will provide a permanent record for those inclined to deny or forget.

To the citizens who believe the Holocaust never occurred, I end with this thought. I hope the letter that reached my home was, itself, a hoax.

INTRODUCTION OF THE WOMEN'S VIOLENCE-RELATED INJURY REDUCTION ACT

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, 4 million women each year are victims of domestic violence. Such violence poses a very serious threat to women's health. In fact, battering is the leading cause of injury to women.

We must seek full criminal prosecution of abusers to protect women from further abuse. We must also face the dire public health consequences of this violence and educate the health care community to provide domestic violence victims the compassionate care and counseling they need.

Today, I am introducing legislation with my colleagues, Mrs. MORELLA of Maryland and Mr. KREIDLER of Washington, that will train health care providers to identify and refer victims of abuse to counseling. This legislation also will provide for a public education campaign to stop the rising tide of violence against women.

Mr. Speaker, more women in this Nation are seriously injured by beatings than by car accidents, muggings, and rapes combined. Domestic violence is a public health threat and it must be stopped. This legislation can help to ensure that violence against women is no longer a horrible fact of life for so many in this country.

WHAT IS GRIDLOCK?

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute.)

Ms. PRYCE of Ohio. Mr. Speaker, what is gridlock? The President and his cohorts on the Hill would have you believe that gridlock is using the rules of the Senate and the House as they were intended.

The Democrats would have you believe that gridlock is opposing a President who was determined to add billions of dollars to an already huge deficit.

They would have you believe that gridlock is opposing a President who has shown little regard for his own campaign promises.

Mr. Speaker, if what they call gridlock saves the American taxpayer billions of dollars in wasted money, then I favor gridlock.

But let us call it what it really is. It is called democracy.

HOLOCAUST MEMORIAL MUSEUM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I have just returned, as many of us have, from the dedication of the U.S. Holocaust Memorial Museum on the Mall.

It was a very stirring ceremony. Those of us who have been outside today know that the weather is not exactly clement. It is windy, it is wet, and cold, and yet there was a throng of several thousand people including the leaders of our country, President Clinton and Vice President Gore. It was a stirring ceremony, and certainly one that causes us to reflect upon the ability of humans to be inhuman toward one another and what lessons we can learn from that.

It was really very symbolic, Mr. Speaker, that at different points in that 1½-hour ceremony the Sun broke through the gloom momentarily, and I guess the lesson of all that is the symbolism of both the pessimism and the horror of what happened in the Holocaust but also the optimism and the joy of what happens when we respect and love one another. That really is symbolized in that remarkable museum.

CUT SPENDING AND TELL THE TRUTH

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I hope the President learned a valuable lesson last night. Steamrollers do not work well in democratic institutions.

Like Ghengis Khan, the President thought he could just roll through the Congress and pass his pork barrel spending program.

But Republicans fought hard and stuck together, and successfully saved the American people billions of dollars in money we just cannot afford to spend.

If the President wants to succeed with this Congress he had better take seriously both the Nation's budget deficit and his own trust deficit. That means being fiscally responsible. It does not mean giving money to cities so they can build swimming pools and parking garages.

And that means sticking by your campaign pledges and telling the truth. David Broder, the respected columnist, first penned the term "trust deficit" in regards to President Clinton's sham budget. It is an important insight.

Mr. Speaker, the President needs to cut spending and tell the truth. It is as simple as that.

MORE TAXES BUT NO SPENDING CUTS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, this morning I was watching a business news show as I was getting ready to come to the Capitol, and President Clinton's press secretary was being interviewed.

The interviewer said, "Why is the President not making spending cuts commensurate or equal to the tax increases he is talking about?" And she said, "Oh, but he is. He is going to cut spending dollar for dollar with tax increases."

Well, let me tell all of my colleagues, and anyone else who may be paying attention, that they are counting as a spending cut, $29 billion in Social Security tax increases. I hope every senior citizen heard that: They are counting as a spending cut, $29 billion increase in your taxes, Social Security taxes. They are also counting as a spending cut, $11.5 billion in Medicare part B premium increases. They are counting as a spending cut, $5.20 million in increased meat and poultry inspection fees. They are counting as a spending cut $1.4 billion in FDA user fees.

Mr. Speaker, in fact, these are not spending cuts at all. They are tax and fee increases. When you add them all together, it is $402 billion in new taxes and fees levied on the backs of the American people and almost no spending cuts.

□ 1330

STIMULUS PACKAGE RESPONSE

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, yesterday's vote against the President's plan to stimulate the economy was a defeat for all Americans.

It was a vote against Americans who want to work but have no opportunity to do so.

It was a vote against millions of our Nation's children who are entitled to educational head starts and healthy beginnings, but now find those hopes dashed.

It was a vote against the people of our country who have virtually lost faith in the Nation's willingness to respond to their dreams and aspirations. They see a Government which has once again turned its back on their hopes for the future.

What the minority party has said is they would rather issue unemployment checks than paychecks, they would rather provide gridlock and partisanship than individual security and productivity.

I am appalled, disappointed, and hurt by the myopia of those who can only see pork when before them is a full menu which would satisfy the hunger for jobs and education, and the thirst for self-sufficiency and security.

Mr. President this is a day of shame for the American people.

VALUE ADDED TAX

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, recently, a young salesman wrote to me saying:

> DEAR CONGRESSMAN GOODLATTE, I just read in the newspaper that some politicians in Washington are talking about a brand new tax, something called a Value Added Tax that will hit working people like me the hardest. I already pay a big chunk of my paycheck to the Federal Government, county government and the State. My family just can't afford to take another hit. I'm working harder than ever, and we're barely making ends meet now.

The earnest concerns of that young man in Roanoke, and many others, is one reason why I am opposed to the value added tax currently being pitched by the President.

Clinton's new tax will hit middle-class families, the working poor, and senior citizens especially hard.

From buying school clothes for the children, to replacing the old stove that does not work anymore, to buying a refrigerator, this new tax will stretch finances even tighter for already struggling families and seniors.

The President's value added tax just proves the old saying that when a politician says he is going to soak the rich, look out because it is the hard working little guy who is going to take a bath.

DEMOCRACY IN ACTION? NO, GRIDLOCK

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, a few minutes ago I heard one of the speakers say that the gridlock that took place in the Senate last week, or this week, was democracy in action. What is democracy in action? Democracy is when you have the right to vote and the majority prevails and the minority loses. In this particular case the Senate did not allow that vote. The majority of the people of this country have elected a majority of the Democrats in the Senate and a vast majority of Democrats in the House of Representatives. We were allowed to work our will here because we have a Rules Committee that really works. The other body is archaic in their rules. Because of that reason, the will of the majority was frustrated.

You know, I quote the Roll Call this week, which pointed out that today's dilatory tactics would shock any Senator of a generation ago.

I think this was not democracy, this was gridlock.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would like to remind the gentleman from Nevada and other Members of the House that remarks in debate may not characterize the Senate or criticize its procedures.

WHICH RULES COMMITTEE ARE WE TALKING ABOUT?

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I will say to the previous speaker, "Which Rules Committee are you talking about?" The Committee on Rules, on which I serve as ranking Republican, just a few minutes ago put out a rule which gags all of the liberal Democrats on your side of the aisle. They are not just gagging Republicans, this time they are gagging Democrats.

They put out a rule, and we are sitting here waiting to carry the rule to the floor, which I hope we will not have to do, because I hope we get unanimous consent, and I am urging my side to give unanimous consent, but they put out a rule which self-executes the unemployment insurance bill onto this floor and out of the House without anybody being allowed to offer any kind of thing to it.

The Black Caucus, Mr. MFUME, or the conservative Republicans on this side of the aisle, are being gagged. So, what Rules Committee are you talking about? The one that restricted two-thirds of all the rules, 66 percent over the last 2 years and 100 percent this year? And that is democracy?

I rest my case.

EARTH DAY 1993

(Ms. LAMBERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LAMBERT. Mr. Speaker, we have made tremendous progress toward protecting our environment since the first Earth Day 23 years ago.

But we still have far to go to ensure that our children enjoy Arkansas' rich natural resources like our timber wetland and vacation areas as diverse as the Delta Plains and the Ozark Mountains.

Congress is working to improve laws that protect our water, air, and land without severely restricting industry. And we as citizens can do our part by doing things as simple as creating a compost pile in our backyard and turning off the lights when we leave the house. As we celebrate Earth Day today I would like to encourage each of you to make preserving our planet more than just a once-a-year event.

We can all follow the example of a Madison, AR, couple who own a lumber business. Realizing that our landfill space was becoming scarce, they started grinding bark into mulch and using sawdust as boiler fuel. They even began composting municipal waste for area farmers to use as fertilizer.

Businesses like these Arkansas folks' have helped recycling become one of the Nation's fastest growing industries, bringing in $1 to $2 billion a year. Those businesses can continue to grow only if we do our part by creating a market for recycled goods.

It is as simple as looking at paper towels in the grocery store to make sure we buy the ones made from recycled material. And it is as easy as looking at the bottom of plastic laundry detergent bottles to pick the ones made with plastic that can be recycled.

So as we celebrate Earth Day this year, let us do more than pick up the litter along the highways. Let us follow the example of the Madison, AR, couple and look for new ways to use what we have been throwing away.

WE NEW HAMPSHIRE YANKEES TAKE CARE OF OURSELVES

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, during every Presidential primary cycle, the people of America look to New Hampshire for leadership.

It might be well for the people of America to look to New Hampshire once again.

Recently, following the so-called blizzard of 1993, FEMA [Federal Emergency Management Agency] allowed States and communities to apply for Federal emergency aid to pay for their snow plowing expenses.

Two New Hampshire communities, Wakefield and Peterborough, with typical Yankee frugality, turned down the Federal snowplowing financial bonanza, even though they were hit with 15 inches of snow.

Wakefield Selectman Chairman Christopher Bancroft stated:

> We didn't feel it was appropriate to put another load on the Federal Government, which is already overloaded by actions of Congress.
>
> People up here take responsibility for themselves and don't look to the Federal Government to bail them out.

Bancroft went on to say:

> This is my tax money and yours. We New Hampshire Yankees take care of ourselves. For generations we never got any emergency help. I guess the world is changing. People look to the Federal Government for everything now.
>
> We only got 15 inches of snow. What the heck would we do if we got 4 feet of snow?

The Members of Congress should follow the example of these New Hampshire communities, Mr. Speaker, and stop looking for ways to throw money at every conceivable problem.

FEDERAL RESOURCE EFFICIENT BUILDING MATERIALS ACT

(Mr. FINGERHUT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FINGERHUT. Mr. Speaker, I join with a number of my colleagues who have risen to recognize the fact that today is Earth Day and to announce, with great pleasure, that I join with my colleague, the gentleman from Ohio, Senator GLENN, on the other side of the Capitol, in introducing today the Federal Resource Efficient Building Materials Act, legislation to encourage the purchase and use by the Federal Government of building products made from recycled, reclaimed, or reused materials, and which are energy efficient to use.

In the past decade we have made dramatic strides in the amount of garbage we recycle. However, our efforts to recycle are stymied by the lack of markets for recycled materials. Without markets, recycled materials become waste.

Mr. Speaker, the legislation which Senator GLENN and I will introduce would initiate a 3-year pilot program to acquire and use environmentally efficient building materials on new and existing Federal buildings and facilities. Mr. Speaker, it is time that we put the purchasing power of the Federal Government behind the recycling movement in this country, and I look forward to working with Members of this Congress to pass this act.

□ 1340

ESCALATION OF DOMESTIC VIOLENCE, BATTERINGS CAUSING ALARM

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, domestic violence is truly at epidemic levels in the United States. Every 15 seconds a woman is beaten. Battering results in more injuries to women than rapes, car accidents, or muggings with enormous impact not only on the health of battered women but also on our Nation's health care system; 22 to 35 percent of women in emergency rooms are there because of symptoms related to abuse; 60 to 70 percent of women in mental health units of hospitals are there because of abuse; and 25 percent of all pregnant women are beaten.

It is estimated that every year domestic violence causes 99,800 hospitalization days, 28,700 emergency room visits, and 39,900 physician visits.

Nurses, physicians, and other health professionals are on the front lines when it comes to treatment and, more important, prevention. We must help them do their jobs better.

Today, Congressmen MCDERMOTT, KREIDLER, and I have introduced the Women's Violence Related Injury Reduction Act. This bill, which amends the Public Health Service Act, will provide for:

Clinical protocols to help nurses, doctors, and emergency room personnel recognize the symptoms of battering and to develop the most effective treatment.

Epidemiological research by the Centers for Disease Control to provide medical data to determine the incidence, types, and effects of domestic violence nationwide.

Public education programs about the health consequences of domestic violence.

Domestic violence can be prevented and, if caught in time, cured. But we must act now.

DEDICATION OF THE HOLOCAUST MEMORIAL MUSEUM

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, two things happened almost exactly 50 years ago today. One was the heroic action of the Warsaw ghetto uprising against the Nazis where a small handful of Jewish residents of the ghetto, with hardly any weapons, held off for over a month thousands of heavily armed Nazi troops, and on this very day the Bermuda Conference in 1943 recommended against any rescue efforts, and the Jews of Europe continued to die. A member who participated in that was a Jewish man, the head of the Foreign Affairs Committee at that time, Sol Bloom. There is plenty of blame to go around.

Well, today we did something that might stop those events from ever happening again. I have just come from the dedication of the U.S. Holocaust Memorial Museum. What the museum does, and it is truly an American museum, it documents this terrible, terrible period in history, because we know one thing, and that is if we forget what happened, we could repeat it again.

DILATORY TACTICS AND THE RULES COMMITTEE

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, several Members have commented unfavorably on the Rules Committee here in the last few minutes.

I want to tell you I received a call from a gentleman in Alabama earlier this morning. He said:

> Congressman, I don't understand this Rules Committee and why you won't allow anybody to speak.

I said:

> Well, let me explain it to you. If you like the way the Senate operates, then you don't like the Rules Committee. But we have 435 Members in this body, and the only way we will ever get anything done is to structure debate so that not everyone will have an opportunity.
>
> After all, the last thing Members who criticize the Rules Committee want to happen is for this body to work. They use every dilatory tactic they possibly can use, because if this body works it is a plus for the Democrats. That is the last thing they want.

REPUBLICAN GUERILLA TACTICS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, last November the American people overwhelmingly voted for change and chose President Bill Clinton to lead them. Just 5 months later, it appears that the Republicans have forgotten that election.

Through guerilla tactics, we have seen a mugging of the democratic process by the guardians of gridlock. A minority in the other body has acted to deprive the President a vote on his investment package. Without a vote being cast, they acted: To block the creation of 500,000 jobs; to deny $3 billion in highway construction funds; to kill $2 billion to Head Start, WIC, and the Jobs Corps; to thwart funds for childhood immunizations; and, in my State of New Mexico, the Republicans have blocked over $95 million to create jobs and improve the quality of life.

Mr. Speaker, the American people deserve to know who is blocking a realistic and responsible plan to jump start the economy. They deserve to know who is preserving the status quo and who is willing to fund unemployment, but unwilling to increase employment.

Mr. Speaker, it is the Republican leadership that stands between Americans and more jobs.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT OF 1993

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that it be in order today to consider in the House, any rule of the House to the contrary notwithstanding, a motion to take from the Speaker's table the bill, H.R. 1335, making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, with a Senate amendment thereto, and to concur in the Senate amendment; that the Senate amendment be considered as read; that the motion be debatable for 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees; and that the previous question be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from Kentucky?

Mr. BURTON of Indiana. Reserving the right to object, Mr. Speaker, and I will not object, but I would like to point out to my colleagues that all we on the Republican side of the aisle want is fairness. That is all we have ever wanted. We do not want the Committee on Rules to send closed rules down here so we cannot debate issues that are of utmost importance to the Nation. We have proposed amendments time and again and we do not even get them to the floor for a vote. So all we say is fairness. That is all we ask for, fairness.

Mr. Speaker, with that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky [Mr. NATCHER]?

There was no objection.

For text of H.R. 1335, see proceedings of the House of March 18, 1993, at page 5686.

MOTION OFFERED BY MR. NATCHER

Mr. NATCHER. Mr. Speaker, pursuant to the order of the House, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. NATCHER moves to take from the Speaker's table the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, with a Senate amendment thereto, and to concur in the Senate amendment.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

SENATE AMENDMENT

Strike out all after the enacting clause and insert:

"That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

"DEPARTMENT OF LABOR

"ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

"For an additional amount for "Advances to the unemployment trust fund and other funds", $4,000,000,000, to remain available until September 30, 1994.".

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of the Senate amendment to H.R. 1335, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Members know, late on March 18, this body passed H.R. 1335. The House-passed version of this bill included $16.2 billion of new emergency funding and $3.2 billion in obligation ceiling increases for transportation programs that the President recommended to help get our country moving again. The Senate completed action on this bill yesterday and amended it so that only $4 billion for unemployment benefits remain in the bill.

Mr. Speaker, I believe we must agree with the Senate amendment at this time because the $4 billion for unemployment benefits is needed next week. I do not believe that there is an alternative that we could offer that would be acceptable to the President that could be adopted in the Senate.

The time has come to provide the extended unemployment benefits that have been authorized. Funding to provide for these benefits is nearly exhausted. We need to agree to the Senate amendment and move on.

□ 1350

Mr. Speaker, I reserve the balance of my time.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to agree to the Senate amendment to H.R. 1335, to provide the absolutely necessary $4 billion needed to pay for extended unemployment compensation benefits. That was, of course, my position, and the position of almost half the House back when we considered this measure on March 17 and 18.

The most pressing need is that the money is expected to run out to pay unemployment extended benefits, and we need to act to make sure those checks keep flowing. This is, I believe, virtually what is required for this program for the remainder of the year, and that is what this Senate amendment provides.

Holding up action on the Senate amendment will only deprive unemployed persons of their benefits to which we have entitled them, and so it is the option of the House, which I strongly recommend, that we adopt this motion, support it, and then move on to other matters.

Mr. Speaker, I urge all Members of the House to support the Senate amendment.

Mr. NATCHER. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Kentucky.

Mr. NATCHER. Mr. Speaker, I just want the Members of the House to know that it is a distinct honor and a privilege for me to serve with my friend, the gentleman from Pennsylvania [Mr. McDADE], in the Congress of the United States. I just want that in the RECORD at this time.

Mr. McDADE. Mr. Speaker, I thank the gentleman from Kentucky [Mr. NATCHER].

If I do anything right in the House, may I say to my good friend from Kentucky, that is because, when I came here as a freshman, he was my first chairman, and I learned how to do things right, if I do anything right, by serving under his tutelage. It is a great privilege to serve with my great friend from Kentucky.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, this stripped down bill provides $4 billion for extended unemployment benefits, and that is needed. It is about $2,000 per worker.

However, Mr. Speaker, I want to point out that the stripped down bill eliminates $141 million to pay the net cost of $2.6 billion in loan guarantees for the Small Business Administration. It is estimated that amount would have maintained and created up to 250,000 jobs. The subsidy cost of this program is less than $600 per job or less than a third as much as it costs for unemployment.

Mr. Speaker, it just defies common sense that the opponents would strip out the benefits which can be provided for creating jobs at less than a third of the cost per person than it costs to provide unemployment benefits.

The Small Business Administration will be out of business loan guarantee authority next week. Banks will be calling loans or not making them because the SBA loan guarantee authority is not available since the loan guarantee authority was stripped out of this bill.

There is also an immediate need for a $7½ million supplemental request for fees of jurors for the U.S. courts, and they will be out of money for civil jury trials as of May 12. The U.S. courts will also be out of money for panel attorneys in the defender services appropriation as of May 5. As we all know, an indigent defendant is entitled to an attorney or else the charges can be dismissed.

Mr. Speaker, eliminating all but the unemployment benefits in this bill is not only gridlock in the Congress. It, in fact, hurts people, and it hurts them immediately, and I just want to call to the attention of the House that another supplemental is needed immediately. What was stripped out of this bill was real jobs at less cost than unemployment compensation.

Mr. MCDADE. Mr. Speaker, I yield 3 minutes to my friend, the distinguished gentleman from Claremont, CA, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I thank my very dear friend, the gentleman from Scranton, PA, Mr. MCDADE, the ranking Republican on the Committee on Appropriations who has worked long and hard on this issue for yielding this time to me.

Mr. Speaker, there are many people who have pointed to the fact that this was supposedly a jobs bill. I believe that it fell apart because it was anything but a jobs bill, and, frankly, the U.S. Senate and the American people saw it as that, and that is the reason that there was success in the Senate with the filibuster.

It, frankly, was a bill that no one could determine where the money was coming from, and unfortunately it was going to do nothing but exacerbate the deficit problem that we have and create a few make-work jobs, and so I congratulate my colleagues in the other body for having stood firmly against this wasteful program.

Now many have said Republicans blocked this stimulus plan yet they have not offered an alternative. But, Mr. Speaker, nothing could be further from the truth. We, as Republicans, have a very important four point jobs program which is designed to increase investment and saving.

What do those four points consist of? Very simply: a capital gains differential to stimulate savings and investment, a freeze on Federal spending programs, the encouragement of further individual retirement accounts which could expand savings and investment, and of course that very important extension of the moratorium on government regulations which have prevented the small business sector, basically the private sector, from succeeding.

Mr. Speaker, if we could implement those four points, it will be a jobs creation program which the U.S. Congress should support, and I am convinced a majority of the Americans would support it, and I thank the gentleman from Pennsylvania [Mr. MCDADE] for having yielded this time to me.

Mr. NATCHER. Mr. Speaker, I yield 6 minutes to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, we are asked to turn the economy of this country over to those who are advocating supply-side economics and the Laffer curve back in the early 1980's. Mr. Speaker, I am both delighted and dejected about this legislation.

I am delighted about what is still in the bill: $4 billion to fund extended unemployment benefits for the 1.9 million workers who have exhausted their regular benefits. Last month we passed and the President signed legislation authorizing these extended benefits. I am relieved those checks will soon go out to help the long-term unemployed bridge the gap between jobs in our lagging economy.

But, Mr. Speaker, I am dejected about what is not in this bill any more. Let me remind my colleagues and the American people what is not in this bill because of what happened in the Senate:

No longer in the bill is $2.5 billion for community development block grants. These grants would have funded needed improvements to housing and other public facilities all around this country and created nearly 60,000 jobs.

No longer in the bill is money to support an extra $2.5 billion in small-business loan guarantees. These loans would have helped thousands of small enterprises around this country survive the credit crunch and expand, creating jobs for our people. Small business is the most efficient job-creating sector of our economy, I might add, and now those jobs will not be created, because of what happened in the Senate.

No longer in the bill is $1 billion for summer jobs for disadvantaged youth. These funds would have created as many as 675,000 summer jobs and nearly doubled the number of youth who could have worked this summer under the program. Let us hope it is not a long, hot summer in 1993.

No longer in the bill is $1.8 billion for additional Pell grants. These grants would have helped thousands of low- and middle-income students attend college and get the educations they will need to get good jobs in the future.

No longer in the bill is $300 million for childhood immunizations, which would have nearly doubled the funds available for this money-saving program.

No longer in the bill is $3 billion for highway construction and repair. These funds would have created thousands of jobs improving and maintaining our infrastructure, so our economy can grow.

No longer in the bill is $154 million for nutrition programs, which would have helped feed hundreds of thousands of low-income children and adults, including pregnant women. Numerous studies have shown this kind of spending pays for itself in the long run.

No longer in the bill are: $302 million to process huge backlogs of Social Security disability claims, and $234 million in low-income housing loan authorizations; $202 million for maintenance projects at VA health facilities; and $423 million to provide housing for the homeless.

All told, Mr. Speaker, because of what happened in the Senate, 500,000 Americans will not have the opportunity to work and participate in our economy.

Mr. Speaker, the Senate voted $4 billion for additional unemployment benefits, but not one cent for jobs.

Just today the Labor Department reported first-time jobless claims rose by 26,000 in the latest week, a number roughly equal to the population of Abbeville County, SC, in my district. In March the national unemployment rate was 7 percent, and it has been at least that high for 16 consecutive months.

After 2 years of recovery, nearly 9 million Americans remain unemployed, and over 6 million more are working only part time when they want to work full time. Our economy still has serious problems, which the President's jobs bill would have addressed. We need those 500,000 jobs desperately, and now we will not have them because of what happened in the Senate.

Mr. Speaker, I hope this gamble pays off. But if it doesn't, then our constituents should remember this day. Our new President tried valiantly to buy a policy to insure America against the failure of this economic recovery. But he was blocked in the Senate.

Mr. Speaker, I urge the Members to support what is left of this bill. It is no longer an employment bill; now it is only an unemployment bill. Let us hope that label is not a sign of things to come. Right now some Senators are cheering their victory over the President. Let us hope it is not a hollow victory.

□ 1400

Mr. McDADE. Mr. Speaker, I am delighted to yield 3 minutes to the able gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from the Commonwealth of Pennsylvania and the magnificent city of Scranton, Mr. McDADE for yielding this time to me.

Mr. Speaker, in March, this House rushed to pass the so-called emergency supplemental appropriations bill better known to many Americans as the President's $16 plus billion deficit-spending stimulus package. Last month the majority rammed this spending bill through the House over the strong objections of many of us who felt that much of the spending in the bill was wasteful and unnecessary, while the programs that could have been justified should have been paid for by cutting spending somewhere else.

In fact, the Rules Committee received requests by many members to allow responsible amendments to cut out the most egregious waste and ensure that this bill would not add to our already enormous budget deficit. Unfortunately, as has been its habit, this Congress, the Democrat majority of the Rules Committee shut out those amendments. Clearly, what the American people want from us is not higher deficits and a higher national debt. They want us to set priorities and live within our means—which means paying for the programs we care most about while chopping out those that are just not necessary at this time.

It now appears that, at least for the moment, the urgent plea for some fiscal restraint made by millions of Americans has finally been heard in Congress. The $16.2 billion deficit spending bill is now basically dead because there just isn't support among the American people for increasing the deficit. Today, we are taking up the $4 billion provision for additional unemployment benefits. We are having legitimate debate over whether additional unemployment benefits are needed at this time—but I find no legitimate reason to increase the deficit to provide those benefits.

Therefore, I must oppose this legislation. If we are going to allocate this $4 billion, it should, and could, be paid for by cutting wasteful spending—in fact many Members have presented dozens of specific cuts that could be made to save that $4 billion and tens of billions more by chopping wasteful programs.

Mr. NATCHER. Mr. Speaker, I yield 5 minutes to our majority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Speaker, today the new unemployment figures came out; 359,000 newly unemployed Americans—26,000 more than the month before.

People need help. And we are going to help them. That is why we will pass this bill.

But today's bill is only part of what we hoped to do—and indeed had done on the floor of this House.

Yes, we want to help those without jobs. But we also want to create jobs. The President had a plan to create jobs. Who killed it? Really only one group. Republicans. They killed it by stalling. They killed it with obstructionist tactics. They didn't even have the guts in the other body to let it come to a vote.

"To vote without debating is perilous," Senator Henry Cabot Lodge said, exactly a hundred years ago, in 1893. "To debate and never vote is imbecile."

There was a Republican who knew something.

Why did they do it? Why do they want to keep hundreds of thousands of people out of work? Why do they want to kill jobs? Why do they want to kill growth? And the questions go further than that. Did you want our kids immunized against the diseases of childhood? Don't look to Republicans. They killed it. Did you want to fix roads and bridges? Don't look to Republicans. They killed it.

Did you want teenagers working at summer jobs once school lets out a few months from now? Do not look to Republicans. they killed it.

Did you want people working in Head Start Programs to give every American child a chance at education? Do not look to Republicans. They killed it.

Did you want communities all over this country to build or refurbish libraries? Schools? Parks? Do not look to Republicans. They killed those programs.

Well, those of us who want to get America moving will not give up. We will be back. We will be back with proposals to provide jobs. To put people back to work. To rebuild America.

And I say to my colleagues on the other side of the aisle: If you want to be the impediment to change, keep on doing what you are doing. Get up and tell us that you'll vote against change.

But do not just tell it to us on the floor of this House. Tell it to the victims. Tell it to a teenager who won't find work. Tell it to a Head Start child who won't have a teacher. Tell it to a small town that wants to keep its library open.

Tell it to fathers desperate to join a road crew and build a road for their community—even as they build a road to a future for their families.

Yes, today you can gloat, and convince yourselves that you stuck it to the Democrats.

But that is not really who you hurt. You hurt the people who voted to send you here.

They asked you to do a job for them. Instead, you did a job on them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair must remind all Members that remarks in debate may not include characterizations of the Senate or its actions or procedures or references to any Member of the Senate except as the sponsor of a measure.

□ 1410

Mr. McDADE. Mr. Speaker, I am delighted to yield 2 minutes to my friend the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this part of the so-called emergency package comes to us at a time when many of us are ready to support the extension of unemployment compensation benefits. Why? Because it is a program that has a common base across the country. It applies equally across every section, every township, every rural and suburban area of the country. Where people, through no fault of their own, have lost their jobs and therefore require unemployment compensation benefits, we have supplied extensions for them in several different instances before and do so again, cheerfully.

But that does not mean, as the gentleman in the well just previously implied, that we who do not support the remainder of the package do so without a willingness to help the American worker. We do not help the American worker by spending countless billions of dollars without indicating how we are going to pay for those programs. That increases the deficit and decreases the ability of private enterprise to hire people. You lose jobs when you increase the deficit.

Mr. Speaker, that is what they wanted to do with that extra money in that so-called emergency job stimulus program. The more you spend, the less you have available for private capital development of jobs. No longer do we have in this bill pork barrel projects. That should be applauded by the American worker. No longer is there any kind of private benefit type of legislation in this pork barrel package that was originally in it, and that should be applauded by the American worker.

Rather, we have remaining in the package now what everybody knows had to be done, the extension of unemployment compensation benefits, and not a single penny for pork barrel projects or other projects that are not paid for, thereby exacerbating and worsening the deficit, which cost jobs.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the chairman of the Subcommittee on Public Works and Transportation, the gentleman from California [Mr. MINETA].

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. MINETA. Mr. Speaker, I am pleased to yield to the distinguished majority whip.

Mr. BONIOR. Mr. Speaker, this argument that this has not been paid for is absolutely nonsense. This money is money that was paid for in last year's budget that we did not spend on defense and that we did not spend on foreign aid. To suggest that the tax dollars that we were going to put into airports, highways, and bridges for the American people that pay those taxes at the pump, to say you want them to pay for it a second and a third time is just not leveling with the American people.

Mr. MINETA. Mr. Speaker, reaclaiming my time, I thank the gentleman for his contribution.

Mr. Speaker, nearly 9 million unemployed Americans learned last night that 43 Members of the U.S. Senate care more about keeping the unemployed where they are—and about keeping millions of American jobs at risk—than about creating jobs and building our economy.

I am all for extending unemployment compensation. At this point in time, we have no other choice.

But what galls me is that while those Senators sure talked a lot about investing in America, their votes were against investment. Their votes were for continuing the threat of unemployment and a weakened economy.

These Senators could have chosen wisely to invest in Americans by investing in American jobs to build better roads, bridges, transit systems and airports in this country.

But they did not. They said, "Let's wait."

Well, Japan isn't waiting. Japan has committed more than $3 trillion to transportation investments before the end of this century.

Japan already spends six times what we do on infrastructure investments. And Japan's answer to our failure to adopt a modest $16 billion economic stimulus is their $116 billion stimulus program.

So while some Senators have talked our stimulus package to death, competitors like Japan are setting genuine national priorities—and are willing to put their money where there mouth is.

What also galls me about what Senators said over there is what the President's economic stimulus proposal would cost the country.

And let us get two things clear on this.

First, of the $4 billion originally targeted in that program for highway, transit, and airport improvements—all of it would come from money already paid into trust funds by the American people. So their's was a false argument that the stimulus was all deficit spending.

Second, they said, "An economic stimulus is no way to reduce the deficit."

Well, let us have a reality check here. Congress has already approved the President's budget to reduce the deficit. So all that this stimulus package was was a modest attempt to put some added strength into the economy before we administer the medicine of deficit reduction.

It is any wonder why consumer confidence in America keeps falling?

The American people are watching what we do here in Washington. They are waiting for common sense to prevail, for tough choices to be made—and honored.

The House voted to make those tough choices because we knew that this country needs the precisely targeted economic stimulus proposed by President Clinton.

Of course, there are some who would have the American people fooled with the argument that it was only a $16 billion boost in a $6 trillion economy.

What that argument said to the 300,000 Americans who could have been put back to work rebuilding America's transportation systems is that they don't matter.

Well, I think they do matter. And I believe those 300,000 Americans would have preferred a job to an unemployment check any day.

And just what was the message from these Senators to the American people. They said "We don't care that Japan spends $131 billion on public works—while we spend less than $30."

They said, "We don't care that the American people have paid for these improvements already, that no new taxes or deficit spending is involved."

And finally, they said. "We don't care if we put more American jobs at risk because we failed to give our economy a lift by building this country with investment."

Well, Mr. Speaker, I do care. And because I do I urge my colleagues to approve extending unemployment compensation—since that is now all we can do.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair would announce that the gentleman from Pennsylvania [Mr. MCDADE] has 21 minutes remaining, and the gentleman from Kentucky [Mr. NATCHER] has 11 minutes remaining.

Mr. MCDADE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Hampshire [Mr. ZELIFF].

Mr. ZELIFF. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the bottom line is that yesterday's vote in the Senate saved the American taxpayers $12.3 billion. Is not that great news? It is great news for America, it is great news for New Hampshire, it is great news for our kids and our grandchildren.

This voting card has no limits. There are very serious responsibilities that we all make a commitment to. Is it not about time that we start taking a responsible role and support programs that are funded, and not unfunded?

The $4 billion package on extension of unemployment benefits coming up this afternoon will have my support on only one basis—and that is it is properly funded and not added to the debt.

There is a right way and a wrong way in this Chamber, and I think it is about time we stopped paying with empty checkbooks.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today we are debating what is left of the President's stimulus package. We have $4 billion in emergency aid for unemployment—certainly a critical measure to provide for an important need.

But we have passed unemployment benefits before. And why? Because this economy is in crisis and we have lacked the leadership to create jobs. In November, we got that leadership. President Clinton devised a budget package to cut the deficit, rebuild the economy, and create jobs. The stimulus package was an important part of that effort.

Yet today, all we can offer the people who stand in the unemployment lines is an extension of their benefits—and I can tell you that this is cold comfort. They want work, not a Government check. Yet a handful of people put politics above jobs. They have sacrificed family security for sound bites on the evening news.

Well, this fight is not over. We cannot let a few people stand in the way of jobs and security for the millions of families who need assistance. We must pass a bill that funds summer jobs, that helps rebuild our highways, that funds crucial clean water projects.

This is what we were elected to do. This is what the people want and this is what we must do. I urge my colleagues to pass this measure. And then, to get back to the work of passing a plan that will give Americans the opportunity to rebuild the economy, to work, and to once again provide for their families.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, today unemployment benefits claims rose once again. Last week over 350,000 Americans applied for unemployment benefits, the first increase in 3 weeks, and 26,000 over last week, by the way. It is unfortunately another sign that the jobless recovery drags on.

But instead of putting a bunch of construction workers on the job rebuilding our highways, a lot of Republicans are slapping the jobless in the face and slapping each other, giving each other high five. They have just won a big political victory.

This is supposed to be an example of leadership, but in my view it is a partisan political effort to put politics before people.

□ 1420

I think it is pathetic. The Congress in this House, the Senate in the other body, wanted to do what the American people have in mind. Newsweek's poll of April shows 57 to 30 to the question whether Congress should pass Clinton's spending package to create jobs. Fifty-nine percent of the American people believe a stimulus plan is necessary, and we cannot come up with anything more than a bill to provide benefit checks, not paychecks; not a chance to put people back to work.

Whatever we do today, and obviously I am for it, will not provide unemployment benefits for people who have had their benefits run out in the past. It is not going to help the structurally unemployed, who are not going to be finding work as a result of anything we do here in Washington. It is not going to help those people struggling with two jobs, trying to make it so they get enough money to pay their mortgage. They are not even getting benefits, in most cases, working 20 hours a week at two jobs.

This is really a pathetic response to a national tragedy. What do we get deviated off to? We talked a lot about swimming pools.

We all know that community development block grants are among the most effective ways of helping our local communities make their decisions about their priorities. We know there are hundreds of letters from every agency of the Federal Government, and from our colleagues on the Republican side asking for more funds in this regard, yet they could not support it.

If this were a defense or foreign aid issue, we would not even be here. We paid for these programs last year under the rubric of defense and foreign aid. If somebody had brought a missile procurement bill to the floor or a foreign aid bill, we would not be asking to pay for those. We would have assumed we had already paid for them, as we have.

Our priorities remain out of whack, because of one thing, the requirement that we have 60 votes to run the other body. I think we today stand here not with any great satisfaction, but greater anger at our inability to break the gridlock, to end the filibuster, and to help the American people who want to go back to work.

Mr. Speaker, I rise in support of the Senate amendments to H.R. 1335, the President's stimulus and investment supplemental appropriations for the current fiscal year.

The President's stimulus package—in its original form—would have created at least 1 million jobs, 325,000 of which would have been permanent, full-time jobs. In California alone, the package would have created 80,000 permanent jobs. It was fuel desperately needed to spur a recovery in California, still deep in recession.

During the past 12 years, when the deficit was increasing much more dramatically than it is now, Republicans had no qualms increasing spending on foreign aid, or defense—while our economy took a nosedive. But, in their fight to kill the package they cried everything from waste to deficit spending—the deficit to which they so generously contributed during the past two administrations.

And, when the time has come to repair the damage of the past 12 years, the Republicans use every political maneuver possible to block economic progress—once again playing partisan politics at the expense of American workers and their families.

One Republican Senator rationalized his guarding of the gridlock by saying he wouldn't vote for an emergency appropriations bill when there was no emergency.

To those in the other body who blocked an opportunity for more jobs and a brighter future, this plan would have put millions of Americans without a job or a way to support their families back to work. It would have immunized thousands of children from childhood disease. And it would have given millions of our young people the sense of responsibility, and pride that comes from a good summer job. If things like 7-percent unemployment and children dying every day of preventable diseases aren't emergencies then I don't know what one is—and thanks to the Republicans in the other body these emergencies will continue to go unanswered.

We are now left with a pared down plan with only one component—the means to pay for the costs of the recently extended emergency unemployment benefits program. But it's not jobs. Jobs—the heart of the President's stimulus plan—are no longer part of the package. Republicans are handing out unemployment checks, when the President's plan called for paychecks.

On this side of the aisle we remain very much aware of the critical importance that jobs and investment play in getting our economy back on track. We know that the citizens of this country deserve better. The American people deserve our help in this time of urgency. We join the President in his commitment to get people off the unemployment line and onto the payroll.

Mr. McDADE. Mr. Speaker, I yield back the balance of my time.

Mr. NATCHER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the majority leader.

Mr. GEPHARDT. Mr. Speaker, I am very disappointed today that the bill we are discussing is only a bill involving unemployment compensation. I am obviously for it. I think most of the Members of the House will support this bill. However, when we think about the economic situation we are in, in this country, this is obviously a poor answer to the nature of the problems we face.

As we all know, this has been a recovery without jobs. I was at the unemployment service in my district last weekend and I asked the manager of the office, who has been there for 30 years, if he had ever seen a recovery like this. His answer was never in his experience has he seen a recovery that is without jobs. He said, "If you want a minimum wage job you could probably find one, but not a good job."

Workers at McDonnell Douglas who are being laid off because of our necessary, legitimate budget cuts cannot find jobs. Workers at car manufacturing facilities and auto parts facilities, laid off and unable to find jobs.

The unemployment rate today, 7.0 percent, is higher than when the recession began in 1990, when it was 5.3 percent, and higher than when it officially ended, when we were told the recession ended, 1991, when it was 6.8 percent.

Nine million Americans are standing in unemployment lines looking for work. The vast majority, as we know, do not want to be unemployed, do not want unemployment compensation, they want a job. Yet we have a new President who brings a program for jobs, a budget for jobs, a new way of trying to invest in the economy while we bring the deficit down, and we are blocked from even having a vote on the program.

Now we are left, and I am disappointed, deeply, that we are left with simply an unemployment bill, which solves nothing. These people do not want unemployment compensation, they want a chance to have a job.

What does it mean to put money into highways? Let me tell the Members what it means. It is not just constructing jobs for construction workers. I have an interchange out in St. Louis County where they are trying to get the traffic to be able to move better. It is a huge bottleneck. The manager of the Chrysler plant called me. He said, "It is very important that that get done." The reason is they have just-in-time manufacturing. He is competing with car plants all over the world. If he cannot get the goods when he needs them, he has to shut the line down.

Infrastructure is jobs. It is making the private economy work. It is investing in the future of our country, and here we sit, a new President gives us a program, and we are blocked from even having a vote.

We need a vote on this program. If we cannot get it today, I hope we can get it next week. If we cannot get it next week, I hope we can get it 2 weeks from now. We will continue to fight to allow the American people to get what they asked for in November 1992, and that is at least the consideration of a new program to invest in this economy and to give our people what they want, which is the chance to work and to better their livelihood and to give their families a future.

Vote for unemployment compensation, but be ready to come back here in a few weeks and vote on some version of this program. We have to give jobs to the American people.

Mr. MFUME. Mr. Speaker, today we are asked to consider the Senate amendments to H.R. 1335, the stimulus and investment supplemental appropriations for fiscal year 1993.

The Senate amendments come to us after an exhaustive filibuster on President Bill Clinton's $16.2 billion economic stimulus package.

Mr. Speaker, I will vote in support of extending $4 billion for unemployment compensation benefits, but I am deeply frustrated by the inability of the other body to pass the economic stimulus legislation.

Two weeks ago, the Government of Japan passed an economic stimulus package that was in excess of $100 billion. The Japanese, as many of us know, have long recognized the importance of investing in their country's economic infrastructure and human resources.

Japan is also facing severe economic times. Nonetheless, their nation and their legislators passed a bill that will provide for that nation's transportation and economic infrastructure.

Why can't those of us who work in the world's greatest deliberative body pass similar legislation to provide badly needed assistance in our country?

The sum of $16 billion is not a budget buster; $16 billion is necessary to bail out our Nation's future, not to support our Nation's greed and avarice.

The money included within the stimulus package would have gone directly to State and local governments. These jurisdictions desperately need Federal assistance to provide jobs, improve transportation infrastructure, support educational reform, and provide summer youth employment.

Those naysayers who opposed the President's plan have deprived their constituents' children of summer youth employment opportunities.

H.R. 1335 should have received bipartisan support from both Chambers of Congress.

The original economic stimulus legislation would have created 500,000 new jobs and would have put America on the road to real job growth.

Mr. Speaker, I wish to report to my constituents and the rest of the United States that gridlock is alive and well in Washington, DC.

I encourage our colleagues in the House to support the Senate amendments, but I caution the naysayers that this battle is far from over.

The American people need jobs now.

Mr. REED. Mr. Speaker, I rise in support of what remains of the supplemental stimulus package.

What we are doing today is important and vital. It is important because earlier this year we told out of work Americans that we would not end their unemployment benefits. It is vital because without these benefits many families would face even greater hardships.

However, when we pass this bill, this emasculated stimulus bill, we are returning to the gridlock and stalemate of the past. More importantly, we are returning to the past policy of providing benefits for the jobless—not jobs for the jobless.

Contrary to what my colleagues may hear from the other side of the aisle, the President's stimulus package was a jobs bill. It was jobs in construction. It was jobs in community development. It was summer jobs for disadvantaged youths. It was loans for small businesses that create jobs. Plain and simple when we first passed this bill it was a jobs bill, today it only helps out of work Americans hold on until we pass a real jobs bill.

Mr. Speaker, I will vote for this bill, but I am not happy and I do not think the 40,000 unemployed Rhode Islanders believe the economy has significantly recovered. Nor are they pleased that instead of jobs, my colleagues on the other side of the aisle think they deserve only the bare minimum.

Mr. COYNE. Mr. Speaker, I am very disappointed that today the House will approve extended benefits for the unemployed but the House will not have an opportunity to approve funding to help the unemployed actually find jobs.

I will support this bill because it provides at least some help for unemployed Americans who have exhausted their unemployment benefits. This legislation will make $4 billion available for extended benefits. Tragically, we may soon be again asked to provide more unemployment benefits funding because we are being denied an opportunity to pass legislation that would actually create jobs.

This is because the Senate has presented the House with only a sad remnant of the important jobs package requested by President Clinton. Gridlock in the other body will result in many Americans being denied the jobs that would have been created by the jobs bill originally passed by the House last March.

The American people should know what has been lost as a result of the gridlock perpetuated by an obstructionist minority in the Senate. Every dime has been cut from this bill for child immunization, Head Start and education financial assistance. Not $1 remains to build better roads, bridges, or mass transit systems. Not even 1 cent remains to put young people to work this summer or to help local communities fund priority job creating projects.

The over 9 million unemployed Americans in this country need to know that President Clinton and the majority in Congress want to help them find good paying jobs to provide for their families. It is an outrage that a minority in the Senate has been able to deny the American people the jobs which would have been created by the economic stimulus package originally asked for by the administration.

Politics has triumphed over reason as a result of the Senate minority's gridlock tactics. It is sad to note that the same Senators who voted to forgive billions in foreign debt as requested by President Bush refused to support President Clinton's efforts to create jobs here at home. The American people deserve better.

Mr. Speaker, I hope that the House will soon again have an opportunity to consider real jobs creating legislation. It is important that we help the unemployed by providing extended benefits today, but let us begin tomorrow to push again for legislation that actually puts the unemployed back to work.

Mr. NATCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Pursuant to the order of the House of today, the previous question is ordered.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. NATCHER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McDADE. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 301, nays 114, not voting 16, as follows:

[Roll No. 142]

YEAS—301

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (WI)
Becerra
Beilenson
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Calvert
Cantwell
Cardin
Carr
Chapman
Clayton
Clement
Clinger
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Evans
Everett
Ewing
Fawell
Fazio
Fields (LA)
Filner
Fingerhut
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gallegly
Gallo
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastert
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hyde
Jacobs
Jefferson
Johnson (CT)
Johnson, Eddie Bernice
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kim
King
Kleczka
Klein
Klink
Kolbe
Kopetski
Kreidler
LaFalce
Lambert

Lancaster
Lantos
LaRocco
Lazio
Leach
Lehman
Levin
Levy
Lewis (CA)
Lewis (GA)
Lloyd
Long
Lowey
Machtley
Maloney
Manton
Manzullo
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Michel
Miller (CA)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murphy
Murtha
Myers
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Ridge
Roemer
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter
Smith (IA)
Smith (NJ)
Smith (OR)
Snowe
Solomon
Stark
Stearns
Stokes
Strickland
Studds
Stupak
Sundquist
Swift
Synar
Talent
Tauzin
Tejeda
Thornton
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Unsoeld
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Washington
Waters
Waxman
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NAYS—114

Allard
Archer
Bachus (AL)
Baker (CA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bereuter
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Clyburn
Coble
Collins (GA)
Combest
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Fowler
Franks (CT)
Franks (NJ)
Goodlatte
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hefley
Herger
Hobson
Hoke
Hunter
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Istook
Johnson (GA)
Johnson, Sam
Kingston
Klug
Knollenberg
Kyl
Laughlin
Lewis (FL)
Lightfoot
Linder
Livingston
Mann
McCandless
McCollum
McCrery
McInnis
McKeon
McMillan
Mica
Miller (FL)
Moorhead
Nussle
Oxley
Packard
Parker
Paxon
Penny
Petri
Pickett
Pombo
Porter
Ramstad
Ravenel
Roberts
Rohrabacher
Roth
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Smith (MI)
Smith (TX)
Spence
Stenholm
Stump
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Valentine
Walker
Watt
Zeliff
Zimmer

NOT VOTING—16

Armey
Barton
Clay
Fields (TX)
Gejdenson
Gingrich
Hansen
Henry
Johnson (SD)
Lipinski
Quillen
Spratt
Swett
Tanner
Thompson
Towns

□ 1448

Messrs. BATEMAN, BEREUTER, HOBSON, ROBERTS, and GUNDERSON changed their vote from "yea" to "nay."

Mr. FAWELL changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

Pursuant to clause 5 of rule I, the Journal stands approved.

□ 1450

ELECTION OF MEMBER AND DELEGATE TO CERTAIN STANDING COMMITTEES

Mr. HOYER. Mr. Speaker, by direction of the Democratic caucus, I offer a resolution (H. Res. 158) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 158

Resolved, That the following named Members, Resident Commissioner, and Delegates, be, and they are hereby, elected to the following standing committee of the House of Representatives:

Committee on District of Columbia: Ronald V. Dellums, California, to rank following Fortney Stark of California.

Committee on Education and Labor: Robert A. Underwood, Guam.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF TECHNOLOGY ASSESSMENT BOARD

The SPEAKER pro tempore (Mr. MONTGOMERY). Without objection, pursuant to the provisions of section 4(a) of the Technology Assessment Act of 1972, title 2, U.S. Code, section 473(a), the Chair appoints to the Technology Assessment Board the following Members of the House: Mr. SUNDQUIST of Tennessee, Mr. HOUGHTON of New York, and Mr. OXLEY of Ohio.

There was no objection.

APPOINTMENT AS MEMBERS OF FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The SPEAKER pro tempore. Without objection, pursuant to the provisions of Public Law 84-372, the Chair appoints as members of the Franklin Delano Roosevelt Memorial Commission the following Members of the House: Mr. DARDEN of Georgia, Mr. HINCHEY of New York, Mr. FISH of New York, and Ms. MOLINARI of New York.

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time that I might inquire of the distinguished majority leader the program for the balance of this day, this week, and looking ahead to next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the majority leader.

Mr. GEPHARDT. I thank the gentleman for yielding.

Mr. Speaker, obviously we are finished with votes for today. There are no votes tomorrow. On Monday, April 26, the House will meet at noon. But there will not be legislative business or votes.

Tuesday, April 27, the House will meet at noon to take up three suspension bills. Recorded votes on those suspension bills, if any, will be postponed until after debate on all suspensions:

H.R. 798, Veterans' Compensation Rate Codification Act of 1993.

H.R. 1032, Department of Veterans Affairs Employment Discrimination Act.

H.R. 1189, Armored car personnel gun permits.

Wednesday, April 28, and Thursday, the 29th, the House will meet at 2 p.m. on Wednesday and at 11 a.m. on Thursday. We would be taking up H.R. 1578, Expedited Rescissions Act, subject to a rule.

Friday, April 30, the House will meet at 11, but there will not be legislative business.

I would remind the gentleman that the so-called motor-voter bill and the National Institutes of Health legislation is in conference, and there may be the need to take up one of those or both conference reports sometime during the week.

Mr. MICHEL. Might I inquire as to the Expedited Rescissions Act? It says, "subject to a rule." I had understood that there was a rule granted but we had not taken it up. Is there a possibility that that would be revisited in the Committee on Rules for a different rule?

Mr. GEPHARDT. It is still under consideration.

Mr. MICHEL. I am happy to hear that, and I hope it works out the right way.

Mr. Speaker, I yield back the balance of my time.

ADJOURNMENT TO MONDAY, APRIL 26, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NATIONAL CRIME VICTIMS' RIGHTS WEEK

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 62) to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. RIDGE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Pennsylvania [Mr. GEKAS], who is the chief sponsor of this legislation.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentlewoman from Virginia [Mrs. BYRNE] for bringing this resolution to the floor. Mr. Speaker, I also thank the gentleman from Pennsylvania [Mr. RIDGE], my colleague, for yielding to me.

Mr. Speaker, this year, as in previous years, we pause to commemorate those brave people in law enforcement who fight the battles of crime every day and, more succinctly, to stand with the victims of crime.

Everyone knows by now that 25,000 Americans are killed every year as murder victims and countless other statistics which actually numb us with their ferocity and their high statistical numbers.

But one statistic which is a new one and which shocks me even further is that of the 12-year-olds who are living in our country at this moment, 5 out of 6 of those will become, if this statistical barrage continues, victims of crime themselves. That by itself ought to cause us to take seriously what we need to do on the question of fighting crime and comprehensive solutions that many of us have been offering over the years to stop the carnage in our streets.

So, Crime Victims' Week, which begins next week, is one which is supported by countless groups across the Nation whose daily job it is to focus on these problems, to go to the side of crime victims, to help them recover from the damage both physical and spiritual which they suffer; rape victims groups, drunk-driving groups like MADD, and others. We are all familiar with all of them, and they are all existing in every one of our communities and we work with them, as every Member does.

It is a nice thing that those people back there who are on the firing line—I hate to use that language, but it is true—but on the firing line can look to us for support in their daily work. I want to express my special appreciation to Congressman SCHUMER of New York, my cosponsor on this legislation and in whose committee we do our daily job of fighting crime and all else that may be required.

With that, I ask that the body as a whole join the Senate in this joint resolution to bring about the recommendation of Crime Victims' Week beginning next week, and I thank the gentleman for yielding.

□ 1500

Mr. RIDGE. Mr. Speaker, I thank the gentleman.

Continuing my reservation of objection, Mr. Speaker, I yield to our colleague, the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from New York [Mr. SCHUMER] and the gentleman from Pennsylvania [Mr. GEKAS] for bringing this measure to the floor. I think it is an important issue, one that deserves our attention. We have too many victims of crime across our Nation today with very little resource and very little ability to have people help them through this time of need. So Mr. Speaker, I urge my colleagues to support the measure.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 62

Whereas there were over thirty-five million crimes committed last year in America, with one violent crime occurring every seventeen seconds;

Whereas victims of crime across America deserve respect and assistance not only from the criminal justice system, but from society as well;

Whereas there is a crucial need to provide crime victims with quality programs and services to help them recover from the devastating psychological, physical, emotional, and financial hardships resulting from their victimization;

Whereas there are ten thousand public and private agencies and organizations in the United States that are dedicated to improving the plight of crime victims;

Whereas the Nation's victims' rights movement and allied professions deserve recognition for their tireless efforts on behalf of victims of crime and to reduce senseless violence in America; and

Whereas it is essential for all Americans to join together and commit their individual and collective resources to victim assistance and violence reduction: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning April 25, 1993, is hereby designated as "National Crime Victims' Rights Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on Senate Joint Resolution 62, the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 22, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 7:04 p.m. on Wednesday, April 21, 1993, said to contain a message from the President whereby he transmits proposed legislation entitled, "Goals 2000: Educate America Act."

With great respect, I am
Sincerely yours,
DONALD K. ANDERSON,
Clerk, House of Representatives.

GOALS 2000: EDUCATE AMERICA ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 70)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Goals 2000: Educate America Act."

This legislation strives to support States, local communities, schools, business and industry, and labor in reinventing our education system so that all Americans can reach internationally competitive standards, and our Nation can reach the National Education Goals. Also transmitted is a section-by-section analysis.

Education is and always has been primarily a State responsibility. States have always been the "laboratories of democracy." This has been especially true in education over the past decades. The lessons we have learned from the collective work of States, local education agencies, and individual schools are incorporated in Goals 2000 and provide the basis for a new partnership between the Federal Government, States, parents, business, labor, schools, communities, and students. This new partnership is not one of mandates, but of cooperation and leadership.

The "Goals 2000: Educate America Act" is designed to promote a long-term direction for the improvement of education and lifelong learning and to provide a framework and resources to help States and others interested in education strengthen, accelerate, and sustain their own improvement efforts. Goals 2000 will:

—Set into law the six National Education Goals and establish a bipartisan National Education Goals Panel to report on progress toward achieving the goals;

—Develop voluntary academic standards and assessments that are meaningful, challenging, and appropriate for all students through the National Education Standards and Improvement Council;

—Identify the conditions of learning and teaching necessary to ensure that all students have the opportunity to meet high standards;

—Establish a National Skill Standards Board to promote the development and adoption of occupational standards to ensure that American workers are among the best trained in the world;

—Help States and local communities involve public officials, teachers, parents, students, and business leaders in designing and reforming schools; and

—Increase flexibility for States and school districts by waiving regulations and other requirements that might impede reforms.

Though voluntary, the pursuit of these goals must be the work of our Nation as a whole. Ten years ago this month, *A Nation At Risk* was released. Its warnings still ring true. It is time to act boldly. It is time to rekindle the dream that good schools offer.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 21, 1993.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. KOPETSKI) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
April 21, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House a member of my staff has been served with a subpoena issued by the General District Court of Fairfax County, Virginia.

After consultation with the General Counsel of the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

COMMUNICATION FROM THE HONORABLE CURT WELDON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CURT WELDON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 1993.

Hon. THOMAS FOLEY,
Capitol Building,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena in a civil suit issued by the Circuit Court, Pinellas County, Florida.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and procedures of the House.

Sincerely,

CURT WELDON,
Member of Congress.

EXPEDITED RESCISSIONS ACT OF 1993 RAISES CONCERNS ABOUT CONSTITUTIONALITY, FAIRNESS

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, I rise today before the House to express my concerns regarding H.R. 1578, the Expedited Rescissions Act of 1993.

Mr. Speaker, several questions of concern come to mind as I contemplate this piece of legislation.

First, I am concerned about H.R. 1578's intrusion upon the constitutional separation of the legislative and executive branches of Government.

Second, I am concerned about the constitutionality of such a measure as H.R. 1578. We are in fact, if we pass this bill, allowing a de facto partial veto, and the Constitution does not allow this to occur.

Third, I feel we should all look back at the words of the Framers of our Constitution, your Founding Fathers. I believe their thoughts are clear on this matter. They, too, did not believe a partial veto would be appropriate.

Mr. Speaker, I feel it is for the sake of public policy that the veto power remain as it is today. If we could be guaranteed of having a President with the intellectual and political savvy of Mr. Clinton for, let us say, ad infinitum, then I would support and vote for H.R. 1578, but we have no such assurances.

As President John Kennedy once said: "I am an idealist, without illusion." I am concerned that, in the future, we may have a President elected who may use this proposed piece of legislation to usurp the legislative prerogative of the Congress.

If we pass H.R. 1578, I foresee future Presidents using this newfound power for partisan intent, usurping the original intent of our Founding Fathers, and that would indeed be a tragedy.

□ 1510

THE 10TH ANNIVERSARY OF THE SOCIAL SECURITY REFORM ACT

The SPEAKER pro tempore (Mr. KOPETSKI). Under a previous order of the House, the gentleman from Texas [Mr. PICKLE] is recognized for 5 minutes.

Mr. PICKLE. Mr. Speaker, last Tuesday, April 20, marked the 10th anniversary of the date that President Reagan signed the Social Security Reform Act in 1983. That was an important date in American history, and the Honorable ANDY JACOBS and I wanted to observe it. At that time, in 1983, I served as chairman of the Social Security Subcommittee. Today the gentleman from Indiana [Mr. JACOBS], a valuable member of that subcommittee in 1983, serves as the chairman. Together we invited the Members and staff who worked so hard to bring that act into effect back to the House for a luncheon to just observe the occasion. We had a pleasant and informative session, and I think it was important to realize that over 21 people, either Members or staff, who had worked on that bill, came back just to celebrate and to observe the occasion. Members and staff came from all across the country for this occasion, including, Mr. Shannon, Senator FOWLER, Mr. MATSUI, Mr. Anthony, Mr. GRADISON, and Mr. CRANE. The Honorable RICHARD GEPHARDT, the majority leader, sent his best wishes, but was detained by the press of legislative business. We also were joined in spirit by two invaluable contributors to the success of the legislation, Mr. ARCHER and Mr. Conable. For those of us who worked so hard on this historic legislation it was a joyous and nostalgic reunion.

Mr. Speaker, I made a few remarks at that occasion. I want to repeat some of it today just so that we can remember. Let me start by saying to my colleagues: "What a difference a decade makes in Social Security, and indeed what a difference this past decade has made."

Mr. Speaker, 10 short years ago the long-range forecast for the old age and survivors insurance trust fund projected insolvency in about 6 weeks. In 1983, Mr. Speaker, we were on the edge of the precipice. In 1980 the OASDI funds decreased by $1 billion, in 1981 by $5 billion, in 1982 by $8 billion, and who can forget that $12 billion loan from the HI trust funds in 1983? Some of my colleagues will remember the advance tax transfers, the proverbial advance on the allowance from the IRS. The headlines were full of scare stories spreading doom and gloom. Everybody knew we were about to touch the third rail of politics, and darn near everybody in Congress was afraid that we would do it.

Today assets are projected to be sufficient for over 40 years, well into the next century. Last year the funds ran a $50 billion surplus, and assets on hand now exceed 12 months of benefits. The program is viewed to be so solvent that major battles are fought by those who want even bigger benefits in areas such as the earnings test and the notch. The trust funds are now so large that, instead of being attacked for putting benefits at risk, we are charged with financing the rest of the Federal Government with excessive surpluses.

Well, when we met 10 years ago, Mr. Speaker, the risk to the beneficiaries was that the trust fund would run out and their benefits would go unpaid. The only risk they face today is that the SSA administrative budget will run short and there will not be anybody at the agency to pay them their benefits. Given that administrative costs are about 1 percent of total trust fund expenditures, I would say that the problem is now manageable. Let me put it another way. I do not think I would swap the problems of today for those we faced in 1983.

As I said, what a difference a decade makes. And everybody involved should take genuine satisfaction in knowing that their labor, their dedication, their political courage, and their willingness to do the right thing for our country's future has made this program's success possible. Ten years ago we made some tough, hard choices. We reduced spending for current benefits, we increased taxes, and we raised the retirement age for future retirees. Not everyone celebrated our work, they just sighed in relief that the crisis was averted. But today, we see the advantage of our labor. And so today, I salute my colleagues whose labor should not go unrecognized in its time. Today we can celebrate. What a difference a decade makes.

WHY AM I HERE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, during the 1992 elections, I understood the American voters to say that they were demanding a more responsive and responsible government, an administration and a Congress that would reduce our deficit, cut wasteful spending, support term limits, balance our budget, and stimulate our economy to provide jobs in the private sector.

Are we doing any of these things?

No.

This body and this administration are adding to our deficit. They are actually promoting the idea that an increase in deficit spending will actually stimulate our economy.

We are being buried in suggested tax increases—new taxes on energy, new income taxes, a value-added tax, taxes on Social Security, and no one is hazarding a guess on how many new taxes will be requested to fund the highly publicized health care plan.

Has the President forgotten all those campaign promises he made?

I'm sure the American people remember. No tax increases for the middle class, cut the deficit in 4 years. I believe there is a serious credibility problem in this administration.

Mr. Speaker, this House and this administration need a conscience and a big dose of historical perspective. Massive tax increases lead to recession and job loss.

Just ask President Bush—he learned the hard way. We cannot tax men and women into prosperity. It simply doesn't work.

Let me tell you, Mr. Speaker, about the people of my district and what they are expecting from us. The people in my district are homeowners. Many young couples are buying their first home and starting families.

They work hard to pay their mortgages. They want good schools for their kids. They are upwardly mobile and they are planning their future.

I have 23,000 senior citizens in my district. I have small business owners and high-technology employees who are losing their jobs.

The bottom line is that in my district, like in districts across this great country of ours, people's lives will only be as good or bad as our economy permits.

Mr. Speaker, there is an established order in this body that seems to care very little—if at all—about the personal plights of the men and women we were elected to represent.

In the few short months that I have been here I have learned that this beltway is the land of the easy promise. It's the place where special interests prevail, where truth is tempered by political expediency, where honesty and values take a back seat to business-as-usual politics.

Mr. Speaker, every member of this body should ask himself or herself, "Why am I here?"

We're not here to manipulate lives, raise taxes, waste the public money. We're not here to roll over on promises or pledges.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVEL OF SPENDING AND REVENUES FOR FISCAL YEARS 1993–97

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. SABO] is recognized for 5 minutes.

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and as chairman of the Committee on the Budget, pursuant to the procedures of the Committee on the Budget and section 311 of the Congressional Budget Act of 1974, as amended, I am submitting for printing in the CONGRESSIONAL RECORD the official letter to the Speaker advising him of the current level of revenues for fiscal years 1993 through 1997 and spending for fiscal year 1993. Spending levels for fiscal years 1994 through 1997 are not included because annual appropriations acts for those years have not been enacted.

This is the third report of the 103d Congress for fiscal year 1993. This report is based on the aggregate levels and committee allocations for fiscal years 1993 through 1997 as contained in House Report 102–529, the conference report to accompany House Concurrent Resolution 287.

The term "current level" refers to the estimated amount of budget authority, outlays, entitlement authority, and revenues that are available—or will be used—for the full fiscal year in question based only on enacted law.

As chairman of the Budget Committee, I intend to keep the House informed regularly on the status of the current level.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, April 21, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, as amended, I am herewith transmitting the status report on the current level of revenues for fiscal years 1993 through 1997 and spending estimates for fiscal year 1993, under H. Con. Res. 297, the Concurrent Resolution on the Budget for Fiscal Year 1993. Spending levels for fiscal years 1994 through 1997 are not included because annual appropriations acts for those years have not been enacted.

The enclosed tables also compare enacted legislation to each committee's 602(a) allocation of discretionary new budget authority and new entitlement authority. The 602(a) allocations to House Committees made pursuant to H. Con. Res. 287 were printed in the statement of managers accompanying the conference report on the resolution (H. Report 102–529).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1993 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 287

REFLECTING COMPLETED ACTION AS OF APR. 20, 1993

[On-budget amounts, in millions of dollars]

	Fiscal year 1993	Fiscal years 1993–97
Appropriate level:		
Budget authority	1,246,400	6,669,200
Outlays	1,238,700	6,472,700
Revenues	845,300	4,812,900
Current level:		
Budget authority	1,247,892	NA
Outlays	1,241,794	NA
Revenues	849,333	4,807,168
Current level over (+) under (−) appropriate level:		
Budget authority	+1,492	NA
Outlays	+3,094	NA
Revenues	+4,033	−5,732

Note.—NA—Not applicable because annual appropriations acts for those years have not been enacted.

BUDGET AUTHORITY

Any measure that provides new budget or entitlement authority for fiscal year 1993 that is not included in the current level estimate for that year, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in H. Con. Res. 287 to be exceeded.

OUTLAYS

Any measure that 1) provides new budget or entitlement authority that is not included in the current level estimate for fiscal year 1993, and 2) increases outlays for fiscal year 1993, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in H. Con. Res. 287 to be exceeded.

REVENUES

Any measure that would result in a revenue loss that is not included in the current level revenue estimate and exceeds $4,033 million for fiscal year 1993, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in H. Con. Res. 287. Any measure that would result in a revenue loss that is not included in the current level revenue estimate for fiscal years 1993 through 1997, if adopted and enacted, would cause revenues to be less than the appropriate level for those years as set forth in H. Con. Res. 287.

DIRECT SPENDING LEGISLATION

[Fiscal Years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House committee:						
Agriculture:						
Appropriate level	0	0	0	13,656	12,806	15,190
Current level	1	1	0	3	3	0
Difference	1	1	0	−13,653	−12,803	−15,190
Armed Services:						
Appropriate level	0	0	0	0	0	0
Current level	26	−41	26	313	−330	311
Difference	26	−41	26	313	−330	311
Banking, Finance and Urban Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	−60	−60	0	−118	−118	0
Difference	−60	−60	0	−118	−118	0
District of Columbia:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Appropriate level	0	0	1,472	0	0	21,564
Current level	−128	−148	1,347	−132	−177	21,384
Difference	−128	−148	−125	−132	−177	−180
Energy and Commerce:						
Appropriate level	35	35	0	187	187	0
Current level	−166	−166	−25	−601	−601	−51
Difference	−201	−201	−25	−788	−788	−51
Foreign Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Government Operations:						
Appropriate level	0	0	0	0	0	0
Current level	−8	37	−8	−20	−20	−20
Difference	−8	37	−8	−20	−20	−20
House Administration:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Interior and Insular Affairs:						
Appropriate level	0	0	0	0	0	0
Current level	−38	−38	0	2	2	0
Difference	−38	−38	0	2	2	0

DIRECT SPENDING LEGISLATION—Continued

[Fiscal Years, in million of dollars]

	1993			1993–97		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Judiciary:						
Appropriate level	251	251	251	251	139	251
Current level	210	210	260	244	244	300
Difference	−41	−41	9	−7	105	49
Merchant Marine and Fisheries:						
Appropriate level	0	0	0	0	0	0
Current level	4	4	0	−366	−366	0
Difference	4	4	0	−366	−366	0
Post Office and Civil Service:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Public Works and Transportation:						
Appropriate level	2,000	22	0	10,596	22	0
Current level	2,050	28	0	2,050	−44	0
Difference	50	6	0	−8,546	−66	0
Science, Space, and Technology:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans Affairs' Transportation:						
Appropriate level	0	0	339	0	0	6,566
Current level	170	170	341	−76	−76	2,239
Difference	170	170	2	−76	−76	−4,327
Ways and Means Technology:						
Appropriate level	0	0	0	352	352	1,213
Current level	3,590	3,590	3,475	5,719	5,719	5,564
Difference	3,590	3,590	3,475	5,367	5,367	4,351
Permanent Select Committee on Intelligence:						
Appropriate level	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0

DISCRETIONARY APPROPRIATIONS, FISCAL YEAR 1993

[In millions of dollars]

	Revised 602(b) subdivisions		Current level		Difference	
	Budget Authority	Outlays	Budget Authority	Outlays	Budget Authority	Outlays
Agriculture, rural development	13,874	13,420	13,873	13,420	−1	0
Commerce, State, judiciary	22,852	21,923	22,477	21,923	−375	0
Defense	255,560	266,963	253,618	264,699	−1,942	−2,264
District of Columbia	688	698	688	698	0	0
Energy and water development	22,080	21,409	22,080	21,409	0	0
Foreign operations	14,701	13,301	14,071	13,300	−630	−1
Interior	13,230	12,666	12,505	12,617	−725	−49
Labor, Health and Human Services, and Education	62,161	62,428	62,144	62,380	−17	−48
Legislative	2,328	2,297	2,275	2,274	−53	−23
Military construction	8,389	9,370	8,389	9,365	0	−5
Transportation	12,815	33,555	12,626	33,555	−189	0
Treasury-postal service	11,278	12,003	11,283	12,003	5	0
VA-HUD-independent agencies	66,172	65,307	66,042	65,303	−130	−4
Grand total	506,128	535,340	502,071	532,946	−4,057	−2,394

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 21, 1993.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1993 in comparison with the appropriate levels for those items contained in the 1993 Concurrent Resolution on the Budget (H. Con. Res. 287). This report is tabulated as of close of business April 20, 1993. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 287)	Current level +/− resolution
Budget authority	1,247,892	1,246,400	+1,492
Outlays	1,241,794	1,238,700	+3,094
Revenues:			
1993	849,333	845,300	+4,033

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 287)	Current level +/− resolution
1993–97	4,807,168	4,812,900	−5,732

Since my last report, dated March 3, 1993, there have been no changes that affect the current level of budget authority, outlays or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT 103D CONG. 1ST SESS, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1993 AS OF CLOSE OF BUSINESS APR. 20, 1993

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			849,333
Permanents and other spending legislation	764,101	737,205	
Appropriation legislation	732,061	743,943	
Offsetting receipts	(240,524)	(240,524)	
Total previously enacted	1,255,638	1,240,625	849,333
ENACTED THIS SESSION			
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted[1]	(7,746)	1,170	
Total current level[2]	1,247,892	1,241,794	849,333
Total budget resolution	1,246,400	1,238,700	845,300
Amount over budget resolution	1,492	3,094	4,033

[1] Includes changes to the baseline estimate for appropriated mandatories due to the following legislation: Technical correction to the Food Stamp Act (Public Law 102–265); higher education amendments (Public Law 102–325); prevent annual food stamp price adjustment (Public Law 102–351); Veterans' Compensation COLA Act (Public Law 102–568); veterans' radiation exposure amendments (Public Law 102–578); and Veterans' Health Care Act (Public Law 102–585).

[2] In accordance with the Budget Enforcement Act, the total does not include the following emergency funding:

Notes.—Amounts in parenthesis are negative. Numbers may not add due to rounding.

[In millions of dollars]

	Budget authority	Outlays
Public Law:		
102–229		712
102–266		33
102–302		380
102–368	959	5,873
102–381	218	13
103–6	3,322	3,322
Total	4,500	10,333

□ 1520

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 916

Mr. CLYBURN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 916.

The SPEAKER pro tempore (Mr. KOPETSKI). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MANY CONSTITUENTS DISAPPOINTED BY ECONOMIC STIMULUS PACKAGE FAILURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana [Mr. FIELDS] is recognized for 5 minutes.

Mr. FIELDS of Louisiana. Mr. Speaker, I am deeply disappointed by the failure of the economic stimulus package. My district, as well as districts across the country, had the chance to gain some worthwhile and necessary funding.

This weekend, it is going to be difficult to return to the Fourth Congressional District of Louisiana, which suffers from high unemployment and poverty, and say: I'm sorry, there will be no immediate job opportunities for those of you who are unemployed; I'm sorry, young people, there is no $13 million for new summer jobs; I'm sorry parents of preschoolers, there is no $11 million to allow the Head Start Program to expand this summer; I'm sorry that all of you must continue to drive on substandard roads because there is no $45 million for highway improvement projects. I'm sorry for Americans who thought gridlock was over and who had a ray of hope that this Congress would get this country moving again.

But I still have hope, because another stimulus plan will be introduced soon. And next time around, 10 million Americans, perhaps even more, will still be unemployed and consequently, the financial situation of individuals and the communities in which they live will continue to go downhill. Maybe then the eyes of the opponents will open and they will vote to open the windows of opportunity for their fellow Americans.

FUNDING ABORTIONS? NOT A MANDATE FROM THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. BARTLETT] is recognized for 5 minutes.

Mr. BARTLETT of Maryland. Mr. Speaker, for many years, the battle over abortion has torn our country apart. As I watch the new administration take office, I see how pervasive and deceptive language can be. Consequently, what the American people really want and what the President is giving them does not match up.

Democrat Gov. Bob Casey of Pennsylvania cites a poll in which 78 percent of the American people would outlaw 93 percent of all abortions. Even the President said that "very few Americans believe that all abortions all the time are all right * * * almost all Americans believe abortions should be illegal * * * when the children can live outside the mother's womb."

Then the President advocates the Freedom of Choice Act, emphasizing his belief in a woman's right to choose. Of course, he does not say that this act virtually gives a woman the right to terminate her pregnancy at any time. Even worse, the President now advocates Federal funding of these abortions.

Perhaps this explains why so many people who voted for a woman's right to choose are now feeling so alienated; they are finding out that what they really voted for was the Government's right to use their money to pay for the termination of a human life at any point in the pregnancy and for any reason.

Abortions occur at a rate of 1.6 million annually. Repealing the Hyde amendment would mandate all States to participate in providing this incredulously high number of abortions, on demand, using Federal tax dollars to contribute to the effort. This is nothing but manipulation and fraud against the American people

Mr. Speaker, in poll after poll across this country, when we ask the American people, do they approve of abortions for sex selection, somewhat more than 90 percent say, no, they do not. When we ask the American people, do they approve of abortions for birth control, 70-odd percent of Americans say, no, they do not. What this leaves is abortions for the protection of the life of the mother and for rape and incest.

The vast majority of the American people have spoken. They do not support abortions for sex selection. They do not support abortions for birth control. This is the background for the statement that 78 percent of the American people would outlaw 93 percent of all abortions.

I submit, Mr. Speaker, that with this kind of an attitude on the part of the American people, they are not supportive of using Federal money for abortions. If this is a matter of conscience for women, it certainly should free the vast majority of the American people from having a problem with their consciences in using their tax dollars to pay for these abortions.

I urge, Mr. Speaker, that all the Members of this House and all Americans stoutly support the Hyde amendment, which has been in effect for a number of years and which will bring to this scene an element of fairness that most Americans agree with. I ask the Members to support strongly this Hyde amendment. It is what most Americans vote for in the polls that are properly conducted.

NATIONAL MARINE FISHERIES SERVICE ALLOCATION PLAN FOR NORTHWEST FISHERIES

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). Under a previous order of the House, the gentleman from Oregon [Mr. KOPETSKI] is recognized for 5 minutes.

Mr. KOPETSKI. Mr. Speaker, I rise today to bring to the attention of the House a situation that is causing many of us in the Pacific Northwest great concern.

On April 15 the U.S. Department of Commerce abandoned its own previously published proposed rule and a previous decision of the Pacific Fisheries Management Council relating to an allocation of Pacific whiting, a fish species that many fishermen and coastal communities in Oregon, Washington, and California depend on as part of their total fishing income. This decision by the administration is flawed both in process and in outcome.

Let me first talk about the process.

On November 15, after considering volumes of documentation and after days of public debate and testimony over a course of more than 1 year, the Pacific Fisheries Management Council adopted an allocation for Pacific whiting by a 9–2 vote.

This allocation plan was forwarded by the National Marine Fisheries Service [NMFS] regional director to NMFS in Washington.

On March 18, the National Oceanic and Atmospheric Administration [NOAA] published a proposed rule in the Federal Register. While this proposed rule was not the councils plan, it kept the majority of its provisions and I expressed my support for the proposed rule because, though it was a compromise, it still recognized the importance of the shore-side fishermen and processors. In the letter I emphasized the critical need for this proposed rule to be implemented on a long-term basis to eliminate this yearly fight.

As part of the proposed rule's preparation, NMFS did a cost-benefit analysis to justify their analysis and changes to the allocation.

When the whiting season began at 12:01 a.m., April 15, Commerce had not yet announced their final rule. The result: Factory trawlers that had been preparing for several weeks at great cost to themselves, began a fishing free-for-all, an olympic fishery.

Finally, after the fishery had been in effect for 14 hours, Commerce announced their final rule. This rule has no basis in their proposed rule and in fact goes against Commerce's own economic analysis and justification. This rule devastates the coastal fishery and establishes clear preference for a industry that is both new to the fishery, environmentally destructive, and lacking in its input to local communities.

This decision, though technically within the legal confines of the Magnuson Act, clearly violates the intent of the act to have the council's allocate. I am disappointed the administration has chosen to pursue such a blatantly political solution to such a complex and technical natural resource issue.

Politicizing natural resource issues has unpleasant ways of turning into larger, intransigent problems. There are many examples, both here in the Pacific Northwest and elsewhere, to illustrate that heavy-handed politics and natural resources issues do not mix. Additionally, although political fixes seem tidy, they are not, and this decision has the potential to damage many good relationships.

This is particularly disappointing because the President was so recently in the Pacific Northwest promising a fair, prompt, and science-based solution to our old growth timber issue.

The outcome:

The final rule, published on April 20 in the Federal Register, initially allocates 112,000 metric tons of whiting to all vessels regardless of where they deliver their catch, and reserves the remaining 30,000 metric tons for the shore-side processors.

Our Commerce Department defends this action by stating that the final rule is fair and equitable to all parties fishing for whiting, and that is a bunch of "hogwash."

Commerce changed the allocation assuming that under the final rule the two fishing groups would get approximately the same percentage of the total harvest as they did under last year's allocation.

The flaw: The shore-side fisherman will never get a chance at the first portion of the allocation because the fish migrate from south to north and will not be off the coast of Oregon until June. The factory trawlers are already fishing and have no limits until they reach 112,000 metric tons. In reality, the factory trawlers will get nearly 80% of the total allowable harvest for this year. What is fair an equitable about that?

The coastal communities of Oregon, Washington, and northern California stand to lose $100 million in revenues, while the greedy factory trawlers will profit without contributing to local economies. The extra 40,000 tons the off-shore processors can be used to a much better economic advantage by the on-shore folks. To wit, the 40,000 tons of fish means 6 days of work for the factory trawlers while it represents 8 weeks of work for the on-shore fisherman.

The council's plan was designed to end these allocation fights and the proposed rule should do the same. By being abundance driven and long term, the volume of the resource determines how much each user group receives, not politics.

The council's allocation plan was part of an overall complex of fishing allocations, including salmon. The proposed rule narrowly preserved this complex but the implications for all fishing plans including salmon and other groundfish species because of by-catch problems with the final rule are potentially devastating.

The council's plan was developed in accordance with national goals to minimize overfishing and is designed to reduce fishing pressure wherever possible. The final rule could result in a skyrocketing of the incidental catch of salmon and rockfish as it did last year. This could further jeopardize the salmon season which is already facing severe cutbacks.

In the Pacific Northwest, factory trawlers are set up to handle one species of fish, whiting. That means their by-catch is discarded and not utilized by anyone. By contrast, the shoreside fishermen typically fish for many fisheries and although they also have by-catch, they utilize these fish instead of discarding them. Importantly, in all cases, shoreside fishermen have a much lower by-catch rate than off-shore processors.

Mr. Speaker, I include here for the RECORD an editorial from my home town paper, the Salem Statesman Journal, that closely expresses my feelings on this issue.

□ 1530

THE KILLING OF THE PRESIDENT'S JOBS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, I simply want to take this occasion to comment on the killing of the President's jobs bill by the other body, the Senate, yesterday. I want to take particularly exception to a number of assertions being made by those who are defending the action of the minority in that body.

Mr. Speaker, I do not think people understand what has happened generally in the public on this issue, but the fact is that what happened yesterday is that a political minority, in essence, prevented the President of the United States from even having his budget jobs package voted on.

Under the rules of the the body, and I cannot keep using the word "Senate" because I violate the rules of the House, but for those who are trying to understand what I am saying, under the rules of the other body in order to bring a matter to a vote, unless you have unanimous consent you have to have 60 percent of the vote. It is the only parliamentary body I know of where 51 percent does not win. So what you had was a determination on the part of a minority not to allow that bill to come to a vote.

I think that the country needs to understand that any Member of the House or the Senate has a right to vote on his or her conscience, but they do not have a right to obstruct the ability of the institution to actually reach a conclusion, and that is what happened yesterday in the other body.

I also want to take note of the fact that I noticed on network television last night that the minority leadership in the Senate had indicated that while they were for some of these programs, what they really wanted was to see them paid for. My question is: How many times?

The fact is that every single dollar in the President's jobs bill has already been paid for. It was paid for last year when I cut $1 billion out of President Bush's foreign aid bill and when the House as a whole and the Congress as a whole declined to spend a good many billions of dollars in the military budget.

What President Clinton simply tried to do with his jobs bill was to take money which was supposed to be spent in the military budget and foreign aid and move it to attack our own economic problems here at home. So those budget items for highways, those budget items for immunizations, those budget items for rural sewer and water, were all paid for previously.

I do not know how many times we have to pay for them in order to meet the standards of anyone who voted against the package yesterday, but I hope that the American public is not fooled when they hear this sanctimonious cry that this package ought to be paid for. It already was paid for.

I would suggest that that vote to prevent that package from coming to a vote yesterday, a vote to withhold might have looked good at the time, but it is not going to look so good in September and in October if this economy is still clunking along with 7 percent unemployment.

The fact is we needed that highway bill in order to accelerate highway construction this year. We needed that rural sewer and water component of that bill in order to put people to work in construction projects this year. We needed that summer youth jobs program in order to get kids off the street and into the workplace this year.

In my judgment it is a shame that the needs of power politics got in the way of actually allowing the Senate to actually have a vote on that package.

I am thankful that the rules of this House do not allow a minority to engage in similar obstructive tactics. I think it is parliamentarily ludicrous for any body to continue to function under rules which allow a minority to prevent a majority from even coming to a vote on a matter that is crucial to the economic future of this country.

Time after time, when Tip O'Neill was the Speaker of this House, he took the well and said, "I may disagree with President Reagan, but, by God, he has got a right to have a vote." And President Reagan did get votes on his budget, often on those occasions when even Members of his own party did not want to have votes on those budgets.

But the fact is that President Clinton has a right to have the U.S. Senate vote on his package, and that is what he was denied yesterday, and I think it is a national disgrace.

Mr. Speaker, I yield to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I totally agree with the comment that the gentleman is making. I want to remind Members of the House and members of the public that over the last 12 years the other side got votes in this body on every one of their proposals. In fact, I remember 3 years ago offering myself President Bush's economic budget to the Congress to be voted on on the floor of the House of Representatives, because we believe that a President, whether a Democrat or Republican, at least deserves the chance to have the Congress pass, and in this case on the most important proposal that he will make to the Congress this year: his economic plan.

What is frustrating to me, and I know the gentleman from Wisconsin [Mr. OBEY], is that in this case we have been blocked from even having it considered. So the people in St. Louis, Wisconsin, Oregon, or wherever, are not going to know whether or not there was support in the Congress for the highway project that is important in their area, for the bridge that is important in their area, for the Head Start Program that is important for future jobs, for sewer grants, construction grants for waste water and water treatment plants which are needed all over the country.

We do not even have a vote. We do not know if there is support in the Congress for these things because we have been denied the basic fairness of having it passed on by the Congress.

☐ 1540

So today we pass the symbol of recession, which is unemployment compensation. I can assure the gentleman that nobody in my district who is unemployed even wants unemployment compensation. They do not want welfare. They do not want to be unemployed. They want a job.

The only way we are going to provide jobs in this society is if we make, as the President said, necessary investments in the economic infrastructure of this country. The Japanese will spend $112 billion over the next 3 years on infrastructure: on roads, on bridges, on mass transit.

Here we sit, and we cannot even get a vote in the United States on whether or not we will spend a puny $4 billion on infrastructure over the next 12 years.

I said a few hours ago, and I will say it again, I intend to do everything I can to see that there is a vote in the near future in the Congress on this economic program. I think the President deserves it. Much more importantly, the American people deserve it.

I am going to do everything I can to urge the President, to urge the Congress to go back into session and to take up these matters in some form, and I do not know what the form is, I do not know how it is structured, and I do not know how it is paid for or whether it is paid for through the way we had it structured in the past bill or not, but I think the President and the American people deserve a vote on this program, which is the most important thing before this Congress and before this country right now.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. OBEY. I thank the distinguished majority leader for his comments, and I simply want to get some numbers into the RECORD, because I think that the assertion that the President's jobs package was not paid for is ludicrous. It is totally without foundation.

The fact is that the budget summit agreement in 1990 established the limits under which we have been operating for the last 2 years. Under that budget agreement, the Congress was expected to spend $14 billion more in outlays in this fiscal year than it has so far appropriated. In budget authority it was expected to spend $16 billion more so far than it has appropriated.

The outlay number in the President's jobs bill over in the Senate yesterday was about $5 billion for the remainder of this fiscal year, so even if we pass the entire original package Congress could still have cut outlay spending by $11 billion below the amount it was expected to spend.

We did that largely by reducing our military budget and by reducing foreign aid, mostly military foreign aid. It just seems to me, therefore, that to claim that the President is producing a package which is adding to the deficit is ludicrous, because it clearly is not.

I would also make the point that by passing only the unemployment compensation bill today and saying no to highways, saying no to rural sewer and water, saying no to summer jobs, what we are doing is saying, "OK, we will give you an unemployment check, but we will not do a damned thing to create one new additional job in this country."

That is nuts. That is why people think politicians are crazy, and we ought not to sit here and allow that position to stand. I think people want more jobs in the health care area, I think they want more construction jobs, I think they want more rural sewer and water, I think they want to seek kids working rather than on the street in the summertime, and they want us to be working cooperatively rather than manipulating the rules in either body of the Congress in order to deny the President of the United States the opportunity to even have a vote on one of the major pieces of his economic package.

I would not want to go home and explain that I had denied the President the right to even have a vote on his package. I think it is outrageous.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman. I just want to add one final point to the one that he make. There is an old saying, "If you give a person a fish, they will eat it and they will be hungry the next day, but if you teach them how to fish they can eat for the rest of their lives by their own effort."

This unemployment compensation is not a welcome addition to the people that are unemployed. It is giving them dollars they have paid for, their employers have paid for through insurance, but it is dollars to look for work. They do not want to look for work, they want work. They want a job.

The President's program was designed to put people back to work. There are 9 million Americans who are out of work and looking for jobs. There are 6 million Americans who are working in part-time jobs who want to be in full-time jobs. Many of those people could have found work through the culmination of the program that the President had here, that has not been voted on by this Congress.

It is only fair and right that those 15 million people in this country deserve the right to have this program voted on in the Congress. I will work with the gentleman and other Members of this body to see that they get that vote in the very near future.

Mr. OBEY. I thank the gentleman. I would simply like to point out one additional point. If anyone opposes the President's jobs package, the proper thing for them to do is to vote against it and then go back to their States and explain why they voted against it, and to take the President on on substance.

However, they are hiding behind the skirts of an old-fashioned 19th century process in the other body which allows them to escape ever having to vote up or down on the substance. That to me is what is so dangerous. If they are opposed to it, take it on like a man and go back home and explain why you did it, but do not hide under the rules and prevent the President from even getting a vote on it. That to me is what is indefensible.

Even though I might disagree with their opposition to it, if they want to vote against it, fine. But to put a wall between the President and his ability to get anything done is what the country voted against in the last election. They wanted somebody in charge; they wanted somebody who would change things; they wanted somebody to give us a new direction. They wanted somebody who could put an intelligent program before the Congress and get it voted on, up or down. They have been denied that chance.

It is not just the President who has been denied that chance, it is the American people who have been denied an opportunity to see the different branches of Government working cooperatively together. That is the saddest of all.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GEJDENSON (at the request of Mr. GEPHARDT) for today on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CANADY) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes, on April 28.

Mr. DELAY, for 60 minutes, on April 27.

(The following Members (at the request of Mr. COPPERSMITH) to revise and extend their remarks and include extraneous material:)

Mr. FINGERHUT, for 5 minutes, today.
Mr. COYNE, for 5 minutes, today.
Mr. PICKLE, for 5 minutes, today.
Mr. SABO, for 5 minutes, today.
Mr. KOPETSKI, for 5 minutes, today.
Mr. HOAGLAND, for 5 minutes, today.
Mr. FIELDS, for 5 minutes, today.
Mr. LAFALCE, for 10 minutes, today.
Ms. WOOLSEY, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CANADY) and to include extraneous matter:)

Mr. ISTOOK.
Mr. OXLEY.
Mr. MOORHEAD.
Mr. BURTON OF INDIANA.
Mr. SOLOMON.
Ms. SNOWE.
Mr. GALLO.
Mr. CALVERT.
Mr. KOLBE.
Mr. GILMAN in two instances.
Mr. PORTER.
Ms. MOLINARI.
Mr. MYERS of Indiana.
Mr. GILLMOR in two instances.
Mr. BILIRAKIS.

(The following Members (at the request of Mr. COPPERSMITH) and to include extraneous matter:)

Mr. PENNY.
Mr. MANN.
Mr. NEAL of Massachusetts in three instances.
Mr. HOLDEN in two instances.
Mr. KANJORSKI.
Mr. LANCASTER.
Mr. BILBRAY.
Mr. BROWN of California.
Mr. MCCLOSKEY.
Mr. SARPALIUS.
Mr. SYNAR.
Ms. NORTON.
Mr. PAYNE of New Jersey.
Mr. BONIOR.
Mr. KREIDLER.
Mr. COSTELLO.
Mr. BREWSTER.
Mr. COYNE.
Mr. SWIFT.
Mr. STUDDS.
Mr. ANDREWS of Maine.
Mr. TORRES.
Mr. SCHUMER.
Mr. VISCLOSKY.
Mr. LAUGHLIN.
Mr. FINGERHUT.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 30. Joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week".

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 46 minutes p.m.) under its previous order, the House adjourned until Monday, April 26, 1993, at noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of 1992 and the first quarter of 1993, and amendments to the third and fourth quarter 1992 consolidated reports of expenditures of foreign currencies and U.S. dollars for official foreign travel authorized by the Speaker of the House of Representatives, pursuant to Public Law 95–384, as well as reports for 1992 and the first quarter of 1993 of expenditures for official foreign travel by various miscellaneous groups of the House of Representatives pursuant to Public Law 86–420 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1992

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Don Edwards	11/12	11/20	Commonwealth of Independent States		2,750.00						2,750.00
	11/20	11/24	Germany		1,206.00						1,206.00
Commercial transportation							2,534.01				2,534.01
Catherine LeRoy	11/12	11/20	Commonwealth of Independent States		2,750.00						2,750.00
	11/20	11/24	Germany		1,206.00						1,206.00
Commercial transportation							2,472.01				2,472.01
Committee total					7,912.00		5,006.02				12,918.02

---

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman, Mar. 30, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. C. Ballenger	3/19	3/20	El Salvador		93.38						93.38
	3/20	3/22	Nicaragua		[3] 100.00						100.00
Commercial transportation							902.45				902.45
Hon. D. Bereuter	1/13	1/17	France		904.00		89.00				993.00
Commercial transportation							3,247.35				3,247.35
P. Berkowitz	2/7	2/10	Thailand		639.00		250.00				889.00
	2/10	2/13	Cambodia		1,156.00						1,156.00
	2/14	2/15	Thailand								
Commercial transportation							3,446.45				3,446.45
(Moazed) K. Bertelsen	1/10	1/15	Taiwan		1,620.00						1,620.00
Commercial transportation							4,898.20				4,898.20
R., Bush	2/8	2/10	Thailand				250.00				250.00
	2/14	2/15	Thailand		639.00						639.00
	2/10	2/14	Cambodia		1,156.00						1,156.00
Commercial transportation							3,446.45				3,446.45
	3/19	3/21	Great Britain								
Commercial transportation							3,968.45				3,968.45
L., Byrne	1/13	1/18	France		1,130.00		89.00				1,219.00
Commercial transportation							3,247.00				3,247.00
G., Cannon	1/3	1/5	Germany		446.00						446.00
Commercial transportation							2,026.90				2,026.90
E., Daoust	1/13	1/17	France		[3] 904.00		188.00				1,092.00
Commercial transporttion							3,218.55				3,218.55
Balart, Diaz	1/13	1/18	France		1,130.00		99.00				1,229.00
Commercial transportation							3,218.55		137.18		3,355.73
M. Ennis			France		1,130.00		149.00				1,279.00
Commercial transportation							3,247.35				3,247.35
Hon. E. Faleomavaega			Belgium		792.00						792.00
			Estonia		255.00						255.00
			Russia		640.00						640.00
			Austria		430.00						430.00
			Portugal		638.00						638.00
Military transportation											
Hon. S. Gejdenson			Taiwan		1,620.00						1,620.00
Commercial transportation							2,634.10				2,634.10
Hon. B. Gilman			France		1,130.00		89.00				1,219.00
Commercial transportation							3,247.35				3,247.35
B. Hammond			Kenya		340.73						340.73
Military transportation											
R. King	1/8	1/10	Switzerland		454.00						454.00
	1/10	1/14	Russia		1,217.00						1,217.00
	1/14	1/18	France		897.00		137.00				1,034.00
Commercial transportation							426.00				426.00
Hon. T. Lantos	1/8	1/10	Switzerland		454.00						454.00
	1/10	1/14	Russia		1,217.00						1,217.00
	1/14	1/18	France		897.00		84.00				981.00
Commercial transportation							426.00				426.00
	2/24	2/28	Turkey		1,101.00						1,101.00
Commercial transportation							938.85				938.85
J. McCormick	2/6	2/10	Thailand		639.00		250.00				889.00
	2/10	2/14	Cambodia		[3] 996.00						996.00
	2/14	2/15	Thailand		213.00						213.00
Commercial transportation							3,446.45				3,446.45
Hon. T. Roth	1/13	1/18	France		1,130.00		109.00				1,239.00
Commercial Transportation							3,247.35				3,247.35
T. Sawyer	1/15	1/18	France		678.00						678.00
Commercial transportation							1,065.70				1,065.70
M. Sletzinger	1/14	1/16	Denmark		521.00						521.00
Commercial transportation							2,437.45				2,437.45
K. Wilkens	1/15	1/17	France		452.00		99.00		137.18		688.18
Commercial transportation							2,949.55				2,949.55
R. Wilson	2/6	2/9	Thailand		1,065.00						1,065.00
	2/14	2/15	Thailand								
	2/10	2/13	Cambodia		1,156.00						1,156.00
Commercial transportation							3,446.45				3,446.45
	2/24	3/1	Korea		972.00						972.00
	3/1	3/2	Hong Kong		258.00						258.00
Commercial transportation							5,351.45				5,351.45
P. Yeo	1/10	1/15	Taiwan		1,620.00						1,620.00
Commercial transportation							3,235.00				3,235.00
Total, 1st quarter											102,705.87

---

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Represents refunds of unused per diem.

LEE H. HAMILTON, Chairman, Apr. 19, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Anthony C. Beilenson	2/5	2/8	Belgium		792.00		(3)				792.000
	2/8	2/9	Estonia		255.00		(3)				255.00
	2/9	2/11	Russia		640.00		(3)				640.00
	2/11	2/13	Austria		430.00		(3)				430.00
	2/13	2/15	Portugal		638.00		(3)				638.00
Committee total					2,755.00						2,755.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation.

JOE MOAKLEY, Chairman, Apr. 16, 1993

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1993

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert A. Hand		1/6	United States				1,792.70				1,792.70
	1/7	1/8	Austria		173.00						173.00
	1/8	3/6	Yugoslavia		1,875.00						1,875.00
	3/6	3/8	Austria		251.81						251.81
Heather F. Hurlburt		1/16	United States				1,378.00				1,378.00
	1/17	1/31	Austria		2,131.35						2,131.35
	2/1	2/5	Czech Republic		920.00						920.00
	2/5	3/15	Austria		5,399.42						5,399.42
	3/15	3/18	Czech Republic		690.00						690.00
	3/18	3/25	Austria		994.63						994.63
Samuel G. Wise		1/14	United States				1,333.95				1,333.95
	1/15	1/16	Denmark		295.00						295.00
Committee total					12,730.21		4,504.65				17,234.86

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STENY HOYER, Apr. 15, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN, THAILAND, CHINA, AND HONG KONG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 24 AND SEPT. 7, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Angela Milazzo	8/24	8/26	Japan		484.00		(3)				484.00
	8/26	9/4	China		1752.00		(3)				1752.00
	9/5	9/6	Thailand		213.00		(3)				213.00
	9/6	9/7	Hong Kong		516.00		(3)				516.00
Pamela Wehner	8/24	8/26	Japan		484.00		(3)				484.00
	8/26	9/4	China		1752.00		(3)				1752.00
	9/5	9/6	Thailand		213.00		(3)				213.00
	9/6	9/7	Hong Kong		516.00		(3)				516.00
Committee total					5,930.00						5,930.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military transportation.

ANGELA MILAZZO, Mar. 22, 1993

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, RICHARD JOHNSON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 12 AND NOV. 18, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Richard Johnson	11/12	11/13	Hungary		215.00						215.00
	11/13	11/14	Macedonia		139.00						139.00
	11/14	11/15	Greece		194.00						194.00
	11/15	11/17	Croatia		278.00						278.00
	11/17	11/18	Germany		268.00						268.00
Committee total					1,094.00						1,094.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

RICHARD JOHNSON, Mar. 10, 1993.

AMENDED REPORT FOR 1991 AND REPORT OF 1992 EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, UNITED STATES/EUROPEAN PARLIAMENT EXCHANGE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 11, 1991, AND DEC. 31, 1992

Name of Member or employee	Dat		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Gary L. Ackerman	6/26	6/29	United States		525.00		(3)				525.00
Sam Gibbons, cochairman	6/26	6/29	United States		525.00		(3)				525.00
Ben A. Gilman, cochairman	6/26	6/28	United States		350.00		(3)				525.00
Tom Lantos, chairman	6/26	6/29	United States		525.00		(3)				525.00
Thomas C. Sawyer	6/26	6/29	United States		525.00		(3)				525.00
Esteban E. Torres	6/26	6/29	United States		525.00		(3)				525.00
Guy Vander Jagt	6/27	6/28	United States		175.00		(3)				175.00
Bruce Vento	6/26	6/29	United States		525.00		(3)				525.00
Kristine Willie Alvarez	6/25	6/29	United States		706.00		[3] [4] 59.00				765.00
Laura Byrne	6/25	6/29	United States		706.00		[3] [4] 59.00				765.00
Elizabeth Daoust	12/11	12/11	United States		.00		[4] 156.00				156.00
	3/30	3/30	United States		52.00		[4] 148.00				200.00
	6/02	6/03	United States		324.04		[4] 118.00				442.04
	6/26	6/29	United States		525.00		(3)				525.00
Elizabeth Davidson	6/25	6/29	United States		700.00		[3] [4] 59.00				759.00
Michael Ennis	6/26	6/29	United States		525.00		(3)				525.00
Katherine Wilkens	6/26	6/29	United States		525.00		(3)				525.00
Russell Wilson	6/26	6/29	United States		525.00		(3)				525.00
Peter Yeo	6/26	6/29	United States		525.00		(3)				525.00
Official delegation expenses:											
Interpreting assistance									5,126.92		5,126.92
Ground transportation									4,233.73		4,233.73
Official delegation functions and administrative expenses.									27,581.97		27,581.97
Committee total					8,788.04		599.00		36,942.62		46,329.66

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Department of Defense.
[4] Commercial transportation.

TOM LANTOS, Chairman, Mar. 12, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
E de la Garza, Chairman	4/30	5/3	United States		444.19		[3] [4] 275.00				719.19
Ronald D. Coleman	5/1	5/2	United States		141.00		[3] [4] 126.00				267.00
Tom DeLay	5/1	5/2	United States		142.00		(3)				142.00
David Dreier	5/1	5/3	United States		290.00		(3)				290.00
Benjamin Gilman	5/1	5/2	United States		140.00		(3)				140.00
Jim Kolbe	5/2	5/3	United States		140.00		[3] [4] 207.00				347.00
Charles Rangel	5/1	5/2	United States		164.94		[3] 275.00				439.94
Robin Tallon	5/1	5/3	United States		297.99		(3)				297.99
Gus Yatron, vice chairman	5/1	5/3	United States		298.00		(3)				298.00
Elizabeth Daoust	4/29	5/3	United States		588.07		[3] [4] 122.00				710.07
Xavier Equihua	5/1	5/3	United States		246.76		(3)				246.76
Ed Jurith	5/1	5/2	United States		122.35		(3)				122.35
Marshall Livingston	3/2	3/5	United States		593.60		[4] 328.00				921.60
	4/30	5/3	United States		450.52		[3] [4] 275.00				725.52
Shelly Livingston	3/4	3/7	United States		362.97		[4] 394.00				756.97
	4/29	5/3	United States		579.18		[3] [4] 122.00				701.18
Milagros Martinez	5/1	5/3	United States		234.00		(3)				234.00
Gerald Pitchford	5/1	5/3	United States		235.46		(3)				235.46
Frank Record	5/1	5/3	United States		255.50		(3)				255.50
Mark Tavlarides	5/1	5/3	United States		269.33		(3)				269.33
Delegation expenses:											
Official delegation functions, control room and inflight expenses.									22,345.70		
Department of State language services, equipment and other administrative charges.									7,461.04		
Supplies and other stationery charges									1,187.25		30,993.99
Committee total					5,995.86		2,124.00		30,993.99		39,113.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Department of Defense.
[4] Commercial transportation.

RON de LUGO, Mar. 26, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRITISH-AMERICAN PARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1992

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Lee Hamilton, chairman	12/3	12/6	United States		183.00		(3)				183.00
Eni Faleomavaega	12/4	12/6	United States		122.50		[3] [4] 2066.10				2188.60
Doug Bereuter	12/3	12/6	United States		228.00		(3)				228.00
Porter Goss	12/3	12/6	United States		228.00		(3)				228.00
Jim Kolbe	12/3	12/6	United States		183.50		[3] [4] 225.00				408.50
Peter Abbruzzese	12/3	12/6	United States		202.97		(3)				125.54
	10/22	10/23	United States		125.54						202.97
	4/23	4/24	United States				[4] 624.00				624.00
Dara Schlieker	12/3	12/6	United States		196.68		(3)				196.68

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRITISH-AMERICAN PARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1992—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation Expenses:											
Official delegation functions									6,728.84		
Control room and inflight expenses									1,388.04		
Ground transportation									3,426.79		
Administrative charges									120.97		11,664.64
Committee total					1470.19		2,915.10		11,664.64		16,049.93

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Department of Defense.

[4] Commercial transportation.

LEE H. HAMILTON, Chairman, Mar. 19, 1993.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 8 AND FEB. 12, 1993

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charlie Rose	2/8	2/10	France		568.00		3,105.55				
	2/10	2/12	Belgium		528.00						4,201.55
Hon. Ronald Coleman	2/8	2/10	France		568.00		3,105.55				
	2/10	2/12	Belgium		528.00						4,201.55
Peter Abbruzzese	2/8	2/9	France		294.00		[3] 2,988.55				
	2/9	2/10	Denmark		287.25		[4] 48.00				
	2/10	2/12	Belgium		528.00						4,088.10
Ronald W. Lasch	2/7	2/10	France		852.00		3,105.55				
	2/10	2/12	Belgium		528.00						4,485.55
Committee total					4,671.25		12,305.50				16,976.75

[1] Per diem constitutes lodging andmeals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Airfare.

[4] Ground transportation.

CHARLIE ROSE, Mar. 15, 1993.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1093. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the 79th annual report of the Board of Governors, pursuant to 12 U.S.C. 247; to the Committee on Banking, Finance and Urban Affairs.

1094. A letter from the Secretary of Housing and Urban Development, transmitting the annual report to Congress on HOME Program annual performance reports, pursuant to section 284 of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended; to the Committee on Banking, Finance and Urban Affairs.

1095. A letter from the Acting Administrator, Energy Information Administration, transmitting the Energy Information Administration's annual report for calendar year 1992, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

1096. A letter from the Secretary of Health and Human Services, transmitting the annual report for 1992 on compliance by States with personnel standards for radiologic technicians, pursuant to 42 U.S.C. 1006(d); to the Committee on Energy and Commerce.

1097. A letter from the Secretary of Agriculture, transmitting the Department's annual report on its hazardous waste management activities for calendar year 1992, pursuant to 41 U.S.C. 9620(e)(5); to the Committee on Energy and Commerce.

1098. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

1099. A communication from the President of the United States, transmitting developments since his last report of October 5, 1992, concerning the continued blocking of Panamanian Government assets, pursuant to 50 U.S.C. 1706(d) (H. Doc. No. 103–71); to the Committee on Foreign Affairs and ordered to be printed.

1100. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Appellate Procedure as adopted by the Court, pursuant to 28 U.S.C. 2072 (H. Doc. No. 103–72); to the Committee on the Judiciary and ordered to be printed.

1101. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Bankruptcy Procedure as adopted by the Court, pursuant to 28 U.S.C. 2075 (H. Doc. No. 103–73); to the Committee on the Judiciary and ordered to be printed.

1102. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Civil Procedure and Forms, pursuant to 28 U.S.C. 2072 (H. Doc. 103–74); to the Committee on the Judiciary and ordered to be printed.

1103. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Criminal Procedure as adopted by the Court, pursuant to 28 U.S.C. 2072 (H. Doc. 103–75); to the Committee on the Judiciary and ordered to be printed.

1104. A letter from the Chief Justice of the United States, transmitting amendments to the Federal Rules of Evidence as adopted by the Court, pursuant to 28 U.S.C. 2076 (H. Doc. 103–76); to the Committee on the Judiciary and ordered to be printed.

1105. A letter from the United States Trade Representative, transmitting the report to Congress on section 301 developments required by section 309(a)(3) of the Trade Act of 1974; to the Committee on Ways and Means.

1106. A letter from the Comptroller General, General Accounting Office, transmitting a detailed analysis of the Secretary's recommendations for base closures and realignments, pursuant to Public Law 101–510, section 2903(d)(5)(B) (104 Stat. 1812); jointly, to the Committees on Government Operations and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1189. A bill to entitle certain armored car crew members to lawfully carry a weapon in any State while protecting the security of valuable goods in interstate commerce in the service of an armored car company (Rept. 103–62). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 798. A bill to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992, with amendments (Rept. 103-63). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 1032. A bill to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs, with amendments (Rept. 103-64). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERMAN:

H.R. 1803. A bill to authorize contributions to United Nations peacekeeping activities; to the Committee on Foreign Affairs.

By Mr. KILDEE (for himself, Mr. Ford of Michigan, Mr. Sawyer, Mr. Owens, Mrs. Unsoeld, Mr. Roemer, Mr. Engel, Mr. Gene Green, Ms. Woolsey, Mr. Strickland, Mr. Payne of New Jersey, Mr. Romero-Barceló, Mr. Murphy, Mr. Martinez, Mr. Baesler, and Mr. Clyburn):

H.R. 1804. A bill to improve learning and teaching by providing a national framework for education reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes; to the Committee on Education and Labor.

By Mr. KILDEE:

H.R. 1805. A bill to amend title 18, United States Code, to provide a criminal penalty for dumping solid waste on certain Federal lands, to increase the fine for illegally cutting, developing, or transporting timber on Federal lands, and to establish programs to decrease the illegal dumping of solid waste on certain Federal lands; jointly, to the Committees on the Judiciary and Natural Resources.

By Mr. ANDREWS of Maine:

H.R. 1806. A bill to amend the Internal Revenue Code of 1986 to exempt transportation on certain ferries from the excise tax on transportation of passengers by water; to the Committee on Ways and Means.

By Mr. ANDREWS of Texas:

H.R. 1807. A bill to amend the Internal Revenue Code of 1986 to provide special rules for certain gratuitous transfers of employer securities for the benefit of employees; to the Committee on Ways and Means.

By Mr. TORRES:

H.R. 1808. A bill to amend the Solid Waste Disposal Act to provide management standards and recycling requirements for spent lead-acid batteries; to the Committee on Energy and Commerce.

H.R. 1809. A bill to amend the Solid Waste Disposal Act to require producers and importers of newsprint to recycle a certain percentage of newsprint each year, to require the Administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such newsprint, and for other purposes; to the Committee on Energy and Commerce.

H.R. 1810. A bill to amend the Solid Waste Disposal Act to require producers and importers of tires to recycle a certain percentage of scrap tires each year, to require the administrator of the Environmental Protection Agency to establish a recycling credit system for carrying out such recycling requirement, to establish a management and tracking system for such tires, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARRETT of Nebraska:

H.R. 1811. A bill to provide that requirements relating to transport of certain agricultural commodities and other items shall not apply to certain assistance provided to Russia; to the Committee on Merchant Marine and Fisheries.

H.R. 1812. A bill to amend the Food for Progress Act of 1985 to clarify the application of other laws to the agricultural commodities furnished under that act pursuant to the Vancouver Package; jointly, to the Committees on Ways and Means and Agriculture.

By Mr. BARTLETT of Maryland (for himself, Mr. DeLay, and Mr. Cox):

H.R. 1813. A bill to provide that rates of basic pay for Members of Congress be adjusted in a manner that reflects the degree of success of efforts to reduce the Federal deficit without raising taxes; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. BILIRAKIS (for himself, Mr. Rowland, Mr. Kildee, Mr. McDermott, Mr. LaFalce, Mr. Emerson, Mr. Romero-Barcelo, Mr. Smith of New Jersey, Mr. Walsh, Mr. Skeen, Ms. Byrne, Mr. Clyburn, Mr. Scott, Ms. Norton, Miss Collins of Michigan, Mrs. Clayton, Mr. Barrett of Wisconsin, Mr. Evans, Mr. Glickman, and Mr. Blackwell):

H.R. 1814. A bill to direct the Secretary of Health and Human Services to provide for demonstration projects under the Medicaid Program to improve access to obstetric services in underserved areas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BREWSTER (for himself, Mr. Young of Alaska, Mr. Orton, Mr. Hastert, Mr. Gillmor, Mr. Sarpalius, Mr. McHugh, Mr. Barcia, Mrs. Vucanovich, Mr. Oxley, Mr. LaRocco, Mr. Cunningham, Mr. Hunter, Mr. Peterson of Minnesota, Mr. Dingell, Mr. Emerson, Mr. Zimmer, Mr. Smith of Oregon, Mr. Pete Geren, Mr. Baker of Louisiana, Mr. Roth, Mr. Sundquist, Mr. Hansen, Mr. Bonilla, Mr. Boehlert, Mr. Tanner, Mr. Saxton, Mr. DeLay, Mr. Hobson, and Mr. McInnis):

H.R. 1815. A bill to protect individuals engaged in a lawful hunt on Federal lands, to establish an administrative civil penalty for persons who intentionally obstruct, impede, or interfere with the conduct of a lawful hunt, and for other purposes; jointly, to the Committees on Natural Resources, Merchant Marine and Fisheries, and Agriculture.

By Mr. BREWSTER (for himself and Mr. McCrery):

H.R. 1816. A bill to amend the Internal Revenue Code of 1986 to increase the percentage depletion deduction for oil and natural gas produced from stripper well properties, and for other purposes; to the Committee on Ways and Means.

By Mr. DELAY (for himself, Mr. Bartlett, Mr. Ewing, Mr. Greenwood, Mr. Hancock, Mr. Istook, and Mr. Stearns):

H.R. 1817. A bill to protect private individuals against reprisals for disclosing information regarding certain governmental actions; jointly, to the Committees on Government Operations, Post Office and Civil Service, and the Judiciary.

By Mr. MARKEY (for himself, Mr. Henry, Mr. Upton, Mr. Bonior, Mr. Beilenson, Mr. Brown of California, Mr. Dellums, Mr. Waxman, Mr. Miller of California, Mrs. Schroeder, Ms. DeLauro, Mr. Walsh, Mrs. Johnson of Connecticut, Mrs. Kennelly, Mr. Hoekstra, Ms. Pelosi, Mr. Yates, Mr. Frank of Massachusetts, Mr. Olver, Mr. Studds, Mr. Andrews of Maine, Mr. Conyers, Mr. Kildee, Mr. Stupak, Mr. Kennedy, Mrs. Morella, Mr. Pallone, Mr. McHale, Mr. Ackerman, Mr. Hinchey, Mr. Owens, Mr. Schumer, Mr. Stokes, Mr. Evans, Mr. Kopetski, Mr. Sanders, Mr. Romero-Barceló, Mr. de Lugo, Mr. Levin, Mr. Ford of Michigan, Mr. Nadler, Mr. Filner, Ms. Slaughter, Mr. Wyden, Ms. Eshoo, Ms. Furse, Mr. Kreidler, Ms. Schenk, Ms. Margolies-Mezvinsky, Mr. Leach, Mrs. Maloney, Mr. Gilchrest, Mr. Blackwell, Ms. Woolsey, Mr. Edwards of California, Mr. Berman, Mr. Stark, Mr. Lantos, Mr. Carr, Mr. DeFazio, Mr. Franks of New Jersey, Mr. McDermott, Mr. Shays, and Ms. Snowe):

H.R. 1818. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FINGERHUT:

H.R. 1819. A bill to promote research on, and development, acquisition, and use of, environmentally efficient materials in the construction, repair, and maintenance of Federal buildings; jointly, to the Committees on Science, Space, and Technology and Public Works and Transportation.

By Mr. HOCHBRUECKNER (for himself, Mr. Ackerman, Mr. Stupak, Mr. Torres, Mr. Gejdenson, Mr. Hughes, Mr. Lancaster, Mr. Neal of North Carolina, Mr. Frost, Mr. Evans, Mr. Bonior, Mr. Fish, Mr. Foglietta, Mr. Andrews of Maine, Mr. Blackwell, and Mr. Wise):

H.R. 1820. A bill to establish an Office of Recycling Research and Information in the Department of Commerce, to require research on the recycling of scrap automotive tires, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. HOCHBRUECKNER (for himself, Mr. Sabo, Mr. Torres, Mr. Beilenson, Mr. Ackerman, Mr. Shays, Ms. Slaughter, Mr. Hughes, Ms. Maloney, Ms. Norton, Mrs. Morella, Mr. Brown of California, Ms. Woolsey, Mr. Evans, Mr. Fish, and Mrs. Meyers of Kansas):

H.R. 1821. A bill to encourage recycling and composting by promoting the creation of markets for postconsumer materials, by establishing a grant program for recycling research, by requiring a public outreach program to provide information about recycling, by requiring procurement of recycling goods by the Federal Government, and for other purposes; jointly, to the Committees on Energy and Commerce, Science, Space, and Technology, and Government Operations.

By Ms. KAPTUR:

H.R. 1822. A bill to prevent and punish domestic and international terrorist acts, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. MCCURDY, Mr. BEILENSON, Mr. CONYERS, Mr. SERRANO, Mr. LAFALCE, and Mr. ORTON):

H.R. 1823. A bill to require health warnings to be included in alcoholic beverage advertisement, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KENNEDY:

H.R. 1824. A bill to amend title 23, United States Code, to provide a minimum level of funding for bicycle transportation facilities and pedestrian walkways, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. KENNELLY:

H.R. 1825. A bill to amend title 23, United States Code, to require States to extend parking privileges to motor vehicles designated under the laws of other States for transporting certain individuals with disabilities; to the Committee on Public Works and Transportation.

By Mr. KOLBE (for himself, Mr. STUMP, Mr. KYL, Mr. PASTOR, Mr. COPPERSMITH, and Ms. ENGLISH of Arizona):

H.R. 1826. A bill to establish the Saguaro National Park and to authorize the expansion of the boundaries of the Tucson Mountain District of the Saguaro National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. LAUGHLIN (for himself and Mr. MONTGOMERY):

H.R. 1827. A bill to amend title 10, United States Code, to establish a separate reserve component command within each of the Army, the Navy, the Air Force, and the Marine Corps; to the Committee on Armed Services.

By Mr. LIPINSKI (for himself, Mr. RUSH, Mr. REYNOLDS, Mrs. COLLINS of Illinois, Mr. SANGMEISTER, Mr. FAWELL, Mr. PORTER, Mr. COSTELLO, Mr. EVANS, Mr. DURBIN, and Mr. GUTIERREZ):

H.R. 1828. A bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to authorize appropriations for capital improvement projects, and for other purposes; to the Committee on Natural Resources.

By Mr. McDERMOTT (for himself, Mrs. MORELLA, and Mr. KREIDLER):

H.R. 1829. A bill to amend the Public Health Service Act to provide for demonstration projects for the identification by health care providers of victims of domestic violence and sexual assault, to provide for the education of the public on the consequences to the public health of such violence and assault, and to provide for epidemiological research on such violence and assault; to the Committee on Energy and Commerce.

By Mr. MICA:

H.R. 1830. A bill to encourage foreign governments to adopt and enforce environmental pollution control standards to safeguard local environments from damaging industrial practices; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Ms. MOLINARI (for herself and Ms. LOWEY):

H.R. 1831. A bill to amend the Elementary and Secondary Education Act of 1965 to establish gender equity teacher training programs to ensure gender equity in education programs, and for other purposes; to the Committee on Education and Labor.

By Mr. NEAL of Massachusetts:

H.R. 1832. A bill to amend title XVIII of the Social Security Act to provide protection against reductions in Medicare payment amounts to rural hospitals as a result of reductions in wage indices applicable to such hospitals because of census designations of formerly rural areas as urban; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 1833. A bill to amend title 18, United States Code, to prohibit the private transfer of a handgun or ammunition to any person who does not have a State permit to possess the handgun or ammunition; to the Committee on the Judiciary.

H.R. 1834. A bill to amend title 18, United States Code, to prohibit the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a minor; to the Committee on the Judiciary.

By Ms. PELOSI (for herself, Mr. GEPHARDT, Mr. BONIOR, Mr. LEWIS of Georgia, Mr. RICHARDSON, Mr. STARK, Mr. CARDIN, Mr. ROSE, Mr. SOLOMON, Mr. ABERCROMBIE, Mr. BACCHUS of Florida, Mr. BERMAN, Mr. BILBRAY, Mrs. CLAYTON, Mr. COOPER, Mr. CUNNINGHAM, Mr. DELLUMS, Mr. DURBIN, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. HEFNER, Mr. KASICH, Mr. KENNEDY, Mr. LANTOS, Mr. MARKEY, Mr. MARTINEZ, Mr. MILLER of California, Mr. MINETA, Mrs. MINK, Mr. MORAN, Mr. OLVER, Ms. SLAUGHTER, Mr. TORRICELLI, Mr. WAXMAN, Ms. WOOLSEY, Mr. WYNN, and Mr. MCCLOSKEY):

H.R. 1835. A bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment provided certain conditions are met; jointly, to the Committees on Ways and Means, Rules, and Foreign Affairs.

By Mr. POSHARD:

H.R. 1836. A bill to amend the Public Health Service Act to provide for an increase in the number of mental health professionals serving in health professional shortage areas; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H.R. 1837. A bill to amend the Internal Revenue Code of 1986 to provide that low-income housing shall not be ineligible for the larger low-income housing credit by reason of assistance provided under the HOME Investment Partnerships Act, and for other purposes; to the Committee on Ways and Means.

By Mr. RICHARDSON (for himself and Mr. COLEMAN):

H.R. 1838. A bill to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes; to the Committee on Natural Resources.

By Mr. ROTH:

H.R. 1839. A bill to extend until January 1, 1995 the existing suspension of duty on power-driven weaving machines for weaving fabrics more than 4.9 meters in width; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 1840. A bill to amend part A of title IV of the Social Security Act to deny benefits under the program of aid to families with dependent children with respect to any child who has not received preventive health care or been immunized in accordance with recommendations issued by the Surgeon General of the Public Health Service, and to amend the Child Care and Development Block Grant Act to require that child care providers that receive assistance, directly or indirectly, under such act require all children to be immunized in accordance with such recommendations; jointly, to the Committee on Ways and Means and Energy and Commerce.

By Mr. SAXTON (for himself, Mr. ARMEY, Mr. ACKERMAN, Mr. ANDREWS of New Jersey, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BILIRAKIS, Mr. BOEHNER, Mr. BONILLA, Mr. BORSKI, Mr. BURTON of Indiana, Mr. CALLAHAN, Mr. COBLE, Mr. COX, Mr. CRANE, Mr. CUNNINGHAM, Mr. DELAY, Mr. DICKEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. DUNCAN, Ms. DUNN, Mr. EMERSON, Mr. FAWELL, Mrs. FOWLER, Mr. FRANKS of Connecticut, Mr. GALLEGLY, Mr. GALLO, Mr. GILCHREST, Mr. GILMAN, Mr. GINGRICH, Mr. GOSS, Mr. GRAMS, Mr. HANCOCK, Mr. HANSEN, Mr. HOUGHTON, Mr. HUNTER, Mr. HYDE, Mr. INGLIS, Mr. INHOFE, Mr. SAM JOHNSON, Mr. KASICH, Mr. KING, Mr. KNOLLENBERG, Mr. KOLBE, Mr. KYL, Mr. LEVY, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mrs. LLOYD, Mr. MACHTLEY, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCCRERY, Mr. MCHUGH, Mr. MCKEON, Mrs. MEYERS of Kansas, Mr. MILLER of Florida, Ms. MOLINARI, Mr. MONTGOMERY, Mr. MOORHEAD, Mr. MURPHY, Mr. MYERS of Indiana, Mr. OXLEY, Mr. PACKARD, Mr. PALLONE, Mr. PETRI, Mr. POMBO, Mr. PORTER, Mr. RAMSTAD, Mr. RAVENEL, Mr. ROBERTS, Mr. ROHRABACHER, Ms. ROS-LEHTINEN, Mr. ROTH, Mr. ROYCE, Mr. SANTORUM, Mr. SARPALIUS, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SHAW, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. SMITH of Oregon, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. TORKILDSEN, Mrs. VUCANOVICH, Mr. WALSH, Mr. WILSON, Mr. YOUNG of Alaska, Mr. ZELIFF, and Mr. ZIMMER):

H.R. 1841. A bill to amend the Internal Revenue Code of 1986 to repeal the excise taxes on luxury items; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself, Mr. TORRES, Mr. FIELDS of Louisiana, Mr. HINCHEY, Mr. COLEMAN, Mr. GUTIERREZ, Mr. BLACKWELL, Mr. COSTELLO, Mr. FOGLIETTA, Mr. FILNER, Mr. SERRANO, and Mr. RUSH):

H.R. 1842. A bill to amend the Truth in Lending Act to require additional disclosures with respect to credit card accounts, to require a study of the competitiveness of the credit card industry, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHAW (for himself, Mr. HYDE, Mr. MCCOLLUM, Mr. JOHNSTON of Florida, Mr. GOSS, and Mr. BILIRAKIS):

H.R. 1843. A bill to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 1844. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health with respect to research and related activities concerning osteoporosis and related bone disorders; to the Committee on Energy and Commerce.

By Mr. STUDDS:

H.R. 1845. A bill to establish the Biological Survey in the Department of the Interior; to the Committee on Merchant Marine and Fisheries.

By Mr. SYNAR:

H.R. 1846. A bill to require the Secretary of the Interior to pay interest on Indian funds invested, to authorize demonstrations of new approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training and recruitment of Indians in the management of trust funds, to account for daily and annual balances on and to require periodic statements for Indian trust funds, and for other purposes; to the Committee on Natural Resources.

By Mr. WASHINGTON:

H.R. 1847. A bill to amend title 18, United States Code, to provide the penalty of life in prison for bankers laundering drug money; to the Committee on the Judiciary.

By Mr. HANCOCK:

H.J. Res. 183. Joint resolution proposing an amendment to the Constitution of the United States to allow an item veto of appropriation bills; to the Committee on the Judiciary.

By Mr. MYERS of Indiana (for himself, Mr. Bevill, Mrs. Clayton, Mr. Clement, Mr. de la Garza, Mr. Frost, Mr. Gekas, Mr. Gunderson, Mr. Hamilton, Mr. Hansen, Mr. Hughes, Mr. Lightfoot, Mr. Montgomery, Mr. Peterson of Florida, Mr. Petri, Mr. Pomeroy, Mr. Skelton, Ms. Snowe, Mr. Valentine, Mr. Walsh, and Mr. Whitten):

H.J. Res. 184. Joint resolution to authorize the President to issue a proclamation designating Sunday, August 1, 1993, as Small-Town Sunday; to the Committee on Post Office and Civil Service.

By Mr. BARRETT of Nebraska:

H. Con. Res. 85. Concurrent resolution to express the sense of Congress that the President should exercise the temporary waiver authority that an emergency exists under the Merchant Marine Act, 1936 and justifying the waiver of cargo preference rates in transporting the $1.6 billion in bilateral assistance to Russia as agreed to in the "Vancouver Package" between President Clinton and President Yeltsin of the Russian Federation; to the Committee on Merchant Marine and Fisheries.

By Mr. MICA:

H. Con. Res. 86. Concurrent resolution expressing the sense of the Congress with respect to creating a fair world economic system by encouraging foreign countries to enact and enforce laws safeguarding local environments; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. HOYER:

H. Res. 158. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. SOLOMON:

H. Res. 159. Resolution providing for the consideration of the bill (H.R. 24) to give the President line-item veto authority in appropriations bills for fiscal years 1994 and 1995; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DEUTSCH introduced a bill (H.R. 1848) to authorize issuance of a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Impatient Lady*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 70: Mr. Hutchinson, Mr. Weldon, Mr. Jacobs, Mrs. Roukema, Mr. Brown of Ohio, Mr. Saxton, Mr. McCandless, and Mr. Swett.

H.R. 156: Ms. Thurman, Mr. Shaw, Mr. Romero-Barceló, and Mr. Clyburn.

H.R. 290: Mr. Lantos and Mr. Gilman.

H.R. 326: Mr. Reed, Mr. Abercrombie, Mr. Tucker, Mr. Poshard, Ms. Lowey, Mr. Chapman, and Mr. Flake.

H.R. 334: Mr. Coble, Mr. Frost, and Mr. Abercrombie.

H.R. 349: Mr. McKeon, Mr. Meehan, Mr. Canady, and Mr. Manzullo.

H.R. 431: Mr. Deutsch, Mr. Kennedy, Mr. Jefferson, and Mr. Ford of Michigan.

H.R. 546: Ms. Meek, Mr. Tauzin, and Mr. Wynn.

H.R. 569: Mrs. Schroeder, Mr. Kopetski, Ms. Meek, and Ms. Waters.

H.R. 635: Mr. Fish, Mrs. Mink, and Mr. Hall of Texas.

H.R. 682: Mr. Applegate.

H.R. 690: Mr. Hobson, Mr. Hoke, and Mr. Serrano.

H.R. 736: Mr. Valentine and Mr. Fish.

H.R. 741: Mr. Gekas, Mr. Sundquist, and Mr. Coble.

H.R. 794: Mr. Gingrich, Mr. Zeliff, Mr. Andrews of New Jersey, Mrs. Roukema, Mr. Murtha, and Mr. Peterson of Minnesota.

H.R. 799: Mr. Royce, Mr. Clinger, and Mr. Solomon.

H.R. 826: Mr. Taylor of North Carolina, Mr. Blackwell, and Mr. Shays.

H.R. 830: Mr. Bateman and Mr. Klink.

H.R. 857: Mr. Packard.

H.R. 870: Mr. Franks of Connecticut.

H.R. 882: Mr. Parker.

H.R. 895: Mr. Packard and Mr. McCandless.

H.R. 896: Mr. Packard.

H.R. 915: Mr. Kopetski, Mr. Fazio, and Mr. Serrano.

H.R. 953: Mr. Hastings and Mr. Bilirakis.

H.R. 963: Mr. Wise and Mr. Kildee.

H.R. 1032: Ms. Thurman.

H.R. 1034: Mr. English of Oklahoma, Mr. Hinchey, Mr. Holden, Mr. Kopetski, Mr. Sanders, and Ms. Slaughter.

H.R. 1080: Mr. DeLay, Mr. Darden, Mr. DeFazio, and Mr. Swett.

H.R. 1083: Mr. DeLay.

H.R. 1093: Mr. Towns, Mr. Oberstar, Mr. Manzullo, Mr. Watt, Mr. Scott, Mr. Hinchey, Mr. Emerson, Ms. Kaptur, Mr. Clay, Mr. Mfume, Mr. Fields of Louisiana, and Mr. Conyers.

H.R. 1141: Mr. Thomas of Wyoming.

H.R. 1161: Mr. Emerson, Mr. Gilchrest, Mr. Jacobs, Mr. Wilson, and Mrs. Clayton.

H.R. 1181: Mr. Kolbe, Mr. Swift, Mr. Oberstar, Mr. Evans, Mr. Pomeroy, and Mr. Thomas of Wyoming.

H.R. 1182: Mr. Nadler, Mr. Minge, and Mr. Swett.

H.R. 1191: Mr. DeLay.

H.R. 1205: Mr. Blute, Mr. Boehner, Mr. Gillmor, Mr. Hobson, Mr. Hoke, Mr. Porter, Mr. Sundquist, Mr. Rohrabacher, and Mr. Wise.

H.R. 1209: Mr. McHale.

H.R. 1222: Mr. Manton and Mr. McHale.

H.R. 1230: Mr. Romero-Barceló.

H.R. 1237: Mr. Parker, Mr. Bereuter, Miss Collins of Michigan, Ms. Meek, Mr. Lazio, and Mr. Hyde.

H.R. 1238: Mr. Hancock, Mr. Pete Geren, Mr. Levy, Mr. Lazio, Mr. Horn, Mr. Canady, Mr. Zeliff, Mr. Packard, and Mr. Franks of New Jersey.

H.R. 1244: Mr. Blackwell.

H.R. 1246: Mr. Owens, Mr. Machtley, and Mr. Blackwell.

H.R. 1279: Mr. Porter and Mr. Blackwell.

H.R. 1295: Mr. Wynn, Mr. Hamilton, Mr. Pomeroy, and Mr. Bacchus of Florida.

H.R. 1309: Mr. Emerson, Mr. Hyde, Mr. Boehner, Mr. Hoekstra, Mr. Stenholm, and Mr. Baker of Louisiana.

H.R. 1322: Ms. Pryce of Ohio, Mr. Canady, Mr. Durbin, and Mr. Thomas of Wyoming.

H.R. 1363: Mr. DeFazio and Mr. Swett.

H.R. 1366: Mr. Murtha, Mr. Reynolds, Mr. Klink, and Mr. Costello.

H.R. 1475: Mr. Greenwood, Mr. Crapo, Mr. Wolf, Mr. Lightfoot, Mr. Fields of Texas, and Mr. Murphy.

H.R. 1487: Mr. Schaefer and Mr. Grams.

H.R. 1500: Mr. Bonior, Mr. Andrews of Maine, Mr. Johnston of Florida, and Mr. Porter.

H.R. 1508: Mr. Bateman, Mr. Hansen, and Mr. Calvert.

H.R. 1521: Mr. Murphy, Mr. Towns, Mrs. Clayton, and Mr. Filner.

H.R. 1544: Mr. Wise, Mr. Machtley, Mr. Kopetski, Mr. Barlow, and Mr. Frost.

H.R. 1682: Mr. Penny, Mr. Peterson of Minnesota, and Mr. Hansen.

H.R. 1687: Mr. Miller of California, Ms. English of Arizona, Mr. Hastings, Mr. Frost, Mrs. Mink, Mr. Poshard, and Mr. Pomeroy.

H.R. 1725: Mr. Knollenberg, Mr. Hoke, Mr. Cox, Mr. Chapman, Mr. Castle, Mr. Linder, Mr. Stump, Mr. Gilman, Mr. Rose, Mr. Coppersmith, Mr. Baker of Louisiana, Mr. Mica, Mr. Barlow, Mr. Kasich, and Mr. Armey.

H.R. 1765: Mr. Laughlin, Mr. Barrett of Nebraska, Mr. Mollohan, and Mr. Lancaster.

H.J. Res. 122: Mr. Jacobs, Mr. Lancaster, Mr. Kingston, Mr. Hochbrueckner, Mr. Klein, Mr. Kildee, Mr. Livingston, Mr. Kreidler, Mr. McCloskey, Mr. Dellums, Mr. de la Garza, Mr. Hutchinson, Mr. Montgomery, Mr. Manton, Mr. Murphy, Mr. Murtha, Mr. Neal of Massachusetts, Mr. Neal of North Carolina, Ms. Norton, Mr. Payne of New Jersey, Mr. Bilbray, Mr. Browder, Mr. Menendez, Mr. Camp, Mrs. Clayton, Mr. Oxley, and Mr. Burton of Indiana.

H.J. Res. 129: Mr. DeLay.

H.J. Res. 134: Mr. DeFazio, Mr. Johnson of Georgia, Mr. Gunderson, Ms. Snowe, Mr. Orton, Mr. Shays, Mr. Shaw, Mr. Conyers, Mr. Wheat, Mr. Calvert, Mr. Menendez, Mr. Hoagland, Mr. Reed, Mr. Gene Green, Ms. Pryce of Ohio, Mr. Lazio, Ms. Maloney, Mr. Dellums, Mr. Neal of North Carolina, Mr. Clinger, Mr. McInnis, Mr. Bunning, Mr. Franks of Connecticut, Ms. DeLauro, Mr. Holden, Mr. Bilbray, Mr. Volkmer, Mr. Boucher, Mr. Peterson of Florida, Mr. Baesler, Mr. Blute, Mr. Brown of California, Mr. Kennedy, Mr. Gilman, and Mr. Murtha.

H.J. Res. 166: Ms. Byrne, Mr. Stupak, and Mr. DeFazio.

H. Con. Res. 6: Mr. Fish and Mr. McInnis.

H. Con. Res. 29: Mr. Parker and Mr. Towns.

H. Con. Res. 37: Mr. Markey and Mr. Sangmeister.

H. Con. Res. 49: Mr. KING.

H. Con. Res. 61: Mr. TORRES, Mr. BLACKWELL, Mr. RANGEL, Miss COLLINS of Michigan, Mr. BROWDER, Mr. ROEMER, and Mr. HOKE.

H. Con. Res. 73: Mr. TORRES and Mr. FROST.

H. Con. Res. 77: Mr. BARRETT of Nebraska, Mr. HANSEN, Mr. HALL of Texas, Mr. INGLIS, Mr. RAMSTAD, Mr. KING, Mr. QUINN, Mr. GINGRICH, Mr. WILSON, Mr. SOLOMON, Mr. BLUTE, Mr. MONTGOMERY, Mr. OXLEY, Mr. ISTOOK, Mr. SISISKY, Mr. GILMAN, Mr. MANZULLO, Mr. PACKARD, Mr. PARKER, and Mr. DELAY.

H. Res. 135: Mr. HOBSON, Mr. HUGHES, Mr. GORDON, AND Mr. HOUGHTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 916: Mr. CLYBURN.

SENATE—*Thursday, April 22, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Hath a nation changed their gods, which are yet no gods? But my people have changed their glory for that which doth not profit. * * * For my people have committed two evils; they have forsaken me the fountain of living waters, and hewed them out cisterns, broken cisterns, that can hold no water.*—Jeremiah 2:11, 13.

God of truth and love, this quotation from Jeremiah suggests a reason for the condition in America and the world today—the futility of all manmade efforts to solve economics, crime, drugs, and the general disintegration of the family and society. Humans were made in the image of God. The more Godlike they are, the more their humanity is realized; the less Godlike, the less humanness is manifest, and animalism prevails. More and more it becomes clear that self-alienation from God is the bottom problem in our culture. Legislation, education, or any other program cannot solve the problem.

God of our fathers, we need to recover their faith, the faith that conceived America, made her great, and has sustained her through two centuries. Dear God, give us a mind to stop digging broken cisterns that can hold no water and return to the fountain of living water.

We pray in His name who is love incarnate. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, there will be a period for morning business today until 3 p.m. during which time Senators will be permitted to speak.

At 3 p.m. the Senate will begin consideration of S. 171, the EPA Cabinet-level bill, with consideration of that bill to be limited to debate only on today.

The Senate will not be in session tomorrow to accommodate the respective party conferences, and the Senate will not be in session on Monday pursuant to the previous schedule I announced prior to the Easter recess. So we will resume consideration of the EPA Cabinet-level bill on next Tuesday morning. And I hope to announce prior to the end of today a more specific schedule for that day.

EARTH DAY

Mr. MITCHELL. Mr. President, as we have done every April since 1970, today we celebrate Earth Day. Very quickly this special day has become an institution in our lives. I am pleased to again honor our commitment to protecting our planet.

Yesterday, the President announced actions that demonstrate his commitment to the environment. Reversing the position of the previous administration, the President announced that he would sign the biodiversity treaty. This is a historic step forward for this country and for the planet. I applaud his decision.

The continued destruction of habitats is causing extinction of species to increase at an accelerating rate. According to Harvard professor E.O. Wilson, the worldwide extinction rate is now about one species per hour. Scientists predict that by early in the next century, several hundred species per day will become extinct. Signing the biodiversity treaty is a first important step toward halting this trend.

Yesterday the President also announced his intention to fulfill a campaign promise of holding carbon dioxide emissions at 1990 levels by the year 2000. Global warming presents one of the greatest challenges this planet has ever known. The United States contributes a large share of these greenhouse gases.

The President's leadership in this area is welcome. I believe, as others do, that we can limit our emissions increases in a manner that encourages innovative technology and does not have adverse economic effects. Increased efficiency saves money while it preserves the planet.

I also applaud other announcements made by the President to reduce the amount of hazardous waste the Federal Government produces and to increase Federal energy efficiency. I worked many years to enact the Federal Facility Compliance Act to prohibit the Federal Government from exempting itself from environmental compliance.

As a result of the passage of this act, the Federal Government is now subject to the very same laws which it enforces against all other citizens in our society. The President's actions are another step toward increased Federal environmental responsibility.

Later today, the Senate will begin consideration of legislation to elevate the Environmental Protection Agency to Cabinet-level status. It is fitting that we begin this debate on Earth Day. Our major competitors and trading partners all grant their environmental secretaries ministerial status. We alone do not. Former EPA Administrator Bill Reilly has testified that EPA's unusual status creates confusion and uncertainty in international negotiations. All other participants have higher rank than does the American representative. Passage of this important piece of legislation will better enable this country to provide international environmental leadership and to meet the environmental challenges here at home.

On this Earth Day, we can be proud of our accomplishments and look forward to a future of better environmental protection.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leader time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m.

Mr. DORGAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 5 minutes as if in morning business.

The ACTING PRESIDENT pro tempore. The Senator has that right.

The Senator from North Dakota is recognized.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN pertaining to the introduction of S. 809 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KERRY addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that I be granted the time of Senator BRADLEY of New Jersey under the previous order.

The ACTING PRESIDENT pro tempore. The Senator has that right. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

(The remarks of Mr. KERRY pertaining to the introduction of S. 811 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. Mr. President, may I inquire of the Chair as to what the status is as to how long we are in morning business?

The ACTING PRESIDENT pro tempore. We have 30 minutes remaining in morning business.

We have Senator FEINSTEIN, who is reserved 15 minutes, and Senator REID is reserved 10 minutes, and Senator GRAMM is reserved 10 minutes.

Mr. BAUCUS. Mr. President, there is not much time, therefore, that remains to other Senators.

Might I inquire of the Chair if there is an opportunity to extend morning business; is that request in order?

The ACTING PRESIDENT pro tempore. That request could be made.

Mr. BAUCUS. Mr. President, I know the leader intended to call for the next order of business at 3 o'clock.

Mr. President, I ask unanimous consent to extend morning business for another 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. HELMS. Reserving the right to object—and, of course, I shall not object—while we are at it, notwithstanding the existing unanimous consent, I ask unanimous consent that I be recognized for not to exceed 10 minutes before morning business is closed.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I thank the Senator.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EARTH DAY 1993

Mr. BAUCUS. Mr. President, I, along with several Senators in this body, was privileged yesterday to hear the President give his Earth Day address, not too far from here down at the Botanic Garden.

I mention that because I was struck with how eloquently he spoke. He spoke about, essentially, the environmental threads that are woven through almost all issues that we face in our country.

He spoke of the care we must exercise so as to not squander our natural resource, or to destroy the environment that is our birthright—and our children's birthright.

Mr. President, I ask unanimous consent to have the full text of the President's remarks that he made yesterday printed in the RECORD.

There being no objection, the text of the remarks were ordered to be printed in the RECORD, as follows:

PRESIDENT CLINTON REMARKS AT AN EARTH DAY CEREMONY, APRIL 21, 1993

President CLINTON: Thank you. Thank you very much, ladies and gentlemen, for being here in the wonderful Botanic Garden. I must say there's a lot I have to learn about this town, as you can tell if you follow events from day to day, and I didn't know that the Botanic Garden was a branch of the Congress until I showed up here. That's one more thing I'm not responsible for. I'm glad to be here.

I also think that we should introduce a guest from another country who's here with us—the environmental minister from Australia, Ros Kelly. Would you stand up? We're glad to have you here.

Al Gore introduced Katie McGinty and you were all good enough to clap, and I don't know if you could hear through the clapping that her parents are here, and what you may not know is that the real reason we appointed her is that she's one of ten children and we'd like to carry Pennsylvania in 1996. We think that there's a significant likelihood now because of that.

I want to say a special word of thanks to the vice president for two things. First of all for the wonderful trip that he has just concluded, going to Poland to represent our country on the occasion of the 50th anniversary of the Warsaw uprising and the wonderful remarks he gave in New York on the eve of that departure and the way that he represented the United States in Poland.

And secondly, notwithstanding what he said in the introduction, which was true, one of the reasons I did ask him to join the ticket is that he knew more about the subject of the environment than I did, and I thought I had something to learn from him, and I have learned a great deal, and it has been an immensely rewarding experience and one which I hope will benefit the United States in many ways over the course of the next four years.

That's worth clapping for. I agree with that.

It's a good thing to have this celebration in the springtime, a time when our spirits are renewed and we are reminded by nature of new beginnings and forgotten beauty. This has been an astonishingly beautiful spring in Washington, D.C. and something for which I will always be grateful—my first springtime here that I see every morning as I go out and jog around in it and try to breathe in it, something that's a continuing challenge.

A little more than a week ago, most Americans celebrated holy days of freedom and renewal. Today we still nurture the faith that helps us to understand more clearly that we can do better. This is a time of new beginnings, a time when there is anguish and anxiety all around us but we still must yearn once again to succeed in our common purposes to reach our deepest goals.

For all of our differences, I think there is an overwhelming determination to change our course, to offer more opportunity, to assume more responsibility, to restore the larger American community and to achieve things that are larger than ourselves and more lasting than the present moment.

We seek to set our course by the star of age-old values, not short-term expediences, to waste less in the present and provide more for the future, to leave a legacy that keeps faith with those who left the earth to us. That is the American spirit. It moves us not only in great gatherings but also when we stand silently, all alone, in the presence only of nature and our creator.

If there is one commitment that defines our people, it is our devotion to the rich and expansive land we have inherited. From the first Americans to the present day, our people have lived in awe of the power, the majesty and the beauty of the forests, the rivers and the streams of America. That love of the land, which flows like a mighty current through this land and through our character, burst into service on the first Earth Day in 1970.

When I traveled the country last year, I saw and spoke of how much had been accomplished by the environmental movement since then and how much still remains to be done. For all that has been done to protect the air and the water, we haven't halted the destruction of wetlands at home and the rain forests abroad.

For all that has been learned, we still struggle to comprehend such dangers to our planet's delicate environment as the shroud of greenhouse gases and the dangerous thinning of the ozone layer.

We haven't done nearly enough to protect our forest communities from the hazards such as lead poisoning which is believed to cause mental retardation, learning disabilities, and impaired growth. Unless we act, and act now, we face a future where our planet will be home to 9 billion people within our lifetime, but its capacity to support and sustain our lives will be very much diminished.

Unless we act we face the extinction of untold numbers of species that might support our livelihood and provide medication to save our very lives.

Unless we act now we face a future in which the sun may scorch us, not warm us, where the change of season may take on a dreadful new meaning, and where our children's children will inherit a planet far less hospitable than the world in which we came of age.

I have faith that we will act, not from fear but from hope and through vision. All across this country there is a deep understanding rooted in our religious heritage and renewed in the spirit of this time, that the bounty of nature is not ours to waste. It is a gift from God that we hold in trust for future generations.

Preserving our heritage, enhancing it and passing it along is a great purpose worthy of a great people.

If we seize the opportunity and shoulder the responsibility, we can enrich the future and ennoble our own lives. Just as we yearned to come together as a people, we yearn to move beyond the false choices the last few years have imposed upon us.

For too long we have been told that we have to choose between the economy and the environment, between our jobs, between our obligations to our own people and our responsibilities to the future, and to the rest of the world, between public action and private economy.

I'm here today in the hope that we can together take a different course of action, to offer a new set of challenges to our people.

Our environmental program is based on three principles.

First, we think we can't have a healthy economy without a healthy environment. We need not choose between breathing clean air and bringing home secure paychecks. The fact is our environmental problems result not from robust growth but from reckless growth.

The fact is that only a prosperous society can have the confidence and the means to protect its environment. The fact is healthy communities and environmentally sound products and services do best in today's economic competition.

That's why our policies must protect our environment, promote economic growth and provide millions of new high skill, high wage jobs.

Second, we want to protect the environment at home and abroad. In an era of global economics, global epidemics, and global environmental hazards, a central challenge or our time is to promote our national interest in the context of its connectedness with the rest of the world.

We share our atmosphere, our planet, our destiny with all the peoples of this world, and the policies I outline today with protect all of us because that is the only way we can protect any of us.

And third, we must move beyond the antagonisms among business, government and individual citizens. The policy I outlined today are part of to reinvent government, to make it your partner and not your overseer, to lead by example and not by bureaucratic fiat. In the fact of great challenges, we need a government that not only guards against the worst in us, but helps to bring out the best in us.

I know we can do this because our administration includes the best team of environmental policymakers who have ever served the United States: the vice president, Interior Secretary Babbitt, EPA Administrator Browner. I hope that the EPA will soon by the grace of Congress be a Cabinet-level department. And Energy Secretary O'Leary, Commerce Secretary Brown, Transportation Secretary Pena, the Agriculture Secretary Mike Espy, our environmental policy director, Katie McGinty, and our science and technology adviser, Jack Gibbons.

All of them share an unshakable commitment to a healthy environment, a growing economy and a responsive government. Our economic plan will create new job opportunities and new business opportunities protecting our natural environment. The reductions in the interest rates which we have seen already will free up tens of billions of dollars for responsible investment in this year alone.

The jobs package I have asked the Congress to pass contains—this has hardly been noticed, but it actually contains green jobs, for waste water treatment to energy efficiency to the restoration of our National parks to investments in new technologies designed to create the means by which we can solve the problems of the future and create more jobs for Americans.

Our long-term strategy invests more in pollution prevention, energy efficiency, and solar energy and renewable energy and environmental restoration and water treatment, all of which can be found in the five-year budget that we have presented to the Congress.

These investments will create tens of thousands of new jobs and they will save tens of thousands more because when we saved energy and resources, we will have more to invest in creating new jobs and providing better living standards.

Today every other advanced nation is more energy efficient than we are. That is one of the reasons why over the last couple of years, for example, the average German factory worker has come to make over 20 percent more than his American counterpart. The German workers, while having higher wages, also have more secure and better health care. That's because that economy uses one half the energy we do to produce the same amount of goods. We can do better and we will.

I believe we can develop the knowhow to out-conserve and out-compete anyone else on earth. All over the world, people are buying products that help them to protect their environment. There's a $200 billion market today for environmental technologies. And by the turn of the decade and the century, it will be 300 billion.

Let me just share one example with you, something we all know and use, something some of us are still trying to learn how to replace—lightbulbs. Longlasting, energy-saving lightbulbs didn't even exist in 1985. Now American companies sell over $500 million worth of these products, with sales expected to reach $2 billion by 1995 and $10 billion by the year 2000, creating thousands of new jobs.

American scientists have taken the lead in developing these technologies, and it's time to help our companies take the lead in bringing our products and services to market. I've asked the Energy Department, the Commerce Department and the EPA to assess current environmental technologies and create a strategic plan to give our companies the trade development, promotional efforts and technical assistance they need to turn these advances into jobs here in America as well as to help promote a better environment.

America can maintain our lead in the world economy by taking the lead to preserve the world environment.

Last year the nations of the world came together at the earth summit in Rio to try to find a way to protect the miraculous diversity of plant and animal life all across the planet. The biodiversity treaty which resulted had some flaws, and we all knew that, but instead of fixing them the United States walked away from the treaty. That left us out of the treaty that is critically important not only to our future but to the future of the world, and not only because of what it will do to preserve species but because of opportunities it offers for cutting-edge companies whose research creates new medicines, new products, and new jobs.

Again, just one recent example makes the point. A tree that was thought to have no value, the Pacific yew, used to be bulldozed and burned. Now we know that that tree contains one of our most promising potential cures for ovarian cancer, breast cancer, and other forms of cancer.

We cannot walk away from challenges like those presented by the biodiversity treaty. We must step up to them.

Our administration has worked with business and environmental groups toward an agreement that protects both American interests and the world environment, and today I am proud to announce the United States intention to sign the biodiversity treaty.

This is an example of what you can do by bringing business and environmentalists together instead of pitting them against each other. We can move forward to protect critical natural resources and critical technologies. I'm also directing the State Department to move ahead with our talks to other countries, which has signed a convention so that the United States can move as quickly as possible toward ratification.

To learn more about where we stand in protecting all our biological resources here at home, I'm asking the Interior Department to create a national biological survey to help us protect endangered species and, just as importantly, to help the agricultural and biotechnical industries of our country identify new sources of food, fiber, and medication.

We also must take the lead in addressing the challenge of global warming that could make our planet and its climate less hospitable and more hostile to human life. Today I reaffirm my personal and announce our nation's commitment to reducing our emissions of greenhouse gasses to their 1990 levels by the year 2000.

I am instructing my administration to produce a cost effective plan by August that can continue the trend of reduced emissions. This must be a clarion call, not for more bureaucracy or regulation or unnecessary costs, but instead, for American ingenuity and creativity, to produce the best and most energy efficient technologies.

After the Cold War, we face the challenge of helping Russia achieve a healthy democracy, a healthy economy and a healthy environment. Our Russian aid package includes $38 million to clean up pollution and promote better uses of energy. As with the full range of our investments in Russia, this is truly an investment not only in promoting our own values but in protecting our national security.

To protect the environment at home and abroad, I'm committed to a government that leads by example, brings people together and brings out the best in everyone. For too long, our government did more to inflame environmental issues than to solve them. Different agencies pursued conflicting policies. National leaders polarized people, and problems wound up in the courts or in the streets instead of being solved.

We seek to bring a new spirit to these difficult issues. Three weeks ago, in Portland, Oregon, we brought together business people, timber workers and environmentalists from throughout the Northwest to discuss how best to preserve jobs and to protect the old growth forests and the species which inhabit them. People sat down in a conference room, not a courtroom, and in the words of Archbishop Thomas Murphy of Seattle, we tried to find common ground for a common good.

At the close of the forest conference, I asked my Cabinet and our entire administration to begin work immediately to craft a balanced, comprehensive long-term policy that is also comprehensible.

Before I ask our companies and our communities and our families to meet any challenge, it seems to me we have to set that standard for the government. The American people are entitled to know where the United States stands on this issue and many other issues, and it is time to bring an end to the time when issues like this wind up in court and there are five different positions from the United States government itself. We can never solve problems in that fashion. We can only undermine the security and stability of people's lives.

That's one reason I'm proud that yesterday the United States Army announced its plan to clean up a large number of sites where, we learned recently, that chemical weapons materials may be buried, in some places from as long ago as World War I. Working with the EPA, the Army will clean up this problem safely and in an environmentally sound manner. This is a legacy of America's efforts to defend our people and the community of free nations. Now we are taking steps to defend our people and our environment, and the environment of the world.

In that same spirit, I plan to sign an executive order requiring federal facilities that manufacture, process, or use toxic chemicals to comply with the federal right-to-know laws and publicly report what they are doing.

I might add that it is time that the United States government begins to live under the laws it makes for other people. With this executive order I ask all federal facilities to set a voluntary goal of reducing their release of toxic pollutants by 50 percent by 1999. This will reduce toxic releases, control costs associated with cleanups and promote clean technologies. And it will help make our government what it should be—a positive example for the rest of the country.

Poor neighborhoods in our cities suffer most often from toxic pollution. Cleaning up the toxic wastes will create new jobs in these neighborhoods for those people, and make them safer places to live, to work, and to do business.

Today, I am also signing an executive order that directs federal agencies to make preliminary changes in their purchasing policies, to use fewer substances harmful to the ozone layer. Here, too, we must put our actions where our values are. Our government is a leading purchaser of goods and services, and it's time to stop not only the waste of taxpayers' money but the waste of our natural resources.

Today I am signing an executive order which commits the federal government to buy thousands more American-made vehicles using clean domestic fuels such as natural gas, ethanol, methanol and electric power.

This will reduce our demand for foreign oil, reduce air pollution, promote promising technologies, promote American companies, create American jobs, and save American tax dollars. To demonstrate my commitment to this issue Energy Secretary O'Leary is creating a task force led by the land commissioner of Texas, Gary Morrow, who's here in the audience today, who headed a successful effort in his own state. I hope we can do as well in America as they have done in Texas.

In that same spirit I plan to sign an executive order committing every agency of the national government to do more than ever to buy and use recycled products. This will provide a market for new technologies, make better use of recycled materials, and encourage the creation of new products that can be offered to the government, to private companies, and to consumers. And again it will create jobs through the recycling process. We must keep finding new ways to be a force for positive change.

For example, the federal government is the largest purchaser of computer equipment in the world, and computers are the fastest-growing area of electricity use. That's why I am also signing an executive order today requiring the federal government to purchase energy-efficient computers.

We're going to expand the market for a technology where America pioneered and still leads the world, and we'll save energy, saving the taxpayers $40 million a year and set an example for our country and for the world.

For as long as I live and work in the White House, I want Americans to see it not only as a symbol of clean government but also a clean environment. That's why I'm announcing an energy and environmental audit of the White House. We're going to identify what it takes to make the White House a model for efficiency and waste reduction. It might mean fewer memos and less paper.

And then we're going to get the job done. I want to make the White House for other federal agencies, for state and local governments, for businesses, and for families in their homes. Before I ask you to do the best you can in your house, I ought to make sure I'm doing the best I can in my house.

I ask that all of us today reaffirm our willingness to assume responsibility for our common environment, and to do it willingly, hopefully and joyously. We are challenged here today not so much to sacrifice as to celebrate and create. I've challenged Americans who are young in years or young in spirit to offer their time and their talent to serve their communities and their country. I've asked them to help in teaching our children, healing the sick, policing our streets.

But equally important are efforts to protect our environment from our largest cities to our smallest towns to our suburbs. Our national service plan will ask thousands of Americans to do their part, from leading recycling drives to preventing lead poisoning.

The challenge to shoulder responsibility and seize opportunity extends to each of us in businesses, communities, and homes. In our own lives, in our own ways, each of us has something to offer to the work of cleaning up America's environment, and each of us surely has something very personal to gain.

On a colder day, in the middle of winter, just three months ago, a poet asked us to celebrate not only the marvelous diversity of our people but the miraculous bounty of our land. Here on the pulse of this new day, Maya Angelou challenged us to look at the rock, the river, the tree—your country. Now it is a season of new hope and new beginnings, and as we look anew at our neighbors, our children, and our own communities as well as the world around us, we must seize the possibilities inherent in this exhilarating moment—to face our challenges, to exercise our responsibilities, and to rejoice in them. Thank you very much.

Mr. BAUCUS. Mr. President, I was impressed by the show of support for the occasion, both from the executive branch and from my colleagues.

From the President and from Vice President GORE, a man who has a deserved reputation as an environmental leader. From Administrator Browner, Secretaries Babbitt and O'Leary. And from many of our colleagues from both Houses of Congress and both sides of the aisle.

THE PATH AHEAD

I hope that Earth Day 1993 will be remembered as the beginning of a renaissance in environmental policy. Perhaps that is predictably optimistic for Earth Day—but I believe a renaissance is not only possible, but necessary.

We have traveled a long way down the environmental path since Earth Day 1970. Our skies are clearer. Our water is cleaner. And we have begun ridding the land of our environmental desecration.

Industry has become a more willing partner in many of these efforts. More companies see the greening of their operations as an investment in their bottom line.

But the path has sometimes been a rocky one. Stalemate and gridlock have stymied progress on some fronts, particularly during the last 12 years. And the time and talents of many have too often been used to delay or divert progress, rather than to achieve it.

We cannot let an adversarial mentality rule the day. Our economy cannot afford it. Our environment cannot afford it.

As we face the new environmental challenges of which the President spoke, our success will be determined by whether we can break old patterns of mistrust and misunderstanding.

By whether we can end the religous wars between the business and environmental communities;

By whether we can forge new partnerships that promote both economic and environmental progress.

The American people already recognize this. According to a national poll conducted earlier this year, there is a growing consensus in the country that a healthy environment leads to a healthy economy.

Last year, 55 percent of the American people felt that way. This year, it has risen to 62 percent. The American people, in many respects, are ahead of us.

Contrary to the statements of some, the environment and the economy are not a zero-sum game, where progress in one area must come at the expense of the other.

We can have both. More and more, we are finding ways to get both. In business. In government. Among nations.

And that is how it should be, how it really must be. Because unless we have both a healthy economy and a healthy environment, we will have neither. And our children and grandchildren will pay the price.

ENVIRONMENTAL TECHNOLOGY

But having said that, how do we do it? One promising direction is in environmental technology. Not just a new black box at the end of a pipe.

No the environmental technologies of today—and tomorrow—include new products that run cleaner. And new ways to make products that waste less. In short, it means a new way of thinking.

There are growing markets around the world for these products and processes. That means jobs and profits. And it means a more efficient operation for companies, and that improves companies' bottom lines.

So how do we encourage the development of cutting-edge environmental technology?

The first step is for government to put its own house in order. The Federal Government spends about $4 billion a year on environmental technology.

But the work is not coordinated and priorities are not set. We have to fix and we have to change that.

The second step is to create a regulatory climate that stimulates the development of cutting-edge environmental technology by the private sector. Not just for the conventional problems—air pollution, water pollution, and waste disposal—but also for the grave new threats that menace our children's very future, namely the cumulative effects of minute concentrations of toxic pollutants, the loss of biodiversity, and global climate change. He addressed that as well.

These are serious additional problems we must address, and in a way that increases our chances of success.

How? By harnessing our ingenuity. By encouraging the private sector to find creative, efficient, and cost-effective ways to achieve these goals.

Our goals must be high. But our approach to achieving them must be creative.

CONCLUSION

The Government cannot do it alone. Business cannot do it alone. And the environmental community cannot do it alone. But we can do it together.

No longer is there any question that we are indeed all in this together. Twenty-three years ago today, that point was made—not by an environmentalist, nor by a Senator, but by J. Paul Austin, the chairman of the Coca-Cola Co.

In describing the steps that Coca-Cola was taking to reduce polluting emissions and packaging waste, Mr. Austin explained:

> Pollution is the sole common danger that confronts us all, spares no institution or individual, is recognized by every segment of our society, and can unite us all in a common goal.
>
> There is no political spectrum here. No color line. * * * No public-private sector conflict. No urban-rural clash. No "haves" and "have nots." We share this fragile issue braided together.

In every year since the first Earth Day, we have become more aware of just how closely our fates are interwined—with other peoples, with our environment.

Mr. President, in the coming year, I hope we will begin to see that these links are not a burden, but an opportunity to better our economy and our environment. And I hope that, working together we can begin to seize these opportunities. For the benefit of each of us. For the benefit of all of us.

The PRESIDING OFFICER (Mr. LIEBERMAN). Under the previous order, the Chair recognizes the Senator from California [Mrs. FEINSTEIN] for up to 15 minutes.

THE BALKAN CRISIS

Mrs. FEINSTEIN. Mr. President, I, like millions of Americans, have been watching events unfold in Yugoslavia, a country in an area that history has marked by conflict and invasion, and a country that is once again in the throes of a terrible cataclysm.

George Santayana, a gifted American writer of the late 19th and early 20th centuries, once reminded us that "those who cannot remember the past are condemned to repeat it."

Today, this morning, the U.S. Holocaust Museum is being dedicated, here, in Washington, DC. Its graphic detail and painful images work together to combine a strong memorial with a haunting reminder of the gruesome horror of the ethnic cleansing of the 1930's which succeeded in the annihilation of 6 million people—simply because they were of another faith.

And, as Anthony Lewis asked in the New York Times on April 19, "Fifty years after the Nazis, will a European state led by a murderous demagogue be allowed to slaughter and expel another people because of their religion?"

That is clearly the central question before the free world today. And today that question remains unanswered. The time has come to answer.

I think the answer lies in the past, because from the ashes of the kilns used to burn bodies at Auschwitz and from the landfills saturated with mutilated bodies at Dachau rose a cry four decades ago—never again.

However, again a horrifying nightmare is occurring on European soil. Similar to Hitler's rise, Serbian leaders have created a nationalistic fervor that seeks to create an ethnically homogenous "Greater Serbia."

For the past 2 years, the former Yugoslavia has experienced violent ethnic conflict and turmoil: 130,000 innocent people have died; 20,000 to 60,000 women have been raped; 2 million people have become refugees.

The television pictures are unforgettable: small children with smashed faces and broken bodies; anguished mothers wailing from the terror of savage rapes; bodies lining streets where they were mowed down or shot in cold blood as they rushed out of burning homes; starving masses huddled together or crammed into trucks trying to flee.

We have watched, while the annihilation of a people goes on and on and on. And we have done little to stop it.

Thus far, the international community has placed economic sanctions on Serbia and rendered vague threats of future action. Yet, the brutal campaign of ethnic cleaning continues, and every week reveals a new city targeted and more people slaughtered. The U.N. peacekeeping efforts have reached their limits.

The world remains immobilized—NATO does nothing, Europe simply watches, the Russians say little.

Only one voice so far has jogged the world's conscience. As Margaret Thatcher courageously said members of the European Community are acting "like accomplices to massacre" and "all that is required for evil to triumph is that good men do nothing."

Some have called this emotional.

I say it is right on.

Mrs. Thatcher calls on the world to help—and the response is silence.

I cannot help but reflect on the war against Saddam Hussein. Western and Middle Eastern leaders came together in an unprecedented alliance to stop Saddam Hussein's army from invading Kuwait. We had to stop this unbridled aggression, we were told, to stop Hussein, another Hitler, we were told—and the Western World responded.

Of course, there is no oil in Yugoslavia, but there are people being slaughtered—starved—rape—and—tortured. And the free world watches.

Martin Niemoeller, who spent 8 years of his life in a Nazi concentration camp, wrote many years ago:

> In Germany they first came for the Communists and I didn't speak up because I wasn't a Communist. Then they came for the Jews, and I did not speak up because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up.

I really believe that America, my country, your country, stands for freedom and our great redeeming quality, is that Americans will come together to help right injustice, and that we will fight to protect freedom. If that is true, then we cannot continue to stand by and remonstrate that there is no easy solution. We must take action to stop the slaughter.

It is time that the United States increase its pressure on the international community, particularly Europe, to achieve a more forceful and aggressive response to the ruthless aggression of the Serbs and Croats.

As we have already seen, promises made by the Bosnian Serbs often go unfulfilled. In August 1992, all parties to the conflict agreed to 13 principles, including suspension of military flights over Bosnia and Herzegovina.

However, more than 500 Serbian aircraft violated that agreement by flying over Bosnia and bombing Moslem enclaves. Only when the North Atlantic Treaty Organization recently began to enforce the no-fly zone did the tide of air flights discontinue.

The moral of the story is that without aggressive enforcement, many of the policies aimed at ending the tragedy are meaningless.

If we fail to act, then the ambitious goals of a new world order and collective security will be nothing more than fig leaves on a dying tree.

The time has come to consider limited air strikes against Serbian supply lines and artillery positions if they continue to defy international resolutions and refuse to agree to a peace accord. The international community should also reevaluate the arms embargo policy which favors the Bosnian Serbs.

And the time has come to say to Europe—you must lead. And the time has come to say to the Russians—if you want our aid then you must use your influence with the Serbs and Croats to end the massacre.

I agree with Lord Owen, the European Community's chief mediator, that effective air strikes can be performed without the use of ground forces. It is time for an ultimatum. It is time to end the shelling by taking aim at the gun and mortar emplacements.

After the fall of the Soviet empire, Western democracies have debated the utility and future role of NATO.

NATO, as you know, Mr. President, was originally established to strengthen the security of Europe by deterring Soviet aggression. While that danger has disintegrated, the Balkan crisis could well develop into a genuine threat to the security of these very European democracies. It is time for NATO to show that it has a valid usefulness in a post Soviet Europe.

As Winston Churchill, Jr., wrote in this morning's New York Times:

> It is time for the West—with the European Community for once in the lead, as this is our special responsibility—to decisively halt the massacre of Moslems. All that is required is moral courage and political will.

I could not agree more.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina, [Mr. HELMS] is recognized for up to 10 minutes.

JAPANESE TAX FRAUD IN BRITAIN

Mr. HELMS. Mr. President, yesterday's Financial Times of London reported that British prosecutors have charged executives of Nissan UK, the former importer of Nissan automobiles into Britain, of tax fraud of, as they put it, "truly massive proportions."

According to the British prosecutors, "false invoices" were used "to increase freight costs charged in the company's accounts and so reduce profits on which the corporation tax had to be paid." The prosecutors also found "a money laundering network" involving Swiss banks in countries as far away as Panama.

Mr. President, according to the British prosecutors, the scheme cost the British Government—now get this—97 million pounds sterling in lost tax revenue. This is equivalent to approximately $150 million at current exchange rates.

This is not the first time that questions have been raised about tax underpayments by Japanese firms operating in Britain. A little more than a year ago, on March 22, 1992, to be exact, the Sunday Times of London reported that British tax authorities had discovered a pattern of Japanese companies operating in Britain reporting lower profits and, therefore, paying less taxes than comparable American firms also operating in Britain. That particular Sunday Times article reported that Sony officials in Britain were "manipulating internal accounts," actions that closely resemble the behavior of the accused Nissan executives.

So let me emphasize, Mr. President, that this problem is not limited to Britain. Three years ago, I raised the issue of tax underpayments by foreign firms operating in the United States. After a year of investigation, the chairman of the House Ways and Means Oversight Committee, a great guy named Jake Pickle, concluded that foreign firms operating in this country, the United States, owed the U.S. Government and the U.S. taxpayers just about $30 billion in back taxes.

Then in June of 1992, and as you recall, 1992 was an election year, then Presidential candidate Bill Clinton estimated that, if elected, he could and would raise $45 billion over 4 years by making foreign firms operating in the United States pay their fair share of U.S. taxes. This was listed as the second largest potential revenue raiser in Clinton's campaign budget proposal. But when he was inaugurated and took over the Oval Office, what happened? President Clinton, the guy who made all these promises last year, changed his tune on this issue.

On February 17, he released plans for an economic package that estimated raising precisely $1.8 billion from these sources over the same period of time that I mentioned earlier. Just for a point of emphasis, last year when he was running for office and making all those promises, he said, "I'm going to raise 45 billion bucks from these guys who are cheating the American taxpayers. I'm going to raise 45 billion over 4 years."

What do you know? After he becomes President, he says, "Well, I'm going to raise perhaps $1.8 billion over a period of 4 years."

I have two more observations that may be of interest, Mr. President. First, the Clinton administration seems to be setting a new record for populating itself with foreign agents whose former clients have an interest in not paying additional American taxes. Second, a day rarely goes by without some sort of trial balloon of proposed new Clinton taxes on the American people. So with the influx of all of these foreign agents into the Clinton administration and the media silent about the fact, these foreign-owned corporations are able to hide behind the shutters of the White House and continue to avoid paying what they owe.

As a result, the burden of taxation is shifting away from foreign-owned firms operating in the United States, who are already avoiding paying their fair share of U.S. taxes. And based on the tax proposals the Clinton administration is floating, instead, the burden is being shouldered by the ever-faithful American taxpayer.

Therefore, Mr. President, I have written to the distinguished chairman of the Senate Finance Committee, Senator MOYNIHAN, and the ranking Republican on the committee, Senator PACKWOOD, urging that the Finance Committee have full and complete hearings on the issue of tax underpayments by foreign firms operating in the United States.

Without question, I believe that taxes should not be raised on the American people at all, and certainly not before foreign firms operating in the United States pay what they owe.

Mr. President, I ask unanimous consent that the text of my letter to Senators MOYNIHAN and PACKWOOD be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, April 21, 1993.

Hon. DANIEL P. MOYNIHAN,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR PAT: Last April I sent Lloyd a letter stating my concerns about a multitude of tax avoidance schemes practiced by foreign corporations operating in the United States. I pointed out, as does an article in today's Financial Times, that this problem is not limited to the United States. I also pointed out (1) that Ways and Means had held extensive hearings on this issue and (2) that Oversight Chairman Pickle estimated that the U.S. Treasury loses $30 billion annually through these schemes; nevertheless Finance has yet to hold hearings on the issue.

On July 21, 1992, Finance did hold a hearing on "Comparative Tax Systems," but media reports were nominal, at best. I don't mean to be critical, but the work done thus far by the Senate Finance Committee is substantially behind Ways and Means' two year investigation of the issue.

Last year, candidate Clinton estimated that the U.S. Treasury would be able to collect up to $45 billion over four years from the U.S. subsidiaries of foreign firms which currently avoid paying their fair share of United States taxes. Since his election, however, President Clinton has scaled down his estimated collection to $1.8 billion over the same four-year period. The scale of this tax avoidance by United States subsidiaries of foreign corporations concerns me greatly.

Pat, I'm against any new taxes on the American people. And unfortunately, every time I pick up the newspaper, I see another one of the Administration's trial balloons outlining proposals to scoop the pocket of the American taxpayer yet again. The American people do not deserve to be saddled with further debt until these foreign companies ante up what they owe the United States.

Further, I am obliged to acknowledge my difficulty in having confidence in the administration taking action on this issue inasmuch as so many of the administration's top officials were formerly employed by the very same foreign corporations to which I refer. The drop in the estimate of collectibles from $45 billion to $2.8 billion signals a weakening of will already. There is always the possibility, of course, that this change was not influenced by those people who represented foreign entities prior to joining the administration.

It is clear, though, that these foreign corporations will fight to avoid paying off their debts, even if it requires cashing in on any leverage available within the administration. Unfortunately, the American people do not have similar leverage with top officials in any administration, Democrat or Republican.

So, Pat, please let me renew my request that Finance hold detailed hearings specifically on the issue of tax under payments by foreign corporations operating in the U.S. I suspect that the administration will find it difficult to convince the Senate to impose new taxes unless and until these foreign corporations make good on their debt.

Sincerely,

JESSE HELMS.

Mr. HELMS. Furthermore, I ask unanimous consent that two news articles from the Financial Times of London dated April 21, 1993, and February 18, 1993, respectively, as well as a London Sunday Times article of March 22, 1992, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Financial Times, Apr. 21, 1993]

COURT TOLD OF £97M FRAUD AT NISSAN UK

(By John Mason)

Three directors of Nissan UK, the former British importers for the Japanese motor manufacturers, cheated the tax authorities out of almost £97m corporation tax in a fraud of "truly massive proportions" that lasted 17 years, a London court was told yesterday.

The fraud centered around the use of false invoices to increase freight costs charged in the company's accounts and so reduce profits on which corporation tax had to be paid, Mr. Peter Rook QC, prosecuting.

To conceal the fraud, an international money-laundering network was set-up involving bogus shipping agents in Holland and Norway and ending at two Swiss banks—Credit Suisse and BFG, he said.

Mr. Rook was opening the prosecution of Mr. Michael Hunt, assistant managing director of Nissan UK charged with four counts of conspiring to cheat the Inland Revenue and making use of false documents. Mr. Hunt denies all the charges.

Mr. Hunt was at the centre of the conspiracy, the court heard, along with Mr. Octav Botnar, the Nissan UK chairman and chief executive, and Mr. Frank Shannon, the company's former finance director. Mr. Botnar was the "prime mover", but Mr. Hunt, as his "number two", was party to the fraud from start to finish, Mr. Rook said.

A warrant for Mr. Botnar's arrest was issued last year but this could not be served since he was now in Switzerland. Earlier this year, Mr. Shannon had pleaded guilty to one count of cheating the revenue of £17m corporation tax.

In 1971, Nissan UK won the British franchise to import cars manufactured by the Nissan Motor Company in Japan. From 1975 it arranged its own freight charges. The purpose of this was to enable the tax fraud to take place, Mr. Rook said.

In the years that followed a total of £219m was extracted from Nissan UK by a process of fabricating invoices which increased the genuine freight charges by between 40 percent and 60 percent on each occasion. The sham shipping agents, who were prepared to take part in the falsification of documents, were Autocontex Holland of Rotterdam and Scansiris A.S. of Norway.

To cover their tracks, the conspirators set up an international laundering operation. During the Inland Revenue's investigations, evidence was found in Holland, Germany, Bermuda, Austria, Norway and Panama.

"The trail leads to two Swiss banks where the conspirators would divide the spoils of the fraud", Mr. Rook said.

The trial continues today and is expected to last at least three months.

[From the Financial Times, Feb. 18, 1993]

RETREAT ON TAXING FOREIGN COMPANIES

(By George Graham)

President Bill Clinton has had to execute an embarrassing climbdown in his claim that foreign-owned companies could be made to pay billions of dollars more in US taxes.

In his campaign manifesto, Mr. Clinton said that making foreign companies pay their fair share of taxes by stricter enforcement of the transfer pricing rules that govern transactions between subsidiaries and their parents would bring in $45bn in four years from 1993 to 1996—the second largest source of savings identified in the document.

This number was less extravagant than the estimate of $30bn a year that commonly circulates in congressional subcommittees, but it was still widely ridiculed.

Last night's economic package, more modestly, estimates only $1.8bn over the same 1993–96 period, or a total of $3.8bn over a longer six-year period from an initiative to enhance penalties on transfer pricing abuses. Even this estimate appears to involve a good deal of guesswork; this line contains far the roundest numbers in the entire Treasury document detailing the new tax increases.

A Treasury official said the tighter enforcement would involve penalties that may be levied when a company is found to have cheated on transfer pricing arrangements. Companies must have contemporaneous documents justifying their pricing structure, instead of being able to construct *post hoc* justifications.

At the same time, Treasury plans to increase compliance with transfer pricing rules by spending $38m on more tax inspectors and doubling the frequency with which foreign companies are audited, and an official said the additional revenue from this enforcement drive, while as yet uncalculated, would be large.

A second measure in the Clinton package will also affect some foreign companies: earnings stripping rules, designed to prevent companies from converting taxable dividends into tax deductible debt repayments by lending money to their subsidiaries for capital, will be tightened to cover bank loans guaranteed by the parent company. The administration estimates this could bring in $579m over the 1993–98 period.

More significant revenue, however, could come from measures aimed at US multinationals with foreign subsidiaries. By reforming the foreign tax credit for oil multinationals, including royalties in the passive basket of the foreign tax credit, and stopping deferral for excessive accumulated foreign earnings, the Treasury hopes to reap $4.3bn in the 1993–98 period.

[From the London Sunday Times, Mar. 22, 1992]

INLAND REVENUE PROBES TAX AVOIDANCE AT SONY

(By John Cassidy)

Tax inspectors are investigating allegations that Sony, the Japanese electronics giant, may have avoided paying millions of pounds in tax by generating profits in Japan rather than in Britain and America.

Inland Revenue officials have interviewed former Sony executives who say they reduced the company's tax bills in Britain by manipulating internal accounts.

The allegations are strongly denied by Sony, the biggest Japanese manufacturer in Britain and the first to set up in this country.

Two former executives told The Sunday Times they inflated prices paid to a German division of Sony for products imported into Britain. This cut the profits—and tax liability—of Sony Europa, a British branch of the company, they say.

One, a former sales and marketing manager, said: "It was hard to believe. I was a professional salesman, yet I set a goal of zero profits." Sony said if such price manipulation occurred, it was against its policies and in defiance of company rules.

Sony Europa, in Staines, Middlesex, is one of 625 subsidiaries of the Japanese electronics giant which include CBS, the American record label, famous for artists such as Bruce Springsteen and Michael Jackson. In America, Internal Revenue Service investigators have interviewed former Sony employees who also claim the prices of imported products were inflated to increase profits to the Japanese parent.

The British Inland Revenue investigation follows an Insight inquiry which found that many Japanese multinationals legally pay only a fraction of the tax of other firms operating in this country.

Sony UK paid nothing at all in corporation tax throughout the 1980s. In the last financial year (1990–1), it paid only 1.4% of its £875m turnover to the British exchequer in profits tax, compared with 5.3% paid by Kodak, a foreign-owned multinational that has a similar turnover.

Yet last year, Sony Corporation achieved its highest ever worldwide sales and consolidated profits. It will be in surplus again this year, despite a fourth-quarter downturn in Japan.

There is no suggestion that Sony UK, which has received grants and pledges of £20m from British taxpayers, has acted illegally or improperly. It says its tax bills were wiped out by government allowances and relief carried forward.

But Insight's findings which show that the Treasury would benefit by at least £200m a year if leading Japanese firms paid proportionately as much tax as British and other foreign multinationals—have prompted MPs to call for an urgent inquiry.

Tory backbencher John Watts, a member of the select committee on Treasury affairs, has written to Norman Lamont, the chancellor, asking for a full investigation by the Revenue.

"There are potentially hundreds of millions of pounds going begging here. If firms benefit from publicly funded grants they must pay their fair share of taxes," he said.

After analysing Insight's findings, Professor John Kay of the London Business School, an expert on international taxation, said: "The striking thing is that Japanese companies clearly pay little or no tax in the UK while other foreign companies do."

The Japanese embassy in London angrily denied the allegations. "If Japanese firms lose credibility over here they will face a very difficult situation, so they would not do such manipulation," it said.

Tax avoidance by so-called "transfer price manipulation" is prohibited in America. In 1990 a congressional committee calculated that during the 1980s the practice had been used by 36 multinational companies, two thirds of them Japanese, and had cost the US treasury £100 billion.

But in Britain, such manipulation is not against the law. The Inland Revenue's only remedy is to demand additional tax payments if it suspects that this has occurred.

Insight examined the profits declared and taxes paid by the biggest Japanese companies in Britain during tow financial years, 1988–9 and 1990–1. It found British firms and foreign (non-Japanese) multinationals paid five times as much tax per pound of turnover (the measure used by the Revenue to test for tax avoidance on profits) as their Japanese counterparts.

While there is no suggestion of illegal tax evasion, it is striking that Japanese firms paid proportionately far more tax—roughly three times as much per pound of turnover—to the Tokyo government than they did to the British exchequer, even though tax rates in the two countries are comparable.

For example, Hitachi Consumer Products, the UK arm of the Japanese electronics giant, declared tiny profits and paid nothing in British corporation tax last year. By contrast, Hitachi's parent paid £379m in profits tax—2.3% of its turnover—in Japan. Hitachi said last night its British made consumer products were a "very low-margin business".

In total, the Inland Revenue collected less than £40m in profits tax from the 10 biggest Japanese firms in Britain, including Toshiba UK, Mitsubishi Electric and Hitachi consumer products, in 1988–9 and 1990–1. That represented only 0.6% of their combined UK turnover.

During the same period, the 10 largest British firms, including ICI, British Aerospace and Unilever, paid more than £14 billion in profits tax—equal to 3% of their combined turnover. Leading foreign-owned multinationals, including Ford, IBM and Vauxhall, also paid tax equal to 3% of turnover.

Some American states, notably California, now assess tax on a multinational's worldwide profits, rather than on profits in that state alone. Some experts believe that Britain should adopt the same approach.

Professor Kay said: "All we have is a 29th-century tax law that sometimes collects tax and often doesn't. The only way to deal satisfactorily with transfer pricing is to take a company's worldwide profits, and tax it according to the British share of its turnover."

All companies based in Britain are required to pay between a quarter and a third of their profits in tax, regardless of which country their owners come from. Thus, foreign-owned firms should not enjoy special advantages over their British rivals.

But not only do British companies pay more tax in this country than their Japanese counterparts, they also pay proportionately more tax on their operations in Japan. For example, Nippon Wellcome, part of the British Wellcome Foundation, paid 14.5% of its £112m turnover in corporation tax to the Tokyo government last year.

Tax revenue from company profits accounted for £21 billion last year, the exchequer's fourth-biggest source of revenue after income tax, National Insurance contributions and Vat.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, on another subject, as of the close of business on Tuesday, April 20, the Federal debt stood at $4,254,483,393,350.16, meaning that on a per capita basis, every man, woman, and child in America owes $16,563.50 as his or her share of that debt.

I thank the Chair, and I yield back the remainder of my time.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EXON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that we proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

EARTH DAY

Mr. GLENN. Mr. President, today is the 22d anniversary of Earth Day. I am very pleased that the Senate will be taking action today, or starting action, to elevate the EPA to Cabinet-level status. With this action, we will take a step to improve and safeguard the future—not only my future or that of my colleagues but, more importantly, our children's and their children's future. What kind of world will they live in? What standard of living will they enjoy, and what will be their quality of life? Can we answer those questions, and can we do anything about it today? In short, what kind of Earth legacy will we who are, after all, temporary trustees of this planet bequeath to future generations?

Mr. President, I am also very pleased that President Clinton took actions yesterday to make the Federal Government a more environmentally conscious steward. The President announced that he will issue three executive orders. The first will substantially boost the numbers of alternative fuel vehicles in the Federal fleet. Increasing the use of alternative fuel vehicles will help reduce reliance on foreign oil, it will decrease harmful air emissions, and it will spur introduction of these vehicles into the consumer market. I supported these goals in the Energy Policy Act of last year, and I offered amendments to provide incentives to agencies to accelerate the use of these vehicles in the Federal fleet.

The second executive order requires agencies to buy "energy star" computers. Those are computers whose screen shuts down after a period of nonuse—that is, if they meet quality and price standards. As hearings before my Committee on Governmental Affairs have pointed out, computers are a major source of energy consumption in Federal facilities. We can achieve substantial energy savings by using highly efficient office equipment. This effort builds on my provisions included in last year's Energy Policy Act to aggressively identify and procure energy-efficient products.

The third Executive order addresses Federal use of ozone-depleting chemicals by requiring agencies to phase out use of class I and II CFC's by 1995 and to establish agency plans for procuring ozone-friendly goods.

It is my understanding that the President is also considering issuing two additional Executive orders. The first will address the release of toxic chemicals by Federal facilities, by requiring Federal facilities to comply with title III of the Superfund Amendments Reauthorization Act. That is commonly called the toxic releases inventory. This order may further require agencies to reduce toxic releases by 50 percent by 1999 and to prepare pollution prevention plans.

My colleague, Senator KERRY, recently sent a letter to the President cosigned by more than 30 Senators, including myself, urging that the administration take this action.

The final Executive order, which I understand is being considered, addresses Federal procurement of recycled products. This order may include the following directives: One, guidelines for procuring recycled products in Federal facilities. Two, the creation of model Federal facilities which exhibit closed loop recycling. Three, the establishment of solid waste reduction goals.

I want to specifically recognize the special efforts of the Vice President and the staff of the White House Office of Environmental Policy, both of whom have taken a major leadership role in this vital area. It is in large part through their hard work and diligence that these actions are being undertaken.

So I applaud the administration for moving in this direction, and I intend to work with them on a bill that I am introducing today. This bill would create a program to demonstrate the use of products made from recycled, reclaimed, or reused materials in the construction or retrofitting of Federal buildings. The bill also would require us to consider further actions on how to minimize the generation of solid waste in the construction of Federal buildings and facilities.

I also add, from my position as chairman of the Governmental Affairs Committee, I plan to continue my efforts to clean up and make safer our Nation's nuclear weapon production complex, to tackle the problems of solid waste management and disposal, and also address the issue of the Federal Government's environmental liability.

In these remarks, I am gratified that this administration is taking significant steps to get our own house in order. I think it is high time that we set an example on how to be more environmentally sensitive and to adopt policies which will help create markets for emerging environmental technologies. By being clean and green, as the saying goes, we can create jobs, we can make businesses more competitive, and we can provide a better world for our children.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I thank the Chair.

(The remarks of Mr. GLENN pertaining to the introduction of S. 817 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Vermont [Mr. JEFFORDS] is recognized.

THE EPA CABINET BILL

Mr. JEFFORDS. Mr. President, I compliment our colleague, the previous speaker, for the work he has done on the bill that is going to be coming before us. I know the tremendous amount of work he has done. One would think this would be a pretty simple thing to do. Everyone wants to make it a little better and in some cases a little worse. So we sympathize with his efforts, and hopefully how we will be able to proceed.

Mr. President, I rise today in hopes that in this Congress, we can elevate EPA to Cabinet status. It is time to guarantee the environment a place at the President's table. As we begin this endeavor again, I want to reflect a little on where we have been and where we are going.

Let me begin with a quote:

> We crowd together as never before; our pursuits are more sedentary, our habits more luxurious; houses grow apace, land is more valuable, the green fields more remote; our children are reared among bricks and paving-stones; the public health can only be maintained by special sanitary appliances and precautions.

The year of this quote is 1875, but it could easily have been 1993. Many of the controversial environmental issues of today merely repeat the debates of yesterday.

Let me give a few examples.

Our scientists propose the new concept of using animals as environmental sentinels. Yet, the Romans inspected animal livers before deciding where to build a town. If signs of disease were found, the town was built elsewhere.

We passed Superfund, a law now under major attack, in response to the new problem of homes built on or near contaminated areas. Yet, in 1875, the president of a municipal engineering society denounced, and I quote, "the common practice of excavating for sale the gravel from building sites, which were afterwards filled in with any rubbish, generally the town refuse, containing putrescible matter, upon or adjoining which houses are afterwards built."

He states, "Such houses form the sick homes of family after family, who are unaware of the condition of the soil upon which the attractive cottage stands."

Last Congress, we discussed the new concept of certifying homes as lead free in real estate transactions. Yet, an 1880 engineering text states:

> Every person intending to take a house should require a certificate as to the fulfillment of [sanitary conditions], and should regard such a certificate as essential to his accepting a lease or agreement for a house. * * * It should hold as important for a house to be wholesome before it is let or sold as for food to be wholesome * * *.

Can you tell what is a wetland by the plants? One engineer in 1875 noted, as he surveyed along a river, what he described as the following curious fact:

> The state of dryness of the ground could always be told by the growing plants.

Earlier this afternoon, one colleague spoke about the economics of reducing wastes and how industries could become more competitive in doing so.

Allow me to quote from the 1868 report of the Commission on Rivers Pollution:

> * * * of the many polluting liquids which now poison the rivers there is not one which cannot be either kept out of the streams altogether, or so far purified before admission as to deprive it of its noxious character, and this not only without unduly interfering with manufacturing operations, but even in some instances with a distinct profit to the manufacturer; * * *

Is funding environmental mandates a new issue? One 1870's individual made the following observation:

> The [taxpayer] will willingly tax himself for beer, spirits, tobacco, and other health-destroying agents—he will even pay his doctor—but he will not, willingly be taxed for preventive sanitary measures.

Unfunded mandates is an old issue. Undoubtedly, there are many questionable mandates. Unfortunately, too often the term "unfunded mandates" is used to attack mandates, not solve the funding problem. Those who use this issue are often the same individuals who argue for continued subsidies for environmentally harmful activities. Removing these subsidies could raise millions for environmental protection. I confess a bit of discouragement that the commitment to grazing fee reform and a national deposit law by the administration seems to have decreased.

Appropriating more money, however, is not the entire solution to the unfunded mandate problem. We must address the roots of pollution, not merely pay to clean it up, for even if we do not enact another environmental bill for the next 20 years, the costs of pollution control are going to escalate.

Why? For one, many forms of protection just plain cost more today than yesterday. My office compared the costs to build a 1761 English drinking water system with today's costs. In 1761, the system to serve 6,000 people cost £3,030. Depending upon whether precious metal prices or inflation is used to convert this to 1992 dollars, £3,030 is equivalent to $43,000 to $115,000.

A contractor gave me an estimate to build the system today of $600,000. On average, that is a tenfold increase in constant dollar costs.

Pollution also works against us. As our population grows, so too do the levels of treatment required to protect the environment. Since the natural assimilative capacities of our rivers and air are fixed, the greater the population, the greater the levels of treatment must be just to maintain the status quo.

For example, reducing automobile emissions 10 percent only reduces air pollution until there are 10 percent more cars. Pick the environmental media and a similar argument can be made.

This is why pollution prevention is so important. You do not have to pay for treatment if you did not make the waste.

But, even with pollution prevention, however, costs will rise. The increase each year may be small, but it will occur. It is the natural result of our growth.

On this Earth Day, I would like to use the Mississippi River system to illustrate this point. Many of our colleagues wrote to the President about this very subject.

A large water fight between upstream and downstream States is underway as a result of what I will call the levee problem. In a figurative sense, Mr. President, we are still victims of and participants in the levee problem. Unfunded mandates is the levee problem.

Before the westward expansion, the rivers of this country ran free. But, as we began to settle these areas, we drained the wetlands and built levees to protect the lands from flooding. We plowed the soil which increased the drainage. Acre by acre, runoff increased while the size of the river channels was reduced.

One 1850's engineer, Charles Ellet, foresaw the negative implications of these incremental actions. He saw that, as development proceeded across the plains, downstream States would endure ever-greater floods. These floods would become more costly as development along the rivers, permitted by the levees, increased. The downstream States would have to build higher levees, which would merely move the floods upstream. This, in turn, would cause the upstream property owners to first build and then raise their levees. Levees would be built progressively upstream, and eventually the better part of these river systems would be leveed.

A funny thing about levees, though. Raising the height of a levee entails much more than simply adding a few inches of soil to the top. Additional soil must also be added to the sides to make the levee stable. As a result, the costs of raising the levees would become increasingly costly until the levees would become unaffordable to local governments. At this point in history, levees were paid for by taxing the land and the products from the lands that were protected. Government subsidies were rare, and no one had ever thought of a waterways fuel tax at that time.

Mr. Ellet predicted that it was a matter of time before the Government would have to build large reservoirs in the upper parts of the river basins to replace all the storage capacity cut off by levees and lost by draining swamps. Keep in mind this is 1852; construction of the Garrison Dam in North Dakota would not begin for about a century.

So, where once we expended great energy to rid ourselves of stored water, now we fight over what little stored water remains.

Mr. Ellet laid much of the responsibility for the levee problem and its future revelations on the shortsightedness of Congress. In the name of development, Congress encouraged building the levees.

Allow me now to quote this engineer:

> The drainage of the swamps is progressing with a step as steady and as fatal * * *. Let it not be supposed that these events, though all steadily progressing, are too remote to demand present concern. Those changes which may be witnessed by persons now living, should be considered, for all the purposes of wise legislation, as things immediate. It is not assuming more than the actual progress of this country will justify, or more than is fully warranted by the history of the last thirty years, to conclude that at the close of the current century, or fifty years hence, the population within the present boundaries of this country will reach 100,000,000 of persons. * * * It is our duty to look forward to these things * * *. We must look at these things and appreciate the progress of society, and its probable effects, before attempting to devise plans to retard or resist the approaching event. The expedient that will be adequate to mitigate the present suffering will have no appreciable influence on the floods that are yet to come. That population will spread over the entire region drained by the Mississippi; and that the levees will be extended in defiance of the natural difficulties and the probabilities of crevasses, until both shores are completely guarded, must be received as certain and inevitable results. That the water which is to be excluded from these reservoirs must be accommodated by the channel, is also apparent. It is not merely the present floods, therefore, but the effect of these progressing changes in the natural order of things, which it is our province to consider and our duty to provide for.

The unfunded mandate problem is essentially the levee problem of our day. The question we must answer is: "Will we address this problem at its roots, or will we merely keep incrementally raising the height of the levees?"

I am encouraged by the earlier remarks of the chairman on the Environment Committee on the beginning of a new approach to environmental protection. Both Congress and EPA must look beyond extending the next levee and at the entire system. Our failure to look at the long-term implications of our policies will continue to be expressed in a variety of forms. It is takings, it is wetlands, it is endangered species. These are all symptoms of the environmental levee problem.

Take wetlands, for instance. As we drained millions of acres of wetlands in the incremental course of progress, much like the water behind Garrison Dam, the remaining wetlands became increasingly valuable. We now fight over the remaining wetlands.

Those who own the wetlands think it is unfair that they should be denied the right that many, many others have exercised before them. They end up paying the cost of our preceding actions. The issue becomes one of takings.

I do not believe the wetland owner should bear the costs of preservation alone. We all share responsibility for the past development. Therefore, we must all collectively compensate and encourage others for the preservation of the remaining wetlands. We should remove the incentives for destroying green space, and in their place, create incentives for green space preservation. Preserving green space is the equivalent of pollution prevention. I hope to reintroduce my bill on this subject soon.

So what does this have to do with the EPA. My point is that we have been looking at the environment in the same way for over a century. The result is that our costs get higher and higher without solving the underlying causes of the problem.

We need to take a fresh look at how we are protecting the environment, and what better time to start with a clean slate than when we elevate EPA to Cabinet status.

We cannot keep chasing pollution from medium to medium. We are merely shifting the floodwaters around while the levees we place between us and the environment are becoming increasingly expensive. And, we fight about the result as unfunded mandates while the floods become ever more devastating.

Mr. President, I will close now, by repeating the words of Mr. Ellet.

> It is not merely the present floods, therefore, but the effect of these progressing changes in the natural order of things, which it is our province to consider and our duty to provide for.

Let us stop building levees.

Mr. President, I yield the floor.

THE GRIDLOCK IN THE SENATE OVER THE ECONOMIC STIMULUS PACKAGE

Mrs. MURRAY. Mr. President, I have always believed in the saying, "what you see is what you get." I campaigned on a platform that what you see with Patty Murray is what you get.

Rather than get the economic stimulus package they saw, the American people got a gridlocked Senate, held hostage by a minority of Senators. What the people of America, and the State of Washington, will get from this gridlock is continued unemployment and the same old status quo.

The American people saw the opponents of the stimulus package mock them. They saw the Republicans laugh at the President's programs. Well, this is very hollow laughter, because I know that the people of Washington are not laughing along. They saw it was time for us as leaders to begin to invest in America, to take care of our children, our families and communities. They saw this, but they are not going to get it.

The American people understand the importance of a domestic agenda, but they will not see it now. Instead, they have seen a minority thwart their interests. They have seen that a minority in the U.S. Senate does not think that caring about their interests is a priority.

Washingtonians saw that the President wanted 160 new inspectors for meat and poultry safety. My State watched hundreds of children get sick, and some die, from e.Coli. I have visited the hospital wards. I have talked to the parents of the children who died. And now I have to tell them that the e.Coli outbreak is not considered an emergency, and that food safety is not a priority for the Republicans in the Senate.

Washingtonians saw that the President wanted to help the 23,000 workers being laid-off by the aerospace industry in the State of Washington by creating new jobs. There were going to be 8,000 new jobs in transportation projects and another 8,000 in recreational facilities and maintenance. I have talked with the workers at Boeing who are in jeopardy of losing their jobs, and now I have to tell them that job-creation is not a priority for the Republicans in the Senate.

Washingtonians saw that the President wanted to restore and revitalize rivers and forests in the Northwest. The Forest Service and Fish and Wildlife Services have identified thousands of sites that are badly in need of restoration. And now I have to tell these people that welfare is better than a job, and that environmental degradation is not a priority for Republicans in the Senate.

Veterans in Washington saw that the President wanted to bolster programs for them. And now I have to tell the men and women who risked their lives for this country that their problems are not a priority for Republicans in the U.S. Senate.

Washingtonians saw that the President wanted to expand WIC. Right now, in my State, only 47 percent of our neediest mothers and children are being served by the WIC Program. And now I have to tell the other women and their children that their well-being is not a priority for Republicans in the Senate.

Washingtonians saw that the President wanted to ensure that all 3-, 4- and 5-year olds in the State of Washington could participate in the Head Start Program. And now I have to tell mothers that poor children will not have the access to education that rich children have, and that they are not a priority for the Senate.

Washingtonians saw that the President wanted to help people living with AIDS. The State of Washington has had to cut out home health programs for AIDS patients, thereby raising the cost of health care in the State. We could have put people to work, caring for low-income people with HIV disability, allowing the sick to spend the end of their lives in dignity. And now I have to tell people living with AIDS that the epidemic is not a priority for Republicans in the Senate.

Washingtonians saw the need for jobs and education and caring that was in the President's package. But they are not going to get any of them.

Mr. President, I have to answer the people of Washington. I have to try to describe what goes on here. Why this happened.

Milton and Susan Sherwood of Shelton, WA, wrote to tell me that they believe in the immunization program. They wrote:

> If nothing else gets accomplished during the next four years, passing this one program, for all our children, would be worth it.

How do I tell them gridlock stopped the immunization program?

Howard Amack of Vancouver, WA, wrote me:

> I hope you will support the President's programs to try to get people back to work and improve our health and education systems. So far we seem to be having the same old gridlock in Congress. The people won't stand for this.

How do I tell Howard it is business as usual?

I think Richard Moore of Issaquah, WA, best expresses my frustration:

> I am an independent who is appalled at the Republicans' stonewalling of the President's stimulus package. If the Republicans continue their obstructionist tactics, they will be responsible for any problems which may develop. The Republicans should step aside and set aside the gridlock. Americans want progress and they want accountability.

What we have just been through reminds me a bit of the "Wizard of Oz." Remember that scene toward the end of the film, when a short female in funny shoes pulled back a curtain and exposed the real story? What we saw behind that curtain was not what we got.

I used to be a preschool teacher. I know that when you are confronted by one or two problem kids, you do not cave in to their demands. And, you do not give up. You stand resolute. I never thought that I would say that being a preschool teacher was good training for being a U.S. Senator in the majority party. But, it really is.

So, let the minority celebrate—this minority of Senators who have stopped all these important programs from moving forward—these programs to help the unemployed, children, AIDS patients, and poor mothers. It hurts me to watch a policy continue that allows only the children of the rich to be immunized. And educated. And fed. And housed.

Mr. President, is it not time for a change? Would it not be a change if we spent our time working on ways to help our people and move our country forward rather than trying to stop progress.

EARTH DAY 1993: TIME TO RECOMMIT TO THE SPIRIT OF UNCED

Mr. PELL. Mr. President, today we celebrate Earth Day. This is an occasion for each of us to rededicate ourselves to the protection of our natural heritage. On Earth Day 1993, I think it is particularly appropriate to commit ourselves once again to the spirit and goals of the Earth summit.

Held less than 1 year ago, the Earth summit laid the foundation for addressing one of the principal challenges our planet will face over the next decade: integrating economic growth objectives with the protection of our planet's finite resources.

The conference produced three major documents: Agenda 21, a blueprint for sustainable development into the 21st century; the Convention on Climate Change; and the Convention on Biological Diversity.

Carrying out the promises and commitments of that conference will require political leadership of the first order. We have that leadership in President Clinton.

In his first major speech on the environment since taking office, the President announced a series of steps that will help restore the mantle of leadership the United States once enjoyed on environmental issues. I will highlight for my colleagues just two particular points from the President's speech. I ask unanimous consent that the full text of his remarks appear in the RECORD immediately following my statement.

First, the President announced that the United States will sign the Convention on Biological Diversity. In taking this step, the President is bringing the United States back to the international negotiating table. As my colleagues may recall, to the consternation of the world community, the United States refused to sign the convention last summer at UNCED. I applaud the President for his willingness to work to resolve the problems that admittedly existed with the convention so that its many benefits can be realized.

Second, the President announced that the United States would move beyond the requirements of the Convention on Climate Change and reduce its emissions of greenhouse gases in the year 2000 to 1990 levels. This pledge advances international efforts to combat climate change. It demonstrates the United States commitment to action.

I applaud the President for his early and decisive action on these issues.

On this Earth Day, I would also encourage my colleagues and the President to look at other opportunities to follow-through on UNCED. In particular, I want to draw their attention to Senate Joint Resolution 69, the Earth Summit Environmental Leadership Act, which I introduced with Congresswoman PELOSI on March 24. This legislation sets broad policy guidelines for U.S. implementation of the Earth summit. It calls for:

The adoption of a national strategy on sustainable development;

The promotion of sustainable development through the U.S. foreign assistance program and through the multilateral development banks; and

The Presidential affirmation of strong United States support for the Commission on Sustainable Development. I ask unanimous consent that a copy of the resolution appear following my remarks in the RECORD.

Mr. President, on this Earth Day I feel great hope that we are beginning to move ahead on many of the most pressing environmental problems facing our country and our planet. It is high time that we do that. For in the final analysis, we must truly accept the proposition that our natural heritage is not ours to own, it is merely borrowed from future generations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY THE PRESIDENT IN EARTH DAY SPEECH, APRIL 21, 1993

The PRESIDENT: Thank you very much, ladies and gentlemen, for being here in the wonderful Botanical Gardens. I must say there's a lot I have to learn about this town, as you can tell if you follow events from day to day. And I didn't know that the Botanical Gardens was a branch of the Congress until I showed up here. (Laughter.) Just one more thing I'm not responsible for—I'm glad to be here. (Laughter.)

I also think that we should introduce a guest from another country who is here with us—the Environmental Minister from Australia, Roz Kelly. Would you stand up? We're glad to have you here. (Applause.)

Al Gore introduced Katie McGinty, and you were all good enough to clap. And I don't know if you could hear through the clapping that her parents are here. And what you may not know is that the real reason we appointed her is that she's one of 10 children and we'd like to carry Pennsylvania in 1996. (Laughter.) We think that there's a significant likelihood now because of that.

I want to say a special word of thanks to the Vice President for two things—first of all, for the wonderful trip that he has just concluded, going to Poland to represent our country on the occasion of the 50th anniversary of the Warsaw Uprising, and the wonderful remarks he gave in New York on the eve of that departure and the way that he represented the United States in Poland. And secondly, notwithstanding what he said in the introduction, which was true—(laughter)—one of the reasons I did ask him to join the ticket is that he knew more about the subject of the environment than I did and I thought I had something to learn from him. And I have learned a great deal, and it has been an immensely rewarding experience and one which I hope will benefit the United States in many ways over the course of the next four years.

That's worth clapping for—I agree with that, don't you think? (Applause.)

It's a good thing to have this celebration in the springtime, a time when our spirits are renewed and we are reminded by nature of new beginnings and forgotten beauty. This has been an astonishingly beautiful spring in Washington, D.C., and something for which I will always be grateful—my first springtime here that I see every morning as I go out and jog around in it and try to breath in it—something that is a continuing challenge. (Laughter.)

A little more than a week ago, most Americans celebrated holy days of freedom and renewal. Today, we still nurture the faith that helps us to understand more clearly that we can do better. This is a time of new beginnings, a time when there is anguish and anxiety all around us, but we still must yearn once again to succeed in our common purposes to reach our deepest goals.

For all of our differences, I think there is an overwhelming determination to change our course, to offer more opportunity, to assume more responsibility, to restore the larger American community, and to achieve things that are larger than ourselves and more lasting than the present moment. We seek to set our course by the star of age-old values, not short-term expediencies; to waste less in the present and provide more for the future; to leave a legacy that keeps faith with those who left the Earth to us.

That is the American spirit. It moves us not only in great gatherings, but also when we stand silently all alone in the presence only of nature and our Creator.

If there is one commitment that defines our people, it is our devotion to the rich and expansive land we have inherited. From the first Americans to the present day, our people have lived in awe of the power, the majesty and the beauty of the forest, the rivers, and the streams of America. That love of the land, which flows like a mighty current through this land and through our character, bursts into service on the first Earth Day in 1970.

When I traveled the country last year, I saw and spoke of how much had been accomplished by the environmental movement since then and how much still remains to be done. For all that has been done to protect the air and the water, we haven't halted the destruction of wetlands at home and the rain forest abroad. For all that has been learned, we still struggle to comprehend such dangers to our planet's delicate environment as the shroud of greenhouse gases and the dangerous thinning of the ozone layer. We haven't done nearly enough to protect our forest communities from the hazards, such as lead poisoning, which is believed to cause mental retardation, learning disabilities, and impaired growth.

Unless we act, and act now, we face a future where our planet will be home to nine billion people within our lifetime, but its capacity to support and sustain our lives will be very much diminished. Unless we act, we face the extinction of untold numbers of species that might support our livelihoods and provide medication to save our very lives. Unless we act now, we face a future in which the sun may scorch us, not warm us; where the change of season may take on a dreadful new meaning; and where our children's children will inherit a planet far less hospitable than the world in which we came of age. I have a faith that we will act, not from fear, but from hope and through vision.

All across this country, there is a deep understanding rooted in our religious heritage and renewed in the spirit of this time that the bounty of nature is not ours to waste. It is a gift from God that we hold in trust for future generations. Preserving our heritage, enhancing it, and passing it along is a great purpose worthy of a great people. If we seize the opportunity and shoulder the responsibility, we can enrich the future and ennoble our own lives.

Just as we yearn to come together as a people, we yearn to move beyond the false choices that the last few years have imposed upon us. For too long we have been told that we have to choose between the economy and the environment; between our jobs; between our obligations to our own people and our responsibilities to the future and to the rest of the world; between public action and private economy.

I am here today in the hope that we can together take a different course of action, to offer a new set of challenges to our people. Our environmental program is based on three principles. First, we think you can't have a healthy economy without a healthy environment. We need not choose between breathing clean air and bringing home secure paychecks. The fact is, our environmental problems result not from robust growth, but from reckless growth. The fact is that only a prosperous society can have the confidence and the means to protect its environment. And the fact is healthy communities and environmentally sound products and services do best in today's economic competition.

That's why our policies must protect our environment, promote economic growth, and provide millions of new high-skill, high-wage jobs.

Second, we want to protect the environment at home and abroad. In an era of global economics, global epidemics and global environmental hazards, a central challenge of our time is to promote our national interest in the context of its connectedness with the rest of the world. We share our atmosphere, our planet, our destiny with all the peoples of this world. And the policies I outline today will protect all of us because that is the only way we can protect any of us.

And, third, we must move beyond the antagonisms among business, government and individual citizens. The policies I outlined today are part of our effort to reinvent government—to make it your partner and not your overseer—to lead by example and not by bureaucratic fiat.

In the face of great challenges, we need a government that not only guards against the worst in us, but helps to bring out the best in us. I know we can do this because our administration includes the best team of environmental policymakers who have ever served the United States: the Vice President, Interior Secretary Babbitt, EPA Administrator Browner—and I hope that the EPA will, soon, by the grace of Congress, be a Cabinet-level department—and Energy Secretary O'Leary, Commerce Secretary Brown, Transportation Secretary Pena, the Agriculture Secretary Mike Espy, our Environmental Policy Director Katie McGinty, and our Science and Technology Advisor Jack Gibbons. All of them share an unshakable commitment to a healthy environment, a growing economy and a responsible government.

Our economic plan will create new job opportunities and new business opportunities, protecting our natural environment. The reductions in the interest rates which we have seen already will free up tens of billions of dollars for responsible investments in this year alone.

The jobs package I have asked the Congress to pass contains—this is hardly been noticed, but it actually contains green jobs from waste water treatment to energy efficiency, to the restoration of our national parks, to investments in new technologies designed to create the means by which we can solve the problems of the future and create more jobs for Americans.

Our long-term strategy invests more in pollution prevention, energy efficiency, and solar energy, in renewable energy, and environmental restoration, and water treatment—all of which can be found in the five-year budget that we have presented to the Congress.

These investments will create tens of thousands of new jobs, and they will save tens of thousands more. Because when we save energy and resources we will have more to invest in creating new jobs and providing better living standards. Today every other advanced nation is more energy efficient than we are. That is one of the reasons why over the last couple of years, for example, the * * * because that economy uses one-half the energy we do to produce the same amount of goods. We can do better and we will.

I believe we can develop the know-how to out-conserve and out-compete any one else on Earth. All over the world people are buying products that help them to protect their environment. There's a $200-billion market today for environmental technologies. And by the turn-of-the-decade in the century, it will be $300 billion.

Let me just share one example with you—something we all know and use and something some of us are still trying to learn how to replace: light bulbs. Long-lasting energy-saving light bulbs didn't even exist in 1985. Now American companies sell over $500 million worth of these products, with sales expected to reach $2 billion by 1995 and $10 billion by the year 2000, creating thousands of new jobs. American scientists have taken the lead in developing these technologies, and it's time to help our companies take the lead in bringing out products and services to market.

I've asked the Energy Department, the Commerce Department, and the EPA to assess current environmental technologies and create a strategic plan to give our companies the trade development, promotional efforts and technical assistance they need to turn these advances into jobs here in America, as well as to help promote a better environment. America can maintain our lead in the world economy by taking the lead to preserve the world environment.

Last year, the nations of the world came together at the Earth summit in Rio to try to find a way to protect the miraculous diversity of plant and animal life all across the planet. The Biodiversity Treaty which resulted had some flaws, and we all know that. But instead of fixing them, the United States walked away from the treaty. That left us out of a treaty that is critically important not only to our future, but to the future of the world. And not only because of what it will do to preserve species, but because of opportunities it offers for cutting-edge companies whose research creates new medicines, new products, and new jobs.

Again, just one recent example makes the point. A tree that was thought to have no value, the Pacific Yew, used to be bulldozed and burned. Now we know that that tree contains one of our most promising potential cures for ovarian cancer, breast cancer and other forms of cancer. We cannot walk away from challenges like those presented by the Biodiversity Treaty. We must step up to them.

Our administration has worked with business and environmental groups toward an agreement that protects both American interests and the world environment. And today, I am proud to announce the United States' intention to sign the Biodiversity Treaty. (Applause.)

This is an example of what you can do by bringing business and environmentalists together, instead of pitting them against each other. We can move forward to protect critical natural resources and critical technologies. I'm also directing the State Department to move ahead with our talks with other countries which have signed the convention so that the United States can move as quickly as possible toward ratification.

To learn more about where we stand in protecting all our biological resources here at home, I'm asking the Interior Department to create a national biological survey to help us protect endangered species and, just as importantly, to help the agricultural and biotechnical industries of our country identify new sources of food, fiber and medication. (Applause.)

* * * hospitable and more hostile to human life. Today, I reaffirm my personal, and announce our nation's commitment, to reducing our emissions of greenhouse gases to their 1990 levels by the year 2000. (Applause.)

I am instructing my administration to produce a cost-effective plan by August that can continue the trend of reduced emission. This must be a clarion call, not for more bureaucracy or regulation or unnecessary costs, but instead, for American ingenuity and creativity, to produce the best and most energy-efficient technology.

After the Cold War, we face the challenge of helping Russia achieve a healthy democracy, a healthy economy, and a healthy environment. Our Russian aid package includes $38 million to clean up pollution and promote better uses of energy. As with the full range of our investments in Russia, this is truly an investment not only in promoting our own values, but in protecting our national security. To protect the environment at home and abroad, I am committed to a government that leads by example, brings people together, and brings out the best in everyone. For too long our government did more to inflame environmental issues than to solve them. Different agencies pursued conflicting policies. National leaders polarized people. And problems wound up in the courts or in the streets instead of being solved.

We seek to bring a new spirit to these difficult issues. Three weeks ago in Portland, Oregon, we brought together business people, timber workers, and environmentalists from throughout the Northwest to discuss how best to preserve jobs and to protect the old-growth forests and the species which inhabit them. People sat down in a conference room, not a court room, and in the words of Archbishop Thomas Murphy of Seattle, we tried to find common ground for a common good. At the close of that forest conference, I asked my Cabinet and our entire administration to begin work immediately to craft a balanced, comprehensive long-term policy that is also comprehensible.

Before I ask our companies and our communities and our families to meet any challenge, it seems to me we have to set that standard for the government. The American people are entitled to know where the United States stands on this issue and many other issues. And it is time to bring an end to the time when issues like this wind up in court and there are five different positions from the United States government itself. We can never solve problems in that fashion. We can only undermine the security and stability of people's lives.

That's one reason I am proud that yesterday the United States Army announced its plan to clean up a large number of sites where we learned recently that chemical weapons materials may be buried, in some places from as long ago as World War I. Working with the EPA, the Army will clean up this problem safely and in an environmentally-sound manner.

This is a legacy of America's efforts to defend our people and the community of free nations. Now, we are taking steps to defend our people and our environment and the environment of the world. In that same spirit, I plan to sign an executive order requiring federal facilities that manufacture, process or use toxic chemicals, to comply with the federal right-to-know laws, and publicly report what they are doing. (Applause.)

I might add that it is time that the United States government begins to live under the laws it makes for other people. With this executive order, I ask all federal facilities to set a voluntary goal to reducing their release of toxic pollutants by 50 percent by 1999. This will reduce toxic releases, control costs associated with cleanups, and promote clean technologies. And it will help make our government what it should be—a positive example for the rest of the country. (Applause.)

Poor neighborhoods in our cities suffer most often from toxic pollution. Cleaning up the toxic wastes will create new jobs in these neighborhoods for those people and make them safer places to live, to work, and to do business.

Today, I am also signing an executive order that directs federal agencies to make preliminary changes in their purchasing policies, to use fewer substances harmful to the ozone layer. Here, too, we must put our actions where are values are. Our government is a leading purchaser of goods and services. And it's time to stop not only the waste of taxpayers' money but the waste of our natural resources.

Today I am signing an executive order which commits the federal government to buy thousands more American made vehicles, using clean, domestic fuels such as natural gas, ethanol, methanol, and electric power. This will reduce our demand for foreign oil, reduce air pollution, promote promising technologies, promote American companies, create American jobs, and save American tax dollars. To demonstrate my commitment to this issue, Energy Secretary O'Leary is creating a task force led by the Land Commissioner of Texas, Gary Mauro, who is here in the audience today, who has headed a successful effort in his own state. I hope we can do as well in America as they have done in Texas. (Applause.)

In that same spirit, I plan to sign an executive order committing every agency of the national government to do more than ever to buy and use recycled products. This will provide a market for new technologies, make better use of recycled materials, and encourage the creation of new products that can be offered to the government, to private companies, and to consumers. And again, it will create jobs through the recycling process.

We must keep finding new ways to be a force for positive change. For example, the federal government is the largest purchaser of computer equipment in the world, and computers are the fastest growing area of electricity use. That's why I am also signing an executive order today requiring the federal government to purchase energy-efficient computers. We're going to expand the market for a technology where America pioneered and still leads the world, and we'll save energy, saving the taxpayers $40 million a year, and set an example for our country and for the world.

For as long as I live and work in the White House, I want Americans to see it not only as a symbol of clean government, but also a clean environment. That's why I'm announcing an energy and environmental audit of the White House. We're going to identify what it takes to make the White House a model for efficiency and waste reduction. It might mean fewer memos and less paper. (Laughter.) And then we're going to get the job done. I want to make the White House a model for other federal agencies, for state and local governments, for business, and for families in their homes. Before I ask you to do the best you can in your house, I ought to make sure I'm doing the best I can in my house. (Applause.)

I ask that all of us today reaffirm our willingness to assume responsibility for our common environment, and to do it willingly, hopefully, and joyously. We are challenged here today not so much to sacrifice as to celebrate and create. I've challenged Americans who are young in years or young in spirit to offer their time and their talent to serve their communities and their country. I've asked them to help in teaching our children, healing the sick, policing our streets.

But equally important are efforts to protect our environment—from our largest cities to our smallest towns to our suburbs. Our National Service Plan will ask thousands of Americans to do their part, from leading recycling drives to preventing lead poisoning.

The challenge to shoulder responsibility and seize opportunity extends to each of us in business, communities, and homes. In our own lives, in our own ways, each of us has something to offer to the work of cleaning up America's environment. And each of us surely has something very personal to gain.

On a colder day in the middle of winter, just three months ago, a poet asked us to celebrate, not only the marvelous diversity of our people, but the miraculous bounty of our land. "Here on the pulse of this new day," Maya Angelou challenged us to look at, "the rock, the river, the tree, your country." Now, it is a season of new hope and new beginnings. And as we look anew at our neighbors, our children and our own communities, as well as the world around us, we must seize the possibilities inherent in this exhilarating moment; to face our challenges, to exercise our responsibilities, and to rejoice in them.

Thank you very much. (Applause.)

S.J. RES. 69

Whereas the United Nations Conference on Environment and Development (hereinafter in this resolution referred to as "UNCED"), known as the Earth Summit, assembled in June of 1992 in Rio de Janeiro, Brazil, the largest summit of heads of state in history and outlined a comprehensive action plan (hereinafter in this resolution referred to as "Agenda 21") for environmentally sustainable development (hereinafter in this resolution referred to as "sustainable development");

Whereas the United States has a strong national interest in the environmental sustainability of global economic development;

Whereas Agenda 21 offers a significant starting point for continuing progress in avoiding environmental degradation and social and economic disintegration in the 21st century;

Whereas the role of the United States should be one of leadership and positive action in the implementation process of Agenda 21 and all other decisions of UNCED;

Whereas Agenda 21 urges all governments to adopt national strategies for sustainable development;

Whereas Agenda 21 urges all countries to "make significant progress" in incorporating environmental costs into economic decisions, to undertake research or sustainable production methods and consumption patterns, and to undertake other actions to make their economies more environmentally sustainable;

Whereas Agenda 21 calls for a "supportive international climate for achieving environment and development goals" by "providing adequate financial resources to developing countries and dealing with international debt" and calls for "the reallocation of resources presently committed to military purposes" to support United States policies and the efforts of developing countries to implement Agenda 21;

Whereas UNCED recommended that a high-level United Nations Commission on Sustainable Development (hereinafter in this resolution referred to as the "Commission") be established by the 47th United Nations General Assembly to provide a vital forum to review progress made by considering reports from national governments, international organizations, and nongovernmental organizations;

Whereas many opportunities for agreements concerning more extensive actions on critical issues remained unresolved at UNCED and will require further attention by the nations of the world; and

Whereas the ultimate success of achieving sustainable development and a healthy environment at the national and international levels depends upon actions taken at the State and local community levels, and on actions by schools, public offices, businesses, and citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, Effective follow-up to achieve the many goals of the agreements reached at UNCED will depend on the overall direction and action by the President and the Congress on the following:

(1) The President and the Congress should adopt a national strategy for environmentally sustainable development, based on an extensive process of nationwide consultations with all interested organizations and individuals, including State and local governments, nongovernmental organizations, businesses, and labor groups.

(2) The President and the Congress should encourage and facilitate, at all levels of community and sectors of society, appropriate means for adopting individual Agenda 21 plans of action, including the establishment of local, county, State, business, and other boards and commissions for achieving sustainable development. Each Member of the Congress should help initiate this process within their States or districts.

(3) The President, Secretary of State, and the Congress should formulate initiatives and policies to help developing countries develop the capacity to implement Agenda 21. The Congress should restructure United States foreign assistance to provide a fundamental mandate for sustainable development.

(4) The President should establish an effective mechanism to plan, initiate, and coordinate United States policy for implementing Agenda 21. Responsibility should be vested in a duly constituted office, headed by an appropriate high level official, and the necessary staff support structure should be provided.

(5) In order to contribute to a transition to an environmentally sustainable United States economy, the research and policy initiatives urged in Agenda 21 should be pursued, including research on environmentally sustainable consumption patterns, identification of a strategy to eliminate or reduce subsidies for unsustainable natural resource exploitation, and move toward pricing policies that more truly reflect environmental costs.

(6) The Congress should adopt a system to reallocate an appropriate amount of savings from reduced defense spending in order to achieve the goals of Agenda 21 for global environmental protection and sustainable development over the next decade.

(7) The President should promote and actively participate in new and existing multilateral efforts aimed at creating a more favorable international economic climate for developing countries to practice sustainable development. Such efforts should include—

(A) reduction in developing country debt, linked with environmental policy reforms;

(B) focusing the work of multilateral donor consultative groups which now exist for each of some eighty developing countries on evaluation of, and support for, their national sustainable development strategies; and

(C) increasing loans and concessional assistance to developing countries where implementation of national sustainable development strategies are underway.

(8) The United States should actively support the Commission authorized by the 47th United Nations General Assembly. The United States should seek a strong role for the Commission in the United Nations system to monitor and evaluate progress in meeting the goals identified in Agenda 21 and other decisions at UNCED. The United States should pursue a strong sustainable development mandate for all relevant activities of the United Nations and a catalytic role for the Commission in coordinating and facilitating the implementation of that mandate.

(9) The President should affirm strong United States commitment to the Commission by—

(A) appointing a high-level representative or delegation from the United States to the Commission, including, as appropriate, representation at the ministerial level and Congressional and non-government observers, and

(B) supporting the United Nations Secretary General for Policy Coordination and Sustainable Development in coordinating the implementation of Agenda 21 in the United Nations system and heading the secretariat support structure for the Commission;

(10) The President should submit a national report to the Commission on—

(A) activities the United States has undertaken to implement Agenda 21, both domestically and internationally, on progress made toward fulfilling other commitments undertaken at UNCED; and

(B) other environmental and developmental activities the United States has undertaken to strengthen agreements reached at UNCED.

The President should strongly encourage all United Nations members to submit such national reports.

(11) The United States should support rules of procedure for the Commission which ensure the active participation of nongovernmental organizations, based on the procedures used in UNCED as agreed in paragraphs 38.11 and 38.44 of Agenda 21, and should also encourage the active participation in the Commission of representatives of the international financial institutions, GATT, regional and subregional development banks and financial institutions, and regional economic integration organizations.

(12) The President should submit an annual report to the Congress on the steps taken by the United States to implement Agenda 21 and the recommendations made by this resolution, and should make information regarding such steps available to Members of the Congress upon their request.

HOLOCAUST MEMORIAL

Mr. HATCH. Mr. President, today America opens a new museum on the Washington Mall that commemorates events half a century ago and half a world away—the Holocaust. I have been privileged to serve as a member of the U.S. Holocaust Memorial Council. And I was deeply impressed by the profoundly moving exhibits that I viewed during a visit to the museum earlier this week.

In reading recent press commentary on the memorial, I have been disappointed by the line some observers have taken. They ask why such an institution should take its place among museums and memorials about America's national life. Mr. President, the reason is simple: To remember and, by remembering, to strengthen America's moral compass.

What are we remembering through this memorial? The lives of the 6 million Jews who perished in the Holocaust. The religious values of the Jewish people that were never abandoned despite their suffering. The murder of tens of thousands of Gypsies, Poles, and other innocent people. Above all, we are reminding ourselves of the deep flaws in human nature that permitted the Holocaust to occur and that, if we forget, could do so again.

A foreign visitor touring the other monuments and museums on The Mall for the first time would likely conclude that it was testament to the age of achievement. Yet he would not learn from these structures that the 20th century has been the bloodiest in history, a reality in which we are all implicated if not by acts of commission at least by those of omission.

None of this century's evils exceeds that of the Holocaust. But Stalin's gulag, Mao's collectivization and cultural revolution, the Khmer Rouge reign of terror, the Soviet occupation of Afghanistan, Saddam Hussein's degradations against the Iraqi Kurds, and the ethnic cleansing in Bosnia all demonstrate that even the experience of the Holocaust proved insufficient to temper the potential for evil in human nature.

In a time when we herald the triumph of the liberal democratic ideas, a more sober analysis would also highlight the threat to vulnerable racial, ethnic, and religious groups in many parts of the world. As we define our role in the post-cold war world, the U.S. Holocaust Memorial Museum should help our Nation rededicate itself to upholding individual dignity and human rights and to engaging American influence to counter growing global disorder.

Mr. President, the inability—or even the refusal—to see the difference between right and wrong was a core reason for the failure of the world to avert the Holocaust. Yet we have seen this kind of moral equivalency in the stark contrast between the condemnations of Israel for taking military action in self-defense and the silence after attacks on Israel by its adversaries. We have seen it, too, in the U.N. arms embargo in the former Yugoslavia, which applied equally to the victims and perpetrators of aggression.

There is no denying the West's tendency when confronted with monstrous wrongs to avert its eyes or to rationalize inaction, especially when acting carries a price. In the Holocaust Museum, one can learn about how in 1939 U.S. officials, by refusing to waive certain immigration restrictions, forced 937 Jewish refugees on the S.S. *St. Louis* to return to Nazi Germany, where many later were killed.

This moral failure was echoed in the many months that passed before the world took note of the mass murders of Cambodians under the Communist Khmer Rouge from 1975 to 1978, as well as in the reluctance of U.S. leaders to act decisively to save the Iraqi Kurds from Saddam Hussein's wrath after the Persian Gulf war in 1991.

Mr. President, the Holocaust Museum should also warn us against the mechanistic ways we contemplate building a more orderly world. A flurry of institutional fixes—reform of the U.N. Security Council, standing U.N. crisis response forces, creating regional peacekeeping bodies of every conceivable acronym—has appeared across America's op-ed pages. What's needed, however, is not so much a change in institutions but in our sense of mission.

Greater order will come when strong nations, guided by a sense of justice, are willing to intervene on behalf of those threatened by aggression or oppression verging on genocide. Many observers argue that only interests, not ideals, should guide our foreign policy. To be sure, it is not our business to right every ill. But when a wrong of catastrophic proportions looms, we must make it our business.

The worst mistake mankind can make would be to think of the Holocaust, or our response to it, as an artifact of the past. Philosophers can debate whether evil is embodied in the world or in the will of imperfect human beings. Whatever the answer, the flawed nature of man in this world means that we cannot fully eliminate the possibility of future holocausts. If the Holocaust Museum heightens our awareness of this fact, if it serves as a magnetic pole for our Nation's moral compass, it can become the most valuable memorial in our Capital.

THE EMERGENCY APPROPRIATIONS BILL

Mr. DURENBERGER. Mr. President, I want to make sure Minnesotans know why I decided to vote against closing debate on the so-called emergency supplemental appropriations legislation that had been before the Senate before our recess and since we returned on Monday.

If we are getting any message from the American people, Mr. President, it is that they want spending brought under control. They want levels of spending to come down, not go up. They don't concern themselves all that much with budget technicalities, with give-ups or pay-backs, and the like. With the economy in relatively good shape, they simply are not prepared to continue with borrow-and-spend—and this is just what this bill gave them.

While the budget we passed on last month was vintage Carter—high levels of taxes leading to stagflation—this bill was vintage Johnson—high levels of pork, leading to bigger deficits.

I'm terribly disappointed, because I'd been expecting some vintage Clinton. What I mean by that is—a bill with responsible, restrained, necessary spending; a bill reflective of a Clinton who promised he would be a new kind of Democrat and who ran a reasonably frugal, low-tax Arkansas; and nothing more.

I had several concerns with this bill.

In the first place, it purported to stimulate the economy. But it is not clear at all that the economy needs stimulating, or that this level of spending would be sufficient, were it needed. The economy is growing strongly, at nearly 5 percent per year.

And if stimulus were needed, this wouldn't be sufficient. A stimulus of this amount—perhaps one-fifth of 1 percent—is simply a drop in the bucket. To put this in perspective, one-fifth of 1 percent is the same as adding 5 cents to a child's $25 monthly allowance.

But most of the spending in this bill doesn't stimulate the economy. It merely provides for spending in future years on big capital projects. If it funds jobs, it does so at a cost of hundreds of thousands of dollars per job, according to the administration's own estimates. We should not forget that every dollar that is used to provide a job is a dollar either taken out of a taxpayer's wallet or a dollar that is borrowed from our grandchildren.

Second, when we pass a supplemental appropriations bill of any kind, it ought to address real, short-term urgent needs. This legislation contained very little that even arguably fell into this category.

Third, sometimes a supplemental appropriations bill is passed to provide funds for programs with respect to which, on reconsideration, appear to need more money than was originally allocated. There were many programs in this bill that do good things, and in a normal year we might be in a position to provide for them.

But there have been no hearings to determine why these provisions are needed now and why they ought either to increase the deficit or displace other spending. They are, rather, a laundry list of provisions meant to broaden the appeal of this bill, overall.

In my view, that is not the way to legislate responsibly when we are asking the American people to sacrifice.

Finally, in an emergency appropriations bill, we exempt the spending in it from the Budget Act ceilings that would otherwise require offsetting spending reductions. In the last election, the American people did not tell us to go on building the deficit; they told us to cut the deficit. But this emergency declaration's effect is to increase the deficit and the national debt—in other words, to go in just the wrong direction.

Mr. President, I want to take a moment to call special attention to several important education and childrens' programs that would have received additional funding under this proposal, even though, for the reasons I've stated earlier, I did oppose the bill.

In many cases these are programs that deserve additional Federal support. And, I expect to be supporting funding increases for many of these programs during the normal annual appropriations cycle later this year.

But, despite my past and future support for these programs, Mr. President, I do not believe it is prudent to add $12 or $16 billion to the crushing Federal deficit we are handing future generations under the guise of economic recovery.

HEAD START

One program which I expect to get considerable funding increases later this year, Mr. President, is Head Start. Under the legislation we have before us, we are being asked to support a one-time $500 million appropriation for Head Start programs that are to be run this summer.

During its last reauthorization, I was a cosponsor, conferee and strong proponent of the changes we made in the Head Start law, including increased authorized funding levels designed to fully fund this important program.

In the past, I've also communicated my strong support for substantial increases in annual appropriations for Head Start—through my votes and in letters and other communication with the Senate Labor/HHS Appropriations Subcommittee.

And, I supported a sense of the Senate amendment—again expressing support for full-funding of Head Start—that was added to the fiscal year 1994 Budget Resolution less than 2 weeks ago.

While I have been a strong supporter in the past, Mr. President, I also agree with a growing number of Head Start proponents who are calling for a fundamental review of this important program prior to approving significant additional increases in spending.

In particular, Mr. President, I feel it's essential that we revisit what we mean by full funding of Head Start as we consider proposals to increase Head Start appropriations levels—not just in this supplemental, but in the fiscal year 1994 appropriations bill we will consider later this year.

In the past, with appropriations levels for Head Start lagging far behind authorized funding levels, this hasn't been such an important issue. The needs have been so great—and the numbers of children served so far below the number of children eligible—that we needed to place highest priority on what one might call the quantitative aspects of full funding.

Mr. President, I believe we are now entering a new era during which we must give more focus to quality and outcomes in programs like Head Start, and a new era during which we must ensure that all programs serving children and families are more responsive to the interests of both those we intend to benefit, and those who pay the bills.

The issue, in other words, is not whether we continue to increase funding for Head Start, but how and when. And, as we do that, we must make sure that we get the maximum benefit for the children and families that Head Start has traditionally served.

I haven't yet assembled a comprehensive list of all the questions we need to ask, Mr. President. But, I have made a commitment to do that in consultation with Head Start leaders and other advocates for families and children both nationally and in Minnesota. And, I have started making my list.

The most relevant question in this debate, Mr. President, is whether we should be funding hastily assembled summer Head Start programs like those supported by the legislation now before us. Quite frankly, Mr. President, I'm not at all sure that a program that will have to be organized in the next 60 days really represents the best place for us to put the next $500 million we put into this important national program.

Even more fundamental, however, is a long list of questions that children's advocates and many people in the Head Start community have been wanting us to ask for many years.

Among the questions I would like to see explored are:

Whether additional resources in Head Start should be directed only to meeting numerical targets or also to improving quality.

How quality and outcomes in Head Start can and should be measured and whether and how quality and outcomes should be tied to funding.

Whether the part-day, part-week, part-year model under which Head Start was founded is now relevant in an era of increased need for full-day supervision and care for children of low income parents who are working outside the home or in school or job training programs.

How funding for families eligible for Head Start and Federal and State child care assistance can be better integrated—for example, to provide Head Start services in child care settings and child care services at Head Start centers.

How closer links can be established between Head Start and elementary school programs—without losing the separate identity and organizational autonomy of Head Start.

At what pace the numbers of children in Head Start can grow relative to its infrastructure including availability of licensable facilities and recruitment and training of personnel.

Whether changes in the Head Start formula—between and within States—should be made to more closely reflect actual geographic differences in need and levels of eligible children being served.

How States and local communities could be given additional incentives to provide supplementary funding for Head Start programs—again, without losing the separate identity and organizational autonomy of Head Start.

Again, Mr. President, this is not intended to be an exhaustive list of questions that need to be addressed as we put real meaning behind the concept of full funding for Head Start. But, I do believe we owe the children and families of this country an in-depth debate on these and other issues as we continue to increase overall funding for this vital national program.

PELL GRANTS

Mr. President, as I have approached the debate on this supplemental, I have tried very hard to separate parts of this proposed legislation into the must do and the it would be nice to do categories. One that clearly fits in the must do category is the provision designed to meet the commitment we've previously made to funding Pell grants for low income college students.

Under the legislation we're now considering, a one-time appropriation of $1.86 billion will be made to the Department of Education which will be used to make up shortfalls the Pell Program has experienced over the last several years.

Unlike most provisions of this bill, the extra Pell grant appropriation does not expand on what we've previously committed ourselves to. It simply meets a promise we've made to low income college students, but not fully funded.

The underlying problem requiring this catch-up funding is that, during the recent recession, more students have had incomes qualifying for Pell grants and—out of work—more eligible students have been going to college. As a result, there have been significant shortfalls in the Pell Program due to underestimating demand for grants.

Last year, this shortfall forced Congress to cut the maximum Pell grant from $2,400 to $2,300. Ironically, Congress also increased the maximum authorized Pell grant in last year's higher education amendments to $3,700, with additional $200 increases authorized each year until the maximum reaches $4,500.

Unless something is done to supplement fiscal year 1993 appropriations, the Department of Education has indicated another $200 decrease in the maximum Pell grant may be required for next school year.

Mr. President, any decrease in Federal Pell grants has implications for both students and State government in Minnesota since Minnesota's State grant program is tied to the size of Federal grants. In effect, a commitment is made to fund a portion of each eligible student's expenses by a combined Federal and State grant. Under current State law, if the maximum Federal grant goes down, the State of Minnesota would have to pick up the difference.

According to the Minnesota Higher Education Coordinating Board, which administers the State grant program, the $100 cut in the maximum Pell grant will already cost the State $4.2 million this year. Another $200 cut could cost the State an additional $8.4 million.

Although the State of Minnesota is facing a significant budget shortfall this year, legislative leaders seem committed to picking up the shortfall created by the earlier $100 per student cut in the maximum Pell grant.

However, there is no certainty that Minnesota will pick up an additional cut which would have the effect of raising college costs by $200 for virtually all 80,000 Minnesota students who receive Pell grants.

Clearly, Mr. President, we must meet our traditional commitment to low-income students through the Pell Grant Program. And, I trust we will do that—whether by this supplemental appropriation bill, or through the fiscal year 1994 Department of Education appropriation we will consider later this year.

But, low-income students aren't alone in the difficulty they are having in meeting rising tuition costs. We must also look to more fundamental changes in how we pay for college, and how we can get more value out of what we spend.

That's why I have proposed a new system of income-contingent direct loans called IDEA. President Clinton has said he will introduce a similar proposal later this spring as part of his plan to offer community service options to young people as a way of helping them pay for college.

I look forward to working with the President and my colleagues as we consider both those proposals—not just to meet the short-term shortfall addressed by this legislation—but to help assure financial access to higher education for all those who can benefit from a college education.

CHAPTER I CENSUS ADJUSTMENT

Mr. President, a third provision I feel compelled to comment on briefly is a one-time appropriation of $234.8 million to the Chapter 1 Special Education Program. This extra funding is intended to help cushion the effects of using 1990 census data on Chapter 1 Programs in school districts all across America.

Although the full impact of the census change on Minnesota school districts hasn't yet been calculated, 250 of my State's approximately 400 districts have been notified that their basic chapter 1 grant for next year will be cut by 15 percent.

The cut has been limited to that percentage because of a hold-harmless provision in current law that limits 1 year basic grant funding cuts. Most of these districts serve smaller communities in rural parts of the State, and are already under severe fiscal stress from declining enrollments and a weakened agricultural economy.

A still unknown number of these or other districts will experience an even greater cut because of reductions in a separate chapter 1 grant that some districts receive that have high concentrations of low-income children. This so-called concentration grant is not currently subject to the 15 percent hold-harmless provision that applies to the chapter 1 basic grant.

Under the census adjustment provision of this legislation, no district will receive less than 92 percent of its 1992–93 chapter 1 funding—both from the basic grant and the concentration grant. That will provide one-time relief for about 300 school districts in Minnesota who would experience funding cuts in excess of 8 percent. And, it will offer significant relief for a still unknown number of districts who are not entitled to concentration grants in 1993–94 because of changes reflected in the 1990 census.

One school district dramatically affected by the shift to 1990 census data is Pierz, a small, rural district located in central Minnesota.

In 1992–93, the Pierz school district received $334,000 in the basic grant part of their chapter 1 funding. It also got a $51,000 concentration grant.

Because Pierz showed a significant drop in numbers of low-income children in the 1990 census, its basic grant for 1993–94 would be $127,000 under current law. And, although it hasn't been calculated for sure, it will probably not qualify for any concentration funding next year.

So, factoring in the 15-percent hold-harmless provision in the basic grant—and presuming no concentration grant next year—Pierz' chapter 1 funding will go from $385,000 this school year to $283,900 in 1993–94 without the additional funds provided in this bill.

In each succeeding year, Pierz' chapter 1 funding would go down another 15 percent until the basic grant reaches the $127,000 level. Of course, this does not take into account chapter 1 formula changes that could be made in this year's reauthorization of the Elementary and Secondary Education Act or future increases in chapter 1 appropriations.

Under this legislation, however, Pierz' total chapter 1 funding for 1993–94 would go from $385,000 to $354,200. The $71,200 in additional revenue from the supplemental represents about two full-time teaching positions or one teaching position and two aides. Pierz now has 5.5 teaching positions and eight paraprofessionals in its Chapter 1 Program.

Although Pierz and many other districts in Minnesota will benefit from this legislation, it's important to point out the temporary nature of the relief being offered. This is, after all, a one-time appropriation. Unless changes are made in the chapter 1 law or funding formula, the funding shortfall for many school districts will be repeated next year and in subsequent years, as well.

With that in mind, Mr. President, I have pledged to work closely with chapter 1 administrators, teachers, and parents in Minnesota—as well as with my colleagues on the Labor Committee—to address the full range of issues regarding chapter 1 during this year's reauthorization of the Elementary and Secondary Education Act [ESEA].

We can't be satisfied to address either the concerns or opportunities represented in chapter 1 one year at a time. And, we also can't be satisfied to cushion shortfalls in funding by adding to the deficit.

For both reasons, I look forward to this year's ESEA reauthorization as a time to deal not just with one-time fixes, but with long-term rethinking of how we design a proper Federal Government role in promoting quality and access to the best quality education we as a nation can deliver.

I also want to address the issue of the $300 million in this bill for the immunization program. I am committed to a healthy America, and fully committed to preventive care and well-baby care. And early childhood immunization is essential to a national prevention strategy. I should make it clear that all $300 million was in the Hatfield-Dole amendment, which I supported.

It is troubling that between 1989 and 1991 more than 55,000 measles cases were reported to the Centers for Disease Control and Prevention [CDC]. Especially alarming is the fact that during that time, over 80 percent of the measles cases among children ages 16 months to 5 years could have been prevented through timely vaccination. It is crucial that children under 2 years receive properly scheduled diphtheria, pertussis tetanus [DPT] vaccinations, because of the higher risk of several illness for preschool-aged children should they become infected.

During the congressional deliberations last fall, I supported efforts by the Appropriations Committee to expand funding in 1993 for immunization grants to States. I voted for passage of the Health and Human Services appropriations which raised the fiscal year 1993 appropriation for immunizations to $341.78 million, an increase of $45.08 million over the fiscal year 1992 appropriation.

The CDC has already began using a portion of fiscal year 1993 funding for the Infant Immunization Initiative. Through this initiative, the CDC has awarded grants to States and local governments to develop and implement Immunization Actions Plans [IAP's]. IAPs ensure that vaccines are readily accessible to children under the age of 2.

Specifically, the State and local IAP's grants are intended to remove barriers to immunization, reduce missed opportunities to vaccinate, measure immunization coverage, raise awareness among the public, parents and providers, and stimulate innovative approaches to improving immunization levels in vulnerable children.

The Minnesota Department of Health has received a grant of $900,000 to develop an action plan and implement an improved delivery system. Minnesota has already provided funds to all community health boards to conduct assessments of immunization levels and to identify the kinds of interventions that each locality needs. These assessments are due to be completed this spring.

Minnesota has also identified the barriers to pre-school children receiving complete immunizations. These include lack of awareness by parents, health provider misunderstandings, and socioeconomic problems of inner-city populations.

According to the Division of Disease Prevention and Control at the Minnesota Department of Health, the Minnesota program is up and running on schedule, but it will take at least 2 years to completely turn around the rate of immunizations in Minnesota under the CDC-funded State action plan. The department also reports that it has adequate vaccines to provide to public clinics, and that the availability of vaccines in Minnesota has not been a barrier to preschool immunization.

SUMMER OF SERVICE

Another program I would have liked to support is the Summer of Service under the Commission on National and Community Service. That program would have provided $15,000,000, awarded by a competitive process to between 4 and 10 sites, to create 1,000 jobs as an initial step in testing concepts for the National Service Program.

I am a strong supporter of beginning, if at all possible this summer, a Summer of Service Program.

I hope that funds will be found under existing summer jobs programs for initiatives along the lines of the Summer of Service, and could in fact be used as a pilot program to test the concepts alluded to in the provisions of the Appropriations Committee report on the Summer of Service Program.

In making the decision to oppose the supplemental, I had to ask myself: Why would Congress need to pass a supplemental appropriation, and how much would emergency money help? In weighing the pros and cons of this vote for preschool immunization, I looked for a measurable benefit—namely, meeting an emergency need for vaccines, or a funding shortfall that, if unmet, would, for example, prevent delivery of vaccines to children. Absent that emergency, I had to consider the effect of an increased budget deficit on Minnesotans.

That is how I arrived at my difficult decision to vote against the supplemental. I will continue to support necessary increases in funding of immunization programs under the Senate appropriations process, which requires that new appropriations do not add to the budget deficit.

In my view, the best children's program is deficit reduction—and I will do my best to make sure we do not compromise our children's future through irresponsible spending practices.

EARTH DAY 1993

Mr. BINGAMAN. Mr. President, 23 years ago, millions of Americans participated in the first Earth Day, an event that gave birth to the modern environmental movement. Earth Day 1970 was the start of organized, national support for taking care of our natural resources. Among the significant achievements that had their seed with that first Earth Day are the Clean Air and Water Acts, the Safe Drinking Water Act, and the creation of the Environmental Protection Agency.

To paraphrase Charles Dickens, writing in "A Tale of Two Cities," this is the best of times and the worst of times for our natural resources. As a result of landmark environmental legislation passed in the 1970's, and subsequent updates and refinements, we have made significant progress in pollution prevention and in cleaning up our air, water, and land. Knowledge about the impacts of pollution on our resources and on our health is at an all-time high. The American people continue to be involved and committed to a clean environment. As a nation, we are holding ourselves to an ever higher environmental standard, and we are striving to develop best practices to solve our problems.

Yet, we continue to have significant environmental problems, and they are terribly complex. Cleanup of the contamination associated with our weapons complex will be a massive undertaking. The legacy of industrial pollution, pre-1970, is still with us—we cannot mitigate two centuries of neglect in two decades. Aging infrastructure, population pressures, and ecological changes impact water and soil quality. And as we improve detection and analysis, we have discovered that many problems are worse than originally thought. As a result, getting a handle on our environmental problems has created tremendous financial pressures.

Where do we go from here? I am convinced that to deal with these challenges, we will have to develop new practices and new ideas. We have to change the way we think about the environment, and we have to change the way we work to keep it clean. As we have learned over the last 20 years, it is terribly expensive to cure pollution. What we need to do is improve our ability to prevent it. We must promote the development of technologies that lead to environmentally superior products.

The $5 billion that our Federal Government spends on research and development of environmental technologies represents less than 7 percent of our Federal research and development budget. Our Federal R&D enterprise is a $75 billion effort. But for the past 45 years, we have devoted the bulk of our talent and resources to fighting the cold war. We have a historic opportunity to redirect these resources to our civilian technology base. And environmental technologies are among the first place we should begin.

I wish New Mexico and all Americans a Happy Earth Day 1993. At this time in our Nation's history, we should reach out to reclaim our environmental legacy, and to bring to life our vision for a healthy, safe world for our children. We owe them no less.

WARSAW GHETTO UPRISING

Ms. MIKULSKI. Mr. President, on this very special day that marks the opening of the Holocaust Museum in the Nation's Capital I would like to refresh in all of our memories the valiant and doomed moment in the history of World War II that we call the Warsaw ghetto uprising.

Mr. President, my family came from Poland and I am proud of that. Today, as a Christian of Polish heritage, I empathize with the tremendous emotion that the Jewish community in this country feels today. Millions of Catholic Poles were also killed by the Nazi forces.

I remember traveling back to the land of my ancestors and visiting one of the death camps. It was an experience I was not sure I could bear and it haunts me to this day. For all of us who have even come near such searing feelings, the opening of the Holocaust Museum will be an important but a painful event.

Mr. President, it gives me great pride to note, in the context of this opening, that the man who dedicated so much of himself and so many of his personal resources to the museum is a well known and much loved citizen of my hometown, Baltimore. Both Harvey Meyerhoff and his wife Lynn are dear friends and have been a major force in bringing this project to completion. I salute them on behalf of my State of Maryland and thank them from the bottom of my heart.

I know that Harvey Meyerhoff was so dedicated to the Holocaust Museum because he believed that there was a lesson to be learned. The lesson is a simple one—but one which must be brought home again and again in the most dramatic way. That lesson is this—never again.

That is the lesson we must repeat to ourselves as we walk through this somber monument. And as we remember and mark the 50th anniversary of the Warsaw ghetto uprising.

Mr. President, let me recount the story one more time for posterity. In 1940, by Nazi edict, a large section of Warsaw was designated as the area which would contain almost 380,000 Polish Jews. The area was walled in and Jewish citizens were forced in and contained there. They came not only from Warsaw but eventually from many other parts of Poland as well.

At one time the population was as high as 500,000. That number diminished as the people were systematically taken out and transported to death camps. By 1943 there were only 60,000 left, so the Nazis repositioned the walls.

But those inside were not idle. A resistance movement had sprung up. They had worked quietly and under the most adverse circumstances to build a system of tunnels and bunkers so that they could not only move about without detection but also help others escape. They had even managed to hide some weapons.

Early on the morning of April 19, German troops assaulted the ghetto. But the resistance was ready. To the amazement of the Nazis the people of the Warsaw ghetto fought back. They fought back with the weapons they had secreted away. But more commonly they fought back with whatever was at hand—kitchen knives, chair and table legs, or shovels. Men stood with women and women next to adolescents.

Mr. President, the Germans drew back in surprise. But not for long. They returned to end the uprising and end the lives of all those in the ghetto by systematically levelling the entire area.

Jews were shot on sight. Captives were sent to the camps. Buildings were bombed. Streets were covered with fire from flamethrowers. Many people jumped to their death from burning buildings, others took their own lives.

It took the Nazis a full month and more than 10,000 soldiers to annihilate the 500 freedom fighters who were defending the ghetto. When they had finally leveled the area the Nazis blew up the Great Synagogue on Tlomackie Street as a symbol of their celebration.

Of all the Jews in Warsaw only 4,000 survived the war; 4,000 people and the memory of one of the most heroic and unbelievable acts of resistance ever witnessed.

Mr. President, I ask that we bear witness to that act again today and apply the bitter lessons learned to circumstances in the world today some 50 years later. What better honor could we give to the brave fighters of the Warsaw ghetto uprising than to resolve that any form of systematic slaughter of one people by another will never happen again.

TRIBUTE TO FATHER SELLINGER

Ms. MIKULSKI. Mr. President, I rise to pay tribute to one of the major leaders of higher education in my home State of Maryland, the Reverend Joseph A. Sellinger. Father Sellinger, the greatly admired and deeply loved president of Loyola College, died peacefully in his sleep this week after a heroic battle with cancer. If ever a person has given himself to the glory of God by helping his fellow man, that person is Father Sellinger.

Father Sellinger was well known not only in the world of education, but throughout the State and the region for his spirit, his drive, and his desire to make Loyola College the finest institution he could. I knew him as a friend and as the legend he was.

When I was a student at Mount St. Agnes in Baltimore, I remember going to the lectures and lacrosse games at Loyola. Even in those early years Loyola was the place to go, a social center and an important force in the Baltimore community.

Later, as a faculty member, I came to know Father Sellinger and I learned about the compelling force he was for Loyola. Father Sellinger defined Loyola's spirit.

Let me tell you what I mean. He wanted to build a college based on old-fashioned values of hard work, discipline, and order. And he did it.

Father Sellinger came to Loyola as a young priest, not even yet ordained. That was in 1945 and his students were soldiers returning from World War II determined to get an education and make a life for themselves and their families. They had seen war. They were strong and tough.

Father Sellinger understood that. He earned their respect by expecting from them what he expected from himself, the desire to do better and make something of yourself.

He set goals for students, goals for himself, and goals for the university. For his students, Father Sellinger demanded quality and a commitment to getting a quality education. For himself, he demanded that he meet the day-to-day challenges of leading an institution like Loyola while preparing that college for the future at the same time.

That meant learning how to be a fundraiser, how to build a network to advance the college, and through it all never losing touch with the students or the faculty.

For Loyola, his goal was to shepherd the college to a new level of respect. That he did. Through the tireless efforts of Father Sellinger, Loyola grew from a small local school to a fine and respected regional university.

During the 30 years that Father Sellinger served as president, the Loyola campus grew from 33 acres to 70 and from a college of 1,300 to a university with 6,000 students.

His tenure saw the establishment of a separate business school, named the Joseph A. Sellinger School of Business and Management as the donor had asked. And it also saw the merger with my alma mater, Mount St. Agnes.

Father Sellinger made a name for Loyola and gave Loyola a name in the region and the country. More importantly he gave Loyola the imprint of his personality and his conscience. He made it a school where it was understood that values were part of the curriculum and where the best was expected of you.

His philosophy and his personal example helped Loyola students find out about themselves, about their faith, and about their country. They learned that you can do good and still do well.

Every student that graduates from Loyola will be a living legacy to the inspiration and integrity that was Father Joseph Sellinger. In Loyola College he has left us all an enormous gift and I know that he would insist that we use it wisely and well.

TRIBUTE TO WILLIAM JAMES

Ms. MIKULSKI. Mr. President, I rise today with a sense of sadness to inform the Members of this body of the death of William S. James, former Maryland State treasurer. Mr. James served as treasurer for 3 years and as president of the Maryland State Senate for 12 years. He brought great integrity to Maryland State government.

His 28 years as a delegate, State senator, President of the Maryland State Senate and finally Maryland State treasurer were characterized by strong leadership and deep commitment to government.

His accomplishments are impossible to list, but they include reform of public education, water pollution control and natural resource protection. His work and commitment have left a formidable and lasting legacy.

William James played an important role in Maryland politics and he will be remembered for his honesty, hard work, and dedication. He will be missed.

MOST-FAVORED-NATION STATUS FOR CHINA

Mr. DOLE. Mr. President, I understand the distinguished majority leader plans to introduce today a bill to impose conditions on the renewal of most favored nation or MFN status on China in June 1994.

The letter circulated by the distinguished majority leader earlier this month indicates that the bill would be similar to previous bills debated annually in the House and Senate.

Mr. President, American exports to China went from $4.8 billion in 1990 to $6.3 billion in 1991 to more than $8 billion last year according to Commerce Department statistics. Press reports say the most recent Chinese buying delegation purchased more than $1 billion of American products in a single trip.

China buys the widest possible range of goods from American manufacturers and farmers, Mr. President, aircraft, telecommunications equipment, autos and auto parts, industrial machinery, computers, power generation equipment and medical products. In about 2 weeks, we expect a Chinese grain buying delegation to visit. China has always been a good market for the American farmer.

This bill is a signal to American workers and farmers that they better get ready for bad news because the Chinese have made it clear that imposing conditions on their MFN status means they will go elsewhere to buy their products.

That is why this bill will be good news for workers and farmers in Japan and France and elsewhere. If the United States Congress is foolish enough to shoot itself in the foot and send an important customer someplace else, they'll be more than happy to take our place.

Mr. President, we just had an extensive debate over the so-called economic stimulus package which was supposed to provide more jobs and benefit the economy. The distinguished majority leader argued long and hard for that bill.

But the jobs endangered by this China MFN bill aren't part-time or temporary summer jobs, they are full-time, high-paying jobs in our most basic industries—no doubt about it, there are hundreds of thousands of American jobs at stake.

And for what? To promote human rights and political reform. There isn't anyone here in this body who doesn't want to promote political reform and advance human rights in China and who doesn't think Beijing has much to do in those areas.

But we're just kidding ourselves if we think this annual exercise in frustration is going to do anything but complicate that goal—maybe even set it back—while export jobs are lost, American investors in China are badly damaged and our European and Asian competitors get all the benefits. Make no mistake about it, Mr. President, the French and Japanese parliaments are not sitting around every year looking for ways to put their farmers and manufacturers at a competitive disadvantage.

You can bet that the European governments will not mind at all if we put Boeing and McDonnell Douglas in a bind and give airbus a helping hand—just when the American aircraft industry has to cut thousands of jobs.

There will be another extremely harmful result if this type of legislation passes, Mr. President, and that is the damage to Hong Kong. In the short term it will put at risk the some 150,000 jobs and $7.5 billion in exports that the American chamber of commerce in Hong Kong says now exists. In the long term, it will cause severe damage to our ability to influence democracy and free market enterprise when Hong Kong moves to Chinese control in 1997.

Mr. President, I understand the majority leader's concern for democracy and human rights in China. He has spoken often and eloquently on the Senate floor to that end and he knows that I share his concern. But I simply cannot agree that this bill would have anything but the opposite effect.

Mr. President, the United States relationship with China is wide and complex. We've got to stop funnelling every aspect of that relationship into what is a very narrow and very specialized part of our trade policy. MFN is not and can not be a tool to remake the world in our image.

Mr. President, if we are sincerely interested in strengthening our own economy—in promoting jobs in our own States—if we are seriously interested in promoting human rights and democracy in China and elsewhere in Asia, we will reject these kinds of bills. If the administration is serious as well about those goals, it will do the same.

Thank you, Mr. President.

DEATH OF DON SMITH

Mr. BUMPERS. Mr. President, Don Smith departed this life on April 16, 1993. He was a truly superior person and I was honored to eulogize him at a memorial service at Metropolitan Memorial Methodist Church on April 19.

Mr. President, I often wish I could be Governor again, quite certain that I would get it just right the next time. I am always wishing I had not been a late bloomer, or that I had been more attentive at critical junctures in my life.

I don't think Don Smith ever had such thoughts. He married Sue, whom he loved and adored. And if she had any faults, I do not think he ever noticed.

He was one of the most devoted fathers in the history of the world, and I have known few as attentive to a parent as he was to Helon.

In short, I saw him as a consummately contented and serenely happy man, doing exactly what he loved.

If I said, and I often did, "Don, you ought to quit those cigarettes," I did not get a cerebral response or defensive rationalization; just that enigmatic, infectious grin. he knew well when not to rationalize. He was not about to quit smoking, and so it went.

Never in the history of man has a grin or a twinkle of the eye been so appealing, or endeared one to so many for so long. Don lit up every room he entered.

But while that smile or grin would have been a political facade on most faces, we all knew that with Don it was a reflection of a truly great sense of humor, or maybe just amusement at a different memory of a tall tale just told by some gas bag. Or I think most time sit was just a very natural, genuine glad-to-see-you smile.

I first met Don Smith under what I considered very adverse circumstances. He had been appointed securities commissioner and then Arkansas public service commissioner by the Republican Governor who preceded me. You do not have to have a vivid imagination to know what was running through my mind, though everything I saw and heard from him contradicted my preconceptions. I soon discovered that not only was he not a Republican, he was one of the real heroes of the consumer movement and a nationally recognized authority on utility and energy law. When I came to the Senate, we became friends almost instantly, and remained close friends until his death.

Of all Don's qualities, it was his generosity that was most endearing. "Don, how about helping son Bill find a job for the summer?" Done. "How about helping with Betty's Peace Links Gala?" Done. "How about ranking up a little money for the campaign?" Done.

But as to his love of family, I remember the movie "City Slickers." Three New York yuppies had become disenchanted with their life and had gone out west to participate in a cattle drive over some predestined route. Jack Palance was the hardened, grisly trail boss. As they rode beside each other, Billy Crystal was complaining about his life—romance gone, nothing to look forward to, marriage a drag. Jack Palance said, "You gotta figure out what's most important?"

Billy Crystal: "Well, what is it?"

Palance, holding up one finger: "This is what's important."

Crystal: "What's that?"

Palance: "What's important."

Crystal: "Well, what is it?"

Palance: "That's what you gotta figure out."

Don figured out early on what was important in his life. It was Sue, Helon, and those boys. He loved his work, and loved to make money, though he was contemptuous of money. Money was only important as a necessity in providing every advantage he could for his family.

But he was also a chef, a nature lover, music and theatre lover, reader of good literature, lover of politics. he tilled the most unique garden in Washington and generously shared the bounty of that garden. He was truly a Renaissance man.

These were all a part of his voracious love of life and love of experiencing everything he could.

Don, like many of us, came from humble beginnings in rural America. Successful as he was, he never considered himself anything more or less than he was—a man at complete peace with who and what he was.

And every person with whom he came in contact instinctively knew that and loved him for it.

No, I do not believe he would change anything if he were doing it again.

Mr. President, Arkansas lost one of its finest sons this week.

RETIREMENT OF PATRICIA L. BRAUN

Mr. BYRD. Mr. President, I have long believed it appropriate to recognize the retirement of Capitol Hill staff people who have rendered long, distinguished, and faithful service to the Congress.

Today, with feelings of both regret and congratulations, I want to recognize the retirement from my staff of Patricia Leonard Braun, after roughly 31 years of staff service in the House of Representatives and the United States Senate.

A native Virginian and a 1958 graduate of the University of Maryland, Pat Braun began her congressional career in 1962 on the staff of Congressman Roland V. Libonati from Illinois more than three decades ago, in which capacity she worked from 1962 to 1965.

From 1966 through 1969, Pat Braun was employed by Texas Congressman Earle Cabell.

Subsequently, in 1970, Ms. Braun joined the staff of Senator Joseph M. Montoya from New Mexico.

In 1977, Pat Braun joined my State staff, initially as a caseworker, and then as my chief caseworker.

In 1988, Ms. Braun assumed the position of projects director on my staff, a role in which she has distinguished herself through her hard work, loyalty, dedication, perception, dependability, and diligence.

Regardless of the headlines that Senators might create on the Senate floor or the attention that they might accrue in front of the television cameras, the success of any Senator's career is oftentimes in large measure the cumulative product of many other factors, not the least of which is the thoroughness of the caseworkers who deal daily with constituents and the staff members who work on our behalf with the people and communities in our home states to find solutions to their problems.

Thus, in no small measure, I hold staff members like Pat Braun in special esteem, and I shall long treasure my memories of the outstanding service that she has rendered to me, to the people of West Virginia, and to the United States Senate.

As she enters on this new phase of her life and career, I wish for Pat Braun every success and satisfaction, and a retirement filled with rich rewards and bright challenges for her alert mind and sharp intellect.

SOURCES OF SCHOLARSHIPS

Mr. STEVENS. Mr. President, in an effort to help the young people of this country, the American Legion has published its 42d edition of "Need a Lift?" It is one of the best informational handbooks I have seen on educational opportunities for scholarships, careers, and loans.

It is important for students to have as much information as is available about student financial aid and scholarships. For that reason, I ask that section IV of "Need a Lift?" covering Federal student loan and scholarship programs be printed in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SECTION IV—SOURCES OF SCHOLARSHIPS AND OTHER FORMS OF FINANCIAL AID AVAILABLE TO ALL STUDENTS

A. FEDERAL PROGRAMS (LISTED ALPHABETICALLY)

1. U.S. Department of Education provides the largest source of funding for financial aid programs. These programs are listed in the following paragraphs. Applications are available at postsecondary schools and high schools. The "Federal Student Aid Fact Sheet from the U.S. Department of Education, 1992–93 may be obtained by writing to Federal Student Aid Programs, P.O. Box 84, Washington, DC 20044. Federal student aid questions may be directed to the toll-free Federal Student Aid Information number: 1–800–4 FED AID.

a. College Work-Study Program (CWSP). This program provides on-campus and off-campus employment to undergraduate and graduate students enrolled in colleges and eligible postsecondary institutions who need financial aid to meet college expenses. The wage paid is at least the current Federal minimum wage, but it may also be related to the type of work and its difficulty. In arranging a job and assigning a work schedule, the aid administrator takes into account the student's health, class schedule and academic progress.

b. Pell Grant Program. Formerly called the Basic Grant Program, this program makes funds available to eligible students attending participating colleges, community/junior colleges, vocational schools, technical institutions, hospital schools of nursing, and other participating postsecondary institutions. To apply for the grant, an applicant must demonstrate need and be an undergraduate student enrolled on at least a half-time basis. For the 1992–93 award period, individual awards will depend on program funding. The maximum award for the 1992–93 academic year was $2,400. To apply for a Pell Grant, a student must complete either the Federal form called "Application for Federal Student Aid" or one of several private or State need analysis applications which are used to determine eligibility for other sources of student aid: the Financial Aid Form (FAF) processed by CSS, the Family Financial Statement (FFS) processed by ACT, the Application for Pennsylvania State Grant & Federal Student Aid form processed by PHEAA, the Student Aid Application for California (SAAC) processed by CSS, the Illinois State Scholarship Commission's form (AFSSA), processed by CSX or the Single file Form processed by USAF. Further information may be obtained from the Office of Student Financial Aid at the institution or a high school guidance counselor.

c. Perkins Loan (formerly National Direct Student Loan Program—NDSL). These loans are available to students enrolled at least half time (and in some cases less than half-time) in a regular program of study at a participating school and who demonstrate need for financial assistance. Aggregate loans may not exceed $18,000 for a graduate student including undergraduate loans; $9,000 for students who have not completed their bachelor's but have completed 2 years leading to a bachelor's degree; $4,500 for any other student. Repayment of the loan begins 9 months after a borrower ceases to carry at least one half the normal academic work load, and is to be repaid within 10 years. Your "grace period" may be different than nine months if you are less than a half-time student. Interest of 5 percent will begin at the time the repayment period begins. You may defer repayment or have portions of your loan canceled under certain conditions.

d. Plus Loans and Supplemental Loans for Students (SLS). PLUS loans are for parent borrowers. SLS loans are for undergraduate/graduate students. Interest rates are variable (maximum 12%). Like STAFFORD LOANS, they are made by a lender such as a bank, credit union, or savings and loan association. It is not necessary to demonstrate need. Parents, graduate students and independent undergraduates may borrow $4,000 per year. In exceptional circumstances, the financial aid administrator may authorize dependent undergraduates to apply for an SLS. All borrowers must begin repaying these loans within 60 days, unless the borrower is entitled to a deferment and the lender agrees to let the interest accumulate until the deferment ends. The negotiation of each loan is between the student and the lending institution. Individuals who desire more information or wish to initiate a loan should discuss the matter with the lender and the school financial aid administrator.

e. Stafford Loan (Formerly Guaranteed Student Loan—GSL). This program provides loans to students for educational expenses, and is available from eligible lenders such as banks, credit unions, savings and loan associations, State agencies and schools. Students must be enrolled on at least a half-time basis in participating postsecondary institutions, ranging from vocational and technical schools to degree-granting institutions. All applicants must undergo a needs test. For new borrowers, the interest rate is 8 percent for the first 4 years of repayment and 10 percent after that. A 5 percent origination fee is charged, which will be deducted proportionately from each loan payment. The money is passed on to the Federal Government to help reduce the Government's cost of subsidizing these low-interest loans. Your lender may also charge you an insurance premium of up to 3 percent of the loan principal.

Loans must be repaid. Repayment normally is over a 5–10 year period. The amount of the student's repayment depends on the size of his or her debt. The more the student borrows, the higher the payment will be. Failure to repay on a timely basis can damage a person's credit rating and may lead to legal action to recover the debt.

Deferment of payment may be granted for a variety of reasons. Deferments are automatic while in school but must be applied for through your lender if out of school. Check with your lender for deferment information.

Depending on your need, you may borrow up to $2,625 a year, if you're a first or second-year undergraduate student; $4,000 a year, if you have completed 2 years of study and have achieved third-year status; $7,500 a year, if you're a graduate student. The total Stafford Loan debt you can have outstanding as an undergraduate is $17,250. The total for graduate or professional study is $54,750, including any loans made as an undergraduate.

f. Supplemental Educational Opportunity Grant (SEOG) Program. This grant program is for students with exceptional financial need (priority given to PELL grant recipients). Students must be enrolled as an undergraduate or vocational student in a regular program of study at an educational institution participating in the program. In some cases, awards may be made to less than half-time students. Graduate students are not eligible. The amount of the award may be up to $4,000 yearly.

There are other Federal programs you can get information about from your State educational agencies. These programs are:

g. The Paul Douglas Teacher Scholarship. Encourages outstanding high school graduates to pursue teaching careers after they finish postsecondary education. Provides scholarships of up to $5,000 for each year of postsecondary education to students who graduate from high school in the top 10 percent of their class, and who meet other selection criteria their State educational agency may establish. Generally, students are required to teach two years for each year of scholarship assistance they receive. Check with your State Scholarship Agency for information.

h. The Robert C. Byrd Honors Scholarship. Students who demonstrate outstanding academic achievement and show promise of continued excellence may receive $1,500 for their first year of postsecondary education. These scholarships are based solely on merit, and are not renewable. Recipients are selected by the agency in the State responsible for supervising public elementary and secondary schools.

2. U.S. Department of Health and Human Services administers programs of assistance for students enrolled in health professions programs.

a. Exceptional Financial Need Scholarship Program [IV–1] provides a scholarship to encourage students with exceptional financial need to pursue careers in medicine, osteopathic medicine, dentistry, optometry, podiatric medicine, pharmacy, or veterinary medicine. Applicants should be citizens, nationals or lawful permanent residents of the United States or District of Columbia, the Commonwealths of Puerto Rico, or the Marianna Islands, the Virgin Islands, Guam, the American Samoa, the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands and the Federated State of Micronesia. Scholarships will cover all or a part of the cost of tuition, and other reasonable educational expenses including fees, books, laboratory expenses and other costs of attending school. No service or financial obligation accomplishes the scholarship. For information, write: Health Resources and Services Administration, Bureau of Health Professions, Division of Student Assistance, Parklawn Building, Room 8–38, 5600 Fishers Lane, Rockville, MD 20857. To apply for the program, contact the Director of Student Financial Aid at the school were you intend to apply for admission or where you are enrolled.

b. Program of Financial Assistance for Disadvantaged Health Professions Students is a program that provides financial assistance without a service or financial obligation to disadvantaged health professions students who are of exceptional financial need to pursue a degree in medicine, osteopathic medicine, or dentistry by providing financial support to help pay for their costs of education. Federal funds for this program are allocated to participating accredited health professions schools located in the United States and Puerto Rico. These schools are responsible for selecting the recipients of such assistance. You are eligible to apply if you are a citizen, national or lawful permanent resident of the United States or the District of Columbia, the Commonwealths of Puerto Rico or the Marianna Islands, the Virgin Islands, Guam, the American Samoa or the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated State of Micronesia; are accepted for enrollment or are enrolled in a participating health professions school as a full-time student; and are determined by your school's Financial Aid Director to be of "exceptional financial need" and to meet disadvantage criteria.

Depending on funding available, a student may receive funds to cover the costs of tuition and other reasonable education expenses including fees, books, laboratory expenses and other costs of attending school.

To apply, contact the Director of Student Financial Aid at the school where you intend to apply for admission or where you are enrolled, or write to the address in (a) above.

c. The Health Education Assistance Loan (HEAL) Program is a federally insured loan program for eligible graduate students in schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, podiatry, public health, pharmacy, chiropractic, or in programs in health administration, clinical psychology, or allied health.

Eligible Borrower—must be a citizen, national or permanent resident of the United States and accepted for enrollment as a full-time student, or already in full-time attendance and in good standing at an eligible HEAL school. Pharmacy students must have satisfactorily completed three years of training toward a pharmacy degree.

Eligible Schools—Accredited health professions schools are eligible to participate in the HEAL Program if the school has an agreement with the Secretary. Foreign schools are not eligible under the HEAL Program even though some are eligible for the Guaranteed Student Loan Program.

Eligible Lenders—Financial or credit institutions (including banks, savings and loan associations, credit unions, or insurance companies), State agencies, pension funds, eligible HEAL schools, and non-profit private entities designated by a State.

Loan Limitations—Medical, osteopathic, dental, veterinary, optometric or podiatric students may borrow up to $20,000 per year, not to exceed $80,000 for all years. Pharmacy, chiropractic, health administration, clinical psychology, public health or allied health students may borrow up to $12,500 per year not to exceed $50,000 for all years.

Loans may be used solely for tuition, other reasonable educational expenses, including fees, books, supplies and equipment, and laboratory expenses, reasonable living expenses, reasonable transportation costs that relate directly to borrowers' educational expenses, and the HEAL insurance premium.

Interest—The HEAL program does not provide a subsidy payment for interest. The amount of interest which may be charged to the borrower on the unpaid balance of the loan may not exceed the average bond-equivalent rate during the prior calendar quarter for 91-day Treasury bills sold at auction, plus three percent, rounded to the next higher ⅛ of one percent. Payment of principal and interest may be deferred while the borrower is a full-time student and during specific eligible periods of deferment. For more information contact the Director of Student Financial Aid at your school, or write to address in (a) above: Room 8–39.

d. The Health Professions Student Loan Program is a program of long-term, low interest loans to assist students having need for financial assistance to undertake the course of study required to become a physician, dentist, osteopath physician, optometrist pharmacist, podiatrist, or veterinarian. Funds are allocated to accredited schools of medicine, dentistry, osteopathic medicine, optometry, pharmacy, podiatric medicine, and veterinary medicine which are located in the United States and Puerto Rico, and which participate in the student loan program.

Each school participating in this program is responsible for selecting the recipients of loans and for determining the amount of assistance a student requires. Students applying for assistance under this program should apply through the school in which they have been accepted for enrollment or in which they are enrolled.

You are eligible to apply for a loan at a school that participates in the Health Professions Student Loan Program if you are:

1. A citizen, national, or a lawful permanent resident of the United States or the District of Columbia, the Commonwealth of Puerto Rico or the Marianna Islands, the Virgin Islands, Guam, the America Samoa, the Trust Territory of the Pacific Islands the Republic of Palau, the Republic of the Marshall Islands, and the Federated State of Micronesia;

2. Accepted for enrollment or enrolled as a full-time student in a course leading to a degree of doctor of medicine, doctor of dental surgery or equivalent degree, doctor of osteopathic medicine, doctor of optometry or equivalent degree, bachelor of science in pharmacy or equivalent degree, doctor of pharmacy degree, doctor of podiatric medicine or equivalent degree, or doctor of veterinary medicine or equivalent degree; and

3. In need of the loan to be able to pursue the course of study.

Note: Students enrolled in schools of medicine or osteopathic medicine must demonstrate exceptional financial need.

Pre-professional students, interns, residents, and students seeking advanced training are not eligible for assistance under this program.

The maximum amount you may borrow for each school year is the cost of tuition plus $2,500 or the amount of your financial need, whichever is the lesser. The interest rate is five percent (5%) for all loans made on or after November 4, 1988.

For information, contact the Director of Student Financial Aid at your school, or write to the address in (a) above.

e. National Health Service Corps (NHSC) Scholarships [IV–2] are awarded to U.S. citizens enrolled or accepted for enrollment as full-time students in accredited U.S. schools in the fields of Allopathic or Osteopathic Medicine, Dentistry, Nurse Practitioner Education (Post-Baccalaureate), Nurse Midwifery Education (Baccalaureate or Post-Baccalaureate) and Primary Care Physician

Assistant Training (Baccalaureate or beyond). These scholarships include a monthly living stipend and payment of school tuition. Each year of scholarship support incurs a year of Federal service obligation. The minimum service obligation is 2 years.

The NHSC places full-time primary health care practitioners in selected federally-designated Health Manpower Shortage Areas of the United States. Virtually all of these practitioners owe service obligations of 2 to 4 years due to their participation in the NHSC Scholarship Program.

The scholarship program is administered by the Bureau of Health Care Delivery and Assistance, Division of Health Services Scholarships. For further information write to: NHSC Scholarships, Parklawn Building, Room 7-18, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443-1650, or for toll-free message tape, call 1-800-638-0824 (except Maryland).

f. National Health Service Corps Loan Repayment Program. [IV-2] the NHSC Loan Repayment Program invites applications from licensed allopathic (M.D.) or osteopathic (D.O.) physicians in the specialties of family practice, obstetrics-gynecology, pediatrics, internal medicine, and osteopathic general practice, certified Nurse practitioners and Nurse Midwives, primary Care Physician Assistants and Dentists.

In exchange for a service obligation, this Federal program will pay up to $25,000 each year for a minimum 2-year commitment toward a participant's qualified undergraduate and graduate education loans (including HEAL) and up to $35,000 per year for each year of commitment thereafter. In addition, the program will pay 39 percent of the increased Federal, State, and local income taxes caused by these payments. The service obligation involves a full-time professional practice at an approved Loan Repayment Service Site in the USA. Over 900 positions are available, mainly at private, non-profit community health centers serving the poor, the homeless, and migrant farm workers and their families. Compensation packages are negotiable and compare favorably with similar physicians in the same geographic area. Matches to sites must be concluded by June 15, 1992 and employment begin no later than September 1, 1992.

For an application, a list of NHSC Loan Repayment Service Sites, and a complete description of the Program, write to: Division of Health Services Scholarships, Loan Repayment Program Branch, Room 620, Metro Plaza Building, 12300 Twinbrook Parkway, Rockville, Maryland 20852, or telephone during office hours (8:30-4:30) 1-800-221-9393.

g. National Health Service Corps Loan Repayment Program for Graduate Nurses [IV-2] The National Health Service Corps (NHSC) Loan Repayment Program pays for each year of full-time salaried practice at an approved NHSC Loan Repayment Service Site, up to $20,000 (up to $25,000 for certain sites under contract to Indian Tribes) toward a participant's qualified Government and commercial health professions education loans.

Applicants must be nurses who are U.S. citizens, preferably in their last year of graduate training for the M.S.N. A signed NHSC Loan Repayment Contract must be submitted with application agreeing to practice at an approved Site for 2, 3, or 4 years. Preference for selection will be given those who have completed graduate training in certified family nurse practitioners, pediatric nurse or nurse midwives. For applications write to NHSC Loan Repayment Program for Graduate Nurses, Room 7-16, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

h. Minority Access to Research Careers Program (MARC) Honors Undergraduate Research Training Awards. [IV-3] The Minority Access to Research Careers Program's Honor's Undergraduate Research Training Program is designed to increase the number of well-prepared minority students who can compete successfully for entry into graduate programs leading to the Ph.D. in biomedical research, its goal is also to help develop strong science curricula and research opportunities to prepare students for careers in biomedical research. A formal research experience for the recipient is an essential feature of the program. Summer study and research should be part of the overall training program at outstanding institutions or laboratories selected to enhance and supplement the trainee's formal course work and research training experience. The criteria for selection of trainees includes evidence that the candidate has clear potential to perform at a high level in the biomedical sciences and that the candidate demonstrates a determination to subsequently enter graduate programs leading to the Ph.D. degree. Applicants must be honor students in all four years of college. The college or university must have an enrollment drawn substantially from ethnic minority groups such as American Indians, Blacks, Hispanics, and Pacific Islanders.

Each school will make awards for stipend and tuition support for five or more students. The award may include travel expenses to one national meeting closely related to a project.

Graduates of this undergraduate program are then eligible to compete for a MARC Predoctoral Fellowship which supports 5 years of training toward either the Ph.D. or M.D./Ph.D. at any high quality graduate institution.

Applications may be filed by January 10, May 10 or September 10. Apply for information or application to: U.S. Department of Health and Human Services, National Institutes of Health, National Institute of General Medical Sciences, Westwood Building, Room 950, Bethesda, Maryland 20892.

3. Other U.S. Department of Health and Human Service Programs Are:

a. Senior Commissioned Officer Student Training and Extern Program (COSTEP) [IV-4.] COSTEP if offered by the U.S. Public Health Service (PHS) as a competitive program designed to assist students financially during their final year of professional school in return for an agreement to work for the PHS after graduation. To be eligible for Senior COSTEP, a student must: be under the age of 44; be a U.S. citizen; meet medical standards; have no obligation to other uniform service; pass a security (suitability) review; be enrolled in an accredited health professional program; and have at least 8 months educational commitment remaining in their final year. As an active-duty PHS Officer during the senior year, the student receives pay and allowances of an O-1 Officer (Ensign) of approximately $1,850 per month. Tuition and fees may also be paid depending upon supporting program. Following graduation, the student agrees to work for the PHS for twice the time supported (i.e., an 18-month employment commitment for 9 months of financial support). Upon graduation, assignments are made to the program or agency that provided the financial support during the school year. The PHS programs and agencies currently supporting Senior COSTEP include: Indian Health Service; National Institutes of Health; Food and Drug Administration; and Federal Bureau of Prisons. Graduates are promoted to the rank of O-2 Officer (Lieutenant junior Grade) with monthly pay and allowances of over $2,100 plus benefits. Senior COSTEP is available for all commissionable categories based upon the needs of the Public Health Service. Current priorities are nursing, physician assistant, pharmacy, engineering, and therapy students. For applications, write/call: Senior COSTEP PHS Recruitment 8201 Greensboro Dr. Suite 600 McLean, VA 22102 1-800/221-9393 or 703/734-6855 (in Virginia)

b. Professional Nurse Traineeship Program [IV-5]. Professional nurse traineeships are available through participating training institutions to help registered nurses prepare to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, to serve as nurse practitioners, or to serve in other professional nursing specialities requiring advanced training. Traineeships provide a living stipend (not to exceed $8,800) and tuition and fees as set by the participating training institution. Trainees are selected by the training institutions. Further information is available from: Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Room 9-36, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857. Students should request information through the Dean of Nursing at their institution. NOTE: This assistance is only for students studying at the master's or doctoral level or studying to become nurse midwives.

c. Nursing Student Loan Program. [IV-5.1] The program is intended to assist students to achieve careers in nursing by providing long-term, low-interest loans to help meet costs of education.

Federal funds for this program are allocated to accredited schools of nursing education. These schools are responsible for selecting the recipients of loans and for determining the amount of assistance a student requires. Students applying for assistance under this program should apply through the school in which they have been accepted for enrollment or in which they are enrolled.

You are eligible to apply for a Nursing Student Loan if you are a citizen, national, or a lawful permanent resident of the United States or the District of Columbia, the Commonwealths of Puerto Rico or the Marianna Islands, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Republic of Palau, the Republic of the Marshall Islands and the Federated State of Micronesia; are accepted for enrollment or are enrolled as a full-time or half-time student in a course leading to a diploma in nursing, an associate degree in nursing, a bachelor's degree in nursing or an equivalent degree, or a graduate degree in nursing.

You may borrow $2,500 for an academic year, $4,000 for each of the final two years, or the amount of your financial need, whichever is the lesser. The total amount of a student's loan for all years may not exceed $13,000.

In determining the amount of assistance you may require, the school considers: All financial resources available to you, including other sources of aid, such as scholarships or other repayable loans, and the costs reasonably necessary for attendance at the school.

The interest rate is five percent (5%) for all loans made on or after November 4, 1988. To apply, contact the Director of Student Financial Aid at your school.

4. The U.S. Department of Interior Administers a Program of Indian Tribal Grants

[IV-6.1] Over 45 Indian tribes have established their own grant programs to promote higher education for their members. Contacts for tribal assistance should be made through the student's tribe or agency in which they are enrolled.

5. Indians Higher Education Grant Program [IV-6] is a program for students who are members of a tribal group being served by the Bureau and who are enrolled in accredited institutions of their choice in pursuit of an undergraduate or graduate degree; must demonstrate financial need to the institution they are or will be attending. For information only, write to: Department of the Interior—BIA, Office of Education Programs, MS 3512, Code 522, 18th & C Street, N.W., Washington, D.C. 20240.

6. The U.S. Information Agency Sponsors: The Fulbright Teacher Exchange Program. [IV-7] Under the Mutual Educational and Cultural Exchange Act, qualified American educators may work in elementary and secondary schools abroad, and, in some instances, institutions of higher education in various countries. To be eligible, an applicant must be teaching currently as an elementary or secondary school teacher, college instructor, assistant, associate or full professor. Candidates must have at least a bachelor's degree, be a U.S. citizen at the time of application, proficiency in the language of the host country and have at least three years of successful full-time teaching experience. two years are required for participation in summer seminars held in Italy and the Netherlands. Evidence of good health and stability also is required.

Round-trip transportation to some countries for those selected to participate may be provided. A maintenance allowance may also be provided, paid in the currency of the host country, based upon that country's cost of living. For teachers participating in the Exchange Program, the successful applicant's U.S. salary is continued by the participant's own school. Seminar grants may include round trip transportation and tuition costs, but for some, the participants are responsible for their own maintenance expenses. Regional interviewing committees conduct preliminary screening of applicants. Annual application deadline date is October 15. Application forms can be obtained from and then submitted to the Fulbright Teachers Exchange, USDA Graduate School, 600 Maryland Avenue S.W., Room 142, Washington, D.C. 20024. Phone: 1-800-726-0479.

DEDICATION OF THE U.S. HOLOCAUST MEMORIAL MUSEUM

Mr. GRASSLEY. Mr. President, I rise to introduce into the RECORD a report prepared by one of my staff members. In February, Melissa Patack had the opportunity to travel to Germany on a program sponsored by B'nai B'rith and the Konrad Adenauer Foundation. She prepared this report to summarize and set forth on the public record, her experiences on the trip. Through this program, the Konrad Adenauer Foundation seeks to promote understanding and dialog between Germans and American Jews. Both B'nai B'rith and the Konrad Adenauer Foundation should be commended for undertaking this project.

These exchanges are very important. They build bridges—people to people. And, hopefully they ensure that we learn from history, rather than repeat it.

This week, we dedicate the U.S. Holocaust Memorial Museum, built with a public-private partnership. It honors the memories of the victims by teaching today's generation, and future generations about the past. The presence of the museum here in Washington, a short distance from monuments to our great American democracy, will serve as a reminder of how far civilization can fall. I offer my congratulations to Council Chairman Bud Meyerhoff and Vice Chairman Bill Lowenberg and all of those who worked tirelessly, devoting energy and financial resources, to make the museum a reality.

I ask that the staff report be included following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF REPORT OF MELISSA PATACK, B'NAI B'RITH-KONRAD ADENAUER FOUNDATION, GERMANY STUDY MISSION, FEBRUARY 7-13, 1993

In order to foster better understanding and to create ties between Germans and American Jewry, the Konrad Adenauer Foundation has developed exchange programs with several American Jewish organizations. B'nai B'rith participates in one such program, identifying American Jews involved in public policy to bring to Germany at the invitation of the Konrad Adenauer Foundation for an intensive week of fact finding. The most recent bi-partisan delegation of ten included local school board members from San Diego and Philadelphia; state legislators from Kansas and New Jersey; a Chicago city councilman; senior aides to U.S. Senators Charles Grassley and Harris Wofford; a former spokesperson for an executive branch department; and directors of Jewish political organizations affiliated with the Democratic and Republican parties.

The delegation was privileged to meet with senior governmental officials to discuss a variety of topics, including, the rise of right wing extremism and recent violence against non-German residents, the challenges of reunification, the future of the German armed forces and Germany's international military responsibilities, European unity, and the status of Germany's Jewish community.

Germany of the 1990's appears to be very sensitive to its history and the obligations which arise from the atrocities committed by Germany during the 1930's and 1940's. Nevertheless, right wing violence has increased from 217 incidents in 1990 to more than 2400 incidents in 1992, according to Dr. Eckard Werthebach, director of the Federal Office for the Protection of the Constitution, the domestic intelligence agency. While violence has been on the rise, membership in these right wing groups remains very small, in proportion to a nationwide population of 80 million; the 81 organizations claim approximately 42,700 members, of whom 6,400 appear to be militant. The vast majority of these groups are populated by young people, under the age of 20. This has presented the police with unique challenges, since these organizations seem to have little or no formal structure and much of the violence seems spontaneous and unplanned. Some of the officials with whom we met acknowledged that the government was, initially, slow to respond to the violence. Ignatz Bubis, chairman of the Central Council of Jews in Germany charges that the police have simply stood on the sidelines while the violence goes on. Interior Minister for the state of Saxony, Heinz Eggert, said that if the events which took place in Rostock (where the housing units of refugees were burned) happened in his jurisdiction, he would have stayed on the job only long enough to fire his police chief and then he would have resigned himself.

The vast majority of Germans oppose this right wing violence. More than 300,000 turned out to demonstrate against the intolerance and violence directed at foreigners and asylum seekers, including Gen. Klaus Naumann, Chief of Staff of the Bundeswehr. In Berlin, for example, we saw people wearing pins, as well as signs posted in stores, which had slogans indicating their opposition to bigotry. Interior Minister Franz Schuster, of the state of Thuringia in eastern Germany, noted that Germany has banned political parties which advocate violence, and it will continue to do so, where appropriate. The free speech guarantee of the German constitution necessarily takes a back seat to the need for the democratic government to outlaw any offspring of the National Socialist Party of the 1930's. This right wing violence is seen as an assault on Germany's democracy, not as simply a product of tough economic times and a generous asylum policy.

Nevertheless, there seems to be a growing consensus that Germany's asylum policy needs to be reformed. Last year, Germany took in close to 500,000 asylum seekers and an additional 250,000 refugees from war torn former Yugoslavia. This liberal asylum policy is unmatched by any of Germany's neighbors. Negotiations are underway between the ruling government coalition and the opposition, and according to Hans-Ulrich Klose, a member of Parliament and the leader of the opposition Social Democratic Party faction, the law should be changed by this summer. The result will be a limitation on the number of refugees to approximately 300,000 annually. While this change may be warranted by the upheaval in eastern Europe and the brutal situation in the Balkans, this change will not solve Germany's problem of being home to 5-6 million foreigners who have no legal status in Germany and no prospect of becoming German citizens. Germany's generous asylum policy liberally admits people to the country, but it only grants about 5% of all asylum requests. Once the refugee is in Germany, it is almost impossible to deport an individual denied asylum. The result is a huge population of non-citizens who become convenient scapegoats and targets.

The increase in violence has some connection to, although it cannot be excused by, the difficulties and burdens of reuniting Germany. The conversion of the former GDR's command economy to a free market economy has caused dislocation and unemployment—3 million unemployed, mostly in the east. While this is low by U.S. standards, it has been a burden to those easterners who believed reunification would increase their standard of living, not decrease it. Many easterners believe that their western countrymen have not sacrificed for reunification, and westerners say the easterners are not appreciating their new freedoms.

Two of the practical issues we addressed were the education system and the police force. In Thuringia, for example, Herman Strobel, state secretary to the Culture Minister, stated that some 3400 teachers were dismissed. The rest are being retrained, which is a very difficult task. Teachers are being taught democracy, as well as social and religious values. The police forces are going through similar upheavals. The pervasive presence of the Stasi secret police in the former GDR has given the leadership serious concerns. Many police officers have been dismissed, leaving the police force understaffed. To check against the Stasi influence in Saxony, Interior Minister Eggert recruited his police chief from Stuttgart.

The Bonn government acknowledges that the process of reunification is going to take longer and will cost much more than originally planned—at least $100 billion annually will be spent in the eastern part for the next 5 to 7 years. As Friedreich Bohl, MP and chief of staff to Chancellor Kohl, noted, if it's not done right, it will have disastrous consequences. Conversely, if integrating the east into west in Germany doesn't succeed, we can't expect to do any better in the rest of eastern Europe and the former Soviet Union.

We observed, first hand, the consequences of reunification, in a meeting with high school students from Weimar. The freedoms and choices now available can be intimidating. The young girls with whom we spoke are more concerned and pessimistic about their future; the boys, however, were quite optimistic and were eager to face the challenges of a free economy. In the command economy, 95% of all adults worked—both parents in most families. Now, there is significant unemployment, and these teenagers are likely experiencing it in their own families where one or both parents may be unemployed.

Germany faces unprecedented challenges in the military sphere. As a result of its aggressor role in the first half of this century, its Constitution prohibits military engagement outside the NATO arena. And, military operations may only be undertaken for common defense. With the collapse of Communism and the removal of east-west tensions, Germany is facing pressure to become more engaged with the U.S. and European allies in peacekeeping efforts abroad. The ruling coalition, headed by the Christian Democratic Union, is ready to reinterpret the Constitution, or enact appropriate changes, but without national consensus, which would include the opposition SPD, the government cannot move forward, General Naumann and MP Bohl explained. Germany has an enormous grass roots pacifist movement that cannot be discounted. (Since this trip, a legal decision has been issued which would allow Germany to participate in certain military operations that are outside the self-defense area.)

Germany supports the Vance-Owens plan in Bosnia, according to Dr. Dieter Kastrup, top career foreign service official in the Foreign Ministry. Gen. Naumann said that the west could not accomplish its goals through military intervention; it is an impossible situation. During World War II, the Wehrmacht had 17 divisions in Yugoslavia and was unable to meet its objectives. He disputed assertions from some quarters that the west could put an end to the fighting with surgical strikes, sounding very much like General Colin Powell. He advocated a complete enforcement of economic sanctions—squeezing the Serbs—and draw firm lines to contain the fighting.

In addition to discussions with top government officials, the delegation had unique opportunities to learn about and visit with the Jewish community in Germany. Today, Germany has about 40,000 Jews, compared to 600,000 before Hitler came to power. The largest part of the community lives in Frankfurt, where Ignatz Bubis resides. Bubis believes that the Jewish community is not significantly threatened by the increase in right wing violence. While there have been acts directed at Jewish landmarks, such as cemeteries, he feels there is no more anti-semitism in Germany today than in any other western country. He would be concerned if the ruling coalition entered into any agreements with or made any political accommodations to right wing parties; that would be the red line for Jews in Germany, according to Bubis. (Since the trip, local elections were held in Frankfurt and the radical right wing party, Republikaners, won 8% of the vote.)

Although Bubis feels himself a German, he believes most Germans still regard Jews as not complete Germans, as outsiders. Ann Ehmann, deputy director at the Wannsee Conference House, seemed to echo this view, when she told us that, historically, Germans have prized unity over equality. The Wannsee Conference was a meeting of 15 top Nazi officials in 1942 held outside Berlin; there the final solution—liquidation of Europe's Jewish population—was agreed upon in an 80 minute "business meeting." Today it serves as a museum and study center on the Holocaust. Unlike, Jews, who see the Holocaust from the perspective of the victims, Germans see the events from the perspective of the perpetrators. It is a very difficult history to study and the Wannsee Conference House serves as a very important landmark in the effort to address the painful history.

In Erfurt (population: 250,000), in the eastern part of Germany, we met with a part of the 40 member community, headed by Raphael Sharf-Katz—a survivor who returned to him hometown. Sharf-Katz has his share of problems—no teacher, no Rabbi, and the prospects of a 50,000 DM budget cut from the state of Thuringia (unlike the U.S., the government supports all religious movements and individuals pay a payroll tax to their religious movement). All of this at a time, when Russian Jews are migrating to the area—80 last year. We were hosted at the synagogue, which was destroyed during Kristallnacht in 1938.

In Meerane, we visited a hostel which is the home to some 100 Jews who have emigrated from the former Soviet Union. Unable to gain entry to the U.S. and unwilling to go to Israel, these Jews are choosing to make their home in Germany.

And, in Berlin, we attended Sabbath services and were hosted for Friday night Sabbath dinner by the B'nai B'rith group. There we met with some 30–40 individuals who lead successful and productive lives in Germany today. They are proud of their heritage as Jews and they practice their faith openly. They are strongly committed to Israel and work on behalf of Jewish causes and concerns.

We spent one afternoon at Buchenwald, a men's concentration camp outside Weimar. It was built in 1937 as a work camp; 250,000 people met their death there and one-fifth were Jews. The Nazis took a magnificent hillside where German poets, including Goethe, worked amid serenity and turned it into a prison and death house. In the early years, prisoners were brought on trains to Weimar and marched to the camp. Prisoners worked on building the camp and in the limestone quarry just outside the camp. Prisoners who worked in the quarry had a 3 month lifespan. Most who died were worked to death. In 1943, a railroad was constructed to bring the prisoners right to the camp and the munitions factory completed around the same time. The camp was also expanded at that time to house prisoners from more than 30 nations who were used as slave labor. Those who survived the "selections" at Auschwitz were transferred to Buchenwald for work. In 1944, Buchenwald was bombed by the allies; some of the SS headquarter buildings which were also on the premises were destroyed. The target of the bombing was the factory, not the camp itself. V–2 guidance systems were produced in the plant. Buchenwald was liberated in April, 1945, when American troops arrived. At that time, 21,000 prisoners remained; the rest—30,000—were forced on a death march by SS troops.

Buchenwald is in the former east Germany. A museum was constructed in the mid-1980's to tell its story. Although Germany has been reunified for 2 years, the museum has not been changed yet, although it is planned. The Communist story explains that World War II was a triumph of communism over fascism. It portrays the leaders of the underground as the principal victims, and it attributes liberation of the camp to the communists who were held as prisoners—a self-liberation.

Our guide through Buchenwald was Marlis Grafe, a life long resident of Weimar. She has worked there since 1986 and feels that she has experienced two major deceptions—the first—her parents say that they really didn't understand what was happening only a few miles away during the war. And the second—the east German view of the events. She was incredibly sensitive and forthcoming. One couldn't help but wonder how someone can devote their professional life to the story of a concentration camp.

This fact finding mission strengthened our understanding of Germany today and how Germans address Germany's past. It gave us links to a mostly prosperous industrious people with a very complex history. The exchange provided context and reference points to better appreciate the complications Germany faces in reunifying east and west, highlighting the difficulties we face in assisting the former Soviet Union with its efforts to establish a free enterprise society with democratic values. And finally, it brought us to the scene of a part of the Holocaust, a dark chapter that must be studied and understood to ensure that it won't be repeated.

TEXTILE INDUSTRY'S ENVIRONMENTAL EFFORTS

Mr. HELMS. Mr. President, the textile industry's voluntary efforts to preserve the environment deserve a round of applause. The fact that the U.S. textile industry is sponsoring the Encouraging Environmental Excellence [E3] Program underscores the importance of environmental preservation within the industry.

The E3 Program recognizes the environmental commitment of individual textile companies that meet certain criteria. The criteria range from significant reductions in air emissions and in water and solid waste to the development of employee education and community outreach programs on the environment.

Furthermore, the American Textile Manufacturers Institute [ATMI] is a member of the AMTEX partnership, a research consortium of the national laboratories of the Department of Energy and the Nation's fiber, textile, apparel, and home furnishings industries. AMTEX's objective is to develop new technologies and to increase the competitiveness of domestic manufacturers. Thanks to the efforts of AMTEX, ATMI is moving closer toward its goal of a zero-discharge facility.

Mr. President, I am proud of, and I salute, the following North Carolina companies that participate in the E3 Program:

American & Efird, Inc., Mount Holly, Charlotte, Gastonia, Salisbury, Maiden, Lenoir.

Artee Industries, Inc., Shelby, Lincolnton.

Avondale Mills, Inc., Charlotte, Burnsville, Sanford, Greensboro.

Belding Thread Group, Charlotte, Hendersonville.

Bloomsburg Mills, Inc., Monroe.

Burlington Industries, Inc., Greensboro.

Coats American, Charlotte.

Collins & Aikman Textile Group, Charlotte, Farmville, Norwood, Troy, Albemarle, Salisbury, Old Fort.

Cone Mills Corp., Greensboro, Cliffside, Forest City, Henrietta, Salisbury, Haw River, High Point, Thomasville.

Cranston Print Works Co., Fletcher.

Dixie Yarns, Inc., Mebane, Ranlo, Saxapahaw, Tryon, Tarboro, Gastonia, Newton.

Doran Textiles, Inc., Shelby.

Graniteville Co., Greensboro.

Guilford Mills, Inc., Greensboro.

Milliken & Co., Bostic, Columbus, Robbins.

The New Cherokee Corp., Spindale.

Pharr Yarns, McAdenville, Lowell, Spencer Mountain, Belmont.

Reeves Brothers, Bessemer City.

Russell Corp., Mt. Airy, Walnut Cove, Newport, Carthage.

Sara Lee Knit Products, Winston-Salem, Asheboro, Forest City, Jefferson, Maxton, Farmington, Jamestown, Quaker Meadows, North Ridge, Sanford, Sparta, West Point, Stratford, Eden.

SCT Yarns, Inc., Cherryville, Charlotte.

Spartan Mills, Lawndale.

Springs Industries, Inc., Aberdeen, Biscoe, Laurel Hill, Statesville, Laurinburg, Charlotte.

Stonecutter Mills Corp., Mill Spring, Spindale.

Swift Textiles, Inc., Greensboro, Erwin.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 171, which the clerk will report.

The bill clerk read as follows:

A bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Department of the Environment Act of 1993".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.

TITLE I—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Establishment of the Department of the Environment.
Sec. 104. Assistant Secretaries.
Sec. 105. Deputy Assistant Secretaries.
Sec. 106. Office of the General Counsel.
Sec. 107. Office of the Inspector General.
Sec. 108. Bureau of Environmental Statistics.
Sec. 109. Grant and contract authority for certain activities.
Sec. 110. Study of data needs.
Sec. 111. Miscellaneous employment restrictions.
Sec. 112. Termination of the Council on Environmental Quality and transfer of functions.
Sec. 113. Administrative provisions.
Sec. 114. Inherently governmental functions.
Sec. 115. References.
Sec. 116. Savings provisions.
Sec. 117. Conforming amendments.
Sec. 118. Additional conforming amendments.

TITLE II—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

Sec. 201. Establishment; membership.
Sec. 202. Commission responsibilities.
Sec. 203. Report to the President and Congress.
Sec. 204. Commission staff.
Sec. 205. Advisory groups.
Sec. 206. Termination of Commission.
Sec. 207. Funding; authorization of appropriations.

TITLE III—EFFECTIVE DATE

Sec. 301. Effective date.

TITLE I—ELEVATION OF THE ENVIRONMENTAL PROTECTION AGENCY TO CABINET LEVEL

SEC. 101. SHORT TITLE.

This title may be cited as the "Department of the Environment Act".

SEC. 102. FINDINGS.

The Congress finds that—

(1) recent concern with Federal environmental policy has highlighted the necessity of assigning to protection of the domestic and international environment a priority which is at least equal to that assigned to other functions of the Federal Government;

(2) protection of the environment increasingly involves cooperation with foreign states, including the most highly industrialized states all of whose top environmental officials have ministerial status;

(3) the size of the budget and the number of Federal civil servants devoted to tasks associated with environmental protection at the Environmental Protection Agency is commensurate with departmental status; and

(4) a cabinet-level Department of the Environment should be established.

SEC. 103. ESTABLISHMENT OF THE DEPARTMENT OF THE ENVIRONMENT.

(a) REDESIGNATION.—The Environmental Protection Agency is hereby redesignated as the Department of the Environment (hereafter referred to as the "Department") and shall be an executive department in the executive branch of the Government. The official acronym of the Department shall be the "U.S.D.E.".

(b) SECRETARY OF THE ENVIRONMENT.—(1) There shall be at the head of the Department a Secretary of the Environment who shall be appointed by the President, by and with the advice and consent of the Senate. The Department shall be administered under the supervision and direction of the Secretary.

(2) The Secretary may not assign duties for or delegate authority for the supervision of the Assistant Secretaries, the General Counsel, the Director of Environmental Statistics, or the Inspector General of the Department to any officer of the Department other than the Deputy Secretary.

(3) Except as described under paragraph (2) of this section and section 104(b)(2), and notwithstanding any other provision of law, the Secretary may delegate any functions including the making of regulations to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as determined to be necessary or appropriate.

(c) DEPUTY SECRETARY.—There shall be in the Department a Deputy Secretary of the Environment, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such responsibilities as the Secretary shall prescribe and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the position of Secretary.

(d) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of a Secretary and a Deputy Secretary and may include an Executive Secretary and such other executive officers as the Secretary may determine necessary.

(e) REGIONAL OFFICES.—The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as he may determine necessary to carry out the functions vested in him or other officials of the Department.

(f) INTERNATIONAL RESPONSIBILITIES OF THE SECRETARY.—(1) In addition to exercising other international responsibilities under existing provisions of law, the Secretary is—

(A) encouraged to assist the Secretary of State to carry out his primary responsibilities for coordinating, negotiating, implementing and participating in international agreements, including participation in international organizations, relevant to environmental protection; and

(B) authorized and encouraged to—

(i) conduct research on and apply existing research capabilities to the nature and impacts of international environmental problems and develop responses to such problems; and

(ii) provide technical and other assistance to foreign countries and international bodies to improve the quality of the environment.

(2) The Secretary of State shall consult with the Secretary of the Environment and such other persons as he determines appropriate on such negotiations, implementations, and participations described under paragraph (1)(A).

(g) AUTHORITY OF THE SECRETARY WITHIN THE DEPARTMENT.—Except as provided under section 112, nothing in the provisions of this Act—

(1) authorizes the Secretary of the Environment to require any action by any officer of any executive department or agency other than officers of the Department of the Environment, except that this paragraph shall not affect any authority provided for by any other provision of law authorizing the Secretary of the Environment to require any such actions;

(2) modifies any Federal law that is administered by any executive department or agency; or

(3) transfers to the Department of the Environment any authority exercised by any other Federal executive department or agency prior to the date of the enactment of this Act, except the authority exercised by the Environmental Protection Agency.

(h) APPLICATION TO THE DEPARTMENT OF THE ENVIRONMENT.—The provisions of this Act apply only to activities of the Department of the Environment, except where expressly provided otherwise.

SEC. 104. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Assistant Secretaries, not to exceed 12, as the Secretary shall determine, each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES OF ASSISTANT SECRETARIES.—(1) The Secretary shall assign to Assistant Secretaries such responsibilities as the Secretary considers appropriate, including, but not limited to—

(A) enforcement;

(B) compliance monitoring;

(C) research and development;

(D) air;

(E) radiation;

(F) water;

(G) pesticides;

(H) toxic substances;

(I) solid waste;

(J) hazardous waste;

(K) hazardous waste cleanup;

(L) emergency response;

(M) international affairs;

(N) policy, planning, and evaluation;

(O) pollution prevention;

(P) congressional affairs;

(Q) intergovernmental affairs;

(R) public affairs; and

(S) administration and resources management, information resources management, procurement and assistance management, and personnel and labor relations.

(2) The Secretary may assign and modify any responsibilities at his discretion under paragraph (1), except that the Secretary may not modify the responsibilities of any Assistant Secretary without prior written notification with explanation of such modification to the appropriate committees of the Senate and the House of Representatives.

(c) DESIGNATION OF RESPONSIBILITIES PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as Assistant Secretary under this section, the President shall state the particular responsibilities of the Department such individual shall exercise upon taking office.

(d) CONTINUING PERFORMANCE OF FUNCTIONS.—On the effective date of this Act, the Administrator and Deputy Administrator of the Environmental Protection Agency shall be redesignated as the Secretary and Deputy Secretary of the Department of the Environment. Assistant Administrators of the Agency shall be redesignated as Assistant Secretaries of the Department, the General Counsel and the Inspector General of the Agency shall be redesignated as the General Counsel and the Inspector General of the Department, and the Chief Financial Officer of the Agency shall be redesignated as the Chief Financial Officer of the Department, without renomination or reconfirmation.

(e) CHIEF INFORMATION RESOURCES OFFICER.—(1) The Secretary shall designate the Assistant Secretary whose responsibilities include information resource management functions as required by section 3506 of title 44, United States Code, as the Chief Information Resources Officer of the Department.

(2) The Chief Information Resources Officer shall—

(A) advise the Secretary on information resource management activities of the Department as required by section 3506 of title 44, United States Code;

(B) develop and maintain an information resources management system for the Department which provides for—

(i) the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

(ii) the implementation of all applicable government-wide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resource management functions;

(iii) the periodic evaluation of and, as needed, the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained with Department information systems; and

(iv) the development and annual revision of a 5-year plan for meeting the Department's information technology needs; and

(C) report to the Secretary as required under section 3506 of title 44, United States Code.

SEC. 105. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Deputy Assistant Secretaries as the Secretary may determine.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) FUNCTIONS.—Functions assigned to an Assistant Secretary under section 104(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

SEC. 106. OFFICE OF THE GENERAL COUNSEL.

There shall be in the Department the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 107. OFFICE OF THE INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978, is hereby redesignated as the Office of Inspector General of the Department of the Environment.

SEC. 108. BUREAU OF ENVIRONMENTAL STATISTICS.

(a) ESTABLISHMENT.—(1) There is established within the Department a Bureau of Environmental Statistics (hereafter referred to as the "Bureau"). The Bureau shall be responsible for—

(A) compiling, analyzing, and publishing a comprehensive set of environmental quality statistics which should provide timely summary in the form of industrywide aggregates, multiyear averages, or totals or some similar form and include information on—

(i) the nature, source, and amount of pollutants in the environment; and

(ii) the effects on the public and the environment of those pollutants;

(B) promulgating guidelines for the collection of information by the Department required for the statistics under this paragraph to assure that the information is accurate, reliable, relevant, and in a form that permits systematic analysis;

(C) coordinating the collection of information by the Department for developing such statistics with related information-gathering activities conducted by other Federal agencies;

(D) making readily accessible the statistics published under this paragraph; and

(E) identifying missing information of the kind described under subparagraph (A) (i) and (ii), reviewing these information needs at least annually with the Science Advisory Board, and making recommendations to the appropriate Department of Environment officials concerning extramural and intramural research programs to provide such information.

(2) Nothing in the provisions of paragraph (1) shall authorize the Bureau to require the collection of any data by any other Department, State or local government, or to establish observation or monitoring programs. The Bureau shall not duplicate the information collection functions of other Federal agencies.

(3) Information compiled by the Bureau of Environmental Statistics, which has been submitted for purposes of statistical reporting requirements of this law, shall not be disclosed publicly in a manner that would reveal the identity of the submitter, including submissions by Federal, State, or local governments, or reveal the identity of any individual consistent with the provisions of section 552a of title 5, United States Code (the Privacy Act of 1974). This paragraph shall not affect the availability of data provided to the Department under any other provision of law administered by the Department. The confidentiality provisions of other statutes authorizing the collection of environmental statistics shall also apply, including but not limited to, section 14 of the Toxic Substances Control Act (15 U.S.C. 2613), section 2(h) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136h), section 114(c) of the Clean Air Act (42 U.S.C. 741(c)), and section 1905 of title 18, United States Code.

(b) DIRECTOR OF ENVIRONMENTAL STATISTICS.—The Bureau shall be under the direction of a Director of Environmental Statistics (hereafter referred to as the "Director") who shall be appointed by the President, by and with the advice and consent of the Senate. The term of the Director shall be 4 years. The Director shall be a qualified individual with experience in the compilation and analysis of environmental statistics. The Director shall report directly to the Secretary. The Director shall be compensated at the rate provided for at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(c) ENVIRONMENTAL STATISTICS ANNUAL REPORT.—On July 1, 1995, and each July 1 thereafter, the Director shall submit to the President an Environmental Statistics Annual Report (hereafter referred to as the "Report"). The Report shall include, but not be limited to—

(1) statistics on environmental quality including—

(A) The environmental quality of the Nation with respect to all aspects of the environment, including, but not limited to, the air, aquatic ecosystems, including marine, estuarine, and fresh water, and the terrestrial ecosystems, including, but not limited to, the forest, dry-land, wetland, range, urban, suburban, and rural environment; and

(B) changes in the natural environment, including the plant and animal systems, and other

information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(2) statistics on the effects of changes in environmental quality on human health and nonhuman species and ecosystems;

(3) documentation of the method used to obtain and assure the quality of the statistics presented in the Report;

(4) economic information on the current and projected costs and benefits of environmental protection; and

(5) recommendations on improving environmental statistical information.

(d) CONTINUING PERFORMANCE OF THE FUNCTIONS OF THE DIRECTOR PENDING CONFIRMATION.—An individual who, on the effective date of this Act, is performing any of the functions required by this section to be performed by the Director may continue to perform such functions until such functions are assigned to an individual appointed as the Director under this Act.

(e) ADVISORY COUNCIL ON ENVIRONMENTAL STATISTICS.—The Director shall appoint an Advisory Council on Environmental Statistics, comprised of no more than 6 private citizens who have expertise in environmental statistics and analysis (except that at least one of such appointees should have expertise in economics) to advise the Director on environmental statistics and analyses, including whether the statistics and analyses disseminated by the Bureau are of high quality and are based upon the best available objective information. The Council shall be subject to the provisions of the Federal Advisory Committee Act.

SEC. 109. GRANT AND CONTRACT AUTHORITY FOR CERTAIN ACTIVITIES.

The Secretary may make grants to and enter into contracts with State and local governments, Indian tribes, universities, and other organizations to assist them in meeting the costs of collecting specific data and other short term activities that are related to the responsibilities and functions under section 108(a)(1) (A), (B), (C), and (D).

SEC. 110. STUDY OF DATA NEEDS.

(a) STUDY OF DATA NEEDS.—(1) No later than 1 year after the start of Bureau operations, the Secretary of the Department of Environment, in consultation with the Director of the Bureau and the Assistant Secretary designated as Chief Information Resources Officer, shall enter into an agreement with the National Academy of Sciences for a study, evaluation, and report on the adequacy of the data collection procedures and capabilities of the Department. No later than 18 months following an agreement, the National Academy of Sciences shall report its findings to the Secretary and the Congress. The report shall include an evaluation of the Department's data collection resources, needs, and requirements, and shall include an assessment and evaluation of the following systems, capabilities, and procedures established by the Department to meet those needs and requirements:

(A) data collection procedures and capabilities;

(B) data analysis procedures and capabilities;

(C) the ability of data bases to integrate with one another;

(D) computer hardware and software capabilities;

(E) management information systems, including the ability of management information systems to integrate with another;

(F) Department personnel; and

(G) the Department's budgetary needs and resources for data collection, including an assessment of the adequacy of the budgetary resources provided to the Department and budgetary resources used by the Department for data collection needs and purposes.

(2) The report shall include recommendations for improving the Department's data collection systems, capabilities, procedures, data collection, and analytical hardware and software, and for improving its management information systems.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out the provisions of this section.

SEC. 111. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.

(a) PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.—Except as otherwise provided in this Act, political affiliation or political qualification may not be taken into account in connection with the appointment of any person to any position in the career civil service or in the assignment or advancement of any career civil servant in the Department.

(b) REPORTS ON IMPLEMENTATION.—One year after the date of the enactment of this title and again 3 years after the date of the enactment of this title, the Secretary shall report to the Senate Committees on Appropriations, Governmental Affairs, and Environment and Public Works and to the House of Representatives on the estimated additional cost of implementing this title over the cost as if this title had not been implemented, including a justification of increased staffing not required in the execution of this title.

SEC. 112. TERMINATION OF THE COUNCIL ON ENVIRONMENTAL QUALITY AND TRANSFER OF FUNCTIONS.

(a) TRANSFER OF FUNCTIONS OF THE COUNCIL ON ENVIRONMENTAL QUALITY.—(1) Except as provided under paragraph (2), all functions of the Council on Environmental Quality under titles I and II of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) and under any other law, are transferred to the Secretary. The Secretary is authorized to take all necessary action, including the promulgation of regulations, to carry out these functions.

(2) Referrals of interagency disagreements concerning proposed major Federal actions significantly affecting the quality of the human environment under section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 102(2)(C)) and concerning matters under section 309(b) of the Clean Air Act (42 U.S.C. 7609(b)) shall be made to the President for resolution.

(b) TERMINATION OF THE COUNCIL ON ENVIRONMENTAL QUALITY.—(1) Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) is amended by striking out "Council" and inserting in lieu thereof "Secretary of the Environment".

(2) Sections 202, 203, 205, 206, 207, and 208 of the National Environmental Policy Act (42 U.S.C. 4342, 4343, 4345, 4346, 4346a, and 4346b) are repealed.

(3) The heading for title II of the National Environmental Policy Act is amended to read as follows:

"TITLE II

"ENVIRONMENTAL QUALITY REPORT".

(c) REFERENCES IN FEDERAL LAW.—Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Council on Environmental Quality—

(1) with regard to functions transferred under subsection (a)(1), shall be deemed to refer to the Secretary; and

(2) with regard to disagreements and matters described under subsection (a)(2), shall be deemed to refer to the President.

(d) AVAILABILITY OF FUNDS.—Unobligated funds available to the Council on Environmental Quality shall remain available to the Department until expended for the gradual and orderly termination of the Council and transfer of Council functions as provided in this Act.

(e) SAVINGS PROVISIONS.—(1) All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(A) which have been issued, made, granted, or allowed to become effective by the President, by the Council on Environmental Quality, or by a court of competent jurisdiction, in the performance of functions of the Council on Environmental Quality, and

(B) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of the Environment, or other authorized official, a court of competent jurisdiction, or by operation of law.

(2) The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Council on Environmental Quality at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this paragraph shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(3) The provisions of this section shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(4) No suit, action, or other proceeding commenced by or against the Council on Environmental Quality, or by or against any individual in the official capacity of such individual as an officer of the Council on Environmental Quality, shall abate by reason of the enactment of this Act.

(5) Any administrative action relating to the preparation or promulgation of a regulation by the Council on Environmental Quality may be continued by the Department or the President with the same effect as if this Act had not been enacted.

(6) The contracts, liabilities, records, property, and other assets and interests of the Council on Environmental Quality shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

SEC. 113. ADMINISTRATIVE PROVISIONS.

(a) ACCEPTANCE OF MONEY AND PROPERTY.—(1) The Secretary may accept and retain money, uncompensated services, and other real and personal property or rights (whether by gift, bequest, devise, or otherwise) for the purpose of carrying out the Department's programs and activities, except that the Secretary shall not endorse any company, product, organization, or service. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be credited in a separate fund in the Treasury of the United States and shall be available for disbursement upon the order of the Secretary.

(2) The Secretary shall prescribe regulations and guidelines setting forth the criteria the Department shall use in determining whether to

accept a gift, bequest, or devise. Such criteria shall take into consideration whether the acceptance of the property would reflect unfavorably upon the Department's or any employee's ability to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity of or the appearance of the integrity of a Government program or any official involved in that program.

(b) SEAL OF THE DEPARTMENT.—(1) On the effective date of this Act, the seal of the Environmental Protection Agency with appropriate changes shall be the seal of the Department of the Environment, until such time as the Secretary may cause a seal of office to be made for the Department of the Environment of such design as the Secretary shall approve.

(2)(A) Chapter 33 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§716. Department of the Environment Seal

"(a) Whoever knowingly displays any printed or other likeness of the official seal of the Department of the Environment, or any facsimile thereof, in, or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

"(b) Whoever, except as authorized under regulations promulgated by the Secretary of the Environment and published in the Federal Register, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department of the Environment, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

"(c) A violation of subsection (a) or (b) may be enjoined at the suit of the Attorney General of the United States upon complaint by any authorized representative of the Secretary of the Department of the Environment.".

(B) The table of sections for chapter 33 of title 18, United States Code, is amended by adding at the end thereof:

"716. Department of the Environment Seal.".

(c) ACQUISITION OF COPYRIGHTS AND PATENTS.—The Secretary is authorized to acquire any of the following described rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) copyrights, patents, and applications for patents, designs, processes, and manufacturing data;

(2) licenses under copyrights, patents, and applications for patents; and

(3) releases, before suit is brought, for past infringement of patents or copyrights.

(d) ADVISORY COMMITTEE COMPENSATION.—The Secretary is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 114. INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) GOVERNMENT OFFICERS AND EMPLOYEES.—(1) Inherently governmental functions of the Department shall be performed only by officers and employees of the United States. For purposes of this section, the term "inherently governmental function" means any activity which is so intimately related to the public interest as to mandate performance by Government officers and employees. Inherently governmental functions include those activities which require either the exercise of discretion in applying Government authority or the use of value judgment in making decisions for the Government. The Secretary shall promulgate regulations or internal guidance to implement this section. This section is not intended, and may not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, the Department, its officers, or any person.

(b) CONFLICTS OF INTEREST.—(1) The Secretary shall by regulation require any person proposing to enter into a contract, grant, or cooperative agreement whether by sealed bid or negotiation, for the conduct of research, development, evaluation activities, or for consulting services, to provide the Secretary, prior to entering into any such contract, agreement, or arrangement, with all relevant information, as determined by the Secretary, bearing on whether that person has a possible conflict of interest with respect to—

(A) being able to render impartial, technically sound, or objective assistance or advice in light of other activities or relationships with other persons; or

(B) being given an unfair competitive advantage.

(2) Such person shall ensure, in accordance with regulations prescribed by the Secretary, compliance with this section by subcontractors of such person who are engaged to perform similar services.

(3) For purposes of this subsection, the term "consulting services" includes—

(A) management and professional support services;

(B) studies, analyses, and evaluations;

(C) engineering and technical services, excluding routine engineering services such as automated data processing and architect and engineering contracts; and

(D) research and development.

(c) REQUIRE AFFIRMATIVE FINDING; CONFLICTS OF INTEREST WHICH CANNOT BE AVOIDED; MITIGATION OF CONFLICTS.—(1) Subject to the provisions of paragraph (2), the Secretary may not enter into any such contract, agreement, or arrangement, unless he affirmatively finds, after evaluating all such information and any other relevant information otherwise available to him, either that—

(A) there is little or no likelihood that a conflict of interest would exist; or

(B) that such conflict has been avoided after appropriate conditions have been included in such contract, agreement, or arrangement.

(2) If the Secretary determines that such conflict of interest exists and that such conflict of interest cannot be avoided by including appropriate conditions therein, the Secretary may enter into such contract, agreement, or arrangement, if the Secretary—

(A) determines that it is in the best interests of the United States to do so; and

(B) includes appropriate conditions in such contract, agreement, or arrangement to mitigate such conflict.

(d) PUBLIC NOTICE REGARDING CONFLICTS OF INTEREST.—The Secretary shall promulgate regulations which require public notice to be given whenever the Secretary determines that the award of a contract, agreement, or arrangement may result in a conflict of interest which cannot be avoided by including appropriate conditions therein.

(e) DISCLAIMER.—Nothing in this section shall preclude the Department from promulgating regulations to monitor potential conflicts after the contract award.

(f) CENTRAL FILE.—The Department shall maintain a central file regarding all cases when a public notice is issued. Other information required under this section shall also be compiled. Access to this information shall be controlled to safeguard any proprietary information.

(g) REGULATIONS.—No later than 120 days after the effective date of this Act, the Secretary shall promulgate regulations for the implementation of this section.

SEC. 115. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining—

(1) to the Administrator of the Environmental Protection Agency shall be deemed to refer to the Secretary of the Environment;

(2) to the Environmental Protection Agency shall be deemed to refer to the Department of the Environment;

(3) to the Deputy Administrator of the Environmental Protection Agency shall be deemed to refer to the Deputy Secretary of the Environment; or

(4) to any Assistant Administrator of the Environmental Protection Agency shall be deemed to refer to an Assistant Secretary of the Department of the Environment.

SEC. 116. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of the Environmental Protection Agency, or by a court of competent jurisdiction, in the performance of functions of the Administrator or the Environmental Protection Agency, and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of the Environment, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this Act shall not affect suits commenced before the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency,

or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall abate by reason of the enactment of this Act.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by the Environmental Protection Agency may be continued by the Department with the same effect as if this Act had not been enacted.

(f) PROPERTY AND RESOURCES.—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be the contracts, liabilities, records, property, and other assets and interests of the Department.

(g) SAVINGS.—The Department of the Environment and its officers, employees, and agents shall have all the powers and authorities of the Environmental Protection Agency.

SEC. 117. CONFORMING AMENDMENTS.

(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of the Environment".

(b) DEFINITION OF DEPARTMENT, CIVIL SERVICE LAWS.—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following: "The Department of the Environment".

(c) COMPENSATION, LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following: "Secretary of the Environment".

(d) COMPENSATION, LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking out "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of the Environment".

(e) COMPENSATION, LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking out "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of the Environment"; and

(2) by striking each reference to an Assistant Administrator of the Environmental Protection Agency and by adding at the end thereof the following:

"Assistant Secretaries, Department of the Environment (12).

"General Counsel, Department of the Environment."; and

(3) by striking out "Chief Financial Officer, Environmental Protection agency" and inserting in lieu thereof "Chief Financial Officer, Department of the Environment."

(f) COMPENSATION, LEVEL V.—Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Director of the Bureau of Environmental Statistics, Department of the Environment.

"Executive Director of the Commission on Improving Environmental Protection.".

(g) INSPECTOR GENERAL ACT.—The Inspector General Act of 1978 is amended—

(1) in section 2(1)—

(A) by inserting "the Department of the Environment," after "Veterans Affairs,"; and

(B) by striking out "The Environmental Protection Agency,";

(2) in section 11(1) by striking out "or Veterans Affairs" and inserting "Veterans Affairs, or the Environment,"; and

(3) in section 11(2) by striking out "or Veterans Affairs" and inserting "Veterans Affairs, or the Environment,".

SEC. 118. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Governmental Affairs and the Committee on Environment and Public Works and other appropriate committees of the United States Senate and the appropriate committees of the House of Representatives, the Secretary of the Environment shall prepare and submit to the Congress legislation which the Secretary determines is necessary and appropriate containing technical and conforming amendments to the United States Code, and to other provisions of law, to reflect the changes made by this Act.

TITLE II—ESTABLISHMENT OF THE COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

SEC. 201. ESTABLISHMENT; MEMBERSHIP.

(a) ESTABLISHMENT.—There is established the Commission on Improving Environmental Protection (hereafter referred to as "the Commission") whose 13 members including the Chairman shall be composed of experts in governmental organization (with emphasis on environmental organization), management of organizations and environmental regulation and improved environmental governmental service delivery, consisting of—

(1) seven members to be appointed by the President;

(2) three members to be appointed by the Speaker of the House; and

(3) three members to be appointed by the Senate Majority Leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President in consultation with the Congress.

SEC. 202. COMMISSION RESPONSIBILITIES.

(a) RESPONSIBILITIES.—The Commission shall be responsible for examining and making recommendations on the management and implementation of the environmental laws and programs within the jurisdiction of the Department of the Environment in order to enhance the ability of the Department to preserve and protect human health and the environment. The Commission shall make recommendations and otherwise advise the President and the Congress on the need to—

(1) enhance and strengthen the management and implementation of existing programs within the Department;

(2) enhance the organization of the Department to eliminate duplication and overlap between different programs;

(3) enhance the coordination between different programs and offices within the Department;

(4) enhance the consistency of policies throughout the Department; and

(5) establish new and enhanced small business and small governmental jurisdictions compliance assistance programs, and to strengthen organizational mechanisms in the Department for providing better compliance and technical assistance to small businesses and small governmental jurisdictions.

(b) RECOMMENDATIONS.—The Commission shall provide specific steps and proposals for implementing the Commission's recommendations including an estimate of the costs of implementing such recommendations, except that the Commission shall not suggest substantive changes in the policy expressed by existing laws.

(c) CONFLICT OF INTERESTS.—For purposes of the provisions of chapter 11 of part I of title 18, United States Code, a member of the Commission (to whom such provisions would not otherwise apply except for this subsection) shall be a special Government employee.

SEC. 203. REPORT TO THE PRESIDENT AND CONGRESS.

The Commission shall report to the President and the Congress on its investigation, findings, and recommendations in an interim report no later than 12 months after the effective date of this title, and in a final report no later than 24 months after the effective date of this title. The interim report shall be made available for public review and comment, and the comments taken into account in finalizing the report.

SEC. 204. COMMISSION STAFF.

The Commission shall appoint an Executive Director who shall be compensated at a rate not to exceed the rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. With the approval of the Commission the Executive Director may appoint and fix the compensation of staff sufficient to enable the Commission to carry out its duties.

SEC. 205. ADVISORY GROUPS.

The Chairman shall convene at least one advisory group to assist the Commission in developing its recommendations. One advisory group shall be composed of past staff of the Department of the Environment and its predecessor Environmental Protection Agency, other Federal and State officials experienced in administering environmental protection programs, members of the regulated community and members of public interest groups organized to further the goals of environmental protection. The Executive Director is authorized to pay members of advisory committees and others who perform services as authorized under section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule under section 5316 of title 5, United States Code. The advisory group shall be subject to the provisions of the Federal Advisory Committee Act.

SEC. 206. TERMINATION OF COMMISSION.

No later than 90 days after the date on which the Commission submits its final report, the Commission shall terminate unless otherwise directed by the President.

SEC. 207. FUNDING; AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 in fiscal year 1993 and $2,000,000 in fiscal year 1994 to carry out the provisions of this title.

TITLE III—EFFECTIVE DATE

SEC. 301. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on such date during the 6-month period beginning on the date of enactment, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this Act and such amendments shall take effect 6 months after the date of the enactment of this Act.

The PRESIDING OFFICER. The manager of the bill, the chairman of the Governmental Affairs Committee, the Senator from Ohio [Mr. GLENN] is recognized.

Mr. GLENN. I thank the Chair.

Mr. President, I am particularly pleased, today being Earth Day, that we are introducing the 1993 Department of Environment Act.

I am proud to send this legislation up. This is legislation I have introduced twice before and which the Senate has passed once before.

It would make the Environmental Protection Agency a cabinet-level department. Along with making EPA a Cabinet-level agency, the bill also establishes a Bureau of Environmental Statistics to analyze and compile and publish data necessary to shape environmental policies. In addition, the legislation authorizes the establishment of a Presidential Commission on Improving Environmental Protection.

Mr. President, the bill is backed by the administration. The President and Vice President both have expressed themselves in full support of this legislation.

Let me just say a couple of words about these two additions, the Bureau of Environmental Statistics and the Presidential Commission on Improving Environmental Protection.

Mr. President, when we first started looking at this matter of making EPA into a Cabinet-level department, we looked at the statistics situation and found that almost anything you wanted to prove, whatever your preconceived position was with regard to an environmental matter, you could find someplace with somebody with some set of statistics to back up your preconceived view.

It meant you could come on the floor of the Senate and have a study by one group, somebody on the other side could have a study by another group, and you both could prove your point by the statistics involved. This is not unlike the situation many years ago, with regard to labor statistics. They established a Bureau of Labor Statistics [BLS] that takes all these different views and develops some of their own, and then puts these into a form that is usable and is taken as the authentic figures for this country. That is what we see this Bureau of Environmental Statistics doing.

The Presidential Commission addresses something else we found. When we looked at elevating the EPA in our original legislation, we looked around for all the different areas of Government that should be brought into the EPA, if we are going to make this move. And we found that it is a rare agency or a rare department of Government that does not have some EPA function or some environmental matter that they are responsible for or that they have to address on a regular basis—that they have responsibilities for.

I will tell you, quite frankly, when the committee staff looked at this, we developed so many hundreds of these different places across the length and breadth of Government where there are environmental matters that have to be addressed, if we were going to combine all of these things into the department and have to make judgments which should stay where they are now—for instance, environmental concerns of the Department of Defense—we could not move all of them in, yet some should be moved in to be concerns of departmental EPA; it got to be beyond our capability to really do this. It got to be a very, very, very complex matter.

So what we decided to do is set up a commission. And heaven knows, in this day and age on the floor, I hate to rise and suggest any commission. I am sure my colleague from Delaware will have a few words to say on the commission, perhaps, later on. I hate to propose that as a solution. But I think in the long term we really do save a lot of money and we simplify Government if we set up a group to try to analyze these different functions of Government that deal with the environment that are now spread out through almost every agency and every department of Government. That is the reason we set up this commission. That is the only reason it was formed. It was not just to set up another commission, committee, council, advisory group, or whatever. It has finite life. We do not want it to go on forever.

Those are two major things that are put into the bill besides just a straight elevation to Cabinet-level status.

The bill before the Senate today is a substitute. It was agreed to by the Senate Committee on Governmental Affairs on March 24 of this year and is somewhat different from the original bill.

Let me briefly highlight the main changes:

First, it adds a provision abolishing the Council on Environmental Quality [CEQ] and distributes its NEPA functions.

I add that is not something we just formulated in the committee. It is something that the President has already taken action on. The President, when he came in, and Vice President GORE, preferred not to use the Council on Environmental Quality, and they wanted to distribute these NEPA functions in some different directions. So they took action to abolish the council. This legitimizes, or puts in legislation basically what has already been done at the executive level.

This provision is not only supported by the administration, but has been agreed to by the Environment and Public Works Committee, which received sequential referral of the provision and marked it up on April 2 of this year.

The committee reported the provision with no changes. It would give CEQ's NEPA functions, the National Environmental Policy Act functions, to the new department, except that dispute resolution authority would be undertaken directly by the President, where such authority already resides now.

The new department, working through the Bureau of Environmental Statistics, would be responsible for producing the annual environmental quality report required by NEPA.

The substitute also deletes title II of the bill involving an international meeting on energy efficiency and the establishment of a greenhouse gas monitoring office. There are a couple of reasons for this. In the current climate of budget austerity, these provisions can be eliminated from this bill without causing any difficulty or losing any important opportunity.

No. 2, we have already had some meetings. As a matter of fact, last year when then-Senator GORE of Tennessee was still in the Senate—now the Vice President of the United States—he led a delegation to South America, of course, representing us at an international meeting where matters such as this were discussed and can be discussed in the future. So we felt our original inclination to require an international meeting had sort of gone by the boards, so we eliminated it from this bill.

For similar reasons, the substitute deletes authorization of funding for the Bureau of Environmental Statistics without affecting the authorization of the Bureau itself. I just gave some of the rationale for the Bureau a few moments ago, but EPA has indicated to us that it believes that the Bureau can carry out its mission without any new funding authority. I was glad to hear that. They feel they are going to be able to run a sufficiently efficient organization at EPA now that they are going to be able to carry out this mission without increasing funding by using the funds that they have right now. So that is good news.

The substitute reduces by more than half the cost of the Commission on Improving Environmental Protection. That is the Presidential Commission I mention, which will examine and make recommendations to us about not only the ways to improve management of Department of Environment programs themselves, but also how we may include other Government agencies; functions in the Department of Environment and actually save money in the long run by doing that, by eliminating some of these duplicating functions we find in agency after agency, department after department.

I strongly believe there are issues that realistically do require a commission to resolve.

Some of these functions will be split. Some of the functions, as I mentioned, will stay in their existing spot now, in particular agencies or departments. Others can be more efficiently done by EPA, combined with functions from other agencies. So I think overall we will be able to save a considerable amount from the way the Government operates right now. I do believe a commission is required to resolve these things and I believe they can operate with fewer funds and I believe, in the long haul, that whatever the costs, these changes will represent a considerable cost savings as a result of this bill.

The United States and the world stand at a dangerous but at an opportune crossroad. Here and around the globe, environmental problems pose significant threats to the health and safety of billions. There is a new and a growing recognition of the urgent need to address the problems of global warming, ozone depletion, water, air, sea pollution, and radioactive hazards.

We are almost inundated with things that come out of industry and our use of more energy and different types of energy these days, that give us a whole new host of problems.

Such problems are testing the mettle of governments all over this world to develop innovative, comprehensive, and cost-effective solutions that recognize the fragility of our ecosystems—and they are fragile—and the vulnerability of our people when something happens to our environment.

In the almost 3 years since I first introduced legislation to elevate the EPA, environmental problems facing our Nation have not improved. In some cases, they have grown more dangerous, more complex.

Some examples are the waste tanks containing high-level radioactive waste at the Hanford site in Washington State remain a dangerous threat to public health and safety. There is not any other way to put it.

Hundereds of Superfund priority list sites remain untouched as the endless battles of bureaucracy and resources continue. And it is almost amazing, with all the money in the Superfund and the time it has been there, and all the effort and concentration we have put on it, now little has been accomplished in cleaning up some of those Superfund sites. So on many fronts we are still struggling to clean our water, our air, and our lands.

Now more than ever, we need a Cabinet-level Department of the Environment. I say this first because more than one pundit has observed over the past year that such an elevation is merely a cosmetic and political facelift for an agency that cannot seem to get its job done in its current status.

I do not disagree in any shape or form that improvements need to be made at EPA. The Governmental Affairs Committee, which I chair, held hearings last year on management problems at EPA. And, hopefully, some of the things we do in this bill, together with the commission's recommendations, will address these problems. I think we can do a much more efficient job once the commission has gone through Government to see how we can combine some of the functions that are not under EPA now but need to be. But the fact that the agency needs improvement in no way diminishes the importance of making it Cabinet level.

Let me address a different issue. It remains a diplomatic fact of life for example, that the seriousness with which one views another Government's concerns is influenced by the stature, by the position of the person who articulates them. A sub-Cabinet EPA sends the wrong signal to the rest of the world about the priority and leadership given by the United States to the cause of global environmental protection.

In talking to officials who have gone to some of these international meetings, almost every other industrialized nation in the world that comes to these international convocations, or symposia or environmental meetings, comes with ministerial or Cabinet rank, except for the leading nation in the world, the leading user of energy in the world, the leading nation addressing environmental concerns in the world, the United States of America. Our representatives show up only with agency level status.

I am not saying that status of rank is everything in these international meetings, but it certainly accounts for something and accounts for some of the credibility that should be given to our representatives at these meetings.

I think, elevating EPA to Cabinet status is worth doing because of this: Our environmental concerns are not something that are going to be solved in a week, a day, a month, or even several years or even decades. What we are starting out with here is an emphasis on the environment and worldwide concerns that I mentioned earlier. That is going to go on for not only decades but, I believe, for generations. It is going to be something that the world is going to be concerned about and the United States will be taking a leadership role in for generations ahead. Long after anyone in this Chamber today and anyone on the roster of the U.S. Senate is gone, there are still going to be environmental concerns. They are going to be of increasing concern and deserve the status of being heard at the top levels of Government.

Can anyone truly claim there should be no room at the Cabinet table for the agency that bears the enormous responsibility for the basic elements of nature, the basic elements of nature that sustain life, sustain our lives right here on Earth? Indeed, the real and the potential impact on the human environment of our fragile Earth may be of such magnitude that they will require a level of attention never before even imagined both abroad and at home. I think the United States must provide aggressive leadership toward a solution of domestic and global environmental problems. To do otherwise would consign the quality of life of all Americans to the decisions of other nations and cede our moral obligation to protect the global commons that we all share, and it is indeed a global commons.

I do not usually rise on the Senate floor, as my colleagues know, and refer to experiences in space. I just do not do that. But I did have a unique opportunity to view the beauty and the grandeur of this Earth from space. Let me just give a little example that I was struck by then and I think every single person who has been an astronaut who has gone into space has been impressed by when they came back, and that is how thin and fragile the environment is that sustains life on our planet.

In high school, or even grade school now, the kids start looking at these charts, and they have a chart that shows the atmosphere above us. And it looks grand, it is glorious, it is big, it is thick, and you think you can throw almost anything into it and it can take it. It shows the atmosphere and the stratosphere and the substratosphere and the ozone layer, and it looks like it is so thick up there that nothing could harm it ever.

Yet, what is the truth about the thickness of this? The truth is that as we all climb on these airplanes to fly back home all over the country, when we go past 18,000 feet—which is not much; that is during climbout over Washington National over here you go about 18,000 feet—at that point, you are above 50 percent of the Earth's atmosphere. When you fly cross country—I came back the other day from Texas. I was down there with Senator KRUEGER. I came back from Texas, and the plane was cruising at 41,000 feet. At 40,000 feet cruising cross country on an airplane, you are above 80 percent of the Earth's atmosphere. There are only 20 percent of those air molecules left above you. We do not live in a layer. We live in a film of air that surrounds this Earth.

Let me give a little different example, and this comes from my own experience in the space program.

Looking back at a sunset or a sunrise, where the light of the Sun comes through the Earth's atmosphere and back out to the spacecraft going around the Earth, at sunset and sunrise, you are struck, when you look at it, with what a thin little layer that is. You cannot believe how thin it is with the light coming toward you.

Let me give an example of this. I mentioned 40,000 feet. Keep that figure in mind, 80 percent of the Earth's atmosphere below you when you are at 40,000 feet.

Let us say that I put my hand up here above my head, and with my height, that is about 80 inches. About another 10 inches on my height up here is 80 inches. Let each inch equal 100 miles. That would equal the 8,000-mile diameter of the Earth. And think of the Earth as this size here, a model of the Earth that is 80 inches around. Do you know how thick the layer of air would be that would encompass that 80 feet? If this is the diameter of the Earth represented by this 80 inches, that 80 percent of the Earth's atmosphere is less than one-tenth of an inch on that size Earth. Less than one-tenth of an inch on an 80-inch globe is what we live in. And if we louse it up, there is no coming back from that.

So it gives a little bit of an idea, having been up there and looked at it, how impressive it is. I think every person who has been privileged to go up there, as Jake Garn was, who was here in the Senate just recently—and we discussed that here—you cannot believe how thin that margin is. It is not a huge ascendancy of atmosphere and substratosphere and all that we look at in the textbooks. It is a tiny little film we live in. And if we ever louse it up, if we ever pollute that thin film in which we live to the point where you cannot come back from it, then we will have done irreparable harm to the future of not only nature but of ourselves and all mankind into the indefinite future.

So, Mr. President, I am gratified to find that the vision of how fragile our Earth is, is becoming more widely known and that this view is becoming more widely shared. This has been through the hard work and the persistence of many environmentalists and others who have dedicated their lives to protecting the environment.

So I believe we now stand at the threshold of a very important and positive change. If I did not believe and if I was not confident that the creation of a Department of the Environment, as opposed to the current EPA, would strengthen our Nation's commitment to help protect this delicate and wonderful planet, then I would not be standing here advocating that. Mr. President, I think it will help to have a Department. I think it will gain more stature and more acceptance of its views in international organizations.

I urge every Senator to support this measure. I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Delaware.

Mr. ROTH. Madam President, the President's Cabinet is already rather large. I firmly believe that it should be reorganized as part of a top-to-bottom restructuring of the entire executive branch. I have introduced legislation, S. 15, to achieve that restructuring and hope that very soon the chairman and I will be standing here asking the Senate to pass such legislation.

But pending that legislation, I do believe it is important to elevate the EPA to Cabinet-level status. The EPA, in my opinion, is at least the equal of several other Cabinet departments. And when we do finally restructure the executive branch to prepare for the next century, it is appropriate that we now declare that environmental concerns be assigned to a Cabinet post. They are that important, as the distinguished chairman so eloquently stated.

In elevating EPA we will be instructing our people, our Government, and foreign governments on the importance that official U.S. policy places upon the cause of protecting the environment.

We have been, we are, and we will be asking the American people to bear a significant burden in time, effort, and money for environmental protection. It is appropriate that the Nation's official policy reflect that this burden is being undertaken for a very important cause.

Moreover, it has been my observation over the years that as Congress enacts various programs, it sets in motion conflicting policies. These conflicts need to be resolved within the Government itself by Government officials. It would be helpful in this context if it were clear to all Government officials what importance our Nation's policy attaches to environmental concerns.

Finally, in international affairs where we deal as strangers ever uncertain of one another, it is always a sign of a nation's commitment to an issue to see what rank and status are attached to those officials negotiating that issue. Since rank and status antedate the specifics of a given controversy, they serve as an objective index of a nation's sentiments, which cannot be manipulated for current effect. When other countries send their highest ranking officials to negotiate on the environment, we should not be placed in the quandary of deciding whether to send our highest ranking officials or our environmental officials. By elevating EPA to Cabinet-level status, we overcome that problem.

I find it fitting that we take this action so close to Earth Day, when awareness of our Federal environmental policy is great. The EPA was created by President Nixon by executive order in 1970 and over the years this agency has seen its responsibilities and size grow. Today the EPA employs over 18,000 people, oversees over 20 major environmental statutes and has requested $6.4 billion under President Clinton's budget proposal for 1994.

I have often expressed my strong belief that Federal planning and decisionmaking on domestic and international environmental issues must come from an organization with Cabinet-level status. The protection of our environment must be one of our top priorities.

In the years to come we will see the nations of the world getting together to agreement on the important environmental issues that affect us all. During these negotiations it is important that our chief negotiator have Cabinet status. It is also critically important from a competitive point of view because global competition must be bound by the same strict environmental rules lest our firms be disadvantaged by others who are producing products cheap and dirty. Elevating EPA should aid that effort.

My colleague, Senator GLENN and I worked very hard in the last Congress to pass an EPA elevation bill (S. 533). Unfortunately we were unable to reach an agreement with the House of Representatives. This year we will try again. Once again we have the support of the White House. Once again we have full committee support for the effort. But once again we have encumbered the effort with additional provisions and costs—the establishment of a Bureau of Environmental Statistics, the creation of a commission on environmental legislation, and grants to States for data collection. In addition, this time the committee has added, at the administration's request, a provision abolishing the Council on Environmental Quality.

Mr. President, for the last two Congresses, the extraneous parts of the bill have prevented its enactment into law and I have to say that I am afraid that the same scenario will take place again this year. Issues extraneous to elevating EPA draw fire; they whet the appetite of other Members to add their own extraneous provisions; they serve as cover for some who oppose elevating EPA by allowing them to take issue with these extraneous proposals.

So I believe that we should learn from our mistakes in parliamentary strategy and initiate and pursue a clean-bill strategy—one restricted to elevating EPA. We do not need to impose new mandates for this agency and the costs of this bill are still quite high for a time when we are looking at ways to reduce the size of the Federal budget deficit. If we do not initiate a clean bill strategy, we have no basis on which to oppose Senate amendments and House amendments as bad extraneous amendments. It is time to decide whether elevating EPA merits our allegiance or whether it is merely a circumstance to be used to force extraneous amendments upon unwilling Members of Congress.

I think we all realize how precious our environment is to us and how important it is that we be its guardians. We must demand the highest form of responsibility and action. The environmental legacy we leave for future generations of course depends on the right decisions being made today.

Mr. President, at the appropriate time I intend to offer a substitute amendment and I hope that my colleagues will agree with me that the surest and cheapest way to elevate EPA is to do exactly that and no more in this legislation.

Madam President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I am very pleased to stand here today in strong support of this legislation to make the Environmental Protection Agency a Cabinet department. I know the distinguished chairman of the Governmental Affairs Committee has been working for several years to accomplish this and it finally appears that there is light at the end of the tunnel. I commend him for his perseverance.

Madam President, it is fitting today that we begin consideration of this bill on Earth Day. This day symbolizes the importance of making environmental values a part of every day life, for creating a Cabinet department of environment is more than just a symbolic act.

It is a recognition that those same values must become an integral part of Government policy in all areas.

Energy, labor, finance, business, all the issues critical to our Nation's economic prosperity are represented in the highest levels of our Government as they should be, and environment deserves a seat at that table too, for without a healthy environment we cannot sustain long-term economic viability.

The Environmental Protection Agency was created by Executive order in 1970 to respond to decades of environmental neglect, and in the 23 years that have passed the EPA and this Nation have made considerable progress.

However, Madam President, as we approach the 21st century, we have new, very different environmental challenges that face us.

Last year, a distinguished alumni of this body, Senator Edmund Muskie, testified before the Environment Committee about these challenges. He said the problems we face today are much more difficult than the problems he faced when he chaired the subcommittee that was responsible for most of the environmental legislation we now have today. He said the problems we face today are much more subtle. They are much more complex, and much more politically challenging than those he and the Congress faced two decades ago.

Meeting these challenges would require strength, ingenuity, vision, though also they will require leadership, leadership in strengthening the link between our environment and our economy, leadership in moving toward true sustainable development. A department of the environment will help us achieve that goal.

This new era in environmental policy will also require some changes in the way we make decisions. For one, we cannot afford to compartmentalize issues as we have in the past. To paraphrase the great naturalist John Muir, when you try to pick out anything by itself, you find it connected to everything else.

Just as with nature, sound policy decisions today must take account of the interconnection of issues. It is critical. There are few major issues facing this country today which do not have environmental impacts. Trade and tax policies, investment decisions, energy programs, all have environmental components. By establishing a new Cabinet-level department capable of advancing our environmental effort on a broad front we can better achieve that necessary integration.

Furthermore, a Cabinet-level department will help put the environment on a more equal footing with the concerns represented by other agencies. It will allow environmental programs to better compete with other activities for scarce resources. And as I said, it will allow environmental considerations to be better integrated into the whole range of policy decisions.

That integration must also extend to our international relations and international trade issues. The environment can no longer be considered solely as a domestic issue, if indeed it ever could. Global problems such as the thinning of the ozone layer, greenhouse gas emissions, loss of biodiversity, cannot be solved by one country alone. It will take concerted, coordinated action by many nations.

As the domestic economic dimensions of international trade become more evident to us, so too do environmental consequences. Trade relations under the General Agreement on Trade and Tariffs, or the North American Free-Trade Agreement, are today dealing with environmental issues, and they are only just the beginning. This interconnection, this conjunction, this convergence of trade and environmental issues becomes more and more important and more and more frequent with each passing year.

Trade as a part of environment is an important first step in earning greater respect from the international community on these issues. Environment is a ministerial position in other countries. It has not been in this country. When we raise it to the same status in our country as it enjoys in other countries it will have the same respect in their eyes as their environmental departments already have in theirs. It is a first step in greater American leadership.

Most of our global competitors and our major trading competitors have given their environmental agencies full cabinet status. It is about time we do too. Because we do not, it puts the United States in the awkward position. When our subcabinet environmental officials negotiate environmental treaties and policies with cabinet-level ministers of other nations the United States is not on equal footing.

It sends a significant signal to the international community that we do not attach as great importance to environmental protection as do other countries. These concerns were expressed by former EPA Administrator, Bill Reilly, just last year when he stated "The perception that the United States Environmental Protection Agency is not headed by a Cabinet officer I think strikes many other governments as odd, anomalous, and difficult to understand, particularly now as we have these interactions on such fundamental important issues."

If we expect to be world leaders on environmental policies, our negotiators must clearly be seeing us on equal footing with other countries' negotiators. Establishing a Cabinet-level environmental department will do just that.

This legislation also terminates the Council on Environmental Quality. The President proposed this action in February in order to streamline the operation of and reduce the cost of the Executive Office of the President. Most of the duties performed by the CEQ will be transferred to the new department of environment. EPA already performs many similar functions under section 309 of the Clean Air Act. For instance, the new department will monitor the actions of other agencies for compliance with the environmental statutes, particularly the National Environmental Policy Act. However, if disputes do arise between the department and other agencies, the President retains the authority to resolve them as he has under current law.

There is money to be saved. CEQ currently has a budget of $2.5 million and 31 staff slots. By disbanding this Council and having the new department take over the functions within its existing resources, the administration estimates it will save most if not all of the $2.5 million annual budget.

Madam President, this legislation is important. It is long overdue.

The Senate passed a similar bill just last Congress. Today, on the anniversary of Earth Day, we are all reminded of the importance the environment plays on our individual and collective lives. It is an opportune time for this body to frame the same environmental awareness together.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair.

Madam President, I rise as one who feels very strongly about the obligation that we have to handle the environment in a manner befitting our responsibility, taking particular advantage of the science and technology that has been made available as a consequence of the advancements in the manner in which we rely on resource development to support our economy, our jobs. And I would remind my colleagues that it is only by maintaining a strong economy, an economic viability, that we can truly meet not only the environmental challenge but the environmental obligation; that is, to address those areas of America that have been environmentally abused, and to ensure those unspoiled areas that we can proceed with responsible resource development by using sound science.

To ensure that decisions are made relative to the effects that resource development will have on our land mass, that those decisions are made with the very best science and technology as opposed to the raw emotion which often prevails in this body, where Members come to the conclusion as a consequence of the commitment of a national environmental group that may want to for reasons of pure preservation mandate that it simply is impossible, or unsuitable, or unreasonable, and under the guise of environmental protection suggest that vast areas of America's resources should not be developed in a responsible manner, again using science and technology.

I supported the last Cabinet-level structure, with the elevation of the Veterans' Administration. The discussions with regard to elevating the Environmental Protection Agency to Cabinet status has been with us for a long time. The merits and obligations of meeting and being sensitive, I think, to the environmental concerns speak for themselves relative to the justification of elevating EPA to full Cabinet status. But I stand here today to communicate a certain sensitivity to balance and responsibility within the Environmental Protection Agency, and to remind my colleagues of the necessity of ensuring that only through a strong economy can we really function and meet our obligation.

I would like to vote for this elevation. I come from Alaska, and there is probably no State in the Nation whose citizens feel more strongly about protecting the environment than Alaska. We think that we are sensitive, that we are responsive to the new technology, and we are very frustrated by those who dictate the terms and conditions under which resource development would take place in our State, because they bring a mixed metaphor, a metaphor of concern. But once the veil is penetrated, you find more often than not, that you are dealing with preservationists who simply want to tie up in perpetuity huge areas of our land mass.

We have 56 million acres of wilderness, and we are proud of that. But there is a commitment by the national environmental movement by the turn of the century to increase wilderness in my State up to 100 million acres. That is uncalled for, unreasonable, and it is impracticable. And through the Environmental Protection Agency, we see a tremendous influence by these extreme environmental agencies that bear no responsibility for a healthy economy in this country, because it is not part, as they see it, of their social obligation.

Madam President, I encourage my colleagues to reflect, as we address the merits of the EPA Cabinet status, that there is a dual obligation to address environmental concerns in a constructive way, to ensure that we can have responsible development, we can have new jobs in this country, and remove the emotional aspects from the decisionmaking process and bring in sound science.

There are so many examples involving my State of Alaska where the EPA has shown unacceptable judgment, not just bad judgment, not just nonresponsiveness, but uninformed and uncaring in its enforcement efforts. As a consequence, I am very, very concerned. I know many of my colleagues have heard horror stories. But it is appropriate at this time that these horror stories be enunciated, because it is important that these public servants that serve within the Environmental Protection Agency be taken to task and recognize that they have a dual obligation not just to protect the environment but, clearly, to maintain an economic vitality that can support our obligation to the environment.

Sometimes it is hard to reward an agency for poor work, for irrational decisionmaking, and for sometimes thoughtless, bureaucratic behavior in the agency. It is there, Madam President.

In my State of Alaska, we are trying to get the EPA to follow the lead of 11 other Federal agencies and open up an Alaska regional office. The EPA's region 11 has been authorized by Congress. The authority has been given to the administration. The administration had exercised that authority and it is pending. We have the Park Service, Fish and Wildlife Service, Forest Service, Coast Guard, FAA, Bureau of Land Management, Minerals Management, BIA, and Army Corps; they are all there for a good reason. But there is a tremendous reluctance out of the region, region 10 in Seattle, to support a region 11 in Alaska. They do not want to come up there. They are afraid they are going to be transferred up there.

They are making accusations if the delegation—the senior Senator from Alaska, our Congressmen and myself—get them in our State, we are going to have some kind of undue influence. Can you imagine anything as irrational as that, any more than we have undue influence on the other Federal agencies? They are fighting us absolutely tooth and nail. We want them there, and we want them to live with us, and we want them to understand the uniqueness of a landmass one-fifth the size of the United States, our 30,000 miles of coastline, the fact that we are unique; and we are the only State in the Union where half of our land mass is a permafrost, where you cannot drill a well or put in a septic tank. We want them to come up and understand and coordinate and cooperate and recognize their interpretation of the Federal laws as they apply in Alaska, and recognize that when you decide you need another 90 days for a decision, more often than not, you are putting off the project for a whole year, because in many areas we only have a 90-day construction season.

It would make good sense for both the agency and for Alaska. We are the only State in the Union with Arctic, the only single State in the Union. We have Arctic conditions.

Madam President, as you know, we are the largest supplier of oil. Approximately 24 percent of the total crude oil production in the United States comes from my State of Alaska. We are the State with the largest mineral potential, most national forests, parks, wildlife refuges, and the greatest number of acres of wetlands, 170 acres, or nearly half of the State.

We have some 150 Federal facilities, Madam President, with hazardous waste problems associated with former military testing. We cannot get decisions in a responsible framework of time. The EPA, working with the Corps of Engineers, our State Department of Environmental Conservation, finds itself frustrated time and time again with the inaction from the Environmental Protection Agency, with headquarters located in Seattle. That location is some 2,000 miles away from Fairbanks or Nome. It would be like asking EPA officials in Miami to make decisions for Montana. The distance increases travel costs for the agency; it raises havoc with the timely decisionmaking process. Businesses often face huge costs from these delays. Most unfortunate is the fact that it results in a lack of trust.

One can go to Alaska and ask our Alaskan miners, who often feel the distant inspectors do not understand the problem. They do not know them. They come from Seattle, fly up in an airplane, stay at the hotel, go out on a mining property and spend the least amount of time. They only go on good days. They do not go when there is snow or rain or it is tough.

They make the decision or make the recommendation and take it back to Seattle, and time goes by and time goes by.

The sensitivity of the jobs, the cash flow, the payroll, these are all someone else's problems.

Moving government closer to the people, I think we would all agree, can help solve many of the frustrations, frustrations within EPA management, by improving the knowledge, by improving the timely decisionmaking factors.

I would encourage the new administration to move with dispatch to allow us to have what other Federal agencies have been granted in Alaska, and that is a responsible oversight, domiciled within our areas.

As to the decisionmaking process, I could go on and on and on. But let me highlight just a few because I think they are reflective not just of a few instances but of more or less a uniformity as a consequence of distance and lack of understanding and the fact that they can come up to Fairbanks, 1,600 or 1,700 miles from Seattle, and they do not have to live with the problem.

In my hometown of Fairbanks, EPA has recently turned down a proposal where 21 businesses offered to pay the EPA some $2.2 million toward the cost of a cleanup of a battery site. This was once a recycling site. It was a site that was set up to handle batteries that were no longer usable instead of leaving them on the street, or leaving them in a gas station, or leaving them in a landfill, or dumping them in a river. It was an approved site, approved by the Government. Unfortunately, acid was spilled over an extended period of time.

There was a new highway going by. They did some soil samples and found out that indeed there had been pollution and it was necessary to clean it up. This was one quarter acre of land. EPA came in and said, "We are the only ones with the expertise to do it." They did not hire any local contractors. They brought contractors in from outside and expended over $3 million to pick up a quarter acre of soil and took that soil and put it on a railroad car and took it to Utah because we do not have any disposal areas in Alaska. Then they billed back to the individual Alaskans, the people who had contributed their batteries into an approved site. There were no deep pockets. These were little people.

I appealed to EPA. I said, "This is not what the law was designed to do." They said, "No; but we have the obligation to carry it out."

So negotiations went on. This has been going on for 3 years. Now they have turned it over to the Justice Department. The Justice Department does not want it.

These are the kinds of horror stories that exist within the EPA that we, as responsible legislators, have to address. And the people out there say: Good heavens; that is what we elected you for. We want to comply within the law.

Do you know what they are doing in my town of Fairbanks today? They are leaving the batteries on the sidewalk at night. They are dumping them in the river because there is no approved disposal, because EPA has simply shut it down and has borne no responsibility for any relief.

We recently had, in the entire State, one waste-oil recycling center, which was very marginal. The private sector put it in. EPA closed it.

Now, there is no question that there were reasonable problems with the facility. There is no other place now in Alaska where you can dump your oil. This was the recycling. Instead of going in and saying: Good heavens, we will help you get a grant; we will help—no way. EPA shut it down; in violation; marginal operator; lack of capital. Who would want to go in there and pick up a business like that?

We have to design this structure. EPA has to understand that they have to make the process work, too; not just enforce the law.

We had, about 15 years ago, one of the largest molybdenum discoveries in North America. It was in Quartz Hill near Ketchikan, AK. Eight years went into the exploration of the area, and $58 million in exploration.

Studies were made relative to tailing disposal, and various sites were chosen. And as a consequence of the evaluation that went on for that period of time, the Forest Service, along with the State Department of Environmental Conservation, had to address specific disposal sites for the tailings.

Madam President, the sequence of events is relatively revealing. Finally, at the conclusion of 16 years, someone added up the events that resulted in the project not going ahead. The history of Quartz Hill suggests that in 1974, a major discovery of molybdenum was made. This is a mineral used to harden steel. Then in 1988, 14 years later, the Forest Service gave a final environmental impact statement for tailings discharge in Wilson Arm. They said it was environmentally acceptable and the Environmental Protection Agency concurred.

The regional administrator at that time was a gentleman by the name of Robby Russell. A month later, in November, the Environmental Protection Agency issued a draft NPDES permit. They gave him a permit for the tailings. There was objection from the EPA underlings as to what was going on. In May 1990, the inspector general's report recommended region 10 reconsider its tentative decision to issue the NPDES permit for Wilson Arm tailings.

The report of the inspector general, which was brought about by extreme environmental pressure, stated that the EPA regional director Robby Russell's decision was "not illegal; just bad judgment."

So in May 1990, the EPA went back, and then they issued a tentative denial of the NPDES permit for Wilson Arm tailings. No new data was collected or analyzed to support the tentative denial. And it was made—believe this, Madam President—it was made by an acting regional administrator, Thomas Dunn, who just stepped into the new position. That was in May.

In September, on September 27, 1990, EPA issued a denial of the NPDES permit for Wilson Arm tailings disposal 4 days before the acting regional administrator, Thomas Dunn, left office.

I have pleaded with EPA for an explanation of this kind of activity. I never got one. I never got an adequate written explanation of how one administrator's decision could be overturned by a temporary acting administrator once they had gotten rid of the previous administrator.

These are the kind of actions that EPA has to account for. These are the kind of things that we have to reflect on when we debate on the merits of EPA having Cabinet status.

As a consequence, Madam President, 850 jobs of a permanent nature never came about. They never came about because U.S. Borox, out of Los Angeles, an old-time company in the United States—well known, 20-Mule Team Borox—decided that there was no point in an appeal to the EPA as a consequence of the objection by the national environmental communities and terminated the permit. And as a consequence, the area sits as it always was, a virtual wilderness.

What does that mean to the our administration's commitment to new jobs? No new 850 jobs there. No new contributions to offset the balance of payments with the value of molybdenum that would have come out of that project.

This is what we find frustrating as we reflected on our experience in Alaska with the Environmental Protection Agency.

Madam President, 3 years ago, in Juneau, AK, our State capital, the proposal to open Alaska Juneau Gold Mine had been underway, and the question of where the tailings disposal would ultimately rest came before the Environmental Protection Agency.

That mine had been the largest operating gold mine in the world up until the Second World War. The tailings were deposited adjacent to the mine, providing for a breakwater that Juneau enjoys today, which protects the area from the severe southeast winds that blow in the winter and fall and provides an ideal harbor. Those tailings extend into several hundred feet of water and have provided a huge landfill.

However, when the proposal was made to obtain a permit for underwater disposal in connection with the reopening of that mine, they were advised EPA would not even consider approving tailings disposal of ore, even though it was the best environmental solution. So now, after $1 million of planning costs, the question of where the tailings are going to go must be reconsidered, adding more delay, more cost, more loss of jobs.

This is not something new. Mining is not new. Tailings are not new. It is there. We have done it before. We have fish hatcheries on either side of the tailings pile that are successful in Juneau, AK. But it is an absolutely closed mine. No, because they do not want the Juneau Douglas mine open—because it is internal.

I think it is fair to say that most of my colleagues, if asked the question directly, would acknowledge the Environmental Protection Agency, as a matter of policy, is against mining. They do not bear any responsibility for jobs. They do not bear any responsibility for having a dynamic economy that can afford to address its responsibility in the environmental area, which can only come from prosperity, jobs, taxes. If we were to listen to the Environmental Protection Agency dictates today, you would not have a new mine in the United States.

So what does that mean? We simply import our minerals and export our jobs and export our dollars. We have had enough of that, Madam President.

Unresponsiveness. In 1991 and 1992, Alaskans and Federal and State agencies worked thousands of hours to design an Arctic offshore type of burner to test oilspill response capability. The idea was from the lessons of the *Exxon Valdez*. There was a necessity to improve the spill-response plans. Despite repeated efforts, pleas from the Coast Guard, the EPA simply did not respond until after the summer was over. The ice moved in. It was gone. The project never went ahead.

Last year, in my State, when the Environmental Protection Agency went to enforce new Clean Air Act requirements against Alaska's two largest cities, Anchorage and Fairbanks, it was noted that the Agency had never, done any studies of the health effects of the mandated oxygenated fuels in extremely cold climates like Fairbanks and, to a degree, Anchorage. As a consequence, nowhere in the country had they added toxins—and that is what oxygenated fuels are; there is a toxin that is added—and seeing what the results would be in extreme cold.

Well, I will tell you what the results were. People got sick, I have pictures in my office of people temporarily disfigured by the fumes, the toxicity. You are putting toxins in the air at 40 and 50 degrees below zero. Now, that does not mean much to the other 49 States, but to the State of Alaska, where we have those temperature extremes, we find that our Governor had to declare an emergency and mandate that oxygenated fuels be terminated in Fairbanks, AK, for health and safety reasons.

The other consideration, of course, was the moisture added to the fuel. And in an ice fog condition, which we have in Fairbanks when it is 40 or 50 below, it created a safety hazard to drivers.

Here is an Agency of the Federal Government mandating a policy in my State where they have not even tested—have not even tested—and we had to have our Governor issue an emergency. We pleaded with region 10 in Seattle. I am not going to make too many friends down there; probably do not have too many left. But they have a responsibility and they hide behind the shield of distance and authority, and it is a tragedy.

Conflicting laws. Parts of the EPA, with regard to its nonregulatory side, such as pollution prevention and environmental risk assessment, do a responsible job in my State. It is the regulatory arm that can be so irrational, so frustrating, so impossible.

There have been industries in my State, pulp mills—we only have two, I might add, the only two year-round manufacturing plants we have in the State, in the southeastern part—that have been targeted for enforcement in one area, such as wastewater disposal, simply because their discharges changed as a result of meeting other EPA requirements, because they installed air-pollution equipment and so forth.

The Agency is divided into serfdoms that seldom take a comprehensive or rational approach to pollution prevention through mitigation. They do not really care. They are not concerned with what the other side is doing. As a consequence, the responsibility, of course, is on the industry, not the EPA. They say, "Well, that other Agency, we do not have any authority for them." They do not have a responsibility for them.

Another area is avoidance. Finally, the Agency, in many cases, is inconsistent. Sometimes it seems like problems that are out of sight are out of mind. In our villages in Alaska, for example, we have some of the poorest sanitary situations probably in the world, because we have permafrost. We do not have water and sewer. We have honey buckets. You have a honey bucket man that comes around and picks up the sewage. The honey bucket in the house is a bucket under a hole. It is tough.

What do we do about it? What does EPA do to help us about it? The agency simply says, "That's your problem."

You know, we are looking at the role of the EPA in some of the international issues, to fight radiation contamination as a consequence of some of the extraordinary disposals of nuclear reactors by the Russians as they break down their nuclear submarine fleet, things that can threaten the North Pacific that I live in, that much of the world lives in, that the Presiding Officer lives in, as well. We have the uniqueness of Arctic haze—pollution—that flows in the Arctic and stays, and the haze is associated with European industry.

Sometimes, of course, the Agency is overzealous. Some of their requirements are on secondary water treatment for urban systems when the greater need is to bring all of our rural areas in the United States into the 20th century for water and sewer and sanitation.

We had a case, Madam President, the other day, with regard to wetlands. EPA has often denied permits for development of small areas in Alaska, a school site, a homeless shelter in Juneau, a tract in Wrangell. As I indicated, only Alaska enjoys the uniqueness of permafrost. One-half of our State is wetlands. Only one-half of 1 percent of our State's wetlands have been developed. That is only roughly 80,000 acres out of 365 million.

But the Agency's concerns out of Seattle, more often than not, are misplaced. We had a case in a school in Juneau where the permit was denied because it was determined to be a wetland, yet it was on the side of a hill. We could not figure out how it could conceivably be included in a wetland category.

Well, it was rather interesting to hear the definition. The definition almost seemed to be made up to ensure that the school would not be built. It was explained that, if there was drainage within so many hundred feet of the school, not coming from the area around the school but from the hill behind, and that drainage flowed into a creek and that creek, within so many hundred feet, flowed into salt water and that creek could support salmon, then it met the criteria of being a wetland.

The terminology specifically was anadromous fish as opposed to salmon, fish that live in the salt water and come up and spawn in the fresh water. It was an extraordinary combination of circumstances relative to making the point.

We explained the realities. This was on a hill. The school was needed. It was private land owned by the Borough of Juneau. And we went on and on and on and finally, after a year and a half of dialog, considerations were made if a bridge were designed in such a way as to be a foot bridge, and so forth and so on—and the permit was issued.

But the purpose of the Senator from Alaska making this rather extensive statement is to simply sound an alarm that as we address the issue of setting the EPA to Cabinet level, we have to give them the guidelines and intent—even though we are sensitive to the environment and we want environmental protection—that we want enforcement of the law.

We had an issue not so long ago where we had a person in an administrative capacity in Alaska who was expressing his own opinions relative to the obligation that he had as a top Federal environmental regulator. He was critical of the development—not addressing his responsibility that what action he took had to comply with law—but insinuating that pressure was brought to bear to bring about the permitting process.

This kind of dialog perpetuates an atmosphere that pits individuals against governmental authority. His responsibility was to simply see that the law was complied with. If in the development scenario the law was not complied with, then he had not been doing his job.

We see this time and time again, as people in the Environmental Protection Agency who have an agenda and want to promote that agenda, use their positions, use their soapbox, as an extension, if you will, of their own particular beliefs.

So I urge my colleagues to recognize, as we address this legislation and go into the details, the necessity that EPA has to make decisions based on sound science in a prompt manner, befitting of the reality that as they address environmental scenarios such as issuing a national pollution discharge permit, whether it be for petroleum development in my State, or the State of California, that they make it in a timely manner.

I am told that in region 10 there is one person—one person out of some hundreds of people—who has the authority to do this. This is a priority in my State—it is a priority in California—to ensure whether or not we are going to have responsible oil exploration development.

Well, it is said, "We really do not like oil." No, you may not like oil, but today the United States is consuming 16 million barrels of oil. Half of that oil is being imported into this country and the other half we are producing ourselves. How is it imported? It is coming in in foreign ships. That is how it comes in. Maybe we would like to have less dependence on imported oil, less dependence on the Arab States for our oil. Maybe we could keep some of those jobs at home. Maybe we could stop sending our dollars over to the Arab countries.

How do we do it? We need the cooperation of Government. We need the cooperation of the private sector utilizing public land, utilizing sound science, and utilizing the expertise of our agencies that are designed and set up for responsible protection—not set up to block responsible development.

The reality of where we are is perhaps a little unique. All the rest of the States represented in this body with the exception of my colleagues from Hawaii, have been around 100 years or so. We have not. We became a State in 1959. We are all by ourselves. We are trying to create an economy. We are trying to create land use patterns. But 70 percent of our State is owned by Uncle Sam. So we are in a constant battle with Federal agencies relative to the responsible development of our State.

We have a mining industry, and we have already seen the ramifications of the suggestion by the administration, and some in this body, that would put a 12.5-percent or an 8-percent royalty on their gross production. It would simply eliminate new mines in the United States. We would be dependent on South Africa. We would send those jobs overseas and send those dollars overseas.

I think we owe the American people a real obligation here. As we look at the merits of elevation of the EPA to Cabinet level, I think we should reflect on the comments that were made by the new head of the Environmental Protection Agency, Carol Browner, in a recent release. If I do not quote it exactly, I am certainly close enough: It is a mess; it is out of control.

This is the agency that we are talking about elevating to Cabinet status. We, and they, have an obligation collectively to work to get it in control, make it responsible, make sure the administrative officials are willing and able to be objective and to accept the responsibility for making decisions under the law. It is up to us to ensure that the laws that we pass are passed with a legislative intent that we understand, because so often we are frustrated with what comes out of the pipeline, where we say: Gee, that was not the intent when we passed that. We wanted to protect the environment, but it came out that it strangled development, it strangled jobs, and it strangled the ability of this economy to be prosperous enough to afford the environmental responsibilities that we have.

In my State, responsibility development is stymied, strangled, held up, buried—because the EPA, through its interpretations, refuses in the most part to act in a timely manner. They simply are not able. They are neither geared, nor of the mentality, to make decisions in a sound manner relative to limited time.

They have one excuse after another. If you attempt to rattle their cage, you might as well walk into a stone wall.

I am not through talking about the EPA, Mr. President. I may be through for today. But I am going to refine these horror stories. I am going to share them with each of my colleagues because I want each of you to know what we are taking on here. All of us want it done right, all of us want it done responsibly, but they have to get the message, and that message is they have an obligation, too, to make it work. And their record to date has not shown the degree of responsibility that, in all honesty, is deserving of an agency that is contemplating Cabinet level.

(Mr. WOFFORD assumed the chair.)

Mr. GLENN. Will the Senator yield?

Mr. MURKOWSKI. I will be happy to yield.

Mr. GLENN. If I can make a comment, we have written into this study commission—it was put in deliberately to address some of the things you bring up. I have some of the same concerns as you do on this. We have held several hearings over the last several years as we had this EPA bill in committee. Some of the management problems they have had have been enormous. Some of the examples that you brought out today I think are valid and very good and should be addressed.

We also found that some of the environmental concerns are all over Government. They are everywhere. There is hardly a department or agency of Government that does not address some part of the environmental problem. A lot of these things should be folded under one umbrella and end all this silly duplication we have all over the lot, which is very expensive and very cumbersome. Nobody knows where they stand or what agency is liable to come at them next, EPA or someone else, with some environmental restriction.

We started trying to get into this problem in setting up the EPA bill. We were going to take all these things and study them ourselves and see what should come in and what should not, and how we are going to make EPA function more efficiently than it has in the past and to correct some of the things you talked about today. It got beyond our ability to do it staffwise, and it got so complex that it was bigger than any effort we could put into it.

What we did—and I started out my remarks earlier today by saying I am the last Senator in the United States who wants to stand up here and say we have to have another committee, commission, advisory group, whatever; in this case I think we really do—is two things: To look at this Governmentwide, but the other is to bring some semblance of management sense to EPA so we can get on with addressing some of the very things you talked about. That is really what was at the heart of creating this commission. I did not want a commission, frankly. When the staff first suggested it, I went through the roof, another commission or advisory group. Then we talked about it, and I do not know how else to address the problems you are talking about. I think this can be a very good group and can address some of the things you are talking about.

Mr. MURKOWSKI. I thank my friend from Ohio for the assurance and sensitivity he expressed. As we reflect on our obligation, if we cannot fix it, who can? That is a burden that we have to carry because it is extraordinarily complex. The laws and the agencies and the overlap—I find in my own State more often than not, there are two permits required for anything of a marine nature. It may be logging, it may be a few pilings put up. It requires a Corps of Engineers' permit and an EPA permit. It would be great if there could be one-stop shopping. We do not want to get around the law, but there is the duplication and the cost to the Government. I hope that the steps taken by the floor leader are meaningful and responsive because I think we all sense a frustration out there, not to circumvent the law, but to get on with a responsible process.

So I assure you this Senator from Alaska is most anxious to work in accord with the intention of the floor leader. I thank the Chair.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Would the Chair announce the parliamentary status presently before the Senate?

The PRESIDING OFFICER. The bill, S. 171, is pending for debate.

Mr. REID. Mr. President, I take this opportunity to speak about this bill, being a member of the Environment and Public Works Committee to which certain portions of this bill were referred and on which we held hearings. It was reported favorably to this floor.

I think it is important that the American public recognize that we, as a Congress, are going to elevate the Environmental Protection Agency to a Cabinet level. That is important for a number of reasons. The first reason being that in Nevada, as I think most States in the Union, there is nothing that people feel more fervently about than the environment. Second only perhaps to having a good job, people are concerned about what is happening to the environment around them.

Therefore, elevating this Environmental Protection Agency to Cabinet status gives to that agency the notoriety and the dignity that it deserves. And second, I think as a result of the work done by the Governmental Affairs Committee, the Environmental Protection Agency will be able to do more and do it more quickly.

I want to talk today, though, Mr. President, about a matter of philosophy, about something on this Earth today that I think deserves some attention, in addition to the fact that we are beginning debate on the important issue of elevating the Environmental Protection Agency to Cabinet status.

It seems that as the weeks go by, we take for granted the fact that we are going to have oilspills, whether in our oceans or on our lands. Oilspills are just part of modern day America. It reminds me of the treatise written by our colleague, Senator MOYNIHAN, the senior Senator from the State of New York, where he talked about how we are driving deviancy down; that we no longer recognize certain things for what they really should be. We are beginning to accept the unacceptable. Even though he did not write about how we are accepting the unacceptable in the environment, he could just as well have done that.

We recently were all watching our television sets as the ship which had gone aground off the Shetland Islands stood as the waves crashed over it, wondering if there could be some relief in removing that cargo from that ship. The weather was bad and the cargo was not removed, and oil far in excess of what spilled out at the *Exxon Valdez* spilled all over those beautiful islands.

What has happened to those islands as a result of that huge amount of oil spilling we do not know yet; it is too early. We do not know what has happened in Alaska as a result of the *Exxon Valdez* oilspill. We do not know what these spills all over the world have done. They do not even make the newspaper or the news anymore.

In Nevada, we have had our own oilspill. Now you may ask, how could Nevada have an oilspill? We have had an oilspill because we have to pump in to Nevada millions and millions of gallons of fuel to handle the millions and millions of people that traverse Nevada.

In northern Nevada, not the heavily populated southern Nevada area, but in northern Nevada, I was involved in something that has come to be known as the Helms pit, a huge gravel pit, Mr. President. And we started noticing in this gravel pit a black ring around this huge pit that had been excavated for gravel.

To make a long story short, this site was declared a Superfund site, and right now, this oil that leaked from this underground piping, is being pumped out of the Earth around Reno, NV. We did not know at the time how much oil was in the ground. Some estimated 40 million gallons—four times more than the *Exxon Valdez* spill—leaked into the ground in Reno, NV.

Had it not been for this gravel pit, which in effect changed the flow of gravity—because of this huge hole in the ground, the flow of gravity changed and the oil that was in the ground traveled away from the Truckee River, the only water for that area, and in effect saved the river and the people of Reno.

Well, there are Helms pits all over the United States. You do not have to be on the oceans or on the coast to suffer an oilspill. They can even happen in the deserts of Nevada.

You read the papers here in the Washington area. Colonial Pipeline made headlines because oil was spewing into waters around the area. It is interesting to note that oilspills like the Helms pit and the Colonial Pipeline cause four times the amount of oil-related products spilling into the Earth than spills that occur in our oceans and seas around the world.

Let me repeat that. Oilspills like the Helms pit and the Colonial Pipeline here in the area of the District of Columbia cause four times the amount of pollution than happens in our oceans. We can see it better in our oceans. The oil leaking at the Helms pit is underground. You cannot see it. But it is degrading the environment just the same.

Now, this spill in the Washington, DC, area, the Colonial Pipeline spills is the fourth such spill that Colonial has experienced in the last 4 years.

What are we going to do as a nation to establish a policy to prevent these environmentally disastrous occurrences?

I believe, Mr. President, that we have to recognize that we have to get away from fossil fuels. I have stated in the last several weeks that we need to develop hydrogen, we need to develop solar power. We can do that. We have sent a man by hydrogen fuel to the Moon. When, then, can we not use hydrogen fuel to power motor vehicles and our industrial plants in the United States? There is no reason other than that it is not the public policy of this country to move away from our dependence on fossil fuel.

As a member of the Environment and Public Works Committee and chairman of the subcommittee that is in charge of research and development, we held a hearing on hydrogen fuel, and for the first time we received cooperation from a lot of different agencies and people that we had not received help from before.

We received testimony from Dr. John Gibbons, the President's chief scientific adviser who was the Director of the Office of Technology Assessment advising the Congress for many years; Dr. Robert Williams from Princeton University, one of the foremost experts in the world on hydrogen and hydrogen fuel cells; Dr. James Lents of the South Coast Air Quality Management District in Los Angeles—not a very impressive name, South Coast Air Quality Management District, but they testified that last year it cost $9 billion to continue efforts to address air quality in the Los Angeles area as a result of the continued use of hydrocarbon. He testified that this Government has done almost nothing to assist the private sector in developing and demonstrating new technologies such as hydrogen and hydrogen fuel cells.

We had witnesses from Texaco, Atlantic Richfield, Ford Motor Co., McDonnell Douglas, and Lockheed. Why were they testifying? Because we are going to move to hydrogen fuel. It is only a question of when.

But look at what the policy of this Government is, Mr. President. Last year we spent $4 million in the area of hydrogen research and development, $4 million. We, as a Federal Government, recognizing what is going on around this country and what damage is being done by fossil fuel, spent $4 million in the area of hydrogen research and development. We spent only $12 million on the fuel cell transportation program.

Ballard Power Systems of Canada sold a fuel cell to be used in an experimental bus program that the Department of Energy, our Department of Energy, is developing. We have another experimental bus program between the DOE and the DOT, and they are using a fuel cell developed by Japan.

What makes this truly sad is that it is the U.S. technology that has been relied on to develop these technologies and under patent provisions of the United States. But the Federal Government has not been willing to assist in the research and development so it is going offshore.

Now, I mentioned we are spending $4 million in the area of hydrogen research and $12 million in fuel cell development. What are we spending, Mr. President, on nuclear fission research? $700 million. What are we spending on fossil fuel research? $500 million. That as compared to $4 million in hydrogen research.

Japan has a 27-year program to develop fuel cells and other hydrogen-related technologies at a cost of $2.5 billion—a 27-year program. Germany, Belgium, Canada, Japan are forging ahead with these programs. They will be relying on hydrogen as a fuel source and doing it very soon, a clean, renewable source of energy that is going to take these other countries, and I hope our country, into the next century.

Texaco representatives, among other things, testified at the hearing that they expect a shortage of hydrogen to occur within the next 10 years, hydrogen we are not even using. We need to be developing massive sources of hydrogen energy. It is easy to do. All you need is water and some power source.

What if we had a hydrogen fuel tanker run aground in the Shetland Islands? What would happen? You would spill water vapor, mist, not black, murky oil that would destroy those islands.

So, Mr. President, what does this add up to? It adds up to the fact that we as a country must spend more than $4 million on hydrogen research.

Where are we going to get the money? Well, let us take a few dollars from nuclear fission research, let us take a few dollars from fossil fuel research and put it into hydrogen where it will do some good.

I went to the opening of a facility right off the Hill where they are going to stress alternative energies, and they said if we did what we should do in alternate fuel development, hydrogen, we could create 300,000 new jobs in America.

We need to keep pace with foreign competition. We need to recognize that this Government has made no comment for alternate fuels, and we need to make a commitment for alternate fuels. Hydrogen and solar is the name of the game.

I am holding a hearing next month on solar because solar and hydrogen are a great match.

So on this Earth Day, Mr. President, I believe that we as a Congress must become united in developing alternate energy sources.

We cannot wish it upon us. We can only do it by putting our money where our mouth is. We do not need to look for vast resources of money. I have no problem taking $100 million that we spend on nuclear fission research and putting it in hydrogen. I have no problem in taking some of the $500 million for fossil fuel research and putting it in hydrogen. We need to do what is good for my children and my children's children so that they can breathe pure, fresh air.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE SO-CALLED ENHANCEMENT PACKAGE

Mr. SPECTER. Mr. President, I consider it unfortunate that the legislative proposal on the so-called enhancement package was not passed, and that only $4 billion was finally appropriated for extension of unemployment insurance. As to that aspect, in and of itself, I think it is desirable that we face up to that responsibility because it is an intolerable situation to have people unemployed and without unemployment insurance. That aspect was desirable. It is too bad we were unable to work out a compromise on the balance of the legislation.

The President's bill had been reduced, as I understand it, to $12.9 billion, including the $4 billion in unemployment compensation. Senator DOLE had taken a compromise proposal late yesterday afternoon to Senator MITCHELL consisting of $4 billion for unemployment insurance and $2.55 billion for other matters, with the $2 billion proposed by Senator HATFIELD, which included $450,000 for summer jobs. That figure was later increased to $1 billion.

Regrettably, Senator MITCHELL and Senator DOLE could not come to terms and the bill failed. I know that there is widespread concern around the country that there is gridlock and that important legislation was not enacted.

My own view of the situation, as I have articulated on this floor, is that there was no occasion for an emergency bill; that all of the accounts requested by the President had funds in them. Community development block grants, for example, had some $8.8 billion. Summer jobs had some $700 million, with only 5 percent having been obligated or expended.

Down the line, there were funds available for the executive branch to accelerate expenditures.

Notwithstanding that, it was my sense that it was highly desirable to work out a compromise. That was so the American people would see that Republicans could work with Democrats, Democrats with Republicans, and the executive branch with the Congress. It is my hope yet, Mr. President, that we will be able to work out a compromise.

As I said briefly on the floor yesterday, I had placed a call to the President and talked to him yesterday morning, urging him to call Senator DOLE and Senator MITCHELL in to try to work out the compromise. That did not occur. But there are many in this Chamber who would like to see a compromise worked out.

Some Senators had worked through bills in the range of $8 billion to $9 billion, and it is my intention to work with my colleagues on this side of the aisle and on the other side of the aisle to try to put through a compromise proposal to introduce legislation, with special emphasis on summer jobs, highways, inoculations, and small business, so we can produce a bill which will meet the needs of the American people.

SENATORIAL TRIP TO AFRICA

Mr. SPECTER. Mr. President, from April 7 to April 18, we visited central African countries to look at the U.S. trade opportunities, their human rights policies, and the issue of future trade in those areas.

We visited eight countries: Senegal, Cameroon, Kenya, Uganda, Central African Republic, Congo, Nigeria, and Mauritania. We saw a breathtakingly beautiful continent with vast underdeveloped resources.

The one distinguishing experience that I had was in Masai Mara, in Kenya, where I saw an anxious guard and asked him if there was a security problem. Finally, he flashed his light into the rear of the encampment. We slept in tents there. There was an enormous elephant, which indicated we had kind of a security problem.

While in the Cameroon, I saw a man totally naked walking down the street, and was told that the local authorities could not control that kind of a problem, different from the kinds of homeless problems we have in the United States.

While we were not there long enough to form firm conclusions, we did reach some preliminary observations: That it is a region in transition, struggling to bring democracy to their countries with multipolitical parties; that there is a background of colonization, military dictatorships, and a lack of education, which makes it difficult to have a smooth or easy transition to the democracy or the eradicate longstanding corrupt practices.

We saw numerous human rights violations everywhere, and those have to be addressed and have to be corrected. We found enormous potential for foreign investment and trade, providing that there are stable, corruption-free governments.

We believe that increased involvement by Members of the Senate and House, such as visits, studies and exchange, will be very productive. We were surprised to find how few Members have visited Africa, especially central Africa.

We found that, with respect to the Central African Republic, we were the first Senators ever to visit that country, and that no Senator had visited the Congo, Mauritania, or Cameroon since 1985.

Africa is going to be very important in the future, and I commend to my colleagues activities and trips there.

I found, Mr. President, in my own travels, that for the U.S. Senators to talk to foreign leaders and tell them what goes on in our country, and what our expectations are is very productive.

Mr. President, I ask unanimous consent that a full text of a statement on our trip be printed in the RECORD following these introductory remarks, and that it appear in the CONGRESSIONAL RECORD as if read in full on the Senate floor.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR ARLEN SPECTER REGARDING APRIL 7–18 TRIP TO AFRICA

From April 7 through April 18, Sen. Larry Pressler and I visited East, Central, and West African countries to assess U.S. trade opportunities, the African countries' human rights policies and the potential for future U.S. air which now exceeds $1 billion annually. We traveled from the Indian Ocean to the Atlantic Ocean directly across the heart of Africa. Our trip was delayed because the Senate adjournment was delayed, so we missed the Aspen Conference in Capetown.

Our visits to Senegal, Cameron, Kenya, Uganda, Central African Republic, Congo, Nigeria, and Mauritania disclosed a breathtaking continent with fascinating people, complex political structures and vast underdeveloped resources. At Masai Mara in Kenya, I saw an anxious guard and asked if there was a security problem. Finally, when our language differences were overcome, he flashed his light showing an elephant in the midst of our encampment. In Cameroon, I was startled to see a nude man, obviously deranged, walking down the street and was told the local authorities could not adequately deal with that problem.

In Kenya and Uganda, we saw vast numbers of wild animals including lions, zebras, elephants, giraffes, topiis, cheetahs, water buffalo, elands, warthogs, wildebeests, gnus, baboons, gazelles, vultures, eagles, and a wide variety of other birds. We saw reasonably well developed capital cities such as Nairobi, Kampala, Yaounde, and Lagos/Abuja, and we saw very under developed capitals such as Bangui and Nousachott.

While we could not master the complexities of these countries in a few days, we did reach some preliminary conclusions:

First, the region is in transition struggling to bring democracy to their countries with multi political parties;

Second, the background of colonization, military dictatorships and lack of education make it difficult to have a smooth or easy transition to democracy and to eradicate long-standing corrupt practices;

Third, numerous human rights problems exist everywhere;

Fourth, there is enormous potential for foreign investment and trade provided that stable, corruption-free governments could be established; and

Fifth, increased involvement by Members of the House and Senate (visits, study, exchange) would be very productive.

Senator Pressler and I were surprised to note how few Members of Congress had visited these countries. For example, we were told we were the first Senators ever to visit the Central African Republic. I have since been advised that no Senator had visited the Congo, Mauritania, or Cameroon since 1985. And while Senatorial delegations have visited Kenya, Nigeria, Senegal, and Uganda within the past two years, such delegations have amounted only to a handful of Senators. I believe that in view of the democratization process that all of these countries are undergoing and the amount of money the United States invests in these countries, it is very important that more members of Congress visit African countries.

Everywhere we traveled we found active and cooperative Embassies. We should be proud of the dedicated Embassy personnel who go to these hardship posts and serve their country well.

There is enormous potential for foreign investment and trade with the African countries which are rich in oil, precious minerals, agricultural products, and energetic people. I was pleased, for instance, that President Musevini of Uganda was in complete agreement. When I raised with him the issue of U.S. financial aid, President Musevini stated he was far more interested in attracting foreign investment by business interests than he was in attracting funds from the U.S. government. It was refreshing to hear an African leader with such perspective. In my judgment, if President Musevini is successful in attracting such capital investment, Uganda will again live up to Winston Churchill's characterization of that country—namely, that it is the "jewel of Africa."

Incidentally, on May 18 President Musevini is scheduled to visit the United States. As I believe it is important for the United States and for Uganda, I will be joining Senator Pressler in writing to President Clinton and to the leadership here in the Congress encouraging them to meet directly with President Musevini.

A significant problem, however, is posed by human rights problems as noted in the State Department's "Country Reports on Human Rights Practices for 1992." Everywhere we travelled we confronted reports of human rights violations. In Kenya, for instance, we heard from opposition party representatives and media persons critical of the government. They represented to us that opposition party members of Parliament needed to obtain a permit from the government to address their own constituents. They also spoke of detainment by the Kenyan government of opposition representatives for expressing views critical of the government.

Throughout our trip we pressed the four heads of state with whom we met—President Kolingba of the Central African Republic, President Lissouba of the Congo, President Musevini of Uganda, and President Biya of Cameroon—as well as the transition head of the government in Nigeria, Chief Shonekan, and other government and political officials in Senegal, Kenya, and Mauritania of the importance to the United States on respect for basic human rights.

Discussions with the presidents of Cameroon and the Central African Republic are illustrations of the human rights problems. In the meeting with President Biya of Cameroon, we raised with him the State Department report of politically motivated extrajudicial killings by the military and the subjection of civilians to sustained cruel and degrading treatment. He responded that his government is educating security forces and the military to change their practices of brutality and that he is ordering the discipline of those who do not change. In addition, President Biya committed to notifying our Ambassador in Cameroon, Ambassador Harriet Isom, of those members of the security forces who have been so disciplined.

President Kolingba of the Central African Republic, however, seemed less forthcoming in addressing our concerns expressed about human rights violations. When I presented him with a copy of the State Department report concerning his country, President Kolingba said that he would respond through our Embassy if there was something to respond to.

Our conversations regarding human rights were also illustrative of the progress these countries are making towards democratization. I believe that with the fall of the former Soviet Union, many African leaders are witnessing that single-party, central government or military rule will ultimately fail. Thus, they are moving—some more slowly than others—towards democratization.

In the Congo, for instance, we were confronted by the symbolism of the change in their flag. Our briefing materials showed a red Communist flag. The new flag, however, is a green, yellow, and red. In my judgment, this is an important improvement, albeit symbolic, as that country moves away from a centralized Marxist state to a multi-party form of government.

In Uganda, President Musevini stated that the constitutional process is moving forward, that nothing will stop it and that presidential and legislative elections will be held in 1994. In Nigeria, the head of the transitional government, Chief Shonekan, stated that their two party system is moving forward with a series of elections having already been conducted at the lower level, party conventions having been concluded and elections for president being scheduled for June 12 of this year. He said that the military head of state, Babangida, will be retiring from the military following the elections. He also said that the transitional government is taking steps to implement important policy measures to eliminate the daunting problem of corruption within the government.

An additional matter that I raised with Chief Shonekan was that of the plight of three American children from Minnesota who were abducted by their Nigerian father and taken to a village in Nigeria where they are said to be unhappy and in ill health. Chief Shonekan expressed much concern in this matter and gave his commitment that he would pursue the matter immediately with the Nigerian Attorney General. We are hopeful, therefore, that we will be able to obtain the return of the children to their mother in Minnesota in relative short order.

To be sure, Mr. President, democratization of these countries will be slow in coming. The scars of colonialism and post-colonial control by European countries must still be overcome. With the fall of communism in the Eastern Block and the former Soviet Union, I am hopeful that democracy will take hold in these and other countries. The African continent has much to offer. Unfortunately, it has been neglected.

There is an opportunity for us to further the development of democracy in these countries. I urge each of my colleagues, however, to make their own determination by directing more of their personal attention to these countries.

Mr. SPECTER. I thank the Chair.

I note no other Senator on the floor. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE HOUSE

At 4:43 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 38. An act to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes.

H.R. 328. An act to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico.

H.J. Res. 127. A joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day."

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 62. A joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week."

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 1335) making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

The message also announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 66. A joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

The message further announced that pursuant to the provisions of section 4(a) of the Technology Assessment Act of 1972, the Speaker appoints Mr. SUNDQUIST, Mr. HOUGHTON, and Mr. OXLEY to the Technology Assessment Board on the part of the House.

The message also announced that pursuant to the provisions of Public Law 84-372, the Speaker appoints as members of the Franklin Delano Roosevelt Memorial Commission the following Members on the part of the House: Mr. DARDEN, Mr. HINCHEY, Mr. FISH, and Ms. MOLINARI.

ENROLLED JOINT RESOLUTION

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 30. Joint resolution to designate the weeks of April 25 through May 2, 1993, and April 10 through 17, 1994, as "Jewish Heritage Week."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent and referred as indicated:

H.R. 38. An act to establish the Jemez National Recreation Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

H.J. Res. 127. A joint resolution to authorize the President to proclaim the last Friday of April 1993 as "National Arbor Day"; to the Committee on the Judiciary.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 328. An act to direct the Secretary of Agriculture to convey certain lands to the town of Taos, New Mexico.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that he had presented to the President of the United States the following enrolled bills:

On April 22, 1993:

S. 326. An act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes.

S. 328. An act to provide for the rehabilitation of historic structures within the Sandy Hook Unit of Gateway Recreation Area in the State of New Jersey, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-747. A communication from the Interim Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, a report regarding the affordable housing disposition program for the period between July 1, 1992 and December 31, 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC-748. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Federal Reserve System for calendar year 1992; to the Committee on Banking, Housing, and Urban Affairs.

EC-749. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-750. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report of the Capital Improvement and Leasing Program for fiscal year 1994; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. FORD, Mr. DECONCINI, Mr. GRAHAM, Mr. DODD, Mr. BIDEN, Mr. WELLSTONE, Mrs. BOXER, Mrs. FEINSTEIN, Mr. HELMS, Ms. MIKULSKI, Mr. LEVIN, Mr. LEAHY, Mr. SASSER, and Mr. SARBANES):

S. 806. A bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment provided certain conditions are met; to the Committee on Finance.

By Mr. WOFFORD:

S. 807. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain mixtures of caseinate; to the Committee on Finance.

By Mr. DECONCINI (for himself, Mr. KOHL, and Mr. BOREN):

S. 808. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; to the Committee on the Judiciary.

By Mr. DORGAN:

S. 809. A bill to amend title 23, United States Code, relating to open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FORD:

S. 810. A bill to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking, to permit savings associations to branch interstate to the extent authorized by State law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY:

S. 811. A bill to incorporate environmental concerns into technology programs established in the National Institute of Standards and Technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL:

S. 812. A bill to designate the Federal Courthouse in Denver, Colorado, as the "Byron White Federal Courthouse", and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURENBERGER:

S. 813. A bill to suspend temporarily the duty on Bisphenol AF; to the Committee on Finance.

By Mr. DURENBERGER:

S. 814. A bill to suspend temporarily the duty on capillary membrane material; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. MOYNIHAN, and Mr. D'AMATO):

S. 815. A bill to amend the Federal Water Pollution Control Act to provide special funding to states for implementation of national estuary conservation and management plans, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DECONCINI:

S. 816. A bill to amend title 10, United States Code, to establish within the Office of the Secretary of Defense the position of Director of Special Investigations; and for other purposes; to the Committee on Armed Services.

By Mr. GLENN:

S. 817. A bill to encourage the acquisition and use of resource efficient materials in construction, repair, and maintenance of Federal buildings; to the Committee on Environment and Public Works.

By Mr. HATFIELD (for himself, Mr. PACKWOOD, Mr. MITCHELL, Mrs. BOXER, Mr. JEFFORDS, Mr.

LIEBERMAN, Mr. KENNEDY, Mr. METZENBAUM, Mr. KERRY, Mr. LEVIN, Mr. HARKIN, Mr. LEAHY, and Mr. RIEGLE):

S. 818. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 819. A bill to extend the temporary suspension of duty on Trifluoromethylaniline; to the Committee on Finance.

By Mr. HELMS:

S. 820. A bill to extend the existing suspension of duty on machines designed for heat-set, stretch texturing of continuous man-made fibers; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 821. A bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Res. 100. A resolution to authorize testimony of Senate employees; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself, Mr. KENNEDY, Mr. MOYNIHAN, Mr. FORD, Mr. GRAHAM, Mr. DODD, Mr. BIDEN, Mr. WELLSTONE, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DECONCINI, Mr. HELMS, Ms. MIKULSKI, Mr. LEVIN, Mr. LEAHY, Mr. SASSER, and Mr. SARBANES):

S. 806. A bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment provided certain conditions are met; to the Committee on Finance.

THE UNITED STATES-CHINA ACT OF 1993

Mr. MITCHELL. Mr. President, today I am introducing a bill to condition the renewal of nondiscriminatory most-favored-nation trade status to the People's Republic of China on demonstrated progress by Chinese leaders in adhering to commitments they have made regarding human rights, fair trade practices and the nonproliferation of missile and nuclear technologies.

This is a reasonable bill. It does not revoke MFN status for China. On the contrary, it renews that favorable trade status for China until July 1994.

It does not restrict the growth of American business in China, nor does it discourage the spread of free enterprise.

The bill does not impose arbitrary or unattainable conditions on extending most-favored-nation trade status to China. It merely requires that the Communist Chinese leaders live up to the commitments they have made to respect international standards of human rights, fair trade practices and missile, nuclear and chemical weapons agreements. It supports fundamental American principles and values.

At the same time, it gives the administration a useful diplomatic tool for the coming year to encourage China's Communist leaders to make meaningful progress on resolving human rights and trade concerns.

President Clinton has said he wants to maintain our partnership with China, but that we have a right to expect, as well, that China will move forward in a positive way on human rights as her economy expands.

This bill will help the President achieve that growth in the United States-China partnership.

This bill puts Chinese leaders on notice that we expect them to live up to their own freely made commitments or risk losing favorable MFN tariffs on the products of state-owned enterprises exported to the United States.

China's leaders know that the loss of MFN tariff rates would seriously affect the future of these already ailing industrial enterprises, and jeopardize the $19 billion plus trade surplus they enjoy with the United States.

Under the provisions of this legislation, most-favored-nation status would be renewed for China until July 1994.

It could be renewed for another 12-month period after that date, if the President indicates that China's leaders have:

Taken appropriate action to adhere to their signed commitment to the U.N. Universal Declaration of Human Rights in China and Tibet and allowed unrestricted emigration of political and religious refugees;

Provided an acceptable accounting and release of citizens imprisoned for the nonviolent expression of their political beliefs;

Fully complied with the bilateral 1992 Memorandum of Understanding regarding export of forced labor products to the United States; and

Made overall significant progress in granting religious freedom, ceasing unfair trade practices and adhered to international agreements concerning sales of missiles, chemical arms and nuclear technology.

If such indications are not made by July 3, 1994, then after that date, favorable MFN tariff rates would not apply to products—such as AK-47 assault rifles—exported to the United States by Chinese state-owned enterprises.

MFN tariff rates would continue in force for products exported by private and joint venture enterprises. The consequently lower tariff rates for these export products would competitively favor the spread of such private and joint ventures.

This is a modest, limited and carefully crafted bill. It is virtually identical to the measure that I proposed last year. It is not an unwarranted incursion on Executive powers, and it serves to forward the Nation's stated foreign policy goal of encouraging China to honor its international commitments while maintaining the economic relationship between our two countries.

Since the massacre in Tiananmen Square in June 1989, the governing regime in China has thumbed its nose at the world. It has gambled that the nations of the world will continue to do business as usual with China, regardless of how China treats its own citizens, how China behaves in Southeast Asia, how it treats the people of Tibet, whether it disregards international agreements on weapons proliferation, regardless, even, of China's failure to adhere to international trade law.

Recent actions by China's Communist leaders give little indication that they are changing this attitude.

There have been continued arrests of members of prodemocracy groups, and hundreds, perhaps even thousands, of political prisoners remain in jail or labor camps.

China has failed to comply with a 1992 agreement to prevent the importation into the United States of goods made by prison labor.

The United States Custom Service reported in January of this year that fraudulent labeling and transshipment practices may hide as much as $5 billion a year in unreported Chinese exports to the United States.

Early economic estimates have predicted that our trade deficit with China last year may well exceed $20 billion—and this without counting the additional billions the Chinese gain from illegal transshipment and false labeling.

It is very probable that China has not eliminated its biological warfare weapons, despite having become a signatory to the Biological and Toxin Weapons Convention in 1984.

There is continuing concern that China is helping Pakistan develop a nuclear weapons program in violation of the Chinese commitment made last year to abide by the International Non-Proliferation Treaty barring such assistance.

Most recently, the Chinese Government announced it opposed the imposition of international sanctions against North Korea for its renunciation of the nuclear nonproliferation treaty and refusal to allow international inspection of Korean nuclear weapons laboratories.

China's trade surplus with the United States, both the legal surplus and the one derived through illegal trade practices, constitutes a major resource for the modernization of the Chinese military forces.

This year, for the fourth year in a row, China's defense budget increased in double digit percentages. China's military spending has risen 50 percent overall since Tiananmen Square.

There is increasing international concern over China's hard currency purchases of sophisticated weapons and advanced military technology from Russia. These modern weapons and advanced missile technology, bought mainly with money earned from the huge trade surplus with the United States, are rapidly transforming China into a major military power in Asia.

Such a threatening military transformation raises serious long-term national security concerns for the United States and our Asian allies.

President Clinton has indicated that he is pleased that America is making a major contribution to the astonishing revitalization of the Chinese economy, which is growing at 10 percent a year. He has said he wants to continue our partnership with China, but that he thinks we have a right to expect progress in human rights and democracy as we support that Chinese economic progress.

I fully agree with President Clinton.

It is time to set a new policy toward China, a policy which recognizes the historic friendship between our two countries, but is based on a reciprocal understanding of international principles and standards of fair play.

I believe the bill I am introducing today sets the framework for exactly that sort of new policy toward China.

It conditions the granting of future most-favored-nation trading status with China on demonstrated actions—not continued empty promises—in adhering to international standards on human rights, preventing the export of forced labor products to the United States, ceasing unfair trade practices and controlling arms proliferation.

It is a measured and reasonable bill. It supports fundamental American values while giving the administration a year in which to establish a new policy toward China.

I urge my colleagues to support this effort to assist in fashioning a new policy toward China.

Mr. MOYNIHAN. Mr. President, two anniversaries are fast approaching. On June 4, nearly 4 years ago the aging leaders in Beijing snuffed out the flame of democracy that had flared in Tiananmen Square. Defying world opinion, the octogenarian Communist cadres proclaimed that totalitarianism was alive and well in China, however loudly its death rattle was being heard throughout Eastern Europe.

The other anniversary is June 3, which marks the date by which the President must decide whether to extend most-favored-nation [MFN] treatment to China for another year.

This year the decision on MFN status is particularly important because it will signal to the Congress and, more importantly, to Beijing what the new administration's policy toward China will be.

For the past 4 years, it has been business as usual. The Bush administration chose to look the other way, over the strong opposition of the Congress. It has been the Congress, under the leadership of the majority leader, that has forced the debate on our trade relations with China.

Twice last year, the Finance Committee reported out bills conditioning the continuation of MFN on progress on human rights, religious freedom, trade, and arms control. Twice last year, those bills passed the Senate and the House by substantial margins. And twice last year, former President Bush vetoed them.

This year, we have a new administration and an opportunity to initiate a new policy toward China. That is why the bill that the majority leader has introduced is so important. I am pleased to cosponsor this bill, as I did last year.

I am deeply troubled by Chinese Government policies. Let me mention just a few concerns.

First, Tibet. Make no mistake. The totalitarian government in Beijing has continued the genocidal policies which reached such a ferocious height during the Cultural Revolution. The campaign to utterly destroy Tibetan culture continues unchecked. In the 40 years following the Chinese invasion of Tibet in 1949-50, 1 million Tibetans have been slaughtered. Without question, the cultural genocide of the Tibetan people is still very much a conscious goal of the Chinese Government. Which they are vigorously pursuing to the present day.

Indeed. China's illegal population transfer program is well on its way to obliterating one of the richest cultures in the world. Already, Tibetans are a minority in the Lhasa Valley and eastern Tibet.

Appalling, yes. But more to the point, illegal. China's actions in this regard are a clear violation of Article 49 of the Fourth Geneva Convention.

Let us be clear. Population transfer to Tibet violates international law because Tibet is not a part of China. It is a sovereign nation which was seized by force and is today occupied by China. The 102d Congress declared that Tibet is an occupied country under international law. The legislation the majority leader is introducing today reiterates that elemental fact. The bill finds specifically that—

> The Government of the People's Republic of China continues to use military and police forces to intimidate and repress the Tibetan people seeking political and religious freedom, and continues to violate the provisions of the Fourth Geneva Convention by encouraging the resettlement of large numbers of Chinese in occupied Tibet.

For too long, successive administrations—despite the protests of Congress—have condoned China's blatant violations of international law. Just 8 months ago, a State Department official made the manifestly untrue statement before the Foreign Relations Committee that there was no conscious Chinese Government policy to sinocize Tibet. I trust that the new administration will make a clean break with this policy of implicit appeasement.

Population transfer is not the only instrument by which China seeks to deprive Tibetans of their rights. Asia Watch reported to the Finance Committee last July that hundreds of men and women in Tibet have been imprisoned and often subjected to torture and ill-treatment for "spreading counter-revolutionary propaganda" and for such crimes as displaying the outlawed Tibetan flag, writing slogans on stones or walls, or compiling information about prisoners and talking to foreigners about repression.

Just 4 weeks ago, the distinguished chairman of the Foreign Relations Committee, Senator PELL, and I wrote President Clinton to urge him in the strongest possible terms to make Tibet an integral part of his China policy. And this bill states clearly that MFN will depend upon whether the Chinese Government takes steps to stop providing incentives that encourage the transfer of non-Tibetans to Tibet.

President Clinton has an opportunity to set U.S. policy on the right course. And I urge him to seize that opportunity.

This leads to my second major concern: the human rights of the Chinese people. Every year Freedom House publishes a survey of freedom in the world, including a map listing states as "free," "partly free," and "not free." Over the past 5 years that map has been transformed. The Iron Curtain has been swept away and hundreds of millions have been freed from totalitarian rule. And yet, we too often forget that all the peoples of the defunct Warsaw Pact amount to far less than half the population of China. And today more than a billion persons in China suffer under what Asia Watch has called the "relentless repression" meted out by Beijing. The legislation introduced by the distinguished majority leader mandates that the Chinese Government must end that repression before it can be considered—in any sense—a nation which is most favored by the United States.

Third, trade. It is with some alarm that I look at the pattern of our trade with China since we first granted MFN status to the People's Republic of China in 1980. In theory, MFN should pave the way for a reciprocal growth in trade. In fact, the growth has been lopsided. In 1992, our exports to China totaled $7.5 billion, double their value in 1980. Cumulatively, from 1980 through 1992, our exports to China totaled $55.3 billion. That is not bad.

But over that same period, our imports from China have grown exponentially. Cumulatively, we imported from China $105.9 billion in goods over that 12-year period. In 1992 alone, our imports were $25.7 billions—24 times higher than they were in 1980.

The market access agreement we negotiated last year may help put our trade on more even footing. But that agreement must be fully honored.

Meanwhile, the President's 1993 trade policy agenda lists a host of continuing trade problems: high tariffs, licensing problems, quotas, lack of transparency in the drafting and issuance of trade laws and regulations, very little liberalization in the services sector. And the Treasury Department reported in December that China manipulates its exchange rate in order to guarantee for itself a favorable balance of trade. These problems need to be resolved.

Another major concern involves arms sales. In March, the Washington Post reported that, between 1989 and 1991, the Chinese armed forces exported to this country 1.92 million firearms and thousands of tons of ammunition. It was reportedly a Chinese-made AK-47 semiautomatic weapon that was used to kill two people and wound three others in front of the CIA headquarters in January. Earlier this year, I introduced legislation that would ban the importation of semiautomatic assault weapons such as the ones we apparently are buying in bulk from China. That bill would make headway in solving the problem.

But Chinese sales of arms to this country pale in comparison to the torrent of arms China is pouring into its sister totalitarian state, Burma. Over the last several years, Beijing has supplied the State Law and Order Restoration Council—or the SLORC as it is universally known—with over 1 billion dollars' worth of arms. Weapons which are being used to wage war against the people of Burma.

These sales are but a part of a larger pattern. Namely, the willingness of the Chinese government to sell any weapon to any government anywhere—no matter how destabilizing, no matter how dangerous. This of course includes selling ballistic missiles to states in the Middle East.

Moreover, it has been widely reported that the Chinese are using the proceeds of their expanding trade to upgrade their own army and replace outmoded equipment with state-of-the-art technology. Their security—and their neighbors' insecurity—at our expense.

Frankly, Mr. President, these are not new issues. These sores festered under past administrations. Now, President Clinton has an opportunity to formulate a new United States policy toward China. This bill gives him the tools to do so.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 805

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-China Act of 1993".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—The Congress makes the following findings:

(1) On June 4, 1989, thousands of Chinese citizens courageously demonstrated that they were prepared to risk their lives and futures in pursuit of democratic freedom and respect for human rights.

(2) The People's Republic of China, as a member of the United Nations Security Council, is obligated to respect and uphold the United Nations Charter and Universal Declaration of Human Rights.

(3) Despite the massive demonstration for self-determination and fundamental principles of human rights and despite the People's Republic of China's membership in the United Nations, the Government of the People's Republic of China continues to flagrantly violate internationally recognized standards of human rights, and engages in—

(A) torture and cruel, inhuman, or degrading treatment or punishment;

(B) arbitrary arrest, unacknowledged detention without charges and trial, and jailing of persons solely for the nonviolent expression of their political views; and

(C) use of prison labor to produce cheap products for export to countries, including the United States, in violation of international labor treaties and United States law.

(4) The Government of the People's Republic of China continues to deny Chinese citizens and others, who have supported the prodemocracy movement, the right of free emigration despite having pledged to do so in 1991.

(5) The Government of the People's Republic of China continues to use military and police forces to intimidate and repress the Tibetan people seeking political and religious freedom, and continues to violate the provisions of the Fourth Geneva Convention by encouraging the resettlement of large numbers of Chinese in occupied Tibet.

(6) The Government of the People's Republic of China continues to engage in unfair trade practices against the United States by raising tariffs, employing taxes as a surcharge on tariffs, using discriminatory customs rates, imposing import quotas and other quantitative restrictions, barring the importation of certain items, using licensing and testing requirements to limit imports, and falsifying country of origin documentation to transship textiles and other items to the United States through Hong Kong and third countries.

(7) Although the Government of the People's Republic of China has pledged to adhere to the guidelines and parameters of the Missile Technology Control Regime, there are continuing reports of Chinese transfers of military technology covered by such Regime to the Middle East, Africa, and Asia.

(8) The Government of the People's Republic of China continues to unjustly restrict and imprison religious leaders and members of religious groups who do not adhere to the dogma and control of state-sponsored religious organizations.

(9) It is the policy and practice of the Government of the People's Republic of China's Communist Party to control all trade unions and suppress and harass members of the independent labor union movement.

(10) The Government of the People's Republic of China continues to harass and restrict the activities of accredited journalists and to restrict broadcasts by the Voice of America.

(b) POLICY.—It is the sense of the Congress that—

(1) with respect to the actions of the People's Republic of China in the areas of human rights, weapons proliferation, and unfair trade practices, the President should take such action as is necessary to achieve the purposes of this Act, including—

(A) urging the Communist Chinese leaders to release all political and religious prisoners in China and Tibet, and to cease forcing the large-scale influx of Chinese settlers into Tibet which is threatening the survival of the Tibetan culture;

(B) conducting diplomatic negotiations with the Government of the People's Republic of China to encourage them to allow international human rights and humanitarian organizations access to prisoners in China and Tibet;

(C) directing the United States Trade Representative to take necessary and appropriate action pursuant to section 301 of the Trade Act of 1974 and the Memorandum of Understanding between the Governments of the United States and People's Republic of China concerning market access, signed October 10, 1992, with respect to the continuing unfair trade practices of the People's Republic of China that are discriminatory and unreasonably restrict United States commerce; and

(D) encouraging members of the Missile Technology Control Regime and other countries to develop a common policy concerning the People's Republic of China's transfer of missile technology to other countries;

(2) sanctions being applied against the People's Republic of China on the date of the enactment of this Act should be continued and strictly enforced; and

(3) the President should direct the Secretary of Commerce to consult with American business leaders, having significant trade with or investments in the People's Republic of China, to encourage them to adopt a voluntary code of conduct that—

(A) follows internationally recognized human rights principles;

(B) ensures that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief;

(C) refrains from knowingly using prison labor;

(D) recognizes workers right to organize and bargain collectively; and

(E) discourages mandatory political indoctrination on business sites.

SEC. 3. MINIMUM STANDARDS WHICH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA MUST MEET TO CONTINUE TO RECEIVE NONDISCRIMINATORY MOST-FAVORED-NATION TREATMENT.

Notwithstanding any other provisions of law, the President may not recommend continuation of a waiver for the 12-month period beginning July 3, 1994, under section 402(d) of the Trade Act of 1974 (19 U.S.C. 2432(d)) for the People's Republic of China, unless the President reports in the document required to be submitted by such section that the government of that country—

(1) has taken appropriate actions to begin adhering to the provisions of the Universal Declaration of Human Rights in China and Tibet;

(2) is allowing unrestricted emigration of the citizens who desire to leave China for reasons of political or religious persecution to join family members abroad, or for other valid reasons;

(3) has provided an acceptable accounting and release of—

(A) Chinese citizens detained, accused, or sentenced as a result of the nonviolent expression of their political beliefs in relation to events which occurred during and after the violent repression of demonstrations in Tiananmen Square on June 4, 1989; and

(B) other citizens detained, accused, or sentenced for the nonviolent expression of their political beliefs or for peacefully exercising their internationally guaranteed rights of freedom of speech, association, and assembly;

(4) has taken effective, verifiable action to prevent export of products to the United States manufactured wholly or in part by convict, forced, or indentured labor and has complied with the terms of the Memorandum of Understanding signed on August 7, 1992, by allowing, without limitation or restriction, United States Customs officials to visit places suspected of producing such goods for export; and

(5) has made overall significant progress in—

(A) ceasing religious persecution and lifting restrictions on freedom of religious belief in the People's Republic of China and Tibet;

(B) releasing leaders and members of religious groups detained, imprisoned, or under house arrest for expression of their religious beliefs;

(C) ceasing financial and other incentives to encourage non-Tibetans to relocate in Tibet, including development and other projects which bring in substantial numbers of non-Tibetan workers;

(D) ceasing unfair and discriminatory trade practices which restrict and unreasonably burden American business;

(E) providing United States exporters fair access to Chinese markets, including lowering tariffs, removing nontariff barriers, and increasing the purchase of United States goods and services;

(F) adhering to the guidelines and parameters of the Missile Technology Control Regime and the controls adopted by the Nuclear Suppliers Group and the Australian Group on Chemical and Biological Arms;

(G) adhering to the Joint Declaration on Hong Kong that was entered into between the United Kingdom and the People's Republic of China;

(H) cooperating with United States efforts to obtain an acceptable accounting of United States military personnel who are listed as prisoners of war or missing in action as a result of their service in—

(i) the Korean conflict; or

(ii) the Vietnam conflict;

(I) ceasing the jamming of Voice of America broadcasts; and

(J) providing international human rights and humanitarian groups access to prisoners, trials, and places of detention.

SEC. 4. REPORT BY THE PRESIDENT.

If the President recommends in 1994 that the waiver referred to in section 3 be continued for the People's Republic of China, the President shall state in the document required to be submitted to the Congress by section 402(d) of the Trade Act of 1974, the extent to which the Government of the People's Republic of China has complied with the provisions of section 3, during the period covered by the document.

SEC. 5. NONDISCRIMINATORY TREATMENT FOR PRODUCTS FROM NONSTATE-OWNED ENTERPRISES.

(a) IN GENERAL.—Notwithstanding any other provisions of law, if nondiscriminatory treatment is not granted to the People's Republic of China by reason of the occurrence of an event described in subsection (b), nondiscriminatory treatment shall—

(1) continue to apply to any good that is produced or manufactured by a person that is not a state-owned enterprise of the People's Republic of China, but

(2) not apply to any such good that is marketed or otherwise exported by a state-owned enterprise of the People's Republic of China.

Nondiscriminatory treatment under this section shall be in effect for the same period of time the waiver referred to in section 3 would have been effective had it taken effect.

(b) EVENTS.—An event described in this subsection means—

(1) the President fails to request the waiver referred to in section 3 and reports to the Congress that such failure was a result of the President's inability to report that the People's Republic of China has met the standards described in such section; or

(2) the President requests the waiver referred to in section 3, but a disapproval resolution described in subsection (c)(1) is enacted into law.

(c) DISAPPROVAL RESOLUTION.—

(1) IN GENERAL.—For purposes of this section, the term "resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on ____________ with respect to the People's Republic of China because the Congress does not agree that the People's Republic of China has met the standards described in section 3 of the United States-China Act of 1993", with the blank space being filled with the appropriate date.

(2) APPLICABLE RULES.—The provisions of sections 153 (other than paragraphs (3) and (4) of subsection (b) of such section) and 402(d)(2) (as modified by this subsection) of the Trade Act of 1974 shall apply to a resolution described in paragraph (1).

(d) DETERMINATION OF DUTY STATUS OF ENTERPRISES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Treasury shall determine which persons are state-owned enterprises of the People's Republic of China for purposes of this Act and compile and maintain a list of such persons.

(2) DEFINITIONS AND SPECIAL RULES.—For purposes of making the determination required by paragraph (1), the following definitions apply:

(A)(i) The term "state-owned enterprise of the People's Republic of China" means a person affiliated with or wholly owned, controlled, or subsidized by the Government of the People's Republic of China and whose means of production, products, and revenues are owned or controlled by a central or provincial government authority. A person shall be considered to be state-owned if—

(I) the person's assets are primarily owned by a central or provincial government authority;

(II) a substantial proportion of the person's profits are required to be submitted to a central or provincial government authority;

(III) the person's production, purchases of inputs, and sales of output, in whole or in part, are subject to state, sectoral, or regional plans; or

(IV) a license issued by a government authority classifies the person as state-owned.

(ii) Any person that—

(I) is a qualified foreign joint venture or is licensed by a governmental authority as a collective, cooperative, or private enterprise; or

(II) is wholly owned by a foreign person,

shall not be considered to be state-owned.

(B) The term "qualified foreign joint venture" means any person—

(i) which is registered and licensed in the agency or department of the Government of the People's Republic of China concerned with foreign economic relations and trade as an equity, cooperative, contractual joint venture, or joint stock company with foreign investment;

(ii) in which the foreign investor partner and a person of the People's Republic of China share profits and losses and jointly manage the venture;

(iii) in which the foreign investor partner holds or controls at least 25 percent of the investment and the foreign investor partner is not substantially owned or controlled by a state-owned enterprise of the People's Republic of China;

(iv) in which the foreign investor partner is not a person of a country the government of which the Secretary of State has determined under section 6(j) of the Export Administration Act of 1979 to have repeatedly provided support for acts of international terrorism; and

(v) which does not use state-owned enterprises of the People's Republic of China to export its good or services.

(C) The term "person" means a natural person, corporation, partnership, enterprise, instrumentality, agency, or other entity.

(D) The term "foreign investor partner" means—

(i) a natural person who is not a citizen of the People's Republic of China; and

(ii) a corporation, partnership, enterprise, instrumentality, agency, or other entity that is organized under the laws of a country other than the People's Republic of China and 50 percent or more of the outstanding capital stock or beneficial interest of such entity is owned (directly or indirectly) by natural persons who are not citizens of the People's Republic of China.

(e) PETITION FOR CHANGE IN DUTY STATUS.—Any person who believes that a person should be included on or excluded from the list compiled by the Secretary under subsection (d)(1) may request that the Secretary review the status of such person.

SEC. 6. AFFECT OF GATT ENTRY ON MFN STATUS.

Notwithstanding the entry of the People's Republic of China into the General Agreement on Tariffs and Trade, most-favored-nation treatment with respect to the products of the People's Republic of China shall continue to be governed by title IV of the Trade Act of 1974 and the provisions of this Act.

SEC. 7. SANCTIONS BY OTHER COUNTRIES.

If the President decides not to seek a continuation of a waiver in 1994 under section 402(d) of the Trade Act of 1974 for the People's Republic of China, the President shall, during the 30-day period beginning on the date that the President would have recommended to the Congress that such a waiver be continued, undertake efforts to ensure that members of the General Agreement on Tariffs and Trade take similar action with respect to the People's Republic of China.

SEC. 8. DEFINITIONS.

For purposes of this Act:

(1) DETAINED AND IMPRISONED.—The terms "detained" and "imprisoned" include, but are not limited to, incarceration in prisons, jails, labor reform camps, labor reeducation camps, and local police detention centers.

(2) ACCEPTABLE ACCOUNTING.—The term "acceptable accounting" includes—

(A) providing information regarding the location of any person being held,

(B) the legal status of such person,

(C) if convicted, the sentence of such person, and

(D) if released, when and with what restrictions.

(3) CONVICT, FORCED, OR INDENTURED LABOR.—The term "convict, forced, or indentured labor" has the meaning given such term by section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

(4) VIOLATIONS OF INTERNATIONALLY RECOGNIZED STANDARDS OF HUMAN RIGHTS.—The term "violations of internationally recognized standards of human rights" includes, but is not limited to, torture, cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, secret judicial proceedings, and other flagrant denial of the right to life, liberty, or the security of any person.

(5) MISSILE TECHNOLOGY CONTROL REGIME.—The term "Missile Technology Control Regime" means the agreement, as amended, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on an annex of missile equipment and technology.

(6) SIGNIFICANT PROGRESS.—(A) The term "significant progress" in section 3, means the implementation of measures that will meaningfully reduce, or lead to the end of, the practices identified in such section.

(B) With regard to section 3(5)(E), progress may not be determined to be "significant progress" if, after the date of the enactment of this Act, the President determines that the People's Republic of China has transferred—

(i) ballistic missiles or missile launchers for the M-9 or M-11 weapons systems to Syria, Pakistan, or Iran; or

(ii) material, equipment, or technology that would contribute significantly to the manufacture of a nuclear explosive device to another country and that the material, equipment, or technology is to be used by such country in the manufacture of such device.

By Mr. DECONCINI (for himself, Mr. KOHL, and Mr. BOREN):

S. 808. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; to the Committee on the Judiciary.

VOLUNTEER PROTECTION ACT

• Mr. DECONCINI. Mr. President, I rise today with Senator KOHL and Senator BOREN to introduce the Volunteer Protection Act of 1993. This legislation encourages States to provide protection from litigation to volunteers, acting in good faith, who donate their time for thousands of nonprofit organizations. It is identical to the bill I introduced last Congress (S. 1343). I am committed to providing safeguards to these selfless volunteers while they donate their time and energies for so many worthwhile causes.

Volunteers have always been an integral part of the American society. There are over 250 national voluntary organizations representing millions of volunteers across America. From large private nondenominational nationwide organizations to small local civic groups, these workers guide our young people, work in our hospitals and medical care facilities, protect our neighborhoods, feed and care for the homeless, and assist in providing our communities with a multitude of services—all this with no financial compensation. Without their contributions, many community needs would not be met because of the cost. In 1987 for example, 80 million adults volunteers 19.5 billion hours of their time which would have cost $150 billion in public employee salaries. In the city of Los Angeles, 740 reserve officers in the LAPD, for the price of a clean uniform, save the city and county between $6 and $11 million a year by donating their time to protect the San Fernando and neighboring valleys.

Yet the reality is that these valuable human resources are decreasing at an alarming rate because of the fear of litigation, which could rob them of their personal assets. A 1991 poll of volunteer organizations at the national, State, and local levels revealed that over 60 percent of those polled were concerned about such litigation. A 1988 Gallop Poll showed that one out of every seven nonprofit agencies had eliminated one or more of their valuable programs because of their exposure to lawsuits. Sixteen percent of volunteer board members surveyed reported withholding their services to an organization out of fear of liability. They are no longer willing to accept the risks associated with becoming involved.

At a time when fiscal constraints are necessary at all levels of the private and public sectors, volunteers are critical for nonprofit organizations. Without legislation to provide liability protection to these individuals, they will not be participating. This will result in fewer services at greater costs to our communities.

A related concern grows out of the drastic increases in insurance premiums for nonprofit organizations. Between 1984 and 1988 alone the average increase in insurance premiums to nonprofit organizations was 155 percent. Operating under severe fiscal constraints, nonprofit organizations are faced with reducing the amount of services they can provide. While a majority of associations can afford to insure their board of directors—many individuals carry their own personal coverage for liability—less than half can afford to indemnify their volunteers. They need our help. Enactment of this legislation will help curb their rising costs.

The Volunteer Protection Act I am introducing today would provide financial incentives to States who grant volunteers, acting in good faith and within the scope of their duties as volunteers, immunity from civil liability. Those who have been injured would continue to have recourse against the organization for financial redress. At the same time, individual volunteers would remain accountable for harmful acts done in a willful or wanton manner. For those States which enact volunteer protection legislation, a 1-percent increase in social service block grant funds would be made available. By providing incentives for States to grant immunity to volunteers, the Volunteer Protection Act will help to stabilize insurance costs for nonprofit organizations. An identical bill, H.R. 911, was introduced in the House of Representatives by Congressman PORTER on February 16, 1993.

While most States provide some statutory protection for the directors and board members for nonprofit organizations, almost half make no provision to safeguard the general volunteer population from litigation. This bill would encourage expansion of coverage to the entire volunteer population.

Mr. President, I ask unanimous consent that the entire text of the bill I am submitting today be included in the RECORD.•

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 808

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Protection Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) within certain States, the willingness of volunteers to offer their services has been increasingly deterred by a perception that they thereby put personal assets at risk in the event of liability actions against the organization they serve;

(2) as a result of this perception, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, local governments, foundations, and other civil programs, have been adversely affected through the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating; and

(4) because Federal funds are expended on useful and cost effective social service programs which depend heavily on volunteer participation, protection of voluntarism through clarification and limitation of the personal liability risks assumed by the vol-

unteer in connection with such participation is an appropriate subject for Federal encouragement of State reform.

(b) PURPOSE.—It is the purpose of this Act to—

(1) promote the interests of social service program beneficiaries and taxpayers; and

(2) sustain the availability of programs and nonprofit organizations and governmental entities which depend on volunteer contributions

by encouraging reasonable reform of State laws to provide protection from personal financial liability to volunteers serving with nonprofit organizations and governmental entities for actions undertaken in good faith on behalf of such organizations.

SEC. 3. NO PREEMPTION OF STATE TORT LAW.

Nothing in this Act shall be construed to preempt the laws of any State governing tort liability actions.

SEC. 4. STATE STATUTES PROVIDING FOR LIMITATIONS ON LIABILITY FOR VOLUNTEERS.

An allotment may be increased for a State under the provisions of section 5, if the State statute referred to under subsection (a) of such section includes the following provisions:

(1) Except as provided in paragraphs (2) and (4), any volunteer of a nonprofit organization or governmental entity shall incur no personal financial liability for any tort claim alleging damage or injury from any act or omission of the volunteer on behalf of the organization or entity if—

(A) such individual was acting in good faith and within the scope of such individual's official functions and duties with the organization or entity; and

(B) such damage or injury was not caused by willful and wanton misconduct by such individual.

(2) Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(3) Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to injury caused to any person.

(4) The following conditions on, and exceptions to, the granting of liability may be imposed for protection to any volunteer of an organization or entity required under paragraph (1):

(A) The organization or entity shall adhere to risk management procedures, including mandatory training of volunteers.

(B) The organization or entity shall be liable for the acts or omissions of its volunteers to the same extent as an employer is liable, under the laws of the State, for the acts or omissions of its employees.

(C) The protection from liability shall not apply if the volunteer was operating a motor vehicle or was operating a vessel, aircraft, or other vehicle for which a pilot's license is required.

(D) The protection from liability shall not apply in the case of a suit brought by an appropriate officer of a State or local government to enforce a Federal, State, or local law.

(E) The protection from liability shall apply only if the organization or entity provides a financially secure source of recovery for individuals who suffer injury as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

SEC. 5. CERTIFICATION REQUIREMENT AND ADJUSTMENT OF SOCIAL SERVICES BLOCK GRANT ALLOTMENTS.

(a) CERTIFICATION AND BLOCK GRANT ALLOTMENTS.—In the case of any State which certifies, not later than 2 years after the date of the enactment of this Act, to the Secretary of Health and Human Services that it has enacted, adopted, or otherwise has in effect State law which substantially complies with section 4, the Secretary shall increase by 1 percent the fiscal year allotment which would otherwise be made to such State to carry out the Social Services Block Grant Program under title XX of the Social Security Act.

(b) CONTINUATION OF INCREASE.—Any increase made under subsection (a) in an allotment to a State shall remain in effect only if the State makes a certification to the Secretary of Health and Human Services, not later than the end of each 1-year period occurring successively after the end of the 2-year period described in subsection (a), that it has in effect State law which substantially complies with section 4(a).

SEC. 6. DEFINITIONS.

For purposes of this Act—

(1) the term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation, or any other thing of value in lieu of compensation, for such services (other than reimbursement for expenses actually incurred or honoraria not to exceed $300 per year for government service), and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer;

(2) the term "nonprofit organization" means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(3) the term "damage or injury" includes physical, nonphysical, economic, and noneconomic damage; and

(4) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.●

By Mr. DORGAN:

S. 809. A bill to amend title 23, United States Code, relating to open containers of alcoholic beverages and consumption of alcoholic beverages in the passenger area of motor vehicles, and for other purposes; to the Committee on Environment and Public Works.

ALCOHOL CONTAINER ACT

Mr. DORGAN. Mr. President, morning business today is reserved for 1 hour—60 minutes. During this 60 minutes, which will move by rather quickly, on average three people will be killed in this country because someone was driving drunk.

I am introducing in the Senate today a bill designed to combat drunk driving. It is some legislation that I introduced previously for the past several years in the U.S. House of Representatives.

I have not yet gotten this legislation enacted, but I am determined to keep trying until it is done. I know when you mention drunk driving, some will roll their eyes and say "not another one of those." Mothers Against Drunk Drivers and so many others in this country, organizing to try to defeat this epidemic of drunk driving, understand the heartbreak and the toll imposed on this country by drunk drivers. It is not something to roll our eyes about. It is something to roll up our sleeves and get something done about.

Twenty-thousand people will die in this country this year from traffic accidents caused by drunk drivers. This week, we mourned the death of a family member of a Member of this body, a beautiful young woman, killed in an accident in which there was alleged to have been someone driving who was drunk.

I thought back this week, when I heard the news, to one evening some years ago when I received a telephone call that my mother had been killed in an auto accident, a manslaughter incident, perpetrated by a drunk driver. If you ask a group of people in this country, do you know of someone, or do you have a loved one, a neighbor, a relative, who has been affected, who lost a loved one by a drunk driving accident, you will see a room full of hands go up. Despite the fact that drunk driving is almost epidemic in this country, we do not have a national effort to deal with it in a very effective way.

I remember hearing the news about my mother, and I was not only heartbroken and sad and full of mourning, but I was also very angry. Then I discussed it with friends. Over the years, I decided, more than being angry about that, I had to do something about it. When somebody is drunk driving 100 miles an hour down a city street and kills innocent people, then something must be done. It is outrageous that in this country, we have not yet separated, as a national policy, alcohol from automobiles.

Mr. President, do you know that in seven States in this country, it is still legal for you to get in the car, put your key in the ignition, put one hand on the steering wheel and the other on a bottle of whiskey and drive off and drink, and you are perfectly legal? In seven States, you can drink and drive and it is fine. In 24 States, it is fine if the rest of the people in the car are having a party, driving down the road drinking whiskey, wine, and beer. There is no prohibition against that; 24 States in America do not have prohibitions against open containers in the car, and seven States do not have State prohibitions against people who drive and drink.

That is a fundamental outrage in this country. You can meander yourself most of the way across America and either drink yourself as you drive, or have the other people in the car having a party with a six-pack of beer or a fifth of Wild Turkey. I am saying that is nuts.

We ought to have a policy in this country in which we say we segregate alcohol from automobiles, and you cannot be in an automobile with an open container of alcohol, period. My legislation simply says that the States who have refused to act on this kind of policy, despite incentives we put in place asking them to act, my legislation says: You shall act to have a uniform prohibition against open containers of alcohol in your vehicle, or you lose 5 percent of our highway funds. It is exactly the same policy we used to require a uniform 21-year-old drinking age across this country for the American people. It was successful then. It would be successful now.

Drunk driving knows no boundaries. It does not know State boundaries. It is not cute. It is not funny. It is deadly. A decision to drive drunk is not a personal decision that affects only you. It is a decision that may also—and increasingly also does—affect somebody else walking down the side of the road, somebody else innocently driving home from a hospital at 9 o'clock at night; and all too often, it results in innocent victims.

Mr. President, I say with my legislation, and I say to all State and local authorities and to my colleagues here in Congress, it is time for us in this country to do what many other countries have already done. If we were to follow the European model and say to people, "You shall not drive drunk because the penalties are far too severe," we would have far fewer drunk driving fatalities in this country today. We must be serious about this issue and decide to take action against this scourge called drunk driving, and passage of my legislation is the first step in doing that.

Mr. President, one of the most senseless crimes in our society is drunk driving. The mixture of drinking and driving is more than dangerous—it is deadly. In 1989, over 22,000 people died on our Nation's roads in alcohol-related accidents. That figure was about half of the total number of traffic fatalities for that year. In addition to the lost lives and despair that are attendant to the carnage on the highways, drunk driving costs this country an estimated $24 billion a year. According to the National Commission Against Drunk Driving, alcohol-related traffic fatalities hit the youth more than any other group. In 1989, youths were killed at a rate of 16 alcohol-related traffic fatalities per 100,000 license drivers compared to 10 per 100,000 for adult drivers.

Despite this frightening reality about alcohol-related traffic accidents, the States and the Federal Government have done little to effectively curb this serious problem. The National Highway Traffic Safety Administration tells me that it is still legal in 24 States in this country for passengers in a vehicle to be drinking while the vehicle is in operation. In seven States it is perfectly legal for a driver of a car to put one hand on the steering wheel and with the other, grab a bottle of whisky and drive off drinking. That is outrageous, and I want to stop it.

I believe that we in the Congress must do something at the Federal level to urge States to adopt open container laws. That is why I have introduced legislation today that would require States to enact laws that would prohibit open containers of alcohol in vehicles. This legislation would withhold 5 percent of the State's highway funds if the State fails to enact laws prohibiting open containers in vehicles.

Drinking and driving cannot be seen as a personal moral decision. When someone decides to drink and drive, that person is not simply putting himself in danger. That person is a threat to innocent drivers, passengers, and pedestrians. The odds are that 2 out of every 5 Americans will be involved in an alcohol-related traffic accident, regardless of their drinking habits. The fact is that every third drunk driving fatality is an innocent victim—a nondrinking driver, passenger, or pedestrian.

Under the Intermodal Surface Transportation Efficiency Act of 1991, the Federal Government is requiring States to enact laws requiring the use of seat belts and helmets, which are matters of personal safety, in the interest of traffic safety. Allowing individuals to mix drinking and driving is not just a matter of personal safety—it is a matter of public safety with serious public concerns. All the more reason, I believe, for the congress to require States to address this concern.

Mr. President, we have heard a great deal of tough talk about attacking the drug problem in this country. The country seems poised to mobilize the fight drugs and the crimes associated with the narcotics trade. However, America also has a very serious problem with alcohol and drunk driving, and we seem to be taking a vacation from our responsibilities in that area.

My proposed legislation takes a positive step and makes good public policy. This bill provides a strong incentive for States to enact laws prohibiting the insane behavior of drinking in a moving vehicle. If States fail to comply, they would be subject to the same penalty that was utilized when the Federal Government enacted legislation requiring States to raise the minimum drinking age to 21 years of age—namely, withholding of 5 percent of Federal highway funds. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 809

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OPEN CONTAINER LAWS.

(a) ESTABLISHMENT.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following new section:

"§ 161. Open Container Limitations

"(a) WITHHOLDING OF FUNDS FOR NONCOMPLIANCE.—

"(1) GENERAL RULE.—Beginning with fiscal year 1997, and for each fiscal year thereafter, the Secretary shall withhold 5 percent of the amount required to be apportioned to a State under paragraphs (1), (2), (5), and (6) of section 104(b) for the fiscal year, if, for any period during the immediately preceding fiscal year, the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway, or the right-of-way of a public highway, in the State is lawful.

"(2) LIMITATION OF APPLICATION TO CHARTER BUSES.—If a State has in effect a law that makes the possession of any open alcoholic beverage container unlawful in the passenger area by the driver (but not by a passenger) of a motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers, the State shall be deemed in compliance with paragraph (1) with respect to the motor vehicle for each fiscal year during which the law is in effect.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 1997.—

"(A) PERIOD OF AVAILABILITY.—Any funds withheld under this section from apportionment to any State on or before September 30, 1997, shall remain available for apportionment to the State as follows:

"(i) If, but for this section, the funds would otherwise have been apportioned under section 104(b)(5)(A), the funds shall remain available until the end of the fiscal year for which the funds are made available.

"(ii) If, but for this section, the funds would otherwise have been apportioned under section 104(b)(5)(B), the funds shall remain available until the end of the second fiscal year following the fiscal year for which the funds are made available.

"(iii) If, but for this section, the funds would have been apportioned under paragraph (1), (2), or (6) of section 104(b), the funds shall remain available until the end of the third fiscal year following the fiscal year for which the funds are made available.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 1997.—No funds withheld under this section from apportionment to a State after September 30, 1997, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under this section from apportionment are to remain available for apportionment to a State under paragraph (1), the State brings into effect a law that is in compliance with subsection (a), on the day following the effective date of the law, the Secretary shall apportion to the State the withheld funds remaining available for apportionment to the State pursuant to paragraph (1).

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—

"(A) IN GENERAL.—Any funds apportioned pursuant to paragraph (2) shall remain available for expenditure as follows:

"(i) Funds apportioned under section 104(b)(5)(A) shall remain available until the end of the fiscal year succeeding the fiscal year for which the funds are apportioned.

"(ii) Funds apportioned under paragraph (1), (2), (5)(B), or (6) of section 104(b) shall remain available until the end of the third fiscal year succeeding the fiscal year for which the funds are apportioned.

"(B) UNOBLIGATED SUMS.—Sums that are not obligated on the termination of the period referred to in subparagraph (A) shall—

"(i) lapse; or

"(ii) in the case of funds apportioned under section 104(b)(5), lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(4) EFFECT OF NONCOMPLIANCE.—If, on the termination of the period for which funds withheld under this section from apportionment are available for apportionment to a State under paragraph (1), the State does not have in effect a State law that is in compliance with subsection (a)—

"(A) the funds shall lapse; or

"(B) in the case of funds withheld from apportionment under section 104(b)(5), the funds shall lapse and be made available by the Secretary for projects in accordance with section 118(b).

"(c) DEFINITIONS.—As used in this section:

"(1) ALCOHOLIC BEVERAGE.—The term 'alcoholic beverage' has the meaning provided the term in section 158(c).

"(2) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning provided the term in section 154(b).

"(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term 'open alcoholic beverage container' has the meaning provided the term in section 410.

"(4) PASSENGER AREA.—The term 'passenger area' shall have the meaning provided by the Secretary by regulation.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following new item:

"161. Open container limitations.".

By Mr. FORD:

S. 810. A bill to amend the Bank Holding Company Act of 1956, the Revised Statutes of the United States, and the Federal Deposit Insurance Act to provide for interstate banking, to permit savings associations to branch interstate to the extent authorized by State law, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

INTERSTATE BANKING ACT OF 1993

Mr. FORD. Mr. President, I rise today to introduce the Interstate Banking Act of 1993. This legislation represents an attempt to build on past efforts to draft a compromise proposal in the very complex area of interstate banking and branching. I believe my bill strikes a reasonable balance where there is a need to update Federal statutes while still respecting the rights of States and the legitimate franchise interests of small community-based lending institutions. The legislation is substantially similar to my interstate banking and branching amendment which passed the Senate in November, 1991, during debate on comprehensive banking-reform legislation.

We have a dual banking system in this country, and I believe most American wish to see this continue. Dual Federal and State systems provide consumers with choice and competition. I believe there is a great need to protect this balance while allowing certain market trends to progress.

Interstate banking has been a growing trend in recent years. In general, interstate banking refers to the acquisition of lending institutions by out-of-State bank holding companies, and requires that a separate charter be maintained in the new State. This means separate capital requirements, a separate board of directors, and separate regulatory requirements. Current Federal law authorizes this activity if a State chooses to permit it. Forty-eight States currently allow some form of interstate banking, with 34 permitting the practice on a nationwide basis and 14 States plus the District of Columbia allowing interstate banking on a regional basis. States can limit certain terms and conditions of entry, but nearly every State has some form of this activity.

Interstate branching does not involve a separate charter. Rather, it refers to situations where a lending institution chartered in one State sets up and operates a branch in another State. We currently have a varied and somewhat contradictory set of Federal and State laws in this area. Current Federal law does not provide authority for bank holding companies to convert bank subsidiaries in one State into branches of other out-of-State bank subsidiaries. Nor does it allow federally chartered banks or State Federal Reserve member banks to branch directly across State lines.

However, an Office of Thrift Supervision regulation approved last year now allows federally chartered thrifts to branch across State lines without any regard for State law. This regulation was approved and has been implemented notwithstanding an amendment which passed the Senate last year providing for a moratorium on the implementation of this regulation. Fifty-six branching applications have already been approved under this new regulation by OTS. So we now have the unusual situation under our laws and regulatory interpretations where federally chartered banks may not branch across State lines, but federally chartered thrifts may do so, regardless of State law. In addition, a few States allow their State-chartered lending institutions to branch across State lines under certain circumstances. So there are a variety of laws and regulations currently in place as it relates to interstate branching.

My bill attempts to bring order to this area by reforming certain provisions of current Federal law. In my view, it is appropriate that we update our laws in this area. But it must be done in a manner which respects State law and does not trample the legitimate franchise interests of smaller, community-based lending institutions.

Mr. President, in order to understand the need for compromise in the area of interstate banking and branching, it is important to define the parameters of this debate. In recent years, some have suggested that we move toward interstate banking and branching in a wide-open manner, by authorizing interstate banking and branching and imposing certain conditions upon States unless they opt-out of the Federal scheme within a certain period of time, usually up to 3 years. Others have suggested a more restrictive approach, providing authority but allowing interstate banking and branching only if a State specifically opts-in to a permissive Federal scheme.

In addition, some have advocated limiting interstate banking and branching to situations involving acquisition only, so that an out-of-State institution would have to acquire an existing in-State institution as the only means of entering that State. This limitation protects the franchise interests of existing lending institutions by assuring that there will not be a flood of new banking or branching activity in their State. Others have suggested that out-of-State institutions be allowed to branch directly into a State by establishing and maintaining new operations. This is called de novo banking or branching.

Mr. President, my legislation seeks to balance the varied options on this issue by adopting a middle-ground approach. This legislation provides for a phasing in of interstate banking. It then essentially allows for interstate branching by acquisition on an opt-out basis, and interstate branching de novo on an opt-in basis. Other provisions further protect the rights of States to determine certain terms and conditions of entry. Let me explain in greater detail.

First, the bill I am introducing today provides for nationwide interstate banking by acquisition. It allows adequately capitalized bank holding companies to acquire out-of-State banks 1 year after the enactment of the legislation. These acquisitions are subject to certain concentration limits on lending institution assets and statewide deposits. They are also subject to State laws which may require that a bank to be acquired must have been in existence for a period of up to 5 years.

Second, the legislation allows bank holding companies, 1 year after enactment, to combine previously acquired banks in more than one State into a single bank, in effect establishing interstate branches. This allows interstate branching by acquisition within the bank holding company structure.

However, States would have up to 3 years after enactment to opt-out of this branching by acquisition arrangement. If a State does not opt-out, any resulting interstate branches remain subject to the laws of the host State, but would exist as a branch of an out-of-State institution.

Third, the legislation also allows States to opt-in to interstate branching de novo by allowing States to enact laws expressly permitting this activity by all out-of-State national or State banks. And Federal law relating to thrift institutions, which has already been interpreted by the Office of Thrift Supervision to allow interstate branching de novo by federally chartered thrifts, is amended to make this activity subject to authorization under State law. In other words, States must opt-in to allowing any future interstate branching by thrifts.

Last, Mr. President, this bill includes provisions to protect the rights of States with respect to regulation and enforcement of its laws, and the ability to apply State tax laws in a nondiscriminatory manner to interstate branches. The tax language, for instance, permits State tax authorities to review the books and records of national banks which are physically located in that State, to assure compliance with State and local tax laws. I believe that progress was made during the last Congress to carefully draft these provisions, and I am including the same language, which passed the Senate in 1991, in my legislation today. I will continue to invite and entertain suggestions on how to refine these provisions in the best interest of protecting States' rights.

It is important to understand the benefits and burdens of this proposal. If a State takes no action during the 3 years after enactment of this legislation, a middle-ground approach to interstate banking and branching would exist in that State. It will have interstate banking by acquisition after 1 year, and interstate branching by acquisition through bank holding company combinations. Existing State laws establishing a minimum age of banks eligible to be acquired will continue to apply, up to an age requirement of 5 years. And State laws in such areas as intrastate branching, consumer protection, fair lending, community reinvestment, and taxation will continue to apply. A State which takes no action will have no interstate banking de novo unless it was previously authorized, no interstate branching de novo by banks, and no additional interstate branching de novo by thrifts.

Of course, States have every opportunity to take action and allow a more open structure for interstate banking and branching, or to prohibit interstate branching altogether. But in my view, this is a debate where we should respect the dual banking structure and allow flexibility at the State level.

So Mr. President, I look forward to the debate on this important issue in the months ahead. Interstate banking is a growing trend across the country. Some believe that we should remain neutral and allow this trend to proceed without further changes in Federal law. Others have suggested that our Federal laws on interstate banking and branching are outdated and should be reformed. In my view, if we take the latter view, our laws must be reformed in a manner which respect States' rights and offers some degree of protection to the legitimate franchise interests of small community based lending institutions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Banking Act of 1993".

SEC. 2. INTERSTATE BANKING.

(a) IN GENERAL.—Section 3(d) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(d)) is amended to read as follows:

"(d) INTERSTATE ACQUISITIONS.—

"(1) ACQUISITION OF EXISTING BANKS.—Beginning 1 year after the date of enactment of the Interstate Banking Act of 1993, the Board may approve an application under this section to permit a bank holding company that is adequately capitalized and adequately managed to acquire, directly or indirectly, any voting shares of, interest in, or all or substantially all of the assets of an existing bank located outside of the State in which the operations of such bank holding company's banking subsidiaries were principally conducted on July 1, 1966, or the date on which such company became a bank holding company, whichever is later. For purposes of this section, the State in which the operations of a bank holding company's banking subsidiaries are principally conducted is that State in which total deposits of all such banking subsidiaries are largest.

"(2) EXISTING BANKS.—For purposes of paragraph (1), a bank that does not open for business and has been chartered solely for the purpose of acquiring any voting shares of, interest in, or all or substantially all of the assets of an existing bank shall be deemed to be an existing bank and to have been in existence for the same period of time as the bank to be acquired.

"(3) COMMUNITY REINVESTMENT COMPLIANCE.—In determining whether to approve an application under paragraph (1), the Board shall consider the applicant's record of compliance with applicable Federal and State community reinvestment laws.

"(4) STATE LAW.—A transaction approved under paragraph (1) may occur without regard to whether such transaction is permitted under the law of the State in which the bank to be acquired is located.

"(5) CONCENTRATION AND OTHER LIMITS.—

"(A) IN GENERAL.—The Board may not approve an application under paragraph (1) if—

"(i) the applicant controls, or upon completion of the acquisition would control, more than 10 percent of insured depository institution assets of the United States, as determined under regulations of the Board;

"(ii) the applicant controls, or upon completion of the acquisition would control, 25 percent or more of the insured depository institution deposits in the State in which the institution to be acquired is located, as determined under regulations of the Board, except that a State may waive the applicability of this subparagraph; or

"(iii) the acquisition will result in the applicant directly or indirectly controlling a bank that has been in existence for a shorter period of time than is prescribed by the law of the State in which such bank is located in effect on the date the application is filed with the Board, only if such State law does not prescribe a period of more than 5 years.

"(B) NO EFFECT ON ANTITRUST LAWS.—Nothing in this paragraph shall be construed to affect the applicability of Federal or State antitrust laws that do not discriminate or have the effect of discriminating against out-of-State banks or bank holding companies.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'adequately capitalized' has the same meaning as in section 38 of the Federal Deposit Insurance Act; and

"(B) the term 'insured depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act.".

SEC. 3. CONVERSION OF BANKS TO BRANCHES.

(a) IN GENERAL.—Section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) is amended by adding at the end the following new subsection:

"(h) INTERSTATE COMBINATIONS.—

"(1) IN GENERAL.—

"(A) COMBINATIONS AUTHORIZED.—Subject to paragraphs (6) and (7), 1 year after the date of enactment of the Interstate Banking Act of 1993, a bank holding company having subsidiary banks located in more than 1 State may combine 2 or more of such banks into a single, resulting bank by means of a merger, consolidation, or other transaction.

"(B) SURRENDER OF CHARTER AFTER COMBINATION.—On the date on which a combination authorized by this paragraph becomes effective, the charters of the banks (other than that of the resulting bank) that have been combined in accordance with subparagraph (A) into the resulting bank shall be surrendered to the regulatory authority that issued the charters.

"(C) EFFECT OF STATE PROHIBITION OF COMBINATIONS.—If, during the period beginning on the date of enactment of the Interstate Banking Act of 1993 and ending on the expiration of 3 years after such date of enactment, a combination authorized by subparagraph (A) is effected in a State that thereafter elects to prohibit interstate combinations under paragraph (6), then that State may require such branch to be promptly converted back into a bank as it existed prior to such combination.

"(2) APPLICABILITY.—A combination under paragraph (1) may only be effected in the case of a merger, consolidation, or other transaction that is undertaken by a bank holding company that is adequately capitalized and adequately managed.

"(3) ACTIVITIES OF THE RESULTING BANK.—

"(A) ADDITIONAL BRANCHES.—Following any combination effected under paragraph (1), the resulting bank may establish, acquire, and operate additional branches at any location where the resulting bank or a combined bank could have established or acquired and operated a branch under the applicable Federal or State law if it had not been a party to such combination.

"(B) INTRASTATE BRANCHING.—Except as expressly provided in this paragraph, nothing in this paragraph shall be deemed to amend, repeal, or preempt, either expressly or by implication, any Federal or State law relating to the establishment, acquisition, or operation of intrastate branches by national or State banks.

"(C) CONDITIONS.—Prior to granting approval to effect a combination under paragraph (1), the appropriate Federal banking agency shall consider the bank's rating under the Community Reinvestment Act of 1977 and the views of the appropriate State bank regulatory authorities regarding the bank's compliance with applicable State community reinvestment laws.

"(D) IMPOSITION OF SHARES TAX BY HOST STATES.—In order to assure that an out-of-State bank contributes a fair share to a host State's revenues, if any branch of an out-of-State bank established pursuant to paragraph (1) or subparagraph (A) of this paragraph continues in operation, a proportionate amount of the value of the shares of the out-of-State bank may be subject to any bank shares tax levied or imposed by any host State or political subdivision thereof based upon an allocation of net income, capital or net worth, and other factors employed in computing such value pursuant to an allocation method adopted by the host State's taxing authorities, if such method does not unconstitutionally discriminate against out-of-State banks or bank holding companies.

"(4) ACTIVITIES OF BRANCHES.—A State bank that establishes a branch or branches in accordance with paragraph (1) or paragraph (3)(A) of this subsection may not conduct any activity at such branch or branches located in the host State that is not permitted for banks chartered by the host State.

"(5) APPLICABLE LAW.—

"(A) IN GENERAL.—

"(i) NATIONAL BANK BRANCHES.—Any branch of a national bank that is established as the result of a combination in accordance with paragraph (1) or paragraph (3)(A) shall be subject to the laws of the host State with respect to intrastate branching, consumer protection, fair lending, and community reinvestment as if it were a branch of a national bank having its main office in that State.

"(ii) STATE BANK BRANCHES.—Any branch of a State-chartered bank that is established as the result of a combination in accordance with paragraph (1) or paragraph (3)(A) shall be subject to the laws of the host State with respect to intrastate branching, consumer protection, fair lending, and community reinvestment as if it were a branch of a bank chartered under the laws of such State and having offices only in such State.

"(B) FILING REQUIREMENTS.—

"(i) IN GENERAL.—A host State may require any bank having its main office in another State that wishes to establish a branch within the host State as a result of a combination authorized by paragraph (1) or paragraph (3)(A) to comply with filing requirements that—

"(I) are not discriminatory in nature; and

"(II) are similar in their effect to those that are imposed on a corporation having its main office in another State that is not engaged in the business of banking and that seeks to engage in business in the host State.

"(ii) FAILURE TO COMPLY.—The host State may preclude any bank referred to in clause (i) from establishing or operating a branch within the host State as the result of a combination authorized by paragraph (1) if that bank or its branch materially fails to comply with the filing requirements established by the host State.

"(6) STATE ELECTION TO PROHIBIT INTERSTATE COMBINATIONS.—

"(A) IN GENERAL.—A combination authorized by paragraph (1) shall not be effective with respect to banks located in a State that has enacted, at any time prior to expiration of 3 years after the date of enactment of the Interstate Banking Act of 1993, a law that applies equally to national and State banks and that expressly prohibits interstate combinations authorized under paragraph (1) as the result of which a bank located in that State would be combined with, and made a branch of, an out-of-State bank.

"(B) EFFECT OF PROHIBITION.—If a State has in effect a prohibition described in subparagraph (A), a combination under paragraph (1) may not be effected which results in an out-of-State bank being combined with and made a branch of a bank located in that State.

"(7) STATE ELECTION TO PERMIT INTERSTATE COMBINATIONS.—

"(A) COMBINATIONS PRIOR TO EFFECTIVE DATE.—A combination under paragraph (1) may be undertaken before 1 year after the date of enactment of the Interstate Banking Act of 1993, if each of the States in which 1 or more banks that are to be combined into a single, resulting bank is located has in effect a law expressly permitting interstate combinations by national and State-chartered banks. A State described in the preceding sentence may impose other conditions on the branch of the resulting bank located in that State if—

"(i) the conditions do not discriminate or have the effect of discriminating against out-of-State banks or bank holding companies; and

"(ii) the imposition of the conditions is not preempted by Federal law regarding the same subject.

"(B) COMBINATIONS AFTER EFFECTIVE DATE.—A State that originally elected to prohibit interstate combinations as described in paragraph (6) may elect at any later time to permit interstate combinations authorized under paragraph (1) if such State enacts a law expressly permitting interstate combinations by national and State-chartered banks.

"(8) LIMITATIONS.—Nothing in paragraph (1) affects the applicability of Federal or State antitrust laws that do not discriminate or have the effect of discriminating against out-of-State banks or bank holding companies.

"(9) RESERVATION OF CERTAIN RIGHTS TO STATES.—Nothing in this subsection limits in any way the right of a State to—

"(A) determine the authority of State banks chartered in that State to establish and maintain branches; or

"(B) supervise, regulate, and examine State banks chartered by that State.

"(10) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'adequately capitalized' has the meaning given such term by section 38 of the Federal Deposit Insurance Act;

"(B) the term 'appropriate Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act;

"(C) the term 'combined bank' means any bank participating in a combination under paragraph (1), other than the resulting bank;

"(D) the term 'host State' means the State in which a bank establishes or maintains a branch other than the State in which the bank has its main office and is engaged in the business of banking;

"(E) the term 'insured depository institution' has the same meaning as in section 3 of the Federal Deposit Insurance Act;

"(F) a bank shall be deemed to be 'located' in the State in which it was chartered or, in the case of a national bank, the State in which its main office is located; and

"(G) the term 'resulting bank' means a banking subsidiary of a bank holding company that has resulted from a transaction effected under paragraph (1) involving the combination of 2 or more subsidiary banks of the bank holding company located in 2 or more States.".

(b) TAXATION.—

(1) STATE FRANCHISE OR OTHER NONPROPERTY TAXES.—The amendments made by this section and section 2 do not in any way affect, limit, impair, or preclude the right of any State or political subdivision of a State to impose a nondiscriminatory franchise tax or other nonproperty tax instead of a franchise tax as provided by section 3124 of title 31, United States Code.

(2) STATE METHODS OF TAXATION.—Subject to the provisions of section 3(h)(3)(D) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(h)(3)(D)), as added by this section, nothing in this section or section 2 shall be construed to either—

(A) prohibit or restrict any State or political subdivision of a State from applying any tax or method of taxation to a State bank or a national bank or branch thereof when such tax or tax method is otherwise permitted by or permissible under either the Constitution of the United States or any other Federal law; or

(B) allow any State or political subdivision of a State to apply any tax or method of taxation to a State bank or national bank or branch thereof when such tax or tax method is otherwise prohibited or restricted by either the Constitution of the United States or any other Federal law.

(c) CONFORMING AMENDMENT TO THE NATIONAL BANK ACT.—Section 5155(c) of the Revised Statutes (12 U.S.C. 36(c)) is amended in the first sentence by striking "a national banking association" and inserting "Except as provided in section 3(h) of the Bank Holding Company Act of 1956, a national banking association".

SEC. 4. AMENDMENTS TO FEDERAL DEPOSIT INSURANCE ACT AND THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE CONSOLIDATION OF NATIONAL BANKING ASSOCIATIONS".

(a) FEDERAL DEPOSIT INSURANCE ACT AMENDMENTS.—Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)) is amended—

(1) in the first sentence of paragraph (1), by striking "No State" and inserting "Except as provided in section 3(h) of the Bank Holding Company Act of 1956, no State";

(2) by adding at the end of section 18(d) the following:

"(3) COORDINATION OF EXAMINATION AUTHORITY.—

"(A) IN GENERAL.—A host State bank supervisory or regulatory authority may examine a branch established in the host State by a bank chartered by a State other than that host State that resulted from a combination effected under section 3(h) of the Bank Holding Company Act of 1956 for the purpose of determining compliance with host State laws regarding banking, community reinvestment, fair lending, consumer protection, and permissible activities and to ensure that the activities of the branch—

"(i) are conducted in a manner that is consistent with sound banking principles; and

"(ii) do not constitute a serious risk to the safety and sound operation of the branch.

"(B) ENFORCEMENT.—In the event that a host State bank supervisory or regulatory authority determines that there is a violation of the law of the host State concerning the activities being conducted by the branch of a State bank or that such branch is being operated in a manner not consistent with sound banking principles or in an unsafe and unsound manner, such host State bank supervisory or regulatory authority may undertake such enforcement actions and proceedings as would be permitted under the law of the host State as if the branch in question were a bank chartered by that host State.

"(C) COOPERATIVE AGREEMENT.—The State bank supervisory or regulatory authorities from 1 or more States are authorized to enter into cooperative agreements to facilitate State regulatory supervision of State-chartered banks, including cooperative agreements relating to the coordination of examinations and joint participation in examinations.

"(D) FEDERAL REGULATORY AUTHORITY.—

"(i) INTERSTATE AGREEMENTS.—Nothing in this subsection limits in any way the authority of the appropriate Federal banking agency to examine any bank or branch of a bank for which the agency is the appropriate Federal banking agency.

"(ii) REVIEW OF INTERSTATE AGREEMENTS.—If the appropriate Federal banking agency determines that the States have failed to reach an agreement under subparagraph (C), or that such an agreement fails to adequately protect the Federal Deposit Insurance Fund, the appropriate Federal banking agency shall not defer to State examinations of the out-of-State branches.

"(4) DEFINITION.—For purposes of this subsection, the term 'host State' means the State in which a bank establishes or maintains a branch, other than the State in which the bank is chartered and is engaged in the business of banking.".

(b) NATIONAL BANKING ASSOCIATIONS.—The Act entitled "An Act To provide for the consolidation of national banking associations", approved November 7, 1918, (12 U.S.C. 215 et seq.) is amended—

(1) in the first sentence of subsection (a) of the first section, by inserting after "located in the same State" the following: ", or in any State in which a bank involved in an interstate acquisition or interstate combination authorized by section 3(d)(1) or 3(h) of the Bank Holding Company Act of 1956 is located,";

(2) by inserting before the period at the end of subsection (d) of the first section ", except that the applicability of State law to an interstate acquisition or interstate combination undertaken in accordance with section 3(d)(1) or 3(h) of the Bank Holding Company Act of 1956 shall be determined in accordance with the provisions of those sections";

(3) in the first sentence of section 2(a), by inserting after "located within the same State," the following: "or in any State in which a bank involved in an interstate acquisition or interstate combination authorized by section 3(d)(1) or 3(h) of the Bank Holding Company Act of 1956 is located,";

(4) in the sixth sentence of section 2(d), by inserting before the period ", except that the applicability of State law to the transaction undertaken pursuant to section 3(d)(1) or 3(h) of the Bank Holding Company Act of 1956 shall be determined in accordance with the provisions of those sections"; and

(5) in paragraph (4) of section 3, by inserting after "within the same State" the following: ", or within any State in which a bank involved in an interstate acquisition or interstate combination authorized by section 3(d)(1) or 3(h) of the Bank Holding Company Act of 1956 is located,".

SEC. 5. ESTABLISHMENT OF NEW INTERSTATE BRANCHES BY NATIONAL AND STATE BANKS.

(a) ESTABLISHMENT OF NEW INTERSTATE BRANCHES BY STATE BANKS.—Section 18(d) of the Federal Deposit Insurance Act (12 U.S.C. 1828(d)), as amended by section 4(a), is further amended by adding at the end the following:

"(5) ESTABLISHMENT OF NEW INTERSTATE BRANCHES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, a host State may, expressly by statute and not merely by implication, permit all out-of-State national or State banks that are adequately capitalized and adequately managed to establish a branch in the host State other than by merger, consolidation, or other similar transaction. Such branch shall be operated in accordance with section 3(h) of the Bank Holding Company Act of 1956 and the provisions of that section shall apply to the branch as if the branch resulted from a combination effected in accordance with paragraph (1) of that section.

"(B) DEFINITION.—For purposes of this paragraph, the term 'host State' means the State in which a bank establishes a branch under subparagraph (A).".

(b) ESTABLISHMENT OF NEW INTERSTATE BRANCHES BY NATIONAL BANKS.—Section 5155 of the Revised Statutes (12 U.S.C. 36) is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

"(d) INTERSTATE BRANCHING BY NATIONAL BANKS.—

"(1) APPROVALS AUTHORIZED.—Notwithstanding any other provision of law, the Comptroller of the Currency may approve an application under this section for a national bank to establish a branch in a State other than the State in which its principal place of business is located if the host State expressly permits, by statute and not merely by implication, all out-of-State national banks that are adequately capitalized and adequately managed to establish such a branch. Such branch shall be operated in accordance with section 3(h) of the Bank Holding Company Act of 1956, and the provisions of that section shall apply to the branch as if the branch resulted from a combination effected in accordance with paragraph (1) of that section.

"(2) DEFINITION.—For purposes of this subsection, the term 'host State' means the State in which a national bank establishes a branch under paragraph (1).".

SEC. 6. COMMUNITY REINVESTMENT ACT EVALUATION OF BANKS WITH INTERSTATE BRANCHES.

(a) IN GENERAL.—Section 807 of the Community Reinvestment Act of 1977 (12 U.S.C. 2906) is amended by adding at the end the following subsections:

"(d) INSTITUTIONS WITH INTERSTATE BRANCHES.—

"(1) STATE-BY-STATE EVALUATION.—In the case of a regulated financial institution that maintains domestic branches in 2 or more States, the appropriate Federal financial supervisory agency shall prepare—

"(A) a written evaluation of the entire institution's record of performance under this title, as required by subsections (a), (b), and (c) of this section; and

"(B) for each State in which the institution maintains 1 or more domestic branches, a separate written evaluation of the institution's record of performance within such State under this title, as required by subsections (a), (b), and (c).

"(2) MULTISTATE METROPOLITAN AREAS.—In the case of a regulated financial institution that maintains domestic branches in 2 or more States within a multistate metropolitan area, the appropriate Federal financial supervisory agency may prepare a separate written evaluation of the institution's record of performance within such metropolitan area under this title, as required by subsections (a), (b), and (c) of this section. If the agency prepares a written evaluation pursuant to this paragraph, the scope of the written evaluation required under paragraph (1)(B) shall be adjusted accordingly.

"(3) CONTENT OF STATE LEVEL EVALUATION.—A written evaluation prepared pursuant to paragraph (1)(B) of this subsection shall—

"(A) present the information required by subparagraphs (A) and (B) of subsection (b)(1) of this section separately for each metropolitan area in which the institution maintains 1 or more domestic branch offices and separately for the remainder of the nonmetropolitan area of the State if the institution maintains 1 or more domestic branch offices in such area; and

"(B) describe how the Federal financial supervisory agency has performed the examination of the institution, including a list of the individual branches examined.

"(4) DEFINITIONS.—For purposes of this section:

"(A) DOMESTIC BRANCH.—The term 'domestic branch' means any branch office or other facility of a regulated financial institution with the ability to accept deposits located in any State.

"(B) METROPOLITAN AREA.—The term 'metropolitan area' means any primary metropolitan statistical area, metropolitan statistical area, or consolidated metropolitan statistical area as defined by the Director of the Office of Management and Budget, with a population of 250,000 or more, and any other area identified by the appropriate Federal financial supervisory agency.

"(C) STATE.—The term 'State' has the same meaning as provided in section 3(a) of the Federal Deposit Insurance Act.".

(b) SEPARATE PRESENTATION.—Section 807(b)(1) of the Community Reinvestment Act of 1977 (12 U.S.C. 2906(b)(1)) is amended by adding at the end the following sentence: "A written evaluation shall contain the information required by subparagraphs (A) and (B) presented separately for each metropolitan area in which an insured depository institution maintains one or more domestic branch offices.".

SEC. 7. STATE TAX COMPLIANCE.

Section 5240 of the Revised Statutes (12 U.S.C. 484) is amended by adding after subparagraph (B) the following new subparagraph:

"(C) Notwithstanding subparagraph (A), lawfully authorized auditors, examiners, and other representatives acting on behalf of the State agency or agencies charged with the administration and collection of taxes imposed by a State or political subdivision thereof, may, to the extent necessary, review the books, records, and accounts of a depository institution, chartered under Federal law and located in that State, to determine any State or local tax liability and to ensure compliance with the tax laws of the State or political subdivision thereof.".

SEC. 8. INTERSTATE BRANCHING BY FEDERAL SAVINGS ASSOCIATIONS.

(a) IN GENERAL.—Section 5(r) of the Home Owners' Loan Act (12 U.S.C. 1464(r)) is amended by adding at the end the following new paragraph:

"(4) APPROVAL OF DIRECTOR REQUIRED.—

"(A) IN GENERAL.—No Federal savings association described in paragraph (1) may establish, acquire, or operate a branch outside such association's home State without the prior written approval of the Director.

"(B) LIMITATIONS ON THE DIRECTOR'S AUTHORITY.—The Director may not approve the establishment, acquisition, or operation of any branch of any Federal savings association in any State other than such association's home State, unless—

"(i) the establishment, acquisition or operation of such branch would, if the Federal savings association were a savings association chartered by the home State of the Federal savings association, be expressly permitted under both the law of the State in which such branch is to be located and the law of the home State of the Federal savings association, by statutory language to that effect and not merely by implication;

"(ii) the establishment, acquisition or operation of the branch is carried out in accordance with all requirements, conditions, and limitations established under or pursuant to the law of the State in which the branch is (or is proposed to be) located; and

"(iii) such association is an adequately capitalized depository institution (as defined under section 38 of the Federal Deposit Insurance Act) which maintains capital that exceeds the required minimum ratio for each relevant capital measure.

"(C) HOME STATE DEFINED.—For purposes of this paragraph, the term 'home State' means the State in which the home office of the Federal savings association is located.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5(r)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(r)(3)) is amended by striking "this subsection" and inserting "paragraph (1)".

(c) APPLICABILITY.—Section 5(r)(4) of the Home Owners' Loan Act (as added by subsection(a)) shall not apply to the establishment, acquisition, or operation of a branch of a Federal savings association approved by the Director of the Office of Thrift Supervision on or before June 30, 1993.

By Mr. KERRY:

S. 811. A bill to incorporate environmental concerns into technology programs established in the National Institute of Standards and Technology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ENVIRONMENTAL COMPETITIVENESS ACT OF 1993

Mr. KERRY. Mr. President, as the distinguished majority leader said, today is Earth Day, and we hope that Americans do not need to be reminded that it is indeed Earth Day, though probably in too many parts of the country the reality is that they do.

Certainly, we need to change our behavior to reflect the realities of what Earth Day means. I was privileged to engage in one of my first political efforts when I was younger as an organizer of the first Earth Day back in 1970—I was the New England chair of Earth Day—and to participate in the 20th anniversary in 1990, by serving on the national board. Now, gratefully, I have a number of different positions within the Senate that allows me to continue some important environmental efforts and to work with other concerned people, such as the distinguished chair of the Environmental Committee, the Senator from Montana, Mr. BAUCUS, who is here on the floor now.

I think that all across the country, as people think about what Earth Day means, it is appropriate also that the leader has announced that we will begin debate today on a question of a Cabinet position for EPA, which I fully support. I will say more about that in a moment.

Earth Day provides us also with an opportunity to reflect and evaluate our progress in protecting the environment, on where we are, and where we have been.

Shortly, I will discuss my Earth Day initiative, an environmental competitiveness bill that I am introducing today and which I hope will provide a greater link between protecting the environment and promoting economic growth, two concepts that, for regrettable reasons, had been put at odds with each other by the previous administrations.

I think, if you look at where we are today, there is obviously an enormous challenge ahead, despite progress made. The fact is progress—significant progress—has been made, Mr. President. In the past two decades, we passed the Clean Air Act and Clean Water Act; we created EPA; we created legislation to regulate solid waste, drinking water, and toxic chemicals; we created a Superfund to clean up hazardous waste; we enacted an endangered species act to protect diversity, of which the majority leader has just spoken.

But anybody who makes a dispassionate, neutral, candid assessment of all of those acts will have to conclude that we have been better at putting the laws on the books than we have in carrying out those laws or in meeting the goals that we set. Throughout the 1980's and until this year, many of our efforts to advance policies to conserve our natural resources and ecosystems were stymied by the Reagan and Bush administrations.

The Superfund is a huge amount of money locked up in a morass of administrative bureaucracy and lawyers and lawsuits, with far more money spent in that effort than in cleaning up.

Regarding the Clean Air Act, we saw the Competitiveness Council, under former Vice President Quayle, ripping away at the capacity to develop the regulations that would enforce it. In fact, many had promoted a terrible process of pitting business interests against environmental interests, dividing people instead of promoting the goals put forward by these efforts. For 12 long years, we really lost some opportunity to do things.

During the past two decades, we also spent much time and money on cleaning up pollution and toxic waste, and far too little effort on preventing the pollution in the first place.

We learned about cleaning up. But it just does not make much sense to be spending billions of dollars cleaning up toxic dump sites if, at the same time, we continue to make the very same mess all over again and asking taxpayers to give us more money for more cleanups. This is absurd and we are smarter than that. We need to reorder our priorities to focus on the prevention and reduction of toxic waste generation.

We just came from a meeting with EPA Administrator Carol Browner who will be, I hope, the new Secretary of the Environment. She pointed out the new administration's shift from end-of-the-pipe controls to environmental pollution prevention, which is a major shift we need to make.

Yesterday, many of us were very gratified to be down at the Botanical Gardens to listen to the President and Vice President of the United States emphasize changing the course of this country by, for the first time in many years, not just uttering platitudes about the environment but taking positions to protect it. We witnessed a President use the power of his office to issue Executive orders and proclaim that we will sign treaties that will positively and generally improve the life on our planet—pledging to sign the biodiversity treaty stalled by the Bush administration; pledging to meet the 1990 target by the year 2000 for the reduction of carbon dioxide emissions; pledging to sign Executive orders for Federal agencies to purchase energy-efficient computers, alternative fuel vehicles, and ozone-friendly products.

Personally, I am gratified that the President is including an Executive order of pollution prevention at Federal facilities—an action which I and 53 other Senators asked the President to take in a letter we sent to him last month. This Executive order would require all Federal facilities to engage in pollution prevention planning, reporting, and procurement practices in an effort to greatly reduce the kind of waste that clogs our landfills and requires more incinerators.

These are new steps, and they are important steps. But what I think is most important is the shift in attitude. The basic fact is, Mr. President, we are now a population of 5.3 billion people on this planet. It took us 130 years to go from 1 billion to 2 billion on this planet. It will take us just 10 years to go now from the 5.3 billion up to 6.3 billion and most experts will tell you we will double the population in the span of the next century.

We, as an industrial nation, have an obligation to ask ourselves, as do other industrial nations, what is our responsibility with respect to the rest of humankind on this planet? We cannot afford to export our way of life—and I purposely do not say our standard of living. We can export our standard of living if we begin to employ new technologies, but we do not have to export our way of life, the wastefulness, the energy use, the profligate destruction around us. It is clear that if we are only 6 percent of the world's population and we are using 35 percent of the world's energy and 65 percent of its resources, there just are not enough resources to go around for China, Africa, Latin America, and countless other continents and nations to develop exactly as we have.

So there is a simple reality, and that reality is that we must begin to apply the ingenuity that we used in this Nation to build missiles and aircraft carriers and other types of defensive mechanisms or offensive mechanisms to defend ourselves against a threat, the cold war communism. Now we should use that ingenuity and some of that pot of gold to defend ourselves against this new threat, which in many ways is no less dangerous.

The Senator from North Dakota [Mr. DORGAN] just spoke about people dying. In America, 350,000 people a year die of lung-related diseases, many of those deaths instigated as a consequence of the air quality that people breathe in cities all across our Nation, because we have not been tough enough in requiring reductions of CO_2, SO_2 and NO_X emissions from our automobiles and trucks.

I can go on at great length, but I do not have time now. However, I think it is clear that we must change the way we think and respond.

When Vice President AL GORE, then Senator GORE, and I and others were at the Earth Summit in Rio last year, we were astounded to see that there were less than 50 American companies represented while the Japanese delegation included over 700 Japanese businesses. The Japanese made a strategic decision to have their companies there to sell their environmental technology all over the world.

We need to make that same kind of decision; one that will put people back to work in this country. I believe that the environmental technology industry is an industry that will have an enormous impact in creating American jobs. Already in Massachusetts we have 35,000 people working in this industry. It is growing at 20 to 25 percent a year. Current estimates are it is a $200 billion-a-year industry, and it will become, in the next 5 to 10 years, a $400 billion-a-year industry with the capacity to export our technology all over the world. Make our businesses more competitive, put our people to work, develop intelligently, and you wind up cleaning up the environment in the process.

Today as one small effort in the many steps necessary—and there are many necessary—I am sending to the desk a bill called the Environmental Competitiveness Act, and I ask that it be referred to the appropriate committee.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

Mr. KERRY. Mr. President, the bill I am introducing today—and I say it is really only one small step in this—attempts to take one of the creative approaches and charges our Government with the responsibility of helping small- and medium-sized manufacturers to make use of innovative environmental technologies which promote cleaner manufacturing and which then helps them to promote that into the export markets to sell abroad and take abroad to help other developing countries.

In a sense, this bill allows us to have our cake and eat it, too. We make our businesses more competitive by helping them to reduce costs; we make our environment cleaner by reducing the waste created during the manufacturing process; and we help create new markets for environmental technologies, all for the price of changing our attitude.

The approach itself is not revolutionary. People have been talking about and demonstrating different ways that this can be done. Private consultants have already shown large companies can save enormous amounts of money by rooting out waste-creating practices and adapting innovative environmental technologies at the early stage. Let me give you an example. I know of a company that recently was threatening to move to Mexico. They were ready to pull up stakes and go south because of environmental requirements that they reduce toxics in their waste-water discharges. Then someone in the company suggested an internal environmental assessment to see if they could reduce or eliminate the amount of toxic waste through preventive measures as many other companies were doing. They saw that the other companies were not moving to Mexico, were making a profit, and somehow were meeting the environmental standard. What did they find? Through a source reduction and energy efficiency assessment this company found amazing examples of waste—leaking pipes spilling chemicals into drains. Effluents just flowing into the river. Through simple process and manufacturing changes they found enough ways to curb the spillage inside the factory. Then this company was able to reduce costs, save money, and not have to move.

Mr. President, I found another example of prevention technology in a visit to Fall River, MA last week. The Molten Metal Company developed a new technology that is totally contained within a metal container, a source reduction technology called "closed-loop recycling" where no waste is ever generated. It literally bathes all kinds of elements, any kind of product—wood, paper, plastic—put it in this molten metal technology and it breaks it down to its original elements, separates them so that they can literally be resold in their original form. Not only does this technology not produce waste but it is 10 times cheaper than incineration costs.

While I was there, executives from Exxon were all over the place and the Japanese will be visiting next week. The company is now on the public exchange and the stock is worth $300 million. People are working and more will be working.

This is the kind of example of pollution prevention technology that we need to engage in. America is struggling to create jobs. Here is a need. Here is the job-creation capacity.

We have the ingenuity. The question is, do we have the will to begin to make some of the choices that we need to make here to make these things happen?

Studies have shown that businesses can eliminate at least one-third to one-half of their waste generation by implementing source reduction techniques. Further, one recent study showed that 25 percent of all source reduction activities require no capital investment for implementation and, of those that require capital, 50 percent of the investments are recouped in savings, on average, in less than 18 months.

My legislation, the Environmental Competitiveness Act will simply give small- and medium-sized companies the information about pollution prevention and environmental technologies that large companies get from consultants.

The Department of Commerce's Hollings Centers created by Senator HOLLINGS, chairman of the Senate Commerce Committee are ideally suited to provide this assistance since they are designed to deploy modernization technology to small- and medium-sized manufacturers. The Hollings Center employees can help companies identify opportunities to reduce their waste and their costs as part of the centers' mission to make these companies more competitive.

Doing so will help meet the Hollings Centers' goal of modernizing manufacturing since it will reduce disposal costs, reduce manufacturing costs, reduce liability costs, and reduce raw material costs as well as reduce risks to worker health and safety.

The Environmental Competitiveness Act will take advantage of the expertise EPA already has in the conduct of source reduction assessments by having EPA train the Hollings Center employees to perform assessments of client companies. EPA has conducted source reduction assessments for over 200 businesses. A survey of 38 of these companies found that they had achieved cost savings of $2.5 million as a result of the assessments.

In order to facilitate the assessments, the Commerce Department will develop an interactive software package in consultation with EPA and DOE which will help to identify ways for businesses to reduce pollution and energy waste at the source.

In the continued spirit of banishing the adversarial relationship between environmental and economic policies, the act will also establish a commission to study which industries are the most at risk from increased environmental regulation and can most benefit from Government technical assistance in the area of pollution prevention. It directs the Hollings Centers to focus assistance on these industries.

In addition, it creates a program of grants to the States to pay some of the costs faced by States in using their own offices of technology assistance to spread word of the benefits of pollution prevention and energy efficiency technologies, and the means of taking advantage of those.

This bill attempts to put our country on the road to sustainable development by giving our small companies the tools they need to reduce the environmentally harmful effects of their manufacturing processes. It does this by charging Government to work alongside business to simultaneously improve competitiveness and to protect the environment.

Let me add here that the bottom line of my comments is that this is all a strong argument to why we need a Cabinet Secretary for the environment so that whenever there are talks about exports, foreign policy, any of the aspects of development, environmental concerns will be represented at that table. We need to set the example to these other nations that want to develop and live like we do that we are going to be helpful in the process of their making this transition.

I hope that my legislation is one small contribution to do that. I certainly look forward to working with the distinguished chairman of the Environment Committee and others who have jurisdiction over many of these issues in an effort to make this happen.

In closing, let me say that while the celebration of the anniversary of the first Earth Day gives us a wonderful opportunity to evaluate our environmental efforts, we should strive to make every day an Earth day in our approach to life.

I do not plan to stop here in my efforts to promote environmental initiatives, but will work year round to promote sustainable development in a broad range of environmental arenas. In the coming months I expect to introduce and vigorously pursue the passage of legislation that would promote environmental technology exports abroad; legislation that would reauthorize the Fisheries Conservation and Management Act which regulates our commercial fishing industries; legislation to reform our national flood insurance program in order to protect the Nation's taxpayers and our valuable coastal regions; and legislation to reauthorize the Marine Mammal Protection Act which would protect from exploitation an array of marine mammals such as whales, sea lions, seals, and manatees.

Working with our new Democratic administration I anticipate that we in Congress who are committed to environmental protection will make great things happen for the environment and I look forward with high hopes to next year's Earth Day celebration as an opportunity to assess our progress.

Mr. President, I ask unanimous consent that a copy of the text of the bill and an explanatory paper follow my remarks in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be referred to as the "Environmental Competitiveness Act of 1993".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The national policy of the United States declares that pollution should be prevented or reduced at the source whenever feasible, prior to environmentally sound recycling, treatment, or landfilling.

(2) There are significant opportunities for industry to reduce or prevent pollution at the source through cost-effective changes in production, operation, and raw materials use.

(3) Such changes offer industry substantial savings in reduced raw material, pollution control, and liability costs, and help to protect the environment and reduce risks to worker health and safety.

(4) Federal Government estimates indicate that businesses can reduce their waste generation 33 percent to 50 percent by implementing source reduction techniques, and private sector studies suggest that some industry sectors can reduce their waste by up to 80 percent through the use of such techniques.

(5) In most cases, source reduction and energy efficiency techniques do not require the purchase of new equipment, but merely a better understanding of how to use equipment currently available.

(6) In fact, one recent study indicated that 25 percent of all source reduction activities require no capital investment for implementation and, of those that require capital, 50 percent of the capital expenditures were recouped in savings in, on average, less than 18 months.

(7) The private sector must take the lead in reducing the production of waste by manufacturing companies and, in fact, many large companies have contracted with consultants or performed internal audits to find methods for reducing pollution in their own processes.

(8) Source reduction is fundamentally different from, and more desirable than, waste management and pollution control and should be promoted by Federal agencies, particularly the Department of Commerce in its role in assisting businesses.

(9) The Federal Government can assist small- and medium-sized companies that often are unaware of the techniques available for pollution prevention and the possible savings from employing them, and such Government assistance will help meet the dual goals of modernizing manufacturing and improving the environment.

(10) The Environmental Protection Agency and the Department of Energy can provide the Manufacturing Technology Centers with technical expertise in this area.

(11) The Environmental Protection Agency has conducted over 200 source reduction assessments for manufacturers and the Department of Energy has conducted over 4100 energy audits which have saved companies $419 million and 77 trillion Btu's of energy.

(12) Assisting small- and medium-sized companies to reduce the waste products created during the manufacturing process will reduce the companies' costs, and thus improve the competitiveness of such companies, by—

(A) reducing their costs of disposal;

(B) reducing their costs of complying with environmental regulations;

(C) reducing their raw material costs;

(D) reducing liability costs associated with transport and disposal; and

(E) assisting these companies in identifying areas where their production processes are inefficient.

SEC. 3. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

The Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.) is amended by adding at the end the following new title:

"TITLE III—MANUFACTURING TECHNOLOGIES

"SEC. 301. DEFINITIONS.

"As used in this title—

"(1) ADVANCED MANUFACTURING TECHNOLOGY.—The term 'advanced manufacturing technology' includes—

"(A) numerically controlled machine tools, robots, automated process control equipment, computerized flexible manufacturing systems, associated computer software, and other technology for improving manufacturing and industrial production that advances the state-of-the-art; and

"(B) novel techniques and processes designed to improve manufacturing quality, productivity, and practice, and to promote sustainable development, including engineering design, quality assurance, concurrent engineering, continuous process production technology, energy efficiency, waste minimization, design for recyclability or parts reuse, inventory management, upgraded worker skills, and communications with customers and suppliers.

"(2) DIRECTOR.—The term 'Director' means the Director of the Institute.

"(3) INSTITUTE.—The term 'Institute' means the National Institute of Standards and Technology.

"(4) MODERN TECHNOLOGY.—The term 'modern technology' means the best available proven technology, techniques, and processes appropriate to enhancing the productivity of manufacturers.

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

"(6) UNDER SECRETARY.—The term 'Under Secretary' means the Under Secretary of Commerce for Technology.

"(7) SOURCE REDUCTION.—The term 'source reduction' has the same meaning as in section 6603 of the Pollution Prevention Act of 1990.

"SEC. 302. TWENTY-FIRST CENTURY MANUFACTURING INFRASTRUCTURE PROGRAM.

"(a) ESTABLISHMENT.—There is established within the Institute a Twenty-First Century Manufacturing Infrastructure Program, which shall include—

"(1) the Advanced Manufacturing Technology Development Program established under section 303; and

"(2) the National Manufacturing Outreach Program established under section 304 and the associated programs established under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k–l).

"(b) PROGRAM FUNDING.—The Secretary, through the Under Secretary and the Director, may accept the transfer of funds from any other Federal agency and may use those funds to implement the Twenty-First Century Manufacturing Infrastructure Program and support its activities.

"SEC. 303. ADVANCED MANUFACTURING TECHNOLOGY DEVELOPMENT PROGRAM.

"(a) PROGRAM DIRECTION.—The Secretary, through the Under Secretary and the Director, shall establish an Advanced Manufacturing Technology Development Program which shall include advanced manufacturing systems and networking projects.

"(b) PROGRAM GOAL.—The goal of the Advanced Manufacturing Technology Development Program is to create collaborative multiyear technology development programs involving United States industry and, as appropriate, other Federal agencies, the States, worker organizations, universities, and other interested persons, in order to develop, refine, test, and transfer design and manufacturing technologies and associated applications, including advanced computer integration and electronic networks.

"(c) PROGRAM COMPONENTS.—The Advanced Manufacturing Technology Development Program shall include—

"(1) the advanced manufacturing research and development activities at the Institute; and

"(2) one or more technology development testbeds within the United States, selected in accordance with procedures, including cost sharing, established for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n), whose purpose shall be to develop, refine, test, and transfer advanced manufacturing and networking technologies and associated applications through a direct manufacturing process.

"(d) ACTIVITIES.—The Advanced Manufacturing Technology Development Program, under the coordination of the Secretary, through the Director, shall—

"(1) test and, as appropriate, develop the equipment, computer software, and systems integration necessary for the successful operation within the United States of advanced design and manufacturing systems and associated electronic networks;

"(2) establish at the Institute and the technology development testbed or testbeds—

"(A) prototype advanced computer-integrated manufacturing systems; and

"(B) prototype electronic networks linking manufacturing systems;

"(3) assist industry to develop, and implement voluntary consensus standards relevant to advanced computer-integrated manufacturing operations, including standards for networks, electronic data interchange, and digital product data specifications;

"(4) help to make high-performance computing and networking technologies an integral part of design and production processes where appropriate;

"(5) conduct research to identify and overcome technical barriers to the successful and cost-effective operation of advanced manufacturing systems and networks;

"(6) facilitate industry efforts to develop and test new applications for manufacturing systems and networks;

"(7) involve in the Advanced Manufacturing Technology Development Program, to the maximum extent practicable, both those United States companies that make manufacturing and computer equipment and a broad range of company personnel from those companies that buy the equipment;

"(8) identify training needs, as appropriate, for company managers, engineers, and employees in the operation and applications of advanced manufacturing technologies and networks, with a particular emphasis on training for production workers in the effective use of new technologies;

"(9) work with private industry, universities, and other interested parties to develop standards for the use of advanced computer-based training systems, including multimedia and interactive learning technologies;

"(10) involve small- and medium-sized manufacturers in its activities;

"(11) exchange information and personnel, as appropriate, between the technology development testbeds and the electronic network created under this section; and

"(12) incorporate and experiment with source reduction techniques and technologies, through consultation with the Administrator of the Environmental Protection Agency, at the technology testbed or testbeds.

"(e) TESTBED AWARDS.—(1) In selecting applicants to receive awards under subsection (c)(2) of this section, the Secretary shall give particular consideration to applicants that have existing computer expertise in the management of business, product, and process information such as digital data product and process technologies and customer-supplier information systems, and the ability to diffuse such expertise into industry, and that, in the case of joint research and development ventures, includes both suppliers and users of advanced manufacturing equipment.

"(2) An industry-led joint research and development venture applying for an award under subsection (c)(2) of this section may include one or more State research organizations, universities, independent research organizations or Regional Centers for the Transfer of Manufacturing Technology (as created under section 25 of the National Institute of Standards and Technology Act) and other organizations as the Secretary considers appropriate.

"(f) ADVICE AND ASSISTANCE.—(1) Not later than 6 months after the date of enactment of this title, and before any request for proposals is issued, the Secretary shall hold one or more workshops to solicit advice from United States industry and from other Federal agencies, particularly the Department of Defense, regarding the specific missions and activities of the testbeds.

"(2) The Secretary shall, to the greatest extent possible, coordinate activities under this section with activities of other Federal agencies and initiatives relating to computer-aided acquisition and logistics support, electronic data interchange, flexible computer-integrated manufacturing, and enterprise integration.

"(3) The Secretary may request and accept funds, facilities, equipment, or personnel from other Federal agencies in order to carry out responsibilities under this section.

"(g) APPLICATION OF ANTITRUST LAWS.—Nothing in this section shall be construed to create any immunity to any civil or criminal action under any Federal or State antitrust law, or to alter or restrict in any manner the applicability of any Federal or State antitrust law.

"SEC. 304. NATIONAL MANUFACTURING OUTREACH PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—There is hereby established a National Manufacturing Outreach Program (hereafter in this section referred to as the 'Outreach Program'). The Secretary, acting through the Under Secretary and the Director, shall implement and coordinate the Outreach Program in accordance with an initial plan to be prepared and submitted to Congress not later than 6 months after the date of enactment of this title and a 5-year plan for the Outreach Program to be submitted to the Congress not later than 12 months after the date of enactment of this title and to be updated annually. The purpose of the Outreach Program is to link and strengthen the Nation's manufacturing extension centers and activities in order to assist United States manufacturers, especially small- and medium-sized firms, to expand and accelerate the use of modern manufacturing practices, and to accelerate the development and use of advanced manufacturing technology.

"(b) COMPONENTS.—The Outreach Program shall be a partnership of the Department of Commerce, the States, the private sector, and, as appropriate, other Federal agencies to provide a national system of manufacturing extension centers and technical services to United States companies, particularly small- and medium-sized manufacturers. The Outreach Program shall include the following components:

"(1) Manufacturing Outreach Centers, as provided for under subsection (c) of this section.

"(2) Regional Centers for the Transfer of Manufacturing Technology, as established under section 25 of the National Institute of Standards and Technology Act, and the State Technology Extension Program, as established under section 26 of the National Institute of Standards and Technology Act.

"(3) An organization, coordinated and funded by the Institute, which links and supports Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology, and which operates the Technology Extension Network and Clearinghouse established under subsection (d) of this section.

"(4) Such technology and manufacturing extension centers supported by other Federal departments and agencies as the Secretary may deem appropriate for inclusion in the Outreach Program.

"(c) MANUFACTURING OUTREACH CENTERS.—(1) Government and private sector organizations, actively engaged in technology or manufacturing extension activities, may apply to the Secretary to be designated as Manufacturing Outreach Centers. Eligible organizations may include Federal, State, and local government agencies, their extension programs, and their laboratories; small business development centers; and appropriate programs run by professional societies, worker organizations, industrial organizations, for-profit or nonprofit organizations, universities, community colleges, and technical schools and colleges, including, where appropriate, vendor-supported demonstrations of production applications.

"(2) The Secretary shall establish terms and conditions of participation and may provide financial assistance, on a cost-shared basis and through competitive, merit-based review processes, to nonprofit or government participants throughout the United States to enable them to—

"(A) join the Outreach Program and disseminate its technical and information services to United States manufacturing firms, particularly small- and medium-sized firms; and

"(B) strengthen their efforts to help small- and medium-sized United States manufacturers to expand and accelerate the use of modern and advanced manufacturing practices.

"(3) Each Manufacturing Outreach Center shall have the option of affiliating or not affiliating with one or more Regional Centers for the Transfer of Manufacturing Technology. If such a Manufacturing Outreach Center chooses to make such an affiliation, the Secretary, through the Director, shall take such steps as appropriate to ensure a productive working partnership between such center and the Regional Center or centers with which it affiliates.

"(d) DISSEMINATION OF SOURCE REDUCTION AND ENERGY EFFICIENCY TECHNOLOGIES.—(1) Each Regional Center for the Transfer of Manufacturing Technology shall designate at least one employee who shall conduct or assist in the conducting of energy efficiency and source reduction assessments of client companies of the Regional Centers and the Manufacturing Outreach Centers. These assessments shall assist such client companies (especially companies in those industries identified by the Environmental Competitiveness Commission under section 5(d) of the Environmental Competitiveness Act of 1993) in identifying opportunities for energy efficiency conservation and source reduction through improvements in manufacturing processes or the purchase of new equipment.

"(2) In order to facilitate these energy efficiency and source reduction assessments—

"(A) the employees designated under paragraph (1) shall receive training, at the expense of the Department of Commerce, from the Department of Energy and the Environmental Protection Agency, concerning the conducting of energy efficiency and source reduction assessments; and

"(B) not later than 12 months after the date of enactment of this section, the Institute, in consultation with the Environmental Protection Agency and the Department of Energy, shall make available a software assessment package to the Regional Centers and the Manufacturing Outreach Centers for the purpose of assisting client companies in identifying opportunities for improved energy efficiency and source reduction.

"(e) TECHNOLOGY EXTENSION COMMUNICATIONS NETWORK.—The Department of Commerce shall provide for an instantaneous, interactive communications network to serve the Outreach Program, to facilitate interaction among Manufacturing Outreach Centers, Regional Centers for the Transfer of Manufacturing Technology, and Federal agencies and to permit the collection and dissemination in electronic form, in a timely and accurate manner, of information described in subsection (f). Such communications infrastructure shall, wherever practicable, make use of existing computer networks, databases, and electronic bulletin boards. Communications infrastructure arrangements, including user fees and appropriate electronic access for public and private information suppliers and users shall be addressed in the 5-year plan prepared under subsection (a) of this section.

"(f) CLEARINGHOUSE.—(1) The Secretary shall develop a clearinghouse system, using the National Institute of Standards and Technology, the National Technical Information Service, and private sector information providers and carriers where appropriate to—

"(A) identify expertise and acquire information, appropriate to the purpose of the Outreach Program stated in subsection (a), from all available Federal sources, and where appropriate from other sources, providing assistance where necessary in making such information electronically available and compatible with the electronic network;

"(B) ensure ready access by United States manufacturers and other interested private sector parties to the most recent relevant available information and expertise; and

"(C) inform such manufacturers of the availability of such information, to the extent practicable.

"(2) The clearinghouse shall include information available electronically on—

"(A) activities of Manufacturing Outreach Centers, Regional Centers for the Transfer of Manufacturing Technology, the State Technology Extension Program, and the users of the electronic network;

"(B) domestic and international standards from the Institute and private sector organizations and other export promotion information, including conformity assessment requirements and procedures;

"(C) the Malcolm Baldrige Quality Program, and quality principles and standards;

"(D) manufacturing processes minimizing waste and negative environmental impact;

"(E) federally funded technology development and transfer programs;

"(F) responsibilities assigned to the Clearinghouse for State and Local Initiatives on Productivity, Technology, and Innovation under section 102;

"(G) how to access databases and services; and

"(H) other subjects relevant to the ability of companies to manufacture and sell competitive products throughout the world.

"(g) PRINCIPLES.—In carrying out this section, the Department of Commerce shall take into consideration the following principles:

"(1) The Outreach Program and the electronic network shall be established and operated through cooperation and co-funding among Federal, State, and local governments, other public and private contributors, and end users.

"(2) The Outreach Program and the electronic network shall utilize and leverage, to the extent practicable, existing organizations, databases, electronic networks, facilities, and capabilities, and shall be designed to complement rather than supplant State and local programs.

"(3) The Outreach Program should, to the extent practicable, involve key stakeholders at all levels in the planning and governance of modernization strategies; concentrate on assisting local clusters of firms; promote collaborative learning and cooperative action among small and large manufacturers; link industrial modernization programs tightly to existing and future Federal training initiatives, including those for youth apprenticeship programs; encourage small firms to seek modernization services by working with major manufacturers to strengthen and coordinate their supplier assessment, certification, and development programs; identify and honor best practices by firms and the programs that support them; provide funding based on performance and ensure rigorous evaluation of extension services; as appropriate, coordinate Federal programs that support manufacturing modernization; and work with Federal, State, and private organizations so that Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology can provide referrals to other important business services, such as assistance with financing, training, and exporting.

"(4) The Outreach Program shall work with other Federal agencies, including the Environmental Protection Agency, to develop training programs and materials for the employees of the Regional Centers for the Transfer of Manufacturing Technology and the Manufacturing Outreach Centers. The purposes of these training programs and materials shall include—

"(A) to assure that the centers can provide a standard of quality suitable to the purposes of the Outreach Program;

"(B) to familiarize employees with industry best practices and modernization standards in crucial areas, including energy efficiency and source reduction; and

"(C) to train employees to perform client company assessments in order to identify opportunities for modernization.

"(5) The Outreach Program and the electronic network and communications infrastructure provided for under subsection (d), shall be subject to all applicable provisions of law for the protection of trade secrets and confidential business information.

"(6) Local or regional needs should determine the management structure and staffing of the Manufacturing Outreach Centers. The Outreach Program shall strive for geographical balance with the ultimate goal of access for all United States manufacturers.

"(7) Manufacturing Outreach Centers should have the capability to deliver outreach services directly to manufacturers; actively work with, rather than supplant, the private sector; and to the extent practicable, maximize the exposure of manufacturers to demonstrations of modern technologies in use.

"(8) Manufacturing Outreach Centers shall focus, where possible, on the development and deployment of flexible manufacturing practices applicable to both defense and commercial applications.

"(9) The Outreach Program shall, in addition to deploying advanced manufacturing technology, help client companies identify opportunities for modernization, including improving source reduction and energy efficiency techniques and technologies.

"(10) The Department of Commerce shall develop mechanisms for—

"(A) soliciting the perspectives of manufacturers using the services of the Manufacturing Outreach Centers and Regional Centers for the Transfer of Manufacturing Technology; and

“(B) evaluating the effectiveness of the Manufacturing Outreach Centers.”.

SEC. 4. GRANTS PROGRAM.

(a) IN GENERAL.—The Secretary of Commerce is authorized to award grants to State technology assessment offices for the purpose of deploying source reduction and environmental technologies to companies in the States.

(b) REGULATION.—The grants awarded pursuant to subsection (a) shall be in such amounts, and subject to such conditions and restrictions as the Secretary of Commerce shall prescribe by regulation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

SEC. 5. ENVIRONMENTAL COMPETITIVENESS COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Environmental Competitiveness Commission (hereafter in this Act referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 9 members which shall include the following:

(A) Three representatives of the Environmental Protection Agency.

(B) Two representatives of the Department of Commerce.

(C) Two individuals appointed by the Administrator from among representatives of the United States environmental technology industry.

(D) Two individuals appointed by the Administrator from among representatives of nonprofit, consumer protection, or environmental conservation organizations.

(2) APPOINTMENT.—The members of the Commission shall be appointed by the Administrator of the Environmental Protection Agency (hereafter in this Act referred to as the “Administrator”) not later than 30 days after the date of enactment of this Act.

(3) CHAIRPERSON.—The Administrator shall designate one member of the Commission to serve as the Chairperson of the Commission.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner as the original appointment.

(c) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson.

(2) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(3) OPEN MEETINGS.—The meetings of the Commission shall be open to the public and timely public notice shall be provided in advance of each regular meeting of the Commission.

(d) DUTIES OF THE COMMISSION.—The Commission shall—

(1) identify the 10 small business industries that would benefit the most from source reduction technical assistance provided by the Federal Government; and

(2) submit a list of the 10 industries identified in paragraph (1) to the Administrator, the Secretary of Commerce, and the Congress not later than 6 months after the date on which all members of the Commission have been appointed by the Administrator under subsection (b)(2).

(e) STAFF AND ADMINISTRATION.—

(1) SUPPORT SERVICES.—The Administrator shall provide to the Commission such administrative and technical support services as are necessary for the effective functioning of the Commission.

(2) OTHER SUPPORT.—The Administrator of General Services shall furnish the Commission with such offices, equipment, supplies, and services as the Administrator of General Services is authorized to furnish to any other agency or instrumentality of the United States.

(3) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(4) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(f) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) SUNSET.—The Commission shall terminate 30 days after the date on which the Commission submits its list under subsection (d).

ENVIRONMENTAL COMPETITIVENESS ACT

PROBLEM

Recent studies show that there are significant opportunities for industry to reduce or prevent pollution at the source through cost-effective changes in production, operation, and raw materials use. Federal government agencies have estimated that businesses can eliminate one-third to one-half of their waste generation by implementing source reduction techniques, while there are private sector studies that suggest some industry sectors can cut their waste by up to 80 percent. Further, one recent study showed that 25 percent of all source reduction activities require no capital investment for implementation and of those that require capital, 50 percent of the investments were recouped in savings, on average, in less than 18 months.

The private sector must take the lead in reducing the production of waste by manufacturing companies and, in fact, many large companies have contracted with consultants or performed internal audits to find methods for reducing pollution in their own processes. However, the federal government has a role to play in deploying waste prevention techniques to small- and medium-sized companies who are unaware of the cost savings they can achieve by using environmental technology. Helping these companies will assist in meeting the public goals of: increasing the competitiveness of small- and medium-sized companies; protecting the environment; and creating a market for environmental technologies.

PROPOSAL SUMMARY

President Clinton's technology initiative and S. 4 will create and expand a number of programs whose purpose is to enhance the development and deployment of manufacturing technologies. These programs include, among other programs:

The Manufacturing Outreach Program, which will expand the number of Centers for the Transfer of Manufacturing Technology and Manufacturing Outreach Centers administered by the National Institute of Standards and Technology (NIST) to deploy modern manufacturing technology to small- and medium-sized manufacturers; and

The Advanced Manufacturing Technology Development Program, which will create technology development testbeds.

The Environmental Competitiveness Act will ensure that these programs include environmental technology among the manufacturing technologies they seek to develop and deploy.

PROGRAM

I. The Manufacturing Outreach Program:

The Regional Centers for the Transfer of Manufacturing Technology will make available pollution prevention and energy assessments to client companies by designating at least one employee who will either perform assessments him or herself or train others in the performance of assessments.

The designated employee will be trained by the Environmental Protection Agency (EPA) and the Department of Energy (DOE) which have extensive technical expertise in the conduct of source reduction and energy efficiency assessments. EPA has conducted source reduction assessments for over 200 businesses, of which a sample of 38 companies found cost-savings of $2.5 million as a result of the assessments. DOE has conducted 4,100 audits which have resulted in savings of $419 million and 77 trillion Btus of energy.

In order to facilitate either form of assessment, Commerce will make available an interactive software package developed in consultation with EPA and DOE that will assist companies to identify opportunities to eliminate pollution and energy waste at the source.

The Act establishes a public-private commission to develop a list of those industries most “risk” from increased environmental regulations as well as most likely to benefit from government source reduction technical assistance. The Act instructs NIST to focus pollution prevention and energy efficiency assistance on these industries.

II. The Advanced Manufacturing Technology Development Program:

The testbeds will incorporate pollution prevention techniques by, for example incorporating electronic waste detection technologies into factory automation systems or evaluating how advanced design and manufacturing systems might address the problems of waste prevention.

III. Additional Provisions:

A grants program will give money to the states to pay some of the costs faced by states in using their own offices of technology assistance to spread word of the benefits of pollution prevention and energy efficiency technologies, and the means of taking advantage of those.

By Mr. DURENBERGER:

S. 813. A bill to suspend temporarily the duty on Bisephenol AF; to the Committee on Finance.

BISEPHENOL AF DUTY SUSPENSION ACT

• Mr. DURENBERGER. Mr. President, today I am introducing legislation to suspend the duty on the chemical Bisephenol AF or BF 6.

The 3M Corp., a Minnesota constituent of mine, utilizes the compound Bisephenol AF as a curative in the production of Fluorel Brand Fluoro elastomers which are materials providing chemical resistance and extreme temperature tolerance for gaskets, tubing and seals. 3M's production of fluoroelastomer material occurs in Decatur, AL. Approximately 40 persons are employed in the manufacturing process. About 10 percent of the production is exported from the United States, contributing positively to the U.S. trade balance.

Bisephenol AF is classified under the Harmonized Tariff Schedule at 2908.10.5000 and is subject to duty of 19.4 percent plus 1.5 cents per kilogram.

The U.S. duty rate applicable to Bisephenol AF is 19.4 percent plus 1.5 cents per kilogram. It is presently produced outside the United States by Central Glass of Japan and Riedel de Haen of Germany and inside the United States by DuPont. DuPont produces Bisephenol AF for its own use but does not offer it on a commercial basis at competitive prices.

The high duty cost incurred on importation of the product is a material cost factor for the 3M business unit involved. Those duties could be avoided by establishment of a foreign trade zone—subzone at the production facility in Decatur, AL. The Bisephenol AF could be imported to the subzone without payment of duty and the finished product could be introduced in the U.S. market duty free because it has a zero percent duty rate. Suspension of the duty on Bisephenol AF would achieve the same result but without the administrative cost that would be incurred by both 3M and the U.S. Customs Service.

3M's use of Bisephenol AF is approximately 57,000 pounds and it is the only significant purchaser in the United States. Annual duties are about $285,000. The duty suspension should be viewed as revenue neutral because the foreign trade zone benefits will be sought by 3M if the suspension cannot be enacted.•

By Mr. DURENBERGER:

S. 814. A bill to suspend temporarily the duty on capillary membrane material; to the Committee on Finance.

CAPILLARY MEMBRANE MATERIAL DUTY SUSPENSION ACT

• Mr. DURENBERGER. Mr. President, today I am introducing legislation to suspend the duty on capillary membrane material until December 31, 1995.

This bill specifically suspends the duty on capillary membrane material classified under the heading 6002.20.6000, Harmonized Tariff Schedule of the United States, and further described as pre-positioned mat of microporous capillary membranes for oxygenation of blood during open heart surgery and having an outside diameter of .38 mm, plus or minus .03 mm, and having a wall thickness of .05 mm, plus or minus .01 mm.

The 3M Corp., a Minnesota constituent of mine, is a leading producer of heart-lung machines, blood pumps, membrane oxygenators and certain other products supportive of open heart surgery. One product, the turbo membrane oxygenator, is a component of the heart-lung system. It contains a component referred to as capillary membrane material. The capillary membrane material consists of 100 percent polypropylene hollow mono filaments having an outside diameter of .38 millimeters and an inside diameter of .28 millimeters. The monofilaments are joined together by filaments that are knotted in such a way that a precise distance is maintained between the capillary tubes. The arrangement allows blood to flow around the membranes but not to be damaged by them. The membranes are oxygen permeable, allowing the blood to become oxygenated upon contact with the outside wall.

The U.S. tariff rate of 8.6 percent is exceptionally high for something that is essentially a component material for medical equipment. Capillary membrane material does not compete in the U.S. market with ordinary textile included in the same tariff classification.

There is no U.S. manufacturer that currently produces the same or similar product. The importation of capillary membrane material is essential to the ongoing manufacture of the turbo membrane oxygenator which helps provide 45 to 50 production jobs in the United States. About one-half of 3M's total output is exported from the United States. Duty drawback would be available to the extent the goods incorporating the membranes are exported, and, therefore, the net cost to the U.S. Treasury is significantly less than the estimated duty amount.

3M imports the capillary membrane from AKZO, a German company, the only known producer in the world. It is estimated that imports will average about $3 to $4 million per year. At the present duty rate of 8.6 percent, the annual duty would be $260,000 to $345,000 per year. Duty drawback relief available on exports of the finished product would lessen the revenue loss by approximately 50 percent to about $130,000 to $175,000 per year.

I urge the Senate to approve this legislation.•

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. MOYNIHAN, and Mr. D'AMATO):

S. 815. A bill to amend the Federal Water Pollution Control Act to provide special funding to States for implementation of national estuary conservation and management plans, and for other purposes; to the Committee on Environment and Public Works.

THE WATER POLLUTION CONTROL AND ESTUARY RESTORATION FINANCING ACT OF 1993

• Mr. LIEBERMAN. Mr. President, I'm pleased to introduce the Water Pollution Control and Estuary Restoration Financing Act of 1993, and to welcome my colleagues Senator CHRIS DODD, Senator PAT MOYNIHAN, and Senator AL D'AMATO as original cosponsors. I commend my friends in the U.S. House of Representatives, Congresswoman ROSA DELAURO and Congresswoman NITA LOWEY, who also introduce this bill today, for their leadership and their commitment to solve one of the great environmental tragedies in our country, the degradation of our Nation's estuaries.

This bill does two things of importance. It continues one of the most successful programs for funding environmental cleanup in our Nation's history, the State Revolving Loan Fund Program for sewage treatment infrastructure, and it sets aside an increasing percentage of that fund for our coastal areas. In particular, it seeks to direct Federal dollars toward the cleanup of estuaries of national significance.

This bill is also timely. This year, the Clean Water Act is up for reauthorization. The State Revolving Fund Program, that States have relied upon for financial assistance in upgrading their sewage treatment plants, is due to be discontinued in 1994. While both the leadership of the Senate Environment and Public Works Committee and the President of the United States agree that the SRF should be continued, we do not have consensus on levels of funding or formulas of distribution. But one thing seems clear to me: Currently funded at approximately $2 billion per year, the SRF cannot begin to meet the $100 billion extant need for sewage treatment infrastructure in this country.

This problem is particularly acute in coastal areas and estuary States. In the case of Long Island Sound, for example, the estimated cost of upgrading the outdated and overburdened sewage treatment plants responsible for most of the Sound's pollution is estimated at between $6 to $8 billion. That's $6 to $8 billion for one estuary, while the Federal Government antes up to $2 billion a year for the entire country.

The bill I introduce today seeks to address this problem by increasing the amount of money that goes into the State Revolving Fund Program to up to $5 billion per year by the year 2000. At the same time, this bill would set aside an increasing percentage of that fund especially for estuary States. These States would, however, have to submit a plan for the cleanup of their estuary to the Administrator of the U.S. Environmental Protection Agency. Upon approval of that plan, based on its meeting new criteria for such plans to be developed by the Administrator, eligible States would be required to match the extra estuary fund moneys by 20 percent.

The Water Pollution Control and Estuary Restoration Financing Act makes good ecological sense. By creating a set-aside incentive for States to participate in estuary cleanup, it rewards States committed to ecosystem restoration and watershed-based planning. In effect, it changes the funding formula of the existent State revolving fund to redirect Federal funds to the coastline, where the greatest stresses on some of our most valuable natural resources are occurring. According to the Center for Marine Conservation, by the year 2000, three out of four of us will live within an hour's drive from the coast. Coastal counties nationwide can expect to double in population by 2010. Approximately 10 percent of our Nation's population lives within 50 miles of Long Island Sound, alone.

And what is at stake here? The ecological importance of estuaries is well documented. The intermix of salt and freshwater and the enclosed nature of estuaries produce unique circumstances for the breeding of marine fishes, shellfish, and waterfowl. Estuaries wetlands provide important coastal habitat critical at the beginning of life for many animals.

Healthy estuaries underlie healthy coastal economies, as well. We depend on our bays and estuaries for the transportation of goods and the production of energy. But water-quality dependent uses of an estuary account also for economic benefit. Long Island Sound, for example, generates approximately $5 billion for the local economy—through fin and shellfish harvest, boating, fishing, hunting, beach-going activities, and so forth. This does not begin to estimate what a healthy sound adds to local property values, or even to the general quality of life of the residents of Connecticut and New York.

This bill answers another need—that of Federal investment in our Nation's infrastructure. Continuing our partnership with the States, we can invest in our sewage treatment and water infrastructure to keep our Nation's coastline clean for future generations. We can also create jobs—right away.

Apogee Research, Inc., conducted a study for the national Utility Contractors Association that found that every $1 billion invested in water infrastructure produces between 34,000 and 57,000 new jobs. The bill before us which would provide $33 billion over 7 years, could thus result in over 1 million new jobs.

I am thrilled to report that labor and environmental organizations in Connecticut and New York have joined together in a unique and strong coalition to support this bill. They realize their interests are not in conflict, and they're working in coastal States around the country to reproduce this coalition. Not only would this kind of Federal investment in infrastructure create traditional construction and engineering jobs, but if we structure it right, we could be supporting the development of new and critical water pollution treatment strategies which will have the double benefit of cleaning up our Nation's waters and securing our country a niche in the global marketplace for new and environmentally beneficial technologies.

We move to the coast for enhanced quality of life. Unfortunately, the more of us who move there, the more strain we place on its resources. I am proud of the work Connecticut and New York are doing with their National Estuary plan to try to plan long term for this growth and to reverse the hundred years of abuse we've heaped on Long Island Sound. It's clear, however, that we need help. If the Federal Government is to be perceived as serious about designating estuaries such as Long Island Sound of national significance, then it is going to have to target some of our national dollars toward returning those estuaries to health. The States which reap the benefits of cleaner estuaries must be willing to be full partners with the Federal Government in this endeavor. That, in brief, is what this bill proposes, and Senators DODD, MOYNIHAN, D'AMATO, and I invite all Senators representing coastal States to join us as cosponsors of this legislation.

Mr. President, I ask unanimous consent that the text of this bill be included in the REOCRD following the completion of my remarks.●

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Pollution Control and Estuary Restoration Financing Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the estuaries of the United States are a vital natural resource to which many regional economies are closely tied;

(2) many of the estuaries of the United States are under a severe threat from point source pollution and polluted run-off (nonpoint source pollution) and from habitat alteration and destruction;

(3) only through expanded investments in waste water treatment and other water and sediment pollution control and prevention efforts can the environmental and economic values of the estuaries of the United States be restored and protected;

(4) the national estuary program created under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) has significantly advanced the understanding of the declining condition of the estuaries of the United States;

(5) the national estuary program has also provided precise information about the corrective and preventative measures required to reverse the degradation of water and sediment quality and to halt the alteration and destruction of vital habitat in the estuaries of the United States;

(6) the level of funding available to States, municipalities, and the Environmental Protection Agency for implementation of approved conservation and management plans is inadequate, and additional financial resources must be provided;

(7) funding for implementation of approved conservation and management plans should be provided under the State revolving loan fund authorized in title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); and

(8) authorization levels for State revolving loan fund capitalization grants should be increased by an amount necessary to ensure the achievement of the goals of the Federal Water Pollution Control Act.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and strengthen efforts to combat the serious and growing water and sediment quality problems in estuaries of national significance identified under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(2) to provide significant levels of Federal assistance to States and municipalities seeking to implement comprehensive conservation and management plans for those estuaries;

(3) to reauthorize section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) in order to improve the development and implementation of comprehensive conservation and management plans for those estuaries; and

(4) to extend and increase Federal support for the State water pollution control revolving fund program in order to address various water and sediment quality problems in the waters of the United States.

SEC. 3. EXTENSION OF WATER POLLUTION CONTROL REVOLVING LOAN FUND PROGRAM.

(a) ALLOTMENT FORMULA.—Section 604(a) of the Federal Water Pollution Control Act (33 U.S.C. 1384(a)) is amended—

(1) by striking "Sums authorized" and inserting "Except as provided in section 608, sums authorized"; and

(2) by striking "and 1990" and inserting "through 1999".

(b) FUNDING.—Section 607 of such Act (33 U.S.C. 1387) is amended by striking "the following sums:" and all that follows through the end of the section and inserting the following: "$4,000,000,000 for each of fiscal years 1994 and 1995, and $5,000,000,000 for each of fiscal years 1996 through 2000.".

SEC. 4. FUNDING FOR IMPLEMENTATION OF ESTUARY CONSERVATION AND MANAGEMENT PLANS.

Title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) is amended by adding at the end the following new section:

"SEC. 608. CAPITALIZATION GRANTS TO STATES FOR IMPLEMENTING ESTUARY CONSERVATION AND MANAGEMENT PLANS.

"(a) SET-ASIDE FOR IMPLEMENTING APPROVED PLANS.—

"(1) SET-ASIDE.—

"(A) IN GENERAL.—Of amounts appropriated under the authority of section 607 for each fiscal year, the applicable percentage under subparagraph (B) shall be used by the Administrator to make capitalization grants under this title to qualified States.

"(B) PERCENTAGE.—For purposes of subsection (A), the applicable percentage is—

"(i) 2.5 percent for fiscal year 1994;

"(ii) 5 percent for fiscal year 1995;

"(iii) 7.5 percent for fiscal year 1996;

"(iv) 10 percent for fiscal year 1997;

"(v) 12.5 percent for fiscal year 1998;

"(vi) 15 percent for fiscal year 1999; and

"(vii) 15 percent for fiscal year 2000.

"(2) ALLOCATION.—Of the amounts required under paragraph (1) to be used for grants to qualified States for a fiscal year, the Administrator shall allocate to each qualified State an amount equal to—

"(A) the total of the amounts required under paragraph (1) to be used for the grants for the fiscal year; multiplied by

"(B) the percentage specified by the Administrator for the fiscal year for the State under paragraph (3)(B).

"(3) DETERMINATION OF STATE NEEDS.—Not later than 120 days after the date on which all qualified States have submitted under paragraph (4)(A) estimates of the needs of the States for financial assistance for a fiscal year, the Administrator shall—

"(A) determine the needs of each qualified State for financing implementation of approved estuary plans in the fiscal year, based on the State estimates; and

"(B) submit to Congress a report describing the needs for all qualified States, including specifying for each qualified State a percentage for purposes of paragraph (2)(B) representing the needs of the qualified State relative to the needs of all qualified States.

"(4) STATE ESTIMATE OF NEEDS.—

"(A) SUBMISSION.—Not later than July 1 of each year, each qualified State shall submit to the Administrator an estimate of the needs of the State for financial assistance for implementing, monitoring, and enforcing approved estuary plans in the next fiscal year. The estimates may be included in the intended use plan of a qualified State under section 606(c), and shall maximize economical planning, design, and construction.

"(B) CONSULTATION.—In preparing an estimate of needs under this paragraph, a qualified State shall consult with each management conference that is implementing an approved estuary plan under section 320 and of which the State is a member.

"(C) APPROVAL REQUIRED.—A qualified State may not submit an estimate of need under this paragraph unless the estimate is approved by each management conference under section 320 that is implementing an approved estuary plan and of which the State is a member.

"(5) FAILURE TO SUBMIT ESTIMATE.—A qualified State that does not submit an estimate for a fiscal year in accordance with paragraph (4) shall not be eligible for any allocation under paragraph (2) for that fiscal year.

"(b) SEPARATE ACCOUNT.—

"(1) ESTABLISHMENT OF ACCOUNT.—A qualified State shall establish a separate account in the water pollution control revolving fund established by the State under this title, which shall be known as an 'Estuary Account'. Amounts of grants to a qualified State under subsection (a) shall be deposited into the Estuary Account established by the State.

"(2) USE.—A qualified State may use amounts in its Estuary Account of the State only for providing assistance for the purpose of implementing approved estuary plans that apply to the State.

"(c) TYPES OF ASSISTANCE.—

"(1) IN GENERAL.—Except as otherwise provided by State law and subject to paragraph (2), amounts in the Estuary Account of a qualified State may be used only for providing the types of assistance described in section 603(d).

"(2) SPECIAL RULES.—

"(A) EXTENDED AMORTIZATION PERIOD.—Notwithstanding section 603(d)(1)(A), a loan made by a qualified State with amounts in the Estuary Account of the State may be for a term of not to exceed 40 years or the useful life of any facility constructed with the loan, whichever is less, if the borrower demonstrates to the State that the borrower is experiencing financial hardship.

"(B) PRINCIPAL SUBSIDIES.—In addition to the types of assistance authorized by section 603(d), a qualified State may use amounts of interest earned on amounts in the Estuary Account of the State to subsidize up to 90 percent of the principal portion of the amount of debt service of an entity referred to in section 603(c)(1) that, notwithstanding the availability of interest free loans under section 603(d)(1)(A) and extended amortization under paragraph (1), the State determines is financially unable to carry out a project that is necessary for the implementation of an approved estuary plan.

"(d) STATE MATCHING FUNDS.—A qualified State shall deposit into the Estuary Account of the State an amount from State funds equal to at least 20 percent of amounts deposited into the account in the form of capitalization grants to the State under this section.

"(e) DEFINITIONS.—In this section:

"(1) APPROVED ESTUARY PLAN.—The term 'approved estuary plan' means a comprehensive conservation and management plan approved by the Administrator under section 320(h).

"(2) ESTUARY ACCOUNT.—The term 'Estuary Account' means a separate account established by a qualified State under subsection (b) in its water pollution control revolving fund of the State.

"(3) QUALIFIED STATE.—The term 'qualified State' means a State that—

"(A) is subject to an approved estuary plan;

"(B) has established an estuary account in accordance with subsection (b); and

"(C) has fulfilled the responsibilities of the State under section 320 with respect to each management conference under such section of which the State is a member.".

SEC. 5. DISCRETIONARY GRANTS FOR IMPLEMENTATION OF ESTUARY CONSERVATION AND MANAGEMENT PLANS.

(a) IN GENERAL.—Section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection:

"(k) GRANTS FOR IMPLEMENTATION OF CONSERVATION AND MANAGEMENT PLANS.—

"(1) IN GENERAL.—The Administrator shall make grants to State, interstate, and regional water pollution control agencies and entities, State coastal zone management agencies, interstate agencies, other public or nonprofit agencies, institutions, organizations, Indian tribes, and individuals for implementation of conservation and management plans approved under this section.

"(2) PURPOSES.—Grants under this subsection shall be made to assist in the aspects of implementation of the plans that involve innovative technology, research and development, education, pollution prevention, comprehensive land use planning, and other activities not generally funded by the State under this title.

"(3) FEDERAL SHARE.—The amount of grants to any person (including a State, interstate, or regional agency or entity) under this subsection for a fiscal year shall not exceed 75 percent of the cost of implementation of the plans.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Environmental Protection Agency to carry out this subsection not to exceed $50,000,000 per fiscal year for each of fiscal years 1994 through 2000.".

(b) FUNDING FOR INTERIM ACTIONS.—Section 320(g)(2) of such Act (33 U.S.C. 1330(g)(2)) is amended by inserting before the period the following: ", and for appropriate interim actions that are adopted by the management conference and approved in accordance with subsection (h) to protect the water and sediment quality of the estuary that is the subject of such a plan".

(c) GRANT REPORTING.—Section 320(h) of such Act (33 U.S.C. 1330(h)) is amended by striking "subsection (g)" and inserting "subsection (i) and that receives a grant under subsection (k)".

(d) CONFORMING AMENDMENT.—Section 320(g) of such Act (33 U.S.C. 1330(g)) is amended by inserting "DEVELOPMENT" before "GRANTS.—".

SEC. 6. EXTENSION OF CONSERVATION AND MANAGEMENT PLAN DEVELOPMENT GRANT PROGRAM.

Section 320(i) of the Federal Water Pollution Control Act (33 U.S.C. 1330(i)) is amended—

(1) by inserting "and $28,000,000 per fiscal year for each of fiscal years 1992 through 2000" after "and 1991"; and

(2) by inserting "for fiscal years 1987 through 1991, and $8,000,000 per fiscal year of the sums authorized to be appropriated under this subsection for fiscal years 1992 through 2000," before "to the Administrator of the National".

SEC. 7. NATIONAL ESTUARY PROGRAM IMPROVEMENT.

(a) MANAGEMENT PLANS.—Section 320(b) of the Federal Water Pollution Control Act (33 U.S.C. 1330(b)) is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

"(b) PURPOSES OF CONFERENCE.—The purpose of any management conference convened with respect to an estuary under this section shall be to ensure, through a comprehensive planning process, full coordination, and full implementation of the requirements of sections 303, 304(l), 305(b), 319, 402 and 404 and the Coastal Zone Management Act of 1972 (42 U.S.C. 1451 et seq.), and to identify, plan, and ensure implementation of additional measures necessary to achieve compliance with water quality standards and to protect existing and designated uses of coastal waters. To achieve these purposes a management conference shall—";

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) in order as paragraphs (2), (3), (4), (6), (8), (10), and (11), respectively;

(3) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) conduct within one year after the convening of the conference a literature survey to identify existing information on the environmental health of the estuary;";

(4) by inserting after paragraph (4), as so redesignated, the following:

"(5) identify within 3 years after the convening of the conference the major environmental problems and priorities that the comprehensive conservation and management plan will address;";

(5) in paragraph (6), as so redesignated, by inserting after "plan" the following: ", within 5 years after the date on which the management conference is convened and in accordance with the applicable guidance document published under subsection (e),";

(6) in paragraph (6), as so redesignated, by inserting "(including policies enforceable under State law)" after "actions";

(7) by inserting after paragraph (6), as so redesignated, the following:

"(7) submit to the Administrator in the first year following the convening of the conference, an initial 5-year budget for the development of the conservation and management plan, and revise the budget on an annual basis;";

(8) by inserting after paragraph (8), as so redesignated, the following new paragraph:

"(9) conduct an analysis, within 3 years after the convening of the conference, of any changes to State statutory authority that will be required to implement the conservation and management plan, and update the analysis on an annual basis thereafter;";

(9) in paragraph (10), as so redesignated, by striking "and" after the semicolon;

(10) in paragraph (11), as so redesignated, by striking the period and inserting a semicolon;

(11) by inserting after paragraph (11), as so redesignated, the following new paragraph:

"(12) identify all Federal activities (including development projects, financial assistance programs, and licensing and permitting activities) that may affect the requirements and objectives of the conservation and management plan developed under this section, and ensure the coordinated implementation of the plan with respect to the activities;

"(13) identify all pollutants and water bodies for which development of maximum daily loads are necessary pursuant to section 303, and establish a schedule whereby all the total maximum daily loads and wasteload and load allocations shall be completed within 5 years of approval of a conservation and management plan pursuant to this section;

"(14) ensure that all permits issued under section 402 are current for significant dischargers within an estuary subject to a conservation and management plan, and that, if multiple dischargers affect a single segment of the estuary, the dischargers are placed on simultaneous permit issuance schedules to allow for efficient wasteload allocation;

"(15) ensure that if an estuary subject to a conservation and management plan is affected by combined sewer overflows, development and implementation of a combined sewer overflow abatement plan is included in the conservation and management plan; and

"(16) identify portions of the conservation and management plan developed under this section that should be included in a State coastal zone management program approved under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)) and make appropriate recommendations to the Governor and the Under Secretary for the inclusion."; and

(12) in the matter following paragraph (16) (as added by paragraph (11)) by striking "paragraph (7)" and inserting "paragraph (11)".

(b) FISHERIES AND WILDLIFE.—

(1) MEMBERS OF CONFERENCE.—Section 320(c) of such Act (33 U.S.C. 1330(c)) is amended—

(A) in paragraph (3), by inserting after "Federal agency," the following: "including those Federal agencies with responsibility for conserving and protecting living resources including fish, shellfish, and wildlife,"; and

(B) in paragraph (5), by inserting "including the agricultural industry," after "industries,".

(2) RESEARCH.—Section 320(j)(2) of such Act (33 U.S.C. 1330(j)(2)) is amended by inserting "and the Director of the United States Fish and Wildlife Service" after "Administration".

(c) PARTICIPATION OF MUNICIPALITIES.—Section 320(c)(4) of such Act (33 U.S.C. 1330(c)(4)) is amended by striking "local governments" and inserting "municipalities".

(d) PARTICIPATION OF ENVIRONMENTAL ORGANIZATIONS.—Section 320(c)(5) of such Act (33 U.S.C. 1330(c)(5)) is amended by inserting ", including environmental organizations" after "the general public".

(e) DUTIES OF MEMBERS OF CONFERENCE.—Section 320 of such Act (33 U.S.C. 1330) is amended—

(1) by redesignating subsection (d), (e), (f), (g), (h), (i), (j), (k), and (l) as subsection (f), (g), (h), (i), (j), (k), (l), (m), and (n), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) DUTIES OF MEMBERS.—

"(1) ADMINISTRATOR.—

"(A) IN GENERAL.—The Administrator shall provide necessary levels of funding and staff resources to carry out the functions of the Administrator related to the development, approval, implementation, and monitoring of a conservation and management plan under this section and of approved interim measures.

"(B) ANALYSIS OF FEDERAL NEEDS.—Not later than 120 days after the date of the enactment of this subsection, the Comptroller General of the United States shall submit to Congress and to the Administrator an analysis of the needs of the Environmental Protection Agency for additional personnel and administrative resources necessary to fully carry out the duties of the Environmental Protection Agency under this section. The analysis shall include recommendations regarding necessary additional authorizations and appropriations.

"(C) POLICY AND TECHNICAL LIAISON.—The Administrator or the designee of the Administrator shall, among other functions performed with respect to management conferences, serve as policy and technical liaison for all participants in management conferences.

"(2) UNDER SECRETARY.—The Under Secretary of Commerce for Oceans and Atmosphere shall provide the necessary levels of funding and staff resources to carry out the functions of the Under Secretary under this section, and shall coordinate the activities of the Under Secretary with each management conference convened under this section.

"(e) GUIDANCE DOCUMENT.—

"(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this subsection, the Administrator shall issue a guidance document that establishes requirements for—

"(A) management conferences to follow in developing, approving, implementing, and monitoring conservation and management plans; and

"(B) approving and implementing interim actions to protect the water quality of the estuary for which a conservation and management plan is developed.

"(2) PUBLICATION OF PROPOSED DOCUMENT.—The Administrator shall publish a proposed guidance document under this subsection by not later than 6 months after the date of the enactment of this subsection.".

(f) MANAGEMENT CONFERENCES.—Subsection (g) of section 320 of such Act, as redesignated by subsection (e)(1), is amended to read as follows:

"(g) PERIOD OF CONFERENCE.—A management conference convened under this section shall be convened for a period of at least 5 years. On approval of a plan under subsection (h), the Administrator shall, for purposes of implementing the plan, extend a conference for an additional 5 years if the affected Governor or Governors concur in the extension and the extension is necessary to meet the requirements of this section and section 608.".

(g) APPROVAL AND IMPLEMENTATION OF CONSERVATION AND MANAGEMENT PLANS; PUBLIC REVIEW AND COMMENT.—Subsection (h) of section 320 of such Act, as redesignated by subsection (e)(1), is amended to read as follows:

"(h) APPROVAL AND IMPLEMENTATION OF PLANS AND INTERIM ACTIONS.—

"(1) APPROVAL OF PLANS.—Not later than 120 days after the date of the completion of a conservation and management plan and after providing for public review and comment, the Administrator shall approve the plan if—

"(A) the plan complies with any applicable guidance document published under subsection (c);

"(B) the plan meets the requirements of this section;

"(C) the plan specifies the implementation responsibilities, including funding responsibilities and implementation schedules, of the Federal Government and of State and local governments that participated in the development of the plan;

"(D) the affected Governor or Governors concur; and

"(E) the affected Governor or Governors certify that they have the authority to undertake the actions called for in the plan.

"(2) APPROVAL OF INTERIM ACTIONS.—The Administrator shall approve an interim action to protect the water quality of an estuary for which a conservation and management plan is being developed if it meets the requirements set forth in subparagraphs (A) through (D) of paragraph (1).

"(3) PUBLIC REVIEW AND COMMENT.—The Administrator shall, before approving a conservation and management plan, publish in the Federal Register a draft of the plan and provide an opportunity for public review and comment on the plan.

"(4) IMPLEMENTATION.—On approval of a conservation and management plan or interim actions under this section, the Administrator, as a nondiscretionary duty, shall ensure that the Federal responsibilities and commitments under the plan or interim action are complied with and implemented in accordance with the guidance document. The Administrator, in conjunction with and with the assistance of the management conference, shall—

"(A) provide assistance to the management conference, including administrative and technical assistance, for implementation of the plan or interim action;

"(B) coordinate Federal programs necessary for implementing the plan or interim action;

"(C) make recommendations to the management conference on enforcement and technical assistance activities necessary to ensure compliance with and implementation of the plan or interim action;

"(D) collect and make available to the public, publications and other forms of information relating to implementation of the plan or interim action; and

"(E) make grants under the authority provided by this title.

"(5) FUNDING.—Funds authorized to be appropriated under titles II and VI, section 319, and this section may be used in accordance with the applicable requirements of this Act to assist States with the implementation of conservation and management plans under this section. Funds authorized to be appropriated under section 319 and this section may also be used in accordance with the applicable requirements of this Act to assist States with the implementation of interim actions under this section.

"(6) CONSISTENCY.—On approval of a conservation and management plan or interim action under this section, each Federal agency activity identified pursuant to subsection (b)(10), with respect to the plan or interim action, shall be conducted in a manner that is consistent with the enforceable requirement of the plan or interim action.".•

• Mr. DODD. Mr. President, I join my colleague, Senator LIEBERMAN, in sponsoring legislation to address the comprehensive management of our Nation's estuaries. This measure is similar to legislation introduced last year and I am pleased that, once again, Congresswoman ROSA DELAURO and Congresswoman NITA LOWEY have provided leadership in the House on this issue.

It is impossible to calculate the economic or aesthetic value of our Nation's estuaries. Millions of Americans live on their shores and fish and swim in their waters. The Environmental Protection Agency [EPA] estimates that each year, estuaries support more than $19 billion in commerce at fisheries alone. Globally, an estimated two-thirds of all fish caught are hatched in estuaries. And yet, our Nation's estuaries are plagued by myriad problems.

The experiences of my home State of Connecticut provide a vivid illustration of the problems to which I refer. Last spring, for example, Connecticut was buffeted by the worst flooding in a decade. The damage that ensued forced beaches and shellfish beds across the shoreline to close. The flooding also pointed out how sorely out of date are Connecticut's wastewater treatment facilities. Unable to handle the excess water generated after a heavy rainfall, they typically overflow, permitting untreated sewage to spill into Long Island Sound, fouling the beaches and shellfish beds. And when it isn't raining, nutrients generated by treatment plants and runoff enter the Sound at such a high rate that algae grows unchecked, consuming ever increasing amounts of oxygen. Consequently, the levels of oxygen that remain are insufficient to enable fish to breathe.

Long Island Sound is not alone in facing these problems. From Puget Sound to Sarasota Bay, our estuaries are badly in need of help. In the Albemarle/Pamlico Sounds, bordering both Virginia and North Carolina, 50,000 acres of shellfish waters have been closed since 1970. In Massachusetts, sediment on the bottom of the Acushnet River near New Bedford is so contaminated from industrial discharge of PCB's that the area has been designated a Superfund hazardous waste site. Yet we must remember that the health of our estuaries is not simply an environmental concern. This is an issue that has a negative impact on our economy. When estuary systems are poorly managed, oystermen lose access to fertile oyster beds, fishermen are hard-pressed to earn a living in oxygen-poor waters, and closed beaches add up to fewer tourism dollars.

The problems confronting estuaries are not new, and some important steps have already been taken to begin to address them. In 1987, we approved the creation of the National Estuary Program administered by EPA under the Clean Water Act. Medical waste, a terrible problem in years past, no longer washes up on our shores because of an amendment I and others worked so hard for in 1988. Last year, EPA opened a new office on Long Island Sound, located in Stamford, CT. And, under the umbrella of the National Estuary Program, we have learned much about estuaries, how they work, what problems they face and how we can fix them.

The National Estuary Program [NEP] is built on a flexible structure of public/private and local/Federal partnerships to address the varied needs of each estuary. To accomplish specific restoration objectives, a comprehensive conservation and management plan is devised for each estuary. Management conferences, comprised of interested local groups and State and Federal officials, are convened to develop the plan and garner community support.

In Connecticut, the NEP has fostered a greater understanding of and concern about Long Island Sound. Nearly all shoreline communities boast an active Long Island Sound conservation group. Yet there is also a growing awareness across disparate segments of the population that the Sound is not merely an environmental concern to be brushed aside during challenging economic times. Rather, the restoration of Long Island Sound is recognized for what it truly is: an economic issue, an issue of jobs, of renewable natural resources and of the quality of life for so many in New York and Connecticut.

Here is a remarkable case in point. In January of last year, a meeting of the Long Island Sound Watershed Alliance was picketed by 1,200 union members concerned about environmental regulations and lost jobs. Unfortunately, such confrontations are not uncommon in these difficult economic times. And given the seemingly divergent interests of these groups, most would have declared a stalemate and headed home.

But that did not happen in this case. Instead, these environmental and labor representatives began a dialog about their concerns and found common ground on the very same issues that had at first glance divided them, the restoration of the Sound and jobs.

Mr. President, there are many problems that contribute to the overall health of the Sound, but what the Long Island Sound needs most is an investment in new wastewater treatment facilities—facilities that are up to code, that can handle a heavy rainfall, and that can remove nutrients from wastewater before it is released into the Sound. And the construction and repair of these facilities mean the creation of thousands of jobs. Against the backdrop of a prolonged recession, this powerful economic argument has brought these diverse groups together behind a common platform of jobs and clean water to support this bill. This is precisely the sort of renewed cooperation envisioned by our new President, who has reaffirmed his commitment to improving our Nation's environmental infrastructure and stimulating job creation.

The Water Pollution Control and Estuary Restoration Financing Act continues the State revolving loan fund program that has served as the mechanism through which communities across the Nation have rebuilt their wastewater treatment facilities and which is scheduled to expire in fiscal year 1994. States with approved estuary management plans are qualified to set up within their State revolving loan fund [SRF] a separate estuary account solely for use in implementing approved plans. The account is funded through a set-aside of authorized funds, beginning at 2.5 percent in fiscal 1995 and increasing to 15 percent by fiscal 2000. These set-aside funds will be provided in addition to a State's normal SRF allocation and will be matched with some State contributions. With the estuary account, States will have a more flexible tool at their disposal in addressing the problems of estuaries. States could amortize loans for periods of up to 40 years, provide no interest loans and subsidize debt service for communities that could not otherwise fund necessary projects.

The Federal Government, through the National Estuary Program, has assisted States in identifying problems within their estuaries and in developing the solutions. However, the Federal commitment has not gone far enough. We mandated clean water measures, but have not provided hard-pressed communities with adequate assistance to meet the high costs of implementing these measures. Currently, communities in my State are under court orders, totalling $2.2 billion, to fulfill Clean Water Act requirements and update their sewage treatment facilities. The estuary management plans are nearly complete, and yet it is clear that there are not sufficient resources to implement them. We must renew the Federal commitment to these communities and provide them with the tools necessary to make these much-needed investments in our environmental infrastructure. Once again, I commend the efforts of President Clinton and Vice President GORE to further this goal.

Mr. President, I urge my colleagues to consider and support the Water Pollution Control and Estuary Restoration Financing Act.•

By Mr. DECONCINI:

S. 816. A bill to amend title 10, U.S. Code, to establish within the Office of the Secretary of Defense the position of Director of Special Investigations; and for other purposes; to the Committee on Armed Services.

DOD LEGISLATION

• Mr. DECONCINI. Mr. President, the Washington rumor mill indicates that at long last the Defense Department will be releasing information on the Tailhook investigation sometime tomorrow. It certainly won't be the whole story, but it will be a step in the right direction—a step toward open and honest government even if the disclosure brings dishonor upon our Government and those who defend it.

Mr. President, I do have some compassion for the measure of pain and embarrassment brought upon the military and the U.S. Government as a result of the Tailhook incident, but it frankly pales in significance compared to the horror experienced by the 36 women molested in that Las Vegas hotel and the brutal rape of between 400 women and 1,000 women each year on U.S. military bases around the world.

Mr. President, women in the U.S. Armed Forces are being subjected daily to sexual violence ranging from verbal abuse to forcible rape. And who does the harassing? Men whom these women trust as fellow comrades-in-arms or—even worse—superiors who use their authority to sexually coerce lower echelon military women and then intimidate them into silence.

Historically, when victims of such abuse attempt to report it to higher military officials, they find their experience discounted as of minor importance, or as "part of being in the military." The Tailhook scandal is only one example of the military's efforts to cover-up and discount the sexual abuse of military women. Hundreds of individual incidents are alleged to occur every year. Both the incidents themselves and the subsequent cavalier treatment the victims are unconscionable. We simply cannot allow such intolerable activity to continue.

Mr. President, it is very hard to address this problem given a glaring lack of reliable data on rape, other sexual assault, and sexual harassment against military personnel. The Pentagon has no records on rapes, convictions, and jail sentences. In fact, only one service branch, the Department of the Army, has ever compiled such records. The other branches reportedly do not bother even to collect these data or the data collected are not uniform enough to compare. Despite the lack of data, I believe it is fair to say that the little data we do have suggest military women may be more likely to be victimized than civilian women.

According to the Department of the Army, over 484 female soldiers were raped while on active duty from 1978 to 1991. The Army rate of 129 rape cases per 100,000 population in 1990 exceeds the nationwide rate for the same year compiled by the FBI of 80 rape cases per 100,000 population.

A 1990 survey of 202 women Vietnam veterans indicated that 29 percent had experienced forcible rape during military service. This is more than double the experience of American women as a whole. Not one of these women was raped by the enemy. It is true that the survey sample was small, but I am afraid this survey accurately reflects what is going on in the military and we must put a stop to it. The fact that no other data exist highlights the shocking indifference to this problem.

The aftermath of rape may become even more disabling than the incident itself. Fear, anxiety, and concern about personal safety are common immediately following an incident. Later, victims may become severely depressed, have suicidal thoughts, and experience social dysfunctions which affect not only personal quality of life, but also work performance.

Thirty-one percent of all rape victims develop rape-related post-traumatic stress disorder [RR–PTSD], similar to the PTSD experienced by combat veterans. These women re-live the trauma on an on-going and intrusive basis, through flashbacks. They are subject to daytime memories and nightmares accompanied by intense psychological distress. Many deliberately restrict contact with the outside world in order to avoid reminders of the trauma. Compared with women who have never been raped, those with RR–PTSD are 13.4 times more likely to have major alcohol problems and 26 times more likely to have major drug abuse problems.

Trauma and other psychological disorders resulting from rape itself are compounded by an apparently permissive environment which encourages—or at least does not adequately discourage—the sexual mistreatment of military women. On June 30, 1992, the Senate Committee on Veterans Affairs heard testimony from three women veterans who, after being forcibly raped, were further brutalized by the indifference of higher echelon officers to whom they had turned for help. One, in fact, was demoted while her abuser was promoted. Another woman, a career military person was raped on two separate occasions during her service to her country.

Obviously, something must be done. Something will be done.

Today I am reintroducing legislation I offered late in the 102d Congress with Representative SCHROEDER to create an Office of Criminal Investigations in the Department of Defense. This new office will have oversight and audit jurisdiction over all reports of sexual harassment, abuse and assault, and other related offenses by active duty military personnel against other active duty personnel. The Secretary would also be empowered to direct the office to investigate or assist in the investigation of cases being conducted by any military investigation service. Military victims of sexual assault will also be able to address their complaints directly to this office, rather than through the military chain of command. Most victims I have talked with simply not to believe that their allegations will be taken seriously and/or pursued vigorously by their supervisors in a male dominated profession. We need to assure them that they will be.

The Office of Criminal Investigations will be staffed with seasoned professional, civilian criminal investigators who, to the extent possible, will also have professional expertise in sexual assault investigations. The unit will be totally independent, responsible only to the Secretary, and will have absolute authority to collect evidence and compel testimony, and to secure appropriate immediate medical treatment and psychological counseling for victims of sexual abuse. An important element of office will be the collection of data so we can get a better handle on the extent of the problem including the number of cases that go to prosecution.

This legislation would also establish a new Federal crime for failure by any commanding officer to promptly notify this new Office of Criminal Investigations of any report of sexual misconduct. The failure to report shall be a felony punishable by imprisonment for up to 10 years.

Mr. President, a greater number of women are choosing to serve their country through careers in the military. American service women should not be subject to humiliation. They should not experience a sense of vulnerability engendered by the current, permissive military environment. They should not be subject to the terror and long-term incapacitation resulting from sexual assault. And they should not be subject to indifference from superiors who are responsible for their safety. We need to send a message to our military that such an environment and such behavior will not be tolerated. We can fix the problem by establishing an independent unit in the Department of Defense with jurisdiction over these offenses.

Mr. President, I ask unanimous consent that the full text of the bill as well as a brief bill summary be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DIRECTOR OF CRIMINAL INVESTIGATIONS.

(a) ESTABLISHMENT.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 142. Director of Criminal Investigations

"(a) APPOINTMENT.—There is a Director of Criminal Investigations who is appointed by the Secretary of Defense from among civilians who have a significant level of experience in criminal investigations. The Director reports directly to the Secretary of Defense.

"(b) SENIOR EXECUTIVE SERVICE POSITION.—The position of Director of Criminal Investigations is a Senior Executive Service position. The Secretary shall designate the position as a career reserved position under section 3132(b) of title 5.

"(c) DUTIES.—Subject to the authority, direction, and control of the Secretary of Defense, the Director of Criminal Investigations shall perform the duties set forth in this section and such other related duties as the Secretary may prescribe.

"(d) DATA COMPILATION AND REPORTING.—(1) The Director shall obtain, compile, store, monitor, and (in accordance with this section) report information on each allegation of sexual misconduct of a member of the armed forces or of a dependent of a member of the armed forces against a member of the armed forces or against a dependent of a member of the armed forces that is received by a member of the armed forces or an officer or employee of the Department of Defense in the official capacity of that member, officer, or employee.

"(2) The information compiled pursuant to paragraph (1) shall include the following:

"(A) The number of complaints containing an allegation referred to in paragraph (1) that are received as described in that paragraph.

"(B) The number of such complaints that are investigated.

"(C) In the case of each complaint—

"(i) the organization that investigated the complaint (if investigated);

"(ii) the disposition of the complaint upon completion or other termination of the investigation; and

"(iii) the status or results of any judicial action, nonjudicial disciplinary action, or other adverse action taken.

"(D) The number of complaints that were disposed of by formal adjudication in a judicial proceeding, including—

"(i) the number disposed of in a court-martial;

"(ii) the number disposed of in a court of the United States;

"(iii) the number disposed of in a court of a State or territory of the United States or in a court of a political subdivision of a State or territory of the United States;

"(iv) the number disposed of by a plea of guilty;

"(v) the number disposed of by trial on a contested basis; and

"(vi) the number disposed of on any other basis.

"(E) The number of complaints that were disposed of by formal adjudication in an administrative proceeding.

"(3) The Director shall make the information obtained and compiled under this subsection available to the Secretary of Defense, the Secretaries of the military departments, Congress, any law enforcement agency concerned, and any court concerned.

"(e) DIRECT INVESTIGATIONS.—The Director shall investigate each allegation of sexual misconduct referred to in subsection (d) that—

"(1) is made directly, or referred, to the Director, including such an allegation that is made or referred to the Director by—

"(A) a commander of a member of the armed forces alleged to have engaged in the sexual misconduct or to have been the victim of the sexual misconduct;

"(B) an investigative organization of the Department of Defense; or

"(C) a victim of the alleged misconduct who is a member of the armed forces or a dependent of a member of the armed forces; or

"(2) the Secretary directs the Director to investigate.

"(f) OVERSIGHT AND QUALITY CONTROL OF OTHER INVESTIGATIONS.—(1) The Director shall monitor the conduct of investigations by units, offices, agencies, and other organizations within the Department of Defense regarding allegations of sexual misconduct.

"(2) In carrying out paragraph (1), the Director may inspect any investigation conducted or being conducted by any other organization within the Department of Defense, review the records of an investigation, and observe the conduct of an ongoing investigation.

"(3) The Director may report to the Secretary on any investigation monitored pursuant to in paragraph (1). The report may include the status of the investigation, an evaluation of the conduct of the investigation, and an evaluation of each investigator and the investigative organization involved in the investigation.

"(g) POWERS.—In the performance of the duties set forth or authorized in this section, the Director shall have the following powers:

"(1) To have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available in the Department of Defense which relate to the duties of the Director.

"(2) To request such information or assistance as may be necessary for carrying out the Director's duties from any Federal, State, or local governmental agency or unit thereof.

"(3) To require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the Director's duties, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.

"(4) To serve subpoenas, summons, and any judicial process related to the performance of any of the Director's duties.

"(5) To administer to or take from any person an oath, affirmation, or affidavit whenever necessary in the performance of the Director's duties, which oath, affirmation, or affidavit when administered or taken by or before an employee designated by the Director shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(6) To have direct and prompt access to the Secretary of Defense, the Secretary of a military department, and any commander when necessary for any purpose pertaining to the performance of the Director's duties.

"(7) To obtain for any victim of sexual misconduct referred to in subsection (d)(1), from any facility of the uniformed services or any other health care facility of the Federal Government or, by contract, from any other source, medical services and counseling and other mental health services appropriate for treating or investigating—

"(A) injuries resulting from the sexual misconduct; and

"(B) other mental and physiological results of the sexual misconduct.

"(h) REFERRALS FOR PROSECUTION.—(1) The Director may refer any case of sexual misconduct described in subsection (d)(1) to—

"(A) a United States Attorney, or another appropriate official in the Department of Justice, for prosecution; or

"(B) to an appropriate commander within the armed forces for action under chapter 47 of this title (the Uniform Code of Military Justice) or other appropriate action.

"(2) The Director shall report each such referral to the Secretary of Defense.

"(i) STAFF.—(1) The Director shall have—

"(A) a staff of investigators who have extensive experience in criminal investigations;

"(B) a staff of attorneys sufficient to provide the Director, the criminal investigators, and the Director's other staff personnel with legal counsel necessary for the performance of the duties of the Director;

"(C) a staff of counseling referral specialists; and

"(D) such other staff as is necessary for the performance of the Director's duties.

"(2) To the maximum extent practicable, the staff of the Director shall be generally representative of the population of the United States with regard to race, gender, and cultural diversity.

"(j) REPORTS TO DIRECTOR.—Each Member of the Armed Forces and each officer or employee of the Department of Defense who, in the official capacity of that member, officer, or employee, receives an allegation of sexual misconduct shall submit to the Director a notification of that allegation together with such information as the Director may require for the purpose of carrying out the Director's duties.

"(k) ANNUAL REPORT ON SEXUAL MISCONDUCT.—The Secretary of Defense shall submit to Congress an annual report on the number and disposition of cases of sexual misconduct by members of the Armed Forces and officers and employees of the Department of Defense.

"(l) DEFINITIONS.—In this section:

"(1) The term 'sexual misconduct' includes the following:

"(A) Sexual harassment, including any conduct involving sexual harassment that—

"(i) in the case of conduct of a person who is subject to the provisions of chapter 47 of this title (the Uniform Code of Military Justice), comprises a violation of a provision of subchapter X of such chapter (relating to the punitive articles of such Code) or an applicable regulation, directive, or guideline regarding sexual harassment that is prescribed by the Secretary of Defense or the Secretary of a military department; and

"(ii) in the case of an employee of the Department of Defense or a dependent subject to the jurisdiction of the Secretary of Defense or of the Secretary of a military department, comprises a violation of a regulation, directive, or guideline referred to in clause (i) that is applicable to such employee or dependent.

"(B) Rape.

"(C) Sexual assault.

"(D) Sexual battery.

"(2) The term 'complaint', with respect to an allegation of sexual misconduct, includes a report of such allegation.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following:

"142. Director of Special Investigations.".

SEC. 2. CRIMINAL FAILURE TO REPORT SEXUAL MISCONDUCT.

(a) OFFENSES.—Chapter 109A of title 18, United States Code, is amended—

(1) by redesignating section 2245 as section 2246;

(2) by inserting after section 2244 the following new section:

"§ 2245. Failure to report sexual misconduct

"(a) FAILURE TO ACT ON ALLEGATION OF CRIMINAL SEXUAL MISCONDUCT.—An officer or employee of the Department of Defense or a member of the Armed Forces of the United States who, in the official capacity of the officer, employee, or member—

"(1) receives an allegation of criminal sexual misconduct of a member of the Armed Forces of the United States or of a dependent of a member of the Armed Forces of the United States against a member of the Armed Forces of the United States or against a dependent of a member of the Armed Forces of the United States;

"(2) is required by law to initiate an investigation of, or to determine whether to take disciplinary action in the case of, the allegation; and

"(3) fails to submit a notification of the allegation to the Director of Criminal Investigations of the Department of Defense and to the immediate employment supervisor or immediate commander, as the case may be, of the alleged offender,

shall be imprisoned not more than 10 years, fined under this title, or both.

"(b) FAILURE TO ACT ON ALLEGATION OF CIVIL SEXUAL MISCONDUCT.—An officer or employee of the Department of Defense or a member of the Armed Forces of the United States who, in the official capacity of the officer, employee, or member—

"(1) receives an allegation of civil sexual misconduct of a member of the Armed Forces of the United States or of a dependent of a member of the Armed Forces of the United States against a member of the Armed Forces of the United States or against a dependent of a member of the Armed Forces of the United States;

"(2) is required by law to initiate an investigation of, or to determine whether to take disciplinary action in the case of, the allegation; and

"(3) fails to submit a notification of the allegation to the Director of Criminal Investigations of the Department of Defense and to the immediate employment supervisor or immediate commander, as the case may be, of the alleged offender,

shall be imprisoned not more than 1 year, fined under this title, or both."; and

(3) in section 2246, as redesignated by paragraph (1)—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(6) the term 'criminal sexual misconduct' means engaging in a sexual act or sexual contact in circumstances such that the act or conduct constitutes a criminal offense under this chapter, other Federal law, or State law; and

"(7) the term 'civil sexual misconduct' means engaging in a sexual act, sexual conduct, or other activity of a sexual nature in violation of a statute, rule, order, or other lawful authority that prohibits the activity but does not authorize imposition of a sentence of imprisonment for a violation.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 2245 and inserting the following:

"2245. Failure to report sexual misconduct.

"2246. Definitions for chapter.".

SEC. 3. PERSONNEL ADMINISTRATION MATTERS.

(a) PERFORMANCE EVALUATIONS AND BENEFITS.—(1) The Secretary of Defense shall prescribe in regulations a requirement that the commitment of an officer or employee of the Department of Defense and a member of the Armed Forces of the United States to the elimination of sexual harassment in the officer's, employee's, or member's place of work or duty and at installations and other facilities of the Department of Defense be one of the factors considered in—

(A) the preparation of the evaluations of the officer's, employee's, or member's performance of work or duties;

(B) the determination of the appropriateness of a promotion of the officer, employee, or member; and

(C) the determination of the appropriateness of selecting the officer, employee, or member to receive a financial award for performance of work or duties.

(2) The Secretary shall submit to Congress an annual report on the implementation of the regulations required by paragraph (1). The report shall contain an assessment of the effects of the implementation of such regulations on the number, extent, and seriousness of the cases of sexual harassment in the Department of Defense. The annual report under this paragraph shall be separate from the annual report required by section 142(k) of title 10, United States Code, as added by section 1.

(b) ELIGIBILITY FOR PROMOTIONS AND AWARDS.—The Secretary of Defense and the Secretary of the military department concerned may not approve for presentation of a financial award for performance of work or duties or for promotion any officer or employee of the Department of Defense or any member of the Armed Forces of the United States who—

(1) has been convicted of a criminal offense involving sexual misconduct; or

(2) has received any other disciplinary action or adverse personnel action on the basis of having engaged in sexual misconduct.

SEC. 4. PROTECTION OF PERSONS REPORTING SEXUAL HARASSMENT.

(a) REGULATIONS OF THE SECRETARY OF DEFENSE.—The Secretary of Defense shall prescribe regulations that prohibit officers and employees of the Department of Defense from retaliating or taking any adverse personnel action against any other officer or employee of the Department of Defense or any member of the Armed Forces of the United States for reporting sexual misconduct by an officer or employee of the Department of Defense or a member of the Armed Forces or for providing information in an investigation, disciplinary action, or adverse personnel action in the case of an allegation of sexual misconduct by any other such officer, employee, or member. The regulations shall include sanctions for violation of the regulations.

(b) REGULATIONS OF A SECRETARY OF A MILITARY DEPARTMENT.—(1) The Secretary of each military department shall prescribe regulations that prohibit members of the Armed Forces of the United States under the jurisdiction of that Secretary from retaliating or taking any adverse personnel action against any officer or employee of the Department of Defense or any member of the Armed Forces of the United States for reporting sexual misconduct by any other officer or employee of the Department of Defense or any other member of the Armed Forces or for providing information in an investigation, disciplinary action, or adverse personnel action in the case of an allegation of sexual misconduct by any other such officer, employee, or member.

(2) A violation of the regulations prescribed pursuant to paragraph (1) shall be punishable under section 892 of title 10, United States Code (article 92 of the Uniform Code of Military Justice).

SEC. 5. SEXUAL MISCONDUCT DEFINED.

In this Act, the term "sexual misconduct" has the meaning given that term in section 142(1) of title 10, United States Code, as added by section 1.

WHAT DOES THE LEGISLATION DO?

NEW OFFICE OF CRIMINAL INVESTIGATIONS

Establishes a new, permanently authorized civilian investigative office in the Department of Defense responsible directly to the Secretary of Defense.

PROFESSIONAL STAFF AND DIRECTION

Staffs the new Office with an appropriate mix of professional criminal investigators, attorneys, administrative support personnel, and counseling referral personnel. Criminal investigators will possess full federal law enforcement authority. Staffing will be generally and appropriately representative of the population of the nation with regard to race, gender and cultural diversity.

Places direction and control of the office in a Director from the career Senior Executive Service.

Does not limit new Office to existing military disciplinary channels but authorizes it to refer violations of federal law to the Department of Justice or an United States Attorney for prosecution.

SPECIFIC OFFICE FUNCTIONS

Provides that new Office will gather, compile, store, track and report comprehensive data on investigations and prosecutions which involve allegations of sexual misconduct.

Places new Office in role of oversight and quality control for all ongoing sexual misconduct investigations by any agency or office of the military services.

Provides new Office with special authority to conduct direct investigations into allegations of criminal activity involving sexual misconduct at the direction of the Secretary of Defense or the Office Director.

Provides the new Office with contracting authority to provide necessary support activities including any necessary assistance to victims such as rape counseling, medical assistance and support, stress or trauma counseling services.

CRIMINALIZES COVERUPS OR CONCEALMENT

Makes it a federal crime to coverup or conceal sexual misconduct. Military or civilian officials who are responsible for action on issues of sexual conduct are subject to criminal prosecution if they fail to take action or conceal reports of sexual misconduct.

IMPOSES PERSONAL RESPONSIBILITY ON ALL OFFICERS AND MANAGERS

Requires career advancement and professional success in the Department of Defense to be individually tied to acceptable and responsible personal behavior through immediate changes in performance standards and evaluation procedures.

Provides that no person convicted of criminal sexual misconduct or who has a civil or administrative finding of sexual harassment or who has retaliated against a reporting victim or witness in these types of cases may be advanced in rank or receive a financial award based upon job performance.

INSTITUTIONALIZE PERSONAL ACCOUNTABILITY FOR WRONGFUL ACTS AND PROTECT VICTIMS AND WITNESSES FROM RETALIATION.

Requires the Secretary of Defense to issue regulations which insulate and protect any person from retaliation, disciplinary action or from separation from the military service as a result of reporting and/or providing information on sexual misconduct.

Requires the Secretary to make it a punishable offense under regulations of the respective military services for any military person to retaliate against any person for reporting a violation of criminal, civil or administrative requirements related to appropriate sexual conduct of service personnel.

DIRECT ACCOUNTABILITY OF SECRETARY OF DEFENSE

Makes Secretary of Defense personally and directly responsible for success in combatting sexual harassment in the military services. The Secretary must make an annual report to Congress on the numbers of sexually-related violations and the status of prosecutions. The Secretary must also make a second and separate annual report to Congress concerning the Department of Defense's overall success in eliminating a climate favorable to sexual abuse and harassment and on the status of the requirements that personnel evaluations and promotions be linked to eradicating sexual abuse and harassment.

By Mr. GLENN:

S. 817. A bill to encourage the acquisition and use of resource efficient materials in construction, repair, and maintenance of Federal buildings; to the Committee on Environment and Public Works.

FEDERAL RESOURCE EFFICIENT BUILDING MATERIAL ACT OF 1993

Mr. GLENN. Mr. President, I rise today to introduce the Federal Resource-Efficient Building Materials Act, legislation to encourage the purchase and use by the Federal Government of building products made from recycled, reclaimed, or reused materials.

As many of my colleagues are well aware, this Nation is facing a growing solid waste problem. Tougher environmental regulations, combined with continued population growth, have created a situation where it is getting tougher and tougher to dispose of our garbage.

One positive development that has come from our solid waste problem has been the boost to recycling. Over the last decade, numerous government and industrial programs have sprung up to try to prevent paper, plastics, glass, and other materials from entering into the waste stream. However, these programs have not been without their faults. One problem has been that the supply of materials to be recycled far exceeds the demand for their recycled end-products. Without incentives to stimulate demand for recycled products, market failure results—and we end up failing to fully achieve our goal of preventing materials from entering the solid waste stream.

I believe that the building industry offers enormous potential to energize the market for products made from recycled, or as I have defined in the legislation—resource-efficient, materials. A couple of houses have already been built that demonstrate the use of these materials. Some of the innovative products and technologies incorporated in these homes include:

A concrete foundation system using both recycled polystyrene and polypropylene;

Insulation made from recycled polystyrene and newspaper;

Steel beams, framing, and doors made from recycled scrap metal;

Carpeting made from recycled plastic bottles; and,

Paneling made from wood shavings and sawdust.

My bill provides $20 million to establish a 3-year pilot program run by the General Services Administration (GSA) to demonstrate the acquisition and use of these and other resource-efficient building materials in Federal buildings. In addition, the legislation creates an advisory board served by representatives of industry, government, and the environmental and scientific community to oversee the implementation of the program and study its results. Upon completion of the pilot program, GSA would then issue guidelines to all Federal agencies to both maximize the use of resource-efficient materials and minimize the generation of solid waste in all new construction. These guidelines would be based on the recommendations of the advisory board.

More than 20 companies from my home State of Ohio produce products made from resource-efficient materials. Many of them are small companies who have simultaneously found a way to turn an innovative idea into a product, raise environmental awareness, and make a green profit.

As these companies are demonstrating, our Nation can improve environmental protection while fostering economic growth, job creation, and competitiveness. I believe with the proper policies in place—such as those espoused in my bill—we can create a win-win situation for both the environment and the economy.

Recently, I also asked GAO to assess the Federal Government's research and development efforts in recycling and waste reduction, with a particular focus on how well it transfers technological innovations to the private sector. In addition, I want to know how we measure up with other industrial nations in these areas. The OECD has estimated that the world market for environmental goods and services is growing at annual real growth rate of 5 to 6 percent and will reach $300 billion by the year 2000. Japan and Germany, in particular, are pursuing aggressive government policies to target this market. We must do the same for our industry.

I plan to have hearings on these topics before my Committee on Governmental Affairs in this Congress. I believe that without foresight and pro-active support from the Federal Government, we will not only lose opportunities throughout the world to win the market for environmental technologies, but fail to capitalize on the large potential here at home.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Resource Efficient Building Materials Act of 1993".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "agency" means an Executive agency as defined under section 105 of title 5, United States Code, and any agency of the judicial branch of Government.

(3) The term "resource efficient materials" means any recycled, recovered, reclaimed or reused material whose production, manufacture, fabrication and use conserves and preserves natural resources when compared to the production, manufacture, fabrication and use of comparable, more conventional materials.

(4) The term "resource efficient building materials" means any resource efficient material which may be used in the construction of a building or facility.

(5) The term "solid waste" shall have the same meaning as such term is defined under section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(6) The term "construction" shall have the same meaning as such term is defined under section 1004(2) of the Solid Waste Disposal Act (42 U.S.C. 6903(2)).

SEC. 3. FEDERAL ACQUISITION AND USE OF RESOURCE EFFICIENT BUILDING MATERIALS.

(a) DEMONSTRATION OF USE OF MATERIALS.—The Administrator shall establish a 3-year pilot program to demonstrate the acquisition and use of resource efficient building materials in the construction of Federal facilities and buildings and in existing Federal facilities and buildings.

(b) SELECTION CRITERIA.—In selecting resource efficient building materials, the Administrator shall use the criteria of—

(1) maximizing the conservation and preservation of natural resources;

(2) ensuring that the materials are similar in quality and durability to comparable, more conventional materials;

(3) ensuring that the materials are cost competitive with comparable, more conventional materials on a life cycle cost basis;

(4) ensuring that the materials meet appropriate environmental, public health, and safety standards; and

(5) meeting appropriate standards for energy efficiency.

(c) PREFERENCES AMONG RESOURCE EFFICIENT BUILDING MATERIALS.—When making choices between comparable resource efficient building materials that meet all the criteria under subsection (b), the Administrator shall give preference to those materials that best satisfy the criteria under subsection (b)(1).

SEC. 4. REPORT.

Upon completion of the pilot program established under section 3 the Administrator shall report to Congress on its implementation. Such a report shall include—

(1) a listing of the type and quantities of resource efficient building materials used;

(2) the cost and performance of such materials compared to comparable, more conventional materials;

(3) the extent to which the acquisition and use of such materials can be expanded beyond the scope of the pilot program; and

(4) an assessment of how well the materials meet the criteria under section 3(b).

SEC. 5. RESOURCE EFFICIENT BUILDING MATERIAL ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established the Resource Efficient Building Material Advisory Board (hereafter referred to as the "Board"). The Board shall consist of 11 members appointed by the Administrator of whom—

(1) one shall be a representative from the General Services Administration;

(2) one shall be a representative from the Environmental Protection Agency;

(3) one shall be a representative from the Army Corps of Engineers;

(4) two shall be representatives from the environmental community;

(5) two shall be representatives from the construction industry, of whom at least one shall be from a small business;

(6) two shall be representatives from manufacturing companies that produce resource efficient materials, of whom at least one shall be from a small business; and

(7) two shall be representatives from the scientific and technical community.

(b) DUTIES.—The Board shall—

(1) advise the Administrator on the latest developments in resource efficient building materials and design and how such developments may be incorporated into the construction of Federal buildings;

(2) make recommendations to the Administrator on actions needed to further facilitate the acquisition and use of resource efficient materials in Federal construction; and

(3) make recommendations to the Administrator on actions needed to minimize the generation of solid waste in the construction of Federal buildings and facilities.

(c) CHAIRMAN.—The Administrator shall serve as Chairman of the Board and shall be a voting member.

(d) MEETINGS.—The Board shall meet on a quarterly basis. The Board shall comply with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(e) APPOINTMENTS.—No later than 120 days after the date of the enactment of this Act, the Administrator shall make the initial appointments to the Board. The appointees shall serve until the Board's termination.

(f) HEARINGS.—The Board may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Board considers advisable to carry out the purposes of this Act.

(g) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Board, the head of such department or agency shall furnish such information to the Board.

(h) POSTAL SERVICES.—The Board may use the United States mail in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(i) GIFTS.—The Board may accept, use, and dispose of gifts or donations of services or property.

(j) COMPENSATION OF MEMBERS.—Each member of the Board who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(k) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(l) STAFF.—(1) The Chairman of the Board may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Board to perform its duties. The employment of an executive director shall be subject to confirmation by the Board.

(2) The Chairman of the Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(m) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Board without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(n) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(o) REPORT.—No later than 90 days after the completion of the demonstration program under section 3, the Board shall submit a report to Congress and the Administrator that—

(1) shall make recommendations to the Administrator on actions needed to further facilitate the acquisition and use of resource efficient materials in Federal construction;

(2) shall make recommendations to the Administrator on actions needed to minimize the generation of solid waste in the construction of Federal buildings and facilities;

(3) shall evaluate the implementation and effectiveness of the demonstration program; and

(4) shall include any dissenting minority views.

(p) TERMINATION.—The Board shall cease to exist within 1 year after the submission of its report under subsection (o).

SEC. 6. GUIDELINES TO FEDERAL AGENCIES.

(a) IN GENERAL.—No later than 1 year after the date on which the Resource Efficient Building Material Advisory Board submits its report under section 5(o), the Administrator shall, after consultation with the Administrator of the Environmental Protection Agency, promulgate regulations containing guidelines to Federal agencies on minimizing the creation of solid waste and on maximizing the use of resource efficient building materials in the construction of Federal buildings. Such regulations shall include—

(1) a requirement that bids for Federal contracts for the construction of Federal buildings include a plan for minimizing the generation of solid waste and for maximizing the use of resource efficient building materials in such construction; and

(2) standards for an acceptable plan that satisfies the requirement under paragraph (1).

(b) RECOMMENDATIONS.—The Administrator shall consider each recommendation of the Resource Efficient Building Material Advisory Board in implementing subsection (a).

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 for fiscal year 1994, $7,000,000 for fiscal year 1995, and $8,000,000 for fiscal year 1996 to carry out the purposes of this Act.

By Mr. HATFIELD (for himself, Mr. PACKWOOD, Mr. MITCHELL, Mrs. BOXER, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. KENNEDY, Mr. METZENBAUM, Mr. KERRY, Mr. LEVIN, Mr. HARKIN, Mr. LEAHY, and Mr. RIEGLE):

S. 818. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

BEVERAGE CONTAINER REUSE AND RECYCLING ACT

• Mr. HATFIELD. Mr. President, as many of my colleagues know, I have long been an advocate of beverage container deposit legislation. I rise once again to lay this commonsense proposal before the Senate. I am joined in this effort by my colleagues, Senators PACKWOOD, MITCHELL, BOXER, LEVIN, RIEGLE, JEFFORDS, LIEBERMAN, KENNEDY, LEAHY, KERRY, METZENBAUM, and HARKIN.

In addition to this distinguished list of my colleagues, I look forward to adding the President of the United States to the list of supporters of this legislation. One year ago today, on Earth Day 1992, then-candidate Bill Clinton pledged his support for a national beverage container deposit system. We look forward to input and support from the Clinton administration.

Congressman ED MARKEY, and over 60 cosponsors, is introducing companion legislation in the House of Representatives today as well.

The legislation we place before the Senate today will accomplish national objectives that each of us hold dearly. A national deposit system will save natural resources and energy, reduce solid waste and litter, and create a much needed partnership between consumers, industry, and local governments for the betterment of our communities. This is a program that is easy to support because we know it works.

Mr. President, Oregonians recently celebrated the 20th anniversary of our State's pioneering bottle bill, which has enormous public backing. What's more, beverage container laws have not only served Oregon well, but have also been adopted by an additional nine States. So often, States act as laboratories for what later emerge as successful national policies. By implementing beverage container deposit systems, 10 States have achieved great success in preventing soft drink bottles and cans from ending up on our beaches, along our roadsides, or in our landfills. But even with the efforts in the 10 bottle bill States, over 60 billion beverage containers produced each year will still find their way to the landfills.

This waste must stop. Beverage containers are not only the single largest component of the waste system, they are the most easily recovered and recycled components of the waste stream. I firmly believe the time has come for Congress to follow the wise lead of these States and encourage deposit systems on a national level.

We have enormous waste in this country. About 7 million tons of plastic, 6 million tons of glass, 1.5 million tons of aluminum and 164,000 tons of steel are used to manufacture beverage containers each year. Only 42 percent of that material is recycled. Yet according to the General Accounting Office, deposit law States, which account for only 18 percent of the population, recycle 65 percent of all glass and 98 percent of all PET plastic, nationwide. That means that 82 percent of the population is recycling less than 25 percent of the beverage container waste nationwide.

Each of us is concerned about energy use and are interested in promoting sustainable development of our natural resources. Yet, in each Congress for the last 20 years, I have offered a simple, proven way to save the equivalent of 4 million gallons of oil a day by promoting reuse and recycling of the 120 billion beer, soda, mineral water, and wine cooler containers sold in the United States each year. In the 10 existing bottle bill States, deposit legislation has already saved the equivalent of 3.5 billion gallons of oil, worth $2.3 billion by reusing recycled beverage containers. Recycled plastic and aluminum require only 5 percent of the energy required for manufacturing virgin materials.

Americans can no longer afford the extravagance of ignoring the indirect costs of using the resources of this planet. We must improve our role as stewards of the natural resources. We must balance our day-to-day consumption with the renewal of the resources within our grasp. Where renewal is not possible, we must use no more than a reasonable share, and reuse whatever we can. Placing a deposit on all beverage containers would be a meaningful step in that direction. The bottle bill is straightforward and is supported by 76 percent of the American public, according to a report recently published by Peter D. Hart Research Associates, Inc. A 1990 survey conducted by the General Accounting Office showed a 70-percent level of public support.

Our opponents want to continue manufacturing billions of containers. If we buy them and throw them away, these companies can make billions more as a profit. As long as the American public is willing to foot the bill for this nonsense, the beverage industry will let us. They have put up millions to keep the status quo in place, outspending supporters of this proposal at a rate of 7 to 1.

The most recent argument made by our opponents in the beverage industry is that simple curbside collection of all recyclable materials is adequate on its own, and a bottle bill would harm curbside collections by taking out the valuable materials. Not true, says the Congressional Research Service. In January, CRS released a study titled "Bottle Bills and Curbside Recycling: Are They Compatible?" It notes the irrefutable fact that over one-half of all the Nation's curbside programs are in the 10 bottle bill States. It also shows what many Oregonians have known for some time: that a deposit law promotes curbside recycling. It does so by removing beverage containers from the waste stream, which in turn lowers handling and hauling costs for curbside. The report also notes that a deposit system raises the value of used beverage containers because of the careful sorting that occurs under a bottle bill system.

I predict that this year our opponents will seek to trade on the economic uncertainty of the Nation by arguing that the bottle bill will result in widespread unemployment. We have disproved this shopworn argument many times before and will do so again. Extrapolating from a report done by opponents of this legislation in the State of Maine, we predict that approximately 280,000 jobs will be created under a nationwide deposit system. Moreover, the Congressional Budget Office projects that $1.7 billion will be raised annually in unclaimed deposits under a national bottle bill. Our legislation returns that money to State and local governments for recycling and solid waste programs.

If we were to give up on the bottle bill approach at the State and Federal levels—if all the 10 States which currently have a bottle law were to repeal them—would the opponents of this legislation then step up to their responsibilities? Would they do anything more than fund more public relations efforts to place the burden of dealing with used beverage containers on the public?

Of course the answers to these questions is no. They would just go on manufacturing over 120 billion beverage containers each year and letting the public pick up the health, social, and financial costs of dealing with the waste.

Under the legislation that my cosponsors and I introduce today, a national deposit system would be phased in unless a State can achieve a beverage container recycling rate of at least 70 percent in 2 years. Thus, States are free to adopt any recycling program they choose, whether it be curbside, a deposit system, a combination of the two, or otherwise. It's that simple: any State that satisfies the Federal standard is exempt from the law. States that choose to adopt their own deposit law along flexible guidelines will also be exempt.

States that are not able to meet even the lowest beverage container recovery rate achieved by deposit States would be required to institute a State deposit program with a 10-cent deposit on beer, water, and soft drink beverage containers. To encourage involvement and foster the establishment of a recycling infrastructure, a handling fee of 2 cents would be paid to retailers and redemption centers by beverage distributors. Deposits that go unclaimed would accumulate in a State fund and would provide much needed assistance to States and local governments in battling the difficult and expensive recycling and solid waste challenges that confront them.

This legislation is identical to S. 2335, the national Beverage Container Reuse and Recycling Act of 1992, which I introduced in the 102d Congress. Although that bill was referred to the Senate Commerce Committee, it was offered by Senator JEFFORDS in the Environment and Public Works Committee as an amendment to the Resource Conservation and Recovery Act [RCRA] and was defeated on a vote of 6 to 10, after very strong jurisdictional objections were raised by the Commerce Committee. The Commerce Committee has taken no action on this issue in more than a decade despite continued support and significant developments.

Last September, productive and insightful hearings were held on this legislation in the Senate Energy and Natural Resources Committee. Senator BAUCUS, chairman of the Environment and Public Works Committee, has also committed to conduct hearings in his committee this year. I look forward to working with members of that committee on this hearing to see that this proposal sees the thorough consideration that it deserves. I will also work to move this issue forward in the Senate Commerce Committee.

Mr. President, now more than ever, we need programs with the popular support and effectiveness of deposit systems. We need to put higher priorities on reducing waste, conserving energy and changing our throwaway mentality. There are many demonstrated benefits to a deposit approach. It is time to move forward and take advantage of the substantial environmental benefits offered by this legislation. We must take action to stop the more than 60 billion beverage containers that find their way—at taxpayer expense—into America's landfills each year.

I ask unanimous consent that the bill and the attached material be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Beverage Container Reuse and Recycling Act of 1993".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important national energy and material resources.

(2) The littering of empty beverage containers constitutes a public nuisance, safety hazard, and aesthetic blight and imposes upon public agencies, private businesses, farmers, and landowners unnecessary costs for the collection and removal of the containers.

(3) Solid waste resulting from the empty beverage containers constitutes a significant and rapidly growing proportion of municipal solid waste and increases the cost and problems of effectively managing the disposal of the waste.

(4) It is difficult for local communities to raise the necessary capital to initiate comprehensive recycling programs.

(5) The reuse and recycling of empty beverage containers would help eliminate unnecessary burdens on individuals, local governments, and the environment.

(6) Several States have previously enacted and implemented State laws designed to protect the environment, conserve energy and material resources, and promote resource recovery of waste by requiring a refund value on the sale of all beverage containers.

(7) The laws referred to in paragraph (6) have proven inexpensive to administer and effective at reducing financial burdens on communities by internalizing the cost of recycling and litter control to the producers and consumers of beverages.

(8) A national system for requiring a refund value on the sale of all beverage containers would act as a positive incentive to individuals to clean up the environment and would—

(A) result in a high level of reuse and recycling of the containers; and

(B) help reduce the costs associated with solid waste management.

(9) A national system for requiring a refund value on the sale of all beverage containers would result in significant energy conservation and resource recovery.

(10) The reuse and recycling of empty beverage containers would eliminate unnecessary burdens on the Federal Government, local and State governments, and the environment.

(11) The collection of unclaimed refunds from a national system of beverage container recycling would provide the resources necessary to assist comprehensive reuse and recycling programs throughout the United States.

(12) A national system of beverage container recycling is consistent with the intent of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

(13) The provisions of this Act are consistent with the goals established by the Administrator of the Environmental Protection Agency in January 1988. The goals include a national goal of 25 percent source reduction and recycling by 1992, coupled with a substantial slowing of the projected rate of increase in waste generation by the year 2000.

SEC. 3. AMENDMENT OF SOLID WASTE DISPOSAL ACT.

(a) IN GENERAL.—The Solid Waste Disposal Act is amended by adding at the end thereof the following new subtitle:

"Subtitle K—Beverage Container Recycling

"SEC. 12001. DEFINITIONS.

As used in this subtitle:

"(1) BEVERAGE.—The term 'beverage' means beer or other malt beverage, mineral water, soda water, wine cooler, or a carbonated soft drink of any variety in liquid form intended for human consumption.

"(2) BEVERAGE CONTAINER.—The term 'beverage container' means a container—

"(A) constructed of metal, glass, or plastic (or a combination of the materials);

"(B) having a capacity of up to one gallon of liquid; and

"(C) that is or has been sealed and used to contain a beverage for sale in interstate commerce.

"(3) BEVERAGE DISTRIBUTOR.—The term 'beverage distributor' means a person who sells or offers for sale in interstate commerce to beverage retailers beverages in beverage containers for resale.

"(4) BEVERAGE RETAILER.—The term 'beverage retailer' means a person who purchases from a beverage distributor beverages in beverage containers for sale to a consumer or who sells or offers to sell in commerce beverages in beverage containers to a consumer.

"(5) CONSUMER.—The term 'consumer' means a person who purchases a beverage container for any use other than resale.

"(6) REFUND VALUE.—The term 'refund value' means the amount specified as the refund value of a beverage container under section 12002.

"(7) UNBROKEN BEVERAGE CONTAINER.—The term 'unbroken beverage container' shall include a beverage container opened in a manner in which the container was designed to be opened. A beverage container made of metal or plastic that is compressed shall constitute an unbroken beverage container if the statement of the amount of the refund value of the container is still readable.

"(8) WINE COOLER.—The term 'wine cooler' means a drink containing less than 7 percent alcohol (by volume)—

"(A) consisting of wine and plain, sparkling, or carbonated water; and

"(B) containing a non-alcoholic beverage, flavoring, coloring material, fruit juice, fruit adjunct, sugar, carbon dioxide, or preservatives (or any combination thereof).

"SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.

"Except as otherwise provided in section 12007, no beverage distributor or beverage retailer may sell or offer for sale in interstate commerce a beverage in a beverage container unless there is clearly, prominently, and securely affixed to, or printed on, the container a statement of the refund value of the container in the amount of 10 cents. The Administrator shall promulgate regulations establishing uniform standards for the size and location of the refund value statement on beverage containers. The 10 cent amount specified in this section shall be subject to adjustment by the Administrator, as provided in section 12008.

"SEC. 12003. ORIGINATION OF REFUND VALUE.

"For each beverage in a beverage container sold in interstate commerce to a beverage retailer by a beverage distributor, the distributor shall collect from the retailer the amount of the refund value shown on the container. With respect to each beverage in a beverage container sold in interstate commerce to a consumer by a beverage retailer, the retailer shall collect from the consumer the amount of the refund value shown on the container. No person other than a person described in this section may collect a deposit on a beverage container.

"SEC. 12004. RETURN OF REFUND VALUE.

"(a) PAYMENT BY RETAILER.—If a person tenders for refund an empty and unbroken beverage container to a beverage retailer who sells (or has sold at any time during the 3-month period ending on the date of tender) the same brand of beverage in the same kind and size of container, the retailer shall promptly pay the person the amount of the refund value stated on the container.

"(b) PAYMENT BY DISTRIBUTOR.—

"(1) IN GENERAL.—If a person tenders for refund an empty and unbroken beverage container to a beverage distributor who sells (or has sold at any time during the 3-month period ending on the date of tender) the same brand of beverage in the same kind and size of container, the distributor shall promptly pay the person—

"(A) the amount of the refund value stated on the container, plus

"(B) an amount equal to at least 2 cents per container to help defray the cost of handling.

"(2) TENDERING BEVERAGE CONTAINERS TO OTHER PERSONS.—This subsection shall not preclude any person from tendering beverage containers to persons other than beverage distributors.

"(c) AGREEMENTS.—

"(1) IN GENERAL.—Nothing in this subtitle shall preclude agreements between distributors, retailers, or other persons to establish centralized beverage collection centers, including centers that act as agents of the retailers.

"(2) AGREEMENT FOR CRUSHING OR BUNDLING.—Nothing in this subtitle shall preclude agreements between beverage retailers, beverage distributors, or other persons for the crushing or bundling (or both) of beverage containers.

"SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND PROVISIONS FOR STATE RECYCLING FUNDS.

"(a) UNCLAIMED REFUNDS.—At the end of each calendar year, each beverage distributor shall pay to each State an amount equal to the sum by which the total refund value of all containers sold by the distributor for resale in that State during the year exceeds the total sum paid during that year by the distributor under section 12004(b) to persons in the State. The total amount of unclaimed refunds received by any State under this section shall be available to carry out pollution prevention and recycling programs in the State.

"(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the total amount of payments made by a beverage distributor in any calendar year under section 12004(b) for any State exceeds the total amount of the refund values of all containers sold by the distributor for resale in the State, the excess shall be credited against the amount otherwise required to be paid by the distributor to that State under subsection (a) for a subsequent calendar year, designated by the beverage distributor.

"SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS AND POST-REDEMPTION DISPOSAL.

"(a) DETACHABLE OPENINGS.—No beverage distributor or beverage retailer may sell, or offer for sale, in interstate commerce a beverage in a metal beverage container a part of which is designed to be detached in order to open the container.

"(b) POST-REDEMPTION DISPOSAL.—No retailer or distributor or agent of a retailer or distributor may dispose of any beverage container labeled pursuant to section 12002 or any metal, glass, or plastic from the beverage container (other than the top or other seal thereof) in any landfill or other solid waste disposal facility.

"SEC. 12007. EXEMPTED STATES.

"(a) IN GENERAL.—

"(1) EXEMPTION.—Sections 12002 through 12005 and sections 12008 and 12009 shall not apply in any State that—

"(A) has adopted and implemented requirements applicable to all beverage containers sold in the State if the Administrator determines the requirements to be substantially similar to the provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle; or

"(B) demonstrates to the Administrator that, for any period of 12 consecutive months following the date of enactment of this subtitle, the State achieved a recycling or reuse rate for beverage containers of at least 70 percent.

"(2) TERMINATION OF EXEMPTION.—If at anytime following a determination by the Administrator under paragraph (1)(B) that a State has achieved a 70 percent recycling or reuse rate, the Administrator determines that the State has failed, for any 12-consecutive month period, to maintain at least a 70 percent recycling or reuse rate of beverage containers, the Administrator shall notify the State that, on the expiration of the 90-day period following the notification, sections 12002 through 12005 and sections 12008 and 12009 shall apply with respect to the State until a subsequent determination is made under paragraph (1)(A) or a demonstration is made under paragraph (1)(B).

"(b) DETERMINATION OF TAX.—No State or political subdivision thereof that imposes a tax on the sale of any beverage container may impose a tax on any amount attributable to the refund value of the container.

"(c) EFFECT ON OTHER LAWS.—Nothing in this subtitle is intended to affect the authority of any State or political subdivision thereof—

"(1) to enact or enforce (or continue in effect) any law concerning a refund value on containers other than beverage containers; or

"(2) to regulate redemption and other centers that purchase empty beverage containers from beverage retailers, consumers, or other persons.

"SEC. 12008. REGULATIONS.

"(a) IN GENERAL.—Not later than 12 months after the date of enactment of this subtitle, the Administrator shall prescribe regulations to carry out this subtitle.

"(b) BEVERAGE RETAILER.—The regulations shall include a definition of the term 'beverage retailer' for any case in which beverages in beverage containers are sold to consumers through beverage vending machines.

"(c) ADJUSTMENT FOR INFLATION.—The regulations shall adjust the 10 cent amount specified in section 12002 to account for inflation. The initial adjustment shall become effective on the date that is 10 years after the date of enactment of this subtitle, and additional adjustments shall become effective every 10 years thereafter.

"SEC. 12009. PENALTIES.

"Any person who violates any provision of section 12002, 12003, 12004, or 12006 shall be subject to a civil penalty of not more than $1,000 for each violation. Any person who violates any provision of section 12005 shall be subject to a civil penalty of not more than $10,000 for each violation.

"SEC. 12010. EFFECTIVE DATE.

"Except as provided in section 12008, this subtitle shall take effect on the date that is 2 years after the date of enactment of this subtitle.".

(b) TABLE OF CONTENTS.—The table of contents for the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end thereof the following new items:

"SUBTITLE K—BEVERAGE CONTAINER RECYCLING

"Sec. 12001. Definitions.
"Sec. 12002. Required beverage container labeling.
"Sec. 12003. Origination of refund value.
"Sec. 12004. Return of refund value.
"Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.
"Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.
"Sec. 12007. Exempted States.
"Sec. 12008. Regulations.
"Sec. 12009. Penalties.
"Sec. 12010. Effective date.".

GROUPS THAT SUPPORT BEVERAGE CONTAINER DEPOSITS

NATIONAL ORGANIZATIONS

The American Medical Association.
The League of Women Voters of the United States.
The National League of Cities.
The National Association of Counties.
The American Public Health Association.
The United States Public Interest Research Group.
Americans for Democratic Action.
The Garden Club of America.
The League of American Wheelmen.
The National Grange.
Public Citizen.

ENVIRONMENTAL ORGANIZATIONS

The Sierra Club.
The National Audubon Society.
The National Wildlife Federation.
The Environmental Defense Fund.
The National Wildlife Federation.
The Natural Resources Defense Council.
The Wilderness Society.
Greenpeace.
The American Council on the Environment.
Defenders of Wildlife.
Environmental Action.
The Fossil Fuels Policy Institute.
Friends of the Earth/PEI.
The National Parks and Conservation Association.
Scenic America.
Trout Unlimited.
The American Fisheries Society.
The American Hiking Society.
Rails to Trails Conservancy.
The Izaak Walton League of America.

STATEMENT OF SUSAN BIRMINGHAM ON BEHALF OF THE U.S. PUBLIC INTEREST RESEARCH GROUP, APRIL 21, 1993

The Public Interest Research Groups (PIRGs) stand firmly in support of a national Bottle Bill. Today, we call upon President Clinton to fulfill his Earth Day 1992 pledge to make the Bottle Bill the law of the land. We also applaud the longstanding leadership of Senators Hatfield (R–OR), Mitchell (D–ME), Jeffords (R–VT), and Packwood (R–OR), along with Representatives Markey (D–MA), Bonoir (D–MI), and especially Congressman Henry (R–MI), without whom we would not be as close to passage as we are today.

Responsible for virtually all of the plastic, two thirds of all glass and 40 percent of all aluminum recycled in the nation today, the Bottle Bill will be introduced on Earth Day with over 70 original sponsors. This is more than any time in its Congressional history and it is evidence that despite the massive corporate opposition, led by Philip Morris, Coca-Cola, and Anheuser-Bush, momentum for enactment is growing. This is because not only is the Bottle Bill the most effective recycling law on the books today, the most effective litter reduction measure, a revenue generator, and a jobs creating mechanism, but because it is one of the crudest examples of what our nation's democracy has become. One need only look at the results of the first committee vote allowed on the Bottle Bill in almost 20 years which took place during the 102nd session. As compared to those voting in favor, members of the Senate Environment and Public Works Committee (EPW) who failed to support the Bottle Bill received 250 times the amount of political action dollars from the richest beverage and packaging industries in the world. The top 15 of these industries spent over 6 million dollars on Congressional campaign contributions in the last 3 years to buy a no vote.

A few weeks ago, thousands of citizens across the country launched the "Bottles to Bill" campaign, sending their non-returnable beverage containers to the White House. More than 100 billion disposable beverage containers are produced every year in this country. Over the next several months, President Clinton will be reminded that he can either recycle these containers or he can throw them away.

CRS Report for Congress

BOTTLE BILLS AND CURBSIDE RECYCLING: ARE THEY COMPATIBLE?

(By James E. McCarthy, Specialist, Environment and Natural Resources Policy Division)

SUMMARY

In recent years, both curbside collection and deposit/refund (or "bottle bill") programs have been used to collect materials for recycling. In 1991, both served about 30% of the U.S. population. Along with many other measures, both methods may have a role to play in a comprehensive recycling program. Neither method excludes the use of the other. Nevertheless, many wish to compare the merits of the two systems as alternatives. This report compares the merits of curbside and deposit programs in three respects: amount of material collected; quality of material collected; and financial aspects. The report concludes that:

Comparisons between the two systems are difficult to make. Key data (such as the cost of collecting materials) are often not publicly available and can be greatly affected by methodological assumptions.

The two methods are not designed to serve exactly the same purposes. In addition to promoting recycling, deposit-refund systems reduce litter generation and make possible the use of refillable beverage containers. Curbside programs, on the other hand, can target a wider range of materials than a deposit system, and thus have the potential to achieve a greater diversion of waste for recycling.

Curbside programs are more common in deposit States than in non-deposit States: 43% of the population has access to curbside recycling in deposit States, versus 22% of the population in non-deposit States. Thus, enactment of a bottle bill does not appear to prevent operation of curbside programs.

Deposit systems collect more of their target materials than do curbside programs. Return rates in deposit systems range from 72% to 98%. The best, curbside programs collect less than 70% of the targeted material—in many cases, substantially less.

Because the bottles and cans are sorted and handled individually when returned to retailers, the material collected by deposit systems are generally of a higher quality than curbside materials, particularly if the latter are commingled during collection.

Deposit-refund systems cost more to operate on a per-ton-collected basis. These additional costs are internalized in product prices. Curbside systems, while costing less, depend on tax revenues, making the ability to maintain or expand levels of curbside service dependent on local government budgets.

Deposit systems "skim" potential sources of revenue from curbside programs, but they also reduce operating costs of curbside collection and processing.

Studies suggest that local governments would achieve a greater diversion of solid waste from disposal at a lower cost per ton if both a bottle bill and a curbside collection program were in place.

CONCLUSION

This report has examined three aspects of curbside and deposit-refund systems as means of collecting beverage containers: the amount of material collected; the quality of the material collected; and cost factors, including whether deposit systems skim resources from curbside recycling. There are many other issues that could be addressed in comparing the two systems,[1] but the key issues raised by affected parties in recent years are those addressed in this report.

In general, the report concludes that:

Curbside collection and deposit-refund systems are not designed to serve exactly the same purposes. In addition to promoting recycling, deposit-refund systems reduce litter generation and make possible the use of refillable beverage containers. Curbside programs can target a wider range of materials than a deposit system, and thus have the potential to achieve a greater diversion of waste for recycling.

Both systems can serve as elements of comprehensive recycling programs. Neither constitutes a comprehensive program by itself. Neither excludes the use of the other.

Curbside programs are growing faster than deposit programs. Since 1988, the number of communities using curbside collection for recycling has quadrupled. By contrast, no new State has enacted a bottle bill since 1986, although a number of the existing bottle bill laws have been amended to include additional beverages since that time.

Curbside programs are more common in deposit States than in non-deposit States: 43% of the population in deposit States has access to curbside recycling, versus 22% of the population in non-deposit States.

Deposit systems collect more of their target materials than do curbside programs. Return rates in deposit systems range from 72% to 98%. The best curbside programs capture less than 70% of the targeted material—in many cases, substantially less.

Because the bottles and cans are sorted and handled individually when returned to retailers, the materials collected by deposit systems are generally of a higher quality than the same types of materials when collected by curbside programs, particularly if the latter are commingled during collection.

Deposit-refund materials cost more per ton collected. These additional costs are internalized in product prices. Curbside systems, while costing less per ton, depend on tax revenues; the ability to maintain or expand levels of curbside service is, therefore, dependent on local government budgets.

Deposit systems skim potential sources of revenue from curbside programs, but they also reduce the operation costs of curbside programs. Local governments would appear to achieve greater diversion of solid waste from disposal at a lower cost per ton if both a bottle bill and a curbside collection program were in place.

These results suggest that deposit systems and curbside recycling are compatible. While each can be used to target various segments of the waste stream, both approaches in combination are likely to increase the amount and quality of the material collected.

SUMMARY OF MARKETS FOR RECOVERED GLASS

THE ROLE OF MARKETS IN RECYCLING

Recycling, along with source reduction, combustion, and disposal in landfills, is a key component of an integrated municipal solid waste management strategy. Recycling may consist of several steps, including collection, separation, processing, remanufacture, and marketing. A material is not considered "recycled" until all of these steps are completed and the "recycling loop" is closed.

Since materials must be converted into products and used by consumers to close the recycling loop, understanding the markets for recyclable materials and for goods manufactured from recyclable materials is key to continued and expanded recycling. Markets for recyclable materials, like all markets, are influenced by the laws of supply and demand. As more and more communities across the nation implement recycling programs and more recyclable materials enter the marketplace, both supply and demand are affected.

The U.S. Environmental Protection Agency (EPA) is supporting market development by promoting the government purchase of goods containing recycled materials; providing assistance to local governments; and researching, developing and evaluating policy options.

This booklet summarizes "EPA's Markets for Recovered Glass." It describes factors affecting the current supply and demand for glass, and provides information on future trends. It also explains how to obtain a copy of the full report.

SCRAP GLASS SUPPLY

The supply of scrap glass has three components: transition glass, preconsumer cullet, and postconsumer cullet. Cullet is simply crushed scrap glass. Transition glass is made up of unmarketable glass products created by glass manufacturers. Preconsumer cullet is finished glass that breaks at a bottling or distribution plant. Most transition glass and much preconsumer cullet are remelted by the plant that produced it. More important from the perspective of recycling is postconsumer cullet. Postconsumer cullet primarily includes discarded glass beverage containers (including juice, beer, and soft drink bottles) and other glass containers (such as food jars and medicine bottles). Cullet is 100 percent recyclable in that it can be used repeatedly to make the same product. Typically, there are three colors of container cullet: flint (clear), amber, and green.

In 1988, recovery of glass totaled 1.5 million tons, or 12 percent of the total glass generated. Glass beverage containers accounted for about one-half of all glass containers manufactured and most of the glass recovered from the solid waste stream. In 1988, 20 percent of all discarded beer and soft drink containers were recovered.

In recent years, municipal glass recycling collection programs have been expanding in terms of the number of areas participating, types of recovery methods employed, and amount of cullet recovered. From 1980 to 1988, the rate of materials recovery of glass containers from the municipal solid waste stream rose 133 percent. Nevertheless, effective and convenient recycling opportunities do not yet exist in all areas, and many areas do not yet sponsor any type of glass collection program.

---

[1] Other issues might include the effects of the two systems on recycling infrastructures, employment, energy and raw material use, container substitution (e.g., whether plastic or aluminum substitute for glass), prices of the affected products, structure of the affected industries, public opinion, and other variables. Many of these issues were studied in the late 1970s, when a national bottle bill first came before the Congress. These studies are still instructive, but the affected industries, the structure of distribution systems, the amounts and kinds of material used for packaging, and other factors have changed in numerous ways since that time.

FACTORS AFFECTING SUPPLY

The supply of scrap glass is affected by the type and availability of collection methods used, costs, and publicity factors. The type of collection program in place in an area affects the amount of glass recycled and available for reuse. Currently, there are three types of postconsumer collection programs around the country: (1) deposit/refund programs (initiated by bottle bills), (2) drop-off or buy-back centers, and (3) curbside pickup.

Under deposit/refund programs, consumers pay a deposit when buying a bottled soft drink or bottled beer and receive the deposit back when they return the bottle. The bottles are then refilled or recycled. States with deposit laws report much higher recycling rates for glass beverage bottles than states without deposits. To achieve this response, however, these states have had to offer returns on bottles (5 to 10 cents) far above the market scrap value of the bottle. (A glass beverage bottle is worth about a penny.) Although deposit programs do not increase the value of cullet once it leaves the collectors, the effect is to push more cullet into the market than would otherwise be available, given current scrap prices.

The convenience associated with a recycling collection program also affects cullet supplies. The beverage industry sponsors buy-back and drop-off centers in several states, whereby consumers return or sell their containers back to major glass manufacturers directly. These programs do not generate as much consumer response as deposit/refund programs because consumers typically prefer to return glass to the same location from which it was purchased, and the market price of a glass container is much lower than the typical deposit.

Curbside pickup programs, on the other hand, can be even more effective than drop-off programs at generating cullet because they are more convenient for consumers. In curbside programs, consumers separate recyclables from other trash for collection by the municipality or other organization.

Currently, the recycling of nonbeverage glass containers and noncontainer glass does not significantly affect cullet supplies. Publicity about recycling often emphasizes beverage containers. Consumers often are unaware that many buy-back and drop-off centers accept nonbeverage glass containers and noncontainer glass in addition to soft drink and beer bottles. To date, no collection methods have been widely established to handle large or heavy pieces of glass or flat glass (such as window panes), or glass that needs to be separated from other components (such as lightbulbs).

Another factor affecting supply is the low value of cullet and the high cost of transporting it. Transporting cullet to the glass manufacturers is the single largest cost component for cullet suppliers. The market for glass containers, therefore, is regional, and more glass tends to be recycled in areas where manufacturers are located. Exceptions to this trend occur in areas where the high cost of trash disposal makes it economical to recycle glass and other items at a great distance from manufacturers. If municipalities take into account the avoided costs of disposing of this glass in landfills, they may be able to justify high transport costs.

FUTURE TRENDS IN SUPPLY

Industry observers predict that the use of glass food and beverage containers will rise only slightly over the next several years. This modest increase will nonetheless lead to an increase in the supply of cullet because more glass will be available for recycling. Curbside programs, in particular, are likely to boost recycling rates, since this type of program is most convenient for consumers and the number of curbside collection programs is rapidly increasing.

The expansion of the cullet supply partially depends on how well glass fares over aluminum and plastic in the container marketplace. Aluminum has long been a competitor of glass, and, since the introduction of plastic beverage containers in the 1970s, the glass share of the beverage container market has dropped steadily. Between 1980 and 1989, the number of glass containers declined 12 percent, and the supply of potential cullet decreased. Shipment of glass containers, however, grew slightly in 1989, and that growth is expected to continue for several years.

DEMAND FOR CULLET

Glass manufacturers buy cullet directly from recyclers and from intermediary companies that purchase cullet from recyclers. Furnace-ready cullet (which is crushed and decontaminated) may be purchased from independent dealers and processors (who often obtain cullet from industrial or commercial glass manufacturers that do not use scrap glass). Many glass beverage container manufacturers also own and operate beneficiation units where glass is made furnace-ready.

Glass container manufacturers are the largest consumers of cullet. According to industry representatives, these manufacturers will buy as much cullet as is available because it saves raw materials, energy, and furnace life. In addition, manufacturing recycled glass projects a positive company image.

Noncontainer glass industries currently do not use significant quantities of cullet. The fiberglass insulation industry and companies that make such items as ceramics, industrial compounds, and glasphalt (a road-paving compound made of asphalt and glass) use some cullet. Although most non container glass manufacturers rarely purchase cullet, they do use small amounts that are self-generated. Pressed and blown glassware producers do not use or purchase cullet and sell their own scrap glass.

FACTORS AFFECTING DEMAND

To meet strict manufacturing specification, all cullet must be sorted by color, crushed to a size suitable for the furnace, and separated from bits of aluminum and other contaminates. Color sorting is accomplished either by consumers or after disposal by processing facility operators. Bits of gravel, pieces of ceramic, and some types of noncontainer glass pose special problems for glass manufacturers because they cannot be easily removed from the cullet. Recyclers need to pay special attention to see that these materials do not contaminate their glass.

Strict specifications for most products limit the amount of cullet that manufacturers can use. Although it is possible to manufacture some glass products using 50 percent cullet or more, most glass containers are manufactured using 20 to 30 percent cullet. Higher percentages would require significant process modifications. Manufacturers are unlikely to make these process modifications without the assurance of a constant supply of color-sorted, contaminant-free cullet. To respond to the industry's need for a steady supply of cullet, some glass manufacturers subsidize cullet prices and deal with large intermediaries and independent dealers that can provide a large volume of cullet with greater reliabilty than small individual communities or cullet processors.

FUTURE TRENDS IN DEMAND

The success of glass against aluminum and plastic in the marketplace will affect the amount of cullet the glass industry will demand. Observers predict that the glass container industry will continue to see modest growth over the next few years. Growth in the container industry will dictate the overall capacity to use cullet. Consumer demand for recycled containers will also affect use of cullet.

To increase the use of cullet, existing collection and beneficiation units must improve operations to a level that can guarantee cullet quality and quantity. Glass industry observers also speculate that if prices or regulations changed enough to make it more worthwhile to use cullet, more companies would be motivated to do so.•

• Mr. JEFFORDS. Mr. President, I rise today in support of a national deposit law. There has been much talk of how America voted for change in November. Implementing a national bottle bill is an excellent way to show Americans that Congress can pass important legislation over the objections of special interests.

By passing this one bill, we can not only protect the environment, but put Americans to work. Enacting this bill would reduce greenhouse gas emissions, it would reduce our need for new landfills, it would foster and support State and local recycling programs. It is a commonsense, proven proposal that 70 percent of Americans support. I urge my colleagues to look beyond the special interests and at the facts.

So what is a bottle bill? It is merely a national program to place a refundable, and let me stress refundable, deposit on beverage containers. When a consumer buys a soft drink or a beer, the consumer would pay 10 cents per container. Then, when the consumer returns the container, the consumer gets all of his or her money back. In States which have a bottle bill, over 90-percent recovery of the containers has been achieved. That is quite an impressive recycling record.

Which States would this proposal be applicable to? States which do not achieve a 70-percent recovery rate for beverage containers. The proposal is very flexible in this regard. Any State may opt out by using any method they want to reach the 70-percent goal. You will hear lots of rhetoric about curbside programs. Nothing in this proposal interferes with curbside recycling in any way. Let me make that clear. Whoever tells you that this bill interferes with curbside recycling is misinformed. If a State can achieve the 70-percent goal, a State need do nothing more. We are not asking for 90 percent or even 80 percent which nearly every bottle bill State has achieved. We are cutting States some slack. We are being flexible.

Now, you may ask, why all the fuss over beverage containers? It's simple. This country uses over 120 billion, yes that's right, 120 billion, with a "b" beverage containers every year. Most of these go right into the trash and from there to the landfill or incinerator. This is criminal. We have the power to put an end to this terrible waste, and we should.

Let me discuss some of the merits of this proposal.

Deposit legislation improves recycling efficiency. Industry has bragged about how well they are doing overall with beverage container recycling. They are doing so well because of the bottle bill States. Let's compare numbers. On average, 80 percent of cans get recycled in deposit States; only 48 percent in nondeposit States; 40 percent of glass gets recycled in deposit States; only 4 percent in nondeposit States. Here's an even more impressive number: 67 percent of plastic gets recycled in deposit States; only 6 percent gets recycled in nondeposit States. The 10 deposit States account for over 45 percent of all recycling, but only 30 percent of the country's population.

The bottle bill complements curbside recycling efforts. This is one I expect we'll debate a bit when the bill comes to the floor. In the 1970's, bottlers said deposit laws cost jobs. We've proven that false. In the 1980's, they said deposit laws were unsanitary. We've proven that false. Now they say it hurts curbside programs. Well, Seattle found that to be false. Deposit legislation would have saved Seattle between $240,000 and $632,000.

Cincinnati found that a deposit law combined with their curbside recycling program would lower the cost of the recycling program from $94 a ton to $73 a ton and result in an additional 6,000-ton reduction in solid waste volume every year.

The General Accounting Office even concluded that deposit legislation was compatible with curbside programs. Last, California found deposit legislation entirely compatible with curbside programs and concluded: "* * * the positive effect of the beverage container recycling program on curbside recycling was evident by the average overall 37 percent increase in volume of aluminum recycled and a 224-percent increase in revenue." Nine of ten States with deposit legislation have curbside programs. How many times do we have to show that deposit legislation is not incompatible with curbside and in fact improves upon curbside programs?

Deposit legislation reduces litter. In Michigan, two studies found that beverage container roadside litter dropped 85 percent. And, litter is more than unsightly. In Massachusetts, glass-related injuries to children dropped 60 percent. This amendment will protect children. Concerned about farmers? Beverage containers are estimated to cause losses of over $2 billion annually to farmers. This hazardous litter injures farm animals and machinery.

Deposit legislation reduces pollution and saves energy. A national deposit law would reduce beverage container waste by 83 percent, by weight and keep an additional 4.7 million tons of beverage containers out of landfills and incinerators. The energy saved by recycling would be equal to 23 million barrels of oil a year.

Deposit legislation reduces costs to government. This is one I really like. The New York Beer Wholesalers projected that the State would save $50 million in litter pickup costs and $19 million in solid waste disposal costs. A similar study in Michigan showed savings of $18 million in solid waste management costs. Bottlers have convinced some recycling programs that deposit legislation would be bad for their program because it would remove some cans from the program. The recycling programs would thus lose the value of the metal. What they neglect to say is that not everyone will take their cans back; some will still show up in curbside, only now those cans will be worth a dime, not a fraction of a penny. Furthermore, recycling collection costs will drop because high-volume plastics will be removed from the wastestream.

Deposit legislation creates jobs. The facts are clear. California's program created 3,411 new jobs. Oregon's employment increased by 365 jobs. GAO estimates that Michigan created about 5,000 new jobs. Maine gained 626 jobs, while my State created about 400 jobs. Last, New York created about 4,000 new jobs.

Not the bottlers will say deposit laws cost jobs, in glass, for instance. The decline in glass jobs, however, has been due to the rise in aluminum and plastic use, not deposit legislation. Furthermore, in my State and others, we've seen an increase in the use of refillable glass bottles. No wonder aluminum doesn't like deposit laws.

In addition, the unclaimed deposits will go to finance environmental activities in the States. That could be millions and millions of dollars for the environment and recycling programs. I wonder if the bottlers are telling this to recycling coordinators.

Bottlers try to portray this as forced deposits, with a heavy emphasis on forced. No one is required to forfeit 10 cents; all they have to do is take back the container. What is so heavy handed about that?

Finally, I expect to hear that since State legislatures have not enacted this law, why should we. GAO found that 70 percent of Americans support deposit legislation. Perhaps we should ask the question: Why aren't legislators being more responsive to their constituents? I heard that the bottlers have contributed about $4 million in campaign contributions. In votes on deposit legislation, I've found that bottlers outspent citizens by over 7 to 1. For seven times the money, no wonder big money wins.

Let me read a list of names of the groups that support deposit legislation:

The National Association of Counties, the National League of Cities, the American Medical Association, the Natural Resources Defense Council, the Sierra Club, National Audubon Society, National Wildlife Federation, Wilderness Society, Defenders of Wildlife, American Council on the Environment, Greenpeace, Izaak Walton League of American, National Grange, American Fisheries Society, American Hiking Society, National Parks and Conservation Association, Fossil Fuels Action, Scenic America, Rails to Trails, Wildlife Society, League of American Wheelmen, U.S. PIRG, Evangelicals for Social Action, Garden Club of America, Trout Unlimited, Environmental Action, Public Citizen, Friends of the Earth, Americans for Democratic Action, and the League of Women Voters of the United States.

Basically, on the other side, you have beer and soft drinks. Do we respond to 70 percent of Americans with a proposal with a proven track record, or not? That is what this bill is about—it's about showing Americans we stand for them.

If we are serious about recycling, this is my colleagues' opportunity to go on record for recycling. If we can't do this, if we can't do what 70 percent of Americans want, what can we do?

Now what does this have to do with global warming? Recycling saves energy. A national deposit law would reduce fossil fuel use by millions and millions of barrels a year. Third World countries can afford to return their bottles. If you've been to those countries, you see people carrying their old bottles back. Yet, somehow, some in industry will argue that we cannot afford a national deposit law. Have we become so rich we cannot afford to do what countries much poorer than we somehow afford? No wonder other countries are frustrated by our lack of effort to reduce the risk of global warming.

I also like the way that no matter what the issue is, whether it be greenhouse gases or recycling, industry points to a particular product and says, "We're only 2 percent of the problem, etc. etc." Well we have to start somewhere or we get nowhere. We can reduce solid waste by 5 to 8 percent with this bill.

In the very near future, I anticipate that this measure that would spur recycling and help prevent global warming will come before the Senate. I urge my colleagues and their staffs to learn the facts about a national bottle bill.●

By Mr. HELMS:

S. 819. A bill to extend the temporary suspension of duty on Trifluoromethylaniline; to the Committee on Finance.

TFMA DUTY SUSPENSION ACT

Mr. HELMS. Mr. President, I am today introducing, on behalf of the Sandoz Corp., legislation to extend for a period of 4 years the existing duty suspension on trifluoromethylaniline, which is known as TFMA.

TFMA is used in the production of herbicides. There are no domestic producers of the TFMA. In fact, the last domestic supplier of this chemical ceased production in 1984.

By Mr. HELMS.

S. 820. A bill to extend the existing suspension of duty on machines designed for heat-set, stretch texturing of continuous manmade fibers; to the Committee on Finance.

DUTY SUSPENSION ACT

Mr. HELMS. Mr. President, I am today introducing, on behalf of the yarn spinners industry, legislation to extend for a period of 2 years the existing duty suspension on heat-set stretch texturing textile equipment.

The machinery in question is designed for heat-set, stretch texturing of man-made fibers. The textured yarns are major components in various kinds of apparel and home furnishings, such as hosiery and knitwear.

Mr. President, there are no domestic producers of the texturing equipment. In fact, the last U.S. producer of this machinery ceased production in 1973.

By Mr. ROCKEFELLER:

S. 821. A bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare Program, and for other purposes; to the Committee on Finance.

MEDICARE CANCER COVERAGE IMPROVEMENT ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, I am pleased to rise today to introduce the Medicare Cancer Coverage Improvement Act of 1993. This bill is intended to ensure that Medicare beneficiaries receive the most appropriate cancer treatment available. The policy change recommended in this bill would add no additional cost to the Medicare Program because of their cost effectiveness.

I was proud to introduce similar legislation in the last Congress and gratified that I was able to include one of its provisions in H.R. 11, which unfortunately was ultimately vetoed by President Bush last year. The need for this legislation has not diminished. In fact, its need is perhaps even greater now than when I first rose to discuss this issue in November 1991.

While significant headway has been made in recent years in the diagnosis and treatment of cancer, the full benefits of these advances have not always been realized by patients, particularly by Medicare beneficiaries. This legislation addresses three obstacles that stand in the way of senior citizens receiving the best available care: coverage of off-label uses of anticancer drugs; coverage of oral anticancer therapies; and coverage of the patient care costs associated with clinical trials of new cancer therapies.

First, the bill would establish a uniform standard for coverage of so-called off-label or unlabeled uses. I have learned from physicians who treat cancer patients that chemotherapy drugs are normally approved by the Food and Drug Administration [FDA] for one kind of cancer, but through continued studies are quickly found to be effective in the treatment of other cancers as well. These new uses are referred to as off-label or unlabeled because the FDA-approved labeling for the drug does not mention them. Nevertheless, they are often absolutely critical to appropriate treatment of people with cancer. In fact, studies show that half or more of the uses of anticancer drugs are for off-label indications, which is not surprising in light of the rapidly evolving nature of cancer treatment.

Medicare currently covers the cost of anticancer chemotherapy drugs administered by a physician, but coverage is unreliable because the Health Care Financing Administration [HCFA] allows each individual carrier to make its own decisions on coverage. These are decisions which should be made by treating physicians with the best interests of their patients as their top concern. Both FDA and HCFA officially recognize that physicians may appropriately prescribe FDA-approved drugs for off-label purposes, including the treatment of cancers not specifically mentioned in FDA labeling.

Although Medicare carrier guidelines expressly authorize coverage of medically appropriate unlabeled indications, many carriers accept them for reimbursement reluctantly or inconsistently. As a result, Medicare beneficiaries are deprived of the most up-to-date and appropriate treatment, physicians and patients are unfairly disadvantaged, and progress against cancer is undermined.

There is no scientific or medical basis for allowing such decisions to vary among the more than 50 Medicare carriers. The resulting chaos has been criticized by Government agencies, such as the FDA, the National Cancer Institute [NCI], the National Committee to Review Current Procedures for Approval of New Drugs for Cancer and AIDS and, most recently, the General Accounting Office [GAO].

In September 1991, the GAO released a study of off-label use of cancer drugs. Subtitled "Reimbursement Policies Constrain Physicians in their Choice of Cancer Therapies," this report found that Medicare's unreliable and inconsistent coverage of accepted off-label uses of cancer drugs forced oncologists to alter their preferred treatments, thereby depriving their patients of the best available care. The GAO found, too, that denial of coverage for such uses may actually increase the cost of cancer therapy, as physicians resort to hospital treatment—where accepted off-label uses are more consistently reimbursed—solely to circumvent the restrictions imposed by HCFA's current reimbursement policies. The GAO concluded that it was essential for Medicare to develop a policy that would ensure uniform and consistent coverage decisions.

The Medicare Program itself is not unmindful of the hardship caused by the lack of an uniform coverage policy. In January 1989, HCFA initiated a rulemaking on coverage determinations. Over 4 years later, however, that rule has yet to be published in final form. Meanwhile, as the GAO reported, Medicare beneficiaries and their physicians continue to suffer inconsistent results because of HCFA's inaction.

My bill, S. 821, would resolve the matter by requiring Medicare to cover any unlabeled indication of an FDA-approved drug that has been accepted for inclusion in a major medical compendium or that appears in a peer-reviewed medical journal that has been determined by the Secretary of HHS to be of acceptable rigor. Carrier discretion with respect to coverage decisions on off-label uses would be eliminated.

Second, the bill provides for coverage of oral anticancer drugs that can be substituted for an injectable version of the same chemical ingredient.

Most anticancer chemotherapy administered intravenously in an outpatient setting is covered by Medicare as incident to the physicians' services. A few anticancer drugs are available in oral dosage from, but because Medicare does not reimburse for outpatient prescription drugs, oral doses are not covered. In European countries, where health coverage is more comprehensive and outpatient drug benefits are standard, anticancer drugs which are available in both oral and injectable dosage form are used predominately in oral form. In the United States, where reimbursement policy favors physician administered drugs, the reverse is true, with injectable drugs being used much more frequently than the oral alternatives.

As a result, Mr. President, reimbursement policy—and not science—is clearly driving clinical decisions in this country. This approach is unacceptable, both for individual patients and overall health policy. In the short term, it deprives patients and their physicians of an effective treatment option. One which would yield immediate savings to the Medicare Program by avoiding some of the costs associated with administering chemotherapy. In the long term, this reimbursement driven approach to treatment could actually retard the development of new therapies which do not fit squarely within Medicare reimbursement criteria. We should be developing reimbursement policies that are not only cost effective, but that also encourage technological advances and permit patients to realize the full advantage of those gains.

Mr. President, my bill would take a significant step toward achieving that goal by extending Medicare coverage to any oral anticancer drug which is the same chemical entity as a drug already covered by Medicare when injected by a physician. Physicians would have additional treatment options, and their patients would have the flexibility to receive anticancer treatment at home rather than being forced to travel to a doctor's office or a hospital. This is particularly important for seniors in West Virginia who, like others who live in rural areas, often drive long distances to be treated by a cancer specialist. Even more importantly, there is some evidence to suggest that patients taking oral versions of chemotherapeutic agents may suffer less serious side effects.

Expanding the range of treatment options reimbursable by Medicare could produce cost savings to the program as well. Obviously, use of an oral drug would avoid some costs of chemotherapy administration. In addition, both the GAO and CBO concluded that there could be other, less direct savings. By expanding the range of reimbursable outpatient treatment options available to physicians, we could avoid situations where a patient is admitted to a hospital simply to receive a course of treatment that is not covered in any other setting.

Finally, the bill directs the Secretary of Health and Human Services to study the costs of patient care for Medicare beneficiaries enrolled in cancer treatment clinical trials and to develop criteria for such coverage.

Mr. President, Medicare does not, as it should not, pay for services which are not medically reasonable and necessary. Unfortunately, this has been interpreted by the Medicare Program to exclude from coverage treatment which is given in the context of clinical trials. When the clinical trial involves an investigational drug, the drug is provided free of charge by the sponsoring company, but the patient remains liable for a variety of costs, including hospital and physician charges. If the Medicare Program refuses to cover these costs, the beneficiary may face many thousands of dollars of unreimbursed expense, or go without treatment altogether.

Denial of coverage for investigational treatment is particularly problematic for cancer patients. As the National Cancer Institute has frequently noted, treatment provided under a clinical protocol is state-of-the-art cancer therapy. Perhaps more than in any other disease category, cancer patients are likely to receive treatment under a protocol, especially if the treatment is provided in one of the many cancer centers across the country which deal almost exclusively with cancer. Often, the protocol under investigation represents only a minor variation from standard treatment and can in no way fairly be characterized as experimental in the usual sense of that term.

Even when the investigational treatment is more clearly a variation from standard therapy, ethical guidelines for clinical investigations require a demonstration that standard therapy would not be expected to benefit the patient. Thus, investigational therapy is, almost by definition, at least as good as standard therapy. In most instances, it is accurate to say that investigational therapy is the best available treatment.

Mr. President, it is time to develop a rational policy to make sure that Medicare beneficiaries are not unfairly denied access to the most appropriate available care. This bill requires the Secretary to study the feasibility of Medicare coverage of patient care costs associated with enrollment in clinical trials that meet quality assurance and ethical standards and to report his recommendations to the Congress within 2 years. The report is to focus on the additional cost, if any, of such coverage to the Medicare Program; the extent to which these investigations represent the best available treatment for cancer patients; whether progress in developing new cancer treatments would be assisted by Medicare coverage of investigational cancer treatments; and whether there should be special criteria for the admission of Medicare beneficiaries, on account of their age or physical condition, to clinical trials.

Mr. President, I am confident that these relatively minor changes in Medicare policy can result in significant improvements in the care available to cancer patients. Reimbursement policies all too often prove virtually insurmountable obstacles in the battle against cancer. These policies can improperly influence treatment decisions in a way that not only is harmful to cancer patients, but increases costs as well. By eliminating undesirable and unnecessary aspects of those policies, we can respond to the needs of individual cancer patients and at the same time make important strides toward conquering this disease.

Mr. President, I ask unanimous consent that a summary of the bill and the complete text of the bill be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Cancer Coverage Improvement Act of 1993".

SEC. 2. UNIFORM MEDICARE COVERAGE OF ANTICANCER DRUGS.

(a) IN GENERAL.—Section 1861(t) of the Social Security Act (42 U.S.C. 1395x(t)) is amended—

(1) by inserting "(1)" after "(t)";

(2) by striking "(m)(5) of this section" and inserting "(m)(5) and paragraph (2)"; and

(3) by adding at the end thereof the following new paragraph:

"(2)(A) For purposes of paragraph (1) the term 'drugs' includes any drugs or biologics approved by the Food and Drug Administration used in an anticancer chemotherapeutic regimen for a medically accepted indication as described in subparagraph (B).

"(B) The term 'medically accepted indication' means any use of a drug or biologic included under paragraph (1) if such use—

"(i) is included (or approved for inclusion) in one or more of the following compendia: the American Hospital Formulary Service-Drug Information, the American Medical Association Drug Evaluations and the United States Pharmacopoeia-Drug Information; or

"(ii) is supported by peer reviewed medical literature appearing in publications which have been specifically approved for purposes of this paragraph by the Secretary.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to items furnished on or after the first day of the first month that begins after the date of the enactment of this Act.

SEC. 3. COVERAGE OF CERTAIN SELF-ADMINISTERED ANTICANCER DRUGS.

(a) IN GENERAL.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (O);

(2) by adding "and" at the end of subparagraph (P); and

(3) by adding at the end the following new subparagraph:

"(Q) an oral drug (which is approved by the Food and Drug Administration) prescribed for use as an anticancer chemotherapeutic agent for a given indication, and containing an active ingredient (or ingredients) which is the same indication and active ingredient (or ingredients) as that for a drug which the carrier determines would be covered pursuant to subparagraph (A) or (B);".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items furnished on or after January 1, 1994.

SEC. 4. STUDY OF MEDICARE COVERAGE OF PATIENT CARE COSTS ASSOCIATED WITH CLINICAL TRIALS OF NEW CANCER THERAPIES.

(a) STUDY.—The Secretary of Health and Human Services shall conduct a study of the effects of expressly covering the patient care costs for medicare beneficiaries enrolled in clinical trials of new cancer therapies, where the protocol for the trial has been approved by the National Cancer Institute or meets similar scientific and ethical standards, including approval by an Institutional Review Board. The study shall include—

(1) an estimate of the cost of such coverage, taking into account the extent to which medicare currently pays for such patient care costs in practice;

(2) an assessment of the extent to which such clinical trials represent the best available treatment for the patients involved and of the effects of participation in the trials on the health of such patients;

(3) an assessment of whether progress in developing new anticancer therapies would be assisted by medicare coverage of such patient care costs; and

(4) an evaluation of whether there should be special criteria for the admission of medi-

care beneficiaries (on account of their age or physical condition) to clinical trials for which medicare would pay the patient care costs.

(b) REPORT.—The Secretary of Health and Human Services shall submit a report on the study required by subsection (a), including recommendations as to the coverage of patient care costs of medicare beneficiaries enrolled in clinical trials of new cancer therapies, to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives, not later than 2 years after the date of enactment of this Act.

MEDICARE CANCER COVERAGE IMPROVEMENT ACT OF 1993

UNIFORM MEDICARE COVERAGE OF ANTICANCER DRUGS

Current Law: The Medicare program covers items and services that are "reasonable and necessary." A drug prescribed for an "off-label" indication (i.e., a use other than those specifically approved by the Food and Drug Administration) is considered reasonable and necessary if the unapproved use is accepted in the medical community. Medicare carriers determine whether a particular indication is medically accepted.

Proposal: Any use of an FDA-approved anticancer drug that is approved by FDA, appears in the peer-reviewed medical literature, or is included in one or more of the three major medical compendia, is considered a medically accepted indication and must be covered.

COVERAGE OF CERTAIN SELF-ADMINISTERED ANTICANCER DRUGS

Current Law: Medicare covers injectable drugs administered on an outpatient basis as incident to a physician's service. Medicare does not cover self-administered outpatient prescription drugs.

Proposal: An oral drug prescribed for a medically accepted indication in an anticancer regimen is covered if the drug contains the same active ingredient as a drug that would be covered if administered as incident to a physician's service.

STUDY OF MEDICARE COVERAGE OF PATIENT CARE COSTS ASSOCIATED WITH CLINICAL TRIALS OF CANCER DRUGS

Current Law: None.

Proposal: The Secretary of Health and Human Services shall study the costs of patient care for Medicare beneficiaries enrolled in clinical trials of new cancer therapies (where the protocol for the trial has been approved by the National Cancer Institute or meets similar scientific and ethical standards, including approval by an Institutional Review Board) and develop criteria for such coverage.●

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. ROTH, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 20, a bill to provide for the establishment, testing, and evaluation of strategic planning and performance measurement in the Federal Government, and for other purposes.

S. 21

At the request of Mrs. FEINSTEIN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 21, a bill to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

S. 110

At the request of Mr. MOYNIHAN, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 110, a bill to require the Administrator of the Environmental Protection Agency to seek advice concerning environmental risks, and for other purposes.

S. 177

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 177, a bill to ensure that agencies establish the appropriate procedures for assessing whether or not regulation may result in the taking of private property, so as to avoid such where possible.

S. 185

At the request of Mr. GLENN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 185, a bill to amend title 5, United States Code, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, to protect such employees from improper political solicitations, and for other purposes.

S. 342

At the request of Mr. BOREN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate and for other purposes.

S. 367

At the request of Mr. AKAKA, the names of the Senator from Connecticut [Mr. DODD], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 367, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 401, a bill to amend title 23, United States Code, to delay the effective date for penalties for States that do not have in effect safety belt and motorcycle helmet safety programs, and for other purposes.

S. 411

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 411, a bill to freeze domestic discretionary spending for fiscal years 1994 and 1995 at fiscal year 1993 levels.

S. 421

At the request of Mr. DASCHLE, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 421, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 430

At the request of Mr. MACK, the names of the Senator from Indiana [Mr. COATS] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 430, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 457

At the request of Mr. EXON, the names of the Senator from Mississippi [Mr. LOTT] and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 457, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 459

At the request of Mr. PACKWOOD, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 459, a bill to arrest the decline in, and promote the restoration of, the health of forest ecosystems on Federal lands, to reduce the escalating risk to human safety posed by potentially catastrophic wildfires on Federal lands, to require the Secretary of the Interior to establish a special fund for Bureau of Land Management activities in furtherance of forest health, and for other purposes.

S. 462

At the request of Mr. BUMPERS, the names of the Senator from Nebraska [Mr. EXON] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 462, a bill to prohibit the expenditure of appropriated funds on the U.S. International Space Station Freedom Program.

S. 463

At the request of Mr. BUMPERS, the names of the Senator from Missouri [Mr. BOND], the Senator from Nebraska [Mr. EXON], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 463, a bill to prohibit the expenditure of appropriated funds on the Superconducting Super Collider Program.

S. 481

At the request of Mr. SIMON, the name of the Senator from Wisconsin

[Mr. FEINGOLD] was added as a cosponsor of S. 481, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts the same rights given by section 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 517

At the request of Mr. BUMPERS, the names of the Senator from Nevada [Mr. BRYAN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 517, a bill to reduce the deficit in the Federal budget for fiscal year 1994 by limiting to $2,000,000,000 the amount that may be appropriated for the Strategic Defense Initiative.

S. 519

At the request of Mr. BUMPERS, the names of the Senator from Nevada [Mr. BRYAN], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 519, a bill to reduce Federal budget deficits by prohibiting further funding of the Trident II Ballistic Missile Program.

S. 520

At the request of Mr. BUMPERS, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 520, a bill to prohibit the expenditure of appropriated funds on the Advanced Solid Rocket Motor Program.

S. 545

At the request of Mr. DOLE, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

S. 661

At the request of Mr. DOMENICI, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 661, a bill to provide for the establishment of an Independent General Accounting Office Peer Review Committee, and for other purposes.

S. 667

At the request of Mr. COHEN, his name was added as a cosponsor of S. 667, a bill to amend the Immigration and Nationality Act to improve procedures for the exclusion of aliens seeking to enter the United States by fraud.

S. 687

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 754

At the request of Mr. DURENBERGER, his name was added as a cosponsor of S. 754, a bill to extend the temporary suspension of duty on octadecyl isocyanate.

S. 793

At the request of Mr. DURENBERGER, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 793, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that standards of identity for milk include certain minimum standards regarding milk solids, and for other purposes.

S. 797

At the request of Mr. ROTH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 797, a bill to amend title 5, United States Code, to establish an optional early retirement program for Federal Government employees, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. MACK, his name was added as a cosponsor of Senate Joint Resolution 6, a joint resolution to provide for a balanced budget constitutional amendment.

SENATE JOINT RESOLUTION 7

At the request of Mr. MACK, his name was added as a cosponsor of Senate Joint Resolution 7, a joint resolution to provide for a balanced budget constitutional amendment.

SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week".

SENATE JOINT RESOLUTION 62

At the request of Mr. RIEGLE, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 62, a joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Right Week".

SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the last week of September 1993, and the last week of September of 1994, as "National Senior Softball Week".

SENATE RESOLUTION 100—TO AUTHORIZE TESTIMONY OF SENATE EMPLOYEES

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 100

Whereas, the respondent in *Pefaur* v. *Pefaur*, Nos. 92-42571, 92-53491, pending in the Florida Circuit Court for Dade County, seeks the deposition testimony of Lula Rodriquez, a Senate employee on the staff of Senator Graham;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control of in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Lula Rodriquez, and any other employee whose testimony is required, are authorized to testify in *Pefaur* v. *Pefaur*, Nos. 92-42571, 92-53491 (Fla. Cir. Ct.), except concerning matters for which a privilege should be asserted.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 18, 1993, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 721, a bill to amend the Land and Water Conservation Fund Act of 1965; and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the committee staff at (202) 224-9863.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation will hold a hearing on the oversight and reauthorization of the Federal Grain Inspection Service [FGIS]. The hearing will be held on Thursday, May 13, 1993 at 9 a.m. in SR-332. Senator TOM DASCHLE will preside.

For further information, please contact Richard Hess at 224-2321.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON RENEWABLE ENERGY, ENERGY EFFICIENCY AND COMPETITIVENESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Renewable Energy, Energy Efficiency and Competitiveness of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., April 22, 1993, to receive testimony on opportunities and barriers to commercialization of renewable energy and energy efficiency technologies.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MARCH FOR PARKS

• Mr. DECONCINI. Mr. President, on April 17–18, 1993, the National Parks and Conservation Association held its fourth annual March for Parks. Held in conjunction with Earth Day, March for Parks raised funds for America's national, State, regional, and local parks by holding events at 480 locations around the country.

In Tucson, AZ, participants hiked, biked, and rode horses to raise money to help create trails and expand the boundaries of the Saguaro National Monument East and West Units. As a native of Tucson and a proponent of preserving our natural resources and the lifestyle we have grown to love, this event was very important to me.

Early this year, I reintroduced legislation to give the Park Service the capabilities and resources to protect the Tucson Mountain Unit of the Saguaro National Monument by authorizing the expansion of its boundaries. In addition, I was successful in having $100,000 included in the fiscal year 1992 Interior appropriations bill to enable the Park Service to undertake a comprehensive boundary study to identify which lands are appropriate for possible inclusion into the monument.

With the final draft of this boundary study hopefully being completed shortly, I plan to amend my legislation and add to the already 160 acres identified for the expansion. In addition, I hope to make the monument a national park that my family and others will utilize and appreciate for generations to come.

Mr. President, I ask that my colleagues join me in offering their support to the March for Parks effort to preserve and protect the precious resources contained at the Saguaro National Monument as well as the precious natural resources contained throughout the entire country.•

IN TRIBUTE TO SENATOR CHARLES PERCY IN HONOR OF THE 20TH ANNIVERSARY OF THE PERCY AMENDMENT

• Mr. DOMENICI. Mr. President, I rise today to extend tribute to one of our former colleagues, Senator Charles Percy of Illinois, for his dedication and commitment to the issue of women in development.

Twenty years ago, on October 2, 1973, Senator Percy came to this floor and introduced a straightforward amendment No. 574 to the Foreign Assistance Act:

> SEC. 116. INTEGRATING WOMEN INTO NATIONAL ECONOMIES.—Sections 103–107 shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economies of foreign countries, thus improving their status and assisting the total development effort.

There were probably few in this Chamber, with the possible exception of Senator Percy, who recognized the global impact of these simple words. I can assure my colleagues, however, that this amendment has positively and successfully affected the lives of countless millions of women, their families, their communities, and their countries. These words, without mention of a single dollar appropriated to the effort, laid the foundation for twenty years of extraordinary achievements for the improvement of women's lives: increased access to credit, improved literacy rates, increases in women-owned small businesses, improved health for themselves and their children, and participation in decision-making activities, to name but a few. These words recognized the importance of focusing on half of the globe's population: the overlooked and undervalued women of the world. There are, indeed, few instances when a one sentence amendment can achieve such far-reaching and outstanding results.

Moreover, only occasionally do policy initiatives bear the name of the legislator introducing the measure. In this case, however, this language is known the world over as the Percy amendment. The sentence itself is almost incidental. It is the intent—the recognition of women and their status—that is identified with the Percy amendment. Senator Percy was, indeed, a visionary. He saw how necessary it was to have a legislative mandate to improve women's lives, not just as a goal in itself, but as a critical component of sustainable development.

For these reasons, Senator Charles Percy deserves our heartfelt appreciation and gratitude for both his foresight and his years of dedication to enhancing the roles and status of women.

As we have witnessed the maturation of the Percy amendment over these past 20 years, we need to recall that there were three important characteristics enhancing its ultimate success: congressional will, public participation and support, and executive branch responsiveness and implementation. These three elements were critical to its enactment, as they have been ever since in subsequent strengthening amendments and specific policies, both nationally and internationally.

As detailed in "Women in Washington: Advocates for Public Policy," edited by Irene Tinker, as a followup to a State Department meeting organized by Virginia Allan, Deputy Assistant Secretary of State for Public Affairs, Mildred Marcy drafted language that could be inserted into the foreign assistance bill being considered by the Foreign Relations Committee. However, after Senator Percy introduced and the Senate accepted amendment No. 574, the House and Senate conference committee dropped the language from the bill. That's when the public participation element went into high gear. The lobbying began. As stated in the book, "The conferees were amazed at the torrent of mail and phone calls urging support for the amendment and quickly put it back in the bill at the next meeting."

I mention this one characteristic of the triad because it exemplifies that no matter how compelling or worthy a few words may be on a piece of paper, they can also be wiped out by the stroke of a pen. If a few individuals had not exercised their public support and invigorated hundreds of others to do the same, this language might have gone the way of so many other good and simple ideas. We can be proud of the commitment of these American women and men who recognized how critically important this language would become to such a significant proportion of the world's population.

Senator Percy recognized the importance of this language. His introduction of the amendment on October 2, 1973, clearly reflects his understanding of and commitment to the concept of taking into account women's roles as participants in and agents of change and the importance of this factor to sustainable development. His words are worthy of remembering here today.

> Mr. PERCY. Mr. President, I believe that we can dispose of this amendment, important as it is, in just a few minutes. Let me make these comments.
>
> It is well known that in many of the lesser developed countries, traditional practices, cultural mores, and inadequate resources tend to block women and girls from access to educational and economic opportunities.
>
> In developed countries as well, including the United States, women and girls suffer similar—if less severe—discrimination. I am very conscious of this, and I continue to support every reasonable effort to give women and girls full equality in our society.
>
> The Committee on Foreign Relations has been especially concerned with the problems of women in the aid-recipient countries. In the committee report on this year's foreign assistance bill, S. 2335, the following language appears:

"Recognizing that the status of women within each society is one of the indicators of the level of national development, U.S. bilateral aid should assist in the integration of women into the national economy."

This is an important concept and a significant statement which I now wish to bring into law by means of an amendment to the foreign assistance bill.

My amendment specifies that the major provisions of the act "shall be administered so as to give particular attention to programs, projects and activities which tend to integrate women into the national economies of foreign countries, thus improving their status and assisting the total development effort."

At the same time as we seek to achieve the equal rights of women in our own country, let us adopt this amendment to promote the achievement of equal rights for women in the aid-recipient countries.

Mr. President, I trust that the managers of the bill will, in their wisdom, consider this a desirable objective and will accept the amendment.

Senator Percy did not stop his commitment to the world's women and girls with this amendment. He crafted similar language and ensured that it was included as a resolution before the U.N. General Assembly in 1974. As a result, both the U.S. Government and the United Nations acknowledged that one of the crucial resources for dynamic and sustainable development was women. In the ensuing two decades, thanks to Senator Percy, his language has remained the anchor of both United States and countless other countries' initiatives in behalf of women's policies and programs.

In the United States, the Agency for International Development [AID] has made significant progress in developing its programs so that they enrich—rather than neglect—the lives of women in the developing world. As former AID Administrator Ronald Roskens stated in the foreword to AID's 1989-1990 "Report to Congress."

* * * Through staff training, technical assistance, applied research, and information support, gender analysis has become a vital analytic tool in the design of our development activities. This and our stated commitment to women in development has enabled more women from developing countries to participate in A.I.D. programs and projects; to access A.I.D. supported resources, skills, and training; and to benefit from programs which now address their particular needs, constraints, and opportunities. This participation has contributed to the positive impact and sustainability of A.I.D. efforts.

As just an example of what has been accomplished in AID's programs as a result of the Percy amendment, the following impacts articulate well how critical this language has been to women and girls in developing countries.

In 1991, women entrepreneurs received 56 percent of all loans, technical assistance, and training in AID's microenterprise programs.

In 1992, women and children comprised 90 percent of the beneficiaries of AID's program to combat malnutrition in developing countries.

AID's Basic Education Program now gives priority to girls' education, which has shown to have unparalleled benefits on women's health and earning power, as well as on the lives and livelihoods of their future children. One recent project in Egypt, for example, doubled girls' enrollments in parts of the country. In Malawi, AID worked with the World Bank to negotiate a lending package which allowed for an immediate jump in girls' primary school enrollments by 100 percent.

Over the past 15 years, the percentage of women participating in AID's largest training program has doubled from 15 percent to 30 percent. This proportion is expected to reach 50 percent by the year 2000.

In the health sector, as the incidence of AIDS rises precipitously among women in the developing world, AID is funding pathbreaking research on women and AIDS. AID is also funding 17 projects in developing countries to identify factors that put women at risk of HIV infection and opportunities for HIV prevention.

Efforts to institutionalize a gender approach to development has gained momentum throughout AID because the Office of Women in Development has taken the Percy amendment literally. Through careful strategic planning, the Women in Development Office developed and put in place the procedures to systematically integrate gender issues into each AID program, project, and activity in each bureau, office, and overseas mission. Its 1983 "Policy Paper on Women in Development" has been the guideline for almost every donor country in the world, and it is as useful and relevant today as it was in 1983.

In conclusion, Mr. President, it is impossible to identify the hundreds of committed individuals, policymakers, organizations, and governments who have supported and implemented the words of the Percy amendment. They have used these words as both the foundation and the pillar of support for millions of people the world over—whether they be women and girls or men and boys. Senator Charles Percy can be proud of many achievements in his life. However, there is no doubt in my mind that the Percy amendment can be considered the highest achievement on this long list—a gift to humankind. There is little more than one could ever achieve. Thank you, Senator Percy.•

THE LINE-ITEM VETO

• Mr. McCAIN. Mr. President, soon the House of Representatives is expected to consider its version of the line-item veto. Although I am pleased that the House is finally taking some action on this important subject, I want to set the record straight on what is actually happening.

First, Mr. President, I just want to note for the record the hypocrisy of the House leadership on this issue. The American people overwhelmingly support giving the President line item veto authority. However, while I brought this issue before the Senate year after year for the last 6 years, the House sat quietly by doing nothing. During that time, leaders of the Democratic party accused me of only supporting the line-item veto because the President was of my political party.

Now, Mr. President, I am on the floor yet again fighting for the line-item veto and the occupant in the White House is no longer of my party. However, with the change in the administration, the House leadership now believes that a watered-down, weakened line item veto merits floor debate.

Mr. President, the House's action makes one thing abundantly clear—for the last 6 years the House put politics above the good of the people.

I wish I could state that the House is now seeking to rectify its past wrongs on this issue. However, the House Democratic leadership continues to put its partisan goals ahead of what is best for the Nation.

What the House will soon consider is a far cry from the line-item veto I have been seeking. According to House minority whip GINGRICH, what the House is about to debate is a sham and it is designed to give cover to Democrats who don't want to vote on a line-item veto.

Mr. President, I hope my colleagues in the Senate will not fall prey to this ruse. The Stenholm-Spratt language is not the line item veto. The public knows what a line item veto is. They know a veto requires a two-thirds override vote in the Congress. The House bill will only require a simple majority vote to preserve pork.

Mr. President, I have brought before the Senate line-item veto language requiring a two-thirds override vote. I will soon begin doing so again.

At that time, my colleagues will face a choice to either do what is right and give the President a meaningful line-item veto or hide behind a political sham.•

DRUG MANUFACTURERS: RETAINING THE TITLE OF "AMERICA'S MOST PROFITABLE INDUSTRY"

• Mr. PRYOR. Mr. President, in just a few short weeks, the report of the task force on national health care reform will be sent to Congress by our First Lady, Mrs. Clinton. I know that we are all anxiously waiting to see how our President and First Lady plan to provide affordable, quality health care to all Americans, as well as contain skyrocketing health care costs.

While this Nation's pharmacists continue to be voted year after year the most trusted professional by the American public, the pharmaceutical industry is spending millions of dollars to repair its damaged image with the average American consumer. Unfortunately, these millions of dollars in public relations campaigns could be better used to bring down the cost of medications for poor and vulnerable populations.

The drug industry's current image problem is largely a result of its own making. For the last 12 years, Americans have been forced to pay the highest prescription drug prices in the industrialized world. Prescription prices have increased at three times the overall rate of inflation. Even drug manufacturers are now admitting, for all practical purposes, that their prices have been too high. Many drug manufacturers are now offering to voluntarily restrain price increases. These actions are laudable and should be commended, but should have been taken many years ago.

Over the past few years, I have updated my colleagues on facts and figures concerning the pharmaceutical industry. For example, this past February, a report of the Senate Aging Committee found that drug manufacturer inflation in 1992 increased four times the rate of general inflation. In spite of the fact that some companies said that they would voluntarily limit price increases in 1992, the majority of companies did not, meaning that many Americans still had to shoulder the burden of skyrocketing prescription drug prices.

Now, however, we have some new data on the 1992 profitability of the drug manufacturing industry. According to the April 19, 1993 edition of Fortune magazine, the pharmaceutical industry is once again the most profitable industry in the United States. In each and every category of profitability, the drug industry was No. 1. In addition, the profitability gap between the drug industry and the average Fortune 500 company actually widened in 1992.

For example, the pharmaceutical industry's return on sales in 1992 was 11.5 percent, almost 5 times the median return on sales for the average Fortune 500 company, which was 2.4 percent. For the previous year of 1991, the drug industry's return on sales was only 4 times the average Fortune 500 company.

The pharmaceutical industry's return on stockholder's equity in 1992 was 26.7 percent, 3 times the median return on equity for the average Fortune 500 company, which was 9.1 percent. In 1991, the drug industry's return on equity was only 2.6 times the average Fortune 500 company.

The new figures on the profitability of the pharmaceutical industry are very important to the upcoming debate over pharmaceutical cost containment mechanisms. Many drug manufacturers are saying now that the industry is fragile, and that any type of cost containment on pharmaceuticals will cause a sharp decline in research and development of new drugs. These new profit figures, however, paint a picture of a robust and vibrant drug industry in the United States.

The fact is that cost containment on pharmaceuticals does not necessarily mean a decline in research and development expenditures. It does mean that companies may have to reduce their excessive profits, and cut back on extravagant marketing and advertising expenditures. It is amazing that the drug industry could cut its profits by a third, and still be the most profitable industry in the United States.

It could reduce the 25 to 30 percent of its total sales that it spends on wasteful marketing and advertising, and still invest significant resources into finding cures for cancers, AIDS and Alzheimer's disease.

Mr. President, we need a strong, profitable pharmaceutical industry in this country. We want the pharmaceutical industry to do research to find the drugs to treat the diseases of our time. However, we must assure that these drugs are priced fairly and reasonably for our health care system.

By retaining the title of "America's Most Profitable Industry" in 1992, the drug industry may have significantly weakened its case that cost containment mechanisms on pharmaceuticals will "kill the goose that lays the golden egg."•

HONORING CLARA BARTON HIGH SCHOOL

• Mr. D'AMATO. Mr. President, on May 1–3, more than 1,200 students from 47 States and the District of Columbia will be in our Nation's Capital to compete in the national finals of the We the People * * * The Citizen and the Constitution Program. I am proud to announce that the class from Clara Barton High School of Brooklyn, NY, will represent New York State. These young scholars have worked diligently to reach the national finals by winning district and State competitions. The distinguished members of the team representing New York are: Janice Beeston, Dwight Benn, Erica Campos, Dawn Franklyn, Marie Gabriel, Lynne George, Alisha Griffith, Paul Hong, Gisclerc Morisset, Cleopatra Powell, Ester Rodriguez, Marsha Rose, Caroline St. Martin, Francene Stewart, Ernest Townsend, Jean Victor.

I would like to recognize their teacher Leo Casey, who deserves much of the credit for the success of the team. The district coordinator Florence Smith and the State coordinator Stephen Schechter have also contributed a great deal of time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. Administered by the Center of Civic Education, the program, now in its sixth year, has reached over 12,000,000 students in 21,490 elementary, middle, and high schools nationwide.

The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place on our history and our lives today. I am proud of these students representing New York State and commend then and their teacher for their hard work. I wish them the best of luck in this competition—and a bright future thereafter.•

REPORT OF THE NATIONAL GAY AND LESBIAN TASK FORCE ON ANTI-GAY VIOLENCE

• Mr. SIMON. Mr. President, I applaud the efforts of the National Gay and Lesbian Task Force [NGLTF] Policy Institute in its fight against antigay violence. For the past 8 years, the NGLTF has compiled data on antigay attacks, including harassment, threats, physical assaults, police abuse, and murder, in their annual Anti-Gay/Lesbian Violence, Victimization and Defamation Report. NGLTF's efforts in collecting these data and in working with Federal, State, and local government and nongovernment agencies has been instrumental in developing programs that combat antigay bias and violence. I commend their efforts to expose and eliminate hate crimes and would like to share with my colleagues some of the NGLTF's recent findings.

I was saddened to learn that reports to NGLTF of hate crimes against gays reached record high levels in 1992. Victim service agencies in Boston, Chicago, Minneapolis-St. Paul, New York City, and San Francisco recorded 1,898 incidents, including harassment, attacks on property, physical assaults, and murder. The incidents in 1992 represent a 4-percent increase over 1991's total of 1,822 incidents. Taken together, such episodes represent a 172-percent increase over the 697 bias incidents reported 5 years ago by these agencies.

I am also disturbed by events in Oregon and Colorado, States where gay civil rights initiatives were placed on ballots last November. In 1992, the Portland, OR, victim assistance agency documented 968 bias incidents, more than any other gay agency in the United States. After the passage of Colorado's amendment 2, Denver victim advocates reported antigay episodes tripled during November and December. Forty percent of the 204 incidents recorded by victim advocates in Colorado in 1992 were reported during the last 2 months of the year, after amendment 2 had passed.

Clearly, data collected by local antiviolence programs and by the police account for only a fraction of the hate crimes against gays that actually occur. Studies which question individuals directly about antigay incidents are even more revealing. Such studies in 1991 added to the already substantial body of research suggesting the depth of antigay bias. In a study conducted by the Philadelphia Lesbian and Gay Task Force, 20 percent of the homosexual men and women surveyed reported that they had been threatened, chased, or assaulted in 1992. Perhaps most startling, however, is that AIDS bias continues to be a factor in antigay hate crimes. Among the incidents documented in 1992, 168, or 9 percent, involved AIDS-related epithets or were directed toward people with AIDS or perceived to have AIDS. Equally troubling, a survey conducted by the National Association of People with AIDS found that 21 percent of those surveyed had been the victims of discrimination outside of their homes as a result of their disease.

The NGLTF Policy Institute and the NGLTF, in conjunction with other civil rights organizations, have been instrumental in drawing attention to hate crimes and proposing solutions to intolerance. While there is obviously much more work to be done, their efforts to date should be commended.

I urge my colleagues to carefully examine the Anti-Gay/Lesbian Violence, Victimization and Defamation in 1992 Report.•

FACES OF THE HEALTH CARE CRISIS

• Mr. RIEGLE. Mr. President, I rise to tell another story about the impact the health care crisis is having on people in this country. Today, I want to tell you about Carole Lannin from Sault St. Marie, MI. Carole has experienced firsthand what happens when affordable private health insurance is not available and a serious illness strikes.

At age 46, Carole works fulltime as a house manager and on-call counselor in a women's treatment center. She is also pursuing a bachelor of arts degree in sociology and an associate degree in substance abuse counseling.

As a student, Carole has a limited health benefit plan through her school. She pays nothing for this insurance, but it only covers outpatient services. This plan proved to be inadequate when Carole learned she would need quadruple bypass surgery, costing between $30,000 to $40,000.

Carole was unable to afford more extensive private health insurance which, she was told, would cost at least $175 a month. When looking into obtaining insurance to cover the cost of the surgery, Carole learned that several insurance companies would not even consider covering her because of this preexisting health condition.

Carole turned to the State Medicaid Program hoping to obtain coverage for her surgery. She was denied Medicaid benefits because her income was too high and because her condition would not leave her disabled for a year. Like many other Americans, Carole had fallen through the health care safety net.

Fortunately for Carole, Munson Medical Center in Traverse City, the hospital where she was scheduled to have surgery, has a charity program to help people in Carole's situation. In 1992, the hospital contributed more than $1 million to the charity care program. The hospital agreed to waive the hospital's expenses associated with Carole's surgery.

Carole did incur doctors' fees totaling over $6,000. She has worked out an agreement to make $10 monthly payments to chip away at these fees which is the best she can do in her current financial situation. She must live with the fact that the bill will be hanging over her head for a very long time.

Carole's situation illustrates what a growing number of people are facing in this country, and one of the major reasons why health care costs are spiraling. Many of the people who receive hospital charity care are members of the working poor—those with low-paying jobs who can't afford private health insurance, yet make too much money to qualify for Medicaid.

It's fortunate for Carole that Munson was willing to pick up her hospital medical expenses. But when people who lose insurance coverage or have inadequate coverage, need medical help, hospitals often have to absorb the expense. As one Michigan hospital administrator states: "We receive no direct reimbursement for helping these patients, yet we feel we cannot deny them access to the health care they need."

The growing need for charity care, as well as other unreimbursed costs, is placing a substantial burden on hospitals. While hospitals recoup some of the expense through community fundraising, these costs are increasingly passed on to other patients in the form of higher bills.

Today, Carole is living a healthy life. She is able to exercise every day and is looking forward to receiving her academic degrees this May. She would like to attend graduate school, but she doesn't know if she will have enough money to do so. Even though everything seems to have worked out regarding her health, Carole fears the future.

Once she graduates in May, she will no longer be able to receive even the limited student health benefits she now receives. As a result of losing her benefits, the cost of her prescription drug that prevents a heart attack by relaxing her heart will increase by at least $20 a month. She is currently paying $1 a month for her prescription under her student policy.

She will also lose her outpatient coverage which provides for checkups to monitor her heart condition. She is concerned about whether she will ever be able to obtain coverage because of her preexisting condition and she worries that she may again find herself in the position of not being able to afford needed care. She doesn't want to fall through the safety-net again.

Everyone in America deserves affordable health care coverage. Like Carole, too many hard-working people are finding health care coverage out of their financial reach. Health care should not be a luxury available to some and not others. I will continue to do all that I can to bring down the skyrocketing costs of health insurance and health care services by enacting comprehensive reform of our health care system.•

THE FUTURE OF THE DRUG WAR: DOMESTIC POLICY DANGERS

• Mr. D'AMATO. Mr. President, I rise today to discuss further the question of the future of our counternarcotics policy. I want to focus on points raised by Peter Reuter in an article entitled "Truce in Needle Park: Time To End the Drug War," that was published in the Sunday, February 28, 1993, edition of the Washington Post.

In his article, Doctor Reuter states that "[t]he 'harm reduction' approach would relegate criminal law to marginal role in dealing with drug offenders and focus instead on the health consequences of drug use." I believe that adoption of such an approach would be a catastrophe for America and would strike hardest at the least privileged communities in our society.

In support of this harm reduction approach, he cites European experience with it, saying "[i]t evolved in Western Europe, where illicit drug use also ranks high on the list of social concerns but where associated crime and violence have not reached the epic levels found in the United States." He continued, "[t]hus Europeans tend to support policies that risk increasing the extent of drug use but that lower the incidence of disease, especially AIDS. Syringe exchange schemes, scarcely permitted even on a pilot basis here, have become commonplace in Britain, The Netherlands, Italy, and Switzerland. Europeans prefer less stringent enforcement if getting tough lessens the likelihood that drug addicts will seek treatment. Markets that generate violence are subject to intense enforcement aimed at curbing that violence; orderly drug markets may be left alone except for recruiting users into treatment and AIDS prevention programs."

Relying upon the European experience as a guide for U.S. drug policy would be akin to abandoning personal computers to return to quill pens and parchment. There are many points to be made here: European demography is different; European public health systems are different; European public welfare systems are different; European law enforcement procedures are different; preferred drugs of abuse in Europe are different; illegal drug distribution is different in Europe; and, perhaps most important, the conditions that Doctor Reuter advances in support of his thesis are undergoing rapid, negative change right now.

Doctor Reuter focuses on syringe exchange programs and AIDS prevention programs as one harm reduction imperative, and cites European experience in support of his view. Injectable drugs were the dominant drugs of abuse in Europe, but are not the dominant drug of abuse here. Cocaine in its powder form and crack form is the dominant drug of abuse here, and is most often snorted or smoked. Heroin is the dominant drug of abuse in Europe and is most often injected, just as it is here.

What this means is that the European addict population has not been exposed to the psychopharmacological effects of cocaine. Its effects reportedly include a form of drug-induced paranoid psychosis that produces a heightened propensity for violence. That, coupled with the structure of the American illegal drug market at the street level, the social backgrounds of the majority of dealers and addicts, and the driving imperative addicts feel to get money any way they can to buy drugs to feed their habits, produces the high level of violence characteristic of the U.S. drug culture.

Heroin has dramatically different psychopharmacological effects. A heroin addict does not show symptoms of paranoid psychosis. If anything, a heroin addict is first sociable and happy, and then sleepy, as compared to a crack cocaine addict who has high energy, shows paranoid ideation, is edgy and unpredictable, and who comes down hard from the drug high.

Cocaine is coming to Europe. Press reports of ever-increasing seizures of cocaine by European law enforcement, often in cooperation with U.S. DEA efforts, lead to the inexorable conclusion that the cocaine cartels find the European market's higher street prices for the drug more attractive than the already saturated U.S. drug market's lower prices. Operation Green Ice revealed that there were already substantial connections between the cartels and the traditional heroin distribution networks run by established European organized crime groups.

I believe that it is only a matter of time—and perhaps a short time—before our European allies find that cocaine and its crack variant are a rapidly growing problem. Worse, modern Europe has a growing underclass of immigrants, many of them illegal. These people, who are attracted by higher wages or by the promise of safety from ethnic or religious conflicts at home, are a natural market for crack. It is cheap, it gives a false sense of energy and reduced fatigue, and the user does not have to inject it. For people working in menial jobs requiring long hours and hard physical work, it is an attractive drug.

Crack has its own logic. While it may begin being distributed through established heroin trafficking channels, it is unlikely that, once the market begins its typical exponential expansion phase, it will remain in those channels. Then, Europe will face the same sort of violently competitive drug entrepreneurs we have confronted here.

Then, the tradeoffs that look good to European authorities now—"* * * risk[ing] increasing the extent of drug use but * * * lower[ing] the incidence of disease, especially AIDS," and "* * * less stringent enforcement if getting tough lessens the likelihood that drug addicts will seek treatment," and "* * * orderly drug markets may be left alone except for recruiting users into treatment and AIDS prevention programs," will not look so good. In fact, they are likely to conclude that they turned a serious problem into a disaster.

Now, let us go back and reconsider Doctor Reuter's proposition that, "[f]or fiscal, practical, and humanitarian reasons, it would make sense to modify the goal of a drug-free America in favor of the more realistic goal of reducing the harm caused by drugs."

His view is that "Clinton's challenge will be to detach his policies from the zero-tolerance rhetoric that was once so attractive to politicians and the public and to rethink the objectives of Federal drug control." He predicts that "[t]he Clinton administration is likely to have little sympathy for the very tough approach that has been institutionalized in both Federal- and State-level drug control efforts."

He concludes that "[p]erhaps the best the Clinton administration can hope for is that the punitive apparatus will collapse of its own weight. Not only is there the burden of all of those billions of dollars to support strict enforcement and the crowding of prisons to 150 percent of capacity, but there is also the tremendous emotional and professional drain on judges and police in carrying out what many have come to regard as unfair laws and dead-end policies. Or, perhaps, the hawks will simply declare the war won and, in the flush of victory, reach out a helping hand to the vanquished. It would be overdue."

I believe in a drug-free America. Most American parents want a drug-free America. Most American workers want a drug-free America. Most American travelers want a drug-free America.

It is hard to find a parent who will say that he or she is prepared to tolerate a higher level of drug abuse in our schools. It is hard to find a worker or a manager who will say it is all right if more of his or her coworkers abuse drugs on the job. It is hard to find a traveler who will say he or she doesn't care if the bus driver or the airline pilot or the train engineer uses illegal drugs.

It is hard to find the law-abiding citizen who agrees that "the best * * * hope * * * is that the punitive apparatus will collapse of its own weight." If it did collapse, that would mean that drug felons would be free to prey upon our communities without effective restraint.

What, exactly, is that punitive apparatus Doctor Reuter thinks should collapse? It is our criminal justice system—our police departments, our prosecutors, and our judges. I, for one, think our brave and hard-pressed law enforcement personnel deserve high praise for their hard work in defending the rest of us from violent, greedy human predators, not a pundit's snide characterization of them as a punitive apparatus.

Doctor Reuter says that "[i]n the politically powerless inner-city communities the effects of hawkish policies have been harsh. These neighborhoods not only suffer from most of the drug trade's effects—from crime, violence, AIDS, crack babies, and a host of other ills—they also bear the brunt of law enforcement. African-Americans now account for 40 percent of drug offenders, compared to less than one-quarter 10 years ago, and a much higher percentage than for other criminal offenses."

Mr. President, no one knows better the catastrophic effects of the illegal drug trade than the very residents of those inner-city communities. They have banded together seeking more, not less, police protection. They would volunteer to bear even more of the brunt of drug law enforcement in order to restore peace and safety to their neighborhoods.

These very inner-city communities have sought ways to remove the drug dealers and the violence associated with the trade from their neighborhoods even if they can't get the police protection they deserve. They organize community patrols, neighborhood watches, and other measures they hope will work.

The percentage of convicted drug criminals who happen to be African-Americans reflects not upon their race, but rather upon each of them as individuals who chose to do harm to their community by placing greed for great drug profits ahead of everything else. While the friends and relatives of the convicted criminals may regret their incarceration, many will agree that prison is the best place for a great many of these felons, whose first victims, in many cases, were their own families.

Relentlessly pursuing a drug-free America, Mr. President, is the point. Doctor Reuter himself agrees that "* * * zero-tolerance rhetoric * * * was * * * attractive to politicians and the public. * * *" The fact is that it isn't just the rhetoric that was attractive—it was, and still is, the promise of an end to the drug threat they and their loved ones face every day that is attractive—so attractive that they are willing to tolerate limits on their civil liberties and to spend large amounts of tax money to achieve a drug-free America.

Americans are tired of living in fear—fear of drug-driven violent crime, fear of drug abuse-caused accidents and injuries, fear of drug abusers spreading fatal diseases, and fear of drug pushers trying to recruit their children. The way to end this fear is to fight drugs and win, not to "declare the war won and * * * reach out a helping hand to the vanquished."

We haven't won, but we are on the right track. And the people who deserve the helping hand most are the victims of drug-associated violent crimes, the innocent people who are injured or infected as a result of the recklessness of drug addicts, and the families and children who are poisoned by illegal drugs pushed by human predators.

If the new administration chooses to follow Doctor Reuter's advice, we will be definitely on the wrong track. We will be on the wrong track destined for a head-on collision with reality. Such a collision will kill tens of thousands of innocent Americans, as a result of increased drug violence, increased accidents and injuries, and increased fatal illnesses. It will cost us billions and billions of dollars more than proceeding down the present track would cost.

We can't afford such a policy train wreck. I hope that President Clinton will seek out advice from others in addition to Doctor Reuter. This country has developed an unmatched corps of experts—many with actual experience in the field—in fighting the drug war. Their voices should be heard in the drug policy review that I understand is presently underway in the White House.

Mr. President, I ask that the article entitled "Truce in Needle Park: Time To End the Drug War," that was published in the Sunday February 28, 1993, edition of the Washington Post, be printed in the RECORD following my remarks. In addition, I ask that a letter to the editor of the Washington Post, by William J. Olson, that was published Wednesday, March 17, 1993, also be printed in the RECORD.

The material follows:

[From the Washington Post, Feb. 28, 1993]

TRUCE IN NEEDLE PARK: TIME TO END THE DRUG WAR

(By Peter Reuter)

In America, when issues that once blanketed the political map suddenly slip off altogether, the usual scapegoat is a notoriously fickle public—one that fixes briefly and avidly on, say, Star Wars, Somalia or Los Angeles and then forgets its sheer existence. But sometimes, when an issue slips out of public attention, there's a politician nudging it on its way. That's what's happening today with that one-time national call to arms, the "war on drugs."

With little fanfare, the Clinton administration is now de-escalating that war. In the recent White House staff cuts, the office of the drug czar lost 121 of 146 staff positions, to little media attention and no public outcry. Which may be just as well. After the costly and largely ineffectual policies of the '80s, drugs are one issue that may benefit from benign neglect.

The costs of the drug problem in inner cities and prisons and treatment centers are likely to remain high throughout the '90s unless, that is, we begin to construct a sensible alternative—one that still takes seriously the need to protect communities from the worst damages of violent drug traffickers and continues to signal society's disapproval of drug use, while retaining the basic criminal prohibitions on use and sale. Clinton's challenge will be to detach his policies from the zero-tolerance rhetoric that was once so attractive to politicians and the public and to rethink the objectives of federal drug control. For fiscal, practical and humanitarian reasons, it would make sense to modify the goal of a drug-free America in favor of the more realistic goal of reducing the harm caused by drugs.

It won't be easy. As long as drug use and crime are synonymous in the minds of most Americans, any new approach to the nation's drug-related social problem is likely to face strong political resistance. The success of the hawks in the drug policy debate during the Reagan-Bush era was in part a function of how the drug problem is characterized by the media. Americans are uncomfortable with moral ambiguity; if nothing else, the war on drugs, as it has played out before television cameras over the last decade, delivered the villains clearly labeled.

The popular desire to "get tough" on drug users gave the hawks an extraordinary degree of control over drug policy in the 1980s. The federal budget for drug control increased from $1.5 billion in 1980 to almost $13 billion in 1992, two-thirds of which went to enforcement programs. State and local governments, which together spent another $18 billion or so on drug control in 1990, were even more enforcement-oriented, with 80 percent of their money going for enforcement. A rough estimate of the total national governmental budget for drug control in 1990 was $28 billion, of which $21 billion went to enforcement.

Congress and state legislatures also dramatically increased the penalty for drug offenses. In 1988, for example, Congress raised the mandatory sentence for selling 5 grams of crack cocaine to five years. Michigan imposed mandatory life imprisonment without parole for those convicted of selling 650 grams of cocaine, a law that was finally overturned by the Michigan Supreme Court.

Nor were these legal changes just paper acts. At the federal level the number of persons sent to prison on drug charges rose from 2,300 in 1980 to 13,000 in 1990. Moreover, the expected time served on average rose dramatically from 20 months to 66 months, reflecting the impact of the Sentencing Commission guidelines as well as congressional mandates. At the state level the number sentenced to more than 12 months rose from 11,500 in 1981 to 90,000 in 1989, while several hundred thousand spent weeks or months in local jails.

By contemporary American standards, drug use and drug selling have become quite risky, at least for certain groups. A study of street-level drug dealers in the District of Columbia in the late 1980s estimated that a regular dealer had almost a one in four chance of going to prison in the course of a year.

Yet the effect of these increasingly punitive and expensive policies on the nation's drug-related social problems has been modest. Illegal drugs are just as widely available as a decade ago. The price of cocaine is lower than ever (adjusting for inflation). The price of marijuana is higher, reflecting the one clear success of enforcement. Drug use in the general population has sharply decreased, probably reflecting increased health concerns generally, as well as greater awareness of the dangers of drug use (cocaine) and smoking (marijuana).

In the politically powerless inner-city communities the effects of hawkish policies have been harsh. These neighborhoods not only suffer the most from the drug trade's effects—from crime, violence, AIDS, crack babies and a host of other ills—they also bear the brunt of law enforcement. African Americans now account for 40 percent of drug offenders, compared to less than one quarter 10 years ago, and a much higher percentage than for other criminal offenses.

The vast majority of those who are locked up (black or white) are the small fry of the drug trade, not because the police avoid the upper levels but because there are so many more low-level dealers. A study of those sentenced in the federal prison system, supposedly reserved for the more serious offenders, found that nearly half were either street-level dealers or minor participants in something larger.

A cruel irony of tough federal sentencing guidelines is that the only mitigating circumstance for shortening a mandatory sentence is cooperation with the prosecutor. Unimportant dealers have little to offer; higher-ups can provide valuable information and get off more lightly. Moreover, it seems that many of those being incarcerated on drug offenses are not violent offenders; with prisons overcrowded, offenders posing more serious threats to community safety are being kept out.

Moreover it is clear that there has been, at most, only a slight reduction in the number of persons who are drug dependent, especially in the inner city, and probably no reduction in the damage they cause themselves and others, especially crime and the spread of AIDS and, more recently, tuberculosis. Drug abuse (as opposed to use) is increasingly concentrated among the inner-city poor, particularly young, African-American males.

Other drug-related harms may be exacerbated by tough enforcement. Frequent harassment of street drug sellers may increase the incentives to use violence to maintain market share. More variability in the purity of heroin, resulting from occasional large seizures, may cause more overdose deaths. Stringent enforcement has raised marijuana potency, possibly increasing the hazards of consuming the drugs, at the same time that head shop laws prevent marijuana smokers from using water pipes—the least harmful method of consuming the drug.

The "harm reduction" approach would relegate criminal law to a marginal role in dealing; with drug offenders and focus instead on the health consequences of drug use. It evolved in Western Europe, where illicit drug use also ranks high on the list of social concerns, but where associated crime and violence have not reached the epic levels found in the United States.

Thus Europeans tend to support policies that risk increasing the extent of drug use but that lower the incidence of disease, especially AIDS. Syringe exchange schemes, scarcely permitted even on a pilot basis here, have become commonplace in Britain, the Netherlands, Italy and Switzerland. Europeans prefer less stringent enforcement if getting tough lessens the likelihood that drug addicts will seek treatment. Markets that generate violence are subject to intense enforcement aimed at curbing that violence; orderly drug markets may be left alone except for recruiting users into treatment and AIDS prevention programs.

The Clinton administration is likely to have little sympathy for the very tough approach that has been institutionalized in both federal- and state-level drug control efforts. However, implementing "harm reduction" policies—such as less stringent sentencing of federal drug offenders or reduced aggression in our overseas programs—offers hostages to right-wing foes. The accusation of being "soft on drugs" is one that Democrats are likely to be sensitive about.

Even the first step of moving towards a harm-reduction drug policy—building an effective public drug treatment system—is likely to be difficult for the new administration. The existing drug treatment system is isolated from other medical and social service systems, lowering both morale and effectiveness. In recent years, the emphasis has been on increasing the number of persons in treatment rather than improving the quality of treatment. When subject to serious scrutiny, the current public sector drug treatment system looks weak.

The heart of the problem is that the clients of drug treatment are people who cause the rest of society many problems. There is little enthusiasm for providing good services to such an unattractive bunch of clients. But in the later stages of the drug epidemic, which is our current situation, most of what we think of as the nation's drug problem is more amenable to a good treatment system than to continued growth in incarceration. Law enforcement, instead of aiming to punish, should aim to get those most needing treatment into the system.

Perhaps the best the Clinton administration can hope for is that the punitive apparatus will collapse of its own weight. Not only is there the burden of all those billions of dollars to support strict enforcement and the crowding of prisons to 150 percent of capacity, but there is also a tremendous emotional and professional drain on judges and police in carrying out what many have come to regard as unfair laws and dead-end policies.

Or, perhaps, the hawks will simply declare the war won and, in the flush of victory, reach out a helping hand to the vanquished. It would be overdue.

[From the Washington Post, Mar. 17, 1993]

THE WAR ON DRUGS: COUNTERATTACK

Peter Reuter's Outlook piece "Truce in Needle Park" [Feb. 28] would have been better titled "Truth in Needle Park?" The essence of his argument is that federal counter-narcotics policies have failed, and it is time to do something new. But what are these failures, and what is the new?

First, Mr. Reuter argues that the presence of drugs on U.S. streets is a sign of failure. While it is true that drugs are available, on one claimed that we could eliminate drugs from American life, and nothing in Mr. Reuter's proposed alternative contemplates that.

The purpose of the war on drugs was to reverse the trend that encouraged drug use as acceptable social behavior and to create breathing space for treatment and for education programs to work. The war on drugs also was intended to stop the violence that came with increasing use, especially with the explosion of cocaine abuse. This sounds strikingly like Mr. Reuter's goal of "harm reduction," only with teeth.

Social disapproval is one of the strongest weapons in building as effective counter-drug policy. But how does society demonstrate unmistakable disapproval? By branding drug use as a medical problem requiring treatment so that the message is that only sick people are involved? Or by placing sanctions on the sale and use of drugs and attacking drug production and trafficking vigorously?

Second, Mr. Reuter argues that the continuing presence of drug addicts is a sign of failure. What he passes over, however, is that drug abuse is down in every category except among hard-core users.

Third, he points to rising jail populations as a sign of failure. This piece of social accounting, however, ignores the cost of drug abuse to society in increased medical costs, accidents, gang violence and crack babies. Mr. Reuter argues that any sound policy must protect communities, but he does not explain how reducing law enforcement will do this.

Mr. Reuter then argues that all these failed efforts were the result of ill-conceived hawkish policies. Thus it would seem that the war on drugs was not the result of popular demand that forced Congress and the administration to do more to control drug trafficking and abuse, but the byproduct of a few drug hawks.

Mr. Reuter also argues that we must sustain the prohibition on drug abuse but that we must dismantle the very things that have made this possible. That is a case of having and eating the cake at the same time. The problem of drug abuse in this country did not grow overnight, and it did not happen because there was a vigorous law enforcement environment in the 1960s and 1970s. Yet Mr. Reuter seems to think that the war on drugs should have instantaneously solved the problem after years of social acceptance. If we applied this logic to child abuse we would have to conclude that efforts to prevent it were abysmal failures and that we should stop trying to prevent them. Instead, we should see them as an expression of an illness and treat the abusers, hoping that the casualties will take care of themselves while we wait for treatment to have the desired results.

The question is whether we are going to have a serious drug policy. There are few signs that the Clinton administration has any concept of a policy, but if it does, I hope it is not as muddled as Mr. Reuter's.●

ON THE CLINTON ADMINISTRATION'S "GOALS 2000—EDUCATE AMERICA ACT"

● Mr. DURENBERGER. Mr. President, I rise to day to comment briefly on the education reform legislation President Clinton proposed yesterday, officially known as Goals 2000—Educate America Act.

I want to begin by commending both President Clinton and Education Secretary Riley for their long-time commitments to education reform, previously as Governors and now in picking up the broad emphasis on quality in education launched in the previous administration by President Bush and his Education Secretary, Lamar Alexander.

I also want to give special thanks to Secretary Riley for his efforts to consult with a large number of education interest groups and Members of Congress in preparing this legislation for introduction. I and many of my colleagues have made numerous suggestions for changes or improvements in this bill. And, I know that we will have other suggestions to offer before it leaves the Congress.

On the substance of this bill, I am pleased to see the administration's strong interest in systemic reform, its willingness to allow State education improvement funds to be used to support public school choice and charter schools, and its openness to using waivers to offer States, districts, and individual schools new ways to be held accountable for measurable education outcomes.

I have made several suggestions to the administration for improvements in these and other sections of this bill. And, I now pledge to continue to work with my colleagues on the Senate Labor Committee to implement those suggestions as this debate goes forward.

If nothing else, I would hope that our recent experience with the President's supplemental appropriations proposal will convince everyone in this body and the administration that major legislative initiatives—in health care, education, economic policy and other areas—must be bipartisan. In the area of education reform, that certainly is my desire and my intent.

As I begin to define my own contribution to this debate, Mr. President, I have found it useful to compile a listing of "principles for a Federal role in State-based education reform."

These principles are offered under the premise that sound Federal education policies will emerge only with active and constructive participation from both Republicans and Democrats in the Congress.

With that premise in mind, the following 12 principles are respectfully offered for our consideration as the administration's education proposal now come before us:

First, education is and should remain primarily a State and local government responsibility. State governments—and their chief executives should be looked to as the primary designers and implementers of education reform.

Second, we must remember that the Federal Government's primary historic role in education has been to promote equal access to education regardless of income and other factors, and to improve the ability of States and local school districts to assist students who need specialized education services, especially students with physical and other disabilities. That historic role should be preserved, and within obvious fiscal limitations, be enhanced.

Third, under the leadership of President Bush, a new and expanded Federal role in education has also been defined. That role in collaboration with the States is to identify, define, and monitor progress toward achieving a limited number of national education goals. Those goals are designed to improve the quality and outcomes of education for every American child for the benefit of each individual and to improve the competitive position of the Nation as a whole.

Fourth, it is appropriate that the Federal Government in collaboration with the States continue to define and refine the six National Education Goals, and to set standards that can be used to quantify the goals and measure progress toward achieving them.

Fifth, the Federal Government's role in setting and monitoring standards should be specific enough to allow real measuring of success or failure, but flexible enough to not impede States and local communities that are in a much better position to determine precisely how goals and standards should be met.

Sixth, Federal standards should also not replace community, building, classroom, and individual student-level efforts to define, measure, and monitor progress toward achieving improved education outcomes.

Seventh, within a broad framework of educational goals and standards for achieving them, the Federal Government has a responsibility to encourage and financially assist States and local communities as they design and implement education reform initiatives.

Eighth, States should be given maximum flexibility to develop or adapt previously approved education reform initiatives. Education agencies and educators, parents, employers and others should provide extensive input in developing education improvement plans. But, primary responsibility for developing and carrying out education improvement plans should lie with each State's Governor.

Ninth, whenever possible, new forms of accountability should be used to monitor and measure achievement of objectives based on outcomes rather than compliance with input-oriented rules and regulations.

Tenth, this shift in how accountability is maintained should include careful use of waivers from Federal and State mandates, and should include use of contracts and other means of holding States, districts, schools, and individual educators accountable for achieving previously agreed-upon outcomes. Waivers should not be given rules and regulations that protect basic human rights and other underlying principles of public education.

Eleventh, within such new forms of accountability, parents should be given the opportunity to choose schools and programs that best meet the needs of their children. Accurate and useful information on available school choices must be readily accessible to parents along with assistance in using that information to help make informed choices.

And, finally, Federal education policies should encourage the availability of new and more diverse school choices, including the establishment of new, innovative public schools like charter schools and magnet schools. However, the precise design of school choice programs and conditions under which new schools may be established and sustained should remain a State government responsibility.

Mr. President, I realize that this listing of principles for Federal support of State-based education reform is not all-inclusive. Neither is it relevant to every aspect of the reform initiative that President Clinton has now proposed.

But, I do hope we will use these and other principles in a constructive effort to add greater bipartisanship and value to the initiative the President has put before us. That certainly will be my objective. And, my hope is that all of us will come to this debate with the same constructive spirit.●

NATIONAL ORGAN AND TISSUE DONOR AWARENESS WEEK

Mr. MITCHELL. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on Senate Joint Resolution 66.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the resolution from the Senate (S.J. Res. 66) entitled "Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as 'National Organ and Tissue Donor Awareness Week'," do pass with the following amendments:

Page 1, lines 4 and 5, strike "'National Organ and Tissue Donor Awareness Week'", and insert: "Nancy Moore Thurmond National Organ and Tissue Donor Awareness Week".

Amend the title so as to read: "Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as 'Nancy Moore Thurmond National Organ and Tissue Awareness Week'.".

Mr. MITCHELL. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

Mr. MITCHELL. I move to reconsider the vote and move to table the motion to reconsider.

The motion to lay on the table was agreed to.

AUTHORIZING TESTIMONY OF SENATE EMPLOYEES

Mr. MITCHELL. Mr. President, on behalf of myself and the Republican leader, I send to the desk a resolution authorizing testimony and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title

The bill clerk read as follows:

A resolution (S. Res. 100) to authorize testimony of Senate employees.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, in Pefaur versus Pefaur, Nos. 92-42571, 92-53491, a proceeding pending in the Florida Circuit Court for Dade County, the respondent seeks the deposition testimony of a member of Senator GRAHAM's staff, concerning casework performed for the petitioner. This resolution would authorize the testimony of this employee and the testimony of any other employee required in these cases, except concerning matters for which a privilege should be asserted.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 100) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 100

Whereas, the respondent in Pefaur v. Pefaur, Nos. 92-42571, 92-53491, pending in the Florida Circuit Court for Dade County, seeks the deposition testimony of Lula Rodriguez, a Senate employee on the staff of Senator Graham;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Lula Rodriguez, and any other employee whose testimony is required, are authorized to testify in Pefaur v. Pefaur, Nos. 92-42571, 92-53491 (Fla. Cir. Ct.), except concerning matters for which a privilege should be asserted.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to and move to lay that on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. GLENN. Mr. President, S. 171, the subject which we have been discussing here for the past couple of hours, we will resume discussion on next Tuesday. I would like to offer a unanimous-consent request that I believe has been cleared on behalf of the majority leader, Senator MITCHELL.

Mr. President, I ask unanimous consent that on Tuesday, April 27, at 11:30 a.m., when the Senate resumes consideration of S. 171, the Department of Environment Act of 1993, that Senator ROTH be recognized to offer a substitute amendment which relates only to elevating the EPA to Cabinet status; that there be a time limitation of 1 hour for debate on the amendment with the time equally divided and controlled between Senators GLENN and ROTH or their designees, with no intervening amendment in order; that on Tuesday, from 12:30 p.m. to 2:15 p.m., the Senate stand in recess to accommodate the respective party conferences; that at 2:15 p.m., without intervening action or debate, the Senate vote on or in relation to the Roth amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ORDERS FOR TOMORROW AND TUESDAY, APRIL 27

Mr. MITCHELL. I ask unanimous consent when the Senate completes its business today, it stand in recess until 9 a.m. on Friday, April 23; that on Friday, the Senate meet in pro forma session only; that upon the close of the pro forma session, the Senate then stand in recess until 10:30 a.m. on Tuesday, April 27; that on Tuesday, following the prayer, the Journal of the proceedings be deemed approved to date; that following the time for the two leaders, there then be a period for morning business not to extend beyond 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, with Senator GRAMM of Texas recognized for up to 10 minutes, and with 30 minutes of morning business under the control of Senator DASCHLE or his designee; that at 11:30 a.m., the Senate resume consideration of S. 171, the Department of Environment Act of 1993, as provided for under the provisions of a previous unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 5:46 p.m., recessed until Friday, April 23, at 9 a.m.

EXTENSIONS OF REMARKS

HOLOCAUST MEMORIAL ACTIVITIES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. GILMAN. Mr. Speaker, Holocaust memorial activities scheduled around the country and the world are creating a confluence of events rarely seen. This year we commemorate the 50th anniversary of the valiant Warsaw ghetto uprising. We also witnessed the dedication of the Holocaust Memorial Museum in Washington DC today. With President Clinton and numerous foreign dignitaries present at the dedication, the world is finally bearing witness to the horrors perpetrated just a few decades ago.

The Holocaust Museum is the result of the vision of many individuals, among them Nobel Peace Laureate Elie Wiesel and the hard work, dedication, and commitment of thousands of men and women across the United States and around the world. Charged with chronicling the atrocities of man's inhumanity to man, through commemorative activities of the Warsaw ghetto uprising and the Days of Remembrance Ceremony in our Capitol rotunda this week, we also learn more about the courageous and noble efforts of so many confined to the Warsaw ghetto during its last days and weeks.

Among the speakers at yesterday's national civic ceremony in the rotunda, we were privileged to hear our colleague, the gentleman from Illinois [Mr. YATES] a member of the Holocaust Memorial Council since its inception, and chairman of the House Appropriations Subcommittee on Interior. Because Representative and Mrs. Yates' diligent contributions on behalf of the museum's creation have been legend, I would like to take this opportunity to share his remarks with our colleagues:

DAYS OF REMEMBRANCE—APRIL 20, 1993—CAPITOL ROTUNDA—SIDNEY R. YATES

Mr. Chairman, distinguished guests, ladies and gentlemen.

This is a day for remembrance.

The hate, the Anti-Semitism, the brutality that marked Hitler's war against the Jews, brings to my mind vividly a confrontation that took place in 1939 in my home city of Chicago.

It was a time when Father Coughlin and his Christian front spewed their hatred on radio and in meetings all over the country. It was a time when the German-American Bund, loyal to Hitler and to Germany held huge mass meetings in every major city.

It was in one of these meetings either of the Christian front or the Bund that Bishop Bernard J. Sheil came to speak. In an eloquent ringing speech, he denounced the group—for spreading hate and fear, for its Anti-Semitism and vicious prejudice. He concluded to a storm of hisses and boos from the audience.

Walking out down the center aisle toward the exit, he passed an old woman, her face distorted by anger and hate, suddenly she rose from her chair shrieking: "You call yourself a Catholic. You're no Catholic—I'm a Catholic. You're a Jew-lover, Rabbi Sheil," and she spat full into his face.

A quiet fell over the hall. Bishop Sheil with spittle running down his face, looked directly at the old woman—and then, turned his other cheek. He said calmly: "Isn't that what they called our Lord—Rabbi?"

This is a day for remembrance.

Early in 1939 the countries of the world were horrified by the viciousness of the Nazi attacks on the Jews on Kristallnacht. But they were not so horrified that they were moved to open their gates to the Nazi victims.

In the United States Congress, a desperate attempt was made by Senator Robert Wagner of New York and Congresswoman Edith Nourse Rogers of Massachusetts to save 20,000 Jewish children from the Nazi's by admitting them over a 2-year period.

The bill was strongly supported by Eleanor Roosevelt, by former President Herbert Hoover, by leading Catholics, Protestants, and Jews from all over the country, yet the bill could not even obtain committee approval. It died in committee—and with it died all hope of rescuing the children.

Twenty thousand children became numbers among the 1½ million children who died in the Holocaust.

This is a day for remembrance.

Today, on the occasion of its 50th anniversary, we acknowledge the incredible bravery and resistance of the Jewish people of the Warsaw ghetto who with little more than pistols and a few rifles defeated the massed might of the German army for weeks before they were overcome.

Yes, this is a day for remembrance.

We remember President Jimmy Carter for his initiative in leading Americans to remember the Holocaust.

It was President Carter who established the President's Commission on the Holocaust in 1978, asking it to report to him promptly with a recommendation for an appropriate memorial to those who perished in the Holocaust. He called it "The crime against humanity which has no parallel in human history."

The United States Holocaust Council, of which I was a member, was directed to build, "A memorial of symbolic and artistic beauty, visually and emotionally moving in accordance with the solemn nature of the Holocaust."

Such beautiful language and so appropriate. But so difficult.

A wise man has said that human language breaks down when confronted with the monstrous challenge of describing the Holocaust.

If human language is inadequate for the purpose, how then could we meet our mandate in the much more abstract language of architecture—in steel and stone and glass and brick?

The council anguished over plans and concepts for months.

Our task seemed hopeless. Then, miraculously, an architectural genius was found, James Ingo Freed of New York, who in this unusual and unique structure has captured the essence of the Holocaust.

But you will see the Memorial for yourselves when you visit it when it is opened later this week—the new United States Holocaust Memorial Museum.

This is a day of remembrance.

On an afternoon years ago when Dillon Ripley when the Secretary of the Smithsonian Institution, came to my office, to discuss some of his problems. I was chairman of the House Appropriations Subcommittee which oversees appropriations for the Smithsonian, as I am now, and he wanted to explore with me an idea he had to build an institute of man to deposit man's achievements in this world.

"But Dillon," I said, "isn't that what the Smithsonian is collectively now—an institute of man? Your museums and laboratories portray man's progress in the arts and sciences. Together, they show the progress made by man to advance civilization."

I continued: "What you need to round off your institute of man is the museum which I'm helping to build now—the Holocaust Museum, which will show the retrogression of man—the evil, the viciousness and brutality of which he is capable—which will be related by the museum of the Holocaust.

"On the Mall, you will have the Smithsonian museums depicting man's goodness, his better nature and achievements. In the Holocaust Museum you will have displayed his dark side. Together they will make up the institute of man."

Ripley shook his head—he did not want to undertake that mission or to include the museum within the Smithsonian family.

But surely, that is what has happened.

The Holocaust Memorial Museum is now built and will take its place near the Mall. And although not a part of the Smithsonian group, it will be a powerful force to expanding man's knowledge of himself—the dark side.

At the same time it will serve as a moving, sensitive memorial to the victims of the Holocaust.

This is a day of remembrance.

We remember the contributions the Congress has made over the years toward memorializing the Holocaust. Among these was my bill which Congress unanimously adopted a few weeks ago. It declares:

Resolved, That, in remembrance of those who perished in the Holocaust; in tribute to the survivors who came to the United States to build a new life, and who, with their families, have contributed so much to the fabric of our diverse society; in recognition of heroic American soldiers who liberated prisoners of Nazi camps; in recognition of the anonymous bravery of rescuers from many lands who had the courage to care and placed their own lives in peril to help others in need; and in hope that Americans will learn from this museum the need to remain vigilant against bigotry and oppression, we welcome the United States Holocaust Memorial Museum to the center of our American heritage and state now, in recognition of the Museum's motto, that for the dead and the living and those yet to be born, we do bear witness.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Bearing witness is a painful and difficult task. Gen. Dwight D. Eisenhower, in a letter to Gen. George Marshall in noting his observations, when he came upon the concentration camps, stated, "The things I saw beggar description * * *. The visual evidence and the verbal testimony of starvation, cruelty, and bestiality were so overpowering as to leave me a bit sick * * *. I made the visit deliberately, in order to be in a position to give first-hand evidence of these things if ever, in the future, there develops a tendency to charge these allegations merely to propaganda."

Around the world, but particularly in Poland, Israel, and the United States, memorial activities highlight the brave acts of the known and unknown men, women, and children who fought from the sewers and alleys of the Warsaw ghetto to repel the German army which sought to liquidate its environs in a few short days. The courageous rebellion, futile though it was, lasted several weeks, and through the smoke and fire of German armaments, lifted the spirits of those remaining, who went to their deaths knowing that they fought to the last on behalf of freedom and human dignity. It is their legacy that we acknowledge and honor this week.

In memory of the millions of adults and children who were denied their lives and livelihood, these commemorative ceremonies make us gaze in awe at the successful creation of the Holocaust Memorial Museum. We marvel at the strength of the human spirit to persevere with this creation of bricks and mortar. It is a museum which depicts evil events. But it is a memorial museum as well. The martyred spirits of the 6 million will always be with us. Their essence is present in the soil embedded in the museum's structure from camps across Europe.

Mr. Speaker, at today's Holocaust Museum dedication President Clinton addressed those at the gathering with a moving, sensitive address. Accordingly, as a congressional member of the Holocaust Memorial Council I would like to share President Clinton's remarks with our colleagues. His words bear witness to the deeds of the past. With the creation of the new Holocaust Memorial Museum, let us dedicate ourselves to the memories of those we lost, and to ensuring the religious and individual freedoms that we hold so dear.

President William Jefferson Clinton—Dedication Ceremonies for the U.S. Holocaust Museum, Washington, DC, April 22, 1993

We meet among memorials—within sight of Thomas Jefferson, who wrote his profound reverence for the inalienable rights of man into our country's creed; near where Abraham Lincoln is seated, who gave his life so our nation might enjoy "a new birth of freedom."

We gather close to the place where Marian Anderson sang songs of freedom like "Gospel Train," and where Martin Luther King summoned us—Jews and Gentiles, black and white, the comfortable and the afflicted—to dream and work together so that every one of God's children might drink from the common cup of opportunity and equality.

Here, beneath this serene spring sky, on the town square of our national life, we commemorate a new union.

On this fiftieth anniversary of the Warsaw Ghetto uprising, at Eisenhower Plaza on Raoul Wallenberg Place, we dedicate the U.S. Holocaust Museum, and so bind one of the darkest lessons in human history to the hopeful soul of America.

We are here because men and women emerged from the barbarous darkness of destruction; and, rather than yield to despair, they bore witness. They told the story of the Holocaust as an antidote to indifference and inaction—and as a warning.

These witnesses helped shape an institution that will speak to the core of our values as a people. This museum is not for the dead alone—for them it is too late. Nor is it solely for the survivors—who can never and will never forget. It is, most of all, for us who were not there: to learn the lessons of the Holocaust, to deepen our memories and thus our humanity, and to transmit these lessons from generation to generation.

The Holocaust transformed the 20th century, sweeping aside the facile Enlightenment hope that evil can somehow be permanently vanquished; demonstrating there is no war to end all war, that the struggle against the basest tendencies of our nature continues forever and ever and demands eternal vigilance.

The Holocaust began when the most civilized country of its day unleashed unprecedented acts of cruelty and hatred, abetted by perversion of science, philosophy and law. A culture which produced Goethe, Schiller and Beethoven brought forth Hitler and Himmler's merciless hordes, and because the educated stood by, or worse, participated, the innocent perished.

It became the policy of the Nazi government to exterminate people throughout German society. Millions died—for who they were, how they worshipped, what they believed, and who they loved. But one people were immutably marked for total destruction. Stripped to its core, Nazism was nothing but a murderous hatred of the Jews.

They who were among their nation's most patriotic citizens, whose extinction served no military purpose nor offered any political gain, who threatened no one, were slaughtered by an efficient, unrelenting bureaucracy dedicated solely to a radical evil with an antiseptic title: The Final Solution. This depravity, harnessed to modern technology, delivered death by mass production.

Across Europe, families and simple people, more than a million children, 200,000 defenseless disabled deemed an embarrassment to the myth of Aryan supremacy, and people from nearly 5,000 cities and shtetls like Ejszyski [a-SHISH-key] were led into the lethal rain of metal or gas, to the fires or into the ditches they themselves were forced to dig. A third of the world's Jewry, two-thirds of the Jews living in Europe, were killed.

The nations of the West must live forever with this knowledge: Even as our fragmentary awareness of these crimes grew into indisputable facts, we did far too little. Before the war started, doors to liberty were slammed shut. And even after we attacked Germany, rail lines to the camps within miles of militarily significant targets were left undisturbed. Mass deaths were left to occur, enshrouded in our denial.

But still, there were many deeds of singular courage and resistance. I think of the Danes who refused to bend their knee before Adolf Hitler; Janusz Korczak [Yan-NUSH, KOR-chak], who stayed with the children until their last breaths at Treblinka; Emmanuel Ringelblum, who died after preserving in metal milk cans the history of the Warsaw ghetto; Raoul Wallenberg, who rescued perhaps as many as one hundred thousand Hungarian Jews; those known and those never known who manned the thin line of righteousness—who risked and lost their lives to save lives, who accrued no advantage to themselves but who nobly served the larger cause of humanity.

As the war ended, these noble rescuers were joined by our military forces who, along side the allied armies, played the decisive role in bringing the Holocaust to an end.

Overcoming the shock of discovery, these men walked survivors from those dark places into the sweet sunlight of redemption. The soldiers brought blankets and comfort, dignity and hope to those who had somehow outlasted their tormentors.

With these gentle acts of liberation, soldiers and survivors were forever joined in history and humanity. This place is their place too; for them as for us, to memorialize the past and steel ourselves for the challenges of tomorrow.

There will come a time when the Holocaust will pass from living reality and shared experience to memory and history. In a very real way, our capacity to honor the fallen is in the hands of those who are now very young or not yet born. To preserve this shared history of anguish, to keep it vivid and real, so that evil can be combatted and contained, we consecrate this memorial and contemplate its meaning for us.

More than any other event, the Holocaust gave rise to the Universal Declaration of Human Rights, the charter of our common humanity. It is among the reasons we fight for liberty, equality, and justice—values that must constantly be reaffirmed and rewon—universal values acclaimed behind those doors. And the Holocaust contributed—indeed made certain—the long overdue creation of Israel.

With the demise of Communism and the Cold War, borders drawn along political lines are now being rewritten, and arrangements that lasted generations have become obsolete. Majority groups have become minorities, persecutors become the persecuted, the rub and chafe of latent antagonisms rise to the surface. We learn, again and again, that the world has yet to run its course of animosity and violence.

Ethnic cleansing in the former Yugoslavia, the oppression of the Kurds in Iraq, the abusive treatment of the B'hai in Iran, and the endless race-based violence in South Africa—and more—remind us how fragile are the safeguards of civilization.

So do the depraved and insensate bands loose in the modern world; The liars and the propagandists among the skinheads and the Liberty Lobby here at home, in the Africaners' Resistance Movement of South Africa, the Radical Party of Serbia, and the blackshirts who answer to Zhirinovsky. With them, we compete for the interpretation and preservation of history, of what we know, and how we must behave.

Left alone, they will twist history beyond recognition, deny the fact or uniqueness of the Holocaust, or offer specious arguments about the politics of the day. We hear this all the time, and it is deadly nonsense. The evil represented in this museum is incontestable; it is absolute. As we are its witness, so we must remain its adversary. We owe that much to the dead, as we owe it to our consciences and our children.

So we must stop the fabricators of history and the bullies as well. Left unchallenged, they would still prey upon the powerless, and we cannot permit that to happen, again.

To build bulwarks against that evil, there is but one path to take. We have our differences but we cannot separate ourselves from each other. This is the dynamic tension in the life of the contemporary world. Organizing a civil society, a civil world, requires us to honor diversity even as we reaffirm our common humanity. The framework within which individuality, ethnicity, and nationality can exist without turning murderous is constitutional democracy, and the respect in international law for human rights.

There is new hope in our world. The emergence of new, democratic states offers a shield against the inhumanity we remember today. To be sure, the democratic revival does not mean the end of contemporary horrors—such as the slaughter in Bosnia. But when societies develop the civic culture and political institutions that comprise democracy, they are less likely to wage war on their neighbors, engage in terrorism, or embark on the kind of murderous adventurism that marked so much of this century.

And so, it is particularly appropriate that this city of democracy should be home to a memorial to the Holocaust. In the name of the victims, and of the survivors, the museum reminds us of our duty to build and nurture the institutions of public tranquility.

Some may be reluctant to come here. The thoughtfully assembled photographs and remnants of the past impart more than some hearts can bear. I understand. But our larger obligations to history and posterity alike beckon us.

I walked through the Museum last Monday night, a journey I hope will be taken by you, every American who comes to Washington, and all our visitors from abroad. I was shaken, but terribly moved. In its darkness, the museum is brilliant. I believe that it will touch the life of everyone who sees it, that no one who sees it will emerge without being changed.

This is a place of deep sadness, but it will also become a sanctuary of bright hope. It will be an ally of education against ignorance; of humility against arrogance—an investment in a secure future against whatever insanity lurks ahead. If this museum can mobilize morality, those who perished will gain some measure of immortality.

I know this must be a difficult day for the many here we call survivors. Those of us born after the war cannot fully comprehend your sorrow, or the pain you feel lamenting mothers and fathers, sisters and brothers, children and friends. We draw you close.

But if our expressions are inadequate to this moment, I share these words inscribed in the Book of Wisdom: "The souls of the righteous are in the Hands of God, and no torment shall touch them. In the eyes of fools they seemed to die; their passing away was thought to be an affliction and their going forth from us, utter destruction. But they are in peace."

And now, upon the day of this triumphant union, I hope you will attain some measure of that peace yourselves.

This is our task. With God's blessing upon our souls, and the memories of the fallen in our hearts and minds, it is to the ceaseless struggle to preserve human rights and dignity that we rededicate ourselves. And because we have engaged ourselves in the work of remembrance, we will never relent, and we will prevail.

THE 294TH BIRTHDAY OF THE SIKH NATION FREEDOM FOR KHALISTAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize April 13th as the birthday of the Sikh nation and the Sikh faith. It was on this day, 294 years ago in 1699 that Guru Gobind Singh, the last of the 10 Sikh gurus, baptized the people of the Sikh faith forming the consecrated body of the Khalsa Panth.

The creation of the Khalsa Panth is a great moment in modern human history. Americans can be proud of our Sikh friends whose religion is founded on the principles of individual human rights and civil liberties regardless of race, creed, or sex. The equality of all human kind is an essential tenet of Sikhism, a principle which in our world today is sadly ignored.

The Sikhs call the anniversary of their creation as a nation and faith, Baisakhi Day. And in honor of Baisakhi Day, I would encourage people the world over to heed the wise words of Guru Gobind Singh often quoted in Sikh culture: "Recognize ye all the human race as one."

Unfortunately for the Sikhs, the Indian Government does not operate on this principle. For over 10 years, the Hindu-dominated Indian Government has pursued an insidious campaign of ethnic cleansing in the Sikh homeland which has left over 110,000 Sikhs dead since 1984. Between 20 to 30 Sikhs are killed everyday in extrajudicial killings. As I speak, over 38,000 Sikhs languish in Indian prisons without charge or trial where they are subjected to the most abhorrent forms torture including electric shocks applied to the genitals.

In the face of such oppression the Sikh nation declared itself independent of India on October 7, 1987 forming the separate country of Khalistan. On January 24, 1993, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan led a Sikh delegation to the The Hague and witnessed the hoisting of the Kesri Nishan, Sikh flag—its first appearance on the international stage in 144 years. On that same day Khalistan was admitted as a full member of the Unrepresented Nations and Peoples Organization [UNPO], a worldwide body with strong ties to the international community dedicated to advancing the freedom aspirations of its member nations.

For the Indian Government, Khalistan's admittance into the UNPO is a dangerous development because it gives Sikhs, for the first time, a legitimate forum on the international stage through which to voice its grievances against India. Obviously, it has always been in India's better interest to hide its misdeeds from the eyes of the world. Is this not precisely the reason why the so-called world's largest democracy has maintained a ban on Amnesty International and other worldwide human rights organizations for over 14 years. I suggest something is terribly wrong with this picture.

At a March 3 human rights hearing of the Foreign Affairs Subcommittee on International Security, International Organizations and Human Rights, Holly Burkhalter of Human Rights Watch testified that "India gets * * * a free ride in the international community" concerning its brutal violation of human rights. Why is this so. Is a Sikh life worth less than others. Is a person less dead when gunned down by the guns of the Indian paramilitary forces? I submit to my fellow Members of Congress, the American people, and the entire international community that it is our duty to stand up and tell the Indian Government that its oppression of the Sikh nation is 100-percent unacceptable and should cease immediately.

It is clear that the Indian Government possesses a profound lack of respect for Sikh life and culture. I offer the following example: on December 20, 1992, Gurdev Singh Kaonke, Jethadar, high priest, of the Akal Takht, the seat of the Sikh faith, was arrested by Indian police, tortured and killed. Police claimed he had escaped during custody. Amnesty International and other international human rights organizations have reported such escapes to be a common modus operandi of the Indian police in extrajudicial murders.

This situation is intolerable. Mr. Gurdev Singh Kaonke was the Pope of the Sikh religion. I find it deeply disturbing that the Indian Government can kill the foremost religious leader of the Sikh nation without hardly a voice in the international community being raised in protest. The time has clearly come to take action and speak up against India's oppression of the Sikhs.

To this end I, along with 28 other Members of Congress from both parties, have introduced the Justice in India Act (H.R. 1519), which would terminate $40 million in United States developmental aid to India, until the Indian Government repeals draconian laws which serve to deny the Sikhs, and Kashmiris as well, their most basic human rights. Indeed, members of the U.N. Human Rights Commission have condemned these laws as disturbing and completely unacceptable for falling far short of international standards for the protection of human rights.

I urge all Members of Congress who possess a true commitment to human rights throughout the world to cosponsor the Justice in India Act. It is a just bill seeking to send a message to the government of India that its tactics of government by oppression are unacceptable to the community of nations of which I am sure it wants to remain a member.

In honor of Baisakhi Day, and in honor of freedom, justice, and human rights, the Justice in India Act should be passed by the U.S. Congress.

I give my best wishes to the 21 million Sikhs throughout the world as they celebrate the 294th birthday of the Khalsa Panth. I regard the brave Sikh nation with profound respect and pride for what they have contributed to the human race. And though today the struggle for Sikh freedom continues with great suffering, I am confident that by 1999, the 300th birthday of the Khalsa Panth, the Sikh flag will fly proudly over the sovereign, independent soil of a peaceful, prosperous Khalistan.

TRIBUTE TO THE INDIANA UNIVERSITY MEN'S BASKETBALL TEAM

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. McCLOSKEY. Mr. Speaker, I rise today to congratulate the Indiana University men's basketball team for their accomplishments this year. The Hoosiers won the preseason NIT Tournament, won the Big Ten Conference title, and finished the regular season as the no. 1 ranked team in the country. In addition, senior forward Calbert Cheaney—the pride of Evansville, IN—completed an extraordinary career by winning the Naismith and Wooden Awards as the National Player of the Year, and became both Indiana's and the Big Ten's all time leading scorer.

Indiana fans had high expectations at the beginning of the season, and, as is usually the case, this Indiana team met and exceeded those expectations. The Hoosiers overcame injuries to key players, a difficult schedule, and fierce Big Ten Conference competition to post a record of 30 wins and 4 losses. In addition, they reached the regional finals of the NCAA Tournament, losing to the always tough Kansas Jayhawks.

The Indiana team was led by four seniors: Calbert Cheaney, Greg Graham, Matt Nover, and Chris Reynolds. While these young men all contributed significantly to the success of the team on the court, they also succeeded in the classroom, where it really counts. Matt Nover has already received his degree, while the other three are expected to graduate this year.

The Bloomington community is extremely proud of the Indiana team's performance this year, and as the Representative of Bloomington in Congress, I am proud to call myself a Hoosier fan.

THE CREDIT CARD DISCLOSURE AMENDMENTS OF 1993

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. SCHUMER. Mr. Speaker, as part of an ongoing effort to prohibit deceptive practices in the credit card industry and to protect and empower consumers, today I am introducing the Credit Card Disclosure Amendments of 1993.

This bill would provide consumers with helpful disclosures in advertising, card agreements, and on monthly billing statements regarding interest rates, grace periods, and other terms. It would also give consumers the opportunity to protect the privacy of their purchasing information, and require a GAO study of the credit card industry and interest rate trends.

Recent studies indicate that other interest rates—on everything from the prime rate to money market accounts to car loans—have tumbled over the past several years, yet credit card interest rates remain stubbornly high. While this is profitable for the major credit card issuers still charging 16 percent interest and higher, it's a less rosy picture for consumers paying those rates. It would appear that the major card issuers are reaping huge profits at the expense of consumers.

For example, in 1989, the prime rate was 10.9 percent and credit cards interest rates were averaging 18.7 percent. By 1993, the prime had dropped to 6 percent while credit cards were still averaging 16.47 percent, an increase in the spread from 7.8 percent to 10.47 percent.

In addition, while card rates have fallen in recent months, studies indicate that many consumers are unaware of the costs of credit to them. For example, many consumers may not even realize how high their card's interest rate is or how much of their monthly payment goes just to pay the interest on their accounts, because of low minimum payments plans that hide the true cost of credit cards. In addition, specifics on how finance charges are calculated, how the "grace period" works, and how and when changes in interest rates on variable rate cards take effect are confusing and unclear.

Problems such as these hinder consumers' ability to make informed decisions about which credit cards to carry and use. This prevents market mechanisms from successfully driving down interest rates, as has occurred with other types of loans. In addition, high interest rates that lock consumers into never-ending payment plans are no help to out economy.

It is my hope that the Credit Card Disclosure Amendments of 1993 can give consumers information that they can use to select the cards that are right for them, and in the process help drive down interest rates industrywide.

I urge my colleagues to support this bill.

SMALL-TOWN SUNDAY

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. MYERS of Indiana. Mr. Speaker, I rise today to introduce a joint resolution that would authorize the President to issue a proclamation designating Sunday, August 1, 1993, as Small-Town Sunday. As a native of the small town of Covington, IN, I am introducing this legislation in order to recognize the significant contributions to American life made by small towns and former residents of small towns, to acknowledge the importance of small towns in the development of a sense of community, and to reinvigorate America's small towns.

Last year, I was contacted by Dr. J.N. Hook of Crawfordsville, IN. Dr. Hook is a professor emeritus at the University of Illinois at Urbana-Champaign and has been a resident of Montgomery County since 1972. Dr. Hook and his wife, Rachel, have travelled extensively in all 50 States and have visited hundreds of small- and medium-sized towns. They thought that something should be done to call America's attention to small towns. Subsequently, Dr. Hook sent me a detailed explanation of his idea of designating the first Sunday in August as Small-Town Sunday.

Imagine a homecoming of former residents on Small-Town Sunday to recognize the important role the town played in their lives. Imagine religious services to highlight the bond between small-town residents and traditional values. Imagine a town picnic or a town fair, complete with food, entertainment, arts and crafts, and organized team sports. And, imagine open houses at museums, historic homes, and public buildings in small towns all across the country.

Small-Town Sunday would bring together small-town officials; residents; fraternal, civic, and service organizations; businesses and schools to organize the festivities for Small-Town Sunday. By uniting the small-town community for such an event, we reinforce the sense of community between small-town residents, promote the spirit of small towns, and ensure the continued strength and potential growth of small towns.

Tomorrow, I will be in Crawfordsville, IN at Southmont Junior-Senior High School to participate in that community's celebration of small towns. Dr. Hook will join me at this event where I will announce the introduction of this resolution for the official recognition of small towns through a proclamation to designate August 1, 1993 as Small-Town Sunday.

I urge all my colleagues with small towns in their district or those who were raised in small towns to consider supporting this resolution to recognize small towns on Small-Town Sunday, August 1, 1993.

A BILL REGULATING THE PRIVATE TRANSFER OF HANDGUNS AND AMMUNITION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Ms. NORTON. Mr. Speaker, today I am pleased to introduce a bill to limit the private transfer of handguns. The intention of this bill is to stop criminals from easily obtaining handguns and ammunition through private transfer.

Currently, there are no Federal laws prohibiting individuals from purchasing a handgun from a private seller. There have been over 40 gun control bills introduced already this session, but if we pass every one of these bills, criminals would still have almost the same access to their present suppliers of guns.

Transfers and sales from street transactions as well as transfers from relatives are two of the major ways that criminals acquire guns. I believe that these private transfers are chiefly responsible for the fact that 40 percent of the guns confiscated in the District come from Virginia. The residents of the District of Columbia experience immense frustration living in a jurisdiction with the toughest gun control laws in the country, yet the most gun violence. In 1992, 458 people were killed in the District, 83 percent from firearms. Guns are sold in the streets of Washington for up to five times the price paid for them in Virginia. Only 18 States regulate the private sale of firearms in some manner. Clearly, this is a problem that requires Federal intervention to cover the rest of the country and, above all, to recognize that it is these privately sold or transferred guns that are most likely to find their way across State lines in the hands of criminals.

As indispensable as the Brady bill and other bills are to regulate licensed dealers, we must simultaneously close the holes that even now probably account for the bulk of gun transfers to criminals and ironically may account for even more as we begin to regulate lawful dealers. My bill requires that individuals who receive a firearm or ammunition through a private sale or transfer possess a valid permit to purchase, which the seller or giver must see and document at the time of transfer. This bill has penalties similar to those in the Brady bill.

Gun violence casts a pall over everything we do. The economic and societal costs of gun violence are unmeasurable. Each year, 86 percent of gun injury costs are paid for by public sources because most gunshot victims are uninsured. Gun injuries lead to $14.4 billion in lifetime medical costs.

The bill I am introducing today requires that private citizens act responsibly and only transfer a handgun or ammunition to a person legally eligible to own a handgun. If our intent is to curtail the ability of criminals to obtain guns, then we must restrict access to guns through private transfer.

TRIBUTE TO MARY S. SULLIVAN

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding individual from the Second Congressional District of Massachusetts. Mrs. Mary S. Sullivan will retire from her position as the town clerk of Charlton, MA, on April 30, after 48 years of service.

Mary was born in Amsterdam, NY, where she lived until she started school. She then moved to Plymouth, MA, where she resided, and finished her years of schooling. After her marriage to Mr. John Sullivan she relocated to the town of Charlton. Mary is the proud mother of five children: Mary Ferguson, John Sullivan, Betty Turcott, Joan McCormick, and Dennis Sullivan. She is also a grandmother to 10 and great-grandmother to 11 children.

Mary Sullivan has given of herself to the town of Charlton in many capacities. She was election officer for 20 years, a registrar for 12 years, assistant town clerk for 6 years, and town clerk for 20 years. The highlight of her term in office was the dedication of Dr. William Thomas Green Morton's home on Cemetery Road on October 15, 1975.

Mary is known throughout Charlton for her special way of swearing in selectmen. Charlton city selectmen are so excited about winning their offices every year that they can't wait to be sworn in at the town clerk's office. Instead they opt to wake Mary on Sunday morning after the election to be sworn in in her kitchen.

I ask my colleagues to join me in congratulating Mary on a job well done and the best of luck in her future years.

TRIBUTE TO JACK F. HARMAN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Air Force Academy.

Jack F. Harman will soon graduate Perrysburg High School after 4 years of noteworthy academic achievement as well as extra-curricular involvement. During his senior year, Jack has distinguished himself as a leader among his peers, serving as captain of the soccer team, vice president of the student council and vice president of the Spanish Club.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jack Harman has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

TRIBUTE TO COL. EDWARD P. CLEMENTS, USAF

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. BILBRAY. Mr. Speaker, I rise today to honor an officer of the U.S. Air Force that we in southern Nevada have come to know and respect, Col. Edward P. Clements.

Colonel Clements has served his country in uniform with a distinction that few merit, most recently as vice commander of the U.S. Air Force Tactical Fighter Weapons Center, located at Nellis Air Force Base in Nevada.

A 1967 graduate of the University of Arkansas, Edward Clements was a distinguished graduate of the Air Force Reserve Officer Training Corps Program. He is a success story of this method of commissioning officers into the uniformed services. In 1972 he completed Squadron Officer School by correspondence. By 1979 he had completed the Air Command and Staff College by seminar and graduated from the Industrial College of the Armed Forces in June 1988. His academic achievements also include a master's degree in public administration from George Washington University.

A skilled and courageous fighter pilot, Ed Clements flew 268 hours of combat in the F–100 during 1969 and 1970 in Vietnam and Thailand. He served as an F–4 instructor pilot and was selected for the initial group of pilots assigned to the first aggressor squadron formed at Nellis Air Force Base, the 64th Fighter Weapons Squadron. He was also one of the initial instructors at the newly formed F–15 Fighter Weapons School at Nellis Air Force Base in the late 1970's, and then assisted in the conversion of the 18th Tactical Fighter Wing, stationed in Japan, from the F–4 to the F–15, as chief of the Wing Weapons and Tactics Division.

Colonel Clements' skills are not limited to the inside of a cockpit. In 1981, he was assigned to Headquarters, Tactical Air Command, as chief, Weapons and Tactics Division and program manager for Fighter Weapons and Tactics. Colonel Clements then served as commander of the 422d Test and Evaluation Squadron at Nellis Air Force Base. In 1985 he was assigned as assistant to the director for programming, Directorate of Personnel Programs, Deputy Chief of Staff, Personnel at Headquarters U.S. Air Force at the Pentagon. In 1988, he become vice commander of the 554th Operations Support Wing. This organization administers what is, in reality, the fourth largest city in the State of Nevada and the home of the fighter pilot, Nellis Air Force Base. He assumed his present position in 1990.

His military awards and decorations include the Distinguished Flying Cross with one oak leaf cluster, Air Medal with nine oak leaf clusters, the Joint Service Commendation Medal, and the Republic of Vietnam Gallantry Cross with device.

During my time as a Member of Congress representing southern Nevada, I have had many opportunities to work with and see Colonel Clements' skills and talents utilized for the benefit of the Air Force and the Nellis community. After a lifetime of service, Ed Clements is retiring from the U.S. Air Force. I have no doubt that whatever the future holds for him, he will meet the challenges ahead with the same skill and determination he displayed in his Air Force career. Colonel Clements' wife, Karen, also serves our community as a devoted educator in the Clark County School District. I am proud that they have adopted southern Nevada as their home.

Today I ask my colleagues to stand and recognize the service of Col. Edward P. Clements at the occasion of his retirement. I ask that you join me in extending to him, Karen, and their daughters Dana and Adrienne our best wishes as they enter a new stage in their lives.

STRIPPER WELL OPERATORS PRESERVATION ACT

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. BREWSTER. Mr. Speaker, I am pleased to introduce legislation today to preserve one of our Nation's most important, but most economically vulnerable, domestic energy sources—stripper wells. This legislation, the Stripper Well Operators Preservation Act, will assure the survival of irreplaceable, but strategically essential, domestic oil production. My remarks today will explain where stripper wells are located, how they operate, why they are worth preserving, and finally how this legislation will work to ensure their preservation.

Approximately 500,000 stripper wells are located throughout 28 States in the union. In addition to traditional oil-producing States, large numbers of stripper wells are found in Arkansas—11,000; in Illinois—nearly 20,000; in Kansas—almost 57,000; in West Virginia—15,000; and in Ohio—9,000.

By definition, stripper wells produce at very low rates. While the maximum rate at which wells may produce and still qualify as stripper wells is 15 barrels of oil per day, in practice most stripper wells produce at far less than this rate—in some cases only a fraction of a barrel of oil per day. For example, in 1991, the average daily production rate of stripper wells was just 2.2 barrels.

Stripper wells are among our oldest producing wells. Stripper production is often the last phase of production in older fields. More to the point, in part because of age, stripper wells are much more labor intensive and require larger routine maintenance than newer, higher volume wells. And because stripper wells produce a very limited amount of oil per day, high operating expenses make them especially vulnerable to low oil prices.

Stripper wells are only marginally economic even during the best of times, but when oil prices are low, as they are today, stripper wells become increasingly uneconomic. The steady decline in the number of domestic stripper wells reflects this circumstance. Abandonments of stripper wells have doubled in the last decade, up from 9,000 in 1982 to over 17,000 in 1991. Meanwhile, stripper production has declined. In the aggregate, today stripper wells produce more than 86 million barrels per year less than they did during their peak in the early 1980's. Clearly, this downward trend needs to be reversed. These statistics are troubling, because stripper wells are a domestic energy resource we cannot afford to lose.

Since the early 1970's, aggregate production from stripper wells has totaled more than 8 billion barrels. This is approximately the same amount as the total production to date from Prudhoe Bay on Alaska's north slope. Stripper oil has therefore made a significant contribution to satisfying our national energy requirements. As a nation seeking to decrease our reliance on imported foreign oil, it is critical that we maintain the valuable oil reserves recovered by stripper wells. Enactment of the stripper well Operators Preservation Act will provide the assistance needed to achieve that goal.

The reserve potential of stripper wells is especially significant. The United States is a mature oil province. We have been exploring for oil onshore in the lower 48 States for many years. As a result, the likelihood of sizable new oil discoveries onshore in the contiguous 48 States is very slim. This doesn't mean we should abandon exploration efforts; in fact, the reverse is true. But in addition to continuing exploration efforts, we need to focus on maximizing the potential future benefits of resources already found.

Stripper wells represent oil reserves already discovered and developed. It is a frustrating economic reality that primary production of crude oil—production using the natural pressure of the reservoir—will recover only one-fifth to one-quarter of the oil originally in place. Many stripper wells are produced by pumping the oil to the surface after the natural reservoir pressure has declined to the point where it is no longer sufficient to lift the oil to the surface. In this way stripper wells prolong the productive life of our domestic oil reserves.

Recovery of oil can often be increased by use of secondary production techniques—essentially flooding the reservoir with water to help maintain reservoir pressure and to push the oil from strategically positioned injection wells toward the producing wells. Secondary production can increase the recovery of oil, from that possible under primary production, 20 to 25 percent, to up to one-third of the original oil in place. Large numbers of stripper wells—nearly 50 percent of the stripper wells in my own State of Oklahoma—are part of secondary recovery operations.

While secondary production operations increase the total amount of oil recovered, they also increase the cost of production. The problem is that secondary production operations often do not increase the rate of production sufficiently to pay for the added per barrel cost. When that happens, abandonments often follow.

The great untapped potential of our proven domestic oil reserves actually lays in tertiary production—costly but highly beneficial techniques that can increase the recovery of oil to 50 percent of the original oil in place. If all of our Nation's proved crude oil reserves that are producible under primary or secondary recovery techniques were subject to tertiary production, our total proved domestic oil reserves would increase dramatically.

During the late 1970's and early 1980's tertiary demonstration projects flourished. Although the injectants and techniques utilized are extremely costly, crude oil prices of $36 per barrel or more made these projects economic. Now, with oil prices hovering at almost half the level of their previous peak, most, if not all, of these tertiary projects are no longer economic.

Once our easy-to-produce reserves are depleted, we should expect the OPEC oil cartel to push for higher oil prices again. When that happens, the United States will want to turn to its great untapped potential tertiary oil reserves to counter the pricing demands of the international oil cartel. But, given current trends—particularly the accelerating rate of abandonment of domestic stripper wells—it is likely that the realization of the need to preserve our potential tertiary oil reserve base will come too late.

You see, Mr. Speaker, like people, domestic oil fields pass through a natural life cycle. Stripper well production is often the last phase of that life cycle before the field is abandoned. Like a life support system for critically ill patients, stripper well operations prolong a field's productive life. A life support machine is often used to pump oxygen into a critically ill patient's lungs, extending the patient's life. So too, the pumping jack—familiar to those of us from the oil patch and to any who have watched movies or television shows about the oil business—used on stripper wells to pump oil from the reservoir, prolongs the reservoir's productive life. But if that stripper well is abandoned, the life of that reservoir will come to an end just as the life of the patient ends when the life support machine is switched off. Regrettably, like the organ transplant that arrives too late to save the patient, it will be too late to apply tertiary production techniques to already shut-in domestic crude oil reserves, even though those techniques will then be economic, when OPEC again succeeds in raising oil prices.

We must act to preserve our domestic oil reserves as a potential resource base for future application of tertiary enhanced oil production techniques. We can do this most economically by prolonging stripper well production.

Most of our Nation's stripper wells are operated by small independent producers. Several factors have contributed to this fact. First, the higher maintenance and operating costs of these wells makes them less desirable properties for large oil companies. Second, the low rate of production of these wells means the revenue these wells produce is often unable to cover the higher corporate overhead of a major oil company. While that overhead may be an unavoidable fact of life where high-risk, immensely expensive projects, such as drilling in very deep OCS waters, are concerned, that overhead is unnecessary and avoidable for stripper wells. Thus, these wells are often sold by major oil companies to independent producers who are expert in the care and feeding of these wells, Third, the concentration of stripper wells in the hands of independent producers has been accelerated by the trend of major oil companies to focus their exploration and development budgets on development of oil and gas resources outside the United States. Finally, the increased maintenance required by stripper wells is often a good match with the expertise possessed by many independent producers as a result of many years of working on similar wells in the same geographic area. This expertise often enables independent producers to squeeze just enough additional production from these wells to make them profitable for a few more years.

But increasingly that is not long enough. Something must be done to stem the troubling trend of well abandonments and loss of potentially producible reserves. Recognizing the importance of maintaining a viable independent oil industry infrastructure, this legislation focuses its incentives on independent producers who are operators of domestic stripper wells.

The Stripper Well Operators Preservation Act has three basic components:

First, the bill amends section 613A of the code to increase the percentage depletion for independent producers from the current 15 percent rate to 28 percent. The bill utilizes a formula in existing law that provides built-in safeguards for stripper wells. Should oil prices increase, the percentage depletion rate would correspondingly decrease.

Second, the bill amends section 613(a) of the code to eliminate the net income limitation from the percentage depletion calculation, to allow an independent producer to deduct percentage depletion without regard to the profitability of the well. An increase in percentage depletion—or indeed the existence of percentage depletion—is meaningless if a well produces so little oil that revenues cannot offset the well's high production costs. Many stripper wells are marginally economic such that the benefit of percentage depletion cannot be realized. This provision assures that such benefits are realized.

Third, the bill expands the Enhanced Oil Recovery Credit under section 43 of the code to apply to expenses to maintain stripper well production. Current law already recognizes the importance of tertiary production by granting a credit for certain investments in tertiary projects. A similar type of credit is needed for expenses of stripper well operations. Under this legislation, the enhanced oil recovery credit would be extended to certain of the costs of independent stripper well operators. To safeguard against abuse, the Treasury Secretary is given the authority to determine what types of stripper recovery methods can reasonably be expected to prolong the productive life of a stripper well, as well as increase the amount of crude oil which will ultimately be recovered. Only the costs of these approved stripper production techniques would qualify for the expanded credit. The Secretary can disallow credits from being given for expenses that are typical of non-stripper properties. The credit is therefore focused on the extraordinary costs that are characteristic of stripper wells.

If enacted, the Stripper Well Operators Preservation Act will save an industry and a resource base America cannot afford to lose. I encourage my colleagues to support this important and timely legislation.

TRIBUTE TO ELLEN HEAD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Ellen Head who was selected to be the 1993 Secretary of the Year by the Macomb County Chapter of Professional Secretaries International [PSI]. PSI is a leading association of executive assistants. Mrs. Head was chosen to receive this honor by the selection committee on the basis of her background scores in education, number of years service as a secretary, and involvement in PSI.

Mrs. Head has a certificate and an associate degree in executive secretarial studies from Macomb Community College. She has admirably applied her secretarial education in the working world. Mrs. Head has been a member of the secretarial profession for 15½ years. Currently she is an executive secretary and assistant facility security officer to the president of Cadillac Gage Textron, Inc.

Despite the demands of obtaining an education and the rigors of the secretarial profession, Mrs. Head has demonstrated that her family is important. Mrs. Head is married to William Head and enjoys a combined family of Terri Dooge, Robert and Richard Bullock, Karen Anastasiou, and Gayle Kallaugher. She is also blessed with two baby grandsons, Logan Jon and Kyle William.

I ask my colleagues to join me in commending Ellen Head for the honor of being selected as the Macomb County Chapter of PSI 1993 Secretary of the Year.

A BILL TO PROHIBIT THE PRIVATE TRANSFER OF HANDGUNS AND AMMUNITION TO MINORS INTRODUCED

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Ms. NORTON. Mr. Speaker, today I am pleased to introduce a bill which will prohibit the private transfer of handguns and ammunition to minors. The purpose of this bill is to make sure that adults cannot take advantage of lenient or nonexistent laws to engage young people in criminal activity.

Moreover, this measure will better equip law enforcement agencies to control possession of guns by young people.

The national statistics on gun-related violence by youngsters are frightening and overwhelming. Gunshot wounds are the second leading cause of death among teenagers 15 to 19. Many high school students acknowledge having easy access to guns, and 6 percent own guns. The National School Safety Center reports that over 135,000 students carry guns to school each day. Seventy percent of suicides among all age groups are committed with guns. This proliferation of gun violence over the past decade is largely responsible for the 98-percent increase in the homicide rate for black males ages 15 to 19.

Amazingly, there are only scattered and inadequate laws regulating the transfer, including the sale, of guns to minors or possession by minors. No wonder that homicide by juveniles rose 93 percent over the past decade. Yet there is no Federal law barring the private sale or transfer of a gun to a minor or possession by a minor.

When penalties for drug dealers became stiffer, they began to use children. We can expect that children will become prey for gunrunners as we close in on adults with the Brady bill and other gun control measures. The alarming increase in the number of deaths of children from gunfire already indicates that criminals have found a market among our youth. Licensed dealers probably do not sell guns to minors. If we are serious about keeping guns out of children's hands, we must look to the channels that supply them. My bill puts children off limits for the receipt of guns as gifts or by purchases from private individuals, especially criminals, who are most likely to supply them.

TRIBUTE TO M. DANIEL LACEDONIA, DISTINGUISHED CITIZEN 1993

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, today I pay tribute to M. Daniel Lacedonia who has received the Distinguished Citizen Award for 1993 from the Lion's Club of East Longmeadow, MA.

Dan has been a resident of East Longmeadow for the past 42 years and during that period, he has unselfishly contributed his time, energy, and enthusiasm to the community and to his fellow man.

Outstanding among his contributions are involvement for over 45 years with the Hampden County Association for Retarded Children, presently known as the Advocacy Network, of which he has been treasurer and past director. He has also served as a member and chairman of the Human Rights Committee for Goodwill Industries. In both of these activities, Dan has volunteered his time for many years to ensure that the well-being of these individuals is protected. As chairman of the Human Rights Committee, he continues to make frequent inspections of the workplaces and residences so that any deficiencies are quickly noted and corrected.

As a member of the East Longmeadow Lion's Club for 38 years, Dan has served in many capacities and on various committees. He points out that during his term as Lion's Club president, the first of many glaucoma clinics was held in East Longmeadow. Dan also conducted a very successful fundraising project that resulted in the rebuilding of a cottage that was destroyed by fire at a camp for retarded children.

Mr. Lacedonia has also served his community as the director of the Western Massachusetts Food Bank, assistant registrar of voters and on two school building study committees.

Dan is a graduate engineer of Worcester Polytechnical Institute and has also served as lieutenant jg in the U.S. Navy. He joined the Hamilton Standard Division of United Technologies, retiring in 1987 after 31 years. Dan points out that all of these accomplishments would not have been possible without Ellie, his wife of 45 years.

Mr. Speaker I commend Mr. Lacedonia on his selfless efforts at improving his community, and congratulate him on being honored as the Distinguished Citizen for 1993.

TRIBUTE TO JASON A. KREULEN

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Military Academy.

Jason A. Kreulen will soon graduate Port Clinton High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Jason has distinguished himself as a leader among his peers, serving as president of the Varsity Club, vice president of the National Honor Society, and vice president of the Fellowship of Christian Athletes. Jason also distinguished himself as one of the truly great high school athletes in Ohio, scoring more than 1,000 points during his career on the PCHS Basketball Team.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jason Kreulen has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he takes his place in the long grey line and begins his career in service to our country.

TRIBUTE TO STUDENTS FROM E.W. CLARK HIGH SCHOOL IN LAS VEGAS

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. BILBRAY. Mr. Speaker, on May 1–3, more than 1,200 students from 47 States and the District of Columbia will be in our Nation's Capital to compete in the national finals of the We the People * * * The Citizen and the Constitution Program. I am proud to announce that the class from E.W. Clark High School from Las Vegas will represent Nevada. These young scholars have worked diligently to reach the national finals by winning district and State competitions. The distinguished members of the team representing Nevada are: Mariza Artillega, Erika Bein, Jill Bernacki, Mitchell Bishop, Michelle Brady, Sarah Bushman, Stacy Campbell, Elizabeth Citta, Hilary Clark, Kevin Hodsdon, Heather Humphrey, Bonnie Ivie, Clarrissa Joacgim, John Jobes, Matthew Krenzer, Kenneth Langston, Crystaline Lee, Sil Lee, Adrian Leon, Grace Lin, Chad Newell, Janeil O'Donnell, Micah Olson, Jessica Perez, Diep Senh, Andrea Snell, and Vivien Valentin.

I also would like to recognize their teacher Nathaniel Morrell who deserves much of the credit for the success of the team. The district coordinator Lorraine Alderman and the State coordinator Phyllis Darling have also contributed a great deal of time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. Administered by the Center for Civic Education, the program, now in its 6th year, has reached over 12,000,000 students in 21,490 elementary, middle, and high schools nationwide.

The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am proud of these students representing Nevada and commend them and their teacher for their hard work. I wish them the best of luck in this competition—and a bright future thereafter.

CLARIFYING THE TAX TREATMENT OF CORPORATE SPONSORSHIP PAYMENTS

HON. BILL K. BREWSTER

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. BREWSTER. Mr. Speaker, my colleague, Representative CAMP, and I have introduced a bill, H.R. 1551, to protect tax-exempt organizations and the worthy causes they support from Internal Revenue Service efforts to tax corporate contributions. Our bill, which provides clear rules on when such contributions can and cannot be taxed, is identical to language we passed last year as part of H.R. 11.

Over the past few years, the IRS has initiated audits involving many different kinds of tax-exempt organizations and their income from corporate sponsors. These audits focused on the tax code's unrelated business income tax [UBIT] rules.

In general, tax-exempt organizations are not taxed on their income. However, the tax code provides that in certain situations, such income is subject to UBIT. The rules state that in order to be subject to UBIT, the income must be derived from a trade or business, which is regularly carried on, and which is not substantially related to the performance of the organization's tax-exempt functions. Some IRS auditors have tried to use these rules to tax corporate sponsorship payments, if the organization agrees to provide recognition to its sponsor.

Our bill clarifies that in certain circumstances, corporate contributions to tax-exempt organizations will remain tax free. These proposed rules were developed from the many comments received from charitable organizations around the country and the efforts last year of the majority and minority Ways and Means staff.

Certain qualified sponsorship payments received in connection with qualified public events are covered by this bill. The event must be conducted by a tax-exempt organization described in paragraph (3), (4), (5), or (6) of section 501(c) of the Tax Code. The event must also be either first, a public event that is substantially related to the exempt purposes of the organization conducting the event, or second, any other public event if that event is the only event of that type conducted by such organization during a calendar year, and such event does not exceed 30 consecutive days.

The bill also states that the corporate sponsor cannot receive any substantial return benefit other than: first, the use of the name or logo of the sponsor's trade or business in connection with a qualified public event under arrangements—including advertising—in connection with such event which acknowledges such person's sponsorship or promotes such person's products or services, or second, the furnishing of facilities, services, or other privileges in connection with such event, to individuals designated by such person.

These rules can be explained best through a few examples. If a corporation provides funding for a symphony performance, an event which is related to the symphony's exempt purpose, the organization is not taxed upon receipt of the contribution even if the symphony performs many times throughout the year.

In comparison, if the symphony puts on a fundraising event, such as a fun run, and receives support from a corporate sponsor, those funds can still be tax-free to the organization if the event is undertaken and concluded within a consecutive 30-day period, and the event is the only one of its kind conducted during a 1-year period.

Our legislation also clarifies that royalty income received by the local organizing committee for the 1996 Summer Olympic games and the U.S. Olympic Committee will remain tax free. This provision is necessary because of the direction the IRS has been taking in the UBIT area. Since no public funds are expected to be allocated to these games, the tax-exempt organizations conducting the Olympics need this clarification to facilitate their financing efforts.

If enacted, our bill will help ensure that IRS' proposed audit guidelines—issued last year—on corporate sponsorship payments are never finalized. While the IRS seems to have retracted this position through the release in January of proposed regulations. The risk to many tax-exempt organizations of final guidelines is so great, that the certainty of legislation is vital. Over 350 tax-exempt organizations of all types, cultural, health and sports, from around the country submitted comments opposing these guidelines out of fear that they would not be able to attract corporate funding for their exempt activities and that the benefit of the funds they do receive would be reduced.

This provision should have minimal revenue impact, since passage of this provision in H.R. 11 prompted the IRS to issue the proposed regulations. In large part, the proposed rules reach the same conclusion as our bill, the simple recognition of corporate sponsors is not a taxable trade or business to these organizations. This legislation would keep the IRS from backtracking on this position.

Congress is debating President Clinton's economic plan, a plan designed not only to reduce the Federal deficit but also to fund social programs. It seems ironic that on the one hand, we express concern about the costs and impact on the deficit of these social programs, but on the other hand we hamstring the ability of our private sector to take over some of this responsibility. Our bill would help prevent a misguided IRS audit position from not only harming the thousands of tax-exempt organizations in communities across the country which rely on these contributions but also would protect the worthy causes they support. We urge Congress to pass this bill in 1993.

TRIBUTE TO JESS HUGHSTON

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. MOORHEAD. Mr. Speaker, on May 3, after 12 years of exemplary service, Jess Hughston will leave the Pasadena City Council.

For 2 of those dozen years, from 1990 to 1992, he served as mayor of the storied community of Pasadena. His tenure was marked by special attention of the city's human services, which became recognized as one of the finest providers in the area.

Because of his devotion and attention, Pasadena is a leader in disease treatment and intervention, child care, substance abuse education, and outreach to the elderly.

Under Jess Hughston's leadership, negotiations were begun that brought the 1993 Super Bowl to Pasadena and which will bring the 1994 World Cup Soccer Championship to the Rose Bowl.

His attention to conservation has made Pasadena a paradigm of resident participation and programs to conserve energy and water. His innovative "Bikerides With the Mayor" led to a broader awareness of the city's beauty and the humanizing effects of bicycles over autos.

Most of the residents of Pasadena have had contact with Jess Hughston and his wife Sylvia during his association with the city whether it was in the classroom during his 31 years as an educator in the Pasadena Unified School District or through the many community activities he has sponsored and been involved with as a councilman and mayor.

Mr. Speaker, Jess Hughston had great affection for his city. He always sported its famous symbol—the rose. His presence, his leadership, his devotion to the community and its residents, his faithfulness, will all be missed. I wish him and his wife a long, happy, and well-deserved retirement from public service.

TRIBUTE TO CITY NEWS PUBLISHING CO.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. PAYNE of New Jersey. Mr. Speaker, I know that my colleagues will want to join me in congratulating City News Publishing Co., formerly Plainfield Today Co., as they celebrate 10 years of publishing. Henry and Jan Johnson founded the firm from their home in September 1983, with a weekly newspaper in Plainfield, NJ. The following year they moved into their first office.

In November 1987, they initiated the Minority Business Journal of New Jersey published throughout the New York, New Jersey, Connecticut tri-State area. The Journal lists names of minority businesses and has been very helpful in keeping the community aware of the diverse nature of minority businesses.

In June 1989 the City News started another publication through YES Communications, Inc., and began its publication of YES magazine as its top priority. Knowing that the youth of today do not have a positive voice in the Nation, YES magazine was established. YES [Youth Excited About Success] is a national magazine which targets youth in grades 7 through 12 and is designed to promote educational, vocational and personal achievement in youth and young adults who will live in our urban communities. YES is unique because it is written from the perspective of youth, on topics that address their interests and will make a difference in their success.

In 1990 the company officially changed its name to City News Publishing Co. and the newspaper's name to City News so that more cities and African-American towns in New Jersey could be included in the publication. The City News is one of the foremost publications in New Jersey featuring news of importance to the African-American community in New Jersey and the tri-State area.

I would like to thank Henry and Jan Johnson for having the vision to see a void in the publishing world and having the courage to fill that void. Congratulations once again, I know my colleagues in the House of Representatives join me in wishing you many more years of success.

INTRODUCTION OF LEGISLATION PROVIDING "HOLD-HARMLESS" PROTECTION TO HOSPITALS ADVERSELY AFFECTED BY CENSUS DESIGNATIONS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I am introducing legislation today to provide important protection to rural hospitals in this country. Unless this legislation is enacted by the beginning of fiscal year 1994, rural hospitals could see enormous reductions in Medicare reimbursements on October 1.

The problem is this: The Medicare Program adjusts payments to hospitals paid under the prospective payment system by an area wage index. That index is based on relative wage levels of hospitals in a given area compared to the average relative national wage level. It is the determination of what area into which a hospital should be assigned that causes numerous problems under the Medicare program.

Since the inception of the prospective payment system, hospitals are assigned to a wage area based upon the Metropolitan Statistical Area [MSA] or New England County Metropolitan Area [NECMA] in which they are located. Beginning in fiscal year 1991, the Medicare Geographic Classification Review Board has authority to reclassify hospitals from one urban area to another, or from a rural area to an urban area. The Secretary of Health and Human Services also has limited authority to reclassify hospitals.

Because reclassification decisions would invariably affect hospitals not seeking to be reclassified, Congress has enacted a series of hold harmless rules designed to protect hospitals located in areas from which hospitals are reclassified from reductions in the wage index otherwise applicable to these hospitals. One additional hold harmless rule was passed by Congress last year, but vetoed by then-President Bush. It has been re-introduced as part of H.R. 21 by Chairman ROSTENKOWSKI.

Even though Congress has largely addressed these reclassification issues, Congress has not extended hold-harmless protection when updated census information—rather than decisions of the Geographic Classification Review Board—cause a reduction in the wage index. For example, in Massachusetts, a decision by the Bureau of the Census to redesignate a county from rural to urban will drastically reduce the rural wage index in the State.

There seems to me to be little reason why hold-harmless protection should not apply in this case as well. Therefore, I am introducing legislation today which will extend the same hold-harmless protection that applies to decisions of the Geographic Classification Review Board to new census designations. It will provide additional protection to American's rural hospitals.

TRIBUTE TO JASON MAASSEL

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Military Academy.

Jason Maassel will soon graduate from Napoleon High School after 4 years of noteworthy academic achievement as well as extracurricular involvement. During his senior year, Jason has distinguished himself as a leader among his peers, serving as captain of the football team, president of the National Honor Society, and sergeant-at-arms of the student council.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jason Maassel has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he takes his place in the "Long Grey Line" and begins his career in service to our country.

STATEMENT ON OBSTETRICAL HEALTH CARE AND INFANT MORTALITY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. BILIRAKIS. Mr. Speaker, I rise today to speak about a matter in which I have a deep and personal interest—America's unacceptably high infant mortality rates.

As a member of several congressional committees which review legislation concerning children's health issues, I discovered that a very smart and productive way to reduce the incidence of infant death is to increase access to necessary prenatal care for more women.

I believe that every pregnant woman should have access to the health care she needs to deliver a healthy child. The first few weeks and months of life are critical for the health of a newborn child. Too often, women arrive at hospital emergency rooms ready to deliver, without ever having seen a physician. Too often, women use illegal drugs during their pregnancies, and their babies are born already addicted to drugs.

We must take steps now to bring down the costs associated with these births by practicing preventive medicine, averting low-birthweight births, and promoting healthy births. To achieve this, more women need access to obstetrical care—especially in underserved areas of the county—so that these tragedies never occur.

I am introducing a bill to set up Medicaid demonstration projects in States across the country in order to improve access to obstetrical health care for poor women. These projects will allow States to test innovative approaches to encourage obstetric care providers in medically undeserved areas—rural and urban—to participate in the Medicaid Program.

Under my legislation, States may set up demonstration projects to expedite reimbursement for obstetric care providers or use innovative payment mechanisms, such as global fees. Or, States may opt to tackle the issues surrounding medical malpractice. Increasingly, physicians are shying away from practicing obstetrics because of soaring malpractice insurance premiums and the fear of bankrupting lawsuits.

By encouraging health care providers in underserved areas to accept Medicaid patients, more women in our rural areas and cities will potentially have access to high-quality health care. In this year when health care reform is so high on our Nations's agenda, we need to consider innovative options—such as this one—to expand access to health care and bring down the costs to our Nation, both human and financial, of premature and low-birthweight infants.

WHAT DID WE DO IN THE DRUG WAR? PLENTY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. OXLEY. Mr. Speaker, I recommend the following column by Terence Pell and John Walters to the attention of my colleagues. It sets the record straight on the efforts of the Reagan and Bush administrations in the war on drugs.

[From the Washington Post, Apr. 16, 1993]

WHAT DID WE DO IN THE DRUG WAR? PLENTY

(By Terence J. Pell and John P. Walters)

While the Clinton administration shows no interest in the drug war, public discussion of the issue continues. Unfortunately, much of it rest on a widespread mythology minimizing the importance of presidential leadership. Here are four examples:

Myth 1: The Reagan-Bush drug war failed to reduce drug use.

Realty: The number of current drug users (that is, persons reporting use of any illicit drug during the past month), is now half what it was at its peak in 1979. Since 1985 (the peak for cocaine use), the number of current cocaine users has dropped by more than two-thirds and adolescent cocaine use by almost 80 percent. In almost all categories, adolescent drug use is at the lowest level since national measurement began in 1975.

If a similar 50 percent to 80 percent reduction were achieved in other social pathologies (teenage pregnancy, dropouts, the spread of HIV and AIDS), it would rightly be considered a great victory. The drug war is treated differently, because its success was produced not by social programs but by law enforcement and leadership intentionally directed at nongovernmental institutions.

The reductions in drug use were accomplished by parents, prevention efforts in schools and workplaces, and the mobilization of whole communities. The Reagan and Bush administrations did not use government to fund or to do all this; they encouraged a national mobilization and insisted on sanctions, giving credence to anti-drug efforts. Recent small increases in drug use by eighth-graders indicate the danger of demobilization.

Myth 2: Resources devoted to the drug war have been grossly distorted toward border interdiction, federal law enforcement and international programs, instead of prevention and treatment.

Reality: Over the past four years, total federal drug control spending has grown by nearly 80 percent. Of that, the biggest increase was for prevention and treatment programs (up 99 percent), but they did not grow at the expense of law enforcement (up 90 percent).

This year—under the last Bush budget—the federal government will spend more on drug treatment than on border interdiction ($2.2 billion vs. $1.9 billion), more on prevention than on federal domestic drug law enforcement ($1.5 billion vs. $1.4 billion) and more on drug treatment in Veterans Administration hospitals alone than on all drug control programs in foreign countries ($753 million vs. $538 million).

Myth 3: Law enforcement and interdiction make no difference, and the resources spent on them should be put into prevention and treatment programs.

Reality: Law enforcement reduces drug use by raising the threat of apprehension. Fear of getting caught (and the public humiliation involved) is what casual users themselves say was most responsible for the dramatic reduction in casual drug use that occurred in the past seven years. In addition, the criminal justice system is the most powerful means available today to get addicts (most of whom have been through drug treatment more than once) to enter and successfully complete treatment. Roughly a third of all addicts entering treatment do so as a result of the criminal justice system.

And interdiction efforts have been critical to the reductions in drug use, because they dramatically restricted the availability of illegal drugs. Between 30 and 50 percent of estimated potential cocaine production is now stopped before it reaches U.S. streets. Disruptions in the cocaine flow have measurably increased the street price and reduced use. If we were to curtail these efforts, the supply of cheap cocaine on our streets could nearly double.

Domestic and international programs against the supply of marijuana have also been a particular success. For nearly two years, the price of marijuana has remained around $400 an ounce—more than the price of gold. As a result, marijuana use has plummeted.

Myth 4: Drug enforcement has been disproportionately applied against minorities and particularly poor, young black men—the drug war is racist.

Reality: While overall drug use is largely a white phenomenon, hard-core use of cocaine, particularly crack cocaine, is now concentrated among black users.

Although 17 percent of all cocaine users are black, blacks comprise as much as 60 percent of the hard-core cocaine/crack users. We know that hard-core cocaine addicts of all races tend to support their addiction by selling cocaine (in the areas where they live). As inner-city black citizens have become the largest group of cocaine addicts, they have also become the largest group of dealers, and thereby increased their frequency of arrest.

But what the critics do not talk about is that drug crime is not white-on-black crime or black-on-white crime. It is predominantly black-on-black crime. That is why in many inner-city black neighborhoods, residents, fed up with inadequate law enforcement protection for their families, have taken to policing their own streets and, in some cases, burning down crack houses. If we weaken drug law enforcement, it is our inner-city black citizens—particularly young black men—who will pay the highest price.

This is some of what is at stake as the new administration lets the drug war drift and leaves us with mythology.

INTRODUCTION OF LEGISLATION REGARDING TAX-EXEMPT BONDS FOR EMS ORGANIZATIONS

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. LANCASTER. Mr. Speaker, today I am introducing legislation, as part of the Rural Health Care Coalition legislative agenda, to allow emergency medical service organizations, including rescue squads, to issue tax-exempt bonds for the purchase of equipment and for construction and improvement of facilities.

For many years, we have allowed tax-exempt bonds to be issued by State and local governments to borrow money to build schools, erect bridges, and so on. In addition, volunteer fire departments can issue tax-exempt bonds to purchase equipment and build facilities. This bill would simply allow volunteer EMS providers to also qualify to issue tax-exempt bonds for these same purposes.

In rural America, where the nearest hospital may be many miles away, it is critical that EMS organizations have the equipment and facilities necessary to quickly respond to calls. Currently, however, many volunteer EMS organizations cannot make needed improvements because of lack of funds. This bill will help EMS organizations to help themselves by allowing the organizations to raise their own money by issuing tax-exempt bonds. I ask for my colleagues support of this important legislation.

ED MARKIEWICZ, DEPARTMENT COMMANDER OF PENNSYLVANIA AMERICAN LEGION, HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. KANJORSKI. Mr. Speaker, on Saturday, April 14, 1993, American Legionnaires from all across Pennsylvania will gather in Wilkes-Barre to honor a very good friend of mine, and a true patriot, Mr. Edwin Markiewicz.

Ed has been a member of the American Legion for more than 45 years. He has been a real asset to the organization, particularly to Post 350, the American Legion Post in my hometown of Nanticoke.

Last year, at the American Legion State Convention in Monroeville, the 300,000 members of the Pennsylvania American Legion elected Ed as their Department Commander.

This is only one post Ed Markiewicz has held in his long tenure as a Legionnaire. He has served as Post 350's adjutant and post commander for two terms and is a member of the board of directors for the home association and has served as its president.

Ed was elected both deputy commander and commander for District 12, and has chaired the Americanism committee and membership committee for Luzerne County. For 3 years, he was the assistant sergeant at arms and assisted State commanders. A regular participation in State and national conventions in 1986, Ed was elected central vice-commander at the State convention in Pittsburgh.

Mr. Speaker, Ed Markiewicz served his country admirably many years ago when he fought for freedom and democracy. Today, he continues to serve his fellow veterans through his commitment and dedication to the American Legion. He is a remarkable individual and I am proud to call him my friend. I join his fellow Legionnaires and many friends in honoring him today.

ELEANOR KOESTER HONORED FOR DECADE OF OUTSTANDING SERVICE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. SOLOMON. Mr. Speaker, it will be the end of an era late next month, when Eleanor Koester will step down as village clerk of Chatham, NY.

Today, I would like to say a few words about Eleanor Koester, because as far as I'm concerned she is one of those unsung heroines who, from the very beginning of this country's history, has made America work. She and her husband Henry are moving to Indiana to be closer to their children and grandchildren.

Eleanor Koester served as village clerk for 10 years, and before that worked with the Chatham Central School District as secretary to former principals Dick Kraham and Wes Brown.

She has served as clerk under three mayors, Joan Disken, Paul Boehme, and, presently, Jerry Shepardson. All three of them wished her well, but you can tell from their remarks that they are sorry to lose someone who knows the village inside out.

Mayor Shepardson, for example, described Eleanor as "the person who runs the daily operations." And it's true. Eleanor Koester is one of those individuals who quietly, efficiently, cheerfully goes about her business every day, neither seeking nor needing extensive recognition.

But it would be unjust to let Eleanor leave without recognizing her contribution, so on May 22, a dinner will be held in her honor.

Mr. Speaker, I would ask you and all members to join me so that today we may pay our own tribute to someone whose standards of public service we might all admire, Eleanor Koester of Chatham, NY.

TRIBUTE TO FRANCES MARY (FRAN) D'AMICO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. BROWN of California. Mr. Speaker, Fran D'Amico, a highly respected and loyal staff member of the House Committee on Science, Space, and Technology, died on Thursday, died on Thursday, April 15, after a grueling but courageous 2-year struggle with cancer. She was 38 years old.

Fran served as counsel to the Science Committee for 5½ years, appointed to that position in 1987 by then-committee chairman Robert Roe.

Before coming to Capitol Hill, she served as assistant corporation counsel in the District of Columbia.

Although Fran D'Amico made her mark as a dean's list scholar at Mary Washington College and with admission to the Bar Associations of New York, Virginia, and the District of Columbia, she also marked all of us at the committee indelibly with her spirit.

Although Fran D'Amico made her mark on important legislation such as the Price-Anderson Amendments Act of 1988 and the National Competitiveness Technology Transfer Act of 1989, she also marked an enduring place among us with her generosity and caring.

She was a dedicated worker who brought measured judgment and quiet skill to every assignment. She was, however, so much more. Diminutive in stature but with an overflowing spirit, Fran radiated enthusiasm and courage across every day. Throughout her illness, she came to work with a cheerful stubbornness and a greater concern for others than ever for herself. Sometimes in a weak moment, she might admit to feeling tired—but nothing more.

Members and staff of the Science Committee wish to extend our greatest sympathy to her family in their loss. We are grateful to have had Fran in our midst, albeit briefly, for she taught us benevolence and determination, and a larger meaning for the word courage. We will miss her.

TRIBUTE TO CAPT. KURT P. PFITZNER

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. SARPALIUS. Mr. Speaker, I rise today to honor an individual who has provided many years of excellent support and dedication to not only myself by to the Congress at large. Capt. Kurt. P. Pfitzner, Office of the Secretary of the Air Force, Legislative Liaison, Inquiry Division, will be reassigned from the Pentagon to the Air Training Command, Maxwell Air Force Base, AL, on May 7, 1993. I, and many of my colleagues, have directly benefited from his exceptional service in the Air Force's Congressional Inquiry Office.

As an action officer, Captain Pfitzner's calm, logical, and thorough method of handling unique situations and constituent concerns, some of which were extremely time sensitive, resulted in the successful resolution of over 2,500 inquiries during his 3½-year tour. His tact, sensitivity, and adaptability were directly responsible for the success of visits by Members of Congress and committee staffs to such diverse locations as the nuclear test ban sites in Nevada, base closure sites in Texas and Colorado, and in the hostile political and military environment of Bosnia and Herzegovina. In addition to being a dedicated professional, Captain Pfitzner is also an outstanding member of our Washington community. This is evident by the countless volunteer hours spent with the Literacy Program of Alexandria and the Presidential Classroom Program.

Mr. Speaker, I join with many of my colleagues who have directly benefited from the professional support Captain Pfitzner has provided the Congress in congratulating him for a job extremely well done and wishing him the very best in the future. Captain Pfitzner is a professional among professionals and brings great credit upon himself and the U.S. Air Force.

TRIBUTE TO SHAWNA J. WILSON

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. MANN. Mr. Speaker, and Members of the House, please join me in congratulating Shawna J. Wilson of Cincinnati, OH, on her graduation from George Washington University, May 9, 1993.

Shawna has taken an active role throughout her academic career at George Washington University. She has been a resident adviser for 3 years, she was the student director for minority affairs, and she has served as one of the university's ambassadors. Shawna has also given her time to work with the homeless in Washington, DC, who have been displaced due to substance abuse. Although her extracurricular activities have been numerous, her academic work has been of merit and she will be graduating with a 3.0 average.

Mr. Speaker, I am extremely proud of Shawna J. Wilson, and I ask you to join me in commending Shawna and her parents on this great achievement.

KEEPING THE NIH A PRIORITY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. PORTER. Mr. Speaker, the President's budget makes it clear that investment in biomedical research at the National Institutes of Health is not a priority for this administration. A 3.3 percent increase overall for all 17 Institutes is below inflation, below a baseline, or current services budget, and, Mr. Speaker, simply not acceptable.

Nine of the seventeen Institutes are cut below the fiscal year 1993 funding level, requiring reductions in the number of research grants and further squeezing award rates for researchers. Young research scientists are already leaving the biomedical research field, and these budget cuts will further impair the recruitment of this next generation and impair the potential for advancement.

If investment is the byword of this administration, what investment could be of greater importance than that in overcoming disease and death—overcoming the scourges of cancer, heart disease, AIDS, diabetes and Alzheimer's. But this apparently is not a priority of this President's first budget.

Mr. Speaker, Congress' job is to determine the important priorities for our country and provide resources for them, and, simultaneously, to target those of less priority and eliminate or defer them. My judgment tells me that of all the work of our Government little is of greater importance or holds greater promise for humankind than biomedical research and support for the national treasures that are our National Institutes of Health.

I would hope that the men and women of both sides of the aisle would recognize the importance of support for NIH and have the courage to adjust the President's budget and find savings elsewhere that will allow biomedical research in America to continue the tremendous advances that have been its hallmark.

OSTEOPOROSIS AND RELATED BONE DISORDERS RESEARCH, EDUCATION, AND HEALTH SERVICES ACT OF 1993

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Ms. SNOWE. Mr. Speaker, today I rise to introduce comprehensive legislation addressing the significant public health threat of osteoporosis and related bone disorders. Osteoporosis is often a crippling disease characterized by excessive loss of bone tissue resulting in an increased susceptibility to fractures. It affects an estimated 28 million Americans—one-third to one-half of all post-menopausal women and nearly 90 percent of all women over age 75.

Osteoporosis is responsible for 1,300,000 bone fractures annually. In 1988, the direct medical costs of osteoporosis were $10 billion or $27,400,000 per day. Even more alarming, these costs are expected to increase dramatically due to the aging of the baby boom population.

Despite the prevalence and devastating consequences of osteoporosis, research to prevent and cure osteoporosis is rudimentary and underfunded. The Federal institute responsible for osteoporosis research, the National Institute of Arthritis and Musculoskeletal and Skin Diseases, has the smallest budget and lowest research award rate of any institute at the National Institutes of Health [NIH]. This is unconscionable, particularly given that medical experts believe the future for treatment and prevention of osteoporosis is very bright.

Another problem is that many Americans still do not understand or know about osteoporosis. Public awareness of osteoporosis must be raised, because osteoporosis is largely preventable. It is critical that information about the prevention and management of osteoporosis be widely disseminated, particularly to postmenopausal women and older Americans.

A bill I sponsored earlier this Congress, H.R. 694, took the first steps toward expanding research and raising public awareness. H.R. 694 provided increased funding for osteoporosis research, and established an information clearinghouse on osteoporosis and related bone disorders. Congress has taken a commendable first step down the path of progress by incorporating H.R. 694 into the NIH reauthorization bill. There is still much more to be achieved, however, and I urge my colleagues to join me in cosponsoring my comprehensive new bill.

This legislation authorizes $62 million to expand and coordinate Federal research on osteoporosis. To assess research gaps and develop research priorities, it establishes an interagency council and an advisory panel on osteoporosis and related bone disorders. And finally, to ensure that information is readily available to the American public, my bill establishes a national resource center and provides for a national toll-free telephone line.

Osteoporosis has an enormous impact on the lives of individuals who are afflicted with this disease. It causes pain, impairs movement, increases likelihood of bone fractures, results in deformities such as spine curvature, and disrupts everyday activities. Osteoporosis also has a larger social impact, as the baby boom population ages and medical costs soar. I urge my colleagues to join me in cosponsoring this important legislation.

THE ST. CLAIR CITIZENS COUNCIL IS A PUBLIC HOUSING SUCCESS STORY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. COYNE. Mr. Speaker, I am pleased to note today the remarkable success of the St. Clair Citizens Council [SCCC] in improving the quality of life for residents of St. Clair Village in Pittsburgh, PA.

On May 14, 1993, the St. Clair Citizens Council will host a Frankie Mae Jeter Scholarship Dinner Dance which will raise funds to enable St. Clair Village residents to pursue further education. In addition, the funds raised will support a range of community services provided by the St. Clair Citizens Council. The dinner dance also honors the work and personal dedication of Frankie Mae Jeter, who first organized the St. Clair Citizens Council and served in leadership positions with many community groups such as the Welfare Rights Organization of Allegheny County and the National Welfare Rights Organization. The St. Clair Citizens Council is located in the Frankie Mae Jeter Multipurpose Center, which was erected in her honor in St. Clair Village.

The St. Clair Citizens Council deserves to be recognized as a role model for public housing residents seeking to help themselves and their community. When President Clinton and Housing and Urban Development Secretary Henry Cisneros want to visit a public housing success story, they will not have to look any farther than the St. Clair Citizens Council which serves the residents of St. Clair Village, a 1000-unit complex owned and operated by the Housing Authority of the City of Pittsburgh.

The St. Clair Citizens Council was organized in 1976 as a neighborhood-based nonprofit community organization dedicated to improving the standard of living in St. Clair Village. Over the years, the SCCC has worked to improve the standard of living in St. Clair Village, a predominantly African-American community of over 1,900 residents. SCCC's self-help efforts intensified over the past 12 years when public housing across the Nation suffered from Federal funding cuts and neglect by previous administrations.

The SCCC originally served as a referral center for the access to public assistance offered by existing service providers such as the Brashear Association, the Allegheny County Health Department, and other community service organizations. The SCCC has more recently undertaken responsibility to act as a direct service provider to St. Clair Village residents and members of the SCCC. This expanded mission developed in response to the fact that many residents of St. Clair Village depend on public or private transportation assistance to access vital social and commercial services not available in the immediate area. The St. Clair Citizens Council plays a vital role in bridging the physical distance which isolates many residents from these services.

The St. Clair Citizens Council works to provide essential services to a community where 57 percent of the residents have annual incomes below $5,000 and 23 percent have annual incomes above $5,000 but below $10,000. The SCCC food pantry distributes food and household items from the Pittsburgh Food Bank to residents and nonresidents. The SCCC also prepares and delivers two meals per week to elderly residents and two lunch meals per week to eligible low-income residents. The SCCC also organizes special food drives to provide turkeys and other food items during the holidays.

The St. Clair Citizens Council also has a broad agenda to provide a range of services which enhance the standard of living at St. Clair Village. The SCCC has undertaken many projects to improve the quality of housing in their community, such as the establishment of a day care center operated by the Urban League of Pittsburgh and staffed by St. Clair residents. The SCCC also secured a 2-year seed grant from Pittsburgh New Futures to operate Camp St. Clair, an after-school tutorial program for 50 fourth, fifth, and sixth grade students which aims to improve their academic performance in science, math, reading, and language arts.

The SCCC also entered into a partnership with the Housing Authority of the city of Pittsburgh, the Pittsburgh City Council and the U.S. Department of Housing and Urban Development to secure a Federal grant to rehabilitate and convert the first two floors of a vacant three-story building as a multipurpose facility for community services. This building provides space for a St. Clair Village Complaint Center, the day care center, Camp St. Clair, a community kitchen, and a food distribution center. This building also provides office space for the Welfare Rights Organization of Allegheny County and the Neighborhood Learning Center. The Learning Center offers family enhancement, job training, career and family counseling, and GED preparation for local residents.

Mr. Speaker, I am proud to represent the residents of St. Clair Village and the members of the St. Clair Citizens Council. These individuals are to be commended for their efforts to help themselves to achieve a better standard of living. They set an example which public housing residents around the country can emulate. Their efforts also remind elected officials that public housing can work.

PENNY INTRODUCES DEMOCRACY REFORM LEGISLATION

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. PENNY. Mr. Speaker, earlier this week I introduced three pieces of legislation that would increase political participation, broaden political debate and remove structural barriers to voting in the United States.

There is a view in this country that only Democrats and Republicans have the answers to the challenges facing us. To some extent, that view was dispelled by the strong showing of independent candidates Ross Perot, Andre Marrou, Lenora Fulani, John Hagelin, and others during the 1992 presidential campaign. In addition, scores of independent candidates waged impressive campaigns for other offices last year, and a few of them are here today also.

Independent parties are certainly not a new feature of the American political system. Historically, third parties have served to raise issues major parties ignore or avoid. Ross Perot continues to remind us of the need to reduce the Federal budget deficit and his influence on the two major parties is not in doubt. Lenora Fulani's New Alliance Party continues to speak to the lack of economic resources devoted to the poor and during a recent visit to Harlem, I was impressed with the work Dr. Fulani and the New Alliance Party are doing to provide hope to young people who feel disaffection and distance from our political system. The other parties represented here today also deserve recognition for their contribution to the national political debate. Dr. John Hagelin and the Natural Law Party, and the Libertarian Party represented by Andre Marrou raised important issues during the 1992 presidential campaign such as crime and the role of government in people's lives. These independent candidates took their messages across the country to voters last year even though they cannot attract the kind of money or media attention accorded Democrats and Republicans.

Furthermore, independent candidates have difficulty even qualifying for the ballot. In 1992, for example, nonmajor party candidates for President had to obtain 806,401 petition signatures to be listed on the ballots of all 50 States and the District of Columbia—32 times more signatures than is required of Democratic Party candidates and 15 times more signatures than is required of Republican Party candidates. While there should be a threshold of credibility to gain ballot access, State laws make it all but impossible for nonmajor party candidates to get their names listed on election ballots.

And when nonmajor party candidates do qualify for the ballot they are systematically excluded from political debates and other candidate forums. During the New Hampshire Presidential Primary, to cite just one example, Democratic candidates Larry Agran and Gene McCarthy and others were denied permission to participate in candidate debates even though they had established national name recognition, had raised a significant amount of money, and demonstrated broad political support in several States. Many people in New Hampshire and elsewhere found this very troubling.

As a democratic society dedicated to free speech and democratic political principles, it is incumbent on us to encourage greater participation by all citizens, not just those who call themselves Democrats and Republicans. To that end, today I introduce three bills to encourage political participation, broaden political debate, and remove additional structural barriers to voting.

The first measure, H.R. 1755, the Fair Elections Act of 1993, would streamline the process for third party candidates to gain access to the ballot in elections for President, U.S. Senator, and U.S. Representative. The bill establishes a uniform requirement that candidates for President and U.S. Senator file petitions with signatures equal to one-tenth of 1 percent of the number of persons who voted in the last statewide Federal election, or 1,000 signatures, whichever is greater. For U.S. House elections, a candidate must file a petition with signatures equal to one-half of 1 percent of the number of voters in the last congressional election, or if there was no previous election, 1,000 signatures. Petitions cannot be circulated for signature until days before an election and must be filed with election officials 75 days before the date of an election.

The second bill, H.R. 1754, the Election-Day Registration Act of 1993, would require election-day registration in every State. The Federal Election Commission—in cooperation with the chief election officers of the States—would establish a system of registration. In the State of Minnesota, which has pioneered so many election law reforms, election-day registration has significantly increased the number of people voting while easing the registration process. The three States that currently have election-day and mail registration have had significantly higher voter turnout rates. In the 1988 Presidential election, Minnesota, Wisconsin, and Maine had an average voter turnout rate of 60 percent, which was 12 percentage points higher than the national average. In 1992, the average increased to 70 percent, a full 15 percentage points higher than the national average.

The final measure, the Democracy in Presidential Debates Act of 1993, H.R. 1753, which I first introduced last Congress, would institutionalize debates in Presidential election campaigns in requiring all significant candidates to participate in at least one primary election debate and two general election debates. The debates must be organized by a nonpartisan entity, and must be structured to allow the candidates to question each other directly. If a candidate refused to participate in required debates, he or she would lose their Federal matching funds. The Elections Subcommittee will hold a hearing on this measure on May 20, 1993, and I have been asked to testify.

Mr. Speaker, with democracy breaking out around the globe, there remain glaring examples of undemocratic elements in our own political processes. I urge our colleagues to join me in support of more democracy right here at home by sponsoring these measures.

TIRES, LEAD-ACID BATTERY, AND NEWSPRINT RECYCLING

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. TORRES. Mr. Speaker, almost 4 years ago, along with the late Senator John Heinz and former Senator Tim Wirth, I introduced a new concept in environmental protection. The idea was simple—use market forces to achieve environmental protection.

My ideas for tire recycling (H.R. 1810); newspaper recycling (H.R. 1809); and lead-acid battery recycling (H.R. 1808) were all well received. Each of the bills received hundreds of cosponsors in the House. Unfortunately, no action was taken on recycling issues during the past two Congresses.

Now, a new day has dawned. The time for a proactive approach to developing markets for recycled protects has arrived. And, I am pleased today to observe Earth Day by reintroducing the Tire Recycling Incentives Act, the Newsprint Recycling Incentives Act, and the Lead Battery Recycling Incentives Act. These bills represent sound environmental policymaking which will produce measurably positive environmental results at the least cost to society.

The common approach of these bills involves using market forces to promote environmental protection. This is a radical departure from the traditional approach to environmental policy—that of command and control. But, isn't that what we were sent to Congress to do—to lead, rather than to follow the ways of the past? We can no longer afford to commit society's scarce resources to environmental programs that either do not work or work only at enormous cost to all of society. The concept of using market forces to achieve environmental goals is gaining influence all over the world. One of the fundamental problems that these ideas face is that they do not have a natural constituency. There is no industry or environmental lobbying group that owns these ideas, therefore, no one is spending any money on a lobbying effort to get these ideas enacted.

But this situation should not stop us from considering and enacting sound policy.

Mr. Speaker, our constituents are demanding that Congress and the Executive begin to produce results. Join me in demonstrating that those of us committed to sound environmental protection at the least cost to society have produced legislation of which we can be proud.

TRANSPORTATION, NOT GAMBLING

HON. THOMAS H. ANDREWS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. ANDREWS of Maine. Mr. Speaker, every day citizens travel between the United States and Canada on ferries. These ferries are an extension of the highway system for many people who live near the international border, but who find it quicker or more convenient to travel by water. Tourists take the ferries to enjoy the sea travel and the beautiful scenery. They take less than 12 hours and provide efficient passenger travel between United States and Canadian ports.

Unfortunately, a 1989 departure tax on gambling cruises has unfairly been applied to passenger service ferries that travel through international waters for the purpose of transportation, not gambling.

My bill would simply clarify the application of this tax. Both the House and Senate approved this legislation last year. Unfortunately, President Bush's veto of H.R. 11 prevented its enactment.

Since gambling is legal in international waters, specialty cruise lines offer cruises-to-nowhere beyond U.S. waters with gambling onboard. Congress approved an international departure tax on ship passengers as part of the Omnibus Reconciliation Act of 1989. This fee was intended to be a head tax on passengers who take overnight pleasure cruises and gambling trips.

Passengers who get on ferries to Canada from Maine, Washington State, and the Great Lakes, however, are traveling to get to the other side, not to gamble. They shouldn't be forced to pay this tax. Our Nation should be promoting, not discouraging, diverse and efficient means of transportation.

In Maine, for example, there are two ferry lines that serve the coast of Maine and Nova Scotia. Passengers who depart from Maine must pay the departure tax. However, the ferry between Portland, MA and Yarmouth, NS does not represent a gambling cruise. Nearly 90 percent get off at the other side and don't complete the round trip—unlike pleasure cruises. The nominal gambling offered onboard is enjoyed by a very small percentage; less than 3 percent do more than spend pocket change on a slot machine. Gambling is not the purpose of the trip. Finally, less than 10 percent of the ferry revenue comes from gambling. These revenues are used to offset fare costs and keep the ferry service competitively priced.

Mr. Speaker, this tax is aimed at gamblers, not regular ferry passengers. I urge my colleagues to pass this measure so that the head tax aimed at gambling cruises is applied as the Congress intended.

THE NATIVE AMERICAN TRUST FUND ACCOUNTING AND MANAGEMENT REFORM ACT OF 1993

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. SYNAR. Mr. Speaker, I rise today to introduce the Native American Trust Fund Accounting and Management Reform Act of 1993, legislation to require the Secretary of the Interior to invest and pay interest on individual Indian money [IIM] funds held in trust by the Federal Government, to authorize demonstrations of new and innovative approaches for the management of Indian trust funds, to clarify the trust responsibility of the United States with respect to Indians, to establish a program for the training and recruitment of Indians in the management of trust funds, and to require a periodic accounting of Indian trust funds to the account holders. Its enactment is necessary to reform longstanding mismanagement of the Indian trust fund and to give the 300,000 native Americans for whom the Bureau of Indian Affairs [BIA] holds money in trust a greater say in the management of their affairs.

These trust funds include the tribal trust fund and the IIM trust fund. As of September 30, 1991, approximately 330 tribes have an interest in the tribal trust fund; however, some tribes have multiple accounts. As a result, approximately 2,965 separate accounts comprise the tribal trust fund. The tribes do not participate equally in the fund. In fact, according to Bureau of Indian Affairs' Office of Trust Fund Management, 77 percent of the fund assets are held by 8 percent of the tribes. The IIM trust fund is a deposit fund, usually not voluntary, for individual participants and tribes. It was originally intended to provide banking services for legally incompetent Indian adults and Indian minors without legal guardians. In addition to these fiduciary accounts, the IIM trust fund now contains deposit accounts for certain tribal operations and for some tribal enterprises. Approximately 300,000 accounts are held in the IIM trust fund. These Indian trust funds include judgment awards, oil and gas royalty income, land leases, timber stumpage, and investment income. As trustee for lands and money held in trust by the United States, the BIA is responsible for managing and investing almost $2 billion in tribal and individual Indian funds.

The system of trusteeship and Federal management of Indian funds is deeply rooted in Indian-U.S. history. Treaties are the first and probably most important means by which trust funds were held by the United States for the benefit of individuals or tribes. While the earliest treaties did not provide that the United States retain funds in trust for the tribes, in 1820 the Federal Government adopted the policy of holding tribal funds in trust.

Later, the role of trustee was delegated to the Secretary of the Interior. Since 1918, the Interior Department's Bureau of Indian Affairs [BIA] has had the legal authority to invest Indian trust funds. In 1938, the Bureau decided that all individual Indian money [IIM] funds would be invested and managed by its agency offices to do so. Since 1966, the BIA's branch of investment has pooled all IIM accounts for investment purposes. The Bureau allocates interest earned on the investment pool to individual accounts.

Mr. Speaker, in April 1992, the Committee on Government Operations unanimously approved a report, based on a 3-year investigation by my subcommittee of the BIA's mismanagement of the $2 billion Indian trust fund. That report, House Report 102–499, demonstrated that the BIA's disgracefully indifferent supervision and control of the Indian trust funds has consistently resulted in a failure to exercise its responsibility and has failed all reasonable expectations of the tribal and individual account holders, Congress, and taxpayers.

The Indian trust fund is more than balance sheets and accounting procedures. These moneys are crucial to the daily operations of native American tribes and a source of income to tens of thousands of native Americans. Sadly, however, the Bureau of Indian Affairs [BIA] has failed to fulfill its fiduciary duties to the beneficiaries of the Indian trust fund. The Committee on Government Affairs' report outlined these and other problems and made numerous recommendations to improve the management of the Indian trust fund and thereby improve the protection of the account holders.

The Bureau's management of the Indian trust fund has been grossly inadequate in many important respects. The Bureau has failed to accurately account for trust fund moneys. Indeed, it cannot even provide account holders with meaningful periodic statements on their account balances. It does not consistently and prudently invest trust funds and pay interest to account holders. It does not have consistent written policies or procedures that cover all of its trust fund accounting practices. Under the management of the Bureau of Indian Affairs, the Indian trust funds is equivalent to a bank that doesn't know how much money it has.

Financial management problems in the Bureau of Indian Affairs' management of the trust fund have been neglected for decades. There is a continuing crisis in the BIA's management of the trust fund that can only be cured by radical changes in leadership, organization, accountability, and communication by the Bureau of Indian Affairs and the Department of the Interior.

The real losers in the mismanagement of the Indian trust funds are the tribes and the individual Indian account holders. These account holders are being victimized by the Federal Government. Yet they have had no recourse except to the very agency that is responsible for their predicament.

The legislation I introduce today, the Native American Trust Fund Accounting and Management Reform Act of 1993 was designed to correct these deficiencies. It was prepared with the advice and counsel of many native Americans and tribal officials. It does not contain all the answers for correcting the manifest difficulties presented by the current mismanagement of the Indian trust fund. For example, it does not establish a procedure for directing settlements for account holders caused by past mismanagement by the BIA, because the dimensions of such losses and any potential settlements will not be known until many of the known accounting problems are corrected. However, the Native American Trust Fund Accounting and Management Reform Act of 1993 does provide a good starting point for discussion and dialog on this subject

Here is what the Native American Trust Fund Accounting and Management Reform Act of 1993 will do:

Title I amends 25 U.S.C. 162a with the same language as contained in the Native American Trust Fund Equity Act of 1991, H.R. 1756, which I introduced on April 10, 1991. The measure would require the Secretary of the Interior to invest in a productive manner and to pay interest to account holders. It will hold the Secretary accountable for any failure to invest prudently funds held in trust for individual native Americans. Moreover, it will authorize the Secretary of the Interior to pay lost interest resulting from past BIA failures to properly manage IIM investments.

This legislation reinforces our moral and ethical obligations to individual Indian money account holders. By its enactment, Congress will create the authority for the Secretary of the Interior to honor the Federal Government's fiduciary responsibilities to native Americans; however, any expenditures under such authority will be subject to the annual appropriations process.

Title II authorizes demonstration programs that will give Indian tribal governments greater control over the management of tribal and individual Indian funds held in trust by the United States, involve tribal governments in instructing the Secretary to invest tribal and individual Indian trust funds in a manner that will promote economic development in Indian communities, and demonstrate how the principles of native American self-determination can work with respect to trust fund management.

Title III tracks the Government Operations Committee's recommendations to clarify the trust responsibilities of the United States.

Title IV authorizes the Secretary to establish a program to assist Indians obtaining expertise in the management of trust funds.

Title V requires the Secretary of the Interior to account for the daily and annual balances of Indian trust funds, to provide Indian trust fund account holders with periodic statements of account balances, and to obtain an annual audit of such funds.

The scope and severity of the gross mismanagement by the BIA headquarters staff historically has been made worse by the inattentive and indifferent leadership within the Bureau of Indian Affairs and the Department of the Interior. This type of trust fund mismanagement would never be tolerated in other, similar Federal trust activities. That it has taken place in the administration of the Federal Government's sacred trust for native Americans can only be described as a national disgrace.

The trust of the Congress, the taxpayers—and most importantly—the tribes and individual Indian money account holders has been misplaced in the Bureau of Indian Affairs. BIA has failed in the performance of its duties to us all.

Mr. Speaker, clearly, the responsibilities imposed by treaties, statutes, and the courts have established a complex set of responsibilities for the BIA. However, accounting for the daily and annual balances of the trust fund has been a continuing point of controversy and rightful criticism of BIA management. There are hundreds of thousands of native Americans who look to the BIA for help, understanding, and cooperation. They deserve leadership. They deserve support. They deserve accountability. They deserve a fair shake, honest and competent administration from their Government. They deserve to have greater control over their own destiny. They deserve the Native American Trust Fund Accounting and Management Reform Act of 1993.

I first introduced this legislation as H.R. 6177 on October 10, 1992, to provide my colleagues an opportunity to study the measure and to provide the native American community, including tribal leaders and representatives of Indian trust fund account holders, an opportunity to consult with Congress and the administration on the implications of these important changes in the relationship between native Americans and the Federal Government. After nearly 6 months and a broad set of discussions, the reaction to these proposals has been overwhelmingly positive. Accordingly, the measure I am introducing today is nearly identical to H.R. 6177. I have deleted the original title III, which authorized demonstration programs to promote the development of energy resources on Indian lands. That title was modeled after the provisions relating to Indian natural resource development contained in H.R. 776, the national energy strategy, which was enacted as Public Law 102–486 and became law on October 24, 1992.

The only new matter included in this measure is title V, which specifically requires the Secretary of the Interior to account for daily and annual balances of Indian trust funds, to provide Indian trust fund account holders with periodic statements of account balances, and to obtain an annual audit of such funds. This new requirement operates on the simple principle that information is power. Consequently, the sooner the Secretary is required by statute to account for and report account balances, then the sooner the Department and BIA will take the steps necessary to correct longstanding financial management problems and promote a settlement for account holder losses caused by past mismanagement of the BIA.

Mr. Speaker, the time has come to enact the Native American Trust Fund Accounting and Management Reform Act of 1993. I hope my colleagues will join me in cosponsoring this legislation. I look forward to working with the House Natural Resources Committee and the Senate Committee on Indian Affairs to ensure its rapid enactment.

NATIONAL NURSES WEEK

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. HOLDEN. Mr. Speaker, I would like to ask my colleagues to join me in recognizing the National Nurses Week, celebrated on May 6–12, 1993. Our country's nurses deserve acknowledgement for the superior service that they have so selflessly provided in our times of need.

I know from personal experience that in the Sixth District of Pennsylvania, we have some of the best nurses around. I would like to highlight the nurses of Hamburg Center, as they are having a celebration on National Nurses Day, May 6, 1993. All nurses across the country, however, are committed individuals, working toward the promotion of health, the prevention of disease, and the delivery of quality health care. The field of health care is rapidly changing; we all know that President Clinton has made reform of the system a top priority. Despite the transformations, nurses have maintained their status as efficient and knowledgeable, yet compassionate, health care professionals.

While the Government has focused on health care administration and economics, nurses have assumed leadership roles in the management and delivery of patient care, keeping patients' needs from being lost in the struggle for reform.

America's nurses deserve credit and appreciation for providing safe and dependable care for all patients. I know that all of my colleagues here in the House will join me in commending the nurses of the Sixth District, as well as nurses across the country, for their superior work in the health care profession.

ON THE INTRODUCTION OF THE BIOLOGICAL SURVEY ACT OF 1993

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. STUDDS. Mr. Speaker, I am pleased to introduce today a bill authorizing a national biological survey. Our new Secretary of the Interior, Bruce Babbitt, has embraced this idea and my legislation is designed to help him make it happen.

For over 200 years, the American people have been clearing land for farms and timber, constructing huge cities, laying railroads, and building ribbons of highways in the name of progress. We have become the most powerful Nation in the world, and our machines of progress have grown to extraordinary dimensions, literally transforming our natural landscapes on a scale hitherto unknown. In the wake of that progress, wildlife refugees have too often become discarded debris, crowded into smaller and smaller pockets of habitat. Many species have been driven to extinction. Many more are on the brink.

Mr. Speaker, in 1973 we established a safety net for our biological resources—the Endangered Species Act. Through this law, we have worked to prevent the extinction of many species. However, you know something is wrong when the safety net begins to clog. As of June 1992, 1,245 species of plants and animals had been listed as endangered or threatened. The Federal Government is under court order to list another 450 species within 4 years.

Many of my colleagues might say this points to the need to change the Endangered Species Act. They would be wrong. When we find that children are not receiving adequate education, we do not lower our standards. When we see poverty growing, we do not redefine it away. When we face epidemics, we do not invest in cemeteries. We need to tackle this problem, not dodge it. Our rich biological resources are disappearing before our eyes. Finally, we have a President and a Secretary of the Interior who realize this and bring constructive contributions to the debate.

The legislation I am introducing today, authorizes the establishment of a biological survey within the Department of the Interior. The survey is charged to assess and inventory the biological resources of the United States and provide information and methods to be used in protecting and managing ecosystems. The biological survey will act as an early warning system, providing crucial information that the Secretary of the Interior needs to anticipate, avoid, and resolve conflicts arising in the implementation of the Endangered Species Act and other fisheries and wildlife conservation laws.

We have spent billions of dollars on systems to provide us with early warnings of hurricanes, floods, earthquakes, tornados, and other natural disasters. We spend billions of dollars to monitor the economy to anticipate and avoid economic calamity. It is time that we spent a few pennies to inventory and understand our biological resources, in the hopes of avoiding the human and ecological tragedies that can occur when we ignore the consequences of our own actions.

The National Biological Survey represents a new and better way of thinking. I applaud President Clinton and Secretary Babbitt for their foresight and offer them my support.

CONGRATULATIONS TO THE GALLEANO WINERY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. CALVERT. Mr. Speaker, it is with a great deal of pleasure that I rise to offer heartfelt congratulations to one of Riverside County's oldest and most famous family businesses, the Cantu-Galleano Winery in Mira Loma, CA.

This week the Galleano Winery is being designated as a historical site by the State of California and a plaque will be installed at the winery.

Today the Galleano Winery is the oldest family winery still operating in the Cucamonga Valley. The winery is located at the southern fringe of the valley. At one time, this region was made famous around the world by nearly 60 wineries cultivating some 35,000 acres of grapes. Today only 1,500 acres remain in cultivation and urbanization pressures threaten to erase the rich heritage of the Cucamonga Valley region.

The Galleano family winery appears much the same as it was in 1933 when Domenico Galleano founded the winery following the repeal of Prohibition. Donald Galleano, grandson of Domenico, continues the traditional Italian style of wine making.

The original winery buildings share the front yard of the Galleano home, buildings converted from their original use as storage in the days of the Cantu Ranch. The buildings are structurally unchanged from the time the winery was officially founded.

Galleano Winery still actively farms over 500 acres in Riverside and San Bernardino Counties. They are the largest broker of grapes in both counties and ship hundreds of tons of grapes to northern California wineries. The Cucamonga region grapes are still recognized for their unique characteristics, none of which can be duplicated anywhere else in California.

The Galleano Winery stands today as the oldest family winery still producing wines in Riverside County. It is a testament to the once-thriving wine industry of the Cucamonga Valley and an invaluable landmark providing a living, working sense of history in a region rapidly being altered by change and development. Its context is well-preserved as the rural two-lane road, eucalyptus wind rows, thriving vines, and a mature landscape surround the winery complex.

Riverside County is proud of this historic family business and wishes the Galleanos many more years of successful wine making.

TRIBUTE TO RALPH "DOC" NURMI

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. SWIFT. Mr. Speaker, I wanted to pay tribute to one of my longtime staff members, Ralph "Doc" Nurmi, who passed away recently at the age of 80. Doc was an integral part of my staff in Everett, WA. And yet before he came to work for me as a caseworker, Doc had at least two other careers—one as a fisherman in Alaska and the other as a teacher at South Junior High School in Everett. Doc was admired and loved by many in the community whether they were his neighbors, the constituents he helped along the way, or his former students. The following article from the Seattle Times was written by a former student of Doc Nurmi's, Melinda Bargreen. There's no question that Doc touched many throughout his life but it was through his gift of teaching where Doc left his lasting mark. Too often we forget how terribly important the teacher is in a child's life. As the Congress works on the reauthorization of the Elementary and Secondary Education Act, it is my sincere hope that we take the time to recognize good teachers—teachers like Doc Nurmi.

[From the Seattle Times, Mar. 14, 1993]

THIS MAN KNEW HOW TO TEACH

(By Melinda Bargreen)

What is the nature of great teaching?

What does it take to create a dynamic and productive classroom?

Those questions were spurred by a 30-year-old photograph in my study. It's a small autographed picture of Ralph Nurmi, my ninth-grade algebra teacher. Frankly, it's not a great picture; the camera caught him with his eyes half-closed (a state in which we certainly never saw him in the classroom).

I've kept that picture all these years, not just out of sentiment, and not for my great love of algebra. The reason Mr. Nurmi's picture has survived three decades of moving and housecleaning is that I had to work so hard to get it. It meant achievement to me. It still does.

Recently, at Mr. Nurmi's funeral, the memories came flooding back. They weren't all delightful. He ran his classroom with the ultimate in authority, and he made everything that happened in it so important that the whole school sat up and took notice.

It wasn't necessarily fun. As you sat quaking in class, hoping it would not be you who'd go to the blackboard to solve the latest equation, it never occurred to you to give anything less than your full attention to this teacher. If you were chatting or gazing off into space, his hand would swoop down toward the grade book to record a demerit.

You might say the class was run along military lines. We were called by our last names—a career first—and expected to adhere to pretty strict discipline. Mr. Nurmi never mistook school for a popularity contest; he demanded respect instead. He gave you his respect in turn. The process by which you solved the problem was more interesting to him than the answer; he wanted a trained mathematical mind, not an automaton.

All this makes him sound rather harsh; certainly he had us thoroughly buffaloed. But there was humor there, too, and an ironic flair that made him give silly nicknames to several of the basic processes: "Cancel with Hansel," "Invert with Gert," "Transpose with Rose."

Most important, there was the sense of near life-and-death importance of what went on in the classroom. Lectures and explanations were delivered with passion, as if all of us had no other purpose in life than to solve algebraic problems. Like the old football player he was, he gave 110 percent, and he expected 110 percent from us.

Nowhere was this manifested more thoroughly than in the 50-point tests. A perfect score, highly coveted, was so seldom attained that Mr. Nurmi promised an autographed photo to anyone who scored a 50. If you'd gotten all the problems right, he scrutinized the test for some less critical mistake that might lower you to 49—a missing comma, an omitted parenthesis somewhere.

The night before a 50-pointer, we devoted ourselves to studies with real fervor. Those who had a chance at a 50 worked to achieve it; those who didn't worked to avoid flunking. In all cases, the motivation to succeed was downright fierce.

Several months ago, when the word got out that Mr. Nurmi's health was failing, I wrote to tell him what his class had meant to me. We hadn't spoken in 30 years, but he called to thank me for writing, and to tell me what he'd been doing since his retirement—working in constituent services on the staff of Rep. Al Swift.

Some time before his retirement, he said, a "bunch of young guys from Western in suits"—educational consultants from Western Washington University—visited his classroom.

"They told me I used horse and buggy methods," Mr. Nurmi said. The scorn dripped from his voice: "Horse and buggy methods!"

During his last year of teaching, he was reassigned to teach geography. Undaunted, he demanded proper geography texts. I wonder what those students, probably in quest of an easy A by locating state capitals, thought about that geography class.

I wish we had a lot more teachers today with those horse and buggy methods. Our educational test scores have slowly gone downhill, not coincidentally along with a 25-year decline in our public school arts programs, and we keep wondering how to fix things. Will some new equipment, some new method, help?

We ought to focus instead on what makes a great teacher, one who ignites a fire in the minds of students.

How do we discover that fire, and how do we sustain it?

How do we nurture greatness in teachers?

The man in my photograph knew.

TEACHER EQUITY TRAINING ACT OF 1993

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Ms. MOLINARI. Mr. Speaker, today I am introducing, along with Congresswoman NITA LOWEY, the Teacher Equity Training Act of 1993. This legislation will create programs to provide equity training for teachers, administrators and counselors, to identify and eliminate inequitable practices in the classroom. The bill specifies that teacher training programs in gender equity are an allowable use of funds under the Elementary and Secondary Education Act of 1965, and encourages schools to develop teacher training projects in major programs such as Chapter 1.

I know all too well that gender politics is a subject that many in our schools, and in society, prefer to ignore, but the American Association of University Women's [AAUW] report "How Schools Shortchange Girls" confirms that we can no longer afford to ignore the potential of girls and young women in our society.

I would like to bring to my colleagues' attention something I read from this report, "For the last eleven years, teachers joining a large faculty-development project have been asked, 'What did you study about women in high school?' More than half initially respond, 'Nothing.' Some recall a heroine, one or two historical figures, a few goddesses or saints—Marie Curie is the only female scientist who has been mentioned in ten years of this survey!"

The AAUW report documents that girls do not receive equitable amounts of teacher attention, that they are less apt than boys to see themselves reflected in the materials they study, and that they often are not expected or encouraged to pursue higher level mathematics and science courses. The implications of this report are clear—the system must change!

We now have a window of opportunity that must not be missed. The report's findings reveal what many Congresswomen already know, that the Federal Government needs to address gender equity in education. During the Reauthorization of the Elementary and Secondary Education Act [ESEA] of 1965 we can transform the process of education through a legislative vehicle. Using the ESEA we need to infuse education policy with gender equity efforts and implement programs devoted to gender equity issues.

One means of implementing policies devoted to gender equity is through the creation of equity training programs to identify and eliminate inequitable practices in the classroom. My bill accomplishes this by adding language to make equity training programs an allowable use of funds under the Elementary and Secondary Act. This language will act as a catalyst to help encourage schools to develop equity training programs for teachers, administrators and counselors.

Whether you are looking at preschool, elementary, or high school classrooms, at female teachers or male teachers, research consistently reveals that boys receive more attention than girls. This indicates that gender equity issues are still not well understood by many educators. Teachers are not always aware of the ways in which they interact with students. The use of equitable teaching strategies, and innovative training programs, should be one of the criteria by which gender equity is implemented.

We need to prepare and encourage our teachers, administrators, and counselors to consciously include equity and awareness in every aspect of schooling. My equity training bill will help increase awareness and provide specific tools for achieving a more equitable educational environment for our children.

Mr. Speaker, I ask that all my colleagues join me in the fight for gender equity in education by cosponsoring my bill.

HOLOCAUST MEMORIAL DEDICATED

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. GALLO. Mr. Speaker, the dedication today of the U.S. Holocaust Memorial Museum, at which I had the honor to be present, is a cause for both reflection and rededication.

We must reflect—although it is painful and wrenching to do so—on the unspeakable horror that man is capable of inflicting on his fellow man.

We must rededicate ourselves—because it is tempting, at times, to ignore our responsibility to our brothers and sisters—to an unswerving and uncompromising commitment to the proposition that such horrors will never again be visited on any people.

If we do not let the voices of those who suffered so terribly speak to us across the years, we risk being deaf to the cries of those who, in our own time, may be calling out in pain.

If we do not learn the lessons that this inhumane chapter in history holds for us, we leave ourselves open to the risk of losing our own humanity.

This museum will occupy a unique place in Washington's collection of national museums. Most people think of a museum as a place where the better angels of our nature are celebrated—our achievements in art, technology, and history.

The U.S. Holocaust Memorial Museum lays bare for all to see—and learn—that human beings are capable of as much brutality as they are beauty. Only by directly confronting this terrible truth can we hope to keep our solemn obligation to those who perished in the Holocaust. Never again. Never again.

TRIBUTE TO THE GARY CLEAN CITY COALITION, INC.

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. VISCLOSKY. Mr. Speaker, it is my honor to rise today in recognition of the Gary

Clean City Coalition, Inc., on this National Earth Day celebration, April 22, 1993.

The Gary Clean City Coalition, Inc., is a nonprofit organization dedicated to improving our environment, assisting in neighborhood cleanup, distributing information on the benefits of a more attractive city, and encouraging Gary citizens and businesses to recycle. Through these commendable efforts, the Gary Clean City Coalition, Inc., aims to enhance the beautification of the city of Gary, attract a more prosperous economic base, and help build a higher level of self-esteem among the citizenry.

The executive director, Ms. Vera Johnson, has been very instrumental with the implementation of recycling programs throughout the city of Gary. Her ingenious strategies have motivated area citizens and have been proven effective in the effort to keep Gary clean and beautiful. This year, in honor of Earth Week, the Gary Clean City Coalition, Inc., is sponsoring activities designed to encourage pride in Gary. Included in the agenda of events is the "Display Your Neighborhood" contest, wherein the participants are encouraged to compete for the cleanest and most environmentally aware neighborhood.

It is my sincere honor to commend the Gary Clean City Coalition, Inc., for their exemplary display of leadership and dedication to the city of Gary. May their efforts prove to be fruitful and rewarding on this Earth Day, April 22, 1993.

INTRODUCTION OF LEGISLATION ESTABLISHING SEPARATE RESERVE COMPONENTS

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. LAUGHLIN. Mr. Speaker, today I am introducing a bill which will establish a separate Reserve Component Command within the Army, Navy, Air Force, and Marine Corps.

The path toward improved Reserve Force readiness has been blocked for many years by the burdensome oversight of some active duty leaders who treated the Reserve components as an unwanted stepchild.

Our Armed Forces have suffocated the potential of the Reserve components and, as a result, the Nation has not been maximizing use of its ever-decreasing defense dollars. I believe the establishment of a separate major Reserve Command solely responsible for Reserve matters within each branch of our Armed Forces would correct this injustice.

The idea of a separate command in our Reserve components is an idea whose time has come. Now appears to be the right time to strengthen our Reserve components and underscore this body's belief in the soundness and reliability of the millions of citizen-patriots who sacrifice their time to the cause of defending the Nation.

Mr. Speaker, we have the opportunity to guide our military forces down the right path. This calls for the Reserve component from each service to take charge of itself and run the Reserves as only citizen-soldiers can, within the philosophy of the total force—Active and Reserve components.

THE SAGUARO NATIONAL PARK ESTABLISHMENT AND EXPANSION ACT OF 1993

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Mr. KOLBE. Mr. Speaker, it gives me great pleasure to introduce the Saguaro National Park Establishment and Expansion Act of 1993. Cosponsored by the entire Arizona House delegation, this legislation seeks to redesignate the Saguaro National Monument as a national park and expand its west boundaries.

On both sides of the busy Santa Cruz Valley in southeastern Arizona, the monument sits with dramatic mountain ranges rising up from the valley floor. The monument has two distinct sections 30 miles apart, one at the Rincon Mountains and the other at the Tucson Mountains. The monument features roughly 87,000 acres, including east expansion lands, of prime Sonoran Desert lands.

Located at the northeastern corner of the Sonoran Desert, the monument is home to a spectacular array of plants and animals, including the saguaro cactus, not found anywhere else in the world. Its sky islands, mild winters, and biseasonal rainfall, give rise to this remarkable collection of nature's residents, and to its spectacular beauty.

Desert environments, the Sonoran in particular, are rich in ecological, cultural, and recreational attributes. Despite their unique resource values, desert parks are underrepresented in the park system. Few parks, if any, could be said to feature a true desert environment—although a number are located in desert environments.

The Saguaro National Monument, with its outstanding desert resource values, is a logical candidate for park status. With the lands added by this bill, the monument will total nearly 100,000 acres, most of which is free of commercial development. It is time for the saguaro and its remarkable Sonoran Desert environment to take its place alongside the other crown jewels that make up our National Park System.

This legislation marks the beginning of the second legislative phase of our efforts to protect and preserve the monument. The first phase occurred in 1991, with the passage of expansion legislation for the east, or Rincon Mountain unit of the monument. Last year, funds were appropriated to begin acquisition of these lands and this year that acquisition process continues. My commitment remains strong to finish acquisition at the east unit by purchase and exchange to protect that treasure for future generations.

With work on the east unit well underway, we now turn our attention to the other side of urban Tucson, to the monument's west side Tucson Mountain district. Like the east half, its ecosystem faces serious threat from rapid urbanization. It wasn't always this way.

In 1933, when the monument was initially established, Tucson's population was about 33,000. The nearest outpost of the old pueblo was a dozen miles away. Nearly 30 years later, in November 1961, the Saguaro National Monument was expanded by President Kennedy by adding Tucson Mountain Park on the west side of the city. The goal was to preserve vegetation and wildlife, particularly the extensive stands of saguaro cacti. Hoover's and Kennedy's efforts proved farsighted as Tucson's population doubled and redoubled in the years since. But the city continues to grow, now pushing to the monument's edge. Tucson advances, but the monument cannot retreat. The 1991 expansion efforts were a response to these development pressures on the east unit.

Although it was clear then that expansion on the west side of Tucson posed similar problems for the monument, adequate resource information did not exist to accurately assess which lands might be included in a possible west boundary expansion. Now, we have that assessment, a resource inventory of adjacent lands compiled by the Park Service, and local residents. This inventory included interviews with monument neighbors and surrounding land management agencies, participation of a citizen's resource group, site investigations, compilation of existing data sets, and public meetings.

The result is a detailed analysis of resource values, forming a reliable basis on which expansion decisions can be made. Drawing on this inventory, this legislation seeks to expand the boundaries of the west unit. Exact parcels that will be included will depend on further discussions with affected land owners and interested groups. Then the National Park Service can put the finishing touches to the boundaries.

One thing is clear; the expansion will include some of the most ecologically valuable lands in the Sonoran Desert: Unique topography, producing the famous saguaro cactus, as well as large chollas, paloverde plants, and other unique desert flora; important public access points; scenic and recreation opportunities; and prime habitat for a host of desert creatures, including the desert tortoise, gila monster, javelina, coyote, muledeer, mountain lion, ringtail cat, resident and migratory songbirds, and many others.

The Saguaro National Monument was once part of a vast sea of biological richness. But what was once a sea is now an island in an expanding ocean of urbanization. This island paradise deserves protection, and a designation fitting of its stature. The opportunity to preserve this jewel will never again present itself. Future generations of people, plants, and animals are depending on us.

SUPPORT FOR THE ECONOMIC STIMULUS PACKAGE

HON. KARAN ENGLISH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1993

Ms. ENGLISH of Arizona. Mr. Speaker, the past few weeks, there has been considerable debate over President Clinton's jobs bill.

Yesterday, the Senate Democrats agreed to pull the bill after four unsuccessful attempts to break a Republican filibuster. The Senate then passed a scaled back bill which included only the $4 billion needed to extend unemployment benefits. The House is likely to take up the Senate amendment today.

Before we act on the revised bill, I rise today to bring a very serious concern to the attention of my colleagues.

Included within the stimulus package as passed by the House was $25 million to fund the Indian School Equalization Formula, the line-item account which funds Bureau of Indian Affairs-operated schools on Indian reservations.

Without these badly needed funds, the 182 schools will close before the end of the school year, thus denying 44,000 American Indian students the opportunity to finish this school year and advance to the next grade.

The funds for this shortfall are not supplemental dollars to State or local school district programs. This Federal BIA Indian Education Program is the only source of funds for BIA schools in remote reservation areas. The Federal Government assumed the responsibility of providing education for Indian children under a treaty agreement.

The budget for this program has never received a large enough appropriation to go beyond the bare subsistence of an educational program.

Each year, the schools suffer a shortfall in funding because the BIA fails repeatedly to provide adequate funding. The last few months of the school year, students and teachers hang in the balance until enough Federal dollars are scraped together to pay the last few payrolls and finish out the school year.

These schools are surrounded by Federal land which is not taxable. The States have no responsibility for funding or administering these schools either. There is nowhere else for these schools to go to make up for this shortfall.

If Congress does not provide the funds to make up for the shortfall provided for in the jobs package, the responsibility of denying Indian children an education will be ours.

I urge my colleagues not to just accept the bill as passed by the Senate. We need an opportunity to address this issue either today on the floor or later in conference.

Funding for this program is crucial. It is about a Federal responsibility to educate American Indian children, to allow them the opportunity to meet the same standard we set for children whose education funding is provided for by an entirely different structure—the opportunity to become full-fledged, contributing members of our society.

I ask for your understanding and support.

SENATE—*Friday, April 23, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 9 o'clock and 7 seconds a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 23, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 10:30 A.M., TUESDAY, APRIL 27, 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate now stands in recess until 10:30 a.m. on Tuesday, April 27, 1993.

Thereupon, at 9 o'clock and 33 seconds a.m., the Senate recessed, under the order of Thursday, April 22, 1993, until Tuesday, April 27, 1993, at 10:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Monday, April 26, 1993*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

HOUSE OF REPRESENTATIVES,
Washington, DC., April 23, 1993,

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on Monday, April 26, 1993.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, You have created this world with many peoples of all circumstances and backgrounds who have grown in varied environments and surroundings. Yet, O loving God, with all our differences we recognize that above all else we are created in Your image with the mark of our humanity. Enable us to see each other with eyes refined by Your spirit so that we celebrate together the unity and solidarity and harmony that is Your gift to us and so live in peace one with another. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentlewoman from North Carolina [Mrs. CLAYTON] will lead the House in the Pledge of Allegiance.

Mrs. CLAYTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, April 22, 1993:

H.R. 1335. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

REMEMBERING CESAR CHAVEZ

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I'm sure all of us were deeply saddened by the news of the death of Cesar Chavez last Friday. His death is a profound loss not only to the Hispanic community but to all of America's working men and women. The civil rights movement has lost one of its true leaders and heroes.

As the first successful organizer of farmworkers, Chavez showed California's Hispanic and Filipino migrant community how to collectively battle for dignity, respect, and decent wages. And his impact was felt by working people everywhere.

Cesar personally suffered in his battle for human rights. His many fasts drew attention to the misery of farmworkers. Cesar lived the struggle against oppression every day.

So, in memory of Cesar Chavez, let us today all ask: Are we personally and actively working to combat fear, hate, and ignorance? Are we, like our courageous colleague, TONY HALL, actively committed to eliminating hunger, racism, and discrimination? As Cesar taught us, the struggle for equal rights is a ceaseless one—and none of us is safe without a guarantee of these rights to everyone.

In remembering Cesar Chavez today, let us celebrate his accomplishments, continue his legacy, and imitate his never-ending efforts in the struggle for human rights.

CONTINUING NATIONAL EMERGENCY AND SANCTIONS REGARDING YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103–77)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

On June 1, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 301 of the National Emergencies Act (50 U.S.C. 1631), President Bush reported to the Congress by letters to the President of the Senate and the Speaker of the House, dated May 30, 1992, that he had exercised his statutory authority to issue Executive Order No. 12808 of May 30, 1992, declaring a national emergency and blocking "Yugoslav Government" property and property of the Governments of Serbia and Montenegro.

On June 5, 1992, pursuant to the above authorities as well as section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c), the President reported to the Congress by letters to the President of the Senate and the Speaker of the House that he had exercised his statutory authority to issue Executive Order No. 12810 of June 5, 1992, blocking property of and prohibiting transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro). This latter action was taken to ensure that the economic measures taken by the United States with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) conform to U.N. Security Council Resolution No. 757 (May 30, 1992).

On January 19, 1993, pursuant to the above authorities, President Bush reported to the Congress by letters to the President of the Senate and the Speaker of the House that he had exercised his statutory authority to issue Executive Order No. 12831 of January 15, 1993, to impose additional economic measures with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) to conform to U.N. Security Council Resolution No. 787 (November 16, 1992). Those additional measures prohibited transactions related to transshipments through the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as transactions related to vessels owned or controlled by persons or entities in the Federal Republic of Yugoslavia (Serbia and Montenegro).

On April 17, 1993, the U.N. Security Council adopted Resolution No. 820, calling on the Bosnian Serbs to accept

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Vance-Owen peace plan for Bosnia-Hercegovina and, if they failed to do so by April 26, calling on member states to take additional measures to tighten the embargo against the Federal Republic of Yugoslavia (Serbia and Montenegro). Effective 12:01 a.m. EDT on April 26, 1993, I have taken additional steps pursuant to the above statutory authorities to enhance the implementation of this international embargo and to conform to U.N. Security Council Resolution No. 820 (April 17, 1993).

The order that I signed on April 25, 1993:

—blocks all property of businesses organized or located in the Federal Republic of Yugoslavia (Serbia or Montenegro), including the property of entities owned or controlled by them, wherever organized or located, if that property is in or later comes within the United States or the possession or control of U.S. persons, including their overseas branches;

—charges to the owners or operators of property blocked under that order or Executive Order No. 12808, 12810, or 12831 all expenses incident to the blocking and maintenance of such property, requires that such expenses be satisfied from sources other than blocked funds, and permits such property to be sold and the proceeds (after payment of expenses) placed in a blocked account;

—orders (1) the detention, pending investigation, of all nonblocked vessels, aircraft, freight vehicles, rolling stock, and cargo within the United States that are suspected of violating U.N. Security Council Resolution No. 713, 757, 787 or 820, and (2) the blocking of such conveyances or cargo if a violation is determined to have been committed, and permits the sale of such blocked conveyances or cargo and the placing of the net proceeds into a blocked account;

—prohibits any vessel registered in the United States, or owned or controlled by U.S. persons, other than a United States naval vessel, from entering the territorial waters of the Federal Republic of Yugoslavia (Serbia and Montenegro); and

—prohibits U.S. persons from engaging in any dealings relating to the shipment of goods to, from, or through United Nations Protected Areas in the Republic of Croatia and areas in the Republic of Bosnia-Hercegovina under the control of Bosnian Serb forces.

The order that I signed on April 25, 1993, authorizes the Secretary of the Treasury in consultation with the Secretary of State to take such actions, and to employ all powers granted to me by the International Emergency Economic Powers Act and the United Nations Participation Act, as may be necessary to carry out the purposes of that order, including the issuance of licenses authorizing transactions otherwise prohibited. The sanctions imposed in the order apply notwithstanding any preexisting contracts, international agreements, licenses or authorizations. However, licenses or authorizations previously issued pursuant to Executive Order No. 12808, 12810, or 12831 are not invalidated by the order unless they are terminated, suspended or modified by action of the issuing federal agency.

The declaration of the national emergency made by Executive Order No. 12808 and the controls imposed under Executive Orders No. 12810 and 12831, and any other provisions of those orders not modified by or inconsistent with the April 25, 1993, order, remain in full force and are unaffected by that order.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 26, 1993.*

ECONOMIC CONDITIONS: WHERE ARE THE JOBS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, the U.S. economy reached the official low point of the recession, according to official counts, 2 years ago in March 1991. And supposedly, in accordance with the dictates and judgment of some economists, the recession has bottomed out several times. And also we are continuously told to disregard bad economic news because there is a recovery.

Millions of people in our country are paying a terrible price because the recovery is not a recovery, and if it is, it is the slowest recovery in history, and certainly not one generating any kind of jobs, even service jobs.

□ 1210

The truth of the matter is, as I have been saying now for over a year, we are in a depression. We are in what I now label a silent but terrible and devastating depression.

Any one of my colleagues who is in touch with his constituents through this great realm of ours and in the diverse and multiple districts we represent knows full well that we have more than just a recession. Any of my colleagues who has met and seen eye to eye with young, relatively young, constituents, and I would say anybody in their thirties is young in my book, trained, educated, college degree, but have not been able to find employment for more than a year-and-a-half, certainly if you have seen and met and have confronted eye to eye, you certainly should be very well aware that we have an unprecedented and not since the Depression, so called, acute crisis.

The employment picture, no matter how it is disguised with fraudulent statistical counts, still looks like a recession even when the official figures, which I say and repeat are of doubtful accuracy and have been since about particularly the early 1980's when the Reagan administration and the Bureau of Labor Statistics decided to use the different parameters and counts and so forth; by these official statistics, there are nearly 9 million people unemployed, that is, about 8.864, exact, million in March of 1993 according to the official miscounts. This is, in fact, more workers than were unemployed at the bottom of the recession 2 years ago.

The current official overall unemployment rate still hovers at 7 percent. That is official, but do not be misled by this number, and certainly some of us Americans are suffering more than some other Americans.

For teenagers, the unemployment rate stands at 19.5 percent, and for our fellow American black teenagers it is 43.9 percent.

Does anyone have to look beyond this to see why there is despair or why there is at times violence?

The numbers are not new. They have prevailed for years now. They have just been hidden from you like the homeless.

Just a few years ago homelessness, about 1987–88, all of a sudden the media discovered homelessness even though it was a subcommittee that I chaired, the Subcommittee on Housing and Community Development since 1981, and since 1989 in January in that Congress I have also had the great privilege of chairing the full Committee on Banking, Finance and Urban Affairs, and it was in 1982, on December 4, that we called for the first time, or let me say attempted, national attention to what we had good reason to know would be a growing and a monumental problem that I, for one, being a Depression-era kid had not seen since the Depression and, therefore, had that celebrated hearing on December 4, 1982, pointing out the new aspects where you did not have to go to the very depressed areas of the world where people die on the streets of hunger. We were having Americans freezing to death that year right here in the Nation's Capital and other places. We still do.

So it was not until 6 years later and after some events, not the least of which was the hearing that the subcommittee decided to have for the first time in its history; the subcommittee left these marbled halls and went out, and we went to, at that time they called it the former City College Second Street District of Columbia shelter. There were 1,100-plus Americans in there. We had an all-day hearing. It gained some attention, because we were able to gain the wisdom and experience of such people as Governor

Cuomo of New York, the then mayor of Chicago, Mr. Washington, who had been a colleague of ours here in the House, deputy mayors from Boston, Los Angeles, and very prominent American citizens to come to that shelter in that all-day hearing.

There was some attention paid to it, and then subsequent to that, there were other segments of our society, academia and some professors, got interested and concerned and they were able to get some attention. So by 1987 and 1988, you had it on every level, the electronic media, TV, the printed media, about this homelessness. You had whole feature stories with pictures of distraught Americans, that is, families living in automobiles or under bridges.

What I said in 1982 was that I feared that as the problem grew, because it was obvious that the Federal Government was withdrawing from the commitment it made in 1937 as a national commitment to provide safe, decent, affordable housing to all Americans. The Reagan administration announced a total withdrawal from that.

So far, 12 years, this meager subcommittee fought a rearguard defensive, negative action to try to preserve even some of the programs that had been taken and were in place for 40 years. So believe it or not, such programs as FHA, which the Reagan administration would have phased out by July 1981, if we had not intervened, and luckily we were able to have some impact, but negative, negative in the sense that we were warding off, because the Reagan administration was not examining programs such as the vast array that grew up during the 1970's from the standpoint of cost-effectiveness and separating them from the time-tested programs such as FHA. They were just targeting the computer statistics and saying, "We have got to get rid of that for budgetary reduction."

What I said was that this country would see a reoccurrence of those tragic sights that I thought we would not again, mendicants on the street like you find now. You can say all you want to, but it was not until the Reagan administration that you cannot walk here on Pennsylvania Avenue from the Madison Library of Congress to 4th Street without at least half a dozen mendicants, beggars, asking for a handout.

□ 1220

When did you see that before? Not since the Depression. When did I see mother, father, child, living in an automobile in a park in my own district, which is supposed to be in the Sunbelt, where you are not supposed to have harsh winters? I hadn't, since the Depression.

So, now we have this question of us turning our back on what we used to say would demand immediate action from the Congress since the 1946 Full Employment Act, the Economic Full Employment Recovery Act of 1946, which created such things as the President's Economic Advisers, the joint committee here, the Senate-House joint committee on the matter of the economy.

The target was full employment. It was accepted that it did not have to take a war, as in 1941, 1942, 1943, 1944, 1945, to have full employment, that you could have full employment not in the destructive endeavors of war but in the creation of forces during, adding to the substance and wealth of our country, not wasting it. That was accepted as the principle in the immediate aftermath of the war.

But in the years that we tend to forget, those who fought the wars as the wars recede into the dim memory, the same thing with these resolutions. So, today these apparatuses such as the Joint Economic Committee, the Presidential Economic Advisers, always with outstanding economists but never once able to agree either on the causes of something, the nature of the situation as it presently exists, much less able to predict.

Now, I see economists talking about these careless, spendthrift, foolish, speculative years of the 1970's and 1980's, but I do not remember any one of them so saying during the numerous hearings we had in the Committee on Banking, Finance and Urban Affairs.

So I thought it was atrocious when I realized that the incidence of unemployment was far more severe than the statistics.

So that is how I found out, along about 1982–83, that the way of counting had been changed. And again, unfortunately, the official unemployment data do not tell the whole sad story. The Department of Labor's household survey, as they call it, for this last month of March 1993 shows that the number of workers who have simply dropped out of the labor force because they think their search for a job would be in vain remains at the same level it was in the third quarter of 1991.

While I know that from personal experience in meeting and talking, in the most, to me, heart-rending way, to these young, educated—they are not uneducated nor unskilled—they want to work. They cannot find a job. That is inexcusable.

Since when have we accepted that like we now accept homelessness?

Let me go back to that: Last Friday I took the Subcommittee on Housing and Community Development and went to the shelter on what used to be called 2d Street. I think they have changed it in honor of the man who became famous on homelessness here, the first witness we had in that celebrated hearing in 1982, Mitch Snyder. I think they call that Mitch Snyder Street.

But what do we have there? 1,350. In 1984, we had a little over 1,100. Most distressing of all, there were individuals there, who are there now, who should not be there. If the constellation and array of programs that we also have set up as adjuncts, such as section 202 elderly housing, some of the other programs that were advanced that I did not favor too much but which have some place, such as vouchers and certificates and that kind of stuff, which do not create housing at all. That is what I was interested in, since the Government was withdrawing as it has and is continuing to.

And what happened this last Friday? Oh, by then, our new and very, very prepared and talented, inspired HUD Secretary was there. He took time out.

Well, I do not think that anybody reading the local press in this city would know that we had had such a hearing, much less the testimony that was submitted, of very grave importance.

Madam Speaker, I will prepare a report on that for my colleagues who are not members of the committee or subcommittee, sometime later this week so that you will have the benefit and thereby, at least in the record, charged with knowledge.

So that this figure of those who just dropped out of the labor force and are not shown in the statistics would indicate that there are not less than 1,100,000 workers of that nature in this first quarter of 1993. Now, the official estimate puts the real unemployment rate over 7 percent. Everybody says, "Oh, you're supposed to get used to 7 percent." But in the 1950's, 1960's, and 1970's, if anybody had thought of accepting 7 percent, they would have been run out. Why, anything over 4 percent, much less 5 percent, was considered calamitous. Not today.

There is an old Irish saying which says that, "It is easy to sleep on another man's wound." Of course it is. As long as we are paid relatively well, have nice, comfortable living abodes, have good food, well, it is difficult to comprehend Americans who do not and who have to strive every day to keep body and whatever soul is left.

I heard one person talking about—this was an official representative from an association—about mental illness among the homeless. Well, I defy any of my colleagues to imagine himself not having a place to go to in the morning or at night, not knowing where he is going to get the next meal, walking the streets, and see how long he would be able to maintain his mental health.

Why, you do not even have to have that much. Think of the catastrophes that families face where the head of the household or maybe both find themselves without employment and have three or four kids to take care of, a mortgage to pay. Every attempt I have made since 1982 to address that has been frustrated.

Now, I think I am not going to remain silent when I know that I have done more than even the handling of this job calls for or that would enable me to rock along; realizing that I have been a witness over these periods of times in which you have had the recessions and the bottoming out and the coming out and so forth, and have not had the benefit or been the beneficiary of great minds and souls like Leon Keyserling, the greatest real economist I have ever known, the author of the 1947 Basic Housing Act. Of course, that was in Truman's era. Then, later, his willingness to work with freshman Members 32 years ago, such as I.

□ 1230

Then intimate conversations and to sit at his feet and try to gain some of that wisdom, I decided I had a responsibility since I had been privileged and realizing that what has started in 1990 as a recession and on about October 18, 1990, we had a hearing in the full committee.

Well, it was an election year. I could not get anybody to show up, but we had the hearing.

And what was the hearing on? The economic impact of what was going to be the Persian Gulf adventure.

The Chairman of the Fed came to the hearing, which was unusual and I thought very magnanimous and very responsible.

In answer to a question, he said, "Yes. I would say that 70 percent of the adverse impact that we are having right now on the economy is due to what is already in preparation."

Remember, that at that time in October the President had signified since August that he was going to send about a quarter of a million of our military. It was not until 2 weeks after that hearing, the first week in November, that he announced that he was going to double the ante and make it half a million; but even then the chairman was saying there is no doubt, because I was seeing that the Secretary of State was saying, "Oh, don't kid yourself about why we are going there. It's jobs, oil."

The Secretary of State said it, my fellow Texan. That is why I thought we ought to have some assessment. After all, even though there are other committee chairmen who do not seem to understand that the rules define the jurisdiction of this committee and we are supposed to have jurisdiction or all credit allocation activities.

Now, we do not sometimes when it might be embarrassing, like I am trying to do now, trying to get the so-called North American Free-Trade Treaty, which really ought to be labeled North American Free-Trade and Finance Treaty, because the locomotive driving that little pet around is the banking goodies that have snuck into those provisos.

I have been trying to get my distinguished leadership to have our committee have a look at it by referring that part of the so-called NAFTA to us. Up to now we have not, but I have looked at it, and I will tell you right now, my colleagues, the bankers who are really the motive force behind this so-called free-trade agreement in the case of Mexico think that they will be able to get if it is in place soon about $10 billion a year on their exposure on their loans to Mexico, which they have not been able to get a penny on principal and have only rolled over the interest rate.

We are talking now about close to $100 billion. That is not exactly chickenfeed.

So all we have to do is follow regular order. Our country would not be in the serious situation, whether it is perceived that way or not, if we had not strayed from the moorings to which our Constitution holds us, and it is the same thing here.

How long, my colleagues, are we willing to sleep comfortably on these other Americans' wounds?

Now, unfortunately, these unemployment figures or data do not tell the whole sad story. As I said, officially it is supposed to be 7 percent unemployment. The number of discouraged workers might be even higher, because some people may not wish to respond that they have given up looking for a job.

The percentage of the total working-age population in the labor force—those working or looking for a job—has, unlike previous recessions, failed to rise, which tells us that we are still at least, if you do not want to call it a depression, still at recession levels.

One dramatic illustration of the fact that the employment picture still looks like the bottom of the recession is shown by the amount of help wanted advertising in our newspapers. It is still at low recession levels.

The number of employees on nonagricultural payrolls has stagnated near the level it was during the recession 2 years ago. The failure for a significant rise in employment to develop underscores the fact that the economy is growing too slowly and, of course, we are still a growing nation, we still have births, we still have new Americans to add. It is still a dynamic country. It is just our leadership that has lost faith in that dynamism, the fact that the economy is going too slowly to create jobs for our citizens.

I completely reject the notion that because productivity has increased we must be satisfied with fewer jobs.

Who measures productivity? The same economists that used to come and tell us that the American worker was not productive?

This false theory that adding citizens to the work force would not increase output was long ago dispelled by University of Chicago Prof. Theodore Schultz who won the Nobel Prize for observing and providing evidence to show that additional workers can increase output even in underdeveloped countries where the workers had been idle for long periods. The problem in the United States at present is that our economy is at recession levels where there is insufficient demand for goods and services which we used to say was a depression.

I used to ask these outstanding economists who came in on these recessions and bottoms out, I would say, "Now, how do you define a recession from a depression?"

Some of the most preeminent were consistent in answering this way. "If a recession lasts more than a year, it is a depression."

Well, the current recession or recessions are now as of the middle of the summer or late summer this year will be 3 years.

Despite all these distressing facts about the state of our economy, the great Federal Reserve's tunnel vision can still see only the threat of inflation. For over 2 years it has given us ranges for monetary growth that Federal Reserve Chairman Alan Greenspan has told the Banking Committee are proper for healthy noninflationary growth. Now, this sounds like a lot of gobbledygook, and, of course, sometimes it is deliberately dealt out to confuse and obscure what is not that difficult to comprehend.

□ 1240

Since last November, Mr. Speaker, the Federal Reserve has let the money supply, which in jargon is labeled M2, and do not ask me why, take a dive from an already stagnant growth level below the Federal Reserve's own target range. The Federal Reserve has been distracting the Congress and the public with a measure known as the monetary base. Chairman Greenspan has testified that this base is growing at the record rate of 10.5 percent. But he now tells me that this measure is misleading because the monetary base consists mostly of currency, over half of which has left the country and which he cannot tell me where, or how, or exactly how much. Therefore the Federal Reserve admits that it does not know just how much currency is in the United States and, therefore, the monetary base is not a good measure to determine domestic monetary growth by definition.

When I say that this is irresponsible monetary policy, lo and behold, if not a politician, the little old guy that—depending on the point of view, or the lobbyists who are trying to, and have all along, find a way to either clobber me or marginalize, as they did all these years by calling me different names: if not a populist, whatever that might mean, or eccentric, whatever that might mean—but I do not take umbrage at that. I have been called all kinds of names. If somebody thinks I am as crazy as a loon, that is fine. They are entitled to their opinion. But they better not say that I am a crook because then them are fighting words unless they can prove it.

So, I am joined at this juncture by such Nobel Prize winners as economists Milton Friedman and Paul Samuelson. The monetary policy of the Federal Reserve, especially since last November, is completely out of touch with economic conditions in the country. It is a policy designed solely to chain the demons of inflation, but it is choking off growth, and has done so despite no evidence that this makes sense.

Of course, monetary policy alone will not end the recession levels of economic activity which are severely hurting our population. There is an immediate need for programs for our inner cities and some rural areas.

Mr. Speaker, we visited all of them, from one end of the seacoast to the other, from the Canadian border to Texas, during the time that I have been chairman of the subcommittee. We were everywhere from the Eastern Shore where the States of Maryland, Delaware, and Virginia meet. One of the first trips I took as chairman of the subcommittee saw the atrocious farm labor conditions there—probably still there. I had not seen that since the Depression, and yet it is just 1 hour and 20 minutes drive from the Nation's Capital.

So I have gone to both rural and dense urban areas like the South Bronx, NY, dense areas in Philadelphia, where we had our first bombing—killed people, children, women, who remembers that?

Then there is Detroit, which is now a hollowed-out city. It has lost about 2 million in population at least, the city itself.

We will revisit what we did last year, and, as a matter of fact, that brings to mind that in discussing this and impelled by the fact that I am charged with knowledge, and have been privileged to be in a position of knowledge, and having the reservoir of my memory and experience going back all the way—and I have a good recall—going all the way back to a devastating Depression, I saw people die here in the United States. Even then the nice, affluent side of our city did not bother to care what was happening on the other side of the city. They still do not. And this is what is happening nationally, believe it or not.

So, I, together with a past staff director, drew up what I called an emergency housing community and economic recovery plan. I know it is not speculative. It had a price tag of $30 billion, which is about the sum total of expenditures in the array of affordable housing, or assisted housing as they call it, and community development programs, and representing the cost—equivalent cost of just a few B1 bombers, and it would, had it been enacted as I wanted it to in an emergency—and let me say this:

"You know you hear about deadlock, and gridlock, and about the great animosity. We were able to get the joinder of the minority in the subcommittee. We got it out, believe it or not, even though it had a price tag that everybody says, 'Ooh, ooh, ooh, ooh, spending.' We sold them because they knew what we were showing, and we were showing that this would build. It would add to the wealth and the substance that was created." And I gave an estimate that not less than three-quarters of a million workers, from architects to laborers, would be put back to work and that the first segment of that could begin less than 30 days after the active or the enacting date of that legislation.

Then, having introduced it, we went on the tour of the country. First city: Bridgeport, CT, where a year before there had been publicity about how some were seeking to declare the city bankrupt. It was a very sad experience. There was garbage on the street, unemployment.

We have an all-day hearing. We provided some modicum of ideas and, in fact, just in this last supplemental appropriation we had a little modicum that we think will help Bridgeport, if it takes advantage of it, to trigger off what it can do to improve and enlarge its economic horizon in Bridgeport itself. This is a sad picture because Bridgeport at one time was the center of great production and manufacturing, as well as defense production.

Then we went to other places, went to Spartanburg, SC, there on the border of South and North Carolina. Believe me, if you think they do not have problems; that is, our fellow Americans who labor, I say to my colleagues, "You bet they do, and not just minorities, so-called."

I hate those words. There should not be any distinction. We are either Americans, or we are not. That is what I have said all along and, believe me, when I said that, I almost got killed in Boulder, CO, because of some fanatic group emerging from the group I emerged from.

So, this is how off base we have gotten in this country, but I do not believe that there is any room for hyphenated Americanism. We are all in the same boat. If anybody thinks that he or she can live secluded and guarded in that exurbia or suburbia, well-guarded and protected from the center of what might happen downtown, let me tell you: "You are living in an illusion. You are being deluded. I have seen that happen in countries south of the border. You can go. You can see these big walls with glass, jagged edged glass top." Then right across are these people in miserable poverty, miserable, that you cannot even describe in our country.

□ 1250

Well, it is a fool's paradise. President Kennedy said if a free democratic society cannot take care of the many who are poor, it will not be able to protect the few who are rich, and that is very true.

As I said and repeat, of course monetary policy will not end the recession.

By the way, where did I go with the bill? Well, we went to Spartanburg. We went to Cleveland, where over 33 percent of its manufacturing and production jobs have left the city within the last decade, most of them going across the border to the so-called maquilladoras.

Then we went to Baltimore, not too far from here. That was an all-day hearing, very disturbing. Then on March 10 we went to L.A. and went right into the only building we could have a hearing in South Central L.A., less than 5 weeks before the eruptions. We had an all-day hearing.

I knew that that was a boiling cauldron. I came back, suspended the rest of the trips, wrote a special report and sent it to the Speaker. I said, "Mr. Speaker, we need action on this bill, because this bill is targeted to really help. It is a result of many years of study, not just suddenly concocted, and it will have this multiplier effect." That was just as a starter, and we will not have to have a new bureaucracy to take care of it. We have already got the setup. In every city, rural and urban, you have a community development block grant activity.

It was endorsed by the League of Cities, the Conference of Mayors, the Conference of Governors, the National Home Builders, the mortgage bankers. Believe it or not, they all endorse my bill.

I never have had a reply from the Speaker, but when I addressed it at a meeting I was told oh, no, we can't do anything like that because they will label us Democrats and spenders. Our indications are that once we are labeled as spenders, why, we are through. We are going to have to hit the President back because he is coming at us with a tax recovery program.

Well, the rest is history. Yes, the Democrats came up with a tax alternative and got it through with great whoop and joy and sent it over there. He vetoed it. That left our country again unattended, unaddressed.

What then are we here for? Why have the expenditures of our committees and all if we are not willing to even respect our own judgments, much less the very laws that we pass, only to let them fall in disuse because of political fear, fear that you are going to be labeled, whether you are or are not?

Of course, monetary policy alone will not end the recession, but there is an immediate need for these programs I speak of.

When the President comes out with a subminimal—and I say subminimal, in fact some of his now Cabinet members and some of his advisers drew from parts of the bill we have had introduced last year, just parts. They said the same thing. Oh, no, we cannot go that high.

But even that minimal, the Congress could not even entertain. The Republicans, in one of the most tawdry partisan blinded activities, demonstrated their lack of responsibility. But then so-called Democrats did not have the guts either or have just allowed themselves to roll over and lose everything.

So that you have a President, he at least has a vision, who has presented a program. But what alternative has been offered? The only one I know is the one I initiated last year before the President was President and from which they have drawn, and will tell you so.

But where are the Republicans? What alternative do they have? None, because they do not think there is anything wrong. Their President, George Bush, left them with a growing economy.

So where are we? We are here, Mr. Speaker, and let me tell you where we are. The Congress is now the main block, the main obstructive force, to any change.

That is very tough language, but it is the truth. The Congress in these last few years has turned out as the single most obstructive force for constructive change.

All societies change. The only fundamental law of life is everything changes, everything.

The only thing I say is how do you want the change to come about? Like L.A., which you will get more of? Or do you want to get it by rent strikes, squatters, and violence, as I pointed out ad nauseam already in the past in Berlin, in Brussels, Belgium, in France, and in England, until those nations 20 years ago decided as a matter of national policy to address the needs of shelter for their people.

Shelter? I do not care whether it is America or any place, any continent. The one essential of the three basic human needs, food, clothing, and shelter. America is hurting. It is hurting all the way from Harlem to here in D.C.

All you have to do, I say to my colleagues, is just join me some day, and I will take you across the expressway to some of the housing over there, public and private. You will see how we are asking our fellow Americans to live. They no longer have that which even birds and bees have, the will to sing and be happy in their surroundings, as human beings, not as animals.

Of course, there is need for programs such as that. For the citizens in those areas there is no doubt this is a national emergency, as it is now becoming an emergency for those that we have defined as middle class and those new graduates coming out of colleges and universities that cannot find a job. Ask them if there is a recession or not.

The conditions in these areas are often as desperate as they are in many of the poorest parts of the world. It is essential to give full support at least to the meager anemic subminimal programs our President offers, to at least attempt to start somewhere to help these fellow Americans. We need to rebuild our cities and we need to reenergize our economy. We need to give our people hope that they can have a decent job, a decent future, and a decent life.

There is no mystery here, except the mystery of why the minority in the Senate, dominated by the do nothings, can feel that there is no problem.

□ 1300

In their arrogant complacency, they deny that our struggling people need even the slender commodity of hope.

We must move forward, not stand idle, not stand still, for all around there are products of complacency: the shuttered factories, the companies that every day you pick up, even in the Wall Street Journal, are letting employees go, the for sale signs, the still continuing to grow homeless number, and the hopeless, the despairing, and let me tell you, the angry.

We as a country are in far worse straits than Japan, believe it or not.

Now, let me add a little bit to that. We like to flagellate the Japanese. We fear. But do you know that last week I saw where presidents of banks, especially those that said they were going to be paid in accordance with the great results they had in building their institutions to huge dimensions, were now going to get $4 million, $5 million a year salary, not counting stock options on the side.

Well, every time you have that, you are going to have a poor widow and her kids having to live in a rat-infested hovel somewhere in America. It is that simple.

Incidentally, the taxes that plutocrat will pay will be less than the poor cleaning lady widow will have to pay on her meager salary or whatever it is that bank would pay her. She will pay more than that big shot president in proportion. She will pay 15 percent of her income. That big magnate will not even pay one-half of 1 percent.

Now, where have we gone, America? Where are we?

In Japan, that upper level pays 87 percent of his income in taxes. The average wage earner pays 67 percent plus in taxes. Would we, my fellow Congressmen and fellow Americans, be willing to do likewise?

Well, if not, we will evoke from Ezekiel, as we are seeking now in the Scriptures, "The land is full of blood, crimes, and the city is full of violence."

That is from the Prophet Ezekiel. He could be here at almost the end of the 20th century in America.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CLAYTON) to revise and extend their remarks and include extraneous material:)

Mr. BECERRA, for 60 minutes, on May 4.

Mr. GUTIERREZ, for 60 minutes, on April 28.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes each day, on April 27, May 4, 11, 18, and 25, June 8, 15, 22, and 29, July 6, 13, 20, and 27, August 3, and September 7, 14, 21, and 28.

Mr. LIPINSKI, for 60 minutes each day, on April 28, May 5, 12, 19, and 26, June 9, 16, 23, and 30, July 7, 14, 21, and 28, August 4, and September 8, 15, 22, and 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. CLAYTON) and to include extraneous matter:)

Mr. SERRANO.
Mr. MARKEY.
Mr. HOCHBRUECKNER in two instances.
Mr. ACKERMAN.
Mr. MENENDEZ.
Mr. GORDON.
Mrs. MALONEY.
Ms. PELOSI.
Mr. APPLEGATE.
Mr. FORD of Michigan.
Mr. EDWARDS of California.
Mr. MCDERMOTT.
Mr. MORAN.
Mr. KENNEDY.
Mr. KOPETSKI.
Mr. RICHARDSON.
Mr. LAFALCE.
Mr. CARDIN.
Mr. SANGMEISTER.
Mr. COPPERSMITH.

(The following Members (at the request of Mrs. CLAYTON) and to include extraneous matter:)

Mr. CRANE.
Mr. HYDE.
Mr. GILMAN.
Mr. WALSH.
Mr. SHAW.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. BROWN of California.
Mr. KREIDLER.
Mr. COLEMAN.
Mr. NEAL of Massachusetts.
Mrs. KENNELLY.
Mr. RANGEL.
Mr. MAZZOLI.
Mr. TOWNS.
Mr. BEREUTER.

ENROLLED BILLS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1335. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 5 minutes p.m.) the House adjourned until tomorrow, Tuesday, April 27, 1993, at noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRANE:

H.R. 1849. A bill to renew the previously existing suspension of duty on parts of aircraft generators; to the Committee on Ways and Means.

By Ms. DELAURO:

H.R. 1850. A bill to provide incentives for universities to develop effective technology development and technology transfer programs, and to enter into partnership with businesses, in coordination with State and local governments, to develop technologies and processes critical to meeting specific national goals and promoting the long-term vitality of local communities; jointly, to the Committees on Science, Space, and Technology; Education and Labor; Ways and Means; and the Judiciary.

By Mr. HEFLEY:

H.R. 1851. A bill to extend until January 1, 1995, the suspension of duties on certain glass fibers; to the Committee on Ways and Means.

By Mr. INGLIS:

H.R. 1852. A bill to end the price support program for wool and mohair; to the Committee on Agriculture.

H.R. 1853. A bill to eliminate the price support and production adjustment program for honey, and for other purposes; to the Committee on Agriculture.

H.R. 1854. A bill making appropriations for the House of Representatives Botanic Gardens for the fiscal year ending September 30, 1994 and for other purposes; to the Committee on Appropriations.

H.R. 1855. A bill making appropriations for the House of Representatives Members' personal physician for the fiscal year ending September 30, 1994 and for other purposes; to the Committee on Appropriations.

H.R. 1856. A bill to prohibit the expenditure of appropriated funds on the Space Station Freedom Program; to the Committee on Appropriations.

H.R. 1857. A bill to repeal the Helium Act, to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes; to the Committee on Natural Resources.

H.R. 1858. A bill to terminate new water projects of the Bureau of Reclamation, and for other purposes; to the Committee on Natural Resources.

H.R. 1859. A bill to provide for the immediate termination of the superconducting super collider project; to the Committee on Science, Space, and Technology.

H.R. 1860. A bill to authorize a combined grant to States for administrative costs necessary to carry out the program of aid to families with dependent children under title IV of the Social Security Act, the State plan for medical assistance under title XIX of such act, and the Food Stamp Program, to eliminate enhanced Federal payments for such costs under such programs, and for other purposes; jointly, to the Committees on Ways and Means, Agriculture, and Energy and Commerce.

By Mr. MCDADE:

H.R. 1861. A bill to extend indefinitely the authority of the Secretary of the Interior to collect a commercial operation fee in the Delaware Water Gap National Recreation Area; to the Committee on Natural Resources.

By Mr. TORRICELLI:

H.R. 1862. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to families with young children; to the Committee on Ways and Means.

By Mr. FAZIO:

H.J. Res. 185. Joint resolution designating September 1993 as "Childhood Cancer Month;" to the Committee on Post Office and Civil Service.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 97: Mr. SERRANO.

H.R. 146: Mr. PACKARD.

H.R. 224: Mr. DE LUGO, Miss COLLINS of Michigan, Mr. MFUME, Mr. OWENS, Mr. TORRICELLI, and Mr. MEEHAN.

H.R. 349: Mr. FLAKE, Ms. HARMAN, Mr. HASTINGS, Mr. MCINNIS, and Ms. FURSE.

H.R. 436: Mr. FRANKS of New Jersey, Mr. DIAZ-BALART, and Mr. FISH.

H.R. 562: Mr. DELAY.

H.R. 563: Mr. DELAY.

H.R. 662: Mr. BAKER of Louisiana, Mr. PACKARD, and Mr. SCHAEFER.

H.R. 667: Mr. QUINN.

H.R. 749: Mr. CALLAHAN and Mr. BACHUS of Alabama.

H.R. 790: Mr. DEFAZIO and Mr. SWETT.

H.R. 818: Mr. FRANK of Massachusetts, Ms. NORTON, and Ms. KAPTUR.

H.R. 864: Mr. DEFAZIO, Mr. LIPINSKI, Mr. BAKER of Louisiana, and Mr. GILMAN.

H.R. 949: Ms. BROWN of Florida.

H.R. 951: Mr. SCOTT, Ms. BROWN of Florida, and Mr. PAYNE of Virginia.

H.R. 995: Ms. WATERS and Ms. BROWN of Florida.

H.R. 998: Mr. DEFAZIO.

H.R. 1067: Mr. BARRETT of Nebraska.

H.R. 1111: Mr. BLACKWELL, Mr. OLVER, Mr. HASTINGS, Ms. SNOWE, Mr. SMITH of New Jersey, Mr. FOGLIETTA, and Mr. SERRANO.

H.R. 1133: Mr. RUSH, Mr. FRANKS of Connecticut, Mr. LANTOS, Mr. LEVY, Mr. CLEMENT, Mr. LEVIN, Mr. NADLER, Mr. HAMBURG, Mr. BOUCHER, Mr. MCHALE, Mr. SLATTERY, Mr. STARK, Mr. POMEROY, Mr. MENENDEZ, Ms. WOOLSEY, and Mr. MACHTLEY.

H.R. 1141: Mr. GOODLING, Mr. MCDADE, Ms. PRYCE of Ohio, and Mr. SMITH of New Jersey.

H.R. 1167: Mr. PACKARD.

H.R. 1292: Mr. BLACKWELL, Mr. FOGLIETTA, Mr. SERRANO, Mrs. MEEK, and Mr. GUTIERREZ.

H.R. 1456: Mr. SHAYS.

H.R. 1505: Mr. JACOBS, Mr. KIM, and Mr. SCHAEFER.

H.R. 1530: Mrs. MEEK, Mr. SHAYS, Mr. FROST, Mrs. CLAYTON, and Mr. SOLOMON.

H.R. 1586: Mr. PETERSON of Minnesota, Mr. KILDEE, Mr. SANTORUM, and Mr. SPENCE.

H.R. 1598: Mr. LIPINSKI and Mr. BEILENSON.

H.R. 1625: Mr. SUNDQUIST, Mr. SCHAEFER, Mr. UPTON, Mr. SHAYS, Mr. FRANK of Massachusetts, Mrs. VUCANOVICH, and Mr. GILLMOR.

H.R. 1709: Mr. LAROCCO, Mr. OLVER, and Mr. KREIDLER.

H.R. 1744: Mr. MURPHY and Mr. YATES.

H.R. 1761: Mr. MOLLOHAN, Mr. BARRETT of Nebraska, Mr. DURBIN, Mr. ENGLISH of Oklahoma, Mr. STRICKLAND, and Mr. PAYNE of Virginia.

H.R. 1762: Mr. MOLLOHAN, Mr. STRICKLAND, Mr. ENGLISH of Oklahoma, and Mrs. MINK.

H.R. 1763: Mr. MOLLOHAN, Mr. STRICKLAND, Mr. BARRETT of Nebraska, Mr. ENGLISH of Oklahoma, Mrs. MINK, and Mr. PAYNE of Virginia.

H.R. 1764: Mr. PAYNE of Virginia.

H.R. 1841: Mr. LINDER, Mr. FRANKS of New Jersey, Mr. MCNULTY, and Mr. JACOBS.

H.J. Res. 6: Mr. ANDREWS of Maine, Mr. BACCHUS of Florida, Mr. BUYER, Mr. CHAPMAN, Mr. DEAL, Mr. DIAZ-BALART, Mr. GEJDENSON, Mr. GRAMS, Mr. KANJORSKI, Mr. LAROCCO, Mr. MCDERMOTT, Mr. MINGE, Mr. ROEMER, Mrs. ROUKEMA, Mr. UPTON, Mr. WILSON, and Mr. WISE.

H.J. Res. 79: Mr. HASTINGS, Mr. KOPETSKI, Mr. PARKER, and Ms. PRYCE of Ohio.

H.J. Res. 80: Mr. COYNE, Mr. DE LA GARZA, Mr. GINGRICH, Mr. GORDON, Mr. HALL of Texas, Mr. HOCHBRUECKNER, Mr. KILDEE, Mr. LANCASTER, Mr. MCNULTY, and Ms. PRYCE of Ohio.

H. Con. Res. 3: Mr. ROGERS and Mr. SUNDQUIST.

H. Con. Res. 74: Mr. LAZIO, Mr. MCHUGH, Mr. SUNDQUIST, Mr. POSHARD, Mr. EMERSON, Mr. REGULA, Mr. GREENWOOD, Mr. LIVINGSTON, Mr. MACHTLEY, Mr. TALENT, Mr. HANCOCK, Mr. BLUTE, Mr. ROYCE, and Mr. CRAPO.

H. Con. Res. 80: Mr. MARKEY, Mr. BURTON of Indiana, Mr. COLEMAN, Mr. CUNNINGHAM, and Mr. TAUZIN.

H. Res. 40: Mr. HINCHEY, Mr. KREIDLER, and Mr. BEILENSON.

H. Res. 86: Mr. DIXON, Mr. DURBIN, Ms. LOWEY, Mr. MCHUGH, Ms. SHEPHERD, Mr. WYDEN, and Mr. YATES.

EXTENSIONS OF REMARKS

INTRODUCTION OF FOODBORNE ILLNESS PREVENTION ACT

HON. MIKE KREIDLER
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, April 26, 1993

Mr. KREIDLER. Mr. Speaker, three children in Washington State died this winter because a fast food chain sold hamburgers contaminated with deadly bacteria. Another 45 children were hospitalized, 21 requiring kidney dialysis. Some 500 children and adults were stricken by this outbreak of infection. A smaller outbreak in southern California killed another child last December.

These victims have been stricken by a rare but very toxic bacterium known as E. coli 0157:H7, one of many microscopic organisms found in meat and poultry that can cause human disease and spread from person to person. Proper handling and adequate cooking can minimize the risk of infection, but we can do much more to protect the public through the Federal meat and poultry inspection system.

E. coli 0157:H7 was first identified in 1983. It infects cattle, and can contaminate their meat during processing. While it does not make cattle sick, it causes severe intestinal disorders in people, and can lead to acute kidney failure, especially in children. It can also be transmitted easily from person to person, especially in settings like schools and day care centers.

This strain of E. coli is only one of several known infectious disease agents that are striking Americans who eat meat and poultry. Others include salmonella and listeria monocytogenes. For years, scientists and public health authorities have been sounding the alarm about these emerging infections, yet our Federal meat and poultry inspection system operates essentially the same as when it began in 1907. Inspection focuses on visual examination of meat and poultry to detect visible signs of disease or contamination. This system is completely unable to detect E. coli or any of the other microbes that threaten our health.

Adequate cooking will kill these microbes, and careful handling will prevent their transmission in raw food. Two decades ago, the American Public Health Association urged then-Agriculture Secretary Earl Butz to require that meat and poultry be labeled to inform consumers better about the need for caution in handling and cooking. Secretary Butz declined to do so, and the courts found that nothing in existing law required such labeling.

In 1985, a National Academy of Sciences panel recommended sweeping changes in the way the Department of Agriculture inspects meat and poultry and increased research into the sources and transmission of infectious pathogens like E. coli 0157:H7. Under pressure to control inspection costs, the Department has been considering a new risk-based inspection system that focuses attention on the stages of meat and poultry processing where the risks of contamination are greatest. Last year, the Department began a project to determine baseline levels of pathogens in beef through microscopic examination of samples.

But it has taken the deaths of three children, and the arrival of a new Secretary of Agriculture, to focus the necessary attention this growing health hazard requires. Secretary Mike Espy has responded to the E. coli outbreak in Washington State with energy, imagination, and determination. I commend his concern for public health and his efforts to bring a new spirit of public service into the antiquated inspection system.

To reinforce the new Secretary's goals and provide policy direction and legal authority for Agriculture Department to deal with pathogenic contamination, I have introduced H.R. 1786, the Foodborne Illness Prevention Act of 1993. This bill strengthens the Department's mandate to identify and prevent contamination. Specifically, it requires the Department to:

Identify the microorganisms in meat and poultry that can endanger human health;

Test samples of meat and poultry for these pathogens at critical stages of processing;

Establish cleanliness standards that minimize the risk of contamination;

Sponsor and engage in research on the origins, transmission, and prevention of pathogenic infection in animals;

Impose labeling requirements for consumer information;

Develop methods of tracing back contaminated meat and poultry to their source.

This legislation is not the final answer to the many emerging problems of food safety. The General Accounting Office has urged Congress to consider a complete overhaul of the Nation's food safety laws, which are now administered by multiple agencies with inconsistent mandates, wide variations in resources, and jurisdiction characterized by irrational overlaps and gaps. We must act on the GAO's recommendations.

The States also have a greater role to play in safeguarding public health. Washington has been one of only two States where infection by E. coli 0157:H7 must be reported to public health authorities. That reporting requirement enabled State and local health officers to identify the recent outbreak rapidly, trace it to the fast food chain where the contaminated beef was sold, and intervene effectively to prevent a much greater tragedy.

I know that my colleagues in Congress share my concern about the health and safety of the American people, and the need to improve meat and poultry inspection in the light of current scientific knowledge and new contamination hazards. I welcome comments and suggestions on improvements in the bill I am introducing, and I hope the Congress will act on it this year.

When an American child cannot eat a hamburger without risking critical illness and tragic death, it is time to take a hard look at our food safety standards and procedures. It is time to apply the scientific knowledge of the 20th century to an outdated food inspection system that has scarcely changed since this century began. We cannot eliminate all contaminants from our food supply, but we ought to be able to assure parents that the food they buy for their children is as safe as possible.

H.R. 1786, FOODBORNE ILLNESS PREVENTION ACT OF 1993—SECTION-BY-SECTION SUMMARY

Sec. 1. Short title: Foodborne Illness Prevention Act of 1993.

TITLE I. MEAT INSPECTION

Sec. 101. Defines "pathogens" as bacteria and other microbial organisms in meat which may cause food poisoning or infection if consumed without proper handling or cooking.

Sec. 102. Meat is adulterated if pathogen levels exceed standards set by Secretary of Agriculture.

Sec. 103. Requires Secretary of Agriculture to establish and enforce standards of cleanliness for animals before slaughter and for carcasses at high-risk stages of processing.

Sec. 104. Requires microbial testing of samples of carcasses, establishment of pathogen levels above which meat will be considered adulterated, investigation of improved means of detecting pathogens, identification of high-risk stages of meat processing.

Sec. 105. Applies same standards and requirements to imported meat.

Sec. 106. Requires labeling of meat for sale to consumers with information about contamination risk and proper handling and cooking.

Sec. 107. Requires slaughterhouses, meat processors, importers, and wholesalers to keep records and use means of animal identification adequate to permit tracing pathogen-contaminated meat to its source.

TITLE II. POULTRY INSPECTION

Sec. 201. Defines "pathogens" as bacteria and other microbial organisms in poultry which may cause food poisoning or infection if consumed without proper handling or cooking.

Sec. 202. Poultry is adulterated if pathogen levels exceed standards set by Secretary of Agriculture.

Sec. 203. Requires Secretary of Agriculture to establish and enforce standards of cleanliness for poultry before slaughter and for carcasses at high-risk stages of processing.

Sec. 204. Requires microbial testing of samples of poultry products, establishment of pathogen levels above which poultry will be considered adulterated, investigation of improved means of detecting pathogens, identification of high-risk stages of poultry processing.

Sec. 205. Applies same standards and requirements to imported poultry.

Sec. 206. Requires labeling of poultry products for sale to consumers with information about contamination risk and proper handling and cooking.

Sec. 207. Requires poultry processors, importers, and wholesalers to keep records and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

other means of poultry identification adequate to permit tracing pathogen-contaminated poultry to its source.

TITLE III: MISCELLANEOUS PROVISIONS

Sec. 301. Requires Agriculture Department to engage in research on causes of animal pathogen infection, modes of pathogen transmission, risks to human health, animal vaccination and other means of reducing infection, improved means of testing live animals and meat and poultry products for contamination, and means of identifying animals to permit tracing of infection to the source.

Sec. 302. Authorizes Agriculture Department to require the use of animal identification at farms, feedlots, and meat processing plants, and to inspect such facilities to trace contamination or verify the use of identification methods.

Sec. 303. Establishes advisory council to advise Secretary of Agriculture on actions required under this Act. Members include representatives of Centers for Disease Control and Prevention, Association of State and Territorial Public Health Officers, Food and Drug Administration, and nonprofit organizations representing consumers and the meat and poultry industries. Requires annual reports to Secretary and Congress.

Sec. 304. Requires Secretary of Agriculture to report annually to Congress on actions to implement and improve microbial sampling of meat and poultry.

Sec. 305. Authorizes Secretary of Agriculture to impose fees on meat and poultry processors to cover costs of microbial sampling, pathogen research, and other activities under this Act.

THE OPENING OF THE HOLOCAUST MUSEUM APRIL 26, 1993

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Ms. PELOSI. Mr. Speaker, this week the U.S. Holocaust Memorial Museum in Washington, DC, will open its doors to the world. Although located within sight of the Jefferson Memorial and the Washington Monument, this memorial makes a very different statement. Instead of celebrating human freedoms and the triumph of reason, the Holocaust Museum serves as a stark reminder of humankind's capacity for inhumanity.

It is because of this potential that we must be ever-vigilant in remembering the Holocaust and what it taught us about the dark side of human behavior. If we ever forget the lessons of this chapter in human history, the 11 million victims—6 million of them Jews—will truly have perished in vain.

The U.S. Holocaust Memorial Museum will help us remember those who perished. It is truly a necessary addition to our Nation's Capital and the world. The massacre of millions because of their religion, ethnicity, sexual orientation, or physical or mental disability is a universal human tragedy that transcends geography, time, and national borders.

Mr. Speaker, when I see the ethnic violence taking place throughout the world today, when I read about ethnic cleansing in Bosnia and Herzegovina, I question whether we have learned the lessons of a half-century ago. The new Holocaust Memorial Museum will ensure that we and future generations learn and remember the important lessons of a half-century ago and never, ever forget.

EARTH DAY: A TIME FOR RECYCLING

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today on Earth Day to introduce two important environmental bills. These bills are designed to help alleviate the Nation's worsening solid waste crisis through greater recycling.

RECYCLABLE MATERIALS TECHNOLOGY AND MARKETS DEVELOPMENT ACT

The first bill I am introducing today is the Recyclable Materials Technology and Markets Development Act. First introduced in 1988, this was the first legislation ever proposed in Congress which would authorize a comprehensive recycling strategy for consumer products.

Americans bury 80 percent of the 180 million tons of garbage generated each year, yet landfills across the country are closing and new landfills are not being sited due to public opposition. Clearly, we are running out of places to hide our waste.

I am convinced that waste reduction, recycling, and composting, along with disposal, can provide a comprehensive solution to the garbage crisis. Recycling offers significant benefits to manufacturers using glass, plastic, paper, and metal in terms of lower material costs, smaller energy inputs and lesser environmental impacts. Composting produces a potentially marketable soil additive while removing biodegradable elements from the landfill waste stream. The chief obstacle to expanded recycling and composting programs is the uncertainty of markets for recycled materials.

My bill proposes a public-private sector effort to open markets for recycled materials. Recycling would be required for nondurable consumer product packaging and goods. The bill encourages manufacturers to participate in devising recycling strategies.

TIRE RECYCLING PROMOTION ACT

The second bill I am introducing is the Tire Recycling Promotion Act, a bill to encourage recycling of waste tires.

Nationwide, over 240 million tires are scrapped each year. Most end up in unsightly and hazardous tire piles or are landfilled with mixed solid waste. Tire piles present significant environmental and public health threats. They provide ideal breeding ground for mosquitoes and other insects, and thus can encourage the spread of insect-borne diseases and require greater use of chemical sprays. Tire piles also present severe fire hazards, and have been known to ignite and burn uncontrollably. Additionally, tires tend to migrate upward when buried, and have been known to poke through the top of capped landfills.

A major form of recycling for tires is to retread and reuse them. Many companies with large fleets of trucks do this, but in general retreading is much less common than it was a generation ago because new tires are relatively inexpensive. Recycling for tires currently consists of technologies that incorporate rubber from scrap tires in low-grade rubber products, in replacement material for certain plastics, and for other uses. Although there is increasing interest in developing and implementing tire recycling technologies, only a very small proportion of all scrap tires are being recycled.

The Tire Recycling Promotion Act authorizes the Commerce Department to support research into innovative tire recycling technologies. Since there is no infrastructure in place for large scale tire recycling, the bill would not mandate recycling of tires.

Mr. Speaker, I believe that these two measures will go a long way toward solving the solid waste crisis in our Nation. I look forward to working with you and the other members of this body on arriving at a solution to this problem.

INTRODUCTION OF THE SENSIBLE ADVERTISING AND FAMILY EDUCATION ACT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. KENNEDY. Mr. Speaker, today I am introducing legislation known as the Sensible Advertising and Family Education Act. This bill will help Americans get the whole story on one of this country's most serious health problems—alcohol abuse.

Alcohol-related deaths remain the number one killer for people under the age of 34. Half of all motor vehicle deaths—500 per week—are alcohol related, and 200 homicides per week involve alcohol. That grim total costs us more in American lives than if we had three major airline crashes every week.

Unless we act now to tell the American people the whole story on alcohol, our kids will continue to grow up thinking that they need alcohol to get ahead in life. In fact, it is already happening. Four and one-half million youths are already dependent on alcohol or are problem drinkers.

Too many Americans aren't aware of these tragic facts. Why? Because alcohol companies spend over $2 billion each year on one-sided advertisements—advertisements that to this day, represent the single greatest source of alcohol education for the American public.

Mr. Speaker, it is time Americans received the whole story on alcohol—an education that includes the dangers of drinking and the option of not including alcohol in their lives. The Surgeon General's seven messages in the SAFE Act tell consumers: not to drink if they are pregnant; that alcohol is an addictive drug; that it is the law to drive sober; that alcohol should not be mixed with other drugs; that drinking too much too fast can kill you, and that drinking increases your risk for developing cancer, liver disease and high blood pressure. At the end of every warning, a toll-free number will be displayed so that consumers can obtain additional information on alcohol. These messages must be rotated on all forms of advertising, including TV, cable, radio and print advertisements.

These are proposed warning labels that we feel cover the waterfront of the American public's basic concerns. We are interested in hearing from the alcohol industry on how they plan to adapt to these warnings and how they plan to address the particular concerns of smaller advertisers.

We need these messages—especially for our underage drinkers. By the time most American children reach the age of 18 they will have seen tens of thousands of alcohol ads bombarding them with misinformation about how beer or wine will make them fit in with their peers, get that new job, or meet that special someone. Things have got to change—and we know the alcohol industry isn't going to change voluntarily.

It is a simple concept—the SAFE Act merely evens the advertising score and sends a balanced message to consumers about alcohol. It is not the only way to reduce alcohol abuse in our country, but it is a needed start. I urge my colleagues to support this legislation.

SPECIAL TRIBUTE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. TOWNS. Mr. Speaker, today I rise in tribute to the Wartburg Lutheran Home for the Aging in my district of Brooklyn, NY. The Wartburg Lutheran Home for the Aging has served older people representing various ethnicities, minorities, and neighborhoods since 1875. Today that same home serves 225 residents in modern facilities with a full array of medical and nursing care, rehabilitative therapies, and social and pastoral care services. In 1977, the Wartburg Lutheran Home for the Aging created a mobile meals program which now delivers meals to more than 300 homebound elderly from the east New York, Starrett City, Brownsville, and Ocean Hill sections of Brooklyn. In 1991, the Wartburg Lutheran Home opened the only adult day health care program in the area, and in 1992 broke ground for an 87-unit HUD section 202 apartment in its community.

Through Wartburg's efforts and innovation many jobs have been created for Brooklyn residents. The corporate headquarters for Wartburg Lutheran Services has remained in Brooklyn, from which it continues to operate other health care and housing services for seniors on Long Island and sponsor many new programs. The Wartburg recently received the national 1992 Hobart Jackson Social Responsibility Award from the American Association of Homes for the Aging for Wartburg's commitment to opportunity and support social justice.

For the above reasons, I take tremendous pleasure this day in recognizing the Wartburg Lutheran Home for the Aging and its parent not-for-profit corporation, Wartburg Lutheran Services, and commend them for the work they have accomplished and the community support and encouragement they offer.

HONORING DR. HAROLD W. WHEELER AND THE HAZELTINE CORP.

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. ACKERMAN. Mr. Speaker, the defense industry on Long Island has been in the throes of economic upheaval during the past few years. However, the Hazeltine Corp. of Greenlawn, Long Island, in Suffolk County, NY, on April 26 will inaugurate an innovative and creative research and development facility that will enable Hazeltine to compete more strongly for a share of the defense budget. The new R&D center will also assist this information and electronics company in its efforts to diversify into nondefense applications of technology.

Hazeltine's new Communication and Antenna Systems Laboratory will be dedicated in honor of Dr. Harold W. Wheeler, the company's first employee.

Dr. Wheeler, who this year will celebrate his 90th birthday, has devoted more than six decades of his life in the pursuit of scientific research. His outstanding technical contributions to Hazeltine and to his country are reflected in more than 180 patents and 100 published academic papers. These many accomplishments were lauded when Dr. Wheeler was elected to the National Academy of Engineering for his lifetime contributions in the fields of radio, FM, television, microwave, and antenna technologies.

The type of leadership and innovation that has been the hallmark of Harold Wheeler's career is the foundation of Hazeltine's tradition and reputation as a company that, since 1924, has solved difficult technical problems and built affordable products in a diversified range of markets.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in honoring all the skilled scientists, engineers, managers, administrators and support staff who have served Hazeltine for 60 years, and to join me also in honoring Dr. Harold Wheeler and the Hazeltine Corp. for their 60-year partnership of creativity and achievement.

INTRODUCTION OF THE UNITED STATES-CHINA ACT OF 1993

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Ms. PELOSI. Mr. Speaker, once again, I am pleased to join today with the distinguished majority leader of the Senate, Senator GEORGE MITCHELL, in introducing the United States-China Act of 1993. I commend the gentleman from Maine for his outstanding leadership on this issue of humanitarian, economic and strategic importance. I am also pleased that majority leader GEPHARDT and majority whip DAVID BONIOR are sponsors of the House bill.

Since the Tiananmen Square massacre in 1989, Congress has confirmed that most-favored-nation [MFN] status is the strongest point of leverage we have to encourage the Chinese to abide by international human rights, trade, and nonproliferation standards.

Our legislation is substantially the same as last year's bill, which passed Congress overwhelmingly. We have updated the language and have placed more emphasis on the political situation in Tibet and the Chinese threat to Tibetan culture.

Three years of unconditional MFN have not led to any substantial improvement in the human rights, trade, and nuclear proliferation practices of the Chinese Government.

While a few prominent dissidents have been released just as their prison terms were about to end, others still continue to be arrested for their beliefs and are being held in inhuman conditions. According to Amnesty International, they are being subjected to torture.

In 1992, our trade deficit with China grew by 43 percent over 1991, from $12.7 billion to $18.3 billion. If it increases at the same rate, and the first quarter indicates that it may, the deficit could be as high as $26 billion for 1993.

In addition to the trade barriers, China has marred our trade relationship with transshipments, use of prison labor for export and other unfair trade practices.

The international community is increasingly concerned about China's proliferation activities. There is strong evidence that China has sold M–11 missiles to Pakistan and other technology to unsafeguarded countries in the Middle East. We must use our leverage with China to stop the delivery of missiles and to be in compliance with the Missile Technology Control Regime [MTCR].

In addition, the Chinese military exported almost 2 million guns and thousands of tons of ammunition to the United States over a 3-year period. Beijing's army is the largest foreign supplier of small arms to the American market. Profits from these sales are going back to China to feed its military modernization and to prop up the regime.

The conditions in our legislation have been carefully designed to be reasonable and achievable. The Chinese dictators will not easily walk away from over $18 billion in United States hard currency. Now is the time to use our leverage to ensure that the United States-China relationship is based on internationally recognized principles.

A STUDY OF EL CAMINO REAL DE TIERRA ADENTRO—"THE ROYAL ROAD OF THE INTERIOR LANDS"

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. RICHARDSON. Mr. Speaker, I have introduced legislation that will amend the National Trails Act to provide for a study of El Camino Real de Tierra Adentro—"The Royal Road of the Interior Lands." I am proud to join the gentleman from El Paso, TX, Mr. RONALD COLEMAN, who is an original sponsor of this legislation.

For nearly 300 years, El Camino Real de Tierra Adentro, the Royal Road of the Interior

Lands, was the primary route for colonists, soldiers, Indians, clergy, officials, and trade caravans traveling between Mexico and New Mexico. Originating as an Indian trail following the Rio Grande River from Taos Pueblo in northern New Mexico to El Paso del Norte—today's El Paso, TX—the route fostered trade and cultural exchange among the Pueblo Indians of New Mexico and the native cultures of Meso-America. This exchange thrived for centuries prior to the arrival of Europeans from Spain.

Through the periods of Spanish colonialism (1598–1821), Mexican nationalism (1821–49), and United States territorial expansion (1848–1912), El Camino Real de Tierra Adentro extended 1800 miles from Mexico City through Chihuahua City, El Paso del Norte, and on to Santa Fe, NM. The road was the first to be developed by Europeans in what is now the United States and remained the longest route of North American commerce for many years.

Until the opening of legal trade with the United States in 1821 by the newly independent nation of Mexico, El Camino Real was practically the only link between the remote province of Nuevo Mexico and the outside world. Following the rapid establishment of the Santa Fe Trail linking of New Mexico territory with Missouri and the United States, El Camino Real from Santa Fe to Chihuahua became known as the Chihuahua Trail by Americans. Until the railroads arrived in New Mexico in the 1880's, the Chihuahua Trail served as the primary road of trade and transportation linking the two nations.

El Camino Real de Tierra Adentro has a legendary and colorful history which chronicles the progression of the peoples of the Southwest. With its roots in prehistoric native trade, the history of El Camino Real is marked by major episodes:

Spanish explorers first used the trail in 1581;

In 1598 the first successful Spanish colonists followed the trail north;

The Pueblo Indian revolt in 1680 forced the Spanish to retreat to El Paso del Norte;

In 1692 the Spaniards returned and reconquered the land and people and initiated a more benevolent attitude toward the native people than they had in the past;

For over a century cooperative coexistence between Spanish and Pueblo cultures was maintained;

After Mexican independence until the Mexican-American War (1846–48) and the annexation of Mexico's northern territories, the land and people were challenged by American influence; and

Through American territorial expansion with military pacification, settlement, agricultural development, and natural resource extraction the area saw the arrival of the railroad in 1880.

El Camino Real experienced a great multicultural exchange and evolution of nations, peoples and cultures throughout its long and colorful history. Congressman COLEMAN and I urge our colleagues in the House to join us in support of this bill.

THE INTRODUCTION OF THE WOMEN'S VIOLENCE-RELATED INJURY REDUCTION ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. McDERMOTT. Mr. Speaker, domestic violence is a tragic problem which poses a major threat to the health of millions of women in this country. Today, I and my colleagues, CONNIE MORELLA and MIKE KREIDLER, are introducing legislation designed to address the serious public health consequences of domestic violence.

Available statistics indicate that domestic violence in the United States is occurring in epidemic numbers. Battering is the leading cause of injury to women in this country, accounting for nearly one-third of emergency room visits. More women are seriously injured by beatings than by car accidents, muggings, and rapes combined. Some estimates are that as many as 4,500 women are killed each year by their partners.

The outrageous escalation of domestic violence in this country must not go unanswered. Fortunately, there are many dedicated people involved in counseling and caring for victims of abuse, and I am proud to say that organizations in my District of Seattle and in the State of Washington are model programs. The resounding message from these organizations and women across the country who suffer domestic violence is that we must do more to prevent abuse before it occurs and to intervene early enough to break the cycle of fear and intimidation that frequently do not allow women to end an abusive relationship.

Fortunately, there are initiatives, such as the Violence Against Women Act, introduced by our colleagues, PAT SCHROEDER and LOUISE SLAUGHTER, designed to address the criminal aspects of domestic violence by revising Federal statutes to protect women from battering and assault, as well as to educate the general public about domestic violence, and I urge this body to pass this very important piece of legislation. Yet, beyond being a serious crime, domestic violence also is a public health epidemic requiring widespread education and prevention campaigns for the health care community and the general public.

It is critical to prevent abuse and to intervene as soon as possible in existing abusive relationships, and health care providers can serve as an important point of intervention for victims. Because of the fear and helplessness continued abuse creates, many victims do not consider seeking counseling or contacting the legal authorities. But, often, women must seek medical attention for injuries received from their abuser. It is imperative that health care providers are trained to recognize the signs of domestic violence and to sensitively gather information that will assist in referring women to counseling.

Currently, health care providers are not adequately trained to identify cases of abuse. Because of this lack of training, many health care providers miss the signs of abuse or are reluctant to engage themselves in these very sensitive situations. The legislation I have introduced today authorizes demonstration projects to train health professionals in the identification and referral of victims of domestic violence. Such training will equip health care providers with the skills necessary to intervene and assist victims in seeking help. This early intervention is crucial in stemming the rising tide of domestic violence.

This legislation also makes available funds to begin a campaign to educate the public about the impact of violence on the public health, and increases efforts to conduct epidemiological research and to develop a national data collection system on the extent and nature of domestic violence. We simply do not know enough about domestic violence and we must have data in order to create appropriate interventions and education and prevention messages necessary to face this public health crisis.

Mr. Speaker, it is estimated that 4 million women suffer domestic violence each year. A recent study, sponsored by the Family Violence Prevention Fund, found that 34 percent of men and women surveyed have witnessed incidents of a man beating his wife or partner. We simply cannot allow this widespread violence and the tolerance of this abuse to continue in this country.

The occurrence of domestic violence affects each and every one of us. While not everyone may have experienced the frightening prospect of abuse, we may know someone who has. Further, a society that remains silent and allows abuse to continue is a society that has lost its most basic values of human decency.

The Congress must pay more attention to domestic violence and devise strategies to address it or the disturbing presence of violence against women will continue in this country. The legislation I am introducing today will ensure that our health care providers are better equipped to handle what is an overwhelming health care crisis. It also will ensure that this country begins to collect the data necessary to devise strategies to educate the American people that domestic violence is a threat to the public health. We can end this very real tragedy affecting millions of women if we act today.

THE BICYCLE AND PEDESTRIAN TRANSPORTATION IMPROVEMENT ACT OF 1993

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. KENNEDY. Mr. Speaker, today, Earth Day 1993, I am introducing the Bicycle and Pedestrian Transportation Improvement Act of 1993. The legislation is modest in substance. In essence, it would require States to use 3 percent of their Federal primary, secondary, and urban highway funds to improve bicycle and pedestrian transportation facilities. However, if enacted, it could dramatically improve our Nation's economic competitiveness and air quality.

A nation's ability to grow and prosper directly depends on how well it moves people and goods. Today, our country's growth is stunted by a transportation system plagued by too much traffic, too much pollution, and too great a dependence on foreign oil.

The need for a more diverse and modern transportation system has thus never been greater. Nor has it ever been more possible. Over half of all U.S. workers live within 5 miles of work. Yet, barely 6 percent bike or walk to work. If State and Federal Governments work together to create safe, hassle-free conditions for cyclists and pedestrians, then more people will bike or walk to work. In fact, this is the finding of a recent Harris poll conducted for Bicycling magazine. It found that although only 1 in 60 Americans now commute by bicycle, fully 1 in 5 would do so it there were safe bike lanes, parking facilities, and other supporting facilities.

This legislation would produce tremendous benefits to our society. Consider these:

Dependence on foreign oil would drop sharply. Sixty-three percent of our imported oil is used for transportation, primarily cars. An average commuter can save at least 150 gallons of gas each year by biking or walking. That means less American dollars lining the pockets of Arab oil sheiks, and more in the pockets of American working families.

Air pollution would be reduced. In 1 year, the average car spews out over 62 pounds of carbon dioxide and over 9 pounds of hydrocarbons. Biking and walking, of course, are nonpolluting. They could therefore make a tremendous contribution to meeting the country's clean air standards.

Finally, traffic congestion would be cut, allowing people and products that must travel by road to do so more efficiently. Traffic jams now cause our economy more than 2 billion hours of delay each year. And they cost the country over $41 billion per year in lost work time, increased fuel consumption, and higher auto insurance premiums.

Under current law States have the freedom to use some of their Federal funds for bicycle and pedestrian facilities. However, they are also free to use these funds for roads, and unfortunately have done so in overwhelming numbers. In 1988, for example, States used only 3.3 percent of funds available for pedestrian walkways and independent bicycle projects; the rest was used for motorized forms of transportation. Clearly, we must reassess the current statutory framework, and build into it a clear designation of funds exclusively for bicycle and pedestrian transportation facilities.

Mr. Speaker, this legislation will not solve all our Nation's transportation problems. But by the same token, we will not meet the transportation needs of the country by only expanding the size and number of roads. Existing roads and bridges are in desperate need of repair as it is. Moreover, we face national transportation gridlock in the next several years if we do not start now to promote alternative forms of transportation. In the next 15 years, highway congestion will rise an estimated 400 percent. Congestion on our city streets—already intolerable—will rise another 120 percent. In many parts of the country, there is little if any space to accommodate these expected increases in traffic. In Florida, for example, Interstate 95 from Miami to Orlando would have to be widened to 40 lanes by the year 2005 to meet expected traffic demand.

The time has come for our Nation to reassess our transportation system. We cannot afford to have American workers stuck in traffic while German and Japanese workers are closing business deals and building high-technology goods for export. There are over 10 million bikes sold in this country every year, and probably at least that many pairs of sneakers. It's time for our country to put them to use for transportation, not only recreation.

This measure is identical to legislation which I introduced in the last Congress which 27 of my colleagues cosponsored. This legislation is needed now more than ever and I urge my colleagues to support it this year.

A TRIBUTE TO FELICIA COREY

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. HOCHBRUECKNER. Mr. Speaker, it is a great pleasure to rise today to honor Felicia Corey, an outstanding individual who has raised thousands of dollars for the Leukemia Society of America.

Leukemia is the general term for a group of diseases in which there is an uncontrolled proliferation of abnormal white blood cells. It is presumed that leukemic disorders are essentially a form of cancer that attacks the tissues in the bone marrow, spleen and lymph nodes that manufacture white blood cells. Leukemias are acute or chronic and are further classified according to the specific white blood cell type whose abnormal quality and activity are responsible for the condition.

On Friday, April 30, 1993, the Leukemia Society of America will celebrate its Jazzercise Marathon's 10th anniversary. It is estimated that 700 people will participate in this event, which will raise thousands of dollars to help leukemia patients.

Mr. Speaker, it is an honor to recognize Felicia Corey for her many accomplishments and years of service to the Leukemia Society of America. I congratulate her for her outstanding work on behalf of leukemia patients.

AIDS QUILT SPEAKS TO THE LIVING

HON. MICHAEL J. KOPETSKI

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. KOPETSKI. Mr. Speaker, I would like to take this opportunity to share with my colleagues a guest opinion piece written by Ms. Peg Shea of Salem, OR. This piece appeared in the Statesman-Journal on April 14, 1993. As the AIDS Memorial Quilt continues to travel our country, Peg Shea has captured the emotions many of us feel when contemplating the toll of AIDS on our society.

AIDS QUILT SPEAKS TO THE LIVING

(By Peg Shea)

Last week I took my 13-year-old son with me to view "the quilt," the AIDS Memorial Quilt, at Willamette University. I couldn't go alone, I wanted to hold someone's hand, and my son is a great hand holder.

I was asked by a volunteer to read a page of victim's names, but it would have been too hard to maintain composure so I declined. Instead, my son and I read some inscriptions and names to each other, and discussed what this dreaded disease is all about and who are the victims it kills.

The quilt is an unusual collection of visual, emotional, sentimental and poetic outpouring from friends and relatives of loved ones since deceased.

It is hard to describe the impact of such a display. I imagine that it is not much different from the impact of the Vietnam Memorial. Both exhibits reflect untimely deaths. Men, women and children—no one is ensured immunity, positively.

On our way home, I asked my son how he sees his life represented in a picture. What symbols would he use to depict himself? At first, he was quick to answer, then after discussion, he gave it more serious thought and realized that the question was not a simple one. I told him that I would picture an oak tree to show his strong will and strength of character. He thought I could be pictured as Mother Goose because of my caring for children. We kissed each other and said "I love you."

The quilt is telling the world—love is what needs to be remembered after the pain of this ugly disease leaves its mark.

I was impressed with the volunteers who are caretakers of this exhibit and applaud the work they are doing. Thank you for taking your time to bring this display to our community.

REGARDING THE DEDICATION OF THE HOLOCAUST MUSEUM

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. SHAW. Mr. Speaker, I rise to join in the commemoration of a signal moment in our country's history, the opening today of the Holocaust Museum on the Mall in Washington, DC.

There are many reasons for visitors to come to Washington and especially the Mall, our Nation's town square. Here are monuments to our country's Founders and protectors, to those who fought and died in her name. Nearby are the institutions that preserve our liberties and promote our people's happiness.

The Holocaust Museum, dedicated today, is breathtaking not solely because of the grandeur of its design, or the recalled achievements of a single individual. Unlike other of our national shrines, in fact, the Holocaust Museum is not dedicated to a singularly American event at all. Yet the fact of the Holocaust belongs at the heart of our Nation because, as the darkest tragedy of our times, it is an event that we Americans above all must never forget.

The United States, the cradle and keeper of democracy, is special. It is special in our time and for all times, and the world turns to us. While other nations and philosophies have lived and died, the United States, and our democracy, has endured. We have vanquished those whose baneful creed resulted in the deaths of millions of Jews and other innocents, and causes us to gather together today.

The Holocaust Museum is a witness, and a reminder. For all who remember, as we above all must, it is calling as well.

THE HOLOCAUST

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. CARDIN. Mr. Speaker, this is a very special time as people all across the globe take time to remember the Holocaust.

In Poland, Vice President AL GORE has joined Polish President Lech Walesa, Israeli Prime Minister Yitzhak Rabin, and numerous other world leaders to remember the Warsaw ghetto uprising. It was five decades ago that remnants of Europe's largest Jewish population began their brave struggle against the occupying Nazi German Army. The Warsaw ghetto uprising was the first major resistance mounted against the occupying Nazi Army.

The Warsaw ghetto was established by a Nazi edict in November 1940 as a walled-in section of several hundred square blocks of the city to hold Jews. On April 19, 1943, a small force of German soldiers entered the ghetto to eliminate the remainder of the Jewish population. This initial attack was repelled, but eventually the Germans regrouped and began razing the ghetto block by block. In the end, it took 10,000 German soldiers more than a month to defeat the 500 underarmed and undertrained Jews who remained in the ghetto.

In the U.S. Capitol, this week, we celebrated the annual Day of Remembrance. Each year, Congress takes a few moments from its busy legislative schedule to remember the nightmare that was the Holocaust.

Today, we dedicated the U.S. Holocaust Memorial Museum in Washington, DC. The $169 million, 250,000 square foot project is the first of its kind outside of Israel.

Located in the shadow of the Washington Monument, the Holocaust Museum will be a constant reminder of the genocide that took place during World War II. The museum's 25,000 artifacts will help ensure that the millions who died in the Holocaust do not become just a statistic. As a nation and as a species, we must never forget the tragedy of the Holocaust.

The guiding light behind the Holocaust Memorial Museum was a longtime Baltimore resident, Harvey Meyerhoff. By his own admission, the Holocaust Museum has consumed Mr. Meyerhoff's life for the past 6 years.

Mr. Meyerhoff became chairman of the U.S. Holocaust Memorial Council in 1987. His chairmanship lead the Holocaust Museum from a dream to a reality. Without Mr. Meyerhoff's expertise in finance and construction, there would not be a museum of this quality built here in Washington. Beyond the vast amount of time Mr. Meyerhoff devoted to the Holocaust Museum, he donated $6 million to the museum through two Meyerhoff family foundations. Mr. Meyerhoff gave most generously of his time and his leadership. Thanks to his efforts, future generations will be able to learn from the worst experience of mankind.

Mr. Speaker, words cannot capture the tragedy and loss that were the Holocaust. It is only through events such as those taking place in Poland commemorating the Warsaw ghetto uprising and in Washington with the opening of the U.S. Holocaust Memorial Museum that we can be sure the memory of the Holocaust will live on.

SMALL BUSINESS LOSES AGAIN

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. LAFALCE. Mr. Speaker, certain factions in the other body were victorious in defeating President Clinton's economic stimulus package. They did not have a majority in favor of any program they advocated, but because of super majority requirements a majority of the other body was unable to pass much needed legislation.

I want to point out one result of this action, a potentially devastating result to the Nation's small business borrowers who turn to the Small Business Administration for financial assistance. When they do so next week, the door will be shut in their face as the SBA Guaranteed Loan Program closes down. It will remain closed until such time as we provide a supplemental appropriation which the stimulus package would have done.

It would have provided $141 million to SBA which would have been sufficient to support loan guarantees of $2.6 billion.

Everyone acknowledges the existence of a credit crunch. We can debate the causes and we can debate eventual solutions. But in the meantime, there have been only one source of financing to assist the Nation's small businesses and that is the SBA's section 7(a) loan guarantee program.

Small businesses have sought SBA assistance in unprecedented numbers over the past several years.

Last year the Congress expanded the program through a supplemental appropriation and was able to accommodate loan demand.

Unfortunately, the Bush administration did not recognize the need for this small business lending and in its budget request for the current fiscal year requested a 50-percent decrease from the 1992 level. Due to budget constraints, Congress was only able to provide slightly more than the President's request and the SBA has almost exhausted the entire year's program.

I have always believed that the Congress, on a bipartisan basis, strongly supports the financial assistance to the small business community which is provided through the SBA Loan Guarantee Program. Over the years, study after study has documented the low cost to the Government of providing these loan guarantees and, conversely, the high yield to our economy in terms of taxes paid and jobs created and maintained by firms assisted through the SBA.

The 7(a) loan program is a real job creation program. Based upon a Price Waterhouse study completed in 1992, the Small Business Administration has estimated that the requested supplemental of $2.6 billion in loan guarantees would have permitted loan recipients to add 110,000 new jobs in our economy over the next 4 years. These are jobs which would have been spread across the United States and in each Member's district.

I hope that the action by the other body yesterday is only a temporary setback in our attempt to provide funding for the Small Business Administration. We desperately need a supplemental, and we need it now. It would be unconscionable for us not to take whatever action is necessary to provide funding for this vital program and to create much needed jobs in our country.

I urge all of my colleagues to continue to express their support for this program and to exert their influence on the other body to ensure that somehow we permit the SBA program to receive supplemental funding and return to its function of helping the Nation's small businesses be our job creators.

THE 50TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. RANGEL. Mr. Speaker, I rise before my colleagues today to commemorate the 50th anniversary of the uprising in the Warsaw ghetto, and also to honor the memory of 6 million Jews who perished during the Holocaust. During the month of April we recognize a national Day of Remembrance, and also mark the opening of the Holocaust Museum in Washington, DC. These three events call our attention to the horrors of years past.

The uprising of the Warsaw ghetto has become to many the symbol of armed Jewish resistance during the Holocaust. The ghetto revolt was led by a band of weakened but not dispirited Jews who chose to die fighting. They held Hitler's armies at bay for months with Molotov cocktails and guns, smuggled through the walls of the ghetto by small children.

But the Warsaw ghetto was only one chapter in the evil epoch we call the Holocaust. The ghetto represents a fraction of the death and destruction wrought by the Nazi empire throughout Europe. We recall each year the myriad stories and details of this destruction, lest the word "Holocaust" come to obscure the violence and evil of the crimes, lest we allow the mere utterance of the word to absolve us of our obligation to remember.

We recall the indignities suffered by Jews before the death began. We recall Hitler's hideous propaganda campaigns that mocked all Jews in cartoon, and portrayed them as usurious, dirty, and deceitful. There were yellow stars on the arms of every Jew, so that they could be identified and humiliated. We recall Kristallnacht, the Night of Broken Glass, when all the synagogues in Germany were desecrated, and the sacred Torah scrolls burned.

And we recall that there were thousands shot in the pits of Babi Yar, and millions burned in the crematoria at Auschwitz. We recall the stories of those whose families were torn asunder by the words, "left, right * * * right, left—" left meant the barracks for those who would be put to work. Right meant the gas chambers for those too weak to work.

We struggle to recall, against the corrosive fog of time and continuing bigotry. There are those who say that the Holocaust never happened—those are eyes that will not open, and ears that will not hear. There are those who believe that nothing like a Holocaust could ever happen again. And as a recent Roper poll suggests, there are many youth and adults who just don't know what the Holocaust is. For these individuals and their descendants we call to national memory the horrors of the past, while at the same time recognizing evil in today's world.

Anti-Semitism and bigotry are still alive and well in America. From college campuses, we read that swastikas are painted on the doors of Jewish students, and from synagogues across the Nation we hear that burning Torah scrolls has become a more popular crime.

We recognize, of course, that bigotry and hatred wear many masks. They wear the mask of racism, and of ethnic cleansing in the states of the former Yugoslavia. And they wear the mask of poverty, hunger, and illness around the world, and at home in the United States, whether in the shanties of Appalachia, or the tenements and projects of the inner city. Anytime we choose to close our eyes to the suffering of others, anytime we respond to bigotry and hatred through silence, we implicitly condone these attitudes.

It was recently reported that 1 in every 20 Americans believes that the Holocaust may never have happened. For believers and nonbelievers alike, and for their children and grandchildren, we look to the opening of the U.S. Holocaust Museum in Washington, DC, with hope. We hope that inside those walls will remain for years an irrefutable testimony to the lives of millions who perished. We will see their faces, and photos from their communities, and realize that within the span of a few years, those communities vanished. We hope that the museum will help us to recall.

We take this opportunity to renew our faith—our faith in and our commitment to the precept that we are all equal in the eyes of God. With that, we must rededicate ourselves to the task of treating all of God's children with dignity and respect.

And at this time of national remembrance, and on the 50th anniversary of the Warsaw ghetto uprising, we recall 6 million lost lives, and we pledge ourselves anew to the dictate: never forget.

OXFORD HIGH SCHOOL GIRL'S BASKETBALL TEAM

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to ask my colleagues to join me in recognizing an outstanding group of young women, the Oxford High School girl's basketball team.

The Lady Pirates went undefeated in the 1993 season with a record of 25–0, which duplicates their record for the 1992 season. They then went on to win the division 2 girls State championship for the second year in a row. The Lady Pirates have won the Southern Worcester County League for the past 5 years and the district E championship for the past 3 years. The 1993 season leaves them undefeated for three regular seasons, with a winning streak of 61 games.

The team is led by head coach John Doldorian, assistant coach Maria Perozzi, and tri-captains Melissa Arseneault, Carla Berube, and Kristin Croteau. The rest of the championship team is made up of Sara Mazeika, Erin Miller, Megan Gomes, Jodi Zarycki, Holly Tessier, Emmy LeBlanc, Shayna Mandella, Rebecca Ricard, Nichole Stone, and manager Karen Halley.

All three captains will be attending college in the fall, each receiving basketball scholarships. Carla Berube will attend the University of Connecticut, Kristin Croteau will attend New Hampshire College and Melissa Arseneault will attend Anna Maria College in Massachusetts.

Mr. Speaker, I ask that all my colleagues join me in congratulating the Oxford High School Lady Priates for an outstanding basketball season.

CLINTON PLANS WON'T HELP FAMILY FARMERS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. BEREUTER. Mr. Speaker, this Member encourages his colleagues to read the following important critique of the Clinton administration's economic proposals and their effect on America's family farmers. The article, written by Chuck Hassebrook of the Center for Rural Affairs in Walthill, NE, correctly points out the devastating impact these policies could have on rural America.

CLINTON PLANS WON'T HELP FAMILY FARMERS

(By Chuck Hassebrook)

When President Clinton called Americans to sacrifice to tackle the deficit, he promised to protect the middle class and place the heaviest burdens on the privileged Americans who had benefited from the policies of the 1980s. But when the administration later released details of its budget proposal, it became clear that for family farmers, that promise would be hollow. The nations' largest farms would once again escape the budget scalpel, leaving small and moderate sized family farms to bear the burden of deficit reduction.

Most farmers accept the president's call for sacrifice. The deficit must be brought under control, and agriculture must do its part.

But while there is much to praise in the administration's overall plan, the way in which it would reduce spending on the farm commodity program is not fair. Its plan to cut farm program payments by increasing the percentage of a farmer's acres on which payments are not made, called "flex acres," falls disproportionately on small and moderate sized farms. In fact, the nation's largest producers of crops such as wheat, feed grains, rice and cotton would take no cut, just as they took no cut under the 1990 budget bill. Their farms are big enough to allow them to continue to receive $100,000, the maximum allowed under the farm program payment limitation, in spite of the increase in acres ineligible for support. The loophole that allows them to subdivide their farms on paper to receive double the nominal $50,000 payment limitation would remain untouched.

Meanwhile, the cut in farm program benefits proposed by the administration would be the third for family farmers in twice as many years. The first came in 1991, when payments were eliminated on 15 percent of their acres, and the second will come next year as payments are further reduced by as much as 20 percent, under the terms of the 1990 budget bill.

There are exceptions to the big farm bias. To its credit, the administration did propose lowering the limitation on wool and mohair payments and cutting farm payments to people with off-farm incomes of more than $100,000, but both are relatively minor contributors to the farm spending cut.

On balance, the administration package will increase the share of federal farm program benefits taken by the nation's largest farms and thereby contribute to the concentration of land ownership in the hands of an increasingly small and wealthy few. It will diminish family farm opportunities and hasten the demise of farm communities. It need not be that way.

The agricultural contribution to deficit reduction could instead be made by more effectively reducing payments to large farms. One approach would be to eliminate the loophole allowing large farms to subdivide on paper in order to receive double the $50,000 nominal payment limitation. Another would be to impose a graduated increase in the unpaid "flex acres," through which no cuts would be imposed on initial units of family farm production, while deeper cuts would be imposed the bigger the farm. So targeted, the cuts could actually strengthen family farm opportunities by enhancing the ability of moderate sized and beginning farmers to compete for land with their large and aggressively expanding competitors.

This issue presents a difficult challenge to the leaders of American agriculture, including the farmer leaders of farm and commodity organizations and members of the congressional agricultural committees. They must decide whether farm policy will be aimed at enhancing opportunities in agriculture and maintaining family farm communities or whether it will support the industrialization of agriculture and serve the vested interest of the largest farmers—those who often hold the most influential leadership positions. In the past, the voices of leaders seeking a future for family farming have too often been drowned out by those seeking to protect the interest of big farmers, or afraid to offend them.

If family farm agriculture is to have a future, new voices must emerge quickly in its behalf. Decision time is upon us.

FISCAL ACCOUNTABILITY AND INTERGOVERNMENTAL REFORM ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. MORAN. Mr. Speaker, on March 10, Representative GOODLING and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments ameliorate their most crushing financial burden: Unfunded Federal mandates.

We feel this legislation is necessary to safeguard against a tendency within our institution and among Federal agencies to resort to more and more Federal requirements without providing the funds to implement them.

Like the National Environmental Policy Act, this measure will require Federal agencies to analyze the economic costs of new regulations before they are adopted.

And, like the 1974 Budget Reform Act, our bill will require that legislation cannot be considered by the full House or Senate without an analysis by the Congressional Budget Office of the costs of compliance to State and local governments and the private sector.

News of this legislation is spreading among those it will help most: our cities' mayors. Mayors from every State and territory have been writing in support of the FAIR Act and urge swift congressional action.

Support for mandate relief is building on numerous fronts. The New York Times recently ran a series of articles focusing on how our Nation's regulatory policies have strayed from their original purpose.

Mayors from 114 cities in 49 States wrote President Clinton urging the White House to focus on how policy making has gone awry. And finally the National League of Cities has made unfunded Federal mandates one of its top five political priorities in Washington.

In the next several weeks Representative GOODLING and I will be inserting into the CONGRESSIONAL RECORD the names of hundreds of mayors from both parties and each State who have agreed to be citizen cosponsors of our FAIR Act initiative.

The time has come to make the Federal Government accountable for the actions it takes on behalf of our cities and States.

Today I am beginning this process by inserting in the RECORD the names of 20 citizen cosponsors who are urging us to take meaningful Federal mandate reform action.

CITIZEN COSPONSORS OF THE FAIR ACT, APRIL 20, 1993

Bill Duke, mayor, Decatur, AL; Tom Fink, mayor, Anchorage, AK; George Miller, mayor, Tucson, AZ; Phil Sansone, mayor, Newport Beach, CA; Charles A. Witt, council president, Norwich, CT; Daniel S. Frawley, mayor, Wilmington, DE; Frank Portusach, mayor, Agana Heights, Guam; Richard A. Brauer, mayor, Belleville, IL; James P. Perron, mayor, Elkhart, IN; Jon Crews, mayor, Cedar Falls, IA.

Aaron Broussard, mayor, Kenner, LA; Charles Harlow, mayor, Portland, ME; Michael A. Guido, mayor, Dearborn, MI; Pat D'Arco, mayor, Rio Rancho, NM; James D. Griffin, mayor, Buffalo, NY; Norman L. Grey, mayor, Enid, OK; William J. Althaus, mayor, York, PA; Gary L. Drewes, mayor, Pierre, SD; Barbara K. Crews, mayor, Galveston, TX; Patrick Zielke, mayor, La Crosse, WI.

EL CAMINO REAL AND THE HERITAGE OF THE AMERICAN SOUTHWEST

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. COLEMAN. Mr. Speaker, for more than 300 years El Camino Real de Tierra Adentro, the Royal Highway of the Interior Lands, was the road used by conquistadors and clergy, Native Americans and colonists, merchants and ranchers traveling between New Mexico and Mexico. Until legal trade between the United States and Mexico was established in 1821, El Camino Real served as the only commercial route linking the territories north of the Rio Grande with the outside world. As the only means of transporting men, goods, and ideas, El Camino Real served as the genesis of both commercial and cultural development in the territories of west Texas and New Mexico. The unique heritage of the American Southwest, with its blend of Native American, Mexican, and Spanish traditions, is firmly rooted along the Camino Real.

Portions of the Camino Real had their origins in much older trails along the Rio Grande. These oldest trails were used primarily by the inhabitants of Taos Pueblo in New Mexico and extended to El Paso, TX. The route fostered trade and cultural exchanges between the Pueblo tribes and the inhabitants of Mexico.

The arrival of the Spanish in the 16th century saw the consolidation of these older trails to form the longest and oldest highway in the New World. El Camino Real came to serve as a commercial route between Santa Fe, NM and Santa Barbara, Mexico. In 1598, Juan de Onate crossed the Rio Grande at El Paso and traveled north along the trail into New Mexico. Onate, who had been given permission by the Spanish king, brought with him 129 men, their families and thousands of head of livestock. Onate also brought a group of Franciscan friars with him in order to convert the inhabitants of the Pueblos. The trail Onate used became both a trading and communications route. By the time Santa Fe became the capital of the territory of New Mexico in 1610, El Camino Real was already a well established trade route to Mexico.

During the Pueblo revolt of 1680, which came as a result of the abuse of the Spanish settlers, El Camino Real was used as an escape route. The 2,400 fleeing Spaniards, accompanied by a large group of Tiwa Indians, eventually settled in El Paso. A presidio, or fortress, and two missions were established there. The missions and the presidio chapel still serve rural communities outside El Paso today. It was from these new settlements in El Paso that a mission to reconquer New Mexico was launched in 1692; putting the territory north of the Paso del Norte firmly in Spanish hands once again. Gradually, the hostility between the Spaniards and the Pueblo Indians subsided.

With the belief in the need to convert the native inhabitants of the region, missions sprang up along El Camino Real. During the course of the 17th century, a unique style of art and architecture, sometimes known as Mexican Baroque, evolved. This architectural style typifies the missions found in both the American Southwest and Mexico. Artifacts and paintings to decorate the ornate missions were brought along El Camino Real from Mexico City.

The missions attracted new settlers. Initially these settlements served as resting places for those traveling along El Camino Real; however, during the course of the 18th century increasing numbers of farms and ranches were established. These settlements were particularly concentrated in the Rio Grande valley and were populated by a mixture of settlers of Spanish and Portuguese descent, as well as Genizaros, Ute, Wichita, Navajo, Apache, and Pawnee. By the close of the century, there was an almost continuous line of settlements the length of El Camino Real. These settlements consisted not only of farms and ranches but also of thriving urban centers, populated by artisans, craftsmen and merchants. El Camino Real served as a focal point for the convergence of the Spanish and Native American cultures in the American Southwest.

When Mexico declared its independence from Spain in 1821, one of the first things the new Mexican Government did was relax trade restrictions against the United States. Suddenly, whole new markets were available to merchants in both areas. The Santa Fe Trail was born. With the terminus of El Camino Real also in Santa Fe, commerce flourished. Although it became known as the Chihuahua Trail to Anglo-Americans, El Camino Real continued to play its historic role as the primary route between New Mexico and central Mexico after the surrender of the northern territories of Mexico to the United States in 1848. Only the advent of the railroads in the 1880's served to displace El Camino Real as the link between the populations north and south of the Rio Grande.

El Camino Real represents an important part of the heritage of the American Southwest. Mr. Speaker, my friend from New Mexico, Mr. RICHARDSON, and I have introduced legislation to ensure the preservation of this unique piece of our Nation's history. I look forward to having the support of all my colleagues in passing this measure and ensuring that our children will have the opportunity to enjoy this part of our Nation's rich cultural heritage.

HOUSE JOINT RESOLUTION 134—NATIONAL CRIME VICTIMS' RIGHTS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolution 134, which designates April 25 through May 1, 1993, as "National Crime Victims' Rights Week."

Today's headlines demonstrate the devastating destruction that violent crime has placed on our Nation's cities and towns. While the Congress continues to evaluate crime control legislation, we, as a nation, must continue to support the often forgotten victims of crime.

As in previous years, I am proud to cosponsor National Crime Victims' Rights Week. Crime victims must endure feelings and emotions that, hopefully, most Americans will never experience. These strong survivors not only need, but require, support, and encouragement from their family, their friends, and also their local communities.

Accordingly, I am pleased to support this measure.

INTRODUCTION OF THE NATIONAL BEVERAGE CONTAINER REUSE AND RECYCLING ACT OF 1993

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. MARKEY. Mr. Speaker, I rise today to introduce the National Beverage Container Reuse and Recycling Act of 1993. I am extremely pleased to be introducing this important bill on Earth Day with my good friend from Michigan, Representative PAUL HENRY. We are joined by over 60 of our colleagues from both sides of the aisle and all parts of the country; they include not only the House majority whip, but several committee chairmen and senior Republicans as well.

On Earth Day 1993 the American people are demanding more from their leaders: Americans are insisting upon environmental programs that will be effective and will help the economy. The National Beverage Container Reuse and Recycling Act of 1993 will do just that. It will implement nationally a proven solution to waste and litter, at absolutely no cost to the taxpayers, while creating hundreds of thousands of new jobs.

I am extremely pleased by the results of a new survey conducted by Peter D. Hart Research Associates that found that 76 percent of all Americans favor a national bottle and can deposit law. The Hart poll, which was conducted of 1,005 adults nationwide from April 7 to 12, 1993, indicated strong support among groups—young and old, men and women, beer drinkers and teetotalers. The poll also found that a national bottle bill is not only popular but is effective: It would dramatically decrease the number of people who would continue to throw out their bottles and cans with their trash. Finally, the poll found that, contrary to claims by some in the beverage industry, a national bottle bill would have little, if any, effect on the beverage buying behavior of consumers.

Like Bill Clinton who endorsed it last year on Earth Day 1992, and the more than 60 Democratic and Republican Congressmen cosponsoring it today, the American public knows that we cannot wait any longer for aggressive recycling and waste minimization programs.

The National Beverage Container Reuse and Recycling Act of 1993 is quite simple: It requires States to use any method they want to achieve a 70-percent recycling rate for beer, wine cooler, and soft drink containers. Only in those States that fail to meet the 70-percent goal—which is well below the 80 to 95 percent recycling rates in the States that now have bottle bills—the bill calls for a 10-cent deposit on bottles and cans. Perhaps most importantly, it will be at no cost to taxpayers; in fact taxpayers will be benefited by the $1 to $1.7 billion that will be available each year for State-level recycling and environmental programs from unclaimed beverage container deposits.

The 200 million tons of municipal waste our Nation generates yearly is shameful testimony to our throwaway ethic. Of that total, containers and packaging are not only the single largest component, they are also the most easily recovered and account for over two-thirds of waste recycled. We can conquer the problem of one-way, throwaway beverage containers and have already done so in the 10 States, including my own, that have in place container deposit systems much like those the beverage industry abandoned three decades ago. Under these programs, which are the law in California, Connecticut, Delaware, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, and Vermont, the consumer pays a deposit on each container purchased and is refunded that amount when the container is returned to the store. Consumers in the deposit law States have proven the effectiveness of such legislation by reaching recycling rates of as high as 95 percent.

With just 30 percent of the U.S. population, these 10 States account for most of the beverage containers recycled nationwide. Over 90 percent of all of the plastic containers recycled, two-thirds of the glass recycled, and 40 percent of the aluminum recycled takes place in the deposit law States. Furthermore, recycling in the remaining States has been facilitated by the recycling infrastructure created by the programs of deposit States.

Despite the environmental, consumer, and fiscal benefits of deposit legislation, the beverage and packaging industries continue to defend the status quo. For the last two decades, these groups have engineered the defeat of deposit legislation in numerous States. The arguments put forth by the beverage industry have varied over the last 20 years. Today, they say, it might harm curbside recycling programs. They say this even in the face of overwhelming evidence that demonstrates the value of deposit laws working in tandem with curbside programs.

The city of Seattle last year completed a study of the compatibility of its successful curbside system with a deposit law, which the State of Washington does not now have in place. The report concluded that "the presence of a bottle bill would increase recycling levels of beverage containers and reduce the city's overall solid waste management costs." The Congressional Research Service, the city of Cincinnati, and even an industry-funded Franklin Associates report have produced figures that support the same conclusion. Deposit laws can help subsidize the costs of curbside programs by providing States with a new source of revenue from unclaimed deposits. And finally, curbside programs, valuable as they are, are simply not an option in many parts of the country, especially in rural areas. In these cases, deposit systems represent the only chance for substantial recycling gains. Deposit laws alone are not the answer to our solid waste dilemma; comprehensive recycling means that the recycling battle must be joined on more than just one front.

I am very pleased to have the active support of the U.S. Public Interest Research Group, the Sierra Club, the American Public Health Association, and many other groups for this bill. These groups are hard at work in support of recycling at the local, State, and national levels and they demonstrate that the claims made by industry that bottle deposits interfere with curbside pickup programs are flat out false.

Deposits of beverage containers are already effectively recycling bottles and cans among the 30 percent of Americans who live in States with bottle bills. The National Beverage Container Reuse and Recycling Act of 1993 would help to bring these successful operations to the national level.

Earth Day 1993 is high time to reverse the throwaway ethic that our Nation has so sadly embraced. I urge my colleagues to support comprehensive recycling by cosponsoring the National Beverage Container Reuse and Recycling Act of 1993.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Beverage Container Reuse and Recycling Act of 1993".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important national energy and material resources.

(2) The littering of empty beverage containers constitutes a public nuisance, safety hazard, and aesthetic blight and imposes upon public agencies, private businesses, farmers, and landowners unnecessary costs for the collection and removal of such containers.

(3) Solid waste resulting from such empty beverage containers constitutes a significant and rapidly growing proportion of municipal solid waste and increases the cost and problems of effectively managing the disposal of such waste.

(4) It is difficult for local communities to raise the necessary capital needed to initiate comprehensive recycling programs.

(5) The reuse and recycling of empty beverage containers would help eliminate these unnecessary burdens on individuals, local governments, and the environment.

(6) Several States have previously enacted and implemented State laws designed to protect the environment, conserve energy and material resources and promote resource recovery of waste by requiring a refund value on the sale of all beverage containers, and these have proven inexpensive to administer and effective at reducing financial burdens on communities by internalizing the cost of recycling and litter control to the producers and consumers of beverages.

(7) A national system for requiring a refund value on the sale of all beverage containers would act as a positive incentive to individuals to clean up the environment and

would result in a high level of reuse and recycling of such containers and help reduce the costs associated with solid waste management.

(8) A national system for requiring a refund value on the sale of all beverage containers would result in significant energy conservation and resource recovery.

(9) The reuse and recycling of empty beverage containers would eliminate these unnecessary burdens on the Federal Government, local and State governments, and the environment.

(10) The collection of unclaimed refunds from such a system would provide the resources necessary to assist comprehensive reuse and recycling programs throughout the Nation.

(11) A national system of beverage container recycling is consistent with the intent of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

(12) The provisions of this Act are consistent with the goals set in January 1988, by the Environmental Protection Agency, which establish a national goal of 25 percent source reduction and recycling by 1992, coupled with a substantial slowing of the projected rate of increase in waste generation by the year 2000.

SEC. 3. AMENDMENT OF SOLID WASTE DISPOSAL ACT.

(a) AMENDMENT.—The Solid Waste Disposal Act is amended by adding the following new subtitle at the end thereof:

"SUBTITLE K—BEVERAGE CONTAINER RECYCLING

"SEC. 12001. DEFINITIONS.

"For purposes of this subtitle—

"(1) The term 'beverage' means beer or other malt beverage, mineral water, soda water, wine cooler, or a carbonated soft drink of any variety in liquid form intended for human consumption.

"(2) The term 'beverage container' means a container constructed of metal, glass, plastic, or some combination of these materials and having a capacity of up to one gallon of liquid and which is or has been sealed and used to contain a beverage for sale in interstate commerce. The opening of a beverage container in a manner in which it was designed to be opened and the compression of a beverage container made of metal or plastic shall not, for purposes of this section, constitute the breaking of the container if the statement of the amount of the refund value of the container is still readable.

"(3) The term 'beverage distributor' means a person who sells or offers for sale in interstate commerce to beverage retailers beverages in beverage containers for resale.

"(4) The term 'beverage retailer' means a person who purchases from a beverage distributor beverages in beverage containers for sale to a consumer or who sells or offers to sell in commerce beverages in beverage containers to a consumer.

"(5) The term 'consumer' means a person who purchases a beverage container for any use other than resale.

"(6) The term 'refund value' means the amount specified as the refund value of a beverage container under section 12002.

"(7) The term 'wine cooler' means a drink containing less than 7 percent alcohol (by volume), consisting of wine and plain, sparkling, or carbonated water and containing any one or more of the following: non-alcoholic beverage, flavoring, coloring materials, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives.

"SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.

"Except as otherwise provided in section 12007, no beverage distributor or beverage retailer may sell or offer for sale in interstate commerce a beverage in a beverage container unless there is clearly, prominently, and securely affixed to, or printed on, the container a statement of the refund value of the container in the amount of 10 cents. The Administrator shall promulgate rules establishing uniform standards for the size and location of the refund value statement on beverage containers. The 10 cent amount specified in this section shall be subject to adjustment by the Administrator as provided in section 12008.

"SEC. 12003. ORIGINATION OF REFUND VALUE.

"For each beverage in a beverage container sold in interstate commerce to a beverage retailer by a beverage distributor, the distributor shall collect from the retailer the amount of the refund value shown on the container. With respect to each beverage in a beverage container sold in interstate commerce to a consumer by a beverage retailer, the retailer shall collect from the consumer the amount of the refund value shown on the container. No person other than the persons described in this section may collect a deposit on a beverage container.

"SEC. 12004. RETURN OF REFUND VALUE.

"(a) PAYMENT BY RETAILER.—If any person tenders for refund an empty and unbroken beverage container to a beverage retailer who sells (or has sold at any time during the period of 3 months ending on the date of such tender) the same brand of beverage shall promptly pay such person the amount of the refund value stated on the container.

"(b) PAYMENT BY DISTRIBUTOR.—If any person tenders for refund an empty and unbroken beverage container to a beverage distributor who sells (or has sold at any time during the period of 3 months ending on the date of such tender) the same brand of beverage in the same kind and size of container, the distributor shall promptly pay such person (1) the amount of the refund value stated on the container, plus (2) an amount equal to at least 2 cents per container to help defray the cost of handling. This subsection shall not preclude any person from tendering beverage containers to persons other than beverage distributors.

"(c) AGREEMENTS.—(1) Nothing in this subtitle shall preclude agreements between distributors, retailers, or other persons to establish centralized beverage collection centers, including centers which act as agents of such retailers.

"(2) Nothing in this subtitle shall preclude agreements between beverage distributors, or other persons for the crushing or bundling (or both) of beverage containers.

"SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND PROVISIONS FOR STATE RECYCLING FUNDS.

"(a) UNCLAIMED REFUNDS.—At the end of each calendar year each beverage distributor shall pay to each State an amount equal to the sum by which the total refund value of all containers sold by the distributor for resale in that State during that year exceeds the total sum paid during that year by the distributor under section 12004(b) to persons in that State. The total of unclaimed refunds received by any State under this section shall be available to carry out pollution prevention and recycling programs in that State.

"(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the total of payments made by a beverage distributor in any calendar year under section 12004(b) for any State exceed the total refund value of all containers sold by the distributor for resale in that State, the excess shall be credited against the amount otherwise required to be paid by the distributor to that State under subsection (a) for a subsequent calendar year designated by the beverage distributor.

"SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS AND POST-REDEMPTION DISPOSAL.

"(a) DETACHABLE OPENINGS.—No beverage distributor or beverage retailer may sell, or offer for sale, in interstate commerce a beverage in a metal beverage container a part of which is designed to be detached in order to open such container.

"(b) POST-REDEMPTION DISPOSAL.—No retailer or distributor or agent of a retailer or distributor may dispose of any beverage container labeled under section 12002 or any metal, glass, or plastic from such a beverage container (other than the top or other seal thereof) in any landfill or other solid waste disposal facility.

"SEC. 12007. EXEMPTED STATES.

"(a) IN GENERAL.—The provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle shall not apply in any State which—

"(1) has adopted and implemented requirements applicable to all beverage containers sold in that State which the Administrator determines to be substantially identical to the provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle; or

"(2) demonstrates to the Administrator that, for any period of 12 consecutive months following the date of the enactment of this subtitle, such State achieved a recycling or reuse rate for beverage containers of at least 70 percent.

If at anytime following a determination under paragraph (2) that a State has achieved a 70 percent recycling or reuse rate the Administrator determines that such State has failed, for any 12-consecutive month period, to maintain at least a 70 percent recycling or reuse rate of its beverage containers, the Administrator shall notify such State that, upon the expiration of the 90-day period following such notification, the provisions under sections 12002 through 12005 and sections 12008 and 12009 shall be applicable to that State until a subsequent determination is made under subparagraph (A) or a demonstration is made under subparagraph (B).

"(b) DETERMINATION OF TAX.—No State or political subdivision which imposes any tax on the sale of any beverage container may impose a tax on any amount attributable to the refund value of such container.

"(c) EFFECT ON OTHER LAWS.—Nothing in this subtitle shall be construed to affect the authority of any State or political subdivision thereof to enact or enforce (or continue in effect) any law respecting a refund value on containers other than beverage containers or from regulating redemption and other centers which purchase empty beverage containers from beverage retailers, consumers, or other persons.

"SEC. 12008. REGULATIONS.

"Not later than 12 months after the enactment of this subtitle, the Administrator shall prescribe regulations to carry out this subtitle. The regulations shall include a definition of the term 'beverage retailer' in a case in which beverages in beverage containers are sold to consumers through beverage vending machines. Such regulations shall also adjust the 10 cent amount specified in section 12002 to account for inflation. Such adjustment shall be effective 10 years after the enactment of this subtitle and additional adjustments shall take effect at 10 year intervals thereafter.

"SEC. 12009. PENALTIES.

"Any person who violates any provision of section 12002, 12003, 12004, or 12006 shall be subject to a civil penalty of not more than $1,000 for each violation. Any person who violates any provision of section 12005 shall be subject to a civil penalty of not more than $10,000 for each violation.

"SEC. 12010. EFFECTIVE DATE.

"Except as provided in section 12008, this subtitle shall take effect 2 years after the date of its enactment.".

(b) TABLE OF CONTENTS.—The table of contents for such Act is amended by adding the following at the end thereof:

"SUBTITLE K—BEVERAGE CONTAINER RECYCLING

"Sec. 12001. Definitions.
"Sec. 12002. Required beverage container labeling.
"Sec. 12003. Origination of refund value.
"Sec. 12004. Return of refund value.
"Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.
"Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.
"Sec. 12007. Exempted States.
"Sec. 12008. Regulations.
"Sec. 12009. Penalties.
"Sec. 12010. Effective date.".

POLISH AND SLAVIC CENTER, FEDERAL CREDIT UNION HONORED FOR YEARS OF SERVICE

HON. CAROLYN B. MALONEY

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, April 26, 1993

Mrs. MALONEY. Mr. Speaker, as the new Representative of Greenpoint in Brooklyn, NY, I would like to take this opportunity to pay special tribute to the Polish and Slavic Center and Federal Credit Union for their long and dedicated service to the Polish-American community in the New York metropolitan area.

These two organizations, which are the largest Polish-American organizations of their kind on the east coast, have been responsible for improving the lives and livelihoods of thousands of Polish-Americans in New York City.

On Friday, April 16, the Polish and Slavic Center and the Federal Credit Union celebrated their 20th and 15th anniversaries respectively with a wonderful banquet at Terrace on the Park in Manhattan. There was much to celebrate.

For two decades, arrivals from Eastern Europe have used the Polish and Slavic Center to ease the often difficult transition to a new life in America. There are so many wonderful programs to praise: the English language program, citizenship preparation course, the ethnic program, food services, Senior Care Program, and the Social Action Program, to name a few.

The Polish and Slavic Federal Credit Union has also been of great service to the Polish-American community. As an integral part of the Polish and Slavic Center, the credit union has helped improve the financial lives of many Polish-American families by providing loans to home buyers and others in need of assistance.

Last Friday's anniversary celebration served as an excellent opportunity to recognize the achievements of these two fine organizations. Especially praiseworthy is the center's decision to donate proceeds from the banquet to the M. Przybylowski Foundation for the education and the cultural betterment of the community.

By continuing to reinvest in the Polish-American community, these two organizations are insuring its strength and cohesiveness into the next century. I am proud to bring their achievements to the attention of my colleagues in Congress.

NASHVILLE CELEBRATES AVIATION WEEK

HON. BART GORDON

OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Monday, April 26, 1993

Mr. GORDON. Mr. Speaker, over the years, Tennessee has experienced a steady increase in new jobs, manufacturing expansion, and average income while maintaining a quality of life for its residents that's second to none.

One of the many reasons for this economic vitality is a transportation system that meets virtually every need of business, industry, and individuals. Today, Nashville and middle Tennessee kick off a week of special activities and exhibits to honor the key role aviation plays in the State's transportation infrastructure.

With a state-of-the-art airport in Nashville playing host to an American Airlines hub as well as other airlines, and community airports in Smyrna, Gallatin, Lebanon, Portland, and other locations providing support, the region is a hotbed for providers and users of air transportation.

In addition, Nashville and the surrounding region has long been a leader in aerospace manufacturing, research, education, and operations. Textron is just one manufacturing example. Middle Tennessee State University in Murfreesboro and the University of Tennessee Space Institute in Tullahoma are leaders in training students for aerospace careers. Vanderbilt, Tennessee Tech, and other institutions continue to turn out quality engineers and skilled technicians who will develop tomorrow's transportation innovations.

Fifty years ago, our parents and grandparents marveled at the wonders of air flight. Today, two decades after man walked on the Moon, we almost take flying across country for granted. But as world economies grow increasingly interdependent, aviation will play an even greater role in economic successes.

Nashville Aviation Week is a wonderful opportunity to provide Tennesseans and others with an understanding of and appreciation for the importance of aviation in our past, our present and our future.

Please join me in saluting the Air Force Recruiting Service, Corporate Flight Management Hickory Hollow Mall, and scores of others who have worked to bring the benefits of Aviation Week to Tennessee.

EARTH DAY 1993

HON. ROMANO L. MAZZOLI

OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Monday, April 26, 1993

Mr. MAZZOLI. Mr. Speaker, on Thursday, April 22, we celebrated Earth Day 1993, an observance which we have marked in various ways since 1970 to recognize our relationship—and that of all living things—to our environment. But in a much larger sense, "Earth Day" should be celebrated "Every Day."

Decisions we make every day in Congress on the pressing issues—war and peace, deficits, the economy, jobs, health care, education, crime, the environment, campaign reform—will shape the lives of not only ourselves, but our children, and succeeding generations.

One of the most heartening perspectives on the environment and the damage we have done to our Earth through ignorance or willful neglect is not represented in our youth. It gives me cause for hope for the future to see the idea of "Earth Day Every Day" being kindled within young people.

I know that every Member of Congress receives letters and messages from students back home that in simple—and poignant—eloquence confirm that their desires for protecting the environment are genuine and hopefully will be carried throughout their lives.

We are indeed living on a fragile planet with finite resources. We must exhibit foresight and demonstrate resolve now before our negligence and neglect of the land, air, and water reaches the point of no return, where life—human, animal, aquatic, and plant—will not be livable.

In my nearly 23 years in Congress, there has been much progress made in bringing a greater awareness of the environment and a need for its preservation into the mainstream of American policymaking. The land, air, and water are cleaner because of the laws Congress has passed.

Last year's Earth Summit in Rio de Janeiro allowed the nations of the world to come together to set forth on a united course to protect the global environment. President Clinton has signaled his commitment to live up to the spirit of these goals. And next month, in my hometown of Louisville and Jefferson County, we will have our own chance to participate in a national conference to follow up the 1992 Earth summit in States and communities across the country.

Unfortunately, unresolved environmental issues on a local, national, and international level continue to mount. They include: assuring abundant, clean, and safe drinking water; keeping the air healthy and the land and its products unpoisoned; developing disposal strategies for solid, hazardous, and nuclear wastes; promoting parklands; preserving our forests, wetlands, and other wildlife habitats; protecting our oceans and their inhabitants, maintaining diversity in plant and animal life; and protecting the ozone layer.

The issue of waste management has been a major focus of the environmental debate in Washington. Solid waste management needs the attention of our greatest minds. Landfills around the country are approaching capacity. And no locality wants to become the next landfill for someone else's garbage. We need to produce answers which both reduce the stream of waste and healthily dispose of what's left. We need to develop new technologies to handle waste—in all its forms—in safe efficient, and environmentally sound ways. We need to apply economic incentives and marketability to the task.

It is disappointing that legislation to renew the Resource Conservation and Recovery Act, the major Federal law guiding our waste policies, failed to be enacted during the 102d Congress. Chipped away at by competing special interests, it became too narrow in its scope to stop permanently—or even to declare a temporary moratorium on—the proposed burning of hazardous waste in a cement plant in southwest Jefferson County. The safety and efficiency of this process requires much additional study before our environment cold be adversely—perhaps permanently—affected.

Here in the United States, the most advanced and industrialized nation in the world, business—at once the champion of environmentalism, and perhaps its chief culprit—must contribute mightily to the cause by recognizing its obligations. Industries which are most mindful of the future and which best adapt to the changing demands for scarce resources will also be the most successful and will flourish in the long term.

Economic growth and environmental protection need not be adversaries. American business and industry must seize the opportunity to lead the way in developing, manufacturing, and marketing the technologies that the rest of society can use to protect and enhance the environment. America could open a whole new vista in the 21st century as the global leader in environmental technology.

The difficulty in reaching a consensus—a balance between the conflicting interests of industries and their jobs versus environmental protection—has been painfully illustrated by the ongoing debate over the spotted owl and our Nation's ancient forests in the Northwest. I have always been sympathetic to measures which provide protection for animals and their habitats, and I have supported and voted for the Endangered Species Act over the years. I am hopeful that real progress will be made toward resolving these conflicts in the 103d Congress.

If we are to succeed in protecting our environment, each of us must play our part. We will have to join with our friends and neighbors to give our community a new shine and a new look. I am talking about activities such as those sponsored by Operation Brightside, in which Louisville and Jefferson County employees and volunteers plant gardens, pick up trash from the streets and alleys, clear orphan lands, and deservedly earn national awards for its efforts.

And, another shining example is the annual Ohio River Sweep in which hundreds of people from Pittsburgh to Cairo, IL, clean debris from the Ohio, making it more attractive and more usable by all of us who live along its shores.

Mr. Speaker, "Earth Day Every Day" is a most appropriate idea to guide our efforts. Working together we can make our communities better, healthier, safer places in which to live and prosper.

THE PRESIDENT'S STIMULUS BILL

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. FORD of Michigan. Mr. Speaker, on April 21 we saw a minority of 43 Republican Senators claim a hard-won victory, manipulating the other body's rules to block a vote on the President's job creation bill.

It was much more than a jobs bill. I would like to note the ramifications for Americans in a variety of circumstances for the refusal of the Republican minority to allow a vote on the President's plan.

If you are a young person who was hoping to have a job this summer, you may be out of luck. The jobs bill would have provided $1 billion for a summer youth employment initiative, financing 700,000 summer jobs for disadvantaged youth.

The bill would have provided $500 million for a chapter 1 summer school program to employ up to 63,000 teachers and aides serving up to 700,000 students. The program would have helped prevent students from backsliding over the summer.

If you have a child whose school received aid from the Federal chapter 1 formula, your child would have had a little more education funding. The bill included $235 million to partially offset the loss of chapter 1 funds caused by census changes. It would have prevented the loss of up to 8,000 teaching positions and services to 250,000 students.

If you are a college student receiving aid from the Pell Grant Program, you will have your aid cut to some extent. Had the bill been enacted, $1.9 billion would have prevented the reduction in Pell grants this spring and for the year starting in the fall. Every Pell grant student will lose as much as $600, and some may get no grant at all.

If you are an eligible Head Start child or a Head Start parent, you might have benefited from the additional $500 million in summer program funding, providing for enrollment of up to 350,000 children and employment of up to 50,000 staff.

If you are a poor mother or young child, you would have gotten nourishment from an additional $75 million for the Special Supplemental Food Program for women, infants, and children, known as WIC. The bill would have funded another 300,000 program participants.

If you are served by the Community Service for Older Americans Program, you might have been comforted by the $33 million in additional funding, financing more than 5,000 jobs in 1993.

If you live in an area receiving community development block grants, you might have seen part of the $2.5 billion for basic street and bridge work, painting and resurfacing, building rehabilitation, and public service. It would have created 60,000 jobs.

If you drive on a pothole ridden highway, or over a neglected bridge, or face the headache of an inadequate public transportation network, you might have seen the difference caused by the addition of $2.9 billion in Federal aid for surface transportation.

Instead, Mr. Speaker, we are reduced to approving $4 billion for extended emergency unemployment benefits. We could have approved jobs, providing paychecks that would quickly spread throughout local economies, ending up in the accounts of the grocer and the barber, and as mortgage payments.

For the last 2 years, we fought Republicans whose approach was to deny unemployment benefits while cutting the capital gains tax. The American people last fall rejected that approach. Now you see Republicans going along with unemployment benefits, and capital gains is no longer mentioned. But in place of urging tax cuts which they say will cause people to invest more—assuming people have discretionary money to use for something other than paying their bills—they propose nothing to help an economy that clearly remains sluggish.

It is important to have the unemployment benefits. This morning, it was reported that first-time jobless claims increased 26,000 last week. That fact gives the lie to the Republican Party's argument that the jobs bill was a waste of money. The President's bill would have created hundreds of thousands of jobs.

The unemployment statistics include 300,000 residents of my State. They won't benefit from a job. But at least they won't have their jobless benefits cut off.

A TRIBUTE TO MAYOR ROBERT C. STEFANIAK OF CALUMET CITY, IL

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. SANGMEISTER. Mr. Speaker, I rise today to honor a good friend and resident of my district whose name has become synonymous with public service in his community—Robert C. Stefaniak, the mayor of Calumet City, IL.

Mayor Stefaniak will complete 21 years of dedicated service this month as he retires from public office after more than five terms as the chief executive of Calumet City.

Mayor Bob, as he is called by his many friends and admirers, has carried on a rich family tradition of government service started by his grandfather, Paul Kamradt, who served as mayor from 1915 to 1925, and continued by his father, Casey, who was a longtime city clerk. It is a testament to the family's service to the community that the city's new facility is called the Stefaniak Municipal Complex.

After a successful career in insurance and real estate, Mayor Stefaniak was elected in June 1972 to fill an unexpired term of a predecessor. In his two decades as mayor, he has worked tirelessly to improve his community.

He had preserved the rich traditions of Calumet City, one of Chicago's first suburbs, while instituting programs to tackle the challenges facing his community today. Under the mayor's leadership, much of his city's aging infrastructure has been refurbished and a modern building code has been instituted to insure the upkeep of older buildings as well as quality in new construction. The city has added a new library, police station, and a second fire station since the mayor's election.

Calumet City's enterprise zone is one of the highest rated in Illinois and has led to $44 million in investment in the community and the creation of 1,700 new jobs. The city's retail anchor, the River Oaks Shopping Mall, one of the largest in the area, continues to expand, creating more jobs and revenue for the community.

Calumet City is also noted for its human services, and the community's Youth and Family Service Bureau was awarded the Governor's Home Town Award in 1988 for its outstanding substance abuse prevention program.

It is a testament to Mayor Stefaniak that Calumet City has been designated an Illinois Certified City, one of only 35 in the State to receive this prestigious honor.

Mr. Speaker, I commend the leadership Robert Stefaniak has displayed in his 21 years in office, and I extend to my good friend best wishes in his retirement from public service.

CON EDISON PIONEERS COMPUTER ENERGY CONSERVATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. TOWNS. Mr. Speaker, President Clinton is preparing to highlight the importance of Earth Day to promote preservation of our planet and conservation of our natural resources. In New York, a manager with Con Edison, Mr. Arthur Kressner, developed a concept for energy conservation that allowed inactive computers and information technology to use a low power sleep-mode device and substantially reduce energy use.

Because of Mr. Kressner's ingenuity and concern about promoting energy efficiency and technological development, computer companies now produce low energy consumption computers. I am pleased to recognize not only Mr. Kressner's contribution, but also the strides that Con Edison has taken to guide the State of New York, our Nation and hopefully the world toward protecting and preserving our precious planet Earth.

TRIBUTE TO HENRY BRANDON

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. EDWARDS of California. Mr. Speaker, it is with deepest regrets that I must inform you and my fellow colleagues of the passing of British correspondent Henry Brandon, a dear friend of mine and of other Members of Congress. Henry, a longtime correspondent of the British newspaper the Sunday Times, passed away Tuesday in London after suffering from a stroke.

Serving as the newspaper's Washington correspondent from 1949 until 1983, Henry was a true authority on world affairs. In addition to his work for the Sunday Times, he had a number of books published, including an account of his Washington career entitled "Special Relationships: A Foreign Correspondent's Memoirs From Roosevelt to Reagan," and an account of foreign policymaking by President Nixon and Henry Kissinger, called "The Retreat of American Power." He also edited the book "In Search of a New World Order: The Future of U.S.-European Relations."

Henry Brandon was born in a small railroad hub outside of Prague called Liberac. He studied at the universities of Prague and Lausanne, Switzerland, and in 1939 while in his early twenties he began his service with the London-based Sunday Times. From 1943 to 1945 he was a war correspondent chronicling World War II in Western Europe and North Africa. In 1945 and 1946 he was his newspaper's correspondent in Paris. And after being based in New York as a roving diplomatic correspondent from 1947 to 1949, he moved to Washington, DC, where he would be based until 1983. He continued writing as a syndicated columnist for the New York Times and other magazines until his death.

Henry was more than an insightful correspondent. Henry was a true British gentleman and a great friend to many of us who got to know him in Washington. He will be missed dearly by his family and friends. My condolences go out to his wife, Muffie, and children.

BENJAMIN JOHNSON, A VOICE OF DEMOCRACY WINNER

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. APPLEGATE. Mr. Speaker, my colleagues are, I'm certain, highly familiar with the Voice of Democracy program conducted by the Veterans of Foreign Wars. Each year, students all across America are encouraged to participate in this contest and, this year, 136,000 secondary school students took part nationwide.

The theme for this year's contest was "My Voice in America's Future." The top 29 winners in 1993 will share in scholarships which will total $87,500. I'm proud and pleased to announce that Mr. Benjamin Johnson, a senior at Morgan High School in McConnelsville, OH, placed third this year in the Voice of Democracy contest. Benjamin, the son of Danny and Michele Johnson, plans a career in journalism. Ben was sponsored by VFW Post 4713 and its ladies auxiliary in Malta, OH. Ben's academic endeavors will be greatly assisted by the $10,000 scholarship that he will receive for his third-place finish.

I would like to take this opportunity to share with my colleagues the words that Benjamin Johnson expressed and conveyed so well, and for which he was recognized. Ben sends a message that each and every American should listen to and take heed.

MY VOICE IN AMERICA'S FUTURE

THE 1992/93 VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

(By Benjamin Johnson, Ohio Winner)

Throughout all time, nations have faced considerable obstacles on a regular basis, the outcome of which could have altered their respective destinies. Throughout its time, the United States has faced hardships, disputes, toils and turmoils that threatened the course of liberty our nation has always steered toward. These decisive struggles for America's soul were solved, one by one, when someone formulated a solution, voiced their proposal and united with those who felt similarly in universal action. The controversies of our country, in short, have been resolved when one voice issued forth resonating with the convictions of his heart. Many times the proposal that was offered determined the prolonging or extinction of this nation.

The thirst for liberty that drove the finest patriots our republic has ever known would have come to naught if they hadn't voiced their views. If Thomas Paine had never circulated "Common Sense," or Patrick Henry had never raised his voice to harangue Virginia's House of Burgesses, or the generals of the War for Independence had never openly recruited troops, America would still be known as "the colonies on the neither side of the pond." Because these men ceaselessly espoused the doctrine of liberty and they convinced enough people that it was a doctrine worth fighting for, the greatest nation of all time was born.

The Civil War raged across our land to determine the continuation or cessation of unity. As the debate thundered through the states, men's stern disagreements led to their taking arms against one another. Union newspapers, pamphleteers and propagandists persuaded enough citizens to identify with the Union and swell its forces. The rebellion was squelched and union and harmony were restored.

Once again, in Vietnam, the voices of America's citizens were raised in conflict. A young man raised his fist and said, "Hell no, we won't go!" Another young man raised his pen and signed up for a tour of active duty. Another young man raised his bayonet to save the life of one of his fellow countrymen. An older man raised the lid to the coffin of his eldest son. Finally, enough of these bitterly discordant voices were raised to cease our involvement in the war.

Now, the question is, "What is my voice in America's future? What can I do?" First, I must make myself knowledgeable about the issues threatening my beloved country, for action without education breeds destruction. Secondly, I must find out what candidates for office plan to do about these issues once they are elected. I must vote in every election for the candidate who will do what is best for my country as a whole, even if that means a loss to me personally. If need be, I must fight and die to preserve the freedom others fought and died to pass down to me.

Some ask, "What good can my voice do? I'm only one person. What difference can one voice make?" At our forefathers' Constitutional Convention, a motion to make German the official language was defeated by one vote. There is no limit to what one voice can accomplish.

I sincerely hope enough young people will agree with me that we owe these steps to our nation's posterity and apply them in their own lives. I hope everyone will believe in their heart, "My voice isn't part of America's future; my voice is America's future." And with God's help, we will steer America down the path of liberty for the next millennium.

HEWITT ASSOCIATES' TESTIMONY ON HEALTH BENEFIT PACKAGES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. CRANE. Mr. Speaker, since the 103d Congress convened at the beginning of this year, the Ways and Means Subcommittee on Health has held a series of hearings on the issue of health care reform. On March 30, 1993, the subcommittee was fortunate to hear testimony from representatives of an international benefits consulting firm located in my district, Hewitt Associates. At the hearing, these representatives presented a wealth of data about current employer-provided benefit packages, including the wide degree of choice that exists for employees, the regional and industry-specific differences in benefit coverage, and the need to consider phasing-in health care reform. Today, I am submitting to my colleagues' attention the following summary of Hewitt Associates' testimony. For further details, I urge my colleagues to consult the subcommittee report on the March 30 hearing.

SUMMARY OF HEWITT ASSOCIATES' TESTIMONY

There currently is no "standard" health benefit package. There are typical forms of plans offered, but most employees have a significant degree of choice, and they value and appreciate that choice. Therefore, if a single standard health benefit package is imposed on individuals, that would force a wide variety of human experience down a very narrow funnel. From our experience in designing health care plans, there would be substantial negative employee reaction unless it were preceded by a long and effective educational program to communicate the reasons that there has to be change.

The standard health benefit packages we have seen in proposed legislation make no reference to ancillary benefits such as dental benefits or vision care benefits. Regardless of what priority the Congress assigns to such benefits, the fact is that most employees with major employers now get dental benefits as part of their health plans and that the employees highly value such benefits. If a uniform plan design were to cause them to lose access to those benefits, negative employee reaction would be considerable. Thus, it is important to include the value of health care benefits, other than medical, in determining the "standard benefit package" if that package is to be used for determining the tax deductibility of employer contributions. Steps also must be take to transition employees to a new form of health benefit plan (e.g., a shift to a standard benefit package) in order to manage change. As mentioned earlier, such a shift could be extremely disruptive of existing provider/patient relationships and therefore provoke strong negative reactions from the public.

Alternatively, transitions toward managed care arrangements can also be accomplished on a phased-in basis, which is sensitive to the existing choices of employees and their families. If done properly, over time and by means of financial incentives, a large majority of employees can end up moving to managed care arrangements. But a sudden shift by government decision-making could be too abrupt and provoke too strong of a backlash.

Imposing a single standard benefit package could well result in a loss of benefits for many employees of the type that these employees highly value. If one of the reasons Congress is looking at a single standard benefit package is to contain costs, it is worth considering that there are many other factors besides standard plan design that may have an equal or greater effect in reducing costs.

For example, in our experience, as much as 40 percent of the costs now incurred by employers and employees may be avoidable costs. We have a data base of approximately 7 million lives that helps us calculate, for each employer and each employee population, where the areas of spending are above the norm and, therefore, where savings can be realized without compromising the quality of care. As examples of these avoidable costs, please refer to the "Data Base Findings on Avoidable Costs" in Attachment B.

If the Committee were to pursue strategies to reduce avoidable costs that would result in savings to the federal government and employers, it may obviate the need to impose a single standard package all at once and reduce the risk of public rejection of the reform concepts.

FRANCES MARY (FRAN) D'AMICO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. BROWN of California. Mr. Speaker, Fran D'Amico, a highly respected and loyal staff member of the House Committee on Science, Space, and Technology, died on Thursday, April 15, after a grueling but courageous 2-year struggle with cancer. She was 38 years old.

Fran served as counsel to the Science Committee for 5½ years, appointed to that position in 1987 by then-committee chairman Robert Roe.

Before coming to Capitol Hill, she served as assistant corporation counsel in the District of Columbia.

Although Fran D'Amico made her mark as a dean's list scholar at Mary Washington College and with admission to the Bar Associations of New York, Virginia, and the District of Columbia, she also marked all of us at the Committee indelibly with her spirit.

Although Fran D'Amico made her mark on important legislation such as the Price-Anderson Amendments Act of 1988, and the National Competitiveness Technology Transfer Act of 1989, she also marked an enduring place among us with her generosity and caring.

She was a dedicated worker who brought measured judgment and quiet skill to every assignment. She was, however, so much more. Diminutive in stature but with an overflowing spirit, Fran radiated enthusiasm and courage across every day. Throughout her illness, she came to work with a cheerful stubbornness and a greater concern for others than ever for herself. Sometimes in a weak moment, she might admit to feeling tired—but nothing more.

Members and staff of the Science Committee wish to extend our greatest sympathy to her family in their loss. We are grateful to have had Fran in our midst, albeit briefly, for she taught us benevolence and determination, and a larger meaning for the word courage. We will miss her.

TRIBUTE TO EDNA N. NEGRON ROSARIO

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mrs. KENNELLY. Mr. Speaker, I rise today to honor an outstanding woman, an outstanding Puerto Rican, and a personal friend, Edna N. Negron Rosario.

Edna Negron: leader, visionary, role model, innovator, educator, activist, catalyst. None of these begin to sufficiently describe this extraordinary person, a woman who has successfully served and led numerous community-based organizations for over two decades, a woman who has always had as her priorities the improved education of our children and an improved quality of life for their families.

For 20 years, Edna has provided outstanding leadership to improve educational opportunities for children in the Hartford public schools. During her impressive career, she developed the first bilingual program for the Hartford public school system, which established new an innovative programs for Puerto Ricans, as well as for Latino, West Indian, Polish, and Asian immigrants. In addition, she worked to establish the Dr. Roman E. Betances Elementary School, a place which many consider to be an oasis in a desert of despair.

Edna is an inspiration to both the children and the staff at Betances School. To the traditional three R's, Edna has added the three S's: sense of self-worth, self-guidance and stability, to insure that every child may grow to reach his or her own potential.

As the principal of the Betances School, Edna has implemented a variety of new, innovative programs which have been a model for others in the State. Edna has been instrumental in striving for educational excellence by implementing two national school reform models at the Betances School: the first Connecticut Urban Family Resources Center, a model originated by Edward Zigler at Yale University, and the School Development Program, a school-based governance model developed by Dr. James Comer at the Yale Child Study Center.

Edna does not expect miracles, she relies on them. Recently, she held two equally demanding jobs—that of State representative during Connecticut's recession and that of principal of an inner city school with a large, disadvantaged population. Many I know could barely handle one of these challenges. She sought the post of State representative in 1990 so as to broaden her impact on children and their families. She accomplished her goal. In addition to providing tremendous insight and leadership on education issues, Edna fought for the enactment of legislative policies which assists in the empowerment of women by addressing women's issues and defending their rights in the areas of domestic violence, single parenting and teenage pregnancy.

As a Puerto Rican woman, Edna has been a role model to many young Puerto Rican and other Latina women. She has inspired many of them to reach beyond their expectations and beyond those in which society has placed them.

Edna's leadership has not gone without recognition. She has been the recipient of numerous awards, including a honorary Doctorate from Trinity College; "Outstanding Community Leadership," from Leadership Greater Hartford; the "Prudence Crandall Award," from the National Organization of Women; the "Connecticut Anti Hunger Coalition Award"; "Alumna of the Year," from Hartford College for Women; and the "Mary McCleod Bethune Award," from NAACP. She has also been recognized by many organizations including: La Casa de Puerto Rico, the Hispanic Health Council, the Hartford Evening Lions Club, the National Association of Puerto Rican Women, the Puerto Rican Cultural Center, and the YWCA.

Her most prized awards, however, are her three children, Mari, Toni, and Josh, who are each independent contributors to their communities.

Edna Negron is a special person. I thank her for her past contributions, which are many, and I congratulate her for the many legacies which she is still to leave with us.

FRED FERGERSON AND DOREEN ZANGARI NAMED 1992 "MAN AND WOMAN OF THE YEAR"

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. WALSH. Mr. Speaker, I rise today to recognize two individuals whose commitment to their community is truly inspiring. This year, Fred Fergerson and Doreen Zangari have been named "1992 Man and Woman of the Year" by the North Syracuse Star News. The award is offered annually to the man and woman whose lives embody community spirit, hard work and voluntarism, and who serve as role models for the youth of the North Syracuse community.

It is only fitting that a descendant of one of North Syracuse's first families should one day be named "Man of the Year." Just as Fred Fergerson's ancestors helped build North Syracuse, Fred continues to lay the foundation for a brighter tomorrow. Fred is a senior deacon of the Centerville Lodge, a fourth degree Knight of the Bishop Curly Council, chairperson of the village's Central Business District Development Committee, a eucharistic minister and liturgist for St. Rose of Lima Church, and a past president of the North Syracuse Jaycees.

In addition, Fred is a charter member of the Cicero-North Syracuse Optimist Club. Fred embodies the Optimist Creed, which reads in part "To think only of the best, to work only for the best, and expect only the best." As if those activities were not enough, Fred is also an EMT and disaster coordinator for the Federal Emergency Management Agency in the North Syracuse area.

Doreen Zangari's career and commitment to the community are mirror images, having been named the "1990 Policewoman of the Year" by the American Legion for her efforts in crime prevention and substance abuse. She is employed by the Onondaga County Sheriff's Department where she coordinates the KIDS and DARE Programs through the local school districts. Local officials describe Doreen as "the driving force behind DARE in Liverpool."

In addition, Doreen has been instrumental in helping to start the Youth Court Program. This program for youthful offenders facing community service allows other young people to serve as judges, juries, prosecutors, and defenders in real-life court proceedings.

In addition to being named "Woman of the Year," Doreen has been selected as one of the 1993 10 Outstanding New Yorkers by the New York State Jaycees, and the Onondaga County Neighborhood Watch Program chose her to receive their 1992 "Special Recognition Award." Her efforts in North Syracuse, Onondaga County and across New York are befitting of a charter member of the North Syracuse School's Wall of Distinction. She is truly "Woman of the Year."

LEADERSHIP GROUP TRAVELS TO UKRAINE AND RUSSIA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. HYDE. Mr. Speaker, a bipartisan leadership group led by the Republican leader ROBERT MICHEL, and the majority leader, RICHARD GEPHARDT, recently traveled to Ukraine and Russia. While on the trip, I wrote a series of six articles for the Daily Herald, which I would like to share with my colleagues. The following two articles describe our first stop, Ukraine. In the days ahead other articles will follow.

[From the Daily Herald, Apr. 5, 1993]

RUSSIA, UKRAINE AND A PIVOTAL POINT IN HISTORY

(By Rep. Henry Hyde)

At precisely 7:30 p.m. Saturday, our C–137 aircraft lifted off from Andrews Air Force Base outside Washington and headed northeast to a refueling stop at Shannon, Ireland. We are on the first leg of a 10½-hour flight to Kiev, capital of the newly independent state of Ukraine.

Our bipartisan Congressional delegation is led by Majority Leader Dick Gephardt, a Democrat from Missouri, and consists of thirteen other members of the House, including Republican Bob Michel and Minority Whip Newt Gingrich, a Republican from Georgia. We are accompanied by Dr. James Billington, Librarian of Congress, and a recognized expert on Russian culture and politics. Our goal: to meet with the leaders and people of Ukraine and Russia to determine the best way for America to help strengthen the newly found democracy taking root there.

Each of us is provided with a bulging looseleaf notebook containing detailed information about our destinations. From this volume I learn that Ukraine is the second largest country in Europe, being slightly smaller than Texas and having a population of 52 million. There are several political parties, but the Communist Party was banned by decree of the Supreme Council in August 1991.

After Russia, the Ukrainian Republic was the most important producer in the former Soviet republic, both in agricultural production and in heavy industry and raw materials extraction. Because of its size and rich resources, its breaking away form the U.S.S.R. in 1991 was the final blow to those trying to salvage the doomed Soviet empire.

Once known as the Bread Basket of the Soviet Union, Ukraine—like Russia itself—is now plagued by runaway inflation. In 1992, its GNP dropped an alarming 15 percent. Ukraine needs to consolidate and stabilize its independence, pursue economic reforms, and build a new relationship with its great neighbor, Russia.

Possessed of many nuclear weapons, Ukraine still must cope with the residual environmental problems caused by the 1986 nuclear explosion at Chernobyl.

Why are we making this trip? We and the West stand at a pivotal moment in the history of our time. The revolution of 1991 was one of the most remarkable events in human experience. An empire that held the free world hostage for more than 45 years was dissolved without a shot being fired. An economic system based on the ideas of Karl Marx and refined by Nicolai Lenin was repudiated and rejected by the constituent elements of the empire and has today little credibility in the rest of the world.

But, the defeat of communism and the dissolution of the Soviet empire does not mean democracy and capitalism will automatically fill the political and economic void. The struggle to determine the future course of this vast land is fierce and potentially lethal. We have an enormous stake in the outcome. If the former Soviet Union successfully leaps the chasm to become a free market democracy, the economic advantages to her and the whole world are incalculable. Three hundred million customers for our exports would give birth to a new era of prosperity. Our access to the vast resources of the region, its minerals, petroleum and other exports, will impact every economy in the West.

On the other hand, should Russia's reforms fail, should she regress into an authoritarian—even fascist—state, the nuclear threat would rekindle, while ethnic animosities and religious hatreds could turn it into another Yugoslavia, only on a much larger scale. Our defense budget, which we are now happily eviscerating, would suddenly balloon to Cold War dimensions and the threat of nuclear war would stare us all in the face.

Can we afford not to help them make the painful and wrenching transition from a command economy to a free market system? I believe our own national interest is deeply and lastingly affected by what happens in the former U.S.S.R. Our window of opportunity is a small one, and it will remain open only briefly.

Can our actions and aid help and not be wasted or even become counter-productive like so much of our past foreign aid? How can our efforts be effective and integrated with other Western programs?

These are questions to which I will try to find answers.

[From the Daily Herald, Apr. 8, 1993]

UKRAINE: A NATION WITH PROBLEMS AND POTENTIAL

KIEV.—Our plane touched down in the ancient city of Kiev about 2 p.m. Sunday. We had been told to expect gray, overcast and chilly weather and that's what greeted us as we made our way through the traditional line of diplomats (our own and Ukrainian) and headed for our buses. They sped us through town to our hotel, the Intourist, whose spartan rooms remind me of the Bachelor Officer's Quarters I stayed in during Navy duty in World War II. We set our wristwatches ahead seven hours and began the battle to stay awake and overcome jet-lag.

Legend has it that Kiev was founded by three brothers and a sister in the fifth century AD. Its streets are wide and remarkably clean. Buildings, many painted in colorful pastels, look to have been built in the early years of this century.

We began Monday with a breakfast briefing by our embassy's "country team" headed by Ambassador Roman Popadiuk and including Natalie Jaresko, the Economic Section Chief, the military attache, commercial attache, and several others. I was delighted to learn that Natalie is a constituent of mine from Wood Dale, where her parents live.

To learn more of the economic and political situation in Ukraine, we met with the Speaker of the Rada, or parliament, Mr. Ivan Plyushch, and the chairmen of its Defense and Foreign Affairs Committees. We then went to luncheon hosted by the American Chamber of Commerce where we talked with many U.S. business men and women residents here.

In the afternoon we visited the Babiy Yar menorah (commemorating the place where in 1942-43 hundreds of thousands of Jews and other minorities were machine gunned and their remains thrown into a steep ravine nearby). In terms of sheer horror this rivaled a visit I made to Auschwitz a few years back. This time I had a long-stemmed flower to put at the site—an omission at Auschwitz I shall always regret.

Later we spent a lively hour and a half with the foreign minister and then an hour with Prime Minister Leonid Kuchma, an unsmiling fellow who lacked a certain warmth that is often the stock in trade of high level foreign officials. The evening was spent at a reception with more Ukrainian officials and hors d'oeuvres which took the place of dinner. The usual toasts were made pledging undying admiration for our respective countries and people. I left early to return to our hotel to write.

Ukraine is a country with big, big problems. She has a population of nearly 52 million people, many of whom are very talented and well educated. But, lacking any tradition of democracy or a free market economy, she is floundering with an annual inflation rate of 2,000 percent. We reminded our counterparts that it took us 13 years—from 1776 until 1789—to fashion our democracy, and that 72 years later we endured a bloody civil war. I don't know if this cheered up our hosts!

There are two major obsessions here: maintaining independence from Russia, and national stability. For so many years Ukrainians didn't have to make any decisions themselves, they were made for them in Moscow. Now they find the responsibility difficult, but they fiercely prize their autonomy from Russia and have a sensitivity about their identity similar to that of Canada vis a vis the U.S. However, they are not about to take many risks such as speedy privatization, because they know the trauma this would bring to their economy That could mean job dislocation and unemployment and they just won't risk the instability this would cause.

One of Ukraine's most serious problems is its lack of energy resources. Russia is no longer selling petroleum at concessionary prices and Ukraine cannot afford the world price. She has negotiated a barter deal with Iran for oil and this is a deal we are most unhappy about. The Ukrainians resent the leverage Russia has over them on this issue and are looking for alternative sources in the Middle East. In driving and walking about Kiev, the lack of much vehicular traiffc is noticeable. Why? They just don't have much gasoline!

Stay tuned—next, Moscow!

EARTH DAY 1993

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Ms. PELOSI. Mr. Speaker, today, as people all over the world celebrate Earth Day 1993, we can also celebrate that President Clinton has agreed to sign the Biodiversity Treaty and to reduce the threat of global warming.

The Biodiversity Treaty provides for the protection of the diversity of life on Earth and calls for its signers to develop national strategies for conservation. The Biodiversity Treaty was a major document of the Earth summit where a lack of support for it by the United States weakened our leadership position among the over 100 countries who agreed to the treaty. The world is a poorer place for the loss of a species and the President's actions will ensure the protection and survival of thousands of species of plants, animals, and their habitats on Earth.

We can also celebrate that steps will be taken by this administration to reduce the release of greenhouse gases to their 1990 levels by the beginning of the century. This direction will place the United States in harmony with the other countries who agreed to specific reductions in fossil fuel emissions during the Earth summit.

The protection and stewardship of our environment and natural resources are essential to the survival of life on Earth. Since our first Earth Day, 23 years ago, we as a nation have made significant progress on a number of fronts in addressing many of our environmental problems.

The Earth summit held in Rio last June convinced the world that our work is not done. This historic event was a recognition by leaders throughout the world of the urgency to design and act on a comprehensive global environmental plan.

Agenda 21 emerged as the core document of the summit and forms the basis for legislation I have introduced, the Earth Summit Environmental Leadership Act, House Joint Resolution 166, with Senator PELL, chairman of the Senate Foreign Relations Committee. The important principles outlined in agenda 21 provide us with a lifeline to the future—to organize our actions on behalf of the global environment.

Our continued support of the principles of agenda 21 and our efforts to incorporate sustainable development policies at the national level will move us toward the strong global cooperation that is needed now and in the century ahead to preserve our planet.

STATEMENT OF REPRESENTATIVE NANCY PELOSI ON THE INTRODUCTION OF THE UNITED STATES-CHINA ACT OF 1993 APRIL 22, 1993

I am pleased to join today with the distinguished Majority Leader of the Senate, Senator George Mitchell, in introducing the United States-China Act of 1993. I commend the gentleman from Maine for his outstanding leadership on this issue of humanitarian, economic and strategic importance. I am also pleased that House Majority Leader Richard Gephardt and House Majority Whip David Bonior have joined as original cosponsors of the House bill.

Since the Tiananmen Square Massacre in 1989, Congress has confirmed that most-favored-nation [MFN] status is the strongest point of leverage we have to encourage the Chinese to abide by international human rights, trade and non-proliferation standards.

Our legislation is substantially the same as last year's bill, which passed Congress overwhelmingly. We have updated the language and have placed more emphasis on the political situation in Tibet and the Chinese threat to Tibetan culture.

Three years of unconditional MFN have not led to any substantial improvement in the human rights, trade and nuclear proliferation practices of the Chinese government.

While a few prominent dissidents have been released just as their prison terms were about to end, others still continue to be arrested for their beliefs and are being held in inhumane conditions. According to Amnesty International, these prisoners are being subjected to torture.

In 1992, our trade deficit with China grew by 43% over 1991, from $12.7 billion to $18.3 billion. If the deficit increases at the same rate, and the first quarter indicates that it may, the deficit could be as high as $26 billion for 1993.

In addition to the trade barriers, China has marred our trade relationship with transshipments, use of prison labor for export and other unfair trade practices.

The international community is increasingly concerned about China's proliferation activities. There is strong evidence that China has sold M-11 missiles to Pakistan and other technology to unsafeguarded countries in the Middle East.

We must use our leverage with China to stop the delivery of missiles and to be in compliance with the Missile Technology Control Regime [MTCR].

In addition, the Chinese military exported almost 2 million guns and thousands of tons of ammunition to the U.S. over a three year period. Beijing's army is the largest foreign supplier of small arms to the American market. Profits from these sales are going back to China to feed its military modernization and to prop up the regime.

The conditions in our legislation have been carefully designed to be reasonable and achievable. The Chinese dictators will not easily walk away from over $18 billion in U.S. hard currency they need. Now is the time to use our leverage to ensure that the U.S.-China relationship is based on internationally recognized principles.

WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION PROGRAM

HON. SAM COPPERSMITH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 26, 1993

Mr. COPPERSMITH. Mr. Speaker, on May 1–3, 1993, more than 1,200 students from 47 States and the District of Columbia will visit our Nation's Capital to compete in the national finals of the We the People * * * The Citizen and the Constitution Program. I wish to announce with pride that the class from Corona del Sol High School of Tempe will represent Arizona. These young scholars have worked diligently to reach the national finals by winning district and State competitions. The members of the team representing my State are:

Megan Abair, Josh Cagle, Michael Fielder, Leigh Huyck, Marie Jimenez, Aileen Mah, Nora Op, Jason Redwing, Andrew Sorensen, Kerri Tyers, Josh Auffret, Daniel Davison, Douglas Huang, Nikkie Jackson, Damon Juarez, Roger Moore, Yassi Rahimi, Kathleen Rutledge, Ernie Souhrada, Heather Waterman, Jill Benesh, Hayley Earick, Elizabeth Humble, Robin Jesch, Janice Lichty, Julie Morgan, Joy Rapinchuk, Sara Schue, Tammi Torres, and Teresa Williamson.

I also want to recognize the teacher of these students, Steve Adolph, who deserves much credit for the team's success. The district coordinator, Lois Fitch, and the State coordinator, Don Nordlund, also have contributed a great deal of time and effort to help the Corona del Sol team reach the national finals.

The We the People * * * The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. Administered by the Center for Civic Education, the program, now in its sixth year, has reached over 12 million students in 21,490 elementary, middle, and high schools throughout the Nation.

This program provides an excellent opportunity for students to appreciate the significance of our Constitution, its place in our history, and its importance to our lives today. I am proud of these students from my district and congratulate them and their teacher for their hard work and success so far. I wish them all the best of luck in this competition—and a bright future thereafter.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 27, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 28

9:30 a.m.

Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD–124

Armed Services
To hold hearings on the nominations of Jamie S. Gorelick, of Maryland, to be General Counsel of the Department of Defense; Maj. Gen. Michael E. Ryan, USAF, for appointment to the grade of lieutenant general and to be Assistant to the Chairman of the Joint Chiefs of Staff, Maj. Gen. John J. Sheehan, USMC, for appointment to the grade of lieutenant general and to be Director for Operations (J-3), Office of the Joint Chiefs of Staff, and Lt. Gen. Barry R. McCaffrey, USA, for reappointment to the grade of lieutenant general and to be Director for Strategy, Plans and Policy (J-5), Office of the Joint Chiefs of Staff.
SR–222

Environment and Public Works
To hold hearings on the nomination of Robert M. Sussman, of the District of Columbia, to be Deputy Administrator of the Environmental Protection Agency.
SD–406

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on Federal trade data.
SD–342

10:00 a.m.

Agriculture, Nutrition, and Forestry
To hold hearings on the nominations of Bob J. Nash, of Arkansas, to be Under Secretary of Agriculture for Small Community and Rural Development, James R. Lyons, of Maryland, to be Assistant Secretary of Agriculture for Natural Resources and Environment, Richard E. Rominger, of California, to be Deputy Secretary of Agriculture, Wardell C. Townsend, Jr., of North Carolina, to be Assistant Secretary of Agriculture for Administration, and Eugene Branstool, of Ohio, to be Assistant Secretary of Agriculture for Marketing and Inspection Services.
SR–332

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the United States Air Force.
SD–192

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Forest Service, Department of Agriculture.
SD–116

Banking, Housing, and Urban Affairs
To hold hearings to examine the state of urban America one year after the disorders in Los Angeles, California and 25 years after the report of the Kerner Commission.
SD–538

Labor and Human Resources
Aging Subcommittee
To hold hearings to examine new directions in policy for the aging population.
SD–106

Labor and Human Resources
Children, Family, Drugs and Alcoholism Subcommittee
To hold hearings to examine approaches for supporting families in an effort to eliminate abuse and neglect and to assist families that have, or may develop, health and other problems.
SD–430

2:00 p.m.

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To continue hearings on S. 21, to designate certain lands in the California Desert as wilderness to establish Death Valley, Joshua Tree, and Mojave National Parks.
SD–366

APRIL 29

9:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold oversight hearings on implementation of the Alternative Agricultural Research and Commercialization Act of 1990.
SR–332

Rules and Administration
Meeting to receive and consider a proposal by counsel regarding the petitions relating to the election in Oregon.
SR–301

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
S–5, Capitol

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings to examine the North American Free Trade Agreement's effects on U.S. competitiveness.
SR–253

Governmental Affairs
To hold hearings to examine the rebuilding of the Federal Emergency Management Agency in an effort to be prepared for the next possible disaster.
SD–342

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Development.
SD–106

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Office of Personnel Management.
SD–116

Finance
To resume hearings to examine the Administration's tax proposals, focusing on trade issues.
SD–215

Foreign Relations
To hold hearings on the nomination of J. Brian Atwood, of the District of Columbia, to be Administrator of the Agency for International Development, United States International Development Cooperation Agency.
SD–419

10:30 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

2:00 p.m.
Judiciary
Immigration and Refugee Affairs Subcommittee
To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.
SD–226

2:30 p.m.
Energy and Natural Resources
Renewable Energy, Energy Efficiency, and Competitiveness Subcommittee
To hold oversight hearings on waste minimization and industrial energy efficiency.
SD–366

APRIL 30

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD–192

10:00 a.m.
Finance
To hold hearings to examine various tax issues.
SD–215

MAY 3

1:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD–192

MAY 4

9:00 a.m.
Armed Services
Force Requirements and Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on military services' personnel programs.
SD–562

9:30 a.m.
Energy and Natural Resources
To hold hearings on the nominations of Thomas P. Grumbly, of Virginia, to be an Assistant Secretary of Energy for Environmental Restoration and Management, and Susan Fallows Tierney, of Massachusetts, to be an Assistant Secretary of Energy for Domestic and International Energy Policy.
SD–366

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
H–5, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on U.S. foreign policy and security interests.
SD–138

Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 775, to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims.
SD–366

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD–124

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

MAY 6

9:00 a.m.
Office of Technology Assessment
Board meeting, to consider pending business.
Room to be announced

9:30 a.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
S–5, Capitol

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Commission on National and Community Service.
SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.
SD–138

Energy and Natural Resources
To hold hearings on S. 646, to establish within the Department of Energy an international fusion energy program.
SD–366

2:30 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 172, to establish the Spring Mountains National Recreation Area in Nevada, S. 184, to provide for the exchange of certain lands within the State of Utah, S. 250, to designate certain segments of the Red River in Kentucky as components of the National Wild and Scenic Rivers System, S. 489, the "Gallatin Range Consolidation and Protection Act," and S. 577, to resolve the status of certain lands relinquished to the U.S. under the act of June 4, 1897 (30 Stat. 11, 36).
SD–366

MAY 7

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD–192

MAY 11

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on committee structure.
H–5, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance and transnational issues, focusing on population, environment, health, narcotics, and anti-terrorism issues.
SD–138

MAY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Education.
SD–138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the U.S. Coast Guard.
SR-253

MAY 13

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee
To hold hearings on proposed authorizations for the Federal Grain Inspection Service, Department of Agriculture.
SR-332

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.
SD-106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.
SD-138

Joint Organization of Congress
To resume hearings to examine congressional reform proposals.
S-5, Capitol

MAY 14

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Health and Human Services.
SD-430

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.
SD-192

MAY 18

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 721, authorizing funds for fiscal years 1994-1998 for the Federal land and water conservation fund.
SD-366

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H-5, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on the goals and strategies of development assistance and sustainable development.
SD-138

MAY 19

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Labor.
SD-138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 20

10:00 a.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S-5, Capitol

MAY 21

9:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.
SD-138

MAY 24

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Public Health Service, Department of Health and Human Services.
SD-192

MAY 25

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 544, to protect consumers of multistate utility systems, and an amendment to S. 544, to transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.
SD-366

2:00 p.m.
Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
H-5, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance, focusing on U.S. international economic and commercial interests.
SD-138

MAY 26

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.
SD-116

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MAY 27

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.
SD-106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.
SD-138

Joint Organization of Congress
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.
S-5, Capitol

JUNE 8

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for foreign assistance.
SD-138

JUNE 10

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.
SH-216

JUNE 18

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.
SD-192

JUNE 21

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

1:30 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.
SD-192

CANCELLATIONS

APRIL 27

9:00 a.m.
Judiciary
Constitution Subcommittee
Business meeting, to mark up S.J. Res. 41, proposing an amendment to the Constitution of the United States to require a balanced budget.
SD-234

APRIL 28

10:00 a.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To hold hearings on the roles and missions of the Department of State in the 1990's.
SD-419

2:00 p.m.
Foreign Relations
Terrorism, Narcotics and International Operations Subcommittee
To continue hearings to examine the roles and missions of the Department of State in the 1990's.
SD-419

HOUSE OF REPRESENTATIVES—*Tuesday, April 27, 1993*

The House met at 12 noon.

The Very Reverend John A. Simpson, dean of Canterbury Cathedral, Canterbury, England, offered the following prayer:

Almighty God, we give You thanks for the blessings of community in this Nation, and for those who have used Your gifts to strengthen and enrich its life.

We pray:

In all government, for insight, integrity and courage.

In the framing and administration of law, for justice and humility, fairness and compassion.

In industry and commerce, for care, cooperation and concern for the good of all.

In all that is done for those in need, a community that cares.

We pray also for the peoples of other countries, for those called to lead in the crises of these times, that they may seek the ways which lead to peace.

We pray, finally, for the work of this House, that pursuit of righteousness and justice may be our aim.

In Your mercy, O God, hear these prayers. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Connecticut [Mr. FRANKS] come forward and lead the House in the Pledge of Allegiance.

Mr. FRANKS of Connecticut led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Thursday, April 22, 1993, at 6:41 p.m., that the Senate agreed to the amendment of the House to S.J. Res. 66.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

BILL CLINTON'S FIRST 100 DAYS

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, for 12 years Presidents Reagan and Bush promoted a domestic agenda of cutting taxes, streamlining government, and eliminating the deficit. Those Presidents and their administrations failed on all three fronts.

The Republican wreckage of the eighties paved the way for Bill Clinton's election.

After the Reagan-Bush era of the "Three Ds": Decline, debt, and disinvestment—President Clinton took office 100 days ago determined to fight for all Americans.

He has embarked on an ambitious program of job creation, making Government work, and reforming the health care system.

Already President Clinton has won congressional approval of a 5-year budget that cuts the deficit by $514 billion. He broke the gridlock and he signed into law the Family and Medical Leave Act to help families.

He extended unemployment benefits for jobless Americans who want to work. The President has put into place a new system for worker retraining to help Americans get back to work. He has set into motion affordable health care for the Nation.

Mr. Speaker, during his first 100 days President Clinton has connected with the American people like no other Chief Executive in modern times.

From his open house on the first day of his administration to his open-minded approach in handling the health care crisis, this President is a winner.

President Clinton will succeed because he understands the American people and they support him.

BROKEN PROMISES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, this week will mark the 100 days of the Clinton administration's beginning, and sadly, it is 100 days of broken promises. Broken promises to provide a middle-class tax cut, broken promises to have no tax increase on people below $200,000, as Ross Perot pointed out Sunday night. Broken promises on real cuts in Government spending, broken promises on workfare, broken promises to focus on the economy.

Two weeks ago in Italy the people rejected a government that broke its promises. On Sunday, the people of Russia voted and called for reforms and for the politicians to keep their promises.

In America, 7 percent of the American people prefer term limitations because they are tired of politicians who break their promises.

My advice to the President at the end of his first 100 days is make his promises very carefully and then keep his promises. It is sad that in the first 100 days so many promises to so many people have been broken, and in so many ways.

□ 1210

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1013

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that the name of the gentlewoman from Arizona [Ms. ENGLISH] be removed from the list of cosponsors of H.R. 1013.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE FIRST 100 DAYS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, when he was running for President, Bill Clinton said on the Larry King show: "I know I can pass a sweeping package of legislation during the first 100 days of my administration."

The Nation would rather sweep these first days under the rug of history.

The President has broken the record for the highest disapproval rating in

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

modern history because his proposals are like a broken record of higher taxes and more Government spending.

He has proposed taxes on beer, taxes on energy, taxes on consumer goods, and who knows what else.

He has tried to spend money on pork barrel programs, things like swimming pools and parking garages, all in the name of investment and he would have succeeded had Republicans not worked together to stop him.

After the first 100 days of Bill Clinton, only one clear image of this President emerges: He is quite simply a tax and spend Democrat. It is not a pretty picture.

UNITED STATES TAX DOLLARS WILL NOT SAVE RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I am glad that Boris Yeltsin was successful at the polls. No one denies that Russia needs help.

But why is it, Mr. Speaker, that stimulus money to help depressed American cities is called pork, but money for Russia is called strategic aid? I have some problems with that. In fact, I say if we can find money to line the pockets of these former card-carrying Communists in the Russian Parliament, we could find some money to invest in American cities and help put Americans back to work. A very simple program.

Mr. Speaker, money is not going to save Russia. The Russian people, not the American taxpayers, will save Russia, and it is time to teach Russia how to fish so Russia can fish and eat and will not need American taxpayers' dollars.

The United States taxpayers do not need to send any pork to the former Soviet Union.

THE RAW DEAL

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, over the years, different phrases have characterized a President's first 100 days in office. We have had FDR's New Deal, LBJ's Great Society, and Harry Truman's Fair Deal.

Now we have Bill Clinton's Raw Deal.

The Clinton Raw Deal started when the President decided to break his promise to the middle class. Calling it shared sacrifice, he said he would not cut taxes on the middle class after all—surprise, surprise.

Now, the President is considering several tax proposals that will hit all income levels. These include a Btu tax, a Social Security tax, and a VAT tax on hard-working, middle-income American families.

Candidate Clinton said:

> I intend to have a legislative program ready on the desk of Congress the day after I'm inaugurated. It will be the most productive period in modern history.

The President promised us all this and more. Unfortunately, all we got was the raw deal.

THE TRUTH ABOUT THE FIRST 100 DAYS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, it is time we have a truth squad on President Clinton's 100 days.

He came to town, and from this very well down here, he explained to people the real truth about the budget, no rosy scenarios, no more borrow and spend, and that he was going to really put it down where we could do it and do it right. And he did. He got his budget through here. He lifted the gag rule on family planning clinics for women, he got family leave through here, he did all sorts of things.

Then his 100 days got undermined by 100 Senators. I think it is time that we point out that what they killed were some very important programs for America's children, investment in Head Start, investment in immunizations, investment in the WIC Program, investment in teen jobs for the summer in our urban core.

It is going to cost us way more not to have funded those programs than it would to have funded those programs.

So I would not brag if I tried to derail that program. I would have been ashamed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would like to caution that visitors in the gallery are not able to participate by applauding any of the debate.

BLUFF, BLUSTER, AND BLARNEY

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, President Clinton promised the American people a sweeping package of legislation during his first 100 days.

Instead, we have received 100 days of bluff, bluster, and blarney.

In his State of the Union Address, the President challenged Republicans to come up with specific spending cuts. When Republicans, led by JOHN KASICH, did just that, the Nation discovered that the President was bluffing. The Clinton proposal was never as specific or detailed as the Republican plan.

Later, the President blustered about Republicans holding up his spending package. He said his pork bill would create jobs, and he ranted and raved about Republican gridlock. He did not say that his jobs bill would cost $90,000 a job, and that it was a payoff to his political cronies.

Finally, we will consider the Clinton version of enhanced rescission, which is nothing more than a bunch of blarney when it comes to real spending reform.

A hundred days of bluff, bluster, and blarney. The President must do better.

BUY LEGITIMATE AMERICAN PRODUCTS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, the North American Free-Trade Agreement is dead for now. So says Leon Panetta in the Washington Post. I say it should be buried.

America is losing its industries and jobs without it, and we do not need a bad trade agreement to compound it. What we need to do is to restrict trade to countries like Mexico and China which abuse their people. Do not reward them for manufacturing products made by people who earn 40 cents an hour, slave labor, child labor, no safety, no health, no pension benefits, no environmental protection.

This is against everything that Americans believe in and have fought for. Greed by American industrialists and entrepreneurs who take their business there undermine the American spirit and the marketplace. It is bucks in the pocket, and it is time that America woke up and stopped buying from these perpetrators of human rights.

I say buy legitimate American products. Think about it.

□ 1220

WE'RE HERE TO HELP YOU WITH YOUR TRUST DEFICIT, MR. PRESIDENT

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the polls this morning tell us that 48 percent of the American people believe that President Clinton has failed to keep his promises during these first 100 days. I am here this afternoon to offer the help of my party. We Republicans are willing to assist the President with his trust deficit.

Mr. President, when you told the American people that "I am not going to raise taxes on the middle class to pay for these programs," many Americans took you at your word. Now, your administration talks almost daily about new taxes—energy taxes, VAT taxes, sin taxes, higher taxes for Social Security recipients, higher income tax bills for the middle class. All to pay for more pork barrel deficit spending programs that the American people don't want.

Like I say, Mr. President, we are here to help. If you want to put a dent in the budget deficit, let's talk. We will help you get it done. If you want to forgo all of your new tax ideas, we are with you. Just let us know.

Mr. Speaker, Republicans in this House are willing to help you and the President with your trust deficit. Just say the word.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair would remind Members, again, that they cannot directly address the President of the United States; it should come through the Chair or the Speaker.

A PRESIDENT OF ACTION, NOT RHETORIC

(Mrs. COLLINS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Speaker, finally we have a President of action instead of rhetoric. In his first 100 days of office President Clinton has shown us that he is a doer, not a talker.

Instead of merely talking about family values he has broken the gridlock and signed the Family and Medical Leave Act, enabling family members to keep their jobs while caring for their sick and/or newborn.

Instead of theorizing over solutions to the high cost of today's nonuniversal health care, but more importantly, to underscore his dedication to the proposition that all Americans must have basic health care, he has formed a task force chaired by the First Lady, Hillary Rodham Clinton, to research and draft a comprehensive health care bill.

Instead of pontificating on how the economic policies of the Reagan/Bush administrations caused a mere bump instead of the desired increase on the economic charts, President Clinton has drafted and won congressional approval for a 5-year budget that will reduce the deficit and increase investments in order to improve our economy.

Instead of merely saying that there was no recession, President Clinton extended and reformed the unemployment insurance systems, by providing benefits to jobless workers and a new system of worker counseling and retraining so that they can find jobs and return to work quicker.

Mr. Speaker, as we look back on this first 100 days of his Presidency, finally, ordinary working and poor Americans can point to a President who actually is trying to solve America's problems. His actions speak louder than words.

NATIONAL VICTIMS WEEK

(Mr. RAMSTAD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAMSTAD. Mr. Speaker, yesterday was the beginning of National Victims Week.

What a tragic irony that yesterday was also the day the mother of three dear friends—and former wife of a good friend who is also a Minneapolis police officer—was stabbed to death by a burglar.

Yesterday, like every other day in America, 288 women were raped—one rape victim every 5 minutes. Over 100,000 rape victims last year in America.

And children fare no better. The average child sex offender convicted last year molested 117 young victims.

No other civilized society tolerates this level of violence against innocent victims.

Mr. Speaker, nothing can bring back my friends' mother nor ease the pain and suffering of all the crime victims. But we can put politics aside and pass an omnibus crime bill. It's time to put politics aside and pass the Violence Against Women Act.

It is time to put politics aside and pass the Jacob Wetterling child protection bill and the Assaults Against Children Act I have introduced.

Mr. Speaker, it is time to put victims' rights ahead of criminals' rights. The victims of America deserve nothing less.

PRESIDENT CLINTON'S FIRST 100 DAYS

(Mr. CLYBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLYBURN. Mr. Speaker, the first 100 days of President Clinton's administration have been significant ones.

They have brought about a sense of renewal to a government once looked upon as lethargic.

They have restored hope to a nation of people who had lost faith in their country's leadership.

They have sent a clear message that this administration is of, for, and by the people.

On day 17 President Clinton signed the Family and Medical Leave Act of 1993.

On day 50 President Clinton announced an initiative to alleviate the credit crunch and generate jobs in the private sector by assisting small businesses with fair lending, equal opportunity and credit availability.

And on day 71 Congress agreed to a budget resolution which included most of the President's comprehensive economic plan: A Vision of Change for America.

Mr. Speaker, interest rates are down, consumer confidence is up, and the country is moving in the right direction.

The Clinton administration has clearly defined itself as courageous enough to take bold initiatives, compassionate enough to put people first, and competent enough to steer our Nation back to soundness and security.

MR. PEROT WAS RIGHT

(Mr. CANADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANADY. Madam Speaker, for millions of Americans. H. Ross Perot personifies the movement to change Washington for the better.

Sunday night Mr. Perot went on television to explain what's wrong with President Clinton's economic plan.

He said Mr. Clinton's plan is in trouble because it's more of the same.

And Mr. Perot was right.

The President's plan gives us: more Government, more wasteful spending, and more taxes.

Ross Perot said it and the American people know it's true:

The President has proposed nothing to address the basic causes of the problems we are facing.

If we are to solve those problems, there must be fundamental change in the way Washington works.

We must give the President a real line-item veto.

We must send to the States a balanced budget amendment.

And, we must enact term limits for the Members of Congress.

Mr. Speaker, to fix the problem we must deal with the causes of the problem.

It's as simple as that.

PRESIDENT CLINTON HAS GIVEN US A NEW VISION OF WHAT WE CAN DO

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Madam Speaker, the media and our friends on the Republican side are enjoying trying to define our new President at the end of his first 100 days in office. I think he is most definable by the fact that he has given this country a new vision of what we can do to fight for opportunity for our people and put them back to work.

Madam Speaker, we have been frustrated. There have been efforts to defeat and derail his economic package. But the fact remains that he passed his budget resolution within record time; we have broken the gridlock on family and medical leave, something the American people overwhelmingly wanted and were deprived of by the last two Republican Presidents; we have begun to reform the unemployment system and help keep people whose benefits have been exhausted from going without; and, most of all, taken on our major deficit problem by addressing the health care crisis in this country.

Not a bad accomplishment for the first 100 days.

But the real judgment, of course, will occur at the end of this President's first term in office. I think it is fair to say he is off to a good start, one that this Congress can aid and abet, or frustrate. I hope that the vision of the future from Congress will be as elevating and successful as the President's.

SPENDING CUTS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Madam Speaker, the Clinton economic plan is at risk of dying the death of a thousand cuts, precisely because it does not cut enough. As the American people digest the details of the plan, particularly the ratio of 24-to-1 tax increases to spending cuts next year, confidence in the plan is eroding fast.

According to the President's own numbers, his plan adds almost $1 trillion to the deficit, and that is after 5 years of the largest tax increase in our history. The American people are smart—and they know that "it's the spending, stupid" that causes our national budget to be so out of whack. Let us focus on spending cuts, not higher taxes—on cuts, not new spending.

Whether they be the 50 specific spending cuts I have introduced, the Republican Budget Committee's plan, or the suggestions offered by many independent organizations, and knowledgeable individuals such as Ross Perot the ideas for chopping waste are there for the taking.

It's time to sentence the budget deficit-national debt to death by a thousand cuts.

A FOUNDATION FOR BUILDING FOR THE FUTURE

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Madam Speaker, the Congress and the country face the beginning of a new era; a President who wants to build for the future, not simply with short-term economic fixes, but long-term economic policies that will rebuild America and start a new direction for our children and our grandchildren.

For 12 years, Republican economic policies have passed and have quadrupled the national debt and changed us from a creditor nation to a debtor nation. We battled for years trying to get family medical leave; in the first days of the Clinton administration, that was signed into law.

Each time we needed an unemployment extension, we had battles with the previous administrations; month after month we would fight with the President trying to convince him that those people were in need. In the Clinton administration, the unemployment provisions were signed into law immediately.

Madam Speaker, there are yet challenges. A minority in the Senate holding up America, precluding us from the kind of investment package that we need to really convert this economy. But we have a President committed to the long haul, and we have a great foundation that we have begun to build.

□ 1230

NERVOUS OVER PRESIDENT'S ECONOMIC PLAN

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Madam Speaker, the gentleman on the other side of the aisle said that the Republicans and the media are having a field day defining Mr. Clinton's first 100 days.

Well, I do not know. I think Mr. Panetta, the Director of the Office of Management and Budget, did a pretty good job this morning on the front page of the paper.

He said that he is very nervous about the national picture.

Well, my response would be, "Well, who isn't?"

With the Democrats in charge of the White House and in total disarray, with the Senate Democrat controlled 57 to only 43 Republicans, with the House of Representatives that has been in Democrat total control for 40 years now, with the Democrats having 256 Members in this House and we only 175; but the thing that caught my eye, my fellow colleagues, was on aid to Russia. Mr. Panetta said he is still searching for ways to finance the additional $1.8 billion that was promised to Boris Yeltsin in Tokyo.

Then someone at the White House jokingly said, "Now that he is elected, do we have to give him the money?"

Is that the mind set in the White House? We make campaign promises and after the votes are counted, we say, "Well, now it is all over."

By the way, I say to Mr. Panetta, who was that man that jokingly said, "Do we have to pay him now?"

BUILDING A GOOD ECONOMIC PROGRAM

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Madam Speaker, our colleagues on the Republican side of the aisle are getting dangerously close to gloating over the fact that a Republican filibuster stopped the President's effort to pass a jobs bill to put hundreds, if not thousands of Americans, back to work.

It reminds me of an old saying attributed to Harry Truman in the Midwest. I would like to modify it. His saying was, "Any jackass can knock down a barn door. It takes a carpenter to build one."

Putting it in a modern context, you might say, "Any elephant can knock down a President's program, but it takes a bipartisan majority to build one."

Just a few short weeks ago, the President stood right here and said, "Let's put an end to the blame game and work together."

He was not just speaking for Bill Clinton and the Democratic Party. He was speaking for the American people. They voted last November for change.

Now we have my colleagues on the Republican side of the aisle, barely 3 months into this Presidency, coming to proclaim the failed Clinton Presidency. The American people want this President to have a chance to succeed and Members of good will on both sides of the aisle can work to make that happen.

PARLIAMENTARY INQUIRY

Mr. WALKER. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mrs. SCHROEDER). The gentleman will state his parliamentary inquiry.

Mr. WALKER. Madam Speaker, is it not against the rules of the House to characterize actions of the other body?

The SPEAKER pro tempore. The Chair thinks that is true.

Mr. WALKER. Madam Speaker, the Chair is not calling people into account for their failure to obey those rules.

My parliamentary inquiry is, Is the Chair going to exercise its rights in that regard?

The SPEAKER pro tempore. Well, the gentleman from Pennsylvania did call them into account, and the Chair will listen more intently.

Mr. WALKER. I thank the Chair.

INTRODUCTION OF PRIVATE SECTOR JOBS CREATION AND ECONOMIC STIMULUS BILL

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, my friend, the gentleman from Illinois [Mr. DURBIN] is absolutely right. We Republicans do take credit for having blocked the President's pork barrel so-called jobs and stimulus bill.

We can use that as a great accomplishment in his first 100 days; but Mr. Speaker, I do not believe that we Republicans can sit by and simply gloat about having filibustered that program to death.

That is why today I am introducing the private sector jobs creation and economic stimulus bill. It has four basic points to it. And how many were included in President Clinton's campaign?

First of all, the capital gains tax differential which Mr. Clinton talked about last fall.

Second, expanded individual retirement accounts.

Third, a freeze on Federal spending.

Fourth, a moratorium on new regulations for the private business sector of our economy.

These four items clearly can do what my friend, the gentleman from Illinois [Mr. DURBIN], has talked about, create jobs in the private sector.

REPUBLICANS HAVE NO MORAL RIGHT TO PREVENT VOTE ON PRESIDENT'S STIMULUS PACKAGE

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I am somewhat amused at the hyperventilation which is occurring on the minority side of the aisle in reaction to the comments of Leon Panetta, the Budget Director, in the paper today. I do not blame Mr. Panetta one bit.

I would be nervous, too, if I thought that an elected minority, rather than having the courage to simply vote up or down on the President's package, chose the refuge of arcane rules simply to prevent that package from coming to a vote. That is the critical distinction that needs to be made.

Our friends on the Republican side of the aisle, be they in this body or the other body, have a perfect right, and in fact an obligation, to vote against the President's package if they disagree with it, but they have absolutely no moral right to prevent that package from coming to a final vote. That is the disgrace that took place last week in the other body.

Mr. WALKER. Regular order, Madam Speaker.

The SPEAKER pro tempore (Mrs. SCHROEDER). The Chair will again make the statement. The gentleman from Pennsylvania is correct. Members should not characterize the actions of the other body.

NURSING HOME CARE FOR VETERANS IN NEW JERSEY

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a bill to direct the VA to report to Congress on long-term health care needs of veterans in my State and to conduct a feasibility study on constructing a veterans' nursing home in central New Jersey.

The VA more than any other health care delivery system, will be serving a rapidly aging population. Today 7 million veterans are age 65 or older. By the year 2000, that number will grow to 9 million, with 1.5 million over the age of 85.

Madam Speaker, as anyone in medicine will tell you, the utilization of health care significantly increases with age. Veterans older than age 85 need health care services 30 times as often as those under the age of 65. By the same token, the need for nursing home care also vastly increases as the pool of potential users ages and expands.

Madam Speaker, my State has done an initial analysis on this. We have found that the numbers of veterans will grow by 15 percent by the year 2000 in New Jersey.

The need for nursing home care in Central New Jersey is unmistakable. Nevertheless, Madam Speaker, I believe it is critical for the VA to also conduct comprehensive assessments and mission planning. These findings will aid the VA in prioritizing new construction projects and in supporting State grant applications for new nursing home facilities.

America's veterans have earned the right to dignified, long-term nursing home care. This is one of the finest measures of respect that can be provided by a grateful Nation.

Now, is the time to plan and act for tomorrow.

DIRECT CONNECTION BETWEEN HEALTH AND WELL-BEING AND THE ENVIRONMENT

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Madam Speaker, there is a direct connection between our health and well-being and the environment.

In 1951, the U.S. Government began its relentless bombing of the Nevada desert with above-ground nuclear testing for 11 straight years. We Utahns came to be known as down-winders: we felt the tremors and we heard the blasts. Today, 40 years and countless bombs later, our mothers and sisters—Utah's mothers and sisters—are suffering from breast cancer. Our fathers and brothers have died of leukemia and cancers of the pancreas and colon.

We have only recently begun to understand the impact of these lethal actions on our environment. Perhaps in the very near future, we will begin to understand the impact of these actions on world health.

Madam Speaker, our health and our environment are woven together in such a way that we as policymakers must always take that into account. We must understand that the Pacific yew tree is part of the environment and that the Pacific yew tree gives us taxol, a life-saving drug which sends ovarian breast cancers into remission. Taxol offers only one example of the possibilities nature offers us. There are many more. And in the coming days, we the women, we the down-winders, are the ones who will lose health and vitality if the environment is not protected and that we begin an historic route toward preservation.

□ 1240

IN OPPOSITION TO CARGO PREFERENCE

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Madam Speaker, I direct my colleague's attention to the Journal of Commerce article explaining the difference between United States and foreign ocean shipping rates, and how the much higher United States rates will diminish the aid promised to Russia.

If we need evidence that cargo preference requirements should be waived, we need only to look at the recent bids submitted to the USDA by U.S.-flag shipping companies to carry the grain donated under the package.

These bids came in at $138 per ton, $102 per ton, $75 per ton or, to put them in perspective, at three to fives times the current rate being charged by foreign flag vessels.

And of note, the higher bid was double what that company was charging just a month ago, right before the Vancouver summit. Clearly there are those in the maritime industry willing to profit, and profit big, from shipping humanitarian aid.

To his credit, USDA Secretary Espy rejected the higher bid, but, according to reports, the USDA will accept the $75 per ton bid. At this rate, one-third or more of the food aid promised to Russia will be needlessly lost to transportation costs.

Russian officials are scheduled to arrive this week in Washington to seek relief from cargo preference requirements and maximize the food aid that can be delivered. There is an immediate solution available for them: The President could use his authority under existing law to waive cargo preference.

I have introduced House Concurrent Resolution 85 to urge them to do so, and I urge my colleague to join me by cosponsoring this resolution.

The Russian's have overcome one hurdle by giving President Yeltsin a strong vote of confidence; let's help them overcome the cargo preference hurdle.

THE SUCCESSES OF PRESIDENT CLINTON'S FIRST 100 DAYS

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Madam Speaker, some of our colleagues are trying to mischaracterize the first 100 days of the Clinton administration for their own partisan gain, but what the American people should know about is the successes of the Clinton administration.

In the first 100 days, in record time the Clinton administration won passage of a bold plan to fix the economy, create jobs, and produce higher income by getting this budget through, as I said, in record time. He also signed the Family and Medical Leave Act and set the environmental policy on a new course, reversing Bush administration policies by getting the United States to sign a biodiversity treaty and to reduce the emissions of greenhouse gases.

The President has worked to spur economic growth through his meetings with foreign leaders and his enterprise oriented aid initiative to save the Russian democracy and open markets to American products.

If the President made any mistake in his first 100 days, it was in thinking that everyone in this Congress cared about working people in our country, especially those without jobs.

Madam Speaker, I hope the President will sign a new jobs program soon, and that it will be substantial so that this House will once again have the opportunity to vote for jobs for working Americans.

THE LATEST IN LIP READING—MORE NEW TAXES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Madam Speaker, President Clinton has almost reached the 100-day threshold of his new Presidency, and the day of reckoning is here.

We have heard of the New Deal, we have heard of the Fair Deal, these are not the right labels.

President Clinton's first 100 days can only be characterized as the raw deal. The one thing the American people can hear coming from the President is new taxes.

Raise income taxes, raise business taxes, raise energy taxes, raise excise taxes, tax banks, and try a new value added tax.

Madam Speaker, there is no deal like a raw deal, read President Clinton's lips: More new taxes.

PRESIDENT CLINTON'S STIMULUS PACKAGE

(Mr. REYNOLDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REYNOLDS. Madam speaker, I rise today to say that the American people lost when the President's stimulus package failed last week. The price of playing partisan politics with jobs will be much higher than the monetary cost of the package.

In the city of Chicago alone, the package would have provided 18,000 summer jobs for youth. That means for Chicago the result of partisan politics is that 18,000 young people will be denied the opportunity to get essential work experience.

Madam Speaker, if we are actually experiencing an economic recovery, then it is clearly a jobless recovery. On April 7, I held a job fair in my district; 4,000 qualified, mostly college educated job seekers lined up—eager to find work. Somehow these people had fallen through the cracks of the so-called recovery. How would those playing partisan politics with the stimulus package explain to those waiting in line that a bill to stimulate job growth is just too expensive.

Thus, the result of trying to make the President lose or look bad means that America will lose.

THE TAILHOOK REPORT

(Ms. SNOWE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SNOWE. Madam Speaker, last Friday the inspector general presented a detailed and shockingly descriptive report on the 1991 Tailhook incident. The events outlined in this report are a scathing indictment of an archaic culture and attitude toward women in the Navy.

But it took 19 months for this investigation to be completed. Now that we have in our possession its findings, it is my hope that it will not take 19 more months for justice to be served. The evidence has been presented, and now justice and discipline must be rendered.

It is also my hope that the leaders of the U.S. Navy have learned their lesson, unfortunately, 90 women paid the price for their lack of leadership and for their lack of commitment to the most basic principles of conduct. Let us hope that there will be no more Tailhooks. Let us hope that it will not take another Tailhook incident for our Nation's Armed Forces to understand that women's dignity is not to be toyed with, not to be bartered, and to understand that women are not property.

Now we must move forward expeditiously, and take the necessary actions to bring these men to justice. And I say this to the Navy leadership—we in Congress will continue to watch and ensure that the Navy not only adheres, but is committed to the programs and changes it has implemented to eradicate all forms of sexual harassment in the Armed Forces. The time for the Navy to act is now.

CALLING FOR AN END TO GRIDLOCK

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Madam Speaker, President Clinton was elected by this Nation's voters to provide leadership on the terribly important issues facing this country. In his first 100 days he has advanced a plan to promote economic recovery, has proposed the most significant deficit-reduction plan in history, and has launched an impressive effort to address the health-care crisis we are presently mired in.

By my reckoning, the President has lived up to his end of the bargain. He has provided strong leadership on our toughest, most intractable problems.

But in addition, last fall Americans asked this body to put aside partisan warfare and political rhetoric and work together, Republicans as well as Democrats, to address these problems. There has been precious little evidence, unfortunately, that the minority party in this body wants to play a constructive role in Government.

Madam Speaker, their shrill denunciations of our President and their efforts to prevent line-item rescission from even coming to the floor are only the latest examples that the old ways die hard for this body's Republicans.

A REAL LINE-ITEM VETO

(Mr. TALENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALENT. Madam Speaker, there is a positive development which needs to be discussed. Pending before the House right now is a real line-item veto. The Castle-Solomon amendment is a real line-item veto which would permit the President to veto out particular pieces of waste or pork barrel and require a two-thirds vote of both Houses in order to override that veto.

It is a line-item veto that more than 40 Governors have. It is a line-item veto the President endorsed in his campaign. It is a line-item veto that the people want.

Last week, Madam Speaker, the Republican freshmen sent a letter to the President asking him to support that line-item veto, telling him it was pending before the House, and asking him for a meeting to discuss strategy to get it passed. We can pass that line-item veto with a minimal amount of support of the majority side of the aisle.

Madam Speaker, I urge the President to meet right now. This is an important part of his package. It is something that the people want. It is something that the independent voters of this country want, and we can actually deliver a real change in the way the Congress budgets out of the House and create massive bipartisan support for the President's leadership at this crucial time.

TRIBUTE TO THE LATE CESAR CHAVEZ

(Mr. BECERRA asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. BECERRA. Madam Speaker, words simply cannot express my profound sadness over the passing of Cesar Chavez.

Cesar Chavez was a man of immense dignity, humanity, and integrity.

Few individuals will ever touch as many lives as did this great man.

Millions have benefited from his work as a civil rights activist, and millions will mourn his death.

For decades, Cesar Chavez undertook one of life's most difficult callings: organizing the masses to fight injustice.

His fierce determination and strong spirit turned failed struggles into unprecedented successes.

As the founder and president of the United Farm Workers of America, Cesar Chavez dedicated his life to educating farmworkers about their basic human rights and how to effectively demand and receive a better quality of life.

His achievements transcended the plight of the farmworker.

Cesar Chavez' historic struggles for justice changed our world.

We can all learn and live by the values that guided Mr. Chavez' work: "Love triumphs over hate, nonviolence over violence, courage over fear, and human dignity over belittlement and abuse."

Mr. Chavez will also be fondly remembered for saying: "Hay mas tiempo que vida."—"We have more time than life." Oh, how true.

Although this great leader is no longer here to guide us, his work on behalf of working men and women and consumers—but most importantly farmworkers who even today often live and work in harsh conditions—must and will move forward.

Cesar Chavez was a man who kindled our spirits; and he is, in spirit, forever with us.

Si se puede.

□ 1250

GIVE PRESIDENT A REAL LINE-ITEM VETO

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Madam Speaker, if President Clinton really wants to reduce the bloated spending recommendations of Congress, he will need a line-item veto to cut the pork and irresponsible spending.

This Congress has proposed a politically correct, watered down version of the line-item veto called enhanced rescission.

In this line-item veto, the President could recommend a list of spending reductions, but both Houses of Congress must hold hearings on the cuts and vote to approve these cuts. In other words, Congress, not the President, controls the enhanced rescission process.

The 47 Republican freshmen stand united to give President Clinton a real line-item veto which could only be defeated by two-thirds vote of both Houses of Congress. The gridlock on the line-item veto issue is purely the Democratic Party's. We freshmen Republicans stand ready to fulfill at least one of President Clinton's promises. Give us a real line-item veto.

REGULATORY BURDEN RELIEF FOR FINANCIAL INSTITUTIONS

(Mr. ISTOOK asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. ISTOOK. Madam Speaker, I rise to speak today about a subject that was a recurring theme during my campaign and continues to be a theme in Washington—regulatory burden relief for financial institutions.

Bankers tell me, "We are afraid to make what used to be a straightforward loan." Savings and loans officials say, "We do not have anyone educated enough to make a simple home loan any more because it has become so complicated." An example I am given is it took 6 months to get a respected dentist's paperwork done so he could serve as a director, and, out of frustration, they almost lost him.

I hear that bankers and savings and loans make more profit out of investing in T-bills and T-notes than in loaning money to businesses.

Madam Speaker, I have heard enough. Historically, I am told when the Banking Committee moves on legislation designed to reduce unnecessary redtape, they usually end up with a bill that adds twice as much instead.

I know many bankers fear additional action would make matters worse, but I hope we will fix that with bills we have introduced during this Congress, H.R. 59 and H.R. 962. I encourage us to move forward with those and provide true relief for bankers which will aid jobs in America.

I have just cosponsored legislation, H.R. 59, the Depository Institution Burden Relief Act of 1993, and H.R. 962, the Economic Growth and Financial Institutions Regulatory Paperwork Reduction Act of 1993. These bills would make inroads into some of these problems. Frankly, I wish they went further. I urge the House Banking Committee to work speedily on this legislation and to reverse the trend of crushing the financial institutions with more well-intentioned, nice sounding, but counterproductive regulations.

PRESIDENT MUST TALK STRAIGHT WITH THE AMERICAN PEOPLE

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Madam Speaker, we have had 100 days of doublespeak, 100 days of calling taxes contributions, 100 days of calling Federal spending investment, 100 days when a $28 billion tax hike on Social Security recipients is being called a spending cut.

Now, we hear complaints that the jobs bill, the stimulus package, has gone down to defeat. Well, that is because it was not a jobs bill and it was not a stimulus package any more than taxes are a contribution and Federal spending is an investment.

It was a political payoff bill, not a jobs bill. We had a massive hike in Federal spending for social welfare programs to pay off a political debt. We had hundreds of millions of dollars more in Federal spending on AIDS research to pay off a political debt, and hundreds of millions for childhood inoculations.

Madam Speaker, this was not a jobs bill or a stimulus. It was a political payoff bill, and the President is not going to be any more successful in the rest of his administration than he has been in his last 100 days until he starts talking straight with the American people.

GAY RIGHTS MARCH AN IGNOBLE EVENT

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Madam Speaker, Sunday I had the occasion to drive into my office here on the Hill, so I drove up Independence Avenue and down Constitution Avenue observing the 300,000 people who were gathered here in celebration of homosexuality. I noted later on C-SPAN television that you and four other Members of this House and one U.S. Senator spoke at this bizarre rally demanding special rights for abnormal sexual orientation.

I rise today to point out that 30 years ago this August, when I was 30, I marched with Rev. Martin Luther King on that same Mall and, probably against military regulations, I proudly wore my Air Force captain's uniform. Some fools try to compare August 28, 1963, with April 25, 1993. To compare these two marches is not only odious and offensive, it turns history on its head.

That 1963 event led by Reverend King was so respectful of families and children and Judeo-Christian values and so decent in every aspect and the speeches so noble in character and so inspirational that they have been taught to our children ever since. To view C-SPAN's coverage from gavel to gavel of that odd circus last Sunday was to fear for the survival of our civilization as we know it.

To watch and listen to the obscenities on the Lord's day was to witness the deterioration of our country's national discourse. The filthy speech movement at the University of California at Berkeley one-half year after Reverend King's civil rights march started this degrading decline in public morality.

What could possibly be taught in our schools from that Sodom scene in our beautiful Federal Capital city? The loss of innocence is truly the greatest loss of all.

WELCOME TO CYPRIOT DELEGATION

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Madam Speaker, I take this opportunity today to welcome a distinguished delegation of members of the Cypriot Parliament. That delegation is being led by the president of the Parliament, the Honorable Alexis Ghalanos. Our House Foreign Affairs Committee looks forward to meeting with the Cypriot delegation later today.

The United States supports the Cyprus peace talks, and we hope that they will resume on May 24 as scheduled. We further hope that the talks can reconcile the ongoing differences between the island's Greek Cypriot and Turkish Cypriot populations, and that such a resolution will bring about the removal of Turkish troops from the shores of Cyprus. I know my colleagues join me in extending our warmest wishes to this Cypriot delegation, with the hope that one day the two Cypriot communities will be able to live together in peace.

PRESIDENT CLINTON'S TAX PROPOSALS WILL WORSEN THE MARRIAGE PENALTY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, I would like to bring to the attention of the Members of this House an article in the Chicago Tribune about the effect of the Clinton tax proposals on married couples.

During the Presidential campaign, President Clinton promised the American people more family friendly tax policies. We have seen the middle-class tax cut go by the boards, we have seen proposals for a broad-based energy tax, and we have seen a lack of real spending cuts that makes any middle-class tax relief difficult to foresee.

I am sure these questions will be fought out in the months to come, but I'd like to alert my colleagues that the Clinton tax proposals also will worsen the existing marriage penalty for American families.

I do not believe anyone wants this to happen and I hope Republicans and Democrats can work with the administration to correct what must be an unintentional increase in the marriage penalty.

According to the Tribune article, an upper middle-class family with two wage earners will pay quite a bit more in taxes than if they were unmarried. This proposal would almost double their existing marriage penalty.

If President Clinton would like to demonstrate that he is ready for true bipartisan cooperation, fixing the marriage penalty would be a good place to start.

□ 1300

THE DEMOCRATIC PARTY AND BALANCED BUDGETS

Mr. WALKER. Madam Speaker, a few minutes ago we had a fascinating declaration on the floor by one Member, who said that the leadership of the Democratic Party was going to produce balanced budgets. That was a fascinating statement, given the fact that the Democratic Party has controlled this House exclusively for the last 40 years.

One time during that 40-year period have they balanced the budget. They have had both Democratic Presidents and Republican Presidents, and have not managed to balance the budget or get our accounts straight.

And then we have the Clinton administration's budget before us, and what that tells us is that in the first term of President Clinton's administration, if, in fact, he ever gets a second term, but in his one term that he has been elected to now, he is going to raise the debt of the country by just about $1 trillion. And so the same pattern that we have seen for the last 12 years, of $1 trillion every 4 years, is going to be matched by this President.

I do not think Democrats are coming anywhere close to balancing budgets.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. SCHROEDER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on both motions to suspend the rules.

VETERANS' COMPENSATION RATES CODIFICATION ACT OF 1993

Mr. MONTGOMERY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 798) to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992, as amended.

The Clerk read as follows:

H.R. 798

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Compensation Rates Codification Act of 1993".

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABILITY COMPENSATION.

Section 1114 is amended—

(1) by striking out "$83" in subsection (a) and inserting in lieu thereof "$85";

(2) by striking out "$157" in subsection (b) and inserting in lieu thereof "$162";

(3) by striking out "$240" in subsection (c) and inserting in lieu thereof "$247";

(4) by striking out "$342" in subsection (d) and inserting in lieu thereof "$352";

(5) by striking out "$487" in subsection (e) and inserting in lieu thereof "$502";

(6) by striking out "$614" in subsection (f) and inserting in lieu thereof "$632";

(7) by striking out "$776" in subsection (g) and inserting in lieu thereof "$799";

(8) by striking out “$897” in subsection (h) and inserting in lieu thereof “$924”;

(9) by striking out “$1,010” in subsection (i) and inserting in lieu thereof “$1,040”;

(10) by striking out “$1,680” in subsection (j) and inserting in lieu thereof “$1,730”;

(11) in subsection (k)—

(A) by striking out “$68” both places it appears and inserting in lieu thereof “$70”; and

(B) by striking out “$2,089” and “$2,927” and inserting in lieu thereof “$2,152” and “3,015”, respectively;

(12) by striking out “$2,089” in subsection (l) and inserting in lieu thereof “$2,152”;

(13) by striking out “$2,302” in subsection (m) and inserting in lieu thereof “$2,371”;

(14) by striking out “$2,619” in subsection (n) and inserting in lieu thereof “$2,698”;

(15) by striking out “$2,927” each place it appears in subsections (o) and (p) and inserting in lieu thereof “$3,015”;

(16) by striking out “$1,257” and “$1,872” in subsection (r) and inserting in lieu thereof “$1,295” and “$1,928”, respectively; and

(17) by striking out “$1,879” in subsection (s) and inserting in lieu thereof “$1,935”.

SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.

Section 1115(1) is amended—

(1) by striking out “$100” in clause (A) and inserting in lieu thereof “$103”;

(2) by striking out “$169” and “$52” in clause (B) and inserting in lieu thereof “$174” and “$54”, respectively;

(3) by striking out “$69” and “$52” in clause (C) and inserting in lieu thereof “$71” and “$54”, respectively;

(4) by striking out “$80” in clause (D) and inserting in lieu thereof “$82”;

(5) by striking out “$185” in clause (E) and inserting in lieu thereof “$191”; and

(6) by striking out “$155” in clause (F) and inserting in lieu thereof “$160”.

SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.

Section 1162 is amended by striking out “$452” and inserting in lieu thereof “$466.”

SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

Section 1311 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

“Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$634	W–4	$911
E–2	654	O–1	803
E–3	672	O–2	829
E–4	714	O–3	888
E–5	732	O–4	939
E–6	749	O–5	1,035
E–7	785	O–6	1,168
E–8	829	O–7	1,262
E–9	[1]866	O–8	1,383
W–1	803	O–9	1,483
W–2	835	O–10	[2]1,627
W–3	860		

“[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $934.

“[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,744.”;

(2) by striking out “$71” in subsection (b) and inserting in lieu thereof “$73”;

(3) by striking out “$185” in subsection (c) and inserting in lieu thereof “$191”; and

(4) by striking out “$90” in subsection (d) and inserting in lieu thereof “$93”.

SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.

(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—

(1) by striking out “$310” in clause (1) and inserting in lieu thereof “$319”;

(2) by striking out “$447” in clause (2) and inserting in lieu thereof “$460”;

(3) by striking out “$578” in clause (3) and inserting in lieu thereof “$595”; and

(4) by striking out “$578” and “$114” in clause (4) and inserting in lieu thereof “$595” and “$117”, respectively.

(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Sectin 1314 is amended—

(1) by striking out “$185” in subsection (a) and inserting in lieu thereof “$191”;

(2) by striking out “$310” in subsection (b) and inserting in lieu thereof “$319”; and

(3) by striking out “$157” in subsection (c) and inserting in lieu thereof “$162”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

(Mr. MONTGOMERY asked and was given permission to revise and extend his remarks.)

GENERAL LEAVE

Mr. MONTGOMERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 798 and H.R. 1032, the veterans bills now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Madam Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. SLATTERY], chairman of our Subcommittee on Compensation, Pension, and Insurance.

Mr. SLATTERY. Madam Speaker, H.R. 798 would make technical amendments to the rates of service-connected disability compensation and to the old rates of dependency and indemnity compensation [DIC] set forth in chapters 11 and 13, respectively, of title 38, United States Code. The amendments codify rates of payment under these benefit programs to reflect the 3 percent cost-of-living adjustment which was authorized by Public Law 102–510, effective December 1, 1992.

This is a very straightforward bill. There will be no cost associated with its enactment since it makes only technical amendments and since the cost of the COLA was already included in the fiscal year 1993 baseline.

Last year, we authorized the Secretary of Veterans Affairs to administratively increase the appropriate rates of compensation and DIC by an amount equal to the cost-of-living adjustment provided for Social Security benefits and VA pension. This was done, and the new rates went into effect on December 1.

Normally, we prefer to adjust the rates in the statute itself. However, because of the early adjournment of the 102d Congress, this was the only way we could insure that the compensation and DIC rates would receive an appropriate increase equal to that given to Social Security recipients. What we are now doing is essentially housekeeping to make sure that the provisions in title 38 continue to reflect accurate rates.

The following tables reflect the new statutory rates in title 38, United States Code, commensurate with the increases already effectuated by the Department of Veterans Affairs:

Compensation and DIC rates which became effective December 1, 1992 to be codified in Title 38, United States Code

Percentage of disability or subsection under which payment is authorized:	
(a) 10 percent	$85
(b) 20 percent	162
(c) 30 percent	247
(d) 40 percent	352
(e) 50 percent	502
(f) 60 percent	632
(g) 70 percent	790
(h) 80 percent	924
(i) 90 percent	1,040
(j) 100 percent	1,730
Higher statutory awards for certain multiple disabilities:	
(k)(1) Additional monthly payment for anatomical loss, or loss of use of, any of the following: one foot, one hand, blindness in one eye (having light perception only), one or more creative organs, both buttocks, organic aphoria (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss	70
(k)(2) Limit for veterans receiving payments under (a) to (j) above	2,152
(k)(3) Limit for veterans receiving benefits under (l) to (n) below	3,015
(l) Anatomical loss or loss of use of both feet, one foot and one hand, blindness in both eyes (5/200) visual acuity or less, permanently bedridden or so helpless as to require aid and attendance	2,152
(m) Anatomical loss or loss of use of both hands, or of both legs, at a level preventing natural knee action with prosthesis in place or of 1 arm and 1 leg at a level preventing natural knee or elbow action with prosthesis in place or blind in both eyes, either with light perception only or rendering veteran so helpless as to require aid and attendance	2,371
Percentage of disability or subsection under which payment is authorized:	

(n) Anatomical loss of both eyes or blindness with no light perception or loss of use of both arms at a level preventing natural elbow action with prosthesis in place or anatomical loss of both legs so near hip as to prevent use of prosthesis, or anatomical loss of 1 arm and 1 leg so near shoulder and hip to prevent use of prosthesis	2,696
(o) Disability under conditions entitling veterans to two or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less) or deafness rated at 40 percent or total deafness in one ear (impairment of either or both ears service-connected) in combination with blindness having light perception only or anatomical loss of both arms so near the shoulder as to prevent use of prosthesis	3,015
(p)(1) If disabilities exceed requirements of any rates prescribed, Secretary of Veterans Affairs may allow next higher rate or an intermediate rate, but in no case may compensation exceed	3,015
(p)(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rated at 30 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of one ear or service-connected loss or loss of use of an extremity the next intermediate rate is payable, but in no event may compensation exceed	3,015
(p)(3) Blindness with only light perception or less with bilateral deafness (hearing impairment in either one or both ears is service-connected) rated at 10 or 20 percent disabling, the next intermediate rate is payable, but in no event may compensation exceed	3,015
(p)(4) Anatomical loss or loss of use of three extremities, the next higher rate in paragraphs (l) to (n) but in no event in excess of	3,015
(q) [This subsection repealed by Public Law 90–493.]	
(r)(1) If veteran entitled to compensation under (o) or to the maximum rate under (p); or at the rate between subsections (n) and (o) and under subsection (k), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to such rates	1,295
(r)(2) If the veteran, in addition to need for regular aid and attendance is in need of a higher level of care, a special allowance of the amount indicated at right is payable in addition to (o) or (p) rate	1,928
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	1,935
(t) [This subsection repealed by Public Law 90–576.]	

In addition to basic compensation rates and/or statutory awards to which the veteran may be entitled, dependency allowances are payable to veterans who are rated at not less than 30 percent disabled. The rates which follow are those payable to veterans while rated totally disabled. If the veteran is rated 30, 40, 50, 60, 70, 80 or 90 percent disabled, dependency allowances are payable in an amount bearing the same ratio to the amount specified below as the degree of disability bears to total disability. For example, a veteran who is 50 percent disabled receives 50 percent of the amounts which appear below.

If and while veteran is rated totally disabled and—	
Has a spouse	$103
Has a spouse and child	174
Has no spouse, 1 child	71
For each additional child	54
For each dependent parent	82
For each child age 18–22 attending school	160
Has a spouse in nursing home or severely disabled	191
Has disabled, dependent adult child	191

The following rates apply to surviving spouses of deceased veterans whose deaths occurred as the result of service-connected disabilities or while on active military duty before January 1, 1993. (Several of these rates have been superseded by the enactment of Public Law 102–568, which provides a minimum payment of $750 per month).

Pay grade	
E–1	634
E–2	664
E–3	672
E–4	714
E–5	732
E–6	749
E–7	785
E–8	829
E–9	[1] 866
W–1	803
W–2	835
W–3	860
W–4	911
O–1	803
O–2	829
O–3	866
O–4	930
O–5	1,035
O–6	1,168
O–7	1,282
O–8	1,383
O–9	1,483
O–10	[1] 1,627

[1] If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $834.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,744.

When there is no surviving spouse receiving dependency and indemnity compensation, payment is made in equal shares to the children of the deceased veteran. These rates are increased as follows:

One child	$319
Two children	480
Three children	506
Each additional child	117

I urge favorable consideration of the bill by the House.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Veterans' Compensation Rate Codification Act of 1993, H.R. 798. As explained by the gentleman from Kansas, Mr. SLATTERY, this measure simply makes technical changes in title 38. It places in law the current rates of compensation for service-connected veterans, and DIC for their widows and children which were enacted last fall in separate cost-of-living legislation. I recommend passage of this bill.

Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I am honored to rise in support of H.R. 798, the Veteran's Compensation Rate Codification Act. I wish to thank my distinguished colleague from Kansas, Mr. SLATTERY, for introducing this bill. I am pleased to note the outstanding work that is conducted by the Veterans' Affairs Committee under the strong leadership of its distinguished chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and its ranking minority member, the gentleman from Arizona [Mr. STUMP].

Madam Speaker, the Veteran's Compensation Rate Codification Act makes a technical change to title 38 of the United States Code, which provides disability compensation to our Nation's veterans. This noncontroversial measure will complement Public Law 102–510, legislation that was passed during the 102d Congress.

This legislation provides a rate chart which will detail the amount of compensation due to a veteran in each category of disability and will reflect the cost-of-living allowance that had been approved according to Public Law 102–510. For the record, I would like to add that estimates done by the Congressional Budget Office have stated that H.R. 798 will not cause any additional cost increases, since the COLA had been previously authorized.

Madam Speaker, I am pleased to support H.R. 798. It is a necessary measure that will aid our Nation's veterans and I urge my colleagues to approve this measure.

Mr. STUMP. Madam Speaker, I would like to commend the gentleman from Florida [Mr. BILIRAKIS], the ranking member on the Subcommittee on Compensation, Pension, and Insurance, for all the hard work he has done.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Madam Speaker, I yield myself 1 minute.

We are very proud that the gentleman from Kansas [Mr. SLATTERY] is the new chairman of the Subcommittee on Compensation, Pension, and Insurance. It has been a pleasure to work with him.

I would also like to thank the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his support. This is a necessary bill, mainly a technical bill.

I urge the adoption of H.R. 798.

Mr. KENNEDY. Madam Speaker, I rise in support of H.R. 798, the Veterans' Compensation Rate Codification Act of 1993. It is vital that we incorporate desperately needed cost-of-living increases in the compensation provided to our veterans who have so honorably served our Nation.

H.R. 798 codifies a 3-percent cost-of-living increase in veterans' compensation rates for service-connected disability compensation and dependency and indemnity compensation [DIC]. I am pleased to lend my support to this very modest way we can support our Nation's veterans. This provides us with a good starting ground from which Congress can take a serious, careful look at ways we can continue to improve veterans benefits and services. I would like to give particular thanks to Chairman MONTGOMERY and Representative JIM SLATTERY, chairman of the Subcommittee on Compensation, Pension, and Insurance, for their diligent efforts on this legislation.

Madam Speaker, supporting benefits for our veterans is one important way we can carry out our national responsibility in compensating veterans for their courageous service to our country.

Mr. TEJEDA. Madam Speaker, I rise today in support of H.R. 798, a bill which recognizes—by specifying a 3-percent cost-of-living adjustment for veterans disability compensation—the important sacrifices made by our disabled veterans and veterans' survivors. I am proud to support this legislation and those deserving persons it will benefit. While this particular bill is only completing the work accomplished last Congress, the underlying principles are fundamental.

Compensation for veterans with service-connected disabilities and survivors of veterans who died of combat-related injuries is one of America's fundamental obligations. As Charles Jackson, president/CEO of the Non Commissioned Officers Association, recently testified,

> Veterans benefits are not designed to enrich veterans, but to make them whole. Veterans benefits are designed to restore education and economic opportunities lost due to military service. They are designed to treat the physical and psychological maladies of service.

Mr. Speaker, we owe a tremendous debt to those disabled veterans who stood the long watches and sacrificed for our Nation's defense. We similarly owe an incredible debt to the survivors of veterans who endured the long separations from their loved ones imposed by military service. The 3-percent COLA enacted last year and the President's budget request for a COLA in fiscal year 1994 will help compensate these disabled veterans and survivors for their unflinching commitment and will halt the erosion of benefits by inflation.

Mr. Speaker, it is important for us to remember that, from 1985 to 1991, veterans compensation benefits have risen on an annual rate of only 2.4 percent while other social entitlement programs grew at an annual rate of 9 to 15 percent over the same period. At the same time, our financial commitment to our veterans has, in relative terms, been cut in half. While VA benefits represented 5 cents of each tax dollar in 1975, today, that figure stands at 2.4 cents. We cannot forget the debt we owe to our veterans, and I will continue to fight for the protection of necessary veterans benefits.

I urge my colleagues to vote for H.R. 798 to reaffirm our commitment to our Nation's veterans.

Mr. BILIRAKIS. Madam Speaker, I rise in support of H.R. 798, the Veterans' Compensation Rate Codification Act of 1993. This bill simply makes technical changes to title 38, placing into law the current rates of compensation for disabled veterans and the rate of dependency and indemnity compensation [DIC] for their widows and children.

As my colleague from Kansas, Mr. SLATTERY, has explained, we authorized these increases during the 102d Congress. However, due to our early adjournment, the rate increases were not codified into law. H.R. 798 amends provisions in title 38 to accurately reflect the new rates of compensation.

I strongly urge my colleagues to support passage of H.R. 798 in the House.

Mr. MONTGOMERY. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 798, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION ACT

Mr. MONTGOMERY. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1032) to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs, as amended.

The Clerk read as follows:

H.R. 1032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Veterans Affairs Employment Discrimination Act".

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION RESOLUTION PROCEDURES.

(a) IN GENERAL.—Title 38, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—EMPLOYMENT DISCRIMINATION

"Sec.
"801. Scope of chapter.
"802. Office of Employment Discrimination Complaints Resolution.
"803. Informal complaint resolution.
"804. Investigation of complaints.
"805. Final agency decision; hearings.
"806. Review of final agency decisions.
"807. Unlawful employment discrimination defined.

"§ 801. Scope of chapter

"(a) The procedures established in this chapter shall be implemented in a manner consistent with procedures applicable under regulations prescribed by the Equal Employment Opportunity Commission.

"(b) In the case of an employee of the Department who alleges that the employee has been subjected to unlawful employment discrimination (as defined in section 807 of this title), the allegation shall be considered under the procedures applicable to the Merit Systems Protection Board under title 5 (rather than under the procedures set forth in this chapter) if the action (or failure to act) of which the employee complains is an employment action or practice that is otherwise appealable to the Merit System Protection Board.

"(c) Nothing in this chapter supersedes—

"(1) the rights and remedies available to employees under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), including the rights and remedies provided in section 1977A of the Revised Statutes (42 U.S.C. 1981a); or

"(2) any right or obligation of an employee to elect (in lieu of procedures under this chapter) to raise an allegation of unlawful employment discrimination under grievance procedures established under a collective bargaining agreement.

"§ 802. Office of Employment Discrimination Complaints Resolution

"(a)(1) There is in the Department an Office of Employment Discrimination Complaints Resolution (hereinafter in this chapter referred to as the 'Office'), which shall be headed by a Director. The Director shall report only to the Secretary and Deputy Secretary.

"(2) Subject to the direction of the Secretary, the Director shall have sole responsibility within the Department for administering the procedures under this chapter for resolving complaints of unlawful employment discrimination arising within the Department.

"(3) In addition to the functions of the Director under paragraph (2), the Director shall perform such other functions as the Secretary may prescribe consistent with the functions of the Director under paragraph (2).

"(b) The Secretary shall employ within the Office administrative law judges appointed in accordance with section 3105 of title 5 for the purposes of this chapter and such other personnel as the Office may require. In appointing administrative law judges, the Secretary should consider the composition of the persons appointed, taken as a group, in terms of race, sex, and veterans status, compared with the composition of the total Department workforce in terms of race, sex, and veterans status.

"(c) The Secretary shall ensure that the Director is furnished sufficient resources to enable the Director to carry out the functions of the Office under this chapter in a timely manner.

"(d) The Secretary shall include in the documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year—

"(1) detailed information on the budget for the Office;

"(2) the Secretary's opinion as to whether the resources (including the number of employees) proposed in the budget for that fiscal year are adequate to enable the Secretary to comply with statutory and regulatory deadlines for the administration of the procedures under this chapter and other provisions of law relating to the resolution of complaints of unlawful employment discrimination involving the Department; and

"(3) a report on the activities of the Office during the preceding fiscal year, including (A) a statement of the number and nature of complaints of unlawful employment discrimination received and the number and nature of complaints resolved, and the results of any appellate review, during the year, (B) a description of the timeliness of the resolution of complaints during the year, and (C) a statement of significant decisions and trends affecting the work of the Office.

"(e)(1) The Director shall prescribe—

"(A) standards of timeliness for the expeditious resolution of complaints of unlawful employment discrimination under this chapter;

"(B) the qualifications and training requirements for employees of the Office;

"(C) requirements for record-keeping pertaining to counseling and investigations by employees of the Office; and

"(D) standards for the conduct of investigations under section 804 of this title.

"(2) Regulations under paragraph (1) shall be consistent with regulations prescribed by the Equal Employment Opportunity Commission, except that, in the interest of the expeditious resolution of complaints, the Director may prescribe shorter time periods with respect to any deadline or administrative period that is applicable only to the time within which the Government may (or is required to) act.

"§ 803. Informal complaint resolution

"Employees of the Office shall counsel employees of the Department and applicants for employment with the Department, who allege that they have been subject to unlawful employment discrimination by an officer or employee of the Department. The Office shall seek to resolve such complaints in an expeditious and impartial manner through informal investigation and conciliation using procedures prescribed by the Director.

§ 804. Investigation of complaints

"(a) If a complaint of unlawful employment discrimination is filed with the Department and the complaint is not resolved through the informal resolution process under section 803 of this title, the Director shall assign the complaint to an administrative law judge, who shall determine whether the complaint shall be accepted for investigation.

"(b)(1) The administrative law judge assigned to a complaint shall make such determination in accordance with regulations of the Equal Employment Opportunity Commission, except that if the administrative law judge determines that the complaint is without merit, the administrative law judge may determine that the complaint is not to be accepted for investigation.

"(2) A decision that a complaint is not to be accepted for investigation is a final agency decision of the matter.

"(c)(1) If the administrative law judge determines that the complaint is to be accepted, the Director shall promptly provide for an investigation of the complaint, which shall be carried out by employees of the Office (or by contract personnel acquired by the Director). The employee (or contractor) conducting the investigation shall submit to the Director a complete written report of the results if the investigation.

"(2) If a portion of a complaint is accepted for investigation and a portion is not accepted, the individual filing the complaint or the Department may request the administrative law judge to direct the suspension of the investigation of the portion of the complaint accepted for investigation pending the results of any review of the decision not to accept the other portion.

"(3) The Director shall furnish a copy of the investigative report (including a copy of the investigative file) to the administrative law judge, the individual who filed the complaint, and the Secretary. The administrative law judge may direct that an additional investigation be made if the administrative law judge determines that an additional investigation is warranted.

§ 805. Final agency decision; hearings

"(a) The final agency decision on a complaint of unlawful employment discrimination, in a case not resolved through informal procedures under section 803 of this title, shall be made by an administrative law judge.

"(b) The individual filing the complaint may request a hearing on the matter. Any such request shall be made in such time and manner as may be prescribed by the Director. The administrative law judge shall grant a request for a hearing unless, after giving appropriate notice and allowing an opportunity to respond to such notice, the administrative law judge determines that there is no genuine dispute as to a material fact.

"(c) If the administrative law judge grants a request of the individual filing the complaint for a hearing, the administrative law judge—

"(1) may conduct the hearing on the matter; or

"(2) may refer the matter for a hearing by a hearing examiner.

"(d) In any hearing under this section, the administrative law judge or hearing examiner presiding at the hearing shall have the authorities set forth in section 556(c) of title 5.

"§ 806. Review of final agency decisions

"(a) If the final agency decision in a case complaining of unlawful employment discrimination by an officer or employee of the Department is adverse to the individual filing the complaint, the individual may appeal the decision to the Equal Employment Opportunity Commission or may institute an action on the case in the appropriate United States district court, as provided by law.

"(b) If the final agency decision in such a case is adverse to the Department, the Secretary may appeal the decision to the Equal Employment Opportunity Commission. Any such appeal shall be made within 30 days after the date of the receipt by the Secretary of the decision. The Equal Employment Opportunity Commission may act on such an appeal in the same manner as in the case of an appeal by an individual against a final agency decision.

"§ 807. Unlawful employment discrimination defined

"For purposes of this chapter, the term 'unlawful employment discrimination' means any action, or failure to act, that is a violation of any of the following:

"(1) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

"(2) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

"(3) Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206).

"(4) Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).".

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part I of such title, are amended by inserting after the item relating to chapter 7 the following new item:

"8. Employment Discrimination .... 801".

SEC. 3. TRANSITION.

Chapter 8 of title 38, United States Code, as added by section 2, shall apply with respect to complaints of unlawful employment discrimination that are filed after the end of the six-month period beginning on the date of the enactment of this Act. Any complaint filed before the end of such period shall be resolved in accordance with the procedures in effect on the date of the enactment of this Act.

SEC. 4. WHISTLEBLOWER PROTECTION FOR TITLE 38 EMPLOYEES.

(a) IN GENERAL.—(1) Chapter 74 of title 38, United States Code, is amended by inserting at the end of subchapter V the following new section:

"§ 7465. Disclosures of violations of law, gross mismanagement, and certain other matters: protection of employees

"(a) The provision of section 2302(b)(8) of title 5 shall apply with respect to an employee, or applicant for employment, in a position covered by this chapter in the same manner as if that position were a 'covered position' within the meaning of section 2302(a)(2)(B) of title 5.

"(b) Subsection (a) shall apply for purposes of applying the provisions of subchapters II and III of chapter 12 of title 5 which relate to any authority to conduct investigations, or to seek or administer any corrective action, disciplinary action, or other remedy in connection with a prohibited personnel practice described in section 2302(b)(8) of such title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7464 the following new item:

"7465. Disclosures of violations of law, gross mismanagement, and certain other matters: protection of employees.".

(b) EFFECTIVE DATE.—(1) Subject to paragraph (2), section 7465 of title 38, United States Code, as added by subsection (a), shall apply with respect to personnel actions occurring before, on, or after the date of the enactment of this Act, but subject to any deadline for commencing any action for relief.

(2) Such section shall not affect any administrative proceeding pending on the date of the enactment of this Act, and order shall be issued in any such proceeding, and appeals shall be taken therefrom, as if such section had not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1032, the Department of Veterans Affairs Employment Discrimination Act, is an important first step in dealing with sexual harassment and other kinds of illegal employment discrimination in the Department of Veterans Affairs. The bill is cosponsored by almost all of the members of our committee and was ordered reported by a vote of 32–0.

This bill was introduced as a result of abuses uncovered at a hearing held last year by LANE EVANS and our Subcommittee on Oversight and Investigations. That hearing clearly established conflicts of interest in the current process. Another hearing was held by the full committee on March 30 and confirmed the deficiencies in the current system. H.R. 1032 is designed to correct these deficiencies.

I want to thank the gentleman from Illinois for conducting the first hearing and for his help in developing the bill now before the House.

I also want to thank the gentleman from Florida [Mr. BILIRAKIS] for his leadership and assistance.

Mr. EVANS will explain the bill more fully but, briefly, H.R. 1032 would:

First, establish an independent office in the Department of Veterans Affairs to handle all complaints of discrimination, including complaints of sexual harassment;

Second, assign a permanent staff of trained EEO counselors to the new Office of Employment Discrimination Complaints Resolution;

Third, assign a permanent staff of trained investigators to handle formal complaints; and

Fourth, assign independent and unbiased administrative law judges to, among other things, make final decisions on complaints, and allow a review of such decisions by the EEOC's Office of Federal Operations or by an appropriate Federal district court.

Madam Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. EVANS], chairman of the Subcommittee on Oversight and Investigations of the Committee on Veterans' Affairs, to explain this splendid bill.

□ 1310

Mr. EVANS. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, last September, the Subcommittee on Oversight and Investigations, which I am privileged to chair, conducted a hearing which examined sexual harassment in the VA workplace and VA's equal employment opportunity process.

I would like to thank both the distinguished gentlewoman from Indiana, JILL LONG, for requesting September's hearing and the distinguished gentlewoman from Colorado, PAT SCHROEDER, for her assistance and continued interest in this important issue.

During September's hearing, a number of very courageous VA employees, including victims of sexual harassment, testified before the subcommittee. The subcommittee learned about the problems they had experienced in the workplace and the flaws inherent in the EEO process. VA's EEO process not only failed to assist employees who had experienced employment discrimination, it worked against the victims while aiding the offenders.

Based in part on the record compiled by the subcommittee, H.R. 1032 was introduced by the distinguished gentleman from Mississippi, SONNY MONTGOMERY. This measure received the bipartisan support of the committee and was approved on April 1 by a unanimous vote. Accordingly, I would like to thank the gentleman from Arizona, BOB STUMP, and his colleagues on the other side of the aisle for their support of this measure.

As reported, this measure provides needed statutory reform of the EEO procedures used in the Department of Veterans Affairs.

H.R. 1032, the Department of Veterans Affairs Employment Discrimination Act, amends title 38, United States Code, to provide improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department. The bill adds a new chapter, chapter 8 employment discrimination, in title 38 United States Code to carry out the purpose of this legislation.

In summary, this legislation establishes an Office of Employment Discrimination Complaints Resolution within VA which is headed by a Director, appointed by the Secretary, who reports only to the Secretary and Deputy Secretary.

Currently EEO Program responsibility is scattered throughout VA; there is no meaningful VA EEO Program accountability. Under the bill, as reported, both the responsibility and accountability for resolving formal and informal employment discrimination complaints is centralized in the newly created Office.

The bill requires this Office to provide counseling to employees and job applicants who allege that they have been subject to unlawful employment discrimination—by an officer or employee of the Department. The Office is also directed to informally investigate and impartially and promptly attempt to informally resolve complaints of unlawful employment discrimination.

If a complaint cannot be resolved informally, it could be investigated formally by the Office in accordance with regulations of the U.S. Equal Employment Opportunity Commission.

A written report of the results of each formal investigation is required to be furnished to the Director, the complainant, the final agency decisionmaker, and the Secretary.

A complainant may also request a hearing. When this happens, a hearing will be conducted unless it is determined—by an administrative law judge—that there is no genuine issue in dispute.

Under this legislation, an administrative law judge employed by the Office will issue the final agency decision for formal complaints.

In appointing administrative law judges, the bill provides that the Secretary should consider the composition of those appointed, taken as a group, in terms of race, sex, and veteran status, compared with the composition of the total Department work force in terms of race, sex, and veteran status.

Complainants may appeal adverse final agency decisions to the U.S. Equal Employment Opportunity Commission or to a U.S. district court. Similarly, a final agency decision adverse to VA may be appealed by VA to the EEOC.

Under this bill, VA is also required to provide the Congress information on agency employment discrimination complaints, their resolution, and related matters.

As reported, H.R. 1032 requires that procedures established by VA under this act are to be implemented in a manner consistent with procedures applicable under regulations prescribed by the EEOC.

The bill further provides that nothing in the act supersedes the rights and remedies available to employees under title VII of the Civil Rights Act of 1964.

Section 4 of the bill extends to VA employees appointed under the authority of title 38, all whistleblower protections which have been provided to other Federal employees.

Because of the many serious flaws in VA's current EEO process, we cannot know the full extent or cost of VA employment discrimination, including workplace sexual harassment. We do know, however, that employment discrimination can be enormously costly to both dedicated VA employees and the VA as an employer. In addition, unlawful employment discrimination can jeopardize and seriously impair the timely provision of quality benefits and services to our Nation's veterans and their dependents.

Mr. STUMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 1032, a bipartisan bill which would provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination at the Department of Veterans Affairs [VA].

In the past year, serious incidents involving sexual harassment in the work place at VA hospitals have come to light. Some have involved supervisors and one involved a senior manager. Last September oversight hearings probed specific incidents and revealed a lack of employee confidence in the fairness and timeliness of VA's EEO system, as well as fears of reprisal. Although these cases have arisen at only a few hospitals, they have served to identify systemic weaknesses in the VA's EEO Program.

Chairman MONTGOMERY saw the need for an overhaul of VA's EEO system. Consequently, he developed and introduced H.R. 1032 in full consultation with the minority. I commend his early leadership on this important issue. While this legislation only pertains to EEO at the VA, the new approach which Chairman MONTGOMERY has outlined in his remarks could well become the model for the entire Federal Government.

The VA has already begun an effort to combat sexual harassment. To his credit, VA Secretary Jesse Brown has made a fine start in this respect, but it surprised me that the administration is opposed to H.R. 1032. At a recent committee hearing on the bill, Secretary Brown's explanations of the administration's reasons for opposition struck me as unpersuasive, and they appeared to perplex members on both sides of the aisle. He said the bill was unnecessary, but it goes considerably beyond the administrative actions taken at the VA. He said the bill would treat VA employees differently than other Federal employees, but in fact all Federal departments and agencies have considerable latitude today under law and regulation in establishing their own internal EEO mechanisms. And in fact, the bill has some features similar to the existing Department of Defense EEO system. Hopefully, the administration will reconsider its opposition to this well thought out approach.

H.R. 1032 is modest in cost at $3 million in fiscal year 1994 and at $4 million in the outyears. The funds would be drawn from existing funding for VA's general operating expenses. While normally the committee avoids placing new mandates on the VA without providing additional funding, these EEO problems must be addressed as soon as possible and we should not wait until new funding can be found.

Madam Speaker, the VA does good work for veterans and is a good place to work. If enacted, H.R. 1032 would help to make the VA an even better place to work. I urge my colleagues to support this bill.

Madam Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I am pleased to rise in support of H.R. 1023, the Department of Veterans Affairs Employment Discrimination Act. I would like to commend the distinguished chairman of the Veterans' Affairs Committee, the gentleman from Mississippi [Mr. MONTGOMERY], for introducing this fine legislation. I would also like to commend the ranking minority member of the committee, the gentleman from Arizona [Mr. STUMP], and the ranking subcommittee chairman, the gentleman from New Jersey [Mr. SMITH].

Madam Speaker, I am pleased to speak in support of H.R. 1032, legislation which establishes the Office of Employment Discrimination Complaints Resolution, within the Department of Veterans Affairs.

This independent Office will be charged with investigating and resolving complaints of employment discrimination, including accusations of sexual harassment. I believe this worthwhile legislation is a significant attempt to address a serious issue that challenges our Nation's workplace.

While the VA has taken appropriate steps to confront employment discrimination, more needs to be done. And, I believe that the Office of Employment Discrimination Complaints Resolution will do just that. Staffed with trained counselors and investigators, the Office will be able to provide prompt resolution and adjudication for each unique case. Specific provisions of H.R. 1032 include: Providing counseling to the victims of discrimination; requiring the appropriate investigation of all complaints. The Office will also be required to provide the complainant and the Secretary of the VA with a copy of the conclusions and the final decision of the investigation; and, will permit complainants the opportunity to request a hearing before an administrative law judge.

The Congressional Budget Office has estimated that the enactment of this legislation will cost $3 million in fiscal year 1994 and $4 million in each of fiscal years 1996–98. Since the funding for the Office will come from the Department's general operating expenses account, it will not affect direct spending.

Madam Speaker, I am pleased to support the Department of Veterans Affairs Employment Discrimination Act. And, I commend the fine work of the Veterans' Affairs Committee in confronting the challenges that face our Nation's veterans.

☐ 1320

Mr. MONTGOMERY. Madam Speaker, I yield 2 minutes to the gentlewoman from Indiana [Ms. LONG], a member of our committee.

Ms. LONG. Madam Speaker, I rise today in support of H.R. 1032, the Department of Veterans Affairs Employment Discrimination Act. Last September, the Subcommittee on Oversight and Investigations conducted a hearing which examined the issue of sexual harassment in the DVA workplace. In some of the most powerful testimony which I have ever heard, a number of DVA employees graphically depicted a pattern of sexual harassment and abuse which they were forced to endure. It became apparent to everyone who heard this moving testimony that the DVA had a problem which needed to be addressed. I believe that H.R. 1032, introduced by Chairman MONTGOMERY, represents a constructive effort to confront this serious problem.

Department of Veterans Affairs Secretary Jesse Brown, to his credit, forcefully addressed the problem of sexual harassment and discrimination in the DVA workplace from the moment he assumed his post. In reviewing the entire Equal Employment Opportunity Program at the Department, Secretary Brown has taken important steps to decentralize the processing of discrimination complaints and establish a requirement for a higher level review of all sexual harassment complaints. While I do not doubt Secretary Brown's commitment to eliminating sexual harassment and employment discrimination in the DVA workplace, I believe that the changes outlined in H.R. 1032 will only compliment Secretary Brown's initiatives.

H.R. 1032 would establish an independent office in the DVA to handle all complaints of discrimination, including complaints of sexual harassment. This legislation would also assign a permanent staff of trained equal employment opportunity counselors and investigators to the Office of Employment Discrimination Complaints Resolution to assist in the resolution of formal and informal discrimination complaints brought against the DVA. Third, H.R. 1032 would assign independent and unbiased administrative law judges to determine whether a complaint should be investigated, review the adequacy of investigations, conduct hearings, and make final decisions on complaints.

I have no illusions that the steps taken in this bill will entirely eliminate sexual harassment and employment discrimination in the DVA workplace. However, I am confident that without addressing this issue with tough-minded and serious legislation, these unacceptable attitudes will never change.

Mr. STUMP. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], the ranking member on the Subcommittee on Hospitals and Health Care.

Mr. SMITH of New Jersey. Madam Speaker, I rise today in strong and enthusiastic support of H.R. 1032, the Department of Veterans Affairs Employment Discrimination Act.

H.R. 1032 reflects the belated recognition by society at large of the corrosive effects of sexual harassment on the victim. Fortunately, H.R. 1032 also demonstrates the commitment of the House, and especially the Veterans' Affairs Committee, to take decisive action to eradicate this abusive behavior and its demoralizing consequences within the Department of Veterans Affairs.

As our committee examined the record of sexual harassment and employment discrimination in the VA, it became painfully clear that the VA's settlement procedures are inadequate and in need of a decisive legislative fix.

H.R. 1032 would: Create an independent office—Office of Employment Discrimination Complaints Resolution [OEDCR] in the VA to manage all employment discrimination and sexual harassment complaints; establish a specially trained staff of dedicated counselors to help resolve informal complaints; assign permanent investigators to OEDCR who will prepare reports on formal discrimination cases; appoint impartial administrative law judges who will conduct hearings and pass judgment on complaints; and provide for case review by the Equal Employment Opportunity Commission [EEOC] or Federal court.

Madam Speaker, I was deeply moved by the testimony of Donna Grabarczyk, a full-time health employee at Lyons Medical Center in New jersey who appeared before the Veterans' Committee last September.

Ms. Grabarczyk testified that she was sexually harassed both physically and verbally by the chief of fiscal services, C.W. Lewis. The abuse, she said, led to a "feeling of revulsion, violation, and helplessness." She said, "neither my immediate supervisor, Mr. Metaxas, nor the next level of supervision, Mr. Kidd, expressed any insight or concern about me." She was told that Mr. Lewis could not be fired even though other women testified that they too were harassed by this man. Her testimony is a disturbing insight into a flawed process that begs correction.

> Mr. Joe Spencer Norris, the most recent investigator, advised me that I should just accept the fact that I was the scapegoat, "that's the system" and I should "give it up."
>
> I can't believe that Mr. Norris's advice is in the best interest of the women throughout the VA who have been victims of sexual harassment. The VA's transfer of habitual harassers from station to station promotes their aberrant behavior. It also provides the harasser an opportunity to continue illegal actions in a new climate among unsuspecting women. Stringent remedies are needed to modify this behavior. Rewarding harassers with disability retirements instead of removal sends out the message of a VA-wide practice of condoning this behavior.

Adding injury to injury, both Ms. Grabarczyk and her coworker who helped collaborate her allegations say they were further victimized by retaliations and reprisals.

In testimony describing those reprisals, Donna Grabarczyk outlined the most basic and compelling justification for this legislation and in particular the witness protection provisions which we added to this measure in committee.

> Relating the reprisals I have received over the past two years would take far more space than I am allowed in this statement. They include: denial of leave requests and education, exclusion from meetings I had previously attended, reduction in duties, change in title and position description, lowering of performance evaluations, restrictions on how I performed my duties, detailing to Nursing Service, placement of newspaper ads for my job, [and] moving my office out of the Director's suite into a basement with only a desk, phone, and broken chair. These are just some of the actions that have been taken to subtly and systematically destroy my career.

Madam Speaker, I coauthored an amendment with Mr. EVANS at the full committee to ensure that VA employees are protected from retaliation by extension of the authority of title VII of the Civil Rights Act, which defines reprisals as an unlawful employment practice.

Our amendment declared that nothing in H.R. 1032 supersedes the rights and remedies available to employees under title VII of the Civil Rights Act of 1964. Section 2000e-3 offers protection for those who "made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing * * *.

Protection against reprisals was particularly necessary given the striking testimony of Mary Cavanaugh, a witness for Donna Grabarczyk at Lyons. She gave this chilling summation of her experience:

> I believe I was reassigned as an act of retaliation for the testimony I gave in an EEO investigation concerning the sexual harassment of my friend and coworker, Donna Grabarczyk * * *. I was told categorically that I was not to participate in any of my previous functions, and I was taken off all hospital functions. I was also informed I would not be attending a training conference I had already been scheduled to attend * * *. To me, the reassignment to Nursing was nothing but pure revenge for any testifying on behalf of Donna Grabarczyk.

Madam Speaker, concrete protection against reprisals is absolutely necessary to the sound operation of any dispute resolution procedure. I believe my amendment improved this bill by enhancing the confidence of those VA employees who may someday need the services provided by H.R. 1032. I am pleased that the amendment was unanimously endorsed by the committee.

I urge the House to approve H.R. 1032 without delay and to take this bold step toward rooting out sexual harassment in the Federal Government.

Madam Speaker, I do hope the Veterans' Administration, which has embarked upon some very necessary internal reforms, will reverse itself with regard to this specific legislation. Just so the membership knows very clearly, the administration is on record as opposed to this legislation.

I am persuaded, however, that as it passes today and as it passes overwhelmingly over on the Senate side, they will reconsider and the President will sign this bill.

Mr. STUMP. Madam Speaker, I yield 5 minutes of my time to the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the committee, and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. MONTGOMERY. Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY], who is a member of our committee.

Mr. KENNEDY. Madam Speaker, I thank the gentleman very much for yielding me this time.

Madam Speaker, I rise today in strong support of H.R. 1032, the Department of Veterans Affairs Employment and Discrimination Act of 1993.

First, I would like to thank the chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the chairman, the gentleman from Illinois [Mr. EVANS], for the hard and diligent work they have done to get to the root cause of this important and very disturbing issue.

Madam Speaker, the American people have been outraged by the recent sexual-harassment cases uncovered by the Department of Veterans Affairs, and rightfully so. As a member of the Committee on Veterans' Affairs, I have read and heard the painful and compelling accounts of the many women and many men who are employees who have been victimized by sexual harassment.

The testimony that we have heard before our committee has been some of the most compelling and, indeed, I think heartfelt and also harmful that we have ever heard before our committee. Not a single Federal employee or any employee, for that matter, should have to go through this terrible discrimination in the workplace.

Employees at the Department of Veterans Affairs provide an invaluable service to the veterans who have so honorably served this country, and each and every person on the VA staff is well deserving of the dignity that they have earned in the workplace.

I would like to take this opportunity to commend Secretary of Veterans Affairs Jesse Brown for the leadership he has shown in resolving sexual harassment within the VA. He has taken quick steps to address the problem in announcing a new policy of zero tolerance of sexual harassment and requiring that all VA employees attend 4 hours of sexual harassment lectures.

H.R. 1032 goes a step further by making this a formal VA policy enacting into law a badly needed procedure for improving and expediting employment discrimination claims which arise within the Department of Veterans Affairs by establishing an independent Office of Employment Discrimination

Complaints Resolution in the VA. The office is to be headed by a director who reports only to the Secretary and Deputy Secretary of Veterans Affairs. Through this independent office, VA employees and applicants for employment at the VA can seek fair, impartial resolution of employment distribution complaints.

Madam Speaker, sexual harassment cannot be tolerated anywhere, especially within our own Federal Government. Recent reports of the Tailhook incident in conjunction with those unveiled by the Department of Veterans Affairs are disturbing and unsettling, to say the least. These incidents only underscore the fact that sexual harassment is a serious, pervasive problem.

The Federal Government must set an example. We are taking a step in the right direction through the Department of Veterans Affairs Employment Discrimination Act, and I urge my colleagues to set the record straight for our Federal employees who provide such valuable services to our veterans by supporting this bill.

Again, I want to thank the chairman, the gentleman from Mississippi [Mr. MONTGOMERY], and the chairman, the gentleman from Illinois [Mr. EVANS], for their leadershp and look forward to continuing to work with them.

Mr. MONTGOMERY. Madam Speaker, I yield 3 minutes to the gentleman from California [Mr. FILNER], another member of our committee.

Mr. FILNER. Madam Speaker, the House of Representatives will vote today on H.R. 1032, legislation introduced by my distinguished colleague and esteemed chairman of the Committee on Veterans' Affairs, the gentleman from Mississippi—legislation to establish an independent office in the Department of Veterans Affairs to handle all complaints of discrimination, including complaints of sexual harassment. The efforts to pass this legislation are bipartisan.

I am most appreciative of the steps being taken by our new Secretary Jesse Brown toward his goal of totally eliminating discrimination and sexual harassment in the Department of Veterans Affairs.

This legislation will assist the Department in expediting complaints of unlawful employment discrimination and sexual harassment—by assigning a permanent staff of formally trained counselors, investigators, and unbiased administrative law judges to ferret out and deal with any problem situations that do occur. In addition, H.R. 1032 will remedy conflicts of interest that occur in the current process being used to resolve these complaints.

Testimony last year in a public hearing before the Subcommittee on Oversight and Investigations of the Committee on Veterans' Affairs, chaired by the distinguished gentleman from Illinois [Mr. EVANS] established a need for this fundamental reform. The subcommittee heard that "* * * in too many cases, a woman who complains of sexual harassment finds herself presenting a complaint to the * * * officer who is the very harasser of which she has complained."

Further, a review conducted by the VA Office of Inspector General reported that 25 percent of randomly selected employees were reluctant to file a complaint for fear of reprisal.

Yes, H.R. 1032 is needed. Employment discrimination can be very costly to the employee and employer. Employee victims of discrimination are likely to have higher rates of absenteeism, lower worker productivity, and increased turnover rates. Conscientious and dedicated employees who are victims of sexual harassment can become fearful and, in some cases, unable to work at all. The existence of any discrimination and harassment in the Department of Veterans Affairs reduces its effectiveness in accomplishing its mission of service to the Nation's veterans.

By raising to consciousness the zero-tolerance expectation of Secretary Brown and by putting into place a strong and effective system to deal with any violations of that expectation, the Department of Veterans Affairs could well become a model for the rest of our governmental departments in this regard.

I join with my colleagues of the Committee on Veterans' Affairs in asking for the support of the House of Representatives in the swift passage of this legislation.

□ 1330

Mr. MONTGOMERY. Madam Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ] a member of the Committee on Veterans' Affairs.

Mr. GUTIERREZ. Madam Speaker, I thank the chairman for yielding time to me.

Madam Speaker, it is a privilege to speak on behalf of legislation that makes sense and makes a difference.

In rising today in support of H.R. 1032, I am able to do just that.

As a newcomer to Washington, I am pleased to see that we can reinvent government. I am proud to see that Congress—when it choses—can bring change to a country that desperately needs and desires change.

I would like to first thank and commend those who have enabled us to bring this important bill to the floor today: The chairman of the Veterans' Affairs Committee, SONNY MONTGOMERY, who focused the attention and energy of the members of our committee on this work. My thanks go to him and to my colleague and friend from Illinois, LANE EVANS, who brought this urgent subject to light through hearings conducted by the Subcommittee on Oversight and Investigations—a panel on which I am pleased to serve in this Congress under his direction.

It is through their leadership that this bill enjoys not simply approval by our committee, but indeed bipartisan support.

With H.R. 1032, we have the unique opportunity to bring a Department of the Government into the present and prepare it for the future, after a long period where the status quo kept us from even imagining that such reform could be signed into law. We have the chance to place the VA at the forefront of an important issue and, therefore, to make the Department of Veterans Affairs a role-model for the Government and the Nation.

Perhaps there is a need for such reform throughout the Government as a whole. But for now, I am aware of no other committee—besides the Veterans' Committee—which can boast of such results on this crucial issue. So, for those who hope to give wider attention to this concern, let us begin here.

Let us remember—H.R. 1032 sends an important message. But, it does more than that, it brings about real change.

Whenever a new program is proposed, whenever change comes about, one inevitable question is the cost.

Yes, it will cost money to develop a program that will insure that employees' complaints receive the attention that they deserve. Fortunately, it is a small cost.

On the other hand, it is my belief and it is fact, that if nothing is done, it would be far more costly—because the VA will be forced to replace experienced, knowledgeable, dedicated employees who leave the Department if their complaints go unanswered and unresolved.

In fact, I would refer my colleagues to a recent survey of Fortune 500 companies. The survey found that sexual harassment costs our largest companies over $6 million per year in absenteeism, lower productivity, and employee turnover.

But, when measuring costs, let us not stop there. Let us always remember that the ultimate cost is the impact that such problems bring to bear on the quality of care that our veterans receive. Our veterans have earned the right to expect the best services that we give them. So why not enact legislation that improves the care that they deserve? Voting for H.R. 1032 will accomplish that.

And, if we should worry about any other kind of cost, let us worry about this one: The price that all Americans pay when any one of us feels that we count for less than any other person. That is the true and terrible cost of discrimination. And it is something—with the help of H.R. 1032—that we may be taking steps to finally eliminate.

As our President has reminded us: Our challenges are great. We need everyone's help. We cannot afford to leave out anyone who has the vision and energy to help us succeed.

Madam Speaker, I chose to become a member of the Committee on Veterans' Affairs with the hope that I could help honor the brave men and women who have honored all Americans with their courage.

I wish to honor those who returned home after service, and those who never returned.

In passing H.R. 1032, I believe that we all give honor to those brave men and women. Because this bill reminds us why they fought and served—because they believed in the idea of America: a country where individuals are valued based on their character, their work, and their thoughts, not on their gender, or race, or nationality.

They defended America because it is a free land—where people are free to become what they want—not what someone else says they are. Where a person is limited only by the scope of his or her goals, and not by the constraints that others impose through prejudice.

That is why they served us.

That is why I serve them today.

And that is why passage of H.R. 1032 will serve us all.

Mr. MONTGOMERY. Madam Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY], a former member of the Committee on Veterans' Affairs and who now chairs a subcommittee of the Committee on Post Office and Civil Service.

Mr. MCCLOSKEY. I thank the chairman for yielding this time to me.

Madam Speaker, I would like to commend Mr. MONTGOMERY and the Committee on Veterans' Affairs for their swift action to address egregious problems at the Department of Veterans Affairs. Their efforts on behalf of the employees of the Veterans' Administration are outstanding. The reports of sexual harassment at Veterans hospitals are alarming and disturbing. As chairman of the Subcommittee on Civil Service, it is my intention to address these problems throughout the Federal work force.

It is extremely important that all Federal employees receive the same rights and fair treatment regardless of which Agency employs them and I would hope that all in Congress agree. Piecemeal reform is not good public policy. The Subcommittee on Civil Service has legislation pending that would reform the Federal equal employment opportunity process. In the 102d Congress, the Federal Employee Fairness Act, H.R. 3613 was the subject of numerous hearings and was ultimately reported by the Post Office and Civil Service Committee.

Federal EEO reform is of the highest priority and I want to stress my commitment to working to correct problems in the system. I would like to assure you that I plan to conduct hearings on legislation to reform the Federal EEO process shortly, and I fully intend to address the needs of Veterans' employees. In all likelihood, any legislation that will be reported from my subcommittee will supersede the provisions of H.R. 1032. I welcome the veterans' committee's input into omnibus Federal EEO reform legislation.

Again, I commend Mr. MONTGOMERY and the Veterans' Committee for their hard work on this issue. It is a first step toward Federal EEO reform. I appreciate their thoughtful consideration of my concerns and work on behalf of Federal employees, and I look forward to working together.

Mr. MONTGOMERY. Madam Speaker, I thank the gentleman from Indiana for his remarks, and I thank the other Members who have spoken on this legislation also.

Madam Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. CLYBURN], who is also a member of the Committee on Veterans' Affairs.

Mr. CLYBURN. I thank the chairman for yielding this time to me.

I am pleased to stand in support of H.R. 1032 and wish to thank Chairman MONTGOMERY, the subcommittee chairman, Mr. EVANS, and Mr. STUMP for the hard work they have put forth on this legislation.

It is probably known to most Members of this body that I spent the last 18 years of my life implementing rules and regulations in the State of South Carolina having to do with sexual harassment and other ancillary issues. I believe that this legislation offers the Department of Veterans Affairs a tremendous opportunity to be a guiding light in the Federal service, in trying to remedy a problem that all of us wish we did not have.

I am pleased that we are doing this, and I hope that we can look forward to a future where all employees in the Federal sector will look to the Veterans' Administration with thanks for its guidance in dealing with these issues.

Mr. MONTGOMERY. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, as a result of an important hearing conducted last September by our Subcommittee on Oversight and Investigations, which examined sexual harassment in the VA workplace, the Veterans' Affairs Committee learned that real and potential conflicts of interest exist at every level of the process used today by VA to resolve complaints of unlawful employment discrimination.

The reforms provided in the legislation which is being considered today are intended to eliminate these conflicts-of-interest and provide fairness, objectivity and impartiality in the procedures used by the Department of Veterans Affairs to resolve employment discrimination complaints. Since the procedures used by other Federal agencies are not within the jurisdiction of the Committee on Veterans' Affairs, the legislation reported by our committee addresses only the procedures used by VA to resolve employment discrimination complaints.

Under current procedures, a VA employee or an applicant for VA employment who believes she or he has been subject to unlawful employment discrimination is required to seek out and consult with a VA equal employment opportunity counselor within prescribed time limits prior to filing a formal complaint of discrimination. After being contacted, the VA equal employment opportunity counselor is expected to inquire into the facts of the matter and attempt to foster an informal resolution of the perceived discrimination. In theory, through this process, acts of alleged employment discrimination may be brought for the first time to the attention of local facility managers who can aid in the informal resolution of alleged incidents of employment discrimination, including sexual harassment.

In VA, equal employment opportunity counselors are appointed by and serve at the pleasure of the local facility director, who also serves as the principal equal employment opportunity officer of the facility. In VA the responsibilities associated with being an equal employment opportunity counselor are collateral duties; they are in addition to the primary job responsibilities of the employee/counselor who is ordinarily a full-time VA employee.

Unfortunately, according to the testimony presented to the Committee by VA employees who were victims of sexual harassment in the VA workplace and information subsequently provided by the VA Office of Inspector General, at some facilities VA equal employment opportunity counselors—who are the initial point of contact for the persons who have experienced unlawful employment discrimination—have not been available to provide necessary counseling to discrimination victims, have not attempted to informally resolve alleged acts of discrimination, have discouraged employees from making a formal complaint of employment discrimination, and have not received adequate training in equal employment opportunity counseling.

By virtue of being appointed by and serving at the pleasure of local management, counselors are perceived by some employees as lacking objectively, impartiality and needed independence. As a result of this perception and employee fear of subtle or pronounced retaliation or reprisal by management if an informal or formal employees who may have experienced employment discrimination, including sexual harassment, have failed to contact an EEO counselor and report the alleged discrimination. Unfortunately, because employees have been scared silent in some cases and have taken no action to stop or prevent the unlawful employment discrimination which they experienced, other VA employees have subsequently been sexually harassed by the same offender.

While VA officials note that relatively few formal complaints of sexual harassment are actually made by employees, testimony given before the Veterans' Affairs Committee strongly suggests a serious problem which may be substantially underreported and underrecorded. In fact, VA today does not systematically maintain information on informal complaints of sexual harassment and recordkeeping on informal complaints is haphazard at best.

When a complaint of unlawful employment discrimination cannot be resolved to the satisfaction of the complainant, a formal complaint my be made to the Department. Again, in theory, formal complaints are expected to be rigorously and fairly investigated and the facts of the matter determined. But like VA EEO counselors, VA equal employment opportunity investigators, according to information presented to the Committee, have not received adequate training in the conduct of equal employment opportunity investigations, may not have acted with independence, objectivity and impartiality and may have discouraged complainants from continuing to pursue resolution of alleged employment discrimination.

Sexual harassment can be extremely costly to both the employee victim and the employer. Sexual harassment creates a hostile work environment and results in increased absenteeism, lower productivity and higher employee turnover. As a direct result of sexual harassment, conscientious, highly skilled, committed and capable employees can become fearful of the workplace and unable to perform their customary duties, and in some cases, may become unable to work at all.

Madam Speaker, in hearings on this legislation, the Secretary of Veterans Affairs advised us of the many things he is doing to combat illegal harassment and discrimination. Under his leadership, the agency is continuing a comprehensive program of employee education and awareness so that all VA employees are fully informed of the Department's standards of conduct, the unacceptability of behavior which constitutes sexual harassment and the consequences of this type of discrimination. In addition, internal reforms have been directed to make the complaints process more professional. But these changes, as welcome as they are, do not dispel the long-held belief of employees that voicing complaints will only lead to reprisal and retaliation.

All VA employees must be made aware of the opportunity to report and seek resolution of perceived unlawful employment discrimination. Only when employees are made fully aware of the opportunity for recourse and have confidence that fair, objective and impartial resolution is available to them, will they make full use of these procedures.

Sexual harassment must not be tolerated in the VA or any other department or agency of the Federal Government. With 260,000 employees, 57 percent of whom are women, VA is the Federal Government's second largest employer. It should be a model for other agencies and departments to emulate.

The goal of this legislation is to restore employee confidence in the integrity of the process used in VA to resolve complaints of unlawful employment discrimination. In my opinion, this is the needed medicine to effectively treat what appears to be a serious illness in the American workplace.

Madam Speaker, some have expressed concern that the bill only applies to the VA, and that there should be a national policy that applies to all departments and agencies. I would like to see a uniform national policy as well. But no one knows when the administration will propose such a policy or when this policy might become law.

We should not wait for a national policy to be implemented when we know something should be done now to make the process more fair for people who experience sexual harassment or other unlawful employment discrimination in the VA. As the sponsor of the bill, my position is, and I believe other members of the committee share this view, that we should proceed with this bill until a national policy is established. H.R. 1032 is supported by the Nurses Organization of Veterans Affairs, the DAV and the Vietnam Veterans of America. In addition, we have recently been advised that Federally Employed Women, the National Federation of Federal Employees, the National Treasury Employees Union, and the Washington Lawyers' Committee for Civil Rights Under Law are in favor of this measure.

Finally, I would like to thank the chairman of the Committee on Education and Labor, Mr. FORD, and the ranking minority member, Mr. GOODLING, and the chairman of the Committee on the Judiciary, Mr. BROOKS, and the ranking minority member, Mr. FISH, for their cooperation in assuring that the House could consider this measure in a timely manner.

I also want to thank the chairman of the Committee on Post Office and Civil Service, Mr. CLAY, and the ranking minority member, Mr. MYERS of Indiana, for their cooperation on this measure.

I think H.R. 1032 will strengthen the current process and I urge adoption of the bill.

□ 1340

Madam Speaker, we also have the blue sheets that fully explains this legislation. It is on the desk here. They will be here for the rest of the afternoon.

I think we have a wonderful bill here. This is a great first step, and I urge adoption of this bill.

Mr. STUMP. Madam Speaker, once more I would like to thank the chairman for his work, and that of the gentleman from Illinois [Mr. EVANS], the gentleman from South Carolina [Mr. CLYBURN], as well as the gentleman from New Jersey [Mr. SMITH] on my side of the aisle.

Ms. NORTON. Madam Speaker, the Department of Veterans Affairs Employment Discrimination Act, introduced by Chairman SONNY MONTGOMERY, is commendably directed at the well-documented problem of sexual discrimination at Veterans hospitals across the Nation. H.R. 1032, however, is only a first step. Discrimination in the Federal workplace exists not only at the Department of Veterans Affairs, but throughout the Federal Government and at all levels. The evidence shows that sexual harassment is especially widespread. However, discrimination in the Federal workplace affects not only female employees, but also reaches to race, religion, and ethnicity. Therefore, I am currently working closely with Congressman MATTHEW MARTINEZ on the Federal Employees Fairness Act, already introduced in the Senate by Senator JOHN GLENN. The Federal Employees Fairness Act will provide a Government-wide approach to addressing the problem of employment discrimination in the Federal workplace, including sexual harassment at the Department of Veterans Affairs, and it will also address all the other forms of employment discrimination.

As a former chair of the Equal Employment Opportunity Commission, I know well that H.R. 1032 strikes a much needed blow against employment discrimination. I know that this bill is intended only as a beginning. May I therefore also encourage all of this bill's supporters to join Congressman MARTINEZ and me in sponsoring the Federal Employees Fairness Act, which will address the problem of employment discrimination in the Federal workplace in a comprehensive fashion.

Mr. BILIRAKIS. Madam Speaker, first, let me take a moment to commend Chairman MONTGOMERY for his diligent work on this legislation. Harassment in the workplace is a serious matter which needs to be addressed.

The Department of Veterans Affairs is the second largest Federal agency with approximately 260,000 employees. Additionally, the VA's work force includes a large number of women and minorities. Given this diversity, it is important that all VA employees are treated fairly and with sensitivity in the workplace.

During the 102d Congress, the Veterans' Affairs Oversight and Investigations Subcommittee, on which I served as the ranking minority member, held a hearing on sexual harassment charges at the VA. Our hearing revealed among other things that the process in place at the VA for investigating sexual harassment complaints was seriously flawed.

Sexual harassment is a very serious matter. As we move toward greater equity in the workplace and in society, sexual harassment must be confronted and conquered. Everyone has the right to live and go to work without the fear of sexual harassment.

We owe female veterans and all female VA employees the assurance that we will not tolerate sexual harassment at any level and we will do everything within our power to help create an atmosphere where human beings are respected for their work and contributions to our system. We will tolerate nothing less.

As Members of Congress with oversight authority over VA programs, we must ensure that all discrimination and sexual harassment complaints filed with the VA are handled in an appropriate and expeditious manner.

I urge my colleagues to support H.R. 1032.

Mr. STUMP. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MONTGOMERY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. SCHROEDER). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 1032, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REPORT UNDER IEEPA COVERING 6-MONTH PERIOD FROM OCTOBER 1, 1992, TO MARCH 31, 1993—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 103-80)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

1. On September 30, 1990, in Executive Order No. 12730, President Bush declared a national emergency under the International Emergency Economic Powers Act ("IEEPA") (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security and foreign policy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), and the system of controls maintained under that Act. In that order, the President continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, Executive Order No. 12214 of May 2, 1980, and Executive Order No. 12131 of May 4, 1979, as amended by Executive Order No. 12551 of February 21, 1986.

2. President Bush issued Executive Order No. 12730 pursuant to the authority vested in him as President by the Constitution and laws of the United States, including IEEPA, the National Emergencies Act (NEA) (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. At that time, the President also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the NEA requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. This report, covering the 6-month period from October 1, 1992, to March 31, 1993, is submitted in compliance with these requirements.

3. Since the issuance of Executive Order No. 12730, the Department of Commerce has continued to administer and enforce the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12730 to those required under the Export Administration Act, insofar as appropriate.

4. Since the last report to the Congress, there have been several significant developments in the area of export controls:

—United States Government experts have continued their efforts to implement and strengthen export control systems, including pre-license inspections and post-shipment verifications, in the nations of Central Europe and the former Soviet Union—notably Belarus, Bulgaria, the Czech Republic, Hungary, Kazakhstan, Poland, Romania, Russia, the Slovak Republic, and Ukraine, as they continue their progress towards democracy and market economies. We anticipate that these developments will facilitate enhanced trade in high-technology items and other commodities in the region, while helping to prevent unauthorized shipments or uses of such items. A key element of these efforts continues to be the prevention of proliferation of weapons of mass destruction and corresponding technology.

—Working diligently with our Coordinating Committee (COCOM) partners to expand export control cooperation with the newly developing democracies of Central Europe and the former Soviet Union and to streamline multilateral national security controls, we are pleased to report the following important developments:

—In their November 1992 High-Level Meeting, the COCOM partners took action to significantly liberalize export controls on certain telecommunications exports to the newly independent states (NIS) of the former Soviet Union and other Central European nations, which should facilitate rapid and reliable telecommunications between these nations and the West, as well as modern, cost-effective domestic telecommunications systems. This action was soon thereafter reflected in corresponding amendments to the Export Administration Regulation. (57 F.R. 61259, December 24, 1992.)

—Also in November, at the first High-Level "COCOM Cooperation Forum" (CCF) Meeting, which included the 17 members of COCOM, most of the newly independent states of the former Soviet Union (NIS), and other Central European nations, the United States announced an $11 million technical assistance package to assist in the elimination of nuclear arms, enhanced nonproliferation efforts, and export control development. The United States, in cooperation with the CCF, hopes to engage these nations in further establishing controls for trade in sensitive goods and technologies, and to provide an impetus for wider access by those countries to controlled items.

—In the first 2 months of 1993, as a result of Bulgarian and Romanian commitments to undertake the establishment of effective export control systems, COCOM agreed to provide favorable consideration treatment for exports of strategic items to those countries. The Commerce Department is amending its regulations to reflect this development.

—We are also continuing our efforts to address the threat to the national security and foreign policy interests of the United States posed by the spread of weapons of mass destruction and missile delivery systems. As such, we continue to work with our major trading partners to strengthen export controls over goods, technology, and other forms of assistance that can contribute to the spread of nuclear, chemical, and biological weapons and missile systems;

—As of December 1992, the Australia Group (AG), a consortium of nations that seeks to prevent the proliferation of chemical and biological weapons (CBW), increased its membership to 24, with the admission of Iceland and Sweden in 1991 and Argentina and Hungary in 1992. In addition, the delegates agreed to increase from 50 to 54 the number of precursor chemicals subject to control and to adopt a common list of controlled biological items. The Commerce Department published a rule implementing these measures. (57 F.R. 60122, December 18, 1992.) As of December 1992, the delegates also agreed to a refined common control list of dual-use biological equipment. The Commerce Department is in the process of publishing a rule reflecting the changes to conform the U.S. list to the AG list.

—The United States was also a key participant in the Chemical Weapons Convention (CWC) negotiations in Geneva, Switzerland. On September 3, 1992, the Conference on Disarmament, which drafted the CWC, forwarded to the United Nations General Assembly a draft CWC, which includes a prohibition on the development, production, acquisition, stockpiling, use, or transfer of chemical weapons, as well as provides for destruction of chemical weapons production facilities and stockpiles. The Convention opened for signing in January of this year. The United States strongly supports these provisions and is working to implement them in harmony with our laws.

—In December 1992, the 27-nation Nuclear Suppliers Group (NSG), in which the United States participates, continued its discussions on nuclear-related dual-use controls. The NSG list is similar to the nuclear referral list currently administered by the Department of Commerce. The Department is working to publish a rule to conform the U.S. list with the NSG list. Also in December 1992, the NSG members agreed to procedures intended to standardize and improve the exchange of information among members.

—At the March plenary session in Canberra, the Missile Technology Control Regime (MTCR) members welcomed Iceland as the newest partner, bringing the total membership to 23 nations. Argentina and Hungary were also accepted as members, subject to final arrangements agreed to by the MTCR partners. A licensing and enforcement officers conference will be held in June 1993 to provide an information exchange forum for all partners on implementation of the new extended Guidelines, which now cover missiles capable of delivering all weapons of mass destruction. Previously, the regime covered only missiles capable of delivering nuclear weapons. The future of the MTCR is likely to be a main agenda item for the next plenary session to be held in November 1993.

—In the area of supercomputers, in 1991 the United States established a supercomputer safeguard regime with Japan. Since that time both countries have negotiated with European suppliers to expand this regime. Issues discussed at the March 1993 London meeting include the development of a common licensing policy and security safeguards.

—Finally, we continue to enforce export controls vigorously. The export control provisions of the Export Administration Regulations are enforced jointly by the Commerce Department's Office of Export Enforcement and the U.S. Customs Service. Both of these agencies investigate allegations and, where appropriate, refer them for criminal prosecution by the Justice Department. Additionally, the Commerce Department has continued its practice of imposing significant administrative sanctions for violations, including civil penalties and denial of export privileges.

—Commerce's Office of Export Enforcement (OEE) has continued its vital preventive programs such as pre-license checks and post-shipment verifications, export license review, and on-site verification visits by teams of enforcement officers in many countries. The OEE has also continued its outreach to the business community to assist exporters with their compliance programs and to solicit their help in OEE's enforcement effort. The OEE further continued its well-received Business Executive Enforcement Team (BEET) to enhance interaction between the regulators and the regulated.

—During this 6-month reporting period, OEE has continued its new program—the Strategic and Nonproliferation Enforcement Program (SNEP)—which targets critical enforcement resources on exports to countries of concern in the Middle East and elsewhere.

—Two particularly important enforcement efforts during the past 6 months in which OEE was involved resulted in the arrest and indictment of several individuals, including several foreign nationals. In one case, OEE special agents arrested an Iranian national, Reza Zandian, and an American citizen, Charles Regar, on charges that they conspired and attempted to export a computer to Iran without the required validated license. The computer, valued in excess of $2 million, was seized by the Commerce Department. The Department of Justice will seek forfeiture of the computer to the United States. In another case, a British citizen doing business in South Africa, David Brownhill, was arrested and charged with attempting to export polygraph and thermal imaging system equipment to South Africa without authorization. Both of these cases are currently pending trial.

—In the last 6 months, the Commerce Department has also continued to enforce the antiboycott law vigorously. The Office of Antiboycott Compliance (OAC) maintains 30 full-time staff positions, and OAC has doubled the level of civil penalties it seeks to impose within the statutory $10,000 per violation maximum. The total dollar amount of civil penalties imposed in fiscal year 1992 approaches $2,109,000, the second largest amount in the history of the program. This amount includes a civil penalty of $444,000 imposed in the first case alleging both antiboycott and export control violations.

—One particularly significant antiboycott compliance case was recently concluded by an order of February 11, 1993. Under that order, William Hardimon was assessed a civil penalty of $54,000, and his export privileges were denied for 6 months. Hardimon allegedly refused to do business with another person in order to comply with an illegal Saudi Arabian requirement, complied with an illegal Kuwaiti boycott request, and failed to report the receipt of the boycott requests.

5. The expenses incurred by the Federal Government in the 6-month period from October 1, 1992, to March 31, 1993, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $17,897,000, most of which represents program operating costs, wage and salary costs for Federal personnel, and overhead expenses.

WILLIAM J. CLINTON.

The WHITE HOUSE, *April 27, 1993.*

BIPARTISAN HERITAGE OF EXPEDITED RESCISSION LEGISLATION

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Madam Speaker, I am surprised and truly disheartened by the partisan nature of the recent debate over expedited rescission legislation because this issue has a long history of bipartisan support. I am baffled by Members on the other side of the aisle who for years have actively promoted legislation weaker than our current H.R. 1578 but now are opposing this more fiscally responsible and politically feasible bill.

Starting in 1985 with Senator Dan Quayle, continuing with a Dick Armey amendment in 1987, and followed by the Armey-Johnson Current Level Rescission Act, Republicans have been involved from the earliest days in expedited rescission legislation requiring a majority vote in Congress to override the rescissions. In 1989, a bipartisan group including DICK ARMEY, Tom Carper, TIM JOHNSON, Lynn Martin, Bill Frenzel, and DAN GLICKMAN came together in search of a constructive approach with improved odds for enactment. After input from GERALD SOLOMON, HARRIS FAWELL, and others, that bill passed the House late last year with nearly unanimous support from Republicans.

After the Senate's failure to act, this year we in the House again made changes in the bill to address concerns of Members on both sides of the aisle. Any objective observer would conclude that these refinements have strengthened the bill.

Some claim that expedited rescission is a partisan plot by Democrats to weaken and steal the issue of line-item veto from Republicans. An honest look at history proves that this initiative has always relied on bipartisan support for its success and only this year has either side attempted to play games with this far-too-rare opportunity to enact real change.

I submit for the RECORD a more complete history of expedited rescission legislation.

I urge my colleagues on both sides of the aisle to give the American people a reason to feel good about their Government by refusing to engage in petty partisanship and by passing expedited rescission legislation.

SELECTED QUOTES ON EXPEDITED RESCISSION

Senator Dan Quayle in an opinion editorial in the Wall Street Journal on January 29, 1985, regarding expedited rescission legislation that he had introduced:

"I have introduced an initiative (to) allow a rescission of spending authority to be enacted should the President and a majority of both houses agree to it. Without making any changes in the constitutional balance of powers, my proposal would guarantee congressional action on presidential proposals to reduce or eliminate spending . . . (it is) a common sense tool that the president and Congress should have at their disposal to restrain unnecessary and excessive federal spending."

Rep. Dick Armey in a "Dear Colleague" letter dated November 2, 1987 asking for support of his amendment that would allow the President to rescind items in the Continuing Resolution, subject to majority override:

"Enhanced rescission legislation will involve the Administration and the Congress in a meaningful deficit reduction process in a manner that ensures both institution's prerogatives are protected."

Rep. Gerald Solomon during a debate on the House floor on July 30, 1992, in support of his effort to make in order an amendment to grant the President expedited rescission authority:

"If we defeat the previous question, I will offer the Carper line-item rescission amendment that simply requires Congress to vote up or down on the President's request not to spend the money. This requires only a simple majority vote . . . For those of you who really believe in the line-item veto, we have reached a tremendous compromise here that you can vote for. It should be something that this House can support overwhelmingly."

Rep. Harris Fawell during debate on the House floor (October 2, 1992) on H.R. 2164, expedited rescission legislation passed by the House:

"This bill is at least the first step of a 1,000 mile journey toward hopefully someday being able to balance the federal budget."

Statement of (Bush) Administration Policy issued by the Office of Management and Budget on October 2, 1992 regarding H.R. 2164:

"Enactment of H.R. 2164 would temporarily increase congressional accountability for 'pork barrel' spending in the appropriations process."

REPUBLICAN SUPPORT FOR EXPEDITED RESCISSION

99TH CONGRESS

Bills introduced

S. Con. Res. 65—The Porkbusters Resolution of 1985. Introduced by Senator Dan Quayle (R–IN) on September 17, 1985. Required Congress to vote on resolutions approving Presidential rescissions by a majority vote within fifteen days after the rescission was submitted.

H.R. 3675—a bill providing the President with modified rescission authority while preserving the authority of Congress in the budget process. Introduced by Rep. Ralph Regula (R–OH) on November 1, 1985. Required Congressional votes on Presidential rescissions within 45 days.

Floor consideration

On September 19, 1985, Senator Quayle offered the text of S. Con. Res. 65 as an amendment to the Omnibus Reconciliation Act of 1986. The amendment was ruled non-germane and defeated on a procedural motion of 34–62.

100TH CONGRESS

Bills introduced

S. Con. Res. 16—a bill providing for expedited consideration of a bill or joint resolution approving a Presidential rescission. Introduced by Senator Quayle on February 5, 1987. The bill was cosponsored by two Republicans. (See attached statement in Congressional Record)

H. Con. Res. 119—similar to S. Con. Res. 16. Introduced by Rep. Lynn Martin (R–NY) on May 8, 1987. Cosponsored by 15 Republicans.

H.R. 3129—Line-item Rescission Act of 1987. Introduced by Rep. Tim Johnson (D–SD) on August 6, 1987. Cosponsored by 20 Republicans, including Rep. Gerald Solomon (R–NY) and Rep. Dan Coats (R–IN). (See attached Dear Colleague signed by Johnson, Solomon and others)

Floor consideration

Rep. Dick Armey (R–TX) attempted to add on amendment to the FY88 Long-term Continuing Resolution granting the President enhanced rescission authority over funds included in the CR. Under the amendment, a simple majority of Congress could overturn the rescission. The effort was unsuccessful. (See attached Dear Colleagues and floor statement).

Notable quotes

Senator Dan Quayle (February 5, 1987, S3136 Congressional Record):

"The Pork-Buster Resolution is based on a simple, fundamental premise. Before the taxpayers' money can be spent, the President and a majority of both the Senate and the House of Representatives should be required to agree those funds should be spent. Congress should be made—and held—accountable to the American people on rescissions that a President believes are appropriate. By using the rulemaking power of each House, the Pork-Buster Resolution would require expedited consideration of Presidential rescission messages."

Rep. Dick Armey (Dear Colleague dated November 2, 1987):

"Enhanced rescission authority will involve the Administration and the Congress in a meaningful deficit reduction process in a manner that ensures both institution's prerogatives are protected."

Rep. Dick Armey (November 5, 1987, H30961 Congressional Record):

"I will go to the Rules Committee and I will request a rule that will allow me to amend that long-term continuing resolution to include in it enhanced rescission authority that would allow the President to examine that large omnibus spending bill line item by line item and make line-item vetoes, as it were, with a simple majority override capacity remaining for the House."

101ST CONGRESS

Bills introduced

H.R. 235—Line-item Rescission Act of 1989. Introduced by Rep. Tim Johnson (D–SD) on January 3, 1989. Cosponsored by 9 Republicans.

H.R. 962—Current Level Rescission Act of 1989. Introduced by Rep. Dick Armey on February 9, 1989 and cosponsored by 105 Republicans. Provided for expedited consideration of Presidential rescissions if the rescission did not reduce any program below its prior-year level. (See attached opinion editorial authored by Armey and Johnson)

H.R. 3800—a bill providing for expedited consideration of certain Presidential rescission. Introduced by Rep. Tom Carper (D–DE) along with Reps. Armey, Johnson, Martin, Dan Glickman (D–KN), Bill Frenzel (R–MN) and others as a bi-partisan consensus expedited rescission bill on November 21, 1987. Cosponsored by 65 Republicans. (See attached Dear Colleague signed by 8 Democrats and 7 Republicans)

Notable quotes

Rep. Dick Armey and Rep. Tim Johnson (Dear Colleague dated March 1, 1989):

"The Current Level Enhanced Rescission Act is a realistic, rational proposal that protects Congress' own spending priorities and restores the President's role in fighting the deficit."

102D CONGRESS

Bills introduced

H.R. 2164—a bill providing for expedited consideration of certain Presidential rescissions. Introduced by Rep. Carper on May 1, 1991. Cosponsored by 108 Republicans. Required votes in Congress on Presidential rescissions within ten days of their submission. Limited the amount that the President could rescind authorized programs to 25%. Established the new procedure for two years. (See attached Dear Colleague)

H.R. 5700—Expedited Consideration of Proposed Rescissions Act of 1992. Introduced by Rep. Solomon on July 28, 1992. Identical to H.R. 2164 except that it eliminated the distinction between authorized and unauthorized programs included in H.R. 2164.

Floor consideration

July 30, 1992—Rep. Solomon attempted to defeat the previous question on the Commerce, Justice and State Appropriations bill so that he could offer a motion to make in order what he described as "a slightly different line-item veto rescission amendment" which consisted of the text of his expedited rescission bill. Reps. Bob McEwan (R-OH), David Drier (R-CA), John Duncan (R-TN) and Bob Walker (R-PA) spoke in support of Solomon's motion. The effort failed on a vote of 240–176.

October 3, 1992—The House passed H.R. 2164, the expedited rescission bill introduced by Rep. Tom Carper, by a vote of 312–197. It was supported by 154 of 159 Republicans voting.

Notable quotes

Rep. Dick Armey (May 5, Rules Committee Hearing on H.R. 4990):

"I think the President's authority should be enhanced, perhaps enhanced in the way Mr. Solomon suggests, but even enhancing it a little bit in the way Mr. Carper will later recommend. That would be an improvement."

Rep. Harris Fawell (R-IL) (May 5, Rules Committee Hearing):

"When Tom Carper comes up in reference to his enhanced rescission bill, it isn't everything I would want, but I could support it. It does valuable things. It moves us down the road."

Rep. Jerry Solomon (May 7, 1992, H3029 Congressional Record):

"We moved to make in order an amendment by Mr. Carper, a Democrat, and Mr. Stenholm, a Democrat, to provide for expedited rescission procedures for the next two years, similar in concept to my line item veto bill, but watered down considerably. Still, it is a strong step in the right direction."

Rep. Bob McEwan (July 30, 1992, H6988 Congressional Record):

"The Solomon amendment would mandate that Congress consider legislation approving the President's rescissions within twenty days. If either House fails to pass the bill, then the money would be obligated. Mr. Speaker, in the name of fiscal responsibility, the House must be given the opportunity to at least consider the Solomon amendment."

Rep. Jerry Solomon (July 30, 1992, H6992 Congressional Record):

"If we defeat the previous question, I will offer the Carper line-item rescission amendment that simply requires Congress to vote up or down on the President's request not to spend the money. This requires only a simple majority vote."

Rep. Jerry Solomon (July 30, 1992, H6992 Congressional Record):

"For those of you who really believe in the line-item veto, we have reached a tremendous compromise here that you can vote for. It should be something that this House can support overwhelmingly on both sides of the aisle."

Rep. Harris Fawell (October 2, 1992, H10811 Congressional Record):

"(H.R. 2164) is at least the first step of a 1,000 mile journey toward hopefully someday being able to balance the federal budget."

Rep. Jerry Solomon (October 2, 1992 H10813 Congressional Record):

"I favor the bill before us today (H.R. 2164) because it is an improvement over the current rescission process * * *. It is a step in the right direction."

DEMOCRATS WILL REDUCE THE NATIONAL DEBT

(Mr. BARLOW asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include therein extraneous material.)

Mr. BARLOW. Madam Speaker, in the last election the American people voted against gridlock: specifically, gridlock of a Republican Party; more specifically, gridlock of a Republican Party when it is in the Presidency.

Now, do not say to me, "Well, the gridlock was because we had a Republican President and a Democratic Congress, and he couldn't move his program through a Democratic Congress."

Madam Speaker, here is the record of what Republicans in the last 12 years sent to the Hill: deficits every year, and the documents they sent to the Hill that have increased our national debt by over $3 trillion.

Madam Speaker, the first big economic improvement that President Clinton delivered has been a drop in interest rates because he has focused us on the problems of our budget and our national debt. For each 1-percent drop in interest rates, $50 billion is being delivered in improvements to the American people.

The Democratic Party is going to lead us to a balanced budget, and then it is going to reduce our national debt.

Madam Speaker, for the RECORD I include the figures I referred to earlier.

[In billions of dollars]

	Budget sent to Hill by Reagan/Bush	1st budget resolution reported by Senate/House conference	Actual annual deficit total
1981	2.2	0.2	79.0
1982	61.7	37.6	128.0
1983	107.2	103.9	207.8
1984	202.8	171.6	185.4
1985	195.2	181.2	212.3
1986	180.0	171.9	221.2
1987	143.6	142.6	149.8
1988	107.8	108.0	155.2
1989	129.5	135.3	152.5
1990	91.1	99.7	221.4
1991	63.1	64.0	269.5
1992	280.9	278.8	290.2
1993	349.9	326.6	310.0

Note.—Numbers verified by Congressional Budget Office and the Congressional Research Service.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. STUMP) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 60 minutes, on April 29.

(The following Members (at the request of Mr. MCNULTY) to revise and extend his remarks and include extraneous material:)

Mr. HOAGLAND, for 5 minutes, today.

Mr. REYNOLDS, for 5 minutes, on April 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STUMP) and to include extraneous matter:)

Mr. PORTER.
Mr. SCHAEFER.
Mr. HUNTER.
Mr. BEREUTER.
Mr. HYDE.
Mrs. MORELLA.
Mr. THOMAS of Wyoming.

(The following Members (at the request of Mr. MCNULTY) and to include extraneous matter:)

Mr. LEVIN.
Mr. LANTOS in two instances.
Mr. WAXMAN in two instances.
Miss COLLINS of Michigan.
Mr. RICHARDSON.
Mr. TORRES.
Mrs. KENNELLY.
Mr. BONIOR.
Mr. VENTO.
Mr. BRYANT.
Mr. DOOLEY.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolutions of the House of the following titles:

On February 5, 1993:

H.R. 1. An act to grant family and temporary medical leave under certain circumstances.

On February 18, 1993:

H.J. Res. 101. A joint resolution to designate February 21 through February 27, 1993, as "National FFA Organization Awareness Week".

On March 4, 1993:

H.R. 920. An act to extend the emergency unemployment program, and for other purposes.

On March 17, 1993:

H.R. 750. An act to extend the Export Administration Act of 1979 and to authorize appropriations under that act for fiscal years 1993 and 1994.

On March 26, 1993:

H.R. 904. An act to amend the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 with respect to the establishment of the national Commission to ensure a strong competitive airline industry.

On March 31, 1993:

H.J. Res. 150. A joint resolution designating April 2, 1993, as "Education and Sharing Day, U.S.A.".

On April 5, 1993:

H.J. Res. 156: A joint resolution concerning the dedication of the United States Holocaust Memorial Museum.

H.R. 239: An act to amend the Stock Raising Homestead Act to resolve certain problems regarding subsurface estates, and for other purposes.

On April 6, 1993:

H.R. 1430: An act to provide for a temporary increase in the public debt limit.

On April 22, 1993:

H.R. 1335: An act making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

ADJOURNMENT

Mr. McNulty. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 28, 1993, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1107. A communication from the President of the United States, transmitting an amendment to the fiscal year 1994 request for appropriations for the Department of the Interior, pursuant to 31 U.S.C. 1107 (H. Doc. No. 103–78); to the Committee on Appropriations and ordered to be printed.

1108. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's fourth special impoundment message for fiscal year 1993, pursuant to 2 U.S.C. 685 (H. Doc. No. 103–79); to the Committee on Appropriations and ordered to be printed.

1109. A letter from the Secretary, Department of Labor, transmitting a report on the impact of section 6 of the Fair Labor Standards Amendments of 1989, pursuant to Public Law 101–157, section 6(i) (103 Stat. 944); to the Committee on Education and Labor.

1110. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Argentina for defense articles and services (Transmittal No. 93–11), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

1111. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Pamela Harriman, of Virginia, to be Ambassador to France, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1112. A letter from the President, Inter-American Foundation, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1969 to authorize appropriations for fiscal years 1994 and 1995 for the Inter-American Foundation; to the Committee on Foreign Affairs.

1113. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

1114. A letter from the Director, Office of Government Ethics, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1115. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting the PBGC's second management report, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

1116. A letter from the Solicitor, United States Commission on Civil Rights, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1117. A letter from the Chairman, Federal Election Commission, transmitting the Commission's report on the Presidential Public Funding Program; to the Committee on House Administration.

1118. A letter from the Assistant Secretary of the Interior, transmitting the "High Plains States Groundwater Demonstration Program 1992 Interim Report," pursuant to 43 U.S.C. 390g–2(c)(2); to the Committee on Natural Resources.

1119. A letter from the United States Trade Representative, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1994 and 1995 for the Office of the United States Trade Representative; to the Committee on Ways and means.

1120. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on proliferation of missiles and essential components of nuclear, biological, and chemical weapons, pursuant to 22 U.S.C. 2751 note; jointly, to the Committee on Armed Services and Foreign Affairs.

1121. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a report on the Strategic Environmental Research and Development Program, pursuant to Public Law 101–510, section 1801(a) (104 Stat. 1755); jointly, to the Committee on Armed Services and Science, Space, and Technology.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARMEY (for himself, Mr. Cox, Mr. Kyl, Mr. Gallo, and Mr. Boucher):

H.R. 1863. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to education savings accounts and to provide that amounts paid from such an account for educational expenses shall never be subject to income tax; to the Committee on Ways and Means.

By Mr. BUNNING (for himself, Mr. Hastert, Mr. Wise, Mr. Smith of New Jersey, Mr. McHugh, Mr. Shaw, Mr. Hancock, Mr. Ballenger, Mr. Fawell, Mr. Spence, Mr. Boehner, Mr. Sensenbrenner, Mr. Gingrich, Mr. Solomon, Ms. Fowler, and Mr. Mollohan):

H.R. 1864. A bill to establish the Social Security Administration as an independent agency; to the Committee on Ways and Means.

By Mr. MINETA (for himself, Mr. Shuster, Mr. Applegate, and Mr. Boehlert):

H.R. 1865. A bill to direct the Administrator of the Environmental Protection Agency to make grants to States for the purposes of financing the construction, rehabilitation, and improvement of water supply systems, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. de LUGO:

H.R. 1866. A bill to amend the Harmonized Tariff Schedule of the United States to make permanent certain provisions relating to verification of wages and issuance of duty refund certificates to insure producers in the U.S. Virgin Islands, Guam, and American Samoa; to the Committee on Ways and Means.

By Mr. DOOLEY (for himself, Mr. Condit, Mr. Smith of Oregon, Ms. Long, Mr. Boehner, Mr. Emerson, Mr. Ewing, Mr. Doolittle, Mr. Canady, Mr. Lewis of Florida, and Mr. Gunderson):

H.R. 1867. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to public health pesticides; to the Committee on Agriculture.

By Mr. HUNTER:

H.R. 1868. A bill to prohibit the lifting of the United States embargo of Vietnam; to the Committee on Foreign Affairs.

By Mrs. KENNELLY:

H.R. 1869. A bill relating to the tariff treatment of paintings imported for the use of any public library, and other public institution, or any nonprofit institution established for educational, scientific, literary, or philosophical purposes, or for the encouragement of the fine arts; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 1870. A bill to strengthen the competitiveness of the U.S. motor vehicle sector by crating a Motor Vehicle Industry Competitiveness Commission; jointly, to the Committees on Ways and Means, Energy and Commerce, Foreign Affairs, and Judiciary.

By Mr. SMITH of New Jersey:

H.R. 1871. A bill to direct the Secretary of Veterans Affairs to report to Congress on the long-term needs of veterans in the state of New Jersey for nursing home care and on the feasibility of providing a State home construction grant to that State to assist in the construction of a new nursing home in central New Jersey to meet the nursing home needs of veterans; to the Committee on Veterans' Affairs.

By Mr. THOMAS of Wyoming:

H.R. 1872. A bill to provide flexibility in education; to the Committee on Education and Labor.

By Mr. WAXMAN (for himself, Mr. Berman, Mr. Frank of Massachusetts, Mr. Schumer, and Mr. Gilman):

H.R. 1873. A bill to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need; to the Committee on Government Operations.

By Mr. SCHAEFER (for himself and Mr. Vento):

H.J. Res. 186. Joint resolution to designate June 5, 1993, as "National Trails Day"; to the Committee on Post Office and Civil Service.

By Mr. HUNTER:

H. Con. Res. 87. Concurrent resolution concerning economic sanctions against and diplomatic resolutions with the Government of the Socialist Republic of Vietnam; to the Committee on Foreign Affairs.

By Mr. MONTGOMERY:

H. Con. Res. 88. Concurrent resolution recognizing and commending American airmen held as prisoners of war at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

98. By the SPEAKER: Memorial of the Legislature of the State of California, relative to California military bases; to the Committee on Armed Services.

99. Also, memorial of the Legislature of the State of California, relative to March Air Force Base; to the Committee on Armed Services.

100. Also, memorial of the Legislature of the State of California, relative to Los Angeles Air Force Base; to the Committee on Armed Services.

101. Also, memorial of the House of Representatives of the State of Arkansas, relative to Federal banking laws; to the Committee on Banking, Finance and Urban Affairs.

102. Also, memorial of the Senate of the State of Michigan, relative to K-12 education; to the Committee on Education and Labor.

103. Also, memorial of the Legislature of the State of Idaho, relative to the Delaney Clause; to the Committee on Energy and Commerce.

104. Also, memorial of the Legislature of the State of Idaho, relative to Federal mandates upon the States; to the Committee on Government Operations.

105. Also, memorial of the Legislature of the State of Idaho, relative to the Endangered Species Act listings; to the Committee on Natural Resources.

106. Also, memorial of the Legislature of the State of Idaho, relative to the business of insurance; to the Committee on the Judiciary.

107. Also, memorial of the Legislature of the State of Idaho, relative to the Federal budget deficit; to the Committee on the Judiciary.

108. Also, memorial of the Legislature of the State of Idaho, relative to the American flag; to the Committee on the Judiciary.

109. Also, memorial of the Legislature of the State of Idaho, relative to the Bruneau Hot Springs snail; to the Committee on Merchant Marine and Fisheries.

110. Also, memorial of the Legislature of the State of Idaho, relative to the operation of the Endangered Species Act; to the Committee on Merchant Marine and Fisheries.

111. Also, memorial of the Legislature of the State of Idaho, relative to the Argonne National Laboratory; to the Committee on Science, Space, and Technology.

112. Also, memorial of the Legislature of the State of Florida, relative to the Social Security Act; to the Committee on Ways and Means.

113. Also, memorial of the Legislature of the State of North Dakota, relative to a national energy tax; to the Committee on Ways and Means.

114. Also, memorial of the Legislature of the State of Idaho, relative to western national forests; jointly, to the Committees on Agriculture and Natural Resources.

115. Also, memorial of the Legislature of the State of California, relative to Operation Restore Hope; jointly, to the Committees on Armed Services and Foreign Affairs.

116. Also, memorial of the Legislature of the State of Idaho, relative to foreign imports of petroleum; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

117. Also, memorial of the Legislature of the State of Idaho, relative to governmental oversight; jointly, to the Committees on Natural Resources, Agriculture, and Merchant Marine and Fisheries.

118. Also, memorial of the Legislature of the State of California, relative to immigrants; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. HAYES of Louisiana.

H.R. 259: Mr. VALENTINE.

H.R. 393: Mr. PAYNE of New Jersey, Mr. ANDREWS of New Jersey, Mr. ZIMMER, Mr. FRANKS of New Jersey, Mr. SMITH of New Jersey, and Mr. TORRICELLI.

H.R. 410: Mr. FIELDS of Texas.

H.R. 411: Mr. HASTERT.

H.R. 415: Mr. KYL.

H.R. 519: Ms. MEEK, Ms. EDDIE BERNICE JOHNSON, Mr. ENGEL, Mrs. MEYERS of Kansas, Mrs. COLLINS of Illinois, Ms. SCHENK, and Mr. ABERCROMBIE.

H.R. 546: Mr. HAMBURG, Mrs. MINK, and Mr. BACCHUS of Florida.

H.R. 567: Mr. BARTON of Texas.

H.R. 684: Mr. STUPAK.

H.R. 715: Mr. DELAY, Mr. RAMSTAD, and Mr. DOOLITTLE.

H.R. 784: Ms. CANTWELL.

H.R. 903: Mr. MOLLOHAN.

H.R. 929: Mr. SHAYS.

H.R. 995: Mr. BISHOP.

H.R. 1036: Mrs. CLAYTON, Mr. SABO, Mr. MOAKLEY, Ms. WOOLSEY, Mrs. UNSOELD, Mr. LAFALCE, and Mr. MINGE.

H.R. 1076: Mr. MCHALE, Mr. GLICKMAN, and Mr. POMEROY.

H.R. 1200: Mr. GUTIERREZ and Mr. MARKEY.

H.R. 1404: Mr. HASTINGS, Mr. FROST, Mr. SARPALIUS, and Mr. SERRANO.

H.R. 1405: Mr. TOWNS, Mr. FROST, Mr. BLACKWELL, Mr. SERRANO, Mr. DICKS, and Mr. STUPAK.

H.R. 1492: Mr. BLACKWELL and Ms. WOOLSEY.

H.R. 1513: Mrs. JOHNSON of Connecticut, Mr. MCMILLAN, Mr. FROST, Mr. HASTINGS, and Mr. SARPALIUS.

H.R. 1565: Mr. PICKETT and Mr. SPENCE.

H.R. 1697: Mrs. MINK, Mr. SMITH of New Jersey, Mr. NEAL of Massachusetts, Mr. KREIDLER, Mr. COOPER, Mr. MORAN, Mr. MINETA, and Mr. BACCHUS of Florida.

H.R. 1753: Mr. HILLIARD, Mr. FLAKE, Mr. BLACKWELL, and Mr. TOWNS.

H.R. 1754: Mr. HILLIARD, Mr. FLAKE, Mr. BLACKWELL, and Mr. TOWNS.

H.R. 1755: Mr. FLAKE, Mr. BLACKWELL, and Mr. TOWNS.

H.J. Res. 44: Mr. STUMP and Mr. SPENCE.

H.J. Res. 108: Mr. RICHARDSON, Mr. PETERSON of Florida, Mr. SANDERS, Mr. NADLER, Mr. SERRANO, Mr. HASTINGS, Mr. WAXMAN, Mr. CALLAHAN, Mr. COLEMAN, Mr. SAXTON, Mr. WYNN, Mr. MFUME, Mr. MATSUI, Mr. KREIDLER, Mr. QUILLEN, Mr. LIVINGSTON, Mr. BONIOR, Mr. MANN, Mrs. BENTLEY, Mr. BLILEY, Mr. ENGEL, Mr. LAFALCE, Mr. SHAYS, Mrs. VUCANOVICH, Mr. DIXON, Mr. FORD of Tennessee, Mr. GILMAN, Mr. SWETT, Mr. COYNE, Mr. SLATTERY, Mr. HUTTO, Mrs. MEYERS of Kansas, Mr. MURPHY, Mr. WILSON, Mr. BORSKI, and Mr. DINGELL.

H.J. Res. 139: Mr. CALLAHAN, Mr. BEVILL, Mr. LEWIS of Georgia, and Mr. BLACKWELL.

H.J. Res. 145: Mr. ZELIFF, Mr. LAZIO, and Mr. BATEMAN.

H.J. Res 148: Mr. HASTINGS, Mr. COX, Mr. GREENWOOD, Mr. BATEMAN, Mr. SLATTERY, Mr. EVANS, Mr. HOCHBRUECKNER, Mr. DEFAZIO, Mr. STOKES, Mr. PARKER, Mrs. CLAYTON, Mrs. MALONEY, and Ms. BYRNE.

H. Con. Res. 24: Mr. OLVER, Mr. KLINK, Mrs. UNSOELD, Mr. TORRES, Mr. SOLOMON, Mr. KLUG, Mr. POMEROY, and Ms. SHEPHERD.

H. Con. Res. 46: Mr. FROST, Mrs. SCHROEDER, and Mr. ORTIZ.

H. Res. 123: Mr. INGLIS and Mr. ZELIFF.

H. Res. 124: Mr. INGLIS and Mr. ZELIFF.

H. Res. 127: Mr. KILDEE and Mr. ZELIFF.

H. Res. 154: Mr. RAMSTAD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1013: Ms. ENGLISH of Arizona.

PETITIONS, ETC.

Under clause 1 of rule XXII,

31. The SPEAKER presented a petition of the Association of the Bar of the City of New York, NY, relative to a proposal to simplify interest deductions for individuals; which was referred to the Committee on Ways and Means.

SENATE—*Tuesday, April 27, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray: *The earth is the Lord's, and the fulness thereof; the world, and they that dwell therein.*—Psalm 24:1.

Eternal God, omnipotent, omniscient, and omnipresent, because this is Your world it cannot be what it ought to be when we reject You—militantly or with indifference. The greatness of our Nation from its conception has been built on faith in God, in spiritual and moral reality. Recovery of our disintegrating culture requires a renaissance of the faith of our fathers.

That faith was clearly proclaimed by Gen. Robert E. Lee who "* * * issued orders to the army, directing the observance of April 8, 1864, 'as a day of fasting, humiliation, and prayer,' in accordance with a proclamation by Confederate President Davis. He concluded: 'Soldiers! Let us humble ourselves before the Lord, our God, asking through Christ, the forgiveness of our sins, beseeching the aid of the God of our forefathers in the defense of our homes and our liberties, thanking Him for His past blessings, and imploring their continuance upon our cause and our people.'"

Gracious Father, awaken us to this need. Grant grace that we may repent as a nation and be restored to our spiritual roots.

In the name of Jesus. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 27, 1993.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Washington [Mr. GORTON].

TIME OF ROLLCALL VOTES TODAY

Mr. GORTON. Mr. President, on behalf of the majority leader, I ask unanimous consent that no rollcall votes occur prior to 3:30 p.m. today and that the vote on or in relation to the Roth amendment occur at that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

Mr. GORTON. Mr. President, I now ask unanimous consent that the time for the two leaders be reserved for their use later on in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11:30 a.m. with Senators permitted to speak for not to exceed 5 minutes each.

Who seeks recognition?

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON].

THE NORTH AMERICAN FREE-TRADE AGREEMENT

Mr. GORTON. Mr. President, one of the fastest growing sectors of the American economy is exports, and the fastest growing single market in the world for American goods is Mexico.

For that reason, this Senator was particularly disturbed to read this morning the comments of the President's Budget Director to the effect that, for the time being at least, the North American Free-Trade Agreement is dead.

That free-trade agreement almost certainly will produce a net gain of 175,000 jobs for the United States in the course of the first 5 years after its implementation. It will take an American trade surplus with Mexico and make that surplus larger than it is today while it increases trade on both sides of the border.

The agreement will also, not at all incidentally, be perhaps the single most effective control over illegal immigration which could be devised by this administration or by the Congress. And it will also give our consumers cheaper and better goods and services.

It's likely that the total increase in exports to Mexico as a result of the passage of NAFTA will be some $17 billion 5 years down the road. Mexico's exports to the United States will likely increase some $8 billion in that same period of time.

During the course of the campaign, President Clinton asserted his support for the North American Free-Trade Agreement, after listening to intense debate and affording the issue careful study.

Since he has been inaugurated, however, he has done nothing to advance its cause. Little has been accomplished with respect to the side agreements about which he spoke during and after the campaign. We have slid into the situation in which the opponents of that agreement seem to be gaining the great bulk of its publicity.

If the President's Budget Director is correct, it is a true indictment of Presidential leadership that we cannot pass an agreement that will create real, tangible good-paying private sector jobs, that will reduce our trade deficit, and that will help ensure prosperity for two nations.

Mr. President, this Senator does not believe that the President's Budget Director is correct. This Senator can assert with confidence that the great majority of the Members of the Senate on this side of the aisle will support the President of the United States when he submits the North American Free-Trade Agreement to us for our ratification. This Senator also chooses to believe that a significant majority of the Members on the other side of the aisle will follow the President's leadership, whatever their private reservations, should he exercise that leadership on behalf of the North American Free-Trade Agreement.

It is the view of this Senator that that agreement should be submitted to the Congress for ratification promptly and enthusiastically and should be given at least a portion of the leadership which the President has devoted toward an economic program which has been regarded dubiously by Members on this side of the aisle and by most economists throughout the country.

Mr. President, it is encouraging, of course, to see now that Members on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

this side of the aisle are to be consulted on important questions. On this question, that consultation will without question result in very, very strong support.

It will be a disaster for the United States and, I am afraid a disaster for this administration, if the President does not step forward, show leadership, and ask for the ratification of an agreement which is very much in the interest of this country, very much in the interest of his administration, and very much one on which bipartisan consultation and debate will be of great help in moving this country forward.

CONSULTATION ON HEALTH CARE

Mr. GORTON. Mr. President, this Senator has noted with some interest that that consultation is supposedly taking place at the present time or will in the immediate future with respect to health care. So far, this Senator would have to say that consultation has not been visible to the naked eye. Republican Members, under the leadership of the distinguished Senator from Rhode Island [Mr. CHAFEE] have been working in this connection in this most complicated area literally for years. So far, "the consultation," and I put that word in quotation marks, has consisted of one short get-acquainted meeting between Mrs. Clinton and the Republican leader and one approximately 1 hour of questions and answers in his office between Mrs. Clinton and any Republican Senator who wished to attend.

That, Mr. President, is not the kind of consultation which is likely to lead to a successful and bipartisan effort to solve perhaps the most complicated and most serious domestic problem facing this country.

I hope that what we read in the news will soon become reality on the ground. It is clear that it has not done so to this point during the course of this Congress and this administration.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

THANKING CARL ROWAN, OF GAMER'S CONFECTIONERY

Mr. BAUCUS. Mr. President, Butte, MT, is a can-do city. There is not a tough time that this community cannot get through. And the people of Butte have proven themselves to be among the best, most innovative, and resourceful small business people in our country. One of the toughest small businessmen I have ever met is Mr. Carl Rowan from Butte. Carl owns and operates Gamer's Confectionery in historic downtown Butte, where he serves up some of the best Cornish pastries, chicken pies, and coffee west of the Mississippi River. Gamer's Confectionery has been in business since 1905, and Carl took over the restaurant in 1944. Not only did Carl's business survive some of the toughest times Montana has ever known; his restaurant's good food and good company helped other Montanans make it through the tough times as well. And I am sure it will continue to do so.

Most people do not think of Carl as a successful small businessman, they think of him as one of the most caring, genuine people in the world. Whether you are a first time guest, or an old time customer, you are a friend of Carl's, because Carl loves people, all people. That is why he trusts people to pay their own bills and make their own change. And that is why people love Carl from Boston to San Diego, Miami to Seattle.

Now that Carl has decided to retire at age 83, I hope that he takes some time to celebrate the wonderful life he leads. We will miss you Carl, and we will remember your warm smile and wonderful food forever.

RUNAWAY SPENDING MAKING UNITED STATES A SLAVE TO DEBT

Mr. HELMS. Mr. President, I have at hand the text of an address by a former colleague whom I consider to be one of the finest Senators ever to be a Member of this body, Harry F. Byrd, Jr., was, like his father, a Senator's Senator, meaning that he earned the total admiration of his fellow Senators because of his wisdom, courage, and integrity.

Senator Harry F. Byrd, Jr., spoke on April 21 to the board of directors of the Virginia State Chamber of Commerce. I believe all Senators should take note of Senator Byrd's comments because they are both eloquent and accurate.

I therefore ask unanimous consent, Mr. President, that the text of Senator Harry F. Byrd's address be printed in the RECORD at the conclusion of my remarks.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

RUNAWAY SPENDING MAKING THE NATION A SLAVE TO DEBT

(By Harry F. Byrd, Jr.)

Your chairman thought it might be of interest for me to give my view of President Clinton and his new program.

I must say frankly that during the campaign last fall I found it difficult to put much confidence in Gov. Clinton. It was nothing specific, but rather a feeling, an instinct.

Following the election, however, I warmed to him. His speeches seemed more reasonable. He is an attractive political personality. He is highly articulate.

I began to feel that he just might tackle the nation's basic problem with the enthusiasm and energy that comes with the youthful age of 46. The question mark in my mind was: Does he have the depth, the courage, the judgment, or even the desire to tackle this nation's number-one problem?

To me, our basic problem, the one that overrides all others, is unrestrained federal spending leading to such huge deficits that today the interest cost on the national debt—just the interest cost—is greater than was the total cost of government 20 years ago.

I had some hope that President Clinton just might have the determination to get this country off its spendaholic binge.

Then two events occurred. President Clinton began to appoint the key people around him—and began to shape his economic program. I lost some of my newly acquired hope.

Seeking diversity, he established a quota system—and appointed mostly academics and activists for various causes. Only a woman could be nominated attorney general; the Cabinet must be 25 percent black; Hispanics must be put in key positions; Diversity replaced qualification as the major criteria for appointment.

There is nothing wrong with diversity. Find me a woman with the qualifications of Margaret Thatcher, for example, and I will support her for president with great enthusiasm. Incidentally, I feel confident we will have a woman president before two decades pass.

The Clinton program needs careful examination.

The news media make much of the fact that the Congress passed so quickly the Congressional Budget Resolution. But what is not generally recognized is that the Budget Resolution merely outlines a concept. It was sold as one that would reduce the deficit by reducing spending and increasing taxes on the wealthy.

This rhetoric has appeal. As Mr. Clinton defined wealthy, he was not risking much politically, as relatively few would feel the impact of an increase in taxes. That feeling is what he conveyed; that was before details became available and his definition of wealthy reached far down the economic scale.

Sooner or later, spending must be paid for through taxes. For more than 25 years our government has been mortgaging the future of our young people.

So, my quarrel with the Clinton program is not so much with taxes but rather with spending. In presenting his 1994 budget on April 9, the administration acknowledged that domestic spending under Clinton's plan would exceed the limits that Congress set in 1990 and reaffirmed this year. In just six weeks—from February to April—Mr. Clinton's own projection for the deficit over five years has grown by $31 billion.

For every dollar of increase in taxes, he proposes a $3 increase in spending.

In preparing for these comments tonight, I refreshed my memory on past budget history and found that President Clinton offers more of the same.

In six years of the past 12, beginning in 1982, the budget proposals have promised spending reductions in exchange for tax increases. Yet the deficit, which was considered huge and dangerous in 1982, something over $100 billion, has now grown to $300 billion. The national debt has increased from $1 trillion to $4 trillion. In each of the six years that taxes have been increased, the deficit has grown greater.

Mr. Clinton acknowledges that under his own figures, the debt will grow by an additional trillion dollars by the end of his four-year term, averaging $250 billion per year, and this does not include the cost of whatever his health program may be.

If our nation's spending problem is not effectively tackled this year—this year 1993—it will be a long time, in my judgment, before another opportunity presents itself.

Ross Perot rendered the American people an important service when he forced both candidates, President Bush and Gov. Clinton, to focus on spending, something neither wanted to do. President Clinton himself, in selling his budget, focused on the need to reduce spending. But the facts are that spending is being increased. Increased taxes are being used not to reduce the deficit but rather to increase spending.

The fact is that the legislation now before the Senate, the first piece of legislation specifically dealing with his budget concept, is legislation which itself adds new spending programs.

Opponents of this new $16 billion spending package proposed a compromise which would approve his proposed new spending provided that increase was offset by a reduction elsewhere. It was defeated by a straight party-line vote with only one Democrat—Sen. Richard Shelby of Alabama—voting to reduce spending.

This is not a very good beginning in the effort to control spending.

Ladies and gentleman, let me at this point cite the first of the high-level budget deals that have taken place over the last decade. I cite this as I myself was a conferee and because it dramatizes, I believe, why our nation finds itself in its unenviable position.

In October of 1982, because of the impending deficit of $127 billion, President Reagan made a deal with the Democratic leaders in which he would agree to a $1 tax increase for every $3 of spending reductions.

I thought that reasonable, and I voted for it when it passed the Senate.

Since the Republican Senate and the Democratic House of Representatives were not in agreement on the total program, the proposed legislation went to a Committee of Conference between House and Senate. I was a Senate conferee.

After days and nights of wrangling, Republican conferees for the Senate gave in to House Democrats. The final version was the exact opposite to what President Reagan had originally agreed. It provided $1 spending reduction for every $3 of tax increases. I refused to sign the conference report.

Later when the Senate was voting whether to accept the conference report, President Reagan called me off the Senate floor saying he knew I was not happy about what the conferees had done, but he hoped I would vote for it anyway.

I said, Mr. President, let me see whether I understand your position:

You agreed to accept $1 of tax increases for every $3 of spending cuts. He responded that my understanding was correct.

I told him the proposal he was now asking me to vote for did just the opposite—$3 of tax increases for every $1 of spending cuts. I told him I could not vote for such a proposal, and five minutes later voted against it, that being the last vote I cast during my 18 years in the Senate. I feel I was right, as the next year the deficit increased by $80 billion to $208 billion. That set the tone for future budgets.

To get back to the present, let me say this. Although I was elected to public office seven times as a Democrat (and two additional terms as an Independent), I must say that in this year 1993 the nation's best hope in bringing some fiscal sanity to the federal government lies with the 43 Republicans in the Senate.

The only way Mr. Clinton's new spending programs can be enacted is by the Democratic majority voting cloture, namely, shutting off debate. That requires 60 votes; there are 57 Democrats. To date, the 43 Republicans have held firm in demanding that any new spending be paid for—not added to debt.

Sen. (Robert) Dole, the Republican leader, is a legislator of much ability. He is more important in this fight for fiscal sanity than is the President, the Secretary of the Treasury or the Senate Majority Leader. The Dole proposal is reasonable, understandable, sound. It would require that the $16 billion of new spending be matched by reductions elsewhere. It is important that this principle be held. The $16 billion fight is just the first of many—and it will set the tone for subsequent spending votes.

Just as an alcoholic cannot drink himself sober, our spendaholic nation cannot solve its problems by more spending. Overspending in my judgment has put this nation in crisis.

You may think "crisis" is too strong a word but I use it advisedly: (a) this nation has balanced its budget only three times in the past 40 years, and not once during the past 25 years; (b) the nation's debt has grown from $1 trillion to $4 trillion during the past 11 years; (c) a study of Clinton's 1,478-page budget shows that of every income tax dollar paid into the federal treasury, 57 cents of that tax dollar goes to pay the interest on the debt—which debt Mr. Clinton himself acknowledges will increase by 25 percent over the next four years.

Having spend a few days in Washington, talking individually with many of my colleagues, I came away with these observations:

1. Reliable reports indicate the White House is in confusion. Its inexperience but enthusiastic young staff, under age 24, are going in various directions, seemingly without focus.

2. The Secretary of Labor, in an effort to help sell the President's new spending program, admitted giving the public "inappropriate" figures—a polite way of saying he falsified the February job report.

3. I find there is more quiet opposition to the Clinton program than appears on the surface. Already his creditability has been damaged. His tactics and his strategy, during his first 100 days in office, have not been to his benefit. He is likely to suffer further in public support as he finds it impossible to fulfill his many promises to a multitude of diverse groups.

4. Yet, when I left the Senate Monday afternoon, I was optimistic that Republicans would stand firm in demanding that the cost of any new spending program be offset by an equal amount elsewhere. I am convinced too, that as the days go by a few Democrats will come to realize the dangers of additional spending.

I end with this thought:

One hundred million Americans pay income taxes—and 57 cents of every tax dollar goes to pay the interest cost on the nation's debt—a debt that is increasing daily. Now—not later—is the time to reverse course. To paraphrase Patrick Henry, I would hope that every person voting on this vital issue will ask himself or herself:

Is party politics so dear
And political reward so sweet
As to be purchased
At the price of slavery to an everincreasing debt?

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was the Constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,228,120,864,442.92 as of the close of business on Thursday, April 22. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $16,460.86.

CLINTON ADMINISTRATION TO RESTORE UNITED STATES' ACTIVE ROLE ON LAW OF THE SEA

Mr. PELL. Mr. President, I am delighted to report to my colleagues the announcement in New York today by Ambassador Madeleine Albright that the Clinton administration will take an active role in law of the sea negotiations.

I enthusiastically support this decision and welcome the announcement that the United States is prepared to work with other governments toward the solution of the problems that have prevented agreement on the deep seabed mining provisions of the Law of the Sea Convention.

The result of this decision is that the United States will participate fully in the 10th round of informal consultations convened by the Secretary General in New York.

As Ambassador Albright said, "The time has come to reaffirm our commitment to the objective of a widely accepted Convention."

My support for a Law of the Sea Treaty began in 1967 when I introduced the first Senate resolution calling on the President to negotiate a Law of the Sea Convention.

That resolution and a draft treaty that I proposed in 1969 led to the Seabed Arms Control Treaty which was ratified by the Senate in 1972. That treaty has permanently removed nuclear weapons and other weapons of mass destruction from the seabed floor, which is 70 percent of the Earth's surface.

Just 11 years ago, on May 6, 1982, I reported to the Senate with much regret that after 9 years of negotiations, the United States was not able to support the Law of the Sea Treaty that had been agreed to by 130 nations.

The Clinton administration's decision to resume an active role in the consultations in New York restores the promise of U.S. adherence to a Law of the Sea Treaty that supports American national interests and the common interest of all mankind.

U.S. participation will be on the basis of a realistic assessment of the issues that have long held up agreement, and I have no doubt that changes will be required in the language worked out in the past.

But I am heartened by the announcement that the United States looks forward to playing a constructive role in the negotiations.

I ask unanimous consent that the text of Ambassador Albright's statement at the United Nations, April 27, 1993, on this subject be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT BY AMBASSADOR MADELEINE K. ALBRIGHT, U.S. PERMANENT REPRESENTATIVE TO THE UNITED NATIONS, AT THE SECRETARY-GENERAL'S CONSULTATIONS ON THE DEEP SEABED MINING PROVISIONS ON THE U.N. CONVENTION ON THE LAW OF THE SEA, APRIL 27, 1993

Mr. Secretary-General, I am particularly pleased to have the opportunity to participate in this the 10th round of informal consultations on the problems of the Deep Seabed Mining Provisions of the Law of the Sea Convention. When last the United States was actively engaged in the search for a widely acceptable convention, I was a participant in the Public Advisory Committee that assisted the government in developing its positions. It has long disappointed me that the unsatisfactory provisions on Deep Seabed Mining have prevented us from achieving the goal of a generally accepted convention. Therefore, I take special pleasure in informing you and the participants in the consultations of the Clinton administration's intention to take a more active role in the search for a solution that can open the way to achievement of that goal.

The Law of the Sea Convention is an historic document and the balance it succeeded in achieving between the interests of Coastal States in controlling activities occurring in adjacent offshore areas and those of Maritime States in freedom of commercial and military navigation is of critical importance in an increasingly interdependent world. As a state which possesses both sets of interests, the United States has a special appreciation of the significance of this balance and the difficulty of maintaining it in the face of competing demands. We owe a great debt of gratitude to those who labored long and hard at the Third UN Conference on the Law of the Sea to produce the Convention, some of whom are present among us today.

Mr. Secretary-General the time has come to reaffirm our commitment to the objective of a widely accepted convention. Although this objective has been a consistent element of U.S. oceans policy throughout the past two decades, it was not until your predecessor initiated these consultations that it appeared that achievement of a widely accepted convention might be possible in the near term. Mr. Secretary-General, you and your predecessor have spoken eloquently of the changing political and economic circumstances that have produced this opportunity to reevaluate the Seabed Mining Provisions. Most significant among these in our view has been increasing awareness of the importance of free market principles in promoting economic development. This recognition is evident in a number of approaches to solving the problems of the Seabed Mining provisions that are under consideration and has been a major factor in our assessment that more active U.S. involvement is justified.

On the other hand we need to be realistic. Our shared hopes for a generally agreed solution should not obscure the real difficulties before us. Some may be tempted to see in the change of U.S. administrations a fundamental shift in the policy regarding the specific objections we have with the Convention's Seabed Mining provisions. Such an assessment would be incorrect. The United States continues to believe that there are serious problems with those provisions. To successfully resolve these problems, substantial changes will be required. Regardless of whether all these changes are accomplished now or some issues are addressed on the basis of general principles that would be further elaborated later, a legally binding instrument that alters the present Seabed Mining provisions of the Convention in important respects will be necessary.

Mr. Secretary-General, my delegation looks forward to playing a constructive role in the consultations. We have begun a thorough evaluation of the substantive proposals reflected in your information note. Although our basic objections to the Seabed Mining provisions remain unchanged, we will need time to consider the merits of these proposals. We are mindful as well that, the information note for the first time outlines various procedural approaches for embodying any substantive understandings we may reach in an agreement that meets the needs of all the parties. My Delegation looks forward to the next two days of consultations and is prepared to explore these proposals as well as those on the substantive issues on the basis of longstanding U.S. concerns. Based on the results of our discussions at this meeting we intend to prepare more detailed positions for the next round of consultations.

Again I would like to thank you and the members of your staff for their efforts and to assure you of our cooperation.

Thank you, Mr. Secretary-General.

TRIBUTE TO DEAN GEORGE PACKARD

Mr. SARBANES. Mr. President, on June 30, 1993, Dr. George Packard will be stepping down after well over a decade as dean of the Paul H. Nitze School of Advanced International Studies [SAIS] of the Johns Hopkins University. As a member of the SAIS Advisory Council, I have worked with Dr. Packard for many years and witnessed his remarkable achievements as dean. His 14 years of distinguished service in that capacity will always be remembered as an era of sustained academic excellence and growing international prestige.

In July 1979, Dr. Packard became the fourth dean of SAIS, later renamed the Nitze School. He immediately began his concentration on strengthening the school's faculty and expanding its international exchange and studies programs. He recruited nationally known lecturers and professors, giving greater depth to the faculty. He initiated exchange programs with Senegal, Jordan, France, and Japan. He founded the Johns Hopkins Foreign Policy Institute, revived the SAIS Review, and established the Edwin O. Reischauer Center for East Asian Studies. One of his boldest initiatives was the successful effort to establish in 1986 the Hopkins-Nanjing Center for Chinese and American Studies at Nanjing University, China.

During his tenure as dean of SAIS, Dr. Packard undertook a $40 million fundraising campaign, expanded the school's physical plant by purchasing the Benjamin T. Rome Building on Massachusetts Avenue, and raised the funds to endow four new faculty chairs. Student applications to SAIS have been rising steadily under his stewardship, reaching an all-time high in 1992 at 1,409 applications. SAIS has produced leaders in government, business, journalism, and nonprofit organizations, both in this country and abroad. Its faculty is drawn from among the Nation's best known experts in public policy, foreign affairs and international relations. Dean Packard's leadership has made possible the outstanding contributions of SAIS faculty and graduates not only to academia, but to our country's conduct of foreign policy across the board.

On announcing Dean Packard's retirement, Johns Hopkins President William C. Richardson attributed the outstanding reputation of SAIS to Dr. Packard's hard work and dedication, stating, "Clearly, the preeminence enjoyed by SAIS in the field of international studies is a direct result of Dean Packard's energy, creativity and superb leadership." Fortunately, Dr. Packard's talents will not be lost to SAIS. After a year's sabbatical, he will rejoin the SAIS faculty as professor of East Asian studies and director of the Edwin O. Reischauer Center for East Asian Studies. In addition, he will serve as chairman of the Johns Hopkins Foreign Policy Institute.

Let me once again express my deep appreciation for all Dr. Packard has done to make SAIS one of the world's preeminent centers for the study of international relations. I congratulate him on his achievements as dean and wish him a long and fruitful continuing association with SAIS.

TRIBUTE TO THE CATHOLIC WORKERS

Mr. DURENBERGER. Mr. President, I would like to recognize Dorothy Day and the organization she founded, the Catholic Workers. In 1933, Dorothy Day, an American journalist, together with Peter Maurin founded their movement which supports social reform. As a result, today there are over a hundred houses of hospitality across the United States that reach out to those who are suffering.

One of these houses, the Dorothy Day Center in St. Paul, MN, was opened in 1981, the year after her death. Located near St. Joseph's Hospital, the center is open for others to drop in for coffee and company. Among numerous services they offer food, medical, and drug rehabilitation services.

What makes the Catholic Workers different from other social agencies is the philosophy behind their work. It's nothing elaborate or difficult to understand. In fact, it's rather basic. It's called caring. The Catholic Workers are sincerely committed to others. Those who come to the Catholic Workers' houses are treated as people and not as forms and numbers to be processed. They are concerned with the person's whole welfare—simply satisfying their needs does not solve their problem nor does it satisfy the conscience of the Catholic Workers.

The successful effect of the Catholic Workers' presence makes a statement. It tells us that our focus needs to return to the community; a community—that means all of us together, that is based on caring.

Perhaps what each of us needs to do is become a Dorothy Day. Give up what we don't have in order to become a better person and "be doers of the word and not hearers only." (James 1:22–24)

Mr. President, at this point I ask unanimous consent that the inspiration of this statement, Colman McCarthy's column from the Washington Post dated April 17, be included in its entirety.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 17, 1993]

THE CATHOLIC WORKER'S LONG MISSION

(By Colman McCarthy)

Bloomington, Ill.—Before homelessness moved from America's skid rows to its downtowns and neighborhoods, which was around 1975, few groups had as deep a commitment to serving people who were broke or broken, or consistently offered them more solace, than members of the Catholic Worker movement.

Instead of homeless shelters—a phrase akin to animal shelters—they sprung for houses of hospitality. These were homes where the vision of Dorothy Day, co-founder of the Catholic Worker, was carried out quietly and emphatically: "The best is none too good for the poor."

The first house of hospitality in the Bowery of New York opened in 1933. Now, 60 years and a few million meals later, some 100 houses are handing out clothes, supplying beds and taking up the slack wherever it's found, which is everywhere. Some are in the large cities—Los Angeles, Chicago—and others are in such towns as out-of-the-way Bloomington, a mid-state community of 50,000 that would have seemed, if any place did, to be fortified against the usual urban blights. Jobs have been plentiful here—State Farm, Mitsubishi and Illinois State University are major employers—and the local paper, the Pantagraph, a fortress of prickly conservatism founded by the family of Adlai Stevenson, is doing well in both ad revenue and circulation.

In a residential neighborhood in Bloomington, the Catholic Worker's Clare House has been a center of mutual aid for 15 years. It opened as a home for battered women, but too many abusive and deranged husbands came around enraged that their wives had escaped and were hiding inside. After three years of chaos—men banging on the front door at all hours, women cowering in closets or hiding under beds and one wild man setting fire to the place—the focus shifted from battered women to homeless women or families.

During a break the other evening at Clare House, Tina Sipula, who took in the first guest in 1978, said that as many as 60 families come twice a week for food, double the number five years ago. Between 40 and 50 people—more and more of them younger—are served meals daily.

Sipula isn't much for dispensing theories on why the homeless population is growing. She is into solutions to the problem, not more useless descriptions of it. The solution? she is asked. "If every church, synagogue or mosque in America had a house of hospitality, we could begin to eliminate welfare."

This ethic of personal responsibility has been at the core of Clare House and all the other Worker houses since the beginning. Dorothy Day, who died in 1980 on the lower East Side of New York after a long and radical life of voluntary poverty, spelled it out in "Loaves and Fishes," a book that Sipula gives to visitors in need of spiritual nourishment: "The greatest challenge of the day is how to bring about a revolution of the heart, a revolution which has a start with each one of us. When we begin to take the lowest place, to wash the feet of others, to love our brothers and sisters with that burning love, that passion, which led to the cross, then we can truly say, 'Now I have begun.' "

Peter Maurin, the street philosopher who with Day founded the Catholic Worker and who believed in "personal responsibility, not state responsibility," is on record with the same thought: "The world would be better off if people tried to become better, and people would become better if they stopped trying to become better off. For when everyone tries to become better off, nobody is better off. But when everyone tries to become better, everybody is better off."

Clare House, which is named for St. Clare of Assisi, the 13th century soul mate of St. Francis, is a Bloomington fixture. Thirty volunteers serve every week, and when people need to get rid of some money—and want to be sure it will be used well—they dispatch a check to Tina Sipula. The most recent newsletter from Clare House, sent from 703 E. Washington Street, Bloomington, Ill., 61701, is adorned by a rabbinical saying: "The rich will throw coins over a wall to the poor but will not pay to have the wall torn down."

That's another longstanding mission of the Catholic Worker: When they see a wall, they take out a brick.

IN REMEMBRANCE OF MARIAN ANDERSON

Mr. HATFIELD. Mr. President, the world lost a treasure recently with the passing of Marian Anderson. Her spellbinding voice has known few equals in our time.

She began her singing in the Union Baptist Church in Philadelphia. From these modest roots, she later achieved worldwide acclaim as a singer, touring Europe and the United States. Toscanini once commented that her voice was one "heard once in a hundred years." I had the privilege of hearing Ms. Anderson perform during my student days. I was transfixed listening.

Few do not know her story, but let me remind my colleagues of the barriers Ms. Anderson faced in pursuit of her career. In 1939, she, as a black woman, was prohibited from singing in Constitution Hall here in Washington, DC. Yet 75,000 people attended the concert she gave instead at the Lincoln Memorial. Her talents were not limited to music, however. In 1958, she served as the U.S. Ambassador to the United Nations. In 1977, she was awarded the United Nations Peace Prize.

Her musical gift blossomed also in her nephew, Mr. James DePreist, now the music director of the Oregon Symphony Orchestra. I would like to enter into the RECORD today the remarks of Mr. DePreist which appeared in the New York Times in honor of his aunt. Her determination to pursue her dreams in the face of obstructive racial discrimination inspires us all. Her story and her music will live on for generations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 18, 1993]

GROUNDED IN FAITH, FREE TO FLY

(By James DePreist)

(The music world and the world at large became poorer places on April 8, when Marian Anderson, the great alto from Philadelphia, died at 96. In 1939, Miss Anderson was refused permission to perform at Constitution Hall in Washington because of her race; backed by Eleanor Roosevelt and others, she sang instead at the Lincoln Memorial to an audience of 75,000. In innumerable other ways as well, she helped pave a career path for later generations of black musicians, including her nephew James DePreist, who is the music director of the Oregon Symphony Orchestra and a poet. Ms. Anderson spent her last months at Mr. DePreist's home in Portland. Here, Mr. DePreist shares memories of his aunt.)

There is not necessarily a correlation between an artist's character and his or her work, but in the case of Marian Anderson, the way she seemed derived from the way she actually was. Even silent, she was a powerful presence; charismatic, simple, radiating grace and compassion. Her character was the inevitable consequence of being the daughter of Anna Delilah Anderson, my grandmother. I had the singular fortune to grow up in that loving home in which the power of prayer and faith in God were axioms for a lifetime.

Faith was the ultimate source of my aunt's power and the reason for her humility. When she was asked why she often referred to herself as "we," her response was for her as obvious as it was genuine: "I don't feel that we ever do anything alone, rather always with the help of Him above. When viewed in this way, the I involved is very small indeed."

It is hard for me to convey fully the unself-conscious power of that humble household. Indeed, gratitude and humility seem most unlikely progenitors of confidence and strength of character. My grandmother could scarcely have dreamed how celebrated, admired and universally loved her first child would become. She could only be certain that Marian was grounded enough to fly without fear.

My first memories of Marian Anderson were as my aunt, my mother Ethel's sister. When she came to Philadelphia to visit or when the family spent summers with her in Danbury, Conn., she did aunt things: ordinary, domestic, familial chores. She spoiled all of us by providing a life of more than adequate comfort. It had not always been like this.

Anna Anderson, a widow, placed God and family first. No job was to menial if it helped provide for her family; her young daughters were mindful of this sacrifice. That is why Aunt Marian, decades of honors later, still regarded as her happiest moment the day she called her mother's employer to say that Mrs. Anderson would not be coming back to work that day or any day. She had liberated her mother, and she became the provider for the family. The correspondence between Aunt Marian and her mother constitutes one of the most poignant and illuminating records of love, devotion and faith one could imagine.

So many memories: a summer's Sunday morning, and through the open windows of the Union Baptist Church across the street the sounds of the choir singing a spiritual—this was the choir of my aunt's beginnings. Those beginnings were a source of wonderful reminiscences in which my mother and Aunt Marian would indulge each summer we were together in Danbury, as recently as 1988. The two sisters laughed until they cried. The memories were fond, warm and indelible.

I owe Aunt Marian so much. Long before I ever imagined becoming a conductor, she gave me my first scores and recordings of Beethoven's Symphonies Nos. 4 and 7 and the Schubert "Unfinished."

When she sang in Philadelphia, she would stay at home with the family. One day, she returned from a rehearsal with the Philadelphia Orchestra and a guest conductor, who seemed intent on dictating her performance rather than accompanying it. She would need all of her serene professionalism that evening. The limousine arrived, and my aunt and I entered. Seated across from me was the conductor: George Szell I'll never forget those eyes.

As a graduation present, she took me with her to the Casals Festival in Puerto Rico. Lunch in the Casalses' home was like eavesdropping on the gods at play.

One of the last trips on which I accompanied my aunt was not that unusual for her—singing for the inauguration of a President of the United States. One sensed, however, that John F. Kennedy's inaugural in 1961 was special to her. Twenty-four at the time, I was her rehearsal accompanist as she went over "The Star-Spangled Banner." Hearing her, one wept.

Aunt Marian was approaching the end of her career as I was beginning mine. It was a time of multiple transitions. My grandmother died in 1964. Her 89 years allowed her to experience the blossoming of her flower Marian. Aunt Marian's sister Alyce died in 1965. Her first concert in Philadelphia after her mother's and sister's deaths was her farewell appearance with the Philadelphia Orchestra. Asked for her choice of conductor, Marian Anderson said that she would very much like to work with the young man who had just won first prize in the Mitropoulos Competition and was about to become Leonard Bernstein's assistant with the New York Philharmonic.

I was overwhelmed. It was my debut with the Philadelphia Orchestra, and the program was an Anderson lover's dream. It included "Ave Maria," Ulrica's scene from "A Masked Ball," Brahms songs, "Mon coeur" from "Samson and Delilah" and a group of spirituals. Onstage, together for the first time, that voice was right beside me.

Some years later, I made my debut with the National Symphony in Washington, and as fate would have it, it was the orchestra's last season in its old home, Constitution Hall. I entered the stage door, conducted my rehearsal and returned to the hotel—three simple, normal acts denied to my aunt in 1939. I called her to tell her how outraged, hurt, sorry and grateful I was. "It is inconceivable that you were not allowed to do what I've now so easily done," I said. "These concerts surely are as much yours as mine." Her response was typical: "Times have changed, and I am very, very happy for you."

A last recollection of Marian Anderson haunts this day without her. She called home one afternoon with a voice that ached from loss. Eleanor Roosevelt had died: the woman whose act of conscience and courage touched my aunt so profoundly. Fate had their extraordinary paths converge and, as a consequence, the social history of this nation was nudged toward justice. "We have lost the great lady," Aunt Marian said. We have, auntie, we have.

PETER KINZLER

Mr. DODD. Mr. President, it is with mixed emotions that I rise today to speak about my friend and former staff member, Peter Kinzler.

On the one hand, I am happy for Peter because his new job as staff director of the House Subcommittee on Financial Institutions is a well-deserved reward for his years of outstanding work in Washington. But I am also saddened because I will miss Peter's wise counsel, his sense of humor, and even his unique taste in neckwear.

After graduating from Trinity College in Connecticut, and receiving his law degree from Columbia University, Peter came to Washington in 1967 as an attorney for the National Labor Relations Board. From 1969 to 1974, he served as a legislative assistant to Representative Lud Ashley.

After a brief stint with the Federal Trade Commission, Peter returned to Capitol Hill as a counsel to the House Interstate and Foreign Commerce Committee in 1975. There he developed an impressive portfolio of expertise on Federal Trade Commission legislation, no-fault insurance, and the Superfund.

Peter came to work for me in 1981 as a minority counsel to the Senate Banking Committee. When Democrats became the majority party in the Senate in 1987, Peter became staff director of the Consumer Affairs Subcommittee, which I was privileged to chair. Peter subsequently served as my legislative director for 3 years.

Mr. President, if there is one guiding principle to Peter's career, it has been his deep commitment to sound policymaking, and to this Nation. Some people come to work in Washington seeking power. But Peter has always been motivated by a desire to better the lives of his fellow Americans. He has labored long and hard on Federal laws governing banking, commerce, and insurance because he knows we can improve our country if we are willing to make the effort.

Peter has made the effort, and has made a real difference. He was in no small measure responsible for the important legislation the Consumer Affairs Subcommittee enacted during the late 1980's, including expedited check clearing and mandated disclosure of credit card and home equity loan terms. Peter has also been instrumental in the progress the Senate has made in recent years on interstate banking, product liability, and financial modernization.

Peter has had such an impact because he is so creative, and is so adept at bringing adversaries together in search of common ground. Time and time again, Peter has seen a problem and has worked to devise an innovative approach to address it. And time and time again, Peter has worked to narrow the gap between people on opposite sides of an issue—which is never an easy task, particularly on contentious financial services issues.

Yet, Peter's most shining trait has long been his kindness toward others. When his fellow staffers seek his counsel on legislative strategy and other policy matters, he is generous with his time and advice.

Peter has always made a special effort to help his younger colleagues. Through the years, he has spent considerable time helping young staffers learn the ropes and avoid Capitol Hill's pitfalls. He has offered support and guidance to numbers too numerous to mention, and has continued to follow their careers with interest, even after they have left Capitol Hill.

Mr. President, no tribute to Peter Kinzler would be complete without mentioning his taste in neckties. Long before the fashion world rediscovered the styles of the 1960's, Peter was sporting neckwear that looked like haute couture a la Peter Max. They always elicited comment, and much though I hate to admit it, I will miss Peter's assaults on fashion sensibilities.

Mr. President, I must admit in closing that Peter is choosing an odd way to begin the second half of his life. He turned 50 recently, and few sane people I know would choose to mark that milestone by jumping into the battle for Resolution Trust Corporation funding. Still, there is no better person for the job, and it is evidence of Representative NEAL's good judgment that he has chosen Peter for the task.

Mr. President, I am deeply grateful to Peter for all his hard work for me over the past 12 years, and I shall miss him. I wish him great success in all his future endeavors, and I wish health and happiness to his family—his wife Ginny, and his children Samantha, Valerie, Jason, and Kit.

HEALTH CARE

Mr. BREAUX. Madam President, I take this time to share with my colleagues some of my thoughts on what I think is one of the more pressing issues facing this Congress and indeed facing every American citizen.

There is no question in my mind that the issue of health care is one of the major priorities that we in this Senate and in the House are going to be dealing with both this year and, I think, probably next year. It is an issue that affects every American, whether they be young or old, a small child or a senior citizen. Everyone is affected by health care and everybody is going to be affected very directly in a very personal way by what we do or what we do not do on the question of health care.

It is clear that is on the minds of all of my constituents. I have just completed a series of six separate hearings in my State of Louisiana in six separate cities on the question of health care and what we should do about it. We had some really interesting conversations and testimony by people who have problems, by hospitals who feel that it is not working. Many medical professionals are uncomfortable with the bureaucracy that dictates that 20 to 30 percent of their costs are not costs they incur in delivering health services but are costs that they have to incur just filling out forms. They think that is time they should be spending on helping people get better.

In 1970, we in this country spent about the same on health care as we spent on all of education. In 1992, just last year, we spent the same amount on health care, both public and private, as we spent on all of education plus all of national defense plus all of the cost of running all of the prisons in all America plus all the money we spent on food stamps, farm programs, plus all of the money we spent on foreign aid combined.

I think that is a frightening realization and factual statement of how much more we are spending on health care in America, and many people feel they still do not have adequate access to quality health care at a price they can afford. While we are spending all of that money we still have 37 million Americans who do not have any health insurance at all, that have to rely on emergency rooms in order to get treatment.

One of the interesting questions people ask at my hearings—it was asked in more than one forum—is: "Well, Senator, or hospital administrator, why does an aspirin cost $2 in a hospital? I could buy a bottle and bring it with me and save myself a lot of money." I think many Americans are beginning to question the cost of the services and are now starting to find out that many of those costs are because people do not have insurance. The $2 aspirin is helping to pay for the hospital's 30 or 40 people they might have seen in the emergency room the night before who have no health care insurance at all. So the point is that we are all paying for a system that in many cases is not working very well.

The point I want to make this morning in the few minutes is this: The administration, under the leadership of Mrs. Clinton and the work that she has done in chairing the Commission on Health Care, I think is right on target. That Commission has had days, hours, weeks, and now indeed months of private meetings and public meetings with medical professionals, with consumers, with just interested citizens who say, "I want to contribute to making our health care system work better than it is working now."

And we are going to be receiving, on May 15, from that Commission and from this President a recommendation. I want to commend the Commission and the work that they have done so far. Some say, well, we do not have enough consumers on the Commission. Some way, well, we do not have enough doctors or enough hospitals on the Commission; we do not have enough of this type of doctor or this type of medical supplier on the Commission.

I emphasize that, while we have 60 medical doctors on the Commission, we have literally hundreds of people serving who represent Members of Congress, who represent our constituents on that Commission. The Commission is just the beginning; it is not the finish. It is just the start; it is not the end of the process. The process just begins with the Commission submitting to the Congress the recommendation. Then we start our public hearings where everybody will be able to come and be represented and have their voices heard as to what they think is right with that recommendation, what they think is wrong with it, whether they like it as it is, or whether they think it can be modified. We will have adequate public hearings where everyone will have a chance to be heard.

The second point I make is that I think the Commission is doing something that should be followed in other legislative efforts. That is advance consultation with Members of Congress, whether they be liberal or whether they be moderate or whether they be conservative, yes, whether they be Democrat or whether they be our colleagues on the Republican side. I want to commend Mrs. Clinton in particular for having the private meetings with Republican Senators, private meetings with Democratic Senators, and private meetings with both Republicans and Democratic Senators sitting together to say, what do you think we should do? And telling them what they have done and what their recommendations are starting to look like and asking for a response.

I suggest that people may not like what this Commission is going to recommend, and I will say something I think needs to be heard, that no one will be able to oppose this recommendation because they have not been consulted. People are being consulted on a daily basis. Meetings are continuing to occur. Members are being asked for their advice regardless of which party or what political perspective they happen to have, to get their input into this process which effects every American. I think that is the right procedure. I think they are right on target. I do not think anyone will be able to say, as a member of our Finance Committee in the Senate who is going to hear this legislation and have our public hearings, that, "I do not want to be part of this plan because I have not been consulted," because they have been consulted.

Everybody has been consulted. I have read in the press, as recently as today, that there have been comments like, "Here is what we are not going to be able to do: We are not going to be able to do NAFTA or health care, and we are not sure about whether we will be able to do a tax proposal."

But I am more optimistic than that. I think that if there is one issue that Americans want Congress to do something about, it is health care. If there is one issue that people think is not right with America, it is the availability of health care that we all need. In a country that is as rich and as strong as the United States, people question why everybody does not have access to quality health care.

I know that when you have a situation, as I perceive it, where doctors, hospitals, and medical professionals, and all of the people involved in this job as suppliers, think that it needs to be changed, when all of the consumers say that, yes, I would like some changes, when they all say the same thing with regard to preserving quality and a value, I think we are developing a consensus. I think that is great news, and I think we are going to have a health plan that will not be necessarily a Democratic plan or a Republican plan. But I suggest that we will be able to write a health plan that will be an

American plan, that will affect us all in a very positive way.

So I wanted to share with my colleagues my feeling as a Member of this body and as a member of the committee that is going to be looking at it directly, the Finance Committee. I am optimistic about it.

We all realize it is not going to be easy. I think it was easy getting in this mess. During the Reagan administration, it was easy and fun being in Congress. President Reagan asked us to do two things: cut taxes, which was easy—everybody in Congress loves to cut taxes—and he asked us to spend more money. That was easy, too. Most Members said, that is a great idea. So we did both of those and now we have the mess we have.

While it was easy getting into the mess, I suggest that it will be very hard getting out of it. Health care is one thing on which it is not going to be easy to bring about a consensus. But I think we are making progress. I am very optimistic, and I feel very positive about the ability of us to come up with a plan that will be adopted in a bipartisan fashion, that will be sent to the President and will be signed. I think we can do it in this Congress—maybe not this year, but certainly in this Congress—which is this year and next year combined. I think when it is finally written about what Congress did, hopefully they will be able to say that we did what was best for America, and we did it in a bipartisan fashion. And guess what? Everybody won. I think Americans want that, and I think we can do that.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BREAUX. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BREAUX. Madam President, I ask unanimous consent that I may speak as in morning business for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Chair.

(The remarks of Mr. BREAUX pertaining to the introduction of S. 822 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The PRESIDING OFFICER. The Senate will resume consideration of S. 171, which the clerk will report.

The bill clerk read as follows:

A bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware [Mr. ROTH] is recognized to offer a substitute amendment.

Mr. ROTH. Madam President, am I correct in understanding the parliamentary position that we have a full hour to be equally divided, 30 minutes both sides?

The PRESIDING OFFICER. The time until 12:30 will now be equally divided.

Mr. ROTH. Madam President, since it is 11:40, and since we have several speakers that want to speak, I ask unanimous consent that we be given the full hour, if that is satisfactory to the chairman.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 324

(Purpose: To establish a Department of Environmental Protection, and for other purposes)

Mr. ROTH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. ROTH] proposes an amendment numbered 324.

Mr. ROTH. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Environmental Protection Act".

TITLE I—REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEC. 101. REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(a) REDESIGNATION.—The Environmental Protection Agency is redesignated as the Department of Environmental Protection (hereinafter in this Act referred to as the "Department"), and shall be an executive department in the executive branch of the Government. The Department shall be headquartered at the seat of Government. The official acronym of the Department shall be "D.E.P.".

(b) SECRETARY OF THE ENVIRONMENT.—(1) There shall be at the head of the Department a Secretary of Environmental Protection (hereinafter in this Act referred to as the "Secretary") who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of the Secretary and the Deputy Secretary appointed under subsection (d), and may include an Executive Secretary.

(c) TRANSFER.—The functions, powers, and duties of the Administrator, other officers and employees of the Environmental Protection Agency, and the various offices and agencies of the Environmental Protection Agency are transferred to and vested in the Secretary.

(d) DEPUTY SECRETARY.—There shall be in the Department a Deputy Secretary of Environmental Protection, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe, and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the Office of the Secretary.

(e) DELEGATION OF AUTHORITY.—Except as provided in this Act and other existing laws, the Secretary may delegate any functions, including the making of regulations, to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as the Secretary considers to be necessary or appropriate.

SEC. 102. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Assistant Secretaries, not to exceed 10, as the Secretary shall determine, each of whom—

(1) shall be appointed by the President, by and with the advice and consent of the Senate; and

(2) shall perform such functions as the Secretary shall prescribe.

(b) FUNCTIONS.—The Secretary shall assign to each Assistant Secretary of the Department such functions as the Secretary considers appropriate.

(c) DESIGNATION OF FUNCTIONS PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall state the particular functions of the Department (as assigned by the Secretary under subsection (b)) such individual will exercise upon taking office.

SEC. 103. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department 20 Deputy Assistant Secretaries, or such number as the Secretary determines is appropriate.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) FUNCTIONS.—Functions assigned to an Assistant Secretary under section 102(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

SEC. 104. OFFICE OF THE GENERAL COUNSEL.

(a) GENERAL COUNSEL.—There shall be in the Department the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 105. OFFICE OF INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), is redesignated as the Office of Inspector General of the Department of Environmental Protection.

SEC. 106. REGIONAL OFFICES.

The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as he may determine necessary to carry out the functions vested in him or other officials of the Department.

SEC. 107. CONTINUING PERFORMANCE OF FUNCTIONS.

(a) REDESIGNATION OF POSITIONS.—(1) The Administrator of the Environmental Protection Agency is redesignated as the Secretary of the Department of Environmental Protection.

(2) The Deputy Administrator of such agency is redesignated as the Deputy Secretary of the Department of Environmental Protection.

(3) Each Assistant Administrator of such agency is redesignated as an Assistant Secretary of the Department.

(4) The General Counsel of such agency is redesignated as the General Counsel of the Department.

(5) The Inspector General of such agency is redesignated as the Inspector General of the Department.

(b) NOT SUBJECT TO RENOMINATION OR RECONFIRMATION.—An individual serving at the pleasure of the President in a position that is redesignated by subsection (a) may continue to serve in and perform functions of that position after the date of the enactment of this Act without renomination by the President or reconfirmation by the Senate.

SEC. 108. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Environmental Protection Agency is deemed to refer to the Department of Environmental Protection;

(2) to the Administrator of the Environmental Protection Agency is deemed to refer to the Secretary of Environmental Protection;

(3) to the Deputy Administrator of the Environmental Protection Agency is deemed to refer to the Deputy Secretary of Environmental Protection; and

(4) to an Assistant Administrator of the Environmental Protection Agency is deemed to refer to the corresponding Assistant Secretary of the Department of Environmental Protection who is assigned the functions of that Assistant Administrator.

SEC. 109. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, privileges, and other administrative actions—

(1) which have been issued, made, granted or allowed to become effective by the President, the Administrator or other authorized official of the Environmental Protection Agency, or by a court of competent jurisdiction, which relate to functions of the Administrator or any other officer or agent of the Environmental Protection Agency actions; and

(2) which are in effect at the time this Act takes effect;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—This Act shall not affect any proceeding, proposed rule, or application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, and such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—This Act shall not affect suits commenced before the effective date of this Act, and in all such suits proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall be abated by reason of the enactment of this Act.

(e) PROPERTY AND RESOURCES.—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be contracts, liabilities, records, property, and other assets and interests of the Department.

SEC. 110. CONFORMING AMENDMENTS.

(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of Environmental Protection".

(b) DEFINITION OF DEPARTMENT IN CIVIL SERVICE LAWS.—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following:

"The Department of Environmental Protection.".

(c) COMPENSATION, LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Secretary of Environmental Protection.".

(d) COMPENSATION, LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of Environmental Protection".

(e) COMPENSATION, LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of Environmental Protection";

(2) by striking each reference to an Assistant Administrator, or Assistant Administrators, of the Environmental Protection Agency; and

(3) by adding at the end thereof the following:

"Assistant Secretaries, Department of Environmental Protection.

"General Counsel, Department of Environmental Protection.".

(f) INSPECTOR GENERAL ACT.—The Inspector General Act of 1978 is amended—

(1) in section 11(1)—

(A) by inserting "Environmental Protection," after "Energy,"; and

(B) by striking "Environmental Protection,"; and

(2) in section 11(2)—

(A) by inserting "Environmental Protection," after "Energy,"; and

(B) by striking "the Environmental Protection Agency,".

SEC. 111. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and other appropriate committees of the Congress, the Secretary shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to the laws of the United States, to reflect the changes made by this Act. Such proposed legislation shall be submitted not later than 1 year after the effective date of this Act.

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. ACQUISITION OF COPYRIGHTS AND PATENTS.

The Secretary may acquire any of the following rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) Copyrights, patents, and applications for patents, designs, processes, and manufacturing data.

(2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before suit is brought, for past infringement of patents or copyrights.

SEC. 202. GIFTS AND BEQUESTS.

The Secretary may accept, hold, administer, and utilize gifts, bequests, and devises of real or personal property for the purpose of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary.

SEC. 203. OFFICIAL SEAL OF DEPARTMENT.

On and after the effective date of this Act, the seal of the Environmental Protection Agency, with appropriate changes, shall be the official seal of the Department, until such time as the Secretary may cause an official seal to be made for the Department of such design as the Secretary shall approve.

SEC. 204. USE OF LIKENESS OF OFFICIAL SEAL OF DEPARTMENT.

(a) DISPLAY OF SEAL.—Whoever knowingly displays any printed or other likeness of the official seal of the Department, or any facsimile thereof, in or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

(b) MANUFACTURE, REPRODUCTION, SALE, OR PURCHASES FOR RESALE.—Except as authorized under regulations promulgated by the Secretary and published in the Federal Register, whoever knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department or any substantial part thereof (except for manufacture or sale of the article for the official use of the Government of the United States), shall be fined not more than $250 or imprisoned not more than 6 months, or both.

(c) INJUNCTIONS.—A violation of subsection (a) or (b) may be enjoined by an action brought by the Attorney General in the appropriate district court of the United States. The Attorney General shall file such an action upon request of the Secretary or any authorized representative of the Secretary.

SEC. 205. USE OF STATIONERY, PRINTED FORMS, AND SUPPLIES OF ENVIRONMENTAL PROTECTION AGENCY.

The Secretary shall ensure that, to the extent practicable, existing stationery, printed forms, and other supplies of the Environmental Protection Agency are used to carry out functions of the Department before procuring new stationery, printed forms, and other supplies for the Department.

Mr. ROTH. Madam President, reflecting upon our previous failures to pass the forerunners of S. 171, I and several of our colleagues suggested that the committee initiate a clean bill strategy, a strategy limited only to elevating the EPA, and that we all band together to resist any and all amendments to a clean bill. I had previously introduced a clean EPA elevation bill (S. 380) with Senators WELLSTONE, CHAFEE, and DURENBERGER. During markup, I offered this approach as a substitute for S. 171. Unfortunately, the committee rejected this proposal, and, instead, accepted the amendment offered by my distinguished chairman which included, in addition to the traditional package of extraneous provisions, a new controversial request to terminate the Council on Environmental Quality.

Why do we suggest the adoption of a clean bill strategy and why is last year's bill not good enough today? To answer that question, I note that our past efforts contained essentially two distinct parts. The first part was elevation of the EPA to cabinet level status. The second part was a series of extraneous environmental proposals such as the creation of a Bureau of Environmental Statistics, a National Academy of Sciences study on data collection, and the establishment of a commission to study our environmental laws.

It is true that I have not opposed these extraneous bureaus, commissions, studies and conferences in the past, although they were of some concern to me. However, during the last two Congresses it was the second part that prevented the first part from achieving enactment into law. Issues extraneous to elevating EPA encourage other amendments to be offered. Then those amendments generate controversy and sink the bill.

In the last Congress, we followed the committee's approval with the result that a controversial amendment was added on the Senate floor. The amendment then served as an impediment to action by the House of Representatives. It is not unreasonable, at least in my judgment, to worry that past may be prologue, as there are all sorts of amendments in waiting both in the Senate and the House, and I fear it will not take a lot of controversy to sink our efforts.

So I believe it is time that we learned from our mistakes in strategy and initiate and pursue a clean bill strategy—one restricted only to elevating EPA. If we do not do this, we will have no objective basis on which to oppose Senate amendments and House amendments as bad extraneous amendments.

It should be noted in considering this bill's extra baggage that the EPA, like every other Government agency, is under Presidential orders to pare down. The extraneous provisions of S. 171, as amended cost extra money. I appreciate the fact that the chairman has attempted to reduce the costs, both in fact and in appearance, of S. 171, as amended. But the additional costs are still there and according to the CBO are $8 million per year and $39 million during the period 1993 to 1998.

The Bureau of Environmental Statistics will cost about $5.5 million annually.

The National Academy of Sciences study on the adequacy of environmental data would cost one-half million dollars.

Grants to the State for data collection would cost about $250,000 annually.

The bill also establishes a 13-member commission to examine and make recommendations on measures to improve the ability to protect the environment which would cost $2 million a year for 2 years.

In addition, according to the Committee on Environment and Public Works, the administration's estimate that eliminating the CEQ saves $2.6 million and 31 staff positions are inflated because they do not account for the costs associated with the newly created White House Office of Environmental Policy which is estimated to have 10 staff positions. CBO rightly points out that the CEQ costs are merely transferred, not cut. So the new White House positions produce a net increase in costs.

While each of these extraneous provisions may seem like only small steps in the wrong direction, they are in the wrong direction. The American people want us to trim Government's girth not add to its weight. But these provisions are ill-advised not only for creating more Government jobs but for generating controversies that jeopardize the efforts to elevate the EPA.

Madam President, my amendment is the bill that most people think the Senate is acting on. There is very little knowledge or interest in these other provisions that load down S. 171. We can, by adopting my amendment, elevate the EPA at a cost of less than $30,000 a year, and with a minimum of controversy. My amendment is a cheaper and safer alternative. What I seek to emphasize is like the chairman—we both want to see this agency elevated into Cabinet status, and again the reason I am offering my proposal is that I believe it offers the best chance of accomplishing that objective.

Madam President, I urge the adoption of my amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, I yield myself such time as I may use.

Madam President, I oppose the Roth amendment for several reasons which I would like to briefly outline.

First, what the Roth proposal does is simply change the name of the EPA, it does not address any of the very serious and fundamental management issues which this committee itself, the Governmental Affairs Committee, has identified as very important problems demanding attention. For example, our provisions on inherently governmental functions and conflict of interest grow directly from work that Senator PRYOR has done on this committee over the years. The Governmental Affairs Committee has also identified great areas of weakness, and my distinguished colleague from Delaware, the ranking minority Member, has been in the hearings, where we have gone into some of the EPA problems with contracting and problems with their own internal organization.

I think we would be derelict in our duty if we took no action in this elevation bill to address these concerns, and we are not addressing them if we just go to the Roth substitute.

Second, our Bureau of Environmental Statistics is an integral part of this elevation. Good data management and organization is critical to the success of both better identifying environmental problems and measuring performance of environmental programs and policies. A centralized bureau will play a very important role in accomplishing these objectives. Moreover, EPA has told us that they can fund the bureau out of current resources. I repeat, that EPA has told us they can fund the bureau out of current resources so that additional authorization of appropriations for this purpose is unneeded.

The study on data needs S. 171 calls for will also be very useful in determining how to even further improve the new Department's data management. With regard to the bureau of statistics, I need only refer Senators back to some debate we had here on clear air, on clean water, the environment. You can prove anything you wanted to prove on the floor of the U.S. Senate depending on which expert you call as one you want to rely on for their figures. You can get a study for anything.

What we are proposing with the Bureau of Environmental Statistics is to make one place like the Bureau of Labor Statistics is with regard to employment and business matters. The Bureau of Labor Statistics we look at as authoritative and we base a lot of Government programs on that, and yet in the environment, which is an ever-expanding interest to Government, and will continue to be so, we are talking here about trying to get some group that can put expertise on this to decide what is reliable in environmental statistics and what is not.

That is the reason we think this is so important.

Third, the Roth substitute does not include a provision on CEQ. That is one of first things this new administration said. They wanted to do away with CEQ, because it was not really accomplishing what it was intended to do, and they put that requirement in their report, their annual report, to EPA. It makes sense.

And they asked us to include that in this legislation, which I have done. The Roth substitute does not include that in his amendment.

So my provision would abolish CEQ and distribute its functions to the new department and the President. Elevating EPA without addressing the issue of CEQ creates, in my view, organizational illogic and imbalance in the executive branch.

Finally, the Commission on Improving Environmental Protection has been created in order to examine how various environmental programs and activities, as well as the internal structure of the new department, can be improved.

Madam President, in that regard, back some years ago when we were going to propose elevating EPA, we thought OK, EPA functions, environmental interests and functions, are literally spread all over Government—the Departments of Defense, Agriculture, and on down the list. Almost every department or agency of Government has something to do with the environment and in their own areas of jurisdiction. And many of these overlap things that EPA does.

We started trying to put together a bill that would literally take these functions and combine them under EPA for more efficient administration and to save money and still have environmental law carried out more efficiently than it is now.

I will tell you what happened on that and why we were not able to do it. It got to be so complex in trying to figure out all these things that it was beyond the capability of our staff to be able to do that.

So what we did, we said, OK, this is important enough that it should be done and we know that in the long term it will save money; we know it will strengthen environmental protection over the long haul.

So much as I dislike—and I am the first one to say that I abhor the establishment of any new commission, committee, advisory council; we have too many of them now. But in this regard and with all the internal problems EPA has had with their own management, I very reluctantly agreed that we need a commission. We terminate them at the end of 2 years. We sunset them. And I think the couple of million dollars we spend on them, if that does not come back many, many, many times over, I will be extremely surprised, because they are to advise us on internal management problems that have been pointed out on this floor recently, and also to say where, in Government, we can take functions out of other agencies and departments and bring them back under the EPA umbrella for more efficient administration.

There is no better nor more appropriate time to undertake such an examination than when we elevate an agency to Cabinet-level status. The commission's interim and final reports will serve as critical guides to making the improvements in the structure and operation of departmentwide programs, thus reducing costs and saving money.

We are talking about streamlining Government. We all love to make speeches on streamlining Government and cutting costs down. That is what this commission will do. That is their mandate.

So, in short, I oppose the Roth amendment because it does not do some of these very important things which, far from being extraneous to this effort, are integral parts of it.

Now we talk about the costs. Senator ROTH mentioned costs and that his bill would be cheaper. It is a question of cost.

I already addressed part of that, but let me address the rest of it.

The argument against the establishment of the Bureau of Environmental Statistics, for instance, rests on CBO figures regarding its cost—$5.5 million per year. That is about one-tenth of 1 percent, one-tenth of 1 percent, 1/1000 of EPA's current budget. We need to understand that CBO's cost estimates on a bill or portion of a bill proceed on the basis of rules that do not necessarily take into account the actual managerial decisions made by a department Secretary.

Now, EPA has been authorized a certain level of expenditures for next year, and there is no reason to assume they were not planning to spend their full complement of appropriated funds for next year.

But the department has informed us that, perhaps out of necessity, considering the pressure to work more efficiently in Government, they believe they can find efficiencies that will allow them to carry out the functions of the bureau without additional authorization of appropriations. And I applaud them for that. They say they can absorb a cost of one-tenth of 1 percent of their budget "without breaking a sweat." I would agree with them on that.

What is more, my substitute eliminates the Council on Environmental Quality, as I mentioned, something the Roth amendment does not do. And CEQ is an agency that has under 31 full-time employees, FTEs. EPA is adding only eight new positions under my bill the first year, and the bureau will take over CEQ's responsibility for producing the required annual report on environmental quality. Additional positions may be required in the future, but EPA's commitment to do more within its current base level of resources suggests that they will be able to do CEQ's function with considerably less than the 31 FTEs previously authorized for that agency.

CBO does not take that into account in their figures. Here is an agency wanting to do better, and I think we should be encouraging them.

I am not saying that CBO should change their rules, but I think we should use some common sense. Here we have an agency that is committing to absorb the cost of establishing and running this bureau within its current base level of resources. With the abolition of CEQ, those 31 FTE's, we are coming out with a net saving to the taxpayer, while establishing a function within the EPA that desperately needs to be done; namely, how can they more efficiently organize what has been admittedly a management nightmare over there and how do we draw back in all of these different functions of Government, also, so that we make more efficient administration of all of our EPA law.

As for the Commission, it will only operate for 2 years. We have already heard on this floor from Senator MURKOWSKI, for one, and others some of the horror stories regarding EPA's implementation of environmental laws. And I agree with that. I can add more to what they already said, because we have had hearings on this and it has been pointed out in our committee reports some of the difficulties EPA has had.

We have heard about inefficiency, overlap, illogical regulations. EPA is now over 20 years old and there has never been a comprehensive look at whether there should be a national environmental strategy, whether the internal organization of EPA programs is sensible, what management reforms need to be done, whether we have been doing environmental regulation in a sensible and logical way, whether we have been following a risk-based strategy of protection, and whether the interagency overlaps are costing the taxpayers unnecessary expenditures of their hard-earned money.

Madam President, I just do not think that $2 million a year for 2 years is too much to pay in order to address these very fundamental issues. I just think it is money well spent. Because if the Commission does its job, then we will end up saving billions, and I mean billions.

In short, Madam President, the Roth amendment eliminates some very important functions which I strongly believe are critical elements of this elevation proposal, and I urge every Senator to oppose the Roth amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Madam President, I ask unanimous consent, if there is nobody else wanting to speak at this time that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. I ask unanimous consent that such time as I use on this be charged against my time.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I rise to put in two bits of information, here, two things that the administration sent us.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. BUREAU COSTS AND JUSTIFICATIONS

The Bureau will help, and would have helped us, do all of the following:

Address Federal facility environmental problems—The Bureau would have helped us know more and begin to get a handle on this problem. Environmental problems at U.S. government agency facilities are the largest, most expensive, and most problematic environmental cleanup problems in the nation.

Determining consistency of approach and measurement of performance of environmental statutes and regulations across the country.

Monitoring for ozone in rural areas—In this area the Bureau would have identified this as a missing information need and coordinated with the relevant agency to see if such data could be collected or if we were doing adequate collection.

Improve the monitoring of water quality, pesticides, and exposure to toxic substances.

Improve the monitoring of airborne concentrations of lead. A few years ago, only 53 monitors were in place for the whole country to perform such measurements.

Increase the efficiency of use of environmental data bases. Currently such data compilation is done in over a dozen different federal agencies. This dispersion is inefficient and potentially redundant. The Council of Economic Advisers is an excellent example of how data compilation and reporting can and should be done. The Economic Report of the President includes over 100 tables many of which show statistics going back to 1929. This report makes it possible to assess a number of important economic measures. There is no analog to this in the world of environmental statistics—no single source of information that allows us to measure performance. The Bureau will provide this.

Improve the management of available environmental data at EPA. EPA has three data bases for regulating disinfections, yet EPA officials have told the GAO that as much as 60 percent of the data on disinfectant product claims are inaccurate or incomplete. In another case, EPA maintains nine separate database management systems to track information about pesticides awaiting reregistration, including the results of health and environmental studies. Yet, when, in 1991, a trainload of metam sodium spilled into the Sacramento River, EPA was unaware of information in its files indicating that metam sodium can cause birth defects. As a result the agency could not warn pregnant women and workers of the pesticide's hazards.

II. COMMISSION COSTS AND JUSTIFICATIONS

What exactly will the Commission buy us? Why should we spend $2 million next year on this effort? I believe this question is easily answered.

Small business and small community compliance assistance programs—the Commission can do much in the way of making recommendations to aid these entities with environmental compliance. The Commission's review of this matter will be critical.

EPA regulation of radionuclides under the Clean Air Act—the Commission may examine the possible overlap between EPA and the Nuclear Regulatory Commission and make recommendations about this problem.

The Commission also will look at the lack of coordination in federal environmental programs administered by the Department, such as the regulation of major toxic chemicals where the Environmental Protection Agency, the U.S. Food and Drug Administration, and the Department of Health and Human Services all have regulatory responsibility.

Regulation of mixed waste, in which the responsibilities of EPA and the Department of Energy overlap. Once again, the Commission's review of EPA's management and organization of these programs could make a critical difference in improving their effectiveness and efficiency.

The Commission's mission to enhance the organization of Departmental program will finally yield recommendations about ways to address cross-media concerns—the interplay and interconnections among and between air, land and water, and how one medium is ultimately affected by others. The organization of the Department must be examined carefully in this area.

The Office of Research and Development's mission cuts across many different offices in EPA. How efficiently is its mission integrated and how well does it work with other program offices? Has this affected EPA's ability to lead on such critical issues as the radon gas problem, ozone depletion, global warming and so on?

The Office of Enforcement generally doesn't have inspection and compliance functions but instead these have been parcelled out to the various program offices. Thus when the Enforcement Office asserts certain priorities in terms of inspections and compliance, these may not be the same priorities of the program offices or vice versa.

Pollution Prevention is another area which cuts across many program offices. How should this be handled? What is the most effective way to incorporate this concern into all program areas?

How will the new Bureau of Environmental Statistics, or even simply the agency's current statistics efforts mesh with the Office of Research and Development?

There is conflict between the Clean Water Act and RCRA (the Resources Conservation and Recovery Act) with respect to coordination of water permitting and hazardous waste disposal permitting (the "mixture and derived from" controversy). Which statute governs with respect to release of water which has been in contact with hazardous waste but which may be "clean" under the Clean Water Act?

The same is true of permitting under the Clean Air Act with respect to incinerators and the ash they produce.

WHY DOES EPA NEED A BUREAU OF ENVIRONMENTAL STATISTICS?

A number of studies, including the recent EPA Science Advisory Board Report entitled "Reducing Risk: Setting Priorities and Strategies for Environmental Protection", have stressed that we lack the information needed to assess the current state of the environment, the magnitude of various environmental problems, and the effectiveness of our environmental programs. The BES is an important step in strengthening the Agency's capacity to provide accessible environmental statistics to meet the growing needs of decision makers and the public for credible environmental information.

1. The BES will provide a broad array of environmental statistics and information. Today there is no program that provides statistical information on the environment as a whole. Requests from EPA customers for statistical information are met mainly by dozens of individual program offices. For a State environmental program official, finding the sources of statistical information you want can be a frustrating experience; for the average citizen, it can be practically impossible. In many cases the BES will be able to provide environmental statistics directly to the requester. In all other cases a BES will serve as a clearinghouse by directing requesters to the right source, whether they be inside EPA, in other federal or state agencies.

2. The BES will provide environmental statistics at EPA with a strong internal advocate and customer. Most people agree on the need to strengthen EPA's base of environmental statistics. As budgetary pressures increase, however, there will be a tendency to focus Agency resources away from information collection and ever more narrowly on strict statutory obligations (e.g., regulations, permits, enforcement actions). Within the budgetary decisions of individual programs, investments in environmental statistics and information will be treated as a luxury. By clearly articulating Agency-wide information collection and statistical needs, as well as the roles of individual programs in meeting those needs, the BES will maintain the visibility of environmental information in the Agency's planning and budgeting process.

3. As the environment is viewed as more central to discussions in other areas of public policy (e.g., the economy and investments in transportation and other infrastructure) EPA must develop a capacity to respond to requests for relevant, cross-cutting environmental statistics to inform these discussions. The BES will provide such a capacity to respond to requests for:

Environmental statistics related to more than one program, (e.g., a compilation of environmental statistics for a region of the country) and

A compilation of statistical information on environmental issues for which no individual program has specific responsibility e.g., the environmental impact of NAFTA.

Mr. GLENN. Mr. President, one is Bureau costs and justifications: "The Bureau helped, and would have helped us, do all of the following: Federal facility environmental problems; consistency of approach and measurement"—and on and on, with the number of things that make the Bureau of Statistics a very valuable tool for the future.

A second part of this is Commission costs, the Commission we proposed, their costs and justifications and what the administration's views on this are and how they plan to use this. I have already had it printed in the RECORD here.

I reserve the remainder of my time and ask unanimous consent the time again be charged equally on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield 5 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BINGAMAN. I thank the Senator from Ohio, the distinguished chairman of the committee.

Mr. President, I rise to very briefly indicate my support for the substitute which Senator GLENN has put before the body, and urge my colleagues to defeat the proposed amendment of the Senator from Delaware and go forward with the Glenn substitute amendment which was reported out of the committee of jurisdiction.

The legislation contains several elements that will reorder the EPA and foster a better environmental policy. First, the elevation to Cabinet status recognizes the strategic importance of the environment to the future of the country and to the world. It provides that, in decisionmaking at the highest level of our Government, environmental issues and environmental concerns will be adequately considered.

S. 171 also addresses the need for better data management analysis in solving critical environmental problems through the creation of a Bureau of Environmental Statistics. We cannot credibly produce sound environmental policies unless we have strong analytical underpinning for those policies. This Bureau is sorely needed. Moreover, I understand that it would be funded out of current EPA resources.

Senator GLENN's amendment also addresses the contracting problems that have plagued the Environmental Protection Agency, as well as making changes that will rationalize the formulation and execution of environmental policy. In particular, the Glenn amendment establishes a commission on improving environmental protection, which will conduct a thorough review of Federal policy and regulatory activities. A reformulated U.S. Department of the Environment, as proposed in Senator GLENN's amendment, would prepare our country to face the challenges ahead and to do so in a cost-effective and responsible manner.

Mr. President, I have had constituents raise questions with me about whether additional funding is required as a result of this amendment. I am persuaded that additional funding is not required. This can be done out of the resources now available to the EPA. I have been asked whether additional regulation and duplication of regulation would result. And, again, I have satisfied myself that that is not the case and that, in fact, the amendment that the Senator from Ohio has proposed will help us to eliminate duplication of regulation, eliminate the overlapping of regulatory jurisdiction which has exited in the past, and help us to streamline that Department and make it more usable and more understandable by the American citizens.

So I strongly support Senator GLENN's proposal in this regard. I urge my colleagues to support it as well. I hope that later today we can see a successful adoption of Senator GLENN's substitute amendment.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor. Who yields time?

Mr. DECONCINI addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio controls the time.

Mr. GLENN. I yield the Senator from Arizona—how much time does he need?

Mr. DECONCINI. Three or four minutes.

Mr. GLENN. Three or four minutes.

The PRESIDING OFFICER. The Senator is recognized for 4 minutes.

Mr. DECONCINI. Mr. President, I want to compliment the Senator from Ohio, Chairman GLENN, and the Governmental Affairs Committee for having done a tremendous job of creating a bill that finally gives environmental concerns the priority and the status that it so badly needs.

The EPA has come under much criticism, but it also has come under much praise. I think by elevating this to a Cabinet-level position in the manner of the substitute offered by the Senator from Ohio will indeed make it a better organization and capitalize on the positive things that the EPA has been involved in. We all have had problems—I have had them in my State—where the EPA has, we believe, gone outside the scope of what was intended when it was created. But we also have seen the benefits of the Environmental Protection Agency enforcement of laws that we in Congress have put on the books to ensure that the environment is improved. And it is better; it is better today than it was, and much of that goes to the Environmental Protection Agency.

I disagree with the amendment of the Senator from Delaware, who I have the greatest respect for and have worked with many times before, because, in my judgment, it will do little more than simply change the name of the Environmental Protection Agency to the Department of the Environment. Elevating the EPA to a Cabinet-level department is just one aspect of really focusing on the environmental problems we face, domestically and internationally. Yes, I say internationally. We have to be able to deal with the international problem. Two years ago an amendment was adopted on a bill that authorized the EPA to deal directly internationally with the Mexican Government for problems along the border of Mexico and the United States, because with NAFTA coming before us as a possible fast track, which we approved, there were environmental problems. And to deal with the State Department and the Commerce Department was too cumbersome. EPA had that authority, has it now, it is my recollection, to go ahead and deal internationally. Obviously, it has to be in concert with the State Department, but they no longer have to wait for the State Department to say, yes, you can deal internationally. So we have an expanded role for the EPA.

We need to do more. We need to give this new department the tools to gather information that will really put teeth into environmental protection and arm it with some responsible decisions on environmental regulations.

Mr. President, I firmly believe that the Bureau of Environmental Statistics and the Commission on Improving the Environment are integral parts of truly elevating the status of the EPA. They will provide a sound basis of environmental data and improve and streamline the management practices of the new department. As has been indicated here, which is most encouraging, it is estimated that it is not going to cost more money to do this. Through reorganization and reallocation of the present resources, these things can be done. They are extremely valuable information that need to be put together.

So, again, I want to emphasize how important this bill is to really dealing with environmental regulations and protections in our country. It has the support of most of the major environmental groups. The administration strongly supports it.

Again, I compliment the Senator from Ohio for his leadership and thank him for yielding the time.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Ohio controls 5 minutes. The Senator from Delaware controls 16 minutes. Who yields time? Time will be charged equally to both sides.

Mr. ROTH. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. How much time does the Senator need? Senator BAUCUS is here also. Can the Senator use 2 minutes?

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. AKAKA. Mr. President, I rise in strong opposition to the amendment offered by my colleague from Delaware. I believe the amendment is ill-advised, for several reasons:

First, the Roth proposal would simply change the name of the EPA—it does not address any of the fundamental management issues which the Governmental Affairs Committee has identified as demanding attention. For example, our provisions on inherently governmental functions and conflict of interest grow directly out of Senator PRYOR'S work on the committee. The committee has also identified great weaknesses in the agency in the area of contracting. We would be irresponsible if we took no action in this elevation bill to address these concerns.

Second, our Bureau of Environmental Statistics is an integral part of this elevation. Good data management and organization is critical to the success of both better identifying environmental programs and policies. A centralized Bureau will play a crucial role in accomplishing these objectives. EPA has told us that they can fund the Bureau out of current resources; thus, additional authorization of appropriations for this purpose is unnecessary.

Third, the Roth substitute does not include a provision addressing the Council for Environmental Quality, something the administration has requested and which is accomplished in the Glenn substitute amendment. The provision would abolish CEQ and distribute its functions to the new department and the President. To elevate EPA without addressing this issue would result in organizational imbalance in the executive branch.

Finally, Mr. President, the Commission on Improving Environmental Protection has been created in order to examine how various environmental programs and activities, as well as the internal structure, of the new department can be improved. There is no better or more appropriate time to undertake such an examination than when we elevate the agency to Cabinet-level status. The commission's interim and final reports will serve as critical guides to making improvements in the structure and operation of department-wide programs, thus reducing costs and saving money.

In conclusion, Mr. President, my colleagues should oppose the Roth amendment because it does not make those improvements that are integral to the entire effort to raise EPA to department status. Congress is not a cipher. It is our job to enact the best legislation possible: whereas the Glenn substitute attempts to do this, the Roth amendment merely enshrines the status quo.

As to the question of cost, it is true that the Roth alternative would cost less. But the Glenn substitute amendment will also result in significant savings over the original bill—and the relatively small cost of the substitute amendment will soon pay for itself, by improving the efficiency and effectiveness of EPA's operations. The same cannot be said for the Roth amendment, which simply calls for business as usual.

Thank you, Mr. President, I urge my colleagues to oppose the Roth amendment and to support the Glenn substitute.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. GLENN. I yield 2 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. GLENN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes 20 seconds.

The Senator is recognized for 2 minutes.

Mr. BAUCUS. Mr. President, I thank the chairman of the committee.

With the short time remaining, let me make two very simple points. One, I oppose the amendment for this reason: It is very shortsighted.

It is critical to have a commission, Mr. President, to evaluate the rules and regulations that the EPA has promulgated in the past so that they are much better coordinated and are more integrated into a whole. Our committee, the Environment and Public Works Committee, has held many hearings. We constantly hear the complaint of people across the country, from businesses, state officials, about the complexity and the array of regulations; we absolutely need coordination.

This Commission contained in the underlying bill is essential. I am appalled, frankly, that the Senator from Delaware is not in favor of the Commission so we can better coordinate the rules and regulations that now exist.

Second, we need better data. We need much better data. We desperately need much better data. Our committee's hearings make it equally clear that our environmental laws are not tailored to the problems as well as they should be. That is, the laws tend to be stronger in some areas and weaker in others. Why? Because we do not have the data. We do not know what we are doing half the time.

Sure, there are some private data. Yes, different agencies have some data. Some States do, too. It is not well coordinated. It is not well targeted. We desperately need a way for our country to better align the environmental problems that we have with the remedies. And the best way to do that is to have better data of what is occurring.

So for those reasons, I very strongly urge the Senate to not adopt the Roth amendment because in so doing we deprive ourselves both of data and the Commission to organize the rules and regulations.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself such time as I use.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ROTH. Mr. President, first let me emphasize what I think is critically important, that the purpose of this legislation is and should be the elevation of EPA to Cabinet status. I think it is critically important from the internal domestic point of view; I think it is important from the standpoint of international stature.

We all know that those departments with Cabinet status are more influential than other agencies. So that as we move ahead and try to get a consistent pattern in these rules and regulations affecting the environment, it seems to me of first importance that the environmental agency have Cabinet status because in many of its dealings, whether it is the Department of State, the Department of Energy, or whatever, it is dealing with departments of that status.

Second, I think it is critically important from the international standpoint that EPA be given Cabinet status.

In the committee report, the majority statement quotes Russell Train, former EPA Administrator, who says, "I can personally attest to the fact that in dealing with representatives of foreign states, rank and status are important."

So I think it is important that when the EPA Administrator represents this country in seeking international agreements and understandings that ensure all countries are going to live by the same rules and regulations, our chief spokesman have Cabinet status. For that reason, I urge we have a clean bill.

There is no difference between the chairman and myself as to our goal of giving the Environmental Protection Agency Cabinet status. We both think that is important. I want to emphasize that in doing so we are not just upgrading its name; we are giving it the prestige and authority it needs in dealing with other domestic agencies, as well as other spokespersons from other countries.

My concern is that twice already we have enacted legislation in the Senate to give this status to our EPA. But when it came to final enactment, nothing ever happened because the legislation had extraneous amendments added to it. What we are proposing today is to go down that same road if we do not adopt my amendment. My concern is that if my amendment is defeated, if we do not have a clean bill, then other Senators are going to try to add extraneous amendments.

I am concerned that the same thing is going to happen on the House side as has happened in the past. And there are some very controversial propositions being discussed there. So what will happen is that once more we will end up with no legislation enacted into law that makes EPA a Cabinet-level department.

Now, I am not really here to try to argue the individual proposals. As I mentioned, I have considerable concern about them. They do increase the cost somewhat. These are times in which a principal purpose of this Government, according to the President on the executive side, and certainly from what one hears in the Congress, is to reduce the deficit, to reduce Government. What concerns me is that these extraneous amendments, while they may have some legitimate purpose, nevertheless add costs. It is for that reason I hope we would not insist upon them being part of this legislation.

I would point out the Congressional Budget Office cost estimate of the legislation pointed out that the Bureau of Environmental Statistics would cost about $5.5 million annually when fully implemented. So what we are doing is creating a new bureaucracy there.

In the case of the Council on Environmental Quality, the same thing is happening, because what will happen is that those responsibilities will be transferred to the environmental agency but then in the White House we are adding an additional 10 positions. So once again we are creating additional bureaucracy at the very time in which the President himself has talked about downsizing Government and about reducing costs.

Mr. President, the principal point I want to make—at least what I have always thought—is that the real purpose of this legislation is to give Cabinet status to EPA because of the importance we attach to environmental protection. I greatly fear that if my amendment is defeated, we will see what happened in the last 2 years, that the legislation will go nowhere, and 2 years from now we will be here once again making the same proposal. Mr. President, I urge adoption of my amendment.

I yield the floor.

The PRESIDING OFFICER. There are 7 minutes, 21 seconds remaining. The Senator from Ohio controls 30 seconds.

Mr. PELL. Mr. President, I wish to add my voice to those supporting the excellent work of the chairman of the Governmental Affairs Committee. I am pleased to be a cosponsor of the chairman's bill.

Under the leadership of the senior Senator from Ohio [Mr. GLENN], the committee has reported an eagerly awaited bill to elevate the Environmental Protection Agency to the Cabinet.

The Department of the Environment, as created by this legislation, would be launched with the addition of a Bureau of Environmental Statistics and the elimination of the Council on Environmental Quality.

In addition, the new Department of the Environment would be required to seek more accountability by reducing its outside contracting for what are inherently governmental functions.

The new Department also will benefit from the creation of the Commission on Improving Environmental Protection. This 13-member Commission will focus on how best to improve the management and implementation of environmental laws and programs.

Mr. President, it's about time we elevated the issue of environmental protection. Now, at last, we will have an institutional voice for the environment in the President's Cabinet.

I strongly support the chairman's legislation and hope my colleagues will join in passing a clean bill that will get this new Department off on a sound footing.

Mr. LEVIN. Mr. President, as an original cosponsor of S. 171, I am pleased that the Senate is considering this legislation to elevate the Environmental Protection Agency to a Cabinet-level department. EPA's elevation to the Cabinet reinforces the significance of the mission of this agency and sends an important message to the world about Americans' priorities. It is appropriate that we began consideration of this legislation on Earth Day and I hope the Senate and, subsequently, the House act quickly to pass S. 171.

I join Chairman GLENN in opposing the Roth amendment and other amendments that seek to change the bill that we have reported from the Governmental Affairs Committee, and was later reported by the Environment and Public Works Committee. The Roth amendment would strip S. 171 of two provisions which I believe are important and will help the EPA perform more efficiently in the long run. One is the Bureau of Environmental Statistics and the other is the Commission on Improving Environmental Protection.

The General Accounting Office has recommended that EPA establish a central unit for collecting, analyzing, and disseminating environmental data, and that is exactly the Bureau's role. The Nation's desire and ability to collect environmental data increases almost daily, such that the volume of information has become unmanageable and unfocusable. At the same time, the need is ever more pressing to better understand the intricacies of the national and global environment. We need this Bureau to channel and make useful the data we collect so that we can make wise policy decisions on every issue from Great Lakes water quality to global climate change.

The Commission on Improving Environmental Protection will also make the new Department more efficient. The Commission will take up to 2 years to review the EPA's existing structure and programs and make recommendations on how to improve their implementation and management. This Commission complements President Clinton's desire to reinvent government and promises to significantly enhance EPA's past performance.

Mr. President, I would like to mention briefly an issue which I think is integral to the success or failure of our environmental policies; an issue which has historically received too little attention—the burden of mandates placed on small, local communities to comply with environmental regulations and standards.

We are not talking about a small sector of our society, but Federal agencies often regulate as if we are. Over 70 percent of the general purpose governments in the United States have populations of less than 3,000 and half are under 1,000. Moreover, only 3 percent of localities in this country have more than 50,000 inhabitants. However, it is apparent that when these communities are faced with costly regulatory requirements, they do not have a very big tax base upon which to draw.

Federal agencies often forget that small, local governments are frequently comprised of individuals who serve their communities on a volunteer, part-time or low-salary basis. These dedicated individuals are not experts in waste water treatment or air pollution or infrastructure repairs. Moreover, oftentimes these local officials have very limited access to technical experts, legal counsel, or even computers. Given these realities, we are obligated to pay particular attention to the burdens our Federal regulations can place on small communities. This burden can result in exactly what we do not want—noncompliance.

That is in part why we passed the Regulatory Flexibility Act—to force Federal agencies to take the limitations of small entities like small local governments into account in issuing regulations. In the fall of 1988, the Governmental Affairs Committee, of which I am a member, held a hearing on the effectiveness of this legislation in easing the regulatory burden on small entities. Unfortunately, we discovered that the act had not been consistently implemented and compliance by many agencies has been inadequate, particularly with regard to small communities.

As a result of the problems uncovered at that hearing, Chairman GLENN and myself, along with other members of the committee, introduced the Small Government's Regulatory Partnership Act to gain more effective compliance with the Regulatory Flexibility Act. Due to certain concerns raised regarding the structure of the Small Governments Act, we have continued to wrestle with the issue of how to sufficiently strengthen the Regulatory Flexibility Act to ensure compliance.

I am once again working with the full committee to put some teeth back into this important law. As part of this effort, I recently signed a letter, along with Chairman GLENN and Senator DORGAN, to President Clinton regarding more effective implementation of the Regulatory Flexibility Act.

Obviously, the EPA is at the forefront of the agencies which promulgate regulations affecting small communities and, therefore, has a significant need for heightened sensitivity in this area. The EPA has already undertaken certain initiatives in recognition of the need to address the concerns of small governments. One of those initiatives was the creation, in 1989, of the Small Community Coordinator Program. This office is headed by the Small Community Coordinator, who is charged with integrating the concerns and special needs of small communities into the regulatory process. I and other members of the Governmental Affairs Committee strongly supported the establishment of that office.

Therefore, as the committee prepared to act on the legislation to elevate the EPA to a Cabinet-level agency, I wrote to EPA Administrator Carol Browner to follow up on the status of this important office and to inquire as to her commitment to ensuring a meaningful role for the Small Community Coordinator Program within the agency. Depending on her response, I had planned to move to offer an amendment to codify this office and, therefore, seek to ensure a meaningful and permanent role for this office.

I am pleased to report that the response from Administrator Browner reflects a strong and active commitment on her part to not only the continued existence of the Office of the Small Community Coordinator, but to putting in place new initiatives and enhancing current programs to address the special needs of small communities. The letter lists six ongoing and/or planned initiatives directed toward small community issues such as the establishment of a small community task force headed by the Small Communities Coordinator and the completion of a "Guide to Federal Environmental Requirements for Small Governments".

I did, however, offer and get accepted a separate but related amendment during the committee consideration of S. 171 to the section which establishes the Commission on Improving Environmental Protection. My amendment requires this new Commission to review and make recommendations on the specific concerns and problems faced by small governments in complying with EPA regulations. A similar provision was included for small businesses by my good friend Senator LIEBERMAN, and I supported that effort. When we enacted the Regulatory Flexibility Act, we recognized that small businesses and small governments face similar problems with regulatory compliance. It is only logical to require the Commission to address both these important matters.

It is wrong for agencies to continue to promulgate regulations that significantly affect small communities without addressing their needs and understanding the capacities of these governments to do what we ask of them. It unfairly burdens these communities, and it is an ineffective means to achieve our environmental ends. It appears that Administrator Browner recognizes this and is willing to take steps to integrate these concerns into the policy process within the EPA. I look forward to working with her and her staff on this and other issues.

Mr. President, the Senate has spoken before in favor of elevating EPA to the Cabinet. S. 171 is a good bill and deserves swift passage. Any effort to strip it of useful components or reduce its effectiveness should be opposed. I urge my colleagues to support S. 171 as reported.

I would also like to compliment my chairman, Senator GLENN, and his staff, for extraordinary efforts on behalf of this legislation and environmental protection, in general.

I ask unanimous consent to have Administrator Browner's letter, which I referred to previously, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, April 21, 1993.

Hon. CARL LEVIN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN LEVIN: Thank you for your interest in the Agency's Small Community Coordinator (SCC) program. I, too, believe in the importance and benefit of a prominent small community program, and am committed to ensuring that small communities issues are considered in Agency rulemaking and policy development.

As you requested, we are happy to provide you with the following information.

1. An organizational chart which shows the placement of the program within the structure of the EPA is enclosed. As noted, the SCC officially reports to the Associate Administrator of the Office of Regional Operations and State/Local Relations (OROSLR) in the Office of the Administrator. Its activities are closely coordinated with overall Agency activities relative to local governments in general.

2. The SCC program is officially staffed with five small community specialists, including the Small Community Coordinator and an economist-statistician in charge of a Small Community Information and Data Program. This data function has recently been enlarged to make possible a more general development of information on local governments as well as small communities.

There are a number of important activities scheduled for the small community program in 1993–94. These include:

A. Establishment of a Small Town Task Force (STTF). It is envisioned that the STTF will become a work group of a larger Local Government Advisory Committee, which is currently being established. I am currently reviewing nominations for participation in the STTF. We anticipate the group will conduct its first meeting within the next few months. The Agency's Small Community Coordinator will have principal responsibility for coordination of the activities of this Task Force.

B. Listing Environmental Requirements Applicable to Small Towns. We are in the final stages of preparing a "Guide to Federal Environmental Requirements for Small Governments." This publication features plain language explanations of major EPA rules that affect small communities and provides relevant Agency contacts. The Guide will be distributed through national and state municipal, county, and township associations, and EPA regional offices. We will also be forwarding copies to Congressional offices.

C. Implementing a Program to Notify Small Communities of Regulations Listed Above, as Well as Future Regulatory Activity. This program is currently in the planning stages. It will be coordinated by the Small Community Coordinator working closely with EPA headquarters and regional offices.

D. Advocacy/Ombudsman Functions. These activities are an ongoing responsibility of the SCC program. These activities are carried out in close cooperation with Small Community Contacts in each Region and each headquarters program office.

E. Data Program. In the next year, the Small Community Information and Data Program will satisfy several major needs of the Agency. First, it will establish a databank of environmentally related information about the 3,300 smallest communities in the United States (with populations less than 10,000) and their governments. Second, the Program will undertake a major initiative to measure and assess the cumulative impact and associated benefits of EPA regulations on small communities.

F. Regulatory Involvement. The Agency, through its Regulation Development Improvement Initiative and other Agency management vehicles, will intensify efforts to insure the needs and concerns of local governments are addressed in the regulatory development process through procedural changes. The Local Government/Small Community Cluster looks for ways to consider and address these needs across the Agency's programs. The Local Government Advisory Committee and its subcommittee, the Small Town Task Force, will also look at the regulatory process and advise the Agency regarding ways to make it more sensitive to the needs of local governments. The Advisory

Committee is chartered to conduct pilot projects and it is anticipated that these pilots will address procedural changes in regulatory development, changes in the analytic bases for regulatory development, and needed changes in legislation.

3. Support of the small community program is found in numerous elements of the Agency's budget. Included are staff time and support commitments in all regions and program offices. Centrally, in the Office of Regional Operations and State/Local Relations, funding includes approximately $350,000 in personnel compensation and benefit costs, $300,000 in contract support resources for the data development program, and travel and support funding for the five specialist positions noted above.

4. Enclosed for your information is a listing of SCC program accomplishments.

As you can see, we have an active small community program within the Agency. It is our intention to continue these activities in conjunction with a much strengthened general local government involvement policy, thereby focusing upon the building of a strong, responsible and effective working relationship between EPA and local government. I look forward to working with you in this effort.

Sincerely,

CAROL M. BROWNER.

EPA SMALL COMMUNITY COORDINATOR OFFICE ACCOMPLISHMENTS

Initiated and published HELP!—the EPA's first cross-media directory of services for small communities. Distributed to over 20,000 governments and all Members of Congress.

Compiled a cross-media list of rules for local governments.

Established the Small Community Cluster to focus on small community capacity issues.

Regions VII, VIII, and X developed and sponsored small community networks and forums, and published regionally oriented, cross-media handbooks of rules for small governments.

Made presentations to State-EPA Committee and others to get support for EPA cumulative impact agenda. As a result, over 19 public interest groups are ready to team up with EPA to address cumulative impact issues.

Initiated high-level EPA staff meetings with Public Interest Groups and local officials to provide opportunities for dialogue on the cumulative impact problems.

Meetings provided the impetus for an ongoing EPA-local government process to address the capacity issue, and for expansion of the Small Community Cluster into the Small and Local Government Capacity Cluster.

Small Community Information and Data Program initiated, established, staffed, and funded. Activities include: an agreement which has been reached with the Office of Underground Storage Tanks (OUST) to do a study on the impact of the UST rule on small communities; and a number of agreements are in development to do Regulatory Flexibility Act (RFA) analyses for programs.

Conducted pilot project during which over 90 comment letters were received from small communities on the EPA rules which have the most impact on them.

Agency RFA guidelines have been revised to include small communities, due to continued encouragement, monitoring, and participation since 1988.

Agency agreement to improve management of the Semi-annual Regulatory Agenda process, so that entries from programs will comply with the Regulatory Flexibility Act and contain information that is useful to small governments.

Improved management of, and attention to, the regulatory flexibility process. The Office of General Counsel has focused on Regulatory Flexibility Act requirements, and now has a special counsel assigned to the RFA.

The Office of General Counsel now has a special office which focuses on small community and local government capacity issues.

Intervention points have been identified for participating in EPA's rule-making process, and small communities issues have been successfully addressed in a number of instances. Working together with other interested parties, we have been able to achieve results such as these: the Office of Underground Storage Tanks modified a pending proposed rule to consider the impact on small communities, and has revised its process accordingly; the Sludge rule, currently under consideration, will have a Regulatory Flexibility Act; an air permitting proposal considered small community issues and was able to provide some increased flexibility; and Subtitle D Landfill rule was specifically designed to provide small governments with needed flexibility.

Mr. DURENBERGER. Mr. President, I support the amendment by the Senator from Delaware. There is one provision in the committee reported bill, section 112, that abolishes the Council on Environmental Quality. That provision is not in the Roth amendment. That is a very good reason to support this amendment.

CEQ, the Council on Environmental Quality, was created by the Congress to oversee implementation of the National Environmental Policy Act and to advise the President and the Nation on the broad environmental issues. CEQ was to perform an integrating function taking all of the views of the departments and agencies of the Government and weaving them together to form one effective environmental policy.

I am very pleased that we are moving this bill to make the Environmental Protection Agency a Cabinet department. That will surely elevate the attention that environmental issues are given in the councils of our Government. Nevertheless, we must recognize that even as a Cabinet department, EPA's mission will not include all of the environmental interests of our Nation.

EPA is a pollution control agency. Land management is not an EPA function that is over in the Department of the Interior, unless the land is a national forest, then it is the Department of Agriculture. Wildlife preservation is over in the Department of the Interior, unless it is marine fisheries, then it is in the Department of Commerce. The Department of Energy is charged with developing our energy resources. NASA and NOAA work on preserving our climate.

The point is that the environmental interests of our Nation are still spread broadly across the whole government. CEQ was the one place that all those interests were brought together and programs coordinated for the most effective policy.

President Clinton has proposed that CEQ be abolished and replaced with a White House Office of Environmental Policy. CEQ will no longer be a group of Senate-confirmed, Presidential appointees. This must necessarily reduce the stature of the coordinating function and diminish the long-term effectiveness of the Nation's environmental policy.

Now, Mr. President, let me shift from the general role of CEQ to its most specific charge. The National Environment Policy Act requires each agency to prepare an environmental impact statement when it takes a major action that affects the environment. The EIS is a fundamental mechanism of government process intended to protect our natural resources from careless development. CEQ is the agency charged with assuring full implementation of NEPA and assuring that the EIS requirement was carried out by each Federal department and agency.

That function is to be transferred to the new Department of the Environment. I do not believe that EPA, even as a department, can do this job nearly as well. For one thing, EPA has not always fully complied with NEPA requirements itself. Second, EPA is not in a position to oversee decisions of other Federal agencies that are not within its own expertise. For instance, how is EPA to argue with Interior about the impacts of a Bureau of Land Management project on wildlife under the jurisdiction of another part of that agency?

And finally, Mr. President, it is not clear to me that EPA has the resources and management systems in place to assume new functions. I worry that NEPA and its EIS requirement will get lost in the shuffle over at EPA. That would be most unfortunate. I have seen nothing in the public record clearly spelling out how EPA would fulfill its new NEPA responsibilities.

Mr. President, I believe that the decision to abolish CEQ and transfer its functions to EPA is ill-advised. The Roth amendment does not include this provision and it is one of the most important reasons that I am pleased to support the Senator's amendment.

ENVIRONMENTAL PROTECTION AGENCY ALASKA REGION 11

Mr. MURKOWSKI. Again, let me remind my colleagues of the great need for an EPA Region 11 office in Alaska. Presently, the Environmental Protection Agency is making decisions vital to Alaska's continued well-being from the Region 10 headquarters in Seattle. Region 10 solutions to the myriad of environmental laws within EPA jurisdiction are designed mostly for the Pacific Northwest and do not best address circumstances in Alaska.

Alaska is one-fifth the size of the contiguous United States—365 million acres—with a population of just 500,000. The Federal Government controls two-thirds of our land. Essentially, they are our landlords. Not even 5 percent of the state is in private hands.

Mr. President, let me share with my colleagues some specific instances where we need greater EPA involvement. The arctic and subarctic conditions which exist in Alaska create unique air quality problems, particularly in areas determined to be non-attainment areas under the Clean Air Act. Over 200 million acres of national parks, forests, wildlife refuges, and wilderness may also present unusual problems under the Clean Air Act as the State continues to grow and it is necessary to increase our electric generating capacity or build facilities to diversify our economy.

Continued utilization of Alaska's mineral and oil wealth will require new and innovative methods of dealing with waste disposal and environmental mitigation. The oil industry continues to make great strides in developing techniques to produce oil in arctic conditions in an environmentally sound manner and close cooperation with the proposed Department of the Environment will play an important role. Hardrock mining operations require environmental impact statements. High transportation costs, remote locations, unusual climactic and geological considerations are all unique Alaskan factors that must be considered.

Hazardous and solid waste disposal are becoming critical issues in Alaska. Relatively small quantities of hazardous waste have precluded building a hazardous waste facility in Alaska in the past, yet, as disposal in the lower 48 becomes more problematic, as transportation costs continue to climb and as contaminated sites in remote areas of Alaska are discovered, we will need to provide facilities in State. Solid waste presents similar problems. Recycling measures which work in areas well connected by roads will not be practical in Alaska.

Non-point-source pollution, total daily maximum loads, and surface water treatment are areas where the proposed Department of the Environment assistance will also be critical. Many communities in Alaska do not have safe water or adequate sewage disposal. These communities are also small, remote, and without the economic base to shoulder the high costs of typical facilities.

Alaska has 170 million acres of wetlands. We have only developed one-half of 1 percent of the wetlands in Alaska. A broad Federal no-net-loss program does not work in Alaska where 45 percent of the State is classified as wetlands. EPA decisionmakers in the State could assist the State in getting a rational wetlands policy.

Eleven other Federal agencies have already seen the need to have fully staffed regional offices in Alaska. They include the Coast Guard, the Federal Aviation Administration, the Bureau of Land Management, the Mineral Management Service, the Bureau of Mines, the Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, the Forest Service, the Geological Survey, and the Army Corps of Engineers.

I am convinced that we can staff and fund region 11 in Alaska at reasonable costs. Preliminary estimates indicate that increasing Alaska staff and support and possibly sharing some technical and support services with region 10 may represent only a slight increase in what was budgeted for region 10 last year.

Mr. President, I would ask my colleague, Senator ROTH, about the unfunded region 11. Last January, after over a year of analysis, President Bush directed former EPA Administrator Reilly to sign an administrative order authorizing the creation of the EPA region 11 office in Alaska. Mr. Reilly signed the order. All that remains is the necessary transfer of funding and staff changes to get region 11 up and running.

Does the Roth substitute as introduced today take into account the new region which is awaiting only funding and organization to begin functioning?

Mr. ROTH. I am aware of and I appreciate the Senator's efforts on behalf of Alaskans. Yes, the legislation, S. 171, does not prohibit the full implementation of the administrative order creating region 11 of Alaska.

Mr. MURKOWSKI. Region 11 is intended to be a small but effective force for environmental regulation located and managed in Alaska. By simply transferring 24 FTE's from Seattle to join the 24 already in the Alaska office, the EPA can better protect the Alaskan environment at no added cost by simply transferring $3.1 million out of region 10's $32.1 million budget. By getting the region 11 office up and running, the EPA will be following in the steps of 11 other Federal agencies which have separate regional headquarters in Alaska.

Would rapid implementation of region 11 be consistent with the goals and duties of a Department of the Environment?

Mr. ROTH. Yes, there is no inconsistency with this provision.

Mr. MURKOWSKI. Thank you, Mr. President.

Mr. COCHRAN. Mr. President, it is interesting to me that while the American people want to see less government, rather than more, the Senate is considering a bill that will add new agencies to the executive branch.

The Roth substitute is more attractive to me than the committee bill because it does not add to the size of the Government. The Roth substitute is related solely to changing the agency from an agency to a department. This includes changing the titles of EPA personnel to reflect their roles as officials of a department rather than an agency. It also includes changing current statutory references to EPA to that of a Cabinet-level department. And, it includes provisions ensuring that no EPA legal or regulatory actions will be invalidated or adversely affected by reason of the change in its name.

That is it. That is all this streamlined version seeks to accomplish. And that is all that should be done in this bill. No enlarged bureaucracy, no new agencies.

The committee bill, however, would establish a Bureau of Environmental Statistics, which is estimated to cost $5 million per year to operate. The purpose of this bureau is also a bit disturbing to me. While I understand the need to have accurate statistics on which to base certain decisions, I am always concerned when a Government agency is given virtually unlimited authority to collect information from the private sector.

The bill does include a provision, which I am pleased to see, that prohibits the new bureau from requiring the collection of data, and I quote, "by any other department, State or local government, or to establish observation or monitoring programs," end quote. However, what is not in that provision is what disturbs me. While this new bureau cannot require any data from any other Government agencies, it can and will collect information from small businesses and individuals and any other entity it deems necessary to provide the appropriate information the bureau wants.

I am sure a good argument can be made for the need for this data. What concerns me is the fact that this will be yet another Government agency burdening private businesses with regulations and information requirements that may be of questionable value. This is just another way that Big Brother can stick his hand in the pockets and private records of the people and the businesses that provide jobs in our economy. There are many additional burdens this agency could place on private businesses and individuals.

Another part of the bill which worries me is a provision to establish a Commission on Improving Environmental Protection. The members of the commission will be appointed by the President, Speaker of the House, and the Senate majority leader. This probably means there will be no Republicans appointed. I hope this deficiency in the legislation will be corrected.

Moreover, this Commission, according to the committee bill, "shall be responsible for examining and making recommendations on the management and implementation of the environmental laws and programs," within the department, including ways to enhance cooperation among agencies and reduce overlap in responsibilities. I agree that agencies should have the counsel of objective observers to provide insight into how the responsibilities of the agencies could better serve the people of the country. But, I disagree with the need to establish a commission that will do a one-time evaluation at a cost of $4 million to make these recommendations, when an informal advisory committee could be formed to perform this function at a much lower cost.

One sidenote is interesting as well. This Commission is supposed to be an advisory committee, yet the committee bill includes a requirement that the commission have at least one advisory committee to advise it on matters to come before the commission. This is another example of a good idea carried to an extreme.

Mr. President, I hope the Senate will take the advice of Senator ROTH to make this a clean bill and approve his substitute amendment.

Mr. PRYOR. Mr. President, I rise to oppose this amendment from my good friend Senator ROTH. Perhaps unintentionally, his amendment will continue the runaway use of consultants and contractors at EPA.

Mr. President, before addressing the specific reasons this amendment should be defeated, I want to commend my colleague, Senator JOHN GLENN, who is the chairman of the Governmental Affairs Committee for his diligent and persistent effort to elevate the EPA to Cabinet level. Despite the odds against such a proposal, Senator GLENN has persevered in his determination to not just elevate EPA, but to improve it.

Mr. President, I also want to express my support for the present Administrator of EPA, Ms. Carol Browner. She is an excellent choice to head the EPA and will make a fine Secretary of the new department as well. I especially want to commend her for her prompt attention to the issue of EPA's use of contractors. That is an issue to which I have devoted much time and energy to reforming and it is refreshing to have the head of an agency take an active interest in correcting the abuses that occur.

The reason that Ms. Browner will have to devote time and energy to improving the use of contractors is that EPA now spends over a billion dollars a year on contractors. EPA's contractor work force, although much harder to count than the official work force at EPA, must number nearly as high as the 17,000 Federal employees at this agency. So to manage EPA, means to a very large extent, to manage EPA's contractors.

Mr. President, a key reason that I oppose Senator ROTH's amendment is that his amendment would delete two provisions that I think will greatly improve the new department's use of contractors. First, the legislation contains a prohibition against using private contractors to perform inherently governmental functions. This means that contractors will not be writing congressional testimony or making the policy decisions at the department. This is important to ensure that directly accountable officials are actually making the policy decisions for the Federal Government.

Second, the legislation has a better system to address the potential conflicts of interest that occur when private contractors work at the same time for EPA and for regulated industries. Basically, this legislation requires EPA to seek all relevant information from its contractors to seek to determine if any potential conflict of interest exists. This system is similar to the one in place at the Department of Energy. At the present time, EPA has a system of self-policing by its contractors which I think is unacceptable. The taxpayers pay for these contracts and they deserve to know if contractors have any potential conflict of interest that could affect the work of the Federal Government.

Mr. President, I again commend Senator GLENN for his efforts and I hope that as we raise EPA to Cabinet-level we not only elevate it, but that we improve it. The amendment before us would reverse planned improvements at EPA and it should therefore be defeated.

Mr. SASSER. Mr. President, I am proud to be an original cosponsor of S. 171 and I rise today in support of this important legislation. As a Member of the Governmental Affairs Committee, I have worked with Chairman GLENN for several years on this issue and I hope my colleagues will join me in voting for passage of the Department of the Environment Act of 1993.

This legislation reflects the need to move environmental issues to the forefront in our Government's policy making councils. The environment has increased in prominence among those issues of concern to the American public and has taken on a global dimension. A position in the President's Cabinet is essential to ensure that the Secretary of the Department of Environment has equal standing during interagency discussions and comparable status in dealing with foreign governments. S. 171 accomplishes the elevation of the Environmental Protection Agency and, at the same time, strengthens the agency's management effectiveness.

I would first like to point out that both the Congressional Budget Office [CBO] and the Office of Management and Budget [OMB] have indicated this bill has no pay-as-you-go effect. In fact, because S. 171 includes provisions that create a commission to improve the internal structure and streamline the operation of the new department, this legislation may actually save Federal dollars and reduce costs to taxpayers.

I expect the Commission on Improving Environmental Protection will uncover a great many Environmental Protection Agency activities and programs in need of improvement. Increasingly, we have come to recognize that the environmental problems we face now are multifarious and far more complex than we had originally imagined. These issues have global dimensions and they cut across the traditional jurisdictions of the various Cabinet departments. We cannot continue trying to address the environmental problems of today with an institutional organization established decade ago. I believe the Commission on Improving Environmental Protection will enable us to more effectively respond to the environmental issues we face today. It is now necessary to have institutional permanence at the highest level in developing an environmental policy.

I would also note that the Bureau of Environmental Statistics which would be established under the Department of the Environment Act of 1993 is a sorely needed element of the new department. I believe that once this bureau is formed, it will become an invaluable tool for policy creation environmental decisionmaking.

The lack of reliable data has often hampered our ability to measure the performance of environmental programs that Congress has established and the paucity of dependable environmental statistics has made it difficult at times to evaluate the severity of some environmental problems. Let me add that this much-needed Bureau of Environmental Statistics will require no additional funding authorization. The Environmental Protection Agency has assured us it will designate funds from current resources to establish the Bureau.

Unfortunately, the Roth amendment before us today includes no provisions for either the Bureau of Environmental Statistics or the Commission on Improving Environmental Protection. It does little more than change the name of the agency. We should not squander this opportunity to address the very important management issues that the Governmental Affairs Committee has identified through a great deal of study and evaluation.

The President has already made it clear that he considers the EPA Administrator a member of his Cabinet and it is high time for Congress to formalize that commitment and elevate the Environmental Protection Agency to its rightful status.

Mr. ROTH. Mr. President, I will yield the remainder of my time, and I understand the other side will also.

The PRESIDING OFFICER. Does the Senator from Ohio yield his time?

Mr. GLENN. If I have any time to yield back, I yield.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. All time has been yielded.

Under the previous order, the Senate will now stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CONRAD].

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, are we in morning business at the present time?

The PRESIDING OFFICER. No. But the Senator may seek consent.

MORNING BUSINESS

Mr. METZENBAUM. Mr. President, I ask unanimous consent that we go in morning business at this time for a period not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT CLINTON'S FIRST 100 DAYS

Mr. METZENBAUM. Mr. President, this Thursday will mark the completion of President Clinton's first 100 days in office. It will mark a traditional watershed, the point at which journalists, politicians, and members of the public step back and take stock of the new President.

It marks the end of the traditional honeymoon, although in this case the Republicans in Congress ended President Clinton's honeymoon about 90 days ago.

Despite all the myths about the Presidential honeymoon, I have always believed that the first 100 days are fraught with peril. Each little success and each little defeat are magnified by the pundits and the media usually way out of proportion to their long-term importance.

It is a time of great exaggeration. Each accomplishment bodes greatness for the new President. Each defeat portends doom and failure.

Let us take a look at President Clinton's first 3 months.

On January 20, the President was inaugurated, accompanied by what I believe was a national tide of optimism and enthusiasm. His vision for America—his commitment to change, and giving the people back their Government—contrasted sharply with the stale ethos of his predecessor, George Bush.

But it was only a few days later that the President became embroiled in a controversy over whether homosexuals should be permitted to serve in the military. He had promised during the campaign to end Government discrimination against homosexuals. He attempted to keep his promise, and I commend him for that. It took courage, I salute him for his effort. Nevertheless, critics and pundits belittled the effort as unworthy of Presidential attention. Sensing disarray, they pronounced the Clinton administration on the ropes after a scant week on the job.

Of course, those pronouncements were absolutely ludicrous.

Two weeks later, the President produced his economic plan. It was an excellent plan to reduce the deficit, create new jobs, and to finally put an end to 12 years of Government favoring the rich over the middle class. The public liked it, too.

President Clinton hit the campaign trail, the polls came in, the media made it official. Americans overwhelmingly supported the new President. They wanted his jobs bill, his economic stimulus bill.

Scarcely 6 weeks later, Congress passed the budget resolution, putting in place—nearly unchanged—the broad framework of the President's economic plan.

It was the first time in 17 years that Congress passed the budget resolution before the legal deadline. We were giving an indication that this Congress wants to work with the President and indeed we do.

The President had hit his zenith. He began to look unstoppable.

But within the space of a few weeks, the Sun disappeared, the sky darkened and it began to pour.

The President's jobs bill, after being pushed through the House, hit quicksand in the Senate—not really quicksand. That is an overstatement of the word. The President time after time evidenced there were a majority of Members of this Senate that wanted the bill to be passed. But it was bogged down in a Republican filibuster. And after several weeks of delay and attempts on the President's part to accommodate the Republicans in their ever-changing demands, the bill was defeated.

Even the President had to admit he had had a bad week. He had a bad week, because the minority had prevailed, the majority had not prevailed, the minority had prevailed and now, the polls are in, his numbers are down, and anonymous sources are pronouncing the administration almost doomed.

What is the lesson here, Mr. President? That President Clinton is a failure? Of course not, it is not.

The lesson is that politics is a fickle business. There are no absolutes. Sometimes the minority can defeat the will of the majority.

The reality of the matter is, we have a President who has shown tremendous courage and compassion. He stood up and fought for what he believed. He did not back down. He attempted to compromise. And he has shown consistency.

He has had the courage to push controversial issues, such as universal health care, during this period, something we all agree that each American should have but we all know would be very difficult to achieve. And he has had, standing at his side in that fight for universal health care, his wife, who, this Senator believes, is doing a magnificent job in attempting to bring all the diverse elements together to pass a national health care bill.

Not 1 day in the last 12 years of the previous administrations was there any effort made to bring about a universal health care plan so that the 37 million Americans who have no health care at all could have an opportunity to be protected when they became sick and ill.

But this President is putting a full court press on it, and his wife, standing by his side, is spending untold numbers of hours doing so.

Candidate Clinton promised active Government. He promised change, and as President, he is making an honest effort to deliver.

He is the first President in memory with the integrity to deal honestly with the American public on the nightmare of the deficit.

He has faced tough issues and he has spoken out candidly. He has not ducked. He has not equivocated.

He stood up and said: "This is what I believe. Even if you disagree with me, at least you know where I stand." That is refreshing. We have not had that in the last 12 years.

This President has been creative. President Clinton has advanced more ideas in 100 days—health care reform, national service, campaign finance overhaul, environmental protection—among others—that did George Bush in his entire 4 years.

But the President cannot do it all himself. He does not make the laws. He can only propose them.

Passing laws is the job of the Senate and the House of Representatives. If the Republicans in Congress decide to play politics and bog the President's plan down in gridlock, there is not a whole lot the President can do about it.

But I believe the public cares. I know the public cares.

On November 3, 1992, they elected Bill Clinton as President. They were sick and tired of divided, gridlocked Government. They voted for the change that he represented.

If they had wanted more of the same gridlock, they would have re-elected George Bush.

Now let me digress for just a moment Mr. President.

In 1981, newly elected President Reagan proposed a plan of sweeping economic change; so sweeping, in fact, it was considered revolutionary.

It contained the largest cut in Federal revenues ever proposed—something like $800 billion over 5 years. Even members of the President's own party had concerns about it.

The Republican majority leader of the Senate at that time called it a Riverboat Gamble.

But the Republicans said, "Give the President a chance. After all, he was elected."

So we gave him his chance. And when the dice were rolled and the Reagan budget was passed, it set the stage for 12 years of Republican deficit spending—spending that quadrupled the national debt to $3.3 trillion, and mortgaged the future of every one of our children, and each of their children's children.

But Mr. Reagan got his chance.

Now, today, the very same Republican Party—the one that so forcefully argued that their man be given his opportunity—wants to deny that very same opportunity to the Democrat who has been elected President.

The fact is, Mr. President, the Republicans do not want to see the country move forward. They do not want the President to succeed in cleaning up the mess that they, themselves, created.

They just want to play politics. They just want to embarrass the President. And they did embarrass him when they killed his jobs bill with the votes of a minority of the Members of this body.

But I would say he was bothered by it for about 24 hours. And then he moved on to the next project.

His budget is on track. His other initiatives are moving forward.

So I would say to those who jump on every minor event to count the President out: Do not be mistaken. This President has what it takes. He is here for the long haul. He is going to get a lot more done. And I say, Mr. President, I will be there to help him.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WELLSTONE). Without objection, it is so ordered.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, after consultation with the distinguished chairman and after having advised the ranking Republican of my intent to offer an amendment, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment, with the understanding that the vote, as scheduled for 3:30, will proceed in accordance with the prior unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Mr. President, reserving the right to object, this would mean that at 3:30, after the vote, as I understand it, then the pending business would be, what, the Specter amendment to the underlying bill?

Mr. SPECTER. Mr. President, that is my understanding. It would be, in effect, title IV to the pending legislation offered by the distinguished chairman.

Mr. GLENN. I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 325

(Purpose: To contain health care costs and increase access to affordable health care, and for other purposes)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [for himself, Mr. PRESSLER, Mr. D'AMATO, Mr. BROWN, and Mr. SPECTER], proposes an amendment numbered 325.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SPECTER. At this time, I yield to my distinguished colleague from North Dakota for 5 minutes.

Mr. DORGAN. Mr. President, I ask unanimous consent that my remarks appear as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHILDHOOD IMMUNIZATION IS THE FIRST STEP TOWARD EFFECTIVE HEALTH CARE REFORM

Mr. DORGAN. Mr. President, the United States spends more on health care than any other country in the world. In 1990, we spent more than $2,500 per person trying to develop a strong, effective network of health care delivery.

But we failed miserably. While we may have developed the most advanced life-saving technologies the world has ever seen, we were unable to provide even the most basic health care to millions of Americans. Our failures are highlighted by that fact that fewer than half of the pre-school age children in this country are fully immunized against preventable but deadly childhood diseases. In some inner-city areas of the country, the rate is as low as 10 percent.

This week is "National Preschool Immunization Week." It is the week when we, as Americans, have to own up to our failures in providing basic and preventive health care to our kids. And our failures are dramatic.

The United States is the only industrialized country that does not guarantee immunization for all children 2 years old. In the Western Hemisphere, only Haiti and Bolivia have worse records for immunizing its children than we do. In fact, no other country in this hemisphere has an immunization rate lower than 80 percent.

Many childhood diseases were once almost nonexistent in this country because of aggressive immunization policies and programs. In the past several years, however, our lack of attention to this important problem has resulted in a resurgence of these dread diseases. In 1990, nearly 28,000 cases of measles and 89 deaths resulting from the disease were reported. This is a dramatic increase from 1983, when fewer than 1,500 cases were reported.

Through "Every Child By Two," Betty Bumpers and Rosalynn Carter have been trying to focus our attention on this vital issue for the last 2 years. We can no longer afford to ignore a serious health problem that has the potential of reaching epidemic proportions. My wife, Kim, and the spouses of many of our colleagues have been actively working on behalf of universal immunization with this important organization.

President Clinton has announced his plan for a universal immunization program that represents a real commitment to resolving this critical issue. The President is proposing that the Federal Government purchase all the vaccines necessary to immunize all of our Nation's 2-year-olds. I wholeheartedly support these efforts, and urge the Senate to work closely with the President to realize this goal of universal immunization.

The President recognizes that we can no longer accept an immunization rate lower than many of the poorest nations in the world. We can no longer accept immunization rates of 50 percent, 60 percent, or even 70 percent. The recent reemergence of preventable childhood diseases is ample evidence that an immunization program is successful only when it includes 100 percent of our children.

In my own State of North Dakota, as many as 32 percent of 2-year-olds may not be fully immunized. Although this represents an immunization rate far higher than the national average, it still leaves more than 5,500 2-year-olds—and probably thousands of other pre-school-age kids—at risk of contracting serious—and sometimes fatal—preventable diseases.

To those who say we simply cannot afford another social spending program, let me make clear that this is a saving program. Every $1 that we spend on immunization today is expected to save $10 in future health costs. Few investments can promise such a generous return. For that reason alone, universal immunization should be the first step in any health reform or health care cost containment proposal.

The President's proposal recognizes that the cost of vaccines has been a critical barrier to universal access and must be addressed. Over the last 10 years, the cost of immunizing children has increased more than 10 times, even in public clinics, because of the rising price of vaccines. The cost of the vaccine to fully vaccinate a 2-year-old in 1982 cost $7 in the public sector and $23 in the private sector. By 1992, those costs had risen to $122 and $244.

The prescription drug companies quickly point out that these cost increases were caused by recommendations for new vaccines and additional doses of existing vaccines, and an excise tax used to fund the vaccine compensation program. But these excuses only partially explain the dramatic increase in the cost of vaccinating our children.

In testimony before a joint session of Senate and House committees last week, Secretary for Health and Human Services Donna Shalala pointed out that, in 1982, the diphtheria, tetanus, and pertussis vaccine—the DTP—cost about 37 cents in the private sector. In 1992, the same dose cost more than $10. Even if you take out the $4.56 excise tax, the price increased more than 14 times in those 10 years. Using similar calculations, the price of the measles, mumps and rubella shot—the MMR vaccine—more than doubled during that timeframe.

The tired defenses of the pharmaceutical companies simply will not wash anymore. The fact is that drug companies collected profits more than 3 times higher as a percentage of their sales than other manufacturing industries throughout the 1980's. To insist that vaccine prices on vaccines remain high in order to subsidize high profits amounts to little less than price gouging, and I hope that we can work quickly to put an end to this practice.

Of course, the cost of immunizations is not the only reason that too many kids are not immunized. Any attempt to achieve universal immunization must include outreach programs designed to get the vaccines to the children who need them. This is especially important in rural areas, where many people simply do not have access to the health care that they need. It is also important in families where working parents cannot get their kids to public health clinics during regular clinic hours, or where parents do not understand the need for early immunization or downplay its importance.

By expanding the network of providers that can participate in the immunization effort to include private doctors and clinics, the President's proposal will make vaccinations more accessible for thousands of American families. In addition, by developing a national immunization tracking system, the administration's plan would identify and track those kids that have not yet received their vaccinations. These are key elements in any effective proposal to expand access and make immunization programs more convenient and user-friendly.

However, I would suggest that the Senate consider going even further with this effort. States participating in the national immunization program should demonstrate that they are taking all appropriate steps to improve that State's immunization rate. Some health experts have suggested such measures as using mobile clinics to enhance rural access to immunization; extending public health clinic hours to evenings and Saturdays when working parents are better able to take their children to be immunized; and expanding education outreach programs to emphasize the importance of immunizing children at an early age.

In the case of health care, an ounce of prevention really is worth a pound of cure. I hope that we will be able to work with the President toward the realistic goal of universal immunization.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The Senate continued with the consideration of the bill.

AMENDMENT NO. 325

Mr. SPECTER. Mr. President, the amendment which I have offered is being offered on behalf of Senator PRESSLER, Senator D'AMATO, Senator BROWN, and myself.

It is an amendment which contains the substance of Senate bill 631 which was introduced in the U.S. Senate on March 23, and it follows a long line of legislation which this Senator has introduced since 1985.

It had been next on the list for consideration after the Domenici amendment was considered on April 1, when the distinguished majority leader put the Senate into morning business and the business of the Senate was thereafter arranged on the emergency supplemental so that no further amendments would be considered.

In offering this bill, Mr. President, it is not something that I have developed today, yesterday, last week, last month, or last year, but something which this Senator has been working on for a very long period of time. I am offering the amendment at this time because I consider it vital that the American people be advised, first, that it is imperative that the Federal Government act on health care reform now; second, that Congress can act now; and, third, that there are increasing signs that health care reform legislation will not be enacted this year unless we proceed to move on it at the present time.

For the past 12¼ years, I have served on the Appropriations Subcommittee for Health and Human Services and in connection with those duties have been deeply involved in the health care issue. I noted in 1985 that Pittsburgh, PA, had a unique problem with low-birthweight babies among African-American children and in fact had the highest infant mortality rate of any city in the country.

Because of that on November 21, 1985, I offered Senate bill 1873 which was the Community Based Disease Prevention and Health Promotion Projects Act of 1985. Thereafter, in 1991 in the 102d Congress, on May 22 I offered Senate bill 1122 designated the Long-Term Care Incentives Act of 1991. And on November 20, 1991, I introduced Senate bill 1995, designated as the Health Care Access and Affordability Act of 1991. On August 12, 1992, I introduced Senate bill 3176 entitled the Health Care Affordability and Quality Improvement Act of 1992.

For more than 2 years, Mr. President, I have worked with the distinguished Senator from Rhode Island, Senator JOHN CHAFEE, who has been the chairman of the Republican health care task force, and cosponsored on November 7, 1991, Senate bill 1936 which was designated as the Health Equity and Access Improvement Act of 1991.

During the recess, after we adjourned last November for the 1992 elections, my staff and I worked over November, December, and January in order to pull all of these materials together to be ready on the first legislative day to introduce a comprehensive health care bill which this Senator did on the first legislative day which was January 21, 1993.

At that time, in my floor statement I congratulated the President for his inaugural address the day before, on January 20, and expressed my concern or my hope that he would have been more specific on what the new President intended to do with respect to an economic recovery and with respect to health care.

Thereafter, the President appointed the First Lady, Mrs. Hillary Clinton, to chair a task force to try to bring forth comprehensive health legislation.

Mr. President, I ask unanimous consent that a summary of Senate bill 18, which this Senator introduced on January 21, 1993, be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, the next day, on January 22, 1993, I wrote to the distinguished majority leader, Senator MITCHELL, and said:

> On the first date of the session, January 21, I introduced S. 18, the Comprehensive Health Care Act of 1993. As you may recall, in the last session, I pressed to have the health care issue brought to the floor at the earliest possible date. I invite you and/or your staff to review my bill which is the product of many years' work. Whether it is my bill or some other legislative proposal, I urge you to bring this important issue to the Floor at the earliest possible time—hopefully no later than this spring.
>
> Sincerely,
>
> ARLEN SPECTER.

When I was referring to the activity of the prior Congress, Mr. President, I was referring to an amendment which this Senator offered on July 29, 1992, where I sought to have the Senate take up important considerations on the health care issue. I had offered an amendment at that time to the energy bill.

The distinguished majority leader came to the floor on that day, July 29, 1992, and stated that he thought the amendment did not belong on an energy bill. I stated at that time, as the RECORD will show, that I agreed with the distinguished majority leader and that I was prepared to take the amendment down if the distinguished majority leader would give this Senator a date certain on when the health care issue would come up.

Senator MITCHELL made this comment, as reflected at page 20098 of the CONGRESSIONAL RECORD:

> As I have stated many times publicly, from the very place that I am standing now, as well as others, comprehensive health care reform is one of my highest legislative priorities, and it is my hope and intention to bring to the Senate this year, if at all possible, such legislation.

This Senator then pressed the majority leader to make a commitment as to a date certain. The majority leader then said, again on page 20098: "Mr. President, I am not able to make a commitment," and then he continues to make some other statements.

I commented to the distinguished majority leader that a commitment had been made for a date certain on product liability, which was the first day after the Labor Day recess, September 8, 1992. Notwithstanding my efforts to have a date certain established to take up health care, the majority leader declined to undertake it at that time.

The distinguished Senator from Montana [Mr. BAUCUS] made the following statement in the same debate, at S10767: "We also know—at least I have been told—that we will be considering health care legislation this fall in September."

Notwithstanding the importance of health care legislation, Mr. President, as it is well known, health care legislation did not come before the Senate last year. And that is why this Senator, on the first legislative day, introduced S. 18.

In addition to writing to Senator MITCHELL on the same day, January 22, 1993, this Senator wrote to the chairman of the Senate Committee on Labor and Human Resources, the Honorable TED KENNEDY, as follows:

> I believe it is important that the Senate take up the issue of health care reform at the earliest possible time. Last year I pressed Senator Mitchell to take up the issue, but without success. On January 21, the first day of our legislative session, I introduced S. 18, the Comprehensive Health Care Act of 1993, which is a work product of many years of activity on my part. I request a hearing by the Labor and Human Resources Committee at the earliest possible date. Whether it is my bill or someone else's legislative proposal, I ask for your help in bringing this issue to the Floor at the earliest possible time—hopefully no later than the spring of 1993.
>
> Sincerely,
>
> ARLEN SPECTER.

I wrote a virtually identical letter, substantially the same, to Senator MOYNIHAN, in his capacity as chairman of the Finance Committee, asking Senator MOYNIHAN to take up consideration of S. 18 and S. 19, which was an economic recovery program.

I then, Mr. President, received a letter from Senator KENNEDY, dated March 11, 1993, as follows:

> DEAR ARLEN: I apologize for the delay in responding to you about S. 18, the Comprehensive Health Care Act of 1993, and your request for hearings on it. I have been working closely with the White House on preparation of the Administration bill, and I have not yet made a decision on whether hearings will be held prior to the introduction of the Administration plan. My current expectation is, however, that any hearings before the introduction of the Administration bill will be directed at broad health issues, rather than specific legislative proposals for reform.
>
> I commend you for the thought and ability you have put into your legislation and I look forward to working with you to make comprehensive health legislation reform a reality this year.
>
> With my respect and warm regards,
>
> Sincerely,
>
> TED.

I have not received a reply to my letter to Senator MOYNIHAN. And, as yet, no hearings have been scheduled by any of the relevant committees on S. 18.

Mr. President, at this time, I ask unanimous consent that the text of these four letters, three dated January 22, 1993, and the reply from Senator KENNEDY, dated March 11, 1993, be printed in the CONGRESSIONAL RECORD at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. SPECTER. Mr. President, I then wrote to First Lady Hillary Clinton, by letter dated January 26, 1993, as follows:

> Congratulations on your designation by the President to lead the executive group on preparing health care legislation. I am taking the liberty of sending on to you my floor statement and the text of S. 18, the Comprehensive Health Care Act of 1993, which represents many years of my work on this issue in connection with my position as ranking Republican on the Appropriations subcommittee dealing with health care expenditures.
>
> This bill has been drafted in consultation with former Surgeon General C. Everett Koop, the American Nurses Association, the People's Medical Society, the National League for Nursing, and the American Academy of Family Physicians. The two objectives of this bill are to extend health insurance coverage to 37 million Americans now not covered and to reduce costs for those who are covered.
>
> Key points of the bill are:
>
> One, incentives for young pregnant women, especially teenagers, to secure prenatal and postnatal care to avoid the human tragedies of low birth weight babies and the attendant billion dollar cost;
>
> Second, provide federal guidelines for terminally ill patients who exercise their option not to have unwanted and useless medical care;
>
> Third, utilization of nurses and other nonphysician providers to deliver primary care services, including home care, to improve access, increase efficiency, and provide cost savings.

Mr. President, while I have concluded my reading of this letter, I note that it is approaching 3:30, the time fixed for the vote. If it is in accordance with the rules of the Senate, I would cease reading the letter at this point and yield the floor so that the vote may occur, with the unanimous consent agreement that I may be recognized to resume this presentation immediately at the conclusion of the vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

EXHIBIT 1

COMPREHENSIVE HEALTH CARE ACT OF 1993 (S. 18), SENATOR SPECTER

KEY POINTS OF THE BILL

(1) Provides incentives for young pregnant women, especially teenagers, to secure prenatal and postnatal care to avoid the human tragedies of low birthweight babies with the attendant billion dollar cost;

(2) Establishes federal guidelines for terminally ill patients who exercise their option not to have unwanted medical care;

(3) Encourages the utilization of nurses and other non-physician providers to deliver primary care services, including home care, improve access, increase efficiency, and provide cost savings;

(4) Authorizes funds for a comprehensive health education and prevention initiative for toddlers, elementary, and secondary students to teach children, at every stage of their development, a range of health related subjects;

(5) Institutes incentives to increase the supply of generalist physicians to enhance access to primary and preventive health services;

(6) Expands funding for outcomes research for the development of medical practice guidelines and increasing consumers' access to information in order to reduce the delivery of unnecessary care.

BILL SUMMARY

Title I: Implements a series of small business insurance market reforms and extend 100 percent deductibility for health the cost of health insurance to self-employed individuals and their families ($1.7 billion in FY'94, $8.6 billion over 5 years). The market reforms are consistent with those included in the Republican Health Care Task Force bill of the last Congress and include:

(1) Establishing a basic health benefits plan for small employers and setting minimum standards for insurers offering insurance to small businesses;

(2) Authorizing federal grants for the support of small business health insurance purchasing groups (such sums); and

(3) Fostering the development of efficient managed care plans by exempting plans which meet federal standards from state mandates.

Titles II–VII focus on expanding primary and preventive health services and providers and enhancing the management of health care costs. These titles would implement the following reforms:

Title II: Expand primary and preventive health services by authorizing two new grant programs. The first would increase the availability of comprehensive prenatal care services to women at risk for low birthweight births (FY'94, $100 million). The second, would assist local education agencies and pre-school programs in providing comprehensive health education (FY '94, $90 million). Title II also increases the authorization of several existing preventive health programs, such as Breast and Cervical Cancer Prevention, Childhood Immunizations, and Community Health Centers ($1.4 billion over existing authorizations);

Title III: Enhance consumer decision-making by requiring that health care institutions and providers make certain information available to patients;

Title IV: Reduce the delivery of unwanted and unnecessary care in the last months of life by strengthening the federal law regarding patient self-determination and establishing uniform federal forms with regard to self-determination;

Title V: Improves efficiency in health care delivery by permitting access to the most appropriate providers by increasing primary care providers, including generalist physicians, nurse practitioners and physician assistants;

Title VI: Expand access to Medicare beneficiaries to managed care programs through the formation of innovative managed care plans; and

Title VII: Foster the development of medical practice guidelines by implementing a surcharge of one tenth of one cent on health insurance contracts to expand research on effective medical treatments.

Title VIII: Increases access to long-term care by: 1) creating tax credits for the purchase of long term care insurance and tax deductions for amounts paid towards long-term care services of family members; 2) excluding life insurance and IRA savings used to pay for long-term care from income tax; 3) implementing an "extraordinary cost protection provision" by expanding Medicaid to include coverage of any individual, excluding the wealthiest Americans, who has been confined to a nursing home for at least 30 months; and 4) setting standards that require long-term care to eliminate the current bias that favors institutional care over community and home-based alternatives.

EXHIBIT 2

U.S. SENATE,
Washington, DC, January 22, 1993.

Hon. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR GEORGE: On the first date of the session, January 21, I introduced S. 18, the Comprehensive Health Care Act of 1993.

As you may recall, in the last session I pressed to have the health care issue brought to the Floor at the earliest possible date. I invite you and/or your staff to review my bill which is the product of many years' work.

Whether it is my bill or some other legislative proposal, I urge you to bring this important issue to the Floor at the earliest possible time—hopefully no later than this spring.

Sincerely,
ARLEN SPECTER.

U.S. SENATE,
Washington, DC, January 22, 1993.

Hon. TED KENNEDY,
Chairman, Senate Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR TED: I believe it is important that the Senate take up the issue of health care reform at the earliest possible time. Last year I pressed Senator Mitchell to take up the issue, but without success.

On January 21, the first day of our legislative session, I introduced S. 18, the Comprehensive Health Care Act of 1993, which is a work product of many years of activity on my part.

I request a hearing by the Labor and Human Resources Committee at the earliest possible date.

Whether it is my bill or someone else's legislative proposal, I ask for your help in bringing this issue to the Floor at the earliest possible time—hopefully no later than the spring of 1993.

Sincerely,
ARLEN SPECTER.

U.S. SENATE,
Washington, DC, January 22, 1993.

Hon. DANIEL PATRICK MOYNIHAN,
Chairman, Senate Finance Committee, U.S. Senate, Washington, DC.

DEAR PAT: With this letter I am enclosing my Floor statements on S. 18 on health care and S. 19 on an economic recovery program.

I believe it is important that the Senate take up these two subjects at the earliest possible time—hopefully no later than the spring of 1993.

I urge you to schedule hearings on S. 19 in the Finance Committee as promptly as possible.

As you will note, there are aspects of S. 19 which come within the jurisdiction of the Finance Committee. I ask that you hold hearings on those issues as promptly as possible

Sincerely,
ARLEN SPECTER.

U.S. SENATE,
Washington, DC, March 11, 1993.

Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR ARLEN: I apologize for the delay in responding to you about S. 18, the Comprehensive Health Care Act of 1993, and your request for hearings on it. I have been working closely with the White House on preparation of the Administration bill, and I have not yet made a decision on whether hearings will be held prior to the introduction of the Administration plan.

My current expectation is, however, that any hearings before the introduction of the Administration bill will be directed at broad health issues, rather than specific legislative proposals for reform.

I commend you for the thought and ability you have put into your legislation, and I look forward to working with you to make comprehensive health reform a reality this year.

With my respect and warm regards,
Sincerely,
TED.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Roth substitute, amendment numbered 324.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. May we have the regular order and I move to table.

VOTE ON AMENDMENT NO. 324

The PRESIDING OFFICER. The question is on the motion to table.

Mr. GLENN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment (No. 324) of the Senator from Delaware.

The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from Hawaii [Mr. INOUYE], and the Senator from Texas [Mr. KRUEGER], are necessarily absent.

Mr. NICKLES. I announce that the Senator from Wyoming [Mr. SIMPSON], is necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. Simpson], would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—54

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb

Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—42

Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Faircloth
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Kassebaum
Kempthorne
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Shelby
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—4

Bradley
Inouye
Krueger
Simpson

So the motion to lay on the table the amendment (No. 324) was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, immediately before the 3:30 vote, I was in the process of reading from a letter which I had sent to First Lady Hillary Clinton concerning S. 18 and I was down to point 4 on the items provided for by my bill.

Four was:

Authorizes funds for a comprehensive health education and prevention initiative for toddlers and elementary and secondary students to teach children at every stage of their development a range of health related subjects.

5. Incentives to increase the supply of generalist physicians to enhance access to primary and preventive health services.

6. An expansion of funding for outcomes research for the development of medical practice guidelines and increasing consumers' access to information in order to reduce the delivery of unnecessary care.

The letter continues:

Last year, I pressed Senator Mitchell, the Majority Leader, to bring health care to the Senate floor, and again last week I wrote to him on the same subject with a view to having such legislation considered at the earliest possible time in the session. I would be pleased to work with you on this important subject.

Sincerely,

ARLEN SPECTER.

Mr. President, I ask unanimous consent that the text of that letter be printed in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 26, 1993.

HILLARY CLINTON, Esq., First Lady,
The White House, Washington, DC.

DEAR HILLARY: Congratulations on your designation by the President to lead the executive group on preparing health care legislation.

I am taking the liberty of sending on to you my floor statement and the text of S. 18, the Comprehensive Health Care Act of 1993, which represents many years of my work on this issue in connection with my position as ranking Republican on the Appropriations subcommittee dealing with health care expenditures.

This bill has been drafted in consultation with former Surgeon General C. Everett Koop, the American Nurses Association, People's Medical Society, The National League for Nursing and the American Academy of Family Physicians.

The two objectives of the bill are to extend health insurance coverage to the 37 million Americans now not covered and to reduce costs for those who are covered. Key points of the bill are:

(1) Incentives for young pregnant women, especially teenagers, to secure prenatal and postnatal care to avoid the human tragedies of low birth weight babies with the attendant billion dollar cost;

(2) Provide federal guidelines for terminally ill patients who exercise their option not to have unwanted and useless medical care;

(3) Utilization of nurses and other nonphysician providers to deliver primary care services, including home care, to improve access, increasing efficiency and provide cost savings;

(4) Authorizes funds for a comprehensive health education and prevention initiative for toddlers and elementary and secondary students to teach children at every stage of their development a range of health related subjects;

(5) Incentives to increase the supply of generalists physicians to enhance access to primary and preventive health services;

(6) An expansion of funding for outcomes research for the development of medical practice guidelines and increasing consumers' access to information in order to reduce the delivery of unnecessary care.

Last year I pressed Senator Mitchell, the Majority Leader, to bring health care to the Senate floor and again last week I wrote him on the same subject with a view to having such legislation considered at the earliest possible time in the session.

I would be pleased to work with you on this important subject.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, after introducing S. 18 and pressing to have the hearings and corresponding with First Lady Hillary Clinton—and I should note parenthetically that I received no response to that letter—I then continued working with the Republican health care task force, chaired by the distinguished Senator from Rhode Island [Mr. CHAFEE] and it was my hope that we might have had a bill from the Republican task force reported out and presented as an amendment on pending legislation so that the Senate would have an alternative health care proposal to consider.

When that was not deemed practical, I then took a look at legislation which had been introduced by a number of other Republican Senators and amalgamated that legislation into S. 631, which is a combination of legislation which I had introduced, and legislation introduced by Senator KASSEBAUM, Senator COHEN, Senator MCCAIN, and Senator BOND. On March 23, I introduced S. 631. In introducing S. 631, I had said, Mr. President, that it was not a perfect bill and that I did not necessarily prefer all of the provisions of S. 631 but it constituted a critical mass, and what I thought we needed to do was to have a critical mass to come to the floor.

On March 29, 1993, Senator D'AMATO, Senator PRESSLER, Senator BROWN, and I circulated a letter, a "Dear Colleague" letter, which read as follows:

DEAR COLLEAGUE: We intend to offer health care legislation as an amendment when the debt ceiling bill comes to the Senate floor later this week.

Parenthetically, I should add, Mr. President, that the debt ceiling was scheduled for later that week.

The letter goes on:

The debt ceiling bill will be the first legislative measure to be considered by the Senate this year which would permit amendments with tax provisions such as health care reform; and we have further awaited the work of the Republican Health Care Task Force, chaired by Senator John Chafee, to determine if that group would produce legislation which could be offered at this time. Despite considerable work by that Task Force, that legislation is not now ready.

The amendment which we intend to offer will be the text of S. 631, which is a combination of proposals extracted from legislation previously offered by Senator Kassebaum, Senator Cohen, Senator McCain, Senator Bond, and Senator Specter. We intend to offer this measure to make the point, as emphatically as we can, that the time has long been ripe for the Congress to move ahead with such a legislative effort.

We also note: 1. The likelihood that the Senate will reject such an amendment citing the group being chaired by the First Lady, Mrs. Hillary Clinton;

2. For years the Congress has had numerous bills on health care reform which could have provided the basis for such legislative action;

3. Recent statements by House Majority Leader Richard A. Gephardt, and Chairman of the House Ways and Means Committee Dan D. Rostenkowski that it is unlikely that health care legislation will be enacted this year;

4. Action by the states, such as New York Governor Cuomo's announcement, as reported in the New York Times on March 28, that his "state could not wait for federal solutions."

The letter then goes on to say:

We believe that the Senate is equipped now to legislate as we did on the Clean Air Act in 1990 when a bill was brought to the floor. The bill was divided among task forces, amendments were offered and legislation was enacted. We do not suggest that S. 631 is a perfect bill, but we do not want to wait weeks or months for a bill to be proposed and then to undertake lengthy hearings, et cetera, which may produce no action at all. The summary of S. 631 (a copy enclosed) shows on its face the many subjects where the Senate is in a position to act at this time. We urge your support of this measure.

Sincerely,

LARRY PRESSLER.
AL D'AMATO.
HANK BROWN.
ARLEN SPECTER.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, as time passed this year there were a number of impediments which arose to make it unlikely that health care legislation would be acted upon. The New York Times, on March 4, 1993, contained a headline: "Passage of Health Care Bill Seen as Unlikely This Year." The first paragraph says:

> On March 3, Representative Dan Rostenkowski, chairman of the House Ways and Means Committee, said today that Congress was unlikely to pass a comprehensive health bill this year despite urging by President Clinton and the Senate majority leader.

Then a similar story appeared in the New York Times' national division on April 2, 1993, with the headline: "Clinton May Not Meet Deadline on Health Plan," and it says:

> On Sunday the House majority leader Representative Richard A. Gephardt of Missouri, voiced uncertainty about whether Congress could meet Mr. Clinton's goals of passing such legislation this year. The health care bill "will be the toughest bill since the Social Security Act [was passed] in 1936" and "it would be just as important" said Mr. Gephardt on NBC news program Meet the Press.

Mr. President, the New York Times for this past Sunday, had an extensive article with the headline: As U.S. Policymakers Debate, States Move Ahead On Health Care Overhaul. It starts off:

> WASHINGTON, April 24.—The Governors and legislatures of the 50 States are not waiting for the Clinton Administration to find a fresh approach to health care. Squeezed between rising demands for care and soaring costs, and fearful the Congress will act too slowly or wrongheadedly on whatever the President finally recommends next month, States are determined to go ahead on their own to improve matters. "The health-care crisis out in the States is so pressing that we can't wait any longer to see what the Federal Government is going to do, if anything," said Delegate Casper R. Taylor Jr., the leading advocate for an overhaul of the health-care system in the Maryland legislature. "A lot of individuals can't afford care. The cost of providing care to workers is breaking some of our businesses. Other state needs are being neglected because of the health-care budget. The heat is on."

All of that was being said by Mr. Taylor. Without reading the full text, it comments about activities saying:

> Hawaii has already made insurance available to almost all of its residents. Several of the States including Minnesota, Oregon, Vermont, and most recently Florida, have enacted varying programs designed to improve universal coverage. And just Friday, the Washington State Legislature approved a plan that would phase in basic coverage for all residents by 1997.

Then the article goes on to mention a number of other programs in a number of other States.

Mr. President, I see we are joined by my colleague from South Dakota, Senator PRESSLER. So at this time I yield to Senator PRESSLER, if I may have the understanding that I would have the floor when he concludes.

Mr. GLENN. Might I pose a question? Are there copies of the Senator's amendment available, or a section-by-section analysis of it?

Mr. SPECTER. If I may respond, Mr. President, there are copies available, and I have a section-by-section analysis; I will make them available at this time.

Mr. PRESSLER. Mr. President, today I join Senators SPECTER, BROWN, and D'AMATO in offering this amendment which expresses our sincere desire to make health care available and affordable to all Americans. I do not come to the floor pretending to be an expert on health care, nor do I suggest this amendment is a perfect proposal.

There are provisions in this amendment I do not fully support. But let me say that I think it is time we take action on health care. There has been much talk in this Chamber. The date keeps getting delayed. I think there are many Americans out there who are not covered by health insurance. There are problems in our system.

I believe it is time for the Senate to begin action, and I commend the Senator from Pennsylvania for his leadership in finally getting us a vote on this. We have had all of these studies and all this talk.

Also, let me say that I am very eager that there should be proposals from the Republican side of the aisle, because, before health care reform is enacted, our side of the aisle will have major input, especially in the Senate of the United States. I think that this amendment is a good starting point. I hope it is not rejected here on the Senate floor.

The time has come for the U.S. Senate to show the American people that we are serious about health care reform. Indeed, it is time President Clinton knows of the type of health care reform we support. I believe the elements in this plan would result in reduced medical costs and increased access—the principal pillars of any true health care reform plan. From 1980 to 1992, health care costs have increased 106 percent; prescription drug prices have increased 123 percent. During this same time period, inflation rose 68 percent.

There are an estimated 37 million uninsured Americans.

In my State of South Dakota, nearly 56,000 individuals are without health insurance; 5,000 South Dakotans are considered uninsurable.

A recent study of health care costs reveals that the average South Dakotan spends 13.1 percent of his or her income on health insurance or health-related costs. This is the fourth highest rate in the Nation.

The Medicaid and Medicare budgets are increasing 10 to 15 percent each year. Those funding increases are eating up the limited resources of State and Federal Governments. Ultimately, many other worthwhile programs, ranging from education to law enforcement, are cut or sacrificed to make room for higher health care costs.

In South Dakota, there are 8,000 nursing home beds. Nearly 50 percent of these individuals are dependent upon Medicaid for their long-term care needs. This represents about one-third of South Dakota's total Medicaid budget.

This year, Medicaid expenditures are expected to total $126 billion. This represents 15 percent of all health care expenditures. Between 1980 and 1992, Medicare costs soared 272 percent. Medicaid costs increased 384 percent.

A day does not go by that I do not hear from South Dakotans saying they do not have the means to obtain health care. They may have been unable to obtain insurance because of a preexisting condition, or may have lost their benefits when changing jobs. Others simply can no longer afford to pay the insurance premiums or the direct medical costs.

The reasons for the inflated health care costs are numerous. There is no quick fix or easy solution. However, there are steps we can take to contain costs and secure medical benefits for all Americans.

Some argue that doctors and other health care providers are being greedy and are lining their own pockets. Others contend that the fear of frivolous lawsuits forces physicians to perform unneeded tests in an effort to avoid lawsuits.

Let me say, Mr. President, that I hope we hear more from the White House in terms of tort reform regarding health insurance. That is a subject that has not been adequately covered, as far as I know. The mysterious thing about the planning of the health care reform going on is that we do not really know what is going on, and time is slipping by.

My colleague from Pennsylvania, earlier in one of the appropriations bills, had a September date by which this Congress should act on a health care plan. Now there is talk of it slipping over into next year. I believe that it is time to act. I think we have the information. I think we should move forward. But that is certainly an area we should address—tort reform.

Others argue that excessive Federal regulation is causing the increased rates. Some blame the insurance industry. Finally, others argue that the consumer is demanding excessive medical care. The doctors blame the lawyers, and the lawyers blame the insurance companies. The insurance companies blame consumers, and everybody blames the Federal Government. The American citizen is the loser. It is time to stop the blame game and start the process of reform.

It is my feeling that health care reform must be market based. We should not impose price controls or new mandates. Rather, reform should include limits on damages awarded in lawsuits, revisions in the antitrust laws, elimination of waste and fraud, reduction of Federal regulation, streamlining of claims processing and other paper works, and greater emphasis on preventive care and tax credits to help individuals purchase health care insurance.

All of these things are addressed, in part, in the Specter amendment. Let me say that the Specter amendment is the first health care vote of this year on the Senate floor. We have been talking about health care all this year, and this is April; this is the first time, and it has been difficult to get this amendment up.

It probably is unlikely that the Senate will adopt this amendment, because I expect it is going to be voted down. I hope it is not. However, it is a strong statement indicating we were serious about health care reform and we are ready to legislate. That includes many Members on this side of the aisle. Voting for this amendment would send a clear message to the White House. Health care reform should be market based. It should not impose new mandates on employers, and we should not impose price controls.

In closing, I would like to commend my Republican colleagues, including Senator CHAFEE, Senator DURENBERGER, and of course, my friend from Pennsylvania, Senator SPECTER, for their leadership on the issue of health care reform. Republicans are not taking a back seat on the issue of health care reform. The Republican health care take force has held dozens of meetings, briefings, and retreats in an effort to develop health care reform proposals. Many of the provisions in this amendment come from these meetings.

Mr. President, I urge the adoption of this amendment, and I yield to my friend from Pennsylvania.

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania retains the floor.

Mr. SPECTER. I thank the Chair.

Mr. President, I have been advised there are others on the floor who wish to speak so I will be relatively brief at this stage and elaborate on my comments at a later time.

Before yielding to the distinguished Senator from South Dakota, I was commenting there were problems which pop up virtually daily on the difficulties the President is going to face in his proposal.

Last night, on ABC television, Peter Jennings anchored a brief report on the subject of health care.

Mr. President, in this morning's Washington Post in a lead story captioned "Panetta: President in Trouble on Hill," and I will be very brief with this, said in the second paragraph:

> In a meeting with reporters, Panetta said additionally he is urging Clinton to delay releasing his plan for overhauling the health care system because, even without it, the administration faces a serious challenge in passing the details of Clinton's budget proposals, which Congress already has agreed to in broad outline.

Mr. President, there is quite a bit to be said, but two of my colleagues, the distinguished Senator from South Dakota, Senator DASCHLE, and Senator ROCKEFELLER are on the floor. So I yield the floor at this time and I will have more to say later.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from South Dakota.

Mr. DASCHLE. Mr. President, I rise to commend my colleague, the distinguished Senator from Pennsylvania, for his contribution to this debate.

Obviously, as one looks at the myriad of issues that he addresses in his amendment—managed competition, universal coverage, access to health care, preventative health care, refundable tax credits, cooperative agreements between hospitals, patients' rights, insurance simplification and portability, malpractice reform, outcomes research, Medicare preferred provider demonstration projects, and long-term care, an issue with which the Senator has been associated for a long period of time—we can all agree that each and every issue ought to be included in a health care reform proposal.

And so from that perspective I applaud the Senator's approach and the comprehensive nature of the amendment that he is introducing. But I think his amendment begs the question, Is this the place? Is this the time to address these issues?

I understand his frustration. I share a similar frustration about the need to get on with it, the need to continue to work, the need to find ways with which to confront the myriad of health care problems we are facing today.

But the question is, do we take each of these issues as complicated and as difficult as they are, issues that we have attempted to confront in all kinds of ways over many Congresses and, in fact, many decades, and attempt to include them in an amendment to a bill that would give the Environmental Protection Agency Cabinet status?

Frankly, and with all due respect, Mr. President, this is not the time, this is not the place to address our Nation's health care problems. There has been a good deal of talk in the last few weeks about the need to reach out to each other to find ways in which to work in a bipartisan fashion to come up with a comprehensive health care proposal upon which we can agree, to come up with a plan that will address each of these issues and, frankly, even more than what the Senator from Pennsylvania has outlined here in his amendment.

I hope we can do that. I hope we can come up with a plan in the not too distant future to consider comprehensive health care reform. First, we must come up with an approach that will include Republicans and Democrats in a way that has not yet been done to at least this Senator's satisfaction.

So, I hope, Mr. President, that first we commit to a process and then we commit to a plan that will bring about many of the reforms the Senator from Pennsylvania has suggested in his amendment this afternoon.

We all recognize that we cannot wait any longer. We all recognize when we go home this is the number one issue. We all recognize that we cannot solve the budget deficit unless we solve the health care crisis. We all recognize, as our businesses tell us time and again, that unless we deal with health care in a comprehensive way we are not going to be able to address competitiveness in a comprehensive way.

We recognize the political consequences of doing nothing. We recognize even more the fiscal consequences of doing nothing.

So if we are serious about doing something, if we are serious about laying before the American people a plan that we can say with confidence addresses the problem of universal coverage, that addresses the need for preventative care, that addresses the need for meaningful cost containment, that addresses the need for malpractice reform and long-term care coverage, we really cannot do it as an amendment to a bill elevating EPA to Cabinet status. We cannot address these issues without involving Democrats and Republicans in the committee process, and the House, the Senate, and the White House.

Winston Churchill once said, and I have used this quote before, "That Americans always do the right thing, only after they have exhausted every other possibility."

I hope we do not exhaust every other possibility before we do the right thing this time. And doing the right thing means committing to a process that will bring about a sound plan that we can all feel good about.

I really respect the distinguished Senator from Pennsylvania. He has been an advocate of health care reform for a long period of time.

I understand his impatience and his determination to see the process through this year, in a comprehensive way, in a way that will satisfy us all.

But I must say that this is not the time, this is not the place, this is not the approach, this is not the amendment that will allow the kind of constructive examination of health care reform that we need in this country.

I hope that we can use the ideas offered by the Senator from Pennsylvania—because they address legitimate concerns, they are legitimate proposals, they are items that we simply have to address. But to address this issue in an afternoon, to do it on the floor of the Senate without utilizing the committee process, to do it without involving all of the other Members of the Senate who feel equally as committed and equally as credible on this issue is not serving the process to our satisfaction.

And so I hope that the Senator will take this advice seriously. I hope that in some way we can accommodate the Senator's desire to move ahead without committing to an amendment of this comprehensive nature in an afternoon, as we take up a bill of significance, a bill that Democrats and Republicans support, a bill that deserves to be passed in its own right without the additional issues related to health care attached to it. I hope we can move this legislation so that we can get on with health reform, so that we can clear the deck and find a process that will deliver the kind of product that the Senator from Pennsylvania wants, that the Senator from South Dakota wants, and that Republicans and Democrats alike would like to see sometime this year.

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, will the Senator from South Dakota yield for a question?

Mr. DASCHLE. Yes, I am happy to yield for a question.

Mr. SPECTER. If I might preface it, and I shall be very brief about this—I thank the Senator for his commendation, his comments about how admirable it is, and I focus on his statement that "We all recognize that we cannot wait any longer" and his statement that "We cannot deal with a budget without dealing with health care."

My question to the distinguished Senator from South Dakota is: Does he think we will finish the issue of health care before we deal with the issue of the budget this year?

Mr. DASCHLE. Well, as the Senator well knows—he is a student of the budget, as are many of our colleagues—the budget process is not simply an annual one. Any time you look at the budget, you must look at the long-term budgetary implications of health care and other expenditures.

We know that nothing drives the budget more than does health care. We know that if we are going to truly come to grips with the budget, we have to come to grips with health care.

But we also know, as President Clinton's predecessor, President Bush, knew, that if we are going to do it right, we have to do it in a way that is indeed comprehensive. And certainly we cannot hold the budget hostage this year to a plan that will entail comprehensive decisionmaking that will affect budgets in the outyears.

So I would hope we can tackle these issues simultaneously. We passed the budget resolution. We are now going to reconciliation. Following that, we hope to take up health care reform so that next year, when we take up the budget resolution, we have a handle on health care costs, so we can say with some certainty that health care costs are controlled to 1994, 1995, 1996, and beyond.

Mr. SPECTER. I thank my distinguished colleague from South Dakota for that answer.

I take from that answer that there is not an expectation that health care will be finished in 1993 in advance of the conclusion of the fiscal year 1994 budget; is that correct?

Mr. DASCHLE. If I can retain the floor, Mr. President, I do not think anyone can tell the distinguished Senator from Pennsylvania today just how soon we can pass health care reform. We would like to say that we are going to pass it sometime in the next few months. But that depends obviously on the degree to which there is a consensus, and on the degree to which Democrats and Republicans can agree on the approach to take.

Of course, if we could pass health care reform this summer, there is no reason why we could not affect costs incurred in this fiscal year. The bottom line is, the sooner we reform our health care system in a meaningful way, in a comprehensive way, in a way that will include Democrats and Republicans, the sooner we can control the budget. You would like to see that happen this year. I would like to see it affect the budget this year, too.

But we will not be able to do that if we continue to delay and find ways with which to obfuscate the issue. I think it is time we get on with it and find a process that will ultimately deliver what the Senator from Pennsylvania and the Senator from South Dakota both want.

Mr. SPECTER. Mr. President, following up with one further question, I agree with what the distinguished Senator from South Dakota said: To find a way, to find a process to move ahead. That is why this Senator has offered this amendment.

My final question is: Does the distinguished Senator from South Dakota expect health care legislation to be enacted during the 1993 calendar year?

Mr. DASCHLE. Well, Mr. President, the distinguished Senator from Pennsylvania knows that I do not have a crystal ball any more than he does.

Let me say this: The President said unequivocally that he wants to see health care reform passed this year. The President is going to put every ounce of his credibility, all his efforts, every person within his administration responsible for health care, into passing reform legislation.

I know the Senator from Pennsylvania would like to see it passed this year. Certainly, the Senator from South Dakota would like to see that happen. I would guess the majority of Senators in this Chamber today would like to see health care reform passed this year. In fact, I do not know of anybody who is saying: I think we ought to delay even further; I think we ought to move this process into next year or the year beyond. We all want to move forward with this issue.

So if, indeed, we all want it, then I am fairly optimistic that we can accomplish what the Senator from Pennsylvania hopes to accomplish this year. There is no reason we cannot.

We have taken on issues of similar magnitude in the past and there is no reason we cannot take on this one.

There is far more agreement, in my view, than there is disagreement about the points with which we must deal if we are going to successfully confront health care reform this year.

So let us take those areas upon which we agree and build upon them, and let us find a process that will allow us to commit to a date certain. I would like to see that.

But, however we do it, I think we must commit to a process that involves the committees, that involves those people who have been intricately involved in this process on the Republican side and Democrat side.

I am convinced that if we take that attitude, there is absolutely no reason that we cannot complete health care reform in this calendar year and enact it into law.

Mr. SPECTER. Mr. President, I thank my colleague from South Dakota for that answer. I extract from him two key words: "fairly optimistic." I am left with the impression that it is still a question mark.

I would ask my final question: Whether the distinguished Senator from South Dakota would join with this Senator in asking—and I thank him for saying he would like to find a day certain—I ask if he would join with this Senator in asking the distinguished majority leader to establish a date certain to take up health care legislation this year?

Mr. DASCHLE. Well, Mr. President, I can assure the distinguished Senator from Pennsylvania that no one is more committed to health care reform than the majority leader. I have worked with him for days and weeks and months, and nothing would please him more than to set a day certain to pass health care reform.

I would even wager to say he would lead the charge for setting a date certain.

But I think it is a matter of consultation with the Republican leader and the Republican members of those committees that are equally as committed as we are to health care reform, for example, the ranking members on Finance, Labor and Education, and Veterans' Affairs. There are a number of committees that certainly want to have a voice in this process.

But I do believe—and I say this unequivocally—that the leadership is committed to resolving this issue and to successfully passing health care reform this year.

Mr. SPECTER. I take that to be a "likely yes." I will confer with the Members on this side of the aisle, if my distinguished colleague from South Dakota will do the same on his side of the floor.

Mr. DASCHLE. I assure the Senator that I will.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia [Mr. ROCKEFELLER].

Mr. ROCKEFELLER. Mr. President, I am one of those who believes we will in fact pass health care reform this year. I have marked the day, December 22, 1993. I think the American people are not going to stand for health care reform going over into 1994, and I do not see why they should.

One of the absolutely most important ways to pass health care legislation this year is to do it on a bipartisan basis. Everybody in the world knows that the President, has appointed the First Lady to head up his health care task force which is composed of some 500 people—60 physicians, and other health care professionals that represent all points of view on health care, people from all over the country. One of the reasons the President has caused that to happen is, at least in the view of this Senator, because health care legislation that President Clinton and all of us on both sides of the aisle are committed to doing, is the most monumental undertaking that the Congress has ever undertaken before. It is an enormous undertaking. In fact, when you sit and look at the whole sweep of health care legislation which is represented in the paper which I received from the Senator from Pennsylvania—refundable tax credits, self-employed deduction, children's health care—I do not know whether the matter of veterans' health care is addressed in this 4-page summary or not—but one of the reasons this task force has been working so hard is because it is the most gigantic undertaking this body has ever attempted.

Passage of Medicare and Medicaid—was considered huge, and, of course, it was. But those were add-ons to our health care system. Passage of Social Security legislation generally has been labeled the most momentous social legislation in the history of this country. I have no reason to argue with that. But I will tell you one thing, it is much easier to provide people Social Security benefits than it is to restructure our health care delivery system, not only how it is delivered but also what it is going to cost and cost containment.

The Senator, in his approach, as I understand it, prefers no employer responsibilities. That is a very important factor, because if individuals are only encouraged to have health insurance, that means by definition that there are going to be tens of hundreds of thousands of people who, in fact, do not have health insurance. As a result, people who do have health insurance are going to continue paying a lot more than they otherwise would.

Cost containment. We know, and the Senator from Pennsylvania knows very well, that the subject of health care is so big that, indeed, if we pass, as I hope and expect we will, all of the President's economic and budget deficit legislation, all of it, and reduce the budget deficit by one-half trillion dollars, that, in fact, only works until 1997 or 1998. After that the deficit starts going right back up again because of skyrocketing health care costs. The only way that we can achieve long-term budget deficit reduction is, in fact, through something called health care reform with major cost containment built into it.

It is still very unclear to me what level of cost containment is contemplated by the Senator's approach. He talks about a refundable tax credit to low- and middle-income individuals. I remember, for example, President Bush proposed individual tax credits. One of the things that became very obvious when tax credits were costed out was that that would leave tens of millions of Americans uncovered. In other words, it sounded good—vouchers, tax credits. It sounded good, but it did not do the job.

The problem is the American people, even though they have an enormous amount of anger about health care, do not necessarily know—as I am sure the Senator from Pennsylvania does, and I know the Senator from South Dakota does—all the ins and outs of this. So there is a tremendous burden on us in the Congress, 535, to do this in a very, very careful, very responsible way.

I associate myself with the comments of the Senator from South Dakota. To be quite honest about it, when I was talking to my good friend, the Senator from Pennsylvania, with whom I shared a Veterans' Committee hearing this morning, and he said at some point he would probably be introducing health care legislation, I had no idea it would be so early—even on the same day. But I really think it does not do justice to the subject of health care reform, which I consider the most complex undertaking that this body will consider in the history of this Republic. People can say that in hyperbolic. It is not. It is not. The Senator talks about malpractice reform. But when you are talking about tort reform, you are talking about an enormous variation of opinion just on the floor of this particular body. I support malpractice reform, but I am not sure it is adequately addressed in the particular amendment.

So to me the idea of offering an amendment to an EPA bill introducing health care is really quite extraordinary. I inquire at this point of the Senator from Pennsylvania whether or not he, in fact, wishes to have a vote.

If I could get the attention of the Senator from Pennsylvania?

The PRESIDING OFFICER. The Chair advises the Senator from Pennsylvania the Senator from West Virginia is addressing a question to him at this time.

Mr. ROCKEFELLER. I was interested in whether or not the Senator actually wishes to have, in terms of the enormousness of the problem of health care and the intricacies involved, whether he actually would want to have a vote this day on his bill? That would be my question.

Mr. SPECTER. Yes.

Mr. ROCKEFELLER. To me that is very problematic, Mr. President, very problematic. Here we have a very complex subject. You can take any one of these—managed competition. The Senator's amendment includes children's health care provisions, self-employed provisions, refundable tax credits, preventive care, cooperative agreements between hospitals, insurance simplification, portability. We are going to have to have six or seven hearings in several committees on just the subject of health insurance. Are we going to community-rate it? Are we going to phase it in over time? How quickly can we do this?

Mr. SPECTER. If the Senator from West Virginia will yield for an amplification of the last answer?

Mr. ROCKEFELLER. I am delighted to.

Mr. SPECTER. I wanted to make a terse and definite affirmative by simply saying, yes, a one-word answer. If the one-word answer does not establish the record, it certainly ties the record in this body. I do not think the distinguished Senator from South Dakota came to speak to the Senator from Pennsylvania at the precise time of asking the question, but I would amplify my affirmative answer by quoting the distinguished majority leader, who appeared on Face the Nation on February 28, 1993, and said this:

> We are going to have the health package ready to go by early May. It's conceivable that within a period of a couple of months we could have the hearings, mark it up in committee and get it out, and get it done sometime during the summer—perhaps early summer. I think that's possible, with an ambitious schedule, to be sure.

This is the point I really want to emphasize:

> But the fact of the matter is this is not a new subject. It is not as though this dropped from Mars onto our desks. We have been debating this for 6 years, 8 years. I've been at this for a very long time. Most Members of Congress have been involved for a long period of time.

So, when I say to the distinguished Senator from West Virginia that we ought to treat this subject like we treated the Clean Air Act in 1990—the distinguished Senator from West Virginia was deeply involved in that subject, impacting very heavily on his State, as to industry and environmental concerns.

These matters are well known to us. I do not expect a final vote on final passage on this bill today if a motion to table is defeated or if a motion to table is not offered.

If this body were to break up into task forces, as we did on the Clean Air Act, we could come to grips with these issues. We know these issues, and we could vote on them and we could decide them.

So my answer is "Yes."

Mr. ROCKEFELLER. Mr. President, I heard the Senator's answer. I should say to the Senator there will be no tabling motion from this side of the aisle, so that if the answer is yes, then Senators will have a chance to state their views vis-a-vis the Pennsylvania Senator's proposal.

But I will simply say, Mr. President, in winding this up, from my point of view, that this is an extraordinarily cavalier way to treat such a gigantic subject. It really is quite astounding.

Yes, people have been talking about health care for quite a long time, I say to my friend from Pennsylvania. But there has been no really serious debate on health care at the level that we are now contemplating, ever. It was not even a factor in the 1988 election. George Bush, in one of the debates, referred to a Medicaid buy-in proposal and nobody had any idea what he was talking about and it was never brought up again.

It began to become a very big factor in the 1992 election. We now have a President who ran basically on two platforms: One, economics and deficit reduction, and the other was health care reform.

I am sure the Senator from Pennsylvania knows the First Lady's father passed away and that the First Lady spent a period of several weeks with her father. So, yes, the process has been delayed just slightly. But this is a very serious process which they have instituted and it is going to result in a proposal that is going to be very well defined and comprehensive. I think it is going to be very pleasing to many people.

I think it is going to give us a chance to work together in a very bipartisan way. I am very surprised at the thought of taking an EPA Cabinet-level bill and amending health care reform to it. It does not seem worthy of the way health care reform should be treated. It may be a tactical move on the part of the Senator, and I certainly would respect that. I am quite aware of the Senator's interest in health care. He and I understand that for this to work, it is going to have to be a bipartisan process. I know the majority leader feels strongly about that. I know the President feels strongly about it and I know the First Lady feels strongly about it. The Senator from Pennsylvania and I feel strongly about it also.

I would have to oppose enacting health care reform, so to speak, in a single vote at 5 minutes of 5, or sometime thereabout, on this particular afternoon, on a bill that has nothing to do with health care.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, while the Senator from West Virginia is on the floor, I will state that I take very, very strong exception to his statement that "this is an extraordinarily cavalier way to treat" health care.

My view, Mr. President, is that the leadership of the Congress has been proceeding in an extraordinarily careless way on this subject for many years now. This issue was front and center last year. The Senator from West Virginia headed the Commission and spoke extensively on this subject. I have a transcript of a program where he appeared on C–SPAN last year and had many things to say in a very strong derogatory—let me not characterize it. I withdraw the characterization and instead will quote the Senator from West Virginia and ask for his reply. This is what he said:

> There are Republicans who would be glad to sign on to what we have done, but are being precluded from doing so by the White House just as they were told to vote against the Pepper Commission by OMB and by John Sununu directly.

I ask the Senator from West Virginia if that is an accurate quotation?

Mr. ROCKEFELLER. I will be delighted to answer, and I will answer the Senator from Pennsylvania, but in so doing I want to circumscribe my answer by saying that I hope we are not getting into what could so easily be misunderstood, and the one thing I want to stay away from entirely in this subject, and that is partisanship. The Senator has spoken on this before in fairly direct terms, I think, at the end of last year.

In response to the Senator, obviously I did say that because, in fact, I headed up two commission: One was the Pepper Commission and the other was the Children's Commission. In the both cases, and the Senator from Pennsylvania had nothing to do with this, the Senator from Pennsylvania would not have wanted this, the Senator from Pennsylvania would have probably been right there with me on the issue, but the fact is the White House came in and tried to undermine both the Pepper Commission and the Children's Commission. That has absolutely nothing to do with what we are talking about now.

I think the one thing the Senator from Pennsylvania wants to be very, very careful about, and I know the junior Senator from West Virginia wants to be very careful about in any floor discussion of health care—and, in fact, I think, in view of the way things have been going around here for the last couple of weeks, we all need to be very careful.

Health care is of monumental importance to the American people. They are not angry by accident; they are angry because the cost of health care has gone out of sight and because millions of Americans lost their health insurance last year. It is not a problem of the poor, it is a problem of the working middle class.

It is an enormous problem and enormously complicated and the last thing in the world we need, and the last thing that will be heard from the junior Senator from West Virginia, is anything which edges toward partisanship on this subject.

I will answer in verifying the quote made by me in saying that, yes, I did say that and the facts, the Pepper Commission and the Children's Commission, bear that out. But that is ancient history. That is the Peloponnesian War, as far as I am concerned.

The American people are looking to us in the 103d session of Congress, in fact they are looking to us this year, to pass health care reform. The only way we can do that is for Republicans and Democrats to join together to do it. I do not know how deeply I can reach into my soul, I say to my good friend from Pennsylvania, in the intensity of my meaning when I say that we cannot on this side pass health care by ourselves. We cannot do it. If there is a single person from this side or from the other side who wants to start filibustering health care return, and there are enough votes, we cannot do it. It has to be bipartisan.

So I fully respect the Senator's laying down of this amendment, and I fully intend to vote against it. But I really do want to encourage the Senator, as I want to encourage all of my colleagues, as we get into this whole health care debate, let us make every effort to stay as far away from partisanship as we possibly can. That will not be easy at times but I feel that very deeply, I say to my good friend from Pennsylvania, and I know that he does too.

Mr. SPECTER. Mr. President, avoiding partisanship is exactly what we ought to do. But these statements made by the Senator from West Virginia were made on August 4, 1992. The Peloponnesian War occurred a considerable period of time before that.

While the Senator from West Virginia acknowledges that he made the statement, I have this question for him: What evidence does he have that any Republican was told by John Sununu not to join the Democratic program?

Mr. ROCKEFELLER. In response to the Senator from Pennsylvania, I have evidence of that, but I am not going to answer the Senator's question because again it serves no purpose. We are reaching backwards. We are reaching backwards and we are doing it in a partisan fashion if we do that. This Senator is trying to look forward.

We have the most difficult task yet before us, which is the passage of comprehensive health care reform. The Senator has been involved, as I have been, in various commissions and works where there have been close votes and there have been efforts from the White House or within the Senate, whatever, to accomplish one objective or another.

But that is precisely the kind of thing in this year 1993, with a new President, with a new administration, with a new attitude on the part of all of us, including the Senator from Pennsylvania and including the junior Senator from West Virginia, that we have to stay away from. It accomplishes absolutely nothing. I have been trying to concentrate and focus myself on the Senator's amendment. I applaud the Senator for wanting this subject to come up.

I applaud the Senator for putting forward a proposal.

I am chairman of the Alliance for Health Reform which educates the press and the public on health care reform. The Alliance put out an abbreviated glossary for the press of the language of health care, what words mean for example, which we update as time goes along. It is a nonpartisan board. JACK DANFORTH happens to be a member of it. The book which we have put out just to describe the words and the concept of health care is 600 pages. I have here a 4-page explanation of an amendment, and I hope that the senior Senator from Pennsylvania will agree with me that passing this amendment really is not the way we ought to be doing this.

Mr. SPECTER. Mr. President, if the Senator from West Virginia did not want to answer my last question, so be it. I have another question for him. Again quoting from his press conference on August 4 1992—and, Mr. President, let the Record show that I did not wait until April 27, 1993, to raise this issue. I came to the floor the very next day, August 5, 1992, as shown in the CONGRESSIONAL RECORD at 21714.

But let me ask the Senator this question. Senator ROCKEFELLER, from the transcript: "We have 57 Senators, and no Republican Senator that I know of would be allowed to vote for that."

What evidence do you have for that, I ask Senator ROCKEFELLER?

Mr. ROCKEFELLER. I say to my good friend from Pennsylvania, Mr. President, what would he like me to say? I am trying to lay out the predicate that this is not what I consider very useful. I think health care is an incredibly important and complicated subject, and going into previous quotes, previous years—I suppose he could do that for Members on our side and Members on the other side—I do not find that very useful.

My point is that I want to encourage my colleagues to vote against the amendment of the Senator from Pennsylvania in that it is displayed in a four-page explanation and with very little to back it up, in all sincerity from my part, on what it means and what it would do, what effect it would have, what cost containment measures it includes, who is covered and who is not.

You cannot do health care reform in this fashion, I say with all due respect, and I would encourage my colleagues to vote against this amendment.

Mr. SPECTER. Mr. President, I have only one other question for the Senator from West Virginia, who chooses not to answer. This is what he also said in the CONGRESSIONAL RECORD: "The President," referring to President Bush, "talked yesterday in Dalton, GA, using those classic cop-out, stupid nationalized socialized medicine words, the same things he used to talk about Medicare back in 1964 and 1965, he says that his health care plan would cover all, that is a lie."

What is a lie, I ask the Senator?

Mr. ROCKEFELLER. Mr. President, will the Senator explain why he is asking that question to me and what is his purpose in that? I understand his purpose on the floor is to advocate an amendment which he says he seriously puts before the Senate. I very clearly am trying not to deal with the past. The Senator very clearly is. He has an active amendment here. I am meant to be testifying before Senator BOREN's committee on behalf of the Veterans Affairs Committee, and they are waiting for me right at this instant.

I can engage in this kind of polemic, but it seems to me it is doing exactly the opposite of what I think we ought to be doing in this body; not dredging up things from the past but talking about the future, trying to work together.

The Senator from Pennsylvania, in my judgment, if I can be so brash, is probably going to end up voting for the bill that comes from the White House, and I will tell you why. Because the Senator from Pennsylvania is, one, an independent Republican, as he likes to say, is very aggressive in speaking about matters, cares about health care, and it would be my guess that the Senator, when he sees this product, and indeed when this Senator sees this product from the White House, will like it a great deal.

So I will simply say the health care bill is what I want to talk about, not what I or the Senator or somebody else talked about last year and the year before and the year before that.

Mr. SPECTER. Mr. President, I will be glad to respond to that, and then I will yield in just a moment to my distinguished colleague from South Dakota.

I am asking these questions, Mr. President, because the Senator from West Virginia has characterized this Senator's conduct as extraordinarily cavalier. I asked the Senator from West Virginia three questions, and I think they are all relevant, on the issues which we are debating here today. I thank him for his statement about my independence. I can say categorically that if I agree with what President Clinton purposes, I will vote for it. And if I disagree with it, and if I disagree with the integrity and if I disagree with the credibility, I can also assure the Senator from West Virginia I will not call it a lie.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, may I say that I think what we are witnessing here is a delay. There is talk of doing the health care package in 1993. We have heard admissions it will probably slip over to 1994. 1994 is an election year, thus there will be an excuse then to do nothing about it. We are probably really talking about getting serious the beginning of 1995.

It was my sad duty this morning to travel to the funeral of Joy Baker. And riding back on the airplane, talking with a number of people who are in the know in Washington, the strong feeling was that there will continue to be charges from the other side of the aisle that Republicans are somehow holding this up, but very little will really happen this year. Next year, there will be the best intentions but it will be an election year. So we are really talking about health care reform in 1995. And meanwhile, we will have rhetoric blaming Republicans, saying there is gridlock, but there are no cloture votes here. We are ready to go. We have the facts. It does not take forever to solve these problems.

We have an amendment written out here. The delays are getting too great. Really, we are looking at—and it might be said here for the first time on the floor of the Senate—the present course of action of the other side of the aisle will delay health care reform until 1995. That may sound shocking but that——

Mr. DASCHLE. Will the Senator yield? Will the Senator yield on that?

Mr. PRESSLER. Yes.

Mr. DASCHLE. I would be interested in knowing if the Senator from South Dakota can tell us who said that and in what context. I did not hear the Senator from West Virginia say that.

Mr. PRESSLER. I said it.

Mr. DASCHLE. The Senator is saying it.

Mr. PRESSLER. I am saying that. Yes, I am saying that.

Mr. DASCHLE. On what basis does the Senator make that assertion?

Mr. PRESSLER. I make that assertion on the grounds we have heard here on the floor this afternoon that it will be at least the end of 1993 before a bill is brought to the floor.

Mr. DASCHLE. I am sorry. Who was it that made that statement?

Mr. PRESSLER. Senator ROCKEFELLER.

Mr. DASCHLE. Well, Mr. President, I heard Senator ROCKEFELLER, too, if the distinguished Senator will yield. I hope that the Senator is not putting words in the mouth of the Senator from West Virginia. Basically, what the Senator from West Virginia said is there is a real possibility we could do it much sooner than that. There is a possibility we could do it this summer. There is a real possibility we could to it this fall. There is an outside possibility it might happen toward the end of this year.

We all were talking at that point about a time certain. A lot of us would like to see an opportunity for a time certain. That would involve leadership, it would involve committees of jurisdiction.

I really hope we would paint no more gloomy picture with regard to the scenario than we really have to here. There is a real desire on the part of Republicans and Democrats, I think, to work together on this issue, to come to grips with many of the comprehensive problems that are addressed in the amendment of the Senator from Pennsylvania. But simply to say the distinguished Senator from West Virginia was projecting a date at the end of this year or next year, frankly, is erroneous. I hope that the Senator would not put words in this mouth in that regard.

Mr. PRESSLER. Mr. President, I am not putting words in the mouth of Senator ROCKEFELLER. He suggested toward the end of 1993. It is my prediction that it will be 1994 before this thing gets started, and it is my prediction that the excuse will be used next year that it is an election year, so we will be over to 1995.

The point I am making is we have heard so much rhetoric about this subject and we have had so much information about it that this Senator is ready to act, and that is why I am cosponsoring the Specter amendment. That is why I think it is time that we need to tell the country that we are ready to move, that we are ready to do something, and that the delays are not coming from this side of the aisle.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will call the roll.

Mr. DASCHLE. Madam President, I would ask to withhold the quorum call for just a moment.

Mr. SPECTER. I will be glad to do that, Madam President.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. The distinguished Senator from West Virginia made a point that I think really deserves to be highlighted. I think that we need to call attention to the tremendous work underway at the White House task force. The task force has involved some 400 people, Republicans and Democrats, people from all walks of life. They have made incredible progress addressing this issue, and trying to involve and communicate with Senators on both sides of the aisle. The task force is attempting to reach out, to seek our advice, to find ways with which to address the broad range of problems that we face in this country, problems associated with rural health care, problems having to do with insurers who screen out individuals with preexisting conditions, problems with containing costs, problems with lack of long-term care coverage.

Mr. PRESSLER. Will my friend yield?

Mr. DASCHLE. I am happy to yield.

Mr. PRESSLER. I commend my friend for his leadership in working in this area and the 400 people meeting. When will we have legislation on the floor?

Mr. DASCHLE. The expectation, I answer the distinguished Senator from South Dakota, is that the proposal will be made within the next few weeks.

Mr. PRESSLER. Will they bring a bill to the floor of the Senate within a month?

Mr. DASCHLE. I think it is safe to say we will see a comprehensive proposal laid before the Congress sometime in the very near future. The distinguished Senator knows as well as I do that with a matter as complicated as this whole issue is, that the advice given by some of the Senators on that side of the aisle: Do it right, rather than do it fast, is good advice. Some of the distinguished Senators on the Republican side on the Finance Committee gave the same advice to Mrs. Clinton just last week, they said: Do not worry about arbitrary deadlines here. Let us make sure that we are doing it right.

I think that was good advice, but I also think that there is a desire to do it as quickly as possible. A desire to address the concerns expressed sincerely by the distinguished Senator from Pennsylvania, about the need to get on with it. But I think that whether it is May 15, or May 17, or May 21, this complex problem deserves our full and very careful consideration. This administration, and certainly leadership on both sides of the aisle, are as determined as anyone to do this issue expeditiously. I think we are going to do that.

My point in rising again is simply to draw attention to the fact that a tremendous amount of work has gone into preparing a proposal. As we now reach the final stages of that preparation, to offer an amendment that completely negates or ignores what the task force is doing, while well-intended, is certainly not the correct and best approach to use if we want to solve this problem in a comprehensive and thoughtful fashion.

I think what the task force has done is remarkable. I only remind my colleagues that I remember President Bush coming to the Congress shortly after the time he was elected and telling the Congress that he, too, was committed to health care reform. It was a very high priority for him, and he told us that in a very short period of time he was going to present a proposal that the Congress could work with in a bipartisan way.

It took the President about 3 years to deliver that proposal. It was not until the third year of his administration that he came forth and presented his proposal, only after year after year of promise and delay. He, too, understood the complexities of the problems. He, too, understood the difficulties in reaching a consensus even within the administration. So for this administration to come forth with a plan not in 3 years, but in a little bit more than 3 months is quite an accomplishment. It shows the dedication of this administration. It shows how determined they are to join with us in resolving the many health care issues confronting us in the Congress.

So I only ask that we recognize the legitimacy of that process—that we build upon that process once it comes to the Senate floor and the House floor. And we set, as the distinguished Senator from Pennsylvania has suggested, a timeframe within which to consider this issue and ultimately deal with it in a positive way.

I think we can do that. I certainly applaud the leadership of the President, the First Lady, and the task force. I applaud the effort that they have made, and the expectations that they have left with all of us that we will deal with this issue in a successful manner. I yield the floor.

I note the absence of a quorum.

Mr. GLENN. Will the Senator withhold?

Mr. DASCHLE. Yes.

Mr. GLENN. Madam President, I do not know whether we talked about costs and how we pay for these things. Was that addressed while I was gone? I am sorry I had to leave the floor for a short period of time.

I know there are a lot of good things and the distinguished Senator from South Dakota commented on those and complimented the Senator from Pennsylvania on these matters. I do, too, because obviously he has done a lot of thinking in this regard and a lot of work with Senator CHAFEE and Senator PRESSLER and others that have been particularly involved on the Republican side of the aisle.

One of the biggest problems though that we face with regard to health care is how we are going to pay for it. That is one of the things that the administration is wrestling with, grappling with. Even the mention of that tax and we immediately draw opponents on both sides of the aisles, I might add. The Republicans and Democrats alike in our own caucus, all you have to do is mention that tax and we get pros and cons on that in our own ranks.

The question is not whether we can all draw up a good program, but the question is going to be how we pay for it. I noticed that we have, under the access to health care part of this section-by-section analysis which the distinguished Senator from Pennsylvania gave to me a little while ago, several things here with regard to what would happen for refundable tax credit, what would happen to self-employed persons, children's health care, and so forth. I do not know whether he has carried the whole thing to the point where he really has an overall estimate of exactly how much he estimates his approach to health care would cost. It is quite comprehensive. But it seems to me that is key to whatever is passed, or the administration bill, or someone else's consideration of this. Does the Senator have any estimates on that, or a breakdown of how much different parts of this would cost?

Mr. SPECTER. Madam President, I would be delighted to respond to the question by the distinguished chairman.

We have requested the Congressional Budget Office to give a figure and they have not replied. In the context of the floor statement made on Senate bill 18, there is exhaustive analysis as best this Senator can undertake, to show that there would be a saving based on the calculation of 20 percent saving on managed health care, based on the calculation of savings on low birth weight babies, based on the calculation of lessening of the term of health care costs. But we have not been able to get it from the Congressional Budget Office figure.

We put into the RECORD a report by ABC television. I state, for whatever value it has, guesstimating, that the costs of the President's package are now in the range of $146 to $175 billion. The Congressional Budget Office has also said that when they deal with managed care, they are reluctant to get into the issue of projecting costs because they are so difficult to undertake.

Mr. GLENN. I thank the Senator. Does anybody else wish to debate on this?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I wanted to ask the distinguished Senator from Pennsylvania a question or two in connection with his legislation. Before I do that, I want to say that the Senator from Pennsylvania has been a very, very loyal and hardworking member of our health care task force reform group for the Republican Senators. He has worked on this matter for a long time and is deeply interested.

There is one provision in his amendment I would like to draw out, if I understand it correctly. I believe that in the Senator's legislation he has a provision where a Federal board sets caps on the rate of increase that the insurance company would be permitted on its premiums.

Mr. SPECTER. That is true, yes. Part of the first point on the summary—and when the distinguished Senator from West Virginia was talking about four pages, he was talking about a very abbreviated summary. The text of the bill runs 302 pages. One of our points is that the Board would determine annual limits on the allowable percentage rates of increase in premiums for accountable health plans and develop uniform deductible and cost-sharing requirements.

Mr. CHAFEE. Well, Madam President, I am not in agreement with that particular provision. And while I will vote for the Senator's amendment, I recognize, one, that it is going to have difficulty passing here and, two, that should it pass here, it would undoubtedly have difficulty in the conference.

Nonetheless, I want to support the Senator's efforts because he has devoted a lot of time to health care generally and has been supportive of our overall Republican efforts in the Republican Senatorial Health Care Task Force.

On this particular provision, I am not in agreement. So I do not want somebody coming to me later on down the road—and we all recognize health care is going to be with us quite a while—I do not want anybody coming up to me and saying to me or saying to other Members who might possibly vote on this: Do not talk to us about being opposed to a board setting caps on premium increases, because you voted for that on April 27 in connection with the Specter amendment.

I think we will all discover, as we go along, in connection with health care, that we do not take a sworn pledge to be for everything that is in a particular piece of legislation. We recognize that, particularly in connection with this health care matter, it is going to go through innumerable iterations. I want to commend the Senator for his consistent efforts, and while I have disagreements on this particular portion, and perhaps on other portions of the bill, I think that the Senator is deserving of encouragement for his persistence and his genuine interest in this.

We all know that regardless of what happens with this measure today—and I think we are all being candid, and we pretty well recognize it is not going to pass—he made a contribution to the debate and will proceed with that debate. When Mrs. Clinton's task force comes forward with their proposals, which I am sure will be thoughtful and wise in many respects, we will take those up and discuss those at that time.

Mr. SPECTER. Madam President, I thank my distinguished colleague from Rhode Island for those generous comments.

As I had said earlier today in the absence of the Senator from Rhode Island, I have worked for more than 2 years on the task force which he has chaired, and I supported the legislation which the task force introduced in November of 1991. It has been a very laborious and hardworking task force. We have met most Thursday mornings at 8:30 a.m. We have had retreats and countless discussions. I have worked hard to see if the task force could come up with a proposal which would be offered. And this is as good a time as any to say that in this document of some 302 pages there are some provisions that I do not agree with. But assembling a critical mass—it is not possible to put together a bill where everyone agrees with every point.

In supporting S. 1936 last year, authored by the distinguished Senator from Rhode Island, I said I did not agree with all of the provisions. Senator D'AMATO does not agree with some of the provisions in the health care amendment I have introduced today—although he is a cosponsor. Specifically, he does not agree with certain tax matters because of his objection to having any new taxes. Certain other Senators objected to the contrary provision. We tried to work it out in a way to get the broadest support we could. But when we look for legislation, we are looking for a critical mass; we are looking for some place to start, a place where we have a bill that can have amendments.

I have discussed this with Senator CHAFEE repeatedly in terms of a strategy and how to approach these matters. I believe it is vital, Madam President, that Senators lay down bills and lay down markers. I think it was vital to lay down the health care amendment last year on July 29, as I did. And then the distinguished Senator from Rhode Island carried on later in the year and worked with the chairman of the Finance Committee, then Senator Bentsen, in working out certain arrangements later in legislation.

I proposed S. 18 on the first legislative day, January 21, and immediately

I sought hearings. I did not wait for the task force to get 3 or 4 months into their work. I proceeded immediately. If the task force was prepared to have the bill on the floor, I might well have withheld this amendment. But I think the American people should know that we are ready now to legislate on health care—at least as this Senator sees it. That is why I have pressed this amendment.

I have no illusions about party-line voting which is likely to occur here. But if a motion to table is offered and the motion to table is defeated—if that should come to pass, which I candidly say I doubt very much—then we can proceed as we did on the Clean Air Act. But I think this is a good bill, and I think it ought to be considered by the Senate.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DASCHLE). Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask permission to speak on the amendment proposed by the senior Senator from Pennsylvania [Mr. SPECTER].

The PRESIDING OFFICER. The Senator is recognized.

Ms. MIKULSKI. Mr. President, the senior Senator from Pennsylvania has offered his amendment and states that his desire to do so is because the American people have a great sense of urgency that something be done about reforming health insurance in the United States of America.

On that point, the Senator from Pennsylvania is correct. There is a great sense of urgency in the United States of America to do something about health insurance, but to do it right the first time. There is a great sense of urgency in the United States of America to reform health insurance, not only that it be available, not only that it be affordable, and not only that it will meet the compelling needs of American families, but that whatever we do be done anticipating the unintended negative consequences of intemperate action or poorly thought through and flawed ideas.

I think all of us on both sides of the aisle who seek a quick-step action on reforming health insurance want to be sure that whatever we do has been carefully thought through, that there be no unintended consequences, and that when we pass it, it will be the health insurance framework for not only this session or this decade but will take us well into the 21st century.

That is why, when the Senator from Pennsylvania has offered his amendment, I have no doubt that the Republican study group has thought about it carefully, but it has not been widely circulated. This Senator has not had a copy of it to review it today to vote on it and, as I understand it, there have been no hearings held on it, not only in the 98 days of the Democratic administration, but there were no hearings held on it during the Republican administration.

I hope, Mr. President, for all of those who will vote for the Specter amendment, who, therefore, have voiced their commitment to a quick-step response to the urgent needs of the American people, will promise that when the Clinton package comes before the U.S. Senate they will take the no-filibuster pledge. And, in fact, I challenge every Senator who will vote for the Specter amendment, because of his stated desire for a quick-step action, to promise that they will not filibuster either overtly or in that new style of the rolling filibuster one amendment at a time, that they will not then delay the consideration of the Clinton package on antiquated procedural rules.

Mr. President, because I do think there is a great sense of urgency in the United States of America—and I listened to the debate from others on the other side of the aisle who raised their issues, even argued among themselves about it—I have many questions about what does it mean. First, how will it be paid for? What are the tax consequences? Will it enhance our competitiveness or will it minimize it?

I have particular concern about constituencies. I chair the Appropriations Committee for the veterans of the United States of America, and in trying to meet the needs of veterans' health care, too often in the arm-twisting of the last decades on budgets I have found that promises made were not promises kept. I hope that when we reform health insurance, we make sure we protect the needs of American veterans, have them part of a national system, but enable them to keep the unique services and facilities that were designated for them.

Wherein does veterans' health care fit into the Specter amendment? I do not know. Perhaps the senior Senator from Pennsylvania would like to elaborate on how we will meet those needs. Do we terminate VA? Do we keep VA? How will they be integrated? What does it mean if you do not bear the wounds of war but have served there? What does that mean to veterans?

Then we get to another great passion of mine, long-term care. How will long-term care be met in the Specter plan? Do we have a long-term care plan? Or is it only about terminal illness? Mr. President, there is more to long-term care than dealing with the final hours of life.

What about women's health care? Are there preventive services for women? Will pap smears be involved? Will mammograms be covered? Forty thousand women will die in the United States of America this year because of breast cancer. Certainly, when we reform health insurance, we are going to make available prevention and screening and, by the way, not only for women but prevention and screening for children and for the men we women love. I hope with the new techniques in screening for prostate cancer, we make sure we look out for the guys that have spent their lives looking out for us.

Where and what will be included in preventive services? Are they there? I do not know. And I ask these questions not as a debating technique, but I looked at my desk. What do I have on my desk today that would enable me then to look at the issues pending? I have a DPC bulletin for the Department of Environment. I have legislation to establish the Department of Environment. I have here a report from the Environmental Committee. I have here the CONGRESSIONAL RECORD. I have here the Calendar of Business.

I do not have here a description of what the Specter amendment will mean to my constituents and to the people throughout the United States of America. How can I vote on a 302-page document that has just been laid down this afternoon with no hearings so that Sister Helen Amos, who runs Mercy Hospital in Baltimore, who has never turned their back on the poor, would tell me what are the consequences of religious, nonprofit hospitals in urban areas?

I read not read it. Sister Helen has not read it. What about that solo practitioner that actually makes house calls in rural America, the kind of people you and I hope to look out for, whether it is in South Dakota or the Eastern Shore of Maryland?

Where are the 302 pages of the amendment so that, even in the debate—and I know the senior Senator would perhaps like to respond to me—I would like to be able to turn to those pages? They might be terrific ideas. I do not know what those ideas are.

I sit on the Labor and Education Committee, chaired by Senator KENNEDY and ranking Republican Senator NANCY KASSEBAUM. We look at so many of the public health aspects that will be involved in health insurance. I have never heard a hearing on this bill.

I am not opposed to hearing alternatives. I know we heard one on the Mitchell bill, but I have never heard one on the Republican task force. I do know the Republicans have been meeting.

I remember in January the First Lady was going to Annapolis to meet with that study group. A snowstorm hit, and I know it was a great disappointment to the Republicans not to have the conversation they wanted with Mrs. Clinton.

She was scheduled to come up to Baltimore to meet in a diner with me to talk to women about their health care needs. I know Mrs. Clinton reached out to the Republican Party, meeting with Senator DOLE and the task force. And I anticipate there will be other conversations.

I do not think we should politicize health care. It is not about scoring. It is not about who gets in there first. It is about how we finish; that we actually pass legislation that meets the compelling needs of American families; that it does not bankrupt small business; that it enables large business to compete in the global marketplace.

And for it to be a defining moment of this congressional session is that when this 103d session ends, on a bipartisan basis, a bicameral basis, we have been able to reform health insurance and do it in a way that meets the compelling needs of the families and the American community.

With that spirit in mind, I hope that we would not pass the Specter amendment. I hope, when President Clinton submits his legislation, let us also have a hearing on the Republican alternative or the Republican ideas. I think health insurance, in the final end, in the reform we do, should not be a Democratic package, it should not be a Republican package, but should be an American package that really does address it. And I hope we could proceed with that spirit in mind.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the questions raised by the Senator from Maryland have been in the CONGRESSIONAL RECORD for weeks. The legislation was first introduced in S. 18, on January 21, as I outlined earlier. And I put into the RECORD the specific letters which this Senator had written to Senator KENNEDY, chairman of the Committee on Labor; the letter I wrote to Senator MOYNIHAN, the chairman of the Committee on Finance; the letter I wrote to Senator MITCHELL, the majority leader.

S. 18 was supplemented with S. 631, which was put into the RECORD as a possible amendment on the emergency appropriations bill and then announced to come into the bill on the debt limit. Not only were the 302 pages put in, but a summary was put in answering all of the questions which the Senator from Maryland has raised.

When she asked questions about long-term care, that is in the bill. There is a separate title on long-term care. I had announced earlier a separate bill that I introduced in 1991, S. 1122, in the 102d Congress. Section 11 carries the provisions of long-term care.

When she asked questions about what happens for women's coverage, it is in the bill. Preventive care relating to breast and cervical cancer prevention and a variety of services.

When she asks about preventive care, it is in the bill.

The first title of the bill covers managed competition and universal coverage, with the establishment of a Federal health board to develop a uniform set of effective benefits, with emphasis on primary preventive care. All persons will be required to carry a uniform set of effective benefits, either through a group or individually. Low-income persons will receive direct public assistance for the cost of such coverage. The summary specifies in some detail what happens there.

Title II on preventive care contains provisions for an expansion of primary and preventive health service by authorizing increased availability of comprehensive prenatal care services to women at risk for low birth-weight births and assistance to local education agencies and preschool programs for comprehensive health education. Increase authorization of preventive health programs such as breast cancer and cervical cancer prevention, childhood immunization and community health centers.

A third title on access to health care, providing for refundable tax credit to low- and middle-income individuals; deductibility for self-employed; and children's health care.

Title IV, consumer decisionmaking to enhance decisionmaking by requiring survivors participating in the Medicare and Medicaid programs make specific information available.

Title V, cooperative agreements between hospitals.

Title VI, patient's rights to decline medical treatment to reduce the delivery of unwanted and unnecessary care in the last months of life by strengthening the Federal law regarding patient self-determination and establishing uniform Federal forms with regard to self-determination.

Title VII, insurance simplification and portability.

Title VIII, encouraging alternatives at dispute settlement.

Title IX, Medicare preferred provider demonstration projects.

Title X, treatment and outcomes research to foster the development of medical practice deadlines by implementing a surcharge of one-tenth of 1 cent on health insurance contracts.

Title XI, as I previously stated, long-term health care.

Title XII, financing.

It is as comprehensive a bill as this Senator could devise and as was present in other bills which were pending, this is an amalgam of legislation introduced by Senator KASSEBAUM, Senator BOND, Senator COHEN, Senator MCCAIN, and a review of Democratic proposals, as well.

It does not cover the veterans' care because that is specifically excluded.

I am not saying it is a perfect bill. I am not saying I agree with all parts of the bill.

Senator CHAFEE came to the floor and disclaimed a provision. I said I understand. I am not agreeing with all of it myself. I am trying to put on the floor a critical mass that can perform the basis for legislation.

Senator D'AMATO is a cosponsor. He does not like some of the provisions on taxes. And I had taken them out for one Senator and put them in for another and Senators objected.

There is no way to get a bill on this floor which 51 Senators are going to agree to without a lot of debate, analysis and disagreement. But I challenge anyone to provide a better bill.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I do not know if it is. I cannot meet the challenge for a better bill now. And I appreciate the fact that the Senator has put the bill in the CONGRESSIONAL RECORD. But I say to you, Mr. President, that no matter how widely read the CONGRESSIONAL RECORD is, people have not read this legislation, hearings have not been held on the legislation, nor have we gotten feedback on the consequences of that.

We will, in a very short time, truly begin. We have already begun the national debate on health insurance reform, and in a very short time we will have actual legislation before us. I say, let us do it at that time. And I also ask that, when it proceeds, we do not use parliamentary delaying tactics to inhibit that process, including the use of the filibuster when that legislation comes to the floor.

I am sure that there will be elements in the legislation of the Senator from Pennsylvania, which obviously he worked very hard on, that might be superior to the Clinton package. We will probably do a blended package. Gosh, working together? Would that not be great? Would that not be American? Would that not be what the American people have asked of us, when they called for change, the end of gridlock, deadlock, petty partisan mischief-making?

I hope we respectfully consider each other's ideas. I believe the Republicans should have a hearing on their legislation. I think that is only fair. But let us do it within the context of the Clinton package, this package, and let us come up with what is in the interests of the American people.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I sent a letter to the Senator from Maryland, a letter in January including a copy of Senate bill 18, so I think she is on notice of what the legislation proposes.

In the absence of any other Senator on the floor—now I see a Senator coming to the floor, the distinguished Presiding Officer, so I yield the floor.

The PRESIDING OFFICER (Ms. MIKULSKI). The junior Senator from South Dakota.

Mr. DASCHLE. Madam President, let me commend the distinguished Senator from Maryland for her remarks. She could not be more on target. She said a couple of things with which I want to associate myself.

First of all, her point about bipartisanship is critical. I think as she indicated so well, we are not going to pass health care legislation if we rely upon Republican votes, or if we rely upon Democratic votes, or if we rely upon the White House to dictate it to us. It is not going to happen. It is only going to happen if, working together, Democrats and Republicans, we can come up with a comprehensive approach that we all feel good about.

Does that mean we are going to have unanimity? No. Does that mean we all will be enthusiastic about each and every provision? No. But does that mean we will be passing legislation that enjoys broad-based support of both sides of the aisle? If indeed we are serious, the answer has to be yes.

Her other point is one I feel equally concerned about. That is her real concern about many of the provisions of the amendment that, frankly, no one yet understands because, as she indicated, we have not been given access to the text of this legislation until now. There are a lot of provisions in here. In fact, I am going to ask the distinguished Senator from Pennsylvania about a couple of them in just a minute. But I think the point is well taken. How can we vote on something of this magnitude without the advantage of hearings, without the advantage of having a thorough discussion, without the opportunity to weigh very carefully ramifications of many of the proposals in the bill offered by the distinguished Senator from Pennsylvania?

In good faith, the Senator indicated earlier that he is frustrated, that he is concerned about the slowness with which the Congress is dealing with the issue, the long time it has taken to confront this issue. I found of some interest an article in the Patriot-News, Harrisburg, PA, dated April 8, written by Joseph Serwach—I assume a columnist with the Patriot-News—quoting colleagues of the distinguished Senator, Members of the House, like GEORGE GEKAS of Harrisburg and BILL GOODLING of Jacobus, who indicated that—and I am quoting from the article here:

> * * * the Democratic push for national health insurance is like a speeding train out of control and needs someone to hit the brakes to prevent a disaster.

GEORGE GEKAS is quoted as saying:

> I predict there will be no health care plan passing Congress this year and you may applaud for that.
>
> Goodling and Gekas, however, said the delay means good news for consumers because slowing the process will keep Democrats from saddling the Nation with a bad plan.

You obviously have differences of opinion within the Republican Party even in Pennsylvania with regard to the speed with which we move ahead. I think the distinguished Senator from Pennsylvania, as he indicated, would certainly share our view the time has come to move ahead. But clearly there are those, even within his own party, within his own State, who do not share the Senator's point of view. Obviously, it is partly for that reason we are still grinding along, trying to confront many of the issues we have all addressed this afternoon.

Since we are waiting for the leadership to come to the floor to give us some indication of the plans for the rest of the evening, and perhaps consideration of this amendment, it may be helpful if the distinguished Senator from Pennsylvania would engage in a discussion with me about some of the specific provisions of the bill.

First, if the distinguished Senator could enlighten the Congress, and those are watching, about the way in which this bill is paid.

How, if I could just ask the distinguished Senator from Pennsylvania does he pay for this bill and what does it cost?

Mr. SPECTER. I will be delighted to respond, Madam President, to the inquiry of the distinguished Senator from South Dakota. I commented earlier, when the chairman of the committee asked the question, that inquiries by this Senator to the Congressional Budget Office have not been answered, as to a cost figure. And information received by this Senator is that they are reluctant to answer questions on managed health care.

I had said to the distinguished chairman of the committee that the only costs put into the record were by ABC Television, whatever they are worth, on the President's bill, at $146 to $175 billion. And that in the absence of a figure by the Congressional Budget Office, this Senator spoke and wrote at length in the floor statement about the expectations on cost. They were essentially that, on managed health care, there is an expectation of a reduction of some 20-percent in costs.

In dealing with low-birthweight babies, it is a multibillion dollar item, with such babies costing as much as $150,000—a human tragedy and a fiscal tragedy. On the costs of terminal care, people spend as much money in the last few days or few weeks of their lives as they had spent in their entire lives.

When you come to the issue of packaging and insurance costs, there would be very, very substantial savings.

My own view is that when you have a health-care system in the United States which costs $840 billion and you start with a 20-percent saving off the top, which is in excess of $160 billion, and add to it the costs of reducing the incidence of low-birthweight babies and add to it reductions in terminal health-care costs, that there may ultimately be a savings here. It is not really possible to put a precise figure on it.

Mr. DASCHLE. This Senator is a person I have respected for a long period of time, and I mean that sincerely. I have admired much of his work, and frankly I know him to be a serious student of health care reform and many other issues. I am surprised that the distinguished Senator from Pennsylvania, or anybody, frankly, would come to the floor to offer an amendment of this magnitude and admit that they really do not have any appreciation of how much it costs. We do not know whether it is $140 billion, we do not know whether it is $180 billion, we do not know whether it is $100 billion. We cannot even tell within $30 or $40 billion what this program costs.

Mr. SPECTER. Will the Senator from South Dakota yield for a question?

Mr. DASCHLE. I will in just a minute. But my point is obvious. My point is that tomorrow, maybe tonight, but most likely tomorrow, we are going to be called upon to vote on a bill of this magnitude, the author of which has just stated he does not know the costs.

He has been able to cite an ABC report that claims a cost of $146 to $175 billion.

But I would hope that this body would not be relegated to relying upon ABC News for its budgetary analysis. Rather, I hope we could—

Mr. SPECTER. Will the Senator yield for a question?

Mr. DASCHLE. Yes, I will in a minute. Please let me finish. I know the Senator would make this point if the roles were reversed, as much of a student of the budget as he is. Certainly, someone of his credibility, determination and interest in this issue can do better than to tell his colleagues in the Senate that it is anybody's guess what his bill costs, and then expect his colleagues to vote blindly on the bill.

I will be happy to yield.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. (Mrs. MURRAY). The Senator from Pennsylvania.

Mr. SPECTER. Madam President, the distinguished Senator from South Dakota was not listening to what I said when I referred to cost figures from ABC television. They were on the President's proposal, they were not on my proposal. I said earlier in a response to a question by the distinguished chairman, the distinguished Senator from Ohio, that those were the only figures in the field.

This Senator has done everything any Senator could do to find out what is the cost. When I asked the Senator from South Dakota to yield for a question, the question was going to be, what would he do? You write to the Congressional Budget Office and you wait and wait and wait and wait and you make an analysis. And I have gone into some detail in the floor statement as to the savings as to this Senator's projections as to what the costs would be. But there is no way that any Senator can do anything more unless he goes and takes over at the Congressional Budget Office.

The distinguished Senator from South Dakota knows that time after time after time Senators appear on this floor and move to waive the Budget Act, which this Senator is prepared to do if someone raises the question. But that happens again and again. It may well be that when the President comes up with a proposal and it goes through the committee that the Congressional Budget Office will give it a little more attention than they gave to the request by this Senator.

Mr. GLENN. Will the Senator yield?

Mr. DASCHLE. If I can regain the floor, Madam President, I certainly appreciate the Senator's frustration. I have been there many times. I have made requests of the Congressional Budget Office on a number of bills. Not through any fault of their own, necessarily—I know how busy they are; I know how much work they have to do; I know where I rank on the seniority list—I know for a lot of reasons requests made by this Senator have also been delayed, and that frustration has been evidenced in my own statements on the floor, on many occasions.

But that is not the issue. The issue is: Do we vote on something of this importance, this magnitude, this complexity, without having cost estimates? I dare say, the Senator from Pennsylvania, as thoughtful a Senator as I know him to be, would have to say no, this is not the way to do business.

In part, that is the way we got into this mess in the first place, by voting blindly without fully appreciating cost, without fully understanding the budgetary complexities of these difficult issues.

The Senator from Pennsylvania certainly would not——

Mr. SPECTER. Will the Senator yield for a question?

Mr. DASCHLE. Madam President, I will yield in just a minute. I will be happy to yield as many times as the Senator would desire. But I just want to finish the point that the Senator from Pennsylvania, and most Senators here, truly want to find a way to deal with health care comprehensively but also in a way that gives us a complete appreciation of the implications of the decisions before us.

How can we honestly and in good faith vote tonight or tomorrow or at any time and then turn to the American people and say: "We just voted on health reform, but we don't have the slightest idea what it costs." I have to tell you, that is not the way the American people expect us to confront this issue.

Of course, they want us to confront it quickly; of course, they want us to confront it in a way that finally and at long last gives them some confidence that we have resolved these problems. But we cannot confront it and then admit to them that we do not have the numbers—we do not know whether we solved your problem because we do not know what it costs.

The second question I have of the distinguished Senator from Pennsylvania has to do with his comments that there are a number of savings to be generated in his approach.

I wonder if the Senator could give us some indication as to what those savings are and compare the cost of his plan with the cost of the current health delivery system.

Mr. SPECTER. Madam President, I am delighted to respond, and do so very promptly. U.S. Healthcare, an HMO in Pennsylvania, estimates that the coverage under managed health care will produce a savings of 20 percent. On the $840 billion which we now spend, that would be a savings in and of itself of $168 billion.

If I may return the favor to the Senator from South Dakota, has he ever moved to waive the Budget Act and he did not know how much an amendment would cost?

Mr. DASCHLE. Madam President, I answer the Senator from Pennsylvania that there have been times that I have voted to waive the Budget Act. But I daresay I never voted to waive the Budget Act on any proposal of this magnitude and without having any idea whether we are talking about $50 billion or $100 billion or $150 billion, because we have never dealt with any bill of this magnitude, as long as I have been in the Senate.

We are talking, as the Senator just indicated, about a health care delivery system that does not cost $840 billion but most likely this year will cost $920 billion in private and Federal dollars. So we are talking about a lot of money here.

I would question when we use this 20-percent figure, are we talking about 20 percent in savings in both the Federal and the private sector? Are we talking about savings for an individual who will be paying 20 percent less in insurance premiums? What specifically are we talking about with regard to this 20-percent savings?

Mr. SPECTER. Madam President, I am glad to respond about the 20-percent savings on the gross expenditures.

I ask the next question of the distinguished Senator from South Dakota whether, if he had an important amendment and felt that it would be a savings, and analyzed it as carefully as he could, as illustrated by my floor statement, and asked the Congressional Budget Office for a figure, and if he could not get a figure there, if he would withhold making the amendment because of that set of facts?

Mr. DASCHLE. Again, I go back to the point I made earlier. I share the Senator's frustration. There is every reason to be frustrated for not having the cost estimates.

The Senator said earlier, and I was going to draw attention——

Mr. SPECTER. Madam President, I regain the floor with the present question. Would the Senator not remake the amendment?

Mr. DASCHLE. The Senator from South Dakota retains the floor, and I will yield to the Senator. I will be happy to continue the colloquy.

The PRESIDING OFFICER. Senator DASCHLE is correct.

Mr. DASCHLE. Earlier, Madam President, it was the Senator's feeling that the leadership was responsible for handling health care reform in a careless way. I must say, I do not know of a more careless approach to health care reform than to offer legislation of this magnitude and not have better cost estimates.

The Senator's assertion is that somehow we are saving about $180 billion in this plan.

I would like to know in a more detailed way where those savings come from. The Senator points to a source that has indicated that we are going to come up with 20-percent savings. Frankly, if we can do that, and do all of the other things that the Senator is advocating, I would certainly want to commend him. I am very hesitant to believe that indeed we are going to come up with 20-percent savings in any plan, and do all the other things we have to do.

Are we providing universal access? Are we providing more opportunities for preventive care? Are we really accomplishing all the things the Senator has indicated he wants to accomplish with this plan, and still saving 20 percent? If we are doing that, this is by far the best plan that I have seen yet.

I, frankly, do not believe that anyone is capable of justifying those assertions and making that kind of a claim.

I ask the Senator, does that 20-percent savings take into account universal access to health care for those 35 million Americans who currently do not enjoy access?

Mr. SPECTER. Madam President, if I may respond, the answer is "Yes."

Parliamentary inquiry, may I ask for the yeas and nays at this point?

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. DASCHLE. I yield to the Senator from Pennsylvania for that purpose.

Mr. SPECTER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Yeas and nays were ordered.

Mr. DASCHLE. Madam President, the Senator indicated that indeed this does include universal access and would still save roughly $180 billion. Is that in the first year, or is that over a period of time?

Mr. SPECTER. Madam President, if I may respond, this is the fourth response to the same question. The savings projected from managed health care are 20 percent of the gross.

Mr. DASCHLE. But the Senator is not answering my question. Twenty percent——

Mr. SPECTER. Just as precisely as the Senator from South Dakota answered mine.

Mr. DASCHLE. The 20-percent gross, how would the Senator define "gross" in this case?

Mr. SPECTER. Twenty percent of the gross. The gross is $840 billion, and I multiply 20 percent of that and come to $168 billion.

Mr. DASCHLE. And the Senator is citing whose figures in making this assertion? Who has calculated this to be a 20-percent saving?

Mr. SPECTER. Madam President, if I may respond, U.S. Healthcare in Pennsylvania has given me that figure.

Mr. DASCHLE. U.S. Healthcare. Is that a private organization?

Mr. SPECTER. It is an HMO, Madam President.

Mr. DASCHLE. I do not know how comfortable the Senator feels with regard to that cost estimate. I would be amazed, frankly, if any organization, any HMO has the kind of data to make that calculation. CBO struggles with its numbers; all of the other Federal agencies struggle with these numbers. I would be very interested if the Senator could submit for the record the basis upon which they have made these savings calculations. I think it would be helpful to further understand how the savings are derived and the degree to which we can look upon them with confidence. Would the Senator be willing to do that?

Mr. SPECTER. Madam President, I can do it now. Those figures were given to this Senator on my representation in this body by Mr. Leonard Abramson, who is the chief executive officer of U.S. Healthcare, and I embodied that in a letter which I sent to the Secretary of Health and Human Services back on, I believe it was, October 31, 1990.

I must say that of all the points of concern the Senator from South Dakota is pressing the capillaries here. The issue is not precisely what the savings are going to be. I have authenticated it as best it can be authenticated. But the issue, really a much broader one, is what does the Senator do when he has an amendment and he has calculated the savings, as my floor statement does, beyond the issue of managed health care and has requested a figure from the Congressional Budget Office and has not gotten it?

And that is the last question I am going to answer on that specific subject.

Mr. DASCHLE. I certainly do not mean to challenge the distinguished Senator. I mean that sincerely. We have some time, and I just think it would be useful to explore these issues, because these are all issue we are going to be taking up as we get into health care reform.

Mr. SPECTER. I would be glad to answer a question if the Senator from South Dakota has another one.

Mr. DASCHLE. I do have another one.

Mr. SPECTER. I would be glad to answer it. State the question.

Mr. DASCHLE. I certainly do not mean to be confrontational because I think we all can learn from these colloquies and better understand the proposals as they are presented.

Mr. SPECTER. Just ask the question.

Mr. DASCHLE. OK. Another question relates to the first page of his amendment. He says he would propose that the Federal Health Board—and I think we ought to have a Federal Health Board—but he suggests that the Federal Health Board develop a uniform set of effective benefits with an emphasis on primary and preventive care. I completely subscribe to that kind of a concept. Allowing a nonpartisan, politically insulated board to make some very difficult decisions about comprehensive benefits is an approach to which I can subscribe.

Mr. SPECTER. Does the Senator have a question? Does the Senator have a question?

Mr. DASCHLE. The question is how can this HMO in Pennsylvania give us an accurate estimation of costs prior to the time the Federal Health Board has designed the benefits package?

Mr. SPECTER. Leonard Abramson and U.S. Healthcare, a respected expert in the field and author, can make a calculation of 20 percent in savings based on his extensive experience in the field.

Mr. DASCHLE. But he does not know what the Federal Health Board would design for a basic benefits plan.

Mr. SPECTER. He has experience as an HMO to give a conclusion as to how much can be saved by managed health care, based on his experience.

Mr. DASCHLE. I am sure he does, and there are a lot of people just like him to whom we ought to turn for a lot of these answers.

Mr. SPECTER. Does the Senator from South Dakota have a contrary figure? Does the Senator from South Dakota have an expert who has a contrary figure? Whom would the Senator cite to disagree with what Leonard Abramson said to me and that I put in a letter to the Secretary of Health and Human Services?

Mr. DASCHLE. If I can just understand the process by which this individual has come up with this figure. I would assume that the Senator suggested a basic benefits plan that would be made available to all of the people of this country, and that he suggested the conditions under which that plan would be made available.

Mr. SPECTER. The presumption of the Senator from South Dakota is incorrect. That is not what this Senator did.

Mr. DASCHLE. Perhaps the Senator could enlighten us as to how——

Mr. SPECTER. I would be delighted to, if the Senator wants to know about it, and then he would answer——

Mr. DASCHLE. I would be happy to answer the Senator's question.

Mr. SPECTER. Whether the Senator from South Dakota has an expert who says something different. I visited U.S. Healthcare back on October 31, 1990, and took a look at their operations and told him about the costs of Medicare, and he volunteered to set up a program which would take 100,000 Medicare recipients and compare them to 100,000 Medicare recipients not under his managed health care plan. He said that a minimum saving would be 20 percent of the costs. Leonard Abramson is the author of a well-recognized book. He has a large company. He is a recognized expert. And he has come forward with the figure of 20 percent. If the Senator from South Dakota wishes to challenge it, this Senator repeats the question for the fourth, fifth, sixth time: What expert does the Senator have to the contrary?

Mr. DASCHLE. In answer to the distinguished Senator from Pennsylvania, I would certainly turn, as he has, to the Congressional Budget Office. I would turn to the Health Care Financing Administration.

Mr. SPECTER. To whom has the Senator turned?

Mr. DASCHLE. I would turn to OMB.

Mr. SPECTER. To whom has the Senator turned and what has he found out?

Mr. DASCHLE. Well, the Senator from Pennsylvania has expressed his frustration with his inability——

Mr. SPECTER. Has the Senator talked to anyone? I have not used the word "frustration." I did not use that word. Has the Senator from South Dakota asked any expert what the savings would be from managed competition?

Mr. DASCHLE. Well, I do not think that the Senator from Pennsylvania is going to get any kind of an answer at all if he simply says——

Mr. SPECTER. I do not expect one. I have not gotten any all afternoon.

Mr. DASCHLE. Not from me.

Mr. SPECTER. That is what I mean.

Mr. DASCHLE. I will tell the Senator, if you just say, what savings do we get out of managed competition, the question you are going to get back is, what are you going to give us for a basic benefits package? Are you going to include long-term care? Are you going to implement preventive care? Are you going to automatically require universal access? Are you going to ensure that we employ all the technological advantages we have in the system, or are you going to ration care?

Are you going to give everybody everything they hoped to have access to? If you do, then there is no way we are going to generate any savings.

So there is no silver bullet here. Just to say we will use managed competition does not really give us enough information with which to make sound cost calculations.

I will yield to the Senator, but let me finish my statement first. You have to present whoever it is who is going to be making these calculations with additional information. That is the point that I think the Senator has made, inadvertently, perhaps.

He certainly made it with his excellent recommendation that the Federal Health Board develop a uniform set of benefits with an emphasis on primary and preventive care. But then you must answer additional questions: Are you going to phase in long-term care immediately? Are we going to provide access to all Americans on an equal basis? Do we include public and private health care together as we calculate the budget? How is the managed competition system going to work: Is it going to be a State-based or a Federal system? All of these decisions have to be answered prior to the time any real budget analyst can project the cost savings.

I just simply reiterate what I said at the beginning. It is very difficult for Mr. Abramson to tell us with any authority what the savings are if we have not given him more facts about what the health system is going to look like. I think the Senator from Pennsylvania would certainly recognize that.

So that is my point. My point all afternoon has been, are we ready for this? I think the Senator from Pennsylvania has acknowledged that maybe we are not. He has not acknowledged it as directly as I wish he would. But frankly, I think we would both acknowledge that we have to have better numbers. We have to have a better appreciation of the budgetary implications prior to the time we ask our colleagues to vote on this legislation.

So I continue to urge our colleagues to carefully consider the process as well as the substance as we address health care reform.

I ask one last question, because I know it is an important issue, of the distinguished Senator from Pennsylvania. I would not take the time of the body, except we continue to wait for the leadership to make some schedule decisions. As long as we have the time it would be helpful I think to talk about these issues.

Could the Senator describe a little bit more his long-term care provision? Would he implement that immediately, or would he wait for a period of time and take incrementally?

Mr. SPECTER. Madam President, if I may respond, the provisions of the long-term care are essentially those which were set forth in Senate bill 1122, which I spoke about earlier in the afternoon.

The provisions would be implemented immediately, and as promptly as they possibly could be.

Mr. DASCHLE. Does the Senator have any timeframe in mind? That is pretty vague.

Mr. SPECTER. That is as specific as I can be. I said immediately and as promptly as they could be put into effect. I am not saying that the Senator from South Dakota cannot come up with a number of questions. But the floor statement which has been in the RECORD for weeks, available to the Senator from South Dakota, is as explicit on this subject as it is realistically possible to be.

I would remind the Senator from South Dakota that in attacking the capillaries in a repeated manner, he has overlooked the thrust of the bill which is to provide care for some 37 million Americans now not covered, and provide reductions in cost to the 86.1 percent of Americans which are now covered. And that in pressing on the issues of cost, which this Senator has made as thorough an inquiry as I could think of—I am not saying it is a perfect inquiry—and having gone through all of the processes, again I ask the Senator from South Dakota if he would know of a preferable route to follow; and if he would withhold in offering an amendment because a last detail was not present.

This Senator represents that this is a very carefully thought through bill; that it has antecedents which I have described going back to 1985 extensively in the 102d Congress; that it is calculated as carefully as this Senator could undertake to do. If the Senator from South Dakota has some contrary figure which he has not put on the table, let him do so.

Mr. DASCHLE. The Senator from Pennsylvania makes a good point. Again, I do not mean to exasperate the Senator. I think his contribution here is well understood. He makes a point that we really cannot expect to have every last detail prior to the time we pass health legislation. But I would not call cost a last detail.

I would say cost is pretty fundamental. I guarantee that cost questions are going to be asked frequently, and from a lot of different perspectives. And they should be. We ought to know the cost. Obviously, we are not going to be able to give cost figures down to the last dime. We can all appreciate that. But not to know within the closest $50 billion presents a real serious problem. I think we have to be concerned about that.

He also asked, with good reason, what is a better process? That has been a point that I have attempted to make most of the afternoon here. A better process is the one underway. A better process involves a task force made up of people from all walks of life, thoughtfully giving consideration to every facet of health care, including cost, taking into account the diversity in this country. And, upon completing this work, presenting it to the Congress, submitting it to the committees of jurisdiction in the hope that they too will give it their best effort, Republicans and Democrats, and enlist the support of the Congressional Budget Office, the General Accounting Office, the Office of Management and Budget—every agency of Government responsible for giving us cost estimates, in the hope that prior to the time we are called upon to vote we have a very clear delineation of the budgetary implications of our health reform package.

That is the process. That is really the one that I think the Senate ought to be most comfortable with. That is the one that is going to give us the best and most thoughtful result.

It is not sound to, when asked about cost estimates, cite some HMO in Pennsylvania as our basis for a cost analysis. That is not the way the Senator from Pennsylvania normally does work here in this body. I think that we have to build upon what he has constructively suggested here and find ways in which to deal with this issue as effectively and comprehensively as possible.

I probably exceeded my limits in pressing these questions. I deeply appreciate the answers given by the distinguished Senator from Pennsylvania.

I am sure we will have many more opportunities to talk about the health reform, his ideas, the ideas expressed by many others who have participated in this colloquy this afternoon.

Madam President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. A very brief reply. Staff has just made available to me the statement on January 21 which sets forth in some detail the issue on long-term care. I will not take the time to read it.

It includes creating tax credits for the purchase of long-term care insurance, tax deductions for amounts paid for long-term care services of family members, excluding life insurance and IRA savings used to pay for long-term care from income tax, implementing an extraordinary cost protection provision by expanding Medicaid to include coverage of any individual excluding the wealthiest Americans who have been confined to a nursing home for at least 30 months, setting standards to require long-term care insurance, State Medicaid programs to provide home and community-based benefits as alternatives to nursing home care, to eliminate the current bias that often favors institutional care over other often less costly alternatives.

I refer the Senator from South Dakota to the extensive floor statement which I made back on January 21, and also on March 23, which contained answers to the questions which he has raised.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I had a couple of questions. I asked some questions earlier about the costs of this, and I did not press it, as the Senator from South Dakota has done. I was told earlier that CBO had not given an estimate, and I cannot imagine that people will vote on this without knowing, particularly on the Republican side, where much is being made about some of our budget responsibilities these days—I cannot imagine people on the Republican side voting for this with a pig in a poke, as far as the costs of it, and going back home to run for reelection or to talk to their people back home, having voted for a national health care plan on the floor of the Senate without having any idea whatsoever about how much it is going to cost.

Let me give one example so people can think about it. Under access to health care, we have a refundable tax credit. I think we all agree that the figure that was used was some 37 million Americans are estimated to not have health insurance at all. We are going to cover those people, and I think a minimal health insurance plan would probably be $2,000 a year, or more. That comes up to $74 billion—$74 billion—for that one item alone. We could go to the next one, which is self-employed persons. I do not know how many would be covered under that or would be ineligible for the tax credit. Maybe 20 million Americans fall into that category. That is another $40 billion.

So what we are talking about is not knowing. Mr. Abramson, whom you mentioned, may be an absolutely brilliant man, but we have estimates from the AMA, American Hospital Association, nurses, and a bunch of other people that made estimates on different parts of health care; and it might be more valid than just one particular estimate by this man, no matter how brilliant he may be.

I appreciate the fact that the distinguished Senator from Pennsylvania has not been able to get a CBO estimate, but there are other people besides CBO. A lot of legislation got passed before we ever had a CBO. Estimates came from various places back in that time—the Congressional Research Service, GAO, and all sorts of people made estimates in these regards. But it seems to me that without having any idea of what this is going to cost, I would be very surprised if anybody in this body wants to really vote for this, if it is brought to a vote, and go back home and look the people in the eye and say: I voted for your health care plan. And they say: How much am I going to have to pay? And you say: I do not have the foggiest idea. I do not have any idea. We are going to take it out of your hide someplace, and we are going to save some money over here on forms and the administrative costs and so on.

I agree with that. A lot will be saved there. But how much can be saved, we do not really know. What will this common form that is used be like? I know there are all sorts of levels of simplification that we use or not use. But if we are going to vote, I would call on people on both sides of the aisle, Republicans as well as Democrats, to look at this thing and see whether they really want to vote for something for which we do not have the foggiest idea what it is going to cost. We have no idea whatsoever.

Questions have been raised about what Mrs. Clinton is doing with her health care group. They are not going to present it to us—I know this from having talked to them—on this floor until they have information about whether it is going to be paid for out of the General Treasury or a value-added tax, or out of increased employer costs; or is it going to be paid for with employers and employees having a higher contribution? I know they are not going to float one out here on the floor and say: We have a grandiose plan, but we have not figured out how to pay for it. We want you to vote for it if you are in Congress, and it may cost you $500 billion or $750 billion. We do not really know.

So I have some of the same concerns expressed so eloquently a while ago by the Senator from South Dakota. I do not see how we can bring something like this to a serious vote without having any idea what the costs are going to be. I do not know if the Senator wishes to respond or not. I know he was saying he had to go do some other business.

Would you estimate that your plan would cost the taxpayers $600 billion, for instance?

Mr. SPECTER. Madam President, in responding to the distinguished chairman, my best projection is that this health care plan would not cost any additional money, for reasons which I have already given.

Mr. GLENN. May we get this for free? Do we enact this and say the savings are going to equal the additional costs?

Mr. SPECTER. I am saying that managed health care produces a 20-percent savings. There are savings on reducing the incidence of low-birth weight babies, savings on terminal health care costs, and savings on insurance reforms. I have been over all this with the Senator from South Dakota. I would be glad to do it again.

Mr. GLENN. Well, I was trying to pin it down between certain parameters—$600 billion or $500 billion or $400 billion? Do we save money or get money back from this plan by giving more coverage? We still do not have any figure on this.

I cannot imagine people on either side of the aisle voting for something for which we have absolutely no idea, no definitive figures, from AMA, the American Hospital Association, nurses, national medical associations, or anybody else. We have one doctor, apparently, or one head of a service in Pennsylvania who thinks we will save money. Has he made estimates on all of the different things provided in this bill?

Mr. SPECTER. He has made the estimate of a 20 percent cost savings, based on the circumstance I described in some detail, on taking 100,000 Medicare patients and putting them under managed health care contrasted with what they cost for the Government. I ask the Senator from Ohio whether he has ever moved to waive the Budget Act on any matter when he could not get a precise estimate of cost?

Mr. GLENN. When this came up in your discussion with the Senator from South Dakota, and you asked the question, my answer, had it been asked of me, was going to be the same. I think I nave a couple of times, but it was not for 1 percent or even a thousandth of a percent of what this is liable to cost in health care. So we are not talking about things that are going to—when we voted for a waiver on the budget in the past, it was always for far smaller amounts that were involved than anything we are talking about here.

Mr. SPECTER. I respond to my colleague that the principle is the same. If you have a measure you need to get enacted, and you have set forth the savings which you feel would be forthcoming, and you have asked the Congressional Budget Office, it simply is unreasonable to withhold pressing an amendment because you do not have the precise figures.

The Senator from Ohio has made his argument; the Senator from South Dakota has made his argument, and I have made my argument. I am ready to——

Mr. GLENN. I do not want to prolong this. I do not know whether the leadership is back from a meeting yet. We will see if they are and see what the procedure is going to be for the Senate for the rest of the evening.

I associate myself with the remarks of the Senator from South Dakota, not that I want to oppose what the Senator from Pennsylvania is trying to do; obviously, he has been meeting for a couple of years on this, and an awful lot of thought has gone into this. I am sure he does not present it lightly. But I do not see how we can ask the Senate, on either side of the aisle, to just accept this when we do not know how much this is going to cost; we have no definitive figures.

Madam President, we would not know how much tax to vote to pay for it if we have to put in a value-added tax. We do not know that. We do not know how we would pay for this or what would be necessary.

I encourage Senators to turn this down, as I said earlier when I commented on it, because we do not know such things.

I think before the administration presents their bill, they are going to have to know the cost figures so we vote on that, too. I would vote against the administration bill, too, absolutely, if they do not have any better analysis of what it is going to cost and where the money is going to come from. I tell them right now I would vote against their bill also, and I think it would be reprehensible, whether Republican or Democrat, to vote on something like this without knowing what it is going to cost.

I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I have a technical amendment to the substitute, and I ask that it be in order. Is it in order to set aside the Specter amendment temporarily while we make technical amendments to the basic bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. GLENN. Madam President, I ask unanimous consent that we set aside the Specter amendment temporarily until we can do these technical amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 326

(Purpose: To terminate the office providing support services for the Council on Environmental Quality, and for other purposes)

Mr. GLENN. Madam President, I send to the desk the technical amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 326.

Mr. GLENN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, line 7, insert "the" after "of".

On page 53, line 7, insert "the" before "Environment".

On page 53, lines 23 and 24, strike out "of data bases to integrate with one another" and insert in lieu thereof "to integrate data bases".

On page 54, lines 4 and 5, strike out "of management information systems to integrate with one another" and insert in lieu thereof "to integrate management information systems".

On page 56, insert between lines 15 and 16 the following new paragraphs:

(3) The Environmental Quality Improvement Act of 1970 (42 U.S.C. 4371 through 4375) is repealed.

(4) Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) (as amended by paragraph (1) of this subsection) is redesignated as section 202 of such Act.

On page 56, line 16, strike out "(3)" and insert in lieu thereof "(5)".

On page 71, beginning with line 14, strike out all through line 24, and insert in lieu thereof the following:

(1) in section 11(1), by inserting "Environment," after "Energy,"; and

(2) in section 11(2), by inserting "Environment," after "Energy,".

Mr. GLENN. Madam President, this technical amendment updates reference numbers as a result of the substitute's changes which we could not make in the markup. It also repeals the Environmental Quality Act of 1970, the authority for which expired in 1988 and which should be taken off the books to fully accomplish the CEQ portion of our bill. The change here simply repeals the act and therefore eliminates the Office of Environmental Quality established by it. Funds under that office are already transferred to the Secretary of the Environment under our substitute so this is simply a housekeeping measure to update the law.

I believe my colleague agrees with this, and I ask for the amendment's adoption.

The PRESIDING OFFICER. Without objection, the amendment No. 326 is agreed to.

So the amendment (No. 326) was agreed to.

Mr. GLENN. Madam President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, we have Senators off the Hill at some important meetings. Some of the leadership is off the Hill, also. They are on their way back now.

For the record, I say on behalf of the majority leader, we are prepared to vote on Senator SPECTER'S amendment tonight and I expect the two leaders will be discussing the timing of this vote when they arrive on the floor shortly. They are expected back in just a few moments. So everybody should be aware that the majority leader has asked that there be a vote tonight and will be determining the time of that after he returns.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, debate on this amendment extended throughout most of the afternoon and concluded quite a while ago. I direct the question to the managers of the bill if they can indicate to me whether or not they are prepared to vote on this amendment.

Mr. GLENN. I am glad to respond to the majority leader. We have been fully prepared to vote at any time for some time. I think there is very little more to be said about this amendment. The floor manager on the other side—I do not know where he is at the moment, but we have been ready to vote on this for some time.

Mr. ROTH. Mr. President, this manager has nothing further to say on this amendment either, but I do know that the sponsor of the amendment has indicated a desire to speak further. We are awaiting at the moment comments from the Republican leader on this matter, and we expect to hear from him at any moment now.

Mr. MITCHELL. Well, Mr. President, we have been in a quorum call for nearly 30 minutes. Is there any reason why the sponsor of the amendment could not be speaking on the amendment during that period of time?

Mr. ROTH. We will be happy to call him back to the floor to make any further statement he has at this time. I know of no reason why he cannot.

Mr. MITCHELL. Mr. President, I think we ought to understand, this is a major amendment. This is a complete reform of the American health care system. We have debated it. We are prepared to vote on it, even though the amendment has nothing whatsoever to do with the bill. I believe we should proceed. If the sponsor has completed what he has to say and there is no further debate on the amendment, I believe the Senate ought to vote on the amendment.

Mr. ROTH. If I may say to our distinguished majority leader, if we can talk in private, that might be helpful at this time.

Mr. MITCHELL. Mr. President, we have a large number of Senators who have been waiting for a vote on this measure who have been inconvenienced until this time. My hope is that we can minimize the inconvenience of this large number of Senators. If the debate is completed on the bill, let us have a vote on the bill. I understand and accept the suggestion that we discuss it in private. Senators should be aware that it is my hope and intention that we have a vote on this amendment and that we can do so promptly.

Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KOHL. Mr. President, one of the things we have all learned from the environmental movement is that the world is interconnected, changes in one element of a system spin-off and create changes, often with unpredicted effects, in other elements of the system. The world, we learned, is full of process. Yet, in the past, the structure of EPA divided the world into discrete pollution sources such as air, water, pesticides, solid waste, et cetera. This has led to a system where multimedia or crossmedia pollution sources are not well addressed. For example, air deposits into water resources have received relatively little attention until recently. Would the Senator agree that that has been an impediment to environmental protection in the past?

Mr. GLENN. I would agree with the Senator that the division of functions into specific program areas has allowed certain environmental concerns to slip through the cracks.

Mr. KOHL. And would the Senator agree that in the context of this legislation to elevate EPA to a Cabinet level agency, the Secretary is urged to review the structure of the Department, and make any changes necessary to assure that such multimedia concerns are fully addressed?

Mr. GLENN. Yes; that is the intent of the legislation.

Mr. KOHL. Another concern that I have is regarding the need to more effectively recognize and take actions to address excessive exposure of certain vulnerable human populations to environmental hazards. It is no secret that hazardous waste sites, incinerators, and landfills are more commonly located in low-income communities than higher-income communities. While there are environmental and public health analyses conducted for these projects, these analyses rarely consider the cumulative effects of other hazardous exposures.

Also, through the Great Lakes Critical Programs Act of 1990, the senior Senator from Ohio [Mr. GLENN], Senator LEVIN, and I worked together to authorize the ASTDR study of human health effects of Great Lakes fish consumption, which has specifically targeted native Americans, urban poor, and pregnant mothers as being particularly vulnerable populations. I commend ATSDR for their work on this study, which is entering its final stages, but I believe that more of this type of analysis should be conducted.

Mr. GLENN. I note that the committee report that accompanies this legislation (S. 171) mentions the exposure to a particular pollutant or environmental condition by persons of a sensitive population as being an example of an environmental quality indicator for which the Bureau of of Environmental Statistics must compile, analyze, and publish data.

Mr. KOHL. I recognize that that language is in the report, and I appreciate that. However, to the extent possible, I would expect that cumulative exposures by vulnerable populations to multiple pollutants would also be analyzed, if not through the statistical compilation, then through the multimedia analysis functions of the Department.

Mr. GLENN. I agree.

Mr. JEFFORDS. Mr. President, I have several concerns regarding section 104(b) of the bill. I believe that some could interpret this section to codify the status quo at EPA. If we are going to create a Commission to look at ways to improve environmental protection, we should leave the Secretary as much flexibility to implement the Commission's recommendations. Otherwise, why have the Commission?

Mr. GLENN. I agree with my colleague; and thus, we have tried to give the Secretary a great deal of flexibility.

Mr. JEFFORDS. I understand that the bill would allow the Secretary to assign several of the duties under section 104(b) to an Assistant Secretary. Is this correct?

Mr. GLENN. Yes.

Mr. JEFFORDS. Can the Secretary also assign any of the duties listed under section 104(b) to more than one Assistant Secretary? For example, can the responsibility for air be divided between two or more Assistant Secretaries?

Mr. GLENN. Yes, absolutely. The Secretary could assign any duty to more than one Assistant Secretary. For example, if the Secretary wanted to implement a cross-media approach to pollution prevention and control, nothing in the bill should be interpreted to preclude this. The Secretary could assign an Assistant Secretary the responsibility for all permitting and place the permitting functions for air, water, and solid waste and any other permitting function under this individual.

Mr. JEFFORDS. I thank my colleague for his clarification.

STATUS OF THE SENIOR ENVIRONMENTAL EMPLOYMENT ENROLLEES

Mr. GRASSLEY. Mr. President, I realize that the distinguished chairman of the Governmental Affairs Committee and the floor manager of this bill does not want any floor amendments introduced. I respect his wishes.

However, I hope to have his support in this colloquy concerning the clarification of the status of participants in the Environmental Protection Agency's Senior Environmental Employment [SEE] Program, which provides employment opportunities of a short-term duration for persons 55 or older to maintain, protect, and improve our Nation's environment.

The SEE Program is designed to assist individuals who are disadvantaged in the labor market by virtue of their age to refurbish or maintain their skills while making a valuable contribution to our environment.

The SEE Program has grown considerably since the enactment of the Environmental Programs Assistance Act in 1984 converted it from a pilot project to a permanent ongoing program at the Environmental Protection Agency.

There is general agreement at EPA and among the national aging organizations administering the program that SEE participants are enrollees and are not employees of either EPA or its successor Department or the national organizations. However, I believe that it is crucial that there be a formal written expression of this understanding by EPA or the successor Department of Environmental Protection.

This is necessary to provide guidance for consistency of operations and to strengthen the overall management of the program. It is important to emphasize that SEE enrollees' assignments with the new Department of Environmental Protection are of a short-term duration to assist the Department in Federal, State or local projects of environmental pollution abatement and control, as defined by the Environmental Programs Assistance Act.

This action, in my view, which should be done in concert with the national aging organizations, will help to make the SEE Program even more beneficial for the new Department of Environmental Protection, our Nation, and the older enrollees who want a safe and clean environment for all generations.

Mr. GLENN. Mr. President, I thank the distinguished Senator from Iowa for his comments. I want to reaffirm as strongly as I can that I agree fully with his remarks. I, too, want to join with him in urging the new Department of Environmental Protection to reaffirm that SEE participants are enrollees and are not employees of either the Department of Environmental Protection or the national aging organizations administering the program.

I thank the Senator from Iowa for making this contribution concerning this necessary and valuable clarification.

Mr. MATHEWS. Mr. President, I would like to ask my colleague from Ohio, the chairman of the Governmental Affairs Committee, to join me in a discussion related to the Commission on Improving Environmental Protection that is created by title III of this legislation.

Mr. GLENN. I would be pleased to join in a colloquy with my colleague, the Senator from Tennessee.

Mr. MATHEWS. First, I would like to commend the Senator from Ohio on his efforts to bring this bill to the floor early in the 103d Congress. I know that for several years he has worked diligently to raise the Environmental Protection Agency [EPA] to Cabinet level. I am pleased that the prospects for this year's legislation are very promising.

While I am supportive of these efforts, I remain concerned about the role outlined for the Commission on Improving Environmental Protection. There are certain limits placed on the jurisdiction of this Commission with which I disagree.

When the EPA was established in 1970 the functions of various Federal departments were transferred to the new agency. This transfer of oversight to the EPA Administrator did not, however, relieve the other departments from responsibility in implementing and enforcing Federal environmental regulations. In fact, stewardship of the environment continues to be very multijurisdictional.

I will not attempt today to outline the responsibilities of the various Federal agencies in implementing environmental regulations. While the EPA remains the primary regulatory agency, I know we would all agree that many arms of the Federal Government are involved in interpretation and enforcement. It is these activities which have caused problems for Federal, State, and local officials. I trust that all my colleagues have received a phone call or letter from their Governors or local representatives asking for help in clarifying environmental regulations. Why? This is often because different agencies have different interpretations or guidelines for management activities.

These differences exacerbate the problems of compliance with environmental regulations. I will remind my colleagues that it is not the creation of a law or regulation that solves any given problem. It is the ability to effectively implement and enforce that law or regulation. I believe there is ample evidence of overlap and even contradiction among environmental laws which need to be addressed. This Commission offers an initial step in seeking greater uniformity.

I do not seek in any way to weaken environmental statutes or change existing laws through this bill. However, if we move to create yet another commission, I believe we should give it a purpose with tangible results—a review of all environmental laws and regulations as they are applied by all Government agencies.

We cannot limit the scope of this Commission to only those specific functions carried out by the new Department of the Environment. I know the debate about such oversight has been contentious during the several years in which the role of a Department of the Environment has been discussed. But I cannot support the creation of yet another commission that may provide recommendations that will be of limited use.

Any review of the environmental activities of this country must be comprehensive to be useful. The Commission should be able to consider the activities of various departments. Dictating that the responsibilities of the Commission will be only within the Department of Environment severely limits the results that we might expect from this Commission. As the Commission reviews effectiveness, not considering Governmentwide activities will make any report insufficient.

I believe a more comprehensive review by this Commission can provide some useful direction in improving the effectiveness of Federal environmental regulation—thus improving environmental protection.

Does the Senator from Ohio concur that the Commission may look at the broader questions relating to the organization and management of environmental activities substantially intersecting the jurisdiction of the Department of the Environment?

Mr. GLENN. I believe that the Governmental Affairs Committee report language on the bill reflects this capability.

Mr. MATHEWS. Mr. President, I thank the distinguished chairman of the Governmental Affairs Committee for clarifying this for me and I yield the floor.

MORNING BUSINESS

APPOINTMENT BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, pursuant to Public Law 102-429, announces the appointment of the following individuals to serve as members of the Selection Panel to the John Heinz Competitive Excellence Award:

Richard P. Simmons, of Pennsylvania; and

Michael E. Porter, of Massachusetts.

TRIBUTE TO JOY BAKER

Mr. DOLE. Mr. President, along with a number of my colleagues, I returned this afternoon from Tennessee where I attended funeral services for Joy Baker. I know all Senators join in mourning the death of Joy Baker and extending our sympathies to her husband and our former colleague, Howard Baker, and their children, Cissy and Darek, and his children.

As the daughter of one Republican leader, Everett Dirksen, and the wife of another, Joy Baker's life was never far from the great issues and great leaders of our time.

Those of us who were privileged to call Joy our friend will remember a woman of intelligence, warmth, and courage—qualities that never left her during her 11-year battle with cancer.

We will also remember a woman who was dedicated to the arts and to education, and who served on the boards of the Kennedy Center, Ford's Theater, Bradley University, and Knoxville College.

From the day her father entered this Chamber in 1951 until the day her husband left in 1987, Joy Baker was an important part of the Senate family. She will be greatly missed.

And again, we all extend our deep sympathy to the family, particularly our former colleague and our friend, former Senator Howard Baker.

STRIKER REPLACEMENT

Mr. DOLE. Mr. President, gridlock is in the eye of the beholder.

Some would expect Republicans to roll over and accept every jot and tittle of President Clinton's legislative program. Others would say that we ought to give the President every benefit of the doubt.

Republicans want to work with the President and see his administration succeed. A successful Presidency means a stronger America, and that's good for us all.

But Republicans do not intend to give the President a legislative credit card so that he can run up every idea that may come out of the White House.

We will take a close look at each proposal. We will support those we believe deserve support. And we will oppose those programs that, in our view, run against America's best interests. That's what the two-party system is all about. That's our responsibility as the opposition party.

And apparently the Washington Post agrees.

An editorial in today's paper urges President Clinton to listen to Senate Republicans and oppose striker replacement, legislation he unfortunately promised to make a priority during the 1992 Presidential campaign.

The editorial points out, as Republicans have been doing since striker replacement first showed up on Congress' radar screen, that this legislation is unnecessary, and even worse, potentially harmful to the Nation's economy.

As the Post explains, the current labor laws have struck a fair balance between the rights of striking employees and the rights of employers who, after all, want to stay in business: Employees who are on strike because they claim their employer has committed an unfair labor practice may not be permanently replaced. For example, employers who attempt to bust their unions are guilty, under current law, of an unfair labor practice and must reinstate their striking workers with full back pay. No ands, ifs, or buts.

On the other hand, those employees who are striking for better wages or working conditions—so-called economic strikers—run the risk of losing their jobs permanently, that's part of the calculation, part of the risk, of deciding to join a picket line.

This balance has worked well for nearly 55 years, protecting both employer and worker alike. So, as the old saying goes: "If it ain't broke, don't fix it."

I hope President Clinton finds the time to read the Post Editorial. Needless to say, Senate Republicans would welcome the opportunity to set him straight.

Mr. President, I ask unanimous consent that the Washington Post editorial be inserted in the RECORD immediately after my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 27, 1993]

THE STRIKER REPLACEMENT BILL

George Bush made heavy use of the veto threat in his years in office, and not all the results were bad. The striker replacement bill he helped to block in the last Congress is an example. This is ill-advised legislation whose likely long-term effect would be to hurt the U.S. economy far more than it would help. Bill Clinton has promised organized labor to sign the bill if it is sent to him. It's a promise we wish he hadn't made and hope he doesn't get the chance to keep.

The legislation would take away the right of employers to hire permanent replacements for workers who strike over economic issues (as distinct from those who strike over allegedly unfair labor practices, to whom the law gives greater protection). Proponents say the legislation is necessary to protect the right to strike and recreate a level playing field in labor-management relations that was lost in recent years. Our contrary sense is that in the name of protecting labor's rights the bill would go too far and strip management of a right that it, too, must have if the system is to function fairly.

The law now is contradictory. The National Labor Relations Act of 1935 said strikers could not be fired. The Supreme Court said nonetheless in 1938 that employers were free to hire permanent replacements, and in subsequent court decisions that interpretation has survived. Mostly, labor and management have dealt with the contradiction by looking the other way. Management hasn't much used the permanent replacement power, and labor hasn't much contested it. But in recent years the power has been used in a number of high-visibility cases and has become a political symbol for both sides. The use occurred at a time when, for all kinds of reasons, labor was losing ground anyway, and it is asking the Democratic Congress and now the Clinton administration to help it recoup.

That isn't the job of either party. It's one thing to try to keep the collective bargaining system functioning fairly, quite another to get into the business of trying to ordain results. If the law is out of kilter in that the power to hire permanent replacements has been abused (as on occasion it has) to bust unions, then Congress should fix the abuse if it can, but not toss out the entire power. Occasions arise—one did in this newspaper's dealings with one of its unions in the 1970s—when strikers forfeit the right of return and a company ought to be able to hire permanent replacements.

The ambiguity that has endured in the law for 55 years may be less a defect than a virtue. It suggests that neither side in a labor dispute can expect to behave with impunity; the truth may be that the more risks both sides face in such disputes the better. The House passed the bill by a largely party-line vote last year, and is expected to do so again. The Senate is the best hope for deflecting it. Here's an instance where the president really does need Republican help, and we hope he gets it.

THE DEATH OF CESAR CHAVEZ

Ms. MOSELEY-BRAUN. Mr. President, I would like to take this opportunity to honor Cesar Chavez, the president of the United Farm Workers Union, who died unexpectedly this past Friday. I would also like to extend my condolences to Mrs. Chavez and her eight children.

Like most Americans, I was deeply saddened to hear of the passing of Cesar Chavez—one of the most successful civil rights leaders in the history of the United States who was once described by Senator Robert Kennedy as "one of the heroic figures of our time."

As you know, Mr. President, Cesar Chavez inspired millions of Americans with his determination to improve the living and working conditions of migrant farm workers and their children who were once referred to as the invisible people of our Nation.

Yet, Cesar Chavez dedicated his life to serving all economically disadvantaged and politically disenfranchised people throughout the United States. In his own words, Chavez stated that:

> Our struggle is not easy. Those who oppose our cause are rich and powerful. They have many allies in high places. We are poor. Our allies are few. But we have something the rich do not own. We have our bodies and spirits and the justice of our cause as weapons.
>
> When we are really honest with ourselves, we must admit that our lives are all that really belong to us. So, it is how we use our lives that determine what kind of men and women we are.
>
> It is my deepest belief that only by giving our lives do we find life. I am convinced that the truest act of courage is to sacrifice ourselves for others in a total nonviolent struggle for justice.

Mr. President, throughout his term as president of the United Farm Workers Union, Cesar Chavez led countless strikes or huelgas for basic human necessities like clean drinking water which eventually forced the California legislature to grant migrant farm workers the same rights that all other workers have enjoyed since 1935.

Nonetheless, one of the things I admired most about Cesar Chavez was his commitment to nonviolence—even in the face of severe verbal and physical abuse. As you may recall, Mr. President, Cesar Chavez was so committed to ending oppression and discrimination through nonviolence that he embarked on three fasts—including his "Fast for Love" and his "Fast for Life."

Mr. President, by the end of his life, Cesar Chavez had dramatically improved the living and working conditions of thousands of migrant farm workers. Nonetheless, I believe that on this very sad occasion Cesar Chavez would have wanted us to honor him by continuing his fight against oppression and discrimination and not by highlighting some of his many accomplishments. He strongly believed that whomever elevates himself shall be humbled, and whomever humbles himself shall be elevated.

FRED HYMAN, PUBLIC SERVANT

Mr. BURNS. Mr. President, on April 15, 1993, cancer claimed the life of Fred C. Hyman, who was an accident investigator with the National Transportation Safety Board. He was a specialist in human performance factors of airplane crashes. He joined the NTSB in 1988 after teaching at the Institute of Aviation at the University of Illinois. No one was more dedicated than Fred to his field of expertise. He was born in Chicago and was a graduate of Washington State University and received a master's degree and doctorate in biological psychology from the University of Oklahoma. Survivors include his wife, Linda, a son from his first marriage, Lucas B. Hyman; Tor C. Freed of a second marriage, his mother, Dorothy Hyman Currey, and a granddaughter.

Fred represented everything that is good about the vast majority of the men and women who work for this Government. A great dedication to our country and our many neighborhoods. They are the unsung servants who go about their way of serving this great society. Mr. President, I've known some angel-like folks that dwelt among us mortals, dressed as we are, act as we do but have none of the distinguishing characteristics that would identify them as such. I would like to recognize him for not only his service to this Government and the American people, but the way he gave of himself and inspired young men who played ice hockey. Hours on the job and then hours on the ice with young hockey players, and never ask for anything in return but a 100-percent effort from his team. He taught the game of ice hockey and tended to the character of the players. He prepared them for the game of life. And, in death, he instilled a living and burning appreciation of life. We, as national leaders, could take a lesson here. A simple and basic truth. We teach our youth every day. Not by what we say but what we do. Fred understood that living by example was much more effective than what we say. He left a little piece of that with every life he touched.

As far as I was concerned, he only had one tiny little fault. He was a Democrat and we talked a lot about that. He was my son's hockey coach and friend, he was my friend and he was America. We shall miss him but we are thankful to our God above for what he left behind.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on April 22, 1993, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on April 22, 1993, are shown in today's RECORD at the end of the Senate proceedings.)

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO)—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 17

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate, on April 26, 1993, during the recess of the Senate, received the following message from the President of the United States, together with accompanying papers' which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On June 1, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and section 301 of the National Emergencies Act (50 U.S.C. 1631), President Bush reported to the Congress by letters to the President of the Senate and the Speaker of the House, dated May 30, 1992, that he had exercised his statutory authority to issue Executive Order No. 12808 of May 30, 1992, declaring a national emergency and blocking "Yugoslav Government" property and property of the Governments of Serbia and Montenegro.

On June 5, 1992, pursuant to the above authorities as well as section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c), the President reported to the Congress by letters to the President of the Senate and the Speaker of the House that he had exercised his statutory authority to issue Executive Order No. 12810 of June 5, 1992, blocking property of and prohibiting transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro). This latter action was taken to ensure that the economic measures taken by the United States with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) conform to U.N. Security Council Resolution No. 757 (May 30, 1992).

On January 19, 1993, pursuant to the above authorities, President Bush reported to the Congress by letters to the President of the Senate and the Speaker of the House that he had exercised his statutory authority to issue Executive Order No. 12831 of January 15, 1993, to impose additional economic measures with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) to conform to U.N. Security Council Resolution No. 787 (November 16, 1992). Those additional measures prohibited transactions related to transshipments through the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as transactions related to vessels owned or controlled by persons or entities in the Federal Republic of Yugoslavia (Serbia and Montenegro).

On April 17, 1993, the U.N. Security Council adopted Resolution No. 820, calling on the Bosnian Serbs to accept the Vance-Owen peace plan for Bosnia-Hercegovina and, if they failed to do so by April 26, calling on member states to take additional measures to tighten the embargo against the Federal Republic of Yugoslavia (Serbia and Montenegro). Effective 12:01 a.m. EDT on April 26, 1993, I have taken additional steps pursuant to the above statutory authorities to enhance the implementation of this international embargo and to conform to U.N. Security Council Resolution No. 820 (April 17, 1993).

The order that I signed on April 25, 1993:

—blocks all property of businesses organized or located in the Federal Republic of Yugoslavia (Serbia or Montenegro), including the property of entities owned or controlled by them, wherever organized or located, if that property is in or later comes within the United States or the possession or control of U.S. persons, including their overseas branches;

—charges to the owners or operators of property blocked under that order or Executive Order No. 12808, 12810, or 12831 all expenses incident to the blocking and maintenance of such property, requires that such expenses be satisfied from sources other than blocked funds, and permits such property to be sold and the proceeds (after payment of expenses) placed in a blocked account;

—orders (1) the detention, pending investigation, of all nonblocked vessels, aircraft, freight vehicles, rolling stock, and cargo within the United States that are suspected of violating U.N. Security Council Resolution No. 713, 757, 787 or 820, and (2) the blocking of such conveyances or cargo if a violation is determined to have been committed, and permits the sale of such blocked conveyances or cargo and the placing of the net proceeds into a blocked account;

—prohibits any vessel registered in the United States, or owned or controlled by U.S. persons, other than a United States naval vessel, from entering the territorial waters of the Federal Republic of Yugoslavia (Serbia and Montenegro); and

—prohibits U.S. persons from engaging in any dealings relating to the shipment of goods to, from, or through United Nations Protected Areas in the Republic of Croatia and areas in the Republic of Bosnia-Hercegovina under the control of Bosnian Serb forces.

The order that I signed on April 25, 1993, authorizes the Secretary of the Treasury in consultation with the Secretary of State to take such actions, and to employ all powers granted to me by the International Emergency Economic Powers Act and the United Nations Participation Act, as may be necessary to carry out the purposes of that order, including the issuance of licenses authorizing transactions otherwise prohibited. The sanctions imposed in the order apply notwithstanding any preexisting contracts, international agreements, licenses or authorizations. However, licenses or authorizations previously issued pursuant to Executive Order No. 12808, 12810, or 12831 are not invalidated by the order unless they are terminated, suspended or modified by action of the issuing federal agency.

The declaration of the national emergency made by Executive Order No. 12808 and the controls imposed under Executive Orders No. 12810 or 12831, and any other provisions of those orders not modified by or inconsistent with the April 25, 1993, order, remain in full force and are unaffected by that order.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 26, 1993.*

MESSAGES FROM THE PRESIDENT

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

REPORT ON EXTENSION OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT—MESSAGE FROM THE PRESIDENT—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

1. On September 30, 1990, in Executive Order No. 12730, President Bush declared a national emergency under the International Emergency Economic Powers Act [IEEPA] (50 U.S.C. 1701 *et seq.*) to deal with the threat to the national security and foreign policy of the United States caused by the lapse of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), and the system of controls maintained under that act. In that order, the President continued in effect, to the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, the Export Administration Regulations (15 C.F.R. 768 *et seq.*), and the delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, Executive Order No. 12214 of May 2, 1980, and Executive Order No. 12131 of May 4, 1979, as amended by Executive Order No. 12551 of February 21, 1986.

2. President Bush issued Executive Order No. 12730 pursuant to the authority vested in him as President by the Constitution and laws of the United States, including IEEPA, the National Emergencies Act [NEA] (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. At that time, the President also submitted a report to the Congress pursuant to section 204(b) of IEEPA (50 U.S.C. 1703(b)). Section 204 of IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the NEA requires that the President, within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration. This report, covering the 6-month period from October 1, 1992, to March 31, 1993, is submitted in compliance with these requirements.

3. Since the issuance of Executive Order No. 12730, the Department of Commerce has continued to administer and enforce the system of export controls, including antiboycott provisions, contained in the Export Administration Regulations. In administering these controls, the Department has acted under a policy of conforming actions under Executive Order No. 12730 to these required under the Export Administration Act, insofar as appropriate.

4. Since the last report to the Congress, there have been several significant developments in the area of export controls:

—United States Government experts have continued their efforts to implement and strengthen export control systems, including pre-license inspections and post-shipment verifications, in the nations of Central Europe and the former Soviet Union—notably Belarus, Bulgaria, the Czech Republic, Hungary, Kazakhstan, Poland, Romania, Russia, the Slovak Republic, and Ukraine, as they continue their progress towards democracy and market economies. We anticipate that these developments will facilitate enhanced trade in high-technology items and other commodities in the region, while helping to prevent unauthorized shipments or uses of such items. A key element of these efforts continues to be the prevention of proliferation of weapons of mass destruction and corresponding technology.

—Working diligently with our Coordinating Committee (COCOM) partners to expand export control cooperation with the newly developing democracies of Central Europe and the former Soviet Union and to streamline multilateral national security controls, we are pleased to report the following important developments:

—In their November 1992 High-Level Meeting, the COCOM partners took action to significantly liberalize export controls on certain telecommunications exports to the newly independent states (NIS) of the former Soviet Union and other Central European nations, which should facilitate rapid and reliable telecommunications between these nations and the West, as well as modern, cost-effective domestic telecommunications systems. This action was soon thereafter reflected in corresponding amendments to the export Administration Regulation. (57 F.R. 61259, December 24, 1992.)

—Also in November, at the first High-Level COCOM Cooperation Forum (CCF) Meeting, which included the 17 members of COCOM, most of the newly independent states of the former Soviet Union (NIS), and other Central European nations, the United States announced an $11 million technical assistance package to assist in the elimination of nuclear arms, enhanced nonproliferation efforts, and export control development. The United States, in cooperation with the CCF, hopes to engage these nations in further establishing controls for trade in sensitive goods and technologies, and to provide an impetus for wider access by those countries to controlled items.

—In the first 2 months of 1993, as a result of Bulgarian and Romanian commitments to undertake the establishment of effective export control systems, COCOM agreed to provide favorable consideration treatment for exports of strategic items to those countries. The Commerce Department is amending its regulations to reflect this development.

—We are also continuing our efforts to address the threat to the national security and foreign policy interests of the United States posed by the spread of weapons of mass destruction and missile delivery systems. As such, we continue to work with our major trading partners to strengthen export controls over goods, technology, and other forms of assistance that can contribute to the spread of nuclear, chemical, and biological weapons and missile systems;

—As of December 1992, the Australia Group (AG), a consortium of nations that seeks to prevent the proliferation of chemical and biological weapons (CBW), increased its membership to 24, with the admission of Iceland and Sweden in 1991 and Argentina and Hungary in 1992. In addition, the delegates agreed to increase from 50 to 54 the number of precursor chemicals subject to control and to adopt a common list of controlled biological items. The Commerce Department published a rule implementing these measures. (57 F.R. 60122, December 18, 1992.) As of December 1992, the delegates also agreed to a refined common control list of dual-use biological equipment. The Commerce Department is in the process of publishing a rule reflecting the changes to conform the U.S. list to the AG list.

—The United States was also a key participant in the Chemical Weapons Convention (CWC) negotiations in Geneva, Switzerland. On September 3, 1992, the Conference on Disarmament, which drafted the CWC, forwarded to the U.N. General Assembly a draft CWC, which includes a prohibition on the development, production, acquisition, stockpiling, use, or transfer of chemical weapons, as well as provides for destruction of chemical weapons production facilities and stockpiles. The Convention opened for signing in January of this year. The United States strongly supports these provisions and is working to implement them in harmony with our laws.

—In December 1992, the 27-nation Nuclear Suppliers Group (NSG), in which the United States participates, continued its discussions on nuclear-related dual-use controls. The NSG list is similar to the nuclear referral list currently administered by the Department of Commerce. The Department is working to publish a rule to conform the U.S. list with the NSG list. Also in December 1992, the NSG members agreed to procedures intended to standardize and improve the exchange of information among members.

—At the March plenary session in Canberra, the Missile Technology Control Regime (MTCR) members welcomed Iceland as the newest partner, bringing the total membership to 23 nations. Argentina and Hungary were also accepted as members, subject to final arrangements agreed to by the MTCR partners. A licensing and enforcement officers conference will be held in June 1993 to provide an information exchange forum for all partners on implementation of the new extended Guidelines, which now cover missiles capable of delivering all weapons of mass destruction. Previously, the regime covered only missiles capable of delivering nuclear weapons. The future of the MTCR is likely to be a main agenda item for the next plenary session to be held in November 1993.

—In the area of supercomputers, in 1991 the United States established a supercomputer safeguard regime with Japan. Since that time both countries have negotiated with European suppliers to expand this regime. Issues discussed at the March 1993 London meeting include the development of a common licensing policy and security safeguards.

—Finally, we continue to enforce export controls vigorously. The export control provisions of the Export Administration Regulations are enforced jointly by the Commerce Department's Office of Export Enforcement and the U.S. Customs Service. Both of these agencies investigate allegations and, where appropriate, refer them for criminal prosecution by the Justice Department. Additionally, the Commerce Department has continued its practice of imposing significant administrative sanctions for violations, including civil penalties and denial of export privileges.

—Commerce's Office of Export Enforcement (OEE) has continued its vital preventive programs such as pre-license checks and post-shipment verifications, export license review, and on-site verification visits by teams of enforcement officers in many countries. The OEE has also continued its outreach to the business community to assist exporters with their compliance programs and to solicit their help in OEE's enforcement effort. The OEE further continued its well-received Business Executive Enforcement Team (BEET) to enhance interaction between the regulators and the regulated.

—During this 6-month reporting period, OEE has continued its new program—the Strategic and Nonproliferation Enforcement Program (SNEP)—which targets critical enforcement resources on exports to countries of concern in the Middle East and elsewhere.

—Two particularly important enforcement efforts during the past 6 months in which OEE was involved resulted in the arrest and indictment of several individuals, including several foreign nationals. In one case, OEE special agents arrested an Iranian national, Reza Zandian, and an American citizen, Charles Regar, on charges that they conspired and attempted to export a computer to Iran without the required validated license. The computer, valued in excess of $2 million, was seized by the Commerce Department. The Department of Justice will seek forfeiture of the computer to the United States. In another case, a British citizen doing business in South Africa, David Brownhill, was arrested and charged with attempting to export polygraph and thermal imaging system equipment to South Africa without authorization. Both of these cases are currently pending trial.

—In the last 6 months, the Commerce Department has also continued to enforce the antiboycott law vigorously. The Office of Antiboycott Compliance (OAC) maintains 30 full-time staff positions, and OAC has doubled the level of civil penalties it seeks to impose within the statutory $10,000 per violation maximum. The total dollar amount of civil penalties imposed in fiscal year 1992 approaches $2,109,000, the second largest amount in the history of the program. This amount includes a civil penalty of $444,000 imposed in the first case alleging both antiboycott and export control violations.

—One particularly significant antiboycott compliance case was recently concluded by an order of February 11, 1993. Under that order, William Hardimon was assessed a civil penalty of $54,000, and his export privileges were denied for 6 months. Hardimon allegedly refused to do business with another person in order to comply with an illegal Saudi Arabian requirement, complied with an illegal Kuwaiti boycott request, and failed to report the receipt of the boycott requests.

5. The expenses incurred by the Federal Government in the 6-month period from October 1, 1992, to March 31, 1993, that are directly attributable to the exercise of authorities conferred by the declaration of a national emergency with respect to export controls were largely centered in the Department of Commerce, Bureau of Export Administration. Expenditures by the Department of Commerce are anticipated to be $17,897,000, most of which represents program operating costs, wage and salary costs for Federal personnel, and overhead expenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 27, 1993.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

ENROLLED BILL SIGNED

Under the authority of the order of January 5, 1993, the Secretary of the Senate, on April 22, 1993, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill.

H.R. 1335. An act making emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes.

Under the authority of January 5, 1993, the enrolled bill was signed on April 22, 1993, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

EXECUTIVE REPORT OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Fernando M. Torres-Gil, of California, to be Commissioner on Aging.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BREAUX:

S. 822. A bill to amend the Solid Waste Disposal Act to provide for State management of solid waste, to reduce and regulate the interstate transportation of solid wastes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. KOHL, Mr. DODD, Mr. SARBANES, Mr. WOFFORD, Mr. FEINGOLD, Mr. AKAKA, Mr. BUMPERS, Mr. LEAHY, Mr. DASCHLE, and Mr. SIMON):

S. 823. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOND (for himself, Mr. MCCONNELL, Mr. HEFLIN, Mr. CONRAD, Mr. COATS, Mr. DANFORTH, Mr. DOLE, Mr. DASCHLE, Mr. NICKLES, Mr. BOREN, Mr. DORGAN, Mr. PRESSLER, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. HELMS, Mr. GRASSLEY, Mr. THURMOND, Mr. COCHRAN, Mrs. KASSEBAUM, Mr. CRAIG, Mr. HATCH, Mr. LUGAR, Mr. PACKWOOD, and Mr. SHELBY):

S. 824. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to provide that a single Federal agency shall be responsible for making technical determinations with respect to wetland or converted wetland on agricultural lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 825. A bill to amend title 28 of the United States Code to permit a foreign state to be subject to the jurisdiction of Federal or State courts in any case involving an act of international terrorism; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S. 826. A bill to prohibit foreign travel by political appointees and Members of Congress during certain post election periods, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DECONCINI:

S. 827. A bill to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DORGAN:

S. 828. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on campaign expenditures of candidates for Federal office in excess of campaign spending limits; to the Committee on Finance.

By Mr. DORGAN:

S. 829. A bill to amend the Communications Act of 1934 to regulate the length and certain other aspects of television commercials authorized by a political candidate; to the Committee on Commerce, Science, and Transportation.

By Mr. EXON:

S. 830. A bill for the relief of Richard W. Schaffert; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. DOMENICI):

S. 831. A bill to establish the Environmental Financial Advisory Board in statute, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MOYNIHAN:

S. 832. A bill to designate the plaza to be constructed on the Federal Triangle property in Washington, D.C., as the "Woodrow Wilson Plaza"; to the Committee on Environment and Public Works.

By Mr. HEFLIN:

S.J. Res. 85. A joint resolution designating the week beginning May 2, 1993, as "National Mental Health Counselors Week"; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX:

S. 822. A bill to amend the Solid Waste Disposal Act to provide for State management of solid waste, to reduce and regulate the interstate transportation of solid wastes, and for other purposes; to the Committee on Environment and Public Works.

STATE REGULATION AND MANAGEMENT OF SOLID WASTE ACT OF 1993

Mr. BREAUX. Mr. President, I am today introducing—for the third Congress in a row—legislation that would grant States the authority to regulate the flow of solid waste across their borders and meet the environmental objectives of increased recycling and waste reduction.

In 1978, the U.S. Supreme Court ruled that the shipment of garbage across State lines for the purposes of disposal is a form of commerce and thus entitled to protection under the commerce clause of the Constitution. Due to the fact that States cannot control shipments of imported garbage, the States have no ability to plan for the disposal of solid waste generated within their own borders or to preserve landfill capacity for their own future needs. The only way for States to regulate the flow of garbage is for Congress to explicitly grant them that authority—that is what the legislation I am introducing today would do.

For years now, the United States' overall landfill capacity has been shrinking. From 1988 to 1991 the number of operating landfills dropped from 8,000 to 5,812, a 27-percent decrease. At the same time, the amount of solid waste that is shipped across State borders for disposal has grown. The more heavily populated regions of the country produce more solid waste and have less capacity for additional landfill sites. These States have been shipping solid wastes out of their own jurisdictions and into landfills in States, like my State of Louisiana, which, for the moment, have some capacity to receive it. However, this capacity will continue to disappear so long as States have no ability to control the amount of waste that comes into their territory for disposal.

My State of Louisiana has had some experiences of its own related to the interstate shipment of municipal wastes. The most infamous incident was that of the so-called poo poo choo choo that brought 63 carloads of municipal waste—in this case stinking sewage sludge—from Baltimore to railroad sidings near Shriever, Labadieville, and Donaldsonville, LA in 1989. These 63 open cars full of rehydrated sludge were to be disposed of in a landfill. Instead, they sat on sidings near these towns for weeks. Finally, the private landfill operator in question found an alternative disposal site and the train cars headed out of town.

The legislation I am introducing today would provide States with the authority they need to regulate incoming shipments of garbage in return for a commitment by the States to plan for the disposal of their own wastes and a commitment to increased recycling and waste reduction efforts. Each State would be required to develop a solid waste management plan that would include a 20-year projection of how solid wastes generated within their own borders would be managed. The plan must demonstrate that solid waste will be managed in accordance with the following priorities: First, States must take steps to reduce the amount of waste generated within their own borders; second, States must encourage recycling, energy and resource recovery. Only as a third and final option should States consider landfills, incinerators and other options of disposal.

Each State will be required to demonstrate that it complies with this waste management hierarchy and has issued all appropriate permits for capacity sufficient to manage their own solid wastes for a rolling period of 5 years.

The Federal Government, working with the States, will be required to provide technical and financial assistance to local communities to meet the requirements of the plan. Any out-of-State wastes must be managed in accordance with State plans and may not impede the ability of States to manage their own solid waste.

Only after a State has an approved plan in place, will it be granted the authority to refuse to accept waste from out-of-State sources and to charge higher disposal fees for a load of garbage based on its State of origin. Half of the proceeds from higher out-of-State fees will go the locality where the garbage is being disposed of and may only be used for solid waste management activities.

Mr. President, a number of similar bills have been introduced on this same subject over the last several years. Most of these measures did not adequately address all of the issues surrounding the disposal of solid waste and shipments across State borders. I strongly believe that a planning process and the priorization of waste reduction, recycling and disposal options on a State-by-State basis should be a part of the solution to the ongoing controversy over interstate garbage shipments.

I hope that we will be able to finally dispose of this issue this year. I encourage my colleagues to address it in the comprehensive manner outlined in this legislation. I ask unanimous consent that a copy of the bill appear in the CONGRESSIONAL RECORD immediately following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—GENERAL AMENDMENTS

SEC. 101. SHORT TITLE.

This Act may be cited as the "State Regulation and Management of Solid Waste Act of 1993".

SEC. 102. CONGRESSIONAL FINDINGS.

(a) Section 1002(a)(4) of the Solid Waste Disposal Act is amended to read as follows:

"(4) that while the collection and disposal of solid waste should continue to be primarily the function of State, regional and local agencies, the problems of waste disposal as set forth have become a matter national in scope and in concern and necessitate Federal action through—

"(A) requirements that each State develop a program for the management and disposal of solid waste generated within each State over the next twenty years;

"(B) authorizing each State to restrict the importation of solid waste from a State of origin for purposes of solid waste management other than transportation; and

"(C) financial and technical assistance and leadership in the development, demonstration, and application of new and improved methods and processes to reduce the amount of waste and unsalvageable materials and to provide for proper and economical solid waste disposal practices.".

(b) Section 1002(b) of the Solid Waste Disposal Act is amended as follows:

(1) strike the word "and" at the end of paragraph (7);

(2) paragraph (8) is amended to read as follows:

"(8) alternatives to existing methods of land disposal must be developed since it is estimated that 80 per centum of all permitted landfills will close in twenty years; and"

(3) add the following after paragraph (8):

"(9) solid waste is being transported long distances across country for purposes of solid waste management and, in some cases, in the same vehicles that carry consumer goods. Such practices are harmful to the public health and measures should be adopted to ensure public health is protected when such goods are transported in the same vehicles as solid waste is transported.".

SEC. 103. OBJECTIVES AND NATIONAL POLICY.

(a) Section 1003(a)(1) of the Solid Waste Disposal Act is amended to read as follows:

"(1) assuring that each State has a program to manage solid waste generated within its borders, and by providing technical and financial assistance to State and local governments and interstate agencies for the development of solid waste management plans (including recycling, resource recovery, and resource conservation systems) which will promote improved solid waste management techniques (including more effective organization arrangements), new and improved methods of collection, separation, and recovery of solid waste, and the environmentally safe disposal of nonrecoverable residues,".

(b) Section 1003(a) of the Solid Waste Disposal Act is further amended by:

(1) striking "and" at the end of paragraph (10);

(2) striking the period at the end of paragraph (11) and insert in lieu thereof a semicolon; and

(3) adding the following new paragraphs:

"(12) promoting the use of regional and interstate agreements for economically efficient and environmentally sound solid waste management practices, and for construction and operation of solid waste recycling and resource recovery facilities; and

"(13) promoting recycling and resource recovery of solid waste through the development of markets for recycled products and recovered resources.".

SEC. 104. DEFINITIONS.

(a) Section 104 of the Solid Waste Disposal Act is amended by adding at the end thereof:

"(40) The term 'recycling' means any use, reuse or reclamation of a solid waste.

"(41) The term 'State of origin' means any State that authorizes a person to transport solid waste generated within its borders to a State of final destination for purposes of solid waste management other than transportation.

"(42) The term 'State of final destination' means any State that authorizes a person to transport solid waste from a State of origin into such State for purposes of solid waste management other than transportation.".

(b) Section 1004(12) of the Solid Waste Disposal Act is amended to read as follows:

"(12) The term 'manifest' means the form used for identifying the quantity, composition, and the origin, routing, and destination of solid and hazardous waste during its transportation from the point of generation to the point of disposal, treatment, storage, recycling, and resource recovery.".

(c) Section 1004(28) is amended by inserting "recycling, resource recovery," before the term "treatment.".

(d) Section 1004(29)(C) is amended by inserting "recycling," before the term "treatment.".

(c) For purposes of this Act only, the term "solid waste" means refuse (or refuse-derived fuel) collected from the general public more than 30 per centum of which consists of paper, wood, yard wastes, food waste, plastics, leather, rubber, and other combustible materials and noncombustible materials such as glass and metal including household wastes, sludge and waste from institutional, commercial, and industrial sources, but does not include industrial process wastes or medical wastes, or any "hazardous waste" or "hazardous substance" as defined in the Resource Conservation and Recovery Act and in the Comprehensive Environmental Response, Compensation and Liability Act (Public Law 96-570).

TITLE II—STATE SOLID WASTE MANAGEMENT PLANS

SEC. 201. OBJECTIVES OF SUBTITLE D.

(a) The first two sentences of section 4001 of the Solid Waste Disposal Act are amended to read as follows: "The objectives of this subtitle are to reduce to the maximum extent practicable the amount of solid waste generated and disposed of during the twenty-year period following the date of enactment of this Act by requiring each State to develop a program which will meet the aforementioned standards, and which—

"(1) first, reduces the amount of solid waste generated in the State and encourages resource conservation; and

"(2) second, facilitates the recycling of solid waste and the utilization of valuable resources, including energy and materials which are recoverable from solid waste.

"(b) Such objectives are to be accomplished through Federal guidelines and technical and financial assistance to States; encouragement of cooperation among Federal, State, and local governments and private individuals and industry; encouragement of States to enter into interstate or regional agreements to facilitate environmentally sound and efficient solid waste management; and through approval and oversight of the implementation of solid waste management plans.".

SEC. 202. STATE SOLID WASTE MANAGEMENT PLANS.

(a) Section 4003(a) of the Solid Waste Disposal Act is amended by—

(1) inserting before the first sentence the following new sentence: "Upon the expiration of one hundred and eighty days after the date of approval of a State's Solid Waste Management Plan required by this section or upon the date a State plan becomes effective pursuant to section 4007(d), it shall be unlawful for a person to manage solid waste within that State, to transport solid waste generated in that State to a State of final destination, and to accept solid waste from a State of origin for purposes of solid waste management other than transportation unless such activities are authorized and conducted pursuant to the provisions of the approved plan.", and

(2) striking in the first sentence thereof "each State plan must comply with the following minimum requirements" and inserting in lieu thereof "each State Solid Waste Management Plan must comply with the following minimum requirements".

(b) Section 4003(a) is further amended by amending paragraphs 4003(a) (5) and (6) to read as follows:

"(5) The plan shall identify the quantities, types, sources, and characteristics of solid wastes that are reasonably expected to be generated within the State or transported to the State from a State of origin during each of the ensuing twenty years following the date of enactment of this Act and that are reasonably expected to be managed within the State during each of the ensuing twenty years.

"(6) The plan shall provide that the State acting directly, through authorized persons, or through interstate or regional agreements, shall ensure the availability of solid waste management capacity to manage the solid waste identified in paragraph (5) in a manner that is environmentally sound and that meets the objectives of this subtitle as defined in section 4001.".

(c) Section 4003(a) of the Solid Waste Disposal Act is further amended by adding the following new paragraphs at the end thereof:

"(7) When identifying the amount of solid waste management capacity necessary to manage the solid waste identified in paragraph (5), the State shall take into account solid waste management agreements in effect upon the date of enactment of this Act that exist between a person operating within such State and any person in a State or States contiguous with such State.

"(8) The plan shall provide for the identification and annual certification to the Administrator of how the State has met the objectives of this subtitle as defined in section 4001 and that the State has issued permits consistent with all the requirements of this Act for capacity sufficient to manage the solid waste identified in paragraph (5) of this section for the ensuing five-year period and that the State has identified and approved the sites for capacity identified in paragraph (5) of this section for the ensuing eight-year period.

"(9) The plan shall provide that all solid waste management facilities located in the State meet all applicable Federal and State laws and for the enactment of such State and local laws as may be necessary to fulfill the purposes of this Act.

"(10) The plan shall provide for a program that requires all solid waste management facilities located or operating in the State to register with the State and that only registered facilities may manage solid waste identified in paragraph (5). Such registration shall at a minimum include the name and address of the owner and operator of the facility; the address of the solid waste management facility; the type of solid waste management used at the facility; and the amounts, types and sources of waste to be managed by the facility.

"(11) The plan shall provide for technical and financial assistance to local communities to meet the requirement of the plan.

"(12) The plan shall specify the conditions under which the State will authorize a person to accept solid waste from a State of origin for purposes of solid waste management other than transportation, and ensure that such waste is managed in accordance with the plan and that acceptance of such waste will not impede the ability of the State of final destination to manage solid waste generated within its borders.".

(d) Section 4006 of the Solid Waste Disposal Act is amended by adding the following new subsection:

"(d) Submission of Plans.—Not later than four years after the date of enactment of this Act, each State shall, after consultation with the public, other interested parties, and local governments, submit to the Administrator for approval a plan that complies with the requirements of section 4003(a) of this Act.".

(e) Section 4007(a)(1) of the Solid Waste Disposal Act is amended to read as follows: "(1) it meets the requirements of section 4003(a);".

(f) Section 4007(a) is amended by deleting the period at the end of clause (C) and inserting in lieu thereof a semicolon and the word "and", and by adding the following new paragraph at the end thereof:

"(3) it furthers the objectives of section 4001 of this Act.".

(g) The third sentence of section 4007(a) is amended to read as follows: "Upon receipt of each State's certification required by section 4003(a)(8), the Administrator shall determine whether the approved plan is in compliance with the provisions of section 4003, and if he determines that revision or corrections are necessary to bring such plan into compliance with the minimum requirements promulgated under section 4003 (including new or revised requirements), he shall, after notice and opportunity for public hearing, withhold per his approval of such plan.".

(h) Section 4007 is amended by adding the following new paragraph at the end thereof:

"(d) Failure of the Administrator To Act on a State Plan.—If the Administrator fails to approve or disapprove a plan within eighteen months after a State plan has been submitted for approval the State plan as submitted shall go into effect at the expiration of eighteen months after the plan was submitted. The plan shall remain in effect as submitted and subject to review by the Administrator and revision in accordance with section 4007(a).".

TITLE III—INTERSTATE TRANSPORT OF WASTE

SEC. 301. AUTHORITY OF STATES TO CONTROL INTERSTATE SHIPMENT OF SOLID WASTE.

(a) Subtitle D of the Solid Waste Disposal Act is amended by adding at the end thereof the following new sections:

"Sec. 4011. (a) Authority To Restrict Interstate Transport of Solid Waste.—Upon the expiration of one hundred and eighty days after the date the Administrator has approved a Solid Waste Management Plan required by section 4003, or after the date a State plan becomes effective in accordance with section 4007(d), such State with an approved or effective State plan is authorized to prohibit or restrict a person from importing solid waste from a State of origin for purposes of solid waste management (other than transportation). A State may authorize a person to import solid waste from a State of origin for purposes of solid waste management (other than transportation) only in accordance with the provisions of section 4003(a)(12).

"(b) Each State is authorized to levy fees on solid waste that differentiate rates or other aspects of payment on the basis of solid waste origin. At least 50 per centum of the revenues received from such fees collected shall be allocated by the State to the local government in whose jurisdiction the solid waste will be managed. Such fees shall be used by such local governments for the purpose of carrying out provisions of an approved plan.".

TITLE IV—FINANCIAL ASSISTANCE

SEC. 401. FEDERAL ASSISTANCE.

(a) Section 4008(a)(1) of the Solid Waste Disposal Act is amended by adding at the end thereof the following new sentence: "In addition, there are authorized to be appropriated for each of the fiscal years 1992, 1993, and 1994, $100,000,000 for such purposes set forth in the preceding sentence.".

(b) Section 4008(a)(2) is amended by adding the following new subsection at the end thereof:

"(E) There are authorized to be appropriated $25,000,000 for each of the fiscal years 1992 through 1994 for the purposes of providing grants to States for the encouragement of recycling, resource recovery, and resource conservation activities. Such activities shall include licensing and construction of recycling, resource recovery and resource conservation facilities within the State and the development of markets for recycled products.".

SEC. 402. RURAL COMMUNITIES ASSISTANCE.

(a) Section 4009(d) of the Solid Waste Disposal Act is amended by adding at the end thereof the following new sentence: "In addition, there are authorized to be appropriated for each of the fiscal years 1992, 1993, and 1994, $50,000,000 to carry out this section.".

(b) Section 4009(a) is amended by inserting "section 4004 and" before "4005".

By Mr. GRAHAM (for himself, Mr. Kohl, Mr. Dodd, Mr. Sarbanes, Mr. Wofford, Mr. Feingold, Mr. Akaka, Mr. Bumpers, Mr. Leahy, Mr. Daschle, and Mr. Simon):

S. 823. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL WILDLIFE REFUGE SYSTEM MANAGEMENT AND POLICY ACT OF 1993

Mr. GRAHAM. Mr. President, this marks the 90th anniversary of the founding of America's first national wildlife refuge on tiny Pelican Island in my home State. It was established by one of America's first true conservationists, President Theodore Roosevelt. Roosevelt sought to protect brown pelicans, egrets, herons, and other impressive wading birds from hunters seeking plumes for the feathered hats that were the height of fashion in those days.

Since then our country's wildlife refuge system has grown to nearly 500 refuges covering 91 million acres in all 50 States, from the Florida Keys to the North Slope of Alaska. This loose network of refuges provides essential habitat to more than 700 species of birds, more than 1,000 mammals, reptiles, and amphibians, and an even greater variety of fish and plants. Many of these species are listed as endangered or threatened.

Our wildlife refuges comprise one of the three largest public land systems managed by the Federal Government. More important, unlike public lands administered by the U.S. Forest Service, Bureau of Land Management, and other Federal agencies, the National Wildlife Refuge System is the only system managed primarily for the benefit of wildlife and habitat.

OUR WILDLIFE REFUGE SYSTEM IS SUFFERING AND NEEDS HELP

More is going on at our wildlife refuges, however. Two laws passed in the 1960's allow recreational and other secondary uses so long as they are compatible with the refuge's primary purpose. As a result, at least one secondary use occurs on nearly every refuge, and more than 70 percent of our refuges have at least seven such uses.

Unfortunately, many of these activities are severely harming the wildlife that the refuge system was designed to protect.

A 1989 study by the General Accounting Office—the investigative arm of Congress—found that secondary activities considered by refuge managers to be harmful to wildlife resources were occurring on nearly 60 percent of our refuges, even though many of these uses had been found compatible. Power boating, mining, military air exercises, off-road vehicles, and air boating were cited as the most frequent harmful uses.

Oil and gas drilling, timbering, grazing, farming, commercial fishing, hunting, trapping, and even hiking in some cases were also found to harm wildlife, disturb habitat or breeding, or change normal animal behavior.

A followup study by the U.S. Fish and Wildlife Service, which manages the refuge system, confirmed the GAO's findings. The Service found 63 percent of the refuges harbored one or more harmful secondary activities.

THE MAJOR CAUSES BEHIND THE PROBLEM

The obvious question arose: If the law only allowed compatible activities, why are the majority of refuges enduring harmful ones? The GAO found two primary causes.

First, the Fish and Wildlife Service often gave in to intense political and economic pressure. The refuge managers, despite their best efforts, become susceptible to outside pressure because the brief and generally worded laws passed in the 1960's governing refuges do not adequately define what the refuge's purposes were or how exactly to determine whether a proposed use was compatible with those purposes. Thus, the managers often ended up considering nonbiological factors in evaluating whether to allow these activities.

Furthermore, these decisions were often made without adequate public input or written records. The problem was compounded by the Service's failure to periodically reevaluate the secondary uses allowed.

The second major cause involved the joint jurisdiction of the refuge held by other Federal agencies or other entities. In many instances, another agency shared subsurface mineral responsibilities or a navigable waterway or had the right of access to the land and airspace for military exercises. Thus, by law, such activities as mining, boating, or military overflights could not be prevented, even when they were harming wildlife.

The resulting damage is evident and widespread. At one time, the Key West National Wildlife Refuge harbored the only known breeding colony of frigatebirds in the United States. The Great White Heron National Wildlife Refuge in the Florida Keys hosted numerous colonies of wading birds and water birds.

In the past few years, the frigatebird rookery has been abandoned, and the other nesting birds—including the great white heron—have shown signs of declining breeding success. A major cause is sharply increased back-country activity by jet skiers, power boaters, water skiers, campers, fishermen, and others.

In its very title the GAO report calls on Congress to take bold action. That is what is needed, and that is what I am here to propose today.

A PROPOSED PLAN OF ACTION

The bill I am reintroducing today is the same one I introduced 2 years ago. It is a comprehensive, organic act for the refuge system designed to accomplish the following:

First, set forth explicit, environmentally sound purposes for the system as a whole.

Second, establish a formal process for determining what secondary uses are compatible and thus allowable. This decision must be based on scientific factors only, made in writing, subject to public comment and appeal, and periodically reviewed. Existing uses may continue for up to 5 years pending a review for compatibility.

Third, require the Fish and Wildlife Service to prepare a system-wide master plan and conservation plans for each refuge or group of related refuges.

Fourth, require Federal agencies with joint or secondary jurisdiction over a refuge to ensure that their actions do not harm refuge resources unless permitted by law or necessary for the national security.

Fifth, reaffirm the existing law that permits wildlife recreational activities, such as hunting, fishing, and hiking, where found compatible with refuge purposes.

TRADITIONAL RECREATION SUCH AS HUNTING IS NOT BANNED

On that last point let there be no mistake: Traditional recreation currently allowed on many refuges—including hunting—is not automatically banned by this legislation. That is the main reason why certain animal rights organizations are opposed to this bill: It does not ban hunting. Rather such activities will continue to be allowed so long as the refuge manager finds they are compatible with the purposes of the refuge.

For example, if a refuge has been established to promote the migration of waterfowl, a refuge manager could—and most probably will—find that hunting can continue in a controlled fashion so as not to deplete the stock or endanger continued reproduction and migration.

As a hunter myself, I seek to achieve a balance between traditional recreational activities and preservation of our wildlife.

ENDORSEMENTS

This legislation has the support of the Wilderness Society, Defenders of Wildlife, National Audubon Society, the Sierra Club, the National Wildlife Refuge Association, the Southeastern Montana Sportsmen Association, the Natural Resources Defense Council, Trout Unlimited, the Environmental Defense Fund, and the Florida Audubon Society. It has also been endorsed in numerous editorials, including the Tampa Tribune, San Francisco Examiner, and the Miami Herald.

ADMINISTRATION POSITION AND EARLY ACTION

Last Congress, progress on this legislation was stymied in large part by a lack of support from the former administration. Now with Bruce Babbitt at the helm of the Department and George Frampton, former president of the Wilderness Society, slated to be the Assistant Secretary for Fish, Wildlife and Parks, I am enthusiastic about the bill's prospects.

Although the administration has not taken a formal position on this proposal, I am greatly encouraged by the preliminary discussions held so far. Secretary Babbitt conveyed to me the following initial thoughts he had on the bill:

> Problems in planning for long range management of our refuge system, and in identifying and eliminating harmful uses incompatible with refuge objectives, have been identified by Congress and the U.S. Fish and Wildlife Service. My preliminary review suggests that both legislative and administrative action will probably be appropriate to address these problems facing the future of our national wildlife refuge system. I look forward to working with you and the Committee to develop a constructive legislative vehicle we can jointly support to move forward in this area. Your bill is a much needed start and I welcome your leadership.

I am committed to promptly moving forward on this much needed legislation. To that end, as chairman of the Subcommittee on Clean Water, Fisheries and Wildlife, I plan to hold a hearing next month on this bill with the hopes of reporting it to the full Environment Committee soon thereafter. If enacted, it would be the first major public lands law passed since the 1980 Alaska Lands Act.

CONCLUSION

Threats to our environment are all around us and growing daily. Though protecting and improving the National Wildlife Refuge System is but one part of the needed response, it is a critical component.

Our national refuge system—started nearly a century ago by conservationist and outdoorsman Theodore Roosevelt—is one of our national treasures. In large part, it has been a great success story in protecting species coast to coast. But now our refuge system and its mission are threatened. We have a choice: To accept retreat or to salute the spirit of Roosevelt.

President Roosevelt challenged our sense of stewardship. He said:

> There are no words that can tell the hidden spirit of the wilderness, that can reveal its mystery, its melancholy and its charm. The nation behaves well if it treats the national resources as assets, which it must turn over to the next generation increased and not impaired in value.

That's exactly what we're trying to do today.

I ask unanimous consent that the full text of the bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Wildlife Refuge System Management and Policy Act of 1993".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or provision of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds and declares that—

(1) the National Wildlife Refuge System (referred to in this section as the "System") was established under the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(2) the National Wildlife Refuge System Administration Act of 1966 consolidates the authorities related to lands, waters, and interests in the lands and waters administered by the Secretary of the Interior (referred to in this section as the "Secretary"), for the purpose of conservation of fish and wildlife;

(3) the System provides opportunities for individuals to participate in wildlife-oriented recreation, and to learn, understand, and appreciate the value of and need for conserving fish and wildlife, wild lands, and naturally productive ecological communities, types, and systems;

(4) the System is the only complex of Federal lands devoted primarily to preserving, restoring, and managing fish and wildlife and the habitats of fish and wildlife;

(5) National Wildlife Refuges provide habitat for many endangered and threatened species, and for species that may become endangered or threatened, as well as for other fish, wildlife, and plants;

(6) the well-being and abundance of the fish, wildlife, and plants would be diminished without the protected habitat;

(7) activities are occurring on a significant number of National Wildlife Refuges that result in harm to the fish and wildlife resources the System was designed to conserve; and

(8) improvements are needed in the administration and management of the System to ensure that sound and effective conservation programs for the System are developed, implemented, and enforced.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To reaffirm the provisions of the Act commonly known as the Refuge Recreation Act (16 U.S.C. 460k et seq.) that authorize the Secretary to permit compatible fish and wildlife-oriented public recreation, such as hunting, fishing, and wildlife observation on refuges.

(2) To improve the administration and management of the System.

(3) To establish purposes for the System.

(4) To improve the compatibility determination process for National Wildlife Refuges.

(5) To establish comprehensive planning for the System and individual wildlife refuges of the System.

(6) To provide for interagency coordination in maintaining refuge resources.

SEC. 3. DEFINITIONS.

Section 5 (16 U.S.C. 668ee) is amended—

(1) by redesignating subsections (a) through (c) as subsections (g) through (i), respectively; and

(2) by inserting the following new subsections before subsection (g) (as so redesignated):

"(a) The term 'Director' as used in this Act means the Director of the United States Fish and Wildlife Service.

"(b) The terms 'fish', 'wildlife' and 'fish and wildlife' as used in this Act mean any native member of the animal kingdom in a wild, unconfined state, including the parts, products, or eggs of the animals.

"(c) The term 'plant' as used in this Act means any native member of the plant kingdom in a wild, unconfined state. The term shall include any plant community, seed, root, or other part thereof.

"(d) The term 'refuge' as used in this Act means a unit of the National Wildlife Refuge System, except that the term shall not include State-managed wildlife management areas (commonly known as 'coordination areas').

"(e) The term 'Secretary' as used in this Act means the Secretary of the Interior (except as the context implies otherwise).

"(f) The term 'System' as used in this Act means the National Wildlife Refuge System.".

SEC. 4. PURPOSES AND ADMINISTRATION OF THE SYSTEM.

Section 4(a) (16 U.S.C. 668dd(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(2) in paragraph (6), as so redesignated, by striking "paragraph (2)" and inserting "paragraph (5)"; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) The purposes of the System are as follows:

"(A) To provide a national network of lands and waters with respect to which the size, variety, and location are designed to protect the wealth of fish, wildlife, and plants of this Nation and their habitats for present and future generations.

"(B) To provide healthy, naturally productive, and enduring food, water, and shelter to fish, wildlife, and plant communities and to ensure naturally diverse, healthy, and abundant populations of fish, wildlife, and plant species in perpetuity.

"(C) To serve in the fulfillment of international treaty obligations of the United States with respect to fish, wildlife, and plants, and their habitats.

"(3) If the Secretary finds that a conflict exists between any purpose set forth in the law or order that established a refuge and any purpose set forth in paragraph (2), the Secretary shall resolve the conflict in a manner that fulfills the purpose set forth in the law or order that established the refuge, and, to the extent possible, achieves all of the purposes set forth in paragraph (2).

"(4) In the administration of the System for the purposes described in paragraph (2), the Secretary, acting through the Director, shall—

"(A) ensure that the purposes of the System described in paragraph (2) and the purposes of each refuge are carried out;

"(B) protect the System and the components of the System from threats to the ecological integrity of the System and components;

"(C) to the extent authorized by law, ensure adequate water quantity and water quality to fulfill the purposes of the System and of each refuge; and

"(D) plan, propose, and direct the expansion of the System in a manner best designed to—

"(i) accomplish the purposes of the System and of each refuge in the System;

"(ii) protect and aid recovery of any species listed as endangered or threatened (and any species that is a candidate for the listing); and

"(iii) conserve other fish, wildlife, and plants, the habitats of the fish, wildlife, and plants, and other elements of natural diversity.".

SEC. 5. COMPATIBILITY STANDARDS AND PROCEDURES.

Section 4(d)(16 U.S.C. 668dd(d)), is amended by adding at the end the following new paragraphs:

"(3) Except as provided in paragraph (5), the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use unless the Secretary finds, in consultation with the Director, pursuant to paragraph (5), that the use is compatible with the purposes of the System and of the refuge. The Secretary shall make no determination of compatibility under this subparagraph, nor initiate a proposed new use or permit a proposed, continued, or expanded use, unless the Secretary—

"(A) states the time, location, manner, and purpose of the use;

"(B) evaluates the direct, indirect, and cumulative biological, ecological, and other effects that the Secretary determines to be appropriate for the use;

"(C) makes a determination, on the basis of the evaluation required under subparagraph (B) that the use will contribute to the fulfillment of the purposes of the System and the refuge or will not have a detrimental effect upon fulfillment of the purposes of the System or the refuge; and

"(D) makes a determination that funds are available for the development, operation, and maintenance of the use.

"(4) Unless the Secretary, in consultation with the Director, determines that there is sufficient information available to make a reasoned judgment that a proposed, continued, or expanded use of a refuge is compatible with the purposes of the System and the refuge, the Secretary shall not permit the use.

"(5)(A) Except as provided in subparagraph (B), any use of refuge system lands in effect on the date of enactment of this subparagraph, that, before such date, was determined to be compatible under this section or the Act entitled 'An Act to assure continued fish and wildlife benefits from the national fish and wildlife conservation areas by authorizing their appropriate incidental or secondary use for public recreation to the extent that such use is compatible with the primary purposes of such areas, and for other purposes' (commonly known as the 'Refuge Recreation Act') (16 U.S.C. 460k et seq.), may be continued pursuant to the terms and conditions of any special-use permits, and applicable law, for the period of time specified in the permit.

"(B) Not later than 5 years after the date of enactment of this subparagraph, any use described in subparagraph (A) shall cease. Any permit for the use shall be revoked unless the Secretary, in consultation with the Director of the United States Fish and Wildlife Service, makes a determination, pursuant to the procedures established under this section, that the use is compatible with the purposes of the System and the refuge.

"(6) The Secretary shall, acting through the Director, by regulation, establish and maintain a formal process governing determinations of whether an existing or proposed new use in a refuge is compatible or incompatible with the purposes of the System and the refuge. The regulations shall provide for the expedited consideration of uses that the Secretary considers to have little or no adverse effects on the purposes of the System or a refuge, and shall—

"(A) designate the refuge officer initially responsible for compatibility and incompatibility determinations;

"(B) describe the biological, ecological, and other criteria to be used in making the determinations;

"(C) require that the determinations be made in writing and based on the best available scientific information;

"(D) establish procedures that ensure an opportunity for public review and comment with respect to the determinations;

"(E) designate the officer who shall hear and rule on appeals from initial determinations; and

"(F) provide for the reevaluation of a compatibility determination on a periodic basis or whenever the conditions under which the use is permitted change.

"(7) Except as provided in paragraph (8), the head of each Federal agency that, with respect to a refuge, has an equivalent or secondary jurisdiction with the Department of the Interior, or that conducts activities within any refuge, shall, in consultation with the Secretary, ensure that any actions authorized, funded, or carried out in whole or in part by the agency will not impair the resources of the refuge or be incompatible with the purposes of either the System or the refuge (unless the action is specifically authorized by law).

"(8) The President may find, on a case-by-case basis, that, with respect to a refuge, it is in the paramount interest of the United States to exempt the head of a Federal agency described in paragraph (7) from carrying out the requirements of paragraph (7).".

SEC. 6. SYSTEM CONSERVATION PLANNING PROGRAM.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is amended—

(1) by redesignating subsections (e) through (i) as subsections (g) through (k), respectively; and

(2) by inserting after subsection (d) the following new subsections:

"(e)(1) Not later than September 30, 1994, the Secretary shall prepare, and subsequently revise not less frequently than every 10 years after the date of preparation, a comprehensive plan for the System.

"(2) The plan described in paragraph (1) shall include—

"(A) relevant elements of recovery plans required under section 4(f), of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

"(B) relevant summaries and compilations of refuge plans developed under this section and the relevant elements of migratory bird management plans;

"(C) a strategy and standards for maintaining healthy and abundant wildlife populations in the System and in each refuge ecotype or ecosystem (including the protection of zones for dispersal, migration, and other fish and wildlife movements, and the conservation of species designated as candidates for listing pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533));

"(D) strategies, developed cooperatively with agencies administering other Federal or State land systems, to enhance wildlife protection on national wildlife refuges and other land systems which collectively form a national network of wildlife habitats; and

"(E) a plan and program for the acquisition of lands and waters, including water rights, necessary to achieve the purposes of the System and each refuge.

"(f)(1) Except with respect to refuge lands in Alaska (which shall be governed by refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)), the Secretary shall prepare, and subsequently revise not less frequently than every 15 years after the date of preparation, a comprehensive conservation plan (referred to in this subsection as a 'plan') for each refuge or ecologically related complex of refuges (referred to in this subsection as a 'planning unit') in the System. The Secretary shall revise any plan at any time thereafter on a determination that conditions that affect a planning unit have changed significantly.

"(2) In developing each plan under this subsection, the Secretary shall identify and describe—

"(A) the purposes of the refuge and the purposes of the System applicable to the refuge or the individual refuges of the planning unit;

"(B) fish, wildlife, and plant populations and habitats of the planning unit (including at the time of the development of the plan, current, historical, and potentially restorable populations and habitats) and the seasonal (and other) dependence of migratory fish and wildlife species on the habitats and resources of interrelated units of the System;

"(C) archeological, cultural, ecological, geological, historical, paleontological, physiographic, and wilderness values of the planning unit;

"(D) areas within the planning unit that are suitable for use as administrative sites or visitor facilities or for visitor services;

"(E) significant problems, including water quantity and quality needs (within or without the boundaries of the refuge or complex) that may adversely affect the natural diversity, communities, health, or abundance of populations or habitats of fish, wildlife, and plants;

"(F) existing boundaries of each refuge in the planning unit in relation to ecosystem boundaries and wildlife dispersal and migration patterns; and

"(G) specific strategies, developed cooperatively with the heads of agencies administering other Federal and State lands, to enhance wildlife protection in the planning unit, and, to the extent practicable, on other Federal and State lands proximate to the planning unit.

"(3) Each plan under this subsection shall—

"(A) designate each area within the planning unit according to the archeological, cultural, ecological, geological, historical, paleontological, physiographic, and wilderness values of the area;

"(B) specify the uses within each of the areas referred to in subparagraph (A) that may be compatible with the purposes of the refuge and the System and the funds and personnel that may be required to administer the uses;

"(C) specify programs for achieving the purposes described in paragraph (2)(A) and for conserving, restoring, and maintaining the resources and values identified and described under subparagraphs (B) and (C) of paragraph (2);

"(D) specify the approaches to be taken to avoid or overcome the problems identified in paragraph (2)(E) and estimate resource commitments required to implement the approaches;

"(E) specify opportunities that may be provided within the planning unit for compatible fish and wildlife related recreation, ecological research, environmental education, and interpretation of refuge resources and values;

"(F) except with respect to Alaska refuges studied pursuant to section 1317 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3205), review the suitability for designation as wilderness refuge lands not previously studied for designation as wilderness or designated as wilderness, and recommend to the President and Congress designation for the lands in accordance with subsections (c) and (d) of section 3 of the Wilderness Act (16 U.S.C. 1132 (c) and (d), respectively), including—

"(i) islands and areas of 200 acres or more immediately adjacent to wilderness areas (as designated at the time of the review);

"(ii) lands recommended (before the time of the review) for inclusion in the Wilderness Preservation System; and

"(iii) proposed land acquisitions by the Department of the Interior that the Secretary determines will, over time, be of an area of approximately 5,000 contiguous acres; and

"(G) identify the funds and personnel necessary to implement the strategies and administer the uses identified in this section.

"(4) In preparing each plan under this subsection, and any revision of the plan, the Secretary shall consult with such heads of Federal agencies and State departments and agencies as the Secretary determines to be appropriate.

"(5) Prior to the adoption of a plan under this subsection, the Secretary shall issue public notice of the draft proposed plan in the Federal Register, make copies of the plan available at each regional office of the United States Fish and Wildlife Service, and provide opportunity for public comment.

"(6)(A) By not later than 4 years after the date of enactment of this subsection, the Secretary shall, pursuant to this subsection, prepare and submit to the appropriate committees of Congress, plans for not less than one-third of the refuges in existence on the date of enactment of this subsection.

"(B) By not later than 7 years after the date of enactment of this subsection, the Secretary shall, pursuant to this subsection, prepare and submit to the appropriate committees of Congress, plans for not less than two-thirds of the refuges in existence on the date of enactment of this subsection.

"(C) By not later than 10 years after the date of enactment of this subsection, the Secretary shall, pursuant to this subsection, prepare and submit to the appropriate committees of Congress, plans for each refuge in existence on the date of enactment of this subsection.

"(D) With respect to any refuge established after the date of enactment of this subsection, the Secretary shall prepare a plan for the refuge not later than 2 years after the date of the establishment of the refuge.".

SEC. 7. ADMINISTRATION.

The Secretary of the Interior shall manage the refuges in the National Wildlife Refuge System in a manner consistent with any refuge conservation plans developed under section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), as amended by this Act.

SEC. 8. REGULATIONS.

Except as otherwise required in this Act, the Secretary of the Interior shall—

(1) not later than 1 year after the date of enactment of this Act, propose regulations to carry out this Act and the amendments made by this Act; and

(2) not later than 18 months after the date of enactment of this Act, promulgate final regulations to carry out this Act and the amendments made by this Act.

SEC. 9. CONFORMING AMENDMENT.

Section 4 (16 U.S.C. 668dd) is amended by striking "Secretary of the Interior" each place it appears and inserting "Secretary".

SEC. 10. EMERGENCY POWER.

The Secretary of the Interior is authorized to suspend any activity conducted in any refuge in the National Wildlife Refuge System in the event of an emergency that constitutes an imminent danger to the health and safety of any wildlife population, or refuge, or to public health and safety.

SEC. 11. STATUTORY CONSTRUCTION.

Except as specifically provided in this Act or the amendments made by this Act, nothing in this Act or the amendments made by this Act shall be construed so as to alter or otherwise affect the act commonly known as the Refuge Recreation Act of 1962 (16 U.S.C. 460k et seq.), the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.), or any other law or order establishing individual refuges in effect on the date of enactment of this Act.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

By Mr. SPECTER:

S. 825. A bill to amend title 28 of the United States Code to permit a foreign state to be subject to the jurisdiction of Federal or State courts in any case involving an act of international terrorism; to the Committee on the Judiciary.

FOREIGN SOVEREIGN IMMUNITIES AMENDMENTS ACT

Mr. SPECTER. Mr. President, from 1984 to late in 1991, American citizens were held hostage in Lebanon by terrorist groups sponsored and funded by the Government of Iran. Since their release, many of these former hostages have continued to suffer from the physical and emotional trauma that their periods in captivity thrust upon them. Were a similar situation to occur in this country, the injured party would have access to the judicial system to seek redress in the form of monetary damages in addition to any criminal kidnaping charges. Because the perpetrator behind these acts of terrorism in Lebanon was a foreign government, however, the aggrieved parties cannot seek redress in American courts because of the immunity granted to foreign nations under the Foreign Sovereign Immunities Act. To remedy this travesty for future victims, I am today introducing legislation to amend the Foreign Sovereign Immunities Act.

Since 1980, more than 6,500 international terrorist incidents have occurred worldwide, leaving more than 5,100 people dead and 12,500 wounded. About 2,500 attacks were against American targets. As of May 1992, American casualties since 1980 have totaled 587 dead and 627 wounded.

Of particular concern and notoriety was the taking of American hostages in Lebanon. On September 12, 1986, Joseph James Cicippio, of Norristown, PA, deputy comptroller of the American University of Beirut, was kidnaped by some group self-styled the Revolutionary Justice Organization. He was held until December 2, 1991, when, in the span of a few remarkable days, the ordeal of the American hostages ended with the release of the last three hostages, Mr. Cicippio, Alann Steen, and Terry Anderson.

Ended, however, is a relative term, for the ordeal is still not really over for the former hostages. Released hostages reported that they were tortured by their captors. The torture took many forms. Hostages report that they were beaten, starved, chained and bound, exposed to the elements, blindfolded, taunted, subjected to threatened executions, and denied medical and hygiene facilities. Some former captives still suffer from the pain of numerous beatings, especially to their feet. Alann Steen is reported to suffer still from beating-related seizures. Lost time with friends and families cannot be replaced: Terry Anderson's daughter was born and had turned 4 before he was released from captivity; Joseph Cicippio's older sister, and his son, Joseph Jr., died while he was held hostage. The pain of their ordeals may never end; the suffering in their hearts may never cease.

What exacerbates any feeling of antipathy is the knowledge that a foreign government provided the support, both politically and financially, for the captors to keep their victims. Hezbollah, the umbrella organization for many militant Shia Moslem terrorist groups in Lebanon, including the Revolutionary Justice Organization, closely collaborates with the leadership in Iran. The collaboration is reflected in the financial support which it receives from Iran. It is reported that Iran spent $30 million during 1985 and more than $64 million during 1987 in Lebanon, mainly in the form of donations to Hezbollah. Iran's control over the hostage takers remain unclear, but Government officials have estimated that their control ranged from general to complete. Regardless, Iran's role in the taking and keeping of American hostages underscores the need for this legislation, because under the Foreign Sovereign Immunities Act as it now stands, the former hostages are probably precluded from successfully pursuing legal action against Iran or any other foreign sovereign for sponsoring terrorist activity.

This legislation would amend the Foreign Sovereign Immunities Act by giving Federal courts jurisdiction over any suit brought in this country against any foreign country that has been formally listed by the State Department as a supporter of international terrorism, if that foreign state has committed, caused, or supported an act of terrorism against an American citizen. The legislation would also enable the court to freeze all assets of the defendant country located within the United States sufficient to satisfy a judgment. The bill also provides for a 6-year statute of limitations.

This legislation is important for several reasons. It would further the U.S. policy of opposing domestic and international terrorism and would demonstrate to the world that the United States and its people are prepared to act to combat and respond to terrorist acts. It also reinforces our commitment to the rule of law, and in so doing makes clear the contrast between our Nation which abides by the principles of international law and outlaw nations such as Iran, which do not.

This legislation would let foreign sovereigns know that states which practice terrorism or actively support it will not do so without consequence. When there is ample evidence that a foreign state supports terrorism so that the State Department has placed that nation on a list of nations that sponsor terrorism, this legislation will allow U.S. citizens, acting according to lawful process in our courts, to protect their interests and seek compensation for the harm done to them.

State-sponsored terrorism has become a hallmark of certain regimes seeking to influence the political decisions made by the elected representatives of the people in our democracy. None of these nations that actively support state-sponsored terrorism is itself democratic. Countries such as Libya, Iran, Cuba, North Korea, and Iraq will be less likely to support terrorism directed against the citizens of this country when they know that their actions will lead to damages paid to the victims of their terrorism who are United States citizens.

Iran reportedly paid $1 to $2 million for each hostage released to the various fundamentalist groups under its control, after paying for the upkeep and confinement of those hostages. This money would be better spent aiding the former hostages assimilate back into their lives and would create a real, measurable cost to Iran for supporting their captivity.

This amendment would also provide additional incentive to other nations to comply with the principles of international law, which condemn terrorism and attacks on innocent citizens of another nation. When a nation's refusal to comply with international law leads to compensation to the victims of its actions, those nations that violate international law will see it as more practical, and beneficial, to change their policies. As demonstrated by the success of combating terrorism during the height of the gulf war when the international community agreed to work together to prevent terrorism, much can be accomplished. Supporting this legislation will allow Americans to play a role in enforcing international law by giving them redress against those nations that actively violate international law.

United States counterterrorism policy is based on three principles: first, the United States makes no concessions to terrorists holding official or private American citizens hostage; second, the United States cooperates with friendly countries in developing practical measures to counter terrorism; and third, the United States works with other countries to put pressure on terrorist-supporting states to persuade them that such support is not free. While these principles serve the policy of the U.S. Government, they do little to address the concerns of individuals who have been the victims of international terrorism. In order to address the individual problems and results of terrorism, individuals must be able to seek redress for themselves. U.S. law should aid American citizens in this pursuit, not hinder them. Supporting this legislation would serve the purpose of aiding American citizens, while supporting America's counterterrorism goals.

I note finally that the purpose of the Foreign Sovereign Immunities Act was to shield foreign nations, as opposed to foreign nationals, from the jurisdiction of American courts for sovereign acts. This is a salutary policy that promotes the pursuit of American foreign policy interests and goals. I have no desire to attack this policy protecting foreign nations from suit. This legislation is very narrowly crafted to create a slight breach in the immunity enjoyed by foreign governments. Only those nations formally recognized by the State Department as active supporters of state-sponsored terrorism could be sued. Thus, this legislation should have no effect on the ability of the President and officers of the executive to control U.S. foreign policy. While I understand the possible reluctance to open the door to suing foreign nations at all, I believe that the circumstances here are compelling. Terrorism violates all principles of international law. If a nation is formally recognized by the U.S. Government as a sponsor of terrorism, there can be no valid argument allowing that nation to retain its immunity under American law for the harm committed in pursuit of its terrorist policies.

I ask unanimous consent that a copy of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 825

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INAPPLICABILITY OF FOREIGN SOVEREIGN IMMUNITY IN CASES INVOLVING ACTS OF INTERNATIONAL TERRORISM.

(a) DEFINITION.—Section 1603 of title 28, United States Code, is amended by adding at the end the following:

"(f) The term 'act of international terrorism' means an act—

"(1) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

"(2) which appears to be intended—

"(A) to intimidate or coerce a civilian population;

"(B) to influence the policy of a government by intimidation or coercion; or

"(C) to affect the conduct of a government by assassination or kidnapping.

"(g) The term 'permanent resident alien' means an alien who has been lawfully admitted to the United States for permanent residence.".

(b) ADDITIONAL EXCEPTION TO FOREIGN STATE IMMUNITY.—Section 1605(a) of title 28, United States Code, as amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) in which the action is based upon an act of international terrorism—

"(A) within the United States, or

"(B) outside the United States if money damages are sought against a foreign state for personal injury or death to a United States citizen or permanent resident alien,

which act occurred not more than 6 years previously and which was committed or aided or abetted by a foreign state that was designated by the Secretary of State as a state repeatedly providing support for acts of international terrorism under section 40(d) of the Arms Export Control Act.".

(c) PROPERTY SUBJECT TO EXECUTION UPON A JUDGMENT.—Section 1610(a) of title 28, United States Code, is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) the execution relates to a judgment entered in a case based upon an act of international terrorism—

"(A) within the United States, or

"(B) outside the United States if money damages are sought against a foreign state for personal injury or death to a United States citizen or permanent resident alien,

which act occurred not more than 6 years previously and which was committed or aided or abetted by a foreign state that was designated by the Secretary of State as a state repeatedly providing support for acts of international terrorism under section 40(d) of the Arms Export Control Act.".

(d) ATTACHMENT OF PROPERTY PRIOR TO ENTRY OF JUDGMENT.—Section 1610(d) of title 28, United States Code, is amended—

(1) by redesignating paragraph (1) as paragraph (1)(A);

(2) by striking "and" at the end of paragraph (1)(A) and inserting "or"; and

(3) by inserting after paragraph (1)(A) the following:

"(B) the foreign state is not immune from jurisdiction by virtue of the operation of section 1605(7); and".

By Mr. LAUTENBERG:

S. 826. A bill to prohibit foreign travel by political appointees and Members of Congress during certain post election periods, and for other purposes; to the Committee on Governmental Affairs.

LIMITATION ON FOREIGN TRAVEL BY POLITICAL APPOINTEES

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Lame Ducks Can't Fly Act, to prevent Federal officials who are about to leave office from traveling abroad courtesy of the U.S. taxpayers.

The bill would prohibit any Member of Congress from traveling to another country at taxpayers expense following any election in which the Member is not returned to office.

Similarly, the bill would prohibit any political appointee in the executive branch from traveling overseas at taxpayer expense following an election in which the President is not returned to office. The prohibition for executive branch appointees could be waived if the President determines that such travel cannot reasonably be postponed until the new President takes office, and the travel is essential to protect vital national security, foreign policy, trade or economic interests.

Mr. President, after the election in November, many Americans were outraged when they saw officials of the Bush administration traveling abroad on seemingly nonessential trips, even though they were about to lose their jobs. One delegation, for example, traveled to China and Hong Kong aboard a military jet that reportedly costs about $12,000 per hour to fly. Another trip was planned for Moscow before it was abruptly canceled when the plans were reported in the press. Similar reports of congressional travel met with similar public criticism.

Mr. President, it can be tempting for elected or appointed officials to have one last junket before losing their jobs. But it's wrong. And it's not fair to taxpayers—many of whom have a hard time making ends meet. It's a small dent in the budget deficit, but it's the kind of thing that is outrageous and saps the trust of Americans in their Government.

While there are times when travel abroad by lameduck officials may be necessary to protect important national interests, there is no excuse for wasting taxpayer dollars on nonessential travel.

Mr. President, I am committed to seeing this reform put into place prior to November of 1994 so that we can prevent any further abuse of our tax dollars.

I hope my colleagues will support the legislation, and ask unanimous consent that a copy of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION OF FOREIGN TRAVEL BY CERTAIN POLITICAL APPOINTEES DURING POST PRESIDENTIAL ELECTION PERIOD.

(a) IN GENERAL.—Subchapter I of chapter 57 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§5710. Limitation of travel of political appointees during certain post Presidential election periods

"(a) For purposes of this section the term—

"(1) 'political appointee' means any individual who serves—

"(A) in a Senior Executive Service position and is not a career appointee as defined under section 3132(a)(4);

"(B) in a position under the Executive Schedule pursuant to subchapter II of chapter 53; or

"(C) in a position of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations; and

"(2) 'post Presidential election period" means any period beginning on the date immediately following the date of the first Tuesday following the first Monday in November on which the general election of the President occurs, and ending on the January 20 following such an election.

"(b) Subject to the provisions of subsection (c), travel by a political appointee may not be paid for under the provisions of this subchapter or any other provision of law, if such travel—

"(1) is outside of the United States; and

"(2) occurs during a post Presidential election period in which the incumbent President shall not return for another term of office as President.

"(c)(1) The provisions of subsection (b) shall not apply to travel by the Secretary of State, the Secretary of Defense, or the United States Trade Representative.

"(2) The President may waive the provisions of subsection (b) with regard to any travel if the President makes a written determination that such travel—

"(A) cannot reasonably be postponed until after the post Presidential election period; and

"(B) is essential to protect—

"(i) vital national security interests; or

"(ii) other vital national interests related to—

"(I) foreign policy;

"(II) trade; or

"(III) the economy.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5709 the following:

"5710. Limitation of travel of political appointees during certain post Presidential election periods.".

SEC. 2. LIMITATION OF FOREIGN TRAVEL BY CERTAIN MEMBERS OF CONGRESS DURING POST ELECTION PERIODS.

(a) LIMITATION.—No funds may be expended for travel by a Member of Congress if—

(1) such travel is outside of the United States;

(2) such travel occurs after the date on which an election for the office held by such Member occurs; and

(3) such Member will not serve as a Member of Congress in the session following such election.

(b) DEFINITION.—For purposes of this section the term "Member of Congress" includes any Delegate or Resident Commissioner to the Congress.•

By Mr. DECONCINI:

S. 827. A bill to require certain payments made to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of benefits or services based on need, and for other purposes; to the Committee on Governmental Affairs.

RELATING TO RESTITUTION TO HOLOCAUST VICTIMS

• Mr. DECONCINI. Mr. President, I rise today to introduce legislation to protect the rights of Holocaust survivors to receive foreign government restitution payments and the full benefits for all needs-based programs provided by our Government. Congressman WAXMAN introduced companion legislation in the House this morning.

This bill will prevent all Government agencies from considering restitution payments to Holocaust survivors by the Federal Republic of Germany as income, thereby allowing survivors to receive the restitution without any reduction in the need-based Government services that they are entitled to receive.

This issue recently came to national prominence when I received a letter from Fanny Schlomowitz, an 83-year-old woman who receives low-income rent assistance from the Department of Housing and Urban Development. Fanny is a survivor of a Budapest Jewish ghetto. As a young woman living there, Fanny was kicked in the head and beaten on several occasions. Many of those blows she still feels today.

Her only income other than the Holocaust restitution is a monthly $370 Social Security check. Fanny has high medical and prescription drug expenses. Fanny also pays $816 every 3 months for her regular medical insurance plan and a plan to assure nursing home care if she needs it, so that she would not have to go to a taxpayer-supported facility. She pays $63 a month for her small HUD-subsidized apartment. Though nothing can ever make up for the unspeakable acts committed during that time, the Federal Republic of Germany sends her a monthly check as a small token of the remorse felt by the German people for her suffering.

Fanny contacted me when she learned that HUD had decided to consider these restitution payments as annual income and quadruple her rent. Even though these payments are not counted as taxable income by the Internal Revenue Service, HUD felt that the statutes governing low-income housing assistance required the Department to include these payments as income for purposes of computing her rent assistance. As a consequence, the rent for her tiny apartment was to go up by $164 per month. In desperation, she asked me to help prevent this injustice.

I contacted Secretary of Housing and Urban Development Henry Cisneros to express my dismay at HUD's decision and to request that the action be reversed. Secretary Cisneros immediately called for a review of the matter and within a month's time, the Department proposed a rule providing prospective relief from the longstanding policy. I am, indeed, very appreciative of the Secretary's prompt attention to the problem. His action has probably prevented any future harm to Holocaust victims eligible for HUD needs-based assistance.

However, Mr. President, as I have advised the Secretary, no legal authority exists for HUD or any other domestic agency action in this area. The Holocaust restitution payments, not reparation payments as referred to in the proposed HUD final rule, are governed by international law. Therefore, no domestic agency has any authority to make any pronouncement, pro or con, as to the legal status of these payments. Only the President, with advise and consent of the Congress, has that authority. Moreover, the legal status of these restitution payments is governed by a 1954 international bilateral protocol.

In 1984, the Ninth Circuit Court of Appeals in *Grunfeder* v. *Heckler*, 748 F.2d 503 (1984) reaffirmed this basic constitutional principle. In that case, former Health and Human Services [HHS] Secretary Margaret Heckler was sued by a Holocaust survivor because the Social Security Administration had included these payments as income for eligibility purposes. The court held that payment received pursuant to the Federal Republic of Germany compensation of victims of national socialist persecution statute does not constitute income for purposes of determining eligibility for supplemental security income [SSI] despite the express absence of an exclusion in the statute. The ninth circuit specifically found that HHS Secretary Heckler's interpretation of the German Restitution Act is entitled to little deference as the court is bound to construe the domestic legislation in a way that minimizes interference with the purpose or effect of foreign law:

> This case requires us to resolve a conflict between the Government's interest in allocating a limited pool of funds to support the country's aged, blind, and disabled against our Government's interest in restoring a semblance of normal existence to Holocaust survivors who are part of our society. In resolving the matter in favor of the latter, we follow the lead of Congress. (Majority opinion at p. 509.)

The Grunfeder majority set aside the agency's determination that the reparations payments were countable as income because the SSI eligibility regulations would frustrate the German Restitution Act's penitent and restitution purpose and because Congress had expressed no desire to interfere with the German Government's attempt to make amends for crimes committed during the Holocaust. I also note that the court gave great weight to the fact that Congress ratified the 1954 protocol which exempted from income taxation the restitution payments made to Holocaust victims residing in the United States.

Given the HUD's current interpretation is based solely upon the fact that the statute does not provide specific authority to exclude the payments from the rent contribution computation and given that Congress has never indicated it has had any desire to count Holocaust payments as income, any HUD interpretation is as defective as the SSI regulation struck down in Grunfeder. Without an express congressional directive, no domestic agency official, whether at HHS or HUD, has ever had authority to include these restitution payments for any purpose, especially eligibility purposes.

If the legislation Congressman WAXMAN and I are introducing is enacted, no agency would ever have the opportunity to repeat this senseless error. It is for this reason that we introduce this legislation today.

Mr. President, this action is long overdue. I was shocked and appalled to learn that an agency of our Government was compounding the tragedy of the Holocaust by penalizing a survivor for receiving restitution. Were it not for the injuries Fanny Schlomowitz received at the hands of the brutal Nazi stormtroopers, she most likely would not have been in the HUD-assisted apartment at all. I am sure that there are others like Fanny all over the Nation, survivors who are again paying a price for nothing more than being victimized by the Nazi regime.

But this bill is necessary for more than the correction of an injustice. The German Government makes restitution payments to Holocaust survivors as a sincere and humble gesture of apology to the people that suffered through the most horrific tragedy in modern history. To subject American citizens that receive these payments to additional financial burdens is to interfere with the penitent purpose of the restitution and to destroy Germany's sovereign right as a nation to try to symbolically do right to those who have been terribly wronged. The payments are not war reparations and they are not income. They are gifts from a nation whose citizens feel the sorrow and shame that the Holocaust has brought to all of humanity, citizens that are unable to erase history and so do what they can to repent for history.

Mr. President, it is wholly inexcusable for any agency of the United States of America to obstruct this noble sentiment as a matter of conscience, and, as a matter of international law, it is unlawful and must be stopped from ever reoccurring.

Mr. President, I urge my colleagues to join me in support of this important legislation. Let us make it possible for Fanny Schlomowitz and all Holocaust survivors to graciously accept the gifts from the Federal Republic of Germany without interference from our Government.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 827

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN PAYMENTS MADE TO VICTIMS OF NAZI PERSECUTION DISREGARDED IN DETERMINING ELIGIBILITY FOR AND THE AMOUNT OF NEED-BASED BENEFITS AND SERVICES.

(a) IN GENERAL.—Payments made to individuals because of their status as victims of Nazi persecution shall be disregarded in determining eligibility for and the amount of benefits or services to be provided under any Federal or federally assisted program which provides benefits or services based, in whole or in part, on need.

(b) APPLICABILITY.—Subsection (a) shall apply to determinations made on or after the date of the enactment of this Act with respect to payments referred to in subsection (a) made before, on, or after such date.

(c) PROHIBITION AGAINST RECOVERY OF VALUE OF EXCESSIVE BENEFITS OR SERVICES PROVIDED DUE TO FAILURE TO TAKE ACCOUNT OF CERTAIN PAYMENTS MADE TO VICTIMS OF NAZI PERSECUTION.—No officer, agency, or instrumentality of any government may attempt to recover the value of excessive benefits or services provided before the date of the enactment of this Act under any program referred to in subsection (a) by reason of any failure to take account of payments referred to in subsection (a).●

By Mr. DORGAN:

S. 828. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on campaign expenditures of candidates for Federal office in excess of campaign spending limits; to the Committee on Finance.

TAX ON EXCESSIVE CAMPAIGN EXPENDITURES

Mr. DORGAN. Mr. President, I rise today to introduce legislation that is designed to limit the excessive amounts of money that is being spent on congressional campaigns in this country. Campaign expenditures have reached absurd proportions. Some estimates place overall campaign spending in all U.S. elections in 1992 as high as $3 billion.

Americans indicated in the elections last November that campaign finance reform was one of the most important issues facing Congress. They have good reason to be concerned:

Between 1976 and 1990, the aggregate cost of House and Senate campaigns rose from $115.5 to $445 million;

The average amount spent by winning Senate incumbents in 1990 was $4 million. On average, this would require a Senator to raise over $1,800 a day for 6 years; and

The amount contributed by PAC's to House and Senate candidates from 1974 to 1990 rose from $12.5 to $150.6 million, a twelvefold increase.

This huge surge in campaign spending has had a major impact on the American political system: It fosters the use of demagogic television advertisements rather than confronting the real issues facing the Nation. Thus, excessive campaign spending reinforces public cynicism and negative feelings for the entire political process.

Mr. President, that is why I am introducing legislation designed to combat excessive campaign expenditures. My legislation would impose a tax on excessive campaign spending, creating a strong disincentive for excessive campaign expenditures.

The major campaign finance proposals being discussed today support public financing as a means to limit excessive campaign expenditures. While this may be a needed element of a reform package, I believe this country's massive budget deficit requires that we also consider ways to offset the costs imposed by any system of public financing. A tax on excessive campaign expenditures would help provide these revenues.

This tax could be an element of other campaign reform bills which have been introduced in the 103d Congress. My proposal would establish a 75-percent excise tax on any campaign expenditures above specified spending limits. Thus, any campaign which felt it necessary to exceed the established limits, would also be required to pay a substantial penalty under this tax. But more importantly, it would provide a powerful incentive for campaigns to comply with the spending limits.

In the past, constitutional implications have blocked regulation of campaign expenditures. This is why we are now considering a voluntary system of spending limitations. I believe a tax on excessive expenditures is a fundamentally different alternative from an outright limitation, and could pass constitutional scrutiny.

A tax on expenditures is fundamentally different from the outright limitation, which was found to be unconstitutional in the Supreme Court ruling Buckley versus Valeo (1976). First, as the statistics I cited above demonstrate, the governmental interest in regulating campaign expenditures is dramatically more important today than it was in 1976. Second, a tax would not prohibit the free speech rights of a candidate as did the outright limitations. With the tax, a well-funded campaign may speak as often and as loud as it wants, it will just be required to pay the excise tax. Also, the tax would be nondiscriminatory. It would not be imposed on the basis of ideas, but solely on excessive spending by a campaign. I believe the power to levy such a tax is within the power of Congress, and is constitutional.

In conclusion, my legislation is designed to work in concert with other proposals to establish voluntary limits on campaign expenditures. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 828

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCISE TAX ON FEDERAL CAMPAIGN EXPENDITURES IN EXCESS OF CAMPAIGN SPENDING LIMITS.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 (relating to miscellaneous excise taxes) is amended by adding at the end the following new chapter:

"CHAPTER 48—EXCESS FEDERAL CAMPAIGN EXPENDITURES

"Sec. 5010. Excess Federal campaign expenditures.

"SEC. 5010. EXCESS FEDERAL CAMPAIGN EXPENDITURES.

"(a) IMPOSITION OF TAX.—In the case of any candidate for Federal office, there is hereby imposed a tax equal to 75 percent of the candidate's excess campaign expenditures during any taxable period.

"(b) PERSON ON WHOM TAX IMPOSED; TAXABLE PERIOD.—For purposes of this section—

"(1) PERSON ON WHOM TAX IMPOSED.—The tax imposed by subsection (a) shall be paid by the authorized committees of the candidate.

"(2) TAXABLE PERIOD.—The term 'taxable period' means, with respect to any election, each month in which excess campaign expenditures were made with respect to the election.

"(c) DEFINITIONS.—For purposes of this section—

"(1) CANDIDATE.—The terms 'candidate' and 'authorized committee' have the meanings given to such terms by sections 301(2) and 301(6), respectively, of the Federal Election Campaign Act of 1971.

"(2) ELECTION.—The term 'election' has the meaning given such term by section 301(1) of the Federal Election Campaign Act of 1971.

"(3) EXCESS CAMPAIGN EXPENDITURES.—The term 'excess campaign expenditures' means, with respect to any election, expenditures by any candidate and the authorized committees of such candidate which are in excess of any limitation on such expenditures established by the amendments made by the Congressional Campaign Spending Limit and Election Reform Act of 1993."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable periods beginning after December 31, 1993.

SEC. 2. CAMPAIGN FINANCE REFORM TRUST FUND.

(a) ESTABLISHMENT.—Subchapter A of chapter 98 (relating to trust funds) is amended by adding at the end the following new section:

"SEC. 9512. CAMPAIGN FINANCE REFORM TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Campaign Finance Reform Trust Fund', consisting of such amounts as may be credited or paid to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFER TO TRUST FUND.—There is hereby appropriated to the Campaign Finance Reform Trust Fund the taxes received by the Treasury under section 5010.

"(c) EXPENDITURES.—Amounts in the Campaign Finance Reform Trust Fund shall be available, as provided in appropriation Acts, for making expenditures authorized by the Federal Election Campaign Act of 1971."

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 is amended by adding at the end the following new item:

"Sec. 9512. Campaign finance reform trust fund."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. DORGAN:

S. 829. A bill to amend the Communications Act of 134 to regulate the length and certain other aspects of television commercials authorized by a political candidate; to the Committee on Commerce, Science, and Transportation.

CAMPAIGN COMMERCIAL REFORM ACT

Mr. DORGAN. Mr. President, today I rise to introduce legislation that I hope will provide a positive contribution to the debate on reforming the way campaigns are conducted in this country.

Unfortunately, political campaigns have moved further and further away from constructive, thoughtful debates on issues of real public concern. Instead, campaign commercials have become electronic tennis matches of 30-second charges and counter-charges across the airwaves. Demagoguery rules over substance in these electronic battles conducted through 30-second commercials. All of us in this distinguished body—Republican and Democrat, liberal and conservative—know the disservice political campaigns are providing the public through 30-second attack ads and sounds bites crafted by the mercenaries of politics: Political consultants.

We need to change that Mr. President. Not for our sake as politicians but for the sake of the public which deserves to hear candidates debate important issues in a constructive manner. That is why I am introducing legislation that would place two new requirements on political commercials: First, as a condition of receiving the lowest unit rate, political commercials would have to be at least 5 minutes in length. Second, my legislation would require that the candidate would have to appear in the commercial, and in a clear image, for at least 75 percent of the time. These requirements would force candidates to communicate with voters in a more constructive basis than is possible in 30-second ads.

Mr. President, 2 years ago Washington Post editor David Broder said: The campaign dialog must be rescued from the electronic demagoguery favored by too many hired-gun political consultants. Campaigns must be reconnected to governmental discussions voters really care about." Mr. Broder went on to say: "The public is sick and tired of being assaulted for weeks before Election Day with horrifying recitals of the opposing candidate's supposed record on some issue." I agree. My legislation is designed to help reconnect campaigns constructive public policy debates—something we seem to have lost in an era where 30-second attack ads set the rules of political intercourse. The age of electronic communications and political consultants has turned our whole political system into a battle over sound bites and 30-second TV commercial volleys.

Although negative campaigns and personal attacks are not new to politics, the focus on negative tactics as the driving force of campaigns is a uniquely contemporary concern. Even Thomas Jefferson endured bitter attacks on his personal character in the first Presidential campaign in our Nation's history. However, the advent of electronic communications, especially television, has provided an unprecedented opportunity to take bitter negative politics to a new level. The result has been a degeneration of campaign discourse to all time low.

Also, attempts to address this problem by trying to eliminate the short attack ads is not a novel approach. Others have sought to enhance the level of debate in political campaigns by proposing minimum time periods for campaign commercials. The campaign reform legislation that passed the Senate last year contained provisions that would have encouraged candidates to purchase advertising segments for longer length commercials. According to that legislation, candidates would receive reimbursement vouchers if they used commercial segments between 1 and 5 minutes. In addition, legislation was introduced in the House in the last Congress that would have required political commercials receiving the lowest unit rate to be at least 1 minute in length.

My legislation is indeed a bolder attempt to improve campaign discourse by requiring 5-minute commercials with the candidate appearing on the screen as a condition of receiving the lowest unit rate. It is my sincere hope that campaign reform legislation will be enacted this year. As we work on this legislation, I hope we will not only reform campaign financing but also find ways to help turn political advertising into a discourse on issues and away from an exchange of demagoguery.

I urge my colleagues to support this legislation and I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 829

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Campaign Advertising Accountability Act of 1993".

SEC. 2. POLITICAL ADVERTISING REQUIREMENTS.

Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c) If any legally qualified candidate for any Federal elective office (or an authorized committee of any such candidate) uses a broadcast station to broadcast a political advertising communication during any period to which the lowest unit charge requirement of subsection (b)(1) applies, such communication shall be at least 5 minutes in length. For no less than 75 percent of the length of the communication, an unobscured full face picture of the candidate, occupying no less than 40 percent of the television safe screen area, shall be displayed.".

By Mr. MOYNIHAN (for himself and Mr. DOMENICI):

S. 831. A bill to establish the Environmental Financial Advisory Board in statute, and for other purposes; to the Committee on Environment and Public Works.

ENVIRONMENTAL FINANCE ACT OF 1993

• Mr. MOYNIHAN. Mr. President, I rise today to introduce the Environmental Finance Act of 1993. This bill will make permanent the Environmental Protection Agency's Environmental Financial Advisory Board.

As my colleagues are well aware, Congress has appropriated billions of dollars in the last 20 years for environmental improvements. While great progress has been made, much remains to be done. Over the last several years the EPA has produced significant data showing a shortfall between the need for environmental infrastructure and the resources available to meet that need.

Environmental problems are some of the more compelling, complex, and controversial issues confronting the more than 83,000 local governments in the United States. Government officials are increasingly held liable for violations of environmental statutes, and have to finance environmental requirements imposed from Washington. Reporting requirements are increasing not only in frequency but in technical difficulty.

With this burden now falling heavily on State and local governments, new means to pay for environmental services and infrastructure must be found. This is imperative if we are to maintain and build upon the significant environmental gains made thus far.

In 1989, the Environmental Financial Advisory Board [EFAB] was created for the reasons I have just described. Over the last 3 years, the EFAB has provided advice and analysis to the EPA on how to pay for environmental protection and leverage public and private resources. The EFAB was initially a committee of the National Advisory Council for Environmental Technology Policy, and in 1991 it became an independent advisory board consistent with the requirements of the Federal Advisory Committee Act.

The EFAB has been assigned the role of providing advice on environmental financing. Its objectives include the following: Reducing the cost of financing environmental facilities and discouraging pollution; creating incentives to increase private investment in the provision of environmental services; removing or reducing constraints on private involvement in environmental financing; identifying approaches specifically targeted to small community financing; assessing government strategies for implementing public-private partnerships; and reviewing governmental principles of accounting and disclosure standards for their effect on environmental programs.

Mr. President, I ask unanimous consent that a letter from F. Henry Habicht II, the former Deputy Administrator of the EPA, sent to Mr. James L. Dean, Director of the General Services Administration's Committee Management Secretariat on December 22, 1992, detailing the tremendous assistance the EFAB has provided to EPA, be included in the RECORD at the conclusion of my statement. As my colleagues can see, Mr. Habicht's letter makes the case that the EFAB is essential to the conduct of Agency business and in the public interest.

As Mr. Habicht has indicated in his letter, the EFAB charter terminated on February 25, 1993. I am greatly pleased that EPA has initiated a renewal of the EFAB charter. It is, indeed, the intention of this legislation to help the EPA by creating in statute this most worthy program. Former EPA Administrator William K. Reilly testified before the House Appropriations Committee in 1991 and expressed his hope that the EFAB would eventually become for the financing field what the Science Advisory Board has become to the field of environmental science. I share his determination.

Mr. President, my legislation also will establish Environmental Finance Centers at universities throughout the country. This legislation will establish environmental finance centers in each of the 10 Federal regions. These permanent centers will be effective vehicles for the promotion of innovative financing techniques. Currently, two pilot environmental finance centers at the Universities of New Mexico and Maryland promote new financing options by providing training to State and local officials, distributing publications, giving technical assistance targeted to local needs, and hosting meetings and workshops for State and local officials. These centers will work in conjunction with the EFAB to help States build their capacity to protect the environment. The Environmental Finance Centers are initially to be partially funded through Federal grants, with the goal that they eventually will become self-sufficient.

In my own State, Syracuse University's Maxwell School of Citizenship and Public Affairs, drawing on the talents Syracuse's Schools of Engineering and Law, and the State University of New York's School of Forestry, is ready to become the EPA's Region II Environmental Finance Center. The Maxwell School ranks among the country's finest institutions; its applied research centers in public finance, metropolitan studies, and technology and information policy are ranked among the Nation's top three such centers. The Metropolitan Studies Program is a national leader in examining a broad range of issues involving regional economic development and public finance in the United States.

The Maxwell School is currently establishing a Center for Environmental Policy and Administration in which analysis of environmental issues, such as those envisioned for the EFAB and the regional Environmental Finance Centers, will play a major role.

Mr. President, I ask that the text of the bill be printed in the RECORD at the appropriate point, along with a statement from Senator DOMENICI, who is joining me as an original cosponsor of this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Finance Act of 1993".

SEC. 2. PURPOSE.

(a) It is the purpose of this Act to require the establishment of an Environmental Financial Advisory Board (hereinafter referred to as "the Board") to provide expert advice and recommendations to the Administrator of the Environmental Protection Agency (hereinafter referred to as "the Administrator") and to the Congress on issues, trends, options, innovations and tax matters affecting the cost and financing of environmental protection by state and local governments. The Committee shall study methods to lower costs of environmental infrastructure and services, increase investment in public and private purpose environmental infrastructure, and build state and local capacity to plan and pay for environmental infrastructure and services.

(b) It is further purpose of the Act to require the Administrator to establish and support Environmental Finance Centers in institutions of higher learning. These Centers shall serve to improve the capability of state and local governments to manage environmental programs. The Environmental Finance Centers shall receive federal funding at first with the goal that they eventually become financially self sufficient.

SEC. 3. ENVIRONMENTAL FINANCIAL ADVISORY BOARD.

(a) IN GENERAL.—

(1) The Administrator shall establish an Environmental Financial Advisory Board to provide expert advice on issues affecting the

costs and financing of environmental activities at the Federal, State, and local level. The Board shall report to the Administrator, and shall make its services and expertise available to the appropriate Committees of Congress.

(2) The Board shall consist of thirty-five members selected by the Administrator. The members of the Board shall each serve for a term of two years, except that twenty of the members initially appointed to the Board shall serve for a term of one year. The members of the Board shall be persons with expertise in financial matters and shall be chosen from among elected officials, national trade and environmental organizations, the finance, banking and legal communities, business and industry, and academia. The members of the Board shall elect a Chair and Vice-Chair, who each shall each serve a term of 2 years.

(3) After establishing appropriate rules and procedures for its operations, the Board shall—

(A) work with the Environmental Protection Agency's Science Advisory Board to identify and develop methods to integrate risk and finance considerations into environmental decisionmaking;

(B) identify and examine strategies to enhance environmental protection in urban areas, reduce disproportionate risk facing urban communities, and promote economic revitalization and environmentally sustainable development;

(C) develop and recommend initiatives to expand opportunities for the export of U.S. financial services and environmental technologies;

(D) develop alternative financing mechanisms to assist state and local governments in paying for environmental programs;

(E) develop alternative financing mechanisms and strategies to meet the unique needs of small and economically disadvantaged communities; and

(F) undertake such other activities as the Board determines will further the purposes of this Act.

(4) The Board may recommend to the Administrator and to the Congress legislative and policy initiatives to make financing for environmental protection more available and less costly.

(5) The Board shall hold open meetings and seek input from the public and other interested parties in accordance with provisions of the Federal Advisory Committee Act (5 USCS Appx.), and shall otherwise be subject to the provisions of such Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of $1,000,000 for each of the fiscal years 1994, 1995, 1996, 1997, and 1998 to carry out this section.

SEC. 4. ENVIRONMENTAL FINANCE CENTERS.

(a) IN GENERAL.—The Administrator shall establish and support Environmental Finance Centers in each of the ten Federal Regions. These Centers shall coordinate their activities with the Board, and are authorized to—

(1) provide on- and off-site training of state and local officials;

(2) publish newsletters, course materials, proceedings and other publications relating to financing of environmental infrastructure;

(3) initiate and conduct conferences, seminars and advisory panels on specific finance issues relating to environmental programs and projects;

(4) establish electronic database and contact services to disseminate information to public entities on financing alternatives for state and local environmental programs;

(5) generate case studies and special reports;

(6) develop inventories and surveys of financial issues and needs of state and local governments;

(7) identify financial programs, initiatives and alternative financing mechanisms for training purposes;

(8) hold public meetings on finance issues; and

(9) collaborate with one another on projects and exchange information.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of $2,500,000 for each of the fiscal years 1994, 1995, 1996, 1997, and 1998 for the Environmental Finance Center program established pursuant to this section. The Administrator is authorized to grant such funds to institutions of higher learning to carry out the provisions of this section.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, December 22, 1992.
Mr. JAMES L. DEAN,
Director, Committee Management Secretariat, General Services Administration (GSA), K Street, NW., Washington, DC.

DEAR MR. DEAN: I am writing to advise you that the Environmental Protection Agency (EPA) is renewing the charter of the Environmental Financial Advisory Board (EFAB). Consistent with the Federal Advisory Committee Act and the GSA Final Rule on Federal Advisory Committee Management, this letter satisfies the requirements for Agency consultation prior to the renewal of this Advisory Board.

I have enclosed a statement which provides information on the reasons for: (1) our determination that EFAB is essential to the conduct of Agency business and in the public interest; (2) why the functions of the Board cannot be performed by other Agency staff or by an existing committee; and (3) our view that we have achieved a balanced membership. I have also enclosed the EFAB charter and a copy of the Board's membership roster.

EFAB was created in 1989 to provide advise and analysis to the Administrator on how to pay for the increasing costs of environmental protection and to increase investment in environmental infrastructure through greater leveraging of public and private resources. The Agency recognized that we had spent billions of dollars in the last twenty years on environmental improvements. While much progress had been made, much remains to be done. Indeed, we marshaled an impressive array of cost data that shows that we face a shortfall between the need for environmental dollars and the resources available to meet that need, and that the greatest burden will fall on states and localities. It became apparent that if new means to pay for environmental services and infrastructure were not found, we would not be able to maintain and build upon the significant environmental gains made to date.

Administrator Reilly recognized and acknowledged that the issue of who pays and how to pay is, and will remain, central to the success of the Agency's mission. He also noted that the complexity and magnitude of the challenge required outside expertise from both the public and private sectors and, accordingly, he convened the Board.

The Board has made significant contributions to EPA by addressing the critical environmental challenges of the 1990s, producing several advisories and other "blueprints for action" at the request of Agency leadership, as well as working with other advisory groups to provide the synergy necessary to achieve Agency goals. It has helped establish the framework for a national environmental financing policy within EPA by proposing actions to:

lower the costs of environmental services and infrastructure as a vital necessity in closing the gap between limited resources and increasing mandates;

build state and local capacity as the only viable means of securing gains made to date and assuring further progress;

increase public and private infrastructure investment as a spur to job creation, productivity, and tax revenues;

link risk and finance to ensure that scarce financial resources are flowing into problems having the highest environmental and public health risks; and

focus on economic incentives to address urban environmental policy and equity to reduce exposure to inordinate risks and to employ urban youth in environmental prevention and cleanup projects.

Specific products include a Clean Air Act finance guide on ways states can help pay for implementation of their clean air programs; advisories on ways to improve financing options for small communities, linkages of investments in pollution control to economic growth and development, and an advisory on private sector incentives that anticipated the President's Executive Order on Infrastructure Privatization and helped shape the Agency's response. The Board also reviewed a unique EPA compendium of alternative financing options for state and local governments.

The Board remains essential to the conduct of the Agency mission. It will continue to devote its energies to the uniquely important issue of national environmental finance policy. Products anticipated over the next year include: (1) an urban environmental policy advisory that is in the final stages of review; (2) a border initiative to access private capital markets via a credit pooling mechanism to help pay for environmental facilities on the U.S./Mexican border; (3) helping in the establishment and work of newly created Environmental Finance Centers; and (4) working with the prestigious Science Advisory Board on a case study to be used as a model for risk-based decision-making.

The advice and counsel that EFAB has provided to the Administrator cannot be performed by the Agency or another advisory committee. We do not have the resident expertise in such highly complex areas as state and federal legislative analysis, investment banking, capital planning and fee setting, and socioeconomic issues. Other advisory boards have come to EFAB to use their unique expertise. It is essential that the Agency continue to have this talent available.

We will also continue to have a balanced membership from the following sectors: the U.S. Congress; state and local government, including elected officials; business and industry; the finance, banking, and legal community; academia; and national organizations and associations. The membership is reflective of local and regional municipal finance matters and recognizes the needs of communities of varying sizes.

The magnitude of the environmental financing challenge, the extent of Congressional interest in these matters and from national experts in serving on the Board, and the increasing public concern over the future direction of environmental protection programs have demonstrated the continuing need for independent expert financial advice. The role of EFAB in providing timely and significant recommendations will greatly help the Agency carry out its environmental mandates.

Since the EFAB charter terminates on February 25, 1993, it will be necessary for us to proceed by February 11, 1993, with preparations for publication of a notice in the Federal Register and the filing of the renewal charter with the appropriate Congressional committees and the Library of Congress. Any assistance you can provide to help meet that date will be greatly appreciated.

If you have any questions concerning the Environmental Financial Advisory Board, please contact George Ames at 202/260-1020.

Sincerely,

F. HENRY HABICHT II,
Deputy Administrator.•

• Mr. DOMENICI. Mr. President, I am pleased to join the Senator from New York [Mr. MOYNIHAN] as an original sponsor of this legislation. This bill will make permanent the Environmental Financial Advisory Board which advises the EPA and Congress on matters relative to financing environmental protection by State and local governments.

I am not one who normally supports creating yet another advisory committee, task force, or study group. However, as one who has had the pleasure of being a member of the current advisory board since its inception—not to mention the only current Member of Congress who sits on the board—I know from experience that this is a board that carries out its mission effectively and objectively.

The membership of the current board represents a broad spectrum of environmental, legal, and financial knowledge, expertise, and experience. For example, 5 State officials, 3 local officials, 2 university representatives, 3 vice presidents of business and industry, and 12 representatives of banking, financial or legal institutions sit on the current board. Over the past year, EFAB committees have produced for the Environmental Protection Agency recommendations on strategies for small community financing for environmental facilities, incentives for environmental investment, and public sector options to finance environmental facilities, to name just a few.

The charter for EFAB in this bill is very similar to the current functions of the board in that it instructs the board to enhance environmental protection in urban areas, expand opportunities for the export of U.S. financial services and environmental technologies, and develop alternative financing mechanisms to assist State and local governments and small and economically disadvantaged communities in paying for environmental programs. The charter also directs the board to work with EPA and its Science Advisory Board on methods to integrate risk and finance considerations into environmental decisionmaking.

This legislation will also establish and support environmental finance centers in institutions of higher learning. In coordination with the board, these centers will help improve the capability of State and local governments to manage environmental programs. We have established a model center at the University of New Mexico in Albuquerque, and I am pleased to report that it has worked very well for the past 18 months on a modest budget.

Mr. President, based on my personal experiences with EFAB, I can tell you that EFAB provides a reliable base of information on which we can build sound environmental and economic policies. I am, therefore, very pleased to sponsor this legislation.•

By Mr. MOYNIHAN:

S. 832. A bill to designate the plaza to be constructed on the Federal Triangle property in Washington, DC, as the "Woodrow Wilson Plaza"; to the Committee on Environment and Public Works.

WOODROW WILSON PLAZA ACT

• Mr. MOYNIHAN. Mr. President, today I am introducing legislation to name the plaza that will be built as part of the Federal Triangle Building on Pennsylvania Avenue at 14th Street the Woodrow Wilson Plaza. This new plaza will be mostly surrounded by the new building, and the Woodrow Wilson International Center for Scholars will be housed in the office space that adjoins it. It is only fitting that the plaza be named for President Wilson.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The plaza to be constructed on the Federal Triangle property in Washington, D.C. as part of the development of such site pursuant to the Federal Triangle Development Act (Public Law 100-113) shall be known and designated as the "Woodrow Wilson Plaza".•

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. WARNER, the names of the Senator from Pennsylvania [Mr. WOFFORD] and the Senator from Oregon [Mr. PACKWOOD] were added as cosponsors of S. 50, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson.

S. 65

At the request of Mr. NICKLES, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 65, a bill to amend the Internal Revenue Code of 1986 to impose a fee on the importation of crude oil and refined petroleum products.

S. 70

At the request of Mr. COCHRAN, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 73

At the request of Mr. METZENBAUM, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 73, a bill to provide for the rehiring by the Federal Aviation Administration of certain former air traffic controllers.

S. 87

At the request of Mr. KERRY, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 87, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 156

At the request of Mr. DASCHLE, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 156, a bill to amend the Internal Revenue Code of 1986 to allow the energy investment credit for solar energy and geothermal property against the entire regular tax and the alternative minimum tax.

S. 157

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 157, a bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles.

S. 171

At the request of Mr. GLENN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 171, a bill to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

S. 173

At the request of Mr. DECONCINI, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 173, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in the years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such worker's benefits accordingly, and for other purposes.

S. 208

At the request of Mr. BUMPERS, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 208, a bill to reform the concessions policies of the National Park Service, and for other purposes.

S. 253

At the request of Mr. CRAIG, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. COATS], and the Senator from Colorado [Mr. BROWN] were added as cosponsors of S. 253, a bill to authorize the garnishment of Federal employees' pay, and for other purposes.

S. 257

At the request of Mr. BUMPERS, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 257, a bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 265

At the request of Mr. SHELBY, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. AKAKA], the Senator from Louisiana [Mr. BREAUX], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Georgia [Mr. NUNN], the Senator from Wyoming [Mr. SIMPSON], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 265, a bill to increase the amount of credit available to fuel local, regional, and national economic growth by reducing the regulatory burden imposed upon financial institutions, and for other purposes.

S. 269

At the request of Mr. BAUCUS, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 269, a bill to amend the Trade Act of 1974 to provide that interested persons may request review by the Trade Representative of a foreign country's compliance with trade agreements.

S. 377

At the request of Mr. GRAMM, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 377, a bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration.

S. 381

At the request of Mr. DASCHLE, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 381, a bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs.

S. 384

At the request of Mr. D'AMATO, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 384, a bill to increase the availability of credit to small businesses by eliminating impediments to securitization and facilitating the development of a secondary market in small business loans, and for other purposes.

S. 415

At the request of Mr. BOREN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 415, a bill to require the Attorney General to establish 10 military-style boot camp prisons.

S. 545

At the request of Mr. BOREN, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 545, a bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes.

At the request of Mr. DOLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 545, supra.

S. 549

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 563

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 563, a bill to require CBO analysis of each bill or joint resolution reported in the Senate or House of Representatives to determine the impact of any Federal mandates in the bill or joint resolution.

S. 570

At the request of Mr. GRASSLEY, the names of the Senator from Texas [Mr. GRAMM] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 570, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 573

At the request of Mr. BREAUX, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 573, a bill to amend the Internal Revenue Code of 1986 to provide for a credit for the portion of employer social security taxes paid with respect to employee cash tips.

At the request of Mr. HELMS, his name was added as a cosponsor of S. 573, supra.

S. 600

At the request of Mr. BOREN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 602

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 602, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 670

At the request of Mrs. KASSEBAUM, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 670, a bill to amend the Head Start Act to make quality improvements in Head Start programs, and for other purposes.

S. 671

At the request of Mr. DOMENICI, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 671, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

S. 687

At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 732

At the request of Mr. KENNEDY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 733

At the request of Mr. RIEGLE, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 733, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 806

At the request of Mr. MITCHELL, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of S. 806, a bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment provided certain conditions are met.

S. 821

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 821, a bill to amend title XVIII of the Social Security Act to provide for uniform coverage of anticancer drugs under the Medicare Program, and for other purposes.

SENATE JOINT RESOLUTION 7

At the request of Mr. GRAMM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 7, a joint resolution to provide for a balanced budget constitutional amendment.

SENATE JOINT RESOLUTION 41

At the request of Mr. SIMON, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of Senate Joint Resolution 41, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 71

At the request of Mr. BROWN, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of Senate Joint Resolution 71, a joint resolution to designate June 5, 1993, as "National Trails Day".

SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the last week of September 1993, and the last week of September of 1994, as "National Senior Softball Week".

SENATE JOINT RESOLUTION 75

At the request of Mr. ROTH, the names of the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Alabama [Mr. HEFLIN], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 75, a joint resolution designating January 2, 1994, through January 8, 1994, as "National Law Enforcement Training Week".

SENATE JOINT RESOLUTION 77

At the request of Mr. HATCH, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Vermont [Mr. JEFFORDS], the Senator from Connecticut [Mr. DODD], the Senator from Idaho [Mr. CRAIG], the Senator from Utah [Mr. BENNETT], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 77, a joint resolution to designate the week of April 18, 1993, through April 24, 1993, as "International Student Awareness Week".

SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the names of the Senator from Washington [Mrs. MURRAY], the Senator from Indiana [Mr. COATS], the Senator from Alaska [Mr. STEVENS], the Senator from Michigan [Mr. RIEGLE], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day".

SENATE RESOLUTION 11

At the request of Mrs. KASSEBAUM, her name was withdrawn as a cosponsor of Senate Resolution 11, a resolution relating to Bosnia-Herzegovina's right to self-defense.

AMENDMENTS SUBMITTED

DEPARTMENT OF ENVIRONMENTAL PROTECTION ACT

ROTH AMENDMENT NO. 324

Mr. ROTH proposed an amendment to the bill (S. 171) to establish a Department of Environmental Protection, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Environmental Protection Act".

TITLE I—REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEC. 101. REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(a) REDESIGNATION.—The Environmental Protection Agency is redesignated as the Department of Environmental Protection (hereinafter in this Act referred to as the "Department"), and shall be an executive department in the executive branch of the Government. The Department shall be headquartered at the seat of Government. The official acronym of the Department shall be "D.E.P.".

(b) SECRETARY OF THE ENVIRONMENT.—(1) There shall be at the head of the Department a Secretary of Environmental Protection (hereinafter in this Act referred to as the "Secretary") who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of the Secretary and the Deputy Secretary appointed under subsection (d), and may include an Executive Secretary.

(c) TRANSFER.—The functions, powers, and duties of the Administrator, other officers and employees of the Environmental Protection Agency, and the various offices and agencies of the Environmental Protection Agency are transferred to and vested in the Secretary.

(d) DEPUTY SECRETARY.—There shall be in the Department a Deputy Secretary of Environmental Protection, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe, and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the Office of the Secretary.

(e) DELEGATION OF AUTHORITY.—Except as provided in this Act and other existing laws, the Secretary may delegate any functions, including the making of regulations, to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as the Secretary considers to be necessary or appropriate.

SEC. 102. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Assistant Secretaries, not to exceed 10, as the Secretary shall determine, each of whom—

(1) shall be appointed by the President, by and with the advice and consent of the Senate; and

(2) shall perform such functions as the Secretary shall prescribe.

(b) FUNCTIONS.—The Secretary shall assign to each Assistant Secretary of the Department such functions as the Secretary considers appropriate.

(c) DESIGNATION OF FUNCTIONS PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall state the particular functions of the Department (as assigned by the Secretary under subsection (b)) such individual will exercise upon taking office.

SEC. 103. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department 20 Deputy Assistant Secretaries, or such number as the Secretary determines is appropriate.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) FUNCTIONS.—Functions assigned to an Assistant Secretary under section 102(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

SEC. 104. OFFICE OF THE GENERAL COUNSEL.

(a) GENERAL COUNSEL.—There shall be in the Department the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

SEC. 105. OFFICE OF INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), is redesignated as the Office of Inspector General of the Department of Environmental Protection.

SEC. 106. REGIONAL OFFICES.

The Secretary is authorized to establish, alter, discontinue, or maintain such regional or other field offices as he may determine necessary to carry out the functions vested in him or other officials of the Department.

SEC. 107. CONTINUING PERFORMANCE OF FUNCTIONS.

(a) REDESIGNATION OF POSITIONS.—(1) The Administrator of the Environmental Protection Agency is redesignated as the Secretary of the Department of Environmental Protection.

(2) The Deputy Administrator of such agency is redesignated as the Deputy Secretary of the Department of Environmental Protection.

(3) Each Assistant Administrator of such agency is redesignated as an Assistant Secretary of the Department.

(4) The General Counsel of such agency is redesignated as the General Counsel of the Department.

(5) The Inspector General of such agency is redesignated as the Inspector General of the Department.

(b) NOT SUBJECT TO RENOMINATION OR RECONFIRMATION.—An individual serving at the pleasure of the President in a position that is redesignated by subsection (a) may continue to serve in and perform functions of that position after the date of the enactment of this Act without renomination by the President or reconfirmation by the Senate.

SEC. 108. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Environmental Protection Agency is deemed to refer to the Department of Environmental Protection;

(2) to the Administrator of the Environmental Protection Agency is deemed to refer to the Secretary of Environmental Protection;

(3) to the Deputy Administrator of the Environmental Protection Agency is deemed to refer to the Deputy Secretary of Environmental Protection; and

(4) to an Assistant Administrator of the Environmental Protection Agency is deemed to refer to the corresponding Assistant Secretary of the Department of Environmental Protection who is assigned the functions of that Assistant Administrator.

SEC. 109. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, privileges, and other administrative actions—

(1) which have been issued, made, granted or allowed to become effective by the President, the Administrator or other authorized official of the Environmental Protection Agency, or by a court of competent jurisdiction, which relate to functions of the Administrator or any other officer or agent of the Environmental Protection Agency actions; and

(2) which are in effect at the time this Act takes effect;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—This Act shall not affect any proceeding, proposed rule, or application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, and such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—This Act shall not affect suits commenced before the effective date of this Act, and in all such suits proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall be abated by reason of the enactment of this Act.

(e) PROPERTY AND RESOURCES.—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be contracts, liabilities, records, property, and other assets and interests of the Department.

SEC. 110. CONFORMING AMENDMENTS.

(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of Environmental Protection".

(b) DEFINITION OF DEPARTMENT IN CIVIL SERVICE LAWS.—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following:

"The Department of Environmental Protection.".

(c) COMPENSATION, LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Secretary of Environmental Protection.".

(d) COMPENSATION, LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of Environmental Protection".

(e) COMPENSATION, LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of Environmental Protection";

(2) by striking each reference to an Assistant Administrator, or Assistant Administrators, of the Environmental Protection Agency; and

(3) by adding at the end thereof the following:

"Assistant Secretaries, Department of Environmental Protection.

"General Counsel, Department of Environmental Protection.".

(f) INSPECTOR GENERAL ACT.—The Inspector General Act of 1978 is amended—

(1) in section 11(1)—

(A) by inserting "Environmental Protection," after "Energy,"; and

(B) by striking "Environmental Protection,"; and

(2) in section 11(2)—

(A) by inserting "Environmental Protection," after "Energy,"; and

(B) by striking "the Environmental Protection Agency,".

SEC. 111. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and other appropriate committees of the Congress, the Secretary shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to the laws of the United States, to reflect the changes made by this Act. Such proposed legislation shall be submitted not later than 1 year after the effective date of this Act.

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. ACQUISITION OF COPYRIGHTS AND PATENTS.

The Secretary may acquire any of the following rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) Copyrights, patents, and applications for patents, designs, processes, and manufacturing data.

(2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before suit is brought, for past infringement of patents or copyrights.

SEC. 202. GIFTS AND BEQUESTS.

The Secretary may accept, hold, administer, and utilize gifts, bequests, and devises of real or personal property for the purpose of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary.

SEC. 203. OFFICIAL SEAL OF DEPARTMENT.

On and after the effective date of this Act, the seal of the Environmental Protection Agency, with appropriate changes, shall be the official seal of the Department, until such time as the Secretary may cause an official seal to be made for the Department of such design as the Secretary shall approve.

SEC. 204. USE OF LIKENESS OF OFFICIAL SEAL OF DEPARTMENT.

(a) DISPLAY OF SEAL.—Whoever knowingly displays any printed or other likeness of the official seal of the Department, or any facsimile thereof, in or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

(b) MANUFACTURE, REPRODUCTION, SALE, OR PURCHASES FOR RESALE.—Except as authorized under regulations promulgated by the Secretary and published in the Federal Register, whoever knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department or any substantial part thereof (except for manufacture or sale of the article for the official use of the Government of the United States), shall be fined not more than $250 or imprisoned not more than 6 months, or both.

(c) INJUNCTIONS.—A violation of subsection (a) or (b) may be enjoined by an action brought by the Attorney General in the appropriate district court of the United States. The Attorney General shall file such an action upon request of the Secretary or any authorized representative of the Secretary.

SEC. 205. USE OF STATIONERY, PRINTED FORMS, AND SUPPLIES OF ENVIRONMENTAL PROTECTION AGENCY.

The Secretary shall ensure that, to the extent practicable, existing stationery, printed forms, and other supplies of the Environmental Protection Agency are used to carry out functions of the Department before procuring new stationery, printed forms, and other supplies for the Department.

SPECTER (AND OTHERS) AMENDMENT NO. 325

Mr. SPECTER (for himself, Mr. D'Amato, Mr. Pressler, and Mr. Brown) proposed an amendment to the bill, S. 171, supra; as follows:

At the end of the bill add the following new title:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

(a) Short Title.—This Act may be cited as the "Comprehensive Access and Affordability Health Care Act of 1993".

(b) Table of Contents.—The table of contents is as follows:

TITLE I—MANAGED COMPETITION IN HEALTH CARE PLANS

Sec. 100. Block grant program.

Subtitle A—Health Plan Purchasing Cooperatives

Sec. 101. Establishment and organization; HPPC area.
Sec. 102. Agreements with accountable health plans (AHPs).
Sec. 103. Agreements with employers.
Sec. 104. Enrolling individuals in accountable health plans through a HPPC.
Sec. 105. Receipt of premiums.
Sec. 106. Coordination among HPPCs.

Subtitle B—Accountable Health Plans (AHPs)

Part 1—Requirements for Accountable Health Plans

Sec. 111. Registration process; qualifications.
Sec. 112. Specified uniform set of effective benefits.
Sec. 113. Collection and provision of standardized information.
Sec. 114. Prohibition of discrimination based on health status for certain conditions; limitation on preexisting condition exclusions.
Sec. 115. Use of standard premiums.
Sec. 116. Financial solvency requirements.
Sec. 117. Grievance mechanisms; enrollee protections; written policies and procedures respecting advance directives; agent commissions.
Sec. 118. Additional requirements of open AHPs.
Sec. 119. Additional requirement of certain AHPs.

Part 2—Preemption of State Laws for Accountable Health Plans

Sec. 120. Preemption from State benefit mandates.
Sec. 121. Preemption of State law restrictions on network plans.
Sec. 122. Preemption of State laws restricting utilization review programs.

Subtitle C—Federal Health Board

Sec. 131. Establishment of Federal Health Board.
Sec. 132. Specification of uniform set of effective benefits.
Sec. 133. Health benefits and data standards board.
Sec. 134. Health plan standards board.
Sec. 135. Registration of accountable health plans.
Sec. 136. Specification of risk-adjustment factors.
Sec. 137. National health data system.
Sec. 138. Measures of quality of care of specialized centers of care.
Sec. 139. Report on impact of adverse selection; recommendations on mandated purchase of coverage.

TITLE II—PRIMARY AND PREVENTIVE CARE SERVICES

Sec. 201. Maternal and infant care coordination.
Sec. 202. Reauthorization of certain programs providing primary and preventive care.
Sec. 203. Comprehensive school health education program.
Sec. 204. Comprehensive early childhood health education program.
Sec. 205. Disease prevention and health promotion programs treated as medical care.
Sec. 206. Worksite wellness grant program.

TITLE III—TAX INCENTIVES TO INCREASE HEALTH CARE ACCESS

Sec. 301. Credit for accountable health plan costs.
Sec. 302. No deduction for employer health plan expenses in excess of accountable health plan costs.
Sec. 303. Increase in deduction for health plan premium expenses of self-employed individuals.
Sec. 304. Deduction for health plan premium expenses of individuals.
Sec. 305. Exclusion from gross income for employer contributions to accountable health plans.

TITLE IV—DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

Sec. 401. Regulations requiring disclosure of certain information to beneficiaries under the medicare and medicaid programs.
Sec. 402. Outreach activities.

TITLE V—COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

Sec. 501. Purpose.
Sec. 502. Hospital technology and services sharing program.

TITLE VI—PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

Sec. 601. Right to decline medical treatment.
Sec. 602. Federal right enforceable in Federal courts.
Sec. 603. Suicide and homicide.
Sec. 604. Rights granted by States.
Sec. 605. Effect on other laws.
Sec. 606. Information provided to certain individuals.
Sec. 607. Recommendations to the Congress on issues relating to a patient's right of self-determination.
Sec. 608. Effective date.

TITLE VII—INSURANCE ADMINISTRATION SIMPLIFICATION

Sec. 701. Uniform computerized billing system and standards for electronic data interchange.

TITLE VIII—CHILDREN'S HEALTH CARE

Sec. 801. School based health insurance.
Sec. 802. Refundable tax credit for children's health insurance expenses.
Sec. 803. WIC program, maternal and child health services block grant program, and medicaid.
Sec. 804. Demonstration program.
Sec. 805. Authorization of appropriations.

TITLE IX—IMPROVED ACCESS TO HEALTH CARE FOR RURAL AND UNDERSERVED AREAS

Subtitle A—Revenue Incentives for Practice in Rural Areas

Sec. 901. Revenue incentives for practice in rural areas.

Subtitle B—Public Health Service Act Provisions

Sec. 911. National health service corps.
Sec. 912. Establishment of grant program.
Sec. 913. Establishment of new program to provide funds to allow federally qualified health centers and other entities or organizations to provide expanded services to medically undeserved individuals
Sec. 914. Rural mental health outreach grants.
Sec. 915. Health professions training.
Sec. 916. Rural health extension networks.
Sec. 917. Rural managed care cooperatives.

TITLE X—PRIMARY AND PREVENTIVE CARE PROVIDERS

Sec. 1001. Increasing payments to certain nonphysician providers under the medicare program.
Sec. 1002. Requiring coverage of certain nonphysician providers under the medicaid program.
Sec. 1003. Medical student tutorial program grants.
Sec. 1004. General medical practice grants.
Sec. 1005. Payments for direct and indirect graduate medical education costs.

TITLE XI—MALPRACTICE REFORM

Sec. 1101. Prelitigation screening panel grants.

TITLE XII—MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

Sec. 1201. Establishment of medicare primary and specialty preferred provider organization demonstration projects.

TITLE XII—TREATMENT AND OUTCOMES RESEARCH

Sec. 1301. New drug clinical trials program.
Sec. 1302. Medical treatment effectiveness.
Sec. 1303. Treatment practice guidelines as a legal standard.

TITLE XIV—LONG-TERM CARE

Subtitle A—Tax Treatment of Qualified Long-Term Care Insurance Policies

Sec. 1401. Amendment of 1986 Code.
Sec. 1402. Definitions of qualified long-term care insurance and premiums.
Sec. 1403. Treatment of qualified long-term care insurance as accident and health insurance for purposes of taxation of insurance companies.
Sec. 1404. Treatment of accelerated death benefits under life insurance contracts.

Subtitle B—Tax Incentives for Purchase of Qualified Long-Term Care Insurance

Sec. 1411. Credit for qualified long-term care premiums.
Sec. 1412. Deduction for expenses relating to qualified long-term care.
Sec. 1413. Exclusion from gross income of benefits received under qualified long-term care insurance.

Sec. 1414. Employer deduction for contributions made for long-term care insurance.
Sec. 1415. Inclusion of qualified long-term care insurance in cafeteria plans.
Sec. 1416. Exclusion from gross income for amounts withdrawn from individual retirement plans and section 401(k) plans for qualified long-term care premiums and expenses.
Sec. 1417. Exclusion from gross income for amounts received on cancellation of life insurance policies and used for qualified long-term health care insurance.
Sec. 1418. Use of gain from sale of principal residence for purchase of qualified long-term health care insurance.

SUBTITLE C—MEDICAL AMENDMENTS

Sec. 1421. Expansion of medical eligibility for long-term care benefits.
Sec. 1422. Effective date.

TITLE XV—FINANCING

Sec. 1501. Repeal of dollar limitation on amount of wages subject to hospital insurance tax.

TITLE XVI—RESPONSIBILITIES UNDER UNIFORM SET OF EFFECTIVE BENEFITS

Sec. 1601. Employer responsibilities under uniform set of effective benefits.
Sec. 1602. Individual responsibilities under uniform set of effective benefits.
Sec. 1603. Self-insured plan requirements.
Sec. 1604. Provider responsibilities under uniform set of effective benefits.

TITLE XVII—ENFORCEMENT PROVISIONS

Sec. 1701. Enforcement provisions for carriers, providers, and employers.
Sec. 1702. Enforcement provisions for individuals.

SEC. 2. DEFINITIONS.

(a) ELIGIBILITY.—As used in this Act:

(1) ELIGIBLE INDIVIDUAL.—The term "eligible individual" means, with respect to HPPC area, an individual who—

(A) is an eligible employee;

(B) is an eligible resident; or

(C) an eligible family member of an eligible employee or eligible resident.

(2) ELIGIBLE EMPLOYEE.—The term "eligible employee" means, with respect to a HPPC area, an individual residing in the area who is the employee of a small employer.

(3) ELIGIBLE FAMILY MEMBER.—The term "eligible family member" means, with respect to an eligible employee or other principal enrollee, an individual residing who—

(A)(i) is the spouse of the employee or principal enrollee; or

(ii) is an unmarried dependent child under 22 years of age; including—

(I) an adopted child or recognized natural child; and

(II) a stepchild or foster child but only if the child lives with the employee or principal enrollee in a regular parent-child relationship;

or such an unmarried dependent child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 22;

(B) is a citizen or national of the United States, an alien lawfully admitted to the United States for permanent residence, or an alien otherwise lawfully residing permanently in the United States under color of law; and

(C) with respect to an eligible resident, is not a medicare-eligible individual.

(4) ELIGIBLE RESIDENT.—

(A) IN GENERAL.—The term "eligible resident" means with respect to a HPPC area, an individual who is not an eligible employee, is residing in the area, and is a citizen or national of the United States, an alien lawfully admitted for permanent residence, and an alien otherwise permanently residing in the United States under color of law.

(B) EXCLUSION OF CERTAIN INDIVIDUALS OFFERED COVERAGE THROUGH A LARGE EMPLOYER.—The term "eligible resident" does not include an individual who—

(i) is covered under an AHP pursuant to an offer made under section 105(b)(1)(A); or

(ii) could be covered under an AHP as the principal enrollee pursuant to such an offer if such offer had been accepted.

(C) TREATMENT OF MEDICARE BENEFICIARIES.—The term "eligible resident" does not include a medicare-eligible beneficiary.

(5) ENROLLEE UNIT.—The term "enrollee unit" means one unit in the case of coverage on an individual basis or in the case of coverage on a family basis.

(6) MEDICARE BENEFICIARY.—The term "medicare beneficiary" means an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, including an individual who is entitled to such benefits pursuant to an enrollment under section 1818 or 1818A of such Act.

(7) MEDICARE-ELIGIBLE INDIVIDUAL.—The term "medicare-eligible individual" means an individual who—

(A) is a medicare beneficiary; or

(B) is not a medicare beneficiary but is eligible to enroll under part A or part B of title XVIII of the Social Security Act.

(b) ABBREVIATIONS.—As used in this Act:

(1) AHP; ACCOUNTABLE HEALTH PLAN.—The terms "accountable health plan" and "AHP" mean a health plan registered with the Board under section 111(a).

(a) BOARD.—The term "Board" means the Federal Health Board established under subtitle C of title I.

(3) HPPC; HEALTH PLAN PURCHASING COOPERATIVE.—The terms "health plan purchasing cooperative" and "HPPC" mean a health plan purchasing cooperative established under subtitle A of title I.

(4) CLOSED AND OPEN PLANS.—

(A) CLOSED.—A plan is "closed" if the plan is limited by structure or law to a particular employer or industry or is organized on behalf of a particular group. A plan maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and one or more employers shall be considered to be a closed plan.

(B) OPEN.—A plan is "open" if the plan is not closed (within the meaning of subparagraph (A)).

(c) OTHER TERMS.—As used in this Act:

(1) HEALTH PLAN.—The term "health plan" means a plan that provides health benefits, whether directly, through insurance, or otherwise, and includes a policy of health insurance, a contract of a service benefit organization, or a membership agreement with a health maintenance organization or other prepaid health plan, and also includes an employee welfare benefit plan or a multiple employer welfare plan (as such terms are defined in section 3 of the Employee Retirement Income Security Act of 1974).

(2) SMALL EMPLOYER.—

(A) IN GENERAL.—Subject to subparagraph (B), the term "small employer" means an employer that normally employed fewer than 100 employees during a typical business day in the previous year.

(B) SPECIAL RULE FOR LARGE EMPLOYERS.—Subject to subparagraph (C), the Board shall provide a procedure by which, in the case of an employer that is not a small employer but normally employs fewer than 100 employees in a HPPC area (or other locality identified by the Board) during a typical business day, the employer, upon application, would be considered to be a small employer with respect to such employees in the HPPC area (or other locality). Such procedure shall be designed so as to prevent the adverse selection of employees with respect to which the previous sentence is applied.

(C) STATE ELECTION.—Subject to section 101(a)(3), a State may by law, with respect to employers in the State, substitute for "100" in subparagraphs (A) and (B) any greater number (not to exceed 10,001), so long as such number is applied uniformly to all employers in a HPPC area.

(3) HPPC STANDARD PREMIUM AMOUNT.—The term "HPPC standard premium amount" means, with respect to an AHP offered by a HPPC, the sum of—

(A) the standard premium amount established by the AHP under section 115, and

(B) the HPPC overhead amount established under section 104(a)(3).

(4) PREMIUM CLASS.—The term "premium class" means a class established under section 115(a)(2).

(5) STATE.—The term "State" includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

(6) TYPE OF ENROLLMENT.—There are 4 "types of enrollment":

(A) Coverage only of an individual (referred to in this Act as enrollment "on an individual basis").

(B) Coverage of an individual and the individual's spouse.

(C) Coverage of an individual and one child.

(D) Coverage of an individual and more than one eligible family member.

The types of coverage described in subparagraphs (B) through (D) are collectively referred to in this Act as enrollment "on a family basis".

(7) UNIFORM SET OF EFFECTIVE BENEFITS.—The term "uniform set of effective benefits" means, for a year, such set of benefits as specified by the Board under section 132(a).

TITLE I—MANAGED COMPETITION IN HEALTH CARE PLANS

SEC. 100. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—The Secretary shall award grants to States to enable such State to defray the costs associated with the implementation and administration of the requirements of this title in such States.

(b) AMOUNT OF GRANTS.—The amount of a grant awarded to a State under this section shall be determined by the Secretary according to a formula developed by the Secretary to take into consideration the population, health care availability, and geographic make-up of the State as compared to other States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to enable the Secretary to award grants under subsection (a), such sums as may be necessary for each fiscal year.

Subtitle A—Health Plan Purchasing Cooperatives

SEC. 101. ESTABLISHMENT AND ORGANIZATION; HPPC AREAS.

(a) HPPC AREAS.—

(1) IN GENERAL.—For purposes of carrying out this title, subject to paragraphs (2) and (3), each State shall be considered a HPPC area.

(2) ALTERNATIVE, INTRASTATE AREAS.—Each State may provide for the division of the State into HPPC areas so long as—

(A) all portions of each metropolitan statistical area in a State are within the same HPPC area; and

(B) the number of individuals residing within a HPPC area is not less than 100,000.

(3) ALTERNATIVE, INTERSTATE AREAS.—In accordance with rules established by the Board, one or more contiguous States may provide for the establishment of a HPPC area that includes adjoining portions of the States so long as such area, if it includes any part of a metropolitan statistical area, includes all of such area. In the case of HPPC serving a multi-state area, section 2(c)(2)(C) shall only apply to the area if all the States encompassed in the area agree to the number to be substituted.

(b) ESTABLISHMENT OF HPPCS.—

(1) IN GENERAL.—Each State shall provide, by legislation or otherwise, for the establishment by not later than July 1, 1994, as a not-for-profit corporation, with respect to each HPPC area (specified under subsection (a)) of a health plan purchasing cooperative (each in this subtitle referred to as a "HPPC").

(2) SINGLE ORGANIZATION SERVING MULTIPLE HPPC AREAS.—Nothing in this subsection shall be construed as preventing—

(A) a single corporation from being the HPPC for more than one HPPC area; or

(B) a State from coordinating, through a single entity, the activities of one or more HPPCs in the State.

(3) INTERSTATE HPPC AREAS.—HPPCs with respect to interstate areas specified under subsection (a)(3) shall be established in accordance with rules of the Board.

(c) BOARD OF DIRECTORS.—Each HPPC shall be governed by a Board of Directors, appointed by the Governor or other chief executive officer of the State (or as otherwise provided under State law or by the Board in the case of HPPC described in subsection (b)(3)).

(d) DUTIES OF HPPCS.—Each HPPC shall—

(1) enter into agreements with accountable health plans under section 102;

(2) enter into agreements with small employers under section 103;

(3) enroll individuals under accountable health plans, in accordance with section 104;

(4) receive and forward adjusted premiums, in accordance with section 105, including the reconciliation of low-income assistance among accountable health plans;

(5) provide for coordination with other HPPCs, in accordance with section 106; and

(6) carry out other functions provided for under this title.

SEC. 102. AGREEMENTS WITH ACCOUNTABLE HEALTH PLANS (AHPS).

(a) AGREEMENTS.—

(1) OPEN AHPS.—Each HPPC for a HPPC area shall enter into an agreement under this section with each open accountable health plan registered with the Board under subtitle B, that serves residents of the area. Each such agreement under this section, between an open AHP and a HPPC shall include (as specified by the Board) provisions consistent with the requirements of the succeeding subsections of this section. Except as provided in paragraph (3)(A), a HPPC may not refuse to enter into such an agreement with an open AHP which is registered with the Board under subtitle B.

(2) CLOSED AHPS.—Each HPPC for a HPPC area shall enter into a special agreement under this paragraph with each closed AHP that serves residents of the area, in order to carry out subsection (e). Except as otherwise specifically provided, any reference in this Act to an agreement under this section shall not be considered to be a reference to an agreement under this paragraph.

(3) TERMINATION OF AGREEMENT.—In accordance with regulations of the Board—

(A) the HPPC may terminate an agreement under paragraph (1) if the AHP's registration under subtitle B is terminated or for other good cause shown; and

(B) the AHP may terminate either such agreement only upon sufficient notice in order to provide for the orderly enrollment of enrollees under other APHs.

The Board shall establish a process for the termination of agreements under this paragraph.

(b) OFFER OF ENROLLMENT OF INDIVIDUALS.—

(1) IN GENERAL.—Under an agreement under this section between an AHP and a HPPC, the HPPC shall offer, on behalf of the AHP, enrollment in the AHP to eligible individuals (as defined in section 2(a)(1)) at the applicable monthly premium rates (specified under section 105(a)).

(2) TIMING OF OFFER.—The offer of enrollment shall be available—

(A) to eligible individuals who are employees of small employers, during the 30-day period beginning on the date of commencement of employment; and

(B) to other eligible individuals, at such time (including an annual open enrollment period specified by the Board) as the HPPC shall specify, consistent with section 104(b).

(c) RECEIPT OF GROSS PREMIUMS.—

(1) IN GENERAL.—Under an agreement under this section between a HPPC and an AHP, payment of premiums shall be made, by individuals or employers on their behalf, directly to the HPPC for the benefit of the AHP.

(2) TIMING OF PAYMENT OF PREMIUMS.—Premiums shall be payable on a monthly basis (or, at the option of an eligible individual described in section 2(a)(2)(B), on a quarterly basis). The HPPC may provide for penalties and grace periods for late payment.

(3) AHPS RETAIN RISK OF NONPAYMENT.—Nothing in this subsection shall be construed as placing upon a HPPC any risk associated with failure to make prompt payment of premiums (other than the portion of the premium representing the HPPC overhead amount). Each eligible individual who enrolls with an AHP through the HPPC is liable to the AHP for premiums.

(d) FORWARDING OF ADJUSTED PREMIUMS.—

(1) IN GENERAL.—Under an agreement under this section between an AHP and a HPPC, subject to section 115(b), the HPPC shall forward to each AHP in which an eligible individual has been enrolled an amount equal to the sum of—

(A) the standard premium rate (established under section 115) received for type of enrollment, and

(B) the product of—

(i) the lowest standard premium rate offered by an open AHP for the type of enrollment; and

(ii) a risk-adjustment factor (determined and adjusted in accordance with section 136(b)).

(2) PAYMENTS.—Payments shall be made by the HPPC under this subsection within a period (specified by the Board and not to exceed 7 days) after receipt of the premium from the employer of the eligible individual or the eligible individual, as the case may be.

(3) ADJUSTMENTS FOR DIFFERENCES IN NONPAYMENT RATES.—In accordance with rules established by the Board, each agreement between an AHP and a HPPC under this section shall provide that, if a HPPC determines that the rates of nonpayment of premiums during grace periods established under subsection (c)(2) vary appreciably among AHPs, the HPPC shall provide for such adjustments in the payments made under this subsection as will place each AHP in the same position as if the rates of nonpayment were the same.

SEC. 103. AGREEMENTS WITH EMPLOYERS.

(a) IN GENERAL.—Each HPPC for a HPPC area shall offer each small employer that employs individuals in the area the opportunity to enter into an agreement under this section. Each agreement under this section, between an employer and a HPPC shall include (as specified by the Board) provisions consistent with the requirements specified in the succeeding subsections of this section.

(b) FORWARDING INFORMATION ON ELIGIBLE EMPLOYEES.—

(1) IN GENERAL.—Under an agreement under this section between a small employer and a HPPC, the employer must forward to the appropriate HPPC the name and address (and other identifying information required by the HPPC) of each employee (including part-time and seasonal employees).

(2) APPROPRIATE HPPC.—In this subsection, the term "appropriate HPPC" means the HPPC for the principal place of business of the employer or (at the option of an employee) the HPPC serving the place of residence of the employee.

(c) PAYROLL DEDUCTION.—

(1) IN GENERAL.—Under an agreement under this section between a small employer and a HPPC, if the HPPC indicates to the employer that an eligible employee is enrolled in an AHP through the HPPC, the employer shall provide for the deduction, from the employee's wages or other compensation, of the amount of the premium due (less any employer contribution). In the case of an employee who is paid wages or other compensation on a monthly or more frequent basis, an employer shall not be required to provide for payment of amounts to a HPPC other than at the same time at which the amounts are deducted from wages or other compensation. In the case of an employee who is paid wages or other compensation less frequently than monthly, an employer may be required to provide for payment of amounts to a HPPC on a monthly basis.

(2) ADDITIONAL PREMIUMS.—If the amount withheld under paragraph (1) is not sufficient to cover the entire cost of the premiums, the employee shall be responsible for paying directly to the HPPC the difference between the amount of such premiums and the amount withheld.

(d) LIMITED EMPLOYER OBLIGATIONS.—Nothing in this section shall be construed as—

(1) requiring an employer to provide directly for enrollment of eligible employees under an accountable health plan or other health plan;

(2) requiring the employer to make, or preventing the employer from making, information about such plans available to such employees; or

(3) requiring the employer to make, or preventing the employer from making, an employer contribution for coverage of such individuals under such plan.

SEC. 104. ENROLLING INDIVIDUALS IN ACCOUNTABLE HEALTH PLANS THROUGH A HPPC.

(a) IN GENERAL.—Each HPPC shall offer in accordance with this section eligible individuals the opportunity to enroll in an AHP for the HPPC area in which the individual resides.

(b) Enrollment Process.—

(1) In general.—Each HPPC shall establish an enrollment process in accordance with rules established by the Board consistent with this subsection.

(2) Initial enrollment period.—Each eligible individual, at the time the individual first becomes an eligible individual in a HPPC area of a HPPC, have an initial enrollment period (of not less than 30 days) in which to enroll in an AHP.

(3) General enrollment period.—Each HPPC shall establish an annual period, of not less than 30 days, during which eligible individuals may enroll in an AHP or change in the AHP in which the individual is enrolled.

(4) Special enrollment periods.—In the case of individuals who—

(A) through marriage, divorce, birth or adoption of a child, or similar circumstances, experience a change in family composition; or

(B) experience a change in employment status (including a significant change in the terms and conditions of employment);

each HPPC shall provide for a special enrollment period in which the individual is permitted to change the individual or family basis of coverage or the AHP in which the individual is enrolled. The circumstances under which such special enrollment periods are required and the duration of such periods shall be specified by the Board.

(5) Transitional enrollment period.—Each HPPC shall provide for a special transitional enrollment period (during a period beginning in the months of October through December of 1994 as specified by the Board) during which eligible individuals may first enroll.

(c) Distribution of Comparative Information.—Each HPPC shall distribute, to eligible individuals and employers, information, in comparative form, on the prices, outcomes, enrollee satisfaction, and other information pertaining to the quality of the different AHPs for which it is offering enrollment. Each HPPC also shall make such information available to other interested persons.

(d) Period of Coverage.—

(1) Initial enrollment period.—In the case of an eligible individual who enrolls with an AHP through a HPPC during an initial enrollment period, coverage under the plan shall begin on such date (not later than the first day of the first month that begins at least 15 days after the date of enrollment) as the Board shall specify.

(2) General enrollment periods.—In the case of an eligible individual who enrolls with an AHP through a HPPC during a general enrollment period, coverage under the plan shall begin on the 1st day of the 1st month beginning at least 15 days after the end of such period.

(3) Special enrollment periods.—

(A) In general.—In the case of an eligible individual who enrolls with an AHP during a special enrollment period described in subsection (b)(4), coverage under the plan shall begin on such date (not later than the first day of the first month that begins at least 15 days after the date of enrollment) as the Board shall specify, except that coverage of family members shall begin as soon as possible on or after the date of the event that gives rise to the special enrollment period.

(B) Transitional special enrollment period.—In the case of an eligible individual who enrolls with an AHP during the transitional special enrollment period described in subsection (b)(5), coverage under the plan shall begin on January 1, 1995.

(4) Minimum period of enrollment.—In order to avoid adverse selection, each HPPC may require, consistent with rules of the National Board, that enrollments with AHPs be for not less than a specified minimum enrollment period (with exceptions permitted for such exceptional circumstances as the Board may recognize).

SEC. 105. RECEIPT OF PREMIUMS

(a) Enrollment Charge.—The amount charged by a HPPC for coverage under an AHP in a HPPC area is equal to the sum of—

(1) the standard premium rate established by the AHP under section 115 for such coverage; and

(2) the HPPC overhead amount established under subsection (b)(3) for enrollment of individuals in the HPPC area.

(b) HPPC Overhead Amount.—

(1) HPPC budget.—Each HPPC shall establish a budget for each year for each HPPC area in accordance with regulations established by the Board.

(2) HPPC overhead percentage.—The HPPC shall compute for each HPPC area an overhead percentage which, when applied to the standard premium amount for individual coverage for each enrollee unit, will provide for revenues equal to the budget for the HPPC area for the year. Such percentage may in no case exceed 5 percentage points.

(3) HPPC overhead amount.—The HPPC overhead amount for enrollment, whether on an individual or family basis, in an AHP for a HPPC area for a month is equal to the applicable HPPC overhead percentage (computed under paragraph (2)) multiplied by the standard premium amount for individual coverage under the AHP for the month.

SEC. 106. COORDINATION AMONG HPPCS.

(a) In General.—The Board shall establish rules consistent with this section for coordination among HPPCs in cases where small employers are located in one HPPC area and their employees reside in a different HPPC area (and are eligible for enrollment with AHPs located in the other area).

(b) Coordination Rules.—Under the rules established under subsection (a)(1)—

(1) HPPC for employer.—The HPPC for the principal place of business of a small employer shall be responsible—

(A) for providing information to the employer's employees on AHPs for areas in which employees reside;

(B)(i) for enrolling employees under the AHP selected (even if the AHP selected is not in the same HPPC area as the HPPC) and (ii) if the AHP chosen is not in the same HPPC area as the HPPC, for forwarding the enrollment information to the HPPC for the area in which the AHP selected is located; and

(C) in the case of premiums to be paid through payroll deduction, to receive such premiums and forward them to the HPPC for the area in which the AHP selected is located.

(2) HPPC for employee residence.—The HPPC for the HPPC area in which an employee resides shall be responsible for providing other HPPCs with information concerning AHPs being offered in other HPPC areas within the State.

Subtitle B—Accountable Health Plans (AHPs)

Part 1—Requirements for Accountable Health Plans

SEC. 111. REGISTRATION PROCESS; QUALIFICATIONS.

(a) In General.—The Board shall provide a process whereby a health plan (as defined in section 2(c)(1)) may be registered with the Board by its sponsor as an accountable health plan.

(b) Qualifications.—In order to be eligible to be registered, a plan must—

(1) provide, in accordance with section 112, for coverage of uniform set of effective benefits specified by the Board;

(2) provide, in accordance with section 113, for the collection and reporting to the Board of certain information regarding its enrollees and provision of services;

(3) not discriminate in enrollment or benefits, as required under section 114;

(4) establish standard premiums for the uniform set of effective benefits, in accordance with section 115;

(5) meet financial solvency requirements, in accordance with section 116;

(6) provide for effective grievance procedures and restrict certain physician incentive plans, in accordance with section 117; and

(7) in the case of an open plan (as defined in section 2(b)(4)(B)), meet certain additional requirements under section 118 (relating to acceptance of enrollees and participation as a plan under the medicare program under the Social Security Act and under the Federal employees health benefits program).

(c) Minimum Size for Closed Plans.—No plan may be registered as a closed AHP under this section unless the plan covers at least a number of employees greater than the applicable number of employees specified in section 2(c)(2).

(d) Medicare Requirement.—No plan may be registered as an AHP under this section unless the plan—

(1) meets the requirement of section 118(c); or

(2) provides for payment of the medicare adjustment amount under section 119.

SEC. 112. SPECIFIED UNIFORM SET OF EFFECTIVE BENEFITS.

(a) Benefits.—The Board shall not accept the registration of a health plan as an accountable health plan unless, subject to subsection (b), the plan—

(1) offers only the uniform set of effective benefits, specified by Board under section 132(a);

(2) has entered into arrangements with a sufficient number and variety of providers to provide for its enrollees the uniform set of effective benefits without imposing cost-sharing in excess of the cost-sharing described in paragraph (3);

(3)(A) provides, subject to subsection (c), for imposition of uniform cost-sharing (such as deductibles and copayments), specified under such subsection as part of such set of benefits; and

(B) does not permit providers participating in the plan under paragraph (2) to charge for covered services amounts in excess of such cost-sharing; and

(4) provides, in the case of individuals covered under more than one accountable health plan, for coordination of coverage under such plans in an equitable manner.

(b) Treatment of Additional Benefits.—

(1) In general.—Subject to paragraph (2), subsection (a) shall not be construed as preventing an AHP from offering benefits in addition to the uniform set of effective benefits or for reducing the cost-sharing below the uniform cost-sharing, if such additional benefits or reductions in cost-sharing are offered, and priced, separately from the benefits described in subsection (a).

(2) No duplicative benefits.—An AHP may not offer under paragraph (1) any additional benefits that have the effect of dupli-

cating the benefits required under subsection (a).

SEC. 113. COLLECTION AND PROVISION OF STANDARDIZED INFORMATION.

(a) PROVISION OF INFORMATION.—

(1) IN GENERAL.—Each AHP must provide the Board (at a time, not less frequently than annually, and in an electronic, standardized form and manner specified by the Board) such information as the Board determines to be necessary, consistent with this subsection and section 137, to evaluate the performance of the AHP in providing the uniform set of effective benefits to enrollees.

(2) INFORMATION TO BE INCLUDED.—Subject to paragraph (3), information to be reported under this subsection shall include at least the following:

(A) Information on the characteristics of enrollees that may affect their need for or use of health services.

(B) Information on the types of treatments and outcomes of treatments with respect to the clinical health, functional status, and well-being of enrollees.

(C) Information on enrollee satisfaction, based on standard surveys prescribed by the Board.

(D) Information on health care expenditures, volume and prices of procedures, and use of specialized centers of care (for which information is submitted under section 138).

(E) Information on the flexibility permitted by plans to enrollees in their selection of providers.

(3) SPECIAL TREATMENT.—The Board may waive the provision of such information under paragraph (2), or require such other information, as the Board finds appropriate in the case of newly established AHP for which such information is not available.

(b) CONDITIONING CERTAIN PROVIDER PAYMENTS.—

(1) IN GENERAL.—In order to assure the collection of all information required from the direct providers of services for which benefits are available through an AHP, each AHP may not provide payment for services (other than emergency services) furnished by a provider to meet the uniform set of effective benefits unless the provider has given the AHP (or has given directly to the National Board) standard information (specified by the Board) respecting the services.

(2) FORWARD INFORMATION.—If information under paragraph (1) is given to the AHP, the AHP is responsible for forwarding the information to the Board.

SEC. 114. PROHIBITION OF DISCRIMINATION BASED ON HEALTH STATUS FOR CERTAIN CONDITIONS; LIMITATION ON PRE-EXISTING CONDITION EXCLUSIONS.

(a) IN GENERAL.—Except as provided under subsection (b), an AHP may not deny, limit, or condition the coverage under (or benefits of) the plan based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

(b) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS FOR SERVICES.—

(1) IN GENERAL.—Subject to the succeeding provisions of this subsection, an AHP may exclude coverage with respect to services related to treatment of a preexisting condition, but the period of such exclusion may not exceed 6 months beginning on the date of coverage under the plan. The exclusion of coverage shall not apply to services furnished to newborns and to pregnant women.

(2) CREDITING OF PREVIOUS COVERAGE.—

(A) IN GENERAL.—An AHP shall provide that if an enrollee is in a period of continuous coverage (as defined in subparagraph (B)(i)) as of the date of initial coverage under such plan, any period of exclusion of coverage with respect to a preexisting condition for such services or type of services shall be reduced by 1 month for each month in the period of continuous coverage.

(B) DEFINITIONS.—As used in this paragraph:

(i) PERIOD OF CONTINUOUS COVERAGE.—The term "period of continuous coverage" means the period beginning on the date an individual is enrolled under an AHP (or, before July 1, 1994, under any health plan that provides benefits with respect to such services) and ends on the date the individual is not so enrolled for a continuous period of more than 3 months.

(ii) PREEXISTING CONDITION.—The term "preexisting condition" means, with respect to coverage under an AHP, a condition which has been diagnosed or treated during the 3-month period ending on the day before the first date of such coverage (without regard to any waiting period).

(3) LIMITATION.—This subsection shall not apply to treatment which is not within the uniform set of effective benefits.

SEC. 115. USE OF STANDARD PREMIUMS.

(a) STANDARD PREMIUMS FOR OPEN AHPS.—

(1) IN GENERAL.—Subject to subsection (b), each open AHP shall establish a standard premium for the uniform set of effective benefits within each HPPC area in which the plan is offered. The amount of premium applicable for all individuals with a premium class (established under paragraph (2)) is the standard premium amount multiplied by the premium class factor specified by the Board for that class under paragraph (2)(B). Within a HPPC area for individuals within a premium class, the standard premium for all individuals in the class shall be the same.

(2) PREMIUM CLASSES.—

(A) IN GENERAL.—The Board shall establish premium classes—

(i) based on types of enrollment (described in section 2(c)(6)); and

(ii) within each type of enrollment, based on age of principal enrollee.

In carrying out clause (ii), the Board shall establish reasonable age bands within which premium amounts will not vary for a type of enrollment.

(B) PREMIUM CLASS FACTORS.—

(i) IN GENERAL.—For each premium class established under subparagraph (A), the Board shall establish a premium class factor that reflects, subject to clause (ii), the relative actuarial value of benefits for an average class.

(ii) LIMIT ON VARIATION IN PREMIUM CLASS FACTORS.—The highest premium class factor may not exceed twice the lowest premium class factor and the weighted average of the premium class factors shall be 1.

(3) METHODOLOGY.—Standard premiums are subject to adjustment in accordance with section 102(d)(1).

(b) LIMITATION ON PREMIUM INCREASES.—

(1) BOARD ACTION.—The Board shall establish annual limits on the permissible percentage rate of increase for premiums with respect to AHP's providing the uniform set of effective benefits.

(2) INCREASES.—Annual increases in premiums for an AHP may not exceed the percentage limit established by the Board under paragraph (1).

SEC. 116. FINANCIAL SOLVENCY REQUIREMENTS.

(a) SOLVENCY PROTECTION.—

(1) FOR INSURED PLANS.—In the case of an AHP that is an insured plan (as defined by the Board) and is issued in a State, in order for the plan to be registered under this subtitle the Board must find that the State has established satisfactory protection of enrollees with respect to potential insolvency.

(2) FOR OTHER PLANS.—In the case of an AHP that is not an insured plan, the Board may require the plan to provide for such bond or provide other satisfactory assurances that enrollees under the plan are protected with respect to potential insolvency of the plan.

(b) PROTECTION AGAINST PROVIDER CLAIMS.—In the case of a failure of an AHP to make payments with respect to the uniform set of basic benefits, under standards established by the Board, an individual who is enrolled under the plan is not liable to any health care provider or practitioner with respect to the provision of health services within such uniform set for payments in excess of the amount for which the enrollee would have been liable if the plan were to have made payments in a timely manner.

SEC. 117. GRIEVANCE MECHANISMS; ENROLLEE PROTECTION; WRITTEN POLICIES AND PROCEDURES RESPECTING ADVANCE DIRECTIVES; AGENT COMMISSIONS.

(a) EFFECTIVE GRIEVANCE PROCEDURES.—Each AHP shall provide for effective procedures for hearing and resolving grievances between the plan and individuals enrolled under the plan, which procedures meet standards specified by the Board.

(b) RESTRICTION ON CERTAIN PHYSICIAN INCENTIVE PLANS.—

(1) IN GENERAL.—A health plan may not be registered as an AHP if it operates a physician incentive plan (as defined in paragraph (2)) unless the requirements specified in clauses (i) through (iii) of section 1876(i)(8)(A) of the Social Security Act are met (in the same manner as they apply to eligible organizations under section 1876 of such Act).

(2) PHYSICIAN INCENTIVE PLAN DEFINED.—In this subsection, the term "physician incentive plan" means any compensation or other financial arrangement between the AHP and a physician or physician group that may directly or indirectly have the effect of reducing or limiting services provided with respect to individuals enrolled under the plan.

(c) WRITTEN POLICIES AND PROCEDURES RESPECTING ADVANCE DIRECTIVES.—A health plan may not be registered as an AHP unless the plan meets the requirements of section 1866(f) of the Social Security Act (relating to maintaining written policies and procedures respecting advance directives), insofar as such requirements would apply to the plan if the plan were an eligible organization.

(d) PAYMENT OF AGENT COMMISSIONS.—An AHP—

(1) may pay a commission or other remuneration to an agent or broker in marketing the plan to individuals or groups; but

(2) may not vary such remuneration based, directly or indirectly, on the anticipated or actual claims experience associated with the group or individuals to which the plan was sold.

SEC. 118. ADDITIONAL REQUIREMENTS OF OPEN AHPS.

(a) REQUIREMENT OF AGREEMENT WITH HPPC.—In the case of a health plan which is an open plan (as defined in section 2(b)(4)(B)), in order to be registered as an AHP the plan must have in effect an agreement (described in section 102) with each HPPC for each HPPC area in which it is offered.

(b) REQUIREMENT OF OPEN ENROLLMENT.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan, in order to be registered as an AHP the plan must,

subject to paragraph (3), not reject the enrollment of any eligible individual whom a HPPC is authorized to enroll under an agreement referred to in subsection (a) if the individual applies for enrollment during an enrollment period.

(2) LIMITATION ON TERMINATION.—Subject to paragraph (3), coverage of eligible individuals under an open AHP may not be refused nor terminated except for—

(A) nonpayment of premiums;

(B) fraud or misrepresentation; or

(C) termination of the plan at the end of a year (after notice and in accordance with standards established by the Board).

(3) TREATMENT OF NETWORK PLANS.—

(A) GEOGRAPHIC LIMITATIONS.—

(i) IN GENERAL.—An AHP which is a network plan (as defined in subparagraph D)) may deny coverage under the plan to an eligible individual who is located outside a service area of the plan, but only if such denial is applied uniformly, without regard to health status or insurability of individuals.

(ii) SERVICE AREAS.—The Board shall establish standards for the designation by network plans of service areas in order to prevent discrimination based on health status of individuals or their need for health services.

(B) SIZE LIMITS.—Subject to subparagraph (C), an AHP which is a network plan may apply to the Board to cease enrolling eligible individuals under the AHP (or in a service area of the plan) if—

(i) it ceases to enroll any new eligible individuals; and

(ii) it can demonstrate that its financial or administrative capacity to serve previously covered groups or individuals (and additional individuals who will be expected to enroll because of affiliation with such previously covered groups or individuals) will be impaired if it is required to enroll other eligible individuals.

(C) FIRST-COME-FIRST-SERVED.—A network plan is only eligible to exercise the limitations provided for in subparagraphs (A) and (B) if it provides for enrollment of eligible individuals on a first-come-first-served basis.

(D) NETWORK PLAN.—In this paragraph, the term "network plan" means an eligible organization (as defined in section 1876(b) of the Social Security Act) and includes a similar organization, specified in regulations of the Board, as requiring a limitation on enrollment of employer groups or individuals due to the manner in which the organization provides health care services.

(c) REQUIREMENT OF PARTICIPATION IN MEDICARE RISK-BASED CONTRACTING.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan and which is an eligible organization (as defined in section 1876(b) of the Social Security Act), in order to be registered as an AHP the plan must enter into a risk-sharing contract under section 1876 of the Social Security Act for the offering of benefits to medicare beneficiaries in accordance with such section.

(2) EXPANSION OF MEDICARE SELECT PROGRAM.—Subsection (c) of section 4358 of the Omnibus Budget Reconciliation Act of 1990 (104 Stat. 1388–137) is amended by striking "only apply in 15 States" and all that follows through the end and inserting "on and after January 1, 1992.".

(d) PARTICIPATION IN FEHBP.—

(1) IN GENERAL.—In the case of a health plan which is an open health plan, in order to be registered as an AHP the plan must have entered into an agreement with the Office of Personnel Management to offer a health plan to Federal employees and annuitants, and family members, under the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code, under the same terms and conditions offered by the AHP for enrollment of individuals and small employers through HPPCs.

(2) CHANGE IN CONTRIBUTION AND OTHER FEHBP RULES.—Notwithstanding any other provision of law, effective January 1, 1994—

(A) enrollment shall not be permitted under a health benefits plan under chapter 89 of title 5, United States Code, unless the plan is an AHP, and

(B) the amount of the Federal Government contribution under such chapter—

(i) for any premium class shall be the same for all AHPs in a HPPC area,

(ii) for any premium class shall not exceed the base individual premium (as defined in section 2(c)(3)), and

(iii) in the aggregate for any fiscal year shall be equal to the aggregate amount of Government contributions that would have been made but for this section.

SEC. 119. ADDITIONAL REQUIREMENT OF CERTAIN AHPS.

(a) MEDICARE ADJUSTMENT PAYMENT REQUIRED.—Each AHP which does not meet the requirement of section 148(c) shall provide for payment to the Board of such amounts as may be required as to put the plan in the same financial position as the AHP would be in if it met such requirement.

(b) REDISTRIBUTION OF PAYMENTS TO PLANS.—The Board shall provide for the distribution among AHPs meeting the requirement of section 148(c) of amounts paid under subsection (a) in such manner as reflects the relative financial impact of such requirement among such plans.

PART 2—PREEMPTION OF STATE LAWS FOR ACCOUNTABLE HEALTH PLANS

SEC. 120. PREEMPTION FROM STATE BENEFIT MANDATES.

Effective as of January 1, 1994, no State shall establish or enforce any law or regulation that—

(1) requires the offering, as part of an AHP, of any services, category of care, or services of any class or type of provider that is different from the uniform set of effective benefits;

(2) specifies the individuals to be covered under an AHP or the duration of such coverage; or

(3) requires a right of conversion from a group health plan that is an AHP to an individual health plan.

SEC. 121. PREEMPTION OF STATE LAW RESTRICTIONS ON NETWORK PLANS.

(a) LIMITATION ON RESTRICTIONS ON NETWORK PLANS.—Effective as of January 1, 1994—

(1) A State may not by law or regulation prohibit or unreasonably limit a network plan from including incentives for enrollees to use the services of participating providers.

(2) A State may not prohibit or unreasonably limit a network plan from limiting coverage of services to those provided by a participating provider.

(3)(A) Subject to subparagraph (B), a State may not prohibit or unreasonably limit the negotiation of rates and forms of payments for providers under a network plan.

(B) Subparagraph (A) shall not apply where the amount of payments with respect to a category of services or providers is established under a Statewide system applicable to all non-Federal payors with respect to such services or providers.

(4) A State may not prohibit or unreasonably limit a network plan from limiting the number of participating providers.

(5) A State may not prohibit or unreasonably limit a network plan from requiring that services be provided (or authorized) by a practitioner selected by the enrollee from a list of available participating providers.

(b) DEFINITIONS.—As used in this section:

(1) NETWORK PLAN.—The term "network plan" means an AHP—

(A) which—

(i) limits coverage of the uniform set of basic benefits to those provided by participating providers; or

(ii) provides, with respect to such services provided by persons who are not participating providers, for deductibles or other cost-sharing which are in excess of those permitted under the uniform set of basic benefits for participating providers;

(B) which has a sufficient number and distribution of participating providers to assure that the uniform set of basic benefits is—

(i) available and accessible to each enrollee, within the area served by the plan, with reasonable promptness and in a manner which assures continuity; and

(ii) when medically necessary, available and accessible-24 hours a day and seven days a week; and

(C) which provides benefits for the uniform set of basic benefits not furnished by participating providers if the services are medically necessary and immediately required because of an unforeseen illness, injury, or condition.

(2) PARTICIPATING PROVIDER.—The term "participating provider" means an entity or individual which provides, sells, or leases health care services under a contract with a network plan, which contract does not permit—

(A) cost-sharing in excess of the cost-sharing permitted under the uniform set of basic benefits with respect to basic benefits; and

(B) any enrollee charges (for such services covered under such set) in excess of such cost-sharing.

SEC. 122. PREEMPTION OF STATE LAWS RESTRICTING UTILIZATION REVIEW PROGRAMS.

(a) IN GENERAL.—Effective January 1, 1994, no State law or regulation shall prohibit or regulate activities under a utilization review program (as defined in subsection (b)).

(b) UTILIZATION REVIEW PROGRAM DEFINED.—In this section, the term "utilization review program" means a system of reviewing the medical necessity and appropriateness of patient services (which may include inpatient and outpatient services) using specified guidelines. Such a system may include preadmission certification, the application of practice guidelines, continued stay review, discharge planning, preauthorization of ambulatory procedures, and retrospective review.

Subtitle C—Federal Health Board

SEC. 131. ESTABLISHMENT OF FEDERAL HEALTH BOARD.

(a) IN GENERAL.—There is hereby established a Federal Health Board.

(b) COMPOSITION AND TERMS.—

(1) APPOINTMENT.—The Board shall be composed of 5 members appointed by the President by and with the advice and consent of the Senate. In appointing members to the Board, the President shall provide that all members shall demonstrate experience with and knowledge of the health care system.

(2) CHAIRPERSON.—The President shall designate one of the members to be Chairperson of the Board.

(3) TERMS.—Each member of the Board shall be appointed for a term of 7 years, except that, of the members first appointed, 1 shall each be appointed for terms, 3, 4, 5, 6,

and 7 years, as designated by the President at the time of appointment. Members appointed to fill vacancies shall serve for the remainder of the terms of the vacating members.

(4) Party affiliation.—Not more than 3 members of the Board shall be of the same political party.

(5) Other employment prohibited.—A member of the Board may not, during the term as a member, engage in any other business, vocation, profession, or employment.

(6) Quorum.—Three members of the Board shall constitute a quorum, except that 2 members may hold hearings.

(7) Meetings.—The Board shall meet at the call of the Chairman or 3 members of the Board.

(8) Compensation.—Each member of the Board shall be entitled to compensation at the rate provided for level II of the Executive Schedule, subject to such amounts as are provided in advance in appropriation Acts.

(c) Personnel.—

(1) In general.—The Board shall appoint an Executive Director and such additional officers and employees as it considers necessary to carry out its functions under this Act. Except as otherwise provided in any other provisions of law, such officers and employees shall be appointed, and their compensation shall be fixed, in accordance with title 5, United States Code.

(2) Experts and consultants.—The Board may procure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(d) Miscellaneous Provisions.—

(1) Gifts, bequests, and devises.—The Board may accept, use, and dispose of gifts, bequests, or devises of services or property for the purpose of aiding of services or property for the purpose of aiding or facilitating its work.

(2) Mails.—The Board may use the United States mails the same manner and under the same conditions as other departments and agencies of the United States.

SEC. 132. SPECIFICATION OF UNIFORM SET OF EFFECTIVE BENEFITS.

(a) Specification of Uniform Set of Effective Benefits.—

(1) In general.—The Board shall specify, by not later than October 1 of each year (beginning with 1993), the uniform set of effective benefits to apply under this title for the following year.

(2) Specification of health care conditions.—

(A) In general.—Such benefits shall include the full range of legally authorized treatment for any health condition for which the Board determines a treatment has been shown to reasonably improve or significantly ameliorate the condition. The Board may exclude health conditions the treatment of which do not impact on clinical health or functional status of individuals.

(B) Coverage of clinical preventive services.—Such benefits include the full range of effective clinical preventive services (including appropriate screening, counseling, and immunization and chemoprophylaxis), specified by the Board, appropriate to age and other risk factors.

(C) Coverage for persons with severe mental illness.—The Board shall establish guidelines concerning nondiscrimination towards individuals with severe mental illnesses and coverage for the treatment of severe mental illnesses. Such guidelines shall ensure that coverage of such individuals is equitable and commensurate with the coverage provided to other individuals.

(D) Exclusion for ineffective treatments.—The Board may exclude from the benefits such treatments as the Board determines, based on clinical information, have not been reasonably shown to improve a health condition or significantly ameliorate a health condition. Except as specifically excluded, the actual specific treatments, procedures, and care (such as the use of particular providers or services) which may be used under a plan or be used with respect to health conditions shall be left up to the plan.

(E) Nondiscrimination.—In determining the uniform set of effective benefits, the Board shall not discriminate against individuals with serious mental illnesses.

(3) Deductibles and cost-sharing.—

(A) In general.—subject to subparagraph (B), such set shall include uniform deductibles and cost-sharing associated with such benefits.

(B) Treatment of network plans.—In the case of a network plan (as defined in section 121(b)), the plan may provide for charging deductibles and cost-sharing in excess of the uniform deductibles and cost-sharing under subparagraph (A) in the case of services provided by providers that are not participating providers (as defined in such section).

(b) Basis for Benefits.—In establishing such set, the Board shall judge medical treatments, procedures, and related health services based on—

(1) their effectiveness in improving the health status of individuals; and

(2) their long-term impact on maintaining and improving health and productivity and on reducing the consumption of health care services.

(c) Basis for Cost-Sharing.—In establishing cost sharing that is part of the uniform set of effectiveness benefits, the Board shall—

(1) include only such cost-sharing as will restrain consumers from seeking unnecessary services;

(2) not impose cost-sharing for covered clinical preventive services;

(3) balance the effect of the cost-sharing in reducing premiums and in affecting utilization of appropriate services; and

(4) limit the total cost-sharing that may be incurred by an individual (or enrollee unit) in a year.

SEC. 133. HEALTH BENEFITS AND DATA STANDARDS BOARD.

(a) Establishment.—The Board shall provide for the initial organization, as a nonprofit corporation in the District of Columbia, of the Health Benefits and Data Standards Board (in this section referred to as the "Benefits and Data Board"), under the direction of a board of directors consisting of 5 directors.

(b) Appointment of Directors.—

(1) Solicitation.—The Board shall solicit nominations for the initial board of directors of the Benefits and Data Board from organizations that represent the various groups with an interest in the health care system and the functions of the Board.

(2) Continuation.—The by-laws of the Benefits and Data Board shall provide for the board of directors subsequently to be appointed by the board in a manner that ensures a broad range of representation of through groups with an interest in providing and purchasing health care.

(3) Terms of directors.—The term of each member of the board of directors shall be for 7 years, except that in order to provide for staggered terms, the terms of the members initially appointed shall be for 3, 4, 5, 6, and 7 years. In the case of a vacancy by death or resignation, the replacement shall be appointed for the remainder of the term. No individual may serve as a director of the board for more than 14 years.

(c) Functions.—

(1) In general.—The Benefits and Data Board shall make recommendations to the Board concerning each of the following:

(A) The uniform set of effective benefits.

(B) The standards for information collection from AHPs.

(C) Auditing standards to ensure the accuracy of such information.

Before making recommendations concerning the standards described in subparagraph (B), the Benefits and Data Board shall consult with the Agency for Health Care Policy and Research regarding the Agency's need for information in performing its activities.

(2) Assessments.—The Benefits and Data Board shall provide the Board with its assessment of—

(A) medical technology;

(B) practice variations;

(C) the effectiveness of medical practices and drug therapies based on research performed by the Agency for Health Care Policy and Research;

(D) information from clinical and epidemiologic studies; and

(E) information provided by AHPs, including AHP-specific information on clinical health, functional status, well-being, and plan satisfaction of enrolled individuals.

(3) National health data system.—The Benefits and Data Board shall provide the Board with its assistance in the development of the standards for the national data reporting system under section 137.

(d) Funding.—

(1) In general.—In order to provide funding for the Benefits and Data Board, the National Health Board shall establish an annual registration fee for AHPs which is imposed on a per-covered-individual-basis and is sufficient, in the aggregate, to provide each year for not more than the amount specified in paragraph (2) for the operation of the Benefits and Data Board.

(2) Amount of funds.—The amount specified in this paragraph for each of fiscal years 1994 and 1995, is $50,000,000, and, for each succeeding fiscal year, is $25,000,000.

SEC. 134. HEALTH PLAN STANDARDS BOARD.

(a) Establishment.—The Board shall provide for the initial organization, as a nonprofit corporation in the District of Columbia, of the Health Plan Standards Board (in this section referred to as the "Plan Standards Board"), under the direction of a board of directors consisting of 5 directors.

(b) Appointment of Directors.—

(1) Solicitation.—The board shall solicit nominations for the initial board of directors of the Plan Standards Board from organizations that represent the various groups with an interest in the health care system and the functions of the Board.

(2) Continuation.—The by-laws of the Plan Standards Board shall provide for the board of directors subsequently to be appointed by the board in a manner that ensures a broad range of representation of through groups with an interest in providing and purchasing health care.

(3) Terms of directors.—The term of each member of the board of directors shall be for 7 years, except that in order to provide for staggered terms, the terms of the members initially appointed shall be for 3, 4, 5, 6, and 7 years. In the case of a vacancy by death or resignation, the replacement shall be appointed for the remainder of the term. No individual may serve as a director of the board for more than 12 years.

(c) FUNCTIONS.—

(1) IN GENERAL.—The Plan Standards Board shall make recommendations to the Board concerning the standards for AHPs (other than standards relating to the uniform set of effective benefits and the national health data system) and for HPPCs.

(2) ASSESSMENT OF RISK-ADJUSTMENT FACTORS.—The Plan Standards Board shall provide the Board with its assessment of the risk-adjustment factors under section 136.

(d) FUNDING.—In order to provide funding for the Plan Standards Board, the National Health Board shall establish an annual registration fee for AHPs which is imposed on a per-covered-individual-basis and is sufficient, in the aggregate, to provide each year for not more than 60 percent of the amount specified in section 133(d)(2) for the operation of the Plan Standards Board.

SEC. 135. REGISTRATION OF ACCOUNTABLE HEALTH PLANS.

(a) IN GENERAL.—The Board shall register those health plans that meet the standards under subtitle B.

(b) TREATMENT OF STATE CERTIFICATION.—If the Board determines that a State superintendent of insurance, State insurance commissioner, or other State official provides for the imposition of standards that the Board finds are equivalent to the standards established under subtitle B for registration of a health benefit plan as an AHP, the Board may provide for registration as AHPs of health plans that such official certifies as meeting the standards for registration. Nothing in this subsection shall require a health plan to be certified by such an official in order to be registered by the Board.

(c) MEDICAID WAIVER.—The Board shall develop criteria and procedures under which the Secretary may grant a waiver to a State to permit that State to enroll individuals, otherwise eligible for enrollment under title XIX of the Social Security Act, under ACP's through a HPPC. The waiver shall permit the State to use funds made available under such title XIX for the enrollment of medicaid eligible individuals through a HPPC. The State shall ensure that individuals enrolled in a AHP under such a waiver are guaranteed at least those minimum benefits that such individual would have been entitled to under such title XIX.

SEC. 136. SPECIFICATION OF RISK-ADJUSTMENT FACTORS.

(a) IN GENERAL.—The Board shall establish rules for the process of risk-adjustment of premiums among AHPs by HPPCs under section 102(d).

(b) PROCESS.—

(1) IDENTIFICATION OF RELATIVE RISK.—The Board shall determine risk-adjustment factors that are correlated with increased or diminished risk for consumption of the type of health services included in the uniform set of effective benefits. To the maximum extent practicable, such factors shall be determined without regard to the methodology used by individual AHPs in the provision of such benefits. In determining such factors, with respect to an individual who is identified as having—

(A) a lower-than-average risk for consumption of the services, the factor shall be a number, less than zero, reflecting the degree of such lower risk;

(B) an average risk for consumption of the services, the factor shall be zero; or

(C) a higher-than-average risk for consumption of the services, the factor shall be a number; greater than zero, reflecting the degree of such higher risk.

(2) ADJUSTMENT OF FACTORS.—In applying under section 102(d)(1)(B) the risk-adjustment factors determined under paragraph (1), each HPPC shall adjust such factors, in accordance with a methodology established by the Board, so that the sum of such factors is zero for all enrollee units in each HPPC area for which a premium payment is forwarded under section 102(d) for each premium payment period.

SEC. 137. NATIONAL HEALTH DATA SYSTEM.

(a) STANDARDIZATION OF INFORMATION.—

(1) IN GENERAL.—The Board shall establish standards for the periodic reporting by AHPs of information under section 113(a).

(2) PATIENT CONFIDENTIALITY.—The standards shall be established in a manner that protects the confidentiality of individual enrollees, but may provide for the disclosure of information which discloses particular providers within an AHP.

(b) ANALYSIS OF INFORMATION.—The Board shall analyze the information reported in order to distribute it in a form, consistent with subsection (a)(2), that—

(1) reports, on a national, State, and community basis, the levels and trends of health care expenditures, the rates and trends in the provision of individual procedures, and the price levels and rates of price change for such procedures; and

(2) permits the direct comparison of different AHPs on the basis of the ability of the AHPs to maintain and improve clinical health, functional status, and well-being and to satisfy enrolled individuals.

The reports under paragraph (1) shall include both aggregate and per capita measures for areas and shall include comparative data of different areas. The comparison under paragraph (2) may also be made to show changes in the performance of AHPs over time.

(c) DISTRIBUTION OF INFORMATION.—

(1) IN GENERAL.—The Board shall provide, through the HPPCs and directly to AHPs, for the distribution of its analysis on individual AHPs. Such distribution shall occur at least annually before each general enrollment period.

(2) ANNUAL REPORT ON EXPENDITURES.—The Board shall publish annually (beginning with 1996) a report on expenditures on, and volumes and prices of, procedures. Such report shall be distributed to each AHP, each HPPC, each Governor, and each State legislature.

(3) ANNUAL REPORTS.—The Board shall also publish an annual report, based on analyses under this section, that identifies—

(A) procedures for which, as reflected in variations in use or rates of increase, there appear to be the greatest need to develop valid clinical protocols for clinical decision-making and review;

(B) procedures for which, as reflected in price variations and price inflation, there appear to be the greatest need for strengthening competitive purchasing; and

(C) States and localities for which, as reflected in expenditure levels and rates of increase, there appear to be the greatest need for additional cost control measures.

(4) SPECIAL DISTRIBUTIONS.—The Board may, whenever it deems appropriate, provide for the distribution—

(A) to an AHP of such information relating to the plan as may be appropriate in order to encourage the plan to improve its delivery of care; and

(B) to business, consumer, and other groups and individuals of such information as may improve their ability to effect improvements in the outcomes, quality, and efficiency of health services.

(5) ACCESS BY AGENCY FOR HEALTH CARE POLICY AND RESEARCH.—The Board shall make available to the Agency for Health Care Policy and Research information obtained under section 113(a) in a manner consistent with subsection (a)(2).

(d) STANDARDIZED FORMS.—Not later than October 1, 1994, the Board, in consultation with representatives of local governments, insurers, health care providers, and consumers shall develop a plan to accelerate electronic billing and computerization of medical records and shall develop standardized claim forms and billing procedures for use by all AHP's under this title.

SEC. 138. MEASURES OF QUALITY OF CARE OF SPECIALIZED CENTERS OF CARE.

(a) COLLECTION OF INFORMATION.—The Board shall provide a process whereby a specialized center of care (as defined in subsection (c)) may submit to the Board such clinical and other information bearing on the quality of care provided with respect to the uniform set of effective benefits at the center as the Board may specify. Such information shall include sufficient information to take into account outcomes and the risk factors associated with individuals receiving care through the center. Such information shall be provided at such frequency (not less often than annually) as the Board specifies.

(b) MEASURES OF QUALITY.—Using information submitted under subsection (a) and information reported under section 137, the Board shall—

(1) analyze the performance of such centers with respect to the quality of care provided;

(2) rate the performance of such a center with respect to a class of services relative to the performance of other specialized centers of care and relative to the performance of AHPs generally; and

(3) publish such ratings.

(c) USE OF SERVICE MARK FOR SPECIALIZED CENTERS OF CARE.—The Board may establish a service mark for specialized centers of care the performance of which has been rated under subsection (b). Such service mark shall be registrable under the Trademark Act of 1946, and the Board shall apply for the registration of such service mark under such Act. For purposes of such Act, such service mark shall be deemed to be used in commerce. For purposes of this subsection, the "Trademark Act of 1946" refers to the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

(d) SPECIALIZED CENTER OF CARE DEFINED.—In this section, the term "specialized center of care" means an institution or other organized system for the provision of specific services, which need not be multi-disciplinary, and does not include (except as the Board may provide) individual practitioners.

SEC. 139. REPORT ON IMPACT OF ADVERSE SELECTION; RECOMMENDATIONS ON MANDATED PURCHASE OF COVERAGE.

(a) STUDY.—The Board shall study—

(1) the extent to which those eligible individuals (as defined in subsection (c)) who enroll with AHPs have significantly greater needs for health care services than the population of eligible individuals as a whole; and

(2) methods for reducing adverse impacts that may result from such adverse selection.

(b) REPORT.—By not later than January 1, 1996, the Board shall submit to Congress a report on the study under subsection (a) and on appropriate methods for reducing adverse impacts that may result from adverse selection in enrollment. The report shall specifically include—

(1) an examination of the impact of establishing a requirement that all eligible individuals obtain health coverage through enrollment with an AHP; and

(2) a recommendation as to whether (and, if so, how) to impose such a requirement.

(c) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual"—

(1) includes individuals who would be eligible individuals but for section 2(a)(4)(B), but

(2) does not include individuals eligible to enroll for benefits under part B of title XVIII of the Social Security Act.

TITLE II—PRIMARY AND PREVENTIVE CARE SERVICES

SEC. 201. MATERNAL AND INFANT CARE COORDINATION.

(a) PURPOSE.—It is the purpose of this section to assist States in the development and implementation of coordinated, multidisciplinary, and comprehensive primary health care and social services, and health and nutrition education programs, designed to improve maternal and child health.

(b) GRANTS FOR IMPLEMENTATION OF PROGRAMS.—

(1) AUTHORITY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") is authorized to award grants to States to enable such States to plan and implement coordinated, multidisciplinary, and comprehensive primary health care and social service programs targeted to pregnant women and infants.

(2) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall—

(A) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(B) provide assurances that under the program established with amounts received under a grant, individuals will have access (without any barriers) to comprehensive family planning counseling, pregnancy testing, prenatal care, delivery, intrapartum and postpartum care, pediatric care for infants, and social services as appropriate, including outreach activities, home visits, child care, transportation, risk assessment, nutrition counseling, dental care, mental health services, substance abuse services, services relating to HIV infection, and prevention counseling;

(C) provide assurances that under the program individuals will have access, without any barriers, to the full range of pediatric services provided by pediatric nurse practitioners and clinical nurse specialists, including in-home services for low birth weight babies;

(D) as part of the State application, submit a plan for providing incentive payments of up to $500 to pregnant women who—

(i) have not attained the age of 20;

(ii) are at risk of having low birth weight babies;

(iii) agree to attend not less than 5 prenatal visits and 1 postnatal visit; and

(iv) agree to attend a requisite number of prenatal care and parenting classes, as determined by the State;

(E) as part of the State application, submit a plan for the coordination and maximization of existing and proposed Federal and State resources, including amounts provided under the medicaid program under title XIX of the Social Security Act, the special supplemental food program under section 17 of the Child Nutrition Act of 1966, family planning programs, substance abuse programs, State maternal and child health programs funded under title V of the Social Security Act, community and migrant health center programs under the Public Health Service Act, and other publicly, or where practicable, privately supported programs;

(F) demonstrate that the major service providers to be involved, including private non-profit entities committed to improving maternal and infant health, are committed to and involved in the program to be funded with amounts received under the grant;

(G) with respect to States with high infant mortality rates among minority populations, demonstrate the involvement of major health, multiservice, professional, or civic group representatives of such minority groups in the planning and implementation of the State program; and

(H) demonstrate that health promotion and outreach activities under the State program are targeted to women of childbearing age, particularly those at risk for having low birth weight babies.

(3) TERM OF GRANT.—A grant awarded under this subsection shall be for a period of 5 years.

(4) USE OF AMOUNTS.—Amounts received by a State under a grant awarded under this subsection shall be used to establish a State program to provide coordinated, multidisciplinary, and comprehensive primary health care and social services, and health and nutrition education program services, that are designed to improve maternal and child health.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $100,000,000 for fiscal year 1994, $300,000,000 for fiscal year 1995, and $500,000,000 for each of the fiscal years 1996 through 1998.

(c) MODEL HEALTH AND NUTRITION EDUCATION CURRICULA.—

(1) AUTHORITY.—The Secretary, in conjunction with the Secretary of Education and the Secretary of Agriculture, is authorized to award grants, on a competitive basis, to public or nonprofit private entities to enable such entities to develop model health and nutrition education curricula for children in grades kindergarten through twelfth.

(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) CURRICULA.—Curricula developed under paragraph (1) should be consistent with the goals of "Healthy People 2000: National Health Promotion and Disease Prevention Objectives", published by the Department of Health and Human Services in September 1990, and shall address the cultural and lifestyle realities of racial and ethnic minority populations.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 1994.

SEC. 202. REAUTHORIZATION OF CERTAIN PROGRAMS PROVIDING PRIMARY AND PREVENTIVE CARE.

(a) IMMUNIZATION PROGRAMS.—Section 317(j)(1)(A) of the Public Health Service Act (42 U.S.C. 247b(j)(1)(A)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of the fiscal years 1992 and 1993, $380,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(b) TUBERCULOSIS PREVENTION GRANTS.—Section 317(j)(2) of the Public Health Service Act (42 U.S.C. 247b(j)(2)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of the fiscal years 1992 and 1993, $30,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(c) SEXUALLY TRANSMITTED DISEASES.—Section 318(d)(1) of the Public Health Service Act (42 U.S.C. 247c(d)(1)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by inserting before the first period the following: "$125,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(d) MIGRANT HEALTH CENTERS.—Section 329(h)(1)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(1)(A)) is amended by striking "and 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994" and inserting "through 1993, $80,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(e) COMMUNITY HEALTH CENTERS.—Section 330(g)(1)(A) of the Public Health Service Act (42 U.S.C. 254c(g)(1)(A)) is amended by striking "and 1991, and such sums as may be necessary for each of the fiscal years 1992 through 1994" and inserting "through 1993, $700,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(f) HEALTH CARE SERVICES FOR THE HOMELESS.—Section 340(q)(1) of the Public Health Service Act (42 U.S.C. 256(q)(1)) is amended by striking "and such sums" and all that follows through the period and inserting "$90,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.".

(g) FAMILY PLANNING PROJECT GRANTS.—Section 1001(d) of the Public Health Service Act (42 U.S.C. 300(d)) is amended—

(1) by striking "and $158,400,000" and inserting "$158,400,000"; and

(2) by inserting before the period the following: ", $200,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1988".

(h) BREAST AND CERVICAL CANCER PREVENTION.—Section 1509(a) of the Public Health Service Act (42 U.S.C. 300n–5(a)) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "for each of the fiscal years 1992 and 1993" and inserting "for each of the fiscal years 1992 and 1993, $100,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(i) PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT.—Section 1901(a) of the Public Health Service Act (42 U.S.C. 300w(a)) is amended by striking "$205,000,000" and inserting "$235,000,000".

(j) HIV EARLY INTERVENTION.—Section 2655 of the Public Health Service Act (42 U.S.C. 300ff–55) is amended—

(1) by striking "and such sums" and inserting "such sums"; and

(2) by striking "each of the fiscal years 1992 through 1995" and inserting "each of fiscal years 1992 and 1993, $310,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998".

(k) MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT.—Section 501(a) of the Social Security Act (42 U.S.C. 701(a)) is amended by striking "$686,000,000 for fiscal year 1990 and each fiscal year thereafter" and inserting

"$800,000,000 for fiscal year 1994, and such sums as may be necessary in each of the fiscal years 1995 through 1998".

SEC. 203. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM.

Section 4605 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3155) is amended to read as follows:

"SEC. 4605. COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAMS.

"(a) PURPOSE.—It is the purpose of this section to establish a comprehensive school health education and prevention program for elementary and secondary school students.

"(b) PROGRAM AUTHORIZED.—The Secretary, through the Office of Comprehensive School Health Education established in subsection (e), shall award grants to States from allotments under subsection (c) to enable such States to—

"(1) award grants to local or intermediate educational agencies, and consortia thereof, to enable such agencies or consortia to establish, operate and improve local programs of comprehensive health education and prevention, early health intervention, and health education, in elementary and secondary schools (including preschool, kindergarten, intermediate, and junior high schools); and

"(2) develop training, technical assistance and coordination activities for the programs assisted pursuant to paragraph (1)

"(c) RESERVATIONS AND STATE ALLOTMENTS.—

"(1) RESERVATIONS.—From the sums appropriated pursuant to the authority of subsection (f) for any fiscal year, the Secretary shall reserve—

"(A) 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Northern Mariana Islands, and the Republic of Palau, to be allotted in accordance with their respective needs; and

"(B) 1 percent for payments to the Bureau of Indian Affairs.

"(2) STATE ALLOTMENTS.—From the remainder of the sums not reserved under paragraph (1), the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall be allotted less than an amount equal to 0.5 percent of such remainder.

"(3) REALLOTMENT.—The Secretary may reallot any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within 2 years of allotment. Any such reallotment shall be made on the same basis as an allotment under paragraph (2).

"(d) USE OF FUNDS.—Grant funds provided to local or intermediate educational agencies, or consortia thereof, under this section may be used to improve elementary and secondary education in the areas of—

"(1) personal health and fitness;

"(2) prevention of chronic diseases;

"(3) prevention and control of communicable diseases;

"(4) nutrition;

"(5) substance use and abuse;

"(6) accident prevention and safety;

"(7) community and environmental health;

"(8) mental and emotional health;

"(9) parenting and the challenges of raising children; and

"(10) the effective use of the health services delivery system.

"(e) OFFICE OF COMPREHENSIVE SCHOOL HEALTH EDUCATION.—The Secretary shall establish within the Office of the Secretary an Office of Comprehensive School Health Education which shall have the following responsibilities:

"(1) To recommend mechanisms for the coordination of school health education programs conducted by the various departments and agencies of the Federal Government.

"(2) To advise the Secretary on formulation of school health education policy within the Department of Education.

"(3) To disseminate information on the benefits to health education of utilizing a comprehensive health curriculum in schools.

"(f) AUTHORIZATION OF APPROPRIATIONS

"(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 and 1996 to carry out this section.

"(2) AVAILABILITY.—Funds appropriated pursuant to the authority of paragraph (1) in any fiscal years shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.".

SEC. 204. COMPREHENSIVE EARLY CHILDHOOD HEALTH EDUCATION PROGRAM.

(a) PURPOSE.—It is the purpose of this section to establish a comprehensive early childhood health education program.

(b) PROGRAM.—The Secretary of Health and Human Services shall conduct a program of awarding grants to agencies conducting Head Start training to enable such agencies to provide training and technical assistance to Head Start teachers and other child care providers. Such program shall—

(1) establish a training system through the Head Start agencies and organizations conducting Head Start training for the purpose of enhancing teacher skills and providing comprehensive early childhood health education curriculum;

(2) enable such agencies and organizations to provide training to day care providers in order to strengthen the skills of the early childhood workforce in providing health education;

(3) provide technical support for health education programs and curricula; and

(4) provide cooperation with other early childhood providers to ensure coordination of such programs and the transition of students into the public school environment.

(c) USE OF FUNDS.—Grant funds under this section may be used to provide training and technical assistance in the areas of—

(1) personal health and fitness;

(2) prevention of chronic diseases;

(3) prevention and control of communicable diseases;

(4) dental health;

(5) nutrition;

(6) substance use and abuse;

(7) accident prevention and safety;

(8) community and environmental health;

(9) mental and emotional health; and

(10) strengthening the role of parent involvement.

(d) RESERVATION FOR INNOVATIVE PROGRAMS.—The Secretary shall reserve 5 percent of the funds appropriated pursuant to the authority of subsection (e) in each fiscal year for the development of innovative model health education programs or curricula.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $40,000,000 for fiscal year 1994 and such sums as may be necessary for each of the fiscal year 1995 and 1996 to carry out this section.

SEC. 205. DISEASE PREVENTION AND HEALTH PROMOTION PROGRAMS TREATED AS MEDICAL CARE.

(a) IN GENERAL.—For purposes of section 213(d)(1) of the Internal Revenue Code of 1986 (defining medical care), qualified expenditures (as defined by the Secretary of Health and Human Services) for disease prevention and health promotion programs shall be considered amounts paid for medical care.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to amounts paid in taxable years beginning after December 31, 1992.

SEC. 206. WORKSITE WELLNESS GRANT PROGRAM.

(a) GRANTS.—The Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall award grants to States (through State health departments or other State agencies working in consultation with the State health agency) to enable such States to provide assistance to businesses with not to exceed 100 employees for the establishment and operation of worksite wellness programs for their employees.

(b) APPLICATION.—To be eligible for a grant under subsection (a), a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the manner in which the State intends to use amounts received under the grant; and

(2) assurances that the State will only use amounts provided under such grant to provide assistance to businesses that can demonstrate that they are in compliance with minimum program characteristics (relative to scope and regularity of services offered) that are developed by the Secretary in consultation with experts in public health and representatives of small business.

Grants shall be distributed to States based on the population of individuals employed by small businesses.

(c) PROGRAM CHARACTERISTICS.—In developing minimum program characteristics under subsection (b)(2), the Secretary shall ensure that all activities established or enhanced under a grant under this section have clearly defined goals and objectives and demonstrate how receipt of such assistance will help to achieve established State or local health objectives based on the National Health Promotion and Disease Prevention Objectives.

(d) USE OF FUNDS.—Amounts received under a grant awarded under subsection (a) shall be used by a State to provide grants to businesses (as described in subsection (a)), nonprofit organizations, or public authorities, or to operate State-run worksite wellness programs.

(e) SPECIAL EMPHASIS.—In funding business worksite wellness projects under this section, a State shall give special emphasis to—

(1) the development of joint wellness programs between employers;

(2) the development of employee assistance programs dealing with substance abuse;

(3) maximizing the use and coordination with existing community resources such as nonprofit health organizations; and

(4) encourage participation of dependents of employees and retirees in wellness programs.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary in each of the fiscal years 1994 through 1998.

TITLE III—TAX INCENTIVES TO INCREASE HEALTH CARE ACCESS

SEC. 301. CREDIT FOR ACCOUNTABLE HEALTH PLAN COSTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. ACCOUNTABLE HEALTH PLAN COSTS.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the accountable health plan costs paid by such individual during the taxable year.

"(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means 60 percent reduced (but not below zero) by 10 percentage points for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the applicable dollar amount.

"(3) APPLICABLE DOLLAR AMOUNT.—For purposes of this subsection, the term 'applicable dollar amount' means—

"(A) in the case of a taxpayer filing a joint return, $28,000,

"(B) in the case of any other taxpayer (other than a married individual filing a separate return), $18,000, and

"(C) in the case of a married individual filing a separate return, zero.

For purposes of this subsection, the rule of section 219(g)(4) shall apply.

"(b) ACCOUNTABLE HEALTH PLAN COSTS.—For purposes of this section—

"(1) IN GENERAL.—The term 'accountable health plan costs' means amounts paid during the taxable year for insurance which constitutes medical care (within the meaning of section 213(g)). For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) DOLLAR LIMIT ON ACCOUNTABLE HEALTH PLAN COSTS.—The amount of the accountable health care costs paid during any taxable year which may be taken into account under subsection (a)(1) shall not exceed the reference premium amount for the taxable year.

"(3) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as accountable health plan costs.

"(4) DEFINITION.—As used in paragraph (2), the term 'reference premium rate amount' means, with respect to an individual in a HPPC area, the lowest premium established by an open accountable health plan and offered in the area for the premium class applicable to such individual (including, if appropriate, the HPPC overhead amount established under section 105(b)(3) of this Act applied for the taxable year period involved.

"(c) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means, with respect to any period, an individual who is not covered during such period by a health plan maintained by an employer of such individual or such individual's spouse.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) COORDINATION WITH ADVANCE PAYMENT AND MINIMUM TAX.—Rules similar to the rules of subsections (g) and (h) of section 32 shall apply to any credit to which this section applies.

"(2) MEDICARE-ELIGIBLE INDIVIDUALS.—No expense shall be treated as an accountable health plan cost if it is an amount paid for insurance for an individual for any period with respect to which such individual is entitled (or, on application without the payment of an additional premium, would be entitled to) benefits under part A of title XVIII of the Social Security Act.

"(3) SUBSIDIZED EXPENSES.—No expense shall be treated as an accountable health plan cost to the extent—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 25 of the Internal Revenue Code of 1986 is amended by inserting after section 3507 the following new section:

"SEC. 3507A. ADVANCE PAYMENT OF ACCOUNTABLE HEALTH PLAN COSTS.

"(a) GENERAL RULE.—Except as otherwise provided in this section, every employer making payment of wages with respect to whom an accountable health plan costs eligibility certificate is in effect shall, at the time of paying such wages, make an additional payment equal to such employee's accountable health plan costs advice amount.

"(b) ACCOUNTABLE HEALTH PLAN COSTS ELIGIBILITY CERTIFICATE.—For purposes of this title, an accountable health plan costs eligibility certificate is a statement furnished by an employee to the employer which—

"(1) certifies that the employee will be eligible to receive the credit provided by section 34A for the taxable year,

"(2) certifies that the employee does not have an accountable health plan costs eligibility certificate in effect for the calendar year with respect to the payment of wages by another employer,

"(3) states whether or not the employee's spouse has an accountable health plan costs eligibility certificate in effect, and

"(4) estimates the amount of accountable health plan costs (as defined in section 34A(b)) for the calendar year.

For purposes of this section, a certificate shall be treated as being in effect with respect to a spouse if such a certificate will be in effect on the first status determination date following the date on which the employee furnishes the statement in question.

"(c) ACCOUNTABLE HEALTH PLAN COSTS ADVANCE AMOUNT.—

"(1) IN GENERAL.—For purposes of this title, the term 'accountable health plan costs advance amount' means, with respect to any payroll period, the amount determined—

"(A) on the basis of the employee's wages from the employer for such period,

"(B) on the basis of the employee's estimated accountable health plan costs included in the accountable health plan costs eligibility certificate, and

"(C) in accordance with tables provided by the Secretary.

"(2) ADVANCE AMOUNT TABLES.—The tables referred to in paragraph (1)(D) shall be similar in form to the tables prescribed under section 3402 and, to the maximum extent feasible, shall be coordinated with such tables and the tables prescribed under section 3507(c).

"(d) OTHER RULES.—For purposes of this section, rules similar to the rules of subsections (d) and (e) of section 3507 shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding after the item relating to section 3507 the following new item:

"Sec. 3507A. Advance payment of accountable health plan costs credit.".

(c) COORDINATION WITH DEDUCTIONS FOR HEALTH INSURANCE EXPENSES.—

(1) SELF-EMPLOYED INDIVIDUALS.—Section 162(l) of the Internal Revenue Code of 1986, as amended by section 303, is further amended by adding after paragraph (5) the following new paragraph:

"(6) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 34A.".

(2) MEDICAL, DENTAL, ETC., EXPENSES.—Subsection (e) of section 213 of such Code is amended by inserting "or section 34A" after "section 21".

(d) TERMINATION OF HEALTH INSURANCE CREDIT.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) is amended by adding at the end thereof the following new subsection:

"(d) TERMINATION OF HEALTH INSURANCE CREDIT.—In the case of taxable years beginning after December 31, 1991, the health insurance credit percentage shall be equal to 0 percent."

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 34 the following new item:

"Sec. 34A. Accountable health plan costs.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

SEC. 302. NO DEDUCTION FOR EMPLOYER HEALTH PLAN EXPENSES IN EXCESS OF ACCOUNTABLE HEALTH PLAN COSTS.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

"(m) GENERAL RULE.—

"(1) LIMITATION ON DEDUCTION.—No deduction shall be allowed under this section for the excess health plan expenses of any employer.

"(2) EXCESS HEALTH PLAN EXPENSES.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'excess health plan expenses' means health plan expenses paid or incurred by the employer for any month with respect to any covered individual to the extent such expenses do not meet the requirements of subparagraphs (B), (C), and (D).

"(B) LIMIT TO ACCOUNTABLE HEALTH PLANS.—Health plan expenses meet the requirements of this subparagraph only if the expenses are attributable to—

"(i) coverage of the covered individual under an accountable health plan, or

"(ii) in the case of a small employer, payment to a health plan purchasing cooperative for coverage under an accountable health plan.

"(C) Limit on per employee contribution.—

"(i) In general.—Health plan expenses with respect to any employee meet the requirements of this subparagraph for any month only to the extent that the amount of such expenses does not exceed the reference premium rate amount for the month.

"(ii) Treatment of health plans outside the United States.—For purposes of clause (i), in the case of an employee residing outside the United States, there shall be substituted for the reference premium rate such reasonable amounts as the Federal Health Board determines to be comparable to the limit imposed under clause (i).

"(iii) Definition.—As used in clause (i), the term 'reference premium rate amount' means, with respect to an individual in a HPPC area, the lowest premium established by an open accountable health plan and offered in the area for the premium class applicable to such individual (including, if appropriate, the HPPC overhead amount established under section 105(b)(3) of this Act.

"(D) Requirement of level contribution.—Health plan expenses meet the requirements of this subparagraph for any month only if the amount of the employer contribution (for a premium class) does not vary based on the accountable health plan selected.

"(3) Exception for medicare-eligible retirees.—Paragraphs (1) and (2) shall not apply to health plan expenses with respect to an individual who is eligible for benefits under part A of title XVIII of the Social Security Act if such expenses are for a health plan that is not a primary payor under section 1862(b) of such Act.

"(4) Special rules.—

"(A) Treatment of self-insured plans.—In the case of a self-insured health plan, the amount of contributions per employee shall be determined for purposes of paragraph (2)(C) in accordance with rules established by the Federal Health Board which are based on the principles of section 4980B(f)(4)(B) (as in effect before the date of the enactment of this subsection).

"(B) Contributions to cafeteria plans.—Contributions under a cafeteria plan on behalf of an employee that may be used for a group health plan coverage shall be treated for purposes of this section as health plan expenses paid or incurred by the employer.

"(5) Employees held harmless.—Nothing in this section shall be construed as affecting the exclusion from gross income of an employee under section 106.

"(6) Other definitions.—For purposes of this subsection—

"(A) Covered individual.—The term 'covered individual' means any beneficiary of a group health plan.

"(B) Group health plan.—The term 'group health plan' has the meaning given such term by section 5000(b)(1).

"(C) Health plan expenses.—

"(i) In general.—The term 'health plan expenses' means employer expenses for any group health plan, including expenses for premiums as well as payment of deductibles and coinsurance that would otherwise be applicable.

"(ii) Exclusion of certain direct expenses.—Such term does not include expenses for direct services which are determined by the Federal Health Board to be primarily aimed at workplace health care and health promotion or related population-based preventive health activities.

"(D) Accountable health plan.—The term 'accountable health plan' has the meaning given such term by section 2(b)(1) of this Act.

"(E) Small employer.—The term 'small employer' means, for a taxable year, an employer that is a small employer (within the meaning of section 2(c)(2) of this Act) for the most recent calendar year ending before the end of the taxable year.".

(b) Effective Date.—

(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to expenses incurred for the provision of health services for periods after December 31, 1993.

(2) Transition for collective bargaining agreements.—The amendments made by this section shall not apply to employers with respect to their employees, insofar as such employees are covered under a collective bargaining agreement ratified before the date of the enactment of this Act, earlier than the date of termination of such agreement (determined without regard to any extension thereof agreed to after the date of the enactment of this Act), or January 1, 1996, whichever is earlier.

SEC. 303. INCREASE IN DEDUCTION FOR HEALTH PLAN PREMIUM EXPENSES OF SELF-EMPLOYED INDIVIDUALS.

(a) Increasing Deduction to 100 Percent.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "25 percent of".

(b) Making Provision Permanent.—Section 162(l) of such Code is amended by striking paragraph (6).

(c) Limitation to Accountable Health Plans.—Paragraph (2) of section 162(l) of such Code is amended by adding at the end thereof the following new subparagraph:

"(C) Deduction limited to accountable health plan costs.—No deduction shall be allowed under this section for any amount which would be excess health plan expenses (as defined in subsection (m)(2), determined without regard to subparagraph (D) thereof) if the taxpayer were an employer.".

(d) Effective Date.—

(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning after December 31, 1993.

(2) Exception.—The amendment made by subsection (c) shall apply to expenses for periods of coverage beginning on or after January 1, 1994.

SEC. 304. DEDUCTION FOR HEALTH PLAN PREMIUM EXPENSES OF INDIVIDUALS

(a) In General.—Section 213 of the Internal Revenue Code of 1986 (relating to medical, dental, etc., expenses) amended by adding at the end the following new subsection:

"(g) Special Rules for Health Plan Premium Expenses.—

"(1) In general.—The deduction under subsection (a) shall be determined without regard to the limitation based on adjusted gross income with respect to amounts paid for premiums for coverage under an accountable health plan.

"(2) Limit.—The amount allowed as a deduction under paragraph (1) with respect to the cost of providing coverage for any individual shall not exceed the applicable limit specified in section 162(m)(2)(C) reduced by the aggregate amount paid by all other entities (including any employer or any level of government) for coverage of such individual under any health plan.

"(3) Deduction allowed against gross income.—The deduction under this subsection shall be taken into account in determining adjusted gross income under section 62(a).

"(4) Treatment of medicare program.—Coverage under part A or pat B of title XVIII of the Social Security Act shall not be considered for purposes of this subsection to be coverage under an accountable health plan.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

SEC. 305. EXCLUSION FROM GROSS INCOME FOR EMPLOYER CONTRIBUTIONS TO ACCOUNTABLE HEALTH PLANS.

(a) In General.—Section 106 of the Internal Revenue Code of 1986 (relating to contributions by employers to accident and health plans) is amended to read as follows:

"Gross income of an employee does not include employer-provided basic coverage under an accountable health plan (as defined in section 162(m)(2)(B)).".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.

TITLE IV—DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

SEC. 401. REGULATIONS REQUIRING DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS.

Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following new section:

DISCLOSURE OF CERTAIN INFORMATION TO BENEFICIARIES UNDER THE MEDICARE AND MEDICAID PROGRAMS

"Sec. 1144. (a) Annual Reports.—

"(1) Institutional health care providers.—

"(A) In general.—The Secretary shall issue regulations requiring that each institutional health care provider under title XVIII or XIX shall make an annual report available to the recipients of services under such title.

"(B) Contents of report.—The annual report referred to in subparagraph (A) shall include—

"(i) mortality rates relating to services provided to individuals, including incidence and outcomes of surgical and other invasive procedures;

"(ii) nosocomial infection rates;

"(iii) a list of routine preoperative tests and other frequently performed medical tests, including blood tests, chest x-rays, magnetic resonance imaging, computerized axial tomography, urinalysis, and heart catherizations, and the cost of such tests;

"(iv) the number and types of malpractice claims against the provider decided or settled for the year; and

"(v) such other information as the Secretary shall require.

"(2) Noninstitutional health care providers.—

"(A) In general.—The Secretary shall issue regulations requiring that each noninstitutional provider receiving payment for services provided under title XVIII or XIX shall make an annual report available to the recipients of services under such title.

"(B) Contents of report.—The report referred to in subparagraph (A) shall include—

"(i) information regarding the provider's education, experience, qualifications, board certification, and license to provide health care services, including a list of the States in which such provider is licensed and any limitations on such provider's license;

"(ii) any disciplinary actions taken against the provider by any health care facility, State medical agency, or medical organization which result in a finding of improper conduct;

"(iii) any malpractice action against the provider decided or settled;

"(iv) a disclosure of any ownership interest the provider may have in any health care facility, laboratory, or health care supply company; and

"(v) such other information as the Secretary shall require.

"(b) Disclosure of Information Regarding Health Care Procedures and Forms.—

"(1) Information regarding health care procedures and forms.—The Secretary shall issue regulations requiring that each institutional and noninstitutional health care provider receiving payment for services under title XVIII or XIX shall make available any forms required in connection with the receipt of services under such title which consist of any diagnostic, surgical, or other invasive procedure, prior to the performance of such procedure.

"(2) Information provided before performance of procedure.—The Secretary shall issue regulations requiring each institutional and noninstitutional health care provider receiving payment for services provided under title XVIII or XIX to disclose to any individual receiving any surgical, palliative, or other health care procedure or any drug therapy or other treatment, the following information prior to the performance of such procedure or treatment:

"(A) The nature of the procedure or treatment.

"(B) A description of the procedure or treatment.

"(C) The risk and benefits associated with the procedure or treatment.

"(D) The success rate for the procedure or treatment generally, and for the provider.

"(E) The provider's cost range for the procedure or treatment.

"(F) Any alternative treatment which may be available to such individual.

"(G) Any known side effects of any medications required in connection with the procedure or treatment.

"(H) The interactive effect of the complete regimen of medications associated with the procedure.

"(I) The availability of the information under this subsection and under subsections (a) and (c).

"(J) Such other information as the Secretary shall require.

"(3) Emergencies.—The Secretary shall issue regulations with respect to the waiver of any requirement established under paragraphs (1) and (2) in a case where emergency health care is needed.

"(c) Patient's Right To Refuse Information and Treatment.—The Secretary shall issue regulations requiring each institutional and noninstitutional health care provider receiving payment for services provided under title XVIII or XIX to inform any individual receiving services under such title of such individual's right—

"(1) to refuse any information which is available to such individual under the regulations described in subsections (a) and (b);

"(2) to refuse any procedure or treatment;

"(3) to refuse attendance by any such provider; or

"(4) to leave the premises of any such provider.

"(d) Definitions.—As used in this section—

"(1) Institutional health care provider.—The term 'institutional health care provider' means any hospital, clinic, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, or other facility receiving payment for services provided under title XVIII or XIX, as determined by the Secretary.

"(2) Noninstitutional health care provider.—The term 'noninstitutional health care provider' means any physician, physician assistant, nurse practitioner, certified nurse midwife, certified registered nurse anesthetist, or other individual receiving payment for services provided under title XVIII or XIX, as determined by the Secretary.

"(e) Compliance.—

"(1) Penalties for failure to comply.—The Secretary shall issue regulations establishing appropriate penalties for any failure to comply with the regulations issued under this section.

"(2) Waiver of compliance.—The Secretary may waive any of the requirements under the regulations issued under this section if a health care provider demonstrates that such requirements will result in an undue burden on such provider.".

SEC 402. OUTREACH ACTIVITIES.

(a) Medicare Program.—

(1) Grants to nonprofit private entities for outreach activities.—

(A) Authority.—The Secretary of Health and Human Services (hereafter referred to in this paragraph as the "Secretary"), is authorized to award grants, on a competitive basis, to nonprofit private entities to enable such entities to develop outreach activities to inform beneficiaries under title XVIII of the Social Security Act of the information available to such beneficiaries pursuant to regulations issued by the Secretary under section 1144 of the Social Security Act as added by section 301 of this Act.

(B) Application.—To be eligible to receive a grant under subparagraph (A), an entity shall prepare and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary may require.

(C) Authorization of appropriations.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994, $5,000,000 for fiscal year 1995, and $5,000,000 for fiscal year 1996.

(2) Outreach through notice of medicare benefits.—Section 1804 of the Social Security Act (42 U.S.C. 1395b–2) is amended—

(A) in paragraph (2), by striking ", and" and inserting a comma,

(B) in paragraph (3), by striking the period and inserting ", and", and

(C) by inserting after paragraph (3), the following new paragraph:

"(4) a description of the information available to beneficiaries under this title pursuant to regulations issued by the Secretary under section 1144.".

(b) Medicaid Program.—

(1) In general.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), is amended—

(A) by striking "and" at the end of paragraph (54),

(B) by striking the period at the end of paragraph (58) (as added by section 4751(a)(1)(C) of the Omnibus Budget Reconciliation Act of 1990) and inserting a semicolon,

(C) by redesignating the second paragraph (58) (as added by section 4752(c)(1)(C) of the Omnibus Budget Reconciliation Act of 1990) as paragraph (59) and by striking the period at the end and inserting ", and", and

(D) by adding at the end the following new paragraph:

"(60) provide for an outreach program informing individuals who receive medical assistance under this title of the information available to such individuals pursuant to regulations issued by the Secretary under section 1144.".

(2) Effective date.—

(A) In general.—Paragraph (1) shall apply to calendar quarters beginning on or after January 1, 1994.

(B) General rule.—In the case of a State which the Secretary determines requires State legislation (other than legislation authorizing or appropriating funds) in order to comply with paragraph (1), the State shall not be regarded as failing to comply with such paragraph solely on the basis of its failure to meet the requirements of such paragraph before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

TITLE V—COOPERATIVE AGREEMENTS BETWEEN HOSPITALS

SEC. 501. PURPOSE.

It is the purpose of this title to encourage cooperation between hospitals in order to contain costs and achieve a more efficient health care delivery system through the elimination of unnecessary duplication and proliferation of expensive medical or high technology services or equipment.

SEC. 502. HOSPITAL TECHNOLOGY AND SERVICES SHARING PROGRAM.

Part D of title VI of the Public Health Service Act (42 U.S.C. 291k et seq.) is amended by adding at the end thereof the following new section:

"SEC. 647. HOSPITAL TECHNOLOGY AND SERVICES SHARING DEMONSTRATION PROGRAM.

"(a) Waiver.—The Attorney General, acting through the Secretary, may grant a waiver of the antitrust laws, to permit two or more hospitals to enter into a voluntary cooperative agreement under which such hospitals provide for the sharing of medical technology and services.

"(b) Eligible Applicants.—

"(1) In general.—To be eligible to receive a waiver under subsection (a), an entity shall be a hospital and shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) a statement that such hospital desires to negotiate and enter into a voluntary cooperative agreement with at least one other hospital operating in the State or region of the applicant hospital for the sharing of medical technology or services;

"(B) a description of the nature and scope of the activities contemplated under the cooperative agreement and any consideration that may pass under such agreement to any other hospital that may elect to become a party to the agreement; and

"(C) any other information determined appropriate by the Secretary.

"(2) Development of evaluation guidelines.—Not later than 90 days after the date of enactment of this section, the Administrator of the Agency for Health Care Policy and Research shall develop evaluation guidelines with respect to applications submitted under paragraph (1).

"(3) Evaluations of applications.—The Secretary, in consultation with the Administrator of the Agency for Health Care Policy and Research, shall evaluate applications submitted under paragraph (1). In determining which applications to approve for purposes of granting waivers under subsection (a), the Secretary shall consider whether the cooperative agreement described in each such application is likely to result in—

"(A) a reduction of costs and an increase in access to care;

"(B) the enhancement of the quality of hospital or hospital-related care;

"(C) the preservation of hospital facilities in geographical proximity to the communities traditionally served by such facilities;

"(D) improvements in the cost-effectiveness of high-technology services by the hospitals involved;

"(E) improvements in the efficient utilization of hospital resources and capital equipment; or

"(F) the avoidance of duplication of hospital resources.

"(c) MEDICAL TECHNOLOGY AND SERVICES.—

"(1) IN GENERAL.—Cooperative agreements facilitated under this section shall provide for the sharing of medical or high technology equipment or services among the hospitals which are parties to such agreements.

"(2) MEDICAL TECHNOLOGY.—For purposes of this section, the term 'medical technology' shall include the drugs, devices, and medical and surgical procedures utilized in medical care, and the organizational and support systems within which such care is provided.

"(3) ELIGIBLE SERVICES.—With respect to services that may be shared under an agreement entered into under this section, such services shall—

"(A) either have high capital costs or extremely high annual operating costs; and

"(B) be services with respect to which there is a reasonable expectation that shared ownership will avoid a significant degree of the potential excess capacity of such services in the community or region to be served under such agreement.

Such services may include mobile clinic services.

"(d) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the potential for cooperative agreements of the type entered into under this section to—

"(1) contain health care costs;

"(2) increase the access of individuals to medical services; and

"(3) improve the quality of health care.

Such report shall also contain the recommendations of the Secretary with respect to future programs to facilitate cooperative agreements.

"(e) DEFINITION.—For purposes of this section, the term 'antitrust laws' means—

"(1) the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890, commonly known as the 'Sherman Act' (26 Stat. 209; chapter 647; 15 U.S.C. 1 et seq.);

"(2) the Federal Trade Commission Act, approved September 26, 1914 (38 Stat. 717; chapter 311; 15 U.S.C. 41 et seq.);

"(3) the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, commonly known as the 'Clayton Act' (38 Stat. 730; chapter 323; 15 U.S.C. 12 et seq.; 18 U.S.C. 402, 660, 3285, 3691; 29 U.S.C. 52, 53); and

"(4) any State antitrust laws that would prohibit the activities described in subsection (a).".

TITLE VI—PATIENT'S RIGHT TO DECLINE MEDICAL TREATMENT

SEC. 601. RIGHT TO DECLINE MEDICAL TREATMENT.

(a) RIGHTS OF COMPETENT ADULTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a State may not restrict the right of a competent adult to consent to, or to decline, medical treatment.

(2) LIMITATIONS.—

(A) AFFECT ON THIRD PARTIES.—A State may impose limitations on the right of a competent adult to decline treatment if such limitations protect third parties (including minor children) from harm.

(B) TREATMENT WHICH IS NOT MEDICALLY INDICATED.—Nothing in this section shall be construed to require that any individual be offered, or that any individual may demand, medical treatment which the health care provider does not have available, or which is futile, or which is otherwise not medically indicated.

(b) RIGHTS OF INCAPACITATED ADULTS.—

(1) IN GENERAL.—Notwithstanding incapacity, each adult has a right to consent to, or to decline, medical treatment. Except as provided in subsection (a)(2)(A), States may not restrict the right to consent to, or to decline, medical treatment as exercised by an adult through the documents specified in this subsection, or through similar documents or other written methods of directive which clearly and convincingly evidence the adult's treatment choices.

(2) ADVANCE DIRECTIVES AND POWERS OF ATTORNEY.—

(A) IN GENERAL.—In order to facilitate the communication, despite incapacity, of an adult's treatment choices, the Secretary of Health and Human Services (hereafter in this title referred to as the "Secretary"), in consultation with the Attorney General, shall develop a national advance directive form that—

(i) shall not limit or otherwise restrict, except as provided in subsection (a)(2)(A), an adult's right to consent to, or to decline, medical treatment; and

(ii) shall, at minimum—

(I) provide the means for an adult to declare such adult's own treatment choices in the event of a terminal condition;

(II) provide the means for an adult to declare, at such adult's option, treatment choices in the event of other conditions (such as persistent vegetative state) which are chronic and debilitating, which are medically incurable, and from which such adult likely will not recover; and

(III) provide the means by which an adult may, at such adult's option, declare such adult's wishes with respect to all forms of medical treatment, including forms of medical treatment such as the provision of nutrition and hydration by artificial means which may be, in some circumstances, relatively nonburdensome.

(B) NATIONAL DURABLE POWER OF ATTORNEY FORM.—The Secretary, in consultation with the Attorney General, shall develop a national durable power of attorney form for health care decisionmaking. The form shall provide a means for any adult to designate another adult or adults to exercise the same decisionmaking powers which would, under State law, otherwise be exercised by next of kin.

(C) HONORED BY ALL HEALTH CARE PROVIDERS.—The national advance directive and durable power of attorney forms developed by the Secretary shall be honored by all health care providers.

(D) LIMITATIONS.—No individual shall be required to execute an advance directive. This title makes no presumption concerning the intention of an individual who has not executed an advance directive. An advance directive shall be sufficient, but not necessary, proof of an adult's treatment choices with respect to the circumstances addressed in the advance directive.

(3) DEFINITION.—For purposes of this subsection, the term "incapacity" means the inability to understand the nature and consequences of health care decisions (including the intended benefits and foreseeable risks of, and alternatives to, proposed treatment options), and to reach informed decisions concerning health care. Individuals who are incapacitated include adjudicated incompetents and individuals who have not been adjudicated incompetent but who, nonetheless, lack the capacity to formulate or communicate decisions concerning health care.

(c) HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—No health care provider may provide treatment to an adult contrary to the adult's wishes as expressed personally, by an advance directive as provided for in subsection (b)(2), or by a similar written advance directive form or another written method of directive which clearly and convincingly evidence the adult's treatment choices. A health provider who acts in good faith pursuant to the preceding sentence shall be immune from criminal or civil liability or discipline for professional misconduct.

(2) HEALTH CARE PROVIDERS UNDER THE MEDICARE AND MEDICAID PROGRAMS.—Any health care provider who knowingly provides services to an adult contrary to the adult's wishes as expressed personally, by an advance directive as provided for in subsection (b)(2), or by a similar written advance directive form or another written method of directive which clearly and convincingly evidence the adult's treatment choices, shall be denied payment for such services under titles XVIII and XIX of the Social Security Act.

(3) TRANSFERS.—Health care providers who object to the provision of medical care in accordance with an adult's wishes shall transfer the adult to the care of another health care provider.

(d) DEFINITION.—For purposes of this section, the term "adult" means an individual who is 18 years of age or older.

SEC. 602. FEDERAL RIGHT ENFORCEABLE IN FEDERAL COURTS.

The rights recognized in this title may be enforced by filing a civil action in an appropriate district court of the United States.

SEC. 603. SUICIDE AND HOMICIDE.

Nothing in this title shall be construed to permit, condone, authorize, or approve suicide or mercy killing, or any affirmative act to end a human life.

SEC. 604. RIGHTS GRANTED BY STATES.

Nothing in this title shall impair or supersede rights granted by State law which exceed the rights recognized by this title.

SEC. 605. EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Except as specified in subsection (b), written policies and written information adopted by health care providers pursuant to sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508), shall be modified within 6 months of enactment of this title to conform to the provisions of this title.

(b) DELAY PERIOD FOR UNIFORM FORMS.—Health care providers shall modify any written forms distributed as written information under sections 4206 and 4751 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508) not later than 6 months after promulgation of the forms referred to in subparagraphs (A) and (B) of section 601(b)(2) by the Secretary.

SEC. 606. INFORMATION PROVIDED TO CERTAIN INDIVIDUALS.

The Secretary shall provide on a periodic basis written information regarding an individual's right to consent to, or to decline, medical treatment as provided in this title to individuals who are beneficiaries under titles II, XVI, XVIII, and XIX of the Social Security Act.

SEC. 607. RECOMMENDATIONS OF THE CONGRESS ON ISSUES RELATING TO A PATIENT'S RIGHT OF SELF-DETERMINATION.

Not later than 180 days after the date of the enactment of this Act the Secretary shall provide recommendations to the Congress concerning the medical, legal, ethical, social, and educational issues related to this title. In developing recommendations under this section the Secretary shall address the following issues:

(1) the contents of the forms referred to in subparagraphs (A) and (B) of section 401(b)(2);

(2) issues pertaining to the education and training of health care professionals concerning patients' self-determination rights;

(3) issues pertaining to health care professionals' duties with respect to patients' rights, and health care professionals' roles in identifying, assessing, and presenting for patient consideration medically indicated treatment options; and

(4) such other issues as the Secretary may identify.

SEC. 608. EFFECTIVE DATE.

This title shall take effect on the date that is 6 months after the date of enactment of this Act.

TITLE VII—INSURANCE ADMINISTRATION SIMPLIFICATION

SEC. 701. QUALIFIED HEALTH INSURANCE PLANS.

(a) REQUIREMENT.—The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end thereof the following new title:

"TITLE XXI—HEALTH INSURANCE

"PART A—GENERAL PROVISIONS

"SEC. 2101. DEFINITIONS.

"As used in this title:

"(1) APPLICABLE REGULATORY AUTHORITY.—The term 'applicable regulatory authority' means—

"(A) in the case of a health insurance plan offered in a State with a program meeting the requirements of this title, the State commissioner or superintendent of insurance or other State authority responsible for regulation of health insurance; or

"(B) in the case of a health insurance plan certified by the Secretary under section 2121(a)(2), the Secretary.

"(2) COMMISSION.—The term 'Commission' means the Health Insurance Standards Commission established under section 2111.

"(3) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means, with respect to an employer, an employee who normally performs on a monthly basis at least 30 hours of service per week for that employer.

"(4) HEALTH INSURANCE PLAN.—The term 'health insurance plan' means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract or health maintenance organization group contract, multiple employer welfare arrangement, or any other health insurance arrangement, including an employment-related reinsurance plan. Such term does not include any of the following that is offered by an insurer—

"(i) accident only, dental only, or disability income only insurance;

"(ii) coverage issued as a supplement to liability insurance;

"(iii) worker's compensation or similar insurance; or

"(iv) automobile medical-payment insurance.

"(5) HEALTH MAINTENANCE ORGANIZATION.—The term 'health maintenance organization' has the meaning given the term 'eligible organization' in section 1876(b) of this Act.

"(6) INSURER.—The term 'insurer' means any person that offers a health insurance plan.

"(7) QUALIFIED HEALTH INSURANCE PLAN.—The term 'qualified health insurance plan' means a health insurance benefit plan that—

"(A) meets the Federal standards and guidelines described in part C; and

"(B) is accredited by the appropriate State insurance commission for the State involved according to standards promulgated by the Secretary under part B.

"PART B—HEALTH INSURANCE STANDARDS COMMISSION

"SEC. 2111. ESTABLISHMENT OF HEALTH INSURANCE STANDARDS COMMISSION.

"(a) IN GENERAL.—The Secretary shall establish a commission, to be known as the 'Health Insurance Standards Commission', to carry out the activities described in section 2112.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Commission shall be composed of 15 members to be appointed by the Secretary not later than June 1, 1992, in accordance with this subsection. The members of the Commission shall annually elect a member to serve as the chairperson of the Commission.

"(2) MEMBERS.—Individuals appointed by the Secretary under paragraph (1) shall be appropriately qualified independent experts with respect to the provision and financing of health care, and shall include physicians, registered nurses, registered pharmacists, consumers of health care, employers, third party payors, a representative from the American Standards Committee (ASCX 12) of the American National Standards Institute, individuals skilled in the conduct and interpretation of health economics research, and individuals having expertise in the research and development of technological and scientific advances in health care.

"(3) NOMINATIONS.—In determining those individuals to appoint to the Commission under paragraph (1), the Secretary shall seek nominations from a wide range of groups including—

"(A) national organizations representing physicians, including medical specialty organizations and registered professional nurses, registered pharmacists and other skilled health professionals;

"(B) national organizations representing hospitals, including teaching hospitals;

"(C) national organizations representing the manufacture of health care products;

"(D) national organizations representing the business community, health benefit programs, labor and the elderly;

"(E) national organizations for standards development; and

"(F) consumer organizations.

"(4) TERMS.—Individuals shall be appointed to the Commission for a term of three years, except that the Secretary shall, with respect to the initial members of the Commission, provide for the appointment of such initial members for shorter terms in a manner to insure that, on a continuing basis, the terms of not more than seven members expire in any one year.

"(5) COMPENSATION.—While serving on the business of the Commission (including travel time) a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for individuals under level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from the home or regular place of business of the member, a member may be allowed travel expenses, as authorized by the Chairperson of the Commission.

"(c) ADMINISTRATIVE POWERS.—Subject to such review as the Secretary determines necessary to assure the efficient administration of the Commission, the Commission may—

"(1) employ and fix the compensation of such personnel (not to exceed 25 individuals) as may be necessary to enable the Commission to carry out its duties;

"(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies and from experts from the private sector;

"(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission;

"(4) make advance, progress, and other payments which relate to the work of the Commission;

"(5) provide transportation and subsistence for persons serving without compensation; and

"(6) prescribe such rules and regulations as the Commission determines necessary with respect to the internal organization and operation of the Commission.

"SEC. 2112. DUTIES AND ACTIVITIES OF COMMISSION.

"(a) RECOMMENDATION FOR IMPLEMENTATION OF TITLE.—

"(1) IN GENERAL.—Not later than September 30, 1992, the Commission shall prepare and submit to the Secretary a report containing the recommendations of the Commission concerning regulations for the implementation of the requirements of this title, including the long-term plan and uniform standards described in subsection (b)(1).

"(2) PUBLICATION OF REVISIONS.—The Secretary shall, not later than 60 days before the promulgation of final regulations under this title, cause to have published for public comment in the Federal Register the recommendations of the Commission under paragraph (1).

"(b) UNIFORM COMPUTERIZED BILLING SYSTEM AND STANDARDS FOR ELECTRONIC DATA INTERCHANGE.—

"(1) IN GENERAL.—The Commission shall develop a long-term plan for the implementation of computerized billing, eligibility, and any other activity that the Commission determines to be appropriate and uniform standards for electronic data interchange, to be applied as provided for in paragraph (6). Such long-term plan and standards shall include—

"(A) online communications standards;

"(B) specific designs for a standardized electronic uniform claim form;

"(C) the standards and plan for electronic data interchange and other measure derived from the Secretary's Work Group on Electronic Data Interchange;

"(D) any other standards or requirements determined appropriate by the Secretary; and

"(E) a plan to incorporate all insurance plans into the computerized system and standards including self-insured plans.

"(2) ELECTRONIC DATA INTERCHANGE.—The Commission shall acquire from the American National Standards Institute reports concerning the progress of such Institute in developing electronic data interchange. Based on such reports, the Commission shall, on an annual basis, adopt additional electronic data interchange standards, if necessary, and incorporate such additional standards into the implementation plan referred to in paragraph (1).

"(3) RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this title, the Commission shall make recommendations to the Secretary concerning components of the long-term implementation plan and uniform standards for electronic data interchange developed under paragraph (1), based on the feasibility of health insurance plans to be able to comply as a qualified health insurance plan under part C.

"(4) REVIEW.—Taking into consideration the recommendations of the Commission, the Secretary shall review the proposed requirements of the Commission under paragraph (3) and determine the appropriate requirements necessary for the implementation of efficient, cost effective computerization under paragraph (1) and for requiring that a health insurance plan meet such requirements in order to be a qualified health insurance plan under this part.

"(5) PUBLICATION OF REQUIREMENTS.—The Secretary shall cause to be published for public comment in the Federal Register, not later than—

"(A) three months after receiving recommendations from the Commission under paragraph (2), the proposed requirements of the Secretary with respect to the computerization and standards for electronic data interchange and the proposed requirements of a qualified health insurance plan; and

"(B) six months after receiving recommendations from the Commission under paragraph (2), and after such consideration of public comment on the proposals under subparagraph (A) as is feasible in the time available, the final determinations of the Secretary with respect to the requirements for computerization and standards for electronic data interchange and the requirements of a qualified health insurance plan.

"(6) REQUIREMENTS.—A system established under this section should—

"(A) use online communication for health providers to access in determining a patient's eligibility for benefits under patient's health insurance plan;

"(B) provide each member covered under a qualified health insurance plan with a plastic card or other similar form of identification that shall serve as the mechanism to supply health insurance identification numbers and other information as the Secretary may determine appropriate to the health provider; and

"(C) not be a mandatory requirement with respect to a health provider whose place of business is located in a whole-country nonmetropolitan Health Professional Shortage Area as defined in section 332 as a condition of such provider's participation in a qualified health insurance plan.

"(7) MEDICARE AND MEDICAID.—A system established under this section shall apply with respect to participants under titles XVIII and XIX.

"(c) RECOMMENDATION FOR REVISIONS IN STANDARDS.—

"(1) IN GENERAL.—The Commission shall annually recommend to the Secretary revisions that should be made in the standards and requirements that a health insurance plan must meet, in addition to those described in part C, to be accredited as a qualified health insurance plan under this part, revisions that should be made in the long-term plan for implementation and uniform standards for electronic data interchange, and changes in the requirements for qualified health insurance plans with respect to additional components of the long-term plan for implementation and uniform standards for electronic data interchange that should be required of such plans based on the feasibility of such plans to comply. In making such recommendations, the Commission shall take into consideration the need to maintain broad coverage of quality medical services, the need to implement effective long-term management practices with respect to health care costs including the ability to manage the price, utilization and quality of health care services, the need to reduce administrative costs to insurers and health providers, and the need to reduce billing fraud. Such recommendations shall include any measures necessary to further reduce the administrative costs of health care, where feasible, by requiring—

"(A) additional efforts to reduce the costs of claims processing and billing through the standardization and automation, including the use of smart cards or other technology; and

"(B) simplified utilization review by processes that may include the implementation of the use of a uniform clinical data set.

"(2) ANNUAL REVIEW BY SECRETARY.—Taking into consideration the recommendations of the Commission under paragraph (1), the Secretary shall annually review the requirements with respect to qualified health insurance plans and determine appropriate revisions in such requirements necessary to maintain the efficient and effective delivery of medically appropriate and necessary care that is of high quality and the reductions in administrative costs. Such standards may not include the setting of minimum benefits.

"(3) PUBLICATION OF REVISIONS.—The Secretary shall cause to have published for public comment in the Federal Register, not later than—

"(A) May 15 of each fiscal year referred to in paragraph (1), the proposed revisions of the Secretary in the standards or requirements with respect to qualified health insurance plans for such fiscal year, including, the report of the Commission under paragraph (1); and

"(B) July 15 of each fiscal year referred to in paragraph (1), and after the consideration of the public comment under subparagraph (A) as is feasible in the time available, the final determinations of the Secretary with respect to such revisions.

"(d) COLLECTION AND REVIEW OF INFORMATION.—

"(1) APPROPRIATE USES OF HEALTH RESOURCES.—In order to identify patterns of medically appropriate uses of health resources, the commission shall collect and review information concerning medical and surgical procedures and services, including regional variations, giving special attention to treatment patterns for conditions that appear to involve excessively costly or inappropriate services not adding to the quality of care provided.

"(2) EFFECTIVENESS OF COMPUTERIZED BILLING.—The Commission shall collect and review data concerning the effectiveness and efficiency of the current health insurance claims billing system and the proposed computerized billing under subsection (b).

"(3) COST-CONTAINMENT METHODS.—The Commission shall collect and review data concerning methods of health care cost-containment that maintain high quality care and the right of the patient to choose their doctor or hospital.

"(4) ADMINISTRATIVE REQUIREMENTS.—In collecting and assessing information under this subsection, the Commission shall—

"(A) utilize existing information, both published and unpublished, where possible, collected and reviewed either by its staff or under other arrangements made in accordance with this paragraph;

"(B) carry out, or award grants or contracts for, original research and experimentation and demonstration projects, including clinical research, where existing information is inadequate for the development and use and valid guidelines for the Commission; and

"(C) adopt procedures permitting any interested party to submit information with respect to unnecessary administrative burdens on business, hospitals, physicians or consumers arising from health care administration, medical and surgical procedures and services (including new practices, such as the use of new technologies and treatment modalities) and information on proposed methods of health care cost-containment that maintain high quality care and the right of the patient to choose their own doctor or hospital, which information the Commission shall consider in making reports and recommendations to the Secretary and Congress.

"(5) ACCESS TO INFORMATION.—The Commission shall have access to such relevant information and data as may be available from appropriate Federal agencies.

"(j) ADMINISTRATION.—

"(1) ANNUAL REPORT.—The Secretary shall annually prepare and submit to the appropriate committees of Congress, a report concerning the functioning and progress of the Commission and the status of the Commission's work.

"(2) ACCESS.—The Secretary shall have unrestricted access to all deliberations, records, and data of the Commission, immediately upon its request.

"(3) EXPENSES.—In order to carry out it duties under this part, the Commission is authorized to expend reasonable and necessary funds as mutually agreed upon by the Secretary and the Commission. The Secretary shall be reimbursed for such funds by the Commission from the appropriations made with respect to the Commission.

"(4) AUDIT.—The Commission shall be subject to periodic audit by the General Accounting Office.

TITLE VIII—CHILDREN'S HEALTH CARE

SEC. 801. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary of Education, in consultation with the Secretary of Health and Human Services, shall establish a program under which local educational agencies (as such term is defined in section 1471(12) of the Elementary and Secondary Education Act of 1965) shall offer basic health insurance coverage to eligible students in such schools.

(b) REQUIREMENTS.—

(1) APPLICABILITY.—The provisions of this section shall apply to each local education agency that receives Federal educational assistance.

(2) STATE EDUCATION DEPARTMENTS.—

(A) POLICIES.—The department of education for a State shall determine the types of health insurance policies that should be offered under this section by local education agencies of such State. In making such determination, the department shall ensure that coverage under a fee-for-service plan and a managed care plan is available to the local educational agencies in the State.

(B) ANNUAL REPORTS.—The department of education for a State shall annually prepare and submit to the Secretary of Education a report that describes the health insurance policies offered under this section in the public schools in such State.

(3) HEALTH INSURANCE COVERAGE.—The Secretary of Health and Human Services, shall determine the minimum requirements that any health insurance plan offered under this section must meet, including—

(A) the primary, preventative, medical, emergency and surgical care services and benefits to be covered under such plan; and

(B) any other matter determined appropriate by such Secretary.

(4) LOCAL ADMINISTRATION.—The department of education for a State shall administer the requirements of this section through the local educational agencies.

(c) ELIGIBLE STUDENTS.—To be eligible to be covered under a health insurance plan offered by a local educational agency, an individual shall—

(1) not be more than 18 years of age and reside in the school district;

(2) be uninsured for a period of not less than 6 months prior to the date on which coverage under the plan offered by such school would commence;

(3) not be covered or enrolled under title XIX of the Social Security Act or under any other public health insurance program; and

(4) meet any other requirements determined appropriate by the State department of education or the Secretary of Education.

(d) ENFORCEMENT.—If the Secretary determines that a local educational agency is not in compliance with the requirements of this section, the Secretary may withhold, or request a remittance, of not to exceed 10 percent of the total amount of Federal educational assistance to be made available, or previously made available, to such local educational agency for the fiscal year during which such noncompliance is occurring.

(f) CONSTRUCTION.—This section shall not be construed as requiring the purchase of policies under this section.

(g) ADMINISTRATIVE SUPPORT.—The Secretary may provide assistance to local educational agencies to assist such agencies in off-setting the additional administrative costs to such agencies in complying with this section.

(h) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education shall promulgate regulations necessary to carry out this section.

SEC. 802. REFUNDABLE TAX CREDIT FOR CHILDREN'S HEALTH INSURANCE EXPENSES.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable personal credits) is amended by inserting after section 34 the following new section:

"SEC. 34A. CHILDREN'S HEALTH INSURANCE EXPENSES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the qualified health insurance expenses paid by such individual during the taxable year.

"(b) QUALIFIED HEALTH INSURANCE EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health insurance expenses' means amounts paid during the taxable year for medical care (within the meaning of section 213(d)(1)(C)) with respect to insurance policies issued pursuant to any program approved under section 101 of the Children's Health Care Improvement Act. For purposes of the preceding sentence, the rules of section 213(d)(6) shall apply.

"(2) DOLLAR LIMIT ON QUALIFIED HEALTH INSURANCE EXPENSES.—The amount of the qualified health insurance expenses paid during any taxable year which may be taken into account under subsection (a) shall not exceed $1,000 per qualifying child adjusted under regulations promulgated by the Secretary to reflect any increase in the consumer price index.

"(3) PHASEOUT.—In the case of any taxpayer whose adjusted gross income exceeds 100 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, the dollar amount under paragraph (2) shall be reduced (but not below zero) by the percentage by which such income exceeds such poverty line.

"(4) ELECTION NOT TO TAKE CREDIT.—A taxpayer may elect for any taxable year to have amounts described in paragraph (1) not treated as qualified health insurance expenses.

"(5) COORDINATION WITH HEALTH INSURANCE PREMIUM CREDIT.—Paragraph (1) shall not apply to any amount taken into account in computing the amount of the credit allowed under section 32.

"(6) SUBSIDIZED EXPENSES.—No expense shall be treated as a qualified health insurance expense if—

"(A) such expense is paid, reimbursed, or subsidized (whether by being disregarded for purposes of another program or otherwise) by the Federal Government, a State or local government, or any agency or instrumentality thereof under title XIX of the Social Security Act, and

"(B) the payment, reimbursement, or subsidy of such expense is not includible in the gross income of the recipient.

"(c) QUALIFYING CHILD.—For purposes of this section, the term 'qualifying child' has the meaning given to such term by section 32(c)(3) (determined without regard to subparagraph (A)(iii)).

"(d) COORDINATION WITH ADVANCE PAYMENTS OF CREDIT.—

"(1) RECAPTURE OF EXCESS ADVANCE PAYMENTS.—If any payment in excess of the amount of the credit allowable under this section is made to the individual under 7524 during any calendar year, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) RECONCILIATION OF PAYMENTS ADVANCED AND CREDIT ALLOWED.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under this subpart.

"(f) REDUCTION OF CREDIT TO TAXPAYERS SUBJECT TO ALTERNATIVE MINIMUM TAX.—The credit allowed under this section for the taxable year shall be reduced by the amount of tax imposed by section 55 (relating to alternative minimum tax) with respect to such taxpayer for such taxable year.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(b) ADVANCE PAYMENT OF CREDIT.—

(1) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 (relating to miscellaneous provisions) is amended by inserting after section 7523 the following new section:

"SEC. 7524. ADVANCE PAYMENT OF CREDIT FOR CHILDREN'S HEALTH INSURANCE EXPENSES.

"(a) GENERAL RULE.—The Secretary of the Treasury shall make advance payments of refunds to which eligible taxpayers are entitled by reason of section 34A.

"(b) ELIGIBLE TAXPAYER.—For purposes of this section, the term 'eligible taxpayer' means, with respect to any taxable year, any taxpayer if the taxpayer furnishes, at such time and in such manner as the Secretary may prescribe, to the Secretary such information as the Secretary may require in order to—

"(1) determine if the individual will be eligible to receive the credit provided by section 34A for the taxable year, and

"(2) estimate the amount of qualified health insurance expenses (as defined in section 34A(b)) for the calendar year.

"(c) PAYMENTS.—The Secretary shall make payment of the amount determined under subsection (b)(2) upon receipt of the information described in subsection (b).

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section."

(c) CONFORMING AMENDMENT.—Section 213 of the Internal Revenue Code of 1986 (relating to deduction for medical, dental, etc., expenses) is amended by adding the following new subsection:

"(g) COORDINATION WITH HEALTH INSURANCE EXPENSES CREDIT UNDER SECTION 34A.—The amount otherwise taken into account under subsection (a) as expenses paid for medical care shall be reduced by the amount (if any) of the children's health insurance expenses credit allowable to the taxpayer for the taxable year under section 34A."

(d) TECHNICAL AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period "or from section 34A of such Code".

(e) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after item relating to section 34 the following new item:

"Sec. 34A. Children's health insurance expenses."

(2) The table of sections for chapter 77 of such Code is amended by inserting after the item relating to section 7523 the following new item:

"Sec. 7524. Advance payment of credit for children's health insurance expenses."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 803. WIC PROGRAM, MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM, AND MEDICAID.

(a) UNIFORM MODEL APPLICATION FORM AND PROCESS.—The Secretary of Health and Human Services (hereafter referred to in this title as the "Secretary"), working in consultation with the Secretary of Agriculture, shall develop a single model uniform application form and process to be utilized in applying for and obtaining benefits under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.) and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). The Secretary of Health and Human Services shall provide any waivers necessary to carry out this section.

(b) AVAILABILITY OF FORM AND PROCESS.—The single model uniform application form and process shall be made available to States electing to adopt such form and process for use in applying for and obtaining benefits under such programs.

(c) OUTREACH PROGRAM.—The Secretary, working in consultation with the Secretary of Agriculture, shall provide an outreach program for States electing to adopt the single model uniform application form and process. The outreach program shall be designed to inform recipients and potential recipients of benefits under the Special Supplemental Food Program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) of the option to apply for benefits under those programs using the single model uniform application form and process.

(a) IN GENERAL.—The Secretary shall make grants to not more than five States to enable such States to conduct demonstration projects for the purpose of encouraging women to obtain prenatal and well-baby care under the Special Supplemental Food Program under section 17 the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Maternal and Child Health Services Block Grant Program under title V of the Social Security Act (42 U.S.C. 701 et seq.), and the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) APPLICATION.—

(1) SUBMISSION OF APPLICATION.—To be eligible to receive a grant under this section a State shall prepare and submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may require.

(2) REVIEW AND APPROVAL OF APPLICATION.—The Secretary shall review and approve each application submitted pursuant to paragraph (1) in accordance with such criteria as the Secretary finds appropriate.

(c) AMOUNT OF GRANT.—The amount of a grant to a State under this section shall be an amount that the Secretary finds reasonable and necessary for the development and implementation of the State's demonstration program.

There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE IX—IMPROVED ACCESS TO HEALTH CARE FOR RURAL AND UNDERSERVED AREAS

Subtitle A—Revenue Incentives for Practice in Rural Areas

SEC. 901. REVENUE INCENTIVES FOR PRACTICE IN RURAL AREAS.

(a) NONREFUNDABLE CREDIT FOR CERTAIN PRIMARY HEALTH SERVICES PROVIDERS.—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25 the following new section:

"SEC. 25A. PRIMARY HEALTH SERVICES PROVIDERS.

"(a) ALLOWANCE OF CREDIT.—In the case of a qualified primary health services provider, there is allowed as a credit against the tax imposed by this chapter for any taxable year in a mandatory service period an amount equal to the product of—

"(1) the lesser of—

"(A) the number of months of such period occurring in such taxable year, or

"(B) 36 months, reduced by the number of months taken into account under this paragraph with respect to such provider for all preceding taxable years (whether or not in the same mandatory service period), multiplied by

"(2) $1,000 ($500 in the case of a qualified health services provider who is a physician assistant or a nurse practitioner).

"(b) QUALIFIED PRIMARY HEALTH SERVICES PROVIDER.—For purposes of this section, the term 'qualified primary health services provider' means any physician, physician assistant, or nurse practitioner who for any month during a mandatory service period is certified by the Bureau to be a primary health services provider who—

"(1) is providing primary health services—

"(A) full time, and

"(B) to individuals at least 80 percent of whom reside in a rural health professional shortage area,±

"(2) is not receiving during such year a scholarship under the National Health Service Corps Scholarship Program or a loan repayment under the National Health Service Corps Loan Repayment Program,

"(3) is not fulfilling service obligations under such Programs, and

"(4) has not defaulted on such obligations.

"(c) MANDATORY SERVICE PERIOD.—For purposes of this section, the term 'mandatory service period' means the period of 60 consecutive calendar months beginning with the first month the taxpayer is a qualified primary health services provider.

"(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) BUREAU.—The term 'Bureau' means the Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration of the United States Public Health Service.

"(2) PHYSICIAN.—The term 'physician' has the meaning given to such term by section 1861(r) of the Social Security Act.

"(3) PHYSICIAN ASSISTANT; NURSE PRACTITIONER.—The terms 'physician assistant' and 'nurse practitioner' have the meanings given to such terms by section 1861(aa)(3) of the Social Security Act.

"(4) PRIMARY HEALTH SERVICES PROVIDER.—The term 'primary health services provider' means a provider of primary health services (as defined in section 330(b)(1) of the Public Health Service Act).

"(5) RURAL HEALTH PROFESSIONAL SHORTAGE AREA.—The term 'rural health professional shortage area' means—

"(A) a class 1 or class 2 health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act) in a rural area (as determined under section 1886(d)(2)(D) of the Social Security Act), or

"(B) an area which is determined by the Secretary of Health and Human Services as equivalent to an area described in subparagraph (A) and which is designated by the Bureau of the Census as not urbanized.

"(e) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—If, during any taxable year, there is a recapture event, then the tax of the taxpayer under this chapter for such taxable year shall be increased by an amount equal to the product of—

"(A) the applicable percentage, and

"(B) the aggregate unrecaptured credits allowed to such taxpayer under this section for all prior taxable years.

"(2) APPLICABLE RECAPTURE PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this subsection, the applicable recapture percentage shall be determined from the following table:

"If the recapture event occurs during:	The applicable recapture percentage is:
Months 1–24	100
Months 25–36	75
Months 37–48	50
Months 49–60	25
Months 61 and thereafter	0.

"(B) TIMING.—For purposes of subparagraph (A), month 1 shall begin on the first day of the mandatory service period.

"(3) RECAPTURE EVENT DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'recapture event' means the failure of the taxpayer to be a qualified primary health services provider for any month during any mandatory service period.

"(B) CESSATION OF DESIGNATION.—The cessation of the designation of any area as a rural health professional shortage area after the beginning of the mandatory service period for any taxpayer shall not constitute a recapture event.

"(C) SECRETARIAL WAIVER.—The Secretary may waive any recapture event caused by extraordinary circumstances.

"(4) NO CREDITS AGAINST TAX.—Any increase in tax under this subsection shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit under subpart A, B, or D of this part.".

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 25 the following new item:

"Sec. 25A. Primary health services providers.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

(b) NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS EXCLUDED FROM GROSS INCOME.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. NATIONAL HEALTH SERVICE CORPS LOAN REPAYMENTS.

"(a) GENERAL RULE.—Gross income shall not include any qualified loan repayment.

"(b) QUALIFIED LOAN REPAYMENT.—For purposes of this section, the term 'qualified loan repayment' means any payment made on behalf of the taxpayer by the National Health Service Corps Loan Repayment Program under section 338B(g) of the Public Health Service Act.".

(2) CONFORMING AMENDMENT.—Paragraph (3) of section 338B(g) of the Public Health Service Act is amended by striking "Federal, State, or local" and inserting "State or local".

(3) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 136 and inserting the following:

"Sec. 136. National Health Service Corps loan repayments.

"Sec. 137. Cross references to other Acts.".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to payments made under section 338B(g) of the Public Health Service Act after the date of the enactment of this Act.

(c) EXPENSING OF MEDICAL EQUIPMENT.—

(1) IN GENERAL.—Section 179 of the Internal Revenue Code of 1986 (relating to election to

expense certain depreciable business assets) is amended—

(A) by striking paragraph (1) of subsection (b) and inserting the following:

"(1) DOLLAR LIMITATION.—

"(A) GENERAL RULE.—The aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $10,000.

"(B) RURAL HEALTH CARE PROPERTY.—In the case of rural health care property, the aggregate cost which may be taken into account under subsection (a) for any taxable year shall not exceed $25,000, reduced by the amount otherwise taken into account under subsection (a) for such year."; and

(B) by adding at the end of subsection (d) the following new paragraph:

"(11) RURAL HEALTH CARE PROPERTY.—For purposes of this section, the term 'rural health care property' means section 179 property used by a physician (as defined in section 1861(r) of the Social Security Act) in the active conduct of such physician's full-time trade or business of providing primary health services (as defined in section 330(b)(1) of the Public Health Service Act) in a rural health professional shortage area (as defined in section 25A(d)(5))."

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 1993, in taxable years ending after such date.

(d) DEDUCTION FOR STUDENT LOAN PAYMENTS BY MEDICAL PROFESSIONALS PRACTICING IN RURAL AREAS.—

(1) INTEREST ON STUDENT LOANS NOT TREATED AS PERSONAL INTEREST.—Section 163(h)(2) of the Internal Revenue Code of 1986 (defining personal interest) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end thereof the following new subparagraph:

"(F) any qualified medical education interest (within the meaning of subsection (k))."

(2) QUALIFIED MEDICAL EDUCATION INTEREST DEFINED.—Section 163 of such Code (relating to interest expenses) is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

"(k) QUALIFIED MEDICAL EDUCATION INTEREST OF MEDICAL PROFESSIONALS PRACTICING IN RURAL AREAS.—

"(1) IN GENERAL.—For purposes of subsection (h)(2)(F), the term 'qualified medical education interest' means an amount which bears the same ratio to the interest paid on qualified educational loans during the taxable year by an individual performing services under a qualified rural medical practice agreement as—

"(A) the number of months during the taxable year during which such services were performed, bears to

"(B) the number of months in the taxable year.

"(2) DOLLAR LIMITATION.—The aggregate amount which may be treated as qualified medical education interest for any taxable year with respect to any individual shall not exceed $5,000.

"(3) QUALIFIED RURAL MEDICAL PRACTICE AGREEMENT.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural medical practice agreement' means a written agreement between an individual and an applicable rural community under which the individual agrees—

"(i) in the case of a medical doctor, upon completion of the individual's residency (or internship if no residency is required), or

"(ii) in the case of registered nurse, nurse practitioner, or physician's assistant, upon completion of the education to which the qualified education loan relates,

to perform full-time services as such a medical professional in the applicable rural community for a period of 24 consecutive months. An individual and an applicable rural community may elect to have the agreement apply for 36 consecutive months rather than 24 months.

"(B) SPECIAL RULE FOR COMPUTING PERIODS.—An individual shall be treated as meeting the 24 or 36 consecutive month requirement under subparagraph (A) if, during each 12-consecutive month period within either such period, the individual performs full-time services as a medical doctor, registered nurse, nurse practitioner, or physician's assistant, whichever applies, in the applicable rural community during 9 of the months in such 12-consecutive month period. For purposes of this subsection, an individual meeting the requirements of the preceding sentence shall be treated as performing services during the entire 12-month period.

"(C) APPLICABLE RURAL COMMUNITY.—The term 'applicable rural community' means—

"(i) any political subdivision of a State which—

"(I) has a population of 5,000 or less, and

"(II) has a per capita income of $15,000 or less, or

"(ii) an Indian reservation which has a per capita income of $15,000 or less.

"(4) QUALIFIED EDUCATIONAL LOAN.—The term 'qualified educational loan' means any indebtedness to pay qualified tuition and related expenses (within the meaning of section 117(b)) and reasonable living expenses—

"(A) which are paid or incurred—

"(i) as a candidate for a degree as a medical doctor at an educational institution described in section 170(b)(1)(A)(ii), or

"(ii) in connection with courses of instruction at such an institution necessary for certification as a registered nurse, nurse practitioner, or physician's assistant, and

"(B) which are paid or incurred within a reasonable time before or after such indebtedness is incurred.

"(5) RECAPTURE.—If an individual fails to carry out a qualified rural medical practice agreement during any taxable year, then—

"(A) no deduction with respect to such agreement shall be allowable by reason of subsection (h)(2)(F) for such taxable year and any subsequent taxable year, and

"(B) there shall be included in gross income for such taxable year the aggregate amount of the deductions allowable under this section (by reason of subsection (h)(2)(F)) for all preceding taxable years.

"(6) DEFINITIONS.—For purposes of this subsection, the terms 'registered nurse', 'nurse practitioner', and 'physician's assistant' have the meaning given such terms by section 1861 of the Social Security Act."

(3) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) of such Code is amended by inserting after paragraph (13) the following new paragraph:

"(14) INTEREST ON STUDENT LOANS OF RURAL HEALTH PROFESSIONALS.—The deduction allowable by reason of section 163(h)(2)(F) (relating to student loan payments of medical professionals practicing in rural areas)."

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 1993.

Subtitle B—Public Health Service Act Provisions

SEC. 911. NATIONAL HEALTH SERVICE CORPS.

Section 338H(b) of the Public Health Service Act (42 U.S.C. 254q(b)) is amended—

(1) in paragraph (1), by striking "and such sums" and all that follows through the end thereof and inserting "$118,900,000 for each of the fiscal years 1993 through 1996."; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) IN GENERAL.—Of the amount appropriated under paragraph (1) for each fiscal year, the Secretary shall utilize 25 percent of such amount to carry out section 338A and 75 percent of such amount to carry out section 338B."

SEC. 912. ESTABLISHMENT OF GRANT PROGRAM.

Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by adding at the end thereof the following new section:

SEC. 330A. COMMUNITY BASED PRIMARY HEALTH CARE GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and administer a program to provide allotments to States to enable such States to provide grants for the creation or enhancement of community based primary health care entities that provide services to pregnant women and children up to age three.

"(b) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—From the amounts available for allotment under subsection (h) for a fiscal year, the Secretary shall allot to each State an amount equal to the product of the grant share of the State (as determined under paragraph (2)) multiplied by the amount available for allotment for such fiscal year.

"(2) GRANT SHARE.—

"(A) IN GENERAL.—For purposes of paragraph (1), the grant share of a State shall be the product of the need-adjusted population of the State (as determined under subparagraph (B)) multiplied by the Federal matching percentage of the State (as determined under subparagraph (C)), expressed as a percentage of the sum of the products of such factors for all States.

"(B) NEED-ADJUSTED POPULATION.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the need-adjusted population of a State shall be the product of the total population of the State (as estimated by the Secretary of Commerce) multiplied by the need index of the State (as determined under clause (ii)).

"(ii) NEED-INDEX.—For purposes of clause (i), the need index of a State shall be the ratio of—

"(I) the weighted sum of the geographic percentage of the State (as determined under clause (iii)), the poverty percentage of the State (as determined under clause (iv)), and the multiple grant percentage of the State (as determined under clause (v)); to

"(II) the general population percentage of the State (as determined under clause (vi)).

"(iii) GEOGRAPHIC PERCENTAGE.—

"(I) IN GENERAL.—For purposes of clause (ii)(I), the geographic percentage of the State shall be the estimated population of the State that is residing in nonurbanized areas (as determined under subclause (II) expressed as a percentage of the total nonurbanized population of all States.

"(II) NONURBANIZED POPULATION.—For purposes of subclause (I), the estimated population of the State that is residing in non-urbanized areas shall be one minus the urbanized population of the State (as determined using the most recent decennial census), expressed as a percentage of the total population of the State (as determined using the most recent decennial census), multiplied by the current estimated population of the State.

"(iv) POVERTY PERCENTAGE.—For purposes of clause (ii)(I), the poverty percentage of the State shall be the estimated number of people residing in the State with incomes below 200 percent of the income official poverty line (as determined by the Office of Management and Budget) expressed as a percentage of the total number of such people residing in all States.

"(v) MULTIPLE GRANT PERCENTAGE.—For purposes of clause (ii)(I), the multiple grant percentage of the State shall be the amount of Federal funding received by the State under grants awarded under sections 329, 330 and 340, expressed as a percentage of the total amounts received under such grants by all States. With respect to a state, such amount shall not exceed twice the general population percentage of the State under clause (vi) or be less than one half of the States general population percentage.

"(vi) GENERAL POPULATION PERCENTAGE.—For purposes of clause (ii)(II), the general population percentage of the State shall be the total population of the State (as determined by the Secretary of Commerce) expressed as percentage of the total population of all States.

"(C) FEDERAL MATCHING PERCENTAGE.—

"(i) IN GENERAL.—For purposes of subparagraph (A), the Federal matching percentage of the State shall be equal to one less the State matching percentage (as determined under clause (ii)).

"(ii) STATE MATCHING PERCENTAGE.—For purposes of clause (ii), the State matching percentage of the State shall be 0.25 multiplied by the ratio of the total taxable resource percentage (as determined under clause (iii)) to the need-adjusted population of the State (as determined under subparagraph (B)).

"(iii) TOTAL TAXABLE RESOURCE PERCENTAGE.—For purposes of clause (ii), the total taxable resources percentage of the State shall be the total taxable resources of a State (as determined by the Secretary of the Treasury) expressed as a percentage of the sum of the total taxable resources of all States.

"(3) ANNUAL ESTIMATES.—

"(A) IN GENERAL.—If the Secretary of Commerce does not produce the annual estimates required under paragraph (2)(B)(iv), such estimates shall be determined by multiplying the percentage of the population of the State that is below 200 percent of the income official poverty line as determined using the most recent decennial census by the most recent estimate of the total population of the State. Except as provided in subparagraph (B), the calculations required under this subparagraph shall be made based on the most recent 3 year average of the total taxable resources of individuals within the State.

"(B) DISTRICT OF COLUMBIA.—Notwithstanding subparagraph (A), the calculations required under such subparagraph with respect to the District of Columbia shall be based on the most recent 3 year average of the personal income of individuals residing within the District as a percentage of the personal income for all individuals residing within the District, as determined by the Secretary of Commerce.

"(4) MATCHING REQUIREMENT.—A State that receives an allotment under this section shall make available State resources (either directly or indirectly) to carry out this section in an amount that shall equal the State matching percentage for the State (as determined under paragraph (2)(C)(II)) divided by the Federal matching percentage (as determined under paragraph (2)(C)).

"(c) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive an allotment under this section, a State shall prepare and submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may by regulation require.

"(2) ASSURANCES.—A State application submitted under paragraph (1) shall contain an assurance that—

"(A) the State will use amounts received under its allotment consistent with the requirements of this section; and

"(B) the State will provide, from non-Federal sources, the amounts required under subsection (b)(4).

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—The State shall use amounts received under this section to award grants to eligible public and nonprofit private entities, or consortia of such entities, within the State to enable such entities or consortia to provide services of the type described in paragraph (2) of section 329(h) to pregnant women and children up to age three.

"(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1), an entity or consortium shall—

"(A) prepare and submit to the administering entity of the State, an application at such time, in such manner and containing such information as such administering entity may require, including a plan for the provision of services;

"(B) provide assurances that services will be provided under the grant at fee rates established or determined in accordance with section 330(e)(3)(F); and

"(C) provide assurances that in the case of services provided to individuals with health insurance, such insurance shall be used as the primary source of payment for such services.

"(3) TARGET POPULATIONS.—Entities or consortia receiving grants under paragraph (1) shall, in providing the services described in paragraph (3), substantially target populations of pregnant women and children within the State who—

"(A) lack the health care coverage, or ability to pay, for primary or supplemental health care services; or

"(B) reside in medically underserved or health professional shortage areas, areas certified as underserved under the rural health clinic program, or other areas determined appropriate by the State, within the State.

"(4) PRIORITY.—In awarding grants under paragraph (1), the State shall—

"(A) give priority to entities or consortia that can demonstrate through the plan submitted under paragraph (2) that—

"(i) the services provided under the grant will expand the availability of primary care services to the maximum number of pregnant women and children who have no access to such care on the date of the grant award; and

"(ii) the delivery of services under the grant will be cost-effective; and

"(B) ensure that an equitable distribution of funds is achieved among urban and rural entities or consortia.

"(e) REPORTS AND AUDITS.—Each State shall prepare and submit to the Secretary annual reports concerning the State's activities under this section which shall be in such form and contain such information as the Secretary determines appropriate. Each such State shall establish fiscal control and fund accounting procedures as may be necessary to assure that amounts received under this section are being disbursed properly and are accounted for, and include the results of audits conducted under such procedures in the reports submitted under this subsection.

"(f) PAYMENTS.—

"(1) ENTITLEMENT.—Each State for which an application has been approved by the Secretary under this section shall be entitled to payments under this section for each fiscal year in an amount not to exceed the State's allotment under subsection (b) to be expended by the State in accordance with the terms of the application for the fiscal year for which the allotment is to be made.

"(2) METHOD OF PAYMENTS.—The Secretary may make payments to a State in installments, and in advance or, by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"(3) STATE SPENDING OF PAYMENTS.—Payments to a State from the allotment under subsection (b) for any fiscal year must be expended by the State in that fiscal year or in the succeeding fiscal year.

"(g) DEFINITION.—As used in this section, the term 'administering entity of the State' means the agency or official designated by the chief executive officer of the State to administer the amounts provided to the State under this section.

"(h) FUNDING.—Notwithstanding any other provision of law, the Secretary shall use 50 percent of the amounts that the Secretary is required to utilize under section 330B(h) in each fiscal year to carry out this section.".

SEC. 913. ESTABLISHMENT OF NEW PROGRAM TO PROVIDE FUNDS TO ALLOW FEDERALLY QUALIFIED HEALTH CENTERS AND OTHER ENTITIES OR ORGANIZATIONS TO PROVIDE EXPANDED SERVICES TO MEDICALLY UNDERSERVED INDIVIDUALS.

"(a) IN GENERAL.—Subpart I of part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) (as amended by section 912) is further amended by adding at the end thereof the following new section:

"SEC. 330B. ESTABLISHMENT OF NEW PROGRAM TO PROVIDE FUNDS TO ALLOW FEDERALLY QUALIFIED HEALTH CENTERS AND OTHER ENTITIES OR ORGANIZATIONS TO PROVIDE EXPANDED SERVICES TO MEDICALLY UNDERSERVED INDIVIDUALS.

"(a) ESTABLISHMENT OF HEALTH SERVICES ACCESS PROGRAM.—From amounts appropriated under this section, the Secretary shall, acting through the Bureau of Health Care Delivery Assistance, award grants under this section to federally qualified health centers (hereinafter referred to in this section as 'FQHC's') and other entities and organizations submitting applications under this section (as described in subsection (c)) for the purpose of providing access to services for medically underserved populations (as defined in section 330(b)(3)) or in high impact areas (as defined in section 329(a)(5)) not currently being served by a FQHC.

"(b) ELIGIBILITY FOR GRANTS.—

"(1) IN GENERAL.—The Secretary shall award grants under this section to entities or organizations described in this paragraph and paragraph (2) which have submitted a proposal to the Secretary to expand such entities or organizations operations (including expansions to new sites (as determined necessary by the Secretary)) to serve medically underserved populations or high impact areas not currently served by a FQHC and which—

"(A) have as of January 1, 1992, been certified by the Secretary as a FQHC under section 1905(l)(2)(B) of the Social Security Act; or

"(B) have submitted applications to the Secretary to qualify as FQHC's under such section 1905(l)(2)(B); or

"(C) have submitted a plan to the Secretary which provides that the entity will meet the requirements to qualify as a FQHC when operational.

"(2) NON FQHC ENTITIES.—

"(A) ELIGIBILITY.—The Secretary shall also make grants under this section to public or private nonprofit agencies, health care entities or organizations which meet the requirements necessary to qualify as a FQHC except, the requirement that such entity have a consumer majority governing board and which have submitted a proposal to the Secretary to provide those services provided by a FQHC as defined in section 1905(l)(2)(B) of the Social Security Act and which are designed to promote access to primary care services or to reduce reliance on hospital emergency rooms or other high cost providers of primary health care services, provided such proposal is developed by the entity or organizations (or such entities or organizations acting in a consortium in a community) with the review and approval of the Governor of the State in which such entity or organization is located.

"(B) LIMITATION.—The Secretary shall provide in making grants to entities or organizations described in this paragraph that no more than 10 percent of the funds provided for grants under this section shall be made available for grants to such entities or organizations.

"(c) APPLICATION REQUIREMENTS.—

"(1) IN GENERAL.—In order to be eligible to receive a grant under this section, a FQHC or other entity or organization must submit an application in such form and at such time as the Secretary shall prescribe and which meets the requirements of this subsection.

"(2) REQUIREMENTS.—An application submitted under this section must provide—

"(A)(i) for a schedule of fees or payments for the provision of the services provided by the entity designed to cover its reasonable costs of operations; and

"(ii) for a corresponding schedule of discounts to be applied to such fees or payments, based upon the patient's ability to pay (determined by using a sliding scale formula based on the income of the patient);

"(B) assurances that the entity or organization provides services to persons who are eligible for benefits under title XVIII of the Social Security Act, for medical assistance under title XIX of such Act or for assistance for medical expenses under any other public assistance program or private health insurance program; and

"(C) assurances that the entity or organization has made and will continue to make every reasonable effort to collect reimbursement for services—

"(i) from persons eligible for assistance under any of the programs described in subparagraph (B); and

"(ii) from patients not entitled to benefits under any such programs.

"(d) LIMITATIONS ON USE OF FUNDS.—

"(1) IN GENERAL.—From the amounts awarded to an entity or organization under this section, funds may be used for purposes of planning but may only be expended for the costs of—

"(A) assessing the needs of the populations or proposed areas to be served;

"(B) preparing a description of how the needs identified will be met;

"(C) development of an implementation plan that addresses—

"(i) recruitment and training of personnel; and

"(ii) activities necessary to achieve operational status in order to meet FQHC requirements under section 1905(l)(2)(B) of the Social Security Act.

"(2) RECRUITING, TRAINING AND COMPENSATION OF STAFF.—From the amounts awarded to an entity or organization under this section, funds may be used for the purposes of paying for the costs of recruiting, training and compensating staff (clinical and associated administrative personnel (to the extent such costs are not already reimbursed under title XIX of the Social Security Act or any other State or Federal program)) to the extent necessary to allow the entity to operate at new or expanded existing sites.

"(3) FACILITIES AND EQUIPMENT.—From the amounts awarded to an entity or organization under this section, funds may be expended for the purposes of acquiring facilities and equipment but only for the costs of—

"(A) construction of new buildings (to the extent that new construction is found to be the most cost-efficient approach by the Secretary);

"(B) acquiring, expanding, or modernizing of existing facilities;

"(C) purchasing essential (as determined by the Secretary) equipment; and

"(D) amortization of principal and payment of interest on loans obtained for purposes of site construction, acquisition, modernization, or expansion, as well as necessary equipment.

"(4) SERVICES.—From the amounts awarded to an entity or organization under this section, funds may be expended for the payment of services but only for the costs of—

"(A) providing or arranging for the provision of all services through the entity necessary to qualify such entity as a FQHC under section 1905(l)(2)(B) of the Social Security Act;

"(B) providing or arranging for any other service that a FQHC may provide and be reimbursed for under title XIX of such Act; and

"(C) providing any unreimbursed costs of providing services as described in section 330(a) to patients.

"(e) PRIORITIES IN THE AWARDING OF GRANTS.—

"(1) CERTIFIED FQHC'S.—The Secretary shall give priority in awarding grants under this section to entities which have, as of January 1, 1992, been certified as a FQHC under section 1905(l)(2)(B) of the Social Security Act and which have submitted a proposal to the Secretary to expand their operations (including expansion to new sites) to serve medically underserved populations for high impact areas not currently served by a FQHC. The Secretary shall give first priority in awarding grants under this section to those FQHCs or other entities which propose to serve populations with the highest degree of unmet need, and which can demonstrate the ability to expand their operations in the most efficient manner.

"(2) QUALIFIED FQHC'S.—The Secretary shall give second priority in awarding grants to entities which have submitted applications to the Secretary which demonstrate that the entity will qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act before it provides or arranges for the provision of services supported by funds awarded under this section, and which are serving or proposing to serve medically underserved populations or high impact areas which are not currently served (or proposed to be served) by a FQHC.

"(3) EXPANDED SERVICES AND PROJECTS.—The Secretary shall give third priority in awarding grants in subsequent years to those FQHCs or other entities which have provided for expanded services and project and are able to demonstrate that such entity will incur significant unreimbursed costs in providing such expanded services.

"(f) RETURN OF FUNDS TO SECRETARY FOR COSTS REIMBURSED FROM OTHER SOURCES.—To the extent that an entity or organization receiving funds under this section is reimbursed from another source for the provision of services to an individual, and does not use such increased reimbursement to expand services furnished, area served, to compensate for costs of unreimbursed services provided to patients, or to promote recruitment, training, or retention of personnel, such excess revenues shall be returned to the Secretary.

"(g) TERMINATION OF GRANTS.—

"(1) FAILURE TO MEET FQHC REQUIREMENTS.—

"(A) IN GENERAL.—With respect to any entity that is receiving funds awarded under this section and which subsequently fails to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) or is an entity that is not required to meet the requirements to qualify as a FQHC under section 1905(l)(2)(B) of the Social Security Act but fails to meet the requirements of this section, the Secretary shall terminate the award of funds under this section to such entity.

"(B) NOTICE.—Prior to any termination of funds under this section to an entity, the entities shall be entitled to 60 days prior notice of termination and, as provided by the Secretary in regulations, an opportunity to correct any deficiencies in order to allow the entity to continue to receive funds under this section.

"(2) REQUIREMENTS.—Upon any termination of funding under this section, the Secretary may (to the extent practicable)—

"(A) sell any property (including equipment) acquired or constructed by the entity using funds made available under this section or transfer such property to another FQHC, provided, that the Secretary shall reimburse any costs which were incurred by the entity in acquiring or constructing such property (including equipment) which were not supported by grants under this section; and

"(B) recoup any funds provided to an entity terminated under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $400,000,000 for fiscal year 1993, $800,000,000 for fiscal year 1994, $1,200,000,000 for fiscal year 1995, $1,600,000,000 for fiscal year 1996, and $1,600,000,000 for fiscal year 1997.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective with respect to services furnished by a federally qualified health center or other qualifying entity described in this section beginning on or after October 1, 1993.

(c) STUDY AND REPORT ON SERVICES PROVIDED BY COMMUNITY HEALTH CENTERS AND HOSPITALS.—

(1) IN GENERAL.—The Secretary of Health and Human Services (hereinafter referred to in this subsection as the "Secretary") shall provide for a study to examine the relationship and interaction between community health centers and hospitals in providing

services to individuals residing in medically underserved areas. The Secretary shall ensure that the National Rural Research Centers participate in such study.

(2) Report.—The Secretary shall provide to the appropriate committees of Congress a report summarizing the findings of the study within 90 days of the end of each project year and shall include in such report recommendations on methods to improve the coordination of and provision of services in medically underserved areas by community health centers and hospitals.

(3) Authorization.—There are authorized to be appropriated to carry out the study provided for in this subsection $150,000 for each of fiscal years 1993 and 1994.

SEC. 914. RURAL MENTAL HEALTH OUTREACH GRANTS.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended by adding at the end thereof the following new section:

"SEC. 544. RURAL MENTAL HEALTH OUTREACH GRANTS.

"(a) In General.—The Secretary may award competitive grants to eligible entities to enable such entities to develop and implement a plan for mental health outreach programs in rural areas.

"(b) Eligible Entities.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the activities that the entity intends to undertake using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) Priority.—In awarding grants under subsection (a), the Secretary shall give priority to applications that place emphasis on mental health services for the elderly or children. Priority shall also be given to applications that involve relationships between the applicant and rural managed care cooperatives.

"(d) Matching Requirement.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions toward the costs of the operations of the network in an amount equal to the amount of the grant.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1993 through 1997.".

SEC. 915. HEALTH PROFESSIONS TRAINING.

(a) Medically Underserved Area Training Incentives.—Subsection (a) of section 791 of the Public Health Service Act (42 U.S.C. 292 et seq.) is amended to read as follows:

"(a) Priorities in Awarding of Grants.—

"(1) Allocation of competitive grant funds.—In awarding competitive grants under this title or title VIII, the Secretary shall, among applicants that meet the eligibility requirements under such titles, give priority to entities submitting applications that—

"(A) can demonstrate that such entities—

"(i) have a high permanent rate for placing graduates in practice settings which serve residents of medically underserved communities; and

"(ii) have a curriculum that includes—

"(I) the rotation of medical students and residents to clinical settings the focus of which is to serve medically underserved communities;

"(II) the appointment of health professionals whose practices serve medically underserved communities to act as preceptors to supervise training in such settings;

"(III) classroom instruction on practice opportunities involving medically underserved communities;

"(IV) service contingent scholarship or loan repayment programs for students and residents to encourage practice in or service to underserved communities;

"(V) the recruitment of students who are most likely to elect to practice in or provide service to medically underserved communities;

"(VI) other training methodologies that demonstrate a significant commitment to the expansion of the proportion of graduates that elect to practice in or serve the needs of medically underserved communities; or

"(B) contain an organized plan for the expeditious development of the placement rate and curriculum described in subparagraph (A).

"(2) Service in medically underserved communities.—Not less than 50 percent of the amounts appropriated for fiscal year 1996, and for each subsequent fiscal year, for competitive grants under this title VIII, shall be used to award grants to institutions that are otherwise eligible for grants under such titles, and that can demonstrate that—

"(A) not less than 15 percent of the graduates of such institutions during the preceding 2-year period are engaged in full-time practice serving the needs of medically underserved communities; or

"(B) the number of the graduates of such institutions that are practicing in a medically underserved community has increased by not less than 50 percent over that proportion of such graduates for the previous 2-year period.

"(3) Waivers.—A health professions school may petition the Secretary for a temporary waiver of the priorities of this subsection. Such waiver shall be approved if the health professions school demonstrates that the State in which such school is located is not suffering from a shortage of primary care providers, as determined by the Secretary. Such waiver shall not be for a period in excess of 2 years.

"(4) Definitions.—As used in this subsection:

"(A) Graduate.—The term 'graduate' means, unless otherwise specified, an individual who has successfully completed all training and residency requirements necessary for full certification in the health professions discipline that such individual has selected.

"(B) Medically underserved community.—The term 'medically underserved community' means—

"(i) an area designated under section 332 as a health professional shortage area;

"(ii) an area designated as a medically underserved area under this Act;

"(iii) populations served by migrant health centers under section 329, community health centers under section 330, or Federally qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

"(iv) a community that is certified as underserved by the Secretary for purposes of participation in the rural health clinic program under title XVIII of the Social Security Act; or

"(v) a community that meets the criteria for the designation described in subparagraph (A) or (B) but that has not been so designated.".

(b) Medically Underserved Area Training Grants.—Part E of title VII of such Act is amended by adding at the end thereof the following new section:

"SEC. 779. MEDICALLY UNDERSERVED AREA TRAINING GRANT PROGRAM.

"(a) Grants.—The Secretary shall award grants to health professions institutions to expand training programs that are targeted at those individuals desiring to practice in or serve the needs of medically underserved communities.

"(b) Plan.—As part of an application submitted for a grant under this section, the applicant shall prepare and submit a plan that describes the proposed use of funds that may be provided to the applicant under the grant.

"(c) Priority.—In awarding grants under this section, the Secretary shall give priority to applicants that demonstrate the greatest likelihood of expanding the proportion of graduates who choose to practice in or serve the needs of medically underserved areas.

"(d) Use of Funds.—An institution that receives a grant under this section shall use amounts received under such grant to establish or enhance procedures or efforts to—

"(1) rotate health professions students from such institution to clinical settings the focus of which is to serve the residents of medically underserved communities;

"(2) appoint health professionals whose practices serve medically underserved areas to serve as preceptors to supervise training in such settings;

"(3) provide classroom instruction on practice opportunities involving medically underserved communities;

"(4) provide service contingent scholarship or loan repayment programs for students and residents to encourage practice in or service to underserved communities;

"(5) recruit students who are most likely to elect to practice in or provide service to medically underserved communities; or

"(6) provide other training methodologies that demonstrate a significant commitment to the expansion of the proportion of graduates that elect to practice in or serve the needs of medically underserved communities.

"(e) Administration.—

"(1) Required contribution.—An institution that receives a grant under this section shall contribute, from non-Federal sources, either in cash or in-kind, an amount equal to the amount of the grant to the activities to be undertaken with the grant funds.

"(2) Limitation.—An institution that receives a grant under this section, shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (d) in the fiscal year preceding the year for which the grant is received.

"(f) Definitions.—As used in this section:

"(1) Graduate.—The term 'graduate' means, unless otherwise specified, an individual who has successfully completed all training and residency requirements necessary for full certification in the health professions discipline that such individual has selected.

"(2) Medically underserved community.—The term 'medically underserved community' means—

"(A) an area designated under section 332 as a health professional shortage area;

"(B) an area designated as a medically underserved area under this Act;

"(C) populations served by migrant health centers under section 329, community health centers under section 330, or Federally qualified health centers under section 1905(l)(2)(B) of the Social Security Act;

"(D) a community that is certified as underserved by the Secretary for purposes of participation in the rural health clinic program under title XVIII of the Social Security Act; or

"(E) a community that meets the criteria for the designation described in subparagraph (A) or (B) but that has not been so designated.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 1993 and 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

(c) HEALTH PROFESSIONS TRAINING GRANTS.—Part E of title VII of such Act (as amended by subsection (b)) is further amended by adding at the end thereof the following new section:

"SEC. 780. HEALTH PROFESSIONS INTEGRATION GRANT PROGRAM.

"(a) GRANTS.—The Secretary shall award grants to eligible regional consortia to enhance and expand coordination among various health professions programs, particularly in medically underserved rural areas.

"(b) ELIGIBLE REGIONAL CONSORTIUM.—

"(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity must—

"(A) be a regional consortium consisting of at least one medical school and at least one other health professions school that is not a medical school; and

"(B) prepare and submit an application containing a plan of the type described in paragraph (2).

"(2) PLAN.—As part of the application submitted by a consortium under paragraph (1)(B), the consortium shall prepare and submit a plan that describes the proposed use of funds that may be provided to the consortium under the grant.

"(c) USE OF FUNDS.—A consortium that receives a grant under this section shall use amounts received under such grant to establish or enhance—

"(1) strategies for better clinical cooperation among different types of health professionals;

"(2) classroom instruction on integrated practice opportunities, particularly targeted toward rural areas;

"(3) integrated clinical clerkship programs that make use of students in differing health professions schools; or

"(4) other training methodologies that demonstrate a significant commitment to the expansion of clinical cooperation among different types of health professionals, particularly in underserved rural areas.

"(d) LIMITATION.—A consortium that receives a grant under this section, shall use amounts received under such grant to supplement, not supplant, amounts made available by such institution for activities of the type described in subsection (c) in the fiscal year preceding the year for which the grant is received.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $7,000,000 for each of the fiscal years 1993 and 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1997.".

SEC. 916. RURAL HEALTH EXTENSION NETWORKS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1709. RURAL HEALTH EXTENSION NETWORKS.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to facilitate the development of networks among rural and urban health care providers to preserve and share health care resources and enhance the quality and availability of health care in rural areas. Such networks may be statewide or regionalized in focus.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) be a rural health extension network that meets the requirements of subsection (c);

"(2) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require; and

"(3) meets such other requirements as the Secretary determines appropriate.

"(c) NETWORKS.—For purposes of subsection (b)(1), a rural health extension network shall be an association or consortium of three or more rural health care providers, and may include one or more urban health care provider, for the purposes of applying for a grant under this section and using amounts received under such grant to provide the services described in subsection (d).

"(d) SERVICES.—

"(1) IN GENERAL.—An entity that receives a grant under subsection (a) shall use amounts received under such grant to—

"(A) provide education and community decision-making support for health care providers in the rural areas served by the network;

"(B) utilize existing health care provider education programs, including but not limited to, the program for area health education centers under section 746, to provide educational services to health care providers in the areas served by the network;

"(C) make appropriately trained facilitators available to health care providers located in the areas served by the network to assist such providers in developing cooperative approaches to health care in such area;

"(D) facilitate linkage building through the organization of discussion and planning groups and the dissemination of information concerning the health care resources where available, within the area served by the network;

"(E) support telecommunications and consultative projects to link rural hospitals and other health care providers, and urban or tertiary hospitals in the areas served by the network; or

"(F) carry out any other activity determined appropriate by the Secretary.

"(2) EDUCATION.—In carrying out activities under paragraph (1)(B), an entity shall support the development of an information and resource sharing system, including elements targeted towards high risk populations and focusing on health promotion, to facilitate the ability of rural health care providers to have access to needed health care information. Such activities may include the provision of training to enable individuals to serve as coordinators of health education programs in rural areas.

"(3) COLLECTION AND DISSEMINATION OF DATA.—The chief executive officer of a State shall designate a State agency that shall be responsible for collecting and regularly disseminating information concerning the activities of the rural health extension networks in that State.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for each of the fiscal years 1993 through 1997.

"(g) DEFINITION.—As used in this section and section 1710, the term 'rural health care providers' means health care professionals and hospitals located in rural areas. The Secretary shall ensure that for purposes of this definition, rural areas shall include any area that meets any applicable Federal or State definition of rural area.".

SEC. 917. RURAL MANAGED CARE COOPERATIVES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) as amended by section 916 is further amended by adding at the end thereof the following new section:

"SEC. 1710. RURAL MANAGED CARE COOPERATIVES.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to develop and administer cooperatives in rural areas that will establish an effective case management and reimbursement system designed to support the economic viability of essential public or private health services, facilities, health care systems and health care resources in such rural areas.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the cooperative that the entity intends to develop and operate using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) COOPERATIVES.—

"(1) IN GENERAL.—Amounts provided under a grant awarded under subsection (a) shall be used to establish and operate a cooperative made up of all types of health care providers, hospitals, primary access hospitals, other alternate rural health care facilities, physicians, rural health clinics, rural nurse practitioners and physician assistant practitioners, public health departments and others located in, but not restricted to, the rural areas to be served by the cooperative.

"(2) BOARD OF DIRECTORS.—A cooperative established under paragraph (1) shall be administered by a board of directors elected by the members of the cooperative, a majority of whom shall represent rural providers from the local community and include representatives from the local community. Such directors shall serve at the pleasure of such members.

"(3) EXECUTIVE DIRECTOR.—The members of a cooperative established under paragraph (1) shall elect an executive director who shall serve as the chief operating officer of the cooperative. The executive director shall be responsible for conducting the day to day operation of the cooperative including—

"(A) maintaining an accounting system for the cooperative;

"(B) maintaining the business records of the cooperative;

"(C) negotiating contracts with provider members of the cooperative; and

"(D) coordinating the membership and programs of the cooperative.

"(4) REIMBURSEMENTS.—

"(A) Negotiations.—A cooperative established under paragraph (1) shall facilitate negotiations among member health care providers and third party payers concerning the rates at which such providers will be reimbursed for services provided to individuals for which such payers may be liable.

"(B) Agreements.—Agreements reached under subparagraph (A) shall be binding on the members of the cooperative.

"(C) Employers.—Employer entities may become members of a cooperative established under paragraph (a) in order to provide, through a member third party payer, health insurance coverage for employees of such entities. Deductibles shall only be charged to employees covered under such insurance if such employees receive health care services from a provider that is not a member of the cooperative if similar services would have been available from a member provider.

"(D) Malpractice insurance.—A cooperative established under subsection (a) shall be responsible for identifying and implementing a malpractice insurance program that shall include a requirement that such cooperative assume responsibility for the payment of a portion of the malpractice insurance premium of provider members.

"(5) Managed care and practice standards.—A cooperative established under paragraph (1) shall establish joint case management and patient care practices standards programs that health care providers that are members of such cooperative must meet to be eligible to participate in agreements entered into under paragraph (4). Such standards shall be developed by such provider members and shall be subject to the approval of a majority of the board of directors. Such programs shall include cost and quality of care guidelines including a requirement that such providers make available preadmission screening, selective case management services, joint patient care practice standards development and compliance and joint utilization review.

"(6) Confidentiality.—Patients records, records of peer review, utilization review, and quality assurance proceedings conducted by the cooperative should be considered confidential and protected from release outside of the cooperative. The provider members of the cooperative shall be indemnified by the cooperative for the good faith participation by such members in such the required activities.

"(d) Linkages.—A cooperative shall create linkages among member health care providers, employers, and payers for the joint consultation and formulation of the types, rates, costs, and quality of health care provided in rural areas served by the cooperative.

"(e) Matching Requirement.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 1993 through 1997.".

TITLE X—PRIMARY AND PREVENTIVE CARE PROVIDERS

SEC. 1001. INCREASING PAYMENTS TO CERTAIN NONPHYSICIAN PROVIDERS UNDER THE MEDICARE PROGRAM.

(a) Increase in Payments to Nurse Practitioners, Clinical Nurse Specialists, Certified Nurse Midwives, and Physician Assistants.—

(1) In general.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 13951(a)(1)) is amended—

(A) in subparagraph (K), by striking "80 percent" and all that follows through "physician)" and inserting "97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician";

(B) by redesignating subparagraph (M) the second place it appears and subparagraph (N), as subparagraphs (N) and (O), respectively; and

(C) by amending subparagraph (N), as redesignated, to read as follows: "(N) with respect to services described in section 1861(s)(2)(K) (relating to services provided by a nurse practitioner, clinical nurse specialist, or physician assistant) the amounts paid shall be 97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician,".

(2) Nurse practitioners and physician assistants.—Section 1842(b)(12) of such Act (42 U.S.C. 1395u(b)(12)) is amended to read as follows:

"(12) With respect to services described in clauses (i), (ii), or (iv) of section 1861(s)(2)(K) (relating to physician assistants and nurse practitioners)—

"(A) payment under this part may only be made on an assignment-related basis; and

"(B) the prevailing charges determined under paragraph (3) shall not exceed—

"(i) in the case of services performed as an assistant at surgery, 97 percent of the amount that would otherwise be recognized if performed by a physician who is serving as an assistant at surgery, or

"(ii) in other cases, 97 percent of the fee schedule amount specified in section 1848 for such services performed by physicians who are not specialists.".

(3) Direct payment for all nurse practitioners or clinical nurse specialists.—Section 1832(a)(2)(B)(iv) of such Act (42 U.S.C. 1395k(a)(2)(B)(iv)) is amended by striking "provided in a rural area (as defined in section 1886(d)(2)(D))".

(4) Removal of restrictions on settings.—Section 1861(s)(2)(K) of such Act (42 U.S.C. 1395x(s)(2)(K)) is amended—

(A) in clause (i), by striking "(I) in a hospital" and all that follows through "professional shortage area,";

(B) in clause (ii), by striking "in a skilled" and all that follows through "1919(a)"; and

(C) in clause (iii), by striking "in a rural" and all that follows through "(d)(2)(D))".

(b) Bonus Payment for Services Provided in Health Professional Shortage Areas.—Section 1833(m) of the Social Security Act (42 U.S.C. 1395l(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of services of a nurse practitioner, clinical nurse specialist, physician assistant, certified nurse midwife, or certified registered nurse anesthetist furnished to an individual described in paragraph (1) in an area that is a health professional shortage area as described in such paragraph, in addition to the amount otherwise paid under this part, there shall be paid to such service provider (or to an employer in the cases described in subparagraph (C) of section 1842(b)(6)) (on a monthly or quarterly basis) from the Federal Supplementary Medical Trust Fund an amount equal to 10 percent of the payment amount for such services under this part.".

SEC. 1002. REQUIRING COVERAGE OF CERTAIN NONPHYSICIAN PROVIDERS UNDER THE MEDICAID PROGRAM.

Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (21), by striking "; and" and inserting a semicolon;

(2) in paragraph (24), by striking the period at the end and inserting a semicolon;

(3) by redesignating paragraphs (22), (23), and (24) as paragraphs (25), (22), and (23), respectively;

(4) by inserting after paragraph (23) the following new paragraph:

"(24) services furnished by a physician assistant, nurse practitioner, clinical nurse specialist (as defined in section 1861(aa)(5)), and certified registered nurse anesthetist (as defined in section 1861(bb)(20); and";

(5) by striking the semicolon at the end of paragraph (25), as redesignated, and inserting a period; and

(6) by transferring and inserting paragraph (25), as redesignated, after paragraph (24).

SEC. 1003. MEDICAL STUDENT TUTORIAL PROGRAM GRANTS.

Part C of title VII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"SEC. 753. MEDICAL STUDENT TUTORIAL PROGRAM GRANTS.

"(a) Establishment.—The Secretary shall establish a program to award grants to eligible schools of medicine or osteopathic medicine to enable such schools to provide medical students for tutorial programs or as participants in clinics designed to interest high school or college students in careers in general medical practice.

"(b) Application.—To be eligible to receive a grant under this section, a school of medicine or osteopathic medicine shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the school will use amounts received under the grant in accordance with subsection (c).

"(c) Use of Funds.—

"(1) In general.—Amounts received under a grant awarded under this section shall be used to—

"(A) fund programs under which students of the grantee are provided as tutors for high school and college students in the areas of math, science, health promotion and prevention, first aide, nutrition and prenatal care;

"(B) fund programs under which students of the grantee are provided as participants in clinics and seminars in the areas described in paragraph (1); and

"(C) conduct summer institutes for high school and college students to promote careers in medicine.

"(2) Design of programs.—The programs, institutes and other activities conducted by grantees under paragraph (1) shall be designed to—

"(A) give medical students desiring to practice general medicine access to the local community;

"(B) provide information to high school and college students concerning medical school and the general practice of medicine; and

"(C) promote careers in general medicine.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal year 1995.".

SEC. 1004. GENERAL MEDICAL PRACTICE GRANTS.

Part C of title VII of the Public Health Service Act (as amended by section 1003) is further amended by adding at the end thereof the following new section:

"SEC. 754. GENERAL MEDICAL PRACTICE GRANTS.

"(a) Establishment.—The Secretary shall establish a program to award grants to eligible public or private nonprofit schools of medicine or osteopathic medicine, hospitals, residency programs in family medicine or pediatrics, or to a consortium of such entities, to enable such entities to develop effective strategies for recruiting medical students interested in the practice of general medicine and placing such students into general practice positions upon graduation.

"(b) Application.—To be eligible to receive a grant under this section, an entity of the type described in subsection (a) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the entity will use amounts received under the grant in accordance with subsection (c).

"(c) Use of Funds.—Amounts received under a grant awarded under this section shall be used to fund programs under which effective strategies are developed and implemented for recruiting medical students interested in the practice of general medicine and placing such students into general practice positions upon graduation.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 1994 through 1998, and such sums as may be necessary for fiscal years thereafter.".

SEC. 1005. PAYMENTS FOR DIRECT AND INDIRECT GRADUATE MEDICAL EDUCATION COSTS.

(a) Direct Medical Education Costs.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended—

(1) in paragraph (1)—

(A) by striking "hospitals for direct medical education costs" and inserting "hospitals and public and private nonprofit entities with approved medical residency training programs for direct medical education costs"; and

(B) by striking "hospitals associated" and inserting "hospitals and public and private nonprofit entities with approved medical residency training programs associated";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A) by striking "each hospital" and inserting "each hospital or public or private nonprofit entity";

(B) in subparagraph (A)—

(i) in the heading, by striking "HOSPITAL'S";

(ii) by striking "the hospital's" and inserting "the hospital's or entity's"; and

(iii) by striking "the hospital" and inserting "the hospital or entity";

(C) in clause (ii) of subparagraph (B), by striking "a hospital if the hospital's" and inserting "a hospital or entity if the hospital's or entity's";

(D) in subparagraph (C), by striking "the hospital" each place it appears and inserting "the hospital or the entity";

(E) in subparagraph (D), by striking "the hospital" and inserting "the hospital or the entity"; and

(F) in subparagraph (E), by striking "a hospital" and inserting "a hospital or entity";

(3) in paragraph (3)—

(A) in the heading, by striking "HOSPITAL";

(B) in subparagraph (A),

(i) in the matter preceding clause (i), by striking "hospital cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(ii) in clause (ii), by striking "the hospital's" and inserting "the hospital's or entity's";

(C) in subparagraph (B),

(i) in the matter preceding clause (i), by striking "hospital cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(ii) in clauses (i) and (ii), by striking "hospital's" each place it appears and inserting "hospital's or entity's"; and

(D) in subparagraph (C), by striking "hospital's cost reporting period" and inserting "cost reporting period of a hospital or a public or private nonprofit entity"; and

(4) in paragraph (4)—

(A) in subparagraph (B), by striking "hospital" each place it appears and inserting "hospital or public or private nonprofit entity"; and

(B) in subparagraph (E), by striking "hospital" and inserting "hospital or public or private nonprofit entity".

(b) Indirect Medical Education Costs.—

(1) In general.—Section 1848 of such Act (42 U.S.C. 1395w-4) is amended—

(A) by redesignating subsection (j) as subsection (k); and

(B) by inserting after subsection (i) the following new subsection:

(j) Payments for Indirect Graduate Medical Education Costs.—

"(1) In general.—The Secretary shall provide for an additional payment for indirect costs of medical education in an amount equal to the product of—

"(A) the amount determined under subsection (a)(1) for qualified physician's services (as defined in paragraph (2)), and

"(B) the indirect teaching adjustment factor determined in accordance with section 1886(d)(5)(B)(ii) with 'r' equal to .2.

"(2) Qualified physician's services.—

"(A) In general.—For purposes of paragraph (1), the term 'qualified physician's services' means physician's services (as defined in subsection (k)(3)) that are—

"(i) provided during the course of clinical training by medical residents in the initial 3 years of postgraduate medical training in approved medical residency training programs in the fields of family medicine (as defined by the Secretary), general internal medicine (as defined by the Secretary), and general pediatrics (as defined by the Secretary), and

"(ii) provided at clinical training sites affiliated with approval medical residency training programs in family medicine, general internal medicine, and general pediatrics.

"(B) Certain services excluded.—For purposes of paragraph (1), the term 'qualified physician's services' shall not include services provided during an inpatient hospital stay for which payment is made under part A of this title.".

(2) Conforming amendments.—Section 1848 of such Act (42 U.S.C. 1395w-4) is amended—

(A) in subsection (a)(1), by striking "subsection (j)(3)" and inserting "subsection (k)(3)";

(B) in subsection (b)(1), by striking "subsection (j)(2)" and inserting "(k)(2)"; and

(C) in subparagraphs (C) and (D) of subsection (d)(2), by striking "subsection (j)(1)" and inserting "subsection (k)(1)".

(c) Subsection Hospitals.—Section 1886(d)(5)(B) of such Act (42 U.S.C. 1395ww(d)(5)(B)) is amended by adding at the end the following new clause:

"(v) In determining such adjustment the Secretary shall count only those interns and residents who are in the initial 3 years of postgraduate medical training.".

(d) Effective Date.—The amendments made by this section shall be effective for cost reporting periods beginning on or after October 1, 1993.

TITLE XI—MALPRACTICE REFORM

SEC. 1101. PRELITIGATION SCREENING PANEL GRANTS.

Part B of title IX of the Public Health Service Act (42 U.S.C. 299b et seq.) is amended by adding at the end the following new section:

"SEC. 915. PRELITIGATION SCREENING PANEL GRANTS.

"(a) Establishment.—The Assistant Secretary, acting through the Administrator, shall establish a program of grants to assist States in establishing prelitigation panels.

"(b) Use of Funds.—A State may use a grant awarded under subsection (a) to establish prelitigation panels that—

"(1) identify claims of professionals negligence that merit compensation;

"(2) encourage early resolution of meritorious claims prior to commencement of a lawsuit; and

"(3) encourage early withdrawal or dismissal of nonmeritorious claims.

"(c) Award of Grants.—The Secretary shall allocate grants under this section in accordance with criteria issued by the Secretary.

"(d) Application.—To be eligible to receive a grant under this section, a State, acting through the appropriate State health authority, shall submit an application at such time, in such manner, and containing such agreements, assurances, and information as the Assistant Secretary determines to be necessary to carry out this section.

"(e) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the 1994 through 1997 fiscal years.".

TITLE XII—MEDICARE PREFERRED PROVIDER DEMONSTRATION PROJECTS

SEC. 1201. ESTABLISHMENT OF MEDICARE PRIMARY AND SPECIALTY PREFERRED PROVIDER ORGANIZATION DEMONSTRATION PROJECTS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act the Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall provide for up to 10 demonstration projects to test the effectiveness of providing payment under the medicare program under title XVIII of the Social Security Act for primary and specialty procedures and services (as determined appropriate by the Secretary) furnished by preferred provider organizations. The demonstration projects provided for under this section by the Secretary shall—

(1) test the cost-effectiveness of preferred provider organizations furnishing primary and specialty services in controlling the volume of such services performed or ordered by physicians, and nonphysician providers such as nurse practitioners, clinical nurse specialists, certified nurse midwives, certified registered nurse anesthetists, and physician assistants, for which payment is made under title XVIII of the Social Security Act;

(2) gather information on factors which may encourage medicare beneficiaries to participate in a preferred provider organizational network;

(3) examine the efficacy of permanently establishing managed care networks of primary and speciality service providers; and

(4) examine the factors necessary to increase the quality and efficiency of primary and speciality services furnished by preferred provider networks in order to realize increased savings under the medicare program and to increase medicare beneficiary participation in such networks.

(b) Waiver of Medicare Requirements.—The Secretary may waive such requirements of title XVIII of the Social Security Act as the Secretary determines necessary in conducting demonstration programs under this section, including—

(1) coinsurance requirements;

(2) provider payment arrangements;

(3) beneficiary deductibles; and

(4) reimbursement for nonphysician providers.

(c) Duration of Projects.—The demonstration projects provided for under this section shall be conducted for a period not to exceed 3 years from the date of the enactment of this Act.

(d) Report.—Not later than 180 days after the date of expiration of the demonstration projects conducted under this section the Secretary shall report to the Congress on the results of the demonstration projects including recommendations for modifications in the medicare program to increase the utilization of preferred provider organizations in providing primary and specialty services under such program.

TITLE XIII—TREATMENT AND OUTCOMES RESEARCH

SEC. 1301. NEW DRUG CLINICAL TRIALS PROGRAM

Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end the following new section:

"SEC. 409A. NEW DRUG CLINICAL TRIALS PROGRAM.

"(a) In General.—The Director of the National Institutes of Health (hereafter referred to in this section as the 'Director') is authorized to establish and implement a program for the conduct of clinical trials with respect to new drugs and disease treatments determined to be promising by the Director. In determining the drugs and disease treatments that are to be the subject of such clinical trials, the Director shall give priority to those drugs and disease treatments targeted toward the diseases determined—

"(1) to be the most costly to treat;

"(2) to have the highest mortality; or

"(3) to affect the greatest number of individuals.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $120,000,000 for fiscal year 1994, and such sums as may be necessary in each of the fiscal years 1995 through 1998.".

SEC. 1302. MEDICAL TREATMENT EFFECTIVENESS.

(a) Research on Cost-Effective Methods of Health Care.—Section 926 of the Public Health Service Act (42 U.S.C. 299c–5) is amended—

(1) in subsection (a), by striking "and $115,000,000 for fiscal year 1993" and inserting "$115,000,000 for fiscal year 1993, and such sums as may be necessary for each of the fiscal years 1994 through 1997"; and

(2) by adding at the end the following new subsection:

"(f) Use of Additional Appropriations.—Within amounts appropriated under subsection (a) for each of the fiscal years 1993 through 1996 that are in excess of the amounts appropriated under such subsection for fiscal year 1992, the Secretary shall give priority to expanding research conducted to determine the most cost-effective methods of health care and for developing and disseminating new practice guidelines related to such methods. In utilizing such amounts, the Secretary shall give priority to diseases and disorders that the Secretary determines are the most costly to the United States and evidence a wide variation in current medical practice.".

(b) Research on Medical Treatment Outcomes.—

(1) Imposition of tax on health insurance policies.—

(A) In general.—Chapter 36 of the Internal Revenue Code of 1986 (relating to certain other excise taxes) is amended by adding at the end thereof the following new subchapter:

"Subchapter G—Tax on Health Insurance Policies

"Sec. 4501. Imposition of tax.

"Sec. 4502. Liability for tax.

"SEC. 4501. IMPOSITION OF TAX.

"(a) General Rule.—There is hereby imposed a tax equal to .001-cent on each dollar, or fractional part thereof, of the premium paid on a policy of health insurance.

"(b) Definition.—For purposes of subsection (a), the term 'policy of health insurance' means any policy or other instrument by whatever name called whereby a contract of insurance is made, continued, or renewed with respect to the health of an individual or group of individuals.

"SEC. 4502. LIABILITY FOR TAX.

"The tax imposed by this subchapter shall be paid, on the basis of a return, by any person who makes, signs, issues, or sells any of the documents and instruments subject to the tax, or for whose use or benefit the same are made, signed, issued or sold. The United States or any agency or instrumentality thereof shall not be liable for the tax."

(B) Conforming amendment.—The table of subchapters for chapter 36 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new item:

"Subchapter G. Tax on health insurance policies.".

(2) Establishment of trust fund.—

(A) In general.—Subchapter A of chapter 98 of such Code (relating to trust fund code) is amended by adding at the end thereof the following new section:

"SEC. 9512. TRUST FUND FOR MEDICAL TREATMENT OUTCOMES RESEARCH.

"(a) Creation of Trust Fund.—There is established in the Treasury of the United States a trust fund to be known as the "Trust Fund for Medical Treatment Outcomes Research' (hereafter referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) Transfers to Trust Fund.—There is hereby appropriated to the Trust Fund an amount equivalent to the taxes received in the Treasury under section 4501 (relating to tax on health insurance policies).

"(c) Distribution of Amounts in Trust Fund.—On an annual basis the Secretary shall distribute the amounts in the Trust Fund to the Secretary of Health and Human Services. Such amounts shall be available to the Secretary of Health and Human Services to pay for research activities related to medical treatment outcomes.".

(B) Conforming amendment.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end thereof the following new item:

"Sec. 9512. Trust Fund for Medical Treatment Outcomes Research.".

(3) Effective date.—The amendments made by this subsection shall apply to policies issued after December 31, 1993.

SEC. 1303. TREATMENT PRACTICE GUIDELINES AS A LEGAL STANDARD.

Section 912 of the Public Health Service Act (42 U.S.C. 299b–1) is amended by adding at the end thereof the following new subsection:

"(g) Treatment Practice Guidelines as a Legal Standard.—

"(1) In general.—Except as provided in paragraph (2) and notwithstanding any other provision of law, guidelines established under this section may not be introduced in evidence or used in any action brought in a Federal or State court arising from the provision of a health care service to an individual.

"(2) Provision of health care under guidelines.—Notwithstanding any other provision of law, in any action brought in a Federal or State court arising from the provision of a health care service to an individual, if the service was provided to the individual in accordance with guidelines established under this section, the guidelines—

"(A) may be introduced by a provider who is a party to the action; and

"(B) if introduced, shall establish a rebuttable presumption that the service prescribed by the guidelines is the appropriate standard of medical care.".

TITLE XIV—LONG-TERM CARE

Subtitle A—Tax Treatment of Qualified Long-Term Care Insurance Policies

SEC. 1401. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1402. DEFINITIONS OF QUALIFIED LONG-TERM CARE INSURANCE AND PREMIUMS.

(a) In General.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. QUALIFIED LONG-TERM CARE INSURANCE AND PREMIUMS.

"(a) Qualified Long-Term Care Insurance.—

"(1) In general.—For purposes of this title, the term 'qualified long-term care insurance' means insurance under a policy or rider, issued by a qualified issuer, which—

"(A) provides coverage for not less than 12 consecutive months for each covered person,

"(B) provides benefits on an expense incurred, indemnity, disability, prepaid, capitation, or other basis,

"(C) provides benefits for—

"(i) medically necessary diagnostic, preventive, therapeutic, rehabilitation, or maintenance services,

"(ii) personal care services necessitated by physical disability, or

"(iii) preventive, therapeutic, rehabilitation, maintenance, or personal care services necessitated by cognitive impairment or the loss of functional capacity,

when provided in a nursing home, a respite care facility, the home of the covered individual, or any other setting which is not an acute care unit of a hospital or a medical clinic, and

"(D) provides coverage for care described in subparagraph (C) (other than nursing home care) equal to not less than 47.5 percent of the national median cost of nursing care coverage, as determined by the Secretary.

"(2) Qualified issuer.—For purposes of paragraph (1), the term 'qualified issuer' means any of the following, if subject to the jurisdiction and regulation of at least 1 State insurance department:

"(A) Private insurance company.

"(B) Fraternal benefit society.

"(C) Nonprofit health corporation.

"(D) Nonprofit hospital corporation.

"(E) Nonprofit medical service corporation.

"(F) Prepared health plan.

"(b) QUALIFIED LONG-TERM CARE PREMIUMS.—

"(1) IN GENERAL.—For purposes of this title, the term 'qualified long-term care premiums' means the amount paid during a taxable year for qualified long-term care insurance covering an individual, to the extent such amount does not exceed the limitation determined under the following table:

"In the case of an individual with an attained age before the close of the taxable year of:	The limitation is:
40 or less	$200
More than 40 but not more than 50	375
More than 50 but not more than 60	750
More than 60 but not more than 70	1,600
More than 70	2,000.

"(2) INDEXING.—

"(A) IN GENERAL.—In the case of any taxable year beginning after December 31, 1993, each dollar amount contained in paragraph (1) shall be increased by the medical care cost adjustment for such taxable year. If any increase determined under the preceding sentence is not a multiple of $10, such increase shall be rounded to the nearest multiple of $10.

"(B) MEDICAL CARE COST ADJUSTMENT.—For purposes of subparagraph (A), the medical care cost adjustment for any taxable year is the percentage (if any) by which—

"(i) the medical care component of the Consumer Price Index (as defined in section 1(f)(5)) for August of the calendar year preceding the calendar year in which the taxable year begins, exceeds

"(ii) such component for August of 1992.".

"(b) CLERICAL AMENDMENT.—The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Qualified long-term care insurance and premiums.".

SEC. 1403. TREATMENT OF QUALIFIED LONG-TERM CARE INSURANCE AS ACCIDENT AND HEALTH INSURANCE FOR PURPOSES OF TAXATION OF INSURANCE COMPANIES.

(a) IN GENERAL.—Section 818 (relating to other definitions and special rules) is amended by adding at the end the following new subsection:

"(g) QUALIFIED LONG-TERM CARE INSURANCE TREATED AS ACCIDENT OR HEALTH INSURANCE.—For purposes of this subchapter, any reference to noncancellable accident or health insurance contracts shall be treated as including a reference to qualified long-term care insurance.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1404. TREATMENT OF ACCELERATED DEATH BENEFITS UNDER LIFE INSURANCE CONTRACTS.

(a) EXCLUSION OF AMOUNTS RECEIVED.—Section 101 (relating to certain death benefits) is amended by adding at the end the following new subsection:

"(g) TREATMENT OF CERTAIN ACCELERATED DEATH BENEFITS.—

"(1) IN GENERAL.—For purposes of this section, any amount paid to an individual under a life insurance contract on the life of an insured who is a terminally ill individual, who had a dread disease, or who has been permanently confined to a nursing home shall be treated as an amount paid by reason of the death of such insured.

"(2) TERMINALLY ILL INDIVIDUAL.—For purposes of this subsection, the term 'terminally ill individual' means an individual who has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in death in 12 months or less.

"(3) DREAD DISEASE.—For purposes of this subsection, the term 'dread disease' means a medical condition which has required or requires extraordinary medical intervention without which the insured would die, or a medical condition which would, in the absence of extensive or extraordinary medical treatment, result in a drastically limited life span.

"(4) PERMANENTLY CONFINED TO A NURSING HOME.—For purposes of this subsection, an individual has been permanently confined to a nursing home if the individual is presently confined to a nursing home and has been certified by a physician, licensed under State law, as having an illness or physical condition which can reasonably be expected to result in the individual remaining in a nursing home for the rest of the individual's life.".

(b) TREATMENT OF QUALIFIED ACCELERATED DEATH BENEFIT RIDERS AS LIFE INSURANCE.—

(1) IN GENERAL.—Section 818 (relating to other definitions and special rules), as amended by section 1403, is amended by adding at the end the following new subsection:

"(h) QUALIFIED ACCELERATED DEATH BENEFIT RIDERS TREATED AS LIFE INSURANCE.—For purposes of this part—

"(1) IN GENERAL.—Any reference to a life insurance contract shall be treated as including a reference to a qualified accelerated death benefit rider on such contract.

"(2) QUALIFIED ACCELERATED DEATH BENEFIT RIDER.—For purposes of this subsection, the term 'qualified accelerated death benefit rider' means any rider or addendum on, or other provision of, a life insurance contract which provides for payments to an individual on the life of an insured upon such insured becoming a terminally ill individual (as defined in section 101(g)(2)), incurring a dread disease (as defined in section 101(g)(3)), or being permanently confined to a nursing home (as defined in section 101(g)(4)).".

(2) DEFINITIONS OF LIFE INSURANCE AND MODIFIED ENDOWMENT CONTRACTS.—

(A) RIDER TREATED AS QUALIFIED ADDITIONAL BENEFIT.—Subparagraph (A) of section 7702(f)(5) (relating to definition of life insurance contract) is amended by striking "or" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) any qualified accelerated death benefit rider (as defined in section 818(h)(2)), or any qualified long-term care insurance which reduces the death benefit, or".

(B) TRANSITIONAL RULE.—For purposes of applying section 7702 or 7702A of the Internal Revenue Code of 1986 to any contract (or determining whether either such section applies to such contract), the issuance of a rider or addendum on, or other provision of, a life insurance contract permitting the acceleration of death benefits (as described in section 101(g)) or for qualified long-term care insurance shall not be treated as a modification or material change of such contract.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

Subtitle B—Tax Incentives for Purchase of Qualified Long-Term Care Insurance

SEC. 1411. CREDIT FOR QUALIFIED LONG-TERM CARE PREMIUMS.

(a) GENERAL RULE.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. LONG-TERM CARE INSURANCE CREDIT.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the applicable percentage of the qualified long-term care premiums (as defined in section 7705(b)) paid during such taxable year for such individual or the spouse of such individual.

"(b) APPLICABLE PERCENTAGE.—

"(1) IN GENERAL.—for purposes of this section, the term 'applicable percentage' means 28 percent reduced (but not below zero) by 1 percentage point for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds the base amount.

"(2) BASE AMOUNT.—For purposes of paragraph (1) the term 'base amount' means—

"(A) except as otherwise provided in this paragraph, $25,000,

"(B) $40,000 in the case of a joint return, and

"(C) zero in the case of a taxpayer who—

"(i) is married at the close of the taxable year (within the meaning of section 7703) but does not file a joint return for such taxable year, and

"(ii) does not live apart from his or her spouse at all times during the taxable year.

"(c) CORDINATION WITH MEDICAL EXPENSE DEDUCTION.—Any amount allowed as a credit under this section shall not be taken into account under section 213.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 35 and inserting the following:

"Sec. 35. Long-term care insurance credit.

"Sec. 36. Overpayments of tax.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1412. DEDUCTION FOR EXPENSES RELATING TO QUALIFIED LONG-TERM CARE.

(a) DEDUCTION FOR QUALIFIED LONG-TERM CARE PREMIUMS.—Subparagraph (C) of section 213(d)(1) (relating to the definition of medical care) is amended by striking "aged" and inserting the following: "aged, and amounts paid as qualified long-term care premiums (as defined in section 7705(b))".

(b) DEDUCTION FOR LONG-TERM CARE EXPENSES FOR PARENT OR GRANDPARENT.—Section 213 (relating to deduction for medical expenses) is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR CERTAIN LONG-TERM CARE EXPENSES.—For purposes of subsection (a), the term 'dependent' shall include any parent or grandparent of the taxpayer for whom the taxpayer has long-term care expenses described in section 7705(a)(1)(C), but only to the extent of such expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1413. EXCLUSION FROM GROSS INCOME OF BENEFITS RECEIVED UNDER QUALIFIED LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Section 105 (relating to amounts received under accident and health plans) is amended by adding at the end the following new subsection:

"(j) SPECIAL RULES RELATING TO QUALIFIED LONG-TERM CARE INSURANCE.—For purposes of section 104, this section, and section 106—

"(1) BENEFITS TREATED AS PAYABLE FOR SICKNESS, ETC.—Any benefit received through qualified long-term care insurance shall be treated as amounts received through accident or health insurance for personal injuries or sickness.

"(2) EXPENSES FOR WHICH REIMBURSEMENT PROVIDED UNDER QUALIFIED LONG-TERM CARE INSURANCE TREATED AS INCURRED FOR MEDICAL CARE OR FUNCTIONAL LOSS.—

"(A) EXPENSES.—Expenses incurred by the taxpayer or spouse, or by the dependent, parent, or grandparent of either, to the extent of benefits paid under qualified long-term care insurance shall be treated for purposes of subsection (b) as incurred for medical care (as defined in section 213(d)).

"(B) BENEFITS.—Benefits received under qualified long-term care insurance shall be treated for purposes of subsection (c) as payment for the permanent loss or loss of use of a member or function of the body or the permanent disfigurement of the taxpayer or spouse, or the dependent, parent, or grandparent of either.

"(3) REFERENCES TO ACCIDENT AND HEALTH PLANS.—

"(A) IN GENERAL.—Any reference to an accident or health plan shall be treated as including a reference to a plan providing qualified long-term care insurance.

"(B) LIMITATION.—Subparagraph (A) shall apply for purposes of section 106 only to the extent of qualified long-term care premiums (as defined in section 7705(b)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1414. EMPLOYER DEDUCTION FOR CONTRIBUTIONS MADE FOR LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—Subparagraph (B) of section 404(b)(2) (relating to plans providing certain deferred benefits) is amended to read as follows:

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply to—

"(i) any benefit provided through a welfare benefit fund (as defined in section 419(e)), or

"(ii) any benefit provided under qualified long-term care insurance through the payment (in whole or in part) of qualified long-term care premiums (as defined in section 7705(b)) by an employer pursuant to a plan for its active or retired employees, but only if any refund or premium is applied to reduce the future costs of the plan or increase benefits under the plan.".

(b) EFFECTIVE DATE.—the amendment made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1415. INCLUSION OF QUALIFIED LONG-TERM CARE INSURANCE IN CAFETERIA PLANS.

(a) IN GENERAL.—Paragraph (2) of section 125(d) (relating to the exclusion of deferred compensation) is amended by adding at the end the following new subparagraph:

"(D) EXCEPTION FOR LONG-TERM CARE INSURANCE CONTRACTS.—For purposes of subparagraph (A), amounts paid or incurred for any long-term care insurance contract shall not be treated as deferred compensation to the extent section 404(b)(2)(A) does not apply to such amounts by reason of section 404(b)(2)(B)(ii).".

(b) CONFORMING AMENDMENT.—Subsection (f) of section 125 (relating to qualified benefits) is amended by striking "and such term includes" and inserting the following: ", qualified long-term care insurance, and".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1416. EXCLUSION FROM GROSS INCOME FOR AMOUNTS WITHDRAWN FROM INDIVIDUAL RETIREMENT PLANS AND SECTION 401(k) PLANS FOR QUALIFIED LONG-TERM CARE PREMIUMS AND EXPENSES.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by redesignating section 136 as section 137 and by inserting after section 135 the following new section:

"SEC. 136. DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS AND SECTION 401(k) PLANS FOR QUALIFIED LONG-TERM CARE PREMIUMS AND EXPENSES.

"(a) GENERAL RULE.—In the case of an individual, gross income shall not include any qualified distribution.

"(b) QUALIFIED DISTRIBUTION.—For purposes of this section, the term 'qualified distribution' means any amount distributed from an individual retirement plan or a section 401(k) plan during the taxable year if such amount is used during such year—

"(1) to pay qualified long-term care premiums (as defined in section 7705(b)) for the benefit of the payee or distributee or the spouse of the payee or distributee, if such policy may not be surrendered for cash, or

"(2) to pay long-term care expenses (as described in section 7705(a)(1)(C)) of such an individual.

"(c) SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED DISTRIBUTIONS FROM IRA DEEMED MADE FIRST FROM DESIGNATED NONDEDUCTIBLE CONTRIBUTIONS.—For purposes of section 72, qualified distributions from an individual retirement plan shall be treated as made from designated nondeductible contributions to the extent thereof and then from other amounts.

"(2) SPECIAL RULES FOR SECTION 401(k) PLANS.—

"(A) QUALIFIED DISTRIBUTIONS FROM SECTION 401(k) PLAN MAY NOT EXCEED ELECTIVE DEFERRALS.—This section shall not apply to any distribution from a section 401(k) plan to the extent the aggregate amount of such distributions for the use described in subsection (a) exceeds the aggregate employer contributions made pursuant to the employee's election under section 401(k)(2) (and the income thereon).

"(B) WITHDRAWALS NOT TO CAUSE DISQUALIFICATION.—A plan shall not be treated as failing to satisfy the requirements of section 401, and an arrangement shall not be treated as failing to be a qualified cash or deferred arrangement (as defined in section 401(k)(2)), merely because under the plan or arrangement distributions are permitted which are excludable from gross income by reason of this section.

"(d) SECTION 401(k) PLAN.—For purposes of this section, the term 'section 401(k) plan' means any employer plan which meets the requirements of section 401(a) and which includes a qualified cash or deferred arrangement (as defined in section 401(k)).".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (k) of section 401 is amended by adding at the end the following new paragraph:

"(11) CROSS REFERENCE.—

"For provision permitting tax-free withdrawals for qualified long-term care premiums and expenses, see section 136.".

(2) Subsection (d) of section 408 is amended by adding at the end the following new paragraph:

"(8) CROSS REFERENCE.—

"For provision permitting tax-free withdrawals for qualified long-term care premiums and expenses, see section 136.".

(3) The table of section for such part III is amended by striking the item relating to section 136 and inserting the following new items:

"Sec. 136. Distributions from individual retirement plans and section 401(k) plans for qualified long-term care premiums and expenses.

"Sec. 137. Cross references to other Acts.".

(c) INCREASE IN AMOUNT OF DEDUCTIBLE CONTRIBUTIONS TO INDIVIDUAL RETIREMENT PLANS.—

(1) IN GENERAL.—Subparagraph (A) of section 219(b)(1) (relating to maximum amount of deduction) is amended by striking "$2,000" and inserting "$4,000".

(2) SPOUSAL IRA.—Paragraph (2) of section 219(c) (relating to special rules for certain married individuals) is amended by striking "$2,250" and "$2,000" and inserting "$4,500" and "$4,000", respectively.

(3) CONFORMING AMENDMENTS.—

(A) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(B) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

"(C) Section 408(j) is amended by striking "$2,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1417. EXCLUSION FROM GROSS INCOME FOR AMOUNTS RECEIVED ON CANCELLATION OF LIFE INSURANCE POLICIES AND USED FOR QUALIFIED LONG-TERM CARE INSURANCE.

(a) IN GENERAL.—

(1) EXCLUSION FROM GROSS INCOME.—

(A) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income), as amended by section 216, is further amended by redesignating section 137 as section 138 and by inserting after section 136 the following new section:

"SEC. 137. AMOUNTS RECEIVED ON CANCELLATION, ETC. OF LIFE INSURANCE CONTRACTS AND USED TO PAY PREMIUMS FOR QUALIFIED LONG-TERM CARE INSURANCE.

"No amount (which but for this section would be includible in the gross income of an individual) shall be included in gross income on the whole or partial surrender, cancellation, or exchange of any life insurance contract during the taxable year if—

"(1) such individual has attained age 59½ on or before the date of the transaction, and

"(2) the amount otherwise includible in gross income is used during such year to pay for any policy of qualified long-term care insurance which—

"(A) is for the benefit of such individual or the spouse of such individual if such spouse has attained age 59½ on or before the date of the transaction, and

"(B) may not be surrendered for cash.".

(B) CLERICAL AMENDMENT.—The table of sections for such part III is amended by striking the last item and inserting the following new items:

"Sec. 137. Amounts received on cancellation, etc. of life insurance contracts and used to pay premiums for qualified long-term care insurance.

"Sec. 138. Cross references to other Acts.".

(2) CERTAIN EXCHANGES NOT TAXABLE.—Subsection (a) of section 1035 (relating to certain exchanges of insurance contracts) is amended by striking the period at the end of paragraph (3) and inserting "; or", and by adding at the end the following new paragraph:

"(4) in the case of an individual who has attained age 59½, a contract of life insurance or an endowment or annuity contract for a policy of qualified long-term care insurance, if such policy may not be surrendered for cash.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 1418. USE OF GAIN FROM SALE OF PRINCIPAL RESIDENCE FOR PURCHASE OF QUALIFIED LONG-TERM HEALTH CARE INSURANCE.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to 1-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended by adding at the end the following new paragraph:

"(10) ELIGIBILITY OF HOME EQUITY CONVERSION SALE-LEASEBACK TRANSACTION FOR EXCLUSION.—

"(A) IN GENERAL.—For purposes of this section, the term 'sale or exchange' includes a home equity conversion sale-leaseback transaction.

"(B) HOME EQUITY CONVERSION SALE-LEASEBACK TRANSACTION.—For purposes of subparagraph (A), the term 'home equity conversion sale-leaseback' means a transaction in which—

"(i) the seller-lessee—

"(I) has attained the age of 55 before the date of the transaction,

"(II) sells property which during the 5-year period ending on the date of the transaction has been owned and used as a principal residence by such seller-lessee for periods aggregating 3 years or more,

"(III) uses a portion of the proceeds from such sale to purchase a policy of qualified long-term care insurance, which policy may not be surrendered for cash,

"(IV) obtains occupancy rights in such property pursuant to a written lease requiring a fair rental, and

"(V) receives no option to repurchase the property at a price less than the fair market price of the property unencumbered by any leaseback at the time such option is exercised, and

"(ii) the purchaser-lessor—

"(I) is a person,

"(II) is contractually responsible for the risks and burdens of ownership and receives the benefits of ownership (other than the seller-lessee's occupancy rights) after the date of such transaction, and

"(III) pays a purchase price for the property that is not less than the fair market price of such property encumbered by a leaseback, and taking into account the terms of the lease.

"(C) ADDITIONAL DEFINITIONS.—For purposes of subparagraph (B)—

"(i) OCCUPANCY RIGHTS.—The term 'occupancy rights' means the right to occupy the property for any period of time, including a period of time measured by the life of the seller-lessee on the date of the sale-leaseback transaction (or the life of the surviving seller-lessee, in the case of jointly held occupancy rights), or a periodic term subject to a continuing right of renewal by the seller-lessee (or by the surviving seller-lessee, in the case of jointly held occupancy rights).

"(ii) FAIR RENTAL.—The term 'fair rental' means a rental for any subsequent year which equals or exceeds the rental for the first year of a sale-leaseback transaction.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 1992, in taxable years beginning after such date.

Subtitle C—Medicaid Amendments

SEC. 1421. EXPANSION OF MEDICAID ELIGIBILITY FOR LONG-TERM CARE BENEFITS.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:

"ELIGIBILITY FOR LONG-TERM CARE BENEFITS

"SEC. 1931. (a) ELIGIBILITY FOR NURSING FACILITY SERVICES.—Any individual—

"(1) who is 65 years of age or older,

"(2) who has resources (including resources of the individual's spouse) which do not exceed the resource limitation specified in subsection (c)(1),

"(3) who is not otherwise eligible for medical assistance for nursing facility services under this title, and

"(4) who has been provided 30 months of nursing facility services (during a period in which the individual required the level of care provided in a nursing facility) during the previous 48 months (or, with respect to the application of subsection (e), 72 months),

is eligible, notwithstanding any other provisions of this title, for medical assistance under this title for nursing facility services so long as the individual continues to meet the requirements of this subsection (other than paragraph (4)) and is confined to a nursing facility or otherwise requires the same level of care as is provided in a nursing facility.

"(b) ELIGIBILITY FOR HOME AND COMMUNITY-BASE CARE.—Any individual—

"(1) who is 65 years of age or older,

"(2) who has resources (including resources of the individual's spouse) which do not exceed the resource limitation specified in subsection (c)(1), and

"(3) who is not otherwise eligible for medical assistance for home and community-based long-term care under this title,

is eligible, notwithstanding any other provisions of this title, for medical assistance under this title for home and community-based long-term care so long as the individual continues to meet the requirements of this subsection and requires the same level of care as is provided in a nursing facility.

"(c) RESOURCE LIMITATION.—

"(1) IN GENERAL.—For purposes of this section, the resource limitation specified in this subsection is $500,000, increased, for each year after 1993, by the percentage increase in the Consumer Price Index for All Urban Consumers (all items; U.S. city average) from July 1992 to July of the previous year, rounded (if not a multiple of $1,000) to the nearest $1,000.

"(2) CERTAIN PERSONAL PROPERTY NOT INCLUDED.—Personal property items with a fair market value less than $5,000 in the aggregate shall not be included in any calculation of resources under subsections (a) and (b) which are subject to the resource limitation specified in paragraph (1).

"(d) TREATMENT OF LEVEL OF CARE.—

"(1) IN GENERAL.—For purposes of subsections (a) and (b), an individual is considered to require the level of care provided in a nursing facility if the individual cannot perform (without substantial human assistance) at least 3 activities of daily living or needs substantial human assistance because of cognitive or other mental impairment (including Alzheimer's disease).

"(2) ACTIVITIES OF DAILY LIVING DEFINED.—The 'activities of daily living' referred to in paragraph (1) are the following: eating, bathing, dressing, toileting, and transferring in and out of a bed or in and out of a chair.

"(e) SUBSTITUTION OF EXPENSES INCURRED FOR QUALIFIED HOME CARE FOR MONTHS IN NURSING FACILITY.—

"(1) IN GENERAL.—In determining whether an individual has been provided 30 months of nursing facility services under subsection (a)(4), expenses incurred (whether paid for by insurance, themselves, or relatives but not including expenses for which payment is made under this title, by the Department of Veterans Affairs, the Department of Defense, or other Federal programs) for qualified home care (as defined in paragraph (3)) shall be taken into account in the manner specified in paragraph (2).

"(2) CONVERTING EXPENSES TO MONTHS.—Expenses described in paragraph (1) shall be converted to months of nursing facility services by dividing such expenses by the national median monthly cost (as determined by the Secretary, and using a weighted average for both public and private nursing facilities) for nursing facility services in the month in which the expenses are incurred.

"(3) QUALIFIED HOME CARE DEFINED.—In this subsection, the term 'qualified home care' means home and community-based services described in section 1915(d).".

(b) CONFORMING AMENDMENTS.—Section 1902(a) of such Act (42 U.S.C. 1396a(a)), as amended by section 302, is further amended—

(1) in paragraph (10)—

(A) in clause (i) of subparagraph (A), by striking "or" at the end of subclause (VI), by striking the semicolon at the end of subclause (VII) and inserting ", or", and by adding at the end the following:

"(VIII) who are described in subsections (a) and (b) of section 1931;"; and

(B) in the matter following subparagraph (F)—

(i) by striking "; and (XI)"; and inserting ", (XI);

(ii) by striking ", and (XI)" and inserting ", (XII); and

(iii) by inserting before the semicolon at the end the following: ", and (XIII) the making available of medical assistance for certain nursing facility services and home and community-based long-term care in accordance with section 1931 shall not, by reason of this paragraph, require such assistance to be made available to other individuals;

(2) in paragraph (59), by striking "; and" and inserting a semicolon,

(3) in paragraph (60), by striking the period at the end and inserting "; and", and

(4) by adding at the end the following new paragraph:

"(61) provides for medical assistance for certain nursing facility services and home and community-based long-term care in accordance with section 1931.".

SEC. 1422. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this subtitle apply (except as provided under subsection (b)) to payments under title XIX of the Social Security Act for calendar quarters beginning on or after 1 year after the date of the enactment of this Act, without regard to whether regulations to implement such amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation authorizing or appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this subtitle, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) TRANSITION.—In applying the amendments made by this subtitle, only months beginning after the date of the enactment of this Act may be counted toward meeting the 30-month deductible described in section 1931(a)(4) of the Social Security Act, as added by this subtitle.

TITLE XV—FINANCING

SEC. 1501. REPEAL OF DOLLAR LIMITATION ON AMOUNT OF WAGES SUBJECT TO HOSPITAL INSURANCE TAX.

(a) HOSPITAL INSURANCE TAX.—

(1) Paragraph (1) of section 3121(a) of the Internal Revenue Code of 1986 (defining wages) is amended—

(A) by inserting "in the case of the taxes imposed by sections 3101(a) and 3111(a)" after "(1)",

(B) by striking "applicable contribution base (as determined under subsection (x))" each place it appears and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)", and

(C) by striking "such applicable contribution base" and inserting "such contribution and benefit base".

(2) Section 3121 of such Code is amended by striking subsection (x).

(b) SELF-EMPLOYMENT TAX.—

(1) Subsection (b) of section 1402 of such code is amended—

(A) by striking "(1) that part of net" and inserting "(1) in the case of the tax imposed by section 1401(a), that part of net",

(B) by striking "applicable contribution base (as determined under subsection (k))" and inserting "contribution and benefit base (as determined under section 230 of the Social Security Act)",

(C) by inserting "and" after "section 3121(b),", and

(D) by striking "and (C) includes" and all that follows through "3111(b)".

(2) Section 1402 of such code is amended by striking subsection (k).

(c) RAILROAD RETIREMENT TAX.—

(1) Subparagraph (A) of section 3231(e)(2) of such Code is amended by adding at the end thereof the following new clause:

"(iii) HOSPITAL INSURANCE TAXES.—Clause (i) shall not apply to—

"(I) so much of the rate applicable under section 3201(a) or 3221(a) as does not exceed the rate of tax in effect under section 3101(b), and

"(II) so much of the rate applicable under section 3211(a)(1) as does not exceed the rate of tax in effect under section 1402(b)."

(2) Clause (i) of section 3231(e)(2)(B) of such Code is amended to read as follows:

"(i) TIER 1 TAXES.—Except as provided in clause (ii), the term 'applicable base' means for any calendar year the contribution and benefit base determined under section 230 of the Social Security Act for such calendar year."

(d) INCREASED REVENUES NOT DEPOSITED IN HOSPITAL INSURANCE TRUST FUND.—Section 1817(a) of the Social Security Act (42 U.S.C. 1395i(a)) is amended by adding at the end the following new sentence: "For purposes of this subsection, the amount of taxes imposed by sections 1401(b), 3101(b), 3111(b) of the Internal Revenue Code of 1986 shall be determined without regard to the amendments made by section 221 of the Managed Competition Act of 1992.".

(e) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 6413(c) of the Internal Revenue Code of 1986 is amended by striking "section 3101 or section 3201" and inserting "section 3101(a) or section 3201(a) (to the extent the rate applicable under section 3201(a) as does not exceed the rate of tax in effect under section 3101(a))".

(2) Subparagraphs (B) and (C) of section 6413(c)(2) of such Code are each amended by striking "section 3101" each place it appears and inserting "section 3101(a)".

(3) Subsection (c) of section 6413 of such Code is amended by striking paragraph (3).

(4) Sections 3122 and 3125 of such Code are each amended by striking "applicable contribution base limitation" and inserting "contribution and benefit base limitation".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to 1994 and later calendar years.

TITLE XVI—RESPONSIBILITIES UNDER UNIFORM SET OF EFFECTIVE BENEFITS

SEC. 1601. EMPLOYERS RESPONSIBILITIES

The Board shall require the following:

(1) NO DISCRIMINATION BASED ON HEALTH STATUS FOR CERTAIN SERVICES.—An employment-related health plan may not deny, limit, or condition coverage based on the health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual.

(2) TREATMENT OF PREEXISTING CONDITION EXCLUSIONS.—An employment-related health plan may not exclude or otherwise discourage coverage with respect to services related to treatment of a preexisting condition.

(3) TREATMENT OF WAITING PERIODS.—An employment-related health plan may not impose waiting periods of any length.

(4) NO DISCRIMINATION BASED ON INCOME LEVEL.—An employment-related health plan shall apply equally to employees of all income levels.

(5) EQUAL CONTRIBUTION LEVELS.—The total amount of an employer's contribution to the cost of coverage under an employment-related health plan for employees with incomes less than 200 percent of the income official poverty line shall equal or exceed such total amount for employees with incomes greater than 200 percent of such income official poverty line.

SEC. 1602. INDIVIDUAL RESPONSIBILITIES

The Board shall require that to be eligible for benefits under a Federal program, an individual seeking benefits under such program shall certify to the administrator of such program that such individual and the dependents of such individual possess health insurance coverage that meets the applicable minimum standards under this title.

This section shall not apply to persons eligible for enrollment in—

(1) the medicare program under title XVIII of the Social Security Act,

(2) the veterans health care program under chapter 17 of title 38, United States Code,

(3) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1073(4) of title 10, United States Code,

(4) the Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.), and

(5) the Federal employees program under chapter 89 of title 5, United States Code.

SEC. 1603. SELF-INSURED PLAN REQUIREMENTS.

(a) IN GENERAL.—

The Board shall require that in order to obtain certification as a health plan, a self-insured health benefit plan must demonstrate to the satisfaction of the Board that—

(1) the benefits and conditions of such plan (including copayments and deductibles) are substantially equivalent to those of a uniform act of effective benefits as provided under this Act;

(2) the self-insuring entity is adhering to non-discrimination standards substantially equivalent to those provided for carriers described in subsection (b);

(3) the average per capita cost of providing equivalent benefits to enrollees in the self-insured plan differs no more than 10 percent (either above or below) from the average per capita cost of providing uniform set of effective benefits to non-self-insured beneficiaries in the community (or communities) in which the self-insured group is located (without taking into account any reductions in costs due to health promotion activities of the employer); and

(4) the self-insuring entity possesses adequate financial reserves, as determined by the Board, to assure the immediate and long-term solvency of the entity and the benefits of individuals receiving coverage through such entity.

(b) STANDARDS DESCRIBED.—Standards described in this subsection shall include (but are not limited to) the following:

(1) NO DISCRIMINATION BASED ON HEALTH STATUS.—No self-insured health plan may deny, limit, or condition the coverage under (or benefits of) the plan with respect to health status, claims experience, receipt of health care, medical history, or lack of evidence of insurability, of an individual or group.

(2) TREATMENT OF PREEXISTING CONDITIONS.—No self-insured health plan may exclude or otherwise discourage coverage with respect to services related to treatment of a preexisting condition.

(3) WAITING PERIODS.—No self-insured health plan may impose waiting periods of any length.

SEC. 1604. PROVIDER RESPONSIBILITIES

The Commission shall require as a condition of participation in the health plan by any health care provider the acceptance by such provider of any payment as specified by the Board as full payment for the service performed.

TITLE XVII—ENFORCEMENT PROVISIONS

SEC. 1701. ENFORCEMENT PROVISIONS FOR CARRIERS, PROVIDERS, AND EMPLOYERS.

(a) IN GENERAL.—Chapter 47 of the Internal Revenue Code of 1986 (relating to excise taxes on qualified pension, etc. plans) is amended by striking section 5000 and section 5000A (as added by section 106) and inserting the following new sections:

"SEC. 5000. FAILURE OF CARRIERS WITH RESPECT TO THE UNIFORM SET OF EFFECTIVE BENEFITS.

"(a) GENERAL RULE.—In the case of any carrier offering any health plan, there is hereby imposed a tax on such carrier if such plan fails to qualify as a uniform set of effective benefits.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of tax imposed by subsection (a) by reason of 1 or more failures during a taxable year shall be equal to 50 percent of the gross premiums received during such taxable year with respect to all health plans issued by the carrier on whom such tax is imposed.

"(2) GROSS PREMIUMS.—For purposes of paragraph (1), gross premiums shall include any consideration received with respect to any health contract.

"(3) CONTROLLED GROUPS.—For purposes of paragraph (1)—

"(A) CONTROLLED GROUP OF CORPORATIONS.—All corporations which are members of the same controlled group of corporations shall be treated as 1 carrier. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(B) PARTNERSHIPS, PROPRIETORSHIPS, ETC., WHICH ARE UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, all trades or businesses (whether or not incorporated) which are under common control shall be treated as 1 carrier. The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(c) LIMITATION ON TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) with respect to any failure for which it is established to the satisfaction of the Secretary that the carrier on whom the tax is imposed did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(2) TAX NOT TO APPLY WERE FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) with respect to any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date any of the carriers on whom the tax is imposed knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) COMPLIANCE DETERMINATION.—

"(1) IN GENERAL.—The Federal Health Board (hereafter in this subsection referred to as the 'Board' shall determine whether any health plan qualifies as a uniform set of effective benefits.

"(2) STATE AGREEMENTS.—

"(A) IN GENERAL.—The Board may, in its discretion, enter into an agreement with any State to provide for the State to make the initial determination described in paragraph (1).

"(B) STANDARDS.—An agreement may be entered into under subparagraph (A) only if—

"(i) the chief executive officer of the State requests such agreement be entered into,

"(ii) the Board determines that the State agreement will apply to substantially all health plans issued in such State, and

"(iii) the Board determines that the application of the State agreement will carry out the purposes of this section.

"(3) TERMINATION.—The Board shall terminate any agreement if the Board determines that the application of the State agreement ceases to carry out the purposes of this section.

"(e) DEFINITIONS.—For purposes of this section the term 'health plan' shall have the same meaning given such term under section 2, the term 'uniform set of effective benefits' as defined under section 132(a) of this Act and shall also meet the requirements under sections 112, 114, 115(b), and 116.

"SEC. 5000A. FAILURE OF PROVIDERS WITH RESPECT TO UNIFORM BENEFITS

"(a) GENERAL RULE.—There is hereby imposed a tax on the failure of any person who provides any service under a uniform set of effective benefits to comply with the requirements of section 1604 of this Act.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of tax imposed by subsection (a) by reason of 1 or more failures during a taxable year shall be equal to 50 percent of the gross income received during such taxable year with respect to all services provided by the person on whom such tax is imposed.

"(2) CONTROLLED GROUPS.—For purposes of paragraph (1)—

"(A) CONTROLLED GROUP OF CORPORATIONS.—All corporations which are members of the same controlled group of corporations shall be treated as 1 person. For purposes of the preceding sentence, the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that—

"(i) 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a)(1), and

"(ii) the determination shall be made without regard to subsections (a)(4) and (e)(3)(C) of section 1563.

"(B) PARTNERSHIPS, PROPRIETORSHIPS, ETC., WHICH ARE UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, all trades or business (whether or not incorporated) which are under common control shall be treated as 1 person. The regulations prescribed under this subparagraph shall be based on principles similar to the principles which apply in the case of subparagraph (A).

"(c) LIMITATION ON TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) with respect to any failure for which it is established to the satisfaction of the Secretary that the person on whom the tax is imposed did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(2) TAX NOT TO APPLY WHERE FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) with respect to any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the 1st date any of the persons on whom the tax is imposed knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) COMPLIANCE DETERMINATION.—

"(1) IN GENERAL.—The Federal Health Board (hereafter in this subsection referred to as the 'Board' shall determine compliance with the requirements of section 1604 of this Act.

"(2) STATE AGREEMENTS.—

"(A) IN GENERAL.—The Board may, in its discretion, enter into an agreement with any State to provide for the State to make the initial determination described in paragraph (1).

"(B) STANDARDS.—An agreement may be entered into under subparagraph (A) only if—

"(i) the chief executive officer of the State requests such agreement be entered into,

"(ii) the Board determines that the State agreement will apply to substantially all providers of services under health benefit plans issued in such State, and

"(iii) the Board determines that the application of the State agreement will carry out the purposes of this section.

"(3) TERMINATION.—The Board shall terminate any agreement if the Board determines that the application of the State agreement ceases to carry out the purposes of this section.

"(e) DEFINITIONS.—For purposes of this section the term 'health plan' shall have the same meaning given such term under section 2, the term 'uniform set of effective benefits' as defined under section 132(a) of this Act and shall also meet the requirements under sections 112, 114, 115(b), and 116.

"SEC. 5000B. FAILURE OF EMPLOYERS WITH RESPECT TO UNIFORM BENEFITS.

"(a) GENERAL RULE.—There is hereby imposed a tax on the failure of any person to comply with the requirements of sections 1601 and 1603 of this Act.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to a full-time employee shall be $50 for each day in the noncompliance period with respect to such failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period—

"(A) beginning on the date such failure first occurs, and

"(B) ending on the date such failure is corrected.

"(3) CORRECTION.—A failure of a person to comply with the requirements of sections 1601 and 1603 of this Act. With respect to any full-time employee of the person shall be treated as corrected if—

"(A) such failure is retroactively undone to the extent possible, and

"(B) the employee is placed in a financial position which is as good as such employee would have been in had such failure not occurred.

For purposes of applying subparagraph (B), the employee shall be treated as if the employee had elected the most favorable coverage in light of the expenses incurred since the failure first occurred.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that none of the persons referred to in subsection (d) knew, or exercising reasonable diligence would have known, that such failure existed.

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) such failure was due to reasonable cause and not to willful neglect, and

"(B) such failure is corrected during the 30-day period beginning on the first date any of the persons referred to in subsection (d) knew, or exercising reasonable diligence would have known, that such failure existed.

"(3) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.

"(d) LIABILITY FOR TAX.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, the following shall be liable for the tax imposed by subsection (a) on a failure:

"(A) In the case of a uniform set of effective benefits other than a multiemployer plan, the employer.

"(B) In the case of a multiemployer plan, the plan.

"(C) Each person who is responsible (other than in a capacity as an employee) for administering or providing benefits under the uniform set of effective benefits and whose act or failure to act caused (in whole or in part) the failure.

"(2) SPECIAL RULES FOR PERSONS DESCRIBED IN PARAGRAPH (1)(C).—A person described in subparagraph (C) (and not in subparagraphs (A) and (B)) of paragraph (1) shall be liable for the tax imposed by subsection (a) on any failure only if such person assumed (under a legally enforceable written agreement) responsibility for the performance of the act to which the failure relates.

"(e) DEFINITIONS.—For purposes of this section, the terms 'uniform set of effective benefits' as defined under section 132(a) of this Act and shall also meet the requirements under sections 112, 114, 115(b) and 116. The term 'full time employee' shall mean an employee who performs on a monthly basis at least 30 hours of service per week.

(b) CLERICAL AMENDMENTS.—The table of sections for such chapter 47 is amended by adding at the end thereof the following new items:

"Sec. 5000. Failure of carriers with respect to uniform benefits insurance.
"Sec. 5000A. Failure of providers with respect to uniform benefits insurance.
"Sec. 5000B. Failure of employers with respect to uniform benefits insurance.".

SEC. 1702. ENFORCEMENT PROVISION FOR INDIVIDUALS.

(a) IN GENERAL.—Subsection (d) of section 151 of the Internal Revenue Code of 1986 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new paragraph:

"(5) EXEMPTION AMOUNT DISALLOWED FOR UNINSURED INDIVIDUALS.—The exemption amount for any individual for such individual's taxable year shall be zero, unless the policy number of the health plan for such individual is included in the return claiming such exemption amount for such individual.".

GLENN AMENDMENT NO. 326

Mr. GLENN proposed an amendment to the bill S. 171, supra, as follows:

On page 49, line 7, insert "the" after "of".

On page 53, line 7, insert "the" before "Environment".

On page 53, lines 23 and 24, strike out "of data bases to integrate with one another" and insert in lieu thereof "to integrate data bases".

On page 54, lines 4 and 5, strike out "of management information systems to integrate with one another" and insert in lieu thereof "to integrate management information systems".

On page 56, insert between lines 15 and 16 the following new paragraphs:

(3) The Environmental Quality Improvement Act of 1970 (42 U.S.C. 4371 through 4375) is repealed.

(4) Section 204 of the National Environmental Policy Act (42 U.S.C. 4344) (as amended by paragraph (1) of this subsection) is redesignated as section 202 of such Act.

On page 56, line 16, strike out "(3)" and insert in lieu thereof "(5)".

On page 71, beginning with line 14, strike out all through line 24, and insert in lieu thereof the following:

(1) in section 11(1), by inserting "Environment," after "Energy,"; and

(2) in section 11(2), by inserting "Environment," after "Energy,".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, there will be a meeting of the Committee on Rules and Administration, in SR–301, Russell Office Building, on Thursday, April 29, 1993, at 9 a.m. to receive and consider a proposal by counsel regarding the petitions relating to the election in Oregon.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, May 25, 1993 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE, Washington, DC.

The purpose of the hearing is to receive testimony on S. 544, a bill to amend the Federal Power Act to protect consumers of multistate utility systems, and for other purposes, and to receive testimony on an amendment to S. 544 which would transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

For further information regarding the hearing, please contact Bill Conway of the committee staff at (202) 224–7149.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, we have now received the House companion measure to S. 172, a bill to establish the Spring Mountain National Recreation Area in Nevada, and for other purposes. I would therefore like to announce for the public that H.R. 63 will also be heard at the hearing scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources on Thursday, May 6, 1993.

The hearing will begin at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information regarding the hearing, please contact Erica Rosenberg of the subcommittee staff at (202) 224–7933.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., April 27, 1993, to receive testimony from Robert Armstrong, nominee to be Assistant Secretary of the Interior for Land and Minerals Management; Jim Baca, nominee to be Director, Bureau of Land Management, Department of the Interior; Bonnie Cohen, nominee to be Assistant Secretary of the Interior for Policy, Management and Budget; Elizabeth Rieke, nominee to be Assistant Secretary of the Interior for Water and Science; and Leslie Turner, nominee to be Assistant Secretary of the Interior for Territorial and International Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on April 27, 1993 at 10 a.m., to hear testimony on the subject of the administration's tax proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee be authorized to meet for a hearing on S. 185, the Hatch Act Reform Amendments of 1993, on Tuesday, April 27, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Tuesday, April 27, 1993, at 10 a.m. to conduct a hearing on the Home Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, to consider pending business, during the session of the Senate on Tuesday, April 27, directly after the first vote of the Senate, in the President's room, S-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERAN'S AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on the present and future roles of the Department of Veterans Affairs health care system at 10 a.m. on Tuesday, April 27, 1993. The hearing will be held in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR REGULATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Regulation, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, April 27, beginning at 9:30 a.m., to conduct a hearing to examine efforts to design and produce a cleaner car.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., April 27, 1993, to receive testimony on S. 21, a bill to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COMMONSENSE VIEW OF CHINA

• Mr. SIMON. Mr. President, recently in the Chicago Tribune, I read an article by Jun Shen, a business writer for the Bradenton FL, Herald.

What he basically calls for is a commonsense view of China, that recognizes that China has not moved in the direction of recognizing human rights, but that also does not paint China as some huge immediate threat.

Mr. Shen makes this point, which is an important one for U.S. policymakers:

> With the devaluation of China as a strategic counterbalance to the former Soviet Union, demanding that China respect human rights, be responsible in handling its arms sales and nuclear technology transference and comply with other international laws is not only morally right but also helps create an enduring, stable environment in the biggest market in the world that is key to the U.S. economy in a "Pacific Age" in the 21st Century.

He adds:

> The argument that that will drive China back to self-imposed isolationism is fallacious, as the process of changes, once triggered, is irreversible, though maybe slow.

I ask to insert the entire article in the RECORD at this point.

The article follows:

[From the Chicago Tribune, Apr. 5, 1993]

UNITED STATES POLICY MUST SEE THE REAL CHINA

(By Jun Shen)

The continuous brutal nature of China's political system has been much obliterated lately by the media's newfound eagerness to report on the economic changes there. "China's new reality" is the way Mortimer Zuckerman, editor-in-chief of U.S. News & World Report, saw it.

An overly romantic portrayal of the changing economic life in Communist China, however, not only is simplistic, but creates a false picture to Western investors. The Beijing regime's intransigence toward the process of furthering democratization in Hong Kong after 1997 shows the volatility of the outward appearance of political tolerance toward capitalism.

At the level of U.S. China policy, such unbalanced reporting of China's political reality in the post-Cold War era potentially may be misleading to the new Clinton administration, which has yet to unveil its coherent China policy, after much criticism of its predecessor during the campaign.

The old reality remains that China, after the Tiananmen Square crackdown four years ago, is as well-entrenched as the last stronghold of communism as it ever has been. The Beijing regime continues to imprison political dissidents without fair trials.

The latest wake-up call came last month, when Communist Party chief Jiang Zeming, who is also the head of China's military, was "elected" president. This latest of a series of reality signals shows that China's future political wind is as unpredictable as ever, thus casting a cloud over its phantom-like economic well-being.

If history can serve as a crystal ball, the unchanged fundamental system and culture of ironhanded governing in a time when a whirlwind of upheavals has swept other communist countries make China's open market as ephemeral or fragile as the innocent student bodies under the rumbling tracks of the emotionless tanks. A scene of foreign business fleeing a capital of tanks and terror easily can be conjured up again.

As a new world order is taking shape with the disintegration of former Eastern Bloc nations, the world community today probably enjoys the best historical opportunity to nurture the budding forces of new political beliefs in China. The United States and its Western allies can play a pivotal role in giving the political new force support for the process that is long overdue.

Unfortunately, previous U.S. China policy was inadequate to help the process.

I am often amazed by the policy inconsistency toward China and the Soviet Union by the United States. It is often a policy vacillating between exaggerated threats of aggressions by ideological enemies and unwarranted optimism about changes in an entrenched dictatorial system.

It is a legitimate argument that, during the Cold War era, playing the Beijing card served to offset the aggressive pawing by the Russian bear in the global politics. But with an unprecedented political openness descending on Russia, the United States so far remains slow to come to the aid of the economically devastated Russia, preferring to wait instead for the miracle of a market-driven economy to happen there.

On the other hand, with octogenarian dictators continuing to rule by tanks and political intimidation in China, and with the Chinese press nothing but a "eunuch messenger" of the party, the Bush administration favored a "constructive engagement" with the Chinese. That policy of condoning culminated with President Bush sent his top aides to meet secretly with the Beijing butchers days after the bloody suppression of students and civilians and when he steadily refused to link China's human rights records with its most-favored-nations trading status in the United States.

The United States can shape a China policy that benefits its own short- and long-term political and economic interest and also promotes freedom in China. With the devaluation of China as a strategic counterbalance to the former Soviet Union, demanding that China respect human rights, be responsible in handling its arms sales and nuclear technology transference and comply with other international laws is not only morally right but also helps create an enduring, stable environment in the biggest market in the world that is key to the U.S. economy in a "Pacific Age" in the 21st Century.

The argument that that will drive China back to self-imposed isolationism is fallacious, as the process of changes, once triggered, is irreversible, though maybe slow.

The Chinese Communist old-timers are determined to prove to the world in the post-Soviet Union era that a totalitarian regime can bring economic prosperity to its people. If Communist China succeeds, it means serious political repercussions in erstwhile communist countries in East Europe.

It is in the best strategic interest for the West to make every effort to prevent that fairy tale from happening, or we might come back to face another Red monster, this time in the Far East. Such a policy failure may be marked as a historic loss of momentum in post-Cold War history to create an ideologically more harmonious or at least compatible world.

There is no need to go to the other extreme of portraying China as an imminent threat, which it is not. Despite a slow process of change, China is no longer a feudal society. China's last emperor was chased from his throne and has never been restored despite his futile attempts to restore it with the assistance of a Japanese invasion army. The current economic openness also contains many new elements including infantile stock markets and greater tolerance of private ownership. The average Chinese also has probably tasted wealth unprecedented in generations.

But if it took the West hundreds of years to develop its modern-day political systems of democracy, it would be both politically naive and historically myopic to dream of an overnight change in China, or in Russia, for that matter.

It would be like that proverbial Chinese farmer, who, impatient with the growth of his plants, plucked them up to accelerate the natural process. Modern farming technology has already proved able to shorten plant growth cycles, thus making the ancient Chinese farmer less comical.

Unfortunately, a political greenhousing technique is yet to be invented. Lack of such a technique calls for a judicious foreign policy.•

ANNAPOLIS BRASS QUINTET

• Ms. MIKULSKI. Mr. President, I rise today to congratulate the Annapolis Brass Quintet, which performed its final concert on Sunday, April 25, 1993. Founded in 1971, the Annapolis Brass Quintet was America's first full-time brass ensemble. During its 22-year history, its members served as cultural ambassadors of the United States in 17 tours of Europe, Central America, the Orient, and the Middle East, under both independent and State Department sponsorship. The ensemble has performed at leading colleges and universities across the United States, as well as in hundreds of small towns, often to audiences who had never before heard a brass quintet.

In addition to concerts, the quintet has conducted annual brass music workshops for high school students around the country, introduced brass chamber music to elementary school children and conducted workshops for adults.

The Annapolis Brass Quintet has maintained a strong commitment to expanding the repertoire for the medium and has a list of over 60 world premieres to its credit. As a self-supporting, independent ensemble, the Annapolis Brass Quintet has introduced brass chamber music to thousands of people around the world, actively encouraged quintet performance by fellow brass players and expanded the repertoire both through its own editions of early music and by commissioning a large number of new compositions.

Mr. President, I salute the contributions that the Annapolis Brass Quintet has made to brass chamber music. During its 22-year history, it has entertained people around the world and has positively influenced the development of its genre. Its members have achieved a truly high standard of artistic excellence and, together, represent what is best in American music.•

ZAIRE

• Mr. LEAHY. Mr. President, I want to speak briefly today about the situation in Zaire, which demands urgent attention by the Clinton administration.

There is no need to repeat at length what I and so many others, including State Department officials, have said repeatedly about President Mobutu. He is a corrupt, ruthless dictator who has abused his own people, plundered his country, and lost all legitimacy.

During the civil war in Angola, when the Reagan and Bush administrations were sending weapons and other aid to Jonas Savimbi, Mobutu's crimes were ignored because he was a friendly anti-Communist whose cooperation we needed. It was a foolish, immoral policy that has been totally discredited since Savimbi, whose democratic credentials were suspect from the beginning, refused to accept defeat at the ballot box and chose instead to destroy what is left of this ruined country.

In the meantime, Mobutu remains in his palace, while his people starve. For years officials in the State Department have issued bland statements of concern about Mobutu's behavior and asked him politely to stop slaughtering his own people. Not surprisingly, it has had no effect. If anything, he has grown bolder, since we and the rest of the international community have never backed up our statements with action.

Even today, I am told that the State Department, rather than stating unequivocally that Mobutu must go, continues to see him in some transitional role. Months ago I was told that a wide range of economic and diplomatic sanctions against Mobutu were under consideration, but so far nothing has happened other than that a new American Ambassador has not been announced. While this may convey displeasure with Mobutu, are the bureaucrats in the State Department really so naive to believe that he cares what we think? In some ways it may even work to his advantage, since it also precludes our recognition of the transitional Tshisekedi government.

Mr. President, if there ever was an example of where the choices are clear, it is in Zaire today. The administration needs to accept the fact that the time for fencesitting is long since past. Our policy should have two explicit goals: to get Mobutu out and support those who have fought for democratic change. There is no middle ground. We and our European partners have any number of ways of putting pressure on Mobutu. The State Department knows what the options are and it is inexcusable that it has taken this long to stop the talking and handwringing and start acting.•

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENTS—S. 171

Mr. MITCHELL. Mr. President, as I stated earlier, we are prepared to vote on this amendment up or down at this time. But I am advised that it will not be possible. Therefore, I now ask unanimous consent that the vote on or in relation to Senator SPECTER's amendment number 325 occur at 12 noon on Wednesday, April 28, with the time from 11 a.m. to 12 noon be equally divided in the usual form, and that no second-degree amendments be in order thereto.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, I will not object, obviously. But I wanted the RECORD to reflect that I apologize to the majority leader because when I attended a funeral today in Tennessee, I asked one Senator on this side to fill in for me in New York tonight. I would not mind missing the vote. But I failed to notify the majority leader. I apologize for that. I do appreciate the courtesy extended in this instance.

Mr. MITCHELL. Mr. President, I want to make clear again it is my understanding that no Democrat intends to move to table the amendment. We are prepared to vote up or down on the amendment, under this schedule, as of noon tomorrow.

Mr. DOLE. The motion to table is——

Mr. MITCHELL. The motion to table is permitted under this agreement. But it is included at the request of the Republican side. It is not included at the request of any Democrat.

NATIONAL MENTAL HEALTH COUNSELORS WEEK

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Joint Resolution 85, relating to National Mental Health Counselors Week, introduced earlier today by Senator HEFLIN, that the joint resolution be deemed read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relative to the passage of this item appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senate proceeded to consider the joint resolution.

NATIONAL MENTAL HEALTH COUNSELORS WEEK

Mr. HEFLIN. Mr. President, I am pleased to introduce a Senate joint resolution designating the week beginning May 2, 1993, as National Mental Health Counselors Week, which calls upon the President to issue a proclamation requesting Government agencies and the people of the United States to duly recognize the work that mental health counselors perform throughout our Nation.

Mental health counselors provide both developmental and preventative services in many areas of the health care field—psychiatric hospitals, community mental health agencies, private clinics, college campuses, rehabilitation centers, and private practice. They work in conjunction with other helping professionals, such as psychiatrists, psychologists, and social workers to determine the most appropriate counseling for individuals seeking assistance. They are a dedicated group of professionals who are duly licensed or certified in the State of their residence, or are certified by the Academy of Clinical Mental Health Counselors.

I applaud their efforts to help those in need of counseling, and I think it is fitting for Congress and the President to appropriately recognize their part in the health care continuum.

The joint resolution (S.J. Res. 85) was deemed read a third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 85

Whereas mental health counselors provide services along a full cotinuum of care, including developmental and preventive services;

Whereas mental health counselors utilize individual and group counseling techniques oriented toward assisting individuals with methods of problem solving, personal and social development decision making, and the complex process of developing self-understanding and making life decisions;

Whereas mental health counselors work in conjunction with other helping professionals, such a psychiatrists, psychologists, and social workers, to determine the most appropriate counseling for each client;

Whereas mental health counselors work in psychiatric hospitals, community mental health agencies, private clinics, college campuses, rehabilitation centers, and private practice;

Whereas mental health counselors are individuals upon whom, by virtue of their education and extensive training, have been conferred masters or doctor of philosophy degrees in mental health counseling or community mental health counseling, or similar degree titles having a focus on mental health; and

Whereas mental health counselors, after having earned such degrees, have performed at least 2 years of supervised clinical counseling, and are licensed or certified in the State of their residence, or are certified by the Academy of Clinical Mental Health Counselors: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning May 2, 1993, is designed "National Mental Health Counselors Week." The President is requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the week with appropriate ceremonies and activities.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:45 a.m. on Wednesday, April 28; that following the prayer, the Journal of proceedings be approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 11 a.m. with Senators permitted to speak therein for up to 5 minutes each; that immediately following the Chair's announcement, Senator GRASSLEY be recognized for up to 10 minutes, and immediately thereafter, the following Senators be recognized for up to 10 minutes each: Senators REID, DORGAN, MOYNIHAN, MURRAY, GRAMM, and GORTON, with the last hour of morning business under the control of Senator ROTH, or his designee; and that at 11 a.m. the Senate resume consideration of S. 171, the Department of Environment Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 8:45 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 7:39 p.m., recessed until Wednesday, April 28, 1993, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate after the recess of the Senate on April 22, 1993, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF STATE

PAMELA HARRIMAN, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FRANCE.

DEPARTMENT OF AGRICULTURE

JAMES S. GILLILAND, OF TENNESSEE, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE, VICE ALAN CHARLES RAUL, RESIGNED.

DEPARTMENT OF LABOR

THOMAS P. GLYNN, OF MASSACHUSETTS, TO BE DEPUTY SECRETARY OF LABOR, VICE DELBERT LEON SPURLOCK, JR., RESIGNED.

DEPARTMENT OF TRANSPORTATION

STEPHEN H. KAPLAN, OF COLORADO, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF TRANSPORTATION, VICE WALTER B. MCCORMICK, JR., RESIGNED.

DEPARTMENT OF THE INTERIOR

JOHN D. LESHY, OF ARIZONA, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE THOMAS LAWRENCE SANSONETTI, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MICHAEL A. STEGMAN, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JOHN C. WEICHER, RESIGNED.

Executive nominations received by the Senate, April 27, 1993:

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHNNIE H. CORNS [redacted] U.S. ARMY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATE CODE, SECTION 1370:

To be vice admiral

VICE ADM. EDWARD W. CLEXTON, JR., U.S. NAVY [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. WILLIAM A. DOUGHERTY, JR., U.S. NAVY, [redacted]

THE FOLLOWING-NAMED REAR ADMIRALS (LOWER HALF) IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

Unrestricted line officer to be rear admiral

REAR ADM. (LH) LLOYD EDWARD ALLEN, JR [redacted], U.S. NAVY.

REAR ADM. (LH) DENNIS CUTLER BLAIR [redacted] U.S. NAVY.

REAR ADM. (LH) STEVEN RUSSELL BRIGGS [redacted], U.S. NAVY.

REAR ADM. (LH) ARCHIE RAY CLEMINS [redacted] U.S. NAVY.

REAR ADM. (LH) DENNIS, RONALD CONLEY [redacted], U.S. NAVY.

REAR ADM. (LH) HAROLD WEBSTER GEHMAN, JR. [redacted] U.S. NAVY.

REAR ADM. (LH) WILLIAM JOHN HANCOCK [redacted] U.S. NAVY.

REAR ADM. (LH) GEORGE ARTHUR HUCHTING [redacted] U.S. NAVY.

REAR ADM. (LH) DENNIS ALAN JONES [redacted] U.S. NAVY.

REAR ADM. (LH) MICHAEL ALLEN MCDEVITT [redacted], U.S. NAVY.

REAR ADM. (LH) DANIEL TRANTHAM OLIVER [redacted], U.S. NAVY.

REAR ADM. (LH) JAMES BLENN PERKINS II [redacted], U.S. NAVY.

REAR ADM. (LH) DONALD LEE PILLING [redacted], U.S. NAVY.

REAR ADM. (LH) NORMAN WILSON RAY [redacted] U.S. NAVY.

REAR ADM. (LH) RICHARD ANDERSON RIDDELL, [redacted] U.S. NAVY.

Engineering duty officer to be rear admiral

REAR ADM. (LH) ARTHUR CLARK [redacted] U.S. NAVY.

Aerospace engineering duty officer to be rear admiral

REAR ADM. (LH) WILLIAM JOHN TINSTON, JR [redacted], U.S. NAVY.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MATTHEW T. COOPER [redacted] USMC.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

KENNETH S. APFEL, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE ARNOLD R. TOMPKINS, RESIGNED.

WALTER D. BROADNAX, OF NEW YORK, TO BE DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, VICE KEVIN E. MOLEY, RESIGNED.

DEPARTMENT OF THE TREASURY

JEAN E. HANSON, OF NEW YORK, TO BE GENERAL COUNSEL FOR THE DEPARTMENT OF THE TREASURY, VICE JEANNE S. ARCHIBALD, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BRUCE C. VLADECK, OF NEW YORK, TO BE ADMINISTRATOR OF THE HEALTH CARE FINANCING ADMINISTRATION, VICE GAIL ROGGIN WILENSKY.

DEPARTMENT OF THE TREASURY

JEFFREY RICHARD SHAFER, OF NEW JERSEY, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE OLIN L. WETHINGTON, RESIGNED.

MICHAEL B. LEVY, OF TEXAS, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE MARY CATHERINE SOPHOS, RESIGNED

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DAVID T. ELLWOOD, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE MARTIN H. GERRY.

EXECUTIVE OFFICE OF THE PRESIDENT

CHARLENE BARSHEFSKY, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE JULIUS L. KATZ.

RUFUS HAWKINS YERXA, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY U.S. TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

INTERNATIONAL BANKS

JOAN E. SPERO, OF NEW YORK, TO BE U.S. ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF 5 YEARS; U.S. ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT BANK FOR A TERM OF 5 YEARS; U.S. ALTERNATE GOVERNOR OF THE AFRICAN DEVELOPMENT FUND; U.S. ALTERNATE GOVERNOR OF THE ASIAN DEVELOPMENT BANK; AND U.S. ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE ROBERT B. ZOELLICK.

AFRICAN DEVELOPMENT FOUNDATION

GEORGE EDWARD MOOSE, AN ASSISTANT SECRETARY OF STATE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 27, 1997, VICE HERMAN JAY COHEN.

DEPARTMENT OF STATE

ELINOR G. CONSTABLE, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE E.U. CURTIS BOHLEN, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

LORRAINE ALLYCE GREEN, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE BILL R. PHILLIPS, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

JERRY W. BOWEN, OF ARKANSAS, TO BE DIRECTOR OF THE NATIONAL CEMETERY SYSTEM, DEPARTMENT OF VETERANS AFFAIRS, VICE ALLEN B. CLARK, JR., RESIGNED.

MARY LOU KEENER, OF GEORGIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS, VICE JAMES ASHLEY ENDICOTT, JR., RESIGNED.

EDWARD P. SCOTT, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE SYLVIA CHAVEZ LONG, RESIGNED.

D. MARK CATLETT, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (FINANCE AND INFORMATION RESOURCES MANAGEMENT), VICE S. ANTHONY MCCANN, RESIGNED.

DEPARTMENT OF COMMERCE

KATHRYN D. SULLIVAN, OF TEXAS, TO BE CHIEF SCIENTIST OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, VICE SYLVIA ALICE EARLE, RESIGNED.

DEPARTMENT OF TRANSPORTATION

MORTIMER L. DOWNEY, OF NEW YORK, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE ARTHUR J. ROTHKOPF, RESIGNED.

DEPARTMENT OF EDUCATION

MARSHALL S. SMITH, OF CALIFORNIA, TO BE UNDER SECRETARY OF EDUCATION. (NEW POSITION)

AUGUSTA SOUZA KAPPNER, OF NEW YORK, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION, VICE BETSY BRAND, RESIGNED.

DEPARTMENT OF LABOR

THOMAS S. WILLIAMSON, JR., OF CALIFORNIA, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR, VICE MARSHALL JORDAN BREGER, RESIGNED.

EXTENSIONS OF REMARKS

PATRICK LIPPERT: THE ROCK BEHIND THE VOTE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. VENTO. Mr. Speaker, Mr. Speaker, too many young people have been disillusioned by the political system and, until last year, too little has been done to encourage them to participate. Over the past 20 years, the voter turnout of those between the ages of 18 and 24 has drastically declined. Yet the decisions elected officials make have such a tremendous impact on the lives of the young.

Patrick Lippert was undaunted by the 20-year trend of political apathy and organized a campaign to reach the young through spokespeople they respect and through a medium they enjoy. Celebrities communicated to the young through MTV. The message was simple: Vote.

The organization is Rock the Vote and as a result of the novel campaign more than 2 million more young people voted in the last election than in 1988. I would like to personally thank Patrick Lippert and the hundreds of others from the entertainment industry who made Rock the Vote a success.

I want to particularly recognize the efforts of Patrick Lippert who is currently engaged in another campaign, this one to save his life. Patrick has shown remarkable courage and strength in battling the AIDS virus and has not allowed his health to slow his commitment to making the United States a better place to live. He recently worked to pass the Motor-Voter bill, which will help encourage many more disenfranchised people to participate in the democratic process.

I personally want to thank Patrick for devoting his talents to such a worthy cause. I know his parents, Bob and Toni Lippert, helped inspire the activist spirit in Patrick and his brothers and sisters. I have known the Lipperts throughout my political career and have observed their dedication to empowering the underprivileged and individuals with disabilities. Clearly the example they have set is reflected in their son.

I urge my colleagues to read the following Washington Post article about Patrick entitled "The Rock Behind the Vote".

THE ROCK BEHIND THE VOTE—HOLLYWOOD COMES OUT FOR PATRICK LIPPERT'S PARTY

Patrick Lippert remembers with precision the moment he drove across the California state line, looking for his place in Hollywood. "The day," he says, "that Ronald Reagan was sworn in." He was but a boy then, heading west from Minnesota with no contacts and no job.

My, how things have changed.

As executive director of Rock the Vote, Lippert hosts one of the week's hottest parties today—a star-jammed, sold-out fundraiser at the Sheraton Carlton that's as much a testament to him as anything else. In the past two years, he's shaped the hip, nonpartisan group that he believes played no small part in getting first-time voters to the polls.

"Two million more young people voted," he claims. Indeed, with pro bono public service announcements (Madonna did one in a red bikini for MTV) and money from the entertainment community, his grass-roots effort canvassed campuses, concerts and just about anyplace else voting-age kids gathered.

For Lippert, 34, it all began when he phoned Tom Hayden's office a decade ago to volunteer his services. By '85, with Hayden and ex-wife Jane Fonda's backing, Lippert started Network, an effort to enlighten the young up-'n'-comers in the industry about politics. And as Michael Dukakis's celebrity liaison in '88, Lippert convinced scores of young, hot talent to crisscross the country for a man who probably didn't even know who they are.

Some of those same folks will be on hand today. Like Roseanne and Tom Arnold, Alec Baldwin, Kim Basinger, Christopher Reeve, Penny Marshall, Carly Simon and Carrie Fisher. They'll come to hobnob with the power lovers. But mostly, they seem to be coming because Lippert asked them to. Coming to help him raise money for his next effort—the national motor voter bill, which would allow people to register to vote when they apply for a driver's license, (Bush vetoed it once.) And coming because not far beneath the surface is the knowledge that their friend has also been fighting for something much more.

"I have been living with AIDS for two years and the challenge that has presented has been overshadowed by the support I have found," Lippert says simply. "I have been pretty lucky. And at some point I want to turn my attention to the fight [against the disease]. I really want to make that point. I have to find a role for myself and make a personal contribution." No one doubts he'll do just that.

PUBLIC HEALTH PESTICIDES PROTECTION ACT INTRODUCED

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. DOOLEY. Mr. Speaker, today I have introduced the Public Health Pesticides Protection Act, designed to ensure that Americans are adequately protected against the threat posed by mosquitoes and other disease-carrying pests.

In recent years, public health officials have been highly successful in protecting against malaria and other deadly diseases, but officials are in danger of losing access to many of the pesticides they use for the public good.

In 1988, Congress passed legislation requiring the Environmental Protection Agency [EPA] to re-register all pesticides that were originally registered before 1984, including pesticides that are used for the protection of public health.

Re-registration is an expensive proposition for manufacturers, especially for pesticides designed for so-called minor uses. Public health officials predict that many of the pesticides they use to protect the public health will be lost because of the excessive cost of re-registration.

This legislation seeks to prevent the loss of important public-health materials. It would ensure that the EPA establish guidelines that take into consideration the need for pesticides for public health use and the benefits of such pesticides.

It also would ensure that the necessary public health pesticides aren't lost solely because of the expense of their re-registration.

I wish to thank my colleague Representative WALLY HERGER for his co-sponsorship of this legislation, and I urge my other colleagues to support the bill. A copy of the legislation follows:

H.R. 1867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, REFERENCE.

(a) SHORT TITLE.—This Act may be cited as "Public Health Pesticides Protection Act of 1992".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act.

SEC. 2. DEFINITIONS.

(a) ADVERSE EFFECTS.—Section 2(bb) (7 U.S.C. 136(bb)) is amended by adding at the end the following: "The Administrator shall consider the risks and benefits of public health pesticides separate from the risks and benefits of other pesticides. In weighing any regulatory action concerning a public health pesticide under this Act, the Administrator shall weigh any risks of the pesticide against the health risks such as the diseases transmitted by the vector to be controlled by the pesticide.".

(b) NEW DEFINITIONS.—Section 2 (7 U.S.C. 136) is amended by adding at the end the following:

"(hh) MINOR USE.—The term 'minor use' means the total anticipated small volume use of any pesticide product against a particular pest or group of pests which, by itself, would not economically justify a full, separate pesticide registration. Wherever a minor use is designated in this Act for agricultural crop production or agricultural uses, such term includes any use intended to protect the public from insects or other pests or the diseases which such pests may transmit to man or domestic animals.

"(ii) PUBLIC HEALTH PESTICIDE.—The term 'public health pesticide' means any minor use pesticide product registered for use and used predominantly in public health programs for vector control or for other recognized health protection uses, including the prevention or mitigation of viruses, bacteria, or other microorganisms (other than viruses, bacteria, or other microorganisms on or in living man or other living animal) that pose a threat to public health.

"(jj) VECTOR.—The term 'vector' means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including mosquitoes, flies, fleas, cockroaches, or other insects and ticks, mites, or rats.".

SEC. 3. REGISTRATION.

Section 3(c)(2)(A) (7 U.S.C. 136a(c)(2)(A)) is amended—

(1) by inserting after "pattern of use," the following: "the public health and agricultural need for such minor use,", and

(2) by striking out "potential exposure of man and the environment to the pesticide" and inserting in lieu thereof "potential beneficial or adverse effects on man and the environment".

SEC. 4. REREGISTRATION.

Section 4 (7 U.S.C. 136a–1) is amended—

(1) in subsection (i)(4), by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively and by adding after subparagraph (A) the following:

"(B) Any pesticide defined as a public health pesticide of which more than 50 percent of its usage is devoted to the promotion of public health shall be exempt from fees prescribed by paragraph (3).".

(2) in subsection (i)(5), by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by adding after subparagraph (E) the following:

"(F) An end use product that is registered for a public health pesticide of which at least 50 percent of its usage is devoted to the promotion of public health shall be exempt from the fees prescribed by this paragraph.".

(3) in subsection (i)(7)(B), by striking out "or to determine" and inserting in lieu thereof ", to determine" and by inserting before the period the following: ", or to determine the volume usage for public health pesticides".

(4) in subsection (k)(3)(A), by striking out "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting in lieu thereof "; or", and by inserting after clause (ii) the following:

"(iii) proposes the initial or amended registration of an end use pesticide that, if registered as proposed, would be used for a public health pesticide.".

SEC. 5. CANCELLATION.

Section 6(b) is amended by striking out "or" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or", and by adding after paragraph (2) the following:

"(3) if a pesticide is registered or proposed for registration for public health uses, to send the notice specified in this subsection to the Secretary of Health and Human Services for review.

The Secretary of Health and Human Services shall comment under paragraph (3) in accordance with the procedures followed and subject to the same conditions as comments by the Secretary of Agriculture in the case of agricultural pesticides.".

SEC. 6. VIEWS.

Section 21 (7 U.S.C. 136s) is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and by adding after subsection (a) the following:

"(b) SECRETARY OF HEALTH AND HUMAN SERVICES.—The Administrator, before publishing regulations under this Act for any public health pesticide, shall solicit the views of the Secretary of Health and Human Services in the same manner as the views of the Secretary of Agriculture are solicited under section 25(a).".

SEC. 7. AUTHORITY OF ADMINISTRATOR.

Section 25(a)(1) (7 U.S.C. 136w(a)(1)) is amended—

(1) by inserting after "various classes of pesticides" the following: ", including public health pesticides,", and

(2) by striking out "and nonagricultural pesticides" and inserting in lieu thereof ", nonagricultural, and public health pesticides".

SEC. 8. IDENTIFICATION OF PESTS.

Section 28 (7 U.S.C. 136w–3) is amended by adding at the end the following:

"(d) PUBLIC HEALTH PESTS.—The Administrator, in coordination with the Secretary of Health and Human Services, shall identify pests of significant public health importance and, in coordination with the Public Health Service, develop and implement programs to improve and facilitate the safe and necessary use of chemical, biological, and other methods to combat and control such pests of public health importance.".

SEC. 9. PUBLIC HEALTH PESTICIDES.

The Federal Insecticide, Fungicide, and Rodenticide Act is amended by adding at the end the following:

"SEC. 32. PUBLIC HEALTH PESTICIDES.

"The Administrator, in conjunction with the Secretary of Health and Human Services, shall submit an annual report to the Congress by March 1 of each year describing the uses of public health pesticides to promote human health protection in the United States. The report shall include.

"(1) an analysis of vector control practices,

"(2) an analysis of the approximately 50 diseases which are associated with arthropods or other vectors, including a consideration of the impact of vector control on the incidence of such diseases,

"(3) an analysis of the role of IPM in vector control and how agricultural IPM practices impact public health vector control, and

"(4) an analysis of public health pesticides, including the benefits of vectored disease prevention and a comparison of such benefits to the relative risks of the use of public health pesticides and the risks of vectored diseases.".

A TRIBUTE TO YELENA BONNER OF MOSCOW

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. LANTOS. Mr. Speaker, today my distinguished colleague, Congressman JOHN PORTER of Illinois, and I, as cochairman of the congressional human rights caucus, will honor Yelena Bonner for her historic efforts as a human rights activist.

As those who cherish the supremacy of human rights well know, Dr. Bonner distinguished herself as an abiding champion of the cause as she persevered to free her dissident husband in exile, the late Andrei Sakharov. Her struggle with the Soviet totalitarian state to obtain his freedom was akin to David's battle with Goliath. And in forging ahead to secure some measure of justice for her husband, she furthered the cause of human liberty around the world.

Yelena Bonner was born on February 15, 1923, in Moscow. She graduated as a physician and then practiced as a district doctor, a maternity home pediatrician, and in Iraq as a foreign aid health worker. She met Andrei D. Sakhavrov, a prominent leader in the Soviet human rights movement, and later married him in 1972.

Their union ultimately led her on a path seeking greater rights and liberties not only for her husband, but also for the people of the Soviet Union and the world. In 1975, her exiled husband was awarded the Nobel Peace Prize, the first ever given to a citizen of the Soviet Union. Predictably, he was denied permission to travel out of the country to accept the honor. Yelena Bonner went in his place. On her return, she was sentenced to 5 years internal exile at Gorki. Unbowed, she and her husband relentlessly challenged the legitimacy of the Soviet Union's system of justice.

Her ultimate triumph over the Soviet system—the release of her husband from exile—inspired those who cherish human rights the world over. Yelena Bonner will be honored today because she showed the world the cruel reality of Soviet totalitarianism, and the international pressure she brought to bear against the Soviet Union no doubt hastened its demise. She challenged the Soviet system to seriously move in the direction of glasnost with the realization that human rights are self-evident and fundamental.

Mr. Speaker, today the U.S. Congress stands united with Yelena Bonner as she continues to commit herself to protect human rights and freedom around the world. It is with a great sense of honor that I rise and pay tribute to her today.

REFORM FOR AMERICAN EDUCATION

HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. THOMAS of Wyoming. Mr. Speaker, today I'm introducing a bill that will give local schools, school boards, and States the flexibility they need to bring reform to American education.

Federal money for education almost always comes with thousands of strings attached in the form of restrictive regulations. My bill allows local schools, school boards, and States to apply to the Secretary of Education for waivers from these regulations if they can demonstrate they are necessary as part of a broader reform proposal.

This is important for two reasons. First, innovation must come from the local and State level. Roughly 94 percent of the funding for education comes from local and State government, and I'd argue more than 94 percent of the ideas come from the local level as well. What works in the inner city of Washington won't necessarily work on the plains of Wyoming, and we ought to recognize that.

Second, the key to innovation is flexibility. You can't on the one hand tell schools to come up with new, original, effective, "break-the-mold" ideas, and then with the other hand tie them down with restrictive red tape.

My bill allows reform-minded schools to cut through the miles of red tape and focus their resources where they need to be, on improving the education of America's kids. I urge my colleagues to join me in support of flexibility for our schools.

FAIRNESS AND EQUITY SOUGHT IN TARIFF SCHEDULE CHANGE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce a bill that would assist educational and other public institutions obtain, duty-free, imported paintings for educational, scientific, literary, and philosophical purposes and for the encouragement of the fine arts.

Mr. Speaker, under current law libraries, public institutions or nonprofit organizations established for the purposes above are exempt from payment of a merchandise processing fee for other works of art. Currently, these institutions can obtain drawings, sculptures, lithographs, photographic and other prints are exempt under subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States. Prior to 1988, paintings were not included in these schedules because they were already duty-free. However, when the merchandise processing fee was instituted, it exempted the art works included in chapter 98 but overlooked paintings.

My bill would simply add paintings to the list of art works presently listed in the Harmonized Tariff Schedule of the United States. Museums, colleges and universities, libraries, and public art galleries are already experiencing difficult economic times. They can acquire lithographs, prints, sculptures without such fiscal burdens. My bill addresses this problem by creating fairness and equity in the tariff schedule.

FRANK LESER, JR.: A LIFETIME OF VOLUNTEER SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. HOYER. Mr. Speaker, I rise today in recognition of my constituent, Mr. Frank G. Leser, Jr., who has contributed 50 years of volunteer fire service to Prince Georges county, MD.

Mr. Leser began volunteering with the Branchville Volunteer Fire Department in August 1943. In 1953 he moved his membership to the College Park Volunteer Fire Department, where he has been actively involved on a daily basis ever since. He has served as fire chief, president, and continues to hold a seat on the board of directors.

In his work with the department, Mr. Leser has always emphasized the importance of superior maintenance procedures and practices for the department's equipment. He oversaw the planning and rehabilitation of numerous projects involving the department's fire apparatus. The 1966 Pirsch pumper, engine 121, was dedicated to Mr. Leser in recognition of his dedicated service to the department. He was also elected to the Prince Georges County Fire and Rescue Association's hall of fame in 1988.

I am pleased today to congratulate Mr. Leser on his lifetime of fire service and ask my colleagues to join me in commending him on the commitment he has displayed to his fellow citizens in Prince Georges County.

TRIBUTE TO STEVE REISSMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to our long-time friend, Stephen Reissman. For close to two decades, Steve has been a leader in providing affordable and excellent health care to senior citizens. The National Council on Aging could not have selected a more appropriate person as the recipient of its 1993 Distinguished Achievement Award.

If left up to Steve, America would not be in the midst of a health care crisis. He has repeatedly taken steps to ensure the efficient delivery of medical services to seniors, a group that has great concerns about the escalating expense of health care in the United States. Steve has always been insistent that their needs must be met.

He began his efforts with Country Villa Services Corp., which developed subacute programs, skilled nursing, long-term care and residential care facilities throughout the 1970's and 1980's. The corporation proved to be such a success that other facilities and providers began seeking Steve's services.

In 1984 the concept of managed care, now much discussed in conjunction with President Clinton's pending health care plan, was part of a pilot project in the southern California area. At that time Steve linked Country Villa Services Corp. with FHP by creating short stay services to meet the needs of managed care programs. Steve recognized the importance of defining niches in delivering health care through cost effective distinctive parts.

Three years later, he created the first freestanding dialysis unit associated with a skilled nursing facility. As a result, in-house patients at the skilled facility, as well as those in the neighboring community, were provided with easy access to an essential service with less expensive delivery.

From this point, Steve became a free-lancer par excellence, offering his help to a number of the more prestigious medical facilities in southern California. He helped Queen of Angels Hospital with the operation of a transitional care unit, worked with the UCLA Medical School in developing a residency program for physicians specializing in geriatrics medicine and, earlier this year, supervised the opening of Country Villa's Infectious Disease Care Center. The center, which is dedicated to delivery of skilled nursing and subacute services for persons with HIV/AIDS. It is his hope that this model will set the standards for quality/cost post hospital care of HIV patients in southern California.

Steve Reissman is one of those extraordinary people whose entire lives are dedicated to helping others. Because of him, seniors and people with AIDS have access to top-notch health care without incurring horrible debt. We are proud to call him our friend and ask our colleagues to join us in saluting the many accomplishments and successful career of Steve Reissman.

A TRIBUTE TO KINGS COUNTY, CA UPON ITS CENTENNIAL

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. DOOLEY. Mr. Speaker, I rise today in celebration of the centennial of the County of Kings in California. Kings County is in the great San Joaquin Valley and contains miles after miles of the most abundant farmland in the world.

Kings County derives its name from El Rio De Los Santos Reyes, River of the Holy Kings, and was believed to be named by the Spanish explorer Gabriel Morage in 1805. The first settlers arrived in the area in the early 1830's, and by 1852 there were 100 established residents.

The county was formed in 1893 and currently has four incorporated cities: Hanford, the county seat, Lemoore, Corcoran, and Avenal. It also has several unincorporated communities and is home to the Lemoore Naval Air Station, which was commissioned in 1961. The Lemoore base is the largest master jet air station in the world and currently houses the FA–18 Hornet.

Kings County's economy is solidly based on agriculture. The county is rated 12th among California counties and 18th among all U.S. counties in total agricultural production. Its principal farm commodities include acala cotton and seed, dairy products, cattle, turkeys, hay alfalfa, peaches, tomatoes, and pistachios.

It is with great pride that I acknowledge the centennial of Kings County. Please join me in celebrating this achievement.

JUDGE R. WAYNE LAWRENCE, OUTSTANDING JURIST

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. BRYANT. Mr. Speaker, the Fifth Congressional District of Texas, which I am privileged to represent is home to one of the Nation's premier jurists.

We seem to be a nation of polls these days. These polls run the gamut from critically important to absolutely irrelevant.

The Texas Bar Foundation recently announced the results of a poll of its membership which is highly significant, but not at all surprising—the winner of the bar's most prestigious and coveted honor, the Outstanding Jurist Award.

There was not a dissenting vote that the Hon. R. Wayne Lawrence, judge of the Third District Court of Texas, has earned that honor.

Judge Lawrence, now serving his eighth and, unfortunately, his final term on the district court bench, is one of the most highly respected citizens of one of the Nation's most beautiful cities, Palestine, TX.

A 41-year member of Texas' Anderson County Bar, Judge Lawrence, in his 28 years on the bench, has brought an uncommon respect for the law and his fellow man to the residents of Anderson, Henderson, and Houston Counties.

This judicial district is steeped in Texas history. Its bar has produced a Governor, two Texas house speakers, a president of the State Bar of Texas, a U.S. Senator and U.S. Congressmen, and a Texas Supreme Court justice.

One of Judge Lawrence's predecessors as judge of the Third District Court was John H. Reagan in 1852. Judge Lawrence is a logical successor to the public service legacy of Reagan, who also served in the U.S. Congress and the U.S. Senate, from which he resigned to become the first chairman of the Texas Railroad Commission.

No one has surpassed Judge R. Wayne Lawrence as intelligent, dedicated, and fair-minded jurist. As Texas Bar Association President Jeff Herrington said, "It's a tremendous honor he's received. It definitely is a major milestone."

And a milestone it is in a long and selfless career of legal scholarship and public service.

Certainly no family has given more to its community, State, and Nation than the Lawrence family.

Evalina Lawrence, the judge's wife with whom he shares this honor, has also made important contributions to American life. During World War II, Evalina Lawrence was assistant to the Deputy Secretary of the Joint Chiefs of Staff in Washington, DC, as a member of the Women Accepted for Volunteer Emergency Service [WAVES].

In this position, Evalina Lawrence was present as some of our Nation's most critical decisions of World War II were made, including the planning of the D-Day invasion at Normandy Beach, the beginning of the end of the war in Europe.

Judge and Mrs. Lawrence's son is also a member of the Anderson County bar, practicing in Palestine and East Texas and carrying on a tradition of service that has become synonymous with the name of Lawrence.

Judge Lawrence's selection as Outstanding Jurist has met with unanimous acclaim. Regrettably, however, Judge Lawrence has decided to retire from the bench after 41 years of distinguished service as an attorney, judge, and civic leader. Few could aspire to fully fill his shoes.

Upon hearing of his selection to receive the highest award of his profession for judicial service, Judge Lawrence, with characteristic modesty, said, "With as many judges as there are in Texas, the chances of being selected are really slim. I wish I could tell you I deserve it, but I could name judges by the score who deserve it more than I do."

His fellow judges and attorneys—and admirers like me—couldn't disagree more. Judge R. Wayne Lawrence, more than any other judge in Texas, earned the distinction he received in being named one of Texas' Outstanding Jurists.

I ask my colleagues and my fellow Americans to join me in thanking Judge and Mrs. Lawrence for a lifetime of honorable service to their community, which I know will continue even in well-deserved retirement.

A TRIBUTE TO HIS HOLINESS THE XIVTH DALAI LAMA OF TIBET

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. LANTOS. Mr. Speaker, on Tuesday, April 27, my distinguished colleague, Congressman JOHN PORTER of Illinois, and I, as cochairman of the congressional human rights caucus, will pay tribute to His Holiness the XIVth Dalai Lama. His Holiness shines as an outstanding man of religion and public conscience devoting 40 years to restoring democracy, human rights, and dignity to his people and to his country, Tibet. His philosophy illuminates a deep commitment for all human beings, dedicated to fighting against human rights violations and for democracy. His Holiness eloquently commented, "Without freedom, the human creative nature cannot be utilized fully. And without utilizing creative human nature, there is no progress."

His Holiness the XIVth Dalai Lama, Tenzin Gyatso, has devoted his life as the spiritual and temporal leader of the Tibetan people. His Holiness was born on July 6, 1935, as the reincarnation of his predecessor, the 13th Dalai Lama, and thus an incarnation of the Bodhisattva of Compassion. In 1950, at 15, His Holiness assumed full political power.

In recognition of the extraordinary and fruitful life His Holiness has led, the XIVth Dalai Lama has received innumerable awards and honors culminating in 1989 when he was awarded the Nobel Peace Prize. As a man of peace and vision, the Dalai Lama devised a 5-point peace plan for coexistence with China. He first presented this document at a forum sponsored by the congressional human rights caucus in 1987. In addition, he has received numerous honorary doctorates from leading universities. Among the awards he has received are: the Ramon Magsaysay Award for Community Leadership; the Albert Schweitzer Humanitarian Award; the Freedom House Award; the Raoul Wallenberg Human Rights Award; and the United Earth Prize.

This week we are celebrating the 10th anniversary of the congressional human rights caucus. On this occasion, the House leadership will stand united with Nobel Laureates and human rights leaders to re-affirm their commitment to protecting human rights and freedom around the world. The congressional human rights caucus takes this opportunity to pay tribute to His Holiness the XIVth Dalai Lama as a prominent global leader sharing the mission of protection of human rights for all people. We share the Dalai Lama's commitment to the cause of human rights.

His Holiness lives in exile from his country, Tibet. In 1959, Communist China occupied Tibet, forcing 87,000 refugees to flee into India. Under Chinese occupation, some 1.2 million Tibetans have been killed and 6,254 monasteries destroyed. The Tibetan government-in-exile is based in Dharmsala, India, home to more than 115,000 Tibetan refugees. His Holiness has advocated for the respect for the Tibetan people's fundamental human rights and democratic freedoms. 3

Mr. Speaker, those who know of this venerable leader speak of His Holiness with great reverence for his direct and practical message to people everywhere: the importance of kindness, love, and compassion. His message of hope celebrates the indomitable human spirit and affirms the ever-present potential for individual and social transformation. His Holiness notes, "I pray for all of us, oppressor and friend, that together we succeed in building a better world through human understanding and love, and that in doing so we may reduce the pain and suffering for all sentient beings." It is with a great sense of honor that I rise and pay tribute to His Holiness today.

TRIBUTE TO WILFRED WEBB

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. LEVIN. Mr. Speaker, I rise today to pay tribute to Wilfred Webb, a legislator, educator, and a community activist who is being honored this week for his 50 years of service to Hazel Park, MI.

Dr. Webb served as a State representative from 1982 to 1984 and then from 1986 to 1991. He distinguished himself in the State legislature by fighting for the elderly. One of his chief accomplishments was the passage of a bill to protect the elderly from abuse, a measure that was passed in 1990 for which he was the sole sponsor.

Over the years, Dr. Webb has given his energy, time and name to countless issues affecting the education of our children. An elementary school teacher, a junior high school principal and a high school counselor in the Hazel Park schools, Dr. Webb eventually rose to become superintendent of schools for Hazel Park in 1958. He retired from the school system in 1977 with 35 years of service. He was elected to the Michigan Education Hall of Fame in 1985.

Dr. Webb is a native of Michigan—born March 23, 1921, in Wheeler—and is a product of the Michigan education system. He went to high school in Ithica, MI, received his B.S. from Alma College in Alma, MI, his master's degree in education from Wayne State University in Detroit, and his Ph.D. in education also from Wayne State.

He has been honored by numerous organizations, including the Boy Scouts of America, which bestowed on him the Silver Beaver Award in 1953; the Michigan Congress of Parents and Teachers, which gave him the Distinguished Service Award in 1963, and Alma college, which gave him an honorary LL.D. degree in 1970.

Dr. Webb's dedication to his community and to the hundreds of children and parents with whom he came in contact serve as an example to all of us of the importance of public service. Dr. Webb made a difference in the lives of many, and his efforts will be appreciated for years to come.

TRIBUTE TO TOM AND DIANE SCHOENITH

HON. BARBARA-ROSE COLLINS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Miss COLLINS of Michigan. Mr. Speaker, today I rise in tribute to Tom and Diane Schoenith.

On Tuesday, April 27, Tom and Diane will be celebrating their 25th wedding anniversary and Tom's 50th birthday. This dynamic duo is revered in the Detroit metropolitan area for their dedication and selfless work for charity. I commend their commitment to the city of Detroit. They have worked tirelessly to improve the lives of the people of their community. Their unique blend of sensitivity, dedication, and compassion has gained them an unsurpassed reputation.

It is with great pleasure that I wish Tom Schoenith a happy 50th birthday. May he continue to have many more fruitful years.

Mr. Speaker, it is my deep honor and privilege to recognize these two individuals who have given so much to so many.

TRIBUTE TO CESAR CHAVEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. TORRES. Mr. Speaker, I know that my colleagues—here in Congress and in the labor movement across the country and throughout the world—honor Cesar Chavez at the time of his death.

And I know our prayers go out to the family of Cesar Chavez, and to the workers to whom he gave so much life. Mr. Speaker, Cesar Chavez, one of the true giants of the labor movement, passed away on Friday, April 23, 1993.

For me, Cesar was a cherished friend and mentor, and I know he was close to many of my colleagues in Congress. I had the high honor and distinct privilege of closely working with Cesar.

As a former union leader, I am keenly aware of the struggles to which he dedicated his entire life.

He led the struggle; he fought the fight.

Because of his efforts as founder and president of the United Farmworkers of America, working conditions for farmworkers throughout the United States are better today.

His contributions to the labor movement will never be forgotten. Memorial services for Cesar Chavez will begin on Wednesday evening, April 28, at the United Farmworkers of America headquarters in Delano, CA. Following an all night vigil, Cesar Chavez will be laid to rest on Thursday morning.

Mr. Speaker, Cesar Chavez will be buried on Thursday morning—but his deeds, his life work, his leadership, his generosity, his fighting spirit, his search for justice, will live on.

A TRIBUTE TO THE NATIONAL CHAMPION MEAT JUDGING TEAM

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. DOOLEY. Mr. Speaker, I rise today to congratulate the national champion Intercollegiate Meat Judging Team from College of the Sequoias in Visalia, CA.

Team members earned their most recent national title by placing first in the Houston Livestock Exposition, which is considered the Super Bowl of livestock contests. Earlier this year, the team won the Southwestern Livestock Exposition in Fort Worth, TX, and took second at the National Western Livestock Show in Denver.

These champions put in hundreds of hours of training each year, and they also must work to raise the money necessary to travel to the livestock competitions.

Members of the team are Joey Hamill and Mark Scott of Visalia, CA; Jenna Coble of Tulare, CA; Paul Gillum of Hanford, CA; Gene Vernon of Corcoran, CA; Jill Loverin of Three Rivers, CA; Sam Losee of Tollhouse, CA; and Adam Warner of Clovis, CA. They are coached by Dave DaSilva.

These hard-working young people and their dedicated coach have done themselves, their families, their college and the agriculture industry proud. Please join me in celebrating their accomplishments.

ISRAEL INDEPENDENCE DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. WAXMAN. Mr. Speaker, 45 years ago, after the end of World War II and the defeat of a tyrant who sought to erase the Jewish people from the Earth, a homeland was created for Jews from around the world in the State of Israel. I rise to ask you and my colleagues to join me in wishing the State of Israel well today on the occasion of her 45th birthday.

The peaceful transition of power in Israel last June was evidence once again of Israel's important role as the only Middle Eastern democracy. Nearly a half century of living with continuous threats from both outside and inside her borders has not diminished Israel's commitment to a government of laws and to the concept of a popularly elected government.

The past year has been especially tumultuous for Israel, as terrorist attacks led by Hamas and other fundamentalist Islamic activists have attempted to derail the peace process. With the bombing of the World Trade Center, the threat of Islamic radicals was felt here in the United States and we gained a deeper understanding of Israel's plight.

Forty-five years after being attacked by Arab neighbors on the eve of her independence, Israel offers her hand in friendship to end the violence that has characterized this region since 1948. Now, more than ever, as the peace process struggles to move forward, Israel needs the firm support of the United States in order to achieve a real and lasting peace.

Even as Israel has struggled to exist, she has opened her arms to refugees from around the world. In taking in persecuted sisters and brothers from Yemen, Albania, Ethiopia, and the former Soviet Union, Israel has become a safe haven for oppressed people worldwide, giving these individuals new homes, new lives and new hope.

In these uncertain times, one's enemy can quickly become one's friend. Just a few years ago, who could have predicted United States aid to Russia to foster the growth of that nation's emerging democracy? Yet in this changing world, Israel has stood by the United States without fail, and as shown by her restraint during Desert Storm, will continue to do so. Let us continue to stand by her as well.

Mr. Speaker, as I join my colleagues in wishing Israel well today, I want to express my profound hope that her 45th year will yield a historic treaty with her Arab neighbors and a new and lasting peace in the Middle East.

LEADERSHIP GROUP TRAVELS TO UKRAINE AND RUSSIA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. HYDE. Mr. Speaker, a bipartisan leadership group led by Republican Leader ROBERT MICHEL and Majority Leader RICHARD GEPHARDT recently traveled to Ukraine and Russia. While on the trip, I wrote a series of six articles for the Daily Herald which I would like to share with my colleagues. The following two articles describe our meetings with President Boris Yeltsin and one of his chief antagonists, Speaker Ruslan Khasbulatov. In the days ahead other articles will follow.

[From the Daily Herald, Apr. 9, 1993]

A TRIP TO MOSCOW AND MEETING WITH YELTSIN

MOSCOW.—Moscow is bigger and far more bustling than Kiev. Traffic abounds, which indicates gasoline is as plentiful here as it is scarce in Ukraine. Our first full day is typically gray and drizzly, but our hotel—the Radisson—is large and modern and quite comparable to a first rate hotel in America.

We are here at an historic time—just as the future of freedom, democracy and the free market system are undergoing their severest test in the grim struggle between

President Boris Yeltsin and his reformers, and the "conservative" forces (I prefer the term "reactionary") dominating the Congress of People's Deputies, who resist reform of the old socialist/communist way of doing things.

Our own diplomats here admonish us that what we do and say has great importance in Russia. Our words and deeds are potential weapons for all sides to brandish in the ongoing struggle to determine which system will govern Russia in the future. With the collapse of the Soviet government, the United States—as the world's most successful economy and democracy—provides a source of legitimacy to Russian leaders, and so a visit by a bipartisan group of senior members of Congress is particularly timely. To the reactionaries running the legislature (all elected under the former communist government) we are characterized as the victorious superpower determined to isolate and humiliate a permanently weakened Russia.

It is important that we realize that we cannot determine Russia's success or failure—only the Russian people can do that. But our attitudes and actions can be a powerful element in helping to forge a Russia we can both live with and grow with.

There are still many critical decisions to be made in our policy towards Russia, and that is why we are here—to learn firsthand, the future of reform and how best we can support it.

If you want to know what's going on in Russia, there are three people you need to talk to—President Boris Yeltsin, his chief antagonist Ruslan Khasbulatov, Speaker of the Congress of People's Deputies and Vice President Aleksandr Rutskoy, a major general in the Air Force and a highly decorated hero of the war in Afghanistan. We met with all three in one afternoon and it was quite an experience.

President Yeltsin is a fascinating personality who, but one day returned from his successful summit with President Clinton in Vancouver (he referred to President Clinton as "Bill" once during the meeting) met with us at noon in the breathtakingly ornate Great Kremlin Palace. We were ushered through the Green Room with its towering Japanese and Chines vases and its gilt furniture into St. Catherine's Hall where the sit-down meeting occurred. Take the most elaborate chamber of the palace at Versailles and multiply by 20 and you may have some idea of the grandeur of this room. It eclipsed the mirrored palace of the Shah of Iran or any other place I've ever seen.

Yeltsin is a big man with a firm handshake. He looks you straight in the eye and makes you feel he is sincerely glad to meet you. He expressed full satisfaction with the Vancouver meeting. He said he was convinced we wanted not a weak Russia but a strong equal partner. In his forceful and animated style he asserted that if "the opposition topples Yeltsin you will see the communists return to power."

He was critical of certain trade restrictions we still enforced, calling them relics of the Cold War. He told us he had provided "Bill" with a five-page list of those he hoped we would repeal.

Dick Gephardt, D-Mo., our delegation's leaders, spoke for us all when he expressed admiration for Yeltsin's courage and leadership in the struggle for reform.

As to the national referendum scheduled by the Parliament for April 25, despite the fact that he is required to win over 50 percent of all registered voters (not just those who vote) he expressed supreme confidence that he would win.

We spoke of nuclear disarmament and he expressed his support for the Vance-Owen peace plan in Bosnia and his regret that Serbians had turned it down. All in all, a very impressive interview.

Next, we were to meet his opponents—a group not to be underestimated. He suggested we ask them some tough questions "but in a quiet way." That we did.

YELTSIN FOE A TOUGH POWER BROKER

MOSCOW.—Spaso House, a lovely large old-fashioned structure painted a colorful yellow and white, serves as our ambassador's Moscow residence. After lunch with Americans working here on reform efforts, our congressional delegation piled on a bus and headed off to the Russian Congress of People's Deputies. Known here as the "White House," this is the famous building where in August 1991 Yeltsin and his reformers stood their ground against coup plotters determined to reverse democratic reform. We were to meet Russian Kasbulatov, Speaker of the Russian Congress, and six other Deputies. We got some hint of what was to come by the presence of a large hammer and sickle prominently displayed in at least two places on the wall.

Khasbulatov is a small unremarkable looking man with a penchant for long lecturers which effectively blocked any real opportunity for a give-and-take discussion. The press describes him as ambitious and mercurial, and the legislature's "unrivaled power broker" as well as Boris Yeltsin's preeminent antagonist. In December last year the Speaker gained great prestige for the Congress and himself when he led the Deputies in sharply reducing Yeltsin's powers. In addition, he forced the president to replace his reformist Prime Minister Yegor Gaidar with the less reform minded Victor Chernomyrdin.

The Speaker is no booster of America's free market system, believing that the economic model of Germany is closer to Russia's needs. He criticized the Chicago School of Economics as too laissez faire preferring a more socialist oriented model, one he claimed was currently being implemented. Sounding paradoxically like a Republican (though his complaint was more with Yeltsin than with big government), he charged that the Russian government interfered too often with local options on the task of implementing privatization. He explained the legislature always supports a "mixed economy," one that provides protections to avoid a social explosion. He warned that any further deterioration in living standards would be politically unacceptable.

A common thread runs through his economic ideas as with the leaders of the Ukraine government—namely a reluctance to risk serious reforms for fear any accompanying unemployment would destabilize society. This caution is certainly understandable, especially from a system that had all its economic decisions prefabricated, handed down from the central government rather than left to the vagaries of the market. But, socialism has been the most colossal failure of our century, and unless Ukraine and Russia and the other "newly independent states" are willing to take the plunge—take some risks—economic reform just doesn't have a chance. This, at its very core, is what the struggle between Yeltsin and the reformers and Congress and its "conservatives" is all about.

Khasbulatov cited the economic turmoil in East Germany as evidence that the transition from a command economy to a free market is too turbulent. It was clear that there is very little common ground between the Speaker and his anti-reform Congress, and President Yeltsin. It is worth noting, however, that not all Deputies share his view.

I was anxious to engage the Speaker in a dialogue, because only a week ago he invited a man named Lukianov to deliver a speech from the balcony of the White House where he said "Long live the Soviet Union" and I would like to know if the Speaker shares this sentiment. The shortness of time barred my questions, but all in all I did not perceive Mr. Khasbulatov as any great threat to Boris Yeltsin. This may be my own prejudice speaking, but I think not.

INTRODUCTION OF THE MOTOR VEHICLE INDUSTRY COMPETITIVENESS ACT

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. LEVIN. Mr. Speaker, today I am introducing the Motor Vehicle Industry Competitiveness Act. This legislation creates a bipartisan commission to study the state of the U.S. motor vehicle industry and make recommendations to the President and Congress on how to make this critical sector more competitive.

It is my hope that this legislation will contribute to the formation of a broad-based U.S. economic policy for the motor vehicle industry, one that includes initiatives in the areas of international trade, tax, health, technology and antitrust. I am heartened by the considerable attention this new administration has given to the future of the U.S. motor vehicle industry, and believe that the findings of the commission created by this legislation should supplement any interagency process currently underway.

The U.S. motor vehicle sector is the backbone of American manufacturing, directly employing 1.2 million workers and providing jobs for another million in a range of supplier industries. The industry accounts for 4.5 percent of GNP.

It is no secret that the industry has experienced hard times these past several years. Despite massive investments in R&D and substantial improvements in quality, the Big Three auto-makers have struggled financially, losing $8 billion in 1991 alone. American auto parts companies, which according to studies produce high-quality, price-competitive products, have lost business in our home market. As Japanese transplant car companies increase market share in the United States, they give the lion's share of their business to their Japanese keiretsu suppliers. This makes a bad situation worse for American companies that have been virtually excluded from Japan's $100 billion auto parts market.

This long-term erosion has wiped out jobs in every region of this country, not just in the motor vehicle industry but in the numerous manufacturing sectors that sell their products to auto and auto parts companies.

The auto industry accounts for 77 percent of total consumption of the natural rubber industry; 67 percent of the lead industry; 40 percent of the machine tool industry; 25 percent of the glass industry; 20 percent of the semiconductor industry; 18 percent of the aluminum industry and 12 percent of the steel industry. The industry also accounts for 12.4 percent of all corporate research and development in the United States. In short, when the motor vehicle industry suffers, the entire country suffers.

Despite the seriousness of this problem, the response of the U.S. Government has been disorganized and slow. Trade policy with Japan, where market share for foreign autos and auto parts is less than 3 percent, has never been based on the principle of reciprocity. Health care policy has failed to take into account the Big Three's $700-per-car competitive disadvantage. Tax policy has at times illogically discriminated against motor vehicle companies. And the U.S. Government has been slow to link its technology programs with those of the Big Three.

In short, we have pursued no coherent economic policy for one of the most critical sectors of our economy.

The Motor Vehicle Industry Competitiveness Act seeks to help fill this dangerous void by linking policy considerations that, taken together, have a significant impact on businesses and workers throughout the United States. The motor vehicle sector commission, which will be appointed by Democrats and Republicans in Congress and the administration, will be given 6 months to come up with recommendations for a comprehensive motor vehicle sector economic policy—a policy that is long overdue.

SUCCESS OF C.A.P. INC., HOME HEALTH CARE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. RICHARDSON. Mr. Speaker, I would like to take this opportunity to advise you and my other colleagues of a small business success story in the State of New Mexico. On January 2, 1990, Carol Pohl, with the assistance of Elisa Clayton and Elizabeth Griego, founded a home health care agency, C.A.P. Inc., in Santa Rosa, NM. One year after its inception, C.A.P. was serving about 50 clients in a 60-mile radius, including such small, medically underserved towns as Puerto De Luna, Vaughn, Encino, Anton Chico, and Newkirk. C.A.P.'s clients are primarily Hispanic, between 80 and 90 years old, and suffer from chronic illnesses such as cancer, diabetes, and Alzheimer's disease.

Today, C.A.P. serves close to 200 patients and employs 23 people, 17 of whom were previously on welfare. I wish to commend the work of Carol Pohl in providing desperately needed services to the elderly in the Santa Rose area. As we debate health care reform legislation, I would ask that my colleagues consider the role that small home care agencies, such as C.A.P. Inc., may play in serving the health care needs of rural areas.

CELEBRATING NATIONAL TRAILS DAY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. SCHAEFER. Mr. Speaker, today, I have the pleasure of introducing, with my colleague from Minnesota, Mr. VENTO, a joint resolution designating June 5, 1993, National Trails Day. it is my fervent hope that my other colleagues in the House will join our bipartisan efforts to support this worthwhile endeavor.

Over the last several years, the United States has seen a resurgence of interest in trails. This body has been instrumental in helping launch this new era of trails development and new strategies in community recreation planning. The designation of the American Discovery Trail and the National Recreational Trails Fund Act are but two examples of how congressional leadership has vaulted trails awareness into the limelight.

On June 5, 1993, we will celebrate National Trails Day. Literally hundreds of organizations across the country are involved in this effort. Hundreds of events from coast to coast will unite millions of Americans through community events and activities on the Nation's great trails.

The purpose of National Trails Day is to generate a new interest in the development and maintenance of our national trails system on local, State, and national levels. It is our hope that the effort will help to create grassroots partnerships among trail clubs, public land managers, and outdoor industry representatives to build foundations on which a nationwide network of trails can be built. In addition, National Trails Day is designed to educate users, and the public at large, about trails and some of the issues facing their community's resources.

As a national honorary board member of National Trails Day, I am proud to note, as one example, that the city of Aurora in my Sixth Congressional District has forged ahead in this effort by organizing an event for June 5. Aurora's celebration will honor the city's wonderful urban trails system, which truly is a jewel in Colorado's rich wealth of trails.

National Trails Day is a call to all trail users to do their part in joining or contributing to the volunteers and professionals who maintain our trails. I hope you will join my colleague from Minnesota, Mr. VENTO, and me in supporting this worthwhile endeavor.

EARTH DAY 1993

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. PORTER. Mr. Speaker, I commend the President for the announcements he made yesterday at the Earth Day 1993 celebration held in the U.S. Botanic Garden. I am especially impressed with the announcement that the United States would sign the Biodiversity Convention and commit to specific targets and timetables for reduction of the greenhouse gases that contribute to environmental degradation. Both of these initiatives are crucial to ensuring the long-term health of the global environment and the future of humankind.

The Biodiversity Convention, which was presented for signature at the Earth summit last June in Rio de Janeiro, calls for the development of national strategies to inventory and protect the Earth's biodiversity and provides developing countries with incentives to conserve biological resources. The United States was the only major economic power that declined to sign the convention.

While I shared President Bush's concerns about the Biodiversity Convention regarding technology transfer and the protection of intellectual property rights, I believe that the United States could have worked with other countries to negotiate a stronger agreement that addressed these concerns. I am glad that the Clinton administration has worked with environmentalists and leaders from the biotechnology and pharmaceutical industries to develop an interpretation of the convention that all agree upon.

Mr. Speaker, I am especially pleased that the United States has committed to reducing emissions of greenhouse gases to 1990 levels by the year 2000. The Climate Change Treaty, which was weakened by the United States at the Earth summit, does not contain binding targets and timetables for reduction of these gases.

Mr. Speaker, I had the honor of traveling to Rio de Janeiro as part of the congressional delegation to UNCED. I was proud to be part of the U.S. delegation, yet I believe that the United States missed an historic opportunity to demonstrate international leadership in the global effort to achieve sustainable development. The decisions announced yesterday help restore us to that position of leadership.

INTRODUCTION OF LEGISLATION REGARDING RESTITUTIONARY PAYMENTS TO VICTIMS OF NAZI PERSECUTION

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. WAXMAN. Mr. Speaker, today I am introducing legislation to require restitutionary payments made by foreign governments to victims of Nazi persecution to be disregarded in determining eligibility for and the amount of Federal need-based benefits.

This week, with the observance of Yom HaShoah, or Holocaust Remembrance Day, and the opening of the U.S. Holocaust Memorial Museum, our attention is focused on the unspeakable atrocities that took place during the Hitler regime in Nazi Germany. Between 1933 and 1945, the government of the Third Reich proceeded stage by stage from the persecution of Jews to the systematic annihilation of a huge portion of Europe's Jewish population. In Nazi-occupied Poland alone, nearly 3 million Jews were slaughtered, leaving a bare 2 percent of Poland's once huge and flourishing Jewish population.

The bare statistics of the Holocaust tell only a small portion of the saga of suffering which Jews and other victims of the Nazis endured during this incredibly dark period. An entire world was destroyed. Thousand-year-old communities with deeply rooted institutions were obliterated to such an extent that even the town cemeteries cannot be found.

In the aftermath of World War II, the post-War German and Austrian Governments have instituted programs of payments to Holocaust survivors. It is possible that additional European countries will do so in the future. These payments are not intended to be full and adequate compensation, as such compensation is impossible. They are instead a gesture of some practical assistance to individuals whose whole families were exterminated, who suffered loss of limb or permanent impairment of mental or physical functions, or who endured other hardships. It is unconscionable that these payments should count as regular income or assets, thus diminishing possible eligibility for aid under entitlement programs of the Government of the United States.

The Internal Revenue Service has already ruled that these payments do not constitute taxable income for Federal income tax purposes. In a 1984 Ninth Circuit U.S. Court of Appeals case, Grunfeder versus Heckler, it was ruled that German reparations payments to Holocaust survivors are not to be counted in determining eligibility for SSI. In the 1990 Budget Reconciliation Act, Public Law 101–508, a similar provision was included disregarding these payments in assessing eligibility for Medicaid. By unifying these policies within one bill, and by expanding their applicability to all Federal need-based programs and to any restitutionary payments made by foreign governments to victims of Nazi persecution, individual agencies will no longer have to respond to this issue on a case-by-case basis, and Holocaust survivors will not have to be subjected to unnecessary bureaucracy. When this body passed Public Law 100–383 in 1988, providing compensation for Japanese-Americans who were placed in internment camps during the Second World War, a comparable provision was included which disregarded these payments in determining eligibility for a wide range of benefits.

This bill is a moral step, with negligible fiscal impact. It is 50 years since the end of World War II, and many survivors have died. The actual number of individuals who will be affected by this bill will be small.

This legislation will protect individuals like Fanny Schlomowitz, an 83-year-old medically indigent Phoenix, AZ woman who is a Holocaust survivor. Mrs. Schlomowitz, a native of Poland, receives about $500 a month from the German Government for injuries suffered in wartime beatings by Nazis in the Jewish ghetto at Budapest. In June of last year, the U.S. Department of Housing and Urban Development more than doubled Mrs. Schlomowitz's rent after learning of these reparations payments. Mrs. Schlomowitz, whose husband died in a Nazi concentration camp, nearly had to move from her federally subsidized apartment because the increased rent became such a burden. It was only after an appeal by Senator DECONCINI to HUD Secretary Cisneros that Mrs. Schlomowitz's payments were disregarded in determining the amount of rent she had to pay.

In his final ruling on the case, the HUD Secretary wrote that because "the Holocaust—both in its scope and severity—represents a unique situation," payments by foreign governments to victims of Nazi persecution should not be taken into account in determining eligibility for federally subsidized housing. This recognition of the uniqueness of the Holocaust needs to be codified into Federal law and applied to all means-tested Federal programs.

I urge my colleagues to join me in supporting this important legislation.

A TRIBUTE TO WILLARD G. CLARK

HON. CALVIN M. DOOLEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. DOOLEY. Mr. Speaker, I rise today to recognize and honor a fellow farmer and longtime friend Willard G. Clark of Hanford, CA, who has had a remarkable and varied career.

Bill is a dairyman and livestock breeder of world renown, but his influence has gone far beyond the world of animal genetics. His interest in foreign cultures, particularly his embrace of Japan and the Japanese, has opened many new avenues of understanding and tolerance.

In honor of his many years of work to forge better relations between the United States and Japan, Bill was awarded Japan's Medal of Distinction, known more poetically as the Order of the Rising Sun with Gold Rays and Rosette, Fourth Order. The award, rarely given to non-Japanese, was presented to Bill in December 1991 by the Counsul General of Japan.

He also has a great love of art, particularly Japanese works. Over the years he has worked extensively with collections at the Freer Museum, which is the Asian museum of the Smithsonian Institute in Washington, DC; the Asian Art Museum of San Francisco; the Los Angeles County Museum of Art; the Nelson-Atkins Museum in Kansas City; and the Metropolitan Museum of Art in New York City.

Bill is best described these days as semi-retired, although he remains president of World-Wide Sires Inc., an animal genetic export company based in Hanford, CA, that is one of the largest genetic exporters in the world.

The success of World-Wide Sires is the result of a lifetime in agriculture. Bill, a fourth-generation Californian, was raised on a dairy farm and was an accomplished farmer and prize-winning Holstein breeder when he formed World-Wide Sires more than 20 years ago and began to export genetic materials. Currently, the company exports genetics to 60 countries in Europe, Asia, and Africa.

Industry honors awarded to Bill have included the dairy industry Person of the Year in 1984; the first annual International Award by Holstein Italia, Associazone Italian Elevatori, in 1986; and the National Association of Animal Breeders' Distinguished Service Award in 1992.

Bill also is a great success as a husband and father. He and his wife, Libby, have a daughter, Catherine, and two sons, Stuart and Wes.

Bill Clark is a remarkable person. He is a forward-thinking entrepreneur, a respected ambassador for America and for agribusiness, an enthusiast for the fine arts who has shared his interests, and a devoted husband and father.

Please join me, Mr. Speaker and my colleagues, in honoring Willard G. "Bill" Clark.

THE ROLE OF U.N. PEACEKEEPERS AND PEACE ENFORCERS FOR A WORLD IN CONFLICT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. BEREUTER. Mr. Speaker, the cold war has come to an end, and that has greatly enhanced U.S. national security. However, it is becoming increasingly clear that the end of the cold war has done nothing to stop the many hot wars that currently rage across Europe, Africa, Asia, and the Western Hemisphere. If anything, the end of the confrontation between the superpowers has contributed to the rise of ethnic and religious tensions. The Carter Center recently cited 36 major conflicts worldwide, a number that seems certain to rise as the republics of the former Soviet Union continue struggle with their new national identities. And, as a recent editorial in the New York Times correctly noted: "All wars are hell, but the most hellish tend to be civil wars, ethnic wars, wars of religion, or worse, a blend of all three, as in Bosnia."

Now as never before, the United Nations is undertaking major peacekeeping operations. Moreover, the U.N. is also becoming involved in peace-enforcement actions, where the international community compels warring factions to cease hostilities. If the United States wants to promote international peace, but not become the world's policeman, then we will have to rely on collective security arrangements such as the U.N. peacekeepers.

Mr. Speaker, this Member would ask to insert excerpts from the April 22, 1993 edition of the New York Times. The editorial, entitled "Carnage Unseen," clearly outlines the challenges we face in responding to ethnic and religious conflict. This Member would urge his colleagues to read this insightful essay.

[From the New York Times, Apr. 22, 1993]

CARNAGE UNSEEN

On this day, dedicated to rebirth and renewal, it is fitting to take compassionate note of carnage unseen and victims unmourned. Jeremiah's rebuke echoes timelessly: the priests say "Peace, peace; when there is no peace." World War I, which was meant to end all wars, did no such thing. From the end of World War II until 1988, there were at least 80 wars resulting in as many as 30 million deaths. (So calculates the British foreign correspondent Patrick Brogan in "The Fighting Never Stopped.")

In the wake of the cold war, President Bush glimpsed a New World Order in which aggression would be deterred, or swiftly punished. It hasn't happened. According to an annual census of major conflicts between and within countries compiled by the Conflict Resolution Program of the Carter Center, the total in 1988 was 39; in 1989, 36; in 1990, 38;

in 1991, 35. After this slight improvement, the total climbed again in 1992 as wars spread through former Yugoslavia, ex-Soviet republics and in Angola, where a peace accord blew apart.

All wars are hell, but the most hellish tend to be civil wars; ethnic wars, wars of religion, or worse, a blend of all three, as in Bosnia. Yet lamentably, the demise of the cold war has favored just those conflicts. Without pressure from the superpowers to keep them in check, ethnic rivalries have reignited with even more lethal fury, since belligerents can draw on arsenals of high-tech weapons.

The world's baffled helplessness is understandable. The United Nations was meant to keep the peace between sovereign states, not within them. Its blue-helmeted soldiers are called peacekeepers, and their main task has been to monitor cease-fire agreements. But shortening the list of major conflicts will require a new kind of multilateral presence: peacemakers and peace-enforcers, terms just coming into use.

Americans should rightly play a leadership role in this evolutions. This * * * underscores the need for new strategies and better training for would-be peacemakers. By addressing that need, the Clinton Administration can begin to mitigate the deaths of so many in wars noticed by so few.

THE WORLD'S ARMED CONFLICTS

Africa: Angola, Chad, Djibouti, Ethiopia, Liberia, Rwanda, Somalia, Sudan, Western Sahara, Zaire.

The Americas: Colombia, Guatemala, Peru.

Asia: Afghanistan, Cambodia, India (Kashmir), Myanmar, Philippines, Indonesia, Sri Lanka.

Europe: Britain/Northern Ireland, Bosnia, Croatia, Serbia.

Middle East: Iraq, Israel/Palestine, Lebanon, Turkey.

Former Soviet Union: Georgia, Armenia, Azerbaijan, Tajikistan, Moldova, Abkhazia.

TRIBUTE TO WILLIAM BRANIFF

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mr. HUNTER. Mr. Speaker, I rise today to recognize William Braniff's final week as U.S. attorney for the southern district of California. I would like to take this opportunity to thank and commend Bill for his fine service to this Nation for more than 22 years as a Federal prosecutor and particularly for his distinguished tenure as U.S. attorney in San Diego for the past 4 years.

William Braniff began his career as a Federal prosecutor in 1970, when he joined the U.S. attorney's office in Newark, NJ. His advocacy skills eventually led him to the position of chief of the Criminal Division. In 1980, Bill moved to San Diego and joined the U.S. attorney's office for the southern district of California. He quickly became known for his ability to analyze complex fraud issues and he prosecuted many important cases involving fraud against the Government in the area of defense contracting. After serving for several years as chief of the special prosecutors section, Bill was sworn in by the Attorney General as U.S. attorney on September 16, 1988 and received his Presidential appointment to that position in August 1989.

During William Braniff's tenure as U.S. attorney, his office grew to include 90 attorneys and became one of the leading prosecutorial offices in the Nation. Bill oversaw the successful prosecution of major cases in such areas as narcotics trafficking, white collar fraud, organized crime, health care fraud, and environmental crime.

Throughout his career, William Braniff's mission was to be the best advocate possible for the people of the United States. He carried out that mission faithfully and skillfully, earning the respect of his contemporaries. William Braniff set an example that should be followed by young prosecutors everywhere, and we as a nation thank him for his years of dedicated service to law enforcement.

EARTH DAY 1993

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 27, 1993

Mrs. MORELLA. Mr. Speaker, the President's announcement that the United States would sign the Convention on Biological Diversity is a celebration befitting Earth Day 1993. This international treaty addresses the problem of global conservation of biological resources. An interpretative statement, which irons out the concerns about patent protection voiced by the biotechnology industry, will accompany the U.S. signature. I am relieved that the United States, as a signatory, can participate in discussions on regulatory procedures and better protect the biotechnology industry's interests. The United States continues its leadership of the international environmental community by signing this treaty.

In June 1992, Congressman JOHN PORTER and I both participated in the Earth summit in Rio, and we have both sponsored legislation to conserve biological resources. My legislation, H.R. 730, would establish a National Center for Biological Resources at the Smithsonian. The Center would set research priorities and would provide coordination for the understanding and promotion of knowledge of the plants and animals within the United States, the effect of human activities on the biota, and would make this knowledge available to the people of the United States and to others working on research in biological resources throughout the world. And there is a certain urgency to identifying and conserving our resources. Biological resources are being reduced throughout the world. The tropical forests of Puerto Rico and Hawaii are rich in rare plants and animals, but they are disappearing at an alarming rate. The tropical rain forests are severely threatened. The loss of unique plants and animals, however, is occurring in all habitats.

For these many reasons, Mr. Speaker, I am happy to celebrate Earth Day with the U.S. commitment to signing the Biodiversity Convention and to ask for my colleagues' support for Mr. PORTER's legislation, H.R. 305, the National Biological Diversity Conservation and Environmental Research Act, and for H.R. 730, my legislation to establish a National Center for Biological Resources.

SENATE—*Wednesday, April 28, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by guest chaplain, the Reverend Soterios Alexopoulos, St. Philip Greek Orthodox Church, Nashua, NH.

Father Alexopoulos.

PRAYER

The Chaplain, the Reverend Soterios Alexopoulos, St. Philip Greek Orthodox Church, Nashua, NH, offered the following prayer:

Let us pray:

Almighty and merciful God, the Creator of the universe, the Source of Life, we thank You for this gathering.

We pray that You will help and sustain our new President and Vice President and all Senators to exercise their responsibilities in accordance with Your commandments. Give them divine guidance to fulfill these responsibilities to You, O God, to the Constitution of the United States, and to the people who have elected them to this great task. In their undertakings, dear God, give them faith, courage, and strength to continue with their work for a better society. Hear us, O Lord, for unto Thee do we bow submissively, inclining our heads and entreating Your mercy upon Thy faithful servants. Save Thy people and bless Your heritage.

Today is a new day, God; a memorable day that You have given to us and to our elected officials. Give them the wisdom and the diligence to fulfill their obligations to our country and to the people who elected them to safeguard our democracy.

Visit this assembly with compassion. Exalt the prestige of our Nation and the office of our Senators, and send down upon them Thy rich mercies. Preserve their lives and multiply their days with health and wisdom. Grant unto them progress in all virtues. Sanctify their souls, enlighten their minds, and direct their hearts by the Holy Spirit. Make them to be children of light, thereby walking the path of peace, of love, of hope, of justice, and righteousness.

This year as we celebrate the 217th anniversary of independence of the United States of America, we look upon You who provided us with the freedom and richness of our country. We hope and pray our Nation will always be strong in faith, in justice, and in liberty for all mankind. Once again, we thank You, and we beseech You to give health, salvation, and protection to all of us.

The PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

TRIBUTE TO REV. SOTERIOS ALEXOPOULOS

Mr. GREGG. Mr. President, I rise today to express my appreciation for Father Alexopoulos coming to give the opening prayer. Father Alexopoulos has been a leader in the community of Nashua, NH, for many years. He just celebrated his 20th anniversary as the priest of the St. Philip Church in Nashua, NH; it is an activist church, to say the least, with a wonderful membership who not only are committed in faith but are also committed to the community. We take a great deal of pride and energy in their involvement in making Nashua a better place for all of us.

It is also a regional church that brings in membership from throughout the southern part of New Hampshire and as such reaches out well beyond just the community of Nashua to include positive prayers for all the citizenry of the State.

So it is a great pleasure today to have Father Alexopoulos with us. And I thank him for his opening prayer and thank the Chair for the honor of this privilege.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Iowa [Mr. GRASSLEY] is recognized under the order to speak for up to 10 minutes.

Mr. GRASSLEY. Thank you, Mr. President.

THE FIRST 100 DAYS

Mr. GRASSLEY. Mr. President, I rise today to offer my perspective on the first 100 days of the Clinton administration as many of my colleagues are doing and as the President of the United States himself is doing, and I do this not only for perspective but to offer help and advice as well.

The President led the Nation to expect lofty results in his administration. There were numerous promises and expectations. Especially great were the promises and expectations for the first 100 days. When such bold promises and predictions are made, results are bound to be carefully scrutinized, as they should. And when the promises are not met, Monday morning quarterbacks usually emerge from the woodwork.

It is now less than a week since the NFL draft. That is when rookies are drafted from the college ranks into the pros. There are, perhaps, valuable lessons in this that crosswalk into political life; some of these lessons are relevant to the 100 days phenomenon.

This year, a quarterback was the top pick in the NFL draft. He is expected to lead his team from the depths of despair to a new beginning.

There is something about highly regarded rookies. They signify hope for the fans.

In a way, we might view the election last November much as a football draft. Mr. Clinton was the No. 1 pick. We picked him to quarterback our great Nation. He represented great hope.

For my part, the choice of Mr. Clinton was a disappointment. I wanted us to draft someone different—someone from the Republican team, someone with different qualities, with different capabilities, a different philosophy. But we chose Quarterback Clinton. And now, he is our quarterback. And we, of course, hope he succeeds, myself included, for the good of team America.

The lofty promises of Quarterback Clinton led to high expectations by the fans, the American people. He was expected to put this troubled franchise, this economy, back on its feet. He promised change and new direction. Who could resist this?

Now, it often happens, Mr. President, that rookies get overconfident. They get cocky. Usually, that is because they have not yet faced the realities of the big leagues.

Perhaps they get cocky because of the attention from the fans—the flattery, the hooplah. Soon, the rookie actually believes he can play in the big leagues on his own ability—without learning the system. He might even believe he can lead the league in passing in his very first year. His first 100 days in the league will be an explosive, ac-

---

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

tion period, and the most productive period in modern history.

Such are the characteristically high expectations of a rookie's boast. Thought is rarely given at the time to how realistic those predictions are.

But it is a different game in the pros than in college. Before long, you hit the rookie wall. You are successful at first, but the opposition adjusts and maybe even shuts you down. You realize how much you need to learn. You need to learn to read the defense, the opposition, so that you can adjust.

Mr. Clinton started off with a few solid gains. Then, carrying the stimulus, tried an end-run around the right side. He went head first into a 500-pound linebacker named BOB DOLE, and the rest of the defense swarmed in and sacked him for a loss.

It was a bad call by the President. The fans agreed and booed. But the President got up and returned to the huddle, where he is now, looking to call his next play.

Will Quarterback Clinton learn from his mistake and adjust to the defense? It is an important question, Mr. President, because if Mr. Clinton can adjust, he will be back on track toward fulfilling his promise and expectations, and he will become worthy of his selection as the top quarterback of this Nation.

Let me depart from the football analogy for a moment. Though I do find the comparisons rather appropriate.

I have been deeply disappointed in the first 100 days, not so much because of what was done or what was not done. But rather I am disappointed because of the directions signaled by the new administration.

The President made numerous promises, and has broken many. He ran as a centrist, a new kind of Democrat. Yet he has moved the agenda of the same old Democrat. He was supposed to be Mr. Town Hall; yet his health care task force is surrounded by secrecy and an absence of dialog. He said he would hit the ground running. Yet, for example, just in the Justice Department alone, he fired 93 U.S. attorneys, most of whom have not been replaced; he has 120 judicial vacancies; and, none of the Department of Justice appointments below the Attorney General level has been nominated. How is that for the administration of justice? He campaigned on fiscal discipline, yet he has taxed and spent, and failed to cut into the long-term deficit. He promised to resist special interests. Yet special interests have called the shots of his young administration.

This, Mr. President, is why Americans have become so cynical. This is how people lose faith as well as trust in their elected leaders. Politicians will say one thing to the voters, and then do the opposite once they set foot inside the beltway. This is why people do not vote. They were expecting a new Democrat, but they have seen the same old policies of the Democratic Party so far.

To be fair to the President, his intent may not have been to say one thing and do another. It may have just come out that way. He says one thing and does another because that is the way Washington is. It will not let you do what you say you will do. Washington is kind of the enemy. That is the big leagues. So, what can be done?

Mr. President, let me suggest to our new quarterback how he can adjust to the realities of playing in the big leagues.

First, he must stop listening to those who drove him to abandon his pledges made last fall to the American people, the pledges that carried him to victory. The President's instincts are sound, I believe, and his campaign, very well run, showed that. He needs to fight those who have surrounded him since his campaign. At the outset, he needs to do more to cut the deficit. He needs to cut spending first. He needs to conduct dialog with those of us on this, the Republican, side of the aisle who want to help bring about change—real change. He has numerous allies in this body who are standing ready to help him implement what he promised the American people.

I predict, Mr. President, that if Mr. Clinton makes these adjustments, he will succeed. I want him to succeed. Even though we are in different parties, he is my President, as well, and I look forward to helping him fulfill his promises in the 100 days after the first 100 days.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 833 and S. 834 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. Under the previous order, Mr. DORGAN, the Senator from North Dakota, is recognized for not to exceed 10 minutes.

THE FIRST 100 DAYS

Mr. DORGAN. Mr. President, I was interested in my colleague's remarks about the President's first 100 days.

We have heard a good deal of that kind of discussion recently. When I hear the drumbeat of criticism of this President after only 100 days. I am reminded of a piece of prose. I do not recall the author, but it was about a bullfighter. It went something like this.

"Bullfight critics, row by row, crowd the vast arena full, but there is only one man there who knows, and he's the one who fights the bull."

There is a stadium of critics in this town—always has been I suppose—eager to jump upon failure or what is perceived to be failure: the could-have, should-have, would-have crowd.

Well, fortunately, this new President has decided that the issue in his Presidency is not his popularity. It is his leadership.

It has been a long time getting to this point, where we have a President who understands that the issue is not what the polls say in the morning. The issue is: What kind of leadership do I provide to this country today and tomorrow?

Franklin Delano Roosevelt led this country in very troubled times, in a grinding Depression. He was attempting to change economic policy and lead this country out of economic darkness. Here is what he said about Government then, and it is instructive today in reviewing the first 100 days of the Clinton administration.

Franklin Delano Roosevelt said:

> Governments can err. Presidents do make mistakes. But the immortal Dante tells us that divine justice weighs the sins of the coldblooded and the sins of the warmhearted with different scales. Better the occasional fault of a Government that lives in a spirit of charity than the constant omission of a Government frozen in the ice of the its own indifference."

Well, that ice of indifference cost the former President his Presidency last fall. The American people wanted leadership, wanted someone at the top who understood the reality of our Nation's problems and would develop plans to move us out of this mess. But that ice jam, that ice jam called the frozen ice of indifference, has moved to the minority side of the aisle in this Chamber to block the President's economic program.

Now, they say, "Well, it didn't work; it will not work." What they are really saying, it seems to me, is "We don't want to do anything." It is the same old song from people who helped get us into this trouble.

They offer a scorecard of failure for this President after only 100 days. Let me offer a different view.

One hundred days ago, this President inherited an economy that was sick, inherited a country in which over 10 million people were out of work, 25 million were on food stamps, 35 to 38 million people were without health insurance. This country was in trouble.

This President said we are going to make some changes. He promised he would do something about the deficit. He proposed the first honest budget Congress has seen in 12 years. He did not use optimistic scenarios, he did not play games, he did not hide numbers. The first honest budget in a dozen years was presented to this Chamber.

His budget proposed spending cuts. If anyone doubts that—and I hear people say, "Well, he is not really cutting spending"—if anyone doubts that, wait until the appropriations bills get up here. See who on the other side of the aisle rises up in indignation at spending cuts in their area, for their constituents, for their projects.

This President is cutting spending in a real way. He has also proposed new taxes. Nobody likes to pay new taxes. But he promised he was going to deal with the deficit. And leadership to do that is not necessarily popular. This is tough medicine. He has proposed an honest budget with spending cuts and new taxes.

In addition to that, this President has proposed that we reform our health care system. His task force is about to report to us, having done an enormous amount of work on how exactly to accomplish that reform.

For the first time, he has folks out talking about how we must demand fair trade practices of our allies, instead of seeing our Nation flooded with all the products in the world, while other markets are closed to ours. He is proposing substantial change in our approach to international trade.

This President says jobs are the issue. The other side says, "Well, the last quarter we had economic growth." Well, we had economic growth without jobs. Economic growth without jobs is like a meal without food.

This President says we need a jobs bill—and he is right—and the other side blocked him.

This President says we need to reform our education system and he proposes new and, in my judgment, exciting approaches to change our education system.

Now let me ask my colleagues in this Chamber and those listening throughout the country. If President Bush had won a second term, what would we be debating in the Senate today? Do you suppose we would have had the kind of change in economic policy that President Clinton has proposed? There is no evidence to suggest that.

We watched for 12 years the same old thing—more deficits, more decline, more despair.

Would President Bush have been concerned about skyrocketing health care costs, enough to propose real reform? There is nothing to suggest that. He basically ignored it all the time he was in office. He and President Reagan said,

> You folks in the health care industry, do what you like. We are not going to care much. We are not going to get involved. We are not going to interfere.

Is there any evidence to suggest that President Bush, had he been reelected, would have been fighting for a jobs program? No evidence to suggest that.

Certainly no evidence to suggest there would have been a change in trade policy. His trade policy was to change free trade while ignoring the unfair trade that we confront around the world, as our producers try to move into foreign markets.

There is one indisputable fact when you look at the first 100 days of the Clinton administration. It is change, fundamental change in economic policy. And there are some people in this Chamber who choke on it. They just cannot handle this kind of fundamental change. They have sort of enjoyed the last 12 years, rested comfortably in the disconnection between their view of the world and reality.

But this President, understanding the issue is not popularity, but rather leadership, has proposed fundamental economic change.

I come from a town of 350 people. And we have folks back there that play pinochle every morning and sort of second-guess everything in the world. They would wring their hands—there are just a few of them—wring their hands and say, "It can't be done; it won't be done." They would gnash their teeth and fret and sweat. You know the type.

All the while they were doing that, there were other folks out there building, fixing the streets, building for the future.

This issue is between builders and wreckers. This President is a builder. He is proposing to change things in this country, to begin building again.

It takes a whole lot more skill to be a builder. It requires you to accept more risk. And in the process, the builders confront these folks with the wrecking balls, who just keep swinging back and forth.

It takes no skill to swing a wrecking ball. It does not take any skill at all—not in the construction business and certainly not in politics.

A couple of weeks ago, I was at a Head Start Center in my State with Health and Human Services Secretary Shalala. A little boy named Jarvis was there crying, big, big tears in his eyes. I took him aside—this was on an Indian reservation—and I began to visit with him, calming him down a little bit. I asked him what his name was, as these big tears were dropping down his cheeks.

He said, "Jarvis."

I said, "Jarvis what?"

"Jarvis Cookie Monster," he said.

I said, "No, it can't be that. What is your last name?"

"Jarvis Cookie Monster," he said, but he stopped crying.

I asked his teacher and she said his last name is Cooker. He thinks it is Cookie Monster because he always sees that character on television.

What about Jarvis' future? One of the changes I have not mentioned is that we finally have a President who understands that this country's future is its children. His proposals to invest in the children in this country—in Head Start, in WIC, in education, and more—is an acknowledgment of where the future of this country is.

Jarvis is going to have opportunity. Jarvis' friends will have opportunity because of this President.

Someone once said that 100 years from now it will not matter very much how big a house you lived in, and it will not matter very much what your income was. But the world might be a different place because you were important in the life of a child. This President is going to be important in the lives of this country's children and that is going to make a difference in our future.

I yield the floor.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MOYNIHAN is recognized under the order for not to exceed 10 minutes.

Mr. MOYNIHAN. Mr. President, I would like first to congratulate my friend from North Dakota for a wonderfully lively, concise statement of the problem. And just interspersed with that lovely detail of the Cookie Monster. The question, of course, is whether that particular deficit monster is going to eat all of us up as well.

Mr. President, I have been asked, along with other colleagues, to speak briefly to the subject of the first 100 days of President Clinton. And with the distinguished President pro tempore in the chair, I will be so bold as to try to set some of this matter in a historical perspective.

In 1974, Nelson Rockefeller, the distinguished Governor of New York State, left that post after 15 years to establish a body called the Commission on Critical Choices for Americans, having in mind the bicentenary was upon us and it was time to take a look at our Nation's affairs.

I was asked to be a member of that Commission and wrote a paper for it. It was called "The Third Generation and the Third Century"—the "third century" referring to the upcoming third century of the American Republic—choices concerning the quality of American life.

In the outset, as an abstract, I said, "There are two critical choices affecting the quality of American life. The first is how much growth we want; the second is how much government we want." And I said, it had become a pattern for us to say we wanted more growth and less Government, but to act in a way that gave us less growth and more Government.

It occurred to me—this was only a fancy—that this was foreseen by John Adams in a letter to his wife, Abigail, in 1780. Mr. President, he was writing from France, where he represented the incipient Nation under the Articles of the Confederation.

He had this wonderful subject. He wrote of his duty to study "the science of government more than all other sciences."

That was the term the Founders used, "the science of government." They thought they had learned something of the subject, in his view and for his time. And here is this passage. He said:

> The arts of legislation & administration & negotiation ought to take the place of, indeed to exclude, in a manner, all other arts. I must study politics and war, that my sons may have liberty to study mathematics and

> philosophy. My sons ought to study mathematics & philosophy, geography, natural history & naval architecture, navigation, commerce & agriculture, in order to give their children the right to study painting, poetry, music, architecture, statuary, tapestry & porcelain.

I found the last reference particularly poignant, because he was writing from a France of the old regime, in which the great porcelain manufactory at Sevres was a state-owned enterprise. There you have in one combination the growth of government and the decline, as it were, the slacking off of the growth of the economy. Any such pattern would lead to large and continuous deficits in public expenditure. Yet it was not until the following decade of the eighties that this became an insistent and almost incessant problem.

I would say to you, sir, again this is an area for analysis that we ignore at a cost. The deficits we were dealing with came about with a sudden onset that was the result not of long forces of history but of political choice. At the end of the administration of President Carter, the national debt stood at $840 billion, more or less. It has since gone up by $1 trillion in each 4-year Presidency and is scheduled to go up by another trillion in this one.

It began as a policy, the policy of the Reagan administration, to create a fiscal crisis that they thought would bring about a great reduction in the domestic activities of the Federal Government. The term was "starve the beast." The miscalculation was that there really was a desire for less government, not just rhetoric about that desire. The most carefully annotated documented account of this period was written by the distinguished author, Haynes Johnson, in his book, "Sleepwalking Through History": America in the Reagan years.

In it he writes, and I will simply quote him, that the Senator from New York:

> * * * was the first to charge that the Reagan administration "consciously and deliberately brought about" higher deficits to force congressional cuts. Moynihan was denounced and then proven correct—except that cuts to achieve balanced budgets were never made, and deficits ballooned ever higher.

Sir, I recall those days on this floor saying, can we not see that a deliberate policy is in place to create a crisis? And I found it difficult to reach my colleagues with the idea that anyone would deliberately create a crisis.

Later, when Mr. Stockman at great length in his own memoir described it, generally speaking, little attention was paid to that fact. This was the triggering event of the present acute crisis of a long-term deficit. Our friends on the other side of the aisle surely ought to wish to understand the degree to which their deliberate policy, mistaken policy but deliberate, brought this about.

It is there on record, and the crisis is with us. Will we be able to do anything about it? I do not know. Yesterday in the press, Mr. Panetta, our very able and learned Director of the Office of Management and Budget, said he did not think so. This morning, the able Republican leader said we will turn now to the Finance Committee where the margin of votes is 11 to 9, such that one defection brings the President's programs down. The Washington Post speaks of that prospect in its lead editorial this morning.

As chairman of that committee, I agree that it is a very close-run thing. A very close matter. I also agree, having in mind the wonderfully learned ranking member of the Committee on Appropriations, the senior Senator from Oregon, who is such a historian of President Hoover, one of the great documents of American Government in the 20th century, a report in 1932 of the committee on recent social trends, which President Hoover commissioned. It was the best piece of analysis of this kind ever done in our Government, before or since, and setting forth the large movement of institutions and events; the rise of the economy and of Government; the decline of family, religion, things of that kind.

It said that the committee did "not wish to exaggerate the role of intelligence in social direction," nor ought we. Neither should we dismiss it. It is possible that we can trace back the events that have led us to the present crisis, see which are secular and powerful, and which are incidental to momentary coalitions and the overweaning ambitions that are associated with new administrations and perhaps young people in new administrations.

In closing, Mr. President, we are in a crisis. If this President wishes to address the deficit and is not allowed to do so by a minority which presided over its creation, then you have the formula, Mr. President, for a crisis of the state. Do not suppose because we are in our third century that we are incapable of such a danger.

I thank the Chair for his courteous attention.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. Under the order, the Senator from Nevada [Mr. REID] is recognized for up to 10 minutes.

CRITICISM—PARTED WITH REALITY

Mr. REID. Mr. President, it was Winston Churchill who said he did not resent criticism even when it parted with reality. In this Chamber in recent weeks, we have had a clear case of criticism, and it has parted with reality. The critics of the new Clinton administration could not wait 100 days to give this new President a chance. This is rare in the history of this Republic.

Mr. President, I went to law school in the Nation's Capital, and during the time that I went to law school, I worked as a Capitol policeman. I can remember walking these Halls, and one time in particular I remember right out there before the Ohio clock, I think it is called, Everett Dirksen was meeting with the press. It is not done anymore, but he did it that day. And he was talking about a nuclear explosion that had taken place in the Soviet Union.

As a young police officer, a law student, I was impressed with this man with the white hair and his wonderful voice. Well, I should have been impressed with this man because, as I look back at how he treated President Kennedy during his first 100 days, it is an absolute diversion from how President Clinton is being treated by the minority today.

There is a book, Mr. President, which recently I had a chance to look through, "John F. Kennedy: Person, Policy and Presidency." In this book it talks about the "Ev and Charlie Show," Charles Halleck, the minority leader in the House; Everett Dirksen, the minority leader in the Senate. They had a program they put on, and it came to the point where it was referred to as the "Ev and Charlie Show." They wanted to be a voice for the minority, and they were. These two men were long-time politicians and they represented their States, their parties, and their country as well.

Let me read just a little bit from this book. Talking about the "Ev and Charlie Show":

Topics selected for the prepared statement were subjected to the scrutiny and agreement of the entire leadership group—

Republican leadership group—

> before public presentation. Before most press conferences, Dirksen and Halleck mingled informally with reporters. When the reporters and cameramen appeared ready, congressional leaders read their prepared statements, and following, reporters questioned them until satisfied.

Transcripts revealed—

> that approximately 100 domestic and foreign issues were discussed during the 64 conferences held between March 2, 1961, and November 21, 1963. Participants at times discussed as many as 20 issues during a single session, and on three occasions devoted the entire conference to only one topic.
>
> * * * during the first few months of the Kennedy administration, Dirksen and Halleck tempered their criticism, seeking instead a spirit of conciliation.

That, Mr. President, is how it should be done.

Everett Dirksen said, and I quote from another book, this one written about him by Neil MacNeil, Dirksen: "Portrait of a Public Man." In this book, Dirksen is quoted as saying:

> The Senate's primary function is to serve the whole country. For that reason it is the duty on the part of the Senate leaders never to forget the national interest. * * *
>
> We have manifested over and over again that the opposition party must not follow an

obstructionist or hostile tone. Our business is to think in terms of the well-being of the country.

Now, does that not, Mr. President, say it all? We have a situation where, for the first time that I am aware of in the history of this Republic, people are trying to destroy the President's program and not even give it a chance. I served in the other body during the early years of Ronald Reagan. And I with numerous other Democrats gave his programs a chance. They have proven to be a failure, but no one knew at the time they would be a failure. We thought that President Reagan had some new ideas. Let us give him a chance.

Mr. President, none of these critics have allowed President Clinton any chance. They forget that the record that brought President Clinton to office was one that they created. The reality is Americans wanted change. They still want change. They do not want the failed policies of the past. They are tired of the $4 trillion debt; no health care; no education program for the youth and the children, other than we need discipline in the schools; environment, remember some of the environmental polices of the past, where, with the problem with the ozone layer, they said, "Wear sunscreen and a hat." Do you remember that, Mr. President? Or the killer trees?

Americans want a President who will deal with the budget deficit, and we, in a budget that we adopted in this Chamber and the other body, have a program for success in the future: $500 billion deficit reduction over a 5-year period of time. This program has been endorsed by businesses across the country. The Chamber of Commerce has been favorably inclined, much to the dismay of the minority. They have even gone so far as to try to get people fired who worked for the chamber of commerce because they have not been negative to the Clinton program.

Americans wanted and still want an administration that will create jobs, and we just had a jobs program that was torpedoed. It would not have solved all the problems of this country, but it would have given troubled youth a chance to work. I think, frankly, Mr. President, some of them are talking about now coming back with a summer jobs program. I, frankly, think it is almost too late. Kids are already getting out of school. These kids need work, not make-shift work, but we had a program that would have taught children how to work. That is what we need.

Because of the savings and loan fiasco created by the prior 12 years of Republican administrations, we have a banking crisis in this country. Small businesses cannot borrow money. The stimulus package had $350 million that would have given the Small Business Administration the ability to loan over $6 billion.

Our economy is fueled by small business. Probably 70 percent of all the jobs in the country are created by small business. The Small Business Administration, Mr. President, is out of money, out of money, as we speak. The stimulus package would have created jobs in this section. It would have also allowed the infrastructure development to continue. West Virginia, Nevada, New York, Pennsylvania, every State in this Union needs highways—$3 billion to create good jobs.

Well, the stimulus package was thwarted.

Mr. President, the President of the United States for the first time in this country got together business leaders, dozens and dozens of them. But he did not get them together and get a report from his staff. He sat through hours and hours of meetings and listened to their goals and views, and as a result of that came up with the stimulus package because it is something that they, among others, wanted in this country.

He has announced a $20 billion program to reinvest in workers and communities harmed by cuts in the military spending. But remember, that says a lot there because we are having significant cuts in the military, something the people have wanted.

Americans wanted a President who would cut back the size of Government. The critics would have us believe this President is for big Government. He, Mr. President, is putting actions in place of words.

In his first 100 days, he announced that he had cut the White House staff by 25 percent, administration in the executive branch of Government by 14 percent. It set such a good example that the leadership of the Congress followed suit and said they would do the same thing. He is also going to eliminate 100,000 positions in the executive branch of Government through attrition.

He has assigned Vice President GORE, who has become a partner in this administration, to do something about streamlining Government. And those of us who know AL GORE know we will prepare for us a blueprint for success.

Among other things, he is looking at legislation, for example, that I have sponsored which would require reauthorization of programs at least every 10 years or they would fail. The reason for that, of course, is we have programs which have been in existence since the Civil War that have not been reviewed.

We are going to cut Government. That is what the people want. These reductions are real, not just talk. They amount to the most significant effort to reduce Government in recent memory.

The President has accomplished all this.

Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDENT pro tempore. Is there objection? Hearing no objection, the Senator from Nevada is recognized for an additional 5 minutes.

Mr. REID. The President has dealt with this while dealing with the challenge to democracy in Russia, civil war in the former Yugoslavia, peace negotiations in the Middle East, war in Armenia.

Nor have we mentioned other substantial initiatives: The family medical and leave bill; campaign reform—we are going to have campaign reform in this country, something I have craved since I first ran for Federal office—children's immunization; his forest conference in the Northwest.

He went out with his Cabinet and met with these parties who are divergent, the environmentalists, the loggers, the two so-called extremes in some people's minds, and he is going to come up with a compromise there.

But there are other goals that this President has for the future of this country. He is talking about the United States not tomorrow but in the next century.

For the first time in a decade this Government is committed to competing with Japan and with Germany—not begging for help, competing. This administration will promote exciting new technologies such as clean cars, communications through an information highway. Computers are the name of the game, and we are going to be on the leading edge of that. These new technologies will make our country a leader in productive enterprises, not building things that explode, not weapons only.

This President will promote new environmental cleanup technology that will be a standard for the world. Our children and our children's children deserve clean air, clean water, and clean land.

We will move ahead with true public-private partnerships through cooperative research and development agreements. For a view of things to come, look at the efforts with this administration and the big three automakers to create clean cars. We will, through this President, achieve a balance between protecting the environment and eliminating unnecessary regulations. His environmental protection commission under the new EPA will create that balance.

This President will reinvigorate the country's infrastructure, creating jobs and stimulating economic activity.

Americans want a President who has the courage to face health care. We need to face this problem. It has been ignored for 12 years. He is going to do that. He has already started that. He has undertaken the most comprehensive review of the health care system in the history of this country.

Americans wanted a President who had the courage to do this. In short, this President has been courageous. He will tackle the tough problems and, like Winston Churchill, he has been gracious under criticism.

Mr. President, one of the strengths of this man, this President of the United States, is how he has stood up under the criticism which has come during the first 100 days of his administration. He has shown he has backbone. Sadly, the attacks from his critics, as Winston Churchill said, have departed from reality.

I would close, Mr. President, by again quoting words from a Republican leader of national scope, Everett Dirksen, when he said, "We have manifested over and over again that the opposition party must not follow an obstructionist or hostile line. Our business is to think in terms of the well-being of the country."

I suggest that the minority follow the words of one of their great leaders, Everett Dirksen.

The PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON], under the previous order, is recognized for up to 10 minutes.

REPUBLICAN OPPOSITION TO PRESIDENT CLINTON'S ECONOMIC INITIATIVES

Mr. GORTON. Mr. President, I speak today about President Clinton's economic initiatives and Republican opposition to those proposals. Given the fact that this President has been in office for about 100 days, it is now appropriate to review how he is doing as well as how we Republicans have reacted. Contrary to the media's portrayal of politics as usual, the Republican opposition to President Clinton's economic initiatives is grounded in a fundamental disagreement over the direction that this President proposes to take this country.

All of the Republicans in the Senate, along with a couple of Democrats, voted against the President's budget and economic stimulus package because we believe that his proposals take the American economy in the wrong direction. Recently, our opinions have been validated by top investment advisers from Wall Street. These analysts make several points which validate and confirm our opposition to the President's economic initiatives.

First, they confirmed the concerns of several Senators on the other side of the aisle. These analysts agree that the recovery from this recession is notable for a lack of job creation and undistinguished GDP growth. Normally, job creation and gross domestic product growth at this point in a recovery, almost 2 years after the official end of the recession, are significantly greater than is currently the case. They have noted that job creation in the last several months has picked up significantly. These analysts argue, however, that the Clinton administration plan is counterproductive in achieving its stated aim, higher employment growth.

Wall Street analysts have confirmed what Republican Senators said all during the debate about the stimulus package. Adding $19 billion of deficit spending to a $300 billion deficit will not significantly impact economic growth or job creation.

As this Senator noted during that debate, this pork-barrel spending was the equivalent of increasing a child's $25 a month allowance by 5 cents.

The stimulus package aside, these analysts' research confirm why Republicans are so dead set against the President's proposals. First, we all believe, and their analysis confirms, that left to its own devices the economy is poised to post strong growth. No Republican Senator is pleased by the corporate downsizing that is wrenching our larger companies these days. We all need to realize, however, that it is precisely this downsizing and the accompanying productivity growth that has led this country out of the 1990 Budget Act-induced recession.

Consumer and corporate debt is on the road to its pre-1980 level. In addition, the banking system is well on the way to healing itself and ameliorating the credit crunch. Republicans—and those who advise American investors—believe that these positive trends will lead to economic growth if not inhibited by Government policies like that proposed by President Clinton.

Wall Street's analysis reinforces Republican belief that the Clinton economic plan will not lead us down the road to prosperity. In no way will the Clinton plan help job-producing American businesses into a renewed period of growth and new job creation. Just look at the list of Clinton proposals that will inhibit corporations' ability to expand and hire new employees: First, higher corporate tax rates; second, higher minimum wages; third, more mandated benefits; fourth, greater limitation deductions; fifth, a Btu tax; and sixth, possibly a VAT tax.

I said during the budget debate that I did not understand how imposing a new tax on Boeing's airline customers at a rate greater than the entire airline industry ever made in profits would help Boeing employees. Let me repeat, the airline industry has never in any year made net profits equal to the new Btu taxes proposed by the Clinton administration. Obviously, this will not put people back to work in Boeing's Renton or Everett plants—or in those airlines.

Setting corporate America to one side, we Republicans do not believe that Mr. Clinton's economic initiatives in any way assist the job-creating engine of the 1980's, small businesses. Businesses with fewer than 500 employees have generated, on average, 60 percent of the new jobs created during the 1980's. In fact, between 1988 and 1990 small businesses created 120 percent of the jobs created in this country, because corporate America reduced its employment. These small companies are even more sensitive to the marketplace than are large corporations. New taxes and mandated benefits will not help small businesses create jobs, get costs under control, or invest retained earnings in their businesses any more than these proposals will help corporate America.

Small saw mills in Washington are being destroyed by the lack of timber because of the spotted owl problem. How will these new taxes, mandates, and increased regulatory costs assist mills in Forks and Darrington? They will not. That is why Republicans voted against the President.

At the present time, I am working with some local investors who are trying to reopen a pulp plant that was recently closed in Hoquiam, WA. The combined effect of the Clinton administration proposals may kill this plant even if we do get it going again. This course of action will not help pay a mortgage or put food on the table of a millworker. I will work hard to defeat these proposals because Republicans do not believe that higher taxes and more unfunded Federal mandates can possibly lead to economic growth; these proposals kill economic growth and job creation.

In summary, Wall Street analysts are advising their clients that the Clinton economic plan will significantly depress real disposable personal income, will reduce American business profits, will cut the growth in our gross domestic product, and will marginally increase inflation.

This is not rhetoric from the White House or from Members of either party in this body. This is what careful students of the American economy have concluded, and it reflects their advice to their clients.

Perhaps even more significantly, this is what an increasing majority of the American people believe. They know that prosperity comes not from higher taxes and more spending but from their own genius and hard work. They know that last week's bill would have destroyed more jobs than it would have created.

The next step in the Clinton economic program, of course, will be his huge tax bill. As the Presiding Officer knows, that bill cannot be defeated by a Republican minority, but only by a lack of faith on the part of Democrats. That lack of faith infected many Democrats during the debate over the stimulus package, but affected the votes of only a few. This Senator believes that more will abandon a prescription for higher taxes and fewer jobs.

If that happens, because of Democratic opposition, perhaps the President will return to the prescription of less spending and lower taxes on the middle class that won him the Presidency. When he does so, he will find strong support from Republicans as well as Democrats.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

PRESIDENT CLINTON'S 100 DAYS

Mr. MITCHELL. Mr. President, last year, American voters went to the polls and said "no" to business as usual. They voted for change. They said they had had enough of stalling and delay in Government. They said they were sick of gridlock and buckpassing. They said they wanted action on the issues that affect their lives.

President Clinton heard that demand and he asked the Congress to respond to it. With one exception, we have.

This Senate has acted faster on more issues than any Senate in recent memory. We have tackled the unfinished business of the past and made a quick start on the agenda for the future.

We know Americans are tired of excuses, tired of bickering, tired of business as usual. Unfortunately, as we have just heard, they are still getting plenty of that.

Our Nation has the greatest capacity for change and growth in the whole world. The American people know it is not a lack of resources that keeps us from making this a better country for them to bring up their children. They are concerned that it is a lack of will.

Americans want action and they want it now. And the Senate majority has responded.

The budget resolution has been approved earlier than ever before. Since the Budget Act was passed in 1974, almost 20 years ago, no Congress had ever approved a budget resolution by the second day of April. The 103d Congress did.

The budget we approved will cut nearly $500 billion from the Federal deficit over the next 5 years. In 1997, the deficit would be 2.5 percent of the Nation's economic output instead of the 5 percent of output that President Clinton inherited from his predecessor. It will raise revenues by asking the wealthiest Americans to pay slightly more in taxes. It will hold down spending that would otherwise have gone forward. It contains the investments we need to help our economy grow. It is a budget for future prosperity and economic growth.

The Senate also acted promptly on unfinished business.

Two weeks after he was sworn in, we sent the President the Family and Medical Leave Act for his signature. President Clinton signed it. Now working families have peace of mind: They know that if a serious illness strikes a child or a parent, they do not have to choose between their job and their family.

A month later, Congress approved an extension of unemployment insurance for those who still cannot find work in this economy.

The Senate passed the much-needed bill to authorize the National Institutes of Health. Last year I said I would make this our No. 1 bill, and I did, and it passed overwhelmingly.

The Senate has passed the motor-voter bill, legislation to simplify voter registration.

Voting is the fundamental civic privilege. Registering to vote ought to be as simple as registering your car. That is exactly how simple this bill makes it.

The campaign finance reform legislation will soon be ready for action. Americans demand reform as well as a change in their Government. The campaign finance reform bill will reform the current discredited system in which elections last too long, cost too much, and involve the voters too little.

In less than 100 days, President Clinton has done what neither his predecessor nor any of his critics have done: He has completely changed the political debate in this country.

We are focused on how best to invest for the technologies of the future, technologies that will strengthen our economy.

Instead of exchanging slogans, we are moving on health care reform, expanding health care availability and dealing seriously with the costs of health care.

Instead of wornout debates between supply side economics and trickle down economics, we are finally talking about American economics: Family income, the fact that it takes two paychecks today to buy family security that a single paycheck used to buy, and the jobs of the future that are going to bring back broadbased prosperity for the majority of Americans.

A health care program is now being developed. We are finally on the way to reaching the consensus we need on health care. The health care cost crisis has been studied long enough. We know what is wrong. Now it is time to work on the solutions.

We will have the President's program soon. Then we can go to work to put it in place.

The reconciliation bill that puts together the spending cuts and revenue increases to reduce the deficit will be taken up as quickly as possible.

The first 3 months of this Presidency have not answered all our questions and solved all our problems. No President's first 3 months have ever done so. But the debate has changed; the agenda is different. The goal at which we are now aiming is a strong, growing economy that creates new jobs, an economy that increases personal income.

We want an economy that is growing faster and one that is also growing smarter. Increased productivity means higher income for working families. The more a worker produces, the more that worker earns.

The key to rising incomes is to raise the output of every working person. So we are going to invest in the new technologies that help people work smarter. We are going to invest in the education and training that give people the specialized skill demanded by our modern economy. We are going to make our workers and businesses competitive in world markets by helping to make their products the best in the world.

The American people have challenged Congress to meet their demands for a more responsive and a more representative Government. It is a challenge that the Senate majority is determined to meet. What we have already done in the first 3 months of this session shows that we intend to act and act promptly.

I yield the floor.

Several Senators address the Chair.

The PRESIDENT pro tempore. The Senator from Washington is recognized.

TAKE OUR DAUGHTERS TO WORK DAY

Mrs. MURRAY. Mr. President, I rise today to encourage young girls and women throughout the Nation to aspire and work hard to make their dreams a reality. In honor of today, National Take Our Daughters to Work Day, I have with me today my daughter Sara.

When I was young, many women did not work outside the home. The women I knew who did work were teachers, nurses, and waitresses. Life has changed dramatically since then. Young women today have more options and greater opportunities than ever before. Not only can they be homemakers, teachers, nurses, and waitresses, they can be astronauts, surgeons, and architects, and they can even be Members of the U.S. Senate.

I am encouraged by the fact that my daughter has numerous visions of who she will be tomorrow. Some days she wants to be a reporter; some days she wants to be an attorney; some days she wants to be an author. I am excited that Sara knows that she can have whichever career she would like. It is her choice.

Although it is encouraging to reflect on the gains that have been made by women since my childhood, I believe that the job choices available to young women today are not merely a matter of luxury. The reality is that many of our young women ultimately will be responsible for the financial well-being of their families.

Women's employment is often critical to keeping the family income above the poverty line. Children whose mothers work are less likely to be poor, whether they live with one parent or two. Currently, 66 percent of mothers with school-aged children are in the paid labor force, and 51 percent of mothers with infants work outside the home.

Mr. President, I feel it is very important for me as a woman, as a mother, and as a Member of the United States Congress, to encourage girls and young women throughout this Nation to realize their potential.

I never dreamed that I would become an elected official, much less a U.S. Senator. Today, I have the opportunity to be a role model for my daughter, Sara, and for all of the other young women across the country. I hope to show them that not only their professional dreams can come true, but they can be good parents as well.

I work diligently as a congressional representative for the citizens of the State of Washington, and I also dedicate a lot of energy, caring, and love as a parent to my son and my daughter.

Young women need to understand that they do not have to give up one part of their life for another. That is why I work hard on national issues, like family and medical leave, health care, and child care. Women should not have to choose between their careers and their families. And neither the community, generally, nor employers in particular, should ever send them that message.

As a nation, we must acknowledge the importance of allowing men and women to care for their families and to work at the same time. Passing the Family and Medical Leave Act was a good step for this Senate. We must enact other policies that facilitate caretaking efforts by families. When we do so, we will be a much more healthy and vibrant nation.

Today is a historic day in America. Across this Nation, women like myself are taking their daughters and other young women they know to work. They are helping to broaden young women's horizons, to show them the vast range of options available to them in the future.

I hope this day is a day when young women everywhere recognize that if they work hard and believe in themselves, they can be whoever they want to be.

I encourage young women to consider as an option running for school boards, city councils, State legislatures, and even the U.S. Senate. I can personally assure them that it is a rewarding, exciting, and very doable career.

Thank you, Mr. President.

Mr. GRAMM. Mr. President, I ask unanimous consent that I may proceed under the special order that I have without reference to the fact that 10 o'clock we were supposed to end morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas [Mr. GRAMM] is recognized to speak for up to 10 minutes.

SENATOR MURRAY'S OUTSTANDING ADDRESS

Mr. GRAMM. Mr. President, I congratulate our colleague from Washington for her outstanding address this morning. We are all proud of the content of that speech, and we all rejoice in the fact that our Nation now, more than ever, is using the sum combination of the talents of all of its people, and we are all being enriched in the process.

THE PRESIDENT'S TAX BILL

Mr. GRAMM. Mr. President, I want to talk a little bit this morning about the next big issue that we face, which is the President's tax bill. I want to try to explain where I am coming from on that issue as we begin to define the issue and start to debate it.

I congratulate the President on his success in having his budget adopted within the first 100 days of his Presidency. But I also want to express a very real concern. The concern is that we are now down to the process of imposing massive taxes on the American people, and the question that every Member has to ask himself or herself and every person has to ask is: What are we getting for these tax increases?

This is where I have real pause and where I have real concerns. As we all recall, during the debate in the campaign, the President said that if he was elected, he intended to cut $3 of spending for every dollar of new taxes, and those taxes would be imposed on rich people. And then when Congressman Panetta and Senator Bentsen were before the Senate for confirmation, they said that it was the intention of the administration to cut $2 in spending for every dollar of taxes raised. And then in the State of the Union Address, the President said it would be $1 of spending cuts for every dollar of taxes.

I have to say, Mr. President, that whenever I go home, or whenever I am passing through an airport anywhere in the country, it is a very common occurrence for people to come up to me and say: Are you cutting spending first?

Well, the cold reality that we face as we begin to debate this massive tax bill is that the answer is no, because despite all of the rhetoric about $3 in spending cuts and $2 in spending cuts and $1 in spending cuts relative to what would have happened had there been no budget passed, we are going to raise taxes under the President's plan $3.23 for every dollar of spending cuts; and 80 percent of those spending cuts do not occur in 1993, do not occur in 1994, do not occur in 1995, do not occur in 1996; not until 1997 and 1998 do we get 80 percent of the few spending reductions that are promised.

In other words, we are proposing to raise taxes retroactive to January 1 in return for a promise to cut spending 4 years from now.

Mr. President, I think people are very concerned that we will see happen what has happened historically; and that is, the spending cuts promised in the sweet by-and-by in return for tax increases now never, ever seem to occur. They were not produced in 1983, for Ronald Reagan. They were not produced in 1990, for George Bush.

I think people are very concerned that if we pass a massive tax increase, much of which is retroactive to January 1 of this year, in return for a promise to cut spending 4 years from now, that the spending cut may never be made and that these new taxes will, in fact, be spent.

I think this is an especially important concern, because the tax increases did not live up to the advertising. We all remember that in the campaign, only rich people were going to be taxed. Middle-class citizens were going to get a tax cut. Middle-income families were going to choose between lower rates and higher deductions.

Mr. President, as we know, within a week of the campaign, that promise was dropped. And now we look at next month voting on a tax bill that raises not just taxes on rich people, but taxes on everybody—taxing Social Security benefits of people who make over $25,000 a year, taxing energy use in every American family. Most of the outside cost estimates of this energy tax suggest it is going to be as high as $500 per family.

I come from a State where we use a lot of energy and produce a lot of energy, and we keep remarkable statistics. So we are able to determine Btu use by year. If this Btu tax had been in effect in Texas in 1990, the last year for which we have the data, it would have averaged $732 per family of four in my State. That is a big tax increase.

Finally, this increase in income taxes, that we were all led to believe was going to be imposed on very rich people, now it turns out that as much as 70-plus percent of these taxes will be paid not by individuals but by sole proprietorships, partnerships, and small businesses filing as individuals under subchapter S of the IRS code. In other words, approximately 73 cents out of every dollar of new income taxes will come from small businesses and family farms.

So, Mr. President, I just want to put our Members on notice that when we vote on this tax bill, it will be my intention, in conjunction with some of my colleagues, to offer an amendment to try to guarantee what the vast majority of the American people want, and that is a guarantee that these tax increases do not go into effect until spending cuts are made.

It seems to me, when we were promised $3 in spending cuts for every dollar of taxes, there should be a base of strong support in the Senate and the country to say that these massive taxes on Social Security recipients, on working families, on small businesses and family farms, not go into effect until at least corresponding cuts in spending occur.

Surely, we can enter into a contract with the American people to guarantee to them that until we have made cuts, we are not going to raise their taxes.

We have several Members of the Senate on my side of the aisle who are working on an amendment which will simply say that none of these taxes shall become effective until a threshold of spending reductions shall have been reached, thereby guaranteeing that we do not simply raise these taxes and spend the money and deceive the American people again.

I see our colleague from Delaware has come to the floor. Let me sum up, and then turn the floor over to him.

Mr. President, as people have started to look at the fine print of the budget, I think that they are realizing that what was sold to them as a Cadillac is turning out to be an Edsel, that this budget does not contain $3 in cuts for every dollar in taxes, or $2 in cuts or $1 in cuts. It contains about 30 cents of spending cuts for every dollar of taxes. And the taxes are not on rich people, not on some faraway person we do not know, but the taxes are on everyone. The taxes are on the people who do the work, who pay the taxes, and who pull the wagon in this country. I think people are very concerned about it.

I believe when we vote on this tax bill and are shooting with real bullets, when we are not simply promising to do something but we are actually doing it, there are going to be strong concerns in the country. And, quite frankly, I think the President, short of some binding constraint to require that spending cuts be made, is going to have a very hard time getting these tax increases adopted.

I believe they will destroy jobs, they will hurt our country and, sadly, they will not reduce the deficit.

I yield the floor.

The PRESIDENT pro tempore. Under the order, the remaining time is under the control of the Senator from Delaware [Mr. ROTH] or his designee.

Mr. ROTH. Mr. President, there come in life few men like the man we honor today. Though he was a judge, a general and a statesman, of all the ranks, titles and honors held by James Caleb Boggs, none will be more fondly remembered than those of husband, father, and friend. When he died on March 26, all Delaware mourned the loss. And anyone, even remotely in touch with the character of our great, little State, understands why: the life he lived was a personification of Delaware.

From his elegant simplicity and concrete sense of values to his rich heritage and proven leadership, those characteristics that distinguished the life and legacy of Cale Boggs are each hallmarks of the State and people he served.

In my wonderful years of friendship with Cale and his younger brother, Calvin—who also recently passed away—I grew fond of the relationship they shared as a family, of the strong sense of identity they had with the State they loved. Of their unyielding sense of loyalty and service. These bedrock values—this sense of identity and belonging—give Cale a strong foundation upon which he built a distinguished life. In war he was a decorated hero; in peace he was dedicated to justice and the welfare of people both great and small.

As his son, Cale, Jr., wrote recently:

> It did not matter to him if a person was rich or poor, he gave equal attention and effort. He achieved as much personal satisfaction from helping an elderly sick person receive proper care as he did from assisting a business leader complete a large transaction.

From the hours we spent together at his family farm Cheswold—as Cale would say, "Watching the corn grow"—to the work we did together on Capitol Hill, I witnessed, first hand, his remarkable ability to blend both the public and the private. Friendship, service, loyalty and genuine interest in the well-being of others never got lost in the pomp and ceremony of high public office. The big city never distorted his country wisdom; power and politics never got in the way of his integrity and honor.

He had a keen mind and an amazing memory. If he met you once, you were his friend. And Cale Boggs never forgot his friends, whether they had the opportunity—as I often did—to sit with him in a duck blind on an idyllic autumn day—or to bump into him on the streets of Wilmington, Dover, and Washington, or even to argue with him on the floor of the U.S. Senate.

His friendship and love transcended politics—as did his loyalty. I recall that the day it was known that Cale would not return to the U.S. Senate, another great Senator, the man whose name is memorialized by the building where many of us have our offices, paid Cale a visit. Though he was a leading Democrat—undoubtedly encouraged by the victory of JOSEPH BIDEN—this good Senator, finding that Cale was not in his office, wrote a two-line note. It read: "Sorry, sorry, sorry * * * I love you, Phil Hart." A fitting tribute, as were the words of Senator BIDEN himself, who recently said, "I long to end my public career with the reputation Cale Boggs had."

These tributes—two of many—are testament to the fact that in all things, Cale Boggs put people above politics. As his son recalled,

> He saw his job as a duty to serve the people. Although he had a large office, he never viewed it as his or as a place of personal power. Rather, it was his custom to say, "Come in. This office is your office."

Stories are nearly legendary about how as Governor of Delaware, Cale—busily on his way to a meeting, a speech, or other official function—would stop his car to give a lift to someone walking in the rain.

Likewise, he was known to go out of his way just to say hello. Perhaps this is why, in one capacity or another, Cale held office from 1947 to 1972, serving first as Congressman, then as Governor, and finally as Senator. Always genuine; always there. Many came to call him "Mr. Delaware."

And no fitting tribute to that mister would be complete without honoring the wonderful woman who was his wife. Bess was his high school sweetheart—literally the love of his life. They were young when they married, only a couple years beyond 20. Together they tackled an early career, law school, his active duty in World War II, and the demands of public life. When he was elected Governor there was no mansion in Delaware. Bess turned a temporary apartment into a home and raised a handsome family. Those who knew and loved Cale, knew and loved Bess—an inseparable couple—and found meaning in the fact that Cale's passing came almost 1 year to the day after the death of Bess.

Mr. President, I know there are others who will want to speak about this remarkable man, but first I ask unanimous consent that several articles about the life and successes of James Caleb Boggs recently appearing in newspapers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOGGS WAS A FRIEND TO EVERYONE; DELAWARE BIDS FAREWELL TO BELOVED STATESMAN

(By Eric Ruth)

Audrey Piper was walking in Wilmington one winter night in the 1950s, struggling to step through knee-high snow, when a car pulled alongside and a man leaned out.

"Come on, Audrey," said the governor of Delaware, opening the door of his chauffeured limousine. "We'll give you a ride."

Always ready with a smile and rarely at a loss for a name or a pleasant word, J. Caleb Boggs never let the trappings of his office divide him from the people he served for so long, said those who knew him.

Today, they will bid farewell to the one-time U.S. representative, governor, senator and judge, who died a week ago at age 83 after a long bout with cancer, diabetes and other ailments. Services will be at 2 p.m. in Cheswold Methodist Church, where friends may call one hour earlier. He will be buried beside his wife, Bess, in Old Presbyterian Church Cemetery, Dover.

Boggs leaves memories of an unswerving respect for all people and an unrelenting drive to do what was best.

"No matter where he saw you, it was as if he had always known you," said Audrey

Delker (formerly Piper), who had worked with Boggs during his time as governor.

"Cale was a great Delawarean, a great American and a friend of everybody," said former Delaware Gov. Russell W. Peterson, who worked with Boggs.

Richard A. Struck met Boggs as a Young Republican. Their first conversation was brief. But five years later, at a Kiwanis luncheon, Boggs immediately remembered him. He even took his coat and pulled his seat out for him.

He held little animosity toward his foes, and even Democrats found nothing bad to say about the Republican patriarch. When Struck hears today's deepseated distrust of politicians, he wants to tell them there was at least one fine example of that breed.

"He brought a decency to government," Peterson said. "In all of his years of involvement never was there even a hint of anything improper in his behavior. Obviously that sets an example that we all can be proud of."

He was generous with his time and advice when Sen. William V. Roth, Jr., R-Del., first arrived in Washington as a representative in the 60's. "He was there to answer my questions, to listen and to lend a helping hand to the 'new kid on the block,'" Roth said in a tribute introduced into the Congressional Record on Monday.

"He was a person who exemplified what a lot of us would like to be," Sen. Thurman Adams, Jr., D-Bridgeville, said Thursday as the Delaware Senate eulogized Boggs in a resolution.

Struck believes Boggs would have become the first vice president from Delaware had he not lost his last Senate race to Joseph R. Biden, Jr. He has heard that Boggs, because of his clean reputation, was to be picked as Richard M. Nixon's vice president but lost out to Spiro T. Agnew after being beaten by Democrat Biden.

"He has the courage to stand up for the things he believed in," Peterson said, remembering the resistance to desegregating Delaware's schools, and Boggs' efforts to address environmental issues long before they were politically fashionable.

Sunday night, Struck looked at an Easter card he had bought for his old friend, one he won't get to deliver. He remembered sitting with Boggs at a function a few years ago when the aging but spirited civil servant looked around the room and spoke.

"I must be getting old," Boggs said. "I can't remember everyone's name anymore."

Boggs, James Caleb, a Representative and a Senator from Delaware; born in Cheswold, Kent County, Del., May 15, 1909; attended the rural schools; was graduated from the University of Delaware at Newark in 1931 and from Georgetown University Law School, Washington, D.C., in 1937; was admitted to the bar in 1938 and commenced practice in Dover, Del; served during the Second World War in the United States Army 1941–1946; deputy judge of the family court of New Castle County, Del., 1946; elected as a Republican to the Eightieth, Eighty-first, and Eighty-second Congresses (January 3, 1947–January 3, 1953); was not a candidate for renomination in 1952 to the Eighty-third Congress; Governor of Delaware from January 1953, until his resignation December 30, 1960; elected as a Republican to the United States Senate in 1960; reelected in 1966 and served from January 3, 1961, to January 3, 1973; unsuccessful candidate for reelection in 1972; practiced law in Wilmington, Del.; is a resident of Wilmington, Del.

[From the Sunday News Journal, Mar. 28, 1993]

J. CALEB BOGGS: 1909–1993

J. Caleb Boggs, who returned all the love Delawareans gave him, died Friday night in Christiana Hospital, almost a year to the day after the April 1 death of his beloved wife, Bess.

The former governor and U.S. Senator, who had suffered from cancer, diabetes and other serious ailments for several years, was 83.

The Cheswold-born Republican, whose family's Delaware roots pre-dated the Civil War, was one of the First State's biggest boosters.

"I think its a great little state . . . [with] high-class, first-class people," he said in a 1991 interview.

He was qualified to make the judgment—he probably knew more Delawareans than anyone in the state's history. Because he knew so many, his governorship and his political campaigns were intensely personal.

"He went to every event regular people cared about," said U.S. Senator Joseph R. Biden, Jr., D-Del. "And he still went to those events after his political career ended, until his health got too bad. Biden hoped that he would end his public career with the reputation Cale Boggs had. "No one ever questioned Cale Boggs' integrity, honesty and decency."

Fellow politicians spoke of his remarkable memory, which served him well to the end.

"He seemed to know everyone," said U.S. Rep. Michael N. Castle, R-Del. "It might take him a minute or two to place you, but once he did, you were locked into place." According to Castle, "Cale was the greatest patriarch the Delaware Republican Party has ever had. I admired his feel for people. . . . He was an incredible human being in relating to others."

Mr. Boggs thought nothing of marching across the street, stopping traffic if necessary, to greet a friend—and he considered everyone his friend. Virtually no one called him "Mr. Boggs"—the man with a bright twinkle in his eye was "Cale" or "Governor" or "Senator."

He and his chauffeur, the late Walter Nedwick—who became a close hunting and fishing companion—logged more than 500,000 miles on Delaware roads while Mr. Boggs was governor.

His personal contacts stood him in good stead in 1954, during his first term as governor, when the U.S. Supreme Court, as part of the landmark Brown vs. Board of Education decision, ordered the desegregation of Delaware schools.

"I had to take a position on that . . . and I had to go up and down the state because I knew people felt differently than I did, and I wanted them to understand all the aspects [of integration] as I saw it," he said of his support of the decision. "I felt close to the people, I needed the benefit of their counsel and advice. . . ."

Fellow politicians thought he killed any chance of re-election, but he fooled the naysayers and won a second term. Then he moved on to the U.S. Senate.

Former Democrat Gov. Elbert N. Carvel, whose two terms bracketed Mr. Boggs' stint in the state's highest office, considered him something of a state treasure. "Caleb served Delaware on all levels," Carvel said two years ago. "Caleb is much beloved in Delaware, and he deserved every attention the state can give him."

His life began in Kent County on May 15, 1909. He was educated in public schools, then went to the University of Delaware. He graduated in 1931, the same year he married his high school sweetheart, Elizabeth "Bess" Muir of Dover.

Then he went to Georgetown University, where he received his law degree in 1937.

Mr. Boggs joined the Delaware National Guard in 1926. During World War II, he served with the sixth Armored Division fighting in Normandy, the Rhineland, the Ardennes and central Europe. He earned five Campaign Stars, the Legion of Merit, the Croix de Guerre with palm and the Bronze Star with cluster.

After being deactivated as a colonel, he was appointed a brigadier general with the Delaware National Guard. He retired from military service in 1963.

After the war, Mr. Boggs intended returning to his law practice, but Delaware Republicans "came looking for someone to run for Congress" and launched his public service career.

Before that career ended, he had served eight years as governor, from 1953 to 1961, and represented Delaware in both the U.S. House of Representatives (1947–53) and Senate (1961–73).

Even in high office, Mr. Boggs never sent himself above others. Delaware then had no governor's mansion, and the Boggses lived in an apartment complex north of Wilmington. Later, when he was elected to the Senate, the family moved to the house they occupied for about thirty years, his last address, at 1203 Grinnell Road in Green Acres, a suburb of north Wilmington.

He retired from the Wilmington law firm of Bayard, Handelman & Murdoch about seven years ago.

He was a New Castle County Family Court judge in 1946 and chairman of the National Governor's Conference in 1959. Other official positions included an honorary membership in the Japanese Diet (1965); membership in the Joint Committee on Organization of the Congress (1965–66), the White House Conference on International Cooperation (1965) and the U.S. National Commission for UNESCO (1964–66).

He also served as Senate member of the National Commission on Fire Prevention and Control (1971–72) and was a member of the board of visitors for the U.S. Military Academy at West Point (1965), the U.S. Naval Academy at Annapolis (1966 and 1972) and the U.S. Air Force Academy at Colorado Springs (1970).

One of his primary interests was Kappa Alpha, the social fraternity he joined while a student at the University of Delaware. He held every national office in the fraternity, which honored him several years ago with a significant contribution in his name to the National Kappa Alpha Scholarship Fund.

Mr. Boggs was a trustee of Goldey-Beacon College for more than 25 years. The business school made him an honorary life trustee and awarded him an honorary doctorate from Delaware State College, Bethany (W. VA) College and the University of Delaware.

His directorships included RLC Corp., Rollins Environmental Services Inc., Beneficial National Bank, Artisans Savings Bank, Delaware Safety Council, Blood Bank of Delaware, Greater Wilmington Development Council, Delaware Automobile Club, the Delaware Chapter of the Arthritus Foundation and the Salvation Army Regional Advisory Board.

Mr. Boggs was a member of the American and Delaware Bar Associations, the sons of the American Revolution, the American Legion, Veterans of Foreign Wars, Kiwanis Club, Ducks Unlimited, the Delaware

Grange, the National Lawyers Club of Washington, the Capitol Hill Club and Former Members of Congress.

Mr. Boggs is survived by his son, J. Caleb Boggs, Jr. of Wilmington; a daughter, Marilu Boggs of Green Acres; his brother, Calvin Boggs of Cheswold; a grandson, J. Caleb Boggs III of Washington, D.C.; and a granddaughter, Erin J. Boggs of Wilmington.

He will be buried beside his wife in Old Presbyterian Church Cemetery, Dover.

MR. DELAWARE: DIAMOND STATE'S GLOW IS DIMMER TODAY WITH CALE BOGGS' DEATH

J. Caleb Boggs, Mr. Delaware, died Friday night after a lengthy, often painful, illness. He was a man who loved his native state and its people. He was a generous man who gave constantly and expected nothing in return. He was an unassuming man who never seemed to allow high office to rob him of the ordinary pleasures of life.

Will Rogers used to say he "never met a man he didn't like." Well, we've never met a person who didn't like Cale Boggs. From the Green Acres suburb in north Wilmington where he lived to Selbyville on the Maryland border, everyone loved Cale. And why not? He never put on the airs of a big-time politician—though he was as big and important as they come. Whether as governor or just Cale Boggs, attorney, his hand was out in greeting accompanied by a warm "Hi, good to see you." It wasn't false. It was warm and true, like the man.

Over the years, Cale Boggs held just about every important office a person could hold in Delaware: governor, U.S. Senator, U.S. Representative, judge. He was a Republican through and through, but counted oh, so many Democrats, among his close friends.

J. Caleb Boggs was as comfortable and confident on a soybean field as he was in a law office conference room. He slowed his pace only recently when his body gave him no choice.

Cale Boggs was born in rural Cheswold in Kent County—the very heart of Delaware. In so many ways, Cale Boggs represented the heart of our state: strong, life-enriching.

"A CELEBRATION OF LIFE"

Isn't it strange that princes and kings
And clowns that caper in sawdust rings
And common folk like you and me
Are builders of eternity?
A shapeless mass and a book of rules
And each must make, ere life has flown
A stumbling block, or a stepping stone—Author unknown.

(By Cris Barrish)

CHESWOLD.—Beloved Delaware politician J. Caleb Boggs "made a lot of stepping stones," William Keene said Friday as he bid goodbye to his fraternity brother.

About 200 friends and relatives who gathered for Boggs' funeral nodded reverently. The gracious man's sincerity and humanity had touched them all.

After reading the poem, a credo for the Kappa Alpha fraternity Boggs belonged to for 64 years, Keene concluded: "Brother Boggs was a gentleman."

Boggs, a former Republican governor and U.S. senator and representative, died a week ago at age 83. He had suffered from cancer and other ailments for many years.

On Friday, nary a tear was shed during the hour long service at Cheswold Methodist Church.

Afterward, Pastor Kim Gilson said, "This was a celebration of life."

As pallbearers carried Boggs' flagdraped casket through a steady drizzle to a waiting hearse, Esther Hynson and Leona Hazel talked about growing up in Cheswold with a special young man named Cale Boggs.

"He was a fine boy," Hyson said, adding that townspeople weren't surprised to see Boggs scale the heights of Delaware politics.

"He was very friendly and we used to go out to their farm and play," Hazel said.

Hazel said Boggs was a charmer.

"He got along just fine with the ladies," she said. "He was very nice and polite."

Political dignitaries, both Democrat and Republican, mingled with the common folk Friday. All spoke of Boggs' respect for people—regardless of economic standing, social class or race.

"This might sound strange coming from a Democrat, but he was my role model," Democratic Gov. Thomas R. Carper said. "* * * When I was a cub politician, people would jokingly say, 'What do you want to be when you grow up? And I would say, without hesitation, 'Caleb Boggs.'"

U.S. Sen. Joseph R. Biden Jr., D-Del., whose victory over Boggs in 1972 knocked him out of politics, was an ardent admirer.

"After the election was over, he supported me and was a friend of mine," Biden said. "Think about it. When was the last time there was a political campaign like the one Cale and I had, where there was not one negative word said about either person?

"The best way for me to sum up Cale was that he didn't live a lie. Most politicians, after they leave public office, it's the last time you see them at a fund-raising dinner for the poor. Cale Boggs did everything that he did while a senator after he was a senator, until his health failed him."

The Rev. Gerald Foster, head of Wilmington's Sunday Breakfast Mission, gave the eulogy for Boggs, but said it was unnecessary. Boggs' life was eulogy, Foster said.

Foster told the story about an old man who was asked what death would be like. The man responded that he had traveled the world, using every vehicle from plane to train to ox-cart.

On the road, the man said, you change cars and keep moving to the next destination. Dying would likely be the same way.

"Caleb Boggs has changed cars," Foster said. "But he will go on."

[From the Journal of the Delaware State Bar Association]

IN MEMORIAM

It is with great sadness that the Bar Association notes the passing of former Delaware governor and U.S. Senator J. Caleb Boggs, 83, on March 26.

Senator Boggs, a member of the American and Delaware Bar Associations, retired nearly 10 years ago from the law firm of Bayard, Handelman & Murdoch, Wilmington.

Born in Cheswold, Delaware, Senator Boggs was a graduate of the University of Delaware and Georgetown University Law School. He served with distinction in World War II, receiving numerous military decorations before returning to Delaware and his law practice.

In 1946, he served as a New Castle County Family Court Judge.

Recruited shortly after the war by the Delaware Republican Party to run for Congress, Senator Boggs turned to a career in public service that spanned six years in the U.S. House of Representatives (1947–53), two terms as Delaware governor (1953–61) and 12 years in the U.S. Senate (1961–73).

He was honored in 1980 with the naming of the J. Caleb Boggs Federal Building in Wilmington.

Senator Boggs held honorary doctorates from Goldey-Beacom College, where he was also a long-time trustee, Delaware State College, Bethany College (W. Va.) and the University of Delaware.

He was a director of numerous area corporations and non-profit organizations including the Blood Bank of Delaware, the Delaware Chapter of the Arthritis Foundation, the Salvation Army Regional Advisory Board, RLC Corp., Beneficial National Bank and Arrisan's Savings Bank.

He is survived by his son J. Caleb Boggs, Jr. and daughter Marilu Boggs, both of Wilmington, a brother, Calvin Boggs of Cheswold and two grandchildren, Erin J. Boggs and J. Caleb Boggs, III, both members of the Delaware Bar. His wife, the former Elizabeth "Bess" Muir, died in 1992.

The family suggests donations to Cheswold Methodist Church, the Delaware Chapter of the Arthritis Foundation or the Wilmington Endowment Fund of the Salvation Army.

ROBERTO GONZALEZ,
c/o Christian Children's Fund,
Guatemala.

DEAR ROBERTO: My father died last week. He was 83 years old and had led a good life. I will tell you something about him. He was, as you say in your country, a government official and was elected to various positions by the vote of the people. He saw his job as a duty to serve the people. Although he had a large office he never viewed it as "his" or as a place of personal power. Rather, it was his custom to say, "Come on in. This office is *your office.*" In this place he would listen to those who needed help and try to find answers to their problems. It did not matter to him if a person was rich or poor, he gave equal attention and effort. He achieved as much personal satisfaction from helping an elderly sick person receive proper care as he did from assisting a business leader complete a large transaction.

He was always available to the people he served—day and night. His one and only home telephone had its number listed publicly—and anyone could call anytime. He always answered. When he was not home my mother or sister would answer the phone and he would return the call.

Sometimes my father had to make decisions on certain issues, in dispute. He studied, listened to all views, asked questions and guidance in order to resolve the question in the best interest of the people. Even though he did not please all the people, he did maintain their trust and respect for his patience, understanding, courtesy, and sincerity.

As a young boy my father grew up on a farm where, when not working in the fields, he hunted, fished, and participated in school sports (as you do, Roberto, with your soccer team). At the earliest age possible, he joined the local military. He felt this provided him not only with a discipline and fellowship, but also an opportunity to be of service to his country.

As a young man, my father joined many clubs, service organizations and community groups. Here he made new acquaintances and friendships that would last his lifetime. Not only did he just join, but he fully participated in the activities with his time and efforts. He loved to be so involved. Even after he was no longer in government, he maintained an active presence in these organizations. He particularly enjoyed encouraging younger people to become active in service to the community.

The local church in which my father's funeral service was held was the same church where many years ago he and his three younger brothers first attended Sunday School, learned the Scripture and developed their faith. They each trusted the Lord and supported His church.

In sum, Roberto, my father saw goodness in all people; if he could not say something good about one, he would say nothing. He was in the best sense of the word a public servant.

I have mentioned my father to you so that you may share with us the value of his example.

God bless you and your family.

CALEB BOGGS, Jr.

[From the News Journal, Apr. 5, 1993]

(By Harry F. Themal)

REMEMBERING THE BIG FOUR OF STATE POLITICS

Cale Boggs was laid to rest on Friday next to his beloved Bess, just a year after her death. Without minimizing the loss their families feel for that inseparable couple, all Delawareans lost a piece of themselves.

Boggs' death at 83 means only one of the big four of Delaware politics of the 1950s and '60s is still with us. Allen Frear died in January at 89 and John Williams five years ago at 83. Only Bert Carvel is still going strong at 83.

Today we have a new era of perennial officeholders in Bill Roth, Joe Biden, Mike Castle and Tom Carper. (And Pete du Pont, Sherm Tribbitt and Russ Peterson remain on the Delaware scene in varying degrees of retirement and silence.) Roth, Biden, Castle and Carper are all associated with New Castle County while the big four of Boggs, Carvel, Frear and Williams had their roots below the canal.

Boggs always seemed more of a Cheswold home boy than a suburban pol who lived most of his life modestly in Brandywine Hundred. When he died, his funeral was at the Cheswold United Methodist Church and he was buried in Old Presbyterian Church Cemetery in Dover.

Williams was inextricably linked with Millsboro (but he was born near Bayard); Frear was Kent County through and through, born in Rising Sun and living much of his life in Dover, and even though Carvel was born in New York State and brought up in Baltimore, Laurel considers him the nearest thing to a native.

Another trait these four had in common was their often upset starts in politics. Boggs had been a Family Court judge but was almost unknown when he was drafted to run for Congress in 1946. He would win eight consecutive elections and serve six years as our lone congressman, eight as governor and then a dozen as senator. In each of those roles he would make important contributions to the state and the nation.

Williams had never run for public office and was even more unknown when he was drafted, almost as a sacrificial lamb, to face the formidable titan of Delaware politics, John Townsend. Few people expected that he would propel himself singlehandedly into the forefront of the efforts to keep our government clean and honest.

Frear was never one of the headline-grabbing senators, but his closeness to the seats of power made him an important influence that belied his coming from a small state. He, too, was a surprising winner in the first of his two Senate wins, over former governor C. Douglass Buck.

Carvel became enraged at voter fraud that he saw while serving on a grand jury, and after being elected lieutenant governor, was twice elected governor a dozen years apart. He is almost unanimously accepted as one of the most progressive chief executives Delaware ever had.

Boggs, a lawyer, is the only one of the Big Four not to come from a business background. Frear ran a dairy and fuel business, Williams a feed company and Carvel, the fertilizer business.

All four were able to succeed without sinking into the political gutter that is all too common these days. Although all were only middling public speakers, they had no trouble getting their character and program across.

It never has mattered much in Delaware whether you were Republican or Democrat to be admired or to win. Williams might have been too conservative financially and Carvel too liberal on social programs for portions of the population, but they along with Boggs and Frear won support from all segments of the Delaware political spectrum.

As Nan Clements's obituary said, Boggs "returned all the love Delawareans gave him." He knew more Delawareans than anyone in the state's history, Clements wrote, and perhaps that's why his eventual loss to Biden proved to be such a tremendous upset. Delawareans still loved him but they opted for a new era.

Boggs, Carvel, Frear and Williams were first of all Delawareans who had the goodness of their state's people at heart.

[From the News Journal, Apr. 13, 1993]

CALE BOGGS, UNCOMPLICATED, UNPRETENTIOUS: HE WAS TRULY ONE OF A KIND

(By Allan Rusten)

When I picked up the Sunday News Journal on March 28 and read that J. Caleb Boggs had died at the age of 83, the news triggered a flood of warm memories about a unique and gentle man I had the extreme good fortune to know and to be associated with for what now seems like too brief a period of time.

Although I first met Caleb Boggs in 1952 when I was a young reporter for WDEL and he was a U.S. Representative running for governor, it was not until 1959 that I really got to know him. He had been governor six years by then. He had just been named chairman of the National Governors Conference, and there was beginning to be talk within the Delaware Republican Party about his becoming a candidate for the U.S. Senate.

This may be hard to believe, but in those days the staff of the governor of Delaware consisted of two secretaries. Period. No one had yet heard of policy wonks and spin doctors. Public office in Delaware was simple and straightforward in those days, and that suited Cale Boggs just fine.

But the state Republican Party decided that Gov. Boggs needed some "professional" staff support if he was going to succeed as Chairman of the National Governors Conference and perhaps run for the U.S. Senate seat in 1960. I was hired away from Channel 3 in Philadelphia where I was a newswriter and reporter and "loaned" to Gov. Boggs as a combination speech writer/researcher/public information officer.

So my family and I moved back to Delaware in 1959 and we purchased a home in Green Acres in Brandywine Hundred. It was not until after we bought the house that I learned that Gov. Boggs also lived in Green Acres (Delaware had no governor's mansion then). That coincidence turned out to be a major convenience as we spent considerable time together during the next two years.

It's hard for an outsider or newcomer to understand the lack of pretentiousness that is the normal condition of public officials in Delaware. I recall that when my in-laws made their first visit to see our new house in Green Acres, we took them on a drive around the community and pointed out Gov. Boggs mowing his lawn on Grinnell Road, across from the community swimming pool. My in-laws were flabbergasted to see a governor mowing his own lawn, but that was Cale Boggs. It was also pure Cale Boggs to call my home one rainy evening to express concern about my going out in the rain with a cold to bring a speech draft to his house. No he insisted, he (the governor) would come over to my house in the rain and collect the speech draft.

Much has been and will be written about Cale Boggs as a warm, gentle man who genuinely liked people. His ability to recall the first names of thousands of Delawareans from one end of the state to the other is legend. What I also observed on more than one occasion was the masterfully warm and down country way he made people think he remembered them, when actually he had no idea who they were. Perhaps the most amazing thing about the man is that in my 40 years in Delaware I have never heard anyone say a negative thing about Cale Boggs. That's an enviable record for any human being but for one who spent his entire adult life in politics and public office, it's unheard of.

Throughout his career, Cale Boggs fit comfortably into the mold of the Cheswold, Kent County, farm boy of his youth. There was a certain Will Rogers quality about him that made you instantly at ease with this likeable, unpretentious congressman or governor or senator. But he was no country bumplin. While former Gov. Russell W. Peterson receives the credit for transforming Delaware's commission form of government into a cabinet structure, it was actually Cale Boggs who laid the groundwork for that transformation.

It was in 1959 that Gov. Boggs, with the help of the National Governors Conference and a few Delaware volunteers, developed a comprehensive plan for changing the commission government to department cabinets. The plan and the campaign to sell it were given the title of "New Day for Delaware," and Gov. Boggs worked hard to win support for it in the General Assembly. There were even extensive public hearings held in Dover during which Gov. Boggs and various expert witnesses from Delaware and beyond testified as to the benefits of a cabinet form of government. I spent a lot of time with Cale Boggs during that period. Each day of those hearings, the late Rodney Layton (the governor's volunteer legal counsel) and I would drive from Wilmington to Dover for a lunch meeting with the governor to prepare for that day's testimony and hearings. (Even lunch was pure Cale Boggs: a cup of soup and a plateful of little tea sandwiches. It was the same lunch every day).

Despite Cale Boggs' efforts and sincerity, politics raised its sometimes ugly head and the Democratic-controlled legislature refused to approve the Republican governor's government reorganization plan. But the effort was far from a failure. It resulted in the first serious discussion of cabinet government for Delaware, and it laid the groundwork for the changeover that came several years later.

Cale Boggs fought the good fight trying to win the acceptance of his New Day for Delaware program. He suffered a lot of political abuse from some members of the legislature during those hearings, but he always turned the other cheek, as was his wont throughout his life. But I have to admit that I always suspected that Cale Boggs had a twinge of uncertainty about abandoning a commission form of government in which so many of his good friends from all over the state could participate in governing Delaware.

Cale Boggs became a candidate for the U.S. Senate in 1960 and was elected. At his Green Acres home on election night, and the festivity of the victory celebration, he called me aside into his den and paid me perhaps the highest compliment of my professional career. He asked me to go to Washington with him as his chief of staff. It was a difficult decision for me, but having only recently uprooted my young family to move to Delaware from Philadelphia, I could not consider yet another family upheaval. I had to decline Cale's wonderful once-in-a-lifetime offer, but the memory of it is as fresh in my mind today as that night more than 32 years ago.

As I wrote this column, I kept asking myself what made Cale Boggs unique. Was it his honesty, his sincerity, his integrity? Was it his ever-present warmth and friendliness? Those traits certainly are a part of it. But most of all it was the genuine simplicity of his being, uncomplicated and unpretentious.

No images here. Cale Boggs was real, and he was one of a kind.

Mr. ROTH. Mr. President, I think it is worthwhile to spell out in some detail the life of this great man.

His life began in Kent County on May 15, 1909. He was educated in public schools, then went to the University of Delaware. He graduated in 1931, the same year he married his high school sweetheart, Elizabeth "Bess" Muir of Dover.

Then he went to Georgetown University, where he received his law degree in 1937.

Mr. Boggs joined the Delaware National Guard in 1926. During World War II, he served with the Sixth Armored Division fighting in Normandy, the Rhineland, the Ardennes and central Europe. He earned five Campaign Stars, the Legion of Merit, the Croix de Guerre with palm and the Bronze Star with cluster.

After being deactivated as a colonel, he was appointed a brigadier general with the Delaware National Guard. He retired from military service in 1963.

After the war, Mr. Boggs intended returning to his law practice, but Delaware Republicans "came looking for someone to run for Congress" and launched his public service career.

Before that career ended, he had served eight years as governor, from 1953 to 1961, and represented Delaware in both the U.S. House of Representatives (1947–53) and Senate (1961–73).

Even in high office, Mr. Boggs never sent himself above others. Delaware then had no governor's mansion, and the Boggses lived in an apartment complex north of Wilmington. Later, when he was elected to the Senate, the family moved to the house they occupied for about thirty years, his last address, at 1203 Grinnell Road in Green Acres, a suburb of north Wilmington.

He retired from the Wilmington law firm of Bayard, Handelman & Murdoch about seven years ago.

He was a New Castle County Family Court judge in 1946 and chairman of the National Governor's Conference in 1959. Other official positions included an honorary membership in the Japanese Diet (1965); membership in the Joint Committee on Organization of the Congress (1965–66), the White House Conference on International Cooperation (1965) and the U.S. National Commission for UNESCO (1964–66).

He also served as Senate member of the National Commission on Fire Prevention and Control (1971–72) and was a member of the board of visitors for the U.S. Military Academy at West Point (1965), the U.S. Naval Academy at Annapolis (1966 and 1972) and the U.S. Air Force Academy at Colorado Springs (1970).

Mr. President, I make a point of order that a quorum is not present.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The minority leader is recognized.

TRIBUTE TO J. CALEB BOGGS

Mr. DOLE. Mr. President, I join with my colleagues today in saluting the life and career of Cale Boggs.

As one of America's Original Thirteen Colonies, Delaware is rich in history and in patriots. There can be no doubt that Cale Boggs has earned a place in Delaware history as one of the most outstanding and respected public servants of his—or any other—time.

Six years as a U.S. Congressman, 8 years as Governor of Delaware, 12 years as a U.S. Senator, in each of these positions, Cale Boggs earned a reputation as a public servant of intelligence and integrity.

I was privileged to serve alongside Cale in this Chamber for 4 years. He was what we now term around this place as a "workhorse." Cale was not flashy nor was he out seeking headlines or looking for publicity. He was out trying to work for the interests of Delaware. What he wanted to do, however—and what he did throughout his career—was to make a difference.

He worked quietly and effectively to ensure that the interests of the citizens of one of America's smallest States always received the highest priority.

Along with my colleagues, I extend my sympathies to Cale's family.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROTH. I yield such time as he may need to the distinguished senior Senator from Oregon.

The PRESIDENT pro tempore. The Senator from Oregon [Mr. HATFIELD] is recognized for such time as he may consume.

A GENTLEMAN IN ALL CIRCUMSTANCES

Mr. HATFIELD. I thank the Chair. I want to thank my colleague from Delaware, Senator ROTH, for giving me time.

Mr. President, I come to the floor today to pay my respects and my tribute to the late Senator, former Governor, former Congressman, Cale Boggs of Delaware. It was my privilege to become first acquainted with the late Cale Boggs as a fellow Governor. We served together through his period as Governor. I must say the highest tribute I think I can pay to Cale Boggs was that he was one of the nice people in politics who proves that nice people can win. I do not mean that in a wimpish way. I am speaking purely that he was a man who was known to be a gentleman in all circumstances.

I remember many years ago, a former mayor of Philadelphia, with origins in my State of Oregon, once said you can disagree without being disagreeable. Now that phrase may have been predated but that was the first time I heard it. I think of Cale Boggs and in all of his relationships he handled himself strictly as a gentleman, nice in the sense that he was pleasant, he was positive, he was one who had great convictions, but he did not advance his convictions at the cost of tearing down the opposition or the people who may have disagreed with him.

I remember his smile, his laugh, his facial body language that communicated interest, passion, concern. I was proud that he represented that on the Republican side in the Governors' conferences and here in the Senate because of the imagery of parties that seem too often to convey that Democrats are interested in people and Republicans are interested in business or institutions, which is far from the truth, but nevertheless it is one of those imageries we combat constantly in politics, like many other images. But Caleb Boggs was the embodiment of humanity at its finest.

I remember we would get into some very heated discussions in the Governors' conferences. We got in heated discussions that were led often by polarized leaders, such as Nelson Rockefeller would lead the procivil defense program, the viewpoint at that time on how we should map our States to evacuate the cities and to run for the closest shelter and to have identification of shelters, urging everybody to build a bomb shelter in their home because the day of the apocalypse was upon us.

On the other hand, Bob Meyner, Democratic Governor of New Jersey, would always counter with his argument about that is impossible. He said, "Look at the traffic jam we have at 5 o'clock in the afternoon, or 8 o'clock in the morning"—on and on we would get involved in this heated discussion of pro- or anticivil defense.

On a number of occasions it would go on for a certain period of time, and

Caleb Boggs would ask for recognition. Caleb would make some kind of a remark with humor, with his nice personality, and it would be like pouring cold water on heat, it would be like putting oil on troubled waters. He was a peacemaker, he was a reconciler, he was all of that within our association as Governors. I cannot help but feel that he probably had that same relationship with constituents in Delaware which gave him that kind of stature of respect and admiration and affection.

There are some people who you can have great respect and admiration for but not necessarily sense a warmth to elicit a feeling of affection. But Caleb was all of those. You respected him for his intellect, you admired him for his clarity of thinking and his fairness, but you had that sense of warmth, that feeling of "I like him; I'd like him if he never opened his mouth; just to look at him, I like him." That is kind of a rare commodity in this business of politics and life in general.

Some people seek their whole life to be liked and they may achieve a part of that goal but never necessarily include respect and admiration. Here others seek respect and admiration but never succeed in eliciting the kind of warmth that brings the responsive warmth. But he was all of these.

I would only say in closing that I miss him and I want to say that the highest appellation I can pay him is my friend, and I give my sympathies to his family and my colleague from Delaware, who is among his friends, as well as other friends of Caleb Boggs. I yield the floor.

CALEB BOGGS

Mr. BYRD. Mr. President, I join many of our colleagues in sharing my own regrets at the death of our late friend, Senator Caleb Boggs from Delaware.

A native from Delaware himself, Caleb Boggs—"Cale" to those who knew him well—served as a Member of the House of Representatives from Delaware from 1947 to 1953. Subsequently, Caleb Boggs was elected Governor of Delaware, an office that he fulfilled with distinction from 1953 until his election as a U.S. Senator from his home State in 1960 until 1963.

On an objective, senatorial level, Senator Boggs was a militant, but rational environmentalist. A cosponsor of the National Air Quality Standards Act of 1970, Senator Boggs helped to win congressional approval of this bill, which was signed into law by President Nixon. Further, Cale Boggs was a cosponsor and helped to write the Water Quality Act of 1965. In 1970, Senator Boggs helped to strengthen State authority to prohibit sewage and pesticide discharge into rivers and lakes and to provide for coordinated Federal attacks on river and lake pollution in the Water Quality Act of 1970.

Through those and other vital contributions in education, medicine, agriculture, transportation, and other domestic concerns, Senator Boggs left an enviable record of legislation aimed at improving the quality of life of all Americans and at widening opportunities for all of our citizens. But, above all, Cale Boggs will probably be best remembered by his friends still serving in the Senate and by the people of Delaware as a friend, a man of warm humanity, and as a gentleman who sought ever to set people at ease through his common touch and deep consideration of other people's feelings. Cale Boggs was a man whose friendship one easily sought and, once secured, was long treasured.

A graduate of the University of Delaware and of Georgetown University Law School, Cale Boggs, shunned stuffiness and pomposity. He sought to make communication between people easier, and seemed possessed of a desire to make friends even of those who opposed him on matters of law and detail.

To Caleb Boggs' family and friends, I add my condolences on his passing, as well as my assurance that I will recall Cales' gentle manners and sincere friendship as long as I live, and that I will always count him as one of my truest friends and associates in the long course of my own Senate career.

Mr. BIDEN. Mr. President, will the Senator from Delaware yield to me to speak to the passing of J. Caleb Boggs?

Mr. ROTH. I yield 10 minutes to the distinguished Senator from Delaware.

The PRESIDENT pro tempore. The Senator from Delaware is recognized for up to 10 minutes.

Mr. BIDEN. I thank my colleague.

SENATOR J. CALEB BOGGS

Mr. BIDEN. Mr. President, with the passing last month of former Senator J. Caleb Boggs, the State of Delaware and the United States lost a consummate public servant. We use that phrase "public servant," Mr. President, relatively loosely. The Presiding Officer knows better than anyone in this Chamber that there have been men and women who come through this Chamber who are dedicated for a time to public service. Many, when they leave public service, either voluntarily or because they have been defeated, move out of the entire public arena, everything from no longer participating in the local charity drive at home, to appearing at the Kiwanis Club, to showing up at the fundraiser for the YMCA, to being involved in church activities to raise money for worthy causes.

We all kid, Mr. President, about the rubber chicken circuit that we all are on when we go back to our home States. We are invited to myriad public events, almost all of which are designed for some good public purpose. A measure of the truth of a man's or woman's life, I think, is in our business determined by whether they conduct themselves after they no longer hold public office in the same manner they conducted themselves when they held public office.

What I found about J. Caleb Boggs was that he lived his whole life for other people. Mr. President, even after he left the Senate in 1972, while his health still pertained, you could find J. Caleb Boggs at the VFW banquet; you could find him at the Columbus Day monument event raising money for worthy causes; you could find him deeply involved almost every evening of his personal retired life doing the same kinds of things he did when he was an elected representative.

J. Caleb Boggs was Delaware's U.S. Representative from 1947 to 1953. Then he guided our State from 1953 to 1961 as its Governor. From 1961 to January 1973, he served in this body where he had a reputation as a skillful coalition builder, an independent thinker, and a forceful voice for my home State. Along with the late John J. Williams, he made Delaware's delegation among the most admired in the Senate.

A former colleague of his and a friend of the President pro tempore as well, J. Allen Frear, recently passed away. But among all the people who have served, it has been my observation in the last 25 years of my involvement in elective office in the State of Delaware, that the qualities that J. Caleb Boggs evidenced were ones that were there throughout his life, before he was a holder of public office and public trust, and after he was out of public office.

Mr. President, the State of Delaware is small, where you will find an industrial city, middle-income suburbs, wealthy estates, small towns, and family-owned farms, all within a short drive of one another. And you cannot be narrowly focused to represent my State.

When there is a good likelihood that any two people you might meet in the State will know each other, and that you are as likely to meet someone who will engage you in debate in the grocery store as you are on the podium, you learn very quickly, Mr. President, how important it is that there be a sense of comity, that there is a sense of cooperation.

J. Caleb Boggs set a standard for all of us who serve in public life in any State. Few of us, myself included, have met that same standard. J. Caleb Boggs is a man, like my senior colleague, Senator ROTH, who decided years and years ago, back in the forties, as a Member of the House of Representatives, that he would be available. It was almost a joke that if three Delawareans gathered on a corner, they expected their U.S. Senator and their Governor to be there if they are to discuss an issue.

It is a bit of an exaggeration, but that tone was set by J. Caleb Boggs.

They tell a story, Mr. President, of a group of fellows from the VFW and the Kiwanis Club having a poker game one night when J. Caleb Boggs was a U.S. Senator. There was an argument at the poker game. It was a nickel, dime, and quarter operation—more social than anything else. But, there was a disagreement. They could not settle it. So at a quarter of 12 at night, one of the persons in the group said, "Well, let us call Caleb. He will settle it." A sitting U.S. Senator. They called him at a quarter to 12 to decide whether one party was right and the other party was wrong. Whether that is apocryphal or not, that is how this man was viewed in my State. The first time I met him, I was walking down the street with my dad. My dad has never been involved in politics. He has never been involved in legislative office. He was a man who worked hard all his life and made a fine reputation for himself.

We were walking down the street in Wilmington. I was a high school student. J. Caleb Boggs saw my dad, pulled over the limousine, and said, "Joe," to my dad, "would you like a ride?" He was in the Governor's limousine. My dad had never been involved, never contributed any money, was in the opposite party, and had only met J. Caleb Boggs half a dozen times in his life.

This is the Governor of the State of Delaware. He pulled the limousine over and said, "Do you want a ride?"

I asked my dad, "Who is that? Is that somebody that works for the Governor?" He said, "No; that is the Governor."

The Governor pulled over and asked my dad if he wanted a ride.

Granted, I acknowledge the size of my State and the nature of the politics of my State over the years has made this kind of intimacy more likely than in a State of 24 million people. I acknowledge that. But it is interesting, Mr. President, that when Senator ROTH and I attended the funeral of Caleb Boggs, one of the comments made by one of the press people asking me questions was: "Is it not interesting, Senator, the last time we had a campaign in Delaware where not a cross word was spoken was in 1972, when J. Caleb Boggs ran for office?"

Mr. President, this man was the quintessential gentleman. He was a character in the sense that he set a standard that all of us are trying to repair to; most of us, like me, do not achieve that standard as well as we would like to.

But the truth of the matter is, Mr. President, this was a man who never, never, never failed to be there when the people of his State asked him for help, whether he was in the employ of the Government as a military officer who had a distinguished career in World War II, where he fought in Europe, whether he was a U.S. Senator, or whether he was a retired 75-year-old man who could not say no when someone asked him to help. He would show up at events to lend credibility to them, to attract help for the causes, and merely to be there—to share with the people trying to do something good for his State.

He was a remarkable man. It sounds strange coming from the man who ran against him and who prevailed; J. Caleb Boggs did not stay in the Senate an extra term because of the Senator from Delaware named BIDEN. But it is interesting, Mr. President, that in that race, in 1972, not one single time did I ever personally criticize him, or did he ever personally criticize me—not once.

Mr. President, let me conclude by telling you a story about the nature of this man. We have an event in Delaware. It is called Returns Day. To the outsider, it is a beautiful event. To someone involved in public life, it can be brutal.

In our southernmost county, in the county seat, Georgetown, historically the way in which people would find out who won the elections in that county for over 200 years was that 2 days after the election—it was held the Thursday after the Tuesday election—the folks would ride in from all over the county to the town circle, the circle in Georgetown. There is the historic old courthouse. They would count the votes, and the town crier would come out on Thursday. The town crier would stand on a wrought iron balcony of this old colonial building and read the returns of the election.

The ceremony developed where we would then bury the hatchet. The Republican chairman and the Democratic chairman would literally bury the hatchet in the ground, and the people would have a picnic, in effect, on the circle.

It developed over the years to where the winner and loser of each statewide race show up on that Thursday. There is a luncheon. Thousands of people come to the circle. The results are ceremoniously read out. Then, for an hour, you hop in a carriage with the person who defeated you, or whom you defeated, with their family, and you ride for an hour through the town, sitting knee to knee with your opponent. It is a difficult thing for someone to do if they lost—difficult.

I defeated J. Caleb Boggs when no one expected him to be defeated. Had he started 2 months earlier, I would not be here. It was not because I was so good. I was not taken seriously at the time, and he was put in a difficult position.

The bottom line of all of this was that Wednesday after the election, Wednesday morning at 5:30, I showed up, like Senator ROTH and others do, as is the tradition in our State, to thank the voters. The candidates thank the voters at the factory gate. It was pouring rain; and I got a cold. I thought, "What I am going to do is call Senator Boggs and allow him to be able to tactfully avoid having to go through what some could consider a humiliating exercise the next day."

I called him, and I said, "Caleb"—I never actually called him Caleb at the time. I said, "Senator, this is Joe Biden. I called to tell you that I have a terrible cold and I am not going to be able to make it to Returns Day. I will not be there. So there is no need for you to have to go."

There was silence on the phone, Mr. President. Then he said to me, "Joe, thanks. But I rode when I won, and I will be proud to ride with you even though I lost. It is part of our State, Joe."

This was a man who had served the State for 26 years, the winningest politician in the State of Delaware at that time. He was an honorable man. My State lost when we lost him. And we would all be well served to emulate his notion of public service.

Thank you, Mr. President.

TRIBUTE TO CALEB BOGGS

Mr. THURMOND. Mr. President, I rise today to pay tribute to my good friend and former colleague J. Caleb Boggs, who passed away on March 26, 1993, at the age of 83. Senator Boggs was a man of character, courage, capacity, and compassion, and he will be deeply missed.

Senator Boggs was born in Kent County, DE, in 1909. He earned a degree from the University of Delaware at Newark in 1931, and that same year married his high school sweetheart, Elizabeth Muir. He earned a law degree from Georgetown University Law School in 1937, and after being admitted to the bar in 1938, he practiced law in Dover, DE.

Cale served in the Army with distinction during World War II, fighting with the 6th Armored Division in Normandy, the Rhineland, the Ardennes, and central Europe. He earned a number of honors and awards, including five campaign stars, the Legion of Merit, the Croix de Guerre with palm, and the Bronze Star with cluster.

Upon his return from the war, Cale became a judge in the family court of New Castle County, DE. Always keenly interested in public service, he ran successfully for Congress in 1946. He served in the Congress from 1947 to 1953, and then went back to Delaware as Governor.

Senator Boggs' 12 years as Governor were characterized by sound policies and excellent fiscal management, and his foresight and hard work are still benefiting the State of Delaware today. In 1960, following his term as Governor, he was elected to the Senate, where he served until 1973.

I got to know Cale during his time here in the Senate, and I took an immediate liking to him—a common reaction. With a sparkle in his eye and a spring in his step, he was a welcome sight on the Senate floor and everywhere else. Upon leaving the Senate, he returned home to his beloved State to practice law once again, this time in the capital, Wilmington.

Mr. President, Caleb Boggs was an outstanding individual in every way. His intelligence and high ideals earned him the respect of friend and foe alike, and his fine personality endeared him to all his colleagues. Our Nation and the State of Delaware have lost a good and loyal friend in Caleb Boggs, and we shall miss him.

I would like to take this opportunity to extend my deepest sympathy to Cale's son. J. Caleb Boggs, Jr.; daughter, Marilu Boggs; brother, Calvin Boggs; and the rest of his fine family. Our thoughts and prayers are with them at this time.

IN MEMORY OF JAMES CALEB BOGGS

Mr. STEVENS. Mr. President, today we remember and honor James Caleb Boggs, a Member of this body who dedicated his life to public discourse and community service. Caleb's public service began right after the war in 1947 and ended in 1972, 4 years after I came to the Senate.

As a young Senator, I learned a lot about this body and about public service by watching Caleb's example. He served on the Appropriations Committee and on Public Works and was one of the best negotiators I've ever seen.

By blending the leadership skills he developed as a general, with the sense of fairness and equity he acquired as a judge, he became one of this institution's great conciliators. As Governor of Delaware, he was able to calm troubled waters during the periods of great racial strife in Wilmington when everyone else had failed.

He and his high school sweetheart, his wife Bess, worked tirelessly for charitable causes—and not just in leadership positions, but in the trenches where it really counts. Every year they could be found ringing bells at Christmas time in the frigid Delaware winters to collect money for the Salvation Army.

I treasured the time we spent together fishing and sharing stories, and I miss his wise counsel and friendship.

TRIBUTE TO CALEB BOGGS

Mr. PELL. Mr. President, I join my colleagues today in paying tribute to the memory of our very distinguished and respected former colleague, Senator J. Caleb Boggs of Delaware. It was my good fortune to serve with him during my early years in the Senate.

Senator Boggs and I were elected to the Senate in 1960 and began our service together the following January, although he of course stood much higher in seniority because of his prior service as a Member of the House and as Governor of his State.

But that difference in seniority and our difference in partisan identity did not in any way deter the warm friendship we developed during his two terms in the Senate.

My warmest memories of that association go back to the fall of 1962, when Senator Boggs and I and Senator Ben Smith were chosen by Senator Mansfield to join him on a 5-week round-the-world factfinding trip requested by President John F. Kennedy.

We traveled first to Berlin and then to Southeast Asia and made two formal reports to the Foreign Relations Committee, one of which recommended a policy which "helps to bring about internal peace in Vietnam but maintains, scrupulously, our advisory capacity. * * *"

If only that policy had been followed, how much better the United States and the world would have been.

It was a pleasure to be associated with Caleb Boggs in that venture and to benefit from the wisdom and perspective he brought to our mission.

He was above all, a thoroughly decent and dedicated public servant who put the national interest ahead of narrow partisan concerns. It was a privilege to have known him and to have shared those years with him in the Senate.

CALEB BOGGS: IN MEMORIAM

Mr. HOLLINGS. Mr. President, Senators of a certain age and tenure were deeply saddened earlier this month to learn of the death of our distinguished former colleague, Caleb Boggs. Caleb's life was devoted to public service. He served in the Army during World War II, was elected to the U.S. House after returning home from battle, left the House to serve as Governor of Delaware, and was elected U.S. Senator in 1960.

Mr. President, Caleb represented Delaware in the Senate for the next 12 years, earning a reputation as a man of exceptional decency and integrity. He was also as dedicated a legislator as you will ever encounter. Certainly, I have the fondest memories of my years of service in with Senator Caleb Boggs. He was a great friend to so many of us in this body. We will miss him greatly.

WOMEN IN THE MILITARY

Mr. ROTH. Mr. President, I understand that Secretary of Defense Les Aspin is expected to announce a major change in the Department of Defense's policy toward women serving in the military.

I rise today to applaud the anticipated order by the Pentagon to allow women to fly in combat aircraft. About 2 years ago, Congress opened the door to allow this action by repealing a 40-year-old ban that prevented women from competing for combat pilot positions. As one who led the fight on the Senate floor for lifting this discriminating ban against women pilots, I am very pleased the Pentagon is acting on this initiative.

In 1948, Congress imposed a rule which prevented women from serving as combat pilots. This congressional restriction impeded the flexibility of our military services and created an artificial barrier to thousands of talented and courageous women aviators.

In 1991, Senator KENNEDY and I were successful in persuading the Senate to pass legislation removing the legal limitations which had prevented women from flying combat aircraft.

We believed the Secretary of Defense should have the greatest flexibility and maneuverability to marshal the forces at his command. We believed the women who had proven themselves, not only in the test pilot's seat, but in battle conditions and in the line of fire, should have the ability to compete for these esteemed combat pilot positions.

The courage and mettle of our female pilots were proven in the skies over Saudi Arabia, Kuwait, and Iraq during Operation Desert Storm. Our women pilots showed cool thinking and competence as Army helicopter pilots, Air Force AWACS pilots, and Navy surveillance pilots in the Persian Gulf. They flew behind enemy lines and transported troops into enemy territory. Some of them flew ahead of the ground assault into Iraq. We owe our victory in the gulf, in part, to the superb performance of these women pilots.

The bottom line is clear. Women have proven themselves steadily and consistently over the years, and they have served with great distinction. Our women military pilots are an exciting new generation of aviators. They are smart, articulate and, yes, they are indeed professional.

They deserve the opportunity to compete for these positions in combat planes.

Allowing women to fly combat aircraft is not about gender, but about excellence. It is not about women pilots flying combat missions, but about the best pilots flying combat missions. The readiness and preparedness of our military defense is a serious matter. When our Nation's future is at stake—and the future of free nations is at stake—we want the most skilled and seasoned men and women on the job.

With this order, I believe the Secretary of Defense is recognizing that in a combat situation, the best and brightest pilots should be selected on the basis of ability, not gender. I commend Secretary Aspin for his decision.

CRISIS IN BOSNIA

Mr. WARNER. Mr. President, yesterday afternoon at approximately 4 o'clock, the leadership of the House and the Senate, together with the chairman and ranking members of the relevant committees, met with the President of the United States for nearly 3 hours on the Bosnian tragedy. So far as I know, this was the first time that our President has consulted with such a broad group of the leadership of the Congress with respect to the tragedy occurring in Bosnia.

I would like to sincerely compliment the President for the manner in which he conducted this meeting. He was thoroughly prepared. He encouraged each Member to speak very freely about their views. Present were the Secretaries of State and Defense and the acting chairman of the Joint Chiefs of Staff.

The discussion covered each and every option with respect to the merciless, mindless wounding and killing going on in Bosnia.

Great concern for the suffering was expressed by all present. There was however, a wide diversity of opinion as to what options should or should not be pursued.

The President listened very carefully. The President posed tough questions and asked Members to address those questions individually. He made it very clear that he would continue this consultation with the Congress and our allies before making a decision. It was clear to all present that the President, from his statements as well as his questions, had done extensive analysis of this most complex problem. I commend him for keeping his "cool" and not being pushed into making a decision prior to receiving the views of others and a very careful analysis.

Mr. President, I believe it is time for the Congress of the United States, and, most particularly, the Senate of the United States, to begin thorough, active, informed debate on this issue. While a few Members have taken the opportunity to debate the situation in Bosnia here in the Senate, the main debate is still in editorial columns and on television news programs as we witnessed this morning between two of our colleagues, Senator MCCAIN, a man who has impeccable credentials to address this issue, and Senator BIDEN, who has stated very strongly the need for prompt American military intervention as a part of U.N. forces.

I have had the opportunity to debate here, with both Senator BIDEN and Senator MCCAIN and others, this issue. Now, it is the responsibility of all Senators to fully learn for themselves from the military, intelligence, and other experts. After being so informed, comes the responsibility to express our views and take our positions. Congress, as a body, can no longer sit on the sidelines. Our President and Vice President, who was present yesterday at this meeting, have stepped forward and are spending a considerable amount of time learning about the complexity of this situation. As Commander in Chief the President is facing up to the need to eventually state a national policy.

I urge Senators to avail themselves of the expert advice, primarily from members of the Joint Chiefs of Staff. The Senate Armed Services Committee, at this moment, is in session listening to officers with expert knowledge on this question—the Senate Foreign Relations Committee, the Senate Appropriations Committee, the Senate Intelligence Committee, likewise have received testimony. But many Members of the Senate have not had the same opportunity. I believe it is time for the Senate as a whole to accept its part of the responsibility with respect to Bosnia, so that when the President establishes and announces a national policy toward Bosnia, the Congress will be in a position to have an informed debate and go on record if we are with him or not.

We must accept that responsibility if we are to consider sending men and women of the Armed Forces in harm's way or ask them to take greater risks beyond what they are already taking in the aerial resupply operations and in enforcing the no-fly zone and the naval embargo. We must take equal responsibility—with the President—if the decision is to intervene or not to further intervene. We have already intervened by requiring an arms embargo. We would not want to have the President announce a national policy, then delay or question implementation for a prolonged time to determine whether or not the Congress is or is not in support of the President. Our duty is to do our "homework" now, as the President is doing, do it thoroughly, and be prepared to debate and decide after the President announces his recommendation for a national policy on further intervention or nonintervention. Soon we will have a formal resolution, for the Senator from Delaware spoke of this need yesterday at the meeting with the President.

There are certain parallels to the congressional actions taken during the gulf war when the Senate had extensive hearings and briefings, extensive floor debate, then voted, by a narrow margin, to support the President.

We should now take the same careful steps with respect to crisis in Bosnia. We owe that duty to the uniformed people who must accept risks, we owe that duty to the American people to define those risks and define the presence, or absence, of our national interests, and we owe that duty to our President. Let's all get off the bench and, now, perform our duty—get on the field of play in full view of all.

The PRESIDENT pro tempore. The Senator's 5 minutes have expired.

Mr. WARNER. Mr. President, I ask unanimous consent if I may continue 1½ minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. In the instance of the gulf war, the President evolved a policy. Congress engaged in extensive debate before and after. Debate in this Chamber helped fully educate the American people and, ultimately, by a narrow margin we enacted a resolution expressing congressional support.

So I conclude, Mr. President, by urging my colleagues to gain for themselves the facts so that we can proceed to help educate the American public through an informed debate in the Senate. Let's all do our homework and do it thoroughly as the President, the Vice President are doing.

I ask unanimous consent that a column that appeared yesterday in the Washington Post by Richard Cohen, who urges the Congress to take these actions, be printed in the RECORD, as well as a letter that I addressed to the leadership asking that the Senate as a whole be provided with expert advice from the Joint Chiefs as soon as possible and a synopsis of testimony from a Senate Armed Services Committee hearing this morning involving three senior military officers from General Powell's staff. This hearing and committee deliberations will continue this afternoon.

I thank the Chair, and I thank the distinguished Senator from Delaware.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TOUGHEST CASE OF ALL

(By Richard Cohen)

The power of the press, supposedly greatly diminished in the age of Donahue, King and Oprah, nevertheless seems sufficient to pitch the United States into the war in Bosnia. The preponderance of editorial comment, the writing of op-ed columnists and the inflections of anchormen all demand of the West in general and the Clinton administration in particular that the Serbs be stopped by force. Only the people have yet to be heard from.

So far, this has been the strangest of debates. It has been largely conducted by commentators such as myself, hurry-up experts on a part of the world about which many of us knew little until recently. Great and vexing moral issues have been raised, sometimes tellingly, and references to the Holocaust have been brandished because (as any television viewer can see) vile things are once again happening in Europe. For certain people, Bosnia has become an all-consuming dilemma.

But not for Congress. Individual members have spoken out on the issue, and some, like Sen. Joseph Biden (D-Del.) have even visited the area. But Congress as a whole has yet to tackle the issue. No grand hearings in the manner of inquiries into the Vietnam War once held by the Senate Foreign Relations Committee have been mounted, although Biden held one of his own about two months ago at which, for the most part, no other senator attended. Congress just returned from its Easter recess. With the exception of Biden, though, not one member came back to Washington clamoring for military intervention.

The Clinton administration has been grappling with Bosnia. The president has said he has devoted more time to it than any other issue, and within the bureaucracy memos are flying back and forth. But Clinton himself has yet to engage the American people on the question of intervention in Bosnia. There has been no speech, no Clintonesque seminar such as the one he had on the economy.

Bosnia is a terribly complicated situation. It's made all the more complicated by the memory of Vietnam and Lebanon, where we intervened, and the Holocaust, when in the beginning we did not. But it is precisely for that reason that military intervention ought to be debated openly. After all, while it's possible that inaction might result in a wider war, it's just as likely that intervention could widen and intensify the war. It's possible that strategic bombing, the current flavor of the month among my op-ed brethren, would not be sufficient to stop the Serbs. What then? Ground troops?

The White House is keenly aware that Bosnia so far has engaged op-ed writers much more than the American people in general. For that reason, the options under active consideration are narrow in scope—maybe the limited use of air power to achieve a set purpose (save the remaining Muslim cities, for example). The idea is not to draw the United States and its allies into an escalating conflict for which there is now no popular support. As of yesterday, the policy review-cum-debate was still not finished, although Clinton is expected to make a decision within several days. Then an envoy will be dispatched to Europe to enlist our allies.

Still, the recent debacle in Waco ought to be instructive: Things sometimes just go wrong. It's possible that the neat policy papers circulating around Washington will have to be revised and revised again. That was the experience of Vietnam, and no rule of nature says it cannot be repeated. At the moment, the White House has no firm plans for the president to explain his forthcoming decision to the American people in a televised speech. Instead, background briefings are envisaged. The president should do both.

The lack of a popular mandate does not mean that the interventionists are wrong. It does not mean either that the administration cannot in other ways bring pressure on the Bosnian Serbs and the Belgrade regime—including good old-fashioned covert action. But if American lives are to be risked, both the president and Congress have to duplicate what was done in advance of the gulf war. George Bush built a case for military action, and Congress after a debate agreed. Then we went to war.

Clinton has already ruled out the use of American ground troops. (There's zero political support for that option.) But that does not excuse either him or Congress from fully airing for the American people what our stake in Bosnia is (assuming we have one) and why we should get involved there. Inescapably more people will die in Bosnia before the West—and in particular the United States—decides on a course of action. But an even worse outcome is possible if we put a toe into Bosnia and have to pull it right out for lack of popular support. For the Bosnians whom we so much want to help nothing could be worse.

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, April 26, 1993.

Hon. GEORGE J. MITCHELL,
Majority Leader,
Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

GENTLEMEN: President Clinton indicated publicly on Friday, April 23, 1993 that the U.S. Government is considering options for addressing the situation in Bosnia that include aerial bombardment.

Because of the grave importance of any decision to commit U.S. forces to such aerial combat operations, I request that you make arrangements promptly for all Senators to hear from the Chairman of the Joint Chiefs of Staff and appropriate representatives from U.S. intelligence agencies on the situation in Bosnia and the potential impact of executing various U.S. military options. It is vital that Senators have a common basis of fact from which each Senator may reach an informed, independent judgment about the wisdom of potential U.S. military action in Bosnia.

On Sunday's television program "Face the Nation," a Senator renewed his call for allied air strikes on Bosnia to be conducted largely by U.S. forces. He indicated that the U.S. Navy Admiral who serves as the NATO Commander in Chief, Allied Forces South advised that air strikes will "take out" Bosnian Serb artillery.

I have had the privilege of knowing that Admiral for many years and discussed this specific matter with him at some length last week. From my discussions with him, I gained a knowledge and an opinion that was at variance with the statements attributed to him on "Face the Nation." Other military experts, who have testified before the Armed Services Committee on which I sit, and the Select Committee on Intelligence on which I am Vice Chairman, repeatedly have expressed concerns about the prospects for success of U.S. military action.

I remain concerned that many Senators have not yet had the benefit of the intelligence and professional military judgment that is essential before a Senator decides whether to support further U.S. military action in Bosnia. Please make arrangements for all Senators to receive factual briefings on the military options available and the likely effect of pursuing them.

Sincerely,

JOHN WARNER.

SYNOPSIS OF TESTIMONY—HEARING, SENATE ARMED SERVICES COMMITTEE, APRIL 28, 1993

Mr. President, just this morning, three senior officers of our military services appeared before the Armed Services Committee, nominated by the President for positions of increased responsibilities on the staff of the Chairman of the Joint Chiefs of Staff, General Colin Powell.

I asked these officers for their views on prospective air strikes which some members of Congress have advocated. These same members, however, have ruled out the use of ground troops. The elimination of ground forces seems to be a political, not a military restriction.

Specifically, I asked these three officers if we directed our pilots to attack the kinds of easily hidden, mobile, artillery pieces that would be the intended targets in Bonsnia, without the benefit of support from ground forces or low flying aircraft to acquire and identify these targets, would this not be a more difficult, higher risk operation? Is it fair to ask our pilots to assume greater risks by requiring them to fly at lower altitudes, taking greater risks, to locate these targets? Our military is trained to operate with land, air and sea, mutual support, to achieve military objectives. These politicians would ask our airmen to go it alone—greatly increasing their risks.

Major General Ryan, USAF (nominee to be Lieutenant General and Special Assistant to the Chairman of the Joint Chiefs): I don't know if I would use the term "fair, but it would be a more difficult operation; risks would be greater and the missions would be less effective.

Lt. General McCaffrey, USA (nominee to be J-5 Staff, Joint Chiefs of Staff): The operation would be "less effective and higher risk" to the aviators.

Major General Sheehan, USMC (nominee to be Lieutenant General and J-3 Staff, Joint Chiefs of Staff): I agree. Less effective target acquisition and destruction—higher risk to the pilots.

Mr. President, I believe it is clear that these very highly respected military officers agree that these air strike operations, under the difficult and restrictive conditions being contemplated by some political decision-makers, would entail greater risks and would be less effective than we would normally expect. I believe we do have a responsibility to consider carefully the implications of asking our pilots to accept these added risks to conduct such missions.

My fundamental point is that if increased U.S. military involvement is contemplated, then we are obligated to describe the objectives and the military should decide how, and what forces are needed to achieve the objectives. We shouldn't begin the process by imposing conditions first.

TRIBUTE TO LT. GEN. RICHARD L. BOHANNON, M.D.

Mr. LUGAR. Mr. President, I would like to take this opportunity, as the country is focused on the major issues involved in reform of our health care system, to recognize a man who more than 25 years ago made a call to action that could have drastically improved the health care status of Americans and, thus, averted many of the problems we face today.

In 1963, as the Surgeon General of the U.S. Air Force, Lt. Gen. Richard L. Bohannon, M.D., boldly asserted that Americans should take responsibility for their health by staying active and eating right. It is hard to believe that only 30 years ago we did not know that physical activity reduces the risk of heart disease, cancer and many other illnesses. We did not know that watching one's weight through a low-fat diet could reduce reliance on medical visits and prescription drugs to maintain one's health.

As the highest ranking military medical officer at the time, General Bohannon placed his reputation on the line by embracing critical, yet previously unsupported, research by Dr. Ken Cooper, then a colonel in the Air Force. Dr. Cooper's landmark effort to determine the effects of physical activity and lifestyle choices on health promotion and disease prevention paved the way for the wellness movement that followed.

During his service to the Government, Dr. Bohannon was the first official to establish a policy of health promotion and lifestyle modification. Once he retired from military service, he took it a step further and established an organization called the American Running and Fitness Association. I am proud to serve on the board of this nonprofit group of recreational athletes and medical professionals whose mission is to educate the public about its role in health care, and about an individual's ability to make a positive difference in his or her own health and well-being.

As the health care debate continues in Congress, we must turn our focus to prevention. Encouraging Americans to take personal responsibility for their health through lifestyle choices can dramatically improve our Nation's overall health and lower our health care costs. Corporate America has taken the lead in this area. Case studies show that companies that take their employees health seriously can reap substantial benefits. In a report entitled "The Economic Impact of Employee Health and Fitness," Dr. Robert L. Kaman gives documented examples of savings achieved by employers who have instituted fitness programs:

At Tenneco, the average annual medical claim for a nonexercising male employee was nearly twice that of a male employee who took advantage of the in-house exercise program. With female employees, the average claim was greater than double.

Mesa Petroleum showed that exercisers filed health care claims averaging $217 per year less than nonexercisers.

A number of employers, including Prudential Insurance and The Travelers, have reported significant reductions in absenteeism by those who exercise regularly. Toronto Life Assurance found that employee turnover was 14 percent lower with fitness participants than nonparticipants.

For every dollar spent on wellness programs, companies are seeing a significant return on their investment: Kennecott Copper Co. saves $5.78 for every dollar spent, Equitable Life Assurance saves $5.52 per dollar, and Motorola estimates a savings of $3 for every dollar outlay.

Substantial cost savings can be achieved by encouraging people to make healthy choices, not to mention the improved quality of life that comes along with it. For these reasons, I hope that we will see a significant emphasis on prevention as we work to develop a comprehensive reform package.

Dr. Bohannon got the ball rolling those many years ago, and while he is currently engaged in his own personal struggle with Lou Gehrig's disease and thus unable to lead the charge at this time, I know that each of my colleagues will consider his strong testament to the power of prevention. Please join me in honoring a great man who has worked indefatigably over the years to improve our Nation's health.

INAUGURATION OF MILTON CARVER DAVIS AS PRESIDENT OF ALPHA PHI ALPHA FRATERNITY

Mr. HEFLIN. Mr. President, I want to congratulate Milton Carver Davis, who was installed as the general president of Alpha Phi Alpha Fraternity, Inc., in January. Milton received his bachelor of science degree at Tuskegee University in 1971 and later attended law school at the University of Iowa. He has also studied at Northwestern University.

Milton Davis' involvement with Alpha Phi Alpha, the first intercollegiate Greek-letter fraternity established for black college students, goes back 25 years, to his undergraduate days at Tuskegee. He has served the fraternity as its Alabama legal adviser; representative to the National Pan Hellenic Council; Legal Counsel for the Southern Region, National General Counsel; a member of the board of directors; cochairman of the Commission on Racial Justice; and chairman of the National Constitution Committee.

Since obtaining his juris doctor degree, Milton has worked diligently not only for Alpha Phi Alpha, but also to establish himself as one of our finest attorneys. He was the assistant attorney general for Alabama from 1974–76. He is a member of the Advisory Committee of the 11th U.S. Circuit Court of Appeals; the Alabama State Board of Examiners; and the American Bar Association. He has been admitted to argue before the U.S. Supreme Court and is presently in private practice in Tuskegee.

Alpha Phi Alpha was organized at Cornell University in 1906, and has grown steadily throughout the years. It integrated its membership in 1945 and has expanded to the extent that there are now approximately 700 chapters located in the United States and the rest of the world, including Africa and Asia.

Alpha Phi Alpha's 150,000 members have included leaders like Dr. Martin Luther King, Jr.; Dr. W.E.B. DuBois; Duke Ellington; Vice President Hubert Humphrey; Health and Human Services Secretary Louis Sullivan; Supreme Court Justice Thurgood Marshall; and Senator Edward Brooke. From these names, it is obvious that this fraternity has a long and distinguished history of involvement, achievement, and leadership in civil and human rights efforts. During the past five years, Alpha Phi Alpha has given over $1 million to benefit the NAACP, the United Negro College Fund, and the National Urban League. Each year, its five regions conduct Leadership Development/Citizenship Education Institutes, which train outstanding high school students in important leadership skills.

Mr. President, with Milton Carver Davis at its helm, Alpha Phi Alpha cannot help but continue to grow, prosper, and mold young men into leaders of the future. I congratulate him and wish him all the best for what I know will be a highly successful tenure as its 29th general president.

INDIAN SPRINGS SCHOOL—40TH ANNIVERSARY

Mr. HEFLIN. Mr. President, I am proud to recognize a prominent academic institution in my State, Indian Springs School, upon the occasion of its 40th anniversary. At a time when the quality of secondary American education, both public and private, is being intensely scrutinized, Indian Springs stands out—in every sense of the term—as a true educational success story.

Indian Springs School is a special place, set apart by an attitude among students and faculty that new people and new ideas are welcome. Both groups, many of whom live on the school's campus, look forward each year to the addition of new faces representing diverse places, unique experiences, and fresh ideas which can be shared and developed. Indeed, its tremendous diversity is arguably Indian Springs' greatest asset.

Administrators of this beautiful campus of roughly 250 students say, ironically, that individualism is the driving force making Indian Springs a total community. This seeming contradiction stems from the fact that personal freedom—to dress differently, to have different interests, to hold different beliefs—is cherished by everyone at Indian Springs. The shared concern for individual rights—so often absent in an educational setting like Indian Springs—binds this community together in a very special way.

Another unique aspect of the Indian Springs environment is its governing structure. Its government is not so much student government as it is community government. Students and faculty serve together on committees that oversee the functioning of all aspects of campus life. The population is small enough for everyone to gather for real town meetings where, in keeping with the New England tradition and the spirit of Indian Springs, every individual has an equal opportunity to express his or her views.

Indian Springs School was founded in 1952 under the provisions of the will of Birmingham industrialist Harvey G. Woodward. Originally an all-boys' school, it became coeducational in 1975. Located on a 350-acre wooded campus 15 miles south of Birmingham, Indian Springs is adjacent to Oak Mountain State Park, surrounded by lakes, hiking trails, and camping sites.

Indian Springs is accredited by the Southern Association of Colleges and Schools and approved by the Alabama Department of Education. It is a member of the National Association of Independent Schools, the Secondary School Admission Test Board, and the Council for Advancement and Support of Education. All members of the 1992 graduating class enrolled in colleges, including Columbia, Davidson, Rice, the University of the South, Vanderbilt, and institutions throughout the State of Alabama.

Mr. President, as we strive for answers to the educational difficulties our Nation faces, we can look enthusiastically to Alabama's Indian Springs School. At this unique institution, the academic curriculum is a vehicle for learning how to question, how to understand, and how to develop the discernment necessary to form opinions and evaluate ideas, learning which is important not only to success in college, but in life as well. At Indian Springs, the academic program is only one of several overlapping challenges designed to inspire students to make the most of all their time and talents, inspiration that must increasingly be the goal of all educational enterprises if we are to meet the challenges of the future.

I commend Indian Springs School for standing as a shining example of the quality educational environment we as a society can foster and of which we can be justly proud. Congratulations on 40 years of pure excellence.

FRED LEE'S SELECTION AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR

Mr. HEFLIN. Mr. President, I am proud to congratulate a neighbor, Fred Lee, for his selection as Alabama's Small Business Person of the Year by the U.S. Small Business Administration. Fred is one of the Muscle Shoals area's most successful business leaders. In fact, his selection as the first-ever Shoals Small Business Person of the Year award last year made Fred eligible for the State award, which now puts him in the running for the SBA's national title, to be given during Small Business Week, May 9–15.

Fred Lee is not only an astute and shrewd businessman; like so many of our fine business leaders, he actively uses his time and influence to make life better for those in his community and state. He is a strong educational advocate in our State, currently serving as vice chairman of the Alabama Commission on Higher Education. I also understand his flair for a certain musical instrument might endear him to the President when they meet at the White House during Small Business Week next month.

Fred Lee and his company, Shoals Ford automobile dealership, are outstanding examples of the caliber of business person and enterprise that typify this area's and Alabama's small business communities. I am proud to commend him for receiving this tremendous honor, and to wish him the very best in the national competition before the SBA. Alabama could not have a more worthy representative.

I ask unanimous consent that an article appearing in the March 20, 1993, edition of the Times Daily on Fred Lee and his career as a small businessman be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEE STATE'S BUSINESSMAN OF YEAR

(By Carl Cronan)

MUSCLE SHOALS.—Back when he started his career in the automobile sales business, Fred D. Lee Jr. said he noticed his mentor give a large sum of money to a drifter after listening to his hard-luck story.

"When the drifter walked out, I asked him, 'Why did you give him that money? You know you're never going to get it back,'" Lee recalled. "And he said, 'Fred, when you go into business in a community, you're taking something out of that community, and the community cannot exist and cannot thrive unless you put something back into it.' I took him very seriously when he said that."

The philosophy Lee inherited helped him build one of the Shoals area's most successful car dealerships, and also led to his recognition as the Alabama Small Business Person of the Year by the U.S. Small Business Administration.

Lee, who won the first-ever Shoals Small Business Person of the Year award last October to become eligible for the state award, is now in the running for the SBA's national title. He and other state recipients will attend Small Business Week ceremonies in Washington the week of May 9–15.

"It's indeed an honor to be recognized for doing something that I thought I was supposed to be doing anyway," Lee said in accepting the honor during a news conference at Shoals Ford in Muscle Shoals.

LEE AMONG "STRONG NOMINEES"

James Barksdale, director of the state SBA office in Birmingham, said Lee was among several "very strong nominees" considered by the Alabama Small Business Advisory Council for this year's award.

"The selection rested primarily on contributions back to the community," Barksdale said. Other criteria include staying power, response to adversity and financial stability, he said.

Lee is known throughout the Shoals both for donating time and money to the area and leading fund-raising efforts. His dealership has used Christmas party money to adopt needy families, and he has been active in the American Heart Association and United Way of the Shoals.

Barksdale pointed out that Lee was selected for the local award at large by members of the Chamber of Commerce of the Shoals, saying he knows of no other chamber that chooses its winner in that fashion.

Bill Hunt, chairman of the chamber's Small Business Committee last year, said the competition for the first Shoals Small Business Person of the Year award was tough.

"We have a lot of good small businesses in the community," Hunt said.

Along with the state small business award, U.S. Rep. Bud Cramer, D-Ala. of Huntsville, presented Lee with a framed copy of the Congressional Record in which Cramer paid tribute to Lee for winning the award.

"He is a talented and caring person, and that comes through.

"That's a side of you that shines very strongly," Cramer told Lee during the presentation.

FORD DEALERSHIP OVERCAME ODDS

Lee, a native of Tallahassee, Fla., spent 16 years in sales before taking over Shoals Ford in March 1986.

The Woodward Avenue business became one of the best Ford lots in the country.

Shoals Ford has about 50 employees, who Lee credited as being "the life blood of this business."

In addition to being a successful businessman and a talented musician, Lee serves as vice chairman of the Alabama Commission on Higher Education.

He called on local businesses and the political establishment to work together with the education sector, including teachers and parents, to make improvements to Shoals area schools.

"I'm a firm believer in education, and the improvements that we need in this state are monumental, but we can do it," Lee said.

"We have to join hands across ethnic lines and socioeconomic lines in order to move our community forward," he said.

"I believe that, and I'm doing the very best I can with what little I have to work with to do my share."

Lee will be among the guests at a special Rose Garden reception at the White House hosted by President Clinton during the national observance of Small Business Week.

"I don't know who else will be there," Barksdale said, "but we will have two saxophone players in the garden that day."

Lee said he will do a little promotional work for the Shoals during his visit to the nation's capital.

"I've said before that Northwest Alabama is probably one of the best-kept secrets in the United States," he said.

"I think the word is getting out, and won't be a well-kept secret anymore if I get my big mouth up in Washington talking about it."

A MINNESOTA PLAN FOR KOSOVO

Mr. DURENBERGER. Mr. President, we are all well aware of the horrors taking place in the former Yugoslavia as part of the ongoing conflict in Bosnia and Herzegovina and Croatia. Not a day passes in which we are not reminded of the terrible human tragedy taking place in this region. And while the United States and the world community have been uncertain about how best to proceed with the ongoing war, we must look now at ways to prevent this conflict from turning into a wider Balkan war.

Tensions between the Albanian majority and Serb minority in the province of Kosovo are increasingly volatile and present the very real threat of erupting into a violent conflict. The challenge for the international community is to develop a strategy which can prevent the situation in Kosovo from deteriorating further.

Minnesota Advocates for Human Rights, an independent organization of lawyers and other advocates committed to the impartial promotion and protection of international human rights, recognized the importance of addressing the situation in Kosovo. Several months ago, they initiated the Kosovo project, compiling information on the situation in Kosovo and preparing a series of recommendations.

Minnesota Advocates organized volunteers from various backgrounds into a working group, which met twice to discuss information and consider possible recommendations. The volunteers also worked independently and in smaller groups to address issues relating to diplomacy, intervention, refugees, and war crimes. At the conclusion of the final meeting, the working group approved the preparation of the group's recommendations regarding the situation in Kosovo and addressing the broader issues of refugees and war crimes.

In the resulting document, "The Minnesota Plan: Recommendations for Preventing Gross Human Rights Violations in Kosovo," Minnesota Advocates for Human Rights presents a series of recommendations for discussion by the public and national and international policymakers. Included in the plan are recommendations for increased monitoring of human rights in Kosovo, support of independent and objective media within Serbia, and increased public attention on the situation in Kosovo.

Mr. President, at the appropriate time, Senator WELLSTONE and I will ask unanimous consent that the complete text of "The Minnesota Plan" be printed in the RECORD.

I am extremely grateful to Minnesota Advocates for the leadership they have shown in drawing our attention to this situation. I especially wish to express my gratitude to Barbara Frey, executive director of Minnesota Advocates, and Elizabeth Bruch, who coordinated the Kosovo project, as well as the many Minnesotans who participated in the working group.

Mr. President, the international community was caught unprepared for the level of conflict in Bosnia and Herzegovina. We must not make the same mistake twice. We must begin to address this matter, and must do so immediately.

I urge my colleagues, as well as appropriate officials in the Clinton administration, to seriously study the recommendations of Minnesota Advocates as together we seek ways to address the tenuous situation in the Balkans.

Thank you, Mr. President. At this time, I would like to yield to my colleague from Minnesota.

RECOMMENDATIONS FOR PREVENTING GROSS HUMAN RIGHTS VIOLATIONS IN KOSOVO FROM THE MINNESOTA ADVOCATES FOR HUMAN RIGHTS

Mr. WELLSTONE. Mr. President, I thank my senior colleague from Minnesota, Senator DURENBERGER, for yielding to me. As he has described, the Minnesota Advocates for Human Rights, an independent organization of lawyers and other advocates committed to the impartial protection of internationally recognized human rights, has in recent months conducted a policy study which has resulted in a set of recommendations for Western policy with respect to human rights in Kosovo. I would like to share with my colleagues a trip report and the recommendations which have emerged from this study.

Several months ago, the Minnesota Advocates for Human Rights established a working group on Kosovo, and began a broad and impressive process of consultation that included not just experts on foreign policy and international human rights in the United States and abroad, but also ordinary Minnesotans. Experts or laypeople, all participants shared a common commitment to a progressive American foreign policy toward Kosovo based upon respect for human rights. The project also included a mission to Kosovo, during which participants tested their recommendations against the facts on the ground, giving them further depth and texture. They consulted with a large number of governmental and nongovernmental officials in Kosovo before returning to the United States to refine their recommendations further.

In the face of the shocking and horrifying violence in the former Yugoslavia which continues rightly to hold the attention of American and Western policymakers, a related and equally tragic situation is developing in Kosovo, where the repression of ethnic Albanians is severe and the potential for a widening of the conflict is growing. I believe these thoughtful recommendations will make an important contribution to the debate on Western policy toward Kosovo, and urge your consideration of their views.

I commend the Minnesota Advocates for their initiative, and for their passionate and sustained commitment to the protection of human rights around the world. I want to especially commend the staff of the Minnesota Advocates who have worked on this project, including Jim Coy, Art Beeman, Elizabeth Bruch, Nancy Arnison, Peggy Hicks, and its executive director, Barb Frey, and all those who participated in the months-long consultative process from which emerged these important recommendations.

I ask unanimous consent that the entire text of the mission report and the recommendations of the working group on Kosovo be included in the RECORD following my statement, and I urge my colleagues' attention to both of these documents.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

THE MINNESOTA PLAN: RECOMMENDATIONS FOR PREVENTING GROSS HUMAN RIGHTS VIOLATIONS IN KOSOVO

(By Minnesota Advocates for Human Rights, April 1993)

I. INTRODUCTION

The international community has been shocked and horrified at the violence and complexity of the conflict throughout the former Yugoslavia. While conditions in Croatia and Bosnia-Herzegovina have deservedly received extensive media and public attention, there has been less focus on the volatile situation in Kosovo where the repression of ethnic Albanians is severe and the potential for widespread conflict is great. Any armed conflict in Kosovo could quickly escalate into international violence, potentially involving Albania, Bulgaria, Greece, Turkey and other nations. It is critical that the international community move beyond a defensive and reactive posture and begin to act affirmatively not only to end the current conflict in Bosinia-Herzegovina, but also to prevent further conflict and grave violations of human rights in Kosovo.

Both the causes and the potential solutions of the conflicts in Kosovo and in Bosnia-Herzegovina are fundamentally interconnected. The quest for a "Greater Serbia" underlies both conflicts and is manifest in the "ethnic cleansing" in Bosnia-Herzegovina and in the escalating persecution of ethnic Albanian Kosovars. The response of the international community to the conflict in Bosnia-Herzegovina will directly affect the situation in Kosovo. Thus far, the world's response has failed to deter Serbian aggression. Should this continue to be the case, ethnic cleansing will succeed horribly not only in Bosnia-Herzegovina but in Kosovo as well. If, however, the world community stiffens its resolve to confront the aggression in Bosnia-Herzegovina, then it may well spare Kosovo a similar fate.

In addition to addressing the situation in Bosnia-Herzegovina, there are specific actions that can be taken now relative to the human rights situation in Kosovo. Minnesota Advocates recommends that the international community, particularly the United Nations, implement a progression of steps to protect human rights and prevent an escalation of the conflict in Kosovo. Minnesota Advocates recommends these steps for the purpose of safeguarding human rights in Kosovo and does not advocate any particular political outcome or future legal status for Kosovo. While all efforts should be made to obtain Serbia's cooperation and compliance with the actions recommended, current indications suggest that Serbia is unlikely to comply voluntarily with recommendations from the international community. Thus, the international community must be prepared to act decisively with or without Serbia's compliance.

In the attached recommendations, Minnesota Advocates for Human Rights urges the international community to consider taking the following steps to address the human rights situation in Kosovo. First, there should be increased monitoring of human rights. In addition, the United Nations or other appropriate organization should convene direct negotiations between the Serbian government and representatives of the Albanian population of Kosovo. The United Nations should seek autonomy for Kosovo including the removal of Serbian forces, protection of group rights for Serbs and other minorities in Kosovo, fair elections and an interim police force of U.N. peacekeepers. If Serbia does not grant Kosovo autonomy, the Security Council should request that Serbia voluntarily place Kosovo under the United Nations trusteeship system. If Serbia refuses to take either of these actions, the Security Council should recognize the situation in Kosovo as a threat to international peace and security and should declare Kosovo a safe haven and protect the residents of Kosovo by all necessary measures. Finally, the international community should work to deter further Serbian aggression through the support of independent and objective media within Serbia, increased public attention on the situation in Kosovo and the aggressive prosecution of war crimes and crimes against humanity committed throughout the former Yugoslavia.

Background

Using the authority of the federal government, the Serbs have suspended local government, imposed a military state and flagrantly violate basic human rights with impunity in Kosovo. Kosovo, an "autonomous" province of Yugoslavia from 1974 until the 1989 revocation of that status, has long been the site of ethnic conflict between the 90% ethnic Albanian majority and the minority Serbs. Serbs consider Kosovo to contain the "soul" of Serbia, and Serbian President Slobodan Milosevic began his climb to power by arousing Serbian sentiment against the Albanian Kosovars. Milosevic provoked mass demonstrations by ethnic Albanians when he revoked Kosovo's autonomous status after he came to power. Serbian authorities repsonded with violent crackdowns and a pattern of increasing discrimination and violence against the Albanian Kosovars.

Ethnic Albanian leaders have been illegally detained, beaten, tortured and killed; the ethnic Albanian population is regularly subjected to police harassment, discrimination and abuse. Serbian officials have closed Albanian language schools and fired virtually all ethnic Albanian professors and other professionals at Pristina University. Over 100,000 ethnic Albanians in government, business, the media, education and medicine have been dismissed from their positions and replaced with Serbs. A "shadow" society—including an elected government and basic medical and educational services—has emerged as the result of the Serbs' deliberate campaign to marginalize the ethnic Albanian population. Tensions are high and widespread violence has thus far been avoided largely due to the ethnic Albanian leadership's commitment to non-violence.

II. RECOMMENDATIONS

Human rights monitoring

1. The United Nations Security Council should take all possible steps to establish a U.N. observer mission in Kosovo and ensure that the mission includes an adequate number of human rights fact-finders with the qualifications and resources necessary to document and report on human rights abuses and to act as a deterrent to further violations. The Security Council should coordinate these efforts with the monitors from the Conference on Security and Cooperation in Europe (CSCE) who are stationed in Kosovo. In addition, the Special Rapporteur on former Yugoslavia should focus greater attention on Kosovo. The international community should support local credible human rights monitors.

Comments: The United Nations Commission on Human Rights has "invite[d] the Security Council to consider establishing a United Nations observer mission, in coordination with the Special Rapporteur and the Conference on Security and Cooperation in Europe and its missions of long duration, to be deployed as soon as possible to investigate and report alleged human rights violations in Kosovo, Sandjak and Vojvodina." The Commission has also extended the mandate of the Special Rapporteur for one year and requested that he continue his efforts "especially in carrying out such further missions in Serbia and other parts of the former Yugoslavia as he deems necessary."

These actions by the Commission are a valuable step in increasing the commitment of the international community to prevent further human rights violations in Kosovo. Moreover, the work of the Special Rapporteur and the CSCE monitors has been instrumental in drawing attention to and reporting on the situation in Kosovo. However, additional steps must be taken. The CSCE should clarify the mandate of the current monitors regarding "promot[ing] solutions to [the violations of human rights and fundamental freedoms]" and the monitors should take affirmative action to implement their mandate more effectively. International monitors stationed in Kosovo should work cooperatively with local credible human rights organizations.

Direct negotiations

2. A conference involving representatives of the Serbian government and representatives of the Albanian population of Kosovo should be convened as soon as possible under the auspices of the United Nations, the CSCE, or the European Community to discuss peaceful resolution of the ethnic violence and massive human rights violations taking place in Kosovo.

Comments: This conference should be held irrespective of the progress of the peace process in Bosnia-Herzegovina. The attempt to draw the parties into direct negotiation in a neutral forum is critical to clarifying their diplomatic positions regarding Kosovo. Representatives of the Albanian Kosovars should be selected by the Coordinating Council of Albanian political parties. The conference might also include representatives of neighboring governments and other interested parties, such as Greece, Russia, Turkey, and the United States.

Autonomy

3. The United Nations Security Council should declare its intent to refuse to recognize the Serbian government as the successor to Yugoslavia in the United Nations and should urge Member States to withhold recognition of Serbia until the province of Kosovo is granted autonomy. At a minimum, autonomy would require that the Serbian government: (1) stop human rights violations in Kosovo, including arbitrary detention, torture, inhuman treatment and arbitrary killings; (2) remove all Serbian and Yugoslav military forces, including paramilitary forces, from Kosovo; (3) restore Albanian Kosovars to their former professional and public positions; (4) stop resettling Serbs into Kosovo; (5) reopen all educational opportunities for Albanian Kosovars; and (6) rescind all facially discriminatory laws.

As a condition of autonomy, the Kosovo provincial government must agree to: (1) abide by international norms regarding minority rights, including provision of proportional representation for ethnic Serbs in the Kosovo provincial government; (2) allow United Nations monitoring of Kosovo to ensure compliance with international standards regarding minority rights; and (3) hold free and fair elections within one year of the withdrawal of Serbian and Yugoslav National forces from Kosovo.

The United Nations should provide peacekeepers to police Kosovo until elections are held. There should be no arming of Kosovars during this interim period.

Comments: Additional conditions may be added as part of the negotiation process. For example, economic incentives might be offered to Serbia or the Kosovo provincial government could agree to forego prosecution of members of the Yugoslav National Army (excluding paramilitary or terrorist groups) for violations of derogable rights in Kosovo which occur prior to the Security Council's declaration on recognition of the Serbian government as the successor to Yugoslavia in the United nations. However, at a minimum, the conditions listed in the recommendation should be agreed to by the parties. In addition, neither party should engage in behavior which is fundamentally inconsistent with the concept of Kosovar autonomy. For example, the Serbian government should not use loyalty oaths or any other pretext as a basis for dismissing Albanians from their jobs. The prohibition of government-sponsored resettlement should not preclude necessary refugee resettlement from other areas of the former Yugoslavia.

Trusteeship

4. If the Serbian government does not agree to grant autonomy to Kosovo by September 1993 as described above, or in the event of an escalating pattern of gross violations of human rights and fundamental freedoms, the United Nations Security Council should call for the Serbian government voluntarily to place Kosovo under the Trusteeship system governed by Articles 75–91 of the United Nations Charter. Designation of Kosovo as a trust territory would not predetermine a particular legal status for the region in the future.

Comments: Alternatively, a trusteeship agreement could be the outcome of the direct negotiations recommended above. In either case, the recommendations envision a new use of the trusteeship system. The trusteeship system, established first at the League of Nations mandate system and later modified and embodied in Articles 75–91 of the United Nations Charter, gives temporary control of territory to the trustee for the benefit of the people in the territory. The objectives of the system as described in the Charter are to further international peace and security, to promote progressive development toward self-government or independence as appropriate to the particular circumstances, to encourage respect for human rights and fundamental freedoms, and to ensure equal treatment in social, economic, and commercial matters for U.N. member states and their nationals. The system has been used only for colonies, and for territories which as a consequence of World War I had ceased to be under the sovereignty of the States that formerly governed them and which were not yet prepared for self-government. Only one territory, Palau, remains under trusteeship.

Under the system recommended above, the trusteeship system of the United Nations would be used in a new, but not inconsistent, manner. The trust territory of Kosovo could be administered by the United Nations acting through the Trusteeship Council in a manner agreed to by the concerned parties. In addition, Kosovo could be designated a "strategic area" under the trusteeship agreement which would place the region under the direct jurisdiction of the Security Council. Kosovo's status at the termination of the trusteeship would be the focus of negotiations and planning under the oversight of the Security Council and the Trusteeship Council.

A specific timeline is provided for the implementation of this recommendation for several reasons. First, the current level of repression of ethnic Albanians and others in Kosovo is unacceptable. Second, continuation of the status quo favors the Serbian government by rewarding aggression and providing further opportunity for consolidation of Serbian gains. Finally, the risk of escalation of the conflict increases as time passes without a satisfactory resolution.

Additional measures

5. The Security Council should further resolve that if the Serbian government refuses to place Kosovo under Trusteeship after failing to grant autonomy or escalating the pattern of gross human rights violations, the situation in Kosovo will be deemed a "threat to international peace and security." In this event, the Security Council should declare Kosovo a safe haven and provide protection for residents of the province by all necessary measures.

Comments: Chapter VII of the U.N. Charter authorizes the Security Council to determine the existence of a threat to international peace and security. The Security Council may then decide what measures the U.N. and its member governments should take to prevent aggravation of the situation. Actions may include, for example, diplomatic measures, economic sanctions, and the use of force.

The Security Council now recognizes that massive human rights abuses and the displacement of large numbers of people may constitute threats to international peace and security. In the post-Cold War period, the Security Council has begun to use its powers under Chapter VII in regard to Iraqi attacks on the Kurds in northern Iraq, the refusal of the Khmer Rouge to cooperate with the peace settlement in Cambodia, and the difficult situations in Somalia and Bosnia-Herzegovina. Actions have included economic sanctions, military embargoes, protective zones, and the deployment of military forces.

The use of force should be a last resort after other measures fail or clearly would fail. Any decision to use force should be made collectively by the Security Council and the use of force should be necessary, proportionate and limited to the humanitarian purposes of protecting the vulnerable population. The Security Council should regularly assess the appropriateness of any enforcement measures.

Minority rights

6. The provincial government of Kosovo must guarantee minority rights for non-Albanians in the province as set forth by the United Nations, CSCE and the Council of Europe. Each minority must be allowed effective participation in government and equal access to public services as guaranteed in Article 21 of the Universal Declaration of Human Rights. The government of Kosovo must also permit United Nations monitoring to ensure compliance with international standards regarding minority rights.

Communications

7. The United Nations should provide support for independent and objective media within Serbia. The international community should use radio, television and written communications to provide accurate information to the Serbian population.

Comments: Because the Serbian war effort requires at least some measure of Serbian public support, it is important that the general Serbian public be informed of atrocities committed by Serbs against other ethnic groups. The Special Rapporteur for the former Yugoslavia has urged the establishment of an independent information agency "to counteract the dissemination of hatred among the population . . . disseminate objective information and . . . encourage the creation of mutual confidence between national and religious communities."

8. Every effort must be made to increase world attention to the situation in Kosovo and to maximize the opportunity for Kosovars to communicate with the outside world. The international community should support and consult locally based fact-finders and fact-finding organizations.

Comments: These efforts should include providing access to international standards, resources and training where appropriate.

War crimes

9. The United Nations should aggressively pursue the investigation and prosecution of war crimes, crimes against humanity, crimes against the peace and gross human rights violations in all regions of former Yugoslavia and the compensation for victims of those crimes. Such prosecution can serve as a deterrent to the commission of similar atrocities in Kosovo.

Comments: In October 1992, the United Nations Security Council established a Commission of Experts charged with investigating violations of international humanitarian law in the former Yugoslavia. In February 1993, based on an interim report by the Commission of Experts, the Security Council decided that an international tribunal should be established to prosecute those persons responsible for serious violations of international humanitarian law in the former Yugoslavia since 1991. The Security Council should take appropriate steps to implement this decision as expeditiously as possible.

The investigation and prosecution of war crimes in all regions of the former Yugoslavia, particularly in Bosnia-Herzegovina, should have a deterrent effect on the persecution of war crimes could impede the current negotiation process regarding Bosnia-Herzegovina and any negotiations regarding Kosovo.

KOSOVO MISSION REPORT

INTRODUCTION

In order to test the recommendations drafted by the Working Group on Kosovo,[1] the Minnesota Advocates for Human Rights sent a delegation to Kosovo during the first week of March 1993. The delegation consisted of Peggy Hicks, Clinical Professor at the University of Minnesota, and James Coy, a Minnesota Advocates staff member. In Pristina, the capital of Kosovo, Ms. Hicks and Mr. Coy met with Serbian government officials, elected leaders of the Albanian Kosovar "shadow" government, representatives of ethnic Albanian human rights organizations, trade union leaders, educators, UNHCR staff, and CSCE human rights monitors. Additionally, the delegation spent one day in Pec, a district capital in Kosovo which has been the focus of recent concern over human rights abuses. In Pec, the delegation interviewed ethnic Albanian political leaders, members of an Albanian Kosovar human rights organization, and CSCE monitors based in Pec and the nearby city of Prizren. The delegation also travelled through Skopje, Macedonia, en route to Kosovo. While in Skopje, the delegation met with representatives of the UNHCR and CSCE missions to Macedonia and with ethnic Albanians from Kosovo, including a member of the Albanian Kosovar Parliament living in exile.

PURPOSE OF MISSION

The mission to Kosovo enabled Minnesota Advocates to meet several objectives. First, the delegation had the opportunity to observe and analyze the human rights situation in Kosovo first-hand. This process allowed Minnesota Advocates to verify the factual foundations for the preliminary recommendations. In particular, the delegation confirmed the credibility of reports by the media and non-governmental organizations of ongoing systematic human rights abuse in Kosovo. At the same time, the mission underscored the complexity of the situation and allowed Minnesota Advocates to better understand the differing perspectives of the parties involved.

Second, the delegation was able to test the preliminary recommendations prepared by the Working Group on Kosovo with Serbian government officials and ethnic Albanian leaders in Kosovo, and with representatives of international organizations involved in the region. These meetings provided insight into the parties' perceptions concerning the recommendations and their differing viewpoints on the human rights situation in Kosovo. In addition, the delegation received useful comments concerning the feasibility of the recommendations. The recommendations have been revised, to reflect the mission's findings.

SUMMARY OF MEETINGS

The delegation met with a variety of individuals and institutional representatives in order to elicit a wide range of perspectives concerning the preliminary recommendations. A list detailing the delegation's interviews is attached to this report. The parties interviewed fall into three basic groups: ethnic Albanian Kosovars; Serbian government officials; and international observers. While the views expressed within each group were not monolithic, these groupings provide a convenient basis for summarizing the results of the meetings.

Ethnic Albanian Kosovars

The views of Albanian Kosovars expressed to the delegation reflected a broad consensus concerning the current human rights situation in Kosovo. While five different Albanian political parties are represented in the "shadow" government, the parties agree on most major issues and have created the Coordinating Council of Albanian Political Parties. Regardless of their party affiliation, virtually all Albanian Kosovars that the delegation met with recognized the Democratic League of Kosovo ("LDK") and its leadership as legitimate representatives of the Albanian Kosovar people. The Albanians uniformly expressed their support for an independent Kosovo and their belief that a return to autonomous status would not protect their interests in the long term. Further, autonomy would require recognition of Serbian rule, a proposition that virtually all ethnic Albanians categorically reject.

For the most part, the Albanian Kosovars consistently supported the detailed recommendations of the Minnesota Advocates. Specifically, they responded positively to Minnesota Advocates' call for increased monitoring of the human rights situation in Kosovo. Indeed, the Albanians seemed willing to endorse any steps which would increase international attention focused on Kosovo. An action plan recently proposed by Ibrahim Rugova, president of the LDK, expressly calls for the placement of additional CSCE monitors in Kosovo. While agreeing that an international diplomatic conference regarding Kosovo may be helpful, some Albanians expressed concern that the time may not be appropriate for such an initiative. Additionally, the relationship between a Kosovo "all-party conference" and the Vance-Owen negotiations was questioned.

---

[1] The Minnesota Advocates for Human Rights Working Group on Kosovo prepared preliminary recommendations for preventing gross human rights abuses in Kosovo. The recommendations were circulated in February and early March 1993 in the form of a discussion paper entitled "The Minnesota Plan: Recommendations for Preventing Gross Human Rights Violations in Kosovo." Based upon comments received on the discussion paper, the Minnesota Advocates prepared final recommendations in a revised "Minnesota Plan" in April 1993.

The Albanian Kosovars specifically stated that restoration of autonomous province status to Kosovo would not adequately address the human rights situation in the region for a number of reasons. One concern commonly voiced was that since Serbia had once before rescinded Kosovo's autonomy, there was no guarantee that history would not repeat itself. Some Albanians also pointed out that in 1974 Kosovo had been an automonous province of a truly federal Yugoslav state and that autonomy within today's "Yugoslavia" (Serbia and Montenegro) would be an entirely different, and less desirable, situation. Despite these problems, the Albanians were willing to accept autonomy as an interim step on the road to self-determination. Albanian Kosovars agreed to "whatever guarantees are necessary" to protect the rights of minorities, including the Serbian minority, in an autonomous, or independent, Kosovo. One Albanian put the point more personally: he stated that he would rather his own son were killed than that a single member of the Serbian minority suffered abuse at the hands of the Albanian majority.

Ethnic Albanians are quite supportive of the concept of U.N. trusteeship for the region. The LDK action plan explicitly demands that Kosovo be established as a United Nations protectorate and that U.N. peacekeeping forces be deployed in Kosovo. Other ethnic Albanians who met with the delegation also supported direct intervention of U.N. forces in Kosovo. The Albanian Kosovars stressed that they were willing to accept any degree of international involvement in the affairs of Kosovo if Serbian control over the territory was eliminated.

While ethnic Albanians believed that accurate and objective news media could serve a vital role in Serbia, they voiced skepticism concerning whether foreign efforts to disrupt or influence Serbian media could be effective. They noted that only Serbian-based information would be considered credible by the Serbian population. Most ethnic Albanians interviewed by the delegation endorsed the concept of a war crimes tribunal, but some questioned the effect it would have on preventing human rights abuse in Kosovo. Others argued that a war crimes tribunal should begin work now in Kosovo, claiming that "quiet ethnic cleansing" was already underway.

The delegation also met with three representatives of the Community of Albanians, Serbians, Montenegrins and Others for a United Yugoslavia, a newly-formed political "movement." This meeting was arranged by the Serbian Head of District, who referred to the party as an alternative to the anti-Yugoslav ethnic Albanians led by the LDK. The meeting was held at the Serbian Ministry of Justice offices. The leaders of the new movement are reportedly members of the Serbian Socialist Party. Representatives of the movement claimed that 78 percent of their 60,000 members were Albanians, but this figure admittedly included members throughout Serbia and Montenegro. Other ethnic Albanians were extremely skeptical of the membership figures supplied to the delegation by the movement's representatives. Given that the organization had been formed only two months earlier, such doubts seem warranted. The views expressed by members of the movement were, not surprisingly, antithetical to the positions presented by the other ethnic Albanians interviewed by the delegation.

Serbian government officials

The perspectives of Serbian government officials who met with the delegation also demonstrated significant unanimity with the Serbian community concerning Kosovo's current situation. Some Albanian Kosovars mentioned to the delegation that they were aware of Serbians in Kosovo who did not support the Milosevic government's policies in the region, especially given the drastic economic consequences of such policies. They noted, however, that these people could not openly express their opposition to Serbian government policies. All of the delegation's meetings with Serbians were scheduled by government officials. Somewhat predictably, every Serbian interviewed demonstrated whole-hearted support for existing government policies in Kosovo.

The Serbians interviewed were reluctant to admit the existence of any human rights problems in the region. They contended that everyone was treated equally under the laws of Serbia, although they acknowledged that, hypothetically, there could be discrete cases where individual officers or officials acted outside of the law. The Serbian position was that any specific violations of rights that occur can and should be dealt with through existing legal channels. As evidence of their commitment to respecting human rights, the Serbians emphasized their willingness to allow international delegations like the Minnesota Advocates mission to visit the region, conduct interviews, and reach their own conclusions.

Despite their professed amenability to international human rights monitoring, the Serbians opposed the establishment of additional human rights monitors in Kosovo, as recommended by Minnesota Advocates. Instead, the officials stressed their cooperation with the existing CSCE mission, and contended that the mission, as defined in the Memorandum of Understanding between the Serbian government and the CSCE, was completely adequate. This contention is diametrically opposed to the position of ethnic Albanians on the same issue. The conflicting views were summarized by one CSCE representative interviewed by the delegation, who stated that the current CSCE mission was "the maximum the Serbs will agree to, and the minimum the Albanians will accept."

The Serbians contend that the existing Serbian Constitution permits a degree of "autonomy" for ethnic Albanians through local elections. They argue that the current situation simply stems from the Albanians' failure to accept any association with the Serbian state or to acknowledge the legitimacy of Serbian authority in Kosovo. Serbian officials contend that Albanians are engaged in a comprehensive boycott directed against Serbian control, pointing specifically to the Albanian boycott of recent Serbian national elections. Similarly, according to the Serbians, dismissals of Albanians from government, judicial, and academic positions are further evidence of Albanian intransigence. The Serbians argue that the Albanians are dismissed because they refuse to sign oaths acknowledging Serbian control in Kosovo. Were it not for this "boycott," the Serbians contend that the Albanians could now control the provincial legislature in Kosovo. Accordingly, Serbian government officials do not reject outright some degree of local self-governance in Kosovo; however, autonomy under the conditions recommended by the Minnesota Advocates far exceeds the degree of self-government which the Serbians seem willing to accord to Kosovo.

The Serbian government officials interviewed by the delegation were, not surprisingly, staunchly opposed to any steps which would in any way limit Serbian control of Kosovo. They categorically reject the concept of U.N. trusteeship for Kosovo, even when designation as a trust territory does not predetermine a particular legal status for the region in the future. Any additional measures, including economic sanctions or more direct intervention by the United Nations, would be seen by the Serbians as unconscionable and unwarranted violations of Serbian sovereignty.

International observers

The delegation met with five representatives of the current nine-member CSCE mission to Kosovo. The Memorandum of Understanding between the CSCE and Serbia which established the CSCE mission calls for expansion of mission staff to twenty, which is consistent with the Minnesota Advocates endorsement of additional human rights monitoring in the region. Representatives of the CSCE who met with the delegation stressed that any solution to the Kosovo situation must occur within the context of the Vance-Owen process. As the CSCE mandate in Kosovo expressly calls for promoting dialogue between Serbian authorities and the Albanian community, CSCE representatives supported further encouragement of direct negotiations among the parties.

CSCE staff expressed the opinion that Serbian intransigence concerning additional autonomy for Kosovo rendered impractical any recommendations requiring Serbian acquiescence. They believe, therefore, that recommendations calling for Serbia voluntarily to grant autonomy or to place Kosovo in trusteeship are unlikely to succeed. Although the consensus seemed to be that neither the Serbians nor the ethnic Albanians wished to push the situation to the breaking point, CSCE staff expressed concern that, given tension in the region, a minor altercation of some sort could serve as a trigger for escalation of the conflict.

FINDINGS AND RECOMMENDATIONS

The Kosovo Mission provided the delegation with the opportunity to assess the responses of various parties to Minnesota Advocates' recommendations. While the delegation's general conclusions concerning the receptiveness of the Albanian and Serbian communities to the recommendations are not surprising, the consensus with each community which emerged during the delegation's interviews was more striking. The ethnic Albanians interviewed by the delegation almost universally endorsed the LDK's call for an independent Kosovo, or, in the alternative, a U.N. "protectorate" for the region. They were equally united in their rejection of permanently returning Kosovo to autonomous province status, even under the conditions contained in Minnesota Advocates' recommendations. The Albanian Kosovars readily agreed to any additional measures which might secure trusteeship for the region or increase international attention to the Albanians' plight.

In marked contrast, the Serbians presented a united front against any additional steps which might be viewed as recognizing either the existence of human rights abuse in the region or the need for greater autonomy in Kosovo. They uniformly contended that Serbian laws currently in place provide equal treatment for all and are adequate to ensure the protection of individual rights. The Kosovar Albanians, they suggested, had historically been accorded more rights than any ethnic minority. The Serbians conclude that the problems in Kosovo stem solely from the Albanian's insistence on preferential treatment, and their refusal to acknowledge the legitimacy of Serbian authority.

While it was beyond the scope of the Minnesota Advocates mission to investigate or verify specific reports of human rights violations, it is apparent that a pattern of such violations exists in Kosovo. The Albanian Kosovars the delegation met with provided detailed documentation concerning specific instances of human rights abuse. Many of the meetings included first-hand accounts by the ethnic Albanian leaders of harassment, detention, and physical abuse. The information received by the delegation served to confirm the consistent accounts of other objective human rights groups and international observers concerning the situation in Kosovo.

The delegation proposed several modifications to the preliminary recommendations, based on the mission's findings. These modifications have been incorporated into the final draft of Minnesota Advocates for Human Rights' recommendations for Kosovo. The delegation suggested changing Recommendation No. 1, which calls for additional human rights monitors, to recognize that increased monitoring could occur only with the consent of the Serbian government. The delegation advised that Recommendation No. 2 be revised to advocate direct negotiations, under international auspices, between ethnic Albanians and the Serbian government. These changes reflect the delegation's conclusions concerning the need for discussions to focus specifically on the situation in Kosovo, the need for direct dialogue between the parties, and the importance of international involvement in resolving the conflict. Proposed changes to Recommendation No. 7 address the delegation's finding that direct intervention in Serbian communications would be at best ineffectual, and perhaps even counterproductive. However, the delegation does recommend support for independent and objective media within Serbia to counteract Serbian propaganda.

The most significant changes advocated by the delegation concern Recommendation No. 3, which addresses the issue of autonomy. The original language in the preliminary recommendation called for restoration of Kosovo's previous status as an autonomous province of Yugoslavia. The delegation recognized that the concept of "return" to autonomous status was ambiguous given the parties' differing conceptions of autonomy. Furthermore, the disintegration of the federated state of Yugoslavia means that no true "return" of Kosovo to the status it once held as an autonomous province within the federal republic is possible. Instead, the delegation recommended revising the proposal to clearly define autonomy and the conditions which must be met by each party. Specifically, the delegation suggested adding a requirement for United Nations monitoring of Kosovo to ensure compliance with international standards regarding minority rights.

CONCLUSION

Minnesota Advocates' recommendations are designed to prevent an escalation of human rights abuse in Kosovo. As documented by numerous credible sources and confirmed by the delegation, an ongoing pattern of human rights violations exists in Kosovo. Minnesota Advocates' primary concern is that the situation could deteriorate into open conflict, possibly involving other countries. The parties interviewed by the delegation expressed diverse opinions concerning the potential for armed conflict. While some believed that the ethnic Albanians were raising the specter of open conflict in the region as a ploy to garner international support, others seemed genuinely afraid that the inexplicable brutality which has swept much of former Yugoslavia would reach Kosovo.

In the end, the delegation was left with the impression that, while neither side currently intends to provoke an armed conflict in the region, the potential for escalation of human rights abuse in the region remains unacceptably high. Serbian police, military, and paramilitary forces give Kosovo the feel of a territory under military occupation. The paramilitary presence in the region undermines stability and threatens to spark greater violence. The most notorious paramilitary group, the Tigers, are led by Zeljko Raznjatovic, known as Arkan. Although Serbian government officials assert that Arkan has limited influence in the region, he was recently elected to the Serbian parliament as a representative from Kosovo.

Albanian resistance to Serbian authority might also trigger an escalation in the conflict. While the Albanian leadership has committed to a non-violent struggle for an independent Kosovo, the delegation heard reports of organized resistance in some ethnic Albanian villages to "weapons searches" conducted by the Serbian police. These reports are particularly alarming since any direct confrontation could be used by Serbian authorities as a pretext for full-scale military action.

Although escalation of violence in the region remains a serious concern, the divergent positions of the Serbians and ethnic Albanians seem to leave little for a negotiated resolution to the situation. The successive steps recommended by Minnesota Advocates, however, provide a framework for addressing existing human rights violations and preventing an escalation of human rights abuse in Kosovo. By responding quickly and decisively, the international community has the opportunity to avert further tragedy in the former Yugoslavia.

PARTIAL LIST OF ORGANIZATIONS/INDIVIDUALS WHO MET WITH THE KOSOVO DELEGATION

MACEDONIA

Catholic Relief Services.
Macedonia Mission, Conference on Security and Cooperation in Europe (CSCE).
Member, Kosovar Albanian Parliament.
Macedonia Representative, Office of the UN High Commissioner for Refugees.

KOSOVO

Ethnic Albanian Groups:
Parliamentarian Party.
Kosovo Helsinki Committee.
Democratic League of Kosovo (LDK) (in Pristina and Pec).
Council for the Defence of Human Rights and Freedoms (in Pristina and Pec).
Union of Independent Trade Unions.
Association of Albanian Teachers.
Community of Albanians, Serbians, Montenegrins, and Others for a United Yugoslavia.
Serbian Officials:
Head of Kosovo District.
Rector of the University of Pristina.
Dean of University of Pristina Law Faculty.
Chair for Kosovo District, Ministry of Justice.
District Court Judge.
International Organizations:
Kosovo Mission, CSCE (representatives of Pristina, Pec, and Prizren offices).
Kosovo Representative, Office of the UN High Commissioner for Refugees.

TRIBUTE TO DR. KIRK DEIBERT

Mr. HEFLIN. Mr. President, Dr. Kirk Deibert of Florence, AL, the Shoals area's first radiologist, died on March 18 at Florence Hospital. He was a native of Middletown, PA, and graduated from the Temple University Medical School in 1937. A member of the Medical Corps from 1938 to 1942, he served his residency in radiology at Vanderbilt University Medical School and Hospital from 1942 through 1945. After completing his residency, he served at the Institute of Radiology at Washington University and Barnes Hospital in St. Louis for 2 years. In 1947, he became the chief radiologist at the Thayer Veteran's Administration Hospital, serving there for 5 years. He was assistant professor and later associate professor of radiology at Vanderbilt.

Dr. Deibert came to Florence in 1952, becoming the first radiologist in Lauderdale and Colbert Counties. He also provided services to outlying hospitals in Russellville, Red Bay, and Hamilton throughout the 1960's. He eventually became head of the radiology department at Humana Hospital—now Florence Hospital—in 1986. He was a member of the Lauderdale County Medical Society and a fellow of the American College of Radiology, Inter-American College of Radiology, and American-Joslin Diabetes Society. He was also a member of the Roentgen-Ray Society, Radiology Society of North America, and was a life member of the Southern Medical Association.

It is fitting that the health care facility in which Dr. Deibert died last month was actually established through his leadership. He was one of seven people who founded the Colonial Manor Nursing Home, which evolved into Colonial Manor Hospital, which became today's Florence Hospital. In 1987, he and his wife, Lillian, deeded 100 acres to the city of Florence. That same year, the Deiberts' Rolling Acres Farm Foundation was established to ensure that this land would always be used for public recreation.

Dr. Deibert possessed a true concern for other people, and believed in working with others to accomplish tangible things for his community. He never sought front-page news or accolades for his efforts; to him, they were just a part of his duty as a citizen.

I extend my condolences to Lillian and the entire Diebert family in the wake of their tremendous loss. Florence and the Shoals area are much better off for having had Kirk Diebert as a resident and leader for so many years. He is sorely missed.

VISIT OF HER MAJESTY QUEEN SIRIKIT

Mr. ROBB. Mr. President, on behalf of all my colleagues, I am deeply honored to extend a very warm and sincere welcome to Her Majesty Queen Sirikit on the occasion of her royal visit to the United States and to our Nation's Capital.

Her Royal Highness has a well-deserved reputation as a strong advocate of the welfare of the Thai people. Queen Sirikit has helped many of those who are the most vulnerable among us, including children in many countries of the world. She has also taken a personal and prominent role in programs to ease the plight of millions of refugees who sought safety in Thailand when their own countries suffered from severe problems.

Her Royal Highness' work in creating the Foundation for the Promotion of Supplementary Occupations and Related Techniques was a most formidable achievement. This foundation has been highly successful in helping impoverished rural families and the disabled and handicapped citizens of her country to develop their talents as artists and craftsmen, providing a source of supplemental income, and an enterprise that helps promote the traditional culture of the Thai people.

Through her tireless dedication to improving the quality of life for her fellow citizens and preserving the special heritage and rich culture of that nation, Queen Sirikit has earned a very special place in the hearts of her people.

She has earned, as well, the enduring respect of people throughout the world; people who share the fundamental values of human decency, kindness, and compassion that are so clearly reflected in her work. Her courageous lifelong commitment to those values serves as an inspiration for us all.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,232,458,084,674.47 as of the close of business on Monday, April 26. Averaged out, every man, woman, and child in America owes a part of this massive debt. That per capita share is $16,477.75.

WASHINGTON WELCOMES TIBET'S TRUE REPRESENTATIVE

Mr. PELL. Mr. President, it was my great honor to host today a Foreign Relations Committee luncheon for His Holiness the 14th Dalai Lama of Tibet. Most of you have met the Dalai Lama and share my respect for him and support for an end to human rights abuses in Tibet. As friends of Tibet and the Dalai Lama, we have, over the years, welcomed him to Washington as a religious leader, humanitarian, and Nobel Peace Prize Laureate. Along with these other assignations, we welcome the Dalai Lama as Tibet's true representative. There are only three world figures who are both spiritual and temporal heads of state: the Queen of England, the Pope, and the Dalai Lama.

In 1991 the President signed into law, Public Law 102–138, the Congress' recognition of the Dalai Lama and the Tibetan Government in exile as Tibet's true representatives. It is a recognition that is shared by 6 million Tibetans inside Tibet and 100,000 Tibetans in exile.

This past December, with Senator LEVIN, I traveled to Tibet. I will never forget the awesome grandeur of the Tibetan landscape nor the pervasion of the Chinese occupation. The Tibetan capital of Lhasa is now a Chinese city. According to the Dalai Lama, there are 150,000 residents of Lhasa, and only 40,000–50,000 Tibetans. Blocks of bleak Chinese housing have been built over bull-dozed Tibetan neighborhoods. The Potala and Norbilinka palaces and the Jokhang Temple stand as anomalies amidst Chinese architecture. The growing Chinese population now rivals the Chinese Army in its threat to Tibet's survival. Whether the movement of Chinese into Tibet is the result of a decreed population transfer policy or not, the effect is the same, and, if it is not curtailed, the Chinese will overtake the Tibetans by sheer numbers. If any doubt this inevitability, they need only look to Manchuria, now completely assimilated into China, and Inner Mongolia where Chinese outnumber Mongolians 18 million to 3 million.

For too many years, the plight of the Tibetans has been disregarded in this country's dealings with China. This is no longer the case. The Chinese expect United States Government representatives to raise this issue, and they are prepared to respond. So far, their response has been to dismiss what is happening in Tibet as an internal matter and not a subject for international debate. The Chinese, however, want United States dollars and are eager to increase economic dealings with the West. It is also clear that the Chinese are sensitive to international criticism on Tibet. And so, Tibet finally may be a significant issue in the diplomacy game and the Dalai Lama a legitimate player.

During his visit to Washington, before his many meetings in Congress, the Dalai Lama met with Under Secretary for Political Affairs, Peter Tarnoff; Assistant Secretary of State for East Asia and Pacific Affairs, Winston Lord; Counselor of the Department of State, Tim Wirth; Secretary of State, Warren Christopher; President Clinton and Vice President GORE. This is the welcome we, his supporters in Congress, have long believed appropriate, and I commend the Administration for joining us in this warm, and very appropriate, welcome to the Dalai Lama as true representative of the Tibetan people.

JIM VALVANO

Mr. HELMS. Mr. President, I hope I can get through these remarks without becoming too emotional.

I am just one of countless thousands of people who lost a dear friend this morning, and I freely acknowledge that it hit me pretty hard personally when the news of Jim Valvano's death came.

To me Jimmy V, as we all knew him, was far more than a popular and well-known sports personality. He was far more than a former coach at North Carolina State University. To me he was one of nature's noblemen. I knew him pretty well and I will explain why I say that in just a moment.

Jimmy V made people happy. He created excitement, pride, enthusiasm, and courage. He had a lot of things going for him. So when he died this morning at age 47 of bone cancer his very valuable life came to an end. He fought the good fight, the gallant fight against bone cancer, but I submit that he established himself as a profile in courage.

I doubt that sports fans will ever forget the Cinderella performance of Jim Valvano's North Carolina State University Basketball Team in 1983. They were called the cardiac kids. Nobody gave the Wolfpack a chance to win the NCAA championship, but they won it—and nobody is going to forget that 1983 team. And nobody is going to forget Jimmy V.

So, it seemed to us that this guy could always achieve the unachievable. There was something special about him. Even during his bout with malignancy, he fought it with the same verve and determination with which he coached, with which he did everything every day of his life. And to watch Jimmy V appear before crowds to encourage them to have faith, we sensed that we were seeing the ultimate in grace and courage at a time when he was bound to have been under great physical pain. It was almost unbelievable—and, yes, I wept as I watched and heard him.

Jim Valvano did not sit back and say, well, the end is inevitable. He worked tirelessly to make Americans aware of the need to bring cancer into the forefront of medical research inasmuch as it is going to kill more Americans—526,000 of them this year alone—than any other disease except heart disease.

He teamed up with the ESPN sports network and established what they call the Jimmy V Foundation for Cancer Research to fulfill the dream that one day this deadly killer can and will be conquered.

But let me get back to 1983 when the Wolfpack of N.C. State University won the NCAA championship. I called the White House about 7:30 the following morning, I asked to speak to President Reagan. They put me through to his private quarters. He came on the line, chuckling and saying, "Yes, I saw the game last night, Jesse. Invite them up."

President Reagan knew what I was calling about. He knew that I wanted him to invite the Wolfpack Basketball Team of N.C. State University to come and see him. So I did and he did. But a strange thing happened. The NCAA ruled that year that neither the Wolfpack nor any other team that had won a championship could travel more than 100 miles from its home campus. I do not know the purpose of the ruling, but the NCAA in its infinite wisdom forbade the national champion basketball team of N.C. State University to come to Washington to be greeted and commended by the President of the United States.

So I called Jim Valvano, and told him about the NCAA ruling. He said, "I already know it. I do understand the NCAA ruling. But I will tell you one thing, Jesse. They can rule against the team going to Washington and sitting down with the President of the United States, but there is no rule, NCAA or otherwise, that says that Jim Valvano has to stay in Raleigh. I am going to come up and see the President of the United States and maybe we can work out a split-screen presentation where the team will be in a television studio in Raleigh and I will be up there with you and the President of the United States."

I said, "Come on. Come on." And he did.

Now, I will never forget the morning he came up to see President Reagan. The people at the White House had lined up four chairs, one for Senator John East of North Carolina, that great Senator, who served in this body with distinction, then JESSE HELMS, then Jim Valvano, and on the end the President of the United States, Ronald Reagan.

We waited a couple of minutes for the President to come, and he came in his genial fashion, shook hands with everybody, and asked, "Coach, is your team in the studio down in Raleigh?" Jimmy V. said, "Yes." The President said: "Why don't we start? But before we start, Coach, is it 'Val-van-oh' or is it 'Val-vhan-oh?' I want to pronounce your name right."

Jimmy V, Coach Valvano said, "It is 'Valvano.' And by the way, Mr. President, is it 'Regan' or 'Reagan'?"

The President laughed heartily. We sat down, and the President talked to the Wolfpack team gathered in the TV studio in Raleigh. And that was it.

Millions of Americans, not just JESSE HELMS and a few others, drew inspiration from Jimmy V's good humor, his quick wit, his determination, his courage. Not long ago, Jimmy V told us that—and I am quoting him—"The future is unlimited if you believe. If you believe, in that one concept, you can make a difference."

That is what he said, that is what he taught his players, that is what he emphasized everywhere he went throughout his life. He did make a difference, and as a result a lot of other people made a difference. They made a difference in the NCAA finals in 1983. You'd better believe it! Whether it was in providing excitement on a basketball court for millions of people watching on television or raising money for cancer research or motivating all of us to believe in ourselves and in our dreams, he touched our lives.

If you conclude that I shall miss him and I am sad, I shall and I am. I will never forget back in the first part of March—I think it was March 4—when Jimmy V received the Arthur Ashe Award for Courage. And what do you reckon he said on that occasion? He stood before that crowd and said:

"Cancer can take away all of my physical abilities, but it cannot touch my mind. It cannot touch my heart. And it cannot touch my soul. Those three things are going to carry on forever."

That enormous crowd stood up and wept and gave him what was one of his last standing ovations.

So, without a doubt, the inspiration and legacy of Jimmy V, Jim Valvano, former coach of the N.C. State University Wolfpack, all of this will carry on in our minds and in our hearts and in our souls as well.

Yes, Mr. President, I am going to miss him, and so will millions of others. If I have one prayer in being thankful for Jimmy V, it would be that all of us might have the courage and the integrity of this man, whom we lost this morning at age 47.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of S. 171, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Specter amendment No. 325, to contain health care costs and increase access to affordable health care.

The PRESIDENT pro tempore. Who seeks recognition?

Mr. GLENN. Mr. President, could the Chair inform us as to what the parliamentary situation is? As I recall, we had 1 hour of debate, evenly divided under the control of myself and Senator ROTH, and a vote at 12 o'clock; is that correct?

The PRESIDENT pro tempore. That is correct.

The chair makes this correction. The Senator from Pennsylvania [Mr. SPECTER] controls the time on the other side.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Pennsylvania.

AMENDMENT NO. 325

Mr. SPECTER. Mr. President, an order has been entered allowing 1 hour of debate, equally divided, on my amendment for health care reform. This was introduced yesterday afternoon, a little earlier than this Senator had expected. We had some vacant floor time before the scheduled 3:30 debate, and I tried to use some of that time by putting this amendment in. It continued a little longer than had been anticipated because the Democratic and Republican leaders were at the White House. So we filled some unused time, as the RECORD will show, on questions from the distinguished Senator from South Dakota [Mr. DASCHLE].

The amendment which this Senator has proposed, Mr. President, is a result of longstanding efforts in the health care field for 12 years and 4 months of my tenure in the Senate. I have been on the Appropriations Subcommittee for Health, Human Services, and Education, and have participated in extensive consideration of many, many bills on that subcommittee.

The first health care related legislation which this Senator introduced was back in 1985, which I had commented upon yesterday, on low-birthweight babies, November 21, 1985, S. 1873, the Community-Based Disease Prevention Act of 1985; then a series of bills in 1991, including cosponsorship of the legislation introduced under the chairmanship of Senator CHAFEE. Then this year I introduced two extensive bills on health care, S. 18 on January 21 and S. 631 on March 23, combining legislation which had been introduced by a number of Senators.

I have pressed this issue, Mr. President, because of my view that next to an economic recovery and stimulus, the most important issue facing America is health care reform. On January 21, which was the first legislative day following the inaugural speech by the new President, I complimented the President for his inaugural speech and expressed the wish that he had been a little more expansive on two subjects—health care reform and an economic recovery.

I immediately wrote to the chairmen of the relevant committees and the majority leader asking for hearings on S. 18, and saying that it seems to this Senator that we ought to move ahead on this subject, whether it was my legislation or not.

I noted in yesterday's RECORD the push I had made last year, in 1992, back in July, offering amendments to a nonrelated bill. I must do that, and it is with some regret that I have offered this amendment on the environmental protection bill, but, as it is well known, every Senator has a right to do that. I offer it on another bill because I am not the majority leader, and I cannot call up health care. So the only recourse I have is to bring up the issue as an amendment. I had intended to offer it earlier on the debt ceiling, and there was a procedural approach there which made that very difficult, almost impossible. And I had tried to put it on the emergency appropriations bill, and it was just when I was on deck with my amendment that the distinguished majority leader changed the order of sequence permitting no more amendments. So this is the first time I have had a chance to offer this amendment.

I offer this, as I elaborated on yesterday, because of a series of events which have made it unlikely that we will take up health care this year: A statement by Congressman ROSTENKOWSKI, which I quoted from the New York Times on March 4; a statement by Congressman GEPHARDT from the New York Times on April 2; the article in the New York Times this past Sunday about States moving ahead because of the absence of Federal action; the ABC news story the night before last which I commented about; and OMB Director Panetta's statement yesterday that he urged President Clinton to delay releasing his health care plan.

This morning's press is filled with more of the same. One of the lead stories at the top of the New York Times today is concerning the health care plan. Headline: Clinton Rules Out Delay in Availing Health Care Plan, but noting in the body of the story that "Congress is unlikely to start work on the health care plan until next year." In a continuation of the New York Times story on page A-14, "As a practical matter, the relevant congressional committees will not be able to get the health-care proposals until they finish the budget."

I think this is very unfortunate, because on April 28, today, there are other matters facing the Congress and the committees. But had the relevant committees taken up this issue when I wrote to the chairmen of the relevant committees back on January 22, there was adequate time to undertake this very important subject.

The distinguished Senator from West Virginia [Mr. ROCKEFELLER] was on the floor yesterday, and we had a little spirited debate. He said last year, on August 4, that the Congress is a one-man town, a one-person town, referring to the President. I have to disagree with that, Mr. President, and I do so in abbreviated form this morning. I have spoken on it at greater length before. But we are not a one-man town. We have a Senate; we have a House; we have initiatives here. In the 102d Congress, the Senate had 524 bills relating to health care, the House of Representatives had 940 bills relating to health care, for a total of 1,464. As of March 31 of this year, 70 bills were introduced in the Senate and 119 in the House for a total of 189 bills.

The point that I am making, Mr. President, in putting up this amendment, which has been fairly abbreviated in its consideration and its analysis, has been that we are ready to legislate on this subject. We really ought to treat this subject as we treated the Clean Air Act back in 1990. We need a critical mass. We ought to debate this subject and move ahead on it.

The legislation which this Senator introduced, the original S. 631, has a dozen titles and outlines that I will not repeat, as I went over it yesterday. It moves through from managed competition and universal coverage to primary care to provisions on access and provisions on consumer decisionmaking; cooperative agreements between hospitals; patients' rights to decline medical treatment which is up to the patient to decide since nobody should decide that for the patient; insurance simplification and portability; alternative dispute resolution; Medicare preferred provider projects; long-term health care—it is a comprehensive bill to start.

The distinguished majority leader was interviewed on Face the Nation earlier this year, on February 28, 1993. He said something cogent about the bill to legislate now. He said:

> The fact of the matter is this is not a new subject. It isn't as though this dropped from Mars onto our desks. We have been debating this for 6 years, 8 years. I've been at this for a very long time. Most Members of Congress have been involved for a very long period of time.

I think what the majority leader said there, what I just quoted, underscores the point that we are ready to move ahead and to decide the kinds of issues which are presented here.

There are a great many items, Mr. President, where there is agreement on insurance market reform, on small group reform, on self-employers to have 100 percent deductibility, on primary and preventive health care, on reducing defensive medicine, on allowing States to form purchasing cooperatives. So the issues which we are considering here are really well known to this body and to the House.

Yesterday we had a fairly extensive discussion on what this bill would cost. Opponents of my amendment have criticized it because there has not been a cost estimate from the Congressional Budget Office. But this Senator has done everything he could to get that.

In the introduction of Senate bill 18, which was back on January 21, 1993, I made an analysis of the costs, the savings, and the extra expenditures. This appears at page 374 of the January 21 CONGRESSIONAL RECORD for the 103d Congress. I said:

> While precision is again impossible, it is a reasonable projection that we could achieve under my proposal a net savings of approximately $82 billion * * *.

And there is a specification about how that was arrived at.

Since yesterday I have found the costing of a couple financing items in my amendment. The financing with respect to repealing the health insurance tax over a 5-year period will generate $32.9 billion. The revenue from employee exclusion limit over 5 years is $113.2 billion. The revenue from employer deduction limit over 5 years is $121.6 billion. This is from the Joint Tax Committee revenue projections on those items.

So it seems to me, Mr. President, that we are prepared to move ahead. I think the American people need to know that we are in a position to legislate and that there is no reason for further delay on the schedule which is now being undertaken by the administration.

I compliment the President for what he is doing, but that should not impede action by the independent U.S. Senate. That is why since 1985 this Senator has been working on these matters and has been pushing hard to present them to the U.S. Senate.

We have ample time to legislate. We miss days in session. We were not in session on Monday. We were not in session some days last week. It is not a secret that we begin our legislative activities Tuesday afternoon, and there is ample time for us to take up this kind of a bill and go through the hard, tough work, which is what we are supposed to do, to legislate on this very, very important subject.

I note my distinguished colleague from South Dakota, the senior Senator, is here.

Mr. PRESSLER. Mr. President, will my friend yield for a question?

Mr. SPECTER. I yield.

Mr. PRESSLER. I noted in this morning's New York Times an article by Thomas Friedman that says that even Congress was unlikely to start work on the health care plan next year.

Now, we had an exchange here on the floor yesterday—and I see my colleague from South Dakota here—in which I raised the question about when this would come to the floor, and raised the concern that it appeared it would be late this year or next year.

I made a prediction it would not come until next year. I can already hear the discussions that it is an election year and that we should hold off until 1995. That is what the New York Times said this morning and the front page, and confirmed what I said yesterday. And I believe what the Senator said yesterday is that the agenda for this legislation coming here even by the administration's admission will not be until next year.

Mr. SPECTER. I thank my distinguished colleague from South Dakota for that inquiry, and the answer is yes. The New York Times, on the sections which he quoted and this Senator had made an earlier brief reference, is in line with that has been occurring continually this year about predictions that the legislation would not be taken up this year. That is precisely the reason why this Senator is pushing the bill.

Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. SPECTER. I thank the Chair.

I see the other distinguished Senator from South Dakota on the floor. So I yield at this point.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, I yield myself such time as I may use.

TIME LIMITATION AGREEMENT

Mr. GLENN. Mr. President, first there is a consent agreement worked out on both sides on the next three amendments.

I ask unanimous consent that following the disposition of the Specter amendment, the following Senators be recognized to offer the following amendments in specified order with no second-degree amendments in order and subject to the following limitations:

No. 1, McCain amendment regarding Indians, 1 hour equally divided; No. 2, Nickles amendment substantially identical to the text of S. 81, regarding economic impact, 2 hours equally divided; No. 3 is a Gorton amendment regarding Commission membership, 40 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I further ask unanimous consent, in addition to the consent agreement that was just agreed to, that no amendments to language that may be stricken be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, with regard to the amendment before us, the Specter amendment, we debated this at considerable length yesterday afternoon with regard to the cost involved with this if we would pass it. I do not know what the Senator from Pennsylvania would do if we passed this.

Let us say we all got behind this today and really put it through and passed it here and pushed for it over in the House, and so on. What would happen then? There is no money to do anything about it. Someone last night said it is a little like the dog chases the truck and the truck stops. What does he do then?

I am not sure if we passed this bill exactly what would happen, because there is no money hooked up with it. This is about three times our whole defense budget, three or three and a half times. We are talking about the whole health care for this Nation which is running somewhere around $900 billion a year now by best estimates. We are talking about really big money, about triple our whole defense budget, and talking about passing this thing.

If I came on the floor with a defense budget that was only one third of this, and I said here is the number of squadrons I want, here are the battleships I want, the carriers I want, the airplanes for them, and we want to go back up to two million regular forces again; I want you to pass that, please, but there is no way to pay for it. We have not specified yet. We are not going to raise the taxes. We are not going to raise the income tax rate. We are not going to VAT. We are not going to anything else. What would people think? They just would not think much of that proposal.

I find myself, I must say to my distinguished colleague from Pennsylvania, in the same situation now. Just picking one part of it, we are talking about a refundable tax credit to low- and middle-income individuals without employer provided insurance. With the estimates of numbers of people out there at 37 million who do not have any insurance, and you say that that is going to be a couple thousand a year for each of these people, that comes out to about $74 billion a year for that one item alone.

If you say you are going to get better coverage or going to need around $3,000 a year that would be what—$111 billion I believe that multiplies out to.

We are just ignoring the cost on things. I am not quite sure what would happen. Would the Senator from Pennsylvania respond and tell me exactly what would be the next step on how you pay for this if we all got behind this and pass it?

I do not question there has been an awful lot of thought and study. It was spelled out here on the floor yesterday afternoon about how much time they spent meeting every Thursday morning, I believe, for a couple years, and so on, and thinking about this and putting it together. All you need to do is read through the title to show there has been a tremendous amount of good thought gone into this. So I do not deprecate that in any shape or form.

We are talking about managed competition, universal coverage, talking preventive care, access to health care for all different classes of income people, talking about consumer decision making, cooperative agreements between hospitals, patients' rights, insurance simplification, portability, malpractice reform, Medicare preferred provider demonstration projects.

I do not take exception to a single one of those things. I think that they are probably very well thought out, except for one thing—that is how do you tote up the bottom line? Who pays the bills?

And so I would ask my distinguished colleague, if we pass this today, let us say we got all the Republicans behind it and all the Democrats behind it on this side, and we said, "Yeah, this is a great idea. It is good, and it does most of the same thing the administration is looking at. But we thought this thing out, and we want to vote for it," and we did that, what would be the next step in trying to implement this?

Because somebody, somewhere, somehow down the line has to deal with the money. We are talking about a $900 billion industry in this country, and not one item in here about how we are going to pay for it.

So, I repeat, this is a little bit like the dog chasing the truck. If the truck stops, then what are we going to do?

Mr. SPECTER. Mr. President, I would be delighted to respond to the question by my distinguished colleague from Ohio.

Mr. GLENN. Mr. President, I reserve the remainder of my time.

Mr. SPECTER. I believe I am speaking on the time of the Senator from Ohio at this point; am I not?

Mr. GLENN. OK; fine.

Mr. SPECTER. I had addressed that subject in substantial measure in my opening comments, when I referred to the CONGRESSIONAL RECORD of January 21, 1993, at page S 374, with my statement that it was impossible to be precise. "While precision is again impossible, it is a reasonable projection that we could achieve under my proposal a net savings of approximately $82 billion," and I detailed, in some specificity, how I came to that figure.

When the distinguished Senator from Ohio makes a calculation based on 37 million people who are now not covered, they are not all going to be covered by an income tax credit. There is an analysis in my statement as to how many would be picked up as self-employed, how many would be picked up as a result of insurance market reforms, and a variety of other considerations.

Nobody can rule with mathematical precision. Even the Congressional

Budget Office has to make an estimate. I made the point that if you take a look at the Joint Committee on Taxation repealing the health insurance tax it yields $32.9 billion over 5 years; and the revenue from the employee exclusion limit yields $113.2 billion over 5 years; and the savings of revenue from the employer deduction limit, $121.6 billion over 5 years, those are items which would be figured into the mix.

But I am very pleased to hear the distinguished Senator from Ohio say that he does not take exception to anything in the bill. I think I wrote that down accurately.

Mr. GLENN. No; you did not write that down accurately. I have to correct my distinguished colleague. I did not say I agree with everything in this bill at all. I said the titles of your different sections were very impressive and showed that you had looked at it a lot and thought about it a lot. But I do not sign on to everything in the bill.

Mr. SPECTER. The RECORD will show, Mr. President, what the distinguished Senator from Ohio said. I wrote this down: "Don't take to exception to anything," and I thought the last words were "in the bill." Perhaps we could have the court reporter type that up for us.

But I am not seeking to hold you to any admission.

Mr. GLENN. Just in case there is any misunderstanding out there, I do not agree with everything in this bill, so we can correct that if I misspoke myself.

Mr. SPECTER. I accept that modification.

Mr. GLENN. I reserve the remainder of my time.

I now yield such time as the Senator from South Dakota may require.

Mr. SPECTER. How much time remains on each side?

The PRESIDING OFFICER. Senator SPECTER has 15 minutes and the other side has 12½ minutes.

Mr. DASCHLE. I think the distinguished Senator from Ohio for yielding me some time.

Mr. President, I had the opportunity last night to discuss at some length many of the concerns that a lot of us have with regard to the proposal now pending before the Senate offered by the distinguished Senator from Pennsylvania. Those concerns, just to reiterate, relate primarily to process, not to substance.

I also have similar concerns, as does the Senator from Ohio, about some of the specifics of what the Senator is proposing here, though I do not disagree with the scope of his effort. He recognizes, as most do, that if we are going to deal with health care, the scope of the plan has to be very comprehensive. He recognizes that we have to deal with issues like preventive care, and we have to treat cost containment as the most important goal of our effort. So I certainly do not challenge his approach with respect to its scope.

What I challenge, in his approach is the process he is using. We talked a little about that last night. Democrats, on occasion, have been criticized by those on the other side of the aisle for not having included the Republicans in our health reform efforts. I hope that is not the case. I hope we can reach out, in a bipartisan way on this matter, as much as possible.

As a matter of fact, I was just told this morning that there will be a session on Friday that will include all Senate Republicans and Democrats, with the First Lady to talk about health care, to talk about the task force proposal, to answer questions about the plan, and to try to begin reaching a consensus on all of the issues to be taken up in a comprehensive health care plan.

That is the kind of bipartisan spirit that I think we ought to see as we approach this very difficult issue.

But how many Republicans and how many Democrats were included in the construction of the pending proposal? How many Democrats were included as it was decided what kinds of managed care systems we would employ? How many Democrats were included when it was considered what kind of preventive care benefits we would have?

I wonder just how many times the author of this proposal reached out to Democrats to find ways with which to come up with a consensus?

Frankly, I do not fault him for what he may or may not have done. But certainly this approach is not going to help us successfully address the concerns raised by the Senator from Pennsylvania.

I also wonder whether it is appropriate to pass something of this scope as wide-ranging as this amendment appears to be, without having consulted either the Labor and Human Resources or the Finance Committee. Those committees are designated with the responsibility of considering very carefully all of the ramifications relating to health care reform. To bypass those committees and go straight to the floor seems to me to be unwarranted and unwise.

I would like to know what the ranking members of those committees think about having been bypassed like that. I would like to know how the myriad of witnesses—who could come forth to give us their views about this bill and who will not be given that chance because not one hour's worth of hearings have been held on this bill—are going to feel about being excluded from that process when the bill goes straight to the floor.

Mr. SPECTER. Will the Senator yield?

Mr. DASCHLE. I will at the end of my statement. I will be happy to yield, as I did last night.

So from that perspective, too, I worry about the process.

If we are going to accomplish something in health care this year, I do not think we have any choice but to try to do it in as bipartisan way as possible, to try to work through the committees, work with Republicans and Democrats, work with our leadership, and work with the White House.

But we are not doing that with this amendment. And I think that presents some serious problems.

As was stated on many occasions last night, we are talking about a 302-page proposal. I must tell you, I daresay there is not one Senator here who can tell you what is in that 302-page proposal, outside of perhaps the sponsor and the cosponsors. We have not had a chance to look at it.

I know it may have been in the RECORD. It may have even been sent to each one of our offices. But if we had to take a pop quiz today about what is in that bill, I guarantee you 90 percent of the Senators would flunk. They would not know what is in it.

We do not know how the bill treats the VA. We do not know how the bill treats preventive care. We do not know how the bill deals with all the complexities of health care, as we should, prior to the time we are called upon to vote up or down on the measure, as I understand we will have to do in just a half hour. That, too, concerns me a good deal.

We are amending a bill to allow the Environmental Protection Agency to become a Cabinet-status agency. And for us to do that, in my view, with all due respect, trivializes the whole issue of health care. It somehow relegates health care to a secondary matter thrown onto a bill having to do with the Environmental Protection Agency.

What kind of statement does that make, by 100 U.S. Senators, about the importance that we place on reforming our health care system and doing it right?

My colleagues on the other side of the aisle have reiterated, on numerous occasions, the need to enact health reform with some haste. But I would reiterate what I said last night. Our colleagues in Pennsylvania are quoted in a newspaper as having said that, to move quickly on health care, to quote GEORGE GEKAS and WILLIAM GOODLING, two Congressmen of high regard—I know them both well—would be "like a speeding train out of control and needs someone to hit the brakes," they say, "to prevent" what they call "a disaster."

That is what they said it would be like if we moved too quickly: It would be "a disaster."

I think in this case to take an amendment of this consequence, 302 pages, to bring it to the floor, to pass it without fully appreciating its ramifications, would be, as they say, a disaster.

One of the other concerns I have has to do with cost. The Senator from Ohio addressed that point. The Senator from Pennsylvania recognized last night we do not have an official estimate of the bill's cost. We have, I am told, an HMO in Pennsylvania that is taken as a model, and from that model are projected cost savings. Of course the Senator acknowledged last night we do not even know what the basic benefits plan would look like because his bill calls for the benefits to be determined by a Federal health board, something to which I subscribe. But if we do not know what the basic benefits plan is, how in the world are we going to be able to determine the costs of this plan?

He expressed frustration last night, for good reason, about CBO's inability to come forth with numbers. I indicated last night I share some of that frustration. But for us to vote on something of this magnitude and not know, within $30 or $40 billion, perhaps, what this thing is going to cost may make it subject to a budget point of order. That is something we ought to look into. How can we in good faith vote on something like this without having one agency of the Federal Government examine it and give us a cost estimate? That is not the way to deal with health care. That is not the way to approach an issue of this magnitude.

I would be happy to yield to the Senator from Pennsylvania for a brief question, but first I would like to make one last point. There was some concern expressed by the distinguished senior Senator from South Dakota about the Clinton administration's intentions with regard to health care. He cited an article in the New York Times.

I do not care to read the entire article but I must say the headline is pretty clear. It says, "Clinton Rules Out Delay in Unveiling Health Care Plan." "Clinton Rules Out Delay in Unveiling Health Care Plan." I do not know how much more unequivocal you can get than that. What we are saying here is that the President has reiterated his determination to move this legislation ahead.

Mr. PRESSLER. Will my colleague yield?

Mr. DASCHLE. And I must say he has reiterated it in a way I think deserves commendation. His effort will include Republicans and Democrats, as the meeting on Friday will prove. It will include the senior Senator from South Dakota, the Senator from Pennsylvania, the Senator from Ohio, every Senator interested in health care.

I will be happy to yield to the Senator from South Dakota.

Mr. PRESSLER. It is true the article says, "Clinton Rules Out Delay in Unveiling Health Care Plan." But I am concerned about getting this thing done and I am not just trying to score debaters' points here. Legislatively, when will we see this package on the floor? What will be my colleague's prediction?

Mr. DASCHLE. I am not the majority leader, as the Senator knows, but I can say this. The answer to that question relates directly to the degree to which both sides are willing to cooperate.

If the Senator from South Dakota will say "I am not going to obfuscate the health care issue, I am not going to put down obstacles, I want to work together, I want to find a way to resolve these issues in a bipartisan fashion"—if we can say that without any objection on either side, if we can guarantee there will not be filibusters, if we can guarantee we are going to move in good faith, then I say to the Senator from South Dakota there is no reason why we could not do it this summer. Let us do it as quickly as we can but let us not set an arbitrary deadline just to say we are done with it.

We know we have very difficult issues to approach. Those issues are further complicated by partisan bickering. If we delay and bicker about each one of these items in a partisan fashion, then there is no telling when we can pass this bill. But, if we can do it in a constructive way, I share the President's optimism that there is a good opportunity for us to do it this year.

Mr. PRESSLER. Will my friend not agree it is the responsibility of the Democratic leadership to bring the Clinton bill to the floor? We are ready to go. But we keep reading and hearing this is going to be delayed until next year. It is not just me saying it. This says, "Even though Congress is unlikely to start work on a health care plan next year." They must have been told that by somebody. It must be the intention of the Democratic leadership to delay.

Mr. DASCHLE. The author of the article probably heard the distinguished Senator from South Dakota last night say health reform was going to be delayed and delayed and delayed. When you hear that from a couple of Members of this body, certainly you come to some conclusions. It does not take very much to delay health care reform or any other piece of legislation.

Mr. GLENN. Will the Senator yield?

Mr. DASCHLE. Obviously, we have to be concerned about these predictions of delay. Are we getting signals this is going to be delayed? Are we getting signals there are some on either side of the aisle that do not want to move health care reform? Then if I were a reporter I would probably have to put that in my story. But if it is up to the President and majority leader—and frankly I believe it is up to many Members on the other side of the aisle, including the Senator from Pennsylvania—there is no reason why this legislation has to be delayed.

I know the Senator from Ohio wants to respond as well. I yield the floor in that interest.

Mr. GLENN. I just wanted to find out what our time situation is on both sides.

The PRESIDING OFFICER. There are 8 minutes and 30 seconds remaining.

Mr. GLENN. How much on the other side?

The PRESIDING OFFICER. They have 15 minutes remaining.

Mr. GLENN. Mr. President, we reserve the remainder of our time on this side.

Mr. SPECTER. Before yielding to my distinguished colleague, the distinguished Senator from South Dakota, I have just a couple of comments, to reply to what Senator DASCHLE has had to say.

He says he challenges the process and says the Democrats have been accused of not including Republicans. Senator DOLE, the Republican leader, and Senator CHAFEE, the chairman of the Republican Health Care Task Force, sought to send representatives to the White House task force and were denied that opportunity.

The distinguished Senator from South Dakota [Mr. DASCHLE] says why was the Labor and Human Resources Committee, the Finance Committee, and the White House—why were they not all consulted? The answer is they were, and I put that in the RECORD in some detail, including the response from the chairman of the Labor and Human Resources Committee.

And the question I ask my colleague from South Dakota, Senator DASCHLE, with respect to consultation of Democrats, is: Is Senator DASCHLE aware of the fact that he received a letter containing Senate bill 18, with a summary of the bill, in January of this year?

Mr. DASCHLE. If the Senator will yield, I was not aware of that. That is my point. I am sure if you ask most Senators that same question, the Senator will find, indeed, with all the mail Members of Congress receive, they probably were not aware of that letter.

Mr. SPECTER. I accept the negative answer, Mr. President, but I am not going to consume any more time. If that is the negative answer, after having sent Senator DASCHLE a letter, as I sent a letter to every one of the 99 Senators, in January, and he says 90 percent flunk—that is not the fault of this Senator or this body. That should be no reason, absolutely no reason, for not proceeding to consider this bill.

Mr. President, at this time I yield 5 minutes to my distinguished colleague, Senator PRESSLER.

Mr. PRESSLER. Mr. President, I thank my colleague very much.

Mr. SPECTER. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There are 13 minutes remaining.

Mr. SPECTER. I thank the Chair.

Mr. PRESSLER. Mr. President, I rise to urge my colleagues to support the pending health care reform amendment. As I stated yesterday, my intent in cosponsoring this proposal was to send a clear message to the administration and to the congressional leadership. Congress is ready to deal with this issue and we must do so early this year. I do not fully support every measure of this particular amendment. However, I do support the basic principles of reform it contains: malpractice reform, small market insurance reform, revisions in the antitrust laws, reduction of administrative procedures, reduction of waste and fraud, a greater emphasis on preventive care, and tax incentives to help individuals purchase health insurance.

Is this a perfect bill? No. I do not fully support the provisions establishing the Federal health board, nor do I fully support it being given the authority to limit the growth in annual health care expenditures. But I do believe that this is a starting point.

I hope my colleagues support this bill. It will send a clear message to the administration and to the American people.

Let me say, Mr. President, I am not here today to score debating points. I have worked on health care matters since 1975, when I entered the House of Representatives. I served on the rural health care task force in both Houses and the Republican Health Task Force in the Senate. We have had many meetings and have offered numerous amendments. As a member of the Senate Aging Committee, I have worked on a number of matters dealing with health care. So I do not take a back seat to anyone in terms of a long record of interest in and activities on the Senate Committee on Aging, the rural health care task force, in both the House and Senate and the Senate Health Task Force.

But we are faced with a developing phenomenon this year, and that is lack of action on this issue. After much talk by both sides, very frankly, and after much talk by the administration, we are suddenly faced with a situation where the much anticipated bill is not going to be brought to the floor. We keep hearing that the studies are going on, the meetings are continuing, we are going to have a report, and that is all fine. And we all get the administration's health care plan, I suppose. But we keep hearing that it will probably be next year before it is dealt with by the Congress.

As I have said before, and I speak with the experience of serving in this Congress since 1975, when something is held over until an election year, it probably means it will be held over until the next year. So we are really talking about 1995 before this bill is taken up. That may sound like an extreme statement, but you heard it first here on this floor. I fear that this is what is going to happen, and that is why I am speaking out, and that is why I cosponsored this amendment. I hope I am wrong, but I have asked for commitments. We could do this bill in June or July. We could devote July to this bill. We could do it in June. There is no reason why we could not.

Now we hear there are more delays. There is not any filibuster about it. There is no cloture. The delays are not on this side of the aisle. We are ready to go. This Senator is ready to go. I am speaking for myself and I think for lots of others. But I do not think the American people know quite what is going on. They have been hearing about health care reform. It was promised to be sent over in the first 100 days and it just has not shown up. Once it gets here, the American people cannot wait another 7 or 8 months, before we deal with this issue.

So this Senator is going on record today stating that I am ready to legislate in this area. I think Senator SPECTER has done a great service by having the courage to bring up this amendment, and by taking the criticism that goes with it. There is no other vehicle. It is time to act. And it is a signal that we want to do health care early this year.

There is no reason not to do it. We have studied it enough. It is time to go.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, first of all, I want to thank from the bottom of my heart Senator DASCHLE.

Mr. GLENN. I yield the Senator 6 minutes. I believe we have 8 minutes remaining. I yield the Senator 6 minutes.

Mr. ROCKEFELLER. Mr. President, I thank the distinguished Senator from Ohio. I want to thank the distinguished Senator from Ohio and Senator DASCHLE for holding the floor so long.

I listened to the Senator from Pennsylvania last night and the Senator from South Dakota this morning. The Senator from South Dakota worries we are not going to get a health bill until 1995. I can assure you that this is the way we are not going to get a health bill, if this is the type of approach we take.

When we have a new administration, and when the new administration is put into office on basically two planks—one is economic and the other is health care reform—then it is the usual and customary procedure, it would seem to me, especially with the intensity the President and First Lady are working on health care, and the intensity the majority leader of this body, as well as the minority leader, feel about health care, that we give them a chance to put their plan forward.

It has been several months, because the Clinton administration has been undergoing a process of preparation of their bill, which is unprecedented in the history of this country on any kind of legislation. The President was quoted on Monday as saying he is going to "bust a gut," as he put it, for health care reform.

I know personally, having worked with him and I believe sharing the confidence of both the President and First Lady, the depths of their commitment to getting this done. But this is one way you cannot get health care done. And if there is one thing that would upset my constituents in West Virginia, and I feel fairly certain the constituents of the Senator from Pennsylvania, it would be putting something that is so important to the lives of the American people, which affects them in so many ways, into law without even having a hearing. I mean, we are talking about a four-page sheet of explanation. We do not know what the costs are of this amendment.

The Senator from South Dakota talked about tort reform. I am for tort reform. There are all different kinds of tort reform. There have been no hearings, no nothing, no process.

My people from the State of West Virginia, if we were to pass this legislation, would be horrified, I think, and would rightly be scared. "What have they done up there? What are they doing?"

We are going to spend a trillion dollars this year on health care, a trillion dollars. We are going to spend $2 trillion in the year 2000. This makes the Pentagon look like a cup of coffee in terms of money. And my people want to know we are doing something thoughtful; that we are doing something deliberate; that we have checked our figures; that we know exactly what the costs are; that we know exactly what the ups and downs of all of this are, what the sacrifices are, and what the advantages are. This is the most complicated process we are embarking on in history. I say that with all due respect to the Senator.

To actually adopt an amendment to some bill about something entirely different than comprehensive health care reform is something which would trouble my constituents in West Virginia enormously.

We are going to be meeting, as I understand it, with the First Lady, Ira Magaziner and Judy Feder—all Senators, Republican and Democratic—on Friday. I know that the First Lady very much wants, as she already has, to sit down with Republican Senators, and I have witnessed that. And, there will be more common meetings of Democrats and Republicans so we can discuss this together. But they have dozens of people just cross-checking figures, cost estimates.

This is massive legislation in dealing with health care reform, and you cannot do it this way. I hope very much that we do get up-or-down votes on this, and I hope very much that the word going around that somebody on the Republican side is going to move to table this legislation so as to obscure the vote is not the case, and that the Senator from Pennsylvania will, in fact, insist on, as he indicated yesterday, an up-or-down vote and not settle for a tabling motion, which obscures the way people understand the result of this. I want people on record on this, too. Health care is an incredibly serious subject. It is not something which is done by form of an amendment on some totally unrelated bill.

We have for the first time, in my judgment, a President who really cares about health care. And this will sound political, and I do not mean it to be, but I had been so frustrated that I almost myself got into the race for President solely on the basis of my frustration about what was not happening in health care.

So the frustration of the Senator from Pennsylvania is shared by this Senator. The frustration of the Senator from South Dakota is shared by this Senator. But because I am frustrated does not mean that I go and take four pages and say, "Here is comprehensive health care legislation," with no hearings, no cost estimates, no sense of really what we are doing, and then pass it. The U.S. Senate is not meant to do that, particularly on something which is as massive as something called comprehensive health care reform.

I respect what the two Senators are trying to do, but this is not the way to go. I hope our colleagues will vote no on the amendment.

Mr. SPECTER. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. Eight minutes and thirty-four seconds remain.

Mr. SPECTER. Mr. President, had the distinguished Senator from West Virginia been elected President and asserted his attention toward health care reform, knowing him as I do, I would not have offered this amendment, if we had started at an early date and moved ahead in an expeditious manner.

When the distinguished Senator from West Virginia says it is being added to an unrelated bill, he knows full well that is the only way a Senator in my position can bring this matter to the floor. I am not the majority leader, who can bring health care to the floor. Last July 29, I offered a health care amendment to an unrelated bill. The distinguished majority leader said it did not belong. I agreed with him and said I would withdraw it if he would give me a date certain, and he did not do that.

The Senator from West Virginia talks about the absence of hearings. I do not know if he was aware of the fact of repeated evidence, which this Senator put into the RECORD, and efforts to get hearings from both the Finance Committee and the Committee on Labor and Human Resources.

When the distinguished Senator from West Virginia talks about a tabling motion and makes some reference to the Pennsylvania Senator indicating something yesterday, this Senator did not indicate anything about any style of vote. And if a Senator wishes to offer a tabling motion, that is the right of any Senator to do so.

How much time remains on my side, Mr. President?

The PRESIDING OFFICER. There are 7 minutes remaining.

Mr. SPECTER. How much?

The PRESIDING OFFICER. Seven.

Mr. SPECTER. I reserve the remainder of my time.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I believe the distinguished manager will yield me a minute.

Mr. ROCKEFELLER. Mr. President, I happen to know, although the Senator from Ohio is not on the floor, I happen to have overheard the conversation in which he was going to yield the Senator from New York 1 minute. Here is the Senator.

Mr. GLENN. Mr. President, what is the time remaining?

The PRESIDING OFFICER. The time remaining is 1 minute, 45 seconds.

Mr. GLENN. How much on the other side?

The PRESIDING OFFICER. Seven minutes.

Mr. GLENN. If there are any speakers on the other side, we would like to retain our last couple of minutes, if we could.

Mr. SPECTER. Is the Senator from Ohio asking us for 1 minute for Senator MOYNIHAN?

Mr. GLENN. No, I am not asking for anything. Senator MOYNIHAN can take our time.

Mr. SPECTER. If that is the request——

Mr. GLENN. I yield Senator MOYNIHAN the rest of our time.

The PRESIDING OFFICER. Senator MOYNIHAN is recognized for 1 minute.

Mr. MOYNIHAN. I thank my able and gallant colleague, the manager of the bill.

Mr. President, it is a welcome sight to see a Republican offer a health measure in this body. In 1971, President Nixon sent us a comprehensive health program of the order of play or pay, as it was called. It was turned down then in this body as not advanced enough, and that way we lost another generation. We did the same thing on welfare reform, and here we are a generation later trying to deal with them.

But not in this mode, Mr. President. This bill was referred to the Senate Committee on Finance. We have not had any hearings. We have not addressed the subject at all. We will do, and when we do, we will seriously consider the proposal of the Senator from Pennsylvania. In the meantime, what we have is a trivialization of a serious issue. There is no chance this will pass. The other side is embarrassed it has been introduced. I regret that it has proceeded in this manner. A point of order lies against it. The whole procedure is impossible, improbable, wrong, and ought to be resented. In any event, let it be defeated, Mr. President.

I thank you for your kind attention.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 6 minutes 45 seconds remaining.

Mr. SPECTER. How much time would the distinguished Senator from Delaware like?

The PRESIDING OFFICER. The time has expired.

Mr. ROTH. One minute.

Mr. SPECTER. I yield 1 minute to the distinguished Senator from Delaware.

Mr. ROTH. Mr. President, at the expiration of the time of the debate on this amendment, I shall make a motion to table the amendment by the distinguished Senator from Pennsylvania. I do so with greatest reluctance because I know he has worked very diligently for many, many months in developing his program. I recognize it will provide great aid when we have serious debate on this question of health care for the American people. But I do feel strongly that if it were to be adopted as part of this legislation, it would prevent the Cabinet status that I think is so important for the environmental agency. So at the appropriate moment, when time has expired, I will move to table.

I yield the floor.

Mr. SPECTER. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There are 5 minutes, 30 seconds remaining for the Senator from Pennsylvania and no time remaining of the other side.

Mr. SPECTER. Mr. President, by way of a very brief summary, I urge my colleagues to resist a motion to table which will be made under the announcement of the distinguished Senator from Delaware, and I can understand his concern about impeding the bill that is coming out of his committee.

I ask my colleagues to vote "no" on the motion to table. Senator DOLE has advised this Senator that he will be voting "no" on the tabling motion. The distinguished Senator from Rhode Island [Mr. CHAFEE], the chairman of the Republican health care task force, who was on the floor yesterday, stated his intention to support this amendment, so I would expect him to be voting "no."

When the distinguished Senator from New York [Mr. MOYNIHAN] comments about consideration for this bill when the Finance Committee takes up the issue, that is his call. But this bill was introduced on January 21, and this Senator put into the RECORD a letter which I sent to Senator MOYNIHAN on January 22 asking for hearings on S. 18 and S. 19, and between January 22 and April 28, there has been an ample opportunity for those hearings to be held. Had those hearings been held, Mr. President, were we proceeding in a timely fashion with consideration of health care legislation, this Senator would not be pressing this amendment at this time.

This is not something that has come up on my agenda last week or last month or last year; it is something that this Senator has been working on, announced earlier, with legislation having been introduced all the way back to 1985.

I introduced health care legislation again in the 102d Congress, and a comprehensive bill having been introduced, S. 18, on the first day of this legislative session, and another bill, S. 631, which is a combination of legislation which had been introducted by Senator COHEN, Senator KASSEBAUM, Senator MCCAIN, and Senator BOND, and it is comprehensive.

If the motion to table is defeated, there will be ample opportunity for Senators to offer amendments to this legislation.

As I said yesterday, I do not say it is a perfect bill. I do not say that I support all aspects of the bill myself. It has been the product of a combination of bills. It is a critical mass which can provide the basis for legislation which is long overdue. What we ought to do is to follow the pattern established in the Clean Air Act in 1990 when the bill was brought to the floor and the Senate broke up into task forces, we worked on it, and we got a bill passed. I suggest that is the orderly way to proceed.

Mr. President, I know the hour approaches 12 noon, and I inquire as to how much time remains.

The PRESIDING OFFICER. There is 1 minute, 40 seconds remaining.

Mr. D'AMATO. Mr. President, I commend the Senator from Pennsylvania for his leadership on the health care issue.

The Senator from Pennsylvania has come to this floor on a number of occasions to offer legislation to reform our health care system. He has sought a date certain for consideration of comprehensive health care legislation, but for one reason or another his request has never been granted.

So I understand the sense of frustration that led my good friend to introduce his Comprehensive Access and Affordability Health Care Act of 1993 and to offer it as an amendment to the measure we are debating today.

The American people have made it clear that they are not happy with a health care system that costs over $800 billion a year—more than 13 percent of our Nation's gross domestic product—yet fails to provide coverage for an estimated 36 million Americans.

They want, and deserve, meaningful reform to hold down the cost of health care and to guarantee coverage to those who don't have it.

Over the past several years, we have had pending before various committees of the House and the Senate countless bills to reform our health care system. I am told there were more than 1,400 such bills introduced in the last Congress alone. There are some 200 that have already been introduced in the 103d Congress.

In the last Congress, I joined 20 of my Republican colleagues in introducing the Health Equity and Access Improvement Act of 1991. Nothing in that bill was terribly controversial; it contained medical liability reforms and incentives for expanded preventive care to hold down costs, and tax credits to make health insurance affordable. This bill never made it out of the Finance Committee.

Mr. President, I want to know, what are we waiting for? Clearly, the decision has been made that nothing will be done until the President's task force submits its final proposal in May or June.

Yet, as the amendment by the Senator from Pennsylvania makes clear, there are significant measures pending in this body that we could be debating. But instead we wait. And as we wait, we begin to hear—as we have in recent statements by House Majority Leader GEPHARDT, and Ways and Means Committee Chairman ROSTENKOWSKI—that it is unlikely that we will get a health reform bill enacted this year.

Again I say, "what are we waiting for?"

We have models of health care reform around the country that are working today, and I would cite Rochester, NY, as an example. According to a recent Harris poll, Rochester leads the Nation in health care access and satisfaction—while succeeding in holding costs to a fraction of what they are elsewhere in the Nation. This poll found:

More than 84 percent of Rochester residents are satisfied with their health care—compared to 71 percent nationally.

Median out of pocket costs of Rochester area residents are only $102 annually—65 percent lower than the national median of $290.

Let me also share with you some of the findings of the House Committee on Government Operations as it relates to the Rochester health care system:

Health insurance premiums in Rochester average $2,400 per employee, or about one-third less than the national average.

Of the Rochester area's 1.1 million residents, only 7 to 9 percent are uninsured, compared to 12 percent in New York, and 15 percent nationally.

On average, the Rochester area's hospitals are 84 percent occupied—compared with a national average of only 66.8 percent in 1990.

Rochester's per capita hospital expenditures in 1989 were 41 percent less than the State average, and 9 percent less than the national average.

The amendment by the Senator from Pennsylvania seeks to foster in every State the kind of innovation in health care delivery that we have seen work so effectively in Rochester.

And that, I think, is the point of the amendment by the Senator from Pennsylvania:

We have models of health reform that work today; and we have any number of worthwhile bills pending in the committees of the House and the Senate that would put these innovative ideas to work to extend benefits and hold down costs to all Americans.

But all of our hand ringing and talk over the issue of health reform doesn't amount to a hill of beans unless we put a bill before the Senate, debate it, and get it enacted into law.

I support the Senator from Pennsylvania's efforts to get a bill on the floor for debate. I do not support every provision in my colleague's amendment. I disagree with the inclusion of the financing provisions he has chosen to put in the bill, and I have expressed my views on these provisions to my colleague.

But I am of the belief, Mr. President, that if we postpone the debate on health reform until we have a plan before us that is 100 percent agreeable to each and every Senator, then we will never move forward on this important issue.

Mr. President, I believe the time has come to roll up our sleeves and begin the hard work of crafting a health care plan that will meet the needs of America.

Mr. HATCH. Mr. President, our colleague from Pennsylvania, Senator SPECTER, has his finger on the pulse of America. There is nothing more important on our agenda this session than the issue of health care reform.

Senator SPECTER has a very comprehensive plan, as do I and a number of other Senators. While I do not agree with every element of his approach, our plans share a common goal: Providing access to quality and affordable health care for all Americans, whether they are in Utah, Pennsylvania, or any other State.

Let me just note that Senator SPECTER's plan contains a number of features, which, in my estimation, are essential. These include medical liability reform, antitrust reform, and an increased emphasis on preventive health care. These are very important.

It is also important that we show our commitment to acting on health care reform, and maintaining its priority status. For this reason, I must oppose a motion to table.

Mr. SASSER. Mr. President, I would like to commend my friend from Pennsylvania on his effort to bring significant health care reform legislation before the Senate for consideration. I share his view about the gravity of the health care crisis and the urgent need to address this problem through the passage of comprehensive health care reform legislation.

I believe the amendment he brings before the Senate today is well-considered, and serves to move this body forward toward the goal of passing a reform measure in the 103d Congress. However, I regret to say that I will find it necessary to vote to table the amendment offered by Senator SPECTER. I will do so for several reasons.

First, I am certain the majority of this body would agree that many of the measure's provisions are meritorious. However, I believe that a most important aspect of the health care problem—that of skyrocketing health care costs—is not adequately addressed in the Senator's amendment. If we are to ever provide adequate and affordable insurance coverage to the uninsured and underinsured in this country; if we are ever to provide American families assurance that their insurance premiums and out-of-pocket medical expenses will not continue to rise at several times the inflation rate, we simply must make some difficult choices on ways to control health care costs. Health care reform legislation must include substantive, enforceable cost containment measures. And in my view, Mr. President, the amendment before us simply does not go far enough in this area.

My second concern relates to the fact that the President of the United States—who was elected with a clear mandate to provide badly needed leadership on health care reform—is within days of finalizing his health care reform proposal—the plan he and the First Lady have spent so much time and energy developing over the past few months. In fact, it is my understanding that the proposed plan is to be presented to the public on May 17—less than 3 weeks from today.

I might submit that the Senator from Pennsylvania would serve the effort to move on health care reform if he were to wait 19 days, examine the President's plan, compare it to his own proposal, and then work constructively with the President of the United States and with his colleagues on both sides of the aisle to fashion an effective and workable health care reform plan.

Finally, Mr. President, I am concerned that the amendment offered by the senior Senator from Pennsylvania—should it win approval—may delay the passage of the important bill under consideration today. As I mentioned here yesterday, I am an original cosponsor of S. 171, the Department of the Environment Act of 1993.

Each day, the American people are expressing more and more concern about the condition of their environment. The President, the Vice President, the Secretary of the Interior, the Director of the Environmental Protection Agency—all have made it clear that they understand that concern, and are ready to work with the Congress to address long-neglected environmental problems. The establishment of the Department of the Environment represents a clear step—a both symbolic and substantive move forward—toward establishing environmental protection and conservation as priority goals of this country and its Government.

So Mr. President, I shall vote to table the amendment offered by my distinguished colleague, Senator SPECTER. But I stand ready to work with him on the pressing issue of health care reform—with the goal of passing a comprehensive measure in the coming months.

Mr. MCCONNELL. Mr. President, with some 700,000 Kentuckians who are uninsured or underinsured, I fully understand the importance of swiftly enacting national health care reform. I recently traveled throughout my State to discuss this issue with medical professionals, hospital administrators, business leaders, and concerned citizens. Everyone agrees that reform of our health care system must be among our Nation's top priorities.

While I do not support all the provisions contained in this amendment, I intend to vote for the measure offered by the Senator from Pennsylvania because I feel it sends a clear message to the American public that there is no time better than the present for reform. I commend my colleague for his tireless efforts in pressing for action on this issue.

In the next few weeks, I anticipate that the administration will unveil its reform proposal. I look forward to the continued debate on this issue, and I will work hard to ensure that any comprehensive package this body may consider is beneficial to Kentucky's specific health care needs.

Mr. GORTON. Mr. President, as part of his successful Presidential campaign, President Clinton made it clear to all Americans that health care reform would be a top priority for his administration. A clear illustration of his commitment to that promise was his appointment of his wife, Hilary Rodham Clinton, to chair the task force of national health care reform. For the past several months she and members of the task force have labored to produce a comprehensive proposal to Congress by the middle of next month. Only the tragic death of her father caused an understandable postponement of the anticipated deadline. She and the President are to be commended for the serious effort made thus far to find a solution to the rising health care costs and declining access to affordable care.

I share their desire to find a meaningful and lasting solution to our Nation's health care problems. For that reason, I have been meeting for the last 2 years with other members of the Republican health care task force to discuss alternative proposals to improve our health care system. These lengthy meetings have proceeded under the chairmanship of Senator CHAFEE and have informed and inspired Members to resolve some of the complex issues ahead of us.

At some point in the near future, Mrs. Clinton's task force, the Senate Republican health care task force, and several other organizations will offer to Congress their view of change. At that time, the Nation will begin a debate of enormous magnitude.

It is this Senator's belief, that the debate should begin with the proposal from Mrs. Clinton. After all, she and the Clinton administration have made it clear that their health care reform proposal will be the center of their domestic policy. Their level of commitment deserves this Chamber's patience to wait for the task force's final product.

Having said all that, I would like to offer Mrs. Clinton some friendly advice: We are here to help solve this problem. Frankly, many of us who have been working on health reform for the last 2 years have been disappointed with the lack of inclusion in the administration's deliberations of anyone from this side of the aisle. With the exception of one 1-hour briefing by Mrs. Clinton to 35 Republican Senators, this Senator and most others have not been invited to discuss health care reform with the administration. Nor have my letters concerning health care reform to Mrs. Clinton been answered. Moreover, I was disappointed to discover upon publication of the list of task force members that of the 500 or so individuals determining the administration's health care reform proposal, nearly a third are staff members of Democratic House or Senate members, and most of the rest are Government employees. Despite comments in the press to the effect that this will be a bipartisan effort, there is obviously reason to doubt.

That, I believe is a serious mistake. If the plan does indeed include employer mandates, global budgets, price controls, and increased taxes, bipartisan support will be difficult to find.

And yet, by voting against Senator SPECTER'S amendment, this Senator has shown his willingness to give the President the benefit of the doubt. I still welcome the opportunity to discuss health care reform with the administration and urge Mrs. Clinton to consult with us not just for form, but with a view toward accommodating our ideas. While parts of the Specter proposal are attractive, I believe we must wait to discuss it after we have given the First Lady's proposal the serious consideration which it deserves.

This is neither the time nor the place for passing comprehensive health care reform. Rather than amending legislation that will create a Department of the Environment, health care reform should be debated and passed on its own and after serious consideration. That consideration must begin with the Clinton proposal. Anything less would be a disservice to the commitment and initiative of the administration to resolve our health care problems.

Mr. SPECTER. Mr. President, I am prepared to yield to the Senator from Delaware for his tabling motion.

Mr. ROTH. Mr. President, I move to table the amendment.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The hour of 12 noon has arrived. Under the previous order, the question is on agreeing to the problem to table the Specter amendment No. 325. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and, the Senator from Texas [Mr. KRUEGER] are necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—65

Akaka
Baucus
Biden
Bingaman
Bond
Boren
Boxer
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Cochran
Conrad
Coverdell
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Wellstone
Wofford

NAYS—33

Bennett
Brown
Chafee
Coats
Cohen
Craig
D'Amato
Danforth
Dole
Faircloth
Gramm
Grassley
Gregg
Hatch
Hatfield
Helms
Jeffords
Kassebaum
Kempthorne
Lugar
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Bradley
Krueger

So the motion to table the amendment (No. 325) was agreed to.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

HEALTH CARE REFORM

Mr. DOLE. Mr. President, today the Senate voted to table the amendment on health care reform cosponsored by several of my colleagues on this side of the aisle.

Although I have concerns about the contents of the amendment offered, particularly in its cost and its lack of financing, it is this Senator's strong belief that health care is a topic we should be discussing at length. We hear all the time about the enormous complexity of the issue and how complicated it is to solve what many have called a crisis in this country.

Mr. President, no doubt, the amendment offered was not a perfect one. In fact, the original cosponsors freely admitted this. However, we are sure to perpetuate the problems if this body is unwilling to enter into serious discussions about viable reform alternatives. Given the complexity of the issue, I do not believe that health care reform will be resolved by pushing it aside because we are not ready to talk about it yet.

Given the nature and many intricacies of this issue, the administration and Congress must work together on reforming our Nation's health care system. As demonstrated by my colleagues on this side of the aisle, Republicans are ready to roll up our sleeves and face the difficult decisions that must be made.

Republicans welcome substantive discussions on health care. We continue to be fully committed to reforming our health care delivery system and will remain committed, Mr. President, until health care costs are contained and all Americans have access to the system.

The PRESIDING OFFICER. Under the previous order, the Senate will be considering a series of amendments. There will be 1 hour of debate, equally divided.

The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

AMENDMENT NO. 327

(Purpose: To provide that one of the Assistant Secretaries of the Department of the Environment shall be an Assistant Secretary for Indian Lands)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 327.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 104(b) of the Committee Amendment in the Nature of a Substitute is amended by adding at the end thereof the following new paragraph:

(3) One of the Assistant Secretaries referred to under paragraph (1) shall be an Assistant Secretary for Indian Lands and shall be responsible for policies relating to the environment of Indian lands and affecting Native Americans.

Mr. MCCAIN. Mr. President, this amendment is rather simple and straightforward. It would authorize the appointment of an Assistant Secretary for Indian Land in the new Department of the Environment. It is my understanding that this will not increase the cost nor will it, in my view, significantly increase the bureaucracy of the new Department.

The bill before us authorizes up to 12 Assistant Secretaries at the new Department of the Environment. I believe it is reasonable and appropriate to designate 1 of these 12 to implement Federal environmental policies for Indian lands and native peoples.

Before I get into my prepared statement, I just want to tell my friends here, if they want to vote this amendment down, that's fine. But we will have a vote. The fact is, if they want to again ignore the needs and the problems of our Nation's least privileged Americans—and that is our first Americans—that is fine with me. But I intend to get the Senate on record as to how they feel about native Americans.

The fact is, Mr. President, that native Americans today have two ways to improve their economy. One is through Indian gaming which is the subject of enormous controversy. The other is through landfills, basically desecrating what they hold most sacred, and that is their land. The RECORD will show, and I will include in the RECORD documentation that native Americans have been taken advantage of time after time on environmental issues. They have been forced, because of economic necessity, to betray the very thing that they hold the most sacred.

I cannot believe that the U.S. Senate would not ratify at least 1 of the 12 Assistant Secretaries to be one that is supposed to look out for those who are the least protected out of our entire population, and that is native Americans. To suggest that the reason why we will not approve this amendment is because there is somehow a clean bill, or there was somehow some rationale for no amendments, Mr. President, I believe ignores the problems of America's neediest citizens.

Mr. President, my amendment will authorize the appointment of an Assistant Secretary for Indian Lands in the new Department of the Environment that will be created by this legislation.

While I support this concept of elevating the EPA to a Cabinet-level Department, this legislation does not address the pervasive environmental problems faced by the neediest Americans in our Nation. I am deeply concerned by the fact that native Americans and their lands are receiving an adequate level of attention and assistance from the EPA.

The bill before us authorizes up to 12 Assistant Secretaries at the new Department of the Environment. It is both reasonable and appropriate to designate 1 of these 12 to implement Federal environmental policies for Indian lands and native peoples.

Later in my remarks I will tell you how much money has been given to native lands as far as environmental issues are concerned as opposed to the rest of America. The numbers are shocking.

Unless we act to create a permanent, high-ranking presence at the policymaking level to represent the interests of native Americans on environmental issues, I fear our historic neglect of the environmental problems faced by Indians in our Nation will continue.

The administrative structure established in the EPA to address environmental problems on Indian reservations has not adequately served native Americans. Unless this amendment is passed, Indian programs at a new Department of the Environment will continue to be buried below the policy level, and the concerns of native Americans on our Nation's 280 reservations will remain mostly unheard.

In creating a new Cabinet-level Department of the Environment, we need to ensure that native Americans have an advocate at its highest reaches. An Assistant Secretary for Indian lands will be able to more effectively promote Federal efforts to assist tribal governments in their efforts to protect Indian lands from environmental degradation, and to secure the resources that are urgently needed to rededicate existing environmental problems.

Mr. President, the environmental problems on Indian lands in the United States, are serious, widespread, and complex. Many Americans and many Members of this body are unaware of how much of our Nation is comprised of Indian lands. The total, land mass of Indian reservations is equal to the size of New England and the States of Maryland, Delaware, and New Jersey combined. Indian lands comprise 25 percent of the land in my State of Arizona. The Navajo Reservation alone is equal to the size of the State of West Virginia.

This vast expanse of land that is indian country in America holds an alarming variety of environmental problems that are adding to the often bleak quality of life faced by native Americans.

A brief review of a few of the environmental issues that exist in Indian country is a disturbing array of growing health risks and the tragic pollution of sacred lands. Mr. President, there are over 1,000 solid waste landfills on Indian lands that do not meet Federal standards, and approximately 450 of these sites are potentially hazardous. EPA officials stated in testimony before the Senate's Select Committee on Indian Affairs that of 108 sanitary landfills constructed by the Federal Government, no more than 2 are in compliance with EPA regulations.

An investigative series by the St. Louis Post-Dispatch in late 1991 detailed some of the most serious cases of environmental problems in Indian country.

Mr. President, as you can see, there are toxic trouble spots on virtually every Indian reservation in America.

The Pine Ridge Reservation in South Dakota, which has contaminated drinking water from uranium mining and numerous unsanitary landfills.

Landfills in the Devil's Lake Sioux Reservation in North Dakota and the Oneida Reservation in Wisconsin have been described as being "laced with arsenic, mercury, and other illegally dumped chemicals."

The Navajo Reservation in New Mexico, Arizona, and Utah has an estimated 1,000 sites polluted by old uranium mines or uranium waste.

Mercury pollution on Seminole land in Florida threatens fishing and the gathering of food.

Perhaps the worst spill of low-level radioactive waste in American history occurred 13 years ago at a uranium mine on the Navajo Reservation in New Mexico.

Earlier this year, flood waters of the Salt River in Arizona ripped open a landfill operated by an Indian tribe and sent tons of garbage flowing down the river and into neighboring communities.

The St. Louis Post-Dispatch reported that when the EPA finished writing new rules for garbage and solid waste control, copies were sent to all 50 States to prepare them for the new regulations. None were sent to Indian tribes, although tribes will clearly be subject to enforcement actions under the new regulations.

I want to remind my colleagues that these environmental maladies are afflicting the very poorest communities in the entire United States. Unemployment in Indian country averages 50 percent, and on some reservations approaches 90 percent. More than 15 percent of Indian homes lack basic sanitation facilities—a rate 8 times worse than the rest of the United States. On Navajo lands alone, more than 11,000 homes lack running water and sewage disposal.

These disturbing facts have a definite cost in human lives.

According to the Indian Health Service, over half the 56 infant deaths in Navajo country in 1989 occurred in homes without running water. Furthermore, the tuberculosis death rate for Indians is five times the rate for other races combined.

The increasing problem of hazardous waste sites and unsafe landfills on Indian lands can only exacerbate these problems, and further strain the abilities and limited resources of tribes and Federal agencies to solve them.

What will be done by Federal agencies to address many of these environmental problems in Indian country? Sadly, Mr. President, not nearly enough. Due to the ranking criteria used by the EPA under the Superfund Program, almost all of the hazardous waste sites on reservations will not qualify for Federal assistance.

This disturbing situation must be changed, and establishing an Assistant Secretary for Indian Lands at the EPA will be an excellent first step in doing so.

In monetary terms, the funds that are needed to address environmental problems on reservations are enormous, and far beyond the scarce resources of our Indian tribes. The Indian Health Service has estimated that the unmet needs of tribes for health-related water systems, sewage disposal, and solid waste deficiencies are at least $700 million, and in all likelihood are far higher.

It is a simple statement of fact to say that the response of the EPA and other Federal agencies to environmental problems on Indian lands has been totally inadequate and a national disgrace. To recognize why an Assistant Secretary for Indian Lands at the EPA is so important, one needs only to look at the huge discrepancy between the funds that have been awarded to States by the EPA for the construction of wastewater treatment facilities, as compared to what the EPA has awarded to tribes.

A 1989 EPA report found that $48 billion had been awarded to States and cities under title II of the Clean Water Act, while only $25 million had been awarded to Indian tribes. It is simply indefensible, Mr. President, that in the first 15 years of Federal aid under this landmark legislation, Indian tribes received less than one-half of 1 percent of available funds.

This same EPA report estimated that native American tribes will need $470 million to comply with water quality goals of the Clean Water Act, and to avoid environmental health risks. Yet, at the time of this report, only $30 million was available to help the tribes do so.

I do want to express my appreciation to the EPA for taking some significant steps to enhance its activities on Indian lands, and to increase the funds it provides to Indian tribes for training, program development, and remediation efforts. This effort extends back to 1984. I know that officials of the EPA's Office of Federal Activities [OFA] are deeply committed to making a difference in the lives of Native Americans, and to addressing the environmental problems they face.

I am very pleased to have worked with officials at OFA in establishing a multi-media grant program to assist tribal governments with a broad range of environmental problems.

Let me also note that EPA was the first Federal agency to formally adopt President Reagan's Indian policy which stated that relations between the Federal Government and tribes would be carried out on a government-to-government basis. This was a decade ago, however, and the promise of the EPA's well-intentioned Indian policy has not been backed up with enough financial assistance, professional training, and environment program development for tribes.

EPA Administrator Carol Browner had some compelling views on this issue during the hearing on S. 171 before the Senate's Governmental Affairs Committee. Ms. Browner said:

> I think we have failed the tribal communities of this country in terms of working with them to develop their capacity for environmental protection, for ecosystem protection. * * * I am committed to changing this behavior, to making sure that we bring resources to bear, and that we work with tribes in a way that is acceptable to them.

Creating an Assistant Secretary for Indian Lands will accomplish several important goals that Ms. Browner spoke about. First, it will immediately and permanently raise the profile of environmental problems in Indian country within the entire Federal Government. Secondly, it will ensure that there will be an Assistant Secretary to work to secure the departmental and financial resources necessary to address these problems. Finally, it will establish a high-ranking position at the policymaking level of the new department to oversee the full implementation of the EPA's Indian policy, and better coordinate Indian environmental protection programs with other Federal agencies.

I firmly believe that the best solutions to problems in Indian country are those proposed by the tribes themselves. Therefore, I am pleased that tribes such as the Cherokee Nation, the Navajo Nation, the All Indian Pueblo Council, the Seminole Indian Tribe, the National Tribal Environmental Council, and many other tribes are supportive of creating a policy-level position for Indian lands in a new Department of the Environment.

The current administrative structure of the EPA and the amount of resources targeted by the agency to help Indian tribes is clearly adequate for the task at hand. Even with some very welcome increases, only $36 million will be available to tribes for all Federal environmental protection measures this year.

Tinkering with the status quo is not enough, Mr. President, especially at a time when it is likely that there will be cuts in vital environmental protection programs that native Americans need substantially more help from. I note that the Clinton administration's proposed 1994 budget calls for a substantial reduction in funds for the EPA's wastewater treatment revolving loan fund, yet we still face a facilities backlog of at least $400 million on Indian lands.

The Senate should act right here and now to enhance the voice of native Americans within the new Department of the Environment called for by this bill. Creating an Assistant Secretary for Indian Lands is an appropriate and necessary step, and we can give both hope and promise to the tribes that so badly need our help with environmental problems.

By passing this amendment, we will not only make the new Department of the Environment more sensitive and responsive to the needs of native Americans, but we will be helping to reverse one aspect of our Government's legacy of neglect and mistreatment of a proud people who have endured so much.

Mr. President, one of the arguments that will be made, I am sure, is that there is no reason to separate out native Americans on this issue, that they should be treated equally with others.

The fact is, Mr. President, they have not been. The fact is that by solemn treaty we guaranteed native Americans certain rights and we assumed certain responsibilities for native Americans.

I will not insult the intelligence of the Presiding Officer by reminding him how those treaties came about.

But the fact is, we incurred solemn obligations. It seems to me, Mr. President, helping native Americans preserve their most precious asset, which is their lands, is something which should not be a major task for this Senate and this Government to overcome.

I believe that the unique status of a government-to-government relationship that embodies our policy toward native Americans mandates that we establish an Assistant Secretary for Indian Lands.

Mr. President, I ask unanimous consent that Senator NIGHTHORSE CAMPBELL be added as a cosponsor, as well as Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona reserves the remainder of his time, which is approximately 14 minutes.

The Senator from Ohio.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I do not like to oppose this amendment, but unfortunately I have to. I, too, am concerned about native American issues and Indian tribes. we tried to build into this bill managerial flexibility for the Secretary, the new Secretary of Environment, to assign responsibilities and jurisdictions for the Assistant Secretaries. We did not try to spell all those out in the bill itself.

I think if we start carving out specific areas for Assistant Secretaries, it would possibly destroy what we tried to set up for the new administration to do. I think it is important to note that the new administration, though, I would say to my good friend from Arizona, has gone on record strongly supportive of native American concerns.

For example, at the Governmental Affairs Committee hearing on S. 171 on February 18 of this year, Administrator Browner indicated, in response to Senator MCCAIN, that she takes our Government's responsibilities to Indian tribes very, very seriously. I quote from her testimony that day. She said:

> I think we have failed the tribal communities of this country in terms of working with them to develop their capacity for environmental protection. I am committed to changing this behavior to making sure that we work with them in a way that is acceptable to them.

Later in that same hearing, Senator MCCAIN again asked Ms. Browner if she would give serious consideration to having a high-level person in her bureaucracy to address native American concerns. Ms. Browner replied that she was certainly willing to discuss this with Senator MCCAIN. She too, thinks it is very important.

So it seems to me there is a record of commitment by the administration on this issue. But if the Senator wishes, we could certainly give his proposal additional consideration within this bill by having the commission on improving environmental protection consider the need for an Assistant Secretary devoted just to native American affairs. But I respectfully suggest, as floor manager of the bill, as much as I would like to, I just cannot support the amendment to this bill.

We have received information, just literally within the last few minutes, in fact, after I sat down here, from the EPA. I will enter parts of it in the RECORD and read part of it. But their statement on this is the following, and this is from EPA just as of a few moments ago. The time on this, I just noted, was 12:06, when it was transmitted, I guess. So it really is very recent, from EPA. They say the following:

> It is not clear at this time that creation of an Assistant Secretary for Indian Lands within the Department of the Environment offers an effective approach to fully implement the national system of environmental protection throughout Indian country. EPA believes that programs of the new Department must thoroughly incorporate tribes, on a government-to-government basis, into all of the environmental programs established under enabling federal laws. It is not feasible or appropriate to establish a separate environmental program solely oriented to the tribes, given resource constraints, the need to avoid duplicative efforts within the new Department, and the inclusive nature of federal environmental programs and statutes.
>
> The better approach is for the new Department to accelerate efforts to enable tribal governments to establish and operate environmental programs and to assure that tribal concerns are fully considered in environmental rule-making. These include:
>
> Continuing revision of environmental regulations and statutes to provide for delegation of programs to tribes;
>
> Providing environmental program start-up assistance through General Assistance Program grants, and continued program support through set-asides for regulatory program grants, such as Clean Water Act Section 106 and Clean Air Act Section 103 grants;
>
> Providing funding access to tribes for environmental infrastructure efforts, such as the wastewater Construction Grants program;
>
> Technical assistance and training for tribal environmental staff in all major environmental program areas.

Those areas, those four I just read off, are those they include where they are planning to establish coordinated programs with the tribes to address these concerns. I will continue with their statement:

> In addition, EPA believes that the policy concerns of tribes need to be fully reflected in all departmental program offices. To this end the agency is in the process of creating an EPA/Tribal Committee, which will involve representatives from tribal governments from all regions of the U.S., and which can advise the programs and the Secretary of tribal environmental concerns and priorities. Further, EPA recognizes the need to institutionalize the input of tribal concerns to the Secretary of the Environment. As it proceeds in planning the organization of the new Department we are assured that it will create an appropriate structure to accomplish this important function.
>
> Finally, to facilitate the process of ensuring an Indian voice as the new Department implements the nation's environmental goals, and in support of the President's policy of having government reflect the essential character of the American people, efforts will be increased to recruit qualified tribal members to occupy positions in all programs and all levels within the agency.

That is a rather all-inclusive statement. I think it indicates they really want to work to this end. That statement was from EPA just this morning.

At the same time I was handed, literally after we came to the floor here, questions and their answers, which it is my understanding are the questions that the distinguished Senator from Arizona sent to EPA after our hearing in the Governmental Affairs Committee. I do not know whether he has received a copy of those or not. I just got copies a few minutes ago right here.

Has the Senator received answers to those yet?

Mr. MCCAIN. In response to the Senator, no, I have not. Frankly, I am not surprised since the Director of the EPA was quoted she would be glad to discuss these native American issues and never made any attempt to do so, nor were our questions answered, as the Senator knows. The hearings took place a good long time ago, many weeks ago as I remember. So that is again an indication of their real commitment and concern about these issues.

But I hope the distinguished chairman will at least share those answers with me, since the EPA did not feel it was appropriate to send them to me.

Mr. GLENN. I certainly will. They may be in the Senator's office. I do not know. I will be glad to furnish these.

Let me just comment on them here. One of the questions was—the Senator was:

> * * * interested in your thoughts on how the EPA can better address environmental problems on Indian reservations. Would you agree that a major problem is that more resources need to be targeted for enforcement and technical assistance on reservations?
>
> What percentage of the EPA's funding and staff are targeted on Indian tribes?
>
> A. EPA currently provides resources for environmental protection on Indian lands in three ways. First, it provides resources through Congressional appropriations and set-asides such as those provided under Section 319 and Title VI of the Clean Water Act (CWA) and funds appropriated in support of the multi-media/general assistance program. Second, EPA provides resources through regulatory set-asides such as the up to 3% of CWA Section 106 funds that are set-aside under that Act's Indian Program regulations. Finally, individual EPA offices review their grant funds on a yearly basis and include tribes along with states within their discretionary programs.
>
> Currently, 100% of EPA's multi-media/general assistance funds go to tribes. Other program funding directed to tribes include: about 2–3% of the funds for state, local and tribal programs, about 0.9% of the Agency's Superfund monies, and 0.5% of the wastewater treatment construction funds are reserved for tribes. Approximately 0.8% of EPA's FTEs are used to support the Indian Program. EPA has increased its support of tribal programs by over 700% since the adoption of its Indian Policy. As tribes continue to develop their capacity to participate in EPA programs, the Agency will need to continue to increase its efforts to support the development of tribal regulatory systems.

That was the answer to the first question. The second question that was asked of them was:

> In light of the magnitude of environmental problems in Indian country, would you have a recommendation for an appropriate policy position to address them if the EPA becomes a department?

The answer:

> In 1984, EPA was the first federal agency outside of the Bureau of Indian Affairs and the Indian Health Service to adopt an Indian Policy. The Agency's policy recognizes the sovereignty of tribal governments and commits EPA to working with tribal governments on a government-to-government basis. If EPA becomes a department, these basic foundations of the Agency's Indian Policy will be the cornerstones of any Departmental approach which the Agency will take in the conduct of its affairs with Indian nations.

The next question:

> Do you feel that native Americans deserve a voice and a strong advocate at the policy-making level of a new "Department of the Environment?"

The answer they have is:

> For the past several years, EPA has had individuals in the role of special assistant to the administrator who have advocated for the inclusion of Indian tribes within all appropriate areas of the agency's programs. If the agency is elevated to departmental status, this advocacy role will, along with other appropriate program areas, be reviewed to determine how it can best be institutionalized within the evolving framework of the new department.
>
> To facilitate the process of ensuring an Indian voice as the agency implements its Indian policy, and in support of the President's policy of having Government reflect the essential character of the American people, the agency will increase its efforts to recruit qualified tribal members to occupy positions at all levels within the agency, including those that develop policy at its highest levels.

The last question was asked of them:

> Isn't it both reasonable and necessary to have one of the 10 assistant secretaries called for by this bill to be responsible solely for environmental policies and programs affecting Indian tribes and lands?

And the answer is:

> The EPA Indian program is an important function that cuts across all of the agency's major programs to help protect human health and the environment. If the agency is elevated to department status, it will review its current structure and the legislative mandates of both its programs' specific and cross-cutting functions to determine how to most effectively employ its human and financial resources to meet its statutory obligations.
>
> At this point, it is unclear as to which of the agency's programs will become Assistant Secretary-level functions and which will continue to operate across the agency's programmatic chain of command. If departmental status is approved, all suggestions for organization of the agency's Assistant Secretary positions will be given thorough consideration before decisions are made.

That ends the question-and-answer session. I will be glad to have a copy of this made immediately and given to the distinguished Senator from Arizona.

I reserve the remainder of my time.

Mr. MCCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. MCCAIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MCCAIN. Mr. President, in July 1992, the Environmental Protection

Agency issued a report, and the subtitle of that report is "Environmental Risk in Indian Country."

If anybody believes that the EPA has been adequately responsive or in any way given sufficient priority to the environmental issues on Indian land, I think they need to read this report.

Mr. President, I quote on page 2:

> Before 1984, EPA's regulatory programs did not take into account the unique constitutional status of Indian lands. In addition, most of EPA's authorizing legislation had no language addressing responsibility for environmental protection on Indian lands. As a result, while EPA fostered its partnership with the States, environmental protection on Indian lands often lagged behind.

Mr. President, the conclusion of this report, and it is a very important conclusion, says:

> Diverse as the hundreds of American Indian tribes are, they share characteristics that distinguish them from the U.S. population at large. These characteristics, based on unique cultural and historical experiences, give American Indians a distinctly different pattern of exposure to environmental risk.
>
> First, American Indian tribes are tied to a particular parcel and land, both culturally and economically. This land is the center of tribal identity and is critical for political culture and economic survival. As a result, the potential impacts of environmental degradation or disaster are enormous.
>
> Second, most Indian tribes lack inadequate environmental infrastructure on which to base sound environmental management decisions. Over the past 20 years, while EPA established partnerships with the States, tribes were undeserved due to legal uncertainties and political powerlessness. While EPA's Indian policy established necessary framework for creating strong tribal EPA partnerships, tribes still often lack the infrastructure, resources and expertise to sustainedly manage their lands.
>
> The vulnerability is all the more critical when the risk profile for American Indians is extended out into the future. Tribes are among the fastest growing population groups in the U.S., a trend that will place additional pressures on limited reservation resources. Already tribes face endemic poverty and severe unemployment and are investigating a variety of options to increase employment and income on reservations.
>
> All of these options, from oil and gas development to tourism, to waste disposal, will have environmental impacts that will require planning and management.
>
> As the pressure to pursue these developments increases, will tribes have the resources to address the problems they bring? Unless EPA makes significant changes, the answer to this question will be no.

Mr. President, significant change is, I believe, clearly called for, and one of the 12 Assistant Secretaries authorized in this bill should at least be devoted to Indian land.

There are several misstatements in the response to my questions on the part of the EPA, but since I have not had the chance to examine those answers, I will only say that clearly they have not targeted enough resources to Indians. In fact, two-tenths of 1 percent of the EPA's total budget has gone to native American reservations. EPA has not made sufficient progress in working directly with the tribes.

Frankly, Mr. President, I will read in just a minute the views of numerous tribes that are critical of the EPA. In addition, the St. Louis Dispatch series on environmental programs on reservations reported that EPA's failures in Indian country caused an uprising within the Agency in 1990. That was now the employees of EPA felt about it. I could go on and on in this regard.

I would just like to quote, Mr. President, from several letters from Indian tribes that I received. The All Indian Pueblo Council said:

> We certainly feel strongly about establishing an office such as the Assistant Secretary for Indian Lands.

The Seminole Indians' view is that the structure could most effectively begin to address tribal governmental concerns and facilitate the implementation of Federal environmental laws in Indian country would be provision for the appointment of an Assistant Secretary for Indian Lands. The Minnesota Chippewa Tribe's President said:

> I want to express the tribe's strong desire for Congress to put language into this law which mandates the establishment of an Assistant Secretary for Indian Lands.

The chief of the Cherokee Nation said

> Not only has funding been inadequate, but the use of EPA coordinators . . . has essentially been window dressing. We recommend that the pending legislation be amended to provide for the establishment of an Assistant Secretary of Indian Affairs.

The president of the Navajo Nation wrote:

> We support the creation of an Assistant Secretary or comparable position.

In New Mexico, the National Tribal Environmental Council wrote:

> It is our belief that the failure of EPA to fulfill its obligations to Indian people and tribal governments is in large degree a direct result of the failure to have a consistent and credible force for Indian interests at the policy levels of the agency.

Mr. President, I have not had the chance to examine the responses of EPA, but the people who they are ultimately responsible to, the native americans, clearly believe, unequivocally and unanimously believe, that their concerns are not being properly addressed. This amendment is one way—and by the way it is not the only solution, Mr. President—but is one way that their concerns will be more equitably addressed.

Again, I would like to point out, Ms. Browner in her testimony said she wanted to work with me and discuss these problems. I never heard a peep out of her and her agency.

We submitted specific questions to the EPA. They decided to send the answers to Senator GLENN. I certainly appreciate him receiving those answers. It would have been in keeping with the custom around here to respond to the Senator who asked the questions. But I would put that all aside; it is relatively unimportant because clearly their answers are unsatisfactory.

Mr. President, for the life of me, I do not understand the resistance here. Perhaps my friend from Ohio, and he is my dear and close friend, can explain to me why they should resist the simple recognition of the kind of environmental disasters that are taking place on a daily basis on Indian reservations, that we should not give them the attention they deserves.

So, Mr. President, I reserve the remainder of my time.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

I reply to my good friend from Arizona that we did not try in this bill to delineate any of the things that might be at the Assistant Secretary level. What we did put in, we said that there is a list of things that have been looked at over there before. We specifically put in that we did not limit the Assistant Secretaries to any of these. In the Secretary's wisdom, they can make any quarter they want. And the reason we did not do this is because some of these may be combined with others in the way they are going to be organizing. But we had such things as, I repeat again, but not limited to enforcement, compliance monitoring, research and development, air, radiation, water, pesticides, toxic substances, solid waste, hazardous waste, hazardous waste cleanup, emergency response, international affairs, policy, planning and evaluation, pollution prevention, congressional affairs, intergovernmental affairs, public affairs, and administration and resources management.

Quite obviously, in consideration of any land within the continental borders of the United States, many of those things will overlap in all sorts of areas including areas that are non-Indian lands, including Indian lands.

I would say the consideration of Indian land would come under maybe nearly every one of those things in addition to all the other geographic areas of the United States.

I just point that out to indicate that we looked at this as giving the new Secretary good flexibility. Now, she has stressed at her hearings and also in the answers to the statements that we got just a few minutes ago here as I indicated I think a sensitivity to this problem and I hope she moves in this area.

Whether she wants to make a separate Assistant Secretary for Indian Affairs, I do not know whether or not that would be appropriate in the way that they outline their concerns. She says she is setting up an EPA tribal committee involving representation from tribal governments from all regions of the country. And she wants an Indian voice there. They are going to make increased efforts to recruit qualified tribal members to occupy positions in all programs and all levels within the agency which would include, as I interpret that, all of these areas and perhaps even more that I mentioned a moment ago. So we have their assurance they are going to work toward that end.

I would hate to try to start dictating exactly what would be Assistant Secretaries and what would not be Assistant Secretaries, and so I regret that I have to oppose this amendment. Let me say once again that had I known the statement that I gave a copy of just a moment ago to my friend from Arizona—had I known this was coming, I would have made sure the Senator had that here. I do not know whether or not it was sent at the same time to the Senator's office. It may be there because these pages are labeled 12:06, 12:07, 12:08. That is less than 1 hour ago right now. And so the Senator may have it available. The staff brought it to me on the floor. I did not even get a chance to look at this in the office this morning.

I am glad they did respond because it helps in the discourse on the floor.

I reserve the remainder of my time.

Mr. McCAIN. Mr. President, if I may respond, the Senator has always treated me with the utmost courtesy and consideration. We have known each other for many years. I am keenly aware of the fact that my friend from Ohio would share with me whatever information he received on my behalf at the earliest possible opportunity.

Mr. President, I would like to make a couple of additional points.

The EPA either does not know or does not understand a fundamental fact. That fundamental fact is that our relationship with native Americans is a unique one. It is a trust responsibility.

Mr. President, one of the arguments made by the EPA and others is, well, if you give this to native Americans, then the counties and the States and other organizations should have the same kind of designated Assistant Secretary. As I say, someone who pursues that argument simply does not understand the reality that we made solemn treaties with native Americans when we took basically everything from them, and then we gave them the poorest parts of our Nation. Those trust responsibilities are written in solemn treaties. We did not make treaties with counties. We did not make treaties with cities. Although there are certainly definitive Federal-State relationships, we did not make solemn obligations along the same lines as we did with native Americans.

What is happening on these reservations? What is happening today? Let me quote from a Boston Globe article of June 23, 1991:

> From Connecticut to California, disposal companies have come up with a novel scheme for handling wastes so rancid or toxic that no city or town will take them.
>
> Give them to the Indians.
>
> The firms pursue deals with the Sioux, Navajo, Chowtaw, and more than a dozen other tribes—for understandable reasons. Reservations offer 52 million acres of open space along with exemption from State environmental laws and most State and local taxes.
>
> Indians risk scarring their cherished landscape with dumps that often leak and seldom deliver promised economic rewards, while the rest of the country in effect shunts the dumps it rejects onto those less able to resist.
>
> "They've got to find a place to dump it and possibly the easiest is to dump it on the Indian people. We don't have the resources to deal with it or the political power," said William Koenen, a leader of the Chippewas.

Mr. President, another article from U.S. News & World Report of January of this year reported:

> For Native Americans, it is a modern twist of an old aphorism: beware of white men bearing gifts. The Nation's Indian tribes, most of them impoverished and ignored, suddenly find themselves being wooed with offers cumulatively amounting to hundreds of millions of dollars. There is, of course, a catch: The Indians are being asked to accept what the rest of America increasingly wants no part of—garbage, toxic waste, landfills, incinerators, and nuclear-waste dumps. To some tribes, the offers represent a financial windfall and an economic development opportunity. To others, they are an ill-disguised bribe and a Faustian bargain.

Mr. President, we have clearly not provided these people with the protection and assistance that they need. Frankly, I think it is unconscionable that a simple cost-free appointment of an Assistant Secretary for Indian Affairs, which would send a message to native Americans throughout this country that we at least care enough to make an appointment regarding the oversight of the tragedies that are taking place every day on their reservations, is to me a very small symbol and one that costs the Federal Government virtually nothing.

So I reserve the remainder of my time.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 13½ minutes remaining.

Mr. GLENN. Mr. President, I yield myself such time as I may require, but I think we have pretty well covered the subject. I do not know whether the Senator from Arizona has other people coming to speak to this subject or not. I have no one that I know of on our side of the aisle.

Does the Senator wish to move to a vote and yield back time?

Mr. President, I ask unanimous consent that——

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

Mr. GLENN. The time will be charged equally to both sides while we are in a quorum call.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent that certain letters from Indian tribes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOBBS, STRAUS, DEAN & WILDER,
Washington, DC, March 11, 1993.

Senator JOHN MCCAIN,
Vice-Chairman, Senate Indian Affairs Committee, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: We write on behalf of our client, the Seminole Tribe of Florida, to comment regarding S. 171, legislation to establish the Environmental Protection Agency (EPA) as a Cabinet-level Department of the Environment.

From the outset, we express our thanks that as the Vice-Chairman of the Senate Indian Affairs Committee and as a member of the Senate Governmental Affairs Committee, you have actively sought a commitment from Administrator Browner that EPA will be responsive to tribes' concerns at the policy level. Furthermore, we appreciate the fact that you have invited Indian country to give input to possible amendments which you might offer to S. 171 which would ensure that the organizational structure of the proposed new Department of the Environment will address the policy concerns of tribal governments.

The Seminole Tribe has five Reservations in southern Florida, including two large rural Reservations and three smaller urban Reservations. Over the last several years, the Tribe has assumed an increasingly prominent role in environmental protection. The Tribe's Utilities Department administers the public water supply systems and wastewater treatment systems on the two rural Reservations, and also manages the solid waste disposal program. The Tribe's Water Resources Management Department (WRMD) regulates consumptive water uses, as well as storage and management of surface waters, pursuant to the 1987 Water Rights Compact with the State of Florida and the Tribal Water Code. The WRMD carries out water quality monitoring and other planning programs with assistance from EPA. The WRMD has been charged by the Tribal Council with developing a water quality regulatory program, and the Tribe has received financial assistance from the Administration for Native Americans to support this effort. The Tribe recently applied to EPA for treatment as a state for the purpose of setting water quality standards under the Clean Water Act.

Generally, we have three comments to S. 171 as currently worded. In the view of the Seminole Tribe, the structure that could most effectively begin to address tribal governmental concerns and facilitate the implementation of federal environmental laws in

Indian country would be a provision for the appointment of an Assistant Secretary for Indian Lands. We suggest that the bill be amended to provide expressly that one Assistant Secretary would have overall responsibility for overseeing the administration of federal environmental laws in Indian country, in a manner consistent with the sovereign authority of tribal governments.

We do not think, however, that an Assistant Secretary for Indian Lands will be enough. Indian country was virtually ignored by EPA for more than a decade after the Agency was created. Nearly another decade has passed since EPA adopted its 1984 policy for Indian lands, and still Indian country does not seem to receive an equitable share of the Agency's resources and attention. We are concerned that, if the Assistant Secretary for Indian Lands were charged with the total responsibility for implementing federal environmental laws in Indian country, the new Department's program for Indian country likely would be second rate, a duplicate of the mainstream program but with less resources. Accordingly, we think that *all* of the offices and bureaus of the new Department should have a role in protecting the environment of Indian country. All of the Assistant Secretaries should be charged with ensuring that the offices and bureaus under their supervision develop programs specifically tailored to the implementation of federal environmental laws in Indian country. Therefore, we recommend that the Assistant Secretary for Indian Lands be given a mandate to initiate Department-wide activities to ensure that all of the Department's offices and bureaus are responsive to the needs of tribal governments and the Indian people. This mandate should be expressed in statutory language in the Findings section of S. 171 as a direction to the Secretary.

We also recommend that two other sections of S. 171, as presently worded, be amended to include references to Indian tribes. These are section 109, which would authorize grants to states and local governments for assistance in gathering environmental data, and section 305, which would establish advisory groups for a Commission on Improving Environmental Protection. In section 109, grants should be authorized to tribes as well as states and local governments. In section 305, tribal officials with experience in administering environmental protection programs should be represented on the advisory group, in addition to federal and state officials.

Again, on behalf of the Seminole Tribe of Florida, thank you for the opportunity to present our ideas on this very important legislation.

Sincerely,

HOBBS, STRAUS, DEAN & WILDER,
(By) DEAN B. SUAGEE.

MENOMINEE INDIAN TRIBE
OF WISCONSIN,
Keshena, WI, March 16, 1993.

Senator JOHN MCCAIN,
Vice Chairman, Senate Select Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Menominee Indian Tribe thanks you for the opportunity to comment on the language of the Senate Bill 171 to establish the Environmental Protection Agency as a Cabinet-Level Department of the Environment. I feel by integrating my suggestions the EPA can enhance relationships with our Tribal Government. Facilitating a floor amendment, before the full Senate, would strengthen the established structure the EPA and the Menominee Indian Tribe on government-to-government relations already in place.

Listed below are the changes the Menominee Indian Tribe encourages to S. 171 to improve the text:

1. Title I—Section 104. Assistant Secretaries. Page 7, line (19) insert after 10; "of which, at a minimum, (1) shall be responsible for coordination on Indian Lands."

2. Title I—Section 107. Office of the Inspector General. Page 13, line (22) insert after Department; "Indian Tribe."

3. Title I—Section 109. Grant and Contract Authority for Certain Activities. Page 17, line (14) insert after State, "Indian Tribes."

4. Title II—Section 201. International Energy Conference. Page 33, line (12) insert after all, "Indian Tribes."

5. Title III—Section 301. Establishment; Membership. Page 34, line (10) insert after organization, "and at a minimum, one (1) expert on Indian Lands."

6. Title III—Section 305. Advisory Groups. Page 36, line (23) insert after Agency, "Indian Tribe officials."

Thank you for the opportunity to provide dialogue on this salient legislation for the Menominee Indian Tribe.

Sincerely,

GLEN MILLER,
Chairman.

MICCOSUKEE TRIBE OF INDIANS
OF FLORIDA,
Miami, FL, March 10, 1993.

Senator JOHN MCCAIN,
Vice Chairman, Senate Indian Affairs Committee, 838 Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for the opportunity to provide input on behalf of the Miccosukee Tribe of Indians of Florida regarding S. 171, legislation which, chiefly, would make the Environmental Protection Agency (EPA) a Cabinet-level department by establishing a Department of the Environment. We appreciate your efforts as the Vice-Chairman of the Senate Indian Affairs Committee, before which S. 171 is pending, to ensure that the organizational structure of the proposed new Department of the Environment will provide for the policy concerns of tribal governments to be addressed.

In our view, the structure that could most effectively begin to address tribal governmental concerns would be a provision for the appointment of an Assistant Secretary for Indian Lands. This Assistant Secretary position could be one of the ten Assistant Secretary positions already authorized under S. 171, but the bill should expressly provide that one Assistant Secretary will have overall responsibility for Indian Lands. We think that an Assistant Secretary for Indian Lands is needed because for most of the last two decades, the implementation of federal environmental laws in Indian Country was simply not a priority for the federal government. While Congress began to correct this several years ago by amending some of the federal laws to authorize tribes to be treated as states for purposes of helping to carry out the federal laws, it will take many years to make up for past neglect.

The appointment of an Assistant Secretary for Indian Lands should not limit the responsibilities of the other Assistant Secretaries to ensure that offices and bureaus under their supervision carry out federal environmental laws in Indian country. The same range of environmental problems exist in Indian country as in the rest of the country, and thus we think that all of the offices and bureaus of the new Department should have a role in protecting the environment of Indian country. If the Assistant Secretary for Indian Lands were charged with the responsibility for directly overseeing the administration of all federal environmental laws in Indian country, we are afraid that the new Department's program for Indian country would be stretched too thin and would be a second-rate effort.

For these reasons, we believe that an Assistant Secretary for Indian Lands should be given a mandate to initiate Department-wide activities to ensure that all of the Department's offices and bureaus are responsive to the needs of tribal governments and the Indian people. This mandate should be expressed in statutory language as a direction to the Secretary. Language stating such an objective should be added to the Findings section of S. 171.

Two other sections of S. 171 as presently worded should be amended to include references to Indian tribes. These are section 109, which would authorize grants to states and local governments for assistance in gathering environmental data, and section 305, which would establish advisory groups for a Commission on Improving Environmental Protection. In section 109, grants should be authorized to tribes as well as states and local governments. In section 305, tribal officials with experience in administering environmental protection programs should be represented on the advisory group, in addition to federal and state officials.

Again, on behalf of the Miccosukee Tribe of Indians of Florida, thank you for the opportunity to present our ideas on this legislation, and for your efforts to make certain that the voices and concerns of tribal governments are represented in a new Department of the Environment.

Sincerely,

BILLY CYPRESS,
Tribal Chairman.

COUNCIL ANNETTE ISLANDS RESERVE, METLAKATLA INDIAN COMMUNITY,
Metlakatla, AK, March 8, 1993.

Hon. JOHN MCCAIN,
Vice Chairman, Senate Select Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: This letter is to provide the views of the Metlakatla Indian Community of the Annette Islands Reservation, Alaska on the encaptioned legislation.

We encourage the effort to have the legislation include a structure in the Department of the Environment to improve the agency's relationship with tribal governments. We suggest the appointment of an Assistant Secretary for Indian Lands in the new department.

We note that the bill as introduced contains no reference to tribes or Alaska Native villages in Section 104, Section 109 and Section 305 and urge that the final legislation contain such reference.

We appreciate the opportunity of providing tribal input.

Sincerely yours,

VICTOR C. WELLINGTON, SR.,
Acting Mayor.

MANDAN, HIDATSA, & ARIKARA NATION, FORT BERTHOLD INDIAN RESERVATION,
New Town, ND, March 24, 1993.

CAROL BROWNER,
EPA Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR MS. BROWNER: The Three Affiliated Tribes of North Dakota have been utilizing federal funding for environmental programs since 1981. During this time the Tribe has developed a very comprehensive, structured and viable Environmental Program to protect the quality of the Fort Berthold Indian Reservations' environment which is comprised of 986,000 acres and is home to the Mandan, Hidatsa and Arikira Tribes. The main industries operating in the area are agricultural or oil and coal related.

Presently the Environmental Division consists of an Air Monitoring, Pesticide Enforcement, Radon, 106 Water Quality, 319 Nonpoint Source, Water Resources, Solid Waste, and Geographical Information Systems Program. The tribal GIS Program, which has stand alone capabilities, is currently developing watershed delineation, vulnerability mapping and utilizing a Global Positioning System (GPS) to enter pollution sources onto the GIS System. The Division has a current staff compliment of eleven people, four of which have hard science degrees.

The Tribes have established by resolution a Solid Waste Code, Pesticide Code, Hazardous Substances Control Act, Emergency Pollution Control Ordinance and an Administrative Procedure Act. These ordinances enhance the Tribes' authority to regulate activities affecting the quality of the Reservation environment and to protect human health and welfare.

The Tribal Administrative Procedure Act will ensure that tribal environmental programs will be implemented in compliance with tribal law and basic principles of common sense, justice and fairness.

The Tribes have also completed a four year Water Resource Assessment of the Reservation in conjunction with the USGS, have performed a Point Source Inventory, two Nonpoint Source Inventories, one Emissions Inventory and have begun a Radon Study of the Reservation.

Scientific studies have proven that both the non Indian and the Indian populations of the Fort Berthold Indian Reservation are possibly at risk of certain health ailments. Fort Berthold has one of the highest cancer rates in the nation. Studies have revealed pesticides in our streams, aquifers and Lake Sakakawea where water intakes are located that service many of our communities. Industrial waste has also been detected in two of our aquifers and arsenic in the Lake. Our Air Monitoring Program has recorded consistently increasing levels of sulfur dioxide in the air, and we have recorded very high radon readings in certain segments of the Reservation (glacial till areas containing granitic rock).

Studies have also revealed that we are underlain by vast fields of coal and substantial geologic oil and natural gas traps. Major air pollution sources between ten and forty miles from the Reservation include six coal fired power plants, one colossal coal gasification plant (which was fined one million dollars by EPA), extensive oil fields (which flare sour gas) and four natural gas refineries. Oil fields also produce hazardous waste in drilling muds are a source of the carcinogen, benzene and extract salt which can contaminate valuable aquifers.

The Tribes' Environmental Program is consistent with the United States Environmental Requirements of Federal and Tribal Law. The Tribes' special environmental legal counsel—Stoel, Rives, Boley, Jones and Grey—in carrying out this plan, shall allocate sufficient funds from the annual appropriation to achieve substantial completion of the plan.

If you have any questions, please contact the Tribes' Environmental Division Coordinator, Kyle Baker at (701) 627-4569.

Sincerely,

WILBUR D. WILKINSON,
Tribal Chairman.

COUNCIL OF ENERGY RESOURCE TRIBES,
Denver, CO, March 1, 1993.

Hon. JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for requesting our views concerning the protection of Indian lands under S.171, a bill to elevate the Environmental Protection Agency to the cabinet level and rename it the Department of the Environment. We share your concern that S.171 does not provide addressing Indian lands nor for carrying out its intergovernmental responsibilities with Indian tribes.

As part of a comprehensive overview of energy, economic and environmental policies, we propose an Office of Tribal Programs be established, funded by an Indian set-aside and administered by an Assistant Secretary. The fuller text of our views is attached. We have all been frustrated by the slowness of EPA in implementing its Indian Policy.

I would be happy to provide any additional information you may need.

Sincerely,

A. DAVID LESTER,
Executive Director.

TRIBES AND PUBLIC POLICY

It is almost impossible for other Americans to comprehend the degree to which federal policy affects Indians and our Tribal governments. The intimacy of the relationship has no equal in the experience of states and their political subdivisions. Thus when changes occur in federal policies or programs, Indians often experience exaggerated impacts. The last major changes in federal Indian programs occurred early in the Reagan-Bush years. In 1981, federal aid was slashed by more than 33%. This created hardships for Tribal governments and severe economic and social dislocations for people living in our communities. Indian expectations for the Clinton presidency are high. We expect a new sensitivity to our diversity. We expect new understanding of our rights and the importance we place on the exercise of Tribal sovereignty. We expect equity and fairness with respect to our water, energy and other trust resources. We anticipate targeted support for Indian social and economic progress that respects our values and priorities. History has taught us that good intentions are not substitute for sound policy, wisely implemented. So in our excitement of raised expectations, it is worthwhile to reflect on the Tribal-federal protocols that have been learned from an often stormy past.

First among these protocols is federal flexibility. The particular social, economic, political and cultural realities of each Tribe require special effort to tailor programs to specific facts if we are to achieve the policy goals of self-government, social progress and economic growth. Federal rigidity is a recipe for conflict, frustration and failure that no one can afford; least of all Indian peoples.

The second protocol flows from the first; that a solution or settlement worked out consensually with one Tribe does not represent a model—and certainly not a straitjacket—to which other Tribes must adhere to obtain settlement or resolution. This is as true in community-based health promotion and disease prevention as it is for Indian water settlements or energy development agreements. Tribes were created by a Higher Authority long before the factory concepts of standardized parts became fashionable. It seems that a Higher Authority placed little value in federal administrative convenience, while endowing all peoples with an inextinguishable will to be who they are and a striving to develop according to their sacred values.

The corollary to this second protocol is that the federal-Tribal political relationship is bilateral. While Tribes are willing to work within a framework of general Indian policy and programs, they will not submit to being treated as if they are nothing more than administrative extensions of the federal programs that they are "allowed" to operate. This protocol is called the government-to-government relationship.

Finally, the bedrock protocol. Indian Tribal governments share with the states and the American central government the burdens of sovereignty. Tribes are the third sovereign and help form the fabric of governance in the United States. Tribes are not creatures of federal invention nor are Tribes political subdivisions of states. Tribal self-governance predates both by quite a few millennia. Tribal Sovereignty is the first principle of Tribal-federal relationships.

INDIAN ENVIRONMENTAL POLICY

Building upon the three protocols of the Tribal-federal relationship and the Indian Policy of the Environmental Protection Agency, we now turn to Tribal environmental policy issues. The energy resource owning Tribes seek to protect our environmental values, our lands and our sovereignty. We seek to extend the benefits of national environmental protection law to Indian lands in a manner that is respectful and reflective of each Tribes' rights, priorities and culture. We do not view protection and development as polarized, mutually exclusive values. Rather, we view both as moral imperatives that define a pathway for each Tribe to be and to become as guided by its vision.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

In the mid-1980s, EPA promulgated a comprehensive Indian policy and committed itself to an enlightened approach in working with Indian Tribes. EPA pledged an honest effort throughout its operations to remove barriers and proactively include Indian Tribes in its programs. The policy is sound, but the promise remains unfulfilled.

The policy is an important foundation for protecting Indian lands. To build upon and bring EPA actions in congruence with its Indian policy, we offer the following recommendations.

The energy resource owning Tribes recommend that EPA reaffirms its Indian policy and develop implementation strategies in consultation with Tribes for FY 94 and subsequent years.

Rationale: The reaffirmation of the EPA Indian Policy, while largely symbolic, is important because it sets forth the Agency's commitment to Indian Tribes.

The development of a multi-year implementation strategy is necessary for consistent application of the policy within EPA programs and regional offices. The cause of Indian environmental protection is very compelling. Many EPA personnel are highly motivated; if this were not so, we would not have achieved the progress to date. But, individual subjectivity in policy implementation is no substitute for institutional commitment, particularly when it comes to the hard issues of allocation of scarce program resources.

The energy resource owning Tribes recommend that EPA create an Office of Indian Tribal Programs.

Rationale: The treatment by EPA of Tribes as states is an innovative and enlightened approach for recognizing the sovereignty and governmental responsibilities of Tribes in the national environmental regulatory arena. But even the uninformed can easily see that Tribes are not states. While Tribes have power over their jurisdiction that parallel state authority over non-Indian lands in the state, Indian Tribes and states have significant legal, political, economic and cultural differences. And, each has a different constitutional and historical relationship to the American federal political system. Tribes require a non-categorical integrated approach to environmental programs. These programs operate in cultural and institutional settings very different from those of states. Therefore, EPA's Indian programs cannot be appendages to its state delivery system.

We recommend that EPA allocate funds to support regional Tribal Environmental Councils for each EPA region serving Indian Tribes. And, that EPA provide financial support for the National Tribal Environmental Council (NTEC).

Rationale: The protocols of EPA-Tribal relationships require great efforts on the part of EPA and each Indian Tribe. The national and regional Tribal Environmental Councils could serve to improve the effectiveness and efficiency between Tribes and the EPA. These multi-Tribal environmental organizations would parallel similar EPA-supported environmental associations of state governments.

We further believe that a national and regional structure for Tribes could be valuable in reducing Tribal-state conflicts that arise within the U.S. system of shared sovereignty. Cooperation between states and Tribes could be expanded. Merely creating Indian advisory bodies made up of individuals, or including a few Indians in state groups, ignores the protocols for effective working relationships with Indian Tribes.

We recommend creating a 3% Indian set-aside for funding Tribal environmental protection programs.

Rationale: Indian Tribes became eligible to participate in EPA programs nearly twenty years after the enactment of major environmental statutes. As a result, they have been denied participation in the early environmental capacity-building EPA programs. Among those EPA programs from which states benefitted, but are no longer available to benefit Indian Tribes are: education and training programs; institutional development, equipment and facilities; baseline data and assessments, research and development of technologies pertinent to state prevention and remediation priorities; and major public works grants programs for environmental infrastructure such as water treatment plants.

Until the Tribes convinced Congress to adopt Indian provisions in the environmental statutes beginning in the mid-1980s, Indian lands were in a strange limbo. Statutes, such as the Safe Drinking Water Act, are clearly intended by Congress to cover all of the United States. The enforcement pattern was to be respectful of the federal system of shared sovereignty with states. But, states lacked jurisdiction over Tribes. Neither the Bureau of Indian Affairs (BIA) nor the Indian Health Service (IHS) in the Department of Health and Human Services (DHHS) has enforcement authority. EPA was not given specific regulatory powers over Indian lands and no authority delegated powers of Tribal governments.

It is this serious defect that we want to cure with this recommendation: to provide EPA with sufficient resources and a delivery system to assist Tribes in developing their ability to regulate and enforce compliance of federal standards (or higher Tribal Standards) as they undertake the development of their economies. Experience clearly indicates that given program flexibility through an Indian EPA programs delivery system, Tribes will acquire the capability of extending environmental quality over our lands equitably and fairly.

The energy resources owning tribes recommend the Superfund be made accessible to Indian Tribes by establishing criteria for Indian lands equivalent to that for non-Indian lands.

Rationale: Indian lands have been seen by many irresponsible persons as a safe place to dump or otherwise violate our land's environmental integrity. Since we have not enjoyed protection by any enforcement agency, we have an abundance of sites that warrant characterization and remediation. Criteria for prioritization on the Superfund List works in a discriminatory fashion against Indian lands. The assessments of cost-benefit and risk analysis are designed to address and urbanized country and ignore rural low population areas.

Indian Tribes are separate peoples. A Tribe whose lands and population seem small is endangered by pollution to a high degree. That is, a higher percent of both people and lands is affected. But, by current standards the Tribe and its lands rank too low for national listing and, therefore, remediation.

A more equitable approach would be to develop criteria that measure risk on a Tribe scale. This would result in addressing the highest threats to Tribes as is done for other U.S. jurisdictions.

We recommend that in the Office of Indian Tribal Programs a special regulatory and enforcement unit be established to support local Tribal regulatory enforcement authority.

Rationale: One of the inequitable features of Tribal governmental powers that distinguishes us from states is the enforcement powers of Tribes over non-Indians, corporations, state and federal activities. This is particularly so when it comes to protecting our environment. Tribes do not have criminal jurisdiction in any case and have limited sanctions in all cases. Additionally, Tribes do not have the resources to develop the facts and evidence in highly complex sciences or to establish the linkages to the health and public safety of those who live and do business within Tribal jurisdictions. This is particularly problematic when the polluter is a federal agency, utility or other entity whose presence is to serve the Tribe. The present Office of Federal Activities (OFA) is unable, given its resources, to perform this support function. A special unit designed to operate within established Indian Law in support of Tribal enforcement activities is needed to bring the level of enforcement, and the authority to do so, up to parity with that of other American jurisdictions.

We recommend that in the Office of Indian Tribal Programs a special division of research, technology and technology transfer be established to support the long-term development of technology for Indian environmental protection.

Rationale: The continuation of technological progress is at least as important to Indian Tribes as to states and cities. To make this possible, an organized effort led by EPA is vital. In addition to bringing technological innovation to Tribes, this special unit should make Tribal technology available to states and their rural communities. A special focus for this unit will be technology for developing countries opening access to new foreign technology, but more importantly, to supply the technological needs of developing rural third world peoples.

And finally, we recommend that a division for education and training be established in the Office of Indian Tribal Programs.

Rationale: No past federal failure in Indian Affairs equals that in Indian education. No greater opportunity exists for gains in achieving the ends of EPA Indian Policy than an aggressive education and training program integrated into each Tribe's specific capability development plan.

LOWER ELWHA TRIBAL COUNCIL,
Port Angeles, WA, March 3, 1993.

Senator JOHN MCCAIN,
Senate Select Committee on Indian Affairs, Senate Hart Building, Washington, DC.

DEAR SENATOR MCCAIN: The Lower Elwha S'Klallam Tribe understands that the Senate is considering S. 171, a bill to establish a Department of the Environment. During your deliberations, we urge you to consider including provisions to establish the position of Assistant Secretary for Indian Lands or Indian Programs.

The unique jurisdictional concerns and governmental needs of Indian country require an advocate at the policy level. Tribes confront extreme difficulty in resolving environmental quality issues due to the conflicting roles played by the EPA, the Bureau of Indian Affairs and the Indian Health Service. In addition, the past serious lack of attention by the Federal government to the complex environmental regulatory and enforcement scenario facing Tribal governments compounds future discussions within the department.

An Assistant Secretary for Indian Lands within a Department of the Environment would be able to respond to these and other issues. For example, an Assistant Secretary for Indian Lands could deal as a co-equal with the Assistant Secretary of Indian Affairs within the Department of the Interior and with the Director of the Indian Health Service within the Department of Health and Human Service to resolve any conflicts over appropriate roles and missions. Moreover, instead of fragmented and possibly duplicative efforts directed at Tribal issues from various EPA programs and divisions, centralizing the focus of the Department's delivery of assistance to Indian country would allow more and better resources to be delivered.

We hope that you and other members of the Select Committee on Indian Affairs will advocate for an Assistant Secretary for Indian Lands within a much needed Department of the Environment.

Sincerely,

CARLA J. ELOFSON,
Chairperson.

ALL INDIAN PUEBLO COUNCIL,
Albuquerque, NM, March 2, 1993.
Senator JOHN MCCAIN,
Vice Chairman, Senate Select Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your inquiry regarding the establishment of an Indian Office in the Environmental Protection Agency. We certainly feel strongly about establishing an office such as Assistant Secretary for Indian Lands for purposes of advising the Administrator and hopefully soon, Secretary, about Indian issues and concerns. While, in our experiences with EPA, Dallas Regional Office, and the headquarters office in Washington, DC., has been cooperative, it is mainly advisory. By having an Indian Office at the highest level within the Agency would be more beneficial for Indian interests and purposes because such an office would convey information and advice from within.

As you well know, States have no authority over Indian reservations and consequently are guarded against sharing funds to Indian tribes for environmental purposes. It is our belief that by the establishment of a small but necessary Indian arm in EPA would be a great improvement on the present situation.

Enclosed is a letter the nineteen Pueblos had recommended to the Clinton Transition Team. It reflects a broader concept that would consolidate Indian activities in one department which we think is a more appropriate and effective way than the scatter-gun approach presently in place and would benefit the Indians more adequately.

Again, thank you for seeking our advise.

Sincerely,

JAMES S. HENA,
Chairman.

THE MINNESOTA CHIPPEWA TRIBE,
Cass Lake, MN, March 5, 1993.
Hon. JOHN MCCAIN,
U.S. Senate, Select Committee on Indian Affairs, Hart Senate Office Building, Washington DC.

DEAR SENATOR MCCAIN: I am writing to express the support of the Minnesota Chippewa Tribe for Senate Bill 171, the law which would elevate the Administrator of the United States Environmental Protection Agency to the President's Cabinet. A Secretary for the Department of the Environment will undoubtedly help the United States Government to better focus its energy in meeting current and future environmental challenges.

Along with our support for S. 171, I also want to express the Tribe's strong desire for Congress to put language into this law which mandates the establishment of an Assistant Secretary for Indian Lands. An Assistant Secretary for Indian Lands would help to concentrate the USEPA's effort to assist Tribes in their development of environmental regulatory programs, a long sought objective.

Thank you for your past support of Tribal Governments. Please let me know if I or my staff may further assist in the passage of S. 171.

Sincerely,

DARRELL WADENA,
President.

NATIONAL TRIBAL ENVIRONMENTAL COUNCIL,
Albuquerque, NM, March 10, 1993.
Hon. Senator JOHN MCCAIN,
Vice Chairman, Committee on Indian Affairs, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for requesting the views of the National Tribal Environmental Council [NTEC] on legislation that would elevate the Environmental Protection Agency (EPA) to a cabinet level Department of the Environment. In particular, your letter directs our attention to the issue of lack of Indian input at the policy making levels of EPA and by extension, the new Department. It is a matter of serious concern to us.

We support the idea of establishing a policy level position for tribes in the new Department. However, we do not embrace whether it would be more appropriate to establish an Assistant Secretary for Indian Lands or an Office of Indian Lands within the office of the Secretary. We do believe that whatever position is established that it be at a sufficiently high level to address the range of concerns facing Indian tribal governments. The position should assist the Department in addressing its responsibilities on Indian lands in the areas of program development, adequate funding, multi-media program development, and the provision of support and technical assistance to tribal governments in the development of much needed environmental programs. In short, either position should assist the Department to fully implement the EPA 1984 Indian Policy Statement and accompanying Implementation Guidance.

For the past twenty-two (22) years EPA has devoted billions of dollars from the Congress to address the health and environmental integrity of the Nation's people and resources. These dollars have been used to establish and support on-going environmental programs in every setting except on Indian lands. It is our belief that the failure of EPA to fulfill its obligations to Indian people and tribal governments is in large degree a direct result of the failure to have a consistent and credible voice for Indian interests at the policy levels of the Agency.

We earnestly support the suggestion that the new Department of the Environment have a policy level position. But irrespective of whether such a new Department should come to pass, it is extremely important that the issue of an appropriate voice within the environmental agency be addressed.

Finally, we would like to thank you for your support to increase federal funding to assist tribal governments in the 102d Congress. However, we would like to stress that even if a policy position is established there must be substantial increases in federal funding to develop environmental programs on Indian lands.

Thank you for your interest in our views. If you have any questions please feel free to contact me.

Sincerely,

SAMUAL L. WINDER,
Executive Director.

LOWER ELWHA TRIBAL COUNCIL,
Port Angeles, WA, April 27, 1993.
Hon. PATTY MURRAY,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURRAY: The Lower Elwha Klallam Tribe supports the elevation of the Environmental Protection Agency to a Cabinet level Department. We urge you to support S. 171, and to support Senator McCain's amendment to establish within the new Department of the Environment an Assistant Secretary for Indian Affairs. This amendment could substantially help to bring better coordination and increased attention and funding to the environmental protection of Indian lands. We also urge you to support an amendment to set aside 3% of the EPA budget for Indian environmental protection, as Indian lands represent 3% of the total U.S. land base.

Environmental problems on Indian lands in the United States are complex, widespread, and serious. They require both attention and funding, which will be aided through a permanent high-ranking presence at the policy-making level, and a budget that is proportional to the Indian land base. Indian lands contain many unique and valuable cultural and natural resources that must be maintained and protected. We in the Pacific Northwest are particularly fortunate to live in such a rich and varied environment. The Lower Elwha Klallam Tribe ardently supports environmental protection measures and hopes to see increasing amounts of attention and recognition devoted to environmental issues, particularly on Indian land.

Again, we strongly request your support of S. 171 and the Indian Amendments.

Sincerely,

BEVERLY J. BENNET,
Tribal Vice-Chairperson.

WARM SPRINGS, OR,
April 27, 1993.
Hon. BOB PACKWOOD,
Russell Senate Office Building, U.S. Senate, Washington, DC.

HONORABLE PACKWOOD: On behalf of the Confederated Tribe of the Warm Springs Indian Reservation of Oregon, I am writing to urge you support for an amendment by Senator McCain to establish an Assistant Secretary for Indian Lands within a new cabinet level environnental department. Legislation to create the new environmental department, S. 171, is expected to come up on the Senate floor in the very near future.

An Assistant Secretary for Indian Lands in an environmental department would elevate consideration of indian issues in that department, help fulfill the federal trust responsibility to Indian Lands, coordinate environmental policies applying to Indian Lands, and provide tribes with "one stop shopping" within the new department.

It is also our understanding that another amendment is being contemplated to establish a 3% tribal set-aside out of all funding for the environmental department, corresponding with the 3% that Indian lands make up of the U.S. land base. Should such an amendment arise, we hope you would support that as well.

Any support you can give these amendments would be greatly appreciated.

Sincerely,

RAYMOND F. CALICA, SR.,
Chairman, Tribal Council.

THE NAVAJO NATION,
Window Rock, AZ, March 23, 1993.
Senator JOHN MCCAIN,
Vice Chairman, Senate Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: The Navajo Nation understands that the Senate is considering S. 171, a bill to elevate the Environmental Protection Agency to the President's Cabinet and to rename it as the Department of the Environment.

The Navajo Nation fully supports and endorses this bill but would go further and request that the bill not leave out a substantial portion of this country's land mass and population uncovered by appropriate environmental protection programs on Indian lands. The Navajo Nation would support the creation of an Assistant Secretary or a comparable position to oversee the tribal needs and concerns at the highest policy-making level within the Agency.

In the past, there have been Special Assistants to the Administrator created to help further the progress of tribal environmental infrastructure development but all to little or no avail.

Therefore, it is the Navajo Nation's position that the bill include an Assistant Secretary for Indian Lands and that a Native American be appointed to this important position.

Thank you for the opportunity to comment,

Sincerely,

PETERSON ZAH,
President.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the time will be charged equally to both sides, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I yield back all time. I believe I have the only remaining time.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mr. KRUEGER], and the Senator from Tennessee [Mr. SASSER], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 16, nays 79, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—16

Breaux
Byrd
Chafee
Feinstein
Glenn
Graham
Heflin
Johnston
Lautenberg
Levin
Metzenbaum
Moseley-Braun
Moynihan
Robb
Rockefeller
Shelby

NAYS—79

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Brown
Bryan
Bumpers
Burns
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Feingold
Ford
Gorton
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Inouye
Jeffords
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Leahy
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Mikulski
Mitchell
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Roth
Sarbanes
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—5

Bradley
Faircloth
Hollings
Krueger
Sasser

So the motion to lay on the table the amendment (No. 327) was rejected.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to vitiate the yeas and nays that were called for on this amendment and ask for a voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Arizona [Mr. MCCAIN].

The amendment (No. 327) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I believe the agreement that was agreed to earlier by both sides was the next amendment up would be the Nickles amendment regarding the Economic and Employment Impact Act, with a 2-hour time limit, evenly divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 329

(Purpose: To require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. REID, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BOND, Mr. MCCONNELL, Mr. HELMS, Mr. GORTON, Mr. COATS, Mr. FAIRCLOTH, Mr. GREGG, Mr. WALLOP, Mr. BURNS, Mr. SHELBY, Mr. COCHRAN, Mr. SIMPSON, Mr. GRAMM, Mr. SMITH, Mr. KEMPTHORNE, Mr. CRAIG, and Mr. D'AMATO, proposes an amendment numbered 329.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) Federal regulation is projected to cost as much as $688,000,000,000 by the year 2000;

(B) the 1992 United States merchandise trade deficit was $84,300,000,000;

(C) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities; and

(D) State and local governments are forced to absorb the cost of unfunded Federal mandates.

(2) PURPOSE.—The purpose of this section is to—

(A) ensure that the American people are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure congressional or executive branch action is focused on enhancing economic growth and providing increasing job opportunities for Americans; and

(D) to protect against congressional or executive branch action which hinders economic growth or eliminates jobs for the American people.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS.—

(1) PREPARATION.—The Comptroller General of the United States shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill, resolution, or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—Except as provided in paragraph (3), the economic and employment impact statement required by paragraph (1) shall—

(A) state the extent to which enactment of the bill, resolution, or conference report would result in increased costs to the private sector, individuals, or State and local governments; and

(B) include, at a minimum, a detailed assessment of the annual impact both positive and negative of the bill, resolution, or conference report (projected annually over a 5-year period from its effective date, and, to the extent feasible, expressed in each case in monetary terms) on—

(i) costs and benefits to United States consumers;

(ii) costs to and benefits to United States business;

(iii) national employment, direct and indirect;

(iv) the ability of United States industries to compete internationally;

(v) affected State and local governments, fiscal and otherwise; (as reported by the Congressional Budget Office);

(vi) outlays and revenues by the Federal Government as compared to outlays and revenues for the same activity in the current fiscal year (as reported by the Congressional Budget Office); and

(vii) impact on Gross Domestic Product.

(3) EXCEPTION.—The economic and employment impact statement required by paragraph (1) may consist of a brief summary assessment in lieu of the detailed assessment set forth in paragraph (2) if preliminary analysis indicates that the aggregate effect of the bill, resolution, or conference report as measured by the criteria set forth in paragraph (2)(B) is less than $100,000,000 or 10,000 jobs in national employment.

(4) STATEMENT WITH ALL LEGISLATION.—The economic and employment impact statement required by this subsection shall accompany each bill, resolution, or conference report before such bill, resolution, or conference report may be reported or otherwise considered on the floor of either House.

(d) POINT OF ORDER IN HOUSE OR SENATE.—

(1) RULE.—It shall not be in order in either the House of Representatives or the Senate to consider on the floor any bill, resolution, or conference report, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, resolution, or conference report includes the economic and employment impact statement required by subsection (c).

(2) WAIVER.—A point of order made under this subsection may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn, and in the House of Representatives by a three-fifths affirmative vote of Members, duly chosen and sworn.

(e) EXECUTIVE REGULATIONS.—Each regulation and proposed regulation promulgated by a Federal department or executive agency shall be accompanied by an economic and employment impact statement prepared, in accordance with subsection (c)(2), by the department or agency promulgating the regulation or proposed regulation. The economic and employment impact statement shall be published in the Federal Register together with such regulation or proposed rulemaking.

(f) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS.—The President may waive the requirements of subsection (e) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(g) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act and shall not apply to this Act.

Mr. NICKLES. Mr. President, the amendment that I send to the desk on behalf of myself, Senator REID, Senator MURKOWSKI, Senator MCCAIN, Senator BOND, Senator MCCONNELL, Senator HELMS, Senator GORTON, Senator COATS, Senator FAIRCLOTH, Senator GREGG, Senator WALLOP, Senator BURNS, Senator SHELBY, Senator COCHRAN, Senator SIMPSON, Senator PHIL GRAMM, Senator BOB SMITH, Senator DIRK KEMPTHORNE, Senator LARRY CRAIG, and Senator AL D'AMATO is an amendment that says that before Congress passes any legislation we should pass an economic impact statement; we should know how much it is going to cost the economy; before any regulations that are promulgated by the administration become effective, we should know what its impact would be on the economy.

It is a very simple amendment. It is an amendment that is needed.

We have right now environmental impact statements. Before we proceed with construction or something, we now have an assessment to find out what harm, if any, it would do to the environment.

This amendment says, before Congress passes legislation, we should know what we are doing to the economy.

How many jobs will we cost? And we need to know if it helps the economy. We need to know that. Does it hurt the economy? This is information we will be seeking in this amendment.

Likewise with the administration, the cost of economic regulation is enormous. The cost of regulation today exceeds $4,000 per household in the United States. That is an enormous cost. Think of that. The cost of economic regulation today exceeds $4,000 per household. And the cost of regulation continues to explode.

So this legislation says, before Congress passes a bill or before an executive agency will pass a final regulation, we should know how much it will cost. How much will it cost the private sector? How much will it cost cities and counties and States to comply?

I know in my case, I had several small town mayors come in and visit me yesterday. They started talking about waste disposal sites and how much it would cost to comply. Frankly, they said they needed more time, it was going to cost a lot of money. The cost of garbage disposal, if it was not changed or postponed, would rise from something like $6 a month to something like $60 a month.

They are also aware and concerned about safe drinking water statutes that are on the books right now that require 25 minerals to be monitored. That number will increase to 200 minerals by the year 2000. We have the Resource Conservation Recovery Act. We have the Clean Water Act that deals with wetlands and a lot of other issues. I could go on and on. Increases in minimum wage—how many jobs will that cost? We should know.

We put in language in our bill, I would say de minimis language, that says if the total impact is less than $100 million, or less than 10,000 jobs lost, we do not have to make this statement. But if we are talking about serious legislation, legislation that will cost over 10,000 jobs or cost the economy more than $100 million we should know it, Congress should know it, the executive branch should know it. We should acknowledge it. And maybe it will change the way we vote or the way the administration would carry forward in this proposal—maybe not. At least we would have the facts. At least we would not be able to sit back and say I do not know how that would be administered. I do not know how much it would cost. Gosh, that proposal had very good ideas. It sounded very good, but I had no idea it was going to cost people their jobs.

I can think of countless examples where Congress and/or the administration has had excellent ideas, very noble causes, but yet really did not realize the economic consequences of complying with the stated objectives.

So this is our intention. This is our goal. I do not think any Senator really should object to this legislation. This is good legislation. I will tell my colleagues, this is legislation supported by a multitude of organizations, cities, towns, States, by business organizations and others, that say at least: Congress, or administrative agency, know what the costs are, know what the ramifications are before you pass these regulations, before you pass these laws and make us comply, make the smaller entities raise taxes to comply.

Again, I think this is a very serious amendment. I hope my colleagues will concur. We have raised it on the floor of the Senate in the past. We have had generally supportive statements made by many of our colleagues. I think it is very appropriate and I am hopeful we will adopt this amendment today.

I also want to thank my friend and colleague from Nevada, Senator REID, who has worked with me on this legislation both in the drafting and organization of it. I welcome him as a principal cosponsor and hope my colleagues will follow his advice as well and pass this legislation today.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Parliamentary inquiry, is the time controlled by the Senator from Oklahoma? Will the Senator yield me 15 minutes?

Mr. NICKLES. I will be happy to yield the Senator 15 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, there has been a lot of partisan bickering going on in these Chambers the last month or so. I want everyone today to recognize this is not a partisan amendment. The legislation, this amendment, is something the Senator from Oklahoma and I have worked on for a number of years, so I want to indicate this is not a partisan amendment. I refer this body to the other body. In fact, there is a similar piece of legislation now pending in the House of Representatives, H.R. 1295. The principal sponsor of that legislation is JAMES MORAN of Virginia.

Not only is he the prime sponsor of this bill, but as of today there are 54 other Democrats sponsoring this legislation, and 45 Republicans. This is an amendment that should be accepted.

Amplifying what the Senator from Oklahoma said, what this legislation would do—not to this bill, this legislation would become effective 30 days after the passage of this bill—but in fact what it would do is allow us, and the American public, when a piece of legislation comes before this body, to know the pricetag. We will know how much it would cost, not only for legislation but in the executive branch of Government we would also know what a regulation would cost the American people.

State and local governments complain all the time—we all hear it when we go back and meet with the county commissioners, the city commissioners, school board trustees—we always hear about their being stuck with Federal mandates. It happens all the time.

In fact it happens so often I thought it would be a good idea if we illustrated what has happened and how much more often it is now happening.

If we look at this chart we find from 1789 to 1959 we had 159 laws enacted, Federal laws that preempted State and local authority. So from this time, right to this time in history, we had the grand total of 159 Federal laws that preempted State and local laws.

From that time to now, that is from 1960 to 1989, we have had 255 laws, and the laws cover a number of different areas as indicated in this chart: Banking, civil rights, commerce. As you note as an example—civil rights, of course, right after the Civil War we had some civil rights legislation. Then we went a long period of time and had none. Then we had, during the last several decades, a spate of Federal laws that impacted on State and local laws. Then we go on through commerce, where we had a significant number of laws that impacted State and local governments, health and safety, the largest category, and then others including taxes, natural resources.

The point is during the last several decades there have been many, many things that have affected State and local government. Not only do we make these mandates burdensome, even when we offer monetary rewards, so to speak, to State and local governments, we many times renege. An example being with Federal-mandated legislation to require the education of the handicapped, something the Congress and the President, approximately 20 years ago, decided was the right thing to do. As we looked around the country we found the handicapped were being educated in one State a little bit, in another State a little bit, but generally not much at all. So the Federal Government said you must educate the handicapped and that was the right thing to do.

They said it costs about 40 cents a dollar more toeducate the handicapped, so we are going to give the States that money. What have we done since the legislation was passed? We are now down to about 5 cents from 40 cents, placing a tremendous burden on school districts throughout the country. We, the Federal Government, did not live up to what we said we would do.

That is an example of where we did offer some monetary support. Most of the time we do not offer anything. We just say: State, local government, we are passing this law and you take care of it any way you can. That is wrong. We need to get a handle on how we do this. And I think one way to do that is through this legislation.

People would no longer, in this body or the other body, be able to say I did not know—I did not know it would cost this much. We would know now.

Some blame the Republicans. Some blame the Democrats. And they are both right because it is everybody's fault.

The National Conference of State Legislators reported President Bush signed 20 bills into law in 1990 alone. That would cost State and local governments billions of dollars.

This is not a partisan issue, as indicated by the legislation that is a companion measure now pending in the House of Representatives. The ADA and the Clean Air Act were needed legislation, as are I think most of the bills we pass. The problem is that the private sector, as well as State and local governments, cannot afford all these things we think are good ideas. Mandates are financially strapping businesses, placing State governments in budget crunches all through this country.

We need to take a look at the regulations and the laws that we pass. We need to know the economic and employment ramifications of the laws and regulations that govern the people of this country. This is not a radical proposal. When I served in the State legislature, when we had a bill that came before us, we knew how much it would cost. Should we not on a Federal level know what it is going to cost the American public? Of course we should. It is a matter not only of good government but common sense.

We are not nitpicking. This legislation is not nitpicking, we are not grasping at straws because the legislation excludes impacts of less than $100 million; $100 million. We are not asking for a financial impact statement on something that has an impact of $100 million, or that affects less than 100,000 jobs. That does not sound like we are nitpicking or grasping at straws. It appears that this is sensible, reasonable legislation, and is something that should have been in effect a long time.

There will be some who will say we already have them. I did not have a chance to return the call, but the Congressional Budget Office called and said, "On this financial impact statement, you required seven things. We already do two of them." Well, let us do all seven of them and let us do them where everyone who can read the English language can see clearly when we pass a bill of if a regulation is promulgated what it does to the American people. This amendment would ensure Congress, the administration, and taxpayers are fully aware of economic impact actions by the Federal Government.

In short, Mr. President, this legislation requires the General Accounting Office to prepare economic and employment impact statements to measure the cost to consumers, State and local governments, businesses, employment, the balance of trade as well as the overall impact on the gross domestic product, something which with the computer industry can be done and with a lot of ease.

I also would require similar statements, as I indicated, from Federal agencies on proposed regulations. According to the National Council of Elected County Executives, Medicaid costs last year to the States amounted to over $38 billion, which is a fact. They estimate that by 1995, though, that environmental laws will cost State and local governments $32—it is hard to say it—$32 billion a year. These are two things we can expect in the future. Should we not, Mr. President, with added laws and regulations, know the additional impact of the laws we pass and the regulations that are promulgated by the executive branch of Government? The answer is, of course we should.

Mr. DORGAN. Will the Senator from Nevada yield?

Mr. REID. I will be happy to yield to my friend.

Mr. DORGAN. Mr. President, I am sorry to interrupt him. I think the idea that he and the Senator from Oklahoma propose is a worthy idea. Certainly, it does make sense for us when we impose mandates to understand the cost of those mandates and the cost of applying them. I want to make one point.

I hear State legislators and others, and State legislatures as a body, appeal to us not to impose mandates on them that are unfunded. Those same State legislators in recent years, including mine, as they have complained about unfunded mandates, have constructed a mechanism of provider taxes in order to milk the Federal system of billions and billions of dollars that they should not be receiving. They construct phony provider taxes for which they reimburse health care providers in order to milk the Medicaid system.

My only observation, as we discuss this, when we respond to local governments and to State legislatures, their cries about unfunded mandates, we say, yes, you have a point, but understand that we watch your behavior as well. And when you construct phony schemes, called provider taxes, to milk the Medicaid system and increase the Federal deficit by billions of dollars, then you ought to understand we are concerned about that. Responsibility runs both ways.

I make that point not because it relates to unfunded mandates, but because it relates to the behavior of each of these kinds of levels of governments in each body.

I just want to say I am sympathetic to what you are saying. I think you are proposing something that is worthy, but I wanted to make the other point as well. This runs both ways in government.

Mr. REID. Mr. President, I will respond to my friend from North Dakota who, by the way, we are fortunate now to have in this body. The Senator from North Dakota had a long and distinguished career in the other body of which he was a member on the Ways and Means Committee. That committee is the tax-writing committee of the other body and is involved in great detail about how we try to meet the different goals that are, in effect, forced upon the Ways and Means Committee. They have to come up with different ways to arrive at the budget figures, and you are also aware of what State governments have done.

My State did the same thing, but I suggest to my friend from North Dakota, and those others who are watching, that the State of Nevada, and I am sure the State of North Dakota, did it out of sheer desperation. They were laying on the ground gasping for air, principally because of many of the things that we have done: the runaway costs we have with health care and out of sheer desperation gasping for air needing one more breath. I recognize we have to send a message, and I think the colloquy between my friend and me will do that to State governments. I appreciate his comments.

Mr. President, as I have indicated, this legislation requires the GAO to prepare an economic impact statement. I have outlined what should be in that. It would require that on legislation and also regulations. We know the burdens that are placed upon States by virtue of things that we do. And I have listed a couple that account for about $80 billion a year.

So it is about time we enact a mandate on Congress to force it to look at issues with the whole picture in mind. A vote for this amendment will provide the means to do that.

There was Executive Order 12291, issued in 1981 by President Reagan that called for agencies to produce a regulatory impact analysis and review to reduce the burdens of existing and future regulations promulgated by the agencies. OMB would review these statements but not Congress.

My answer to that, and if somebody raises that as a defense to this amendment, I would say, where are they? It was a good idea, but its effectiveness is obviously questioned because very year we pass federally mandated bills of which we do not know the financial impact, and we should. There is a provision in the Budget Act that calls for cost estimates to State and local governments. I say to them, where are they? Perhaps a good idea, but the question I propound is, they are totally ineffective.

Until this legislation was prepared and I was working on it with my friend from Oklahoma, I did not know Executive Order 12291 existed. It must have been a waste of time. We did not know about it here. The American public did not know about it and, as far as that provision in the Budget Act that calls for cost estimates to State and local governments, we need to be on the firing line, not send something to State and local governments. If in fact they do, I doubt they do, but if they do, we need to know. Where are these estimates? Perhaps it was a good idea but totally ineffective and it was not done for the federally mandated things we have done recently. I voted for the Americans With Disabilities Act, but there is not a Member of this body who has not gone home and talked to small business people and large business people who have not been dumbfounded by the cost of this, the financial impact of how much it takes to implement this legislation.

I ask my friend from Oklahoma to yield to me another 5 minutes.

Mr. NICKLES. Mr. President, I yield to the Senator from Nevada 5 additional minutes.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Nevada has 5 minutes of additional time.

Mr. REID. So I say, Mr. President, that it is not a defense to say there is an Executive order that covers this. It is not a defense to say that the Budget Act calls for cost estimates. It has not worked. It has been totally ineffective. And we need to know, as I have indicated by this chart, of the many, many laws we pass which have impact on State and local governments, we need to know how much they cost. That is not asking too much.

It is legislation, I repeat, of the names that were read by my friend from Oklahoma, where there are only two Democrats on it. We introduced this quickly and perhaps it did not circulate enough. But with all the problems we have had on that side of the aisle and this side of the aisle recently, this is not a partisan issue. As I indicated, I repeat for the third time, there is a companion measure in the House of Representatives that has 55 Democratic cosponsors. I suggest that we vote for this legislation because it is a good amendment that would make our jobs more meaningful, and we would respond to the people of this country with the knowledge that, in anything we do, we know the financial impact.

I saw a quote recently from John Adams in a letter he wrote to his wife where he said, "I read my eyes out and can't read half enough. The more one reads, the more one sees the more one has to read." That is the way it is with the regulations and laws we pass. They just keep coming. We do not know the financial impact of them and we really should. It is the fair thing to do.

I yield the remainder of my time, since I did not use it all.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield the Senator from Alaska 5 minutes.

The PRESIDING OFFICER. The Senator from Alaska has 5 minutes.

Mr. MURKOWSKI. I thank the Chair and I thank my colleague.

Mr. President, I was originally going to propose a similar amendment under section 108 of this bill. That section creates the Bureau of Environment Statistics. The amendment would have required the Director of Environmental Statistics to file in the Federal Register an economic assessment of the financial impacts resulting from implementation of a proposed new regulation or a proposed new regulatory change including assessment of the total number of direct and indirect jobs to be gained or lost as a consequence of implementation.

But I have had the opportunity to join with my colleagues, Senator NICKLES and Senator REID, in introducing the amendment today. We have worked together. I am pleased to support the amendment, which both encompasses my previous proposal to require, Mr. President, the EPA to make an economic assessment of its regulations, and also requires every other Federal agency and the Congress to do the same.

Our new President is talking about jobs. This amendment simply requires the Government to tell us when new regulations will cost jobs. In other words, what is the impact on the job market?

It does not prohibit the Government from doing things like shutting down logging in the Northwest if it fears an endangered species, the spotted owl, is threatened. It simply requires the Government to let us know what the specific economic as well as environmental costs of implementing a regulation are. It also requires the Government to tell the public the costs of the new regulation as compared to the benefits of the regulation. This is just common sense, something we should have been doing all along.

When the Administrator of the Environmental Protection Agency, Carol

Browner, was asked at her confirmation hearing if probusiness environmentalist was an oxymoron, Ms. Browner stated, "Absolutely not."

The cost-benefit analysis should really be part of the rulemaking process.

The amendment does not pass judgment on the merits of any given regulation. It simply informs the public, Congress, and the Federal agencies, of the consequences of the proposed regulations before final decisions are made. It allows us to make sound, informed decisions at a time when the public is both demanding the protection of the environment and the creation of jobs.

Mr. President, so often we are left with the question of, well, was this what we intended to have happen as a consequence of legislative action taken within this body and formulated within our committees? So often we find, due to interpretation or some, perhaps, misdirected staff work or something else, it comes out different in application. It costs jobs.

The proposed amendment pending before this body would address the specifics with regard to jobs and cost. It is appropriate that we have that information in the decisionmaking process. I think all of us would agree, as we look at the necessity of regulatory authority and oversight, that it reflects a fulfillment of our environmental obligation relative to the costs that are passed on ultimately to the consumers, and the welfare associated with the creation of jobs. We have an environmental obligation; but, we also have an obligation to maintain an economy that is capable of supporting our environmental obligation.

So I urge my colleagues to look favorably on the pending amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Ohio.

Mr. GLENN. Mr. President, I do not know whether we could work something out on this or not. I am in great sympathy with the purpose of this amendment. We have not had a chance to really discuss this at length. But I, too, am aware of the difficulties that counties, municipalities, and others have with this. There is nothing that raises more complaints than Federal legislation that impacts on business or on local communities, and the Federal Government does not pick up the load on that. We do not send the money through to take care of it. So they are impacted.

So I really have a lot of sympathy for this. I have heard complaints from all levels of government at home in Ohio about this.

I am concerned about a couple of aspects, and at the appropriate time I might want to put in a quorum call and talk this over a little bit and see where we go with it.

But just a couple of comments. First, I am a little bit concerned that we are creating another layer of bureaucracy here. We already have some of these same analyses that are supposed to be done, supposed to be, I say, by the whole legislative process. So we refer things to committee. And the committees then are supposed to look into the economic impact, the effect on counties and municipalities, different levels of government in our States, and the effects will vary widely from one State to another.

The executive branch, through the Office of Management and Budget Office of Regulation and Regulatory Affairs is once again supposed to look at these. ORRA requires regulatory agencies to perform cost-benefit analyses to assess economic and employment impacts. I think it is fair to say—and I do not want to get into a big hassle on the floor about the last administration unnecessarily—but some of these things that ORRA was supposed to be doing were undercut by the last administration so ORRA did not perform its function the way it was intended, the way we interpreted at least Executive Order 12291.

So I am a little bit hesitant about putting another level of control in here, another level of review, when we have the committee process here. We have CBO that can be called on to make these economic analyses, and they do do that. We then consider it again on the floor, and every time we have something come up on the floor we ask what impact does this have. And we try to make assessments.

The agencies are required to do an economic cost benefit analysis by Executive Order 12291. Now, if it is not being done properly, maybe we should make sure it does work properly and is not in effect bypassed, as it has been in recent years, rather than just putting another level of review on top of what is already there and is supposed to be working.

I do not know whether we could go ahead and accept this or pass it through and then have a committee hearing to try to bring a little more light to bear since we have not been able with our schedule to have a committee hearing on this yet even though it was submitted in January, I believe. Is that correct? It was submitted in January. We have not had a hearing on it yet, which I would be glad to do.

But what we are talking about is we have a requirement to look at the regulatory, economic, privacy, paperwork, cost impact, the whole works across the board. I do not know whether any estimate has been made as to whether GAO has sufficient funds to do this. I know we had a letter, when this was looked at last year, by GAO that they felt they did not have sufficient force to do this last year. GAO's budget, incidentally, was cut last year, I believe, by some $75 million. So I think probably they are less able to accomplish this now than they were last year.

But what we are talking about is the legislation would duplicate and add to the current requirement that CBO analyze regulatory, economic, privacy, paperwork, and cost impact of each piece of legislation. The new layer of bureaucracy would in itself cost a considerable amount, which I do not have an estimate on. I do not know whether the sponsor of the bill has an estimate on how much it would cost to do this kind of analysis and do it at the level at which he wishes this to be done.

There are costs for all of the things we pass here, costs to consumers, U.S. business, to employment, to U.S. business' ability to compete internationally, costs to State and local governments, outlays, revenues, gross domestic product that all affect it. I agree with that. I am concerned about this. We have has a lot of discussion about this back home in Ohio. But has there been any estimate run by GAO as to what it would cost to do the level of analysis that the sponsor of the amendment thinks should be done?

Mr. NICKLES. The answer is no. We do not have any affirmative statement from GAO on how much it might cost. I might mention, though, or remind my colleague that we put in a de minimis level. If the impact on the economy would be less than $100 million or would impact in job loss of less than 10,000, then a study would not be required. So we are really only talking about the more significant pieces of regulatory legislation coming from the administration.

Mr. GLENN. I say to the distinguished Senator from Oklahoma that you have to run the analysis to make those determinations. So you cannot say it is going to cost more or less until you run the analysis first. That is what is going to cost. That is, is there any attempt also to, say, cut out some of it in order to save money and not just duplicate already existing systems that are in place? Is there any thought of doing away with CBO analysis or doing away with ORRA, or OMB's role which they have now? This would be another layer over those. Is that correct?

Mr. NICKLES. Let me respond by saying this: We debated amongst ourselves and others should this be done by the CBO or should it be done by the General Accounting Office? We decided to go with GAO because they have 5,000 employees. They have 72 economists. They have 2,000 evaluators who make economic determinations as well as other things. CBO has 226 employees. So GAO has the large budget. Their budget last year is $429 million, which my colleague from Ohio—I am not meaning to debate—that was a $3 million increase over the previous year. It might have been $75 million less than requested. It is $3 million over 1992. I might mention that the present administration, Clinton administration, has requested an increase of $56 million for 1994. That is a budget of $485 million.

To answer the second part of the question, is it duplicative? Frankly, I do not think OMB has been making the determination on cost of regulations. I fault not just this present administration on OMB. I do not think it really was done in the last administration because the cost of regulation has exploded even during the eighties and particularly in the last 4 years.

So, as the Senator from Nevada said, this is not a partisan amendment. This is an amendment saying we need to get a grasp on the total cost of regulation and mandates that we are putting on cities, counties, States, and on the private sector as well.

Mr. GLENN. I respond, I do not disagree with the purpose of this at all. In fact, I am very supportive of the purpose of it. I am just concerned about the way we are doing it, whether we are putting another layer on the top and whether GAO has set up to handle this. They have a lot of people, but they have a lot of work also. This would almost dwarf their other efforts here if this were to pass and they could do all the exacting determination that is required by this piece of legislation.

They had requested an increase last year of some $75 million. I think they were denied that. Were they cut? I believe the distinguished Senator from Nevada has something to do with that in the appropriations process. Did not they request $75 million additional last year?

Mr. REID. The GAO?

Mr. GLENN. Yes.

Mr. REID. They were cut $5 million last year.

Could I ask the Senator from Ohio a question?

Mr. GLENN. Sure. I yield for a question.

Mr. REID. The CBO, with less than 300 people, already does some of these things. The General Accounting Office, as my friend from Oklahoma indicated, to whom we have assigned this task now, has approximately 5,000 people to work for them. If the computer programs are not set up purely—I think they are almost set up. From the Senator's position as chairman of the Governmental Affairs Committee, it is true, is it not, that they are set up or could be shortly to do these functions?

My question is that the CBO, with less than 300 people, for example, on the Americans With Disabilities Act did an outline of what the impact would be on State and local governments. We have assigned, in this amendment, this task to the General Accounting Office. The reason for that is they have a staff of about 5,000. It seems to me that they are equipped, or if not, they will shortly be equipped to be able to do this. Does the chairman of the Governmental Affairs Committee think they are unequipped to do this?

Mr. GLENN. I think they are probably unequipped to do it at the magnitude we are talking about here unless they were given additional resources. I think just because they have a large number of people employed at the GAO, does not mean that they could take on something like this without some assistance.

Last year, I wrote to the GAO when similar legislation had come to our committee and got a letter back. This is a year old now. It is May 19, 1992. But they responded to my request for comments on S. 2319, which I believe was the bill of the Senator from Oklahoma. We had asked for comments on it.

They said:

> * * * which requires the Comptroller General to prepare economic and impact statements to relate to each bill, resolution, or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either House. We believe that * * * will result in a significant demand on GAO resources that would affect our ability to respond promptly to the large number of congressional requests we currently receive. Also given the state of the art in estimating the economic effects envisioned by this legislation, it could force the proliferation of the use of economic analysis techniques for which there is no strong professional acceptance. In addition, application of this requirement to every bill, resolution, or report by any committee would be extremely costly, time consuming, and could impede congressional business.
>
> The task envisioned would duplicate work now being performed by the Congressional Budget Office. Many pieces of legislation would require months of data collection and analysis to make the needed estimates, this raising the very strong possibility that important legislation would be delayed.
>
> If applied to amendments offered to legislation being considered on the floor, this requirement would often be impossible to satisfy on a timely basis. Overall, we believe that given the current state of the art, in this form of economic analysis and the already significant demands on our resources, that a case-by-case request for such analysis on significant legislation would be preferable to mandating such analysis on every committee action that met some predetermined threshold. We hope you find these views useful to you.

Would this be something that would lessen the impact on GAO if we were to change this so that they would make such analysis just upon request? Right now, as the legislation stands, I believe it would require that an analysis be done on everthing that comes through; is that correct? Am I misinterpreting that?

Mr. NICKLES. To respond to my colleague from Ohio, we put in a de minumus amount and it is not small. We give GAO that ability to make that determination. And there is no question that if you are passing a resolution that declares May as Mother's Month, or something like that, that probably does not require an economic impact statement.

I think, obviously, if you are talking about increasing or indexing minimum wage, or if you are talking about a Btu tax, yes, you are talking about something we should look at and should have an independent analysis by GAO.

Again, I have great respect for the Congressional Budget Office and Mr. Reischauer. But they have a much smaller shop.

Frankly, to respond to my colleague from Ohio, a lot of the investigations that are called upon by GAO were called on by Members of this body and Members of the House. I happen to think that have an economic impact statement on legislation that is proposed, or on regulations that are being contemplated by the executive branch, would be much better utilization of their time. They have 5,000 employees, and 72 economists, and 2,000 evaluators that are making these kinds of determinations. They have computer models. I think it might keep Congress from making some mistakes, and it might save a lot of money and save jobs. That is really the purpose of the amendment. So at least Congress and the executive branch will know the full ramifications of the proposals before we have votes or make final regulations.

Mr. REID. Will the Senator from Ohio allow me to respond to that?

Mr. GLENN. Mr. President, what is our time situation?

The PRESIDING OFFICER. The Senator from Ohio controls 44 minutes 14 seconds. The Senator from Oklahoma, 32 minutes 1 second.

Mr. REID. As I understood the question asked by the Senator from Ohio, would the sponsors of this amendment have any objection to having the legislation be one in which before the General Accounting Office would have to render one of these reports, a legislator, one of the Senators, would have to ask for it; is that the question?

Mr. GLENN. Yes, basically, because I was concerned that if we put this through as it is and give it to GAO, I think it inundates them. They would not be able to do the functions they perform for us now.

In response to the comments of the distinguished Senator from Oklahoma a moment ago, I say that to just assume that all the people in Congress are going to cut back their requests to GAO is a pretty big assumption. I make liberal use of GAO in my position as committee chairman, and we have found them to be excellent. They did the work on nuclear cleanup and a whole host of things that we have found extremely valuable. They do an excellent job in that regard.

My problem is, I think when you make an assumption that GAO can automatically do this on everything that goes through here, that is an enormous leap of faith in what they can do and cannot do with their existing staff. I think we would have to expand their staff considerably to do this the way the bill is lined up now.

Mr. REID. If I can respond to the manager of this bill, this is not the time to get into a debate about GAO, because that is ongoing. Some would say that they should not be on "60 Minutes" as much, and things of that nature. I have spoken to the Comptroller General about that.

There is a debate as to whether they have enough time—too much or not enough. But I think the question the chairman of the committee asked as to whether or not the amendment could be changed, so that prior to the statement being necessary, whoever proposes the legislation would have to ask for it. This is something that I would be happy to talk to Senator NICKLES about, keeping in mind that we already have, as the Senator from Oklahoma indicated, a cutoff point of $100 million and 10,000 jobs.

I think the suggestion of the chairman of the committee is a reasonable one, that they would not have to do it automatically, but it would have to be a letter in writing to GAO or something of that nature. Is that the question?

Mr. GLENN. Well, part of it. But I responded to the Senator from Oklahoma a few moments ago on the $100 million cutoff. You do not know the levels until you do the study. You do not know what the impact is going to be. You cannot say in advance we will not do this because it has a certain impact on localities, towns, and communities. you have to do the study to find out the level.

So it seems to me we are saddled with the current legislation here of sending a huge load to GAO, unless we are prepared to expand their activities and let them have additional personnel out there to cope with this.

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator HATCH and Senator COHEN be added as cosponsors, and I yield to the Senator from Delaware, 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized for 5 minutes.

Mr. ROTH. Mr. President, I commend my colleagues from Oklahoma and Nevada for introducing this most important amendment. Last year, on February 27, I introduced S. 2289, a bill similar to the amendment now being offered by my colleagues from Oklahoma and Nevada. I was planning to reintroduce my legislation during this session, but I delayed reintroduction in order to first see what the administration would do in fashioning its policy regarding regulatory review. It has yet to do so.

With respect to differences between my colleagues' amendment and the bill I introduced in the last Congress, my colleagues' amendment would require an economic and employment analysis by the General Accounting Office for each bill or resolution introduced in the House and the Senate; whereas, my bill would have required the Office of Management and Budget to do such an assessment.

In addition, my bill would have required a regulatory impact analysis clearance by OMB for the implementation of any agency rule. These differences, however, are differences and not failings and should not stand in the way.

We are both seeking to achieve the same goal—to educate the public and to give them an opportunity to make an informed judgment as to the regulatory cost of the legislation passed by the U.S. Congress.

Perhaps this amendment might even cause Congress to educate itself.

Mr. President, the quality of life in America depends on achieving national goals in a variety of areas that affects both individuals and American enterprises; health, safety, environment, civil rights, and a host of other areas. But all too often efforts to promote competitiveness, productivity, and economic growth are undermined by well-intentioned regulations that have unintended consequences.

By allowing Members to raise a point of order on any legislation that is not accompanied by a regulatory impact analysis, my colleagues' amendments provide a sensible and comprehensive approach toward reviewing legislation. I wish to compliment my colleagues for their efforts in this important area and encourage my colleagues to vote for the passage of this amendment.

Mr. President, I yield back the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield back the remainder of my time.

Mr. GLENN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I wish to thank my colleague, Senator REID, from Nevada, for his leadership and also Senator ROTH for his statement in support, as well as Senator MURKOWSKI, from Alaska, for his support and statement in support of this legislation.

Mr. President, I would like to at this point read into the RECORD a number of organizations that have endorsed the Economic and Employment Act, as introduced by myself and Senator REID:

The American Bankers Association; American Farm Bureau Federation; American Forest Council; American Forest Resource Alliance; American Furniture Manufacturers Association; American Vocational Association; Associated Builders & Contractors; Citizens for A Sound Economy; Independent Bankers Association of America; Independent Petroleum Association of America; International Association of Drilling Contractors; National-American Wholesale Grocers' Association; National Association of Broadcasters; National Association of Homebuilders; National Association of Manufacturers; National Association of Regional Councils; National Association of Wholesale-Distributors; National Cattlemen's Association; National Conference of State Legislatures; National Federation of Independent Business; National Forest Products Association; National League of Cities; National Ocean Industries Association; National Rural Water Association; National Restaurant Association; National Taxpayers Union; Petroleum Marketers Association; and the U.S. Chamber of Commerce.

Mr. President, this amendment has so much more support than the organizations that I have just read.

I just stepped outside to talk to an individual who represents the Oklahoma Hospital Association. He brought to mind two regulations that are enormously expensive on hospitals; one was called the Clinical Laboratory Improvement Act.

Many of my colleagues will remember that, because that was going to mandate that all hospitals, rural and otherwise, all clinics were going to have to have basically a certified pathologist to do certain lab tests.

The net result was, it was estimated that regulation alone would close as many as 70 hospitals in my State because of the cost of compliance, because they need to have those tests, they need to have those tests time sensitive. But they did not have a certified pathologist, therefore, they would have to send those tests results over to a larger city, Oklahoma City, Tulsa, Muskogee, or something.

And the turnaround of getting those results back on those tests would be detrimental to the quality of life. If you have a diabetic that needs a test, or a heart patient that needs to get the blood count, whatever it is. Immediate access to the results of those tests with one bill, which had a very good intention—to improve the quality of laboratory work across the country—had good intentions, but the net results of this original legislation and the regulations that were to implement that legislation could have been disastrous to the quality of health care.

There is another regulation in the health field that just came out that all of my colleagues, I think, will be aware of, if they are not by now, and that is the so-called blood-borne pathogen regulation that is now mandated by the

Occupational Safety and Health Administration.

This is enormously expensive. If you are going to visit your dentist, you will note that they have to have their gowns and gloves and masks on, and so on. They cannot be laundered at home. Many dentists have laundered their gowns for years at home, but now they have to send them off. And the story goes on and on.

The net result is the cost of those regulations, I have been told by our dentist in Oklahoma, can exceed $8 per visit.

I have four kids in my family. It seems like we are trying to finance the dentist's office expansions, and so forth. I do not like unnecessary costs being added and mandated by Federal regulations.

This legislation would try to get a cap on it, or at least try to understand the total cost of regulations. It is not a partisan amendment. I am delighted that we have Republicans and Democrats in support of this amendment. I think the reason is because the cost of regulation has exploded.

In 1992, it is estimated that the total cost of regulation was $533 billion. That was done by the Rochester Institute of Technology. It is estimated to increase to $688 billion by the year 2000, only 6½ years from now.

Then, looking at the regulatory cost per household, the household cost in 1992 was $4,272. Think of that: The cost of Federal regulation, by household, over $4,000 in the year 1992, and growing to $4,647 by the year 2000. In other words, continuing to climb, to explode.

And we pay for it. It may be hidden, but we pay for it, in higher prices or higher taxes, or your water bill is higher, or your electric bill is higher, or your gasoline costs more, or your automobile costs more, or the house costs more, or the price of lumber costs more; the cost of health care goes way up; the cost of the dentist visit goes up; the cost of an inpatient or outpatient treatment goes up. All those costs are directly impacted by Federal regulation.

So the purpose of this amendment is very straightforward. If Congress is going to pass laws—bills, before they become laws—we should know how much it will cost before they become laws. Before we take a bill, a proposed law, and make it law, we should know how much it is going to cost. And if it has an adverse economic impact that exceeds 10,000 jobs nationwide, we should know it. Then if we want to go ahead and pass it with that information in mind, that is fine. Maybe the goal of the legislation is significant enough that we should do so. But at least we would know how much it will cost.

I think when we look at several pieces of legislation pending before Congress today—I can just think of several. We have the Safe Drinking Water Act. Again, everybody wants safe drinking water. How much will it cost? Also, if the cost is real high per person, maybe we could look at more economical ways to still achieve the same goal.

We have the Endangered Species Act. Everyone in here is well aware of the spotted owl and the fact that jeopardizes anywhere from maybe 30,000 to 50,000 jobs. A lot of us would like to protect the spotted owl, but we would also like to protect those thousands of jobs in the logging industry, and we are concerned about the price of lumber and how much that has been going up. Actually, lumber prices have doubled in the last 6 months alone. And part of that is because of excessive regulatory burdens.

So we would just like maybe a little more common sense, or to see if we could maybe find a more economical way to do so. It does not prevent us from passing the Endangered Species Act just like it is, or the Resource Conservation Recovery Act, or any other piece of legislation. Congress may well pass them. But at least we would have an idea from an independent source what the economic cost would be.

My colleague from Ohio would like to add cost and benefits. In the legislation, in some points we mention cost and benefits, and we will be happy to modify it to include cost and benefits throughout the legislation. And I appreciate his suggestion for improving the legislation.

Some have indicated a reluctance to put additional burdens on the General Accounting Office. For one, this Senator thinks that some of the best use of the time, the money, and the resources of the GAO would be for trying to determine the economic costs and benefits of various proposals put before Congress and to come out of regulatory agencies. That is part of their function.

They have over 5,000 employees. In this year's budget, a $56 million increase has been requested. For fiscal year 1993, the budget was $429 million; the proposal is to increase that to $485 million. That is a $56 million increase. Percentagewise, I am just going to guess, that is well in excess of 10 percent, probably a 14- or 15-percent increase in their budget. So they are having some increases in their resources.

This language would allow them to exempt those bills that are not reported out of committee. They would only do the analysis on bills that are reported out of committee. So that would eliminate probably 95 percent of the bills that are introduced. So they would do the analysis on bills as they are reported out of committee, and only those that are determined by the General Accounting Office to have an economic impact in excess of $100 million or 10,000 employees.

So we are going to exempt most of the bills that are reported by Congress. And we will probably be exempting most of the regulations that are reported by the administration. But many regulations have very significant negative impact. This is what we are trying to avoid. We want to minimize negative impact.

One of the principles in the medical profession is: "First, do no harm." I think, likewise, Congress would really improve our productivity as far as the economy if first we make sure we do not do any harm. How can you be sure you will do no harm if you do not have an analysis to see what effect it will have on jobs? So I think it will be very good to have an independent analysis to see what the economic effect will be. That is the purpose of this legislation.

I believe we have 25 or 26 cosponsors of this legislation. I thank the several groups that have indicated their support for this legislation, like the Rural Water Association, Independent Bankers Association, and National Federation of Independent Business.

I think when you look at the impact on jobs, what it means to creating jobs in the private sector, what it means as far as mandates to States and cities and local governments, I think this is excellent legislation. It may be some of the most important legislation we will be dealing with this year, and I hope my colleagues will concur.

Madam President, how much time is remaining?

The PRESIDING OFFICER. (Mrs. BOXER). The Senator has 8 minutes and 15 seconds remaining.

Mr. NICKLES. I reserve the remainder of my time, and I suggest the absence of a quorum.

Madam President, I ask unanimous consent the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I further ask unanimous consent that the pending amendment be temporarily set aside, with the time remaining on each side as it is right now, to be brought up again later and that we then proceed to take up the amendment by Senator GORTON that I believe we will be prepared to accept and then return to this amendment at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 330

(Purpose: To modify the membership of the Commission on Improving Environmental Protection, and for other purposes)

Mr. GORTON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 330.

Mr. GORDON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, beginning with line 25, strike out all through line 7 on page 73 and insert in lieu thereof the following:

(1) 7 members to be appointed by the President;

(2) 2 members to be appointed by the Speaker of the House of Representatives;

(3) 1 member to be appointed by the Minority Leader of the House of Representatives;

(4) 2 members to be appointed by the Senate Majority Leader; and

(5) 1 member to be appointed by the Senate Minority Leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President

(c) POLITICAL PARTY AFFILIATION.—Notwithstanding any other provision of this section, no more than 7 members of the Commission may be from the same political party.

Mr. GORTON. Madam President, this amendment, which I understand has been agreed to by the managers on both sides, simply puts into the bill itself what is intended by the bill and what is included in the committee report; that states that of the 13 members of the Commission on Improving Environmental Protection, no more than 7 members will be from one political party.

Whatever the duties and the outcome of the work of that Commission, obviously they will be more acceptable if they are bipartisan. The distinguished Senator from Ohio [Mr. GLENN], of course, recognized that in the way in which he drafted the bill and has had the committee report written up. We would simply like to ensure that that takes place. This amendment does so. Madam President, at this time I would like to elaborate on why I elected to offer this amendment.

The amendment which was agreed to today simply asks that the minority party be allowed input on the selection of members to the Commission on Improving Environmental Protection. Input. That is what this amendment is about.

In fact, the idea for this amendment came from the committee report which accompanies S. 171. The report specifically states that "in the interest of political balance, no more than 7 members of the Commission should be from any one party."

So in the "interest of political balance" this Senator offers an amendment which retains the rights of the President, Speaker, and majority leader to appoint members to the Commission—but expands this right to minority leaders of both the House and Senate.

As proposed S. 171 appoints members to the Commission as follows: seven members appointed by the President; three members appointed by the Speaker of the House; and, three members appointed by the Senate majority leader.

My amendment will allow the minority party, along with our colleagues across the aisle, to have a say in the selection of members to this Commission. Under this amendment members will be appointed to the Commission as follows: seven members appointed by the President; two members appointed by the Speaker of the House; one member appointed by the minority leader of the House; two members appointed by the Senate majority leader; and, one member appointed by the Senate minority leader.

And lastly, this amendment would put into statute the Governmental Affairs Committee's own recommendation: No more than seven members of the Commission shall be from any one political party.

Under my amendment, the Commission remains intact, the funding authorized for the Commission is unaltered, and the responsibilities of the Commission go unchanged. The only change which this amendment makes is to allow the minority party the opportunity to appoint members to the Commission.

In closing, Madam President, this amendment acts upon the recommendation of the Governmental Affairs Committee, and is only a minor modification to the underlying bill. This amendment merely gives the minority party in both the House and Senate input. It is just that simple, Madam President, this amendment only asks that the minority party be heard.

Mr. GLENN. Madam President, I think Senator GORTON has fairly expressed the situation, and we are happy to accept the amendment.

Mr. ROTH. Madam President, I rise in support of the amendment proposed by the distinguished Senator from Washington. Yesterday, I offered a substitute amendment that would have completely eliminated the Commission on the new department's environmental laws and thereby solved the problem which the distinguished Senator has noted. In view of the adverse disposition of my amendment, this amendment is most welcome.

The recommendations of the Commission will have no legal effect. The recommendations are only recommendations. They will clearly have more value to the Congress if they are truly bipartisan. We all know that. The majority knows that. That is why the Senate report from Governmental Affairs, Report No. 103–38, on page 23, states:

The Committee recommends that, in the interest of political balance, no more than seven members of the Commission should be from any one party.

The pending amendment codifies this committee recommendation. Therefore, there should be no objection to this amendment. The bill in its present from authorizes only members of one party to appoint members of the Commission and provides no constraint against excessive representation by one political party. The pending amendment cures this oversight and should be adopted.

Mr. GLENN. If there is no further discussion, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back on this amendment?

Mr. GLENN. On the Gorton amendment all time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 330) was agreed to.

Mr. GORTON. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I ask that the pending amendment be set aside for further Senate business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I appreciate the accommodation of the Senator from Ohio. I sought recognition to speak not to the current amendment sponsored by the Senator from Oklahoma but to some of my own concerns with the bill.

Madam President, the Senate is, of course, engaged in debate on this legislation which would elevate the Environmental Protection Agency to Cabinet-level status. Each Member of the Senate represents a State which, of course, has its own unique environmental protection needs and challenges. Earlier this month, the people took notice of an environmental issue of vital importance to the Pacific Northwest when the President convened his timber conference in Portland to address issues of environmental protection and the impacts on the families and communities, the livelihoods of which have been built around these forests. No environmental issue has captured the attention of people in the State of Washington to a greater extent than has this one.

I highlight this environmental controversy because it has—in part—convinced me that elevating the Environmental Protection Agency to Cabinet-level status, while meritorious on its face, will not solve the chronic problem which plagues many environmental decisions.

What is this problem? You have only to talk to a timber worker in Forks, a real estate developer in Redmond, or a salmon fisherman in Longview to understand.

Environmental responsibilities in our Federal agencies are spread across the President's Cabinet, the Department of Commerce, the Department of Agriculture, the Department of the Interior, and the Environmental Protection Agency. As a consequence, environmental laws, rules, and regulations overlap in their applications, are confusing, time consuming, and costly. As currently proposed, elevating the EPA to Cabinet level status will not consolidate these environmental departments into one agency.

Again, I go back to the controversy in Washington State, in which turf battles among Federal agencies on environmental regulations and laws greatly complicate matters. Pacific Northwest timber communities have experienced firsthand the endless maze of overlapping environmental jurisdictions within our Nation's forests. The Forest Service of the Department of Agriculture, the Bureau of Land Management of the Department of the Interior, the U.S. Fish and Wildlife Service of the same department, each has jurisdiction over forest lands managed by Federal regulators.

I know that the people of Washington State would welcome regulatory relief that could come from consolidating the multiple Federal agencies with environmental jurisdictions into one, single Federal Department of the Environment.

I realize that this idea may not be politically popular in Washington, DC—but this Senator was sent here by the people of Washington State, many of them everyday working people, who face the day-to-day frustrations in dealing with multiple Federal agencies with overlapping regulations.

Within the next several weeks, I understand, the National Academy of Sciences will issue a report which will make recommendations on elevating the Environmental Protection Agency to Cabinet status, provide recommendations for joining together Federal agencies charged with environmental protection, and suggest new governmental environmental operations. The report, of course, has not been issued yet, but this Senator believes this debate would benefit from the consideration of such a report.

The idea was first broached, to the best of the knowledge of this Senator, very shortly after the election, within the first week or so, with the thought that the Clinton administration might propose such a consolidation. I think many initial reactions to this proposal were negative. I know the initial reaction of this Senator was negative. Within 24 hours, however, the thoughts of this Senator were that perhaps there was a great deal of sense in just such a proposal.

I have waited patiently, and will continue to wait patiently, for some kind of decision to support the consolidation of such agencies, not only on the part of the National Academy of Sciences but the administration itself. And it is for that reason the timing of this debate troubles this Senator.

Many times legislation is passed by this body only to be determined after the fact that the law has impacts which could not be foreseen at the time of its enactment. Try as we may when drafting legislation, we cannot always see into the future. We cannot always foretell all the impacts the legislation will have when implemented, but on many occasions we act on legislation without all of the available information. This may well be what we are doing in this case.

I certainly do not oppose the elevation of the Environmental Protection Agency to Cabinet-level status, but I am concerned that perhaps we are not acting with the best interests of efficient environmental protection in mind. This Senator would like to look at the report of the National Academy of Sciences, a report intended to determine "How the Government should organize its environmental research, and how best use its scientific information to advise environmental policy decisions."

This Senator would like to hear the recommendations of present members of the Cabinet and administration on the subject of such a consolidation. This report and those deliberations might well provide invaluable insights to help us make more informed decisions.

Madam President, this concludes my thoughts on the bill before us and explains the reason that I am somewhat troubled by the consideration of this bill at this point in time.

Although he has been busy at other matters, this Senator at least would greatly appreciate any comments the distinguished Senator from Ohio has on the subject. I suspect that he knows more about these consolidation proposals than the Senator from Washington. This Senator would appreciate any comments the Senator from Ohio has on whether he believes this bill simply to be a transition to some more ambitious attempt to consolidate environmental protection agencies, or whether he views this as a substitute for and as a way to slow down such a change.

In this case the Senator is simply seeking information about an idea which seems to him to have some real validity and would like to know how it relates to the bill before us at the present time.

Mr. GLENN. I would be glad to respond. I did not hear all of the Senator's statement. I unfortunately had to be off the floor for part of it, but as I understood the Senator is concerned about whether EPA is going to be expanded in other areas.

Mr. GORTON. The concern of this Senator, I say, was with the early thoughts right after the election, and the possible proposals on the part of the National Academy of Sciences that we join together agencies with major environmental responsibilities, many parts of the Department of the Interior, the Forest Service from the Department of Agriculture, certain elements within the Department of Commerce, into one department of the environment, so that we could have a more single and coherent set of environmental policies in the country and so that our people and our local governments would deal with a single agency rather than with multiple and often conflicting needs.

Mr. GLENN. Fine. Let me respond to that.

When we first started looking at EPA elevation back a couple of years ago, almost 3 years ago now, we set out with the idea that almost every agency of Government has some part of the environmental pie. It is a rare agency that does not have something to do, some with very major parts, Agriculture, Interior, and others, and some of these things had gone on because EPA was sort of a new function on the block some 20 years ago.

So they farm out a lot of these things. The Department of Defense had major responsibilities, and so on. We set out with the idea of looking to see what really needed to be in these other departments, to get some of these things back under a really solid, well-administered department of the environment. That are so complex, and there are so many things spread all over Government, that it went beyond our ability on the committee to do this.

So even though I just abhor the idea of putting together another commission, committee, advisory board or whatever, we did not see any other way to do it. But if we are going to elevate, set up the commission—which we set up, to go ahead and look at all these different functions, decide what should be brought back under EPA and what should be left out there because they can be best administered say in the Department of Defense or whatever. You are running tanks around, doing whatever, wasted bases, how do you handle that? That is DOD. They have to do it. They want advice from EPA. It is their responsibility, their poverty, and so on. That is one example.

So that was the purpose of the commission. We did not want the commission to go on indefinitely. We put a 2-year sunset on it. That is how we are dealing with the situation that the Senator speaks to.

Mr. GORTON. I thank the Senator from Ohio. I take it the implication of that statement is that the Senator from Ohio finds this to be an intriguing idea but wants expert outside advice as to how it would be accomplished and what functions would be part of the new department of the environment.

Mr. GLENN. We do not see this as some great power grab that is going to get into all sorts of departments. If we want to move things back, we want to move them after study, so we can see them done better under EPA, whatever the function being done now. So what I have just stated a moment ago is our purpose in this whole thing.

Mr. GORTON. I gather the Senator from Ohio does not believe that the passage of this bill would be or is designed to inhibit that movement toward a department of the environment if this becomes desirable.

Mr. GLENN. It would not inhibit nor advance either one. It is sort of neutral in that regard as to what the Senator is speaking about. The commission was to give us advice on what they think would work best with regard to the environmental administration throughout the length and breadth of Government. Right now, I think the Senator would agree it is spread all over the lot, too much so. We need to get some of these things administered more from one spot.

Mr. GORTON. I thank the Senator from Ohio for that contribution. I have some apprehension that one of the reasons that I have some reluctance with respect to this bill is whether or not having someone else call Mister or Madam Secretary will not just create another roadblock on the way to a consolidation. We may find it desirable later on. But, nevertheless, I greatly appreciate the views of the Senator from Ohio. That is not the intention nor does he think it will be the consequence of passing this bill.

With that, I thank him for his time. If he wishes to move us back to the Nickles amendment, I would be happy to yield.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued the call of the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I do not intend to speak long. It is my understanding that the time I consume in speaking will not be charged against the time on the amendment.

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. BYRD. It is also my intention not to offer any motion at this point. But I am perplexed and amazed, I must say disappointed, that such an amendment would be offered. I cannot understand how a member of the Appropriations Committee—especially a member of the Appropriations Committee—can vote for the amendment offered by Mr. NICKLES.

But before I deal with that aspect of the amendment, let me say to Members generally what this does. This amendment is a way of changing the rules of the Senate. The rule is not mentioned in the amendment, but, in effect, the rules would be changed without subjecting either the amendment or the bill, if amended by the amendment, to the rule requiring two-thirds of those present voting to shut off a filibuster on a rules change. This is a way of indirectly changing a rule without running the risk of requiring a two-thirds vote to shut off a filibuster. A filibuster on this type of rules-change mechanism can be shut off by a three-fifths vote.

So that is one great danger in this approach. I think I should point out to those on the other side of the aisle, particularly, who are constantly trying to change this institution, who are constantly making efforts to change the rules in ways that would reduce the privileges, powers, and prerogatives of this institution, I think I should warn them that this approach can be used by the majority, as well. And one day, if it continues, if these pernicious assaults continue, then the majority will undoubtedly resort to the same tool or weapon.

The majority leader has indicated his interest in changing the rules to provide that a motion to proceed to a matter or measure not be debatable, or perhaps having a motion to proceed that would only be debatable for 1 hour.

To attempt to change that rule directly would result in a filibuster; it would require a two-thirds vote to shut off such a filibuster. This same approach by Mr. NICKLES can be used on this side, however, to provide for a nondebatable motion to proceed. I know that the other side may say, well, you will never get the 60 votes. Well, who knows? On the right bill, it is conceivable that 60 votes could be secured to invoke cloture.

I am one of the foremost protectors of the minority here. Mr. President, I have been in the minority. I have been the leader in the minority. I reverence this institution as a refuge to which the minority can retire and be protected against a tyrannical majority.

So I do not want to see too many things happen around here that would impinge upon the rights of the minority. I daresay my concern about the rights of the minority probably is greater than the concerns of some of those who are on the minority side. They are playing with fire here. They are tinkering around with the rules, and they know not what they are doing. This is dangerous. This is a pernicious amendment because if we change the rules with this amendment, we can also make other changes in the rules that would not bode well for the minority.

I try to keep in mind that my side may be in the minority again. So I am reluctant to see us take actions that may hurt the minority. But with respect to the motion to proceed without debate, I have very lately stated that I would support such a rules change because that still leaves Senators on both sides of the aisle the opportunity to filibuster the measure itself, or the nomination itself, or the matter itself, whichever it may be.

So I am willing to take my chances on a line-item veto if it comes over here from the other body. I am willing to take my chances and let it be taken up without debate, after which, I will busy myself with filibustering the measure itself. But I am concerned that a minority is pushing itself too far in this body. I have seen that happen in recent days.

Here we are with an amendment that would, in effect, change the rules. It would certainly have an impact on rule XXVI, dealing with the committee procedure. It would have an even more direct impact upon rule XXVIII, dealing with conference committee reports, and so on.

If this amendment were adopted from an Appropriations Committee perspective, the amendment could well result in great delay. We have to report 13 regular appropriations bills, plus supplementals, and we have to bring back conference reports. We have to go to conference on those bills, and come back with conference reports on practically all of them.

This amendment says, "It shall not be in order in either the House of Representatives"—so we are going to change the rules of the House as well—"or the Senate to consider on the floor any bill"—any bill, any appropriations bill for example, any supplemental appropriations bill—"resolution, or conference report, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, resolution, or conference report includes the economic and employment impact statement required by subsection (c). Waiver: A point of order made under this subsection may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn; and in the House of Representatives, by a three-fifths affirmative vote of Members, duly chosen and sworn."

Therefore, Mr. President, every appropriations bill, every appropriations conference report, would be required to include the economic and employment impact statements required by section 3 of this amendment. This requirement would force Congress to wait for the General Accounting Office to prepare economic and unemployment impact statements before taking up the appropriations bills—before taking up the appropriations bills, and once we have gotten over that hurdle, before taking up the conference reports on them.

This could take days, or weeks, or even months for the General Accounting Office to complete its analysis on each of these appropriations bills or conference reports.

If we want to return to Government by a continuing resolution, this is the direct way to bring that about. But would that not also be a big problem, dealing with a continuing resolution making appropriations, because the same thing would apply there?

This amendment would virtually guarantee, Mr. President, that we will not be able to complete our work in the Senate on appropriations bills by October 1. Forget it. That is the beginning of the fiscal year.

The General Accounting Office states that a very rough estimate of the resources involved would be that an organization of perhaps 200 people or more might be needed.

This means additional employees in the General Accounting Office. I thought the interest on that side of the aisle was to reduce the number of Federal employees in the Government. The General Accounting Office is going to have an organization of 200 or more. CBO now uses approximately 80 staff years to perform its costing responsibilities and related budget work. So what this is going to do is provide for a duplication. CBO does it with 80 people over a year's time. This amendment will require the General Accounting Office to duplicate this work and put on 200 new people.

The General Accounting Office also says that many pieces of legislation would require months of data collection and analysis to make the needed estimates, thus raising the very strong possibility that important legislation would be delayed. If applied to amendments offered to legislation being considered on the floor, this requirement would often be impossible to satisfy on a timely basis.

> The impact on the General Accounting Office's ability to meet its heavy congressional workload could also be severe, exacerbating an already significant shortfall in our ability to respond promptly to the many individual committee requests we receive each year.
>
> Consequently, the need to make significant internal realignments, the complexity of the task envisioned, and the limited availability of GAO staff trained in economics and related fields would result in a very long learning curve for us—

GAO is talking—

> as we began recruiting, reassigning and training staff and otherwise building the data bases and infrastructure necessary to perform the duties involved.

Mr. President, I say to my friends in the minority who keep dabbling in efforts to bring this institution to its knees, they are playing with fire. I urge them to stop doing it.

This is a most pernicious amendment. The problem here is, may I say to my dear friends on the other side, two can play this same game. One of these days, there may be more than 60 Members on this side of the aisle, and ROBERT BYRD may not be around here to protect the minority. I have taken positions to protect the minority of the Senate that I venture have not been taken by any minority leader on that side, or anyone in leadership on that side. I will not go into details, but I know whereof I speak.

I urge my colleagues to think twice, and I urge my friends on the other side of the aisle, particularly those members of the Appropriations Committee who have to work to bring out 13 appropriations bills and the supplemental and the conference reports thereon, I hope they will think twice and then think twice again before they vote for this very costly, very time-consuming, very unworkable proposal that will surely result in more delay and gridlock in the Congress in enacting appropriations bills and conference reports.

Heaven knows, we have problems enough in getting appropriations bills through this Senate and through the conference as it is. I do not know of any other committee chairman who has a committee that is bound and required to turn out 13 regular bills each year, every year, plus supplementals, or the equivalent thereof by way of continuing resolutions. I do not like to see us enact continuing resolutions. Since I have been chairman of the committee, I have tried my best to avoid continuing resolutions as much as possible. We have done very well with the cooperation of my friends on the other side of the aisle.

I just do not believe that Appropriations Committee members really know what they are doing if they vote for this amendment. I have to say, with all due respect to my friend, the author of the amendment, he is on the Appropriations Committee. What are we trying to do? Are we trying to destroy the appropriations process here? Is that what we are trying to do? Are we trying to do it indirectly, without making a head-on attack? Why not assault the process head on? This is an indirect way.

I do not believe that the author of this amendment has fully considered the impact, the ramifications, and the result that would flow from the adoption of this amendment. I hope that Senators will vote this amendment down or vote to table it; or we will, if nothing else, have a motion to recommit with instructions to report back. I again urge Members not to continue to tamper with and dabble with the rules of the Senate. That is what this is. This constitutes a rules change. But it does not say up front that it is a rule change. This is a mugging of the rules of the Senate, a walking up from behind, not walking up from the front, walking up from behind and lashing out with a chain and mugging the rules of the Senate from behind. It is dangerous stuff.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GLENN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The legislative clerk continued with the call of the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GLENN. Mr. President, reserving the right to object, and I do not object, with the understanding that, at the end of the Senator's statement, we go back into a quorum call.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I ask unanimous consent that I might proceed as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STUDIES OF THE AIRLINE AND AEROSPACE INDUSTRIES

Mr. DANFORTH. Mr. President, on March 17, the Senate passed legislation that had been asked for by the administration to create a commission to study the problems of the aerospace industry and the airline industry.

At the time of the debate on that legislation to establish the commission, I pointed out on the floor that we have had numerous studies of the problems of the airline industry and the aerospace industry.

As a matter of fact, I brought to the floor of the Senate two boxes of studies or committee reports dealing with the problems of these related industries. I piled those studies up on top of the desk from which I was speaking. That pile came to approximately chin level.

These were all various reports that had been done by the General Accounting Office or the Department of Transportation or congressional committees about the problems of these industries.

But, nevertheless, it was agreed on the floor of the Senate by a voice vote that we would proceed with yet another study, as requested by the administration, and on March 23, the House passed the same bill.

So, it has now been a month. In fact it has been a month and 5 days since Congress passed this legislation creating yet another study of these two industries. The legislation that we passed provided for 90 days for the study to take place, however the 90-day time did not start ticking until the commission that was to be appointed was actually in place.

I am happy to report to the Senate that in discussions with the Department of Transportation today I am told that sometime this week we are going to have the membership of the commission announced by the White House. Unfortunately, however, merely announcing the membership of the commission is not sufficient to start the 90-day calendar running. That will only take place when the members of the commission are actually sworn in and the swearing in will be, of course, when people can manage to get themselves to Washington, which is hoped to be about 2 weeks hence.

So the upshot of all this is that we passed the legislation in March and probably sometime around the middle of May we will start yet another study of the problems of the airline industry and the aerospace industry. That will last for 90 days, meaning that in August sometime the study will be completed.

Then, of course, we will have to have time to digest the study. The administration undoubtedly will have to examine the study and find out what is in it. And maybe then at some time in the fall people will get around to suggesting actual legislation or actual steps that can be taken to aid these two industries. By then, of course, Congress will be ready to adjourn the first session of the 103d Congress.

My point is exactly the point I made in March. We have an emergency on our hands. We have a double emergency on our hands. We have an emergency relating to the airline industry and we have an emergency relating to the aerospace industry, and we are engaged in this extraordinarily leisurely process of setting up commissions, waiting for the commissions to be appointed, waiting for the members to be sworn in, beginning the work that the commissions are going to get done, and then studying the work of the study. This is not a case where time serves the purpose of the airline industry or the aerospace industry.

Let me simply remind the Senate of what has been going on just this year. On January 21, McDonnell Douglas announced 8,700 layoffs. On January 26, Pratt & Whitney announce 10,000 layoffs. On February 18, Boeing announced 2,000 employees would be laid off by mid-1994. Delta announced on March 30, for the first time in its history, that it would lay off permanent employees—600 pilots. On April 2, American Airlines announced 900 employees would be laid off.

This is what has been going on, now, in the aerospace industry and the airline industry. And we claim around here that we are interested in people's jobs. Oh, let us get some job legislation. Let us get some job studies. Meanwhile, let us hail executives of aircraft manufacturing companies before committees of the House of Representatives and hector them about their companies.

Where is the concern about the working people of this country who work for airlines? Where is the concern about the working people of this country who work in the aerospace industry? Where is the concern among all the discussion about jobs bills, and about stimulus packages—where is the concern about real live human beings who are losing their jobs in industries that used to be at the cutting edge of America's competitiveness? What is happening?

We are delaying, we are studying, we are twiddling our thumbs while real people lose their livelihoods.

If this were a matter that had never been studied before, perhaps the 90-day study would be called for. We have studies coming out of our ears. If this was an issue where great minds had not come up with great ideas in the past, maybe yet another leisurely study at a leisurely pace would be called for. But there are all kinds of ideas of what should be done.

Let me simply review what some of them are. I have proposed that airline predatory pricing complaints subject to a summary process, to determine whether or not they are predatory pricing, with the Department of Transportation empowered to issue cease-and-desist orders if there is predatory pricing.

I believe the aviation fuel tax increases that have been proposed under the so-called Btu tax should be omitted from the coverage of that tax. The airline industry cannot afford to pay the tax.

I have proposed permitting increased foreign investment in our airlines. I have introduced legislation to accomplish that. They will need capital in order to survive and in order to prosper. Where is that capital going to come from? I believe foreign investment is absolutely essential for that purpose.

I have proposed the creation of an industry-led consortium of U.S. aircraft manufacturing companies to duplicate what was done for the semiconductor industry by Sematech.

And I have also proposed—and this is something that the administration can accomplish without our legislating—a bill on the subject of countervailing duty investigations against Airbus. If there is ever a ridiculous situation of unfair foreign subsidies, it is Airbus. Airbus has never made any money—never in its history, for decades—never made any money. Airbus, which has been subsidized to the tune of at least $26 billion by European countries, and which now has 44 percent of the U.S. aerospace market, should not be able to conduct its business without countervailing duties as provided by international agreement and U.S. law.

These are recommendations that are already out there. They are recommendations that are not new. They are recommendations that have been studied. Yet we proceed on this tortoise-like pace, fiddling around. We want to declare economic emergencies and yet we do not know an economic emergency when we see it. When we have the patient lying in the middle of the street, instead of calling for the ambulance and acting with dispatch to address the situation, we sit around and have discussions about how to appoint more boards to prepare yet more reports which will require more time for us to study.

So I simply take the floor to point out that at least the administration, more than 1 month after the House passed the bill, is getting on with appointing the latest study group and that maybe in 3 weeks the study group will have its first meeting and then, 90 days thereafter, we will have yet more studies that we can begin studying.

Mr. President, I suggest the absence of a quorum.

Mr. EXON. Will the Senator withhold that request?

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I would agree to further activities on the floor only if at the end of the Senator's statement, that he agree that a quorum call will be placed again.

Mr. EXON. Mr. President, I will be glad to accommodate the managers of the bill in this regard.

I ask unanimous consent that I be allowed to proceed in the following fashion: First, to comment on the remarks just made by the distinguished Senator from Missouri; and then, briefly to proceed with regard to remarks I have prepared for the President's high-speed rail initiative that was announced at a press conference today. At the conclusion of that, I will agree to the suggestion made by the Senator from Ohio that I, at that time, suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EXON. Mr. President, I listened to my good friend from Missouri with regard to the difficulties in the airline industry today, all portions of the airline industry problems, certainly down to the manufacture of the aircraft and, most important, all of the employees—dedicated and talented employees—of all of the airlines, and all of the people who are in the airline production industry.

The Senator and I have expressed concern about this on many occasions over a period of months or years, and I certainly agree with him, and share with him the concern over the delay that has taken place since the bill that he referenced was passed.

The good news is that I have been told by the Commerce Department today—that I have been following and urging and pressing for the appointment of the Commission on a daily basis—I am advised that the announcement will indeed be made tomorrow of those who are to serve on this very important action Commission. Therefore, we may get back on track.

The reason for the delay, unfortunately, is the fact that the Commission, as the Senator from Missouri and others know, was to be appointed five by the House and their leadership, five by the Senate and their leadership, and five by the President, representing the executive branch.

Unfortunately, this has not moved as rapidly as many of us had anticipated and hoped. Therefore, I say that the remarks made by the Senator from Missouri with regard to the delay is discouraging.

However, I will simply point out, Mr. President, that everything that the Senator from Missouri has said about the difficulties of the industry is very real. But I will simply say that the previous studies that have been referenced by the Senator from Missouri, the bills that he has introduced, some of which I totally support, are trying to be designed in an expeditious fashion by the appointment of this action Commission—not just another study group, but an action Commission. And I have every confidence that report will be forthcoming and eventually be placed in an overall encompassing bill suggested by the President that we can take a look at and have action on this year while the Congress is in session.

So, therefore, I wish that we could move faster, but we have moved I think as fast as we can. Certainly, I am pleased that the very first action of any significance with regard to transportation when the Clinton administration came into office was the action of the talented Secretary of Transportation with regard to addressing the very concerns that the Senator from Missouri has been addressing and trying to do something about for a long, long time.

We can criticize the delay of a few weeks. The facts of the matter are the depths of the problems in the industry as a whole are so deep and so important to the future of transportation and jobs in the United States of America that I agree with the Clinton administration approach to do a 90-day action group Commission that will come forth with specific recommendations, and I suspect that many of them will be along the lines that have been suggested by the able Senator from Missouri and others.

Certainly predatory pricing is causing all kinds of havoc in the airline industry today. In fact, I have said before, to be in the airline commercial passenger industry business today you almost have to be in bankruptcy. If you are not in bankruptcy, you do not have the cash-flow to stay in business.

With regard to the Btu tax, certainly the Commission, I believe, will make a determination on that. But once again, that is something that I think has to be considered in overall policy. With regard to foreign investment in our airlines, this is just further deterioration of the fact that we are not only beginning to lose control of many important business interests in the United States today but, once again, we are relying on foreigners to invest in our companies, as foreigners have been investing ever increasingly in the bondsand other certificates of borrowing by the Federal Government, another indication that we are in big trouble.

Certainly, I agree with the concerns adequately and articulately expressed by my colleague and friend from Missouri regarding the Airbus. This is something that certainly has to be considered in concert with all the other problems which the Commission, that is going to be announced tomorrow, will deal with. Certainly, this may be described as a very slow tortoise-like pace. The facts of the matter are the problems are so deep in this industry that it has to be considered, in the view of this Senator, in an overall package and come forth with legislation that can hopefully be moved on through the Congress.

The other good news is that the individual who has been appointed as chairman of this committee that will be announced tomorrow has been actively engaged in finding the right kind of staff and finding office space as necessary. And I believe the Chairman of the Commission and the Commission members themselves are fully informed on the necessity of moving very rapidly on an action package that can solve or begin to solve the problems in this industry.

Therefore, I say that it is good news that the names are finally going to be forthcoming, and there are lots of reasons—none of them fully justified, but reasons—for the delay; and that I hoped the Commission names would have been appointed 2 or 3 weeks ago. In any event, we are making progress. And I believe that no one understands the difficulty of the airline industry, and all of the people who work in it at several levels are in deep trouble today.

I salute once again the Clinton administration for putting this matter up front.

(The remarks of Mr. EXON pertaining to the introduction of S. 839 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GLENN. Mr. President, reserving the right to object, and I will not object, we have been protecting the floor here making sure that every speaker at the end of their remarks put us back into a quorum call. With that understanding, I will not object.

Mr. DOLE. Mr. President, I have no objection to that. I have a couple of statements on nonrelated issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW SHRILL, SOPHOMORIC TONE TAKES OVER AT THE NEW YORK TIMES

Mr. DOLE. Mr. President, as the Republican leader, I am used to taking my lumps on the editorial pages of a lot of liberal newspapers all across America, including some in Kansas. But no editorial page has ever been more personal, intolerant and, frankly, irresponsible than the New York Times these days. Unfortunately, it is part of a new editorial page direction the times is taking, leaving its traditional high road for the gutter. It is an embarrassing turn-for-the-worse at this world renowned newspaper.

The New York Times has a proud tradition of tolerating alternative and minority views. It has tenaciously defended the rights of the minority on issue after issue, stressing the importance of respecting and maintaining minority views. Regrettably, that tolerance no longer seems to apply to minority—or majority—views when they are held by Republicans. In nasty editorial after nasty editorial, the Times has attempted to rewrite history, portraying Republicans as a sinister anti-everything cabal, always up to no good. Fortunately, most Americans have a more refreshing and positive view—it is called two-party government, a concept with which the Times editorial page apparently cannot come to grips.

Since the first of the year, I have been smeared in a series of Times editorials. Again, I do not mind a good policy debate, but the Times has adopted such an ugly tone that it undermines its own credibility and adds little to civilized discourse. It has gotten to the point that we know we are doing something right when the New York Times editorial board goes into one of its hysterical, anti-Republican spasms.

Now, Republicans can have honest disagreements with the Times, but when our side of the story is ignored, and when false motives are attributed to me and my colleagues, it is time to speak up.

Perhaps the Times' unseemly step toward tabloid editorializing has do with the arrival of a new editor, a Mr. Howell Raines, who appears to be the Grinch who stole the Times' editorial page. According to a National Journal exposé, Mr. Raines' new attack-dog approach has even alarmed his colleagues on the editorial board, some of whom believe that the editorial page's newly pugnacius tone is nasty and shrill, unbefitting the Times' traditional voice of sober persuasion—and unlikely to advance the Times' agenda.

Now, I have had my differences with the New York Times during the years, but I have always respected its articulate voice and reasoned tone. How sad it is to see the Times tradition of excellence soiled by Mr. Raines' sophomoric ravings. Do not get me wrong; I certainly do not have a problem with colorful rhetoric, but there is a big difference between creative writing and undignified assaults. Even many prominent Democrats are apparently troubled by the Times' new attack mode.

For the record, neither Mr. Raines, nor his editorial board, has called me or my office since President Clinton's election. I have even offered to pay for the call if his editorial writers want to get the Republican view on any issue, but Mr. Raines has made it clear he and his staff do not want public policy input.

When I recently challenged a Times editorial on the Democrats' motor-voter legislation, and asked whether the Times editorial board had sought the views of myriad State and local officials concerned about this Federal mandate's unfunded price tag, Mr. Raines implicitly conceded in a letter he had not sought these legitimate views, responding "I do not think our advocacy would be influenced by the local and State officials you mention. It seems to me that our national experience has instructed us that the franchise cannot be trimmed to the convenience of office holders." Sounds to me like the Times did not want to let the facts get in the way of a cheap shot at Republicans.

Whether the New York Times likes it or not, Republicans will not be intimidated by Mr. Raines and his undignified editorials, which insult Times readers with the notion that the opposition party should be seen but not heard. Neither I nor any of my Republican colleagues were elected to roll over and adopt Mr. Raines' misguided liberal agenda for huge taxes, colossal social welfare spending, massive deficits, and campaign reform certain to perpetuate Democrat monopoly control of Congress at taxpayer expense. In all fairness to President Clinton, we were not elected to be rubber stamps for his agenda either, which, hard to believe, often is not liberal enough for the Times' editorial board.

When we do not agree with President Clinton, Republicans will continue to offer constructive and responsible opposition government, and we will continue to do so on the high road. The low road is clear for Mr. Raines, and I will continue to draw inspiration from the personal assaults and insults from the New York Times editorial page, which all too often arrogantly confuses Mr. Raines' interest with the public interest.

Mr. President, the New York Times has never had a funnies page. Now, I am not so sure.

I ask unanimous consent that an article from the April 24 edition of the National Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RAINES'S REIGN: THUNDER FROM THE TIMES

(By Paul Starobin)

Stomp. Clomp. Tromp. What are those sounds emanating from the 10th floor of The New York Times's citadel on West 43rd Street? Why, it's Howell Raines, since Jan. 1 the editor of the editorial page, settling into his new digs. And the reverberations are being felt by everyone from his editorial board colleagues in New York to the House Democratic leadership and other policy makers in Washington.

The lawmakers have been offended by a spate of recent editorials bludgeoning Congress for dawdling on campaign finance reform and related issues. House Majority Leader Richard A. Gephardt, D-Mo., complained about the fusillades in a recent get-together with the editorial board—and House Speaker Thomas S. Foley, D-Wash., plans to hike up to New York City to meet with the board as well.

It's no surprise that a bunch of thin-skinned (and, in point of fact, fairly svelte) politicians wouldn't take kindly to the jabs. But some members of the editorial board, over which Raines presides, don't like the editorial page's newly pugnacious tone, either; they view it as nasty and shrill, unbefitting the Time's traditional voice of sober persuasion—and unlikely to advance the agenda.

"We sound like the New York Post," a board member said—"an editorial page of shrill braying as opposed to sound argumentation." Some board members also fret that the prominence given to populist cannonballs on how Washington doesn't work leaves less space for considered commentary on national policy issues on which progress is more likely.

However, publisher Arthur Ochs Sulzberger Jr. said the Time's editorial page was evolving in response to changes on the news side of the operation, particularly a growing emphasis on public policy analysis. An editorial "can't merely be another analysis," the publisher said. "It's got to be more directive, in my judgment, than that. You're seeing that playing itself out on our page."

Some of the Times's elite readers say it's high time the paper got the lead out. In the past, the Times editorial page was "respected but not feared," said Thomas F. Gibson, director of public affairs in President Reagan's White House and now director of communications for the Wexler Group, a Washington-based public affairs and lobbying group. "People looked at The Washington Post for strong commentary that would make a difference," he said. "Frankly, people for the longest time haven't looked to The New York Times to do that. I say 'amen' if that's the new vision there."

The page's new tone and populist bent are just a couple of things that some board members don't like about life under Raines, who took command after four years as head of the Time's Washington bureau. The board member who compared the page to the New York Post also described Raines as an "autocratic type" unable or unwilling to treat his 12 colleagues as partners in what has traditionally been a collegial enterprise. "I think most people are shell-shocked," the member said. A second Times source said it was "a virtual certainty" that there would be departures from the board. "I think there's a lot of unhappiness," the source said—"a lot."

Raines initially declined a request for an interview, saying through an assistant that he preferred to allow his page to speak for itself. Later, he offered to have lunch with a reporter in New York, but a meeting could not be arranged before National Journal's deadline. Although Sulzberger, to whom Raines reports, declined to comment on reports of board discontent, he said, "It's very much Howell's page, but we are in alignment."

Internal turmoil aside, the new page has scored some hits. On March 10, The Times blistered EMILY's List, the women's fund-raising group, for hiring the Washington powerhouse lobbying firm of Patton, Boggs & Blow to "do its ignoble work" and help win ah exemption from campaign finance reforms. The editorial was criticized for its "nasty tone" by a defender of EMILY's List who wrote to The Times—but EMILY's List dropped Patton, Boggs as its lobbyist.

A House Democratic leadership source complained that "Raines used to be a Washington bureau chief, and you would think he would have some better understanding of the difficulties involved in getting major pieces of legislation through." But asked about the impact of the campaign finance editorials, the source said: "I wouldn't isolate The New York Time's editorial page, but I do think that editorial pages and public-interest groups have kept the pressure on to get this done sooner than some people [in Congress] would like to have it done."

A source at The Times observed of Raines: "Clearly he's making his mark at the page. He has strong views about domestic politics and much less of that sense that The Times must always hold its powder for the big one, which has been the standard view. . . . So he's really changed the style from an insider's page to probably what is much closer to a standard editorial page."

At the Time's Washington bureau, the kick-ass tone initially had reporters spilling their morning coffee. "The general reaction of the newsroom was a collective sucking of breath—just. 'Wow,'" congressional correspondent Michael Wines said. "It really is a sea change of tone and emphasis."

A reason the editorials received so much newsroom notice—in the Washington bureau and in the Time's third-floor newsroom in New York—was that Raines could be everybody's boss one day: He's viewed as a prospect for the executive editor's job at The Times, now held by Max Frankel. Although some reporters like the tougher editorial tone, others think The Times has been too far out front on reform-of-Washington issues.

Congress hasn't been the Times' only target. Attorney General Janet Reno, for one, caught a bullet for her handling of the Waco (Texas) episode. "A very green Attorney General" approved the attack on the cult compound. The Times declared on April 21 in "Janet Reno's Disaster, and Ours." And in March, she took a hit for her call for the resignations of incumbent U.S. Attorneys. The attack on Reno drew a "furious" response from White House counsel Bernard W. Nussbaum, according to an editorial board member. President Clinton's director of communications, George R. Stephanopoulos, "apparently has been really watching us and is furious," the board member added.

Perhaps the White House didn't like "Mr. Clinton Heads for the Timber," the April 1 editorial that said that Clinton's "cave in" to western Senators opposed to higher grazing fees "was reminiscent of his behavior as governor of Arkansas, when he often favored the economic welfare of the chicken industry over strict regulation of its adverse effects on the environment."

Asked for a comment on the Times editorial page, Stephanopoulos replied, "I have a four-word response: It's a free country."

The adage, of course, is that it never pays for a politician to pick a fight with a publisher who buys ink by the barrel. But how many people really read editorials? The House Democratic leadership source said the wisest strategy for elected officials would be "not to lose a lot of sleep" over the Times' tirades. But the problem, the aide said, is that "Members don't like to be criticized." And, "I think there is a real resentment of the media that has built up over the perk and privilege issue." Lawmakers reason that "most of the big papers who write this stuff know better and are just taking cheap shots," the source explained.

With editorials like the one that listed PAC contributions to the five top members of the House Democratic leadership, The Times is viewed as personalizing the debate. It's almost as if Ross Perot had smuggled a United We Stand, America Inc. gremlin onto the 10th floor, a Capitol Hill source quipped.

A fly-fishing devotee who hails from Birmingham, Ala., Raines has a reputation for being a gifted, graceful writer. In 1992, he won the Pulitzer prize for feature writing for his first-person saga of his relationship with his family's black housekeeper.

He also has a reputation for bossiness. "He is autocratic," a Times Washington bureau reporter said. "A very dictatorial person," another reporter who worked for Raines at the Washington bureau said. Then again, someone else who once worked for Raines found him to be "amiable" and "a sensitive man interested in nurturing me."

Raines's predecessor, Jack Rosenthal, now the Sunday magazine editor, was widely known for an easy-going style that endeared him to editorial board members, some of whom hail from academia and not many of whom have daily newspaper experience. "Howell is much more a *New York Times*-style figure—blunt, not very nice, very ambitious," a *Times* source said. "Jack Rosenthal is an unusually genteel man," said David K. Shipler, a Washington-based free-lance journalist who worked for *The Times* for 22 years.

A change that was not universally applauded—a source called it an example of "an obsessive, overweaning assertion of power"—was an edict banning food at the thrice-weekly editorial board meetings that Raines presides over. But another source said that the food situation had gotten out of hand with "a lot of spreading out of morning coffee and bagels and donuts. . . . People were accustomed to consensus and permissiveness," this source said, comparing the atmosphere to Montessori schools, where children are encouraged to direct their own learning without adult supervision. By that standard, the Raines regime might be thought of as English boarding school.

Traditionally, the 10th floor has been viewed as somewhere close to newspaper heaven. Editorial board members get a large office and a nice paycheck on the order of what an experienced *Times* reporter would earn. The price is anonymity. "It's sort of a golden dead end," a *Times* source said. "Really a cool deal."

Sources say Raines has been shooting down a lot of pieces proposed by board members and is also writing quite a few on his own. He seems to have ended, or at least suspended, a campaign by the Rosenthal-led editorial page on behalf of "managed competition" health care reform. Although this has some board members grumbling that *The Times* no longer has a declared view on one of the most important matters of the day, some health policy experts in Washington and elsewhere viewed the earlier managed competition crusade as obsessive and lacking in broad perspective. The writer of nearly all of the editorials, Michael M. Weinstein, has remained on the board.

Board member Dorothy Samuels, an ex-director of the New York Civil Liberties Union, has continued to write many of the editorials on campaign finance and related topics—but under the watchful editorial eye and prompting of Raines, according to sources.

The tough line on Clinton isn't a great surprise; last October, Raines called press cheerleading for Clinton "the most dramatic example of infatuation among some reporters since Kennedy."

Raines may, of course, alter his operating style—or colleagues may gradually get used to it. But don't expect changes in editorial tone. "Howell eats gunpowder for breakfast," *Times* reporter Wines said.

Mr. DANFORTH. Mr. President, will the Senator yield.

Mr. DOLE. I would be happy to yield to the Senator from Missouri.

Mr. DANFORTH. Mr. President, I am happy that I was on the floor to hear the Republican leader's comment. I can understand exactly how he must feel, having read the editorial page of the New York Times particularly this past week which lashed out at him in a very personal way on at least two occasions.

I would simply say that my own comments would be uttered more really in sorrow than in anger because we all benefit from thoughtful editorials and from thoughtful editorial pages. Even though we may disagree with a particular editorial or even the basic drift of a particular editorial page, thoughtful editorials play a very significant role in what we do in the Senate.

They help us in our deliberations. But the problem is that the New York Times editorial page has become so predictable and so extreme in its way of expressing itself. Day after day we are told that President Clinton's program is not simply a wonderful program. It is a veritable art work, not to be changed in any detail. And it is described in words such as sparkling, dazzling, and day after day Republicans who may disagree with the President are viewed as being villains, and the head villain of course is the Republican leader, Senator DOLE.

You never win a fight with a newspaper. All of us in politics understand that. This is a losing effort. But as the New York Times is entitled to its opinion, so is the Republican leader, and so are all Americans entitled to their opinions. I would simply say to my leader I am grateful that he has expressed his opinion on this matter.

Mr. DOLE. I thank the distinguished Senator from Missouri. I certainly, as I said, have a great deal of respect for the newspaper, the world's leading newspaper. But there has been a new policy adopted. It has caused a split on the editorial staff. Mr. Raines spent some time in Washington, where I guess he learned all these things he now writes about. And I know Democrats have gone to New York to sit down, to visit with Mr. Raines, because they have been scalded too. But I guess you can say when it "Raines, it pours."

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

MORNING BUSINESS

Mr. GLENN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and requests the concurrence of the Senate:

H.R. 798. An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992.

H.R. 1032. An act to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs.

ENROLLED BILLS SIGNED

At 4:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week".

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

MEASURES REFERRED

The following bills, previously received from the House of Representatives for concurrence, were read, and referred as indicated:

H.R. 798. An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992; to the Committee on Veterans Affairs.

H.R. 1032. An act to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs; to the Committee on Veterans Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–751. A communication from the Principal Deputy (Production and Logistics), Assistant Secretary of Defense, transmitting, pursuant to law, notice of a delay in the submission of a report on Base Structure; to the Committee on Armed Services.

EC–752. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to a deferral of budget authority; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Agriculture, Nutrition and Forestry.

EC–753. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Defense Logistics Agency; to the Committee on Armed Services.

EC–754. A communication from the Deputy General Counsel, Office of General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled "Military Construction Authorization Act for Fiscal Year 1994"; to the Committee on Armed Services.

EC–755. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on the conduct of the National Security Education Program; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 3. A bill entitled the "Congressional Spending Limit and Election Reform Act of 1993" (Rept. No. 103–41).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MOYNIHAN, from the Committee on Finance:

Frank N. Newman, of California, to be an Under Secretary of the Treasury.

Leslie B. Samuels, of New York, to be an Assistant Secretary of the Treasury.

Jack R. Devore, Jr., of Texas, to be an Assistant Secretary of the Treasury.

Ronald K. Noble, of New York, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. John J. Sheeha[redacted], U.S. Marine Corps.

The following-named officer to be placed on the retired list under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Martin L. Brandtne[redacted], USMC.

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Lt. Gen. Barry R. McCaffre[redacted], U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Edwin S. Leland, J[redacted], U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Robert D. Chelber[redacted], U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Michael E. Rya[redacted], U.S. Air Force.

The U.S. Army National Guard officer named herein for appointment in the Reserve of the Army of the United States in the grade indicated below, under the provisions of title 10, United States Code, sections 593(a) and 3371:

To be major general

Brig. Gen. John R. D'Araujo[redacted]

Reported by Mr. NUNN with the recommendation that the nominations be confirmed.

From the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

*In the Marine Corps Reserve there are 2 promotions to the grade of major general (list begins with Albert C. Harvey Jr.) (Reference No. 66)

*In the Marine Corps Reserve there are 4 appointments to the grade of brigadier general (list begins with Jerry E. Ward) (Reference No. 82)

Total: 6.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 833. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

S. 834. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

By Mr. COHEN:

S. 835. A bill for the relief of Pandelis Perdikis; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 836. A bill to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself, Mr. HATCH, Mr. DECONCINI, and Mr. METZENBAUM):

S. 837. A bill to prohibit certain political activities of certain Federal officers in the office of National Drug Control Policy; to the Committee on Governmental Affairs.

By Mr. KOHL:

S. 838. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain agglomerated cork products; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. EXON, and Mr. LAUTENBERG) (by request):

S. 839. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON (for himself, Mr. FEINGOLD, Mr. BAUCUS, Mr. DORGAN, and Mr. INOUYE):

S.J. Res. 86. Joint resolution commemorating the fiftieth anniversary of the founding of the Food and Agriculture Organization of the United Nations and reaffirming the United States commitment to end hunger and malnutrition; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself and Mr. HATCH):

S. Res. 101. A resolution authorizing printing additional copies of Senate hearing titled "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States"; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 833. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

S. 834. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY LEGISLATION

Mr. GRASSLEY. Mr. President, today, on behalf of myself and Senator CONRAD, I am introducing two bills which, if enacted, would increase access to primary care for Medicare beneficiaries in rural and inner city communities. The Primary Care Health Practitioner Incentive Act of 1993, and the Physician Assistant Incentive Act of 1993, would reform Medicare reimbursement to nurse practitioners [NP's], clinical nurse specialists [CNS's], certified nurse midwives [CNM's], and physician assistants.

I introduced these bills in the 102d Congress in November 26, 1991, with Senator MOYNIHAN, and a statement and the text of the bills can be found on page S18426 of the CONGRESSIONAL RECORD for that date. A modified version of both these bills was included last year in the Senate version of H.R. 11, but were dropped in the House-Senate conference on that bill.

We are reintroducing these bills in the conviction that access to primary health care services for Medicare beneficiaries would be improved if we reformed the Medicare policies that place a limit on Medicare coverage of so-called physician services provided by these nonphysician providers.

These bills call for reimbursement of these provider groups at 97 percent of the physician fee schedule for services they perform regardless of geographic location or type of practice setting. The services include those which these providers are currently legally authorized to perform under State law whether or not the provider is under the supervision of, or associated with, a physician or other health care provider where that is permitted under State law.

In addition, modeled after the bonus payment of physicians who work in health professional shortage areas [HPSA's], these bills would permit the practitioners covered by this legislation who work in such shortage areas to be paid a bonus payment. We have included this provision to encourage nonphysician practitioners to relocate to areas in need of health care services.

THE PROBLEM

The Medicare program currently covers the services of all of these practitioners. However, various payment mechanisms are established for each and, for some, coverage is limited to certain geographic areas or types of facilities. The legislation authorizing these different reimbursement arrangements was passed in an incremental fashion over the years.

The underlying public Law for reimbursement of these providers is also inconsistent with State law in many cases. For instance, in Iowa, State law requires nonphysicians to practice with either a supervising physician or collaborating physician. But under Iowa law the supervising physician need not be physically present in the same facility as the nonphysician practitioner and, in many instances, may be, and is, located in a site physically remote from that of the nonphysician practitioner he or she is supervising. In many instances, Medicare reimbursement policy will not recognize such relationships and instead requires that the physician be present in the same building as the nonphysician practitioner in order for services to be covered. This is known as the incident to provision, referring to services that are provided incident to a physician's services.

This has created a serious problem in Iowa, Mr. President. In many parts of my State, clinics have been established using nonphysician practitioners, particularly physician assistants, in order to provide primary health care services in communities that are unable to recruit a physician. The presence of these practitioners insures that primary health care services will be available to the community.

Iowa's Medicare carrier has strictly interpreted the incident to requirement of Medicare law as requiring the physical presence of a supervising physician in places where physician assistants practice. This has caused many of the clinics using physician assistants to close, and thus has deprived the community of primary health care services.

THIS LEGISLATION

If enacted, this legislation would establish a more uniform payment policy for these providers. And it would authorize coverage of these health care workers as long as they were practicing within State law and their professional scope of practice.

The legislation is based on the physician payment reform implemented beginning in January, 1992. The theory underlying it is that a particular service should have the same value whether it is performed by a physician or by another practitioner as long as that practitioner is licensed to practice by the State and is practicing within their scope of practice. The 3 percent payment differential is based on the malpractice expense difference encountered by physicians as contrasted with these practitioners.

Currently, the services of these nonphysician practitioners are paid at 100 percent of the physician's rate when provided incident to physicians' office services. If enacted, this legislation would discontinue this policy.

IMPLICATIONS FOR ACCESS TO CARE FOR MEDICARE BENEFICIARIES

I am pleased that the Clinton administration appears committed to increasing access to primary health care services. I believe that the legislation Senator CONRAD and I are introducing today should contribute to that end. If enacted, this legislation should encourage greater participation in the Medicare Program in underserved areas by these practitioner groups. I believe that this will increase access to primary care services for Medicare beneficiaries. Many communities, both urban and rural, I should add, cannot support the services of a full-time physician assistant or nurse practitioner. Therefore, the bill, if enacted, should improve access to primary care in many inner city and rural communities.

Mr. President, I ask unanimous consent that the full text of the bills be included in the RECORD after my statement.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 833

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Primary Care Health Practitioner Incentive Act of 1993".

SEC. 2. INCREASED MEDICARE REIMBURSEMENT FOR NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS, AND CERTIFIED NURSE MIDWIVES.

(a) INCREASED PAYMENT.—

(1) NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS, AND CERTIFIED NURSE MIDWIVES.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) in subparagraph (K), by striking "80 percent" and all that follows through "physician)" and inserting "97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician"; and

(B) in subparagraph (M) the second place it appears, by striking "80 percent" and all that follows through "(r)(2))" and inserting "97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician".

(2) NURSE PRACTITIONERS.—Section 1842(b)(12)(A)(ii) of the Social Security Act (42 U.S.C. 1395u(b)(12)(A)(ii)) is amended—

(A) in subclause (I), by striking "65 percent" and inserting "65 percent or in the case of nurse practitioner services 97 percent"; and

(B) in subclause (II), by striking "or for services" and all that follows through "1848" and inserting "or in the case of nurse practitioner services 97 percent of the fee schedule amount specified in section 1848 for the same service performed by a physician or for physician assistants the fee schedule amount specified in such section".

(b) DIRECT PAYMENT FOR NURSE PRACTITIONERS OR CLINICAL NURSE SPECIALISTS.—Section 1832(a)(2)(B)(iv) of such Act (42 U.S.C. 1395k(a)(2)(B)(iv)) is amended by striking "provided in a rural area (as defined in section 1880(d)(2)(D))".

(c) BONUS PAYMENT FOR SERVICES PROVIDED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 1833(m) (42 U.S.C. 13951(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of services of a nurse practitioner, clinical nurse specialist or certified nurse midwife furnished to an individual, described in paragraph (1), in an area that is a health professional shortage area as described in such paragraph, in addition to the amount otherwise paid under this part, there shall also be paid to such service provider (or to an employer in the cases described in clause (C) of section 1842(b)(6)) (on a monthly or quarterly basis) from the Federal Supplementary Medical Trust Fund an amount equal to 10 percent of the payment amount for the service under this part.".

(d) DEFINITION OF CLINICAL NURSE SPECIALIST CLARIFIED.—Section 1861(aa)(5) of such Act (42 U.S.C. 1395x(aa)(5)) is amended—

(1) by striking "clinical nurse specialist" each place it appears; and

(2) by inserting "(A)" after "(5)" and by adding at the end the following new subparagraph:

"(B) The term 'clinical nurse specialist' means, for purposes of this Act, an individual who—

"(i) is a registered nurse and is licensed to practice nursing in the State in which the clinical nurse specialist services are performed; and

"(ii) holds a master's degree in a defined clinical area of nursing from an accredited educational institution.".

(e) REMOVAL OF RESTRICTIONS ON SETTINGS.—Section 1861(s)(2)(K) of such Act (42 U.S.C. 1395x(s)(2)(K)) is amended—

(1) in clause (ii), by striking "in a skilled" and all that follows through "1919(a))"; and

(2) in clause (iii), by striking "in a rural" and all that follows through "(d)(2)(D))".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after July 1, 1993.

S. 834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Physician Assistant Incentive Act of 1993".

SEC. 2. INCREASED MEDICARE REIMBURSEMENT FOR PHYSICIAN ASSISTANTS.

(a) IN GENERAL.—Section 1842(b)(12) of the Social Security Act (42 U.S.C. 1395u(b)(12)) is amended—

(1) by striking "a physician assistants" in subparagraph (A) and inserting "physician assistants";

(2) by striking "65 percent" in subclause (I) of subparagraph (A)(ii) and inserting "applicable percentage (as defined in subparagraph (B))";

(3) by striking subclause (II) of subparagraph (A)(ii) and inserting the following new subclause:

"(II) in other cases, for services of a physician assistant the applicable percentage (as so defined) of the fee schedule amount specified in section 1848, or for services of a nurse practitioner the fee schedule amount specified in such section, for the same service performed by a physician who is not a specialist."; and

(4) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) In subparagraph (A)(ii), the term 'applicable percentage' means—

"(i) 97 percent in the case of services performed by physician assistants, and

"(ii) 65 percent in the case of services performed by nurse practitioners.".

(b) BONUS PAYMENT FOR SERVICES PROVIDED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 1833(m) of such Act (42 U.S.C. 13951(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of services of a physician assistant furnished—

"(A) to an individual described in paragraph (1),

"(B) in a health professional shortage area as described in such paragraph.

in addition to the amount otherwise paid under this part, there shall also be paid to such physician assistant (or to an employer in the cases described in clause (C) of section 1842(b)(6)) (on a monthly or quarterly basis) from the Federal Supplementary Medical Trust Fund an amount equal to 10 percent of the payment amount for the service under this part.".

(c) REMOVAL OF RESTRICTION ON EMPLOYMENT RELATIONSHIP.—Section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended by adding at the end the following new sentence: "For purposes of clause (C), an employment relationship may include any independent contractor arrangement, and an employer status shall be determined in accordance with the law of the State in which the services described in such clause are preformed.".

(d) REMOVAL OF RESTRICTION ON SETTINGS.—Section 1861(s)(2)(K)(i) of such Act (42 U.S.C. 1395x(s)(2)(K)(i)) is amended by striking "(I) in a hospital" and all that follows through "shortage area".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after July 1, 1993.

Mr. CONRAD. Mr. President, I am pleased to join Senator GRASSLEY in introducing the Primary Care Health Practitioner Incentive Act and the Physician Assistant Incentive Act. The proposals we are introducing today rationalize Medicare reimbursement for a set of primary care providers who must play an important role in a reformed American health care system—nurse practitioners, clinical nurse specialists, certified nurse-midwives and physician assistants.

These providers play an important role in our health care delivery infrastructure, particularly in rural areas, but have never been utilized to their fullest potential. Each specialty has its own training requirements. For example, nurse practitioners are registered nurses who have advanced education and clinical training in a health care speciality area that is either age- or setting-specific. A few examples include pediatrics, adult health, geriatrics, women's health, school health, and occupational health. Nurse practitioners generally perform services like assessment and diagnosis, and provide basic primary care treatment.

Almost half of the 25,000 nurse practitioners across the nation have master's degrees. Clinical nurse specialists, on the other hand, are required to have master's degrees and are found more frequently in tertiary care settings in specialties like cardiac care. However, many also practice in primary care settings.

Physician assistants on average receive 2 years of physician-supervised clinical training and classroom instruction. Unlike nurse practitioners, they are educated using the medical model of care, rather than the nursing process. Physician assistants work in all settings providing diagnostic, therapeutic, and preventive care services.

A certified nurse-midwife is a registered nurse with advanced training in midwifery. Certified nurse midwives are certified by the American College of Nurse Midwives, and generally receive training either in 1-year nondegree programs or 2-year master's degree programs. More than half of the 2,600 certified nurse-midwives practicing today hold master's degrees. They specialize in reproductive care for women and conduct well over 2 million deliveries each year.

Members of each of these provider groups work with physicians to varying degrees. They generally work in consultation with physicians. As their professions and educational opportunities have developed, their roles have expanded to the point where each has become an integral contributor to our health care system, particularly where areas are short of physicians. Today, one often finds a nurse practitioner or physician assistant staffing a clinic where no physician is present.

Within their areas of competence, nurse practitioners, clinical nurse specialists, certified nurse-midwives and physician's assistants furnish care of exceptional quality. Numerous studies have demonstrated that they do a particularly effective job of providing preventive care, supportive care and health promotion services. They also emphasize communication with patients and provide effective follow-up with patients. These qualities will all be especially important in a reformed national health system that places greater emphasis on primary care.

As the law stands today, Medicare provides for reimbursement of nurse practitioners, physicians' assistants and clinical nurse specialists working with physicians. But because of the incremental way in which the various payment mechanisms have been established, reimbursement varies widely by setting and type of provider. For example, payments to physicians' assistants must be made through their employing entity. Payments to nurse practitioners, certified nurse-midwives and clinical nurse specialists are made on an assignment-related basis. Reimbursement for all four classes of providers varies depending on the setting in which they perform their services.

Medicare requirements can hinder the ability of practices to set up satellite clinics that are staffed by providers other than physicians. For example, although the State of North Dakota allows for broad use of such providers, the reimbursement levels provided by Medicare can create difficulty both for the providers and the practices themselves.

In rural North Dakota, and in many other areas throughout the country, one or two doctors might rotate between a series of clinics. The clinics might also be staffed by physician's assistants, nurse practitioners or other providers. If a Medicare patient requires care when a doctor is conducting business away from the clinic, and the only provider present is a physician assistant, the clinic can't be reimbursed by Medicare for care he or she provides to that individual—the same care that would be reimbursed if the physician were in the next room. The State of North Dakota allows that same physician's assistant to provide the care without a physician present, but Medicare provides no reimbursement.

In this situation, the physician assistant has a few options. First, he or she can tell the Medicare patient, who obviously needs care, to come back when the physician is present, so the clinic can receive Medicare reimbursement. The second option is to accompany the patient to the closest hospital and provide the care through the emergency room, at an added cost to the Medicare program and the American taxpayer. Third, he or she can simply see the patient, knowing the clinic will not be compensated by Medicare. Finally, the physician assistant can provide the care, and the clinic then apply for Medicare reimbursement under the physician's provider number—an option none of us would prefer.

And in areas where there is no physician at all, but where alternative providers may be available, those providers will be unable to operate a financially viable practice. While the State of North Dakota allows and promotes the use of such providers, Medicare essentially precludes their use in the areas where they are needed most—communities where no physician is available, or where a physician is available only part time.

It is because of situations like these that the Office of Technology Assessment, the Physician Payment review Commission and the providers themselves have all expressed the need for consistency, and for a reimbursement scheme that acknowledges reality.

Greater use of nurse practitioners, physician assistants, clinical nurse specialists and certified nurse-midwives can improve our ability to provide health care services in areas where access to providers can be difficult. These providers have historically been willing to move to both rural and innercity areas that are undeserved by health care providers. In fact, they are located in about 50 communities throughout North Dakota.

Many communities that cannot support a physician can support a fulltime nurse practitioner or physician assistant. As I have already discussed, some towns already utilize these providers to some extent. North Dakotans and residents of many other States recognize the value of each of these health care professionals, and appreciate the access to quality care they provide. But although North Dakota improves access to health care for our rural residents by allowing for relatively broad utilization of these providers, our efforts are impeded by an irrational Federal reimbursement scheme. But no matter what the State of North Dakota does, unless changes are made in Federal reimbursement, we will never encourage use of nurse practitioners, physician assistants, clinical nurse specialists and certified nurse midwives to the greatest extent we need to provide rural residents with access to primary care.

The bills Senator GRASSLEY and I are introducing would help eliminate the barrier to using these important primary care providers. The bills provide each of these provider groups with reimbursement at 97 percent of the physician fee schedule for the services they provide, regardless of practice setting or location. By doing so, our proposals eliminate the types of irrational situations that arise in areas where a physician simply cannot be present at all times. Another important provision allows for a bonus payment to these providers if they elect to practice in Health Professional Shortage Areas [HPSA's]. All but six counties in North Dakota are completely or partially designated as HPSA's. The health care access problems residents of those counties experience could be substantially alleviated by the presence of this special class of primary care providers.

The improvements in the reimbursement structure that Senator GRASSLEY and I advocate are sensible and will pay dividends in improved health access to health care for Americans living in rural and urban areas alike. Our proposals are also consistent with the philosophy behind the resource-based relative value scale, which pays different types of physicians the same when they provide identical services. And by rationalizing Medicare reimbursement, our proposals will better enable practices to utilize nurse practitioners, certified nurse-midwives, clinical nurse specialists and physician assistants in a variety of settings.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 836. A bill to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes; to the Committee on Energy and Natural Resources.

EL CAMINO REAL DE TIERRA ADENTRO STUDY ACT OF 1993

• Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro, the Royal Road of the Interior Lands. For nearly 300 years, El Camino Real de Tierra Adentro was the primary route for clergy, colonists, soldiers, Indians, officials, and trade caravans between Mexico and New Mexico. Originating as an Indian trial following the Rio Grande from Taos Pueblo in the north to El Paso del Norte—today's El Paso, TX—the route fostered trade and cultural exchange between the Pueblo Indians of New Mexico and the native cultures of Meso-America. This exchange went on for centuries prior to the arrival of the Europeans from Spain.

From the Spanish colonial period (1598–1821) through the Mexican national period (1821–1848), and through part of the United States Territorial period (1848–1912), El Camino Real de Tierra Adentro extended 1800 miles from Mexico City through Chihuahua City, El Paso del Norte, and on to Santa Fe in northern New Mexico. This road was the first to be developed by Europeans in what is now the United States. For a time it was one of the longest roads in North America.

Mr. President, historically significant routes such as El Camino Real make history come alive for residents as well as visitors to New Mexico and Texas. National Historic Trail designations are a low cost, low impact way to chronicle and interpret the history of movement across and into our Nation. The legislation I am introducing today authorizes a study of El Camino Real de Tierra Adentro in order to evaluate the appropriateness of adding it to the National Historic Trail System. The study will be done in cooperation with the Government of Mexico and provides for technical assistance with the possible objective of establishing an international historic trial. Today, as our ties to Mexico grow ever closer, it is vital that we take steps to understand our linked past.

I am pleased that my colleague from New Mexico, Senator DOMENICI, is a cosponsor of this bill. I understand that companion legislation to this bill will be introduced shortly in the House by Congressman RICHARDSON and Congressman COLEMAN. With this level of support, I hope we can look forward to speedy passage of this bill.

I ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 836

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real de Tierra Adentro Study Act of 1993."

SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de Tierra Adentro was the primary route for nearly 300 years that was used by clergy, colonists, soldiers, Indians, officials, and trade caravans between Mexico and New Mexico;

(2) from the Spanish colonial period (1598–1821), through the Mexican national period (1821–1848), and through part of the United States Territorial period (1840–1912), El Camino Real de Tierra Adentro extended 1,800 miles from Mexico City through Chihuahua City, El Paso de Norte, and on to Sante Fe in northern New Mexico;

(3) the road was the first to be developed by Europeans in what is now the United States and for a time was one of the longest roads in North America; and

(4) El Camino Real de Tierra Adentro, until the arrival of the railroad in the 1880's, witnessed and stimulated great multi-cultural exchanges and the evolution of nations, peoples, and cultures.

SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(36)(A) El Camino Real de Tierra Adentro, the approximately 1,800 mile route extending from Mexico City, Mexico, across the international border at El Paso, Texas, to Sante Fe, New Mexico.

"(B) The study shall—

"(i) examine changing routes within the general corridor;

"(ii) examine major connecting branch routes; and

"(iii) give due consideration to alternative name designations.

"(C) The study shall be done in cooperation with the Government of Mexico and shall provide for, as necessary, technical assistance to Mexico with the possible objective of establishing an international historic trail.".•

By Mr. SIMON (for himself, Mr. HATCH, Mr. DECONCINI, and Mr. METZENBAUM):

S. 837. A bill to prohibit certain political activities of certain Federal officers in the Office of National Drug Control Policy; to the Committee on Governmental Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY POLITICAL ACTIVITIES ACT OF 1993

• Mr. SIMON. Mr. President, today I am introducing legislation to prohibit political campaigning and political management by appointed officers of the Office of National Drug Control Policy [ONDCP], commonly known as the drug czar's office. I am pleased to be joined in this effort by Senators HATCH, DECONCINI, and METZENBAUM.

Mr. President, the Office of National Drug Control Policy is responsible for the formation and implementation of our national drug control strategy. Appointees to this office perform a public service that requires leadership on a complex issue which affects the lives and well-being of all Americans. While I do not expect the drug director and other appointees to act in a political vacuum, I cannot accept the blatant politicization of the office which occurred under the previous administrations.

Last year, the Orlando Sentinel reported that 42 percent of the positions at ONDCP were patronage positions. This is the highest percentage of political patronage positions in any Federal governmental agency. By comparison, the Justice Department and the Departments of the Army, Navy and Air Force each had less than 1 percent. The article also noted that some staff members in key positions at ONDCP "did not even mention the word 'drugs' in their job applications." The high percentage of political appointees coupled with the general lack of experience with the drug issue severely undermined the legitimacy of the office.

I believe this is a direct result of the politicization of the office which began under former drug czar William Bennett. During his tenure as drug czar, Mr. Bennett traveled the Nation making political campaign speeches on behalf of administration-endorsed political candidates. Upon his resignation, Mr. Bennett was the first choice to head the Republican National Committee—it would have been a natural transition.

Gov. Bob Martinez, who cochaired the 1988 Bush Presidential campaign replaced Mr. Bennett as drug czar. Prior to his confirmation hearings, I stated that I would oppose his nomination unless he made a commitment to refrain from partisan political activity in his office. He refused to make that commitment and that was one of the reasons I opposed his nomination. Mr. Martinez, following in the footsteps of his predecessor, also engaged in partisan political activities; last year he was part of a so-called Republican truth squad that appeared at the Democratic Convention.

This is not to say that I oppose a high-profile drug director. I do not. But I do oppose the use of the office as a partisan bully pulpit, and I intend to oppose any nominee to the drug director's office who will not agree to refrain from partisan political activity. I hope that the administration's choice for drug director will agree to make such a commitment.

Last fall, I offered an amendment to limit political activity in the drug director's office on H.R. 5488, the fiscal year 1993 Treasury postal appropriations bill. The Senate approved my amendment by voice vote. It prohibits the use of those appropriated funds to pay for public appearances in political campaigns by drug czar appointees. The legislation I am introducing today would go one step further to prohibit political campaigning and political management by these officers.

Some progress has been made in the effort to fight illegal drug use in the United States, most notably in the continuing decline in casual cocaine use, but there is absolutely no doubt that there is still work to do. The increases in hard core cocaine use and heroin availability and the soaring drug-related murder toll put our modest progress in perspective. In my home State of Illinois, there were three times as many murders in 1992 than there were deaths of U.S. Armed Forces in the Persian Gulf war. According to law enforcement officials, many of these fatalities were connected to the drug trade.

Politics cannot continue to overshadow the important mission of the

Office of National Drug Control Policy. I believe this legislation is an important step in helping to restore some respect and credibility to the drug director's office. I urge my colleagues to cosponsor this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Office of National Drug Control Policy Political Activities Act of 1993”.

SEC. 2. PROHIBITIONS ON POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 1003(a)(2) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502) is amended—

(1) by inserting “(A)” after “(2)”; and

(2) by adding at the end thereof the following new subparagraph:

“(B) The Director, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Associate Director for National Drug Control Policy shall not take an active part in political management or in political campaigns. No later than 90 days after the date of the enactment of this subparagraph, the Director of the Office of Personnel Management shall promulgate regulations prescribing what actions constitute an active part in political management or in political campaigns for purposes of this subparagraph.”.

(b) AMENDMENT TO HATCH ACT PROVISIONS.—Section 7324(d) of title 5, United States Code, is amended—

(1) in paragraph (1) by inserting before the semicolon “, except for an employee as provided under section 1003(a)(2)(B) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502(a)(2))”; and

(2) in paragraph (3) by inserting before the semicolon “, except for an employee as provided under section 1003(a)(2)(B) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502(a)(2))”.•

By Mr. KOHL:

S. 838. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain agglomerated cork products; to the Committee on Finance.

CORK PRODUCTS DUTY ACT OF 1993

• Mr. KOHL. Mr. President, I rise today to introduce legislation amending certain provisions of the Harmonized Tariff Schedule of the United States [HTS] dealing with classification of agglomerated cork. This legislation is necessary to correct an unintended change in the tariff treatment of certain cork products that resulted from the replacement of the Tariff Schedules of the United States [TSUS] with the HTS. My legislation would reinstate the historical tariff treatment for these products which existed for many years prior to the adoption of the HTS. By restoring the tariff treatment for agglomerated cork that prevailed under the TSUS, this legislation will not only make the HTS consistent with the original congressional intent, but will also reduce the cost of cork to U.S. industry and U.S. consumers and will retain jobs in the United States.

PRODUCT DESCRIPTION

This bill will affect the tariff treatment of two separate product groups: First, cork/rubber composites, consisting of blocks, cylinders, frame members, and other shapes, and second, composition cork products consisting of blocks, cylinders, and other shapes. Cork/rubber (also known as vulcanized cork/robber) is manufactured from raw cork which is ground to specific grades and combined with synthetic rubber. Composition cork is made from raw cork wood which is ground into granules of uniform sizes and then combined with binders such as animal glue, polymers, and resins. The material is then pressed into block or cylindrical molds and heat cured for stability. Once they arrive in the United States, these molded shapes of cork/rubber and composition cork are manufactured into gaskets, seals, insulation, floor and wall coverings, bulletin boards, and other products.

THE EFFECT OF CONVERSION FROM THE TSUS TO THE HTS ON TARIFF CLASSIFICATION OF AGGLOMERATED CORK

The purpose of the bill I am introducing today is to restore the duty that prevailed under the TSUS for both vulcanized cork/rubber and composition cork. For nearly 20 years, cork/rubber and composition cork are manufactured into gaskets, seals, insulation, floor and wall coverings, bulletin boards, and other products.

THE EFFECT OF CONVERSION FROM THE TSUS TO THE HTS ON TARIFF CLASSIFICATION OF AGGLOMERATED CORK

The purpose of the bill I am introducing today is to restore the duty that prevailed under the TSUS for both vulcanized cork/rubber and composition cork. For nearly 20 years, cork/rubber was imported under TSUS item 220.25 which provides for vulcanized sheets and slabs wholly of ground or pulverized cork and rubber. During the same period, composition cork was imported under TSUS item 220.20 which provides for natural and composition cork, not further advanced than cut or molded into blocks, rods, sheets, slabs, stick, strips, and similar shapes. Cork/rubber classifiable under Item 220.25 was dutiable at the rate of 3.7 percent, while composition cork under item 220.20 was dutiable at the rate of 2.5 cents per pound—5.5 percent per kilogram.

In 1989, the TSUS was replaced by the HTS. This new tariff nomenclature was designed to facilitate trade by making the system for classifying imports uniform among the United States and its major trading partners. Congress, however, did not intend the conversion from the TSUS to the HTS to result in any significant changes to the rates of duty on individual products.

When Congress enacted the HTS, the same language which was contained in Item 220.25 was inserted as subheading 45.4.10.10 and the rate of duty was maintained at 3.7 percent. Because the language was qualified by the superior heading for blocks, plates, sheets, and strip in subheading 45.4.10, however, the customs service recently ruled that vulcanized blocks, cylinders and frame members did not qualify under the provisions from vulcanized sheets and slabs in subheading 4504.10.10. It then relegated such products to the residual provisions of subheading 4504.10.50. which carries a rate of duty equal to 18 percent ad valorem.

The implementation of the HTS had a similar effect on composition cork. While HTS subheading 4502 maintains the same tariff treatment for natural cork as obtained under TSUS Item 220.20, the new provision does not extend to composition cork. Under the HTS, composition cork is considered agglomerated cork classifiable under the provisions of heading 4504. Heading 4504, however, failed to incorporate a provision similar to TSUS Item 220.20 for simple cut or molded shapes of agglomerated cork at 5.5 cents per kilogram. Goods previously classifiable under Item 220.20 were therefore relegated to the residual provisions for other agglomerated cork in subheading 4504.90. The rate of duty thus increased from 2.5 cents per pound—5.5 cents per kilogram—to 18 percent ad valorem.

IMPACT OF THIS LEGISLATION ON DOMESTIC INDUSTRY

All cork is currently imported into the United States, since it is obtained from the cork oak which is grown in Southern Europe and Northern Africa. There are absolutely no U.S. producers of agglomerated cork, primarily because the cost of importing ground cork into the United States and forming it into agglomerated cork is prohibitive when compared with the cost of importing agglomerated cork.

No U.S. manufacturer would be adversely affected by restoring the previously existing duty rates that applied to vulcanized cork/rubber and composition cork. In fact, restoration of these rates would benefit U.S. industry and U.S. consumers by reducing the costs of imported agglomerated cork and the U.S. products made from it. Moreover, without the amendments contemplated by the bill, U.S. cork manufacturers may be forced to transfer certain operations abroad or to close their U.S. manufacturing facilities altogether. The Customs Service acknowledges that cork importers could gain more favorable tariff treatment by importing cork/rubber sheets and slabs and selected products of composition cork. In order to gain such favorable tariff treatment, however, importers would have to transfer certain of their operations abroad to further manufacture the cork/rubber and composition cork before it enters the United States. At a minimum, this will result in the loss of many U.S. jobs. Since even the transfer represents only a partial solution, however, U.S. manufacturers of cork products would still be required to absorb part of the cost of increased tariffs. Since it is already clear that such manufacturers would utilize synthetics and other substitutes instead, the U.S. cork industry would be radically downsized, forcing the closure of entire plants.

Finally, the technical correction in the HTS proposed by this legislation has no revenue impact. The bill I am introducing today simply returns the tariff duty for agglomerated cork to the original tariff duty found under the TSUS which never should have changed with the enactment of the HTS. Hence, there is no need to offset this change with a duty producing provision.

Mr. President, I urge my colleagues to join with me by cosponsoring this legislation which corrects an unintended change in the tariff treatment of agglomerated cork.

I ask unanimous consent that the text of the legislation appear in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AGGLOMERATED CORK PRODUCTS.

(a) IN GENERAL.—The article description for subheading 4504.10.10 of the Harmonized Tariff Schedule of the United States is amended to read as follows:

"Vulcanized blocks, plates, cylinders, sheets, slabs and other shapes wholly of ground or pulverized cork".

(b) CUT OR MOLDED AGGLOMERATED CORK.—Chapter 45 of the harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description in subheading 4504.90.20:

"4504.90.10	Agglomerated cork, not further advanced than cut or molded into blocks, plates, cylinders, sheets, slabs, rods, sticks, strips and other shapes.	5.5¢/kg	Free (A, CA, E, IL).	22¢/kg".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by section 1 apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the date which is 90 days after the date of the enactment of this Act, an entry of an article described in heading 4504 of the Harmonized Tariff Schedule of the United States (as amended by section 1) that was made—

(1) after December 31, 1988, and

(2) before the 15th day after the date of the enactment of this Act, and with respect to which there would have been a lesser duty if the amendments made by section 1 applied to such entry, shall be liquidated or reliquidated as though such amendments applied to such entry.●

By Mr. HOLLINGS (for himself, Mr. EXON, and Mr. LAUTENBERG) (by request):

S. 839. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HIGH-SPEED RAIL DEVELOPMENT ACT OF 1993

Mr. HOLLINGS. Mr. President, today, I am pleased to introduce by request the High-Speed Rail Development Act of 1993. This legislation outlines President Clinton's vision for high-speed rail in America, and represents a significant first step toward widespread implementation of this exciting and important technology.

As chairman of the Commerce Committee, I long have recognized the potential of and national interest in high-speed ground transportation to improve our transportation network, boost our national competitiveness, create jobs, relieve congestion in crowded metropolitan corridors, mitigate the environmental impact of additional needed transportation capacity, and save energy. Foreign nations have made a major investment in high-speed rail networks which carry passengers swiftly and safely from place to place, but except for funding to improve Amtrak service in the Northeast corridor, the United States has lagged far behind in this area.

Since 1989, when the Commerce Committee first investigated the possibilities for high-speed ground transportation systems, I have pushed for an enlightened national transportation policy which focuses on the importance of passenger rail transportation. In both the 101st and 102d Congresses, I introduced bills addressing the need for improved surface transportation alternatives, and, in 1991, the Senate passed one of these bills, S. 811, the High-Speed Ground Transportation Act of 1991, as reported by the Commerce Committee. At my insistence, key components of this balanced bill were incorporated into the Intermodal Surface Transportation Efficiency Act of 1991.

Clearly, implementation of high-speed rail in the United States will cost money, given the capital-intensive nature of such projects. Recognizing the Nation's current budgetary constraints, the President has set forth a reasonable first step which leverages other available Federal programs, as well as State, local, and private-sector investment in high-speed rail. I note, however, that we must target carefully our investment in this area, because, if we disperse the funding too widely, we will never see real improvement in passenger rail service in any one corridor.

I further point out that we will need to continue to address the future potential role of high-speed magnetic levitation transportation. Maglev represents an important technology which may change the way we travel in the next century, and we already have made significant strides in assessing the possible benefits of this next-generation transportation mode. In this regard, I look forward to receiving from the administration the complete report of the national maglev initiative as mandated by the Congress.

I expect that the Commerce Committee will review carefully the administration's legislation which I am introducing today, and I look forward to working with my colleagues Senator EXON and Senator LAUTENBERG, and with Secretary Peña and the administration and others on this issue.

I ask unanimous consent that the full text of the bill I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High-Speed Rail Development Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) high-speed rail passenger transportation (high-speed rail) may offer a safe and efficient alternative to aviation and motor vehicle travel for intercity transportation in certain corridors linking major metropolitan areas in the United States;

(2) high-speed rail may have environmental advantages over certain other forms of intercity transportation;

(3) Amtrak's Metroliner service between Washington, District of Columbia, and New York, New York, the United States' premier high-speed rail service, has shown that Americans will use high-speed rail when that transportation option is available;

(4) high-speed rail may help relieve congestion experienced in densely travelled corridors;

(5) high-speed rail should be developed in those intercity corridors where such service is appropriate;

(6) new high-speed rail service should not receive Federal subsidies for operating and maintenance expenses;

(7) the States and localities should take the prime responsibility for the implementation of high-speed rail service;

(8) the private sector should participate in funding the development of meritorious high-speed rail system;

(9) in some intercity corridors, Federal financial capital assistance is required to supplement the financial commitments of State and local governments and the private sector to ensure the development of the infrastructure required by meritorious high-speed rail systems;

(10) new technologies can facilitate the development of high-speed rail in the United States;

(11) the development of these technologies can expand the competitiveness of U.S. industry in the development of high-speed rail systems in this country and overseas; and

(12) Federal assistance is required for research, development and demonstration of these technologies.

SEC. 3. NATIONAL HIGH-SPEED RAIL ASSISTANCE PROGRAM.

The Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.) is amended by adding at the end thereof the following:

"TITLE X—HIGH-SPEED RAIL ASSISTANCE

"SEC. 1001. DESIGNATION OF CORRIDORS.

"(a) The Secretary is authorized to designate as a high-speed rail corridor (HSR Corridor) any corridor that serves two or more major metropolitan areas in the United States where the Secretary determines that high-speed rail offers the potential for cost effective intercity public transportation as part of the Nation's transportation system.

"(b) Designations made by the Secretary under subsection (a) of this section shall be in response to a petition from the governor(s) of a State or States that substantially encompass the proposed corridor.

"(c) Any petition submitted pursuant to subsection (b) of this section shall include such information as the Secretary determines to be necessary to evaluate the merits of that corridor, including designation of a public agency to be responsible for coordination of activities under this title and legally able to enter into financial assistance agreements under sections 1002(c) and 1003(a) of this title.

"(d) A decision by the Secretary to designate a HSR Corridor under subsection (a) of this section shall be based on such criteria as the Secretary deems appropriate, including—

"(1) the integration of the HSR Corridor into Statewide and metropolitan area transportation planning undertaken pursuant to 23 U.S.C. §§134 and 135 and;

"(2) the interconnection of the proposed high-speed rail service with other parts of the Nation's transportation system, including the relationship of the proposed service to multimodal terminals;

"(3) the support and participation in the proposed development of the HSR Corridor of the cities which it would serve;

"(4) the effect of the proposed high-speed rail service on the congestion of other modes of transportation;

"(5) the financial commitments of the State and local governments and the private sector to development of high-speed rail service;

"(6) the effect of the proposed service on State and local governments' efforts to attain compliance with the Clean Air Act;

"(7) the anticipated level of ridership;

"(8) the estimated capital cost of the proposed system;

"(9) the ability of the projected revenues of the proposed service, including any financial commitments of the State or local governments, to cover capital costs and operating and maintenance expenses;

"(10) the support of any owners and operators of existing rail facilities proposed for improvement in developing high-speed rail service;

"(11) if a State proposes to develop the HSR Corridor through the award of a franchise to construct and operate a proposed high-speed rail system, the award and active implementation of such a franchise and the involvement and support of the holders of that franchise; and

"(12) the effect of the proposed high-speed rail service on other transportation services in operation or under development.

"(e) The Secretary shall, upon application of the governor(s) of a State or States, designate as a HSR Corridor any intercity rail corridor designated as a high-speed rail corridor by the Secretary under section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104(d)(2)).

"(f) The Secretary shall designate as a HSR Corridor any intercity rail corridor, other than the mainline of the corridor improved under Title VII of this Act, that includes a significant segment where regularly scheduled rail passenger service operates at speeds in excess of 100 miles per hour on the date of enactment of the High-Speed Rail Development Act of 1993, upon application of the governor(s) of the State or States in which such corridor is located.

"SEC. 1002. CORRIDOR MASTER PLANS.

"(a) A public agency designated under subsection 1001(c) of this title and seeking financial assistance for development of a HSR Corridor designated by the Secretary and eligible for funding under section 1003 of this title shall prepare and submit to the Secretary a corridor master plan for that corridor.

"(b) The corridor master plan prepared under subsection (a) of this section shall identify a coordinated program of improvements to permit the establishment of high-speed rail service in the corridor, including those improvements necessary to achieve high-speed service and not eligible for financial assistance under section 1003(c) of this title. Such plan shall include—

"(1) identification of how the proposed high-speed rail service relates to the Statewide and metropolitan area transportation plans for the affected State(s) and metropolitan areas;

"(2) identification of the specific elements that comprise the program to achieve the high-speed service, including their estimated costs, schedules, timing and relationship with other projects and how these elements fit into a plan to achieve high-speed service;

"(3) identification of the transportation benefits that would be derived from each element including reductions in trip times and increases in average speeds and top speeds;

"(4) identification of specific improvements that comprise each element, the eligibility of such improvements for financial assistance under section 1003(c) of this title, and a proposed allocation of financial responsibility for specific improvements, including proposed sources of funding;

"(5) identification of anticipated levels of ridership and projections of revenues and expenses associated with the proposed high-speed rail service when completed and for each major increment undertaken to achieve high-speed service including estimates of any operating subsidies that would be required and the sources of such subsidies;

"(6) an operating plan for the project, as designed, identifying the proposed schedule and frequency of the proposed high-speed service and showing the coordination of the service with any other rail operations on the corridor; and

"(7) such other information as may be required by the Secretary.

"(c) The Secretary is authorized to enter into an agreement with the public agency preparing a corridor master plan to fund up to 80 percent of the eligible costs associated with preparation of such plan; *Provided however*, that at least 20 percent of such eligible costs shall be funded with State or local funds. Eligible costs associated with preparation of a corridor master plan shall include design, environmental and route selection analysis, preliminary engineering necessary to support such analyses, and any other analyses that the Secretary determines are required to prepare such a plan.

"(e) An action by the Secretary under this section shall not constitute a commitment to fund any element or improvement contained in such corridor master plan.

"SEC. 1003. FINANCIAL ASSISTANCE FOR HIGH-SPEED RAIL CORRIDORS.

"(a) The Secretary may enter into a financial assistance agreement with a public agency designated under subsection 1001(c) of this title to fund eligible improvements to the infrastructure of a HSR Corridor designated under section 1001(a) of this title for the purpose of facilitating the development of high-speed rail service; *Provided however*, that no financial assistance shall be provided under this title for improvements to the main line of a corridor improved under Title VII of this Act, or for improvements to a corridor in a State where the State by law, regulation, or order prohibits the use of State and/or local funds for the construction and/or operation of such improvements.

"(b) The Secretary shall establish appropriate terms, conditions, and procedures for the provision of financial assistance under this section.

"(c) Improvements eligible for financial assistance under subsection (a) of this section shall be those improvements to the infrastructure of an HSR Corridor, other than the acquisition of rolling stock, that are necessary to facilitate the development of high-speed service and that are not eligible for funding under other Federal transportation programs, and which include—

"(1) final engineering and design;

"(2) site specific environmental analyses;

"(3) acquisition of right-of-way and related property;

"(4) acquisition, construction, rehabilitation or replacement of roadbed, structures, track, guideway, signal and communications systems, electric traction systems, propulsion or guidance systems incorporated as part of a guideway, maintenance-of-way facilities, maintenance-of-equipment facilities, private highway-rail grade crossings (including payments to property owners to close crossings where appropriate) not eligible for funding under 23 U.S.C. 130 and 23 U.S.C. 133(b)(4), those portions of terminals and stations directly related to the operation of the high-speed rail intercity service, and environmental mitigation associated with development of high-speed rail service.

"(d) An agreement may not be entered into under subsection (a) of this section unless it provides for the completion of at least an element of a program to achieve high-speed rail service, including portions thereof not eligible for financial assistance under subsection (c) of this section.

"(e) In entering into any agreement to provide financial assistance under subsection (a) of this section, the Secretary shall ensure that such agreement includes the maximum practicable private funding for any element of a program to achieve high-speed rail service that is the subject of such agreement.

"(f) In entering into any agreement to provide financial assistance under subsection (a) of this section, the Secretary may provide financial assistance for up to 80 percent of the cost of specific eligible improvements to be funded under the agreement; *Provided however*, that no less than 20 percent of the cost of such improvements shall be provided by

State and/or local funds and that the overall financial assistance provided by the Secretary under the agreement shall not exceed 50 percent of the public share of the element funding. The public share of an element's funding consists of its total cost minus the maximum practicable private funding for such element.

"(g) In determining whether to enter into a financial assistance agreement to fund an element of a program to improve a HSR Corridor, the Secretary shall consider how the element to be funded under such agreement meets the criteria identified in subsection 1001(d) of this title, the information contained in the corridor master plan, the transportation benefits to be derived from the element, the level of financial commitments by the State and/or local governments and/or private entities to fund the subject element, commitments by the State and/or local governments and/or private entities to ensure completion of the element, commitments by State and/or local governments to fund any increases in the operating deficit of the National Railroad Passenger Corporation that result from operation over the HSR Corridor after the element in completed, and such other information that the Secretary deems appropriate.

"(h) The Secretary may provide financial assistance under subsection (a) of this section for a element not contained on an approved corridor master plan prepared under section 1002 of this title only if a financial assistance agreement for such improvement is entered into prior to 30 months from the date of enactment of the High-Speed Rail Development Act of 1993.

"SEC. 1004. HIGH-SPEED RAIL TECHNOLOGY DEVELOPMENT.

"(a) The Secretary is authorized to undertake research and development of steel-wheel-on-rail technologies for commercial application in high-speed rail service in the United States.

"(b) In carrying out activities authorized in subsection (a) of this section, the Secretary may enter into financial assistance agreements with any U.S. private business, educational institution, State or local government, public authority or agency of the Federal Government.

"SEC. 1005. DEFINITIONS.

"(a) The term high-speed rail means rail passenger transportation capable of operating at sustained speeds of 125 miles per hour or greater.

"(b) the term element as used in sections 1002 and 1003 of this title means a discrete portion of a program to develop a HSR Corridor that has a demonstrable intercity ground transportation benefit independent of other improvements to such corridor.

"(c) The term State or local funds as used in this title means funds generally available to States or local governments to fund transportation projects excluding any payments or contributions to State and/or local governments or authorities from holders of a franchise or other private parties with an interest in the development or operation of the high-speed rail system.

"(d) The term financial assistance agreement means various forms of arrangements to provide financial assistance, including grants, contracts or cooperative agreements.".

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated to the Secretary of Transportation for the National High-Speed Rail Assistance Program authorized under sections 1002 and 1003 of Title X of the Railroad Revitalization and Regulatory Reform Act of 1976, such sums as may be necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

(b) There are authorized to be appropriated to the Secretary for high-speed rail technology development authorized under section 1004 of Title X of the Railroad Revitalization and Regulatory Reform Act of 1976, such sums as may be necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

(c) Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended by deleting paragraph (a)(1) and inserting in lieu thereof, the following—"There are authorized to be appropriated to the Secretary for the benefit of the Corporation for making capital expenditures under title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.), such sums as may be necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998.".

(d) Of the amounts authorized to be appropriated under subsections (a) and (b) of this section, the Secretary of Transportation may reserve the funds necessary for payment of the administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under this title.

(e) Of the amounts authorized to be appropriated under subsection (a) of this section, the Secretary of Transportation may reserve up to 1 percent for the purpose of providing financial assistance to the public agencies designated under section 1001(c) and responsible for coordination of activities under this title on those corridors designated by the Secretary under section 1001(a). This financial assistance may provide for up to 80 percent of costs deemed eligible by the Secretary that are incurred by the public agencies in carrying out their responsibilities under such sections 1002 and 1003 of this title, such sums to be apportioned among the eligible public agencies through a formula established by the Secretary.

(f) Financial assistance provided under subsection (e) of this section shall be provided only pursuant an agreement between the Secretary and a public agency whose responsibility encompasses in whole or in part a HSR Corridor designated as such by the Secretary and eligible for financial assistance under sections 1002 and 1003 of this title.

(g) Funds made available under this section shall remain available until expended.

Mr. EXON. Mr. President, I am pleased to introduce, with Senators HOLLINGS and LAUTENBURG, the President's high-speed rail initiative. Chairmen DINGELL and SWIFT will introduce companion legislation in the House of Representatives.

I congratulate President Clinton and Secretary Peña for their shared vision of high-speed passenger rail. The President has appropriately marked his first 100 days in office with this initiative, which merges national investment, technology, environmental, employment, and transportation needs.

As chairman of the Senate Surface Transportation Subcommittee and as a long-time advocate of high-speed ground transportation, this train has been a long time coming.

For the last 12 years on the Commerce and Budget Committees, I fought a sometimes uphill battle just to maintain Federal investment in Amtrak passenger rail service. The introduction of President Clinton's bill starts an exciting new passenger rail transportation ERA.

In the fall of 1989, I chaired one of the first hearings on high-speed ground transportation and introduced legislation in the 101st and 102d Congresses. This investigation culminated in the Senate passage of S. 811, the High-Speed Ground Transportation Act of 1991.

This ground-breaking legislation incorporated a balanced approach to high-speed ground transportation development and encouraged public and private partnerships. Key provisions of S. 811 were finally incorporated into the Intermodal Surface Transportation Efficiency Act—ISTEA—of 1991.

Our subcommittee further built on that success and in the second session of the 102d Congress held new hearings, which previewed the future of high-speed rail and magnetic levitation technologies.

In addition, we incorporated a high-speed mission for Amtrak and completion of the Northeast Corridor Improvement Program between New York and Boston in the 1992 Amtrak Reauthorization Act.

In the coming weeks, I also expect that the national "Maglev" initiative report mandated by the Congress will be released.

Of course, I am hopeful that the high-speed rail will someday serve locations in Nebraska. While that could be a number of years into the future, high-speed rail holds many other immediate benefits to the citizens of my home State. By providing a rail option in the Northeast United States, limited airport capacity can be made available for long-haul air service from States like Nebraska. In a sense, high-speed rail brings Nebraska closer to its goal of securing more nonstop air service.

Another key benefit for the State of Nebraska is that revitalized employment in any sector of the rail industry helps secure the financial future of thousands of Nebraska railroad retirees. As you know, Mr. President, the railroad retirement system is financed by current employment. The rapidly declining ratio of railroad workers to railroad retirees concerns Nebraska retirees for some time. High-speed rail holds the promise of not only new rail employment but also a more secure retirement for Nebraska's railroad retirees.

President Clinton's initiative stands in stark contrast to the attitude of the past two administrations to passenger rail. A bold jump into the future has replaced the foot dragging of the last administration.

I recently had opportunity to ride with Secretary Peña on X-2000 tilt train. We both had an opportunity to experience the excitement of travel on one of the world's most advanced and comfortable modes of transportation. The tragedy is that the manufacturing and technologies which produced the X-2000 are now foreign based. The Clinton administration's vision includes using passenger rail service as a way to bring new technologies and good jobs back to the United States.

I welcome the President's initiative and can assure him that it will receive a full and fair hearing by the Senate Surface Transportation Subcommittee. The President has delivered a very solid proposal from which to work. Of course, I will have some recommendations and additions to the President's plan, which I will save for another time because this day rightly belongs to President Clinton and his bold vision of a new era for rail transportation.

Mr. LAUTENBERG. Mr. President, I rise today, along with Senators HOLLINGS and EXON, to introduce President Clinton's High-Speed Rail Development Act of 1993.

This bill heralds a new commitment by a new administration to the future of high-speed rail in America. It is a critical first step toward a final long-term investment program that recognizes the environmental, energy, transportation, and, most importantly, job-creation benefits of high-speed rail.

Mr. President, there are a host of compelling reasons to take this bold step with regard to high-speed rail. Infrastructure serves as a base for economic growth, with every $1 invested resulting in $2 of growth in the gross domestic product. Our roadways and airways are overloaded, congested, and limiting our Nation's potential for economic expansion and successful interstate commerce.

Therefore, we must find alternatives that harness current technology and existing transportation pathways and provide the potential for passengers to travel safely and efficiently. So it follows that high-speed rail service is one critical cornerstone in a balanced transportation agenda for the future.

This bill represents a commitment by the President to cement in law a principle that Europe and Japan have long held as fact: Rail transportation requires a level playing field with other modes. If we recognize that pollution and congestion demand our expanded investment in high-speed rail, a truly level playing field requires us to consider granting the same Federal benefits to high-speed rail that were granted to highways and aviation when they were expanding. So, this legislation signals a new era for targeted investment in a critical transportation mode that will provide a foundation for our economic future.

This legislation also seeks to leverage private, State, and Federal dollars to fund specific elements of each high-speed corridor plan. This kind of partnership bodes well for the ultimate success of the corridors, for States will begin with an up-front commitment to a long-term high-speed rail project.

I am pleased that the President's bill recognizes the critical need to reauthorize the Northeast Corridor Improvement Program through 1998. As chairman of the Appropriations Subcommittee on Transportation, I have fought long and hard for this program. By calling for its reauthorization, the President has signaled his commitment to my long-held goal of high-speed service from Boston to Washington with trains like the new X-2000 tilt train.

Nowhere better have we seen the benefits of high-speed rail transportation in the United States than in the Northeast corridor. Past investments in the corridor have resulted in tangible benefits—benefits for 11 million passengers riding each year and 65 million commuters each day. I believe the success of the Northeast corridor is testimony to the ability of a long-term investment strategy to make a real difference for millions of workers and riders across America over the next decade.

Mr. President, I look forward to working with Secretary Pena and my colleagues in the Senate to develop a comprehensive high-speed rail program that ensures further high-speed improvement along the Northeast corridor and also brings the benefits we have enjoyed in the Northeast corridor to the rest of the Nation.

By Mr. SIMON (for himself, Mr. FEINGOLD, Mr. BAUCUS, Mr. DORGAN, and Mr. INOUYE):

S.J. Res. 86. A joint resolution commemorating the 50th anniversary of the founding of the Food and Agriculture Organization of the United Nations and reaffirming the U.S. commitment to end hunger and malnutrition; to the Committee on Agriculture, Nutrition, and Forestry.

THE 50TH ANNIVERSARY OF THE U.N. FOOD AND AGRICULTURE ORGANIZATION

Mr. SIMON. Mr. President, I submit the following joint resolution and ask that the full text be printed in the CONGRESSIONAL RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 86

Whereas, with each passing hour, more than 1,000 young children die among the poor of Asia, Africa and Latin America, lost to their families because their parents could not feed them;

Whereas, for lack of food, millions of the world's poor are left stunted, mentally retarded or blind, and countless others are continually weakened by anemia, condemned to do little more than survive;

Whereas world population will climb past 6,000,000,000 by the year 2000, placing ever more intense demands on the agricultural production and environment of the United States;

Whereas this growth in global population will require innovative scientific, economic, and political measures to address hunger among the poor, especially to promote more efficient and sustainable agricultural production and a broader distribution of food;

Whereas, if the United States is to build world agriculture to meet these challenges, the United States must strengthen and not lessen international cooperation in agriculture both bilaterally and through the United Nations;

Whereas 50 years ago, in the midst of World War II, the United States and its allies recognized the need for global cooperation to end the scourge of hunger and took the first steps to found the Food and Agriculture Organization of the United Nations at the first United Nations Conference on Food and Agriculture held at the Homestead in Hot Springs, Virginia, May 18 through June 3, 1943;

Whereas, through advances in agricultural technology, the nations of the world, including the developing countries, now have more than enough food to feed every man, woman and child so that suffering from hunger need not continue;

Whereas, although more than twice the number of people are being adequately fed today than at the end of the Second World War, nearly 800,000,000 people remain chronically hungry, and the world still has not met the goal of "freedom from want of food" that President Franklin Roosevelt set in convening the Hot Springs Convention;

Whereas, at the International Conference on Nutrition in December 1992, many of the goals of the Hot Springs Conference were reaffirmed and the United States and 158 other countries committed themselves to ending hunger and malnutrition, both domestically and through a Global Plan of Action for Nutrition; and

Whereas the United States has agreed to adopt its own National Plan of Action for Nutrition by the end of 1994: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested—

(1) to issue a proclamation commemorating the fiftieth anniversary of the founding of the Food and Agriculture Organization of the United Nations at Hot Springs, Virginia; and

(2) to reaffirm the commitment of the American people to end hunger and malnutrition, both at home and abroad, and to foster the growth of agriculture in every quarter of the globe so that one day mankind may be truly free from want of food.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 157

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 157, a bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles.

S. 158

At the request of Mr. DASCHLE, the name of the Senator from Idaho [Mr.

CRAIG] was added as a cosponsor of S. 158, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers.

S. 183

At the request of Mr. REID, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 183, a bill to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 228

At the request of Mr. BRYAN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 228, a bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16.

S. 235

At the request of Mr. REID, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 442

At the request of Mr. BINGAMAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 442, a bill to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

S. 449

At the request of Mr. SMITH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 449, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 457

At the request of Mr. CRAIG, his name, and the name of the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 457, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 458

At the request of Mr. SMITH, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 458, a bill to restore the second amendment rights of all Americans.

S. 477

At the request of Mr. FEINGOLD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 477, a bill to eliminate the price support program for wool and mohair, and for other purposes.

S. 487

At the request of Mr. DANFORTH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 570

At the request of Mr. GRASSLEY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 570, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 600

At the request of Mr. BOREN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 652

At the request of Mr. KRUEGER, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 652, a bill to eliminate the price support and production adjustment programs for tobacco, and for other purposes.

S. 687

At the request of Mr. DANFORTH, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Mississippi [Mr. LOTT], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania [Mr. WOFFORD] was withdrawn as a cosponsor of S. 687, supra.

S. 715

At the request of Mr. COHEN, his name was withdrawn as a cosponsor of S. 715, a bill to establish parents as teachers programs.

S. 732

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. GORTON], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 793

At the request of Mr. DURENBERGER, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 793, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that standards of identity for milk include certain minimum standards regarding milk solids, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. AKAKA], the Senator from Texas [Mr. KRUEGER], the Senator from Michigan [Mr. RIEGLE], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month."

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the names of the Senator from Kansas [Mr. DOLE], the Senator from California [Mrs. FEINSTEIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 60

At the request of Mr. BYRD, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from California [Mrs. FEINSTEIN], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 62

At the request of Mr. BIDEN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 62, a joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Right Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. SIMON, the names of the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 70, a joint resolution expressing the sense of the Congress with respect to the renewed civil war in Angola.

SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the last week of September 1993, and the last week of September of 1994, as "National Senior Softball Week."

SENATE JOINT RESOLUTION 73

At the request of Mr. RIEGLE, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Iowa [Mr. GRASSLEY], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia [Mr. WARNER], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day."

SENATE RESOLUTION 79

At the request of Mr. FEINGOLD, the names of the Senator from Wyoming [Mr. WALLOP], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Resolution 79, a resolution expressing the Sense of the Senate concerning the United Nation's arms embargo against Bosnia-Herzegovina, a nation's right to self-defense, and peace negotiations.

SENATE RESOLUTION 101—RELATIVE TO AUTHORIZING PRINTING ADDITIONAL COPIES OF A SENATE HEARING

Mr. BIDEN (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 101

Resolved, That in addition to the usual number, there shall be printed 250 copies of volumes 1, 2, 3 and 4 of Senate hearing entitled, "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States," which may be printed at a cost not to exceed $1,200 per volume, for the use of the Committee on the Judiciary.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

McCAIN (AND OTHERS) AMENDMENT NO. 327

Mr. McCAIN (for himself, Mr. CAMPBELL and Mr. WELLSTONE) proposed an amendment to the bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes, as follows:

Section 104(b) of the Committee Amendment in the Nature of a Substitute is amended by adding at the end thereof the following new paragraph:

(3) One of the Assistant Secretaries referred to under paragraph (1) shall be an Assistant Secretary for Indian Lands and shall be responsible for policies relating to the environment of Indian lands and affecting Native Americans.

HATFIELD AMENDMENT NO. 328

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill (S. 171), supra, as follows:

On page 44, line 9, strike "and".

On page 44, line 13, strike the period and insert "; and".

On page 44, between lines 13 and 14, insert the following new subparagraph:

(T) regional operations and State and local capacity.

On page 74, line 2, strike "and".

On page 74, line 8, strike the period and insert "; and".

On page 74, between lines 8 and 9, insert the following new paragraph:

(6) enhance the capacity of State and local governments to manage, finance, and implement environmental laws (including regulations).

At the appropriate place, insert the following:

"It is the sense of the Senate that building the capacity of state and local governments to more efficiently and effectively implement and manage environmental regulations should be a primary mission of the Department of the Environment."

NICKLES (AND OTHERS) AMENDMENT NO. 329

Mr. NICKLES (for himself, Mr. REID, Mr. MURKOWSKI, Mr. McCAIN, Mr. BOND, Mr. McCONNELL, Mr. HELMS, Mr. GORTON, Mr. COATS, Mr. FAIRCLOTH, Mr. GREGG, Mr. WALLOP, Mr. BURNS, Mr. SHELBY, Mr. COCHRAN, Mr. SIMPSON, Mr. GRAMM, Mr. SMITH, Mr. KEMPTHORNE, Mr. CRAIG, Mr. D'AMATO, Mr. HATCH, and Mr. COHEN) proposed an amendment to the bill (S. 171), supra, as follows:

At the end of the bill add the following:

SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) Federal regulation is projected to cost as much as $688,000,000,000 by the year 2000;

(B) the 1992 United States merchandise trade deficit was $84,300,000,000;

(C) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities; and

(D) State and local governments are forced to absorb the cost of unfunded Federal mandates.

(2) PURPOSE.—The purpose of this section is to—

(A) ensure that the American people are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure congressional or executive branch action is focused on enhancing economic growth and providing increasing job opportunities for Americans; and

(D) to protect against congressional or executive branch action which hinders economic growth or eliminates jobs for the American people.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS.—

(1) PREPARATION.—The Comptroller General of the United States shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill, resolution, or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—Except as provided in paragraph (3), the economic and employment impact statement required by paragraph (1) shall—

(A) state the extent to which enactment of the bill, resolution, or conference report would result in increased costs to the private sector, individuals, or State and local governments; and

(B) include, at a minimum, a detailed assessment of the annual impact both positive and negative of the bill, resolution, or conference report (projected annually over a 5-year period from its effective date, and, to the extent feasible, expressed in each case in monetary terms) on—

(i) costs and benefits to United States consumers;

(ii) costs and benefits to United States business;

(iii) national employment, direct and indirect;

(iv) the ability of United States industries to compete internationally;

(v) affected State and local governments, fiscal and otherwise (as reported by the Congressional Budget Office);

(vi) outlays and revenues by the Federal Government as compared to outlays and revenues for the same activity in the current fiscal year (as reported by the Congressional Budget Office); and

(vii) impact on Gross Domestic Product.

(3) EXCEPTION.—The economic and employment impact statement required by paragraph (1) may consist of a brief summary assessment in lieu of the detailed assessment

set forth in paragraph (2) if preliminary analysis indicates that the aggregate effect of the bill, resolution, or conference report as measured by the criteria set forth in paragraph (2)(B) is less than $100,000,000 or 10,000 jobs in national employment.

(4) STATEMENT WITH ALL LEGISLATION.—The economic and employment impact statement required by this subsection shall accompany each bill, resolution, or conference report before such bill, resolution, or conference report may be reported or otherwise considered on the floor of either House.

(d) POINT OF ORDER IN HOUSE OR SENATE.—

(1) RULE.—It shall not be in order in either the House of Representatives or the Senate to consider on the floor any bill, resolution, or conference report, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, resolution, or conference report includes the economic and employment impact statements required by subsection (c).

(2) WAIVER.—A point of order made under this subsection may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn, and in the House of Representatives by a three-fifths affirmative vote of Members, duly chosen and sworn.

(e) EXECUTIVE REGULATIONS.—Each regulation and proposed regulation promulgated by a Federal department or executive agency shall be accompanied by an economic and employment impact statement prepared, in accordance with subsection (c)(2), by the department or agency promulgating the regulation or proposed regulation. The economic and employment impact statement shall be published in the Federal Register together with such regulation or proposed rulemaking.

(f) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS.—The President may waive the requirements of subsection (e) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(g) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act and shall not apply to this Act.

GORTON AMENDMENT NO. 330

Mr. GORTON proposed an amendment to the bill (S. 171), supra, as follows:

On page 72, beginning with line 25, strike out all through line 7 on page 73 and insert in lieu thereof the following:

(1) 7 members to be appointed by the President;

(2) 2 members to be appointed by the Speaker of the House of Representatives;

(3) 1 member to be appointed by the minority leader of the House of Representatives;

(4) 2 members to be appointed by the Senate majority leader; and

(5) 1 member to be appointed by the Senate minority leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President.

(c) POLITICAL PARTY AFFILIATION.—Notwithstanding any other provision of this section, no more than 7 members of the Commission may be from the same political party.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, April 29, 1993, at 9 a.m., in SR–301, Russell Senate Office Building. The committee will receive and consider a proposal by counsel, Claire M. Sylvia, regarding the petitions relating to the election in Oregon.

For further information on this meeting, please contact Carole Blessington of the Rules Committee staff at 202–224–0278.

JOINT COMMITTEE ON PRINTING

Mr. FORD. Mr. President, there will be a meeting of the Joint Committee on Printing, in room 301, Russell Senate Office Building on May 11, 1993, at 9:30 a.m., to consider the annual review of the Government Printing Office activities.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public a time change in a hearing previously announced by the full Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 646, the International Fusion Energy Act of 1993.

The hearing will take place on Thursday, May 6, beginning at 10 a.m. instead of 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

For further information, please contact Paul Barnett of the committee staff at 202–224–0612.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON, Mr. President, I would like to announce for the public a change to a prior hearing notice printed in the RECORD.

A nomination hearing has been scheduled before the full Committee on Energy and Natural Resources. The hearing will take place Tuesday, May 4, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Thomas Grumbly, nominee to be Assistant Secretary of Energy for Environmental Restoration and Waste Management, and Susan Tierney, nominee to be Assistant Secretary of Energy for Domestic and International Energy Policy.

In addition to these previously announced witnesses, the committee will receive testimony from John Leshy, the President's nominee to be Solicitor at the Department of the Interior.

For further information, please contact Rebecca Murphy at 202–224–7562.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing to consider the President's nomination of Erskine B. Bowles, of North Carolina, to be administrator of the Small Business Administration. The hearing will take place on Wednesday, May 5, 1993, at 2 p.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, counsel to the Small Business Committee at 224–5175,

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and the public that the hearing scheduled before the Subcommittee on Mineral Resources Development and Production to receive testimony on hardrock mining royalty issues and written statements on S. 775, the Hardrock Mining Reform Act of 1993, has been moved to room SH–216 of the Hart Senate Office Building.

The hearing will take place on Tuesday, May 4, 1993, at 2:30 p.m.

For further information, please contact Lisa Vehmas of the subcommittee staff at 202–224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, April 28, 1993, at 10 a.m., in SR–332 to consider pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, April 28, 1993, at 9:30 a.m., in open session, to consider the following nominations: Jamie S. Gorelick, to be General Counsel of the Department of Defense; Maj. Gen. Michael E. Ryan, USAF, for appointment to the grade of lieutenant general and to be Assistant to the Chairman of the Joint Chiefs of Staff; Maj. Gen. John J. Sheehan, USMC, for appointment to the grade of lieutenant general and to be Director for Operations [J–3], Office of the Joint Chiefs of Staff; and Lt. Gen. Barry R. McCaffrey, USA, for reappointment to the grade of lieutenant general and to be Director for Strategy, Plans and Policy [J–5], Office of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 3 p.m. on Wednesday, April 28, 1993, in executive session, to discuss Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, April 28, 1993, at 10 a.m. to conduct a hearing on the state of urban America on the eve of the 1-year anniversary of the civil disorders in Los Angeles and 25 years after the report on the Kerner Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., April 28, 1993, to receive testimony from Jim Baca, nominee to be Director, Bureau of Land Management, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GLENN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, April 28, beginning at 9:30 a.m., to hear Robert M. Sussman, nominated by the President to be Deputy Administrator of the U.S. Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 28, at 9 a.m. to hold hearings on State Department nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Aging be authorized to meet for a hearing on new directions in aging policy, during the session of the Senate on Wednesday, April 28, at 10 a.m. in SD–106.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a hearing on programs for supporting families, during the session of the Senate on Wednesday, April 28, at 10 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, April 28, 1993, at 9:30 a.m., to hold a hearing on "Oversight of Federal Trade Data: What We Don't Know Could Hurt Us."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks, and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., April 28, 1993, to receive testimony on S. 21, a bill to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JARED ROSNER, RESPECTEEN REPRESENTATIVE FROM WOODBRIDGE, CT

• Mr. DODD. Mr. President, I rise today to share with my colleagues a remarkable young person, Jared Rosner of Woodbridge, CT. I recently met Jared when he was visiting Washington as Connecticut's representative for the RespecTeen National Youth Forum.

Jared earned the opportunity to come to Washington to lobby his congressional representatives after writing a letter about ozone depletion to my friend and colleague, Representative ROSA DELAURO. Currently an eighth grade student at Amity Junior High School, Jared is a thoughtful and articulate spokesman on the subject of ozone depletion, which threatens our planet's ecological future. I am confident that Jared will continue to be an effective advocate on issues of concern to him and his peers as he pursues his life goals.

Jared's parents, Krista Hart and Robert Rosner, as well as his teacher, Mrs. Rita Gedansky, should be justly proud of his achievements—I commend them all. I believe it is critical that we all do our part to foster and encourage the intellectual and civic development of our Nation's youth. Jared Rosner is a shining example of what can be accomplished when we do.

Mr. President, I respectfully request that a copy of Jared Rosner's essay entitled "Ozone Depletion" be included in the RECORD following my remarks.

The essay follows:

OZONE DEPLETION

(Written in 1990)

The ozone layer is a thin layer of gas in the stratosphere which is critical to the survival of the planet. Ozone molecules are formed when ultraviolet light hits oxygen molecules (O), and causes three oxygen atoms to band together. The ozone molecules then absorb harmful ultraviolet rays, shielding plants and animals on land and in the ocean, lakes, and rivers.

There is clear evidence that the ozone layer is being destroyed. NASA's 1987 airborne survey over the Antarctic detected an ozone hole approximately the size of the United States. In Antarctica in winter, the cold polar stratospheric clouds have icy surfaces which allow reactions converting inactive chlorine compounds into harmful chlorine monoxide. To make things worse, the loss of ozone apparently decreases the absorption of solar energy; this cools the air, increases ice cloud formation, and creates even more ozone destroying chlorine monoxide. NASA's ER–2 research airplane measured concentrations of chlorine monoxide and ozone simultaneously as the plane flew from Punta Arenas, Chile (53 S) to 72 S, on September 16, 1987. As the plane entered the ozone hole, concentrations of chlorine monoxide increased to about 500 times normal levels, while ozone decreased.

It is now known that the Arctic's stratosopheric ozone is also being eroded. In the past 20 years, ozone depletions of 2–10 percent have apparently begun to occur during the winter and early spring in the middle-to-high-latitudes of the Northern Hemisphere as well, with the greatest decline in the higher latitudes.

It is now quite evident that chlorofluorocarbons are the major culprits in ozone depletion. Introduced several decades ago, they are widely used as refrigerants, aerosol propellents, solvents, and blowing agents for foam products. At first they seemed to be a perfect property, because they are very stable, unreactive in the lower atmosphere (troposphere), and pose no direct toxic threat to living organisms. Unfortunately, when CFC's are exposed to ultraviolet radiation in the stratosphere, they are broken apart, and the free atoms destroy ozone.

The development of Supersonic transports (SST's) was abandoned in the 1970's because of environmental concerns. It is now being considered again, and the effects of SST's on the ozone layer is an important part of the consideration. One study has concluded that if a fleet of SST's large enough to be commercially viable were built using engines that are now standard, they would reduce the ozone layer by 15 to 20 percent. The study's author, Harold Johnston, has shown that nitrogen oxides destroy ozone in the stratosphere, even though they are known to actually control ozone in the troposphere. (chart 2) The nitrogen oxides and other particles emitted by SST's might disturb the normal chemistry of the ozone layer in the way that CFC's do.

Ozone in the troposphere, where we live and breathe, is also a problem. Ground level ozone is the main cause of smog-induced eye irritation, impaired lung function and damage to trees and crops. The severity of smog is therefore generally expressed on the basis of ground-level ozone concentrations. In other words, the same three-oxygen molecule that is critically important for absorbing ultraviolet radiation in the stratosphere, where some 90 percent of atmospheric ozone is concentrated, is a problem when it accumulates in excess near the earth's surface.

While a decrease in ozone near the ground would benefit polluted regions, any decrease in stratospheric ozone is disturbing, because the resulting increase in ultraviolet radiation reaching the earth could have many serious effects. It could elevate the incidence of skin cancer and cataracts in human beings, and it might damage crops and phytoplankton, the microscopic plants that are the basis of the food chain in the ocean. Large changes in ozone may also have unpredictable climate effects.

In September 1987, 46 nations signed the Montreal Protocol, a treaty to achieve a 50 percent net reduction in ozone-destroying chemicals worldwide, by the end of the century. But the Montreal Protocol had not even gone into effect when in 1988 an intense reevaluation of measurements worldwide concluded ozone was depleted all over the globe, not just Antarctica. The parties to the treaty now are in the process of strengthening it. By the end of the year they are expected to agree on a total phase-out of CFC's and strict controls on other sources of stratospheric halogens.

The only way to save the ozone layer is to stop the production and use of chlorofluorocarbons in refrigerants, insulants and solvents. The Montreal Protocol of 1987 is an international agreement to stop CFC production by 1998, but it may not go far enough. CFC's released today will last for years and years. One chlorine atom can split 100,000 ozone molecules in one year.

There are several efforts which address the ozone problem. The Program for Alternative Fluorocarbons Toxity Testing was formed in January 1988. Fourteen international companies are testing the five leading ozone-friendly compounds. The EPA is expected to begin regulating the "venting" of CFC's into the atmosphere, so some companies are trying to recover and recycle CFC's now. NASA's Ozone Trends Panel is studying the variations in the ozone hole. In March, 1988, there was a convention on the Protection of the Ozone Layer. It recommended freezing production of chlorinated hydrocarbons now, and reducing production later.

There are amendments proposed to the Clean Air Act which will regulate alternatives to CFC's. Industries which use CFC's are concerned about the cost of developing alternatives which might later be found to be unsafe. It is certain that a total phase-out of CFC's is necessary, and it must come soon. Al Gore, U.S. senator from Tennessee, recommends a Strategic Environment initiative to take a broad approach to all environmental concerns. Even more, we all need to respect our planet at least as much as our economy, and to be willing to make sacrifices for its safety and ours.

OZONE DEPLETION UPDATE—1993

The depletion of the ozone layer is now known to be pervasive around the globe, not limited to a hole over Antarctica. The stratosphere over all regions except the tropics has lost a few percent of its ozone since 1979. During December, January, and February of this year, concentrations of stratospheric ozone measured 9 to 20 percent below average in the middle and high latitudes of the northern hemisphere. Measurements made by the Upper Atmosphere Research Satellite (UARS) support the idea that destructive chemicals helped thin this winter's ozone: the satellite measured extremely high concentrations of chlorine monoxide over much of the Arctic and surrounding regions.

Scientists predict that concentrations of chlorine in the stratosphere will increase 7–9 times the natural level by the year 2000. However, CFC's continue to be produced, and one of the replacement chemicals for CFC—hydrochlorofluorocarbons, or HCFC's—also will deplete the ozone layer. Dupont, a major manufacturer of these chemicals, will be allowed to produce HCFC's until 2030.

Environmentally safe alternatives exist: water-based solvents and cooling systems, and helium refrigeration, can replace CFC's and HCFC's.

There is some good legislation which will prohibit the "venting" of CFCs. Venting R-12, which is the CFC in a car's air conditioner, and R-22, which is the CFC in home and office air conditioners, is now against the law. This means that in making and repairing these air conditioners the coolant must not be allowed to escape into the atmosphere.

Discovered

Record high concentrations of chlorine monoxide (ClO), a chemical by-product of CFCs, known to be the chief agent of ozone destruction.

CFC uses

Refrigeration.

Air conditioning.

Cleaning solvents.

Blowing agents.

Aerosol sprays.

CFC reduction

1987, Montreal Protocol: called for 50% reduction in CFC production by 1999.

Three years later, as ozone loss mounted, international delegates met in London and agreed for a total phaseout of CFCs by the year 2000.

Ozone losses

Ozone has declined 4%–8% over the U.S. in the past decade.

Fifty percent loss of ozone over Antarctica.

Potential 1% to 2% ozone loss each day over Northern Europe.

Every time ozone depletion is detected over Antarctica, there's a significant increase in ultraviolet radiation on the ground in Australia and New Zealand.

Effects of ultraviolet radiation

Cataracts.

Mutations in DNA.

Skin cancers.

Can disrupt the ocean food chain.

In Australia, scientists believe that crops of wheat, sorghum and peas have been affected, and health officials report a threefold rise in skin cancers.

What's being done

In Chile, some parents are keeping their children indoors between 10 a.m. and 3 p.m., and soccer practices have been moved to the evening.

New Zealand schoolchildren are urged to eat lunch in the shade.

Deadline

The United States has cut four years off its deadline to get rid of chemicals causing the deterioration. New date—December 31, 1995.

What You Can Do

When in sun for prolonged periods, wear fabrics with a tight weave and a wide brimmed hat.

In summer, wear sunscreen with a sun protection factor of at least 15.

Wear sunglasses in bright sunlight.•

REACTING TO TAILHOOK

• Mr. McCAIN. Mr. President, we have now received the second and final report of the Department of Defense's investigation into the incidents that took place at the Tailhook conference in 1991. On October 29, 1991, I was the first Member of Congress to denounce these incidents and call for a full investigation. I have always insisted that those who abused women, or dishonored their service, should be appropriately punished.

It is imperative that such justice be done. There should be no room in a professional and all-volunteer military for sexism, or any activity cosponsored by a military service, or on a military facility, that does not reflect the high standards of professional military conduct. We cannot tolerate conduct by our military officers that brings disgrace to their service, or injures the dignity and honor of their colleagues.

I cannot ignore the fact that the Tailhook incident has cast a cloud over a service in which my family has served with pride for four generations. I cannot ignore the fact that it has cast a cloud over a service that has defended this country with great honor and success since we sought our independence. And, I cannot ignore the fact that the actions of a few wrongdoers has cast a cloud over hundreds of thousands of men and women who continue to serve with honor, and whose conduct is beyond reproach.

I believe that the Navy did make important errors in the way it handled the Tailhook investigation. I believe that it was slow to react, slow to appreciate the seriousness of the situation, and initially failed to conduct a suitably rigorous investigation. Several senior officers and political appointees have already been disciplined for these failings.

There is, of course, no bright side to the Tailhook incident. However, we can and must learn from past mistakes. In this regard, the Navy has taken important steps to prevent future Tailhooks, and to deal with the broader problem of sexual harassment. The Navy's response to the Tailhook incident since October 1991 has been direct and forceful.

In October 1991, this response started with the publication of a single policy addressing sexual harassment and immediately terminating any type of Navy support for the Tailhook Association. This policy has the widest distribution within the Navy and details both command and individual responsibility in any harassment situation and calls for the mandatory separation from the Navy of serious offenders.

To articulate this policy, the Department of the Navy conducted a mandatory all-hands standdown. This type of forum, used with frequency in safety related training, provided a clear concise message from the Secretary of the Navy that the Navy would face squarely the issue of harassment, focus on solutions, and eradicate this form of discrimination as was done with racial inequality and drug abuse.

The Navy created the Standing Committee on Women in the Service. This panel generated 80 specific recommendations for immediate implementation. They are far ranging, hard hitting, and form the basis for future efforts that could ultimately eradicate sexual harassment from the service. To date, one quarter of these proposals have been completed, and the remainder are far along in the implementation process.

For example, one of the standing committee's recommendations was to institute a toll-free sexual harassment hotline to allow women the safety and security to report sexual harassment incidents privately and without enduring bureaucratic redtape. To date, more than 75 percent of the phone calls have been from men requesting clarification of sexual harassment policies—signaling an ever-increasing awareness of this singular policy.

Every level of leadership training, from initial petty officer indoctrination to prospective command officer courses, reinforces these new policies.

In April 1992, the Navy graduated the first coeducational recruit companies from the Naval Training Center in Orlando. This unique initiative was developed to foster and encourage mutual respect and teamwork by grouping young 17- and 18-year-old men and women together in the same company, forcing them to train together, live together, eat together, and bond together as one unit. The success of this program is shown by its record of zero harassment incidents in the year since its inception.

Six additional women flag officers have been selected this past year. Senior enlisted positions including command petty officer billets are being filled in greater numbers with well qualified women. At least 28 more command positions have been opened to women, and opportunities for advancement have significantly increased. In general, promotion rates for women have been better than for their male counterparts.

Only time can tell whether these actions will be sufficient. It is already clear, however, that the Navy leadership alone cannot rectify the impact of Tailhook. The fact is that the Navy's reputation can only be restored by the deeds of the individuals who wear its uniform. Every man and woman in the Navy must take it upon themselves to act in a manner which protects the dignity and honor of their service.

More broadly, I believe that Tailhook further illustrates the need to give women full equality in the Navy, and that this can only be done if we move steadily and deliberately toward allowing them to serve as combat pilots and on combat ships. However, I also wish to make it clear that I do not believe that we should move toward placing women in ground combat roles, given the very different conditions that exist in the Army and Marine Corps.

Nevertheless, part of the problem we faced in Tailhook was the false impression that women were somehow a separate class of members of the Navy, given privileges they had not earned. The fact is that women have earned those privileges, and their conduct in Desert Storm proved that fact. They have not been denied full access to the most challenging positions in the Navy because of a lack of capability, but because of traditions which time has overtaken.

Mr. President, I believe we can only put Tailhook fully behind us if we focus on the solution to the problem and not the incident. I believe that the Navy will mete out justice and move forward with honor and integrity to continue to serve as it has for two centuries. That is the goal that all those who have served in the U.S. Navy, must earnestly strive for, as we repair this breach of honor.•

SUPPORTING DEMOCRACY IN RUSSIA THROUGH TRADE

• Mr. BAUCUS. Mr. President, I rise today to discuss the steps we are taking to help Russia and the other former Soviet Republics through trade.

Last Sunday, the people of Russia made a historic statement of support for reform and democracy. Many believed they had lost heart over the past year. Some, even here in the United States, spoke patronizingly of a supposed Russian cultural preference for a "strong hand" or the need for a Chinese solution in which an authoritarian government would suppress dissent while economic reform moved ahead.

Sunday's referendum proved these skeptics wrong. Democracy has already made Russian life much better—through free speech, better films and newspapers, more open emigration, and a greater voice in national policy.

Over the long run, it can make life easier as well as better. It has not yet, however, restored economic growth or reduced unemployment. And if it does not do so in the next few years, it may not succeed in the long run.

We cannot make sure it does these things. But we can help, and I think democracy in Russia and the other former Soviet Republics is so important to the world that we must help.

When most people speak of helping Russia, they speak mainly of financial aid, moral support, and technical assistance. I am also for aid. But in the long run, aid will not solve Russia's economic problems. Russians themselves must start the businesses, create the jobs, and make the products that will expand the Russian economy.

The single most important contribution we can make to that process is to increase trade. And—unlike many forms of aid—increasing trade helps us as well as Russia, since a richer Russia will buy more American goods.

Last year, American trade with Russia totaled $3.4 billion. That is only a tenth of the volume of our trade with China. It is the same as our trade with Norway—a country whose population is 3 percent of Russia's 150 million. Lack of hard currency, ambiguous laws, conflicts between the central and regional governments, and a poor distribution system all make trade with Russia difficult. Russians themselves have to solve most of these problems. But Russia is also handicapped by lack of business and trade experience and there is no better place to learn these skills than on the job.

That is why I am so pleased by the sections of the administration's Russian aid package which promote trade. These include: Agricultural trade credits; support for some important individual trade projects; tariff reductions through eligibility for the generalized system of preferences; preparation for easing controls on U.S. technology exports; support for Russian entry into the General Agreement on Trade and Tariffs; and commitment to review laws on the books which restrict United States trade with Russia and other former Soviet Republics.

First, agricultural trade. Seven hundred million dollars worth of Food for Progress loans will restore Russia's ability to buy American grain. Russian consumers will once again be able to buy American wheat, oilseeds, and feed grain. These products have an extremely important side benefit in helping to avoid food shortages. We should never forget that the event which brought down Tsar Nicholas in 1917 was not a Communist plot, but a bread riot in St. Petersburg.

Second, trade and investment projects. The Eximbank will finance an $82 million loan to help Caterpillar Tractor develop a gas pipeline on Russia's Yarnal Peninsula, thus creating jobs in Russia and bringing an important contract to the United States.

The Trade and Development Agency will grant $1.4 million for oil and gas feasibility studies. And OPIC, the Overseas Private Investment Corporation, will offer a $150 million package to support CONOCO's "Polar Lights" project in the White Sea.

Third, tariff reductions under the Generalized System of Preference Program, or GSP a special program that helps developing countries enter the U.S. market by letting them export some of their products duty free. Under the administration's Vancouver summit package, Russia will become eligible for the GSP. This would open a temporary duty-free market for up to $440 million worth of Russian exports. This will create jobs and help the Russian economy, as well as providing new products for American consumers.

Fourth, export controls. The administration has agreed to help Russia design a more efficient system of export controls, to ensure that Russian technology, or Russian high-technology imports from the United States and other countries, do not go to help outlaw nations develop their military capacity.

This is obviously important for its own sake. However, it will also allow us to relax our controls on technology exports to Russia. Thus, it would let American companies export state-of-the-art hardware, software, and other high technology products to Russia.

Fifth, GATT. The administration pledges to give Russia technical aid and advice in meeting GATT free-trade rules, and to support Russia's formal application for membership. This will vastly ease Russia's ability to trade with the 108 countries that are GATT members.

Finally, President Clinton has agreed to review our own laws, like the Jackson-Vanik amendment, which restrict trade with Russia. I view this step as long overdue. It would be an extraordinary irony if the laws we devised during the cold war became an obstacle to the ability of today's democratic Russian Government to make reform succeed. Assuming the issue of refuseniks has been completely resolved, I would support eliminating Jackson-Vanik's application to Russia.

These trade-promoting pieces of the aid package have two important things in common.

First, they help Russia. They ensure that Russian citizens have food. They create jobs. They help Russian entrepreneurs learn new skills. In the long run, they will help reform and democracy succeed.

Second, they help us. They preserve an essential market for American farmers. They create a new market for some American manufacturers, including producers of big-ticket capital goods. And they help build long-term business relationships that mean exports and jobs for America.

In the long run, the fate of reform depends on the ability of the Russian people to develop a market economy. Promoting trade with Russia is our single best opportunity to help them begin to prosper. I am very pleased to see the administration take that opportunity.•

SERMON DELIVERED BY SENATOR JOHN DANFORTH, WASHINGTON NATIONAL CATHEDRAL

• Mr. COHEN. Mr. President, on a recent Sunday, the senior Senator from Missouri, JOHN DANFORTH, preached a sermon on the Holocaust at the Washington National Cathedral.

Senator DANFORTH is a man of many talents—a lawyer, a clergyman, and one of the most thoughtful and dedicated Members of this body. He has served with distinction for many years. His opinions are often sought and highly regarded, and he has played a key role in much of the important legislative business transacted in recent years. While noting these accomplishments, I must also observe with considerable regret that Senator DANFORTH will be leaving us at the end of his current term to return to his native Missouri and pursue other endeavors.

However, while we still have benefit of his wisdom, I would like to call the Senate's attention to Senator DANFORTH's remarks at the Washington National Cathedral. His thoughts are particularly thoughtful and timely as we mark the opening yesterday of the Holocaust Museum here in Washington and the anniversary of the Warsaw ghetto uprising. I ask that the text of his speech be placed in the RECORD for the benefit of all Senators.

The text of the sermon follows:

SERMON PREACHED BY THE REVEREND JOHN C. DANFORTH, A U.S. SENATOR FROM MISSOURI, TO COMMEMORATE THE OPENING OF THE U.S. HOLOCAUST MEMORIAL MUSEUM, WASHINGTON NATIONAL CATHEDRAL, APRIL 18, 1993

Fourteen years ago this Cathedral held the first national observance of Days of Remembrance of the Victims of the Holocaust. It was my privilege to preach the sermon.

A year later, President Carter signed a law making Days of Remembrance an annual observance.

This year is especially eventful for two reasons. Tomorrow marks the 50th anniversary of the Warsaw Ghetto Uprising, the symbol of Jewish armed resistance against the Nazis. Secondly, we are dedicating the United States Holocaust Memorial Museum. That structure will guarantee that, for generations to come, Americans will never forget the horrors of the past.

From the beginning, Days of Remembrance have included a Sunday, the Christian day of worship. Christians who helped design Days of Remembrance wanted it that way. They wanted Christians to reflect on the Holocaust and to consider their own responsibility and their own response.

So we meet today, not in an auditorium but in a Christian cathedral, not in an interfaith service, but in the central act of Christian worship. We meet to remember six million Jews—their terrible deaths and the events leading to those deaths. We meet to say what the Holocaust means to us as Christians and what we intend to do as our response.

It is not possible to recognize the magnitude of the Holocaust without admitting the complicity of Christians. Germany, in the 1930s and '40s, was a country of ancient Christian traditions, both Catholic and Protestant. Nothing of any consequence that occurred in that country could have escaped the notice of Christian citizens. Because the Holocaust was so prolonged and so enormous, countless Christians must have participated in it.

Consider the size of the Holocaust. Then ask yourself if Christians were responsible. Nazi persecution of Jews lasted 12 years, from 1933 to 1945. This was no passing phase.

Hitler raved against Jews at mass rallies attended by hundreds of thousands. This was no secret act.

Innumerable people built and guarded death camps, operated gas chambers, and cremated or disposed of bodies. This was a job for multitudes.

Nazis rounded up Jews throughout Europe. Cattle cars filled with Jews crisscrossed the continent. This was a huge and complex task.

In the end, the extermination of Jews became the highest priority of Nazi Germany. It took precedence over winning the war. This was not the work of a few madmen. It was the mission of a nation, meticulously planned and carefully executed. It defined the purpose of a political system. It engaged the commitment of citizens and soldiers. It could not have been a secret. Those who did it and those who condoned it professed the Christian faith.

How could Christians have done this?

In the summer of 1944, one of the Auschwitz gas chambers was out of order. Therefore, the SS proceeded to kill children by burning them alive on a wood fire. To mask the screams, prison officials ordered an inmate orchestra to play the Blue Danube.

Of the six million Jews killed in the Holocaust, one million were children. How could Christians have done this?

To answer this, we must see that the Holocaust is not an isolated anomaly. We must see it in context.

This does not mean that the Holocaust is merely another event in the long course of history. It is unique. We should never obscure its horror by comparing it to anything else. It stands alone as the darkest epoch of humankind. Never before or since has absolute evil held such overwhelming sway.

But anti-Semitism did not begin in the 1930s. In the Fourteenth Century, Christians in Europe gave Jews the choice of converting to Christianity or burning alive. In 1648 and '49, programs in Eastern Europe claimed a half million Jewish lives.

And anti-Semitism continues in the 1990s. It continues in our own country. Last year, at Brown University, swastikas and anti-Jewish statements appeared on dormitory doors and in library books.

Last year, at Queens College, New York, dead cats were placed in toilets with graffiti on the wall saying, "We're going to do to Jews what we do to the cats."

This past February, in Fort Lauderdale, Florida, a newspaper ad appeared advertising soap made from Jews.

Thoughtful Christians are asking, what is the cause of this behavior and what can we do about it? Gregory Baum, a Christian student of anti-Semitism wrote, "The Holocaust teaches the Church that any monopolistic claim to divine truth or any form of ecclesiastical self-elevation will eventually translate itself * * * into social attitudes and political action and hence generate grave injustices and eventually accumulate to become major crimes."

This is a good explanation of anti-Semitism, as well as other forms of religious hatred. Any monopolistic claim to divine truth leads to grave injustice and major crimes.

There can be no doubt that this is true. In country after country, it is true today. It is true in Lebanon and in Northern Ireland. It is true in America and Azerbaijan, in Bosnia and Herzegovina. It is true in Sudan and on the West Bank of the Jordan. It is true between Catholics and Protestants, Christians and Muslims, Muslims and Jews.

Killing in the name of God is as old as history. To true believers, it is a cause. To the less religious, it is an excuse. Here is the line of reasoning: I have God's truth. You have rejected God. I have a mission. It is to spread God's truth. You resist me. I will destroy you.

In the Middle Ages, Christians launched crusades in the name of Christ. Claiming Christ's sanction, they took arms against supposed infidels. In this century, supposed Christians, who were followers of Adolf Hitler murdered six million Jews. All this was in the name of or under the cover of the Prince of Peace.

If a monopolistic claim to divine truth leads to holocaust, what are we Christians to do? How are we to respond so as to assure that neither holocaust nor anything like it will ever happen again?

First, we must make it clear that Christians do not have a monopolistic claim to divine truth. We must say, as Cardinal Franz Konig said, "Anti-Semitism has no basis in theology." If Christian theologians have not stated this with sufficient clarity in the past, they must state it forthrightly in the future.

With regard to any monopolistic claim to divine truth, Jesus taught us that we are not to judge others lest we be judged ourselves. We are not to condemn others lest we be condemned ourselves. St. Paul taught us the limitation of our own wisdom. He said that we see through a glass darkly. He said that all people, including the most devout Christians, fall short in the sight of God.

Then there is our responsibility to be ministers of Christ, ambassadors of reconciliation. The Epistle to the Ephesians speaks of Christ who makes peace, who reconciles us to God, who brings hostility to an end. This is the Christ of the New Testament—the Christ who reaches out his arms in love—who embraces humankind. We Christians, clergy and lay, are his ministers, not his warriors or his vigilantes.

Christ has not licensed his followers to abuse other people. The opposite is the case. Listen to the words of Jesus from the Sermon on the Mount:

"You have heard that it was said to the men of old, 'You shall not kill, and whoever kills shall be liable to judgment.' But I say to you that everyone who is angry with his brother shall be liable to judgment. Whoever insults his brother shall be liable to the council, and whoever says, 'You fool' shall be liable to the hell."

In Christianity, the commandment, "Thou shalt not kill" includes even insults. It includes even calling a person a fool. It certainly includes anti-Semitism in any form. The Christian faith not only does not condone it, the Christian faith forbids it.

The first step, then, is to state clearly that Christians do not monopolize divine truth and that we cannot abuse other people. That is a task for our theologians and our preachers. But what about the ordinary Christian? Surely, the whole answer to the Holocaust is not in the hands of scholars and preachers. The work of holocaust was the work of average men and women. So the work of preventing holocaust should be the work of average men and women. The work of love is more than thinking and speaking. The work is acting.

What can ordinary Christians do to combat holocaust? What actions can we take? Here are three examples. You will be able to think of others.

First, as Christians, we can show an interest in the religious life of Jewish friends. It is a wonderful experience to attend the bar mitzvah of a friend's son, or share a Seder meal at Passover, or, best of all if you can get an invitation, attend an orthodox wedding. If you show an interest, Jews will delight in surrounding you with the warmth of their tradition. Simply knowing people and their beliefs helps prevent meanness and abuse. It is also proof, on a very personal level, that Christians do not monopolize divine truth.

Second, ordinary Christians can actively fight any form of bigotry they encounter. When we hear a hateful word, we can speak out against it. We can let it be known that we do not approve of it and do not want to hear it repeated. And, we can do more.

From time to time, we read newspaper accounts of terrible acts to Jews in our own communities. A swastika may be painted on a synagogue or graffiti on a school. It would be a wonderful act of faith and a magnificent statement to the community if Christians arrived within hours, with buckets and scrub brushes, and cleaned up the mess. Christians can do more than say they oppose bigotry. They can show they oppose bigotry.

Third, Christians can seek out specific ways to work with Jews in the service of the broader community. Such a project could be a joint outreach to the inner city or to the homeless. This would not be just another effort by good people to do good works. It would be specifically religious. Jewish and Christian congregations, in concert with each other, would act out their religious commitments to love their neighbors. They would be doing so, in the name of God, not out of a general feeling of good will. If people can kill one another in the name of God, surely they can work together in the name of God. In compassion for the poor and weak, Jews have a lot to teach Christians. The prophetic tradition of social justice is a legacy Jews have given us.

Taking an interest in Jewish religion, active opposition to bigotry, common projects of social outreach—these are three ways in which ordinary Christians can respond to the Holocaust.

The point is not precisely how we respond, but that we respond—in thought, in word and in deed. The point is that we respond to the most dreadful epoch in history, that we respond not because we are good people, but because we are Christians. The point is that we make it our task to assure that neither the Holocaust nor anything like it will ever happen again.

We gather in our cathedral at our regular time of worship. We remember the death of six million Jews. Jewish guests at this service honor us by their presence, for they share with us their special tragedy. Let us make it a point to share more together in years ahead.

At our service in our words Christians respond to the Holocaust. We renounce bigotry in all its forms. We renounce it in the name of Christ.●

WORKERS MEMORIAL DAY

● Mr. KOHL. Mr. President, April 28 commemorates the anniversary of the Occupational Health and Safety Act, watershed legislation that, it was hoped, would provide basic health and safety protections for American workers in their places of employment.

And yet Mr. President, since the enactment of this important legislation, nearly 2 million Americans have died as a result of workplace hazards. Each year some 10,000 more workers die of work-related injuries, and over 100,000 more from occupational disease. The Rand Institute of Civil Justice estimates that workplace injuries cost $83 billion a year in medical and productivity costs.

The 1991 tragedy in a North Carolina poultry plant spotlighted the reneging on the Federal promise of workplace safety. Unlike other Federal environment and safety laws, like the Clean Air Act, the Occupational Health and Safety Act has not been substantially reformed in 20 years. The workplace has been reformed. Technology has been enhanced; but not protections for workers.

I am not one of those who believe that the majority of employers are out to cause harm to their workers. I am not one of those who believe that simply increasing criminal penalties for gross and negligent violations will ensure safe workplaces. Businesses do struggle to make a profit, and rightfully so. But their profits should be gained as a result of their productive work force, not at the expense of the lives and productivity of their work force.

So we must encourage labor-management teams. In Wisconsin, they have been proven to save business money by reducing liability insurance costs. We must increase the input that workers have in creating and maintaining safe working environments. We must assure that adequate on-the-job safety training programs are available. We must assure that American workers no longer have to choose between reporting a violation that might save a life and keeping a job to support their family. We must be clear that we want employers spending their time cooperating with employees, not pushing reams of paperwork that bureaucrats aren't going to read anyway. We need healthy productivity.

And we must assure that the Occupational Safety and Health Administration has the resources, financial and personnel, to do more than show up once every 5 years in response to a worker complaint. Back-ended criminal enforcement is a way to put a little money in the Federal treasury, but it does woefully little to prevent the injuries and illnesses in the first place.

I support reforming OSHA. And I take this opportunity of the anniversary to remember the workers who have given their lives, and years of productivity, to their employers. Let us right the wrongs of those workplaces. Let us move on OSHA reform—in memory of the past and committed to a safe and healthy future.●

PRINCIPLES TO GOVERN WESTERN POLICY TOWARD BOSNIA, SERBIA, AND CROATIA

• Mr. FEINGOLD. Mr. President, one of the most tragic and troubling conflicts of our time has been how to respond to the unspeakable horrors perpetrated by Slobodan Milosevic's Serbian Armies against the people of the Republic of Bosnia and Herzegovina. There are no simple solutions to this problem, but that is no justification for the inaction which has paralyzed the international community regarding Bosnia.

Senator BIDEN, chairman of the Subcommittee on European Affairs, has provided much needed leadership on this issue. He recently traveled to the region, and held a comprehensive series of meetings with political, military, and United Nations officials. His conclusions and recommendations are presented in a report entitled, "To Stand Against Aggression: Milosevic, the Bosnian Republic, and the Conscience of the West."

I commend this report for the consideration of my colleagues. It includes many thoughtful and important observations, which I believe clearly articulate the issues, and should shape our thinking on this war. Unfortunately, because of its length, I cannot submit the entire report to the RECORD. However, without objection, I request Section II of Senator BIDEN's report, "Principles to Govern Western Policy," be entered into the RECORD.

The excerpt follows:

II. PRINCIPLES TO GOVERN WESTERN POLICY

If the West is to fulfill the obligations of conscience—and to protect its own interest in international stability—the following principles should govern the policy the United States must now lead the international community to apply toward Bosnia, Serbia, and Croatia:

Redefine the conflict from civil war to international aggression.

Focus first on the imperative of halting the Serb advance.

Recognize the liabilities and limitations of the Vance-Owen plan.

Avoid codifying a Serb victory.

Plan military and humanitarian actions not as mutually exclusive but as reinforcing.

Accept the imperative of American military action under any scenario.

Pursue a longer-term strategy of preserving a multi-ethnic Bosnia and deterring wider war.

Seek Russian acquiescence rather than collaboration.

A. REDEFINE THE CONFLICT FROM CIVIL WAR TO INTERNATIONAL AGGRESSION. From George Orwell on, modern journalists have understood that, in politics and geopolitics, to control the name is to own the story. During the war in the former Yugoslavia thus far, the shorthand of electronic and print journalism has produced an impression that the conflict is a "civil war" born of "centuries-old religious hatred." This simplification, underscored by the three-sided configuration of the Vance-Owen negotiation, perfectly suits Slobodan Milosevic and his minions, whose aim is territorial aggrandizement and whose need is Western confusion and apathy.

In truth, Bosnia remains a multi-ethnic republic, recognized by the United Nations and dedicated to the principles of democratic rule and minority rights. It is widely understood that thousands of Bosnian Croats led by Mate Boban and thousands of Bosnian Serbs led by Radovan Karadzic have aligned themselves with Croatia and Serbia respectively. What is neglected in public discussion—crucially neglected—is the courage and conviction of thousands of other Bosnian Croats and Serbs who have remained loyal to the Government of Bosnia and to the principle of harmonious multi-ethnic life which it seeks to uphold.

In beleaguered Sarajevo today, multi-ethnic "presidency" continues to lead a multi-ethnic government that presides over a multi-ethnic population defended by a multi-ethnic army. Even with the defections of Bosnian Croats and Bosnian Serbs, the fighting forces of the presidency are 20% Croat and 15% Serb.

Accuracy and clear thought compel that we refer not to the "Muslim" government and the "Muslim" army, but to the "Bosnian government" and its loyalist army.

B. FOCUS FIRST ON THE IMPERATIVE OF HALTING THE SERB ADVANCE. The immediate imperative of Western strategy must be to hold the center of Bosnia against an unabated Serb onslaught that has proceeded behind the diversion of the Vance-Owen "negotiating process."

Facing a Bosnian Government army that has been denied the means to defend itself, Bosnian Serb forces have been steadily resupplied by the Yugoslav National Army, which in turn continues to enjoy access to Russian arms. Given this imbalance, only prompt Western intervention can halt the erosion and prevent the collapse of what remains of Bosnian-held territory.

The defense of this critical nucleus must be achieved by a dramatic shift in Western policy, commencing with immediate air-strikes on Serb heavy weapons and Yugoslav Army supply lines and close air support for U.N. relief flights. It will also require strong Western pressure on the Tudjman regime to halt the aggressive acts of Croatian auxiliary forces in western and southern Bosnia.[1]

C. RECOGNIZE THE LIABILITIES AND LIMITATIONS OF THE VANCE-OWEN PLAN. We must recognize that the Vance-Owen "negotiating process" has had several perverse effects:

(1) Misguided hope for its success have frozen the West's response to Serbian aggression.

(2) Paradoxically, while diverting the West with hope of a diplomatic solution, the proposed map, with territorial delineations that deny the creation of a contiguous Greater Serbia, has underscored to the Milosevic regime that it can attain its aspirations only by force. Moreover, in signaling that the West would respond even to barbarous aggression with nothing more than diplomatic pleading, the "process" has induced the Milosevic regime to perceive a clear path to creating a Greater Serbia.

(3) Meanwhile, the Vance-Owen map has incited fighting between Croatians and Muslim forces—groups previously operating in alliance against Serb aggression—in Bosnian areas the plan would award to one or the other.

In short, the Vance-Owen plan has paralyzed the West, fueled Serb aggression, and weakened Muslim-Croat resistance.

Whatever it good intentions, the Vance-Owen plan is also unrealistic and even perverse as a formula for peaceful coexistence. Its delineation of areas of preeminence for the three ethnic groups is based on the demographics of the past and the assumption that Bosnians will return to their homes. If that return does not occur—for example, Muslims returning to an area designated for Muslim control—then that area will not be controlled by the Muslims, the map notwithstanding. The very existence of the plan thus creates an incentive to deter any such return by ever more vicious "ethnic cleansing."

Only belatedly and at too great a cost has the Vance-Owen process produced one useful result: the refusal of Serbs to sign it has begun to galvanize the international community against Serb intransigence.

Western policymakers must now, however, beware that this unity could be dissipated by a Serb feint in the direction of acceding to the plan. Since the Vance-Owen plan is entirely inconsistent with Serb visions of a Greater Serbia and with current Serb expectations that this goal is being achieved, any such feint will be a deception—until that expectation of victory through aggression is changed.

D. AVOID CODIFYING A SERB VICTORY. Because Serb aggression is nearing the fulfillment of its territorial aspirations in Bosnia, the West may soon witness the "conversion" of Slobodan Milosevic to the role of "peacemaker." Purporting to be weary of the horrible slaughter, he will call for a cease-fire and place ostentatious "pressure" on his subordinate, Radovan Karadzic.

If and when this occurs, Western policymakers must discern the parallel with Serbian actions in Croatia, where the Serbs agreed to the "Vance plan" and a U.N.-monitored cease-fire that has had the effect of entrenching Serb gains. Within the areas of Croatia they control, the Serbs have honored none of their pledges under the Vance Plan, whether for disarmament or the return of refugees. Similarly, if the Serbs sue for a cease-fire in Bosnia, it will surely be a tactic to begin the codification of territorial gains already achieved.

Western debate has exhibited a temptation to accept the inevitability of such a Serb victory, and to focus instead on the dangers of a wider war, potentially involving Albania, Macedonia, Bulgaria, and—on opposite sides—Greece and Turkey. For this reason, President Clinton promptly reaffirmed President Bush's warning to President Milosevic that an outbreak of "ethnic cleansing" in the Serbian province of Kosovo would yield a Western military response.

As to the severe danger of wider war, and the need to deter Milosevic from precipitating it, there is broad consensus. Already the Albanian military is conducting exercises in apparent preparation for a mass exodus of Kosovar Albanians into Albania and Macedonia, which has an Albanian population of some 40 percent. Bulgaria, Greece, Serbia and Albania all have historical claims on different parts of Macedonian territory. Meanwhile, East European states like Hungary and Bulgaria are busily developing alliances with other Balkan countries.[2]

---

[1] Cities where such conflict has apparently occurred include Gornji Vakuf, Travnik, Vitez, Konjic, and Jablanica.

[2] With these factors in play, the following sequence cannot be dismissed as improbable: Undeterred, Milosevic and his Serb henchmen in Pristina begin the "cleansing" of Kosovo by driving Kosovar Albanians into Macedonia and Albania; Albania responds militarily to protect Kosovar Albanians and to annex Albanian portions of Macedonia; with Macedonia disintegrating, other nations with conflicting claims on its territory intervene; these interven-

What must be faced is that the complexity and difficulty of dealing with conflict in Kosovo, and all that would flow from it, far exceeds the challenge of defending Bosnia—and that the best means of preventing a wider war is to defeat Serb agression now.

Deterrence requires credibility. When no country has even challenged that Kosovo is part of Serbia itself and that Kosovar Albanians are citizens of Serbia, why should Milosevic believe the West will suddenly develop the fortitude to intervene to defend Serbia's own citizens?

The available means to dissuade Milosevic from further aggression and mass violations of human rights is to act now in defense of Bosnia. Given the insipid Western response to date, only a significant air campaign against the Bosnian Serb and Yugoslav national armies is likely to establish the credibility of Western resolve and thereby deter Milosevic or any similar successor from expelling hundreds of thousands of Albanians from Kosovo.

President Clinton has accurately assessed the stakes of acquiescing in Milosevic's quest for a Greater Serbia: "if you look at the other places where this could play itself out in other parts of the world, this is not just about Bosnia." This truth extends even beyond the Balkans.

The former Soviet empire brims with the potential for ethnically-based conflict: Hungary and Romania, Moldova and Russia, Russia and the Baltics, Georgia and Russia, Russia and Kazakhstan. Just as the Bosnian Serbs aim to unite with Serbs in Serbia, these other conflicts are primarily based on ethnic minorities living in a state adjacent to its "mother country." What happens in Bosnia will form a prominent precedent—not for the abstract notion of a new world order but for political decisions looming in Russia, Ukraine, Georgia, and the Baltic states.

If political and military leaders in these countries conclude that aggression undertaken to unify one people in one nation carries with it only a modest price—rhetorical condemnation and temporary economic sanctions—the Bosnian precedent could mark the beginning of a terrible new chapter in European history.

For all its cruelty and destruction, the conflict in Bosnia would be remembered as modest compared to a war between Russia (still a potent nuclear power) and Ukraine (on the verge of acquiring the world's third largest nuclear arsenal) sparked by the presence of millions of Russians in the Crimea.

It is thus for the West not simply a matter of conscience—but a strategic imperative—to defend the principle of minority rights so well embodied in the Bosnian Government and to defeat the practice of ethnic unification through aggression so heinously personified in Slobodan Milosevic.

E. Plan Military and Humanitarian Actions Not as Mutually Exclusive But as Reinforcing. Under the tutelage of Lord Owen, political debate for months was suffused by a common but inaccurate perception: that the application of military force would endanger U.N. efforts to deliver relief.[3] But in fact such efforts have been wholly hostage to Serb whim precisely because the U.N. was unwilling to use force to ensure delivery. While the application of military force would imperil *existing* U.N. procedures, which rely on Serb cooperation, alternative means of food delivery are available:

First, American-led Western airdrops have proven remarkably successful, having delivered more than 1000 metric tons of food and medicine in a matter of weeks without a single allied casualty.[4]

Second, U.N. cargo flights delivering food could be protected with the close air support (CAS) of Western air power (e.g., A-6's and A-10's), under the supervision of AWACS and Hawkeye radar-detection aircraft.

The application of air power will require several steps to protect existing U.N. relief personnel and peacekeeping forces from retaliation:

Conceptually and operationally, the activities of UNHCR (U.N. High Commissioner for Refugees) must be made subordinate to UNPROFOR (U.N. Protection Force); and some UNHCR personnel must be withdrawn.

UNPROFOR must be converted from a food/medicine escort service to a serious military force, fully capable of defending itself.

This will require configuring the force and fully equipping it with anti-tanks weapons and armored vehicles able to withstand RPG (rocket-propelled grenade) fire, as well as a rapid ground-to-air communications link.

To respond to any attacks on UNPROFOR forces, NATO nations must operate continuous high-altitude combat air patrol (CAP). At supersonic speed, an F-16 or F-18 on CAP can be anywhere in Bosnia in less than two minutes.

A Western decision to use air power, even if limited to defensive purpose, would change the entire dynamic of the siege of Sarajevo. Under the prevailing pattern the Bosnians Serbs, confident of Western acquiescence, first shut down the airport with sniper and other fire before resuming the shelling of the city. By so doing, they afflict wide and random destruction without fear of destroying an incoming U.N. flight, a provocation they seemingly wish to avoid. Were the West to begin a 24-hour a day airlift, Bosnian artillery men firing from the hills surrounding Sarajevo would be forewarned of immediate Western counter-strikes. They would thus face, in contrast to their current license to murder with impunity, the risk of initiating their own destruction.

F. Accept the Imperative of American Military Action Under Any Scenario. The existence of the Vance-Owen plan, and signatures on it by Bosnian Croats and Muslims, creates scenarios flowing from two possibilities: (a) that the Serbs will sign; and (b) that they won't. It must be recognized that an adequate Western response under either scenario will require American military participation.

If the Serbs do not sign, the United States must lead the West in aiding Bosnia, primarily through air power, to defend existing military frontiers and to lift the siege of Bosnian cities. This will require American participation in close air support for U.N. relief flights and combat air patrols for UNPROFOR as described above, as well as strikes on Serb artillery and JNA supply activity.

Western officials have identified most locations of heavy weapons in Bosnia and support units in Serbia; those targets could be substantially destroyed in an air attack so long as tactical surprise is maintained. To accomplish this would require small numbers of forward "spotters" to locate redeployed Serb heavy weapons and direct precision-guided munitions to their targets using laser designators. To lift the siege of Sarajevo, for example, would require a deployment of such 500 Special Forces.

In the less likely event that the Serbs do sign an agreement, strong follow-up will entail that the United States promptly contribute—in reasonable proportion—to a multilateral force mandated to ensure compliance, including the impoundment of heavy weapons and the disarming of irregular forces. Ironically, more ground forces will be required if an agreement is signed, for a substantial ground force will clearly be required to police the safe return of Bosnian citizens from areas of "ethnic cleansing."[5]

G. Pursue a Longer Term Strategy of Preserving a Multi-Ethnic Bosnia and Deterring Wider War. Building on attainment of the immediate objective of halting the Serb advance, a longer-term Western strategy in Bosnia should aim to widen the perimeters of Government control while upholding the spirit and practice of multi-ethnic democracy. Meanwhile, the Milosevic regime must be weakened and deterred.

Beyond the military air support described above, this strategy will require:

Not only permitting but abetting Bosnian self-defense;

Assisting in the repatriation of Bosnian refugees and reconstruction in Bosnian areas rendered safe;

Proceeding with war crimes tribunals;

Isolating Serbia diplomatically and economically, while breaking Milosevic's media monopoly within Serbia;

Deploying a large U.N. force in Macedonia.

As to the question of Bosnian self-defense, the perverse effects of the U.N. arms embargo should now be plain beyond question. Serbia began the war will all the resources of the Yugoslav army; it has retained covert connections with Russian arms suppliers; and the Serb monopoly on heavy weapons within Bosnia has produced some of the most monstrous atrocities in modern warfare. While the Western debate has been beguiled by images of an invincible Tito guerrilla, the Bosnian Serbs have needed no such combat ferocity in conducting a low-risk campaign of mass murder.

If the arms embargo is lifted, it is the West, not fundamentalist Iran or radical Libya, that should provide weapons to the tens of thousands of Bosnian soldiers—Muslims, Serbs, and Croats—who stand ready to fight for their country. According to Western military officials with whom I consulted in Bosnia, the Bosnians would require little or no further training in order to use small

---

tions place Greece and Serbia in tactical alliance against Turkish and Albanian Muslims. This scenario is in fact considered highly plausible by experts in the U.S. government.

[3] In the past week, Lord Owen abandoned his opposition to military action and called for airstrikes. Having previously heaped scorn on those who advocated such a course, he did not explain how any of the underlying circumstances had changed.

[4] The U.S. European Command (USEUCOM) in Stuttgart faced a dilemma in preparing for the food airdrop in Bosnia. Large palettes would be accurate but deadly—more than 100 Kurds were killed by falling palettes in non-urban areas of northern Iraq—whereas dropping thousands of MRE's (meals-ready-to-eat) from high altitudes would produce too great a dispersal to benefit those besieged in Bosnian cities. The American military quickly devised an ingenious solution: high-altitude drops of large containers sufficiently weak to break open at low altitude, producing a MIRVed MRE effect, both accurate and safe. (Large-scale tests of this technique on remote German drop-sites yielded an unexpected empirical finding, the only light note on this trip: that the European wild boar, when offered a choice among MRE rations, prefers pasta.)

[5] A sizable ground force would be required not in order to combat widespread Serb opposition, but to deter it. High-ranking American military officials conveyed to me their judgment that Serb irregulars would be highly unlikely to challenge such an overwhelming force, although the danger of individual acts of terrorism cannot be discounted.

arms and anti-tank weapons to good effect. More sophisticated weaponry would require several weeks of training.

There should be no confusion: A successful policy of arming the Bosnians means a long-term commitment of billions of dollars and hundreds of military advisors. This training can be provided, however, in safe-haven areas; and most of the necessary funds should be provided by Saudi Arabia, Kuwait, and other moderate Arab states—states which have complained bitterly of the embargo and Western apathy.

While exercising all possible diplomatic efforts to lift the embargo, the United States should cease any application of its own military assets to enforce the embargo. All American resources available for the interdiction of any commerce in the Balkan region should be devoted exclusively to tightening the embargo against Serbia.

Meanwhile, until such time as the arms embargo is lifted, there is nothing in the embargo obligation that prevents the United States, or any other Western nation, from supplying the Bosnian Government with a wide variety of goods and equipment—uniforms, boots, blankets, even military training of refugees—relevant to the self-defense of the Bosnian republic.

Concerning the conduct of war tribunals, two questions have arisen:

First, how can we expect to conduct diplomatic business with leaders such as Milosevic and Karadzic whom we have branded war criminals and stated our intent to prosecute? This question, I believe, answers itself: We cannot have any such expectation, nor could we even were we to drop our intention to prosecute.

Second, what are the implications of the Bosnian Government's stated intent to conduct such tribunals even at the local level? This question, I believe, requires careful consideration.

Certainly, the Bosnians will never find peace if they remain engaged in a national witch-hunt. But what must be understood is the dual role of war crimes tribunals: not only to punish the guilty but to vindicate the innocent.

A visitor to Croatia, Serbia, or Bosnia is confronted with passionate accounts of Croatian atrocities against Serbs during World War II, Muslim acquiescence in Turkish oppression of both Serbs and Croats during the Ottoman Empire, and the Serb "ethnic cleansing" of Muslims and Croats in recent months. The aim of war crimes tribunals must be to break the psychology of collective guilt and collective blame, rather than reinforce it.

Although recent atrocities are enormous in their brutality, their conduct has in fact required a relatively small number of Serbs, and far fewer Croats and Muslims have sought revenge by retaliating against innocent Serb civilians. True war crimes can be punished, and we should not be tempted by any idea of a blanket amnesty as the catalyst for a peace settlement. Without war crimes trials, and the accompanying individualization of responsibility for the atrocities committed during the war in Bosnia, a multi-ethnic Bosnian state cannot be sustained.[6]

H. SEEK RUSSIAN ACQUIESCENCE RATHER THAN COLLABORATION. Clinton Administration policy on Bosnia has been shaped by sensitivity to the traditional Russo-Serb relationship. The Administration has sought to engage Russian cooperation in the U.N. Security Council and to avoid weakening President Yeltsin vis-a-vis the conservative-nationalist forces in his parliament who are strongly, almost pervasively pro-Serbia.[7] This sensitivity is wise but potentially immobilizing if allowed to become a defining parameter of American policy.

The Clinton Administration has hoped for some positive effect from a kind of good cop/bad cop division of labor, under which the Yeltsin government would inveigh the Milosevic regime and the Bosnian Serbs to desist in their onslaught while the United States intensified outside pressure for a diplomatic settlement. President Clinton appointed Ambassador Reginald Bartholomew as special envoy to the negotiations and Russian Deputy Foreign Minister Vitali Churkin was appointed as special envoy to Yugoslavia.

This effort at cooperation was undoubtedly well-advised insofar as it expanded communication and trust between the Yeltsin and Clinton governments. But any expectation that the Yeltsin government could elicit moderation from Belgrade was misguided.

Far from being a dependency of the Russian government, the Milosevic regime is spiritually, politically, and economically allied with the *enemies* of the Yeltsin government. Earlier this month, when Radovan Karadzic traveled to Moscow,[8] his purpose was not to consult with the Russian foreign minister but to meet secretly with Russian opposition leaders. One topic in such meetings, it is fair to speculate, was an expansion of Russian support for the Serbs, notwithstanding U.N. sanctions.

Russian opposition parliamentarians, right-wing journalists, and assorted military figures frequently visit Belgrade; and a recent investigation by the Moscow-based *Nezavisimaya Gazeta* has reported that managers of state factories in Russia with long-standing ties to Yugoslavia are engaged in sanctions-busting.

The United States should continue to cooperate with the Russian government on the issue of Bosnia, but with a clear understanding of where interests lie. President Yeltsin does not have a vested interest in the Milosevic regime; Yeltsin's interest consists in defending himself against Russian reactionaries who are aligned with the Milosevic regime. Milosevic is not Yeltsin's ally but his enemy.

Instead of allowing American policy to be limited by what the Yeltsin government can endorse, the Clinton Administration should minimize the Bosnia-related questions on which the Yeltsin government must take a stand, recognizing that any action that curtails the power and longevity of the Milosevic regime ultimately serves the interest of both Yeltsin and Russian democracy.

In practice, this approach may mean working even more closely with the Yeltsin government to ensure a Russian abstention from Security Council resolutions that prove necessary. At home, Yeltsin can plausibly argue that vetoing U.N. action to repel Serbian aggression is not only bad policy but would imperil tens of billions of dollars in Western assistance. Meanwhile, Moscow can dissociate itself from implementation of decisions on which it abstains.

By pursuing a policy based on Russian acquiescence rather than direct participation, the United States would not undermine the utility and authority of the Security Council. Indeed, effective application of the principle of collective security will, from time to time, require adroit diplomacy to counteract religious and historic ties that could otherwise interfere with needed Security Council action.

With Boris Yeltsin facing a crucial referendum on April 25, the United States has tried to defer actions that would damage Yeltsin's political position. But beginning on April 26,[9] the United States must begin to act with the full force of its leadership. The steps outlined in Section III should be part of that "April 26th strategy."•

THE PUBLIC RESPONSE TO TELEVISION VIOLENCE

• Mr. SIMON. Mr. President, years ago, when I began to pursue ways to limit violence on television, the issue was just beginning to percolate in the minds of the public. Today, there is growing concern expressed about the level of media violence and the impact it has on individuals. While much of the pressure for change in entertainment programming is still coming from the public, I am encouraged by steps that have been taken recently by the TV industry. They, too, are stepping back and reevaluating what is and is not appropriate for television viewing, particularly for children and teenagers.

As many of my colleagues know, 3 years ago I sponsored legislation that gave the entertainment industry an antitrust exemption, to allow them to come together to address the problem of media violence. Over the past few months the networks and the cable industry have taken some internal steps to begin reducing the amount of violence in their programming. They, in conjunction with the Motion Picture Association, are planning an industry-wide conference in August where whey plan to work directly with the hundreds of people who actually develop ideas and scripts for programs and movies. This is movement in the right direction, but it must continue.

Recently Times Mirror polled 1,516 Americans on media violence. The con-

---

[6] Aryeh Neier, Executive Director of Human Rights Watch, has stated the argument lucidly:

> The case for persisting with war crimes trials in the former Yugoslavia is overwhelming. A central cause of this war is the collective attribution of guilt to particular ethnic and religious groups for the crimes supposedly committed by others of the same group in the distant or not-so-distant past. Inevitably, those who are victimized in this war will harbor resentments against the groups they see as responsible for their suffering. A war crimes tribunal would individualize guilt: that is, particular Serbs, rather than all Serbs, would be held accountable. If there is ever to be peace in the former Yugoslavia, it will come only after the cycle of collective attribution of guilt is broken.

[7] A fierce unwillingness to countenance any possibility of Serb culpability in the war in Bosnia is surprisingly widespread even among Russians whom the West views as dedicated democrats.

[8] Karadzic had just returned from Moscow when I visited Belgrade to meet with Milosevic. During the course of our meeting, after disclaiming any control over Karadzic or Bosnian Serb policy, Milosevic suggested that we include Karadzic in our discussion of Serb aims. Within 20 minutes of the moment Milosevic picked up the phone, Karadzic arrived perspiring.

[9] As noted earlier, April 26 is also the date of the opening of the Holocaust Memorial Museum.

clusions were instructive. Viewers clearly differentiate between violence in news programming and violence in entertainment programming. In the minds of the viewer, news programs have gotten better over the past 5 years while entertainment programs have gotten worse.

A majority of those polled believe that the increasing violent nature of television programming is harmful.

I urge my colleagues to take a close look at the Times Mirror poll and ask that the summary be printed in full in the RECORD.

The summary follows:

TV VIOLENCE MORE OBJECTIONABLE IN ENTERTAINMENT THAN IN NEWSCASTS

Many more Americans express concern about the amount of violence on entertainment television programs than about the increasingly violent content of broadcast news. TV news, while seen as containing more graphic violence than in the past, is also seen as reflecting the reality of a violent society.

Further, a large sector of the public appears desensitized to violent video in newscasts because of the graphically brutal movies and entertainment television programs it watches.

These are the principal findings of a recent Times Mirror nationwide survey which found that while more people think the news is too full of violence, fewer people today than in the 1980's believe that the news exaggerates the amount of violence in America. The poll also learned that heavy consumers of action movies, reality crime shows and other violent fare are less uneasy about the violent content of TV news and do not want to be sheltered from reporting of graphic violence, as do many other Americans.

Other highlights of the survey of 1,516 Americans conducted February 20–23 include:

The worlds of television news and entertainment television are judged very differently, with the public believing their newscasts have gotten better and their entertainment programs have gotten worse over the past five years.

The public feels its entertainment television is too violent, and believes this situation to be getting worse. And a strong and growing majority believes that this is harmful to society. In addition, most feel that we as a society have become desensitized to violence as a result of seeing it so frequently on television and in movies.

There is a good deal of "casual" viewing of television news among children, and a significant level of concern among parents about the pictures that their children are seeing and the words they are hearing. Fully half of those with children between 8 and 13 years of age report having turned the TV off or changed the channel because there was something on the news they did not want their child to see—in most cases, something violent. More women than men reported being upset with something their child had seen and have tried to protect their children from televised violence.

There is a "video violence" generation gap. Those under 30 are far more likely to be heavy consumers of violent programming and movies. Accordingly, they have different standards regarding violence in news broadcasting. Younger people are far less bothered by violence on television, less likely to feel the news is too full of violence, and less likely to feel violence is harmful to society, then are older Americans. Younger people and others disposed to violentprogramming are much less critical of the quality of entertainment television than are older people.

Young people, non-whites, men and lower income groups all express relatively less concern about violence in news reporting and the most interest in "real life" crime/action shows, such as "Cops," "Rescue 911" or "Top Cops." As many under 30's report seeing such shows regularly as report regularly watching network news.

Those 50 & over are least pleased with entertainment television, most bothered by violence on the screen, and the most infrequent viewers of reality crime shows.

VIOLENCE ON TV NEWS MORE APPARENT

A 52% majority of Americans feel that "TV news is too full of violence." That is an increase from 42% in a 1971 Louis Harris national survey. Today, only 44% do not think the news is too full of violence—two decades ago a majority of Americans (52%) held that opinion.

While a larger proportion of the public thinks the news is more violent than in the past, more people also believe that this accurately reflects social reality. By a margin of 55% to 37%, TV news is judged as not exaggerating the amount of violence in the country by Times Mirror's respondents. Ten years ago, the margin was smaller, 52% to 44%, in a comparable ABC news nationwide survey.

Even so, a growing number of Americans voice criticism of television news for the amount of attention it pays to crime stories. Fifty-seven percent believe that TV news gives too much attention to stories about violent crimes, while 12% say they do not give enough attention to such stories, and 26% volunteer that the amount of coverage is appropriate. A national survey conducted in 1983 found 53% saying "too much attention" was paid to this type of story and 17% saying "not enough attention".

BUT NEWS NOT BLAMED

Despite criticism that broadcasters pay too much attention to crime stories, Americans are much more troubled by the amount of violence in entertainment programming. Further, a preoccupation with violence is not a dominant criticism of news broadcasting as is the case for entertainment shows. Most Americans (64%) think that entertainment television programs have gotten worse over the past five years and too much violence is most often given as the reason for entertainment TV's decline (38%). In contrast, a large majority thinks that TV news, both network and local, has gotten better (69% and 60%), not worse (14% and 18%) over the past five years. Critics of TV news complain less about violence and more about bias in network news and sensationalism in local news.

Among the respondents bothered by TV violence, twice as many people criticize violence on entertainment shows (58%) as violence on the news (31%). Looked at another way, even among people who think that TV news is too full of violence, most believe that the news has improved over the past five years. But among people who think entertainment TV is too violent, almost all believe it has worsened.

Indeed, there is much in the survey that suggest the public makes sharp distinctions between violence on news and violence on entertainment shows. It is clearly more concerned with violence in entertainment than with violence it feels reflects reality. A majority of those interviewed said they found TV programs showing violence in fictional situations to be more disturbing to them (54%) than programs that show violence in real situations (33%). And, in discounting a fascination with violence for its own sake, a majority said they found TV programs showing violence in real situations to be more interesting to them (50%) than programs showing violence in fictional situations (29%).

THE FUSION ON NEWS AND ENTERTAINMENT

The audience appeal of real violence reflects the popularity of "actuality" shows, where footage of real crime or emergency situations is seemingly captured as it is happening. These shows, such as "Cops," "Rescue 911" and "Top Cops," are enormously popular, particularly to young viewers. Just over one-third of the public (36%) reports watching these shows "regularly" with another 30% saying they watch "sometimes." While regular viewing of real life shows is less prevalent than viewing of local (76%) or network news (58%), the number report regularly viewing these shows is considerably higher than other staples of entertainment television, including: game shows (30%), crime drama shows about detectives and police (23%), shows such as "Current Affair" or "Hard Copy" (22%), talk shows (22%), and shows about celebrities such as "Entertainment Tonight" (12%).

The crime/emergency actuality shows have their strongest following among the less educated, racial minorities, the young and the poor. Fully 60% of blacks say they regularly watch these shows, compared to 33% of whites and 41% of Latinos. Regular viewership decreased with education from less than one-fifth of college graduates (18%), to one-third of those with some college education (34%), to 44% of those with less than a college education. The younger generation accounts for much of the audience of such shows. Just under half of women under 30 (47%) report regularly watching, as do 42% of men in the same age cohort. This compares to 37% of those between 30 and 49, and to just 29% of those 50 or older.

VIOLENCE VIEWERS AND THE NEWS

Opinion about the violent content of the news is substantially different among people who are the biggest consumers of violent entertainment—real life or otherwise. This audience segment, is comprised largely of young people, men and members of minority groups. Analytically, 45% of the Times Mirror sample was classified as heavy consumers of violent programming including: movies, reality tv, and fictional crime dramas.[1] Age, gender, and education all bear a relationship to how much violence a person watches. However, age appeared to be the highest demographic determinant of violence viewing. Seventy-four percent of the under 30's were in the heavy consuming category, 50% of the 30–49 year olds and only 20% of the 50 & olders.

People who watch a lot of violent entertainment are less apt to say that news is preoccupied with violence and is exaggerating violence in society. They are also less prone to believe that televised violence is itself a cause of real life violence.

	Viewership of violent entertainment			
	Total	High	Average	Low
TV news too full of violence:				
Yes	52	47	55	60
No	44	51	42	33
Don't know	4	2	3	7
Total	[1]100	[2]100	[3]100	[4]100

	Viewership of violent entertainment			
	Total	High	Average	Low
Violence on TV shows harmful to society:				
Very Harmful	47	37	50	64
Somewhat harmful	33	34	36	24
Harmless	15	24	9	8
Don't know	5	5	5	4
Total	100	100	100	100
Violence on TV/movies a cause of breakdown in law and order:				
Major cause	39	27	45	59
Minor cause	39	43	39	27
Hardly a cause	18	27	13	7
Don't know	4	3	3	7
Total	100	100	100	100

[1] N=1,516.

[2] N=678.

[3] N=537.

[4] N=301

Reflecting the different attitudes of heavy viewers of violence, younger Americans show much more indifference to the violent content of the news and much less discontent with violence on television generally. While 85% of people 50 and older think there is too much violence in entertainment TV, only 57% of people under 30 subscribe to this view. Similarly, 49% of under 30's think that TV news pays too much attention to violent stories, but 63% of older people make that criticism of broadcasters.

	Age—		
	Under 30	30 to 49	50 plus
TV news too full of violence or not:			
Yes	48	50	58
No	51	47	36
Don't know	1	3	6
Total	100	100	100
Amount of violence portrayed on TV programs not including the news:			
Too much	57	69	85
Reasonable amount	39	28	12
Very little	3	1	2
Don't know	1	2	2
Total	100	100	100
TV news gives too much attention to stories about violent crimes, not enough attention or what:			
Too much attention	49	56	63
Not enough attention	18	12	9
Right amount	29	28	22
Don't know	4	4	6
Total	100	100	100
Violence on TV shows bothers you or not:			
Yes, bothers	48	61	65
No, does not bother	52	38	34
Don't know	....	1	1
Total	100	100	100
Violence on TV shows is harmful or harmless to society:			
Yes, is harmful	77	77	85
No, is harmless	19	17	11
Don't know	4	6	4
Total	100	100	100

NO PICTURES PLEASE

Perhaps most tellingly, the biggest difference between people who watch a lot of violent entertainment and those who do not, is the latter groups' desire to be sheltered from broadcasts containing graphic violence. Only 38% of frequent viewers of entertainment violence subscribe to the idea that "TV news should just tell us about violent news, but not show pictures of murder and war." However, 55% of people who infrequently watch reality crime shows and violent movies would like broadcasters to show fewer pictures. In the most extreme measure in the survey, 31% of frequent viewers of violent programming said they think that public executions should be televised. A fourth as many infrequent viewers (8%) want such public displays.

DESENSITIZATION OBSERVED

There is widespread acknowledgement that televised violence has a psychological impact on society. Fully 84% of Americans feel that stories about violence have made Americans more fearful than they were in the days before television, a number that is unchanged since 1983. What has changed, and in dramatic fashion, is the view that "television shows so much violence that people grow up not being shocked by violence." Two decades ago, just over half (53%) of the public agreed with this statement. Today, better than three-quarters (78%) say they believe the amount of violence seen on television has a desensitizing impact on society. The public's belief that society is becoming increasingly violent, coincides with its view that programming is significantly different from the past, and that television news exploits violent pictures and scenes. Fully 83% of the public said that television news now shows more violent and bloody scenes when covering crime that it did 10 year ago.

Moreover, Americans feel that scenes of violence on TV news are often shown simply for their shock value or to lure an audience. By a lop-sided margin of 73% to 20%, with the remainder expressing no opinion, most Americans feel graphic violence on television is shown "mainly to attract viewers" rather than because it is necessary "to tell the story." Three-quarters agree with the statement that "TV reports about crime are often shocking, but don't tell me anything new." A similar number (77%) believe that "TV news should run more stories about 'good news' and fewer stories about violence." Yet there is also a recognition that these "marketplace" forces, i.e., reality, have some basis in fact. Sixty-five percent agree that "TV news runs lots of crime stories because that's what people are interested in hearing about."

CHILDREN AND THE NEWS

There is a great deal of "occasional" viewing of the news among young children, and significant concern among parents over what their children are seeing. Just over half (54%) of parents with kids between the ages of 8 and 13 say that there children either regularly or sometimes watch the news. And most worry that their children may suffer harmful effects as a result of what they see. Over six-in-ten (62%) reported they are worried either "a great deal" or "a fair amount" that their child might be disturbed by what he or she watches on the news, with one-quarter of all parents expressing a great deal of concern. Women (74%) are significantly more likely to say they are worried than men (51%).

This concern over what children see on television news often causes parents to try to shield them. A majority (53%) reports having switched the channel or turned off the TV because there was something on the news they did not want their child to see. Women are again more likely to report doing this (64%) than men (42%). Asked why they last changed the channel or turned off the set, most said the reason was to prevent scenes of violence from being shown. Fully 72% report switching the set off to shield a child from violence, while 57% did so to prevent exposure to something of a sexual nature. Additionally, 17% say they have changed channels or turned the set off to prevent exposure to bad language, and 11% to limit exposure to drug scenes.

While parents express concern over what their children see on the news, images from entertainment television have them much more alarmed. Far more said they worry about the amount of violence on fictional television (61%) than violence on the news and in "real life" programming (14%). Another 11% said they worry about both equally. Just 12% of parents with children between the ages of 8 and 13 said they do not worry about their child's exposure to violence on television.

VIOLENCE ON ENTERTAINMENT TELEVISION

The overwhelming view is that entertainment television is too violent. More than seven in 10 Americans (72%) say there is "too much violence" on non-news TV programs. Just one-in-four believes there is "a reasonable amount," with the remainder saying there is "very little violence" or offering no opinion. A national opinion poll taken in 1971 found virtually the same division among the public.

Reactions to TV violence also differ by gender and generation. Just under two-thirds of men (64%) say there is "too much violence," compared to four-fifths (79%) of women. Clear generational differences are also evident. Fifty-seven percent of those under 30 think entertainment TV is too violent compared to fully 85% of those over 50. While a majority of each age-sex grouping feels there is too much violence, this sentiment ranges from a bare majority of men between 18 and 29 (50%) to virtual unanimity among women over 50 (91%).

While the perceptions of excessive violence on entertainment television have not changed in ten years, more Americans are troubled by the TV violence now and more believe it has a poisonous effect on society, than a decade ago. The percentage of Americans who say they are personally "bothered" by "violence on TV shows" has increased from 44% to 59% between 1983 and 1993, with the number saying they are "bothered a great deal" up from 16% to 24%.

At the same time there has been a similar and significant rise in the percentage of citizens who feel that violence on TV is unhealthy for society as a whole. Where many (64%) felt violence on entertainment television was "harmful" to society in 1983, most (80%) do so now. Just 15% feel that violence on TV shows is "harmless" to society, with the remaining 5% expressing no opinion. The number describing violence on television as "very harmful" increased from one-quarter of the public (26%) to almost one-half (47%) during this same period. There has also been a significant increase in the degree to which the violence on TV and in movies is described as being either a major or minor cause of the breakdown of law and order in society between 1971 (66%) and now (78%). Almost four-in-ten believe television to be a major contributor to this societal ill.

TV ENTERTAINMENT—CONTINUING TO GET WORSE

By a huge margin of 64 to 27 percent, more Americans say that TV entertainment shows have become worse rather than better over the last five years. This negative view of entertainment TV is not new, however; exactly the same numbers were reported by an ABC News poll in February 1983. The twin complaints about entertainment TV in our current survey are that it has become worse because of excessive or graphic violence—mentioned by 38%, and too much or explicit sex—mentioned by one-third.

But the Times Mirror survey also found evidence that television is doing a relatively better job of satisfying its target audience—the 18–30 year old group that is most attractive to advertisers. Persons under 30 are evenly split over whether TV has improved or not. Forty-two percent said it has, 49% said it has not. By comparison, persons between 30 and 49 years of age are much more certain it has worsened—30% said better, 60% said worse. Among Americans over 50, the gap is cavernous only—13% said better, 79% said worse.

In addition, more women feel television has gotten worse rather than better (71% vs. 22%) than do men (56% vs. 33%). Clearly, men aged 18–29 have the most positive view of TV entertainment with 47% saying entertainment television has improved and 42% saying it has worsened.

While a substantial segment of the public believes entertainment television has deteriorated, a similarly large slice believes that television news has improved over a similar period. When asked about the national nightly news on ABC, CBS, NBC and CNN, far more said it has gotten "better" rather than worse, 69% to 14%, with the remainder saying it has stayed the same or expressing no opinion. Americans hold a similar view of local news, by a slightly lower margin, 60% to 18%, with the remainder expressing no preference.●

THE NEED FOR IMPROVED ANALYSIS OF CONVENTIONAL ARMS TRANSFERS

● Mr. McCAIN. Mr. President, we all know that arms transfers are a two-edged sword. On the one hand, the right kind of transfers can bring stability to troubled countries and regions, deterring aggression, and giving peaceful states the strength they need for their security. Carefully structured arms transfer plans can reduce the need for outside peace keeping efforts, and reduce the burden placed on U.S. power projection forces.

On the other hand, the wrong kind of arms transfers feed aggression and instability. They turn local and ethnic quarrels into major wars, they give nations like Iran and Iraq the tools of intimidation, and they are turned against nations who seek peace and stability. We have seen this all too clearly in the case of Iran, after the fall of the Shah, and in the case of Iraq, which turned from defense to aggression.

The practical problem for American policy is to understand the difference between arms transfers that contribute to peace and serve our strategic interests, and arms transfers that threaten peace, and threaten our interests and those of our friends and allies.

We have recently tended to focus our attention on proliferation, which is the most threatening aspect of modern arms transfers. Proliferation, however, is only part of the problem. The hundreds of wars that have been fought since the end of World War II have been fought with conventional arms. In fact, it is one of the ironies of modern warfare, that most of the killing in modern warfare has been done with small arms, and that the longest and bloodiest battles have not involved the use of advanced conventional weapons.

If we are to deal with conventional arms transfers, however, we must have a realistic data base. We must have facts that are both relevant and accurate, and it is this issue that I wish to address today.

Conventional arms transfers are currently evaluated in two ways. Experts evaluate them in terms of the impact of specific numbers and types of weapons and technologies, and their impact on the military balance in specific arms races or conflicts. They judge the stabilizing or destabilizing impact of transfers by detailed analytic comparisons that are relevant to the strategic issues at hand.

Such comparisons, however, do require considerable expertise and a great deal of knowledge about specific arms races. They force the analyst and the policy maker to deal with complex issues. As a result, the second method of analysis is more popular—particularly within the arms control community. This form of analysis is to look at broad comparisons of the dollar value of arms transfers—usually by region.

This method ignores the nature and impact of the arms involved, and whether they do or do not help maintain the peace or serve U.S. strategic interests. In most cases, it is used in studies which explicitly or tacitly assume that the dollar value of arms sales can be directly compared, and that the larger the sale, the worse the arms transfer. As a result, a relatively arcane and superficial measure has become critical to many policy discussions and studies.

The problems involved are often compounded by taking the dollar data involved out of context. Comparisons are made by broad geographic region that have nothing to do with the specific arms races involved. Further, data are used for periods that may or may not reflect a meaningful period for comparison. Quite often, the data are chosen to deliberately exaggerate the shock value of the comparison, with little regard for its actual political and military impact.

We would be far better off if we set arms transfer policy in terms of net assessments of the key arms races involved, and in terms of the impact of the specific weapons and technologies that make up a given arms transfer or pattern of transfers. We have nothing to gain from methods of analysis that are inherently shallow and superficial. We have nothing to gain from broad dollar comparisons that provide no picture of the military balance, or regional comparisons that treat Israel in the same way they treat Iraq, or South Korea in the same way they treat North Korea.

If we are to use dollar comparisons, we must at a minimum have dollar comparisons that are timely and accurate. We must have at least some confidence that the dollar data we use are directly comparable, that they are timely, that we know the methodology and sources involved, and that we have some way to relate them to the volume of weapons and technology involved.

Unfortunately, we have no such material today. While we get occasional data directly from the intelligence community, virtually all of the unclassified data used in our discussions of policy, legislation, and arms control come from two sources: The Arms Control and Disarmament Agency [ACDA] and the Stockholm International Peace Research Institute [SIPRI]. The ACDA data are usually taken from an annual report called "World Military Expenditures and Transfers." The SIPRI data are presented in an annual yearbook.

Virtually every press report, academic article, arms control analysis, or speech on conventional arms transfers that looks at regional patterns and arms transfer issues uses these documents. As a result, I have recently asked Richard F. Grimmett of the Congressional Research Service and my staff to examine these documents and their accuracy and value.

I believe that Mr. Grimmett's analysis is of great value, and would ask my colleagues to give it close attention. There are broader issues involved, however, which I feel need urgent attention by the new Director of ACDA.

The SIPRI data are gathered by a small staff with no intelligence support and which are forced to use educated guesswork in making most of their estimates. There is no practical way that their work can be improved or made authoritative.

In contrast, the authors of ACDA's "World Military Expenditures and Arms Transfers" can draw on the full resources of the U.S. Government and intelligence community. As a result, ACDA is the only organization which is capable of providing the kind of arms transfer data that we need in the Congress, and that is needed by arms control analysts throughout the world.

Unfortunately, ACDA's present reporting effort has many major flaws:

The reporting needs to be timely and cover current trends. ACDA has not given timely production of the document the proper priority. Further, largely as a vestige of the security precautions needed during the cold war, the data lag 1 to 2 years behind current trends and have many important omissions. There is an urgent need to treat this document with the urgency it needs, and to reexamine the validity of the security barriers that now limit its timeliness and relevance.

Virtually all of the reporting and analysis focuses on the total dollar value of arms transfers. There is only one table that shows the patterns in actual weapons transfers, as distinguished from estimates of dollar value, and this table covers a 5-year period, lags 3 years behind the date of issue of the report, and receives no analysis or discussion in the overview section of the report.

The end result is to focus attention exclusively on dollar estimates—which grossly exaggerates the importance of U.S. arms sales. For example, if one looks at table III of the 1990 edition, the United States exported 18 percent of all arms to the developing world during 1985–89. If one looks at table V, the United States exported only 13 percent of all tanks, 7 percent of all field artillery, 8 percent of all armored personnel carriers, 5 percent of all surface-to-air missiles, no antiaircraft artillery, and 24 percent of all combat aircraft.

Improvements are needed in the analysis of actual weapons transfers. The limited data shown on weapons should be expanded to include the categories of weapons used by Richard F. Grimmett of the Congressional Research Service. Tables should be provided that show annual transfers over a 5-year period, and provide detailed transfer data on recipient countries—or at least selected recipient countries where transfers are having a major destabilizing effect: Iran, Iraq, Libya, North Korea, Syria, et cetera. We also should include such data in the overview analysis with suitable tables and graphs.

Analyses and tables should be provided which focus on local arms races, rather than simply on regions. With the exception of one report on the Iran-Iraq arms race, there has been no effort to come to grips with the pattern of weapons flows in key arms races like the Koreas, India-Pakistan, Arab-Israeli, Persian Gulf, et cetera. One side effect of this failure is that no report has ever called attention to the fact that U.S. arms sales have gone largely to defending of stable countries while foreign arms sales have dominated the buildup of aggressor or destabilizing states.

A comprehensive review is needed of the accuracy and comparability of the dollar cost data reported on the arms agreements and deliveries of United States, European countries, Communist countries, and emerging countries. Many experts feel that there are longstanding problems in estimating the comparable cost and overall cost of Communist country arms sales, and in ensuring that our estimates of U.S. arms transfers and agreements are directly comparable to those of other free market states.

There are strong indications that the current reporting system exaggerates the relative value of actual U.S. arms transfers, and includes a substantial amount of services for the United States that is not included for other countries. An interagency task group should be set up to examine this issue, and the results of its work should be included in next year's report. Each table should regularly be footnoted to warn the reader of problems in accuracy and comparability.

A more realistic definition is needed of the regions used for reporting. The end of the cold war and the breakup of the Warsaw Pact makes the current regional totals moot. We should divide Africa into North Africa and Subsaharan Africa to reflect basic regional realities. Some breakout is needed to show the difference between Northeast and Southeast Asia. The Near East fails to distinguish between the gulf and Arab-Israeli confrontation states plus Egypt, which is a much more reasonable set of categories for analysis. ACDA should distinguish between Russia and the other former Soviet republics. Europe should be restructured to report on NATO Europe, Central Europe, and a definition of Other Europe that places Yugoslavia and Albania in Central Europe.

The tables on seller countries needs to be expanded to cover two pages to include all of the world's major arms sellers by country. ACDA should consistently report the arms transfer activities of all major NATO European, Central European, Asian, and Latin American exporters by country. It is particularly important that seller nations like Germany, Italy, Poland, Czechoslovakia, North Korea, Brazil, et cetera, be reported upon.

Careful review is needed of the country data provided in the document: There are some trivial problems like the failure to report new countries like Djibouti, but more serious problems where gaps are left in estimates for key countries like Iran and Iraq—although such data are reported by the CRS—and trend lines reflect a consistency in dollar cost that does not reflect the pattern of actual weapons transfers, a common problem for many smaller developing countries.

Sections need to be added on proliferation: At present, no analysis is made of the expenditures of proliferating countries on missiles and weapons of mass destruction. There should be overview tables on the state of the biological, chemical, nuclear, and missile developments in proliferating countries, and which show main supplier countries.

I have already written the Director of ACDA to ask that these improvements be made, and the Director of the CBO to point out how oversimplified use of dollar cost data can affect a major analysis of conventional arms transfers. I hope that you will join me in urging such improvements in both the reporting provided by ACDA and in the overall quality of the analysis of conventional arms transfers.

We cannot hope to properly regulate and legislate such transfers unless we have improved data and analysis. We cannot have an informed public debate or resolve the tradeoffs between risk and improved security. This is one of the key emerging security issues of the post-cold-war era, and we must be far better prepared to deal with it than we are today.

Mr. President, I respectfully request that Mr. Grimmett's analysis and my letters to the Director of ACDA and the Director of the CBO be included in the RECORD at the end of my remarks.

The material follows:

NOVEMBER 11, 1992.

ROBERT D. REISCHAUER,
Director, Congressional Budget Office, Washington, DC.

DEAR MR. REISCHAUER: I have recently reviewed the CBO study entitled "Limiting Conventional Arms Exports to the Middle East". I believe that this is a useful study, but it also raises issues regarding data and methodology which I believe need further study.

A Methodology Which Fails to Address the Nature of Regional Arms Races and U.S. and Regional Strategic Interests:

The first, and most general, problem raised by the study is that it treats the Middle East as a region, and all buyers and suppliers as part of a common pool. No effort is made to examine the dynamics of the individual arms races shaping the region, although one figure (Figure 4) does at least hint at the fact that the Arab-Israel and Persian Gulf arms races are very different.

As a result, no analysis is made of the motives and actions of given suppliers. No analysis is made of who is driving the arms race, or of what mix of continued supply and arms control might stabilize a given arms race, or bring added stability to the Middle East. Radical states like Iran, Iraq, and Libya are lumped together with Israel, Egypt, and Saudi Arabia.

Further, no effort is made to analyze U.S. strategic interests in the region, or the extent to which arms sales do or do not contribute to those interests. No effort is made to examine the strategic or economic tradeoffs between a need for U.S. military presence, strengthening friendly states through arms transfers, and arms control.

The work done in Appendix B suggests some methodologies that could be used to deal with quantifying these issues, but I am disturbed at the lack of scope in the analysis as it currently stands. It fails to meet what I regard as a basic criteria for analysis: Examining all of the issues to be addressed, and examining whether the model used for analysis excludes so many variables that it severely limits the value of the results. A valid arms control analysis cannot axiomatically assume that U.S. or regional strategic needs can be met simply by examining options for region wide constraints on arms sales.

The Report Relies on Highly Uncertain Dollar Cost Data Whose Accuracy and Comparability Are Questionable:

Virtually all of the reporting and analysis focuses on the total dollar value of arms transfers. The only figures and tables that show the patterns in actual weapons transfers, as distinguished from estimates of dollar value, lump together all transfers from the major suppliers. (Summay Table 1, Table 1, and Table 4)

The end result is to focus attention exclusively on dollar estimates—which grossly exaggerates the importance of U.S. arms sales.

The way the CBO presents its figures makes this difficult to illustrate. However, if one looks at Table III of the 1990 edition of World Military Expenditures and Arms Transfers, the figures in that document show that the U.S. exported 18% of all arms to the developing world during 1985–1989. In contrast, if one looks at Table V, the U.S. exported only 13% of all tanks, 7% of all field artillery, 8% of all armored personnel carriers, 5% of all surface to air missiles, zero percent of all anti-aircraft artillery, and 24% of all combat aircraft.

If we are to understand the impact of U.S. arms transfers on the region, and the tradeoffs between arms transfers and arms control, we must look at weapons transfers and the impact of such transfers, on the individual arms races that drive the military balance in the region.

We need analysis of actual weapons transfers. These should include expanding the categories of weapons to include those used by Richard F. Grimmett of the Congressional Research Service, providing tables that show annual transfers over a five year period, and provide detailed transfer data on recipient countries—or at least selected recipient countries where transfers are having a major destabilizing effect: Iran, Iraq, Libya, North Korea, Syria, etc. We also should include such data in the overview analysis with suitable tables and graphs.

We also need analysis which focuses on local arms races, rather than simply on regions. No effort is made to come to grips with the pattern of weapons flows in key arms races like the Arab-Israeli, Persian Gulf, Morocco-Polisario, Sudanese arms race, etc. One side effort of this failure is that no attention is called to the fact that U.S. arms sales have gone largely to defending or stable countries while foreign arms sales have dominated the build-up of aggressor or destabilizing states.

While I am familiar with the argument that such analysis is difficult for security reasons, I know of no valid reason for this argument, and would point out that the U.S. intelligence community provides an annual scrub of the IISS Military Balance which provides far more detail on weapons transfers by number and type.

We need a comprehensive review of the accuracy and comparability of the dollar cost data reported on the arms agreements and deliveries of United States, European countries, Communist countries and emerging countries:

Anyone familiar with the problems in costing Soviet defense expenditure is aware that we have long had severe problems with estimating the comparable cost and overall cost of communist country arms sales, and in ensuring that our estimates of U.S. arms transfers and agreements are directly comparable to those of other free market states.

There are strong indications that the current reporting system exaggerates the relative value of actual U.S. arms transfers, and includes a substantial amount of services for the U.S. that are not included for other countries.

You touch upon the edges of this issue in Appendix A, but only to the extent you analyze the different definitions of data used by various sources, and broad questions about uncertainty. You do not examine whether there are statistically valid reasons that allow direct comparison between the data on U.S., other free market economies, and communist country sales. You do not attempt to examine the uncertainties involved. To me, explicit analysis of the uncertainty in the input data is a critical part of any complex analysis.

Improving Future Studies:

If I may summarize my reaction to the CBO study, I believe that it reflects an unconscious bias common to many studies of the arms transfer problem. It assumes that it is the sheer volume of arms transfers to a region that must be reduced, and does not examine the real world choices that must be faced by the new Administration and the U.S. Congress.

In an era of major defense cuts, we must find ways of making explicit trade-offs between general efforts at arms control, arms control efforts targeted against given countries (particularly destabilizing or radical states), using arms transfers to aid friendly or threatened countries, using arms transfers to aid U.S. deployments or create interoperable region forces, and funding U.S. power projection capabilities. Ignoring these realities is simply not an adequate basis for dealing with the realities we face in the Middle East or any other region.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

NOVEMBER 10, 1992.

Hon. RON LEHMAN,
Director, Arms Control and Disarmament Agency, Washington, DC.

DEAR RON: I am deeply concerned with the timeliness and content of World Military Expenditures and Arms Transfers. This document has become a key reference for many analysts of arms transfers and arms control options, but it has long standing weaknesses which severely, if not fatally, compromise its value and the value of any analysis based upon it.

To be specific, I believe that a clear plan is needed to make the following changes in the document:

Virtually all of the reporting and analysis focuses on the total dollar value of arms transfers. There is only one table that shows the patterns in actual weapons transfers, as distinguishes from estimates of dollar value, and this table covers a five year period, lags three years behind the date of issue of the report, and receives no analysis or discussion in the overview section of the report.

The end result is to focus attention exclusively on dollar estimates—which grossly exaggerates the importance of U.S. arms sales. For example, if one looks at Table III of the 1990 edition, the U.S. exported 18% of all arms to the developing world during 1985–1989. If one looks at Table V, the U.S. exported only 13% of all tanks, 7% of all field artillery, 8% of all armored personnel carriers, 5% of all surface to air missiles, no anti-aircraft artillery, and 24% of all combat aircraft.

We need major improvements in the analysis of actual weapons transfers. These should include expanding the categories of weapons to include those used by Richard F. Grimmett of the Congressional Research Service, providing tables that show annual transfers over a five year period, and provide detailed transfer data on recipient countries—or at least selected recipient countries where transfers are having a major destabilizing effect: Iran, Iraq, Libya, North Korea, Syria, etc. We also should include such data in the overview analysis with suitable tables and graphs.

While I am familiar with the argument that this is difficult for security reasons, I know of no valid reason for this argument, and would point out that the U.S. intelligence community provides an annual scrub of the IISS Military Balance which provides far more detail on weapons transfers by number and type.

We need analyses which focus on local arms races, rather than simply no regions. With the exception of one report on the Iran-Iraq arms race, there has been no effort to come to grips with the pattern of weapons flows in key arms races like the Koreas, India-Pakistan, Arab-Israeli, Persian Gulf, etc. One side effect of this failure is that no report has ever called attention to the fact that U.S. arms sales have gone largely to defending or stable countries while foreign arms sales have dominated the build-up of aggressor or destabilizing states.

We need a comprehensive review of the accuracy and comparability of the dollar cost data reported on the arms agreements and deliveries of U.S., European countries, communist countries and emerging countries. We have long had severe problems with estimating the comparable cost and overall cost of communist country arms sales, and in ensuring that our estimates of U.S. arms transfers and agreements are directly comparable to those of other free market states.

There are strong indications that the current reporting system exaggerates the relative value of actual U.S. arms transfers, and includes a substantial amount of services for the U.S. that is not included for other countries. An interagency task group should be set up to examine this issue, and the results of its work should be included in next year's report. Each table should regularly be footnoted to warn the reader of problems in accuracy and comparability.

We need to use a more realistic definition of the regions used for reporting. The end of the Cold War and the break up of the Warsaw Pact makes the current regional totals moot. We should divide Africa into North Africa and Subsaharan Africa to reflect basic regional realities. Some break out is needed to show the difference between Northeast and Southeast Asia. The Near East fails to distinguish between the Gulf and Arab-Israeli confrontation states plus Egypt, which is much more reasonable set of categories for analysis. We need to distinguish between Russia and the other former Soviet republics. Europe should be restructured to report on NATO Europe, Central Europe, and a definition of "Other Europe" that places Yugoslavia and Albania in Central Europe.

The list of seller countries shown in Table III and Table V needs to be expanded to cover two pages to include all of the world's major arms sellers by country. We should consistently report the arms transfer activities of all major NATO European, Central European, Asian and Latin American exporters by country. It is particularly important that seller nations like Germany, Italy, Poland, Czechoslovakia, North Korea, Brazil, etc. be reported upon.

Careful review is needed of the country data provided in the document: There are some trivial problems like the failure to report new countries like Djibouti, but more serious problems where gaps are left in estimates for key countries like Iran and Iraq—although such data are reported by the CRS—and trend lines reflect a consistency in dollar cost that does not reflect the pattern of actual weapons transfers (a common problem for many smaller developing countries).

Sections need to be added on proliferation: At present, no analysis is made of the expenditures of proliferating countries on missiles and weapons of mass destruction. There should be overview tables on the state of the biological, chemical, nuclear, and missile developments in proliferating countries, and which show main supplier countries.

I would be grateful for your detailed views on these suggestions, and on the steps being taken to improve this critical document.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 30, 1993.

To: Honorable John McCain.
Attention: Anthony H. Cordesman.
From: Richard F. Grimmett, Specialist in National Defense, Foreign Affairs and National Defense Division.
Subject: Considerations regarding use of arms sales data.

This memorandum responds to your request for a review of key considerations involved in using published data on conventional arms sales—in particular, the use of dollar cost data. To this end, we examined key published sources of data on the conventional arms trade.[1]

This examination revealed that many of these sources provided comparisons and analytical commentaries based on dollar cost data. While these dollar cost data can be useful in assessing broad, general trends in international arms sales, analyses based totally on such data exclude other information which could be quite useful in providing a context for the arms sales activity under discussion. Dollar data alone on arms sales will not, for example, provide clear indices of the level of technology involved in a weapon sale; they will not give details regarding the specific type and category of the weapon sold. Such information, if available, is likely to be of greater significance for analytical purposes than merely the total dollar value of the sale, because it is the weapon itself that confers military capability, not its price. At the same time, the actual dollar value data for an arms sale, if not detailed in nature, may obscure whether or not a sale includes only major weapons systems or also includes costly services and spare parts associated with the weapons. This information is also useful for determining the quantity of major systems sold in contrast to the level of support items. Whether or not the dollar values of arms sales are based primarily on press accounts or on official government sources can also lead to significant variations in data totals and, thus, conclusions reached regarding the nature of the international arms trade.

Bearing these key factors in mind, what follows is a review of and commentary on the arms sales data published by the Stockholm International Peace Research Institute (SIPRI), a non-governmental research organization, and arms sales data published by the U.S. Arms Control and Disarmament Agency (ACDA). Through this review we set out the various strengths and weaknesses of two representative data sources on arms sales. To further illustrate certain points raised by this examination of SIPRI and ACDA data, an analysis of U.S. arms sales data provided to Congress in unclassified formal notifications for calendar years 1991 and 1992 is also made.

SIPRI ARMS SALES DATA: BASIC ELEMENTS

SIPRI arms sales data, published annually in a systematic format, are based on open source information. SIPRI's coverage of nations buying and selling arms is global in nature. SIPRI limits its dollar based data to deliveries of specific categories of major conventional weapons systems. SIPRI does not generally include data on small arms, ammunition, military support items and services in its publications. In a separate weapons data set, SIPRI lists and describes specific weapons it concludes were actually transferred from one country to another. To the extent possible, these data include the quantity, type, specific model of weapons that were reportedly transferred.[2] SIPRI notes that such published information "cannot provide a comprehensive picture because the arms trade is not fully reported in the open literature," that only partial information is provided in published reports, and "substantial disagreement" is common among such reports. Thus, SIPRI must exercise judgment in compiling its arms data and make estimates where insufficient data exist. SIPRI estimates what it believes are the "average production costs of weapons" based upon publicly available cost data for weapons systems and uses those costs to establish the value of weapons delivered. SIPRI's dollar values in its data sets, therefore, are not "actual prices of weapons that have been paid in a particular deal."[3]

ACDA ARMS SALES DATA: BASIC ELEMENTS

The U.S. Arms Control and Disarmament Research Agency (ACDA), periodically publishes a volume titled World Military Expenditures and Arms Transfers (WMEAT).[4] It is global in its coverage. The dollar based arms sales data provided by ACDA report both imports and exports of conventional military equipment, "including weapons of war, parts thereof, ammunition, support equipment, and other commodities designed for military use." ACDA data for U.S. arms exports are for fiscal years not calendar years. ACDA data also include U.S. licensed commercial deliveries. ACDA excludes from its data United States arms sales figures for military services such as military construction, technical support and training, while including them for foreign arms suppliers. When the primary mission of dual use equipment is military, it is included in the totals. Data on countries other than the United States "are estimates by U.S. Government sources." United States arms sales data are provided for various sets of fiscal years and come from official United States data compiled routinely by the Departments of Defense and State.[5]

WMEAT provides a table listing the dollar value of arms imports and arms exports of most countries of the world for the most recent ten years covered by the volume. It provides a table giving the dollar values of agreements and deliveries of arms to regions of the world by selected supplying nations and supplier nation groupings during these same ten years. It also provides a table listing, for the most recent five-year period used in the volume, the dollar value of arms delivered to most countries in the world from the top six leading suppliers and six other regional supplier nation groupings—such as all Middle East suppliers as a group. ACDA, in addition, publishes another table providing the estimated number of arms actually delivered to specific regions, for the most recent five-year period used in the volume, by five leading arms suppliers and four other groupings of supplying countries. In this latter table, ACDA provides estimated totals of actual deliveries for 13 separate categories of major weapons systems.[6]

UTILITY AND LIMITATIONS OF SIPPRI AND ACDA ARMS SALES DATA

SIPRI and ACDA dollar based data on arms sales have both utility and limitations. SIPRI's figures are limited to the data it can obtain from open sources. As a non-governmental organization, SIPRI lacks the resources a government could provide to help verify the accuracy of the data it collects. By contrast, ACDA, as an agency of the United States Government, has access to government information resources that are notably more comprehensive than those data published in open source literature. Of course governments cannot guarantee that they will be able to verify all details of foreign arms sales, especially those of other governments that take great pains to keep them secret. Nevertheless, governments—given the resources they can bring to bear—are more capable of verifying information about the transfers of major weapons systems, and thus are in a better position to compile a more accurate data base on the cost and nature of arms transactions than are private research organizations.

However, if one seeks public information on specific foreign arms sales, indicating equipment type and numbers delivered by individual nations to other specific nations in a single year, SIPRI yearbooks are useful resources—subject to the methodological and source limitations noted above. In this regard, SIPRI data provide certain advantages over ACDA information. ACDA WMEAT volumes, for example, do not provide these data for any single year, or even for a number of years aggregated into one total. The WMEAT report provides the dollar value of arms delivered by a select list of suppliers and suppliers groupings to individual countries throughout the world during a five year period; and they provide delivery data on certain specific weapons systems categories to various regions of the world by selected suppliers and supplier groupings. But ACDA volumes do not provide detailed *annual* data on country to country arms transfers, either in terms of dollars or in terms of specific weapons systems.

---

[1] The key data sources on the worldwide conventional arms trade are yearbooks published by the Stockholm International Peace Research Institute (SIPRI), and periodic volumes produced by the U.S. Arms Control and Disarmament Agency (ACDA), titled *World Military Expenditures and Arms Transfers.* Varying types of data on the conventional weapons trade are published routinely in several defense trade periodicals, and from time to time in major newspapers and magazines.

[2] Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 1992: World Armaments and Disarmament,* London: Oxford University Press, 1992, p. 353–359. This volume contains arms transfer data for the years 1982–1991.

[3] Ibid.

[4] As of early 1993, the latest edition of this volume was *World Military Expenditures and Arms Transfers 1990.* U.S. Arms Control and Disarmament Agency, Washington, U.S. Gov't Printing Office, 1991. The volume generally provides data for the period 1979–1989.

[5] Ibid., p. 31–32.

[6] ACDA's WMEAT volume provides weapons delivery data on tanks, anti-air artillery, field artillery, armored personnel carriers, major surface combatants, other surface combatants, submarines, missile attack boats, supersonic and subsonic combat aircraft, other aircraft, helicopters, and surface-to-air missiles. Another yearly U.S. Government report gives unclassified *annual* dollar value estimates of arms sales *agreements* and arms *deliveries* to the *Third World* by major supplying nations and supplying nations groupings. It does not provide country to country transfer data. It does indicate, however, the top 10 purchasers of weapons in the Third World and the top 11 suppliers of weapons to the Third World, based on U.S. Government estimates of the dollar value of arms agreements and arms deliveries made in a given year or series of years. See Richard F. Grimmett. *Conventional Arms Transfers to the Third World, 1984–1991* CRS Report for Congress 92–577F, July 20, 1992. Congressional Research Service, Library of Congress.

A further limitation shared by each publication is that neither SIPRI nor ACDA provide a clear indication of how current their dollar based data may be. ACDA, in recent years, has released its report from one to two years later than the most recent data contained within it. SIPRI has been more punctual in releasing its annual volume covering the weapons trade, but is captive to the timeliness of the open source data it utilizes. Thus, one or both of these organizations may be publishing some data that—while collected and reported in a consistent manner—may not be up to date, thereby potentially overstating or understating the actual levels of arms sales.

DATA ON PROSPECTIVE MAJOR UNITED STATES ARMS SALES

Congress receives, through the statutory arms sales process, a formal notification of all prospective U.S. government-to-government, and commercially licensed arms sales whose estimated case values is $14 million or more—for sales of major defense equipment (MDE—or $50 million or more—for sales of defense articles or defense services. These data exclude U.S. covert transfers such as those reportedly made in the past to Afghan, Angolan and Nicaraguan resistance groups. These formal arms sales notifications to Congress provide key details on major arms sales in a systematic manner not matched by any other country in the world. Were every other arms selling country to publish comparable data on all their major arms sales, it would be possible to have a much more comprehensive view of the world's arms market and the precise role of every nation in it.

The data contained in the statutory notifications to Congress include the name of the purchasing country, the specific weapon or weapons purchased, including numbers purchased, model or type purchased, and the estimated case value of the proposed sale—indicating not only the total estimated dollar value of the proposed sale, but the estimated dollar value of major defense equipment (MDE) in the sale, as well as the estimated dollar value of other items in the sale, such as services, logistical support and training. These data provide perspective regarding the overall dollar values of United States arms sales, by making a clear distinction between the value of major defense equipment to be sold—such as tanks, aircraft and missiles—in contrast to the value of other support equipment, spare parts, and services to be sold.

CONTENT OF PROSPECTIVE MAJOR UNITED STATES ARMS SALES COMPARED

A review of the total estimated case values of major U.S. government-to-government arms sales proposals notified to Congress from January 1991 through mid-March 1993 shows that, during this period, the United States proposed to sell $49.5 billion in weapons, defense articles and defense services to the entire world. (See the appendix attached to this memorandum for a detailed summary of these notifications.)[7] Of this total, $26.6 billion (53.7 percent) constituted proposed sales of major defense equipment (MDE), while $22.9 billion (46.3 percent) constituted proposed sales of other defense articles, services and support. For the Near East region, during this same time period, the United States proposed to sell $26.36 billion in weapons, defense articles and defense services—or 53.2 percent of all proposed major arms sales by the U.S. to the world. Of the total for the Near East region, nearly $12.4 billion constituted major defense equipment (MDE) (about 47 percent), while $13.98 billion (53 percent) constituted defense articles, services and support.[8]

These dollar cost data on United States arms sales notifications demonstrate that total dollar values, if not provided in detail, will not show whether major weapons systems, as opposed to services or parts for weapons systems, are included in a given arms sale proposal. This is important to note, for using aggregated dollar values alone to characterize the nature of an arms sales proposal or a buyer/client relationship can be very misleading. The dollar values only give a broad overview of activity between arms suppliers and buyers. The dollar values can show general trends in seller/buyer relationships. One must look to other data, such as totals of major weapons systems actually delivered, the characteristics of such equipment—its level of technological sophistication and capabilities—and the absorptive capacity of the recipient nation, to gain insight into the military capabilities conferred by any given arms sale, or series of arms sales.

Sources such as SIPRI's yearbooks and ACDA's WMEAT volumes do provide estimates regarding deliveries of specific major weapons systems. Yet both sources have the same limitations in this data area as they do for their dollar based data—the limited utility of SIPRI's open sources, and the lack of annual supplier-to-buyer data in ACDA's WMEAT. SIPRI does provide its estimates of actual numbers, types and classes of major weapons systems transferred annually from one country to another, based on published sources. ACDA provides totals of major weapons categories delivered to regions of the world over a five-year period, without giving specific details regarding either the major weapons transferred or the particular recipients. ACDA's data, however, are based on United States Government sources, not merely open source literature.[9]

In summary, apart from the notifications on prospective United States foreign arms sales provided by law to the Congress, there is no systematic and comprehensive public source of detailed data on the international arms trade. The available public data have clear limitations regarding scope and/or degree of accuracy. Publicly available details on individual arms sales cases can vary widely, depending on which nations are involved in the transactions, and their individual approaches to release of arms sales information. The fact that information on arms sales is published in a reputable periodical or newspaper is no guarantee that that information is complete or accurate in its particulars. Furthermore, since many major arms selling nations do not systematically publish or comment on their arms sales activities—and in some cases make strong efforts to keep such data from public view—there is no guarantee that government data on the foreign arms trade can be complete and accurate in every case, despite efforts to make it so. Published arms sales data, then, should be used with caution, with due regard for its limitations whether it is dollar based or not, and whether it is non-governmental or governmental in nature.

APPENDIX—MAJOR U.S. ARMS SALES NOTIFIED TO CONGRESS IN CALENDAR YEARS 1991 AND 1992

[Pursuant to section 36(b) of the Arms Export Control Act]

Date submitted, transmittal number, and purchaser	Principal items	Total estimated case value
1991		
1/7/91, 91–12, CCNAA (Taiwan)	100 MK–46 torpedoes and support	$28 million ($24 m. MDE; $4 m. other).[1]
1/8/91, 91–13, Singapore	30 HARPOON missiles and support	$60 million ($48 m. MDE; $12 m. other).
2/28/91, 91–05, Egypt	46 F–16C/D aircraft; spare parts; bombs; missiles and support	$1.6 billion ($900 m. MDE; $700 m. other).
3/22/91, 91–15, Saudi Arabia	Military support services by U.S. Army	$158 million ($0 m. MDE; $158 m. other).
3/22/91, 91–16, Saudi Arabia	Logistical support costs for spare and repair parts for military equipment (Army)	$461 million ($0 m. MDE; $461 m. other).
3/22/91, 91–17, Saudi Arabia	Logistical support costs for spare parts for military equipment (Air Force)	$300 million ($0 m. MDE; $300 m. other).
3/22/91, 91–18, Israel	1 PATRIOT missile fire unit; 8 launchers and 64 PATRIOT missiles, spares and support	$150 million ($130 m. MDE; $20 m. other).
4/24/91, 91–20, Turkey	150 STINGER RMP missile systems; 319 STINGER RMP missiles, spares and support	$33 million ($27 m. MDE; $6 m. other).
4/25/91, 91–19, Turkey	100 AGM–88 HARM missiles, spares and support	$29 million ($22 m. MDE; $7 m. other).
6/6/91, 91–22, Greece	24 HARPOON missiles and support	$38 million ($35 m. MDE; $3 m. other).
6/11/91, 91–03, United Arab Emirates	20 AH–64 APACHE helicopters; 620 HELLFIRE missiles; spare parts and related equipment.	$682 million ($347 m. MDE; $335 m. other).
6/18/91, 91–24, NATO Consortium	950 SPARROW missiles (RIM–7M and RIM 7P configurations) and related equipment	$278 million ($256 m. MDE; $22 m. other).
6/18/91, 91–29, Australia	U.S. Government and contractor technical support relating to development, modificaition and flight testing of aircraft.	$90 million ($50 m. MDE; $40 m. other).
7/8/91, 91–30, Greece	200 nonstandard tank fire-control systems, space parts and support	$176 million ($0 m. MDE; $176 m. other).

---

[7] Data taken from official, unclassified, Department of Defense arms sales notifications to Congress submitted pursuant to section 36(b) of the Arms Export Control Act (AECA). It is important to note that statutory arms sales notifications to Congress are proposals to sell; they are not completed contracts between the United States Government and the foreign government for the purchase of the items specified at the price estimated. Once an arms sale proposal clears Congressional review under the AECA the President is then authorized to conclude the arms sale he has proposed. However, foreign governments are free to decline to make a purchase or to purchase fewer items. The fact that a formal notification of a proposed arms sales has been made to Congress does not mean that the specific arms sale will actually result, or that the estimated dollar value given in the notification will be the final contract price for the sale, if it is consummated.

[8] The Near East region includes all countries along the southern and eastern Mediterranean Sea from Morocco eastward to Syria, (including Jordan) and all nations on the Arabian Peninsula or bordering the Persian Gulf (including Iraq).

[9] For detailed estimates and descriptions of the weapons systems in the inventories of nearly every nation in the world, a standard, unclassified, annually revised source is *The Military Balance* prepared by the International Institute for Strategic Studies, in London, England. For *delivery* data of 14 major categories of weapons systems by major arms suppliers and supplier groupings to the *Third World* and its regions during recent four year periods see Richard F. Grimmett, *Conventional Arms Transfers to the Third World, 1984-1991*. CRS Report for Congress, 92-577F. July 20, 1992. Congressional Research Service, Library of Congress.

APPENDIX—MAJOR U.S. ARMS SALES NOTIFIED TO CONGRESS IN CALENDAR YEARS 1991 AND 1992—Continued

[Pursuant to section 36(b) of the Arms Export Control Act]

Date submitted, transmittal number, and purchaser	Principal items	Total estimated case value
7/8/91, 91–37, South Korea	Sale, co-assembly, and licensed production of 120 F–16C/D aircraft with spares, support and training.	$2.52 million ($1.76 b. MDE; $760 m. other).
7/10/91, 91–31, Saudi Arabia	2,300 High Mobility, Multi-Purpose Wheeled Vehicles (HMMWV) with support, spares and training.	$123 million ($114 m. MDE; $9 m. other).
7/10/91, 91–32, Saudi Arabia	Contractor support services for E–3A AWACS and KE–3 aerial tanker aircraft	$350 million ($0 m. MDE; $350 m. other).
7/15/91, 91–38, Spain	6 SH–60B ASW helicopters, with spares and support	$251 million ($176 m. MDE; $75 m. other).
7/15/91, 91–39, Italy	3 AV–8B HARRIER aircraft, spares and support	$177 million ($88 m. MDE; $89 m. other).
7/17/91, 91–27, Japan	One AEGIS combat system, including various seaborne weapons systems, spares and support.	$548 million ($299 m. MDE; $249 m. other).
7/17/91, 91–28, Japan	13 HARPOON missiles, spares and support	$30 million ($28 m. MDE; $2 m. other).
7/19/91, 91–33, Morocco	Limited refurbishment of 20 excess F–16 A/B aircraft, new engines, spares and support	$250 million ($105 m. MDE; $145 m. other).
7/19/91, 91–34, Oman	119 V–300 COMMANDO armored vehicles, with spares and support	$150 million ($0 m. MDE; $150 m. other).
7/19/91, 91–35, Egypt	Modification kits for 12 HAWK missile battery support systems, with spares and support	$146 million ($0 m. MDE; $146 m. other).
7/19/91, 91–36, Brazil	12 AAV7 Amphibious Assault Vehicles, with equipment, spares and support	$34 million ($29 m. MDE; $5 m. other).
7/23/91, 91–43, Turkey	80 F–16C/D aircraft, space engines, spare parts and support	$2.8 billion ($2.3 b. MDE; $500 m. other).
7/24/91, 91–40, CCNAA (Taiwan)	97 STANDARD missiles SM–1, spares and support	$55 million ($47 m. MDE; $8 m. other).
7/24/91, 91–41, Saudi Arabia	2000 MK–84 bombs; 2,100 CBU–87 cluster munitions; 770 A/M–7M SPARROW missiles, laser guided bomb components, spares and support.	$365 million ($264 m. MDE; $101 m. other).
7/29/91, 91–42, Greece	Logistical support services for reactivation and transfer by lease of 4 Guided Missile destroyers from the U.S. Navy.	$91 million ($0. m MDE; $91 m. other).
9/13/91, 91–47, CCNAA (Taiwan)	110 M60A3 tanks, and overhaul of the tanks, with spares and support	$119 million ($65 m. MDE; $54 m. other).
9/13/91, 91–48, Egypt	Communications equipment, facility construction, spare parts and support	$70 million ($0 m. MDE; $70 m. other).
9/17/91, 91–49, Kuwait	Engineering and other services to reconstruct and restore two military air bases	$350 million ($0 m. MDE; $350 m. other).
9/17/91, 91–50, South Korea	179 AIM–7M SPARROW missiles, with spares and support	$31 million ($27 m. MDE; $4 m. other).
9/17/91, 91–51, Thailand	18 F–16A/B aircraft with spares and support	$547 million ($491 m. MDE; $56 m. other).
9/17/91, 91–52, South Korea	Purchase of various aircraft spare parts	$86 million ($0 m. MDE; $86 m. other).
9/18/91, 91–53, Spain	150 STANDARD SM–1 missiles and support	$88 million ($68 m. MDE; $20 m. other).
9/18/91, 91–45, Greece	Rework and overhaul of 36 A–7/TA–7 excess aircraft, spares and support	$120 million ($0 m. MDE; $120 m. other).
9/18/91, 91–46, Turkey	Purchase of spare parts for various aircraft and support	$70 million ($0 m. MDE; $70 m. other).
10/28/91, 92–02, Japan	24 STANDARD missiles, spares and support	$20 million ($17 m. MDE; $3 m. other).
10/30/91, 92–07, Germany	175 AIM–120 AMRAAM missiles, spares and support	$81 million ($72 m. MDE; $9 m. other).
10/31/91, 92–03, Japan	2 Ocean Surveillance Information Systems (OSIS) with spares and support	$40 million ($19 m. MDE; $21 m. other).
10/31/91, 92–05, Greece	Various naval weapons systems, including 16 HARPOON missiles; 64 STANDARD missiles; 56 MK 46 MOD5 torpedoes, spares and support.	$100 million ($72 m. MDE; $28 m. other).
10/31/91, 92–06, Greece	20 AH–64 APACHE helicopters, 446 HELLFIRE missiles, various spares and support	$505 million ($351 m. MDE; $154 m. other).
11/8//91, 92–04, Japan	Naval shipboard combat systems with spares and support	$56 million ($27 m. MDE; $29 m. other).
11/14/91, 92–11, Turkey	350 MAVERICK missiles, spares and support	$60 million ($45 m. MDE; $15 m. other).
11/14/91, 92–09, Italy	74 AGM–88 high-speed, anti-radiation missiles (HARM), and support	$20 million ($18 m. MDE; $2 m. other).
11/18/91, 92–08, CCNAA (Taiwan)	Modification kits for 20 HAWK missile battery ground support systems, spares and support.	$170 million ($0 m. MDE; $170 m. other).
11/18/91, 92–10, Belgium	240 AIM–9M SIDEWINDER missiles and support	$23 million ($21 m. MOE; $2 m. other).
1992		
12/5/91, 92–12, Saudi Arabia	12 PATRIOT fire units, 1 training fire unit, 1 maintenance fire unit; 758 PATRIOT missiles, associated equipment, spares and support.	$3.3 billion ($1.7 b. MDE; $1.6 b. other).
1/24/92, 92–13, Thailand	3 E–2C aircraft, with spares and support	$382 million ($240 m. MDE; $142 m. other).
3/10/92, 92–15, Spain	1 TAV–8B aircraft, spares and support	$25 million ($23 m. MDE; $2 m. other).
3/10/92, 92–16, Turkey	5 AN/TPQ–36 Firefinder counter-mortar radar sets, related equipment and support	$28 million ($24 m. MDE; $4 m. other).
3/10/92, 92–17, Germany	9 D–500 aircraft, 1 ground station, spares and support	$795 million ($0 m. MDE; $795 m. other).
3/31/92, 92–18, Kuwait	6 PATRIOT fire units, 1 training fire unit, 1 maintenance fire unit; 450 PATRIOT missiles, and equipment; 6 HAWK batteries with 342 HAWK missiles; equipment and support.	$2.5 billion ($1.0 b. MDE; $1.5 b. other).
4/6/92, 92–19, Egypt	695 TOW 2A anti-armor missiles, 152 launchers; support equipment and spares	$28 million ($20 m. MDE; $8 m. other).
5/6/92, 92–21, Spain	Logistics support for M60A3 tanks	$77 million ($0 m. MDE; $77 m. other).
5/27/92, 92–22, CCNAA (Taiwan)	Weapons and ammunition for PHALANX CIWS; 48 anti-submarine rockets (ASROC), various support equipment and services.	$212 million ($34 m. MDE; $178 m. other).
5/27/92, 92–23, South Korea	28 HARPOON missiles, with spares and support	$58 million ($47 m. MDE; $11 m. other).
5/27/92, 92–24, CCNAA (Taiwan)	Various spare parts for fighter and cargo aircraft, radars and a navigation system	$107 million ($0 m. MDE; $107 m. other).
6/1/92, 92–25, Saudi Arabia	Logistics support and technical services for Saudi Army Ordnance Corps	$400 million ($0 m. MDE; $400 m. other).
6/1/92, 92–26, Saudi Arabia	Contractor maintenance, training and support services for F–5 aircraft	$157 million ($0 m. MDE; $157 m. other).
6/1/92, 92–27, Saudi Arabia	8 UH–60 MEDVAC helicopters, spare engines, spare parts, technical and logistic support.	$223 million ($85 m. MDE; $138 m. other).
6/1/92, 92–28, Saudi Arabia	Contractor maintenance and training technical services in support of F–15 aircraft	$495 million ($0 m. MDE; $495 m. other).
6/1/92, 92–29, Saudi Arabia	362 HELLFIRE Missiles; 3,500 HYDRA–70 rockets; 40 HMMWV vehicles; various spare parts, support and services for APACHE helicopters.	$606 million ($22 m. MDE; $584 m. other).
6/8/92, 92–30, Singapore	11 F–16A/B aircraft; retrofit of 7 F–16A/B aircraft with APG–66 radars; 7 spare engines; 30 Sidewinder and 6 Maverick training missiles; various spares and support services.	$657 million ($381 m. MDE; $276 m. other).
7/23/92, 92–31, South Korea	37 AH–64 APACHE attack helicopters; 775 HELLFIRE missiles; eight spare engines; various other related items, spares and support services.	$997 million ($677 m. MDE; $320 m. other).
8/4/92, 92–33, CCNAA (Taiwan)	207 STANDARD missiles SM–1; spares, support and service	$126 million ($106 m. MDE; $20 m. other).
8/12/92, 92–32, Netherlands	Conversion of 2 commercial DC–10 aircraft to KDC–10 tanker/cargo configured aircraft, with various systems modifications, spare parts and support.	$280 million ($0 m. MDE; $280 m. other).
9/8/92, 92–25, Japan	50 STANDARD missiles, spares, support and service	$37 million ($34 m. MDE; $3 m. other).
9/8/92, 92–36, Japan	14 HARPOON missiles, including spares and logistics support	$35 million ($32 m. MDE; $3 m. other).
9/10/92, 92–37, Japan	Naval shipboard combat systems, including 1 PHALANX CIWS; 1 Vertical Launching System (VLS); 1 Guided Missile Vertical Launching System (GLS), and related equipment, spares, technical and logistical support services.	$66 million ($32 m. MDE; $34 m. other).
9/10/92, 92–38, Italy	446 AGM–88 High Speed Anti-radiation Missiles (HARM), with support, technical and logistics services and support.	$145 million ($125 m. MDE; $20 m. other).
9/10/92, 92–44, Austria	62 STINGER RMP missile systems; 406 STINGER RMP reload missiles; together with training equipment, spares, logistics services and support.	$39 million ($126 m. MDE; $13 m. other).
9/14/92, 92–40, CCNAA (Taiwan)	150 new production F–16A/B fighter aircraft; 40 spare aircraft engines/modules; 900 SIDEWINDER air-to-air missiles and 600 SPARROW air-to-air missiles,; 500,000 rounds of 20mm cartridges, spares, technical, logistical and support services.	$5.8 million ($4.5 b. MDE; $1.3 b. other).
9/14/92, 92–42, Saudi Arabia	72 F–15XP aircraft; 24 aircraft spare engines/modules; 48 sets of navigation and targeting pods; 9.0 AGM–65D/G MAVERICK missiles; 600 CBU–87 bombs; 700 GBU–10/12 bombs; spares and support equipment, technical and logistics services.	$9 billion ($6 b. MDE; $3 b. other).
9/17/92, 92–39, Korea	Spare parts for support of F–4, F–5, T–37, C–130 and F–16 aircraft; AN/FPS–117 radar; and the AN/FRN–45 TACAN navigation system.	$95 million ($0 m. MDE; $95 m. other).
9/17/92, 92–41, Greece	40 F–16C/D aircraft; 10 spare aircraft engines/modules; 40 sets of LANTIRN Pathfinder/Sharpshooter equipment, spares, technical, support and logistical services.	$1.8 billion ($1.4 b. MDE; $400 m. other).
9/17/92, 92–43, Turkey	200 AIM–9M SIDEWINDER air-to-air missiles, and related logistics support	$23 million ($19 m. MDE; $4 m. other).
9/18/92, 92–45, CCNAA (Taiwan)	12 SH–2F LAMPS MK I ASW helicopters, including overhaul of helicopters and engines; 12 spare engines, and logistics and technical support and services.	$161 million ($23 m. MDE; $138 m. other).
9/21/92, 92–46, Turkey	20 AIM–120 Advanced Medium-Range Air-to-Air Missiles (AMRAAM), technical services, support equipment and logistics support.	$17 million ($15 m. MDE; $2 m. other).
10/26/92, 93–01, Denmark	63 F–16A/B aircraft Mid-Life Update (MLU) modification kits; installation; support equipment; training and technical assistance and logistical support.	$300 million ($0 m. MDE; $300 m. other).
10/26/92, 93–02, Norway	56 F–16A/B aircraft Mid-Life Update (MLU) modification kits; installation; support equipment; training and technical assistance and logistical support.	$275 million ($0 m. MDE; $275 m. other).
10/26/92, 93–03, Netherlands	170 F–16A/B aircraft Mid-Life Update (MLU) modification kits; installation; support equipment; training and technical assistance and logistical support.	$775 million ($0 m. MDE; $775 m. other).
10/26/92, 93–04, Belgium	Up to 110 F–16A/B aircraft Mid-Life Update (MLU) modification, kits; installation; support equipment; training and technical assistance and logistical support.	$500 million ($0 m. MDE; $500 m. other).

APPENDIX—MAJOR U.S. ARMS SALES NOTIFIED TO CONGRESS IN CALENDAR YEARS 1991 AND 1992—Continued

[Pursuant to section 36(b) of the Arms Export Control Act]

Date submitted, transmittal number, and purchaser	Principal items	Total estimated case value
1993		
1/5/93, 93–05, Kuwait	Armored and infantry battalion combat equipment, combat support equipment and combat services support equipment to include 256 M1A2 ABRAMS tanks; 46 M88 recovery vehicles; 52 M577 combat post carriers; 30 M1064 mortar carriers; 1,178 machine guns; 967 SINCGARS radio systems; 132 M998 troop/cargo carriers; 460 tactical and commercial heavy equipment transporters, trucks and trailers; 130,000 rounds of 120mm tank ammunition, together with technical and logistic support, spares, and training.	$4.5 billion ($1.7 b. MDE; $2.8 b. other).

[1] Major Defense Equipment as defined by Section 47(C) of the Arms Export Control Act.•

THE CALIFORNIA WELLNESS FOUNDATION

• Mr. SIMON. Mr. President, the California Wellness Foundation [TCWF] is an independent, private foundation created to improve the health of the people of California. It was funded in February 1992 by a substantial endowment from Health Net, California's second largest health maintenance organization. Through proactive development, implementation, and evaluation of health promotion and disease prevention programs, the foundation is taking a leadership role in developing strategies and public policies necessary to enable individuals and communities to adopt healthy lifestyles.

Its mission is to:

Improve the quality and accessibility of health promotion and disease prevention programs and services for a culturally diverse cross-section of California's children, youth, and families;

Encourage the integration of health promotion and disease prevention activities into the delivery of health and human services;

Increase the availability of work-related health promotion opportunities for California workers and their families; and

Facilitate the development of public policies that support health promotion and disease prevention.

The California Wellness Foundation pursues its mission primarily through independent and collaborative grantmaking activities. The foundation collaborates within partnerships with other foundations, government agencies, the media and other businesses, and community groups to ensure that change is appropriate and meaningful.

TCWF supports programs in both the private and public sectors that:

Demonstrate preventive impact on people's health status;

Foster healthful lifestyles, behaviors, and values; and

Address systemic problems that pose barriers to health promotion.

In August 1992 a national advisory committee composed of experts on the issue of violence prevention and members of communities affected by violence met to strategize as to how best address the issue of violence. It was decided to view violence from a public health perspective and to support strategies and methods that focus on preventive initiatives to reduce violence. Under the umbrella of the Pacific Center for Violence Prevention, four interactive components have been developed—a leadership program, community action program, policy program, and a research program.

The criminal justice approach of arrest, trials, and incarceration is not only costly but addresses violence after the fact. The TCFW is looking to the root causes of violence and to empowering those individuals and organizations that can and will make a difference in their communities.

In 1991, almost 25,000 victims died at the hands of others. Homicide is the Nation's 12th leading cause of death and the 6th leading cause of premature mortality. Two to 4 million women manually are battered by a domestic partner; more than 650,000 are raped; 1.5 million children and 1.1 million elderly are abused.

Initially, the Foundation will allocate $24 million over 5 years to develop and evaluate a comprehensive multifaceted approach to reducing youth violence throughout the State.

Since young people are disproportionately represented as both perpetrators and as victims of violence, the foundation's initiative will concentrate on youth age 24 and younger. The easy availability of firearms contributes to the increasing lethality of youth violence. A nationwide survey found that one student in 25 carried a gun in 1990.

Homicide is now the second leading cause of death in the United States among youth 15–24 years old.

Those between the ages of 12 and 24 face the highest risk of nonfatal violence of any segment of society.

Nearly 50 percent of the estimated 4.2 million nonfatal crimes of violence in the nation in 1989 were committed by offenders between age 12 and 24.

For more than a decade, homicide has been the leading cause of death among both male and female African Americans in the 15–24 age group.

TCFW will fund a number of community based projects that include ministers, former gang members, mentors, and potential leaders. Academic fellowships in violence prevention and media and public policy campaigns will also be funded to study the problem and assist in formulating policy development and monitoring the effectiveness of TCFW grants. A coalition which will include the philanthropic community, government agencies, the criminal justice system, educational institutions, the entertainment industry, and mental health and public health professionals will look at the long-term health and economic benefits of health promotion programming to reduce violence.

The lifetime cost of firearm injuries along totaled $20.4 billion in 1990. The cost in terms of the well-being of people is measured by the chronic anxiety and fear of individuals and communities and widespread feeling and insecurity.

The California Wellness Foundation's commitment to violence prevention, to stop the spread of violence, and to improve the overall well-being and quality of life for all citizens is to be emulated. The public health approach to viewing violence as a problem that continues to plague on our communities is one that should be given our vigorous support. I applaud the foundation's leadership and look forward to working with them in the coming years.•

HONORING LEON S. COHAN

• Mr. RIEGLE. Mr. President, on May 31, 1993, Leon S. Cohan of Michigan, a friend to both public service and private industry, a passionate and compassionate citizen, retires after 20 years of service at the Detroit Edison Co.

On behalf of Senator LEVIN and myself, the citizens of Michigan and others who have benefited from his generosity, I am pleased to pay tribute to, and to honor, Leon Cohan.

He is a man of many facets:

Appointed in 1961 as deputy attorney general for the State of Michigan, he has served in that position longer than anyone in the State's history;

He has been the general counsel and trusted advisor to three chief executive officers at Detroit Edison—and the founder and guiding force behind his company's government relations organization;

He is known for his commitment to ethics in our governmental institutions and their leaders;

He is known as a passionate advocate for racial and religious harmony and respect for all people;

He is known, perhaps, as the State's key spokesman for the arts for the enrichment they bring to the human spirit and for the benefits they bring to the State's economy; and he is known for his commitment to cancer research to treat and end this horrible disease.

He has also been honored many times for the causes to which he has been committed.

For finding commonality in human differences—as a member of the Race Relations Council of Metropolitan Detroit and three-term president of the Jewish Community Center of Metropolitan Detroit—he has earned:

The NAACP-Detroit branch's Judge Ira W. Jayne Award, given annually to a person outside the black community who has given outstanding service that builds and benefits all segments of the Detroit community;

The Israel Histradrut Menorah Award for leadership and achievements;

The Fellowship Award of the American Arabic and Jewish Friends of Metropolitan Detroit;

The Knights of Charity Award from the Pontifical Institute for Foreign Missions;

The Judge Learned Hand Award, from the Institute of Human Relations of the American Jewish Committee, for outstanding service that has benefited the community; and

Election to the International Heritage Hall of Fame by the Friends of the International institute of Metropolitan Detroit.

In support of the arts he has served as:

Chairman of the Michigan Council for the Arts;

A member of the Arts Commission of the City of Detroit, which is the governing body of the Detroit Institute of Arts;

Director of the University of Michigan Musical Society;

Director of the Concerned Citizens for the Arts in Michigan; and

Most recently, founder and president of the arts action alliance.

In recognition of his outstanding contributions to the arts, he has received the Governor's Arts Award for Civil Leadership in the Arts.

For his commitment to ethics in government, Leon received a gubernatorial appointment to the State Board of Ethics in 1973 and served with distinction on that board for nearly 20 years, the last 5 years as chairman.

In fighting cancer, he served three terms as chairman of the board of trustees of the Michigan Cancer Foundation and was honored by the Foundation with lifetime membership on its board.

In addition, Leon has received the Distinguished Alumni Award from the Wayne State University Law School and the Distinguished Service Award of the Wayne State University Board of Governors.

Earlier this month he was named a Michiganian of the Year by the Detroit News.

In his work at Detroit Edison, Leon's influence was always evident in the honesty, candor, and integrity of his testimony provided in response to our need for information.

Indeed, he has been a friend and mentor to scores of men and women in government service and in industry—and many of those whose lives he has touched are now extending his philosophies and teachings in their leadership roles throughout our Nation.

As a member of this legislative body, I am honored to add this tribute to Leon's many achievements.

As a friend, I would like to thank Leon Cohan, for his passion, his humanity, and his dedication to others which have served us all so well.

I ask that a letter from Senator LEVIN be included in the RECORD at the conclusion of my remarks.

The letter follows:

U.S. SENATE,
Washington, DC, April 20, 1993.

Mr. LEON COHAN,
Detroit Edison,
Detroit, MI.

DEAR LEON: I am truly sorry I cannot join you on May 3rd as you are honored upon your retirement from Detroit Edison.

There are few people I know who have devoted more energy to their community than you. We go back to the time when you were Frank Kelley's chief assistant and I was on Frank's staff. Your intellectual honesty and judgment and community involvement have manifested themselves in innumerable ways in the three decades since.

I know you will continue your involvement in our community as you leave Edison and take on a new challenge.

You and Heidi have also been good personal friends to Barb and me. We both send our very best to you and to all of those who are serenading you on the 3rd.

Sincerely,

CARL LEVIN.•

RECOGNITION OF ALLEN F. STEINBOCK, KENTUCKY SMALL BUSINESS PERSON OF THE YEAR

• Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Allen F. Steinbock of Louisville, KY, who has been named Kentucky Small Business Person of the Year by the U.S. Small Business Administration. He will be honored in Washington, along with other individuals who have been recognized from across the Nation, during Small Business Week, May 9 through May 15, 1993.

Allen F. Steinbock is president of Whip Mix Corp., a dental equipment and supply company in Louisville, KY. Founded by Allen Steinbock's grandfather in 1919, Whip Mix was the first company to manufacture and market the first complete dental inlay casting unit. Allen took over management of the company 7 years ago and has continued his grandfather's tradition of innovation. Today, Whip Mix is known internationally. Under Allen's astute leadership, the company has shown steady growth and opened many new markets in a field that is showing little growth. The firm has added 40 employees for a total of 180, while sales increased 37 percent, from $9.2 million to $12.6 million.

One of the more remarkable aspects of the Whip Mix success story begins in the 1950s when the firm began to expand globally. Improved preventative dental care and fluoridation significantly impacted the dental field at this time and Whip Mix immediately saw the advantage of exporting these new innovations. An aggressive export strategy paid off and today nearly half of all Whip Mix shipments go to customers in more than 80 countries.

Through his personal devotion to product research, Allen has earned election to both the Academy of Dental Materials and the Academy of Operative Dentistry. He has also pioneered innovations in porcelain veneer, unit dose packaging, and breakthrough products and devices. Allen's innovations in management and team-building developed a clear mission and value statement that helped align and motivate the company. Whip Mix employees carry copies in their pockets.

Allen Steinbock has also demonstrated strong leadership for the business community and a commitment to the economic growth of Louisville, KY. His dedication clearly transcended his interest in the development of his own business. Allen and his employees are deeply involved in the community, supporting scouting, numerous charities, local ballet and theater, and educational and professional organizations. They sponsor a home for abused children, a camp for disadvantaged children, and many educational projects. And Allen even finds the time in his busy schedule to serve as a cook at a local shelter once a week.

Mr. President, Allen Steinbock's leadership, dedication, integrity, and innovation have made him a role model for small business persons across my State. In being named Kentucky Small Business Person of the Year, I believe he now can be recognized as a fine example for aspiring young entrepreneurs nationwide.

Although it has been said many times, it is still quite true that small business is the backbone of our economy. With the continued efforts of individuals like Allen Steinbock, this will continue to be the case for some time into the future.

As we continue Small Business Week, I rise to recognize and congratulate Allen Steinbock and the other State Small Business Persons of the Year for their distinguished achievements.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 66, Fernando M. Torres-Gil, to be Commissioner on Aging.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Fernando M. Torres-Gil, of California, to be Commissioner on Aging.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MEASURE INDEFINITELY POSTPONED—S. 766

Mr. GLENN. Mr. President, I ask unanimous consent that Calendar No. 55, S. 766, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the quorum call be rescinded.

Mr. GLENN. Reserving the right to object, Mr. President, it will be fine so long as at the end of the Senator's statement that we return to the quorum call, and that it be agreed that no attempt be made to go back to the Nickles amendment that we were discussing earlier.

Mr. NICKLES. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oklahoma.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I would like to discuss the amendment without really going on to the amendment, and I am assuming under the unanimous-consent that this is not charged to the amendment, we are not on the amendment, we are on the underlying bill. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. As I understand it, time is not being charged on the amendment, we are on general time on the bill itself.

The PRESIDING OFFICER. The Senator is correct.

Mr. NICKLES. I thank my colleague from Ohio. I appreciate his leadership and cooperation on this legislation.

Mr. President, Senator BYRD mentioned several strong objections to the point-of-order rule that is in this legislation. I will just make a couple of general comments.

It is not this Senator's intention to set up a rules change, it is not this Senator's intention to get bogged down in a lengthy debate on rules change. It is my intention to try to find if legislation and/or Executive rulings or administrative acts have very significant negative impact on the economy. I think we should know that.

So I contacted a couple of other cosponsors on this legislation and indicated a willingness to drop the rules section. This is on page 5 of our amendment where we would drop the point of order that, if the GAO report is not done, that a point of order would lie against the bill. We will drop the rule change. We will drop it entirely. We will state that the economic and employment impact statement will be required, accompanying each bill or conference report, and we will stop this.

In other words, hopefully it will be done. This Senator is going to have a very strong intention to make sure it is done on very significant legislation. But there will not be a point of order lying against the bill if it is not done. I think that would alleviate many of the concerns raised by the Senator from West Virginia. I respect his concerns.

It is certainly not this Senator's intention to delay all 15 appropriations bills throughout the year on this. As a matter of fact, the appropriations bills were not in this Senator's intention. If you look at rule XXVI, appropriations bills were exempted from rule XXVI.

What I am saying is, I offer to the Senator from West Virginia to exempt appropriations. I will go further than that. We will not make a rules change. We will not make a rules change by statute. It has been done before. As a matter of fact, I told my friend and colleague from West Virginia we made a rule change in the statute when we passed the so-called Byrd rule in 1985. I think that was an excellent change. It was one that needed to be made. That was a reconciliation package so we could not have a lot of extraneous measures on reconciliation package.

I have to remember we are talking to the American people, not just colleagues. People do not understand that lingo. What it means is, you cannot offer an entirely different, totally extraneous piece of legislation on a reconciliation package, that you have very limited rules and limited debate. I think Senator BYRD was right in passing that. I compliment him for doing so.

So my statement that I am making is that I appreciate and respect the concerns that were raised by my colleague from West Virginia. It is not my intention to hold up legislation on the floor of the Senate. It is my intention to try to find out on major pieces of legislation what the economic impact and employment impact is on that legislation, and hopefully before we vote on it, hopefully before it becomes law.

Likewise, the same thing before final rules come down from the administration, from a multitude of regulatory agencies.

I hope, too, that my colleagues would realize this is not a partisan attempt. I have tried to pass this legislation for the last 2 or 3 years. We have gained more and more support. Actually, I think we have a majority vote both in the House and the Senate for this concept. So I hope that we will be successful.

I, frankly, think that regulations grew far too much and far too expensive under the previous administrations, probably, in President Reagan's administration, but certainly in President Bush's administration.

The cost of regulation—I had the charts up here—exceed now $4,000 per household. That is a bill that is being put on the people. That is a bill that people have to pay. It shows up in utilities, it shows up in your water bill, gas bill, it shows up in the price of gasoline, it shows up in the price of cars, it shows up in the price of insulation, it shows up in everything.

Many of those regulations are probably well worthwhile, many are not. My point is that if we have regulations that cost thousands of jobs, we ought to know about it. We ought to have that in our decisionmaking mode before we make final decisions.

So my point is, I will drop the point-of-order section in the bill. That is not critical to my intent. My intent is to find out how much some of these pieces of legislation cost. And not on every piece of legislation, but only legislation that has economic impact of over

$100 million. So we are not talking about trivial pieces of legislation. We are talking about significant major pieces of legislation.

We also say if it has an impact of over 10,000 jobs. All of us, I know, Democrats and Republicans, are interested in job creation. We should also be interested if we are passing legislation that will have negative job creation. If it is an unemployment bill, if we are going to be passing legislation that is going to put thousands, or more than 10,000 people, out of work, we ought to know that.

So that is the purpose of legislation. Again it is not to get bogged down into procedural points of order. That is not my intention. We will delete that controversial section and hopefully delete the opposition to this amendment and pass it. Because again I think this amendment could be one of the more positive things we can do toward jobs creation, toward putting a balance or common sense in regulatory costs.

If you ask—I know all of us are having health care meetings—ask the doctors, ask the hospitals, ask the administrators how much administrative costs are in the overall medical field, I think you would be astounded at the answers.

They spend such an enormous amount of time now just trying to comply with well-meaning regulations. I mentioned the Clinical Laboratory Improvement Act that passed a few years ago. The cost of compliance with that act alone was very significant. It would have put a lot of hospitals in Oklahoma out of business. It did not mean to; that was not the intention of the authors, and I know it was not. Yet, that was the impact.

Actually, we passed legislation on appropriations bills to postpone those regulations to make a little more sense on it; and we did. We should not have to do that. We should have some impact or idea of the impact of some of the rules and regulations coming down from the various regulatory agencies before they happen; and, likewise, we should have some indication of the economic impact and the amount of jobs which will be impacted before we pass legislation.

That is the purpose of this amendment, not to make rule changes, not to subvert the rules of the Senate. That is not my intention nor that of the Senator from Nevada. I consulted him, and we are willing to drop the point of order section dealing with the House and Senate. We are also willing to change that the statement has to accompany legislation before it can be put up. A point of order will not lie as a result of this legislation.

I hope my colleagues will review this and either cosponsor or vote for it. I hope that we will have a resounding vote that the House will concur in and that we will have a better attainment of the overall cost of the regulations and maybe be able to slow down the cost of regulation in both the legislation and in executive action as a result of this amendment. Madam President, I yield the floor.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

Mr. GLENN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Thursday, April 29; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11:45 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized to speak in the order listed, if present, for up to 10 minutes each: Senators LEAHY, CONRAD, AKAKA, GRASSLEY, PRESSLER, GRAMM, and BOXER; that at 11:45 a.m., the Senate resume consideration of S. 171, the Department of Environment Act, with the Nickles amendment No. 329 as the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. GLENN. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:14 p.m., recessed until Thursday, April 29, 1993, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 28, 1993:

DEPARTMENT OF STATE

KARL FREDERICK INDERFURTH, OF NORTH CAROLINA, TO BE THE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

SMALL BUSINESS ADMINISTRATION

ERSKINE B. BOWLES, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE PATRICIA F. SAIKI, RESIGNED.

DEPARTMENT OF TRANSPORTATION

MICHAEL P. HUERTA, OF CALIFORNIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE ROBERT E. MARTINEZ, RESIGNED.

RODNEY E. SLATER, OF ARKANSAS, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE THOMAS D. LARSON, RESIGNED.

DEPARTMENT OF THE TREASURY

GEORGE J. WEISE, OF VIRGINIA, TO BE COMMISSIONER OF CUSTOMS. (NEW POSITION)

CONFIRMATION

Executive nomination confirmed by the Senate April 28, 1993:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FERNANDO M. TORRES-GIL, OF CALIFORNIA, TO BE COMMISSIONER ON AGING.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUEST TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, April 28, 1993*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from whom the gifts of faith and hope and love are received, we pray that we will accept these gifts with a spirit of thanksgiving and grace. We admit that we have not been the people we ought to be or have done those good things that serve people in their needs, but we humbly ask the courage to speak for that which is right and faithful in our commitment in the ways of truth. May Your blessings, O God, that are new every morning be with us and with every person, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. FROST. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 149, not voting 29, as follows:

[Roll No. 143]

YEAS—253

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Bateman
Becerra
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Cardin
Carr
Chapman
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
Deal
DeFazio
DeLauro
Dellums
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Filner
Fingerhut
Fish
Flake
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoke
Holden
Houghton
Hoyer
Hughes
Hutto
Hyde
Inglis
Inslee
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Santorum
Sarpalius
Sawyer
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (MI)
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Wheat
Woolsey
Wyden
Wynn
Yates

NAYS—149

Allard
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Castle
Clay
Coble
Collins (GA)
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Foglietta
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Hancock
Hansen
Hastert
Hefley
Herger
Hobson
Hoekstra
Horn
Huffington
Hutchinson
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCrery
McDade
McHugh
McKeon
Meyers
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murphy
Nussle
Oxley
Packard
Paxon
Petri
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Taylor (NC)
Thomas (CA)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Barton
Berman
Brooks
Brown (CA)
Calvert
Clement
Cox
de la Garza
Emerson
Fields (LA)
Fields (TX)
Henry
Hunter
Jefferson
Lazio
McCollum
McMillan
Nadler
Pombo
Quillen
Schenk
Thomas (WY)
Torres
Tucker
Washington
Whitten
Williams
Wilson
Wise

☐ 1425

Mr. PETE GEREN of Texas changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mrs. KENNELLY). At this time the gentleman from Michigan [Mr. KILDEE] will come to the well and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed a joint resolution of the following title, in which the concurrence of the House is requested:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

S.J. Res. 85. Joint resolution designating the week beginning May 2, 1993, as "National Mental Health Counselors Week".

The message also announced that pursuant to Public Law 102-429, the Chair, on behalf of the Republican leader, announces the appointment of Richard P. Simmons of Pennsylvania and Michael E. Porter of Massachusetts, as members of the selection panel for the John Heinz Competitive Excellence Award.

CLINTON ECONOMIC PLAN WOULD CUT DEFICIT, RAISE LIVING STANDARDS, PROMOTE GROWTH

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Madam Speaker, the Clinton budget—the outline of the President's economic plan—passed the Congress in record-setting time.

It cuts the deficit by more than $500 billion. This plan is so credible that the markets have embraced it by lowering interest rates.

The Clinton administration has sought to cut Government redtape that has previously limited small business growth and investment.

President Clinton's program will create new jobs and put people back to work through education and retraining programs.

After 12 years of Republican rule, the American people know they have an active President who is setting the economic agenda rather than reacting to events.

The investments of the Clinton economic plan seek to raise the living standards for all Americans and to promote growth in U.S. businesses.

Through the eighties, Presidents Reagan and Bush promoted their unsuccessful agenda of cutting taxes, streamlining Government, and eliminating deficit.

For 12 years they whistled while the country slid into debt, disinvestment, and decline.

Measured against the last two administrations' failed policies, the first 100 days of this administration is significant because President Clinton has been able to clear away the Republican wreckage of the eighties while enacting a budget and pursuing progrowth policies.

□ 1430

TRIBUTE TO PERRY CROSS

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Madam Speaker, the people of Kentucky lost an important community leader and one of our State's most colorful characters when Perry Cross of Albany, KY, passed away on Tuesday, April 27 of this year.

A respected businessman and public figure, Perry Cross devoted his entire life to improving his local community and the entire State of Kentucky.

Perry Cross began as a teacher in Clinton and Wayne Counties before he started a career in the auto business that lasted over 30 years. He was also a real estate broker, and operated the Clinton Loan Co. in Albany from 1956 until his death.

In addition to his business life, Perry Cross was dedicated to serving his community. He served his country during World War II as a member of the U.S. Army, sat on the Albany City Council, and was a member of the Kentucky State Legislature in 1948-49.

He served in various other capacities. He was a State health department officer, served on the State police personnel board from 1968 to 1972, was a member of the Clinton County Election Commission from 1976 to 1984, and served several years on the Albany Housing Authority.

In addition to his active business and community life, Perry Cross was a dedicated husband, father, and grandfather. He is survived by his wife, Winnie; his two sons, Al and David; three grandchildren; his brother, Tex; and his sister, Wonnie.

For those of us who had the pleasure of knowing and working with Perry Cross we will always remember his dedication to the community, his ability to get things done, and the love he had for his family, his community, his State, and his country.

I especially treasure my personal friendship with Mr. Cross and his friendship with my father, O.D. Rogers, a friend from their childhood together in the community of Beech Bottom in Clinton County, KY. In fact, their lives paralleled each other in so many ways.

It is in this spirit, Mr. Speaker, that I ask my colleagues to join me today in remembering one of Kentucky's most distinguished citizens, Mr. Perry Cross.

THE FIRST 100 DAYS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, 100 days since the inauguration is not the time to be looking back, but to be looking forward to the work ahead. The Clinton administration took office and immediately confronted the weight of problems accumulated under 12 years of Republican administrations that ignored the major problems confronting this Nation, saddled us with the largest debt and deficit in our history, and left the Nation struggling in recession.

After 100 days, this country has an economic blueprint that will begin the process of controlling our budget crisis and reducing our budget deficit significantly. A plan to reinvest in our cities that had been ignored, our workers who can't find a job, and the children that represent our future.

And after 100 days, we have seen an administration willing to confront—head on—the crisis in our health care system, a problem that previous administrations left to languish in the face of mounting costs to working Americans and businesses.

After 100 days of the Clinton administration, we have passed family and medical leave, repealed Executive orders that interfered with a woman's right to choose, and reaffirmed American leadership in environmental affairs.

In 100 days Americans have begun to hope, they have regained some optimism that we can do things differently, we can do them better. If we can fulfill in the next 100, or 1,000, or 2,000 days the promise of this glimmer, then truly we have accomplished something.

NEW YORK TIMES EXPOSES CHINA'S COERCION IN POPULATION CONTROL

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, now even the New York Times recognizes the brutality and gross injustice of China's one-child-per-couple policy with its heavy reliance on forced abortion and forced sterilization.

In a page one story in the Sunday Times, Nicholas D. Kritof wrote:

> She should be taking her two-month-old baby out around the village now, proudly nursing him and teaching him about life. Instead, her baby is buried under a mound of dirt, and Li Qiuliang spends her time lying in bed emotionally crushed and physically crippled.
>
> The baby died because under China's complex quota system for births, local family planning officials wanted Ms. Li to give birth in 1992 rather than in 1993. So on Dec. 30, when she was seven months pregnant, they took her to an unsanitary first-aid station and ordered the doctor to induce early labor.
>
> Ms. Li's family pleaded. The doctor protested. But the family planning workers insisted. The result: The baby died after nine hours and 23-year-old Ms. Li is incapacitated.

Tragically, Mr. Clinton, the abortion President, is poised to coddle these butchers in Beijing by resuming American funding of the United Nation's Population Fund [UNFPA].

Since 1979, the UNFPA has helped design, fund and implement the most vicious assault in human history on Chinese women and babies. Since 1985, the UNFPA has been found to be guilty of violating United States law by supporting and comanaging a coercive population program.

And because of this behavior the Congress has repeatedly condemned coercion in family planning programs in China as crimes against humanity, and the funds to the UNFPA have been cut off by the Reagan and Bush White House.

But Mr. Clinton, seeks to reverse this humane pro-woman pro-child policy, thus making the Clinton administration an accessory to these crimes against humanity. Mr. Clinton wants to give $50 million to the UNFPA—which would be outrageous.

Mr. Speaker, for the sake of Chinese women and children, I ask the President to please rethink his position. Stand with the victims, not with the victimizers.

WE ELECTED A PRESIDENT, NOT A MAGICIAN

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, when we went to the polls last November, we elected a President. We did not elect a magician. And we certainly did not elect a miracle man. Some apparently think we should have done otherwise.

It seems that some of my colleagues, some newsmakers and pundits, and even some academics think that President Clinton should be able to turn around 12 years of Republican neglect in just 100 short days—that is less time than it takes to get your first semester's grades in college.

President Clinton took office determined to fight for all Americans—and he has. He won almost immediate passage of a bold plan to fix the economy. He signed the Family and Medical Leave Act into law in unprecedented time. He confronted health care head on and called for a national service program for young Americans. He showed his commitment to rebuilding America's cities and his compassion for displaced defense workers.

Mr. Speaker, it is not President Clinton who has disappointed us in his first 100 days. He has proven his commitment to Americans. I only wish that some of my colleagues in the other body would do the same.

And for those who think Presidents are magicians, may I remind them of the words spoken by President John F. Kennedy:

> * * * all this will not be finished in the first one hundred days, nor will it be finished in the first one thousand days, nor in the life of this administration, nor even perhaps in our lifetime on this planet.

PUTTING TAXES FIRST

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, during the Presidential campaign, then miracle man Bill Clinton and Magician AL GORE published a book entitled "Putting People First" in which they professed a strong desire to improve the lives of middle-class Americans. If elected, they pledged to reduce the tax burden placed upon working Americans as well as to downsize the Federal Government.

Ironically, if one were to write a book on the first 100 days of the Clinton administration, it would appropriately be titled "Putting Government First" or "Putting Taxes First." Instead of alleviating the tax burden faced by middle-income workers, the President has proposed the largest tax increase in world history. If the Clinton administration prevails, middle-income Americans will incur a Btu tax, increased income taxes, a possible VAT tax, levies on Social Security benefits, as well as increased taxes on all alcohol and tobacco products.

Clearly the Clinton administration has chosen to protect the interests of big government at the expense of American workers. Let us hope that during the next 100 days, President Clinton makes an effort to fulfill his campaign promises and shows greater sensitivity to the needs of working Americans than to big government.

PRESIDENT CLINTON OFF TO A STRONG START

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, every so often it is important to step back from the challenges of the moment and put things in perspective.

Bill Clinton is the fourth President of the United States I have had the privilege of serving with: Jimmy Carter, Ronald Reagan, George Bush, and now Bill Clinton. Each of these Presidents came to office facing a different set of problems, and each had his particular approach.

Bill Clinton is now completing his first 100 days in office and, while there have been some bumps in the road, he is off to a strong start.

Let us look at the record. Thanks to strong Presidential leadership, Congress passed a budget earlier than at any time in the 15 years I have served here. This President clearly has a long-term plan to reduce the deficit and put people back to work and together we have taken a very important first step toward implementing that plan.

President Clinton also set a proper tone for America by signing into law the Family and Medical Leave Act and by committing his administration to comprehensive health care reform and to a major reform of our welfare laws. And he has staked out a new program for national service for young Americans.

This is an administration dedicated to action and to addressing the major problems facing our country. We can all take pride in the leadership provided by President Clinton during his first 100 days.

□ 1240

THE REALITIES OF THE FIRST 100 DAYS

(Mr. HASTERT asked and was given permission to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, as my colleagues know, I listen to the spinmakers on my own side of the aisle, and sometimes even to those on this side of the aisle. What I hear are the stories of the first 100 days.

As my colleagues know, I think people ought to come out from under the tunnels around this place occasionally. They need to get outside, and they need to look at the sunshine. They also need to get back home and listen to the real truth.

Mr. Speaker, if they do go back home and talk to middle-class Americans, if they talk to those people who create jobs in America, in small or large businesses or even the self-employed, as my colleagues know, they'll hear a different story.

The story we get from the White House and the administration is: Well, the recession is not over because there is high unemployment. Let me tell my colleagues what the real truth is in this country.

The truth is that employers are not hiring because there are ominous clouds that have gathered in this first 100 days. There is uncertainty, there is a lack of candor, and there have been promises of new taxes on the middle class and business. We have had Government regulation being rammed through this House, and employers are not hiring people. They are keeping people on overtime. They are giving people 50 and 60 hours a week because they are afraid to hire new people for the long term because they do not know what that long term is going to be.

Mr. Speaker, let us look at the reality of what is going on in this country.

PRESIDENT CLINTON'S ACCOMPLISHMENTS IN THE FIRST 100 DAYS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, after spending much of the last week back home, it amazes me to hear Republican claims about the President's first 100 days. The truth is: My constituents want change and still believe that President Bill Clinton is the man to bring that change.

The American people know that the Republicans mugged the President's investment package 2 weeks ago and are mobilizing to block progress on action to jumpstart the economy. They know who stands for gridlock and who cares more about politics than the needs of real people.

The first 100 days of an administration cannot be used as a final judge of effectiveness. Rather, they can serve as a gauge for potential.

Without a doubt, the first 100 days of this administration have been productive and successful. In the President's first 3 months, he has: Passed the budget in record time; signed the Family and Medical Leave Act; repealed the gag rule; extended unemployment compensation; and, in his first few months, he has set the course for serious health care and political reform.

Mr. Speaker, the minority would like to fool the American people into thinking that this is a weakened Presidency. The American people know better and stand behind this President.

Mr. Speaker, the President of the United States is shaking this town up. He is upsetting the status quo, and some people on the other side do not like it.

HARDING WAS NO CLINTON

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, I read with some dismay last week an article in the Wall Street Journal that compared the Clinton administration's first 100 days to a comparable time period within the administration of President Warren G. Harding.

Let me quote directly political scientist Everett Ladd: "[This] is the worst hundred days since Warren G. Harding, by any reasonable standard."

That is a terrible affront, Mr. Speaker, to Warren G. Harding. While I can't say Warren G. Harding was a friend of mine, I can say this: Warren G. Harding was no Bill Clinton.

Warren G. Harding did not promise the American people a sweeping package of legislation during the first 100 days. Bill Clinton did. Warren G. Harding did not promise the middle class a tax cut during his campaign, only to renege once he was elected. Bill Clinton did. Warren G. Harding did not try to tax everything under the Sun, from energy to Social Security, in order to pay for pork-barrel spending. Bill Clinton did.

Mr. Speaker, Warren G. Harding was no saint, but he was no Bill Clinton.

REPUBLICANS ARE FIGHTING THE CHANCE FOR ECONOMIC GROWTH

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker and Members of the House, what we have learned in this first 100 days is that the Republican Party that could not come up with an economic plan to rescue this country from a recession, and from massive unemployment, and from job dislocation, was fully prepared to fall on its sword and, if necessary, use the filibuster in the Senate to stand between the American people and job opportunities, to stand between young Americans this summer and a chance at a summer job, to stand between Americans enrolled in Head Start and have the opportunity to be involved in Head Start this summer.

Yes, the Republicans are prepared to fight. They are prepared to fight change. They are prepared to fight the chance of economic growth in spite of the fact of this President putting before this Congress, and passing through both bodies, his budget resolution which led to the lowest interest rates in 16 years which now give Americans an opportunity not only to buy a house, many for the first time, but also to build a house; not only to buy a car, but also to build a car.

My colleagues, we see the Republicans falling on their sword to do anything they can through parliamentary tricks in the Senate to prevent a vote from taking place so that Americans could go back to work and our economy will recover. That is what we learned in the first 100 days.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VOLKMER). The Chair informs the gentleman from California [Mr. MILLER] that Members are not to make direct reference to the other body. All comments are to be directed to the Chair.

THE PRESIDENT'S FIRST 100 DAYS

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, this 100-day point of the administration is an appropriate time to assess the wisdom of President Clinton's initial policies and priorities. The President may believe that he has a mandate to enact his social and economic agenda, but by now, public reaction should have taught him that this simply is not so.

By first acting on a far left liberal social agenda, the President alienated much of the country. By reverting to the traditional tax-and-spend philosophy of his political forbears, he has disappointed almost everyone else.

Yesterday, OMB Director Leon Panetta, conceded that the President's agenda is in trouble on Capitol Hill. Panetta tries to pin the blame on Republicans or international events beyond the President's control. But the American people know where the responsibility lies: in the White House.

The President's first 100 days have been an unfortunate series of blunders, miscues, and flatout errors. To the tremendous disappointment of the American people, his record demonstrates that we do not have a new Democrat in the White House. Mr. Clinton promised to be true to principles, but he has become a slave to politics.

CONGRATULATIONS ON A MAGNIFICENT FIRST 100 DAYS

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the President should be congratulated on a magnificent first 100 days. The President should not listen to the critics who say that he has undertaken too much at one time. It is necessary to attack all the problems on all fronts, at least make a beginning, because we have had 12 years of mismanagement of the Government and 12 years to create the greatest deficit in world history, the greatest deficit in world history.

He should not listen also to the confused voices that come from his own OMB who criticize liberals in the House for obstructing the President's package. I do not know where that came from. Liberals support the President's budget. Liberals supported the passage of the stimulus package. Liberals will continue to support the President. If he wants more cuts, as the American people say they want cuts in the budget, liberals will support the cutting of star wars. Liberals will support the cutting of the CIA and its obsolete operations. Liberals will support the cut of weapons systems that are obsolete.

Mr. Speaker, we will cut the budget. We will support the President. He has made a magnificent beginning, and we hope that he will stay the course and not listen to the voices of confusion and the voices of obstruction.

VIOLENCE AND TERROR IN KASHMIR

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, the violence and terror perpetrated by the Indian Government against the people of Kashmir continues to escalate.

The New York Times recently reported that in mid-April, Indian security forces set fire to the commercial center of the Kashmiri capital of Srinagar, dragged citizens from their homes, and murdered more than 125 Kashmiris.

There are also reports of the systematic murder of human rights advocates and critics of the policies of the Indian Government. In recent weeks, two prominent Kashmiri physicians have been murdered by unidentified gunmen believed to be acting on Government orders.

All this is further evidence of the Indian Government's deliberate policy of terror directed toward the occupied State of Kashmir.

Since 1948, India has refused to comply with U.N. resolutions that would allow the people of Kashmir to decide their future by plebiscite.

The entire international community must press India to allow the people of Kashmir to be given the opportunity to decide Kashmir's future.

In the meantime, Congress should consider, at the very minimum, terminating all development assistance to and military maneuvers with India. The United States cannot continue to ignore the massive violations of human rights by the Indian Government.

□ 1450

REVERSING 12 YEARS IN 100 DAYS

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKWELL. Mr. Speaker, with only 100 days passed in President Clinton's term, the chorus of critics rings loud and clear.

In public, they say that the President has dragged his feet and failed to bring about promised changes.

Behind closed doors, however, they plot ways to maintain a status quo that wreaked havoc on the hard-working men and women of this Nation for 12 years.

One would think that it would be an impossible task to reverse 12 years of decline, debt, and deceit in 100 days, but President Clinton has taken great strides in a short period of time.

After years of failed leadership, the President took the bold step of signing the Family and Medical Leave Act into law, giving millions of hard-working Americans a much deserved sense of job and family security.

The President won approval for his 5-year budget plan in record time, a plan that provides $514 billion for deficit reduction, and invests in the American people at the same time.

And, most importantly, the President has put the issue of health care at the forefront of his agenda by creating the task force to research and draft a comprehensive solution to the health care crisis that currently plagues 33 million Americans.

In addition, by creating a task force on homelessness, the President has demonstrated a commitment to helping all Americans, regardless of economic status.

All the while, interest rates have gone down, this year's deficit is on course to be lower than last year's and millions of Americans are realizing dreams that were crushed during an era of greed and despair.

So, to the President's critics, I suggest that while these 100 days have been marked by a certain degree of uncertainty, our economy and our country are finally awakening from a dark and numbing sleep.

H.R. 5—UNION POWER GRAB

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, there is a dangerous piece of legislation coming before this body—H.R. 5, the Strike Incentive Act. Proponents of this measure to trying to sell it as a necessary piece of legislation to restore balance to the labor-management process. But their packaging job contains more than a few myths.

They are telling us that there was an increase of violent strikes in the 1980's, when in reality there were fewer violent strikes in that decade that in any other since the 1938 Mackay decision.

They are telling us that in the 1980's the right to strike eroded severely. They say that the use of permanent replacements escalated dramatically in the 1980's, and that employers use permanent replacements to bust unions. Wrong on both counts.

Mr. Speaker, the fact of the matter is that labor unions are losing membership, popularity, and political clout. They have come to this body with a desperate plea to restore their viability with H.R. 5. American laborers are choosing not to join these unions, and this body has no responsibility nor right to mandate their popularity and power.

Mr. Speaker, we must not involve ourselves in such a desperate grab for power. I urge my colleagues to vote "no" on H.R. 5.

SPENDING OUT OF CONTROL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the following studies might explain why taxpayers are fed up.

Uncle Sam spent millions to determine whether marijuana makes rabbits susceptible to syphilis. I did not know that rabbits were getting high.

Millions have been spent to prove that massive losses of blood causes laboratory mice to die. No kidding, Sherlock.

Millions have been spent to prove that the sonic booms from jet airplanes cause little sheep to have ear damage. Ridiculous.

The bottom line, Mr. Speaker, is that when Uncle Sam spends $3 million to find out if smoking dope will cause the Energizer Rabbit to get VD, spending is out of control, and nobody can blame that on President Clinton. It is time to put the microscope on ourselves.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. SPEAKER pro tempore (Mr. VOLKMER). The Chair will remind those in the gallery that there is no applause permitted from the gallery in the House. We appreciate your decorum. You may attend, but no applause, please.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Shucks, Mr. Speaker, you said that just before my remarks, but I am requesting permission for 1 minute and for an extension.

INTRODUCTION OF LEGISLATION LIMITING PAC CONTRIBUTIONS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, there are a lot of visitors in our gallery today, and I would like to welcome them to this session of the House of the U.S. Congress.

Mr. Speaker, an important question before the Congress is whether we should enact campaign finance reform to reduce the excessive influence of special interest lobbyists.

Consider for a moment that all three Presidential candidates during the last election recognized that special interest lobbyists, with their millions of dollars in campaign contributions, were deciding too often what ends up in legislation and in appropriations.

Today I am introducing a bill, cosponsored by many of my colleagues, that will limit PAC contributions to $1,000 per candidate per election—and will limit the PAC money to the amount that can be raised by individual contributions from within a congressional candidate's own district. There should be no question as to whom a congressperson owes their allegiance.

In the 1992 elections, PAC's were estimated to have contributed over $160 million to congressional candidates.

Mr. Speaker, I am convinced that when a congressman's time is limited, preference is given to the special interest lobbyists that make contributions to the campaign over those who did not contribute. That preference results in undue influence. Those that "bend the ear" for a congressperson bend the legislation.

It is time to either ban PAC contributions or limit their contributions to $1,000 per election—the same as an average citizen can give. We should also impose limits, as called for in this legislation, on the percentage of money a candidate can receive from PAC's.

Mr. Speaker, many of my freshmen colleagues stand ready to support a strong campaign finance reform measure, that will reduce the undue influence of political action committees and lobbyists. The American people clearly have the perception that most politicians in Washington are bought and paid for, and we must end that perception by having real campaign finance reform.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to remind the gentleman from Michigan [Mr. SMITH] that not only is the gallery not to applaud but no Members in their speeches are to address the gallery. They must address the Chair.

CHARTING A NEW COURSE

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, to my friends on the Republican side, I am not surprised that you are unhappy with the first 100 days. Change is always hard. I guess it is to be expected that advocates and architects of the old ways are a little upset these days.

After all, the former administration was more about holding power than using it to accomplish anything in particular. And it must be difficult to see this old order, in which you had so much invested, being challenged and changed.

You must remember, however, that President Clinton was elected in a very deliberate rejection of that old order. We have tried it your way, and this 12-year experiment resulted in a severe economic recession—a jobless recovery—a quadrupling of the national debt—skyrocketing health care costs—and declining living standards.

These problems were not of President Clinton's making, but he is already moving quickly and decisively to solve them. In his first 100 days, he's charted a new course based on fiscal responsibility, long-term investment, and fairness. He has offered, and we have passed in record time, a responsible budget and long-range deficit reduction plan. He has tackled the health care problem head-on, with more vigor, attention, and determination in these short 100 days than we have seen in the past dozen years combined.

The President has made a good start. He is moving the Government from stagnation to innovation; he is taking a nation that has been idling in neutral and putting it in gear, shifting from can't do to can do, from stop to go.

In a democracy, especially, change is not always neat and orderly. It is a time-consuming, often difficult process. But given the difficult challenges that we face, I am grateful that we finally have a President who's responsible enough and cares enough to do the right thing—to chart a new course for the Nation—one that can help assure a future for our children that we can be proud of.

□ 1500

PRESIDENT CLINTON CONFRONTS FOUR SERIOUS CRISES, LOOKS TO CONGRESS FOR SUPPORT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, it is 100 days into the Clinton administration, which means the President should have solved all the Nation's problems. So let us ask: What has the President done to address our four most serious national crises?

The deficit: We have emerged from the decade of greed with a mountain of debt that is growing at a pace of $300 billion per year.

Clinton's response? He passed the most far-reaching, deficit reduction blueprint that the Congress has ever seen.

The economy: It has been in the dumps since 1991. Millions are now out of work, corporations continue to restructure, and store fronts all across America advertise going out of business sales.

Clinton's response? A stimulus package to get our economy moving. Unfortunately, the same people who denied there was a recession in 1991 and 1992 think our economy is doing just fine, thank you, and they killed the package.

Health care: Costs are skyrocketing, and 35 million Americans do not have health insurance.

Clinton's response? He has gathered the Nation's top health experts to put together an ambitious plan to cut costs and provide care to millions of Americans.

Crime: We have an epidemic of crime and drugs that is so severe, European governments are warning tourists not to come to America.

Clinton's response? He called for $200 million for community policing, and he has asked Congress to pass the Brady bill.

The President deserves credit for aggressively moving to address these crises. Now it is up to Congress to make the second 100 days as successful as the first.

ADMINISTRATION'S BROKEN PROMISES SOWING SEEDS OF DISTRUST

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, during his campaign for the White House, candidate Bill Clinton boasted that his administration's first 100 days would be the most productive in modern history. He was going to focus on the economy like a laser beam.

Well, so far, the most historic achievement of the Clinton's Presidency's first 100 days has been the record rate at which the President has broken, backed off, or amended his campaign promises.

Lst summer, candidate Clinton said he would have a plan ready on day one to totally eliminate the deficit in 5 years. But President Clinton was not only 60 days late, he was $300 billion short of keeping his promise.

He also promised to cut spending to pay for his programs, but President Clinton has proposed more than $300 billion in new taxes, and nearly $200 billion in new spending, to pay the bills.

Candidate Clinton also promised that if he were elected only millionaires would pay higher taxes, but now President Clinton has proposed new taxes for middle-class Americans making as little as $20,000 a year.

Mr. Speaker, President Clinton's first 100 days have resulted in 100 broken promises. It is time for the Clinton administration to start dealing seriously not only with the budget deficit but with the growing trust deficit this administration has with the American people.

TRIBUTE TO CESAR CHAVEZ

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I rise today to memorialize one of the great labor and civil rights leaders in our history, Mr. Cesar Chavez.

Cesar Chavez singlehandedly organized the United Farm Workers in California, and the movement soon spread throughout the Nation and the world.

Throughout his life and in his final days he remained with his people, sharing their plight and instilling them with hope and human empowerment.

Ghandian in his philosophy, he never promoted violence. Rather, his boycotts, strikes, and fasts were successful in achieving better wages and working conditions for the rural poor. He also did not allow his anger to alienate him from society or obscure his love for our country.

Mr. Chavez serves as an inspiration and a symbol not only for the Latino community, but for all of us. He was a man of compassion and humility, yet a giant in the struggle for justice, human rights, and dignity for all people.

The fruits of his work can be found in all the young people who are well educated and filled with hope, despite being the sons and daughters of migrant farm workers. Yet for all the people who have been touched by his vision, there remain so many more who need to be empowered and instilled with the promise of a better tomorrow.

Cesar Chavez accomplished more than most in his lifetime—but his work remains unfinished. His work is ours and through this, his legacy will be carried on.

INTRODUCTION OF LEGISLATION TO TAKE INFRASTRUCTURE TRUST FUNDS OFF BUDGET

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, today I am introducing legislation that would take the infrastructure trust funds off budget. I urge my colleagues to join me as cosponsors.

Imagine the millions of jobs we could create if these trust fund surplus moneys were spent when they should be spent. Rather than being used to manipulate the Government accounting books.

Today the trust funds are counted as part of the budget. By artificially keeping large surpluses and counting them as revenue, the administration is making the deficit seem less than it really is. The cost of this deceptive, dishonest accounting practice has been lost job opportunities and public disillusionment with Congress.

Mr. Speaker, it is time to restore public confidence in the trust funds and treat them as the truly separate accounts they were meant to be. My bill does just that. It is honest, responsible accounting that deserves the support of every Member of Congress.

PRESIDENT CLINTON'S FIRST 100 DAYS

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, most of President Clinton's first 100 days were also my first 100 days as a Member of this 103d Congress. I would like to talk about some of the things the President has accomplished that have not been talked about by the previous speakers.

Mr. Speaker, in his first 100 days President Clinton issued an Executive order on executive appointee ethics, which restricts or limits ways in which senior executive appointees may profit in the future from their experience while serving the President.

He abolished the Council on Competitiveness, which was criticized as a back door for polluters who circumvented U.S. laws.

He established the National Economic Council to coordinate economic policymaking among all relevant departments and offices of the Federal Government.

Revoked the Bush administration Executive orders on Federal contracting, thereby reducing Government intrusion into workplace relations.

He signed the Family and Medical Leave Act.

Announced reduction and reorganization of the White House staff; Executive Office of the President staff to be reduced by 25 percent, or 350 positions in the next fiscal year.

Signed Executive orders on greater efficiency and fiscal responsibility in Government: 14-percent reduction in administrative costs by fiscal year 1997, a savings of $16 billion in taxpayer's money.

Announced a child immunization initiative to provide more vaccines for children, saving taxpayers $10 in avoidable health care costs for every $1 invested in vaccinations.

Began initiative to reinvent Government, names Vice President GORE as head of National Performance Review to cut spending and increase efficiency throughout the Government, agency by agency.

Signed the Emergency Unemployment Compensation Amendments of 1993.

Revoked the Bush administration proclamation that suspended the Davis-Bacon Act of 1931 within areas struck by Hurricanes Andrew and Iniki.

Announced initiative to alleviate the credit crunch.

Outlined plan for defense conversion and reinvestment.

Developed economic plan and aid to Russia.

Held Forest Conference in Portland, Oregon.

Signed legislation providing for the National Commission to Ensure a Strong Competitive Airline Industry.

Issued Executive orders to increase the use of alternative fuel vehicles in the Federal fleet, reduce the Federal use of ozone-depleting chemicals and require Federal agencies to use energy efficient equipment.

Submitted sweeping education reform legislation, "Goals 2000."

Declared Pennsylvania and other States Federal disaster areas after the March snowstorm, making Pennsylvania eligible for emergency snow cleanup aid.

Mr. Speaker, there are many other things. In essence what Bill Clinton has done is he has reversed the tide from flowing in a negative direction to a positive direction, and we should join him.

TRIBUTE TO AMERICAN FIRE AND EMERGENCY SERVICES LEADERS

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise today to officially welcome and pay tribute to the thousands of leaders of the American fire and emergency services who have assembled in Washington today for their fifth annual national dinner. This morning and all day on The Mall firefighters are going through a rigorous series of challenges that were keynoted this morning by ten Members of this body, five from the Democratic Party and five from the Republican Party, who engaged in a competition. Unfortunately, my Democratic colleagues won. But the focus was to feature the kinds of needs that firefighters have in America when responding to disasters every day that they are in fact working on.

Mr. Speaker, this afternoon seminars are going on all over the Hill as Members meet with their constituents who are involved in the emergency service network. Tonight 2,200 of these fire service leaders will assemble in the Washington Hilton for the Nation's largest dinner, to hear AL GORE speak to their needs and concerns, as well as Republican and Democrat House and Senate Members, as well as the fire chief of Sarajevo, who has joined us to talk about the special problems he is experiencing in his country, as well as the fire service leaders of the emerging Republic of Russia and Moscow.

Mr. Speaker, I ask my colleagues to join with us in this event tonight to pay tribute to these true American heroes.

THE ESSENCE OF REFORM

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, this week President Clinton is expected to issue his recommendations on campaign finance reform.

When the freshman Democrats issued our task force report on March 31, we advanced campaign finance reform as the keystone of our entire reform agenda. Cleaning up campaigns is a necessary first step in restoring confidence in the Congress. Voluntary spending limits, strict new limits on PAC's and independent expenditures and on soft money are essential.

Mr. Speaker, no single action that we advocate as a class is more important than meaningful campaign finance reform. When the president's package is sent up here in the next day or two, we urge you to take decisive action to see that it is considered quickly.

We will work with you and the President to pass a tougher bill than the one vetoed by President Bush last year. And in so doing we will begin the important process of renewing the faith of the American people in their Government.

PRESIDENT CLINTON'S FIRST 100 DAYS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, no matter what kind of face my Democrat colleagues try to put on President Clinton's first 100 days, it is still an abject failure. What has he offered the American people? He has offered $402 billion in new taxes and fees. Is that hope; $402 billion in new taxes and fees? I do not think so.

And now Hillary Rodham Clinton, her health care proposal that she said was going to cost us about $90 billion, now they are telling us it is going to cost between $145 billion and $200 billion.

When we add all of this together, when we add all this together, we are looking at $550 billion to $600 billion in new taxes and fees that is almost triple, triple the largest tax increase in U.S. history.

That is going to help get this economy moving?

I give this administration no better, no better than a D minus, and I hope all of you guys and ladies on the other side of the aisle, when you go home, I hope you will explain to the American people these $550 billion in new taxes you are going levy upon them; $550 billion, $550 billion.

LET US CHOOSE PARTNERSHIP OVER PARTISANSHIP

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, Congress has faced some tough decisions during the first 100 days. We have reduced the deficit by over $496 billion, over 150 specific different spending cuts, and there will be more tough decisions ahead.

America is at a crossroads, and there is no easy path into the future. The American people know that, and that is why they have sent us here, to make tough decisions.

During the first 100 days, the President has moved swiftly and given us a budget that is truthful. He has reduced the deficit and tried to lay a foundation for long-term economic prosperity.

Do we continue to focus on the differences in the first few steps that we have taken? Or do we focus on the path that we must go down together?

I call on my colleagues on both sides of the aisle to stop bickering and start building, to choose partnership over partisanship, that we all can work together to solve these problems, but these are tough decisions.

Tough decisions must be made for real change.

BOSNIA

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, we already talked about taxes. I said, read President Clinton's lips. More new taxes. But it is 100 days, so we would expect that.

I have to tell my colleagues, though, his domestic policy is in chaos. His domestic priorities are shortsighted, and the Democrat President and the leadership are in question.

We have seen lots of trial balloons. I see them as lead balloons.

And now the Clinton bombing trial balloon for Bosnia is about to blow us apart. We must ask the President these questions:

What is our policy? Is there a real goal? And more importantly, where is the threat to the United States?

Mr. Speaker, these important questions must be addressed to the American people.

Mr. President, why do you not tell us, the American people, what you really mean?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VOLKMER).The gentleman from Texas is reminded by the Chair that the gentleman must address the Chair and not the other body or the President.

ANOTHER VIEWPOINT ON THE FIRST 100 DAYS

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, Bill Clinton has been our President for 100 days. And the people trying to freeze our Nation from growth and renewal are unfairly criticizing him.

Speaking for America's cities, as chairman of the congressional urban caucus, I rise to applaud the President for the strides he has made thus far. This President has made tremendous progress in 100 days—to reverse more than 4,000 days of neglect, division and pain.

His economic recovery package would cut the structural deficit by $137 billion over 5 years. At the same time, his plan would drastically increase spending for programs important to our cities. The urban caucus reported that the President's economic recovery plan would mean upward of $103 billion in new investments for cities.

Bill Clinton wants to rebuild urban America and empower its people by putting them back to work. President Clinton's plan represents a fundamental shift in policy toward our cities: the Federal Government is committed to helping our cities to once again become American engines of economic growth.

As chairman of the congressional urban caucus, I commend the President for the progress he's made in this short time. Mr. President, we have hundreds and hundreds of days left. I look forward to working with you to move this program ahead and break the Republican gridlock which threatens our program.

LINE-ITEM VOODOO

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the Wall Street Journal scored a point for candor when it called expedited rescission, line-item voodoo. The rescission bill we may vote on later today is, in fact, much ado about next to literally nothing. Despite the rhetoric, this bill make only slight changes in our current budget process—which cries out for radical overhaul not minor tinkering. It will not cut the deficit; it will not chop the waste; and it will not make the big spenders in this body any more fiscally responsible. What it will do is allow the Democrat leadership—which has long opposed a true line-item veto—to claim it has finally done something. As one Member from the other side said in an unusual moment of candor, the real reason for today's charade is to get the issue of line-item veto off the table. I would say shove it under the rug is more like what the Democrats are trying to do. If the Democrat leadership were serious about true line-item veto we would not be talking about this fakery labeled expedited rescission. We would be dealing with the line-item veto.

WORKER MEMORIAL DAY

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, today is worker Memorial Day, a day we set aside to remember those who have lost life or limb on the job. In manufacturing plants across the Nation today, employees will observe a moment of silence to bring attention to the issue of workplace safety.

I am pleased to report on this occasion the superior job being done at the Mead Paper Co. in Chillicothe, OH.

Mead paper is one of the three safest paper producing plants in the Nation and has completed over 2,800,000 continuous employee work hours of operation without injury.

Mr. Speaker, Mead is dedicated to providing a safe working environment to its employees through an innovative and extensive training program that includes 2-full days of on-site training and 4 hours of chemical awareness protection. I believe this program could serve as a model to other paper producers.

I congratulate the employees and management of Mead Paper on their excellent safety record, and encourage them to keep up the good work.

H.R. 1885, A PRIVATE SECTOR JOB CREATION AND ECONOMIC GROWTH BILL

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, many of our friends on the other side of the aisle have criticized Republicans, saying that we did nothing but block the President's so-called stimulus bill.

Frankly, they are wrong, Mr. Speaker, because we, as Republicans, have offered a positive alternative.

I have introduced H.R. 1885, which is designed to be a private sector job creation and economic growth bill.

□ 1520

What it does is it creates a capital gains tax reduction to stimulate private investment. It has a freeze on Federal spending. It has a moratorium on new regulations being imposed on the private sector of the economy, and it expands individual retirement accounts so that we can get long-term dollars out there into the private marketplace.

We do, as Republicans, offer an alternative. It is a meaningful, private sector job-creation measure, Mr. Speaker, and I hope the Democrats will join us as Republicans to offer this positive solution to a very serious problem.

INVESTING IN JOBS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, 100 days? The fact of the matter is it has only been 45 days since the Congress has been in session while Bill Clinton has been President.

The President has offered a good legislative program, but my Republican colleagues and friends over here have returned to their old tricks through gridlock to stop it. They filibustered the stimulus bill to death.

Sure, they support the unemployment compensation provision. That is easy. You can do that easy and get away with it.

So they encourage unemployment and they killed off 500,000 jobs. People must be scratching their heads over that one.

I say why do we not put our bucks in our own people and in the jobless, and put them back to work. Think about it.

AMERICANS NEED JOBS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the election last November was a clear mandate for change in this Nation. I think voters across this country were sick and tired of the gridlock in Washington that resulted in problems being ignored and not solved.

Unfortunately, because of actions in the other body several weeks ago, the President's jobs bill has been at least sidetracked. That is unfortunate not just for the President and his party, but for the hundreds of thousands of Americans who will be looking for jobs this summer and this year.

A lot of people have criticized these jobs. Even the gentleman from Texas, Mr. Perot, said that these are only 1-year jobs. Let me tell Members that where I come from people are looking for work. They will take 6 months, they will take a year. They would be glad to have their kids in college working this summer. To them it is very important to their family.

To mock the efforts of President Clinton, who is trying to put forward a jobs plan to get this country moving again, I think is to ignore the clear mandate of the last election. Let us hope in the next 100 days of this administration that we will have more cooperation, more bipartisanship, and less of what we have seen over the last several weeks.

PROVIDING FOR CONSIDERATION OF H.R. 1578, EXPEDITED RESCISSIONS ACT OF 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 149 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 149

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations. After general debate the bill shall be considered as read for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. No amendment to the amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DERRICK. Mr. Speaker, House Resolution 149 makes in order the consideration of H.R. 1578, the Expedited Rescissions Act of 1993. The resolution provides for 2 hours of general debate, 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, and 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations.

The resolution makes in order as an original bill for the purpose of amendment an amendment in the nature of a substitute printed in part 1 of the report accompanying the resolution.

No other amendment is in order except those printed in part 2 of the report, which shall be considered as read and considered only as specified in the report, which is as follows: first, an amendment in the nature of a substitute by, and if offered by Representative CASTLE or Representative SOLOMON, or a designee, debatable for 1 hour, equally divided and controlled by the proponent and an opponent; and second, an amendment made in order only to the Castle-Solomon amendment by, and if offered by Representative MICHEL or a designee, debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The amendments are not subject to amendment or to a demand for a division of the question in the House or the Committee of the Whole. The resolution waives all points of order against the amendments printed in the report. In the case of the Michel amendment all points of order are waived only as it pertains to the Castle-Solomon amendment.

The resolution provides that any Member may demand a separate vote in the House on any amendment to the bill or the amendment in the nature of a substitute made in order as original text. Finally, the resolution provides for one motion to recommit, with or without instructions.

Mr. Speaker, in his State of the Union Address delivered in this very Chamber on February 17, our new President outlined a bold plan to restore the American dream for us and our children.

The President's plan represents a drastic change from the status quo. The President wants to reject the policies and practices of the past which have quadrupled our debt and left many Americans believing their Government doesn't work. The people want change, and the President's program offers change for the betterment of our Nation.

The legislation made in order by this rule would give the President one of the key changes he has sought, and which I believe we desperately need: A modified line-item veto.

Mr. Speaker, we all know wasteful spending sometimes occurs because individual items can escape scrutiny by being submerged in large appropriations bills.

Under current procedures a President cannot strike out individual items in appropriations acts. He must sign or veto the whole act, whatever the consequences. H.R. 1578 would give the President an option he does not now have.

Under H.R. 1578, within 3 days of signing an appropriations act the President could send the House a message and bill proposing to rescind, or cancel, individual spending items in that act.

The President's proposal would be referred to the Appropriations Committee. That committee must report it to the floor without amendment within 7 days. The House must vote, up or down, on the President's bill within 10 days of introduction. During this time the funds would not be spent. If the bill passed the House, it would go to the Senate for expedited consideration there, and if passed by the Senate, on to the President for his signature.

To avoid the possibility a President might use this procedure not primarily to reduce the deficit, but instead to promote his own pet projects, H.R. 1578 would allow the Appropriations Committee to report to the House, simultaneously with the President's bill, an alternative. To qualify for expedited consideration, the committee's bill must propose to cancel spending from the same appropriations act the President drew his rescissions from, and it must propose to cancel an amount of spending equal to or exceeding the President's total.

If the committee reported an alternative, the House would first vote on the President's bill; if adopted by a majority vote, the President's bill would go to the Senate for expedited consideration and the alternative would not be in order. If the House rejected the President's bill and passed the alternative, that bill would go to the Senate instead.

The Senate Appropriations Committee could also report an alternative bill. But it would not be in order to consider anything but the President's bill until the Senate first voted on and rejected the President's bill. The President is thus guaranteed a vote on his proposal.

If both Houses ultimately passed an alternative bill instead, then those funds would be canceled. Thus, under H.R. 1578, if either the President's bill or an alternative bill passed both houses, spending will be cut and the American taxpayer would be the big winner.

Mr. Speaker, the President supports H.R. 1578 because he believes with a modified line-item veto millions and perhaps billions of dollars might be saved. These are dollars which our taxpayers worked and earned by the sweat of their brows and sent to Washington to fund the essential activities of Government, not to be squandered on ridiculous pork barrel projects.

This bill gives the President the tool he needs to block pork barrel projects like asparagus research, renovating Lawrence Welk's birthplace, or studying the aggressive tendencies of fish in Nicaragua. It will give the President the ability to force Congress to go on the record regarding researching cockroaches, or why people fall in love, or building schools for North Africans in France.

Mr. Speaker, these kinds of pork are an embarrassment which we can clearly not afford. The American people won't stand for them, and we haven't any business asking them to do so.

Quite simply, H.R. 1578 will create accountability. No longer will a President be able to sign an appropriations act containing wasteful items and claim he was powerless to block them.

No longer will Congress be able to force upon the President the dilemma of vetoing an entire act and shutting down the Government, or signing the whole thing, bacon and all. If Congress wants to appropriate funds for these purposes, then a majority of either House need only stand up and be counted. If the President does not want them, then he has the responsibility to send them back. It is that simple, and I believe it will work.

Mr. Speaker, last year I held extensive hearings in my subcommittee on various legislative line-item veto proposals, and brought the forerunner of H.R. 1578 to the floor, where it passed by a vote of 312 to 97. The bill before us today is, in my opinion, a better bill than last year's. It deserves our strong support.

The rule also deserves our strong support. It makes in order a Republican substitute, an amendment thereto offered by the minority leader or his designee, and it does not restrict the motion to recommit. Many issues have already been worked out; the rule will allow a full airing of the remainder. I urge all Members to support the rule and the bill, and I reserve the balance of my time.

□ 1530

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to welcome my colleagues to the "Hour of Power." This occasion is truly a sign of just how powerful the Rules Committee is, since today we are beginning the third hour on this rescission rule under what is called the 1-hour rule. And Mr. Speaker, only the Rules Committee can turn 1 hour into 3.

My colleagues will recall that on April 2, when we first took up this rule, we debated it for nearly the full hour allotted, and then we were treated to a 15-minute quorum call that stretched into more than another hour.

Did it really take the House that long to achieve a quorum? No; 405 Members had already answered to their names after the requisite 15 minutes, and that did not change any over the next 45 minutes.

But the Democrat leadership was apparently not altogether satisfied with that turnout for some reason because it continued to roam the floor and the corridors looking for certain Members.

And when the Speaker finally banged his gavel, and announced the presence of the same 405 Members who had been sitting around for that whole hour, the majority manager for the rule announced that he was withdrawing it.

Mr. Speaker, I had hoped that all this was a sign that the Democrat Party in the House was about to turn into true, small-d democrats again, and send this restrictive rule back to the Rules Committee to open it up to additional amendments.

But my hopes for an Easter miracle in this House have been dashed on the rocks of reality, and we are back here once again for the third hour on this same old rule.

Mr. Speaker, this rule, House Resolution 149, which makes in order this expedited rescission bill, is the 10th consecutive modified closed or closed rule reported in this Congress. Not one rule has been fully open to amendments.

Over the last 3 months, we on the Republican side have been trying to impress upon our Democrat colleagues and the American people that when we complain about closed rules we are not simply engaging in some procedural, partisan tantrum. We are instead trying to warn against what we perceive as the intentional undermining of our democracy in this House. And it is happening right here in the people's House, of all places.

Mr. Speaker, sometimes it is hard to convey to the average citizen what all this fuss over restrictive rules is about. But when you tell them that they are being robbed of their full right to representation in the House of Representatives because a committee says their Congressman cannot offer amendments, they begin to see things in a different light.

As a matter of fact, they begin to see red.

I would have you read these letters from West Virginia, Tennessee, Kentucky, Ohio, Alabama, Florida, California, everywhere in the Nation; people are beginning to wake up.

Mr. Speaker, things have gotten so bad that our Republican leadership has found it necessary to create a task force on deliberative democracy in the House to try to restore full voting and amendment rights to Members, and full representational rights to the American people.

I am privileged to chair that task force for our leadership, and we have a good group of Republican Members on the task force who have vowed to fight to reopen This People's House to the people. And we will not give up ladies and gentleman.

Several days ago, we issued our first report in which we concluded that deliberative democracy is in a dangerous state of decline in the House, and if that decline is not reversed, we are going to get bad bills, bad policies, and more bad marks from the American people. How much worse can they get?

This Democrat leadership policy of closing down bills to amendments is undermining our democracy and the people confidence in their government. The majority Democrat leadership seems to think that the people are going to applaud them for ending gridlock, even if it means putting democracy under a strong-arm hammerlock.

Well, I have got news for you. The people I have been hearing from around the country that I have just mentioned, letters from South Carolina, and Utah, from all over for instance, do not like what is being done to them by these rules one bit. They want back into their own House and they want in now, ladies and gentlemen. It is going to come back to haunt you.

Today, we have another restricted rule that allows for just two amendments. And, while one of those two amendments happens to have my name on it along with 43 freshman Republicans, I cannot support this rule, because you are gagging the American people.

Instead, I offered in the Rules Committee a substitute open rule that would have specifically allowed our Republican leader to amend the so-called Spratt bill that is the base text of the bill by allowing any President whoever he might be, to line out special pork in this form of special tax exemptions. Nothing more aggravating than to have some industry in Chicago get a special break when some industry in Albany, NY, has to pay the full price. That is wrong.

And yet, the Rules Committee turned down the Republican leaders's request to have that amendment made in order to the base bill. What have we come to as a House when the majority Democrats on the Rules Committee coldly and callously stiff the Republican leader?

Mr. Speaker, I do not think it is unreasonable on something as important as the issue of line-item veto to have an open amendment process.

This is not the Tax Code, let alone rocket science.

I do not think it is unreasonable to have process where by we try to reach a consensus approach that takes the best from both parties the best from all Members of this House regardless of party.

That was the message the American people really had for all of us last fall. Stop your partisan gamesmanship and bickering and work together for the good of the country. That is the message I heard.

□ 1540

And yet it is difficult to work together when the majority leadership says, "Most Members of this House don't deserve to participate in the legislative process. Their ideas aren't worth it. Their amendments aren't worth it. And the people they represent aren't worth it. You had better start thinking about that, ladies and gentlemen.

"Instead, we are going to substitute the wisdom of a few Democratic leaders and a couple of Rules Committee members for the collective judgment of 435 Members and your constituents."

That is what the Democratic leadership is saying by these rules. Well, I for one say the time has come to stop being elitist, stop the "pappa knows best" attitude which treats the rest of the Members and their constituents like children.

Ladies and gentlemen, you can vote down this rule. We can come back with an open rule, and every single one of you, every single one of you, like the Wall Street Journal says here right now, "The push to replace the line-item veto with a sham substitute is typical of how Congress is dealing with reform in this session. It is faking it." And that is why you and I and the rest of this body are held in the lowest esteem in history. You ought to be ashamed of it. You ought to vote down this rule and give us a fair shot on the floor of this House.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule before this body is fair. It gives the Republicans their chance. It gives the Democrats their opportunity. And through the means of recommittal, it gives the Republicans an opportunity to put anything they want to in a motion to recommit, provided it is germane. No rule that could be fairer.

Having said that, I yield 1½ minutes to the distinguished gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. I thank the gentleman for yielding this time to me.

Mr. Speaker, President Clinton ran for President as a new Democrat, as a Democrat who is fiscally responsible.

He had a message, a message that just because you are a Democrat does not mean you are an economic fool.

There is a $4 trillion debt that exists in this country, a cancer on our country, a cancer that is affecting our lives and our children and our grandchildren. And that $4 trillion debt has occurred under Democratic and Republican Presidents. It has occurred under Democratic and Republican Congresses.

Before I came here, I served 10 years in the Florida Legislature, where I served under both Republican and Democratic Governors, who used the line-item veto well and successfully for the State. This is an opportunity for the United States to join 43 other States in this country and have a line-item veto that works.

Make no mistake, the vote on the rule is the vote on fiscal responsibility.

Use words and make expressions, anything you want, but that is the true vote, as the National Tax Union has said and all of us know here today.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to our distinguished Republican leader, the gentleman from Illinois, Mr. BOB MICHEL.

Mr. MICHEL. Mr. Speaker, I rise to strongly urge my colleagues to vote against the rule before us today providing for consideration of the Expedited Rescission Act and applaud the gentleman from New York, [Mr. SOLOMON] for his remarks made earlier on the leader's behalf with respect to the amendment we have pending.

It is yet another closely structured rule presented by the Democratic majority of the House to reach the outcome that the Democrats' desire.

Now, if this rule is agreed to, the Democrats could then probably pass an imposter for the line-item veto and tout it to the American people as real action on a presidential line-item veto.

I do not know how many of you saw the Wall Street Journal this morning, but they editorialized forcefully this morning that the Democrat's proposal is a sham substitute for the line-item veto.

Yes, this rule does allow consideration of a Republican substitute, a real legislative line-item veto. And it also allows for consideration of my amendment to include special tax provisions as items that may be vetoed by the President.

But my amendment is allowed only as an amendment to the real legislative line-item veto to be offered by Representative CASTLE, a proposal that we do not quite possibly have the votes to pass in this body. My amendment was not made in order to be offered to the Democratic proposal, as I had requested of the Rules Committee, because it may jeopardize passage of the Democrat leadership position. My amendment, having to do with tax trinkets in addition to pork barrel spending on appropriation bills, has gained much popularity. The rule does preclude other amendments sought by Members to improve the bill. Amendments advocated by any Member, including Members on the Democratic side, freshman Members, that may jeopardize the ultimate conclusion sought by the Democratic leadership have been squelched by this rule.

So we really ought to have, as far as this Member in concerned, an open rule that also allows for consideration of my amendment that would allow, as I indicated, special-interest tax provisions to be vetoed by the President, as well as appropriation provisions.

By way of quick review, when we passed the tax bill in the last Congress, H.R. 11, it contained over 50 specific special interest tax provisions there that had nothing to do whatsoever with the original intent of the tax bill, and that was to fund enterprise zones for the cities as a result of the Los Angeles riots.

So a tax bill can be completely loaded up with special interest tax provisions by the Congress; not by the administration. The President ought to have an opportunity to remedy that. It is a very popular amendment that I conceived earlier on, and we would like to have it made in order to the base bill, which obviously has the most support because of the numbers game in this House. We are outnumbered on the Republican side by 83 votes. And so it takes much more than a unanimous vote on our side to pass anything around here—we need a significant portion of the votes from the Democratic side. In my opinion, considering the special-interest tax provisions is a legitimate issue. It should be debated in relation to presidential line-item veto authority of appropriation items.

Since this is not an open rule and since this is an attempt by the Democratic majority to guarantee passage of a mere shadow of a line-item veto, thereby precluding consideration of a real line-item veto, I urge a "no" vote on the rule.

I want to direct my attention particularly to some of our new freshman Members who came to this body particularly espousing a line-item veto. I have always supported a line-item veto, going back to the Carter administration days, I believe it is a good management tool. But it has got to have teeth if it is going to be worth anything and not simply expedited rescission, which, for all practical purposes, is speeding up the existing process by 25 days.

I urge all of the Members on our side, including our freshman Members, who may very well have come to this Congress thinking they are going to have an opportunity to vote on a line-item veto, to make the sharp distinction between what is real and what is phony. If we all stand together as a body and make the case that the Democrat's proposal is not a real line-item veto, it will make sense to the American people because they say you cannot have 176 people on our side of the aisle be wrong.

This position is a judgment call on our part in the leadership, but we think it is a good one. And we have made some good progress in the last couple of weeks sticking together as a body and making our point in no, unmistakable, terms. That is the way you eventually get things done around here.

Mr. Speaker, I urge my colleagues to vote "no" on this rule until we get a better one that gives us the opportunity to do what the American people really want.

Mr. DERRICK. I yield myself such time as I may consume.

Let me just say that the leader on the line-item veto in this body for years and years and years, Mr. STENHOLM, is the coauthor of this bill that we have before us. He considers it legitimate, and so does most of the rest of the House.

Mr. SOLOMON. Would my friend yield?

Mr. DERRICK. Mr. Speaker, I yield for the purpose of debate only 90 seconds to the gentleman from Georgia [Mr. DEAL].

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. You have your own time. You can use it.

Mr. SOLOMON. The gentleman won't yield?

Mr. DERRICK. You have your own time. You can use it.

Mr. SOLOMON. Just trying to be polite to my friend. If you don't want to be polite, fine.

The SPEAKER pro tempore (Mr. DURBIN). Regular order.

The gentleman from Georgia [Mr. DEAL] is recognized for 90 seconds.

Mr. DEAL. Mr. Speaker, there are times when historic events engulf us, moments in time when the significance of them are magnified by our reflection upon them. I suggest to you that today is such a time.

It is the first, and perhaps the last, time that we will have the opportunity to vote on the line-item veto. I urge you to vote for the rule so that the merits of both the Democratic proposal and the Republican proposals may be considered. Do not be deceived. This is the vote on the line-item veto.

□ 1550

If you vote against the rule and block its consideration, you will never have the opportunity to properly explain it away.

No, it is not a constitutional amendment. But are you willing to wait for the years that it will take to ratify a constitutional amendment?

No, it is not all that some of us would like to have, but it is the first significant step toward fiscal responsibility that has been laid before us.

It is time to put principle ahead of party. It is time to vote on measures based on their merits rather than where they fit into somebody's political agenda.

The public is tired of political posturing. I urge you to vote for the rule and to vote for the line-item veto.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

The reason I wanted my good friend, the gentleman from South Carolina [Mr. DERRICK] to yield, was that I wanted to read the gentleman's statement on April 1 in the RECORD of Mr. STENHOLM, who absolutely opposed the line-item veto. Mr. STENHOLM says:

> I will oppose that. I have always opposed the pure line-item veto. I do not believe in

giving any President one-third plus one veto authority on the works of the Congress. I think it unbalances the balancing power.

The gentleman from Texas [Mr. STENHOLM] will be on this floor later. He will tell you that he opposes the line-item veto.

Mr. DERRICK. Mr. Speaker, will the gentleman yield for a moment?

Mr. SOLOMON. Out of courtesy, Mr. Speaker, the gentleman would not yield to me, but I am glad to yield to the gentleman.

Mr. DERRICK. Mr. Speaker, I think the gentleman is going to enjoy hearing what I have to say. I misspoke. The gentleman is correct.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman so much. I have always said, the gentleman is a gentleman.

Mr. Speaker, I yield 2 minutes to the other gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I join with the minority leader in rising in strong opposition to this rule. It is more than a little disappointing that the very first bill to be brought to the floor from the Government Operations Committee during the 103d Congress, the very first bill that I will be managing as the ranking Republican of the committee, was never voted on by the committee, never debated by the committee, never subjected to normal and appropriate committee procedures.

Mr. Speaker, that is not the way to do business and I am not going to begin my tenure as the committee's ranking member by supporting such a travesty

Earlier this month, I testified with others before the Rules Committee expressing my very deep concerns with this distortion of the committee process. Although the Government Operations Committee conducted one legislative hearing this year on the general issue of enhanced rescission authority, no regular markup was held and no opportunity was given to Members on either side of the aisle to offer amendments to the measure under consideration, although several of the minority members had an interest in offering amendments.

So what we have, Mr. Speaker, is a gag. It is not going to permit amendments to be brought forward, and given the procedure and the fact there has been a lot of criticism of the vehicle we are going to vote on, and the Wall Street Journal article has been alluded to, let me put in just one other quote:

> Today, the House will likely debate something called "expedited rescission." It is to the line item veto what chicory flavored water is to Colombian coffee. It may look the same but one taste tells the tale.

So given the fact that we are getting a watered-down weakened version of a true line-item veto approach, we need to have an open rule to allow this measure to be improved.

It is too easy for the majority party, with a Democrat in the White House, to abuse the House rules and minority rights by bypassing the normal committee procedures and then allowing but very few amendments to be considered on the floor, and those amendments in a way that stacks the deck so that the majority version will pass basically unencumbered with any amendments offered by the minority.

This practice effectively cuts off any opportunity for Members from either side of the aisle to participate in the legislative process. It should be the interest of all House Members that legislation like this be fully considered by the appropriate committees before it reaches consideration on the House floor.

Because it was not, and because we have not been given the opportunity to fully offer amendments, I urge the rejection of this rule.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to point out, since the Wall Street Journal editorial has been referred to several times, that the bill this editorial is about was abandoned last year. I would suggest to those who wrote it that they ought to keep up with us.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Speaker, I thank the gentleman from South Carolina for yielding this time to me.

I urge all Members, both Democrats and Republicans, to support this rule.

If you truly want a line-item veto, this is the vote. This rule allows us to debate and vote on the two major line-item veto proposals, the Castle-Solomon one-third plus one, as well as the Spratt-Stenholm 50 percent plus one.

Do not be fooled by the rhetoric today. This vote will show who really wants a line-item veto and who just wants a line-item veto issue.

If you believe in the one-third plus one approach, as I do, this rule is our chance. If this rule is rejected, we will have lost the chance to enact the line-item veto.

The National Taxpayers Union is not fooled, and that is why the NTU has made this vote on the rule a key vote, showing who is a friend of the taxpayer and who is just not serious.

You have to pass the rule to decide whether to order coffee or chicory.

Finally, let me make a special plea to my freshmen Republican colleagues by quoting some of their own words. On April 1 in the well of this House, my colleague from Ramsey, MN, said:

> And it is the Democrats, not the Republicans, who are keeping the President from getting the line-item veto he wants.

Well, please do not allow the Republican leadership to stop the President from getting the line-item veto.

My distinguished friend from Shaker Heights, OH, said:

> Mr. Speaker, I am very disappointed with my colleagues. I hope that maybe they will come around and realize that it is not the Democrat leadership that they belong to. They belong to the people of the United States of America who elected them, believing that maybe reform would happen with their help.

Well, the issue is simple. If you want the line-item veto, you must vote "yes" on the rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished ranking member, the gentleman from New York, for yielding me this time.

Today, some Democrat colleagues are going to tell the world that they have changed their minds and they are now ready to pass a line-item veto—something they have fought vehemently for years. Wrong. This bill before us today is not a true line-item veto nor does it even come close. What we have before us today is something called expedited rescission, not enhanced, not expanded, but expedited. It does not put the brakes on runaway spending—it does not add much to accountability. It is speeded up status quo, dressed up to pretend it is a line-item veto.

Imagine a 100-foot high building on fire with a man on the roof crying for help. The Democrat bill would be a flyover above this 100-foot highrise with words coming out of the helicopter saying, "Don't worry—we'll save you with our certified rescue package." The problem is, the rescue package they offer is a 30-foot-long rope and will leave that man hanging 70 feet off the ground while the building burns around him. That 30-foot rope is a far cry from what is needed to save our burning economy.

If the Democrat leadership were really serious about a true line-item veto—like the legislative line-item veto offered by Mr. CASTLE and Mr. SOLOMON—they would have attached it to the debt limit extension that was rammed through this House in the wee hours just before the Easter recess, as you will recall. That debt limit bill has already become law—and with it the line-item veto could have already been law, too. But as they have been doing a lot lately, the Democrat leadership in the Rules Committee said "no," not just to the minority, but to their own Democrat freshmen as well, who saw the debt limit bill as the surest way to ensure real budget process reform, and they refused their amendment then. But that is past history.

Here we are today with yet another restrictive rule—in fact the 10th out of 10 so far this Congress—debating the merits of that 30-foot rope. As a former mayor and county chairman responsible for balancing budgets I can say to this bill: "I know the line-item veto; I've worked with a line-item veto—and you're no line-item veto!"

Under this rule we have one amendment offered by the freshmen Republicans and Mr. SOLOMON to add some teeth to this measure and I urge my colleagues to support it. But what happened to the proposal by the Democrat freshmen? And the proposals to make budget reform permanent instead of a 2-year experiment? And the one offered by our minority leader designed to stop special interest tax breaks? All these were effectively shut out by the Democrat majority on the Rules Committee—the same majority that will have the power under this bill to simply waive the rules and make its provisions useless, as has happened before.

If we go through the motions here today and adopt this expedited rescission bill, I expect the status quo Democrat majority to declare the issue of the line-item veto resolved. In fact, I read in this week's CQ that the primary reason this issue is being brought up at all is because the Democrats want to get it off the table and put it under the rug, it seems. But the debt will continue to go up and the waste will continue—and we may have lost our chance to turn things around.

Please, do not be fooled. This is not line-item veto—this is not son of line-item veto—this is not even a distant cousin of line-item veto. Do not accept this stand-in for reform. Stand up and fight for the real thing. Vote "no" on this rule.

□ 1600

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of the rule. Why is this important? First, Mr. Speaker, the President of the United States should be given the ability to cut out pork and what is questionable in the budget. Number 2, the American people want the line-item veto. We have tried Gramm-Rudman, we have tried the constitutional amendments to balance the budget, we have tried budget summits, and nothing has worked.

Mr. Speaker, the President has for the first time the first serious budget reduction package before us. He wants a line-item veto. He is serious about it.

Constitutionally, Mr. Speaker, this, in my judgment, is sound. The legislative branch is protected. It is a 2-year experiment.

Second, the House, the Senate, the Congress, can override the rescission package. The ability for the Congress to promote a new rescission package is there.

Mr. Speaker, the most important reason why we should support this rule, and a lot of Members have different views on line item veto because of their concern for the legislative branch losing some of its power, is that we allow this debate to take place. If this rule is defeated, we cannot, and I repeat, we cannot, vote on one of the President's main initiatives as a President.

I served as the chair of the drafting committee of the platform. President Clinton as a candidate, as a Governor, has supported the line-item veto, and we are ready to look at it for 2 years. Maybe in 2 years, constitutionally, structurally, there will be questions. We can revisit it again.

But I say for the credibility of this body, of the Government, of the executive legislative relationship, Let's give the President this authority to cut out questionable spending. Most States have this authority. Most governors do.

Mr. Speaker, I think this is going to result in fiscal discipline. It is going to result in a better relationship between the two branches, and I think we owe it to the fact that the American people want change, and they want us to vote for different approaches to the deficit. The President proposed this in his package, an essential element of his package is this modified line-item veto, and I urge support of the rule.

As a nation, we face many difficult problems and, due to the Federal deficit, we are unable to respond as we should. Whether the issue is health care, education or job creation, we are hamstrung and simply lack the resources to act in a forceful and responsible manner. Stated plainly, we must cut the deficit in order to function as an effective government.

We must make tough choices in order to cut spending and put our economic house in order. Unfortunately, we have proven, year in and year out, that we lack the discipline to make those choices and, therefore, I believe that we need to create structures that will give us the confidence and ability to cut when necessary. For that reason I support H.R. 1578, the Expedited Rescissions Act and, in the past, supported the Gramm-Rudman Deficit Reduction Act and the 1990 budget agreement.

The enhanced rescissions Act is simple, it gives the President a greater ability to pinpoint cuts he wants to make. The bill is crafted carefully and fully protects the jurisdiction of the legislative branch by providing for a simple majority override of the President's cuts. It then enables the Congress to draft an alternative rescission package. This plan is responsible and, at the same time, brings us much closer to sound fiscal management.

Mr. Speaker, I strongly support this bill but realize that others may not. Nonetheless, I strongly ask for their support on the rule. Poll after poll show that the American people want tougher fiscal controls and doubt that we have the ability to make the difficult economic choices. President Clinton has asked for enhanced rescission and I think that we must put the issue to a vote. I will vote for H.R. 1578 but understand that others will vote against it. What we must do today is give it a fair hearing. Only by passing the rule and debating the bill on the floor can that happen.

Mr. Speaker, I urge my colleagues to support the rule. I yield back the balance of my time and thank my friend from South Carolina.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. EVERETT], a very distinguished freshman Member from Midland City.

Mr. EVERETT. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], my friend, for yielding this time to me. He represents New York by way of Echo, AL.

Mr. Speaker, I rise today again in opposition to this rule and again to call on Republican and Democratic freshmen to put aside partisanship and vote against this rule.

This is not a line-item veto. It is, as the Wall Street Journal commented in today's editorial, a line-item voodoo.

Many Members, new and old alike, promised the American people they would give the President a line-item veto. Candidate Bill Clinton campaigned for the line-item veto. Yet, surprise, after the election, Mr. Speaker, nobody seems really interested in a true line-item veto.

Mr. Speaker, what is being offered instead is a poor substitute that is designed to fool the public and do nothing to curb the appetite of this Congress from spending. As the Wall Street Journal says, it is to a line-item veto what chicory flavored water is to Colombian coffee. It might look the same, but one taste tells the tale.

What the President would have to do is sign an entire spending package and attach a list of spending items he agreed with and then ask the Congress to eliminate them. Where is the line-item veto? He will not even be allowed to reduce an existing program below the previous budget. Where is the line-item veto? Mr. Speaker, where is the beef?

The people in my district elected as their Representative someone who had never been involved in politics. They did that because they lost faith, unfortunately, in the Congress. They did that because they were angry at politicians telling them one thing and doing something else.

This rule represents that kind of thinking, my colleagues, and I would add that the American people will not be fooled by it.

Vote this rule down, and let us bring a true line-item veto to the floor.

I will tell my colleagues what time it is, Mr. Speaker. It is time to tell the American people the truth.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, this is not a vote today on a line-item veto. This is a vote today to expand the power of the Presidency.

The Constitution is clear. Congress spends, Congress cuts. The problems in America will not be solved by giving the President a red felt tip pen.

My colleagues, Congress is afraid of its shadow. Congress will not cut. Congress is afraid, and, if we take the power and give it to the President, where does that power come from, if not from the people?

And let me say this: One man's trash is another man's treasure. I was not for expanding the power of the Presidency under a Republican administration, and I am not going to be a hypocrite. I am not for taking power from the people, investing it in the White House in a Democrat administration.

Mr. Speaker, the President is not going to solve our budget dilemma. It should be Congress, and I do not want to see Congress wimp out and sell the Constitution out to do it.

I appreciate having been yielded this time, Mr. Speaker.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I want to talk about two things. First of all, Mr. Speaker, I want to talk about closed rules. The American people do not understand how this place works, so it is time for us to explain that.

I say to my colleagues, "When you have a closed rule, you cannot debate the issue fully, and the Democrat Rules Committee has continually this session of Congress sent closed rules to the floor."

We are not going to be able to vote today on a line item veto because of the way this rule is structured. We are going to do it on their terms. They are trying to ram through everything President Clinton wants without full debate and disclosure.

Mr. Speaker, of all the rules we have had on the House floor, none have been open. In the past, 82 percent of the rules have been open. During this session, zippo, none, and that is why we have Lady Liberty gagged and hope the American people understand that.

In addition to that, Mr. Speaker, we have had 10 rules this session, and, out of the 10 rules, all have been closed, 100 percent, and that means that all the people that we represent, 600,000 people apiece, do not have a voice in this Congress because the Committee on Rules continues to gag them and will not allow them to be heard.

Finally, Mr. Speaker, the Speaker of this body, the gentleman from Washington [Mr. FOLEY], said he expects open rules within a matter of a very few days on major legislation. If a line-item veto is not major legislation, then what is it? And he said this on Monday, and they are sending a closed rule down here.

The fact of the matter is the people are not getting the straight story from the Democrat Party. They want to ram through $402 billion in new taxes, another $145 or $150 billion for Hillary Rodham Clinton's health care program, and they are calling that democracy. Baloney. It is just plain baloney.

What we want is open rules. We want a straight up or down vote on a real line-item veto, not this enhanced rescission.

My colleagues know what it is. It is baloney, and the American people ought to know it is baloney. We want a vote on a straight line-item veto, and I hope the Committee on Rules one day will be fair.

□ 1610

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. Mr. Speaker, I rise in favor of this rule and urge my colleagues to support it. I do this for two reasons. I have a perspective that is perhaps unique in this debate. I am one of the Democratic freshmen who supported an amendment that will not be considered under this rule. But for two reasons, I believe it is imperative that we pass this rule.

The first is that it should be very clear that killing this rule kills line-item veto in any shape or form in this year. You can shape it, you can shade it, you can color it, but a "no" vote is a vote to kill any shape of the line-item veto this year.

Those who believe that it is more important for the future of this country to make some political point about rules than to adopt a tool that can cut our deficit do not share my belief that the fundamental and No. 1 problem in our country is that deficit.

This bill will not give the Executive untoward power. It will simply allow the President to shine a spotlight on a spending proposal.

Mr. Speaker, I further believe in one principle that is engraved in this rostrum, and that principle is union. There are those who do not share my belief in the wisdom of this bill at all. To them I say that I urge them to vote in favor of this rule for principles of union. We must at times subjugate our personal beliefs and our personal wishes to union.

Mr. Speaker, I urge the Members to vote in favor of this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, the proposition before us today is very simple. Do we want to act like Members of Congress and continue to exercise the constitutional authority granted to us by our Founding Fathers, or do we want to turn our backs on responsibility and support an ill-conceived public relations gimmick. Why do I say this? H.R. 1578 is another in a long line of budget gimmicks that won't work, is not needed, is off questionable constitutional value, is inherently flawed, and is just plain irresponsible.

H.R. 1578 will not work. The bill is designed to decrease spending by making Congress vote up or down on the individual programs in appropriations bills which the President has singled out for rescission. Many fear that this will actually increase deficit spending because it gives Congress an incentive to present larger budgets to the White House in order to guard against Presidential rescission power.

In addition the GAO has flatly stated that "rescissions cannot be expected to be a major tool for reducing the deficit." The GAO reasons that rescissions have little deficit cutting impact because they are limited to the discretionary portion of the budget and do not touch the 61 percent of the budget comprised of mandatory spending—interest on the national debt, entitlements—including escalating health expenditures. Since 1974 the total enacted rescissions—$69.2 billion—comprise just 3 percent of the cumulative deficits incurred during that period.

H.R. 1578 is a remedy in search of a problem. It's not needed because the current rescission process works to reduce deficit spending. From 1974 to the present, Presidents have proposed $69.2 billion in rescissions and Congress has responded by approving $21.3 billion of the requested rescissions and initiating $65.1 billion of its own cuts for a total of $86.5 billion in rescissions. In short, since 1974 Congress has enacted almost $20 billion more in rescissions than Presidents have requested.

H.R. 1578 is also not needed because there already exists within the Impoundment Control Act a special discharge procedure which permits 20 percent of the Members of either House to force a floor vote on any Presidential rescission proposal. This provision should be sufficient to ensure that any proposal having adequate congressional support to suggest the possibility of approval could be brought up for debate and a prompt up-or-down vote. If the proposal cannot even get 20-percent support then it is unlikely that it would ever be approved.

H.R. 1578 is of questionable constitutional value. First, the bill amends the rules of the House by statute. This contravenes article 1, section 5 of the Constitution determines that congressional Chamber determine the rules of its own proceedings. The current proposal essentially amends the rules of both the House and the Senate by statute; that is, the Senate and the President determine the rules of the House and the House and the President determine the rules of the Senate.

Second, the bill could violate the principle of bicameralism. The bill makes no provisions for a conference should the House pass its Appropriations Committee alternative, and the Senate pass either the President's proposed rescissions or its own Appropriations Committee alternative or visa versa.

If the conference arises from current House and Senate rules—which is not clear from the bill—then what happens if only one Chamber passes the conference report or if neither Chamber chooses to act on the conference report? Technically both Chambers would be in compliance with H.R. 1578 but there would be no final action on any rescissions package. None of these questions are answered by the bill and all of them could lead to bicameralism problems.

It skews the balance of power between the Congress and the President. The proposal advances Presidential spending initiatives at the expense of legislative spending initiatives. Under the bill's procedures the President could rescind 100 percent of the appropriations for the Legal Services Corporation or 100 percent of the appropriations for cruise missiles.

Granted the House and Senate could offer an alternative rescissions package but the alternative must, first be within the same appropriations act as the rescissions the President proposed and second the amount of budget authority rescinded must be equal to, or greater than the rescinded budget authority proposed by the President. Also any proposed congressional alternative package could be vetoed by the President in which case Congress would have to overcome the veto by a two-thirds majority vote.

While either Chamber could restore the program targeted for rescission by a simple majority, the proposal forces Congress to adopt or reject each of the President's proposed rescissions. This gives the President enormous new power to set spending priorities. The President gets an expedited procedure and the Congress gets no more than an up-or-down vote.

The President would also have new power to set the legislative agenda through the use of the rescissions process. The bill would make all 13 yearly appropriations bills, plus any other appropriations bills—for example, emergency supplemental bills—subject to the rescission procedure. This would give the President up to 20 bills per year to exercise his rescissions powers and impact the legislative agenda.

The measure also gives the President added new leverage over individual Members. The President could negotiate a rescission, or a lack of a rescission, on an appropriation of particular concern to a Member in exchange for the Member's action on other legislative business.

There is also a potential one House veto problem in the bill. As drafted the House can vote down both the President's rescission proposal and its own proposal and the Senate does not have to act. Should the House approve the President's plan, or its own plan, the Senate could exercise its own one Chamber veto by voting down both the President's plan and its own plan. In short the rescinded funds can be restored by the action of a single Chamber. This single House action raises serious constitutional concerns.

H.R. 1578 as drafted contains a procedural flaw. The bill requires that Congress act within 10 legislative days on the President's rescission request. Without action, no spending occurs. Should Congress adjourn at the end of the current session, before the President sends his rescission message to Congress, no spending could occur until Congress reconvened in January 1994 and acted on the rescission legislation. In effect spending on the President's rescinded programs could be halted for 3 months due to this flaw in the bill.

H.R. 1578 is just plain irresponsible legislation. It is a gimmick that gives the President the power to do what should be Congress' responsibility under the Constitution. Ironically, the bill, which its proponents claim is a vote for fiscal responsibility, doesn't even require a recorded vote during the consideration of the rescissions packages. Why would Congress pass a bill that gives a measure of their spending power to the President? So Members don't have to make the tough choices the Constitution and our constituents expect us to make.

Mr. Speaker, I implore my colleagues to remember their oath of office, their constitutional obligations, but most of all remember why they came here—to make tough decisions and to make a difference. This legislation must fail because we must legislate for the next generation, not the next election.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to another freshman Republican, the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I am amazed to hear some Members actually stand up and call this particular piece of legislation a line-item veto.

One of the favorite stories that Abraham Lincoln told went something like this: How many legs does a dog have if you call his tail a leg?

The answer is, Four, because calling a tail a leg doesn't make it so.

I do not care how many times you call this particular piece of legislation a line-item veto, it is not, and it is nowhere near it.

I was amazed to hear one of my freshmen colleagues on the other side of the aisle say that this is our only chance this year to vote for a line-item veto. Oh, really? Says who? Who made that decision that nothing else can come to the floor of this House for a line-item veto? Let us name names. If somebody made that decision to thwart the will of 80 percent of the American people who want a line-item veto, let him stand up and be counted or keep on hiding behind closed doors and behind closed rules. This is not a line-item veto.

One of my favorite movies while growing up was Tony Curtis starring in "The Great Impostor." That was Albert DeSalvo. Sometimes he was a priest, sometimes he was a surgeon. Who knows what he might be next? One thing he never did in the movie, though, he never got himself elected to Congress. Sometimes I wonder, is "The Great Impostor" hiding among us here when you can take something like this and label it a line-item veto? No, it is "line-item voodoo."

You cannot cut any pork unless Congress or most of Congress by a majority vote says, "We want to cut it." Where is the veto in that? Where is the two-thirds margin that the people of America expect to override a Presidential veto.

We need to have a real line-item veto and an open rule that also attacks the problems with the tax bills that bring pork into them, such as was offered under an amendment that was not permitted by this rule.

Mr. Speaker, I ask the Members to oppose the rule, and let us keep up the fight for a true line-item veto, not "line-item voodoo."

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I rise actually in reluctant support of this rule. I am in strong support of the enhanced rescission package. I favor it. In fact, I am a cosponsor of it.

I believe, however, that our rule should allow more debate and discussion on amendments. In fact, I have two amendments that I wanted to propose myself. One of them expands this authority to tax expenditures; the other expands the contract authority. I think they should be made in order. I think we should have the opportunity to debate and vote on those issues, and in fact, if I were convinced that by defeating this rule we would be able to come back with a better rule to present these items, I would oppose this rule and vote against it.

I am, however, convinced that if we defeat this rule, we will defeat any opportunity for enhanced rescission. We must have enhanced rescission. I believe it so strongly that I am willing to wait to present my amendments until 2 years from now when we will have an opportunity to make permanent the enhanced rescission provision.

So Mr. Speaker, I encourage all my colleagues to vote in favor of the rule and in favor of the bill.

Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds just to tell the gentleman who just spoke that there is no question that if the rule is defeated, the Democrat leadership is going to bring a bill back on this floor, because there are veteran Democrats who were hung out to dry when they voted for the stimulus package and it went down, and there are freshmen Democrats who were hung out to dry because they had to vote for raising the debt limit. They are demanding a vote, and there will be another chance out here for that. That is why we should defeat this rule.

Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, the gentleman from South Carolina [Mr. DERRICK] said that this was the fairest rule that they could bring to the floor. They cannot even recognize that the fairest rule that could come to the floor is an open rule. That is the fairest rule that they could bring to the floor.

Let me tell the Members this, too, about unfairness: co-opting the freshman Democrats. Mr. Speaker, we have had freshman Democrat after freshman Democrat talk about this rule as being the vote on line-item veto.

Did you know, I say to the freshmen, that a one-third vote could kill any rescission? That is a one-third vote. This is how it works, and obviously your leaders did not tell you about that.

□ 1620

Mr. Speaker, the President has to sign the bill sent him. Then he sends us a list of rescissions he wants to make. In 20 days we have to pass a resolution approving the rescissions.

Mr. Speaker, do you know what they can do, especially in this Committee on Rules? They can take this bill and put it on the Suspension Calendar, and one-third of the House can stop the approval of the rescission. That is not the line-item veto. That is not even majority line-item veto. That is a sham. Do not be coopted. Vote against this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, there has been a lot of rhetoric today about this rule, most of which has not been actual. I want to ask the gentleman from New York [Mr. SOLOMON] a simple question: Is H.R. 24 that the gentleman has authored a sham, baloney line-item veto bill, or is it not a true line-item veto as the gentleman from New York believes it?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, H.R. 24 is in the form of the Castle-Solomon amendment, which is a true legislative line-item veto.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, does not this rule take under consideration under 1 hour's debate the amendment that the gentleman from New York [Mr. SOLOMON] wishes to offer?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield further, it does. But it does not allow us to change it. It does not allow us to offer it to Spratt-Stenholm, and it does not allow the targeted tax provisions by Mr. MICHEL, which every tax organization in the country wants us to offer on this floor today.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, the gentleman from New York [Mr. SOLOMON] has answered my question.

Mr. Speaker, I rise today in support of the rule to H.R. 1578, the Expedited Rescissions Act, which has also been referred to as modified line-item veto legislation. I stand in support of this rule for two reasons: First, because it is a fair rule that allows the House to consider major alternatives on this issue; and, second, because the taxpayers of this country are fed up with rhetoric and political games. They want us to debate and vote on line-item veto legislation so that we Members go on record on this issue. Much more importantly, they want us to pass legislation into law which encourages the elimination of wasteful spending.

This bill that we are discussing today, H.R. 1578, began in the 103d Congress with H.R. 1013, legislation which I had originally introduced with a bipartisan group of 80 of my colleagues. The text of H.R. 1578 made in order by the rule maintains the basic principle of the bill I introduced earlier this year—the requirement that Congress must vote up or down on Presidential rescission messages under an expedited procedure.

This new text reflects improvements made after extensive consultation and review to address concerns raised by Members on both sides of the aisle. In my opinion, any fiscal conservative who claims that this bill is weaker than H.R. 1013 or last year's H.R. 2164 either has not taken the time to study the changes or else has other reasons for intentionally misinterpreting the bill. I defy anyone who marches under the banner of fiscal responsibility to tell me how eliminating the limitation on the amount of authorized funds makes the bill weaker. Or please explain to me how removing the opportunity to strike rescissions from the package is bad. Or perhaps you could provide insight on the damage done by putting in place the roadmap for a second rescission package if the President's proposal is defeated.

We can argue about the merits—both substantive and political—of this approach as opposed to full line-item veto. But for those people who have enthusiastically supported enhanced rescission in the past and now bad mouth this version which is even stronger, I have waning patience and waxing frustration.

In addition to the modified line-item veto approach embodied in H.R. 1578, attention has focused on two other line-item veto proposals in the 103d Congress: The Duncan and Solomon bills, H.R. 159 and H.R. 24, that would effectively require a two-thirds vote to block Presidential rescissions; and the Michel bill, H.R. 493, which would allow the President to rescind tax items as well as appropriations items with a two-thirds vote necessary to override the President. Under the rule, the House will have the opportunity to debate and vote on both of these approaches.

Although I personally do not support the Castle-Solomon line-item veto amendment, I know that many Members do, and therefore I believe very strongly that the House should have the opportunity to debate and vote on this amendment, as well as the Michel tax amendment. I have consistently and adamantly advocated this position before the Rules Committee and with the leadership, and I am pleased with the Rules Committee for having granted a rule which will allow honest votes on the leading alternatives on this subject. I understand it has been suggested that in private I have argued in favor of a closed rule. That quite simply is not true and, frankly, I take offense with the suggestion that behind closed doors I might act contrary to my public position, which always has been to argue for up-or-down votes on major, substantive issues.

The issue of line-item veto authority has been debated for many, many years. The issues of balance of power, constitutionality, procedures for rescissions, et cetera have long been in the marketplace of ideas and debate. On the other hand, only very recently have the ideas of tax expenditures and contract authority been added to this debate. I believe that these two issues, tax expenditures and contract authority, very rightfully belong in the rescission debate. I am very eager to explore these concepts personally. I want to hear others with greater constitutional and institutional expertise than I debate the nuances of including tax expenditures and contract authority in rescission authority. I am considering introducing legislation embodying these two concepts in an effort to help further this discussion. I think it is highly likely that 2 years from now when we consider renewing the contract on this legislation, I will be prepared to vote for revisions of this sort. At this point, however, I do not believe the debate has matured to the point where we should be attaching these unexplored ideas to legislation which is likely to be signed into law.

During the last Congress, there were several unsuccessful efforts on procedural votes to bring the line-item veto to a vote. I supported these efforts on a few occasions, as did many of my friends on the other side of the aisle. Today we have the very opportunity that we were seeking through our procedural gymnastics, that being to vote up or down on the substance of the line-item veto. As one who seeks to avoid a cynical interpretation of events, I can only be baffled about why some Members would fight procedurally so hard for the chance to vote at one time, and then stomp into the dirt that very opportunity when it is handed to them today.

Make no mistake: If this rule is defeated, it is very unlikely that there will be another opportunity to vote on any version of line-item veto during this Congress.

More than two dozen business, taxpayer, and good government organizations are supporting H.R. 1578. I commend these groups for their proactive involvement and I will be submitting their letters of endorsement for the RECORD. The National Taxpayers Union has specifically addressed the issue of supporting the rule, which it encourages because the rule provides the opportunity for a clean vote on the issue of line-item veto. NTU points out that the only effective line-item veto will be the one that is enacted into law. Like NTU, which simply states, "A vote against the rule is a vote against consideration of the line-item veto," I do not understand how it can be argued that defeating this rule and preventing any line-item veto legislation from coming to the floor would be in the interest of American taxpayers. The vote on the rule comes down to this simple point.

I urge my colleagues on both sides of the aisle to give the American people a reason to feel good about their Government. I urge you to vote "yes" on the rule and when the rule is adopted, to support final passage of H.R. 1578.

For the RECORD, I include a letter from the National Taxpayers Union.

NATIONAL TAXPAYERS UNION,
Washington, DC, April 21, 1993.

Attn: Administrative Assistant/Legislative Director.

DEAR REPRESENTATIVE: Today's line-item veto votes will very likely be the most important votes on this issue during this Congress. The National Taxpayers Union (NTU) has long supported legislation that would enable the President to isolate and eliminate wasteful spending. For that reason, we want to be sure our position is clear to every Member of the House.

Our ultimate goal is passage of a line-item veto constitutional amendment. We support enactment of a statute as an interim step toward a full line-item veto amendment.

1. NTU urges you to support the rule, H. Res. 149, to allow a vote on both the "Legislative Line-Item Veto" and H.R. 1578, the "Modified Line-Item Veto." A vote against the rule is a vote against consideration of the line-item veto.

2. NTU urges you to support a motion to move the previous question. A vote to defeat the previous question is a vote against the line-item veto.

3. NTU urges you to vote against any motion to recommit. A vote to recommit is a vote to "kill" progress toward a line-item veto.

4. NTU urges you to vote for the "Solomon-Castle substitute," despite the fact that this measure stands little chance of becoming law in this Congress. This alternative is substantially the same as a full line-item veto, which has long been our preference.

5. If the "Solomon-Castle" substitute prevails, NTU urges you to vote for it on final passage.

6. If "Solomon-Castle" fails, NTU strongly urges you to vote for H.R. 1578, the "Spratt-Stenholm Modified Line-Item Veto." This bipartisan measure would greatly improve the current process, continue progress toward a full line-item veto and have a good chance of becoming law. A vote against H.R. 1578 is a vote against efforts to reduce wasteful pork-barrel spending.

7. Votes on both the Solomon-Castle substitute and final passage of H.R. 1578, with or without amendment, will be included in our annual rating of Congress. Votes on procedure may also be included in the rating if direct votes on the issue are unavailable. NTU will make every effort to publicize all votes on this issue.

Thank you for your consideration of our position. Please call me if you have any questions.

Sincerely,

AL CORS, Jr.,
Director, Government Relations.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am the imposter that, along with the gentleman from Texas [Mr. STENHOLM], has brought this bill to the floor. I support it. It is a good bill. It is not a sham.

Mr. Speaker, the President of the United States has requested us to give him this power.

Mr. Speaker, the last time we voted on a piece of legislation very similar to this was last year. October 3, 1992, essentially the same bill that the gentleman from Texas [Mr. STENHOLM], along with Mr. Carper, brought to the floor. At that time the gentleman from Indiana [Mr. BURTON], the gentleman from Georgia [Mr. GINGRICH], the gentleman from Illinois [Mr. MICHEL], the gentleman from Florida [Mr. GOSS], the gentleman from Texas [Mr. DELAY], and the gentleman from New York [Mr. SOLOMON], most of the Republicans who have spoken against it, have called it preposterous, voted for this very bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly would never refer to my good friend, the gentleman from South Carolina [Mr. SPRATT], or the gentleman from Texas [Mr. STENHOLM] as imposters. They both are very, very well respected Members of this House.

Mr. Speaker, I yield 1½ minutes to my good friend, the gentleman from Maryland [Mr. MFUME], a very well respected Member from the other side of the aisle.

Mr. MFUME. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, I rise today representing the position of the Congressional Black Caucus to argue that despite the disinformation that has been circulated on this floor, the Congressional Black Caucus remains in opposition to this bill.

Mr. Speaker, our position is one that has evolved out of a purity in principle. It is that purity in principle that divides us now as legislators on this matter, and it is important in this democratic process that we have the opportunity as we do today to debate it.

But let me just suggest that even the most naive student of constitutional history knows that the Constitution gives implied and stated powers, and that no legislator since the beginning of this Nation has come to the point that we are at today, and that is to give away, to cede unto the executive branch, those powers.

What ever happened to the notion of constitutional balance of power? The people whose pictures hang on this wall, Jefferson, Washington, Clay, and others, recognized that. They embodied it in our Constitution. They gave us a sacred trust to maintain and keep that balance of power.

It is not so much about a line-item or rescission, it is about who the Executive will be tomorrow and next year and next decade and how that individual will use that particular power.

Mr. Speaker, I urge Members to be conscious about this and not buy into the rule or the notion that this sunsets.

Mr. Speaker, let me tell you something about the sun: it sets every day, but it also rises again, and this bill will be back before us if we pass it today, no matter what others say.

So few will remember what we say here today, but all will remember today what we do, and what we do is important. We will rue the day that we give away power like this.

Mr. Speaker, I urge Members to oppose this bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have letters here from the United States Chamber of Commerce supporting the Castle-Solomon amendment. We have letters here from the Americans for Tax Reform really criticizing the National Taxpayers Union for riding the fence on this issue, and so am I. I often praise the National Taxpayers Union on this floor.

Mr. Speaker, it goes on and on and on. The Wall Street Journal, the Citizens for Sound Economy, and on and on and on.

Mr. Speaker, let me just say to the Democrats on that side of the aisle, I said it a few minutes ago, but there were not many on the floor, if you defeat this rule now you are going to have another chance within days, within days, to cast a vote on a true legislative line-item veto for which many Members campaigned last November and said they would come on this floor and vote. Because the Democratic leadership is not going to allow those that have been hung out there on the stimulus package and those that were hung out there on the debt ceiling, all of whom pledged they would not vote to raise that debt ceiling and would not vote for frivolous spending, they are going to have a chance to come out here next week and cast a vote on a true line-item veto. So do not let anyone hornswoggle you any differently. That is why you need to defeat this.

Mr. Speaker, if Members pass this rule and subsequently pass the bill of my food friend, the gentleman from South Carolina [Mr. SPRATT], and my good friend, the gentleman from Texas [Mr. STENHOLM], you simply are allowing the Committee on Rules at some time in the future to waive the rule and waive what you are passing here, which means you are doing absolutely nothing. You know that, and I know that, and you ought to vote no on this rule and do it now and let us have an opportunity to come out here in a free and open process, where all 435 Members of this body can cast votes and introduce amendments that really mean something to this piece of legislation.

Mr. Speaker, I urge Members to vote "no" on this rule.

□ 1630

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my colleagues who serve on the Committee on Rules with me have had a number of opportunities to have an open rule but have turned each opportunity down. They know as well as I do, as much as they whine, that this rule is a fair rule. It gives us an opportunity to vote on the Republican substitute, which they consider to be a line-item veto. It gives us an opportunity to vote on the Spratt-Stenholm bill, which we consider to be a line-item veto.

They can put anything they want in their motion to recommit which is germane.

The Members who had the honor to serve in the previous Congress will recall that last year we passed a bill very much like the bill before us today. I managed that bill. I voted for it, and so did 311 others who joined me. Most spoke against that bill today. It was a good bill which would have changed things around here for the better.

It would have created accountability by giving a President the power he needs to block individual items in spending bills. Forty-three Governors have similar power, including the Governor of my State of South Carolina. In most States it apparently works fairly well.

Unfortunately, last year's bill died in the other body at the end of the session. In a way, I am pleased, because this bill is a better bill, and it is our responsibility to take it up and pass it today.

We have a new President who has asked for this modified line-item veto. His administration has worked long and hard with the Committee on Rules, the Committee on Government Operations, the House leadership, the gentleman from Texas [Mr. STENHOLM], and others to develop it.

Our new President has signaled an end to the business as usual of the past. He has confronted the deficit and challenged Congress and the American people to change.

Mr. Speaker, we have already voted for change this year in this House. We passed the President's budget. We passed the jobs bill, which died in a Republican filibuster in the Senate. And we should pass this key aspect of his program, too.

The line-item veto is not the only solution to our problems, but it is in part a solution. We owe it to the American people to give this a try. If it works, we can extend it. If it does not, we can try something else.

Our new President urged us, just yesterday, to pass this bill. I believe we owe it to him, and we owe it to the millions who voted for change, to give it a try.

This is a good rule. Many Members' concerns about the bill already have been addressed and incorporated into the base text.

The rule makes in order a Republican substitute, and provides an opportunity for the minority leader to offer his amendment on tax expenditures. And it does not restrict the motion to recommit.

I urge all Members to support the rule and to support the bill.

Remember, if we vote against this rule, we are voting against considering a line-item veto. We are choking off everyone in this body, if we vote against this rule.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. RICHARDSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 208, not voting 12, as follows:

[Roll No. 144]

YEAS—212

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Beilenson
Berman
Bevill
Bilbray
Bishop
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Canady
Cantwell
Cardin
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dooley
Durbin
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Fazio
Fields (LA)
Fingerhut
Flake
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hayes
Hefner
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McNulty
Meehan
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Pallone
Parker
Pastor
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schumer
Scott
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Thornton
Thurman
Torricelli
Traficant
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Waxman
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NAYS—208

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Becerra
Bentley
Bereuter
Bilirakis
Blackwell
Bliley
Blute
Boehlert
Boehner
Bonilla
Brown (FL)
Bunning
Burton
Buyer
Callahan
Camp
Carr
Castle
Chapman
Clay
Clinger
Coble
Collins (IL)
Collins (MI)
Combest
Crane
Crapo
Cunningham
DeLay
Dellums
Diaz-Balart
Dickey
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (CA)
Emerson
Evans
Everett
Ewing
Fawell
Filner
Fish
Foglietta

Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hamburg
Hancock
Hansen
Hastert
Hastings
Hefley
Herger
Hilliard
Hobson
Hoekstra
Horn
Houghton
Huffington
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
Martinez
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McKinney
McMillan
Meek
Menendez
Meyers
Mfume
Mica
Michel
Miller (FL)
Molinari
Moorhead
Morella
Murtha
Myers
Nussle
Ortiz
Owens
Oxley
Packard
Paxon
Payne (NJ)
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Rangel
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Sanders
Santorum
Saxton
Schaefer
Schiff
Schroeder
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Skeen
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stokes
Stump
Sundquist
Synar
Talent
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Torkildsen
Towns
Upton
Velazquez
Vucanovich
Walker
Walsh
Waters
Watt
Weldon
Wheat
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Barton
Calvert
Cox
Fields (TX)
Henry
Hoke
Hunter
Quillen
Schenk
Torres
Tucker
Washington

☐ 1701

The Clerk announced the following pair:

On this vote:

Ms. Schenk for, with Mr. Washington against.

Mr. SARPALIUS, Mr. WHITTEN, Mrs. MINK, Mr. ABERCROMBIE, and Mr. BORSKI changed their vote from "nay" to "yea."

Mr. FAWELL changed his vote from "present" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 1578, the bill about to be considered.

The SPEAKER pro tempore (Mr. RICHARDSON). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CONFERENCE REPORT ON H.R. 2, NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. SWIFT submitted the following conference report and statement on the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-66)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2), to establish national voter registration procedures for Federal elections, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) AVAILABILITY OF FORMS.—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) FIRST-TIME VOTERS.—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) UNDELIVERED NOTICES.—If a notice of the disposition of a mail voter registration application under section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 8(d).

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) DESIGNATION.—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes—

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with ____________________.", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) ARMED FORCES RECRUITMENT OFFICES.—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

(d) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) IN GENERAL.—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration

form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) Confirmation of Voter Registration.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) Voter Removal Programs.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) Removal of Names From Voting Rolls.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) Procedure for Voting Following Failure To Return Card.—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) Change of Voting Address Within a Jurisdiction.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) Conviction in Federal Court.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) Reduced Postal Rates.—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“§3629. Reduced rates for voter registration purposes

“The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.”.

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out “and 3626(a)–(h) and (j)–(k) of this title,” and inserting in lieu thereof “3626(a)–(h), 3626(j)–(k), and 3629 of this title”.

(3) Section 3627 of title 39, United States Code, is amended by striking out “or 3626 of this title,” and inserting in lieu thereof “3626, or 3629 of this title”.

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

"3629. Reduced rates for voter registration purposes.".

(i) Public Disclosure of Voter Registration Activities.—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) Definition.—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) In General.—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) Contents of Mail Voter Registration Form.—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) Attorney General.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) Private Right of Action.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) Attorney's Fees.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) Relation to Other Laws.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

And the Senate agree to the same.

Charlie Rose,
Al Swift,
Martin Frost,
Steny H. Hoyer,
Gerald D. Kleczka,
John Conyers, Jr.,
Managers on the Part of the House.

Wendell Ford,
Claiborne Pell,
Daniel K. Inouye,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2), to establish national voter registration procedures for Federal elections submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text, and the House disagreed to the Senate amendment.

The Committee of Conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill.

The differences between the text of the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION 1. SHORT TITLE

The House bill (H. R. 2), the Senate amendment, and the conference agreement provide that this legislation may be cited as the "National Voter Registration Act of 1993".

SECTION 2. FINDINGS AND PURPOSES

The House bill, the Senate amendment, and the conference agreement set forth identical findings of the Congress and purposes of the Act.

SECTION 3. DEFINITIONS

The House bill, the Senate amendment, and the conference agreement set forth identical definitions for the terms "election", "Federal office", "motor vehicle driver's license", "State", and "voter registration agency".

SECTION 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE

House bill

Section 4 requires that each State establish procedures to register to vote in elections for Federal office by application made simultaneously with an application for a motor vehicle driver's license (motor voter), by mail application, and by application at a designated Federal, State or nongovernmental office (agency based registration). The bill would exempt any State that has no registration requirement to vote in a Federal election or any State that permits registration at the polling place at the time of voting in a Federal election.

Senate amendment

The amendment includes the same requirements for registration as the House bill, but limits the exemption to States that had enacted such a provision on or prior to March 11, 1993 and in effect continuously on and after that date. It also extends that exemption to any State that had enacted such legislation on or prior to that date, but provided that it would go into effect only upon enactment of this Act. To qualify, a State must provide such registration procedures for Federal elections in the year of the Presidential election.

Conference substitute

The Conferees agreed to the Senate amendment with the modification that such State provision must apply to Federal elections generally, not just to those in Presidential election years. This modification retains the provisions and requirements of the Senate amendment regarding the effective date and enactment date of such State laws, and the provision of the House bill that such State laws must apply to all Federal elections, not just those occurring in the same year of a Presidential election. There was concern that the State amendment might be interpreted to exempt a State that permitted election day registration, or that had no registration requirement, for voting for Presidential electors only, which is not the intent of the conferees.

SECTION 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE

House bill

Section 5 provides that an application for State driver's license or the renewal of a driver's license shall serve as an application for voter registration. It provides that an applicant for a license may decline in writing to be registered by means of that application. It further requires that the application form include a means by which the applicant may decline to register.

It requires that the voter registration application shall be part of the driver's license application; shall not require information which duplicates the license portion of the form except such information as shall be required to prevent duplicate registration and to make an assessment of eligibility; shall include a statement that specifies each eligibility requirement, contains an attestation clause that applicant meets each requirement and requires signature of applicant under penalty of perjury; and shall be transmitted to the appropriate state election officials. There is no provision pertaining to a transmittal deadline.

Senate amendment

The Senate amendment is similar to the House bill with the following modifications:

1. The Senate amendment does not include the provisions of the House bill pertaining to declination. Rather, it provides that the failure of the applicant to sign the voter registration portion of the application serves as a declination to apply to register.

2. The voter registration application form must, in addition to the requirements set forth in the bill, include in print that is identical to the attestation statement, a statement of the voter eligibility requirements, penalties for submitting a false application, and that the fact of declining to register and place of registration are confidential and will be used only for registration purposes. A similar change was made for the mail registration application.

3. The Senate amendment contains a transmittal provision identical to that contained in the agency section of the House bill. The voter registration portion of a driver's license application must be transmitted to the appropriate State election official no later than 10 days after it has been accepted, or not later than 5 days after the date of acceptance, if the application has been accepted within 5 days of the deadline for registering.

Conference substitute

Same as Senate amendment. Under the House bill, the failure of the applicant to sign the voter registration portion of the application is not addressed, and the conferees agree that the Senate amendment clarifies the outcome of a failure to sign, so that the applicant would be considered to have declined.

SECTION 6. MAIL REGISTRATION

House bill

Provides that each State shall accept and use a mail voter registration application form promulgated by the FEC. In addition, a State may develop and use its own form which meets the criteria of the FEC form. Notarization or other formal authentication is not allowed. Forms shall be readily available for public and private distribution, and especially for organized registration programs.

A State may, by law, require a personal appearance to vote if the person was registered to vote in a local jurisdiction by mail and the person has not previously voted in that jurisdiction. Individuals who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act and those provided the right to vote other than in person by the Voting Accessibility for the Elderly and Handicapped Act, or any other Federal law, are exempt. There is no provision pertaining to undelivered notices.

Senate amendment

The Senate amendment is similar to the House bill but with an additional provision pertaining to undelivered notices. It provides that for applications made by mail, if a State sends a notice of the disposition of the application by non-forwardable mail and, if the notice is returned undelivered, the registrar may remove the name of the applicant in accordance with the procedures contained in the purge section of the Act.

Conference substitute

The substitute is the same as the Senate amendment, with a modification in the language to make clear that this provision applies only to notices sent pursuant to Section 8(a)(2) in response to applications by mail. In addition, the technical modification clarifies that a State may not simply remove the name of the applicant from its list, but, rather must follow the regular process set forth in section 8(d).

SECTION 7. VOTER REGISTRATION AGENCIES

House bill

State, Federal and private sector locations shall be designated for the distribution and processing of voter registration applications. States shall designate all offices providing public assistance, unemployment compensation, and related services, and all offices which provide State-funded programs primarily engaged in providing services to persons with disabilities as registration agencies. Such designated offices, shall provide the same assistance in completion of registration application as is provided with regard to that agency's forms. States shall designate other agencies, which may include libraries, schools, fishing/hunting license bureaus, marriage license offices, and any offices that provide services to persons with disabilities to provide forms, assistance and processing of voter registration applications. The Federal Government shall cooperate in this program.

An applicant for services may decline in writing to be registered to vote and no information relating to a declination may be used for any other purpose. If a voter registration office designated by a State provides services to a person with disabilities at the person's home, the office shall provide the voting registration services at the person's home.

Senate amendment

The Senate amendment is similar to the House bill, but includes three significant changes. The agency program at offices that provide public assistance, unemployment compensation and related services is made discretionary with the States. The Senate amendment also provides that assistance is to be provided to an applicant unless the applicant refuses assistance.

The Senate amendment mandates that recruitment offices of the Armed Forces be designated voter registration agencies for the purposes of the Act. The provision requires the Secretary of Defense to work with each State to develop and implement procedures for persons to apply to register at recruitment offices.

Conference substitute

This provision is similar to the Senate amendment, but it makes two changes. First, agency-based registration at public assistance agencies and at agencies providing services to disabled persons is made mandatory as it was in the House bill. Unemployment compensation offices are included in the discretionary program as in the Senate amendment. The provision of the Senate amendment regarding assistance to applicants by such agencies is retained.

The conference is concerned that the Senate amendment would permit States to restrict their agency program and defeat a principal purpose of this Act—to increase the number of eligible citizens who register to vote. If a State does not include either public assistance, agencies serving persons with disabilities, or unemployment compensation offices in its agency program, it will exclude a segment of its population from those for whom registration will be convenient and readily available—the poor and persons with disabilities who do not have driver's licenses and will not come into contact with the other principle place to register under this Act. It is important that no State be permitted to so restrict its agency registration program. To eliminate the mandatory agency program altogether will not accomplish the objectives of this Act, since the States are already free to establish agency registration. The only way to assure that no State can create an agency registration program that discriminates against a distinct portion of its population is to require that the agencies designated in each State include an agency that has regular contact with those who do not have driver's licenses.

Of those agencies included in the mandatory program in the House bill, it appears to the conferees that those agencies most likely to have such contact and complement the motor vehicle agency registration program are those agencies that provide public assistance and services to persons with disabilities. By public assistance agencies, we intend to include those State agencies in each State that administer or provide services under the food stamp, medicaid, the Women, Infants and Children (WIC), and the Aid to Families With Dependent Children (AFDC) programs. If the States are required to include these programs, as well as those that provide assistance to persons with disabilities, we will be assured that almost all of our citizens will come into contact with an office at which they may apply to register to vote with the same convenience as will be available to most other people under the motor voter program of this Act.

The second change is intended to deal with concerns raised about the inclusion of certain agencies in an agency-based registration program and the possibility of intimidation or coercion. Concern was expressed that in agencies that provide benefits, staff might suggest that registering to vote could have some bearing on the availability of services or benefits provided by that agency. In addition to the provisions in the House bill relating to coercion and intimidation, the conference substitute includes specific provisions to address that situation.

One provision (Section 7(a)(5)(D) would prohibit a person providing services at an agency from making any statement to an applicant or taking any action that could lead the applicant to believe that his or her decisions regarding registering to vote had any bearing on the availability of services or benefits.

Another provision (Section 7(a)(6)(B)) would require an agency to include on a form the question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?" In response to that question, the form would include a box for the applicant to accept or decline to apply to register to vote. Failure to check either would be deemed a declination for purposes of this provision. In addition to that question, these forms would include a statement to the effect that if the applicant would like assistance in completing the application, the agency staff is available to provide that assistance; and that such a decision is left to the individual with a further statement that the applicant may complete the voter registration application in private. Such form would also include the statement: "Applying to register or declining to register to vote will not affect the amount of assistance you are provided by this agency."

The form would also include a statement advising the applicant that he or she may file a complaint with the appropriate State official should that applicant believe that someone has interfered with his or her right to register, or to privacy, or to choose his or her own political party or preference. The appropriate official's name, address and telephone number would be included with that statement.

To insure effective voter registration programs without coercion and intimidation the conferees have looked to ongoing agency-based registration programs. Some States, such as Pennsylvania and Minnesota, which have already developed an agency-based registration program in agencies that provide benefits have incorporated into their agency forms similar statements and questions to applicants informing them of their rights.

The conferees believe that based on the experience of these States, the inclusion of such questions and statements on the agency forms in an agency-based program would serve to deter coercion and intimidation in such a program.

SECTION 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION

House bill

This section includes a number of administrative requirements. it provides that the registration cutoff may be no more than 30 days before election or such lesser period as State may provide. It requires that the State election officials notify each applicant of the disposition of his or her registration application. The bill provides that a voter's name may be removed from voter rolls only: (1) at the request of the voter; or (2) as provided by State law, by reason of criminal conviction or mental incapacity. The States shall conduct a general program that makes a reasonable effort to remove the names of ineligible voters by reason of (1) death; or (2) by reason of a change of residence of the voter. A voter's name may not be removed for non-voting. Any State program or activity designed to ensure the maintenance of an accurate and current voter registration roll shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965. It does not permit a State to conduct a systematic procedure to confirm voting lists within 90 days before a Federal election. A State may use the National Change of Address (NCOA) program and may make the change of address on the registration rolls with a notification to the voter of such change.

No State may remove the name of a voter from the rolls due to possible change of address unless the registrant confirms in writing to have moved out of voting jurisdiction, or the voter fails to respond to a notice and does not appear to vote and correct the record during period between date of notice and second general election for Federal office. Where the change of address is to an address covered by the same polling place, the voter shall be permitted to vote upon oral or written affirmation of the change of address. If a registrant has moved to a residence in a new polling place within the jurisdiction of the same voting registrar and the same congressional district, the registrant shall be permitted to vote in one of the following manners, at the option of the registrant: (1) with oral or written affirmation of the new address at the old polling place or, (2) upon written affirmation of the change of address at a designated central location where a list of eligible voters is maintained. Such a registrant may also appear at the appropriate polling place for the new address for the purposes of correcting the registration record, and shall vote, if permitted by State law. If State law permits voting at the new polling place, by oral or written affirmation of the current address, voting at the other locations need not be provided as options. If registration records indicate that a registrant has moved, and in fact has not, the registrant may vote upon oral or written affirmation that he or she continues to reside at the same address.

The bill also provides that State and local voting registration officials would be able to receive reduced postal rates for the purpose of making any mailing which is required or authorized by the Act. This reduced rate would be funded through a revenue foregone appropriation.

Each State is required to maintain and make available for public inspection and copying upon payment of reasonable costs, all records concerning the implementation of programs and activities designed to ensure the accuracy of the voting rolls. These records shall include lists of the names and addresses of those individuals sent notices and information regarding whether or not these individuals have responded. The identity of the voter registration agency through which any particular voter is registered shall not be disclosed to the public.

Senate amendment

The amendment is the same as the bill with the exception of the location at which a voter may vote upon written or oral affirmation after moving from one location to another within the same registrar's jurisdiction and same Congressional district. That provision is modified to provide that if State law permits voting at either the old polling place, a central location, or the new polling place, by oral or written affirmation of the current address, voting at the other locations need not be provided as options.

Conference substitute

This section is the same as the Senate amendment with a further modification of the provision regarding the polling place at which a person may vote who has moved to another address within the jurisdiction of the same registrar and the same Congressional district. It provides that if State law permits voting, under such circumstances, at either the old polling place or the new polling place, by oral or written affirmation, voting at the other locations (old polling place or central location) need not be provided as options to the registrant.

There was concern that permitting a State to require a person to go to a central location to change his or her address and vote could result in hardship to voters in areas where travel to a central location might be difficult due to distance or the lack of convenient means of transportation. Such problems could discourage, or even effectively prevent, some persons from voting. The effect of the amendment is to give each State the option of designating either the polling place for the old address or for the new address. If a State does not provide for voting under those circumstances at either of those locations, the Act would require that the registrant have the option of voting at the polling place for his or her old address or at a central location.

SECTION 9. FEDERAL COORDINATION AND REGULATION

House bill

The House bill provides the Federal Election Commission the general authority to promulgate appropriate regulations necessary to carry out the Act. In addition, the Commission is to consult with chief election officers of the States to develop a mail voter registration application form for Federal elections and to submit to Congress, by June 30 of each odd-numbered year, a report assessing the impact of the Act on the administration of elections for Federal office and recommendations for improvements in procedures, forms or other matters.

Senate amendment

The Senate amendment is identical to the House bill, except that it limits the Commission's regulatory authority to prescribing only those regulations necessary to carry out its specific responsibilities in designing the mail registration application form and in reporting to the Congress.

Conference substitute

Adopts the Senate amendment. Although the Senate amendment narrows the provision contained in the House bill, the conferees expect the Commission to play an advisory role to the States and to facilitate the exchange of information among the States.

SECTION 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL

The House bill, Senate amendment and Conference substitute are identical and require that each State designate an official to coordinate State responsibilities under the Act.

SECTION 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION

House bill

The bill provides that civil enforcement through injunction or declaratory relief may be brought by the U.S. Attorney General, or a person with notice to the chief election official of the State. The rights and remedies established by the Act are in addition to any other rights and remedies provided by law and no provision shall supersede, restrict, or limit the application of the Voting Rights Act of 1965. Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965.

Senate amendment

Same as House bill.

Conference substitute

Same as House bill.

SECTION 12. CRIMINAL PENALTIES

House bill

Federal criminal penalties will apply for registration offenses which are knowing and willful and fines are to be disposed of in accordance with Title 18 of the United States Code.

Senate amendment

The amendment is identical to the House bill except for the disposition of fines, which are paid into the general fund of the Treasury. This modification was necessary to avoid a Budget Act point of order.

Conference substitute

Same as Senate amendment.

SECTION 13. RULE OF CONSTRUCTION

House bill

No provision.

Senate amendment

Provides that nothing in this Act shall prevent a State from requiring presentation of documentation relating to citizenship of an applicant for voter registration.

Conference substitute

The conferees agree with the House bill and do not include this provision from the Senate amendment. It is not necessary or consistent with the purposes of this Act. Furthermore, there is concern that it could be interpreted by States to permit registration requirements that could effectively eliminate, or seriously interfere with, the mail registration program of the Act. It could also adversely affect the administration of the other registration programs as well. In addition, it creates confusion with regard to the relationship of this Act to the Voting Rights Act. Except for this provision, this Act has been carefully drafted to assure that it would not supersede, restrict or limit the application of the Voting Rights Act. These concerns lead the conferees to conclude that this section should be deleted.

SECTION 14. EFFECTIVE DATE

House bill

The bill provides that the Act will take effect January 1, 1995 in all States except those with constitutional provisions that would require a separate State and Federal voter roll. In order to give those States sufficient time to amend their constitutions to permit compliance without dual voter rolls, an effective date of January 1, 1996 is set.

Senate amendment

The amendment includes the same provisions as the bill and adds a further extension for any State that cannot amend its constitution before the 1996 effective date without a special election. For any such State, the effective date would be the date that is 120 days after the date by which it would be legally possible to amend the State constitution without a special election.

Conference substitute

Same as Senate amendment.

CHARLIE ROSE,
AL SWIFT,
MARTIN FROST,
STENY H. HOYER,
GERALD D. KLECZKA,
JOHN CONYERS, Jr.,
Managers on the Part of the House.

WENDELL FORD,
CLAIBORNE PELL,
DANIEL K. INOUYE,
Managers on the Part of the Senate.

EXPEDITED RESCISSIONS ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 149 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1578.

□ 1705

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, with Mr. SWIFT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from South Carolina [Mr. DERRICK] will be recognized for 30 minutes; the gentleman from New York [Mr. SOLOMON] will be recognized for 30 minutes; the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes; and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Chairman, I would like to perhaps have a short colloquy with the floor managers of the bill in that since the Committee on Government Operations is recognized for 1 hour equally divided between the Democrat side and the Republican side, and the same would hold true for the Committee on Rules, is it the intention of the Chair to recognize all four utilizing their time at the same time? That is the usual custom.

The CHAIRMAN. The Chair will follow any recommended procedure; the Chair will follow any recommended order that is agreed upon by the four floor leaders.

Mr. SOLOMON. Mr. Chairman, I would just say to my good friend, the gentleman from South Carolina [Mr. DERRICK], that it is our suggestion that we be able to debate the 2 hours all at one time, rotating with the four managers as they see fit.

Mr. DERRICK. That is fine.

Mr. SOLOMON. Is that agreeable to the gentleman?

Mr. DERRICK. Yes.

Mr. SOLOMON. Then I assume it is agreed to, and that is the order we will proceed in, Mr. Chairman.

□ 1710

Mr. DERRICK. Let me make sure I understand. I was not exactly sure. What was the gentleman's proposal on the time?

Mr. SOLOMON. The proposal was, under the usual order of the House, on past bills of this nature that when we have two committees involved, that we rotate the time of the two committees, the Republicans and Democrats on each side, so that we would use up the time equally as we proceed. In that way both of the committees of jurisdiction could be involved in the entire debate.

Mr. DERRICK. Does the gentleman object to maybe doing the Rules time first and then recognizing—letting Government Operations go next? I mean 1 hour and 1 hour. Is there any objection?

We have a chairman who would prefer to do it that way. I really am ambivalent about it.

Mr. SOLOMON. With all due respect, there were many Members on this aisle where some of the Members have other obligations and they do not want to have to wait for the second hour. Out of fairness to those who do have obligations, if you rotated the time equally, we would be able to accommodate those Members.

Mr. DERRICK. If we rotate, then everyone has to stay here for the full 2 hours. That is the point. I thought maybe we could——

Mr. SOLOMON. Only the managers of the bill.

Mr. DERRICK. Well, I am concerned about that.

Mr. SOLOMON. Well, you and I usually take a beating, Mr. DERRICK, anyway; we are here all the time.

Mr. DERRICK. Would the gentleman object to doing it the other way? One of our chairmen has specifically requested it, and I would like to honor his request if we could.

The CHAIRMAN. The Chair will begin by recognizing the gentleman from South Carolina [Mr. DERRICK], in the hope that the conversation may continue while we proceed with the debate on the bill.

I recognize the gentleman from South Carolina.

Mr. DERRICK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am delighted today to bring to the floor H.R. 1578, the Expedited Rescissions Act of 1993.

On November 3 the American people voted for change. They elected a new President to bring them that change.

The President has laid out a far-reaching program, many parts of which have already been debated at great length on this floor. In the weeks and months ahead there will be more such debates. I believe, with the help and support of this Congress, President Clinton will succeed in changing this Nation for the better.

The legislation before us today is a key aspect of the President's program: a modified line-item veto.

As did his predecessors, this President has emphasized time and time again that he needs such a power. I believe the time is long overdue to give it to him.

The legislation before the House is actually very simple. After the President signs an appropriations act he may, within 3 days, send the House a special message proposing to rescind, or cancel, any line items in the bill which he might oppose.

Within 2 days of receipt of the President's message, either the majority or minority leader would introduce the President's bill. If neither leader introduced it, then on the third day any Member could do so.

The bill would be referred to the Committee on Appropriations, which would have 7 legislative days to report it out.

The committee could not propose changes to the President's bill, but it could report an alternative bill if it chose. An alternative bill would have to rescind at least as much as the President's bill, and draw its rescissions from the same appropriations act as the President.

The President's package would have come to a vote in the House within 10 days of when it was introduced. The bill would not be subject to amendment or to a demand for a division of the question. In other words, the House would have to vote, up or down, on the President's package as he submitted it.

If approved by a majority, the bill would go to the Senate which would consider it under similar, expedited procedures and constraints. If the legislation passed the Senate by majority vote, it would go to the President. Presumably the President would sign it into law since it would be his proposal. Appropriations would be canceled, spending would be cut, and the deficit would be reduced.

If the House rejected the President's bill and instead passed the alternative bill, that bill would go to the Senate. The Senate Appropriations Committee could report out the alternative bill with or without change, but for any alternative to be in order in the Senate, the Senate would first have to vote on and reject the President's bill. If both houses ultimately passed an alternative to the President, then that bill would go to the President. If he signed it, those appropriations would be canceled, spending would be cut, and the deficit reduced. Either way, the American taxpayer would be the big winner.

Mr. Chairman, the bill is a temporary, 2-year experiment. After the 2-year test, the Congress can review the process and decide whether to extend it with or without change.

One of the concerns many Members have about a true line-item veto, which would require a constitutional amendment, involves the dramatic shift of power it would make from the Congress to the executive branch.

The Framers of the Constitution could have given the President an item veto; they certainly knew how to do it. But they declined to do so. In fact, the President's current qualified veto was itself a compromise; some of Founding Fathers wanted to give the President no veto at all. The Constitution is a beautiful document, and I have never felt we should lightly tamper with it. Besides, amending the Constitution requires a two-thirds vote in each House of Congress and ratification by three-quarters of the State legislatures. That process could take years. I don't believe we can afford to wait years for this reform.

Moreover, Mr. Chairman, last fall I held extensive hearings in the Rules Subcommittee on the Legislative Process on the forerunner of the legislation before us today. We heard compelling testimony from several witnesses, including a distinguished State legislator from Wisconsin, who warned us it is possible for a chief executive to use a line-item veto not only to reduce spending, but also as a weapon to increase spending on his own pet programs. The option for a congressional alternative to the President's bill will mitigate this possibility.

H.R. 1578 will take Congress through two full appropriations cycles. Two full cycles will give us ample evidence to weigh in determining whether the modified line-item veto actually serves the people's interests and reduces spending, or not. If it works, and I believe it will, then we can extend it or make it permanent at that time.

Mr. Chairman, I strongly believe the bill is constitutional. The American Law Division of the Library of Congress has rendered an opinion to the effect that it is constitutional. But some have raised questions, and as a precaution the bill includes provisions for expedited review in the courts.

Mr. Chairman, I have supported the legislative line-item veto for many years in an attempt to enhance accountability on both ends of Pennsylvania Avenue for our country's fiscal decisions. I am sure no Member considers the line-item veto a cure-all for our Nation's deficit problems. But I believe H.R. 1578 is a good bill and every Member ought to support it. The Clinton administration, which participated actively in the process which brought us to the floor today, believes it is a good bill.

Later the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. SOLOMON] may offer a substitute amendment to change the bill from one requiring the Congress to approve the President's rescission bill to one requiring the Congress to disapprove the President's rescissions. The Castle-Solomon amendment would convert the President's rescissions from mere proposals to reality. Under their approach the President's proposal would take effect permanently and appropriations would be canceled unless Congress re-enacted them within a specified time.

Since the President would probably veto any bill to disapprove his rescissions, the Castle-Solomon amendment would in effect require Congress to muster a two-thirds majority in both Houses to prevail.

I hope the Members will reject this unwise amendment. It would mark a tremendous shift of power from Congress to the Presidency. The amendment is based on the notion that Presidents institutionally want to spend less than Congresses do. I have no reason to draw such a conclusion. I know Presidents often want to spend money on different things than Congresses do, but not necessarily less.

Mr. Chairman, the President has said if we do not change, we will not recognize this country in 10 years. He has asked virtually every sector of our society to join him in making sacrifices, cutting unnecessary spending, reducing the deficit, and changing from business as usual. This Congress has already responded to the President's clarion call for change by passing his budget.

Mr. Chairman, the line-item veto is a key part of the President's legislative program. The President believes we must use every weapon at our disposal to win the battle against the Federal budget deficit, the special interest, and to defeat those who would resist change and preserve the status quo.

The legislative line-item veto is just such a weapon. It will not cure our deficit problem, but it will help by enhancing accountability for spending decisions.

No longer would a President be able to sign an appropriations act including wasteful line-items and claim he was powerless to block them. No longer could Congress force upon the President the dilemma of vetoing an entire appropriations act and shutting down the Government, or signing the whole thing, pork and all. Accountability is what we need, and accountability is what this bill will provide. I urge all Members to support the legislation and oppose the Castle-Solomon amendment.

Mr. Chairman, I submit for the RECORD a letter from the President to the Speaker, Mr. FOLEY, urging our support for this legislation.

THE WHITE HOUSE,
Washington, April 27, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing in support of the substitute for H.R. 1578, the Expedited Rescissions Act, which has been made in order for House Floor consideration by the Rules Committee in H. Res. 149.

As you know, I support a line-item veto to reduce wasteful government spending. The bill about to be considered by the House would give the President modified line-item veto authority which I believe would go a long way toward achieving the purposes of a line-item veto.

The bill would enable the President to reject items in an appropriations bill. Those items could then be approved only by a separate vote in the Congress. The measure essentially would expedite the existing process for consideration of rescissions.

I believe this bill would increase the accountability of both the executive and legislative branches for reducing wasteful spending. It would provide an effective means for curbing unnecessary or inappropriate expenditures without blocking enactment of critical appropriations bills. Some have expressed concern that this proposal might threaten the prerogatives of the Congress, but I do not believe that it would shift the constitutional balance of powers that is so critical to the success of our form of government.

I urge the House to work with me to control government spending by agreeing to consider the expedited rescission issue and by adopting H.R. 1578 as set forth in Part 1 of the Rules Committee's report.

Sincerely,

BILL CLINTON.

☐ 1720

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from South Carolina for yielding me half of his valuable time. I yield myself such time as I may consume.

Mr. Speaker, last November 16 I wrote to President-elect Clinton and warned him not to be "snookered" by the Democratic leadership into thinking that the so-called expedited rescission bill was a real true line-item veto.

It is not. As a matter of fact, the gentleman from Texas [Mr. STENHOLM], the major cosponsor of the bill, took the floor not less than a half hour ago to say that it was not a line-item veto. So let us not get these things mixed up.

Instead of requiring a super, two-thirds majority to override a President's line-item veto, this expedited rescission bill permits a simple majority of either House to block a President's rescissions, 50 percent plus one.

In other words, it would take only 51 Senators to reverse the President's cancellation of wasteful spending items in an appropriation bill.

That is not a line-item veto.

Let me repeat that. Under this expedited rescission bill, either House can override the President's proposed spending cuts and permit the little porkers to run hog-wild and free.

Mr. Speaker, President Clinton, as a Presidential candidate last year, said over and over again that he wanted a real line-item veto when he became President.

In his campaign book of promises entitled, "Putting People First," and I have the book in my office, and so does the Speaker, he wrote, and I quote: "To eliminate pork-barrel projects, and cut government waste, we will ask Congress to give the President the line item veto."

And yet, Mr. Speaker, we are told today that in the spirit of compromise with the Democrat leadership of this House, the President now supports this weak-kneed alternative to a line-item veto that allows as few, and I repeat, as 51 Senators to overturn him. That means we are never going to eliminate any line items, period.

Mr. Speaker, all this Spratt-Stenholm bill does—with all due respect to the two sponsors who I greatly respect—is to package and expedite the current rescission approval approach contained in the Budget Act, and mandate that the House vote on it.

Well, Mr. Speaker, Big Deal.

If the House rejects the President's spending-cut package, we are told this new bill would mandate consideration of an alternative bill reported by the Appropriations Committee—that is, if they bother to report any bill at all.

Otherwise, there will be no spending cuts, only more spending increases.

If the House approves the President's spending cut package but the Senate rejects it, then maybe a Senate Appropriations alternative will be considered.

But, this runs into constitutional problems if we treat rescissions as we do appropriation bills which must originate in the House, not the Senate

So we are left between a marshmallow and a soft place, which is probably where we deserve to be since this bill has no teeth to speak of at all.

Mr. Speaker, our Republican approach, on the other hand, reverses the current rescission process by saying that the President's—any President's—rescission package will stand unless a majority of both Houses have the guts to stand up and disapprove them and the disapproval bill becomes law.

Since the President would likely veto such a disapproval bill, because it is his bill, our approach would ultimately require a two-thirds vote of both Houses to override the President and force the money to be spent.

Now that is about as close to a true line-item veto as you can get without going the constitutional route which we cannot do in a matter of days or even months or even years.

That is the approach taken in most of the 43 States where Governors have been given line-item veto authority, like the gentleman from Delaware who is now a member of this body.

I think it is terribly important, Mr. Speaker, to make this distinction at the outset between expedited rescissions and line-item veto, enhanced rescissions.

Let no one in this House or elsewhere be deluded into thinking that if you pass H.R. 1578 you will be giving the President the line-item veto. Read all the editorials around the country.

Compared to a true line-item veto, this bill is little more than a wet noodle on a fast track to nowhere.

Mr. Speaker, I am grateful that the Rules Committee has at least seen fit to make our Republican line-item veto amendment in order.

And I want to commend our distinguished Republican freshman class and their task force that has been working on this issue—Representatives MIKE CASTLE of Delaware, JACK QUINN of New York, and PETER BLUTE of Massachusetts.

And I also want to commend our distinguished Republican leader, BOB MICHEL, for developing his amendment to include special interest tax provisions which are targeted at a single individual or single firm for inclusion under the President's enhanced rescission authority under our bill.

I only regret that the Rules Committee did not see fit to give us an open rule to allow our Republican leader to offer that same amendment to the real base text of the bill, which is the one that has the best chance of passing.

I think it would strengthen whichever approach ultimately prevails in this House.

And I also regret that the Rules Committee shut-out their own Democrat freshmen who had a substitute that made the Spratt bill permanent instead of 2 years and extended it to cover tax expenditures, which is what the amendment of our Republican leader, the gentleman from Illinois [Mr. MICHEL] does. That was a good approach.

Mr. Speaker, I know that some of the Democrat freshmen say they can support the Spratt bill, or at least the earlier version of it.

But I think they had an interesting and valuable alternative contribution to make to this debate and that they should have had their day in court, and if we had defeated the rule a few minutes ago that passed by a couple votes, they would have had that day in court.

Mr. Chairman, I want to urge my colleagues to vote for the Castle-Solomon substitute which gives the President true legislative line item authority over all appropriation bills in fiscal years 1994 and 1995. Let us give it a trial run and see how it works.

And I urge my colleagues to vote for the Michel amendment to that amendment which would give the President the same authority over these special tax provisions that only benefit one or two or a limited group of individuals. That is wrong and that is what the American people want corrected.

Mr. Speaker, should our true line-item veto substitute fail, this House is left with another up or down vote on a bill that has no more teeth than existing law. It has not had one day of hearings, as my good friend, the gentleman from Pennsylvania [Mr. CLINGER] from the Government Operations Committee will attest to in a few minutes, and passing it will do nothing but take the pressure off the Congress for years to come to take up a real line-item veto. The President and the leadership of this House will claim that the President already has the line-item veto, when in fact he absolutely has nothing.

And it will probably take several years before the American people even realize they have been hoodwinked and snookered. And then they will be madder than ever that Congress is playing the same old games.

Mr. Speaker, I say all this in criticism of the bill and not in criticism of the gentleman from Texas [Mr. STENHOLM] or the gentleman from South Carolina [Mr. SPRATT] who have brought this matter this far. They are both gentlemen who are honest and sincere about what they are doing.

They have made it quite clear on this floor on numerous occasions that this bill is not a true line-item veto.

The gentleman from Texas [Mr. STENHOLM] is sitting over there right now, and I hope he is going to get up and say it again. He will stand up and say that he opposes a true line-item veto, and by voting for this bill, you are not voting for a line-item veto. That is very clear.

But even the President is already referring to this as a "modified line-item veto" to enable him to back away from his campaign promise. And it will not be long, I am sure, before the President drops the term modified and tries to claim credit for this as the line-item veto he promised. Members of this House, we must not mislead the American people.

Let us call a spade a spade and a wet noodle a wet noodle. You can vote down this piece of soggy pasta. You can vote for the Castle-Solomon spade that will enable the President to root out wasteful Government spending and give those porkers the decent burial they deserve.

That is what the American people want and that is what we should have the guts to stand up and vote for and put our partisan bickering aside.

Vote for a true line-item veto. You can do it by voting for Castle-Solomon tomorrow morning when we take up that amendment.

□ 1730

Mr. SPRATT. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, I rise to support H.R. 1578 and to explain how it works.

This bill, Mr. Chairman, arms our President with a new option. When the Congress sends him an appropriation bill today, he has two clear choices. He can sign it or he can veto it, and one murky choice: He can also, under present authority, rescind it and send a rescission measure up to the Congress seeking to cut out spending that he thinks is wasteful or unwarranted. But he has no idea what will happen to that rescission when it gets there. This bill addresses that uncertainty and gives a roadmap to the President, gives him a guarantee, an assurance, that, if he sends us rescinded items, deleted items, that he thinks ought to come out of appropriations bills, then within a short period of time he is guaranteed consideration on a vote on the House floor.

Now this bill has been attacked in the debate today as a sham, something that is not really workable, not in addition to the process. Well, it is unfair. It has also been said that there have been no hearings on the bill. Our committee, the Committee on Government Operations, had a hearing on March 3 and 4, 1993. We had witnesses from GAO, Mr. Socolar, from CBO, Mr. Reischauer, from OMB, Mr. Panetta himself, from Brookings, Dr. Joe White, an economist, from CRS, Lou Fisher, a respected fiscal expert, Mr. MICHEL, the minority leader, and the gentleman from Texas [Mr. STENHOLM]. A complete hearing on this bill was debated once before in effect because it is the same version. It is an updated version of a bill that we adopted last year, passed in the House in October of last year.

Built into this bill is a very carefully wrought roadmap, a schedule, a procedure, so that the President is assured he gets a vote when he sends this matter up here. By the close of the second legislative day, within 2 legislative days after he sends it up here, the bill calls upon the majority leader, or the minority leader, to introduce the bill that the President has requested. Failing action by the majority leader, by the minority leader, any Member in this House, any Member, may introduce the President's rescission bill on the third legislative day after it is sent up. That is the fast track.

Once the bill is filed, the bill goes to the Committee on Appropriations. The Committee on Appropriations has 7 legislative days to report the bill without any substantive revision because one thing this does also guarantee the President is a guarantee he does not now have under the law of the Constitution. It is that whatever rescission request he sends up here, he gets it considered in that matter, no changes, no substantive revisions.

Within 10 legislative days after the bill's introduction, the bill comes to the floor, and the House must vote on it up or down, as is, no changes. In addition to guaranteeing the President the vote, an expedited vote, a fast track, this bill gives him a vote on his specific request, as I said, with our substitute revision.

Now, Mr. Chairman, the bill that was first filed by my colleague, the gentleman from Texas [Mr. STENHOLM], would have established a procedure by which 15 Members could move to break out individual spending items for a separate vote. This bill does not set up a separate procedure as such for the following reasons:

First of all, that procedure would deny the President a vote on his own request, his own specific request, and OMB has made it clear that the President wants that prerogative. The President says so in the letter he sent the Speaker today. Second, if we allow individual items to be broken out for separate votes, we complicate the procedure on the floor of the House, and we prolong the consideration of this bill, and we are committed to having fast track, to having it brought up here and considered in a hurry, because keep in mind for the most part this is going to happen at the end of a session, and, if we do not act soon, we will not act at all.

So, Mr. Chairman, we gave the President in this bill the right to a specific action on his specific requests, but we also upheld the prerogatives of the Committee on Appropriations. We did not trample upon their rightful expectations in that this bill, as amended by the rule, the Committee on Appropriations itself may report an alternative bill provided that its bill rescind at least as much budget authority as the President's bill. All of the cuts in the alternative bill have to come out of the same appropriations act which the President himself pursues, and when the House takes up this rescission bill, however, it must vote on the President's rescission request. It cannot offer the Committee on Appropriations' substitute because the substitute can displace the request. That ensures that the House will act on it expeditiously.

When it goes to the Senate, the same procedure is repeated. The Senate Appropriations Committee also has the alternative of offering an option itself, its own option, but again in the Senate, as in the House, the President's request must be voted upon first.

Now, Mr. Chairman, I am under no illusion that this bill, or any enhanced or expedited rescission bill, or any line-item veto for that matter, if it were constitutional, is going to solve the deficit, even bring it down significantly. But our bill does guarantee at least one extra round of security for all public money we spend. If we arm the President with this extra power, frankly I do not think he will use it that much. I think it will probably serve the purpose more of inhibiting expenditures in the process here in the Congress than of resulting in rescission that comes from the White House. But either way, either way, I think we will strengthen the budget process and the public's respect for how we spend their money.

Mr. Chairman, that is why I urge the support and passage of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the media has reported that the House has under consideration legislation to give the President veto authority over individual spending items. How wrong can they be? Even the Congressional Monitor has referred to today's bill as a modified line-item veto. They should know better. Others have said that the whole subject is an arcane sort of inside the beltway family fight about congressional process and procedure of really insignificant or marginal importance. They are dead wrong.

Mr. Chairman, there is a lot at stake here. There are a lot of very significant things at stake here, and we risk, with the votes we take today, losing an opportunity to get a real tool to do something about the deficit which is eating us alive.

So, I rise today, along with many of my colleagues, in opposition to the Expedited Rescissions Act of 1993. I do so with some measure of reluctance because in the past, and indeed in the present, I admired and supported proposals from the gentleman from Texas [Mr. STENHOLM], and I have great respect for the gentleman from South Carolina [Mr. SPRATT].

□ 1740

I am also reluctant because I have long supported efforts to provide the President with a line-item veto or legitimate enhanced rescission authority. In fact, I was an original cosponsor to Mr. STENHOLM's original legislation and have also cosponsored proposed line-item veto amendments to the Constitution.

The bill before us today, unfortunately, is a weak substitute designed to give this President, and only this President, token powers. The message from the majority is loud and clear: No meaningful powers shall be granted to the Executive to cut wasteful spending and whatever token power is given, Republican Presidents need not apply.

So today I am opposing this bill in its present form for two major reasons. One is based on procedural grounds and the other is based on the fundamental weaknesses associated with the bill.

First, I oppose this proposal due to the expedited means by which it was brought to the floor. I will insert into the RECORD a copy of a letter I sent to minority leader ROBERT MICHEL on March 30, regarding the expedited consideration of this legislation. In that letter I express my concern with the practice of bypassing normal committee procedures and taking important legislation such as this to the House floor without due consideration by the appropriate committee of jurisdiction.

The Government Operations Committee conducted one legislative hearing this year on the general issue of enhanced rescission authority, but no regular mark-up was held and no opportunity was given to Members on either side of the aisle to offer amendments. My committee chairman, Mr. CONYERS, before the Rules Committee said he was confident that the measure before us would have been voted out of the Government Operations Committee in its present form. I am not at all certain that this is true, and now, of course, we will never know.

Having already taken this expedited path to the House floor, however, I called upon the Rules Committee to report a rule which granted the widest possible latitude in considering amendments. If amendments could not be widely considered by the committee of jurisdiction, they should at least be allowed on the House floor. Unfortunately, that is not being done here today. Once again the minority has been gagged and denied any opportunity to contribute, other than the base amendment which will be offered tomorrow.

The second reason why I am opposing this legislation in its present form is because I believe that it is fundamentally weak. On the surface, this bill appears to be a needed improvement in the budget process. In fact, though, it is an artful dodge, a means of avoiding genuine reform. To be blunt, it is a sham.

Mr. Chairman, I urge my colleagues to look at page 11 of the bill. Section 4, beginning on line 22, establishes an expiration date for the rescission process envisioned in this bill. That expiration date is 2 years after the date of enactment. A 2-year sunset clause is the equivalent of a promise of quick relief.

Bear in mind that the budget adopted by this House a few weeks ago covered a 5-year period. Not 2 years. Five years. One of the assumptions underlying that budget was the enactment of the largest tax increase in the history of the Nation. How can we, in good conscience, call for increased taxes over the next 5 years, but increased vigilance over wasteful spending for only the next 2 years?

That 5-year budget also called for the bulk of the spending cuts to be implemented in the 3d, 4th, and 5th years. If Congress should fail to make those cuts, the President will need additional spending controls in order to meet the deficit reduction goals in the budget he himself asked for. Yet the sunset provision in this bill denies him an effective rescission procedure at the time when it will be needed most.

In truth, Mr. Chairman, these few lines serve as a wink to the big spenders, and it is this sort of disingenuous legislating that so deeply angers our constituents. In search of a compromise acceptable to all parties, the authors of this bill have reached the lowest common denominator. It may be April 28, but this is an April Fools' joke.

Had I been given the opportunity, I would have offered an amendment to make the authority provided in the Spratt/Stenholm legislation permanent. Because the majority party has no apparent respect for minority or committee rights, or even its own freshmen, the Rules Committee did not give me or them opportunity to present that amendment either in the committee on here today on the House floor. Had my amendment been offered and passed, I may have argued for passage of this bill. Because it was not even given the opportunity to be considered, I am opposing this bill today.

Earlier this year, I asked my constituents to identify the most pressing problem facing the Nation. It was the deficit—not skyrocketing health care costs, not environmental cleanup, not the decline of our educational system—that northern Pennsylvanians cited as the top national problem.

To respond to their concerns about the deficit by condoning this counterfeit reform is unthinkable, and I urge my colleagues to vote it down.

Mr. Chairman, the letter referred to earlier follows.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 30, 1993.

Hon. ROBERT H. MICHEL,
House of Representatives,
Washington, DC.

DEAR BOB: I am writing to express my concern with the process by which the House will consider enhanced rescission authority legislation. It now appears that Government Operations Committee Chairman John Conyers will discharge the Spratt-Stenholm compromise legislation from this Committee and, thereby, bypass the normal committee "mark-up" process.

Under this Committee's budget process jurisdiction, we held a legislative hearing on enhanced rescission authority in early

March. Several minority members had expressed interest in this legislation and had planned to offer amendments in the Committee. Under the discharge process used by the majority, however, no members of the Committee will be given the opportunity to see the legislation prior to floor consideration much less have the opportunity to offer amendments. Given that most rules issued are closed, floor consideration of amendments as an option would also likely be precluded for members of the Committee.

This specific case is a good example of the more generic practice by some committee chairmen of unilaterally discharging legislation from their committees. I fear that this may become common practice given the new Administration, thus denying the minority a legitimate role in the legislative process.

I would appreciate your efforts in working with the Democratic leadership concerning this specific case and assisting us in regaining jurisdiction over this legislation by conducting a regular committee mark-up. I would also like to work with you on the more generic issue of committee chairmen unilaterally discharging legislation in order to eliminate this unfair practice.

Thank you for your assistance.

Sincerely,

WILLIAM F. CLINGER, Jr.,
Republican Chairman.

Mr. DERRICK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlemen from New York pointed out that it was a shame we did not make the freshman Democratic substitute in order. I would point out to the body and to those who may be listening that all of those gentlemen who authored it, the gentleman from Minnesota [Mr. MINGE], the gentleman from Georgia [Mr. DEAL], and the gentleman from Washington [Mr. INSLEE], voted for the rule.

Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, the new Members that are Democrats have been very concerned about a line-item veto. It is something that has been discussed widely and at great lengths within the Democratic new member caucus.

Mr. Chairman, we came up with our own bill and went to the Committee on Rules and said we need to make sure that the people of the United States and this Congress understand that this is an important concept, it needs to be enacted, and we would like to have you enact our proposal.

Mr. Chairman, all of us in Congress would like to have our particular language in the bill. After some discussion, we recognized that we are not all going to go away with our name on this bill or that bill. We are not all going to have each feature in the bill that may be important to us. But what was important to us as new Members is that we have a bill, that we make some progress, that we end the era of deadlock and gridlock in Congress and in Washington, and we move ahead.

Mr. Chairman, it is in that spirit that we were pleased that the Committee on Rules ultimately had a rule that was presented and which was passed by a narrow margin today.

Mr. Chairman, I cannot say that I am opposed to the amendment that the gentleman from New York [Mr. SOLOMON] is offering. It has many quality features to it.

Mr. Chairman, I am not opposed to the bill that is currently before us. It may not be as strong as I would like, it may be humble in many respects, but it is a start. What I would like to see us, as a body, do is to move aggressively, forthrightly, and pass out of this Congress a line-item veto so that the American people know that we are trying to deal with the problems of the deficit responsibly and move on and deal with other problems that face our Nation, and show to the country that we in fact can do, and not just can debate.

Mr. SOLOMON. Mr. Chairman, I yield myself 1 minute to respond to my good friend, whom I have great respect for, and say the gentleman heard me praise the Democratic freshman proposal that was brought up to the Committee on Rules. I wish we were voting on that on the floor today. In the old days, only 2 or 3 years ago, we would have done that.

Mr. Chairman, I can recall 15 years ago as a freshman legislator on this floor right after Jimmy Carter had derecognized the Republic of China, Taiwan, as a freshman Member I had an opportunity to pass several amendments on this floor, working in a bipartisan effort. We wrote a Taiwan Relations Act which has stood for 15 years protecting that part of the world against international communism.

Mr. Chairman, we could do that today on this floor. The gentleman should have that right to have input into this legislation. Then we would come up with a piece of legislation that 100 percent of us would support, it would go to the President, and he would sign it.

□ 1750

That is what we are arguing about. That is what the gentleman, I think, as a new Member, probably ought to understand.

Mr. DERRICK. Mr. Chairman, would the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Chairman, let me say that I was not arguing about whether it was a good proposal or not, but the fact of the matter is that it was considered by the Committee on Rules. And those freshman Democrats that proposed it are now supporting the rule and, I believe, I know at least two of them are supporting the bill.

They feel that they have been treated fairly. And if they feel they have been treated fairly, why should the gentleman complain?

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware [Mr. CASTLE], a former Governor of the State of Delaware and an outstanding new Member of this House, the sponsor of the Castle-Solomon true line-item veto, which will be voted on tomorrow morning.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] for yielding time to me. I also praise him for his tenacity in pursuing this issue, as well as the work that has been done by the gentleman from South Carolina [Mr. SPRATT] and, of course, the gentleman from Texas [Mr. STENHOLM], the freshman Democrats and my fellow cosponsors, the gentleman from New York [Mr. QUINN] and the gentleman from Massachusetts [Mr. BLUTE], who will be speaking here as well.

I think the words "line-item veto" have gone into the common parlance of America. People really understand what this means.

If an executive in a State or local government line-item vetoes a spending package, everybody knows they have to go back into that legislative body and usually get a two-thirds vote in order to override the line-item veto that the executive has imposed. And that is exactly what our line-item veto amendment, which is sponsored by myself and by the gentleman from New York [Mr. SOLOMON] and the gentleman from New York [Mr. QUINN] and the gentleman from Massachusetts [Mr. BLUTE], would do.

Forty-three of the governors have it today. Ninety-two percent of those who have been Governor approve it. Eighty-five percent of the people in polls across the United States of America want this particular legislation.

President Clinton has never said, as far as I can ascertain, "I support expedited rescission." He has said, "I support the line-item veto."

Those of us who ran on this issue, in my judgment, from the campaign paraphernalia I have read, generally ran on line-item veto, which is understood by everybody, not expedited rescission.

But this is a tremendous subject, and it leads to a great debate. It is probably the only bill that we will debate in which we cannot cost the public more money, because it is the only bill I know of in which we are actually going to be able to save money. It is simple to understand as well as not spending money. It gives us an opportunity to build budgets together. That is exactly what has happened at the State level.

I used the line-item veto once. Governor Clinton, when he was governor, used it, I believe, eight times in the last 8 years that he was governor of his State. Practically anybody who has had a line-item veto will tell my colleagues, just as has been said earlier on this floor, that it gives us the opportunity to sit down together, to debate the spending and financial issues so that we will understand it and to build our budgets together, the legislative and the executive.

It is not a shift of power, as has been represented, from the legislative branch to the executive branch. Rather, it is a tool to bring Republicans and Democrats and the Members of the Congress and the President of the United States together to do what I think the people of this country care more about than anything else: To try to balance the budget of the United States of America, which we have not succeeded in doing for lo these many years.

This will give us an opportunity to all be accountable to this country for the budget decisions which we have to make. And my colleagues can vote as they please. They can certainly vote for our amendment tomorrow or they can vote for the bill tomorrow, but I think we need to understand, when that vote is cast tomorrow on the amendments and on the bill, that only the Castle-Solomon amendment is the one which is a true line-item veto.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I rise as an original cosponsor of the modified line-item veto proposal and strongly urge my colleagues to support it.

The American people are deeply frustrated by what they view as a lack of accountability, when it comes to the spending of their money. They are sick and tired of reading about the dollars being spent for pork-barrel projects like the Lawrence Welk house, and their frustration is shared by me and many other Members of this body.

The legislation before us will help end this frustration. This legislation provides the President with the authority to pull individual items out of an appropriation bill and force a vote on those items the President believes should be individually voted on.

This is a new power and a very important power. When these individual votes occur, pork-barrel projects are not going to be funded.

When I forced a vote on the Lawrence Welk project here on the floor of the House one evening, there were only 11 Members of this body that stood up in support of the Lawrence Welk project. Why? Because we had an individual vote.

Any suggestion that this legislation is not going to change the way this body does business is dead wrong. This gives the President an important new power. And I must confess that I have a deep concern about preserving the balance of power between the executive and legislative branches of Government. I believe that every Member of this body that has taken an oath of office to defend the Constitution should also be concerned about our balance of powers.

This legislation strikes an important balance that I think is absolutely essential, and it gives us an opportunity to try this concept.

Let me just say that the idea of a balance of power is not some abstract concept. Let me get very specific.

I have spent hundreds of hours trying to kill the B-2 bomber and hundreds of hours trying to kill the super collider. Both projects wanted by President Bush and President Reagan. They wanted to spend the money. I wanted to stop spending the money.

Now, had those Presidents had line-item veto power, they could have come to me and said, "Congressman, back off of your effort to kill those spending projects or I am going to line item everything in an appropriation bill that has something to do with Kansas."

My colleagues, this is real serious business we are talking about. I suggest we should go very carefully. Had both Reagan and Bush had that power, I suggest to my colleagues they probably would have used it, as any President would do. And they would exercise enormous power in obtaining their will in this body.

So let us go cautious, when we talk about this concept, very cautious. And I suggest to my colleagues that the proposal before us strikes a balance, gives us an opportunity to try this idea, to find out if it is really going to work, as we think it will.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to a very senior member of the Committee on Government Operations, the gentleman from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. Mr. Chairman, I thank our ranking minority member for yielding time to me.

Mr. Chairman, I rise in strong opposition to this bill and the outrageous charade accompanying it. In bringing up this legislation, the Democratic leadership is once again deceiving the American people. They are engaged in a game of smoke and mirrors to fool this body and our constituents into believing that a vote for this bill is a vote for deficit reduction. That is simply not the case.

For those of my colleagues who have not yet had the chance to actually read the bill, let me point out two key sections. First, section 3 provides that this bill will apply only throughout the 103d Congress. That's right, it's a 2-year fix. I invite anyone who believes that we can bring about true deficit reduction or eliminate a $4.1 trillion national debt within 2 years to give me a call about a bridge I have for sale.

Second, I would like to point out a well-hidden little provision in H.R. 1578 which undermines whatever small remaining good this bill might have. Section 2(b) permits either House to waive the provisions of H.R. 1578 at any time by a simple majority vote. In other words, the so-called expedited and mandatory rescissions can be waived, suspended, circumvented, or just plain ignored by either House by simple majority resolution.

Mr. Chairman, I fail to understand why your leadership continues to deny this body the opportunity for true deficit reduction by refusing a vote on the line-item veto. The American people will not be fooled by this little game. It is showmanship—smoke and mirrors worthy of the Amazing Kreskin. While I admire a good illusion as well as the next, I cannot support it when the tricks we are playing are on the American people. They deserve more from this House and more from its leadership.

I urge my colleagues to vote "no" on this bill and demand instead a chance to bring about real deficit reduction; give us a vote on the line-item veto.

□ 1800

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I rise in strong support of H.R. 1578, modified line-item veto legislation.

I'm not here to place blame on past acts of Congress or Presidential administrations. I'm here today to lend my voice and strong support for fiscal responsibility. As a newly elected Democrat Member of Congress, I'm pleased to join with the gentleman from South Carolina [Mr. SPRATT] and my fellow freshman Democratic Representatives to bring new accountability—and integrity—to our Government.

This legislation would give the President a much needed tool to eliminate unwarranted spending, the kind of spending that has often been the subject of public ridicule. The legislation would allow the President to send over a rescission package within 3 days of signing an appropriations bill. The Congress would then be required to vote up or down on that package.

Not only would this legislation grant a line-item veto to the President, but the gentleman from South Carolina has provided us with a very constructive roadmap to bring greater accountability to Government spending. If the President's package is defeated in the House, then the Appropriations Committee would draft its own rescission package, provided that the aggregate amount of cuts are equal to or greater than the President's.

I am pleased to join my Democrat freshmen colleagues in asking for fiscal responsibility and for demanding congressional enforcement of cuts that all Americans know must be made. Its both good fiscal sense and good common sense.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. SOLOMON. Mr. Chairman, earlier I had introduced the gentleman from Delaware [Mr. CASTLE] as the major sponsor of the true line-item substitute. The gentleman from New York [Mr. QUINN] is the other, along with the gentleman from Massachusetts [Mr. BLUTE].

Mr. Chairman, I yield 3 minutes to the outstanding freshman, the gentleman from Buffalo, NY [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I thank my fellow New Yorker [Mr. SOLOMON] for yielding me this time.

Mr. Chairman, I rise today in strong support of the substitute amendment to H.R. 1578 offered by my friends, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. SOLOMON]. To put it simply, Mr. Chairman, it is the real thing.

Mr. BLUTE of Massachusetts, Mr. CASTLE, and I offer a real statutory line-item veto—this is a real alternative to the enhanced rescission authority amendment offered by the distinguished gentlemen from the other side of the aisle.

After all, it is what the new President of the United States asked for. Then-candidate Bill Clinton said, and I quote, "I strongly support the line-item veto because I believe we need to get Federal spending under control."

President Clinton did not ask for enhanced rescission, or some other Washington political doublespeak that amounts to nothing more than a watered-down substitute for the real thing.

We want to give the President what he asked for.

Like President Clinton, the freshmen class was elected to bring reform to Washington—Democrats and Republicans alike. We all took office in January to change the way things get done around here. There are many of us in this body who agree with President Clinton that he needs real line-item veto authority—many of us campaigned on the issue ourselves.

According to the polling we have seen, at least 80 percent of the people in this country want a real line-item veto. As Mr. CASTLE has already said, 43 of our Nation's Governors have it—Mr. CASTLE used it himself as Governor of Delaware.

For the past month, Members from both parties have been talking together about the need for a line-item veto—so let's stop talking about it and let us get it done. Now is the time for us to keep our campaign promises. As President Clinton said last summer, "All we need is the courage to change."

Our real line-item veto alternative would allow the President to rescind any discretionary budget authority in any appropriations bill. A majority of the House would be needed to disapprove the President's cuts—and two-thirds would be needed to override a veto of the disapproval bill.

In effect, Congress would need a two-thirds majority to restore the items cut out by the President. Congress would be forced to justify each and every item in the Federal budget—and that is exactly what I believe we need to do to control spending.

President Clinton had it right during his campaign when he said that spending is out of control.

Mr. Chairman, in plain English, our substitute amendment is a real alternative which requires Congress to approve the President's spending cuts with only a simply majority in the Spratt-Stenholm. I ask my colleagues, can we really expect Congress to approve cuts in spending bills they just passed? I do not think so.

Look what happens every day in Congress with a simple majority—Congress taxes more and spends more—and when the money runs out, Congress increases its own credit line.

We need to change the way Congress overspends, overtaxes, and then increases its own authority to spend even more.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I supported this rule and was prepared to support it last week and last month. By its passage, the American people and the hard-working people of California's depressed South Bay are the winners.

As an original cosponsor of the Stenholm-Spratt majority line-item veto legislation, I know it gives us additional tools to reduce our crippling deficit. Congress must make more cuts, and I will support them, but the line-item veto gives our President the ability to require that Congress consider any individual appropriation on its own merits, and that will ensure that all remaining fat is eliminated from our budget.

I am a new Member committed to retaining and building high-skill high-wage jobs. Part of that commitment means that Government must work as a partner with business to invest in the industries of the future. It is vital that we eliminate Government waste, to free up more money for private sector investment.

The majority line-item veto will go a long way toward cutting our deficit and freeing up that vital capital. I urge its passage.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KYL], a very hard-working active member of the Committee on Government Operations.

Mr. KYL. Mr. Chairman, I recently received nearly 300 requests for a Citizens Against Government Waste publication called The Pork Book, which outlines some of the most grievous examples of pork-barrel spending; I received hundreds of postcards and letters from constituents, demanding that Congress consider spending cuts before tax increases. And, though we may disagree on what spending should be cut, there is no question that pork-barrel projects are the best place to start. If we can't control pork, we have no hope of attacking the bigger spending items in the budget.

A line-item veto is the only way to get at that pork. Candidate Clinton recognized this when he stated in Putting People First, "I strongly support the line-item veto because I think it's one of the most powerful weapons we could use in our fight against out-of-control deficit spending." President Clinton's support has now eroded to a bill for so-called expedited rescission, a weak substitute.

Three provisions of the substitute will minimize, if not eliminate, the benefits of a real line-item veto.

First, requiring a simple majority to override the President's rescission, rather than the two-thirds vote required in line-item veto legislation, indicates that Congress is not altogether serious about upholding the President's cuts.

Second, I question the provision which would allow the Appropriations Committee to offer its own rescission package. May I remind my colleagues that the Appropriations Committee is where much of this pork finds its way into spending bills? This seems to me to be asking the wolf to guard the hen house.

Last, a provision in the Stenholm/Spratt legislation which would allow the House to waive the rules during consideration of a rescission package is particularly disturbing. Members may recall that last April, the Democrat leadership was able to pass a rule that allowed Congress to ignore the President's rescission proposals and consider its own instead. The same maneuvering could occur under this substitute.

Mr. Speaker, as the Wall Street Journal editorial I am submitting to the RECORD points out, Stenholm/Spratt is not a real line-item veto.

My colleague from Arizona, Senator JOHN MCCAIN, described a real line-item veto's effect during Senate debate on the line-item veto earlier this month:

> Simply put, [line item veto] would help to install some fiscal sanity into an obviously out-of-control process, enhance Presidential accountability, and restore a measure of public confidence in the institution of Federal Government.

Mr. Speaker, I agree with Mr. MCCAIN, and so do the American people. I urge Members to support a true effort to eliminate pork-barrel spending—a line-item veto. Vote for the Castle/Solomon amendment, not Stenholm/Spratt.

Mr. Chairman, for the RECORD I am submitting an article from the Wall Street Journal of April 28, 1993.

LINE ITEM VOODOO

As with term limits, the American people by overwhelming margins endorse the line-item veto as a tool of political reform in the United States. Lately, influential Democrats such as Senator Bill Bradley have endorsed it. Bill Clinton campaigned for the line item veto last year, but now congressional barons are offering him a poor substitute that they hope will placate the public while it does little to curb government's instinct to spending.

Today, the House will likely debate something called "expedited rescission." It is to the line item veto what chicory flavored water is to Colombian coffee. It may look the same but one taste tells the tale.

A true line item veto would mean that the President would receive a spending bill from Congress and would then have the right to strike out items that he considered unnecessary spending. Congress could restore the spending but only by a two-thirds vote of both the House and Senate.

The ersatz "expedited rescission" process would be a charade. The President would have to sign an entire spending bill (often combining spending for three separate federal departments). He could attach a list of spending items he disagreed with and then ask Congress to eliminate them. But he couldn't ask that an existing program be reduced below its previous budget, and he couldn't cut a new program by more than 25%. The modest cuts he could suggest would stick only if both houses decided by majority vote to concur.

Rep. Ernest Istook is a freshman Republican from Oklahoma who has become a champion of a genuine line item veto. He presented his anti-pork credentials last year when he ran for Congress saying he'd refuse to vote for unjustified spending programs even if they helped his district. "A pig is a pig, even if it's one who lives at home," he said.

Rep. Istook says that "expedited rescission" will do almost nothing to control pork. He notes that many Members of Congress aren't embarrassed to be associated with pork barrel spending. They revel in it. "Only a President elected by all Americans can frequently rise above parochial concerns and act in the national interest," Rep. Istook maintains.

When the Cato Institute recently surveyed the nation's current and former Governors it found that 92% backed a true line item veto. "It makes the difference between talking about cutting spending and making it a reality," says Doug Wilder, the Democratic Governor of Virginia. Not surprisingly, all 10 former Governors who serve in Congress back a line item veto for the President.

The push to replace the line item veto with a sham substitute is typical of how Congress is dealing with reform in this session. It is faking it.

Members reluctantly abolished several showboating select committees but then allocated their budgets to other panels so that no overall savings will result. The leadership adopted new House rules ostensibly to expedite legislation, but they'll have the practical effect of limiting real debate. The more Members of Congress avoid changing their arrogant ways, the more the public will continue to clamor for the only real reform it knows will stick: term limits.

The CHAIRMAN. The Chair will announce the times that remain for the various participants.

The gentleman from South Carolina [Mr. DERRICK] has 15 minutes remaining, the gentleman from New York [Mr. SOLOMON] has 13 minutes remaining, the gentleman from South Carolina [Mr. SPRATT] has 20½ minutes remaining, and the gentleman from Pennsylvania [Mr. CLINGER] has 18½ minutes remaining.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

□ 1810

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman, I am pleased to be here today supporting the product of the gentleman from South Carolina [Mr. SPRATT] and his subcommittee, because it is a good piece of legislation.

We are hearing an interesting argument from our colleagues on the minority here that it does not go far enough, that it is not the genuine line-item veto, and if we cannot have all or nothing we should defeat it.

I would make two points. First of all, that raises the question of what is our job here in Congress to do. I always thought that it was our job to try to improve the existing body of statutory work in the United States Code. This clearly improves it. If it improves it, if this legislation makes it better, then let us support it because the statute, the day after the President signs this, will be better than the day before the President signed it.

The opposition coming from that side reminds me of two other recent instances where we were advised to vote against a statutory alternative to a constitutional amendment because it did not go far enough. I remember back in the days of the flag-burning amendment when we had a statutory proposal to make flag-burning illegal. The opposition said wait a minute, we want a constitutional amendment. This is not good enough. We are going to vote against it. They voted against it and we had no statute the second time around.

Then there was the time last year when we had the constitutional amendment for a balanced budget, a constitutional amendment that I support came up on the floor, and before that vote we voted on the statutory version prepared by Chairman SPRATT and his colleagues. I was a cosponsor of that. That put in the statute a requirement that the President submit and that the Congress vote on a balanced budget, not a constitutional amendment, but a statute.

The point is that once again the minority was opposed. So once again the minority said we want a whole loaf; we are not going to take any compromises.

The Spratt-Hoagland statutory version of the constitutional amendment failed, and a few days later the constitutional amendment itself failed, so we were left with nothing.

Now the third time around we are hearing the same argument.

My point is that it is not easy to pass a constitutional amendment. It takes two-thirds of the vote in both houses, three-quarters of the State legislatures and several years to pass and to go into effect. This is to improve the statute. It is going to give the President a version of line-item veto. Let us pass it here this week.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the Committee on Government Operations.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the American people want a line-item veto. Make no mistake about that. They understand the benefits versus any possible risks, but they have decided in favor of it, and that is shown by the fact that 43 Governors today, including the Governor of Arkansas and the Governor of New Mexico have the line-item veto.

H.R. 1578, as presently written, is not a line-item veto. It is not even a modified line-item veto as it has been incorrectly portrayed.

It is first of all not a line-item veto because any rescission that comes back from the President comes back as a package and is voted on as a package and not individually. Second of all, it is not a veto because it can be overridden by a majority, not by a two-thirds vote as required in a true veto.

Just as significantly, this bill is not even the enhanced rescission that has been previously talked about. The Government Operations Committee hearing that was previously described discussed the concept of an enhanced rescission. It did not discuss this bill. I do not believe this bill had even been introduced.

There is a reason why, and it has been pointed out by a number of speakers, why the majority would not even let the committee of jurisdiction, the Government Operations Committee, review this bill and vote on it, because other defects in it I am sure would be exposed also. But this particular bill is particularly a sham because it allows the Appropriations Committee to offer, in essence, a side-by-side substitute. One may ask what is wrong with that. After all, it has to be in the substitute, the same amount and from the same appropriations bill. The answer is that it is the budgetary process wherein we deal with total amounts. The purpose of a line-item veto, and even true enhanced rescission is to focus attention on the programs that have been named, not on a specific amount, but to eliminate those programs that we do not need anymore, regardless of those amounts. This bill offers a shell game in which we will never get that done.

In conclusion, Mr. Chairman, I want to say that the majority has invoked the name of President Clinton a number of times. I think that we should invoke all of what President Clinton said as a candidate. The President said that he wanted the line-item veto. I think we should give it to him.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of a modified line-item veto bill, or enhanced rescission, or whatever you want to call it.

For several years now we have heard a lot of talk about the line item. The Presidential candidates supported it. The President supports it. And in my district a lot of people support it, and some people support it and do not understand all of its implications.

As a matter of fact, at town hall meetings and in talks with individuals in my district, they have asked me about the line item and I have said no, I am against the line-item veto. And they would want to know why. And of course when I would tell them, then they understood, because I would tell them that this puts too much power, vests too much power in one individual or in the executive branch of Government. But not only that, it turns over a lot of the Government, I think, to the unelected bureaucrats in the OMB.

But I would say to them that I have a better plan. I would be for mandated rescissions because now the President of the United States can rescind appropriations, but then he will send them to Congress, and oftentimes nothing is done. They are not brought to a vote, and thereby the rescissions do not stand. They are not rescinded. So when I explain that to them, they can understand that, because they know that a President could be very vindictive, as we heard another speaker say here today.

So I appreciate the fact that the gentleman from South Carolina [Mr. SPRATT] and our colleague from Texas [Mr. STENHOLM] have brought to the floor this legislation which is good legislation and should pass. And for those who want line-item veto, this is a much better remedy. It will help to remedy the fiscal problems that we have in this country, and I believe that Members should support it, as more than 300 of our colleagues in the House of Representatives supported it last year. But of course it did not pass the other body.

Vote for H.R. 1578.

Mr. DERRICK. Mr. Chairman, for purposes of debate only, I yield 1 minute to the gentleman from Oklahoma. [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in strong support of this legislation to provide a modified line-item veto authority for the President of the United States.

This bill provides a mechanism to impose spending discipline upon the Congress and strengthen the leadership of the President. It is my sense that, like our constituents, we are frustrated by our own inability to sort out the wheat from the chaff in appropriations bills. We struggle to work our will on the smallest issues because greater ones are tied to them through the appropriating process. And we make cynics of our constituents by telling them that we are somehow helpless to change what we know are bad decisions.

This bill keeps intact the separation of powers embodied in our Constitution. The power of the purse remains chiefly in the hands of the people's own representatives. In fact, this bill enhances our ability to be counted and make our will known. I believe the House does not shrink from accountability in adopting this bill. Rather, we embrace it.

This legislation also imposes more accountability on the President of the United States. I know that President Clinton is eager to make the case for his decisions and will not flinch from doing so.

Mr. Chairman, the American people made two points abundantly clear in the last election. First, they want to be rid of the gridlock and consequent finger-pointing that developed over the last 12 years of divided government. And, second, they want the leaders of our government to get the Nation's fiscal house in order. This legislation will help us demonstrate that the executive and legislative branches can work together to the ultimate benefit of the people who sent us.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. BLUTE] who along with the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. QUINN] is another freshman Republican Member who has truly led the fight for a line-item veto from the day he took office.

Mr. BLUTE. Mr. Chairman, I thank my good friend from New York for that kind introduction.

Mr. Chairman, I think it is important that we put this line-item veto versus enhanced rescission debate in some perspective.

☐ 1820

If you look at the current total debt of the U.S. Government run up by Washington, it amounts to $4 trillion.

President Clinton's own budget projections indicate that he will add another trillion dollars to the Federal budget deficit over the first 4 years of his tenure.

Mr. Chairman, it was recently reported that 57 cents of every income tax dollar sent to the Federal Government goes to service debt interest alone. I think that indicates very strongly an argument for a strong line-item-veto authority for the President and not a watered-down, enhanced rescission.

It is time to stop this deficit spending. It is time to reform the budget process, and it is time to take very seriously the long-term damaging effects that deficits are having on our economy.

Mr. Chairman, another problem is that people are losing faith in their government, and they are losing faith in this House of Representatives. During the Presidential campaign just a few short months ago, we heard about the line-item veto from President Clinton, from former President Bush, and from Ross Perot. It was as close to a consensus issue as there was in the last campaign.

But something funny happened on the way to governing. Everything is different now, and we are talking about a watered-down enhanced rescission that is not strong enough to do the job that the people want done to our Federal budget deficit. The full line-item veto is what the American people want. They understand it, as my colleague, the gentleman from Delaware, said, and they want it because it works. They know it works because they lived under State governments who utilize it to discipline the budget process. It works because it raises the threshold of scrutiny for spending. It works because it institutes accountability. No longer can people hide pork-barrel spending in larger budgets and present them to the President to either sign or veto. It works because it brings the executive, the President of the United States, into the game as a deficit fighter.

Because, after all, the President is the only elected official elected by everyone, elected by the entire country, who has to take into consideration the big picture, the macroeffect of this deficit spending.

It works in 43 States, and as the Founders envisioned, the States are the laboratories of democracy. If it works in 43 States, it can work for the Federal Government. It can help us get our Federal budget deficit under control.

I ask my colleagues on both sides of the aisle to support the strong full line-item veto for the President of the United States.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise today in strong support of H.R. 1578, the Expedited Rescissions Act. This is a measure that is long overdue and I commend all those involved who have worked so hard on this legislation. I supported this legislation in the previous Congress and I am glad to have the chance to do so again.

This bill will bring greater control to the Federal budget process and create a significant opportunity for deficit reduction. It forces Members to go on record regarding their commitment to spending reductions and allows constituents to see the direct results. This bill allows the President and Congress to clarify the areas where we can achieve savings and it enhances the responsibility of each Member to follow through on that commitment.

Expedited rescission. It will make Congress more accountable for the programs and projects it supports and more aware of its overall spending habits by allowing programs to stand or fall on their individual merits. This bill provides a control that is desperately needed in our current economic climate and one which the American people have long called for.

I have heard from many constituents in my district who have expressed their support for this measure. Just a few months ago the people indicated that they want change in their Government and in the way it conducts its business. H.R. 1578 provides just such a vehicle to bring about necessary, positive change.

However, I do not support a line-item veto. I believe it is imperative that we maintain a balance and separation of powers as defined in our Constitution. This legislation is a better way. To my friends and colleagues who are today supporting the line-item veto, I hope you remember that the Clinton administration Department of Defense authorization bill will be before this body later this year. Many of you will express your disapproval and vote against this legislation at that time. Today, you are supporting a line-item veto and I expect to see the same support from you when the Defense authorization bill is considered.

We must seize the chance to act now and create a more efficient, productive legislative system that renews our accountability and restores the public trust in this institution and I encourage your support.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS], a very thoughtful and valuable member of the Committee on Government Operations.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise to support the real line-item veto, the Solomon-Castle amendment.

I have listened to the debate, and I have listened to it for a very long time, as a matter of fact. But what really counts has been the performance of this Congress over time.

Regardless of your party or your ideology, common sense dictates that if you expect different results, you have to do things differently.

I have listened for a long time now: lots of accusations, lots of time spent on assigning blame, Republican Presidents and Democrat Congresses. But the fact remains that there is a debt of $4.5 trillion, that we face a shortfall of $250 billion to $300 billion annually.

My friend from Nebraska indicated that a statutory change is certainly a movement forward. We have had statutory controls, Gramm-Rudman, for a very long time. It did not work. The result is it did not work. The evidence is it did not work. The debt is the measure. That is what we must change; $4.5 trillion is the result of the system we have and the operations that we have had.

The result will not change unless we do something differently, and the rescission is not something that is different.

The budget before this body that we will be considering soon will add to the debt another trillion dollars by the best estimates and probably more.

The President has had rescission authority and still does. It has not worked. It will not work.

The voters in my State want to reduce spending. They want some procedural changes that will produce results and that the results will be different. A real line-item veto and a balanced-budget amendment are necessary.

So this whole thing is not about blame. It is not about more promises. We have heard those, that the Congress is going to change their behavior, and they have not changed their behavior.

It is about changing a procedure that will produce results, that will stop growth in the debt and will start to reduce it.

I support the Solomon-Castle amendment and urge my colleagues to do the same.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I want to thank the gentleman from South Carolina [Mr. SPRATT] and the others who have worked so hard to move this legislation to the point where we have it tonight.

As a third-term Democrat and a moderate Democrat, I am pleased that the freshman Democrats who have come where have joined us in this effort to make what I consider to be a really historic change in procedural law around here. It is incremental, at best. It is a pilot project, to be sure. But it is nonetheless very substantive.

It cedes more power, quite frankly, to the executive branch than some in this body would like to see. It does not go as far as many others think wise.

But 43 States have some form of this power in their laboratories, as they were called earlier, including our own of Tennessee.

I want to say that people of this country have been referenced in this debate all afternoon. My constituents tell me, as people of this country, that what they really want is for us to come together and govern responsibly. They are tired of rhetoric with no action. They are tired of the whiners and the extremes on both sides of the aisle saying over and over again, "No, my way or no way."

America is bigger than that. It is bigger than any of us. It is bigger than any political party. And they want us to govern, to compromise, to come together to move forward.

This bill does that. It gives us an opportunity to bring the President into the mix to fight this horrendous debt.

As I said earlier, it is an instrument, one more instrument, to be used in the fight against irresponsible spending, and it is a step forward, yes, a small step, but nonetheless a step forward, and it ought to deserve our support and that of the country.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER], a rising star of the New Jersey delegation and a member of the Committee on Government Operations.

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I have chosen to speak from the lectern on this side of the aisle, on the Democratic side of the aisle, because it is to the Democrats I would like to address my remarks.

I urge you to support our new Democratic President and vote for the real line-item veto.

When Bill Clinton was Governor, he had the power of line-item veto. He used it. He discovered how useful a tool it is for saving taxpayer dollars. When he was a candidate for President, he endorsed the real line-item veto in no uncertain terms.

□ 1830

And after he took office, he has kept his allegiance to the concept of a real line-item veto. When he met with Republican Senators shortly after his inauguration, they presented him with a 2-foot-long pen which symbolized the power of the line item veto. He told them, "I sure hope I will be able to use this." So that is what the President really wants.

But the Stenholm bill is not what the President asked for. It is not a line-item veto. Its sponsor, CHARLIE STENHOLM, told you as much.

Under Spratt/Stenholm, a majority of either House can kill a rescission and restore an appropriation, and there is no line-item veto anywhere in the country that works that way. The Spratt/Stenhom bill does not give the President a 2-foot-long pen; it gives him a teeny weeny 1-inch pen, and it is full of disappearing ink.

So, I urge you, support the President, support Castle/Solomon, and we will have a true line-item veto.

The CHAIRMAN. The Chair will indicate the times remaining on all sides: The gentleman from South Carolina [Mr. DERRICK] has 12 minutes remaining; the gentleman from New York [Mr. SOLOMON] has 10 minutes remaining; the gentleman from South Carolina [Mr. SPRATT] has 13½ minutes remaining; and the gentleman from Pennsylvania [Mr. CLINGER] has 12½ minutes remaining.

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. I thank the gentleman for yielding to me.

Mr. Chairman, as an original cosponsor, I rise in strong support of H.R. 1578, the Expedited Rescissions Act, and I might say that even though I will be addressing some of my remarks to those on that side of the aisle, I will remain on this rostrum.

You know, when I decided to run for Congress, I did so because I wanted to create real change. The people in my district elected me to help make our Government more responsive, more fiscally accountable. Fiscal responsibility is a two-way street. It requires us to face the long-neglected problems of our country, like the sick economy and the loss of jobs, in an honest and forthright manner.

But it also requires that we act to control spending. The Stenholm/Spratt bill will restore accountability and fiscal responsibility to our Government. It will eliminate pork-barrel and reduce wasteful spending by giving the President the authority he needs.

We are at war, my friends, and our enemy is the budget deficit. The Stenholm/Spratt legislation is a key weapon in the arsenal we need to win that war.

We must begin the battle today because we cannot wait any longer. I am sick and tired of hearing those who keep on talking about, "It is not enough."

Legislation over and over again that I have heard mouthed as being, in principle, good is voted against on the theory that it is not enough.

I heard my colleague from New Jersey a moment ago say that he supports the Solomon/Castle bill, but he voted against the rule that would have permitted consideration of that bill. The real answer is those on the other side of the aisle who are talking about fiscal responsibility are really talking about political gimmicks. This bill gives the President power for the first time to do something about line-item veto or enhanced rescission, whatever you want to call it.

It does something concrete, something affirmative; and those who have repeatedly said that they were in favor of them, indeed in the last session voted for this kind of legislation, are now saying it is not enough.

Well, gentlemen, it is time to put your money where your mouth is. It is time to give the President the ammunition he needs to eliminate wasteful spending. It is time to step up to the plate and give the President the opportunity to fulfill his plan to reduce the budget deficit.

I urge everyone who really believes in fiscal responsibility to vote for the Spratt/Stenholm bill.

The CHAIRMAN. The Chair would indicate that he misspoke the time of the gentleman from South Carolina [Mr. SPRATT]. His time is 14½ minutes.

Mr. SOLOMON. Mr. Chairman, Mr. SPRATT has 14½ minutes left; is that what the Chair said?

The CHAIRMAN. Yes.

Let me restate the time so everybody will know: The gentleman from South Carolina [Mr. DERRICK] has 8 minutes remaining; the gentleman from New York [Mr. SOLOMON] has 10 minutes remaining; the gentleman from South Carolina [Mr. SPRATT] has 14½ minutes remaining; and the gentleman from Pennsylvania [Mr. CLINGER] has 12½ minutes remaining.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to a very distinguished Member, the gentleman from Florida, Mr. CLIFFORD STEARNS.

Mr. STEARNS. I thank my distinguished colleague from New York [Mr. SOLOMON] and compliment him again on his tenacity in this very, very important fight.

Listen up, my colleagues: I am going to attempt to explain the difference between an expedited rescission and an enhanced rescission. Now, I warn you this is almost toxic, it causes permanent inducement of sleep and perhaps glazing of the eyes. I want you to listen up.

I have a chart here with which we are going to explain frankly for you folks, particularly you on the Democratic side, to show the difference.

Let us take a look at this: We have the Solomon/Castle amendment. After the President does his rescissions, it comes to the Congress and receives his rescissions. It needs a majority to disapprove the cuts. A two-thirds vote to override the President's veto. If Congress does nothing, then the rescissions take effect, 20 days to do it. This is the key right here: If Congress does nothing, then the rescissions take effect.

So, what we are going to have is a real veto under the Solomon/Castle amendment.

Now let us look at the Spratt amendment down here. After the President does his rescissions, it comes to the Congress. The action: 1 to 3 days to introduce the legislation, and 10 days to vote. The President's rescissions will not take effect until Congress approves them.

Now, this is a key point between the two amendments. In discussing this part with the parliamentarian's office, they agreed that if the House does not act in 10 days, the money should be available for obligation. That is, the money will be spent and not cut.

That cannot happen under the Solomon/Castle amendment. Here, if nothing is done in 10 days, the money will be spent, and the President will not have his veto. That is a key item.

And something else that is not discussed by the folks on this side of the aisle: Under the Spratt amendment, the rescissions could be put on suspension. That is a little technical, it causes people to glaze in the eyes; but that means it gets put on the shelf. The only way to get it off the shelf is by a two-thirds' vote.

So, in other words, one-third of the folks in the House could deny the cuts that the President had. That is another good reason not to vote for the Spratt amendment but to vote for the Solomon/Castle.

Mr. SOLOMON's amendment makes absolutely sure that Congress cannot hide but must come front and center with what it disapproved of the President's rescissions.

The Solomon amendment starts the Federal Government moving in the right direction. A balanced Federal budget, with prudent and responsible spending, is a hard thing to accomplish, but a journey of a thousand miles begins with one step.

Let us take that step tomorrow morning when we vote, and vote for the Solomon amendment.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, President Lincoln once said that the dogmas of the past are inadequate for the challenges of the future, and as the times are new, we must think anew and act anew.

This is a new and different idea, the modified line-item veto that Mr. SPRATT and Mr. STENHOLM have worked so conscientiously on and so hard on. I think we in Congress should give it a chance. The people of this country want to see reductions in spending.

□ 1840

They want to see us do something that has a net effect on the reduction of the deficit. This provision would help us do that. They want to see reform in Congress for a change and no more business as usual. This would help us reform the Congress.

It would be an experiment. Many people back home in Indiana say, "Put some laws and legislation on the books. Then if it doesn't work, take it off."

This legislation allows us to experiment for a couple of years.

Additionally, Mr. Chairman, it is a compromise. There are some people in this body who do not want to do anything at any time and there are other people who say it is not enough, so let us not do anything.

This is probably a fair compromise between the two.

Finally, as Members on both sides have been quoting our President, the

President has said, "I believe this bill would increase the accountability of both the executive and legislative branches for reducing wasteful spending."

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong support of H.R. 1578, the modified line-item veto, as introduced by my colleagues, the gentleman from Texas [Mr. STENHOLM] and the gentleman from South Carolina [Mr. SPRATT].

The President's 5-year plan to reduce the deficit and the bill before us today respond to the urgent call from our constituents to reduce the deficit and its negative impact on economic growth and job creation.

The bill now under consideration has been carefully crafted to maintain the balance of power between the executive and the legislative branches as provided in the Constitution.

The modified line veto will not by itself eliminate the deficit. But it will give the President and the Congress a powerful tool to eliminate unnecessary spending.

It will bring more accountability and responsibility to the budget process.

And it will send another clear message to those we represent that we are serious about reducing the deficit.

I congratulate Congressman STENHOLM and Congressman SPRATT, as well as our former colleague, Gov. Tom Carper of Delaware, for their work on this important legislation, and I urge my colleagues to support H.R. 1578.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. HORN], a new member of the Committee on Government Operations who has already made many valuable contributions to the work of the committee.

Mr. HORN. Mr. Chairman, I believe in Presidential responsibility and Presidential accountability. If Congress cannot balance the budget, the $300 to $400 billion annual deficit that we are now running, then the President needs the authority to bring the budget back into balance.

I have long favored a statutory line-item veto.

I would like to include in this part of my remarks a telegram I sent to President Reagan on February 18, 1981, on that point:

This mailgram is a confirmation copy of the following message:

LONG BEACH, CA,
February 18, 1981.

President RONALD REAGAN,
White House,
Washington, DC.

With your power to persuade the people I suggest that in cutting Government expenditures you ask the people to help you secure congressional enactment of authority to cut appropriations up to 10 percent in all budgets but Social Security and the others which you have specified would not be cut. Such a precise statement of the issue would prevent you from being nibbled away by special interests in the congressional process. If we have a crisis we need to act as if we have one and involve the public in helping you solve it. It could be that momentum has already been lost. If you lose on a vote up or down in securing such authority you can always go the regular congressional process.

Regards,

STEPHEN HORN,
President, California State University, Long Beach.

I believe the President must have the authority to make the appropriate cuts, except in areas such as Social Security and comparable retirement programs. That was the authority I wrote into H.R. 1099, a freeze proposal on which this House has not been able to act.

While H.R. 1578 makes some progress, its fundamental flaw is that the House and the Senate can override the President's action by a simple majority.

The fact is that we saw earlier this evening what can be done with a majority in this body and how leaders can work to convert a few votes so that what was a majority in one direction became a majority in another direction.

The Founding Fathers, however, took that responsibility and decision of the President much more seriously. They required that if Congress was to override the President, the one official elected by the Nation as a whole, then it must do it by a two-thirds vote of those present and voting.

Legislation approved by this House and legislation in the other body must face up to the fact that this Nation is fiscally bleeding to death, and since there is a majority in this House to act to provide a strong line-item veto, I would ask the majority, why does it not act? It has acted through its majority on every bill we have seen this year.

The standard should be the two-thirds vote to override a decision of the President of the United States. Then you would have a credible line-item veto. We do not have one now.

H.R. 1578 does not do the job. I urge my colleagues to vote against the bill before us.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I thank the gentleman from South Carolina for yielding this time to me.

I congratulate those Members who had the courage to defy their caucus and party leadership, and instead vote their conscience to allow the House to consider the line-item veto.

Now at long last we in this House can legislate and determine what kind of line-item veto to deploy.

I hope in this debate and the vote to follow that we focus on achieving the best possible form of a line-item veto. I personally will support the substitute of the gentleman from Delaware [Mr. CASTLE] and the Michel amendment. I am delighted that the two brave Republican freshmen have given me that opportunity at long last to do so. However, should either proposal fail, I still urge all supporters of the line-item veto to vote for the Spratt-Stenholm bill, even if their preferred version does not pass. A weaker version of the current Stenholm-Spratt bill passed this House by an overwhelming margin with strong bipartisan support. Suddenly a better bill is called worse than nothing by the other side.

Let us try to legislate the best possible line-item veto. Let us do the best we can and vote yes on formal passage, even if the Castle-Solomon substitute should fail. I realize this may be tough for Members who have rigged their voting cards only to vote "no", but I urge my colleagues to vote "yes" three times tomorrow.

Mr. DREIER. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Ramsey, Minnesota [Mr. GRAMS], a hard-working new member of the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology.

Mr. GRAMS. Mr. Chairman, a well known TV commercial claims: "There Ain't Nothing Like The Real Thing."

Well, they are right.

In voting for the Castle/Solomon substitute, the American people would get what they want: a real line-item veto.

The Stenholm/Spratt bill is not a true line-item veto—it is a sham. As the Wall Street Journal put it: if Congress passes Stenholm/Spratt, it is not really doing it's job, it is faking it.

Forty-three of our Nation's Governors have a line-item veto, it is done to help them balance their budgets, unlike the Federal Government which lacks a line-item veto and has failed for decades to balance its budget.

Ten former Governors serve in this body, and all of them support the line-item veto.

President Clinton—a Democrat—supports the line-item veto, and as a former Governor, knows first hand how to use it. I am sure he wants a real line-item veto, not the fake version represented by Stenholm-Spratt.

As for the American people, polls show they overwhelmingly support the line-item veto and recognize it is an essential tool for getting rid of pork and wasteful spending.

Mr. Chairman, the fiscal crisis facing our Nation is too serious to play political games as we are doing today with the Stenholm/Spratt bill.

Thanks to Congress' appetite for spending, today every child in America is born owning $16,000 as their part of the national debt. And right now, 20 cents of every tax dollar goes just to pay the interest on the national debt.

Mr. Chairman, the American people voted last year for change, and for Congress to get serious about reducing the deficit.

The line-item veto works, it is needed, and it is wanted by the American people.

Let us not fake it, let us do the right thing and the real thing.

I urge my colleagues to support the Castle/Solomon amendment, and give the American people a real line-item veto.

□ 1850

Mr. SPRATT. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. STENHOLM] who is one of the authors and originators of this bill.

Mr. STENHOLM. Mr. Chairman, I rise today to encourage my colleagues to support H.R. 1578, modified line-item veto legislation.

This legislation, also called the Spratt-Stenholm bill, builds on a long history of bipartisan support for expedited rescission legislation.

Since there has been some misinformation circulating about the motives behind this bill, taking a brief look at that bipartisan history is in order. The first expedited rescission bill introduced in Congress was authored by Dan Quayle in 1985. In 1987, the gentleman from Texas [Mr. ARMEY] attempted to offer an amendment to the Omnibus Continuing Resolution that would grant the President enhanced rescission authority subject to majority override. In 1989, the gentleman from Texas joined with Representative TIM JOHNSON to introduce the Armey-Johnson Current Level Rescission Act of 1989. Under the Armey-Johnson bill the President could reduce existing programs only to their prior year's level and could reduce new programs only by 10 percent. The money would be spent if Congress failed to vote on the President's package. I do not understand how Mr. ARMEY can claim that his bill was the "Real McCoy" and criticize H.R. 1578 when his bill was considerably weaker than the bill before us today.

In the fall of 1989, a bipartisan group of Members came together to develop a consensus bill with broader ideological appeal. That group included TOM CARPER, DICK ARMEY, TIM JOHNSON, LYNN MARTIN, BILL FRENZEL, DAN GLICKMAN, and several other Members who were interested in a constructive approach with improved odds for enactment. In the 102d Congress, TOM CARPER reintroduced this proposal as H.R. 2164. He worked with JERRY SOLOMON, HARRIS FAWELL, and others in refining this bill before it was passed late last year with overwhelming bipartisan support, including nearly unanimous support from Republicans. I am submitting for the record information that describes in detail the bipartisan support that this legislation has enjoyed in the past.

Turning now to more recent history, 2 months ago President Clinton outlined an ambitious plan to confront our massive Federal debt. The day after his State of the Union address, I introduced legislation on behalf of 80 of my colleagues to provide him with one of the tools he asked for to help in the effort to reduce the deficit—modified line-item veto authority.

The bill that we are discussing today, H.R. 1578, maintains the basic principle embodied in every expedited rescission bill in the past—that Congress must vote on Presidential rescission messages. Without weakening this basic principle in any way, we have made constructive changes to make the bill a more workable and effective tool in eliminating low-priority spending. The changes in the bill address concerns of Members on both sides of the aisle, including concerns raised by Mr. SOLOMON and Mr. CASTLE, as well as suggestions by the chairman and other members of the Government Operations Committee. I believe that any objective observer would conclude that these refinements have strengthened and improved the bill.

The legislation would allow the President to send down a rescission package within 3 days of signing an appropriations bill. Congress would be required to vote up or down on the package under an expedited procedure. The rescissions will take effect if a majority of Congress approves the rescission package. The funds for any proposed rescission would not be released for obligation until the rescission bill is defeated in either House. The bill would provide this new authority for a 2-year test period so that we can see how it works in practice and then revisit the issue with any improvements that might be helpful.

It is true that under the authority provided in the Constitution for each House to set its own rules, the House could adopt a rule that alters or waives requirements for internal congressional procedures, including those established by H.R. 1578. However, Congress could not thwart a Presidential rescission message by avoiding a vote because the President could continue to impound the funds included in a rescission message until Congress votes on his package.

Under current law, the President can and does impound funds included in Presidential rescission messages to prevent funds from being spent on projects that may be eliminated. The current rescission process requires the President to release the funds after 45 days even if Congress ignores the rescission message. By contrast, H.R. 1578 does not require that the President release the funds after a certain amount of time elapses, but instead provides that the funds must be released for obligation upon defeat of a rescission bill in either House. If Congress avoids a vote on the President's package, the President could continue to impound the funds. Unlike current law, Congress could not force the President to spend money by ignoring a rescission message. In effect, funds included in a rescission message would be frozen in the pipeline until Congress either votes to rescind them—and remove them from the pipeline entirely—or to release them for obligation.

The Spratt-Stenholm compromise makes four changes from the bill that was passed by the House last year with strong bipartisan support. First, it eliminates the restriction on how much an authorized program can be reduced. Incidentally, the limitation on how much the President can rescind was originally proposed by DICK ARMEY but has been criticized by the Wall Street Journal and GERALD SOLOMON. Unlike the bill that passed the House last year, and contrary to claims of a very shoddily researched Wall Street Journal editorial, there would be no limit on how much the President could rescind any program.

Second, we have added language providing for prompt judicial review if any Member challenges the constitutionality of the statute. This language is modeled after the Gramm-Rudman language.

Third, we added language ensuring that any rescissions submitted at the end of the 103d Congress would not die if Congress adjourned before acting.

Finally, we created a new road map for dealing with an Appropriations Committee alternative package of rescissions if the President's package is first defeated in the House. Under the bill that was passed last year, if the President's package was defeated, the process would have been over with no funds rescinded. The new language provides a procedure for the House to vote on an alternate list of rescissions even if the President's package is defeated. Furthermore, the new language gives the President a chance for a vote on his package in the Senate even if his package is defeated in the House. If the House adopts the committee's rescissions, the Senate still must vote up or down on the President's original package before considering any other rescissions. If there are differences between the House and Senate passed rescissions, the differences will be worked out in conference. In any event, no funds would be obligated unless and until Congress defeats the President's package under the procedures established by the bill.

Those are the changes that have been made to the bill. I have not heard anyone explain how those changes water down this bill. The changes make the bill stronger and more workable than the bill that was overwhelmingly passed by the House last year. It is stronger and more workable than some of the bills introduced by Mr. ARMEY and Mr. SOLOMON in the past.

This proposal was described last year by GERRY SOLOMON as "a tremendous compromise * * * that this House can support overwhelmingly on both sides of the aisle." I believe that statement to be even more true today. It provides the President with a real tool to ferret out questionable spending items while preserving the power of congressional majorities to control spending decisions.

The President may single out individual programs, but he must convince a majority of Congress to agree with him before the spending is cut. This bill will not change the balance of power between the branches, but it will increase the accountability of both branches in the budget process. The President would have to take the credit or the blame for rescinding items or not rescinding items. Likewise, Congress would have to go on record supporting or opposing individual items that the President wished to rescind and defend those votes back home.

I believe that this bill will be an effective tool to eliminate wasteful spending without disrupting the balance of power. To those of you who believe that this bill is not strong enough and those of you who believe that it is too strong, I would remind you that what we are proposing here is a 2-year test drive. If we find that this bill is too weak, we can address that when we renew the policy. Likewise, if it is too strong, we can make changes or let the procedure expire after trying it. We will only know for sure how well this bill will work after we try it.

I am submitting for the record a number of items which will be very valuable to Members evaluating this issue as well as to scholars who might be studying it. Included in this material are legal opinions from the American Law Division and answers to the most commonly asked questions about this issue.

The time has come for us to support this additional tool for accountability and fiscal responsibility. I urge your strong support of H.R. 1578 today.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a Member who has been a leader in the fight for true line-item veto and the one who coined the phrase, "line-item voodoo."

Mr. ISTOOK. Mr. Chairman, I want to commend the gentleman from Texas [Mr. STENHOLM], my friend, for his candor in being careful to say that this is not line-item veto. This is what he calls modified line-item veto, what others call expedited rescission. Unfortunately, Mr. Chairman, there are too many of our colleagues, I say to the gentleman from Texas, who are putting a false label on this and are trying to tell the folks this is line-item veto, this is what the public has been wanting, this is what was an overwhelming campaign issue last year.

But it is false advertising. If the public had a chance to look under the hood on this particular piece of legislation, what would they find? I can guarantee, if they had a chance to look under the hood instead of just reading the sticker, they would not buy the product.

Here is the difference:

Under a true line-item veto bill, Mr. Chairman, the President gets a piece of legislation. It has pork in it. He takes out his pen, and he vetoes that pork, and, if Congress wants that spending to occur anyway, it must override the veto by a two-thirds margin. That is what the Castle-Solomon amendment will put in place, a two-thirds procedure.

However, under the bill we have before us, Mr. Chairman, the President gets a bill. It has pork in it. The first thing that Spratt-Stenholm says the President must do is take out that pen and sign the bill. He has just signed pork-barrel spending into law.

Then it says he makes a separate list and, after he signed the bill, he makes a list of the things he did not like about it. That list comes back to the House and to the Senate, and, if Congress changes its mind, if a majority of the Members approve, then the spending does not happen.

Unless a majority of Congress can be put together to make the cuts, the cuts do not happen. There is no such thing as an override because there is no such thing as a veto. It is only a mechanism for the President to send suggestions back to Congress and say, "Please make these cuts," but there is no power, there is no authority, there is no veto because after all, if Congress fails to approve those cuts, remember the President signed the bill.

☐ 1900

The spending will occur. That is the difference between a real bill and a sham that people are being told is a line-item veto. Do you want to be arrested for false advertising, for calling this a line-item veto? That is not what it is. the Castle-Solomon amendment gives us the opportunity to adopt something that is genuine. But calling this thing a line-item veto is like the salesman that tells people, "Oh, this is genuine Naugahyde, made from the hides of real naugas."

Mr. Chairman, vote for Castle-Solomon, not for Spratt-Stenholm.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, let me just for a moment ask everyone to set aside partisanship and consider what it is we are attempting to do. The purpose of a line-item veto, or enhanced rescission, or whatever it is we want to call it, and I do not think the public cares what it is called, the purpose is to give the President the authority to identify items which we have included in a spending bill, in a budget, which he believes are unnecessary, to get us to take a look at those separately and determine whether or not we really want to spend that money. That is the purpose of it. That is the way you eliminate pork.

Mr. Chairman, the concept is not to shift the power of the purse from the Congress to the President; it is simply to be able to identify those items of bad spending and get rid of them.

By this bill, allowing the President to send us that list and make us vote on the record separately, if enough of us say yes, let us spend the money, then we ought to spend the money because we have the power of the purse under the Constitution.

But if we agree with the President and say this is bad spending, we ought not do it, then we agree and we pass the rescission request the President has sent. The power of this package is to force us to go on the record.

Mr. Chairman, many of my friends on this side of the aisle will say, "Wait a minute, I don't want to go on the record. I don't want to have this piece of spending put on the record under a spending vote, because if it goes under scrutiny, it won't be passed."

Mr. Chairman, I submit to you, drop the partisanship, look to the real purpose of what we trying to do, and pass this bill, because it is the best we are going to get.

I rise in support of H.R. 1578. I am a cosponsor of this legislation and strongly support the concept of expedited rescission authority.

The measure could, however, be improved. It could be made stronger.

I am disappointed that, having decided we wanted to have this safeguard, we watered it down. I would like to have seen the same line-item veto principle applied to tax expenditures. There's pork in tax legislation that's just as fat, just as potbellied, as any appropriations bill around.

I would also like to have seen certain contract authority added to the bill. Look at any major authorization bill, and you can practically hear the barnyard noises where all those special interest sections granting contract authority are located.

I was prepared to offer two amendments, so that my colleagues would have an opportunity to express their views on extending the modified line-item veto to tax expenditures and to contract authority. Under the rule, I cannot offer these amendments, but I urge my colleagues to consider how far we have fallen short if we enact controls only on appropriations and not on these other two ways of draining the budget.

Over the decades we have seen Congress try to put a lid on spending, only to see the lid blown because not enough safeguards were in place. Even Gramm-Rudman, whose threat of across-the-board cuts was supposed to sober Congress up, didn't have the effect it should have.

The reason it didn't have this effect is that by the time you are about to impose across-the-board cuts, the process has gotten out of control. The real safeguards have to be in dozens of places prior to the time you make those cuts. This modified line-item veto is one of those places.

I would also like to give my colleagues a caveat about the substitute being offered by my Republican friends, Mr. CASTLE and Mr. SOLOMON.

There are two ways to implement a rescission. The first is to provide that the President send a rescission package to the legislature which will become effective only if Congress acts to approve it. This is, in effect, the procedure followed in H.R. 1578.

The second way is to provide that the President's rescission package will become effective unless it is disapproved by the Congress. This turns the normal procedure on its head and in my view raises serious constitutional issues. It upsets the separation of powers in a practical sense, even if it technically does not violate the Constitution.

The question is whether we are delegating excessive legislative power to the executive branch. If the congressional action following a rescission is by full action of the Congress, I have no problem. This is what H.R. 1578 does. Both Houses must approve the rescission package.

By contrast, the Republican substitute delegates to the President the authority to "enact," under some circumstances, revenue legislation without congressional action. This not only raises the issues of delegation of powers, but may also present a constitutional question of legislative veto under the Chada and New Haven cases decided by the Supreme Court.

Under H.R. 1578, the President has only proposing power, the opportunity to present rescission.

Under the substitute, we have a delegation of authority to the President to carry out a function normally reserved to this branch of government.

I urge my colleagues to support H.R. 1578.

Mr. DREIER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE], a hardworking member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, when I ran for Congress I pledged to support a line-item veto for the next President of the United States, no matter whether that was George Bush, Bill Clinton, or Ross Perot, and I stand by that. That is why I am pleased today to rise in support of the Solomon-Castle line-item veto, the only line-item veto legislation that we will be voting on here today.

Mr. Chairman, I am pleased that the gentleman from Texas, the sponsor of this bill, has acknowledged that his legislation is not a line-item veto. The gentleman stated that a number of times when we debated this earlier, and it clearly is not.

A veto occurs when the Chambers of the Congress have to vote affirmatively to override the President when he singles out particular items and says that this is something that he thinks is wasteful. I think it is an excellent idea. I think it will help to eliminate pork barrel legislation, and I think it will help to change the way this body does business.

But if we vote for the enhanced rescission and do not have a line-item veto, we are not going to be giving the President what he asked for.

Mr. Chairman, if you want to talk the talk, you have got to walk the walk. So I would encourage my colleagues on the other side of the aisle to join us in supporting the Solomon-Castle line-item veto and give the President something that is real, something that does some good, and that will be valued by the people of this country who expect this Congress to give the President a real line-item veto.

Mr. DERRICK. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, I rise in strong opposition to H.R. 1578, the enhanced rescission proposal. While I respect my President and my colleagues who favor this concept, I believe it is misguided and a gimmick which will not reduce the deficit and which will potentially cause great harm to our democracy.

Like many of my freshman colleagues, I ran on a reform platform. I called for a Congress that would reform America by reforming a health care system that leaves tens of millions of Americans without access. I called for a Congress that would reform our inequitable tax system which for the last 12 years has rewarded the rich and robbed the middle class. I called for a Congress which would be honest to Americans about our budget problems and how to solve them. Mr. Chairman, this bill is not reform and is not an honest attempt to solve our problems.

Mr. Chairman, President Clinton has offered a real deficit reduction plan. The Congress recently finished action on a budget resolution implementing the President's proposals. This budget resolution cuts the deficit by over $496 billion over the next 5 years. Mr. Chairman, that deficit reduction is not a gimmick.

The President will soon offer a health care reform package which will address the skyrocketing costs of health care—costs which contribute billions of dollars to our budget deficit each year. We in this body will have an opportunity—and a responsibility—to shape that health care reform package to ensure that it not only covers all Americans but gets Government spending on health care under control. Mr. Chairman, health care reform is not a gimmick.

Mr. Chairman, this bill is a gimmick. This bill could never generate the substantial savings produced by the budget resolution or meaningful health care reform. That is because this bill does not affect the parts of the budget which are driving the deficit. In fact, Congress has over the past 12 years consistently appropriated less funds than requested by Republican Presidents in their budget submissions.

Mr. Chairman, let us be honest. Enhanced rescission is a gimmick. It is our way of pretending to the country that we are reforming ourselves. It is playing into the hands of the naysayers and the cynics. Now is the time for us to seize our power as the people's representatives and not give our power away to the executive branch in a dangerous precedent of shaky constitutional merit.

This house is the people's house and we need to be honest with the people. We can and should on our own do the tough job of balancing our books without resorting to gimmicks. I urge my Democratic colleagues to reject this blatant attempt to deceive the American public.

The CHAIRMAN. The Chair announces that the gentleman from South Carolina [Mr. DERRICK] has 2½ minutes remaining, the gentleman from California [Mr. DREIER] has 3 minutes remaining, the gentleman from South Carolina [Mr. SPRATT] has 5 minutes remaining, and the gentleman from Pennsylvania [Mr. CLINGER] has 6½ minutes remaining.

Mr. DREIER. Mr. Chairman, I yield 2½ minutes of the time of the gentleman from Pennsylvania [Mr. CLINGER] to my friend, the distinguished gentleman from California [Mr. KIM], a hardworking member of the Committee on Public Works and Transportation and former mayor of the city of Diamond Bar.

The CHAIRMAN. Without objection, the gentleman may proceed.

There was no objection.

□ 1910

Mr. KIM. Mr. Chairman, I rise in strong opposition to the Expedited Rescission Act and in support of the Castle-Solomon amendment to give the President a real line-item veto.

President Clinton campaigned for a line-item veto. I join the American people in wanting to give it to him. Right here, right now. Today.

But the majority Members in this House stand in opposition to President Clinton's reasonable request. Instead, they try to offer him a fake substitute. It is ironic. It is a shame and an insult to the American taxpayer. Because the line-item veto will give President Clinton the chance to eliminate pork and wasteful spending.

It is a key weapon in the fight against deficit spending. I strongly support the true line-item veto. But for the line-item veto to work, it must have real power.

The key difference between this so-called Expedited Rescission Act and the Castle-Solomon amendment is that under the so-called Expedited Rescission Act, it only takes one-half of one Chamber of Congress to kill the President's spending cuts. That is nothing.

A simple majority can override the President's line-item veto. The Democrats already have that majority. It is a sham. The real power still lies with this fiscally irresponsible Congress, not the President.

It is very clear that this Congress is playing games with the people, and has no intent to really eliminate pork barrel spending.

On the other hand, the Castle-Solomon amendment requires a two-thirds vote of both Houses to override the line-item veto. It means the cuts really will happen.

Not only that, unlike the Expedited Rescission Act, this amendment prohibits the addition of any new spending during the process. Americans are not stupid. They know that actions speak louder than words. The Castle-Solomon amendment is real, honest budget reform action. This Expedited Rescission Act is nothing more than deception and rhetoric that protects the big spenders and special interests.

It makes the public think the President has a big ax when Congress has only given him a flimsy plastic knife. It is nothing more than tax and spend, business as usual.

The American public deserves better. I urge the adoption of the Castle-Solomon amendment—the real line-item veto.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, what we have seen over the last 15 years, we have seen a Federal Government that has spending out of control. I do not believe that this Congress, had it chosen to get this country $4 trillion into debt, would have been able to accomplish that goal, yet that is where we are today.

I think what we need to think about, as a country, is where we would be in terms of our economy if we were not $4 trillion in debt. Where would we be if we were not at a $300 billion deficit?

The incredible force of this country, in terms of the future, would be unbelievable, beyond our wildest dreams.

Our economy is suffering the cancer. The cancer exists. But the cancer of this deficit is also affecting our national security.

As Admiral Crowe, the former Chief of Staff of our armed services, has pointed out recently, national security is more than armies. It is our economy as well.

This legislation has the ability to be part of the effort both to have the economy as vibrant as our wildest imagination and really restore a level of national security that this country can only have as the strongest economy in the world.

Mr. DREIER. Mr. Chairman, I am happy to yield 2 minutes to a new member of the Committee on Ways and Means, the gentleman from Marysville, CA, Mr. HERGER. The gentleman has been working diligently on that committee, I know, because he missed another meeting that I had earlier today because of his work there.

PARLIAMENTARY INQUIRY

Mr. DERRICK. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DERRICK. Mr. Chairman, just as a matter of curiosity, do these introductions go into the time of the opposing side? I have no objection. I am just curious.

The CHAIRMAN. The answer to the question is: Yes, they do, where they constitute debate.

Mr. HERGER. Mr. Chairman, let us stop defrauding the American public. The so-called Expedited Rescission Act is an outrageous fraud. It will not result in any savings for the Government. It is not remotely like the line-item veto the Governors of some 43 States have.

We need some truth in advertising here. Under this legislation, it will not be any harder to pad the budget with pork than it already is. Let us tell it like it is—the only purpose of this bill is simply cover for Members who wanted to increase the debt limit and add another $1 trillion to our national debt. We are looking at a fig leaf, not real reform.

Only a real line-item veto will actually put the breaks on congressional overspending when it takes two-thirds of the vote to restore funding for the fish atlas or the beach parking garage or the study of religion in Sicily, then maybe we will finally begin to cut wasteful Federal spending.

Let us not play games with the American public. Let us reject this meaningless proposal. Instead, let us enact the real line-item veto, the Castle-Solomon substitute and put an end to special interest porkbarrel spending.

Mr. CLINGER. Mr. Chairman, may I inquire how much time all the parties have left and who closes?

The CHAIRMAN. The gentlemen representing the Committee on Government Operations each have 4 minutes. The gentleman from South Carolina [Mr. DERRICK] closes. He has 2½ minutes remaining. The gentleman from California [Mr. DREIER] has 1 minute remaining.

Mr. CLINGER. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself 30 seconds.

I want to respond to the last speaker who described this bill as an outrageous fraud. I would remind my good friend, the gentleman from California [Mr. HERGER], that we voted upon a very similar piece of legislation, enhanced or expedited rescission, on October 3, 1992. And according to the CONGRESSIONAL RECORD, he voted for that bill, the bill that is before us right now.

Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] not only for yielding time to me but also for his hard work on this legislation.

I join with him in taking some exception to the previous statements about the nature of this bill.

Mr. Chairman, the American people are smarter than we give them credit for. They understand that in a legislative body as diverse as the U.S. House of Representatives, coming from all States in the Union, that there are legitimate differences of opinion on how we ought to proceed. And sometimes we have to make compromises in order to achieve a result.

Mr. Chairman, the American people are also fed up. Yes, they are fed up with fiscal irresponsibility and they demand action, but more importantly, they are fed up with inaction. And they are fed up with partisanship.

So let us be honest about what is happening on the floor today. The Castle-Solomon amendment is a good amendment. In fact, I intend to support it. But I cannot help but note how many Members who have stood here today and called it the real line-item veto just an hour ago voted against our opportunity to consider that very measure this afternoon.

The Spratt-Stenholm amendment is also a good measure. It moves us forward in the realm of fiscal responsibility.

It will force Congress to reconsider spending in the glare of the spotlight, in the light of day, and to decide whether, in fact, this is spending that we need to have in this country.

It has one additional virtue, and that is, it can pass.

So my colleagues may vote how they want on the Castle-Solomon amendment, but vote for this bill because it will move us forward in a unified way for this country.

□ 1920

Mr. CLINGER. Mr. Chairman, I would ask if the gentleman from South Carolina has additional speakers.

Mr. SPRATT. Mr. Chairman, I would respond to the gentleman by saying that I have one additional request, and the gentleman from South Carolina [Mr. DERRICK] has 2½ minutes to close.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just want to stress today that this is not a gimmick. This is a very important step, in my opinion, towards reforming the spending process in Congress.

Mr. Chairman, I want to commend the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Texas [Mr. STENHOLM] for this compromise bill. I have felt for a very long time that we need some procedural changes in the way we do business with spending, with the budget process. I think that this is the beginning, maybe a small step, but the beginning of the process of changing the way we do business. I honestly believe that if we can get expedited rescission authority, that ultimately we will also see a balanced budget amendment and some of the other changes that can be put into place for spending reform.

I think the most important thing is not to make the distinction so much between the Spratt-Stenholm compromise and also the proposal by Mr. CASTLE, and also Mr. SOLOMON, which I will also support, but just to stress that whatever we do, either one of these proposals will ultimately mean that a lot of spending items will see the light of day, be brought to the public eye through the President's action, and that for once will make it more difficult, I believe, for items which are labeled pork barrel or for special interests that will ultimately not be signed into law and not become law and not be appropriated.

I want to indicate again my strong support for the Spratt-Stenholm compromise, although I will also be voting for the Solomon amendment. I believe if we saw the Spratt-Stenholm compromise signed into law, that that will be a far-reaching attempt toward reforming the spending process and making some significant changes in the way we do business.

Mr. CLINGER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 4 minutes.

Mr. CLINGER. Mr. Chairman, just to make myself clear on a point which was raised earlier in the debate, we have heard allusion to the amount of money that the President's budget is going to save, the amount of deficit reduction that will take place over the next 4 or 5 years.

However, I would point out that the majority of that, the cost cuts, the cuts in spending, take place in the outyears; that is, in the third, fourth, and fifth years of that budget. That is when the line-item veto is going to be absolutely essential to a President to curb the appetites of what we all know in this body are voracious for spending.

Without a line-item veto during those outyears, when those spending cuts may winnow away in the legislative process, without having the line-item veto at that point, we are going to find ourselves back in the same old soup again with passing appropriations that are going to exceed what the budget calls for.

This appropriation, the bill that we are going to be voting on tomorrow, expires at the end of 2 years. Therefore, at the very time when it would be needed most it will no longer be on the books, will no longer be a restraint on spending, and will no longer be of help to us.

The other point is, of course, a partisan one. That is that it is clear that the majority does not trust a Republican President with a line-item veto, because otherwise they would be willing to extend it and say that a line-item veto should be available no matter who is in the Presidency.

I am delighted that we have now at least more support on the majority side for a line-item veto, because many of them, none of them, were willing to support that provision, or few of them were willing to support that provision in the last administration.

Mr. Chairman, I would urge a vote for the Castle-Solomon substitute which will be offered tomorrow as the true version of line item, which will give us the kind of restraint we so desperately need.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. DREIER] has 1 minute remaining.

Mr. DREIER. Mr. Chairman, without a flowery introduction, I yield myself the balance of my time.

Mr. Chairman, 80 percent of the American people have said in public opinion polls that they support the line-item veto, a true line-item veto. When we look at the veto authority in the Constitution, it relates to a two-thirds vote. That is what they want. I am pleased, too, that the gentleman from Texas [Mr. STENHOLM] has recognized that we are going to have a choice.

Mr. Chairman, our colleagues need to know that tomorrow we are going to have a chance to vote on the Castle-Solomon package. That is what the American people want us to do.

As a member of the committee that is working to try and reform the Congress, I hope very much that the statement that was in the Wall Street Journal's editorial this morning is not a precursor when they said, "The push to replace the line-item veto with a sham substitute is typical of how Congress is dealing with reform in this session, it is faking it."

I hope very much that we don't pass what the Journal refers to as a sham substitute. Let us do what the American people want, and that is, vote yes on the Castle-Solomon substitute when that comes before us tomorrow.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] is recognized for 2½ minutes to close debate.

Mr. DERRICK. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, the line-item veto is very important to many Americans. The polls have indicated over the years that most Americans, a large majority of them, support it. I support it and have supported it for many years.

We have a line-item veto bill before us today. We can argue about this and that, but the fact of the matter is that most of the Members who have spoken here on the other side, or at least some of them, supported a very similar bill before the House last year that passed, and was bogged down in the Senate and never became law.

It is my hope that we will pass this and it will go to the Senate and it will pass there, and the President will sign it. I hope it will help bring some sort of fiscal sanity to our Government. I think it is a good bill. But I also want to say, and I do not think that we fool many people up here, that there are only two ways to balance a budget. We either take in more money or we spend less.

I have been in this body for a number of years and I have seen the original Budget Act, I have seen Gramm-Rudman-Hollings, I have seen balanced budget amendments, and all these sorts of things.

Of course, I am not suggesting the people who introduced them did not have good intentions, but they are the classic example, as this is, of the way politicians try to work out some gimmick so they will not have to make the hard decisions. They can remove it from themselves in some way, so they will not have to vote against an appropriation or vote for a tax increase or something else.

I will tell the Members that in my legislative career, which has spanned 25 years, I have never seen it work. It has never worked, and it is not going to work here today. The history of the line-item veto is that those who have it very seldom use it, and when they do use it, they use it for entirely different purposes than those that have been suggested here tonight. They use it not to reduce deficits, not to reduce spending, but instead to accomplish their own purposes.

Let us vote for it, let us pass it, but let us not mislead the people to think it is going to balance the budget overnight, because it will not. We are the ones who have that power, and no one else.

DEBATE ON ENHANCED RESCISSION AUTHORITY

Mr. PALLONE. Mr. Chairman, I rise today to address the issue of enhanced rescission authority. Taxpayers want their elected officials in Washington to stop playing games and get something done about the economy. The Expedited Rescission Act, H.R. 1578 is the first step in the right direction.

Republicans for years have been a strong advocate for this form of legislation. True it is not a pure line-item veto, however it moves us in the right direction, the direction of reform. The Castle-Solomon substitute may be truer in form. However it may not have the votes to pass. The National Taxpayers Union and my fellow members of the CDF see the Stenholm-Spratt amendment as a viable option. What I'm saying to the Republicans is, here's something that has a real chance of passing, something that will make a difference in the budget process, and something we should agree on.

Today I challenge the Republicans to join with the Democratic majority in support of this significant budgetary procedural reform. I challenge Republicans to rise above partisanship and obstructionist tactics to enact a proposal that they themselves have for years been calling for. I hope they won't block this just for the sake of making the Democrats look bad, or because they don't want to give a Democratic President any support. That's just the same kind of gridlock that people are saying they won't tolerate anymore.

True, Stenholm-Spratt is a compromise proposal. But it's something that will work, and it's within reach. Like many of the Republicans, I have stood for a much stronger line-item veto and I will vote for the Castle-Solomon amendment. But that proposal is not likely to be enacted any time soon, while the modified line-item veto has a real chance of passing. And the truth is, with some division in the Democratic ranks, we need courageous Republicans to cross party lines in the interest of breaking the gridlock.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise today in opposition to H.R. 1578, the Expedited Rescissions Act. H.R. 1578 was supposedly crafted to reduce our $319 billion deficit while still maintaining the balance of power between the executive and legislative branches of this Government. Unfortunately, it fails to achieve either of its goals.

The rescission authority that H.R. 1578 seeks to expedite already exists and has been regularly exercised by the President as well as Congress since it became law in 1974. In fact, under the last administration, President Bush requested $7.9 million in rescissions and Congress enacted a total of $8.2 million in rescission savings. During the 19-year history of the rescission authority, Congress has used this budget-reduction tool to either approve or initiate a total of $86.5 billion in savings.

Considering that H.R. 1578 simply expedites a budget rescission authority that already exists and is used successfully, the effect that this legislation is likely to have on the deficit or our $4 trillion debt is limited. We therefore need to seriously consider the risk that this bill poses to the carefully established balance between the White House and Congress and question the worth of that risk. For me, the minimal benefits of an expedited rescission authority simply do not outweigh the magnitude of altering the relationship between the executive and legislative branches. I am compelled to oppose this legislation and I urge my colleagues to join me and vote against H.R. 1578.

Mr. STOKES. Mr. Chairman, I rise today to express my strong opposition to H.R. 1578, the Expedited Rescissions Act. This legislation is not only unwise, and unsound policy, but more importantly, it is almost certainly unconstitutional.

Let me take a moment to discuss a little history for some of the junior Members of the House. As you may know, the Congressional Budget and Impoundment Control Act of 1974, which created the budget committee and the entire budget process, established a procedure for the President to suggest to Congress proposed rescissions at any time throughout the year. The act, recognizing that the Constitution grants the power of the purse to the Congress, specified that if the House and Senate have not approved a proposed rescission within 45 days of its submission, the funds are automatically released.

The existing rescission procedures have worked very well. In fact, and this may shock some Members on the other side of the aisle, Congress has rescinded $17 billion more than the President has requested be rescinded since the passage of the Budget Impoundment Control Act of 1974.

The Expedited Rescissions Act would temporarily establish a new process for consideration of presidential rescission proposals by Congress. This bill seems simple enough on the surface—the House of Representatives must vote within 10 days on proposals submitted by the President to rescind appropriations. More specifically, the House must vote on the President's proposal, without amendment, and the rescissions would go into effect upon approval by both Houses of Congress.

The expedited Rescissions Act, however, would have the effect of transferring power from the legislative branch to the executive branch, without benefit of constitutional amendment, and weakening Congress' inherent constitutional power of the purse. In effect, H.R. 1578 would grant the President added power to write appropriations bills because, using the veto threat, he could insist on rescissions of various congressional proposals before the bill even reached him. Another important point is that this enhanced rescission process would not—even remotely—have a major impact on the deficit, because the legislation does not cover the authorizing committee's areas of jurisdiction, including contract authority and tax provisions.

I want to remind my colleagues that the Constitution grants the President an enormous amount of power. The President, in practice, already has two opportunities to significantly influence the spending process, through the submission of an annual budget request, which is closely followed by the appropriations committees, and through the power of the veto, which former President Bush used to his advantage on a number of occasions. The Constitution, in article I, section 8, mandates that Congress exercise the authority and responsibility of raising revenues and appropriating funds.

Mr. Chairman, serving on the Appropriations Committee is an arduous, time-consuming, and difficult task. The Appropriations Committee, and its various subcommittees, spend almost every legislative day, for approximately 3 months of the year, conducting hearings with executive branch officials, and members of the general public, and marking-up the spending bills. There is an enormous amount of responsibility that goes with membership on the Appropriations Committee, and many hours go into making the tough, and always unpopular decisions to provide funds for one Federal program to the exclusion of funds for another worthwhile program. These decisions are never easy, and in recent years, have become even more painful. To allow the President to void all this work, and to reject with impunity the judgment of the elected representatives sent to Congress by the American people, is terribly wrong.

Mr. Chairman, I cannot state strongly enough my serious objections to this legislation. It is unwise policy, an unjust usurpation of congressional powers, and is in violation of the Constitution. I strongly urge all my colleagues to vote against H.R. 1578, and reject this enhanced rescissions procedure.

Ms. WOOLSEY. Mr. Chairman, I rise today in strong opposition to H.R. 1578, the Expedited Rescissions Act. I wholeheartedly agree that we as a Congress must tackle the problems of the national debt and the budget deficits, but passing the buck is not the answer.

While I trust our current President, past Presidents have not always exercised such good judgement. I am concerned that if this legislation is passed, important funds may be held hostage by a President who is searching for support on another project—or a second-term President who isn't accountable to the public because he/she will not run again. I believe that these are the concerns that our founders had in mind when they structured our current political system. Mr. Chairman, I believe that no one person should have so much power over a $1.5 trillion budget.

As we look at ways to reduce the deficit, there is no doubt that Congress must make difficult choices about where the Federal Government should, and shouldn't, be spending money. I believe that we must accept these challenges and make those decisions. Passing the buck is not the answer. Let's put an end to earmarking projects that aren't making real investments in our future. Let's stop spending money on projects that haven't undergone review by the authorizing committees. Why are we asking the President to do our job for us?

As a member of the Budget Committee, I played a role in developing the budget agreement recently passed by Congress. I am pleased that this budget fundamentally reorders our Nation's priorities and that it sets strict spending limits for the next 5 years. We made difficult, but responsible, decisions about where money could be cut, and I look forward to working with the authorizing and appropriating committees as specific decisions are made.

As a former small business owner, I know first hand the importance of making critical management and budget decisions that will benefit a company and its employees. As a member of the Petaluma City Council, I worked hard with my colleagues to make decisions about how the city would spend its limited resources. Never did I run from that responsibility, and I certainly don't plan to start now.

Let's show the American people that business as usual in Washington is old news, and that we are going to make the difficult decisions that we were sent here to make. I urge my colleagues to oppose H.R. 1578.

Mr. DORNAN. Mr. Chairman, today we're discussing the rarely broached topic of true budgetary reform. This is a subject that is very close to my heart. I am the only Member of the House of Representatives to have introduced legislation on enhanced rescission authority in every Congress since 1985. I remember when myself and perhaps only one other Member had the only rescission bills in the House. Today it seems everybody has their own version. You don't know how pleased I am to see not only how my idea has finally caught on in this body, but that the American people will finally get to hear debate on this important budget-cutting tool.

Paramount to any talk of budgetary reform has to be a discussion about congressional accountability. Getting a grip on our massive and increasing Federal budget deficit won't be possible as long as Congress continues to diffuse blame for our fiscal situation. It has become a yearly ritual for the Democrats in Congress to shift the blame onto the shoulders of the executive branch. We'll see if they continue to do that with a Democrat in the White House. But nevertheless, this disingenuous practice must end. If we are to be serious about reform, we must be truthful about Congress' leading role in the budget mess.

And if you don't think accountability is the problem, just ask the voters. They just elected the largest freshman class in years. While the Democrat freshmen have decided to play ball with their leadership, Republican freshmen have been steadfast over the last few months in pushing for true reform of the way Congress conducts its business—only to be thwarted at almost every juncture by the calcified majoritarian Democrats that run this Congress. Americans feel disenfranchised and ineffectual in the ways of their representative Government. We need real reform.

Mr. Chairman, the two legislative weapons that would most help to both check Congress' spending habits and introduce accountability for its spending decisions are the constitutional amendment to balance the Federal budget and an enhanced Presidential budget rescission authority. Maybe now that we have come to the point where we are willing to debate enhanced rescission, it is time to give the balanced budget amendment another look, considering the close defeat it suffered last summer.

But as I said, I have long advocated a Presidential check on Federal spending. The fact that the President is now a Democrat doesn't change my feelings on this one bit. As early as this past February, I testified before the Joint Committee on the Organization of Congress on my enhanced rescission bill, which I reintroduced in the 103d Congress as H.R. 666.

As you know, under current law, the President can ask Congress to rescind funds for which he does not anticipate a need. But rescissions expire and funds are released unless both Houses of Congress pass a bill specifically approving the rescissions within 45 days. In short, if Congress simply does nothing, the funds must be spent. Today's bill is no improvement. H.R. 1578, the Stenholm-Spratt Expedited Rescission Act, also only requires congressional approval of the President's rescissions. In fact, the Democrats have admitted that this bill is unenforceable, as the process it establishes would be subject to the same occurrence of being waived, suspended, altered, or otherwise circumvented by the Rules Committee as current law. It is meant only as a strong suggestion from the President to appropriators to find deeper cuts, and is powerless as a budget-cutting tool.

H.R. 24, the Castle-Solomon Republican substitute, on the other hand, closely resembles my own bill on rescission authority, amending the Impoundment Control Act of 1974 to provide that any rescission of budget authority proposed by the President would take effect unless specifically disapproved by the adoption of a congressional joint resolution within 20 legislative days. The President would then have 10 legislative days to sign this resolution. Thus, if the Congress refused to act on a Presidential rescission request, for whatever reason, the designated funds would not be spent. This fair, but tough budget-cutting measure is referred to, curiously, by some of my Democrat colleagues as an unwarranted intrusion into the affairs of the legislative branch.

The Castle-Solomon substitute would simply reverse the bias in the current system away from spending money and toward saving it. It requires Congress to act to disapprove rescission, in accordance with the legislative process, rather than rejecting savings by inaction. This is very similar to the original House-passed Impoundment Control Act, which permitted Presidential rescissions unless one legislative Chamber terminated the impoundment within a 60-day period. Castle-Solomon merely shortens the disapproval period to 20 days and corrects, as does my own bill, the constitutional problems arising from the Supreme Court's Chadha decision, which addressed the constitutionality of the legislative veto.

This is the most important benefit enhanced rescission has over a straight line-item veto approach—it addresses the legitimate constitutional questions involved. In fact, according to the Library of Congress, enhanced rescission on this model—indeed, the Dornan model—is constitutional and conforms to Supreme Court doctrine on the legislative veto. The lack of such a constitutional clean bill of health is specifically why I have not cosponsored line-item veto legislation.

Enhanced rescission authority will be more effective in getting at Government waste. It may be an obvious point, but for the line-item veto to work there has to be a line item to veto. But as you and I know, Mr. Chairman, the specific items that would most likely be targets of the line-item veto are never found in individual appropriations bills, but in conference reports. The only way around this problem is to insert the conference reports in the appropriations bills—and I think we can safely assume that this is unlikely. On the other hand, to propose a rescission, the President must submit one or more rescission messages to Congress, specifying the amount of budget authority he wishes to cut, the account, agency, functions, and programs affected, the reasons for the rescission, and the overall effect. In short, the President would have more flexibility.

Mr. Chairman, there is a clear need to bring balance into the budget process by giving the President a greater role. Impoundments of one sort or another have been used to good effect by Presidents since the Jefferson administration to control Government spending. Presidents Truman, Eisenhower, and Kennedy all used their impoundment power to control Government spending. And in 1966, President Johnson impounded $5.3 billion to offset costs associated with the Vietnam war.

But with the passage of the Impoundment Act in 1974—a gut reaction on the part of Congress against former President Nixon and then President Ford—which took away the executive branch's impoundment power and set up the current rescission process, there has been a steady trend away from approving any Presidential rescission. Since 1974, Congress has constantly ignored Presidential rescission requests. Political pressure forced Congress to act last year on the President's $7.9 billion rescission request, but the $8.2 billion that Congress rescinded was an aberration. Before that, Congress had accepted only $402 million, or 1.2 percent, of the $33.4 billion in Presidential rescissions requested since 1983. Clearly some sort of impoundment authority for the President is in order. Despite his presiding over the largest budget in the world, the President has less control than any corporate CEO or the Governor in any of 43 States. Enhanced rescission authority would allow the President to have the same power a CEO has to ask his board of directors, in this case Congress, "Is this specific expenditure really necessary?"

Some opponents of enhanced rescission point to the GAO comparison of Presidential rescission requests and congressional action on rescissions which appears to show that Congress actually rescinded more money than the President requested from 1981 through February 1992. But GAO's formula includes, among other questionable entries, money Congress rescinded that could not have been spent. For example, if Congress appropriated $100 million to build an airport, and the airport only cost $80 million to build, that would leave $20 million that could be spent for no other purpose. The GAO says that Congress rescinding that $20 million so it could be spent elsewhere is a legitimate rescission. Technically, that may be a rescission, but it doesn't save any money.

Enhancing the President's rescission authority addresses one of the major problems with the modern Congress—its tendency to circumvent the democratic process, especially when appropriating. We spend money on projects that have never been authorized or even the subject of a hearing in an authorization committee. Appropriations that never appeared in a bill are added in conference. Appropriations with no meaningful relationship to the underlying bill are added in the dead of night. We hastily pass catch-all appropriations or continuing resolutions. It is only natural that a Member has a strong preference to see funds directed to his or her constituency—some more so than others, I am sure. But the sum of all the numerous favors and deals of 435 Congressmen and 100 Senators can work against our Nation's overall interest.

The President being elected by all of the people, has a better vision of what is good for the Nation as a whole. When these two visions collide, I believe the Nation's needs must come first and that the President, whether Democrat or Republican, is in the best position to make that determination. And somewhere along the way, the Congress should be required to speak on these issues.

It is important to note that I am under no illusion that enhanced rescission will solve the deficit crisis and bring the budget into balance. It would likely apply to only a small part of the budget and realistically we could only expect savings of maybe several billion dollars a year. Indeed, a GAO study stated that if Presidents Bush and Reagan had had the line-item veto from 1984 to 1989, savings would have been at least $70 billion, and given the generous assumptions used by GAO, actual amounts would probably have been far lower. But this is not to say that I belittle saving the taxpayers several billion dollars a year. I am one of those few here, Mr. Chairman, who still thinks a billion dollars is a lot of money. But it will take a lot more than that to balance the budget. What it will take to dig us out of our budget hole is a combination of reforms, including a balanced budget amendment with a tax limitation feature, a flexible spending freeze, budgetary process reform, and entitlement reform.

Some might say that an enhanced rescission authority would make Congress even less responsible. I have heard a few Democrats who oppose this change argue the truly cynical point that enhanced rescission authority would actually increase the deficit by giving Congress the incentive to present larger budgets to protect against the Presidential power to rescind. Mr. Chairman, this is truly an insightful look at what many of the House's majoritarian Democrats view as their role in our representative Government—big spenders of pork. But we have had almost 200 years of experience with Presidential impoundment and did not experience such problems. A 1987–88 study on the line-item veto at the State level concluded that expenditures were lower in those States with the line-item veto. Those 10 States that have special line-item authority, which allows a Governor to reduce dollar amounts rather than zeroing an appropriation out completely—enhanced rescission would allow for this—saw spending average 14 percent lower than in the States with no line-item veto authority.

Mr. Chairman, it is paramount that we adopt a Presidential check on spending to restore accountability to the spending process. And if we get some spending relief in the process, then so much the better. We have created a culture of perpetually increasing spending. We need to rein it in.

Mr. Chairman, it is clear that we, as a body, have not done enough to deal with our Nation's mounting budget deficit. Our true crisis is the uncontrolled propensity to spend and waste Federal tax dollars. Unless we are willing to hold ourselves accountable for our own actions, and remain accountable to the American people, we will be shirking our constitutional duty to secure the blessings of liberty to ourselves and our posterity, meaning our children and our grandchildren. Mr. Chairman, you may know that I have recently helped to establish a grandparents caucus here in the House as a reminder to those of us who have grandchildren exactly why we fight so hard in this body on the various issues we face. As a Member of Congress, I do not want my legacy to my grandchildren to be irreconcilable debt and an entrenched, unresponsive political bureaucracy. It is bad enough that Congress systematically attempts to erode the moral underpinnings of our legal code. Mr. Chairman, we must leave our grandchildren more than a bill.

Accountability should be the order of our reform. By destroying our competitiveness and cheapening the legacy we leave to future generations, we prove ourselves ineffective, and more disturbingly, possibly incompetent in dealing with the true problems of our Nation. We must return our Federal Government to the citizens of this country, and place it back on a track of fiscal responsibility. The decisions we make will profoundly influence the way Congress conducts its business in the coming century. True reform is not merely for the sake of change. Change, as envisioned by our President is not what is needed. Rather, a fundamental reorganization of Congress' role in governing the Nation is in order. I, for one, am proud of my own role in this process, and I am pleased to finally see my colleagues climb aboard a good idea.

Mr. Chairman, it is for these reasons that I urge my fellow members to support the Castle-Solomon substitute on enhanced rescission authority, and institute real reform of the budget process. I also urge my colleagues to support the Michel amendment, which would apply the same principle to the various tax breaks that the Congress likes to dole out to their favorite special interests. We need both these reforms if we are to finally bring some accountability back to the process.

Vote "yes" on Castle-Solomon and "yes" on Michel. If they fail, vote "no" on Stenholm-Spratt.

Mr. CONYERS. Mr. Chairman, today, the House considered House Resolution 149, the rule for the consideration of H.R. 1578, legislation to provide expedited rescission authority for the President.

The Rules and Government Operations Committees have worked together for some time to bring to the floor, legislation to permit the expedited consideration of Presidential rescissions. The Rules Committee is to be commended for their fine work in crafting a rule which carefully balances diverging interests and permits the consideration of H.R. 1578 and several amendments.

Earlier this year, I wrote Chairman MOAKLEY regarding this legislation, urging that he and his committee make all germane amendments in order under the rule. The chairman has done the House one better, offering a special waiver to permit the consideration of the amendment of Minority Leader MICHEL, to extend rescission authority to revenue measures.

I want to clarify that I do not support the minority leader's amendment. I am concerned that the extension of rescission authority to revenue measures will serve as a poison pill, destroying the limited nature of this expedited rescission proposal. In the event that Congress wishes to pursue this tax rescission option, Congress will have the opportunity to review the issue following the 2-year trial run of this expedited rescission process. While I do not support the minority leader's amendment, the House, today, will have the opportunity to consider the merits of this proposal.

Earlier, the Government Operations Committee, Legislation Subcommittee held a wide-ranging hearing on expedited rescission. During this hearing, our former colleague, OMB Director Leon Panetta, repeated the administration's call for the adoption of expedited rescission authority. Since the hearing, the Committee on Government Operations and Congressman JOHN SPRATT have worked diligently with the administration and OMB, the majority leader, the Rules Committee and other committed Members of Congress to prepare this legislation for the floor.

All of us are committed to eliminating wasteful and unproductive Federal spending. The Government Operations Committee has vigorously exercised its oversight function, to address fraud, waste, and mismanagement throughout the Federal Government. However, I am more troubled by untested and potentially damaging alternatives to the careful expansion of existing rescission authority represented by H.R. 1578.

I am also concerned by the potential for abuse and many of the criticisms you will hear today reflect apprehension fueled by administrative abuses of the 1970's. The Impoundment Control Act was adopted in response to the administration's misuse of impoundment to unilaterally and indefinitely cancel spending for selected programs. Consequently, this expedited rescission authority provides for a careful expansion of Presidential rescission authority for a limited trial run and the authority expires 2 years after enactment.

H.R. 1578 represents a modest effort to create a limited, additional deficit reduction tool for the President. The bill provides the President with a certainty of a vote on the President's rescission proposals, guaranteeing an accelerated process through Congress. While the President is guaranteed a vote on his rescissions, nothing can become law without the support of a majority of both Houses of Congress. This legislation respects congressional power of the purse.

H.R. 1578 also provides for congressional authority to offer a rescission alternative that is the immediate subject of consideration in the House if the President's rescission proposal is defeated. If the Appropriations Committee believes they can offer a better rescission package which emphasizes congressional priorities, they are free to report an alternative rescission proposal as well, provided it rescinds an equal or greater amount of budget authority. Additionally, nothing prohibits or impedes Congress from reporting additional rescissions under our constitutional power of the purse. This bill won't impede our authority to reconsider programs and rescind spending that fails to match with Federal priorities.

President Clinton's budget moves the country forward, addressing both the budget deficit and our national investment deficit, reinvesting in critical spending priorities such as education and health. However, the Nation needs to move away from huge deficit increases accumulated during the past two administrations. Three quarters of the total Federal debt has been accumulated during the past 12 years. With a projected 1993 budget deficit of approximately $319 billion and over $4.1 trillion in aggregated Federal debt, the President could benefit from additional, stronger deficit reduction tools to rein in unnecessary Federal spending. Yesterday, President Clinton repeated his call for passage of this expedited rescission legislation.

I urge my colleagues to support the rule and H.R. 1578.

Mr. DERRICK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1930

Accordingly, the Committee rose; and the the Speaker pro tempore (Mr. ANDREWS of New Jersey) having assumed the chair, Mr. SWIFT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 1578, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I have asked for this time for the purpose of entering into a colloquy with the manager of the bill from the Rules Committee on the schedule for tomorrow. I assume the House is going in at 11 in the morning and that there will be some 1-minute speeches, and at that point it would be in order for the gentleman from Delaware [Mr. CASTLE] to call up his amendment in the nature of a substitute. Is that correct?

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, I think that basically is correct. I am a little shaky on that. I do not have the latest word. But my understanding is that we will come in and do some normal things that we do when we first go into session, and then we will go into the Castle-Solomon amendment. And then we will try to finish the amendments and finish the bill, which should take several hours, and probably we will be out of here by early afternoon or mid-afternoon at the latest.

Mr. SOLOMON. And there is a Michel amendment to the Castle substitute, and we would tomorrow morning perhaps like to clarify the fact that the gentleman from Illinois [Mr. MICHEL] would at some point during that 1 hour of debate on the Castle substitute be able to call up his amendment to that amendment.

Mr. DERRICK. The gentleman from Illinois [Mr. MICHEL] certainly has that right under the rule.

Mr. SOLOMON. I thank the gentleman.

LOST AMERICAN JOBS TIED TO UNFAIR FRENCH COMPETITION

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, the Washington Post reported yesterday that the CIA has information that French intelligence is spying on American high-technology businesses.

I have obtained a 24-page document which lists 50 American companies involved in defense and aerospace which have been targeted by the French. Some of these companies are in my congressional district. The document also lists more than 20 United States financial businesses and several key United States Federal Government agencies, including NASA, NOAA, and the United States Trade Representative as targets for French intelligence. Los Alamos and Livermore Government laboratories have also been targeted.

The shopping list of items which the French are after is very disturbing. Solid rocket booster technology, satellite research, and information about high definition televisions. These are some of the diminishing number of industries in which U.S. business is on top. Simply put, the French are trying to rob American industry blind. They are doing so by stealing valuable information from our businesses.

As the ranking Republican member of the House Appropriations Subcommittee on Transportation, I am very concerned that many ongoing research and development programs involving American businesses designed to win U.S. Government and international contracts are now placed at a severe disadvantage.

It appears that the French are stealing research, providing it to French companies who in turn develop a similar system but at much less cost—because they have fewer R&D costs and are subsidized by their Government—and then winning contracts over United States firms. For example, Hughes Aircraft recently lost out to the French on a $258 million satellite contract with Arab countries. According to this document, Hughes' HS-601 satellite technology has been targeted by French intelligence. I do not object to foreign competition, but let us make sure it is all above the table. American jobs are at stake.

All Federal employees, both defense and civilian, should be prohibited from attending the Paris air show in June. If we cannot receive assurances from the Government of France that it is no longer spying on United States Federal Government agencies, then we cannot afford to send employees from our Government to France where they may fall victim to cat burglar tactics. I also encourage all American defense and aerospace firms to boycott the Paris air show and I commend Hughes Aircraft for pulling out.

[From the Washington Post, Apr. 27, 1993]

CIA: FRENCH TARGETED SECRETS OF U.S. FIRMS—HUGHES CANCELS ITS EXHIBIT AT PARIS AIR SHOW

(By John Mintz)

The Central Intelligence Agency recently warned dozens of U.S. defense and aerospace companies that French intelligence agents are targeting them for their industrial secrets, and the warnings helped persuade Hughes Aircraft Co. not to exhibit its aerospace equipment at the Paris Air Show in June.

The CIA's information appears to be based in part on a 21-page French government document from about 1990 that outlines the types of 21st-century aerospace and defense technologies in which French companies are interested, U.S. industry officials said.

Knight-Ridder Inc. newspapers recently received a copy of the document anonymously in the mail, and reported about it last week. It said the unsigned, undated report, in French and stamped "Defense Confidential," listed the U.S. corporate secrets on which French diplomats in this country should focus, including numerous types of research work, marketing strategies and U.S. positions in trade disputes.

On April 11, the London Sunday Times said the CIA also got the memo anonymously in the mail, and that it included data about then-president George Bush's private life. The United States responded by tightening security procedures for government officials, the paper said.

One part of the memo apparently was written to a French diplomat whose work involves Florida, and it told him of the weapons made at defense plants there, one industry official said.

A French embassy spokesman, asked about the memo, said: "There is nothing in this document to indicate that it was released by French government offices."

Hughes Chairman C. Michael Armstrong had doubts about attending the Paris Air Show because of the cost, and hearing of the French intelligence effort was "the last straw" in his decision to forgo the trip, a Hughes official said.

Hughes learned that one item in which the memo states an interest is Hughes HS 601 communications satellite, which recently lost a competition with French firms to provide $258 million worth of communications spacecraft to Arab countries.

For years, U.S. intelligence agencies have privately counseled American business executives visiting France and other allied countries not to leave briefcases with proprietary secrets in their hotel rooms when at conferences or out to dinner.

Japan also has tried to get U.S. companies' secrets for its companies, U.S. government officials have said.

In recent years U.S. intelligence officials, searching for new missions now that the worldwide struggle with the East Bloc has tailed off, have debated whether they should practice industrial espionage for U.S. firms.

At his confirmation hearings, CIA Director R. James Woolsey said the proposal for U.S. intelligence agencies to gather foreign corporations' secrets to share with U.S. firms is "the hottest current topic in intelligence policy."

His predecessor, Robert Gates, decided against the practice. Woolsey told Congress last month that he is reviewing the idea but that it is "loaded with foreign policy and legal difficulties." Corporate analysts say one problem is that U.S. agencies could end up giving the foreign secrets to select U.S. firms while excluding others.

A CIA official said yesterday the agency's sharing of information in this case does not signal a new policy, but continues one of tipping off U.S. firms if the U.S. government learns of attempts to compromise their security.

An industry publication, Defense Week, said yesterday that the French memo lists 49 U.S. companies and 24 U.S. financial institutions as targets.

Based in part on the memo, the CIA and the State Department warned numerous American companies, industry officials said.

The CIA told McDonnell Douglas Corp. about the French memo, a company official said. "This was a one-of-a-kind briefing," he said. "They don't normally do that."

Memorandum for: Director/DR.

Subject: DEST Collection Plan.

Prepared by the Exploitation-Implementation Office of the Department of Economics, Science, and Technology (DEST), this document lists the intelligence requirements and related targets, based on guidance and studies for each section.

It consists of three general categories:

Technical-Industrial: (Computers/electronics/telecommunications, aeronautics/armament, nuclear, chemical, space, consumer goods, capital goods, raw materials, and major civilian contracts).

Finance/Maritime Matters: This document is divided into two parts: general presentation of requirements; a list of intelligence requirements by geographic sector and country: specific targets in priority order, descending from 1 to 3. Under each country, requirements are grouped similarly.

UNITED STATES

DEFENSE-SPACE

Target: Bell.

Priority: 1.

Requirements: Aeronautics.

Commercial activities with Bell civilian and military helicopters.

Industrial strategy regarding industrial alliances.

V–22 Osprey technology—commercial strategy in association with Westland (UK).

Industrial compensation plans related to equipment sales.

Company participation in LHX program.

Target: Boeing.

Priority: 1.

Requirements: Civil aeronautics.

To follow:

Commercial activities related to sale of civilian aircraft.

Analysis of production capacities.

Current technical problems with BOEING aircraft.

Restructuring of the means of production. 757–X (and 767–X) programs.

Exploratory developments concerning orbital aircraft.

Composite, resin, and alloy technology, manufacturing costs, and production plans.

Dispute with Airbus (notably as regards GATT).

Priority: 1.

Requirements: Electronics and arms systems.

Follow:

Company activities in SDI program.

Integration of equipment into materiel intended for special forces.

Company activities regarding beginning work on major programs (C3I, aeronautic, naval).

Industrial compensation plans (notably Saudi Peace Shield and Peace Sentinel programs).

Determination of priorities regarding association with European companies.

Company activities in the ground-to-air field.

Target: Ford Aerospace.

Priority: 1.

Requirements:

Telecommunications, weather, and NATO satellites (SUPERBIRD platform).

Target: General Dynamics.

Priority: 1.

Requirements: Military Aeronautics.

Follow activities relating to the Middle East, Asia, Africa, Europe.

Commercial activities regarding the F–16 Agile Falcon program.

Company participation in the ATA program.

Target: General Dynamics Corp. (Space Systems Div.)

Priority:

Requirements:

Atlas/Centaur 1–2 AS launchers competing with Ariane.

NASP module (CC–MMC materials).

Target: Hughes Aircraft Co. (Space and Communications Group).

Priority: 1.

Requirements:

Telecommunications, weather, probe satellites.

HS 601 platform.

Target: Itex Optical Systems.

Priority: 1.

Requirements:

Optical elements for space (mirrors: composites and cryogenic cooling) CCD.

Target: Kearfott (formerly Singer).

Priority: 1.

Requirements:

Inertial equipment (accelerometers, VBA).

Stellar sensors (Trident II D 5 missile command).

Target: Lockheed.

Priority: 1.

Requirements:

Follow:

ATF program development and technologies, notably: aerodynamic and infra-red stealth integration of passive sensors.

Priority: 2.

Requirements:

Follow:

Commercial activities regarding C130 and P3 aircraft.

Technical problems with C5 Galaxy aircraft.

Activities of company's Arab subdivision (Lockhar).

Development of LRAACA program (maritime patrol).

Target: Lockheed Missile and Space Co. Inc.

Priority: 1.

Requirements:

Shuttle tiles, space station.

MILSTAR satellite.

SDI/BSTS, SSTS, ERIS.

Target: Los Alamos and Lawrence Livermore Lab.

Priority: 1.

Requirements:

Follow ongoing research and development for military projects.

Target: McDonnel Douglas.

Priority: 1.

Requirements: Civil Aeronautics

Follow:

Commercial activities regarding range of civilian aircraft.

MD 80–9X–11)

Production capacity, costs and charges plan.

Seeking of industrial alliances with foreign manufacturers.

Priority: 1.

Requirements: Military Aeronautics.

Follow:

Activities relating to Middle East, Asia, Europe.

Related industrial compensation plans.

Technologies in fields of: stealth, maneuverability (F 15 STOL demonstrator).

Commercial activities relating to sales of military and civilian helicopters.

Target: McDonnel Douglas Astronautics Co.

Priority: 1.

Requirements:

SDI/GSTS, BMC 3.

DELTA 2 launcher/competition-Ariane.

ALV

NASP module (CC–CMC materials).

Space station (external framework) stage 2, Johnson Center..

Target: Martin Marietta Astronautics Group.

Priority: 1.

Requirements:

Liquid-fuel boosters.

Titan 2, 3, and 4 launchers; competition Titan 3/Ariane 4.

Strategic missiles (Pershing 2 knowledge: i.e., cooperation/West Germany.

SDI: Zenith Star laser, space intercepter: SBI.

Satellites (Tethered satellite project).

Space probes.

Priority: 1.

Requirements:

Follow:

Technical problems of ADATS system (developed with Oerlikon Suisse).

Target: Northrop.

Priority: 1.

Requirements:

Gyrolasers.

AIRS command systems for MX missiles, Midgetman's Modairs.

Target: Perkin Elmer Corp.

Priority: 1.

Requirements:

Electro-optical on-board systems (CCD).

SDI: mirrors for lasers.

Target: Pratt and Whitney (engines).

Priority: 1.

Requirements:

Follow:

Commercial activities concerning civilian and military engines.

Company participation in foreign fighter aircraft programs.

Target: Rockwell International (Space Transportation Systems Div.) (Satellite and Space Electronics).

Priority: 1.

Requirements:

GPS Satellites: Rockwell Collins, Cedar Rapids, Iowa.

Propulsion/Rocketdyne Div. (Canoga Park, Cal.) Scramjet for NASP.

Future shuttle.

Space station/Rocketdyne Div. (energy production step 4—Lewis center).

NASP module (metals, CC).

SDI/SBI.

Target: Sikorsky.

Priority: 1.

Requirements: Helicopters.

Follow:

Commercial activities regarding civilian and military helicopters.

Industrial strategy (OPA—associations with other manufacturers—penetration of European market by Westland).

Target: TRW (Space and Defense Sector).

Priority: 1.

Requirements:

Military telecommunications (detection: DSCS, DSP (phase II), Fltsatcom system) and surveillance satellites.

SDI/SSTS, ERIS, BM/C3.

Electronic listening systems (Ferret program code 711).

Target: Westinghouse (airborne, naval, and ground-based radar).

Priority: 1.

Requirements:

Follow:

New generation radar technology (military).

Commercial and industrial strategy activities (compensations—alliances).

Target: Aerojet General Corp.

Priority: 2.

Requirements:

Solid and liquid propellants (2nd stage Minuteman Sacramento).

Satellite sensors.

Powered commands ["pilotage en force"].

Target: Allied Signal Inc. (Guidance Systems Div.)

Priority: 2.

Requirements:

Internal sensors, calculators.

Stellar sensors.

Altitude control (GPS).

Target: Allison (turbo engines).

Priority: 2.

Requirements:

To identify:

Marketing strategy.

Company participation in new LHX helicopters programs.

Target: Atlantic Research Corp.

Priority: 2.

Requirements:

Development of solid and liquid propellants.

Composite materials.

Target: General Dynamics..

Priority: 2.

Requirements:

Technical problems of F–16 aircraft.

Research and development in stealth material.

Marketing strategy regarding Stinger ground-to-air missile.

Bimodal sensor technology (IR/UV) on this system.

Stinger licensed construction accords.

Commercial activities regarding M1 Abrams tank (sales, licensings, industrial compensation).

Submarine anechoic exterior technology.

Target: Gould (naval activities).

Priority: 2.

Requirements:

Follow:

Research and development work on sensors and ships.

Research on new generation light torpedoes.

Marketing of MK 48 torpedoes.

Ship modernization activities.

Target: GTE Communications Products Corp.

Priority: 2.

Requirements:

Microwave communications system.

Strategic recognition system, lasers in space.

Target: B.F. Goodrich (aeronautical equipment).

Priority: 2.

Requirements:

Follow:

Carbon brakes technology.

Negotiations with airline companies.

Target: Boeing.

Priority: 2.

Requirements: Military Aeronautics.

Follow:

V–22 Osprey program (technology, marketing strategy).

Integration of electronic equipment in E6A aircraft (TACAMO).

Target: Fiberite Corp.

Priority: 2.

Requirements:

New materials.

Target: GE Astrospace Div.

Priority: 2.

Requirements:

Satellites, payloads, sensors, software, propulsion, guidance, command ["pilotage"], energy source.

Space station (automatic platform) step 3 Goddard center.

Target: Grumman Aerospace Corp.

Priority: 2.

Requirements:

Space station.

SDI/BSTS.

Target: Hercules Aerospace Co.

Priority: 2.

Requirements:

Engines.

Materials.

Target: Honeywell Inc. (Satellite Systems Div.)

Priority: 2.

Requirements:

Guidance, gyrolasers (Clearwater CFL).

Stellar sensors.

Target: LTV (Missiles and Electronics Group).

Priority: 2.

Requirements:

Scout launchers.

Non-ablative materials, Stealth materials.

SDI: directed-energy weapons.

Development of highspeed ground-to-air systems (anti-missile missiles).

Guidance technologies for these systems.

Target: MDC.

Priority: 2.

Requirements:

Follow:

Notar technology (rotor tail suppression).

Company participation in LHX program.

Development of C–17 transport aircraft program.

Company participation in ATF (Advanced Tactical Fighter) program.

Commercial activities concerning F–15/F–18/AV–8 aircraft.

Priority 2.

Requirement: Electronics.

Follow:

Commercial activities and industrial strategy of the Detection and Communications Division (SDC).

Guidance technology for air-to-ground and ground-to-air weapons.

Target: Martin Marietta (weapons systems).

Priority: 2.

Requirements.

Follow:

Development and marketing of vertical launch ground-to-air weapons systems.

Research and development in the field of ground-to-air weapons.

Reseach and development in the field of electro-optical sensors.

Target: Northrop.

Priority: 2.

Requirements: Military Aeronautics.

Follow:

Commercial activities.

Relations with foreign countries with a view to providing F–20 program technology.

Technologies used in B–2 program.

Target: Systron Donner (Inertial Div.).

Priority: 2.

Requirements:

Inertial systems (sensors, accelerometers).

Target: Texas Instruments (radar).

Priority: 2.

Requirements:

Follow:

Airborne radar industrial objectives and cooperative programs with Europe and Japan.

Target: Textron Corp. (Textron Defense Systems) (Textron Aerostructures).

Priority: 2.

Requirements:

Re-entry vehicles.

Target: United Technologies (Chemical Systems Div.).

Priority: 2.

Requirements:

Follow:

Solid propellants (ORBUS family) (Hamilton Standard).

Inertial systems.

Space Station (Pratt and Whitney).

Development of Scramjet for NASP.

Target: Allied Signal.

Priority: 3.

Requirements:

Follow:

Research and development in the field of military avionics (Bendix).

Research and development in the field of cruise missile propulsion.

Research in the field of high-altitude turbo-propulsion (Garrett).

General commercial activities, industrial strategy (OPA, alliances), participation in major programs.

Target: American Rocket Company (AMROC).

Priority: 3.

Requirements:

Launcher development.

Target: Ball Corp.

Priority: 3.

Requirements:

Satellites (main contractor).

Instrumentation (spectrographs).

Target: Bell.

Priority: 3.

Requirements:

Follow activities regarding helicopters in Africa.

Target: Boeing Aerospace Co.

Priority: 3.

Requirements:

Space station (contracts for modules) step 1 Marshall Center.

IUS.

OTV.

Target: Cadillac Gage (combat tanks).

Priority: 3.

Requirements:

Follow commercial activities followed by licensing (local production).

Target: DGA International.

Priority: 3.

Requirements:

Follow:

Intermediary activities for European firms in order to penetrate American market.

Target: EOSAT.

Priority: 3.

Requirements:

LANDSAT.

Target: Fairchild Space Co.

Priority: 3.

Requirements:

TOPEX satellites.

Communications networks.

Target: General Dynamics.

Priority: 3.

Requirements:

Follow commercial activity (F–16 in Cameroon).

Target: GM Hughes Electronics Delco Electronics Corp.

Priority: 3.

Requirements:
Inertial systems, calculators.
Target: Grumman.
Priority: 3.
Requirements: Military Aeronautics.
Follow activities concerning Middle East, Asia.
Commercial activities concerning Hawkeye E-2C detection aircraft.
Target: Harris Corp. (Satellite Communications Division).
Priority: 3.
Requirements:
Communications satellites.
Target: Honeywell (sensors).
Priority: 3.
Requirements:
Follow:
Research and development concerning electro-optical sensors on aircraft, ships, and ground-to-air weapons systems.
Research and development work on MK-50 light torpedoes.
Guidance unit technology.
Target: Hughes (weapons systems).
Priority: 3.
Requirements:
Follow:
Technology for fiber optic-guided ground-to-air anti-tank weapons.
Technologies used in land and naval radar, systems marketing.
Air-to-air Phoenix 54 C missile technology.
Technologies used in the field of electro-optical sensors.
Guidance technology for air-to-ground, air-to-air, and ground-to-air weapons.
Technologies for APG 65/71 airborne radar.
Target: ITT/Gilfillan (radar).
Priority: 3.
Requirements:
Follow:
Technologies used in new military radar.
Systems commercialization.
Commercialization and industrial strategy in the field of very short-range ground-to-air systems.
Radar: research, development, and marketing activities for land and naval radar.
Technologies and operational criteria for retrodiffusion systems (OTH B radar).
Naval activities: technologies used in the new range of active and passive sonars.
Commercial activities regarding gas turbine sales (LM 2500).
Target: Litton Loral Sanders Tracor Sperry (electronic equipment).
Priority: 3.
Requirements:
Follow technologies for electronic warfare systems on aircraft and ships.
Target: Morton Thiokol Inc.
Priority: 3.
Requirements:
Liquid propulsion.
Target: NASA.
Priority: 3.
Requirements:
Marshall, Johnson, Goddard, and Lewis (materials) centers.
Target: NOAA.
Priority: 3.
Requirements:
Weather satellites.
Target: Norden.
Priority: 3.
Requirements: Electronics.
Follow guidance technology for ground-to-ground weapons.
Target: Northrop.
Priority: 3.
Requirements: Electronics.
Identify:
Weapons guidance electro-optical detection sensor technology.
Airborne electronic warfare equipment technology.
Target: Pacific North American Launch Systems Inc.
Priority: 3.
Requirements:
Lightsat programs.
Target: Rockwell.
Priority: 3.
Requirements: Aeronautics.
Identify technical problems in B1B aircraft.
Target: Sikorsky.
Priority: 3.
Requirements:
Follow:
Electromagnetic compatibility problems between (Black Hawk) S-70 modules and equipment.
Target: Space Commerce Corp.
Priority: 3.
Requirements:
Commercial agent for the Soviet Proton launcher.
Target: Watervliet (arsenal).
Priority: 3.
Requirements:
Follow:
Chrome-plating technology for tank cannons.
Electro-thermal and electro-magnetic cannon technology.
Developments in the field of liquid propulsion for munitions.
Research and development on reactive armor for tanks.
Target: Westinghouse.
Priority: 3.
Requirements:
Follow:
Magnetic anomaly detection (MAD) systems technology.
Company participation in fight aircraft modernization markets.

NUCLEAR

Target: Babcock and Wilcox (Nuclear Power Division).
Priority: 1.
Requirements:
Identify their strategy regarding nuclear products and services.
Target: Motorola.
Priority: 1.
Requirements:
Strategy for penetrating the European cellular radiotelephone market.
Military application of numeric signal treatment, research on numeric modulations (cost, efficiency, etc.), as well as on problems and solutions relating to encoding information and data.
Development of secure radiotelephone equipment intended for high-level authorities, i.e., governmental.
Target: Corning Glass Works.
Priority: 2.
Requirements:
Draft industrial accords in the USSR to build or renovate television tube production plants.
Target: High Definition Television (see Zenith).
Priority: 1.
Requirements:
Enterprises involved in the program, names of officials.
All information on defining standards, the positions of American negotiators in international arenas, particularly vis-a-vis European and Japanese standards.
What technologies are being applied: flat screens, memories.
Actions undertaken by Japanese manufacturers to impose their standards on cinema and audiovisual professionals (producers, film-makers, technicians).

FINANCE

Targets: Lazard Brothers, Goldman Sachs, First Boston, Wasserstein Perella and Co., Salomon Brothers, Morgan Guaranty, Drexel Burnham Lambert, Prudential Bache, Shearson Lehman, Bankers Trust, Morgan Stanley, Irving Trust, Kidder and Peabody, Chase Manhattan Bank, Merrill Lynch, First National Bank, City Bank, Chemical Bank, KKR, Park Tower, Republic National Bank, International Capital Access Group, founded by M. Milken in Los Angeles, Proxy fighters such as the Carter Organization, DG King and Co., and Princial consultants offices, such as MacKinsay.
Priority: 1.
Requirements:
Development strategy; participation, fusions, acquisitions, joint ventures, establishment in Europe.
Lawyers, consultants, financial companies used for any operation.
Proposals and projects regarding debt.
All types of accords with Japanese financial firms or banks.
Target: USTR, Economic and Finance Department, Agriculture Department, Commerce Department, and Central Bank.
Priority: 2.
Requirements:
Follow issues causing problems with the EEC: agriculture, subsidies, national and reciprocal treatment, within the framework of the Uruguay Round.
Proposals and projects regarding debt.
Ministries' studies regarding the main issues of the Uruguay Round: agriculture, services, intellectual property.
Mrs. Carla Hills.
Basic analysis and positions of the U.S. Treasury [Department] on international monetary problems.
U.S. positions on relations between the EEC and the Eastern countries.
U.S. representatives' instructions at major international meetings (G7, G10, Summits); they are useful; even after the meetings.
Follow bilateral commercial negotiations between the United States and the newly industrialized countries.
Target: International organizations: World Bank, International Monetary Fund.
Priority: 2.
Requirements:
Follow their general policy.
Proposals and projects regarding debt issues.
Target: SEC.
Priority: 1
Requirements:
Reforms.

LIMIT EXCESSIVE RTC BONUSES AND COMPENSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS of Alabama. Mr. Speaker, scores of columnists and political pundits have criticized the evils of gridlock in Washington. Well, my colleagues on the other side of the aisle and I may disagree on issues some of the time, but there are many instances where we are working together. Here is a perfect example.

Last week, I introduced legislation that will limit the excessive bonuses and compensation paid to employees of the Resolution Trust Corporation.

This is a bipartisan issue. Every Member of this House has a vital interest in cutting wasteful spending out of the Federal budget. In this case, my bill will not only save the taxpayers millions of dollars; it will also restore fairness.

As taxpayers, each Member of this body and every one of our constituents has paid dearly to clean up our Nation's failed and failing thrifts—to date a total of $84 billion. We have been asked for another $42 billion.

My legislation seeks to ensure that, if this funding measure is passed, we will not be spending taxpayer money on $158,000 employee salaries, $30,000 bonuses, and 18.2-percent geographical pay differentials. These benefits and high salaries are not available to any other Government employees. The combination of the salaries, bonuses, and geographical pay differentials adds up to a whopping $216,000 salary in some cases. This is one of the best kept secrets in town.

With that kind of salary, there is no incentive for the RTC to get its job done and close up shop.

Eliminating excessive bonuses and salaries is not a Republican issue or a Democrat issue. It is simply good government. I have several dozen cosponsors from both sides of the aisle.

In fact, in addition to the principal cosponsor of my bill, Mr. BARRETT of Wisconsin, two of my first cosponsors were my friends, the gentleman from Georgia, Mr. DEAL and Mr. JOHNSON, who also happened to be freshman Democrats.

My distinguished colleague, the chairman of the House Administration Committee, Mr. ROSE, was another of my first cosponsors. And perhaps most encouraging to me was the fact that the distinguished dean of the Alabama delegation, Mr. BEVILL, as well as the rest of the Alabama delegation—four Democrats and two Republicans signed on as cosponsors.

Because of that early bipartisan support, the distinguished chairman of the Banking Committee, Mr. GONZALEZ, asked that I work with his staff to incorporate my proposals into the RTC funding bill.

This morning, I discussed this bill with the acting head of the RTC, Roger Altman. At that meeting, Mr. Altman said that the compensation changes in my bill would not hamper the RTC in the completion of its mission.

This week in committee, we will be considering my bill to cut the waste out of the RTC along with the administration's request for an additional $42 billion to complete the bail out of the savings and loan industry. However, just today, we received information on a GAO report that raised new questions as to the amount of additional RTC funding needed. Regardless of the amount needed, I would argue that my amendment is still necessary to ensure public and congressional support for the resolution process.

I have always known that Alabamians were insightful, but that fact was proven to me further by Mr. W.A Lewis of Gadsden, AL. When he heard about the RTC bonuses, he said:

> The attached news article makes me, as a voter and a taxpayer, sick to my stomach! I hope it has an effect on you to the extent that you will attempt to do something about it.

Well, Mr. Lewis, I am sick to my stomach, and it did have an effect on me. We should not be paying this type of bill.

Several of my colleagues on both sides of the aisle agree with Mr. Lewis that we need to make our Government more accountable to the taxpayers. Reforming the RTC is just the first step. From there, we can move on to other agencies and other programs which need to be held to the same level of accountability.

I ask my colleagues to join me in the fight against Government waste, and before we authorize one more penny for the savings and loan bail out, let us join together to eliminate the excessive salaries and bonuses at the RTC.

AIRPORT AND AIRWAY TRUST FUND INTEGRITY ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of Florida. Mr. Speaker, today I will introduce the Airport and Airway Trust Fund Integrity Act of 1993.

This bill will take the $13 billion aviation trust fund off budget.

It is dishonest to use this money to hide our deficit. It is time to end this game.

Not only does our deficit look smaller, but because the trust fund is on-budget, the money is either being used for purposes which it was not intended, or it is not being used at all.

Airport improvements are not being made and aviation safety is not being improved. All because Congress can not resist the temptation to spend this money in other areas.

Americans who pay extra taxes to fly deserve to know their tax dollars are being used to enhance aviation safety and improve air traffic, not to hide the deficit.

Restore budget honesty, cosponsor the Airport and Airway Trust Fund Integrity Act.

PRIVATE SECTOR JOB CREATION AND ECONOMIC GROWTH ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken this special order out this evening to talk about legislation which I have just introduced.

There are many Republicans who over the past couple of weeks have been euphoric over the fact that our colleagues in the Senate were able to engage in a filibuster, utilizing that brilliant device put in place by one of our Founders, Thomas Jefferson, and we prevented the so-called jobs and stimulus bill that had been submitted to us as an important part of the Clinton economic package from being voted on. And it was considered a great victory for Republicans. And we in this House had a vote, and I was one who vigorously voted against it.

I did so because I am thoroughly convinced that that $19.6 billion package was filled with pork. Many tried to claim that it was not, but it was, it was filled with items which allowed local governments to build parking garages, swimming pools, things that clearly were not emergency items that needed to be addressed. And there were other things that have been regaled in this House and in the Senate many times, such as fish atlases to be printed, which I referred to as aquatic pork. There were more than a few items in this measure which clearly would not play a role in bringing about a meaningful stimulus to the economy.

I am privileged to be able to represent portions of Los Angeles County here in the Congress. I represent the eastern suburbs of Los Angeles. The county of Los Angeles today has an 11.2-percent unemployment rate. It is very painful. The cuts in the defense and aerospace industry have created a great deal of hardship, and there are many Californians who are hurting. And that is the reason that I am not one who believes that we can simply rejoice because we defeated the pork barrel, make-work job program that was submitted by President Clinton. I have said that we cannot sit back and simply enjoy that victory. We have to come forward with a meaningful piece of legislation which will create long-term jobs in the private market.

So I have introduced H.R. 1885. It is a bill that I have labeled the Private Sector Job Creation and Economic Growth Act of 1993. It is one that is designed to create real, long-term jobs to stimulate private investment and to get at the root of the problem.

□ 1940

It has four basic points to it. One of the first items that has been controversial in the past, but I truly believe, as most economists do, that it will create the level of investment that is needed to stimulate job creation, and that is create a capital-gains differential. We all know that the capital-gains rate today is at 28 percent. The United States of America is the only developed nation in the world without a capital-gains differential.

In the past it has been called a tax cut for the rich, but it is anything but that. A capital-gains differential would allow a retired person who has had some appreciation in the value of their home to take advantage of that with a reduced tax burden, so H.R. 1885 calls for reduction of that 28-percent capital-gains rate down to 15 percent, which can turn things over, get the economy moving, create the kind of investment that is necessary.

H.R. 1885 also calls for a freeze in Federal spending. It basically calls for the 2-percent solution. Over a 5-year period, it would save $848 billion.

It seems to me that that is the kind of thing the American people want, and it is the kind of signal we need to send to the private financial markets.

The third item is the creation of individual retirement accounts which are greatly expanded. One of the great things that people loved back in the early 1980's was when we, in the one tax bill that I have voted for since I have been here, the Economic Recovery Tax Act, included individual retirement accounts. It was able to provide people with a tax incentive to put dollars aside, to plan for retirement, so they would not be solely dependent on the Social Security System so that they could, in fact, have some incentive to save and plan for retirement.

What did that do? It took those dollars and put them into the long-term financial markets so that money would be there not just for the Federal Government to borrow to pay or service the national debt but for the small-business sector of the economy and others looking to invest and could be out there and create jobs.

The fourth item in H.R. 1885 is a measure which would create an extension of the moratorium, the moratorium on regulations, new regulations to be imposed on the small-business sector of the economy. It lasted for 90 days when it was put into place under the Bush administration. There was very little complaint.

I believe this measure will go a long way toward creating jobs, and I hope very much that my colleagues on both sides of the aisle and President Clinton, who has supported part of this package in the past, will join on board, cosponsor, and support H.R. 1885 to create real private-sector jobs and stimulate this economy.

INTRODUCTION OF A BILL TO EXTEND THE PRESIDENT'S FAST-TRACK AUTHORITY FOR PURPOSES OF CONCLUDING THE URUGUAY ROUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing legislation requested by President Clinton and submitted to the Congress on April 27 to extend trade agreement authority for the President to conclude the Uruguay round of GATT multilateral trade negotiations, and to apply the congressional fast-track procedures to Uruguay round implementing legislation. The negotiating authority and fast-track implementing procedures would apply only if the President provides 120 days advance notice to the Congress, by December 15, 1993, of his intention to enter into an Uruguay round agreement, and he enters into the agreement by April 15, 1994. Tariff proclamation authority could be used only upon enactment of Uruguay round implementing legislation. Private sector advisory reports would be submitted to the Congress no later than 30 days after notification of the President's intent to enter into the agreement.

This legislation to extend fast-track trade agreement authority is essential for the President to be able to conclude the Uruguay round negotiations after more than 7 years of negotiations. Without it, the United States would lose the opportunity to obtain reduction of foreign trade barriers throughout the world and potential significant gains for the U.S. economy. The bill will provide additional time for congressional consultations on the results of the negotiations and provisions of an implementing bill to determine whether the actual results of these negotiations are in the U.S. economic interest.

INTRODUCTION OF THE AMERICAN HEALTH SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. McDERMOTT] is recognized for 60 minutes.

Mr. McDERMOTT. Mr. Speaker, we are now engaged in a great debate over what shape reform of our Nation's health care system will take.

Tonight I want to talk about some of the reasons we need national health care reform; to lay out some of the options before us; to explain some of the terms many Americans are hearing for the first time; to outline some of the fundamental goals of any health care reform package; and finally, to discuss the health care reform plan I have authored, and which has been cosponsored by 71 other Members of this body.

Mr. Speaker, Americans are demanding fundamental health care reform because the costs of health insurance and medical care are overwhelming American families and overwhelming the Nation.

Currently, health care costs increase at the rate of 11 percent a year. Every American family has felt the impact of that fact.

The number of days the average American must work just to pay health care expenses has increased from 30 days in 1980 to 44 days in 1991.

Let me repeat that. In 1991, the average American worked 44 days a year just to pay health care expenses.

If our current system is left unchecked, by the year 2002, the average American will work 64 days just to pay health care expenses.

All sides in the health care debate agree that 37 million Americans are without health insurance of any kind today and that another 100,000 lose their health insurance every month.

Another almost 40 million are dangerously underinsured. Both groups are just a single serious accident, a single serious illness, or a single act of God away from a lifetime of financial ruin.

Indeed, inability to pay medical bills is one of the major causes of personal bankruptcy in the United States today.

Most of these people are hard working Americans whose employers provide little or no insurance.

What is more, there is a new economic trend in this country that makes clear that the current system, left unreformed, will only get worse, not better.

Of the 200,00 new jobs created in the last 3 months, the overwhelming majority were part-time jobs.

The vast majority of these part-time jobs offer no health insurance benefits at all.

Even the health reform proposals which would require employers to provide health insurance do not extend that mandate to part-time workers.

If we continue to allow health insurance to be tied to employment; and if we rely on a health reform solution which requires employers to provide insurance; it is clear businesses will just hire more part-time workers, in order to avoid the costs of extending health insurance coverage to full-time workers.

What happens to people who do not have health insurance when they get sick or injured under the present system?

They do not just disappear. They get medical care.

They just get it very expensively in hospital emergency rooms, very inefficiently, and too late, after their minor condition has become a serious illness.

Who pays for this care? Everyone who has private health insurance. The cost of giving care to the uninsured is shifted to the bill of the insured patient.

That is another reason the current system, left unreformed, is not going to fix itself.

As the cost of treating more and more uninsured Americans is shifted to those who do have insurance, premium costs go up even further.

More and more people find themselves priced out of the insurance market an the spiral continues.

Of course the taxpayer also pays for much of this care.

It is not cheaper to have people go without insurance.

It costs all of us more.

The Congressional Budget Office [CBO] found that if we had a national health insurance system in effect in 1991 that covered everyone, we would have reduced—reduced—national health expenditures by about $14 billion in that year.

We must break the link between health insurance and employment.

Access to health care is a fundamental element of freedom itself, a basic component of what it means to live in a democracy.

It should be a fundamental right of citizenship.

It is clear that a federally financed system of health insurance is: Better for business; better for workers; better for the economy as a whole; and certainly better for people who need health care, all of us.

On March 3, I introduced the American Health Security Act.

It is a plan to provide health insurance to all Americans: regardless of their current health; regardless of whether they have a preexisting condition; and regardless of where they work or where they live.

It is a singlepayer plan.

That is one of the terms you will be hearing more about as the health care reform debate continues.

It means that the Federal Government provides the insurance to individuals and families.

While the Government provides and guarantees the insurance, the delivery system remains as it is—private.

Individuals would continue to choose their own doctor and continue to choose their own hospital, just as they do now.

Heath care providers would continue to work for you—they are not employees of any government or of your insurance company.

The American Health Security Act, H.R. 1200, is a uniquely American proposal designed to meet the diverse needs of the American people.

It recognizes that one of those needs is for people to retain the right to make their own choices about what is best for themselves and for their families.

It provides insurance that is Federally financed, State administered, and privately delivered.

H.R. 1200 is a highly decentralized system.

It rejects the notion that all decisions are best made in Washington, DC.

Under H.R. 1200, There is not one giant bureaucracy controlling health care.

Rather, the States are given tremendous discretion to design their own systems so a State like Nebraska does not get shoe-horned or strait-jacketed into a program that might work great for new York, but be an utter disaster for Nebraska.

This discretion is very real.

States do not have to apply to the Federal Government for permission to do what they need to do.

They are in charge of administering the program within their borders, as long as they meet Federal standards for: Guaranteed coverage to every citizen; cost-containment; allowing people to choose their own health care provider; and assuring an ever-improving quality of care.

So how does it work?

The answer is—very simply.

Every resident is issued an American health security card.

You present the card every time you visit a health care provider or purchase prescription drugs.

Your pharmacist, or doctor, or OHM, or hospital, or whomever you choose, submits the bill to the State health security board who pays it on your behalf.

That is it.

Nothing in the way you currently seek medical care has to change, unless you want it to.

You do not have to switch physicians or hospitals.

You do not have to figure out which plan your current doctor is joining.

You do not have to choose an HMO or another similar insurance plan and thereby face a decision about whether to leave your current doctor.

You do not have to make decisions about which plan offers you the services and benefits that you are most likely to need in the coming year.

Do you know what medical care you or your family is going to need in the coming year? Would you stake your health insurance on it?

Let us look at managed competition as we have heard it generally discussed for a moment.

Managed competition is another one of those terms many Americans are hearing for the first time in this debate.

I would like to define it for you, tonight, but that's a little difficult to do.

You see, it is just a theory.

It has never been tried anywhere in the world. And the theory of what it is, seems to be changing almost daily.

Let me say right up front that we do not yet know what the President's proposal will be.

The early indications have been that his task force is leaning toward a system based on the managed competition theory.

But we do not know that the President has made that decision, or even that the task force will—for certain—recommend a managed competition system to him.

Both look likely.

But we do not know that.

So let me talk about managed competition in general terms.

I will reserve comment on the President's proposal until after we see it.

Under the managed competition theory, most Americans would get their health insurance from an entity known as a health insurance purchasing cooperative—a HIPC.

Insurance companies would compete to provide the lowest cost plan. Most of these plans would be forms of HMO's.

In fact, the only way to assure that any plans allowing Americans to choose their own health care provider are offered at all under managed competition would be to require by law that the HIPC make available at least one version of its plan which allows an individual to make that choice.

So the HIPC's offer a variety of mostly HMO plans. Under the managed competition theory, your employer will then be required to contribute a percentage of the premium to enroll you, and you alone—not your spouse, not your family—in the lowest cost HMO.

You pay the remaining part of the premium. Your employer may choose to pay additional premiums to enroll you in a better HMO or your employer may not.

You may choose to enroll in a better HMO or a free choice plan but you will be responsible for the entire difference in the premium.

And in selecting the plan you want, whether its the lowest cost HMO or not, you will still have to figure out: What your premium will be; how your copayments are calculated; whether your ultimate exposure is capped at a level you can afford; whether the services offered and the range of hospitals and specialists are consistent with what you expect your health status to be in the coming year; and where your current doctor or your children's doctor, or your obstetrician is likely to be.

There are other things to figure out, but you get the idea, I think from this partial list.

Suppose you are in the lowest cost plan because that is what your employer offers. You can't afford the higher premiums of a better plan, especially when you have to add in the additional cost of paying for your family's coverage too.

So you are in the lowest cost plan—for this year.

But next year, a different plan is the lowest cost plan. So you have to change plans.

That means you also may change doctors.

Under the managed competition system, when you change plans, you change doctors because your doctor no longer works for you, he or she now works for the plan.

The third year, let us say a different plan is the lowest cost plan. So you change plans and doctors again.

Suppose you have a job where your employer is willing to pay an additional premium for extra benefits.

What happens when you change jobs?

You lose those extra benefits, get bounced down to the minimum benefit package set up for unemployed and poor people, and you change doctors again.

Suppose your employer supports a better HMO for you but does not provide family coverage.

Then you are in one HMO and your family is in the lowest cost HMO, which is the only one that is subsidized to enable uninsured unemployed people to buy into an insurance pool.

Why is there all this instability and upheaval? Because managed competition is a system based on competition for price, not quality.

The only plan that would get the maximum employer subsidy would be the lowest cost plan. So all the plans will compete to be the lowest cost plan.

The constant shifting of plans and physicians that patients will be forced to do is not just probable, it is guaranteed.

Mr. Speaker, I have to ask the question: Do we really need to go through all this confusion and upheaval for a theory that has never been tested anywhere?

There is nowhere on the face of the Earth that we can point to as an example of where this has worked to guarantee universal coverage and to contain costs.

And certainly there is no argument other than one based entirely on blind hope and wishful thinking that says this approach will improve the quality of care or even allow continuity of care.

The American people, both privately and publicly now spend $950 billion a year on health care.

There is no evidence that the managed competition theory, as it is generally understood, can be successfully applied to an entire nation's health care delivery system.

None of this confusion and disruption is required under a singlepayer system.

Your health insurance coverage is not tied to your employer.

Your doctor is not tied to your plan.

Families can get their insurance coverage together and their care from the same provider.

If you lose your job or change jobs; get married or gets divorced; have a baby or learn your kids need a specialist for a catastrophic or chronic problem; or if grandma comes to live with you, your health insurance coverage and your access to health care does not change.

There is no question that a singlepayer plan will provide the best health care to the most people.

It will bring continuity and stability, and the ability to plan to a system currently racked by fragmentation.

It will bring the American people the security we need in planning our children's futures, and our own.

The question is: Can we afford it?

The answer is: It is the only system we can afford.

The singlepayer system is the only health care system which the Congressional Budget Office has already reviewed and concluded will yield billions in administrative—paperwork—savings.

In fact, various estimates say a singlepayer system could save from $52 to $100 billion a year on paperwork alone.

The waste created by our current patchwork of private insurance is obvious when you compare the administrative costs of private and public insurance programs.

In addition to administrative savings, the singlepayer system has verifiable cost containment.

The Federal Government defines the benefit package and provides most of the money to pay for them.

The States then design a program to administer the delivery of those benefits within their own borders.

The quality improvement provisions are perhaps the best feature of the bill. For I firmly believe that health care reform must never—never—compromise the quality of health care that is the hallmark of American medicine.

How does H.R. 1200 improve the quality of medicine?

First, it eliminates the interference between doctor and patient by insurance companies second guessing medical decisions.

We believe when someone is sick and needs to go to the hospital, they ought to call their doctor, not their insurance company.

So it does away with all those precertification reviews.

Under H.R. 1200, you would no longer have to call your insurance company—which knows nothing of the individual case at hand—to get permission to go into the hospital or to stay in the hospital for a night after surgery.

These policies have had disastrous effects on the quality of care and have not worked to control costs.

In fact, they have added costs because you need another layer of bureaucracy just to handle those certifications.

It replaces that interference with a system of broad review of the way all doctors practice medicine.

This will improve the quality of care Americans receive over what we have today.

So, Mr. Speaker, how does the singlepayer system apply to the average American?

Suppose that you are an employee who has worked 15 years for a major company and you have been laid off, maybe for 6 months or a year, and your wife or husband stays at home to raise the family or has a part-time job that does not offer health insurance.

What happens under a singlepayer plan if your child breaks a leg during those 6 months?

The answer is: You get your child's leg fixed and your health insurance—insurance you have as a right of citizenship—pays for it.

The answer is: When you were laid off or lost your job, your health insurance did not change, because it is no longer tied to employment and does not rely on your employer to provide it.

So you can go to the doctor and get that leg fixed without worrying about it. And the hospital and doctor can treat you without worrying about how to get some other part of the system to pay your bill.

What if you are getting a divorce or your spouse dies and your health insurance always came from your spouse's employment?

Do you lose your health insurance, too?

Under the current system you often do. But under the singlepayer plan, the answer is no because your insurance now comes from the Government. The availability of that insurance does not change if your personal situation changes.

The singlepayer plan, H.R. 1200, is also the best plan for American businesses and workers.

Businesses can make hiring decisions on the basis of what makes their business most productive, not on the basis of what they have to do to avoid incurring even greater health insurance costs.

Workers will be freed from job lock where they cannot change jobs because of the certain knowledge that if they do, they'll never get health insurance again because of a preexisting condition.

The private economy will gain tremendously from a singlepayer approach.

Mr. Speaker, the advantages of a singlepayer plan like H.R. 1200, I think are obvious.

But I know the President is preparing his own plan and I know some other Members of this body also have their own plan.

So tomorrow night I have asked for time to outline and discuss 12 basic criteria I think my colleagues will find helpful in evaluating any plan, no matter what its source.

I will identify some of the basic problems any health care reform package must solve.

If a given plan does not meet these standards, it ought to be refined or rejected.

And to those who doubt the ability of our people to absorb fundamental change on such a basic issue, I say this: We are Americans.

Surely we do not need to gamble on a highly disruptive system that virtually guarantees administrative confusion and significant administrative costs.

Surely we can design a system that includes the lessons learned from real experience.

Surely we can design a system that brings people the security, the simplicity and the predictability we deserve while serving the values we cherish.

A singlepayer plan such as the American Health Security Act is what this Nation needs for the 21st century.

We should not allow ourselves to be diverted from what we need on the excuse that we are not ready.

We are Americans and we are ready.

□ 2000

Ms. FURSE. Mr. Speaker, will the gentleman from Washington yield?

Mr. McDERMOTT. It is my pleasure to yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Speaker, I thank the gentleman for yielding to me and giving me the opportunity to speak tonight about this critical issue. I want to take a moment to thank my friend, Mr. McDermott, who is also from the Pacific Northwest for his leadership on this issue, as well as Chairman Conyers. I am proud to be a cosponsor of H.R. 1200, the American Health Security Act, which I believe is the best health plan for America. Health care reform is one of the most important issues that this body will encounter this century, and these two gentlemen deserve credit for their hard work.

The path our Nation chooses in health care directly affects every American. The theme of change permeated virtually every issue in my campaign, and health care was no exception. Health care reform—real health care reform, real change—is the single-payer model. One of the things the American people said last fall was that business as usual should no longer be our business. It is clear to me that "managed competition" is a code phrase for maintaining the status quo. In my estimation the current system amounts to managed competition, and not managed well.

The national situation is tragic. While I am very concerned with health care as it affects all Americans, let me talk for a moment about the situation in my home State of Oregon. To say that skyrocketing costs are cutting deeply into the hard-earned wages and savings of Oregonians is an understatement. Last year in Portland, OR, the average family—even if every person in it was healthy—paid almost $3,900 for an individually purchased health insurance plan. Almost $4,000. In 1980, that same family would have paid $1,400. If we continue on our present course, by the year 2000 that same family will spend almost $9,000 annually for health care. The sad fact is that the increase in costs has actually come with a reduction in service. Families are paying more and more for less and less health coverage.

During the last 10 years, the average Oregonian family's health payment rose 350 percent faster than its wages. 350 percent. Where does this money come from? It comes at the expense of something else in family budgets: the rent or mortgage payment, savings for college, braces for the kids, even Christmas presents. For many people, though, the choices are even harder. In many cases it is "will I and my family eat right, or will we have health coverage?" For many older Americans, and I read their letters every week, it is "will I eat this week or fill my prescription?"

My friends, I say to you tonight, we must not force the American people to have to ask and answer questions like that. We have the chance to stop the wage-and-savings-consuming monster that health care costs have become. It is estimated that 673,000 Oregonians will have no health insurance at some point in 1993. Our real test as legislators will be to look at the families in your district and say "We've done the very best we can to give you the best health plan with the best cost containment and the highest quality of care." I would suggest that if every Member of this body does their homework, examines all the options available, the single-payer system is the only viable option for real change.

Let me explain for a moment one of the reasons why I believe the single-payer system is the best system for America: It eliminates the interference between the doctor and the patient, and the paper burden doctors have to bear. Providers complain about the unneeded tests they must run for insurance companies, about malpractice insurance, and about paperwork. A single-payer system would standardize forms so that physicians and patients would no longer have to deal with an elaborate maze of forms. No longer would 23 cents of every dollar paid for health coverage go to billing and administration. Physicians would be able to spend less time dealing with all the paperwork and more time practicing medicine. Unnecessary tests and treatment demanded by insurance companies cost our health care system $125 billion a year, $125 billion that could provide health care in rural areas or vaccination for all our children. In short, the single-payer system would eliminate the interference and second-guessing between providers and their patients. Doctors—and I remind anyone listening that a single-payer system means everyone can choose to see whatever doctor they please—would be free to do what they do best: Practice medicine.

I want to emphasize that I am a proud cosponsor of H.R. 1200, the American Health Security Act, introduced by my good friend from Washington, Mr. McDermott. His bill is the only bill that would address all these issues in an American single-payer system. It provides comprehensive coverage of all inpatient and outpatient services for everyone, effectively control costs, emphasizes preventive and primary care, and does so while ensuring that most American families actually pay less. We have the opportunity now to do what the American people are calling for: real change. As I said earlier tonight, I hope all 109 of my freshman class, as well as the rest of my colleagues on both sides of the aisle, study the options available and support the single-payer system, and cosponsor H.R. 1200, the American Health Security Act. It is the only health care reform that means real change.

I thank the gentleman for giving me this time tonight, but let me ask him one thing. There has been so much discussion and misinformation regarding what exactly is a single-payer system, so I ask my friend as clearly as it has been asked to me: "Is the single-payer system socialized medicine, and how does it affect the private delivery system?"

□ 2010

Mr. McDERMOTT. Mr. Speaker, I think that is a very common question, and I appreciate the gentlewoman from Oregon [Ms. Furse] for asking it.

It is not socialized medicine. It is a government financing system of insurance, but the difference is health care is done by private doctors, private hospitals. We are not changing anything in the way health care is delivered in this country. We are simply giving people security, that they know that they have health insurance financing. That is a significant difference.

It is not like Great Britain where the doctors are employed by the Government or the hospitals are government hospitals. This is still the American system, and that is why we put the word "American" in the title.

Ms. FURSE. I thank the gentleman for his comments and think he made a very good point. Let me tell the American people that I have lived in two countries which have a single-payer system: Canada and Britain. Let me say without equivocation that the stories about waiting lines and people expiring while they are waiting for procedures is utter and complete nonsense. the people who oppose a single-payer system have tried to conjure up images of crowded, dirty waiting rooms run by quack doctors. Nothing could be further from the truth. English and Canadian, and German health care is excellent and it is humane. There is no reason we cannot do the same in America. We must take the assets of our current system, adopt them wisely to the single-payer model, and finally resolve this issue for the American people. I think the gentlemen's bill, the American Health Security Act, does that, and that is why I am proud to cosponsor it and join him in this debate tonight.

I know there are other speakers tonight, so I thank he gentleman.

Mr. HINCHEY. Mr. Speaker, will the gentleman yield for a question or two?

Mr. McDERMOTT. Sure.

Mr. HINCHEY. Mr. Speaker, first of all I want to thank the gentleman from Washington [Mr. McDermott] very much for introducing this plan, and bringing it before the Congress and the American people, and for giving us an opportunity to discuss it here this evening, and also, for those who, like myself, see the benefits in the this plan, I join him in sponsoring it.

There are a number of things that concern people that I represent about our current system and also about some of the proposals that have been put forward to deal with health care in the United States, and I just would like to ask a couple of questions about those if I may.

Mr. McDERMOTT. Sure.

Mr. HINCHEY. Mr. Speaker, one of the things involves paperwork. People that I have spoken to feel that in many cases they are overwhelmed with paperwork, and that includes both patients and physicians, and they see that this paperwork is duplicative in the system, and it is, in fact, costing probably, they feel, large amounts of money. I think we can assure them that in all certainty it is costing large amounts of money.

Mr. McDERMOTT. The General Accounting Office last year did a study which said that somewhere around $65 billion a year could be saved if we went to a singly-payer system. We would get rid of all the various paperwork forms, all the sending back and forth between patients. When someone gives somebody a card like this, and the doctor takes it, and then he sends it to the health authority, and he gets his money, we have absolutely ruled out or gotten rid of all the administrative costs. That is why in the Canadian Provinces they spend less than 1 percent of the health care dollar on administration.

That is the difference by getting rid of all the paperwork.

Mr. HINCHEY. In the case of senior citizens who are covered by Medicare and who may still be covered by another plan, perhaps one that is provided to them from their previous employment now that they are retired, frequently they run into a situation where, because of the language that is presented to them in their old plan, the plan under which they are retired or the language in the forms, there is an extraordinary amount of confusion as to whether or not they are covered for a particular illness, or accident, or event, and, if they are, who covers them and under what circumstances they may or may not be covered.

Can the gentleman deal with that question? Will the single-payer approach clear that up?

Mr. McDERMOTT. In the single-payer plan when one goes to a physician, and he or she says, "You need this or that treatment, or this or that reason for hospitalization, or this or that medication," that is where the decision is made. It is not made by some insurance company that says they do not cover that or that the patient will have to pay for it out of their own pocket. It will all be paid under the national health plan.

That is the real beauty of it, is that the doctor can make the decision for the patient without having to check with some insurance company about whether it is necessary or not.

Mr. HINCHEY. Also there exists within the present system, and some are concerned that it would continue to exist under the so-called managed competition system, opportunities for fraud. We have seen instances where people have experienced double billing, even triple billing or quadruple billing, for particular incidents or illnesses for which they may have been covered or for which they have visited a physician or, in some cases, a hospital or an emergency room of a hospital.

Can the gentleman deal with that particular condition? Will the problem of double billing, the problem of fraudulent practices that allegedly exist within the present system, be dealt with adequately within this single-payer system?

Mr. McDERMOTT. There is no question. We put it in the bill, and we know how to make that work. We know, because, if you are gathering data from all kinds of physicians, you will begin to pick that kind of thing up. Right now part of our problem is we do not have a data base. One part of the bill that I did not talk about was the establishment of a data base so we can actually see what kind of practice each physician has, and we would be able to pick up those kinds of things in that process.

Mr. HINCHEY. Finally, Mr. Speaker, let me ask the question about choice.

People are concerned as to whether or not they will actually be able and be free to choose their own physician. They are concerned that a plan may dictate to them who they have to go to under certain circumstances.

Mr. McDERMOTT. The thing is a physician, when I looked at this whole thing, it seemed to me the most crucial thing was not to break the doctor-patient relationship with any kind of financing arrangement you put together. So, we took very careful account to make sure that people would have a freedom of choice of which doctor or which kind of provider they want to go to. I do not think you can design a truly American system and take away people's right to choose the physician that they want to see, and we made very explicit in this bill that people would have that right.

Mr. HINCHEY. I thank the gentleman, and I appreciate the opportunity to discuss this issue with him, and I appreciate the value of the plan.

Mr. McDERMOTT. I say to the gentleman, "I thank you for your support."

I yield to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I am honored to be here as 1 of the 72 cosponsors of the American Health Securities Act, and I thank the gentleman from Washington for inviting me to participate. I believe that this single-payer bill reflects the key principles for a workable, affordable, and accessible national health care plan for which Americans have waited much too long. These principles are universal access regardless of employment status, income, age, health status, or place of residence; freedom for consumers to choose their own health care providers; and comprehensive benefits.

One of the biggest concerns expressed by my constituents, however, is that any national health care reform will lead to rationing or denial of specific procedures and may also lead to the denial of certain necessary health benefit packages like mental health and substance abuse treatment benefits. How is this addressed in your bill?

□ 2020

I would ask the gentleman how this is addressed in his bill?

Mr. McDERMOTT. We put into the bill a guarantee of benefits. The Federal Government will guarantee those benefits for every American. We put in mental health because, as a psychiatrist, I knew the necessity of having that as a part of any truly comprehensive health care plan. Substance abuse and alcohol treatment are also inside the bill.

So we made sure that people would have a guarantee, an absolute guarantee, that they would receive the services that we put in the law.

Mr. OLVER. Mr. Speaker, if the gentleman would yield, first of all I would like to commend again, as others have, the gentleman from Washington [Mr. McDERMOTT] for his leadership on this legislation. I am proud to be a sponsor of the Health Security Act for 1993, this year, as I was last year under the prime sponsorship of the then distinguished gentleman from Illinois, Mr. Russo. So I am very pleased that the gentleman has taken up the cudgel to take on this job of sponsoring and promoting and advocating for the single-payer system, which I believe is the best kind of system.

Mr. Speaker, I want to return for a minute to something that the gentleman from New York had earlier commented about. I have held a series of forums, actually quite a few town meetings in my district, both last year and again this year, on the issue of health care. One of the key driving forces that has been driving this debate on health care reform is the whole issue of administration, the overburden of administration that was addressed there.

As I get around to people, I find that people who provide health care, the people who are out there on the front lines really trying to provide the best health care they can, like visiting nurses or people in the Home Care Corporation or people in the hospitals, the nurses and doctors, or people in group practices, and the gentleman from Washington [Mr. McDERMOTT] is an M.D., people in the group practices who are telling me that they now over a period of 10 to 15 years have had to add more administrative people to take care of the billing and the eligibility determinations and the rebillings and all of the paperwork that goes with it.

I am curious, the gentleman as a doctor, I would assume, would confirm what I hear is that they are finding they have to have more people actually doing that paperwork than there are people doing the health care provisions they are trained to do, that they want to do, that they take an oath to do, and desperately want to do for the people they serve.

Mr. McDERMOTT. The administrative burden in this county in terms of paperwork is created by us having 1,500 different insurance companies. When I was a physician, I had a woman that had to deal with 20 different forms. She had to know how to fill all these different forms out. If you made any mistakes, it would come back. There was a constant flow of mail.

That is what really leads to these kinds of administrative costs, because the paper shuffle in part is done so that they can hold on to the money at the insurance company. They do not want to pay and they fight you. So all physicians get caught up.

There was actually a television study done in Seattle comparing a rural hospital in Washington State with one Canadian hospital. The Canadian hospital over in Vancouver had 1 billing person; a similar hospital in Washington had 14 people. That kind of employment in terms of paper shuffling is what drives up the cost and why a single-payer system just simply wipes that out. That is one of the beauties of a single-payer system.

Mr. OLVER. I think I should say, if I remember correctly here, that the studies have shown somewhere between $50 and $100 billion in expenses on this. The cost for the whole system for 1992 had been somewhere around $800 billion, and it is going up for this coming year, but somewhere around $800 billion. That is between 6 and 12 percent of the whole cost of health care, when 15 percent of our population had no health insurance at all.

If we could just strip that administrative cost out we would be headed a long way toward being able to provide the health care for people who do not presently have health insurance at all, it seems to me. It is a percentage that we can hardly afford to have built into the system.

Mr. McDERMOTT. One of the things I talked about a little earlier was we asked the Congressional Budget Office to take the figures from 1991. We have actual numbers for 1991.

If we had had a single-payer system like Medicare for all people in this country, we would have actually saved $14 billion in 1991. It is unbelievable that we have continued with this inefficient system and left all these people uncovered.

If we had the money that we presently are spending, somewhere over $50 billion, we could buy insurance for those people who are presently uncovered in this country.

Mr. OLVER. I started out asking about what I consider to be one of the key driving forces, and that is the need on the part of professionals in the field of health care provision to be able to actually provide health care, rather than spending so much of their time, their own valuable time, and also have to have employed so many people in that administration.

The other key driving force is clearly the rise in the cost of health care over a period of time and how one contains that cost.

I would like to ask the gentleman, how is the gentleman able to verify the cost containment in the single-payer plan? How do we make certain we are going to get that out of the system, to make certain that the plan achieves that cost containment that is so important if we are going to be able to provide health care for all the people who do need health care and health insurance who presently do not have it, or are underinsured?

Mr. McDERMOTT. The basic mechanism in this bill is a system of global budgets. That is, the Federal Government will set a global budget for the United States.

Let us say we take what we spent this year, $950 billion. My State of Washington is about 2 percent of the population, so they would get 2 percent of $950 billion.

About $19 billion would be given to the Governor and the State legislature to provide health care for all the people in the State of Washington. They would design the system, how it was delivered.

Mr. OLVER. This would be done on a State-by-State basis?

Mr. McDERMOTT. Yes. Because we felt that doing it from Washington, DC, would make a great big bureaucracy. It would be a long way from the people. What worked in Vermont or Massachusetts might not work in South Dakota or Nevada or Washington State. So we wanted each State to design their own system of how they actually administered, much like the Canadians do.

The Canadian administration is done province by province. It is not done in the capital. It is done at the local level because people want it close.

In that kind of system they would have to live within the money that the Federal Government gave them and provide the benefits that the Federal Government set out in the benefit package.

Mr. OLVER. I think it is all well and good to talk about global budgeting in that kind of a way. But in the whole issue of cost containment, cost control, we have heard that in 1992 we expended $800 billion in all of health care. For 1993, the year we are presently in, at the rate of rise, which, by the way, has been two or three times the inflation rate, usually averaging about three times the inflation rate, year after year for a 10- or 15-year period now, that it has been hurting every family and taking more and more money out of the pockets of every family.

□ 2030

We hear those numbers. We hear the concept that it has now reached 14 percent of our gross national product and that that has a real problem competitively. But I think it really comes down to individual people, in a sense, because if you talk with elders, in the forums that I have had, which elders have time and time again, coming up and laying out for me the fact that their drugs, their prescription has doubled for common things, not quite aspirin, but very common things.

I am a chemist, as you are a doctor. I know that the common kinds of prescriptions that are many years old do not go up in price by doubling every year, and people come in with their receipts showing how the cost of those items has gone up. Or they will tell me their income under the present circumstances, their income has gone up a very little bit because the value of certificates of deposit for people on fixed income, the interest on their savings is now down to a much lower level. And the out-of-pocket cost increase, just on the increase in the copayments they have to make on Medicare or on the gap, or on the gap insurance that they have in the present system, the out-of-pocket cost increase in dollars, in actual number of dollars, is greater than the increase that they have in income in the course of a year.

And so for elders, who represent 12 to 15 percent of our total population, living on relatively fixed incomes, they are being squeezed on everything else, on their food, on their shelter and everything else that they want, they want and need to do because of the cost of the health care going up.

And for people who are out working in industry, you have people who work for a living for a company that is trying desperately to provide health care, as they have been doing for many years, and are now finding the competitive situation in a world market has changed.

The first thing you go into is the negotiation about cutting the health care benefits, either in terms of the coverages or in terms of increasing the percentage of copayment that the worker and the worker's family must take up.

And so it comes right down, this issue of cost containment, comes beyond those, beyond the global budgeting, and beyond that growth in the percentage of the gross national product that is now giving us a cost of health insurance per person, per capita that is 50 percent higher, nearly, than the next highest country in the world, a country that has the single payer and uses the single payer system very well. And this is a tremendous driving force, when it gets right down to the budgets of each and every individual, and every family, and every business that is trying to provide that care.

So the issue for people of that cost containment and how you make certain that that cost containment is real, I think, is something that if you would like to add something further to that, I would be happy to have you do it.

Mr. MCDERMOTT. I think you have really outlined the basis of the real thing that is driving this.

Most people realize they are one paycheck away from having no insurance. And they are worried that the cost is going to be beyond their employer's ability to give it to them. And when you look across the world, the United States is spending 40 percent more than any other country in the world. And we do not cover everybody in this country.

It is absolutely possible, with a single-payer system, which is used in every other industrialized country in the world except South Africa, it is used everywhere. And it controls costs. And you can see it.

The problem with managed competition is it has never been tried anywhere. But we know from what people have done with the single-payer system, that it is possible to cover everyone and control costs.

You have to do both things, and I think that is why the single-payer system is really the best answer for the American people.

Mr. OLVER. Mr. Speaker, I believe that, too.

I appreciate your leadership, as I have said, on that. As I go to the forums that I have conducted and the town meetings, the real driving forces are the administrative costs, as I indicated, and that is an enormous driving force, not only on the part of the people who want to provide good care but also for everybody who understands that that paperwork has just gotten so huge. And then this issue of the actual out-of-pocket costs, the rate of rise in cost for virtually everybody in the electorate as a whole.

But perhaps most driving of all those forces is the desire, as people have already talked with you about it, of making certain that they are secure in their health insurance. They want to be able to move, if they need to, geography change, the family status change, the work status change, lose a job, take a new job in an economy such as ours, they want to be secure in knowing that their health insurance is there.

I really believe that the single-payer system provides the most equitable access and security and provides the best chance of containment of the costs, the costs that have been driving so much of the debate lately.

I know that in my district, families and small businesses and senior citizens that are struggling to make ends meet are really begging for that kind of affordable, affordability. They want their health care secured at a price that they can afford, something that is not driving the family budget down the drain, essentially, and putting pressure at every level on other things that they want to do, educating the kids, providing opportunity for themselves and their children, and making certain that they have the money that is necessary to be able to do other necessities of life, as this health care cost continues to rise so much.

So that is really why I stress particularly the cost of the care and how we contain that, how we get control of that, by the methods that I believe are going to be best done through the single-payer system that you have cosponsored and that I am so proud to be able to join with more than 70 other of my colleagues, men and women, new and old, young and old, as well, from all parts of this country, who are in the forefront, I think, of moving toward a national health care plan.

We are so close to that. We are within that much of getting this year with a national health care plan. Anything would be better than the system that we presently have, which no rational person, starting from scratch, no rational person would create the system that we presently have, with all those different public plans that pigeonhole people, put them into different kinds of boxes with different health plans at different ages and different statuses.

There is a lot of disequity in that. It is just an unreasonable system. And then the thousands of private plans that are there that are competing on benefits, rather than on quality and cost, which are the ways that the competition ought to really function. So I appreciate very much what you are doing and appreciate your giving me the time to talk about these issues with you tonight.

Mr. MCDERMOTT. I appreciate your support.

Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I, too, appreciate very much the gentleman's providing the opportunity for this rather thorough discussion of a single-payer plan.

I visited Canada for 3 days with the Committee on Government Operations, and I was very much impressed with the Canadian single-payer system.

I was also impressed with the way the people in Canada feel about that system. They have had it for more than 20 years, and it has had plenty of time, if there was something wrong with it, to alienate people.

But they tell me that the one thing you cannot tamper with in Canada and expect to be reelected is the health care system. And if the Government tried to take it away completely, that you would have blood flowing in the streets. People would not tolerate it. They feel that strongly about the health care system.

So the single-payer plan, in so many ways, is so obviously superior to anything being proposed, and cost is the most important one, the fact that the Canadians are able to provide health care to every citizen and provide it at a cost which is one-half the amount of money that we are paying per person for health care in this country is astounding.

It ought to be enough for us to take a very close look at it as priority No. 1 and make the effort, it seems to me, to replicate it.

□ 2040

As I said before, it is not one single administrative system. Every province has its own administrative setup. We would have 50 administrative setups with each one of the States, giving it enough flexibility for improvisation and custom fashioning, fashioning for the particular needs of a particular area.

It is a very good plan, but even that good plan has some problems. If they would work out some of the obvious problems with respect to costs they would probably be able to save even more money and provide care for a person at even lower cost.

They do not have an extensive system of nursing homes and adult homes, a home care system for the elderly. They don't have that. Everybody goes to the hospital, so there are senior citizens in the hospital who really need minimum attention, but they are at a hospital, and the rate for the hospital cost is the same for them as it is for people who need major care.

They recognize that they have problems in their system, and will be ironing out some of these problems to improve or to lower the level of costs.

When they do that, of course, they are going to be able to provide the same care at much cheaper rates, so it is the system that we ought to look to to try to replicate. It also is in a nation which is as much like America as we are ever going to get.

Canada is as much like America, culture-wise, very much like this country. Even without the free-trade agreement, the intermixture of cultures was there very heavily.

Why not try a single-payer plan? Why not? I am 99 percent in favor of it at this point. I have one or two questions. Of course, anything as big as the implementation of a national health care system in a nation as big as ours will be a process. We will spend years perfecting it. The Canadians have been at it more than 20 years and theirs is not perfect, so we would expect to go on for a long time to perfect it.

Some people worry, however, about the largeness. A single-payer plan means that we know it is the Government that is totally in charge, although there are a lot of variations we find in the Canadian system. People have insurance on the side. There are a number of things that we don't talk about that much, but basically the Government is in the driver's seat.

People worry about what does the patient as a consumer—what are their rights, what recourse do they have? When people have a problem with Social Security and we say, "See your Congressman," they are all so frustrated. They either go to the Social Security office and have a problem there, or the next appeal is to their Congressman. There is nothing in between.

Is a patient complaint mechanism for the single payer plan going to be that cold and impersonal? If a person has a problem, will they have to go to their Congressman to get it straightened out, or can we have some mechanisms built in to assist them so that the patient can have some system by which a complaint can be filed, a grievance can be registered, and in some reasonable length of time they can get a response?

Do we have to build something else into the legislation? I am a cosponsor of the legislation, but that does not mean that we cannot make some improvements. Do we have something there?

I am from New York. We have health improvement, the health improvement plan, HIP. It is a group plan that was in existence when I moved to New York some 30 years ago. Everybody was enthusiastic about it. It was the best thing that ever happened.

Now, 30 years later, I get a lot of complaints, because the system has grown so big that they talk about the A centers and the B centers and the C centers, and "Do not go to that particular center, because that is for low-income people, it is awful; do not try to get some satisfaction in this system, because people are pretty arrogant," and everybody is angry because they cannot find a way to deal with the system, it is so large.

INTRODUCTION OF THE AMERICAN HEALTH SECURITY ACT

The SPEAKER pro tempore (Mr. ANDREWS of New Jersey). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 60 minutes.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from New York.

Mr. OWENS. Mr. Speaker, I apologize for taking so long to get to my question, but I wanted to sing the praises of the single-payer system first.

Under a single-payer system, what would be the different means by which constituents would be able to have their grievances addressed? Have we dealt with that enough?

Mr. MCDERMOTT. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Washington.

Mr. MCDERMOTT. Mr. Speaker, there are a couple of mechanisms by which people would be able to have their problems addressed. One is through the actual delivery system that they are in. Say they are in an HMO. There is obviously a complaint system, a method there.

Let us say a State designed its own system, let us say the State of New York or the State of Kentucky or whoever. They would develop a complaint system that is required. It is required in the law that they would have to have a system by which people could complain if they did not think they were getting the care that they were entitled to under the Federal law.

We believe that the States would want to give that care, but we know that sometimes there are situations that develop where we need a mechanism for people to come and be able to get their complaints heard. The gentleman mentioned Social Security. One of the problems of Social Security is, it has gotten all the way, and everything is in Baltimore, and everything is done by long distance telephones.

We wanted to avoid that. That is one of the reasons we put the administration down at State level, and in fact, they could—the State of New York, for instance, could be more than one area. We could have the New York City area and the upstate New York actually in Ontario. Ontario is split in two pieces because the Canadians decided they wanted to have it down close to the people, and therefore they wanted to be in a smaller administrative area.

I think that the States would design a system, and the people would demand that they are going to get their services and that they have a complaint system that would work. I think it is absolutely possible to do that.

Mr. OWENS. I think that we cannot stress too much the need to have it mandated in some way. New York State has a good record, we have a patient bill of rights, we have a mechanism for patients to go beyond the HMO's. I am not sure all States have that. In fact, I am pretty sure that the majority do not.

I think at this level we are going to have to mandate that they have a clearly articulated patient grievance or patient complaint system, partially due to the fact that the size of it, and we don't want to apologize for it, because that is going to be where the savings are, but we need something to offset that tremendous size.

Mr. MCDERMOTT. That is a very good suggestion, and we may work—I would be glad to work with the gentleman in terms of refining an amendment to the bill that would make it very clear that there is a way for people to get their grievances settled in the system.

Mr. OWENS. Mr. Speaker, I look forward to working with the gentleman on that. I spent 6 years as the head of a community action program, so I am addicted to citizen participation. I would love to help work that out in the bill.

Mr. MCDERMOTT. They always work better when the citizens are involved in it.

Ms. WOOLSEY. Mr. Speaker, may I ask my colleague, the gentleman from Washington, to stay in the well? We have a lot of questions for the gentleman still.

Ms. VELÁZQUEZ. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to my friend, the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Speaker, I, too, want to thank the gentleman from Washington for introducing the American Health Care Security Act. I am proud to be one of the original cosponsors of H.R. 1200, and I look forward to the day when this bill becomes law.

I would like to take a moment to share with you a story that illustrates both the dire need for health care reform and also that a single-payer system is the only way all Americans will be able to have access to health care.

A few years ago a hospital in the South Bronx in New York City had to shut down because administrators could not make the payments necessary to keep it functional and open to receive patients. Many of the people who came to the hospital were poor and could not afford the medical care they received, and many used the emergency room for their basic health care needs. As a result, this and many hospitals in our cities had to eat these costs. Some hospitals are able to scrape up the funds to pay these excessive costs; others; like the one in the South Bronx and perhaps some, in my own district, are forced to shut their doors.

Who are the people using the emergency rooms for services that could be given by a primary care physician? Many of these people are Latinos, many of whom are working poor who have jobs but do not receive health care benefits. Many of the illnesses from which Latinos suffer can be avoided through simple, basic access to primary care. The only way to provide universal coverage and universal access for Latinos and all minorities, as well as for all people who do not have health benefits, is to develop a single-payer system that would provide the same coverage to everyone, regardless of their employment status. Such a system is embodied in the American Health Security Act.

H.R. 1200 would also be the safety net that provides coverage for the medically underserved. It is the best remedy for my district because it treats everyone, the rich and the poor, as equals in their pursuit of their fundamental right to receive preventive health care treatment. The single-payer approach means equal access, equal coverage, and would help to bring this Nation one step closer to parity.

I want to ask the gentleman a question. The single-payer system is designed to improve the quality of and access to health care services for medically underserved areas, especially for minority communities in our cities, through the use of community health centers. How can we guarantee that the people of these communities have access to private doctors and specialists, and that they will not be forced to use the community health centers?

□ 2050

Mr. McDERMOTT. First of all, by giving everybody in society an American health security card you give them access to any situation in the health delivery system. That is the first thing, you make everybody equal by having that card in their hand.

The second thing is that you make it possible for physicians to practice in underserved areas of the country by some provisions we put in the bill in terms of a National Health Service Corps, making it possible for people to go out and work in those areas.

One of the problems today for medical students is that when they come out of medical school some of them are so heavily in debt that to go into an underserved area or even a rural area of the country is just not financially feasible. So we put in some mechanisms that will give private physicians the possibility of actually going and practicing medicine in underserved areas of this country. And it is a very important thing.

We have had here in Washington, DC, in one part of the city, Anacostia, what they call a declared national health emergency so that they could send a national health physician into a part of the Capital City of the United States. That is how bad it is. So when we wrote this bill we put in provisions to begin to deal with those problems in the inner city. We knew that in a managed competition situation nobody is going to rush in to compete to take care of either the inner city or the rural areas. And that is another reason why we feel that the single-payer system is so important, because 35 percent of the people in this country either live in the inner city or live in rural areas in this country, and the managed competition system today is not providing them with coverage that they ought to get. We want to build it in for sure.

Ms. VELÁZQUEZ. I thank the gentleman very much.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I first of all would like to commend the gentlewoman for this special order this evening and thank her for yielding.

I would certainly like to commend the gentleman from Washington for the tremendous amount of energy he has brought to this House. We entered the 100th Congress together, and I have watched with pride his ascension in the leadership in this Congress and his important appointment as head of the Ethics Committee, and our class is extremely proud and pleased that we came in together and that you have taken this leadership that is so important.

Let me address a question to the gentleman, if I may. I would like to ask about the American Health Security Act, H.R. 1200, the former Russo bill, H.R. 1300, that we talked about last year. My question deals basically with access, as was indicated before, and I would like for the gentleman to amplify a little bit more on how access in the inner city is going to improve the approach under this single-payer bill.

We have concerns about the whole question of access, and I wonder if the gentleman would engage in a conversation with me on that matter?

Mr. McDERMOTT. I am happy to engage in a conversation with the gentleman. I think that is one of the most awful things about our present system, that for people who do not have health insurance, whether they are rich or poor, or whomever, they tend not to go to the doctor. They wait and wait until they cannot stand it, and then they go to the emergency room. Because they have no way to pay for it, they do not want to go through the hassle, and they wait until they cannot handle it.

What that leads to is thousands of people that we treat for strokes who, if they had had preventive care or had health insurance, could have had their blood pressure monitored. Or we have young women who arrive in the emergency room about to deliver a baby, who have never seen a doctor before, and we wind up with young babies of low birth weight that we spend hundreds of thousands of dollars on. If we had spent a few dollars in prenatal care, we could have helped them.

So one of the most important things I think about a national plan is giving access to people in the inner city and care at the early part of an illness or an injury. We spend tremendous amounts of money in the emergency room dealing with the after effects of problems that could have been dealt with, with a little bit of money in the very beginning. And I think that is the primary thing that I see as a benefit to the inner cities. It will raise the level of help.

This country's infant mortality rate is an absolute disgrace. There are countries in Central America that have a better infant mortality rate than this country, and there is no excuse for that. We have the best health care available in the world, and yet our infant mortality rate is terrible. That is primarily because we are not dealing with people at the early part of a pregnancy, having a baby, which is not an illness, but a natural human process, but also other things that we could be dealing with where we ought to be dealing with early. But we wait and wait, and we are paying way more than we should be in this country because we wait.

Mr. PAYNE of New Jersey. I could not agree with you more. I have attended some neonatal intensive care units in our city where, as you have indicated, tremendous amounts of money are spent bringing these infants back to full health at a tremendous cost to the system. But also it is a tremendous cost to that infant, because studies indicate that low birth weight babies achieve as they move on through the educational system far less, and that they are doomed to fall behind and the success rate of low birth weight babies happens to be very low as they progress.

Let me just say in addition to that, universal access is of primary concern to me. The 10th Congressional District of New Jersey, where I reside, and which has cities like Newark, NJ, and Jersey City, and Elizabeth, the whole question of access is indeed a problem.

Let me just tell you a little bit about my district, which is largely an urban region. We have the same health problems that plague many of the other regions of our country. We have heard about the inequities in our health delivery system, but many inner-city residents encounter problems of accessing quality health care, as you so clearly brought out. Similarly the residents of my district have difficulty in particular with primary care, and as you have indicated, primary care is very important, because primary care is preventive.

One of the problems we have in this country is that we find that 70 percent of the physicians who are currently in medical school are studying to be specialists, where only 30 percent are going into primary care. In Canada we find that it is just the reverse, 30 percent of the physicians being specialists and 70 percent in primary care. But even more of a concern is that the current medical school classes have about 85 percent of the students studying for specialization. We cannot have a system that is simply filled with specialists.

Some say why not increase what the primary care physicians make and therefore we will have more going into that. I think that that will continue to expand the cost of health care and that is not the answer. I think we need to get more people in primary care.

But let me just say in conclusion, as a result of this in New Jersey's 10th District, as I have indicated, we have seen an increase in diseases that we thought were eliminated. Infant mortality in one of our hospitals in Newark is at a rate as high as 24 per 1,000 live births.

□ 2100

It is an abomination. It is a disgrace.

We have seen tuberculosis on the rise again. We have many infants and toddlers who are not immunized against childhood diseases all of which are preventable. In our Nation, back in 1983, there were 1,400 cases of measles that were reported to be of serious consequences. In 1991, there were 40,000 with a number of deaths.

Tuberculosis, practically eliminated, but in my city of Newark, it has increased by 20 percent in the last 5 years. We have the second highest rate of incidence of tuberculosis in the Nation, almost 72 cases per 100,000, the resistant strain of tuberculosis where two and three different medications cannot cure it.

We have found that streptomycin was not being produced anymore because there was a thought that tuberculosis was eliminated and, therefore, there was no need to make this. We have a shortage of streptomycin in this country.

But in addition to that, as I indicated, we have the multiple strain tuberculosis, and in the Northeast. At a veterans' hospital in my district, 13 people died from tuberculosis, 11 veterans and 2 employees. At a local welfare office, we have found that, doing the tests, we have found 20 percent of the employees tested positive for tuberculosis.

In New York, the IGWU took 1,300 persons, tested them, new immigrants from Eastern Europe, and 40 percent tested positive for tuberculosis.

Tuberculosis is something that you can ride a subway car and engage with the same people on a daily basis, and if that happens, just casually, in a subway car, if you do that for 2 or 3 weeks, a person can contract tuberculosis and become HIV positive just simply by that kind of casual contact.

And we have serious problems in this country, and particularly in the Northeast. Prenatal care is not provided to many mothers who cannot afford to pay for physicians' care out of pocket. Vaccines have become so expensive that many low-income families cannot afford it.

We have to do, with the assistance of Prudential Insurance Co., which gives us a $50,000 grant with my day care group, we do early childhood immunization in May where we have early childhood kindergarten registration just to get children to come in, because we find that many 4-year-olds in our city have not completed their immunization shots, going into kindergarten and the first grade.

In this country, 1 in 5 children live in poverty, and over 1 million children in this country are homeless. Families must then concentrate their efforts on available resources on basic necessities such as food, clothing, and shelter and are, therefore, unable to devote the energy to providing the most basic health care.

In circumstances where social and economic deprivation are the standard for large segments of our society, children fall victim to the ravages of abuse, neglect, and crime.

So I would finally, in real conclusion, like to thank the gentleman from Washington certainly for bringing this attention to this matter and to the attention of the public, and I would say that we must continue to push this discussion. It is very important as we continue to debate the health care reform that we need in this country, and I would just like to once again thank the gentlewoman and, of course, the gentleman from the great State of Washington for this colloquy tonight.

Mr. MCDERMOTT. The gentleman raises some very interesting points.

I think it is really to the point that the President's stimulus package provided for immunizations for all American kids, and the numbers the gentleman is giving are really a disgrace in this country. I think that is why the President is to be commended for his efforts in that regard.

I think tuberculosis is not just in the 10th District in New Jersey. It is all over in the inner cities in this country, and that is why we cannot afford a system that waits until people are dead or almost dead before we start dealing with them. We have to deal with the prevention, and you raised a very important issue.

I thank the gentleman.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentlewoman from North Carolina [Mrs. CLAYTON], president of the Democratic freshman class and my friend.

Mrs. CLAYTON. I thank the gentlewoman for yielding.

I wanted to also add my congratulations to the gentleman from the State of Washington for his leadership in bringing this bill before Congress.

I am one of those who have signed on, signed on with the realization that there would be some modification perhaps when the President submitted the bill, one to have the discussion, because I think the discussion of the variables and the pressures and the structures and the tensions that, as we try to fashion a plan, is so very, very important, and you have afforded that.

You also have afforded the option of people considering a single payer. Whether we survive or not, I just appreciate the opportunity for your having done that.

I come from a rural community, and I just wanted to add to the record some discussion about that.

Would the gentleman comment for us, as he looks at the plan that he is proposing, if it accounts for the uniqueness that we find in our rural communities in particular?

We have, as you well know, failing hospitals in many instances, and in other instances we do not have the same structure of personnel that are there, so we have a lack of infrastructure in the traditional way, and we do not have the manpower, the resources, as we have had.

Further, I, too, am very, very much interested in the preventive care. I will come back to that. But if you will comment for me on the personnel as well as the infrastructure, how we accommodate for those things that we are missing there as we try to make health care affordable and equal across the country.

Mr. MCDERMOTT. Well, we tried, first of all, to make available money so there would be the possibility that physicians and other health care providers could go out into rural areas.

Right now in every State, at least in the West, and I guess in the East as well, you have rural areas where it is very hard to recruit a physician. One of the ways you can help that process is through a National Health Service Corps which gives you some additional money to offer to somebody who is coming out to help them set up a practice.

I think it is very hard, when you leave medical school, to think about going out to a rural area where many people have no insurance and, therefore, cannot pay, and going out and setting up a practice and wondering if you will ever be able to get paid.

So one of the major advantages of having a national health plan where everybody is covered, no matter where they live in the State, they will have the ability to pay. It says to a physician, "If you go out and practice in a rural area, your patients will be able to pay."

Right now, in many rural areas, there is no health insurance, so if somebody goes out there, they are either paid in kind, in terms of produce and what-not, or they just cannot collect. So in order to make it financially viable, giving everybody the ability to pay with this universal access card makes it much more financially possible.

Beyond that, we put some money into the public health services of States, because we realized that there are some places where the State may want to put a clinic in and provide a nurse-practitioner or some other practitioner. So we tried as many ways as we could to get at the problems of rural areas.

Rural hospitals, again, have the problem of patients coming in, but no way to pay for the services, so you ultimately improve the process when everybody has the ability to pay for the health care that they accept.

Mrs. CLAYTON. We do now have National Health Corps. I did not know whether, if your proposal planned to expand that.

Mr. MCDERMOTT. To expand that, yes, to make more money available in that regard. It has been very limited over the last 10 years, and it is time to expand it again.

Mrs. CLAYTON. All right. Again, as we look at the hospital part of this health-care proposal, it has brought a lot of the entities who have a vested interest to want to have their particular participation protected, understandably so. I think the hospital association perhaps has made a good point of networking, as they see their involvement in that process, is to recognize there may be just a combination of health providers, and those health providers could include clinics, it could include private physicians, and it could include rural hospitals, tertiary hospitals or teaching hospitals. But do you see that sort of grouping possible under your plan?

Mr. MCDERMOTT. Yes.

Mrs. CLAYTON. If you would speak to that.

Mr. MCDERMOTT. That is one of the reasons why we wanted to put the decision about how you put the delivery system together at the State level.

☐ 2110

Every State is different. North Carolina has very good hospitals in Chapel Hill and Durham and those places.

Mrs. CLAYTON. And Greenville.

Mr. MCDERMOTT. And Greenville. But there are other parts of the State where you do not have that kind of thing and you may want to set up a clinic system related to one of those university hospitals. But that may be the best way for North Carolina, but when you get into Vermont, it may be a totally different situation. Or when you get out into the West, where the wide open spaces are, those of New Mexico and Montana, where you would want to go in a different direction, you may want, in fact, to use some kind of helicopter service to be able to pick up patients who are sick and take them long distances rather than try to run a hospital in an area. There are a whole variety of ways in which that problem, the rural problem, in this country needs to be solved. And we knew that there is no way we could design a program on the floor of the House that would solve the problems of all the various States of this country.

So we gave total discretion to the States to design a way to meet the needs of the people who live around Greenville or live around Paducah, KY, or who live in northern Alabama. Those are all different places; they have different health care systems.

We on the west coast have lots of HMO's. We have had long experience even since 1947 in Seattle with an HMO that has 350,000 people in it. Other parts of the country have not had that kind of experience. So to say everybody ought to be in an HMO does not ordinarily make sense if you have not developed those kinds of mechanisms.

I think that the flexibility in our bill gives the States the ability then to sit and figure out what is the best way for everybody to take care, in the Tarheel State or the Volunteer State. They are going to be different because the people are different in many ways.

Mrs. CLAYTON. I just want to press a few other areas. The gentleman has mentioned them, and I just wanted him to expand, if he would.

The gentleman has emphasized his commitment to preventive health care. Help me understand how that gets structured and help me understand how those nutritional behaviors that go to preventive or other kinds of screening get to be the kinds of things that insurance will now pay for that they are not paying for?

Mr. MCDERMOTT. Well, first of all, in a system like we have today, we try to keep people from using their insurance. So we do not want them to come in. But when you have a system where you have everybody in, as we would have in a national health plan, you have a national goal of keeping people healthy.

So, educational programs become a part of what you want to actually happen and you are willing to spend money on that kind of thing in terms of teaching people about good nutrition or how to take care of themselves, or a variety of things that are really matters of education.

In our system today, we do not educate anybody. We just simply wait for them to get sick, and then they come into the system, and we deal with them. What we do when we put a universal plan in and make preventive programs available, you are trying then to educate people of the necessity of getting their kids immunized. You are not going to have to pay for it, it is not going to break you if you go to get immunization for your kids.

Lots of people would like to immunize their children, but the thought of how much it is going to cost to have those visits after the child is born for the first couple of years, they simply do not have the money. So they do not go to the well-child clinic and get those kinds of things. When you have everybody in the system, you have a real driving desire to keep them healthy, so you encourage them to come in. You do everything possible to get them into the system early.

It changes your mentality when everybody has health insurance, because the insurer, the State, has as its best interest keeping the citizens healthy rather than waiting for them to get sick.

Mrs. CLAYTON. I agree with the gentleman. I could not agree with him more. What we need, really, is a definition of what we mean by health care policy. Part of that, I think, has been that we think of health as getting well after we become sick. But we could define a health policy by keeping our citizens as healthy as possible; that would not only be a more productive citizenry but also would be cost effective in the long run.

So, definition is important in that.

Also, I think definition is important as we look at the difference between competitive managed care and managed care. In the gentleman's first interest in response to my question about preventive health care, he suggests managed health care, that he would manage the whole process. You would start early in teaching people behavior, about nutrition, health, and environment. All of that becomes a part of that managed process.

However, when you attempt to take that and make it competitive—and I am certainly not against the free market system—but I am saying, when you take health care and try to make that process, who can do that best for the least amount of dollars, I am not sure that is the same definition that allows for preventive health care.

Mr. MCDERMOTT. That is exactly right.

Mrs. CLAYTON. Then you would be spending products or medicines or treatment or things that do not suggest the interaction and the conversation and the public health education with that. So, hopefully, we can further Americans' understanding about what it means to have quality care as a managed process, and that process includes all of those things.

Further, Mr. Chairman, I think we also need to understand that where I live, in my home or if I have an income, or if I have environmental issues around me, it is going to affect my health. So, if I am living rural and I cannot get transportation to certain areas, I am not going to visit a doctor, because those are impediments to me having access. In some instances we have to be sensitive to the other barriers for doing what is normal for you and I to do because a person may have a language barrier, a transportation barrier. Those things have to be anticipated if we want to have quality health care.

But the idea in all of this is not just to pen the floodgates and do it for the 37 million people the way we are doing it now.

Mr. MCDERMOTT. No.

Mrs. CLAYTON. But to improve that and to have it far more effective and, in the long run, that will cost more of our total resources than it does now, plus we will have added to the productivity and health of our citizens in the future.

Again I thank the gentleman from California for yielding this time to me.

And again I thank the gentleman from Washington [Mr. MCDERMOTT] for his leadership in this discussion.

Mr. MCDERMOTT. The gentlewoman makes a very good distinction between managed care and managed competition. Managed care, trying to get the best care for everybody in the society; but the minute you put competition on a price basis into it, you are trying not to give services. That is one of my real concerns about managed competition: that you are competing on the basis of price. So, you get away from trying to give the best health care to everybody. That is a very, very good distinction to make.

Ms. WOOLSEY. I would like to reclaim my time. I may not have any time left for myself. But I thank the gentlewoman from North Carolina for her comments.

Mr. Speaker, I do have comments and some questions of my colleague, and I would appreciate it if we can finish this, I am sure, in very short order. I thank the gentleman from Washington. He has done a marvelous job leading us through the tangles and webs of health care in the first place and explaining so clearly why a single-payer system, particularly the American Health Security Act, would be in the best interests of all Americans.

I am pleased and proud to join my colleagues in strong support of the American Health Security Act. As a new Member of Congress, I consider this bill to be the most important legislation that I have had the opportunity to cosponsor.

Mr. Speaker, I campaigned in favor of the single-payer system, and I chose to come here tonight on the floor with the gentleman from Washington to lay out the many compelling arguments in favor of the single-payer system. The gentleman has done a wonderful job in the last hour answering questions, explaining it to us.

So, what I would like to do is to talk just a little bit about what I have been hearing from my constituents. During my campaign, one of the loudest and clearest sentiments that I heard, and later in townhall meetings 2 weeks ago in my district, was both from constituents, from physicians, and from hospital administrators, and that is that the American people are ready for total health care reform.

□ 2120

They do not want a Band-Aid. They want a health care system that encompasses five major principles before they will consider the health care system that this Nation deserves. To them the principles I heard were universal coverage regardless of employment, income, or health status, comprehensive benefits, including a full range of reproductive services, prevention, and long-term care, consumer choice of providers, affordability, and public accountability.

Of all the health care reform proposals that I have studied and that have been suggested, only one accomplishes all these goals. That plan is the American Health Security Act that we are discussing today.

The Congressional Budget Office also agrees. They say that the single-payer is the most effective way to provide universal access and contain health care costs. In a real sense, it is the most fiscally conservative plan being considered.

As a newly elected Member of Congress who focused on health care reform during the campaign, I know that the people I represent in the Sixth Congressional District, that is Marin and Sonoma Counties in California, expect me to have the courage to fight for the best possible health care system. Their hopes are high and they expect an effective solution. Therefore, we must not move ahead on anything but a proven solution. Our Nation, our families, our businesses cannot wait for additional years of experimentation and tiny fixes. The time is right for change and major change. The American Health Security Act is the answer.

After I was elected, I planned to come to Congress and join the many other Members, like Representative JIM MCDERMOTT and Senator PAUL WELLSTONE, to push for total health care reform. When the freshman class met at Harvard, however, this past December to learn about the issues that we would be encountering and voting on as Members of the House, I was appalled that, in the discussion of health care reform, the single-payer approach was not even mentioned. There was a seminar on managed competition, but none on the single-payer concept. The sentiment up in Cambridge was that single-payer was not even on the drawing board.

Since I knew that a great number of my constituents expected me to advocate the single-payer bill in Congress, I formed our own freshman working group on the issue and invited experts to conduct a seminar at Harvard on single-payer so that my freshman colleagues could hear about both plans, and they were relieved because they wanted to weigh the issues for themselves.

What happened at Harvard—the complete disregard for the single-payer approach—simply is not acceptable. H.R. 1200 has 72 House cosponsors—more than any other bill that lays out health care reform. It is the reform for which the people I represent, and overwhelming numbers of consumers in this Nation, want. And I will keep working to make sure their voices are heard by this Congress and this administration.

I recently held two townhall meetings on the subject of health care in my great district—one in Sonoma County, and one in Marin County. The meetings were set up for my constituents to tell me about their experiences and their concerns—so that I could simply listen to them about the problems they have had with insurance companies, their solutions, and so forth. The consensus that developed after almost 200 people shared their particular stories and ideas did not surprise me.

They want a single-payer system. They know that small reforms in the health care arena are not sufficient to take care of the many problems that lie within the current health care system.

The next week, I went back to my district and met with a group of doctors who are known as the California Physician's Alliance. These physicians represent a broad base of medical disciplines, doctors who have come together to endorse a single-payer approach. In fact, they were instrumental in persuading the California Democratic Party to endorse H.R. 1200 at the California Democratic convention this month. These doctors endorse the bill because they know that 37 million uninsured Americans are creating an enormous burden on our service delivery system and that these folks, many of whom are children, must become insured immediately—insured regardless of socioeconomic status, age, existing condition, or whether or not they are employed.

In addition, doctors like this method of delivery because it lets them get on with the business of practicing medicine by taking away the overwhelming administrative burden placed on them currently. I have heard countless times from physicians how cumbersome the insurance claim filing process is—how it drives costs up that they must pass on to their patients. Single-payer completely solves this problem. It does away with burdensome paperwork by using one standard form.

Consumers like the plan and many doctors are amenable to the idea, in fact, are starting to push it themselves. How about business? It just makes sense for businesses to advocate this bill. As a small business owner and a human resources manager for over 20 years before coming to Washington, I am familiar with the burden that providing health care coverage places on business. Businesses are currently bearing the primary responsibility for insuring workers and their dependents. If they could feasibly insure more workers or provide better coverage, I truly believe they would do so. It is unfair to business to force them to solve the health care crisis. They cannot carry any more of the cost. In fact, I believe with a more efficient system, we can save business money. If we pay for health care through progressive taxes, such as payroll, sales, corporate, and perhaps value-added taxes, we should not be forced to place a new burden on employers or the average American.

I would like to point out here that taxing health care benefits for employers who choose to provide good coverage is unfair. This Nation is capable of offering a comprehensive benefit package that is at least as good as that provided by organized labor and top businesses. We should offer no less, and we certainly should not penalize those who have good health care programs.

I have a question for my colleague on the subject of disparities between the medical care a poor person receives compared to those who have good coverage.

I am going to tell you a story. My mother was on Medi-Cal in California. She was a very proud person and because she was on Medi-Cal her people were treated differently when they went into the doctor's office. She refused to go. Therefore, she died at the age of 62 with cancer that could have been cured had she not been treated so that her pride would get in the way. Some of that is her fault, of course. Pride is something.

But can the gentleman tell me, and I know he can, how this system would make it easier for those who have left?

Mr. McDERMOTT. Well, Mr. Speaker, if the gentlewoman will yield, I have said earlier, but I think one of the values of a truly American system, and we are not going to take any other country's system, we are not taking Canada or Germany or Holland or Australia. We are designing an American system and one of the values of an American system that I believe ought to be is that we all get the same treatment, that everybody should have access to the same high quality of health care. That is what this card really is all about. If you have one of these cards you cannot tell whether you are rich or poor or where you live or what neighborhood you live in or anything else. It is your access to the health care system.

Today if anybody in this country becomes ill or is injured, what happens to them has an awful lot to do with the kind of plastic that comes out of their pocket when they are taken into the hospital. If you have good plastic and it covers all kinds of things, one thing happens. If you do not have anything, you may be shuffled down the road in the ambulance to some other place in the city where you get a different level of health care.

☐ 2130

That is not right. It is not American. It is not democratic in the small "d" sense. Everybody in the democracy has a right of citizenship and ought to have access to good, high-quality health care at a cost that they can afford, and that was the basic goal of this plan, and that is why we believe that this basic card begins to wipe away the inequities that are presently in our system and are so grossly unfair.

Ms. WOOLSEY. I just wish that my mother had had that card. I probably would have a mother today. I would like to ask another question, and it is also based on a personal story.

Twenty-three years ago I was a single mother with three children. They were 1, 3, and 5 years old, and, although I was employed, I could not support the four of us on the $580 a month that I earned as an executive secretary. I had to rely on aid for dependent children, not only to put food on the table, a roof over our heads, and pay for child care, but also, and most importantly, to get health care coverage for my kids. I had gone from a married woman with complete health care coverage for my children to being a single working mother without the means to take my children to the doctor, the dentist, or the optometrist. Before making the decision to go on AFDC, I remember lying awake at night absolutely scared to death that one of my children might get sick.

No one should be put through that turmoil. Health care coverage should be continuous regardless of whether or not you are married or have a job. As the cost of health insurance continues to increase, over 100,000 Americans will move into the ranks of the underinsured each month and worry like I did.

Congressman McDERMOTT, would a single-payer system have helped me, and will it help others facing this insecurity?

Mr. McDERMOTT. There is no question that this card, this system, the American health care system which has universal coverage that is portable, one can move around the country with it if they are employed or unemployed, if they are married, if they are single—no matter what the status because it becomes a right of citizenship, it protects you from those kinds of insecurities that presently are in our system. Our system of health insurance in this country developed around employment coming out of the Second World War, and all of our health care system, practically speaking until Medicare, that was put in place was related to employment. If one had a good job, they had good health benefits. If they had a job that had just salary and no benefits, they had nothing.

Right now, today, of the 37 million Americans who do not have health insurance, more than half of them are employed full time. These are not people who are not trying. These are not people who are not working. These are people who are trying the best they can, but they do not get it through their employment, and that is why we have to have a national system that says: "Whether you're working at a $5 an hour job, or a $10 an hour job, or a $25 an hour job, or a $100 an hour job, you are entitled to health care in this country," and I think that until we have a universal system we will continue to have the kinds of situations which the gentlewoman described that affected her.

Mr. Speaker, no one should have to go through that. No one should have to worry about taking their kids to the doctor.

Ms. WOOLSEY. Well, nobody will ever question why I believe the way I do so seriously and passionately about this issue.

Mr. Speaker, before I yield back my time I am going to yield the rest of my time to the gentleman from Washington [Mr. McDERMOTT] to summarize if he would like, but I would like to make just one last point.

A Member asked me the other day if, by establishing a single-payer system would the health of our Nation be improved in general, and of course the answer is absolutely yes, and one of the examples, and I know we are not going to model it exactly after Canada, but one of the examples I want to give—I gave in my answer is about Canada who first began its single-payer system in the 1950's, and, when they did, their infant mortality rate was running 40 percent higher than Australia's, 30 percent higher than Britain's, and 5 percent higher than that of the United States.

By the early 1970's, after single-payer medical care insurance was fully in place, Canada's infant mortality rate was identical to Australia's and 10 percent lower than ours. Now, today, 20 years later, Canada's infant mortality rate is 30 percent lower than ours and one of the lowest in the world.

Mr. Speaker, we must learn from that experience, and now I would like to yield my time to the gentleman from Washington [Mr. McDERMOTT] in case he would like to summarize.

Mr. McDERMOTT. Mr. Speaker, I appreciate the contribution of the gentlewoman from California [Ms. WOOLSEY] and all the Members in this effort has been very important. We have as many signatures this year as we had last year, and we are still gaining them. People are still coming in, and it is because of people like the gentlewoman from California [Ms. WOOLSEY], and I think the American people need to understand that there is a core, a solid core in this Congress, who are very committed to providing health insurance that is available to everyone without regard to their financial status, or where they live, or anything else, at a cost that people can afford and with an emphasis on providing the high quality health care that everyone in this country should be entitled to, and I thank my colleagues very much for their time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TORRES (at the request of Mr. GEPHARDT), for April 28 and 29, on account of personal business.

Mr. CALVERT (at the request of Mr. MICHEL), for today and the balance of the week, on account of official business.

Mr. HUNTER (at the request of Mr. MICHEL), for today, on account of official business.

Mr. TUCKER (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. WASHINGTON (at the request of Mr. GEPHARDT), for today and tomorrow, April 29, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes each day, on April 29 and May 5.

Mr. HORN, for 15 minutes, on May 4.

Mr. LEWIS of Florida, for 5 minutes, today.

Mr. ROTH, for 60 minutes, today.

Mr. WOLF, for 5 minutes, on April 29.

Mr. DREIER, for 5 minutes, today.

Mr. DELAY, for 60 minutes, on April 29.

Mr. THOMAS of Wyoming, for 5 minutes, on April 29.

(The following Members (at the request of Ms. FURSE) to revise and extend their remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

Mr. HOAGLAND, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes each day, on May 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, and 27.

Mr. OWENS, for 60 minutes each day, on May 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, and 27.

Mr. GONZALEZ, for 60 minutes each day, on May 3 and 6.

Mr. UNDERWOOD, for 60 minutes, on April 29.

Mr. MENENDEZ, for 60 minutes, on May 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. HANCOCK.

Mr. PORTER, in two instances.

Mr. LEWIS of Florida, in two instances.

Mr. SAXTON.

Mr. LEVY.

Mr. DELAY.

Mr. OXLEY.

Mr. ZIMMER.

Mr. HYDE.

Mr. SOLOMON, in two instances.

Mr. GALLO.

Mr. HANSEN, in two instances.

Mr. KYL, in two instances.

Mr. GALLEGLY.

Mr. FOWLER.

Mr. KNOLLENBERG.

Mr. GOODLING.

Mr. WELDON.

Mr. FRANKS of Connecticut.

Mr. SMITH of Michigan.

Mr. GEKAS.

Mr. CALVERT.

Mr. WOLF.

Mr. MCKEON.

Mr. SANTORUM.

Mr. SMITH of New Jersey.

Mr. GILCHREST.

Mr. GILLMOR.

Mr. DORNAN.

Mr. CAMP.

Mr. QUINN.

(The following Members (at the request of Ms. FURSE) and to include extraneous matter:)

Mr. COLEMAN.

Mr. LIPINSKI in five instances.

Ms. PELOSI.

Mr. SWETT in two instances.

Mr. HALL of Ohio.

Mr. FORD of Michigan.

Mr. TRAFICANT in four instances.

Mr. TORRES.

Mr. BILBRAY.

Mr. ANDREWS of New Jersey in two instances.

Mr. WAXMAN in two instances.

Mr. FOGLIETTA in five instances.

Mr. DINGELL in two instances.

Mr. WISE.

Mr. NEAL of Massachusetts in three instances.

Mr. ACKERMAN.

Mr. ROWLAND.

Mr. MANTON.

Mr. BONIOR in two instances.

Mr. FROST.

Mrs. SCHROEDER in two instances.

Mr. MENENDEZ.

Mr. COSTELLO.

Ms. ESHOO.

Mrs. MALONEY.

Mr. HAMILTON in four instances.

Mr. WILLIAMS.

Mr. ANDREWS of Texas.

Mr. DEFAZIO.

Mr. RICHARDSON.

Mr. STUDDS.

Mr. KLEIN in two instances.

Ms. ENGLISH of Arizona.

Mr. SERRANO.

Mr. LANTOS.

Mr. LAUGHLIN.

Mr. BERMAN.

Mr. GIBBONS in two instances.

Mr. OWENS of New York.

Mr. MEEHAN.

Mr. FAZIO.

SENATE JOINT RESOLUTION

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 85. Joint resolution designating the week beginning May 2, 1993, as "National Mental Health Counselors Week"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED JOINT RESOLUTIONS

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week."

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

ADJOURNMENT

Mr. MCDERMOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, April 29, 1993, at 11 a.m.

OATH OF OFFICE; MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1. Sonny Callahan
2. Terry Everett
3. Glen Browder
4. Tom Bevill
5. Robert E. (Bud) Cramer, Jr.
6. Spencer T. Bachus III
7. Earl F. Hilliard

ALASKA—AT LARGE

Don Young

ARIZONA

1. Sam Coppersmith
2. Ed Pastor

3. Bob Stump
4. Jon Kyl
5. Jim Kolbe
6. Karan English

ARKANSAS

1. Blanche M. Lambert
2. Ray Thornton
3. Y. Tim Hutchinson
4. Jay Dickey

CALIFORNIA

1. Dan Hamburg
2. Wally Herger
3. Vic Fazio
4. John T. Doolittle
5. Robert T. Matsui
6. Lynn C. Woolsey
7. George Miller
8. Nancy Pelosi
9. Ronald V. Dellums
10. Bill Baker
11. Richard W. Pombo
12. Tom Lantos
13. Fortney Pete Stark
14. Anna G. Eshoo
15. Norman Y. Mineta
16. Don Edwards
17. Leon E. Panetta
18. Gary A. Condit
19. Richard H. Lehman
20. Calvin M. Dooley
21. William M. Thomas
22. Michael Huffington
23. Elton Gallegly
24. Anthony C. Beilenson
25. Howard "Buck" McKeon
26. Howard L. Berman
27. Carlos J. Moorhead
28. David Dreier
29. Henry A. Waxman
30. Xavier Becerra
31. Matthew G. Martinez
32. Julian C. Dixon
33. Lucille Roybal-Allard
34. Esteban Edward Torres
35. Maxine Waters
36. Jane Harman
37. Walter R. Tucker III
38. Stephen Horn
39. Edward R. Royce
40. Jerry Lewis
41. Jay Kim
42. George E. Brown, Jr.
43. Ken Calvert
44. Alfred A. (Al) McCandless
45. Dana Rohrabacher
46. Robert K. Dornan
47. Christopher Cox
48. Ron Packard
49. Lynn Schenk
50. Bob Filner
51. Randy "Duke" Cunningham
52. Duncan Hunter

COLORADO

1. Patricia Schroeder
2. David E. Skaggs
3. Scott McInnis
4. Wayne Allard
5. Joel Hefley
6. Dan Schaefer

CONNECTICUT

1. Barbara B. Kennelly
2. Sam Gejdenson
3. Rosa L. DeLauro
4. Christopher Shays
5. Gary A. Franks
6. Nancy L. Johnson

DELAWARE—AT LARGE

Michael N. Castle

FLORIDA

1. Earl Hutto
2. Douglas "Pete" Peterson
3. Corrine Brown
4. Tillie K. Fowler
5. Karen L. Thurman
6. Cliff Stearns
7. John L. Mica
8. Bill McCollum
9. Michael Bilirakis
10. C.W. Bill Young
11. Sam Gibbons
12. Charles T. Canady
13. Dan Miller
14. Porter J. Goss
15. Jim Bacchus
16. Tom Lewis
17. Carrie P. Meek
18. Ileana Ros-Lehtinen
19. Harry Johnston
20. Peter Deutsch
21. Lincoln Diaz-Balart
22. E. Clay Shaw, Jr
23. Alcee L. Hastings

GEORGIA

1. Jack Kingston
2. Sanford D. Bishop, Jr.
3. Michael A. "Mac" Collins
4. John Linder
5. John Lewis
6. Newt Gingrich
7. George (Buddy) Darden
8. J. Roy Rowland
9. Nathan Deal
10. Don Johnson
11. Cynthia A. McKinney

HAWAII

1. Neil Abercrombie
2. Patsy T. Mink

IDAHO

1. Larry LaRocco
2. Michael D. Crapo

ILLINOIS

1. Bobby L. Rush
2. Mel Reynolds
3. William O. Lipinski
4. Luis V. Gutierrez
5. Dan Rostenkowski
6. Henry J. Hyde
7. Cardiss Collins
8. Philip M. Crane
9. Sidney R. Yates
10. John Edward Porter
11. George E. Sangmeister
12. Jerry F. Costello
13. Harris W. Fawell
14. J. Dennis Hastert
15. Thomas W. Ewing
16. Donald A. Manzullo
17. Lane Evans
18. Robert H. Michel
19. Glenn Poshard
20. Richard J. Durbin

INDIANA

1. Peter J. Visclosky
2. Philip R. Sharp
3. Tim Roemer
4. Jill L. Long
5. Stephen E. Buyer
6. Dan Burton
7. John T. Myers
8. Frank McCloskey
9. Lee H. Hamilton
10. Andrew Jacobs, Jr.

IOWA

1. Jim Leach
2. Jim Nussle
3. Jim Lightfoot
4. Neal Smith
5. Fred Grandy

KANSAS

1. Pat Roberts
2. Jim Slattery
3. Jan Meyers
4. Dan Glickman

KENTUCKY

1. Thomas J. Barlow III
2. William H. Natcher
3. Romano L. Mazzoli
4. Jim Bunning
5. Harold Rogers
6. Scotty Baesler

LOUISIANA

1. Bob Livingston
2. William J. Jefferson
3. W.J. (Billy) Tauzin
4. Cleo Fields
5. Jim McCrery
6. Richard H. Baker
7. James A. Hayes

MAINE

1. Thomas H. Andrews
2. Olympia J. Snowe

MARYLAND

1. Wayne T. Gilchrest
2. Helen Delich Bentley
3. Benjamin L. Cardin
4. Albert Russell Wynn
5. Steny H. Hoyer
6. Roscoe G. Bartlett
7. Kweisi Mfume
8. Constance A. Morella

MASSACHUSETTS

1. John W. Olver
2. Richard E. Neal
3. Peter Blute
4. Barney Frank
5. Martin T. Meehan
6. Peter G. Torkildsen
7. Edward J. Markey
8. Joseph P. Kennedy II
9. John Joseph Moakley
10. Gerry E. Studds

MICHIGAN

1. Bart Stupak
2. Peter Hoekstra
3. Paul B. Henry
4. Dave Camp
5. James A. Barcia
6. Fred Upton
7. Nick Smith
8. Bob Carr
9. Dale E. Kildee
10. David E. Bonior
11. Joe Knollenberg
12. Sander M. Levin
13. William D. Ford
14. John Conyers, Jr.
15. Barbara-Rose Collins
16. John D. Dingell

MINNESOTA

1. Timothy J. Penny
2. David Minge

3. Jim Ramstad
4. Bruce F. Vento
5. Martin Olav Sabo
6. Rod Grams
7. Collin C. Peterson
8. James L. Oberstar

MISSISSIPPI

1. Jamie L. Whitten
2. Mike Espy
3. G.V. (Sonny) Montgomery
4. Mike Parker
5. Gene Taylor

MISSOURI

1. William (Bill) Clay
2. James M. Talent
3. Richard A. Gephardt
4. Ike Skelton
5. Alan Wheat
6. Pat Danner
7. Mel Hancock
8. Bill Emerson
9. Harold L. Volkmer

MONTANA—AT LARGE

Pat Williams

NEBRASKA

1. Doug Bereuter
2. Peter Hoagland
3. Bill Barrett

NEVADA

1. James H. Bilbray
2. Barbara F. Vucanovich

NEW HAMPSHIRE

1. William H. Zeliff, Jr.
2. Dick Swett

NEW JERSEY

1. Robert E. Andrews
2. William J. Hughes
3. Jim Saxton
4. Christopher H. Smith
5. Marge Roukema
6. Frank Pallone, Jr.
7. Bob Franks
8. Herb Klein
9. Robert G. Torricelli
10. Donald M. Payne
11. Dean A. Gallo
12. Dick Zimmer
13. Robert Menendez

NEW MEXICO

1. Steven Schiff
2. Joe Skeen
3. Bill Richardson±

NEW YORK

1. George J. Hochbrueckner
2. Rick Lazio
3. Peter T. King
4. David A. Levy
5. Gary L. Ackerman
6. Floyd H. Flake
7. Thomas J. Manton
8. Jerrold Nadler
9. Charles E. Schumer
10. Edolphus Towns
11. Major R. Owens
12. Nydia M. Velázquez
13. Susan Molinari
14. Carolyn B. Maloney
15. Charles B. Rangel
16. José E. Serrano
17. Eliot L. Engel
18. Nita M. Lowey
19. Hamilton Fish, Jr.
20. Benjamin A. Gilman
21. Michael R. McNulty
22. Gerald B.H. Solomon
23. Sherwood L. Boehlert
24. John M. McHugh
25. James T. Walsh
26. Maurice D. Hinchey
27. Bill Paxon
28. Louise McIntosh Slaughter
29. John J. LaFalce
30. Jack Quinn
31. Amo Houghton

NORTH CAROLINA

1. Eva M. Clayton
2. Tim Valentine
3. H. Martin Lancaster
4. David E. Price
5. Stephen L. Neal
6. Howard Coble
7. Charlie Rose
8. W.G. (Bill) Hefner
9. J. Alex McMillan
10. Cass Ballenger
11. Charles H. Taylor
12. Melvin L. Watt

NORTH DAKOTA—AT LARGE

Earl Pomeroy

OHIO

1. David Mann
2. Willis D. Gradison, Jr.
3. Tony P. Hall
4. Michael G. Oxley
5. Paul E. Gillmor
6. Ted Strickland
7. David L. Hobson
8. John A. Boehner
9. Marcy Kaptur
10. Martin R. Hoke
11. Louis Stokes
12. John R. Kasich
13. Sherrod Brown
14. Thomas C. Sawyer
15. Deborah Pryce
16. Ralph Regula
17. James A. Traficant, Jr.
18. Douglas Applegate
19. Eric Fingerhut

OKLAHOMA

1. James M. Inhofe
2. Mike Synar
3. Bill K. Brewster
4. Dave McCurdy
5. Ernest J. Istook, Jr.
6. Glenn English

OREGON

1. Elizabeth Furse
2. Robert F. (Bob) Smith
3. Ron Wyden
4. Peter A. DeFazio
5. Michael J. Kopetski

PENNSYLVANIA

1. Thomas M. Foglietta
2. Lucien E. Blackwell
3. Robert A. Borski
4. Ron Klink
5. William F. Clinger, Jr.
6. Tim Holden
7. Curt Weldon
8. James C. Greenwood
9. Bud Shuster
10. Joseph M. McDade
11. Paul E. Kanjorski
12. John P. Murtha
13. Marjorie Margolies-Mezvinsky
14. William J. Coyne
15. Paul McHale
16. Robert S. Walker
17. George W. Gekas
18. Rick Santorum
19. William F. Goodling
20. Austin J. Murphy
21. Thomas J. Ridge

RHODE ISLAND

1. Ronald K. Machtley
2. Jack Reed

SOUTH CAROLINA

1. Arthur Ravenel, Jr.
2. Floyd Spence
3. Butler Derrick
4. Bob Inglis
5. John M. Spratt, Jr.
6. James E. Clyburn

SOUTH DAKOTA—AT LARGE

Tim Johnson

TENNESSEE

1. James H. (Jimmy) Quillen
2. John J. Duncan, Jr.
3. Marilyn Lloyd
4. Jim Cooper
5. Bob Clement
6. Bart Gordon
7. Don Sundquist
8. John S. Tanner
9. Harold E. Ford

TEXAS

1. Jim Chapman
2. Charles Wilson
3. Sam Johnson
4. Ralph M. Hall
5. John Bryant
6. Joe Barton
7. Bill Archer
8. Jack Fields
9. Jack Brooks
10. J.J. Pickle
11. Chet Edwards
12. Pete Geren
13. Bill Sarpalius
14. Greg Laughlin
15. E de la Garza
16. Ronald D. Coleman
17. Charles W. Stenholm
18. Craig A. Washington
19. Larry Combest
20. Henry B. Gonzalez
21. Lamar S. Smith
22. Tom DeLay
23. Henry Bonilla
24. Martin Frost
25. Michael A. Andrews
26. Richard K. Armey
27. Solomon P. Ortiz
28. Frank Tejeda
29. Gene Green
30. E.B. Johnson

UTAH

1. James V. Hansen
2. Karen Shepherd
3. Bill Orton

VERMONT—AT LARGE

Bernard Sanders

VIRGINIA

1. Herbert H. Bateman
2. Owen B. Pickett
3. Robert C. Scott
4. Norman Sisisky
5. L.F. Payne
6. Bob Goodlatte

7. Thomas J. Bliley, Jr.
8. James P. Moran
9. Rick Boucher
10. Frank R. Wolf
11. Leslie L. Byrne

WASHINGTON

1. Maria Cantwell
2. Al Swift
3. Jolene Unsoeld
4. Jay Inslee
5. Thomas S. Foley
6. Norman D. Dicks
7. Jim McDermott
8. Jennifer Dunn
9. Mike Kreidler

WEST VIRGINIA

1. Alan B. Mollohan
2. Robert E. Wise, Jr.
3. Nick Joe Rahall II

WISCONSIN

1. Les Aspin
2. Scott L. Klug
3. Steve Gunderson
4. Gerald D. Kleczka
5. Thomas M. Barrett
6. Thomas E. Petri
7. David R. Obey
8. Toby Roth
9. F. James Sensenbrenner, Jr.

WYOMING—AT LARGE

Craig Thomas

PUERTO RICO—RESIDENT COMMISSIONER

Carlos A. Romero-Barceló

AMERICAN SAMOA—DELEGATE

Eni F.H. Faleomavaega

DISTRICT OF COLUMBIA—DELEGATE

Eleanor Holmes Norton

GUAM—DELEGATE

Robert A. Underwood

VIRGIN ISLANDS—DELEGATE

Ron de Lugo

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1122. A letter from the Assistant Secretary of Defense, transmitting a report on revitalization initiatives for the U.S. shipbuilding industry; to the Committee on Armed Services.

1123. A letter from the Assistant Secretary of Defense, transmitting the Department's report entitled "Continued Military Need for Bellows Air Force Station, Hawaii," pursuant to section 2853 of Public Law 102–484; to the Committee on Armed Services.

1124. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the April 1993 semiannual report on the tied aid credits, pursuant to Public Law 99–472, section 19 (100 Stat. 1207); to the Committee on Banking, Finance and Urban Affairs.

1125. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1126. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report pursuant to section 506(b)(2) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1127. A letter from the Attorney General of the United States, transmitting the annual management report for the Federal Prison Industries, Inc., pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

1128. A letter from the Central Intelligence Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1129. A letter from the Copyright Office, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1130. A letter from the President, American Academy of Arts and Letters, transmitting the annual report of the activities of the American Academy of Arts and Letters during the year ending December 31, 1992, pursuant to section 4 of its charter (39 Stat. 51); to the Committee on the Judiciary.

1131. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting a report on alternatives to Mud Dump Site for disposal of dredged material, pursuant to Public Law 101–640, section 412(a) (104 Stat. 4650); to the Committee on Public Works and Transportation.

1132. A letter from the Secretary, Department of Commerce, transmitting the 1994 annual National Implementation Plan for the Modernization and Associated Restructuring of the National Weather Service, pursuant to 15 U.S.C. 313 note; to the Committee on Science, Space, and Technology.

1133. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled "Veterans' Compensation Cost-of-Living Adjustment Act of 1993"; to the Committee on Veterans' Affairs.

1134. A letter from the Secretary, Department of Agriculture, transmitting the fiscal year 1992 report on advisory and assistance services, pursuant to Public Law 101–161, section 641(a)(1) (103 Stat. 986); jointly, to the Committees on Appropriations and Agriculture.

1135. A letter from the Chairman and President, National Railroad Passenger Corporation, transmitting the Corporation's second management report, pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); jointly to the Committees on Government Operations and Energy and Commerce.

1136. A letter from the Acting Assistant Secretary for Environmental Restoration and Waste Management, Department of Energy, transmitting notification that the study of the safety of shipments of plutonium by sea will be delayed; jointly, to the Committees on Energy and Commerce, Natural Resources, Foreign Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 995. A bill to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for other purposes; with an amendment (Rept. 103–65, Pt. 1). Ordered to be printed.

Mr. ROSE: Committee of Conference. Conference report on H.R. 2. A bill to establish national voter registration procedures for Federal elections, and for other purposes (Rept. 103–66). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS:

H.R. 1874. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 in order to increase the adequacy and efficiency of the private pension system (consisting of employer and individual retirement plans) by reducing pension vesting requirements, improving the portability of earned pension benefits, and encouraging the preservation of pension asset accumulations for use in retirement and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mrs. MINK:

H.R. 1875. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain domestic services under the unemployment tax; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself and Mr. GIBBONS):

H.R. 1876. A bill to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements; jointly, to the Committees on Ways and Means and Rules.

By Mr. ACKERMAN (for himself, Mr. HYDE, Mrs. SCHROEDER, and Mr. SMITH of New Jersey):

H.R. 1877. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to prohibit group health plans which provide coverage of dependent children of participants from excluding from coverage dependent children placed with participants for adoption, irrespective of whether the adoption has taken effect, and to prohibit restrictions on coverage under such plans of such children solely on the basis of preexisting conditions at the time such children would otherwise become eligible for coverage; to the Committee on Education and Labor.

By Mr. ANDREWS of New Jersey:

H.R. 1878. A bill to amend the Occupational Safety and Health Act of 1970 to provide for uniform warnings on personal protective equipment for occupational use, and for other purposes; to the Committee on Education and Labor.

By Mr. ANDREWS of Texas:

H.R. 1879. A bill to modify the boundaries of Carlsbad Caverns National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. BACCHUS of Florida:

H.R. 1880. A bill to mitigate the adverse effects on defense contractors and defense workers of reductions in defense spending; jointly, to the Committees on Armed Services, Small Business, Education and Labor, Energy and Commerce, Science, Space, and

Technology, and Banking, Finance and Urban Affairs.

By Mr. BERMAN (for himself, Mr. FORD of Michigan, Mr. WILLIAMS, and Mr. STARK):

H.R. 1881. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to promote fairness in administration of health insurance and other claims under employee welfare benefit plans and to improve enforcement under such title with respect to such plans; to the Committee on Education and Labor.

By Mr. BORSKI:

H.R. 1882. A bill to provide a 4 percent pay increase for Federal employees within the Philadelphia-Wilmington-Trenton, PA–NJ–DE–MD Consolidated Metropolitan Statistical Area; to the Committee on Post Office and Civil Service.

By Mr. DEFAZIO (for himself, Mr. FRANK of Massachusetts, Mr. MACHTLEY, Mr. SAXTON, Mr. ENGEL, Mr. MINETA, Mr. SMITH of New Jersey, Mr. BILBRAY, Mr. BOUCHER, Mr. HEFNER, Mr. CRAMER, Mr. RAHALL, Mr. SUNDQUIST, Ms. DANNER, Mr. POSHARD, Mr. FRANKS of Connecticut, Mr. SARPALIUS, Mr. TAYLOR of North Carolina, Mr. PARKER, Mr. STEARNS, Ms. NORTON, Mr. ZIMMER, Mr. WALSH, Mr. GEJDENSON, Mr. WELDON, Mr. SPENCE, Mr. EVANS, Mr. NEAL of North Carolina, Mr. TAUZIN, Mr. GILMAN, Mr. CLYBURN, Mr. COLEMAN, Mrs. VUCANOVICH, Mr. WAXMAN, Mr. STUMP, Mr. LAUGHLIN, Mr. KANJORSKI, Mr. MURPHY, Mr. MURTHA, Mr. GOSS, Mr. ANDREWS of New Jersey, Mr. HOCHBRUECKNER, Mr. ACKERMAN, Mr. PETERSON of Minnesota, Mr. DE LUGO, Mr. GORDON, Mr. CHAPMAN, Mr. MARKEY, Ms. MALONEY, Mr. SCHUMER, Mr. LIGHTFOOT, Mr. JOHNSON of South Dakota, Mr. GALLO, Mr. BEVILL, Mr. COMBEST, Mr. BACCHUS of Florida, Mr. HOBSON, Mr. WILSON, Mr. QUILLEN, Mr. MARTINEZ, Mr. HUNTER, Ms. WOOLSEY, Mr. GILLMOR, Mr. CLINGER, Ms. THURMAN, Mr. SCOTT, Mr. FISH, Mr. WILLIAMS, Mrs. ROUKEMA, and Mr. PALLONE):

H.R. 1883. A bill to amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Mr. DURBIN, Mr. SHAYS, and Mr. BACCHUS of Florida):

H.R. 1884. A bill to provide a Federal response to fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. DREIER (for himself and Mr. KING):

H.R. 1885. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for job creation and economic growth, to expand individual retirement accounts to encourage savings and investment, to restrain Federal spending, to require a cost analysis of new regulations, and for other purposes; jointly, to the Committees on Ways and Means, the Budget, the Judiciary, and Government Operations.

By Mr. ENGEL:

H.R. 1886. A bill to amend the Job Training Partnership Act to establish a program to assist discharged members of the Armed Forces to obtain training and employment as managers and employees with public housing authorities and management companies; to the Committee on Education and Labor.

By Mr. EWING (for himself, Mr. STENHOLM, Mr. ROBERTS, and Mr. EMERSON):

H.R. 1887. A bill to amend the Food Stamp Act of 1977 to identify and curtail fraud in the food stamp program, and for other purposes; to the Committee on Agriculture.

By Mr. GALLO:

H.R. 1888. A bill to amend title II of the Social Security Act to exclude from coverage any service performed by election officials or election workers only on election days; to the Committee on Ways and Means.

By Mr. GEKAS (for himself and Mr. KANJORSKI):

H.R. 1889. A bill to provide that certain hearings functions of the Merit Systems Protection Board be performed only by administrative law judges, and for other purposes; to the Committee on Post Office and Civil Service.

By Ms. PELOSI (for herself, Mr. GEPHARDT, Mr. BONIOR, Mr. ROSE, Mr. MOAKLEY, Mr. GILMAN, Mr. LEWIS of Georgia, Mr. RICHARDSON, Mr. STARK, Mr. CARDIN, Mr. LEVIN, Mr. SOLOMON, Mr. ABERCROMBIE, Mr. BACCHUS of Florida, Mr. BERMAN, Mr. BILBRAY, Mrs. CLAYTON, Mr. COOPER, Mr. CUNNINGHAM, Mr. DELLUMS, Mr. DURBIN, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. HEFNER, Mr. KASICH, Mr. KENNEDY, Mr. LANTOS, Mr. MARKEY, Mr. MARTINEZ, Mr. MILLER of California, Mr. MINETA, Mrs. MINK, Mr. MORAN, Mr. OLVER, Ms. SLAUGHTER, Mr. TORRICELLI, Mr. WAXMAN, Ms. WOOLSEY, Mr. WYNN, Mr. ANDREWS of Maine, Mr. BARTON of Texas, Mr. GONZALEZ, Mr. GORDON, Mr. MCCLOSKEY, Mr. RUSH, Mr. SERRANO, Mrs. UNSOELD, Mr. WOLF, Mr. HASTINGS, and Mr. ROHRABACHER):

H.R. 1890. A bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment provided certain conditions are met; jointly, to the Committees on Ways and Means and Rules.

By Mr. GIBBONS:

H.R. 1891. A bill to provide tax treatment for foreign investment through a U.S. regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Ways and Means.

By Mr. HANSEN (for himself, Mr. ORTON, Mr. PASTOR, Mr. KOLBE, Mr. KYL, Mr. STUMP, Ms. SHEPHERD, Mr. THOMAS of Wyoming, and Mr. WILLIAMS):

H.R. 1892. A bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System; to the Committee on Natural Resources.

By Mr. HANSEN (for himself, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Mr. SMITH of Oregon, Mr. HEFLEY, Mr. DUNCAN, Mr. GALLEGLY, Mr. BAKER of Louisiana, Mr. CALVERT, Mr. POMBO, and Mrs. VUCANOVICH):

H.R. 1893. A bill to establish 5-year terms for, and require the advice and consent of the Senate in the appointment of, the heads of the land management agencies; jointly, to the Committees on Natural Resources, Merchant Marine and Fisheries, and Agriculture.

By Mr. HERGER:

H.R. 1894. A bill to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service, and for other purposes; to the Committee on Natural Resources.

By Mr. JACOBS:

H.R. 1895. A bill to suspend until January 1, 1996, the duty on ioxilan, and to extend until January 1, 1996, the existing suspensions of duty on iohexol, iopamidol, and ioxaglic acid; to the Committee on Ways and Means.

H.R. 1896. A bill to suspend until January 1, 1998, the duty on certain composite diagnostic or laboratory reagents; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself, Mr. TRAFICANT, Mr. HOBSON, Mr. CRAMER, Mr. FRANK of Massachusetts, Mr. HEFLEY, Mr. WILSON, Mr. BONIOR, Mr. RAHALL, Mr. SCHIFF, Mrs. UNSOELD Mrs. SCHROEDER, Ms. FURSE, Mr. COLEMAN, Mr. PETERSON of Minnesota, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. TOWNS, Mr. SISISKY, Mr. BLACKWELL, Ms. KAPTUR, Ms. PELOSI, Mr. DEFAZIO, Mr. EMERSON, Mr. MYERS of Indiana, and Mr. SPENCE):

H.R. 1897. A bill to amend title II of the Social Security Act to eliminate the reductions in Social Security benefits which are presently required in the case of spouses and surviving spouses who are also receiving certain Government pensions; to the Committee on Ways and Means.

By Mr. KIM:

H.R. 1898. A bill to provide that receipts and disbursements of the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund shall not be included in the totals of the budget of the U.S. Government as submitted by the President or the congressional budget; jointly, to the Committees on Government Operations and Public Works and Transportation.

By Mr. LAUGHLIN (for himself, Mr. CALLAHAN, Mr. ANDREWS of Texas, Mr. BACCHUS of Florida, Mr. BACHUS of Alabama, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLACKWELL, Mr. BOEHLERT, Mr. BORSKI, Mr. BROOKS, Mr. BROWDER, Mr. BRYANT, Ms. BYRNE, Mr. CHAPMAN, Mr. CLEMENT, Mr. COLEMAN, Mr. COSTELLO, Mr. CRAMER, Ms. DANNER, Ms. ESHOO, Mr. EVERETT, Mr. FIELDS of Texas, Mr. FROST, Mr. PETE GEREN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HAYES of Louisiana, Mr. HILLIARD, Mr. HUTTO, Mr. JEFFERSON, Mr. LIVINGSTON, Mr. MCCURDY, Mr. MONTGOMERY, Mr. OBERSTAR, Mr. ORTIZ, Mr. PARKER, Mr. PETERSON of Florida, Mr. PETRI, Mr. PICKLE, Mr. POSHARD, Mr. RAHALL, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SHAW, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mrs. THURMAN, Mr. WASHINGTON, Mr. WILSON, and Mr. WISE):

H.R. 1899. A bill to establish a Gulf of Mexico economic and environmental protection program, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Science, Space, and Technology.

By Mr. WILLIAMS (for himself, Mr. Ford of Michigan, Mr. Clay, Mr. Miller of California, Mr. Murphy, Mr. Kildee, Mr. Owens, Mr. Sawyer, Mr. Edwards of California, Mr. Berman, Mr. Washington, Mr. Pastor, Mr. Solomon, and Mr. Shays):

H.R. 1900. A bill to prevent abuses of electronic monitoring in the workplace; to the Committee on Education and Labor.

By Mr. LEWIS of Florida:

H.R. 1901. A bill to provide that receipts and disbursements of the Airport and Airway Trust Fund will not be included in the totals of the congressional budget or the budget of the U.S. Government as submitted by the President, and for other purposes; jointly, to the Committees on Public Works and Transportation, Government Operations, and Rules.

By Ms. LONG (for herself and Mr. Myers of Indiana):

H.R. 1902. A bill to establish a computer education program for certain students; to the Committee on Education and Labor.

By Ms. MALONEY:

H.R. 1903. A bill to amend the Internal Revenue Code of 1986 to increase the credit for dependent care expenses; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 1904. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to conduct a study of the economic impact of the use of bovine growth hormone on the dairy industry and the Federal milk price support program, to temporarily prohibit the sale of milk produced by cows injected with bovine growth hormone, and to require that the Secretary of Agriculture issue regulations temporarily requiring records to be kept by producers regarding the manufacture and sale of bovine growth hormone, and for other purposes; to the Committee on Agriculture.

H.R. 1905. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with bovine growth hormone, and for other purposes; to the Committee on Agriculture.

H.R. 1906. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the labeling of milk and milk products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Florida:

H.R. 1907. A bill to amend the Federal Water Pollution Control Act relating to civil penalties; to the Committee on Public Works and Transportation.

By Mr. RANGEL:

H.R. 1908. A bill to amend the Internal Revenue Code of 1986 to modify the tax treatment of cooperative housing corporations; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 1909. A bill to amend title IV of the Stewart B. McKinney Homeless Assistance Act to require operations of emergency shelters and transitional housing assisted under which such title to determine the immunization status of children under the age of 6 occupying such housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROWLAND (for himself, Mr. Hastert, Mr. Dingell, Mr. Fish, Mr. Carr, Mr. Moorhead, Mr. Murtha, Mr. Michel, Mr. Sharp, Mr. Gingrich, Mr. Rogers, Mr. Swift, Mr. McMillan, Mr. Slattery, Mr. Stearns, Mr. Mazzoli, Mr. Hyde, Mr. Mollohan, Mr. Paxon, Mr. Glickman, Mr. Frank of Massachusetts, Mr. Bliley, Mr. Durbin, Mr. Stenholm, Mr. Upton, Mr. Hefner, Mr. Sisisky, Mr. Hunter, Mr. Lehman, Mr. Gallo, Mr. Jacobs, Mr. Sundquist, Mr. McKeon, Mr. Porter, Mr. Solomon, and Mrs. Meyers of Kansas):

H.R. 1910. A bill to establish uniform product liability standards; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mrs. SCHROEDER:

H.R. 1911. A bill to amend title 5, United States Code, to provide for the reimbursement of expenses incurred by a Federal employee in the adoption of a child; to the Committee on Post Office and Civil Service.

H.R. 1912: A bill to amend title 5, United States Code, to provide that any carrier offering obstetrical benefits under the health benefits program for Federal employees must also provide benefits relating to certain "family-building procedures," and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SERRANO (for himself, Mr. Blackwell, Mr. Conyers, Mr. Frank of Massachusetts, Ms. Lowey, Mr. Rangel, and Mr. Schumer):

H.R. 1913. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of mortgage revenue bonds to finance the sale of certain newly constructed 2-family residences; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mr. Ballenger, Mr. Grams, Mr. Hoekstra, Mr. Hoke, Mr. Horn, Mr. Huffington, Mr. Lazio, Mr. Shays, Mr. Sensenbrenner, Mr. Smith of New Jersey, Mr. McCrery, Mr. Torkildsen, and Mr. Walker):

H.R. 1914. A bill to amend the Federal Election Campaign Act of 1971 to reduce the influence of multicandidate political committees in elections for Federal office; to the Committee on House Administration.

By Mr. STUDDS:

H.R. 1915. A bill to amend title 46, United States Code, to require merchant mariners' documents for certain seamen; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. Hochbrueckner, Mr. Hoyer, Ms. Schenk, Mr. Johnson of Georgia, Mr. Kopetski, Mr. Manton, Mr. Kreidler, Mrs. Unsoeld, Mr. McDermott, Mr. Fields of Texas, Mr. Young of Alaska, Mr. Swift, Mrs. Morella, Mr. Ravenel, Ms. Cantwell, Mr. Lipinski, and Mr. Saxton):

H.R. 1916. A bill to establish a marine biotechnology program within the National Sea Grant College Program; to the Committee on Merchant Marine and Fisheries.

By Mr. TRAFICANT:

H.R. 1917. A bill directing the Secretary of Transportation to review commercial motor vehicle weight limitations in the State of Ohio, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. WISE:

H.R. 1918. A bill to reform the program of aid to families with dependent children; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. HANSEN (for himself and Mr. Orton):

H.J. Res. 187. Joint resolution to designate the week of May 23, 1993, through May 29, 1993, as "International Student Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. McNULTY (for himself and Mr. Solomon):

H. Con. Res. 89. Concurrent resolution expressing the sense of the Congress regarding the primary author and the official "Home of Yankee Doodle"; to the Committee on Post Office and Civil Service.

By Mr. ENGEL:

H. Res. 160. Resolution expressing the sense of the House of Representatives that the United States should seek a final and conclusive account of the whereabouts and definitive fate of Raoul Wallenberg; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

119. By the SPEAKER: Memorial of the Senate of the State of Nevada, relative to urging Congress to limit the acquisition of privately owned land and to return public land to private ownership; to the Committee on Agriculture.

120. Also, memorial of the House of Representatives of the State of Arkansas, relative to petroleum poisoning associated with Operation Desert Storm; to the Committee on Armed Services.

121. Also, memorial of the House of Representatives of the State of Montana, relative to granting commonwealth status to the people of Guam; to the Committee on Natural Resources.

122. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to mandating the Nuclear Regulatory Commission to require the placement of obstruction type barriers at the main entrance and entrances to protected areas at nuclear power plants; to the Committee on Natural Resources.

123. Also, memorial of the Senate of the State of Nevada, relative to the transmission of electricity to the Colorado River Commission; to the Committee on Natural Resources.

124. Also, memorial of the Senate of the State of Nevada, relative to grazing livestock on public lands; to the Committee on Natural Resources.

125. Also, memorial of the House of Representatives of the State of Washington, relative to naming the Hanford Arid Lands Ecology Reserve after Richard Fitzner and Les Eberhardt; to the Committee on Merchant Marine and Fisheries.

126. Also, memorial of the House of Representatives of the Commonwealth of the Mariana Islands, relative to legislation requiring suspension of licenses for individuals convicted of violations of the Federal Controlled Substances Act; to the Committee on Public Works and Transportation.

127. Also, memorial of the House of Representatives of the State of Idaho, relative to opposition to the Federal mandate of the revocation or suspension of driving privileges of convicted drug offenders; to the Committee on Public Works and Transportation.

128. Also, memorial of the House of Representatives of the State of Washington, relative to coastal economic recovery investment; jointly, the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Ms. DANNER, Mr. HILLIARD, Mr. CLEMENT, and Mr. SARPALIUS.

H.R. 18: Mr. BARLOW, Mrs. MORELLA, Mr. PICKETT, Mr. BARRETT of Wisconsin, Mr. FORD of Michigan, Mr. SMITH of Oregon, Mr. SANDERS, Mr. BARCIA, Mr. FISH, Mr. TOWNS, Mr. SISISKY, Mr. BACHUS of Alabama, Mr. HOUGHTON, Mrs. VUCANOVICH, and Mr. MENENDEZ.

H.R. 59: Mr. PICKETT and Mr. LEACH.

H.R. 100: Mrs. VUCANOVICH.

H.R. 157: Mrs. BENTLEY.

H.R. 162: Mr. LEVIN, Mr. COLLINS of Georgia, Ms. FOWLER, Mr. GORDON, Mr. HEFLEY, Mr. INGLIS, Mr. KILDEE, Mr. KLINK, Mr. KOLBE, Mr. POMBO, Mr. SHUSTER, Mr. SPRATT, Mr. TRAFICANT, and Mr. TANNER.

H.R. 163: Mr. SAXTON.

H.R. 174: Ms. MCKINNEY and Mr. HAMBURG.

H.R. 214: Mr. PACKARD, Mr. BONILLA, Mr. DICKS, and Mr. LAZIO.

H.R. 299: Ms. BYRNE and Mr. LIPINSKI.

H.R. 304: Mr. CANADY.

H.R. 322: Mr. EVANS, Mr. OLVER, Mr. PALLONE, and Mr. SHAYS.

H.R. 325: Mr. BOEHLERT, Mr. PAYNE of Virginia, Mr. KANJORSKI, Mr. HAMILTON, Mr. BERMAN, Mr. WYDEN, Mr. WILSON, Mr. GOODLING, Mr. FORD of Tennessee, Mr. MCCLOSKEY, Ms. WOOLSEY, Mr. MEEHAN, Mr. HAMBURG, and Mr. MACHTLEY.

H.R. 326: Ms. MCKINNEY, Mr. KREIDLER, Mr. PAYNE of New Jersey, Mr. DICKS, Ms. VELÁZQUEZ, Ms. WOOLSEY, Miss COLLINS of Michigan, Mr. FINGERHUT, Mr. BURTON of Indiana, Mr. BRYANT, and Mr. GENE GREEN.

H.R. 357: Ms. DANNER, Mrs. CLAYTON, Mr. KOPETSKI, Mr. ROGERS, Mr. STUPAK, Mr. POSHARD, and Mr. SOLOMON.

H.R. 431: Mr. WYDEN, Mrs. LOWEY, Ms. NORTON, Mrs. MINK, Mr. DIXON, Mr. MARTINEZ, and Mr. RICHARDSON.

H.R. 464: Mr. SWETT.

H.R. 477: Mrs. MEEK and Mr. BONIOR.

H.R. 522: Mr. MINETA.

H.R. 535: Mr. LAZIO, Mr. MCCOLLUM, Mr. SHAYS, Mr. MINGE, Mr. SMITH of Oregon, Mr. JACOBS, and Mr. SUNDQUIST.

H.R. 536: Mr. GILLMOR.

H.R. 551: Mr. KING, Mr. INGLIS, Mr. LAZIO, Mr. GALLEGLY, Ms. DUNN, Mr. SOLOMON, Mr. MANZULLO, Mr. ROYCE, Mr. HOLDEN, Mr. HOCHBRUECKNER, Mr. GILMAN, and Mr. WILLIAMS.

H.R. 553: Mr. ROGERS, Mr. FAWELL, and Mr. PETE GEREN.

H.R. 558: Mr. BLACKWELL, Mr. FINGERHUT, Mr. MCHALE, Mr. LAZIO, Mr. NEAL of North Carolina, and Mr. ROMERO-BARCELÓ.

H.R. 562: Mr. KLINK.

H.R. 563: Mr. KLINK.

H.R. 579: Mr. BROWN of Ohio and Mr. HALL of Ohio.

H.R. 591: Ms. FURSE, Mr. SWETT, Mr. RAMSTAD, and Mr. BURTON of Indiana.

H.R. 660: Ms. KAPTUR, Mr. WYNN, and Mr. TORRES.

H.R. 667: Mr. THOMAS of Wyoming.

H.R. 671: Mr. PASTOR, Mrs. MINK, Mr. CLYBURN, Ms. BYRNE, Mr. MINGE, Mr. KOPETSKI, and Mr. LANCASTER.

H.R. 676: Mr. HAYES.

H.R. 688: Mr. GEKAS, Mr. TALENT, Mr. FALEOMAVAEGA, Mr. PETERSON of Minnesota, Mr. TORKILDSEN, Mr. ACKERMAN, Mr. SMITH of New Jersey, and Mr. TOWNS.

H.R. 700: Ms. PELOSI and Mr. LANTOS.

H.R. 710: Mr. HUFFINGTON, Mr. SMITH of New Jersey, Mr. DE LUGO, Mrs. MEEK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHALE, Mr. SCHIFF, and Mr. MINGE.

H.R. 723: Mr. BARRETT of Nebraska and Mr. PETE GEREN of Texas.

H.R. 749: Ms. LONG, Ms. HARMAN, Mr. EVERETT, Mr. TAYLOR of North Carolina, Mr. COBLE, and Mr. MCCLOSKEY.

H.R. 767: Mr. DICKEY, Mr. CRAMER, Mr. HANSEN, and Mr. BARLOW.

H.R. 786: Mr. KYL.

H.R. 799: Mr. HINCHEY, Mr. MCHUGH, Mr. TRAFICANT, and Mr. ISTOOK.

H.R. 802: Mr. RICHARDSON.

H.R. 823: Mr. COLEMAN.

H.R. 882: Mr. ORTIZ and Mr. BOEHLERT.

H.R. 886: Mr. BARLOW.

H.R. 911: Mr. BARRETT of Nebraska, Mr. STUMP, Mr. THOMAS of California, Mr. ZELIFF, and Mr. GALLO.

H.R. 930: Mr. EVANS.

H.R. 935: Mr. HASTINGS, Mr. RANGEL, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MILLER of California, and Mr. JEFFERSON.

H.R. 947: Ms. KAPTUR, Mr. BROWN of Ohio, and Mr. BONIOR.

H.R. 959: Mr. FALEOMAVAEGA, Mr. MARKEY, Mr. TORRICELLI, Mr. SERRANO, Mr. WYNN, Mr. MCHALE, Mr. GOODLING, and Ms. WOOLSEY.

H.R. 962: Mr. GILLMOR, Mr. PICKETT, Ms. SNOWE, Mr. POSHARD, Mr. SARPALIUS, Mr. JACOBS, Mr. HILLIARD, Mr. BARTLETT, Mr. MINGE, Mrs. CLAYTON, Mr. MCMILLAN, Mr. HUTCHINSON, Mr. BLILEY, Mr. MICA, Mr. ROSE, Mr. COLLINS of Georgia, Mr. STENHOLM, Mr. GREENWOOD, and Mr. LEACH.

H.R. 977: Mr. KLINK and Mrs. MEYERS of Kansas.

H.R. 986: Mr. SERRANO.

H.R. 1009: Mr. DEFAZIO.

H.R. 1036: Mr. KLECZKA, Mr. KANJORSKI, Mr. SHARP, Mr. FINGERHUT, and Mr. RIDGE.

H.R. 1080: Mr. EVERETT.

H.R. 1122: Mr. PACKARD.

H.R. 1123: Mr. PACKARD

H.R. 1124: Mr. PACKARD.

H.R. 1126: Mr. PACKARD.

H.R. 1127: Mr. PACKARD.

H.R. 1128: Mr. PACKARD.

H.R. 1129: Mr. PACKARD and Mr. BUYER.

H.R. 1130: Mr. PACKARD.

H.R. 1141: Mr. ROSE, Mr. MCNULTY, Mr. WHITTEN, Mr. TAYLOR of North Carolina, and Mr. PALLONE.

H.R. 1142: Mr. SOLOMON, Mr. GUNDERSON, and Mr. PENNY.

H.R. 1151: Mr. PASTOR, Mr. OBERSTAR, and Mr. CLAY.

H.R. 1163: Mr. DORNAN.

H.R. 1183: Mr. HERGER and Mr. POMBO.

H.R. 1188: Mr. FROST and Ms. EDDIE BERNICE JOHNSON.

H.R. 1195: Mr. BARRETT of Wisconsin, Mr. SISISKY, Mr. SENSENBRENNER, Mr. BARLOW, and Mr. THOMAS of Wyoming.

H.R. 1196: Mr. GUNDERSON, Mr. WALSH, Mr. FISH, Mr. BLACKWELL, Mr. EMERSON, and Mr. DIXON.

H.R. 1214: Mr. WYNN.

H.R. 1231: Mr. SANDERS, Mr. OLVER, Mr. VISCLOSKY, Mr. BROWN of California, Mr. RAHALL and Mr. MINETA.

H.R. 1260: Mr. GLICKMAN.

H.R. 1274: Mr. COLEMAN.

H.R. 1275: Mr. INGLIS, Mr. SOLOMON, Mr. GINGRICH, Mr. GRAMS, Mr. ZELIFF, Ms. KAPTUR, Mr. SCHAEFER, and Mr. COX.

H.R. 1310: Mr. LEVY.

H.R. 1311: Mr. HOBSON, Mrs. VUCANOVICH, and Mr. KIM.

H.R. 1355: Mr. SOLOMON, Mr. CRANE, Mr. COBLE, Mr. LEHMAN, Mr. MACHTLEY, Mr. STENHOLM, Mr. WELDON, and Mr. PORTER.

H.R. 1392: Mr. ZIMMER, Mr. SAM JOHNSON, Mr. MINGE, and Mr. FRANKS of Connecticut.

H.R. 1395: Mr. SHAYS, Mr. GILCHREST, Mr. TORKILDSEN, Mr. LAZIO, Mr. FILNER, Mr. KIM, Mr. FINGERHUT, Ms. SHEPHERD, Mr. SWETT, and Mr. COPPERSMITH.

H.R. 1401: Mrs. JOHNSON of Connecticut.

H.R. 1440: Mr. POMEROY and Mr. ALLARD.

H.R. 1459: Mr. SOLOMON, Mr. HYDE, Mr. GINGRICH, and Mr. BARRETT of Nebraska.

H.R. 1460: Mr. HAMBURG.

H.R. 1464: Mrs. UNSOELD, Mr. HASTINGS, Ms. MALONEY, Mr. FILNER, Mr. FROST, Mr. HYDE, Ms. MEEK. Mr. RANGEL, Mr. SCOTT, and Mrs. CLAYTON.

H.R. 1493: Mr. LIPINSKI and Mr. PORTER.

H.R. 1526: Mrs. COLLINS of Illinois and Mr. BARRETT of Wisconsin.

H.R. 1538: Mr. ROMERO-BARCELÓ, Mr. BECERRA, and Mr. HINCHEY.

H.R. 1539: Mrs. CLAYTON and Mr. ENGLISH of Oklahoma.

H.R. 1555: Mr. OLVER.

H.R. 1565: Mr. EVERETT and Mr. ROGERS.

H.R. 1608: Mr. MONTGOMERY, Mr. MOAKLEY, Mr. BACCHUS of Florida, Mr. BAESLER, Mr. BARRETT of Wisconsin, Mr. BREWSTER, Mrs. CLAYTON, Mr. COLEMAN, Mrs. COLLINS of Illinois, Ms. DANNER, Mr. EDWARDS of California, Mr. EMERSON, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GILMAN, Mr. GINGRICH, Mr. HALL of Texas, Mr. HASTINGS, Mr. HINCHEY, Mr. HUGHES, Mr. KASICH, Mr. KING, Mr. KREIDLER, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. MINETA, Mr. MURTHA, Ms. NORTON, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. RANGEL, Mr. SARPALIUS, Mr. SERRANO, Ms. SLAUGHTER, Mr. TUCKER, Mr. VALENTINE, Mr. WAXMAN, Mr. WOLF, and Mr. YATES.

H.R. 1640: Mr. KLEIN.

H.R. 1645: Mr. BECERRA, Mr. BEILENSON, Mr. BERMAN, Mr. BROWN of California, Mr. DIXON, Mr. DOOLEY, Mr. DORNAN, Mr. EDWARDS of California, Ms. ESHOO, Mr. FAZIO, Mr. FILNER, Mr. LANTOS, Mr. LEHMAN, Mr. MARTINEZ, Mr. MILLER of California, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. TORRES, Mr. TUCKER, Ms. WATERS, Mr. WAXMAN, Mr. MCKEON, Mr. CUNNINGHAM, Mr. ROHRABACHER, and Mr. MCCANDLESS.

H.R. 1677: Mr. WYNN.

H.R. 1682: Mr. ZELIFF and Mr. BARRETT of Nebraska.

H.R. 1697: Mrs. COLLINS of Illinois, Mr. FILNER, Mr. PICKETT, Mr. WOLF, Mr. BILBRAY, Mrs. UNSOELD, Ms. DANNER, Mr. TOWNS, and Mr. PETE GEREN.

H.R. 1718: Mr. SISISKY.

H.R. 1725: Mr. ROGERS, Mr. GUTIERREZ, Mr. MCCRERY, and Mr. JACOBS.

H.R. 1726: Mr. ARMEY, Mr. EVERETT, Mr. HOUGHTON, and Mr. CALLAHAN.

H.R. 1727: Ms. SLAUGHTER.

H.R. 1750: Mr. MCCANDLESS and Mr. CRAPO.

H.R. 1764: Mr. MOLLOHAN, Mr. STRICKLAND, Mr. BARRETT of Nebraska, Mr. ENGLISH of Oklahoma, and Mr. DURBIN.

H.R. 1766: Mr. LAUGHLIN, Mr. ENGLISH of Oklahoma, and Mrs. MINK.

H.R. 1767: Mr. MOLLOHAN, Mr. BATEMAN, Mr. ENGLISH of Oklahoma, Mr. PAYNE of Virginia, Mrs. CLAYTON, Mr. JACOBS, and Mr. STUPAK.

H.R. 1774: Mr. BARRETT of Nebraska, Mr. MOLLOHAN, Mr. LAUGHLIN, Mr. STRICKLAND, Mr. DURBIN, Mr. ENGLISH of Oklahoma, and Mrs. MINK.

H.R. 1776: Mrs. MEEK, Mr. TOWNS, Mr. BONIOR, Mr. EVANS, and Mr. ABERCROMBIE.

H.R. 1781: Mr. INGLIS and Mr. SMITH of Michigan.

H.R. 1790: Mr. DEUTSCH.

H.R. 1795: Mrs. COLLINS of Illinois, Mrs. MINK, and Mrs. MORELLA.

H.J. Res. 1: Mr. MEEHAN and Mrs. MINK.

H.J. Res. 44: Mr. EVERETT and Mr. ROGERS.

H.J. Res. 78: Mr. BALLENGER, Mr. BEILENSON, Mr. BOEHLERT, Mr. CALLAHAN, Mr. CALVERT, Mr. COOPER, Mr. COSTELLO, Mr. DELLUMS, Mr. FISH, Mr. GILMAN, Mr. GUNDERSON, Mr. HAMILTON, Mr. HINCHEY, Mr. KLEIN, Mr. MOLLOHAN, Mr. MORAN, Mr. NADLER, Mr. PARKER, Mr. REYNOLDS, Mr. ROTH, Mr.

Sarpalius, Mr. Slattery, Ms. Slaughter, Mr. Tanner, Mr. Thomas of California, Mr. Torres, Mr. Upton, Mr. Visclosky, Mr. Wilson, and Mr. Wyden.

H.J. Res. 106: Mr. Camp and Mr. Kreidler.

H.J. Res. 119: Mr. Applegate, Mr. Bacchus of Florida, Mr. Brewster, Mr. Kreidler, Mrs. Maloney, Mr. Martinez, Mr. McDermott, Mrs. Mink, Mr. Poshard, Mr. Richardson, Mr. Sabo, Mr. Slattery, Mr. Taylor of Mississippi, Mr. Kingston, Mr. McDade, Mrs. Morella, and Ms. Snowe.

H.J. Res. 122: Mr. Coleman, Mr. Poshard, Mr. Solomon, Mr. Clement, Mr. Rahall, Mr. Bliley, Mr. McCollum, Mr. Traficant, Mr. Abercrombie, Mr. Ravenel, Mrs. Morella, Mr. Pickett, Mr. Hamilton, Mr. Moran, and Mr. Spence.

H.J. Res. 124: Mr. Parker and Mr. Evans.

H.J. Res. 133: Mr. Johnson of South Dakota, Mr. Baesler, Mr. Gordon, and Mr. Hayes of Louisiana.

H.J. Res. 153: Mr. Scott.

H.J. Res. 155: Mr. Kasich, Mr. Shuster, Mr. Wolf, Mr. McNulty, Mr. Ackerman, Mr. Manton, Mr. Gene Green of Texas, Mr. Torres, Mr. Kanjorski, Mr. Hughes, and Mr. Hochbrueckner.

H.J. Res. 166: Mr. Coleman, Mr. Yates, Mr. Hinchey, Mr. Berman, Mr. Kreidler, Mr. Rush, and Mr. Deutsch.

H.J. Res. 167: Mr. Everett, Mr. Crapo, Mr. Solomon, and Mr. Ballenger.

H.J. Res. 175: Mr. Mazzoli, Mr. Foglietta, Mrs. Morella, Mr. Pallone, Ms. Molinari, Mr. Filner, Ms. Pelosi, Ms. Lowey, Mr. Towns, Mr. Bilirakis, Mr. Coyne, Mr. Nadler, Mr. Sundquist, Mr. King, Mr. Ford of Tennessee, Ms. Slaughter, Mr. Hastings, Ms. Maloney, Mr. Machtley, Mr. Ackerman, Mr. Torricelli, Mr. Washington, Mr. Applegate, Mr. Fazio, Mr. Quinn, Mr. McNulty, Mr. Frost, Mr. Hughes, Mr. Lipinski, Mr. Rangel, Mr. Moran, Mr. Gekas, Mr. Mineta, Mr. Hochbrueckner, and Mr. Kasich.

H. Con. Res. 7: Mr. McKeon.

H. Con. Res. 14: Mr. Wolf, Mr. Costello, Mr. Hyde, Mr. Santorum, Mr. Wheat, Mr. Boehlert, Mr. Rose, Mr. Ravenel, Mr. Clement, Mr. Holden, Mr. Jacobs, Mr. Leach, Mr. Ramstad, Mr. Sharp, Mr. Franks of New Jersey, Ms. Danner, Mr. Chapman, Mr. LaFalce, Ms. Kaptur, Mr. Hancock, Mr. Yates, Mr. Stark, Mr. Coble, Mr. Young of Alaska, Mr. Roberts, Mr. Neal of Massachusetts, Mr. Parker, Mr. Whitten, Mr. Dornan, Mr. Rowland, Mr. Pickett, Mr. Greenwood, Mr. Sabo, Mr. Knollenberg, Mrs. Schroeder, Mrs. Lloyd, Mr. Kildee, Mr. Machtley, Mr. LaRocco, Mr. Fawell, Mr. Archer, Mr. Lantos, Mr. Bonior, Mr. Wynn, Mr. Inglis, Mr. Edwards of California, Mr. Levin, Mr. Andrews of Texas, Mr. Kingston, Mr. Sensenbrenner, Mr. McMillan, Mr. Tauzin, Mr. Weldon, Mr. Coppersmith, Mr. Michel, Mr. Pete Geren, and Mr. Abercrombie.

H. Con. Res. 20: Ms. Kaptur, Mr. Parker, Mr. Zeliff, Mr. Minge, Mr. Stupak, and Mr. Wynn.

H. Con. Res. 29: Mr. Wynn.

H. Con. Res. 42: Ms. Eddie Bernice Johnson and Mr. Hinchey.

H. Con. Res. 69: Mr. Sarpalius, Mr. Crapo, Mr. Tauzin, Mr. Conyers, Mr. Bateman, Mr. Evans, Mr. Sangmeister, Mr. Neal of North Carolina, and, Mr. Minge.

H. Con. Res. 70: Mr. Cramer, Mr. Ortiz, Mr. Stump, and Mr. Porter.

H. Con. Res. 79: Mr. Ramstad, Mr. Walsh, Mr. Thomas of Wyoming, Mr. Hancock, and Mr. Inglis of South Carolina.

H. Con. Res. 80: Mr. Hastings, Mr. Gutierrez, Mr. Kildee, Mr. Mfume, Mr. Murphy, Mr. Thomas of Wyoming, Mr. Peterson of Minnesota, Mr. Orton, Mr. Ravenel, and Mr. Browder.

H. Res. 32: Mr. Lantos and Mr. Hamburg.

H. Res. 38: Mr. Thomas of Wyoming, Mr. Gunderson, Mr. Markey, and Mr. Porter.

H. Res. 135: Mr. Rahall, Mr. Sabo, Mr. Gillmor, and Mr. LaFalce.

EXTENSIONS OF REMARKS

VAT WOULD BE ECONOMIC DISASTER

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. KNOLLENBERG. Mr. Speaker, I strongly oppose a so-called value added tax or VAT. In virtually every country where a VAT has been implemented government has grown dramatically. I would like to share with my colleagues the attached article on the VAT by Bruce Bartlett. He is currently working on a study of the VAT for the Alexis de Tocqueville Institution.

Mr. Bartlett shows that in the past 25 years the level of taxation in the European Economic Community has risen dramatically. The reason is the VAT, which has been adopted by virtually every country in the EEC. I believe that the adoption of a VAT in this country would lead to the same dramatic growth in the size and power of the Federal Government.

[From the Wall Street Journal, Apr. 16, 1993]

NOT VAT AGAIN!

(By Bruce Bartlett)

It's no real surprise that the Clinton administration has suggested it will consider a value-added tax to fund our nation's health-care reform. The VAT is one of those ideas that pops up every few years as the cure for everything from the low rate of personal saving to the trade deficit. In years past it has not gotten very far, because there was not yet a critical mass of support for it. The new mood of "national sacrifice" means, however, that this critical mass may have been achieved and that the likelihood of a VAT in our future has become almost overwhelming.

What would prompt American consumers to back what, for their pocketbooks, is the equivalent of a national sales tax? One answer is the desire to promote saving. Now there seems to be a growing consensus among academic economists and within the business community that the U.S. ought to shift its tax system more toward a consumption-based tax system and away from the income tax. This is because a tax on income penalizes saving and investment in a way that consumption taxes do not.

BEFORE WE BUY

A bipartisan commission representing both labor and business, chaired by Sens. Sam Nunn (D., Ga.) and Peter Domenici (R., N.M.), last fall recommended that the whole federal tax system be scrapped in favor of one that taxes only consumption, exempting all saving and investment. Sens. David Boren (D., Okla.) and John Danforth (R., Mo.) are reportedly working on such a plan.

Before we buy the idea of a Clinton VAT, though, we should remember that virtually every study that has ever found significant economic benefits from adoption of a VAT has assumed that it would replace some existing tax—for example, the corporate tax. Studies also frequently look at the VAT as a new revenue source in comparison to increases in income tax rates. Since higher marginal tax rates are the worst possible way to raise additional revenue, because they penalize economic success, a VAT naturally looks better by comparison.

While it is certainly true that a wholesale replacement of the existing income tax system with a consumption-based tax would improve our economic performance, this is not really the option the Clinton administration is considering. In fact, the administration's own ideology would prevent that. Here's why: The academics' favorite schemes—such as rewriting the tax code to replace our current progressive income-tax scale with a pure consumption tax—would result in massive tax cuts for the rich and massive tax increases for the poor. (Everyone needs to spend on necessities, but such spending represents a greater share of the poor's income.)

Even exempting necessities such as food from the tax and instituting higher rates on luxury items cannot fully offset the regressivity. That would certainly not fit in with the administration's "tax the rich" and "make them pay for the 1980s" philosophy. Consequently, the only way a VAT could ever come about is as an additional revenue source. And that is the path the administration has chosen: It wants not only higher income taxes, but also a VAT to pay for widening the state's role in health care.

Should support for a VAT strengthen in coming weeks, VAT advocates will probably cite the experience of Europe to buttress their argument. In particular, it is frequently argued that a VAT will improve the trade balance. The reason for this is because the tax would apply to imports at the border but be rebated on exports. Thus it appears at first glance that a VAT penalizes imports while providing a de facto subsidy on exports.

In fact, a VAT does nothing either to penalize imports or subsidize exports. Since all domestically produced goods include the VAT, imposition of the tax on imports only puts imports and exports on the same footing; both are taxed equally. Similarly, while the VAT is rebated on exports, once they enter another country with a VAT the tax would again apply. Exports to countries without a VAT would be treated the same as they are now. Once again, imports and domestically produced goods would be on the same footing.

To be sure, it is certainly preferable from a trade standpoint to have a VAT instead of some other tax that is not rebatable. Some portion of corporate taxes, property taxes and other taxes paid by American businesses are obviously included in the prices of their goods and services. Insofar as companies in other countries do not pay such taxes or pay them at lower rates, they would have a competitive advantage over American firms. However, every country with a VAT also has these taxes as well, often at much higher rates than American firms pay.

Thus it is not surprising that adoption of the VAT by European countries failed to improve their trade balances. As Henry Aaron of the Brookings Institution notes in a study of the VAT in Europe: "Though much has been made of the possible salutary effects on the balance of payments from adopting the value-added tax, there is . . . no evidence that it had any material impact on the balance of trade."

Equally misleading is the argument that is the driving force in the push for a VAT—that a VAT will improve the rate of saving. While there may be some small impact on saving from raising the cost of consumption relative to saving, the real impact on saving would come from using revenue from a VAT either to reduce the federal budget deficit or to lower taxes on capital. However, a "Hillary VAT"—a VAT dedicated to paying the health-care costs of America's uninsured citizens—will do neither. (In fact, widening the state's role as a health-care provider stands little chance of narrowing the budget deficit. Medicare and Medicaid, our two major existing state programs, have helped bring the deficit to its current level.)

Despite this, the Clinton administration will undoubtedly seek to widen support for its VAT by claiming that VAT revenues will serve two purposes—to pay for health care and to reduce the deficit. History, unfortunately, suggests that higher taxes seldom, if ever, lead to permanently lower deficits. Higher revenues simply finance higher spending. This was certainly the case in Europe.

As the figure illustrates, total taxes as a share of gross domestic product in the European Economic Community were only a little higher than in the U.S. in the mid-1960s. However, in the late 1960s virtually every country in Europe adopted a VAT. The result was that the share of taxes in national income in Europe rose steadily, year after year, while remaining relatively constant in the U.S. Taxes in Europe are now far higher than in the U.S., and most European countries continue to run budget deficits of similar magnitude to those in the U.S. as well.

While it is difficult to prove that the VAT caused taxes and spending to rise, there is strong evidence to support this view. For example, a recent study for the International Monetary Fund by David Mellor concluded that introduction of a VAT does increase the share of taxes in national income. The reason is that the introduction of a VAT, which requires collection of a tax at every stage in the manufacture of a product, builds tax bureaucracy substantially. The revenues from a cash cow like the VAT in turn build government and encourage government spending. (C. Northcote Parkinson's second law: "Expenditure rises to meet income.")

THE ALLURE TO CLINTON

Even VAT supporters, such as Charles McLure of the Hoover Institution, concede the point: "If foreign experience is any guide, introduction of a VAT would facilitate growth in the relative size of the federal government, whether the VAT was initially introduced to raise additional revenue or only as a substitute for existing taxes."

It's not hard to see why the Clinton administration is tempted. The allure of the VAT is that it is the most efficient tax ever devised—it reduces output less per dollar raised than any other tax known. A VAT that raises the same revenue as our existing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tax system would certainly lead to increased growth. However, its Achilles' heel is that it invariably leads to significantly higher tax levels for everyone over time. President Reagan said a VAT "gives the government a chance to blindfold the people and grow in stature and size." The higher tax burden probably negates most of the beneficial effects of the VAT. Before the U.S. considers a VAT for health care, deficit reduction or any other purpose, there must first be some guarantee that it will not become a pure money machine for a still-wasteful government.

TRIBUTE TO A PHILADELPHIA ARTIST

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Mr. Reginald Beauchamp, for his lifetime of service to the city of Philadelphia. Donating his time, energy, and artistic talent, he has made Philadelphia a better place for all its citizens.

I best remember Reginald's fine journalistic work with the Evening and Sunday Bulletin in Philadelphia. It was always a pleasure to read any article under his byline. He has also generously donated his time to numerous other Philadelphia organizations, including the United Way, chamber of commerce, the Police Athletic League, and the Hero Scholarship Fund. The school children of Philadelphia have benefited from his creative energies as he spearheaded such programs as spelling bees, writing awards, scholastic press conferences, and the annual schools on parade showcase for Philadelphia's public and parochial schools.

Perhaps most importantly, Reginald has used his talents to beautify our great city. He has freely donated dozens of his artistic creations to all areas of Philadelphia both for esthetics and to honor numerous causes important to the community.

For all of his dedication to making the Philadelphia community a better place, I stand with his family, friends, and all the citizens of Philadelphia in honoring Richard Beauchamp. He is an example to us all.

TRIBUTE TO 1993 COMMUNITY DEVELOPMENT WEEK IN COOK COUNTY, IL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize National Community Development Week which took place the week of April 5–11, 1993. Cook County, IL, is an active participant in the Community Development Block Grant [CDBG] Program which funds numerous social services, economic development, and housing programs in this community located within the Third Congressional District of Illinois.

Cook County, IL, recognizes that the Community Development Block Grant Program is a solid partnership of Federal, local government, nonprofit, and community efforts. The services funded by the Federal CDBG Program, administered by the local governments and often delivered by local nonprofit organizations, relies heavily on the dedication and good will of all these combined efforts.

During National Community Development Week 1993, the residents of Cook County, IL, gave special thanks and recognition to all participants whose hard work and devotion to their neighborhoods and their residents help ensure the quality and effectiveness of the Community Development Block Grant Program.

Today, I would like to take this opportunity to acknowledge the outstanding work being done, both locally and nationally, by the Community Development Block Grant Program. I am sure that my colleagues join me in recognizing this worthwhile program and the great job that has been done all over the Nation and specifically in Cook County, IL.

JEANNETTE HERBERT, GOOD SAMARITAN

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to share the news of an award being given to a truly remarkable woman. Jeannette Herbert of Bellingham, MA, will be honored as Senior Mother of the Year in a ceremony Sunday, May 2, 1993.

For those who know Mrs. Herbert this recognition should come as no surprise. For the past 15 years of her retirement she has devoted all of her efforts to aiding the poor through the Edmundite Missions, a Catholic nonprofit organization based in Selma, AL.

Mrs. Herbert mails clothing and other goods three times a year to the mission. At Christmastime, she includes dolls and toys in her mailing. Jeannette became familiar with the Edmundite Missions when she was a young girl in Vermont.

Although she has spent many years helping the people at the mission, she only recently visited Selma. There she saw firsthand the effects of poverty and her efforts to help these people. She went back to Bellingham more determined than ever to aid these people in Selma.

Mr. Speaker, please join me in wishing congratulations to Mrs. Herbert for this well deserved award. May she continue her goal of helping the truly needy of this world.

TRIBUTE TO OUR NATION'S REGISTERED NURSES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of a sector of society that makes difficult times a little bit more bearable. Mr. Speaker, I rise to pay tribute to our Nation's registered nurses.

Mr. Speaker, the week of May 3 represents National Nurses Week. The event will celebrate the 2.1 million registered nurses in the United States. They are our largest health care resource, able to provide 60–80 percent of primary and preventative care traditionally done by physicians. And, with the aging of the American population, the demand for their cost-effective, quality care is even greater. The U.S. Department of Labor projects the creation of nearly 350,000 new jobs for registered nurses by the year 2000.

Mr. Speaker, the health care system in this country may be in trouble, but the nurses of this country have delivered a solid century worth of care under rigorous conditions and with little complaint. I commend them for their selfless efforts on behalf of their fellow citizens. I join the rest of America in honoring these consummate professionals during National Nurses Week.

A TRIBUTE TO MARTIN GOLDSMITH

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to honor Mr. Martin Goldsmith, the recipient of this year's Anti-Defamation League Torch of Liberty Award. Mr. Goldsmith has earned this award through his almost 20 dedicated years of service to the Albert Einstein Healthcare Foundation in Philadelphia. During his tenure, Mr. Goldsmith ensured that the foundation remained true to its origins, providing quality health care to all those in need, regardless of race, ethnic origins, or ability to pay. Mr. Goldsmith's selfless dedication to the pursuit of human rights and equal opportunity for all people is the essence of what the Torch of Liberty Award embodies. Rather than living for the moment, Mr. Goldsmith has worked toward a better future for all Americans.

Therefore, I rise with Mr. Goldsmith's family, friends, and colleagues to applaud his dedication to the principals of the Albert Einstein Health Foundation, for which he has been honored with the prestigious Torch of Liberty Award. The Philadelphia community is honored by his longtime service.

TRIBUTE TO MARIA HIGH SCHOOL MUSIC STUDENTS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a group of young ladies from Maria High School in Chicago, IL. Recently, six students participated in the Northshore Concert Band and Northwestern University Festival of Music which took place on Saturday, March 20, 1993, at the Regenstein Music Center at Northwestern's campus in Evanston, IL.

Monica Jendzio, senior; Audra Prialgauskas, sophomore; Amy Simmons, sophomore; and Katie Uznanski, freshman, each won First Division Medals. The girls are instructed by Maria's flute teacher, Miss Anna Belle O'Shea. In addition, Monica Jendzio received a First Division Medal for piano.

Amy Fiedor, senior, and Denise Mickalski, junior, won First Division Medals in the vocal section guided by their instructor, Sister Theresa Papsis.

Mr. Speaker, I would like to congratulate these students for their fine performances and I wish them all the best for the years to come.

JUDGE FRANCIS J. LARKIN, PUBLIC SERVANT

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great pleasure that I rise to pay tribute to a man who has been a shining light in the judicial sector of this Nation. It is with great pride that we honor Judge Francis J. Larkin, a man who has accomplished great things as a judge, an educator, and in his church community.

Francis J. Larkin, a native of Milford, MA, graduated from Holy Cross College in 1954, and went on to attend the Georgetown University Law Center where he graduated with honors. Upon graduation, he was immediately appointed to the faculty and received a master of laws degree in 1958.

Subsequently, Judge Larkin joined the U.S. Army and served 3 years as a member of the Army's Judge Advocate General's Corps, leaving active duty in 1961 with the Secretary of the Army's Commendation Medal. Francis has remained active in the Army Reserve since his separation from active duty and presently holds the rank of colonel. He is the senior U.S. Army Reservist trial judge and has lectured widely, in this country and in Europe, on trends and developments in military law.

Following his discharge from the service, he served as a clerk with the Honorable John Hartigan on the U.S. Circuit Court of Appeals for the First District. In 1963 he was asked to join the faculty at the Boston College Law School as assistant dean and assistant professor of law, being promoted later to associate dean, and full professor.

Judge Larkin served 22 years as a member of the Trial Court of the Commonwealth of Massachusetts [Milford District Court] and as a member of the appellate division of the district court department. For over 15 years he has edited the Judges Journal, the national publication of the Judicial Administration Division of the ABA. Under Judge Larkin's leadership this journal has won several notable national awards.

By appointment of the president of the American Bar Association, Judge Larkin currently serves as chairman of the ABA's standing committee on association communications. In this capacity he has lead the committee charged with coordinating all Law Day-U.S.A. events throughout the Nation. In 1991, he was invited by President Bush to the White House to attend the formal signing of the official Law Day Proclamation.

Judge Larkin is a member of the ABA's 60-member executive—nominating—committee which is responsible for the selection of the president of the American Bar Association and its other officers. He has served on the faculty of Anna Maria College and, in recent years, has taught at the National College of the Judiciary, at Reno, the Army's Judge Advocate General's School at Charlottesville, VA, and the Naval Justice School at Newport, RI.

On November 1, 1992, Judge Larkin received the Distinguished Jurist Award and Medal of the St. Thomas More Society of the Worcester County Bar Association. He has been chosen as a Knight of the Holy Sepulcher and is a patron of the Vatican Art Museum.

For more than 20 years, Judge Larkin has been a member of the board of directors of Catholic Charities of the Archdiocese of Boston. On January 15, 1993, he was invested in the American Association of the Master Knights of the Sovereign Military Order of Malta in New York. It is the highest honor bestowed from the Vatican in Rome, Italy.

Mr. Speaker, I salute Judge Francis J. Larkin for his many years of service to the community as an educator and a judge. Francis is a man who has given of himself through his integrity, his talents, and his church. Mr. Speaker, today we honor Judge Francis J. Larkin, a model public servant who, throughout his career, has contributed tremendously to the justice system in this Nation and aided our understanding of it.

TRIBUTE TO WILLIAM DOWD PACKARD

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. TRAFICANT. Mr. Speaker, I rise in honor of a man with a dream when it came to music. He loved marches, military music, and the men who played it. But, Mr. Speaker, most importantly, William Dowd Packard loved the city of Warren, OH.

Mr. Speaker, when Mr. Packard wrote his will in 1920—3 years before his death—he made sure that his dream of keeping music alive in Warren would come true after he had passed on. Now, 70 years later, his dream has become an important part of the cultural and entertainment life in the Warren area.

Mr. Packard and his brother formed a company in 1890 to produce incandescent carbon-arc lamps and transformers. In 1899, they built the first automobile bearing the Packard name—a car which quickly became a respected name in the automotive industry. It also led to Packard developing a new product, automotive ignition cable. In 1903, the automobile business was moved to Detroit, but the cable and manufacturing business remained in Warren. The Packard Electric Division of General Motors Corp. is still one of the area's largest employers. Mr. Packard's commitment to his community was evident in 1911, when he gave land to the city of Warren from the family property to be used as a park, replete with ponds, shelter houses, and gardens.

In his will, Packard designated that funds would be set aside in a trust to build a music hall and finance the establishment of a band to play in it for the "edification and entertainment of the people of Warren." The Packard Music Hall officially opened October 15, 1955, at a cost of $1.4 million.

Today, the hall is the center of cultural and entertainment programs in the Warren area. It has hosted everything from wedding receptions and small gatherings to gala balls and, of course, the free Packard Band concerts. For two decades the hall gained national recognition as the home of the Kenley Players. It also served as a temporary home for hundreds of Warren residents who were flooded out of their homes in 1959.

Mr. Speaker, W.D. Packard gave a community in my district a gift which will last a lifetime. If it is true that music feeds the soul, Warren has been truly enriched.

TRIBUTE TO LEON S. COHAN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. DINGELL. Mr. Speaker, I am pleased and honored to pay tribute, on behalf of my Michigan colleagues, to Leon S. Cohan on his impending retirement from the Detroit Edison Co.

On May 31, 1993, Leon ends a long and successful career divided between public service—as the longest-serving deputy attorney general in Michigan history—and private industry, where he has been Detroit Edison's general counsel, a trusted advisor to three chief executive officers, and the founder and guiding force behind his company's government relations organization. This organization, under Leon's guidance, has given valuable assistance to my colleagues in the Congress as we have struggled with difficult energy legislation over recent decades. Leon's influence was always evident in the honesty and candor of Detroit Edison testimony and in the integrity of the responses provided to our information requests.

But perhaps Leon Cohan's greatest contribution to the community has been as a committed private citizen. The makeup of this dear man is reflected perfectly in the causes to which he has been committed and the passion with which he has pursued them: Racial and religious harmony and respect for all people; support for the arts so that their benefits might be available to all; ethics in our government institutions and leaders; and research to treat and end the horrible disease of cancer.

Leon has dedicated himself to bringing people of diverse backgrounds and deep-seated suspicions together—as a member of the Race Relations Council of Metropolitan Detroit, as three-term president of the Jewish Community Center of Metropolitan Detroit, and as one who has always been ready to mediate differences. His service in this regard has been recognized with: The NAACP-Detroit

Branch's Judge Ira W. Jayne Award, given annually to a person outside the black community who has given outstanding service that builds and benefits all segments of the Detroit community; the Israel Histradrut Menorah Award for leadership and achievements; the Fellowship Award of the American Arabic and Jewish Friends of Metropolitan Detroit; the Knights of Charity Award from the Pontificial Institute for Foreign Missions; the Judge Learned Hand Award, from the Institute of Human Relations of the American Jewish Committee, for outstanding service that has benefited the community; and election to the international Heritage Hall of Fame by the Friends of the International Institute of Metropolitan Detroit.

In support of the arts, he has served as: chairman of the Michigan Council for the Arts; a member of the Arts Commission of the City of Detroit, which is the governing body of the Detroit Institute of Arts; director of the University of Michigan Musical Society; director of the Concerned Citizens for the Arts in Michigan; and, most recently, founder and president of the Arts Action Alliance.

In recognition of his outstanding contributions he has received the Governor's Arts Award for Civic Leadership in the Arts.

Leon received a gubernatorial appointment to the State Board of Ethics in 1973 and served with distinction on that board for nearly 20 years, the last 5 as chairman.

In fighting cancer he served three terms as chairman of the board of trustees of the Michigan Cancer Foundation and was honored by the foundation with lifetime membership on its board.

Leon has received the Distinguished Alumni Award from the Wayne State University Law School and the Distinguished Service Award of the Wayne State University Board of Governors.

Earlier this month he was named a "Michiganian of the Year" by the Detroit News.

Leon also has been a friend and mentor to scores of men and women in government service, in industry and in their personal lives. Many are now in leadership roles throughout our Nation. I dare say that everyone who has been touched by Leon Cohan has been a better person for it.

I am pleased and honored to pay these respects to a dedicated servant of the community and my good friend, Leon Cohan.

GOVERNMENT IS BEST WHICH GOVERNS LEAST

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SOLOMON. Mr. Speaker, every once in a while we encounter a newspaper column which, in a mere few words, gets right to the bottom of what's gone wrong in this country.

Thomas Sowell's recent column about the unwarranted growth of the Federal Government was printed in the April 24 Albany Times-Union, the largest daily newspaper in our district.

The record of history is clear, Sowell writes. The growth of government is the worst thing that could happen to a nation. But I will let Sowell speak for himself.

GOVERNMENT IS BEST WHICH GOVERNS LEAST

There was a special irony in President Clinton's talk on the occasion of the 150th anniversary of the birth of Thomas Jefferson. Although Slick Willie tried to suggest that Jefferson would be supporting his programs if he were alive today, it was Jefferson who said: "That government is best which governs least."

Obviously, the Clintons believe that that government is best which governs most—which fixes prices, raises taxes, and mandates all sorts of programs on all sorts of businesses and professions.

History is all on the side of Jefferson, however.

Many of the great intellectual, scientific, and technological advances which we associate with the West originated in fact in Asia. But much of Asia had far more powerful governments, controlling much larger regions, than the governments of medieval Europe. The net result was that the stifling influence of government control was much less effective in Europe, which took many of these Asian discoveries and inventions and developed them far beyond the levels reached in the lands where they originated.

China, for example, had clocks before Europe and for some time its clocks were more advanced than those of Europe. However, the Chinese government kept these clocks for itself and did not let them out among the masses. In Europe, however, no government of that era covered as vast an area as the Chinese empire, nor was its control as secure and pervasive where it did govern.

There was no way for the anointed to keep the clock to themselves in medieval Europe. Cities and towns began building clock towers all over the continent. As they competed with one another for distinction, numerous little improvements were made here and there—and eventually clocks in Europe became better than clocks in China.

Whether in Europe or Asia, governments love to control things. Asia, however, had the misfortune to develop large and strong governments before Europe—which is to say, they could stifle their own people's creativity more effectively than European governments could.

Sometimes governments in Asia and the Middle East were wise enough to ease up on their people, in order to promote prosperity and increase the government's revenue without having to raise the tax rates. But what required wisdom in Asia often required only insufficient government power in medieval Europe, where fragmented sovereignties resulted from feudal barons and the competing power of the Catholic church, later further fragmented by the rise of Protestantism.

By and large, governments governed less in medieval Western Europe than in China, India, or the Ottoman Empire because they had no choice. European governments had price controls, protectionism, and all sorts of other monkeying with the economy centuries ago—just what the Clinton administration wants to do today in the name of "change"—but fortunately many of these government controls were more easily evaded in those days.

In many parts of Europe, elements of the free market came into existence long before Adam Smith came along in the eighteenth century to expose the economics fallacies and political chicanery behind government economic controls.

Where government controls have been effective—whether in Europe, Asia, Africa, or the Western Hemisphere—they have been devastating in their impact. High taxes, economic controls, and price-fixing have left wrecked economies and hungry people in their wake for hundreds of years and among people of every color, language, and religion.

Even today, Russia faces an economic crisis because it has not allowed free market institutions to develop. In terms of its natural resources, including oil and gold, Russia is one of the richest countries on earth. But no one in his right mind would invest the billions of dollars needed to develop that wealth without being assured of property rights and freedom from confiscatory taxation and nationalization policies.

The same is true in much of the Third World, where people are living in poverty on top of immense mineral wealth and in the midst of fertile land and favorable climates.

The only clear beneficiaries of activist government policies are the people in government, whose egos are allowed full play, to use the rest of the people as guinea pigs for their bright ideas and social experiments.

There was a reason why Thomas Jefferson said, "That government is best which governs least." Unfortunately, there are also reasons why petty egotists like Bill Clinton and Hillary want to get their hands on the levers of power and run our lives for us.

POLL WORKERS HONORED

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GALLO. Mr. Speaker, every time an election is held anywhere in America, our local election officials rely on the services of scores of men and women—many of them senior citizens—to staff the polling places and ensure the integrity and fairness of the election process.

Each dedicated poll worker puts in a very long day and receives minimal pay for their work. Every poll worker I've ever met was working at the polling place out of a sense of civic duty and patriotism. We could not run our democracy without these people.

But, since 1991, in accordance with the 1990 Budget Reconciliation Act, any poll worker who receives more than $100 a year in compensation—and that is most of them—is subject to 7.65 percent Social Security [FICA] withholding tax. Those who work at the polls are offended by this petty bureaucratic exercise—and I don't blame them.

Many poll workers are resigning rather than pay this tax. One wrote to a local election official in my district, saying:

> As a senior citizen who has worked on the polls for many years I must protest the tax taken from my pittance called salary. * * * I am 79 years old and have no deduction. This tax was taken from my nontaxable funds. If this policy is to continue, I have worked my last election.

Another wrote:

> You can count me out in the future if this is the way it is to be. We get little enough for 14 hours whether we're busy or not. Most of us are senior citizens who really are volunteering our time and effort—and then we

are to pay tax on it or even have to go through the process of getting a refund? Not this volunteer.

I believe it's time to show our election day poll workers that we respect and appreciate the contribution they are making to help our democracy work. That is why I am today introducing legislation that would exempt election day workers from FICA withholding.

I urge my colleagues to join me by cosponsoring this much-needed legislation.

A TRIBUTE TO 50 YEARS OF HAPPINESS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to help celebrate the 50th wedding anniversary of James and Eunice Lee Banks Brodie, residents of Chester, PA. Joined in holy matrimony on April 15, 1943, James and Eunice help us to reafirm our faith in the sanctity of marriage, and remind us of the true meaning of the word commitment. Along with their two daughters, Eunice Paulette and Valerie, they have formed a stable, loving, and lasting family, at a time when the American family is supposedly in decline.

So on this wonderful day, I rise with the friends and family of James and Eunice Brodie to celebrate their golden anniversary and wish them many more happy anniversaries in the future.

TRIBUTE TO ENID TOUHY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today with a sense of loss after the death of Enid Touhy. Mrs. Touhy was a resident of the Third Congressional District of Illinois.

Mrs. Touhy's entire life was simply about caring, helping, and giving. She was a friend or a mother to nearly everyone she touched. Perhaps the childhood she spent in an orphanage fostered her sensitivity toward others. Enid taught all those with whom she came in contact how to live by example. Her constant acts of kindness were overwhelming and her gentleness of spirit was a source of sunshine to all those who knew her.

We remember Enid today, and all the wonderful things she contributed to our community. Her presence in our lives will be deeply missed.

Enid is survived by her six children: Kathy, Tim, John, Dan, Sue, and Pat.

Mr. Speaker, as I rise today to recognize Enid Touhy, I wish to honor the memory of this exceptional woman. I hope my colleagues will join me and my constituents in saluting her.

SPRINGFIELD PUBLIC SCHOOLS TOM RUSSO HONORED AS EASTERN DISTRICT ATHLETIC DIRECTOR OF THE YEAR

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, being an educator is one of the most important professions. As a former educator I rise today to pay tribute to an outstanding resident of my district, Mr. Tom Russo.

Springfield resident Thomas Russo was honored on March 22, 1993 as the eastern regional winner of the National Council of Secondary Schools [NCSSAD] award program by the National Association for Sport and Physical Education [NASPE] at its national convention in Washington, DC. At the convention, Mr. Russo competed with four other district winners from around the country for the National Athletic Director of the Year Award.

The list of Tom Russo's accomplishments is long and impressive. Besides his serving the Springfield Public Schools as supervisor of athletics for the past 16 years, Mr. Russo recently completed his term as president of the Massachusetts Interscholastic Athletic Administrators Association. He is also a member of the District F Athletic Directors Association, Massachusetts Secondary Schools Athletic Directors Association, and Pioneer Valley Interscholastic Athletic Conference executive board.

Besides being an outstanding educator and administrator of athletic programs, Tom Russo has made his life an example to others as a person who gives to his school and community. In his hours of tireless and selfless work he has improved the lives of students who learn that teamwork extends into their lives, and does not end on the playing field.

Mr. Speaker, I salute Tom Russo for his dedication to school athletics and the students who compete in them; and congratulate him on being honored with the National Council of Secondary Schools Athletic Directors Award.

LEGISLATION TO REVIEW MOTOR VEHICLE WEIGHT LIMITATIONS, THE STATE OF OHIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to direct the Secretary of Transportation to review the Federal and State commercial motor vehicle weight limitations applicable to Federal-aid highways in the State of Ohio. Under this legislation, if the Secretary of Transportation determines, on the basis of his review, that it is in the public interest, the Secretary shall waive application of the vehicle weight limitations of section 127(a) of title 23, United States Code in the State of Ohio for short wheel-base vehicles for such period as the Secretary determines may be necessary to permit a reasonable period of depreciation for short wheel-base vehicles purchased before October 1, 1991. These limitations were approved by Congress as part of the Intermodal Surface Transportation Efficiency Act [ISTEA] of 1991. The bill would also provide a moratorium on the withholding of any Federal highway money to the State of Ohio until the Secretary makes a determination on whether or not to grant Ohio a waiver.

Mr. Speaker, failure to approve this measure will have a damaging impact on Ohio's trucking industry. Following the enactment of ISTEA on October 1, 1991, Ohio was required to adopt the motor vehicle weight limitations of the Federal bridge formula by October 1, 1992, or face losing its apportionment of Federal highway funds. The Ohio Department of Transportation issued 8-month temporary permits to those trucking companies with equipment not in compliance with the new weight limitations. These permits expire at the end of May 1993.

According to the Ohio Trucking Association, 10,000 trucks in Ohio are affected by the new weight limitations. Under the Federal bridge formula, many Ohio trucking companies will have to underload their vehicles—damaging their profits in an industry that already has a narrow profit margin of about 2 percent.

The trucking companies affected made decisions—prior to enactment of ISTEA—to purchase equipment based on what Ohio law was at the time of the purchase. Since Ohio has been forced to adopt the Federal bridge formula, companies that made purchases of legal equipment now find that much of their equipment no longer meets State standards. It is only fair that these companies be allowed a reasonable period of time to depreciate this equipment, before being forced to purchase new equipment or make alterations on their existing vehicle fleet.

Many of these trucking companies not only ordered equipment prior to the implementation of the law, they also signed contracts to move a specific amount of freight at a given price. If a waiver is not granted, as of June 1, 1993 these companies will no longer be able to move that freight for the price they contracted for.

Mr. Speaker, the bottom line is, if a reasonable phase-in period is not granted, numerous trucking companies in Ohio will be driven out of business. Approval of this legislation will save jobs and ensure that trucking companies are not unfairly penalized. I urge all of my colleagues to support this legislation.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VEHICLE WEIGHT LIMITATIONS IN THE STATE OF OHIO.

(a) REVIEW.—The Secretary of Transportation shall review the Federal and State commercial motor vehicle weight limitations applicable to Federal-aid highways in the State of Ohio.

(b) WAIVER AUTHORITY.—If the Secretary of Transportation determines, on the basis of the review conducted under subsection (a), that it is in the public interest, the Secretary shall waive application of the vehicle weight limitations of section 127(a) of title 23, United States Code, in whole or in part, to highways on the Dwight D. Eisenhower System of Interstate and Defense Highways in the State of Ohio for short wheel-base vehicles for such period as the Secretary determines may be necessary to permit a reasonable period of depreciation for short wheel-base vehicles purchased before October 1, 1991.

(c) MORATORIUM ON WITHHOLDING OF FUNDS.—Until the Secretary of Transportation makes a determination relating to public interest under subsection (b), the Secretary shall not withhold funds under section 127(a) of title 23, United States Code, from apportionment to the State of Ohio for failure to comply with such section.

SEC. 2. TECHNICAL AMENDMENT.

Section 127(d)(1)(E) of title 23, United States Code, is amended by striking "July 5, 1991" and inserting "July 6, 1991".

HEARST COLUMN ON VAT TELLS IT LIKE IT IS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SOLOMON. Mr. Speaker, I've been warning constituents in the 22d District of New York about the so-called "value-added" tax, or VAT, and I hope other Members are doing the same thing.

The best analysis I've seen of the VAT is the recent column of publishing giant William Randolph Hearst, Jr. It was printed last Sunday, April 25, in the Albany Times-Union, the largest daily in our district. I urge all Members to read it, because once you do, you will find it hard to support this ill-conceived plan to burden the already hard-pressed American taxpayer.

VAT TAX WILL DAMAGE THE U.S. ECONOMY

(By William Randolph Hearst, Jr.)

NEW YORK.—My experience has been to watch out when government officials promise that a proposed new tax will be applied in a way that causes the least possible pain.

So I'm skeptical about assurances that the so-called value-added tax, if enacted into law, would be light and wouldn't be imposed on many necessities like food.

Taxes, once on the books, tend not only to stay there but to become wider in scope. I think this would especially turn out to be the case for a "hidden" levy like the value-added tax which people are rarely conscious they are paying.

During the past few months, I've devoted a couple of these columns to the issue of the value-added tax or, as it is called for short, the VAT. I thought I was done with the matter because President Clinton, after due consideration, seemed to agree with me that it was a bad idea and to have dropped it as a possible method of financing the administration's health care reforms.

But now reports from Washington suggest that he has changed his mind and is giving the VAT another look. This has led me to return to the subject one more time, even at the risk of boring some of my readers. In my view, the issue is just too important for Americans to be ignored.

The value-added tax has existed in Western Europe, first in France and then the rest of the European Community, for the past 40 years. My informants over there tell me that everywhere it has been imposed it has led to an immediate leap in the prices ordinary people pay for practically everything. They say that thereafter it also has been a major contributor to the persistent inflation that most of Europe has suffered from—inflation much more severe than our own.

Those who are advocating a VAT for this country like to describe it as just another form of sales tax. They argue that, since we already have state and city sales taxes, a new one at the federal level would not be all that new or different.

However, Bernard D. Kaplan, who writes on international affairs for our newspapers from Paris, reminded me in a memo last week that the VAT is far more than a simple sales tax. What it really represents, he pointed out, is a wholly new philosophy of taxation, unknown up to now in America.

The VAT taxes goods at every stage of production from raw material to finished product and, then, slaps on the tax one last time to the consumer. In Europe, it has also come to be imposed on most forms of services. Electricians and plumbers are obliged to add a VAT to their bills.

The average VAT rate over there is 15 per cent. In some countries and on some items, it's twice that. The first thing that European governments tend to do when they find themselves in financial straits is to hike the VAT rate and extend it to more things. The British government did just that last month.

Kaplan tells me that European bureaucrats think VAT is the greatest tax ever invented. It's virtually evasion-proof. But, more important from the government's point of view, taxpayers are usually unaware of how much value-added tax they're actually paying. Unlike our sales taxes, the amount that the VAT adds to the overall cost of a car or a box of cornflakes is never clearly specified in the final bill.

Western Europe's high production costs have increasingly handicapped its exports. Its share of world markets has been shrinking. Kaplan says a growing number of European economists put at least some of the blame for this on the inflationary pressures caused by the VAT system.

By contrast, America's well-contained inflation and relatively low-cost production have been major factors in the remarkable expansion of our exports in recent years.

A more effective and fairer system of health care for all Americans has to be created and paid for. No argument exists about that.

But it would be self-defeating, to say the least, to finance health care reform through a form of taxation that would ultimately damage the U.S. economy. A VAT is not the right prescription. It's bad medicine±.

THE BASE CLOSURE PROCESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 7, 1993, into the CONGRESSIONAL RECORD:

THE BASE CLOSURE PROCESS

The base closure process for 1993 is now under way. It is the third round of closings since 1988. The 1988 and 1991 lists closed, in part or in whole, 125 military installations, including the Jefferson Proving Ground, Grissom Air Force Base and Ft. Benjamin Harrison in Indiana. The Indiana Army Ammunition Plant has been inactivated outside the formal base closure process. This year's list will be followed, under current law, by a final round in 1995.

What has been proposed? Defense Secretary Aspin recommended on March 12, 1993 that 31 major military installations be closed and that 12 others be realigned to support a smaller and less costly force structure. In addition, Aspin announced recommendations for the closure, realignment and disestablishment of 122 other small bases and activities. This round of base closures and realignments is projected to save $3.1 billion per year starting in 2000 and reduce DOD employment by 24,000 military and 57,000 civilian personnel nationwide.

Why were these recommendations made? Secretary Aspin said these closures are necessary because there is no way to downsize the military without closing military bases. Thus far, base closures have not kept pace with the overall reductions in defense. The defense budget will decline by more than 40% from 1985 to 1997, and military personnel in the U.S. will be reduced by about 30%. In contrast, base closings agreed to in 1988 and 1991 will reduce the domestic base structure by 9%. Aspin's proposals would raise that figure to 15%.

What is the closure process? Secretary Aspin's closure list will undergo a vigorous review process. A bi-partisan Base Closure and Realignment Commission is now holding hearings on the list; the list will also be analyzed by the General Accounting Office. The Base Closure Commission will report to President Clinton with its own set of recommendations by July 1. The President will then have until July 15 to accept or reject the Commission's findings. If the list is rejected, the Commission will have until August 15 to submit a second list to the President. If the President accepts the original or revised list, he will then submit the list to Congress. From that point, Congress will have 45 days to consider the recommendations and reject them by joint resolution if it so chooses. If Congress does not act, or the resolution fails in either house, the Secretary of Defense may proceed with the base closings.

What is the impact on the 9th District? The 9th District would not be affected by Aspin's recommendations. Crane and the Naval Ordnance Station are not on the list.

What is the impact on Indiana? The proposed closures and realignments would have a minor impact on Indiana. Aspin would close a Defense Information Systems Agency site in Indianapolis and reserve centers in Terre Haute and Fort Wayne. Overall, Indiana will lose 206 personnel. In contrast, California would lose about 31,000 personnel; South Carolina about 10,000; and Virginia about 8,000. Indiana was hit hard in previous closure rounds, and the state will lose over 13,000 military jobs and more than $200 million in annual output and earnings.

What is the status of the DFAS competition? Evansville and Indianapolis were among the 20 finalists in the Defense Department's competition for Defense Finance and Accounting Service (DFAS) centers. Aspin decided to suspend the competition because he thought it would be unfair to "transfer from the federal government to local taxpayers the burden of financing facilities used by DOD." For the time being DFAS operations will continue at the existing five large centers—including Indianapolis—as Aspin reviews the issue.

What is the impact on overseas bases? Current law does not allow Secretary Aspin to include overseas bases on his closure list. However, since January 1990, the Department of Defense, in consultation with host nations, has undertaken plans to end or reduce its operations at 629 overseas installations, a reduction of 35 percent.

How will workers and communities be helped? President Clinton has proposed spending $1.8 billion this year and $20 billion over the next four years on defense conversion programs. This year's package would provide $375 million for transition assistance, employment services and job training. It would also provide over $100 million in economic adjustment assistance for communities adversely affected by cuts in defense spending.

What about cleanup problems? Many closing installations like JPG have major environmental problems which can hamper or delay community plans for reuse. Congress approved legislation last year that will expedite the release of clean parcels of land at contaminated bases. Congress has also appropriated $830 million to clean up closing bases—although overall cleanup costs for active and closing bases will likely exceed $35 billion. A recent study found that the cleanup costs for JPG alone range from $1-8 billion depending on the level of reuse.

What is happening at JPG? JPG was included on the 1988 base closure list. JPG is slated to close in 1995, but testing will cease at the base in 1994. JPG employees are being offered transition assistance. The JPG Redevelopment Board is planning for reuses of the installation after closure. Possible reuses might include: commercial use of the buildings in the 3,000 acre cantonment area; use of the firing ranges by a private contractor; expanded use of the facility by the Indiana Guard; commercial use of a resurfaced airfield at JPG; and use of the northern portion of the base as a nature preserve/recreation area. I am also working on securing funding for cleanup activities at JPG.

What is happening at INAAP? The ammo plant was inactivated last year. The workforce has been cut from 1,000 to 200, who are assisting with layaway activities. The workforce will be trimmed to less than 100 people later this year. ICI, the plant contractor, recently signed an Army contract that will allow ICI to secure and maintain the facility, bid on available Army and third party production work, and use the resources at the installation for possible non-military work. Congress approved $200 million in last year's defense law for the Armament Retooling and Manufacturing Support (ARMS) Initiative, a new program designed to help develop new business and job opportunities at ammunition plants like INAAP. The ARMS program provides various incentives for industry to use government owned facilities for military and non-military commercial manufacturing. I have also supported the establishment of a state park on the northern end of the plant.

TRIBUTE TO BOB VANDENBERGH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. Bob Vandenbergh for being named 1993 Clinton Township Goodfellow of the Year. Mr. Vandenbergh was selected for this award because of his outstanding contributions to the Goodfellows and our community.

Mr. Vandenbergh has been deeply involved in our community. He is a member of the Central Macomb County Chamber of Commerce, the Economic Club of Macomb County, the Wayne State University Alumni Association, and the Michigan Mortuary Science Foundation. He frequently speaks to schools, churches, and civic organizations about funeral-related topics. He is also a speaker for the volunteer training program for the St. Joseph Mercy Hospital Hospice Program.

Mr. Vandenbergh has been recognized by being awarded the Pursuit of Excellence Award in 1991 and 1993. This is a national award given for outstanding excellence in community service, public relations programs, training, and continuing education.

In addition to his career and his contribution to the community through various community organizations, Mr. Vandenbergh is an avid boater. He has been seriously racing boats for 22 years and has participated in 14 Port Huron to Mackinac races.

I ask my colleagues to join me in saluting Mr. Bob Vandenbergh. He has demonstrated his commitment to our community. I congratulate Mr. Vandenbergh on being named 1993 Clinton Township Goodfellow of the Year.

JOPLIN HIGH SCHOOL TO COMPETE IN WE THE PEOPLE . . . THE CITIZENS AND CONSTITUTION PROGRAM

HON. MEL HANCOCK

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HANCOCK. Mr. Speaker, on May 1–3, more than 1,200 students from 47 States and the District of Columbia will be in our Nation's Capital to compete in the national finals of We the People . . . The Citizen and the Constitution Program. I am proud to announce that the class from Joplin High School in Joplin, MO, will represent Missouri's Seventh Congressional District for the fourth time. These young scholars have worked diligently to reach the national finals again by winning district and State competitions. The distinguished members of the team representing Missouri are:

David Alford, James Bacus, Seth Baldwin, Angela Cook, Heather Daggett, Stuart Eastman, Emily Esch, Mitsi Gough, Andrew Grabau, Katherine Grote, Beth Hinman, Jennifer Hurn, Jessee Kluthe, Gabe Lett, Debbie Newman, Jill Rauk, Tracy Rentz, Rachel Sage, John Smith, Rikki Smith, Sammie Smith, Ryan Stanley, Brian Taylor, Lisa Thompson, Marian Trewin, Shane Vau Dalsam, Ngobich Vo, Scotty Vorhees, Margot Walters, and David White.

I would also like to recognize their teacher, Barbara Arnold, who deserves much of the credit for the success of the team. The district coordinator, Kelvin Camerer, and the State coordinator Terry Taylor, have also contributed a great deal of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution Program, supported by Congress, is the most extensive educational program in the country developed especially to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from around the country to demonstrate their knowledge of constitutional issues. Administered by the Center for Civic Education, the program, now in its sixth year, has reached over 12,000,000 students in 21,490 elementary, middle, and high schools nationwide.

The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am proud of these students representing southwest Missouri and commend them and their teacher for their hard work. I wish them the best of luck in this competition—and a bright future thereafter.

TRIBUTE TO RIGOBERTA MENCHU

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. PORTER. Mr. Speaker, I would like to pay tribute to Rigoberta Menchu, the winner of the Nobel Peace Prize in 1992. Ms. Menchu, a Quiche Indian woman from Guatemala, has endured great tragedy in her life which has led her to become an advocate of human rights and the rights of indigenous peoples in Guatemala. The recognition she has received as a spokesperson for the rights of indigenous peoples has provided an example to others in search of a way to work peacefully to secure their rights.

Ms. Menchu worked with her family as a day laborer on coffee, cotton, and sugar plantations and later worked as a domestic servant in Guatemala City. In January 1980, her father was murdered when the Spanish Embassy was burned to the ground. Her mother and younger brother were kidnaped, tortured, and murdered shortly after her father's death. Her story is unfortunately typical of the type of political violence which plagued Guatemala in the early 1980's. This strong, courageous woman has withstood personal tragedy and has been involved in numerous efforts to call for peace and justice in Guatemala. She gained international recognition through her book, "I Rigoberta Menchu," which provides an autobiography of her family's tragic story.

In recognition of her advocacy of the cause of indigenous people in Guatemala, Ms. Menchu was awarded the Nobel Peace Prize in 1992. She has also been the recipient of many other awards, including the UNESCO Award for Peace Education. Furthermore, Ms. Menchu recently created the Vicente Menchu Foundation, in memory of her father, in order to search for peaceful solutions to armed conflicts and the promotion of human rights in particular the rights of indigenous peoples.

This year, the congressional human rights caucus, which I am proud to cochair with my colleague TOM LANTOS, is celebrating its 10-year anniversary. The caucus has been at the forefront of congressional efforts to call attention to the issue of the human rights of indigenous peoples. The caucus has sent letters to many governments protesting the killings, death threats, and detention of native peoples who were activists in their communities. We are inspired by the courage of those, like Rigoberta Menchu, who at great personal risk, who stand up for their human rights.

Mr. Speaker, I commend Ms. Menchu for speaking out about what she, herself, has experienced in Guatemala and what many other have experienced in her country and around the world. Her efforts to draw international attention to the cause of indigenous people are truly courageous.

REV. D.W. McFARLAND

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HALL of Ohio. Mr. Speaker, on May 16, 1993, Rev. D.W. McFarland will retire as pastor of the Mt. Olive Baptist Church after 49 years of faithful service. He has served longer at one church than any other Baptist pastor in the city of Dayton.

In addition to his service to his church, Reverend McFarland has made valuable contributions in the Dayton area. He is past president of the Dayton Baptist Minister's Union, first chairman of the Opportunities Industrial Center, and former vice president of the NAACP Dayton branch. He also serves on the boards of directors of several community organizations including the Dayton Urban League and Dayton Human Relations Council.

Reverend McFarland is a native of Omaha, GA. He attended Payne Seminary University, Wilberforce, OH; and Simmons University, Louisville, KY. He entered the ministry in 1942 and received his appointment to become pastor of the Mount Olive Baptist Church February 7, 1944. To celebrate Reverend McFarland's retirement, the Mount Olive Baptist Church is planning a "Grand Celebration" at the Dayton Convention Center on May 15, 1993.

I offer my congratulations to Reverend McFarland and my thanks for his many years of leadership and service to his church and to the Dayton community.

A TRIBUTE TO THE SELFLESS STUDENTS OF WIDENER UNIVERSITY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to recognize the dedicated work of all those involved in the Widener University Student Volunteer Services Program. Over the past 5 years, more than 1,200 university students have volunteered their time and effort to the Chester, PA, community with no other reward than their own satisfaction.

The Widener students have been involved in tutoring at homework clinics, sponsoring recreation programs on campus and at a local school, assisting at the Bernadine Food Center and Delco Blind Sight Center, and serving as Big Friends to local children. In all, these dedicated students have donated more than 16,000 hours to serving the people of Chester.

For all the hard work of the Widener students, and their altruistic devotion to the Chester community, I rise today with the people of Chester to applaud and thank them. While so many people simply talk about trying to make a difference, these young adults actually used their spare time to get involved. For this they deserve our highest praise.

TRIBUTE TO THE ST. BRENDAN LADY GOLDEN BEARS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to the St. Brendan Lady Golden Bears basketball team in my 17th Ohio Congressional District. This team worked hard all year and posted a perfect 16–0 record while capturing the 1992–93 Mahoning/Trumball Catholic Conference Division I championship. This great group of female cagers also triumphed in the Mahoning/Trumbull Catholic Conference tournament.

Mr. Speaker, as an athlete who competed in high school and college, I know how hard it is to post a perfect record. This outstanding team made it look easy. The coaching staff of Jeff Rainer, head coach, and his assistants Ron Hausmann and Patty Garcar did a tremendous job. I would like to congratulate them and the team for a job well done.

Team members include: Valerie Berendt, co-captain; Rachel Block, co-captain; Teresa Haraburda; Amanda Gay; Stephanie Zalovcik; Jennifer Hagarty; Kelly Lamb; Heather Skufca; Margaret Senvisky; Melissa Valasek, manager; Kerry Lamb, manager, and Kathy Berendt, scorekeeper.

DIRECT DEMOCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 21, 1993, into the CONGRESSIONAL RECORD:

DIRECT DEMOCRACY

Modern communications technology is transforming American politics. Fax machines, 800 telephone numbers, satellite hookups, televised town hall meetings, call-in talk shows, and interactive computer networks are making our politics more personal, more open and more direct. Last year's presidential campaign was a watershed in the use of these technologies as candidates took advantage of emerging media outlets to communicate directly and immediately with voters. This trend is likely to continue.

COMMUNICATIONS AND POLITICS

Communications technology has a powerful appeal to politicians. First, it helps them get their message out to their constituencies. Politicians can no longer depend only on political parties to rally support for them. Party organizations are weaker at the state and local level than they once were, and more and more Americans now practice split-ticket voting (voting for candidates of both parties). Politicians must be more entrepreneurial in making their pitch to voters whether it means using 800 telephone numbers or televised town hall meetings.

Second, the new technology gives politicians more control over their message. The news media traditionally have played a large role in shaping the content of a candidate's message and influencing how he or she is perceived by the public. Emerging technology enables candidates to reach the public directly, with less reliance on the news media, and provides politicians with more control over what voters hear and learn.

Third, politicians can use communications to target their message to specific groups of voters. Many cable channels, for example, cater to a particular age or income group, providing candidates with an opportunity to present a message tailored specifically to that audience. Candidates still actively court general media coverage, but they now are much more aggressive in seeking out "specialized" or "niche" voting groups.

Fourth, the new technology allows politicians to give voters more information about themselves. Many voters are alienated by slick political campaigns which emphasize style over substance and offer few detailed proposals about how to deal with the country's problems. They are also cynical about the accuracy and impartiality of the news media. Hence, a candidate who appeals directly to voters by answering public questions on a call-in show can be a welcome change.

Fifth, candidates can use instantaneous communications to head off unfavorable news stories or attacks by other candidates. Both presidential campaigns watched raw satellite newsfeed transmissions to find out what stories would be broadcast later that evening. The campaigns then would prepare rebuttals to the potential stories, which could be sent by satellite across the country, even before the original story was on the air.

COMMUNICATIONS AND THE PUBLIC

The new technology has also had a profound impact on the public's involvement in the political process. Voters are not simply on the receiving end of the communications wave. They are using technology themselves to communicate more directly and more often with their political leaders.

The number of Hoosiers contacting me has increased continuously over the last 10 years. Last year I received an average of 550 constituent contacts per week, and that figure has surged to over 1,300 per week so far this year. Overall, Congress received over 4.2 million phone calls during the first five weeks of this year, compared to 1.9 million calls during a similar period in 1992. Some of the increase is attributable to voter anger or voter interest in certain issues, but new communications technology is also responsible. More and more of my mail comes from computerized post cards and form letters, as well as phone and fax contacts with my Washington and Jeffersonville offices.

Communications technology has made voters more informed about the political process. The news available to the public concerning governmental activities—whether a congressional hearing, a campaign stop or a State Department briefing—has increased markedly. This information is available instantaneously to almost any American who has access to continuous news sources such as CNN or C-SPAN.

The technology has also given citizens a stronger voice in political decision-making. The American people learn instantly what happens in Washington from television and they tell their leaders what they think right away. Call-in talk shows and other media programs often encourage listeners to share their opinions on current and controversial events. Their views and concerns have an impact. Public concerns about Zoe Baird's failure to pay taxes for her housekeeper helped derail her bid for U.S. Attorney General. Congress received over 470,000 calls on one day, January 21, many of them in opposition to her confirmation. I always consider the contacts I receive from constituents before casting my vote on bills pending before the House.

Special interest groups have become particularly effective at using communications technology to get their views across. A small industry of experts adept at generating grassroots support phone calls, telegrams, and mail has sprung up for hire by interest groups in an attempt to immediately influence the government. The more contacts an interest group can generate, the more likely its position will receive consideration from Congress or the President. I am astonished by the number of computerized letters and postcards I receive from my constituents on very specific bills or issues.

CONCLUSION

I think communications technology has had a positive influence on our politics. It has made our politics more democratic, as more citizens learn about issues and candidates and get involved in the political process. This kind of interaction is part of a vigorous and healthy democracy. My only concern is that technology not overwhelm the process. Our system of government works best when citizens and their representatives can reflect on issues, then debate, discuss, and decide them. Many of the problems we face, like the budget deficit or health care costs, are extraordinarily complex. We must act to address them, but consensus on how to act can take time. I am hopeful that the new technology can serve the democratic process, and not be served by it.

TRIBUTE TO PAUL WOODRING

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. Paul Woodring for being named 1993 Clinton Township Goodfellow of the Year. Mr. Woodring was selected for this award because of his outstanding contributions to the Goodfellows and our community.

Mr. Woodring has been deeply involved in our community. He has been active in the Goodfellows since 1981 and served as treasurer from 1987 to 1993. Currently, he is a member of the Mr. Clemens Rotary Club. He has been active in several professional organizations.

Mr. Woodring has been a leader in our community. He is a former member of the Chippewa Valley Board of Education. He is a charter director of the Clinton Township Economic Development Corp., and a former president of that organization.

Mr. Woodring graduated with a B.A. degree from Eastern Michigan University. He then received a M.A. from Michigan State University. Following a tour of duty with the U.S. Army, he became a high school mathematics teacher and then a business manager for a Flint area school district. In 1973, he was named assistant superintendent in Clintondale schools. After retiring from Clintondale, he was named chief deputy treasurer for Macomb County. He retired from that position in January 1993.

I ask my colleagues to join me in saluting Mr. Paul Woodring. He has demonstrated his commitment to our community. I congratulate Mr. Woodring on being named 1993 Clinton Township Goodfellow of the Year.

TRIBUTE TO THOSE WHO LOST THEIR LIVES IN EXERCISE TIGER

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SAXTON. Mr. Speaker, 49 years ago today, an ill-fated D-day dress rehearsal took place off the cost of England. An American amphibious assault force consisting of landing ship tanks was conducting invasion tactics when German warships launched a surprise attack. Two ships were sunk immediately, others suffered extensive damage.

Nine hundred and forty-six men lost their lives in this battle—the second highest death toll for the entire war, surpassed only by the attack on Pearl Harbor.

Yet, 43 years passed before any acknowledgement was given to the battle. Navy officials classified information on this top secret mission and it remained obscure. No medals of valor were awarded to the survivors.

Today, the residents of Ship Bottom, NJ, are prepared to gather and give tribute to the 946 men who lost their lives in Exercise Tiger. I join them in spirit to honor those unsung heroes who gave the ultimate sacrifice for their country.

TRIBUTE TO ALLAN L. BREAKIE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FORD of Michigan. Mr. Speaker, service to one's profession and the community is to be commended. I want to pay tribute to Allan L. Breakie, who has given 40 years of service to the Garden City Hospital in Garden City, MI. Friends and coworkers will be honoring Mr. Breakie on Saturday, May 8, in a celebration of his leadership and his contributions to the osteopathic profession. I want to join with my constituents in recognizing Mr. Breakie's many achievements.

Born of Scottish ancestry on February 26, 1921, Allan Breakie attended Andrews University and California College of Medical Technicians. Mr. Breakie began his career in hospital operations during World War II when he was placed in charge of organizing and relocating Army hospitals in the Pacific theater. He gained training in technical and managerial jobs in various hospitals before becoming the Garden City Hospital administrator on February 1, 1954. Starting with a 40-bed maternity hospital, Garden City Hospital grew. In 1955, the hospital purchased the Ridgewood Hospital near Ypsilanti, MI. Out of this expansion the 100-bed acute care Ridgewood Osteopathic Hospital was established.

A new hospital was build to replace the Garden City edifice in 1960. During this decade and the 1970's 7 additions were added to Garden City Hospital increasing capacity and services to a 360-bed osteopathic facility. A medical and allied health education component was created and improved under Allan Breakie's leadership. The hospital organized its own accredited medical technologist program 8 years ago. Fifty interns and residents take part in the hospital's program; and students in allied health fields from various colleges in the area participate in clinical rotations as part of their education.

Allan Breakie is credited with responding to the needs of the marketplace in hospital administration, yet maintaining the identity of osteopathic care of Garden City Hospital in the community. The hospital became the building block for its parent company, Amerigard Health Services, owner and operator of two long-term care nursing homes, two home health agencies, a substance abuse clinic, a hospice, an industrial clinic, and physician offices. Under Mr. Breakie's leadership, these facilities enjoy the same reputation of providing quality health care as the Garden City Hospital.

Mr. Breakie has served ably in the posts he has held in the osteopathic profession. He is a fellow with the American College of Hospital Administrators and also with the American College of Osteopathic Hospital Administrators of which he is a past president. Numerous awards have been granted to Mr. Breakie for his hard work—the Distinguished Service Award from the Osteopathic College in 1974 and the Award of Merit from the American Osteopathic Hospital Association in 1988.

The tasks and posts held by Allan L. Breakie are many, but worth listing for the care put into each job. In addition to his current posts as president of the Amerigard Health Service Corporation and Garden Nursing Center, he has been the chief executive officer of the Garden City Osteopathic Hospital for 36 years. A member of the American Osteopathic Hospital Association since 1975, Mr. Breakie has served on most of its committees. As an accreditation surveyor and consultant since the late 1960s, he has also worked on AOA task forces through the years.

Mr. Breakie's service has benefited all of Michigan as an dynamic member of the Michigan Osteopathic Hospital Association. As a member of the board, he has served as president on several occasions. Mr. Breakie has sought the development of a greater osteopathic presence in the community and the area economy. His efforts have encouraged the establishment of programs that support the medical profession in general and particularly the osteopathic physicians.

Assisting the community has been Mr. Breakie's commitment as well. He has represented the profession and the hospital in work on the board of directors of Blue Cross and Blue Shield, the Southeastern Michigan Hospital Association Board of Governors, the Michigan Hospital Association, the Southeast Michigan Hospital Council, the Southeast Michigan Health Service Agency, the Greater Detroit Area Health Council, Schoolcraft Community College, the city of Garden City, and Goodwill Industries.

A leader in his profession and a community resource, Allan L. Breakie's work is respected by the people he has worked with in making patient care a priority. Mr. Speaker, I am honored to have the opportunity to recognize the many special talents of Mr. Allan Breakie.

VICTIMS' RIGHTS

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mrs. FOWLER. Mr. Speaker, I rise in support of Congressman GEKAS' resolution designating National Crime Victims' Rights Week April 25 to May 1, 1993 and I am proud to be a cosponsor of the resolution.

It may be hard to believe, but of the next six people you come in contact with, five of those people are likely to become the victim or intended victim of crime in their lifetime. And with a violent crime occurring every 17 seconds in the United States, we are all potential victims.

Victims of crime are not just statistics in police reports. They are your parents and grandparents—your brothers and sisters—your husbands, wives, and children. They are your neighbors and coworkers—people who through no fault of their own have had their lives drastically changed in a way that some of us have no way of truly comprehending unless it has happened to us.

All too often, victims of crime feel that they have no where to turn. The victims' rights movement has come a long way in changing the way in which the victims are treated. While there were only three victim service agencies in 1972, today there are more than 8,000 programs across the Nation serving people who have been victims of crime.

In Jacksonville, FL, we are proud to have a dedicated group of people who work diligently to protect and defend the rights of victims.

One of our outstanding victim rights advocates is Dr. Kara Elizabeth Mort. Dr. Mort has been tireless in her efforts with our Guardian Ad Litem Program. Taking the most difficult cases she gives countless hours dedicated to the rights of victims.

I applaud the work of Dr. Mort and all victims' rights advocates across the country.

FEDERAL LAND MANAGEMENT AGENCIES BILL INTRODUCED

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HANSEN. Mr. Speaker, I am today introducing a bill which will help to depoliticize and professionalize the four Federal land management agencies: National Park Service, Forest Service, Bureau of Land Management, and Fish and Wildlife Service. My bill will accomplish this by establishing 5-year terms for the agency heads and by making all four agency heads subject to Senate confirmation.

Mr. Speaker, in recent weeks we have read stories indicating that a movie actor and television star were being considered for the position of Director of the National Park Service. While recent stories have indicated that these persons were being considered because the agency currently faces a morale crisis, I would suggest that it will take more than selection of a celebrity as the Director to resolve those problems. In fact, selection of someone whose major qualification is that they have visited national parks since childhood, but who have no prior experience in Federal land management issues would in my opinion be adverse, not beneficial, to the agency and employee morale.

The media have also been replete with stories about how key slots in the administration are being selected. According to some reports, ethnic diversity, gender and political paybacks are being considered just as much as qualifications in the selection of key positions within the administration. In my view, this is wrong.

My bill would address this problem by setting professional standards as the basis for selecting all four of the agency heads. It would further ensure that agencies are able to develop and carry out their programs in a professional manner by isolating the appointment of these key positions from the Presidential election cycle.

Currently, only the heads of the Bureau of Land Management and Fish and Wildlife Service are subject to Senate confirmation. While the Senate confirmation process has in recent years focused too heavily on factors unrelated to the qualification of an individual for a particular position, overall I believe this process has merit and can see no reason for the current double standard in the selection of heads for the land management agencies.

Therefore, I hope my colleagues will join me in supporting this important measure.

CHESTER'S CHAMPS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to congratulate and applaud the Chester, PA, Biddy Basketball 12-year-old allstar team for their second place finish at the World Biddy Basketball Tournament in Louisiana. Leading up to the tournament, these 12 young men competed in and won the State championship in Lebanon, PA, as well as the Plymouth ABA and Ridley Tournaments. And although they came up short in the final game of the world tournament, they displayed the teamwork, spirit, commitment, and sportsmanship of true champions.

Therefore, I join with all the citizens of Chester in saluting these young athletes: Justine Armstrong, Samuel Copeland, Larry Fain, Ronnell Green, Jalaal Harris, Najeeb Rasheed, Fareed Burton, Ramee Davis, Kevin Gandy, Lynn Greer, Jamaal Sterling, and Robert Williams. They have made us all proud.

SMALL BUSINESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 14, 1993, into the CONGRESSIONAL RECORD:

SMALL BUSINESS

Small business is the backbone of the American economy. It drives our economic success; it is in this sector where jobs are created and recoveries generally take off. Between 1981 and 1992, the number of small businesses grew to 21 million from 13 million, and they employ 60 percent of the nation's 99 million private sector workers. They also contribute to the economy by applying new technologies, introducing new products, serving new markets, and improving working conditions. Even so, many small businesses are facing challenges as they emerge from the recent recession.

THE CREDIT CRUNCH

For many months now, small business owners have been coming to me and complaining that they have not been able to get financing. Repeatedly they have told me that they could expand, employ more people and improve their businesses if they had access to capital. Many reasons are given for the "credit crunch." Bankers say that new banking regulations which followed the savings and loan crisis are overly burdensome and restrictive, costing them money and impeding their ability to lend. They believe that regulatory red tape is to blame for a slowdown in bank lending that has kept small firms from getting loans they need to expand and create new jobs. Others believe that interest rates, not regulations, are to blame. While short-term rates are at historic lows, long-term rates have been relatively high. This spread has allowed banks to achieve profits simply by investing depositors' money in risk-free government securities, rather than in less secure or lower-yield investments.

ACCESS TO CAPITAL

President Clinton unveiled a new program on March 10, 1993 to spur small business lending by reducing the paperwork needed to make certain loans, easing requirements on property appraisals, and making it easier for banks to make character loans. On March 30, 1993 the President announced a policy to implement one of these initiatives. Under this policy, which takes effect immediately, commercial banks will have the opportunity to make up to $38 billion in character loans—loans which are based more on a borrower's proven reliability than on rigid compliance with rules that require certain documentation and paperwork. This will allow the nation's banks to begin making loans to small business without the paperwork normally required, and to give the economy a general boost. No action is needed by the Congress. Other parts of the President's program will be implemented over the next few months.

SBA GUARANTEED LOANS.

The Small Business Administration (SBA) plays a role in increasing credit available for small business. SBA has evolved from a program providing direct loans to a program where bank loans, financed with private money, are backed by a government guarantee. This guarantee secures up to 90% of the loan, should the borrower default. The credit crunch has placed increased demands on this program. In response, the House recently approved an economic stimulus package that includes funding for an additional $2.6 billion in guaranteed loans for this year. If enacted, the total level of guaranteed loans would rise to $6.2 billion.

PRESIDENT'S ECONOMIC PLAN

Congress is considering the President's economic plan, which includes several proposals benefitting small business. First, he has called for an investment tax credit targeted for small business. For companies with sales of less than $5 million, the plan proposes a permanent investment tax credit at 7% for the first two years and 5% thereafter. Second, the plan includes a targeted capital gains tax cut. For companies with less than $50 million in capital, the President proposes a 50% capital gains tax break on newly issued stock held for five years or more. Third, the plan would create 50 enterprise zones in economically distressed areas where small businesses would qualify for certain investment incentives and employment tax credits. Other provisions of the President's plan, including a partial restoration of the passive loss deduction, the establishment of community development banks, and the development of technology extension centers could benefit small business as well.

SECONDARY MARKETS

Congress is also debating the merits of creating a secondary market for business loans, a market in which small-business loans could be bought and sold in much the same way that mortgage-backed securities are traded. A secondary market might work as follows: A bank that makes a loan to a small business could sell it, at a profit, to investors around the country. The cash that the bank gets from the loan would enable it to make additional loans. The secondary market would, in effect, bring more people into the business of lending to small business, while also spreading the risk of lending.

REGULATION

Another challenge that continues to face small business is the impact of government rules and regulation. Federal regulations do provide a certain degree of protection to individuals in the workplace and the environment, but sometimes they can be overly burdensome. A better balance must be struck. Proposals have been introduced in Congress to require federal agencies to take into account the impact and cost of their regulations on small businesses and to design ways to minimize that impact. Proposed and existing regulations should be carefully reviewed in order to eliminate those that are burdensome and outdated.

DEFICIT REDUCTION

Some small businesses have expressed concern about the impact of the President's deficit reduction plan on small business. The plan, which includes tax increases, will affect various businesses differently, and I am sympathetic to those who feel that they will be disproportionately impacted. I agree with the view that any tax increase should be broadly shared, and my preference would be to see $2 in spending cuts for every dollar in tax increases. I will continue to work with my colleagues to achieve additional spending cuts throughout the budget process. Deficit reduction could be a big help overall to small business if it leads to lower interest rates.

CONCLUSION

My view is that those of us in government should try to help small businesses compete by increasing their productivity—by increasing the quality and quantity of capital their workers use, by improving their employee skills through training, by providing tax incentives to small business, and by enhancing their management skills. Ensuring that financing is available and affordable will be critical to allowing small business to achieve these goals. Because regulation can place a disproportionate burden on smaller firms, their competitiveness will also be affected by the regulatory climate. Small firms must also continue to do what they do best—experiment with new products and process innovations—if they are to hold their important position at the leading edge of the American economy.

INTRODUCTION OF TWO PIECES OF LEGISLATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mrs. SCHROEDER. Mr. Speaker, today I am introducing two bills that I have been working on for years: the Federal Employee Family Building Act, and a bill to reimburse Federal employees up to $2,000 for adoption-related expenses.

The Federal Employee Family Building Act is a simple idea. It says that the Federal Employees Health Benefits Program [FEHBP] must reimburse infertility and adoption expenses at the same rate it now covers obstetrical care. This will give premium-paying Federal employees, who want to raise children but cannot conceive or opt to adopt, the financial assistance they need.

In addition, I am also introducing legislation to grant a $2,000 reimbursement to Federal employees once the adoption process is finalized. This money will assist Federal employees with adopted children to offset the paralyzing medical, legal, counseling, and agency fees that accompany every adoption. Furthermore, this legislation will bring the nearly 3 million Federal employees in line with active duty military families who enjoy an analogous benefit, as well as many private sector employers who offer adoption reimbursements and other family-building incentives.

The National Center for Health Statistics estimates that nearly 2.3 million Americans suffer infertility. The National Committee on Adoption estimates that 45,000 children and 30,000 infants are waiting for permanent placements. The average cost of adoption can quickly surpass $9,000. Surgical therapies for infertility can easily reach $10,000. The median cost of having a baby can cash in at over $7,800. Clearly, many Federal employees will find these costs prohibitive.

Simply put, unless the new health care reform package encourages couples to explore nontraditional family-building methods, infertility will continue to emotionally destroy thousands of adult lives, while thousands of children's lives remain in limbo. I invite all my colleagues to support both of these legislative proposals and send a strong message to the White House that the new health care package be truly family-friendly by encouraging couples who want to become parents to build their families in the best possible way.

TRIBUTE TO JEFFERY M. CHIOW

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Naval Academy.

Jeffery M. Chiow will soon graduate Defiance Senior High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Jeff established himself as a leader among his peers. Jeff has served as president of the National Honor Society, editor of his school paper, and captain of the academic quiz team. He has also participated in cross county, several musical groups and was selected as a local delegate to the American Legion's Buckeye Boys State.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jeff Chiow has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

TRIBUTE TO ED DAVIN ON THE OCCASION OF HIS RETIREMENT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Ed Davin on the occasion of his retirement as the executive vice president and chief operations officer of the Trust Company of New Jersey.

A lifelong resident of Jersey City and a graduate of Seton Hall University, Mr. Davin began his long and distinguished career with the Trust Company of New Jersey in 1954. Mr. Davin's banking career, in which he has earned the title of executive vice president and chief operations officer, is laudatory in itself, but it is his unwavering dedication and outstanding service to his community which makes him a truly remarkable individual. His service to professional colleagues, as the president of the Hudson County Bankers Association, president of the Northern New Jersey Clearing House Association, and as an instructor for 10 years with the American Institute of Banking are only a very few of his contributions.

To the community at large, Mr. Davin's service has been wholly extraordinary. He has served in leadership roles in the Jersey City Jaycees; the New Jersey Jaycees; the Hudson County Mental Health Association; the United Way of Hudson County; the Board of Trustees of St. Dominic Academy; the Valor Awards Selection and Action Committee of the 200 Club of Hudson County; the executive advisory council to the department of business administration at Jersey City State College; and the board of trustees of Christ Hospital in Jersey City.

Under his leadership, the three Boys' Clubs of Jersey City were consolidated into one, which he served admirably as its first president. Mr. Davin has been recognized with the Distinguished Service Award by the academic career planning division of Jersey City State College; as Man of the Year, by the Pack Foundation for Cancer Research and Graduate Teachings; with the Whitney M. Young, Jr. Award for his service to the goals and activities of the Urban League; by the Junior Service League of Hudson County as one of the 100 Outstanding Citizens of Hudson County; as the first honoree to be inducted into the Community Service Hall of Fame, presented with the Sir William Osler, M.D. Humanitarian Award for his outstanding contributions to public health and community service; and as the Citizen of the Month by the Police Honor Legion of New Jersey for his unselfish time and outstanding efforts on behalf of the law enforcement agencies throughout the State.

Mr. Davin has also been selected by the Society of Friendly Sons of Saint Patrick of Hudson County as their Irishman of the Year in 1987. The following year, he was again selected Irishman of the Year by the Jersey City St. Patrick's Day Parade Committee.

Ed Davin's service to his community even includes 14 years as chairman of the Jersey City Zoning Board of Adjustment, under four different Jersey City administrations from 1971–85. His contribution to both the business community and the community at large has been, and I trust will continue to be, an example to all.

MAYORS AS CITIZEN COSPONSORS OF THE FISCAL ACCOUNTABILITY AND INTERGOVERNMENTAL REFORM ACT OF 1993

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GOODLING. Mr. Speaker, on March 10 of this year Congressman MORAN and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments alleviate their most crushing financial burden, unfunded Federal mandates.

As you know, this legislation is necessary to safeguard against a tendency within the institution and among Federal agencies to resort to more and more unfunded Federal mandates.

This bill would require that any legislation to be considered by the full House or Senate have an analysis of the costs of compliance to State and local governments and the private sector. This bill seeks to enforce provisions already included in the 1974 Budget Reform Act. Second, this legislation would require all Federal agencies to analyze the economic costs of new regulations before they are adopted.

Support for this legislation has been increased both in the Congress and among those who it will help the most, our Nations civic leaders in State and local governments and small business.

Congressman MORAN and I have received letters from mayors all over the country expressing their support for the FAIR Act. Clearly, their support of this bill reflects the need for the Congress to reform the way it does business. Their support signals the beginning of a partnership between the Federal Government and State and local governments and small businesses.

In order to give our local government a stronger voice in this issue, we have decided to make these mayors "Citizen Cosponsors" of the FAIR Act. Mr. Speaker, I am submitting for the RECORD, the names of 20 mayors who have written to express their strong support for the passage of the FAIR Act:

Name, City, and State:
Richard Arrington, Birmingham, AL.
Michael C. Dow, Mobile, AL.
Sharon Priest, Little Rock, AR.
James Lindsey, Merced, CA.
Linda Spiro, Rohnert Park, CA.
Fay B. Kastelic, Pueblo, CO.
Jacquelyn C. Durrell, Fairfield, CT.
Joseph M. Mazurkiewicz, Cape Coral, FL.
Partrick J. Gibbs, Davenport, IA.
Richard A. Brauer, Belleville, IL.
Tomilia Allison, Bloomington, IN.
David Adkisson, Owensboro, KY.
George Dement, Bossier City, LA.
Judith H. Robbins, Attleboro, MA.
Douglas Duncan, Rockville, MD.
John S. Coppage, Midland, MI.
Charles Winkelman, St. Cloud, MN.
Jack Leonard, Chesterfield, MO.
James K. Seastrand, North Las Vegas, NV.
Frank Stare, Newark, OH.

TRIBUTE TO CAPT. CASSIN YOUNG

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mrs. FOWLER. Mr. Speaker, today I come before the House to honor one of America's military heroes, Capt. Cassin Young.

On December 7, 1941, Cassin Young was commanding officer of the U.S.S. *Vestal*, a repair ship moored alongside of the U.S.S. *Arizona* at Pearl Harbor during the sneak attack upon our military forces by the Japanese Navy.

As the U.S.S. *Arizona* was attacked, Commander Young was blown overboard by the blast but remarkably swam back to his ship, hoisted himself out of the water and returned to his command. As he surveyed the situation, he witnessed that the entire front section of the *Arizona* was a blazing inferno with burning oil on the water between the two ships which eventually spread to the U.S.S. *Vestal*. Since his own ship was on fire in several places and beginning to take on water, Commander Young put the safety of his crew ahead of all else. Between the fire on the water and the bombs dropping all around him, he managed to eventually beach his ship and save his crew.

On the night of Friday the 13th in November 1942, Commander Young was killed in the line of duty as the Japanese attacked the ship he commanded, the U.S.S. *San Francisco* and its battle group. During the firestorm, Young gave his all to save his ship and crew. The attack on his ship was swift. As Japanese warships rammed into the U.S.S. *San Francisco*, steering and engine control were damaged. And, during a continued series of bombings, America lost one of its heros, Cassin Young. The ship did manage to survive to fight again thanks to the courage of its commander and crew.

Today, as the citizens of Volusia County remember the dedication to both his country and his fellow servicemen, let us also remember with great pride the actions of Capt. Cassin Young.

As a remembrance of his heroism, the American Legion, Ormond Beach Post 267 and its members have decided to rename their post to read "American Legion, Inc., Cassin Young Memorial Post No. 267." I proudly join with the members of Post 267 and the family of Capt. Cassin Young as we celebrate his bravery and actions in the face of danger.

NATIONAL CHILD ABUSE PREVENTION MONTH

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SWETT. Mr. Speaker, I rise today in recognition of April 1993 as National Child Abuse Prevention Month. Child abuse has affected countless Americans but only recently has this tragedy been examined in the national spotlight. The societal impact of child abuse is immeasurable.

Reported instances of child abuse have risen dramatically in the past decade. According to the National Committee for Prevention of Child Abuse, between 1985 and 1991 reports of child abuse and neglect increased by 40 percent. In 1991, 2,694,000 children were reported to child protective services agencies as victims of child abuse. This number represents an average annual increase of 6 percent during this period. While substantiation rates for these alleged cases of abuse hover around 50 percent, the over 1 million confirmed instances of abuse, and the 1,383 children who died from abuse and neglect in 1991, are sufficiently chilling to warrant heightened efforts to address this problem.

Child abuse and neglect occurs in very racial and demographic group. But it is most prevalent among those living below the poverty line. Although the shocking increase in reported cases of child abuse can, in part, be attributed to the greater exposure the problem has received in the past decade, there is also a clear correlation between the fourfold increase in the number of children below the poverty line in the past decade and the increase in reported cases of child abuse. In my own State, New Hampshire, there are more children living in poverty than ever before, and reported cases of neglect and abuse have risen proportionally. Mr. Speaker, it is obvious that helping our Nation's poorest citizens will also yield dividends in the battle against child abuse.

Too many Americans still refuse to believe that child abuse can occur among their friends or in their community. Unfortunately, the statistics tell a different story. Child abuse is a disease that knows no racial, ethnic, or socioeconomic boundaries. Moreover, studies have shown that those parents most likely to abuse their children were in fact themselves abused. This cycle of abuse and suffering must be stopped. Mr. Speaker, we must join together to eradicate the abuse and neglect of our Nation's children before another generation is witness to its terror.

GREAT WESTERN TRAIL BILL INTRODUCED

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HANSEN. Mr. Speaker, today I along with my colleagues Mr. ORTON, Mr. PASTOR, Mr. KOLBE, Mr. KYL, Mr. STUMP, Ms. SHEPHERD, Mr. THOMAS, and Mr. WILLIAMS introduce a bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System.

The Great Western Trail crosses the most unique and beautiful areas of the West. Visitors of the Great Western Trail will enjoy a wide variety of experiences including wilderness, recreation, cultural, and the historical treasures of the West. The Great Western Trail begins at the Mexican border in the Coronado National Forest in Arizona and heads in a northerly direction by Phoenix, through southern Utah National Parks, past Salt Lake City into eastern Idaho and western Wyoming heading north touching Montana and reaching the Canadian border in the Idaho panhandle.

The proposed route is actually in place through much of the area. This trail takes advantage of the rich abundance of public lands throughout the heart of the Rockies. By following mostly existing roads and trails, very little right-of-way acquisition and minimal new construction is needed. This trail would be mostly on national forests and some public domain administered by the Bureau of Land Management in Idaho, Wyoming, Utah, and Arizona.

The Great Western Trail [GWT] is actually much more than a trail, but rather a corridor of trails and passageways designed to serve the many types of trail interests and users. Using whatever was available, travelers in the Old West made their way by foot or horseback, or by using a variety of vehicles including wagons and water craft as they moved between communities, over mountain passes, down rivers, and across valleys. And so it is today along the Great Western Trail as the magic and romance of the Old West unfolds once more to recreational enthusiasts from across the nation and many foreign countries. Opportunities exist for hikers, horseback riders, boaters, mountain bikers, cross country skiers, and off-road vehicle and snowmobile riders to traverse this scenic and culturally rich area of our Nation in a variety of ways.

Mr. Speaker, the Great Western Trail will be a valuable natural asset to our country and I urge my colleagues support.

TRIBUTE TO NICHOLAS F. FRYZIUK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today with a sense of loss after the death of Nicholas Fryziuk, a lifelong resident of Chicago's 23d ward. Nicholas passed away from leukemia on Thursday, April 1, 1993 at Hines Veterans Hospital, near Maywood, IL.

Nicholas was a survivor of the Bataan Death March in the Phillipines in April 1942 and of 42 months in a Japanese prisoner-of-war camp. Nicholas, a sergeant in the 192d Tank Battalion, landed in the Philippines on Thanksgiving Day 1941 with 88 other men from the western suburbs of Chicago. Less than 1 month later, the Philippines were attacked. He was part of the American and Filipino force that held off the invaders on the island of Corregidor and Bataan peninsula.

On April 10, 1942, he and 75,000 other captured soldiers began a 65-mile march from Mariveles to San Fernando under a blazing sun. The Japanese clubbed and beat stragglers with rifle butts, killing those who did not get up. Nicholas helped to carry a wounded man much of the way. His two best friends were killed.

His war injuries eventually forced him into a early retirement from Corn Products Co. Inc., in Argo, IL. It is not known whether his leukemia was caused by the atomic bomb which destroyed Hiroshima, since the prisoner-of-war camp in which he spent over 3 years was only 25 miles from Hiroshima.

In 1957, he and several other Chicago-area Bataan survivors set up an export-import business to find markets in the United States for goods from the Philippines.

Nicholas is survived by his wife Cecilia, a daughter, Diane Andrasek, and two grandchildren,

Mr. Speaker, as I rise to today to recognize Nicholas Fryziuk, I wish to honor the memory of this exceptional man. His courageous actions are an example for all to follow. I hope my colleagues will join me and my constituents in saluting Nicholas. He will be deeply missed.

BERLIN TOWNSHIP MAYOR AND COUNCIL ANNOUNCE ANOTHER YEAR OF RECYCLING SUCCESS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to commend Berlin Township, a municipality in my district, for the success of their recycling program. I would like to enter for the RECORD a statement which the township recently released which explains the program. I hope that other communities around the country can learn from Berlin Township's success:

BERLIN TOWNSHIP MAYOR AND COUNCIL ANNOUNCE ANOTHER YEAR OF RECYCLING SUCCESS

BERLIN TOWNSHIP.—Since the Recycling Program began in the Township of Berlin, over twelve (12) years ago, the success of the program has continually escalated to an all time high. The recovery rate for 1992 has reached 65 percent, which is the highest ever for Berlin Township and perhaps the County of Camden and the State of New Jersey. The program started back in September of 1980 with the voluntary separation of glass, which proved to be the root of a program that should be the model for other communities and levels of government. Over the past decade, with the cooperation of the various township departments and officials and most importantly, the residents, this program has asked more of everyone as far as participation is concerned, but has proved to pay off in a big way. "For a small residential community to begin a program that would eventually turn almost two-thirds (⅔'s) of it's waste stream into recyclable materials is remarkable." said Councilman Chris Morris, Liaison to the Public Works Department in Berlin Township.

The Township takes great pride in this program and the people who have made it so successful. The residents, the public works employees, under the direction of Public Works Director Mike McGee, and the Mayor and Council have worked in harmony to bring about the successes of this program. And their efforts have not gone unnoticed, as far back as 1981, Berlin Township has received awards from the County of Camden, the New Jersey Department of Environmental Protection, the National Recycling Coalition, the Institute for Local Self Reliance, Renew America, and the Federal Environmental Protection Agency which recognized this program and awarded the Environmental Quality Award in 1991. Perhaps the most notable award came from the Friends of the United Nations Environment Program (FUNEP 500) who recognized the Berlin Township Recycling Program in 1990 and 1992 for their outstanding program and recovery rates achieved.

Achieving such a high recovery rate is no fluke, according to Mike McGee. "Our program achieved a recovery rate of 58 percent for 1989, 60 percent for 1990, 64 percent for 1991 and now an all time high of 65 percent for 1992, which is a testament to the efforts of all involved," said McGee who has been a big proponent of recycling during his tenure as Public Works Director. As part of the success realized, McGee is often consulted by various surrounding communities and others around the State and Country for assistance with their recycling programs. "In my opinion, every community should have a recycling program in an effort to reduce the overall burden placed upon the environment as well as the budgets of local communities," said McGee.

In the case of Berlin Township, the recycling program has not only proved beneficial for the environment, but the local budget as well. "If we did not have our recycling program, we would have spent well over two hundred thousand ($200,000) dollars in disposal fees for 1992; there is no doubt in my mind that recycling has been and remains the wave of the future," commented Morris.

Berlin Township recycles glass, aluminum, motor oil, newspaper, metal, cardboard, batteries, concrete, clean lumber, brush, leaves and grass clippings.

CHARLES L. WEYER, JR., HONORED

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1997 at the U.S. Military Academy.

Charles L. Weyer, Jr., will soon graduate Margaretta High School in Castalia, OH, after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Charlie has distinguished himself as a leader among his peers, serving as vice president of his class and captain of the Margaretta football team. Charlie was also active in the foreign language club, his church youth group and the National Honor Society.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Charlie Weyer has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he takes his place in the "long grey line" and begins his career in service to our country.

FEDERAL MANDATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 28, 1993, into the CONGRESSIONAL RECORD.

FEDERAL MANDATES

Later this year hundreds of communities in Indiana and around the country will have to comply with tougher federal drinking water standards. These requirements were enacted into law as part of an effort to ensure safer drinking water supplies for Americans. And yet, meeting the new standards will be costly to implement. For example, Indianapolis recently completed a $30 million treatment plant and plans to spend several million dollars more to upgrade its water system to comply with the standards. Local leaders appreciate the need to provide safe drinking water to their citizens, but complain that they will have to bear a disproportionate share of the compliance costs.

Federal mandates, like the drinking water standards, are a growing source of irritation between the federal government and states and localities. The objectives sought by these federal requirements are almost always worthy: clean water, safer roads, bridges, and buildings, and equal access. But while the federal mandates may be rational, collectively they often drain cities and states of money. For example, compliance with the federal clean water act is expected to cost state and local governments $32 billion a year by 1995. If the trend toward unfunded mandates continues, it will gradually usurp the powers of states and turn them into administrators of national policy. The challenge is to find ways to alleviate the financial burden on state and local governments caused by the mandates without letting the worthy objects of the mandates slip away.

TYPES OF MANDATES

Federal mandates appear in many forms and cover a wide range of subjects. Some require communities to take specific actions as a condition for receiving federal grants, such as requiring that public buildings can accommodate the handicapped. Others are direct orders, requiring state and local government to comply with national standards and administer federal statutes. Direct federal mandates include environmental, criminal justice, and health care regulations like testing children for lead poisoning.

Hoosiers are familiar with some of the larger mandated programs. Medicaid, the federally subsidized health care program for low-income families, costs states $38 billion a year to finance. Medicaid spending has risen dramatically in Indiana in recent years, consuming over $2 billion in the last budget cycle. Environmental laws are also expensive. For example, school districts throughout Indiana have spent millions of dollars removing asbestos from school buildings as required by a 1986 law.

FEDERAL BUDGET CUTS

The federal budget deficit has been a driving force in the debate on federal mandates. In the 1960s and 1970s, federal money to state and local governments grew steadily as a percentage of state and local outlays from 14% in 1960 to a peak of 27% in 1978, and states and localities expressed little concern about the conditions attached to federal money. In the 1980s the federal government responded, in part, to growing budget deficits by cutting aid to states and localities. Financial aid to state and local governments dropped to a low of about 18% in 1988.

However, the number of mandated programs continues to grow even as federal resources available for states and localities to meet these mandates dwindle. New regulations adopted between 1983 and 1990 imposed cumulative estimated costs of between $8.9 billion and $12.7 billion on states and localities. Although states have challenged the legality of federal mandates in courts in recent years, they have generally been unsuccessful.

SOLUTIONS

The federal government should take several steps to ease the burden on states and localities. First, the President and Congress need to recognize that in general it is simply unfair to the states and localities to try to achieve national goals, even worthy ones, by pinning the cost of compliance on states and localities. Second, the President and Congress should conduct a comprehensive study of federal mandates and act to eliminate unnecessary regulations and reporting requirements and streamline others. This would help cut costs, and improve accountability for the success or failure of a particular program. Third, states and localities should be given more flexibility in administering mandated programs. State and local governments have been innovators in providing services efficiently on reduced budgets. Fourth, the federal government should try to make more resources available to states and localities to meet mandates. Some have suggested a general mandate compensation item in the federal budget, similar to revenue sharing, to offset the costs of mandates. Fifth, Congress and the President should assess the impact of their actions on state and local governments whenever they are considering legislation and regulations, and select policies which have the least adverse consequences. Too much legislation has been enacted without any reliable estimates of the costs to state and local governments. For example, the cost of the Americans with Disabilities Act—commendable legislation to provide the disabled with equal acess to services, employment, buildings and transportation—is only now being fully recognized. I have co-sponsored a bill this year which would require the federal government to estimate the costs of legislation and regulations on state and local governments. Congress must choose more carefully the things it mandates and do a better job of providing funds for what it requires.

The most comprehensive approach to the problem of unfunded mandates would be to have the federal government handle activities that it does best, or which states cannot handle alone like managing air traffic control, national defense, social security, and health care. But states would take the lead for other activities—education, training, community development, housing, and most public capital projects. Devolving responsibility for these programs to the states could reduce federal spending, reduce the federal deficit, and make the federal government a more manageable enterprise.

CONCLUSION

Many federal mandates are intended to achieve important and laudable policy objectives. But Congress must, as a fundamental matter of responsibility and fairness, ensure that mandates can be reasonably met by state and local governments. Resolving the problem of federal mandates will require sorting out the proper federal, state, and local roles in particular issues, and then determining who should perform them and who should pay for them. I am hopeful that tough fiscal times will prompt innovative thinking and improved cooperation among the different levels of government.

DUNDERHEADS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mrs. SCHROEDER. Mr. Speaker, the Denver Post commented, "Tailhook Shows Straights More Worrisome Than Gays," on the quandary the military has bogged itself in. While rejecting any reasonable solution to the question of gays and lesbians serving in our country's Armed Forces, our military leaders have allowed an atmosphere of licentiousness to fester. Perhaps the Tailhook Report will bring them to their senses.

[From the Denver Post, Apr. 27, 1993]

TAILHOOK SHOWS STRAIGHTS MORE WORRISOME THAN GAYS

If they gave medals for dunderheadedness, the Pentagon would surely win one for its increasingly indefensible approach to the question of homosexuality.

On one hand, a decorated veteran of the Desert Storm campaign, recently named the Sixth Army's "Soldier of the Year," now stands to be discharged after having publicly announced that he is gay—even though his conduct in uniform has been exemplary.

On the other, scores of "straight" officers, whose misconduct in the Tailhook incident has shamed the Navy, are only belatedly being held accountable for their violations of both military law and common decency.

Clearly, the assumption that homosexuals automatically pose a threat to the image or combat readiness of the military services, while heterosexuals don't, has shown itself to be as obsolete as a flintlock rifle.

What counts, as President Clinton recognized in calling for an end to the ban on gays in the military, is not one's sexual orientation, which obviously has little bearing on a person's patriotism or ability to perform a mission. Rather, it is a person's behavior—sexual or otherwise—that determines whether he or she should be honored or disgraced, in the military or in civilian life.

It shouldn't take a march on Washington to demonstrate the moral bankruptcy of the current policy. If the top brass refuse to renounce the belief that homosexuality is "incompatible" with military service, they will be guilty of the same kind of failure of leadership that led to the Tailhook abuses.

TRIBUTE TO CENTERVILLE HIGH SCHOOL

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HALL of Ohio. Mr. Speaker, I am proud to announce that a very ambitious and bright class of students from Centerville High School will be representing the State of Ohio in the national "We the People . . . The Citizen and the Constitution" competition. These students from Centerville, OH, which I am honored to represent in Congress, have demonstrated exceptional knowledge and appreciation of our Constitution and Bill of Rights. By winning the State competition, these students will move on to the national finals May 1–3 in which over 1,200 students from 47 States and the District of Columbia will compete on their knowledge of constitutional principles.

The Centerville student finalists representing Ohio are: Praveen Akuthota, Ward Barrentine, Thomas Davis, Andrew Duncan, Drex Earle, Salman Elmi, Matthew Hubbard, Justin Husher, David Lambright, Alissa Lane, Melinda Leiwig, Kevin Lopardo, Benjamin Oxley, Jim Park, Ryan Powell, Ben Pryor, Sandeep Punateer, Naveen Reddy, Jon Servaites, Jill Solscheid, Angel Spyrou, James Taller, Wendy Tzou, Christopher Willard, and Yousuf Zafar. I would also like to commend their teacher Teresa Lonsbury, who worked with the students in understanding the depth of our Constitution, as well as Peter Kavouras and Patti Denny, the district and State coordinators, whose time and dedication to this program proved invaluable.

Mr. Speaker, for some time I have been a participating member of the "We the People . . . The Citizen and the Constitution" program. The program allows student finalists to testify before a panel of prominent professionals from across the country to demonstrate their expertise in constitutional principles. The forum is a hearing, similar to our hearings in Congress, in which students respond to questions and defend their knowledge of the Constitution. The program is an exciting way to teach history and to stimulate an appreciation for the values and principles inherent in our democratic republic.

I would like to congratulate Centerville's class for their impressive achievement thus far and extend best wishes for success in the finals. These students are a tribute to their families, their community and their State. I am confident the knowledge gained through this program will help them realize the challenges and responsibilities of good citizenship.

CONGRATULATIONS TO PRESIDENT CLINTON

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. COLEMAN. Mr. Speaker, I rise today to congratulate President Clinton on the most important achievement of his first 100 days—his radical departure from the failed trickle-down policies of the past and the new direction he has charted for our country.

The Congress passed President Clinton's 5-year budget plan in record time, providing for the first time in a decade a responsible, achievable economic plan for this Nation to reduce the deficit by $514 billion while at the same time increasing investment in our people.

Let the pundits pick away at the tiny details. But let us not overlook the importance of this single, shining accomplishment—trickle-down economics has finally been laid to rest.

My district, still one of the poorest in the Nation, now looks forward to a brighter future under the leadership of President Clinton. The future under President Clinton lies before us filled with educational opportunities, health care, childhood immunizations, job training, and hope that our children will be freed of the horrible debt burden they must confront.

And so I congratulate the President and his administration. And I look forward to the next 1,200 days of progress and hope.

REPRESENTATIVE BRUCE VENTO HONORED WITH THE NATIONAL ALLIANCE TO END HOMELESSNESS AWARD

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. BONIOR. Mr. Speaker, last night, my Minnesota friend and colleague BRUCE VENTO was honored for his work to end homelessness by the National Alliance to End Homelessness. Representative VENTO was presented with the Public Sector Achievement Award by the two cochairmen of this year's awards ceremony, Susan Baker who is the driving spirit behind the alliance and Jim Johnson who is working to end homelessness at the alliance and as Chairman of Fannie Mae.

The Alliance to End Homelessness is devoted to the idea that only bringing together public, private, and nonprofit resources can we end homelessness. The alliance believes as Mr. VENTO believes that we must focus on long-term solutions to homelessness.

It is an odd combination, when you think about it. A senior Member of Congress devoting so much time and effort to help those who can't—or won't—help themselves. We all know that the homeless have no political money to contribute. They do not vote in any large numbers. They operate no political party machines. They don't have a PAC. Anyone writing legislation or speaking for them in Congress is not in it for political gain. So for my colleague BRUCE VENTO it is a true calling of the heart. It is, simply, the right thing to do.

Representative VENTO is a Member of Congress who grew up in a working class neighborhood—nothing fancy, mind you, but there was always a roof over his head. Why, then, would he take to the cause of the homeless? Maybe it's because in the homeless, we see people from similar backgrounds, similar families, and similar heritages. And we suspect that but for some strange happenstance, they would wear suits and ties, shiny shoes, live in tidy homes, and have careers, friends, and families like we do. So perhaps we see a glimpse of ourselves, in the homeless and we are reminded that the compassionate thing to do—the right thing—is to help others as you would want to be helped in that situation.

Before homelessness was really a notable issue in the Nation or in Congress, Representative VENTO started to do something tangible about the problem. In 1983, he attached a modest amendment to an appropriations bill to pay for repairs on unused buildings to be used as temporary shelters. While that bill passed the Congress, Mr. VENTO'S next bill was never even considered by the full House. Then, in the 100th Congress, Representative VENTO was the principal author of the $1.3 billion McKinney homeless-aid reauthorization bill, which won widespread support. The McKinney homeless bill was reauthorized in the 101st Congress and for 2 years in the 102d Congress. More recently, Representative VENTO has urged his colleagues in Congress to move beyond the McKinney Act to the heart of the matter—prevention. BRUCE VENTO has been the only Member of Congress to step forward and endorse the beyond-McKinney proposals. And this year in recognition of his bold steps to end homelessness, Speaker TOM FOLEY has named Representative VENTO as the chairman of the House Task Force on Homelessness.

The story of the good shepherd tells us that a good society—a just society—will always care for the one or two who have lost their way. So it is, I think, with this feeling that Representative VENTO has pursued an aggressive agenda of homeless legislation.

The Alliance to End Homelessness could not have picked a better person to honor for his work to end homelessness. BRUCE VENTO deserves much of the credit for bringing the issues of homelessness into the minds and hearts of the American people and of Members of Congress. Thank you for your work, and, again, congratulations.

GORHAM HIGH SCHOOL HONORED

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SWETT. Mr. Speaker, on May 1–3, more than 1200 students from 47 States and the District of Columbia will be in our Nation's Capital to compete in the national finals of the We the People . . . The Citizen and the Constitution Program. I am proud to announce that a class from Gorham High School in Gorham, NH will represent New Hampshire's Second District. These young scholars have worked diligently to reach the national finals by winning district and State competitions. The distinguished members of the team representing New Hampshire are: Dan Adams, Chris Addario, Dale Burcalow, Allan Carpenter, Ryan Carreau, Ralph Ciacciarelli, James Godbout, Amy Horne, Sarah Lambertson, Leah Lemieux, Ellen McCrum, Bethany Parker, and Jennifer Simon.

I also would like to recognize their teacher, Michael G. Brosnan, who deserves much of the credit for the success of the team. The district coordinator Raymond H. Kneeland, and the State coordinator Carter Hart, Jr. have also contributed a great deal of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the country in order to demonstrate their knowledge of constitutional issues. Administered by the Center for Civic Education, the program, now in its sixth year, has reached over 12,000,000 students in 21,490 elementary, middle, and high schools nationwide.

The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am proud of the students representing New Hampshire's Second District and commend them and their teacher for their hard work. I wish them the best of luck in this competition—and a bright future thereafter.

JAMES J. CROSS HONORED

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1997 at the U.S. Merchant Marine Academy.

James J. Cross will soon graduate Woodmore High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Jim has participated in the American Legion's Buckeye Boys State, student council, and marching and pep bands. Jim has also been active in the local chapter of Future Farmers of America, serving as the organization's treasurer.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jim Cross has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

TRIBUTE TO WINSLOW TOWNSHIP POLICE DEPARTMENT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to commend the Winslow Township Police Department of Camden County, NJ, for the fine work they have been doing. The department was first established in 1970 as a full time police department. It's purpose was to help, protect, and serve the residents of Winslow Township who are spread out over more than 58 square miles. Over the years, the department has met the demands of a community which has quickly grown to more than 35,000 people.

The department has developed under the diligent leadership of its chief of police, Anthony Bello, to a total of 62 sworn officers, and 10 civilian personnel. It is composed of a patrol division, a criminal investigation division, a K–0 unit, a highway safety unit, and a special services unit. Chief Anthony Bello has been a pioneer within the ranks of law enforcement with the establishment of a specialized unit comprised of two officers whose duties are the strict enforcement of environmental crimes. Chief Bello has also developed a specialized unit whose sole purpose has been the suppression of illegal drug activity. Their success has been highly commendable. The Winslow Township Police Department has met the challenge of these violent times and should proudly boast of their success. Chief Bello and his personnel are to be commended for a job well done.

TRIBUTE TO CAROLE PYLE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate Carole Pyle on the special occasion of her retirement from her position as the principal of Concord School in Cass district 63 in southeast DuPage County, IL. Mrs. Pyle has worked in the district for 28 years, the last 19 of which she served with distinction as principal of the K–4 school.

Mrs. Pyle began her work in the district teaching English, reading and science at Cass school and later became the first principal at Concord School.

In addition, it has been voted unanimously by the District 63 Board of Education to grant the Distinguished Service Award to Carole. This award is given to a school district employee who has served the district in an exemplary manner for 20 or more years.

The Cass School District 63 Superintendent Robert Leli described Carole best stating: "She's a class act, an interesting person and an outstanding educator."

Mr. Speaker, I am pleased to commend Mrs. Pyle for her tremendous contributions to our community and for her commitment to educating our youth. Her years of service to the students of Cass School District and the State of Illinois have not gone unnoticed. Her work has truly raised the quality of education for our children. I hope my colleagues will join me in saluting Mrs. Pyle for her many contributions and wishing her the very best for the years to come.

A TRIBUTE TO NUTLEY HIGH SCHOOL: STATE FOOTBALL CHAMPIONS

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to the Nutley High School football team. The 1992 Raiders claimed the school's first State football crown since 1939. Defeating Morris Knolls in the finals, 39–6, the Raiders convincingly won the North Jersey, section 2, group 3 championship.

Mr. Speaker, the Nutley High School football team is to be commended not only for their victory on the field, but for their perseverance and maturity in rebounding from a 1 and 8 season just 2 years earlier. It is for their patience and commitment to improvement that I commend not only the championship Raider football team, but also the Raider band, Raider cheerleaders, and entire student body.

Mr. Speaker, I ask my fellow colleagues to join me in congratulating Nutley High School as New Jersey State champions.

MARIAN WRIGHT EDELMAN PRESENTED BARBARA JORDAN AWARD

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. WAXMAN. Mr. Speaker, on May 27, 1993, the Hollywood Women's Political Committee—an organization of professional women from film, television, and the arts—will present its Barbara Jordan Award to Marian Wright Edelman.

As the founder and president of the Children's Defense Fund, Marian Wright Edelman is America's foremost lobbyist for the rights of children. An attorney by training, Ms. Edelman began her career fighting for the rights of children in rural Mississippi. For three decades she has maintained a steady, constant, unwavering focus on the needs of the young.

Marian Edelman has built the Children's Defense Fund [CDF] into one of the best-known, most effective, and most far-reaching humanitarian advocacy groups in America. The CDF has fought strenuously for the fundamental right of children to adequate nutrition, shelter, health care, child care, and education.

We ask our colleagues to join us in congratulating Marian Wright Edelman for this distinguished honor and extending our thanks and best wishes to her.

BLOOD TAX OUGHT TO BE DEFEATED

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. KYL. Mr. Speaker, as if it weren't bad enough that President Clinton's proposed Btu tax will increase the basic costs of food, clothing, and shelter for most Americans, I have just learned that it will increase the cost of blood for hospital patients as well.

United Blood Services in Arizona, a nonprofit blood program, relies heavily on the generosity of volunteer pilots to help pick up and deliver blood supplies across the State. But, instead of encouraging such volunteer efforts as a way of holding down costs, the Clinton Btu tax will dramatically curtail volunteer pilots' financial ability to continue to provide this vital service for Arizona patients because it will raise the cost of aviation fuel by as much as 22 cents per gallon.

As a result, organizations like United Blood Services will be forced to bear those increased costs or use alternative commercial aviation, either of which will invariably raise its costs and service fees to hospitals and patients. Is this the President who wants to make health care more affordable.

Mr. Speaker, this blood tax ought to be defeated.

TRIBUTE TO ALBERT AND LAVENIA SCRIVNER

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the work of Albert and Lavenia Scrivner, two of my constituents from my hometown of Belleville, IL. Albert and Lavenia played a critical role in nationwide efforts to increase safety at railway crossings.

Albert Scrivner worked for Nickel Plate Railroad in Madison, IL beginning in the 1920's. It was there where he realized the importance of safety at a railroad crossing and thought of many ideas to help increase safety. One of his many suggestions that can be found all over our Nation is rumble strips. Albert developed the idea of constructing rumble strips on the approach to a railroad crossing. Drivers are alerted to an upcoming rail crossing because the rumble strip slows their approach.

Then, in 1976, Albert and Lavenia came up with an idea to use reflective paint on railroad warning signs. After being tested by the Illinois Commerce Commission on the St. Louis to Chicago route, this type of sign was found to substantially increase safety. Reflective paint signs are in place at railroad crossings from coast to coast largely because of the Scrivners' dedication to transportation safety and their inventive way of thinking about problems.

I ask my colleagues to join me in applauding Albert and Lavenia Scrivner for their important work in developing visual warning signs and rumble strips at railroad crossings. Every time you cross railroad tracks in safety, I ask that you remember the importance of Albert and Lavenia's ideas.

JOHN P. HARTIGAN III HONORED

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has qualified for an appointment as a member of the class of 1997 at the U.S. Air Force Academy.

John P. Hartigan III, will soon graduate from Oak Harbor High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Jake has distinguished himself as a student-athlete, participating in cross country and varsity track. He is a member of the National Honor Society and has received the Scholastic Athlete Award.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jake Hartigan has both the ability and the desire to meet this challenge. I ask my colleagues to joint me in congratulating him for his accomplishments to date and to wish him the best of luck in his efforts toward a career in service to our country.

REINTRODUCTION OF THE WORKER PROTECTIONS WARNING ACT

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to reintroduce the Worker Protection Warnings Act.

This legislation is designed to benefit the workers who use personal protective equipment, their employers, as well as the companies who manufacture it. Currently, the warnings and instructions provided by manufacturers of similar personal protective equipment are not uniform. As a result, workers may have to be retrained by their employer when the employer changes brands of personal protective equipment or when the worker moves to a new jobs with a new employer. Furthermore, standards for warnings and instructions can only be mandated on a State-by-State basis, creating a system which is cumbersome, inconsistent, and confusing to workers, safety directors, and personal protective equipment manufacturers.

The Worker Protection Warnings Act will eliminate this confusion by directing the Occupational Safety and Health Administration [OSHA] to establish and mandate uniform warnings for protective equipment. A Federal uniform warning requirement for various types of personal protective equipment would improve workers' understanding of the proper uses and limitations of equipment designed to protect their well-being, as well as simplifying the worker training process. Uniform warnings will also remove the undue burden now placed on manufacturers who must comply with multiple state guidelines. OSHA would be directed to arrive at uniform warnings through a participatory rulemaking procedure involving workers, employers, human factors experts, manufacturers of safety equipment, and other experts in the field.

The legislation defines the term warning as any statement directing or describing one or more actions, procedures, or prohibitions relating to the use of personal protective equipment, which if not complied with, may result in personal injury or death to the user of the equipment. These warnings would relate to the personal protective equipment for occupational use which is intended to protect the eyes, face, head, hearing, extremities, or respiratory tract from workplace hazards. Additionally, the equipment may function as protective clothing, as a protective shield or barrier, as personal fall arrest or safety devices, or as safety and health monitoring and instrumentation devices.

The final regulation would prescribe the full text of each warning and the means by which the manufacturer or seller will communicate each warning to the employer. It will then require the employer to communicate each warning to every worker using the equipment. Furthermore, the employer will be required to train, educate and instruct each worker about the proper use of the equipment, as well as the consequences of failing to observe the warning.

While I do not intend this legislation to reduce the manufacturers' liability for user injuries resulting from defective products, the legislation will legally define what constitutes an appropriate warning, and mandate that all manufacturers of the same type of equipment use specified language to explain equipment uses and limitations, as well as common misuses, thus superseding any varying state guidelines.

As a matter of the House Subcommittee on Labor Standards, Occupational Health and Safety, I look forward to working with Chairman Austin Murphy and Chairman Bill Ford of the full House Education and Labor Committee. I am hopeful that this legislation can be moved either as a free standing bill or as part of general OSHA reform.

I am eager to work with President Clinton, Secretary Reich, and members of the business and labor communities in developing a commonsense solution to the historically divisive issue of worker safety.

TUFTONIA'S WEEK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. RICHARDSON. Mr. Speaker, last week thousands of graduates of Tufts University gathered in small and large groups all across our great country to take part in Tuftonia's Week festivities.

This year's celebration, the ninth annual observance, was particularly special to the Tufts community as we inaugurated Dr. John DiBiaggio as Tufts' 11th president. In addition to a formal proclamation ceremony on the Massachusetts campus, local observances ranged from small gatherings in restaurants or clubs to champagne receptions in museums, art galleries, and private homes. Alumni from Boston to Brunei, from Medford to Melbourne, and from Hartford to Hong Kong came together to think Tufts, thank Tufts, and toast Tufts.

Tuftonia's Week celebration derives its name from the title of a venerable Tufts football fight song written by E.W. Hayes, Class of 1916. It is a special time for the more than 65,000 alumni of Tufts to turn their thoughts to their alma mater and to get together with fellow Tuftonians, to reminisce with old friends.

Tufts University was founded in 1852 and enrolls approximately 7,900 students from all 50 States and 109 countries.

As a Tufts alum, it gives me great pleasure to publicly commend this outstanding institution and its devoted graduates for their many public service achievements and accomplishments. I urge my colleagues to join me in congratulating their Tufts alumni constituents who joined in this year's Tuftonia's Week celebrations.

TRIBUTE TO STUART AND LILLIAN RAFFEL

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in saluting Stuart and Lillian Raffel, who are being honored by the Brandeis-Bardin Institute for their tireless work on behalf of the institute and our community.

Lillian and Stuart Raffel exemplify the philosophy espoused by Associate Supreme Court Justice Louis D. Brandeis: "To be a better American one must learn to be a better Jew."

The Raffels are committed to the Jewish people, Jewish education, and the centrality of the arts in Jewish life. They have a deep and abiding love for music and concern for the development of young Jewish musicians. Each year, they sponsor "Under the Stars," a Jewish concert series at the institute. In addition, they have helped make it possible for many young musicians to receive training at the Brandeis Collegiate Institute's Young Artists Program.

Stuart Raffel has been a longtime member of the board of directors of the Brandeis-Bardin Institute. He has served as its vice president and chair of its development committee and personnel committee. He is also co-organizer and director of the Heaven on Earth Stable for Handicapped Children, trustee for the Center for Improvement of Child Caring, board member of the Maple Center, a community nonprofit counseling center for Beverly Hills, and reserve lieutenant for the Los Angeles Sheriff's Department.

Lillian Raffel's charitable interests are also varied and extensive. She serves on numerous committees of the Brandeis-Bardin Institute with a particular focus on the arts, education, and development. She is also involved in the work of the Jewish Federal Council's speaker's bureau, the Strawberry Creek Music Festival, Beverly Hills Hadassah, the Los Angeles County Museum of Art, and Sinai Temple.

A former critical care nurse and nursing educator, Lillian Raffel is currently vice president of the Beverly Hills board of education and she serves on the board of directors of United Hostesses' Charities and the committee for school district organization of the Los Angeles County Office of Education. She has previously served on the board of directors and executive board of the California League of Nursing, the board of directors of the Beverly Hills Education Foundation, the executive boards of the Beverly Hills PTA Council and El Rodeo Unit.

I congratulate Stuart and Lillian Raffel on their great honor and wish them good health and continued success in all of their endeavors.

A TRIBUTE TO THE REV. DR. ALLENE GILMORE

HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of northern New Jersey, Rev. Dr. Allene Gilmore. This hard-working and dedicated woman has served the community of Paterson with distinction for the past 20 years.

Under Pastor Gilmore's direction, the Gilmore Memorial Tabernacle Church has established a Christian academy, as well as an interdenominational Women's Conference. The pastor and her congregation are currently in the process of opening a 24-hour day care facility and nursing home, so that individuals throughout the community are provided the assistance they deserve.

Pastor Gilmore is the first African-American woman in the northern New Jersey area to have her own religious televised outreach ministry, through which she advises and consults the people that live in this area. She also has a lifetime membership in the NAACP and the National Council of Negro Women.

Not only has she served the African-American community with great devotion and attention, but she has also reached out to help those less fortunate in the entire city of Paterson. The Gilmore Church sponsors a prison ministry, street outreach, a food pantry, and a mission ministry to Honduras, Haiti and several other churches.

Mr. Speaker, I am honored to have Pastor Gilmore dedicating so much time for the betterment of our community. I would like to thank the Reverend Dr. Allene Gilmore for guiding the people of Paterson for the past 20 years. She has truly been an inspiration throughout northern New Jersey.

STEPHEN P.A. FODOR, MICHAEL C. PIRRUNG, J. LEIGHTON READ, AND LUBERT STRYER HONORED

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Ms. ESHOO. Mr. Speaker, I would like to congratulate Stephen P.A. Fodor, Michael C. Pirrung, J. Leighton Read, and Lubert Stryer for receiving the 1993 Distinguished Inventor Award on April 15, 1993. The inventors are affiliated with Affymax Research Institute in Palo Alto, CA.

These four outstanding inventors received a U.S. patent in 1992 on a breakthrough technique for synthesizing chemicals by using a "biological microchip." Distinguished Inventor Awards are given each year by Intellectual Property Owners, a nonprofit association in Washington, DC. The award recognizes the most outstanding American inventors of the past year and highlights the vital role of creativity and invention in fueling our national economy and maintaining world technological leadership. Recipients of the award are selected from public and private laboratories, large and small companies, universities, and independent inventors.

The Affymax invention provides a tool for synthesizing and screening large numbers of different chemical compounds on a microchip. It employs techniques used in the semiconductor industry to define locations for thousands of diverse compounds in a miniature array on a substrate. Patterns of light are used with photoremovable protecting groups and different chemicals to create and screen large numbers of compounds in the time needed to prepare a single compound by traditional methods.

The invention could be important in the effort to reduce the high cost of health care. "Science Magazine" awarded the inventors its 1991 prize for outstanding article of the year.

Dr. Fodor is a scientific director and principal investigator on a $2.2 million NIH grant awarded to Affymax in 1992. Dr. Pirrung is an associate professor of chemistry at Duke University. Dr. Read, co-founder of Affymax, is chairman and CEO of Aviron, a company dedicated to the cost-effective prevention of viral diseases. Dr. Stryer is a professor at Stanford University's School of Medicine and the author of "Biochemistry," a major text used in colleges and universities.

The president of Intellectual Property Owners, Roger S. Smith, is calling for greater national attention for brilliant inventors who are striving to push forward the frontiers of technology. Smith said, "We should include these inventors among our national heroes."

I urge my colleagues to join me in congratulating these exceptional inventors on their achievement.

HEATHER A. LAWS HONORED

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young woman from my district who has recently accepted her appointment as a member of the Class of 1997 at the U.S. Air Force Academy.

Heather A. Laws will soon graduate Sandusky High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During her high school career, Heather has distinguished herself as a student-athlete and as a leader among her peers, serving as captain of the varsity soccer team. She has also served as vice president of the choir, and as a member of student council, and the academic challenge team.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the United States service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Heather Laws has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating her for her accomplishments to date and to wish her the best of luck as she begins her career in service to our country.

INVESTMENT COMPETITIVENESS ACT OF 1993

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GIBBONS. Mr. Speaker, as a member of the Ways and Means Committee, I have been actively involved in efforts to enhance the competitiveness of U.S. firms in global markets. My concern with our competitive position is simple: If we cannot compete in our globalizing economy, we will be unable to maintain and increase our standard of living.

Incentives to increase capital investment in U.S. firms are vital to any effort to improve our international competitiveness. Increased investment leads to increased innovation, and this in turn stimulates productivity and income growth.

The bill that I introduce today will increase capital investment in this country by removing two unnecessary restrictions that greatly limit the international competitiveness of the U.S. mutual fund industry. I am proud to say that our industry is the world leader in developing, managing, and marketing mutual funds. The success of this industry is reflected in the rapid growth in the number and size of its funds. Notwithstanding this solid record, very few foreign investors own U.S. mutual funds. In fact, foreign shareholders account for less than one-half of 1 percent of U.S. mutual fund shares. The industry's efforts to encourage foreign investment in U.S. funds have been held back in large part by certain U.S. tax barriers that are inappropriate in our changing world.

In response, I am today introducing the Investment Competitiveness Act of 1993. This legislation would remove the impediments faced by foreigners who might otherwise invest in U.S. mutual funds by providing them with the same tax treatment that they currently receive by investing directly or through a foreign mutual fund. Removing these impediments would also put the U.S. mutual fund industry and foreign mutual fund industries on a more equal footing.

Under current law, U.S. funds investing in U.S. securities are disadvantaged by tax withholding provisions that do not apply to foreign funds investing in the same securities. Specifically, while interest income and capital gains realized by foreign investors are generally exempt from U.S. withholding tax, foreign investors in U.S. funds are subject to withholding on their interest income and short-term capital gains. This occurs because, when a U.S. fund distributes the interest income and short-term capital gains that it has earned to its investors, the income is considered to be dividend income; in the case of foreign investors, such distributions are subject to U.S. withholding tax.

My bill would correct this treatment and put U.S. funds on competitive footing with foreign funds by treating interest income and short-term capital gains paid to foreign investors as interest income and short-term capital gains.

The benefits of encouraging foreign investment in the United States through U.S. mutual funds are many. One significant benefit of selling U.S. funds abroad is the capital formation that would result from the inflow in investment dollars into U.S. securities markets. It would increase the pool of equity capital needed to expand existing American businesses and promote the creation of new business ventures. Another significant benefit of encouraging foreign investment in the United States through U.S. mutual funds is that our capital markets would be expanded without leading to the foreign control of U.S. businesses that could result from direct foreign investments. Finally, increasing demand for U.S. fund shares will have a ripple effect as it increases the demand for ancillary fund service providers located in the United States.

INVESTMENT COMPETITIVENESS ACT OF 1993

DESCRIPTION OF THE BILL

In General

Under present law, most kinds of interest and short-term capital gains received directly by a foreign investor or received through a foreign mutual fund are not subject to the 30 percent withholding tax on investment income. However, interest and short-term capital gain income when received through a U.S. mutual fund are subject to the withholding tax. The bill would modify the tax treatment of income received by a foreign investor through a U.S. mutual fund so as to make it comparable to the tax treatment of the same income when received directly or through a foreign mutual fund.

Interest

The Internal Revenue Code imposes a 30 percent withholding tax on dividends and certain types of non-portfolio interest received by foreigners. Portfolio interest (generally, interest on obligations issued in registered form after July 18, 1984) is exempt from the withholding tax. When a U.S. mutual fund receives interest income and distributes that income to shareholders, it is considered dividend income rather than interest—and is therefore subject to the withholding tax when received by foreign investors.

To provide comparable treatment, the bill would exempt from the withholding tax specified kinds of interest when distributed by a U.S. mutual fund to a foreign investor: (1) interest on obligations issued in registered form; (2) original issue discount, market discount, and acquisition discount; and (3) bank deposit interest. (These kinds of interest are currently exempt from the withholding tax if paid directly to a foreign investor.)

Present law generally does not exempt interest from the withholding tax for direct foreign investor in the case where the investor owns at least ten percent of the equity of the corporation issuing the bond. Similarly, the bill would not exempt from the withholding tax interest flowing through a mutual fund from a corporation to a ten percent shareholder in that corporation.

If the bill made no other changes, interest other than the kinds specified above, when received by a foreign investor through a mutual fund, would be taxable at 30 percent even if the investor was from a country that had entered into a treaty with the United States for taxation of interest at a lower rate. To avoid this, the bill includes a provision under which *all* interest received from a U.S. mutual fund by an investor would be accorded the same tax treatment as if the person had invested directly. The bill does this by characterizing all interest which flows through a U.S. mutual fund as interest (rather than as a dividend); once the interest is so characterized, the appropriate treaty provisions would apply.

Short Term Capital Gains

Under present law, short-term and long-term capital gains realized directly by foreign investors (including foreign mutual funds) are generally exempt from the withholding tax. U.S. mutual funds may designate long-term capital gains as capital gains dividends, and foreign investors are not subject to the withholding tax on those gains. However, short-term capital gains of a U.S. mutual fund are currently distributed as ordinary income dividends, and are therefore subject to the withholding tax when distributed to foreign investors.

To provide comparable treatment, the bill would exempt from the withholding tax short-term capital gains received by a foreign investor through a U.S. mutual fund. Capital gains would be calculated in the same way as under present law.

Estate Tax

Under current law, a foreign investor is not subject to U.S. estate tax on either (1) debt obligations whose interest is eligible for the portfolio interest exemption from withholding tax, or (2) certain amounts deposited in banks. These assets are deemed not to be property within the United States. However, a foreign investor is subject to U.S. estate tax under current law if these otherwise exempt assets are held indirectly through a U.S. mutual fund.

Under the bill, a foreign investor's fund shares would not be treated as property within the United States, and therefore would not be subject to U.S. estate tax, in the proportion that the assets would have been exempt from estate tax if held directly by the investor.

Effective Date

The bill's provisions would be effective with respect to taxable years of mutual funds beginning after the date of enactment.

SECTION-BY-SECTION ANALYSIS

SECTION 1—AMENDMENT OF 1986 CODE.

Section 1 of the bill states that, unless otherwise indicated, all references to a section or other provision shall be considered to be made to the Internal Revenue Code of 1986.

SEC. 2(A)(1)—FLOW-THROUGH OF INTEREST AND SHORT-TERM GAIN TO NON-RESIDENT ALIEN INDIVIDUALS.

Section 2(a)(1) of the bill provides a statutory mechanism by which regulated investment companies ("RICs") may distribute to nonresident alien shareholders certain interest income and short-term gains without tax under Code section 871. To accomplish this objective, section 2(a)(1) provides a proposed new Code section 871(k)—Exemption for Certain Dividends of Regulated Investment Companies. Subparagraph (1) of proposed new Code Section 871(k) provides rules for "interest-related dividends" while subparagraph (2) provides rules for "short-term capital gain dividends."

Interest-Related Dividends

Proposed new Code section 871(k)(1) provides that certain nonresident alien shareholders shall be exempt from tax under Code section 871 on "interest-related dividends" and defines the terms "interest-related dividend", "qualified net interest income" and "qualified interest income." Proposed new Code section 871(k)(1)(B) provides three exceptions to the general rule in proposed new Code section 871(k)(1)(A) that no tax is imposed on interest-related dividends received by nonresident alien individuals. First, a RIC shareholder who also owns 10 percent or more of the stock of a corporation in which the RIC has invested will be subject to tax to the extent that any interest-related dividend received from the RIC is attributable to interest received from that corporation. Second, an interest-related dividend will be subject to tax unless the withholding agent receives certification that the beneficial owner of the RIC shares is not a U.S. person. Third, if a shareholder resides in a foreign country which is determined by the United States not to provide for the adequate exchange of information, interest-related dividends will be subject to tax.

An interest-related dividend is defined in proposed new Code section 871(k)(1)(C) as any dividend or part thereof which is designated by the RIC as an interest-related dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year. The maximum amount of a RIC's interest-related dividend for a taxable year is limited to the RIC's qualified net interest income, which is defined in proposed new Code section 871(k)(1)(D) as the amount of the RIC's "qualified interest income" reduced by the deductions properly allocable to such income. If the aggregate amount designated by the RIC for its taxable year as an interest-related dividend exceeds its qualified net interest income, only the pro rata amount of each distribution so designated will be an interest-related dividend.

The term "qualified interest income" is defined in proposed new Code section 871(k)(1)(E) to be the sum of three items: (1) any original issue discount on obligations payable 183 days or less from issuance date, (2) any interest includable in gross income on obligations issued in registered form, unless the RIC is a 10-percent shareholder in the corporation or partnership issuing the debt obligation and (3) interest on deposits with banks and certain other financial institutions.

Short-Term Capital Gain Dividends

Proposed new Code section 871(k)(2) provides that certain nonresident alien shareholders shall be exempt from tax under Code section 871 on short-term capital gain dividends and defines the terms "short-term capital gain dividend" and "qualified short-term gain." Under proposed new Code section 871(k)(2)(B), the only nonresident alien shareholders not exempt from tax under proposed new Code section 871(k)(2)(A) are those present in the United States for 183 days or more during the taxable year.

A "short-term capital gain dividend" is defined in proposed new Code section 871(k)(2)(C) as any dividend or part thereof which is designated by the RIC as a short-term capital gain dividend in a written notice mailed to its shareholders not longer than 60 days after the close of its taxable year. If the aggregate amount designated by the RIC for its taxable year as a short-term capital gain dividend exceeds its qualified short-term gain, only the pro rata amount of each distribution so designated will be a short-term capital gain dividend.

The term "qualified short-term gain" is defined in proposed new Code section 871 as the excess of the RIC's net short-term capital gain for the taxable year over its net long-term capital loss for such year. In determining the qualified short-term gain, any net capital loss or net short-term capital loss attributable to transactions after October 31 of such tax year shall generally be treated, consistent with the treatment afforded for net long-term capital losses, as arising on the first day of the next taxable year.

SEC. 2(A)(2)—FLOW-THROUGH OF INTEREST AND SHORT-TERM GAIN TO FOREIGN CORPORATIONS.

Section 2(a)(2) of the bill provides a statutory mechanism by which RICs may distribute to their shareholders organized as foreign corporations certain interest income and short-term gains without tax under Code section 881. To accomplish this objective, section 2(a)(2) provides a proposed new Code section 881(e)—Tax Not to Apply to Certain Dividends of Regulated Investment Companies. Subparagraph (1) of proposed new Code section 881(e) provides rules for "interest-related dividends" and subparagraph (2) provides rules for "short-term capital gain dividends."

In general, the rules in proposed new Code section 881(e) mirror those in proposed new Code section 871(k). One additional exception in proposed new Code section 881(e)(1)(B) to the exemption from tax for interest-related dividends paid to foreign corporations is that an interest-related dividend received by a controlled foreign corporation is taxable to the extent the dividend is attributable to interest received by the RIC from a person related within the meaning of Code section 864(d)(4) to such controlled foreign corporation. In addition, proposed new Code section 881(e)(1)(C) provides that the "special rules for controlled foreign corporations" that are contained in Code section 881(c)(4)(A) shall apply with respect to any interest-related dividend received by a controlled foreign corporation to the extent that the dividend is attributable to interest that is received by the RIC on registered form obligations (as provided in proposed new Code section 871(k)(1)(E)(ii)) and is not described in clause (i) or (iii) of proposed new Code section 871(k)(1)(E).

SEC. 2(A)(3)—WITHHOLDING TAXES.

Section 2(a)(3) of the bill provides for amendments to the tax withholding rules for nonresident aliens and foreign corporations. Proposed new Code section 1441(c)(12)(A) provides that no tax shall be required to be deducted and withheld under Code section 1441(c) from payments to a nonresident alien shareholder, where the amount is exempt from tax under Code section 871 by reason of proposed new Code section 871(k). A comparable rule for shareholders organized as foreign corporations is provided by proposed modifications to Code section 1442(a).

A special rule provided by proposed new Code section 1441(c)(12)(B) exempts a withholding agent from the obligation to deduct and withhold tax on nonresident alien shareholders in two situations, unless the agent has knowledge that tax is due under Code section 871(k). First, no withholding will be required on the portion of an interest-related dividend that is attributable to interest received by the RIC on indebtedness issued by a RIC shareholder or any corporation or partnership with respect to which the RIC shareholder is a 10-percent shareholder, unless the RIC knows that the interest-related dividend is subject (at least in part) to tax. Second, no withholding will be required on short-term capital gain dividends paid to a nonresident alien shareholder present in the United States for 183 days or more during the taxable year unless the RIC knows that the short-term capital gain dividend is subject to tax.

A similar rule in the proposed modification to Code section 1442(a) would relieve the withhold agent from an obligation to deduct and withhold tax on the portion of an interest-related dividend paid to a controlled foreign corporation attributable to interest received by the RIC from a person related within the meaning of Code section 864(d)(4) to such controlled foreign corporation, unless the RIC knows that the interest-related dividend is subject (at least in part) to tax.

SEC. 2(B)—FLOW-THROUGH OF INTEREST BY DESIGNATION OF TAXABLE-INTEREST DIVIDEND.

Section 2(b) of the bill provides a statutory mechanism in Subchapter M of the Code by which a RIC may designate a taxable-interest dividend to its shareholders. Proposed new Code section 852(b)(10) defines the terms "taxable-interest dividend" and "net taxable interest income", identifies items treated as interest and provides that shareholders shall treat a taxable-interest dividend as interest.

The term "taxable-interest dividend" is defined in proposed new Code section 852(b)(10)(A) as any dividend or part thereof which is designated by the RIC as a taxable-interest dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year. The maximum amount of a RIC's taxable-interest dividend for a taxable year is limited to the RIC's net taxable interest income, which is defined in proposed new Code section 852(b)(10)(B) as the amount of the RIC's interest earned (other than amounts excluded from income under Code section 103(a)), reduced by deductions properly allocable to such income. If the aggregate amount designated by the RIC for its taxable year as a taxable-interest dividend exceeds its net taxable interest income, only the pro rata amount of each distribution so designated will be an interest-related dividend.

Proposed new Code section 852(b)(10)(C) defines the term "interest" to include amounts recognized as ordinary income in respect of original issue discount, market discount and acquisition discount.

Finally, proposed new Code section 852(b)(10)(D) provides that a taxable-interest dividend shall be treated by a recipient shareholder as interest.

SEC. 2(C)—ESTATE TAX TREATMENT OF INTEREST IN CERTAIN RIC'S.

Section 2(c) of the bill provides a new proposed Code section 2105(d) to exempt from U.S. estate tax certain RIC interests held by a nonresident not a citizen of the United States. In particular, proposed new Code section 2105(d) provides that RIC stock owned by such a nonresident would not be deemed property within the United States for estate tax purposes in the same proportion that the RIC's qualifying assets bear to the RIC's total assets at the end of the quarter of the RIC's taxable year that immediately preceded the decedent's date of death. The term "qualifying assets" is defined in proposed new Code section 2105(d)(2) to mean assets that, if owned directly by the decedent, would have been bank deposits and certain portfolio debt obligations (as described in Code section 2105(b)), certain debt obligation of domestic corporations that meet the foreign business requirements of Code section 861(c)(1) (and are described in the last sentence of Code section 2104(c)) and other property not within the United States.

SEC. 2(D)—TREATMENT OF RIC'S UNDER CODE SECTION 897.

Section 2(d) of the bill amends the special rules for dispositions of investments in United States real property that are applicable to investments in real estate investment trusts ("REITs") to provide comparable rules for investments in RICs. In particular, Code section 897(h)(2) would be amended to provide that shares of domestically controlled RICs would not be treated as U.S. real property interests, the disposition of which results in tax under Code section 897. In addition, Code section 897(h)(3) would be amended to ensure that any distribution by a RIC to a foreign person shall, to the extent attributable to gains from sales or exchanges by the RIC of an asset that is considered a U.S. real property interest, be taxed as gain recognized by a foreign person from the sale or exchange of a U.S. real property interest. Finally, Code section 897(h)(4) would be amended to define a "domestically controlled qualified investment entity" as any REIT or RIC in which less than 50 percent of the value of its stock is held directly or indirectly by foreign persons during the appropriate testing period (which is determined under Code section 897(h)(4)(D)).

SEC. 2(E)—EFFECTIVE DATE.

Section 2(e) provides that the amendments made by section 2 shall apply to dividends with respect to taxable years of RICs beginning after date of enactment.

TRIBUTE TO CLEMENT SOFFER FOR RECEIVING THE DISTINGUISHED INTERNATIONAL SERVICE AWARD FROM YESHIVA UNIVERSITY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise to recognize the outstanding achievements of Mr. Clement Soffer, this year's recipient of the Distinguished International Award which will be bestowed by Yeshiva University on the 18th of May. The award will be presented at Yeshiva University's annual dinner, hosted by the Sephardic Council of Overseers.

Yeshiva University president, Dr. Norman Lamm, will present this prestigious honor to Mr. Soffer, in recognition of his invaluable help to secure the exit of 2,600 Jews from Syria. Mr. Soffer is vice president of the Council for the Rescue of Syrian Jews. His valiant and selfless efforts should truly be commended, and fulfills one of the most important mitzvot in the Torah, pidyon sh'vi'im, the redemption of captives.

In addition, Mr. Soffer performed an invaluable role in saving numerous Jewish cemeteries from being desecrated. His active efforts to halt the destruction of these cemeteries display the undying love and respect he has for his ancestors. The memorial cemeteries are located in Cairo, Egypt; Pinsk, Belarus; Faro, Portgual; Hamburg, Germany; and Cohin, India.

Mr. Soffer's overwhelming devotion to and love of his community are displayed in the myriad responsibilities he has undertaken. He is intimately involved in many facets of Sephardic life. He is a founding member of the Sephardic Council of Overseers, and serves on the board of the American Sephardic Federation, the executive board of International Sephardic Education Foundation, and is president of Chabad Congregation of Port Washington, NY. Mr. Soffer also serves on the board of Or-Yosef Yeshiva and the executive board of Tzedakah Umarpe.

Mr. Speaker, I would also like to acknowledge two other special award recipients at the Yeshiva University dinner. Rabbi Norman Lamm will present the Distinguished Humanitarian Award to Mr. Elie Tahari, and the Advancement of Higher Education for Sephardim Award will be conferred on Mrs. Nina Weiner. All three honorees have been an inspiration to the council, and have dedicated their lives to serving the Sephardic people and Klal Yisroel.

Honorary chairman of the dinner is the Haham, Dr. Solomon Gaon, director of the university's Jacob E. Safra Institute of Sephardic Studies. Honorary cochairpersons are Dr. Joseph Ades; Anna Elyachar; Ebrahim Eshaghian; Leon Levy; Aghajan Nassimi; the Safra family; Jay Schottenstein; and Ronald P. Stanton. The chief rabbi of the Syrian Sephardic community, Rabbi Jacob S. Kassin, is rabbinic chairman of the dinner.

The Sephardic Council, which was established in 1991, is a leadership body of prominent Sephardim that supports the broad spectrum of Sephardic academic, cultural, and service programs at Yeshiva University. The council's remarkable work to raise money to provide scholarship assistance to many of its more than 300 Sephardic students is exemplary. The wonderful mitzvot performed by the council would not have been possible if it were not for people such as Clement Soffer.

Mr. Speaker, Mr. Soffer is an extraordinary person, and serves as an impeccable role model. I would like to applaud the noble efforts of Clement Soffer and the entire Sephardic Council.

CAPITAN REEF MANAGEMENT CONSOLIDATION ACT TO EXPAND NATIONAL PARKS AND PRESERVE GEOLOGIC RESOURCE

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ANDREWS of Texas. Mr. Speaker, I have introduced legislation to expand and connect the Carlsbad Caverns National Park to the Guadalupe Mountains National Park by transferring a 5-mile strip of existing Federal land to U.S. Park Service jurisdiction.

My Capitan Reef Management Consolidation Act targets an approximately 24,840 acres which are part of the Capitan Reef complex, a world-reknowned exposure of a Permian Age oceanic reef that is an educational Mecca for geologists and the most extensive exposure of its size in North America. The bill would increase by a third the Carlsbad Caverns National Park, while preserving the natural history and native culture of the area.

The site has one of the highest concentrations of significant caves and caverns on the continent, and is already home to the Carlsbad and Lechuguilla caves, making it one of the most reknowned speleological sites in the world. The reef escarpment contains abundant examples of Indian rock art and a wide variety of trees and other plant life. Additionally, it provides paleontologists a rare opportunity to study unique prehistoric fossils like the extinct short-faced bear of the Pleistocene Age.

The escarpment is one long geologic unit that extends from the Guadalupe Mountains National Park in Texas northward into New Mexico and Carlsbad Caverns National Park. Although it's one unit, the escarpment's first 5 miles into New Mexico is managed by the Bureau of Land Management [BLM] and the U.S. Forest Service.

With the Park Service, Forest Service, and BLM, this reef is being managed in segments by three different Federal agencies which carry out three different missions. This is unnecessary and inefficient. It only makes sense that such a unique and important geologic resource be managed as one unit.

I learned of the Capitan Reef's world-class stature during a backpacking trip 2 years ago. I was surprised, however, by the reef's segmented management, and quickly recognized how a land transfer would benefit the resource as well as the surrounding communities. Expansion would only add to the almost $50 million the Carlsbad Park generates for the local economy each year, along with supporting the city of Carlsbad's efforts to attract a cave research institute.

My legislation does not directly alter the tax base, nor prohibit caving, camping, scientific research, or horseback riding. In fact, it should increase all these activities. I hope my colleagues will join me in preserving a truly extraordinary and irreplaceable resource, the Capitan Reef complex.

A TRIBUTE TO JUDGE JUDITH KAYE AND THE YEAR OF THE WOMAN

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. MANTON. Mr. Speaker, the year 1992 has been called the Year of the Woman, and in New York State, 1993 is already shaping up as a sequel. On February 23, 1993, New York Gov. Mario Cuomo nominated Judge Judith S. Kaye as chief judge of the New York State Court of Appeals. Following Senate confirmation Judge Kaye became the first woman to hold this highest post in the New York State judiciary.

Judge Kaye clearly deserves this honor after an incredibly distinguished career as an attorney, scholar, and jurist. These accomplishments began the day she was graduated from NYU School of Law in 1962. At a time when the field was virtually closed to women, Judge Kaye paved a legal legacy that can make every citizen proud. In 1969, she became the first female associate of Olwine, Connelly, Chase, O'Donnell & Weyher, and in 1975, succeeded as the firm's first female partner. In 1983, she became the first woman appointed to the New York State Court of Appeals; the highest court in New York State.

Judge Kaye's illustrious career extends far beyond the legal realm and into the literary community as well. She has written over 35 books since 1987 on various subjects ranging from strictly legal issues to women's role in society. Her literary works are considered works of genius in the legal and social communities. She is well known as one of the greatest legal minds of our time.

One of Judge Kaye's greatest achievements is her role as an advocate for women's equality. Her actions and accomplishments have raised the status of all women. Throughout her career she has continued the fight for human rights. Her work in the field of human rights was recognized when she was named an honoree of the Black Bar Association of Bronx County. Among her many other awards have been, the Florence Allen Award from the Women's Bar Association and the New York University School of Law, Founders' Award from the New York State Women's Bar Association, and the Ruth G. Schapiro Memorial Award.

On April 29, 1993, Judith Kaye will follow in the steps of other great female jurists, including Marie Lambert and Betty Weinberg Ellerin, and receive the prestigious Law Day Award presented by the New York State Trial Lawyers. The New York State Trial Lawyers have been in the forefront of promoting women's rights and have been committed to the cause of justice and minority rights. They were the first statewide organization to have a woman, Hon. Marie M. Lambert, as president. Thereafter they had a second woman as president; Pamela Liapakes. The New York State Trial Lawyers are affiliated with the Association of Trial Lawyers of America, and Marie Lambert was the first woman elected to the National Association Board of Governors. Judith Kaye's prominent association with this organization shows her dedication to the cause of women and minorities in America.

Judge Kaye's talents as a jurist were recognized recently by Gov. Mario Cuomo in his letter to President Clinton concerning the nomination of a Justice to the Supreme Court. Governor Cuomo called Judith Kaye our own superb chief judge, and recommended her as a possible candidate to succeed Justice White. I hope my colleagues will join me in congratulating Judge Kaye on her latest achievement. I expect her to join the numerous other great jurists from New York who have advanced the cause of justice and equality.

MS. HOLLY KEMP—WINNER OF VOICE OF DEMOCRACY CONTEST

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. DELAY. Mr. Speaker, as Memorial Day approaches, I would like to draw the Nation's attention to a program that the Veterans of Foreign Wars of the United States has been sponsoring for over 30 years. It is called the Voice of Democracy Broadcast Scriptwriting Program, and through this program over $10 million have been awarded in scholarships to high school students. Participants must write and record a 3- to 5-minute script on an announced patriotic theme, which this year was "My Voice in America's Future."

I am very proud to say that one of my constituents, Ms. Holly Elizabeth Kemp, was a winner of the Voice of Democracy contest this year. A senior at Lamar Consolidated High School, Ms. Kemp was selected for 1 of 29 national scholarships out of the 147,000 students that participated in the program nationwide. Her script on her "voice in America's future" is not only patriotic, but also passionate and thought-provoking. It sets an example for other young people as they examine their role as citizens of these United States.

On Memorial Day, Americans will reflect upon the sacrifices that were made by those veterans who died defending our country and its ideals. It would do us well also to reflect upon Ms. Kemp's following words, which apply to all Americans:

> While my generation lives in America's present, we are part of America's future and we must look to the past to understand why the rights we now have were so important for our founding fathers to fight for, and so important for us to defend.

I congratulate Ms. Kemp, and request that her entire script be entered into the RECORD, so that all may have the pleasure of reading it.

MY VOICE IN AMERICA'S FUTURE

(By Holly Kemp)

Oh say can you see America's future? I can. I am a part of its future, and the first time I truly felt a part of it was the summer before my fifth grade year. My friend's father had taken my friend and me to a Fourth of July celebration. Surrounded by the overwhelming crowds, the three of us joined hands in a chain so my friend and I could continue to watch the fireworks display as we left. Exhausted after the lengthy day, we were led over the rugged open field. Tired as I was, my eyes could not ignore the beautiful display of lights illuminating the sky with bursts of red, white, and blue. While stumbling on the uneven ground, tears welled up in my eyes and I felt goose bumps all over. At that moment I realized my intense love for America, and today, I am proud to be part of a country whose presence of colors can bring an overwhelming feeling of love, dignity, and pride. I can only hope that the people of America's future can share my deeply felt feelings of patriotism. But before we can hear my voice in America's future, we must first listen to what the voices of America's past and present have to say.

The voices of the past are those of our founding fathers. In discontent with the English government's treatment of the colonies, they founded their own country based on the principles of a limited government "for the people, by the people." They created a document, our Constitution, that has withstood the test of over 200 years and they secured the blessings of liberty for themselves and their posterity as they wished to do. The present United States is an embodiment of the blessings of liberty being carried from our Founding Fathers' day, for we are still a democratic country, and the envy of most nations.

But the voices of the present seem to forget this fact. These voices tell us that America is declining. Complaints of government programs and government spending and government anything run rampant. Perhaps the voices are forgetting something—we are still free. We have the right to take part in our government and if we have complaints we can change what our establishment plans to do. We have the right to a fair trial where we are innocent until proven guilty. We have the right to bear arms and defend this great country of ours if need be. But, most importantly, we have the right to have a voice. If we feel something is wrong with our establishment, we can make our views known without fear of persecution. The voices of the present are taking advantage of this right—and there is nothing wrong with taking advantage of it. By voicing our concerns about our country, in essence, we are showing how great it truly is.

What do people expect my voice in America's future to say? In a 1952 speech to an American Legion Convention, Adlai Stevenson said "Patriotism is not a short and frenzied outburst of emotion, but the tranquil and steady dedication of a lifetime." The support of Desert Storm and the voter turnout of the recent presidential election are perfect examples of the outbursts of which Mr. Stevenson spoke. While a great deal of support followed the men and women in the Persian Gulf, the rallies and Americana items were not around for long after the war. In the recent election, a large number of voters turned out who had never bothered to vote before. These "short and frenzied outbursts" can become a lifetime dedication when consistently supported. As an adult, I plan to support my country by consistently voicing my patriotism and consistently voting. But more importantly, I plan to possess the "tranquil and steady dedication of a lifetime" by bringing up a strong family, and educating America's group of future leaders, our country's youth. America has a bleak future without strong families. One of my ambitions is to be a great parent and role model for my children and bring them up with the high moral standards my parents have taught me. When the difference between right and wrong is defined and a choice is given, children who were reared with high morals will make the right choice and continue to make the right choices in adulthood. When America is handed over to my generation, I also aspire to become an educator, since I believe educators are people who can make a huge difference in this country. A great educator can inspire people to work up to their true potentials when they may have been underestimated before, and a great educator can provide the knowledge to allow their potentials to be fully developed. This country can only continue to be a beacon for the world when it is populated with productive people who are the product of caring parents and educators. These people realize the importance of the freedoms, rights, and liberties of our country.

While my generation lives in America's present, we are part of America's future and we must look to the past to understand why the rights we now have were so important for our founding fathers to fight for, and so important for us to defend. When America's future becomes America's present, it will be my generation's responsibility to protect these rights of all who sit under the exploding lights of American celebrations, in this land of the free, this home of the brave.

TRIBUTE TO EMMA LEE TURNER

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SMITH of Michigan. Mr. Speaker, on May 11, 1993, a very special woman in Jackson, MI, will join the octogenarian club. Known to family, friends, and acquaintances in Jackson, Chelsea, and Dexter as a woman of extraordinary verve, compassion, wisdom, strength of character, decency, and generosity, Emma Lee Turner has truly made the past 80 years a gift of love and joy to those fortunate enough to know her. A celebration will be held on Mother's Day in her honor. For those whose lives have been touched by her, it will be a celebration in the fullest sense of that word.

Emma Lee Bugg began this life modestly. Born the second of three children on a small farm in Fulton County, KY, and orphaned at the age of 13, Emma Lee was forced to be independent at a young age. As she cared for a dying mother and then helped raise her younger brother, Emma Lee managed to get an education and at the age of 18 moved to Jackson, MI, to live with an aunt and uncle and seek employment. While in Jackson, she was introduced to a handsome suitor from Kentucky, Conrad Turner, who quickly stole her heart and became her lifelong companion. Struggling through the devastation of the Great Depression, Emma Lee and Conrad moved from Jackson to Chicago in search of work before finally settling down in Dexter for the majority of their adult lives. She would ultimately retire as an inspector with Dexter Automatics.

Emma Lee gave birth to two children, Shirley Jean and James Richard, who were instilled with the values of hard work, honesty and integrity, dedication to learning, and love for country that Emma Lee believes is so important for a successful, fulfilling life. They would both take these lessons and make their own lasting contributions to society. Emma Lee has 8 grandchildren and 10 great grandchildren, all of whom adore her. For them, some of their fondest memories of childhood were weekend trips to grandma Turner's and the delectable Sunday feast following church. For her children and grandchildren, Emma Lee remains a towering figure of goodness and unflagging morals, a heroine, an ideal—the embodiment of the best that they will strive to become.

Emma Lee's natural curiosity and quest for knowledge has taken her and Conrad to all 50 States. A faithful servant of God, Emma Lee attends church regularly and reads the Bible frequently. She keeps current on world events and can hold her own in family debates on public policy issues.

A great cook, philosopher, teacher, friend, coworker, mother, and grandmother, Emma Lee has left an indelible mark on the lives of many. On May 11, when Emma Lee Turner turns 80, her family and friends will thank the Lord for her life.

FAIRNESS IN PRODUCT LIABILITY ACT

HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ROWLAND. Mr. Speaker, today I introduce the Fairness in Product Liability Act of 1993. This legislation has the bipartisan support of 33 additional cosponsors.

Almost everyone knows that our liability system is in need of repair. As a medical doctor, it is disturbing to read of the decline in research in pharmaceuticals and other medical devices.

Recently, Science magazine stated that a careful examination of the current state of research to develop an AIDS vaccine "shows that liability concerns have had negative effects." It points out that Genentech, Inc. halted its AIDS vaccine research. When its partners expressed liability concerns, Immune Research Corp. had to delay human trials for its vaccines. And, Bristol-Myers Squibb abandoned one promising research approach. We are a nation crying for a declaration of war on the problem of AIDS, yet we aren't giving our troops the weapons to fight the battle.

Liability problems, of course, are not tied exclusively to medical advances. "The Liability Maze," published by the Brookings Institution, points out that everyone is hurt under present product liability laws:

Consumers pay the bill for product liability suits in every product they buy—from football helmets to ladders to essential vaccines.

Consumers have lost the benefit of products that have been withdrawn from the marketplace because of product liability concerns.

When exorbitant liability suits put companies in financial jeopardy or out of business, workers lose jobs and consumers lose access to vital products.

A critical change in the objectives of proponents sparked my interest in product liability legislation—and has resulted in the renewed and evergrowing momentum behind it. This legislation seeks to ensure uniformity, and to place responsibility for accident prevention in the hands of those best able to prevent it.

Uniformity is vital to give our manufacturers a consistent set of rules by which they can manufacture products—the current hodgepodge of 51 separate and disparate laws sends mixed messages and allows plaintiffs lawyers to shop for the State where the laws are most favorable to their client. Governors recognize this. Almost 2 years ago, after finding that the current system causes inflated prices for our consumer goods, the discontinuation of necessary product lines, and our international competitiveness was adversely affected, the National Governors' Association unanimously called on Congress to enact a Federal product liability system.

As I stated earlier, this bill is almost identical to the legislation last year. The one significant change we made was in the worker's compensation section. The change resolves a debate between manufacturers and employers from recovering workers compensation from manufacturers of a product that injured one of their employees. This year's bill states that the manufacturer must prove by clear and convincing evidence that the employer was at fault for the injury. The amendment still meets my objective to encourage employers to maintain a safer workplace.

Congress must bring certainty to our Nation's product liability laws. Our consumers cannot afford to continue to pay the liability tax that is imposed on all goods sold here. Finally, I cannot emphasize strongly enough that our bill seeks fairness for all, not just business, not just consumers, but for all of us.

PENSION PORTABILITY IMPROVEMENT ACT

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GIBBONS. Mr. Speaker, I am pleased to rise today to introduce the Pension Portability Improvement Act of 1993, H.R. 1874. The purpose of this legislation is to increase the adequacy and efficiency of the Nation's private pension system by reducing pension vesting requirements, improving the portability of earned pension benefits, and encouraging the preservation of such benefits for use in retirement.

Far too many working Americans incur substantial reductions in pension benefits as a result of job changes during their working careers. And if recent events are indicators of future trends, the frequency of job and even career changes will increase markedly in the years ahead. More and more companies are scrambling to reduce costs in response to continuing cutbacks in defense spending, increasing foreign and domestic competition and structural changes in the American economy by laying off thousands of managerial, professional, production, and support service workers.

HOW JOB MOBILITY REDUCES PENSION BENEFITS

Mobile workers who are enrolled in employer-sponsored pension plans lose income in retirement if they change jobs before earning a vested right to a pension benefit; if their benefits are based on salary and years of service and cannot be transferred to another plan; or if they spend rather than save cashed out pension benefits when they change jobs.

When workers move from one job to another, their Social Security benefits move right along with them. But if they change jobs before working at least 5 years for a company that offers private pension benefits, they stand to lose some or all of those benefits. If their employers offer 401(k) plans, they'll get the money they invested in the plan but they'll have to give up most, or all, of their company's contributions. Why? Because regardless of the type of pension coverage offered, current law calls for at least 5 years of continuous service before covered workers become fully vested—that is, acquire a legal right to benefits—in their company's plan.

And that's a real problem since the current job tenure for the typical worker is only 4.5 years, just 6 months short of the time required to become fully vested in most pension plans. Women workers, whose median tenure is only 3.7 years, are even more disadvantaged by current vesting standards.

Job mobility losses are particularly severe for workers who are enrolled in defined benefit plans. Although such plans can reward long tenured workers with generous pensions, they pay much small benefits to mobile workers since promised payments are based on final salary and years of service and are usually not transferable when workers change jobs. And because the amount of the benefit is frozen it loses real value to inflation between job termination and retirement.

The value of assets in defined contribution plans, on the other hand, is based solely on amounts contributed to the plans and the market performance of the fund(s) in which they are invested. And since defined contribution plans routinely transfer accumulated assets to terminating employees, vested workers can avoid job mobility losses by reinvesting their cashed out benefits in individual retirement accounts [IRA's] or other retirement savings plans following changes in employment.

In spite of adverse tax consequences, however, many workers who have received cashed out pension benefits at job termination have elected to spend some or all of those benefits instead of saving them for retirement.

HOW H.R. 1874 WILL REDUCE JOB MOBILITY LOSSES

The legislation that I am introducing today will go a long way toward reducing the losses in pension benefits that currently result when workers change or lose their jobs. H.R. 1874 is needed to reduce restrictive vesting requirements; to guarantee the portability of earned benefits, and to promote the preservation of such benefits when workers change jobs.

More specifically, the current cliff vesting requirements will be reduced from 5 years to 3 years for single-employer plans and from 10 years to 5 years for collectively bargained multiemployer plans. In addition, the current 3- to 7-year graded vesting standards will be reduced to 1- to 5-year graded vesting standards.

Pension portability will be improved by guaranteeing all vested plan participants the right to transfer their earned benefits to individual retirement accounts [IRA's] or to other portable pension plans following changes in employment. Amounts to be transferred will consist of the present value of each participant's future benefits in a defined benefit plan or the vested account balance in a defined contribution plan. The present value of preretirement transfers from defined benefit plans will be calculated using a formula designed to protect the purchasing power of such benefits from the adverse effects of inflation.

Preservation of preretirement distributions of earned benefits will be encouraged by providing for the direct transfer and reinvestment of such distributions in individual retirement arrangements, individual account plans, simplified employee pensions, or other portable pension plans that can accept such transfers. An added benefit will be that terminating employees will be shielded from the 20 percent withholding requirements that were enacted in 1992 to help pay for an extension of Federal unemployment benefits.

My bill also includes a number of important protections and safeguards that will benefit mobile workers. Transfers of earned pension benefits will be subject to current rules governing allowable distribution forms, timely notification of participants and spousal consent requirements. Portable plans will also be required to meet certain asset control tests in order to qualify for the receipt of direct transfers of earned benefits from other tax-qualified plans.

H.R. 1874 will also allow certain collectively bargained plans that already provide for portability of pension benefits to be exempted from the applicability of the proposed law.

Mr. Speaker, Members of Congress have long been concerned about the pressing need to improve the portability of pension benefits. For almost as long as I have been in Congress, we've been talking about making pensions portable. The bill that I am introducing today will enable us to do something about this very important problem. The modest reforms it contains are long overdue and are urgently needed to reduce the substantial benefit losses that currently result when pension plan participants change or lose their jobs.

Thousands of engineers, nurses, and other health care providers, scientists, teachers, and other increasingly mobile workers in the goods producing and service sectors of the American economy will benefit directly from prompt enactment of H.R. 1874. I'm very pleased to announce that the bill has been endorsed in principle by representatives from 18 national engineering societies, including the Institute of Electrical and Electronic Engineers. Together these organizations represent over 800,000 engineers and scientists in all parts of the country. A number of national women's organizations, including those belonging to the women's pension policy consortium have also expressed strong support for reforms contained in the bill.

INTRODUCTION OF THE PRIVACY FOR CONSUMERS AND WORKERS ACT OF 1993

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce the Privacy for Consumers and Workers Act of 1993. This legislation was reported by the Education and Labor Committee in the 102d Congress—H.R. 1218; House Report 102–1024—and had more than 165 bipartisan cosponsors.

My Subcommittee on Labor Management Relations held two hearings on this issue in the 102d Congress on June 11 and July 23, 1991. Earlier, in the 100th Congress, the Subcommittee on Courts, Civil Liberties, and the Administration of Justice held a hearing on a similar bill, H.R. 1950, on July 15, 1987.

This legislation is intended to protect employees by providing them with a right to know when they are being monitored or recorded electronically while performing their jobs. The bill would require employers to give employees prior notice when they are being monitored electronically as well as to disclose the types of monitoring being used.

The legislation includes provisions which: Require all monitoring to be relevant to the employee's work performance; guarantee an employee's access to data collected about his or her work performance; and limit disclosure and use of this data by the employer. My bill would also bar employers from collecting data about their employees' exercise of first amendment rights, such as contacts with union representatives.

Why is this legislation necessary? Perhaps the most glaring statistic is the number of people being monitored. In 1987, the Office of Technology Assessment estimated that 6 million workers were being monitored. According to the National Institute for Occupational Safety and Health, 66 percent of all computer operators are monitored. With the computerized work force now standing at 40 million, it is estimated that as many as 26 million workers may be under computer surveillance. Where once only a few kinds of workers such as telephone operators and airline reservation agents were monitored, new technological capabilities now track employees from truck drivers to nurses and journalists.

How does this occur? Computer companies now provide their customers remote control local area network [LAN] products, which allow secret monitoring of other PC's on the network. According to the May 13, 1991, issue of Infoworld, there are currently 11 such programs in existence. One product gives the user the power to take remote control of a user's screen. Another advertises its ability to, "look in on Sue's screen. You monitor her for awhile. In fact, Sue doesn't even know you're there." Such scenarios surely call into question the legal and ethical ramifications of electronic monitoring.

The Massachusetts Coalition on New Office Technology conducted a survey of almost 700 employees from 49 companies in a dozen industries. Among the survey findings was that 65 percent of the employees could not do a quality job because they have to work too fast. Many other studies show that monitoring not only causes employee stress, but also adversely affects business productivity.

Let me comment on electronic monitoring in the workplace with one final point. Under current law, the Federal Bureau of Investigation, pursuant to the fourth amendment's prohibition of search and seizure, is required to obtain a court order to wiretap a telephone. That requirement even extends to cases involving national security. Does the law require this for workplace monitoring? No. Workers can be listened to without even the courtesy of notification, but people suspected of criminal behavior by the FBI are afforded the protection of court action prior to wiretapping. Is this a consistent interpretation of "search and seizure" under the fourth amendment? Shouldn't workers be protected from covert monitoring when our Constitution protects anyone suspected of criminal behavior? To do otherwise would be to deny America's workers comparable treatment. It seems only fair that, at the very least, employers should be required to give notice to workers when they are being monitored.

Today, I am introducing legislation that is very similar to last year's H.R. 1218 as reported. There are modifications to accommodate interests of the Energy and Commerce Committee as well as members of the Education and Labor Committee. There are also minor changes in the structure of the legislation. This legislation extends coverage to the Senate whereas the House-reported bill last year only extended coverage to the House. All of these changes are designed to make the legislation easier to comprehend and implement.

NATIONAL HOLOCAUST MUSEUM OPENING

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to recognize today's opening of the U.S. Holocaust Memorial Museum. This museum will serve as a reminder to the American people of the horrible atrocities that led to the annihilation of 6 million Jews in Nazi Germany.

I believe it is important that we never forget this dark episode in global history. This museum will provide a monument to those individuals who gave their lives in the Nazi death camps like Auschwitz, and to those who survived the inhuman ordeal. I feel it is important that our children learn about this tragic event, so we can ensure that it never happens again.

The museum will also honor those who stood up to the Nazis. In 1943 several hundred young Jewish men and women held off a heavily armed battalion of 2,000 Nazis in the Warsaw ghetto before it was burned to the ground. Additionally, the Catholic Church is also recognized for their efforts in producing fake baptismal certificates, underground railroads, and convents and monasteries to assist the Jews.

Mr. Speaker, in the summer of 1991 I traveled to Israel, and during my stay I viewed first hand the Israeli memorial to the victims of the Holocaust. I was moved by this visit, and I am glad that Americans will have a similar memorial to learn about and pay tribute to the victims of the Nazi extermination.

The Holocaust was certainly among the darkest moments in history. I hope we have learned from this terrible period in human history that we must rise up against bigotry and hatred based on religion or race. I believe it is the responsibility of the democracies of the world to band together and prevent this tragedy from ever occurring again. During the Holocaust, many nations including the United States closed their borders to Jewish refugees. We must not let history repeat itself, for standing silent is as equally destructive as pulling the trigger itself.

Today we face a new challenge in Bosnia. The Serbian ethnic cleansing program is shockingly similar to the bigotry and hatred that led to the Holocaust. We must act to prevent these atrocities from continuing and we must provide assistance to those who reach out for it.

Finally, Mr. Speaker, I would like to express my gratitude to all of the individuals whose hard work and dedication led to the opening of the U.S. Holocaust Memorial Museum.

MARGARET M. IRONS HONORED

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. WELDON. Mr. Speaker, I rise today to honor Miss Margaret M. Irons, a devoted leader, dedicated teacher, and active and caring member of my community. Miss Irons, soon retiring from Grace Park School in Ridley school district, has been a valuable member of its faculty for over three decades.

Miss Irons received her high school diploma in 1955, graduating from Notre Dame Academy, one of the finest all-girls private schools in the area. She continued her hard work and dedication at West Chester State Teacher's College and in 4 years earned her bachelor of science.

On September 8, 1959, Miss Irons began her teaching career at Grace Park and has been teaching the third grade ever since. In addition, she has been an active member on school district leadership committees. She retires as a member of the Elementary Social Studies Task Force, the Grace Park School Community Advisory Council, and the Ridley School District Long Range Planning Committee.

Beyond her teaching success, the community has been grateful for her active participation outside of the classroom. Miss Irons has been an enthusiastic fundraiser for the Ridley Education Association scholarship committee. In addition, she has been an active member of Catholic alumni groups and various Catholic charity and service groups. On June 18, 1993, the Ridley School district and its surrounding community will deeply regret the retirement of a dedicated teacher, who is well known for her activism, assistance, and concern for her community. I join the entire community in wishing Miss Irons well in her retirement and whatever future endeavors she will undoubtedly pursue.

AQUINAS CHAMPIONS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. DINGELL. Mr. Speaker, I rise today to recognize members of the Southgate Aquinas High School basketball team, which is located in my congressional district. The Raiders recently capped a 28–0 season by capturing the 1993 Class C State championship title. Along with winning the championship Aquinas had many other successes this year. The team was the first Catholic school to win the Detroit City championship, Operation Friendship, since the mid-1980's; they captured the Catholic League Championship, as well as winning the Aquinas Christmas Tournament.

With their outstanding 28–0 record, Coach Ernie Price and the team accomplished everything they could dream of and more. The great season led to many deserving personal awards.

The first of these awards was when player Jon Garavagalia was honored with the Hal Schram Mr. Basketball Award. He has been only the second Downriver player to have been honored to receive this award, he was also named to the McDonald's All-American Team, to the first team All-State all classes, to the first team All-Catholic, Downriver Dream Team, and as a member of Nike All-American team.

The awards and talent on the Aquinas basketball team did not stop there, sophomore sensation Jason Singleton was named to the second team All-Class C, the first team All-Catholic, and a member of the Downriver Dream Team. The teams' assist leader was Antoine Campbell who was also named first team All-Catholic, first team all area, and 5th team all State. T.J. Emerick was yet another outstanding player essential to the team success. His defense was about the best on the team. Emerick was also named first team All-Catholic, and first team All-Area. Eron Mitchell and Lawerance Simmons were both named second team All-Catholic and honorable mention in all league and All-City.

Aquinas was expected to win the State finals from the beginning. The trip to the basketball finals was, however, the first in school history. What they lacked in final experience they made up for with team experience. Three of the starters have been starters since their sophomore year and four of the starters are seniors.

I am proud to extend a special salute to the Aquinas Raiders. The school has a tradition of scholastic excellence and athletics. I also salute head coach Ernie Price, his staff and the young men who made up this winning team.

Staff; Principal, Rich Kuhn; athletic director, Ernie Price; head coach, Ernie Price; assistant coaches, Jim Perry, Mike Laginess, and Bill Elkin.

Players: Jon Garavagalia (senior starter); T.J. Emerick (senior starter), Lawerance Simmons (senior starter), Antoine Campbell (senior starter), Jason Singleton (starter), Aaron Burke (senior), Mark VanDenberghe (senior); Brad Wilkerson, Eron Mitchell, Mike Silmon, John Cooper, Tom LaComb, Nate Purcell, Kelvin Sanders, Phil Pollick, and Russ Martin.

SAMUEL E. ULERY HONORED

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1997 at the U.S. Air Force Academy.

Samuel E. Ulery will soon graduate Oak Harbor High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Sam has distinguished himself as a student-athlete and as a leader among his peers, serving as captain of the track team and captain of the football team. He has served as president of Teen Leaders, vice president of his class, and as a member of the student council.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the United States service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Sam Ulery has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

INTRODUCTION OF THE MARINE BIOTECHNOLOGY INVESTMENT ACT OF 1993

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. STUDDS. Mr. Speaker, today I introduced the Marine Biotechnology Investment Act of 1993. The purpose of this bill is to stimulate research and development in marine biotechnology through a program of grants administered by the National Sea Grant College Program. Sea Grant has a 26-year track record of supporting applied marine research and development and is the ideal guardian of this initiative.

After millennia of unregulated use, mankind's capacity to exploit and pollute marine resources has outstripped the ocean's amazing capacity to heal itself and replenish its bounty. Fisheries stocks are depleted from a combination of overfishing, the effects of coastal pollution, and habitat destruction. Pollution has closed large areas to shellfishing while disease decimates many of those oysterbeds that remain open. Oil spills occur with alarming frequency, soiling previously pristine shorelines.

Why is this happening? Unfortunately, once again, we are the problem. More and more of us are competing for fewer and fewer resources.

When this Nation was young the wealth of natural resources available to our forefathers was as vast as the oceans themselves. Today, the world is a much smaller place, and even the oceans have a limit to their bounty. Our challenge now is to learn to conserve, manage and, yes, even enhance, the raw materials that nature provides. We must learn how to help the oceans produce more. The alternative—the unacceptable alternative—is to continue the exploitation of these resources until they are completely exhausted. This is not the legacy we should leave for the future inhabitants of this water planet.

We must turn our technology toward increasing production—growing more fish—instead of more efficient capture. By developing vaccines and enhancing the processes that make fish grow, biotechnology may dramatically increase the productivity of aquaculture.

We must also apply modern biological techniques to the untapped reservoir of genetic raw material found in the oceans. So far, the results are very promising, and have yielded adhesives, lubricants, anti-inflammatory drugs, and anti-fouling agents, to name but a few examples.

For a number of years, the Federal Government has spent about $4 billion dollars annually on biotechnology research. Of this amount, less than $44 million per year, or slightly more than 1 percent, has been spent on marine biotechnology. The great promise of marine biotechnology in food production, pharmaceuticals, and industrial applications, cannot be realized with this minuscule level of support. The Marine Biotechnology Investment Act addresses this imbalance by seeking to increase investment in marine applications.

To make these scarce Federal dollars go further, my bill requires non-Federal sources to supply one-third of the cost of each project. By requiring this investment up front, this also solidifies the commitment of the non-Federal source to the project. Proposals for research, technology transfer, and educational projects will be reviewed by a national panel of experts in marine biotechnology to ensure that only those of the highest quality are funded.

Mr. Speaker, there has been a lot of discussion about the need to create more jobs and a lot of disagreement on how to do it. Here's a good way. This legislation will give the green light to an industry that is extremely promising, not just in coastal regions but nationwide. Marine biotechnology creates the high-wage, high-skill jobs that our Nation so badly needs. In addition, by increasing the production of aquaculture and creating better methods of environmental remediation, this technology can help heal our wounded oceans.

The United States is the world leader in marine biotechnology. But this lead is being challenged and eroded by our competitors. The time to invest in U.S. industry is now, and the place to invest is here.

I urge my colleagues to cosponsor and support this legislation.

INTRODUCTION OF THE WELFARE REFORM AND RESPONSIBILITY ACT OF 1993

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. WISE. Mr. Speaker, today I introduced the Welfare Reform and Responsibility Act of 1993, a bill designed to make the welfare system more accountable by moving people from the welfare roll to the payroll and to help support them once they get a job.

My bill would require all eligible welfare recipients who are not enrolled in education or job training programs to participate in a work experience program in their community. Our country has a wide range of unmet public needs in areas such as public works, parks, nature preserves, community organizations, volunteer organizations and schools. I believe that instituting a community work program such as the one included in my bill will give welfare recipients valuable work experience and a sense of dignity, and will help society in the process.

My bill has several incentives to help former welfare recipients stay off the welfare rolls and on the payroll, including provisions to permit welfare recipients to keep more of their earned income. This would encourage recipients to find jobs to supplement their benefits and, eventually, to move into the work force.

My legislation also addresses two of the biggest obstacles that welfare recipients face in retaining a job by extending the eligibility period for former welfare recipients for medical and child care assistance.

Enforcement must be part of any comprehensive welfare reform legislation. My bill would create welfare review panels in each state comprised of former State judges. These panels would review welfare cases after 2 years to evaluate each client's participation in the JOBS and work experience programs. The panels would also be empowered to reduce AFDC benefits if the participation requirements are not met.

My bill would also:

Combat welfare fraud by requiring States to establish, staff and publicize 24-hour 1-800 telephone numbers for reporting welfare fraud and abuse claims;

Require States to develop individual employability plans, including specific goals and timetables, designed to move each welfare recipient from welfare to work in 2 years;

Make previously appropriated Federal JOBS job training money more accessible to States hard hit by the recession and unable to make the State match;

Support the family by requiring States to establish parenting classes and to make them available for all teenage parents, and

Provide incentives for the use of certain contraceptives.

I believe that this bill, which builds on the successful elements of the 1988 Family Support Act, represents a comprehensive and balanced approach toward moving welfare recipients from welfare to work.

THE LESSONS OF WACO MUST NOT BE IGNORED

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. OWENS. Mr. Speaker, some of the most deadly elements of American culture came together in Waco, TX. The result was a bizarre tragedy which exploded in the face of a world struggling to maintain a foundation for a human civilization. Far more important than the need to fix blame on individuals, there is an urgent need to carefully analyze this landmark disaster for the purpose of cleansing our society of these kinds of poisons.

The glorification of violence; the official permissive position which allows the proliferation of guns and weapons; the self-serving distortion of the second amendment by the National Rifle Association; the macho mind-set of the ATF, the FBI, and other law enforcement agencies; the adoration of celebrities who achieve their 15 minutes of media fame disregarding all moral standards; the continuing trivialization of the need to take all measures necessary to ensure the basic health, welfare, and safety of children; the continuing refusal of the Government to take minimum steps to protect citizens from racketeering religious enterprises like the cult of David Koresh; all of these elements came together at Waco.

We can assume that probably most of the adults who died in the Waco inferno were responsible for their own fate. But for all of the children who died in that inferno we must all bear part of the burden of blame: Every legislator at any level of government who has not aggressively pushed for new laws to limit the proliferation of guns and other deadly weapons is guilty. Every adult who has failed to speak out against the television, videos, and films which indoctrinate our youth with a glorification of violence is also guilty. Every voter who refuses to demand laws and appropriations which offer greater protection for children is guilty. The blood of the innocent children who died at Waco is on the collective hands of our total society.

Beyond the blame we must dedicate ourselves to intense analysis and aggressive action to guarantee that what happened to the children of Waco will not be allowed to happen again. Each one of the elements listed above must be purged from our society.

Mr. Speaker, to graphically document the bizarre tragedy at Waco the rap poem below attempts to enter the mind of David Koresh. This is a mind that has been shaped by the fecal elements of our American culture.

THE LAST WACO RAP OF RAMBO DEVIL DAVID

Let's get it on
ATF FBI NRA
We are one
All worshippers of the
Almighty gun
Turn out reason's light
Among Rambo brothers
Waco is a family fight
Patience leave to liberals
And child loving wimps
Action is the credo
Of second amendment pimps
Let mothers cry
But kids must die
Under beautiful
And spacious skies
This celebrity prophet
Tells you no lies
I am that I am
All American David
Descendant of the second amendment
My gun club is in hell
Rambos with rifles and rights
We are a special race
To negotiate
Is a tribal disgrace
Let's get it on
Our bunker is wired
Your hostage team is tired
Taxpayers demand an end
Waiting wastes their
Money again
Let's get it on
Some kids will be killed
Monster media will be thrilled
Your hostage team is tired
Send for reinforcements
Hand a rifle
To Macho Ross Perot
Rambos all let's to
O say can you see
A few pages of history
Reserved just for me
Your hostage team is tired
Stand Navy out to sea
From Montezuma's halls
Send the Marines to get me
Let's get it on
Green Berets
Stop lazing around
Send your baddest
To Waco town
Let's get it on
Stop envious
Feminists gripes
Let Lady Janet
Instantly earn her Rambo stripes
My country tis of thee
Honors go to all those
Who shoot and
Die with me
Loyal rifle patriots
Stay on your knees
Earn the highest medals
Granted in Hades
My time on TV
And a place in history too
Confess your sins
Admit I entertained you
Technicolored flames
With authentic certified heat
On camera explosions
All real neat
To see Stallone
The poor have to pay
My church
Served free thrills
Day after day
All American David
I am that I am
Descendant of the second amendment
And it must come to pass
A prophet of my class
Is destined to do his thing
Waco must top the charts
Gently drinking laced lemonade
Jim Jones' team was just
A bunch of thirsty tarts
Charles Manson was a midget

Your hostage team is tired
Where are the paratroops
Drop your best shots
Down from the sky
Little David stands here
With wives and kids
All mandated to die
I am that I am
Me the angry almighty
Hurled headlong
From heaven
Oh yes some kids
Will be killed
In the flames
Blood red hearts glare
Tiny lungs burst
For the lack of fresh air
Let's get it on
ATF FBI NRA
We are one
All worshippers of the
Almighty gun
ATF FBI NRA
I wish you well
I go to prepare
A place for us all
On the great rifle range
At the bottom of hell.

RURAL HEALTH CARE INITIATIVES OF 1993

HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. KYL. Mr. Speaker, I rise today to join a number of my colleagues from both sides of the aisle in introducing a series of legislative initiatives to improve the way our Nation's health care delivery system provides care to rural America.

Mr. Speaker, I would like to commend the two cochairmen of the bipartisan Rural Health Care Coalition, Mr. STENHOLM of Texas, and Mr. ROBERTS of Kansas for their leadership on this issue. The coalition has been extremely effective in addressing the health care needs particular to rural areas of our Nation.

Mr. Speaker, while we are waiting to see what the First Lady's Task Force on Health Care proposal will look like, I am interested in moving forward to meaningfully and sensibly reform our health care system in order to curb the rise in health care costs, and expand coverage to the uninsured. We must also preserve the high quality of care that is available, and preserve choice in our system. And, it is critical that in our efforts to improve our health care system, we do not forget the unique needs of States like Arizona. Comprehensive reform of our health system must not be so rigid as to ignore the diversity in our Nation's populations, and the special needs of rural Arizona and America.

Mr. Speaker, let me briefly outline just what the three pieces of legislation I have cosponsored would do.

The first bill, H.R. 1774, authored by Congressman GUNDERSON, would permanently authorize the Rural Health Outreach Grants Program. Outreach projects provide emergency medical services in rural communities, provide ambulatory health and mental health services, provide health services to seniors, and they have reduced infant mortality in rural communities.

In Arizona, several rural communities have formed coalitions under the program guidelines and have provided needed services to Arizonans. Let me cite a few examples:

The Casa Grande Regional Medical Center, together with the local health department and social services department, has created a comprehensive prenatal care program for pregnant women with a history of substance abuse.

In Nogales, the Mariposa Community Health Center, in conjunction with the area health education center and public and welfare agencies, has provided preventive health services, health education programs, and transportation services in the community with particular focus to underserved and unserved women, and coordinating physical and mental health services.

In Springerville, the White Mountain Communities Hospital, together with Northland Pioneer Community College, has helped coordinate a training program for emergency medical workers in parts of 10 rural counties. The program will improve access to essential emergency care in remote areas by training a nucleus of providers in small rural communities and may result in the only rural volunteer ambulance service with paramedics.

In Coconino County, the county health department has taken a lead in a cooperative effort to improve access to existing services to native Americans in northern Arizona through the use of outreach workers. The outreach workers help families and providers to make certain that families are receiving services for which they are eligible, as well as providing nutrition counseling, substance abuse treatment, and health education.

The second bill, H.R. 1772, was authored by Congressman BILL EMERSON of Missouri. This legislation would reauthorize the grant program for State Offices of Rural Health.

Arizona's State Rural Health Office is located in Tucson, AZ, and has been instrumental in developing a variety of rural health programs throughout the State. The office has focused on three major efforts: expanding and strengthening community health services in rural areas, conducting research, and coordinating educational resources and services throughout the State.

The Rural Health Office provides technical assistance to clinics, hospitals, and communities in addressing their rural health delivery needs. This includes identifying funding sources, creating new service delivery models, and conducting community needs assessments. The office also coordinates the mobile health clinic, which provides primary care to underserved areas of Pima County, and the Arizona Health Provider Resource Program, which helps recruit health providers to underserved areas.

Arizona's Rural Health Office provides policy relevant data collection and analysis, and is home to the Southwest Border Rural Health Research Center, which is a leading resource for information on the status of health care along the United States-Mexico border. Some of the areas of focus for research have been the influence of obstetric malpractice liability on access to services in the rural southwest, characteristics of rural hospital closures, and rural access to primary care. Last year, the Arizona Rural Health Office was designated a World Health Organization Collaborating Center for Border and Rural Health Research and Development.

The Arizona Rural Health Office coordinates educational resources and services across the State, and provides general support services to the Arizona Health Education Centers. The centers provide recruitment and retention programs to place health care providers in rural and underserved urban areas. Examples of statewide educational programs include a Spanish language intensive workshop for health providers, a Hispanic mothers and babies conference, and a research technical writing workshop. The Arizona Rural Health Office has also implemented an interdisciplinary training program through which graduate students from five disciplines are trained to work as a team in rural areas.

The office continually provides support and technical assistance to Arizona communities to improve access to affordable high quality care, recruits and places physicians and other health providers in rural Arizona, and conducts critical research on the status of health care delivery in Arizona.

The third bill, H.R. 1773, is also being introduced by Congressman EMERSON. This bill reauthorizes the Rural Health Care Transition Grant Program through fiscal year 1997. The Rural Health Care Transition Grant Program was first established in 1987 to strengthen the ability of rural hospitals to provide high quality care to Americans living in rural areas.

In Arizona, this program has enabled a number of facilities to develop and implement innovative programs to meet the unique needs of their communities. Following are a few examples in Arizona:

In Ganado, the Sage Memorial Hospital is developing plans for a skilled nursing facility which will mean additional services for some 10,000 elderly Navajos. The hospital is also upgrading emergency services including proficiency upgrades of current personnel, and purchasing needed equipment.

In Safford, the Mount Graham Community Hospital is working to develop a hospital-based home health care, home infusion therapy, and hospice care program to meet the needs of the community, and specifically, the needs of the homebound elderly. There are no other home infusion therapy or hospice services available in the area.

In Payson, the Lewis R. Pyle Memorial Hospital is developing a cardiovascular and pulmonary rehabilitation program. This program will eliminate a 180-mile commute for residents who currently must travel to Phoenix three times per week for rehabilitation and therapy. Many elderly patients on fixed incomes are unable to complete these programs due to the logistics and travel costs. The program will also lead to an expansion of home health services, replacing inpatient services and facilitating earlier discharges and lower medical treatment costs.

In Benson, the Benson Hospital is establishing a comprehensive mammography screening program, and is developing a comprehensive breast cancer education program for women ages 35 and over in Cochise County.

In Douglas, the Southeast Arizona Medical Center is enhancing home and community based services for the elderly and the disabled. The community is improving access to preventive care through the use of a mobile unit.

In Springerville, the White Mountain Communities Hospital is also attacking breast cancer head-on. By developing a strategy to educate women and raise awareness about the importance of good breast care, preparing an educational program for the outlying communities, and implementing mobile mammography services, the hospital in conjunction with three other facilities will be servicing communities spanning in excess of 4,500 square miles.

These are some of the ways in which these programs are having an impact in Arizona.

Mr. Speaker, the bills I have cosponsored do not by themselves solve all of the problems in our health system, and they are not the total answer to health care reform. But Mr. Speaker, they represent the fact that members of this body from States with rural areas from both sides of the aisle share a commitment to the unique needs of rural communities. As we undertake the reform of our Nation's health system, we must not ignore those needs.

I am pleased to support these programs that have already begun to greatly improve access to needed health care services in rural parts of Arizona.

SALUTE TO ANGEL LOPEZ

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to honor Angel Lopez, an old friend and a pioneer in my hometown of Simi Valley, CA, as he retires after nearly 40 years of helping to build generations of young people while helping build and then operate the Sinaloa Golf Course.

Angel Lopez has seen our community grow from a valley of farms and ranches to the bustling city of today. And along the way, he has truly been a guardian angel to the generations of teenagers who thought they were just taking part-time jobs, but who also received invaluable lessons in the art of living.

Angel came to Simi Valley almost 60 years ago as a small boy. His father and many other relatives worked for the Robinson family, who farmed 600 acres in the west end of the valley. The Robinsons loved golf, and in the 1950's decided to convert a portion of their property into a golf course. Angel helped build the course—planting every tree and building the water hazards and sand traps.

When the family sold the course to the Rancho Simi Recreation and Park district in 1966, Angel went to work for them, and retires as the course superviser. For the past 19 years, he also has been giving lessons, after playing under PGA professionals Ben Johnson and Joe Sethberry for 10 years.

I've known Angel for some 20 years now. I'm proud to consider him a friend, and pleased he will stay on in a part-time role.

Mr. Speaker, Angel Lopez will be honored this weekend with a retirement party, a golf tournament and a barbecue. I ask my colleagues to join me in honoring him as well, and in wishing him well upon his retirement.

H.R. 1032, THE DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION ACT

HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SANTORUM. Mr. Speaker, I rise in strong support of H.R. 1032, the Department of Veterans Affairs Employment Discrimination Act. This important measure will establish an office of employment discrimination complaints resolution within the Department of Veterans Affairs [VA] to resolve cases of employment discrimination at VA facilities.

The VA Office of the Inspector General [IG] reported recently that as many as 25 percent of all VA employees may be reluctant to file equal employment opportunity [EEO] claims for fear of reprisals. To restore the confidence of VA employees and to ensure an effective and responsive EEO Program, the IG recommended improvements in the way complaints are handled within the VA. Many of these recommendations have been incorporated into H.R. 1032. I share the view of the Committee on Veterans' Affairs that employees of the VA are entitled to an EEO review process free of potential bias and conflict of interest, and I commend the distinguished chairman and ranking Republican member of the committee for their work on this bill.

While many Federal agencies have centralized responsibility for handling EEO complaints, the VA has delegated EEO resolution activities to managers of field facilities or their designated employees. Unfortunately, this system promotes a situation where managerial politics may lead to bias. Further, as the committee reported, it also creates the perception that the foxes are guarding the henhouse and may discourage the filing of legitimate EEO claims.

A facility in my district provides an unfortunate example of the severe problems that VA employees have experienced in filing EEO complaints. According to documented cases that my office is actively working to resolve, employees at the VA Highland Drive Medical Center have been subjected to racial and sexual harassment. Complaints filed with the facility's EEO officer have not been reviewed promptly, and it has been charged that many of these cases have been intentionally prolonged by the intervention of the director of the VA Highland Drive Medical Center. Worse, complainants have often been subjected to various forms of intimidation by superiors and pressured to drop claims or leave their jobs.

In a particularly disturbing case, two woman who had been sexually harassed filed a complaint with the EEO officer against their supervisors and the facility's director. The investigation of this complaint has continued for several years. The women have been repeatedly threatened with reprisal, including derogatory pictures and notes found at their work stations, damage done to their cars, and verbal harassment. In addition, their immediate supervisors and the facility's director responded to the allegations of sexual harassment by accusing the women, both pharmacists at Highland Drive, of violating VA prescription drug procedures and of violations of the Hatch Act. These charges have been fully investigated and found to be unsubstantiated, but the damage has been done. As a result of this ongoing harassment, one of the women has left her job at the VA and the other remains subject to hostile working conditions.

As the case of the Highland Drive Medical Center plainly shows, this system has failed and urgently needs to be overhauled. Decisions on EEO cases must be taken back from the field offices and centralized to ensure objectivity. VA employees deserve to know that their complaints will be handled promptly and responsibly.

That is why I support H.R. 1032 and urge my colleagues to join me by enacting this measure into law so that we can restore the essential employment rights of VA employees.

INTRODUCTION OF THE FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION ACT OF 1993

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LEWIS of Florida. Mr. Speaker, I am pleased to introduce the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993 along with the gentleman from Texas, Mr. STENHOLM and 12 of our colleagues including the distinguished chairman of the House Agriculture Committee, Mr. DE LA GARZA.

From the corner gift shop to the local grocer, flower sales represent an important economic component to many businesses nationwide. The economic significance of the cut flower industry is illustrated by the 1992 wholesale value of cut flowers and cut greens which reached $2 billion according to the best available industry estimates.

Unfortunately, market share for cut flowers has declined in previous years and the per capita consumption of cut flowers in the United States has never approached the level of consumption in many European nations.

The floral marketing industry is mainly comprised of small- to medium-sized businesses not large enough to mount an effective advertising and promotion program. To that end, I have introduced this legislation, commonly known as the PromoFlor Program, to authorize the establishment of a national research and promotion order to strengthen and expand the cut flower and cut greens industry position in the marketplace.

The program operates at no cost to the Federal Government and is financed through an assessment on handlers of cut flowers and greens with $750,000 or more in annual sales of fresh cut flowers and greens. A qualified handler is a person, including a cooperative, that sells domestic or imported cut flowers or cut greens to retailers and exempt handlers. The program covers both domestically grown and imported cut flowers and greens.

Individual handlers with less than $750,000 in annual sales are not assessed. The assessment only takes place at the wholesale or handler level due to the fact that a large percentage of cut flowers and greens are imported. Further, only retailers who also act as the importer of record with $750,000 in annual sales of cut flowers and greens are assessed.

I would like to point out that this legislation has impressive support from the entire spectrum of the floral industry including producers, wholesalers, wire services, importers, and retailers.

Industry organizations supporting the legislation include the American Floral Marketing Council, American Floral Services, Inc., American Institute of Floral Designers, Association of Floral Importers of Florida, California Cut Flower Commission, California State Floral Association, Colombia Flower Council, Colorado Greenhouse Growers Association, Florafax International, Floral Marketing Association, Florida Fern Growers Association, Florists' Transworld Delivery Association, Flower Council of Holland, Hawaii Tropical Flower Council, Illinois State Florists' Association, Michigan Floral Association, Missouri State Florists' Association, Nebraska Florists Society, North Central Florists Association, Northern California Flower Growers and Shippers Association, Pennsylvania Florist Association, Pennsylvania Flower Growers, Redbook Florist Services, Roses Inc., Santa Barbara County Flower and Nursery Growers Association, Society of American Florists, State Florists' Association of Indiana, Teleflora, Texas Floral Endowment, Texas State Florists' Association, West Texas New Mexico Florist Association, Inc., Wholesale Florists and Floral Suppliers of America and Wholesale Florists of Colorado.

In addition, it is worthwhile to note that the accounting firm of Ernst & Young conducted an independent survey reporting a 78 percent approval rating for PromoFlor from handlers who would be assessed under the program.

Mr. Speaker, I am pleased to introduce the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993.

TRIBUTE TO STATE SENATOR WILLIAM S. WALL

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. MEEHAN. Mr. Speaker, today, thousands of residents of Lawrence, MA, are paying final tribute to a man who dedicated his life to his constituents—State Senator William S. Wall. For 50 years, Senator Wall worked tirelessly for others, beginning in the State attorney general's office and continuing as a State representative, a State senator, and finally as a Lawrence city counselor, where he topped the ticket in every election. During this time he was available 24 hours a day to those he served. No problem was too big or too small for him to handle. No issue was too complicated or too simple for him to address. Every citizen who ever came to him would receive his undivided attention.

For me, as well as other elected officials in the area, he was always willing to advise, critique, and act as a liaison with the many diverse groups in the city. He called me or a member of my staff two or three times a week to make us aware of local issues.

His special dedication to the elderly, the veterans, and the children of his community have made him a legend in the city of Lawrence and the State of Massachusetts.

Senator Wall never forgot where he came from, and as a result, he always treated those who had less than him with the utmost dignity. He understood his community's needs better than anyone because he completely understood what the average person was facing on a daily basis. There are hundreds of examples of the unselfish deeds he performed—from helping a young person find a job to getting an elderly resident into a nursing home.

I join my friends in Lawrence today in their sorrow for the loss of a great leader. I also share their pride and their love for a man who epitomized what public service is all about. The city of Lawrence will never be the same without Billy Wall.

BRAC COMMISSION MEETS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. CALVERT. Mr. Speaker, yesterday, April 27, the Base Realignment and Closure Commission met in San Diego to hear testimony concerning Secretary Aspin's recommendations to close or realign several bases in southern California, including El Toro Marine Base, March Air Force Base, Twentynine Palms, and the Naval Training Center at San Diego. Because this was the only occasion on which the commissioners would hold public hearings in southern California regarding the Secretary's recommendations on these bases, I felt compelled to be in San Diego to lead a group of March AFB supporters in making our case as to why it should be kept open as an active base. For this reason, I was unable to attend yesterday's session of Congress.

Although the BRAC Commission does not have a history of reversing very many of the military's recommendations, citizens of Riverside County can be assured that the March Air Force Base Support Group left no stone unturned in preparing for yesterday's presentation. After conversations with several current and former members of the Base Realignment and Closure Commission, it became clear to me that our most powerful argument for leaving March open was simple and straightforward—it can perform its mission better and cheaper as a full-time active base.

Given the fact that we had but a few weeks to examine the voluminous report compiled by the Air Force over the period of more than a year, it was not easy to discover evidence which disputed the claim that it will save money to restructure March into a reserve base. However, we believe we were successful in pointing out several inconsistencies in the Air Force report, and in making a very strong argument that it would be more cost efficient—and militarily more effective—to leave March on active status.

The fact is that March Air Force Base is the only remaining facility of its kind in southern California, and it has proven its value time and time again for the rapid deployment of forces which is necessary to meet the challenges facing us in the world today. March aircraft and crews provided invaluable refueling support during the liberation of Panama. March played a major role in Operations Desert Shield and Desert Storm. And, most recently, March was a key point of embarkation for Operation Restore Hope in Somalia.

In addition to having excellent facilities—including a brand new state-of-the-art hydrant refueling system—March also has other advantages, including an excellent location. It is the logical departure point to the Pacific rim, and it is the closest west coast Air Force base to Latin America. Also, it is the only Air Force base in close proximity to the Marine facilities at Camp Pendleton and Twentynine Palms.

The public hearing in San Diego was important, and I believe we made an exceptionally strong presentation. However, the hearing is just a small portion of the overall decisionmaking process. Until the final results are announced at the end of June, we will continue to work with the BRAC staff in an effort to convince them that March Air Force Base is good for the country's security interests and is a good deal for the taxpayers.

IN MEMORY OF JANET MACEACHERN

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. BILBRAY. Mr. Speaker, I rise today in honor of a long-time political activist, aide, and asset in the State of Nevada. I stand representing my colleagues in the Senate, Senator REID and Senator BRYAN, to honor the memory of the late Janet MacEachern and her lifetime of work and commitment to the Silver State.

A native of West Allis, WI, Janet began her life in the political world as an 8-year-old activist helping her suffragette mother campaign for women's issues. These beginnings would later bring Janet to spend three full decades of her life involved in making southern Nevada a better place for people to live.

Early in her life, Janet was an accomplished track and field athlete. She went on to graduate from the University of Wisconsin at Madison and began her career as a teacher. She married G. Angus MacEachern in 1938 and traveled the Nation with him during his 33-year military career.

In 1964, retirement brought the MacEacherns to Boulder City, NV, and the shores of Lake Mead. It was there that Janet truly found her way into the heart of the southern Nevada community. She immediately began the work she loved in the local political scene, always seeming concerned for the little man and never afraid to take on a tough issue. Of her, friends would say, "She had an opinion on everything, and it was usually right." Locals eventually came to call her "Mrs. Boulder City."

Janet served on many boards and commissions, including the Regional Transportation Commission, the Clark County Flood Control District, and the State Mental Health Board. Janet may be the first and last Boulder City volunteer to be given an office and a secretary in city hall. Her familiar face at the State legislature in Carson City once earned her the "Curmudgeon Award" from the office of the Governor.

These memories of Janet will be ours forever, as will the many good deeds she accomplished for our State. So I stand today with the well wishes of my colleagues in the Senate, and ask that this auspicious body honor and recognize a lifetime of achievement by Janet MacEachern.

INTRODUCTION OF LEGISLATION TO EXPAND HOME OWNERSHIP OPPORTUNITIES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SERRANO. Mr. Speaker, today, along with Mr. BLACKWELL, Mr. CONYERS, Mr. FRANK of Massachusetts, Mrs. LOWEY, Mr. RANGEL, and Mr. SCHUMER, I introduced a bill that will expand homeownership opportunities for low-income buyers in areas across the country that most need new affordable housing, through a proven, successful program, tax-exempt mortgage revenue bonds. My bill would permit the issuance of mortgage revenue bonds to finance the sale of newly constructed two-family homes in targeted areas of chronic economic distress.

Under current law, mortgage revenue bond proceeds may be used to finance new single-family homes, but not new two-family homes. In many densely populated urban areas, including New York City, the costs of land and construction make two-family projects much more economically feasible for developers than single-family homes. Two-family homes simply cost less to build. In addition, each homebuilder can provide an affordable rental unit, a scarce commodity in the South Bronx and many other areas of the country.

In my congressional district, there are several projects underway to build two-family homes. I believe that low-income people who wish to buy these homes should be able to get financing through the mortgage revenue bond program.

My bill would simply amend the Internal Revenue Code of 1986 by lifting the requirement that a two-family residence be occupied at least 5 years before a mortgage is executed subject to the mortgage revenue bond program, when the two-family residence is in a targeted area as currently defined in the code, in a State economic development zone, or in any area designated as a Federal enterprise zone.

We need desperately to expand home ownership opportunities for low-income working people in economically distressed areas of this country. Homeownership opportunities are an indispensable link in the housing ladder. New home buyers free up affordable rental units for those who are ready to leave public housing, who in turn make public housing units available for the thousands upon thousands of families and individuals living doubled up in public housing projects, or without shelter at all. Expanded homeownership opportunity will keep and attract working people who contribute to the economic development of distressed communities. Making it easier for people to own their homes will help to stabilize distressed areas.

The mortgage revenue bond program has proven to be an extremely effective mechanism for the promotion of low- and moderate-income homeownership in New York and throughout the country. Expanding the program in this way would make it even more effective in the areas of greatest housing need, without costing the Federal Treasury a penny in tax revenues.

HEATH A. HAWK HONORED

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Military Academy.

Heath A. Hawk will soon graduate Paulding High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Heath has distinguished himself as one of the premier student-athletes in Ohio, participating in varsity football, varsity wrestling, varsity tennis, the science olympiad, and the scholastic bowl.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Heath Hawk has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he takes his place in the Long Grey Line and begins his career in service to our country.

PROTECTING FAIR TREATMENT FOR FEDERAL EMPLOYEES IN SEXUAL HARASSMENT AND WHISTLEBLOWER CASES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GEKAS. Mr. Speaker, today, Mr. KANJORSKI and I introduced the Merit Systems Protection Board Administrative Judges Protection Act of 1993. This bill would give administrative judges at the Merit Systems Protection Board [MSPB] the same statutory status and protections as Administrative Law Judges [ALJ's]. The bill would make MSPB administrative judges, who review employment decisions of Federal agencies for approximately 2 million Federal employees, administrative law judges. Two-thirds of the full-time Federal civilian work force depend upon the fairness and integrity of employment-related decisions rendered by 62 administrative judges at the Board.

One of the most widespread employment-related problems in the Federal workplace, as documented by the MSPB upon the request of the Congress, is sexual harassment. The MSPB, in response to the Congress, conducted two studies of sexual harassment in 1980 and 1987. In 1987, the MSPB sent out questionnaires to 13,000 Federal employees and received 8,523 responses. In 1987, 42 percent of all women and 14 percent of all men reported they experienced some form of uninvited and unwelcome sexual attention. The total cost to the Federal Government for this non-job-related behavior is estimated at $267.3 million during the survey period of May 1985 to May 1987. These costs are based on job turnover, sick leave used, lost individual productivity and lost group productivity due to sexual harassment.

MSPB administrative judges are responsible for hearing and deciding direct appeals from Federal employees who allege that an adverse personnel action was taken against them because of their whistleblower activities. In 1989, when the Whistleblower Protection Act was enacted, the Senate report stated that Federal employees may appeal to the MSPB and that the first review is to be by an administrative law judge and then the Board. However, administrative judges hearing these cases at the Board are not ALJ's, as the act contemplated, nor do they have the protections of ALJ's under the law to ensure the impartiality and independence of their decisions. This bill will provide this contemplated and long-awaited status as ALJs to the administrative judges at MSPB.

MSPB administrative judges hear sensitive personnel cases on sexual harassment and whistleblower protections involving high-placed agency officials. In fact, the House just recently authorized the MSPB to hear appeals on misconduct cases from the Senior Executive Service. Federal employees relying upon the integrity and independence of the decisions for the MSPB administrative judges are not aware that the hearing and decisionmaking functions of these judges are subject to removal, suspension, and performance appraisal by their agency. Currently, MSPB's performance appraisal determines whether these judges receive cash awards for their work. MSPB conducts both pre-issuance and post-issuance quality reviews of decisions issued by MSPB administrative judges. No facet of a decision is immune from review. Reviewers may include headquarters personnel who perform no hearing or decisionmaking functions. The results of these reviews may influence a judge's overall performance rating and pay.

Most Federal employees believe that they are entitled to a fair hearing before losing one of their most precious possessions, their livelihood. Unfortunately, Federal employees have less protection than we currently grant an individual applying for Social Security benefits: the right to a hearing before an administrative law judge, who cannot be intimidated or influenced because of the statutory protections guarding an ALJ's decisional independence. Federal employees are not aware that their case before the MSPB will be subject to quality review.

I believe that Federal employees should have the same protections in hearings before the MSPB on critical personnel decisions that may in fact ruin an individual's career. For these reasons, I have introduced a bill to give MSPB administrative judges the same classification status and protections as ALJ's in regard to: removal and suspensions only for good cause, rotation of case assignments to ensure impartiality on the part of the decisionmaker, and no performance appraisal on their adjudication functions. These protections will guard the integrity of the Merit Systems Protection Board in reviewing Federal employment practices and keep them free from political influence. I think this is important to the civil service system, and it is not a difficult task to undertake, since extending these provisions would be budget neutral, according to CBO standards.

I urge my colleagues to join me in providing these safeguards to the process of reviewing important employment decisions in the Federal Government.

THE 10TH ANNIVERSARY OF PHIL BURTON'S DEATH

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Ms. PELOSI. Mr. Speaker, as California and the Nation note the 10th anniversary of the passing of Phil Burton, a man who faithfully served San Francisco and the country as a Member of Congress, it is a privilege to bring to the attention of Congress a poem written by California's poet laureate, Gus Garrigus, in tribute to Phil and his enduring legacy.

With great insight, Gus has written "In Memoriam: Phillip Burton," which describes the wisdom spoken by Nature. It was Phil's extraordinary gift to be receptive and wise enough to hear what vital, beautiful—and crucial—message Nature has for all of us. Phil Burton had the commitment, talent, and persistence to build the coalitions needed to make sure that Nature's voice would endure for all time.

As Gus, a colleague of Phil's in the California Assembly, so poignantly and rightly notes, no plaque could encompass the importance and endurance of Phil's work—it is up to the redwoods, the eagles, the rivers, and the wildflowers forever to bear that witness.

Today we planted a young giant sequoia on the Capitol grounds as a tribute to Phil's lasting contribution to our world. As the tree grows, so will the memory of Phillip Burton.

IN MEMORIAM: PHILLIP BURTON

(By Gus Garrigus)

This is the requiem of the Giant Redwoods,
Sky-crowned monarchs binding heaven to Earth.
This is the tribute of the Queen Sierra's,
Snow-crowned grandeur serving beauty's worth.
When valley mists roll down the woodland floors,
And Eagles scream and soar past crags and peaks,
And lakes, like diamonds, sparkle in the sun,
Then we shall hear the wisdom nature speaks.
The rushing rivers and the bowered brooks,
And all this wondrous wilderness enclave,
Shall witness to the cause that Burton served,
Shall speak the heritage he worked to save.
No stone nor plaque can mark the way he went.
These National Lands shall be his monument.

NEW JERSEY GENERAL ASSEMBLY URGES INVESTIGATION OF OCCHIPINTI CASE

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ZIMMER. Mr. Speaker, I would like to enter into the RECORD New Jersey General Assembly Resolution 107. The resolution, which was adopted unanimously by the general assembly on February 18, 1993, memorializes the President and Congress to appoint a special or independent prosecutor to investigate the case of my constituent, Mr. Joseph Occhipinti of Manalapan, NJ.

NEW JERSEY GENERAL ASSEMBLY RESOLUTION 107

An assembly resolution memorializing the President and Congress of the United States to appoint a special prosecutor to investigate the Occhipinti case and to investigate Dominican crime operations.

Whereas, former Immigration and Naturalization Service agent Joseph Occhipinti, of Manalapan, New Jersey served his country for 22 years, daily placing his life in harm's way, and stands today as a most decorated Federal agent, with 78 awards and commendations; and

Whereas, there is voluminous evidence that in 1991 and 1992 Mr. Occhipinti may have been the target of a well-orchestrated conspiracy by Dominican drug dealers, leading to his prosecution on civil rights charges under 18 U.S.C.A. 241 and 242; and

Whereas, court transcripts may document that Mr. Occhipinti was denied a fair trial and his civil rights violated; and

Whereas, Mr. Occhipinti served seven months in federal prison, of his 37 month sentence, before President George Bush granted commutation, but because a full pardon was not granted there remains for Mr. Occhipinti the stigma of being known as a felon;

Whereas, Mr. Occhipinti is willing to undergo a new trial to clear his name; Now, therefore,

Be it resolved by the General Assembly of the State of New Jersey:

1. This House memorializes the President and Congress of the United States to appoint a special or independent prosecutor to investigate the case of Mr. Joseph Occhipinti, including an investigation of the alleged drug cartel conspiracy against Mr. Joseph Occhipinti, and further, of the alleged Justice Department coverup in the handling and prosecution of the Occhipinti case. The President is memorialized further to grant, if the investigation warrants, a full pardon so Mr. Occhipinti can clear his name.

This House further memorializes the President and Congress of the United States to seek a Congressional investigation examining the extent of Dominican crime operations in the United States, especially in New Jersey.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from this State.

INTRODUCTION OF THE GULF OF MEXICO ECONOMIC AND ENVIRONMENTAL PROTECTION ACT OF 1993

HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LAUGHLIN. Mr. Speaker, I thank you for the opportunity to introduce the Gulf of Mexico Economic and Environmental Protection Act of 1993.

I grew up along the Gulf of Mexico and I represent the 14th District of Texas, which occupies more land along the Gulf of Mexico than any other coastal congressional district or State combined.

I have long been committed to raising the priority of Gulf of Mexico issues. In fact, the Sunbelt Caucus' Gulf of Mexico Task Force, which I cochair with my colleague, Congressman SONNY CALLAHAN from Alabama, has been a leader for more than 4 years in raising awareness of issues in the Gulf of Mexico.

Congressman CALLAHAN and I have been working with the task force for more than a year on the comprehensive legislation we introduce today.

It is high time that the economic and environmental significance of the Gulf of Mexico be recognized. Unfortunately, the Gulf of Mexico has not been getting its fair share of Federal funds or attention.

The Gulf of Mexico is 7 times larger than the Great Lakes and almost 200 times larger than the Chesapeake Bay. Yet it receives 90 percent less funding than each of those bodies of water. This discrepancy in funding is incredible considering the extensive economic and environmental value of the Gulf of Mexico, a value not only to the one-sixth of the United States population which reside on the coast, but to the rest of the Nation as well.

Revenues from the Gulf of Mexico historically rank second only to the Federal income tax as a revenue source for the Federal Government. In addition, the Gulf of Mexico ports handle 45 percent of U.S. imports and exports.

The Gulf of Mexico also provides a critical habitat for 75 percent of the migratory waterfowl traversing the United States, and its coastal wetlands comprise about half of the national total.

Surely, a body of water which is so rich in environmental and economic resources and whose activities have such a national impact should get more Federal attention than in the past.

This legislation will focus on improving water quality in the Gulf of Mexico, reducing coastal erosion, ameliorating the economic loss of fisheries in the gulf, as well as other related issues which arise. The bill will formally establish a Gulf of Mexico program which will coordinate the activities of all affected agencies and avoid wasteful overlapping efforts.

Our bill will establish a Gulf of Mexico Board which includes representatives from all the Federal agencies with jurisdiction in the Gulf of Mexico, State Governors or their appointees, the chairperson of the Citizens' Advisory Committee, and a coastal elected offical from each State. Including the coastal elected officials is crucial because they have an in-depth knowledge of critical coastal issues.

Most importantly, our bill ensures the comprehensive evaluation of environmental and economic concerns affecting the Gulf of Mexico. This is why we are reintroducing this comprehensive bill, which attempts to address these critical issues in the Gulf of Mexico.

In closing, I would like to thank my colleague, SONNY CALLAHAN, and all the members of the Sunbelt Caucus' Gulf of Mexico Task Force who have worked so hard in developing this legislation.

NOT ALL SENIOR CITIZENS ARE WEALTHY RETIREES

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. DEFAZIO. Mr. Speaker, contrary to popular stereotypes, not all senior citizens today are wealthy retirees. Many do not own luxurious homes or have access to a steady stream of disposable income. Many don't even own a home.

The fact is, large segments of the senior population are still living at or near the poverty line. And a larger number are fast approaching that status under the crushing weight of skyrocketing health care costs and consumer inflation. A General Accounting Office report on the Current State of America's Elderly Poor confirms that nearly 20 percent of our Nation's elderly were poor or near poor in 1990.

Social Security and Medicare are still the best insurance policies against illness, hunger, and poverty for seniors. But the programs fall short in far too many areas. Medicare is painfully absent when it comes to long-term care and prescription drugs. And Social Security has not fulfilled its promises since the system ran into financial trouble during the 1970's.

That's why I'm fighting to correct the Social Security notch. When Congress reformed Social Security in 1977 to assure trust fund solvency through the mid-21st century, some 12 million workers near retirement age wound up with benefit checks smaller than those paid to their counterparts born a few years earlier or later. "Notch Babies," many of whom served in WWII, paid into Social Security their working lives. Yet many found themselves cheated by this congressional reform.

According to 1991 Social Security Administration [SSA] estimates, the average-earning, 65-year-old retiree born between 1917 and 1926 will receive an average of $916 a year less in Social Security benefits than the same average worker born between 1912 and 1916—and $480 a year less than the same worker born from 1927 to 1931.

That may seem like small potatoes to some of my colleagues on Capitol Hill, but it's a lot of money to my constituents in Oregon. The legislation I'm introducing today will go a long way toward correcting that mistake by replacing some of the benefits previously denied to these Americans. The bill is identical to the one sponsored by former Representative Edward Roybal in the 102d Congress, which garnered the cosponsorship of 288 Members of the House last year—nearly a two-thirds majority.

Restoring some of these benefits won't jeopardize Social Security's trust funds in any way. Few people realize the trust funds are accumulating a large and growing annual surplus. The SSA estimates that reserves will grow to nearly $8 trillion by 2015. The trust funds have accumulated far more revenue than originally intended when Congress cut benefits and boosted taxes in 1977 and 1982 reforms.

In addition, a small reduction in this growing surplus to rectify the notch issue will not increase the deficit. That's because trust funds are no longer included in the Federal budget when calculating the deficit. But some members of the administration and the Congress seem to forget that point.

I realize some of my colleagues are a little uneasy about spending surplus trust fund revenues; but ignoring the plight of these forgotten Americans is simply unconscionable. Please join me in sponsoring this legislation to put an end to this injustice once and for all.

THE 50TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING: SPEECH OF VICE PRESIDENT AL GORE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LANTOS. Mr. Speaker, just a few days ago we commemorated the 50th anniversary of the Warsaw ghetto uprising. It was my honor to serve as chairman of the Presidential delegation which was appointed by President Bill Clinton to attend that most solemn observance in Warsaw.

We turned our thoughts back half a century to the darkest, unspeakable days of World War II, a time when the whole horror of the Nazi extermination machine was in full operation, a time when the United States and our allies were just beginning to turn the tide against the monster of fascism, and a time when, against all odds, the suppressed, starving Jews of the Warsaw ghetto put their lives on the line and rose up against their Nazi masters.

The commemoration in Poland was a sober and hallowed occasion. It was an opportunity to remember and to honor a brilliant moment when men and women rose against their oppressors and fought against tyranny and oppression.

Mr. Speaker, our Vice President, AL GORE, was the President's personal representative at the 50th anniversary of the Warsaw ghetto uprising last week. His remarks commemorating that occasion are most thoughtful and reflective. Mr. Speaker, I ask that the Vice President's statement be placed in the CONGRESSIONAL RECORD, and I urge my colleagues in the Congress to ponder these remarks.

STATEMENT OF VICE PRESIDENT AL GORE AT THE 50TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

Today we must try to speak of the unspeakable.

A half century has passed since the April morning in 1943 when the Nazi occupiers of Warsaw sent troops to liquidate the Jewish Ghetto.

For three years, a half million Jews had been shut into the Ghetto, locked away from the rest of the city and the world by a high, thick wall of a sort that tyrants seem compelled to build. Periodically, Nazi troops raided the Ghetto and herded away hundreds of Jews at a time. They loaded them onto windowless boxcars to be hauled off to the extermination camps and the gas chambers.

On these visitations, the Nazis concentrated their lethal attention first of all on the old, the infirm, on women and children. These innocents were targets for immediate elimination because they could not be pressed into slave labor to service the German war machine.

The Nazis took advantage of the orderly habits and expectations of civilized society. They carried out mass deportations and exterminations of multitudes; but the rest of the world and at first even the Jews themselves could not believe that such a systematic and methodical horror could be sponsored by a government and carried out by a vast bureaucracy. Not even the victims were prepared for such a singular evil. Indeed, even now the secular liberal imagination rebels at grasping that states and peoples are capable of sin.

But in January 1943, the Jews in the Warsaw Ghetto began fighting back. And by Spring, in a fury of outrage, hatred, and fear, the Nazis resolved to destroy the Ghetto once and for all. By that time about 350,000 Polish Jews had survived three years of wanton murder, three years of pestilence that breeds in crowded places without adequate sanitation, three years of starvation that made even young men and women collapse in the streets and die.

Then on April 19 when the Polish countryside was greening with Spring and the fields were moist with renewing life, the Nazis chose the first night of Passover to storm into the Ghetto on a mission of death. They were so confident of a quick and easy victory that they were singing the marching songs of the Third Reich.

But they were met by a fusillade of gunfire that sent them fleeing in panic to the other side of the wall. The uprising in the Jewish Ghetto—one of the shining moments in the history of human dignity—had begun. While the Nazi flag flew over conquered Europe from Russia to the Pyrenees, from Norway to Greece, while the Gestapo and the SS terrorized trembling nations, the Jews of Warsaw fought back. Although there were many courageous rebellions by Jews, including by those who burned Treblinka, the Warsaw uprising was the first great civilian revolt against Nazi barbarism.

From the beginning the odds looked desperate to the freedom fighters. The Polish Jews stood alone. The German army regrouped and attacked with tanks, with armored cars, with flamethrowers, with heavy artillery, and with unlimited ammunition. The Jews fought back with a few light machineguns smuggled into the Ghetto through the sewer system. They had revolvers, antiquated rifles, a few hand grenades and thousands of home-made Molotov cocktails. During the fighting Jewish bastions frequently ran out of ammunition. Many rushed into battle hoping to pick up the guns and ammunition of slain or fleeing Germans.

But the Jews of the Ghetto had another weapon—the fierce, dauntless courage of a righteous cause, the matchless power of the human yearning for dignity. That power can rouse the most peaceful and inoffensive communities to say at last, "Enough" We will not take any more."

Again and again the Germans attacked. Again and again they were forced to retreat. Then, pulling back their legions, they sent the bombers of the Luftwaffe thundering over the Ghetto to pound it into submission. On April 25 General Juergen Stroop, the German Kommandant sent this communique to his anxious superiors in Berlin: "If last night one could observe over the former Ghetto only the reflections of fires, this evening one can see a gigantic sea of flames.

Still the Jews did not surrender. In the weeks that followed, Stroop's army attacked the Ghetto house by house with howitzers and flame-throwers. When women and children tried to escape the flames, German machine gunners shot them down. And still, the Jews fought on, amazing Stroop and his minions. They charged the German guns and died, some singing, others chanting Hebrew Psalms.

Despite Nazi censorship, news of the unfolding drama spread across the world. From London, General Wladyslaw Sikorski, commander in chief of the Polish armed forces in exile, called on his people by radio. "The greatest crime in the history of mankind is being committed," he said in a speech broadcast to his homeland on May 5. "I beg you to * * * combat the terrible atrocities which the Germans are committing against the Jews."

Finally, late in May, the overwhelming might of the Wehrmacht prevailed. The Nazis torched the entire Ghetto. Some chose the fire over surrender. Those who survived were condemned by the Nazis to extermination. The German ministry of propaganda sent photographers to record the long files of men, women, and children marched out to waiting boxcars at gunpoint under the merciless gaze of heavily armed German soldiers. The "triumph" over the Jews, decreed the Propaganda Ministry, was to be preserved "for all history."

And so it was. So it has been.

But in the long testing and trial of time, the leering Nazis are branded in memory with an indelible infamy and shame. The defeated Jews march in our hearts in an everlasting procession of honor. Their valor marks our remembrance of the darkness like a shooting star across a black sky, startling us with the evidence of something in the human spirit which will not yield to even the darkest and most overpowering certainties.

Fortunately, many of those who suffered, managed to preserve their witness for posterity. Vladka Meed's "On Both Sides of the Wall," is a stirring example. And thousands recorded what happened before they died so that we could remember. One of them wrote: "This journal is my life * * * Darkness covers the murderers abominations."

A merchant and aspiring writer, Zalmen Gradowski, who fell in a revolt at Auschwitz he spearheaded, confidently buried four manuscript accounts of life in death, on each of which he had matter-of-factly inscribed the words, "take heed of this document, for it contains valuable material for the historian."

And a writer who perished in the Warsaw Ghetto uprising wrote, Whoever desired still to live should not search for life here among us. We are at the end."

Tomorrow, I will be in Warsaw to remember their courage. Yesterday, I was in Washington and with my wife Tipper, privately visited the United States Holocaust Memorial Museum. I will be there again on Thursday when President Clinton will speak at its dedication. Of course, those of you who are survivors know what those of us who are not can only imagine: the burden of memory and the memory of loss. The bodily wounds and the wounds of the spirit and of the mind. But Tipper and I were overwhelmed by the power of the story this new museum tells in words and pictures.

The pictures. No one with human feeling can contemplate these photographs without a welling up of pity and rage. I am always arrested by the image of one frightened little boy. He wears a coat that reaches to his bare knees over his short pants. On his head is a wool cap as if some mother had dressed him to ward off the morning chill on his walk to school.

Yet here he is, trudging at the head of a weary column of doomed humanity, his hands lifted in the air in a gesture of harmlessness. Nearby a German soldier looks on, holding an automatic rifle in his hand, a scornful smile on his face.

The child is not on his way to school. He is going to his death.

I do not know his name or who his parents were, or the games he played or the songs he sang. We do not know what confused thoughts stirred through his uncomprehending mind as he stared at a uniformed man taking his picture. And we can never know what he would have been, had he lived. His ashes are scattered somewhere in an anonymous pit. His face and those uplifted little hands haunt us forever.

Before that image, words fail. We are reduced to silence—a silence filled with the infinite pool of feeling that has created all the words for humility, heartbreak, helplessness, and hope in all the languages of the world.

How could the human race have allowed such a calamity as the Holocaust to fall upon us? There were 400 Jewish Ghettoes created in Europe by the Nazis. But numbers, of course, seem so pitifully incapable of conveying the meaning of an episode that stands outside the borders of all customary moral judgment.

Six million Jews were murdered: mothers and fathers, sisters and brothers, cousins, friends, one and a half million children, three out of every four Jews in a swath of Europe from the Atlantic Ocean to the furthest line of German advance on the Eastern Front. Three million Jews in Poland perished, one million Jews in the western Soviet Union, 106,000 in Holland, 135,000 in Lithuania, 217,000 in Czechoslovakia. Only in Denmark were both the numbers and the proportions small. Seventeen thousand Jewish women died on a death march from Ravencbruck. Ninety-five thousand Jews were executed in the Barancwicze region in six months, 35,000 at Babi Yar in two days. At Maidanek eighteen thousand Jewish prisoners were slaughtered in one day. The SS called this day a "harvest festival." Of the fifty thousand Jews in Salonica at the beginning of the war barely one thousand were alive in 1945. Of the nearly four hundred thousand Jews deported to Belzec just six survived.

What terrible darkness lies coiled in the human soul that might account for this venomous onslaught in the middle of a century that was hailed at its birth as a "century of progress"?

What did the promise of modern times mean to that young child with the wool hat and to those masses tramping out of the Ghetto under skies blackened by smoke, a wasted landscape transformed, as the Nazi conqueror boasted, into a cemetery? The sorrow rising from such questions is deeper than all tragedy and leaves us mute before a mystery the human mind cannot penetrate.

And yet the uprising of the Warsaw Ghetto shines in our consciousness like a pole star of the human spirit.

When the Jews first took up arms, some of them raised the red and white flag of Poland over the Ghetto that had been their prison and that now became their fortress. General Stroop reported that Jewish fighters plunged with reckless valor to their deaths, taking as many Nazis with them as they could.

They were Jews claiming an ancient heritage. They were also Poles, many of them claiming a nation they loved and served to the end. They were members of the human race claiming honor and dignity in the face of desolation, despair, depravity, and death.

Their sacrifice is now fifty years in the past. The springtimes of five decades have blown away the stench of fire and death, and the generation that suffered the war and endured the Holocaust is passing away. We cannot inscribe on a monument the names of all the Jewish dead, for we do not know them. Many are known only to God.

Yet as Elie Wiesel has said:

"To forget the Victims and the killers would mean to betray one and to grant a victory to the other.

"Let us Remember. Let us Remember again and again. For at the end that is all they wanted—to be remembered. Their names, their faces, their silent songs, their secret triumphs, their struggle and their death, one as awesome as the other."

The story of the Warsaw Ghetto is sacred text for our time. It warns us of the unfathomable power of evil, the pestilence of the human soul that for a time can dissolve nations and devastate civilization.

But the uprising in the Ghetto also warns tyrants wherever they rule for a season that a fierce, bright light blazes eternal in the human breast, and that the darkness can never put it out.

Now we stand in another springtime. The icy winter of the cold war is over. In countries once conquered by the Nazis and afterwards plunged into the glacial age of Communism, the land is greening, and new life is reaching towards the sun.

In my home state of Tennessee, farmers know something about spring; it is the time to plow and to plant when the snow has melted and the ice is gone. And there is something about this spring we all must know: what we harvest in the future depends on what we sow now when the world has thawed, and a sweet, mild air of opportunity portends the growing season.

Like the year, history has its seasons. And like the poet who said April is the cruelest month, we feel anguish when memory is mixed with desire. If we are wise, we will choose the right lessons to learn in this season when the world is full of promise and pain.

One lesson of our century is that dictatorships—wherever they may be—are illegitimate. They thrive on terror. The tyrant fears the inevitable—that the people he oppresses will come to themselves, shout him down, destroy him, and trample his symbols underfoot.

It is the dictator's trick, as old as tyranny itself, to preach hatred to his people, to cast a spell over them, to incite them to fear of a mythical enemy. Out of the darker impulses of the human heart, the dictator shapes a kingdom of shadows. By relentless propaganda he makes those shadows seem to move and gives them the substance of nightmares. The people, reduced to childish dependence, are hypnotized into believing that the tyrant is their protector. Their fear of a imaginary enemy "out of there" is twisted into hatred of those loyal citizens who seem different—different because of their looks, their clothes, their habits, their speech, their way of worshipping God.

Dictators refuse to learn the bitter lessons of history. Fifty years after the uprising in the Warsaw Ghetto, petty tyrants around the world smother their people and seek to blind and confuse then with the clumsy lies of dictatorship. The greatest lie of all is to find someone different—a different religion, a different ethnic identity, a different skin color, a different language, a different heritage of any kind—and to decree that that person is the real enemy.

I recently saw the photograph of another child of Europe. He was ten years old. He lived in Sarejevo. He was killed by shellfire in the Serbian siege of the city. His body had been covered with a blanket. Only a thin leg with a sneaker on the foot protruded. The sneaker had a tag attached. A small boy's innocent life with all its promise had been reduced to a statistic recorded on a piece of paper. And this happened in our time, only weeks ago.

Must such horrors go on and on? They must not. Those who commit such crimes should know that judgment stands in the wings of history, awaiting its moment. And the moment always comes.

Let tyrants know that they inevitably fall. Their statues are toppled in the streets by a jubilant people, their names faded to oblivion by the incandescent sunlight of the human spirit. And let the people of every nation know NOW that to allow tyranny to take root in their land exacts a price. For a nation to fall into the narcotic spell of hatred that dictators cast on their societies is to bring down on both the guilty and the innocent the contempt of civilized society and its implacable vengeance.

Surely in this new springtime of human history we can plant hope and peace in Europe and the world. Today we celebrate the Jewish people and their great resurgence and flourishing after the horrors of Nazism. We celebrate the State of Israel, born from the fires of war and the Holocaust and tempered by its determination to survive and to achieve justice and peace with security. We celebrate the triumph of the human spirit that brings us here to honor the suffering and sacrifice offered by brave people on the altar of humanity.

It is one of those symbolic coincidences of history that the date of the uprising in the Ghetto, April 19, is the anniversary of the shots exchanged in Lexington, Massachusetts, in 1775 between the British army and the American patriots. That skirmish began the American Revolution. The young soldier who fired the shot heard round the world, unlike the fighters of Warsaw, did not face certain death. Yet he was a citizen of a small, weak, colony preparing to resist the forces of a great empire.

A little more than a year later Thomas Jefferson put forth the radical proposition that all of us are created equal, that the mere fact of birth confers on us all, in every race, every religion, every language, every heritage, a right to enjoy life, liberty, and the pursuit of happiness and that governments derive their just powers from the consent of the governed.

We have been struggling for two hundred years to make Jefferson's dream come true. Our own troubled history in the United States shows us that our yearning for justice is not yet fulfilled, our dream not yet come true. But we keep walking towards a shining horizon—a society where people of every creed and color, every heritage and hope, can dwell together in peace by the river of life.

I would like to wish that ambition on all societies throughout the world. And I would like to say that the most stable and enduring societies are those that grant to all their people, in all their variety, the most freedom and the most dignity.

No words we speak can embrace the grandeur of the sacrifice of the martyrs we remember today. The heroes of the Warsaw Ghetto found freedom and dignity by choosing death with honor, by resisting even when resistance was hopeless. They thus sanctified life for those who live after them. Their heroism plucked up human nature itself from the dirt, where Naziism threatened to bury it, and lifted it high to catch the radiant sunlight.

Centuries ago, after another experience of sorrow and captivity, the Psalmist wrote:

"They that sow in tears shall reap in joy. He that goeth forth and weepeth, bearing precious seed, shall doubtless come again with rejoicing, bringing his sheaves with him."

The fighters in the Warsaw Ghetto sowed the seeds of courage, dignity, and justice, and we reap their harvest today. Their martyrdom is a demand that justice form the basis for relations between nations and peoples—justice in the neighborhood and justice in all the world.

The spirit of the men and women who fought in the uprising in the Jewish Ghetto can make a thousand springtimes flourish. We renew ourselves in their radiance at this sacred moment. We find in their noble example the inspiration to perserve and to prevail in the duties to which destiny has called us today.

We honor them now with reverent silence and promise to remember them and to love them as long as the world stands.

Our duty to them was written in the book of Deuteronomy:

"Only take heed to thy self, and keep thy soul diligently, lest thou forget the things which thine eyes have seen, and lest they depart from thy heart all the days of they life: but teach them to thy children, and thy children's children."

IT'S A GIRL!

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. CAMP. Mr. Speaker, I rise today with great news from our former colleague Bill Schuette and his wife Cynthia Grebe Schuette who gave birth to their first child at 2:28 a.m. on April 27, 1993. They are now the proud parents of a healthy 7 pound, 6 ounce, baby girl. Her name is Heidi Cathrin Schuette. It is with great pleasure that I share with the House of Representatives their happiness during this special time in their lives.

TRIBUTE TO DR. EMMETT J. CONRAD

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FROST. Mr. Speaker, it is with deepest regrets that I advise you and my colleagues in Congress of the death of Dr. Emmett J. Conrad, Dallas' first African-American school board member, and longtime leader in education, medicine and social justice causes. He died this past Saturday, April 24, 1993, at the age of 69. Dr. Conrad is survived by his wife, Eleanor Conrad of Dallas; daughter, Dr. Cecilia Conrad of New York City; sister, Portia Conrad LePage of Baton Rouge; brother, William P. Conrad of Baton Rouge; and a grandson.

Dr. Conrad was an extremely talented man whose commitment to excellence helped him break color barriers on a number of fronts. While in the Army at the beginning of World War II, he earned a military scholarship to complete his pre-med studies at Stanford University by achieving a genius IQ score on any Army test. After earning his medical degree at Meharry Medical College in Nashville, TN, and serving as a captain at an Illinois Air Force base, Dr. Conrad came to Dallas to join the St. Paul Medical Center staff in 1955. By 1981, he was named chief of staff to lead more than 700 doctors. He was the city's first black hospital staff surgeon and chief of staff. He would also become the first black president of the Greater Dallas Community of Churches.

Without taking away from his great achievements in medicine, Dr. Conrad will be most remembered for his concern and work for the community. I knew Dr. Conrad personally and I found him to be not only intelligent, but caring. He won an at-large election to sit on the Dallas school board in 1967. During his 10 years on the board, Dr. Conrad promoted free-lunch programs for poor students and the integration of administrative staffs.

However, his service on the city's school board was only the beginning of his commitment to the community. Dr. Conrad went on to serve on the Texas State Board of Education for 11 years. While on the state board, he helped shape Texas school reforms, including pre-kindergarten programs, no-pass, no-play rules and teacher competency tests. In addition, he never moved his office from the African-American neighborhood where he started because he wanted services to be convenient for the clients who gave him his start.

Mr. Speaker, we have lost more than a notable medical professional in Dr. Emmett J. Conrad. We have lost a close friend who dedicated his life to his family, his community and education.

IN HONOR OF TAKE OUR DAUGHTERS TO WORK DAY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FAZIO. Mr. Speaker, I rise today in strong support of Ms. Foundation's introduction of Take Our Daughters to Work Day.

As a father with grown daughters of my own, I know first hand the importance of instilling career aspirations for young women. Girls, as well as boys, must learn by example, the importance of work and the benefits of a career.

From all kinds of sources we are being told that girls do not receive the attention from teachers they deserve or the education they need to succeed in this world. We know that women today do not receive equitable paychecks to their male counterparts. No doubt these things must change.

But, in the meantime, it is up to parents to teach young people early on the benefits that come from a good education, and from hard work. Girls as well as boys should be taught that working hard and playing by the rules do pay off. Today, when American's daughters see their mothers' achievements in the work place, they will learn not only the great heights women have reached but the obstacles they have overcome in getting there as well.

Hopefully, girls and young women will aspire to even greater heights and seek to eliminate the obstacles of generations before them. Hopefully, they will recognize our world's everyday heroines and want to be just like them.

Today is a reminder that we must teach our young women they are an important part of this country's future, that their contribution is crucial to our success as a whole and that they can make a difference. With their aspirations and potential, we will all benefit.

I join my colleagues on both sides of the aisle in commending the Ms. Foundation on the inauguration of Take Our Daughters to Work Day.

IN SUPPORT OF THE FORMER SOVIET UNION NUCLEAR THREAT REDUCTION ACT OF 1993

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. BERMAN. Mr. Speaker, I am pleased today to join my colleagues Pete Stark, Lane Evans, and Norman Dicks, in cosponsoring this important legislation to develop a program to reduce the nuclear threat from the former Soviet Union. This program offers nuclear safety assistance to four Soviet Republics—Russia, Ukraine, Belarus, and Kazakhstan—conditional upon meeting certain arms control commitments.

The last thing the world needs is the emergence of new nuclear weapon states. It is imperative, therefore, that these four Republics fulfill their obligations under the Lisbon Protocol to ratify the Start I Treaty, and, for the three non-Russian Republics to join the nuclear Non-Proliferation Treaty as nonnuclear weapon states.

This serious issue needs new initiatives to meet the realities ahead of us. This legislation aims to provide assistance to reduce the environmental and national security threats from nuclear facilities in these republics once they have met their obligations.

The Department of Energy will administer this program with $500 million of unobligated Department funds. The assistance provided would speed up the retirement of plutonium producing facilities, and accelerate the closure of Chernobyl-type nuclear reactors. It would assist in the safe disposal and storage of radioactive materials, and promote the use of alternative energy sources. Of mutual interest to both the former Soviet Union and the United States will be the establishment of training and technology programs, and the cooperative sharing of information which will strengthen nuclear materials accounting and security systems.

It is of vital importance to our national security that arms control treaties be adhered to, and once these Republics fulfill their arms control commitments, they will reap real benefits from the assistance provided for the environmental cleanup of their nuclear programs.

U.S. SERVICE EXPORTS ARE GROWING RAPIDLY, BUT ALMOST UNNOTICED

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. OXLEY. Mr. Speaker, the following article, which appeared in the April 21 edition of the Wall Street Journal, points out the good news about the trade issue. I recommend this for all of my colleagues and anyone else who is truly interested in an accurate picture of the entire issue of trade and foreign trade surpluses and deficits.

U.S. SERVICE EXPORTS ARE GROWING RAPIDLY, BUT ALMOST UNNOTICED

(By Ralph T. King, Jr.)

American companies that don't make a thing are turning the U.S. into an export powerhouse.

The country's merchandise deficit, at $96 billion last year and topping $100 billion in seven of the past nine years, provokes repeated outbursts against America's trading partners. But almost unnoticed, U.S. companies that sell services, rather than raw materials or manufactured goods, racked up a $59 billion trade surplus last year, a nearly fivefold increase from 1986. If goods and services trade data are lumped together—they aren't, because of an outdated Commerce Department convention—it becomes clear that the U.S. has an ace-in-the-hole in world trade.

U.S. companies are sparking "a hidden boom in services exports," says Allen Sinai, a Boston Co. economist. That boom not only enriches the companies and their shareholders but also creates a significant number of high-paying jobs in the U.S.—though fewer jobs than a boom in manufactured exports would bring.

A VARIETY OF SUPPLIERS

World-class suppliers of services include brand-name giants such as American Express Co., McDonald's Corp., and Walt Disney Co. Also among them are thousands of smaller companies such as Monitor Co., a management consulting firm in Cambridge, Mass., that gets half of its $60 million in annual revenue from abroad. What all these companies are exporting so successfully is information, know-how, creativity, and technology, things the rest of the world badly wants.

"Information is as much a product as an automobile. . . . But this is not the way people look at it. We are conditioned by the goods economy of yesteryear," Mr. Sinai says.

The misconception arises in part from the onslaught of consumer imports such as Japanese cars and stereos, which don't blend into the woodwork the way untangible U.S. services do abroad. Few people know that last year the U.S. ran a surplus in services with Japan totaling $11 billion, equal to 28% of America's $50 billion merchandise deficit with that country.

STATISTICAL PROBLEMS

Moreover, the Commerce Department reports merchandise-trade data monthly—prompting gloomy headlines every time—and releases services-trade figures quarterly with a three-month lag. The reason: Widgets are more easily tracked and counted than services such as waste management or data processing. The government doesn't include most financial services because electronic money flows are so hard to categorize. Some experts believe that the recently reported $167 billion in services exports for 1992 may be understated by at least 20%.

But as the nation's private services sector has eclipsed manufacturing in output, its importance in foreign trade has surged, to 28% of total exports from 17% in 1980. And as the wealth of U.S. trading partners grows—and if trade barriers continue to fall—foreign demand for U.S. services is bound to increase. Mr. Sinai says it is "very easy to see" the services trade surplus "doubling or tripling by the end of the decade," to nearly $200 billion.

Some of the services responsible for the "hidden boom" don't seem like exports at all. For example, spending by foreign visitors to the U.S.—on hotel rooms, restaurant meals, air fares, vacation attractions and the like—generated about one-third of the $59 billion private services surplus last year. Foreign enrollment in U.S. universities, totaling more than 400,000 students, added $5 billion or so.

All the rest is generated by business and technical services such as engineering, accounting, computing and legal services and by entertainment and new technologies that earn royalties and license fees. Companies offering services of these types have achieved the fastest growth abroad. At Disney, Chairman Michael Eisner says foreign sales, which already account for 19% of total sales up from 10% in 1987, should continue to grow faster than its domestic business. At Texas Instruments Inc., royalties paid by foreigners for use of its computer-chip-making patents have quadrupled since 1987 to nearly $400 million. And at Waste Management Inc., foreign sales surged more than 15-fold in the past six years, to $1.5 billion in 1992.

In addition to profits from exports, U.S. companies earned about $20 billion last year on sales by their foreign-based service operations, such as travel offices operated by American Express in New Delhi and Cairo. That figure is also expected to rise sharply. U.S. capital investment in such operations doubled between 1986 and 1991 to a cumulative $216 billion, exceeding that of U.S. manufacturers abroad.

Services exports have been aided by the plunge in the dollar since 1985. In addition, U.S. service companies, helped by superior universities and honed by an intensely competitive economy, are far more productive than their foreign rivals. McKinsey & Co. calculated that American companies are about 50% more efficient than Japanese retailers and German telecommunications concerns. These and other nations limit U.S. companies' access to key service markets, partly in hopes of catching up.

Nevertheless, the wider U.S. economy, and especially its work force, won't reap all or even most of the benefits from this boom because services are very different from manufactured goods. Although U.S. goods sold abroad create mostly U.S. jobs, the sale of U.S.-generated services often involves lots of foreign employees because many services are, by necessity, provided locally. At American International Group Inc., most of the huge insurance company's policies are devised by experts at its New York headquarters. But AIG has 16,000 foreign employees, amounting to half its total work force, selling and processing policies in 130 countries.

Moreover, much American service capability can be easily transplanted. One of the world's largest and most advanced aircraft-maintenance facilities is expected to siphon plenty of jobs and work away from U.S.-based shops when it opens at year end in Tijuana, Mexico. The owner, Matrix Aeronautica, says that Americans will provide training and supervision but that the majority of employees will be lower-wage Mexican technicians.

GE'S JOB MOVES

Similarly, General Electric Co. eliminated hundreds of essentially service jobs at plants in the Midwest by shifting technical drafting to computer-aided designers in India and Eastern Europe, says James Sommerhauser of the International Federation of Professional and Technical Engineers. To head off such developments at American Telephone & Telegraph Co., the Communications Workers of America union is working closely with the company in strategic planning. "We want to make sure service jobs aren't exported the way manufacturing jobs have been," says Jeff Miller, a CWA spokesman.

Some American companies dominate service markets abroad because they treat customers better than foreign rivals do. Thus, American Express, which first made it easier for Americans to go abroad, now also caters to foreigners in their own countries. Within Germany, 80% of all American Express card usage is by Germans, up from 50% five years ago. Germans, and cardholders in 30 countries, now get their bills denominated in the local currency. The company's foreign revenue has nearly tripled since 1982 to an estimated $5.5 billion last year, some 20% of its total revenue.

Even when technology transfer is the primary objective, customer focus comes into play. In 1989, a consortium including a unit of Pacific Telesis Group, the San Francisco Baby Bell, won the right to build and partly own a $2 billion cellular-phone network in Germany. Other bidders had the technical expertise, but the Pactel unit offered support systems critical to building the business and making it user-friendly, things such as accounting software, management information systems and customer-service procedures.

"In the U.S., we expect good service," says Jan Neels, president of the unit, Pacific Telesis International. "That has forced U.S. companies to cater to it, and that is why we bring value" to projects in Europe where until recently the attitude was, "Shut up, you should be glad you have [phone] service." After just four years, foreigners account for 15% of the unit's 800,000 cellular customers world-wide.

Some opportunities arise from Americans' long experience with problems that other countries are just beginning to face. U.S. environmental regulations, for example, spawned a giant waste-handling industry, an industry that is primitive or nonexistent in much of the world. Into this void waded Waste Management. It collects trash, cleans streets and constructs sanitary landfills in 20 countries, including Argentina and New Zealand. It also has a 15-year contract to run a hazardous-waste treatment plant that will process all of Hong Kong's industrial waste.

Complicated legal and tax systems in the U.S. have provided a similar advantage to law and accounting firms. At Chicago-based Baker & McKenzie, the world's largest law firm, more than half its 1,651 attorneys work outside the U.S. Its chairman, John McGuigan, is Australian, and many partners are eligible to practice law in several countries. Like American Express, it expanded with the aim of serving U.S. multinationals wherever they operated, and now it advises many foreign clients at home and abroad. Besides the major capitals, the firm has offices in cities such as Valencia, Venezuela.

As big and vibrant as it is, the U.S. economy is a breeding ground for state-of-the-art thinking on many fronts. Monitor Co., for example, provides a pipeline for management ideas from the best U.S. business schools through seven overseas offices, including ones in Madrid, Milan and Seoul. Co-founded in 1984 by Michael Porter, a Harvard professor, the firm conceives business strategies to help clients exploit their competitive strengths.

Big companies such as Texas Instruments aren't the only ones tapping demand for U.S. technology. Visual Software Inc., of Woodland Hills, Calif., employs about a dozen software engineers who customize graphics and animation code for clients in places such as Cyprus, Austria and Mexico. One foreign government retained the company to make voter-identification cards using unforgible 3-D photo images. Founded just three years ago, Visual says 40% of its $3.5 million of revenue comes from abroad.

Douglas Richard, Visual Software's chief executive, doubts that the U.S. will lose its dominance in software programming anytime soon. "People say India has hundreds of programmers lining up software code at low cost. That's fine as long as the code is like assembling a toaster," he says. "But if you introduce a creative element into the process, which inevitably you do, then [software writing] is much more a craft, closer to writing a novel than building a toaster."

ENTERTAINING NUMBERS

Ditto for the entertainment industry, the nation's second-largest exporter after aerospace. Disney accounted for a big slice of the industry's estimated 1992 surplus of $6 billion. The company produces the most popular TV shows in Russia and Germany, publishes Italy's bestselling weekly magazine and lures more Japanese visitors to Tokyo Disneyland than almost any other attraction in Japan. Foreign box-office revenue for "Beauty and the Beast" alone hit $200 million.

Mr. Eisner, Disney's chairman, attributes the success of his company and others in Hollywood partly to the size and affluence of the world's English-speaking population. But also, he says, foreigners "sense that what ends up on the screen is freely created. We are making movies about and in a system of freedom . . . that [many foreigners] revere. Our political system creates intellectual products that are hungered for around the world."

Besides entertainment, the world yearns for nuts-and-bolts ideas that lift living standards. Enter U.S. franchisers, some 450 strong with 40,000 outlets worldwide, which are tapping into a rich entrepreneurial vein in many cultures. This is especially true in places such as Eastern Europe and South Africa, where small business has been hobbled for years.

The global expansion of McDonald's is well known, but how about that of I Can't Believe It's Yogurt Ltd.? During its 15 years in the U.S., the Dallas based franchiser has created a step-by-step procedure for opening and running a frozen-yogurt store anywhere in the world, says James Amos Jr., its chief operating officer. It works closely with local contacts familiar with the requirements and idiosyncrasies of each country, and it promotes franchisees' long-term success by getting most of its profit from product sales rather than up-front franchise fees. In the past three years, the company has opened 127 outlets in 20 countries; it expects to have 1,000 within two years.

"The world is not panting for frozen yogurt because they don't know what it is," Mr. Amos says. "But they are desperate for ways to start a business."

TRIBUTE TO JAYNE SHAPIRO

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. McKEON. Mr. Speaker, I rise today to pay tribute to Jayne Shapiro of Granada Hills, CA. Jayne is being honored on May 16, 1993, by the Abraham Joshua Heschel Day School as their woman of the year for her outstanding service and dedication to the school and the community.

Jayne has been associated with many vital Heschel projects and has served the school in many capacities. She has served as president of the parent organization, providing leadership, energy and undying dedication to the school and its mission. Jayne was also vice president of the capitol funds and ways and means committees. In these positions she offered her strength of conviction and character to uphold the principles and standards of the school and to secure the successful financial continuance of Heschel.

Jayne is also recognized as an accomplished Jewish activist for her strong commitment and dedication to the Jewish community. Jayne serve on the executive boards of the United Jewish Appeal, national women's division and chaired a national women's division mission to Prague and Israel.

Jayne also served as United Jewish Fund women's division campaign chair for the San Fernando Valley region and is presently on its executive board. Jayne's leadership and years of service have won her appointment to the national and Los Angeles regional executive boards of the American Israel Political Action Committee [AIPAC]. She is also a life member of Hadassah, a member of the Golda Meir Club for Israel Bonds, and an ardent supporter of the Jewish National Fund.

Mr. Speaker, Jayne is truly a remarkable individual. Her unbridled devotion to her community should be enthusiastically commended. I am fortunate enough to count Jayne Shapiro as one of my constituents, and a friend that I truly admire. I offer her my sincerest congratulations and ask my colleagues to join me in saluting her tireless efforts.

RUSSIAN TRIP

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HYDE. Mr. Speaker, a bipartisan leadership group led by Republican Leader ROBERT MICHEL and Majority Leader RICHARD GEPHARDT recently traveled to Ukraine and Russia. While on the trip, I wrote a series of six articles for the Daily Herald which I would like to share with my colleagues.

The following two articles are last in the series. The first describes our very interesting meeting with Vice President Aleksandr Rutskoy. The second concludes the series with some of my observations on the future of Russia and the role of the United States and the West in supporting the reform process.

Russian Vice President Has No Use for Yeltsin's Reforms

(By Henry Hyde)

MOSCOW.—The most interesting interview of our Moscow visit was with Vice President Aleksandr Rutskoy. Rutskoy is an outspoken adversary of President Yeltsin. We met in his office which is dominated by a huge portrait of Peter the Great and a large wall map of the pre-1991 Soviet Union. An impressive man, not cordial but direct and proper, he reminds me of a graying Tom Selleck. Dressed impeccably, he struck me as a person who didn't welcome small talk. His background includes service in Afghanistan (where the told us the military tried to brainwash him with anti-American propaganda which—he said—he never believed. Maybe not ALL, Mr. Vice President, but SOME?)

He rose to the rank of Major General in the Air Force after joining the Communist Party in 1970. He flew 429 bomber missions in Afghanistan before getting shot down and injuring his back. He returned and flew another 100 missions, was again shot down and captured by the Afghan rebels. He was awarded the Hero of the Soviet Union medal for his war service. He has traveled widely but never to the United States. He is important, as I was told by a senior foreign correspondent for a major newspaper, because he "represents the future of Russia." Rutskoy denies media reports that he rejects all American aid, although he repeated his criticism that it is humiliating for Russia to go like a begger seeking money from the U.S.

He denies that the so-called reforms have been thought out, calling them largely slogans, not ideas. He accused the U.S. of a double standard in not objecting to abuses of ethnic Russians in the Baltic states, whereupon Congressman Tom Lantos, D-Calif.; forcefully reminded Rutskoy that in fact we did protest. "Actions speak louder than words" was his testy reply.

He rattled off a lot of statistics designed to prove that Russian reforms have only destabilized a once orderly society. He mentioned the escalating crime rate in Moscow and the floods of refugees fleeing from the other former Soviet republics to Russia.

The vice president believes firmly in government economic controls, but we got no details. He asserted four priorities, housing, food, clothing and medicine. "If we can solve these, we can have a successful society," he said. One ray of sunshine in what was mostly a depressing thunderstorm was his mention that he admired Americans who touch their heart when their National Anthem is played—this demonstrating love for their motherland.

He made two suggestions on American aid to Russia, perhaps to soften the mood his lecture had created. He suggested that Americans should invest in joint ventures with Russians—advice that was contradicted by Moscow's American business community we had breakfast with the next morning. He also asserted that every dollar we provide should be invested "in a concrete project to achieve concrete results, otherwise it just goes in the sand." This last advice may have been worth the entire trip!

For the United States, the Stakes in Russia Are High

We have finished refueling at Shannon airport after a nearly four-hour flight from frigid St. Petersburg, Russia, and now face a seven-hour last leg to where it all started eight days ago—Andrews Air Force Base near Washington. In the last week we have met with a host of senior people in government and business in Ukraine and Russia.

Earlier—in our final day in Moscow, we had spent about three hours with some American businessmen who are trying to get a foothold in the new Russian system. They were very bright, very frustrated by uncertainties and hopeful that all the bureaucratic red tape that ties them in knots could be overcome.

We flew to St. Petersburg on Friday and as we left the airplane walked into falling snow and biting wind. In this northern port city of about five million people, we met with the mayor, local officials, our consulate staff and more American business people getting established here. We heard a mixture of pride, hope, frustration and optimism. We encountered more reformers in this historic and architectural feast of a city, and greater expectations that "everything in the end will turn out right!"

What conclusions have I reached? First, Yeltsin does matter for the future of Russia because there is no one quite like him. All the other big names in Russia who claim the mandate of reform cannot measure up to his prestige, nor command his following. This makes our job a delicate one. Should he lose the April 25 referendum and feel constrained to resign—as he has threatened to do—we must be prepared to work with his successors, provided they are also reformers. Yeltsin's popularity has been slipping, but he is still the most preeminent political figure in Russia.

The country will remain in crisis for years to come, even should Yeltsin win and get his reforms adopted by a new Parliament. It took Poland three years to turn her economy around and she took the "cold plunge" to reform. Russia is like a man with a heart attack running in a marathon—very, very tentative. Ukraine is even more so, with no major economic reform or significant privatization under way.

A world about the Russian military. They don't want to be used to quell dissent in Vilnius, Lithuania and in Georgia. They don't want to be on the losing side and they have no desire to be fractured internally by conflicting politics.

The U.S. and the West face difficult challenges and choices in Russia. Do we help her become a peaceful free enterprise democracy, or do we let her slowly twist in the wind, with her 30,000 nuclear warheads, finally reverting to a West-hating inward looking nationalist state seething with ethnic hatreds? Do we watch as spectators as the former Soviet Union becomes a present day Yugoslavia?

For 76 years the free world has been threatened by the specter of international communism. Since 1945, we have evolved into two colossal nuclear superpowers glaring at each other across the Bering Strait, across Europe, Asia, Africa and Latin America. Now, in an event of earth shaking proportions, the Soviet Union has collapsed and its republics are trying to revive themselves as proud nations. Russia and Ukraine still have enormous resources, both physical and human. Their 300 million people will constitute a huge market for our goods and services as they struggle to join the West as a free market democracy.

I believe the United States, and the West as a whole, should support both private and government efforts to advance the process of economic and political reform in those countries so long as reform continues and our support is necessary and achieving real, measurable progress. The stakes are very high. The risks are great. But, I believe we owe a safer world to our children and their children. I believe being leader of the free world requires taking the long view of the world and the years ahead. With our help and our example such a world will include a peaceful, democratic Russia.

VILLA MARIA ACADEMY CELEBRATES 75TH ANNIVERSARY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. QUINN. Mr. Speaker, I rise today on the floor of this House to join with the people of western New York in honor of the 75th anniversary of Villa Maria Academy.

On Sunday, May 2, 1993 at the Statler Golden Ballroom, I will join Principal Mary Angelica Bielski, administrators, faculty and alumnae for their diamond anniversary banquet.

It was 1901 when a private Catholic secondary school for young women was begun in a small building at the corner of William and Kennedy Streets in Buffalo.

Administered by the Felician Sisters, the mission of the then Immaculate Heart of Mary Academy was to educate and prepare young women interested in entering religious life.

In 1918 the school received its regents charter from the State of New York. It is from this point that Villa Maria Academy marks it official beginning.

Seventy-five years later, Villa Maria Academy stands as an educational cornerstone of the Buffalo and Cheektowaga communities. Empowered by a caring staff of both Felician and lay professionals, Villa Maria Academy continues to provide a high standard of educational excellence in an atmosphere of spirituality and creativity.

The academy offers its students a unique blend of educational resources and experiences which help them to recognize their own goodness, worth and potential as individuals.

The administration and faculty at Villa Maria Academy strive to help young women to develop fully by offering quality learning experiences, by encouraging personal leadership, and commitment to Gospel values.

I am pleased to offer my best wishes on this historic occasion. I commend Villa Maria Academy for a job well done and offer a wish for continued success into the next century.

TRIBUTE TO AMNESTY INTERNATIONAL

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. PORTER. Mr. Speaker, I rise to pay tribute to the work of Amnesty International, one of the world's leading human rights organizations, and to its current secretary general, Mr. Pierre Sane.

Since Amnesty's founding in London in 1961, its network of over 1 million members has operated under the belief that governments should not be permitted to deny individuals their basic human rights. These volunteers have worked to encourage the release of over 25,000 prisoners of conscience in countries around the globe.

Amnesty International works to free men and women who have been detained or imprisoned because of their race, ethnic origin, sex, religion, language, or political beliefs provided they have not used or advocated violence. Amnesty also works to ensure the implementation of internationally recognized standards of fair and prompt trials and opposes the use of torture and the death penalty in all cases. On account of its efforts to persuade the governments of all countries to adhere to the Universal Declaration of Human Rights, Amnesty was awarded the Nobel Peace Prize in 1977.

This year marks the 10th anniversary of the congressional human rights caucus, which I am proud to cochair with my colleague, TOM LANTOS. Throughout its existence, the caucus has received invaluable assistance from Amnesty on a variety of human rights matters. We have frequently called upon the staff of Amnesty to provide statements for us in briefings and other events which the caucus has sponsored. We have also relied on Amnesty's reports for much of the work that we do to raise awareness about human rights issues in the Congress.

The secretary general of Amnesty International, Pierre Sane, will be in attendance at an event this week in the Capitol to honor Nobel Prize recipients and to rededicate ourselves to the cause of human rights. Mr. Sane, a native of Dakar, Senegal, was appointed to his current position in 1992. Before his appointment, he worked with the International Development Research Center and founded the International Committee on PANAF in an effort to promote regional integration and democracy in Africa.

Mr. Speaker, Amnesty International is recognized around the world for its tireless efforts to promote and protect the human rights of all persons and for its vigilance in working to free prisoners of conscience. It is with great respect for the work of this fine organization that I rise today to pay tribute to Amnesty International and its leader, Pierre Sane.

CHARLES CARROLL HOUSE

HON. WAYNE T. GILCHREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILCHREST. Mr. Speaker, on May 8, 1993, the Charles Carroll House in Annapolis, MD, will be opened to the public following an extensive renovation. This historical house will serve as an educational and cultural tool for both Annapolis and the State of Maryland.

This historical landmark housed several generations of the Carroll family, who were know for their wealth and influence in Maryland and throughout the Nation. The motto inscribed on the Carroll family crest reads: "Anywhere, So Long As There Be Freedom." This seems to have been the driving force behind Charles Carroll's original departure from Ireland to America in 1688.

After arriving in America, however, Carroll faced much religious discrimination and persecution because of his Roman Catholic faith. His grandson, Charles Carroll of Carrolton, also experienced discrimination as a result of his Roman Catholic beliefs, and was not permitted to vote or practice law. In spite of these drawbacks, he became one of the wealthiest men in the Nation, and a prominent figure in American history. He not only participated in the drafting of both the Maryland State Constitution and Bill of Rights, he also signed the Declaration of Independence. Throughout his political participation, he supported the rights for personal freedoms—religious and political.

The Carroll House has the distinction of being the only existing birthplace of a Maryland signer of the Declaration of Independence, and one of 15 such birthplaces in the United States.

Mr. Speaker, on behalf of Maryland residents, I express great pride and joy over the completion of this restoration and acquisition of another piece of American history.

TAKE OUR DAUGHTERS TO WORK DAY HELPS BUILD SELF-ESTEEM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mrs. MALONEY. Mr. Speaker, as you may have noticed, there have been many new faces in this Chamber today including my 13-year-old daughter, Christina, and her classmates, Tarajia Morrell and Yasmine Nemazee.

These young women, who are all students at the Spence School in New York City, are here today as a result of a remarkable project, sponsored by the Ms. Foundation, called Take Our Daughters to Work.

Hundreds of businesses, nonprofit groups, and government agencies are taking part in this effort. What we are trying to do today is build self-esteem among young women and to expose them to a wide variety of career opportunities.

When I was growing up, such a nationwide event—celebrating the talents and potential of young women—was just about unthinkable. But today the world of work has changed. A woman's place is no longer only in the home. It is also in the House of Representatives and in the White House.

Earlier today a friend described hope as a muscle, something that must be exercised in order to gain strength. There is a lot of hope among the young women participating in this event today, and I am proud to join my colleagues in helping make that hope stronger.

BRUCE MARTIN HONORED

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize Bruce Martin, manager of the Whittier Area Chamber of Commerce. Mr. Martin is retiring from the Whittier Area Chamber of Commerce after 14 years of service to the community and will be honored at a special luncheon on May 3, 1993.

Born and raised in Whittier, Mr. Martin graduated from Whittier High School in 1953. In 1957, Mr. Martin received his bachelor of arts degree in business from Whittier College. He and his lovely wife, Sally, have been married for 32 years. They have one daughter, Pepper, who graduated from Chapman University in 1992.

Bruce has dedicated his career to serving the people and community of Whittier. From 1957 to 1971, Mr. Martin worked with the Shell Oil Co. He served as the chamber director for the Pico Rivera Chamber of Commerce from 1971 to 1979. In 1979, Mr. Martin began his tenure as executive chamber director for the Whittier Area Chamber of Commerce. Under his leadership, the Chamber of Commerce has implemented numerous successful programs, including the Kenny Ball Marketing Center, the Whittier Hilton Hotel, working with the city, State, and Federal Government devising an earthquake recovery program.

The Chamber of Commerce, due to Bruce's visionary leadership, enhanced its involvement in issues germane to the business community, establishing a part-time marketing director and increasing its committees from 12 to 19. In addition, for the past 21 years, Bruce has successfully organized and coordinated the annual students Sacramento trip which provides students the opportunity to visit area legislators and learn more about California's legislative process.

Bruce also has been an active member of the Whittier Host Lions Club and Whittier College's Lancers Society. He has served as an active board member of the Presbyterian Intercommunity Foundation and the Whittier College Shannon Performing Arts Center.

Mr. Speaker, on May 3, 1993, Bruce Martin will be honored by the community of Whittier, the Whittier Area Chamber of Commerce, his family, friends, and colleagues for his exemplary contributions to the residents and businesses of Whittier. I ask my colleagues to join me in thanking and saluting this exceptional individual for his outstanding record of unselfish service.

NATIONAL ABORTION FEDERATION REPORT

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. DORNAN. Mr. Speaker, I commend to the attention of the American people the following report from the National Abortion Federation on late-term abortions. I would like to remind everyone that second and third trimester abortions on demand will be perfectly legal should Congress pass H.R. 25, the Freedom of Choice Act.

DILATION AND EXTRACTION FOR LATE SECOND TRIMESTER ABORTION

(By Martin Haskell, M.D.)

INTRODUCTION

The surgical method described in this paper differs from classic D&E in that it does not rely upon dismemberment to remove the fetus. Nor are inductions or infusions used to expel the intact fetus.

Rather, the surgeon grasps and removes a nearly intact fetus through an adequately dilated cervix. The author has coined the term Dilation and Extraction or D&X to distinguish it from dismemberment-type D&E's.

This procedure can be performed in a properly equipped physician's office under local anesthesia. It can be used successfully in patients 20–26 weeks in pregnancy.

The author has performed over 700 of these procedures with a low rate of complications.

BACKGROUND

D&E evolved as an alternative to induction or instillation methods for second trimester abortion in the mid 1970's. This happened in part because of lack of hospital facilities allowing second trimester abortions in some geographic areas, in part because surgeons needed a "right now" solution to complete suction abortions inadvertently started in the second trimester and in part to provide a means of early second trimester abortion to avoid necessary delays for instillation methods. The North Carolina Conference in 1978 established D&E as the preferred method for early second trimester abortions in the U.S.

Classic D&E is accomplished by dismembering the fetus inside the uterus with instruments and removing the pieces through an adequately dilated cervix.

However, most surgeons find dismemberment at twenty weeks and beyond to be difficult due to the toughness of fetal tissues at this stage of development. Consequently, most late second trimester abortions are performed by an induction method.

Two techniques of late second trimester D&E's have been described at previous NAF meetings. The first relies on sterile urea intra-amniotic infusion to cause fetal demise and lysis (or softening) of fetal tissues prior to surgery.

The second technique is to rupture the membranes 24 hours prior to surgery and cut the umbilical cord. Fetal death and ensuing autolysis soften the tissues. There are attendant risks of infection with this method.

In summary, approaches to late second trimester D&E's rely upon some means to induce early fetal demise to soften the fetal tissues making dismemberment easier.

PATIENT SELECTION

The author routinely performs this procedure on all patients 20 through 24 weeks LMP with certain exceptions. The author performs the procedure on selected patients 25 through 26 weeks LMP.

The author refers for induction patients falling into the following categories: Previous C-section over 22 weeks; Obese patients (more than 20 pounds over large frame ideal weight); Twin pregnancy over 21 weeks; and Patients 26 weeks and over.

DESCRIPTION OF DILATION AND EXTRACTION METHOD

Dilation and extraction takes place over three days. In a nutshell, D&X can be described as follows: Dilation; More dilation; Real-time ultrasound visualization; Version (as needed); Intact extraction; Fetal skull decompression; Removal; Clean-up; and Recovery.

Day 1—Dilation

The patient is evaluated with an ultrasound, hemoglobin and Rh. Hadlock scales are used to interpret all ultrasound measurements.

In the operating room, the cervix is prepped, anesthesized and dilated to 9–11 mm. Five, six or seven large Dilapan hydroscopic dilators are placed in the cervix. The patient goes home or to a motel overnight.

Day 2—More Dilation

The patient returns to the operating room where the previous day's Dilapan are removed. The cervix is scrubbed and anesthesized. Between 15 and 25 Dilapan are placed in the cervical canal. The patient returns home or to a motel overnight.

Day 3—The Operation

The patient returns to the operating room where the previous day's Dilapan are removed. The surgical assistant administers 10 IU Pitocin intramuscularly. The cervix is scrubbed, anesthesized and grasped with a tenaculum. The membranes are ruptured, if they are not already.

The surgical assistant places an ultrasound probe on the patients abdomen and scans the fetus, locating the lower extremities. This scan provides the surgeon information about the orientation of the fetus and approximate location of the lower extremities. The tranducer is then held in position over the lower extremities.

The surgeon introduces a large grasping forcep, such as a Bierer or Hern, through the vaginal and cervical canals into the corpus of the uterus. Based upon his knowledge of fetal orientation, he moves the tip of the instrument carefully towards the fetal lower extremities. When the instrument appears on the sonogram screen, the surgeon is able to open and close its jaws to firmly and reliably grasp a lower extremity. The surgeon then applies firm traction to the instrument causing a version of the fetus (if necessary) and pulls the extremity into the vagina.

By observing the movement of the lower extremity and version of the fetus on the ultrasound screen, the surgeon is assured that his instrument has not inappropriately grasped a maternal structure.

With a lower extremity in the vagina, the surgeon uses his fingers to deliver the opposite lower extremity, then the torso, the shoulders and the upper extremities.

The skull lodges at the internal cervical os. Usually there is not enough dilation for it to pass through. The fetus is oriented dorsum or spine up.

At this point, the right-handed surgeon slides the fingers of the left hand along the back of the fetus and "hooks" the shoulders of the fetus with the index and ring fingers (palm down). Next he slides the tip of the middle finger along the spine towards the skull while applying tension to the shoulders and lower extremities. The middle finger lifts and pushes the anterior cervical lip out of the way.

While maintaining this tension, lifting the cervix and applying traction to the shoulders with the fingers of the left hand, the surgeon takes a pair of blunt curved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger.

Reassessing proper placement of the closed scissors tip and safe elevation of the cervix, the surgeon then forces the scissors into the base of the skull or into the foramen magnum. Having safely entered the skull, he spreads the scissors to enlarge the opening.

The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents. With the catheter still in place, he applies traction to the fetus, removing it completely from the patient.

The surgeon finally removes the placenta with forceps and scrapes the uterine walls with a large Evans and a 14 mm suction curette. The procedure ends.

RECOVERY

Patients are observed a minimum of 2 hours following surgery. A pad check and vital signs are performed every 30 minutes. Patients with minimal bleeding after 30 minutes are encouraged to walk about the building or outside between checks.

Intravenous fluids, pitocin and antibiotics are available for the exceptional times they are needed.

ANESTHESIA

Lidocaine 1% with epinephrine administered intra-cervically is the standard anesthesia. Nitrous-oxide/oxygen analgesia is administered nasally as an adjunct. For the Dilapan insert and Dilapan change, 12cc's is used in 3 equidistant locations around the cervix. For the surgery, 24cc's is used at 6 equidistant spots.

Carbocaine 1% is substituted for lidocaine for patients who expressed lidocaine sensitivity.

MEDICATIONS

All patients not allergic to tetracycline analogues receive doxycycline 200 mgm by mouth daily for 3 days beginning Day 1.

Patients with any history of gonorrhea, chlamydia or pelvic inflammatory disease receive additional doxycycline, 100 mgm by mouth twice daily for six additional days.

Patients allergic to tetracyclines are not given proplylactic antibiotics.

Ergotrate 0.2 mgm by mouth four times daily for three days is dispensed to each patient.

Pitocin 10 IU intramuscularly is administered upon removal of the Dilapan on Day 3.

Rhogam intramuscularly is provided to all Rh negative patients on Day 3.

Ibuprofen orally is provided liberally at a rate of 100 mgm per hour from Day 1 onward.

Patients with severe cramps with Dilapan dilation are provided Phenergan 25 mgm suppositories rectally every 4 hours as needed.

Rare patients require Synalogos DC in order to sleep during Dilapan dilation.

Patients with a hemoglobin less than 10 g/dl prior to surgery receive packed red blood cell transfusions.

FOLLOW-UP

All patients are given a 24 hour physician's number to call in case of a problem or concern.

At least three attempts to contact each patient by phone one week after surgery are made by the office staff.

All patients are asked to return for checkup three weeks following their surgery.

THIRD TRIMESTER

The author is aware of one other surgeon who uses a conceptually similar technique. He adds additional changes of Dilapan and/or lamineria in the 48 hour dilation period. Coupled with other refinements and a slower operating time, he performs these procedures up to 32 weeks or more.

SUMMARY

In conclusion, Dilation and Extraction is an alternative method for achieving late second trimester abortions to 26 weeks. It can be used in the third trimester.

Among its advantages are that it is a quick, surgical outpatient method that can be performed on a scheduled basis under local anesthesia.

Among its disadvantages are that it requires a high degree of surgical skill, and may not be appropriate for a few patients.

CHINA BRUTALIZES ITS WOMEN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SMITH of New Jersey. Mr. Speaker, this past Sunday, April 25, 1993, the New York Times published two articles which dramatically expose the barbarism which is used to enforce the People's Republic of China's birth quota policy.

This brutal Government-sanctioned policy, which employs forced abortions and involuntary sterilizations, violates numerous internationally recognized standards of human rights. It is profoundly disturbing that the U.N. Population Fund [UNFPA] continues to engage in an international coverup of China's heinous practices. Their top officials continue to publicly praise China's program as totally voluntary despite mountains of evidence to the contrary. In addition, the UNFPA provides more than $10 million worth of assistance to China's brutal population control program each year.

Mr. Speaker, the UNFPA's actions made a mockery of United Nation's proclamations on human rights. Unless the UNFPA can promptly prevail on China to cease their barbaric attacks on women and children, they should completely disassociate themselves from China's program.

President Clinton, for his part, should reverse his decision to provide U.S. funds to the UNFPA unless these conditions are met. I believe the President and my congressional colleagues will be profoundly moved if they take the time to read the following articles by Nicholas Kristof and Sheryl WuDunn.

CHINA'S CRACKDOWN ON BIRTHS: A STUNNING, AND HARSH, SUCCESS

(By Nicholas D. Kristof)

BEIJING, April 24.—She should be taking her two-month-old baby out around the village now, proudly nursing him and teaching him about life. Instead, her baby is buried under a mound of dirt, and Li Qiuliang spends her time lying in bed, emotionally crushed and physically crippled.

The baby died because under China's complex quota system for births, local family planning officials wanted Ms. Li to give birth in 1992 rather than 1993. So on Dec. 30, when she was seven months pregnant, they took her to an unsanitary first-aid station and ordered the doctor to induce early labor.

Ms. Li's family pleaded. The doctor protested. But the family planning workers insisted. The result: the baby died after nine hours, and 23-year-old Ms. Li is incapacitated.

LOWEST FERTILITY EVER

That episode in Hunan Province, described in a classified Government report and confirmed by the local authorities, is one outgrowth of a major nationwide crackdown by the Chinese family planning authorities. While the crackdown has been under way for two years, information about it is only now emerging as the authorities release population statistics showing a stunning decline in the birth rate.

The latest data suggest that through compulsory sterilization and other measures, China has lowered fertility to by far its lowest level ever here. The statistics for 1992—showing many fewer babies even than during the harsh crackdowns of the early 1980's—amazed population experts, for the family planners achieved targets that they had not expected to reach until the year 2010.

PROBLEM FOR CLINTON

Ms. Li's persecutors had a reason for going to such extremes to enforce population quotas: they were protecting themselves under a new "responsibility system" that the Government has introduced as the mechanism for the crackdown. Under this system, central leaders hold local officials personally responsible for reducing births in their jurisdictions, and punish them for failing to do so.

The evidence of a far-reaching crackdown presents a direct challenge to the Clinton Administration. President Reagan had cut off United States financing of the United Nations Population Fund because of concerns that its work was intertwined with a coercive family planning program in China, but President Clinton announced last month that he would end the boycott.

Now the new evidence of a crackdown is likely to embarrass Mr. Clinton as he tries to restore funds to the United Nations program. Moreover, criticisms in the United States about forced sterilization in China are likely in turn to inflame Chinese sensitivities and could create new tensions in Chinese-American relations.

To be sure, some Chinese—particularly city-dwellers—support a tough family planning policy. They say the drop in fertility is helping to produce a historic economic boom and a rise in the nation's education and health standards.

By restricting couples to one or two children each, they say, the Government is helping to lead China out of poverty and into a modern, industrialized future. They note that one reason why China's long-term development prospects may be better than Bangladesh's or Kenya's is that Beijing appears to have defused its population bomb.

Peng Peiyun, the 64-year-old minister of the State Family Planning Commission, acknowledged in a rare news conference on Wednesday that it was mainly Government efforts that had brought down the birth rate.

"Why did fertility drop so drastically?" asked Ms. Peng, who two years ago convinced the Politburo to order the crackdown. "Above all because party and Government officials at all levels paid greater attention to family planning and adopted more effective measures."

The indications of a drop in fertility come in a raft of statistics announced by Ms. Peng, printed in the official Population News or disclosed by Chinese officials. Among the figures are these:

The birth rate dropped to 18.2 per 1,000 population in 1992, down from 21.1 in 1990 and 23.33 in 1987.

Based on last year's birth data, each Chinese woman can expect to have an average of 1.8 or 1.9 children in her lifetime—about the same as in the United States or Britain. China's total fertility rate as this statistic is known, was 2.3 in 1990 and had never before dipped below 2. In contrast, the average Indian woman has four children.

Only 9.6 percent of all births in 1992 were third, fourth or subsequent children. In 1988, the figure was 15.4 percent.

The proportion of couples of childbearing age who are sterilized or use contraception rose to 83.4 percent in 1992, up from 71.1 percent in 1988.

"It's what would be called saturation contraception in any other country," said Judith Banister, a specialist on China's population at the United States Bureau of the Census. "You can't get much higher than that."

THE METHODS—STERILIZATION MADE EFFICIENT

China already has 1.17 billion inhabitants, 22 percent of the world's population on 7 percent of its arable land. Even at present fertility levels, the Chinese population will continue to soar because the age structure is very young and many Chinese have yet to enter their child-bearing years.

Some experts believe China's population will peak at almost 1.9 billion in the first half of the next century before stabilizing and then gradually declining again.

To Chinese peasants, who account for nearly one person in five on the planet, almost nothing is so important as bearing children, particularly sons. Many peasant couples feel that they have failed in life's mission, that they have dishonored their ancestors, if they do not extend the male line.

In the early 1980's, there was a storm of international protest when it became clear that the local authorities sometimes dragged women to abortion clinics if they did not have permission to become pregnant. Interviews in a dozen provinces in the last few years suggest that such use of physical force is now less common.

Instead, the focus of the crackdown has shifted to the more efficient method of compulsory, organized sterilization, so that women do not have the option of becoming pregnant again.

Typically, local cadres swoop down on each village once or twice a year, taking all the women who have already had children to a nearby clinic. There they are fitted with IUD's or else undergo sterilization.

Some women manage to get pregnant again before they are sterilized; others flee the village on the day they are supposed to go to the clinic. When the authorities discover an unauthorized pregnancy, they normally apply a daily dose of threats and browbeating.

Some women buckle and accept an abortion, while many others simply flee to a relative's village, returning only after the child is born. In such cases, fines equivalent to hundreds or even thousands of dollars—per capita income in the countryside last year was $135—are imposed. Peasants in many different provinces say homes are routinely knocked down if the fine is not paid.

WORST-CASE ABUSE—LOCAL OFFICIALS GET CARRIED AWAY

The report about Ms. Li, who is crippled after the induced labor, is an example of how local officials became carried away in the current crackdown. The three-page account, classified "secret," describes how Ningxiang County decreed in September that women should normally be allowed to give birth only after reaching the age of 24.

The problem for local authorities was that they had already given some women "pregnancy permits" even though they were under 24. Some of these women were pregnant. Nine of them—including Ms. Li—would not give birth until 1993, the first full year in which the new age limit took effect.

"Some district and township officials feared that they would be fined for not meeting the family planning targets, or would not receive their bonuses," the report declares.

So at the end of December the family planning officials formed an "early birth shock brigade" to round up all nine women so labor could be induced. When the team showed up at Ms. Li's home, her mother-in-law pleaded with the officials.

"My daughter-in-law's health isn't good, and she may not be able to get pregnant again," the report quotes the woman as saying. "So let her have one baby, someone to look after her and my son when they grow old. It doesn't matter if it's a boy or a girl. After it's born, she'll go get sterilized."

The officials rejected the plea. And at the first-aid station, when the doctor said Ms. Li was too frail to undergo induced labor, they swept his protests aside and ordered him to proceed. She bled severely, fell unconscious and almost died along with the baby.

Her family took her to the township clinic, which saved her life. Now she has returned home, but the report says she is crippled, without specifying the nature of her injuries.

The report deplores the actions of the local officials and calls for Ms. Li to be compensated for her medical expenses. But a county officer, reached by telephone, said that so far nothing had been done, except that the officials responsible for the "early birth shock brigade" have been summoned to a meeting and told not to induce labor in the future.

THE MOTIVATIONS—INSISTENCE ON MEETING TARGETS

In retrospect, it is now possible to piece together how the crackdown came about. Interviews with Chinese and foreign specialists, and examination of materials published in China, indicate that Ms. Peng and other senior officials became increasingly concerned in the late 1980's that enforcement was growing lax and that China would miss its targets.

In early 1991, Ms. Peng convinced Prime Minister Li Peng and the Communist Party General Secretary, Jiang Zemin, that the matter was urgent. The standing committee of the Politburo, the highest decision-making body, unanimously resolved to tighten family planning work.

Most important, the new "responsibility system" galvanized provincial leaders to pass warnings all the way down the chain of command: family planning targets had to be met! Otherwise, those in charge of the area would be fined or even dismissed.

A result was a 25 percent surge in the number of people sterilized in 1991, to 12.5 million. The number declined in 1992 to 6.5 million, apparently because most women of child-bearing age already had been sterilized by then.

The scope of the crackdown became visible only after the State Family Planning Commission released data from a sample survey conducted in October. The data for 1992 startled almost everyone.

"We were very surprised by these numbers," said Sterling D. Scruggs, the China director of the United Nations Population Fund. "We didn't expect statistics approaching these levels for several more years."

Western diplomats said they believed that a crackdown was the only plausible explanation for the new statistics. They said Ms. Peng herself seems willing to take credit for the drop in the birth rate.

THE MISSING GIRLS—SOME NEWBORNS SEEM TO VANISH

One prime concern among demographers is that hundreds of thousands of newborn Chinese girls seem to vanish from the statistics each year. Biology dictates that for every hundred female births there should be about 105 or 106 male births. But in 1989 for every 100 reported girl births, there were 113.8 births of boys.

That ratio implies that about 8 percent of newborn girls appear to have vanished from the statistics. In China that amounts to 900,000 missing girls each year.

Ms. Peng refused to release the sex ratio in 1992. An aide in charge of statistics, Zhang Erli, said the 1992 survey did not collect such information.

In fact, experts say the survey did gather the data and found a sex ratio of 118.5. But the sample size was small and the margin of error very high, so it is not clear how meaningful the difference is.

Zeng Yi, a leading Chinese demographer, said that the problem of the missing girls is very serious but that most of them are probably alive and never reported to the authorities. Parents who are allowed only one or two children may not want to use up their limited ration on a girl; instead they do not report the birth and try again.

A second factor, according to Mr. Zeng and many other experts, is the growing use of ultrasound equipment in Chinese hospitals. Peasants find out from the doctor—usually with a small bribe—whether a fetus is male or female. If it is female, they get an abortion and start all over.

A final factor, which Mr. Zeng argues is much rarer, is simply infanticide: on instructions from the parents, the midwife keeps a bucket of water beside her, and if a girl emerges, she drowns the baby immediately. It is reported as a stillbirth.

Mr. Zeng and other Chinese experts deplore all such practices. But ultrasound equipment is spreading rapidly, and so many specialists fear that the sex ratio is likely to become increasingly skewed.

Mr. Zeng cautioned that part of the apparent decline in fertility may simply be the result of under-reporting, particularly of girls. The figures were already adjusted upward by 7 percent to compensate for under-reporting, but Mr. Zeng believes that may not have been enough.

To some diplomats, what the new statistics underscore above all else is how little is known of what happens in the Chinese countryside.

"We had almost no idea that this was going on," a Western diplomat said, shaking his head in perplexity. "Even those who follow these things just had no clue."

BIRTHS PUNISHED BY FINE, BEATING OR RUINED HOME

(By Sheryl WuDunn)

GUIYANG, CHINA, April 24.—Four days after the birth, a brigade of 10 men and women came from the township to spoil the celebration.

They demolished the parents' hut, strewing stones and straw all over the place. Then they demanded the equivalent of $45, and when the family could not pay, they smashed the couple's chest of drawers—their only furniture aside from a bed.

"Then they took away our family cow," said Peng Dagui, a 60-year-old peasant who is the grandfather of the baby boy. "I wouldn't let the cow out of my sight. I followed it all the way to the township and pleaded with the officials there. But they didn't care."

The Peng family had the misfortune to be caught up last year in a nationwide crackdown by the family planning authorities. The baby was a second child, a boy, and the parents did not wait the full four years before a second child is allowed in this area.

Instead, the baby was born five months before it would have been permitted, and so the local authorities destroyed the home and took the cow. And that was not the end of it.

A FORCED STERILIZATION

Three months after the birth, two dozen officials appeared in the village, in southern China's Guizhou Province, to take the baby's mother, Wang Zhengmei, 27, to the clinic to be sterilized. Ms. Wang did not dare refuse, and in any case, she was told that she would get $3.50 if she had the operation.

She had a tubal ligation, but the officials never gave her the money, she said.

At least rebuilding a home is in some respects a bit easier in a poor Chinese village than in a big city: the father, Peng Fagang, rebuilt the hut in a month from stones and dry grass collected in the fields.

The only solace the Pengs had was that they were not alone: the officials had done the same thing to another family in the same village, tucked in a hilly region outside Guiyang, more than 1,100 miles southwest of Beijing.

The same plight has befallen many of China's 900 million peasants in villages across the country. Some of the victims are educated, some are illiterate, some have small businesses, and some have barely enough to eat.

PEASANTS OFTEN INTIMIDATED

From visits to rural villages in many areas of China, a picture emerges of a family planning policy that sometimes seems administered with capriciousness. The victims, mostly peasants, often seem intimidated, angry, bewildered and confused.

"Please, can you tell me, ultimately, what is the nation's family planning policy?" a 45-year-old grade-school teacher surreptitiously asked a visitor to his village.

In 1983, he and his wife had a second child, three years after they had their first. He thought this was permissible. But the policy had apparently changed, he said, and so officials fined him $2,456, about 17 times his annual salary at that time.

Since he did not have the money, they deducted it from his salary, docking about 80 percent of his wages for a decade, until the end of last year, when he finally got a vasectomy. Such fines by an installment plan seem common in the villages—perhaps because otherwise nobody could pay them.

FINES SEEM ARBITRARY

What puzzles the peasants is that the fines often seem arbitrary, set at will by local officials. Some families seem to be able to have three or four babies; others are punished for having two.

Villagers say that if they cannot pay the fines, the family planning officials confiscate a cow, a pig, an important farm tool or household belongings like furniture or a television. Sometimes they simply smash the items, and often they knock down the house as well.

In another village, Luo Wanyun said the authorities had somehow agreed to let his wife have a third child. This seems a bit unlikely, but Mr. Luo, 38, has only a first-grade education, and it may have been a misunderstanding.

In any case, after the baby came, a brigade from the township knocked down his house. The team also confiscated his wooden thrasher, used to prepare the rice after it is harvested. Mr. Luo said his family had to live in the hills until they could borrow straw to rebuild the house.

"They often take things, your furniture, your cow, your pig, your chickens, your preserved meat," said a 35-year-old woman in another Guizhou Province village. "If you get sterilized, they take your stuff, and if your don't get sterilized, they beat you."

"Some people have been beaten badly, family members and women," she added. "They take electric batons and they hit whomever they see."

COFFIN IS CONFISCATED

She and other villagers were gathered in the house of Huang Guohai, a 37-year-old peasant who has two children, six years apart. For some reason, he never got a marriage license when he married 11 years ago.

Because he had no license, the peasants said, a brigade of 10 people, wielding sticks and screwdrivers, came to his house last year at 1 o'clock in the morning and took away his wash basin and black-and-white television. What upset Mr. Huang even more was that they confiscated the coffin and funeral clothes he had prepared for his aged mother, to be used when she dies.

Why didn't he resist? Mr. Huang explained, "If you don't let them take your things, you'll just get beaten."

To the east, in Guangdong Province, peasants tend to be much richer and can often afford to pay the fines to have more children. Some of them manage to defy the authorities.

In Shunshui, a hamlet in Taishan County, Wu Tiaoyuan said he and his wife, 33, hid for several months while she was pregnant with their third child. She finally gave birth in February 1992 to the son they had always wanted.

"We kept moving around from village to village," Mr. Wu said. "It was very hard, and I was scared."

FRUITLESS ATTEMPT TO ESCAPE

Wu Xinlian, a 30-year-old peasant whose dream was to have a son, thought she too could escape the policy. She has two daughters, and so the authorities insisted that she be sterilized.

When the family planning authorities swept into her village a year ago, preparing to take her and other women to the hospital for a tubal ligation, Ms. Wu fled to Shunshui, where she grew up.

She stayed with her parents, planning to meet husband secretly and become pregnant. But the authorities discovered her whereabouts and sent two dozen officials to take her to a hospital for her tubal ligation. She said she did not dare refuse.

"I have no idea how they found out I was here," Ms. Wu said as she carried her younger daughter on a visit to her parents in Shunshui. She added wistfully, "I really wanted a boy."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 29, 1993, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 30

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

Finance

To hold hearings to examine various tax issues.

SD-215

Governmental Affairs

To resume hearings on S. 185, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes of the nation, and to protect such employees from improper political solicitations.

SD-342

MAY 3

1:00 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

MAY 4

9:00 a.m.

Armed Services

Force Requirements and Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on military services' personnel programs.

SD-562

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the implications of the North American Free Trade Agreement (NAFTA) on the competitiveness of the U.S. surface transportation industry.

SR-253

Energy and Natural Resources

To hold hearings on the nominations of Thomas P. Grumbly, of Virginia, to be an Assistant Secretary of Energy for Environmental Restoration and Management, and Susan Fallows Tierney, of Massachusetts, to be an Assistant Secretary of Energy for Domestic and International Energy Policy.

SD-366

10:00 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to review the crisis in Sudan.

SD-419

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on committee structure.

H-5, Capitol

2:30 p.m.

Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings on S. 775, to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims.

SD-366

Foreign Relations

To hold hearings on the nominations of Harry J. Gilmore, of Virginia, to be Ambassador to the Republic of Armenia, Pamela Harriman, of Virginia, to be Ambassador to France, Victor Jackovich, of Iowa, to be Ambassador to the Republic of Bosnia and Herzegovina, and E. Allan Wendt, of California, to be Ambassador to the Republic of Slovenia.

SD-419

MAY 5

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD–124

Armed Services

Military Readiness and Defense Infrastructure Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the fiscal years 1995–99 future years defense program, focusing on the readiness and sustainability of posture of selected unified combatant commands.

SR–232A

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

10:00 a.m.

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs, focusing on changing priorities in foreign aid.

SD–419

2:00 p.m.

Small Business

To hold hearings on the nomination of Erskine B. Bowles, of North Carolina, to be Administrator of the Small Business Administration.

SR–428A

3:00 p.m.

Foreign Relations

To hold hearings on the nomination of Alexander Fletcher Watson, of Massachusetts, to be Assistant Secretary of State for Inter-American Affairs.

SD–419

MAY 6

9:00 a.m.

Office of Technology Assessment

Board meeting, to consider pending business.

Room to be announced

9:30 a.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on committee structure.

S–5, Capitol

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Commission on National and Community Service.

SD–192

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.

SD–138

Commerce, Science, and Transportation

Foreign Commerce and Tourism Subcommittee

To hold hearings to examine U.S. competitiveness in the global marketplace.

SR–253

Energy and Natural Resources

To hold hearings on S. 646, to establish within the Department of Energy an international fusion energy program.

SD–366

10:30 a.m.

Environment and Public Works

Superfund, Recycling, and Solid Waste Management Subcommittee

To hold hearings to examine the health and ecological impacts of certain Superfund sites.

SD–406

2:30 p.m.

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on S. 172 and H.R. 63, bills to establish the Spring Mountains National Recreation Area in Nevada, S. 184, to provide for the exchange of certain lands within the State of Utah, S. 250, to designate certain segments of the Red River in Kentucky as components of the National Wild and Scenic Rivers System, S. 489, the "Gallatin Range Consolidation and Protection Act," and S. 577, to resolve the status of certain lands relinquished to the U.S. under the act of June 4, 1897 (30 Stat. 11, 36).

SD–366

MAY 7

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD–192

MAY 11

9:30 a.m.

Joint Printing

Meeting, to review congressional printing and other activities of the Government Printing Office.

SR–301

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on committee structure.

H–5, Capitol

MAY 12

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Education.

SD–138

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the U.S. Coast Guard.

SR–253

MAY 13

9:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research, Conservation, Forestry and General Legislation Subcommittee

To hold hearings on proposed authorizations for the Federal Grain Inspection Service, Department of Agriculture.

SR–332

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.

SD–106

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.

SD–138

Joint Organization of Congress

To resume hearings to examine congressional reform proposals.

S–5, Capitol

2:00 p.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 329, to revise section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and S. 334, to revise the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office.

SR–253

MAY 14

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Health and Human Services.

SD–430

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.

SD–192

MAY 18

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 721, authorizing funds for fiscal years 1994–1998 for the Federal land and water conservation fund.

SD–366

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

H–5, Capitol

MAY 19

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Labor.

SD–138

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.

SR–253

MAY 20

9:30 a.m.

Rules and Administration

Business meeting, to mark up S. 27, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, S. 277, to authorize the establishment of the National African American Museum within the Smithsonian Institution, S. 685, to authorize appropriations for fiscal years 1994–1997 for the American Folklife Center, S. 345, to authorize the Library of Congress to provide certain information products and services at no cost, proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission, and to consider other pending committee business.

SR–301

10:00 a.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

S–5, Capitol

MAY 21

9:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.

SD–138

MAY 24

1:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Public Health Service, Department of Health and Human Services.

SD–192

MAY 25

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 544, to protect consumers of multistate utility systems, and an amendment to S. 544, to transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.

SD–366

2:00 p.m.

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

H–5, Capitol

MAY 26

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.

SD–116

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

MAY 27

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.

SD–106

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD–138

Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

S–5, Capitol

MAY 28

10:00 a.m.

Judiciary

Immigration and Refugee Affairs Subcommittee

To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.

SD–226

JUNE 10

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.

SH–216

JUNE 18

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.

SD–192

JUNE 21

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD–192

1:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD–192

CANCELLATIONS

APRIL 29

10:30 a.m.

Judiciary

Business meeting, to consider pending calendar business.

SD–226

POSTPONEMENTS

APRIL 29

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the North American Free Trade Agreement's effects on U.S. competitiveness.

SR–253

Governmental Affairs

To hold hearings to examine the rebuilding of the Federal Emergency Management Agency in an effort to be prepared for the next possible disaster.

SD–342

HOUSE OF REPRESENTATIVES—*Thursday, April 29, 1993*

The House met at 11 a.m.

Dr. John Alvin Wood, Director of Ministries, Christian Mission Concern, Waco, TX, offered the following prayer:

Father in Heaven, we pause and bow before Thee, as representatives of one nation under God, to thank Thee for the assurance of Thy presence with this assembly.

Make us sensitive to Thy presence and submissive to Thy will.

May the brilliance of divine light illumine our minds as we assume the responsibilities of this day.

Anoint each Member of this body with Thy spirit that we may demonstrate both common sense and divine wisdom in all our deliberations.

May the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our redeemer.

In Thy name we pray.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas [Mr. HUTCHINSON] come forward and lead the House in the Pledge of Allegiance.

Mr. HUTCHINSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that it will receive 15 requests on each side for 1-minute statements.

DR. JOHN ALVIN WOOD

(Mr. EDWARDS of Texas asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS of Texas. Mr. Speaker, it is a personal privilege for me to introduce the guest chaplain today, Dr. John A. Wood. As director of the Ministries for Christian Concern in Waco, TX, he is involved in international ministries including in Russia and in Europe.

His educational background includes a B.A. from Baylor University and a Master of Divinity and Theology from Southern Baptist Theological Seminary in Louisville, KY. He also has a Doctorate of Ministry from that seminary.

Over a period of 40 years, Dr. Wood has pastored four churches in Kentucky and Texas, including having finished his pastorate at the First Baptist Church of Waco, TX, where I live.

Finally, Mr. Speaker, let me say that while I have only known Dr. Wood for 3 years, he has had a profound influence on my life, not only as a friend and adviser, but just over 5 months ago he performed the wedding ceremony for his beautiful daughter, Lea Ann Wood of Waco, TX, who is now my lovely wife.

It is my pleasure, and I would ask Members of this House to join with me in welcoming Dr. Wood, his wife Pat, and daughter Lea Ann to this House.

PRESIDENT CLINTON: A "D MINUS" ON SPENDING CUTS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, tomorrow will mark the 100th anniversary of the new Clinton administration, and not unlike a midterm report card, this marker is used by the American people to see how a new President is handling his responsibilities and meeting his promises.

Today, we Republicans are going to send the White House such a report card to tell the President how we think he is doing. As I see it, the President's performance on spending is worse than unsatisfactory.

While the President has talked the talk of a spending teetotaler, he has walked the walk of an unreformed spendaholic.

We saw this first with the President's pork bill that was ill-disguised as a so-called economic stimulus package, and we see more and more spending on his budget plans. The President's empty promises of deficit reduction will go unmet because of his ambitious spending plans.

President Clinton has missed that simple message: cut spending first. And when it comes to spending, I guess I have to give the President a D minus.

IN MEMORY OF COACH JIM VALVANO

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, North Carolina and the Nation today mourn the loss of a great coach who helped write modern basketball history, Jim Valvano. Coach Valvano died yesterday at age 47, after a valiant battle with bone cancer, his family at his side. Our thoughts and prayers are with his wife Pam, and his three daughters, Jamie, Nicole, and Lee Ann, who knew first hand of his determination and drive.

Jim Valvano had planned to be here in Washington today to speak with the North Carolina delegation about the promise and the challenge of cancer research. That commitment says a great deal about this man's courage and his determination to use his own adversity to achieve some good for others.

"Jimmy V" never gave up; on the court he led the North Carolina State Wolfpack to a last-second, buzzer-beating win in the 1983 NCAA championship. He rose above controversy to become one of the most respected sports broadcasters in the country. He pushed hard for increased cancer research and education, a battle we must now carry on.

Never did Coach V give up his wit, his intellect or his spirit—a spirit as exuberant through adversity as it was on that night in Albuquerque in 1983, when the Nation watched a young coach scramble across the court to hug each of his players celebrating that miracle victory. That is how North Carolina will always remember Coach Jim Valvano.

PRESIDENT CLINTON'S REPORT CARD ON SPENDING AND TAXING

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, as we assess the first 100 days, some people feel that President Clinton deserves an F for trying to raise taxes on virtually everything. But I think the creativity and the enthusiasm of this administration in seeking to raise taxes almost every day on something really deserves a brandnew letter grade, the letter T.

I was trying to figure out how to explain the scale of their concerns, and this light bulb, it occurred to me, is a

---

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface **indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.**

perfect model. Despite the President's promises not to tax anybody below $200,000, the fact is if you buy this light bulb you might pay more under a value-added tax, if the health task force has their way. If you buy this light bulb and you actually plug it in, you will pay more under the energy tax. If you are a senior citizen and you saved enough to be able to buy the light bulb, you will pay more under their tax increase on senior citizens. If you are a farmer or small business, you will pay more on what you earn in terms of getting this light bulb.

In fact, the truth is, if you heat your house, if you cool your house, if you use electricity, if you drive a car, if you drive a truck, if you go to work, under virtually every circumstance under the Clinton administration's plans you will pay more in taxes.

So the question I have for the tax-everything-if-you-possibly-can administration is whether we should invent a new letter "T," or simply keep them with an "F" for raising taxes.

□ 1110

THE PRESIDENT'S FIRST 100 DAYS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, after 100 days, President Clinton has enjoyed a great deal of success and put the keys into the ignition of the American economy. He wants to proceed down the road of job creation.

President Clinton has provided a detailed map on how he wants to arrive at his destination, and we have adopted that map in the form of the 1994 budget resolution. Unfortunately, the Republican Party has left the keys to their Mercedes at home and remained stalled in the road.

People voted against gridlock last November, and they want us to put our foot to the pedal.

Perhaps the Republican Party should understand that the time on their meter has expired, and they risk being towed away.

AN "INCOMPLETE" GRADE IN FOREIGN AFFAIRS

(Mr. HYDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, during the campaign, foreign policy was hardly discussed. It was the economy first, last, and always. And no wonder, because foreign policy was one of the great strengths of George Bush, not Bill Clinton.

But once President Clinton was sworn in, suddenly foreign policy has gained increasing importance. One hopes that he is learning that if you dismantle the defense of this country, your foreign policy is going to suffer. He is learning that the Haitian refugee question was not as easy as it seemed during the campaign.

He is learning that what is going on in Bosnia and Herzegovina does not admit to easy solutions. He is learning that passing a Russian-aid bill will be no simple task.

I cannot improve on what the Washington Post said this morning about President Clinton and foreign policy. They said, "He has yet to make either a clear mark or a misstep in foreign policy, hasn't figured out how to win passage of aid to Russia, and is still weighing how he might go beyond his largely token response to the Serb atrocities in Bosnia."

At the end of his first 100 days in office, I think, in all candor, I have to award President Clinton an incomplete in foreign affairs.

CHOOSE THE OPTION OF PEACE

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, in what is becoming a ritual of our time, America again faces the question of war and peace.

This time the answer must be no. The agony of Bosnia is felt by us all. Indeed, it is an indictment of our time. The international community did not respond in that this carnage might take place at all.

But ultimately our actions must be governed by reason and not emotion. The simple truth is that limited air strikes will not end the carnage but inevitably lead to escalation where ground forces will be introduced because of our frustration or our losses or our failures. That introduction of American forces has neither the unity of purpose nor the justification that the American people will ever support to its conclusion.

In one of the ironies of our time, the first President of the post-Vietnam war generation is faced with the essential lessons of that war. Whatever the cause, no matter how great the purpose, if America is not united, if there is not a national cost and if victory cannot be won at an acceptable cost in an acceptable time, then peace, the avoidance of conflict, must be our national option that is chosen.

THE CLINTON DEFENSE PLAN: A RETURN TO THE HOLLOW MILITARY

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, those pro-defense Americans who shuddered at the thought of a Clinton Presidency have had their worse fears confirmed in these first 100 days.

First, our new President, who had already vowed to cut $60 billion more in defense spending than President Bush's proposal, amended his budget to slash an additional $127 billion. Under the Clinton plan, defense spending from 1986 to 1997 could drop nearly 41 percent and be the lowest since Pearl Harbor—as a percentage of GDP.

Second, President Clinton has all but shattered military morale by freezing pay for 1 year, with plans for subsequent military pay to lag 1 percent behind the inflation rate for the next 4 years. He has added salt to the wound by promising to overturn a longstanding ban on the admission of homosexual recruits—a policy which is opposed by 74 percent of active duty personnel.

Leading members of the President's own party like Congressman JOHN MURTHA and Senator SAM NUNN have expressed alarm about the Clinton defense plan. "We're going to have a hollow military if we don't watch out," said Mr. MURTHA. "We have been dealing with numbers grabbed out of the air * * *. No one knows where all these cuts are going to come from," said Senator NUNN.

Mr. Speaker, after taking a long, hard look, I would agree with those of my colleagues who have called the Clinton defense plan a recipe for disaster. But in the spirit of bipartisanship and with the hope that the President will soon see the errors of his ways, I'll be lenient and give him a D minus for defense.

THE OUTER SPACE FLUSH

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, while Congress wants to elevate the EPA Administrator to a full Cabinet-level position, yesterday in outer space spaceshuttle plumbers dumped urine and fecal matter for the first time in our history into outer space.

The astronauts said they dumped the fecal matter from a contingency tank because the regular tank malfunctioned. Regular tank? Mr. Speaker, if I am not mistaken, is that not the $30 million golden throne space potty No. 1?

What is going on here? We do not just flush $30 million down drains; we have now found ways to jet it out sophisticated airlocks.

Beam me up. This case takes the raw-sewage award of America's history.

I yield back the balance of my garbage.

CREDIBILITY

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, in these first 100 days we have seen emerge a disturbing pattern of disparity between what this administration says and what this administration does, giving rise to what columnist David Broder has called the trust deficit.

There is almost a comic effect to the way President Clinton and his spokesmen feign their innocence as they break promises and change policy positions.

What middle-class tax cuts?

What pork-barrel spending?

What Haitian refugees?

Apart from the broken promises, the White House has an Orwellian understanding of the English language. Tax increases on Social Security are spending cuts, higher taxes are contributions, and pork-barrel spending is investment.

After 100 days, it is clear there are two things you can not trust the Clinton administration with: words and numbers.

For credibility with the American people, they deserve an "F."

LET'S RAISE THE MINIMUM WAGE

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, in all the debate about the economy and the President's jobs bill, one element has been left out that could both stimulate the economy and raise the incomes of millions of American workers. That is the long-overdue need to raise the minimum wage.

When the minimum wage was first adopted during the Roosevelt administration, its purpose was clearly stated: to assure "the maintenance of the minimum standard of living necessary for health, efficiency and general well-being of workers." But we have allowed FDR's goal to be eroded by inflation.

The purchasing power of the minimum wage has fallen by 26 percent since 1970. While in the 1960's the minimum wage provided enough income for a full-time worker to maintain a family of three above the poverty line, its value has been eaten away by inflation, especially during the 1980's under the Reagan and Bush administrations.

Thus millions of Americans find themselves working fulltime, but still unable to maintain a decent standard of living. In 1992, 2.9 million American workers earned the minimum wage, and because of loopholes in the law, 1.9 million workers actually earned below the minimum wage.

In fact, by 1989 a full-time worker making the minimum wage fell 29 percent below the poverty line. Just to keep at the poverty level for a family of three, a worker working 40 hours a week, 52 weeks a year would need to be earning $5.40 an hour—but the minimum wage is only $4.25 an hour.

But the situation is actually even worse, because of the growing tendency toward hiring people as part-time, temporary, contingent workers. As Time writes (Mar. 29, 1993):

> Already, one in every three U.S. workers has joined these shadow brigades [of contingent workers] carrying out America's business. *Their ranks are growing so quickly that they are expected to outnumber permanent fulltime workers by the end of this decade.* Companies keep chipping away at costs, stripping away benefits or substituting contingent employees for full-time workers. * * * *And there is no evidence to suggest that such corporate behavior will change with improvement in the economy.* [Emphasis added.]

Contingent workers are profitable for corporations because they earn their wages and little more—no health insurance, no vacation days, no pensions—and of course, no job security.

Thus more and more Americans face the prospect of temporary and/or part-time jobs with wages at or near the minimum wage. The minimum wage sets a floor for the wages of all Americans. And indeed, American workers at all levels have seen their real wages decline.

Three decades ago, we led the world in the wages and benefits received by our workers. Today, we're in 12th place and falling. In fact, in real terms, the average wage of Americans has dropped back down to about the level of 1965.

The results are clear in the growing need for social welfare programs. A record 26.6 million Americans, 10.4 percent of our people, are now on food stamps—the highest percentage since the program started in 1964. In effect, the taxpayers are subsidizing the low wages being paid by corporations through food stamps, Medicaid, and other programs for the working poor.

These programs are necessary, but in the long run this is not the way to a healthy economy. If Americans are going to be able to buy the goods we produce, they have to have full-time jobs at decent wages.

Keeping the minimum wage down so that its value is eaten away by inflation doesn't help the economy grow. Nor does laying off full-time workers with decent jobs and replacing them with part-timers.

This kind of strategy—trying to compete with Third World, $1-an-hour economies by cutting workers' income to the bone—was the approach of Reaganomics. And it has failed.

That is why I have introduced H.R. 692, the Liveable Wage Act of 1993, which would raise the minimum wage to $5.50 an hour and index it to inflation. My bill, which has 31 cosponsors including the chairs of the House Committees on the Budget and on Education and Labor, would simply restore the real minimum wage to the poverty level. But it would begin to reverse the erosion of working Americans' standard of living over the last decade.

We need to raise the minimum wage not just for the working poor, who find themselves falling further and further behind despite working as hard as they can. We also need to raise it to help the rest of working America and the tax-paying public in general. To begin to rebuild an economy which provides decent jobs at decent wages—we need to restore a real minimum wage.

□ 1120

PRESIDENT CLINTON'S FIRST 100 DAYS: MODERN-DAY RECORD FOR INCREASED TAXES

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker and colleagues, Americans want real change. Unfortunately, the only change this administration is pursuing is more and more change from the pockets of working Americans, and it is not small change, it is real change. It is adding up to big dollars.

This administration, the Clinton administration, is rapidly setting a modern-day record for new and increased taxes. Look at them: In 14 weeks they have proposed 14 new or increased taxes. This has to be a modern-day record; 14 tax increases totalling hundreds of billions of dollars.

For working families that adds up to thousands of dollars a year out of their pockets. Energy taxes, gasoline taxes, income taxes, sales taxes, 14 tax proposals in 14 weeks. At that rate, my friends, working Americans just cannot afford Bill Clinton's version of change.

UNEMPLOYMENT WORSENS, PRESIDENT URGED TO CONTINUE FIGHT FOR ECONOMIC RECOVERY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today's alarming economic news is bad news for working people. Today the Commerce Department reports that growth in the gross domestic product is below 2 percent—half what it was in the previous quarter.

States that have been hit the hardest by a lingering recession have reported increases in the number of people filing for unemployment. In Connecticut an additional 826 people filed first-time unemployment gains.

These statistics tell the story plainly—and painfully. The only message we can receive from these numbers is that

Congress and the President must take quick and decisive action to create jobs.

Mr. Speaker, it saddens me that we have to fight so hard for something so plainly needed, a decisive economic recovery package that recognizes the emergency we face. The President must continue the fight. I urge him to use this new evidence. For the sake of the 800 newly unemployed in Connecticut, for the thousands across the Nation who remain unemployed, for businesses who continue to struggle—for the sake of a nation not yet economically secure. Demand that Congress pass an economic program that will create new jobs and restore economic confidence to the people that matter the most.

THE RATTLE OF BROKEN PROMISES

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, to hear the White House tell it, the President has given the American people a wonderful present these first 100 days—it is called the Clinton economic plan. But when you hold this present close to your ear and shake it, all you hear is the rattle of broken promises.

A few months ago, Mr. Clinton traveled across America and promised the middle class a tax cut. Instead, he delivered the largest tax hike in history.

He went to Americans and said, "Vote for me, I'm opposed to energy taxes." Instead, he has proposed the broadest energy tax in history.

Mr. Clinton went to those over 65 and said, "Trust me, I'll never tamper with social security." Instead, he wants to raise taxes on anyone over 65 who receives more than $24,000 in income.

According to polls, when Mr. Clinton's supporters learn the contents of his economic package, two-thirds turn against it.

The American people know that Mr. Clinton is breaking the promises they want him to keep and keeping the promises they want him to break.

WE MUST STOP THE GENOCIDE IN BOSNIA NOW

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, I have just returned from the former Yugoslavia, and I have one thing to say: We must stop the genocide going on in Bosnia now. The ethnic cleansing policies of the Serbs cannot be tolerated by the free world. We must, in conjunction with our European allies, order bomb strikes on Serb positions in Bosnia to stop their artillery and to stop the resupplying.

We must also immediately lift the arms embargo. The arms embargo was just locking the Serbian advantage into place. They have no difficulty getting arms, but the others cannot get the arms. So we are aiding the aggressor by having the arms embargo in place.

Mr. Speaker, I was given papers by a refugee in a refugee camp, from Italian Foggia. He had to sign over all his property, everything he owned, his cows, his business, his house. He is a Moslem. He had to sign it over to his Serbian neighbor in order to leave the country with his life.

These are policies that are reminiscent of the Nazi era and cannot be tolerated in 1993. We must do something to end the genocide in Bosnia now.

WAITING PERIODS THREATEN HONEST CITIZENS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, there is another anniversary today, and it is highlighted, it is commemorated in today's issue of the Washington Times. Today is 1 year from the day that riots began in Los Angeles. What those riots showed was that waiting periods threaten people's lives. "What they showed us was that gun control does not work. California's 15-day waiting period didn't stop the hoodlums and gang members from having guns during the riots. But when honest citizens tried to defend themselves, they were told they had to wait 15 days.

"USA Today, May 4, 1992, reported that many of these people rushing to the gun stores were 'lifelong gun-control advocates, running to buy an item they thought they'd never need.' Ironically, they were outraged to discover they had to wait 15 days to buy a gun."

No one wants to sell guns to criminals. In today's world we certainly do not need 15 days in order to find out if a person is a criminal. Taking guns out of the hands of law-abiding citizens will not stop crime.

The bill we have introduced to the Congress, called the Citizens Self-Defense Act of 1993, will permit a person to use a gun, to protect themselves, their home and their family. This will be a law that will stop crime, that will stop death and injury from guns.

THE SUCCESSES OF PRESIDENT CLINTON'S FIRST 100 DAYS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today does mark the 100th day of the Clinton administration. This first 100 days has not been a rose garden, nor certainly has it been a briar patch. The President succeeded in having passed the budget resolution in the quickest time since the Budget Act was passed. He came within a very few votes of passing, in the other body, a jobs bill, and we will be seeing elements of that jobs bill coming back to us soon.

Congress has extended unemployment benefits for those who are on the streets without jobs, and we also passed the Family and Medical Leave Act, which recognizes changes in America's workforce.

The White House has also sent to Congress proposed reforms of welfare, education, and health care. I had hoped the White House would have sent to the Hill a proposed reform of campaign financing.

Because, until we change the way people get here to this body and the other body, until we change the way Federal campaigns are financed, the agenda for this administration and future administrations will be severely compromised.

So, once again, the first 100 days of the Clinton administration have been excellent. They would have been better only with campaign reform.

THE STRIKER REPLACEMENT BILL

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, we will soon be addressing H.R. 5, the striker replacement bill. This bill is not only unnecessary, but is harmful to the balance between labor and management.

Proponents of the bill say that striker replacement legislation is needed to restore a meaningful right to strike. The right to strike is so broad and protected, however, that labor can strike for virtually any reason now, and is protected even when the strikers' positions are unreasonable.

If workers knew that management could replace them only temporarily, and that they would have the legal right to demand their jobs back immediately upon resolution of the labor dispute, there would be less incentive to resolve disputes without going on strike. Under this legislation, the very threat of strike would become a dangerously powerful weapon in the union arsenal.

Mr. Speaker, this measure is simply a ploy to increase waning union membership and political clout. This bill should be called the strike maker bill. A vote against H.R. 5 is a vote for real fairness and balance.

THE 12 YEARS OF NEGLECT WILL NOT BE UNDONE IN ONLY 100 DAYS

(Mrs. MEEK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MEEK. Mr. Speaker, when President Clinton was elected, he brought to this country a spirit of optimism and the sense that government can and should be an instrument for good. With the passage of the first 100 days of his administration, the President has much to be proud of.

The President's budget was passed in record time. It has laid the groundwork for his economic package which we will pass this year. The Family and Medical Leave Act was enacted after being held up for years by the previous administrations. Unemployment insurance was extended for the victims of the Bush recession. The Health Care Task Force was formed to undertake the massive job of formulating health care reform legislation.

The pessimists and those who do not want this President to succeed will not look to the President's many successes; they will look only to the work of the obstructionists in the other body who callously prevented the passage of legislation that would have put people back to work and provided vaccinations to little children all over America.

This President will not be deterred by the naysayers. His program of economic growth coupled with compassion for people has only just begun. Twelve years of neglect will not be undone in only 100 days. President Clinton is off to a good start and we will look back on this time as a harbinger of change for a better America.

□ 1130

PRAYER IN SCHOOLS

(Mr. BUYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUYER. Mr. Speaker, it was enriching to hear the prayer at the opening session of this Congress.

Last year I made a pledge that if I ever spoke at a high school or college graduation exercise, I would open my speech with an unsolicited nondenominational prayer. I was scheduled to speak at a high school in Indiana. I have now been uninvited to speak at a graduation exercise before a high school.

It is a great example of the stress the Supreme Court has placed upon schools across this Nation and stress that the American Civil Liberties Union has placed by threats to school boards all across this country.

I find it quite ironic that a racist, a neo-Nazi, a socialist, or a fascist can speak or burn an American flag at a commencement exercise and their speech is protected, but a U.S. Congressman cannot refer to God in a commencement exercise.

Let me throw a fast ball right at the Supreme Court. The Supreme Court has exceeded the bounds of common sense in its efforts to sanitize religion from public conversation.

Right there above the Speaker it says, "In God we trust." The Founding Fathers did envision accommodation for religious practice in America. Amen.

WOMEN IN COMBAT

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. LLOYD. Mr. Speaker, I rise today to congratulate and commend Secretary of Defense Aspin for yesterday's directive to the services to allow women to compete for assignments to combat aircraft. This is a change that is long overdue and welcomed by thousands of women in the military.

Mr. Speaker, it has been the belief of myself and several of my colleagues on the Armed Services Committee, that women have been denied the opportunity to develop their full potential in military service. In the fiscal year 1992 defense bill, we overturned the combat exclusion. Exclusions, such as the ban on flying combat missions, have hindered the progress of women in the Armed Forces. Qualified, gifted pilots, have been forbidden to fly anything other than training jets and transports.

The lifting of the combat exclusion for combat aircraft, as well as Secretary Aspin's move to open up more of the Navy's surface ships to women is a turning point in the history of women in military service. I anxiously await any legislative direction that comes over from the Pentagon to codify the Secretary's directives. I would hope my colleagues will support these needed changes and restore fairness to military service.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair will remind members of the gallery not to manifest approval or disapproval of the speeches that are being given by Members of Congress today.

Visitors are here as invited guests and they should govern themselves accordingly.

CLINTON DOES NOT MAKE THE GRADE

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, the first 100 days. Why is all of this attention focused on President Clinton's first 100 days in office?

Well, the answer is simple. President Clinton is the reason.

President Clinton is the one who promised to have an economic plan ready the day after he was inaugurated. He did not. President Clinton said he would have a 100-day period that would "be the most productive in modern history." He said that on June 23, 1992, in an interview on "Good Morning America."

Has President Clinton's first 100 days been the most productive in history? Well, maybe in some ways.

It has been the most productive in terms of broken promises. President Clinton has broken his promise on the middle class tax cut; on Haitian refugees; on White House staff cuts; broken his promise on balancing the budget and his promise to ask for a line-item veto.

The Clinton administration's first 100 days has been disappointing. Voters feel confused and thoroughly disillusioned. I hope the next 1,360 days, the remainder of his term, shows improvement. And there is plenty of room for it, because during the first 100 days, the President gets an "F" on keeping his promises to the American people.

WRONG PEOPLE TAKING OFF DOME OF CAPITOL

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I am really just sick over the situation that the Defense Department would not let the National Guard take the Statue of Freedom off the Capitol dome.

I have been working for a year with George White, the Architect of the Capitol, to have the Reserves remove the lady off the dome. She has been up there for over 130 years and repairs are necessary.

It is bad, Mr. Speaker, when a government agency cannot help out another government agency. The Guard could do the job and save the taxpayers over $40,000 of taxpayer money; not a lot of money, but we ought to start saving money around here anyway.

A lifting frame has been built around the statue for taking the lady off the dome. Every time I look up there I feel like crying. The wrong folks are going to take it off.

A BIRD IN THE HAND IS WORTH TWO IN A BUSH

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, today I rise to pay tribute to a man who was a friend of mine for 45 years prior to his death.

He was not a big man in stature standing only 5'7". But he stood tall on his principles. Often standing alone or with only a few.

He was a small businessman and at one time was a farmer. Not a wealthy farmer, but a sharecropper.

He was not a highly educated man having only attended the third grade in school. But he was one of the wisest men I have known.

His wisdom consisted of advice such as; When I said I can't, he replied, "can't never could." If I said let's wait, he would reply, "wait broke the wagon down," or I would say let's don't accept this we might get more, he would reply, "a bird in the hand is worth two in a bush."

Yesterday standing with only one of my Republican colleagues I voted yes on a rule and today, Members of this body will have the opportunity to cast a vote for or against a line-item veto.

I voted yes because of my friend's teaching and because I believe "a bird in the hand is worth two in a bush."

My friend was proud of his name. When he introduced himself to people he would extend his right hand in friendship and state, "Collins is my name." In fact Henry Collins was his name.

Mr. Speaker, that friend was my father.

□ 1140

TAKE DUNCAN STEBBINS' ADVICE: CUT SPENDING FIRST

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, about a week ago I had the privilege of addressing a town meeting that was nationally televised in Merrimack, NH, with Senator PHIL GRAMM and a 12-year-old named Duncan Stebbins. Duncan Stebbins came forward, and he had just finished sending in $68 to the Federal Government to pay his income taxes, and he asked both of us:

"Senator, Congressman, if you keep taking away my profits through raising taxes, what incentives will I have to keep working as a fellow small businessman?"

I addressed him and asked him, "Duncan, if your business was losing $300 a week for 5 weeks, what would you do? Would you spend money for new programs? Would you raise your prices in a tough economic climate? Or would you balance your books by cutting your expenses?"

Well, my colleagues probably all know what he said. He said he would cut his expenses first. He would not take on new programs and spending. And he would raise his prices only as a last resort.

Mr. Speaker, when OMB Director Leon Panetta referred to the President's proposals as tax and spending programs, he was absolutely right. Mr. President, as you regroup after your first 100 days, you take a look at your new priorities. I suggest that you take Duncan Stebbins' advice: Cut spending first, recognizing that new spending should then only be paid by cutting back ineffective programs, and last, but not least, raise taxes only as a last initiative. Mr. President, both sides of the aisle want a program that will work for America.

My colleagues, let us cut spending first.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FIELDS of Louisiana). The Chair reminds Members to address their remarks to the Chair and not to the President or any other person.

INCREDIBLY WONDERFUL AND HISTORIC DAY FOR WOMEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I rise to thank the President on the occasion of his being in power for 100 days and to thank Secretary Aspin because the President and Secretary Aspin have done something incredibly historic. They are going to allow the glass ceiling put over women to be shattered by women in high performance aircraft flying right through it. I thank them very much because it is in the great history of the American tradition where we try to have the best, and we do not say, "No, no, you can't apply because of your gender, your race, your sex or whatever."

Mr. Speaker, I think this is indeed a historic and wonderful, wonderful action that moves women even closer to full citizenship and equal rights, and I am so pleased they have had the guts and the courage to do it and follow through on what the Congress asked them to do 2 years ago.

SEND IN THE CLOWNS

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I am strongly opposed to the sham line-item veto bill we will consider later today.

The public overwhelmingly supports giving the President the authority enjoyed by Governors of 43 States—the line-item veto. But in the Barnum and Bailey world of the House of Representatives, the leadership in the House has shamelessly substituted a weak expedited rescission bill for real line-item veto power. No wonder so many people think Congress is full of clowns.

The American people are tired of paying tax dollars for congressional pork. We will not fool them with this cynical ploy by the powerbrokers in Congress to hold on to their power at all costs.

The Stenholm-Spratt language is so fundamentally weak that it may actually do more harm than good. Congress can use amendments or rules to block a vote any time the President uses his so-called expedited rescission authority. In the short 4 months I've been here, it's clear to me that if the leadership is allowed to manipulate the rules to stop genuine reform, it will do so.

My constituents are clamoring for real spending cuts from Washington. By a margin of 19 to 1, they support a line-item veto to help us get there. I am pledged to support a line-item veto, and I will continue to push to give the President real and meaningful power to cut pork provisions from spending and tax bills.

ENVIRONMENTAL HEALTH EQUITY INFORMATION ACT

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, a series of studies have concluded that racial minority and low-income populations experience higher than average exposure to air pollutants, hazardous waste facilities, contaminated fish, and agricultural pesticides.

In response to these shocking accounts, I will introduce the Environmental Health Equity Information Act. This legislation will give the Agency for Toxic Substances and Disease Registry the statutory authority to collect and maintain data on the race, age, gender, ethnic origin, income level, educational level, and length of residence, of individuals living in communities adjacent to toxic substance contamination.

We must get to the bottom of these claims and prove or disprove these disturbing accounts of environmental discrimination based on race and income level.

It is time for Congress to establish a mandate for furthering the goals of environmental health equity and the first step must be collecting the information necessary to make informed decisions.

I urge my colleagues to cosponsor this legislation so that we can begin to answer these questions.

THE FEDERAL CENTER IN BATTLE CREEK, MI

(Mr. SMITH of Michigan asked and was given permission to address the

House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Michigan. Mr. Speaker, last month the Defense Department recommended that operations dealing with the disposing of surplus equipment and inventory at the Federal Center in Battle Creek, MI, be moved. The DOD says they want to operate out of their own building, and the DOD claims they could save money by building a new facility because of the high rent being paid to GSA, another agency of the Federal Government. GSA claims it makes a huge profit from the military rent at the Federal Center because of the law that requires that they charge prevailing rates. It is this kind of dumb logic that causes a lot of our Government waste and inefficiency.

Mr. Speaker, this is not a case of downsizing. The workload of these units in Battle Creek will increase. The Battle Creek Federal Center is a designated historical landmark which cannot be torn down and will require an annual cost of $400,000 to mothball.

After much research, Mr. Speaker, my Michigan colleagues and I decided to introduce this bill.

It is gratifying to have the support of Republicans and Democrats, freshmen and committee chairmen, on a measure that will hopefully bring back some common sense and save the Federal Government money.

Mr. Speaker, it is my hope that the Defense Base Closing Commission will make the fiscally correct decision in Battle Creek and keep DOD's agencies there instead of building yet another new Federal building. In the meantime, we believe that DOD should take a more direct route to save money and we propose transferring ownership of the Federal Center from the GSA to the DOD.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that the leadership has agreed to take two additional speakers for 1-minute speeches on each side of the aisle.

BE CAREFUL WHEN MAKING DECISIONS ON BOSNIA

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, all of us in this body, as well as those who occupy 1600 Pennsylvania Avenue, need to go back and read our history as we decide what to do in Bosnia. No greater tragedies in the world have been committed than those being committed over there today. The Holocaust Museum recently opened here in Washington certainly points that out to us.

But I would urge us to be very, very careful. We are not prepared. We have trained our military for 50 years to fight the Soviet Union. We will not be dealing with people who will fall down in the desert and surrender, nor will we be dealing with people who are glad to see us when we arrive.

Read our history, and, please, I ask 1600 Pennsylvania Avenue and those of us who have to make that decision, be careful.

FAILING GRADE FOR THE PRESIDENT ON FAMILY POLICIES

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, we heard grades given to the President on his first 100 days by the Republican leadership. I would like to add one: the grade for the policies on families which I think is a failing grade. Whether it is the promotion of public funding of abortion on demand at taxpayer expense repealing 16 years of policy under the Hyde amendment, whether it is the promotion of special rights for homosexuals, the appointment of radical lesbian activist to high Federal positions such as Roberta Achtenberg, whether it is the recently announced policy of the Defense Department placing women into combat roles subjecting them to the possibilities of imprisonment, and torture, and even death at the hands of the enemy, with drafting of women, no doubt, due to come next. All of these policy positions of the Clinton administration give me tremendous concern. Lastly and perhaps most significantly for families, I am troubled by the heavy additional tax burden imposed on families by the plethora of new taxes called for by the President.

□ 1150

Mr. Speaker, these policies are anti-family. It is a failing grade. The President can and must do better.

SUPPORTING SECRETARY ASPIN'S DIRECTIVE ON WOMEN IN COMBAT

(Ms. MARGOLIES-MEZVINSKY asked and was given permission to address the House for 1 minute.)

Ms. MARGOLIES-MEZVINSKY. Mr. Speaker, when our children are growing up, the world presents them unlimited opportunities. But as our daughters grow older, their opportunities become fewer and fewer, until there is only a narrow range of opportunity left.

Today, our armed services took the first step, a historic step, in providing opportunity to young women across America. Lifting the ban on women flying combat missions is more than an understanding that women are capable of serving their country in this capacity. It is a recognition of the fundamental right of all women to dream we can be whatever we want to be and then fulfill those dreams.

Today I am very proud of this administration, proud of our armed services, and proud of the hundreds of young women who will now have the opportunity to fulfill their dreams. Tom Cruise watch out—the next Top Gun may just be a woman.

DOUBTS RAISED ABOUT DEMOCRATS' ABILITY TO GOVERN

(Mr. WALKER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, on the 100th day of the Clinton administration it might be well to reflect on the promises that we were given about running the country when this administration came to power. We were told that the Democrats, being completely in charge of Congress and the administration, would be able to move programs through in an efficient and effective manner and work together toward national goals.

Let me give the Members one example of something that happened in the Committee on Science, Space, and Technology the other day which indicates that the party is less than able to move ahead.

The Commerce Department, reflecting on a bill that was before the Committee on Science, Space, and Technology, said that the bill would in many respects be harmful to U.S. competitiveness. That was the administration's position. The Democrats on that committee actually hauled out their proxy votes to vote down their own administration, saying that they knew better than the Commerce Department about what competitiveness looked like.

It is apparent that the Democrats do not have their act together, that they are incapable of governing the country, and that in fact the failures of this administration are also reflected in the disarray on Capitol Hill.

Mr. Speaker, President Clinton has failed in many respects, but he has failed in large part because his leadership on Capitol Hill cannot get its act together.

EXPEDITED RESCISSIONS ACT OF 1993

The SPEAKER pro tempore (Mr. FIELDS of Louisiana) Pursuant to House Resolution 149 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1578.

□ 1153

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, with Mr. SWIFT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, April 28, 1993, all time for general debate had expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in part 1 of house report 103-52 is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered as read.

The text of the amendment in the nature of a substitute made in order as an original bill is as follows:

H.R. 1578

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Expedited Rescissions Act of 1993".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS.

(a) IN GENERAL.—Part B of title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by redesignating sections 1013 through 1017 as sections 1014 through 1018, respectively, and inserting after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED RESCISSIONS

"SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET AUTHORITY.—In addition to the method of rescinding budget authority specified in section 1012, the President may propose, at the time and in the manner provided in subsection (b), the rescission of any budget authority provided in an appropriation Act. Funds made available for obligation under this procedure may not be proposed for rescission again under this section or section 1012.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) Not later than 3 calendar days after the date of enactment of an appropriation Act, the President may transmit to Congress one special message proposing to rescind amounts of budget authority provided in that Act and include with that special message a draft bill that, if enacted, would only rescind that budget authority. That bill shall clearly identify the amount of budget authority that is proposed to be rescinded for each program, project, or activity to which that budget authority relates.

"(2) In the case of an appropriation Act that includes accounts within the jurisdiction of more than one subcommittee of the Committee on Appropriations, the President in proposing to rescind budget authority under this section shall send a separate special message and accompanying draft bill for accounts within the jurisdiction of each such subcommittee.

"(3) Each special message shall specify, with respect to the budget authority proposed to be rescinded, the matters referred to in paragraphs (1) through (5) of section 1012(a).

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1)(A) Before the close of the second legislative day of the House of Representatives after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduced the bill.

"(B)(i) The bill shall be referred to the Committee on Appropriations of the House of Representatives. The committee shall report the bill without substantive revision, and with or without recommendation. The bill shall be reported not later than the seventh legislative day of that House after the date of receipt of that special message. If the Committee on Appropriations fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

"(ii) The Committee on Appropriations may report to the House, within the 7-legislative day period described in clause (i), an alternative bill which—

"(I) contains only rescissions to the same appropriation Act as the bill for which it is an alternative; and

"(II) which rescinds an aggregate amount of budget authority equal to or greater than the aggregate amount of budget authority rescinded in the bill for which it is an alternative.

"(C) A vote on final passage of the bill referred to in subparagraph (B)(i) shall be taken in the House of Representatives on or before the close of the 10th legislative day of that House after the date of the introduction of the bill in that House. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(D) Upon rejection of the bill described in subparagraph (B)(i) on final passage, a motion in the House to proceed to consideration of the alternative bill reported from the Committee on Appropriations under subparagraph (B)(ii) shall be highly privileged and not debatable.

"(E) A vote on final passage of the bill referred to in subparagraph (B)(ii) shall be taken in the House of Representatives on or before the close of the 11th legislative day of that House after the date of the introduction of the bill in that House for which it is an alternative. If the bill is passed, the Clerk of the House of Representatives shall cause the bill to be engrossed, certified, and transmitted to the Senate within one calendar day of the day on which the bill is passed.

"(2)(A) A motion in the House of Representatives to proceed to the consideration of a bill under this section shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the House of Representatives on a bill under this section shall not exceed 4 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable. It shall not be in order to move to recommit a bill under this section or to move to reconsider the vote by which the bill is agreed to or disagreed to.

"(C) Appeals from decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill under this section shall be decided without debate.

"(3)(A) A bill transmitted to the Senate pursuant to paragraph (1) (C) or (E) shall be referred to its Committee on Appropriations. The committee shall report the bill either without substantive revision or with an amendment in the nature of a substitute, and with or without recommendation. The bill shall be reported not later than the seventh legislative day of the Senate after it receives the bill. A committee failing to report the bill within such period shall be automatically discharged from consideration of the bill, and the bill shall be placed upon the appropriate calendar.

"(B) A vote on final passage of a bill transmitted to the Senate shall be taken on or before the close of the 10th legislative day of the Senate after the date on which the bill is transmitted.

"(4)(A) A motion in the Senate to proceed to the consideration of a bill under this section shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(B) Debate in the Senate on a bill under this section, and all amendments thereto and all debatable motions and appeals in connection therewith, shall not exceed 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(C) Debate in the Senate on any debatable motion or appeal in connection with a bill under this section shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from time under their control on the passage of a bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

"(D) A motion in the Senate to further limit debate on a bill under this section is not debatable. A motion to recommit a bill under this section is not in order.

"(d) AMENDMENTS AND DIVISIONS GENERALLY PROHIBITED.—(1) Except as provided by paragraph (2), no amendment to a bill considered under this section or to a substitute amendment referred to in paragraph (2) shall be in order in either the House of Representatives or the Senate. It shall not be in order to demand a division of the question in the House of Representatives (or in a Committee of the Whole) or in the Senate. No motion to suspend the application of this subsection shall be in order in either House, nor shall it be in order in either House to suspend the application of this subsection by unanimous consent.

"(2)(A) It shall be in order in the Senate to consider an amendment in the nature of a substitute reported by the Committee on Appropriations under subsection (c)(3)(A) that complies with subparagraph (B).

"(B) It shall only be in order in the Senate to consider any amendment described in subparagraph (A) if—

"(i) the amendment contains only rescissions to the same appropriation Act as the bill that it is amending contained; and

"(ii) the aggregate amount of budget authority rescinded equals or exceeds the aggregate amount of budget authority rescinded in the bill that it is amending;

unless that amendment consists solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(C) It shall not be in order in the Senate to consider a bill or an amendment in the nature of a substitute reported by the Committee on Appropriations under subsection (c)(3)(A) unless the Senate has voted upon and rejected an amendment in the nature of a substitute consisting solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLIGATION.—Any amount of budget authority proposed to be rescinded in a special message transmitted to Congress under subsection (b) shall be made available for obligation on the earlier of—

"(1) the day after the date upon which the House of Representatives defeats the bill transmitted with that special message rescinding the amount proposed to be rescinded and (if reported by the Committee on Appropriations) the alternative bill; or

"(2) the day after the date upon which the Senate rejects a bill or amendment in the nature of a substitute consisting solely of the text of the bill as introduced in the House of Representatives that makes rescissions to carry out the applicable special message of the President.

"(f) DEFINITIONS.—For purposes of this section—

"(1) the term 'appropriation Act' means any general or special appropriation Act, and any Act or joint resolution making supplemental, deficiency, or continuing appropriations; and

"(2) the term 'legislative day' means, with respect to either House of Congress, any calendar day during which that House is in session.".

(b) EXERCISE OF RULEMAKING POWERS.—Section 904 of such Act (2 U.S.C. 621 note) is amended—

(1) by striking "and 1017" in subsection (a) and inserting "1013, and 1018"; and

(2) by striking "section 1017" in subsection (d) and inserting "sections 1013 and 1018"; and

(c) CONFORMING AMENDMENTS.—

(1) Section 1011 of such Act (2 U.S.C. 682(5)) is amended—

(A) in paragraph (4), by striking "1013" and inserting "1014"; and

(B) in paragraph (5)—

(i) by striking "1016" and inserting "1017"; and

(ii) by striking "1017(b)(1)" and inserting "1018(b)(1)".

(2) Section 1015 of such Act (2 U.S.C. 685) (as redesignated by section 2(a)) is amended—

(A) by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014";

(B) in subsection (b)(1), by striking "1012" and inserting "1012 or 1013";

(C) in subsection (b)(2), by striking "1013" and inserting "1014"; and

(D) in subsection (e)(2)—

(i) by striking "and" at the end of subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (C);

(iii) by striking "1013" in subparagraph (C) (as so redesignated) and inserting "1014"; and

(iv) by inserting after subparagraph (A) the following new subparagraph:

"(B) he has transmitted a special message under section 1013 with respect to a proposed rescission; and".

(3) Section 1016 of such Act (2 U.S.C. 686) (as redesignated by section 2(a)) is amended by striking "1012 or 1013" each place it appears and inserting "1012, 1013, or 1014".

(d) CLERICAL AMENDMENTS.—The table of sections for subpart B of title X of such Act is amended—

(1) by redesignating the items relating to section 1013 through 1017 as items relating to section 1014 through 1018; and

(2) by inserting after the item relating to section 1012 the following new item:

"SEC. 1013. Expedited consideration of certain proposed rescissions.".

SEC. 3. APPLICATION.

(a) IN GENERAL.—Section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall apply to amounts of budget authority provided by appropriation Acts (as defined in subsection (f) of such section) that are enacted during the One Hundred Third Congress.

(b) SPECIAL TRANSITION RULE.—Within 3 calendar days after the beginning of the One Hundred Fourth Congress, the President may retransmit a special message, in the manner provided in section 1013(b) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2), proposing to rescind only those amounts of budget authority that were contained in any special message to the One Hundred Third Congress which that Congress failed to consider because of its sine die adjournment before the close of the time period set forth in such section 1013 for consideration of those proposed rescissions. A draft bill shall accompany that special message that, if enacted, would only rescind that budget authority. Before the close of the second legislative day of the House of Representatives after the date of receipt of that special message, the majority leader or minority leader of the House of Representatives shall introduce (by request) the draft bill accompanying that special message. If the bill is not introduced as provided in the preceding sentence, then, on the third legislative day of the House of Representatives after the date of receipt of that special message, any Member of that House may introduce the bill. The House of Representatives and the Senate shall proceed to consider that bill in the manner provided in such section 1013.

SEC. 4. TERMINATION.

The authority provided by section 1013 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 2) shall terminate 2 years after the date of enactment of this Act.

SEC. 5. JUDICIAL REVIEW.

(a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of section 1013 (as added by section 2) violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code. Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia which is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal field within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

The CHAIRMAN. No amendments are in order except the amendments printed in part 2 of House Report 103–52, which may be offered only in the order printed and by the named proponent or a designee, shall be considered as read, shall not be subject to amendment except as specified in House Report 103–52, which shall not be subject to a demand for division of the question. Debate on each amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, pursuant to the rule, I offer an amendment printed in part 2 of the report of the Committee on Rules.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CASTLE, Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Title may be cited as the "The Legislative Line Item Veto Act of 1993".

SEC. 2. LEGISLATIVE LINE ITEM VETO RESCISSION AUTHORITY.

(a) IN GENERAL.—Notwithstanding the provisions of part B of title X of The Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of any discretionary budget authority for fiscal years 1994 and 1995 which is subject to the terms of this Act if the President—

(1) determines that—

(A) such rescission would help balance the Federal budget, reduce the Federal budget deficit, or reduce the public debt;

(B) such rescission will not impair any essential Government functions;

(C) such rescission will not harm the national interest; and

(D) such rescission will directly contribute to the purpose of this Act of limiting discretionary spending in fiscal year 1994 or 1995; and

(2) notifies the Congress of such rescission by a special message not later than 20 calendar days (not including Saturdays, Sundays, or holidays) after the date of enactment of a regular or supplemental appropriations act for fiscal year 1994 or 1995 or a joint resolution making continuing appropriations providing such budget authority for fiscal years 1994 and 1995.

The President shall submit a separate rescission message for each appropriations bill under this paragraph.

SEC. 3. RESCISSION EFFECTIVE UNLESS DISAPPROVED.

(a) Any amount of budget authority rescinded under this Act as set forth in a special message by the President shall be deemed canceled unless during the period described in subsection (b), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

(b) The period referred to in subsection (a) is—

(1) a congressional review period of 20 calendar days of session during which Congress must complete action on the rescission disapproval and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

(3) if the President vetoes the rescission disapproval bill during the period provided in paragraph (2), an additional 5 calendar days of session after the date of the veto.

(c) If a special message is transmitted by the President under this Act and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the first day of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such first day.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(a) The term "rescission disapproval bill" means a bill or joint resolution which only disapproves a rescission of discretionary budget authority for fiscal year 1994 or 1995, in whole, rescinded in a special message transmitted by the President under this Act; and

(b) The term "calendar days of session" shall mean only those days on which both houses of Congress are in session.

SEC. 5. CONGRESSIONAL CONSIDERATION OF LEGISLATION LINE ITEM VETO RESCISSIONS.

(a) PRESIDENTIAL SPECIAL MESSAGE.—Whenever the President rescinds any budget authority as provided in this Act, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority pursuant to this Act;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

(5) all factions, circumstances, and considerations relating to or bearing upon the rescission and the decision to affect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGES TO HOUSE AND SENATE.—

(1) Each special message transmitted under this Act shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the house is not in session, and to the Secretary of the Senate if the Senate is not in session. Each special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Each such message shall be printed as a document of each House.

(2) Any special message transmitted under this Act shall be printed in the first issue of the Federal Register published after such transmittal.

(c) REFERRAL OF RESCISSION DISAPPROVAL BILLS.—Any rescission disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

(d) Consideration in the Senate.—

(1) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this Act.

(2) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with such bill shall be limited to 1 hour to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

(e) POINTS OF ORDER.—

(1) It shall not be in order in the Senate or the House of Representatives to consider any rescission disapproval bill that relates to any matter other than the rescission budget authority transmitted by the President under this Act.

(2) It shall not be in order in the Senate or the House of Representatives to consider any amendment to a rescission disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

The CHAIRMAN. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, accountability. This is the purpose of the line-item veto. Passage of line-item veto authority for the President will make both the President and the Congress more accountable to the American people. The substitute proposed by JERRY SOLOMON, PETER BLUTE, JACK QUINN, and myself is the best method to make our Government more accountable for its spending decisions. The Castle-Solomon substitute is the line-item veto.

As a former Governor, I can tell you from experience that a line-item veto by itself will not end the deficit. It will not balance the budget. It is not a magic solution to our budget problems. However, it is an effective method to improve how we spend the taxpayers money. By making both the President and Congress more accountable for their spending decisions, we will produce better legislation with less wasteful spending.

Accountability is the key. If the President has the line-item veto, he cannot shirk his responsibility for funding programs that are unnecessary, he will not be able to blame so-called pork barrel spending on Congress. If he does not agree with a specific appropriation, he can cross it out and demand that Congress justify the spending by disapproving his veto.

Accountability. The line-item veto will make Congress more accountable to the American people. With the line-item veto in place, Congress will take a harder look at the programs it funds. Congress will not be able to send an appropriations bill to the President that includes projects which do not stand up to scrutiny.

To my colleagues who fear that the line-item veto will give the executive branch of our Government too much power at the expense of the legislative branch, this will not occur. Rather, experience shows us that the existence of the veto simply encourages the executive and the legislature to negotiate reasonable, responsible legislation which does not fund pork barrel projects.

Today, the true line-item veto is contained in the Castle-Solomon amendment. This amendment would authorize the President to rescind or cut any discretionary appropriation for the next 2 years. These cuts would go into effect unless both Houses of Congress voted against the spending cuts. This is the crux of the matter. Congress should have to vote to disapprove the President's cuts.

The Spratt-Stenholm bill allows either House to derail the cuts simply by not passing legislation to approve them. To be honest, this wiggle room will allow Congress to avoid confronting the tough decisions the American people want them to make on spending.

The Castle-Solomon amendment is a true line-item veto. It would require both Houses of Congress to disapprove the President's cuts. The President could then veto the disapproval bill and his veto would have to be overridden by a two-thirds vote in both Houses. If this fails, the cuts go into effect.

Mr. Chairman, a true line-item veto will not tilt the balance of power in the Federal Government to the executive branch. It will serve as a tool to bring Republicans, Democrats, Congress and the administration together to produce responsible levels of spending on Federal programs. I urge my colleagues to enact a true line-item veto—pass the Castle-Solomon substitute.

The CHAIRMAN. The Chair will inquire, does the gentleman from South Carolina [Mr. DERRICK] oppose the amendment?

Mr. DERRICK. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Chairman, I yield myself 4½ minutes, and I rise in opposition to the amendment.

Mr. Chairman, the Castle-Solomon amendment does not improve the bill, and Members ought to reject it for one simple reason: The procedure proposed in this amendment would enable a one-third-plus-one minority of either House to join with a President to dictate the fiscal priorities of this country.

Under this amendment, a President could propose rescissions and they would take effect permanently unless Congress voted to disapprove them by majority vote within a specified time. Since a President will surely veto any bill to disapprove his rescissions, for Congress' fiscal priorities to prevail would require a two-thirds vote in both Houses to override the veto. Conversely, for the President to prevail, he need convince only one-third plus one of either House to sustain his veto.

Mr. Chairman, the principle which underlies our democratic system of government is majority rule. I do not believe it wise for Congress to create a rescission process in which a President, with the support of only 34 Senators or 146 Representatives, could dictate fiscal policy, on a line-by-line basis, to majorities in both the House and Senate. We should not tilt the balance of the power of the purse so dramatically in the President's favor, no matter who he is and no matter what political party he belongs to.

What reason do we have to believe the President's fiscal priorities are inherently better than those of the Congress? Assuming deficit reduction is the policy goal we want to advance, what reason have we to believe the Executive branch institutionally favors less spending than Congress? In fact, there is considerable evidence to the contrary.

How many times has the chairman of our Committee on Appropriations told us that since 1945 the Committee has appropriated billions of dollars less than the various Presidents have requested? Moreover, since 1974 Presidents have proposed only $69.3 billion in rescissions; Congress has actually rescinded over $71 billion in spending.

Mr. Chairman, the goal of the underlying bill, and indeed this entire exercise, is to add accountability for spending decisions to the appropriations process. The goal is not merely to advance and promote the President's brand of spending over Congress' brand of spending, which is what the Castle-Solomon amendment would do.

We are dealing with the fundamental relationship between the two political branches. We must not give any President the ability to shove his priorities down Congress' throat. We have no idea what his priorities might be; we know only they will be different. If the President can convince a majority of each House to reject the items he has identified as wasteful and proposed to repeal, then he ought to prevail. But he ought not prevail with only minority support. If he lacks majority support for his position, then he can still use his regular veto.

Mr. Chairman, the bill is designed to give the President an opportunity and in fact impose upon him the responsibility to ferret out arguably wasteful items in appropriations acts and force Congress to approve them again. I believe the bill will achieve the desired effect without disrupting the balance of power so carefully created by our Founding Fathers.

The Castle-Solomon amendment, on the other hand, simply goes too far. It would enable the President and a minority in one House to dictate his priorities to majorities in both Houses. I urge all Members to reject the amendment and support the bill.

I reserve the balance of my time.

□ 1200

Mr. CASTLE. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it is important to realize that this whole debate today is about amending the Budget Reform and Empowerment Control Act of 1974. It was with that bill that Congress grabbed enormous power from the executive branch and totally destroyed the budgetary checks and balances between the legislative and the executive branches by taking away the rescission authority of the President.

It is my belief that had that act not passed, we would not today have a nation that clamors for a line-item veto or a nation that at least says, "Give us a legitimate enhanced rescission."

Mr. Chairman, I have been working on this question of enhanced rescission since 1985. I began working on it with a bright young Senator from Indiana named Dan Quayle. It was our belief at that time that we had to move in the direction of rescission because Congress would never cede to the President a legitimate line-item veto, and that enhanced rescission was some significant extension of the President's power.

Since that time there have been three groups of people working on this issue in Congress. There have been those of us who wanted to have a legitimate extension of authority for the President of the United States in budgetary matters. That interest is represented today by the Solomon-Castle effort. That is the legitimate increase in authority on the part of the executive branch by an amendment to the Budget Act of 1974.

There has been another group of people that have said under no terms whatsoever will we increase the President's authority in these matters. Those are the people who will vote against any form, any shape, any type of rescission legislation. They wish to hog all the power for Congress.

Then there has been that really great group in the middle that have said:

> Let's do the political thing: let's give the President something that looks like rescission and has in fact no power in it, and then give ourselves credit for giving him line item veto.

That effort today is represented by the Spratt amendment. The Spratt amendment has a loophole.

Mr. Chairman, if you vote down Solomon-Castle and vote up Spratt, you will give the nine Democrats on the Committee on Rules of the House the right to define the President's rescission authority in fact. What is worse, you will give the Democrats the ability to pass this off as an extension of authority to the White House.

Save yourself the intellectual embarrassment. Vote "yes" on Solomon; vote "no" on Spratt.

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I wish to express my opposition to the proposed amendment. While I am sure that my colleagues who are sponsoring this amendment have done so in good faith, I am convinced that their proposal would not withstand judicial review.

As the Supreme Court noted in its decision in I.N.S. versus Chadha, "Explicit and unambiguous provisions of the Constitution prescribe and define the respective functions of the Congress and of the Executive in the legislative process." The Court continues, "These provisions of Article 1 are integral parts of the constitutional design for the separation of powers."

The substitute amendment before the House clearly changes the balance of powers between the executive and legislative branches by allowing the President to become more directly involved in the legislative process. In doing so, it violates the Constitution's separation of powers.

The framers of the Constitution clearly placed great emphasis on the legislative branch. In their Federalist papers, Hamilton and Madison both expressed the view that the legislature would be the most powerful branch of government. Thus, they recognized the need for some checks on the legislature. First, the Constitution provides for a bicameral legislature, with each body elected under different terms and districts. Second, it affords the President a veto power.

That veto power, as a check on Congress, was recognized to be a blunt instrument. As Hamilton explains in Federalist paper No. 373, in giving the President a veto power, the Framers acknowledged that "the power of preventing bad laws includes that of preventing good ones." It was their sense, however, that "the negative would be employed with great caution."

Although the Framers' expectations about its frequency have lately proved incorrect, the veto was certainly not seen by them as a vehicle to involve the President directly in designing or perfecting legislation.

The proposed substitute, by providing the President with the authority to selectively veto parts of legislation without requiring subsequent bicameral legislative action, clearly moves beyond the framework defined in article 1, section 7. Unlike the substitute, the underlying proposal, H.R. 1578, preserves the prerogatives of the legislature.

Under the substitute amendment, what the President decides to eliminate is simply eliminated, unless the Congress acts to restore it. This would allow the President and a minority in Congress to frustrate the will of the majority—an outcome that flies in the face of the Framers' strong belief in the central role of a democratically elected legislature. As we are now witnessing in the other body, such an outcome is not just a remote possibility—a minority may well be willing to frustrate the will of the majority, and undermine the common good, for its own perceived political advantage.

Finally, it is interesting to note that both Hamilton and Madison often chose to refer to the veto process as one of returning bills to the Legislature for reconsideration. Unlike the substitute amendment, the underlying bill, H.R. 1578, is clearly consistent with this view of the process. Its procedures for quick action by Congress on either the President's rescission proposal or an alternative package provides the means to ensure fiscal accountability while prompting the type of legislative reconsideration the framers desired.

What may seem to some to be procedural problems with the proposed substitute amendment should not be viewed so lightly. As the Court explained in Chadha:

> The choices we discern as having been made in the Constitutional Convention impose burdens on governmental processes that often seem clumsy, inefficient, even unworkable, but those hard choices were consciously made by men who had lived under a form of government that permitted arbitrary governmental acts to go unchecked. There is no support in the Constitution or decisions of this Court for the proposition that the cumbersomeness and delays often encountered in complying with explicit constitutional standards may be avoided, either by the Congress or by the President. With all the obvious flaws of delay, untidiness, and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution.

So, despite the honorable intentions of my colleagues, I believe that their substitute amendment goes too far in altering the separation of powers set forth in the Constitution. H.R. 1578, on the other hand, meets our desires for more fiscal accountability, while being consistent with the design of government established in our Constitution. I urge my colleagues to reject the substitute before it is rejected by the Courts.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I thank the gentleman from Delaware [Mr. CASTLE] for yielding, the former Governor who actually wielded a line-item veto authority in his State.

Mr. Chairman, this is it. This is our opportunity to make real change, like we talked about on the campaign trail just a few months ago, and like the President talked about on the campaign trail when he asked and campaigned for the line-item veto authority. Not the enhanced rescission or expedited rescission. The President had a dialog with the American people and said that he needed the line-item veto authority in order to get excessive spending under control.

Once again, what happened on the way to governing? What changed in the interim to reverse the President's request?

□ 1210

I think if anything, the arguments for the line-item veto have increased in the ensuing months, particularly since we are talking in this House and in the other body about the raising, the largest tax increase in American history on working men and women throughout this country. I think we should be talking about serious efforts to get the budget deficit under control.

The line-item veto works. It works in 43 States, as I mentioned. The gentleman from Delaware has used it. It works to bring people together, as he pointed out, in the budget process. It works to reduce excessive and unnecessary spending in the budget.

I served in the Massachusetts Legislature, had that privilege for 6 years. And I served under a Democratic Governor, Governor Dukakis. I served under a Republican Governor, Governor Weld. And I can tell my colleagues that it was never used for the type of intimidation tactics that have been raised here, I think, as a red herring by the opponents of a strong line-item veto.

It was used, rather, to keep the budget focused on being balanced, on reducing unnecessary spending.

If the States are truly the laboratories of democracy, as the Founders envisioned, then the line-item veto has to be considered a very successful experiment, indeed. It works.

I think when we are faced with a huge deficit, a tremendous amount of money and resources going to debt service, and we are facing the largest tax increase in American history, I think, unfortunately, we better tell the American people that we are going to do everything in our power to get this deficit under control and to rid ourselves of the tendency toward deficit spending.

The line-item veto that is encompassed in this amendment is the one that can do the job, that is strong enough to do the job. The enhanced rescission, the other option, is a weaker version. And I do not think it will allow the President to be the fiscal disciplinarian in this process.

Mr. Chairman, I urge my colleagues on both sides of the aisle, liberals and conservatives, to try something new, something real, the line-item veto.

Mr. DERRICK. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Chairman, if ever there were a cure worse than the disease, it is the line-item veto—the substitute proposal for which our Republican friends are making such extravagant claims today. It is a popular idea, a superficially attractive idea. But it is our job to probe below the surface, to get beyond the talk-show rhetoric. When we do that we will see that the line-item veto has less to do with budgeting—much less to do with reducing the deficit—than it does with shifting power to the executive branch. And I believe I can demonstrate that had it been in effect over the last 12 years, the result would have been not less spending but more.

We need to understand: Presidents almost always ask for more money than Congress is willing to appropriate. Despite the rhetoric we've heard for the last 12 years, the fact is that Presidents Reagan and Bush requested nearly $60 billion more than Congress proved willing to appropriate. I personally can remember being asked to vote for $4 billion for star wars when I was willing to vote for only $2 billion; being asked to vote for a full fleet of B-2 bombers, for extravagant military aid to El Salvador, and so forth. And each time we refused or reduced those requests.

Now think what might have happened on those votes if White House representatives could have come to us and threatened legitimate and vital appropriations items? I hope that we would not have succumbed to those pressures, but I can tell you it would have greatly increased the President's leverage over Members of this body. And the likely result would have been more spending, not less. We would have been pressured to vote for the Executive's bloating spending requests in order to secure a place in the budget for urgent and necessary items.

Think, too, of the enormous leverage the line-item veto would give the President at the conference stage—pressuring conferees to accede to executive requests lest their own items be deleted.

It is ironic that self-styled conservatives, those erstwhile foes of concentrated executive and bureaucratic power, should embrace this proposal. As our Republican former colleague Mickey Edwards of Oklahoma argued very persuasively, a line-item veto is the last thing that true conservatives ought to advocate.

We began this 103d Congress with a mandate to reduce the budget deficit and to control wasteful spending. We must tighten our own spending bills. The budget resolution we have just passed sets stringent spending limits; it will force us to set priorities and to squeeze out nonessential items. We also must make the rescission process work. The President already has the power to propose line-item rescissions. Unfortunately, Presidents Reagan and Bush rarely used this mechanism. And the few times they did, Congress generally rescinded even more than they requested.

The enhanced rescission proposal we will vote on later today arguably will improve that process, and I plan to support it as a trial measure. But the substitute the Republicans have proposed, a full-fledged line-item veto, would shift power drastically and dangerously to the White House and would make it harder, not easier, to reduce spending and Government waste.

We would do well, Mr. Chairman, to heed Aesop's admonition that "Appearances are often deceiving." When we look beneath the rhetoric and consider how the line-item veto actually would work, it becomes clear that this device would not only fail to do what its champions claim: It actually could have the opposite effect. I urge my colleagues to take that closer look and to reject the Solomon substitute.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I thank my colleague, the gentleman from Delaware [Mr. CASTLE] for yielding time to me.

I thank the gentleman who just spoke to me from that side of the aisle who called our amendment today exactly what it is. It is the full-fledged line-item veto, no doubt about it.

We debated last night the difference between the line-item veto and enhanced rescission. The difference is the line-item veto is the real thing. Enhanced rescission is a watered-down substitute for the real thing.

The line-item veto is what President Clinton asked for and continues to ask for. Enhanced rescission, on the other hand, is what the majority in this Congress want to give the President.

The line-item veto requires a two-thirds majority of the Congress to override the President's budget cuts. Enhanced rescission, on the other hand, needs just a simple majority to approve cuts to spending Congress already passed.

The line-item veto, I believe, will help control Government spending, cut the deficit, and strengthen our economy. Enhanced rescission, on the other hand, will let Congress continue to tax and spend as usual.

The line-item veto is the whole loaf, my colleagues. Enhanced rescission is only half a loaf.

Today, we are going to have the opportunity, by casting a vote for the Castle-Solomon substitute, to have the whole loaf for the American people.

The American people want just that. They are starving for change in Washington, DC.

We all heard the cries for reform last November in our respective campaigns, but are we still listening?

Vote for the Castle-Solomon line-item veto later this afternoon. The substitute amendment will be a vote for a real line-item veto.

Mr. DERRICK. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. APPLEGATE].

Mr. APPLEGATE. Mr. Chairman, passage of the Solomon amendment, the Michel amendment, or the bill would constitute a breach of the separation of powers. I think it is a principle that we must adhere to.

In any event, the people end up losing. Any President can veto any appropriation bill or any tax bill right now. All he has to do is send it back to the Congress and say, "Take out specified spending or taxes, send it back and I will sign it."

But none of them do. That is a true line-item veto. President Reagan and President Bush preached line-item veto to balance the budget but never once vetoed an appropriation or a so-called pork bill.

The people put us here so that they would have a voice. Let us not give it away. This is the people's House. They can reach us, but how many people in this country can call the President of the United States or even a Senator? Give me a break.

We need to work with the President, not to give him the job that we were elected to do.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oklahoma [Mr. ISTOOK].

☐ 1220

Mr. ISTOOK. Mr. Chairman, our choice today is between fiction and nonfiction, real versus make-believe. The Castle-Solomon amendment is real. It is a good amendment. Without it, this bill is not line-item veto.

But the amendment would create a mechanism so the President can kill pork-barrel spending, and two-thirds of Congress would be required to override. Without this amendment, we have only a bill that says well, the President can suggest some cuts, but no cuts would be made unless a majority of Congress actively approved them.

The President can already send a list of his suggestions to us, and some of our colleagues are saying that this is an ability for Bill Clinton to cut pork and saying it is line-item veto, but no, it is only to make the public think we cut pork while Congress preserves pork-barrel spending.

You can preserve pork with refrigation, you can do it with curing it with salt, or you can do it with smoke, smoke and mirrors. Let us not have it. Let us vote for the Castle-Solomon amendment.

Mr. DERRICK. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield to the gentleman from California, Mr. MINETA, chair of the Committee on Public Works and Transportation, for the purpose of a colloquy.

Mr. MINETA. I thank the gentleman for yielding. My question goes to section 2(c) of the substitute. That section would give the Appropriations Committee the authority to report an alternative rescission bill which would rescind, and I quote, "an aggregate amount of budget authority. * * *" My understanding is that in this context, "budget authority" does not include contract authority since technically, contract authority is not provided in appropriations bills. For example, contract authority for the highway, transit, and aviation programs is provided by the Public Works and Transportation Committee. Is that the gentleman's understanding of the legislative intent of this section?

Mr. SPRATT. The gentleman is correct. The intent of this section is that budget authority means spending provided by the Appropriations Committee and, for the reasons the gentleman stated, does not include contract authority.

Mr. MINETA. I thank the gentleman for clarifying the legislative intent.

Mr. SPRATT. Mr. Chairman, Judge Bork, an able Republican who was my professor at one time, argued recently that those who say the Constitution provides the President with a line-item veto are met first with this question: Why has no President noticed this fact for over 200 years?

Judge Bork says, "Indeed, why have Presidents uniformly taken precisely the contrary view, beginning with President Washington," who did not notice it. He said about the Constitution, "From the nature of the Constitution, I must approve all parts of a bill, or reject it in toto."

William Howard Taft, another reputable Republican who was both President and Chief Justice said, "The President has no power to veto parts of the bill and allow the rest to become law. He must accept it or reject it."

Even where Judge Bork and President Washington and Chief Justice Taft refused to tread, Representative CASTLE and Representative SOLOMON would rush in. And they would essentially say maybe the Constitution does not inherently give the President this power, but maybe we in Congress can confer the President with a broad power which he does not have in the Constitution. Maybe we can amend the Constitution by statute.

They do not use the word, but as I read the statute, it appears to me that the device they are using is delegation. They are suggesting that we can delegate to the President the power to veto items in a bill in lieu of vetoing the entire bill itself.

Now that is a big step, changing the Constitution by statute, and it gives the President enormously broad powers. It is as broad as the budget we pass every year, in 13 different appropriation bills, when we bring them to the floor with billions upon billions of dollars, year in and year out. It is so broad, so unique, so unusual that it has to beg the question: "Is it constitutional?"

Fifty years ago the Supreme Court said, "Sweeping delegations of legislative power are unconstitutional."

I know that a lot of water has flowed over the dam since then, but 7 years ago in a case dealing with the budget authority of the Congress, the Synar case, Justice Scalia said, "The ultimate judgment regarding the constitutionality of a delegation must not be made on the basis of the scope of the power alone, but on the basis of its scope plus the specificity of the standards governing its exercise." When the scope increases to immense proportions, the standards must be correspondingly more precise. The broader the scope, the stricter the standards.

Well, there is no question that the scope here is immense, it is enormous with the standards that Castle-Solomon impose.

What guidelines, what conditions do they impose upon the President when he chooses to use his power that they would give him? First of all, they say the rescission must reduce the deficit, or the debt, and limit discretionary spending. Ladies and gentlemen, that is tautological. By definition, every spending cut will do this, in short, so it is not a standard.

Then they say the rescission must not impair essential governmental functions or harm the national interest.

These standards are so broad and vacuous that they are literally empty and subjective, and the President can fill them any way he wants to. So this is not a delegation. By definition, it is an abdication. It is an abdication of power to the President, and an abdication of our duty to uphold and defend the Constitution.

If you want to add a line-item veto to the President's powers, then do it the right way. Amend the Constitution. Do not pass a bill that will not pass constitutional muster.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding me the time.

Two weeks ago I had the opportunity to speak to the largest exchange club in the United States. At the end of my speech someone in the audience shouted out: "Ask us about the line-item veto. Ask us what we think of that." So I did. And without exception, unanimously the hands went up in support of a real line-item veto.

Mr. Chairman, the standing of Congress is at an all-time low. Our approval rating is just above that of Saddam Hussein, and the reason is because we have been dishonest, we have been devious with the American people.

Expedited rescission is not line-item, and it is not veto. Let us not say that it is.

The President had a real line-item veto as Governor of the State of Arkansas where I served with him, and he deserves no less in Washington. That is why I support Castle-Solomon.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I support the Castle-Solomon amendment because it restores fiscal accountability to the Government of the United States and to the people of America, whom we represent.

While the Congress has authority and responsibility, the institution refuses to be accountable. The President is accountable, and having a line-item veto is something that we need to have.

But the real reason, Mr. Chairman, that the line-item veto is going to be killed and replaced by the share enhanced rescission was stated yesterday by my classmate and colleague and friend, NEIL ABERCROMBIE, whose comments appear today in the Washington Post.

I quote from this article, "ABERCROMBIE, one of the most liberal Members of the House, said he changed his 'no' vote after talking to FOLEY and Representatives BILL HEFNER and PATSY MINK."

Now quoting Representative ABERCROMBIE directly, "If the rule failed, we would be faced with the possibility of a pure line-item veto or a balanced-budget amendment coming before us," ABERCROMBIE said.

Mr. Chairman, killing real fiscal accountability is what enhanced rescission is all about. The Castle-Solomon amendment is a good amendment and I would urge its support. Enhanced rescission as contained in H.R. 1578 actually makes worse the present law because it will be used as justification to preclude further votes on a real line-item veto during the 103d Congress and because it requires the chief executive to act within 3 days of the legislation's enactment. Three days does not allow sufficient time to examine complex bills containing thousands of line-items. Present law allows the Chief Executive the entire fiscal year in which to act. For these reasons, H.R. 1578 should be rejected.

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, interestingly, here we are today after the debate of last night debating the Solomon-Castle real line-item veto. It has been amazing to me listening to the rhetoric that has gone on over these last several days, and even listening to it this morning. There are a number of Members who have not even read the bill, have not even read the Spratt-Stenholm, and are talking about things that are not in it.

□ 1230

But I am here today to talk about the Solomon amendment. I oppose it. I oppose Mr. Solomon's amendment. I have opposed giving any President line-item veto with one-third-plus-one veto authority, because I agree more strongly with the conclusion of the gentleman from North Carolina [Mr. PRICE] about the power transfer.

I have spoken to Rotary Clubs. I have heard the same questions that have been asked, and I have always given the same answer. I do not want to give any President from either party that much power.

There is a big difference, in case you have not checked lately, between the Governor of Arkansas, the Governor of Texas, the Governor of California, the

Governor of any of our 50 States, and the President of the United States under the Constitution that has declared three separate but coequal branches of Government. I believe that.

But by the same token, I worked hard. I fought hard to see that the gentleman from New York [Mr. SOLOMON] and those of you who believe in giving that much power to any President would have the opportunity to come here today and to debate it and to vote up and down on a recorded vote, and to those that want the pure line-item veto, you can vote for it. I will not. I do not support it.

But I believe that those who do have every right in the world to bring that debate to the floor and debate it. I just wish we could debate it based on the merits. But we have chosen not to do that today.

You know, I have heard about the sunsetting provisions and the fact that we sunset it. The gentleman from New York [Mr. SOLOMON] sunsets his. The question I would ask is: Why? Simply, we sunset it last year with the Republican administration. We put in a sunset law. We wanted to try it when it was a good idea.

We agree on that, but some folks have been down here talking like the Spratt-Stenholm has a sunset provision; that is bad. But we have it in both bills.

The balance of power: The argument here today, and this is what I will conclude with, for one of the first times in a long time we are going to have an opportunity for an up-and-down vote. Those who want to do nothing will have that chance. Those who want the pure line-item veto will have that chance. Those of us who believe we need to move the peg forward, to move, and give, and try for 2 years a modified line-item veto, a chance, we will have that opportunity. If it is the will of the House to do nothing, we will get a chance to do so. If it is the will of the House that we adopt the Solomon-Castle amendment, we will do so. And if it is the will of the House that we do nothing, that we keep the status quo and go home and explain that, we can do that also.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the Wall Street Journal suggests the choice we have before us today is the choice between chicory-flavored water and real coffee. Well, I am hoping the Members are going to wake up and smell the real coffee today which is represented by the amendment offered by the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. SOLOMON]. I have already spoken to the committee about my concerns with the shortfalls in the Stenholm-Spratt expedited rescission proposal and again urge its rejection. A better alternative would be the amendment offered by Mr. CASTLE and Mr. SOLOMON which provides that budget authority rescinded by the President would go into effect unless Congress passed legislation canceling the President's rescission with a majority vote. If that congressional vote is vetoed by the President, a two-thirds majority would be needed to override the President's veto.

This proposal is a statutory line-item veto and it is the only proposal which can work to effectively reduce the Federal budget deficit.

I support this amendment because it is the measure closest to an actual line-item veto. Even though its powers are not permanent, it provides the President with a meaningful ability to cut spending.

Presidents, for as long as I can remember, have sought a line-item veto. Even President Clinton, during his campaign, supported much stronger veto authority than that provided in the Spratt-Stenholm compromise. It appears now, however, that the majority party is attempting to rule their own President again by fooling him and the American people with the meaningless, token powers included in the Spratt-Stenholm bill. It is legislation like the Castle-Solomon bill which President Clinton endorsed during the campaign. If the American people are calling for an end to gridlock, let's work together, Democrats and Republicans, to end it here by giving the President the type of deficit cutting powers he asked for during the campaign.

I urge the adoption of the Castle-Solomon amendment because it is the type of spending power sought by President Clinton to help control the growing Federal budget deficit.

Mr. CASTLE. Mr. Chairman, I yield 3 minutes to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I would like to speak in favor of the legislative line-item veto proposal offered by the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. SOLOMON] and against the base bill. I will later offer my own amendment to the amendment offered by the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. SOLOMON], that would also give the President the authority to veto special tax provisions in tax bills in addition to appropriations in appropriation bills as the Castle amendment provides for. If the amendment offered by the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. SOLOMON] does not prevail today, I am going to have to vote against the base text altogether.

To be called line-item veto legislation, the Democrat proposal is, at best, a farce and at worst a cynical and insulting impostor. The legislative line-item veto substitute offered by the Castle amendment requires a two-thirds majority of both Houses to override the President' line-item veto. Only then would the money have to be spent which the President sought to rescind or veto.

This proposal has real teeth. It gives the President a genuine chance to get at unnecessary and wasteful spending items.

By contrast, the expedited rescission proposal in the base bill does little more than speed up the existing process.

In addition, any rescission proposed by the President can be overturned by a mere majority of either House.

Voting against a rescission, by just a simple majority vote does not change the process at all. If this expedited rescission proposal is agreed to today, the President and the Democrats in Congress will claim they have acted on a line-item veto proposal.

The line-item veto proposal that is fixed in the minds of the public is something far different than in this farcical thing we have before us today. Action on this watered-down bill will foreclose further action this year on any real and meaningful legislative line-item veto.

My bone of contention is that the President really will not have any more authority than he now has under the existing rescission procedure.

I want the American public to realize what is really happening there today. This is not, and I repeat, not a line-item veto proposal. Even the chief sponsor, my good friend, the gentleman from South Carolina [Mr. SPRATT], testified before the Committee on Rules on April 1, that he did not think this expedited rescission procedure in this bill would be used much. I will be willing to wager today you will not save $10 million in the remainder of this Congress by this proposal. You will not save $10 million. I will put my reputation on the line here. You wait and see how farcical this proposition is.

I fully understand the gentleman's faint praise for his own bill, but the base bill suffers from one monumental flaw. It does not really do anything important.

Let us vote for the Castle-Solomon amendment today which represents a real line-item veto and vote down the Democrats' impostor bill.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, throughout the congressional district that I represent, taxpayers want the President to have a line-item veto. They do not understand expedited rescission and, when it is explained to them, they think it is a sham.

As a kid I remember saying, when I really did not want to do something, "Let's not and say we did." I never thought Congress, as an institution, would consider saying that.

H.R. 1578 is not a line-item veto. It gives the President little authority that he does not already have. If we pass the bill as proposed, we will be telling constituents who want us to pass a line-item veto "Let's not and say we did."

On the other hand, if we are serious about cutting the deficit, if we are serious about giving the President the same power that virtually every American Governor has, let us pass the Castle-Solomon amendment.

I salute my friend from Delaware and my neighbor from New York for their work on this amendment, and I urge my colleagues to support it.

Mr. DERRICK. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I must respond just a moment to the distinguished minority leader for whom I have a great amount of respect, but I regret that he chose to use the harsh words on the bill that we have proposed today when last year 154 out of 159 Republicans joined in support of the bill, 118 of whom are back this year.

The bill that we have this year is stronger than the one that we had last year, so I would hope we would not categorize that. I would hope that we could keep the debate on the merits of the Solomon bill versus the merits of the Spratt-Stenholm bill and not categorize it.

Because I would choose to use the words of my good friend, the gentleman from New York, what he said about our bill last year:

> For those of you who really believe in line-item veto, we have reached a tremendous compromise here that you can vote for. It should be something that this House can support overwhelmingly.

Now, if the will of the House is not to support your amendment today, I hope those words will be just as good on final passage as they were last year.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me say to my good friend for whom I have the greatest admiration and respect, I really do, but, you know, we did, and I said that last year in the last days of the session, and it was a compromise, because we were ending the session. There was no chance whatsoever we would ever get any kind of a true line-item veto. So it was a compromise.

We are in the beginning of a new Congress now, and we have a chance to send over to the other body a true line-item veto.

☐ 1240

For all freshmen listening out there, you are going to get a second chance if you vote for Solomon-Castle, because we send it over there, it delivers that message that your constituents asked you to come here and deliver to this Congress. Then, if the Senate is sincere, they will pass our true line-item veto. If they are not, they will pass the watered-down version.

If they do that, what happens, Charlie? Then we have got a compromise again. So it comes back to this House, and all of you freshman Democrats will get a second chance next week to pass the watered-down version.

Today vote for Solomon-Castle. You will be doing what you told your constituents you would do.

Mr. DERRICK. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. I thank the gentleman for yielding to me.

Mr. Chairman, I just have to go a little bit further with my good friend from New York [Mr. SOLOMON] because it was not yet the end of the session last year that he made those eloquent words. He made them on July 30, 1992. And the reason he made them then was that we were trying to get something done in time for it to be effective last year.

Now, this is the same position we are in now. If we are going to have this effective and go through the Senate and get it in time to act on this year's appropriation bill, we do not have all this time to act on this year's appropriation bill, we do not have all this time that the gentleman is talking about. We do not have it, no matter how we say it.

We can debate that one on and on, but July 30 was when the statement was made, and it was an excellent statement when the gentleman made it then.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana [Mr. BUYER].

Mr. BUYER. I thank the gentleman for yielding to me.

Mr. Chairman, rather than go on with the great speech that I was going to give today, I actually would like to tap on the tail of the debate which was happening here. It happened not only today but what occurred in the last Congress.

Gentleman, I was not there. I was not there. I am a new Member of the Congress. What I did in pledges to come to this Congress was no different than our President, calling for the line-item veto.

I say to the gentleman from Texas [Mr. STENHOLM] I have respected you as a citizen of this country before I came here to the Congress, and I continue in that respect.

And I agree with the gentleman to focus on the merits here. But I am disappointed that the President is not exercising some leadership in really calling it a true line-item veto, which he has had as Governor and now he wants it as President. I think that is what we want to give him.

Even though the Congress has not shown itself to be the fiscally responsible body that it should be, and it does not make any difference who is in the White House, Republican or Democrat, I want to give that measure to them.

Today is a new day. The gentleman is right. All kinds of arguments and fights happened back then. I looked and saw how many of my Republican colleagues voted for the gentleman's measure in the last session; quite a few. So, let us move forward today.

Mr. CASTLE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN], who has been a real leader in this line-item veto fight for a number of years now.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I am pleased to rise in support of this amendment.

I want to commend Mr. SOLOMON and Mr. CASTLE for their valiant work on this.

A few days ago, I heard a speaker on this floor of the House say that the American people did not want more gridlock—they wanted action.

Well, they do not want the kind of action they are getting from this Congress.

They do not want higher taxes.

They do not want increased spending. They want cuts.

They do not want more pork barrel.

They want change—real change.

Instead, what they are getting is more of the same liberalism that got us in the mess we are in today—over $4 trillion in the hole.

I wish we did not need a balanced budget amendment.

I wish we did not need a line-item veto.

But the fact is that for many years now, the Congress has been unable or unwilling to get spending under control on its own.

Poll after poll has shown that 70 to 80 percent of the American people want the President to have line-item veto power.

And they want him to use it to get rid of wasteful and ridiculous projects.

President Bush endorsed this. Ross Perot endorsed it. President Clinton has, too.

Three years ago I introduced the original Line-Item Veto Act in the 102d Congress.

I did so again this year with H.R. 159.

Senator MCCAIN introduced this same bill in the Senate.

The U.S. Chamber of Commerce endorsed our bill, as did the National Taxpayers Union, and the U.S. Business and Industrial Council.

I am pleased that Mr. SOLOMON and Mr. CASTLE have used the same language in this amendment, which is a simple, 2-year trial instead of permanent authority as in my bill.

This is the line-item veto as it exists and is used effectively in most of the 43 States that have it.

This is not a watered down version.

This is the best line-item veto authority, because it makes it tougher for the Congress to override a cut by the President.

Our country would be booming today if we were not so deeply in debt and losing so much money.

We have got to get spending under control.

This amendment will not do it by itself, but if used properly, it will certainly help.

One of our colleagues on the other side is quoted in the paper today as saying he is voting for the Stenholm-Spratt version because he is not for a real line-item veto. That is what this debate is about, whether we are going to pass a real line-item veto act or some fake, charade version of it. I urge my colleagues to support this amendment.

Mr. DERRICK. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] has 8 minutes remaining, and the gentleman from Delaware [Mr. CASTLE] has 7 minutes remaining.

Mr. CASTLE. Mr. Chairman, I reserve the balance of my time, as we discussed earlier.

The CHAIRMAN. For what reason does the gentleman from Illinois [Mr. MICHEL] rise?

AMENDMENT OFFERED BY MR. MICHEL TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CASTLE

Mr. MICHEL. Mr. Chairman, pursuant to the rule, I offer an amendment to the amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment to the amendment in the nature of a substitute.

The text of the amendment to the amendment in the nature of a substitute is as follows:

Amendment offered by Mr. MICHEL to the amendment in the nature of a substitute offered by Mr. CASTLE:

Page 1, strike line 2 and insert the following: "This title may be cited as the 'Enhanced Rescission/Receipts Act of 1993'.".

Page 1, line 7, after "1995" insert "or veto any targeted tax benefit within any revenue bill".

Page 1, lines 11, 12, and 15, insert "or veto" after "rescission" each place it appears.

Page 1, line 19, insert "or a revenue bill containing a targeted tax benefit" after "1995,".

Page 2, line 4, strike "rescission" and insert "rescission/receipts".

Page 2, line 2, insert "(1)" after "(a)" and after line 10 add the following:

(2) Any provision of law vetoed under this Act as set forth in a special message by the President shall be deemed repealed unless, during the period described in subsection (b), a rescission/receipts disapproval bill restoring that provision is enacted into law.

Page 2, line 8, 12, and 13, strike "rescission" each place it appears and insert "rescission/receipts".

Page 2, line 18, insert "or veto" after "rescission".

Page 2, strike line 22 and all that follows thereafter through page 3, line 2, and insert the following:

(1) The term "rescission/receipts disapproval bill" means a bill or joint resolution which—

(A) only disapproves a rescission a budget authority, in whole, rescinded, or

(B) only disapproves a veto of any provision of law that would decrease receipts,

in a special message transmitted by the President under this Act.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

(3) The term "targeted tax benefit" means any provision which has the practical effect of proving a benefit in the form of a differential treatment to a particular taxpayer or a limited number of taxpayers, whether or not such provision is limited by its terms to a particular taxpayer or a class of taxpayers. Such term does not include any benefit provided to a class of taxpayers distinguished on the basis of general demographic conditions such as income, number of dependents, or marital status.

Page 3, line 4, insert "or vetoes any provision of law" after "authority".

Page 3, line 7, insert "or the provision vetoed" before the semi-colon.

Page 3, line 11, insert "or veto any provision" after "authority".

Page 3, line 14, insert "or veto" before the semicolon.

Page 3, line 16, insert "or veto" after "rescission" each place it appears.

Page 4, strike lines 4 through 6 and insert the following:

(c) REFERRAL OF RESCISSION/RECEIPTS DISAPPROVAL BILLS.—Any rescission/receipts disapproval bill introduced with respect to a special message shall be referred to the appropriate committees of the House of Representatives or the Senate, as the case may be.

Page 4, lines 8 and 10, strike "rescission" each place it appears and insert "rescission/receipts".

Page 5, line 3, strike "rescission" the first time it appears and insert "rescission/receipts".

Page 5, line 4, strike "budget authority" and insert "of budget authority or veto of the provision of law".

Page 5, line 6, strike "rescission" and insert "rescission/receipts".

The CHAIRMAN. The gentleman from Illinois [Mr. MICHEL] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. ROSTENKOWSKI. Mr. Chairman, I am opposed to the amendment to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer my amendment to the real legislative line-item veto proposal offered by my colleagues, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. SOLOMON], which deals only with appropriations. My amendment adds an additional dimension to the debate.

Should the President be allowed to strike special-interest tax provisions from tax bills, in addition to appropriations from appropriation bills?

I believe that the President should be given this additional authority.

I am amazed and obviously very gratified that this issue has gained so much momentum.

I began the drumbeat earlier this year after seeing the number of special-interest tax provisions contained in last year's tax bill, H.R. 11.

That bill was vetoed by President Bush due to the sheer weight that it gained through the legislative process here in the Congress.

As you know, that bill initially was the vehicle for the enterprise zone provisions in response to the Los Angeles riots.

By the time it was on the President's desk, it was a huge bill containing over 50 special-interest provisions.

My understanding is that the cost of the special-interest provisions exceeded the cost of the supposed cornerstone of that bill—the enterprise zone provisions that we all thought was the real reason for our having considered that particular tax bill.

Several weeks ago, during initial consideration of this matter, a group of freshmen Members on the Democratic side of the aisle asked that an amendment be made in order to the base bill that included Presidential authority to repeal tax expenditures.

There was also an effort by members of the Appropriations Committee to give the President such authority.

They, like myself, have been precluded from raising the tax issue in regard to the base bill, H.R. 1578, that we are considering here today and was offered by Mr. SPRATT.

So, unfortunately, we are limited today to debate this issue only in the context of the Republican substitute to H.R. 1578, and not to the base bill itself.

Now, you are going to hear several arguments why you should not vote for my amendment.

You will hear that it is uncertain what I mean by the term "targeted tax benefits."

Well, I can assure you, I know one when I see one, and so do you.

I am talking about special interest tax items, tax pork, tax loopholes, tax carve-outs, Members' projects, special tax exemptions, et cetera, et cetera.

I am talking about tax goodies, the kind of things the insiders get in abundance and the regular taxpayers get it in the neck.

I am talking about a wink and a nod and a nudge and all the other political insider body language that says, "Give me a break because I'm somebody special."

There are big, big bucks associated with these sweetheart tax provisions, believe me. If you agree that the President should not be held hostage to special interests in tax bills, as well as appropriation bills, then support my amendment today.

When we see that whopping big tax bill coming down the pike later this year, you better believe that it is going to be loaded with lots of tax goodies if it is going to get any mileage in either one of the bodies of the Congress.

In order to get the votes to pass it, I can assure you, as I said, that members on the committees, particularly the chairmen, are going to be under immense pressure to do just these kind of things that ought not to be done.

I will agree to sit down with the chairman of the Ways and Means Committee, my good friend, the gentleman from Illinois [Mr. ROSTENKOWSKI] and our staffs to carefully review the tax package that is reported later this year, in order to identify the special interest tax provisions.

My amendment would add some accountability in the tax area, as is provided to the appropriations area in the Castle-Solomon amendment.

The second argument that you will hear against my amendment is that it raises constitutional questions.

Well, when these constitutional questions arose during my testimony before the Government Operations Committee, I contacted a well-regarded constitutional expert, Mr. Bruce Fein, for his opinion on the matter.

I would like to quote from a March 16 letter that I received from him relative to the bill I introduced, H.R. 493, which for all practical purposes is the text of this amendment that I am offering today, and deals with targeted tax provisions. This is what he said:

> The purpose of the President's targeted tax authority is unquestionably legitimate: to assist attacking ballooning budget deficits. The method is plainly adapted to that end: enabling the President to veto only the mischievous portions of a revenue bill that he might otherwise sign because of offsetting attractions. The authority does not usurp legislative power. Congress may override a targeted veto. Further, at any time, it may by legislation rescind the President's targeted veto power. Moreover, insofar as the bill delegates legislative revenue power to the President, it contains sufficient standards to guide the exercise of delegation to pass constitutional muster.
>
> See *Mistretta* v. *U.S.* (1989); *Synar* v. *U.S.*, 626 F. Supp. 1374, affirmed on other ground, 478 U.S. 714 (1986).

Now, on these grounds, I believe that I have a legitimate legal and constitutional basis upon which to offer my amendment.

I would like to reiterate once more that I believe the President of either party should have the option to get at special interest provisions in both appropriations and tax bills.

It is a good management tool, both on the appropriations side and on the tax side. It is not one of those issues, quite frankly, that divides along political lines. I have heard Members in the earlier debate mentioning, conservative Members on my side who have an absolute opposition to a line-item veto, and I respect them for their feelings on that score.

People ask me, "BOB, why would you give up your legislative authority to an all-powerful Chief Executive?"

I will say, "Because we have loused it up here in the Congress. That is why."

If 43 Governors have got this power to use to good advantage, then why should we not give it to the President of the United States? And when Jimmy Carter was President, I said:

> If you don't want to give him authority for a complete line item veto, give him at least authority to reduce items by some arbitrary figure, 10, 15, 50 percent, if you want to hold on jealously to your power.

But it is a management tool to try and save some bucks around here and I am willing to give that to President Clinton, President Carter, as I proposed earlier on, and yes, certainly my own President. I do not want to hamstring any President to the degree that they would not have their kind of ability to use a good management tool that 43 of our Governors are currently using to their advantage.

Quite frankly, if you are for special interests, then vote against my amendment today. If you are for a more complex Tax Code, then vote against my amendment.

Now, if you believe that the President should not be held hostage to special interests, then I say vote for my amendment today. It will make this a better piece of legislation.

My only regret is that under the rule that we debated earlier on, I only get the opportunity to offer our amendment to the amendment. That is the way we get treated sometimes over here on the Republican minority side, as distinguished from being able to offer our amendment both to a base bill and to the Republican substitute. In the old days, we'd have a substitute, and amendments in the second degree. We do not do that anymore around here because the House is no longer a legislative body in the true sense of the word. We get dictated to by the Rules Committee. It is either up or down, an hour for, an hour against. "Let's get out of here and go home."

We have Monday and Friday off, and people wonder, what is this? Oh, we must refine it, call it a District Work Period to justify the absences.

So it is unfortunate that this is what this body has been relegated to, but you still have an opportunity here. I think our arguments are on good sound ground. I would certainly appreciate the support of Members on either side of the aisle who are persuaded that our cause is right.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. OBERSTAR). The gentleman from Illinois [Mr. MICHEL] has consumed 9 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. MICHEL, which would allow the President to rescind tax measures through what is effectively a line-item veto.

On its face, the Michel amendment would appear to be limited to certain so-called targeted tax benefits. However, the amendment is so broadly drafted that it could actually apply to almost any tax provision, small or large, increase or decrease.

The Michel amendment applies, and I quote from the amendment, to "any provision which has the practical effect of providing a benefit * * * to a particular taxpayer or a limited number of taxpayers." There are about 115 million income tax returns filed every year. What is a limited number; 1 million, 10 million, 50 million?

Arguably, almost any tax provision applies to a limited number of taxpayers. For instance, the research and development tax credit applies only to taxpayers with research and development. The home mortgage interest deduction applies only to homeowners. The targeted jobs tax credit benefits only certain employers.

In addition, the proposal is so broad that it might even be interpreted to apply to tax increases, since a tax increase applied to one group of taxpayers might have the "practical effect of providing * * * differential treatment" to some other limited number of taxpayers.

In short, almost any tax provision passed by the Congress could be viewed by the executive branch to be subject to rescission under the Michel amendment. This broad transfer of power to the President has significant implications for the relative powers of the executive and legislative branches under our Constitution and raises serious constitutional questions that should give this House great pause.

The Michel amendment raises serious constitutional questions. The vesting of the power of the purse in the hands of the elected representatives of the people lies at the very heart of representative Government in the Anglo-American tradition. The amendment under consideration today would be a giant step backward from the English Bill of Rights, which in 1689 finally settled centuries of struggle between the Crown and the Parliament by eliminating the Crown's ability to impose taxation and by giving the pursestrings exclusively to the elected representatives of the people.

In the United States, the Constitutional Convention adopted this model.

Article 1 of the Constitution requires that all revenue measures originate in the House of Representatives. However, the Michel amendment would effectively allow the executive branch to originate tax measures by unilaterally rewriting the tax laws that are passed by the Congress.

Moreover, the Michel amendment raises additional constitutional concerns as a delegation of the taxing authority to the executive branch. The first power granted to the Congress, and exclusively to the Congress, in article 1 of the Constitution is the power to lay and collect taxes.

I would point out that in every relevant case to come before it, the Supreme Court has recognized that there are limits of delegation which there is no constitutional authority to transcend. As recently as 1989, the Supreme Court reaffirmed its longstanding principle that the delegation of the Congress' taxing powers violates the constitutional requirement of separation of powers if the Congress does not provide clear standards which would allow a court to determine whether the will of the Congress has been obeyed.

The Court has struck down as unconstitutional the delegation of legislative authority to the President where the Congress established no standard and did not define the circumstances and conditions under which the President could exercise the delegated authority.

Under the Michel amendment, because the President would have complete discretion to pick and choose which so-called targeted tax benefits would be rescinded, there effectively would be no standard, no requirements, and no definition of circumstances and conditions for exercising the delegation of the taxing power. There is serious doubt whether such a delegation of the Congress' taxing powers would pass constitutional muster.

I admit that I do not know the answers to all of the constitutional questions that can be raised, but I do know that before we dramatically shift the balance of power in this area—which is the fundamental power of the people in a democracy—we had better be sure of the answers.

I would also point out, Mr. Chairman, that our Federal tax system, which we relied on to collect over $1 trillion in revenues last year, is almost entirely dependent upon the voluntary compliance of the American people.

Because of this reliance, our tax system must be fair. There is no getting around the fact that one of our greatest responsibilities as Members of the House of Representatives is to ensure that taxpayers of this Nation obtain fair treatment under the tax laws.

The Congress passes legislation after public hearings, markups, floor debate in both bodies, and conference. Through this process, Members from across the Nation, representing all geographic regions and the rich diversity of our society, have the ability to influence the law. It is through this process that every taxpayer can be assured that his or her interests have been heard, and that his or her needs have obtained a response.

Mr. Chairman, the President should execute tax laws that we in the Congress carefully craft. The American people demand, and deserve, fairness in the tax law. This fairness can only come from the careful, painstaking legislative process of House and Senate action—there are no shortcuts to fairness. And without fairness, our system cannot and will not work.

Mr. Chairman, I would also note that the rescission authority provided in this amendment could generate enormous controversy as to whether or not the rescission was valid, and leave the tax law in a state of confusion. The House of Representatives itself would probably end up in court attempting to show why the rescission authority does, or does not, apply in a particular instance.

In summary, Mr. Chairman, the implications of this amendment are far reaching and disturbing. I urge my colleagues in the strongest possible terms to reject the Michel amendment.

□ 1300

Mr. Chairman, I reserve the balance of my time.

Mr. MICHEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I rise in strong support of the Michel amendment, which, along with the Castle-Solomon amendment, would make this a true line-item veto.

Make no mistake, the Democrat leadership rescission bill is nothing more than political cover.

It is not a line-item veto. In fact, many Members on record as opposing a line-item veto will support this expedited rescission.

During the campaign, President Clinton did not ask for an expedited rescission, he asked for a line-item veto.

I dare say that many in this Congress also made the same commitments.

The American people know that this Congress has lacked fiscal discipline, and they do not trust this particular fox to watch the chicken coop.

Eighty percent of the American people want a line-item veto. It is time to represent their needs over the special interests who benefit from this pork barrel spending.

Support a true line-item veto. Support the Michel amendment and the Castle-Solomon amendment.

Mr. MICHEL. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I have already expressed my support for the Castle-Solomon amendment as a meaningful substitute to the weaker Spratt-Stenholm compromise. I also support Mr. MICHEL'S amendment to the Castle-Solomon substitute which adds authority for the President to repeal targeted tax benefits contained in revenue bills.

I agree with the minority leader that it is important that the President be able to single out both excessive and unnecessary spending, and special sweetheart tax provisions for an individual vote. Often such provisions are buried in large bills and Members may not even be aware of each of these individual provisions when they vote on an omnibus bill. The American people hear of these special tax give-aways only after they take effect and they are outraged at the arrogance of Congress to give special deals to special friends. A meaningful way to strike these provisions from omnibus tax bills is one way for the Government to reclaim the respect of the American people.

This authority coupled with the greater authority in the Castle-Solomon alternative would provide the President with real power, not artificial power, not weak power, real power to curb unnecessary spending and wasteful, targeted tax expenditures. This is the type of power being called for daily by the American people, and I urge its adoption.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise today to commend the respected minority leader for raising an important issue in the larger line-item veto debate, but to urge caution in taking this step prematurely.

Line-item veto authority has been debated for many, many years—long enough, as was mentioned on the floor yesterday, for the American people to have a grasp of what it is all about. The issues of balance of power, constitutionality, procedures for rescissions, and so forth have long been in the marketplace of ideas and debate.

On the other hand, only very recently have the ideas of tax expenditures and contract authority been added to this debate. I believe that these two issues, tax expenditures and contract authority, very rightfully belong in the rescission debate. I am very eager to explore these concepts personally. I want to hear others with greater constitutional and institutional expertise than I debate the nuances of including tax expenditures and contract authority in rescission authority.

For example, Mr. Chairman, some have expressed to me a concern that this amendment, the Michel amendment, might actually make it easy for a President to raise taxes, not to cut, but to raise, and I think that bothers a lot of people around this country. It may or may not do so. The point is we have not had the hearings, we have not had the looking into this particular question to the degree that we need to.

In fact, Mr. Chairman, I personally am considering legislation embodying these two concepts and would like to get it referred to the appropriate committees, the Committee on Government Operations and the Committee on Ways and Means, to look at the concept. I think it is highly possible that 2 years from now, when we consider renewing the contract on this legislation, assuming we pass something today, I will be prepared to vote for revisions of this sort.

At this point, however, I do not believe the debate has matured to the point where we should be attaching these unexplored ideas to legislation which is likely to be signed into law.

Therefore, Mr. Chairman, I oppose this amendment today on its merits. It needs much more thoughtful study, both to the amendment before us, as well as to the amendment, the modified line-item veto, which we hope passes later today.

PARLIAMENTARY INQUIRY

Mr. MICHEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The gentleman will state it.

Mr. MICHEL. Mr. Chairman, do I have the right to close on my side being the author of my amendment?

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. MICHEL], the author of the amendment, has the right to close.

Mr. MICHEL. And we only have 3 minutes remaining, I believe.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. MICHEL] has 4 minutes remaining. The gentleman from Illinois [Mr. ROSTENKOWSKI] has 5 minutes remaining.

Mr. MICHEL. Mr. Chairman, I yield myself such time as I may consume to respond quickly because our amendment is drafted finitely enough to foreclose any kind of opportunity for the President under my amendment to raise taxes. The gentleman from Illinois [Mr. ROSTENKOWSKI] is so right. Under the Constitution that is a prerogative of the House. I understand that, I respect that, and in no way would I want to abridge that kind of constitutional right of the House of Representatives. My amendment is narrowly defined to simply give the President an opportunity to cut back on what he would consider, trinkets in a tax bill.

□ 1310

So with that, Mr. Chairman, I will withhold until the remaining time is used on the other side, and I will then yield the balance of whatever time we have left after the last speaker to the gentleman from Louisiana [Mr. LIVINGSTON].

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The gentleman from Illinois [Mr. MICHEL] reserves 3½ minutes.

Mrs. KENNELLY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MATSUI].

Mr. MATSUI. Mr. Chairman, I thank the gentlewoman very much for yielding this time to me.

Mr. Chairman, I know what the gentleman's intent is with this amendment. His intent is to try to eliminate rifle shots.

Perhaps if there is a provision for a particular company or a particular individual, he would want to give the President authority to take that away by rescission power. Unfortunately, I believe the gentleman's proposal is a little too broad, significantly too broad. It is almost as if you were using a sledgehammer to go after a gnat. I understand what he is trying to do, but I believe the gentleman from Illinois [Mr. ROSTENKOWSKI] and others who have spoken on the floor on this issue realize that it would affect R&D credits and the home mortgage interest deduction. It would also affect the earned income credit, which is a credit for lower and middle income people which we are going to be developing in this tax legislation.

And contrary to what the gentleman from Illinois [Mr. MICHEL] has indicated, it could have the practical effect, depending on the interpretation, of resulting in a tax increase. For example, if you do something with respect to stock insurance companies that would then provide a differential treatment for a limited class of taxpayers which in turn could have an impact on mutual fund taxpayers, it thereby would give the President the authority, if one would read the clear language of this legislation, to increase taxes on those who had mutual funds.

So this is a very, very dangerous amendment. I understand the gentleman's intent. At the same time, the reality of this will really raise some havoc. In addition to this, as many people know, in the Tax Code we try to have balance so that all income tax groups have a certain balance in terms of what they might pay. Unfortunately, this proposal could create havoc and imbalance in the Tax Code.

So, Mr. Chairman, I urge opposition to the Michel amendment.

Mrs. KENNELLY. Mr. Chairman, I yield myself the balance of the time remaining on this side.

The CHAIRMAN pro tempore. The gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 3 minutes.

Mrs. KENNELLY. Mr. Chairman, I am very much opposed to the Michel amendment. I do no believe that the idea of including tax provisions in the proposed rescission process is a well-conceived idea, and ought to be rejected by this House.

Almost any tax provision could be argued to be a targeted tax benefit in that it can apply only to a limited number of taxpayers. Not all taxpayers will be in the position to use the investment tax credit, for example, that President Clinton wants to use to promote economic investment.

Take the Mortgage Revenue Bond Program as another example. There were 401 Members of this House who cosponsored legislation to extend this critical program last year. Yet this amendment would allow the MRB program to be rescinded because it is limited to first time home buyers. There are 115 million taxpayers in the United States, yet the MRB program only helped 120,000 families last year.

The research and development tax credit would apply only to taxpayers who do R&D, and only to those who do it within the eligibility definitions contained in the bill. Others would not get the benefit, so that is a limited number of taxpayers.

The Ways and Means Committee often carefully balances a tax bill based on distributional considerations, trying to protect the poor and middle class from the affects of the bill as much as possible. The earned income tax credit for the working poor is an example, and to the extent that could be dropped through this process it would dramatically disturb the balance of the bill.

In addition, the committee sometimes tries to simplify the Tax Code for taxpayers through rewriting a whole section of the code. Since there are usually some taxpayers in every conceivable tax situation, there are inevitably winners and losers under a provision whose primary goal is simplification. Does this mean that a revenue neutral provision could be rescinded because it contains a tax expenditure for the winners? Or does it mean that the provision could be rescinded only to the extent that it applies to the winners?

I believe the only thing you will get by passage of this amendment is increased taxpayer dissatisfaction with Government. When we are contemplating tax policy changes, the Ways and Means Committee establishes an effective date so that all taxpayers will have notice and are not caught in the middle of a transaction. To the extent these dates can be deleted or changed as a result of this amendment before us, you are going to see an exponential increase in litigation as taxpayers argue about whether transactions are governed by old law or new law. The Tax Court is backed up enough with cases, this serves no purpose. I urge my colleagues to oppose the Michel amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. MICHEL. Mr. Chairman, I yield the balance of my time to the gentleman from Louisiana [Mr. LIVINGSTON] to close debate on the amendment.

The CHAIRMAN pro tempore. The gentleman from Louisiana is recognized for 3½ minutes to close debate on the amendment.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I also regret that we cannot evaluate this very important amendment as a free-standing amendment to the base bill, but I do rise in strong support of the Michel amendment to provide the President with the authority to strike—and I stress the word "strike"—targeted tax benefits from revenue bills. It does not need study. It just makes plain sense.

Mr. Chairman, the press and numerous congressional watchdogs inside and outside this institution criticize the pork-barrel spending contained in the 13 appropriations bill. But attention is rarely focused on the hundreds of special interest tax breaks for favored constituents or industries often written into annual reconciliation or tax bills that we pass every year.

These targeted tax breaks cost the Treasury millions of dollars every year and they largely escape the scrutiny of Members and groups who monitor Government waste. For example, the infamous 1990 Budget Enforcement Act provided special tax treatment for taxicabs, insurance companies doing business abroad, cigar manufacturers, a small winery, a small brewery, ethanol producers, and crop dusters. Members of the tax committees tuck these special interest provisions into hundred-page reconciliation bills that are rushed to the floor without adequate review. The lost revenue from the targeted tax exemptions and loopholes must be restored by increasing the taxes of those who do not have a friend on the tax-writing committees.

As a member of the Appropriations Committee, I want to dispel the myth that our committee is the sole refuge for pork-barrel spending and the main scapegoat for the deficit. Only 35 percent of the total Federal budget is made up of discretionary spending subject to the annual appropriations process. The remainder of the budget is mandatory spending, entitlement, or appropriated entitlement that cannot be easily adjusted without changing the authorizing legislation.

If the Appropriations Committee is going to come under the scrutiny of the line-item veto, it is only fair to provide this very same degree of scrutiny to the tax committees. In fact, all taxing and spending activities of Congress should share in the procedural reform to reduce the deficit. Let us attack the deficit by checking the special interests in appropriations and in revenue bills. I strongly urge my colleagues to support the Michel amendment, in conjunction with Castle-Solomon, to veto special interest tax provisions.

The CHAIRMAN pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] has not consumed all his time.

Does the gentleman from Illinois [Mr. MICHEL] yield back the balance of his time?

Mr. MICHEL. I do, Mr. Chairman.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. MICHEL] to the amendment in the nature of a substitute offered by the gentleman from Delaware [Mr. CASTLE].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. KENNELLY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 157, not voting 22, as follows:

[Roll No. 145]

AYES—257

Allard
Andrews (NJ)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Beilenson
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Byrne
Callahan
Camp
Canady
Cantwell
Carr
Castle
Chapman
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Deal
DeFazio
DeLay
Derrick
Deutsch
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards (TX)
Emerson
English (OK)
Everett
Ewing
Fawell
Fingerhut
Fish
Ford (TN)
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Glickman
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hefley
Herger
Hinchey
Hoagland
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, Sam
Johnston
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
LaFalce
Lambert
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Long
Machtley
Mann
Manzullo
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McHugh
McInnis
McKeon
McMillan
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murphy
Myers
Nadler
Neal (NC)
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Poshard
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Richardson
Ridge
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Rowland
Royce
Sabo
Santorum
Saxton
Schaefer
Schenk
Schiff
Schroeder
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Shuster
Skeen
Skelton
Slattery
Smith (IA)
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Stupak
Sundquist
Swett
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Williams
Wilson
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—157

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Barlow
Bevill
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeLauro
Dingell
Dixon
Durbin
Edwards (CA)
Engel
English (AZ)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Flake
Ford (MI)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Hall (OH)
Hamburg
Hastings
Hayes
Hefner
Hilliard
Hochbrueckner
Holden
Hoyer
Inslee
Jacobs
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
Lancaster
Levin
Lewis (GA)
Lipinski
Lloyd
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
McHale
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Murtha
Natcher
Neal (MA)
Norton (DC)
Oberstar
Olver
Owens
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Pickett
Pickle
Price (NC)
Rahall
Rangel
Reed
Reynolds
Romero-Barcelo (PR)
Rostenkowski
Rush
Sanders
Sangmeister
Sarpalius
Sawyer
Scott
Sisisky
Skaggs
Slaughter
Spratt
Stenholm
Stokes
Strickland
Studds
Swift
Synar
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Wise
Woolsey
Wyden
Wynn

NOT VOTING—22

Barton
Becerra
Berman
Calvert
de Lugo (VI)
Dellums
Faleomavaega (AS)
Fields (TX)
Foglietta
Henry
Kennedy
McDermott
Ortiz
Pelosi
Quillen
Roybal-Allard
Serrano
Stark
Torres
Towns
Washington
Wheat

□ 1340

The Clerk announced the following pair:

On this vote:

Mr. Calvert for, with Mr. Dellums against.

Mr. STRICKLAND changed his vote from "aye" to "no."

Mrs. ROUKEMA, Mr. JOHNSON of South Dakota, Messrs. DEUTSCH, MCCURDY, LAROCCO, RICHARDSON, ENGLISH of Oklahoma, and NADLER, Ms. SCHENK, Mr. GUTIERREZ, Mr. KLEIN, Ms. SHEPHERD, Mr. SCHUMER, and Mr. POMEROY changed their vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MCDERMOTT. Mr. Chairman, during rollcall vote No. 145 on the Michel amendment to the Castle amendment I was unavoidably detained. Had I been present I would have voted "no".

The CHAIRMAN pro tempore (Mr. DE LA GARZA). The gentleman from Delaware [Mr. CASTLE] has 7 minutes remaining, and the gentleman from South Carolina [Mr. DERRICK] has 8 minutes remaining.

The Chair will recognize Members on either side of the aisle, alternating. The gentleman from South Carolina [Mr. DERRICK], the author of the bill, has the right to close.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, I want to first thank Members for the unanimous vote on this side in support of my amendment, but also the 87 Democrats on the other side who also felt, as we did, that we had an amendment worthy of support. It says something about the sentiment in this body with respect to the concept of my amendment, applying the line item veto to tax bills in addition to appropriation bills.

The other point I have to make, that the point is not lost, how this side can get rather rude, blued, and scratooed by the rules in effect by making my amendment applicable only to Castle-Solomon, as distinguished from making it applicable to both bills.

I think we can gauge the sentiment around here of what will ultimately happen, but just to point out, to underscore the point, it is kind of like what happened over in the other body a week or so ago when Senator BYRD said, "You can have this amendment, you can have that amendment, because I know in the end I am going to sweep you all off the board."

That is probably exactly what is going to happen today. But this is just a reminder, particularly for those of the Democrats who supported this. I hope we can get this House to change enough to open up the rules to give us all an opportunity from time to time to make our case and get an up or down vote, because that truly, then, reflects the will of this House.

While for the moment we savor the victory, we know full well what may happen in the end, but it is an argument for certainly supporting Castle and Solomon. If the Members like what they just did, it will only be incorporated in their amendment, and I would urge the Members to vote for that amendment when it comes up.

Mr. DERRICK. Mr. Chairman, I yield such time as he may consume to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in opposition to the amendment and in support of the general bill.

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, as a member of the Committee on Appropriations I have to tell the Members this is probably one of the most difficult votes that I have been asked to cast here. I am from a committee that has a lot of pride in the work product that we put out on an annual basis. Since 1945 our committee has actually appropriated $200 billion less than we have been asked to spend by various Presidents.

When we look at the process of using the line item veto or the blue pencil, as the rescission process currently in place, we see that our committee has consistently exceeded those requirements made by Presidents on us. In other words, we have given back to Presidents more dollars than they have requested of us in the rescission process. The taxpayer has been well served.

I am not one who is convinced, that by enhanced rescission, we are going to do anything about deficits. I think all of us have to own up to the fact that they are truly growing in the entitlement section of our budget, not in the line item portion, which today, for domestic discretionary spending, is down to 16 percent of the total budget.

Having said that, I stand here in support of this effort, in opposition to the amendments, but in support of the efforts that the gentleman from South Carolina [Mr. SPRATT], the gentleman from Texas [Mr. STENHOLM], and others have brought before us.

We have a perception problem we have to deal with, and what better way to deal with it than incrementally, truly in a conservative way, by allowing an experiment to see whether or not we can find ways to restore public confidence in an institution that they believe is out of control.

There is a belief that pork barrel spending goes on here. I think it is perceived to be far greater than it is in real terms. It has probably been pointed out several times today that the so-called Lawrence Welk Home in North Dakota was an authorized project, not one perpetrated on this body or the other body by the appropriators.

I do think we have to step forward and meet public concern halfway, and that is what we are doing here. We are doing it in a way that protects the essence of the relationship between the executive and legislative branches.

It is worth giving it a try, because we cannot continue simply to recite the facts to ourselves and assume the public understands.

I want to congratulate the members of our committee who have worked to find common ground here. We will have an opportunity to provide an alternative approach, as long as it is written to cut at least as much money as is proposed to be eliminated by the executive branch.

□ 1350

I want to say to Members who believe this is the panacea, that this is the solution, I hope you are not going to be disappointed when we come up with a relatively small amount of money on an annual basis. But if we can make this experiment work and we can find the courage to extend it another term or two, we may begin the process of restoring public confidence in the institution in a way that will give us an opportunity to continue to provide leadership in areas of new investment where the Government of this country has run other kinds of deficits, human deficits, for example. If we do not have the courage to change periodically and accommodate the reality of what the world thinks of us, what the American people, our constituents, think of us, we are going to continue down a road that will not build confidence and will, in fact, further undermine our image, which is at an all-time low—and we all understand that—across this land.

So I say that as an appropriator who does believe we on our committee have done our job, that it is an appropriate thing today to vote "aye" on this bill, unamended, without the encumbrance of a two-thirds vote, which will only return gridlock to this institution. Defeat the efforts to bring an end to majority rule but give change a chance for the good of this institution.

Mr. Chairman, I rise in support of H.R. 1578, the Expedited Rescissions Act. This bill is by no means the answer to our deficit reduction problems. But it does give us the chance to examine and test our current spending process, as we try to reduce Government spending.

On February 17, President Clinton revealed his plan for economic recovery to the American people and to Congress. In it, he outlined a 5-year program for economic stimulation, investment, and renewal—a new strategy of long-term investment that nets us a return on our money, as we move toward economic growth. Since that evening when the President presented us with his bold blueprint for healing and revitalizing our ailing economy, I have received hundreds of letters from constituents expressing their views about his plan for the country. One opinion that is echoed by people all over the Third Congressional District, from Rio Vista to Red Bluff, is that before Congress considers any plan to increase spending and revenues we must attack Government spending.

In response to these concerns, both Houses of Congress recently passed budget resolutions for the upcoming fiscal year—resolutions that include an additional $63 billion in cuts over and beyond those proposed by the President in his budget. Today, we are given another opportunity to tackle both the budget and the deficit when we vote on H.R. 1578, which will give the President the authority to highlight and eliminate unnecessary spending. I would therefore like to take this opportunity to commend Chairman DERRICK of the Legislative Process Subcommittee of the House Rules Committee, as well as the committee members and staff, for their efforts in bringing this bill to the floor.

Most of the money that the Government spends is mandatory, or required, spending. The bulk of these dollars is paid out in the form of benefits for entitlement programs, such as Social Security, Medicare, and Medicaid. This required spending has been growing at an average rate of 6.6 percent each year, and in 1992, it accounted for 62 percent of our total Federal expenses.

Our key domestic, international, and defense programs are also supported by the discretionary dollars in the budget. We have more direct control over these discretionary dollars because they fall under the jurisdiction of the annual appropriations—or spending—process here in Congress. This discretionary spending is also an area where Congress has historically approved less than requested by the President. Since 1945, Congress has approved a total of $200 billion less than our Presidents have requested.

But discretionary spending only represents a relatively small portion of the overall budget. For example, in 1992, discretionary spending accounted for 38 percent of total Federal spending. Over half of this total was used to finance defense programs, and only 16 percent supported domestic needs.

One way that we can begin to reduce spending is by focusing on the discretionary dollars in our appropriations—or spending—bills. If H.R. 1578, the Expedited Rescissions Act, becomes law, the President will be able to identify and eliminate items in this discretionary portion of the budget because, although discretionary spending does not represent most of our Federal spending, it does represent the area of the budget where we can immediately begin to make cuts. H.R. 1578 would enable the President to eliminate certain programs without having to veto an entire appropriations bill, and it would not affect spending for entitlement programs.

As a result of H.R. 1578, we would be able to spotlight narrow interest spending and make it difficult for these items to be camouflaged in large, omnibus spending bills. If Congress thought that one of the President's decisions was unreasonable, it would have the right to vote on the decision, and if a majority disagreed with the President, Congress could overturn his decision. This majority vote by Congress would insure that the democratic process remained intact, and that Government operated effectively and without gridlock. It would also mean that Congress and the President would share responsibility for these decisions, instead of playing the "blame game" when the time came to be accountable for them.

No doubt you remember the California State budget crisis last summer when the State legislature and Governor were held hostage because a two-thirds majority was needed to approve budget changes made by the Governor. This created gridlock. By example alone, this represents the need for a majority, not two-thirds, overrule of the President's ability to change Congress' spending priorities. President Clinton was elected to bring an end to the gridlock that has plagued the Government for the past 10 years. For this reason, I support giving Congress an opportunity to overturn the President's decision by majority alone.

Although this bill represents an important step we can take to eliminate wasteful spending, it is certainly not the panacea for the growing deficit or our economic crisis. It is not the perfect solution. For example, H.R. 1578 transfers power from Congress to the President. It decreases the most important power that Congress possesses—the power of the purse—and could result in just substituting Presidential spending priorities for congressional ones.

Additionally, if we wanted to achieve greater savings, we could extend this increase in Presidential purse power to all spending and revenue bills, thereby including special interest provisions in tax bills, as well. This would enable tne President to more closely review such measures and distinguish spending that is designed to benefit just a few, from investment that will benefit the greater public good. Close scrutiny of such provisions would start us on our way toward the deficit reduction that the American people have set as a goal. In 1992 alone, overall Federal tax expenditures were estimated at $375 billion.

Regardless, I support H.R. 1578 as a first step toward getting our spending practices under control. The problem is not going to go away, and we need to face the challenge that is before us now. The provisions of H.R. 1578 will be in effect for 2 years, long enough for us to test this change in our process. This trial run will enable us to see if giving the President more control over Congress' purse power does, indeed, result in decreased Government spending.

President Clinton knows that the expenses of our Federal Government are far too great. He has already asked us to make sizable reductions in Federal spending in order to pave the way for real economic growth. We here in Congress have an opportunity to lay the foundation for such growth by supporting this bill. If we are serious about bringing responsibility and fairness to the budget process, now is the time to start looking at effective ways to highlight and eliminate unnecessary spending. The time has come to test expedited rescissions.

Mr. CASTLE. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. SOLOMON], who has made such an impassioned plea for the line-item veto.

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for yielding. Let me heap praise on the gentleman from Delaware [Mr. CASTLE], the gentleman from Massachusetts [Mr. BLUTE], and the gentleman from New York [Mr. QUINN], for being the Republican freshmen that have shepherded this substitute to the floor.

Mr. Chairman, let me echo the remarks of my good friend and leader, the gentleman from Illinois [Mr. MICHEL], for what he had to say. The vote of 257 votes for his amendment I think is indicative of what is happening in the Committee on Rules.

Mr. Chairman, the American people are beginning to realize just how unfair Members of this House on both sides of the aisle are treated. I have here literally dozens and dozens of letters from every State in the Union which are becoming concerned about it. Think about that.

Mr. Chairman, let me say, particularly to the new Members on both sides of the aisle, article I of section 7 of the Constitution states that when a President vetoes a bill, it requires two-thirds vote to override him. Therefore, it stands to reason that when a President vetoes a line-item, it ought to require a two-thirds vote to override him.

Castle-Solomon does just that; the bill does not, and the sponsors admit it. My good friend, the gentleman from Texas [Mr. STENHOLM]—and I have great respect for him—says that.

Mr. Chairman, if you believe in true line-item veto, vote for Castle-Solomon. Many Democrats are claiming that they have to vote for the watered down version because it is the only chance they have of getting the bill passed, and that is the only vote they will get.

Mr. Chairman, that just is not so. If one votes for Solomon-Castle, the true line-item veto, and it passes, it goes over to the other body, and that sends the toughest possible message one can send, that you believe in the line-item veto.

What happens then? If the Senate is sincere and if they are going to live up to some of the commitments that the gentleman from Texas [Mr. STENHOLM] got from the other body, they will pass the true line-item veto. But if they decide not to, they will live up to their bargain, if there is a bargain, and they will pass the watered down version. That means it will come back to this body for another vote.

Mr. Chairman, that is why Members should vote for Castle-Solomon now, because they are guaranteeing a chance for a real line-item veto, and at the very least a final vote on the watered down version. That puts pressure on the other body from the American people.

Mr. Chairman, if Members do not vote for this, 2 years from now almost all Democrats will have voted to add, and here it is right out of the Clinton budget, almost every single Democrat, including every freshman, will have voted to add another $600 billion-plus to the national debt.

Mr. Chairman, let me tell Members what happens about a month before the next elections. The National Taxpayers Union will put out a flyer, and this will be the flyer. It is labeled "The Biggest Spenders in the Congress." Most every one of your names are going to be on it.

Mr. Chairman, I would say to my friends, no one will be there to bail you out. You will be standing there all by yourself with whoever your opponent is waving these "Biggest Spenders in the Congress." That is going to be you, and you cannot alibi out of it.

Mr. Chairman, that is why Members ought to be voting for the Solomon-Castle amendment. Send it over to the Senate; live up to your campaign promises; and you will have done everything you could to get a true line-item veto that you believe in. If you cannot get it, the bill comes back here and even I would then vote for the watered down version, because we have done then everything that we can do.

Mr. Chairman, that is why Members need to vote for Solomon-Castle right now. Stand up and do it. You will be glad you did.

Members, article 1, section 7 of the Constitution states that when a President vetoes a bill, it requires a two-thirds vote to override him. Therefore it stands to reason that when a President vetoes line item, it ought to require a two-thirds vote to override him.

Castle-Solomon does that. The bill does not. And the sponsors admit it. Therefore it's clear if you believe in true line-item vote for Castle-Solomon.

Mr. Chairman, many of your Democrats are claiming they have to vote for the watered down version because it has the only chance of passing the other body and that this is the only vote they will get. Well that is not so.

If you vote for Solomon-Castle true line-item veto and it passes, it goes to the Senate and sends the message you compromised on.

If the Senate is sincere, they will either pass the true line-item veto or pass the watered down version and send it back to us for another vote.

And that is why you should vote Castle-Solomon now, because you are guaranteeing a chance for real line-item veto and at the very least a final opportunity to vote for the watered down version. Members vote Castle-Solomon and give the American people the chance to really pressure the other body.

If you don't, 2 years from now almost all of you Democrats will have voted to add another $600 billion to the national debt.

And about a month before your elections—the National Taxpayers Union will publish a list entitled Biggest Spenders who caused that unconscionable debt increase. And my friends, no one will be there to bail you out. You'll be standing all by yourself with your opponent waving your name as one of the biggest spenders in Congress.

If you're smart you'll vote for the Solomon-Castle true line-item veto. Right now. And if the Senate won't go for it, and pass the watered down version, then vote for the watered down version and at least say you tried to live up to your campaign promises.

Finally, Mr. Chairman, I want to commend our outstanding Republican freshman class for taking a leadership role on this important issue so early in their first term.

To me it is an encouraging sign that the times truly are changing and that the people are getting dedicated public servants who want to work in their best interests.

I especially commend the freshman leaders—Mr. CASTLE of Delaware, Mr. QUINN of New York, and Mr. BLUTE of Massachusetts for bringing this issue to the Rules Committee and to the floor of the House.

I hope our efforts will succeed, but if we don't, you can bet we will be back again and again and again until the will of the American people is carried out. I thank the gentleman for yielding me this time.

Mr. CASTLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, not many years ago the budgets of most of our State governments were as likely to be out of balance as the Federal budget. There are 51 State and Federal budgets in America; 50 of them have balanced budgets. That is, revenues and expenditures equal each other every year. Forty-nine of these governments have balanced budgets. Forty-three have line-item veto authority for their executives.

The Federal Government stands out; its budget is not balanced. It has no balanced budget amendment and no line-item veto authority. Only the Federal Government has not given itself the tools to attack its deficit.

It was stated last night and early today that the States and the Federal Government are different, and that point is well-taken. They are different because the States balance their budgets, and the Federal Government does not.

Mr. Chairman, today we can start to change our budget problem. We debated the line-item veto for 2 hours last night and an hour and a half today. A vast majority of the speakers affirmed support for the concept of the line-item veto.

The dispute today is over how strong this authority should be. What is undisputed is that the Castle-Solomon amendment is the strongest line-item veto proposal. I think the gentleman from Texas [Mr. STENHOLM] said it very well last night: If you believe in the strongest line-item veto, vote for Castle-Solomon; if you believe in a modified approach, vote for Spratt-Stenholm; if you do not believe in either, then just vote "no."

Mr. Chairman, I agree. Let us take action and do the right thing. Vote for the true line-item veto. Vote for the Castle-Solomon substitute.

Mr. DERRICK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Spratt-Stenholm bill, you can call it a line-item veto, you can call it what you like, but it is as close as we have ever come to having accountability in this body. Not only here, but up at 1600 Pennsylvania Avenue.

Mr. Chairman, as I said last night, there are only two ways to balance the budget: You spend less or take in more. You can devise all the gimmicks you want, call them balanced budget amendments, line-tem veto, Gramm-Rudman-Hollings, whatever you like, but you are going to balance the budget by either spending less or taking in more.

□ 1400

Now, what the Castle-Solomon amendment wants you to do is relinquish your responsibility, that responsibility that the people who elected you have given you. What the Castle-Solomon amendment would do is allow you to relinquish that responsibility, to a large degree, to the President.

The Constitution gives us the responsibility, but Castle-Solomon would give it to the President with a one-third-plus-one minority. What you would be saying to your constituents back home is, "You might have thought when you elected me that I had what it took to vote 'no' on some expenditures, but you were wrong. You were wrong. I do not want that responsibility, because I cannot handle it. I am going to vote for Mr. SOLOMON's amendment, and we are going to give that responsibility to the President of the United States."

Now, if you want to go home and say to your constituents, "You elected me to deal with this problem, and I am going to deal with it," then you vote for Stenholm, because what Stenholm is about is accountability of this body and accountability down at 1600 Pennsylvania Avenue.

I do not want to have to send out fliers, as the gentleman from New York [Mr. SOLOMON] has suggested, right before the election telling your constituents that you did not have what it took. No, sir, you voted the easy way out; you voted for Solomon, and are no longer accountable.

Vote for Stenholm. Vote against Castle-Solomon.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DE LA GARZA). All time has expired.

The question is on the amendment in the nature of a substitute, offered by the gentleman from Delaware [Mr. CASTLE], as amended.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CASTLE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 219, not voting 20, as follows:

[Roll No. 146]

AYES—198

Allard
Andrews (NJ)
Archer
Armey
Bacchus (FL)
Bachus (AL)
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Bentley
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Cantwell
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fingerhut
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gibbons

Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Lehman
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Mann
Manzullo
McCandless
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
Meehan
Meyers
Mica
Michel
Miller (FL)
Minge

Molinari
Moorhead
Morella
Murphy
Myers
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Penny
Peterson (MN)
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Santorum
Saxton
Schaefer
Schenk
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Swett
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—219

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Applegate
Barlow
Beilenson
Bevill
Bishop
Blackwell
Boehlert

Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne

Cardin
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers

Costello
Coyne
Cramer
Danner
Darden
de la Garza
DeFazio
DeLauro
Derrick
Dicks
Dingell
Dixon
Dornan
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Flake
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee

Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel

Reed
Reynolds
Richardson
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schroeder
Schumer
Scott
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swift
Synar
Tanner
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—20

Barton
Becerra
Berman
Calvert
de Lugo (VI)
Dellums
Faleomavaega (AS)

Fields (TX)
Foglietta
Henry
Kennedy
McMillan
Ortiz
Quillen
Roybal-Allard

Serrano
Torres
Towns
Washington
Wheat

☐ 1421

The Clerk announced the following pair:

On this vote:

Mr. Calvert for, with Mr. Dellums against.

Mr. MOAKLEY and Mr. SLATTERY changed their vote from "aye" to "no."

Mr. PENNY changed his vote from "no" to "aye."

So the amendment in the nature of a substitute, as amended, was rejected.

The result of the vote was announced as above recorded.

Mr. HOKE. Mr. Chairman, we have two complex proposals before us today, and I have no doubt that the Castle-Solomon alternative makes it more difficult for Congress to spend money on wasteful programs. I therefore prefer this clear and airtight legislation, and I strongly urge my colleagues to pass it.

But this occasion is a unique moment to the House—we have two versions of a bill proposed by the two different parties upholding the same general concept and both making improvements to current law. I ask my colleagues to consider carefully this time and their votes—rarely does the House have an opportunity to drain the partisan poison from its debates, but we could do so now.

The Spratt-Stenholm bill has some fatal flaws, yet it would move this body perhaps an inch closer to fiscal accountability. It improves the existing process by requiring House and Senate votes on a Presidential rescission package and giving Congress only 20 rather than 45 legislative days to dispose of the matter. I will therefore vote for this measure if it is the only one standing at the end of the day.

I regret, however, that we do not have the opportunity to consider H.R. 1578 under an open rule. This bill leaves huge parliamentary gaps into which we could still pour funds proposed for rescission. The legislative language of the majority's proposal, for example, remains silent on what happens to rescissions if Congress takes no action after the 20 legislative days. Proponents of Spratt-Stenholm contend that the money remains impounded indefinitely; opponents make the charge that it would have to reenter the budget.

A simple amendment to the bill could have settled this glaring open question. I also have difficulty with those provisions of H.R. 1578 that allow the Appropriations Committee to present a rival package of rescissions and permit a simple majority of either House to block the President's recommendations. The Castle-Solomon bill, on the other hand, would give Congress 20 days to pass a formal resolution of disapproval of a Presidential rescission package if the spending cuts were really distasteful to us. If we failed to take this action, the rescissions would automatically go into effect.

Castle-Solomon, therefore, has the ironic effect of converting gridlock and inaction into real budget cuts.

But the politics that have been driving enhanced rescission forward to this point are neither Republican nor Democrat—it's reform politics. And while this spirit is in the air of our Chamber, we should not sacrifice it at the altar of partisanship.

I will vote in support of both plans, Mr. Chairman, because we should go home tonight only after making it easier for the President to cut unnecessary Federal spending. Support the final passage of a bill later today that will engrave this principle into law.

Mr. CONYERS. Mr. Chairman, today the House considers H.R. 1578, legislation to provide expedited rescission authority for the President, a matter under the jurisdiction of the Committee on Government Operations.

In March, the Government Operations Legislation Subcommittee held a wide ranging hearing on this subject with witnesses from the administration, the distinguished minority leader BOB MICHEL and other interested Members, the Congressional Budget Office, the General Accounting Office and academia. We received the testimony of our former colleague, OMB Director Leon Panetta who repeated President Clinton's call for the adoption of expedited rescission authority.

Since the hearing, the Committee on Government Operations and Congressman JOHN SPRATT have worked diligently with the administration and OMB Director Panetta, the majority leader and other committed Members of Congress.

All of us are committed to eliminating wasteful and unproductive spending. The Committee on Government Operations has vigorously exercised its oversight function, holding a series of hearings to address fraud, waste, and other abuses throughout the Federal Government. Last year, the committee issued a report identifying over $300 billion in Government mismanagement and waste, along with recommendations for improvement, many of which were incorporated into the President's budget.

Historically, one tool to cut wasteful Federal spending has been rescission authority. Since the adoption of the Impoundment Control Act of 1974, Congress has rescinded over $86 billion in unnecessary budget authority, nearly 25 percent more than proposed by the President.

As attractive and successful as rescission authority has been, I want to clarify its limitations. Rescission authority is not a panacea or cure all for the Federal deficit. During our Government Operations hearing, the GAO testified that total enacted rescissions since 1974 represent only 3 percent of the accumulated Federal debt and rescissions have never exceeded 23 percent of any single year's deficit. However, to reduce the current $319 billion deficit by a comparable 23 percent would require rescinding $73 billion, more than 13 percent of all fiscal year 1993 discretionary appropriations. This would nearly be the equivalent of rescinding the entire 1993 budget for the Departments of Education, Justice, State, Energy, and Interior. Clearly, rescission authority cannot solve the deficit problem on its own.

I am troubled by the potential for abuse and many of the concerns you have heard or will hear today reflect congressional concern fueled by administrative abuses of the 1970's. In fact, Congress adopted the Impoundment Control Act to address the misuse of an administration's impoundment authority to unilaterally and indefinitely cancel spending for selected programs. Consequently, this expedited rescission authority carefully provides for a limited trial run and the authority expires 2 years after enactment.

The legislation before the House is a modest effort to create a limited additional deficit reduction tool for the President. The legislation provides the President with a certainty of a vote on the President's rescission proposals, guaranteeing an accelerated, expedited process through Congress. The bill would permit the President to submit rescissions to Congress within 3 days of signing an appropriations bill and Congress must vote on these rescissions within 10 legislative days.

If the Appropriations Committee believes they can craft a better rescission package, they are free to report an alternative rescission proposal as well, provided it rescinds an equal or greater amount of budget authority. If the President's rescissions are defeated, this alternative proposal is automatically brought before the House for a vote. Additionally, nothing prohibits or impedes Congress from reporting additional rescissions under our constitutional power of the purse. This bill won't impede our authority to reconsider programs and rescind spending that fails to match with Federal priorities. Congress can continue to pass rescissions in addition to any of the President's rescission proposals under this authority.

President Clinton's budget moves the country forward, addressing both the budget deficit and our national investment deficit, reinvesting in critical spending priorities such as education and health. However, the Nation needs to move away from huge deficit increases accumulated during the past two administrations. Three-quarters of the total Federal debt has been accumulated during the past 12 years. With a projected 1993 budget deficit of approximately $319 billion and over $4.1 trillion in aggregated Federal debt, the President could benefit from additional, stronger deficit reduction tools to rein in unnecessary Federal spending. I support the modest proposals of H.R. 1578 and urge its adoption.

Mr. FRANKS of Connecticut. Mr. Chairman, since President Clinton introduced his budget on February 17, my constituents in Connecticut have given me hundreds of suggestions to balance the budget without tax increases. Many of these suggestions focus on the wasteful spending that is slipped into large bills that the public supports. These people know that the deficit is not the result of an inadequate tax burden on Americans, but the result of frivolous spending.

A major step toward reducing the deficit is passing legislation that allows the President to cut out the billions of dollars in waste that gets inserted in large bills. However, the expedited rescission bill, H.R. 1578, that is being advanced today as the solution to wasteful spending, is actually a sham. Under this bill, rescissions would go into effect only if the House and Senate approved them by majority vote. This bill is little more than political posturing by the perpetual promoters of pork.

We need to force the Members of Congress who support these pork projects to be accountable for their wasteful spending. The Castle-Solomon amendment is the most powerful legislation before us today to cut the waste out of serious legislation. It provides for the automatic adoption of the President's rescissions unless both the House and Senate disapprove them. If a Member of Congress wants to protect some wasteful spending, that Member has to vote to preserve the program, even after it has been identified as wasteful spending by the President of the United States.

Cutting waste should not be difficult. And once cutting waste becomes easy, Members of Congress will be less likely to slide wasteful pork programs into serious legislation. I have sponsored a bill giving the President constitutional power to make line-item vetoes. I feel that this is the power a President should have to combat waste. Although the Castle-Solomon amendment is not as ideal as a constitutional line-item veto, it is significant because it forces Congress to take an active and open stand on waste.

President Clinton said during his campaign that he was a supporter of the line-item veto—the same power he had as Governor of Arkansas. Now the President is trying to portray diluted expedited rescission legislation as a line-item veto. Well, the President neglects to recognize the constitutional definition of a veto. The votes of at least two-thirds of both Houses of Congress are required to override a veto. This phony line-item veto is yet another example of President Clinton reneging on his campaign promises—something we have seen many times during these dismal first 100 days.

Mr. HUGHES. Mr. Chairman, I rise in support of H.R. 1578, the Expedited Rescissions Act of 1993. I wish to commend my colleagues CHARLIE STENHOLM and JOHN SPRATT as well as our former colleague Tom Carper, who is now the Governor of Delaware, for their leadership in developing this innovative mechanism to tighten the reins on Government spending.

It has long been the tradition of Congress to bundle the thousands of Federal spending programs we oversee into the 13 appropriations bills. While this process helps to assure that Federal funds are distributed fairly, it is clear that this process has been abused.

All too often, we hear stories about projects which have been slipped into appropriations bills without undergoing the required scrutiny of the authorization process. In other instances, our needs simply change over the course of the year, and we find there is room to reduce or eliminate funding which has been included in appropriations bills.

H.R. 1578 will provide a mechanism to do just that, while still maintaining the constitutionally mandated balance of power between Congress and the President when it comes to the appropriation of funds.

H.R. 1578 will give the President the authority to pick out of appropriations bills which he signs, those items which he feels are excessive, or which should not have been included in the bill in the first place. The President would then submit his list of proposed rescissions to Congress, where they would have to be voted on under an expedited review process.

Specifically, the House would have to vote within 17 days on the President's request, followed by a Senate vote some 10 days later. A simple majority vote in both the House and Senate is all that would be required in order for the rescissions to take effect.

This is similar to the line-item veto authority which many Members have advocated, in that it would go a long way toward increasing the accountability of the appropriations process. The major difference is that it would maintain Congress' constitutional prerogative to appropriate funds, without unduly shifting power to the executive branch.

While I support the expedited rescission process, I do not think anyone should view this as a magic cure for our deficit problem. If you recall last year, President Bush went over every appropriations bill with a fine-tooth comb, and he came up with a list of some $5.7 billion in proposed rescissions.

Most of his rescissions came from the proposed cancellation of the second and third *Seawolf* submarines which the Bush administration itself had requested. We ended up rescinding even more than the President had requested—some $5.8 billion.

While that is a lot of money, it barely put a dent in our nearly $400 billion Federal deficit. It just goes to show that while the expedited rescission process is a good step in the right direction, we still have to do a lot more to really get the deficit under control.

That includes doing a better job of scrutinizing appropriations bills, to identify spending programs which we do not need or cannot afford. It also means following up on that scrutiny by making the tough choices to cut programs, regardless of their popularity or political appeal.

The expedited rescission process is a good first step toward restoring discipline to the budget process, and I would urge my colleagues to join me in supporting this legislation.

Mr. EWING. Mr. Chairman, the so-called line-item veto, or enhanced rescission, legislation being brought before the House, the Stenholm-Spratt proposal, is a paper tiger. It will do little more than make some adjustments to the current rescission process, and this bill is wholly inadequate.

This is another in a long list of broken promises. Just like we keep being told by the leadership that the budget will be balanced, that Congress will be reformed, now we are being told that the line-item veto is going to become law. Like the Wall Street Journal recently stated, this is not the line-item veto, it is line-item voodoo.

A real line-item veto, like the one I am sponsoring, would require a supermajority vote in Congress to override the President's veto of a wasteful spending item. My legislation would require a three-fifths vote, and other legislation would require a three-fourths vote. However, under the Stenholm-Spratt bill a simple majority in either House of Congress could kill spending cuts. This makes no sense since a simple majority passed the spending in the first place. The Stenholm-Spratt bill takes the teeth out of the line-item veto.

I also believe we need a constitutional amendment guaranteeing a line-item veto. Statutory authority, such as Stenholm-Spratt, can be taken away by the Congress just as easily as it is given. Indeed, this bill only grants enhanced rescission for 2 years.

Finally, under this bill the appropriations committees could present alternative spending cuts to the President's proposals. What kind of smoke and mirrors is this? Congress ought to be forced to vote on spending cuts requested by the President. That is what a line-item veto is all about.

For all these faults, at least the Stenholm-Spratt bill will force votes on spending, and I will support it as a step in the right direction because it will force some spending programs to stand on their own merit. However, it is not a very big step.

Stenholm-Spratt is not a line-item veto, and nobody should believe that it is.

Mr. STENHOLM. Mr. Chairman, in order to ensure that the record on H.R. 1578 is as complete as possible, I am submitting for the RECORD information intended to answer any questions about this legislation as well as several letters from various business and taxpayer groups supporting this legislation. I am also submitting for the RECORD a letter from President Bill Clinton expressing his support for this legislation.

QUESTIONS AND ANSWERS MODIFIED LINE-ITEM VETO LEGISLATION

How does Modified Line-item veto differ from the traditional line-item veto?

Traditional line-item veto proposals require ⅔ of both the House and Senate to disapprove of a Presidential proposal to eliminate a spending item. In other words, the President would need to gain the support of just ⅓ of either chamber to eliminate individual spending items. In contract, modified line-item veto requires that a majority of both chambers must approve a President rescission in order to eliminate the spending items.

In addition, under most line-item veto proposals require that the President propose to eliminate an entire line-item. In most instances, a line-item in an appropriations bill would include lump sum appropriations with specific items included in report language. This legislation would allow a President to propose to reduce the budget authority for specific parts of a line-item if he did not wish to eliminate the entire line-item.

How is the procedure under this legislation different from the existing procedure for considering Presidential rescissions under Title X of the Budget Control and Impoundment Act?

Under Title X of the Budget Control and Impoundment Act, the President may propose to rescind all or part of any item at any time during the fiscal year. If Congress does not take action on the proposed rescission within 45 days of continuous session, the funds must be released for obligation. Congress routinely ignores Presidential rescissions. The discharge procedure for forcing a floor vote on Presidential rescissions is cumbersome and has never been used. Most Presidential rescission messages have died without a floor vote.

Congress has approved just 34.5 percent of the individual rescissions proposed by the President since 1974 (350 of 1,012 rescissions submitted), representing slightly more than 30 percent of the dollar volume of proposed rescissions. Nearly a third of the Presidential rescissions approve came in 1981. Excluding 1981, Congress has approved less than 20 percent of the dollar volume in Presidential rescissions. Although Congress has initiated $65 billion in rescissions on its own, it has ignored nearly $48 billion in Presidential rescissions submitted under Title X of the Budget Control and Impoundment Act without any vote at all on the merits of the rescissions.

In 1992, the threat that there would be an attempt to utilize the Title X discharge procedure to force votes on 128 rescissions submitted by President Bush provided the impetus for the Appropriations Committee to report a bill rescinding more than $8 billion. The authors of H.R. 1013 intend to make the rescission process routinely work the way it did last year in which Congress reacted to a Presidential rescission by passing an alternative instead of simply ignoring the rescissions.

How would this legislation interact with the existing process for consideration of rescissions under Title X of the Impoundment Control Act?

This legislation is intended to supplement the existing procedure for consideration of rescissions under Title X. The expedited consideration of rescissions provided for by this legislation would be available to rescissions submitted within three days of the signing of an appropriations bill that comply with the restrictions in the bill. The current Title X procedure rescissions could be utilized for rescissions that are not submitted within three days or do not comply with the restrictions in this bill. However, the President could not propose to rescind the same project under both procedures. The President may not propose to rescind a project under the Title X procedure if the project was already considered and preserved under this supplementary procedure. The ability of the Appropriations Committee to report out separate rescission legislation would be completely preserved by this legislation.

Doesn't providing the President modified line-item veto authority alter the balance of power between Congress and the President?

No. The approach of modified line-item veto legislation strikes a balance between protecting Congress' control of the purse and providing the accountability in the appropriations process. Unlike line-item veto legislation, this bill would preserve the Constitutional power of Congressional majorities to control spending decisions. The line-item veto could give the President virtually unchecked authority to write appropriations bills. Modified line-item veto authority increases the accountability of both sides, but does not give the President undue leverage in the appropriations process because funding for a program will continue if a simple majority of either House disagrees with him.

Doesn't this legislation constitute an unconstitutional legislative veto?

No. This legislation was carefully crafted to comply with the Constitutional requirements established by the courts by *I.N.S.* v. *Chada* 462, U.S. 919 (1983), the case that declared legislative veto provisions unconstitutional. Legislative vetoes allow one or both Houses of Congress (or a Congressional committee) to stop executive actions by passing a resolution that is not presented to the President. The *Chada* court held that legislative vetoes are unconstitutional because they allow Congress to exercise legislative power without complying with Constitutional requirements for bicameral passage of legislation and presentment of legislation to the President for signature or veto. For example, allowing the House (or Congress as a whole) to block a Presidential rescission by passing a motion of disapproval without sending the bill to the President for signature or veto would violate the *Chada* test.

This bill meets the *Chada* tests of bicameralism and presentment by requiring that both chambers of Congress pass a motion enacting the rescission and send it to the President for signature or veto, before the funds are rescinded. The bill does not provide for legislative review of a preceding executive action, but expedited consideration of an executive proposal. Thus, it represents a so-called "report and wait" provision that the court approved in *Sibbach* v. *Wilson and Co.*, 312 U.S. 1 (1941) and reaffirmed in *Chada*.

Doesn't expedited rescission violate the legislative prerogative by requiring action preventing amendments to a rescission bill?

The expedited procedure for consideration of rescission messages in this bill is similar to fast track procedures for trade agreements or for base closure reports, which have worked relatively well. In fact, the scope of the legislation that would be subject to expedited consideration is much more confined under this procedure than in either trade agreements or base closings.

Doesn't expedited rescission allow the President to unduly dictate the legislative calendar?

This bill seeks to balance the goal of obtaining votes on Presidential rescissions in a timely fashion with the need to prevent the

President from tying up the legislation process. This bill requires that the President package all of the rescissions from each individual appropriations bill to prevent a President from creating a legislative logjam by proposing dozens of separate rescissions. The legislation was changed to provide that the time allowed for consideration of the bill before a vote is required be counted in legislative days instead of calendar days, ensuring that the House will be in session for ten days after receiving the message before a vote is required. The House could vote on the package any point within the ten legislative days for consideration. This preserves the flexibility of Congressional leaders to develop the legislative schedule while ensuring that the President's package is voted on in a timely fashion.

Would the Appropriations Committee be able to offer an alternative rescission package?

Yes. The bill provides that if the Appropriations Committee could report an alternative package and report it at the same time as the President's package. The Appropriations Committee alternative would come to the floor if the President's package is first defeated in the House.

Could the President propose to lower the spending level of an item, or would he have to eliminate the entire item?

The President could propose to rescind the budget authority for all or part of any program in an appropriations bill. Consequently the President could, if he so chose, submit a rescission that simply lowered the budget authority for a certain program without eliminating it entirely. In comparison, most line-item veto proposals require the President to propose to eliminate an entire line item in an appropriations bill.

Wouldn't modified line-item veto authority needlessly complicate the budget process by requiring Congress to vote on programs it has already approved?

Modified line-item veto authority is a reasonable, balanced reform of the budget process that adds an orderly procedure for review of questionable spending that escaped review during initial consideration of an appropriations bill. Although appropriations bills sent to the President have been considered by each chamber at least once and often twice, the legislative process rarely provides an opportunity to review individual items on their own merits. Congress has been embarrassed on many occasions by items included in appropriations bills that most members were unaware of when they voted on the appropriations bill. The fact that a program was included in a larger appropriations bill that was passed does not in any way mean that the majority of Congress approved of that program. For example, when Congress passed the Agricultural Appropriations Bill in 1990, the majority of the members did not endorse spending on Lawrence Welk's home. Requiring a second vote on individual items included in a omnibus appropriation bill is not an unreasonable response to realities of the legislative process.

How does this legislation ensure that a Presidential rescission is voted on by Congress?

This bill establishes several procedural requirements ensuring that Congress cannot simply ignore a rescission message. A rescission bill would be introduced by request by either Majority or Minority Leader. If the Appropriations Committee does not report out the rescission bill as required within ten days, the bill is automatically discharged from the committee and placed on the appropriate calendar. Once the bill is either reported by or discharged from the Appropriations Committee, any individual member may make a highly privileged motion to proceed to consideration of the bill. Although a motion to adjourn would take precedence, the House could not prevent a vote on a rescission message by adjourning because only legislative days are counted toward the ten day clock. By providing for a highly privileged motion to proceed to consideration and limiting debate and preventing amendments to a rescission bill. This bill ensures that there will be a vote on a rescission bill so long as one member is willing to stand up on the House floor and make a motion to proceed.

Furthermore, it is assumed that OMB will continue the practice it has followed under Title X of the ICA of withholding funds from apportionment until Congress acts on the rescission message. (See CRS Report 87-173 ALD "Presidential Impoundment Authority After *City of New Haven* v. *United States*," by Richard Ehlke and Morton Rosenberg, March 3, 1987.) The funds would be withheld, not cancelled. This practice has developed to prevent funds from being spent on projects that may be eliminated. The bill provides that the funds must be released for obligation upon defeat of a rescission bill in either House. This language clearly provides that OMB will be required to release the funds only when Congress rejects the rescission bill. In effect, funds included in a rescission message would be frozen in the pipeline until Congress either votes to rescind them (and remove them from the pipeline entirely) or to release them for obligation. Congress will have a strong incentive to vote on the funds to ensure that they are released for obligation.

Would this proposal allow the President to strike legislative language from appropriations bills?

No. It specifically allows a President to rescind only budget authority provided in an appropriations act. Legislative language, including limitation riders, would not be subject to this procedure.

Could the President propose to increase budget authority for a program?

No. The bill specifically provides that the President may propose to eliminate or reduce budget authority provided in an appropriations bill. It does not allow the President to propose an increase in budget authority.

Would this bill apply to entitlement programs such as social security and medicare?

No. Although earlier versions of the legislation would have allowed a President to propose to rescind spending for entitlement programs funded through the regular appropriations bills (as is the case with unemployment insurance and other income support programs), this was changed to clarify that the expedited rescission process does not apply to any entitlement programs.

Since the rescission process would only apply to the relatively small amount of spending in discretionary programs, isn't this just a political gimmick that won't have a significant impact on the deficit?

The authors of this proposal have never claimed that this proposal would balance the budget or even make a substantial dent in the budget deficit. However, it will be a useful tool in helping the President and Congress identify and elimiante as much as $10 billion in wasteful or low-priority spending each year. It will help ensure that the federal government spends its scarce resources in the most effective way possible and does not divert resources to low-priority programs. Perhaps most importantly, by increasing the accountability of the budget process, it will help restore some credibility to the federal government's handling of taxpayer money with the public. This credibility is necessary if Congress and the president are to gain public support for the tough choices of raising taxes or cutting benefits necessary to balance the budget.

What happens if the president submits a rescission message after Congress recesses for the year?

The House has ten legislative days to consider the rescission message. Since the time allowed for consideration of the rescission message only counts days that Congress is in session, Congress would not be required to vote on a rescission message until after it returns from recess. However, the funds would not be released for apportionment for proposed rescissions until Congress votes on and defeats a Presidential rescission bill. Congressional leaders would have to decide whether to reconvene Congress to consider the rescission message or to leave the message pending while Congress is in recess. Congress could delay adjourning sine die until the time period in which the President could submit a rescission has expired so that it can reconvene to consider a rescission message if it is submitted after congress completes all other business. If the funds included in a rescission message are considered by Congress to be important, Congress would have to return to session to vote on the message. If a rescission message is submitted after the first session of the 103rd Congress has adjourned for the year, or if Congress adjourns before the period for consideration of a rescission message expires, the rescission message would remain pending at the beginning of the second session of the 103rd Congress. The House would still be required to vote on the rescission message by the tenth legislative day after the rescission package was submitted. For rescission messages that are submitted but not disposed of at the end of the 103rd Congress, the bill includes a special transition rule that provides that the Presidential rescission message would be resubmitted. In the case of messages resubmitted in the 104th Congress, the House would have ten legislative days from the day in which the message was resubmitted to vote on the rescission message.

THE WHITE HOUSE,
Washington, DC, April 27, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing in support of the substitute for H.R. 1578, the Expedited Rescissions Act, which has been made in order for House Floor consideration by the Rules Committee in H. Res. 149.

As you know, I support a line-item veto to reduce wasteful government spending. The bill about to be considered by the House would give the President modified line-item veto authority which I believe would go a long way toward achieving the purposes of a line-item veto.

The bill would enable the President to reject items in an appropriations bill. Those items could then be approved only by a separate vote in the Congress. The measure essentially would expedite the existing process for consideration of rescissions.

I believe this bill would increase the accountability of both the executive and legislative branches for reducing wasteful spending. It would provide an effective means for curbing unnecessary or inappropriate expenditures without blocking enactment of critical appropriations bills. Some have expressed concern that this proposal might threaten the prerogatives of the Congress, but I do not believe that it would shift the constitutional balance of powers that is so critical to the success of our form of government.

I urge the House to work with me to control government spending by agreeing to consider the expedited rescission issue and by adopting H.R. 1578 as set forth in Part 1 of the Rules Committee's report.

Sincerely,

BILL CLINTON.

NATIONAL TAXPAYERS UNION,
Washington, DC, April 12, 1993.

DEAR REPRESENTATIVE: The National Taxpayers Union, America's largest grassroots taxpayer organization, urges you to support H.R. 1578, the "Modified Line-Item Veto" bill introduced by Representatives John Spratt and Charles Stenholm.

While we have long preferred stronger legislation that would allow full line-item veto powers for the President, the Spratt-Stenholm "Modified Line-Item Veto" is a practical, positive step forward on the path toward fiscal restraint. It can and should be passed by the House.

A side-by-side comparison of H.R. 1578 and H.R. 1013, the original Stenholm measure, indicates that, on balance, the Spratt-Stenholm version is actually stronger than H.R. 1013 and that it would be a more effective tool to eliminate wasteful spending.

For these reasons, we urge you to work for the passage of H.R. 1578 when the House returns from recess. We also encourage you to support other line-item veto measures, such as H.R. 159, the "Legislative Line-Item Veto," by Representative John Duncan, Jr.

The only effective line-item veto will be one that is enacted into law. We believe that H.R. 1578 provides the best opportunity for passage in both the House and the Senate. For that reason, any procedural vote, as well as final passage, that pertains to H.R. 1578, will be a top priority for the National Taxpayers Union.

The Spratt-Stenholm "Modified Line-Item Veto" would be a major improvement to the current process. We urge you to support it on the floor of the House.

Sincerely,

DAVID KEATING,
Executive Vice President.

NATIONAL ASSOCIATION OF
HOME BUILDERS,
Washington, DC, April 1, 1993.

DEAR REPRESENTATIVE: On behalf of the more than 160,000 member firms of the National Association of Home Builders (NAHB), I respectfully urge your vote for H.R. 1578, the Expedited Rescission Act of 1993 by Representative Spratt (D–SC).

H.R. 1578 would revise rescission procedures under the Budget Act for fiscal 1993 and 1994 only, and would require a simple majority vote by both chambers to approve the President's rescission request, otherwise the funds in question must be made available for obligation on the following day.

Such a provision actually is more acceptable than a line-item veto in that it does not challenge the co-equal authority of the Legislative and Executive branches of government. Moreover, this approach would achieve greater flexibility for both branches of government than currently exists. It would allow the Executive branch to go beyond signing or vetoing a bill, by allowing a challenge to specific funding levels with mandatory Congressional response. Alternatively, Congress, by a simple majority, could overturn the President's request by failing to support it.

We believe that the expedited rescission authority would provide a meaningful balance for retaining the co-equal authority of the Legislative and Executive branches, while providing an effective alternative process for addressing overly generous spending. Therefore, we respectfully urge your vote for H.R. 1578.

Best regards,

J. ROGER GLUNT.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, April 19, 1993.

Hon. CHARLES STENHOLM,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE STENHOLM: On behalf of over 600,000 members of the National Federation of Independent Business (NFIB), I am writing to express support for your modified line-item veto legislation, H.R. 1578.

While NFIB members believe a stronger spending restraint proposal as embodied in a pure line-item veto would be the best way to reduce the federal deficit, H.R. 1578 is certainly an improvement over current law. NFIB members believe that bi-partisan efforts to reduce the federal deficit should be Congress' top priority as indicated in a 1991 poll. They feel strongly that the deficit acts as a brake on economic growth and mortgages their children's future.

H.R. 1578 is a needed first step toward ensuring that tax dollars are spent according to national priorities, not narrow interests. H.R. 1578 will provide an important tool to reduce federal spending and help cut the budget deficit.

We look forward to working with you to ensure that H.R. 1578 passes when it is considered on the House floor.

Sincerely,

JOHN J. MOTLEY III,
Vice President,
Federal Governmental Relations.

U.S. BUSINESS AND INDUSTRIAL COUNCIL,
Washington, DC, April 15, 1993.

Hon. CHARLES W. STENHOLM,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN STENHOLM: Speaking for the fifteen hundred business leaders of the United States Business and Industrial Council, I offer our endorsement of H.R. 1578, the Stenholm-Spratt Enhanced Rescission bill. H.R. 1578 would establish a procedure requiring the consideration of rescissions proposed by the President, an important reform of our current budget law.

Let me make clear that the Council also strongly supports Line-Item Veto legislation. Reps. Gerald Solomon and Michael Castle will offer a line-item veto amendment during this debate.

Under current law, Congress can (and usually does) simply ignore presidential rescissions. If H.R. 1578 becomes law, it will require the Appropriations Committees of both Houses to discharge rescissions within seven days. The President could propose to rescind entire programs, and H.R. 1578 requires the House to vote on the President's proposal within ten legislative days. In short, Congress could no longer simply ignore presidential rescissions with Stenholm-Spratt in place.

We offer our support for Stenholm-Spratt and stand ready to help in securing its passage.

Sincerely yours,

C. BRYAN LITTLE,
Director for Government Relations.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, April 20, 1993.

Hon. CHARLES STENHOLM,
U.S. House of Representatives,
Washington, DC.

DEAR MR. STENHOLM, I am writing to express the Council for Citizens Against Government Waste's (CCAGW) support for the Expedited Rescissions Act of 1993 (H.R. 1578) introduced by Rep. John Spratt and yourself. It is an improvement over the current system which allows Congress to ignore presidential rescission requests.

By forcing Congress to vote on presidential rescissions, some accountability will be restored to the way tax dollars are spent. It is our understanding that this legislation would allow the Office of Management and Budget to continue to withhold funds for obligation for targeted projects until Congress votes on the president's rescission package. This is an important provision that will ensure that Congress act on the package.

Taxpayers are angry about how Washington spends their hard-earned dollars. They are outraged that pork-barrel projects are funded year after year while our national debt continues to escalate. Your legislation takes an important first step in putting the taxpayers interest ahead of the special interests.

Sincerely,

TOM SCHATZ.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
Washington, DC, April 21, 1993.

Hon. CHARLES W. STENHOLM,
U.S. House of Representatives,
Washington, DC.

DEAR MR. STENHOLM: On behalf of the National Association of Manufacturers, I am writing in support of H.R. 1578, the "Modified Line Item Veto" bill. The NAM has long supported the concept of the line item veto as an effective tool for eliminating nonessential spending and restoring accountability to the budget process.

While the NAM's preference continues to be for stronger language allowing line item veto rather than rescission authority, we support H.R. 1578 as a realistic and beneficial budget process reform.

Sincerely,

JERRY J. JASINOWSKI.

TRADE ASSOCIATION LIAISON COUNCIL,
Washington, DC, April 16, 1993.

Hon. THOMAS S. FOLEY,
Longworth House Office Building,
Washington, DC.

DEAR MR. SPEAKER: We, the undersigned, respectfully urge you to support H.R. 1578, the "Modified Line-Item Veto" bill introduced by Representatives John Spratt and Charles Stenholm.

The Spratt-Stenholm "Modified Line-Item Veto" is a practical, positive step forward on the path toward restraint. Its passage would be an effective tool to eliminate wasteful spending. It can and should be passed by the House.

We also encourage you and your colleagues to support other line-item veto measures such as those sponsored by Representatives John Duncan and John Kasich, Senator John McCain, etc.

The only effective line-item veto will be one that is enacted into law. We believe that H.R. 1578 provides the best opportunity for passage in both the House and the Senate.

The Spratt-Stenholm "Modified Line-Item Veto" would be a major improvement to the current process. We urge you to support it on the floor of the House.

Sincerely,

Don Fuqua, Chairman, Trade Association Liaison Council, and President, Aerospace Industries Association of America; Paul C. Abenante, President, American Bakers Association; John R. Block, President, National-American Wholesale Grocers' Association; Nick J. Bush, President, National Gas Supply Association; Red Cavaney, President, American Forest & Paper Association; Regis Delmontagne, President, NPES—The Association for the Suppliers of Printing and Publishing Technologies; Andy Doyle, Executive Director, National Paint & Coating Association; Joe G. Gerard, Vice President for Government Affairs, American Furniture Manufacturers Association; Roger Glunt, President, National Association of Home Builders; Richard J. Iverson, President, American Electronics Association; Jerry Jasinowski, President, National Association of Manufacturers; Tom Kuhn, President, Edison Electric Institute; Manly Molpus, President, Grocery Manufacturers of America; Malcolm O'Hagan, President, National Electrical Manufacturers Association; Barry Rogstad, President, American Business Conference; Larry L. Thomas, President, Society of the Plastics Industry; Wayne H. Valis, President, Valis Associates.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, April 26, 1993.

DEAR REPRESENTATIVE: The American Farm Bureau Federation, which represents over four million rural families throughout the country, believes that a balanced budget achieved through spending restraint is a high priority. Our members support a number of budget tools to accomplish this goal including a balanced budget amendment to the U.S. Constitution and presidential line-item veto.

While we prefer the enactment of legislative or constitutional changes to give the president pure line-item veto authority, we support the enhanced rescission authority contained in H.R. 1578. This bill, introduced by Representative Stenholm (D-Texas) and Representative Spratt (D-SC), would give the president the ability to rescind spending within three days of signing an appropriations bill. The rescissions would become effective if a majority of Congress approved the rescission package.

The enactment of this bill is critical to the process of gaining control of federal spending. We urge you to vote for H.R. 1578.

Sincerely,

DEAN R. KLECKNER,
President.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Madam Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mrs. KENNELLY). The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Madam Chairman, there is some confusion as to the series of votes that may take place. I am confused myself.

I just want to know if it is true that the next vote that will occur in the Committee of the Whole, in which we are in now, will be on the modified Spratt amendment in the nature of a substitute that allows the Appropriations Committee to report an alternative to the President's rescission bill.

I am trying to find out for our side what is the difference between this vote coming up and the base text of the bill? No one seems to know.

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. SOLOMON. Let me see what I am correct with, Madam Chairman.

The CHAIRMAN pro tempore. The gentleman is correct, because the next question is on the amendment in the nature of a substitute made in order as an original text. The vote will be taken in the Committee of the Whole.

Mr. SOLOMON. I thank the Chair.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute made in order as original text.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DERRICK. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 168, not voting 22, as follows:

[Roll No. 147]

AYES—247

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Beilenson
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Fawell
Fazio
Fields (LA)
Fingerhut
Flake
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKeon
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Norton (DC)
Oberstar
Obey
Olver
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Regula
Reynolds
Richardson
Roberts
Roemer
Romero-Barcelo (PR)
Rose
Rostenkowski
Roukema
Rowland
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (OR)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Tucker
Underwood (GU)
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Watt
Waxman
Whitten
Williams
Wilson
Wise
Wyden
Wynn
Yates
Zimmer

NOES—168

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Brown (FL)
Bunning
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Clayton
Clinger
Coble
Combest
Cox
Crane
Crapo
Cunningham
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Evans
Everett
Ewing
Filner
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Machtley
Manzullo
Martinez
McCandless
McCollum
McDade
McHugh
McInnis
McKinney
McMillan
Mica
Michel
Miller (FL)
Minge
Mink
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Pallone
Paxon
Petri
Pombo
Porter
Pryce (OH)
Ramstad
Ravenel
Reed
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Sanders
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Synar
Talent
Taylor (NC)
Tejeda
Thomas (WY)
Traficant
Upton

Walker
Walsh
Waters
Weldon
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff

NOT VOTING—22

Barton
Becerra
Berman
Brooks
Calvert
Collins (MI)
de Lugo (VI)
Dellums
Faleomavaega (AS)
Fields (TX)
Foglietta
Henry
Kennedy
Ortiz
Quillen
Roybal-Allard
Serrano
Thomas (CA)
Torres
Towns
Washington
Wheat

☐ 1349

The Clerk announced the following pair:

On this vote:

Mr. Dellums for, with Mr. Calvert against.

Messrs. HILLIARD, THOMPSON, YATES, and ENGEL changed their vote from "no" to "aye."

So the amendment in the nature of a substitute made in order as original text was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mrs. KENNELLY). Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mrs. KENNELLY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, pursuant to House Resolution 149, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 248, nays 163, not voting 21, as follows:

[Roll No. 148]

AYES—248

Abercrombie
Ackerman
Andrews (ME)
Andrews (TX)
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
DeLay
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Emerson
Engel
English (AZ)
English (OK)
Eshoo
Fawell
Fazio
Fields (LA)
Fingerhut
Flake
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Grandy
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamburg
Hamilton
Harman
Hastings
Hayes
Hefner
Hilliard
Hinchey
Hoagland
Hobson
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickle
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Regula
Reynolds
Richardson
Roberts
Roemer
Rose
Rostenkowski
Roukema
Rowland
Rush
Sabo
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Sharp
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Smith (OR)
Snowe
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift
Tanner
Tauzin
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Tucker
Unsoeld
Valentine
Velazquez
Visclosky
Volkmer
Vucanovich
Watt
Whitten
Williams
Wilson
Wise
Wyden
Wynn
Yates
Zimmer

NOES—163

Allard
Andrews (NJ)
Applegate
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle
Clinger
Coble
Combest
Cox
Crane
Crapo
Cunningham
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Evans
Everett
Ewing
Filner
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Greenwood
Gunderson
Hancock
Hansen
Hastert
Hefley
Herger
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klein
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Linder
Machtley
Manzullo
Martinez
McCandless
McCollum
McDade
McHugh
McInnis
McMillan
Mica
Michel
Miller (FL)
Minge
Mink
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Pallone
Paxon
Petri
Pombo
Porter
Pryce (OH)
Ramstad
Ravenel
Reed
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Sanders
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Stearns
Stump
Sundquist
Synar
Talent
Taylor (NC)
Tejeda
Thomas (CA)
Torricelli
Traficant
Upton
Walker
Walsh
Waters
Weldon
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff

NOT VOTING—21

Barton
Becerra
Berman
Calvert
Dellums
Fields (TX)
Foglietta
Henry
Kennedy
Ortiz
Pickett
Quillen
Roybal-Allard
Serrano
Thomas (WY)
Torres
Towns
Vento
Washington
Waxman
Wheat

☐ 1459

The Clerk announced the following pair:

On this vote:

Mr. Dellums for, with Mr. Calvert against.

Mr. McCANDLESS changed his vote from "aye" to "no."

Mrs. MALONEY, Mr. BISHOP, and Ms. BROWN of Florida changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CLINGER. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CLINGER moves to recommit the bill (H.R. 1578) to the Committee on Rules with instructions to report back the same forthwith to the House with the following amendment:

Strike section 2(b) of the bill and substitute the following:

"(b) EXERCISE OF RULEMAKING POWERS.—(1) The provisions of this Act, insofar as they affect the procedures of either House, may only be waived, changed or suspended by statutory enactment or by a vote of three-fifths of the Members of the House involved, a quorum being present.

"(2) It shall not be in order in the House of Representatives to consider any rescission bill introduced pursuant to the provisions of this Act under a suspension of the rules or under a special rule.".

The SPEAKER. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes in support of his motion to recommit.

Mr. CLINGER. Mr. Speaker, I will be very brief on my motion to recommit, but this is the last chance we will have today to do something right by closing a loophole that is big enough to drive the proverbial Mack truck through.

Under the terms of section 2(b) of the bill, the provisions of the bill are brought under section 904 of the Budget Act. That section states that the procedures are enacted as part of the rule-making authority of the House and Senate and may be changed at any time by either House, the same as any other rule of the House.

What that means is that this bill's so-called teeth can be yanked at any time by a simple resolution from the Rules Committee that waives, suspends or changes these provisions. The Rules Committee could recommend that we allow the President's bill to be amended, or that we simply suspend the rescission act for a particular message, or for the rest of the Congress.

What this motion to recommit does is three things: first, it strikes the references to the Budget Act that allow this bill to be changed by simple majority vote of either House. In its place the motion to recommit requires that the procedures contained in this bill can only be changed by statutory enactment or by a vote of three-fifths of the Members of the House involved. Finally, the motion to recommit specifically prohibits a consideration of a Presidential rescission bill under a suspension of the rules or under a special rule.

Mr. Speaker, I would strongly urge adoption of this motion. It will at least put some teeth into the law by requiring a new law or a super-majority in congress to waive, change or suspend the Expedited Rescissions Act.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. I yield to the ranking member of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I would just say to the gentleman, the ranking member of the Committee on Government Operations, who mentioned this would put some teeth back in, here is our chance to at least put one tooth back in, not a mouthful of teeth, into this bill.

What the bill does, what the motion to recommit does, it says that we do not want to make it possible to waive or suspend those procedures by majority vote. Instead, we would need a three-fifths vote. If we were going to waive the Budget Act up in the Committee on Rules, that would void this bill.

The Members do not want to do this. I think those of us who are going to vote for this rescission bill certainly ought to vote for it. I would urge the Members' support for the motion to recommit.

Mr. CLINGER. Mr. Speaker, I thank the gentleman for his contribution, and would urge that everybody vote to close this gaping loophole as it is presently structured.

The SPEAKER. The Chair recognizes the gentleman from South Carolina [Mr. DERRICK] for 5 minutes in opposition to the motion to recommit.

Mr. DERRICK. Mr. Speaker, I would say to the Members, if they like the way the U.S. Senate operates, they ought to vote for this motion to recommit, because that is exactly what they would get. The amendment in the motion to recommit proposes to require a 60-percent super majority to change these procedures. Such a rule would allow 40 percent plus one of the House, in other words, the minority, to run this place. I would ask the majority to take that into account.

It is a bad idea, and I advise a "no" vote on the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit. The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 233, not voting 17, as follows:

[Roll No. 149]

AYES—182

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Camp
Canady
Cantwell
Cardin
Castle
Clinger
Coble
Collins (GA)
Combest
Condit
Cooper
Coppersmith
Cox
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Houghton
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
McMillan
Meyers
Mica
Michel
Miller (FL)
Minge
Molinari
Moorhead
Morella
Myers
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce (OH)
Quinn
Ramstad
Ravenel
Regula
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Santorum
Saxton
Schaefer
Schiff
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Talent
Tauzin
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—233

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barcia
Barlow
Barrett (WI)
Beilenson
Bevill
Bilbray
Bishop
Blackwell
Bonior
Borski
Boucher
Brewster
Brooks
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dicks
Dingell
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
English (OK)
Eshoo
Evans
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foley
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Glickman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hoagland
Hochbrueckner
Holden
Hoyer
Hughes
Hutto
Inslee
Jacobs
Jefferson
Johnson (GA)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kleczka
Klein
Klink
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowey
Maloney
Mann
Manton
Margolies-Mezvinsky
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCurdy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reed
Reynolds
Richardson
Roemer
Rose
Rostenkowski
Rowland
Rush
Sabo
Sanders
Sangmeister
Sarpalius
Sawyer
Schenk
Schroeder
Schumer
Scott
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Spratt
Stark
Stenholm
Stokes
Strickland
Studds
Stupak
Swett
Swift

Synar
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt
Waxman
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—17

Barton
Becerra
Berman
Calvert
Dellums
Fields (TX)
Foglietta
Henry
Kennedy
Ortiz
Quillen
Roybal-Allard
Serrano
Torres
Towns
Washington
Wheat

□ 1523

The Clerk announced the following pair:

On this vote:

Mr. Calvert for, with Mr. Dellums against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 258, noes 157, not voting 17, as follows:

[Roll No. 150]

AYES—258

Ackerman
Allard
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Bacchus (FL)
Bachus (AL)
Baesler
Baker (LA)
Barcia
Barlow
Barrett (NE)
Barrett (WI)
Bateman
Beilenson
Bereuter
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonilla
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant
Buyer
Byrne
Canady
Cantwell
Cardin
Castle
Chapman
Clement
Collins (GA)
Condit
Conyers
Cooper
Coppersmith
Costello
Cox
Cramer
Crapo
Danner
Darden
de la Garza
Deal
DeFazio
DeLauro
Derrick
Deutsch
Dickey
Dicks
Dingell
Dooley
Duncan
Dunn
Durbin
Edwards (TX)
Emerson
English (AZ)
English (OK)
Eshoo
Ewing
Fawell
Fazio
Fingerhut
Fish
Foley
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Grams
Grandy
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hayes
Hefley
Hefner
Hinchey
Hoagland
Hochbrueckner
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Huffington
Hughes
Hutchinson
Hutto
Inglis
Inhofe
Inslee
Jacobs
Johnson (CT)
Johnson (GA)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennelly
Kildee
Kim
Kingston
Kleczka
Klein
Klink
Klug
Kopetski
Kreidler
LaFalce
Lambert
Lancaster
Lantos
LaRocco
Laughlin
Lazio
Leach
Lehman
Levin
Levy
Lipinski
Lloyd
Long
Machtley
Maloney
Mann
Manton
Manzullo
Margolies-Mezvinsky
Markey
Mazzoli
McCloskey
McCrery
McCurdy
McDermott
McHale
McInnis
McKeon
McMillan
McNulty
Meehan
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Montgomery
Moran
Morella
Murphy
Natcher
Neal (MA)
Neal (NC)
Obey
Olver
Orton
Pallone
Parker
Payne (VA)
Penny
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Pombo
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Ramstad
Regula
Richardson
Roberts
Roemer
Rose
Roth
Roukema
Rowland
Sangmeister
Sawyer
Saxton
Schaefer
Schenk
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Snowe
Spratt
Stark
Stenholm
Strickland
Studds
Stupak
Sundquist
Swett
Tanner
Tauzin
Taylor (MS)
Thornton
Thurman
Torkildsen
Torricelli
Upton
Valentine
Vento
Visclosky
Volkmer
Waters
Weldon
Williams
Wilson
Wise
Wyden
Wynn
Zeliff
Zimmer

NOES—157

Abercrombie
Applegate
Archer
Armey
Baker (CA)
Ballenger
Bartlett
Bentley
Bilirakis
Blackwell
Bliley
Boehner
Bonior
Borski
Brooks
Brown (FL)
Bunning
Burton
Callahan
Camp
Carr
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Coyne
Crane
Cunningham
DeLay
Diaz-Balart
Dixon
Doolittle
Dornan
Dreier
Edwards (CA)
Engel
Evans
Everett
Fields (LA)
Filner
Flake
Ford (MI)
Ford (TN)
Franks (CT)
Gallegly
Gilchrest
Gillmor
Gilman
Gingrich
Hamburg
Hancock
Hansen
Hastings
Herger
Hilliard
Hobson
Hunter
Hyde
Istook
Jefferson
Johnson, Sam
Kasich
King
Knollenberg
Kolbe
Kyl
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Linder
Livingston
Lowey
Martinez
Matsui
McCandless
McCollum
McDade
McHugh
McKinney
Meek
Menendez
Mfume
Michel
Mink
Molinari
Mollohan
Moorhead
Murtha
Myers
Nadler
Nussle
Oberstar
Owens
Oxley
Packard
Pastor
Paxon
Payne (NJ)
Pelosi
Pryce (OH)
Rahall
Rangel
Ravenel
Reed
Reynolds
Ridge
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Royce
Rush
Sabo
Sanders
Santorum
Sarpalius
Schiff
Schroeder
Scott
Shuster
Skeen
Smith (IA)
Smith (TX)
Solomon
Spence
Stearns
Stokes
Stump
Swift
Synar
Talent
Taylor (NC)
Tejeda
Thomas (CA)
Thomas (WY)
Thompson
Traficant
Tucker
Unsoeld
Velázquez
Vucanovich
Walker
Walsh
Watt
Waxman
Whitten
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOT VOTING—17

Barton
Becerra
Berman
Calvert
Dellums
Fields (TX)
Foglietta
Henry
Kennedy
Ortiz
Quillen
Roybal-Allard
Serrano
Torres
Towns
Washington
Wheat

□ 1541

The Clerk announced the following pairs:

On this vote:

Mr. Kennedy for, with Mr. Torres against.

Mr. Calvert for, with Mr. Dellums against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. HOYER. Mr. Speaker, by direction of the Democratic caucus, I offer a privileged resolution, House Resolution 161, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 161

Resolved, That the following named Members, Resident Commissioner, and Delegates, be, and they are hereby, elected to the following standing committees of the House of Representatives: Committee on Agriculture: Bennie G. Thompson, Mississippi. Committee on Merchant Marine and Fisheries: Bennie G. Thompson, Mississippi.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY TO HAVE UNTIL MIDNIGHT, MONDAY, MAY 3, 1993, TO FILE REPORT ON H.R. 820, NATIONAL COMPETITIVENESS ACT OF 1993

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that the Committee on Science, Space, and Technology have until midnight, Monday, May 3, 1993, to file a late report on H.R. 820, the National Competitiveness Act of 1993.

This has been cleared with the minority.

The SPEAKER pro tempore (Mr. MCCLOSKEY). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I have asked for this time in order to enter into a colloquy with the majority leader to ascertain the schedule for the rest of the week and next week.

Mr. Speaker, I am glad to yield to the majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Business and votes are finished for today.

There will not be votes tomorrow.

On Monday, May 3, the House will meet at noon, but there will be no legislative business.

Tuesday, May 4, the House will meet at noon to take up 12 bills on Suspension. Recorded votes on Suspensions will be postponed until after consideration of all Suspensions. The bills on Suspension are as follows:

H.R. 995, veterans' employment and reemployment;

H.R. 578, Investment Advisor Regulatory Enhancement and Disclosure Act of 1993;

H.R. 616, amendment to SEC rule 11(a);

H.R. 682, World War II Memorial;

House Concurrent Resolution 71, use of Capitol Grounds for the National Peace Officers' Memorial Service;

House Concurrent Resolution 82, use of Capitol Grounds for the Greater Washington Soap Box Derby;

House Concurrent Resolution 81, 1993 Special Olympics torch relay;

H.R. 1345, to designate the "Robert F. Peckham U.S. Courthouse and Federal Building";

H.R. 1346, to redesignate the "Almeric L. Christian Federal Building";

H.R. 791, to name the "James L. Foreman Courthouse";

H.R. 1513, to designate the "Lewis F. Powell Jr. United States Courthouse"; and

H.R. 1303, to designate the "Clarkson S. Fisher Federal Building and U.S. Courthouse."

On Wednesday, May 5, and Thursday May 6, the House will meet at 2 p.m. on Wednesday and at 11 a.m. on Thursday to consider H.R. 2, the National Voter Registration Act of 1993 conference report subject to a rule; and possibly H.R. 820, the National Competitiveness Act, subject to a rule.

The House will meet at 11 a.m. on Friday, May 7, but there will be no legislative business or votes.

Mr. SOLOMON. Mr. Speaker, I would ask the majority leader again, there will be no votes on Monday.

Mr. GEPHARDT. That is correct.

Mr. SOLOMON. On Tuesday, I know from this side of the aisle we do not expect to have any procedural vote on the Journal or anything like that on Tuesday at noon.

So what might be the earliest there might be a vote on Tuesday, would the majority leader have any idea?

Mr. GEPHARDT. I would say to the gentleman the best guess would be midafternoon, 2:30, 3 o'clock or 3:30, somewhere in that neighborhood.

Mr. SOLOMON. So any votes ordered on suspensions would be rolled until later at the end of the day.

Mr. GEPHARDT. That is correct.

Mr. SOLOMON. And no votes on Friday, even though it is listed as a legislative day.

Mr. GEPHARDT. That is correct.

Mr. SOLOMON. Well, Mr. Speaker, on behalf of our side, we thank the majority leader and hope he has a nice weekend.

Mr. GEPHARDT. The same to the gentleman, and I thank the gentleman.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 3, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday, May 3, 1993.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

□ 1550

THE GENOCIDE IN BOSNIA MUST BE STOPPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I rise today to very, very strongly say that we must act very quickly to put an end to the genocide going on right now in Bosnia.

Mr. Speaker, I just returned from a trip to that area, and I can tell my colleagues what I have seen is something that could easily be a page out of the thirties or forties with the Nazi treatment of the Jewish people.

I interviewed refugees at refugee camps. I spoke with people I heard chilling stories, stories of rapes, stories of pillages, stories of people being driven from their homes, and in one particular instance I met a man who told me a story.

Mr. Speaker, this man came from the town of Fazia in Bosnia and was driven out. Before the hostilities erupted that town had 22,000 Moslems, 18,000 Serbs and 1,000 Croats. The town right now is completely devoid of any Moslems or Croats, containing only Serbs.

He told me that his Serbian neighbor came to him and said:

> They are going to kill you. If you want to get out with your life, sign over all your property to me. Sign over your business, sign over your cows, your house and all your possessions, and I will intervene with the authorities to let them save your skin.

Mr. Speaker, the man had no choice, so he signed the papers. Before I left, he took the paper allowing him to go out of the country and signing away all his possessions, and he gave it to me, and he said to me, "Tell America what is really happening here. Tell America what is happening to our people."

He told me that he was allowed to leave, his wife was allowed to leave, his son was not, his daughter-in-law was allowed to leave, and his grandchild was allowed to leave. When I asked him where his son was, he said, "In prison. I hope he's alive, but I really don't know if he's alive or dead."

And when I asked him, "Was your son a political activist," he said, "No, they just keep all the young men." His son was 42.

He said to me, "You know the papers that I signed said that my Serb neighbor has to keep my property in good condition until I return," and then he laughed and said, "if I ever return, if I ever return, I know my house will be burned to the ground."

This week the New York Times ran a story about someone else. It is entitled "With Broken Glass." I would like to insert this into the RECORD. He said:

> "I carved this with a piece of broken glass while I was at Manjaca prison camp," he said, "to show how we had to stand during the day, with our heads down and our hands tied behind our backs." The small figure seemed to burn in my hand with its pain and intensity. Mumbling something about its power and beauty, I started to hand it back to the young baker. "No," he said, "please take it back to your country, and show it to your people. Show the Americans how we have been treated. Tell America what is happening to us."

Mr. Speaker, those were the same words that were chillingly echoed to me at the camp in Skopje.

The article in its entirely is as follows:

WITH BROKEN GLASS

(By Richard Holbrooke)

"Tell America what is happening to us."

This was in Europe today, not during World War II, in a holding center for Bosnian Muslim refugees in Karlovac, less than an hour by car from the Croatian capital of Zagreb, and barely an hour by plane from the great cities of the new Europe—Rome, Zurich, Vienna, Prague, Frankfurt, Athens.

The speaker was a young baker from Sanski Most, a town in Serb-occupied northern Bosnia, the area that has given the world a grotesque new euphemism, "ethnic cleansing."

He was 28. He did not give his name, but, with his father and about a dozen other men surrounding him, he said his mother, who

> was still trapped in Bosnia, had been raped in Sanski Most while he was in prison. The other men interrupted him to tell similar stories.
>
> As they talked the young baker fished a small plastic bag out from under his mattress and pressed into my hand a wooden figure he had carefully wrapped in the dirty plastic. "I carved this with a piece of broken glass while I was at Manjaca prison camp," he said, "to show how we had to stand during the day, with our heads down and our hands tied behind our backs." The small figure seemed to burn in my hand with its pain and intensity. Mumbling something about its power and beauty, I started to hand it back to the young baker. "No," he said, "please take it back to your country, and show it to your people. Show the Americans how we have been treated. Tell America what is happening to us."

Mr. Speaker, what is going on today is sheer genocide. I believe very, very firmly that the United States, in conjunction with our European allies, must attempt to stop the genocide now. We must have bombing of the Serb targets to end the heavy artillery, to end the deployment and to blow up the bridges across the Drina River where they are redeploying and resupplying their troops.

I also believe that we must end the arms embargo because the arms embargo is now only locking the Serb advantage into place. It is helping the aggressor and hurting the victim. We cannot continue.

I also traveled to the Kosovo region. The Kosovo region contains 2 million ethnic Albanians. They are living there under Serbian oppression, under virtual occupation. Time after time the Albanians told me how they are summarily dismissed from their jobs. Their parliament was closed, their schools are closed, the university was closed. They have restrictions on teaching the Albanian language. Unemployment is 80 or 90 percent. These people do not want to live under Serbian occupation.

I fear that after Bosnia is over and done that Kosovo is the next place where the Serbs will make their move, and that could spill into the rest of the Balkans with perhaps 1 million Albanian refugees fleeing into Albania itself out of Kosovo and fleeing down into the former Yugoslav Republic of Macedonia. It has the potential to make Bosnia seem like a tea party.

The world sent the wrong signal to Mr. Milosevic, the head of the Serbian Government, 1½ years ago when it did nothing giving him a green light to in essence do his ethnic cleansing. I cannot believe that in 1993 we are standing here and once again talking about ethnic cleansing. The world surely cannot allow this type of thing to continue.

It is never easy to make a move. Nobody likes to do these kinds of things. But if we do not put the full force of the United States behind this, we will continue to watch genocide.

PUTTING FAMILIES IN FOCUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, next Monday, May 3, is tax freedom day. The average American will work the first 123 days of the year to pay all Federal, State and local taxes. American families work hard to take care of their kids, pay the bills, and save for their futures. Yet the Federal Government keeps adding to the burden families carry by increasing their taxes.

American families deserve real change. Today, I would like to speak about a comprehensive, profamily, progrowth measure I am introducing, the Family and Economic Recovery Act of 1993, a measure that directly reinvests in American families and provides incentives to increase job creation, private savings, and sound investments in the future by providing individuals and families with a greater role in determining their own futures. Instead of increasing taxes and writing off the middle class, this measure will resurrect many of the promises made to the middle class during the election and help to revive the ability of families to personally invest in their future.

The growing tax toll on families burdens millions of, if not most, families. When State and local taxes are included, government now takes over one-third of the income of the average family. During the past four decades, the tax protection for families has shrunk to one-quarter of what it was in the 1950's. Without the Republican reforms of the past decade it would only be one-eighth of its 1950 value. Yet, if the dependent deduction had kept pace with inflation and per capita income, it would stand at over $8,000 a person this year according to the Urban institute, rather than the 1992 level of $2,300.

In the 1950's, a family of four didn't start paying income tax until they were close to the median income; today the same family starts paying Federal taxes when they hit near poverty-level wages. Since the 1950's, the annual family income lost due to the decline in the personal exemption exceeds the annual cost of an average family home mortgage of $8,000. We are literally taxing families out of house and home.

Furthermore, two-thirds of the average working mother's earnings go to paying for increases in Federal taxes over the past several decades rather than providing additional income for her family. Uncle Sam gets more out of Mom's paycheck than do her own children.

Not surprisingly, the condition of children and families has declined along with this increased taxation on families. Yet, while today's families are under tremendous cultural pressures and social changes, they are forced by financial realities to spend less and less time attending to family matters. Daily, we see the adverse effects of this downward spiral.

A recent report by former Education Secretary William Bennett identifying various cultural indicators of well being paints a disturbing picture of our culture today: There has been a 419-percent increase in illegitimate births since 1960; more than a 200-percent increase in the teenage suicide rate; a quadrupling in divorce rates; a tripling of the percentage of children living in single-parent homes; a drop of almost 80 points in SAT scores; and a 560-percent increase in violent crime, much of it by perpetrators of a younger and younger age. Another frequently cited study noted that parents today spend 40 percent less time with their children than did parents a generation ago. And all of this has occurred while total social spending by all levels of government—measured in constant 1990 dollars—has risen from $143 billion to $787 billion—more than a fivefold increase. Inflation adjusted spending on welfare has increased by 630 percent, spending on education by 225 percent. Bennett writes, "Never before has the reach of government been greater or its purse larger—and never before have our social pathologies been worse."

Historian Barbara Whitehead, in an article entitled, "Dan Quayle was Right" points out the tragedy of the dissolution of families over the past 30 years:

> Children in single-parent families are six times as likely to be poor * * * are 2 to 3 times as likely to have emotional and behavioral problems * * * are more likely to drop out of high school, to get pregnant as teenagers, to abuse drugs, and to be in trouble with the law * * * Many children from disrupted families have a harder time achieving intimacy in a relationship, forming a stable marriage, or even holding a steady job.

The devastating statistics continue in Ms. Whitehead's report:

> More than 70 percent of all juveniles in state reform institutions come from fatherless homes. A Canadian study found preschool children in stepfamilies were 40 times as likely to suffer abuse as children in intact families.

What's a mother and father to do? First, we should acknowledge the responsibility of parents in putting children first.

Second, we should recognize the importance of actually putting parents—mothers and fathers—at the center of family policy. We should recognize that there are many problems facing our Nation that cannot be cured by more government spending. A recent article by Wade Horn, the former Commissioner of the Administration for Children, Youth, and Families in the Bush administration pointed out the obvious: "Government can't buy you love." What families need most, Doctor Horn argues is "not more money in the Federal Budget, but more money in the family budget."

Third, we should all face squarely the consequences of family breakdown and the limits of government intervention in the family arena. We need not and should not do this in an accusatory manner but in an adult manner—owning up to the facts and finding positive solutions to stop the unraveling of families. According to William Galston, a current Domestic Policy Adviser to President Clinton:

> Changes in family structure over the past generation are strongly correlated with rising rates of poverty among children * * * child poverty rates today would be one-third lower if family structure had not changed so dramatically since 1960. Fifty-one percent of the increase in child poverty observed during the 1980s is attributable to changes in family structure during that period.

Professor Galston has also noted additional repercussions from family breakdown:

> The economic consequences of a parent's absence are often accompanied by psychological consequences, which include higher than average levels of youth suicide, low intellectual and educational performance, and higher than average rates of mental illness, violence, and drug use.

According to David Ellwood, the designated Assistant Secretary of Planning and Evaluation at HHS, 73 percent of children from single-parent families will be in poverty at some point during their children while only 20 percent of children in two-parent families will experience poverty at any time in their childhood. He has also pointed out that a two-parent family—able to provide more money, more time, more investment, more accountability—is the best anti-poverty program around.

In a recent article in The American Scholar, Senator MOYNIHAN writes: "We are obligated to ask why things do not change" given the billions of dollars spent on programs oriented to solve many family problems.

So has this new administration been mugged by reality?

Well, despite what would seem to be the good instincts and growing appreciation of reality by these new members of the administration and powers that be, President Clinton's economic plan involves taking more money out of the family budget in order to feed a bigger and more bloated Federal budget.

As a recent Wall Street Journal editorial observed, when candidate Clinton visited Cleveland during the primary season, he berated "Beltway Democrats who want to spend more of your tax money on programs that don't embody your values." Candidate Clinton also spoke of taking responsibility. Yet the plan, President Clinton has proposed taxes credibility as well as American families. The Wall Street Journal observes:

> Americans knock themselves out trying to raise families and provide them a modicum of financial security. The Cleveland Clinton would have sympathized, but the Washington version looks at families and only sees chickens to be plucked. His economic plan would hobble their progress with new, "progressive" tax burdens, which serve only to discourage the kinds of responsible behavior the Cleveland Clinton promised to reward.

This is not the change Americans heard about during the election. Last January as a Presidential candidate, Bill Clinton said that family tax relief was the answer. He said "the one glaring difference" between himself and Democratic rival Paul Tsongas was his support for a middle-class tax cut. This tax cut was to be in the form of a child-based tax credit or a reduction in middle-class tax rates; families would select one or the other. In his campaign treatise, "Putting People First," Mr. Clinton reiterated this policy: "Virtually every industrialized nation recognizes the importance of strong families in its tax code: we should too."

Most people—including many Republicans—thought this was a good idea. In face, a recent CNN-USA Today Gallup Poll found strong support, 69 percent, for a middle-class tax cut. Last year, as chairman of the Senate Finance Committee, Lloyd Bentsen also included a $300 per child tax credit—as well as expanded IRA's—in the economic recovery plan he pushed through the Senate.

Yet, unfortunately, this administration which ran on the slogan, "it's the economy, stupid," and promised a middle-class tax cut, chose to make this promise the first to be officially broken, even before the Inauguration. And to add insult to injury, President Clinton now proposes that we pass an economic plan that will heap millions of dollars in new taxes on families and transfers much of this money to growing the poverty industry instead of growing the economy. The Clinton plan includes approximately $40 billion in new welfare spending including, for example, an additional $9 billion in food stamps and $1.9 billion in energy assistance to low-income people in order to counteract some of the misguided energy tax. And worse yet, Clinton's new taxes increase the marriage penalty.

A recent Wall Street Journal headline read, "Living in Sin to Cut Tax Bill Would Look Even Better to Some Under Clinton Plan." Under current law, a single woman with two children earning $12,000 would currently receive in earned income tax credit of $593 from the Government while a man with an identical income and one child would receive a $238 credit from the Government. If these two people were to get married, their tax liability would jump from negative $831 to $3,575. Yet, under the Clinton plan, the joint tax liability would increase even further to $4,040. On the other end of income spectrum, earners making $75,000 each would also be better off not getting married. So the Clinton plan has the dubious distinction of punishing single, low earning, working mothers who would like to marry as well as higher income dual career couples. Given what we know of the potential for toxic fallout from family meltdown, we should not be adding to the marriage penalty. Marriage and remarriage remove more families from the welfare rolls than any government program. Yet the marriage tax and more taxes are what the Clinton plan proposes. This is trample down economics and America's families should not take it anymore.

Families need a tax break, not tax increases. The sacrifices should be done in Washington in controlling the cost and size of government. Then we can directly reinvest in families and businesses without Uncle Sam as the middle man. Government has already proved itself to be a poor substitute to the family.

Indeed many of the Government programs that the Clinton plan proposes to vastly expand have come under close scrutiny for having failed to live up to their public relations billing. For example, Jodie Allen of the Washington Post recently asked why Clinton would put more billions into Head Start when it has been unable to absorb the funds already available to it and has never produced the results so frequently claimed. Another recent Washington Post article notes that even strong advocates of Head Start such as Senator TOM HARKIN states: "I would not want to spend double [on the program] as it is right now." The flaws right now include half of the programs having serious management problems, 13 percent of the centers couldn't spend all of their budgeted money and only 43 percent of the preschoolers had been given all the required immunizations. A New York Times article also pointed out the limits of this highly touted government program:

> Several government and academic reports say the program suffers from considerable management problems and has not produced the results some of its supporters have long claimed.

On the other hand, we know families work and have a track record worth investing in. Bill Galston has written:

> Government cannot, under any set of circumstances provide the kind of nurturing that children, particularly young children, need. Given all the money in the world, government programs will not be able to instill self-esteem, good study habits, advanced language skills, or sound moral values in children as effectively as strong families.

WHAT IS THE ALTERNATIVE TO TAX AND SPEND?

Tax increases are the wrong prescription for today's ailing families. Instead the measure I am introducing today includes the following:

Profamily tax relief of a $600 per child tax credit for each child under the age of 19. The tax credit is an alternative to increasing the dependent deduction and similarly protects family income from taxation. This measure will restore a large amount of the lost tax protection for today's families, particularly for families in the lowest income bracket. The recent policy manual forwarded to the Clinton administration by the Progressive Policy Institute, "Mandate for Change," recommended targeted tax relief to families such as this.

When Clinton administration transition adviser, Robert Shapiro, of the Progressive Policy Institute testified before the Select Committee on Children, Youth, and Families in 1991, he also supported this policy stating:

> Of all the aspects of family policy, finding appropriate ways of reducing the tax burden on families is the most simple and straightforward * * * The first principle of a new, pro-family tax policy should be that the government does not tax away income needed to support children.

The National Commission on Children, which Bill Clinton participated in as a Governor, also recommended a tax credit for children as the centerpiece of their recommendations for improved family policies. Notably, they recommended this tax credit as a priority above increased spending for Federal programs.

More recently, the Communitarian Network, an diverse group of individuals and organizations committed to shoring up our moral, social, and political environment also recommended increasing tax protection for families with children. Their position paper on families advocated a $600 family allowance, which is in effect how this $600 per child tax credit would function. Under this proposal, a family with two children would have an additional $100 per month. This $100 per month represents the approximate cost of groceries for a family of four for a week to 10 days, the cost of child care for 1 to 2 weeks. For another family it could provide the additional income to add to a college savings plan, savings for a first home or money to save for retirement.

In the 102d Congress a family tax relief measure that I introduced, H.R. 1277, which increased the dependent deduction for children, gained the bipartisan support of 262 House Members. This tax credit serves the same purposes and will allow families to keep more of their own hard-earned money. I invite my many colleagues who supported this tax relief measure to join me again in this larger effort to reinvest in families.

A credit for adoption expenses of up to $5,000 in expenses so that adoption is more easily accessible to those of modest means and we can reinforce this positive solution to out-of-wedlock births. Legal costs associated with adoption can run into tens of thousands of dollars. This credit will provide adoptive families with more tax protection in the first year that they adopt a child. This in turn could allow families more flexibility in taking family leave to attend to the particular needs in attending to an adopted child.

Short-term grants for companies to explore and/or expand family friendly work policies to employees. This would include work policies such as part-time jobs, flexitime, telecommuting, and job sharing. This program would provide seed money for employers to design programs and policies to assist employees trying to balance family and work responsibilities. Inflexible work schedules make it difficult for working parents to juggle day care arrangements, after school care, or care of a sick child.

These grants will allow employers to establish work and family programs and to coordinate their efforts through assessing the needs of employees, conducting employee surveys, focus groups, or whatever best assists a company in determining how best to meet the needs of their employees. This measure will be particularly timely because with the onset of mandated family leave, employers will by necessity have to implement at least this one work and family policy.

These grants will allow employers to strategically plan for adopting family leave in conjunction with other work and family programs that might complement and enhance family leave policies and provide families with the financial means to take advantage of family leave policies which are usually unpaid. For example, a company could provide part-time and job sharing initiatives to complement a family leave policy so that mothers of young children could come back to work on a reduced schedule and have more time to spend with their child in the first few years. We know that family experts of all stripes agree that the first few years of life are the most important and a comprehensive work and family strategy can better accommodate these realities in conjunction with the particular needs and interests of their employees.

Family friendly policies such a flexitime, for example, can also reduce the cost to families of child care by allowing parents to stagger their work hours to reduce the number of hours they need child care or to provide the care themselves. Flexitime policies are the most frequently used family friendly policy in the Federal Government with over 40 percent of employees taking advantage of flexitime hours. A number of large companies have also started to implement such policies and many more are expected to. Many employers, including the Federal Government, have learned the positive impact of flexible and supportive work policies. The Federal Government, for example, has over 90 on-site child care centers for Federal employees. This is a positive way to help flexibly adapt to the many demands on today's families.

Expanding IRA's by allowing penalty-free withdrawal for first-time homebuyers, education costs, or medical emergencies and increasing the fully deductible limit to $75,000 for singles and $100,000 for couples. This expansion of IRA's was passed last year in H.R. 11 with the support of then Senator Lloyd Bentsen. Studies show that the baby boom generation is failing miserably in saving for higher education and retirement.

A recent Washington Post article reported that baby boomers are saving only a third of what they will need for a comfortable retirement. Americans' savings rates are far below other industrialized nations and this in turn provides less capital available for investment. Expanding and indexing IRA's, as well as allowing limited use for additional purposes such as first-time home purchases, will provide an incentive to save and plan for the future to millions of families.

The lack of saving in America has also hurt our productivity. Sustained economic growth requires more saving and investment. Savings provide the funds for economic expansion and investment capital. When there is more capital available, businesses will have the resources to invest in new technologies, equipment, and worker training and retraining. This will in turn reduce the deficit, as the economy grows and people go back to work.

Increased savings results in what a recent Merrill Lynch study calls a virtuous cycle—from saving to investment to higher wages to additional saving which drives economic growth and rising prosperity. Therefore, increased saving not only will assist the lives of individuals and families but will also serve our national interests in economic growth and job creation. As the Merrill Lynch study pointed out, even if we eliminated the Federal budget deficit, we would still have a national savings program. That is why we must also focus on individual savings to eliminate both the Federal and personal savings deficit. This will provide more long-term security for both families and our Nation by allowing middle-class families more incentives for long-term savings and investment.

Medical savings accounts will allow individuals to spend their current health care dollars in a different manner. One of the biggest problems with our current health care system is high costs that restrict access and impact even those who are currently covered from utilizing services, such as primary care, which often are not covered or subject to a deductible. On the average, the cost of an employer-provided family health plan is $4,500 per year. The employer buys a group plan that provides third-party insurance payment for each employee's health care with a deductible of $100 to $250.

Medical savings accounts will allow that same $4,500 to be spent in a different way by allowing employers to put say $3,000 into a medical IRA for each employee, which the employee uses to pay the first $3,000 of his family's health care costs each year while the remaining $1,500 is used to buy health insurance that pays for all medical expenses above $3,000. The employee ends up having first-dollar coverage unlike the present system and the funds can also be used for health care related expenses not covered under the policies many individuals and families carry—expenses such as dental care, eyeglasses, or mental health costs. These funds are also portable and would make health insurance much like auto, home, and life insurance—tied to the employee, not the employer.

Even better, any portion of the $3,000 that is not spent on health care accumulates in the medical IRA year after year. This will introduce into health care spending more patient control. Patients will have the security of having a medical fund, but they will also be spending their own money in purchasing health care.

These funds can also be used to pay premiums during periods of unemployment or self-employment or in between jobs. As long as the IRA money is spent for health care it would remain tax free. Also, under this plan, premiums will be allowed to be 100 percent deductible, unlike present law which only permits a 25-percent deduction.

These funds would provide security and long-term insurance for health care costs—costs that cause many families great concern and hardship today. They would also go a long way toward solving the problem of the uninsured, many of whom are in between jobs and only without insurance for brief periods of time.

Single and working mothers would particularly benefit from this plan because they are more likely to go in and out of the workplace and will benefit from health plans that are tied to the individual rather than the employer. Medical savings accounts are a good first start in overall health care reform and have had bipartisan support from such diverse Members as Representative ANDY JACOBS and Representative BILL ARCHER. The control over health care under such a plan would remain overwhelmingly with individuals instead of a vastly expanding health bureaucracy. It would also make individuals responsible for capping costs rather than the Government.

Obviously, no single plan can solve the complex problems in the health care debate but we can make our tax system more oriented toward spending our current health care dollars in a more efficient manner. Getting a handle on medical costs which represent one of the fastest growing costs in the family budget will also impact upon the national budget and the budget deficit.

This plan also includes progrowth policies including cutting the capital gains tax and establishing enterprise zones to encourage job creation in distressed areas. Most capital gains are being paid by middle-income taxpayers, particularly a large number of middle-class elderly. The United States has the highest capital gains tax in the industrialized world. Reducing the capital gains tax is one of the most important steps we can take to help both families and the national economy. For example, the largest chunk of savings for most Americans continues to be their home. Eliminating capital gains tax on the sale of a primary residence will restore security to families for whom this is their single greatest investment and provide them with additional insurance as they get older.

Nationally, high-tax rates on capital gains inhibit capital formation by reducing the long-term return to entrepreneurial activity. Lowering the tax will stimulate capital investment—particularly in many of the new technologies and new businesses that most of us would like to see expand and create jobs—good paying jobs. This would in turn provide higher rates of economic growth and improved international competitiveness and a reduced deficit.

The enterprise zones provisions would provide additional incentives for capital investment in targeted distressed areas that suffer high unemployment rates and are most in need of significant job creating incentives and increase the costs of so many of our struggling Federal social programs.

During the 1980's, we grew the economy by $3 trillion—almost doubling the economy from $3 to $6 trillion. If we only do half as well again—we can reach a $9 trillion economy that could better provide the resources, both public and private to build up America and pay down the deficit.

Finally, this measure includes educational reform measures including a GI bill for children and an expansion of flexible spending accounts to allow for coverage of education costs.

The GI bill for children will provide $1 billion a year over the next 4 years for $2,000 scholarships to middle- and low-income children to attend the school of their choice. Today, choosing a school is mainly an option for families wealthy enough to move to a desirable neighborhood or those who can afford private or parochial schools.

Most of the parents in the new administration, including the President and Vice President, have opted to take their children out of the D.C. public school system because they can afford choice. If the very public choices of our leaders do not undermine public education why should private choices by individual families cause concern? What is good enough for their children should be good enough for your children and the many low-income children from families with little choice.

The fear that this measure would harm the public schools is unfounded. In fact, most of the scholarship money is likely to go to families choosing a public school. Thus, this measure will both empower parents and give them a stake in their schools and give many of our poorest school districts a targeted infusion of additional money.

This pilot program will provide an impetus to transform our education system, through the power of parents as consumers, in choosing schools for their children. Just as the GI bill, after World War II, gave veterans an opportunity to exercise consumer power to help create the best colleges and universities in the world, the GI bill for children will open up the same possibilities.

Choice in education, for example, would allow real change for a single mother in the inner city who hopes for the same things we all do for our children—a good education and a brighter future—now. The GI bill for children would allow her to select the school her child is to attend. She would not have to await top-down changes, more 5-year plans or the kindness of bureaucratic strangers. Change would literally be in her own hands; she could choose to have her child move to the head of the class.

The GI bill for children would truly shake up the educational system in this country and help all children and families to have a fair start. Instead of break the bank policies that would shake down the American taxpayers for more money for more of the same old thing that could fail another generation of school children, we can provide parents with the opportunity to determine the educational destiny of their children. Our international competitors employ school choice—so should we. Even Russia, as of January 1, allows parents the right to choose a school for their children. I would hope that we here in the United States can be at least as open to change as Russia. If parents cannot break through the education bureaucracy; we must supply them with other means because our children simply cannot wait any longer. Education delayed is education denied.

A provision to expand employee flexible spending accounts would also assist families by allowing employers to set up accounts for employees to set aside pretax dollars to be used for education costs including: preschool costs, elementary, secondary, college, post-graduate and retraining purposes in public or private institutions. This plan would be an expansion of the current flexible spending accounts that employers are permitted through the Tax Code to provide to employees for child care and health care costs. Up to $5,000 in education costs could be set in these accounts each year that could provide for a lifelong commitment to education.

THE VISION

I believe this plan provides a comprehensive approach to invigorating and investing in families, rediscovering the forgotten middle class and defining a future that involves actively participating citizens and families. More control and more responsibility will be placed in the hands of citizens, rather than the Government. The Family and Economic Recovery Act implicitly trusts the common sense of the American people and provides them with the means to more fully take advantage of opportunities and provide for their futures.

Instead of looking to the Government to solve all of the Nation's problems, our vision focuses on the unlimited talent and potential in our Nation's communities. Instead of looking to the armchair experts and special interest groups this measure focuses on policies rooted in choice and opportunity—policies which unleash the talent of the multitudes. This is what real change is about—freedom, opportunity, responsibility.

Financially empowering families is a strong profamily measure that recognizes that a dollar in the hands of a caring parent can be stretched more effectively and more creatively than one in the hands of the Government. Allowing families to keep more of their own hard-earned money and allowing them more control and choices in the important areas of health care, education and long-term savings are some of the simplest and best ways to empower families and allow them to function on their own. This addresses the financial deficit experienced by many of today's hard-pressed families.

Increasing tax rates on families is not what today's families want or need. Furthermore, increasing tax rates resurrects the marriage penalty for two-earner couples. Higher tax rates force more second earners into the workplace and yet, once in the workplace, it penalizes the work efforts of many working mothers with a marriage penalty. By adjusting the income thresholds at which the top tax rates kick in, the Clinton plan would impose a new tax rate on a family with four kids earning $150,000, yet a single person earning $110,000 would not have their tax rate increased. Is this fair to today's working mothers and fathers trying to save and invest in the future and invest in their children?

The incentives for flexible work policies are important because they address the time deficit that many families face today. Many parents wish to spend more time with their children and want more flexibility to do so. A recent survey found that Americans believe parents having less time to spend with their families is the single most important reason for the family's decline in our society.

Furthermore, many of the problems in the area of increased youth crime, increased teen pregnancies, increased teen suicide and the like are strongly connected to the fact that too many kids today are left on their own—home alone. This problem crosses racial and socioeconomic lines—it is a problem throughout our society. Over the years I have shared with many Members of Congress my concern about the burdens on today's mothers and fathers and have often quoted the lyrics from the Harry Chapin song, "The Cat's in the Cradle": "When ya coming home Dad * * * I don't know when, we'll get together then * * *." These lyrics are not only sung on the radio but too often heard across the country from our children.

This is due in large part to the economic pressures on today's fathers and mothers. The policies put forward in this bill will work to alleviate some of these pressures and give families the ability to address the twin deficits of too little time and too little money. Tax and work/family policies which empower families allow families their proper place at the center of all of our lives. This is important because if this center does not hold, our society may very well fall apart. Children need the secure base that a family and a supportive community provides.

Too often the Government solution has been to add to the tax burden on families, which in turn contributes to the unraveling of the delicate social fabric of the family. The questions are really quite simple * * * do families want to work more for Uncle Sam or for their families? How many more hours can today's mothers and fathers work and how many more hours can we afford for parents to be away from their children? Do they want Government to have more or less control over the complex and delicate questions of importance to families?

This measure clearly places our trust and commitment directly in the hands of the American people. We trust the American people to take advantage of opportunities in a growing economy, we trust businesses and employees to work together for family friendly workpolicies; we trust parents to select the school of their choice for their children and we trust the American people enough to allow them to keep more of their own hard-earned money. This measure brings change back home—back to families and communities and back to Main Street.

Much of this can be accomplished by revenues generated from new growth and redirecting spending cuts to families rather than expanding Government. This will put control and responsibility back into the hands of families and businesses so they can do the reinvesting in our economy and communities.

This will involve a redirecting of our priorities from investing in Government to reinvesting in families and individuals. By putting families first, we provide the kind of upfront investment that can save many of the later costs associated with broken or troubled families. By providing the means for mothers and families to invest their own money and time in their own families and communities we rebuild our social infrastructure from the ground up—family by family, community by community.

This is a program that could be phased in over a number of years with coordinated spending cuts as we direct the money back to families and individuals. Lowering the rate of growth of many of our Federal programs would be feasible if we are doing so to send the money back to the taxpayers themselves to do the job of raising their children, paying their bills, and saving for the future.

This is the kind of reinvestment in people we can all support. Over the past few decades we have witnessed what those around conference tables and task force tables have recommended for families. It is time that families themselves have their turn. After all, the family is the best Department of Health and Human Services.

Of course, no Government policy can solve the myriad problems evident in our society today. Over a year ago, a report from the Bipartisan National Commission on Children, which included among its members, then Governor Clinton stated:

> Rising rates of divorce, out of wedlock childbearing, and absent parents are not just manifestations of alternative lifestyles, they are patterns of adult behavior that increase children's risk of negative consequences.

Senator MOYNIHAN, in his recent article, writes how our society increasingly normalizes pathological behaviors. MOYNIHAN argues "we are getting used to a lot of behavior that is not good for us." The "trivialization of the lunatic crime rate," soaring out of wedlock births and rising rates of divorce are greeted with nonchalance. MOYNIHAN quotes a judge in New York who has seen the cultural horrow show up close:

> The slaughter of the innocent marches unabated: subway riders, bodega owners, cab drivers, babies; in laundromats, at cash machines, on elevators, in hallways. This numbness, this near narcoleptic state can diminish the human condition to the level of combat infantrymen, who, in protracted campaigns, can eat their battlefield rations seated on the bodies of the fallen, friend and foe alike. A society that loses its sense of outrage is doomed to extinction.

In our homes, in our neighborhoods, in our schools, in our communities, we can fight these outrages and turn this tide if we are given the resources. Bill Galston encourages—the current state of affairs "is not an irresistible undertow that will carry away the family. It is more like a swift current against which it is possible to swim." People and society can change. As a people, we have always had the capacity to reinvigorate our culture and institutions and begin anew.

I invite my colleagues to join me and cosponsor, the Family and Economic Recovery Act of 1993 and begin anew.

SUMMARY OF THE FAMILY AND ECONOMIC RECOVERY ACT

PRO-FAMILY TAX RELIEF

A $600 per child tax credit for each child under the age of 19. Inflation has eroded the value of the dependent exemption over the last 40 years. A credit is the most direct way to provide relief to families. The credit is non-refundable but it can be used against both income tax and payroll tax liability. This measure will restore a large amount of the lost tax protection for families.

A Credit for Adoption Expenses of up to $5,000 in expenses so that adoption is more easily accessible to those of all means and this positive solution to out-of-wedlock pregnancies is enhanced.

PROMOTING FAMILY FRIENDLY WORK POLICIES

Providing assistance in the form of temporary grants to businesses to develop and promote family friendly work policies such as part-time jobs, job sharing, flexitime, flexiplace, telecommuting or working from home.

FAMILY AND MEDICAL SAVINGS ACCOUNTS

Expanding IRAs for Home Ownership, Education and Medical Expenses and increasing income limits for fully-deductible IRAs. Allow penalty-free IRA withdrawals and increase fully-deductible limit to $75,000 for singles, $100,000 for couples.

Medical Savings Accounts which would allow individuals to set aside pre-tax dollars to be used for health care costs. If unused during the year, this money would be allowed to accumulate and compound tax free like IRAs and could be utilized for long-term health care needs or retirement needs. The health care premium deduction for the self-employed would also be made permanent and expanded to 100 percent.

PRO-GROWTH INCENTIVES

Cutting the Capital Gains Tax to 15 percent for everyone except those in the 15 percent bracket who would pay zero percent rate and also including a zero rate on the gains from the sale of a primary residence. This proposal will help small business owners, which include many family owned businesses and family farmers by reducing the cost of capital. It would assist homeowners by allowing them to retain the sweat equity of their investment in their homes that is currently allowed to be swallowed up by paper inflationary gains. It will also greatly benefit the poor and unemployed by creating up to 2.5 million additional jobs for the economy.

Enterprise zones offer special tax incentives to companies that are willing to locate and create jobs in economically depressed areas. Up to 50 zones would be selected over a four-year period, and one-third would be in rural areas. The Federal tax incentives provided for zones would include an employee credit, a capital gain exclusion, and stock expensing.

EDUCATIONAL EMPOWERMENT FROM PRE-SCHOOL TO COLLEGE

GI Bill for Kids which would provide a pilot school choice program allowing vouchers of up to $2,000 for working and middle class families. This measure would allow families of lower or modest income to have the same kind of choice in education that more affluent families currently enjoy. $1B per year would be allocated to states per year over the next four years to pilot the program.

An expansion of Employee Flexible Spending Accounts. Currently these plans allow participating employers to set aside pre-tax dollars for employees for their own education (up to $5,250), child care (up to $5,000) and health care. The expansion in education assistance plans would allow education funds to be used for an employee, spouse or dependent children for education costs including: pre-school costs, elementary, secondary, college, post-graduate or retraining purposes in public or private institutions.

□ 1600

CRIME IN NEBRASKA

The SPEAKER pro tempore (Ms. MCKINNEY). Under a previous order of the House, the gentleman from Nebraska [Mr. HOAGLAND] is recognized for 5 minutes.

Mr. HOAGLAND. Madam Speaker, for the RECORD I insert a letter that I sent to Attorney General Janet Reno.

Hon. JANET RENO,
Attorney General of the United States,
Washington, DC.

DEAR ATTORNEY GENERAL RENO: I am writing because I am very concerned about the need to pass significant crime control legislation quickly. We have had a major increase in crime in my hometown of Omaha, Nebraska, this April. Residents of our community are becoming afraid to go out at night. The crime wave has shocked our entire community.

I was a member of the Crime and Criminal Justice Subcommittee of the Judiciary Committee during the last Congress when we worked hard to pass comprehensive crime legislation that would directly help communities fight crime. You will recall that the legislation passed the House in 1991, but was blocked by gridlock and a Republican filibuster in the Senate.

I urge the Administration to proceed as quickly as possible to work with the Congress to enact as many elements of last year's Crime Bill as possible.

I am enclosing an article from the Omaha World-Herald of April 23, 1993, entitled "April Shootings In Omaha." Gang- and drug-related crime is up substantially from the first three months of last year. So far this month we have experienced 21 incidents involving the discharge of firearms, including:

Five drive-by shootings resulting in injuries to two people and considerable property damage. Two of the shootings occurred last Saturday.

Two gang related killings, one "execution" style in a bathroom at a McDonald's Restaurant late Saturday night, and the second, a killing in an alley a week ago last Monday by a rival gang member.

Two accidental shootings involving an 11-year-old and a 14-year-old playing with weapons. These, of course, are attributable to large numbers of unlicensed and illegal guns on the streets of Omaha.

A number of incidents involving fender bumps and arguments on our streets and highways. One of these resulted in two teenagers being shot last Saturday.

Shootings and deaths resulting from arguments among acquaintances and family members, as described in the enclosed article.

In addition there have been fifty-three rapes since the beginning of the year. Many of them are believed to have been committed by the same individuals.

I am deeply distressed over the failure to pass the Crime Bill in the last Congress because many of the provisions in that bill dealt directly with, and might have deterred, many of the types of crimes recently committed in Omaha.

For instance, the 1991 Crime Bill included:

Provisions making drive-by shootings a federal offense where the shooting was done with the intent to injure. A drive-by shooting resulting in a death was made a federal capital offense.

Provisions making the gang-related use of a handgun a federal offense where it results in injury or death. A gang-related shooting resulting in a death was made a federal capital offense.

A five-day waiting period for the purchase of handguns.

Provisions designed to make our schools safer, our confinements of juveniles yield better results, and our drug diagnosis and treatment efforts work more effectively.

Last Congress, under the leadership of full Judiciary Committee Chairman Jack Brooks and Subcommittee Chairman Chuck Schumer, the subcommittee held thorough and complete hearings on all aspects of the Crime Bill. We put together an effective piece of legislation. These fully developed proposals could be enacted quickly. They would significantly increase our ability to combat crime in communities like Omaha. I urge you to send a bill to Congress or ask the Committee to develop its own bill as quickly as possible.

I would appreciate an opportunity to visit with key members of your team at the Justice Department to urge that they move quickly in this area. Two of the finest and strongest leaders we have in Congress, Jack Brooks and Chuck Schumer, stand ready, I am sure, to move quickly on these issues.

Please give us some help before things get worse in Omaha.

Very truly yours,
PETER HOAGLAND.

Madam Speaker, let me just spend a minute or two talking about this letter. We have had a crime wave of violence in Nebraska. This April we have had five drive-by shootings, we have had two gang-related killings, we have had two accidental shootings involving an 11-year-old and a 14-year-old, and we have had 53 rapes since the beginning of the year.

I am calling on the Attorney General in this letter to expedite passage of the crime bill. In the crime bill that we developed last Congress, which got bogged down because of gridlock and because of a filibuster in the Senate, there were many provisions that would have dealt directly with the kind of gang and drug-related violence we are experiencing in Omaha today. There is really no reason for us not to receive from Justice a proposed crime bill for this Congress, or else turn Chairman SCHUMER and Chairman BROOKS loose of our Committee on the Judiciary to develop a crime bill here in the House.

Madam Speaker, I would just urge the administration to move quickly on this subject, because there are a lot of crimes occurring around the country that might be deterred by a provision in last year's crime bill. We ought to get on with it and get it passed this year.

CAP ON TAX DEDUCTION ON EXECUTIVE SALARIES

Madam Speaker, the second issue I would like to address here is to announce my support of President Clinton's proposal to cap the tax deduction on executive salaries at $1 million. Salaries are a cost of doing business and therefore should be deductible, but I think there has to be a limit somewhere. Many people in Nebraska have expressed to me their concern that executive salaries seem to go up even when the failures of their management result in revenue losses and massive layoffs. When hard working Nebraskans find out that the companies can deduct the full amount of even the biggest salaries, they are outraged. When I read articles like the Business Week cover story of April 26, 1993, I feel the same way.

It seems to me that there is a point at which compensation goes beyond what we normally think of as the cost of doing business, and moves into the range of executive greed and ego gratification. Perhaps the market for CEO's can continue to sustain such overinflated compensation packages, but the U.S. Treasury no longer can. Overall, every dollar paid by a large company to its executives reduces their tax liability by 34 cents.

I don't pretend to know exactly where the cost of doing business stops and the poor judgment of executive compensation committees begins. But the President has proposed that the tax deduction for executive salaries be capped at $1 million, and I am included to support that position. He has proposed further that any additional deduction must be justified by performance-based criteria, and approved by the shareholders. This would allow companies to choose to compensate their executives at whatever level they want, but the American taxpayers would not subsidize those decisions by forgoing tax revenues because of an unlimited tax deduction provision.

J.P. Morgan once said that no executive should earn more than 20 times the pay of the average worker. In Germany today, the average CEO makes roughly 23 times the salary of the average worker, and in Japan, the average CEO earns roughly 17 times the salary of the average worker. In the United States, the gap between most workers and CEO's is far wider. According to the April 26, 1993, Business Week, average CEO's of large U.S. corporations made over $3.8 million last year. The median household income in the United States is approximately $34,000. American CEO's make more than 100 times what the median American family makes—and in many of those families, both the mother and father are working.

I am distressed by the widening gulf between the haves and the have-nots in this country. I am concerned for the families that work harder and harder and still fall behind. But let me make clear that by endorsing the President's proposal, I don't mean to engage in class warfare, nor do I think—as critics of the proposal have charged—that this will raise up the working families by tearing down the wealthy. I just do not feel that it is fair to allow an infinite tax deduction for compensation. When the deficit is spiralling out of control and bringing down the living standards of the average American, our tax policies should not favor paying corporate executives 8-figure salaries. We have to draw a line somewhere. The Clinton administration proposal is not an unreasonable tax policy. It won't balance the budget, but it will help restore a sense of fairness to the millions of working Americans who are shocked at the excesses of corporate boardrooms. That sense of fairness is important in a democracy, in a system where the voluntary compliance with the tax system is what keeps the Government going.

INTRODUCTION OF H.R. 1898

The SPEAKER pro tempore (Ms. McKINNEY). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Madam Speaker, once again this Congress is playing a game with the American people.

To be more specific, Madam Speaker, Congress is creating artificial surpluses and counting them as revenue to make the deficit seem less than it really is.

The money is there, we have surpluses, and it cannot be used for anything else.

Why is Congress playing this shell game with the taxpayers' money? I will tell you why.

By taking this artificial surplus and hiding it in the budget, Congress is able to doctor the deficit numbers. That is wrong. In the private sector, if an accountant fixed numbers like this he would be sent to jail.

But Congress lives above the law.

Madam Speaker, it is time for Congress to come clean with the American people and restore the public's confidence in our Nation's infrastructure trust funds.

Yesterday, I introduced legislation that would take the infrastructure trust fund off budget to ensure that these special accounts are used only for the infrastructure projects for which they were designed.

In establishing trust funds, Congress promised the American taxpayer that specific transportation user fees and taxes, like the gas tax, would be set aside and used only for transportation infrastructure.

For example, the Federal gas tax we pay at the pump is to be used solely for highway projects and the special fee ships pay for using American ports is to be used to pay for harbor maintenance and improvements.

While no one likes to pay taxes, the American public has been willing to pay these specific taxes because they know this revenue is reinvested in better roads, bridges, airports, and shipping lanes.

The American people understand that these infrastructure projects translate into economic growth and jobs.

But what the American public does not understand is why, if surpluses exist in these trust funds, are they being asked to support more deficit financing to fund the highway bill?

The answer lies in deceptive congressional budgeting.

Let's look at the following simple example involving only one of the four trust funds, in this case, the Highway Trust Fund: for 1993, the multi-year Highway bill authorizes $26.2 billion to pay for important road and bridge projects that will create tens of thousands of new jobs. We need these projects and we need these jobs.

Yet, only $17.8 billion—only 66 percent—will be spent. That means over 33 percent of available funds for the year alone are being held hostage and used to manipulate the Government's budget books to make the deficit appear smaller than it really is; $1 out of every $3, that's outrageous. Think of all the lost jobs and unfinished roads.

Now, we realize that this example represents only 1 out of 6 years of the Highway bill and only 1 out of 4 infrastructure trust funds. This kind of deception is occurring repeatedly over the years with all four trust funds and is costing America hundreds of thousands of new jobs and much needed infrastructure improvements. What's even more outrageous is that this deceptive accounting system is so complicated—the bureaucrats and Congress don't even really know where all the money is and how much is actually being spent. That's ridiculous.

My bill, H.R. 1898 ends this pattern of deception. No more business as usual. It is time for honesty. By taking the trust funds off budget, it reserves them as separate accounts for infrastructure—just as they are supposed to be.

Madam Speaker, when the American people says its time to put an end to business as usual practices, this is exactly what they are talking about.

H.R. 1898 will restore public confidence in these trust accounts. This is honest, responsible accounting that the American taxpayer can understand and support. And it deserves the support of every Member of Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 123

Mr. SCOTT. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 123.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE MICKEY LELAND CHILDHOOD HUNGER RELIEF ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Madam Speaker, the issue of hunger has recently come under a heightened amount of attention. The hunger fast of our esteemed colleague, TONY HALL, has served to cast additional light on this problem. Internationally, we have witnessed the deaths of literally thousands of people in countries such as Somalia due to inadequate food supplies caused in part by warring clans. However, at the same time, we are confronted with a growing domestic hunger dilemma that reaches into the ranks of those who are most vulnerable: our children. I believe that the Mickey Leland Childhood Hunger Relief Act of 1993 speaks to this grave concern.

The nationwide community childhood hunger identification project [CCHIP] released in 1991 reported that 5.5 million American children under age 12 are hungry. This means 1 out of every 12. Furthermore, an additional 6 million children find themselves in families that are at-risk of hunger because of recurring problems of food shortage. These figures are astonishing in light of the abundance that we find in American agriculture.

These figures were underscored by the testimony of the Secretary of Agriculture, Mike Espy, at yesterday's hearing at the Committee on Agriculture. According to the latest statistics, 35.7 million people live in poverty in this country. A staggering 21.8 percent of our children, more than 1 in 5, grow up in poverty. Secretary Espy also announced an all time high in food stamp participation of 26.9 million Americans for the month of February.

Madam Speaker, the Food Stamp Program is the only program in America that comprehensively addresses the issue of hunger. It is the only hunger program that is available to everyone. This includes those groups who are most vulnerable to the problem of hunger such as the elderly and the young. One-half of the recipients of food stamp benefits are children, while 80 percent of the benefits in the program go to families with children. Put simply, it is the front line of defense for preventing hunger in America.

The Food Stamp Program is not perfect and it is not a solution for poverty and the problems we see in our poor rural areas and inner cities. To support the Mickey Leland bill is not to disparage future attempts at welfare reform or attempting to make people more self-sufficient. To support the Leland bill is to support the hungry and our children who are the future of this Nation.

We must not accept hunger as a standard in this country. The provisions of the Mickey Leland bill speak to the problem of hunger by providing basic subsistence to those who are in desperate need. I deeply urge my colleagues to support the efforts of the administration by supporting the Mickey Leland Childhood Hunger Relief Act of 1993.]

INTRODUCING LEGISLATION TO STOP NUCLEAR PROLIFERATION IN THE FORMER SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Madam Speaker, today I am introducing the Former Soviet Nuclear Threat Reduction Act of 1993, legislation to stop nuclear proliferation in the former Soviet Union. I am pleased to have my distinguished colleagues, Mr. EVANS, Mr. DICKS, and Mr. BERMAN, join me in this effort.

The 1991 Soviet breakup left large nuclear arsenals on the soil of Belarus, Kazakhstan, and Ukraine. Right from that moment, the United States had made a priority of achieving a nuclear-free status for these three republics. The world is already a dangerous enough place without more countries armed with the ultimate weapon.

Last May, Belarus, Kazakhstan, and Ukraine each signed the Lisbon Protocols to the START treaty, which obligated them to give up all of their nuclear weapons and join the Nuclear Non-Proliferation Treaty [NPT]. But so far, only Belarus has followed through on this commitment, ratifying the NPT in February. Ukraine, especially, has given mixed signals. Ukrainian President Leonid Kravchuk continues to assure the United States that Ukraine will ratify START I and the Nuclear Non-Proliferation Treaty [NPT]. But some members of the Ukrainian parliament have argued against giving up their nuclear status.

The stakes for the United States are enormous. If Ukraine retains the nuclear weapons on its soil, then the START I will not go into force, leaving the United States and Russia with nuclear arsenals far larger than are necessary and costing United States taxpayers billions of additional dollars. A nuclear-armed Ukraine would also put in jeopardy the future of the NPT, which comes up for extension in 1995. Some of our European allies may rethink their non-nuclear status if they see additional nuclear powers to the east. If Ukraine fails to join the NPT, it would increase the chances of nuclear smuggling, raise the possibility of a regional nuclear war, and set a terrible precedent for other countries which want an A-bomb capability. Last month, North Korea announced it was dropping out of the NPT. If Ukraine doesn't follow through on its nonproliferation commitment, it could provide further justification for other countries to build the bomb.

The legislation I am introducing today will reward Belarus for keeping its nonproliferation promise and provide added incentives for Ukraine and Kazakhstan to do the right thing. The Former Soviet Nuclear Threat Reduction Act of 1993 is modeled on similar bills passed in 1991 and 1992 which established the $800 million Nunn-Lugar program to aid the former Soviet republics in transporting, storing, and dismantling their nuclear weapons.

This year's bill creates a $500 million program with the former Soviet republics on nuclear safety and cleanup. Assistance would be linked to the Republics' ratification of the Nuclear Non-Proliferation Treaty. Thus, Russia and Belarus would be immediately eligible for aid, while Ukraine and Kazakhstan could receive as soon as they join the NPT.

The Energy Department currently has about $4 billion in leftover defense funds from prior year budgets. Some of this money was earmarked for programs that have since been canceled. This legislation directs the President to transfer up to $500 million in these leftover funds for this new nuclear safety program. This could help make up a large portion of President Clinton's new $1.8 billion aid pledge to the former Soviet Union without requiring a new appropriation.

The former Soviet republics have a compelling reason to accept the conditions of this program. One of the most hideous legacies of the old Communist regime is the poisoned land, air, and water stemming from the Soviet nuclear complex. Large sections of the East European countryside in Belarus and Ukraine remain contaminated from the Chernobyl explosion. Russia and Ukraine still operate more than a dozen Chernobyl-model reactors with the same fundamental design and construction flaws that caused the initial accident. Russia continues to dump nuclear waste from decommissioned nuclear submarines into the Arctic and Pacific oceans. Finally, Russia is still producing bomb-grade nuclear material, even though the United States halted production in 1988. This poses obvious severe proliferation and environmental consequences, as the recent Tomsk-7 explosion so frighteningly demonstrated.

A cooperative program on nuclear safety and environmental assistance offers more than simple handouts. It's partnership that would provide direct, tangible benefits to the people of these Republics. The programs would provide work for nuclear scientists and industrial workers in the United States and the former U.S.S.R., cushioning the defense cutbacks both sides are undertaking. Already, a number of United States firms have proposed specific cooperative ventures to help clean up the Soviet nuclear mess. But these projects need some direction and support from the United States Government.

President Clinton has recognized the importance of preventing proliferation and aggressively aiding the course of reform in the former Soviet Union. As he stated in his February 26 speech at American University, "* * * these (former Soviet) republics now have a wealth of resources and talent and potential, and with carefully targeted assistance, conditioned on progress towards reform and arms control and nonproliferation, we can improve our own security and our future prosperity at the same time we extend democracy's reach."

This program will take concrete steps that will help reach those goals.

H.R. 1948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Former Soviet Union Nuclear Threat Reduction Act of 1993".

SEC. 2. PROGRAM TO REDUCE NUCLEAR THREAT IN FORMER SOVIET UNION.

(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to reduce the environmental and national security threats from nuclear facilities located in the former Soviet Union, specifically the threat from nuclear facilities located in Belarus, Kazakhstan, Russia, and Ukraine.

(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the President shall meet the following requirements:

(1) PROVISION OF ASSISTANCE.—Subject to section 3, the President shall provide assistance to Belarus, Kazakhstan, Russia, and Ukraine to—

(A) accelerate the retirement of plutonium production and chemical separation facilities;

(B) accelerate the closure of Chernobyl-type nuclear reactors;

(C) establish alternative energy sources and promote energy conservation measures;

(D) identify, assess, and set priorities for the cleanup of nuclear contaminated sites;

(E) establish training and technology development programs for environmental restoration and waste management activities at nuclear contaminated sites;

(F) deactivate and safely dispose of decommissioned nuclear-powered submarines;

(G) store and dispose of spent fuel and other radioactive materials; and

(H) strengthen nuclear materials accounting and security systems, and foster cooperative means of verifying reciprocal data exchanges covering past fissile material production and current inventories.

(2) ESTABLISHMENT OF TECHNICAL WORKING GROUPS.—Not later than 180 days after the date of the enactment of this Act, the President shall establish with the appropriate independent states of the former Soviet Union and with other nations capable of producing nuclear weapons material bilateral or multilateral technical working groups in accordance with section 3151(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484).

SEC. 3. CERTIFICATION REQUIREMENTS.

The President may provide assistance under section 2(b)(1) to a country specified in such section only if the President certifies to the Congress that such country—

(1) has ratified the Treaty on the Reduction and Limitation of Strategic Offensive Arms (START I);

(2) has acceded to the Treaty on the Non-Proliferation of Nuclear Weapons;

(3) is eligible for assistance under section 1412(d) of the Former Soviet Union demilitarization Act of 1992 (section 1412(d) of the National Defense Authorization Act for Fiscal Year 1993; 22 U.S.C. 5902(d)) and section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 22 U.S.C. 5852); and

(4) will not use assistance under section 2(b)(1) to support the continued operation or enhancement of plants for chemical separation of plutonium from the fission products in spent nuclear fuel.

SEC. 4. REPORTING REQUIREMENTS.

(a) PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.—The reporting requirements under section 1431 of the Former Soviet Union Demilitarization Act of 1992 (section 1431 of the National Defense Authorization Act for Fiscal Year 1993; 22 U.S.C. 5921) and section 3121(a)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) shall apply with respect to the obligation or use of funds for the program established under section 2(a).

(b) QUARTERLY REPORTS ON PROGRAMS.—Not later than 30 days after the last fiscal quarter of fiscal year 1993 and not later than 30 days after the end of each fiscal year quarter of fiscal year 1994, the President shall transmit to the Congress a report on the activities carried out under the program established under section 2(a) in accordance with section 1432 of the Former Soviet Union Demilitarization Act of 1992 (section 1432 of the National Defense Authorization Act for Fiscal Year 1993; 22 U.S.C. 5922).

(c) REPORT ON NUCLEAR STOCKPILE INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Congress a report containing a description of the specific actions that have been taken and are planned to be taken to comply with the condition described in subsection (a)(8) (concerning nuclear stockpile weapons arrangement) of the Senate resolution of ratification of START I (Treaty Doc. 102–20 and 102–32).

SEC. 5. ADMINISTRATION.

(a) EXECUTIVE AGENT.—The Office of Defense Programs or the Office of Intelligence and National Security of the Department of Energy shall serve as the executive agent for the program established under section 2(a) and shall carry out such program in coordination with other appropriate Federal agencies.

(b) COORDINATION.—The President shall provide for the coordination of the program established under section 2(a) with other programs that provide assistance to the independent states of the former Soviet Union in accordance with the program coordination provisions of section 102 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 22 U.S.C. 5812).

SEC. 6. FUNDING.

The President shall transfer to the appropriate accounts for national security programs of the Department of Energy from amounts appropriated to the Department of Energy for years prior to fiscal year 1993 for such programs such amounts as are available up to $500,000,000 to carry out section 2(a).

REPUBLICAN REGULATORY RELAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Madam Speaker, today I take the well to run the opening lap of the Republican Regulatory Relay of the 103d Congress. The relay was first created in the last Congress as some 30 Members came to the House floor to detail stories of regulatory overkill. The relay team Members of this Congress are waiting anxiously at the gate to bring to our colleagues and the American public the results of a regulatory system run amok. I'd like to take this opportunity to enter into the RECORD the list of relay runners for this year.

SCHEDULE OF SPEAKERS FOR THE 1993 REPUBLICAN REGULATORY RELAY

April 20–22—Rep. Tom DeLay (TX).
April 27–29—Rep. Ernest Istook (OK).
May 4–6—Rep. Duncan Hunter (CA).
May 11–13—Rep. Sam Johnson (TX).
May 18–20—Rep. Tom Ewing (IL).
May 25–27—Rep. Jim Ramstad (MN).
June 8–10—Rep. Denny Hastert (IL).
June 15–17—Rep. Roscoe Bartlett (MD).
June 22–24—Rep. Henry Bonilla (TX).
June 29–July 1—Rep. Jay Kim (CA).
July 13–15—Rep. Cass Ballenger (NC).
July 20–22—Rep. Jim Greenwood (PA).
July 27–29—Rep. Mel Hancock (MO).
August 3–5—Rep. John Doolittle (CA).
September 7–9—Rep. Michael Crapo (ID).
September 14–16—Rep. Jim Saxton (NJ).
September 21–23—Rep. Bob Dornan (CA).
September 28–30—Rep. Cliff Stearns (FL).
October 5–7—Rep. Nick Smith (MI).

Our country is faced with a huge and growing Federal bureaucracy of overzealous regulators who ignore cost/benefit analysis and whose primary concern is validating their own existence. In the name of protecting the health and safety of Americans, the Democrat majority is passing mandates and calling upon this unelected and unaccountable regulatory bureaucracy to fulfill their social agendas.

At its best, the process makes no sense; at its worst, regulators classify children's teeth as toxic waste, force banks to make teller machines accessible to blind drivers, dictate that hard hats be disinfected before each use and require employers to inform employees about the hazards of coming into contact with Joy dishwashing liquid.

The direct costs of Federal regulations are estimated to be between $400 to $500 billion annually but if you take into account the indirect costs and include State and local regulation, the regulatory burden could be anywhere between $810 billion to $1.7 trillion per year or a staggering $8,400 to $17,0000 per year per household.

Further, as a direct result of the growth in the regulatory burden since 1990, the private sector has lost nearly 2 million jobs.

The evidence speaks for itself. Overregulation bloats the Federal Government, saps our businesses, levies a heavy hidden tax on our constituents, and impedes our ability to compete.

The Republican Regulatory Relay, which gets under way today, will fight the regulatory bureaucracy by highlighting—one at a time—the barrages of unnecessary and ill-conceived rules that are forced down the throats of American businesses and American consumers. From today until the October target adjournment date, a member of the relay team will take the well of the House each week to bring to our colleagues' and the public's attention the cost to our country of a regulatory process run amok. And each week, the focus will be on a different outrageous regulatory practice.

Members will give details of overzealous enforcement, overly burdensome rules, unreasonable paperwork requirements, and rules that fail to achieve their goals. Such examples abound, and we who participate in the relay are determined to raise the volume of protest against regulatory overkill, as a small but necessary first step toward reforming the regulatory process.

Our message: The system for drafting, evaluating, approving, and promulgating rules must be overhauled. The lack of an effective regulatory review process to weigh costs and benefits is wreaking havoc on our economy. Some proposals for controlling the redtape tide are the enforcement of cost/benefit analysis, reauthorization of the Office of Information and Regulatory Affairs, or OIRA, through the Paperwork Reduction Act, the strengthening of the Regulatory Flexibility Act and regulatory budgets.

The regulatory horror story I will detail today is, unfortunately, a typical example of the Federal Government imposing another inane impediment handicapping the ability of our businesses to compete and recklessly raising the price of goods purchased by American consumers.

You may not realize this, but according to the Department of Transportation, the salad dressing you had on your salad at lunch is a hazardous material while in shipment.

That's right, the bureaucrats at DOT, in an attempt to prevent oilspills like the *Exxon Valdez* incident, have classified olive oil, peanut oil, canola oil, corn oil, safflower oil, soybean oil, and sunflower oil, as well as animal products like lard, tallow, and butterfat, as hazardous materials. An oil, or hazardous material, is defined as any substance that leaves a sheen on water at room temperature—a definition that includes virtually any liquid lighter than water that doesn't dissolve in it.

Stupidity of this nature is far from inexpensive. The classification forces transporters of edible oils to follow higher standards of care in transportation—the same standards applied to hazardous chemicals and hazardous waste products. And this is quite costly; this proposal will significantly hike freight rates and increase shippers' training and recordkeeping requirements.

The new rules would require carriers of these products to comply with labeling, placarding, packaging, and training provisions, in addition to forcing higher registration and fee payments, increased insurance, and more stringent license requirements. According to the National Industrial Transportation League, the rail rate for a typical hazardous material in movement is $120 per carload higher than a comparable shipment of edible oils shipped under current regulations.

And that's not all. These rules become even more bizarre when seen in the context of the Sanitary Food Transportation Act, a 1990 law that treats edible oils as a food category. This law was passed to protect consumers by keeping hazardous materials and food products in separate vehicles. The new DOT rules and the Sanitary Food Transportation Act actually prohibit the transportation of salad dressing and cooking oil with any other food—even if all of the other requirements for the transport of hazardous materials are met. Manufacturers of edible oils must be forgiven if they have a hard time understanding how their cooking ingredient products ended up lumped together with fuel oil and sludge.

Fortunately, however, these rules are not final. DOT regulators admit, "We realize that many of the comments that are coming in say that the definition is of little or no help to the reader * * *. When the final rule is issued, it will have a more helpful definition to the reader." Well, I hope so, but somehow I won't be at all surprised if, in fixing the problem for edible oils, the DOT bureaucrats make worse problems for other manufacturers.

Which brings me to another topic. I'd like to take a few minutes to discuss a bill I introduced last Thursday called the Private Sector Whistleblowers' Protection Act. In our efforts in the relay last year, we encountered an unmistakable reluctance of businesses and individuals to go on the record with the regulatory abuses to which they had been subjected. They feared that angry regulators would retaliate by doing anything from holding up permits to levying fines. Of course, agencies deny such abuse of power takes place. But the experiences of our constituents argue otherwise.

The Private Sector Whistleblowers' Protection Act makes retaliation a prohibited regulatory practice. Regulators found to have taken retaliatory regulatory action could end up paying $25,000 for each violation. Any individual or business injured or threatened by a prohibited regulatory practice may bring civil action in a district court against any person or agency alleged to have engaged in or threatened to engage in such a prohibited practice.

As our constituents struggle daily to comply with an unending array of regulatory requirements, at the very least they should be free to speak openly about regulatory actions taken against them that they believe to be unfair. Further, if Federal or State regulators are taking retaliatory action for such openness by our constituents, they ought to be held accountable.

When there is no accountability in a system, that system cannot work. When that system is a coercive one, and pervasive in society, it stops society from working properly.

We in the Republican party are committed to doing our utmost to bring accountability to the coercive, pervasive bureaucracy which is at fault for the suffocating overregulation of our country.

Madam Speaker, I include for the RECORD a copy of the "Backgrounder" from the Heritage Foundation:

HOW REGULATION IS DESTROYING AMERICAN JOBS

INTRODUCTION

During* the 1980s, America's ability to create jobs was the envy of the world. No longer. The American job-generating machine has ground to a halt, and regulation deserves much of the blame. The regulatory burden on U.S. firms relaxed through most of the 1980s, and private-sector employment grew by 19 million jobs. Most of these new jobs were created by small businesses, which are most sensitive to regulatory costs. Over the last four years, however, the regulatory burden has grown substantially (especially for small- and medium-sized businesses), and the private sector has lost nearly two million jobs since early 1990.

While government red tape is a costly frustration to American business, few business owners—or even government policy makers—appreciate the full impact of regulation. Among the little-known facts:

Government regulation costs at least $8,000 per household, and may reduce national output by as a much as $1.1 trillion per year.

Unnecessary and inefficient regulation at the federal, state, and local levels is now costing the American people somewhere between $810 billion and $1.7 trillion per year—even after taking account of the benefits of regulation—or between $8,400 and $17,100 per year per household.[1] A major portion of this cost consists of the additional goods and services that the American economy could have been producing today but is not because of over two decades of slower growth due to excessive and inefficient regulation. The value of this foregone output is somewhere between $450 billion and $1.1 trillion per year.[2]

Regulation reduces total U.S. employment by at least three million jobs.

Another heavy cost of regulation is reduced employment opportunities for Americans. This toll is not usually apparent, because in most instances regulation merely leads to a slower growth in employment rather than to visible loss in existing jobs. Nonetheless, even by a fairly conservative estimate, there are at least three million fewer jobs in the American economy today than would have existed if the growth of regulation over the last twenty years had been slower and regulations more efficiently designed.[3]

Many regulations directly increase the cost of employing workers and thereby act like a hidden tax on job creation and employment. Among such regulations are minimum wages laws and federal labor laws. These regulations place especially heavy burdens on small businesses, the primary engines of job creation. And exempting smaller businesses from regulations generally does not solve the problem. Instead it simply creates a "Catch 22" situation in which growing small firms are penalized by an increase in the number of regulations they became subject to.

Officials currently face no explicit requirement to consider employment effects as they develop new rules. Nor do lawmakers. Even when the agencies or congressional committees do consider the employment effects of proposed rules or regulatory legislation, policy makers often do so in ways that are simplistic or that rely on faulty assumptions and models. The methodologies used vary from agency to agency, and from regulation to regulation even within agencies. Moreover, nowhere in the entire federal regulatory process does anyone consider the cumulative effects of existing regulations, or the possible combined effects of new and existing regulations.

---

*Footnotes at end of article.

To deal with the mounting employment costs of regulation, Congress and the Clinton Administration should institute several urgent reforms. Among the most important:

Reform # 1: President Clinton should issue an executive order requiring explicit consideration of the employment effects of all new regulations.

Reform # 2: Congress should extend the same requirement to all "independent" regulatory agencies that are outside the executive branch.

Reform # 3: Congress should establish a federal regulatory budget. Such a budget means that a maximum total regulatory burden that government could impose on the economy—or regulatory budget—would be established. Whenever an agency planned to add a new regulation that would exceed the budget, it would be required to repeal or modify some other regulation so that the total burden imposed on the economy by federal regulation would not be increased. Alternatively, the government would have to arrange an offsetting reduction from another agency.

Reform # 4: Congress should require the expected employment effects of all proposed regulations to be published in the *Federal Register;* even before such a requirement is imposed, executive and independent agencies should voluntarily publish the expected employment effects of proposed regulations. This would permit the American people to know the expected magnitude of any job losses due to a new rule before it takes effect. Americans then could let officials and lawmakers know if they felt the benefits of the proposed rule were worth the job losses.

Enactment of these four reforms would reduce substantially the cost that federal regulations impose on the economy, while preserving or even increasing the benefits that regulations sometimes can provide. In particular, they would reduce the toll on employment and wages that the well-meaning pursuit of worthy ends often takes. A clean environment and safe and discrimination-free workplaces can be achieved without depriving three million or more Americans of jobs.

HOW REGULATION KILLS JOBS

Between January 1, 1983, and March 31, 1990, private-sector employment in the U.S. economy grew by some 19 million jobs, rising from 72.8 million jobs in December 1982, to 91.8 million jobs in March 1990. However, over the next two years the private sector lost nearly 2.2 million jobs, reaching a low of just over 89.6 million jobs in January 1992. The number of private-sector jobs has recovered only slightly since then, rising to 90.1 million jobs as of January 1993.[4]

What accounts for the difference between the two periods? In particular, what caused employment to start rising in January 1983, and what caused it to begin to fall in April 1990? To be sure, there are many factors that affect employment levels, including taxation. Tax rates were reduced significantly in 1983, but increased somewhat in 1990.[5] But there is considerable evidence to suggest that changes in the total cost of federal and state regulation also played a major role, especially in the downturn that occurred in 1990.

As the graph on the following page indicates, regulatory costs generally were declining during the period of private-sector employment growth. The period of decline and stagnation, by contrast, started shortly after regulatory costs started to rise again. Moreover, as the graph on page 5 shows, there was a very close negative correlation between the number of federal regulators and private-sector employment. Fewer regulators coincided with an increase in job growth; an increase in regulators with a decline in job growth and even a decline in jobs.

Policy makers concerned about job creation need to understand the basic factors that determine the level of wages and employment. Explains economist Arthur B. Laffer:

> Firms base their decisions to employ workers * * * in part, on the total cost to the firm of employing workers. * * * All else equal, the greater the cost to the firm of employing each worker, the less workers the firm will employ. Conversely, the lower the cost per worker, the more workers the firm will hire.[6]

In a world without taxes or regulations, the cost to employers of hiring an additional hour of labor services and the benefit to a worker of working an additional hour would be the same. Taxes and regulations raise the cost to employers above the reward received by the employee. These government-mandated costs include such items as unemployment and disability insurance, government paperwork requirements, and the cost of lawyers to advise firms on how to comply with the rules. While some of these government-imposed costs do provide a benefit to the employee, many of them do not.

The difference between what it costs a firm to employ a worker and the net benefit the worker receives is commonly referred to by economists as the "regulation and tax wedge." Any increase in the wedge, whether caused by regulations or by taxes, will tend to raise the cost to employers of hiring an additional employee, thereby reducing the demand for labor, and reduce the net wages and benefits workers receive, thereby reducing the supply of labor as well. Thus, the basic laws of economics indicate that if regulatory burdens rise (and tax burdens do not fall by an equal or greater amount), employment and wages will fall.

THE DIRECT AND INDIRECT EFFECTS OF REGULATION

Some regulations have a direct and immediate impact on wages or employment. The minimum wage law and federal labor laws, for example, tend to increase the cost of employing workers and thereby decrease wages or employment, and sometimes both. Other regulations affect wages and employment indirectly, but just as significantly. Banking and environmental regulations, for example, have a considerable negative effect on the overall level of economic activity. And when output slows, employment usually slows with it.

More often than not, the effects of regulation on employment are hidden by other factors, such as tax policy or general economic changes. But in other instances, the impact on jobs is very clear.

Example: The federal government's efforts to protect the northern spotted owl, under the Endangered Species Act and other related laws, means millions of acres of land in Washington, Oregon, and northern California have been closed to logging operations. Tens of thousands of loggers have lost or will lose their jobs because of these regulations, and thousands more jobs have been lost in communities dependent on logging as the principal industry.

Example: California has increased regulation sharply over the last two years, driving businesses and jobs from the state. California has lost approximately 700,000 jobs since May 1990.[7] Indeed for the first time in nearly twenty years, more people are leaving California than arriving.[8] While California's job exodus of course is due to many factors, including higher taxes, several studies and surveys have concluded that regulations—especially onerous new environmental regulations—are the principal factor driving businesses' decisions to leave the state.[9]

Why the Regulatory Cost Is Usually Hidden

Still, cases in which regulation can be clearly identified as the culprit for specific jobs losses are the exception rather than the rule. There are several reasons why there is rarely a smoking gun:

Businesses usually base their decisions on such matters as whether or where to build a new plant, and how many people they will hire, on a variety of considerations. It is rarely clear which consideration was decisive.

The result of regulation often is not a cut in wages or employment levels, but simply slower growth over time. Jobs not created are much less visible than layoffs.

Regulation in one part of the economy can have an impact in other areas. For example, a recent study by economists Michael Hazilla of American University and Raymond Kopp of Resources for the Future, a Washington, D.C.-based research group specializing in environmental issues, found that environmental regulations had reduced employment in the finance, insurance, and real estate industries by 2.64 percent as of 1990.[10] This occurred despite the fact that these industries produce no pollution themselves and thus did not incur the direct cost of pollution abatement equipment. Hazilla and Kopp found that all sectors of the economy are affected by environmental regulations, because such regulations cause the cost of inputs to the production process such as labor, raw materials, and electricity to rise, and cause savings, investment and capital formation to fall.

Unfortunately for workers, the indirect causal links whose effects Hazilla and Kopp attempted to measure are invisible to most observers. Nonetheless, Hazilla and Kopp found the employment effects of environmental regulation for the economy as a whole to be substantial. By their estimates, environmental regulations alone had by 1990 reduced the overall employment level by 1.18 percent.[11] This would mean between 1.1 million and 1.4 million fewer jobs than would have existed without environmental regulation.[12] Moreover, environmental regulation significantly altered the distribution of labor employment across the economy. Although a few sectors, such as the natural gas industry and the wholesale and retail trade sectors, experienced modest increases in employment, most sectors experienced reductions.

THE TOTAL COST TO THE ECONOMY

Most studies analyzing the cost of regulation examine only direct compliance expenditures. They do not consider the indirect effects of regulation on output and employment. But some other studies, such as that by Hazilla and Kopp, suggest that the indirect effects may be as large as or even significantly larger than the direct compliance costs, at least in the case of environmental regulations.[13] The reason for this is that reductions in investment due to regulation have cumulative effects over time on output and employment.

The most widely cited estimates of the combined cost of all federal regulations put the figure between $595 billion and $667 billion per year for 1992, measured in 1991 dollars.[14] However, these estimates do not take any account of the indirect effects of regulation on output and employment. A recent study by Nancy Bord and William Laffer, of The Heritage Foundation, attempted to estimate the indirect effects of all regulations—state as well as federal—by extrapolating from the results of other studies, such as that of Hazilla and Kopp. Bord and Laffer calculate that, in the absence of all unnecessary regulatory costs,[15] annual gross domestic product (GDP) would exceed its current level of $5.672 trillion as of 1991 by at least some $450 billion, and possibly by as much as $1.1 trillion.[16] This additional output would mean the existence of several million additional jobs. Even a conservative estimate would put the figure at well over three million jobs.[17]

EXAMPLES OF JOB-DESTROYING REGULATIONS

As noted earlier, some regulations directly increase the cost of employing workers and thereby act like a tax on job creation and employment. Three examples show in practical terms how this happens.

Example # 1: Minimum Wage Legislation

It is now almost universally accepted that minimum wage laws reduce the employment of low-skilled workers whose productivity simply is not worth what the employers are required by law to pay.[18] The only major disagreement today is over the degree of employment reductions caused by the minimum wage requirement.[19]

For the nine years running from January 1981 through March 1990, the federal minimum wage remained fixed at $3.35 per hour. Because of inflation, however, the real value of the minimum wage—and therefore the real cost to businesses of employing less-skilled workers—declined. Not surprisingly, the percentage of teenagers with jobs climbed from 41 percent to over 48 percent over the same period.[20]

Congress decided in 1989 to increase the federal minimum wage to $3.80 per hour as of April 1, 1990, and to $4.25 per hour as of April 1, 1991. Again, not surprisingly, teenage employment fell immediately after each of these increases. Just four months after the 1990 increase, for instance, the percentage of teenagers with jobs had fallen from over 48 percent to less than 43 percent, undoing most of the previous nine years' improvement.[21]

In total, the federal minimum wage rose by 27 percent, and teenage employment fell by 11 percent.[22] The 1990 and 1991 minimum wage increases made it harder for teenage workers to get summer and Christmas vacation jobs. The hikes made it harder for younger adults with little education, skill, or experience to obtain their first full-time entry-level jobs. These are the jobs where they would acquire the training, experience, and work habits that eventually would make their labor worth more than the legal minimum. And the increases in the minimum wage made it harder for unskilled housewives trying to supplement their family's income while their children are in school to obtain part-time work.

Calculations by economists Lowell Gallaway and Richard Vedder of Ohio University show that the total cost to a business for each worker hired and for each hour worked rose sharply after each of these increases in the minimum wage, but especially after the first—which was the larger of the two increases in percentage terms.[23] Furthermore, calculations by Gallaway and economist Gary Anderson of the Joint Economic Committee (JEC) of Congress suggest that the total cost per worker hired and per hour worked rose particularly sharply for smaller businesses.[24] Larger corporations tend to be less affected (at least directly) by increases in the minimum wage, since they already pay most if not all of their workers wages well above the legal minimum. By contrast, the overwhelming majority of businesses that employ people at the minimum wage are small and medium-sized. Consequently, increases in the minimum wage—like most other increases in the regulatory burden—tend to have a greater impact on smaller firms, and to exacerbate the disparity that already exists between small and large firms.[25]

Private-sector employment peaked in March 1990, and started declining sharply in April 1990. It appears likely, therefore, that the legally mandated explosion in the cost of employing relatively unskilled workers was a significant factor contributing to the 1990–1991 recession and the stagnation of the past year.

Example # 2: Federal Labor Laws

Federal labor laws regulate employers' dealings with their employees and with organized labor unions. Under these laws, the flexibility of companies to hire and fire workers is restricted, and often they are required to engage in costly negotiations with labor unions. Far from being balanced, federal labor laws deliberately tilt the scales in favor of unions and against employers, as well as against employees who do not wish to join a union.[26]

There is, however, no free lunch. Restrictions imposed on employers (and employees) by federal labor laws inevitably increase the cost of employing workers, resulting in fewer jobs and lower wages, or at least in slower growth in employment and wages over time.[27]

Example # 3: Mandated Benefits

Regulations that require employers to provide various benefits to their employees, such as health insurance, unemployment insurance, workers' compensation, retirement benefits, or child care, all tend to reduce wages and employment. They increase the cost of employing workers, which can lead to a slowdown in the creation of new jobs or even to layoffs.

In the long run, employers will seek to offset their increased costs, either by reducing wage and salary payments or by cutting back on other benefits that the employer previously might have provided voluntarily as a means of attracting workers. As a result, the total value of the employees' compensation eventually may be no higher than it would have been in the absence of the regulation. In fact, the value to the employee may even end up being less than it would have been, while the cost to the employer may still be greater. In this case, the regulation will end up reducing the supply of labor as well as demand. Thus, one way or another, much of the cost of the regulation will end up being borne by the workers, whether in the form of fewer jobs, fewer fringe benefits, a reduction in the growth of wages over time, or some combination of the three.[28]

REGULATION AND SMALL BUSINESS

The U.S. economy created some 19 million net new private-sector jobs during the 1980s. Most of these new jobs were created by new businesses, and most of the remainder were created by existing small businesses.[29] By contrast, large U.S. multinational corporations contributed less than one-tenth of one percent of the employment growth that occurred between 1982 and 1989.[30] Indeed, employment by *Fortune* 500 corporations actually fell by about 4 million jobs during the 1980s.[31] Thus, taken as a separate sector, employment in small and medium-sized businesses actually grew by an astounding 23 million jobs.

Small businesses have always been the engine of job creation in the U.S. economy. Some 57.2 percent of all net new jobs created between 1976 and 1986 were created by firms with fewer than 500 employees, 43.7 percent were created by firms with fewer than 100 employees, and 26.2 percent were created by firms with fewer than 20 employees.[32] Today, two out of every three new jobs in the United States are created by small and medium-sized businesses.[33] The vast majority of American businesses are small, and the majority of American workers are employed by small firms. In the U.S., 93.3 percent of all business establishments employ fewer than 100 employees, and 83.4 percent employ fewer than 20 employees. Only 3.4 percent of all firms employ 500 or more employees, and only 1.5 percent of all firms employ 5,000 or more employees.[34]

How Regulation Hurts Small Business

Regulation does not affect all businesses equally. It imposes the heaviest burdens on small and medium-sized businesses. The reason is that small and medium-sized firms find it harder to spread the high overhead costs of processing paperwork, attorney and accountant fees, and the staff time needed to negotiate the federal regulatory maze. Direct labor regulations, such as increases in the minimum wage, also represent a comparatively larger burden for small firms. Consequently, increasing levels of regulation tend to put small and medium-sized businesses at a competitive cost disadvantage compared with larger firms.[35]

Future regulation will compound this problem. For example, although President Clinton has yet to finalize his health care proposals, he has indicated tentative support for proposals to require firms to shoulder much of the cost of universal coverage for workers and their families. This would significantly increase the cost of hiring workers in the small business sector, where many firms currently do not provide coverage. While 98 percent of all firms with 100 or more employees already provide health benefits, only 27 percent of firms with fewer than 10 employees offer health benefits at present.[36] In other words, while 73 percent of firms with fewer than 10 employees would see their cost of employing workers rise under either of these proposals, only 2 percent of firms with 100 or more employees would be significantly affected.

Out of the Frying Pan and into the Fire. To its credit, Congress generally has tried to compensate for the disproportionate burden of regulation on smaller firms by exempting firms below a certain size—measured by the number of employees—from various regulations. For example, the Worker Adjustment and Retraining Notification Act of 1988, which requires employers to give employees and local government officials advance notice before closing a plant or laying off workers, only applies to firms with 100 or more employees. Likewise, the Americans with Disabilities Act (ADA) of 1990 currently applies only to firms with 25 or more employees. After July 26, 1994, however, the ADA will apply to firms with 15 or more employees.

Unfortunately, this well-intentioned approach does not really solve the problem; it merely changes the form of the problem. In some respects it may even make the problem worse, for it gives businesses an incentive not to grow beyond a certain size. If a firm stays small enough, it remains exempt from regulations. However, if it hires "too many" workers, it becomes subject to various costly regulations. Thus, instead of punishing firms merely for being small, federal regulations also punish small firms for growing and creating more jobs.

As a result, firms nearing the relevant threshold for a rule have a powerful incentive to avoid hiring additional employees. For example, in a letter to The Washington Times, the president of Schonstedt Instrument Company of Reston, Virginia, tells how he has deliberately kept his company below 50 employees in order to avoid having to file certain forms with the federal government, because of the cost of time involved.[37]

Worse still, the prospect of an exemption from a regulation can make it profitable for firms actually to reduce their workforces in order to fall below the relevant threshold. For example, the Family and Medical Leave Act of 1993, recently signed into law by President Clinton, will apply to firms with 50 or more employees. Calculations by the Joint Economic Committee (JEC) of Congress suggest that under this law, a firm whose optimal size before the regulations was 60 employees might actually find it profitable to cut back to 49 employees.[38] As the JEC report puts it, "Exemption from government regulations and mandates on the basis of the size of the company is a guaranteed recipe for making small businesses smaller."[39]

THE MYTH THAT REGULATION CREATES JOBS

Defenders of regulation sometimes argue that while regulation may cut jobs in some firms, in general it is good for the economy and creates jobs. A number of writers recently have made this argument in connection with environmental regulation.[40] For example, it is pointed out that environmental regulations stimulate employment in industries that manufacture special devices required by government, such as scrubbers for smokestacks, and create jobs in environmental clean-up firms. Similarly, it is argued that securities regulations and the Treasury's regulations interpreting the Internal Revenue Code create employment for lawyers and accountants.

These arguments almost always rest on a basic economic fallacy: they confuse the creation of jobs in a particular industry with the creation of jobs for the economy as a whole. Thus while jobs are indeed created in firms that assist in helping companies comply with rules, these rules also cost jobs in the regulated industry. The fallacy that adding costs to firms actually creates jobs in the economy is a persistent fallacy that was refuted decades ago. Rather than creating jobs, regulation simply diverts employment from productive to unproductive activities, with a net loss in efficiency and jobs.[41] In particular instances, the jobs created may be more or less numerous than those destroyed. For example, if a new Medicare regulation increases the cost of doing brain surgery, a hospital may lay off one $300,000-per-year brain surgeon and hire three $30,000-per-year administrators to fill the relevant Medicare forms. In other instances, however, a firm may lay off three blue-collar workers and replace them with one higher-paid engineer. There is no reason to expect the jobs that are created because of regulation to systematically outnumber—or pay more than—the jobs that are destroyed.

HOW TO AVOID UNNECESSARY JOB LOSSES

Jobs are lost unnecessarily through regulation because currently there is no explicit requirement that the employment effects of regulation be considered, either by Congress when it legislates or by federal regulatory agencies in the rule-making and enforcement process.

Executive Order (EO) 12291, issued by President Reagan in February 1981, does require executive branch agencies to inquire into the overall costs and benefits of proposed regulations. However, EO 12291 does not explicitly require any particular kind of costs or benefits to be counted. Thus, while the negative effects of a proposed regulation on wages or employment levels can be counted as costs, they do not have to be. Likewise, the employment-enhancing effects (if any) of a proposed regulation can be counted as benefits, but need not be. An agency thus may compute benefits and costs in dollars without ever counting how many jobs would be gained or lost. Moreover, EO 12291 applies only to new regulations, not regulations that are already on the books. And EO 12291 does not apply to any of the "independent" regulatory agencies that lie outside the executive branch, such as the Securities and Exchange Commission or the Federal Communications Commission.

This is not merely a problem in theory. A recent study by the National Commission for Employment Policy examined the regulatory review practices of seven federal agencies with major responsibility for preparing and enforcing regulation. The study found that "federal regulatory agencies * * * do not explicitly or systematically take potential employment effects into consideration during the review process, or in enforcement decisions."[42] Even when employment effects are considered by the agencies, they are considered either in a simplistic way, or on the basis of faulty assumptions and models. The methodologies used vary from agency to agency, and even from regulation to regulation within agencies. The study also found that federal regulatory agencies generally fail to consider the cumulative effects of existing regulations and the possible effects of new regulations on existing rules.

Because regulation of one part of the economy can affect other parts, and because regulations often interact with each other in significant ways, no regulation can properly be judged or measured in isolation.[43] In fact, this interaction means the adoption of a new regulation can increase the cost imposed by existing regulations. Therefore, computing the total costs and benefits of any new regulation would require determination of the net impact of all regulations taken together. Generally speaking, the greater the volume of regulation that already exists when a new regulation is introduced, the greater will be the incremental, overall cost of adding the new regulation. Failure to take account of this is one of the most important factors contributing to the enormous growth in the overall regulatory burden. It also helps explain the decline in U.S. labor productivity and wage growth over the past two decades (see chart on following page), and the decline in employment during the last two years.

In light of the severe burden imposed by regulation on employment, President Clinton and Congress should reform the regulatory review process. Among the necessary reforms:

Reform #1: President Clinton should issue an executive order requiring explicit consideration of the employment effects of all new regulations.

Reform #2: Congress should extend the same requirements to all of the "independent" regulatory agencies that lie outside the executive branch.

Reform #3: The President and Congress should establish a federal regulatory budget.

Under a regulatory budget, a limit would be placed on the total estimated cost imposed on the economy each year by all federal regulations. This limit would apply to new and existing regulations taken together. Thus, if the budget had been reached, an agency wishing to add a new regulation would have to repeal or modify an existing regulation. If an agency could not find a large enough offsetting reduction among the other regulations for which it was responsible, the government would have to agree to an offsetting reduction by another agency.

The introduction of a regulatory budget would have several virtues. First, it would place a limit on the total cost that can be imposed on the economy by federal regulation. This total burden would have to be apolitical decision, with ordinary Americans able to take part in the national discussion.

Second, it would force agencies to debate each other to justify the merits of proposed regulations, with the Office of Management and Budget (or any other body designated by the President, such as the newly created National Economic Council) making the final call. This in turn would compel the agencies, as they are not compelled at present, to think seriously about which regulations are most important to them and yield the greatest benefits.

And third, it would give agencies the incentive to review their existing regulations and find those which are not really worth retaining—or are causing greater job losses than expected—in order to make room for new regulations with a higher priority.

Reform #4: Congress should require the expected employment effects of all proposed regulations to be published in the Federal Register before the regulations take effect.

Present law allows but does not require publication of expected employment effects in the Federal Register. Congress should make such disclosure mandatory. In the meantime, executive and independent agencies should disclose expected job losses or wage reductions voluntarily. This would permit the public to know the expected magnitude of any job losses or net wage reductions. Thus Americans could comment on this aspect of proposed regulations before they take effect. This also would enable the public to compare actual job losses with what was predicted at the time each regulation was issued.

CONCLUSION

The President and Congress must do something to get the problem of growing federal regulation under control. Regulation at the federal, state, and local levels in now costing the American people somewhere between $810 billion and $1.7 trillion per year, even after taking account of benefits, or between $8,400 and $17,100 per year per household. A major portion of this cost consists of the output that the American economy could have been producing today but is not because of over twenty years of excessive and inefficient regulation—somewhere between $450 billion and $1.1 trillion per year.

Another important cost of regulation is the failure to create more employment opportunities for Americans who would like to work. Many regulations directly increase the cost of employing workers and therefore act just like a hidden tax on job creation and employment. Unfortunately, regulation places especially heavy burdens on smaller and medium-sized businesses, which are the primary engines of job creation. As a consequence, there probably are at least three million fewer private-sector jobs in the American economy than could have existed today if the growth of regulation had been controlled and regulations had been more sensibly and efficiently designed.

While regulation has been taking a toll on employment throughout the last two decades, the toll has risen sharply in just the last four years. Moreover, two of the most significant and costly new regulations of the last four years—the 1990 Clean Air Act Amendments and Americans with Disabilities Act (ADA)—only started to take effect a few months ago; some of their provisions will not take effect until the middle of 1994. So the impact of these regulations on employment still lies in the future—the heavy job losses due to regulation in the last three years have been caused by existing rules. In other words, the employment loss due to regulation is almost certain to get worse if the President and Congress do not take action.

Many specific federal regulatory programs deserve a drastic overhaul. Even though repeal of such new regulatory programs as the Clean Air Act Amendments and the ADA is politically unlikely, the President and Congress could act to lighten the overall regulatory burden in other areas. Reform of deposit insurance and federal banking laws, for example, could help the entire economy and would do much to alleviate the credit crunch that has restrained job creation by small and medium-sized businesses over the past three years.[44]

But besides dealing with specific regulations, the regulatory process itself is badly in need of reform. What is needed is for the President and Congress to force agencies to inform Americans of the likely employment effects of proposed rules and to set priorities in rule-making. If these reforms are instituted, the federal government's regulation of the economy could be conducted with the fewest pink slips for American workers.

William G. Laffer III,
McKenna Fellow in Regulatory
and Business Affairs.

FOOTNOTES

[1] Nancy A. Bord and William G. Laffer III, "George Bush's Hidden Tax: The Explosion in Regulation," Heritage Foundation Backgrounder No. 905, July 10, 1992, p. 19. Regulations may be treated as "unnecessary" if (1) the costs they impose exceed the benefits they produce, or (2) even though they produce benefits that may exceed costs, they do so in an unnecessarily costly manner because of an inefficient method or approach. The basis for the distinction between necessary and unnecessary regulations is discussed further in footnote 15 below.

[2] Ibid.

[3] Footnote 17 below explains how this figure was calculated.

[4] Source: U.S. Department of Labor, Bureau of Labor Statistics (BLS) ("establishment data," based on a monthly survey of employers, seasonally adjusted). These figures do not include agricultural employment or employment by federal, state, or local governments. Using BLS's figures for total civilian employment ("household data," based on household interviews conducted monthly by the Bureau of the Census, seasonally adjusted), including agricultural employment and non-military government employment, the relevant employment figures are 99 million jobs in December 1982, 118.3 million jobs in May 1990, 116.5 million jobs in August 1991, and 118 million jobs as of January 1993.

[5] See Daniel J. Mitchell, "An Action Plan to Create Jobs," Heritage Foundation memo to President-Elect Clinton No. 1, December 14, 1992, pp. 4–5. The tax cuts were enacted in 1981 did not take full effect until January 1983. Although the 1990 tax increases were not signed into law until November 1990, President Bush renounced his "no new taxes" pledge and indicated his willingness to agree to a tax increase in June 1990.

[6] Arthur B. Laffer, "Supply-Side Economics," Financial Analysts Journal, September/October 1981, pp. 32–33.

[7] George F. Will, "Can California Compete?" The Washington Post, September 27, 1992, p. C7.

[8] "Californians leaving state in record numbers," The Washington Times, September 4, 1992, p. A2.

[9] The most important of these studies is "California's Jobs and Future" (April 23, 1992), a detailed report prepared by the Council on California Competitiveness, led by Peter Ueberroth, the former baseball commissioner and organizer of the 1984 Olympic Games in Los Angeles. Another is Mark Baldassare and Associates, "Department of Commerce Survey of California Manufacturers" (Sacramento: California Department of Commerce, Office of Business Development, December 13, 1989). Two additional surveys are cited in Philip K. Verleger Jr., "Clean Air Regulation and the L.A. Riots," The Wall Street Journal, May 19, 1992, p. A14.

[10] Michael Hazilla and Raymond J. Kopp, "Social Cost of Environmental Quality Regulations: A General Equilibrium Analysis," Journal of Political Economy, Vol. 98, No. 4 (1990), p. 869.

[11] Ibid., p. 867.

[12] The average number of Americans employed in 1990 was between 91.5 million and 117.9 million, depending on which BLS data series one uses. 91.5 million1.18%=1.1 million. 117.9 million1.18%=1.4 million. Of course, the number of jobs eliminated by environmental regulations might be smaller if some of the 1.18 percent reduction in labor supply were simply due to people working fewer hours in existing jobs.

[13] Another such study, with similar results, was done by economists Dale Jorgenson of Harvard University and Peter Wilcoxen of the University of Texas. See Dale W. Jorgenson and Peter J. Wilcoxen, "Environmental Regulation and U.S. Economic Growth," RAND Journal of Economics, Vol. 21, No. 2 (Summer 1990), pp. 314–40.

[14] Thomas D. Hopkins, "Cost of Regulation," Rochester Institute of Technology Public Policy Working Paper (December 1991); Robert W. Hahn and John A. Hird, "The Costs and Benefits of Regulation: Review and Synthesis," Yale Journal on Regulation, Vol. 8, No. 1 (Winter 1991), pp. 233–278. The figures in the text are arrived at by taking Hopkins's estimate of the total cost of regulation as of 1992, substituting Hahn's and Hird's original estimate of the gross cost of economic regulation for the figure Hopkins used (which was a modified version of Hahn's and Hird's estimate), substituting Hopkins's updated but as yet unpublished figure for the federal paperwork burden, and converting the new total from 1988 to 1991 dollars.

[15] Insofar as some types of regulation—environmental regulation in particular—produce benefits as well as costs, one may not simply assume that all of the costs of regulation can be eliminated. However, even where existing regulations may produce benefits that exceed costs, it often appears that the same or even greater benefits could be obtained at a significantly lower cost by using better-designed, more efficient forms of regulation. Consequently, in calculating the foregoing figures, wherever a regulation appeared to produce net benefits, no cost was counted except the difference (if any) between the actual cost imposed by the regulation in question and the lower cost that would be incurred under a more efficient regulatory scheme.

[16] Bord and Laffer, op. cit., p. 19. Bord and Laffer used a very wide range of estimates of the ratio of indirect costs to direct costs because of the inherent uncertainty involved in estimating how much output is not produced. That is why their lower and upper bounds are so far apart.

[17] Based on the ratio of 1991 GDP to average private-sector employment in 1991, the production of an additional $450 billion to $1.1 trillion in annual GDP would mean the creation of an additional 7.2 million to 19.2 million jobs, depending on which figure is used for private-sector employment. However, because much of the additional GDP would have come from increased productivity, rather than increased employment, the actual job growth figures would likely be much smaller. Assuming that half of any increase in annual GDP came from increased employment, the additional jobs that would have been created in the absence of all unnecessary regulatory costs would number between 3.6 million and 9.6 million.

[18] See, e.g., Simon Rottenberg, ed., "The Economics of Legal Minimum Wages" (Washington, D.C.: American Enterprise Institute, 1981).

[19] Some studies note, for example, that while the minimum wage law reduces employment of low-skilled workers, it may increase employment of medium-skilled workers who, to some extent, can be used in lieu of the low-skilled workers whose labor the minimum wage renders too expensive. However, the increase in employment of medium-skilled workers is never enough to fully offset the decrease in employment of low-skilled workers.

[20] Alan Reynolds, "Cruel Costs of the 1991 Minimum Wage," The Wall Street Journal, July 7, 1992, p. A14.

[21] Ibid.

[22] Ibid.

[23] Lowell Gallaway and Richard Vedder, "Why Johnny Can't Work: The Causes of Unemployment," Policy Review, Fall 1992, p. 29.

[24] Gary Anderson and Lowell Gallaway, "Derailing the Small Job Express" (Washington, D.C.: Joint Economic Committee, November 7, 1992), pp. 25–28.

[25] For a discussion of the disparate impact of regulation on small business, and of the importance of this disparity from the standpoint of job creation, see pages 10–12 below.

[26] See, e.g., Richard A. Epstein, "A Common Law for Labor Relations: A Critique of the New Deal Labor Legislation," Yale Law Journal, Vol. 92 (1983), p. 1357; Daniel J. Mitchell, "Government Intervention in Labor Markets: A Property Rights Perspective," Villanova Law Review, Vol. 33, No. 6 (1988), pp. 1043–1057.

[27] See, e.g., John T. Addison and Barry T. Hirsh, "Union Effects on Productivity, Profits, and Growth: Has the Long Run Arrived?" Journal of Labor Economics, Vol. 7 (January 1989), pp. 72–106. In addition, compulsory union dues reduce the net benefits workers receive for working, thereby reducing the supply of labor as well as demand.

[28] See, e.g., Richard B. McKenzie, "The American Job Machine" (New York: Universe Books, 1988), pp. 218–31; Don Bellante and Philip K. Porter, "A Subjectivist Economic Analysis of Government-Mandated Employee Benefits," Harvard Journal of Law land Public Policy, Vol. 13, No. 2 (Spring 1990), pp. 657–687.

[29] Lawrence A. Kudlow, "Small Business Is Big Business," Global Spectator, February 28, 1992, reprinted in Congressional Record, March 10, 1992, p. S3153.

[30] Ibid.

[31] George F. Will, "A refresher course on what ails us," The Providence Journal-Bulletin, September 14, 1992, p. A6.

[32] U.S. Small Business Administration, "The State of Small Business: A Report of the President" (Washington, D.C.: U.S. Government Printing Office, 1989), p. 48.

[33] Kudlow, op. cit.

[34] David L. Birch, Job Creation in America: How Our Smallest Companies Put the Most People to Work (New York: The Free Press, 1987), p. 9.

[35] See, e.g., Ann P. Bartel and Lacy Glenn Thomas, "Direct and Indirect Effects of Regulation: A New Look at OSHA's Impact," Journal of Law and Economics, Vol. 28, No. 1 (April 1985), pp. 1–25; Ann P. Bartel and Lacy Glenn Thomas, "Predation Through Regulation: The Wage and Profit Effects of the Occupational Safety and Health Administration and the Environmental Protection Agency," Journal of Law and Economics, Vol. 30, No. 2 (October 1987), pp. 239–264; B. Peter Pashigian, "The Effects of Regulation on Optimal Plant Size and Factor Shares," Journal of Law and Economics, Vol. 27, No. 1 (April 1984), pp. 1–28; B. Peter Pashigian, "Environmental Regulation: Whose Self Interests Are Being Protected?" Economic Inquiry, Vol. 23, No. 4 (October 1985), pp. 551–584.

[36] Health Insurance Association of America, Source Book of Health Insurance Data 1991 (Washington, D.C.: Health Insurance Association of America, 1991), p. 27 (Table 2.5).

[37] E.O. Schonstedt, letter to the editors, The Washington Times, February 16, 1992, p. B5.

[38] Anderson and Gallaway, op cit., pp. 21–24.

[39] Ibid., p. 24.

[40] E.g., Timothy E. Wirth, "Easy Being Green * * * Lighten Up, Loggers—Environmentalism Actually Creates Jobs," The Washington Post, October 4, 1992, p. C3; Michael Silverstein, "Bush's Polluter Protectionism Isn't Pro-Business," The Wall Street Journal, May 28, 1992, p. A21; Curtis Moore, "Bush's Non-

sense on Jobs and the Environment," The New York Times, September 25, 1992, p. A33.

[41] See Frederic Bastiat, "What Is Seen and What Is Not Seen," in Frederic Bastiat, Selected Essays on Political Economy, trans. Seymour Cain, ed. George B. de Huszar (Irvington-on-Hudson, New York: Foundation for Economic Education, 1964); Henry Hazlitt, Economics in One Lesson (Westport, Connecticut: Arlington House, 1979).

[42] Nancy A. Bord, "Addressing Employment Effects in the Regulatory Review Process," draft final report prepared for the National Commission for Employment Policy, September 9, 1992, p. 33.

[43] An analogous point applies in the area of taxation: Because different taxes often interact with each other in important ways, no individual tax can properly be evaluated in isolation. In fact, strictly speaking, taxes and regulations can only be analyzed in conjunction with each other. Each specific tax must be analyzed in light of every other tax and every regulation, and each specific regulation must be analyzed in light of every other regulation and every tax. See generally John R. Hicks, Value and Capital, 2nd ed. (Oxford: Oxford University Press, 1946); Arnold C. Harberger, Taxation and Welfare (Chicago: University of Chicago Press, 1974).

[44] See William G. Laffer III, "How to Reform America's Banking System," Heritage Foundation Backgrounder No. 810, February 26, 1991; Victor A. Canto, "The Credit Crunch" (La Jolla, California: A.B. Laffer, V.A. Canto & Associates, April 20, 1990); Victor A. Canto, "The Credit Crunch Revisited" (La Jolla, California: A.B. Laffer, V.A. Canto & Associates, November 16, 1990); William C. Dunkelberg and William J. Dennis, Jr., "The Small Business Credit Crunch" (Washington, D.C.: NFIB Foundation, December 1992); Paul Craig Roberts, "Economic Dominoes," National Review, November 30, 1992, pp. 37–42. As predicted by Canto and confirmed by Dunkelberg and Dennis, the credit crunch has mainly affected medium-sized businesses and larger small businesses (that is, those small businesses with at least 40 employees).

☐ 1700

THE 50TH ANNIVERSARY OF MARIANAS CAMPAIGN OF WORLD WAR II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 60 minutes.

Mr. UNDERWOOD. Madam Speaker, next year, 1994, marks the 50th anniversary of the Marianas campaign of World War II. This event is especially significant to the people of Guam who have the distinction of being the only American territory occupied during World War II. After more than 2½ years of occupation, the people of Guam emerged from a dark chapter of their history to find their world, their lives, and their island forever transformed by the war experience and the post-World War II years. The sense that Guam suffered, as no other American civilian community did, is basic to understanding the Guam of today. Anyone who understands the war experience understands why freedom and democracy are so vital to the people of Guam.

It is difficult to describe the period from December 10, 1941, to July 21, 1944. Clearly, one has to recount the courage of the defenders of Guam, the Guam Insular Force Guard and the Guam Militia, in defending the island against overwhelming odds.

One also has to tell about the heroics of the American liberators in the battles on Guam, Saipan, and Tinian. Somehow, in retelling the exploits of the Marine, Army, Navy and Coast Guard units who participated in the Marianas campaign to liberate these islands, the word "courage" seems woefully inadequate. The battle for Guam was so intense, that three Medals of Honor were awarded for gallantry.

In the intervening 32 months between the invasion of Guam by the Japanese and the liberation of Guam by the Americans, Guam became a prized jewel of the Japanese Empire, because Guam was the only civilian community living under the Stars and Stripes that was captured. For this distinction, the people of Guam paid the price to their occupiers.

Madam Speaker, this is the aspect of the story of the occupation of Guam that I want you, and the rest of America, to know about. It is probably the least known fact of these war years. It is the story of the resistance of the people of Guam and their absolute loyalty to America during these trying years.

America must know that our people were brutalized for helping six American sailors evade capture by the Japanese. One by one, each was hunted down and killed. It came down to one American sailor, and the people of Guam, against the occupiers. This lone sailor for 2½ years evaded capture because of the assistance of the Chamorros, the native people of Guam. He became an unwitting symbol of defiance and hope; defiance against a ruthless occupation, and hope that America would not abandon Guam, and her people. The Japanese understood what was at stake, but they failed to capture this last sailor, and more importantly, they failed to break the spirit of the Chamorros on Guam. For this act of defiance and hope, many Chamorros were beaten and some were beheaded by the Japanese.

America must be told about the forced labor to build Japanese defenses. The runway of the present naval air station in Agana, Guam, was built on the backs of the Chamorro people as a Japanese airfield. Our mothers and fathers, who labored under the hot sun at gunpoint, can never look at that runway again without remembering those who painstakingly built it by hand, one stone at a time.

America must learn about the forced marches to unfamiliar places on Guam, like Miamai, Malojloj, and Manengon. Old women, young children, the weakest and the most vulnerable, lost their lives in the brutal march, marked by a trail of blood and tears. It was said that the lucky ones got to die. Some of those lucky ones got to die in caves in Malesso, where they were herded and then exterminated by hand grenades. And, miraculously, some lived, as if God himself ordained that witnesses shall live to bear testimony to these atrocities.

Madam Speaker, America must be reminded that there were concentration camps on my island, and that our people were imprisoned in these camps under wretched conditions. The occupiers feared that our people were surely going to aid the American forces.

America must know. Must be told. Must learn. Must be reminded. America must never forget what we on Guam carry in our hearts. America must fully understand what we have experienced. The sacrifice was for all Americans, given by the American citizens of Guam.

For us, the sorrow of the occupation is a distant memory now, but the sacrifice of our people is etched in the burden that many families carry. I personally know what those sacrifices mean and how heavy that burden can be—my own parents lost two children during the occupation.

Madam Speaker, as a testimony to the memory of the occupation of Guam, on the eve of the 50th anniversary commemoration in 1994, I am introducing H.R. 1944. This bill will help us all to remember; we must never forget. It will authorize a monument to the people of Guam. Just as there is now a monument to the American Forces, and a monument to the Japanese soldiers, and even a monument to the American war dogs, yes, Madam Speaker, the Federal Government maintains a cemetery and memorial to dogs which died on Guam during World War II. There will finally, 50 years later, be a monument to the people who endured the acts of violence that the occupation wrought.

This bill will authorize visitors centers at the War in the Pacific National Historical Park on Guam and the American Memorial Park on Saipan, so that the story of World War II in the Pacific will be preserved for future generations. Our children, and their children, must learn about the lessons of war and the changes that the war brought to our islands.

The War in the Pacific National Historical Park is unfinished. It commemorates a war on Guam that is incomplete without the central theme inherent in the experience of the people of Guam. The legacy of the war is not about a rusty tank; it is about the heroism of the Marines and soldiers who fought the war. Likewise it is not about a village that was destroyed; it is about the villagers who were massacred.

If you visit the War in the Pacific National Park on Guam and you do not get a sense of the human toll that the war extracted, then it must not be finished. If you do not see the names of people, such as Father Jesus Baza Duenas, Edward Camacho Duenas, or Jose Leon Guerrero Cruz, who were beheaded, or Alfred Flores and Francisco Borja Won Pat, who were executed by firing squads, then you have not experienced the war. If you do not hear the names spoken of those who suffered, like Beatrice Perez Emsley who was a victim of a Japanese sword, nearly decapitated and buried alive, but by the grace of God is still alive today; or Jose Oficido Cruz, Joaquin Cruz, and Juan Lizama, who survived the massacre at a cave in Fena, then it is not finished. If instead you see a picnic ground, then the War in the Pacific Park has failed in its essential purpose.

As we look to the 50th anniversary of the Marianas campaign, we must look at our responsibility to our children. We must judge our success or failure in preserving for all generations the horrors and the triumphs of the war in the Pacific. As caretakers of a legacy written in the bloodied sands of the invasion beaches of Guam, and etched in the memory of the Chamorro people who survived the occupation, it is our duty to do now what needs to be done before time destroys the memory.

You must help us to remember the legacy of the war in our islands, and we will help you to understand the pain of that experience.

Madam Speaker, I urge all Members of this body to support H.R. 1944.

□ 1710

THE TICKING TIME BOMB IN OUR CITIES

The SPEAKER pro tempore (Ms. McKINNEY). Under a previous order of the House, the gentlewoman from California [Ms. WATERS] is recognized for 60 minutes.

Ms. WATERS. Madam Speaker, 1 year ago today Los Angeles erupted in flames. One year after the uprising I want to continue to share with my colleagues a few of my thoughts on America's urban policy.

Since my election to this House, Madam Speaker, I have attempted to create a dialog in Congress about poverty and despair. Last year, I spent countless hours defining the roots of our urban crisis. I talked about endemic unemployment and underemployment in our inner cities. I spoke of how companies were closing up shop and moving abroad taking good American jobs with them. I described the damage done by 12 years of outright abandonment of our cities by Ronald Reagan and George Bush. I talked about how banks had redlined our communities, how the criminal justice system had failed us, and how racism was—alas—alive and well.

I could take this opportunity to analyze the response in the past year to the uprising in Los Angeles in the wake of the first Rodney King trial. Really, though, what would be the point? As yet, we have seen no significant changes. The Federal response has been wholly inadequate.

Remember the prophetic Kerner Commission report of 25 years ago, analyzing the causes of the 1967 urban unrest? I believe you could rip off the cover, substitute "African-American" for "Negro" and 90 percent of it would still ring true. Twenty-five years ago, the report said—and I quote—"* * * this Nation will deserve neither safety nor progress unless it can demonstrate the wisdom and the will to undertake decisive action against the root causes" of disturbances in our cities.

We desperately need an urban policy. We need to take inventory of all the resources we have—in the Department of Housing and Urban Development, in Labor, in Education, and other agencies. We need to separate out what works and what does not.

We have to identify the root causes of our urban crises—economic, social, cultural, and political. We have to invest in our cities and their people and in approaches that will expand opportunities in urban areas. No great nation allows its cities to deteriorate. None of our competitor nations permit the sheer level of destitution and hopelessness that is found in America's cities.

I believe the administration is on the right track in its commitment to revitalize our cities, to take a fresh look at existing programs, and to invest in our human resources.

I think the defeat of the stimulus package in the other body was tragic. It cost Los Angeles $130 million. That works out to $39 million for summer jobs, $12 million for a revolving loan fund for inner-city small businesses, $26 million in transit moneys, $49 million for community development block grants, and millions more in immunization and highway construction funds.

My hope is that a new stimulus package will emerge to meet some of our cities' most pressing needs.

I have introduced an urban agenda designed to address some of our urban ills.

My "Urban Youth and Young Adult Empowerment Initiative" would target the hardcore 17- to 30-year-old males in our cities who are unskilled and without jobs.

Let me describe one of these young men for you. This young man lives from girlfriend to mother to grandmother. You won't find him on the school rolls. The census taker never caught up with him. If he's driving, it's without a license. If he's bunking in public housing, you won't find his name on the lease. Yes, more often than not he has a record, misdemeanors if he is lucky, felonies more likely.

These young men have given up on themselves and given up on us. But if we know what's good for him—and for us—we'd better start paying attention. It won't be easy, but we have to begin to bring him into the mainstream.

My legislation would establish recreational programs to give these young people some alternatives to gangs. It would provide one-stop counseling on teen pregnancy and substance abuse, provide child care and health care services.

It would apply job-training moneys to programs targeting this hardcore group, giving them small stipends while providing job training, basic life skills, and discipline. Then we could put these young folks to work rehabitating their own neighborhoods—offering them a sense of personal accomplishment and helping the community.

They can also be prepared for jobs in the private sector when we turn this economy around. Side by side with youth programs, we have to ensure that inner-city business people and home buyers and nonprofit development corporations have a greater access to capital. I am sponsoring the Community Reinvestment Reform Act, which is designed to strengthen existing regulations against redlining and encourage greater lending in the inner city. I am working with the administration on establishing a network of community development banks and already have introduced legislation to enact such a program, drawing on existing financial institutions where possible and setting up new mechanisms where necessary.

Madam Speaker, in the days just prior to the recent verdict in the Rodney King civil rights trial, I was walking the streets of my district urging folks to chill—to be calm—that our problems may continue. However, we must continue to work for justice regardless of the outcome of the trial. In this letter that I distributed to 350,000 households I urged:

> We must let the world know we are not going anywhere. This is our city and community. We have got to make it right. We've got to build, not burn. We've got to live, not die * * *. Every day brings a new opportunity, a new possibility.

Madam Speaker, thanks to the efforts of many and thanks to a just verdict, we did not see another uprising in Los Angeles. We should not fool ourselves, however, into thinking that the Rodney King verdict changed much of anything on the ground in Los Angeles—or in any other city. If we don't act immediately to address these root causes, what will I and others be able to say to folks 6 months or 1 year from now if there's no real progress on dealing with the root causes.

In conclusion, I notice there are some who say we can't afford not to help Russia with aid. After all, they still possess nuclear weapons. That's all well and good, but let me remind you, charity begins at home and that there's a ticking time bomb in our cities as well. It exists because of the hopelessness and despair felt by a significant portion of our citizenry. We ignore it at our own peril.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I will be absent from House session on congressional business. I have been asked to be part of the delegation traveling to Delano, CA, to attend the funeral services of Caesar Chavez.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. ORTIZ (at the request of Mr. GEPHARDT), for today, on account of official business.

Ms. ROYBAL-ALLARD (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. KENNEDY (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. BERMAN (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. ISTOOK, for 5 minutes, on May 5.

(The following Members (at the request of Mr. ENGEL) to revise and extend their remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

Mr. HOAGLAND, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Ms. WATERS, for 60 minutes, today.

(The following Member (at the request of Ms. WATERS) to revise and extend her remarks and include extraneous material:)

Ms. MCKINNEY, for 60 minutes, on June 17.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BURTON of Indiana) and to include extraneous matter:)

Mr. DIAZ-BALART.

Mr. GINGRICH.

Mr. CRANE in two instances.

Mr. TORKILDSEN.

Mr. CALVERT.

Mr. LEVY.

Mr. SENSENBRENNER.

Mr. SMITH of New Jersey in three instances.

Ms. SNOWE.

Mrs. JOHNSON of Connecticut.

Ms. MOLINARI.

Mr. BEREUTER.

Mrs. MEYERS of Kansas.

Mr. UPTON.

Mr. SOLOMON.

Mr. HERGER.

Mr. GOODLATTE.

(The following Members (at the request of Mr. ENGEL) and to include extraneous matter:)

Mr. BARCIA in two instances.

Mr. NADLER.

Mr. SWETT.

Mrs. LOWEY in two instances.

Ms. SLAUGHTER in two instances.

Mr. BECERRA.

Mr. CLAY.

Mrs. COLLINS of Illinois.

Mr. NEAL of Massachusetts in two instances.

Mr. BILBRAY.

Mr. KENNEDY.

Mr. SARPALIUS.

Mr. LAROCCO in two instances.

Mr. JOHNSON of South Dakota.

Mr. STARK in three instances.

Mr. REED.

Mr. TRAFICANT in two instances.

Mr. EVANS.

(The following Member (at the request of Mr. HOAGLAND) and to include extraneous matter:)

Mrs. MINK.

(The following Member (at the request of Mrs. CLAYTON) and to include extraneous matter:)

Mr. ROEMER.

ADJOURNMENT

Ms. WATERS. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, May 3, 1993, at 12 noon.

OATH OF OFFICE OF MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:

Hon. Bennie G. Thompson, Second District Mississippi.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1137. A letter from the Chairman, Defense Base Closure and Realignment commission, transmitting the Commission's review and recommendations for base closures and realignments, pursuant to Public Law 101-510, section 2903(d)(3) (104 Stat. 1812); to the Committee on Armed Services.

1138. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled "Military Construction Authorization Act for Fiscal Year 1994"; to the Committee on Armed Services.

1139. A letter from the Secretary of Health and Human Services, transmitting a high risk study on child abuse and neglect, pursuant to 42 U.S.C. 5105 note; to the Committee on Education and Labor.

1140. A letter from the Secretary of Health and Human Services, transmitting the annual report, fiscal year 1991, describing the activities and accomplishments of programs for persons with developmental disabilities, pursuant to 42 U.S.C. 6006(c); to the Committee on Energy and Commerce.

1141. A letter from the Chairman, Federal Housing Finance Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1142. A letter from the Minerals and Management Service, Department of the Interior, transmitting the Annual Report to Congress—Fiscal Year 1990 entitled "Outer Continental Shelf Lease Sales: Evaluation of bidding results and Competition"; to the Committee on Natural Resources.

1143. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the calendar years 1988, 1989, 1990, and 1991, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

1144. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during calendar year 1992, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

1145. A letter from the Secretary of the Army, transmitting the second annual report of the Louisiana Coastal Wetlands Conservation and Restoration Task Force, pursuant to Public Law 101-646, section 303(a) (104 Stat. 4779); to the Committee on Merchant Marine and Fisheries.

1146. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled "The Mickey Leland Hunger Prevention Act"; jointly, to the Committees on Agriculture and Ways and Means.

1147. A communication from the President of the United States, transmitting a report entitled "Progress Toward Regional Nonproliferation in South Asia," pursuant to 22 U.S.C. 2376(c); jointly, to the Committees on Appropriations and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MINETA: Committee on Public Works and Transportation. H. Con. Res. 71. Resolution authorizing the use of the Capital grounds for the 12th annual National Peace Officers' Memorial Service (Rept. 103–67). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H. Con. Res. 81. Resolution authorizing the 1993 Special Olympics Torch Relay to be run through the Capitol Grounds (Rept. 103–68). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H. Con. Res. 82. Resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby (Rept. 103–69). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 791. A bill to name the U.S. courthouse in Benton, IL, the "James L. Foreman Courthouse"; with amendments (Rept. 103–70). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 1345. A bill to designate the Federal building located at 280 South First Street in San Jose, CA, as the "Robert F. Peckham United States Courthouse and the Federal Building" (Rept. 103–71). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 1303. A bill to designate the Federal Building and U.S. Courthouse located at 402 East State Street in Trenton, NJ, as the "Clarkson S. Fisher Federal Building and United States Courthouse" (Rept. 103–72). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 1346. A bill to redesignate the Federal building located on St. Croix, VI, as the "Almeric L. Christian Federal Building"; with amendments (Rept. 103–73). Referred to the House Calendar.

Mr. MINETA: Committee on Public Works and Transportation. H.R. 1513. A bill to designate the U.S. courthouse located at 10th and Main Streets in Richmond, VA, as the "Lewis F. Powell, Jr. United States Courthouse" (Rept. 103–74). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 578. A bill to provide for recovery of costs of supervision and regulation of investment advisers and their activities, and for other purposes; with an amendment (Rept. 103–75). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 616. A bill to amend the Securities Exchange Act of 1934 to permit members of national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion (Rept. 103–76). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. SWIFT, Ms. SCHENK, Mr. MOORHEAD, Mr. UPTON, Mrs. COLLINS of Illinois, Mr. WYDEN, Mr. ROWLAND, Mr. MANTON, Mr. CARR, Mr. DURBIN, Mr. FOGLIETTA, Mrs. UNSOELD, and Ms. CANTWELL):

H.R. 1919. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. McMILLAN:

H.R. 1920. A bill to extend until January 1, 1997, the existing suspension of duty on trifluoromethylaniline; to the Committee on Ways and Means.

By Mr. ARMEY (for himself, Mr. SHAYS, Mr. ROHRABACHER, Mr. MURPHY, Mrs. SCHROEDER, Mr. DORNAN, Mr. TAYLOR of Mississippi, Mr. COX, Mr. ZIMMER, Mr. TAYLOR of North Carolina, Mr. FAWELL, and Mr. GOSS):

H.R. 1921. A bill to amend the Agricultural Trade Act of 1978 to repeal the market promotion program of the Department of Agriculture; to the Committee on Agriculture.

By Mr. BILIRAKIS (for himself, Mr. SAM JOHNSON, and Mr. EVERETT):

H.R. 1922. A bill to modify the provision of law which provides a permanent appropriation for the compensation of Members of Congress, and for other purposes; jointly, to the Committees on Appropriations and Rules.

By Mr. CLEMENT (for himself, Mr. BISHOP, Mrs. CLAYTON, Mr. CLYBURN, Mrs. COLLINS of Illinois, Mr. CONYERS, Mr. COOPER, Mr. DELLUMS, Mr. FLAKE, Mr. FORD of Tennessee, Mr. GORDON, Mr. HASTINGS, Mr. HILLIARD, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mrs. LLOYD, Ms. MEEK, Mr. MFUME, Ms. NORTON, Mr. PAYNE of New Jersey, Mr. QUILLEN, Mr. RANGEL, Mr. REYNOLDS, Mr. RUSH, Mr. SUNDQUIST, Mr. TOWNS, Mr. TUCKER, Mr. WATT, Mr. WHEAT, and Mr. WYNN):

H.R. 1923. A bill to authorize appropriations for the restoration of historic buildings in the Fisk University historic district; to the Committee on Natural Resources.

By Mrs. COLLINS of Illinois:

H.R. 1924. A bill to amend the Solid Waste Disposal Act to allow petitions to be submitted to prevent certain waste facilities from being constructed in environmentally disadvantaged communities; to the Committee on Energy and Commerce.

By Miss COLLINS of Michigan (for herself, Mr. PAYNE of New Jersey, Mr. SERRANO, Mr. FILNER, Ms. MEEK, and Mr. TUCKER):

H.R. 1925. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to require the Administrator of the Agency for Toxic Substances and Disease Registry to collect and maintain information on the race, age, gender, ethnic origin, income level, and educational level of persons living in communities adjacent to toxic substance contamination; to the Committee on Energy and Commerce.

By Mr. CONYERS:

H.R. 1926. A bill to amend the National Narcotics Leadership Act of 1988 to extend and authorize appropriations for the Office of National Drug Control Policy; to the Committee on Government Operations.

H.R. 1927. A bill to transfer all functions of the Bureau of Alcohol, Tobacco, and Firearms relating to the regulation of firearms from the Department of the Treasury to the Federal Bureau of Investigation; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. COX:

H.R. 1928. A bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on beer, enacted in the Omnibus Budget Reconciliation Act of 1990, which doubled previous excise levels; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself and Ms. SHEPHERD):

H.R. 1929. A bill to amend the Internal Revenue Code of 1986 with respect to treatment of certain equipment under the heavy truck tax; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself, Mr. BROWN of California, Mr. SANDERS, Mr. KOPETSKI, Ms. BYRNE, Mr. EVANS, Mr. SERRANO, Mr. HINCHEY, Ms. PELOSI, Mr. HOCHBRUECKNER, Mr. MARKEY, Mr. PAYNE of New Jersey, Mr. WHEAT, Miss COLLINS of Michigan, Mr. OWENS, Mr. DEFAZIO, Mr. WISE, Mr. TRAFICANT, Mrs. UNSOELD, Mr. BLACKWELL, Mr. LAFALCE, Mr. CLAY, Mrs. MORELLA, and Mr. MORAN):

H.R. 1930. A bill to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors; jointly, to the Committees on Energy and Commerce, Science, Space, and Technology, and Education and Labor.

By Mr. KOPETSKI (for himself, Mr. GRANDY, Mr. HOAGLAND, and Mr. HERGER):

H.R. 1931. A bill to amend the Internal Revenue Code of 1986 to allow farmers' cooperatives to elect to include gains or losses from certain dispositions in the determination of net earnings, and for other purposes; to the Committee on Ways and Means.

By Mr. LEVY:

H.R. 1932. A bill to extend the suspension of duty on certain small toys, toy jewelry, and novelty goods, and for other purposes; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. SAWYER, Mr. QUINN, Mr. CRAMER, Mr. GENE GREEN, Mr. HILLIARD, Mr. OWENS, Ms. PELOSI, Mr. BARCIA, Mr. CLAY, Mr. SERRANO, Mr. McDERMOTT, Mr. HALL of Ohio, Mr. MAZZOLI, Mr. DIXON, Mr. CONYERS, Mr. KILDEE, Mrs. KENNELLY, Mr. TOWNS, Mrs. CLAYTON, Mr. SHAYS, Mr. BLACKWELL, Mr. RANGEL, Mr. HASTINGS, Mr. FILNER, Miss COLLINS of Michigan, Mr. TUCKER, Mr. FOGLIETTA, Mr. VALENTINE, Mr. FROST, Mr. WHEAT, Mr. FORD of Tennessee, Mr. JEFFERSON, Mr. REYNOLDS, Mr. WYNN, Mrs. COLLINS of Illinois, Mr. DELLUMS, Mr. PAYNE of New Jersey, Ms. McKINNEY, Mr. STOKES, Mr. BONIOR, Mr. WATT, Mr. RUSH, Mr. FLAKE, Ms. MEEK, Mr. SCOTT, Mr. BISHOP, Ms. EDDIE BERNICE JOHNSON, and Mr. CLYBURN):

H.R. 1933. A bill to authorize appropriations for the Martin Luther King, Jr., Federal Holiday Commission, extend such Commission, establish a National Service Day to promote community service, and for other purposes; jointly to the Committees on Post Office and Civil Service and Education and Labor.

By Mr. LIPINSKI (for himself, Mr. STUDDS, Mr. FIELDS of Texas, and Mr. BATEMAN):

H.R. 1934. A bill to authorize appropriations for fiscal year 1994 for the Federal Maritime Commission, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. McDERMOTT (for himself, Mr. EMERSON, Mr. MFUME, Mrs. MORELLA, and Ms. McKINNEY):

H.R. 1935. A bill to provide for increased U.S. assistance to improve the health of women and children in developing countries; to the Committee on Foreign Affairs.

By Mrs. MEYERS of Kansas (for herself, Mr. Talent, Mr. Zeliff, Mr. Tucker, Mr. Klink, Mr. Ramstad, Mr. Machtley, Mr. Baker of Louisiana, Mr. Dickey, Mr. Collins of Georgia, and Mr. Skelton):

H.R. 1936. A bill to make supplemental appropriations for fiscal year 1993 for the general business guaranteed loans program of the Small Business Administration; to the Committee on Appropriations.

By Mr. NADLER (for himself, Ms. Maloney, and Mr. Levy):

H.R. 1937. A bill to amend the Internal Revenue Code of 1986 to provide for adjustments in the individual income tax rates to reflect regional differences in the cost-of-living; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. Moakley, Mr. Olver, Mr. Studds, Mr. Frank of Massachusetts, Mr. Markey, Mrs. Johnson of Connecticut, Mr. Hancock, Mr. Sundquist, Mr. Matsui, Mr. Crane, and Mr. Wilson):

H.R. 1938. A bill to amend the Internal Revenue Code of 1986 to repeal the special $15,000,000 limitation on the amount of a tax-exempt bond issue which may be used to provide an output facility; to the Committee on Ways and Means.

By Mr. PAYNE of Virginia (for himself, Mr. Lewis of Georgia, Mr. Goodlatte, Mr. Penny, and Mrs. Clayton):

H.R. 1939. A bill to amend the Emergency Food Assistance Act of 1983 to make funds available for the processing, packaging, and transportation of grower-donated commodities by private nonprofit organizations; to the Committee on Agriculture.

By Mr. RAMSTAD:

H.R. 1940. A bill to extend until January 1, 1997, the previously existing suspension of duty on cyslosporine; to the Committee on Ways and Means.

H.R. 1941. A bill to suspend temporarily the duty on photoreceptors and assemblies containing photoreceptors; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 1942. A bill to provide for a program established by a nongovernmental organization under which Haitian Americans would help the people of Haiti recover from the destruction caused by the coup of December 1991; to the Committee on Foreign Affairs.

H.R. 1943. A bill to lift the trade embargo on Cuba, and for other purposes; jointly, to the Committees on Foreign Affairs, Energy and Commerce, and Post Office and Civil Service.

By Mr. UNDERWOOD (for himself, Mr. de Lugo, Mr. Faleomavaega, Mr. Abercrombie, Mr. Gilman, Mr. Murphy, Mr. Montgomery, Mr. Kennedy, Mrs. Mink, Mr. Richardson, and Mr. Romero-Barceló):

H.R. 1944. A bill to provide for additional development at War in the Pacific National Historical Park, and for other purposes; to the Committee on Natural Resources.

By Mr. ROEMER:

H.R. 1945. A bill to provide for return of excess amounts from official allowances of Members of the House of Representatives to the Treasury for deficit reduction; to the Committee on House Administration.

By Mr. SMITH of Michigan (for himself, Mr. Dingell, Mr. Barcia, Mr. Bonior, Mr. Camp, Mr. Carr, Miss Collins of Michigan, Mr. Ford of Michigan, Mr. Henry, Mr. Hoekstra, Mr. Kildee, Mr. Knollenberg, Mr. Levin, Mr. Stupak, and Mr. Upton):

H.R. 1946. A bill to declare the Federal Center in Battle Creek, MI, to be excess Federal property and to transfer control of the center from the Administrator of General Services to the Secretary of Defense; jointly, to the Committees on Armed Services, Public Works and Transportation, and Government Operations.

By Ms. SNOWE:

H.R. 1947. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. Evans, Mr. Dicks, and Mr. Berman):

H.R. 1948. A bill to reduce the threat from nuclear facilities located in the former Soviet Union; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. WELDON (for himself and Mr. Andrews of New Jersey):

H.R. 1949. A bill to amend the Internal Revenue Code of 1986 to provide a capital gain exclusion for investments in qualified businesses with employee stock ownership programs within Federal enterprise zones; to the Committee on Ways and Means.

By Mr. WOLF (for himself, Mr. Allard, Mr. Armey, Mr. Kingston, and Mr. Levy):

H.R. 1950. A bill to provide assistance to families, enhance economic growth and opportunity, and advance education reform; jointly, to the Committees on Ways and Means, Education and Labor, and the Judiciary.

By Ms. NORTON (by request):

H.R. 1951. A bill to amend the District of Columbia Stadium Act of 1957 to authorize construction, maintenance, and operation of a new stadium in the District of Columbia, and for other purposes; jointly, to the Committees on the District of Columbia and Natural Resources.

By Mr. KREIDLER (for himself, Mr. Montgomery, Mr. Slattery, Mr. Clement, Mr. Spence, Mr. Dicks, Mrs. Unsoeld, Mr. Mineta, Mr. Bateman, Mr. Lancaster, Mr. Sundquist, Mr. Wolf, Mr. de la Garza, Mr. Pickett, Mr. Valentine, Mr. Peterson of Florida, Mr. Gingrich, Mr. Whitten, Mr. Bacchus of Florida, Mr. Poshard, Mr. Martinez, Mr. Sanders, Mr. Bliley, Mr. Wilson, Mr. Bonior, Mr. Sarpalius, Mr. Abercrombie, Mr. Ackerman, Mr. Bilbray, Mr. Brown of California, Mr. Cramer, Mr. de Lugo, Mr. Dellums, Mr. Dixon Mr. Fazio, Mr. Frost, Mr. Gallegly, Mr. Pete Geren, Mr. Gilman, Mr. Hutto, Mr. Inhofe, Mr. Kasich, Mr. Kildee, Mr. Kopetski, Mr. LaRocco, Mr. Levin, Mr. Lewis of California, Mr. Lightfoot, Mr. McCloskey, Mr. McCrery, Mr. McDade, Mr. McNulty, Mr. Murphy, Mr. Neal of North Carolina, Ms. Norton, Mr. Parker, Mr. Quillen, Mr. Ravenel, Mr. Roberts, Mr. Sisisky, Mr. Skeen, Ms. Snowe, Mr. Stokes, Mr. Synar, Mr. Tanner, Mr. Towns, Mr. Traficant, Mr. Walsh, and Mr. Young of Alaska):

H.J. Res. 188. Joint resolution designating November 22, 1993, as "National Military Families Recognition Day"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia (for himself, Mr. Vento, Mr. Sawyer, Mr. Coppersmith, and Mr. Shays):

H.J. Res. 189. Joint resolution designating the week beginning February 6, 1994, as "Lincoln Legacy Week"; to the Committee on Post Office and Civil Service.

By Mr. ROHRABACHER (for himself, Mr. Brown of California, Mr. McCurdy, and Mr. McKeon):

H. Con. Res. 90. Concurrent resolution to amend the Rules of the House of Representatives and the Standing Rules of the Senate to abolish the requirement that appropriations be authorized by laws, and to eliminate unnecessary duplication in the functions of the standing committees of the House and Senate, and for other purposes; to the Committee on Rules.

By Mr. TALENT:

H. Con. Res. 91. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to honor Americans held as prisoners of war or listed as missing in action; to the Committee on Post Office and Civil Service.

By Mr. HOYER:

H. Res. 161. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. GEKAS:

H. Res. 162. Resolution expressing the sense of the House of Representatives relating to the support of international efforts to bring about democratic reform in the former Yugoslavia through peaceful and equitable means; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

129. The SPEAKER presented a memorial of the Senate of the Commonwealth of Virginia, relative to relocating six Navy commands currently located in Arlington County; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Borski, Mr. Vento, and Mrs. Mink.

H.R. 101: Mr. Stump, Mr. Clinger, and Mr. Myers of Indiana.

H.R. 109: Mr. Rangel and Mr. Saxton.

H.R. 242: Mr. Tucker.

H.R. 280: Mr. Evans, Mr. Yates, Mr. Castle, and Mr. Hinchey.

H.R. 324: Mr. Gekas and Mr. Ravenel.

H.R. 348: Ms. Molinari and Mr. Hutto.

H.R. 349: Mr. Holden, Mr. Becerra, Ms. Cantwell, Mr. Evans, and Ms. Woolsey.

H.R. 396: Mr. Fish.

H.R. 401: Mr. Hayes of Louisiana.

H.R. 521: Mr. Weldon, Mr. LaFalce, Mr. Costello, Mr. Browder, Mr. Coleman, Mr. Durbin, Mr. Quinn, Mr. McDade, Mr. Shays, Mr. Mollohan, Mr. Boucher, Mr. Taylor of Mississippi, Mr. Murtha, Mr. English of Oklahoma, Mr. Yates, Ms. Byrne, Mrs. Mink, Mr. Mineta, and Mr. Thompson.

H.R. 630: Ms. Meek and Ms. Eddie Bernice Johnson of Texas.

H.R. 635: Ms. Meek.

H.R. 672: Mr. Swett, Mr. Dixon, Mr. McDade, and Mr. Levy.

H.R. 715: Mr. Jacobs, Mr. Mann, Mr. Barcia, Mr. Solomon, and Mr. Lipinski.

H.R. 727: Mr. Towns, Mr. Sabo, Mr. Applegate, and Mr. Tucker.

H.R. 728: Miss Collins of Michigan and Ms. Woolsey.

H.R. 739: Mr. Rogers, Mr. Barton of Texas, and Mr. Everett.

H.R. 741: Mr. CANADY and Mr. DORNAN.

H.R. 749: Mr. ROTH, Mr. HYDE, Mr. PASTOR, Mr. SHARP, Mr. MONTGOMERY, and Mr. GEJDENSON.

H.R. 776: Mr. ISTOOK.

H.R. 778: Mr. SKELTON, Mr. TANNER, Mr. RAVENEL, and Mr. SPENCE.

H.R. 794: Mr. GUTIERREZ.

H.R. 799: Mr. COBLE.

H.R. 844: Mr. BOUCHER, Mr. TOWNS, and Ms. MOLINARI.

H.R. 916: Miss COLLINS of Michigan, Ms. KAPTUR, Mr. EVANS, and Mr. BARLOW.

H.R. 963: Mr. LEVIN.

H.R. 987: Mr. MEEHAN and Mr. EVANS.

H.R. 999: Ms. MOLINARI.

H.R. 1012: Mrs. BENTLEY, Mr. BERMAN, and Mr. BACCHUS of Florida.

H.R. 1048: Ms. MOLINARI, and Ms. EDDIE BERNICE JOHNSON OF TEXAS.

H.R. 1120: Mr. INGLIS, Mr. HASTINGS, Mr. LEVY, Mr. MINGE, Mr. PORTER, Mr. WYNN, Mr. McMillan, and Mr. RAVENEL.

H.R. 1141: Mr. HASTERT, Mr. SPRATT, Ms. DUNN, Mr. MCDERMOTT, Mr. RAVENEL, and Mr. GOSS.

H.R. 1142: Mr. POSHARD, Mr. EMERSON, and Mr. OBEY.

H.R. 1156: Mr. EMERSON and Mr. DREIER.

H.R. 1237: Mr. COLEMAN and Mr. CLEMENT.

H.R. 1250: Mr. DINGELL, Mr. PARKER, Mr. HUGHES, Mr. PETERSON of Minnesota, and Ms. MOLINARI.

H.R. 1255: Ms. WOOLSEY.

H.R. 1280: Mr. SANDERS, Mr. BERMAN, Mr. STOKES, Mr. ACKERMAN, Ms. EDDIE BERNICE JOHNSON, Mr. DELLUMS, Mr. MEEHAN, Mr. OLVER, Mr. FOGLIETTA, Ms. WOOLSEY, Mr. PASTOR, Mr. HASTINGS, Mr. NADLER, Ms. PELOSI, Mr. VISCLOSKY, Mr. FILNER, Mr. STUPAK, Mr. RANGEL, Mr. LANTOS, Mr. SABO, Ms. MALONEY, Mr. BLACKWELL, Mr. BONIOR, Mr. TORRES, Mr. NEAL of Massachusetts, Mr. MINETA, Mr. BROWN of California, Ms. KAPTUR, Mr. RAHALL, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. COLEMAN, Mr. MOAKLEY, and Mr. EDWARDS of California.

H.R. 1293: Mr. ROBERTS.

H.R. 1308: Mr. DORNAN, Mr. WHEAT, Mr. ROEMER, Mr. DREIER, Mr. BARTLETT, Mr. TUCKER, Ms. EDDIE BERNICE JOHNSON OF TEXAS, and Mr. OLVER.

H.R. 1312: Mr. DERRICK.

H.R. 1381: Mrs. UNSOELD.

H.R. 1411: Mr. NEAL of North Carolina.

H.R. 1421: Mr. BLACKWELL and Mr. LEWIS of Georgia.

H.R. 1455: Mr. GALLEGLY, Mr. FOGLIETTA, Mr. FINGERHUT, Mr. WILSON, Mr. ACKERMAN, Mr. CLAY, Mr. TOWNS, and Mr. LIPINSKI.

H.R. 1475: Mr. EMERSON, Mr. HOUGHTON, Mr. HANCOCK, Mr. HERGER, and Mr. TUCKER.

H.R. 1504: Mr. SKEEN, Mr. DORNAN, and Mr. EVANS.

H.R. 1505: Mr. BACHUS of Alabama.

H.R. 1523: Mr. JACOBS.

H.R. 1625: Mr. PARKER, Mr. HANCOCK, Mr. ZELIFF, and Mr. BARCIA.

H.R. 1640: Mr. STUDDS.

H.R. 1703: Mr. FILNER and Ms. MALONEY.

H.R. 1718: Mr. TUCKER, Mr. DORNAN, Mr. CLAY, Mr. TOWNS, Mr. SWIFT, Mr. SERRANO, Mr. RUSH, Mr. STOKES, Mr. FROST, and Ms. EDDIE BERNICE JOHNSON OF TEXAS.

H.R. 1744: Mr. FILNER, Mr. TOWNS, Mr. SOLOMON, and Mr. LIPINSKI.

H.R. 1788: Mr. SWETT.

H.R. 1795: Ms. WATERS and Mr. BLACKWELL.

H.R. 1841: Mr. SUNDQUIST.

H.R. 1843: Mr. HASTINGS.

H.R. 1863: Mr. DORNAN, Mr. OXLEY, Mrs. VUCANOVICH, Mr. GREENWOOD, Mr. HALL of Texas, and Mr. KING.

H.R. 1873: Mr. CRAMER, Mr. YATES, Mr. COOPER, Mr. HASTINGS, Mr. MATSUI, Mr. MINETA, Mr. DEUTSCH, Mrs. MINK, Mr. LIPINSKI, Mr. RAVENEL, Mr. FROST, Mr. SCHIFF, Ms. MALONEY, and Mr. COPPERSMITH.

H.R. 1890: Mr. COLEMAN, Ms. ESHOO, Mr. FLAKE, Mr. FROST, Ms. EDDIE BERNICE JOHNSON OF TEXAS, Mr. LIPINSKI, Ms. MOLINARI, Mr. RANGEL, Mr. SABO, Mrs. SCHROEDER, Mr. DORNAN, Mr. SKAGGS, Mr. MFUME, Mr. REED, Ms. LOWEY, Mr. HOBSON, Mr. HYDE, Ms. WATERS, Mr. DERRICK, and Mr. HOYER.

H.J. Res. 38: Mr. GALLO.

H.J. Res. 58: Mr. BALLENGER.

H.J. Res. 67: Mr. THOMAS of Wyoming.

H.J. Res. 111: Mr. STUMP, Mr. SMITH of New Jersey, Mr. BREWSTER, Mr. BARCIA, Mr. PICKLE, Mr. BURTON of Indiana, Mr. EVANS, Mr. HOCHBRUECKNER, Mr. BEVILL, Mr. CALVERT, Mr. WHEAT, Mr. NEAL of North Carolina, and Mr. GORDON.

H.J. Res. 119: Mr. DARDEN, Mr. JACOBS, Mr. PASTOR, and Mrs. UNSOELD.

H.J. Res. 122: Mr. TAUZIN, Mr. EVANS, Mr. CHAPMAN, Ms. SLAUGHTER, Mr. KIM, Mr. APPLEGATE, Mr. RANGEL, Mr. JEFFERSON, Mr. WAXMAN, and Mr. SAXTON.

H.J. Res. 128: Mr. HANCOCK and Mr. KLINK.

H.J. Res. 133: Mr. POSHARD.

H.J. Res. 135: Mr. MCDADE, Ms. MEEK, Mr. LAFALCE, Mr. OWENS, Mr. SMITH of Iowa, Mr. SPENCE, Mr. YOUNG of Alaska, Mr. CARDIN, Mr. SISISKY, Mr. TRAFICANT, Mr. KREIDLER, Ms. PELOSI, Mr. SLATTERY, Ms. VELAZQUEZ, Mr. PAYNE of New Jersey, Mr. KILDEE, Mr. EVANS, Mr. JACOBS, Ms. SLAUGHTER, Mr. ROEMER, Mrs. BENTLY, Mr. ORTIZ, Mrs. UNSOELD, Mr. MANTON, Mr. COLEMAN, Mr. MARKEY, Mr. WELDON, Mr. MCNULTY, Mr. NEAL of North Carolina, Ms. DUNN, Mr. HALL of Ohio, Ms. ROYBAL-ALLARD, Mr. SAXTON, Mr. BACCHUS of Florida, Mr. WILSON, Mrs. MEYERS of Kansas, Mr. MOLLOHAN, Mr. MURTHA, Mr. REGULA, Mr. SMITH of New Jersey, Mr. FALEOMAVAEGA, Mr. DE LA GARZA, Mr. MOORHEAD, Mr. PICKETT, Mr. WALSH, Mr. MYERS of Indiana, Mr. HUGHES, Mr. DINGELL, Mr. QUILLEN, Mr. SKEEN, Mr. GREENWOOD, Mr. SCHUMER, Mr. FAZIO, Mr. HILLIARD, Mr. JEFFERSON, Mr. JOHNSON of South Dakota, Mr. CLEMENT, Mr. MCCOLLUM, Mr. RICHARDSON, Mr. WAXMAN, Mr. SABO, Mr. VENTO, Mr. HASTINGS, Mr. TANNER, Mr. KOPETSKI, Mr. MURPHY, Mr. NEAL of Massachusetts, Mr. RAVENEL, Mr. MOAKLEY, Mr. GEJDENSON, Mr. MONTGOMERY, Mr. BAKER of California, Mr. MATSUI, Mr. SERRANO, Mr. PRICE of North Carolina, Mr. BATEMAN, Mr. BLILEY, Mr. FISH, Mr. REYNOLDS, and Mr. MENENDEZ.

H.J. Res. 140: Ms. NORTON, Mr. ROMERO-BARCELÓ, Mr. TOWNS, Mr. FROST, Mr. SERRANO, Mr. SCOTT, Mr. RANGEL, Mr. FILNER, Mr. PARKER, and Mr. PAYNE of New Jersey.

H.J. Res. 152: Mr. SMITH of New Jersey and Mr. KREIDLER.

H.J. Res. 160: Mr. ROYCE.

H. Con. Res. 66: Mr. DURBIN, Mr. TOWNS, Mr. ROMERO-BARCELÓ, Mr. HASTINGS, Mr. PORTER, Mr. RAMSTAD, Mr. SERRANO, Mr. KOPETSKI, Mr. FALEOMAVAEGA, Mr. LANCASTER, Mr. NEAL of North Carolina, Mr. MCHALE, and Mr. ANDREWS of Maine.

H. Con. Res. 74: Ms. MOLINARI.

H. Con. Res. 76: Mr. MCCLOSKEY, Mr. ROHRABACHER, Mrs. CLAYTON, Ms. MALONEY, Mrs. MEYERS of Kansas, and Mr. BATEMAN.

H. Con. Res. 77: Mr. WELDON, Mr. ZELIFF, Mr. WALSH, and Mr. KYL.

H. Res. 35: Mr. LANTOS, Ms. EDDIE BERNICE JOHNSON, Ms. LOWEY, Mr. WYNN, Mr. MFUME, Mr. BECERRA, Mr. BERMAN, and Mr. TUCKER.

H. Res. 53: Mr. BURTON of Indiana, Mr. ROYCE, Mr. EVERETT, Mrs. LLOYD, Mr. BAKER of California, and Mr. KLUG.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 123: Mr. SCOTT.

SENATE—*Thursday, April 29, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The Senate Chaplain, Dr. Richard C. Halverson, will lead the Senate in its prayers and supplications to the King of all kings and the Lord of lords.

Dr. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Righteousness exalteth a nation: but sin is a reproach to any people.—Proverbs 14:34.

God of our fathers, we are grateful for the faith which conceived and gave birth to America, a faith which has sustained this Nation through its most difficult trials.

We are grateful, Lord, for leadership in the past who reminded us of that faith. Thank You for the words of Ulysses S. Grant, former commanding general of the Union Army and 18th President of the United States, as he wrote to the editor of the Philadelphia Sunday School Times:

"Hold fast to the Bible as the sheet anchor of your liberties; write its precepts in your hearts, and practice them in your lives. To the influence of this Book are we indebted for all the progress made in true civilization, and to this must we look as our guide in the future. 'Righteousness exalteth a nation; but sin is a reproach to any people.'"

Mighty God, help us to take seriously this faith which conceived and has sustained America through its years.

We pray in the name of the King of kings. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, there will now be a period for morning business during which Senators will be permitted to speak. It will extend until 11:45 a.m. today, at which time the Senate will return to consideration of the pending bill, the Department of the Environment Act of 1993.

Mr. President, I believe that period for morning business will now commence, and I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. The Senate will now proceed with the period for the transaction of morning business.

Under the order, Mr. LEAHY of Vermont, is recognized to speak for up to 10 minutes.

Mr. LEAHY. I thank the Chair and I thank the leader.

THE FIRST 100 DAYS

Mr. LEAHY. Mr. President, you know we have a lot of customs in this country. Some, I think are wonderful; others, I sometimes wish did not exist because they have far outlived their usefulness.

One, of course, is the fact that every editor worth his or her salt has to get a story put out about the first 100 days of any President.

To many in Washington, 100 days is a lifetime.

I remember, after the first 10 days President Clinton was in here, the national press buried him saying, "Oh, the wrong issues are being debated. That's it. He's done."

Then, about 50 days later, after the budget resolution in which he cut hundreds of billions of dollars of the deficit that had grown up, the same television newscasters were just about ready to put him on Mount Rushmore. "Nobody has moved this rapidly or this effectively since Lyndon Johnson."

And, now, another month or so later, the tombstones are up, the shovels are out, and the bell is tolling.

These assessments do not do a whole lot for the body politic. It is sort of like doing sitting-up exercises every few weeks. You might feel virtuous but it does not do much for your physique.

I have had somebody call me—in fact, I had a call like this the other day from a friend from Vermont. He said:

> What's going on here? The President has been there for 100 days. He has not found a cure for AIDS. He has not eradicated cancer. He has not stopped every trouble spot in the world. He has not paid off the national debt. And he has not done anything about the crab grass in the lawn at my home. He has not brought democracy to China. He has not done anything. He has been there for 100 days. Maybe we ought to get somebody new who could do it.

And we shared the appropriate laugh over that.

He is not going to solve all the problems. He is a man who came in and inherited 12 years of regulatory foolishness, 12 years of building up the most colossal debt any nation in history has had, 12 years of neglecting problems both at home and abroad. He is not going to turn that around in 100 days.

But he has done one thing, Mr. President. He has done it in my State, I daresay in your State, and other States. He has brought hope to people—hope that the economic problems that we face are not intractable and that a President and a Congress and the people we elect to represent us will work on these economic problems and try to solve them.

He has brought hope that there is something we can do to tackle the national health care nightmare, so when parents look at their children and look at escalating health care costs and escalating insurance cost, he has given them hope that somebody is working at some way to solve these problems. Hope that the average American can afford health care and the average American will have health care, even if suddenly they are laid off from their job or even if suddenly a spouse is ill and unable to work, or even if suddenly a child or a parent faces an illness of devastating consequences.

He has given us hope that we have some way of controlling our own destiny.

Now, in football, some players are trained to tackle and others are trained to punt. Well, the last administration was a team of punters. They punted on the economy, and punted on health care, and they punted on the forest issues in the Northwest.

I believe the Clinton administration is a team of tacklers. They tackled the economy and health care, the Northwest forest issues, and campaign finance reform. Some people say they are tackling too much. How can a President sit in the Oval Office and look at the problems facing this country and say, "I am unwilling to tackle those problems?"

A lot of people in this Senate want the President to fail. We have people who are running for President in 1996. My gosh, we just got over a campaign a few months ago and they are already

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

running for President. They gleefully carry out filibusters and gleefully stopped the President's jobs bill, a bill, Mr. President, that would have created jobs in the great State of West Virginia and it would have created jobs in the great State of Vermont. And I remember standing here beside the President pro tempore as we argued for those job bills in rural areas and urban areas.

But many feel their job is to obstruct, not to govern. People who already have their jobs, very well-paid jobs, told a lot of other Americans, "You do not need a jobs bill. You do not need help."

The President knows he was elected to govern. He has taken the reigns of Government. He is working for all Americans. He is going to continue to have my support and the support of the American people.

I am proud to go back to Vermont every week and say that, in my meetings with the President, meetings with those in the Congress who want to move this country forward, there are people who acknowledge the problems in our economy and are working to do something about it.

I think some of those who are attacking President Clinton frankly miss Ronald Reagan and miss George Bush and miss the perks and privileges they got from them. They are looking to the 1996 Presidential campaign, instead of the message of 1992. In the 1992 one, the message I heard from Americans in my State and all over the country was stop the politicking, stop the gridlock, stop the electoral politics and work together for the good of the people in this country. Bring us health care. Bring us jobs. Bring us hope.

The last two administrations spent 12 years assiduously building up a $4 trillion national debt. Now some of the same people who voted for that national debt are going on television, or the floor of the Senate, and saying, "Why has President Clinton not gotten rid of it in his first 100 days?" They spent 12 years building up the biggest debt of any nation in the world's history, and then they ask why can the new administration not pay all their bills in 100 days?

It cannot be done. But the new administration is taking the tough and unpopular steps to pay it off. It is very easy, very popular to take a credit card and put everything on the credit card. That is where you get popularity. The unpopular part is when somebody says now you have to pay. The Clinton administration has said we have to pay, and every one of us, Republicans and Democrats, know we have to.

But it still comes back to one thing. I hear a sense of hope, a sense that finally we have people in Government who want to make life better, for all Americans who want to bring health care, who want to bring jobs.

I will close with this. My first real experience in Washington was as a young law student in Georgetown Law School. I used to come up here. I used to walk up here to the Hill several times a week. I would study in the Library of Congress but I would also come here to this Chamber and listen to the speeches. I remember the greatest thrill I had during that time was being invited with some other law students to come to the south lawn of the White House to meet with President John F. Kennedy. I remember the sense of hope we had, every one of us, for a better world. I remember sitting in tears with my young wife just a few months later, watching the television set in our little cellar apartment here in Washington, and then standing on Pennsylvania Avenue and watching that hearse go by. Mr. President, you were there, too. We all were. Even Americans who were not here in Washington were there.

We felt, perhaps, a sense of hope had been killed.

I believe that sense of hope I had as a young idealistic student is back. Let us not lose this opportunity. Let us not kill what is, I believe, a sense of hope in so many Americans. Let us bring back to all of us that sense of hope I had as a young student.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois, Ms. CAROL MOSELEY-BRAUN, for up to 5 minutes.

THE CLINTON ADMINISTRATION'S FIRST 100 DAYS

Ms. MOSELEY-BRAUN. Mr. President, I cannot think of a better place to pick up, to talk about the President's first 100 days, than Senator LEAHY's remarks a minute ago about hope, because this administration has started off to restore hope to this country, to give people the view that there can be a better tomorrow, that it does not have to be worse tomorrow, and that we are not necessarily consigned to a slippery slope of decline in America. There can be a renewal in America. That is the theme that President Clinton came into office to effectuate as President. That is the theme we are attempting to execute here in this Chamber.

But specifically the 100-day benchmark dates back to the days of Franklin Delano Roosevelt. FDR acted in his first 100 days to begin the process of dealing with the worst depression our Nation has ever had.

President Clinton, faced with a modern era depression, is showing the same kind of energy and drive and commitment in dealing with the economic problems of our era. He has kept his eye on the ball. His top priority is in revitalizing our economy and his efforts in the early days of this administration have been focused on that goal.

We have a $6 trillion economy, one that is complex and diverse. There is no single silver bullet that will address all of our economic problems. The President knows that, and so is taking a variety of actions, but actions all focused on the areas that will achieve the greatest results.

The President has emphasized deficit reduction, because $300 billion annual deficits are a drag on our economy, and because he knows we cannot afford to leave this legacy of debt to our children.

The President has emphasized health care, because health care is already over 14 percent of our economy, and because he knows the rapidly increasing costs are a major contributor to Federal deficits, a major cost factor for American business, and a increasingly worrisome problem for average Americans who are concerned that the system does not meet their needs.

The President has emphasized education because we need an educated work force to fill the jobs of the future and because he knows the foundation of our economic strength is the skills and talent of the American people.

So, Mr. President, this has been a very focused administration. It has been focused toward fixing this economy that was so badly broken over the last several years. And, so, when we look at the first 100 days, the question becomes what accomplishments have there been? What can we feel? What is tangible?

There are major accomplishments, given the magnitude of the task and given the shortness of the time.

President Clinton has worked quickly to propose a comprehensive strategy to get our economy moving again, to improve our international competitiveness, and to make America's future brighter. He has proposed the largest deficit reduction plan in our history, over $500 billion. The President knows it will take strong leadership and a willingness to make tough decisions, to get our fiscal house in order.

Working closely with the Congress, the President got the budget resolution embodying that plan passed in time. He has established a health care task force to facilitate prompt action on comprehensive health care reform because President Clinton understands we cannot solve our deficit problem and we cannot solve our economic growth problem without dealing with the rapidly rising costs of health care. Because of the quick work of this task force, the administration proposal will be presented next month, and that is very speedy action. He has moved to fulfill his promises. He has moved to go forward with a focus on fixing this economy, curing this ailing economy, and creating hope and optimism again in the American people.

We have looked at comparing President Clinton with FDR, and we have seen the stories about how much had been done in his first 100 days. I make the point of asking the question: How does this compare with recent Presidents? How does this stack up? I looked back and did a little research to find out what was the history with President Reagan and President Bush. I think if we measure President Clinton's accomplishments against that yardstick, he has done very well indeed.

Congress approved the Clinton budget plan just after the end of March. That was something of a record, again, in recent history. Final action on the Reagan budget resolution in 1981 did not occur until May 12, and the budget resolution embodying the first Bush budget did not get final congressional action until May 18. Both of those Presidents came in behind President Clinton. So we have an early passed budget resolution that will allow the work of this Chamber, of this body, to continue so President Clinton's programs can be put in place in an expeditious and timely fashion.

The PRESIDENT pro tempore. The time of the Senator has expired.

Ms. MOSELEY-BRAUN. I ask unanimous consent I have 5 more minutes, Mr. President.

The PRESIDENT pro tempore. Is there objection? The Chair hears no objection and the Senator is recognized for 5 additional minutes.

Ms. MOSELEY-BRAUN. Mr. President, in terms of legislative accomplishments of the Clinton administration, in the first 100 days this President has signed into law the Family and Medical Leave Act, a needed, long overdue proposal that had bumped around in this Congress for years. That is now passed into law and now families will have an opportunity to respond to times of crisis without exacerbating the crisis by losing their jobs. The motor voter bill has passed both the House and the Senate, again in the first 100 days. Long-term unemployment benefits extension has already been signed into law so people who are out of work will not lose unemployment benefits while we endeavor to fix this ailing economy.

Under President Reagan, again looking at the first 100 days, all that was accomplished was to increase the debt ceiling, and the passage of a bill skipping the milk price support increases. End of story.

Under President Bush, the minimum wage increase, which he opposed by the way, passed both the House and Senate. End of story.

So I would daresay, Mr. President, that President Clinton is doing very well indeed in the first 100 days, and there is more yet to come.

The President has initiated a process that will literally reinvent Government in order to assure that Government works for people and does so efficiently and effectively. That is an issue that we hear so very much about, at least in my home State of Illinois and everywhere I go. People are concerned that Government is not working for them as efficiently, as smartly, if you will, as it can. This President has undertaken to reinvent Government, to cut out the cobwebs, to sweep out the closets, to dust off the place so that it works on behalf of the people's interests again.

This President talked about putting people first, and that is what the first 100 days have been about. I know in the remainder of his 8 years in office that is what he will be about.

We live in an era, Mr. President, in which we can cross our country in a few hours; we can pick up a telephone and talk to almost anyone in the world instantaneously. Things seem to happen more quickly.

I would also point out that time is always relative to the situation that you find yourself in. When you are a child and you are waiting for summer vacation to be over, a day can seem like a lifetime. When you are President of the United States and you are trying to fix an economy that has been broken for the last 12 years, a day can be a lifetime. And so the time becomes relative.

But we ought not confuse our ability to communicate instantly with instant solutions. It is going to take some time. It took a long time for us, Mr. President, to build up a $4 trillion national debt. It is going to take us a while to deal with that problem.

At the 100-day mark, it is important to focus on whether this President, President Clinton, is providing real leadership, whether he has a clear agenda and whether he is moving quickly to turn his agenda into results. By all of those measures, Mr. President, the first 100 days of Bill Clinton's Presidency have been extremely successful.

There have been and there will continue to be bumps in the road because change is hard, and that is really what we are up against. We are in conflict between the way things are and the forces of change. Opponents of the President are attempting to continue the gridlock. I have watched the occurrences on this floor as a new Member of this Chamber and I, frankly, Mr. President, have been shocked, shocked at the fact that this soon after an election the forces that have put our country on a slippery slope to decline are still not ready to give up, and to add to that the temerity to want to make the budget deficit, the debt, and all of these problems the fault of this Democratic President when in fact we did not have them 12 years ago. They were created under previous Presidents, and now the members of those Presidents' party want to block the change that Bill Clinton is trying to put into place.

So I believe that we have an obligation to get beyond gridlock. We have an obligation to work together. We have an obligation to be cooperative so that we can move forward and so we can put people first and fulfill the agenda that the American people chose in this last election in November.

What President Clinton has already accomplished has been substantial and the foundation that he has laid so far will lead to ever greater results in the future.

Mr. President, as I mentioned, I am a newcomer. I have paid great attention to what goes on in this Chamber. In fact, I am pleased to report that at the end of my first 100 days as a Member of the Senate I have not missed a single vote in this Chamber. I have been here. I have tried to learn about this body and to work with my colleagues on behalf of fulfilling the President's objectives.

My time, I am afraid, has run out.

Thank you very much for your patience, Mr. President.

The PRESIDENT pro tempore. The time of the Senator has expired.

Under the previous order, the Senator from Iowa [Mr. GRASSLEY] is recognized for not to exceed 10 minutes.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 841 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. GRASSLEY pertaining to the submission of Senate Resolution 103 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. GRASSLEY. I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Dakota [Mr. CONRAD] is recognized to speak for up to 10 minutes.

Mr. CONRAD. I thank the Chair.

THE PRESIDENT'S FIRST 100 DAYS

Mr. CONRAD. Mr. President, we are seeing all across this city, indeed across the country, an initial evaluation of the President's first 100 days.

Mr. President, I have watched this punditry, and I must say I have been somewhat amused by it because the news media has focused on this question of 100 days in a way that is all out of proportion to its real meaning. As one who used to be an administrator and had over 150 employees, I can tell you we never evaluated someone's performance after 100 days. It is a meaningless measure. The fact is what we ought to do is evaluate a person's performance over a longer period of time. That is what the American people really expect.

The American people are not locked into time lines that really have no attachment to the real world or no significant meaning. But nonetheless, the press has put the focus on the question of the President's performance in the first 100 days. So I feel compelled to comment on it as so many others have.

Mr. President, it strikes me that this President has done a remarkable thing. I have been in this town for 7 years representing the State of North Dakota. In the first 6 years I was here, very frankly, it was a time of great frustration. It was a time when one sensed the country was headed in the wrong direction and, even worse, there was a sense that there was very little hope of changing that direction.

With the election of this President all of that has changed. There has been a dramatic shift in attitude in this city. There has been a dramatic shift in attitude in this Chamber. There has been a dramatic shift in attitude, I believe, all across the country because people, for the first time, sense that there is hope, there is a chance for change, there is an opportunity to get America headed in a different direction.

Mr. President, on those grounds alone, I would judge the first 100 days to have been a brilliant success. It has been more than an attitude change. It has also been a change in substance because in the last 12 years we saw this country build up unprecedented debt. We saw the fiscal house of this country get messier and messier and messier, as previous administrations used the oldest politics that anyone can remember, the politics of borrow and spend.

We hear a lot from the other side that the Democratic Party stands for tax and spend. Our friends across the aisle wrote the book on borrow and spend. They did not resist spending. In fact, they were strong advocates of dramatic increases in spending on military; not just on our military, but spending tens of billions of dollars a year providing for the defense of Europe and Japan at a time when we could not pay our own bill.

Mr. President, I think when the history of this time is written one of the chief charges against the previous administrations has been that they are too generous with America's checkbook in paying the defense bills for Europe and Japan when they were well able to pay their own.

This President has recommended changing course. For the first time we have a President—the first time in the last 12 years in any event—who has come to us and said let us change course, let us reduce the budget deficit. Yes, let us reduce spending from what was anticipated.

For any of those who say, "Well, there have been no spending cuts," come to my constituency. Come with me on any weekend that I go home. Come with me from town to town in the State of North Dakota if they do not believe there have been spending cuts proposed by this President, because I assure you there are spending cuts and they are tough spending cuts.

Look at the agriculture budget, look at the budget for the rural eclectics, look at budget after budget this President has proposed reducing. And, yes, look at the military budget, and look at the entitlements, significant cuts in Medicare from the spending that would have otherwise taken place.

Mr. President, this President has had the courage to stand up and say what no President has said for 12 years. Cut spending, raise taxes, reduce the deficit, and get this country headed in a different direction. He ought to be applauded for having the courage of his convictions.

Mr. President, perhaps what needs to be done will prove not to be popular. That might be the case. It just might be that for a President or any political leader to stand and tell us what we need to hear, it may just be that that is not politically popular. But it is clearly the right thing for this country. And this President has had the courage to stand up and tell the American people what we need to hear.

It has not just been in terms of getting our fiscal house in order, Mr. President, that I would give our new President high marks, because he has also tackled the health care crisis that in my constituency has created enormous anxiety. Everywhere I go in my State people come up to me and tell me things have to change with the health care system. Costs are going up too fast. We are having to drop our health insurance. We have no coverage. We are one health emergency away from a financial catastrophe. People tell me we have to do something to assure that there is health care in the more rural parts of our country. It has become increasingly difficult to attract health care professionals to those parts of our country.

And this President has a plan. This President is standing and telling the American people we cannot continue on the same old course. It will bankrupt all of us. It will bankrupt our families. It will bankrupt our businesses. Indeed, it will even bankrupt our Government.

Mr. President, that is precisely the kind of leadership this country needs. The President ought to be commended for it.

Mr. President, 2 years ago, a member of my family, a healthy, strapping young man, a farmer, after 3 years of the most devastating drought that we have faced since the 1930's in my State, dropped his health insurance. He dropped his health insurance because the premiums had become so costly that he could not afford them when income was dramatically reduced because there was no crop. My relative bet that he could wait until harvest to have health insurance. It was a young, healthy family, no signs of any medical condition of any kind. So they took the risk. They dropped their health insurance.

Mr. President, within just weeks, they had a health emergency which required surgery. In fact, he lay near death. He was able to recover, and now they owe $29,000. Over and over and over, in my constituency, people come to me with a similar story.

We have to act and, finally, we have a President who is willing to lead. Mr. President, I believe this President deserves high marks for having the courage to lead.

I yield the floor.

The PRESIDENT pro tempore. The Senator's time has expired.

Under the order previously entered, the Senator from Hawaii [Mr. AKAKA] is recognized to speak for up to 10 minutes.

PRESIDENT CLINTON: PUTTING AMERICA BACK ON TRACK

Mr. AKAKA. Mr. President, I thank you for your recognition. And I thank you for the opportunity to relate my feelings about our President and our country.

For 1 day shy of 100, Bill Clinton has been President of the United States of America. The people of this Nation who are fed up with more than a decade of aimless drifting, of avoiding regulatory practices, and devastating decline, chose to put him there for 4 years, to give a great leader, one with a huge heart for our country and our people, an opportunity to his vision for this country; to give change a chance.

Well, here we are, one-fifteenth of the way along in the President's term, and what do we hear day in and day out? Judgment day has come.

Mr. President, I have always felt that this somehow magic 100-day milestone held little substantive meaning. It is an arbitrary, albeit traditional, measure of accomplishment concocted by the media decades ago and perpetuated until it simply became an accepted political fixture, with no particular justification for its existence or its significance.

In the end, all of us—certainly the President—cannot help but recognize that its mystique, however manufactured, is now a staple of national life. So putting aside the ominous pronouncements of the jaded inside-the-beltway pundits and the contrariness of gridlock practitioners, let us at least engage in this exercise with the truth in hand.

To say that the Clinton administration has turned America away from 12 years of drift and decline and put this country back on the right track is to set a modern-day standard for understatement.

To characterize the accomplishments of these first 3 months as boldly indicative of a renewed putting-people-first attitude is to speak with the utmost restraint.

A genuine debt-reduction budget was approved more swiftly than ever before in the 19-year history of the Budget Act. More importantly, for the first time in 12 years, it was a plan that realistically targeted the financial deficit and humanely addressed the social deficit accrued over that time.

The previously stymied Family and Medical Leave Act quickly became the law of the land, and hardworking Americans no longer must choose between their jobs and their families.

The Bush-vetoed National Institutes of Health authorization was passed, intensifying and expanding research on diseases affecting women, requiring a comprehensive program of AIDS activities and establishing safeguards for fetal tissue research.

The United States has now been returned to the position of an environmental leadership it once held. We are committed to reducing emissions of greenhouse gases and signing the Biodiversity Treaty. The President convened a direly needed forest conference, abolished the insidious Council on Competitiveness, and is fervently behind our efforts to elevate the EPA to a Cabinet-level position.

The President signed legislation aimed at examining the struggling U.S. airline industry and ensuring its continued competitiveness.

Immediate steps have been taken to facilitate bank loans to small- and medium-sized businesses, end discrimination against minority-owned enterprises, and cut burdensome paperwork.

There are solid, meaningful people plans submitted or in the breech for education, defense-dependent worker transition, national service, political reform, criminal justice, technological investment and, above all, affordable comprehensive health care for every American in this country.

Real health care for all the American people. Think about it, the most massive people crisis of our time. Do we want to talk about the first 100 days? The Clinton administration has gone farther in these first 100 days, with more resolve, than the two previous administrations went in any 100 days—in all the 44 times 100 days they occupied the White House. And for those who would do nothing but sit by and quibble, I will say, "All right, let us make the drastic concession that it will be, perhaps, a full 117 days when we receive the task force report."

The litany goes on and on, down the road, beyond the horizon. To those who would make a monument of the 100-day mark, fine. Though I find no grand meaning in it, I must admit that, under the Clinton administration, I have found great satisfaction in observing it.

He has innoculated our country with a new spirit, a new excitement, a reaffirmation of Federal Government concepts, a new hope.

We are indeed, Mr. President, in renewal. America, I am happy to say, is back on the right track.

I yield my time, Mr. President.

THE FIRST 100 DAYS

Mr. DECONCINI. Mr. President, almost 6 months ago a record 104 million Americans went to the polls and cast a resounding vote for change. From Texas to Tallahassee to Tucson, voters made it clear that they were fed up with Government gridlock and with politicians who put personal gain above the public good. The people's message to their politicians was clear: "Get your act in order or get out."

In his first 100 days, President Clinton has sounded the call for change. In his inaugural address the new President promised to "reform our politics, so that power and privilege no longer shout down the voice of the people." After that speech his very first act was to sign an Executive order restricting his senior officers from using public service for their own personal advancement. You would think that would already be our policy but it was not.

The President's action was a clear signal for a fundamental change of course. It was a clear signal that the days of business as usual in Washington were over.

President Clinton has made it clear that his administration is willing to take its own bitter medicine. He has ordered his White House staff cut by 25 percent, and he has asked his Cabinet officers to follow suit. He has put an end to many special privileges that paint a picture of a government run by perks and above the law.

A week before he unveiled his economic plan, the President ordered officials below the rank of Cabinet Secretary to drive themselves to work rather than travel in chauffeur-driven Government limousines. He mandated they use commercial airliners for unofficial trips rather than subsidized, expensive-to-operate Government aircraft—the transportation of choice for many top officials in the last two administrations. He ordered that Executive dining rooms discontinue below cost, taxpayer-financed meals, and suggested they be closed entirely if they "are not essential for the regular conduct of Government business." I understand that before long the White House dining room will be transformed into a cafeteria open to all employees.

President Clinton has promised that a tough overhaul of our lobbying and campaign finance laws will follow. The first 100 days are witness to a fundamental change in our political system. Not by empty words, but by concrete actions President Clinton has made it crystal clear that under his watch Government will be given back to the people.

Mr. President, President Clinton has done a good job the first 100 days. Yes, he came across a defeat and many of us felt it was a bitter defeat. However, it was not a defeat by the majority. It was a defeat by the minority, who imposed a filibuster successfully against the stimulus jobs program.

President Clinton campaigned on a promise that families and children will be at the top of his national agenda. The first bill he signed into law was the landmark Family and Medical Leave Act—legislation stopped in its tracks by the last administration. The United States is now no longer the only industrialized nation in the world without a family leave policy. Now parents no longer have to choose between the job they need and the children they love.

In his first 100 days, President Clinton has acted to preserve America's ideals—life, liberty, the pursuit of happiness—and equal justice and opportunity under the law. With the new President's support we will soon see the motor-voter bill become the law of the land. As the distinguished majority leader recently stated, "Registering to vote ought to be as simple as registering your car." With enactment of the motor-voter bill, it will be, and hopefully the percentage of voters in our national elections will significantly increase.

Under the new President's direction we have seen the Pentagon open combat roles to women. This is a historic step, whose repercussions will go far beyond the Nation's Armed Forces.

Under President Clinton's guidance we have seen Congress enact in record time a budget resolution that cuts nearly $500 billion from the Federal deficit over the next 5 years. It puts an end to 12 years of trickle-down economics, 12 years where the rich got richer and middle-class Americans lost all hope of the American dream. The President's economic plan promises a reinvestment in America—in our own people, in their jobs, and in a future of hope.

Mr. President, when we talk about the accomplishments of the first 100 days, let me caution that we should not forget to speak of the depths of the problems this administration is trying to solve. For the last 12 years we have seen an unprecedented buildup of our national debt. We have gone from the world's biggest creditor to the largest debtor nation on Earth. The last 4 years have produced the worst job growth in 60 years, the worst personal savings rate, and the worst per capita GNP since World War II. We have a crisis in health care. Our medical bill now consumes almost 14 percent of our gross domestic product, the highest percentage of any developed nation on Earth. Meanwhile, 35 million Americans remain uninsured, and countless others remain in fear that they will lose the insurance they have. This is how bad the situation is, Mr. President. Americans are just plain afraid that if they get sick they will not have the money to get well.

In his inaugural address, President Clinton promised to commit himself to a renewal of America. The task will not be easy, he said, and it will require sacrifice. In another inaugural address, over 30 years ago, President John Kennedy spoke, as President Clinton has, of a new world order. "All this will not be finished in the first 100 days," President Kennedy cautioned, "nor will it be finished in the first 1,000 days * * * but let us begin." President Clinton, in his first 100 days has, indeed, with courage and commitment, begun the journey.

PRESIDENT BILL CLINTON'S FIRST 100 DAYS AND THE EFFECT ON IOWA

Mr. GRASSLEY. Mr. President, yesterday, I presented my analysis of President Clinton's first 100 days and the effect on our country. Today, I would like to discuss President Clinton's first 100 days and the effect on my home State, Iowa.

Let me say from the outset that Iowans voted for President Clinton over President Bush and Ross Perot. The exact vote totals were 43 percent for Bill Clinton, 37 percent for George Bush and 19 percent for Ross Perot.

Iowans voted for Bill Clinton. They voted for change.

But Iowans voted for more than change. They voted for a certain kind of change. They voted for a certain kind of Bill Clinton.

They voted for the Bill Clinton of the 1992 campaign, not the Bill Clinton of the 1993 Presidency.

Candidate Clinton campaigned on fiscal discipline, talking about spending cuts and balancing budgets. And Iowans supported this.

Yet, the Clinton plan has called for more massive increases in domestic spending and failed to cut into the long-term deficit. The economic plan presented by President Clinton reflects an about-face from the promises he made to the American people, and to Iowans. We expected to see a more effective Government with decreased spending. Instead, Government will continue to grow as Congress continues to spend, spend, spend.

President Clinton needs to realize that Congress spends too much money. We know from experience that the only way to decrease our national debt is to cut spending.

If we were to get a handle on the deficit, the effect on Iowa's economy would be dramatic.

Iowans know this and that is why they voted for Candidate Clinton because he promised to do something about the deficit. President Clinton has gone back on that promise.

Candidate Clinton called for a tax cut for the middle class. He said that he would raise taxes only on the rich of society. And Iowans supported this.

Yet, President Clinton has called for the biggest tax increase in American history. He says that he only wants to soak the rich, but he is soaking the middle class, farmers, small businesses, and Iowa families. He is soaking everyone. The Clinton tax plan makes an Iowa thunderstorm look like a light spring shower.

As I mentioned previously, the way to lower the deficit and reduce the national debt is to cut spending, not to raise taxes.

Iowans know this and that is why they voted for Candidate Clinton because he promised to not raise taxes on the middle class to pay for his new programs. President Clinton has gone back on that promise.

Candidate Clinton campaigned on the theme of open Government. He was going to be "Mr. Town Hall." He was going to out-Perot Ross Perot. And Iowans supported this.

Yet, the Clinton administration has set a pattern of secretiveness and isolation reminiscent of the days of the Nixon White House. The deliberations of the Health Care Task Force are surrounded by secrecy and an absence of dialog.

Americans, and Iowans, deserve the right to petition their Government and to have access to their elected leaders. They deserve to know about the options being discussed on policies that will affect their daily lives.

Iowans know this and that is why they voted for Candidate Clinton because he promised to open the doors of Government in Washington. President Clinton has gone back on that promise.

Candidate Clinton promised to resist special interests. He would be independent, he was going to change things in Washington. And Iowans supported this.

Yet, the Clinton administration is filled with lawyers. Special interests have called the shots of the Clinton administration from day one.

Decisions in Washington need to be made independent of the special interests and dependent on the interests of the American people.

Iowans know this and that is why they voted for Candidate Clinton because he promised to take on the special interests. President Clinton has gone back on that promise.

Where do we go from here? What can President Clinton do to get back in the good graces of Iowans and the American people?

Simple, keep his promises.

Over the next few months and years we will be dealing with these issues. President Clinton should remember the promises he made during the campaign, to cut spending, to not raise taxes to pay for his new programs, to open up his Government, to say no to the special interests.

If President Clinton can become more like Candidate Clinton, Iowans will be more than happy to work with him to accomplish these goals. And this is one Iowan who will be at the forefront to work with President Clinton to make this happen.

The PRESIDENT pro tempore. Under the order previously entered, the Senator from South Dakota [Mr. PRESSLER] is recognized to speak for up to 10 minutes.

HUMAN RIGHTS IN AFRICA

Mr. PRESSLER. Mr. President, I rise today to discuss the continuing problem of human rights in Africa. A few weeks ago, I led a Senate delegation to eight African countries: Senegal, Kenya, Uganda, Central African Republic, Congo, Cameroon, Nigeria, and Mauritania. Each country has unique issues of concern to the United States. For example, Kenya is faced with major environmental questions on multiple uses of game reserve land; and Nigeria represents a potentially important market for United States cereal grains. However, one of the most important issues that was common to all countries is the protection of human rights.

By law, our State Department is required to submit to the Congress an annual report on human rights practices in each country. With the assistance of American diplomatic personnel, foreign government officials, private citizens, human rights victims, press reports, congressional studies, and other sources, the State Department compiles a comprehensive and objective summary of human rights abuses. I encourage all my colleagues to review this report. It is a very worthwhile report. It served our delegation extremely well in our travels through the heart of central Africa.

We met with many government leaders, including four heads of state—President Museveni of Uganda, President Kolingba of the Central African Republic, President Lissouba of Congo, and President Biya of Cameroon. We also met with the chairman of the Transitional Council of Nigeria—Chief Shonekhan. During each visit, the delegation raised the issue of human rights, and cited many of the abuses listed in the State Department Human Rights Report.

Mr. President, I will mention a number of the human rights problems that are occurring in the countries we visited. In Kenya, suppressions of political liberty, political participation, and free press are the primary human rights abuses. These abuses have been severe enough to warrant the suspension of all U.S. economic assistance. Though Kenya recently held a multiparty election for President and Parliament, it was marred by registration and voting irregularities, fraud, and government-induced ethnic clashes.

In Uganda, we were pleased to learn that President Museveni has taken constructive steps to redress past human rights violations. He also has begun to install safeguards to prevent their recurrence. These steps include the acquittal and dropping of charges against persons charged with treason; the pardoning of former rebels and criminals; the establishment of a human rights desk within the Ministry of Justice; the investigation of corrupt police, military, and judicial personnel; and the establishment of high courts in outlying areas.

In the Central African Republic, we handed a copy of the State Department Human Rights Report of that country to President Andre-Dieudonne Kolingba. This report described cases of extreme violence against political opposition leaders. For example, last August, an opposition political activist was killed by government forces during a demonstration. A reporter who printed a story critical of the government was beaten, even though some small improvements were made in opening media access to opposition groups. We urged President Kolingba to read the report and provide a response to us through our Ambassador, Bob Gribbin.

During our visit with the Foreign Minister of Cameroon, L.F. Oyono, and other ministry officials, we summarized for them several of the key points of the State Department Human Rights Report. These included repeated patterns of excessive force by police and security forces to intimidate opposition leaders and sympathizers. This use of force included looting, property damage, rape, and extreme physical abuse. We also questioned the Ministers about recent incidences of violence against political demonstrators in the opposition stronghold of Bamenda. In one case, security forces fired on demonstrators—2 were killed and 16 were injured.

In response, the Foreign Minister stated that all cases of excessive violence by government forces are investigated fully. We pressed him to provide us with examples of these investigations, but he could only think of one.

We repeated these same concerns to the President of Cameroon, Paul Biya. The President maintained that improvements had been made in human rights since he came to power in 1985. He also cautioned that the Western nations should not judge Cameroon and other newcomers to democracy too harshly. President Biya also stated that he recently asked his Minister of Defense for a report on the behavior of security forces, and he promised to pass this report on to our Ambassador, Harriet Isom. Finally, President Biya stated that he was increasing training and education practices to reduce future incidences of police violence. We will have to wait and see if the President will succeed in this effort.

The United States should pursue the cause for human rights. The Senate delegation to Africa intends to continue this effort. The delegation soon will be sending a followup letter to all the leaders of the countries, urging them to respond to the abuses that are listed in the State Department report, if they have not done so already.

Mr. President, I strongly believe there are a number of influential nations that can work with us to make a difference on human rights. However, the world still looks first to the United States—the cradle of modern democracy—for leadership.

I asked a number of opposition leaders in Kenya how best can we help them on the issue of human rights, not just in Kenya, but across the continent as well. All gave the same answer: The United States must continue to put pressure on these governments to adhere to the basic principles of human rights. Ultimately, these nations must be accountable not to other countries but to their people. That can be done only if these citizens can question, criticize, and even condemn their governments without fear for their safety and the safety of their friends and families.

In the meantime, the United States must continue to raise the issue. We must encourage greater public scrutiny. We and other nations of the world must hold government leaders accountable for their actions.

Mr. President, in summary, I would say that I was very disappointed in the state of human rights in Africa. I was very disappointed in the state of leadership in Africa. It is discouraging to visit these countries and witness the conditions of common citizens in central Africa. Human rights are put at such a low value. This is a sad thing in this day and age.

We should continue to keep pressure on these countries through our economic aid programs if necessary, as we have done in Kenya. We also should work with the countries of Europe. They have so much influence in these countries, especially France and England.

Mr. President, I encourage my colleagues to learn more about the African Continent. A good starting point is the State Department human rights report. I ask unanimous consent that portions of this report, describing the human rights conditions that exist in each of the eight countries we visited, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CAMEROON

Although Cameroon implemented democratic reforms in 1992, political power remained concentrated in the Presidency and in the former single party, the Cameroon People's Democratic Movement (CPDM). In March the Government organized Cameroon's first multiparty legislative elections in 25 years. The vote was boycotted by several major opposition groups, and some observers charged that the Government resorted to fraud in a few areas of the country. The CPDM won fewer than half the seats in the National Assembly, however, and was forced to form a coalition with a smaller party to retain a working majority. Opposition presence in the legislature has not significantly diminished the authority of the President, since the Constitution imposes few legislative or judicial checks on executive power. The multiparty presidential election in October was marred by widespread fraud and intimidation of voters. Although both the Government and opposition engaged in unfair electoral practices, the Government was responsible for the vast majority of these irregularities. According to the Government, President Biya won with almost 40 percent of the vote and remained in power.

Internal security responsibilities are shared by the National Police, the National Intelligence Service (CENER), the gendarmerie, the Ministry of Territorial Administration (MINAT), military intelligence (SEMIL), the army, and to a lesser extent, the presidential security service. The MINAT is in charge of prisons, and its local-level officials (prefects) play a key role in ensuring order. The police and the gendarmerie have the dominant role in enforcing internal security laws. In 1992, as in previous years, security forces committed numerous human rights abuses. Cameroon's military expenditures for 1989, the last year for which the U.S. Arms Control and Disarmament Agency conducted a detailed analysis, were $148 million. There are no indications that efforts will be made to reduce these expenditures in the near future.

Cameroon has a strong diversified agricultural base and a small but important petroleum sector, which produces 60 percent of export earnings. Cameroon's per capita gross domestic product (GDP) of about $900 in 1991/92 placed it among the lower middle-income developing countries. National income has steadily declined since 1986, mainly due to the decline in world oil prices. Cameroon's self-sufficiency in food production helps mitigate the effects of declining export earnings and its foreign debt burden.

The unfair presidential elections cast a huge shadow over the political and labor reform efforts undertaken in 1992. While not on the same scale as 1991, civil unrest continued, and with it a number of abuses committed by security forces in clashes with opposition protesters. Following the October vote, there were incidents of arson, looting, street protests, and destruction of property in which at least five people died. On October 27, the President declared a state of emergency in Northwest province, which had voted overwhelmingly for the opposition. More than 250 persons, many of them opposition supporters, were detained without charge under the state of emergency provisions, which were lifted December 29.

There also continued to be incidents of politically motivated extrajudicial killing by the armed forces, including the summary execution of five persons, beatings, and torture. On many occasions, security forces subjected civilians, including political and media leaders, to sustained cruel and degrading treatment. In one instance the residents of Ndu and Bali in Northwest province suffered beatings, sexual abuse, and destruction of property by gendarmes over a period of nearly 1 week. After improvements in press freedom early in the year, censorship tightened in late spring and continued through the rest of the year. Other continuing human rights abuses included arbitrary arrest and detention, government inaction to redress abuses by security forces, and discrimination against women.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. *Political and Other Extrajudicial Killing.*—Several incidents of political and extrajudicial killing occurred during the year. The most serious involved the summary execution of five civilians by soldiers and gendarmes following a violent ethnic clash between Kotokos and Choa Arabs in Kousseri, Far North province. According to credible eyewitness accounts, a dispute between the groups over voter registration erupted in violence on January 29, with some 100 to 150 people killed, mostly poorly armed Kotokos. Soldiers and gendarmes were dispatched to Kousseri to restore order, but their efforts to disarm the combatants prompted renewed fighting between the security forces and Choas, with approximately 350 Choas killed. While the heavily armed Choas could only be subdued through military intervention, the high Choa death toll and few losses among the military (one dead and one wounded) point to disproportionate use of force by the soldiers and gendarmes. Moreover, following the disarmament of the Choas, there were credible reports that members of the armed forces led five Choas into the bush where they were summarily executed. There was no public inquiry into the incident. Senior military officials maintained that internal disciplinary hearings were held in the case but had not concluded as of year's end.

Police intervention between January 24-26 to forestall a demonstration by Muslims in Yaounde left two police and four protestors dead. According to witnesses' accounts, police panicked when one officer was speared in the eye during the confrontation and began firing into the crowd. Violence continued over a 2-day period with at least 30 seriously wounded in addition to the dead. Police used live ammunition and antiriot equipment against the protestors. There was physical evidence that some of the wounded demonstrators had been shot in the back.

Six civilians were killed by gendarmes in Ndu, Northwest province, on June 6. According to credible eyewitness accounts, the gendarmes mistook a weekly market gathering for a banned opposition rally and fired warning shots to disperse the crowd. Townspeople responded by throwing stones at the gendarmes, who then opened fire on the crowd. Five Ndu residents were killed by the gunfire, one died later in the hospital, and many more were injured. In retaliation, some townspeople ransacked the homes of local gendarmes, burnt their belongings, and harassed their families. Throughout the week of June 7-12, gendarmes broke into Ndu residents' houses, smashing windows and furniture and looting valuables. There were multiple reports of rape, sexual abuse, and other violent acts against women, including gunshots to the pelvis. While officials in the security forces maintained that there would be a formal inquiry into the Ndu killings, as of year's end, there were no reports that those responsible had been brought to justice.

On July 9, five people were killed near Touboro, in North province, after local citizens installed a new chief against the wishes of the Lamido of Rey Bouba, a powerful traditional ruler. Members of the Lamido's team of bodyguards intercepted the new chief and his entourage outside of Touboro and opened fire, killing two. The chief's supporters fought back, killing three of the Lamido's security guards. Gendarmes were sent to quell the violence. As of year's end, none of those responsible had been brought to justice. Government tolerance of the Lamido's private security force contributed to the outbreak of violence.

Following the controversial October 11 presidential election, there were isolated disturbances in several provinces in which at least five persons died. On October 12 and 13 in South province, supporters of the ruling CPDM attacked and looted the homes and businesses of Anglophones and members of the Bamileke and Bamoun ethnic groups believed to have supported opposition candidates. Security forces did not intervene to preserve order, and there were credible reports that some soldiers participated in the looting. One looter was killed by an arrow during the confrontation, and there were other unconfirmed reports of additional deaths.

Following announcement of the official election results on October 23, protests erupted in the opposition strongholds of Littoral, Northwest, and Southwest provinces. In Muyaka, Southwest province, an angry mob of opposition supporters burned alive subprefect Gideon Ngum. According to credible eyewitness accounts, the crowd surrounded Ngum's home after gendarmes accidentally shot a young boy while trying to control an unruly opposition demonstration. The mob dragged the prefect from his house, beat him senseless, and then doused him with gasoline and burned him to death.

In Northwest province, home to the opposition Social Democratic Front (SDF) leader John Fru Ndi, unknown groups burned or looted some 300 homes. This destruction occurred despite the reinforcement of security forces prior to October 23. Government officials maintained that the extra forces were needed to protect public buildings and hence could not intervene to protect private property. While some of the destruction was politically motivated, other acts were the results of personal score settling or pure banditry.

A prominent CPDM supporter, Tita Fomukong, was burned in his Bamenda home after it was surrounded and torched by an angry crowd. While initial reports indicated that the mob had murdered Fomukong, later accounts—including those of the chairman of the presidentially appointed National Commission For Human Rights and Freedoms—confirmed that Fomukong had reentered the burning home, perhaps in an attempt to retrieve some valuables or look for a family member, and was trapped inside.

Two persons were killed in Bali, Northwest province, when they attacked a gendarme guardpost in an apparent attempt to free other persons who had been detained in connection with looting and arson in the area.

b. *Disappearance.*—There were credible but unproven reports of the disappearance of four youths after they were allegedly taken into custody by gendarmes following a demonstration by the Cameroon Anglophone Movement (CAM) on February 11 (see Section 2.b.). Witnesses reported seeing gendarmes detain Sule Paul Tataw, Kasimo Lemamu, Ibrahim Pendap Tataw, and another boy known only as "Che." Some human rights monitors reported that gendarme records confirmed that the youths had been detained. An investigation by the National Commission for Human Rights and Freedoms was inconclusive, and, as of year's end, there had been no further inquiry into the alleged disappearances.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Although the Penal Code proscribes torture, renders inadmissible in court evidence obtained thereby, and prohibits public servants from using force against any person, there were many credible reports of security forces inflicting severe beatings, systematic torture, and other inhuman treatment during 1992. These abuses worsened in Northwest province following imposition of a 2-month-long state of emergency on October 27. At least one person, Ghandi Che Ngwe, reportedly died as a result of injuries during torture. Sanctions against those responsible are almost unknown, although government officials maintain that they face administrative punishments which are not made public.

Investigations are rare because abused persons frequently fear reprisals against themselves and their families if they lodge a complaint. Police and gendarmes routinely beat detainees to extract confessions and the names and whereabouts of other alleged criminals. For example, an article in the September 11 issue of the English language government newspaper, the Cameroon Tribune, reported that one detainee "under torture at the police post, revealed the names of all members of the gang." Security forces also often resort to physical harassment of citizens with whom they come in contact.

The security forces display a pattern of beating detainees on the soles of their feet with an iron bar or whipping them with a reinforced rubber tube. On January 3, Jean-Michel Nintcheu and Emmanuel Wato were detained and severely beaten by gendarmes. The two were members of the banned opposition human rights group Cap Liberte. According to credible reports, Nintcheu was unable to walk after his release because the soles of his feet had been beaten raw. Although a doctor recommended that he be given medical attention, police refused to allow Nintcheu to receive hospital treatment. Both detainees were subsequently released without formal charges being made. Despite denials by the Government, investigations following the mass arrests in the Northwest province after the election confirmed that many persons were beaten at the time of detention.

There were several incidents of prolonged cruel and degrading treatment of civilians by security forces, including shaving the heads of opposition members with shards of glass. On May 5, female student leader Ange Tokam Guiadem was detained by approximately 12 gendarmes at Yaounde University. They stripped Guiadem and marched her across campus while punching and kicking her. Other students who tried to intervene were beaten off by the gendarmes. Guiadem was taken to a garage, where gendarmes continued to beat and taunt her for 2 days. During this period, her tormentors shaved her head with shards of broken glass. She was subsequently moved to the gendarme detention facility where she was kept until her release, without charge, on May 11. While gendarme and university officials maintained that an investigation of the incident would be conducted, none had occurred by year's end, and none of those responsible had been brought to justice.

Treatment of prisoners in the penitentiary system is poor, especially outside of major urban areas. Prisoners receive inadequate medical attention and food, although family members often provide supplementary rations. Prisoners are routinely chained in their cells. Conditions are worse at Tchollire II prison, where reportedly inadequate food and medical attention caused at least 40 deaths between 1990 and 1992 among the inmates. Tchollire's isolation makes it difficult for families to supplement the meager food rations, while even serious diseases, such as tuberculosis and meningitis, go untreated. Most prisoners were held in severely overcrowded and unsanitary conditions, and some detainees faced further beatings while in custody, according to the National Commission For Human Rights and Liberties, among other observers.

d. *Arbitrary Arrest, Detention, or Exile.*—Arbitrary, prolonged detention remained a serious problem in 1992. In particular, the intelligence services do not implement fully the Penal Code requirement that detainees be brought before a magistrate for investigation of possible offenses and have held detainees incommunicado.

Under Cameroonian law, a person arrested for a nonpolitical offense may be held in custody up to 24 hours before being charged. That period may be renewed three times. However, the law does not provide for habeas corpus, and judicial authorities are precluded from acting on a case until the administrative authority who ordered the detention turns the case over to the prosecutor. After a magistrate has issued a warrant to bring the case to trail, the detainee may be held in "pretrial detention" indefinitely pending court action. Furthermore, a 1990 law permits detention without charge for renewable periods of 15 days "in order to combat banditry." Persons taken into detention are frequently denied access both to legal counsel and family members. The law permits release on bail only in the Anglophone provinces, where the legal system retains features of British common law. Even there, bail is granted infrequently.

Police and gendarmes sometimes detain opposition activists on political grounds, as in the cases of Jean-Michel Nintcheu and Emmanuel Wato in January, and Ange Tekam Guiadem in May (see Section 1.c.). Those detained on political grounds are generally held without charge or charged with a common crime. For example, on July 22 armed plainclothes police interrupted a Douala political meeting attended by members of the Rally for the Fatherland (RAP) and other small political parties. The police arrested about 20 opposition activists, among them Jean-Michel Nintcheu and Emmanuel Wato again.

Approximately half of the detainees were released after 1 week; the remaining nine were held until August 6. Police officials claimed that the activists would be charged with smuggling arms from Nigeria and plotting to assassinate senior government leaders. Only Nintchen, Wato, and Martin Tafou finally were charged with a crime. A court date was initially scheduled for October but postponed after the Paris-based international Federation For Human Rights intervened to urge that the accused be given more time to prepare their defense. As of year's end, none had been brought to trial.

Following the October election, the Government detained numerous opposition political figures, including Victor Hameni Bieleu, campaign chairman of the Union for Change, and several prominent legal advisors to the Social Democratic Front (SDF), among them retired Supreme Court Justice Nyo Wakai and lawyers Ophelia Sendze and Francis Sama. In some cases, including those of Justice Wakai and Mrs. Sendze, detainees were beaten while being taken into custody. According to government sources, a total of approximately 250 persons were detained for up to 2 months under state of emergency provisions in the Northwest province. Other credible sources indicated that some 400–500 persons were detained. Under Cameroonian law, persons may be held without charge during a state of emergency for up to 2 months (renewable once), by order of the Minister of Territorial Administration.

On December 14, 63 of the detainees, including Ophelia Sendze, were released without charge. On December 23, the High Court of Mezam Division ordered the release of an additional 176 detainees, either unconditionally or on bail. Hameni Bieleu was ordered released unconditionally; Nyo Wakai on bail. On December 26, all 176 detainees were instead transferred to two prisons in Yaounde; there, all were released on their own recognizance December 31. The public prosecutor confirmed reports that those detainees, if they are brought to trial, will be judged by the State Security Court, established in December 1990 to try crimes against the "internal and external security of the state."

In addition to those detained under state of emergency provisions, other political activists, such as Joseph Tegeh, President of the Douala-based Movement for the Renewal of the African People (MORPA), were detained without charge and beaten (see also Section 2.a.).

e. *Denial of Fair Public Trail.*—The Cameroonian court system is subordinate to the Ministry of Justice; it is part of the executive, not a separate or independent branch of government. Magistrates in Cameroon are career civil servants responsible to the Minister of Justice, and thus are subject, particularly in political cases, to government direction. Following the October 11 presidential election, for example, the Supreme Court rejected an appeal by the opposition National Union For Democracy And Progress (UNDP) party to declare the results invalid due to numerous irregularities. The Court ruled against the appeal on technical grounds, noting that the UNDP had presented photocopies, rather than originals, of alleged fraudulent vote tabulations.

Numerous magistrates have commented that rendering a decision that displeases the Government may result in transfer to a less desirable position. However, magistrates' decisions in nonpolitcal cases are usually not subject to government interference. There have been reported cases of the Government refusing to pay damages when a court has found against it. Trials are public. There is no formal public defender system, but some voluntary organizations and the Bar Association offer pro bono legal assistance in some cases.

Traditional courts continue to play an important role, particularly in rural areas. Their authority varies by region and ethnic group, but they are often the arbiters of property and domestic disputes and may serve a probate function as well. Most traditional courts permit appeal of decisions to traditional authorities of higher rank.

There were no known political prisoners, as distinct from political detainees, in Cameroon at the end of 1992.

f. *Arbitrary Interference With Privacy, Family, Home, or Correspondence.*—While both invasions of the home and tampering with correspondence are violations of Cameroonian law, there were numerous reports of police and gendarmes harassing citizens and entering homes without warrants. This practice was particularly widespread in Northwest province, as security forces entered private homes under the pretext of enforcing payment of taxes. Sustained periods of harassment of civilians and forced entry into their homes occurred in Bali between May 29–31, and in Ndu between June 6–12 (see also Section 1.a.). In Bali, gendarmes used rubber bullets, teargas, and firearms to terrorize townspeople—including women and the aged—for 2 days after taxi drivers refused to pay customary bribes.

In Northwest province during the state of emergency, gendarmes sometimes surrounded entire neighborhoods, then conducted house-to-house searches without warrants. Property for which the residents lacked receipts was confiscated, and persons who could not produce a national identity card were sometimes detained. Two days before the state of emergency was declared, a cordon of gendarmes sealed off entry to and exit from the Bamenda home of opposition leader John Fru Ndi. An agreement was subsequently concluded with the security forces to allow food and medical supplies to reach the more than 140 family members and supporters who joined Fru Ndi on his compound. The gendarme cordon of the compound was lifted on December 29.

There were credible reports that the Government kept some opposition militants under surveillance and used informer systems to track the activities of dissidents.

Section 2. Respect for Civil Liberties, Including

a. *Freedom of Speech and Press.*—Although the Constitution of 1972 provides for freedom of expression and the press, Cameroonian law and practice have long restricted these freedoms. In late 1990, a new law established more liberal regulations for beginning publication of newspapers and magazines. That same law, however, formally authorized prepublication censorship and granted the MINAT the authority to suspend the right to publish. Public servants face retribution for openly criticizing the Government, as in the case of Celestin Monga, manager of a government-owned bank and part-time journalist, whose May Jeune Afrique Economie interview prompted an increase in censorship in 1992 (see below). Under pressure, Monga resigned his position at the bank when his supervisor initiated disciplinary proceedings against him for publishing the article.

The Government publishes two official newspapers—the English and French editions of the Cameroon Tribune—and determines the content of all radio and television broadcasts. Most official journalists are civil servants who may be transferred to less desirable positions if they do not practice self-censorship. The government-controlled broadcast media, although funded by all taxpayers, provided disproportionately high levels of coverage to even minor CPDM functions while giving little air time to opposition events.

Some 40 private newspapers are published, about one-quarter weekly and the others at irregular intervals. Censorship of these newspapers is erratic, with criticism of the Government often tolerated. In January the Government lifted a 5-month ban on the Douala weekly Le Messager, and during the first 3 months of the year the private press operated with few restrictions. Beginning in April, however, censorship was tightened. Editors of the weekly La Galaxie were tried and fined for publishing an article which charged the MINAT with abuse of government privileges. Following publication in May of an interview which implicated the President's family in a banking scandal, the Government banned distribution of the

French monthly Jeune Afrique Economie and seized issues of Cameroonian weeklies La Nouvelle Expression and Le Messager when they tried to repeat the story.

From May on, the private press was subject to heavy-handed censorship and harassment of journalists. Throughout the summer and fall, armed police were stationed at the Rotoprint Press, where most private weeklies are produced. Police frequently subjected journalists who wrote stories critical of the Government to lengthy interrogations about their sources of information. Police sometimes roughed up newspaper vendors selling papers critical of the Government and confiscated the publications. In July the MINAT suspended the Douala weekly Galaxie for publishing a follow-up story on the banking scandal implicating the President's family. In early September, the MINAT suspended three Douala weeklies—La Nouvelle Expression, Le Messager, and Challenge Hebdo—for allegedly failing to deposit the required two copies of each issue with the Attorney General's office. The papers defied the MINAT suspension order by continuing to publish under different names until late November, when the MINAT put an end to this practice by issuing definitive suspension orders.

After the October elections, the Government detained briefly without charge a number of media figures, including, in November, Severin Tchounkeu, editor of L'Expression who was severely beaten despite being partially crippled by polio. Several of Tchounkeu's colleagues had to go into hiding after receiving threats to their safety. As of the end of the year, no prominent media figures remained in detention.

There are no legal restrictions on academic freedom, though it is generally believed that there are CENER informants at the campus of the University of Yaounde. Some university professors believe that their political viewpoints and activism have had a negative impact on professional opportunities and advancement. Free political discussion at the University may be dampened by the presence of armed members of the security forces, on hand to quell political disturbances (see Section 1.b.).

b. *Freedom of Peaceful Assembly and Association.*—Freedom of assembly and association are provided for in law but restricted in practice. The Penal Code prohibits public meetings, demonstrations, or processions without prior government approval. The 1990 law on freedom of association provided that Cameroonians may freely form associations simply by notifying the responsible administrative authority according to a set procedure.

While political parties and civic associations were generally permitted to hold public assemblies, the Government at times harassed opposition groups by denying them access to meeting facilities or refusing their permits on technicalities. Prior to the October 11 presidential election, both opposition and ruling party campaign rallies were sometimes disrupted by their adversaries. Following the election, all public meetings were prohibited in Northwest province under the state of emergency.

On February 11, a rally in Bamenda by members of the Cameroon Anglophone Movement to commemorate federalism in Cameroon was broken up by security forces. The gendarmes claimed that CAM had not obtained the proper permit to hold a political rally, but CAM leaders argued that, as members of a civic association rather than a political party, they were not bound by this requirement. More than 100 people who attended the rally were detained. There were numerous eyewitness accounts of beatings by security forces, along with reports of the disappearance of four detainees.

Some 70 political parties operated legally in 1992 along with numerous civic associations. Unlike in 1991, the MINAT did not act to block registration of new groups or to an existing organizations. Associations that had been banned in 1991, however, were not rehabilitated. Leaders of some of these banned associations charged they had been denied due process by the judiciary, which refused to schedule a court date to hear appeals to overturn the banning orders.

c. *Freedom of Religion.*—Freedom of religion is provided for in the Constitution, and there is no established state religion. Roughly 25 percent of Cameroonians are Muslims, 40 percent are Christians, and the rest follow traditional beliefs. Officials of the Government and the CPDM include members of all three groups. There are no restrictions on places of worship, the training of clergy, religious education, religious travel—such as the hajj—or participation in charitable activities.

However, a religious group must be approved and registered with the MINAT in order to exist and function legally. Government officials maintain that Jehovah's Witnesses, banned from 1970 until 1990, are now free to practice their religion. As of year's end, however, the MINAT still had not approved the Witnesses' petition for legal status that has been pending since 1990. There were no reports of Jehovah's Witnesses' being imprisoned as a result of their beliefs in 1992.

Independent Christian and Muslim publications circulate in Cameroon, and there is no evidence that they are more heavily censored than the secular press.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Freedom of movement within the country is not restricted by law. Police frequently stop travelers to check identification documents, vehicle registrations, and tax receipts as a security and immigration control measure. In areas experiencing civil unrest, and during the periods immediately preceding the legislative elections and following the presidential election, the checks became pervasive and occasionally oppressive. Personnel manning these roadblocks frequently solicit bribes to speed passage. Authorities sometimes employed these roadblocks to limit the activities of political parties. In Adamaoua province prior to the presidential election, there were reports that campaign vehicles of the opposition UNDP were sometimes harassed when passing through the check points.

The Government has sometimes used its passport control function against those it considers real or potential threats. One former government official, who left office after a dispute with the ruling party hierarchy, suffered an unusually long delay before being issued a new tourist passport to replace his diplomatic passport.

Cameroon has long served as a safe haven for displaced persons and refugees from the region. At the end of 1992, 1,500 refugees from Chad, Liberia, Zaire, and Sudan were receiving the assistance of the U.N. High Commissioner for Refugees in Cameroon. However, estimates of the total number of refugees, mostly spontaneously settled Chadians, range from 8,000 to 50,000. Although Cameroon occasionally returns illegal Chadian immigrants, there were no reports of forced repatriation of recognized refugees during the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The flawed October 11 presidential election represented a step backwards in Cameroon's democratization process which nonetheless made progress from 1990 through 1992. An international observer group sent by the National Democratic Institute (NDI) concluded that the overwhelming weight of responsibility for this failed process lay with the Government and President Biya. The ruling CPDM and five opposition parties contested this first multiparty presidential election in Cameroon's history. Biya was reelected with about 40 percent of the vote, according to official figures. SDF candidate John Fru Ndi received about 36 percent, and UNDP candidate Bella Bouba Maigari received 19 percent.

The vote was marred by irregularties during the campaign, on voting day, and during the tabulation of results. News coverage of the campaign on the government-monopoly television and radio stations was heavily slanted in favor of the CPDM. Campaigning was restricted in some ruling party strongholds, such as the Lamidat of Rey Bouba, which UNDP supporters were forbidden to enter, and South province, where Progressive Movement (MP) candidate Jean-Jacques Ekindi was physically threatened by an angry mob when he attempted to travel to Ebolowa to deliver a campaign speech.

On polling day, many voters in areas where the opposition was expected to do well found that their names had been dropped from electoral registers and that polling stations had been moved or renamed. While voting was generally peaceful, there were isolated incidents of violence, particularly in Douala and the Southwest province, where opposition supporters attacked the home of ruling party members they believed were engaged in fraud. In CPDM strongholds, voting was tightly controlled to ensure a high vote total for the President. Public rather than secret ballot voting was used to coerce support for President Biya in many rural areas of his home South province. Opposition poll-watchers were not permitted in many polling stations in South province and other ruling party strongholds.

Results of the vote were not announced until 12 days after the election. Although this fell within the period established by the electoral code, the delay led to widespread suspicion that the vote count had been manipulated. Despite many requests from opposition parties and the NDI delegation, the Government did not release the results by polling station, which would have allowed opposition parties to check the official tally against their own parallel vote counts.

In contrast to the presidential election, most observers concluded that, despite some irregularities and organizational problems, the outcome of the March 1 legislative elections was a fair reflection of the will of those who voted. However, one violent incident occurred at Balikumbat, Northwest province, on election day, when a crowd sacked the home of a local traditional ruler believed to be harboring stuffed ballot boxes. Fifty-two persons were detained in that incident and, according to credible reports, 32 remained in detention at year's end.

In those first multiparty legislative elections in more than 25 years, the ruling CPDM, which formerly held all 180 Assembly seats, won just 88 seats. It was forced to form a coalition with the Movement for the Defense of the Republic (MDR), which won 6 seats, to retain a working parliamentary majority. Two opposition parties also won seats in the Assembly: The UNDP and the Union of Cameroonian Peoples. Several major parties boycotted the election, demanding that the Government first convene a sovereign national conference and expressing distrust of the Government's ability and intent to organize a free and fair election.

Cameroon continues to be governed by the President and the CPDM, which came to power during a period of single party authoritarian rule. The President and his inner circle of advisors, many drawn from his own ethnic group, make all important government decisions. While some opposition parties won minority representation in the National Assembly during the year, their presence did not significantly dilute the authority of the President. The Constitution favors the executive over the legislature, giving the President the power to dissolve the Assembly and call new elections at any time; to return bills for a "second reading," requiring that they be passed by a majority of the full Assembly; and to govern by decree when the Assembly is not in session. With a working parliamentary majority, the ruling party and its coalition partner set the legislative agenda, preventing many opposition initiatives from coming to a vote. Moreover, opposition parties in the Assembly lacked the staff and expertise to challenge government proposals in technical subjects.

While underrepresented in senior leadership positions, a few women do serve in prominent positions in the executive, legislative, and judicial branches of the Government. Two women sit in the 44-member Cabinet, and one woman sits on the 14-member Supreme Court. Seventeen women were elected to the 180-seat National Assembly.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Some domestic and international human rights organizations were permitted to operate in Cameroon in 1992, but their findings appeared to have little influence on the Government. In February the President named members of the National Commission for Human Rights and Freedoms, which had been established by decree in November 1990. Although the decree called for opposition deputies in the National Assembly to be represented on the Commission, none had been named by year's end. The Commission conducted several investigations and prison visits and briefed government officials on its findings but issued no public reports during the year. The Government did not permit the Commission to make unannounced visits to detainees, and the Prime Minister's office was slow to disburse its budget. In one instance, gendarmes briefly detained the Commission president and other members at gunpoint during their investigation of the June events at Ndu (see Section 1.a.). During a November mission to South province to investigate postelection violence, Commission members were subjected to surveillance by security forces.

Several nongovernmental civic associations concerned with human rights were active in 1992, among them the National League for Human Rights, the Association of Women Against Violence, and the Cameroonian Association for the Rights of Children. For the most part, these groups sought primarily to heighten awareness of human rights issues rather than investigate specific alleged violations. The groups were permitted to operate freely during the year. Human rights groups banned in 1991 were not rehabilitated.

In January the International Committee of the Red Cross (ICRC) reopened a delegation office in Yaounde after a 15-year absence. Although the ICRC obtained agreement in principle to visit security detainees, delegates had not yet been allowed access to such prisoners at year's end. The Paris-based International Federation for Human Rights (FIDH) visited Cameroon in March and October. The FIDH met freely with a wide range of government officials, opposition groups, student leaders, and journalists during its visits. Amnesty International and the Committee to Protect Journalists issued statements on Cameroon based on sources inside the country but did not make site visits during the year.

Breaking the Government's long-standing policy of not responding to the comments of either domestic or foreign human rights groups, several senior officials sought to refute such allegations during 1992. Government spokesman Augustin Kontchou, Minister of Territorial Administration Gilbert Andze Tchoungui, and Secretary of State for Internal Security Jean Fochive all reacted publicly to human rights-related charges, including Amnesty International's report that more than 70 prisoners had died at Tchollire II since 1990 (see Section 1.c.).

Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Preamble to the 1972 Constitution specifically prohibits discrimination based on sex, enshrines freedom of religion, and mandates that "everyone has equal rights and obligations." However, discrimination based on race, language, religion, or social status is not explicitly forbidden.

Access to the Government's social programs is open to all Cameroonian citizens on a nondiscriminatory basis. President Biya has repeatedly stressed publicly the dangers of tribalism, but there remains deep-seated suspicion among more than 200 ethnic groups, to which government officials are far from immune. Cameroon has two official languages, but the Anglophone minority (20 percent) often charges that the Francophone majority does not share real power and that the Government provides few economic benefits to English-speaking regions. The Bamileke, the country's largest single ethnic group (with at least 20 percent of the population), charge that they have been systematically denied political power commensurate with their numbers and economic importance. Throughout 1992 opposition newspapers frequently attacked the Beti, President Biya's ethnic group, while those close to the Government often criticized the Bamileke, Anglophones, and, to a lesser extent, northerners. Ethnic violence in far North province between the Kotoko and Choa Arab communities resulted in more than 450 deaths in January and 100–150 fatalities in November. These clashes were fueled by long-standing ethnic rivalries between the Choas and Kotokos, which were exacerbated by their support for competing political parties in Cameroon's new multiparty environment.

Women are granted equal rights under the Constitution, and some are active in political parties and civic associations. However, significant cultural pressure is brought to bear on women to remain subservient to men. Polygamy is permitted by law and tradition, but polyandry is not. The extent to which a woman may inherit from her husband is normally governed by traditional law in the absence of a will, and customs vary from group to group. In many traditional societies, custom grants greater authority and benefits to male than to female heirs. In cases of divorce, the husband's wishes determine custody of children over the age of 6. A married woman may not legally obtain contraceptives without her husband's consent; neither may she be sterilized without his authorization. While a man may be convicted of adultery only if the sexual act takes place in his home, a female may be convicted irrespective of venue.

Women's rights advocates report that violence against women has surged in recent years, and that the law does not impose effective penalties against violators. Wife beating is not, of itself, a legal ground for divorce. Most women regard having been the victim of a sexual assault as so profoundly shameful that they cannot confront the assailant. Frequently, a victim's family or village impose direct, summary punishment upon the suspected perpetrator through means ranging from destruction of property to lynching. While there are no reliable statistics on violence against women, the number of newspaper articles indicate the frequency is high. Female genital mutilation (circumcision) is not common in Cameroon but is practiced by a limited number of traditional Muslim families.

Section 6. Worker Rights

a. *The Right of Association.*—In August Cameroon's National Assembly passed a new Labor Code, allowing workers to form and join trade unions of their own choosing. Under the new rules, groups of at least 20 workers may organize a union but must then register with the Ministry of Labor. Provisions of the Labor Code do not apply to public servants, employees of the penitentiary system, or workers responsible for national security. As of the end of December, implementing decrees had not been issued for the new Code, and no new unions had been registered with the Ministry of Labor. The Federation of National Educators (SYNES) applied in 1991 for legal status as a public service association, since government workers are not permitted to form trade unions. As of year's end, the Ministry of Public Service had not accorded legal status to SYNES.

Prior to 1992 the ruling CPDM party controlled the Organization of Cameroonian Workers (OSTC), the only labor organization in Cameroon. At its convention in May, however, OSTC members announced their intention to operate independently of the ruling party, and renamed the organization the Confederation of Cameroonian Workers (CSTC). At year's end, it remained unclear to what extent the CSTC had, in fact, severed its ties to the ruling party. While CSTC Secretary General Louis Sombes publicly rebuked some members who sought to endorse the CPDM, CSTC President Emmanuel Etame-Ndedi continued to serve as an alternate member of the CPDM's Central Committee.

The new Labor Code explicitly recognizes workers' right to strike but only after mandatory arbitration. Administrative employees at the agricultural research institute engaged in a wildcat strike for several weeks in July and August, demanding payment of salary arrears. Employees went back to work after the Government made partial payment.

Although the new Labor Code permits unions to form or join federations or confederations and affiliate with international bodies, the CSTC remained in 1992 the only labor confederation in Cameroon. The CSTC is a member of the Organization of African Trade

Union Unity and in December was accepted as a member of the International Confederation of Free Trade Unions.

b. *The Right to Organize and Bargain Collectively.*—The new Labor Code provides for collective bargaining between workers and management in local work places, as well as between labor federations and business associations in each sector of the economy. As of year's end, sectoral collective bargaining negotiations had not been undertaken. Prior to passage of the new Code, the Government was involved with the CSTC and employers in setting wages through a complicated formula that took into account the sector and region of employment and the worker's education level.

The Labor Code prohibits antiunion discrimination, and employers guilty of such discrimination are subject to fines ranging up to $6,000. The Ministry of Labor reported no complaints of such discrimination in 1992. Seven firms obtained approval to operate under Cameroon's industrial free zone regime, and two had begun operations by the end of the year. Free zone employers will be exempt from some provisions of the Labor Code but must respect all internationally recognized worker rights.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is prohibited by the new Labor Code, although it specifically excludes "any work or service extracted from any person as a consequence of a conviction in a court of law" and "work or service in the general interest forming part of the civic obligation of citizens." In its 1992 report, the International Labor Organization's Committee of Experts observed that Cameroon continues to allow prison labor to be contracted out to private employers and uses communal labor for municipal public works.

There have been frequent reports that slavery continues to be practiced in some traditional Cameroonian ethnic groups, notably the Lamidat of Rey Bouba.

d. *Minimum Age for Employment of Children.*—The Labor Code establishes that no child be employed before the age of 14. Ministry of Labor inspectors are responsible for enforcing the minimum age but lack resources to conduct an effective inspection program. In rural areas many children begin work at an early age on family farms. Some rural youths, especially girls, are often employed by relatives as domestics. Street vendors in the cities are sometimes under 14.

e. *Acceptable Conditions of Work.*—Under the new Labor Code the Ministry of Labor is responsible for setting a single minimum wage applicable nationwide in all sectors of the economy. At year's end the minimum wage had not been set. The Labor Code establishes a standard workweek of 40 hours in public and private nonagricultural firms, and 48 hours in agricultural and related activities. The Code makes compulsory at least 24 consecutive hours of weekly rest. Ministry of Labor inspectors and occupational health doctors are responsible for monitoring safety and health standards but lack the resources for a comprehensive inspection program.

CENTRAL AFRICAN REPUBLIC

General Andre Dieudonne Kolingba took power in the Central African Republic (C.A.R.) in a bloodless 1981 coup. He has since exercised virtually full political control under the 1986 Constitution, which provides for the Central African Democratic Assembly party (RDC) to be the sole legal party. During 1992 the President continued his attempt to control political reform by calling a Grand National Debate conference to draft a new constitution and by holding early presidential and legislative elections. Of the 19 new parties, 15 refused to participate in the Grand Debate, advocating instead a national conference and a transitional democratic government. However, the opposition did participate in the October 25 elections, which resulted in a high turnout and an apparent rejection of Kolingba. The Government, acting through the Supreme Court, had the elections annulled on the basis of fraud, most of which appeared to have been sponsored by the Government. President Kolingba continued to rule, largely by decree, under a controversial interpretation of the Constitution and named a new caretaker government headed by Prime Minister Timothee Malendoma, with 9 of 20 cabinet members drawn from opposition political groups. Presidential and legislative elections were scheduled for February 1993.

The Ministry of Defense has 4,000 military and 1,200 national gendarmerie personnel under its control. These forces share internal security responsibilities with the civilian police force, which operates under the Ministry of Public Security. President Kolingba controls a 1,200-man presidential security force led by 50 French advisers. The C.A.R.'s total military expenditures for 1989, the last year for which the U.S. Arms Control and Disarmament Agency conducted a detailed analysis, were approximately $18 million. There are no announced plans concerning future military expenditure levels, but, given the lack of government revenues, it is likely that expenditures could decrease. The military and the police were responsible for human rights abuses in 1992 (see Section 1.a and 1.c.).

The C.A.R. is a landlocked and sparsely populated country, and most of its inhabitants practice subsistence agriculture. The principal agricultural exports are coffee, cotton, timber, and tobacco. Diamonds comprise the most important mineral export. Economic structural reforms begun in 1992 in cooperation with international donors have had little success because of unfavorable world economic trends and government corruption and mismanagement. Sweeping public strikes that lasted 8 months ended in December 1991, but sporadic strikes of varying size, protesting salary arrears and the slow pace of political liberalization, continued in 1992.

Although the political dialog was extended in 1992 to opposition parties, the efforts of the Kolingba regime to control the democratic reform process resulted in a series of human rights abuses throughout the year, including arbitrary arrest and detention of political opponents and workers, interference in the judicial process, and abridgements of freedoms of speech, assembly, and worker rights. The Government jailed for 6 to 8 months two political activists and a journalist for "insulting the President." Security forces killed one person and injured several others while breaking up a demonstration of opposition and labor union organizations on August 1. The annulment of the October 25 presidential and legislative elections prevented the installation of a new government democratically elected by the Central African people, thus negating much of the promise of the previous year.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. *Political and Other Extrajudicial Killing.*—On August 1, security forces killed opposition political activist Dr. Jean-Claude Conjugo-Batoma during a demonstration protesting the opening of the Grand National Debate. The opposition claimed he was personally targeted by his attackers because of an article and cartoon he published that were critical of President Kolingba. The Government stated that it had ordered a special inquest into the incident, but no report on the affair had been released by year's end±.

A government-promised inquest into the 1990 killing by security forces of Pierre Wanga, who had been arrested and accused of the murder of presidential advisor Bernard Kowada, was not carried out in 1992. In addition, as far as was known, no disciplinary action was taken against those responsible for the death or the beatings of three others associated with Wanga.

Security forces reportedly shot to death two persons in the Western city of Berberati on October 25 during disturbances provoked by the sabotage of the elections. The Government did not publicize this incident and released no public accounting of what occurred or who was responsible for the shooting.

There were credible but unsubstantiated reports of summary execution of highway bandits in the north central and northwest parts of the country. The Government denied it had implemented or supported a policy of summarily executing bandits, claiming that a recently created office to combat banditry respects human rights norms. As in past years, at least two prisoners in Bangui held on charges of witchcraft were burned to death by an angry mob when authorities were unwilling or unable to provide for their security.

b. *Disappearance.*—There were no confirmed reports of politically motivated disappearance.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The Penal Code prohibits torture and specifies sanctions for those found guilty of physical abuse. Nevertheless, credible reports of routine police beatings of criminal and political suspects continued to surface. Clement Belibanga, an opposition party activist arrested for antiregime activity, was beaten by members of the Autonomous Armored Squadron, the President's personal military unit. No sanctions were meted out to those responsible.

d. *Arbitrary Arrest, Detention, or Exile.*—Central African law stipulates that persons detained in nonpolitical cases must be brought before a magistrate within 96 hours. In practice, this deadline is often not respected, in part due to inefficient judicial procedures. Political detainees may be held legally without charge for up to 2 months. In the C.A.R. judicial system, bail does not exist, but sometimes persons are released on their own recognizance.

In 1992 the Government held teachers, labor leaders, and opposition supporters for varying periods on charges of being a threat to state security. The authorities arrested four teachers for antigovernment political activity in the President's home region in April; they were subsequently released. The authorities also arrested briefly four opposition figures for participating in an August 1 demonstration against the Grand National Debate, including Aristide Sokambi, President of the Association for Democracy and Development. Similarly, on August 20 the Government detained briefly Clement Belibanga, an opposition party activist.

Three Sudanese nationals, Hafiz Abdel Galil, El Rayh Ahmed and Mohammed Zein Hassan, have been held in Ngaragba Prison without charge or trial since March 1990, reportedly for refusing to pay a bribe to a local official, in spite of their attorneys' attempts to bring the case to trial.

Because of government secrecy, the number of political detainees held at any one time was not known. It was believed that most political detainees had been released by the end of the year.

Exile is not permitted by law and does not occur in practice. A number of political opponents have left the country to avoid government sanctions, but the Government has repeatedly stated that any person in self-exile for strictly political reasons, rather than criminal, may return without fear of persecution. Ange Patasse, who had been in self-exile since 1982, returned October 15 and participated in the elections as a presidential candidate. The best known remaining self-exiles are Rodolph Iddi-Lala, currently believed to be in Togo, and student leader Cyrus Sandy, presently in Cameroon.

e. *Denial of Fair Public Trial.*—The judiciary consists of regular and military courts, with the Supreme Court at the apex. In common criminal cases, the accused have the right to legal counsel, trials are public, and defendants have the right to be present at their trials. These safeguards are respected in practice except in those cases where the Government believes that a suspect threatens state security.

The judiciary suffers from executive interference, institutional neglect, inefficient administration of the law, and a shortage of trained personnel and material resources. The authorities did not allow Mamadou Sall or Walidou Bachir legal counsel during their trials (see below). There are also often delays in political cases. For example, opposition leader Joseph Bendounga's appeal before the High Court of Justice in September was apparently delayed a week to ensure that he would not be able to benefit from preelectoral media access for opposition political parties.

The number of political prisoners, as distinguished from political detainees, held at the end of the year was not known. The Government released a number of political prisoners during the year, including: Joseph Bendounga, who had served 5 months of a 6 month sentence for insulting the President in an anti regime statement: Walidou Bachir, a Muslim who had been sentenced to 8 months in jail for accruing the Government of summarily executing Central African Muslims for highway banditry; and Ben Mamadou Sall, a Senegalese journalist who had been sentenced to 6 months in jail for writing articles accusing high-level officials of corruption.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Government rarely abused legal prohibitions on invasion of the home without a warrant in civil and criminal cases. However, in suspected political and security cases, police are statutorily permitted to search private property without written authorization and do so in practice. The Government maintains a close watch on citizens suspected of opposition activity, including by telephone monitoring. The RDC vigilance committees, which operated in 1991 to combat local crime, were not active in 1992.

Civil servants are not required to join the ruling RDC, but there were reportedly some pressures in 1992 to joint the party for those holding or desiring high-level government positions.

Section 2. Respect for Civil Liberties, Including

a. *Freedom of Speech and Press.*—The right of private citizens to speak publicly about political developments or to criticize the Government was less circumscribed than in the past, and opposition leaders commented on government policy at public rallies, in political broadsheets, and eventually on the government-controlled national radio and television.

The C.A.R.'s tiny media establishment—newspapers, radio, and television—are all government owned and controlled. During the year, journalists were physically threatened, and one was reportedly beaten because of his critical reporting about the Government. For the most part, the media supported President Kolingba and the RDC and did not provide objective coverage of important national political developments. In 1992 the media ignored or glossed over negotiations between the Government and the opposition on democratization, opposition political rallies, the trial of Joseph Bendounga, labor strikes, and charges of corruption and abuse of power in high places.

For much of the year, the Government did not give opposition parties access to the national media. After unsuccessful negotiations in July between the Government and the opposition, a government-dominated commission drafted a code granting access to the media by opposition parties. It declared that all parties should have equal access to the electronic media. From September 22 to 29, the authorities allotted representatives of opposition political parties 15 minutes of free radio and television air time to deliver unedited and uncensored commentary. In the 2-week campaign period before the elections, the political parties freely expressed their views on both radio and television, including views critical of the Government. The opposition expressed satisfaction over increased access to the media but complained that it was temporary and limited in scope. And in fact, following the annulled elections, the Ministry of Communications reinstated the Government's monopoly over news broadcasts.

Opposition parties and groups published and distributed manifestos, policy statements, and analysis of events, usually in stenciled and photocopied form without government restriction.

Academic freedom is limited. The Ministry of Higher Education expelled 14 politically active students leaders from the university and teacher's college, reinstated them after the end of the strikes in February, then prevented several of them from taking the yearly examinations. The Ministry of Fundamental Education fired five teachers from their positions in the town of Bangassou for their labor and opposition party affiliations; however, the head of this Ministry later resigned, stating he had not been consulted before this occurred.

b. *Freedom of Peaceful Assembly and Association.*—The right of assembly is constitutionally guaranteed but is restricted by regulations. The media access code requires the organizers of all demonstrations and public meetings to register with the Government 48 hours before they occur. The Ministry of Public Security has refused to sanction several demonstrations, and police have broken up others. In July the police arrested three men and confiscated their loudspeaker-equipped car for publicizing an opposition political rally. Several opposition demonstrations were broken up by police, including the national prayer day demonstration on June 30. The comportment of government security forces during the preelectoral period was professional. They did not interfere with political campaign rallies and permitted candidates and their supporters to circulate freely throughout the country.

The Government used a 1961 law that requires all associations to register annually as a way to influence the activities and policies of organizations that the Government perceives as a threat to its interests. A 1991 law compelled all parties to register with the Ministry of Public Security in order to participate legally in the political process. Almost all parties successfully registered, including the RDC. However, the Ministry refused to register a branch of the Movement for the Social Evolution of Black Africa (MESAN) headed by Joseph Potolot after an administrative court refused to rule in its favor.

c. *Freedom of Religion.*—A variety of religious communities are active in the country, including traditional African faiths, Christian denominations, and Muslims. Most religious organizations and missionary groups are free to proselytize and worship. However, religious groups must register with the Government, and any group whose behavior is considered political in nature remains subject to sanctions.

The Government's 1986 ban on the activities of the Jehovah's Witnesses community remained in effect on the grounds that this group's refusal to serve in the army or salute the flag constituted defiance of government authority. In practice, this meant that the Jehovah's Witnesses could not broadcast programs or announcements on radio or television. However, adherents to this faith continue to worship and proselytize, reportedly without interference. The Government rescinded the 1989 ban on the activities of the Union of Evangelical Pentecostal churches.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—People were generally free to move within the country, but police and other officials sometimes harassed travelers unwilling or unable to pay bribes at checkpoints along major intercity roads and at major Bangui intersections. The Government has taken no effective measures to end these practices. The Government recognizes the right of voluntary travel abroad and repatriation. Financial and educational constraints, rather than government controls, restrict much foreign travel and emigration. There were no known cases of revocation of citizenship during the year.

By the end of 1992, more than 17,000 Sudanese had fled civil strife in Sudan to seek safe haven in the remote southeastern corner of the C.A.R. In collaboration with U.N. agencies and private relief groups, the C.A.R. National Commission for Refugees provided assistance to this group. The C.A.R. also continued to host 1,000 Chadian refugees, who at year's end were no longer under the supervision of the United Nations High Commissioner for Refugees because they had become self-sufficient.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Despite constitutional guarantees, citizens were denied the right to change their government by democratic means in 1992. Multiparty elections held in October were annulled by action of the government-controlled Supreme Court on the basis of electoral fraud. The blatant fraud or electoral sabotage that did occur in a few districts appeared to have been sponsored by the Government as a pretext to annul a vote it was not sure of winning and subsequently lost. Observers generally agreed that the electoral process was free and fair in most areas they visited outside of Bangui and Berberati.

In response to public pressure to democratize Central African politics, the Government convened a Grand National Debate in August with the stated aim of establishing democracy in an orderly fashion. Much of the opposition refused to participate in the Grand National Debate on the grounds that it was packed with government supporters and thus was incapable of creating a fully representative political system that did not favor the incumbent regime. Besides 15 of the 19 opposition parties, the labor unions and the Catholic Church refused to participate in the Debate. The opposition called repeatedly for a sovereign national conference that would produce a transitional government leading to a new constitution and democratic elections.

In September the Government published an Electoral Code with provisions inhibiting the ability of citizens to change their government. Among other things, the Code restricted the length of the campaign to 2 weeks, although the RDC had been campaigning for months; it also imposed large filing fees for legislative and presidential candidates. The new Electoral Code also changed the legislative constituencies, skewing proportional urban/rural representation for the National Assembly to dilute the influence of voters in Bangui, where the opposition enjoys its strongest support.

There are no legal impediments to the participation of citizens in the political process. In practice, women have generally not been appointed to high level ministerial positions in the Government. Of 102 ministers in Kolingba Governments during an 11-year period, only 3 have been women.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Central African Human Rights League (LCDH) is a nongovernmental organization with multiple goals, including the publicizing of human rights violations in the C.A.R. and pleading individual cases of human rights abuses before the courts. In 1992 the LCDH had some success in calling attention to official abuses (see Section 1.a.). The authorities delayed but eventually renewed the LCDH's legal status under the 1961 registration law.

The National Commission on Human Rights created by the National Assembly in 1991 finally settled on its membership in May, after many of the first round nominees refused to serve. The Commission has been largely inactive, although it did participate in the Grand National Debate. It has not criticized the Government.

In 1992 there were no known requests from, or visits to the C.A.R. by, representatives of international human rights' organizations.

Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution mandates that all persons are equal before the law without regard to wealth, race, or religion. In practice, however, some minorities received unequal treatment. The indigenous forest-dwelling Ba'aka, commonly known as Pygmies, are subject to traditional forms of discrimination and exploitation which the Government has done little to correct. Pygmies are often hired by villagers to work for wages lower than those received by other groups. Muslims, particularly Mbororo (Peuhl) herders, claim to have been signaled out for harassment in 1992, such as police shakedowns, due to popular resentment of their affluence. Muslims are underrepresented in senior executive posts in government.

There are about 80 ethnic groups in the C.A.R., and in the past President Kolingba has made statements about the desirability of an ethnic balance in his Cabinet. In practice, however, preference for high government and military positions has been given to members of his minority Yakoma ethnic group. In 1992 the percentage of Yakomas in the Cabinet remained disproportionately large. Yakomas also retained key financial and security positions, headed a number of state-owned enterprises, dominated university administration, and constituted much of the inner circle of presidential advisers.

Although the Constitution affirms the equality of all citizens, women are not, in fact, treated as equal to men economically, socially, or politically. Gaps exist not only between men and women, but between urban and rural women as well. From 60 to 70 percent of urban women go to primary school while only 10 to 20 percent of their rural counterparts do so. At the primary level, females and males have equal access to education, but a majority of females drop out at age 14 to 15 due to social pressure to marry and bear children. At the University of Bangui, the sole university in the C.A.R., only 20 percent of the students are female.

Traditional socioeconomic patterns persist to a considerable degree. In rural communities, where farming is the chief livelihood, women continue traditional child-raising duties and perform most farming tasks while men seek hard-to-find salaried work. Women not engaged in traditional agricultural activities often work in commerce as market vendors. Customs forbidding women and children to eat certain classes of food, including some meats, persist in some areas of the country.

There are no precise data on the percentage of women in the labor force in the wage economy, but in cities many educated women find work outside the traditional patterns. Some hold clerical positions, and a small but growing number are establishing private businesses or moving into the upper ranks of the Government. Women are in the police force and have been gendarmes since 1991.

Polygamy is legal, although fewer women accept the practice than in the past. No legal limit exists on the number of wives a man can take, but a prospective husband must indicate at the time of the marriage contract whether he intends to take further wives. Women who are educated and financially independent tend to seek a monogamous relationship. Divorce is legal and may be initiated by either partner, but in practice many Central Africans never marry officially because men cannot afford the traditional bride payment.

Violence against women, including wife beating, occurs, but it is impossible to quantify its extent as data are lacking, and cases are seldom officially reported. The Ministry of Justice hears very few cases of spouse abuse, although the issue does come up during divorce trials or in civil suits for damages. Some women reportedly tolerate abuse in order to retain a measure of financial security for themselves and their children. Neither the Government nor the women's division of the RDC publicly addressed this issue in 1992.

Article 187 of the Penal Code forbids blows or injuries to children under the age of 15. Current interpretation of the Article includes prohibition of female genital mutilation (circumcision), but this traditional tribal practice is common in some rural areas and, to a lesser degree, in Bangui. A 1966 law forbidding female mutilation has never been enforced. In March an International Women's Day conference on female mutilation and food taboos publicized this widespread practice, and the Association of Female Jurists and the State Secretary of Social Affairs have publicized women's rights on this subject.

Section 6. Worker Rights

a. *The Right of Association.*—Since May 1, 1989, when a new Labor Code went into effect, all workers have been free to form or join unions of their own choosing without prior authorization. The right of association has been widely exercised by the relatively small part of the population holding wage-earning jobs, notably persons in the large public sector, including teachers, civil servants, and postal workers. The Ministry of the Interior had recognized four union federations.

The Government continued in 1992 to harass and inhibit labor activity, although not on the scale of 1991, when it suspended four public service unions for 4 months. In March the International Labor Organization (ILO) issued a report that expressed concern over the authorities' actions against union leaders, union members, and union premises in 1991 and termed the suspension of trade union activities in the public sector a "blatant violation of Article 4 of Convention 87." In April five teachers in the town of Bangassou were arrested and detained for engaging in union activity. In another case, security forces violently broke up an otherwise peaceful march on August 1, resulting in injuries to some unionists (as well as the death of a political opposition leader). The Government also used soldiers to occupy the leading federation of the Labor Union of Central African Workers (USTC) from August 17 to 19, preventing meetings of union members during that time.

The Labor Code refers to a single trade union federation, and, in fact, most unions belong to the USTC. The USTC and its member unions continued to assert and maintain their independence from the Government and political parties during 1992. At the same time, the Government continued to encourage the formation of three new federations.

Of the three new federations, however, labor sources reported that two, the Confederated Syndicate of Central African Workers (CSTC) and the Christian Confederation of Central African Workers (CCTC), are directly subsidized by the Government. Neither actually was formed from constituent unions; rather they were created as federations for which members and member unions were then recruited, without much success. The third, the National Confederation of Central African Workers (CNTC), was the reinstitution of a federation suppressed in 1981, and it attracted a few independent unionists disaffected with the USTC.

The ILO has requested that the Labor Code be amended to delete any reference to a single trade union federation. Irrespective of the Code, the Government's advocacy of permitting unions to affiliate or not affiliate with the federation of their choice has the effect of producing trade union pluralism, but this is reportedly aimed at weakening the USTC. During 1992 the USTC's six public sector unions did consider breaking off from the USTC, although this was the result more of internal policy differences than of any government action. At year's end, four of the six had suspended their activity within the USTC.

Unions have the right to strike and exercised it in both the private and public sectors in 1992. To be legal, strikes must be preceded by union presentation of demands, employer response, a conciliation meeting, and a finding by an arbitration council that the union and employer have failed to reach agreement on valid demands. Strikes held in 1992 did not always meet these requirements, although whenever the Government sought to enforce them, the unions acceded to them.

The federations are free to affiliate internationally. Both the USTC and the CNTC maintain international labor contracts, although neither has formally affiliated with any international bodies.

b. *The Right to Organize and Bargain Collectively.*—The Labor code accords trade unions full legal status, including the right to sue in court. However, by requiring a union official to be employed full time in the occupation as wage-earner, the Labor Code serves to restrict union organizing activities to afterhours. The ILO in 1992 reiterated its view that the provisions of the Labor Code that require workers to be full-time wage-earners in order to become union members and stand for union office contravene ILO Convention 87.

The Labor Code does specifically state that unions may bargain collectively. Collective bargaining has nonetheless taken place in periods when unions have been allowed to function, as, for example, in the settlement of the cotton buying agents' strike in February 1992. An ILO report in March discussed a complaint that the C.A.R. Government had hindered direct bargaining between the USTC and the National Employers Federation over private sector wage rates and requested that the C.A.R. Government inform it about the outcome of collective bargaining in the private sector.

Wage scales in the C.A.R. are set by the Ministry of Labor and Civil Service, but have been only a tangential issue in C.A.R. labor negotiations; the outright nonpayment of salaries has been the major complaint of the unions during 1992.

While the law expressly forbids discrimination against employees on the basis of union membership or union activity, the Government itself suspended the five teachers noted above on the basis of their union activity, reinstating them only after teachers went on strike to demand their rehiring.

Leaders of public sector unions, particularly teachers, continue to complain of government discrimination against themselves and their members, most often through arbitrary reassignment to provincial posts. Some union leaders also complain of personal harassment, such as threats by government employers to fire them if they maintained their union activity.

There are no export processing zones in the C.A.R.

c. *Prohibition of Forced or Compulsory Labor.*—Forced labor is specifically prohibited by the Labor Code, and there were no reports of such labor in 1992. The ILO in 1992 repeated its longstanding concern that the C.A.R. Government amend or replace a number of laws that stipulate imprisonment involving compulsory labor for persons engaged in independent activities of a political nature.

d. *Minimum Age for Employment of Children.*—Employment of children under 14 years of age is forbidden by law, but this provision is only loosely enforced by the Ministry of Labor and Civil Service. In practice, the role of children in the labor force is generally limited to helping the family in traditional subsistence farming or in retailing.

e. *Acceptable Conditions of Work.*—Minimum wages are established by the Government and in September 1991 were raised for the first time since 1980 by between 10 and 50 percent, depending on the category of employee. The lowest paid workers received the largest percentage increases in the minimum wage, which assures a family the basic necessities but is barely adequate to maintain a decent standard of living. Still more serious for public sector employees has been the outright nonpayment of wages due to the Government's chronic revenue shortfalls. Most labor is performed outside the wage and social security system, especially by farmers in the large subsistence agricultural sector.

The law sets a standard workweek of 42 hours for government employees and most private sector employees. Domestic employee may work up to 55 hours per week. There are also general laws on health and safety standards in the work place, but they are neither precisely defined nor actively enforced by the Ministry of Labor and Civil Service.

CONGO

In 1992 Congo completed a peaceful transition to multiparty democracy, ending decades of one-party Marxist rule. A specific agenda for this transition was laid out during Congo's National Conference of 1991 and culminated in August 1992 with multiparty presidential elections. Congo's new President, Professor Pascal Lissouba, was inaugurated on August 31. In November, confrontations between the Presidency and the National Assembly resulted in a motion of censure after which President Lissouba dissolved the Assembly. (The new Constitution gives the President the right to dissolve Parliament in the face of persistent and serious disagreements.) Elections to form a new Parliament are expected in early 1993.

During 1992 the transitional Government, headed by Prime Minister Andre Milongo, succeeded in its mandates to hold a constitutional referendum as well as local, legislative, and presidential elections. Approved by national referendum in February, Congo's new Constitution includes a list of fundamental rights and liberties similar to those adopted a year before by the National Conference. Although often fraught with organizational and practical hurdles, the year's series of elections were generally described as free and fair by impartial election observers from many different countries and international organizations. During the transition in the first half of the year, former President Sassou-Nguesso remained in office in a ceremonial role and, as head of the former ruling Congolese Workers Party (PCT), was a major presidential contender.

Congo's armed forces played a pivotal role in the country's democratic transformation the army supported the concept of a national conference and provided security for the delegates throughout its sessions. A concerted effort was made during the transition to reform and depoliticize Congolese military forces. Initially, the armed forces resisted the transitional government's efforts to restructure the military high command, and on three occasions military units occupied Congolese television and radio studies to impose broadcast censorship. The Government acceded to the main demands of the military leadership, and once the lines between civilian and military authority were reestablished without bloodshed, the armed forces went on to play a generally constructive, neutral role during the elections. Many former military officers purged in previous years for refusing to support the PCT were reinstated. At the end of 1992, military leaders again played a constructive role by bringing opposing coalitions together in a neutral setting to negotiate a way out of a political impasse that might otherwise have led to violent confrontations and even civil war. Congo military expenditures for 1989, the last year for which the U.S. Arms Control and Disarmament Agency conducted a detailed analysis, were estimated at between $76 and $90 million. While there is criticism that the army is top-heavy, anticipated reductions in the near future will occur more as a response to tight financial constraints rather than to a new policy designed to downsize the forces.

In recent years, Congo's economy has been heavily dependent on petroleum earnings and external borrowing. Faced with the collapse of world oil prices after 1985 and saddled with a very large foreign debt, Congo has been under pressure from international lending institutions to implement structural adjustment measures and free market economic polices. Congo's economic difficulties have continued to serve as a driving force behind political reforms.

Despite short-lived tensions with the armed forces early in the year and confrontations between the Government and the opposition late in the year, the human rights situation in Congo saw significant improvements in 1992 under determined civilian leadership. The new Constitution provides citizens with a broad range of legal protections and extensive civil liberties, including freedom of speech, press, assembly, association, and political choice. It also establishes a number of new courts (not yet functioning) as a check on arbitrary executive power. While in 1992 many of these new freedoms were exercised fully, some persistent human rights problems continued, including credible reports of police and military brutality and harsh prison conditions. There was also continuing societal discrimination against women and against the indigenous Pygmy villagers in remove parts of the country.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. *Political and Other Extrajudicial Killing.*—There were no reports of such killings authorized or condoned by the Government or by the Congo's military or security forces.

b. *Disappearance.*—There were no reports of disappearance.

c. *Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The new Constitution forbids the use of torture. There were no reports of its use in 1992 either by the transitional government or by the newly installed Lissouba Government.

However, unacceptable interrogation methods remain a persistent problem among military and security forces in the Congo. Army, police, and customs officials continue to beat detainees both to extract information and as punishment, particularly for accused thieves and for those who resist arrest. This practice continues in part because lower level officers do not receive adequate training in the rights and proper treatment of suspects and because military and security force leaders seem to tacitly condone such beatings.

Despite the fact that the transitional government publicly recognized the problem and vowed to undertake improvements, Congolese prison conditions continued to be harsh. Prison buildings are dilapidated; security is lax; there are no constructive activities such as classes or exercises; and food and medical care are inadequate. Most prisons, built during French colonial rule when convicted felons were sent out of the country, were never designed for long-term prisoners. Nevertheless, dozens of prisoners are often kept in the same cell for long periods of time, sleeping on the floor and subsisting on only one meal per day.

d. *Arbitrary Arrest, Detention, or Exile.*—The new Constitution forbids arbitrary arrest, detention, or exile. There is no evidence that the new or transitional Governments deliberately engaged in any of these practices. Nevertheless, while the Congo's Code of Penal Procedure requires that all detainees be brought before a judge within 3 days and be charged or released within 3 months, these limits are often ignored in practice due to official indifference and limited resources to handle cases. Delays in bringing cases to trial and arbitrary denial of bail continued to be problems in 1992.

There were no political detainees or prisoners held at year's end. The general amnesty declared by the National Conference for all those responsible for political crimes, including human rights abuses, precluded official investigations and prosecutions by the new Government. The amnesty was approved by all parties in the name of national unity.

The new Government has not used forced exile as a means of political control. During the transition, all voluntary exiles from the former regime were invited to return, and many did. Some members of the previous government, particularly those suspected of embezzlement or other wrongdoings, have gone into self-imposed exile rather than face possible prosecution for past crimes.

e. *Denial of Fair Public Trial.*—Modeled on French institutions, the Congolese judicial system consists primarily of local courts, courts of appeal, and the Supreme Court. All "special" courts and secret trials were abolished by the National Conference. Defendants have the right to be represented by lawyers of their choice, and the State will cover legal fees in cases of destitution.

The new Constitution established two new high courts, whose decisions cannot be appealed or reversed by the Supreme Court or any other court. The Constitutional Council, with its power to rule on the constitutionality of Congolese laws, is to act as the primary judicial counterweight to legislative and executive authority. The High Court of Justice will preside over cases of crimes committed against the State by the President or members of the Government. However, pending the organization of other branches of government which play an active role in the naming of their members, neither of these new high courts was actually formed or seated during 1992. Apart from constitutionality and impeachment issues, ultimate legal authority will continue to be held by the Supreme Court.

Operating mainly in rural areas where justice is often still administered at the village level, Congo's traditional courts continued to handle many local disputes, especially property cases and probate functions. Dispute resolution is by extended debate, with no known instances of resort to physical punishment. Many domestic disputes are also adjudicated under traditional law and within the context of the extended family.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution protects the privacy of homes as well as all forms of correspondence and telecommunications. Under current law, all official searches of private property require a warrant. The transitional government publicly announced that the police have limited powers and encouraged citizens to insist on their rights. It also prohibited the maintenance of security files on citizens who have not been accused of violating the law.

Section 2. Respect for Civil Liberties, Including

a. *Freedom of Speech and Press.*—Like the bill of rights that preceded it, Congo's newly adopted Constitution guarantees complete freedom of expression. In addition, the Constitution provides for the eventual establishment of a special court or "Superior Council of Information and Communication" meant to guarantee and protect specific freedoms of speech, press, and expression. Even after this court is formed, however, the Supreme Court will still serve as the highest judicial authority on such matters. The Superior Council of Information and Communication is meant to act as a specialized appellate court, screening cases before they are heard by the Supreme Court.

Congolese citizens spoke freely and openly throughout the year. Print media were often critical of past and contemporary political leaders, and many private newspapers flourished. The most important media in reaching the public—the government-owned radio and television stations—became the center of controversy in 1992. In May the authorities fired a television reporter for reading a series of letters critical of the interim legislature without prior clearance from his editors. This incident was interpreted widely as a clear case of media censorship by forces hostile to the transitional government. Even more dramatic was the presence of military troops occupying both the main television and radio stations and actively censoring news broadcasts during two periods of heightened tensions, in January and again in May.

After the installation of President Lissouba, the new Government resorted to partisan staffing and censorship of broadcast media toward the end of 1992. Outright refusal to air opposition views on several occasions late in the year did much to erode public confidence in the newly acquired rights of free speech and press. In addition to the protests of the opposition and neutral human rights groups, several key radio broadcasters and television journalists resigned to protest these progovernment, antiopposition policies. Indeed, heavy press censorship served to intensify the end-of-the-year political impasse.

b. *Freedom of Peaceful Assembly and Association.*—The Constitution also guarantees freedom of assembly and association. Any group wishing to hold a public assembly must inform the Minister of the Interior, who has the right to forbid assemblies which threaten public peace or welfare. There were no reports of government denials of such requests in 1992. Indeed, the year saw numerous rallies organized by many different groups and independent political parties without government interference. This freedom was widely exercised, particularly during the election period.

c. *Freedom of Religion.*—There is no state religion; people are free to join any church and practice any religion. Denominations not already established in Congo, however, must register with the State, a sometimes cumbersome process. Congolese of many different creeds were represented both in the transitional government and in President Lissouba's administration.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution declares the right of all citizens to circulate freely within the country and specifically prohibits roadblocks and barricades, which were commonly used by past regimes to restrict movement and extract illegal tolls. During a brief uprising in January, there were both military and civilian barricades. To combat fraud, all motorized travel was forbidden on election days, although special exemption permits were granted to the press and to certain diplomatic and government vehicles, particularly those carrying election observers. Barricades reappeared in November at the height of the confrontations between the Lissouba Government and a coalition of opposition parties. However, the army successfully intervened to restore order and dismantle these civilian roadblocks.

The Congo traditionally provided hospitality to refugees and asylum seekers. However, the influx of refugees from neighboring Zaire strained limited Congolese resources, and in 1991 the Government forcibly deported some 40,000 to 50,000 Zairians, including many who had lived in Congo for years. There were no further mass deportations in 1992, and, indeed, many deported Zairians returned to Congo along with other political and economic refugees. In November more refugees streamed in from Cabinda as tensions heightened in Angola. During 1992 some 5,000 Cabindans sought refuge in southern Congo, where most depended on extended families or tribal ties to provide for lodging and support. Because family and tribal links are often found on both sides of the Cabinda/Congo border, there was little need for the State to provide refugee assistance for newly arrived Cabindans. A government-provided camp in Pointe-Noire was virtually empty at the end of the year.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

In 1992 after decades of authoritarian, one-party rule, the Congolese were able to change their government peacefully and democratically. The 1991 National Conference laid out a framework for this change and appointed a transitional government to oversee a constitutional referendum as well as a series of local, legislative, and presidential elections. The new Constitution was ratified by popular referendum on March 15. The elections were finally completed by August, but they were still marred by significant organizational problems, including a shortage of ballots.

There were 17 candidates in the presidential elections, including former President Yhombi-Opanga, incumbent President Denis Sassou-Nguesso, and head of the transitional government Andre Milongo. Several former political prisoners were also among the presidential contenders or otherwise active in political campaigns. No presidential candidate was able to win an absolute majority in the first round. Second-round results showed a clear majority of votes for Pascal Lissouba, who was inaugurated 2 weeks later. The Constitution provides for a 5-year term of office for the President, who is limited to two terms, and for 5-year terms of office for National Assembly members, who may serve an unlimited number of terms. The Lissouba Government includes two women as part of its 28-member Cabinet. However, such female representation is sparse and normally the exception rather than the rule. While not officially prohibited, the indigenous Pygmies, living in remote regions, are largely excluded from the political process (see Section 5). In the 1992 election campaign, there were several reports of local efforts to keep Pygmies from participating in the election process.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several local human rights organizations remained active. These included the National Committee on Human Rights, the Congolese Human Rights League, and a committee of the Congolese Association of Women Lawyers. All freely criticized past government human rights violations as well as abusive and discriminatory aspects of some traditional local customs. In addition, the Government actively encouraged and even solicited the presence of international nongovernmental observers for the elections held during the year.

Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status

The new Constitution specifically forbids such discrimination, and there was no evidence of any officially sanctioned discriminatory practices. Nevertheless, much traditional discrimination persisted, particularly against Pygmies and against women.

The two primary sets of indigenous people in the Congo are those tribes descended from Bantu peoples and Pygmies. The two groups are unrelated in terms of language, culture, morphological type, and lifestyle. Bantu Congolese predominate in all aspects of Congolese society and politics. The Pygmies, now numbering about 7,000 persons, live primarily in remote northern forest regions and continue to be exploited as a cheap labor source. Pygmy workers are generally underpaid for their work relative to others, with compensation often being in the form of clothing, food, or other goods instead of wages. This practice is reinforced by an ancestral tradition of Pygmy slavery by Bantus, and in 1992 there were still some unconfirmed reports that this practice continued in isolated locations. One human rights monitor reports "incontrovertible evidence" that Bantus in the north exploit Pygmies in slave-like conditions. In the past, Pygmies were denied access to public education, health, and other basic services and to the right to own property. Pygmies have traditionally been excluded from the political process, a practice which reportedly continued in 1992.

Although the new Constitution prohibits discrimination based on sex and specifically endorses the right of women to earn equal pay for equal work, discrimination against women is endemic in Congo. Inequities persist in salaries as well as in employment opportunities and access to education. According to one 1991 U.N. study, females receive only 33 percent of the schooling provided to males. While traditional inheritance customs favor material links, marriage and family laws overtly discriminate against women; for example, adultery is considered illegal for women but not for men, and male polygamy is accepted. Women in rural areas are especially disadvantaged in terms of education and wage employment and are confined largely to family farm labor and child-raising responsibilities.

Nonetheless, Congo has instituted some progressive policies with regard to gender issues. Educated women are increasingly finding pay equity and promotion opportunities more in line with their individual strengths rather than reflective of traditional gender disparities. White-collar and government jobs, in particular, seem to treat Congolese women more fairly. As more wealthy or middle class women return from extended stays in Europe and elsewhere, their expectations of equal treatment have risen along with their qualifications, which are often enhanced by scholarships and foreign-sponsored studies. They are also filling jobs such as magistrates and customs inspectors once reserved only for their male colleagues.

Violence against women occurs frequently. In particular, wife beating is an accepted practice and almost never prosecuted except within the context of the extended family and in the most extreme cases. This issue is largely ignored by the general Congolese population, including by the media. The police rarely intervene in domestic disputes. The new Government has not addressed the issue of violence against women. Local women's groups were more concerned with addressing economic and social problems than in focusing on issues such as rape.

Section 6. Worker Rights

a. *The Right of Association.*—Both the new Constitution and the Congolese Labor Code affirm the right of workers to associate freely, allowing no restrictions on the formation of trade unions.

Formerly the Congo's only recognized union, the Congolese Trade Union Confederation (CSC) remains a powerful force and was still the only umbrella trade union organization in 1992. After the 1991 National Conference revoked the CSC's monopoly status and abolished the check-off system which gave it much of its power advantage, numerous small competing unions were established, including the General Confederation of Supervisors and Instructors (CGCAM), the Congolese Free Union of Teachers (SLEC), and the Free Union of Bank Workers (SLB).

Unions are free to strike, but must file a notice of intent with the Ministry of Labor beforehand. In theory, a strike may not take place until after both parties have submitted to a process of nonbinding arbitration under the auspices of a regional labor inspector from the Ministry of Labor. In practice, this aspect of the Congolese Labor Code is seldom enforced, and many strikes occurred without prior attempts to resolve disputes through arbitration. Often targeted were oil companies or oil related service firms, public corporations employing railway and electrical maintenance workers, and the Government. The pubic sector was particularly hard hit by labor disputes which erupted into strikes at the Ministries of Agriculture, Mines and Energy, Commerce, Culture, and Finance.

Strikers most often sought increases in pay or other monetary benefits or, in the case of civil servants, wages overdue for a number of months.

Unions are now free to join federations or confederations and affiliate with international trade unions. Exercising this freedom, some Congolese trade unions signed cooperative accords with other African, European, and American trade union organizations. Although the CSC has not formally disaffiliated from the Communist-dominated World Federation of Trade Unions, the relationship has all but dissolved due to lack of interest and funding.

b. *The Right to Organize and Bargain Collectively.*—Still adapting to the new reality of trade union pluralism, Congo has not yet reformed its old Labor Code, dating from 1975, or adopted new laws to create a legal framework for collective bargaining. In the past, many benefits were legally mandated and industry-specific wage scales or "conventions" were determined by negotiated agreement between representatives of the CSC, the employer or employers' association, the Ministry of Labor, and the ruling Congolese Workers Party. Independent unions may now negotiate freely on their own or in cooperation with other unions, federations, or confederations.

Under the Constitution, employers are forbidden from discriminating against employees who exercise their constitutional right to organize or join a union. There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor.*—Forced or compulsory labor is prohibited by law, and there is no evidence of its practice in the formal economy. (See Section 5, however, for a discussion of allegations of the slave-like exploitation of Pygmies.)

d. *Minimum Age for Employment of Children.*—The new Constitution specifically forbids any children under the age of 16 from working. The Ministry of Labor is responsible for enforcing child labor laws but rarely enforces them outside the formal wage sector. Children often work at younger ages on small family subsistence farms in rural areas and can be seen working in the informal economic sectors of Congo's cities without government interference.

e. *Acceptable Conditions of Work.*—The Government administratively sets a minimum wage at a level which in theory allows for "human dignity." In those trades still subject to "conventions" (see Section 6.b.) the negotiated minimum wages are without exception considerably higher than the legal minimum. Yet, even these preferential salary scales often set minimum wages quite low relative to the exorbitant cost of living in Congo. Many workers are obliged to hold second jobs, practice subsistence agriculture, or receive help from the extended family. During 1992 this was particularly true for government workers, who were forced to cope with salary arrears of several months.

The Constitution guarantees paid holidays, periodic paid vacations, and limits on allowable hours of work. Furthermore, the Labor Code stipulates that overtime must be paid for all work in excess of 40 hours per week and regular days of leisure must be granted by employers. Although health and safety regulations require twice yearly visits by enforcement officers from the Ministry of Labor, in practice such inspections occur on a much less regular basis.

KENYA

After 10 years as a de jure one-party state, Kenya reintroduced multiparty democracy in December 1991. However, Kenyan President Daniel T. arap Moi continued to control a governing system in which power was centered in the Office of the President. The unicameral legislature is empowered constitutionally to pass all laws but in practice is controlled through the ruling Kenya African National Union (KANU) party and the President and wields virtually no independent power. Because the President has authority over judicial tenure, the court system too has been beholden to the Office of the President.

Kenya held general elections on December 29 for the Presidency, Members of Parliament (M.P.'s), and local government officials; however, the conduct of these elections left unclear the ability of the Kenyan people to change their government by democratic means. International monitoring groups reported serious procedural faults in the preelection period and vote-counting operation. For example, the Government delayed in responding to issues concerning domestic monitors, ballots, and boxes and the registration of some parties. It showed an intolerance of the political opposition inconsistent with political pluralism. A statement issued by one observer mission called the electoral process "seriously flawed" and indicated that these flaws "raised questions about the validity of the election." Nevertheless, large numbers of Kenyan voted in what was the first multiparty balloting in recent Kenyan history which resulted in the election of many opposition candidates.

Kenya has a large internal security apparatus that includes the police Criminal Investigation Department (CID), the paramilitary General Service Unit (GSU), and the Directorate of Security and Intelligence (DSI or Special Branch). The CID and Special Branch investigate criminal activity and also monitor persons the State considers subversive. The internal security apparatus has been used to intimidate and harass politicians, opponents of the Government, and dissidents, sometimes employing torture or other mistreatment. Kenya's total military expenditures for 1989, the last year for which the U.S. Arms Control and Disarmament Agency conducted a detailed analysis, were $210 million. Due to economic problems, the Government has been initiating efforts to reduce these expenditures.

Kenya's economy, despite the dominance of public and state-owned enterprises, includes a well-developed private sector for trade and light manufacturing as well as an agricultural sector that provides food for local consumption and substantial exports of coffee, tea, and other commodities. Kenya's tourism industry surpasses coffee and tea exports as the top foreign exchange earner but suffered reduced growth in 1992, in part because of concerns over political violence and an upsurge in crime. The rate of economic growth declined in 1992, and a persistently high population growth rate contributed to a serious and growing problem of unemployment. Kenyans are free to engage in private economic activity and own property, with limited government interference.

Although basic freedoms were more widely exercised in Kenya than in the recent past, the Government continued seriously to abridge human rights in 1992. Following mass protests within the country and pressure from foreign donors, the Government acquiesced in the reestablishment of a multiparty political system (after 29 years of one-party rule). As a result, political opposition parties were legally able to form, to put forth candidates, and to present their views, further, the Government permitted greater latitude in freedoms of speech and press, assembly, and fair trial. However, these same freedoms were undercut by the Government's unwillingness to implement reform measures uniformly and its repeated efforts to inhibit legitimate opposition activities. Among the most egregious abuses was government-inspired or -assisted violence which was directed both at political opponents and at certain ethnic groups and which resulted in hundreds of casualties and thousands of displaced persons. While freedoms of speech and press are protected by the Constitution, in practice the Government used the assets of the State, including the judicial system, to clamp down on dissent. There were many incidents of arrest on grounds of rumormongering, sedition, incitement to violence, and the like, which were political in nature.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. *Political and Other Extrajudicial Killing.*—The most serious human rights issue in 1992 was that of the so-called tribal clashes in several regions in which 800 people were killed and thousands made homeless. In September 1991, a group of Rift Valley KANU politicians attended a political rally at which they purported to "ban" members of the opposition from entering the Rift Valley and threatened reprisals against Kikuyus, Luos, and Luhyas resident in those areas because they were presumed to support opposition parties. Without any rebuke from President Moi or other high level government officials, KANU M.P.'s continued in 1992 to encourage the heightening of tribal tensions by making threats and issuing ultimatums.

For example, in June Minister of Local Government William Ole Ntimama declared at a public meeting that non-Maasais in Narok (a traditionally Maasai area southwest of Nairobi with a growing non-Maasai population) who did not own land or property there would not be allowed to vote. The next week Maasai "warriors" attacked Kikuyus at a voting registration center in Narok, killing three and injuring four more. Although many opposition members were arrested for inciting violence, no action was taken against Ntimama. Tribal fighting, which began with sporadic incidents as early as September 1991, reached a peak in April and later continued on a smaller scale. In sections of the Rift Valley and the West, so-called Kalenjin warriors targeted residents of other ethnic groups, especially Kikuyus, Luos, and Luhyas, burning homes and farms and terrorizing people into fleeing the area.

Many observers charged that the Government instigated the clashes to prove its oft-repeated assertion that political pluralism would inevitably lead to tribal violence and political instability. A consequence of the clashes was the displacement of thousands of voters from tribally mixed, key electoral districts. Residency requirements for voter registration were enforced during the June/July registration period, thus disenfranchising the displaced.

According to a report by the nation's largest religious body, the National Council of Churches of Kenya (NCCK), a report of the Catholic bishops, and the findings of the parliamentary Kiliku Commission, high-level government officials organized and carried out a systematic campaign of ethnic terror in parts of Rift Valley, Nyanza, Western, and Central provinces. The reports charge that government officials provided financing for armed groups, government vehicles were used to transport fighters, and combatants were hidden on private farms. The Kiliku report, which names former minister Nicholas Biwott, Vice President George Saitoti, and a number of government and KANU officials (though not Moi, who has denied involvement) as the chief culprits, was rejected by Parliament on October 14. The vote was far from unanimous, a highly unusual occurrence, but further official investigation or indictments seemed unlikely.

The Government made little progress in the case against the killer (or killers) of former Minister of Foreign Affairs Robert Ouko. Jonah Anguka, held without bail since late 1991, stands solely accused of the killing. President Moi terminated a special investigation, and the Government suddenly dropped charges against two former senior-level officials, minister Nicholas Biwott and internal security chief Hezekiah Oyugi, shortly after they had been identified as chief suspects. Anguka was finally brought to trial in October, but an agreement between the prosecution and defense resulted in an adjournment until January 18. Opposition politicians charged that the Government had delayed bringing the case against Anguka because it feared evidence would be introduced implicating high-level government figures in the killing.

In March, while tribal clashes were occurring in western Kenya, police in Kisumu responded to rock throwing by jeering crowds by shooting at least a dozen unarmed Kenyans, killing two, and beating bystanders at random. Police violence in response to civil disturbances continued to be a problem, as in Mombasa in May, when police killed four bystanders and injured dozens of others in demonstrations surrounding the arrest of Muslim religious figures, including sheik Khalid Salim Balala.

On May 10, Rosemary Nyambura died in police custody at the Kasarani police station. The Kenya Federation of Women Lawyers (FIDA/K) released a postmortem report charging that Ms. Nyamura had bled to death after suffering a ruptured spleen and kidneys. The Government failed to investigate adequately charges that she was beaten to death in detention.

During 1992 there was an increase in the already alarming number of public executions by civilians. Mob justice in the form of community revenge on local bandits, apprehension of street criminals, or the burning of those accused of sorcery, claimed almost 500 lives. The conduct of security forces was mixed, as some police officers braved violence themselves to rescue would-be victims, while in other incidents there were reports of police turning a blind eye to such activity.

b. *Disappearance.*—There were no reports of disappearances.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Torture is proscribed under the Constitution, but police brutality and abuse of prisoners continued in 1992, including credible evidence of torture presented before the courts.

Former political prisoners consistently and credibly reported abuses in prison. Methods of torture used in past years, including flooded cells and beatings, continued to be employed. There were credible reports that police tortured at least one of the four prisoners in the Koigi wa Wamwere treason case; methods included burns and inserting pins under his fingernails.

International human rights and opposition groups protested the treatment of Rumba Kinuthia, one of the treason suspects along with Wamwere. Kinuthia, who suffers from high blood pressure, was chained to his hospital bed 23 hours a day. He was also denied medical treatment prescribed by his doctors but unavailable in Kenyatta National Hospital. His condition reportedly resulted from numerous beatings he received while in custody. In light of his condition, his attorneys made repeated but unsuccessful requests for bail. Kinuthia has been awaiting trial since 1990.

Conditions in prison are harsh. Standards of food and health care fall short of the basic provisions in the Prisons Act, especially for nursing mothers, who have their infants with them. Bedding is often in short supply and toilet facilities are often inadequate. Torture in prison is rare, though beating of suspects in police custody continues, often to coerce confessions. Sexual abuse is common in Kenyan prisons and rarely punished. Prisoners have been incarcerated in cells reserved for the criminally insane, especially as punishment for political offenses. Women prisoners are subject to the same harsh prison conditions as men but are subject to even greater sexual abuse.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution provides that most arrested or detained persons (other than those detained under the Preservation of Public Security Act or PPSA) shall be brought before a court "as soon as is reasonably practicable," which would be within 24 hours of the arrest or from the start of detention.

The Constitution was amended in 1988 to allow the police to hold people suspected of capital offenses for 14 days before being brought before a court. Capital offenses include such crimes as murder and treason. In practice, suspects of all types are often held incommunicado for 2 to 3 weeks before being brought before a court. Often, family members bring law suits to compel authorities to produce "missing" prisoners.

Kenya's PPSA allows the State to detain a person indefinitely without charges or trial upon a determination "that it is necessary for the preservation of public security." "Preservation of public security" includes "prevention and suppression of rebellion, mutiny, violence, intimidation, disorder and crime, unlawful attempts and conspiracies to overthrow the Government or the constitution," and several other grounds. No persons were detained under the PPSA in 1992. Furthermore, the courts evidenced an increased willingness to grant bail in political cases.

In June the Court of Appeals reversed the convictions of George Anyona and his three codefendants for sedition in a 1991 trial that depended heavily on questionable evidence. They had been released on bail 4 months earlier by Justice Oguk, who said the offense for which they were convicted was politically motivated and that he was convinced their pending appeal had an overwhelming chance of success. Also in June, the Attorney General withdrew charges against four of the seven men arrested in October 1990 along with Koigi wa Wamwere on sedition charges. The trial of wa Wamwere and his remaining three codefendants began on December 23.

But the Government continued to use arrest and detention, particularly on sedition and rumormongering charges, to harass opposition figures or those critical of government policies. No convictions resulted from those cases. In some instances, no charges were brought; in others, the accused were released on bail. The most prominent incident took place at a January 10 Nairobi press conference, in which a number of members of the Forum for the Restoration of Democracy (FORD) accused President Moi of planning to turn over the Government to the military (see Section 2.a.). They were arrested on charges of rumormongering—charges that are still pending before the court.

Njenga Mungai, the M.P. for Molo district until his resignation to join the Democratic Party (DP), was brought in for questioning after he accused the Government of conniving with Kalenjins to attack Kikuyus during the tribal clashes, a charge later made by the reports compiled by the NCCK, the Catholic bishops, and the parliamentary Kiliku Committee itself. Mungai was subsequently charged with "incitement" (charges which are still pending) and jailed. He was subsequently released on bond and was therefore able to continue his successful campaign for the Molo parliamentary seat. The opposition pointed out that the Government was far from evenhanded in bringing charges of incitement to violence, and many government figures made blatantly inflammatory statements without being charged (see Section 3).

Less influential opposition figures were also harassed. There were numerous cases of members of opposition parties being picked up, interrogated by police, held for several days, and then released without charges. In one case, a witness at the Ouku inquiry, James Matthew Onyango K'yoo, was held by the police for 6 days. He was not charged with any offense.

There are currently no detainees held in Kenyan jails under the PPSA or other legislation. However, there are a number of prisoners convicted in criminal cases which seem to have been politically motivated. The Government used charges of sedition, incitement of violence, and rumormongering to jail political opponents and members of the press. Though no evidence has been presented yet by the prosecution or defense, opposition and human rights groups charged that the treason trial of former M.P. Koigi wa Wamwere and his three codefendants has no legal merit and is politically motivated.

A number of Kenyans who went into self-exile out of fear of prosecution have returned safely to Kenya, including Kiraitu Murungi, a Meru attorney now on the FORD executive committee, and human rights attorney Gibson Kuria. The most famous returnee was Oginga Odinga's son Raila Odinga, who returned in January from self-exile in Norway. He fled in October 1991 after a number of physical attacks, one of which resulted in his hospitalization, and all perpetrated, according to Odinga, by Kenyan security forces. He had been detained three separate times totaling almost 10 years under the PPSA.

e. *Denial of Fair Public Trial.*—Kenya's legal system, as defined in the Judicature Act of 1967, is based on the Kenyan Constitution, laws passed by Parliament, and common law or court precedent. Customary law is used as a guide in civil matters affecting people of the same ethnic group so long as it does not conflict with statutory law. Kenya does not have a jury system. The court system consists of a Court of Appeals, a High Court, and two levels of magistrates' courts where most criminal and civil cases originate. In 1989 High Court Justice Norbury Dugdale ruled that the courts have no power to enforce the Kenyan Bill of Rights. In spite of numerous legal challenges that the ruling effectively subsumes the judicial branch of government under the executive, his decision has not been overruled.

Civilians are tried in civilian courts, and verdicts may be appealed to the Kenyan High Court and ultimately to the Court of Appeals. Kenyans do not have a right to government-provided legal counsel except in certain capital cases. Most persons tried for capital offenses are provided counsel free of charge if they cannot afford it. Military personnel are tried by courts-martial, and verdicts may be appealed. Attorneys for military personnel are appointed on a case-by-case basis by the Chief Justice.

The President has extensive powers over the judiciary. He appoints the Chief Justice and the Attorney General and appoints High Court judges with the advice of the Judicial Service Commission. His power was significantly increased through constitutional amendments adopted in 1986 and 1988 which gave him discretionary authority to dismiss judges, the Attorney General, and certain other officials. In late 1990, this power of dismissal was restricted, when Parliament adopted a constitutional amendment specifying that the President may only dismiss those officials upon the recommendation of a special presidentially appointed tribunal. Some hailed this as a restoration of the security of judicial tenure, but many lawyers criticized it as inadequate to restore judicial independence and have objected to a government bias on the part of some justices. The amendments have not yet been tested as there has been no government effort to date to remove an officer affected. Additionally, the practice of using judges on short-term contracts is a serious threat to their independence.

For noncapital charges, free legal aid is not generally available outside of Nairobi, where only one overstretched organization dedicates itself solely to this service. In the absence of legal advice from Kituo cha Sheria ("The Law Center" in Swahili), poor people sometimes plead guilty to a variety of offenses, including political offenses. Still, free legal aid is sometimes given by a number of legal organizations, including the International Commission of Jurists (ICJ), Federation of Women Lawyers (FIDA/K), and by private lawyers, in addition to Kituo cha Sheria.

In some cases, legislation precludes a fair trial. A relic of the colonial period, the Chief's Authority Act, gives low-level administration officials, called chiefs, wide-ranging powers, including the power to arrest and hold individuals and to restrict a person's movement without trial. The Kenya Law Reform Commission has recommended that the law be abolished.

Defendants have occasionally been denied the right to employ legal counsel of their choice. Kenya theoretically permits all Commonwealth lawyers to practice and also employs British judges, including the Chief Justice. Yet in 1991, two defendants, Miurgi Kariuki and Paul Muite, were denied the right to employ British barristers in their defense. As of December 31, 1992, the Attorney General still had not complied with a court order of November 25, 1992, to allow Queen's Counsel Mr. Michael Manfield to represent Kariuki (who is charged with treason along with Koigi wa Wamwere).

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Generally, judicially issued search warrants are required and obtained, but searches without warrants are allowed under the Constitution in certain instances "to promote the public benefit," including in security cases. Security officials also conduct searches without warrants to apprehend suspected criminals or to seize property suspected of having been stolen. Home of suspected dissidents have been searched without warrants, and evidence so obtained has been admitted to support convictions. When an issue of Society magazine was impounded in January, it was confiscated from the offices of the publisher before the issuance of a warrant by the court (see Section 2.a.). Security forces reportedly employ variety of surveillance techniques, including electronic surveillance and a network of informers. Political opponents have been subject to police surveillance, as have some of their visitors. Opposition leaders and human rights monitors also charge the Government with staging or promoting physical attacks on those critical of the Government. In April labor leader Dennis Akumu and FORD member James Orengo experienced similar physical attacks which appear to have had a political motivation. Former Vice President Oginga Odinga alleges that his farm was burnt by government agents in January. The authorities have not yet identified the culprits.

Section 2. Respect for Civil Liberties, Including

a. *Freedom of Speech and Press.*—The Constitution provides for freedom of speech and press and outlaws discrimination against any Kenyan on the grounds of political opinion. However, there are numerous de jure and de facto restrictions and inhibitions on the exercise of free speech.

The Government continues to try to stifle freedom of speech by arbitrary arrest. It brought charges of rumormongering to threaten critics but repeatedly failed to prosecute. In January, 10 members of FORD called a press conference to issue a warning that President Moi planned to turn the Government over to the military. The Government arrested eight of the participants, including former vice President Josephat Karanja, on charges of rumormongering. Similarly, it arrested KANU M.P. Njenga Mungai (who has since defected to the Democratic Party) in March and charged him with rumormongering following his accusations that the Government connived with Kalenjins to attack Kikuyus in Molo district, an accusation later lent credence by the Kiliku parliamentary report. Charges were dropped soon after. When MP Abdi Ogle tabled a report that most heads of state-owned companies were from the President's own ethnic group, he was prevented from bringing the matter to the floor for debate.

Kenyan church leaders are generally free to comment on religious and political topics and are often vocal in their criticism of the Government. However, the President and other government figures have denounced church leaders who take stands on public issues. For example, after the release of the National Council of Churches of Kenya (NCCK) report on the tribal clashes, President Moi threatened the NCCK with deregistration.

The Government introduced a sweeping new libel law, which would mandate crippling minimum penalties for offenders. It would impose a minimum penalty of $30,000 on anyone convicted in a case where the defamation or libel concerns an offense punishable by death. Other minimum penalties are assessed for different categories of libel. Because of the precarious financial situation of most private press organs in Kenya, the likely effect would be to dampen press criticism of the Government and the ruling party and to restrict the overall quantity of public information in the media.

Although there was no systematic censorship of the press during the year, the Government attempted to set limits on public discourse and to intimidate editors into self-censorship. After the advent of a multiparty system in late 1991, the press began to cover political events in a more vigorous and critical spirit. National newspapers criticized the President and his associates in terms that would have constituted sedition a year earlier. Several new publications were launched. They voiced often extreme criticism of government policies. Yet the Government continued to harass and intimidate the press through threats of physical violence, arbitrary arrests, impoundment of printed material, and pressure on those making editorial decisions.

The Government owns and controls the single radio station and its affiliate television station, the Kenya Broadcasting Corporation. They typically avoid stories critical of the Government, give a large share of news time to government or ruling party functions, and have consistently failed to give equal and accurate coverage to opposition activities. A second television station, Kenya Television Network, adheres to self-imposed guidelines. Government influence on editorial content, both directly and through the chairman of the board, increased markedly in 1992. Most blatantly, on Christmas day, 1991, a Kenya Television Network (KTN) news editor was sacked for airing a news item embarrassing to the Government, ostensibly for failing to clear it with "authorities." The Government has not issued a license for a private radio station, though there has been at least one application. Radio is the medium through which most Kenyans get the news.

The KANU-owned television outlet carries Cable News Network programs, generally without restriction, though at times stories about Kenya have been deleted. Nairobi's extensive international press corps has not been restricted in its movements or reporting. However, foreign journals containing unflattering accounts of Kenya have been seized at the airport. A number of books remain banned, including a Kiswahili edition of George Orwell's "Animal Farm."

That said, the independent printed press, in particular the Nation and the Standard newspaper, gave extensive coverage to charges of government involvement in tribal clashes, government failure to respond to the drought conditions in the North, allegations of financial mismanagement or malfeasance by senior government officials, police brutality at opposition political rallies, and other stories critical of the Government. Overall, the extension of multiparty politics gave the newspapers much freer rein to report news items and express opinions critical of the Government. However, the Government often took an adversarial stance towards the independent press and continued to use official intimidation to temper news content. Police held senior editors and local reporters of the Nation and the Standard for questioning, one overnight, after the two papers carried graphic reports of the ethnic fighting in Western and Nyanza provinces. None were charged, but the Standard bowed to government pressure by suspending two editors. Provincial officials and M.P.'s issued death threats against reporters from the Nation for writing stories without seeking government clearance. Police have physically assaulted or otherwise harassed reporters covering events embarrassing to the Government.

Weekly magazines, which were more strident in their criticism of the Government, bore the brunt of the government backlash. In January police impounded an entire issue of Society magazine, even before an injunction was obtained through the court. They impounded later issues of the weekly magazine in March and again in June, and the authorities arrested and arraigned the editors and the publisher for sedition. In July the police arrested the publisher of Finance magazine on similar charges. All were released on exorbitant bond soon after the arrest, but the Attorney General has still not signed the prosecution orders in either case. Further, two consecutive issues of Finance magazine were impounded by the Government in November, the second before it had been released by the printer.

A number of academics voiced public criticism of government policies despite a continuing government effort to control dissent among both faculty and students at the country's major universities. College students in Nairobi fought a losing battle to get their Students of Nairobi University (SONU) organization recognized by the school administration. Although the organization is called for under university rules, the Government has banned the organization off and on for years, in conjunction with variations in the level of antigovernment agitation at the school.

b. *Freedom of Peaceful Assembly and Association.*—Freedom of assembly, while provided for in the Constitution, is seriously limited by the Public Order and Police Act, which gives authorities power to control public gatherings. The Act makes it illegal to hold an unlicensed meeting of three or more persons but does not apply to persons meeting on church property for religious purposes.

Though the beginning of 1992 was notable for large and peaceful opposition rallies around the country, the Government denied official permission for many opposition rallies, often at the last moment. For example, the authorities revoked official permits for DP and Kenya National Democratic Party (KENDA) rallies on May 30 at the last minute for "security reasons." Opposition candidates were often barred from speaking at public meetings in strategic electoral areas, even at meetings which had previously received administrative approval from the Government. Opposition parties were almost completely denied access to Northeast Province, for example. Local government officers, who are responsible for the regulation of public meetings, did not perform impartially. The International Republican Institute elections observation team said, "The discretion and selectivity with which local administrative officials have granted licenses (for public rallies) has severely hampered the ability of opposition parties to communicate their message to the people of Kenya." At a DP rally in Western Province in December, police disobeyed an order by the District Officer to shoot attendants who had assembled for an unauthorized meeting.

The Government and the security forces were generally hostile to demonstrations, and police often broke up unapproved (and some approved) rallies brutally. On March 2, baton-wielding riot police forcibly dispersed a 2,000-person rally to free political prisoners. The Nairobi police commissioner justified the clubbing of unarmed, peaceful demonstrators on the grounds that the participants had failed to obtain a license. The next day, citing a threat to public order and security, the police and the paramilitary General Services Unit descended on a gathering at Uhuru Park, where the "Mothers of Political Prisoners" group was staging a hunger strike. Security forces beat the hunger strikers, supporters, and bystanders, and injured many, including Professor Wangari Maathai and British Broadcasting Corporation correspondent Lucy Hannah. The Government then announced a 20-day moratorium on all political meetings.

The Societies Act governs freedom of association; it states that every association must be registered or exempted from registration by the Registrar of Societies. Nongovernmental organizations have protested requirements that they register every 5 years, as an attempt by the Government to control human rights and charitable activities. Since the repeal of Section 2(a) of the Constitution in November 1991, Kenyans have been free to join the political party of their choice, and 10 parties have been registered.

Nine registered parties in Kenya participated in the December elections: KANU, FORD Kenya, FORD Asili, the DP, the Social Democratic Party (SDP), Kenya National Democratic Party (KENDA), Kenya National Congress (KNC), Labor Party Democracy (LPD), Kenya Social Congress, and Party of Independent Candidates of Kenya (PICK). The Government refused to register at least three, including the Islamic Party of Kenya (IPK), the Democratic Movement (DEMO), and the Socialist Alliance of Peasants and the Proletariats (sic) of Kenya (SOPPOK). At least 14 other parties applied but did not receive a response from the Government, including at least 2 environmental parties, which were refused registration by the Attorney General as threats "to the security of the State."

The registration of party branches did not proceed without government harassment. (Without branches open, parties are unable to hold grassroots elections or conduct local meetings.) Both FORD and DP publicly complained that the Government was stalling the registration of branch offices. After a meeting between the Attorney General and opposition leaders, the process went more smoothly.

More serious was the inflammatory rhetoric of some KANU leaders and senior government officials which appeared to spark violence at the opening of opposition party branch offices and at political rallies. For Example, on February 23, MP William Ole Ntimama declared Narok a "KANU zone," and Vice President George Saitoti openly boasted that no FORD office would be opened there. Within a week an attack on a FORD convoy seeking to open an office in Ngong sent some FORD officials to the hospital, including Ms. Wambui Otieno with a broken wrist. Violent attacks by KANU partisans were repeated when FORD went to open offices in Nakuru, Garissa, and Kiambu.

Senior Government and KANU officials consistently betrayed an animosity toward opposition political activities, calling for constituents to "slap" FORD adherents, warning opposition members to stay out of "KANU zones," and ordering FORD to close its office in Amagoro within ten days or it would be burned down. Ethnic fighting closely followed such statements in Nandi district, Uasin Gishu, Narok, and Mout Elgo.

c. *Freedom of Religion.*—Kenya has no state religion. Freedom of worship is acknowledged in the Constitution and generally allowed, but churches new to Kenya must obtain government approval to be registered.

Muslims were incensed by the insensitivity of police who, in May, broke into a Mombasa mosque to arrest preachers who had made speeches denouncing the Government's refusal to register the Islamic Party of Kenya. Church figures remain concerned about last year's new law to regulate nongovernmental organizations in Kenya, which might in some cases improve government controls over church projects.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Kenyan law gives all Kenyans the right to travel freely, to settle, and to conduct business, which includes obtaining land titles, in any area of the country. Kenya does not generally prohibit emigration of its citizens but has in the past prevented travel abroad, usually by critics of the Government. In 1992 the Government relaxed its restrictive travel policies, even allowing vocal government critic Wangari Maathai to travel to the Rio de Janeiro environmental conference in May, while out on bail on charges of rumormongering (see Section 2.a.). It is highly unlikely she would have been allowed to travel before the political reforms of late 1991.

The Government does not regard issuance of passports to its citizens as a right and reserves the authority to issue or deny passports at its discretion. The Government restored the citizenship of Kenyan citizen Salim Lone by formally publishing notice in the Kenya Gazette. It had revoked his citizenship in 1986 on grounds of "disloyal speech."

In 1991 Kenya was inundated by a flood of Somali, Ethiopian, and Sudanese refugees, fleeing chaos and conflict in their home countries. Kenya has accepted most asylum seekers, though sometimes entry is delayed, resulting in hardship and denial of assistance. None of these refugees has been granted legal status, other than that of asylum seeker. In 1990 there were only 14,000 refugees; at the end of 1992 there were about 400,000 refugees residing in camps, and the Government estimated that 100,000 refugees were living outside the camps in cities and rural areas. (The U.N. High Commissioner for Refugees put the latter figure at about 20,000.) Somalis account for about 75 percent of the total. Refugees outside of the camps are extremely vulnerable to arrest. The Government organized a roundup of about 2,000 people in August. Refugees who purchase fake identification documents and visas put themselves even further at risk. There is increasing violence in the northeast, where most of the camps are situated, and there were cross-border incursions by armed Somalis.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Kenya held general elections on December 29 for the Presidency, Members of Parliament, and local government officials; however, the conduct of these elections involved serious faults which at year's end left unclear the ability of the Kenyan people to change their government by democratic means. One observer mission called the electoral process "seriously flawed." Nevertheless, a large number of Kenyans participated in a multiparty process which resulted in the election of many opposition candidates at both the local and national levels.

In late 1991 after mass street protests from foreign donors, President Moi agreed to permit multiparty democracy in Kenya. Opposition parties were registered, and in April the National Assembly and Presidential Elections Act was amended. In practice, Kenyans are generally free to take part in the political process, to run for office, and to support candidates or parties, in spite of government interference. The opposition was active, opening branch offices, holding public rallies, and fielding candidates, but did face attempts by the Government to limit its activities.

During the campaign, government officials at a number of levels were intolerant of opposition activities. For example, President Moi announced on October 5 that any public servant found supporting the opposition would be fired. In October Minister of Agriculture Elijah Mwangale called on his fellow Luhyas to chase the opposition from Western province. And the press reported in September that local officials in Machakos were distributing famine aid to people based on party affiliation, refusing it to those who did not support the ruling party (see also Section 2.b.).

The opposition argued that the voter registration process was flawed and may have prerigged the election. There were reports in the press that members of the Government were handing out voter registration cards to KANU supporters, while people in opposition groups were denied cards. There were also reports that officials distributed registration cards after the end of the registration period. However, the process registered a large number and a wide cross-section of Kenyans; the Government estimated that 8 million of Kenya's 11 million eligible voters were registered. The Government twice extended the registration deadline after the opposition called off its boycott.

The opposition also charged that the Electoral Commission, largely unchanged from its composition during the previous, one-party election, could not be impartial. A law suit by the opposition to replace the Commission Chairman, Justice Z.R. Chesoni, was dismissed by the court. Although there was widespread criticism during the registration and campaign periods, the Electoral Commission performed moderately better as the election date approached and was able to correct the most glaring instances of electoral irregularities. However, the Commission's unwillingness to address the numerous claims of irregularities during the vote-counting process on and after election day provoked fresh criticism from the opposition and human rights groups and called into question its commitment to impartiality.

Seeking to respond to the concerns of Kenyans and foreign donors that past elections had been rigged, President Moi invited international observers and asked "non-partisan" groups within Kenya to apply to the Electoral Commission in order to witness the elections. Some international observers were denied visas, and some potential election observer groups were denied registration by the Electoral Commission. Nevertheless, there was a large international observer presence, and the National Elections Monitoring Unit (NEMU) fielded local election monitors in approximately 70 to 80 percent of the nation's polling places.

The elections took place without violence. Voters remained patient in the face of long lines and widespread administrative confusion, including a number of irregularities such as the absence of ballots and boxes at some polling stations 9 hours after polls were to have opened. The vote-counting process was more gravely flawed. Opposition parties and local monitors charged that ballot boxes were introduced into some counting halls with broken seals or without any seals at all, ballot papers were found bound together by counting officers, party agents and election observers were thrown out of counting halls during the counting process, and there were vote totals in some constituencies exceeding the number of registered voters. The Electoral Commission decided that such irregularities could not be addressed by the Commission, but must go through the courts.

Women political figures made substantial gains in 1992. A record number of women vied for Parliament in the general election, and six were elected (in the last Parliament, there were only two women members). Women's issues were not central to the campaign but did receive substantial press coverage.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Before 1992 there were no local organizations solely devoted to investigating human rights abuses. Lawyers, church groups, and elements of the printed press functioned as de facto human rights monitors, but they faced serious obstacles, including harsh government criticism, restrictions on free speech and assembly, and in the case of some attorneys, harassment by the police and the courts. In 1992 Makao wa Mutua, a former Kenyan human rights lawyer who now works at Harvard University, founded the Kenya Human Rights Commission. While the organization is new, in 1992 the Government allowed it to work free of harassment.

The Government reacts negatively to criticism of its human rights record, at home and abroad. Through its accusations of association with "foreign masters," the Government discourages Kenyans from providing outside human rights groups with information. When the NCCK released a report on the ethnic clashes which harshly criticized the Government's role in the troubles, President Moi threatened the NCCK with deregistration. Other government officials have criticized "foreign meddling" from international human rights groups and the diplomatic community. During 1992 the Government denied the National Democratic Institute, a nonpartisan elections observer group, permission to register as election monitors. A visit by a delegation from the Robert F. Kennedy Memorial Center for Human Rights was also not permitted.

Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status

Kenya is an ethnically diverse country; the Constitution and laws prohibit discrimination on the basis of race, sex, religion, language, or social status.

Members of all ethnic groups may run for office, and ethnic representation at the minister and assistant minister level is broad. The Asian community, numbering about 65,000, accounts for a disproportionate share of the nation's economic wealth and output, but very few Asians participate in electoral politics. The Kikuyu remain the largest and richest indigenous ethnic group in Kenya. Ministers and other officials employed anti-Kikuyu language without official rebuke, particularly in connection with Kikuyu voter registration in areas of the country traditionally inhabited by other tribes. (See Section 1.a. on government involvement in tribal clashes.)

The Government singled out ethnic Somalis as the only ethnic group in Kenya required to carry an additional form of identification stating that they are Kenyan citizens. In 1990 the Government required ethnic Somalis to have their claim to Kenyan citizenship verified by a panel of Somali elders through a "screening" process. This screening effort continued through the first 3 months of 1990 and then was phased out, although its practical effects remained. The screening has been widely criticized as discriminatory, unconstitutional, and without a basis in law. Ethnic Somalis must still produce upon demand their Kenyan identification card and a second identification verifying "screening." Both cards are also required in order to apply for a passport, and airlines have been required to submit passports held by Kenyan Somalis for verification before issuing tickets to such persons.

Some Muslim Kenyans argue that the Government's refusal to register the Islamic Party of Kenya is discriminatory, although the Attorney General maintains that the ban is necessary to ensure peace and security. In a public speech on Madaraka Day in June, President Moi linked Kenya's coastal Muslims to the slave trade. Many Muslims interpreted those comments, as well as severe police violence against political protesters in Mombasa and the arrest of religious leader Sheik Balala in July, as evidence of a policy of discrimination.

While there is no legal discrimination against women, and they may own property and businesses, traditional culture and attitudes have long prescribed limited roles for women. Women's roles are particularly restricted in rural areas where they account for 75 percent of the total agricultural work force. Rural families are more reluctant to invest in educating girls than in educating boys, especially at the higher levels. The number of girls and boys in school are roughly equal at the primary and secondary levels, but men outnumber women almost two to one in higher education. According to 1990 estimates, only 58 percent of the women over 15 can read and write, while 80 percent of the men are literate.

Though women are increasingly active in the modern economy, the number of women in professional roles is still limited. The number of female unemployed is double that of men. Women sometimes receive lower rates of pay than men performing the same job, and disparities in fringe benefits occur, e.g., some businesses give housing allowances to men but not to married women. Women constitute about 60 percent of the work force.

Polygamy is not legal for people married under the Christian Marriage Act, but it is permitted for those who marry under African customary law. Kenya's law of succession, which governs inheritance rights, provides for equal treatment of male and female children.

The Government strongly condemns extreme violence towards women, specifically murder, female genital mutilation (circumcision), rape, and incest. In many cases, rapists, particularly of minors, are given sentences of up to 14 years in prison. However, the ambivalence of many Kenyans to the abuse of women was demonstrated by a case of multiple rape and manslaughter in 1991, when a group of 50 adolescent boys attending St. Kizito boarding school broke into the crowded dormitory housing their female contemporaries. In the panic that ensued, 19 girls were suffocated, and medical evidence indicated that 71 girls were raped. Only four of the defendants were convicted, none for rape. Despite public expressions of horror at the event, many Kenyans acknowledge that rapes occur frequently in Kenyan schools.

Domestic violence, such as wife beating, occurs in Kenya, but little information is available on the extent of the problem. Women's groups report that domestic violence is widespread and have launched education efforts to combat it. In practice, most cases of domestic violence are settled outside of the courts. The maximum legal penalty is 5 years in prison. Women can also sue for civil damages.

Female genital mutilation is illegal but still practiced by some Kenyan ethnic groups, usually performed on girls under the age of 16. The Government officially discourages the practice but leaves it to women's groups to oppose such mutilation through health education programs. Murder or manslaughter charges are brought when the practice results in death. There are press reports of community-forced mutilations, but charges are seldom brought in such cases.

Section 6. Worker Rights

a. *The Right of Association.*—Save for central government civil servants, all workers are free to join unions of their own choosing. The law provides that as few as seven workers may establish a union, provided that objectives of the union do not contravene Kenyan law and another union is not already representative of the employees in question. The Government may deregister a union, but the Registrar of Trade Unions must give the union 60 days to challenge the deregistration notice: an appeal of the Registrar's final decision may be brought before the High Court. President Moi deregistered the Kenya Civil Servants Union more than 10 years ago. Since 1989 the Central Organization of Trade Unions (COTU) sought to reverse this decision, and in 1991 President Moi reinstated the Civil Servants Union.

There are at least 33 unions in Kenya representing approximately 350,000 to 385,000 workers, or about 25 percent of the country's industrialized work force. Except for the 150,000 to 200,000 teachers believed to be members of the Kenya National Union of Teachers and four other smaller unions, which the Government has registered, all other unions are affiliated with one central body, the COTU. The Government created COTU in 1965 as the successor to both the Kenya Federation of Labor and the Kenya African Workers Congress. This amalgamation was effected allegedly to eliminate instability and rivalries within the nation's trade union movement.

Although it is claimed that COTU is independent of the Government and KANU, the 1965 decree establishing COTU gives the President the authority to remove from office the central body's senior leaders. The COTU constitution accords nonvoting membership on the executive board (COTU's managing body) to a representative of the Labor Ministry as well as of KANU. COTU Secretary General Joseph Mugalla supports President Moi, and many who serve on COTU's board are life members of KANU. Mugalla was reelected Secretary General in 1991, and a suit brought by his opponents challenging his reelection was dismissed.

The Trade Disputes Act permits workers to strike provided that 21 days have elapsed following the submission to the Minister of Labor of a written report detailing the nature of the dispute. During this 21-day period, the Minister may either mediate the dispute himself, nominate a person to investigate and propose a solution, or refer the matter to the Industrial Court, a body of five judges appointed by the President, for binding arbitration. Once a dispute is referred to either mediation, fact-finding, or arbitration, any subsequent strike is illegal.

The military, police, prison guards, and members of the National Youth Service are precluded by law from striking. Other civil servants, like their private sector counterparts, may strike following the 21-day notice period (28 days if it is an essential service, e.g., water, health, education, air traffic control). However, the Labor Minister may at any time preempt a strike involving civil servants by referring the dispute to the Industrial Court for resolution. There were no significant strikes in 1992. A threatened strike by 200,000 teachers was averted when President Moi took unilateral action to accede to their demands.

Internationally, COTU is affiliated with both the continentwide Organization of African Trade Union Unity and the International Confederation of Free Trade Unions. Its affiliates freely join international trade secretariats of their choosing.

b. *The Right to Organize and Bargain Collectively.*—While not having the force of law, the 1962 Industrial Relations Charter, executed by the Government, COTU, and the Federation of Kenya Employers, gives workers the right to engage in legitimate trade union organizational activities.

Both the Trade Disputes Act and the Charter authorize collective bargaining between unions and employers. Wages and conditions of employment are established in the context of negotiations between unions and management. The Government has promulgated wage policy guidelines limiting wage increases to 75 percent of the annual rate of inflation. Collective bargaining agreements must be registered with the Industrial Court for the purpose of guaranteeing adherence to these guidelines. In 1992 there were 1,875 agreements registered with the Court. Some 1 million workers (union and nonunion) are covered by these accords. The Trade Disputes Act makes it illegal for employers to intimidate workers. Employees wrongfully dismissed for union activities are generally awarded damages in the form of lost wages by the Industrial Court; reinstatement is not a common remedy. This is due in large measure to the fact that most aggrieved workers have found alternative employment in the lengthy period prior to the hearing of their cases.

The International Labor Organization's (ILO) Committee of Experts (COE) observed in its 1992 report that the Government of Kenya, in accordance with Article 10 of ILO Convention 143, should promote equality of opportunity and treatment for migrant workers, including trade union rights.

Legislation authorizing the creation of export processing zones (EPZ) was passed in November 1990; one has been established to date. The EPZ Authority has decided that local labor laws will apply generally in the zones, including the right to organize and bargain collectively. In practice, it grants many exemptions. For example, the Government is waiving aspects of the law that prevent women from working at night because of the large number of women employed in a number of industries in the zones (see also Section 6.e.).

c. *Prohibition of Forced or Compulsory Labor.*—The Constitution proscribes slavery, servitude, and forced labor. Under the Chiefs' Authority Act, a local authority can require people to perform community services in an emergency, but there were no known instances of this practice in 1992. People so employed must be paid the prevailing wage for such employment. The ILO COE has found these and other provisions of Kenyan law to contravene ILO Conventions 29 and 105 concerning forced labor.

d. *Minimum Age for Employment of Children.*—The Employment Act of 1976 proscribes the employment in any industrial undertaking of children under the age of 16. This enactment applies neither to the agricultural sector, where about 70 percent of the labor force is employed, nor to children serving as apprentices under the terms of the Industrial Training Act. Ministry of Labor officers nominally enforce the minimum age statute. Given the high levels of adult unemployment and underemployment, the employment of children in the formal wage sector in violation of the Employment Act is not a significant problem.

(e) *Acceptable Conditions of Work.*—The legal minimum wage for blue-collar workers in the wage sector varies by location, age, and skills. Violations of the minimum wage guidelines are not a recurring problem in the modern wage sector. Despite nominal wages increases, inflation on the order of 25 or 30 percent and a decline in the value of the shilling eroded workers' living standards during 1992. Most workers continued to lead a marginal existence and had to rely on second jobs, some subsistence farming, or the extended family.

The Regulation of Wages and Conditions of Employment Act limits the standard workweek to 52 hours. Nighttime employees, however, may be employed up to 60 hours a week. As is the case with respect to minimum age limitations, the Act specifically excludes agricultural workers from its purview. An employee in the non-agricultural sector is entitled to 1 rest day in a week. There are also provisions for 1 month of annual leave and sick leave. Concerning limits on overtime, Kenyan law provides that the total hours worked (i.e., regular time plus overtime) in any 2-week period for night-workers may not exceed 144 hours; the limit is 120 hours for other workers. The Labor Ministry is tasked with enforcing these regulations, and reports of violations are few.

The Factories Act of 1951 sets forth detailed health and safety standards; the Act was amended in 1990 to encompass the agriculture, service, and government sectors. The 65 health and safety inspectors attached to the Ministry of Labor's Directorate of Occupational Health and Safety Services have the authority to inspect factories and work sites if they have reason to believe that a violation of the Act has occurred or upon receipt of a complaint from a worker. As a result of the 1990 amendments, the Directorate's inspectors may now issue notices enjoining employers from practices or activities which involve a risk of serious personal injuries. Previously, only magistrates were vested with this authority.

Such notices can be appealed to the Factories Appeals Court, a body of four members, one of whom must be a High Court judge. In practice, inspectors, who conduct 2,000 to 3,000 inspections annually, generally respond only to worker complaints. "Whistle blowers" are not protected by the Factories Act. Kenya's workmen's compensation regulations do not yet comply with provisions of ILO Convention 17.

MAURITANIA

The Islamic Republic of Mauritania continued to be governed by Colonel Maaouya Ould Sid'Ahmed Taya, who had ruled since 1984 as chairman of a military junta, the Military Committee for National Salvation (CMSN). As a result of flawed elections held in January (the first in more than 14 years), Colonel Taya was elected President and continued to wield executive power assisted by his Council of Ministers and a group of close advisers. The principal change in the regime was the dismantling in April of the Military Committee, which had functioned since 1978 as the country's legislative body, and its replacement by a newly elected civilian Parliament. A new Constitution, which delegates most powers to the executive, was adopted in 1991. The new regime's first Prime Minister was appointed by President Taya and serves at the latter's pleasure. This quasi-transformation of the Taya Government from a military regime to one with a more civilian cast failed to satisfy the political opposition's demands for a truly democratic system. Although the new Constitution and attendant ordinances permitted political parties and an independent press to operate, for example, both of these freedoms were limited. Taya's party totally dominated Parliament, the newspapers were subject to a strict libel law, and the Government continued to monopolize radio and television.

Muritanian security forces number between 16,000 and 18,000 and include the regular armed forces, the National Guard, the Gendarmerie (a specialized corps of paramilitary police), and the police. The Gendarmerie is directed by the Ministry of Defense, while the National Guard and police come under the Ministry of Interior. Total military expenditures for 1989, the last year for which the U.S. Arms Control and Disarmament Agency conducted a detailed analysis, were $40 million. There is no indication that any efforts will be made to reduce these expenditures in the near future. As in previous years, the security forces continued to be responsible for significant human rights violations. However, the incidence and severity of violations dropped significantly from the massive scale of abuses perpetrated by the security forces during 1989–1991.

Most of Mauritania's 2.1 million inhabitants, either nomadic herders or settled farmers, live within a market-oriented subsistence economy. Mauritania is burdened with numerous long-term economic and social problems: drought desertification, insect infestation, extensive unemployment, rapid inflation, one of the highest per capita foreign debts in Africa, minimal infrastructure, inadequate health and education systems, and growing urbanization. Low rainfall levels over the past years have forced large numbers of nomads into towns, with a consequent weakening of traditional Maur culture and a severe strain on government resources.

While human rights practices in Mauritania improved somewhat in 1992, serious abuses continued, and major problems from the unresolved abuses of previous years remained. More than 55,000 Afro-Mauritanians expelled in the 1989–1990 period remained in camps in Senegal waiting to be repatriated and reimbursed for their lost belongings and property. Ethnic tensions remained strained because of the Government's refusal to acknowledge publicly, to investigate, or otherwise to resolve prior documented human rights violations by the security forces, particularly the bloody purge conducted by the armed forces within their own ranks from September 1990 through March 1991. Approximately 500 persons, almost entirely from Mauritania's black African minority, are believed to have died in the purge, and many hundreds more were tortured and maimed. In 1992 restrictions on certain rights, such as freedom of speech, press, and association, were reduced, although not eliminated. Other freedoms, such as worker rights, the right to a fair trial, and the right of citizens to change their government, remained significantly restricted. Slavery continued to be practiced, and violence against women remained a problem. Furthermore, respect for the integrity of the person continued to be seriously abused, with extrajudicial killing, illegal detentions, and torture continuing.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. *Political and Other Extrajudicial Killing.*—As in previous years, there were a number of extrajudicial killings; by year's end approximately a half-dozen such cases had been documented. Most such killings took place along the Senegal river, where the majority of the country's non-Arabic-speaking black African population lives. It was not always clear whether security forces carrying out the killings were acting under orders or whether individual military elements were acting as armed vigilantes carrying out vendettas.

As in previous years, there were no reports of government inquiries into the incidents, efforts to punish those responsible, or promulgation of guidelines to avoid security force's excesses. In February two brothers, Oumar and Ibrahima Diop, reportedly were picked up by an army unit as they attempted to land their boat at Boghe, in the Brakna region. Both men, though Mauritanian by birth, had been living in Dakar since their expulsion to Senegal in 1989. According to Ibrahima Diop, who survived the episode, he and his brother were tied up and tortured, then thrown into the river. Oumar Diop drowned. The Government did not respond to press and opposition party demands for an investigation. Indeed, the Government's only response was publicly to challenge the brothers' citizenship.

In January Djiby Diallo was killed while crossing the river to Senegal. A Senegalese autopsy indicated he had been shot in the mouth; Mauritanian authorities certified that the victim had drowned. Neither the victim's lawyer nor his family was permitted to see the body before burial. There were reports that a police brigadier stationed at Kaedi may have been involved in the death, but no investigation was undertaken. In March the body of military orderly M'Diaye Oumar was pulled from the river. After first claiming that Oumar was not Mauritanian, government authorities later admitted his citizenship and said he had drowned. However, no autopsy was performed and an alleged eyewitness claimed that Oumar was killed by members of the armed forces.

In August in the Guidimaka region a group of five Peuhl (Halpulaar-speaking nomad) herders disappeared, reportedly after being taken into custody by persons in military uniforms. The body of one Peuhl was found soon after, and those of the four others were found later in a well near the Maur village of Tourroulla. All had been strangled. Several civilians and soldiers suspected in the case were arrested but were then freed by the regional governor. No charges have been brought in connection with these deaths, which may have been revenge killings. Only a few days earlier, Peuhl cattle rustlers from Mali had attacked a Maur from Tourroulla.

Furthermore, extrajudicial killings from past years remained uninvestigated and unresolved. The principal example of unresolved extrajudicial killing dates from 1990-1991, when approximately 500 largely Halpulaar and Soninke military and civilian personnel died while in military custody. Many of these persons were summarily executed after being tortured. No accounting has ever been made of those who died. They were part of a large group of as many as 3,000 who were rounded up, detained, and tortured, allegedly for coup plotting. The results of an internal military investigation into this matter have never been made public, and no one has been charged with or faced trial for the tortures and deaths. Several high-placed military officials who reportedly were involved remain in their posts and in some cases were promoted.

b. *Disappearance*.—There were occasional credible reports of black Africans disappearing after being taken into military custody. Also in 1992, black Africans living along the river discovered in the Brakna Region two common graves containing the remains of persons who had disappeared in early 1990. One of these graves, near the village of Sory Male, contained three bodies; the other, located near Wothie, contained five bodies. The Government appears to have made no effort to investigate these incidents, and there is evidence that the victims in some cases were last seen in the company of security forces.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment*.—Despite the Government's stated opposition to torture and the legal prohibition against its use, the security forces routinely mistreated persons in custody, particularly political dissidents and black Africans. Torture and other degrading treatment continued to be regularly employed to extract self-incriminating statements of involvement in criminal or political activities. Many instances of such mistreatment were reported in 1992, although fewer than in previous years. Some members of the UFD (Union Des Forces Democratiques, the major opposition party) were tortured in Nouadhibou following street fighting on January 26 in protest of the election results. Three persons were killed in that incident, which appears to have been instigated by the police.

A roundup of Taya's political opponents followed on January 27, and the security forces apparently used confessions forced from persons they initially detained to arrest still more. Although a majority of the Nouadhibou detainees were released within a day or two, approximately 30 were held for a week, and some of them were badly mistreated while in detention. Ali Ould Vill, an auto mechanic, claimed to have been tortured at the police station in El Mouteverjirat at Nouadhibou. Two newspapers printed testimony by Vill in which he claimed that police officers forced him to disrobe and to lie on the ground. He was then kicked and beaten while his captors insisted that he sign a statement incriminating certain UFD leaders in the January 26 violence. When he refused, claiming that he was not a UFD member and did not know the leadership, police forced hot peppers into his eyes and body openings. Vill signed a statement which later was used as a justification for a wave of arrests that took place the following day. Another post-election round-up of UFD members took place in Kaedi, in the Gorgol region. Some of those arrested claimed to have been tortured. The types of torture most frequently reported in 1992 included beatings, forced feeding of sand, electric shock, burning of genitals, denial of water and food, and the so-called jaguar, in which victims are bound and suspended upside down while the soles of their feet are beaten.

Degrading treatment was also common. Prisoners were often stripped of their clothes and denied blankets, food, or access to toilets. Prison conditions in Mauritania are harsh and do not meet minimum sanitary or humanitarian standards.

In late August, many residents of the village of Teykane, in the Trarza region, were taken into custody and confined in close quarters with no access to food, water, or toilet facilities for up to 24 hours. According to eyewitnesses, the mass roundup began after the police broke up a late-night sports competition. When angry villagers descended on the police station, the police commissioner called for assistance from a nearby Gendarme unit. Subsequently approximately 60 persons, including pregnant women and small children, were arrested and confined, both at police headquarters and in a schoolhouse. One woman reportedly was prevented from nursing her infant. The male detainees were forced to sit with their hands over their heads. Some persons apparently were severely beaten with rifle butts. No one died, but many persons fainted and suffered dehydration.

In August residents of the village of Sory Male (where in March a common grave was discovered, see Section 1.b.) were subjected to harassment, degrading treatment, and possible torture by elements of a navy infantry unit. The roundup and questioning of villagers occurred following the murder of a Beydane shop owner. Dia Hamath Atoumane, an elderly man with a history of health problems, died in the course of the security forces' interrogation of witnesses. He reportedly was forced to stand outside in a thunderstorm all night, without access to his medication. There was no investigation despite the fact that the naval unit had no legal jurisdiction to act.

d. *Arbitrary Arrest, Detention, or Exile*.—Although Mauritanian law requires expeditious arraignment and trial, access to legal counsel, and the right of appeal, these rights frequently are not observed, particularly in cases of political dissidents or persons suspected on national security grounds. They are somewhat more often observed in ordinary criminal cases. Yet even ordinary crimes tend to be handled outside the parameters of judicial process, as offenders make informal arrangements with the persons they have wronged. Traditional concepts of "Ghissas" (retributory justice, i.e., an eye for an eye) and "blood-money" compensation are applied more often than Western principles of due process.

By law, the courts are required to review the legality of a person's detention no more than 72 hours after his or her arrest. There is no provision, in theory or in practice, for access to family members. Only after the prosecutor submits the charges is the suspect permitted to contact an attorney. It is common practice to detain prisoners incommunicado for prolonged periods without charging them with any crime and without judicial review. Sometimes prisoners who have been charged find themselves released before trial without explanation. Such releases usually can be attributed to the prisoner's familial, tribal, or political connections. There is no system of bail.

Many of the UFD members arrested in Nouadhibou in January were held in incommunicado detention for 5 days or more. Although charges were brought against 27 of the Nouadhibou detainees, the charges in the end were neither upheld nor dropped. Instead, the detainees were eventually released upon President Taya's direct intervention.

In late June Nouakchott-based security forces began a roundup of about 40 Tuaregs and Maurs said to be linked to an internal rebellion in neighboring Mali. Some of the detainees were arrested in private homes, even though the Mauritanian authorities carried no search warrants. Many of the detainees spent up to a week in incommunicado detention, and were released only after foreign diplomats protested to a high-ranking Mauritanian official. With the exception of a handful who were indicted for stealing a vehicle, most of these persons were not charged with any crime.

In 1992 there continued to be credible reports of arrests, intimidation, prolonged detention, and expulsion committed by security forces in communities along the Senegal River. In many cases, the homes and property of deportees were subsequently expropriated by the Government.

There is no evidence that anyone is presently being held for political reasons.

e. *Denial of Fair Public Trial*.—Mauritania has a three tier court system: the Shari'a courts, the Special Courts, and the State Security Court. The Government in June announced it was taking steps to abolish the Security Court, a chamber reserved for cases involving national security. This announcement came immediately after the widows of those killed in the 1990-1991 military purge filed a class-action suit charging 166 members of the armed services with engaging in torture and other inhuman acts. The Attorney General refused to hear the case, saying that the plaintiffs needed an order to prosecute signed by the Chief of Staff of the Armed Forces. At year's end, the Parliament was considering as part of a full-scale reorganization of the judiciary, legislation that would eliminate the Security Court.

The legal system continued to function primarily under Shari'a (Islamic Law). The Ministry of Justice administers Shari'a and, based on recommendations of the Chief Executive, selects judicial personnel. While the judiciary is nominally independent, judges often appear to take their cues from the Government when sentencing opponents of the regime. Furthermore, as in other realms of Mauritanian life, tribal and familial relations play an important part in the trial process. The use by Islamic judges of extreme physical punishments, such as amputations, is no longer practiced in Mauritania. The Government today is slowly eliminating a number of unqualified Shari'a judges.

Commercial and banking offenses, traffic violations that cause bodily harm, and offenses against the security of the State fall under the jurisdiction of the special courts, which supposedly render judgments on the basis of laws modeled after the French example. The effective implementation of justice in these courts is particularly problematic because the majority of Mautrianian judges have been trained neither at the university level nor in the French juridical tradition.

In theory, all defendants, regardless of the court or their ability to pay, have the right to be present with legal counsel during the proceedings. The law also states that defendants may confront witnesses, present evidence, and appeal their sentences. However, in practice these rights are regularly violated. The typical defendant, for example, has no access to the evidence against him, and meets his attorney for the first time on the day of his trial. This situation is due in part to the lack of trained public defenders.

Mauritanian law specifies that all persons, including foreigners, have the right to property and possessions and may be deprived of them only by a court decision. In 1992, as in previous years, the practice of justice in Mauritania continued to differ substantially from its theory, particularly as a result of the wide discretionary powers allowed to the security forces in rural jurisdictions. The right to a fair public trial was greatly circumscribed, particularly in the riverine area. Access to the courts for the purpose of resolving property disputes was practically nonexistent.

In the context of the reestablishment of relations with Senegal, approximately 5,000 expellees had returned by late 1992. Some of them were able to reclaim lost land and property by making informal arrangements with the persons in possession of them. In September, at the instigation of the governor of the Trarza region, 63 families who had been in Senegal since 1989 returned to their old village near Rosso. The families reoccupied their former homes, displacing Maurs who had moved in after the crisis. The governor offered compensation to the displaced Maur families.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Under Mauritanian law, judicial warrants are required to perform home searches. This requirement is often ignored in practice, particularly in national security cases. Despite the official policy of relaxation of previous strictures on the freedom of speech and assembly, there were in 1992 repeated reports of Government surveillance of suspected dissidents. The Government also continued to rely on a wide network of informants.

Section 2. Respect for Civil Liberties, Including

a. *Freedom of Speech and Press.*—The 1991 Constitution provides for freedom of speech and press, and by comparison with prior years, Mauritanians enjoyed some limited freedom in this area in 1992. Antigovernment tracts, newsletters, and petitions circulated freely in Nouakchott and other major cities. Several of the new political parties held large rallies, primarily in association with the electoral campaign.

Several new independent newspapers were launched, benefitting from the liberalized press law of mid-1991. Many of the papers criticized the Government, particularly for its perceived insensitivity to, and condoning of, human rights abuses. Some of them undertook investigations of human rights violations, unresolved crimes, and government corruption. The papers were overseen by an independent press association, which was somewhat successful at defending the rights of journalists vis-a-vis the Government. However, both the press and the parties continued to operate within strict limits. The regime's definition of libel is particularly severe, and in the summer of 1992 two of three journalists facing libel charges were found guilty. They were given suspended sentences after human rights monitors and foreign observers complained to the Government about the severity of the libel law. All newspapers and political parties must register with the Ministry of Information, and newspapers must submit their copy to the Ministry prior to publication. The Ministry of Information publishes and controls the only daily paper. The independent weeklies reach only a limited audience, not only due to financial constraints but also because the majority of Mauritanians cannot read. Radio, to which large numbers of the population have access, remains the unique preserve of the Ministry of Information, as does television.

In practice, freedom of expression also continued to be restricted. Government officials found it necessary to be circumspect in criticizing official policies; military personnel in particular were under tight surveillance, as views expressed to military colleagues in private which could be construed as even mildly critical of the Government often caused intense interrogation by security officers.

The one university in Mauritania is government operated and the authorities reportedly occasionally prevent professors from pursuing certain research and publication interests. In 1992 a group of university professors attempting to organize a union separate from the National Teachers' Union were prevented from doing so through official pressure (see Section 6.a.).

b. *Freedom of Peaceful Assembly and Association.*—Until late 1991, all political movements and activities were prohibited, and such groups operated clandestinely or from outside the country. By comparison, 16 political parties were openly recognized and active to varying degrees in 1992. The largest opposition party, in conjunction with Mauritanian Human Rights League, held a human rights symposium and display in March.

Although the new Constitution provides for the rights of assembly and association, political activity continued to be restricted in practice. The Government's treatment of political parties was inconsistent; some parties were allowed to call rallies freely while others were not. Furthermore, the law governing political parties requires that all groups register with the Minister of Interior and obtain permission for large meetings or assemblies. Such permits were occasionally denied, particularly in the latter half of 1992. In July an opposition rally was broken up violently by police. The Government continued to be criticized for withholding a party permit from a group of self-proclaimed radical Islamists. The regime justified its action by citing the new Constitution, which forbids the establishment of parties based on religion.

c. *Freedom of Religion.*—Freedom of religion does not exist. Islam is the official religion of Mauritania, and all citizens are by law Sunni Muslim. Apostasy is illegal and punishable under Shari'a law. Mauritanian citizens also are prohibited from entering non-Islamic houses of worship and from possessing sacred texts of other religions. Proselytizing by non-Muslims is prohibited, as is the construction by Mauritanian citizens of Christian churches or other non-Islamic houses of worship. The small Lebanese Shi'a community is not prohibited from privately practicing its religion. Likewise, the expatriate Christian community is allowed to hold worship services that are restricted to resident foreigners.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Historically, there were few restrictions on movement within Mauritania, where nomadism has long been a way of life. However, following the rupture of relations with Senegal in 1989 and the attendant violence in the riverine area, local authorities imposed and enforced at their own initiative dusk-to-dawn curfews in some villages. Travelers also were regularly subjected to roadside and airport police checks. These practices continued in 1992, though on a much-diminished level. The Government imposed curfews during two periods: in the aftermath of January's presidential election, and in October following a devaluation of the national currency. During both periods opposition leaders reported being surveilled and harassed by security forces. Unlike previous years, no cases were reported of persons being denied passports for political reasons.

The approximately 200,000 Mauritanian Maurs expelled by the Governments of Senegal and Mali in 1989–1990 have now been largely absorbed into Mauritania through government and private means. Some of them have settled on land belonging to black Africans who were expelled from Mauritania during the crisis. Approximately 55,000 expelled Mauritanians remain in camps in Senegal, awaiting repatriation and indemnification. Some who crossed legally into Mauritania have reportedly been re-expelled; the Government denies these charges. The 1989 crisis also led approximately 13,000 Mauritanian Peuhl to take refuge in Mali. Although the overwhelming majority apparently continue to remain there, some reportedly returned to Mauritania in 1992. During 1991 and 1992, Mauritania became the refuge of some 30,000 Tuareg and Maur refugees fleeing the ethnic strife in Mali's northern regions. Most of these refugees are in camps in southeastern Mauritania and are largely supported by an international effort led by the United Nations High Commissioner for Refugees.

The Government also established a Consulate in Dakar, Senegal, for the purpose of documenting expellees who could prove their Mauritanian citizenship. This proved problematic, however, as the Mauritanian security forces had destroyed or confiscated many of the deportees' identity documents during the 1989–1990 expulsions. In 1992 the Government failed to set up transparent administrative, much less judicial, procedures for expellees who wished to obtain confirmation of their citizenship and the right to return to Mauritania. The Taya regime has always maintained that many of the persons who fled or were expelled in the wake of the 1989 crisis were in fact Senegalese nationals, and that their Mauritanian identity documents were fraudulent.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

In 1992 Mauritanians had this right only in theory. The first multiparty presidential election Mauritanian history was held in January with four persons competing and more than a dozen political parties participating in the campaign. However, President Taya was returned to office based on results that were widely regarded as fraudulent. As most political parties consequently boycotted the legislative elections held in March, the new Parliament was a one-party body.

Although the ruling Military Committee was subsequently dissolved and its powers transferred to the Parliament, many military personalities remained in positions of power. The President of the National Assembly, the Lower House of the Parliament, was an army colonel, for example.

Furthermore, the representation of black Maurs and black Africans remained minimal at the highest levels of Taya's Beydane-dominated Government. The new civilian regime in 1992 announced an end to the Structure for the Education of the Masses (SEM), a quasi-political organization that in recent years had increasingly become an instrument of Government for propaganda, patronage and election fraud. Indeed, Taya enjoyed an automatic advantage during the presidential campaign because of his party's ability to manipulate the SEM machinery, from the prefect down to the neighborhood level. By the end of the year, the Government was no longer using the SEM for official purposes.

Women may vote and indeed were active campaign managers during the 1992 presidential and legislative election period. No women were elected to office, however. In general, women are significantly under represented in leadership positions.

Section 4. Governmental Attitude Regarding International and Nongovernmental investigation of Alleged Violations of Human Rights

The only officially recognized human rights organization within the country is the Mauritanian Human Rights League. In 1992 the League, which had been practically moribund since 1989, began to show signs of rebirth. it openly criticized the Government, helped organize a public human rights forum, and released occasional press declarations. Meanwhile, the Government continued to withhold recognition from another organization, the Mauritanian Human Rights Association, which had applied for an operating permit in 1991. As the President of the League is a white Maur, and the founder of the unrecognized association is a Halpulaar, some black Africans asserted that the Government's recognition of the former but not the latter was racially motivated.

Two women's rights groups were active in 1992 despite a lack of official recognition by the Government. They were the "Comite de Soutien," a support group for the wives and orphans of victims of the 1990–1991 military purge, and the Collective of Families Separated by Deportation. The Collective represented the spouses (mainly female) and children of persons who were deported to Senegal during the 1989 crisis. The two groups worked together to put pressure on the Taya regime and to educate the public about human rights abuses in Mauritania.

In 1992 the regime permitted a visit by the International Labor Organization (ILO), whose agenda included human rights abuses, particularly the persistence of slavery (see Section 6.c). The Government also said that it would allow visits by Amnesty International and Africa Watch; these did not take place because of restrictions placed by the Government on freedom of movement by the monitors.

Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status

Mauritania is situated geographically and culturally on the divide between traditionally Nomadic Arabic (Hassaniya)-speaking Maurs of the north and sedentary black African cultivators who historically lived along the Senegal River. Though culturally homogeneous, the Maurs can be racially distinguished as white (Beydane) or black (Haratine, literally "one who has been freed"). The black Africans comprise three main ethnic groups: the Halpulaar, the Wolof, and the Soninke. The interaction of these groups produces cultural diversity as well as complex ethnic tensions in Mauritanian society. During the colonial period, the black Africans dominated the local economy and civil service. This situation dramatically shifted following independence, however, when successive regimes, both civil and military, vigorously pursued a policy of "Arabization" of the schools and the work force. The new politico-economic reality is one of white Maur, or Beydane, domination. White Maurs hold the dominant positions in government, state enterprises, business, and religious institutions, and many black Africans contend that this situation is a result of ethnic and linguistic discrimination. Taken together, the black Maurs and the black Africans considerably outnumber the white Maurs. This racial majority is by no means cohesive, however, because many black Maurs identify more closely with the white Maurs, whose Arabic culture and tribal affiliations they share.

The Government's longstanding policy of promoting Arabic at the expense of French has led to a decline in the use of the latter. Although French is still widely spoken, particularly by black Mauritanians, the new Constitution adopted in July 1991 eliminated French as an official language. Many black Africans charge that the Arabization policy is thus racially motivated.

Black Africans also charge that the Government's 1983 Land Reform Law is increasingly being misused to allow Maurs to encroach on fertile land in the Senegal River valley that had been traditionally the preserve of black Africans. Mauritania's dry and inhospitable climate has contributed to the hostile feelings between livestock-raising Maurs and farming blacks. Twenty years of drought have increased the traditional flow of nomads from the north into the more fertile southern regions, further exacerbating tensions.

The longstanding ethnic divisions within Mauritanian society that exploded so violently in April 1989 have left bitter scars that will take many years to heal. The events of that period resulted more from an eruption of underlying ethnic hostilities than from officially sanctioned government policy. However, the subsequent extrajudicial expulsions and reprisals by the security forces were clearly based on ethnicity.

Theoretically, women have legal rights to property, divorce, and child custody. In practice, both marriage and divorce can take place without the woman's consent. Polygyny exists and is sanctioned by the teachings of Islam; a woman does not have the right to refuse here husband's wish to be polygynous.

Although a somewhat lower percentage of women than men are educated at the university level, there are no legal restrictions on education for women. Women are particularly active and influential in the informal sector of the economy. The Government is encouraging the entry of women into the professions, government, and business, and a number of women have moved into senior or midlevel government positions in recent years. The Government has been instrumental in opening up new employment opportunities for women in areas traditionally reserved for men, such as hospital work. According to Mauritanian law, men and women must receive equal pay for equal work; Mauritania's two largest employers, the civil service and the state mining company, SNIM, respect this law.

Violence against women occurs, but no data exist to indicate its extent. The police and judiciary occasionally intervene in domestic disputes, a fact which has become known only recently through the efforts of the independent press. The Government has taken no position nor issued any statements on violence against women or on female genital mutilation (circumcision), a tradition that is widely observed in Mauritania. Of the country's four ethnic groups, Maurs, Halpulaars, Soninkes and Wolofs, all except the Wolofs practice such female mutilation. Some practice infibulation, the most severe form. Some evidence indicates that the incidence of female circumcision is diminishing in the modern, urbanized sector.

Section 6. Worker Rights

a. *The Right of Association.*—Notwithstanding the Government's liberalized policy of respect for freedom of association, that right was severely circumscribed in practice for Mauritanian workers in 1992. Theoretically, all workers except members of the military and police are free to establish unions at the local and national levels. The country currently has 36 trade unions. All, however, are legally required to be affiliates of the Union of Mauritanian Workers (UTM), by law the country's only legally recognized central labor body. In 1992 the UTM's effectiveness in defending workers' interests was almost nil due to government interference.

The current moribund state of the UTM can be traced to June 1991, when the Government intervened to stop a planned general strike. Through a combination of strong-arm tactics, coopting of individual union leaders, and successful backstage maneuvering, the Government unseated the union leadership, discredited the strikers, and installed a docile new replacement leadership team. In the course of 1992, the Nouakchott branch of the UTM continued attempting to defy the Government's stranglehold on the union to no avail. In September local police forcefully broke up a group of Nouakchott workers who were attempting to hold a meeting at the UTM workers' training center, which had been closed by the Government following the failed 1991 strike. In November the International Labor Organization's Committee on Freedom of Association continued its investigation of a complaint by the Organization of African Trade Union Unity against the Government of Mauritania for violation of worker rights even though the new UTM leadership succeeded in getting the original complaint withdrawn. In theory, unions are free to form and join federations and confederations and to affiliate with and participate in international bodies. This right was not exercised in 1992, however, as only the government-installed UTM leadership interacted with other labor organizations.

Although Mauritanian law grants workers the right to strike, in practice strikes rarely occur because of government pressure. Furthermore, Mauritanian law stipulates that tripartite arbitration committees composed of union, business, and government representatives may impose binding arbitration that automatically terminates any strike.

b. *The Right to Organize and Bargain Collectively.*—By law, unions are free to organize workers without government or employer interference. According to the UTM, close to 90 percent of industrial and commercial workers in Mauritania are union members. The laws providing protection against antiunion discrimination are regularly enforced. Genuine collective bargaining does not exist, however, because of the Government's heavy-handed role in shaping labor relations. Wages and other benefits are decided informally between individual unions, employers, the government, and the UTM. In addition, employees or employers may bring labor grievances and disputes to three-person labor courts that are overseen jointly by the Ministries of Justice and Labor.

There are no export processing zones in Mauritania.

c. *Prohibition of Forced or Compulsory Labor.*—Although slavery has been officially abolished in Mauritania several times, most recently in 1980, it remains pervasive, particularly in its economic and psychological manifestations. Several tens of thousands of persons whose ancestors were slaves still occupied positions of servitude and near-servitude in 1992. Many of these persons were freed slaves who because of economic necessity have either stayed with, or returned to their former masters. Some of them, however, were held against their will and were forced to perform unpaid labor. Meanwhile, the Government has taken a passive role in enforcing abolition. Reports indicate that some commerce in slaves continues, both through barter and inheritance of traditional slaveholder rights. Most enslaved Mauritanians live in nomadic communities in isolated areas where contact with outsiders is minimal. Their remote location makes their numbers difficult to quantify.

d. *Minimum Age for Employment of Children.*—Mauritanian law specifies that no child may be employed before the age of 13 in the agricultural sector without the permission of the Minister of Labor, nor before the age of 15 in the nonagricultural sector. The law provides that employed children aged 14 to 16 should receive 70 percent of the minimum wage, and those from 17 to 18 should receive 90 percent of the minimum wage. In practice, the Labor Ministry's few inspectors can provide only limited enforcement of child labor laws, which are seen as irrelevant by a large majority of the country's tradition-bound society. Education is not compulsory in Mauritania, and only a small percentage of Mauritanian children regularly attend the government schools. Young children in the countryside commonly pursue herding, cultivation, fishing, and other significant labor in support of their families' activities. In keeping with longstanding tradition, many children serve apprenticeships in small industries and in the informal sector. In Nouakchott and other large towns, youths in their early teens typically work as mechanics, blacksmiths, furniture makers, plumbers, and electricians. They can also be found in shops, gas stations, and laundry establishments, in private homes as domestics, and on the streets as petty vendors.

e. *Acceptable Conditions of Work.*—The guaranteed minimum wage for adults working in the private sector was last raised at the end of 1991. It barely enabled the average family to meet its minimum needs, particularly after a devaluation of the national currency in October 1992. The standard, legal nonagricultural workweek in Mauritania is set at 40 hours (or 6 days) after which workers are entitled to overtime compensation, which is paid at rates that are graduated according to the number of supplemental hours worked. Reliable data on actual wage levels are scarce. Enforcement of the labor laws is the responsibility of the Labor Inspectorate of the Ministry of Labor but in practice is limited by too few inspectors. Furthermore it is not uncommon for employers to circumvent regulations by bribing the regulators. Although the Government sets health and safety standards which are theoretically enforced by the Ministry of Labor, in practice enforcement seldom occurs.

NIGERIA

Nigeria continued to be ruled by the Federal Military Government of General Ibrahim Babangida, who came to power in a 1985 coup. For almost all of 1992, a 19-member Armed Forces Ruling Council (AFRC) was Nigeria's main decisionmaking organ. The AFRC ruled by decree. The executive branch consisted of a 20-member mixed military-civilian Cabinet, the Council of Ministers. On November 17, Babangida announced the extension of the transition from January to August 27, 1993. He also dissolved the AFRC and the Council of Ministers and created a National Defense and Security Council (NDSC) to replace the AFRC, and a Civilian Transition Council to manage the day-to-day affairs of government ministries. The NDSC and the Transition Council assumed office in the first week of 1993.

Nigeria's firmly controlled progress toward an elected civilian government was dealt a setback in 1992. In response to substantial electoral malpractices in the August presidential primaries, the AFRC scheduled new primaries for September. These primaries were also marred by widespread electoral abuses, including vote-buying and tampering with official returns. As a result, in October the Government nullified all results of the September primaries. The local, state, and national executive bodies of the two political parties were disbanded and replaced with government-appointed caretaker committees. In November President Babangida announced the banning of all 23 aspirants involved in the failed September primaries from further participation in the transition program and delayed the presidential election from December 5, 1992, to June 12, 1993. The inauguration scheduled for January 2, 1993, is now to be held on August 27, 1993, the eighth anniversary of President Babangida's accession.

Elections were held in July for members of the Senate and House of Representatives. Members-elect were sworn in on December 5, 1992, and will be seated on January 2, 1993. However, AFRC Decree 53 excludes the legislators from power in all significant areas of national life until the inauguration of a civilian president. The legislative and failed presidential primary elections were conducted by the controversial open-ballot system, which requires voters to stand behind the pictures of their candidates. Many private citizens, government officials and employees, members of the clergy, and others who are unwilling to be seen openly supporting a given candidate or party are effectively disenfranchised by the open-ballot system. President Babangida announced in November that this system would be modified into an open-secret system for the presidential elections, whereby voters could cast their ballots privately while the actual vote tabulation would continue to be conducted in public.

The Government enforces its authority through the federal security system (the military, the State Security Service, and the national police) and through the courts. Plans to create a new internal security force, the National Guard, were realized in 1992, when personnel were recruited from existing services, and training programs were initiated. No National Guard units have yet been deployed. The Guard is intended to relieve the armed forces of the internal security role in situations where local police are incapable of maintaining public order. Total military expenditures for 1989, the last year for which the U.S. Arms Control and Disarmament Agency conducted a detailed analysis, were $130 million. Despite participation in the regional peacekeeping force in Liberia and humanitarian relief operations in Somalia, the Government continued its drastic force-level reduction initiated in 1991. However, any associated savings will be negated by the establishment of the National Guard.

Most of Nigeria's 90 million population is rural, engaging in small scale agriculture. Nigeria depends on oil exports for over 90 percent of its foreign exchange earnings and 80 percent of its budget revenues. In order to cope with reduced oil revenues, Nigeria adopted an indigenous Structural Adjustment Program (SAP) in 1986. The SAP was a success in many respects, but economic conditions for the average Nigerian remain difficult. Large budget deficits financed by money creation have pushed inflation into the 60-percent range. While Nigerian elites continue to prosper, there is widespread unemployment, underemployment, and inflation. The majority of the Nigerian population is in poverty. Economic distress has fueled episodic civil unrest in urban areas and probably heightened interethnic violence in some rural areas.

Human rights in Nigeria remained circumscribed; human rights problems included extrajudicial killings, police brutality, dangerous and unsanitary prison conditions, arbitrary arrests, violence and discrimination against women, and infringements on freedoms of speech, press, travel, and political and labor affiliation. Military decrees regularly circumvent judicial review and key provisions of the 1989 Constitution. Decree Two of 1984, carrying broad powers of detention, remained in force and in use, though several persons held under the decree were released in 1992. Human rights monitors still faced harassment in the form of arrests and restrictions on travel. Various political associations and a labor union were proscribed during the year, and several candidates were banned from seeking office. Communal violence and rioting resulted in thousands of deaths in several major disturbances, and unhealthful prison conditions led to hundreds of deaths by disease and malnourishment. There were also reports of forced repatriation of Chadians, many of whom were allegedly executed upon their return.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. *Political and Other Extrajudicial Killing.*—Extrajudicial killings and excessive use of force by police and security services were again common occurrences in Nigeria in 1992. Perhaps the most highly publicized instance was the September shooting death at a Lagos police checkpoint of an army colonel, Domven Rindam. Within 3 days of the incident, three policemen were arraigned for murder, police and military panels of inquiry were established and police checkpoints throughout the country were dissolved. Earlier, in February mobile police checkpoints had been temporarily removed after a police sergeant shot and killed a bus driver in a Lagos suburb, touching off a minor riot. The sergeant was reportedly dismissed from the force and is in detention awaiting trial. The police mobile force, nicknamed "kill-and-go," was manning checkpoints again before the end of the month. In June and July, two gasoline tank truck drivers were shot and killed at police checkpoints, sparking strikes by sympathizing drivers which resulted in temporary fuel shortages in Lagos. That same month, mobile policemen were again removed from the streets.

Some checkpoints have since been restored, perhaps partly in response to public calls for their return.

Human rights groups and the press reported other instances of police killings, including a commercial motorcyclist beaten to death on May 7 in Imo State, a student shot during an otherwise peaceful student protest at Lagos State University, a college student shot in the back during a secondary school soccer match in Port Harcourt, a suspect arrested during May riots in Lagos who died in custody at Ikoyi Prison in July, and a Taraba State House of Assembly legislator murdered in June. In the latter case, two policemen were arrested and are believed to be in detention awaiting trial.

The Civil Liberties Organization (CLO) reported that nearly 400 bodies had been delivered by police to the Ikeja General Hospital mortuary in the first 9 months of 1992. While the CLO contends that the majority of the victims were killed at checkpoints or in detention facilities, this remains unsubstantiated, since the cause and place of death of the victims were not included in the information provided. The police claim that the bodies were primarily those of accident and murder victims. Nevertheless, the high number of reported extrajudicial killings by security agents have led many, including President Paschal Bafyau of the Nigeria Labour Congress, to allege that more persons are killed in Nigeria by the police than by armed robbers. Police use of deadly force has been amply illustrated. Between January and July, the Delta state Commissioner of Police announced a total of 53 armed robbery suspects had been killed by police, while over the same period only 41 had been arrested. Similarly, police in Benin City announced they had killed 17 robbery suspects over a 2-week period in April.

There have been some efforts to make police officials more accountable. A High Court judge in Delta State ordered five policemen to appear in June to answer questions concerning the deaths of two students in police custody in November 1991. The National Association of Democratic Lawyers pursued a civil action against police officials implicated in the alleged torture death of Segun Fakayode in December 1991 (see Section 1.c.) A Lagos High Court justice ordered the arrest of two police officers in August for questioning in the death of Bassey Ekong, who had been held without trial for 2 years. A police corporal, found guilty of killing a middle-aged man in Imo state in 1987, was sentenced to death by a court in July, but the sentence, which may be appealed and must be confirmed by the Governor, had not been carried out by the year's end. Two policemen were dismissed from the force and arraigned in the November beating death of the wife of a businessman whose home they were searching without a valid warrant. The two men have been remanded to prison.

Nevertheless, many policemen guilty of extrajudicial killings go unpunished and unquestioned. Despite the 1990 recommendation by a judicial commission of inquiry (into the massacre of approximately 25 villagers in Umuechem, Rivers state) that 122 policemen be prosecuted for their involvement in the incident, there is no evidence that any of the accused policemen have been arrested or tried. In fact, the report listing the names of the policemen involved has never been released. There is no evidence of legal action being taken against the officers involved in the murder of a family of seven at a police checkpoint at Oka-Oba in March 1991, or against officers implicated in the 1991 deaths of Nwogu Okere, Anthony Nnaemeka, Larry Igwe, or Segun Fakayode. While senior police officials occasionally remind officers of the stiff penalties they may face for excessive force, murder, illegal discharge of weapons, or extortion, few police are ever arrested or even disciplined for such offenses.

b. *Disappearance.*—No politically motivated disappearances were reported. Several policemen were reported missing after the September murder of Colonel Rindam. Government detention practices have the effect of causing many detainees to be "missing" for extended periods (see Section 1.d).

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—Nigerian law prohibits torture and mistreatment of prisoners, and provides criminal sanctions for such excesses. Nevertheless, detainees frequently die while in police custody (see Section 1.a.), and there are credible reports that suspects are regularly beaten and tortured by police seeking to extract confessions. For example, Segun Fakayode was arrested in good health in Ondo on December 5, 1991, and held by police until December 11, when they delivered him to a state hospital, where he died. His body purportedly showed evidence of severe torture, including numerous bruises and a swollen head. In another case, Anthony Nnaemeka was arrested on January 23, 1992, in Lagos for alleged theft. He died the same day, reportedly after being beaten while hanging naked from an iron rod. Mistreatment of both male and female prisoners by guards and fellow inmates, at the behest or with the consent of guards, reportedly occurs often. Citizens are often beaten and harassed at police checkpoints, usually in connection with a demand for a bribe by the police, who remain poorly paid and poorly disciplined.

Conditions in Nigeria's prisons remain life-threatening. Lack of potable water and sewage facilities, medical supplies, and transportation contribute to deplorable sanitary conditions. Disease runs rampant in the cramped, poorly ventilated, and filthy facilities. There were various reports of epidemics in prisons. In the fourth quarter of 1991, approximately 30 prisoners died of disease in Niger State prisons alone. A shortage of drugs and equipment was cited as contributing to the problem. The diseases included tyhpoid and kwashiokor (malnutrition). The CLO documented 20 deaths from tuberculosis and diarrhea between July 1991 and February 1992 in Makurdi. Overcrowding is still a serious problem despite ongoing projects to expand or rehabilitate prisons. The 40-year-old prison in Enugu (with a recommended capacity of 500) currently houses 3,000 prisoners, one-third of whom are still awaiting trial. Despite the CLO's estimate in 1991 that some 2,000 inmates die yearly in the nation's prisons, the Minister of the Interior told a news conference that the 1991 figure was closer to 5,000—about 8 percent of the prison population.

In other efforts to deal with the problem, the Government release over 500 prisoners from custody and agreed to separate children living in prison with their mothers from serious offenders; others are calling on the Government to remove the children from prison completely and put them in foster care. A national committee on prison reform continues its study of ways to improve prison conditions.

d. *Arbitrary Arrest, Detention, or Exile.*—Nigerian criminal justice procedures call for trial within 3 months of arraignment for most categories of criminals. Inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation result in considerable delays, often stretching several years, in bringing suspects to trial. The Minister of the Interior estimated that approximately 20,000 of Nigeria's 60,000 prisoners were awaiting trial; credible estimates from non-governmental organizations put the figure much higher.

Police officers are empowered to make arrests without warrants if there is reasonable suspicion of an offense, or if they witness the commission of an offense. These provisions give police wide and often abused powers to arrest. Under the law, the arresting officer must inform the accused of charges at the time of arrest and take the person to the station for processing within a reasonable time. The suspect must be given the opportunity to engage counsel and obtain bail. Credible reports indicate that the police do not generally adhere to these safeguards. Suspects are often held incommunicado under harsh conditions for extended periods without charge. Arbitrary detention, particularly at police checkpoints, occurs frequently. Relatives and friends of wanted suspects are also commonly put in detention without charge in an effort to induce an accused to present himself or herself to the police.

The State Security (Detention of Persons) Decree of 1984 (Decree Two) provides that the Government may detain without charge persons suspected of acts prejudicial to state security or harmful to the economic well-being of the country. When invoked by the Vice President, the Decree suspends the detainee's civil liberties and forbids judicial review of actions taken within its provisions. The high courts have nevertheless attempted to extend their jurisdiction in Decree Two cases by determining whether procedures outlined under Decree Two were properly observed.

The Government established a review panel which periodically would submit recommendations to the Vice President on the continued incarceration of Decree Two detainees. Detentions under this Decree are supposed to be reviewed every 6 weeks, though this provision is believed to be regularly ignored. Neither meetings of the review panel nor its membership are publicly reported, though the Federal Attorney General is known to sit on the panel. The panel reportedly met at least 3 times in 1992. Many Nigerians still consider Decree Two the main threat to their basic freedoms because the judicial ouster clause encourages arbitrary detention by allowing officers to make arrests with impunity. Also the definition of what constitutes acts prejudicial to state security or the nation's economic well-being can be very broadly interpreted. Human rights groups continue to charge that detentions are regularly renewed without review. They also contend that persons are sometimes detained under Decree Two without a prior order signed by the Vice President. In July a Lagos High Court declared illegal the arrest of human rights monitor Beko Ransome-Kuti under Decree Two because the detention order was made after his arrest.

Decree Two was used in 1992 to detain and silence persons for antigovernment activities or statements. In the aftermath of riots in several Nigerian cities in May, four human rights monitors and a student union leader were arrested and detained under Decree Two. Beko Ransome-Kuti, Femi Falana, and Baba Omojola, all leading members of "Campaign for Democracy" (CD), an umbrella human rights organization which is openly critical of the Government's closely directed political transition program, were arrested in Lagos on May 19. Yet another prominent human rights monitor and legal counsel to two of the detainees, Gani Fawehinmi, was arrested on May 30. Still another human rights monitor, Dr. Osagie Obayuwana, was arrested at a police checkpoint in Lagos on May 24, reportedly for being in possession of CD literature. He was released after a few days and was never charged before a court. The president of the proscribed National Association of Nigerian Students (NANS) and fellow CD member, Olusegun Maiyegun, was arrested on June 11. The Government disobeyed several Lagos High Court orders in June that the detainees be presented in court to verify their health and whereabouts and to resolve issues concerning their arrests and continued detentions. A court order to release Femi Falana on June 8 also went unheeded. The five detainees, who were being held incommunicado at Kuje Prison, near Abuja, were subsequently arraigned before a magistrate court there on June 15 on charges of "treasonable felony" and released on bail on June 29. In October the trial of the five was adjourned to March 1993. The men remain free on bond.

Although the CLO estimates that 25 people remain in custody under Decree Two, Vice President Aikhomu announced in March that there were no longer any detainees under that Decree. He made the announcement shortly after the release from custody of 11 relatives of persons suspected of involvement in a coup attempt in April 1990. All had been held without charge, some for nearly 2 years. Among those released was Gloria Mowarin, whose detention was reported last year. Another prominent Decree Two detainee, Jennifer Madike, who had been implicated in a government corruption scandal in 1991, was released in August.

There were no known instances of forced exile as a means of political control.

e. *Denial of Fair Public Trial.*—Decree One of 1984, the Basic Constitution (Modification and Suspension) Decree, was the first decree promulgated by the military officers who overthrew the civilian regime of former President Shehu Shagari on December 31, 1983. It left the institutional framework of the judiciary branch relatively intact, but established a parallel system of military tribunals which were given sole jurisdiction over certain offenses, such as coup plotting, corruption, armed robbery, illegal sale of petroleum, or trafficking in narcotics. A decree in 1991 subsequently amended Decree One by providing that only sitting or retired civilian judges be allowed to preside over tribunals hearing nonmilitary cases. The special tribunals and the promulgation of decrees that prohibit judicial intervention have weakened judicial independence in Nigeria.

In most cases before the tribunals, the accused have the right to legal counsel, bail (in many cases), and appeal, though some tribunals substitute a presumption of guilt for the presumption of innocence, and conviction rates in the tribunals reportedly exceed conviction rates in the regular courts. Sentences are generally severe. Free legal counsel is available through the Legal Aid Council for persons charged with capital crimes, but the Council is inadequately funded to provide counsel for all persons charged with lesser offenses.

Convictions for armed robbery by the Special Robbery and Firearms Tribunals, as well as convictions under the Treason and Other Offenses Tribunal, carry the death penalty with no right of judicial appeal. In the case of armed robbery, death sentences were confirmed by the state governor, while treason convictions had to be confirmed by the NDSC. Convictions before the Miscellaneous Offenses Tribunal and the Recovery of Public Property Tribunal may not be appealed in the regular courts, though there is provision for appeal before the Special Appeals Tribunal.

The regular court system is composed of both federal and state trial courts, state appeals courts, the Federal Court of Appeal, and the Federal Supreme Court. Courts of first instance under the 1989 Constitution include magistrate or district courts, customary or area courts, religious or Shari'a (Islamic) courts, and, for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle, customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree to it, though in practice fear of legal costs, delay, and distance to alternative courts encourage many litigants to choose these courts. Under the 1989 Constitution, the effective date of which has once again been postponed, this time to August 1993, Shari'a courts are limited to followers of Islam and to only those states that establish them.

Trials in the regular court system are public and generally respect constitutionally guaranteed individual rights. These include a presumption of innocence, the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. There is legal provision for bail, but the Nigerian Bar Association and human rights groups charge that bail is underutilized. As a result, many accused persons remain in jail while awaiting trial for petty offenses. Bail is denied to those charged with murder, armed robbery, and drug offenses.

Nigeria's courts have established legal traditions which a number of judges have sought to observe and uphold despite encroachments on their legal powers by successive military regimes, the existence of numerous military decrees bearing judicial ouster clauses and establishing parallel tribunals, and perennial underfunding. All of these cut to the heart of the judiciary's independence. Noted jurists have decried the poor funding of the judiciary as a leading factor in judicial corruption, which continued to be an area of public criticism in 1992. Human rights groups claim that the Government exerts implicit pressure in certain cases.

Judges nevertheless demonstrated independence during the detention of the five human rights monitors in May and June, demanding that the Government produce the detainees in person and guarantee visitation rights by family, legal counsel, and doctors. Damages were also awarded to some of the detainees when judges ruled that their detentions had been illegal, null, and void. Three justices of the Lagos Court of Appeal described as contemptuous of the Government's failure to release Gloria Mowarin in February in accordance with a high court ruling and refused to consider the Government's appeal of the decision until it had first complied with the high court order and released the detainee (see Section 1.d.). An Ikeja high court ordered police and security agents to leave the premises of the Concord Press.—Limited on April 16 after it had been shut down and surrounded by government security agents 8 days earlier. The Government did not, however, comply with that order, nor with any of the other court orders mentioned above.

It is difficult to distinguish political prisoners from political detainees being held without charge, for which there are no firm statistics. The detentions of the five human rights monitors in May and June were political in nature. The exact number of political prisoners and detainees cannot be determined. The Government claims no one is held under Decree Two, while the CLO maintains that 25 persons are detained under that decree.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—Nigerian law stipulates that a search warrant be issued by a magistrate or senior police official before law enforcement agents may search private premises. Human rights groups report that security officers routinely ignore this requirement. Shortly after the May and June arrests of human rights monitors, the offices of the Committee for the Defense of Human Rights (CDHR) and the CLO in Lagos, and that of the CLO in Kaduna, were reportedly searched and ransacked by security agents. The organizations state that no warrant was presented before the search. Office equipment and files were seized during the operations and never returned. Nigerian society otherwise is largely free of arbitrary interference by the State in the conduct of their private lives. Provisions of the 1989 Constitution guarantee the rights of privacy in the home, in correspondence, and in oral electronic communications. The State does not carry out general surveillance of the population.

Section 2. Respect for Civil Liberties, Including

a. *Freedom of Speech and Press.*—Although the 1989 Constitution provides for freedom of speech and the press, serious constraints remain. There are no restrictions on ownership of print media; newspapers and journals remain very lively and often outspoken, despite considerable fear of government retribution for articles deemed too offensive or inflammatory. Private daily newspapers compete with the various state and federally owned newspapers. Officials regularly caution journalists publicly and privately on their responsibilities and the limits of press freedom. In late 1992, the Government licensed nine commercial television broadcasters, some of whom are expected to begin operations in early 1993. It is not known whether religious and political organizations will be issued broadcast licenses.

Although there are no constitutional or other published guidelines or decrees directly limiting freedom of speech and the press, Decree Two prohibitions against acts prejudicial to state security or to economic stability cast an ominous shadow over journalists considering which stories they may safely investigate and write. Among the issues considered most sensitive by the Government are: identifying top government officials with criminal activity and corruption; writing on subjects the Government claims to be incitement to riot or ethnoreligious disturbances; and touching on subjects the Government sees as "disrupting the transition to civilian rule program." These well-known sensitivities and the Government's proven willingness to take action against offending journalists and journals commonly result in self-censorship.

There were various instances of government censorship in 1992. On April 9, police and security agents closed down the Concord Group of newspapers, the publisher of a daily national newspaper, a weekly national magazine, and other publications. Decree 14 of 1992 proscribed the publishing firm but was repealed 15 days later. The Government charged the newspaper with undermining the national interest and security and reopened it only after the chairman of the company, M.K.O. Abiola, publicly apologized to the President. Several senior members of the staff of the company refused to apologize and resigned in protest.

The editor of the Nigerian Tribune, Folu Olamiti, and his deputy were arrested in March and arraigned for alleged incitement, defamation, and publication of false news for an article entitled "Ibadan under Police Siege." Two journalists were arrested in Kaduna on September 9 for writing articles offensive to the Government, and two human rights monitors were arrested in Osogbo in February for carrying a pamphlet critical of the Government. A printer was reportedly arrested in November for printing pamphlets critical of the military Government's delay of the transition to civilian rule.

The Government also announced measures which will limit certain press and artistic freedoms. The Nigerian Film Corporation in May announced its intention to implement new policies restricting foreigners' access to make movies in Nigeria and to set standards for the type and content of films which may be exported. The Ministry of Information and Culture accredits foreign journalists (both permanent residents and visiting journalists) and acts as a clearing house for all information meant for publication in foreign media. Those seeking licenses to operate private television and radio stations are required to promote the national interest, unity, and cohesion; they may not offend religious sensibilities or promote ethnicity, sectionalism, hatred, or disaffection among the nation's many ethnic groups.

Academic freedom is generally respected, although some groups allege that government security agencies maintain an active undercover presence on the campuses, and that university authorities sometimes act at the behest of the Government to suspend or expel student activists. Furthermore, the Academic Staff of Universities Union (ASUU) was banned on July 22 after striking over wage and autonomy issues. Although the strike was settled in September, the Government has not lifted the ban on ASUU. The National Association of Nigerian Students (NANS) remained officially banned in 1992. Its president and a former officer were arrested and held for a short period in June after the May student protests which sparked riots in several cities and campuses throughout the country (see Section 1.d.). The Government banned or limited student union activities as a result of numerous student protests and campus closures during the year, and all college campuses were closed between July and September during the ASUU strike. Student activists continued to face harassment from university and security officials, while school officials also sought to control the activities of violent criminal gangs popularly known as "secret cults." "Anticult" boards and other disciplinary bodies continued to function in 1992, though civil courts overturned some of their expulsion decisions upon appeal. The universities generally complied with reinstatement orders. Human rights groups had complained that innocent students were sometimes denounced by informants out to settle a grudge.

b. *Freedom of Peaceful Assembly and Association.*—Nigeria's 1989 Constitution provides all citizens the right to assemble freely and to associate with other persons in political parties, trade unions, or other special interest associations. Permits are not normally required for public meetings indoors, and permit requirements for out-door public functions are often ignored. However, on the authority of Decree Five the Government has banned gatherings whose political, ethnic, or religious overtones it feared might lead to unrest. Decree Five was used to prohibit the CLO's November 27 "Vigil for Democracy." The CLO ignored the ban, however, and the vigil was broken up by police and security service agents. Open air religious services away from places of worship remain prohibited in most states due to religious tensions in various parts of the country.

Nigerians form and participate in a wide variety of special interest organizations, including religious groups, trade groups, women's organizations, and professional associations. Organizations need not register with the Government and are generally permitted free association with other national and foreign bodies. Religious groups must nevertheless be sanctioned by either the Christian Association of Nigeria or the Supreme Council for Islamic Affairs. The Government still permits only two political parties, which it organized and founded in 1989. In May the Government banned several political organizations which it contends were founded primarily along ethnic, tribal, religious, or other parochial lines for the purpose of sponsoring various political candidates. In May police and security agents in Jos unsuccessfully attempted to prevent a summit meeting of CD members, and in June sought to prevent a meeting of the Nigerian Bar Association, which was considering responses to the Government's arrest of two prominent human rights lawyers.

After 5 human rights monitors were released from detention in June, security agents attempted to prevent them from holding a press conference in offices belonging to the Nigerian Union of Journalists. In July police used tear gas to disperse a gathering of former residents of a shantytown known as Moroko, which was destroyed by the Lagos State Government in 1990. In the same month, security personnel arrested the organizers of the National Seminar for Women Politicians. Following postponement of the transition to civilian rule, the police prevented the CLO from convening a conference on taxation and women's legal rights in Lagos and also banned the convening of a conference in Benin City on Human Rights and the Third Republic.

c. *Freedom of Religion.*—The 1989 Constitution prohibits federal and state governments from adopting an official state religion. Constitutional provisions guaranteeing freedom of belief, practice, and education in regard to religion are generally respected. Ethnoreligious violence, particularly in northern Nigeria, often includes the razing of churches and mosques by rival factions, as occurred during the bloody February and may disturbances in Kaduna State.

Distribution of religious publications is generally unrestricted, but these are subject to the same censorship considerations as the regular press. There were allegations in 1992, by both Christian and Muslim organizations, that the Ministry of Foreign Affairs and the Immigration Department were restricting the entry into the country of certain religious practitioners, particularly persons suspected of proselytizing. Religious practitioners operating schools, institutions, or medical facilities generally were not affected, not were those seeking a renewal of existing residence permits.

In February and May there were outbreaks of violence between largely Christian and Muslim ethnic groups in Kaduna State, originally around the town of Zangon-Kataf, and later spreading to Kaduna and other cities. Casualty estimates range from several hundred to a few thousand. Dozens of churches and mosques were destroyed before security forces could reimpose order.

The Government instituted a ban in 1987 (which is still in effect) on religious organizations on campuses of schools above the primary level, though individual students retain the right to practice their religion in recognized places of worship. There is a lightly enforced ban on published religious advertisements, and religious programming on television and radio remains closely controlled by the Government. The ban on the Maitatsine Muslim "sect" has not been repealed, but there were no efforts during 1992 to enforce it.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—Nigeria's Constitution entitles its citizens to move freely throughout the country and to reside where they wish. The Constitution also prohibits expulsion or the denial of exit or entry to any Nigerian citizen. Nigerians travel abroad in large numbers, and thousands are engaged overseas in work and study. Exit visas are not required. The Government occasionally prevents travel for political reasons. It seized the passports of two prominent members of the CLO in January and April. In March the Government released the passport seized in January, along with the passports of three other human rights monitors seized at various times since 1990. The Government retains custody of the passport seized in April, and legal proceedings are underway to secure its release.

Under Nigerian law, wives—including foreigners—must have their husband's permission to take their children out of Nigeria. Security officials in the past have prevented some wives from leaving with children, but there were no known instances of such interference in 1992. Citizens leaving Nigeria have the right to reenter, and citizenship may not be revoked for any reason.

Nigerian law and practice permit temporary refuge and asylum in Nigeria for political refugees from other countries. Nigeria supports and cooperates with the Lagos office of the United Nations High Commissioner for Refugees (UNHCR). A Liberian refugee camp continued to operate in Ogun State. Its population varied between 700 and 1,500 persons, depending on the level of conflict in Liberia. There is also an undetermined number of Chadian refugees residing primarily in the northern border region. Human rights groups in Chad and Nigeria have alleged that up to 300 Chadian refugees were arrested by Borno State police authorities in March and forcibly repatriated to Chad, where they were allegedly executed by forces of the Government of Chad. The National Commission for Refugees investigated these allegations in May and reported they could find no substantiation. The UNHCR in Lagos reported that no Chadian refugees registered with it had been forcibly repatriated. Many of the Chadian refugees who fled into northern Nigeria during the heavy fighting in the Lake Chad region in January, however, were not registered with the UNHCR, and no refugee camps were established for them. Some of the Chadians residing in northern Nigeria were alleged by the Chadian Government to be members of rebellious armed factions.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens did not have this right at the national level during 1992. In 1992 the 19-member AFRC headed by President Babangida was the highest political authority in the land. Until late 1992, the Government continued its closely controlled program of political transition to civilian government. Elected civilians were inaugurated as state governors, members of state houses of assembly, and members of the national legislature. The Government conducted elections for the Senate and House of Representatives, and oversaw presidential primaries by the two official political parties. After dictating the creation of the only two legal parties, the Government provided their constitutions, manifestos, platforms and the majority of their financing, and gave them the exclusive right to contest for public office. The two parties are the National Republic Convention (NRC), which is "slightly to the right," and the Social Democratic Party (SDP), which is "slightly to the left." The two parties conducted primaries in June for the national legislative elections held on July 4. The National Electoral Commission (NEC), a governmental body, in late June disqualified 19 House and Senate SDP candidates and 13 NRC candidates from contesting the July 4 elections. While the candidates were reportedly banned for security reasons or for offenses committed during previous government service, no official explanation was provided to the public, and the banned candidates had no recourse for appeal.

The Government initially planned for the two parties to hold their presidential primaries in six rounds of five states each, on six successive Saturdays in August and September. The first round, conducted August 1, was marred by widespread fraud and electoral malpractices and, at the behest of both parties, the NEC annulled the announced results and rescheduled the primaries for 3 rounds of 10 states each, to be held on successive Saturdays in September. The primaries were again marred by widespread allegations of voter accreditation fraud, vote buying and fraudulent election returns. Numerous candidates called for the cancelation of results in various states, and 10 of the 12 SDP presidential aspirants conducted a boycott of the third and final round of primaries on September 26.

On October 16, President Babangida announced that the AFRC had canceled the remaining round of presidential primaries, dissolved the executive committees of both parties at the national, state, and local level, named caretaker committees to run the parties, and said that the NEC would propose to the AFRC a new selection process for presidential candidates. On November 17, President Babangida announced the banning of all 23 presidential aspirants who participated in the annulled September primaries and laid out a new schedule for completing the transition to civilian rule by August 27, 1993. The presidential election is now scheduled for June 12, 1993. The President also announced that the open ballot, which effectively disenfranchised those persons not willing to be seen openly supporting a candidate or party, would be replaced by the open-secret ballot (see Introduction). AFRC Decree 53 of December 2, 1992, precludes the National Assembly from legislating in any significant area of national life until the inauguration of a civilian president.

Nigerian politics continue to be male-dominated. However, there are no legal impediments to political participation or voting by women, and the Government actively encouraged their involvement. Several women contested national office in 1992, though only 1 woman won a seat in the 91-member Senate, and 6 women obtained places in the 589-member House of Representatives.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights groups across a broad spectrum are engaged in the vocal and public campaign for the promotion of human rights in Nigeria, and their number increases yearly. Among the most active Nigerian human rights organizations are: the Civil Liberties Organization (CLO); the Committee for the Defense of Human Rights (CDHR); the Constitutional Rights Project (CRP); the National Association of Democratic Lawyers (NADL); Human Rights Africa (HRA); the Legal Research and Resource Development Center (LRRDC); the National Association of University Women (NAUW); the International Federation of Women Lawyers (FIDA); and the Human Rights Committees of the Nigerian Bar Association (NBA) and its state and local chapters. A number of prominent authors, artists, educators, and jurists, in addition to professional and labor organizations, have spoken out frequently on human rights issues as well.

There were several incidents of government interference and harassment of human rights monitors throughout the year. These increased following the postponement of national elections. For instance, the police and security agents disbanded a predemocracy vigil and prevented other events from taking place (see Section 2.b.), raided CLO offices in Kaduna, arrested CLO members, searched the home of Dr. Beko Ransome-Kuti, and confiscated predemocracy literature. High-level government officials denounced the activities of some members of the human rights community during the year as being politically motivated, dishonest, destabilizing, and treasonous. In a December 28 statement, the Inspector General of Police announced that "security agencies (were) monitoring the activities of the human rights activists." On January 1, 1993, President Babangida warned that the Government would deal forcefully with individuals and organizations seen to be destabilizing Nigeria. The same day, Dr. Ransome-Kuti was taken into custody; he was released on January 4. Both events seem to have been linked to opposition calls for mass protests on January 2, the date the transition to civilian government was originally to have taken place.

Foreign human rights groups are permitted to visit Nigeria. The Government has upon occasion responded to domestic human rights groups' charges.

Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status

There is no official policy of discrimination against any of Nigeria's 250 ethnic groups, and laws do not favor one group over another. The 1989 Constitution requires that government employment and the provision of government services reflect "federal character," i.e., apportioning public employment and government services to reflect the ethnic and regional distribution of the population. The Government generally makes a conscious effort to strike a balance among different groups in its decisionmaking and in appointments to key government positions. Ethnic and regional hiring quotas are observed in most public sector employment. However, Nigeria has a long history of tension among its diverse ethnic groups. Bloodshed between rival ethnic groups in Kaduna, Benue, Taraba, Enugu and Akwa-Ibom States in 1992 were responsible for thousands of deaths and tens of thousands of displaced persons. Tradition continues to impose considerable pressure on individual government officials to favor their own ethnic or religious group, and religious and ethnic favoritism or harassment persists. Persons not indigenous to their state of residence frequently experience difficulty, e.g., in finding employment and enrolling their children in the schools of their choice.

Women has always had some economic power and have exerted influence in Nigerian society through women's councils, family connections, and to a much lesser extent, mainstream social, economic, or political organizations. As primary school enrollment increases, girls and young women are gaining greater access to education. However, females receive less than a third of the education that males receive, according to U.N. estimates.

There has been a dramatic increase in the number of women obtaining university degrees and becoming professionals, including teachers, lawyers, doctors, judges, senior government officials, media figures, and business executives. Women nevertheless suffer discrimination in employment as well as social prejudice. The pattern of discrimination against women varies according to the ethnic and religious diversity of Nigeria's large and heterogeneous population. As noted in Section 2.d., in some states, husbands can prevent their wives from obtaining employment or passports. In many states a woman cannot own property in her own right and, as a widow, cannot inherit her husband's property, which in the absence of children, usually reverts to the husband's family. Women do not receive equal pay for equal work in many instances, and male professionals receive fringe benefits not extended to their female counterparts.

Women often find it extremely difficult to acquire commercial credit or obtain tax deductions or rebates as the heads of households. Single mothers face added discrimination. The sale of young girls for marriage is still fairly common. While violence against women exists, there are no statistical data to help determine the extent of the problem. Police do not normally intervene in domestic disputes. Wife beating is common, particularly in rural areas where women are poorly educated and ignorant of the law. In the more traditional areas, it is questionable whether the courts and police actively intervene to protect women who formally accuse their husbands if the level of alleged abuse does not exceed customary norms.

The Government publicly opposes female genital mutilation (circumcision). According to an independent expert in the field, the percentage of Nigerian women who have undergone this procedure may be as high as 50 percent. The most dangerous form infibulation, is still practiced in some areas. Nongovernmental organizations and the Federal Ministry of Health sponsored public awareness and education projects to inform communities of the health hazards associated with female genital mutilation, but the practice has not been criminalized.

Section 6. Worker Rights

a. *The Right of Association.*—Niegrian workers, except members of the armed forces and employees designated essential by the Government, may join trade unions. While firefighters and police were always considered essential services, since 1990 employees of the central bank, the security printers, and the customs and excise staff have been added to that category and their union dissolved. Utilities, the national airline, public sector enterprises, and the post office, however, are not considered essential services and are unionized. The Nigeria Labour Congress (NLC), Nigeria's umbrella labor federation, has repeatedly called on the Government to reinstate unions in all sectors of the economy except for the armed forces, firefighters, and police. Although the Government promised to examine this issue it did not do so until late in the transition, leaving the issue for the incoming civilian government.

Under Nigerian labor law, any nonagricultural enterprise which employs more than 50 employees is obliged to recognize trade unions and must pay or deduct a dues checkoff for the employees who are members. The Government works closely with the NLC to enforce this provision. Most of the agricultural sector, the informal sector, and practically all small industries and businesses remain nonunionized, however. The NLC has complained that some employers deliberately break up their industries into multiple units employing less than 50 workers to avoid unionization.

The right to strike is recognized by law, except in the case of essential services as defined by the Government. During 1992 strikes were relatively few and of short duration and focused primarily on pay and benefits. The Labor Ministry, as a matter of policy, effectively exerts pressure to prevent or force settlement of most disputes.

The NLC claims 3 million members out of a total work force of 30 million, but this figure is difficult to verify. Although the available work force has increased as the population has grown, trade union membership has probably declined somewhat due to low economic growth. With unemployment at high levels, many workers remain more interested in securing employment than in labor union activity.

While the trade union movement has had, within limits, considerable latitude for action, it remains subject to government oversight. Despite provisions in the 1989 Constitution and Nigeria's ratification of 29 International Labor Organization (ILO) conventions, government decrees and policy continue to restrict labor freedoms. A 1978 decree established the NLC as a single central labor body, created 42 (now 41) industrial unions through forced mergers, and deregistered all other unions.

In recent years the Government and the NLC have agreed that further consolidation of the labor movement would increase its effectiveness. The Government presented a plan that would merge the present 41 unions into 19, while the NLC has its own merger plan, which would reportedly result in 21 unions. Both the Government and the NLC has become deeply involved with the transition and economic restructuring, however, and the merger schemes have been set aside until the transition is complete and a new government is in place.

The ILO continues to criticize the Nigerian Labor Code, which it asserts is not fully in compliance with ILO conventions. Held up for criticism is the single trade union system, the ban on organizing for certain categories of workers, the broad powers of the Government to supervise union accounts at any time, and restrictions on the right to strike through compulsory arbitration.

In August 1991, Decree 35 amended a policy in force since 1975 which permitted international labor affiliation only with the Organization of African Trade Union Unity and affiliated pan-African labor federations. The old policy provided for criminal fines and imprisonment of individuals and proscription of unions for violating the ban. Decree 35 of 1991 partially repealed the ban by allowing affiliation with non-African international labor organizations, but only for training and educational assistance. In 1992 the ILO praised Nigeria for issuing Decree 35.

NIC president Paschal Bafyau has publicly endorsed the Social Democratic Party (SDP). Although the Government warned Bafyau that under the transition to civil rule program it is illegal for organized bodies, such as the NLC, to engage in partisan politics, neither Bafyau nor the NLC has been sanctioned.

b. *The Right to Organize and Bargain Collectively.*—The labor laws of Nigeria permit both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining is, in fact, common in many sectors of the economy.

Nigerian law further protects workers against retaliation by employers for labor activity through an independent arm of the judiciary, the Nigerian Industrial Court, which handles complaints of antiunion discrimination.

The Government, however, retains broad authority over labor matters. In many areas of contention, the unions often take their demands directly to the Government rather than to the employers. At the same time, the Government can intervene forcefully to end debate on issues which it feels contravene its essential political or economic programs.

In January 1991, the Government abolished the uniform wage structure for all government entities. Now each tier of government—federal, state, local and state-owned firms—is free to negotiate its own level of wages, benefits and conditions of employment. As a result, negotiations previously conducted on a nationwide basis under the direct supervision of the Labor Ministry are now conducted on a local, often plantwide, basis with less government involvement. The Labor Ministry has tried to restrict its role to enforcement of minimum wage and freedom of association laws.

President Babangida laid the cornerstone for an export processing zone on November 8, 1991, but there has been little action since, and a date for commencement of operations has not been announced. The Government has thus yet to address the shape of labor law and regulations within the zone.

c. *Prohibition of Forced or Compulsory Labor.*—Nigeria's 1989 Constitution prohibits forced or compulsory labor, and no violations were reported in 1992.

d. *Minimum Age of Employment of Children.*—Nigeria's 1974 Labor Decree prohibits employment of children under 15 years of age in commerce and industry and restricts other child labor to home-based agricultural or domestic work. The Labor Decree does allow the apprenticeship of youths aged 13 to 15, but only under speific conditions. Apprenticeship exists in a wide range of crafts, trades, and state enterprises. With respect to apprentices over the age of 15, their activity is not specifically regulated by the government. According to the NLC, child labor is not a serious problem in Nigeria and is largely confined to the informal sector, where it is often difficult to enforce the law. However, casual observation reveals many children employed in the informal sector in urban areas.

e. *Acceptable Conditions of Work.*—Nigeria's 1974 Labor Decree also establishes a 40-hour workweek, prescribes 2 to 4 weeks of annual leave, and sets a minimum wage for commerce and industry. While this wage may be adequate for some, it is insufficient to support a family in major urban areas. The wages of many workers have not kept pace with inflation, and this has led to calls for large wage increases and increasingly frequent strikes. The 1974 Decree also contains general health and safety provisions, some aimed specifically at youth and female workers, and all enforceable by the Ministry of Labor.

Employers must compensate injured workers and dependent survivors of those killed in industrial accidents. The ineffectiveness of the Ministry in enforcing these laws in the workplace is regularly criticized by labor unions.

In 1991 Nigeria invited an ILO tripartite team to evaluate the country's labor inspection system. The team determined that Nigeria is not yet fully in compliance with the relevant ILO conventions, as it does not maintain adequate statistics on its inspection program.

SENEGAL

Senegal is a republic with an elected president and a unicarmeral legislature. There are 20 legal political parties, although the Socialist Party (PS) has dominated politics and controlled the Government since independence from France in 1960. Senegal's elected National Assembly generally does not act on its own and almost always follows instructions dictated to it by the President. Of the National Assembly's 120 seats, the governing PS holds 107. Abdou Diouf, who has been President since 1981, was declared reelected with 73 percent of the vote in the hotly contested elections of 1988 (the results of which have been disputed continually by the main opposition party). In April 1991, two opposition parties joined the Government to form the "enlarged presidential majority." This Government remained in place until August 1992. Presidential elections are scheduled for February 1993, and legislative elections for May 1993. the 1993 elections will be the first test of Senegal's new electoral code which was revised in 1991.

The Senegalese armed forces (about 19,000 men) is a professional, disciplined organization which traditionally remains aloof from politics and is respected by the population. The paramilitary gendarmerie, included in the 19,000, is less professional and less disciplined. In early 1992, Senegal sent 1,500 troops to Liberia as part of a combined peacekeeping force of the Economic Community of West African States (ECOWAS). In August the army and gendarmeries were redeployed in the Casamance region in an attempt to end the violence attributed to bandits and the two factions of a proindependence rebel movement known as the Democratic Forces of the Casamance (MFDC). Total military expenditures for 1989, the last year for which the U.S. Arms Control and Disarmament Agency conducted a detailed analysis, were $90 million. There is no indication that efforts will be made to reduce these expenditures in the near future. In over 77 incidents reportedly involving the MFDC, at least 174 people have been killed, and an unknown number of people injured. Additionally, the banditry and violence caused roughly 12,000 people to take refuge in Guinea-Bissau and 3,000 in The Gambia. In general, civilian security forces are considered fairly well trained and usually respect the laws they enforce.

Senegal has a mixed economy; it is overwhelmingly agricultural, with more than 70 percent of the labor force engaged in farming, largely in peanut production. Since 1983 Senegal has pursued a structural adjustment program, supported by the International Monetary Fund, the World Bank, and major bilateral donors, and intended to reduce the role of government, encourage the private sector, and stimulate economic growth. The economy remains fragile.

For fear of breaking the May 1991 ceasefire agreement, the Government made no attempt to stop the lawlessness reportedly caused by MFDC elements and bandits in the Casamance during the first half of 1992. The MFDC and marauding bandits reportedly were responsible for torture, beatings, and extrajudicial killing of villagers in the Casamance. In many instances, it was impossible to determine whether factions of the MFDC or bandits committed acts of violence. In some cases, bandits claimed they were acting on behalf of the MFDC. When gendarme and army elements finally were redeployed in August, they were unable to stop rebel attacks on civilians. The army and gendarmerie killed civilians through indiscriminate shelling and burning of villages thought to harbor MFDC rebels. Other human rights problems include certain restrictions on freedom of the press and domestic violence against women.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. *Political and other Extrajudicial Killing.*—See Section 1.g. for details on killings connected with separatist-related violence in the Casamance. At least five people were killed in interparty violence between different factions of the ruling Socialist Party. To date, no charges have been brought in the December 1991 killing of two Socialist Party figures in the Casamance in what appeared to be assassinations.

b. *Disappearance.*—There were no reports of politically motivated disappearances. However, one independent newspaper on September 18 carried an account of the aftermath of the battle between the army and MFDC rebels at Kaguite which said that two men, Ibou Sagna (age 50) and Famara Bodian (age 24), disappeared after being detained by the army. There has been no further information on this incident.

The press also reported that Djamil Sane, a local religious leader was kidnaped by rebels on December 23 and has not been heard from since.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—The authorities generally respect the legal prohibition on physical abuse, but detainees reportedly are sometimes subjected to mistreatment, often during the "garde a vue" (detention) period between arrest and appearance before a magistrate. This abuse often consists of beatings and denial of food, water, and clothing to prisoners. Senegalese army forces in the Casamance abducted a Gambian gendarme, brought him into Senegal, and beat him. This was in retaliation for a similar action by Gambians in the Casamance area. The Senegalese army headquarters admitted that the action took place and that it was sanctioned by the southern zone commander. No disciplinary action was taken.

There were at least 14 credible reports of torture by factions of the MFDC. These usually consisted of beatings with sticks, gun butts, and bicycle chains and resulted in several deaths. Some of the MFDC violence was aimed at those carrying out electoral activities. In one incident, members of a faction of the MFDC rebel group allegedly cut off an ear of the president of a rural community. Torture was a regular feature of village raids conducted by rebels to obtain supplies, recruits, women, and allegiance for their cause. In the first half of the year, women reportedly were frequently raped in MFDC attacks on villages. According to government officials, it was the widespread rebel practice of rape that led villagers to retaliate violently against factions of the MFDC in May and June 1992 (see Section 1.g.).

Some violence in the Casamance was attributable to interethnic conflicts designed to frighten non-Diola ethnic groups out of the region. On one occasion in August which received wide publicity, three members of a minority ethnic group had both hands cut off, allegedly by the MFDC, and one man died when nails were driven into his head. In the northern Casamance, interethnic torture was usually undertaken to frighten people off arable land and resulted in hundreds of refugees fleeing to The Gambia.

d. *Arbitrary Arrest, Detention, or Exile.*—The Constitution prohibits arbitrary arrest and detention, and in practice, this generally is respected. Warrants, issued by judges, are required for arrests. A person suspected of a crime may legally be held without charge for 48 hours after arrest and may be held up to 72 hours if ordered by a public prosecutor; this period may be doubled legally in the case of crimes against the security of the State.

During temporary detention, the prisoner has no access to family or attorney; but after a charge is lodged, both family and attorney may visit. Extended "temporary" detention or custody is permitted when civil authorities determine that there is a threat of civil unrest or that a person is a threat to himself or others. Courts may review decisions of extended detention or custody. Temporary custody is valid for a maximum period of 6 months, but it may be renewed for additional 6-month periods if the investigating magistrate certifies that more time is required to complete the investigation. There is no limit to the number of times temporary detention can be extended. Arrest and detention laws generally are respected by enforcement officials in ordinary cases.

Exile is not used as a means of political control.

e. *Denial of Fair Public Trial.*—Senegal has an active and well-trained judiciary, which is constitutionally independent of the executive, the legislature, and the armed forces. Court officials are lawyers who have completed several years of required apprenticeship. Defendants are presumed innocent until proven guilty. Trials are public, and defendants have the right to a defense attorney from the time the case is presented before an examining magistrate. Despite a provision for defendants to have a lawyer at public expense, lack of government funds causes defendants without means to go to court unrepresented. Defendants have the right to be present in court, to confront witnesses, and to present evidence.

Ordinary courts are presided over by a panel of judges which in criminal cases includes citizen members. Magistrates are appointed by decree and in principle are not subject to government or political intervention; however, low pay, poor working conditions, and family and political ties make magistrates vulnerable to outside pressures. In May 1992, the National Assembly, in accordance with Senegal's new election code, abolished the Supreme Court and replaced it with three separate courts: the Council of State for Administrative Questions, a Constitutional Council for matters relating to the Constitution, and a Court of Appeals. The judicial reforms also eliminated the State Security Court, which had jurisdiction over politically motivated crimes, including those of Casamance separatists.

There are three other categories of special courts: the High Court of Justice, the Court for the Repression of the Unlawful Accumulation of Wealth, and the military court system. The High Court of Justice, created for the sole purpose of trying senior government officials for treason or malfeasance, has never met. The "illegal enrichment" Court, which has judged only three cases since it was created in 1981, is not currently active. The military court system has jurisdiction over offenses committed by members of the armed forces during peace time. Civilians may not be tried by military courts. The right of appeal exists in all courts except military courts and that concerned with "illegal enrichment." There were no political prisoners at the end of 1992.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence.*—The Constitution prohibits arbitrary invasion of the home, and there is relatively little government interference in the private lives of Senegalese citizens, particularly in rural areas. Search warrants normally are required and may be issued only by judges and in accordance with procedures established by law. In practice, however, searches without warrants occasionally take place.

g. *Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts.*—In October and November, the army and gendarmerie shelled several southern Casamance villages suspected of harboring MFDC rebels. Several credible reports said that children and civilian adults were killed and injured in these attacks. A school near Oussouye in the Southeast was destroyed by the shelling. Other reports said that the army killed civilians in its assault on Kaguite on September 1.

There were several reports in 1992 of extrajudicial killings by factions of the MFDC of villagers who refused to provide food and supplies. Although it was difficult to verify the reports, MFDC rebels allegedly killed 68 civilians in 1992. Attacks on the Casamance villages of Tambacounda, Counbanaou, Tankoro, Kaur, Cap Skirring and Pointe Saint George were almost certainly carried out by the MFDC. In May, Casamance villagers began retaliating against the attacks, and in incidents at Kabadio, Kangoudi, Tankoro, and Kaur, at least 42 rebels or bandits were killed. No one has been charged in any of the above killings. The biggest attack came on October 26, when men presumed to belong to one faction of the MFDC attacked and burned the fishing village of Cap Skirring, killing 31 people singled out as not being from the Diola ethnic group. Most MFDC supporters are Diola, the major ethnic group in the Casamance. In a similar attack on November 11 on the village of Pointe Saint George, presumed MFDC rebels killed eight people identified as not being Diola.

Section 2. Respect for Civil Liberties, Including

a. *Freedom of Speech and Press.*—Freedom of speech and press are protected in the Constitution, although journalists' activities are circumscribed by legal restrictions against expressing views which discredit the State, incite the population to disorders, or disseminate "false news." While Senegal's only daily newspaper is controlled by the ruling Socialist Party, its coverage of the activities of opposition parties expanded considerably in 1991 and has developed into almost daily news coverage in 1992. A broad spectrum of thought and opinion from conservatism to Marxism is widely available through regularly published magazines and weekly newspapers. The wide variety of political views expressed in the independent press is often critical of the Government and its programs; government officials, politicians, and the political parties participating in the Government are not immune. Publishers are required to register with the Central Court prior to starting publication, but such registrations are routinely approved. Publications, including foreign publications critical of the Government, are rarely censored or banned in Senegal.

More equitable access to the electronic media emerged as a principal opposition demand during and after the 1988 elections. In April 1991, a National Advisory Commission for Broadcasting was established to oversee radio and television coverage of political party activities. At the same time, two opposition political parties formally joined the Government. Since then, news coverage of political parties both within and outside of the "enlarged" Government has continued to expand; however, the only direct access given in the electronic media to political parties has been brief periods divided among all parties once a week in off-peak hours. Liberalization of the state-controlled broadcast media included changes in the statutes governing television, altering television's status as a government entity and providing somewhat greater managerial independence. Direct competition with the government-controlled Senegalese broadcast media continues to grow. Both Radio France International and Africa Number One started retransmitting their shortwave broadcasts on FM frequencies in Dakar in 1992.

While the independent press reports fully on events in Casamance, there is a de facto blackout of such news in the Government press.

Schools and universities enjoy academic freedom.

b. *Freedom of Peaceful Assembly and Association.*—In general Senegalese freely exercise their constitutional rights of assembly and association, although demonstrations or protest meetings against government policies are monitored closely by security services. Prior authorization for public demonstrations is required. There were three attempted political demonstrations in 1992, and all were denied permission to be held: the And-Jef Party wanted to demonstrate against creating a vice presidential position and against changes in the Supreme Court, and a group of opposition parties wanted to demonstrate in solidarity with striking students.

Senegalese wishing to form associations must register with the Ministry of Interior (except for business-related associations, which are registered with the Ministry of Commerce). By law and in practice, the Interior Ministry is obliged to register such groups, so long as the objectives of association are clearly stated and are not in violation of the law.

c. *Freedom of Religion.*—Constitutionally, Senegal is a secular state, and freedom of religion is a legal right which exists in practice. Islam is the religion of 94 percent of the population, but the Government has made no attempt to introduce Shari'a law. Other religions are practiced freely; Catholicism attracts the second largest number of worshipers. Missionary activity is permitted, and foreign Protestant missionaries are active in several regions of the country. Conversion is permitted, and there is no discrimination against minority religions. In theory, adherence to a particular religion confers no official advantage or disadvantage in civil, political, economic, military, or other sectors. However, some believe that, in practice, membership in an Islamic sect affords certain political and economic privileges. Both Islamic and Christian organizations publish periodicals. Koranic and Catholic schools exist alongside the public school system, and the Mouride brotherhood, an Islamic sect, is constructing an Islamic university in its headquarters city of Touba.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—The Constitution provides all citizens the right to travel and establish themselves freely anywhere in Senegal, a right respected in practice. Exit visas are not required for travel outside the country. There is no restriction on emigration, and repatriates are not disadvantaged on their return to Senegal. A Senegalese citizen by birth may not have his citizenship annulled for any reason. A naturalized citizen may have his citizenship revoked if it is proved in a count of law that he obtained his citizenship fraudulently or if he has been convicted of a crime and has been a citizen less than 15 years.

In 1989 ethnic violence between Senegal and Mauritania resulted in a flood of refugees entering Senegal. In November the United Nations High Commissioner for Refugees (UNHCR) recorded 54,230 registered refugees in 275 Senegalese sites along the river border with Mauritania. The refugees have freedom of movement and are not subject to forced repatriation. Diplomatic relations between Senegal and Mauritania were renewed in April, and several border crossings between the two countries were established. Monetary problems and identification requirements prevented many Mauritanian refugees from returning. The Government of Senegal and Mauritania are continuing quiet discussions on indemnification. The two countries still have not discussed the return of the refugees to Mauritania. The Mauritanian Government reportedly refuses to recognize the previously documented citizenship of those refugees who belong primarily to the Peulh ethnic group.

Because of violence and instability in the Casamance, approximately 12,000 Senegalese refugees were in Guinea-Bissau and 3,000 in The Gambia at the end of 1992. Also, several thousand villagers have been displaced because of MFDC rebel activity and interethnic violence.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Senegalese have the constitutional right to change their government through periodic multiparty elections. However, the domination of Senegalese political life by the Socialist Party, which has held power since independence, has called into question the extent to which citizens have been able to exercise that right. President Abdou Diouf was declared reelected in 1988 with 73 percent of the votes in an election which many people in Senegal still believe was fraudulent.

With the 1991 revision of the Electoral Code the voting age was reduced to 18 years, and the secret ballot, which had previously been optional, was made mandatory. Presidential elections, which had been held every 5 years, will take place every 7 years, following the scheduled February 1993 elections. There are 20 political parties in Senegal, and 7 declared candidates for the presidency. The Government is committed to reform of the political process, but some elements of the ruling Socialist Party have been less enthusiastic.

Opposition parties and others criticized the Government's implementation of the 1991 electoral code. Issuance of national identity cards, which are required in order to register to vote, was slow, and many people did not receive their cards. The Government cited financial and human resources shortages to explain the difficulties. Critics accused the Government of manipulating the process in an attempt to give the cards only to government supporters.

Tensions within the Socialist Party have led to interparty violence (see Section 1.a.). The security situation in the Casamance is a cause for concern in planning the February 1993 elections; one faction of the rebel MFDC, which clings to the idea of independence for the region, opposes elections and has resorted to violence against those attempting to take part in the registration process.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are at least eight Senegalese human rights associations, including the Association of African Jurists and the Association of Young Senegalese Lawyers. All are free to criticize the Government publicly, although none has done so directly. None of these organizations is extremely active.

The Government allows human rights groups, such as Amnesty International, to investigate allegations concerning human rights abuses in Senegal and responds to requests for information about those allegations. The International Committee of the Red Cross maintains an office in Dakar. Senegal actively promotes international standards for human rights practices; it sponsored the Organization of African Unity's (OAU) Chapter on Human and People's Rights and was a founder of the OAU's African Human Rights Commission in 1987.

Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status

The Constitution states that "men and women shall be equal in law." Officially there is no discrimination in Senegal based on race, religion, or language. The dominant religion in Senegal is Islam, and Islamic customs including polygamy and Islamic rules of inheritance, are practiced, especially in the rural areas. Despite government encouragement and increased educational opportunities, females still get less than one-third of the schooling received by males. Modifications of the Family Code adopted by the National Assembly in 1988 reinforced women's rights to divorce, alimony, child support, and employment. However, Islamic and Senegalese customs persist, and women are still confined largely to traditional rules, notably engaging in subsistence farming. Traditional inheritance and land tenure practices make it difficult for women to own land and to acquire sufficient collateral to obtain bank credit. Women usually marry young (the majority by age 16 in rural areas), average about seven live births, and die relatively young. About 67 percent of women between the ages of 40 and 45 live in polygamous unions.

Violence against women, usually wife beating, is not uncommon, particularly in rural areas; however, there are no accurate statistics. Police do not normally intervene in domestic disputes, and women are reluctant to go outside the family for redress. Persons convicted of rape may be sentenced for up to 10 years in prison, and more if the victim is a minor.

In mid-1992, there were numerous reports of women being kidnapped and raped in the Casamance in connection with MFDC or bandit-related violence. Female genital mutilation (circumcision) is not practiced by Senegal's largest ethnic group, the Wolofs, but it is performed on girls belonging to other ethnic groups. According to an independent expert in the field, the percentage of Senegalese women who have undergone this procedure may be as high as 50 percent. Genital mutilation generally occurs at the age of 9. Infibulation, the most extreme and dangerous form of genital mutilation, is practiced only by the Toucouleur and Peulh ethnic groups. Perhaps 6 percent of Senegalese women have undergone this procedure. There are no laws or regulations prohibiting female genital mutilation. However, in 1990 President Diouf established a new ministerial-level office responsible for the welfare of women and children. The incumbent, one of three women ministers, has promoted programs to educate village women to the dangers of genital mutilation.

Section 6. Worker Rights

a. *The Right of Association.*—The rights of workers in the formal sector are protected by a rigorous Labor Code. All workers have the right of association and are free to form or join unions. A minimum of seven persons, each having worked within the profession for at least 1 year, may form a trade union by submitting a list of members and a charter to the Ministry of Interior. A union can be disbanded by the Ministry if the union's activities deviate from the charter. Although unions sometimes fail to obtain initial recognition, once received, recognition is virtually never withdrawn. Even though they represent a small percentage of the working population, unions wield significant political influence because of their ability to disrupt vital sectors of the economy. The industrial component of the total work force of 3.9 million is almost totally unionized; more than 70 percent of the labor force is engaged in agriculture. There are no unions in the agrarian sector except for the CSS sugar monopoly; CSS is the only plantation in Senegal, and it offers its employees about the same standard of living as those in industry.

The National Confederation of Senegalese Workers (CNTS), the largest union organization, has close ties to the ruling Socialist Party (PS) and has a considerable number of government positions. While ostensibly an independent organization, the umbrella CNTS has supported government policies. The CNTS Secretary-General is a National Assembly Vice President, a member of the PS Politburo, and one of President Diouf's key advisers. The rival to CNTS is the National Union of Autonomous Syndicates of Senegal (UNSAS). UNSAS is a growing federation of strategically important unions, such as those of electricians, telephone and telegraph workers, teachers, hospital and railroad workers, and sugar producers. UNSAS has no political orientation, and its increasing membership is challenging CNTS. There also are two smaller organizations: the Democratic Union of Senegalese Workers, which is composed mostly of manual laborers in the private sector, and the Coordination of Autonomous Trade Unions composed of teachers, urban transit workers, and two smaller organizations.

The right to strike is provided in the Constitution. In 1992 a strike by bus drivers was quickly broken when the army replaced the drivers. UNSAS-affiliated hospital employees were on strike 3 days a week from August to October, leaving rural and urban hospitals with limited services. In solidarity with the hospital workers, the UNSAS electricity workers union went on strike for 3 days in October, leaving Dakar and most of the country without power and water. The Government said the electrical workers sabotaged the generators, but the union denied it. UNSAS threatened a general strike, but called it off when the Government agreed to negotiate with them.

The CNTS is active in regional and international labor organizations and is the dominant Senegalese member of the Organization of African Trade Union Unity. UNSAS is not affiliated with any regional or international labor organization.

b. *The Right to Organize and Bargain Collectively.*—Senegalese unions have the right by law to organize and to bargain collectively, and these rights are protected in practice. There are also legal prohibitions governing discrimination by employers against union members and organizers. During 1992, there were no known instances of workers being forcibly discouraged from exercising the right to organize and bargain collectively. The Ministry of Labor will intervene in disputes between labor and management when requested, and it plays a mediation and arbitration role in the private and state-enterprise sectors.

Senegalese labor laws apply in principle to all industrial firms, including those in the export free zone in Dakar. However, firms operating in the free zone and those eligible for benefits under the Investment Code enjoy certain exceptions to the 1989 Labor Code. These firms do not need prior government authorization to dismiss employees, which all other businesses in the formal sector do, and may hire workers on the basis of temporary contracts for a period of up to 5 years.

c. *Prohibition of Forced or Compulsory Labor.*—There were no reports of forced labor in Senegal, and it is prohibited by law.

d. *Minimum Age for Employment of Children.*—The minimum age for employment is 16 years for apprenticeships and 18 for all other types of work. Inspectors from the Ministry of Labor closely monitor and enforce these restrictions within the formal wage sector, which includes state-owned corporations, large private enterprises, and cooperatives. On the other hand, children under 16 are frequently employed in the much larger traditional or informal sector, and minimum age and other work-place regulations are not seriously enforced on family farms in rural areas and in small, privately owned businesses.

e. *Acceptable Conditions of Work.*—Legislation mandating a mostly minimum wage has been in force since independence in 1960. The actual rate is determined by the Ministers of Labor and Finance after negotiating with the union and management councils. Recent CNTS efforts have concentrated on raising the minimum wage for unskilled laborers, which, according to the unions, is not sufficient to maintain a decent standard of living. Workers must frequently supplement incomes through second jobs and reliance on the extended family.

Within the formal economic sector, Senegalese law mandates: a standard work-week of 40 to 48 hours for most professions; 1 month per year of annual leave; and a variety of health benefits and safety standards. These regulations are incorporated into the 1989 Labor Code approved by the National Assembly and are supervised by inspectors from the Ministry of Labor. Enforcement, however, appears to be uneven, especially outside the formal wage sector. In March Senegal suffered its worst industrial accident eve when a tank truck of liquid ammonia exploded at Dakar's SONACOS peanut oil factory, killing over 100 and injuring hundreds more. Newspapers and the CNTS reported that the tank had been overfilled by an untrained person. The disaster initially prompted outcries for the enforcement of safety regulations already on the books and the enactment of others, but since then little has happened.

The Labor Code does not apply to the informal and agricultural sectors. There are no explicit legal protections for workers who file complaints about unsafe conditions. There was an initial move to tighten enforcement of regulations on working conditions following the SONACOS explosion, but it has lost momentum. While there are regulations on the books concerning workplace safety, they are often not enforced.

UGANDA

President Yoweri Museveni and his National Resistance Movement (NRM) took power in January 1986 after a 5-year guerrilla struggle against the regimes of Milton Obote and Tito Okello. Museveni replaced parliamentary structures with an unelected interim government headed by the National Resistance Council (NRC). Competitive nonparty elections in 1989 expanded the NRC and brought in representatives from all parts of the country. Later that year the transition to civilian government promised for 1990 was postponed 5 years on the grounds that the time was needed for consultations on a new constitution. The Constitutional Commission had not released the draft constitution by the end of 1992. A Constituent Assembly is to be elected in 1993 to debate and adopt the constitution, leading to general elections in 1994. During the spring and summer of 1992, increasing activity by the Democratic Party (DP) and the Uganda Peoples Congress (UPC) led the NRC to consider legislation specifying limits on party activities. President Museveni continues to dominate the Government, exercising authority through the NRC, an appointed Cabinet, and the National Resistance Army.

The National Resistance Army (NRA) is the key security apparatus in Uganda and remains a significant political force. The army was expanded tenfold between 1986 and 1991, eroding discipline within the ranks. It was again responsible for many human rights violations, though these diminished in 1992. Human rights observers have been critical of Museveni for his unwillingness to hold the NRA accountable for human rights violations. In the spring, plans to demobilize up to 50,000 troops were announced, and the first contingent was discharged during the fall. The army, along with home guards and local defense units, performs police functions in rural areas. The professionalism of the Ugandan police grew in 1992, but much of the force remains corrupt, ill-trained, and poorly equipped. The Internal Security Organization (ISO) is responsible for intelligence and security. It was not implicated in human rights violations in 1992. Total military expenditures for 1989, the last year for which the U.S. Arms Control and Disarmament Agency conducted a detailed analysis, were roughly estimated to be $61.5 million. The Government has been substantially reducing its military spending.

Uganda's economic growth rate slowed to about 4 percent in 1992, as the price of coffee (its principal export) remained depressed and government spending was cut severely to check inflation which rose to an annualized rate of over 50 percent during the spring. Foreign aid contributed 60 percent of government spending in 1992. In accordance with reforms supported by the International Monetary Fund, the civil service began a retrenchment which cut the government payroll by some 8,000 out of an eventual reduction of 60,000. Despite programs aimed at alleviating rural poverty, little progress has been made.

Overall, the human rights situation in Uganda improved over previous years with progress towards ratifying a new constitution, with reduced insurgencies in northern and northeastern Uganda, and with the beginning of reductions in the size of the NRA. Although not on the scale of 1991, the army and the rebels continued to commit human rights abuses, including abduction, killing, and rape of civilians. The Government continued to control the pace of political change. During the year, the Government undertook a major reduction in the number of political and other detainees and prisoners.

About 80 prisoners were thought to be awaiting trial in civilian courts for treason at the end of 1992; this was a sharp decrease from the previous year. Approximately 50 soldiers were awaiting court-martial on treason charges. The NRA turned over most of its prisoners to civil authorities for prosecution, but about 600 "military" prisoners continued to be held by the army at the end of the year, and the army continued to arrest and detain civilians, who were denied legal protections and were subject to abuse.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. *Political and Other Extrajudicial Killing.*—There is no evidence that the Ugandan Government sanctioned political killings in 1992. However, there were credible reports that the NRA was again responsible for extrajudicial killings. According to the Government, in past years some soldiers have been arrested, and even executed for such killings. As military trials are not open to public scrutiny, it is impossible to evaluate Government claims that incidents of extrajudicial executions are properly investigated or that those responsible have been held accountable (see Section 1.g.).

b. *Disappearance.*—No government-sponsored disappearances are known to have occurred.

c. *Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.*—In recent years, most instances of torture have occurred during detention by the NRA. During 1992 the NRA often beat suspected rebels when apprehending them but seldom maimed or disabled them as it had sometimes done in previous years. In at least one case, however, a person arrested by the NRA died as a result of torture. In isolated cases, the army practiced "Kandoya" immobilizing prisoners by suspending them by their wrists and ankles behind their back. Beatings are also administered at police stations.

Conditions of detention are harsh. Uganda's prisons reportedly have one of the highest mortality rates in the world, the result of diseases spread by unsanitary conditions, malnutrition, and AIDS. Overpopulation was reduced in some prisons. Luzira prison, Uganda's largest, with an intended capacity of 600, held about 1,500 at the end of 1992, down from more than 2,000 at the beginning of the year. The population of Jinja prison fell from 1,000 to only 200 during the same period, due to President Museveni's pardon of over 1,500 prisoners nationwide. However, unhygienic conditions and shortages of water have led to epidemics of dysentery. Water supplies to the prison in Jinja were restored in September after being cut off for failure to pay utility bills. Food shortages were exacerbated by drought in 1992, particularly in the east. In Soroti, the International Committee of the Red Cross (ICRC) intervened to forestall the threat of starvation, and prisoners' families were permitted to deliver food to prisons. Some supplies intended for detainees were diverted for sale. Prisoners do not have access to proper medical care, partially because there is a lack of transport and facilities.

The ICRC visited 60 to 80 prisons, police stations, military barracks and NRA detachments throughout Uganda during 1992. Visits to every military barracks and most detachments in the country were planned during the year, but some visits were held up by administrative difficulties within the NRA. In general, ICRC access to civilian and military places of detention is excellent.

The Inspector General of Government (IGG) visited Luzira prison and most barracks and police stations in and near Kampala and found no evidence of torture. Overcrowding and poor diet were the chief problems identified by the IGG. Planned visits to other police stations, prisons, and barracks were not carried out for lack of logistical support. The visits appeared to be a genuine effort to ensure proper treatment of prisoners, but their value was compromised by the fact that they were arranged with police and military authorities at least a day in advance.

In previous years, the African National Congress (ANC) maintained detention camps in various countries with the permission of host governments. At these camps, ANC security personnel tortured, mistreated, and in some cases extrajudicially executed ANC defectors, detainees, and alleged South African Government spies. A 1992 report issued by the ANC Commission of Inquiry includes a discussion of Bukoloto, Uganda. The report mentions abuses which occurred in previous years at this camp, including "acts of gratuitous and random violence perpetrated on the detainees by the camp guards" and "a savage assault inflicted by the guards on Brandon X Khotso," which left him partially crippled. The ANC maintains that all detention camps outside South Africa have been closed. Thus far, there have been no independent inspections of ANC camps. There is no evidence that those responsible for these abuses have been held accountable. The training of ANC combatants reportedly continued in Uganda at year's end.

d. *Arbitrary Arrest, Detention, or Exile.*—Under Ugandan law a suspect must be charged within 24 hours of arrest and be brought to trial or released on bail within 240 days (480 days for a capital offense). Neither requirement was enforced in 1992. In August Chief Justice Wako Wambuzi directed magistrate judges to advise prisoners of their right to apply for bail after they had been held for the stipulated remand period and to favorably consider their applications. The Uganda Law Society operated legal aid clinics in Kampala, Jinja, and Masaka for members of the public who cannot afford to pay for legal services, assisting over 100 people in 1992.

The Government has a variety of legal means of detaining indefinitely suspected opponents. The Public Order and Security Act of 1967 (the "detention order") permits unlimited detention without charge, but the Act has not been invoked by the NRM. However, the Government continued to use treason, broadly interpreted, as a holding charge while investigations were undertaken. The charge of treason allows the Government to detain a suspect for 480 days before bringing him to trial or considering an application for bail.

In the early months of 1992, the NRA continued to arrest suspected rebels in northern and eastern Uganda, most of them in January in the eastern districts of Soroti, Kumi, and Mbale. Although most were turned over to civil authorities within 10 days of their capture, the NRA continued to use incommunicado detention in some cases. Reports of people being taken into custody by the army in Gulu and Kitgum districts during army operations in March could not be confirmed.

About 2,700 persons had been arrested by the army over the previous 5 years as suspected rebels, rebel sympathizers, and "deserters." During 1992 the army took 200 additional prisoners (far fewer than in previous years) and released 2,600. Acting on the recommendations of a special investigations branch set up by the army to expedite the large backlog of cases, President Museveni pardoned more than 1,500 prisoners in August, including 1,000 soldiers who were sentenced to prison en masse as "deserters" in 1991. About 1,100 other prisoners arrested by the army were released gradually throughout the year. At the end of 1992, about 300 prisoners arrested by the army for security reasons remained in civil or military detention. During 1992 the total number of prisoners held by the Government declined from approximately 12,500 to 10,000.

With the releases in August, the Ministry of Justice reported that the last of the "lodgers"—suspected rebels apprehended by the army and held without charge—were released. Credible reports, however, indicated that half a dozen prisoners who fit into that category were still being held at Luzira prison.

Among the persons held by the Government are a number of political detainees and prisoners, most of them on a charge of treason. In January the Government dropped charges against 14 of 18 northern politicians who had been arrested and charged with treason in 1991. Two Democratic Party officials were arrested and charged with treason in January. In addition, 16 members of the Uganda Peoples Congress party were detained for a few hours on January 21 but were released without charge. The six politicians who were still being held on treason charges at the end of January were acquitted or released for lack of evidence during the first half of 1992. Another politician (Moses

Ali) was tried for treason in a separate case and acquitted. In other treason cases, charges against 20 elderly Buganda monarchists, known as the "Kirimuttu," were dropped in July, and 59 suspected rebels charged with treason in October 1991 were released in September after the charges were withdrawn for lack of evidence. (Four others died of apparently natural causes while on remand in Gulu prison.) Three more were released in late October. At year's end, about 130 Ugandans arrested between 1986 and 1992 were believed to be awaiting trial or court-martial for treason; this was a sharp decrease from the beginning of the year. One human rights organization estimated the number at 125.

In 1992 a number of journalists and party activists were detained on various charges (see Sections 2.a. and 2.b.).

Exile is not used as a means of political control. A presidential amnesty for former rebels is an effort and applies to opponents in exile. Those who return, however, may be prosecuted for criminal acts they are alleged to have committed. At least two self-exiled political dissidents returned to Uganda in 1992 and were not prosecuted.

e. *Denial of Fair Public Trial*.—The Ugandan court system consists of magistrates courts, the High Court, and the Supreme Court. The judicial system contains procedural safeguards modeled after British law, including the granting of bail and appeals to higher courts. The right to a fair trial in Uganda has been circumscribed in recent years by: the reluctance of military authorities to respect civilian court orders; the use of military field tribunals in remote areas; an inadequate system of judicial administration; and the apparent lack of official commitment to ensuring an independent judicial system. Additionally, a serious backlog of cases denies most defendants a speedy trial. About half of those imprisoned in Uganda have not been brought to trial. Accused persons, once brought to trial, are normally accorded a fair public hearing.

The judiciary is generally independent; the Government usually complies with court decisions. However, in May the Uganda Law Society issued a memorandum complaining of executive interference in the judiciary, citing the case of a magistrate who was suspended in February after defying a directive from the Attorney General/Minister of Justice to consider certain applications for bail.

The President has significant influence over judges, including appointment of the four members of the Judicial Service Commission, which makes recommendations on High Court and Supreme Court appointments. The Commission must concur in the dismissal of a magistrate. A judge may be removed only after a tribunal comprised of three other judges finds that he is "unable to perform the functions of his office." No judges were removed in 1992, but in September the Commission advised that an acting judge, whose appointment to the High Court it had recommended a year earlier, should be suspended.

Village Resistance Councils (RC's) have the authority to settle civil disputes, including disputes over land ownership and payment of debts. Occasionally the RC courts have exceeded their authority and heard criminal cases, including murder and rape cases. The RC decisions may be appealed in magistrates courts, and in 1992 trained magistrates were assigned to the RC courts. In September Attorney General Abubaker Mayanja advised RC officials that at least five panelists should be present throughout the proceedings in a case before an RC court.

Suspected thieves and other offenders caught committing a crime are often subject to mob justice. Some individuals were prosecuted in 1992 for administering mob justice.

Military tribunals hear charges against soldiers; any soldier accused of a capital offense is supposed to be assigned counsel. An NRA legal aid program was established in 1991 to defend soldiers in civil and criminal cases, but figures on the number of beneficiaries were not available. Military punishment is strict, and in previous years NRA soldiers have been executed after being convicted by military tribunals in summary trials which failed to meet international standards. No executions are known to have occurred in 1992, although some soldiers were sentenced to death for murder (including a senior officer and 11 soldiers who killed 7 civilians in Kitgum whom they suspected to be "rebel sympathizers"). Those found guilty of lesser offenses serve time in civilian prisons. The NRA code of conduct provides for field tribunals to dispense summary justice in remote areas; however, no field tribunals were held in 1992.

A 1989 law permitting the establishment of special magistrates courts in areas of insurgency has never been implemented. Commissions charged with reforming and updating the laws have not functioned for years.

f. *Arbitrary Interference with Privacy, Family, Home, or Correspondence*.—Outside of insurgency areas, the Government does not generally intrude into the privacy, family, or home of citizens, and there is no indication that the Government interfered with private correspondence in 1992. Search warrants are required before police may enter private homes or offices. This requirement was violated in a few instances in 1992.

g. *Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts*.—Counterinsurgency operations by the NRA diminished greatly during the second half of 1991; consequently, the number of abuses in 1992 was much lower than in previous years. Moreover, President Museveni went to the north to oversee the military effort, in part to help prevent a repetition of the massive human rights violations committed by the NRA during operations the previous year. There were instances of rape by NRA soldiers, although many fewer than in 1991 (see Section 5). In a cordon-and-search operation in Soroti during the winter and spring, the NRA detained about 200 suspected rebels and killed about 70. in some areas, Local Defense Units (LDU's) were responsible for abuses against civilians, beating suspects and stealing food. In Gulu, Kitgum, Kumi, and Soroti districts, LDU's were reorganized in 1992 and put under the authority of resistance councils and local chiefs.

There were reports of abductions and killings of civilians by remnants of the United Democratic Christian Army (UDCA) in northern Uganda, the Uganda People's Army (UPA) in the northeast, and the National Army for the Liberation of Uganda (NALU) in the western Ruwenzori Mountain area. Most rebel ambushes in the first half of 1992 reportedly occurred in Gulu and Kitgum districts, and the NRA undertook small-scale operations in those areas in March. NALU was responsible for the few attacks reported in the summer and fall.

The Uganda Government, has been accused of supporting the rebel Rwandan Patriotic Front (RPF) in fighting against the Rwandan armed forces from base areas in Uganda. Many of the rebels are former NRA members. The ongoing conflict following rebel attacks has resulted in civilian casualties and has disrupted the democratization of Rwanda. This conflict continued to affect Uganda's southwestern border area. Prior to a cease-fire in July, Ugandan civilians suffered from shelling near the border, and thousands remained displaced by the conflict. At the end of the year, Uganda was playing a constructive role as an observer at peace talks between the Rwandan Government and the RPF.

Section 2. Respect for Civil Liberties, Including

a. *Freedom of Speech and Press*.—Freedom of speech is restricted by the Government's limitations on political party activities and by periodic arrest of journalists and others on spurious charges. Nevertheless, despite de facto and proposed de jure restrictions on party rallies, mobilization, and other public activities, open debate occurs in the NRC, in the press, and in many public forums. Public figures criticize government policies, corruption, and human rights abuses.

Over a dozen newspapers publish a wide range of viewpoints covering the political spectrum. Despite the restrictions on partisan activity, several parties publish newspapers to promote their views. The Democratic Party (DP) publication, The Citizen, is often critical of government policy, as is the pro-DP magazine Exposure. In September the Uganda Peoples Congress-affiliated weekly paper People resumed publication. The Government owns New Vision, which has accurately reported on corruption in government and human rights abuses by the NRA.

Although the press enjoys considerable freedom, the Government has arrested some journalists on sedition, defamation, and other charges. Lt. Matthew Akuta-Too, arrested in 1991 for violating the NRA code of conduct by revealing "military secrets" in a New Vision article, was held by the army without charge throughout much of 1992. He was detained in Makindye barracks although he was seriously ill. Akuta died in Mulago Hospital of apparently natural causes in November. Three other journalists arrested in 1991 remained out on bail awaiting trial. John Baptist Kyeyune, editor of The Citizen was arrested for sedition after criticizing an NRA plan to disburse cash to soldiers in lieu of food rations. Saul Katabarwa, editor of the weekly Guide, faced defamation charges for statements printed about the Minister of Justice. Captain Roland Kakooza, publisher of Economy, and Mulenger, an employee of the NRM secretariat, were awaiting trial for sedition. In September the High Court awarded approximately $2,000 to Attorney General, Minister of Justice, and Third Deputy Prime Minister Abubaker Mayanja in settlement of a defamation suit against Teddy Seezi Cheeye, editor of Uganda Confidential. Cheeye faced additional charges of defamation for stories published in the Confidential.

Uganda Television (UTV) and Radio Uganda are controlled by the Government. They disseminate NRM views but also broadcast discussions of public policy that reflect a variety of opinion. Political party spokespersons have appeared on UTV and Radio Uganda, usually to face critical interviewers.

Unlike the regimes that preceded it, the NRM has not instituted formal censorship. However, the legal provisions for doing so remain. Some journalists say that they exercise self-censorship to avoid trouble. A "journalism bill" proposed in 1991 called for the creation of a media council to monitor and discipline journalists. The bill was strongly criticized by members of the press and has not been tabled before the NRC.

b. *Freedom of Peaceful Assembly and Association*.—Permits for public gatherings must be obtained from police authorities, who have the right to deny the permit in the interest of public safety. Although political parties are not banned, political activity is restricted, and political rallies are not allowed. At midyear the Government proposed legislation that would have imposed specific limits on party activities, but the legislation was never brought before the NRC. Two Democratic Party officials were arrested in January and charged with treason; one was released for lack of evidence on April 28, and the other was acquitted on May 29. Sixteen members of the Uganda Peoples Congress party were detained for a few hours on January 21 and then released without charge. All associations in Uganda must register with the Government. Professional associations operate without hindrance, as do international service associations.

c. *Freedom of Religion.*—There is no state religion in Uganda. Christianity, Islam, Hinduism, and African traditional religions are freely practiced. Conversion between religions is not obstructed. Foreign missionaries and other religious figures are generally welcome in Uganda. There is no government control of religious publications, even those with an antigovernment bias. Religious leaders frequently speak out publicly on topics relating to their followers' welfare, addressing in particular human rights, security, and political issues.

While it has not been uniformly enforced, the Government requires religious groups to register as nongovernmental organizations (NGO). The Church of Uganda and the Catholic Church have been active for over a century, although it was discovered in August that neither is registered as a NGO. The Churches may be required to register, but their activities are not likely to be curtailed.

The International Bible Students Association (Jehovah's Witnesses) was registered as a NGO in June, allowing it to carry out evangelical work in Uganda. The registration was granted on the condition that the Witnesses "participate in national politics, army, police, and prisons (sic)." The Witnesses were denied registration in 1991 for failing to agree to similar conditions; in 1992 they were registered without being consulted about the conditions.

In July, 10 Muslim youths of the Tabliq sect were acquitted of the murder of four policemen during protests following a decision by the Supreme Court concerning the authority of a rival Muslim leader. The 10 were rearrested on charges of rioting, unlawful assembly, and malicious damage to property during the same incident and then freed on bail. Charges of rioting and maliciously damaging property against 224 other Tabliqs were dropped.

d. *Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.*—As security conditions improved, freedom of movement in Uganda expanded greatly. Access to some areas, however, continued to be slightly restricted. The NRA required vehicles to travel in convoys on the route between Karuma and Pakwach in the northwest. Travel in the east, and particularly in Karamoja, remained difficult due to sporadic attacks by armed bandits. The requirements that foreign diplomats obtain approval to travel more than 25 kilometers from Kampala remained in effect but was not enforced. Ugandans are free to emigrate and to travel abroad.

Uganda accommodates refugees from Sudan, Rwanda, Kenya, Zaire, and other countries. There were approximately 150,000 registered and an equal number of unregistered refugees in Uganda in 1992. Most of the latter are Rwandans who have lived in Uganda since the early 1960's. A July cease-fire between the RPF and the Rwandan Armed Forces revived hopes that some of these refugees might be repatriated. The number of Sudanese refugees in Uganda increased from about 76,000 at the beginning of the year to about 90,000 at year's end. They fled an intensifying civil war between the Sudanese armed forces and the Sudanese People's Liberation Army.

Some 1,000 Zairian refugees who crossed into Uganda in 1992 were resettled in camps away from the border, but 14,000 opted to return to Zaire rather than be relocated. An additional 3,000 Zarian refugees entered the Uganda border areas in December. There were no instances of expulsion or forced repatriation of refugees in 1992.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Ugandan citizens could not change their national government by democratic means in 1992. Efforts to propose legislative restrictions on party activities drew serious national and international criticism and were not acted upon.

President Museveni serves as chief executive, Minister of Defense, and Chairman of the National Executive Committee. Although he was not elected and has never faced a vote of confidence, Museveni maintains a great deal of authority by virtue of his personality, local tradition, Uganda's history, and his position as the head of the army. He has avoided serious confrontations with major institutions and interest groups (including the parties), but there are no meaningful checks and balances on his presidential power. Museveni has publicly stated his opposition to multiparty politics but has said that he will accept such a system if it emerges from the deliberations on new constitution.

In February and March, scheduled elections to Resistance Councils up to the district level were held throughout the country; candidates were not permitted to campaign or advertise their party affiliation, and voting was by queuing. Elections to the NRC were neither scheduled nor carried out and are not expected to be held prior to the national elections scheduled for 1994.

The Ministers of State for Justice and Constitutional Affairs released a draft Constituent Assembly Bill in October outlining the composition and duties of the body which is to debate, amend, and promulgate the Constitution. It calls for 180 members to be elected to the Constituent Assembly by direct, secret ballot and the appointment of 45 other members representing special interests such as parties, women, youth, and the army. The bill was expected to be brought before the NRC at its next session, probably in January 1993. At the end of the year, the Constitutional Commission had not released a draft of the new constitution, a requisite step towards national elections in 1994.

There are no restrictions in law on the participation of women in politics. Women hold positions of responsibility at all levels of government. In the NRC, women hold 38 of the 264 positions, and 5 of the 39 government ministers, deputy ministers, and ministers of state are women.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although the NRM Government has promised human rights reforms and has created several bodies to address human rights abuses in Uganda, no official findings have ever been issued. The Uganda Human Rights Commission, created to investigate abuses perpetrated before 1986, is stalled by a lack of resources. In May the Commission requested assistance from donor groups.

In November the Ministry of Justice established a "human rights desk" to receive complaints and follow up on alleged human rights violations. The office of the Inspector General of Government (IGG) has overall responsibility for investigating corruption and human rights abuses. In August President Museveni replaced the Deputy IGG, who had been the most outspoken proponent of human rights within the Government. The ad hoc committee established in 1991 to investigate the status of persons held on remand and in military barracks was not given resources to carry out its task. The IGG visited Lubiri and Makindye barracks and Luzira prison in 1992, but planned visits to barracks on the north and east of Uganda were not carried out.

On May 21, Attorney General and Minister of Justice Abubaker Mayanja held a press conference to issue a progress report on five investigations undertaken by the Government into post-1986 human rights abuses. They concerned the army's activities in the north in 1988–89; incidents at Mukura in 1989 and at Burcoro and Atiak in 1991; and the arrest of "the 18" northern politicians in the spring of 1991. According to the Attorney General, those responsible for abuses have been arrested in most of the cases investigated. However, few details were released by the Attorney General, and no reports were published. Neither the IGG's office nor the Ministry of Justice provided further information on the investigations.

Two local nongovernmental organizations deal with human rights: the Uganda Human Rights Activists and the Uganda Law Society. The Activists publish a quarterly review of the human rights situation in the country and were granted access to Lubiri barracks and Basiima house, although the authorities at the barracks had advance notice of the visits. In April the Activists held a seminar on human rights in Kampala, and they have conducted a number of "workshops" in towns throughout Uganda. The Law Society focuses on defending political figures indicted by the Government and on defending the independence of the judiciary.

The DP-affiliated Foundation for African Development (FAD) held a series of seminars on political and constitutional issues but canceled at least one scheduled program in August after the NRC called for legislation limiting party activities.

Government officials criticized the Activists and FAD during the August NRC debate on the role of parties. The Government allows access to international human rights monitoring groups, but few such groups visited Uganda in 1992. Ministers, parliamentary delegations, and journalists from a wide variety of countries did visit Uganda to investigate the human rights situation, however.

The release of Amnesty International's report on Uganda in September (covering the period from 1986 through July 1992) was given wide publicity in the private and official media. Although the Government objected to the report's findings, it made no effort to suppress distribution. The report, "Uganda: The Failure to Safeguard Human Rights," criticized the Government for failing to respond to repeated violations, particularly those committed by the NRA, and for failing to provide adequate protection against extrajudicial execution, torture, and arbitrary detention.

Section 5. Discrimination Based on Race, Sex, Religion, Language, or Social Status

Africans of three ethnic groups—Bantu (south), Nilotic (north), and Nilo-Hamitic (east)—constitute most of the population. The Bantu are the largest group and include the largest tribe, the Baganda, with more than 1 million members. Ethnic divisions have been aggravated by civil conflict in the past. The Acholi and Langi of northern Uganda feel oppressed by the Bantu peoples of the south. They point to NRA operations in the north, low investment in the region, and Bantu overrepresentation in the Cabinet, ministries, and the military command as evidence of discrimination. The Banyankole, Baganda, and other southern tribes, in turn, fear and distrust the northerners who have traditionally dominated the military. Many Ugandans disdain the Karamojong as violent and underdeveloped, an attitude encouraged by the group's penchant for raiding cattle. The NRM's broad-based cabinets were intended to knit these groups together, but ethnic problems persist.

The Government has made some effort to redress discrimination based on sex. A Ministry of Women's Affairs was established in 1988. In addition to prominent government positions, women have been appointed judges and are represented on the Uganda Human Rights Commission, the Education Policy Review Commission, and the Uganda Constitutional Commission. Discussions between the National Organization of Trade Unions, the Federation of Uganda Employers, and government ministries on amending labor laws relating to women did not result in any legislation in 1992.

Traditional discrimination against women continues, especially in rural areas. Customary laws disadvantageous to women are still recognized in the areas of adoption, marriage, divorce, burial, and devolution of property on death. Women may not own or inherit property or have custody of their children under customary law. Adultery by men is treated more leniently than adultery by women. Women jeopardize their Ugandan citizenship by marrying a foreigner, whereas foreign women who marry Ugandans automatically receive Ugandan citizenship. The Ugandan Women Lawyers Association (FIDA) estimates that 50 percent of marriages in Uganda are polygamous. Women do most of the agricultural work.

FIDA opened a legal aid clinic in Kampala early in 1992 and provided free legal advice to nearly 1,000 women during the year. FIDA lawyers also provided information on Ugandan law to women in rural areas and began a will-writing project to strengthen women's inheritance rights. There are increasing numbers of public education projects which emphasize a woman's right to be free of sexual exploitation and the rights of minors to be protected from sexual abuse.

Violence against women, including rape and wife beating, is a pervasive problem. Public attention, including by human rights groups, has been heavily focused on the high incidence of rape, especially by soldiers operating in the north. President Museveni and other government officials have spoken out against such violence, and in 1990 the NRC passed a law which allows the death penalty for rape. No death sentences were handed down for rape in 1992, however. With the decline in rebel activity in the north and the withdrawal of many troops, the incidence of rape and assault by soldiers against women declined in 1992, although precise information is lacking. Some women continue to view wife beating as a customary practice and are not aware that it is against the law. The police rarely intervene in domestic disputes. The Uganda Women's Association and FIDA have been active in publishing materials aimed at publicizing the "endemic" issue of violence against women. Several Ugandan ethnic groups engage in female genital mutilation (circumcision). The Government actively discourages the practice where it does occur, mainly among tribes in eastern Uganda.

Child abuse has recently become a social issue in Uganda. Observers attribute increasing reports of child beating and molestation to the breakdown of the traditional village family structure and to stresses induced by economic problems, alcohol abuse, and social dislocations. A large number of children have lost at least one parent to war or disease; the number of orphans is thought to exceed 1 million by 1995. These children migrate to towns and trading centers and may be treated roughly by police or employers. Corporal punishment is not condoned by the Government but is common in some schools. The conscription of children into the army is no longer a common problem. Although many boys fought with the NRA in the bush, most were subsequently sent to school, discharged, or they have reached the age of 18.

Many of Uganda's youth are sexually active, and girls may traditionally be married at age 14–16. Fear of AIDS has led men to seek younger girls for sexual contact, and prostitution has increased in response to economic difficulties. (Over 30 percent of girls aged 15–19 who requested testing by the AIDS Information Center in 1992 were HIV-positive.)

Section 6. Worker Rights

a. *The Right of Association.*—Ugandan law recognizes the right of workers to form unions, but in practice that right applies only to private sector workers. The National Organization of Trade Unions (NOTU) is a national labor federation which all unions in Uganda are required to join. NOTU is independent of the Government. It has long demanded that teachers, nurses, lecturers, professors, and other public workers should be permitted to form unions. In November 1990, the Deputy Minister of Labor announced that the law would be amended to allow civil servants to unionize, but no legislation had been enacted by the end of 1992.

NOTU's influence on the overall economy remains marginal since about 90 percent of the Ugandan work force consists of peasant farmers. Even among industrial workers, high inflation and lack of transportation have made it difficult for individual unions to organize, especially outside the major commercial centers of Kampala and Jinja.

The right to strike is also recognized by law, but the Government expects all efforts at reconciling labor disputes to be exhausted before workers resort to strikes. They must first submit their grievances and notice of strike to the Minister of Labor. Under the Trades disputes Arbitration and Settlement Act, the Industrial Court hears trade disputes referred to it either by the Minister of Labor or the parties to the dispute. NOTU has proposed that the right to strike be recognized in the future constitution.

At least 10 strikes occurred in 1992, with mixed results. Industrial workers (Kakira Sugar Works, Marine Workers, Uganda Railways) generally received the pay and benefits they demanded. Informally organized strikes by nonunionized public sector workers were less successful. In some cases, workers abandon strikes after a short period without results.

A tripartite committee composed of NOTU, the Federation of Uganda Employers (FUE), and government ministries submitted a new employment act to the attorney general in mid-1991, but it was not debated or enacted in 1992. An "implementation and monitoring board" was formed by the Ministry of Public Service to supervise layoffs in the civil service.

NOTU freely exercises the right to affiliate with and participate in regional and international labor organizations.

b. *The Right to Organize and Bargain Collectively.*—The right to organize and bargain collectively is recognized by law and established in practice. Unionization and collective bargaining are common in the industrial wage sector but are much less significant in the agricultural sector. Although a National Union of Plantation and Agricultural Workers exists, the vast majority of small cultivators organize themselves on the basis of cooperatives for the purpose of selling their crops. Union officials are not harassed, and unions have access to the Industrial Court.

There are no export processing zones in Uganda.

c. *Prohibition of Forced or Compulsory Labor.*—Compulsory labor is prohibited by law. No inspections or sanctions are in place to enforce the law, but there is no evidence of forced labor in Uganda. The International Labor Organization (ILO) Committee of Experts, however, in its 1992 report again criticized statutes which give the Government power to restrict freedom of association subject to penalties involving an obligation to perform labor.

d. *Minimum Age for Employment of Children.*—Children under 16 are prohibited from working at night in industrial jobs or underground unless they are under apprenticeship training. Any employer of children under 16 is required to keep a separate register of their ages and the nature of their employment. The minimum age is expected to be raised by the proposed employment act, but the change will probably have little effect in practice. The Ministry of labor and Social Affairs is responsible for ensuring compliance with the law, but it has not moved against the employment of children, which occurs chiefly in informal sectors.

e. *Acceptable Conditions of Work.*—No explicit minimum wage policy exists in Uganda. Wages are set by negotiation between unions and employers or by the boards of directors of state-owned industries. This results in glaring wage discrepancies between the public sector, where most workers are employed, and the small private sector. Many workers, including those on government salaries, do not earn enough to provide a decent living for a family. Thus, many find second jobs, grow their own food, or engage in pilferage or corruption in order to feed their families and pay school fees. Although there is no legal standard workweek, the normal workweek is 48 hours, and time and a half is paid for each additional hour worked.

The only occupational health and safety legislation in place is contained in the outdated Factories Act of 1954, which concentrates on engineering aspects of work and does not address many present-day working hazards. It is enforced by the Ministry of Labor's Department of Occupational Health, but, in practice, little inspection takes place due to lack of resources.

OPENING MARKETS FOR U.S. WHEAT

Mr. PRESSLER. Mr. President, recently I led a Senate delegation to eight African countries: Senegal, Kenya, Uganda, Central African Republic, Congo, Cameroon, Nigeria, and Mauritania. One of the main missions of my recent trip to Africa was to continue my efforts to promote South Dakota agricultural exports. Agriculture is South Dakota's No. 1 industry, contributing nearly $14 billion to my State's economy. Increasing agricultural exports is vital to our economic success.

In 1991, total United States agricultural exports to Africa totaled $1.9 billion. In 1992 that total had risen to $2.6 billion—a 35-percent increase.

Africa represents one of our fastest growing agricultural markets. U.S. agricultural exports to all developing countries are expected to reach a record $17.7 billion in fiscal year 1993—nearly 43 percent of all U.S. agricultural exports. The Export Enhancement Program, or EEP, is vital to securing these sales.

For example, last year officials in India wished to purchase up to 1 million tons of United States wheat. However, EEP was needed to finalize this sale. For most of last year I worked with administration officials to secure EEP assistance. Eventually, President Bush traveled to my home town of Humboldt, SD, to announce his approval of EEP funds for wheat sales to India. That was India's first significant purchase of U.S. wheat since 1989. EEP assistance was the key.

EEP will also be the key to export expansion in African markets, where the need for United States wheat is real. The United States Wheat Associates report that moisture levels in South Africa's major wheat producing region are very low and planting conditions are extremely poor. In addition, the most recent global food assessment indicated a likely shortfall in grain production in every African country this year.

Grain food needs are greatest in sub-Saharan Africa. The drought in southern Africa has cut production of major cereals by nearly 50 percent. Regional grain imports in 1992–93 are expected to be nearly ten million tons, 6 million tons more than normal grain import levels.

Food needs are even higher in West Africa, which is one of the main reasons I traveled to Nigeria. Not long ago, Nigeria was a $150 million market for United States wheat, representing up to 98 percent of Nigeria's wheat imports. Usually these purchases were in the form of hard red winter wheat—a major South Dakota crop.

All this changed in 1986, when Nigeria instituted a total ban on imports of wheat, rice, vegetable oil, corn and barley malt. The purpose of the ban was to protect Nigeria's hard currency, improve its balance of payments and strengthen its agricultural sector.

The ban never met its stated goals. Nigeria's agricultural sector improved little. In fact, the ban resulted in contraband food imports being sold at exorbitant prices. In November 1991, I wrote to the Nigerian Ambassador, urging him to convince his President to lift the ban. Late last year, Nigeria finally suspended the ban and United States wheat exports resumed. However, this ban suspension is only temporary. It is set to expire in June of this year.

During my visit to Nigeria, I met personally with the chairman of the Nigerian Transitional Council, Chief Ernest Shonekhan. I handed him a letter to President Babangida. My message to both Nigerian leaders was simple: Please keep Nigeria's markets open for United States wheat.

Recently, the United States made EEP funds available for the sale of up to 1 million metric tons of United States wheat to Africa, including Nigeria. We need EEP assistance to be competitive in grain prices. Without, EEP, U.S. wheat would cost $150 per ton. With EEP, the price is lowered to about $130 per ton, or $3.54 per bushel. United States wheat exporters have informed me that the United States Department of Agriculture, is willing to use EEP funds to sell wheat to Nigeria for as low as $111 per ton. I am pleased to report that this assistance has had positive results: the United States has sold 630,000 tons of wheat to Nigeria since the ban was lifted.

Historically, Nigerians have been excellent customers of ours. Now that the Nigerian ban has been suspended, we must try to maintain our market presence. After all, the United States could lose this recently reopened market. A competitive price remains the bottom line. During my visit, a number of Nigerian millers informed me that Europe could be a new supplier if the price were right. Recently, the United States agricultural attaché in Lagos confirmed that Europe is a potential competitor for the Nigerian market. We all know what that means: European export subsidies once again could undercut the U.S. wheat market. If we do not stand ready to combat those subsidies, we could lose a market that historically has been ours. We should not allow that to happen.

The United States has other export opportunities in Kenya. The success of internal economic reforms will determine the extent to which United States exports can enter the Kenyan market.

I commend the USDA's decision to approve the sale of 100,000 metric tons of wheat to Kenya with EEP funds. However, Kenya has not yet taken advantage of this opportunity.

Traditionally, the Kenyan Government has controlled its country's wheat imports. Though the Kenyan Government allows private sector importers to receive import licenses, limited access to foreign exchange stifles the entry of imports. Domestic flour and bread price controls pose additional problems for private sector importers in Kenya. Domestic price controls effectively place economic ceilings on wheat import prices, blocking the private sector from importing directly.

A new Minister of Agriculture has been appointed by Kenya's President Moi. The Minister of Agriculture operates a flour milling company and may be sympathetic to increasing U.S. wheat imports. What is needed are: First, increased access to foreign exchange; and second, the repeal of government imposed price ceilings on bread and flour. I will continue to work to see that United States agricultural opportunities in Kenya are realized.

As in Nigeria, European subsidies can reduce United States opportunities in Kenya. Adding to this threat are reports that the European Community, has large stocks of surplus wheat it must sell.

Over the last 2 years, ending stocks of U.S. wheat have declined from 23.6 million tons to 15.6 million tons, while the EC's ending stocks have risen from 16.3 million tons to 20.8 million tons. Record European wheat exports are anticipated. Absent a fair international trade agreement, EEP assistance is crucial if U.S. agricultural exports are to remain competitive against the EC's heavily subsidized products.

We must make tough choices to stay competitive. Over the past 5 years, the United States has reduced its agricultural subsidies. Meanwhile, the EC has increased its subsidies. Since 1986 the EC has spent $10 in export subsidies for every $1 the United States spent on its EEP. In 1992, the EC spent nearly $14 billion on export subsidies—nearly double the 1986 amount.

To maintain existing markets and open new ones, the United States must, in the short term, fully fund the EEP. In the long term, we must insist on trade agreements that ensure free and fair trade for American farmers. We must insist that the EC put an end to its use of export subsidies and its dumping of agricultural surpluses. Doing so could add $1.8 billion to U.S. grain exports.

What does this mean for a State like South Dakota? South Dakota's agricultural exports represent 25 percent of the State's agricultural cash receipts. According to South Dakota State University's Cooperative Extension Service, a 1-percent increase in the State's agricultural output would result in a $141 million increase in the South Dakota economy, and add 1,230 new jobs.

The United States is ready to reach a comprehensive agreement that will ensure fair access to foreign markets.

The EC continues to drag its collective feet. For example, the latest U.S./EC agreement on oilseeds remains to be ratified by the EC.

The current negotiations on the General Agreement on Trade and Tariffs are at a critical stage. These negotiations will determine whether the markets we have opened in Africa and elsewhere for the American farmer will remain open. I have said it many times before and I will say it again here: the Senate must not consent to any new trade agreement that does not benefit American agriculture. I hope my colleagues will keep this in mind when the Senate considers legislation to extend fast-track authority for GATT, and ultimately, the GATT agreement itself. Many of us have worked hard to open world markets for the American farmer. With one vote, we have the power to keep these markets open or shut off the American farm exports to the rest of the world. I urge my colleagues not to let our past efforts and our products go to waste.

Mr. President, I ask unanimous consent that a letter I sent to the President of Nigeria be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 2, 1993.

His Excellency Gen. IBRAHIM BADAMASI BABANGIDA,
President,
Federal Republic of Nigeria.

DEAR MR. PRESIDENT: I want to take this opportunity to thank you personally for renewing purchases of wheat from the United States. Your decision to resume wheat purchasing has helped to improve relations between our countries.

However, it is my understanding that the suspension of the wheat ban may only be temporary. That would be most unfortunate. As you know, the United States historically has been Nigeria's primary supplier of wheat. Just a decade ago, the U.S. supplied Nigeria ninety-eight percent of its wheat imports. Wheat is the leading cash crop of my state of South Dakota. In fact, your country typically buys hard red winter wheat, which is a prominent class of South Dakota Wheat. Maintaining and increasing wheat exports is vital to the livelihood of farmers in South Dakota and other states.

Since resuming wheat exports to Nigeria, the United States has taken action to facilitate these sales. The availability of the U.S. Export Enhancement Program to Nigeria indicates the commitment of the United States to continue the sale of wheat to your country. I wish to work with you to continue future wheat sales on a permanent basis.

Your judicious decision to lift the ban on the import of wheat and other agricultural commodities was an important step to improving trade relations. Let us move forward by increasing trade and stable relationships between our two countries. Such efforts would greatly benefit both nations. Thank you for your attention to this important issue. I look forward to your favorable response.

Sincerely,

LARRY PRESSLER
U.S. Senator.

(The remarks of Mr. PRESSLER pertaining to the introduction of S. 842 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Washington [Mr. GORTON].

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 844 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that I may speak for 1 minute as in morning business.

The PRESIDING OFFICER. Without objection, the period for morning business is extended for an additional minute.

JAIL STANDARDS

Mr. COCHRAN. Mr. President, a recent article in the Clarion Ledger of Jackson, MS, points out the nationwide need for a review of jail suicides and the development of minimum standards to help deal with this problem.

I have been concerned that the Attorney General of the United States may have been convinced that this is a problem only in my State of Mississippi.

This article points out, the problem appears to be more serious in some other states. It would be wrong to limit an investigation to one State, such as Mississippi, when in 1988, the last year statistics are available, there were more inmate suicides in Texas, California, Pennsylvania, Georgia, Tennessee, North Carolina, Ohio, Illinois, Indiana, Wisconsin, and Alabama than there were in Mississippi. There were just as many in Florida and Massachusetts as there were in my State.

If this administration is into finger pointing on this problem, it should use all its fingers.

I ask unanimous consent that the article I mentioned be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDY SUICIDE PREVENTION TOO, RENO URGED

(By Jerry Mitchell)

Suicide prevention expert Lindsay Hayes said Wednesday he has asked U.S. Attorney General Janet Reno to expand a review of Mississippi's 45 inmate hangings to include jail standards and training.

"While it is critically important to establish causes of death, it is of equal importance whether any of the deaths could have been prevented," said Hayes, associate director for the National Center on Institutions and Alternatives in Mansfield, Mass., who recently wrote Reno.

Reno said Tuesday that the civil rights division of the U.S. Department of Justice is reviewing the 45 deaths since 1987, all ruled suicides, to see if any foul play was involved.

Reno indicated in Tuesday's news conference in Washington that, even if no criminal activity is found in the review, the Justice Department's civil rights division will examine other possible factors and ways to prevent future deaths, such as internal surveillance of inmates and jail design.

"What are the problems? she said, summarizing her instructions to investigators. "How could that many people die? Try to get to the bottom of it, concluding that those numbers of deaths are unacceptable."

Despite Reno's approval of a preliminary review, Mississippi falls far short of the nation's highest numbers for inmate suicides.

According to the latest breakdown, for 1988, Texas had the most jail suicides with 28; California had 24; Pennsylvania, 17; Georgia, 14; Tennessee, 13; North Carolina, Ohio and Illinois, 10 each; Indiana, Wisconsin and Alabama, 9 each; and Florida, Massachusetts and Mississippi, 8 each.

"It's a growing national problem, and Mississippi is by no means unique in regard to the number of suicides that occur yearly," Hayes said. "What is unique is the media attention given. I just hope there is further investigation and more of a call for prevention efforts.

Mississippi does rank high in per capita jail suicides, coming in sixth, tied with New Mexico.

It's also one of the few states with no jail inspections or standards, said Joe Rowan, executive director of Juvenile and Criminal Justice International in Roseville, Minn.

Some civil rights activists have suggested the jail hanging deaths of black males are a new form of lynching. Others have questioned that conclusion, saying virtually equal numbers of black and white inmates—23 and 22 respectively—have died in custody.

Testimony before the Commission on Human Rights Abuses in Mississippi, which convened for two days in Jackson last month, is being examined as part of the Justice Department review, spokeswoman Obern Rainey said.

Commission chairman Joseph Lowery, also president of the Atlanta-based Southern Christian Leadership Conference, said: "We're just pleased the administration and attorney general have issued a favorable response to our request to reopen the investigation."

The case that triggered national interest in Mississippi's jail suicides was the death of 18-year-old Andre Jones, who was found hanging by a shoestring on Aug. 22 in a Simpson County Jail shower stall.

"Simply because they close the case on Andre Jones and conclude there was no foul play doesn't mean there has been an investigation that the suicide could have been prevented," Hayes said.

KAZAKHSTAN'S NEW CONSTITUTION: A SUCCESS STORY

Mr. LUGAR. Mr. President, newspapers are full of stories about the instabilities, tensions, and even armed conflicts in various parts of the former Soviet Union. While these problems merit our attention, their very prominence tends to edge off the front pages the good news about key, quiet successes that are taking place in some areas of that vast former empire.

Two months ago, I stood on this floor and reported to my colleagues on some of the success stories emerging from the country of Belarus. And in particular I called attention to the ratification of the START I Treaty by the Parliament of Belarus as one example of the determination of the officials and people of that country to live up to international commitments and obligations they have assumed.

It was my privilege recently to converse with the Foreign Minister of that country when he came to town to preside over the official opening of the Belarussian Embassy. He had other success stories to report.

Kazakhstan is another country where there has been some good news. With only 17 million people but a territory the size of Western Europe, Kazakhstan is wedged between Russia to the north and west, China to the east, and Central and South Asia to the south. Kazakhstanis are known for their pragmatism and good ethnic relations. Substantial progress is being made toward democracy and a market economy in a society which is about two-fifths ethnic Kazakh, two-fifths ethnic Russian, and one-fifth others, including nearly 1 million Ukrainians and a roughly equal number of Germans.

What are some of the successes in Kazakhstan? Last summer Kazakhstan was the first state to ratify the critically important START I Treaty. In the economic area, Kazakhstan signed a few weeks ago a joint venture with Chevron Oil, one of America's largest oil companies. The venture promises to be the largest joint venture anywhere in the former Soviet Union, and Chevron's largest overseas investment.

Today, I want to focus on another success in Kazakhstan. On January 28, 1993, after nearly 2 years of hard work, Kazakhstan adopted a new constitution. It guarantees basic freedoms and human rights. Equally important, there appears to be a reasonable political consensus to implement the document's lofty words. Coming after more than 70 years of Soviet totalitarian rule, the new constitution lays a good, initial foundation for the development of a democratic state based on the rule of law.

In a democracy, independent roles for the Parliament and the courts can be vital. Chapters 12 and 16 of the new constitution provide for separation of powers among the three branches of government. Formerly, most power was concentrated in the presidency, with the parliament's power limited and the court system essentially a bureau of the ministry of justice.

Article 101 of the constitution states that judges are "independent and subordinate only to the constitution and the laws of the Republic of Kazakhstan". Judges and members of the executive branch may not simultaneously serve as parliamentary deputies, as was allowed when the current Parliament was chosen under communism.

In light of Kazakhstan's ethnic diversity, it is critical that the constitution provide for fair treatment of citizens from all ethnic groups. The constitution defines Kazakh as the state language and Russian, currently the lingua franca in Kazakhstan, as the language of international communication. The Constitution also guarantees the right to use other languages and a citizen may not be penalized for not knowing either Kazakh or Russian.

Fundamental freedoms are guaranteed in chapters 3 and 4 of the constitution. They include the freedoms of speech, movement, and peaceful assembly and the freedom to set up public associations. Chapter 7 guarantees the individual's rights throughout the court process. Double jeopardy, retroactive liability, torture, and the admission of evidence obtained by illegal means are prohibited. A citizen has the right to qualified legal defense through all stages of the legal process. The courts' powers may not be restricted, even during a state of emergency.

Chapter 10 provides for the rights of political parties, trade and artistic unions, and religious groups, and prohibits the illegal interference of state organs and officials in the activity of public organizations. Chapter 18 provides for secret elections, prepared and carried out openly, one person one vote. Presidential candidates must speak Kazakh, but there are no candidacy restriction on ethnic grounds.

In recognition of the importance of providing a climate favorable to foreign investment in order to assist in the development of a market-oriented economic system, the constitution provides for national treatment of foreign investors, with exceptions provided by law and interstate agreements.

Mr. President, I believe that the new constitution in Kazakhstan is a step forward which merits praise, as well as international support for implementation of its important new freedoms. The people of Kazakhstan and the officials of the Government and Parliament are to be congratulated not only on the final constitutional document but also on the deliberative process that produced the final document.

I conclude, Mr. President, by noting that the American Bar Association, under a grant from the U.S. Agency for International Development that was funded by the Freedom Support Act, provided commentary to the Kazakhstanis as they were drafting their new constitution. This is what technical assistance should be all about, and I commend the ABA for its contributions to the process of constitution-writing in Kazakhstan.

Mr. President, the new constitution of Kazakhstan represents a success story, and one in which not only the people of Kazakhstan but democrats around the world can justifiably be proud.

TRIBUTE TO CESAR CHAVEZ

Mr. HARKIN. Mr. President, all around America today, there are red flags with black eagles in the center being flown at half-staff. Barrios from Davenport, IA, to East Los Angeles are pausing to say goodbye to a hero who left this world too soon. And if Cesar Chavez were here to see it, he'd probably wonder why we were all standing around when there was work to be done.

Mr. President, Cesar Chavez was a man of peace and nonviolence who, through his words and his deeds, brought dignity and respect to millions of Americans. He was more than just a hero to Hispanic-Americans: he was a man who proved to all Americans that one person, with courage and dedication, can truly make a difference.

Like many immigrant workers, even today, Cesar Chavez grew up poor, uneducated, and discriminated against. But rather than let anger alienate himself from American society, he turned that anger into determination. From 1965, when he burst onto the national scene as president and founder of the United Farm Workers Union, Chavez struggled to improve the lives of farm workers. Up until his death last Friday, he fought for workers' rights, job security, better wages, better working conditions for the rural poor, and less use of pesticides in agriculture—causes that did not die with Cesar Chavez.

There is an old Spanish song, Mr. President, that reads in part:

Hay hombres que luchan un dia y son buenos.
Hay otros que luchan un año y son mejores,
pero hay otros que luchan toda la vida.
Esos son los imprescendibles.

Which translates to:

There are people who fight for one day who are good.
There are others who fight for a year and they are better,
But there are others who fight their whole lives.
These are the people who are indispensable.

Mr. President, Cesar Chavez was indispensable. He dedicated his life to fighting for the little guy, for standing up for what he believed, and in the process, he helped change the world. We are going to miss Cesar Chavez, but we will never forget him.

UNITED STATES RESPONSE TO THE YUGOSLAV CONFLICT

Mr. DECONCINI. Mr. President, a couple days ago I met with President

Clinton together with about 20 other Members of Congress to discuss the Yugoslav conflict and how we, the United States, should respond. A new policy announcement by the President on this matter is imminent, in my judgment, and he made an effort and most importantly took the time to hear the views of those Senators and Representatives most concerned with this issue, although I think everybody when they think about it a little bit should have a great deal of concern about this.

Some of us have been involved in it through the Intelligence Committee and through the CSCE or Helsinki Commission. Having returned from meetings in Europe on CSCE matters, I have deep convictions about what the President should do. This meeting with the President was most welcomed, appreciated, and, in my opinion, necessary.

Regardless of how we feel the President should address this gut-wrenching situation, I think we can agree that there are no simple answers, no solutions that do not come with some risk to the United States. In seeking to address the Yugoslav conflict, President Clinton confronts an agonizing dilemma.

On the one hand, we are compelled to do something to stop this war. The people of Bosnia and Herzegovina have suffered far too long—especially the elderly, the children and the babies—driven by thousands from their homes and villages with few, if any, possessions. While their plight is bad enough, we know that it is even worse: the mothers and fathers, brothers and sisters, sons and daughters, of these same people are now dead, perhaps after being raped and tortured.

On the one hand, some feel that our choices are limited either solely to diplomatic efforts or to the specter of full-scale military intervention. But we must realize that you cannot end this war by trying to reason with madmen who are on a killing rampage. Men who agree at a table to do one thing and then turn around and do something else. These people condescendingly want to portray a willingness to find a solution and then turn around and send their troops into villages to cause rape and destruction.

Diplomatic efforts at ending the slaughter have clearly failed. As former Secretary of State George Schultz recently stated, "When you try to conduct diplomacy without power and the other side is using force, as in the Bosnia situation, you win up making a fool of yourself."

We have implemented sanctions. We continually seek to make them tighter—and I am glad the President has come out and convinced the United Nations to do so, and that the Russian republic at least abstained from the vote on these sanctions in the Security Council of the United States. But sanctions alone have not extracted a high enough price to convince those responsible for the war to stop their aggression.

The few options we have remaining, essentially arming the Bosnian Government forces and/or forming a multilateral force to engage in air strikes against Serbian positions, entail much greater risks indeed. These risks lead many to conclude that, despite the horror we know is going on, we should not get further involved, especially since this is perceived by some to be exclusively a European problem.

But I would like to respond that the "European problem" has implications for Americans as well. I expressed to President Clinton my view that we have a moral obligation and a legal one under the Genocide Convention to take the action necessary, military air strikes included, to counter Serb aggression.

Moreover, we have a national interest in doing so. American interests, whether we like it or not, are inextricably linked to European success or failure as a stronghold of democracy. We need not define the success of such a mission as a complete and immediate end to hostilities. All we need to do is to make it very clear though this punitive action the high price Serbian militants will have to pay if they continue their killing. We do not have to, nor should we seek to, bomb the Serbs into submission. Our mission should be to take out their supply depots and routes and to neutralize their heavy weapons, if we can. This will at least level the playing field so that the subsequent arming of the Bosnians will give the victims of aggression a fighting chance to survive.

As one Senator said at that meeting, if we cannot subdue the Serbians, we must at least permit the Bosnians to die in dignity in defense of their home country.

Trying to arm Bosnia without first taking some selected air military strike will be extremely costly. By the time a decision is made to lift the embargo and the weapons get there in sufficient numbers to counter further Serb offensives, too many more lives will be lost.

Unfortunately, many are trying to inflate the definition of the success of military intervention to the point that success cannot be achieved. I disagree.

In doing so, they are leading us to the point where we will be confronted with even more dangerous challenges down the road.

The American people are appalled by what is going on in Bosnia and Herzegovina today. Yes, they are concerned about the risks of more direct United States involvement, but they have in the past been convinced of the need to take some risk to halt the destruction of value systems which must prevail if Europe and the world are ever to see a lasting peace. United States leadership is necessary now to stop the Yugoslav conflict. I know of some polls, and I know the feelings here. Some would say why should we be involved? We have to be involved, and we have to be leaders here. We have to live up to those statements that have been recounted on this floor and in world capitals. We have vowed "never again" in reference to the Holocaust in Europe.

President Clinton can only exercise this leadership with broad support from the American people, which I believe he will get if he goes to the people and explains why we must act and specifically what he is going to do.

And, Mr. President, we in Congress need to do the same. It is our duty as elected officials to safeguard our national interests, to stand firmly against those who threaten the security of Europe and the world by engaging in unbridled aggression. But most importantly it is our responsibility to demonstrate to the American people that the need to act has become so compelling that we must make the toughest decision of all—that of calling some of our military forces into action.

I am not suggesting ground troops, and I hope the President will rule that out from the very beginning.

There is never any guarantee that any military action will be fully successful, never any guarantee that none of our sons and daughters will suffer the ultimate sacrifice. But we must be guided by the consequences of continued inaction by the United States. History shows the dangers of entanglement in the Balkans. We know that. But history also has clearly demonstrated in the most horrific way what happens when conflict in this region is left unchecked. I would submit that by being aware of the dangers we can act in ways which will responsibly serve to minimize these risks. My colleagues are right to point out the terrible mistakes we made during the Vietnam war. But have we not learned from these incidents? How long is that failure going to prevent this Nation from exerting its military leadership when circumstances so desperately warrant it?

Mr. President, we are living in the world's only superpower—a superpower based on cherished democratic principles, one that is contrary to genocide as publicly stated by all of us.

We possess the finest military on earth. Our military men and women are the best trained and the best equipped. Whether we like it or not, we are looked around the world as the leader of the democratic world. Surely, our military planners can develop a strategy which will enable us to successfully carry out punitive strikes on Serbian supply lines. I stress once again, if this action fails, we as a nation have not failed. Our objective is to make a real effort to check Serbian aggression—not win the war or occupy the country.

What is important here is that punishment is dealt out to a group of people and the Serbians in particular who are committing genocide. Naysayers will say you cannot do it militarily.

It is interesting to note that the Air Force Chief of Staff on Wednesday made some statements about the bombing and the gun positions in the former Yugoslavia. He said it would be completely effective and pose virtually no risk in attacking planes.

General McPeak, the top ranking Air Force officer, told a Senate appropriations subcommittee that "give us time and we will order (strikes) on every one of those artillery positions and put it out of business."

He said that the relatively scarce and unsophisticated surface-to-air weapons available to the Serbs would make the aerial campaign "virtually no risk to ourselves."

I ask unanimous consent that this statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GENERAL SAYS UNITED STATES BOMBING OF SERBIAN GUNS WOULD BE RISK-FREE

WASHINGTON.—The Air Force chief of staff said Wednesday that bombing Bosnian Serb gun positions in the former Yugoslavia would be completely effective and pose "virtually no risk" to attacking planes.

Gen. Merrill McPeak, the top-ranking Air Force officer, told a Senate appropriations subcommittee that "give us time and we will order (strikes) on every one of those artillery positions and put it out of business."

He said that the relatively scarce and unsophisticated surface-to-air weapons available to the Serbs would make the aerial campaign "virtually no risk to ourselves."

McPeak said that the weather and terrain would make bombing runs more difficult than those against Iraq in the Desert Storm campaign, but he was confident U.S. planes could find their targets and destroy them. He said the Air Force would need to call up no reserve or national guard units.

He also said the Serbs "have not been deaf to the debate" and had moved gun emplacements into churchyards and other camouflaged positions in anticipation of attacks.

McPeak told the panel that while he could safely answer military questions about the effectiveness of the raids he could not predict if it would help stop the violence.

That is the same problem that President Clinton and policymakers elsewhere are facing.

Adm. David Jeremiah, vice chairman of the Joint Chiefs of Staff, told reporters Tuesday air strikes in Bosnia could lead to difficult and drawn-out intervention marked by damage to civilian areas and downed allied planes.

"If you think (bombing raids) will be a painless action, it will not be, because there will clearly be collateral military damage" to civilian areas, Jeremiah said.

Clinton has been slowly reviewing his options on Bosnia. On Monday he insisted the world must act to end the bloodshed and he hoped to announce new steps against Bosnian Serbs within the "next several days."

Mr. DECONCINI. Our objective is to make a real effort at checking Serbian aggression. That is what we want to do.

If we continue to allow genocide to go unpunished we will not only have failed our democracy and the American people, we will have failed in our role as a world leader. I know the American people have the courage to make this decision. The question is do we?

I intend to introduce a resolution which lays out in reasonable terms the forceful action which can help meet this challenge.

I ask that the resolution be sent to the desk with my statement, and that it be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES. —

Whereas Bosnia-Herzegovina is a sovereign and independent state, a member of the United Nations, and a participating State of the Conference on Security and Cooperation in Europe;

Whereas the people of Bosnia-Herzegovina have been and remain the target of armed aggression by Serbia, Serbian-backed forces, and other irregular forces which have subjected civilians to organized, systematic, and premeditated war crimes, crimes against humanity and genocide;

Whereas the armed aggression and "ethnic cleansing" in Bosnia-Herzegovina have resulted in human suffering and loss of life which has reached an unprecedented scale in post-World War II Europe;

Whereas diplomacy has not worked and negotiations have consumed significant time during which the situation on the ground in Bosnia has further deteriorated;

Whereas the United States shares with Europe not only a moral and legal obligation, but a genuine strategic interest in ending aggression and genocide in Bosnia-Herzegovina before it spreads elsewhere in the former Yugoslavia and beyond; and

Whereas as a sovereign member of the United Nations, Bosnia-Herzegovina has the right, under Article 51 of the UN Charter, to individual or collective self-defense, if attacked: Now, therefore, be it

Resolved, That it is the Sense of the Senate that (1) the United States should, without further delay, assemble and lead a multination coalition to undertake resolute action in order to prevent the wholesale slaughter and further "ethnic cleansing" of innocent civilians in Bosnia-Herzegovina

(A) by taking immediate steps to neutralize heavy arms in the hands of irregular forces and their supply lines in Bosnia-Herzegovina, including through the use of military air force;

(B) by ensuring the immediate, effective and unimpeded delivery of humanitarian aid to all civilian populations in Bosnia-Herzegovina, including through the use of military force, if required;

(C) by ensuring unimpeded access to all camps, prisons and detention centers in Bosnia-Herzegovina by the International Committee of the Red Cross and other international humanitarian organizations and facilitate the release of all detainees from such facilities maintained by irregular forces; and

(D) by seeking the immediate lifting of the international arms embargo as it applies to Bosnia-Herzegovina, thus enabling that country to obtain defensive weapons.

(2) The President should promptly consult with Congress concerning specific steps to be taken and necessary legislative measures of support and authorization for the actions outlined above.

Mr. DECONCINI. Mr. President, we cannot dodge this any longer. The time is here. We have to proceed. We have to act as leaders and as a Nation.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Arizona for his statement particularly in the matter of events developing in the former Yugoslavia. I thank him for his leadership on this matter.

I say to him here on the floor that I am proud to stand with him again in this matter, as we have on other similar occasions.

Mr. President, I ask unanimous consent to be added as an original cosponsor of Senator DECONCINI's resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

WALTER "SALTY" BRINE'S LAST DAY AT WPRO-RADIO

Mr. PELL. Mr. President, Walter "Salty" Brine celebrated his 50th year in broadcasting last year, but his morning he gave his last show from WPRO radio studios—in a building that was named in his honor years ago.

Salty began his broadcasting career at the age of 23 when he joined the staff at WHDH studios in Boston. Shortly thereafter, he moved to WPRO studios in Rhode Island, where he has become one of the most well-known public figures in Rhode Island through his very popular morning radio show.

I have risen to honor Salty on many occasions in this body. Some of those included in the dedication of the station's building in his honor, his 50th anniversary in broadcasting and the dedication of the Salty Brine State Beach.

Salty is the "cap'n of Rhode Island's radio waves" and has been wake-up man for five generations of Rhode Islanders. When he is off the air, he continues to be a source of comfort and inspiration.

He lost his leg in an accident when he was nine years old and, for many years, he has visited hospitals to comfort patients, especially amputees. He also has worked for years with organizations that assist the retarded.

In addition, Salty has helped Save the Bay and has worked with national and State commissions for hiring the handicapped.

Frankly, I hope he will not be long absent from our airwaves in Rhode Island. I am sure he will have plenty of enticing offers. If he declines them, however, I am sure he will continue his good work off the airwaves.

I know that I speak for many Rhode Islanders and for his many listeners when I say Salty's voice will be sorely missed. He has our thanks for a job well done.

I ask unanimous consent that an article from today's Providence Journal, entitled "A Rhode Island Institution," be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Providence Journal, Apr. 28, 1993]

A RHODE ISLAND INSTITUTION—FOR 50 YEARS, SALTY KEPT US SECURE

(By John Martin)

There's no easy way to explain how Walter "Salty" Brine became a Rhode Island institution. It happened slowly, over time.

He's just always been there.

Imagine. Salty had been on the air at WPRO three years when people here were celebrating the end of World War II.

By the time Bill Haley began rocking around the clock, Salty was a local radio veteran. He had celebrated his 20th anniversary before the first Beatles hit blasted out of the radio. My gosh, he'd been around more than 30 years when Nixon resigned—which seems like a generation ago.

But after today, to "rise and shine with Salty Brine on WPRO" will be no more than a memory. He's decided to leave WPRO. He'll surely pop up from time to time, but not on WPRO.

How do you explain his longevity and success?

Well, it has to do with the same reason most of us live here: Comfort.

Even newcomers—residents of fewer than 20 years—begin to figure it out. Waking up to Salty reminds you that as crazy and as frightening as the world may get, in these parts some things have remained the same.

God, you gotta love this quirky little state. We've got cabinets and bubblers and stuffles and coffee syrup. And an old character with a name like Salty Brine on the radio every morning who would have been put in mothballs years ago anywhere else in the country.

Howard Stern?

Salty Brine has socks older than Howard Stern!

With his cornball humor, his happy-go-lucky enthusiasm, his faith and his courage—he lost part of a leg at the age of 10—Salty is a reminder that our lives begin anew each day.

Given his vitality, he allows us to think we might just live forever.

Hey, your subconscious tells you, if this guy in his mid-70s can be this lively at 6 or 7 in the morning, and bring such boundless energy to his work, why not just get up and get going?

Maybe you haven't listened to Salty for years, but you know he's there.

And if you're old enough, you've never forgotten that his power over you, which began with the admonishment that you "brush your teeth and say your prayers."

Let me tell you another reason why people like Salty. He does something a lot of people in radio don't do. He can be pompous on certain issues. He's a little stuck on himself—something he has in common with most people in his business. But he doesn't hide it all the time with that cheery, smiling affect you hear other places, the phony familiarity that makes you want to throw a shoe at the clock radio and go back to sleep.

He's for real.

Salty isn't the kind of guy to put on a happy face and work for new owners who—whether they planned it this way or not—have ravaged the WPRO "family" before the sale papers were ever signed.

He was gracious in his brief statement yesterday, putting the emphasis on the "level of ease and enjoyment" he's gotten used to. "I have chosen to leave the WPRO I have known and loved for many years," he said.

I've long said that many of Salty's listeners tune in just long enough to make sure he's there. They get a dose of Salty and then tune to other stations for the music they like or news, weather and sports with fewer interruptions.

It was a way of bracing for the hassles and horrors you might face later in the day.

Sure, some people will say it's about time the old boy gave it up. Most of them are young. They'll find out soon enough. Ageism is the one prejudice we all outgrow.

But for others, plenty others, the morning will seem empty after today.

And I think we'll all be a little saddened next winter when the first heavy snowfall closes Foster-Glocester schools.

SOUTH DAKOTANS RECEIVE NATIONAL SCIENCE FOUNDATION PRESIDENTIAL AWARDS FOR EXCELLENCE IN SCIENCE AND MATHEMATICS TEACHING

Mr. PRESSLER. Mr. President, I rise today to recognize the four South Dakota teachers who received the National Science Foundation's Presidential Awards for Excellence in Science and Mathematics Teaching. This is the Nation's highest honor for elementary and secondary science and mathematics teachers.

Representing South Dakota at the elementary level are Kathy Jean Horsted, a math teacher at Jane Addams Elementary School in Sioux Falls, and Ted Ellingson, a science teacher at Howard Elementary School.

At the high school level, Carol Jenison Murphy, a mathematics teacher at Rapid City Central High School in Rapid City, and Robert L. Medick, Sr., a science teacher at Yankton High School, were selected to represent South Dakota.

Mr. President, I congratulate these four outstanding teachers from my home State. I know that teaching is not an easy job these days. Yet, never has there been a time when education was more critical, especially in science and mathematics.

Many debates have occurred in this Chamber concerning the future of education in this country. Not all of it has been pleasant to hear. But, today, as I visited with the elementary teachers from South Dakota, I am encouraged. They are enthusiastic about teaching. They are eagerly learning from other teachers in the Nation this week, as well as taking part in an ambitious agenda of workshops. I feel confident they will share their enthusiasm with their colleagues in South Dakota.

In conclusion, I am proud of these four teachers and commend them for their outstanding performance in schools in South Dakota. I am pleased these teachers were able to celebrate National Science and Technology Week this week.

KIEV FINAL PROTOCOL OF THE INTERNATIONAL CONFERENCE ON REGIONAL PROBLEMS OF ENVIRONMENTAL PROTECTION

Mr. KENNEDY. Mr. President, a conference on the environment took place in Kiev, Ukraine, last November which set important new standards for international cooperation in meeting the worldwide challenge of implementing sound environmental policies.

The American delegation to the conference was chaired by Prof. Charles M. Haar, an outstanding legal scholar on these issues at Harvard Law School. Other members of the delegation were: Marshall Goldman, associate director of the Russian Research Center; Jerold Kayden, a senior fellow at the Lincoln Institute of Land Planning; and Corinne Schelling, associate executive officer of the American Academy of Arts and Sciences.

Yuri Shemshuchenko, of the Ukraine Institute of State and Law, hosted and cochaired the meetings, and the conference was organized under the aegis of the Ministry of Protection of the Natural Environment; the Ukrainian Academy of Sciences; the Institute of State and Law of the Russian Academy of Sciences; and the American Academy of Arts and Sciences.

The conference concluded with the adoption of a final protocol that will significantly strengthen international cooperation among all nations in dealing with regional environmental problems.

I commend Professor Haar and the other members of the delegation for their achievement. I believe that the protocol will be of interest to all Members of Congress concerned with environmental issues, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FINAL PROTOCOL OF THE INTERNATIONAL CONFERENCE ON REGIONAL PROBLEMS OF ENVIRONMENTAL PROTECTION

The following protocol was arrived at by consensus of the participants:

1. To strengthen and develop international cooperation among states, at all levels and in different forms, in making decisions about regional ecological problems, including the signing of formal agreements.

2. To develop and adopt within each country, and eventually on a world scale, programs for environmental protection and for the regional use of natural resources, especially in ecological disaster zones.

3. To take into account the principle of regionalism and to develop necessary legal means to facilitate its realization in international law, as well as in national ecological legislation.

4. To redesign state and other public organizations for environmental protection in accordance with the principle of regionalism.

5. To share information among different countries about the legal regulation of ecological relations and the implementation of ecological legislation.

6. To broaden the use of preventive measures for the protection of the environment, such as ecological assessments and environmental impact statements.

7. To extend the use of economic principles to ecological decision making and enforcement.

8. To facilitate the exchange of ecological specialists and scientists and the provision of postgraduate fellowships in order to promote comparative legal research in the sphere of ecology, stressing regional problems of environmental protection.

9. To encourage citizen participation in the decision-making process concerning ecological issues.

10. To strengthen national and international judicial systems for the realization of regional environmental goals and the enforcement of environmental standards.

11. To enhance the capacity of citizens and public organizations to bring legal action in courts against infringers of ecological regulations.

12. To reaffirm the Bellagio Declaration on the Environment [adopted in Bellagio, Italy, on August 8, 1991; published in the November 1991 Bulletin] and to continue the cooperation among the Ministry of Protection of the Natural Environment of Ukraine, the V. Koretsky Institute of State and Law (Ukrainian Academy of Sciences), the Institute of State and Law of the Russian Academy of Sciences, and the American Academy of Arts and Sciences in organizing ecological conferences and related activities, such as the sharing of policy outcomes, the coordination of research, and the dissemination of information.

KIEV, UKRAINE, *November 16, 1992.*

DEATH OF HAROLD CURTIS FLEMING

Mr. WOFFORD. Mr. President, in October 1992, the civil rights community lost a stalwart with the death of Harold Curtis Fleming. A son of the South, Harold was one of the earliest white leaders in the struggle for racial justice. I would like to include in the RECORD a biographical sketch of Harold Fleming and a few quotes from this exceptional man. He will be greatly missed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Harold Fleming was a native Georgian, born in Atlanta and educated in the public schools of Elbert County and Atlanta. He was always a Southerner in his heart and in his habits, from his gift for storytelling, to his love of bourbon, grits and cornbread.

He won a scholarship to Harvard University, where he majored in English literature, learned to "talk Northern" when he wanted to, and refined the great facility with words which marked his professional writing and private conversation. He served in the Army during World War II, rising in rank from private to captain; in overseas duty on Okinawa he led a company of black soldiers in the then-segregated Army, an experience that had a profound effect on his life.

After finishing his college degree, he returned to Atlanta in 1947, seeking a career in journalism. The great editor Ralph McGill directed him to the Southern Regional Council where he worked for 14 years and committed himself to a lifetime struggle for racial justice. He developed a research and publications program that gave the Council a national reputation as the most authoritative source of analysis and recommendations in its field. He always said that the publications of SRC helped to create an image of Southern readiness for change that somewhat exceeded the realities of the day. As Director, he was influential in advising many state and local officials and became a national spokesman for liberal Southerners of both races. He helped found the Atlanta Chapter of the American Veterans Committee, one of the few integrated organizations of its time. He led the creation of the Council's Voter Education Project, which played so large a part in enfranchising black citizens.

Commenting on his role at the Council, McGill wrote: "I have never known a man who has so met the needs of the times. He is a dedicated, intelligent person with all of the necessary courage—one of the great figures of the new South." In 1961 he was named by LIFE magazine one of the 100 most important men and women of his generation.

In 1961, at the urging of the late philanthropist Stephen R. Currier, Harold came to Washington to establish the Potomac Institute, a non-profit research and advisory body specializing in equal opportunity and urban social problems. His government officials enabled him to play a central role—always deliberating behind the scenes—in the development of new federal initiatives and the resolution of racial crises during the turbulent sixties. Potomac became a focus for interaction between government officials and private agencies on social justice issues, through reports and gatherings which energized all kinds of social warriors. Harold always knew the importance of humor and fellowship in building consensus.

In 1964, he took leave to assist in organizing the U.S. Community Relations Service to facilitate orderly compliance with the new Civil Rights Act. Later he helped to organize the new Equal Employment Opportunity Commission. President Johnson wrote him in 1966, after he responded to a request to assist in organizing the White House Conference To Fulfill These Rights, "You have had years of experience in the field, and to these you have added good judgment, a saving tolerance and wit, and absolute dedication to just for the Negro American * * * in a period that was as full of peril as promise".

Potomac's resources then turned to the funding of the National Urban Coalition, the Metropolitan Housing Project, support for black Mayors and elected officials, and equal business opportunity. He believed, in the words of James Dabbs, that progress is made when justice and expediency meet, and he knew how to create such opportunities.

His work also spread out through many other organizations. He was for many years an active trustee of foundations contributing to social justice: the Taconic Foundation, the New World Foundation, the Southern Education Foundation, and the equal opportunity committee of the Council on Foundations.

He chaired the Board of the National Committee Against Discrimination in Housing for 13 years. He was active in the Leadership Conference on Civil Rights and the Center for National Policy Review. He was pleased to be the first public board member of the American Institute of Architects, and a trustee of the National Building Museum when it was first created. He enjoyed the wide ranging discussions that came with being on the Board of the Center for the Study of Democratic Institutions. His belief in the importance of non-profit organizations was reflected in his chairmanship of the Management Assistance Group. His civil rights concerns extended internationally through the U.S.-South Africa Leader Exchange Program.

In later years, as the front line of the struggle for equality moved from eliminating legal discrimination to more complex issues of race and class, he turned Potomac's attention to helping launch projects for young people, such as the Washington Education Project and Youth Service America.

Harold always shunned personal publicity, but he was greatly appreciated among those who knew him for his remarkable good judgment about how and when to move social issues and programs forward, and for his willingness and skill in helping others to make connections and contributions. Above all, his family and friends loved him for the fact that his moral and intellectual clarity and courage were always enlightened by his inability to resist a good pun, a clever limerick, a sip of bourbon and a little song.

"If you are conscious of the ludicrous aspects of the human predicament, including your own foibles and contradictions, it is easier to avoid self-importance, self-pity, disillusionment, and defeatism."

* * * * *

"A mentor of mine once said the real trick in this field is to outlast the bastards. Our national trait is a short attention span. The things that are front stage today are forgotten tomorrow and it is assumed the problem is solved. But I think the things that are achieved in a field as complicated as this are achieved by people who stay with it."

* * * * *

"I've been very lucky that I've worked over more than 40 years for just two organizations, that both paid me to do what I most wanted to do and got the greatest pleasure out of doing."

"And I've been lucky in the close, rewarding and enjoyable association with so many people that I cherished and admired . . . cheering me on, running stride for stride, with confidence that we're going to see a better society."—HAROLD FLEMING.

IN MEMORY OF WILLIAM B. DOSLAND

Mr. DURENBERGER. Mr. President, I would like to remember William B. Dosland, Bill as his friends called him, who passed away April 5, 1993.

Bill served as an Independent-Republican in the Minnesota State Senate for 14 years. He was first elected to represent district 56, Clay and Wilkin Counties, in 1958. As a State senator he was known as an effective legislator sponsoring or cosponsoring 37 major bills, including consumer protection legislation. He also served as chairman of the Senate Judiciary Committee.

From 1967 to 1970, I learned to admire the value of progressive public policy in Minnesota of real citizen legislators like Bill.

They were smart, clear thinking, and totally committed to public service. At that time they were called conservatives (Republicans) and liberals (Democrats), but programs came in the middle.

Minnesota changed to annual sessions and party designations in 1970 and eventually to full-time legislators. Today there are few Bill Doslands. He went on to serve his community endlessly.

In 1972, he chose family and business over public office and decided against seeking another term. However, he did remain active in local and regional politics, and was chairman of the 1984 Minnesota Independent-Republican Convention.

Bill Dosland, native of Chicago, was a Navy veteran of World War II and the Korean war. In 1949, he graduated from Concordia College in Moorhead, and in 1954, he graduated from the University of Minnesota Law School. Afterward, he worked for a Moorhead law firm. In 1979, he was elected to the University of Minnesota Board of Regents.

After public office, he was a key player in the 1973 acquisition of the American Crystal Sugar Co. by the Red River Valley Sugar Beet Growers Association, and later served on the American Crystal Board.

Bill, a well-respected member of the Republican Party and a great leader, will be missed by many.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business on Tuesday, April 27, the Federal debt stood at $4,234,898,715,570.45, meaning that on a per capita basis, every man, woman and child in America owes $16,487.25 as his or her share of the Federal debt.

IN MEMORY OF EMERY BARRETTE

Mr. DURENBERGER. Mr. President, I would like to pay my respects to Emery Barrette, former Minnesota State senator and representative, who died April 4, of cancer. In addition to holding public office, Emery was a United Methodist minister.

Emery Barrette, an Independent-Republican from the east side of St. Paul, was first elected in 1967 as a State representative and was later elected as a State senator in a special election held in 1980. He also served from 1970 to 1980 on the St. Paul Board of Education and on the State High School League Board of Directors from 1975 to 1980. In his later years, Emery was director of special programs at Hamline University.

In 1954 Emery graduated from Hamline University and later received his master's of divinity from Drew University. He served the Methodist Church as an ordained minister for 35 years. From 1963 to 1968 he ministered as chaplain to the Ramsey County Juvenile Court for the St. Paul Area Council of Churches.

Emery, Audrey, and their family have been my dear friends for 25 years. I love them much and miss him deeply. He took a part of each of us—plus his St. Andrew's golf cap—with him in death.

Emery Barrette lived his faith and in turn it was reflected in his ethics and relationships. A straight shooter who defined integrity, Emery took a personal interest in those around him. Filled with compassion, he went to great lengths to comfort the sick and to build relationships with children. He was a person who could be counted on. No one who knew Emery went unnoticed.

Mr. President, Emery Barrette was a person who cannot be described by words, only presence. Led by passionate faith to act on beliefs, he did his utmost to do what was right. Emery serves as a model for all.

At this point, I would like to ask unanimous consent to include a letter Emery's family wrote. It best expresses the painful love of letting go.

DEAR EMERY,

God saw you were getting tired
And a cure was not to be,
So he put his arms around you
And whispered, "Come with Me."

With tearful eyes we watched you suffer
And saw you fade away;
Although we loved you dearly
We could not make you stay.

So when we saw you sleeping
So peacefully from your pain
We could not wish you back
To suffer that way again.

A golden heart stopped beating
Your hard working hands were at rest
God broke our hearts to prove to us
He only takes the best.

Love,

YOUR FAMILY.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 171, which the clerk will report.

The bill clerk read as follows:

A bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Nickles amendment No. 329, to require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments.

AMENDMENT NO. 329

The PRESIDING OFFICER. The pending question is the Nickles amendment No. 329.

The Chair reminds Senators that a time agreement remains in effect. The Senator from Oklahoma controls 4 minutes 40 seconds, the Senator for Ohio controls 25 minutes.

Who seeks recognition?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma [Mr. NICKLES].

AMENDMENT NO. 329, AS MODIFIED

Mr. NICKLES. Mr. President, I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment (No. 329), as modified, is as follows:

At the end of the bill add the following:

SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) Federal regulation is projected to cost as much as $688,000,000,000 by the year 2000;

(B) the 1992 United States merchandise trade deficit was $84,300,000,000;

(C) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities; and

(D) State and local governments are forced to absorb the cost of unfunded Federal mandates.

(2) PURPOSE.—The purpose of this section is to—

(A) ensure that the American people are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure congressional or executive branch action is focused on enhancing economic growth and providing increasing job opportunities for Americans; and

(D) to protect against congressional or executive branch action which hinders economic growth or eliminates jobs for the American people.

(c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS.—

(1) PREPARATION.—The Comptroller General of the United States shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill, resolution, or conference report reported by any committee (except the Committee on Appropriation) of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—Except as provided in paragraph (3), the economic and employment impact statement required by paragraph (1) shall—

(A) state the extent to which enactment of the bill, resolution, or conference report would result in increased costs and benefits to the private sector, individuals, or State and local governments; and

(B) include, at a minimum, a detailed assessment of the annual impact both positive and negative of the bill, resolution, or conference report (projected annually over a 5-year period from its effective date, and, to the extent feasible, expressed in each case in monetary terms) on—

(i) costs and benefits to United States consumers;

(ii) costs and benefits to United States business;

(iii) national employment, directs and indirect;

(iv) the ability of United States industries to compete internationally;

(v) affected State and local governments, fiscal and otherwise; (as reported by the Congressional Budget Office);

(vi) outlays and revenues by the Federal Government as compared to outlays and revenues for the same activity in the current fiscal year (as reported by the Congressional Budget Office); and

(vii) impact on Gross Domestic Product.

(3) EXCEPTION.—The economic and employment impact statement required by paragraph (1) may consist of a brief summary assessment in lieu of the detailed assessment set forth in paragraph (2) if preliminary analysis as determined by GAO indicates that the aggregate effect of the bill, resolution, or conference report as measured by the criteria set forth in paragraph (2)(B) is less than $100,000,000 or 10,000 jobs in national employment.

(4) STATEMENT WITH ALL LEGISLATION.—The economic and employment impact statement required by this subsection shall accompany each bill, resolution, or conference report reported or otherwise considered on the floor of either House.

(d) EXECUTIVE REGULATIONS.—Each regulation and proposed regulation promulgated by a Federal department or executive agency shall be accompanied by an economic and employment impact statement prepared, in accordance with subsection (c)(2), by the department or agency promulgating the regulation or proposed regulation. The economic and employment impact statement shall be published in the FEDERAL REGISTER together with such regulation or proposed rule making.

(e) PROVISION FOR NATURAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS.—The President may waive the requirements of subsection (e) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(f) EFFECTIVE DATE.—This shall take effect 30 days after the date of enactment of this Act and shall not apply to this Act.

Mr. NICKLES. Mr. President, the modification I have sent to the desk is the amendment I discussed last night. It dealt with some of the concerns that were raised by Senator GLENN, some of the concerns that were raised by Senator BYRD, and also includes some improvements that were suggested by Senator MURKOWSKI.

Basically, we dropped out the rule changes. The original legislation said that a point of order could be made if the GAO did not make this study. We eliminated that. We still leave though the requirement that GAO will have to make an analysis on economic and employment impact of legislation if it would have an economic impact in excess of $100 million to the economy or an impact of over 10,000 jobs.

That is the thrust of the legislation. It applies not just to legislation pending before Congress but it also applies to executive branch rulings by various agencies.

I might mention, just to reiterate, that this is not a Democrat or Republican issue. Senator REID and I have been trying to do this for years because we have seen the exploding cost of regulation—even in 1992, last year, over $4,000, and it continues to escalate by most projections.

So what this legislation says is that we should monitor the cost. We should know how much it is before we vote. We should know it at least. The same thing before regulatory agencies make their final determinations. We should know the economic impact of some of the proposals that are coming down from the bureaucracy. So that is the purpose of this amendment.

This amendment is supported by countless business organizations, countless groups that really would like to see Congress and the governmental agencies be more responsible when it comes to adding additional regulations on organizations.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Ohio is recognized accordingly.

Mr. GLENN. Mr. President, we debated the amendment at some length yesterday, of course. The change that the distinguished Senator from Oklahoma sent in does modify the amendment in a way that makes it not quite as onerous as it was yesterday because what the original amendment would have done would have been to literally stop Government. It would have stopped the Senate for unknown amounts of time while GAO was required to make these analyses, and we would not have been able to go ahead with business on the floor of the Senate until those determinations were made because it applied to each bill, resolution, or conference report reported by any committee of the House or the Senate or considered on the floor of either House.

The contents of what would have been required would have been to state the extent to which enactment of the bill, resolution, or conference report would result in increased costs to the private sector, to individuals, or to State and local governments. They would have had to have made an assessment that would have included, at the minimum, a detailed assessment of the annual impact, both positive and negative, of the bill, resolution, or conference report. They would have had to project these out annually over a 5-year period from the effective date of the bill and express in monetary terms seven different items: Costs and benefits to the U.S. consumers; costs and benefits to U.S. business; national employment, direct and independent direct.

No. 4 is the ability of U.S. industries to compete internationally.

No. 5, affected State and local governments, fiscal and otherwise; as reported by the Congressional Budget Office.

No. 6, outlays and revenues by the Federal Government as compared to outlays and revenues for the same activity in the current fiscal year as reported by the Congressional Budget Office.

And No. 7, impact on gross domestic product.

Mr. President, that is quite a load. GAO responded with a letter which we put into the RECORD yesterday that said that they did not know how they can do their job. They could not do it with their current personnel and still carry on the workload they have now. They are a big agency. They have a tremendous amount of work. They estimated it would take at least an additional 200 people to do the job. There is, at the same time, at least one of the sponsors of the bill who has been moving to cut back GAO funds, not to expand them.

So they have just said they do not know how they could do that job.

The change that was made by the amendment that the distinguished Senator from Oklahoma just sent to the desk takes out that part as it applies to the Senate. It does not take out those same requirements as they apply to the executive branch and what they would have to do before any rules or regulations could be implemented pursuant to legislation that passed the Congress.

One roadblock has been taken out, but the other is that all these things I just mentioned, all these requirements, would now be required before any regulation could be written and promulgated over in the executive branch of Government.

Let me read that part that still remains in. You just heard the seven requirements there, which are voluminous. Those are extremely detailed requirements.

But what is left in the bill with regard to those requirements says, under "Executive Regulations":

> Each regulation and proposed regulation promulgated by a Federal department or executive agency shall be accompanied by an economic and employment impact statement prepared, in accordance with subsection (c)2, by the department or agency promulgating the regulation or proposed regulation. The

> economic and employment impact statement shall be published in the Federal Register, together with such regulation or proposed rulemaking.

Mr. President, what we have done is say, OK, we have corrected our problem here, we had yesterday, with regard to what the distinguished Senator from Oklahoma was proposing as a way of, in effect, bypassing Senate rules. He has withdrawn that part.

But the same stiffing effect on Government is going to be had because nothing that we pass here in the Congress is going to be able to get any rules or regulations pursuant to that legislation. And without the rulemaking procedure that goes on, which makes these laws applicable to individuals, this would just completely stop the flow of legislation.

So while we have corrected one problem, we have not corrected the other.

Mr. President, let me add that I am very sympathetic to the problem of the impact on people all across this country, on businesses, on State government, on local government, on county government, and on urban government, because we too often pass things here and say: OK, you people take care of it at the end of the line.

I have heard this repeatedly, all during my reelection run last year, from different levels of government all over our State of Ohio. So I am very sensitive to that particular problem. However, it seems to me that a meat-ax approach like this that basically stops government is not the way to approach this. I would far rather see our committees here, for instance, where a lot of this problem starts, requiring our committees to make some of these cost estimates before they report bills to the Senate floor and put a cost analysis on them. I think we can do that. I will not have any problem with that at all.

In other words, if CBO has given some figures, which they are required to do now on making economic estimates of what the cost of bills is going to be, if we feel the CBO figures, when we get them in committee when we are considering a certain piece of legislation, if we think those are valid figures, then we would submit them to the floor.

If, in our opinion, in the committees, we would say here we have a big piece of legislation, here is a Clean Air Act, or here is something of monumental proportions and it is going to go beyond CBO's estimate to really get good figures on this, then you can call for a GAO study and do exactly what the distinguished Senator from Oklahoma is proposing. We could do that as a requirement on our own committees right here.

As chairman of the Governmental Affairs Committee, I think that would be a very appropriate way to go. But that is not what is being proposed. So what in effect has been a roadblock that we got over yesterday, with the change that the distinguished Senator from Oklahoma has just entered into the RECORD, in changing his original amendment, we just put the problem downstream into the executive branch of Government and said that you will not be able to make any rule or regulation in implementing the laws passed in this land unless you have this GAO study, which GAO says they cannot make without a lot of additional people. And they question whether, even if they had the additional people, they would be able to do it with the current status of economic analysis.

So much appealing as the proposal by the distinguished Senator from Oklahoma is, I just see it as stopping Government, basically. There are going to be some out there who will applaud and say, OK, that is fine. But that is not the way this Government works. There is lots of very fine legislation that goes out that will not get implemented; we will be unable to get it implemented if this were to pass.

So what we have done is just pushed the problem downhill a little. We have gotten by our own immediate problem here within the Senate, but we have not really solved the problem because if this passes it is going to mean that we just stifle anything that is to be done to carry out the intent of legislation or the requirements of legislation that we may pass here.

It applies to everything. It is very all-inclusive.

So at the appropriate time, I will probably move to table. But we do not have a lot of time left. People should be aware of that.

What is the amount of time left?

The PRESIDING OFFICER (Mr. KERREY). The Senator from Ohio has 16 minutes 5 seconds.

Mr. GLENN. So at about 12:30, we will be voting on this. People in the offices should be alert to that. I know the majority leader wanted to speak on this very briefly.

I have 16 minutes left. Senator NICKLES had asked for a couple of extra minutes on this, which I will be glad to grant him. I think we went through most of our arguments and debate on this yesterday.

Mr. President, I suggest the absence of a quorum, with the time to be charged equally between the two sides.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time? Does the Senator from Ohio yield the floor?

Mr. GLENN. We will take the time charged against our side, at least temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, shortly, the distinguished Senator from Ohio will move to table this amendment. I encourage my colleagues to vote to table this amendment. If there is one thing that the Senate ought to be able to agree upon, it is that there are enough Federal bureaucrats and there are already too many Federal studies. Yet, if this amendment becomes law, we will increase, by the hundreds, the number of Federal bureaucrats making studies and by the thousands and tens of thousands the studies that they have to make. That is what this amendment provides for—duplicating studies already being conducted by other Federal bureaucrats.

Right now, the General Accounting Office reports to us that the Congressional Budget Office conducts a cost analysis of every bill, and several hundred analyses include local and State impact. Now here comes this amendment which says that on every bill, every resolution, every conference report, that will be duplicated by the General Accounting Office, and there will be added a whole long list of economic analyses that must be done.

This amendment ought to be named "the Bureaucrats' Relief Act of 1993."

The General Accounting office, the agency charged under this amendment with the responsibility for doing what this amendment wants done, says this, and I now read from the statement of the General Accounting Office:

> A very rough estimate of the resources involved would be that an organization of perhaps 200 people or more might be needed.

It then goes on to say:

> It would force the use of economic analysis techniques for which there is no strong professional acceptance.

It states that some of the tasks proposed by this amendment would duplicate work now being performed by the Congressional Budget Office.

So here we have an amendment which, to meet a political objective—this is clearly a political amendment—would create a vast new Federal bureaucracy and would require that vast new bureaucracy to conduct tens of thousands more studies, all in the name of what? Of reducing regulatory costs.

I submit it would do no such thing. It will increase the number of Federal employees, increase Federal spending, increase Federal studies, and accomplish no substantive purpose. It will accomplish a political purpose. Those who vote for this amendment can go back home and say, well, now we voted to have these analyses done.

Mr. President, I say that we ought not to be causing the addition of several hundred more Federal employees to conduct several thousand more studies which duplicate thousands of studies already occurring. If anything, we ought to be reducing the number of employees; we ought to be reducing the number of studies.

This amendment goes in exactly the opposite direction. It is grossly wasteful. Ask ourselves how long it would take to conduct some of these analyses, a long laundry list of studies that have to be conducted on every bill and conference report, even though the bill might never be taken up.

Every year, the House and the Senate committees report out bills that are never taken up in the Senate, that are never voted on. Yet, this amendment requires a long laundry list of studies and esoteric economic analyses on bills that will never see the light of day in the Senate, bills that will never be the subject of vote. I defy anyone to explain to me how it saves anything to hire hundreds of new employees to conduct thousands of new studies that duplicate studies already being performed, in some cases on bills which are never going to be considered. It does not make any sense. It especially does not make any sense for those who claim over and over again here to be concerned about Federal spending, to be concerned about Federal bureaucracy, to want to reduce Federal burdens.

We are creating a vast new bureaucracy here. We are directing the conduct of tens of thousands of new studies.

Do you know who is going to benefit from this? The colleges and universities that give out degrees in graduate economics. Why, if there is a graduate school of economics in Oklahoma, this is the best bill that could be introduced in their behalf.

I can just see them now recruiting thousands and thousands of more students to come in, because we have a whole new enterprise open for them here conducting this whole long laundry list of studies on every bill, every resolution, every conference report, even those which will never see the light of day.

A more useless, a more wasteful expenditure of Federal money I can hardly imagine.

Mr. President, I say to Members of the Senate, I know a lot of our colleagues are going to vote for this because it has a superficial political appeal. But everybody here who votes for this amendment ought to go back home and tell their constituents honestly: "I just voted to add at least 200 more Federal bureaucrats to conduct at least several thousand more studies, many of which are already being performed by another agency, and somehow, ladies and gentlemen, my constituents, why, we are going to reduce Federal spending by adding to Federal employees and adding to Federal spending."

There is not any logic. There is not any sense. This is a political amendment. Everybody ought to recognize it for what it is, and I hope very much that enough of my colleagues will have the common sense to reject this amendment.

Mr. President, I reserve the remainder of my time.

Mr. GLENN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes and 22 seconds; the Senator from Oklahoma has 1 minute and 57 seconds.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I take it from the majority leader's comment he is not going to vote for this amendment, but I would like to respond to his statement.

He said that this amendment is going to cause tens of thousands of studies. That is not correct. This amendment says that if GAO determines that the economic impact is less than $100 million, they do not have to do a study; if its employment impact is less than 10,000 employees, they do not have to do a study.

So we are not talking about tens of thousands of studies. We are talking about, probably, I hope, not too many studies. I hope we do not have that many pieces of legislation or that many regulations that are going to put over 10,000 people out of work. And before we do it, we ought to know it. That is the whole purpose of the amendment.

He said, well, it is going to add at least 200 employees. GAO right now has 5,000 employees. They have written a letter in which they said they would like to have 200 more, maybe. They say they know they will need 200 more to do this. My guess is they probably have more than 200 they do not need today; 200 over 5,000 is about 4 percent.

I will tell you almost every company in America has had to have streamlining. They have had to refocus their priorities.

I think this would be an excellent priority for GAO to study economic impact and employment impact on major pieces of legislation and on major regulations coming down from the administration. It would probably be far better for them to study that so we can protect jobs and protect the private sector than it would be to do a lot of the miscellaneous, and many times, studies without merit called for by many of our colleagues.

They have 5,000 employees. They have 72 economists. They have 2,000 people there who are right now involved in evaluating different issues.

We are going to have a lot of issues this year. We are going to have the Safe Drinking Water Act.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Ohio.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes and 10 seconds.

Mr. GLENN. Mr. President, I do not know where we get this estimate of $100 million in cost and 10,000 jobs that the distinguished Senator talks about.

The purpose of the legislation supposedly is to try to determine these things.

How anybody can just look at a bill on the floor here and say, well, we exempt it; it does not apply to over $100 million or over $10 million, or whatever it is. I thought that was what the studies are supposed to determine.

I think committees can do a better job on making the estimates here. If we need GAO people we will get the help. There should be a requirement on committees to report financial information to the floor on what the impact is going to be.

The concern that this bill tries to address is the impact on businesses and State and local governments.

I share that concern. But this type of meat-ax approach toward addressing that is the wrong way to do policy. While that has been correction to the amendment this morning, nevertheless it does not address the problem downstream at the executive branch level where we are trying to make some sense out of this after the years of the Council on Competitiveness over there that took regulatory matters into their own hands. We are trying to correct that and making some progress in that regard.

President Clinton said he wanted to reduce Federal employees by 100,000. Republicans proposing this apparently are against this. They probably want to up this now by at least a couple hundred at an additional cost of $8 million, if you figure 200 people at about $40,000 each. We did not have provision for money, an additional $8 million, to cover GAO.

Mr. President, I yield what time remains to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, if I might comment on the question of $100 million or 10,000 jobs, as the Senator from Ohio has just pointed out, you first need a study to determine if a study is necessary. So the first thing that has to happen is that GAO has to conduct a study of every bill to determine whether it meets this threshold. If it does meet the threshold then the detailed study may not be necessary, but an assessment is necessary.

So now you have two studies on every single bill, conference report; a preliminary study to determine whether the threshold is met. And then if it is not met, an assessment; if it is met, a full economic analysis.

This is study piled on assessment, piled on analysis. This is the economist's dream come true. Thousands and thousands of studies, assessments, and analyses piled on top of each other. We will be able to fill the Senate Chamber in short time with the studies that this bill generates. We are going to have to build a new building over here to house all these studies. I would like to know who is going to read all these studies, let alone write them.

Mr. President, this is a waste of money. This is a waste of money. And it is ironic that those who most loudly proclaim the need to curb Federal spending are here proposing to increase Federal spending and are here proposing to increase Federal employees. Let us stop this waste.

Mr. GLENN. I ask unanimous consent that the following letter to me appear in the RECORD prior to the vote on the Nickles amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 29, 1993.

Hon. JOHN GLENN,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for information relating to the work the Congressional Budget Office currently does with respect to estimating the costs of federal legislation, including the potential economic impact, and how this work would be affected if the proposed Amendment Number 325 were adopted as part of S. 171, the Department of the Environment Act of 1993.

As required by the Congressional Budget and Impoundment Control Act of 1974, CBO prepares five-year federal budget cost estimates for virtually every public bill reported by legislative committees in the House and the Senate. CBO also prepares numerous cost estimates at committee request for use in earlier stages of the legislative process. These cost estimates are usually transmitted to the committees responsible for the legislation by letter from the CBO Director, and are usually included in the committee reports accompanying legislative proposals. The number of cost estimates prepared each year varies, depending on the amount of legislation being considered and reported by legislative committees. Over the last ten years, for example, the number of bill cost estimates has ranged from 600 to 855, with an average of about 700 per year.

A large part of CBO's bill costing work in some years has been for House and Senate committees receiving reconciliation instructions in the annual budget resolution. Our tracking system for bill cost estimates treats reconciliation proposals as a few large bills. As a result, the numbers given above significantly understate the true work load. In years when a major reconciliation bill is being considered, the work is equivalent to 100 or more individual bill cost estimates.

The CBO bill cost estimates have become an integral part of the legislative process. Committees refer to them increasingly at every stage of bill drafting, and they often have an impact on the final shape of legislation. They have this effect because they are used to determine whether the committees are in compliance with the annual budget resolutions and reconciliation instructions.

In addition to cost estimates for bills reported by legislative committees, CBO also provides the Appropriations Committees with estimates of outlays and other budgetary effects for all appropriations bills. These estimates are prepared for each appropriation account and are transmitted to the staffs of the committees largely in the form of computer tabulations. CBO's estimates may be critical in determining whether or not the appropriations legislation complies with the annual budget resolution and with statutory limits on discretionary appropriations.

The State and Local Government Cost Estimate Act of 1981 temporarily expanded CBO's responsibilities for bill costing by requiring that estimates be prepared for the cost that state and local governments would incur as the result of proposed federal legislation. The Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 made this requirement permanent.

CBO reviews as many bills as possible to identify their potential impact on state and local governments, although the requirement for state and local cost estimates is only for bills that are likely to result in a total annual cost to state and local governments of $200 million or more, or are likely to have exceptional fiscal consequences for a geographic region or a particular level of government. Since each bill must be examined to determine whether there is a significant cost to state and local governments, we routinely include our cost assessment in our letters to committees about the federal cost estimates for proposed legislation.

Over the past ten years, we have prepared an average of more than 600 state and local cost assessments each year. Most of these assessments show no cost to state and local governments; only a small number each year show costs that exceed the $200 million threshold (less than 5 percent). About 10 percent of our state and local cost assessments show some cost below the $200 million threshold.

Unlike our estimates of the cost impact of proposed legislation on the federal budget, our estimates of state and local costs have little or no impact on legislative outcomes. With few exceptions, Congressional debates on proposed legislation have not focused on CBO's state and local cost estimates, possibly because these estimates are only informational and do not represent any binding constraint on the federal budget.

Many legislative proposals have potential effects for prices, employment, incomes, and other macroeconomic variables. If these proposals are part of a deficit reduction effort, such as a reconciliation bill, they could have negative indirect effects on other categories of federal revenues or outlays. For example, tax revenues could fall with changes in corporate or personal incomes, and outlays for unemployment compensation could rise as economic adjustments occur.

Indirect economic effects and their budget implications are difficult to measure; economists often disagree on their size or duration, and sometimes even on their direction. As a practice, CBO believes that factoring secondary effects into cost estimates would not increase the reliability of the final estimate, despite the appearance of increased precision. For purposes of reporting the costs of legislation to the Congress, CBO's longstanding practice is to restrict the estimates to the most direct budgetary effects.

Nevertheless, CBO has done a number of analyses of the potential economic impact of proposed legislation on businesses and consumers in recent years, such as the possible employment effects of changes in the minimum wage, the economic consequences of reduced defense spending, and the effects of proposed royalties and fees on the mining industry.

The process of estimating economic impacts, however, it inherently difficult. Any analysis of legislation that would result in new regulatory requirements, for example, can be extremely uncertain and controversial and may depend critically on how the new regulations would be administered. Often, the latter consideration is unpredictable. In general, such analyses are necessarily less precise than estimates of the federal budget impact, or even than estimates of state and local budget impacts. For example, the Federal Deposit Insurance Corporation Improvement Act of 1991 made significant changes to federal regulation of banks. Some have blamed that law for perceived shortages of business credit in 1992 and 1993. The validity of those misgivings will not be known for a long time, if ever, and it is highly unlikely that CBO, or any other group of analysts, would have been able to produce credible estimates of such impacts when the Congress was considering the bill.

To prepare economic impact assessments for all legislative proposals would be a costly undertaking, both in terms of the staff resources needed to prepare the analyses and in terms of time requirements. In addition, data could be costly to obtain and verify. Many assessments could result in producing flawed information that could be misleading.

Furthermore, a requirement to prepare economic impact assessments for bills reported from any committee could delay the legislative process significantly. Combining this requirements with the tight, unpredictable schedules that committees often must follow would create conflicting priorities for legislative action. Based on our cost estimating experience, it is hard to be confident that committees would have the flexibility or patience to consistently tolerate the time required for good economic impact analyses.

The amendment proposed to S. 171 would require the General Accounting Office to prepare economic and employment impact statements for each bill, resolution, or conference report reported by any committee of the House or Senate, including the Appropriations Committees. These impact statements would include the estimated impacts not only for consumers and businesses, but also the fiscal impacts for affected state and local governments and the revenue and outlay effects for the federal government.

These analytical requirements would duplicate the bill costing work of the Congressional Budget Office, both for federal cost impacts and for state and local government cost estimates. If enacted, the Congress would be receiving cost estimates from two different legislative support agencies. The result would be confusion for committees and for Members of Congress. The CBO federal cost estimates would be controlling for budget resolutions and reconciliation instructions, but the GAO could easily produce different estimates for the same proposals. Committees and Members naturally would want to know why there were differences, and additional time would be required to sort out the reasons for any differences.

Cost estimates and economic impact analyses depend on specific economic assumptions. The budget process gives the Congress the opportunity to review these assumptions during the consideration of the annual budget resolution. With the adoption of the resolution, the Congress ratifies the economic baseline for cost estimates and economic impact assessments. There is no requirement in the proposed amendment for the General Accounting Office to use the same set of economic assumptions as used by CBO. The amendment would require GAO to duplicate the bill costing work of the CBO without giving the Congress the opportunity to review the economic basis for these estimates. Even if GAO and CBO used the same economic assumptions, estimating differences are sure to result because analysts in the two agencies probably would not make the same programmatic assumptions or use the same estimating models.

As written, the proposed amendment could mandate a great deal of work by the General Accounting Office that might not meet the needs or expectations of committees and Members of Congress. It would require additional resources during a time when Legislative Branch funding is under heavy constraints. An alternative approach would be for CBO work with the Budget Committees and the bipartisan leadership to produce an agenda each year for CBO to follow in making estimates of economic impact, with periodic updates as necessary. In this way, CBO could concentrate its limited resources on a few critical bills for which economic analyses might produce good quality information for the Congress. This approach would avoid duplication of effort and confusion, provide the Congress with useful information, and require limited additional resources.

I hope that this information is useful. I would be happy to discuss further this matter with you or with your staff.

Sincerely,

ROBERT D. REISCHAUER,
Director.

The PRESIDING OFFICER. All time has expired.

Mr. GLENN. Mr. President, I move to lay on the table the amendment of the Senator from Oklahoma and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. It is out of order to ask for the yeas and nays on the amendment.

The question is on agreeing to the motion of the Senator from Ohio to lay on the table the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Texas [Mr. KRUEGER], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. FAIRCLOTH], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—50

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bumpers
Byrd
Chafee
Conrad
Daschle
DeConcini
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mathews
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Riegle
Robb
Rockefeller
Sarbanes
Sasser
Simon
Wellstone
Wofford

NAYS—48

Bennett
Bond
Boren
Brown
Bryan
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Danforth
Dole
Domenici
Durenberger
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Kassebaum
Kempthorne
Kohl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Roth
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner

NOT VOTING—2

Faircloth
Krueger

So the motion to lay on the table the amendment (No. 329) as modified, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 331

(Purpose: To establish a Small Business Ombudsman Office within the Department of the Environment, to provide environmental compliance assistance to small business concerns and family farms, and for other purposes)

Mr. LIEBERMAN. Mr. President, I have an amendment which I would send to the desk at this time.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. CONRAD, Mr. LEVIN, Mr. BAUCUS, and Mr. CHAFEE, proposes an amendment numbered 331.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 38, in the table of contents, redesignate the items relating to sections 108 through 118 of the bill as items relating to sections 109 through 119, respectively.

On page 38, in the table of contents, insert after the item relating to section 107, the following:

"Sec. 108. Small business compliance assistance.".

On page 48, between lines 2 and 3, insert the following:

SEC. 108. SMALL BUSINESS COMPLIANCE ASSISTANCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Environment shall establish within the Department of Small Business Ombudsman Office (hereafter in this section referred to as the "Office"). The Office shall be headed by a Director designated by the Secretary.

(2) DUTIES.—

(A) IN GENERAL.—The Director shall report directly to the Secretary. The Secretary, acting through the Director, shall develop and carry out programs of environmental compliance and technical assistance for small business concerns (as defined in section 3 of the Small Business Act), including family farms.

(B) SPECIFIC DUTIES.—The duties of the Office shall include—

(i) providing to small business concerns—

(I) confidential compliance assistance;

(II) explanations of environmental regulatory requirements; and

(III) available environmental reports and documents;

(ii) assembling and disseminating to small business concerns information on approaches to achieving compliance with environmental laws and improving environmental performance and product yield, including new environmental technologies and techniques for preventing pollution;

(iii) carrying out the functions assigned to the Small Business Ombudsman under section 507 of the Clean Air Act Amendments of 1990;

(iv) serving as the Department's liaison to and advocate for the small business community;

(v) ensuring, as appropriate, consideration of the concerns of small business in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act; and

(vi) coordinating the Department's small business compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws.

(b) COORDINATION WITH NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Environment and the Secretary of Commerce shall enter into such agreements as may be necessary to permit the Department to provide technical assistance and support to the Manufacturing Technology Centers administered by the National Institute of Standards and Technology of the Department of Commerce. Such assistance shall include—

(1) preparing environmental assistance packages for small business concerns generally, and where appropriate, for specific small business sectors, including information on—

(A) environmental compliance requirements and methods for achieving compliance;

(B) new environmental technologies;

(C) alternatives for preventing pollution that are generally applicable to the small business sector; and

(D) guidance for identifying and applying opportunities for preventing pollution at individual facilities;

(2) providing technical assistance to small business concerns seeking to act on the information provided under paragraph (1);

(3) coordinating with the National Institute of Standards and Technology to identify

those small business sectors that need improvement in environmental compliance or in developing methods to prevent pollution; and

(4) developing and implementing an action plan for providing assistance to improve environmental performance of small business sectors in need of such improvement.

(c) COORDINATION WITH OTHER FEDERALLY SUPPORTED EXTENSION PROGRAMS.—The Secretary of the Environment may coordinate with other small business and agricultural extension programs and centers, as appropriate, to provide environmental assistance to small businesses.

Mr. GLENN. Mr. President, will the Senator yield?

Mr. LIEBERMAN. Mr. President, I yield to the Senator from Ohio.

AMENDMENT NO. 332 TO AMENDMENT NO. 331

(Purpose: To provide environmental compliance assistance to small governmental jurisdictions, and for other purposes)

Mr. GLENN. Mr. President, I send to the desk an amendment in the second degree and ask that it be considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. LIEBERMAN, Mr. CONRAD, Mr. LEVIN, Mr. BAUCUS, and Mr. CHAFEE, proposes an amendment numbered 332 to amendment 331.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. 109. SMALL GOVERNMENTAL JURISDICTION COMPLIANCE ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Environment shall develop and carry out programs of environmental compliance and technical assistance for small governmental jurisdictions as defined in section 601(5) of title 5, United States Code.

(b) SPECIFIC DUTIES.—The duties of the Secretary of the Environment shall include—

(1) providing to small governmental jurisdictions—

(A) compliance assistance;

(B) explanations of environmental regulatory requirements; and

(C) available environmental reports and documents;

(2) assembling and disseminating to small governmental jurisdictions information on approaches to achieving compliance with environmental laws and improving environmental performance, including new environmental technologies and techniques for preventing pollution;

(3) designating liaisons to serve as advocates for small governmental jurisdictions, as appropriate;

(4) ensuring, as appropriate, consideration of the concerns of small governmental jurisdictions in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act; and

(5) coordinating the Department of the Environment's small governmental jurisdiction environmental compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws.

Mr. LIEBERMAN. Mr. President, this is an amendment that I offer on behalf of my colleague Senator CONRAD, Senator LEVIN, Senator BAUCUS, and Senator CHAFEE.

Mr. President, I ask unanimous consent that Elizabeth Drye, who is a person in my office, be granted privileges of the Senate floor for the duration of the Senate consideration of S. 171.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Senator ROTH be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I now want to explain the amendments that Senator GLENN and I have introduced and the reason why we introduced them.

The central bill, S. 171, clearly is taking the Environmental Protection Agency and moving it up to Cabinet status, a recognition that is meant to express the support and concern of this Congress and the American people with protecting the environment. I am sure that the great majority of people in this country strongly support environmental protection and, I would guess, elevation of the agency to Cabinet status.

There are, within the American public, a group of people who also, I think, strongly support environmental protection but are on the line very often in being asked to pay the price, to go the extra mile, to do what has to be done to protect the environment. I am speaking here particularly of small businesses, including family farms. But the second-degree amendment of Senator GLENN also adds to that the concerns of small communities, small towns, around our country.

This amendment is really an attempt to bridge the gap between those two emotions, those two groups, in our public support for environmental protection and, yes, we get concern among those—sometimes anger—who are asked to do the work of environmental protection. It is reminiscent of that old joke, which I will not tell in detail in deference to my colleagues, about the chicken and the pig talking about bacon and eggs. The chicken said that he is glad to make his contribution, and the pig says: For you it is a contribution, for me it is a total commitment. That is too often true of environmental protection when it comes to the folks we are trying to support and assist in this amendment.

I think most Members of the Senate, as we return to our homes and meet with small business people, whose fate we are so concerned with now as our economy struggles to come out of recession, good people working hard to try to make a living, to try to produce jobs, to sustain the jobs that their employees have, they too often say to us what a difficult time they have in complying with environmental laws and regulations, how little support they get in complying with environmental laws and regulations, and how often they feel that the governmental representatives—inspectors, bureaucrats, or whatever you want to say—treat them with mistrust as opposed to joining in a partnership to fulfill the purposes of the environmental laws.

Mr. President, this amendment is an attempt to reach out to the small business community, the family farmers, small Government entities, to give them the support they need, to break through the mistrust, to create a sense of partnership, because as small business people all over my State tell me over and over again. We are environmentally concerned; we want our families and our kids to breathe clean air and drink clean water and swim in clean water. We want to be protected from toxic chemicals. But give us a hand, show us a little understanding as we attempt to comply with these laws. Too often, we do not see that.

Mr. President, this amendment is also consistent with what a lot of us in this Chamber hope will be the overriding theme of environmental protection during this decade. And I know that a priority of Carol Browner, who is now our Administrator of EPA—and hopefully will be the first Secretary of the department, once it is created by this legislaiton—is pollution prevention, to move away from the old command-and-control idea where we are trying to force everybody to do everything that is right. Ultimately, we know that is not the most effective step to take, not in the right spirit.

We have to form tough environmental laws and enforce them, but more compliance will be achieved voluntarily than by commandment; and so the emphasis on pollution prevention. This amendment will create structures within the EPA that will help the new Secretary reach out to the business community and help the businesses and the family farms and the small governments to be involved in preventing pollution before it occurs.

Mr. President, let me now talk about what the amendment does. First, it establishes a Small Business Ombudsman Office within the new Department of Environment to serve as an advocate for small businesses in their relationships with the Department.

There is a small business ombudsman tucked away in the EPA right now, created by Executive action, with no legislative mandate, tucked away in an office that primarily has to do with procurement, making sure that small businesses and businesses owned and operated by disadvantaged people have an equal shot at procurement—a worthy purpose, but different from this one.

So this amendment takes that office, elevates it to independent status, gives it a legislative mandate, and gives it direct access to the new Secretary, where, as I have said, it will be an advocate for the unique concerns of small businesses, including family farms, with the Department.

The second function, after advocacy, is to assist those small entities in complying with environmental laws. For instance, the office would, through a phone hot line and any other means that might develop, explain to businesses in plain language the environmental requirements that they face.

So often, I have heard complaints from small businesses which, unlike big businesses, cannot afford the lawyers and cannot afford the consultants to help them understand the complications of the laws and regulations. "Give us a hand," they say to me. This office is there to give them a hand in complying with environmental laws and regulations in plain language.

It would also help them identify the most cost-effective approaches to meeting those requirements and help them find ways to save money through preventing pollution in the first place.

One of the most heartening experiences that businesses have had that we heard testimony about before the Environment Committee is the extent to which businesses find that once they attempt to prevent pollution, they are not only preventing pollution, but they are saving money. As one business executive testified before one of my subcommittees, "We view pollution today as waste, as a sign of inefficiency, waste in that sense. And to the degree that we can eliminate that waste, we are diminishing inefficiency, we are making our operation more efficient, and also reducing our costs."

Second, the second-degree amendment directs the Secretary of the Environment to assist small governmental jurisdictions in meeting Federal environmental mandates.

Third, these amendments together will direct the Department of the Environment to work with the Commerce Department to deliver environmental compliance assistance, pollution prevention assistance to small businesses through the Commerce Department's manufacturing technology centers, which we hope will spring up all over America. The compliance assistance programs in the amendment will help meet an immediate demand.

It has become quite clear that traditional regulatory and enforcement programs do not fully meet the needs of either small business or the environment. Small businesses really do have limited access to legal and technical staff and may need assistance in identifying cost-effective approaches to complying with these regulations. Likewise, local governments struggle to meet environmental mandates with inadequate technical abilities and tight resource constraints. The compliance assistance programs and the advocacy programs established in the amendment provide an answer to these needs.

While environmental regulation and vigorous enforcement will always be necessary, assistance and affirmative pollution prevention must become an integral part of programs to improve our environmental practices. These programs are important both to the environment and to the economy.

Small businesses obviously contribute enormously most significantly to job creation. They also contribute to some of our environmental problems, such as ground-level ozone and urban runoff. Many larger entities have been dealing with emission of air pollutants. Small businesses are now going to be the focus of governmental attention, and they need assistance in identifying pollution prevention approaches that will help them and help the environment.

Mr. President, competing in the global market means limiting the kinds of inefficiencies and waste that I talked about that pipes and stacks often symbolized. Technical assistance programs have already helped businesses find ways of reducing pollution that save money. For example, the North Carolina Pollution Prevention Program showed annual savings of more than $410,000 at just six plants that received technical assistance. In Ventura County, CA, a pollution prevention assistance program which involved sending government specialists into facilities saved industry a minimum of $50 in waste management costs for every $1 invested by Ventura County.

Those are just two examples in the ways in which these assistance programs have helped small businesses save money and improve their environmental performance.

Technical assistance programs can also reduce implementation costs for governmental agencies. As some States are finding, these programs are a cost-effective way to achieve environmental gains, and they are based on the premise that the relationship between government and the regulated community need not and should not be adverse as a result.

As large numbers of small pollution sources come now into the regulatory fold, technical assistance programs are emerging as the critical tool for meeting environmental goals with limited Government resources.

Let me briefly review the three portions of the amendment in more detail.

The small business office would report directly to the Secretary of the Environment and would perform the following functions. It would provide small businesses with confidential compliance assistance, explanations of environmental regulatory requirements, and available environmental reports and documents. It would assemble and disseminate information on improving environmental performance products yield. It would monitor implementation of the Small Business Compliance Assistance Program established by section 507 of the Clean Air Act amendments of 1990. It would serve, as I have mentioned, as the Department's liaison to and advocate for the small business community.

It would ensure the concerns of small businesses are considered in the regulatory development process, and that clearly was on the mind of Senator NICKLES when he proposed the previous amendment. I think this responds in part at least to that.

It would ensure that reporting requirements are consistent, to the extent possible, and avoid unnecessary redundancy across regulatory programs. It would assist in the Department's implementation of the Regulatory Flexibility Act.

And finally, it would coordinate small business assistance programs with other Federal and State agencies that carry out environmental laws. The Secretary would also perform similar functions for small government jurisdictions.

Finally, the Department of the Environment would, as I have said, work with the Department of Commerce to provide environmental assistance to small business through these new manufacturing technology centers. These centers, currently small in number but hoped to grow to more than 100 in the next 2 or 3 or 4 years, currently provide small- and medium-sized business with general technology assistance. They are well positioned to play a greater role in helping small businesses, including family farmers, to comply with environmental mandates and reduce their pollution.

And in that sense these manufacturing extension centers have the potential to become one-stop shopping, in a sense one-stop service centers, for businesses in giving them help not only in improving their manufacturing process in competitiveness but in complying with environmental and other laws.

This amendment directs the EPA or new Secretary to package assistance materials for the centers and directs that the two Departments, Commerce and Environment, work together to target materials and assistance to those business sectors particularly in need.

The amendment also authorizes the Secretary of the Environment to work with other extension center programs, such as the small business development centers and agricultural extension centers, all centers to deliver environmental assistance.

Mr. President, the new Department would not require new resources to implement the mandates set forth in these amendments. First, as the current leadership of the Environmental Protection Agency has confirmed, there are already resources allocated to these functions. For example, EPA has a small business ombudsman office, as I mentioned. It is not given high enough priority and is not established by statute. This amendment strengthens and broadens small business, and small government programs, with the expanded mandate and can be met through a redirection of current resource allocations.

EPA already is starting to work with the Department of Commerce's manufacturing technology centers under existing pollution prevention programs and is seeking additional funds in the 1994 budget request.

The approach to helping small entities that we are taking about in this amendment represents, I think, an area of common ground for small business, family farmers, small governments, environmentalists, and regulatory agencies.

At a hearing that I held in the EPW subcommittee on clean air and nuclear regulation last month, all of these groups, sometimes at odds with one another, expressed support for just these kinds of programs. In fact, the person who operates the unauthorized-by-legislation small business ombudsman office now said that the hotline that office operates already, even in its limited capacity, receives slightly over 20,000 calls per year from small businesses asking for help. So the need is there.

Compliance assistance programs really bring some encouragement to a broad range of our constituents because they do contribute to these two goals, which I think all Americans really share, which is to have both a strong economy—which is to say secure jobs—and a clean environment. I think we have an opportunity now to establish and achieve both those goals with these amendments, and I urge my colleagues to support them.

Mr. President, I ask unanimous consent that the Senator from Pennsylvania [Mr. WOFFORD] be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise in support of the amendment of Senator LIEBERMAN. I am pleased to join with him in offering this amendment. Everywhere I go in my State, the small business community, farmers, and the mayors who run our small towns are telling me that we have to do something about the extraordinary difficulties they face in complying with new environmental rules, regulations, and statutes.

Over and over I am told by the small business community in my State, by the farmers in my State, and by those who run the smaller towns in my State, that they want to comply with the law, but that we have made it increasingly difficult for them to do so.

Mr. President, this amendment is designed to respond to that stated need. This amendment is designed to assist our small businesses, farmers, and those who run our small towns in complying with the law and to help them understand what the law is. It will also provide feedback to the Environmental Protection Agency on how they might fashion regulations in a way that is more user friendly, more helpful, and more understandable for those who just want to obey the law.

Mr. President, this amendment builds on and broadens the mandate of existing programs to streamline environmental compliance, including the office of smalltown ombudsman established under the Jeffords-Conrad Small Town Environmental Planning Program of 1992.

One of the things that I would like to accomplish—and, frankly, would have liked to have accomplished—in this amendment is to provide one-stop shopping for those who have to comply with environmental laws. That was the amendment that I originally proposed and that led to the amendment that we have before us.

Mr. President, everywhere I go people tell me, "Just give us one place to go. We don't want to go to all these different agencies." If you are a farmer today, you have to deal with five different agencies of the Federal Government on environmental rules and regulations. That is too much. It does not make any sense. There is no reason why we cannot go to work and figure out a way to give our farmers, our small businesses, our small towns one place to go. We need one-stop shopping on environmental rules and regulations. That is our ultimate goal.

This amendment moves us in that direction. And for that reason, Mr. President, I believe this amendment deserves support.

Mr. President, I also want to alert my colleagues that in the very near future I will be introducing a bill that does this for the Department of Agriculture, creates one-stop shopping. It will require USDA to consolidate its compliance procedures for all agriculture conservation programs.

The people of the United States want the Government to get its act together. They want the Federal Government to respond to the demands of a new era the way the private sector has responded and the way other units of government have responded. They want us to organize to simplify—organize to simplify—and that is what this amendment is intended to do.

I thank my colleague, Senator LIEBERMAN of Connecticut, who took the lead on this amendment. I thank very much Senator GLENN and his staff, who participated in crafting it.

I also wish to thank the administration for being open to considering changes in the bill that is before us. I think they understand that there is a real need to provide technical assistance to the small business community, to our Nation's farmers, and to small towns on how to comply with the law.

After all, Mr. President, our small business owners and farmers spend most of their time trying to make their businesses succeed. They do not have the time to spend poring over the law books to understand the rules and regulations of the Federal Government with respect to environmental compliance.

The same is true of our small towns. Town after town in my State have part-time mayors and city council members. They have other full-time responsibilities. They have businesses to run. They have professions. They do not have the time to devote to ensuring that their towns are complying with every detail of Federal law.

Mr. President, we have to make a special effort to help all of these constituencies—the small business community, our Nation's farmers, and the small cities and towns of our States.

Mr. President, I think this amendment moves in the right direction.

I thank the Chair and yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senate from Ohio.

Mr. GLENN. Mr. President, let me congratulate the Senator from Connecticut [Mr. LIEBERMAN]. He voiced some of these same concerns in committee when we were considering the legislation. In the press of trying to get things out, we moved ahead and, as I recall, I think he even stated that day that we certainly reserved the right to address these same concerns on the floor of the Senate, which he has rightly done.

I think he is hitting at something here, as he and Senator CONRAD have both said, that is very, very important.

I ran for reelection last fall. I do not think there was any one subject that came up any more often at town meetings, at visits with businessmen, bankers, farmers, workers, all sorts of different groups across Ohio, any concern that was voiced any more often than this concern about: What on Earth is happening with the inundation of rules and regulations, and so on? We have spent the last 2 days, basically, talking about that and talking about the different approaches to it.

We just voted, albeit by a narrow margin, to defeat the Nickles amendment, which tried to address this in one particular way. But I think the pendulum swung far too far, way, way too far, in what he was proposing, and that was defeated by a tabling motion here on the floor.

I think we have to make approaches in this regard from several different angles or several different approaches to the same problem.

One is in committee. I think that in committee here we have to be far tougher about not letting legislation come to the floor until we do know the costs and we do know the impact on small business and small government. Perhaps we committee chairmen would have to join in saying maybe we have been a little derelict in not pushing that as hard as we should have. I think we can correct that.

If committee chairmen can rely upon CBO figures and if they felt, well, it is a big enough problem of whatever it is they are voting out, that they need more information, then they, at committee level, can ask for a GAO study. They can ask for an outside study by experts on whatever the subject is, and come to the floor with good, substantial information about the impact not only for direct costs but the regulatory impact on people out there outside the beltway, people who want to have faith in their Government but find it very difficult when they have to fill out the 25th form of the day and do all sorts of things that have an impact on them and their operation that they find onerous.

The same thing applies not only at the business level, but it also applies at the small government level. And you can define small government, I guess, in different ways. I would define it, just for the purposes of my own statement here, as including State government, because States are impacted a lot of times and we do not send the money out.

We find disagreements on such things that we see as very basic items here, like the Americans With Disabilities Act, where we require a lot of things of people out there, but we do not send the money out. They are supposed to absorb it themselves, and they do. But the amount of absorption out there, what they have to do, has to be considered, whether its that worthy purpose or whether it is something else.

That is what the distinguished Senator from Connecticut is trying to address.

It is not only, as I said, small business, it is also small government. And the second-degree amendment that I introduced here. Addresses that particular problem also.

So I urge support for this, for the Lieberman-Conrad amendment. I guess I should add Lieberman-Conrad-Glenn at this point, since I put the second-degree amendment on this thing.

The amendments, both of them together, establish a program within the department to provide technical assistance to both small business and Government, so that they will understand how to comply—how to comply.

That is a problem, even how to comply with some of these things; they are that complex. The advice has to be given on even how to comply with environmental rules and regulations. And anyone who has been into some of the details of environmental concerns knows what I am talking about. These are not concerns that are going to go away.

We have a general concern across the country for environment. And, indeed, that does not stop at the borders of the United States of America. Concern about environmental matters goes all over the world and is going to be something we have to deal with in the future if we are not pollute our environment irreparably across the world.

That is one of the reasons we are putting forward this elevation of EPA to Cabinet status, because it is something that is going to go on as a national and international concern of ours into the indefinite future.

Back home in my State of Ohio, as I said, I hear all the time from small businessmen and town representatives about how complicated and burdensome environmental regulations are. I agree with the Senator from Connecticut that this burden can be alleviated with better explanation and assistance to these groups on how to comply with environmental laws. They are that complex sometimes that people are not even sure what they have to do. Maybe some of the responsibility for that rests with us right here, because we do not write a law, sometimes, with sufficient specificity that people know how to react. So we send it downtown and it goes over to the executive branch of the Government. They then send it to the departments where the expertise is, where some of the scientists are who deal with these matters. They write the rules and regulations. In trying to carry out what they feel was the intent of Congress, they look through our legislative history here, just such discussions as this on the floor, to find out what our intent was. Then they write the rules and regulations.

Sometimes they get a little carried away with the program down there and maybe they are a little overzealous and they write rules and regulations, sometimes, that are very, very difficult for small business people or small government people to decipher and know specifically here is what we ought to do, and make an estimate on here is what it is going to cost our town, or my business—either way.

So I think this help that is being put forward here is very good and very well justified. Perhaps greater communication between the new department and those regulated can lead to the department issuing simpler and less burdensome regulations; the two-way flow of information, it seems to me, or a better flow of information, sometimes may obviate the need for some of these regulations.

So what this regulation envisions doing for the Department of Environment, I think, would be similar in many ways—to give it a little different twist, a little different analogy, having just past April 15—it is a little similar to what IRS does. IRS provides individuals and businesses help in completing their tax forms, gives them advice. They do not file them for them but they help. IRS assistance to taxpayers comes in the form of local extension offices and written guidance that is widely distributed in local post offices and libraries and even telephone hotline help.

I am not suggesting all of these have to be done in the new Department of the Environment, but it is an example of where Government regulation as applied to each individual is more effective if there is some Government assistance to those people in understanding what is required of them and what they are expected to do.

So I do believe a similar program, as is proposed in this amendment, could both reduce some of the regulatory burden placed on small business and government and improve compliance with environmental law.

I thank Senator LIEBERMAN for his forbearance in committee. When he brought some of these matters up, we were not able to work them out at the particular time, but he has persisted, as he properly should, here on the floor of the Senate, along with Senators CONRAD and LEVIN, in offering the amendment. I certainly urge its adoption.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I congratulate my distinguished friend, the Senator from Connecticut, as well as the chairman, for offering these two amendments, one in the first degree and the other in the second degree, because I think they do answer or help answer a very, very important problem. For that reason I am pleased to cosponsor both to them.

Let me say at the outset, I am also very sympathetic to what the distinguished Senator from Oklahoma was trying to do. He was trying to address the problem of regulatory burden. The fact is, like it or not we too often adopt legislation without really understanding what kinds of burdens, what kinds of problems it is putting on the private sector at the very time we are really depending upon them for growth and jobs. There is no question about the importance of many of these goals and objectives, whether it is environment, safety of workers, or whatever. They are critically important goals.

At the same time, it is also important, as we address these problems, that we do it in such a manner that it will not stifle the creation of the jobs we are so concerned about for the young.

So I congratulate the distinguished Senator from Oklahoma for trying to provide a solution to this problem of burdening regulations by trying to provide that when we enact legislation we have the knowledge and information as to what the pluses and minuses are. Perhaps his answer was not the total answer. Perhaps it was not the right answer. But it is a problem that this Congress, if we are going to make this country competitive in the global economy, is going to have to address.

I would like to express my appreciation and thanks to the chairman for agreeing to hold hearings on the problem that was addressed by the amendment of the distinguished Senator from Oklahoma, because I think this is something we really need to spend some time and effort and innovative thinking on, in an effort to do something so we are not unnecessarily burdening the private sector.

For the last several months I have spent a lot of time visiting with local mayors and community officials and meeting with small businessmen. I can tell you without exception they are concerned about complying with the various laws we have been enacting. These are good, honest people who want to comply with the law. But let me tell you when you go to one of my small communities, they do not have lawyers. They cannot afford to employ counsel to interpret these laws. They do not have the experts who understand the intent or the often very difficult language contained in the rules and regulations.

So I think it is critically important that we do what these two amendments offered by the distinguished Senator from Connecticut and Ohio do, and that is to help advise, construe, interpret for our small communities, for our mayors—frankly, I think we should help the States as well because I think they are going to have some real difficulty—provide the kind of aid that will enable them to comply with these complex rules and regulations that are going to be issued under the environmental laws.

So, as I say, I am pleased to be a cosponsor of this amendment and think it is a step in the right direction. For that reason, I hope the will of the Senate is to agree to these two amendments.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend and colleague from Delaware for his support. I am honored to have it. I am delighted to have it. It strengthens the bipartisan nature of this proposal and, obviously, this should not be a partisan matter.

I appreciate also the personal experience he brings to this discussion of the concerns of small governments and small businesses. I just want to try in my own way to reaffirm what the Senator from Delaware has said, to come at it in this sense—and I had somebody say this to me the other day. So much of governmental regulation is based on mistrust. The truth is, out there, there is only a very small minority of people who intentionally avoid or violate the law. Most folks out there really want to comply with the law and they deserve our trust. Too often when they meet face to face with the bureaucracy, they find a spirit of mistrust and a language of technicality that they cannot understand, let alone attempt to comply with.

So these amendments together, as the Senator from Delaware has eloquently testified based on his own conversations in his State and elsewhere, are really an attempt to break through that mistrust, to break through the confusion, to break through the adversarial relationship between Government and small business, family farms and small government entities, and to create a true sense of partnership and assistance. I thank him very much for his support, his kind words, and for his statement.

Mr. President, I ask unanimous consent that the Senator from Vermont [Mr. JEFFORDS] be added as a cosponsor of the amendment, and also that my friend and colleague, the Senator from Oregon [Mr. HATFIELD], be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 331, AS MODIFIED

Mr. LIEBERMAN. Mr. President, at this time, I would like to modify the amendment in small part by simply adding, as one of the enumerated duties of this small business office, to provide assistance in permitting matters where that is appropriate; in other words, to add that we are not simply offering generalized technical assistance, but so often small business and family farmers have a problem in the permitting process. We want this office to be able to help small businesses carry out their responsibilities under the permitting process, which I said most of them want to do.

I now, Mr. President, send the amendment, as modified, to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified.

The amendment, with its modification, is as follows:

On page 38, in the table of contents, redesignate the items relating to sections 108 through 118 of the bill as items relating to sections 109 through 119, respectively.

On page 38, in the table of contents, insert after the item relating to section 107, the following:

"Sec. 108. Small business compliance assistance.".

On page 48, between lines 2 and 3, insert the following:

SEC. 108. SMALL BUSINESS COMPLIANCE ASSISTANCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Environment shall establish within the Department a Small Business Ombudsman Office (hereafter in this section referred to as the "Office"). The Office shall be headed by a Director designated by the Secretary.

(2) DUTIES.—

(A) IN GENERAL.—The Director shall report directly to the Secretary. The Secretary, acting through the Director, shall develop and carry out programs of environmental compliance and technical assistance for small business concerns (as defined in section 3 of the Small Business Act), including family farms.

(B) SPECIFIC DUTIES.—The duties of the Office shall include—

(i) providing to small business concerns—

(I) confidential compliance assistance;

(II) explanations of environmental regulatory requirements; and

(III) available environmental reports and documents;

(ii) assembling and disseminating to small business concerns information on approaches to achieving compliance with environmental laws and improving environmental performance and product yield, including new environmental technologies and techniques for preventing pollution;

(iii) carrying out the functions assigned to the Small Business Ombudsman under section 507 of the Clean Air Act Amendments of 1990;

(iv) serving as the Department's liaison to and advocate for the small business community;

(v) ensuring, as appropriate, consideration of the concerns of small business in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act;

(vi) coordinating the Department's small business compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws; and

(vii) providing assistance in permitting, where appropriate.

(b) COORDINATION WITH NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Environment and the Secretary of Commerce shall enter into such agreements as may be necessary to permit the Department to provide technical assistance and support to the Manufacturing Technology Centers administered by the National Institute of Standards and Technology of the Department of Commerce. Such assistance shall include—

(1) preparing environmental assistance packages for small business concerns generally, and where appropriate, for specific small business sectors, including information on—

(A) environmental compliance requirements and methods for achieving compliance;

(B) new environmental technologies;

(C) alternatives for preventing pollution that are generally applicable to the small business sector; and

(D) guidance for identifying and applying opportunities for preventing pollution at individual facilities;

(2) providing technical assistance to small business concerns seeking to act on the information provided under paragraph (1);

(3) coordinating with the National Institute of Standards and Technology to identify those small business sectors that need improvement in environmental compliance or in developing methods to prevent pollution; and

(4) developing and implementing an action plan for providing assistance to improve environmental performance of small business sectors in need of such improvement.

(c) COORDINATION WITH OTHER FEDERALLY SUPPORTED EXTENSION PROGRAMS.—The Secretary of the Environment may coordinate with other small business and agricultural extension programs and centers, as appropriate, to provide environmental assistance to small business.

AMENDMENT NO. 332, AS MODIFIED

Mr. GLENN. Mr. President, I ask unanimous consent that my second-degree amendment be modified as indicated, which I send to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, with its modification, is as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. 109. SMALL GOVERNMENT JURISDICTION COMPLIANCE ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Environment shall develop and carry out programs of environmental compliance and technical assistance for small governmental jurisdictions as defined in section 601(5) of title 5, United States Code.

(b) SPECIFIC DUTIES.—The duties of the Secretary of the Environment shall include—

(1) providing to small governmental jurisdiction—

(A) compliance assistance;

(B) explanations of environmental regulatory requirements; and

(C) available environmental reports and documents;

(2) assembling and disseminating to small governmental jurisdictions information on approaches to achieving compliance with environmental laws and improving environmental performance, including new environmental technologies and techniques for preventing pollution;

(3) designating liaisons to serve as advocates for small governmental jurisdictions, as appropriate;

(4) ensuring, as appropriate, consideration of the concerns of small governmental jurisdictions in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act; and

(5) coordinating the Department of the Environment's small governmental jurisdiction environmental compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws; and

(6) Providing assistance in permitting where appropriate.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield the floor.

Mr. LIEBERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, we have an amendment that Senator HATFIELD is proposing and I am happy to accept and accept it on both sides. It is a good addition to this bill. I am happy to accept it.

While we are waiting to start the vote on the amendment that Mr. LIEBERMAN proposed and which I proposed an amendment to, I think we can accept Senator HATFIELD's amendment, and I will yield the floor for his presentation.

I ask unanimous consent to set aside the Lieberman-Glenn amendments and proceed to the amendment proposed by the distinguished Senator from Oregon [Mr. HATFIELD].

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 333

(Purpose: To provide for the enhancement of State and local capacity)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 333.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, line 9, strike "and".

On page 44, line 13, strike the period and insert "; and".

On page 44, between lines 13 and 14, insert the following new subparagraph:

(T) regional operations and State and local capacity.

On page 74, line 2, strike "and".

On page 78, line 8, strike the period and insert "; and".

On page 74, between lines 8 and 9, insert the following new paragraph:

(6) enhance the capacity of State and local governments to manage, finance, and implement environmental laws (including regulations).

At the appropriate place, insert the following:

"It is the sense of the Senate that building the capacity of state and local governments to more efficiently and effectively implement and manage environmental regulations should be a primary mission of the Department of the Environment."

Mr. HATFIELD. Mr. President, building upon the foundation laid in the current amendments pending before us offered by Senator LIEBERMAN, relating to the EPA's responsibilities and the implementation of rules and regulations not only by small enterprise, but by local governments, my amendment would bring an additional focus to bear on the Department of the Environment's relationship with all State and local governments, regardless of size.

I have received numerous letters and comments from State and local officials in my State relating to the difficulties of implementing rules and regulations placed upon them; not that they are opposed to them, but the capability is often just not there in terms of expertise and the technical requirements of the regulations.

I have also listened to many of my colleagues who have related experiences of extreme frustration on the part of State and local officials with EPA's management of environmental policy.

In countless meetings with State officials, city council members, and county commissioners from all sizes of communities, I have heard repeated pleas for help.

Our State and local officials are overwhelmed by the comprehensive regulations issued over the past dozen years and are finding it very difficult to keep up with the volume, complexity, and cost of these requirements.

I must comment that I am very happy to know that the newly appointed EPA Administrator, Carol Browner, has had experience as a former State official. I am sure that she fully appreciates some of these difficulties faced by States, counties, and cities.

At this point, I ask unanimous consent that a letter from the League of Oregon Cities and Association of Oregon Counties be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Fundamentally, Mr. President, I am asking in this amendment for three things. First of all, remember that the EPA, as now constituted, was issued by Executive order. There was not a statement of mission that we could amend or supplement. And so my amendment includes a sense of the Senate, which states that building the capacity of State and local governments to more efficiently and more effectively implement and manage environmental regulations should be a primary mission of the Department of the Environment.

I understand and support the prerogative of this body to give statutory direction to agencies and departments, and this is what I intend to do with my amendment. At the same time, I find it equally important for the Environmental Protection Agency or the Department of the Environment, as the case may be, to have a clear mission statement. This statement should lay out, in broad terms, the priorities and direction of the organization.

The word "capacity," as used in my amendment, is a term of art. It means to give State and local governments the tools they need to implement the environmental agenda of the United States. Capacity would include such things as technical expertise, collaboration, creative financing and, to the extent possible, administrative flexibility. The new Department could do much worse in choosing a mission statement.

We have made State and local governments primarily responsible for implementing many Federal environmental statutes.

I think we should do much more to ensure that they have the capacity to do what we have mandated that they do. My sense-of-the-Senate resolution makes the points that there should be more of a focus in terms of what I would call the true mission of the Department—helping implement the law. This is also the conclusion of the EPA task force to enhance State capacity which recently completed work on a report on this subject.

I ask unanimous consent that the EPA task force report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HATFIELD. Mr. President, this report is an excellent review of the methods the Environmental Protection Agency should use to improve the effectiveness of environmental program implementation. The simple theme of the report is that EPA should do more to work in cooperation with an empower State and local governments to carry out the environmental regulations now on the books. This is an approach with which many, if not all, in this body would agree.

Based on this idea, my amendment would also increase the importance of building State capacity by adding "State and Local Capacity and Regional Operations" to the list of responsibilities to be assigned to the newly created Assistant Secretaries under section 104(b) of the bill. My hope is that this important responsibility will be the sole duty of one Assistant Secretary, but my amendment leaves this decision to the discretion of the new Secretary.

Finally, the amendment would require the Commission on Improving Environmental Protection, which is created in the bill, to make recommendations on ways to enhance State capacity.

This amendment is, for the most part, a symbolic attempt to respond to the calls for help each of us have heard from our State and local governments. The substantive changes made by my amendment are few. Adding this responsibility to those assigned to assistant secretaries serves to elevate the status of State and local relations within the Department.

While there exists an Office of Regional Operations and State and Local Relations under an associate administrator in the current EPA, this office is not a permanent responsibility of the agency and can be eliminated at any time. Also, according to my sources, this office has not been of great importance within the agency in the past. Without micromanaging the department, my amendment makes a clear statement that this body believes building State and local capacity should be a primary mission of the new Department of the Environment, just as it should be for the current EPA.

State and local governments are struggling under the burden of many environmental regulations. We have placed these organizations at a vital point in our environmental management structure. We have issued a broad array of orders to be carried out by these officials. It is certainly in our interest, and in the interest of the citizens who will breathe cleaner air and drink cleaner water if the environmental laws are implemented properly, to ensure that State and local governments have the capacity to carry out the orders we have given.

My amendment is very straightforward. I have related an abbreviated version, but I think having discussed this today with the leaders of our bill, Senator GLENN and Senator ROTH, and their staffs, we have acceptance of this amendment, Mr. President. I thank them for their support and for their assistance, and at this time I would be ready to move to a vote.

EXHIBIT 1

LEAGUE OF OREGON CITIES;
ASSOCIATION OF OREGON COUNTIES,
Salem, OR, April 28, 1993.

Hon. MARK O. HATFIELD,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR HATFIELD: We are writing on behalf of the League of Oregon Cities and the Association of Oregon Counties to seek your help in solving a longstanding problem for Oregon's local governments.

We face extraordinary difficulty in complying with the many environmental mandates required by the Environmental Protection Agency (EPA). Many of our communities lack the capacity, both technical and financial, to comply with environmental mandates period—let alone within the relatively short time frame which is often specified. Too often, we are threatened with sanctions when we fail to comply by specified deadlines. Imposition of sanctions implies that we are unwilling to comply; that is not the case, we are simply unable.

We would appreciate your help in refocusing EPA's mission from generating new regulations to enhancing the capacity of state and local governments to comply with existing environmental mandates.

If you require additional information, we will certainly respond to your requests. We would be grateful for your assistance.

Sincerely,

MIKE LINDBERG,
President, League of Oregon Cities.
MIKE SYKES,
President, Association of Oregon Counties.

EXHIBIT 2

[Report of the Task Force To Enhance State Capacity]

STRENGTHENING ENVIRONMENTAL MANAGEMENT IN THE UNITED STATES

(U.S. Environmental Protection Agency, April 22, 1993)

NOTE TO READER

This report consists of three major parts to reflect the various needs of its wide range of readers. Some readers' requirements for information will be satisfied by the shorter versions of the report found in the Executive Summary or the Consolidated Report. Other readers may also wish to review the reports of the four teams making up the State Capacity Task Force. This report does not discuss the issues of local or tribal capacity. Given the importance and complexity of local and tribal capacity issues, EPA has chosen to address them in separate efforts.

Part I, Executive Summary provides a very general outline of the report's purpose, background, and major findings and recommendations, along with the next steps to implement the report's recommendations.

Part II, Consolidated Report, presents an overview of the current state/EPA relationship and the environmental program management capacity of state governments, summarizes the findings and recommendations of the State Capacity Task Force's four terms, and presents recommendations for implementing the teams' recommendations.

Part III, Team Reports, includes the reports prepared by the four teams. These reports provide the reader with the extensive background information, findings, and recommendations developed by the teams. The four topics represented are: "Building State/EPA Relations," "Alternative Financing Mechanisms," "Building State Capability," and "Streamlining the Grant Process."

The Appendices contain background information on the project and materials too voluminous to be incorporated in the body of the report. Of special interest to members of state, tribal, and local governments is the compendium of information on Alternative Financing Mechanisms. (See Appendix B.)

ACKNOWLEDGMENTS

The State Capacity Task Force wishes to acknowledge the valuable assistance provided by a large number of organizations and individuals. Many groups and people contributed to our research during the development of our findings and recommendations, and provided insightful suggestions in reviewing our draft reports. We thank all who made this effort productive, and look forward to continuing to work with them as the recommendations of this report are debated and implemented. Because this effort was so broad ranging and developed over a lengthy period of time, we may have inadvertently left someone off this list. We apologize for this oversight.

John Wise, F. Henry Habicht, Howard Corcoran, Ed Hanley, Jack McGraw, Gerry Emison, Dick Bauer, Herbert Barrack, Jan Eastman, Mike Cook, Jeffrey Denit, Tina Parker, John Sandy, Harvey Pippen, Robert Currie, Gerald Bryan, Jospeh Franzmathes, Dev Barnes, Murray Newton, Steve Johnson, Hannah Schoenbach, Kathleen Ehrensburger, Angie Leith, Pat Hull, Jane Ephremides.

Reginald LaRosa, Vera Hannigan, Beth Cavalier, Marylouise Uhlig, Lawrence Martin, Paul Guthrie, Maureen Ross, Abby Pirnie, Vince Martin, Donna Fletcher, Bruce Feldman, Thomas P. Looby, Bruce S. Anderson, Charles Jones, Janis Berry-Chen, Jim Bower, Nora Hoskins, Pat Saylor, Ron Kreizenbeck, Charles Kent, Robert Currie, Deb Martin, Kate Kramer, Bob Heiss, Mike Menge.

Teri Lunde, Mike Reed, Phil Miller, Constantine Sidamon-Eristoff, Arty Williams, Susan Absher, Jole Luehrs, Ken Smith, Bruce Feldman, Laurie Goodman, George Ames, Anna Hackenbracht, Janet Keller, Kathy Prosser, Robert Perciasepe, John Dubuliewicz, Robert Roberts, Rebecca Parkin, Ed Fox, Scott Wiener, Dana Minerva, Gary Foley, Judy Kertcher, Bettina Fletcher.

PART I. EXECUTIVE SUMMARY

EPA has a long-standing imperative to enhance state capacity and to strengthen environmental management in the United States. Inherent in most federal environmental statutes is the concept that states should hold primary responsibility for the operation of regulatory and enforcement programs. Much progress has been made; today most states stand as competent environmental managers. Yet the onslaught of statutory and program demands, plus the limitation of funds, is slowly driving states into perennial shortfalls and is compromising state capacity to manage environmental programs. The bottom-line lesson is that if the states fail, then EPA fails.

The State Capacity Task Force was created to invigorate EPA and state efforts to enhance capacity. Building on past efforts (both successes and shortfalls), the Task Force engaged a wide range of stakeholders in a participatory process of continuous improvement such that total quality would come to characterize the state/EPA relationship.

The Task Force focused on four areas, supported by four teams comprised of EPA and state officials:

Improving state/EPA relations.

Encouraging alternative financing mechanisms.

Investing in state management infrastructure.

Streamlining the grants assistance process.

The recommendations of the Task Force envision a long-term change process, motivated by continuous improvement and building upon past successes. The recommendations set forth a policy framework to enhance state capacity; specific implementation actions will subsequently give tangible expression to each recommendation. There is no magic solution to building state capacity; rather the Task Force envisions a long hard journey employing a collaborative process involving EPA, the states, and other interested parties that will firmly establish the states as primary environmental managers.

Following is a summary of the recommendations for the states and EPA:

1. Framework and Policy:

Establish a new framework and policy for state/EPA relations emphasizing flexibility, a mutually supportive working relationship, and a shared responsibility for success.

Initiate a review of the current policy statements that set out the governing principles for state/EPA relations with the intent of issuing a new concise statement to reflect the new framework.

Restructure program oversight practices to:

Ensure that program performance is reviewed in terms of environmental, as well as fiduciary outcomes;

Recognize both shared and unique EPA and state environmental priorities; and

Provide for peer review and self-assessment of environmental accomplishment.

Issue a new policy statement on grant oversight to clearly define EPA's and the grantee's fiduciary responsibilities for managing and accounting for public funds.

2. Strategic Planning and Integration of Priorities:

Establish a joint process with each state to identify and define clear environmental goals and to systematically integrate federal and state priorities.

Regional Administrators should meet with states within their jurisdictions to discuss regional priorities, state priorities, and agree on integrated federal and state priorities;

Agreements between individual states and EPA should be signed and published to confirm shared state and federal priorities;

States should be active participants in EPA's long-term planning process and be included in setting its agenda; and

EPA should devise mechanisms to include states in setting goals and developing planning guidance.

EPA and states should issue periodic public reports detailing state and federal environmental goals, objectives and priorities, and discussing progress in meeting them.

Implement collaborative projects to promote state/EPA co-management of geographic projects and to build joint experience, technical exchange, and mutual trust.

Vigorously promote operational efficiency in all state/EPA programs.

3. Mechanisms to Institutionalize State Capacity:

Establish a central contact in the Office of the Administrator to guide and monitor state capacity efforts.

Form an EPA steering committee on state capacity, comprised of state and EPA representatives, to advise and consult on EPA matters that affect states. The steering committee will focus on developing and carrying out an implementation plan based on the recommendations of this report. The steering committee will work closely with the State/EPA Operations Committee to ensure full collaboration.

Convene a conference of states with the new Administrator to review this report, and initiate a continuing dialogue on state/EPA relations.

Strengthen the State/EPA Operations Committee to serve as the primary forum for a continuing dialogue on state/EPA policies and relationships, including state capacity.

Incorporate other advisory groups, such as the Environmental Financial Advisory Board (EFAB) and the National Advisory Council for Environmental Policy and Technology (NACEPT), as sources of outside advice and counsel on major issues facing states and EPA.

Initiate, in cooperation with program-specific state associations and state and local officials' organizations, a dialogue on managing the environment, researching critical issues, and improving management of environmental programs.

Significantly expand the exchange of EPA and state employees, through both individual assignments and team efforts.

4. Building State Capability and Management Infrastructure:

Use EPA's planning and budget processes to incorporate state capability support as a key investment priority.

Insure state representation and consideration of state needs and priorities throughout the planning and budget processes.

Seek to obtain maximum delegation of national programs in order to efficiently manage an integrated collection of state and federal programs.

Exercise maximum flexibility in negotiating grant-assisted work plans while respecting statutory and regulatory authority, mutually agreed upon strategies and sound management practices. Expect mutual accountability for the negotiated terms of the grant-assisted work plan.

Encourage the use of innovative approaches to improve the efficiency and effectiveness of state environmental programs. For example, promote the use of general permits, administrative penalty authority, professional certification, and tickets for minor violations.

Energize EPA's environmental training function to provide learning experiences for federal, state and local employees, including enhancing knowledge of program delivery; building scientific and technical skills; and assisting state and local governments in developing local, on-site training.

Invest in an state/EPA integrated data and information portfolio designed to enhance information exchange, promote access, and ensure compatibility throughout the entire information management system.

Continue to provide consultation and assistance on environmental management needs, risk assessment, information system management, management advice and assistance, and Total Quality Management.

Implement programs to improve the scientific and technical capability of state and local personnel, including technology transfer, research assistance, and scientific information.

5. Environmental Finance:

State and local governments with environmental management responsibilities should critically assess and challenge the funding mechanisms used for each component of their capital and operating budgets, using the opportunities for alternative financing presented in the Compendium of Alternative Financing Mechanisms (See Appendix B).

Expand the existing integrated multimedia environmental finance program to develop strategies and approaches for assisting state and local governments in financing and carrying out their environmental mandates. The thrust would be to enhance the ability of state and local governments to finance rising costs.

Establish an environmental finance program within EPA, and at university-based Environmental Finance Centers, to develop strategies and approaches to assist state and local governments in financing and carrying out their environmental mandates. The thrust would be to enhance the ability of state and local governments to finance rising costs.

6. Grants Administration:

Establish a State/EPA Grants Steering Committee to ensure continuous improvements in grants management processes.

Continue research on alternative grant mechanisms and advocate new authorities for multi-media grants.

Seek more efficient grant award and management processes by improving the integration of state and federal planning cycles.

7. Legislative Action:

Offer language for EPA cabinet status elevation that would make state-capacity building a primary mission of the Agency.

Articulate the current limits and opportunities under the administrative Procedure Act (APA) for including states in the rulemaking process, and propose specific legislative changes to the APA that would address EPA and state needs.

Offer guidelines on how EPA can currently work with the states under the Federal Advisory Committee Act (FACA). Propose specific changes to FACA that would recognize the right of states, as delegated managers of EPA programs, to be consulted on matters of policy and management of national environmental programs without the need to charter formal advisory committees.

When EPA's basic statutes are reauthorized, seek amendments that outline clearly the roles and responsibilities of the states and EPA, and the nature of the collaborative relationship between them; that facilitate cross-media activities through multi-media funding, and cross-jurisdictional geographic activities; and that recognize state and local responsibility and accountability.

The Task Force proposes that initial implementation efforts be managed by a central contact in the Office of the Administrator. The Administrator should appoint a State Capacity Steering Committee to guide and monitor the state capacity effort.

With these recommendations, the Task Force has reached the beginning of its efforts; we are at a critical juncture where implementation must now proceed. And implementation must proceed with the same joint commitment and close collaboration that has distinguished this effort to date.

PART II. CONSOLIDATED REPORT

A. Preface

Environmental management in the United States is a complex and dynamic system. States, cities, villages, towns, townships, boroughs, counties, parishes, special districts, multi-state commissions, international commissions and recognized indigenous organizations all share with the federal government responsibilities for environmental management. This structure is the result of our nation's commitment to federalism and a testimony to our belief in the dispersal of authority and responsibility and in public involvement in the exercise of governmental functions.

For many years states have provided the lion's share of environmental management controls—permits, discharge standards, and public health and natural resource regulations. Since 1970, with the creation of the Environmental Protection Agency (EPA), the federal government has joined states and localities in regulating particular environmental activities.

In states, several different governmental agencies typically manage, regulate, and promote environmental protection policies and practices; commonly, these are health departments, agricultural agencies, and environmental and natural resource agencies. At the local government level, environmentally-related activities traditionally have been confined to the provision of public services (such as wastewater treatment, drinking water, and trash removal) and the regulation of land use and personal safety (such as zoning and building codes). Today, however, local governments are also involved in the regulation and management of activities that affect the environment, for example, district-wide air pollution regulation, industrial pretreatment for wastewater discharges, stormwater controls, public health protection, and sanitation regulation.

For EPA, responsible stewardship of the nation's environmental agenda requires constant, open communication and interaction with states and local governments. Likewise, in their effort to manage the environment, in their attempts to use resources most efficiently, and in their need to coordinate with others, states must communicate effectively with EPA and local governments. In their role, local governments must communicate and coordinate with states and the federal government, but they must also integrate legislated requirements with the ongoing service needs of their individual communities.

The challenge for all levels of government is to develop appropriate techniques and institutions to protect the health of citizens adequately and to nurture and sustain the environment appropriately, thus providing for future generations a world that is in balance with itself.

B. Introduction

Federal environmental programs were designed by Congress to be administered at the state and local level wherever possible. The clear intent of this design is to use the strengths of federal, state, and local governments in a partnership to protect public health and the nation's air, water, and land. State and local governments are expected to assume primary responsibility for the implementation of national programs, while EPA is to provide national environmental leadership, develop general program frameworks, establish standards as required by legislation, assist states in preparing to assume responsibility for program operations, and ensure national compliance with environmental quality standards.

EPA's policy has been to transfer the administration of national programs to state and local governments to the fullest extent possible, consistent with statutory intent and good management practice—William D. Ruckelshaus, 1984.

In 1984, Administrator William D. Ruckelshaus articulated a national policy for federal-state-local management of national environmental programs. This statement, a synthesis of history, law and practice, has been identified for a decade as the guiding principle of management within EPA.[1]

Time, circumstance and human behavior have altered the policy so carefully enunciated. Over the last decade, a host of dynamic and often independent factors has brought pressure to recognize change in federal, state and local environmental programs. In light of these evolving circumstances it has become evident that EPA, states, tribes and localities need to re-examine their working relationship and to jointly develop proposals, recommendations and new systems for the future. The following summary of their forces for change will underline some of the issues addressed in this report.

Elements of Change and Challenge

Environmental management burdens on states and municipalities have increased dramatically and will continue to escalate. State and local capacity for managing the environment is affected by an increase in environmental laws, changes in regulatory jurisdiction, scientific developments, and today's fiscal realities. First, environmental responsibility is increasingly being borne by the states. New statutes have been passed, mandating an increased regulatory presence and delegating primary responsibility to the states.

Early national environmental laws were enacted with a strong increasing federal focus. The focus was driven by high public concern, increasing demands from the regulated community for consistency in standards, and lack of broad-ranging and integrated state environmental programs. In fact, today some states have instituted environmental programs that go beyond national requirements. Simply relying on traditional command and control methods has become less effective in meeting our remaining environmental protection needs, especially as resources become increasingly constrained. New environmental concerns, such as the need for location-specific responses and the need to address more and more small, dispersed polluters have changed management requirements.[2]

State Budgetary Health

At the state level, overall the growth in general revenues has declined. Furthermore, even though this varies from state to state, the federal government's relative contribution to state environmental budgets has slowed. Finally, direct federal support to local governments for environmental improvements has also declined. The gap between the cost of environmental protection and resources available to meet them is widening at an alarming rate. Competition for revenue dollars is intense and the prolonged economic downturn has threatened general revenue levels and forced states and localities to cut current budgets and adopt alternative funding sources. As environmental statutory and program demands increase and available resources decrease or remain level, state and local capacity to provide environmental protection is compromised.

State Funding for Environmental Programs

Environmental management has grown exponentially over the past two decades. Fueled by legislative action at the national, state and local levels, this expansion led to growth in operating budgets of states and localities for environmental management. For most of the period, the nation's economic vitality provided increasing resources for this growth. Recently, however, two converging national developments have brought into question the ability of states and localities to continue, unabated, the expansion of environmental management activities.

Increased Demand on Expenditures.—First, scientific inquiry, identification of environmental concerns, and specificity of environmental law have accelerated at a great pace over the past decade, increasing the need for more sophisticated regulatory action and highly complex environmental controls, as well as requiring greater commitment of both capital and operating funds.[3]

Decreased Revenues.—Second, national economic growth has slackened. Government revenues are suffering, while many costs have risen. Consequently, states and localities are experiencing severe budget stress. For the first time since the birth of EPA, environmental demands must actively compete with human service needs (such as medical assistance, corrections, general assistance, and education) for scarce resources.[4]

As the economy grows slowly and budget deficits swell, environmental programs are facing increasing competition for limited resources from other programs. In the long term, this fiscal stress increases the risk that state and local governments will be unable to maintain their administrative responsibility, resulting in non-compliance and diminished enforcement, delays in program implementation, and postponement or cancellation of crucial environmental investments.

---

[1] Footnotes at end of article.

States' Response.—Governments at all levels are trying to cope, looking at new incentive mechanisms, public-private partnerships, interagency cooperative efforts, and other innovative strategies to address complex environmental problems that do not respond to traditional approaches. Individually, these trends are new in the field of environmental protection; collectively, they entail a larger policy-setting and fiscal role for states and localities than ever before.

Relationship Between EPA and States

Relations between states and federal agencies have always been characterized by compromises born of necessity. On one hand, Congress and the public expect a federal agency to maintain adequate stewardship of its responsibilities; on the other hand, they expect states to share substantially in managing many activities. Traditionally, the federal government has had minimal authority over the internal workings of the states. While public policy options create the most visible conflicts between individual states and federal agencies, these disputes are frequently settled in the political arena. Issues of day-to-day program management, however, often strain the relationships between states and federal agencies. This Task Force's work has been focused on the crucial issues of day-to-day management and cooperation.

Oversight.—Existing national oversight practices were born at a time when states had limited technical and managerial capacity and EPA was the acknowledged leader. Now, state officials have experience in administering environmental programs that often equals or surpasses that of the EPA managers and staff who "oversee" them. In fact, since EPA has less responsibility than in the past for day-to-day field level operations, its staff capability in these areas is eroding. The obsolescence of the existing accountability system is especially apparent in states that have adopted innovative policies, laws, or organizational structures that do not mirror EPA's guidance. Ironically, innovative states often make changes that EPA itself has been unable to accomplish.

Delegation.—There are dozens of program components that can be delegated to states. Currently, the extent of delegation is uneven and performance of these delegated programs is also uneven. The national picture is, in fact, a mosaic of situations, even within a single state. Thus, the "state/EPA relationship" is really a complicated series of relationships that can only be described accurately on a program-by-program and state-by-state basis.[5]

Adding to the federal government's management challenge are two facts: (1) states are not monolithic, in their organizations, approaches, or traditional environmental responsibilities (as established by common law, treaty, constitution or statute); and (2) federal agencies cannot force states to adopt particular organizational or management systems. Thus, in dealing with states, federal agencies must forge compromises of style and direction in order to fulfill congressional mandates.

For EPA, therefore, responsible stewardship of the nation's environmental agenda requires constant, open communication and interaction with states. Similarly, in their efforts at environmental management, in their quest for efficient use of resources, and in their need to coordinate with others, states must effectively work with EPA and other states.

The Challenge

Failure to fully address this complex web of changing circumstances, advancing science, evolving accountability, growing responsibility, and increasing financial difficulty will have serious consequences. Inattention to the issues of state capacity and the state/EPA relationship will exacerbate problems of national environmental management, lead to a deterioration in environmental protection, and compromise the environmental standards envisioned by the Congress and the American people. The challenge for states, localities, and EPA is to acknowledge the difficulty and the necessity of collaborating in common efforts and to find new approaches and methods for managing national environmental programs.

C. Task Force on Enhancing State Capacity

Recognizing that states and municipalities increasingly bear the burden of managing pollution prevention and control, I have recently established a Task Force on Enhancing State Capacity. Consistent with the emphasis on this theme in the draft Agency-wide strategic plan, the Task Force will examine the factors that influence state financing, and advance quality means through which EPA can assist states in building long-term strength to implement environmental mandates * * * I have asked the Task Force to explore ways in which the states can augment their ability to protect the environment, and ways in which EPA can assist states in improving program efficiency * * * F. Henry Habicht, October 16, 1991

In response to these serious, evolving challenges to the established national environmental management system, and based on recommendations from the State/EPA Operations committee that state capacity development was an important issue for states, EPA established the State Capacity Task Force in October 1991.[6]

The Task Force was charged with focusing on three major areas of concern:[7]

Explore the viability of creative financing mechanisms such as fee-based revenues, public-private partnerships, and alternative financial planning as a means of bolstering state environmental programs.

Examine federal investment in state infrastructure in areas such as training, information networks, laboratories, monitoring, and technical assistance.

Investigate how improved working relationships can help states get the most out of federal financial assistance and capital investments.

Based on the Deputy Administrator's charge, the Task Force defined its mission. Fundamental to the Task Force's efforts were several key premises:

States and localities should be actively involved in all aspects of the Task Force's deliberations.

Efforts should focus on three basic areas—innovative financing assistance, federal investment in state and local management infrastructure, and efficiency enhancements through improved intergovernmental relations and quality management coordination.

The Task Force should not "reinvent the wheel," but make use of the many excellent, but underutilized, reviews of federal/state/local relations completed over the last decade.[8]

The Task Force should seek to overcome past implementation inertia by constantly examining each recommendation to ensure that it incorporated techniques for integrating the proposed changes into the environmental management system.

Throughout the effort, the concept of continuous improvement would be paramount.

Structure and Participation

As the Task Force began to examine preliminary information on intergovernmental fiscal conditions, capabilities for program management, and program infrastructure investment opportunities, it became clear that the challenge of enhancing state and local capacity was much more complex than initially perceived, and that the range of options upon which the Task Force should focus and for which it was to develop recommendations was far broader than originally envisioned. Further, the Task Force soon recognized that participation of stakeholders outside EPA was essential to effectively gathering information and formulating implementable recommendations. In order to better manage the flow of information, increase the breadth of participation, exploit the expertise of each Task Force member, ensure the quality of recommendations, and facilitate the ultimate production of this report, the Task Force established an operating structure consisting of a steering committee and four teams (State/EPA Relations, State Capability, Grants Management, and Alternative Financial Mechanisms).

Parallel and Spin-off Activities

Early in its deliberations the Task Force struggled with the issue of how to adequately address local government and tribal issues without so enlarging the scope of the study as to risk failure to reach closure. From the outset, the Task Force was expected to examine all aspects of the environmental management capacity issue, including Indian tribal government capacity and the ability of local governments to maintain strong environmental management functions. Since it became apparent that each of these topics was a major undertaking in itself, separate efforts have been launched to address them individually. Recommendations from these parallel studies will be merged into the overall Agency-wide effort to enhance the capacity of its collaborating organizations and institutions.[9]

Conclusions

This report is a synthesis of the deliberations of the four teams based on input from a wide assortment of internal and external participants. A more detailed discussion of the individual team conclusions is contained in the team reports.[10]

The Task Force believes that this report is only a beginning. There is no magic solution to building state capacity; rather, the Task Force envisions a long, hard journey employing a collaborative process involving EPA, states, and other interested parties that will firmly establish states as primary environmental managers.

D. General Findings and Recommendations

Overarching Themes

In reviewing the components of building state capacity, several overarching themes emerged. A new state/EPA relationship will require joint activity in several key areas:

Building a system of state and local participation in policy and regulatory development, priority-setting and implementation planning;

Increasing investment in training and technical assistance;

Integrating state capacity issues into EPA's budgeting and planning functions;

Building state and federal performance systems that highlight the importance of collaborative activity, shared responsibility, flexibility, and recognizes unique state environmental priorities;

Improving the delivery of financial assistance to states including streamlined grants, technical assistance on alternative financing, and multi-media funding that targets risk-based priorities;

Developing a sound program review system based on environmental outputs and fiduciary accountability, and including tools such peer review and continuous improvement;

Improving the efficiency and effectiveness of state environmental programs by using innovative approaches to program delivery; and

Achieving statutory acceptance of the concepts of shared responsibility and joint management.

The following section contains the primary findings and recommendations of the Task Force. They are divided into seven major subject areas:

1. New Framework and Policy.
2. Strategic Planning and Integration of Priorities.
3. Mechanisms to Institutionalize State Capacity.
4. Building State Capability and Management Infrastructure.
5. Environmental Finance.
6. Grants Administration.
7. Legislative Action.

Each of these areas captures the critical changes necessary to enhance state capacity. The following is a list of the overarching themes represented in these seven subject areas.

1. FRAMEWORK AND POLICY

Background

By the mid-1980s, states had assumed primary responsibility for day-to-day operations of environmental programs, under authority delegated from EPA. This led to an effort to define a new relationship, based on joint responsibility. In the envisioned partnership, EPA would maintain ultimate responsibility for ensuring that national environmental goals were met, but would accomplish this through a mutually supportive partnership that would enable states to carry out their implementation activities.

During this period, broad policies on state/EPA relations were developed and adopted.[11] In reviewing the implementation of these policies, however (see Appendix A), there is little indication that they effected a cultural shift towards full partnership with the States.

The lack of success in implementing earlier policies demonstrates that it will take more than jawboning and good intentions to bring about real change in the entrenched culture.

New Approaches Needed

The recommendations that follow are designed to move EPA into a new way of doing business by promoting:

Finding: It will take strong leadership from both EPA and the states, backed by strong performance systems, new forms of communication, and joint program implementation to shift the state/EPA relationship to one of mutual support and commitment to strengthening state responsibility and capacity.

Policies and principles for an state/EPA relationship based on mutual respect and recognition of the unique responsibilities and abilities of each party;

Effective state participation in setting priorities and developing plans for meeting environmental goals that reflect the unique conditions, authorities, and opportunities in each state;

Implementation strategies to guide EPA's transition to a balanced culture that emphasizes flexibility in working with the states, shared responsibility, and a mutually supportive working relationship;

Modified management accountability and performance systems, devised and supported by both the states and EPA, to provide appropriate rewards and sanctions for actions affecting state/EPA relations or state capacity-building; and

Internal and external mechanisms to ensure continuous improvement in state capacity matters and implementation of Task Force recommendations.

EPA's relationship with the states is characterized by program implementation by media, delegation by directive, structured grant support, and sometimes overly rigid enforcement. Furthermore, as a function of how EPA has historically delegated programs and congressional expectations, EPA's oversight, at times, is overly rigid. As we move towards the end of this century, the state/EPA relationship must mature. The relationship must be redefined through a joint discussion of national and state environmental problems, goals, strategies, and processes for working together. These are crucial to developing a successful system of operation.

Increasingly, national statutes and state legislation must become tools for jointly meeting environmental goals and delivering environmental protection—means to an end, not ends in themselves. In the future, the state/EPA relationship must be restructured on three sets of goals: shared environmental values, national program objectives, and unique state priorities. In the latter two instances, there must be mutual respect for differing goals; EPA headquarters and regional offices must assist each state as it moves towards its goals, and all states must do their share to achieve the national agenda. Both EPA and states must acknowledge responsibility for quality performance and a dedication to sound management.

Finding: The state capacity issue is characterized by highly complex and interdependent statutory requirements and management systems. There are no existing mechanisms to systematically redefine the relationship between states and the federal government.

New Policies

Recommendation: Establish a new policy and framework for state/EPA relations emphasizing flexibility, a mutually supportive working relationship, and a shared responsibility for success.

Review of Current Policies

Today, the state/EPA relationship is described in several documents.[12] These five detailed policies should be reviewed collaboratively by appropriate state and EPA representatives to determine what kinds of changes are necessary to draft a new, concise statement capturing the principles espoused in this report.

New Framework and Policy

To guide efforts to implement the Task Force's recommendations, EPA should develop a framework and policy, setting out guidelines and expectations. Particular emphasis should be given to actions intended to shift EPA's culture to one more supportive of states. The strategy should address:

Improving the participation of states in policy development, priority-setting, and implementation planning;

Increasing investment in support activities, such as training and technical assistance;

Integrating state capacity issues into planning and budgeting activities throughout the Agency;

Revising managers' performance standards and career advancement opportunities to highlight support for state and local government programs;

Delegating optimum authority from EPA headquarters offices to regional offices to expedite transactions with states, localities and tribes;

Instituting oversight practices and procedures that foster state capacity; and

Reforming grant procedures to ensure timely award and reduction of unnecessary paperwork.

The framework implementation plan should set priorities for major actions; establish timeframes for key milestones; discuss process considerations, including lead responsibility for carrying out elements of the plan; address resource implications; and provide a tracking method for gauging progress toward full implementation.

New Oversight Policy

Recommendations: Restructure oversight practices to:

Distinguish between fiduciary accountability and environmental outcomes, and;

Provide for peer review and self-assessment of environmental accomplishment.

Issue a new policy statement on grant oversight to clearly define EPA's and the states' fiduciary responsibilities for managing and accounting for public funds.

States and EPA recognize that a joint environmental management system requires flexibility on important issues. It is also important to develop a strong, collaborative working relationship. States and EPA perceive a clear and important distinction between fiduciary accountability for public funds and managerial discretion in reaching environmental goals. In addition, fiduciary accountability for grant funds should not unduly limit program managers' flexibility to use particular techniques and practices to achieve environmental objectives.

The conduct of oversight largely defines the tone of the relationship between EPA and states. It is important that states and EPA work together to define oversight in a way that ensures both stewardship of public resources and effective implementation of environmental programs.

Individual agreements between states and EPA can serve to define appropriate oversight. Such agreements should describe the level and type of qualitative and quantitative oversight that EPA will exercise with respect to a state's activities. Clear distinctions between fiduciary accountability and environmental outcomes should be maintained. Specifically, there is a need for balance to ensure that:

Environmental goals are the focus of state and EPA activities;

Appropriate joint management programs are implemented and tracked to achieve those goals;

Environmental programs are managed to accommodate both national and state goals; and

Fiduciary responsibilities are being met.

"Appropriate oversight" should be defined in light of such factors as whether a state has a delegated program, a state program's history of compliance and enforcement activity, its past success in reducing environmental risks, its maturity (new programs may require greater oversight than established programs.

Both quantitative and qualitative oversight should be conducted primarily through appropriately scheduled reviews of progress toward agreed-upon goals and objectives. In these reviews, EPA and state personnel should evaluate each other's performance with respect to the agreements between states and EPA:

Have the state and EPA met their commitments? If not, what circumstances prevented them from meeting the commitments?

Does the agreement need to be modified in order to better achieve the desired environmental result?

Do other states and/or federal agencies need to be brought in to ensure success?

Does the level of oversight need to be adjusted?

On the basis of such review, EPA and the states should issue periodic reports to the public on the progress they are making toward agreed-upon environmental goals.

Regional Administrators and Assistant Administrators should periodically report to senior management on the progress being made in program delivery and on EPA efforts at assisting states in reaching environmental goals.

Over time, oversight activities can be curtailed as greater professional collaboration evolves between EPA and the states. Such collaboration might include creating environmental initiatives, crafting national legislation, developing and implementing regulations, and integrating state and federal programs and priorities. In addition, strengthening technical assistance between EPA and states will ensure that all parties know how various programs are best administered, thus reducing the need for oversight.

2. STRATEGIC PLANNING AND INTEGRATION OF PRIORITIES

Background

The responsibilities of EPA and states are changing in response to emerging environmental challenges. As the roles of states expand, EPA needs to fully involve them in developing planning and implementation strategies.

The lack of a comprehensive mechanism for state and federal interaction on researching, planning and designing environmental strategies seriously weakens the ability of states to be co-managers. EPA must assume an increasingly diverse set of responsibilities for strategic coordination and support of state and local environmental programs. To make this transition, EPA must continue to shift decision-making authority from national program staff to its regional offices.

States will play an increasingly prominent role in shaping environmental programs at the state, local and regional levels, based on their assessments of priorities and comparative risks. States must also be active in congressional debates on environmental priorities and programs and assist EPA in shaping the national agenda. States should continue to have important responsibilities for providing information, training and technical assistance to local governments and the regulated community. Ultimately, states are fundamentally responsible for the environmental management activity within their borders. Local governments will assume a greater role in addressing environmental issues relating to land use; small, dispersed, non-point source emissions; indoor environmental issues; and traffic-related air quality concerns. While local governments continue to meet their responsibilities as members of the regulated community (as managers of sewage and solid waste, for example), they will be an integral part of the efforts of state environmental protection agencies and EPA to address critical environmental issues.

Finding: The lack of integrated state and federal strategic planning and risk-based priority setting, has weakened the ability of both EPA and the states to carry out cost-effective environmental management.

Setting Joint Environmental Goals

Refocusing the state/EPA relationship to meet emerging challenges requires establishing clear environmental goals. These will serve to frame issues for federal and state legislative consideration and to guide program decisions at the state and federal levels. States and EPA agree that environmental progress can best be determined by measurable improvement toward agreed-upon environmental goals.

Accurate evaluation of environmental effectiveness does not rest on activity measures (permits issued or dollars collected). Unless well formulated with demonstrable environmental improvement measures, assessment systems will measure functions performed, not improvement in the environment. Further, single media activity assessment fails to detect the shifting of pollution from one media to another, which is counterproductive to achieving environmental improvement.

Similarly, enforcement strategies strictly focused on punitive measures (such as obtaining fines or convictions) may miss opportunities to fashion creative, multi-media approaches that could act as a deterrent, avoid expensive legal confrontation, and improve environmental performance.

The Task Force believes that it is imperative to articulate a set of joint environmental priorities (defined in terms of measurable environmental goals) to assess performance, establish state/federal roles and responsibilities, and allocate resources. These would prevail over a multi-year planning horizon. Once measurable goals have been defined, EPA and each state should work to integrate their priorities. This entails identifying joint priorities, state-only priorities, and national priorities for which states have implementation responsibilities. We anticipate that two types of environmental goals and associated management plans should be developed: those focusing on issues of regional, national, and international concern, and those addressing state-specific issues.

Recommendations: Establish a joint state/EPA process to identify and define clear environmental goals and to systematically integrate state and federal environmental priorities.

Regional Administrators should meet with states to discuss regional priorities, individual state priorities, and agree on integrated state and federal priorities.

Agreements between individual states and EPA should be signed and published to confirm shared state and federal priorities.

States should be active participants in EPA's long-term planning process, and be included in setting its agenda.

EPA and states should issue joint periodic public reports detailing state and federal environmental priorities, goals, and objectives, and discussing progress in meeting them.

Continue to provide financial and technical assistance to states on planning, priority-setting, and comparative risk assessment.

Develop collaborative projects to promote state/EPA co-management of geographic projects and to build joint experience, technical exchange, and mutual trust.

Vigorously promote operational efficiency in all state/EPA programs.

Goals for Regional, National, or International Issues

In consultation with the states, Congress, and other relevant stakeholders, EPA should identify specific environmental goals for global, national, regional, or geographically-defined issues. For each goal, EPA will develop a strategic plan for achieving these goals.

Goals for State-Specific Concerns

According to a planning schedule that meets its needs, each state will identify its environmental priorities, stating them in terms of environmental results. EPA should assist states in this goal-setting process, including the development of a public outreach program, which is critical to ensure that relevant and ambitious environmental goals are set and achieved. As in the case of national goals, EPA and the states will jointly develop a strategic plan for achieving these goals.

Goals for Both State and National Concerns

The Task Force sees public reporting as an integral part of the evolving state/EPA relationship. Consistent reporting by EPA and states on goals, progress, and issues they face in providing environmental protection will serve to inform the public debate. EPA and each state should periodically issue a joint public report on their progress toward meeting these environmental goals and the related milestones.

Integrating Priorities

Strengthening the state/EPA relationship requires integrating state/EPA environmental priorities and coordinating program implementation so that *both* state and national goals are achieved and critical statutory mandates satisfied. States and EPA must work collaboratively, both to strategically implement federal and state statutory mandates and to shape future legislation to reflect an efficient division of responsibilities at the local, state, and federal levels.

State and federal environmental priorities identified through assessing environmental risks and other methods may vary widely because of the different mandates of EPA and the States. In some states, specific national priorities may have little relevance to local circumstances. Priorities in each state will be uniquely shaped by such factors as economic base, presence or absence of federal facilities, urban/rural mix, climate, geography, and topography. Comparative risk projects are a useful tool for environmental priority setting. By January 1994, almost one half of the states will have initiated or completed comparative risk projects.

An integrated state/EPA environmental strategy must consider potentially conflicting demands on their resources. Given the fiscal constraints at all levels of government, integrating priorities requires creative and innovative approaches to achieving effective results with limited resources. An ongoing dialogue on priorities is an important element in the emerging state/EPA relationship. Although this dialogue will work best when both EPA and the states have clearly articulated their environmental goals, it is not necessary to wait for those goals to be fully identified. The Task Force believes that the sooner this dialogue begins, the better, as several iterations will be necessary to ease the process.

States' Involvement in the Agency's Long-Term Planning Process

Since the planning process within EPA is one of the primary ways the Agency sets its priorities, states should have a more structured involvement in these deliberations. Integrating states into a collaborative planning and priority-setting process will move both EPA and states a long way toward joint environmental management. Ideally, all states should participate in such a process, but the practical consideration of group size and the need to maintain meaningful interaction argue for inviting representative state participants. Since the Task Force is also recommending major increases in the responsibilities of the State/EPA Operations Committee, we suggest that members of the Committee serve as the state representatives in EPA's planning processes.

Each Regional Administrator should also convene a regional meeting with states to integrate priorities. Meeting participants should:

Determine how EPA can best support states in addressing their specific priorities;

Define states' contributions to national priorities;

Agree on intergrated state and federal priorities;

Align activities for concurrent state and federal priorities into the most efficient combination of resources;

Review progress toward environmental goals;

Assess progress and continuous improvement of programs; and

Build interactive teamwork, respect, and trust.

This planning process could serve to establish multi-year resource commitments, joint responsibilities, and working relationships. Multi-year approaches could greatly reduce the work entailed in the current grant process.

To codify decisions on integrating priorities achieved at the regional planning meetings, EPA's regional offices and the states could establish formal agreements that define roles and responsibilities. These agreements, either single-state, or if appropriate, multi-state in character, are intended to be concise statements that specify:

State/federal environmental goals driving program efforts;

Integrated state/EPA priorities with reference to action plans and resource commitments;

Specific action plans and resource commitments;

Measurements of success; and

Methods for accomplishing oversight.

In addition, EPA and the states should work to create similar agreements with other states and federal/state agencies to address issues that are geographically defined or shared by other agencies. These agreements should be updated regularly.

Accountability to the Public

The Regional Administrator and each state's senior official should codify their environmental decisions in a public document that will provide the basis for individual, grant-funded work plans. They should integrate their respective comparative risk assessments and strategic plans, especially with regard to a state's geographically-targeted environmental priorities and multimedia enforcement initiatives.

The key to public support for environmental regulation and control is building confidence in government actions. As more of the day-to-day operations of national environmental programs are delegated to states and localities, the need grows to maintain the public's faith that national objectives and goals are being adequately addressed. Likewise, state citizens need assurance that their individual, parochial interests will not be neglected as states take on more national responsibilities. Public reporting and accountability are fundamental to maintaining public trust and basic to realizing the changes espoused in this report.

Public accountability is the ultimate "audit" of performance. As states and EPA move toward greater integration of their goals and operating principles, each segment of the public—state, local, and national—must be satisfied that its interests are not being forgotten or compromised.

The Task Force recommends that the Steering Committee on State Capacity design and propose a mechanism for issuing biennial reports on the state of the environment. These reports would portray the status of the environment, changes implemented, and management successes on a state-by-state and multi-state basis. The individual state reports and other national data should serve as the basis for a quadrennial EPA report on the national state of the environment.

EPA Assistance for State Strategic Planning

EPA should expand its support for state strategic planning projects and continue its active support for training programs and centers to coordinate risk assessment, planning and priority-setting. These training opportunities provide welcome assistance to states in developing new expertise and in linking states for mutual activities.

Co-Management of Environmental Initiatives

The strategic planning process should identify projects in special geographic areas that lend themselves to co-management by EPA and states. Co-managed projects can serve to share learning experiences, build teamwork, and engender mutual respect and trust. Such projects are especially important in fostering ecosystem and basin-wide management approaches.

Operational Efficiency of Programs

EPA and all states should work together to eliminate inefficient operations. Joint management teams operating on Total Quality Management principles should be encouraged. Techniques such as general permits, administrative penalty authority, multimedia inspections capability, and citations should be examined for unique benefits. All of these approaches should be implemented in such a way as to minimize paperwork and bureaucracy.

3. MECHANISMS TO INSTITUTIONALIZE STATE CAPACITY

Background

Finding: EPA and states lack established approaches, mechanisms and institutions to ensure continued attention to, and progress on, state and local capacity issues.

Improving intergovernmental relations and building state capacity will require constant vigilance. EPA and state managers need effective mechanisms to monitor progress, raise and address issues, and exchange ideas. Existing forums could serve some of these functions. Some of these include State/EPA Operations Committee, the National Advisory Council for Environmental Policy and Technology (NACEPT), the Environmental Financial Advisory Board (EFAB), the Steering Committee on the State/Federal Enforcement Relationship. Also, the various program-specific state organizations could be formalized and expanded to serve some of these functions.

Strengthen Agency Mechanisms to Institutionalize State Capacity

Appoint an Agency Focal Point

EPA should send a strong signal of its commitment to effect real change by establishing a central contact in the Office of the Administrator to oversee the implementation of the Task Force recommendations and to champion state capacity issues. Although the magnitude of this initiative will require Agency-wide coordination, it should be noted that the program offices and regions will have the central responsibility for carrying out these recommendations. The Agency focal point will work closely with them and also states to coordinate the ongoing dialogue on this issue. Responsibilities of this focal point would include:

Developing the Agency-wide strategy framework and implementation plan;

Monitoring progress on strategy implementation;

Developing guidelines on providing effective support to state and local governments;

Conducting studies and analyses of state/local needs, oversight practices, and related capacity issues;

Providing consultation services to program and regional offices;

Identifying and analyzing innovative state and local programs and their implications for national policy;

Disseminating information about successful state and local initiatives, policies, and practices;

Brokering policy disputes; and

Setting-up and evaluating pilot state cooperative peer-structured oversight projects.

Establish a Steering Committee on State Capacity

The Agency needs an internal management vehicle for soliciting advice on intergovernmental issues and policies and for ensuring continued attention to state capacity issues and policies. The Task Force recommends that EPA form a Steering Committee on State Capacity, comprised of state and EPA representatives, to carry out these functions. This group could work closely with the Agency focal point.

The Steering Committee's initial focus would be to review proposed policies and principles, review the implementation plan, and promote pilot oversight projects. It would receive staff support from the Office of Regional Operations and State/Local Relations and members would be expected to assign experienced staff to assist in implementation efforts. The Steering Committee would work closely with the State/EPA Operations Committee on state capacity implementation issues. Finally, the Steering Committee will explicitly seek to avoid a cumbersome, bureaucratic approach in favor of more streamlined, total quality methodology.

Recommendations: Establish a central contact in the Office of the Administrator to guide and monitor state capacity efforts.

Form an EPA steering committee on state capacity, comprised of state and EPA representatives. The steering committee will focus on developing and carrying out an implementation plan based on the recommendations of this report.

Convene a conference of states and territories with the new Administrator to review this report, and initiate a dialogue on state/EPA relations.

Strengthen the State/EPA Operations Committee to serve as the primary forum for a continuing dialogue on state/EPA policies and relationships.

Continue to use other advisory groups, such as EFAB and NACEPT, as sources of advice and counsel on major issues facing states and EPA.

Initiate in cooperation with program-specific state associations and state and local officials' organizations, a dialogue on managing the environment, researching critical issues, and improving management of environmental programs.

Significantly expand the exchange of EPA and state employees, through both individual assignment and team efforts.

Convene a Conference with All States

If it is to be successful in addressing capacity matters, EPA must make particular efforts to understand the needs of state and local governments and to solicit their candid views. Other important stakeholders with an interest in how EPA and states work together, such as Congress, environmental groups, and the business community, need to be involved in a continuing dialogue.

Several existing organizations and mechanisms serve to solicit state and local views on an ongoing basis. When and how they are consulted and on which matters, however, is somewhat ad hoc. EPA's strategy should include identifying the appropriate involvement of state and local officials in policy and program development. The role of other interest groups with regard to policy on state/EPA relations should also be examined.

As a first step, EPA should convene a conference of state environmental directors with the new Administrator to review this report, and start a new dialogue on state/EPA relations.

Strengthen the State/EPA Operations Committee

The State/EPA Operations Committee should be strengthened to serve as a primary forum for a continuing dialogue on state/EPA policies and relationships, including state capacity.

Encourage Advisory Bodies

EPA should also continue to engage such advisory boards as the Environmental Financial Advisory Board (EFAB) and National Advisory Council for Environmental Policy and Technology (NACEPT) as consultants on environmental finance, environmental policy, and state capacity.

Create Dialogue on Improving Management of Environmental Programs

EPA should also continue to engage the program-specific state associations (STAPPA/ALAPCO, ASIWPACA, and others) and the various state government groups (such as NGA, NCSL, and CSG) in capacity-building issues. These organizations can bring to bear a wealth of information and practical experience that will be invaluable in developing a strong national environmental management system and in maintaining the credibility of collaboration.

Expand Personnel Exchanges

EPA and states should implement a range of programs for exchanging personnel, as many benefits can result from this interchange, including greater consistency in nationwide programs and increased sharing of ideas and new approaches. Implementing this recommendation will include the following options:

Expanding the use of Intergovernmental Personnel Act (IPA) assignments;

Increasing opportunities for EPA and states to work together on short-term assignments, task forces, and longer-term assignments;

Providing support for state-to-state personnel exchanges;

Assigning state/EPA "SWAT" teams to provide peer consulting on areas of concern to states; and

Improving access to technology for meeting by telephone, including video teleconferencing and enhanced equipment for traditional teleconferencing.

4. BUILDING STATE CAPABILITY AND MANAGEMENT INFRASTRUCTURE

Background

The term "capability" refers to the strength and effectiveness of a state's institutions, technology, and human resources, as well as to its ability to use financial resources with maximum efficiency. State capability includes such components as training, modernizing and streamlining processes and procedures, information systems, education, outreach, and the ability to overcome institutional barriers to greater efficiency.

Building capability has become important for three major reasons. First, there is considerable disparity among states in the sophistication of their program infrastructure. The greater the level of technical and organizational competence in all states, the more likely that uniform national compliance is achievable. Second, all of the Task Force's studies have found that, to build environmental management capacity most efficiently, EPA should invest more in state infrastructure. This investment will ensure the viability of federal and state environmental programs over the long term. Finally, the nation is experiencing a period of fiscal difficulty. Federal and state funding increases for environmental protection have slowed; thus, efficiency has become a key component of effective environmental programs.

Finding: To fully utilize the organizational capacity and the individual skills of state environmental agencies in the management of national programs, three key areas need attention:

EPA's ability to integrate state capabilities into its programs.

Wide variation in state program infrastructure relating to managing financial resources, building and maintaining a skilled work force, enhancing hardware and data systems, and maintaining adequate laboratory capacity.

Dissemination of innovative state approaches to management challenges.

Building state capability will require attention in three key areas:

Integrating State Capability Building into EPA's Programs.

Investing in Building State Infrastructure.

Improving the efficiency and effectiveness of state and national program delivery.

INTEGRATE STATE CAPABILITY BUILDING INTO EPA'S PROGRAMS

Background

Currently, improving state capability is not seen as an integral part of EPA's program responsibilities. EPA must make a concerted effort to institutionalize state capability building into all of its activities. We can no longer afford to ignore the importance of this responsibility.

Recognize Building State Capability as an Agency Goal

The goal of improving state capability must become an integral part of EPA's program operations, including an emphasis on state support in the Agency's current planning, budgeting, and accountability systems. State capability must be explicitly recognized as a priority in all areas of the Agency's budget, and included as a performance standard for personnel at all levels.

The Task Force recommends:

Explicitly defining state capability support and enhancement in the budgets of EPA program offices;

Amending Strategically Targeted Activities for Results System (STARS) and program office strategic plans to add performance measures and ensure accountability for creating specific capabilities in states;

Adding requirements for building state capabilities into EPA personnel's performance standards;

Recognizing state efforts to build capability, identifying state programs that are successful, telling the public about these successes, sharing "what works" with other state programs; and

Creating grants designed to enhance specific state capabilities, like the core grant program in Superfund.

Recommendations:

Revise planning and budget processes to recognize state capability support as a key priority and to include state representation and consideration of state needs and priorities at every juncture.

Seek maximum delegation of national programs in order to efficiently manage an integrated collection of state and federal programs.

Provide maximum flexibility for states in negotiated work plans, consistent with statutory authority and sound management practice.

Increase Delegation of Programs to States

Maximum delegation of national environmental programs to states is essential for achieving a collaborative federal/state/local system of environmental protection. When EPA must directly manage individual state programs or elements of programs, it undercuts the objective of building a state-centered, national environmental management system.

The reasons for states' reluctance to pursue program delegation are complex including economic, political, and policy concerns. In some cases, EPA's criteria for delegation and complex review processes have hindered states from pursuing program delegation.

The Task Force recommends that EPA and the states establish a Quality Action Team to develop proposals for more efficient ways to process delegation petitions and for methods by which EPA can work with states to encourage acceptance of national responsibilities. Absent such an effort, we believe that, over time, national programs will erode and the environment will suffer.

Change Processes that Inhibit State Capability Building

Innovation in management is successful only when unwarranted and artificial restraints on creativity are removed. Both EPA and states must cooperate to eliminate overly restrictive guidance, procedures, and regulations. EPA must allow states maximum administrative flexibility in pursuing agreed upon environmental goals.

INVEST IN BUILDING STATE PROGRAM INFRASTRUCTURE

Background

State environmental programs are comprised of a variety of elements that make up its program infrastructure. These elements include a skilled work force, data and information systems, and laboratories. The health of states' infrastructure varies considerably. Because these elements are essential in delivering successful programs, the Task Force believes that EPA should play a role in strengthening them.

Energize Training

State, federal and local environmental programs depend on a highly skilled work force. Appropriate and timely training is crucial in attracting, developing, and retaining such a work force.

Although EPA invests considerable resources in training, there are major difficulties in delivering EPA training to states. Most EPA sponsored training is not offered at locations convenient to state personnel. It is often quite costly and is scheduled without sufficient lead time for states to be involved. State staff need training that is specific to their job responsibilities or that focuses on new rules or mandates. EPA training does not generally meet these needs, because states are not often involved in designing or delivering the training.

State capability depends not only on fully trained state personnel but also on fully trained federal personnel. As partners in environmental management, states have considerable expertise and experience, from which EPA managers could benefit. States should be routinely given the opportunity to train their EPA counterparts.

We recommend that EPA assess its training practices and revitalize its entire training function, with major emphasis on providing and coordinating training assistance and learning experiences to states and localities. To support states in maintaining a skilled work force, the Task Force recommends that EPA review its training function to strongly focus on the needs of states, as defined by the states. Specifically:

The subject matter of EPA training should reflect the needs of state and local trainees;

State recipients of training should participate in training program design;

States should be involved in delivering the training and in providing learning experiences;

EPA should enhance its "train the trainer" approach, enabling states to conduct training programs at sites and times convenient for trainees; and

Training should emphasize subjects that build state program infrastructure, such as management development and emerging environmental issues.

The Task Force also believes that to enrich EPA's training program the Agency should:

Establish "centers of excellence" and training academies to give state employees access to high-quality training resources, such as the National Enforcement Training Institute (NETI); and

Provide learning experiences through such innovative methods and technology as interactive video, satellite downlinks, self-paced instruction, and electronic bulletin boards, and award academic credit for successful completion of courses taught through such methods.

Energize EPA's environmental training function to provide learning experiences for federal, state, and local employees. Improvements should include enhanced knowledge of program delivery, building scientific and technical skills, and assisting state and local, on-site training.

With state help, develop a renewed, integrated data and information portfolio designed to build capability, promote access, and ensure compatibility throughout the entire management system.

Assist states in communicating environmental management needs to the public in order to build support for enhancing state capability.

Strengthen Data and Information Management Systems

Because of the growing complexity of protecting the environment states and EPA need now, more than ever, effective and efficient data and information management systems to carry out their work. Advances in information technology also have the potential of increasing the efficiency of operating state environmental programs.

Although the State/EPA Data Management program and the Electronic Data Interchange are producing improvements in information systems use and support, a number of basic problems remain. A number of state programs are still using outmoded technology that is time-consuming inadequate for today's data storage needs, and unable to interface with national data base systems. Most state information systems cannot support cross-media regulatory initiatives. Furthermore, technical transfer and regional sharing of data and information occur infrequently without facilitation. As a result, current data quality is not high. Although states are beginning to adopt Geographic Information Systems (GISs), which are integrated, cross-media data systems, additional funding is needed for their expansion. Very few states and EPA, to a limited degree, have integrated systems that can support such cross-media initiatives.

Ongoing and new initiatives to address data management needs include:

Strengthen National Facilitation.—EPA should review its data systems to determine what actions could be taken to facilitate their consolidation and integration. This will facilitate state use on national data systems and enable states and EPA to share their data.

Provide Assistance and Training in EPA Systems.—EPA can help states to learn how to access EPA systems effectively and efficiently, thereby enabling states to use them to complement their own systems and avoid the cost of acquiring new, state-specific systems. EPA should encourage and support states in developing data management systems that can interface with EPA systems. The Agency should provide training courses and assistance in such areas as system-level hardware and software and the use of data in specific EPA national and scientific systems and emerging information resources management technologies (e.g., supercomputer modeling).

Incorporate State Needs in Systems Development—Most states must access, or provide data input to, EPA data systems that support program operations. To facilitate state interaction with these systems, EPA should solicit and incorporate state needs and concerns when developing or changing them. Additionally, state experience and skills in strong data and information management development offer to EPA an important resource.

Consult and Provide Technical Assistance.—EPA should continue to provide consultation and technical assistance to states in system design, hardware platforms, software programs, and telecommunications linkages. EPA should share with the states acquisition and contracting information relevant to information systems and technology. EPA can also assist in disseminating the experiences of other federal agencies and states that recently have undertaken major procurement.

Provide Clearinghouse Services.—EPA and states should jointly develop new methods for sharing innovative solutions to various data management challenges.

Support Technology Demonstrations.—EPA should sponsor state pilot projects to experiment with innovative data management approaches and assist states in examining new, cost-effective technologies.

Encourage Developing Geographic Information Systems.—EPA and the states should implement the Locational Accuracy policies and ensure latitude-longitude data for all permitted facilities; to do so would speed development of state GISs. (This is already required by Part A forms for RCRA Subtitle C facilities.) The Agency should provide states its locational data policy and related implementation plans and procedures, as they are issued by program offices.

Improve State/EPA Telecommunications Systems.—Improve telecommunications between EPA and states to enhance transfer of spatial and image data. Fully engage states in opportunities offered by NREN and high performance computing.

Laboratories

Laboratory analysis has become increasingly important because of technological advances and federal regulations requiring detection of contaminants at low levels of concentration. Unfortunately, state laboratories often lack the most modern technology, are staffed by personnel without up-to-date training, and have a large backlog. State governments usually do not perceive investment in labs as imperative, and their budget officials are often reluctant to invest in modern technology when existing equipment appears functional. EPA should provide information on technologies and "State of the Art" evolving equipment.

Build Public Support for State Capability

Institutionalizing state capability concerns in EPA's management systems constitutes only part of the capability-building equation. It is crucial that states and EPA work together to communicate to the public why state capability is so important so that EPA and states can make changes that will permanently break down barriers to building capability.

EPA and states should build public support through various outreach methods, such as demonstrating gains from environmental protection, encouraging pollution prevention, publicizing the benefits of investment in environmental program infrastructure, helping states to develop effective public relations campaigns, enhancing the environmental awareness of local officials, and promoting use of alternative financing mechanisms.

Improve the Efficiency and Effectiveness of State and National Program Delivery

State environmental program efficiency can be improved through adopting institutional change and innovative management techniques focusing on total quality and continuous improvement. Such changes can be rewarding, effective, and low-cost, but they are often difficult to make.

Some state and federal environmental programs have begun to use innovative approaches to manage their responsibilities. Substantial efficiencies, however, will come only with greater management and legislative attention and participation. Innovative solutions need to be diffused throughout the system and encouraged on a national basis.

Recommendation: Encourage the use of innovative approaches to improve the efficiency and effectiveness of state environmental programs. For example, promote the use of general permits, administrative penalty authority, professional certification, and tickets for minor violations.

Foster Institutional Innovations

The Agency can further foster institutional innovations in the following ways:

To the extent that states delegate regulatory programs to local governments, EPA should assist states to develop partnerships with local governments. This effort should focus on training local staff and enhancing the skills of local inspectors;

EPA should work to transcend administrative and statutory barriers to implementing multi-media approaches;

EPA should examine its reward and accountability systems to ensue that they are conducive to team-building and integrated approaches, thereby encouraging multimedia approaches supportive of state needs;

States should increase the efficiency of their environmental programs with such reforms as general permits, administrative penalties, professional certifications, environmental law judges, tickets for minor violations, improved inspections, and permits issued on a watershed basis;

EPA should encourage states to emphasize pollution prevention as the centerpiece of state environmental management programs, thus increasing program efficiency and support for programs within the regulated community;

EPA should issue timely program guidance so that state program budgets can be synchronized with EPA's implementation schedules;

Diffuse Innovation

Some state environmental programs have instituted new approaches to their management challenges. If such innovations have been successful, it is worthwhile to publicize them. Strong support for state capability depends on demonstrating competence in program management and disseminating positive results, both within the EPA/State community and to the general public.

EPA and the states must communicate more extensively with the public and among themselves. In order to endorse increases in state capability, the public must be aware of environmental program needs. Information about innovative solutions must be disseminated rapidly. States should publicize their compliance efforts, draw attention to instances of non-compliance and their environmental impacts, and recognize cases of successful compliance. EPA and states should facilitate technology transfer by documenting and publishing information on innovative approaches to state capability-building. They must also encourage and sponsor innovative management approaches at all levels.

To ensure the spread of innovation, EPA should:

Facilitate the diffusion of news about creative, institutional changes;

Foster technology transfer by documenting the success of innovative approaches and disseminating those documents to all states;

Encourage innovative approaches by providing support for promising demonstration projects to promote institutional change and state capability;

Increase interstate communication through EPA-supported outreach and publicity;

Monitor innovative state efforts to improve program efficiency and effectiveness and share experiences with other interested states; and

Sponsor innovative approaches at the local level, particularly in areas with a significant number of regulated entities.

5. ENVIRONMENTAL FINANCE

Background

Typically, state and local governments have funded environmental activities through a variety of revenue sources, such as appropriated general state funds, federal grants, fees, taxes, penalties and bond proceeds. There is no single funding formula for state programs, as each environmental medium and state circumstance is different. Trends show a decrease in funding from federal resources and state general revenues; thus, alternative financing mechanisms (AFMs) have taken on increasing importance as a relative percentage of state environmental budgets. In air and water programs, for example, fees are the most widely used AFM. In the future, AFMs are likely to provide funding for a greater variety of services, grow more complex and flexible, and focus more on generating revenue rather than on achieving particular goals.

Finding: The prime responsibility for implementing, administering and enforcing federally mandated environmental programs has shifted to the States and localities. This shift places a growing financial burden on state and local governments at a time of widening gap between the cost of environmental protection and available resources. This shift also creates a growing competition among all programs for funding from general revenues. To meet this financial challenge, program reforms must be made and new alternative sources of revenue and capital must be found to finance environmental programs.

Increase Financing Options

Review Funding Mechanisms.—As economic pressures tighten, governments must weigh expenditures against priority of needs and existing revenues. Governments must also critically review the funding mechanisms used for each program based upon equity and efficiency. By using the process, state and local governments can assure citizens that the most appropriate and equitable sources of revenue are being used and that funds are being expended most efficiently.

Governments may make this dual assurance, yet still project revenue shortfalls. Also, existing funding mechanisms may not be fully responsive to identified needs. In such circumstances, governments should consider instituting alternative financing mechanisms to assist in securing sufficient revenues to carry out their environmental mandates. The public will be more likely to accept these funding mechanisms since they are especially targeted for environmental protection. The strengths and weaknesses of each available AFM should be examined in light of financing needs. Time and resources necessary to implement any given mechanism should be evaluated, as AFMs vary in the process required for approval and the speed at which they can be put in place. Each has basic characteristics, and many are amenable to adjustments to meet the needs of the specific user. The inherent nature of some AFMs precludes their use in certain circumstances. An AFM's utility depends on the individual political, fiscal and legal conditions in the area where it may be adopted.

Included in this report is a compendium of AFMs developed for the Task Force. It provides a description of each AFM, along with an evaluation of its relative strengths and weaknesses and likely applications. An evaluation matrix is included to aid in the selection of an appropriate mechanism. (See Appendix B.) This compendium will be made widely available to the public.[13]

Recommendations:

All state and local governments with environmental management responsibilities must critically assess and challenge the funding mechanisms used for each component of their capital and operating budgets using the opportunity for alternative financing as presented in the Compendium of Alternative Financing Mechanisms.

Expand the existing integrated multimedia environmental finance program to develop strategies and approaches for assisting state and local governments in financing and carrying out their environmental mandates. The thrust would be to enhance the ability of state and local governments to finance rising costs.

Provide Technical Assistance

It is essential that EPA increase its role in providing ongoing technical assistance in the area of environmental finance, especially as it relates to small communities and local governments. The existing environmental finance program in the Office of the Comptroller serves as the model for promoting careful investment through integration of environmental finance and programmatic objectives. The environmental finance program offers significant assistance to local governments in dealing with "how to pay" issues in financing both capital and operating environmental programs. Specific activities involve:

Helping state and local governments develop new ways to pay for mandated environmental improvement and protection;

Continuing research on Alternative Financing Mechanisms with cooperative state, local government and EPA efforts;

Strengthening national expertise in public finance through increased use of the Environmental Financial Advisory Board (EFAB), a group of over thirty prominent experts from the public and private finance community who provide advice to the Administrator on a wide range of environmental financing issues;

Expanding operations of the Environmental Financing Information Network (EFIN), an electronic bulletin board of financing information and activities that has interactive expansion capabilities. With EFIN as a component of the environmental finance program, EPA and states will have an on-line automated finance information system that will bring environmental finance information directly to states and localities; and

Establishing Environmental Finance Centers (EFCs) at universities throughout the country. These permanent, self-sustaining centers can be effective vehicles for promoting innovative financing techniques. Currently, the environmental finance program has underway two pilot EFCs at the Universities of New Mexico and Maryland. The purpose of these EFCs is to promote financing options by providing training to state and local officials, distributing publications, giving technical assistance targeted to specific local needs, and hosting town meetings and workshops for state and local officials.

6. GRANTS ADMINISTRATION

Background

The Task Force's review of grant processes disclosed problems and inefficiencies in several key areas.

The Task Force has, however, found many worthwhile and important grants management activities currently under way that begin to address these deficiencies. These activities should be continued and evaluated, and the most productive results incorporated in Agency policy or legislative requests.

Following are seven key areas in need of attention:

Funding.—Delays in federal funding often trigger state financial and operating difficulties. Frequently, delays are caused by EPA's uncertainty about what funds will be made available in congressional appropriations. Other delays arise during grant negotiations between states and EPA.

Planning.—Congressional add-ons and EPA's planning and guidance systems often fail to consider impacts on states. EPA is sometimes late in issuing program guidance and planning targets. States and EPA often disagree on ranking environmental priorities. Enlarging the number of EPA grant programs and categories is intensifying the burden on the states to account for and administer their EPA grant programs.

Communications.—Communication links with states are inadequate. States may be awarding grants and contracts to undesirable contractors because they do not receive information on suspensions and debarment. Also, no clearinghouse exists for sharing information about EPA grant processing improvements.

Accountability.—EPA sometimes exercises an undue amount of direction in the financial administration of state programs. States believe that EPA tends to micro-manage their grant activities. Furthermore, the states' flexibility in funding EPA's and their own environmental priorities is hampered by the proliferation of congressional mandates.

Data Processing.—EPA has not adequately explored automating the grant application process; as a result, it is inefficient and time-consuming. Grant application and award processes are paper-intensive, requiring proposals, applications and several award and amendment documents.

Flexibility.—Continued program grant funding restrictions imposed by statute impede the states' ability to meet multi-media needs. Funds appropriated for State Continuing Environmental Program Grants must be used to fund media-specific programs and activities authorized by Congress. This legal constraint makes it difficult to move funds among individual, media-specific grant programs to address multi-media program activities. Multi-media approaches are also hampered by the requirement to track funds to the original, specific media appropriation. All these restrictions make it difficult for a state to maximize use of its staff and resources; they are barriers to achieving efficiencies through consolidating such activities as monitoring, inspection, and administration.

Policy.—Differing matching and maintenance of effort (MOE) requirements derived from different federal statutes adversely affect states' implementation of national initiatives. Each environmental program has its own matching and MOE requirements. These differences increase the fiscal and management burdens on states receiving multiple grant awards, as states must ensure that all the varying requirements are met. The various matching and MOE requirements affect not only how states manage federal grant funds, but also how they sue their own funds.

Finding:

A review by state and Agency officials of grant processes has revealed problems and inefficiencies in several key areas including funding, planning, communications, accountability, data processing, flexibility, and general policy.

Many of these issues are being addressed in eleven current reform enterprises that offer important opportunities for improvement in grants management. These should continued until they are completed and their results evaluated. They include:

Comparative risk demonstration projects;

Multi-media grants to Indian tribes;

A study of alternative mechanisms;

TQM reviews of Sec. 106 and 319 grant processes;

A review of administrative management requirements;

An automated workplan development pilot project;

Development of an allocation formula for distribution of state personnel costs;

Suspension and debarment pilots;

Grants administration training development; and

Development of a grants administration repository.

IMPROVEMENTS TO GRANTS ADMINISTRATION

Grants Steering Committee

The Task Force recommends that a Grants Steering Committee ensure continuous improvement in grants management. Such a committee should invite participation by EPA's legal, program, and grants management staff, as well as representatives of state and local governments and Indian Tribes. Although several activities already under way are addressing some concerns raised in this report, the Steering Committee would provide a long-term, continuous process involving all stakeholders. An existing committee should be augmented to serve this purpose if at all possible. The Grants Steering Committee should focus initially on such matters as:

Timely availability of funds;

Timely grant awards;

Improved communications and training;

Reduction of administrative burdens and transaction costs;

Automation of the grants process;

Development of proposals for grant flexibility; and

Oversight of the audit process.

Integrate State and Federal Planning Cycles

The federal fiscal year and the fiscal years of some states are different. When the federal government switched the start of its fiscal year from July 1 to October 1, most states did not follow suit. EPA usually does not receive its congressional appropriations until well after the start of a new fiscal year; thus, it is frequently forced to operate under a continuing resolution. Because EPA officials may be reluctant to negotiate funding agreements without knowing with certainty what funds will be appropriated, they postpone negotiations. Thus, grant funding cycles are thrown further off course and become even more poorly aligned with state planning cycles. Ways must be found to coordinate state and federal work planning schedules to facilitate a more efficient grant award and management process.

Recommendations:

Establish a State/EPA Grants Steering Committee to actively pursue streamlining of grants.

Seek greater efficiencies by improving the integration of state and federal planning cycles.

7. LEGISLATIVE ACTION

Background

Fine-tuning an efficient national environmental management system requires the active participation of government agencies at all levels, legislative bodies, and the general public. The Task Force believes that the key to implementing this report's recommendations is serious administrative deliberation (and action!) at the state and national levels, as well as interest and action on the part of legislators. Public support, bolstered by better management and more efficient use of resources, will be paramount throughout the undertaking.

Implied in most national environmental statutes and explicit in some is the involvement of both EPA and states in actively managing national environmental programs. As joint managers, EPA and the states need to regularly, substantively interact. Nevertheless, Congress ultimately holds EPA principally accountable for program management. If EPA and the states are to make the fundamental shift in operational philosophy envisioned in this report, legislative changes are needed to recognize EPA's role as a technical resource and collaborator in a cooperative system with states.

Finding: Changing the methods by which national environmental programs are managed and building a credible system of joint management will require not only the cooperation of states and EPA, but also the assistance of Congress and state legislatures and the support of the public.

Amend Statutes to Support State Capacity

Amend Basic Statutes

Congress should be encouraged to incorporate cross-cutting language in each of EPA's statutes to reaffirm and establish the necessary framework underlying the state/EPA relationship. Such language should emphasize flexibility, a mutually supportive working relationship and a shared responsibility for success. It is the Task Force's recommendation that this be done at the time existing statutes are reauthorized.

Amend FACA

Although they are managers of national environmental programs, states are considered by some to be restricted in providing continuing advice to EPA on issues of policy and process. In most cases, challenges to the role of states as advisors to EPA occur when an aggrieved party at interest, in attempting to defeat an action or assert its own position, insists that states' involvement is inappropriate. The resulting restrictions on the free exchange of information between EPA and states is a serious problem. We believe that an amendment to FACA is needed to recognize the rights of states, as delegated managers of EPA programs, to be consulted on matters of policy and management of national environmental programs without the need to charter formal advisory committees.

Amend APA

Current processes and practices in rule-making are founded on the legal premise that states are not managers of national environmental programs, but rather parties at interest, and that they should not be formally included in rule-making processes after the rules are published for comment, except as part of the general public. The Task Force believes that this interpretation deprives EPA of an important source of insight and analysis while the Agency is reviewing comments on proposals and constructing final management procedures. EPA should seek to amend the Administrative Procedure Act to allow state participation in final rule development when states are to be co-managers and co-regulators of the issues and programs at issue.

Recommendations:

Offer language for EPA cabinet status elevation that would make state-capacity building a primary mission of the Agency.

When EPA's basic statutes are reauthorized, seek amendments to outline clearly the roles and responsibilities of the States and EPA, and the nature of the collaborative relationship between states and EPA; facilitate cross-media activities, multi-year program funding, and cross-jurisdictional geographic activities; and recognize state and local responsibility and accountability.

Articulate the current limits and opportunities under the Administrative Procedure Act (APA) for including states in the rulemaking process, and propose specific legislative changes to the APA that would address EPA and state needs.

Offer guidelines on how EPA can currently work with the States under the Federal Advisory Committee Act (FACA). Propose specific changes to FACA that would recognize the right of states, as delegated managers of EPA programs, to be consulted on matters of policy and management of national environmental programs without the need to charter formal advisory committees.

FOOTNOTES

[1] Policy Paper: "EPA Policy Concerning Delegation to State and Local governments," April 4, 1984.

[2] See:+"Environmental Federalism: Allocating Responsibilities for Environmental Protection," Staff Working Paper, Frances G. Sussman, Congressional Budget Office, Washington, D.C., September 1988.

Protecting Human Health and the Environment Through Improved Management, A Report To Congress," United States General Accounting Office, Washington, D.C., GAO/RCED-88-101, August 1988.

[3] Compared with the U.S. economy as a whole, total public and private environmental expenditures, as a percentage of gross national product (GNP), grew from 0.9 percent in 1972 to 2.1 percent in 1990. By the year 2000, environmental expenditures are projected to rise to 2.8 percent of GNP. (In 1986 dollars, the GNP for 1990 was $4.7 trillion, and for the year 2000 is projected to rise to $7.1 trillion.)

The gap between current resources and the investment needed to maintain existing standards and meet new requirements is increasing. By the year 2000, total annual environmental spending requirements (public and private) will be about $200 billion, compared to a 1988 level of $115 billion—

At the local level, the funding gap is even more dramatic. In the year 2000, local governments will have to spend an extra $12.8 billion per year, or 65 percent more than they did in 1988, just to maintain current levels of environmental quality. They will need to spend at least another $3.6 billion per year to comply with new regulations. In all, communities may need to spend 83 percent more per year by the year 2000.

Even if state and local governments could borrow enough to pay for capital investments, annual cash flow requirements to repay their debts will outstrip their financial capacity. Between now and the end of the century, local governments will need to raise 32 percent more money to cover operating and debt service costs. This amounts to an increase in cash requirements of over 3.5 percent per year. Yet, over the same period, U.S. GNP is estimated to grow by only 2.37 percent per year and population to grow by only 0.66 percent per year. See Part II, "Alternative Financing Mechanisms, Report of Team 2," pages 1-2.

[4] "State governments' fiscal outlook is as cloudy as that of the national economy. Legislative fiscal officers do not expect conspicuous improvement in state finances in the coming year—

Year-end balances—are nearly non-existent for most states and will not recover significantly in FY 1993.

Legislators have avoided tax increases far more successfully in 1992 than 1991. Substantial budget cuts, a low rate of state expenditure growth, and major tax cuts in NJ and PA held the net national tax increase to 1.4 percent of FY 1991 collections (down from 5.4 percent in 1991).

Expenditures for the 40 reporting states will grow by 4.8 percent in FY 1993, continuing a long trend to reduced growth rates for state general fund budgets.

At least 12 states made broad-based or across-the-board budget cuts to control spending growth in FY 1993.

"Aid to local governments, salary and benefit costs, and health care costs have been particular targets for cuts.—AFDC and Medicaid costs grew faster than expected in FY 1992, but not as fast as they have grown in recent years—. But just as in other recent years, spending for K-12 education, corrections, AFDC, and Medicaid continues to require a larger portion of general funds each year. This and the need to hold down tax increases led to substantial budget cuts in other areas of state government."

"State finances are at a very low point.—State officials do not expect significant recovery in FY 1993.

"State Budget and Tax Actions, A Preliminary Report, "National Conference of State Legislatures (Denver, CO, July 22, 1992).

[5] This is best shown by an array of current Delegations as reported by Regional offices. See Appendix—.

[6] See appendix—for list of Task Force members.

[7] See Appendix—/Mission statement.

[8] See Appendix—for description.

[9] See Appendix—.

[10] Topical Team Reports:

State/EPA Relations, Appendix—.

Alternative Financing Mechanisms, Appendix—.

State Capability, Appendix—.

Streamlining the Grants Process, Appendix—.

[11] See Appendix—.

[12] See Appendix—(A).

[13] See Appendix—.

Mr. GLENN. Mr. President, very briefly, we on this side support what Senator HATFIELD is doing. I think it is appropriate. He includes regional operations, State and local capacity. That is a good idea. He then wants us to move to enhance the capacity of State and local governments to manage, finance, and implement environmental laws including regulations. That is what we have spent, at least in part that is what we have spent the last couple days talking some about. So I support this.

Without further delay, I would join him in moving to a vote on this amendment. I believe he is happy to accept a voice vote.

Mr. ROTH. Mr. President, I join the distinguished chairman in praising the amendment offered by the Senator from Oregon. It builds upon amendments that were offered by the distinguished Senator from Connecticut and the chairman. I think it is important that we centralize somewhere responsibility to work with the State and local governments, and I am happy to accept this amendment.

Mr. GLENN. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 333) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 332, AS MODIFIED

Mr. GLENN. Mr. President, I am happy to accept a voice vote on the second-degree amendment and urge that we have that vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the second-degree amendment.

The amendment (No. 332) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 331, AS MODIFIED

Mr. LEVIN. Mr. President, the majority of our governments in this Nation are small, local governments and small businesses are the lifeblood of our economy. In a statement earlier this week, I outlined my concerns regarding the ability of our numerous small, local governments to comply with increasingly complex and burdensome environmental regulations and standards. A similar situation exists for our Nation's small businesses, and I welcome the opportunity to join Senator LIEBERMAN in addressing the concerns of small businesses.

It is important that we take every opportunity to reinforce the concerns of these significant groups within the policymaking process at EPA—especially at a time when we are acting to make this important agency a Department.

The amendment we have just passed statutorily creates the Office of Small Business Ombudsman and clearly defines the duties of such office with regard to compliance assistance. The second degree amendment offered by Senator GLENN appropriately compliments this amendment by clearly defining the Secretary's duties with regard to compliance assistance for small communities. The agency's preexisting initiatives such as the Office of the Small Community Coordinator, the Small Town Task Force, and the Small Town Ombudsman provide appropriate venues for these duties.

In my earlier statement, I referred to a letter I received from Administrator Browner outlining ongoing and planned efforts by the EPA to address the concerns of local governments with a special emphasis on small communities. These combined amendments lend legislative support to and reinforce EPA's actions in this area and at the same time, strengthen EPA's ability to address the concerns of small businesses.

Small communities and small businesses should not feel lost in the wilderness when it comes to gaining information and assistance in complying with environmental regulations. The last thing we want is to frustrate the efforts of those individuals who are trying the best they can to comply with what we ask of them. There is no doubt that environmental regulations are complex—one need only look at the courts to see how difficult it can be to understand just what a regulation requires or means. The Office of the Small Business Ombudsman and the Office of the Small Community Coordinator will serve as effective and necessary advocates and translators for these two vital sectors of our society.

I am pleased that the Senate has acted to adopt these amendments to S. 171 and I thank my friends Senators LIEBERMAN, CONRAD, and GLENN and their staffs for their work on these amendments.

Mr. GLENN. Mr. President, I ask for a recorded vote on the Lieberman amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mrs. BOXER). If there is no further debate on the amendment, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] and the Senator from Texas [Mr. KRUEGER] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—97

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—0

NOT VOTING—3

Breaux
Helms
Krueger

So the amendment (No. 331), as amended, was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 334

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 334.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

"(a) In promulgating any final regulation relating to public health and safety or the environment after the date of enactment of this Act, the Secretary of the Environment shall publish in the Federal Register—

"(1) an estimate, performed with as much specificity as practicable, of the risk of the health and safety of individual members of the public addressed by the regulation and its effect on human health or the environment and the costs associated with implementation of, and compliance with, the regulation;

"(2) a comparative analysis of the risk addressed by the regulation relative to other risks to which the public is exposed;

"(3) the Secretary's certification that—

"(A) the estimate under paragraph (1) and the analysis under paragraph (2) are based upon a scientific evaluation of the risk to the health and safety of individual members of the public and to human health or the environment and are supported by the best available scientific data;

"(B) the regulation will substantially advance the purpose of protecting the public health and safety or the environment against the specified identified risk; and

"(C) the regulation will produce benefits to the public health and safety or the environment that will justify the cost to the Government and the public of implementation of and compliance with the regulation.

"(b) In the event that the Secretary cannot make the certification required under subsection (a), the Secretary shall report to Congress that such certification cannot be made and shall include a statement of the reasons therefor in such report and in the final regulation.

"(c) The certification required by this section shall not be construed to amend, modify or alter any statute and shall not be subject to judicial review. Nothing in this section shall be construed to grant a cause of action to any person."

Mr. JOHNSTON. Madam President, this amendment deals with rulemaking by the Environmental Protection Agency and provides that in every case where a rule is to be confected and put out by the Environmental Protection Agency, it will be subject to the scrutiny and to the cost analysis and to the comparative analysis which this amendment requires.

Specifically, the amendment requires that in promulgating any final regulation relating to public health and safety or the environment that the Secretary of the Environmental Protection Agency shall publish, first, an estimate, performed with as much specificity as is practical, of the risk to human health and safety of individual members of the public addressed by the regulation, and its effect on human health or the environment, and the costs associated with implementation of and compliance with the regulation; second, a comparative analysis of the risk addressed by the regulation relative to other risks to which the public is exposed.

It goes on further to require a certification by the Secretary, which certification shall require that the estimate as required shall be based on a scientific evaluation and the best available scientific data.

Second, that it shall advance substantially the purpose of protecting the public health and safety or the environment. And that the regulation will produce benefits to the public health and safety or the environment that will justify the cost to the Government and the public of implementation.

Madam President, the amendment goes further in stating that in those instances in which it is impossible for the Secretary to comply she shall so state and state the reasons why she did not comply. And it further states that the certification required by the section shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. Nothing in this section shall be construed to grant a cause of action to any person.

In effect we create a discipline, a logical discipline through which the Secretary will be required to go through in putting together any regulation with respect to health and safety or the environment.

She must base that certification on the best scientific evidence available. She shall weigh both the benefits and the costs—not only the cost of the regulation but the cost of complying with and enforcing the regulation—and it goes further to say that she shall conduct a comparative risk analysis. She shall ask the question—Is this merely a trivial risk or is it a major risk?

Madam President, it is not my purpose in this amendment to create new legal hoops that will increase the cost, require huge new paper trails and lawsuits and expense and delays. To the contrary, we make it very clear that this shall not be the subject of further lawsuits and shall not be a requirement for the regulation. That is, the amendment provides for the possibility that the Secretary does not put in the certification and says she did not do it and why. In other words, the amendment states specifically if she cannot do it, say so, and then do not do it. But if she does not do it in any instance she cannot be sued. I do not expect that the Secretary would flagrantly violate the requirement of law since it would be quite easy to comply with the law certainly if the regulation is reasonable. But in any event she cannot be sued.

Madam President, the reason for this amendment, which I think is a very important amendment, is because we have seen instance after instance where unreasonable regulations have been adopted costing the taxpayer billions of dollars where this kind of analysis would have avoided that.

If I may give you one example. With respect to Yucca Mountain, regulations were initially proposed in 1985 setting limits on carbon 14 emissions. In order to comply with that regulation, it would have cost the taxpayers of this country $3.2 billion. Yet the risk was so trivial that complying and spending that $3.2 billion would have amounted to preventing an increase of one-millionth of background radiation or an increase of one sixty-three hundredths of the amount of carbon 14 radiation that occurs in the body naturally. That is, everyone's body contains carbon 14 and in order to prevent an increase of one sixty-three hundredths of that which is in the body ordinarily we would have had to spend $3.2 billion. How did such a regulation ever get promulgated in the first place? It happened because, in my view, they did not base the regulation first on science; second, they never looked at the cost of it; and third, they did not do any kind of comparative analysis.

The Director of the Department of Energy Office of Civilian Radioactive Waste testified that the danger of this was the difference between sitting in a chair and standing up, because standing up you are that much closer to solar radiation. That was the amount of radiation that the expenditure of $3.2 billion would have prevented.

There are other examples. I am not as much of an expert on, for example, asbestos regulation. I do know that the country is spending billions of dollars on asbestos abatement when I am informed that the principal hazard in asbestos is the cleanup of the asbestos. In other words, the billions of dollars that we are spending in order to clean up is exposing the workers to more danger than if we had left the asbestos behind the walls.

I believe that to be the truth. I am not sure. But in any event the kind of rigorous analysis that this amendment requires would at least prevent that kind of thing from happening, because it would make them go through the logical analysis that would prevent such improvident regulations from being proposed in the first place.

So, Madam President, I hope that the body will find this amendment to be meritorious. I think its effect on rulemaking will be, and I hope it certainly is profound because we need in my view a profound change in the way we adopt rules for the public health and safety and the environment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first let me say to my friend from Louisiana that I think this amendment is a vast improvement in many ways on the amendment which was tabled this morning which addressed similar kinds of concerns.

As a matter of fact, I think the amendment is generally a reasonable approach to a very difficult problem that we have, which is to force the weight of costs and benefits of regulations before they are adopted. It is something which Senator GLENN and the committee that he chairs has spent a lot of time on and we have actually made some progress on it in some areas. But I think the Senator is right to point out that there is a cost and a benefit to regulation and we ought to look at that before we adopt it. And we need a way to try to weight the cost and the benefits of those regulations before they are adopted.

His formulation is one that frankly makes some sense to me, and that is that the regulation will produce benefits to the public health, safety, and environment that will justify the cost of the Government and to the public of implementation and compliance with the regulation.

The reason this approach makes some sense to me is that he avoids requiring the weighing of the value of a human life. There are some formulations, particularly if you use the word "outweigh," where you must weigh the value of a human life or of a human limb. And we cannot do that.

But the formulation of this amendment by using the word "justifies" instead of "outweighs" avoids that pitfall that some other language that other people have proposed put us into. So I want to first of all commend the Senator for that language in section 3(C).

Mr. JOHNSTON. Madam President, if the Senator will yield on that subject, I want to thank him for helping in the drafting, particularly with the use of the word justify. I did initially have the word "outweigh." I employed it to mean "justify" but the Senator being the good lawyer that he is understands that the word justify does not in fact import any suggestion of the value of the human life nor was that in my intent. What my intent is to do, is not to put a value on a human life, but is to require that they analyze the danger to human lives so that we will know what it is we are dealing with. Is it a danger of death and how many deaths? In other words, try to quantify what the danger is rather than putting the value on it, because I am sure that the Senator feels as I do that human life is infinitely valuable but we ought to know how much we are dealing with. I thank the Senator for his suggestion.

Mr. LEVIN. There is one other clarification that I would seek from the Senator from Louisiana, and again this has been a subject of great numbers of hearings in Governmental Affairs and I think that if the chairman of the committee is able to accept this amendment, finally that even with some additional improvement that could be worked out in conference.

But my question to the sponsors of the amendment is this: There is language here that says there should be a comparative analysis of the risk addressed by the regulation relative to other risks to which the public is exposed.

Some people have suggested that we ought to weigh not only the risk of inhaling coal dust, for instance, but the benefit of inhaling coal dust. Some people have actually suggested that we look at the benefit of inhaling coal dust, not just the risk.

Now, you might ask, as all of us did that heard this novel theory, what is the benefit of inhaling coal dust?

Well, the answer that was given is because people who inhale coal dust are paid more frequently for that added risk that they take at the job. Therefore, since they are paid more, they will have more money to take a vacation during the summer and that will reduce the stress on them. Therefore, it is advantageous action, or may be, to inhale coal dust or work in a risky environment at work.

Now, I think that was rejected, if not by all of us on Governmental Affairs, by just about all of us.

Is it accurate to say to my friend that it is not the intention in section (a)2 to require that type of analysis which I have just described?

Mr. JOHNSTON. Madam President, if the Senator will yield, it is not the intention, nor do the words, fairly interpreted, permit the interpretation that that kind of silliness will be required by the amendment. Of course, we do not intend that kind of comparative analysis. I am glad that the Senator has brought it up in the context of this amendment, because I guess some people have done that in the past and we want to make it clear.

I want to make another thing clear here. We are not setting a new standard. We are requiring the analysis, but not setting a new standard.

For example, there are standards in the law with respect to the best available control technology that say, in some instances, in the Clean Air Act, that you have to use that best available control technology no matter what. So this does not try to change that.

Or, for example, we require—I guess, it is not the Environmental Protection Agency that requires—the statute requires electric cars, a certain number of them, out in L.A. County. You do not have to go into that ridiculous analysis, because the requirement is there.

So we do not change any rule. We just require the rigorous, and what I believe to be logical, analysis of the regulation.

Mr. LEVIN. I thank the Senator.

Mr. JOHNSTON. I thank the Senator for making that clear.

Mr. WELLSTONE addressed the Chair.

PRIVILEGE OF THE FLOOR

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I ask unanimous consent that Greg Button, who is a fellow with me, be granted permission to be on the floor for the duration of the debate on this particular bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, we have had discussions going on here on the floor and off the floor with other people which concerns the amendment of Senator JOHNSTON.

I would like to clarify one thing. Is it the intent of this amendment that wherever a judgment or a choice is required, such as in the Secretary's certification or the choice of risk to examine in the comparative analysis or any other area where interpretation may be an issue, that it is the Secretary's judgment, choice, and interpretation that the amendment means to reference implicitly? In other words, it is up to the Secretary what those other choices or comparisons would be.

Mr. JOHNSTON. I say to my friend, if he will look on the second page of the amendment, if the Secretary cannot make the certification required, she shall put her reasons for that in the certification, and, second, the certification does not change or modify any statute and shall not be subject to judicial review.

So I want to make clear at the outset that the Secretary does not have to do this if she cannot do it and, if she does not do it, she cannot be sued. So, in effect, the whole amendment is addressed to her good sense and to her sense of logic.

Now, by necessity, comparative analysis involves a commonsense picking of risks to compare. It is not our intention to have the Secretary compare the risk of the regulations she is promulgating to every other risk known by man or to every other regulation compared to the EPA, but to give a commonsense disposition on what a comparison of this risk means to other risks.

I gave the example earlier of the carbon 14 standard at Yucca Mountain, where the risk was so slight that comparing it to almost anything would have revealed the absurdity of the regulation.

And so, in that sense, yes, of course it addresses itself to the good sense and judgment of the Secretary.

Mr. GLENN. And it would be up to her. In other words, taking some of the ridiculous extremes of things it could be compared with, you can compare something to the water in southern California, for instance, whatever it was, with water vapor in upper New York State. It might go to ridiculous extremes.

As I understand the answer to the question as posed, it would be, yes, that it does leave it up to her judgment; is that correct?

Mr. JOHNSTON. Yes. And if she violates good sense and does not do what this amendment plainly says, she cannot be sued.

So it is really ultimately up to her good judgment. But we mean for her to make a commonsense analysis of this regulation compared to other risks commonly accepted.

Mr. GLENN. I think it is being considered on the other side of the aisle. I do not now if it has been signed off yet. My original intent was to see if we could get agreement on this and accept it. I believe Senator BRYAN is on his way to the floor to talk about this. He had a concern or two about it, also. The other side of the aisle has not accepted this as yet.

Is there anyone who wishes to make further comments?

Mr. JOHNSTON. Madam President, if the Senator will yield, it would be my intention to ask for a recorded vote on the amendment. I do not want to ask for that at this time, because we might not be able to amend it as easily.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 334, AS MODIFIED

Mr. JOHNSTON. Madam President, staff has pointed out to me that on page 1, line 21 and line 24, the phrase, "public health" appears. The word "public" on those two lines should be changed to "human," to make it consistent with the rest. So, Madam President, I ask my amendment be changed, that the word "public" on lines 21 and 24, be changed to "human." I am also advised that on line 2 the word "public" should be changed to "human"—line 2, page 1.

The PRESIDING OFFICER. The Senator has that right and the amendment is so modified.

The amendment (No. 334), as modified, is as follows:

At the appropriate place in the bill, insert the following:

"(a) In promulgating any final regulation relating to human health and safety or the environment after the date of enactment of this Act, the Secretary of the Environment shall publish in the Federal Register—

"(1) an estimate, performed with as much specificity as practicable, of the risk to the health and safety of individual members of the public addressed by the regulation and its affect on human health or the environment and the costs associated with implementation of, and compliance with, the regulation;

"(2) a comparative analysis of the risk addressed by the regulation relative to other risks to which the public is exposed;

"(3) the Secretary's certification that—

"(A) the estimate under paragraph (1) and the analysis under paragraph (2) are based upon a scientific evaluation of the risk to the health and safety of individual members of the public and to human health or the environment and are supported by the best available scientific data;

"(B) the regulation will substantially advance the purpose of protecting human health and safety or the environment against the specified identified risk; and

"(C) the regulation will produce benefits to the human health and safety or the environment that will justify the cost to the Government and the public of implementation of and compliance with the regulation.

"(b) In the event that the Secretary cannot make the certification required under subsection (a), the Secretary shall report to Congress that such certification cannot be made and shall include a statement of the reasons therefor in such report and in the final regulation.

"(c) The certification required by this section shall not be construed to amend modify or alter any statute and shall not be subject to judicial review. Nothing in this section shall be construed to grant a cause of action to any person."

Mr. JOHNSTON. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

Mr. ROTH. Madam President, I would like to propound a question to the distinguished Senator from Louisiana.

Under his amendment, the information required to be published in the Federal Register shall be available in promulgating any final regulation. It seems to me that the information relating to the risk of health and safety and the costs thereof should be available at an earlier date in order to have its impact on the final regulation.

I wonder if the distinguished author of this amendment would be willing to accept some kind of modified language so that this information would be available in time to come into consideration as the final regulation is issued.

Mr. JOHNSTON. Madam President, I think the Senator from Delaware makes an excellent suggestion, and I would certainly be willing to accept such an amendment. I want to get the OK of the manager of the bill because we very carefully have been going over this language. I would see no objection at all in making this applicable to proposed regulations so that the information would be available to OMB or to the public when it is first issued.

Mr. ROTH. That is right. In promulgating the final regulation you, of course, have to have it published at an earlier stage in the Federal Register.

What we are suggesting is that for this information to really be meaningful and influential, it ought to be available at that time.

Mr. JOHNSTON. So, in other words, the Senator is suggesting that we change the phrase "in promulgating any final regulation" to "in issuing any proposed regulation"?

Mr. ROTH. That is correct. That would be my proposal.

Mr. JOHNSTON. Madam President, if I may say to the distinguished floor manager, the Senator from Ohio—and I know the Senator from Michigan has an interest in that—if they have no difficulty with that change, I would propose to accept it.

Mr. GLENN. Madam President, I would like to discuss this a little bit. I would like to get some other opinions on this. So I suggest the absence of a quorum for a few minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Madam President, the Senator from Delaware [Mr. ROTH], I think, voiced a very good concern and a potential improvement in this bill by pointing out that the amendment, as now drafted, relates only to promulgating final regulations, which would not enable the public to have the opportunity to comment on cost-benefit analysis and the other analyses required under the amendment. Indeed, it would not perhaps even be available to OMB as the regulation matriculated through that part of the process.

However, in discussing with the managers of the bill the wording of this amendment, the fear was voiced that if you required in every instance that this full analysis be published at the time that the proposed rule is published, it may delay the process; that it may be better to wait to some interim part in the process after the publication of the proposed rule but while the public still has time to comment, that we have an interim publication of this analysis. The managers and their staffs seem to be interested in coming up with some variation on that theme in conference. I hope that the Senators will do so.

I say to my friend from Delaware, I think his suggestion is an excellent one. The concern is very real. And if the information in this analysis is to be used, it ought to be available early in the process. I hope he is a member of the conference and will deal with this in the conference. I think it is better at this point, at least for me as the author of the amendment, not to accept the amendment and allow the managers on both sides of the aisle to work this out in conference.

Mr. ROTH. Mr. President, in answer to the distinguished author of the amendment, I do think there is a need to get the information out earlier if it is going to be meaningful. I do share the concern that we do not know exactly what is the best time or way of accomplishing that. So I would be willing to go along with this language with the understanding that, if the chairman of the committee agreed, we would try to take care of this consideration as we proceed hopefully to conference on the final legislation. But I do want to say that I cannot emphasize too strongly the importance that the information be made available early on and that it be available to the public as well as Government.

Mr. GLENN. Madam President, there was one other concern I had on this, and that is if we went ahead with what the distinguished Senator from Delaware has suggested, we would in effect be taking EPA out and treating them differently in this whole regulatory review process from any other agency in Government.

I think the concerns about getting information out early are very valid and I support those. I think we can try to do what we can to encourage them to get information out and do whatever studies are required at the earliest practicable time. To lock it in legislation it seems to me would set a precedent that then comes back to haunt us with rules and regulations in the whole regulatory review process across Government, and I would hesitate to set that precedent.

Mr. ROTH. Will the Senator yield?

Mr. GLENN. Yes.

Mr. ROTH. The point I make to him is that, of course, by our adopting the Johnston amendment we are adopting a special rule in respect to environment. I happen to think this is a rule that ought to apply in other areas as well. I have no quarrel with that. But the fact is this is being treated in a unique fashion because of this amendment, and for that reason I think there should be a perfecting of this amendment at some time. But I am willing to proceed along the lines proposed by the author if the chairman is willing to so proceed.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I understand the concerns of the Senator from Delaware and the Senator from Louisiana. I think it is important this information be available to the public for comment.

But I also have two points to make. First, I think it is important to give the agency some flexibility, that is, give the agency some opportunity to determine at what point in the rule drafting, regulation drafting process this information is available for public comment. I do not think it is appropriate to lock it in at a certain point so long as there is a sufficient period of time within which the public has an opportunity for responsible and meaningful comment.

The second point is this. I would like to remind Members of the Senate of the countless numbers of times—and I could speak specifically from the advantage point of the Environment and Public Works Committee—we in the Congress have asked agencies, particularly the Environmental Protection Agency, to issue rules and regulations under, for example, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and reflect for a moment on the number of times we hear from people that the agency is behind; it is derelict; it has not issued its regulations on time. We are almost beating the Environmental Protection Agency to get them to get the rules and regulations out. They are way behind on countless numbers of rules and regulations. If we add significant additional burdens on them, it is going to take even more time for them to issue these rules and regulations.

Now, how do these rules and regulations help and how do they hurt? I can tell you we, in our committee, have heard many times from many businesses how difficult it is for them because EPA's rules and regulations are not out on time; they want to know what they are so they can begin to do business. Under the Clean Air Act, for example, there are countless numbers of businesses wanting to know what the rules and regulations are so they can deal with them. But now when they are delayed that is an additional cost on business because business does not know what to do.

If it is delayed, they come in later in time. It also applies to the States. The States in our country are often very, very upset because they are waiting for guidance and rules and regs from the EPA. That makes it difficult for the States to act. It is difficult for the States to plan. It is difficult for the States to budget. I am not arguing against this specific amendment. But as a general rule, the more we add additional burdens on the agencies, the more delays we can reasonably expect in getting these rules and regulations out, unless we are here, willing to appropriate very significant additional resources to these agencies, particularly the EPA.

I do not see this Senate, I do not see the Congress, stampeding to the Senate floor to vote all of these additional dollars for the EPA. I do not see it. If we do not see it, if we do not appropriate, if we do not have the resources, we add additional hoops for these agencies to go through, I guarantee significant additional delay which means significant additional inefficiencies, additional costs to people, additional uncertainty, and additional disrespect for government.

This is going to have a countereffect. People are going to be a little bit more upset with government because of additional delays. I just hope all Senators think about these points when they start bringing up amendments on surface well intended, cost benefit, and so forth, but we have additional costs, let alone the monetary costs, of adhering to these additional burdens.

I do not think anybody has done an economic impact statement on the additional costs to the Environmental Protection Agency or other Government agencies who have to implement all of this. I think it is going to be significant. Fundamentally, this really argues for a little more contemplation, a little more organized rationale process as we deal with these problems. That is supposed to be the committee process, not rushing to the floor with amendments, nobody even knows about them, see them with the first impression, staffers do not know anything about them, see them running around calling agencies, and calling people back home. It is just a very disorganized fire drill around here. That is no way to do business.

Winston Churchill was right when he said democracy with all its fits, starts, delays, and inefficiencies is the worst form of government except there is none better. Why do we have to make it worse? Why do we have to make it even more inefficient? Why do we not exercise a little common sense?

I suggest that we think and collect a little more, act a little more rationally, again through the committee process, give the committees a chance to work these things out. If they do not, then we come to the floor.

But essentially, Madam President, I just urge Senators to be careful, think through what we are doing here, because the more we do this on the surface—it sounds good, a lot of surface appeal, but fundamentally when we think it through, it could cause many more problems than we think on the surface for us to solve.

Mr. JOHNSTON. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. ROTH. Madam President, I would like to reiterate the question to the chairman because I do not think he had a chance to answer.

As I propounded earlier, I would be happy to proceed with the amendment in its current form with the understanding that in conference we would try to draft language that would make this information available at an earlier stage, at a stage that would be available to the public at large.

Mr. GLENN. Madam President, I have no objection to that. I think the earlier this can be done in the usual process I think is fine because it lets people know what is going on a little bit earlier. That is always good.

What I have a problem with is locking in by law when these things will occur and setting that kind of a precedent for all branches of Government which would logically follow if you want to use this as a precedent.

I agree with the distinguished Senator from Delaware. We would be happy to try to work that out in conference as best we can.

Mr. ROTH. This Senator is ready to move ahead.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to the amendment of the Senator from Louisiana.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX] and the Senator from Texas [Mr. KRUEGER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 111 Leg.]

YEAS—95

Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boren
Boxer
Bradley
Brown
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Danforth
Daschle
DeConcini
Dodd
Dole
Domenici
Dorgan
Durenberger
Exon
Faircloth
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NAYS—3

Bryan
Chafee
Lautenberg

NOT VOTING—2

Breaux
Krueger

So the amendment (No. 334), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I thank the Chair.

AMENDMENT NO. 335

(Purpose: To require the Director of the Bureau of Environmental Statistics to provide certain cost benefit assessments resulting from rulemaking, and for other purposes)

Mr. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. MURKOWSKI) proposes an amendment numbered 335.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 52, insert between lines 20 and 21 the following new subsection:

(f) REVIEW OF REGULATIONS.—For each proposed new regulation and each proposed change to existing regulations the Director shall publish in the Federal Register as part of the notice of the proposed rulemaking, a comprehensive assessment of specific costs and benefits resulting from implementation of the proposed new regulation or the proposed regulatory change including an assessment of the total number of direct and indirect jobs to be gained or lost as a result of implementation of the proposed new regulation or the proposed regulatory change.

Mr. MURKOWSKI. Madam President, the amendment that the Senator from Alaska has submitted would require the Director of Environmental Statistics, which would be a part of the Department of the Environment, to publish in the Federal Register a comprehensive assessment of the specific costs and benefits resulting from a regulation, including assessment of the total number of direct and indirect jobs to be gained or lost as a result of the implementation.

S. 171 establishes a Bureau of Environmental Statistics which requires an annual report be submitted to Congress to report on, among other things, "economic information on the current and projected costs and benefits of environmental protection."

My amendment extends that requirement to include an analysis of a proposed regulation's impact on jobs. Second, the economic cost-benefit analysis would be printed not just annually, but regularly in the Federal Register as part of the proposed rulemaking process.

There is no funding necessary for this, because the Bureau is already funded in the S. 171 at $5.5 million a year. We are not creating anything new here, but simply requiring the Bureau of Environmental Statistics, as it reviews its other areas mandated under the proposed legislation, to include an economic cost-benefit and job impact analysis that must be printed in the Federal Register.

Someone might ask, Madam President, how this differs from the Nickles-

Reid-Murkowski amendment, which was addressed earlier by this body.

First of all, it is not as far-reaching. This amendment requires just the Department of the Environment to do the assessment of costs and benefits. It does not require that each bill, resolution, or conference report reported by any committee of the House of Representatives or the Senate, considered on the floor of either House, be assessed. This amendment requires only the Department of the Environment to collect cost/benefit and job impact information, unlike the previous legislation which was narrowly defeated.

I am introducing the amendment under section 108 of this bill. As I said before, S. 171, which is before us, creates the Bureau of Environmental Statistics. So we are not adding anything new. We are just directing a bureau that is already part of this bill to address the costs and benefits of proposed regulations.

Section 108 of S. 171 requires the Bureau to report annually on the current and projected costs and benefits of environmental regulations. But it does not specifically require the cost-benefit to be printed in the Federal Register at the time the rule is first published for comment. This amendment expands on that economic information by requiring the Bureau to assess each proposed new regulation or proposed regulatory change, as I said, including assessment of the total number of direct or indirect jobs to be gained or lost as a result of implementation.

In the long run, the assessment should save the public money by causing the agency to really look at the consequences of their regulations in respect to both the economy and, of course, most importantly, the environment. By doing this, the Department can, I think, tailor their regulations to address concerns on both the environment and the economy.

Madam President, we are all concerned about the impacts on jobs. We are all concerned about what cost-benefit analysis really means. It means that each proposed regulation should include an analysis that compares the costs of a regulation to the savings it creates. And that analysis should take into account elements such as costs or savings to the private sector, the consumers, international competitiveness, State and local governments, and gross domestic product. That way we can fairly evaluate the merits of the proposed rule.

Madam President, one could say, "Well, what is the necessity of this?"

Well, I think we have all heard the frustration of our constituents about the EPA process. The chairman of the Environment and Public Works Committee, a short time ago, made a very appealing statement about the burdens we may put on the agency about how much they are required to do, and how difficult it is for them to proceed.

Well, that is true. But we also have to address the responsibility of having a sound economy in this country to meet our environmental obligations.

I think the Environmental Protection Agency has often been too slow on resource development projects.

I think we all recognize that our new administration is committed to the creation of jobs in this economy. Now we have to identify those jobs. I think we have to do it in a timely manner, because some of the economic information coming out of Wall Street and other areas is clearly not very optimistic.

We look to American business as the major employer. But now we are looking more and more to America's small business community to provide the jobs, as our large corporations downsize, increase their efficiency, and reduce their employment. We have seen it with Boeing and we have seen it with many of the major companies that previously we looked to for job expansion. But now we are looking at small business America to pick this up.

Morgan Stanley recently completed a very interesting study calculating the effects of new business costs—new business costs—that are being proposed for the business community at this time. Those costs include corporate tax increases, higher taxes on small businesses, probably a higher minimum wage, higher payroll taxes to pay for health care, and a huge new energy tax. These burdens are all in danger of being placed by Government on the private sector.

Now the bottom line, and what caught my attention, Madam President, was the projection by Morgan Stanley which concluded that projected corporate profits next year would be cut in half—cut in half—by these additional burdens. So, as we again address our environmental responsibility, we must keep in mind the costs associated with these environmental regulations, and the costs to the business community, which is why I am offering this amendment.

We can readily recognize that a cut in corporate profits of 50 percent, as projected in the year 1994–95, really means higher unemployment, especially in small businesses. And it also means more and more companies will attempt to circumvent some of the regulations that they no longer can afford to live with.

We hope that we do not have unreasonable environmental compliance costs. But we know we have higher taxes, we know we have higher energy taxes, we know we have higher labor costs, higher health care costs, and we know the projection on the economy is not going to make business likely to increase inventories or increase jobs.

I think we have an obligation to remember our business sector, as we look at elevating the Environmental Protection Agency to Cabinet status.

The Government, too often, does not have to put up with the regulatory burden that we dictate. Those of us who used to make a living in the private sector know how tough it can be.

Someone desiring to put up a shed or driveway or expand a business, can sometimes get very, very frustrated. They think we sit in our ivory towers and are so removed from reality that we cannot appreciate what it costs to comply with these regulations, how much time it takes to stand in line for the permitting process.

I have an amendment I am going to submit a little later relative to having some kind of requirement that once you submit an application to the Department of the Environment, you will be assigned, if you will a "guide"; a person in that agency to help you go through the process to help you comply with the regulations. Currently, the feeling often is that, "We are a regulatory body. You have to comply with the law. It is up to you to figure out how to do it." I hope when the time comes my colleagues will support me in this.

We are giving the Department of the Environment a budget of $6.7 billion. They have some 18,000 employees. And as a consequence, to suggest in their regulatory process that they do a cost-benefit study, I think, is good business.

I can recall a specific instance last year. Last year the Environmental Protection Agency in my State proposed some new water toxic standards that would apply not only to Alaska but several other States as well. For dioxin, something that we are all somewhat aghast to be confronted with, the EPA proposed a standard based on a cancer risk of 1 in 1 million.

That is disturbing. What does that mean? At this level actual concentrations of dioxin in water would not be measurable with current techniques. It would not even be measurable. The only facilities affected by this dioxin standard in Alaska are our two pulp mills in Ketchikan and Sitka. The chlorate pulp-making process they use produces a very small amount of dioxin. But to reduce it to the point required by the EPA rulemaking would require them to abandon their entire manufacturing process.

I might add these are the only two year-round industries we have in the southeastern part of our entire State.

The cost of changing the process would be more than $250 to $300 million. That is more than the plants are worth. They would simply close their doors.

What does that mean to the economy of Ketchikan and Wrangell and Sitka, Metlakatla, Haines, Petersburg? The timber industry accounts for one-third of the economic base of southeastern Alaska, over 4,000 direct jobs. The industry is based on the two mills. Without the mills, the industry would simply collapse because this is the manner in which they are able to get rid of the poor quality logs they are not capable of making into lumber. Many of the trees are old and are in the process of dying. As a consequence, you cannot get valued lumber out of them. So, without the pulp mills that timber would have no market and would simply die and rot in the woods.

Then the question comes up: What does 1 in 1 million cancer risk mean? We are being protected from this. But at what cost? Potentially the cost of 4,000 jobs. If 1 million people were exposed to a given quantity of dioxin over a given amount of time, then we are saying that one person may contract cancer.

In our case these 1 million people—and I might add, in these communities we have somewhere in the area of a total of 30,000 people—1 million people must eat 6.5 grams a day of contaminated fish from the water immediately adjacent to one of the pulp mills every day for 70 years. According to this formula they must also drink 2 liters of water. They would not drink any of it because it is salt water to begin with. There are only two places in my State where a person could get these rare fish and this fine water, one is Ketchikan and the other is in Sitka. So who are these millions of people eating the contaminated fish every day for 70 years? Are people actually crowding their hulls up to the docks, watching for the tugs, dropping their hooks and reeling in their catch, and dipping in their cups to drink from the bay? Clearly they are not.

But the EPA assumes the fish our hypothetical people eat are contaminated beyond the level of the mixing zone. This means the fish must reside in the bay, not simply pass through it. This narrows down the catch to sculpins or irish lords or double uglies, as we call them, ruling out the possibility of salmon because the salmon move quickly through those areas.

So, to get the carcinogenic dose, a hypothetical fisherman would have to eat all the fish, including the entrails which usually contain more of the contaminant if there is any at all. All this assumes the resident fish are contaminated and according to our State Department of Environmental Conservation, the fish in the 2 areas have not shown elevated levels of dioxin. Thus, the idea that our hypothetical fisherperson can get any dioxin from eating the fish is an unproven theory.

While there are no available counts of the number of so-called sculpin or irish lords in the areas of Ward Cove and Silver Bay, I can tell you how many the people tell me there are that are affected. And that is zero.

The reason it is zero is because the people, by preference, do not catch them. If they catch one by accident they throw it back, so they do not eat them. The idea that the EPA would even impose a human consumption standard on something no one eats—no one eats—is relatively absurd. So the cost of making a few junk fish perfectly edible, which is what they suggested might happen by the 1 in 1 million standard, is at least $250 million, and maybe the economic devastation to an industry in many communities dependent on timber production.

People have jobs, they have homes. What is the cost-benefit ratio? The benefit is zero. No sane individual would accept this kind of cost-benefit ratio.

Currently, the EPA regulation is pending and there is a regulation pending in my State. Attempts to develop in the State a standard of dioxin levels of 1-in-100,000 standard could save the mills and still do far more than is necessary to protect the environment.

I think this is an example of why we need cost-benefit analysis in the rulemaking process. I think it draws attention to the reality that we have before us, some severe concerns over how we can maintain the economic vitality of our Nation and continue to meet the environmental responsibilities that we have.

I encourage my colleagues to reflect on the need for this. We are not requiring the EPA to go about a task that puts an additional burden on them. As I indicated in my earlier remarks on the matter before us, the inclusion of the Bureau of Environmental Statistics that is in the pending legislation, in their annual report, mandates that they do economic information on the current and projected costs and benefits of environmental protection. All we are asking is that it be extended to include the impact on jobs, and a regular economic cost-benefit analysis to be printed in the Federal Register.

So we do not have to spend any more money. Funding is included in S. 171 in the Bureau of Environmental Statistics. they already have the necessary staffs of economists to do that. We are just dictating what I think is going to be very well received by the American business community.

Another point that I would like to bring up, and this reflects on the responsibility we all have in our willingness to support the President's recommendation to elevate the EPA to a level of Cabinet status, and that is the concern that we have over the internal activities within the Environmental Protection Agency. I could not help but note, Madam President, the remarks of Carol Browner as she took over the Environmental Protection Agency. I quote from a report made in Washington, DC, on March 10, where she pledged to overhaul the "Environmental Protection Agency that is rife with waste and a total lack of management accountability and discipline."

She further stated that the department was steeped in "poor management practices, serious violations of rules and intolerable waste of taxpayers' money."

Further she stated: "I'm appalled by what I've learned about the Environmental Protection Agency's total lack of management, accountability and discipline that encompasses not only its outside contracts but also its own financial assistance and grant processes."

So I think it is important we consider the merits of elevating the Agency to the Cabinet.

I ask unanimous consent that a letter from John Saunders, Commissioner of the State Department of Environmental Conservation, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF ALASKA, DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
Juneau, AK, April 21, 1993.

Hon. FRANK MURKOWSKI,
U.S. Senate, Hart Building,
Washington, DC.

DEAR SENATOR MURKOWSKI: As bills to elevate the Environmental Protection Agency (EPA) to cabinet status move through the Senate; I hope you will keep in mind some of the hopes and fears Alaskans have with this change.

In this letter, I would like to address, for the record, difficulties Alaskans have with the unmet environmental needs in Alaska because of EPA's inadequate presence here—but 24 full-time employees. At the same time, I would like to say that we are doing out best in a time of short resources to build stronger federal-state partnership on environmental protection issues.

1. DIFFICULTIES ALASKANS HAVE WITH THE EPA

Distance. EPA's Alaska operations are governed from Seattle, thousands of miles from most of the state. As a result in inadequate consideration of Alaska's unique differences are often built in to EPA decision making. For example, the state feels it has had very little understanding or support on wetlands issues from Region X staff; we have been trying hard—without Region X's help—to identify ways to streamline regulatory oversight on Alaska's abundant wetlands. As another example, most NPDES water permitting is done from Seattle. Alaska's placer miners feel there is little understanding of the conditions they face; further—because inspectors are so distant—there is little opportunity to build a trust relationship. As a result, many people feel EPA is too enforcement oriented at the expense of providing technical assistance to help miners maintain water quality.

We hope the cabinet will allow and require EPA to fulfill the creation of Region XI for Alaska to bring policy and decision-making closer to the problems we face.

Conflicting laws. While EPA's "nonregulatory" efforts with states to assess and rank environmental risks, stress technical assistance and increase pollution prevention are very helpful, the regulatory side of the agency does not incorporate these practices in the way business is done. The agency must do more with states, communities, and businesses to comprehensively address problems that involve more than one medium—air, land and water. For example, we may be working with an economically distressed industrial facility on one-type of violation (with our understanding of the whole) and be forced by EPA to take stronger action in another media. EPA's lack of coordinated action results in diverting dollars away from real health risks in one media to correct a less risky violation in another. In another case, at the same facility, we solved a waste problem by burning rather than burying waste. We later found, to the surprise of all, air violations that were not predicted (or even predictable.) EPA showed little mercy for the violations despite the fact they have been caused by solving another, worse environmental problem. Attempts so far to develop a comprehensive, pollution-prevention approach with Alaska's major industrial facilities have still not been successful.

Unresponsiveness. Alaskans, other federal and state agencies worked for months in 1991 and 1992 to design an arctic offshore in-situ burn of oil to test spill response capability. This has been allowed in other nations. Despite repeated entreaties from the Coast Guard, the State, and industry, EPA did not respond in time for the burn to take place last summer, and thousands of hours of work by many others—in the name of environmental protection—were wasted. If any burn of this type is to take place, it will probably happen outside the U.S., making it difficult for those who need to learn ahead of an emergency.

Oxy-fuels. Many Alaskans felt the mandate for oxygenated fuels in the state's two largest cities was actually hazardous to human health. As you are aware, Governor Hickel canceled the program in Fairbanks after health authorities showed real concern. While we are grateful for the responsiveness shown by EPA in this area, we are still looking for a long-term solution—and we believe health studies should have been done before the mandate was put in place.

2. UNMET ENVIRONMENTAL NEEDS IN ALASKA

Rural sanitation. Over 200 native villages in Alaska lack basic sanitation facilities, with consequent health problems for the entire population of the state. Many homes in Alaska's rural areas do not have running water or flush plumbing. Sewage disposal is from "honeybuckets" into open pits, at best, or, worse, on village paths near houses. EPA's drinking water program emphasizes monitoring issues, but has not taken a comprehensive approach to improving overall water quality and sanitation. For example, rules looking at water used in the home concentrate on issues such as lead and copper—rather than basic sanitation once that water is hand carried, sometimes for miles, from a watering point.

From discussions with EPA's drinking water staff, and participation by a number of federal agencies in a task force, we have identified some solutions. We are thankful that acting Assistant Administrator of Water Martha Prothro has taken a leadership role in addressing this issue, and look forward to working with the Congress to improve conditions for Alaska's rural residents.

Rural fuel and waste concerns. Current federal requirements, stemming from solid waste laws and the Oil Pollution Act of 1990, are pointing out pollution problems in Alaska's rural areas second only to the sanitation problems discussed above. Here again, additional federal resources in the form of construction funds and technical assistance are necessary—and the state is doing the best it can to make improvements as well.

International issues. As the Senator is well aware, our proximity to Russia leaves Alaska threatened by poor nuclear safety practices, poor resource development practices, and dumping by the former Soviet Union. EPA has not given these issues anywhere near the type of attention they deserve, and our attempts to rectify this must always, it seems, begin with a geography lesson. It is time for EPA to reopen an Arctic/subarctic laboratory in Alaska and to meaningfully fund studies on environmental concerns in the Arctic. Including those commitments made under the Arctic Environmental Protection Strategy.

Thank you for the opportunity to highlight these issues for the record. We will do our best to build the partnership we have with the EPA, even as we have respectful suggestions about better ways to do business in protection of Alaska's environment.

Sincerely,

JOHN A. SANDOR,
Commissioner.

Mr. MURKOWSKI. Madam President, some of the highlights of this letter, I think, express the frustration that is out there relative to the ability to deal with the Environmental Protection Agency. We have a unique problem in our State because the Environmental Protection Agency operates out of Region X in Seattle, some 1,200 miles from Anchorage, AK.

We feel there is inadequate consideration for the unique differences that we have and the decisionmaking process associated with the uniqueness of Alaska. For example, we feel that there is little understanding or support on wetlands issues. Over half of our State is wetlands. We are the only State with permafrost which qualifies as wetlands.

Another example: Most of our NPDES water permitting is done in Seattle. This addresses our placer mining industry. There is very little placer mining in any other State but Alaska. We do not feel they understand our conditions, our short seasons. Their inspectors are distant. They come into our areas of Fairbanks, out in Nome, and other areas, but they have no connection, no communication with the people. When they are through, they get on an airplane, go back and write their report, and often dictate the terms and conditions under which an Alaskan will have a job.

As a consequence, Madam President, we have to concern ourselves, as we structure our environmental laws, with the way business is done. We have to continually encourage the Environmental Protection Agency to have a positive attitude with regard to assisting in some very, very complex areas.

I cannot help but note the correspondence that occurred recently between the Environmental Protection Agency in Denver and some of the constituents of our good friends in the State of Wyoming. In this particular instance, there was a request made by the Environmental Protection Agency regional headquarters in Denver of a group in a small community in Wyoming regarding the disposal of a small number of batteries.

I will just read into the RECORD a couple of the highlights of what amounted to a 13-page document demanding of public citizens of this country information about the manner in which they have disposed of their batteries in what they assumed was an adequate and approved disposal site. As a consequence of the provisions within the Environmental Protection Agency's authority, they were able to go back and find out who had turned the batteries over to this particular disposing firm, and then, under the law, they can hold those people responsible who submitted their batteries to the firm that was supposed to properly dispose of them.

Here's some of what the EPA asked for:

> Provide copies of all documents, including but not limited to, invoices, receipts, manifests, shipping papers, customer lists, contracts which may reflect, show or evidence the gathering, sale, transfer, delivery or other arrangements for materials or items to be taken to the Site.

Another one:

> Provide a list of all property and casualty insurance policies (e.g., Comprehensive and General Liability, Environmental Impairment Liability, Director and Officers policies) for the period during which you were involved at the Site. Specify the insurer, policy, effective dates, and state per occurrence policy limits for each policy.

And listen to this.

> Provide copies of all financial documents, including income tax returns sent by you to the federal Internal Revenue Service in the last five years.

This is the Environmental Protection Agency making these demands, demands for Federal income tax returns. It goes on. It is absolutely a horror story.

> Provide copies of financial statements, reports or projections prepared by, for, or on behalf of the Respondent for the past five years, whether audited or unaudited, including, but not limited to, all those filed with the Securities and Exchange Commission, state agencies, and all financial institutions such as banks.

I would venture to say that if the employees of the Environmental Protection Agency got a demand of this consequence, they would be absolutely flabbergasted and would have to have professional help to respond.

I ask unanimous consent that the portions that I indicated be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> d. Describe the intended purpose of each arrangement;
>
> e. Describe the source or process that produced the materials that may have been given, sold, transferred, delivered, or otherwise arranged to be taken to the Site;
>
> f. Describe in complete detail, all arrangements pursuant to which such persons may have so handled such materials or items;
>
> g. Identify the person to whom such materials or items may have been given, sold, transferred, delivered; or otherwise arranged to be taken to the Site;
>
> h. Provide copies of all documents including, but not limited to, invoices, receipts,

manifests, shipping papers, customer lists and contracts which may reflect, show, or evidence the giving, sale, transfer, delivery, or other arrangement for materials or items to be taken to the Site; and,

i. Describe the type, condition, number, and all markings on the containers in which the material were contained when they were handled at the Site.

7. Identify all persons, including you, who may have:

a. Disposed of or treated materials, including batteries, at the Site;

b. Arranged for the disposal or recycling of materials at the Site; or,

c. Arranged for the transportation of materials to the Site (either directly or through transhipments) for disposal or recycling.

8. Provide a list of all property and casualty insurance policies (e.g., Comprehensive General Liability, Environmental Impairment Liability, Director and Officers policies) for the period during which you were involved at the Site. Specify the insurer, policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response.

9. Provide copies of all financial documents, including income tax returns sent by you to the federal Internal Revenue Service in the last five years.

10. Provide copies of financial statements, reports, or projections prepared by, for, or on behalf of, the Respondent for the past five years, whether audited or unaudited, including, but not limited to, all those filed with the Securities and Exchange Commission, State agencies, and all financial institutions such as banks.

11. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

12. For each and every question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.

Mr. MURKOWSKI. Madam President, some have typified the Environmental Protection Agency tactics as gestapo tactics. I am not going to go that far. But I think there is a wide range of interpretation within the Agency relative to the manner in which they are required, under the law, to enforce the law. More often than not, Madam President, we have seen case after case of the process being so slow that it shuts down a business or a venture dead in its tracks.

So I suggest that as we address the merits of the amendment before this body by the Senator from Alaska, that we reflect on just what our responsibility is.

I am not going to stand here and give examples of all the situations that have come to my attention because we would be here for the rest of the afternoon, tonight, and tomorrow. But I think a few highlights are necessary, and I will refer specifically to the map which I am going to put up and some of the pictures that I have relative to something that occurred in Anchorage and Fairbanks with regard to something not too many Americans have had an experience with that is called oxygenated fuels.

I think this is an outstanding case where in my particular State we were ignored by the uniqueness of our environment in the decisionmaking process.

Now, Alaskans during this last year were mandated by the EPA under the authority of the Clean Air Act to burn oxygenated fuels. As a consequence we found some very severe problems with the use of oxygenated fuel in the Arctic region. Most people are aware of the areas that I am concerned with, primarily Fairbanks in the interior and Anchorage in the southern-western part of the State.

The Environmental Protection Agency, when they mandated the use of oxygenated fuels, did not test the fuels in Arctic conditions. So they did not know how it performed as indicated in studies that were conducted outside Alaska. The studies were not adequate. They did not simulate actual driving conditions. And it was certainly not done in the extreme low temperatures that we have in Fairbanks, temperatures that oftentimes get as low as 40 or 50 degrees below zero. I happen to know because that is my hometown.

Instead of finding out what effects this fuel would have had through a controlled test, do you know what the EPA did? They simply mandated that Alaskans be used as guinea pigs. The oxygenated fuels program was mandated by section 211(m) of the Clean Air Act Amendments of 1990 for all cities that have failed to attain carbon monoxide air quality standards. Oxyfuels are to be used during the months when a city is most prone to carbon monoxide standards regardless of climatic conditions, regardless of cost, regardless of the extent of nonattainment problems, and regardless of potential serious health risks unexplored by the Environmental Protection Agency.

What is our experience with the program? Well, as I have indicated, we are most prone to exceed the carbon monoxide standards during the winter months, November through March, when temperatures, as I said, can reach 40 to 50 below zero in the interior.

Well, what happened in my State, the program was instituted in Anchorage and Fairbanks on November 1, according to the law, using MTBE as the oxygenated additive. Immediately, the citizens of Fairbanks and Anchorage, particularly Fairbanks, began to experience some health reactions: Nausea, vomiting, dizziness, disorientation, headaches, and other symptoms.

So a local group was formed, a consumer group, the Committee for Reformed Gasoline, they called themselves, and they began to monitor the health problems. Their informal survey of Fairbanks turned up literally hundreds of people who were experiencing unusual symptoms.

A woman came to me a couple of months ago in Anchorage. Her name is Carrie Peterson. This is a picture of her as she appeared before the exposure to the oxygenated fuel. You might ask, well, how did she get exposed? The answer is simple. Most of the gas stations are self service. You fill up your own car and you stick your head, basically, over the gas hose when you fill it up. That is what she looked like prior to a couple of experiences with oxygenated fuel.

These are the pictures that she provided me after her experiences with the fuel, and the medical assistance that she had received from physicians in Anchorage, AK. And we have documentation that proves the truth of her claims. You can see the marks under her eyes, the swelling that occurred. Here is a closeup of the same woman. You can see her eyes are swollen.

And another picture of her, sitting, and you can see the rash that has resulted from the noxious fumes associated with just filling a gas tank.

I do not want to be an alarmist, but as a consequence of the reaction in the communities of Anchorage and Fairbanks, we had to turn to somebody, so we turned to the Environmental Protection Agency. We asked them if there had been any studies done of the possible health effects of this fuel additive. We asked if there had been any studies of increased air toxic emissions with the type of additive in the cold temperatures like formaldehyde or benzene. These are pollutants that can cause cancer if given enough exposure over a long enough period of time. They can also cause some of the same types of symptoms experienced by this woman in Anchorage, AK.

We asked about visibility problems, because when you add oxygenated fuels into the exhaust, there is a creation of increased moisture and the moisture causes a unique ice fog, which is what happens in cold temperatures. Some of you have experienced that.

We posed all of these questions to the EPA, and we discovered they had not even done any studies before they mandated this application in Alaska. They had done studies in other States, but nothing where they have the extreme temperatures we have in Alaska. So EPA had not done its homework, but they mandated action on the citizens of my State.

We discovered that no one knew with certainty what health care risks were posed by MTBE at low levels over an extended period of time, the type of exposure you would expect to get when filling up your gas tank or regularly inhaling fumes during your commute to work over several years.

We appealed to the EPA for a reprieve, but EPA said they had no statutory authority to waive the program based on public health risks. So our Governor took some rather courageous action. On December 11, in Fairbanks, he canceled the program. He took his authority as Governor and said, "I am Governor of the sovereign State of Alaska, and we are canceling EPA's authority because of the risk to the public health and welfare." What are we now? We are in violation of the law.

Did region X in Seattle help us out? Their response was: You are out of compliance, and therefore you must, regardless of the fact that we have not tested the oxygenated fuels, comply.

Our epidemiologists in Alaska and the U.S. Centers for Disease Control and Prevention have done studies now in Fairbanks to try to discover what had caused this rash of health complaints. State epidemiologists determined that Alaskans should not be subject to the additive in the oxyfuel until there has been adequate research on the possible correlation between the additive and Arctic temperatures and public health risks are adequately measured.

Now, we have insisted that EPA conduct these studies in concert with our State. They are now underway, a day late and a dollar short but nevertheless underway.

How serious is our problem? Well, let me note that we do not have a serious nonattainment problem because we made substantial advancements. We have some of the cleanest air in the country; we think the cleanest. Anchorage and Fairbanks have made dramatic reductions in CO violations. Fairbanks has reduced their violations from 37 in 1985 to only two times out of compliance in 1992.

Anchorage has achieved similar reductions, from 35 in 1983 to only 2 in 1992, but you can only have 1. You can have 1 day out of compliance. So we moved from 35 to 2 in one case, and from 37 to 2 in another, but we are still mandated to the dictate of oxygenated fuels. I have not gone into the cost, but the cost is an additional nearly 14 cents a gallon. But that was not as important as the reality that clearly there were some concerns over the health effects on the populace.

So this is one of the horror stories. There are horror stories, Madam President, about rural water and sanitation problems that EPA ignores. There are problems with the inability of EPA to address its responsibility in MPDES permitting, where they claim to have only one person, one person either capable or committed to the task of processing the applications.

(Mr. WELLSTONE assumed the chair.)

Mr. MURKOWSKI. Do you know what that means, Mr. President? That means jobs.

The military, while in Alaska left some nuclear waste. The EPA did not want any part of it. You remember, in 1960, there was a project called Project Cherry. The Teller Commission was going to set off an atomic, nuclear device in a northern area of Alaska, specifically up here, and create a port. They brought the material from Nevada, deposited it around, and abandoned the project and left the material. We found it. We are going to get it cleared up. The Department of Energy is working on it. The EPA does not want any part of it. It is not their responsibility.

What's good for the goose isn't always good for the gander. At U.S. military bases, environmental cleanup seems to be handled differently.

We've seen what happens in Alaska when the private sector makes a mess—the EPA regulators sweep in like vultures to determine liability and charge cleanup costs.

But what happens when the Federal Government pollutes?

There are currently 150 or more Department of Defense sites in Alaska that have been judged to be serious enough to require cleanup. Some are Superfund sites.

Just last week, we learned of several more sites in Alaska that may be contaminated with old chemical weapons.

At the current rate of cleanup activity, it will take DOD 50 years to complete the cleanup in Alaska.

My point is self-evident: The Federal Government does not, and perhaps cannot abide by the same standards of disclosure and cleanup that the EPA requires of the private sector.

What's good for the goose is good for the gander. If we can't meet the standards we require of small and medium businesses, then we either need to ease up on those standards, or require the Department of Defense to abide by those same standards.

In the Arctic in Alaska, there is a great need for EPA assistance, but its difficult to get the Agency to focus on these problems.

EPA spends billions on the domestic enforcement of tedious, difficult to understand regulations. But from a budgetary standpoint, it virtually ignores big problems in the international arena. Case in point: Arctic environmental contamination—resulting mainly from activities in the former Soviet Union—that may pose a serious threat to our health and environment.

The former Soviet Union undertook what some have called "ecocide"—the systematic neglect and abuse of nature. In the former Soviet Union:

The air is unfit to breathe in 103 cities—home to 70 million people.

Seventy-five percent of the surface water is polluted.

An inland sea, the Aral, is turning to desert.

Life expectancy is falling, and infant mortality is rising.

But it gets much worse. Some of these problems are spilling over into the broader regional and even global environment. Others are environmental time bombs. For example:

Russians admit that solid radioactive wastes were dumped at 12 sites in Arctic oceans—8 off Novaya Zemlya and in the Kara Sea, in addition to 4 sites in the Russian Far East.

Liquid radioactive wastes were dumped at five sites in the Barents Sea and nine sites in the Sea of Okhotsk, the Sea of Japan, and in the Pacific high seas.

The solid waste includes 19 reactors or reactor sections—of which contain nuclear fuel.

The radioactivity associated with this dumping is estimated at 2.4 million curies at the time of disposal.

But the threat to the Arctic is not confined to nuclear contamination. On any given day in the winter and spring, scientists at Barrow, AK, can turn on monitoring equipment and detect airborne pollutants and heavy metals from a giant Russian smelting complex in Siberia.

The EPA admits that these are serious problems. They point to the fact that an Arctic Monitoring and Assessment Program is needed. In 1991, the United States committed to such a program at a meeting of all the Arctic nations. In fact, the EPA has been designated as the lead agency.

That was 2 years ago. Is such a program in place? No.

Has the EPA ever asked Congress for the money to do the job? Not as far as I can tell from looking at the President's proposed budget. In fiscal year 1994 the EPA is only seeking a little more than $2 million for its entire Arctic program.

As I said at the outset, the EPA appears to have its priorities all wrong. Instead of dealing with serious environmental problems, it is instead creating mountains of paperwork for U.S. business, big and small.

I'd like to share some examples of EPA's activities relative to seafood processors.

EPA wastewater discharge regulations create an uneven playing field for seafood processors.

EPA requires shore-based processors to screen all discharges to eliminate any solid waste. As a result, all shore plants have installed fish meal plants and oil separators, which allow them to utilize 100 percent of the fish they take in. Very few factory trawlers have installed meal plants.

In contrast, factory trawlers are only required to grind waste to one-half before discharge, even when they are stationary. This allows the ocean floor in certain areas to be literally suffocated by heavy discharges of the ground material.

Worse, EPA has failed to enforce even minimal regulations on vessels. While shore plants are subject to surprise inspections at any time, EPA has no regular at-sea enforcement effort.

For years, there have been frequent complaints from small, shore-based trawlers that they have encountered areas where factory trawlers have discharged whole carcasses of fish that don't fit their processing machinery or are the wrong species, as well as large fish parts, rather than properly ground material. This has been particularly serious in the early pollock season, during which factory trawlers have commonly taken the valuable roe and discarded the stripped carcasses. This practice has created virtual dead zones on the ocean floor in sheltered waters where vessels anchor to process large catches.

Shore plants are also treated unfairly with regards to enforcement of the Clean Air Act. Shore plants are subject to stringent enforcement of Clean Air Act requirements governing the emissions from their powerplants and oil rendering facilities. However, EPA has failed to apply the same standards to offshore processing vessels. In fact, it has simply ducked the issue by maintaining the ridiculous position that all a vessel's emissions are due from propulsion, which is a Coast Guard problem. In fact, much of the emissions from a factory ship are from the power needs of its processing equipment.

Last year, EPA notified a number of shore processing plants that they would be fined because fish tendering vessels which delivered to them had been pumping out refrigerated seawater tanks used to deliver fish. Leaving aside for the moment the question of whether it is polluting to put cold seawater into cold seawater, the fact is the EPA action attacked the shore plants alone, when the agency knew full well that the vessels involved are entirely separate businesses, and not subject to control by the shore plants.

Scientific evidence indicates that it is better to discard whole scallop shells than to grind them to small size, because scallop spat attach to the inside of the old shells, where they are protected. In addition, putting ground shell back into scallop beds could create conditions that prevent oxygen from reaching growing scallop spat. Nonetheless, EPA ignored the scientific consensus and insisted that all shell material be returned to the fishing area in ground form. When an Alaskan company applied for a waiver, EPA's cursory denial was dated over a year after the application—and at that, the company actually received the response—by certified mail a full 10 months after the date on the letter.

I'd like to share another example from Ketchikan, AK.

Outside Ketchikan, the EPA in 1988, after 8 years of study, accepted an environmental impact statement calling for tailings from the Quartz Hill mine to be dumped in one location and then turned around 2 years later when considering a needed water quality permit and picked the absolute opposite site—adding $58 million to the project's cost.

The time delays represent a true horror story.

U.S. Borax spent 16 years and $100 million to obtain approval to develop the Quartz Hill mine. They provided regulatory agencies with reams of scientific evidence EPA denied a 16-year effort in 4 months.

The EPA's basis for denial was not because of new data or analysis, but because their modeling showed unacceptable water quality impacts 30 to 40 years after the project would have begun. Normally, a permit only covers a 5-year period, so they denied the permit based on questionable impacts 40 years before any environmental problems were forecast. No consideration was granted for improving technologies or working out a future solution.

Unbelievable delay may have stopped development for a 1.5 billion ton mine and 850 permanent jobs—pumping $40 million a year into Ketchikan—1,150 jobs during the construction season in Ketchikan.

I could go on and on and on about rules and regulations that have been mandated by temporary Directors of the EPA, overruling previous Directors, horror stories that really this body and every Member should sit down and reflect on because, if we cannot correct the deficiencies associated with the responsibility of this agency to do its job, whether it be clean air, wastewater discharge, or whatever, I do not know who can.

We simply need the agency to be responsive, and to suggest that the amendment by the Senator from Alaska pending about the cost-benefit is not in the national interest of our economy, our job base, and legitimate responsibility of the Environmental Protection Agency leaves me at a loss to know why it would not be accepted.

I understand progress is being made. I will continue to work towards that end.

I have a lot more that I can talk about. But I see my friend from Wyoming wishes to be recognized. So I defer for any comments he would like to make without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. WALLOP. Mr. President, I thank the Senator from Alaska and the Chair.

Mr. President, it is my understanding that the Senator from Alaska asks to be permitted to yield to me without losing his right to the floor.

The PRESIDING OFFICER. That is correct.

Mr. WALLOP. I thank the Chair.

Mr. President, the Senate has just adopted an amendment offered by Senator JOHNSTON dealing with risk assessment. It was an amendment that was more than show stopper because, for whatever reason, he was talked out of having any judicial review of it. But, nonetheless, the Senate felt confident enough in that amendment to vote unanimously for it.

The Senator from Alaska has offered a related amendment dealing with the profound problems that exist with our methods for measuring risk.

Mr. President, a few years back—Mr. Reilly was the Director of the Environmental Protection Agency—school districts around and about America were put into a state of panic and charged some extraordinary costs dealing with asbestos removal. One school in my State was forced to shut down for a year and a half and spend well over $1 million to reduce the asbestos background in the school to a level that was lower than the background asbestos when you walked outside the door, the free-flowing asbestos in the air of Wyoming. This was a piece of absolute Government total idiocy that disrupted the lives of schoolchildren for a year and a half, forced them to attend school at night in another school building, forced them to share athletic facilities, cost the school district untold dollars which could have and should have been spent on education, and now, Mr. President, the EPA tells us that that was an unnecessary exercise. That is the level of risk assessment that exists in America's Environmental Protection Agency.

The current EPA operation too often promulgates regulations based on what might best be called the "clean air man." I assume that Senators have enough of a sense of history to remember who this figure was. He was a poor, abused fellow standing by a coal-fired powerplant stark naked for 70 years in order to measure the impact of the emissions of the powerplant. The assumption is that Americans haven't brains enough to come in out of the air and their nudity for 70 years when standing near to a powerplant. In other words, the standards were at a level of absolute idiocy. They had nothing to do with real risk. They had only to do with a fanciful concoction that was created by environmental groups, and environmental troglodytes who feel that political science is more important than reality.

This man was a figment of our imagination, was he not? I ask anybody in the Senate to imagine if such a person actually would have existed. Presumably, we would have had some other Federal agency there to rescue him from his naked posture, from the powerplant. He was a figment of our minds. He was a computer model, Mr. President. So we needed to drive the regulations on the basis of computer models that have nothing to do with the measurement of real risk.

And that, Mr. President, is today the problem with current EPA procedure, and this bill to elevate the EPA to Cabinet status does nothing to correct current flaws with risk assessment. It is a case of incomplete, bad science, and risk assessment is just one problem that will not be cured by turning EPA into a Cabinet-level department.

There is also a problem with process. In other words, how does the EPA enforce environmental statutes under its jurisdiction? Of all the Federal agencies, there has been none which has created more fear and more havoc in my State and among the people of my State, whether they are local government officials, State government officials, small businessmen, ranchers, and inhabitants of a community.

They act like the Gestapo, Mr. President. They come invading with terrorizing and threatening letters. They do not seek to solve problems but impose their will. And considering all the agencies that operate in Wyoming, the EPA is the worst. But their problem is an absolute lack of common sense—a sort of BATF approach to regulatory enforcement.

Let's take wetlands, for example, Mr. President, in my hometown of Sheridan, EPA has threatened enormous fines, probably more than the assessed valuation of the city, if the drinking water system was not improved within a certain period of time. Accordingly, Sheridan County, and the city of Sheridan, proposed to increase the height of the existing manmade reservoir. However, wetlands, which existed only as a result of the manmade reservoir, would be inundated. So the EPA may force the government to turn productive farm land into swamp to comply with a no net policy. Mr. President, it does not make sense. It does not make anybody have confidence in the judgment of this agency.

Local officials have stated that they have proposed to replace all natural wetlands damaged by the changes to the dam, but they balk at having to replace manmade wetlands.

Has it ever occurred to anybody to wonder how you can do damage to a wetlands by covering it with water?

Mr. President, there is a place called the Rafter J that was a development of new townhouses which arguably destroyed, by the EPA's own figures, approximately 1 acre of low-value, artificially-created wetlands. They were created by three-quarters of a century of irrigation.

Mr. President, it has been a main focus of EPA officials to threaten to tear down medium-cost housing in an area where not enough medium-cost housing otherwise exists, and to achieve or to gain what? The satisfaction of protecting less than an acre of artificially created wetlands. Republicans and Democrats alike profess to have a desire to supply more housing.

I suspect the municipalities of every Senator in this body are losing control of their own budget to Federal bureaucrats.

"The Federal Government, through EPA, will bankrupt communities across this Nation," according to a Wyoming city manager, who asked that I not use his name. Do you know why he asked that I not use his name? Because he, like other people that come into contact with the Environmental Protection Agency, especially region 8, say, "I wanted you to know about this, but do not tell them who I am, because they will get me." They threaten citizens and mayors and county commissioners, because the rules are so unfathomable that you can always be found in violation of one.

So on top of that, those county commissioners and those mayors and city councilmen are being held personally liable for compliance, which is especially frightening in light of the fact that in the city of Casper, WY, EPA proposed a $125,000 fine for paperwork violations. They made no claim that any public risk was incurred or that the public had a problem with the actions of this city. They were in violation because the paperwork was not filled out correctly. And instead of making an attempt to deal with the city to correct the problem, whammo, comes a $125,000 fine on the city.

In Columbus, OH—I think this might get the attention of one of the managers of this bill—a study done by the city officials shows that Columbus will spend more than $1.6 billion during the next 9 years to comply with current Federal and State Government environmental requirements—$1.6 billion. The study says that much of this money will go to comply with environmental standards that are based on perceived, rather than measurable health risks.

Industry. In industrial pretreatment, in the fall of 1990, the city of Casper allowed the Amoco Refinery to connect into the wastewater system. They were under severe time constraints with EPA to meet RCRA requirements. Amoco came into the system. The city thought they had the agreement of the EPA, and Amoco thought they had the agreement of EPA. They thought everything was fine. Then in March 1991, the city was issued an administrative order for failure to properly enforce its pretreatment program, especially for Amoco.

Casper officials said that it was clear that EPA's prime directive as a regulator and not as a technical adviser was taken to heart by EPA's region 8. They could have solved the problem. They chose to compound the problem. They could have worked with the city. They chose to fine the city.

In December 1991, the Amoco Oil Refinery ceased operations after 70 years, taking 210 jobs out of the Casper economy. It may not sound like much to people who come from States with cities the size of Milwaukee or Columbus, but in a city of around 50,000 to 55,000, that 210 jobs is equivalent of losing an automobile plant. Amoco said it was no longer financially feasible to continue operations and meet EPA mandates.

In March 1992, EPA proposed the $125,000 penalty against the city of Casper for its failure to "implement and enforce an industrial pretreatment program." This was the fine I referred to as "paper violations" alone. There was no damage to the treatment plant, and none was asserted. There was no change in the water quality in the Platte River; none was asserted. The city finally agreed to a $50,000 fine, with a commitment to run a training program for EPA.

Mr. President, why are the good citizens of Wyoming required to run a training program for the EPA? Why are the taxes of the good citizens of Wyoming wasted in the $50,000 fine to an agency that could have and should have counseled the correct way to fill out paperwork. A paperwork violation is a violation of the standards of reason of the Government of the United States versus its citizens.

When I was in school I was taught that government was the servant of the people. Now the people of my State, and I suspect most everybody's State in this room, are actively trying to serve their Government, lest it take notice of them.

Water treatment wells. Casper gets part of its city water supply from aquifers near the Platte River which are recharged artificially as well as from the river. The water filters down 40 feet through alluvial sands which act as slow sand filters to take out most of the river particulates. It is then chlorinated.

The water meets all of the SDWA requirements, and Casper is willing to pay for continual monitoring. However, if EPA decides that the water is under the "direct influence of a surface source," then the water must be treated at a cost of $10 million to $20 million to that city. And this is so, even though the natural filtration process has a cleaner water product than will the water after the $20 million is spent.

It does not make sense in a nation whose taxpayers are overburdened already to have an agency of the Federal Government require them to spend money to get a product that is less clean and less well treated than the one that they currently have. We cannot afford the EPA in this country if they continue that way, Mr. President.

For punishment, the EPA regional office which oversees Wyoming has determined that the best way the agency can swing its bureaucratic power is to hit hard and without warning, even for violations that are merely paper errors, that endanger neither health nor the environment—paper errors that the EPA itself does not assert create a hazard to the public. What happens is that they announce in the papers, without even informing the alleged violator, that this company, this city, this institution, has been found in violation and will be fined. The press calls the company. The press calls the city. They do not know anything about it. The EPA has not even had the courtesy to inform them that this is going to take place. Yet, oftentimes EPA asserts no risk has been meted out to the public.

Mr. President, this is not America. This is a Gestapo-like agency. They do it to intimidate, not to create clean environment. They do it to get people marching in lockstep, seeking actively to serve that agency as it lives and operates out of Denver.

So, rather than offering what they could and should do, Mr. President—which is technical or educational assistance, or even giving notice that there is a problem to see if it cannot be resolved—these bureaucrats time and time again have been slapping Wyoming businesses and municipalities with the highest fines possible, announcing them first in the papers, and then notifying the alleged violator.

It is no way for a government to treat its citizens. But people all over my State are afraid to come forward for fear of retribution. I say this, I assert this, and I will stand on this, and I will testify on this in front of the appropriate committees of the Senate whether it be Judiciary or Environment and Public Works. I will make these accusations in person about the behavior of the EPA.

As I mentioned, the Senate just adopted an amendment offered by the Senator from Louisiana dealing with risk assessment. The amendment of the Senator from Alaska is related, dealing with the profound problems that exist with our methods for measuring risk. The biggest risk maybe is that we have an untethered agency arrogantly imposing itself on the people of America, not to resolve the problems of the environment, but to assert its own power.

So the amendment of the Senator from Alaska is important. The amendment of the Senator from Louisiana was important and would be useful if it carried the ability for a court assessment or access to the courts.

One last thing, Mr. President: What the Senate has empowered the Agency to do is to declare a citizen of the United States—a corporate, a municipal, an individual citizen—a willful violator. If that citizen, whoever or whatever that agency or entity may be, chooses to try to assert its rights in court to appeal the judgment of the EPA, then EPA essentially disenfranchises Americans from their system of court protection. Because the length of time in which EPA, with its bottomless pockets can keep them in ligation is enough to bankrupt anybody and tell their lawyers to stay home. You do not dare challenge in the courts of the United States. That is a privilege you no longer can afford.

Mr. President, we need risk assessment, so that the citizens of the country can have the benefit, at least, of adequate information before they are fined, before they are ordered into compliance with things like asbestos, which EPA later said was not a risk after all.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Wyoming for expressing his set of circumstances, and I am quite sure that is not all of them. And it is more than coincidental he should be speaking from the State of Wyoming as a consequence of a region out of Denver. I am speaking as the Senator from Alaska from a region that is located out of Seattle.

So this is not an isolated incidence. This is more often than not the reaction that we receive when our constituents contact us and explain their experience. So the application of a cost-benefit ratio I think is very meaningful and I think from the standpoint of the substantiation of my friend from Wyoming clearly fits into the amendment before the body.

I think since we are on this topic that the American public should be well acquainted with the extremes that are occurring every day in the Environmental Protection Agency.

I go back to my State of Alaska, my hometown of Fairbanks. EPA actions in the application of the environmental law was so overzealous that it boggles the imagination. We had the Alaska battery Superfund site. It caused substantial hardship for my constituents.

In the year of 1962, there was an effort by a small businessman by the name of Earl Romans to open up a business selling batteries in Fairbanks, shortly after he saw a need in that small community to repair and manufacture his own batteries to cut down on the high cost of transporting batteries to Alaska. So he developed a small business called Alaska Husky Battery, designed to have batteries that could withstand the extreme winter temperatures, and he sold them to producers on the North Slope. I think he was perhaps a little ahead of his time.

Earl saw an opportunity then to recycle the old batteries. He recycled them into new ones, cutting down on the cost of materials, and I might add the materials have to come up to Alaska by boat. We do not have them at hand. We do not have them in another State, because they are separated by a foreign country. But he made arrangements with the local gas stations to sell him their own old batteries to dispose of them in a proper recycling mode. At that time there were no laws related to the disposal of batteries or the disposal of lead battery acid. Even before this current wave of environmentalism Earl was out providing a valuable method of recycling batteries that were stacked up in local gas stations.

In ensuring that those batteries would not be disposed of in the local landfills, Earl was recycling a valuable resource. He was a good American businessman, paying his taxes and cutting the cost by making a locally produced product as opposed to shipping the batteries from Cleveland or Los Angeles or Minneapolis.

In 1986 the Department of Transportation was building a highway in Fairbanks in front of his little operation, and during the soil sampling they found contamination in the right of way outside the property, lead contamination resulting from the recycling and manufacturing of batteries, mistakes that Earl made before the laws were in existence.

So during the summer of 1988 and 1989, the EPA conducted an emergency cleanup, removed this highly contaminated soil, 4,000 tons of soil, from the site pursuant to the Comprehensive Environmental Response Compensation and Liability Act authority [CERCLA].

Then they shipped the hazardous waste to a site in Utah. I do not have to tell you how far Utah is from Fairbanks, Alaska. It is a long, long way, about 4,000 miles.

Then the EPA put the site on the national priorities list which mandates further investigation and cleanup under the Superfund authority. This is one little businessman.

Then in the summer of 1990—it had already been 2 years—EPA issues a notice and a bill, a bill to 22 potentially responsible parties [PRP's] for their share of at that time $2 million, now $3 million that EPA spent on the cleanup.

The EPA charged back the gas stations and Sears & Roebuck, Penney's, and the military for having submitted those batteries to what was an approved recycling process.

The Superfund is a tough law. We know that. Arguably it is one of the most far-reaching pieces of liability law ever enacted. When the Superfund law was enacted in the 1970's the country was reacting to Love Canal, Times Beach, you name it. No one knew the extent of the problem, how we were going to clean it up, who was going to ante up the millions of dollars to pay for the cleanup to address these problems.

And that is when the current liability scheme was established. The scheme proved troublesome in the implementation.

The Alaska battery site is a good example, because the current law does not fully consider the downstream minor contributors. Minor contributors might be liable for the cost of the cleanup.

Congress did not intend that people acting in good faith by disposing of old batteries in an approved method in what they believed was proper should be held fully liable.

But they were under the EPA interpretation. Only 43,000 batteries of the 200,000 that were disposed of at site are attributed to named PRP's, but each PRP is jointly and severally liable for the costs of cleaning up.

That means any single person or persons named as a potentially responsible party, who left a battery with Earl Romans could be sued by the Environmental Protection Agency for the full $3 million cost of the cleanup.

Now, Mr. President, this cleanup consists of one-quarter of an acre of material moved from Fairbanks, AK, to Utah for disposal. EPA brought up EPA personnel; they could have hired local people. That is not the way they do things.

Now EPA is the chief regulatory agency responsible for monitoring that site. The tragedy is that people that live there, the PRP's, believed they were doing the right thing by disposing of the batteries. Again, there was no law against battery disposal of this kind at the time. Now they find themselves being held accountable for a huge financial burden. They have had to hire attorneys.

We know the law never intended to bring this kind of financial burden on small businesses and individuals, but this is precisely what this law that we enacted requires.

Attempts to change the law have simply failed because they run into the perception that somehow you are against the environment if you want to change or interpret or apply logic.

Well, this site is different. PRP's are small business people. They are not deep pockets.

And the interesting thing that EPA came up with is that they could not account for contamination. Of 75 percent of the contamination that was on the site, they could only account for 25 percent. And they leveled that against the PRP's they could identify.

Now, the PRP's made an offer back in November to settle for $2.2 million, the cost of the cleanup. But the EPA rejected that offer. They said the offer was not enough, given what they felt would be their ultimate costs, including monitoring for coming years, of nearly $4.5 million.

Now, EPA ignored that its tardy decisionmaking process has inflated the cost of the cleanup by millions of dollars. It also ignores that it is unclear who is responsible for most of the batteries.

Now we have a situation where the Department of Justice is involved. the PRP's have been formally advised that the matter is in the Department of Justice's hands. A steering committee of the PRP's to try to address the responsibility with Justice was put together. They found that Justice entertains individual suits against each PRP. Also, the agreement waived the statute of limitations which expired and now it is a full-employment act for the lawyers. Everybody is suing everybody else and being sued by Justice. They had to sue Justice back to protect their claims. They sued each other for the same reason.

Both the Justice and the PRP's are seeking a stay of execution to hold over the lawsuits to try to get Justice to look at their individual offers.

Sadly enough, this is the current status of the case. The PRP's offer was rejected by Justice. The owner of the site, poor Earl Romans, has closed his doors because he spent $80,000 and does not have any money anymore.

In the meantime, the bureaucracy cranks. Nobody would dare to do anything in Fairbanks with a battery now, because there is no site or approved methods to take care of it. I suppose some folks may leave them on the streets. Some people may dump them in the rivers at night.

But there is one other brief area that I want to mention, because, again this is not just a unique case. This is clearly an agency that has run amok.

We have in our timber industry a company that was reentering an old logging site to commence logging for additional timber. The Forest Service wanted the company to install a log slide that allows for a gentle lowering of logs into the bay. The company had a permit for an older type of system, an A frame, which gently lets the logs come in, but the EPA objected to the old slide permit. Back and forth went the situation for 12 months. Finally, the time elapsed for the work to begin and the company remained with the older type style.

At another logging camp, in February 1991, the inspectors for EPA entered a remote landfill in Alaska to inspect the area. They left without giving any good indications to the company as to what they had found.

And then they came back in July; from February when they went there until July. The EPA and the Justice Department, without any notice, filed a suit against the operator for a hazardous waste violation, proposing a fine of hundreds of thousands of dollars. One newspaper account said the fine could be tens of millions of dollars.

The fines stem from illegal disposal and storage of a few—three dozen—batteries that were dumped in the landfill. Some of the batteries were believed to be dumped by the U.S. Forest Service years ago, which had permitted the landfill. No other remote sites, public or private, in Alaska were searched at that time. And the company began to do its duty monitoring for lead. None has ever been detected. To date, the company has spent roughly $280,000 and has proposed to sift through the old landfill site for other batteries.

The company has traveled from Alaska to Seattle on numerous occasions to meet with EPA to resolve this. It is 2 years later and absolutely nothing has been done.

Mr. President, I understand that we are making some progress, and I do not want to keep this body.

Mr. President, I ask unanimous consent to add Senator NICKLES as a cosponsor to the amendment.

The PRESIDING OFFICER (Mr. MATHEWS). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent at this time that my amendment—with the permission of Senator NICKLES—be changed by adding language at the end to protect against any duplication or new legal claims of action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I would also ask unanimous consent that Senator PACKWOOD be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. With the concurrence of the floor managers, I would state that it is my understanding an agreement has been reached.

Mr. GLENN. Has a copy of the change been sent to the desk?

Mr. MURKOWSKI. I send a copy of the amendment to the desk and ask that it be inserted as part of the amendment which is before the Senate.

The amendment (No. 335), as modified, reads as follows:

On page 52, insert between lines 20 and 21 the following new subsection:

(f) REVIEW OF REGULATIONS.—For each proposed new regulation and each proposed change to existing regulations the Director shall publish in the Federal Register as part of the notice of the proposed rulemaking, a comprehensive assessment of specific costs and benefits resulting from implementation of the proposed new regulation or the proposed regulatory change including an assessment of the total number of direct and indirect jobs to be gained or lost as a result of implementation of the proposed new regulation or the proposed regulatory change.

Such assessment shall be required to the extent that the Department of Environment is not in compliance with any applicable Executive order requiring an analysis of costs and benefits for proposed regulations submitted to the Office of Management and Budget for review.

The assessment required by this subsection shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. Nothing in this section shall be construed to grant a cause of action to any person.

Mr. ROTH. Would the distinguished chairman answer a question?

Does the first paragraph of the modification mean that the requirement of the amendment of the Senator from Alaska is limited to major rules as defined in EO12291?

Mr. GLENN. I think perhaps it might be best to address that to Senator MURKOWSKI.

But I would presume that it would apply to major rules.

Mr. ROTH. Well, the question is directed, I think, to the modification the Senator from Ohio made.

Mr. GLENN. Senator MURKOWSKI sent it to the desk and made the modification.

Mr. MURKOWSKI. I would suggest very briefly the absence of a quorum to resolve this.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, the question was asked of the Senator from Alaska if the amendment only applies to major rules. The answer is, it is the intent of the author; the answer is in the affirmative.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. President, it is my belief the pending amendment by the Senator from Alaska and the changes to the amendment are at the desk. They have been agreed to by both sides, but I would defer to the floor leaders.

Mr. ROTH. Mr. President, I would like to ask the distinguished Senator from Alaska, does the first paragraph mean that the requirement of his amendment is limited to major rules, as defined in Executive Order 12291?

Mr. MURKOWSKI. Yes, it does. I advise the Senator from Delaware that is the intention of the amendment.

Mr. ROTH. And then does the first sentence of the second paragraph mean only that a cost-benefit analysis shall not be required in cases where a statute expressly states that such analysis shall not be required?

Mr. MURKOWSKI. The Senator from Delaware is correct. That is the reading of the offered amendment.

Mr. ROTH. I would like to ask the offeror whether he agrees with the answers of the distinguished Senator from Alaska?

Mr. GLENN. Mr. President, I suggest the absence of a quorum for a couple of minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I would like to ask the distinguished chairman basically the same two questions I addressed to the Senator from Alaska.

First, does the first paragraph mean that the requirement of the amendment of the Senator from Alaska is limited to major rules, as defined in Executive Order 12291?

Mr. GLENN. The answer to that is yes. The cost benefits governed by any other statute, those statutes will not be affected by this language.

Mr. ROTH. The second question is, does the first sentence of the second paragraph mean only that a cost-benefit analysis required by the amendment shall not be required in cases where a statute already governs the requirement of any such analysis?

Mr. GLENN. The answer again is yes. If the cost benefit is already being done on a major rule, then this language would not require that a duplicate study or analysis be done.

Mr. ROTH. I thank the distinguished chairman.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I want to make a very brief response to the comments of the Senator from Alaska with regard to EPA. I think he will be interested in this.

One of the reasons that we put into this legislation the establishment of the Commission on Improving Environmental Protection was to address very specifically some of the things that he talked about and some of the abuses that have occurred.

We have had several hearings in the Governmental Affairs Committee with regard to EPA and some of its functions and some of the abuses and some of the difficulties that have been encountered by people, examples which the distinguished Senator from Alaska addressed in his remarks.

We got into how we could correct some of these things. It got to be very, very difficult to know quite how to deal with these things. That is the reason we set up the Commission.

I am the last person in the whole U.S. Senate who wants to set up any new commission, committee, advisory group, or whatever you want to call it, unless it is absolutely necessary.

But I think in this case it is well justified, and I think it is necessary to correct some of the things that the Senator from Alaska addressed. And so we look forward to working with him and with others, too, as this takes place. We hope, working with this commission, which sunsets—we did not want it to go into the future. It has a 2-year life, and that is it—we can work out some of these difficulties.

So I congratulate him for bringing this to our attention today. I think it is well justified.

I would point out further that some of the things he has been proposing today are things that are covered, to a large extent, in the Executive Order No. 12291. We have discussed this a little bit today. It is also covered in our bill to some extent.

In our legislative history or report language with the bill as we sent it to the floor, one of the purposes of the Bureau of Environmental Statistics, No. 4 that we listed, was economic information on the current and projected costs and benefits of environmental protection.

Now, I do not want to send that out under any false colors. That was meant to address the long-term effects of major environmental impacts, what we see as a new cleanup necessity in the future, or something like that, to try and get some handle on what the costs may be for the future. It was not meant to address every rule and every regulation. Most of those things are covered in the Executive Order No. 12291 which President Reagan put out in February of 1981, February 17, 1981, in which they require—and it is a good list of things. I would say this, that if these things were being adhered to the way I think they should be, we probably would not need a lot of the legislation we have been talking about or debating on the floor all day yesterday and today.

Some of the purposes of 12291 were to make just such assessments of potential benefits, potential costs, objectives and benefits to society, alternative approaches that would be cheaper, least net cost, maximize benefits—I am just reading little phrases out of this whole thing. And then to accomplish what they say in the regulatory impact analysis that will occur will be a description of potential benefits of the rule including beneficial effects that cannot be quantified in monetary terms, identification of those likely to receive the benefits.

No. 2, a description of the potential costs of the rule—that could be cost in jobs. I think it would probably be interpreted as dollar cost, but it could be cost in jobs—including adverse effects that cannot be quantified in monetary terms again, and who is likely to bear those costs.

No. 3 is a determination of potential net benefits, including an evaluation of effects that cannot be quantified again.

And No. 4 is a description of alternative approaches that could achieve the same goal at a lower cost and the potential benefits and costs of alternatives.

So these are required by President Reagan's Executive Order No. 12291, which is still in effect. I certainly do not think that Executive order should be rescinded in any way. I think it is a good one basically.

So some of the things the Senator from Alaska is talking about are covered under 12291.

However, without delaying action on the floor any further, Mr. President, I would be agreeable to accepting the amendment. Since the amendment of the Senator from Alaska has been amended, which we just finished discussing, I would be happy to accept it. I know of no objection to it on our side, and I hope the other side can accept it also.

Mr. ROTH. I say to the distinguished chairman that on this side, too, we would be happy to accept the amendment. We think it is a good one and we congratulate our distinguished Senator from Alaska for offering it.

Mr. MURKOWSKI. I thank the Senator.

Mr. President, I urge that the amendment be agreed to by voice vote.

Mr. GLENN. If there is no further discussion, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 335), as modified, was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, recently I sent a letter to the distinguished chairman of the Committee on Environment and Public Works, expressing my concern over an October 9, municipal solid waste landfill compliance deadline set by EPA's subtitle D regulations. If the goal of the regulations and the underlying Hazardous and Solid Waste Amendments Act is to assure environmentally safe waste disposal, then I believe the timetable fixed by the regulations may be working counter to that objective.

Municipalities all across the country are faced with a compliance crisis. They are caught in a crunch, largely not of their own making. The time intensive process required for developing, coordinating, siting, and permitting new regional landfills is making it difficult for municipalities to get these new subtitle D sites up and running in time to receive waste after October 8. But failure to close existing sites before October 9, subjects municipalities to new performance standards and requirements for postclosure care, maintenance, and groundwater monitoring. The financial assurance needs associated with these new obligations are far beyond what most communities can bear in relation to the other environmental mandates imposed on them.

In large measure, these problems are not a product of shirking responsibility by lazy community officials. We might wish local governments had begun building regional facilities before the subtitle D regulations were issued. If they had, we may not now have this problem. But mayors, county commissioners, and other local officials made a reasonable and rational decision to wait until the regulations had been issued, so they could be sure of their regulatory obligations. These state-of-the-art municipal landfills are very expensive. Local government officials would have been irresponsible to spend the money only to find the effort did not satisfy the Federal requirements.

The crisis is real. Environmental protection calls for a partnership effort. That partnership must include our local mayors, county commissioners, and city solid waste managers, as well as States and the Federal Government. City and town managers must be afforded the time and information to make reasonable decisions in a good faith effort to improve the environmental management of solid waste.

I appreciate this opportunity to enter into a colloquy over the need for a hearing on this subject with the distinguished chairman of the subcommittee with jurisdiction over RCRA, Senator LAUTENBERG, the ranking member of that subcommittee, Senator DURENBERGER, and the ranking Member of the full committee, Senator CHAFEE.

Mr. LAUTENBERG. I thank the distinguished Senator from Idaho, and I am willing to hold a hearing to fully examine the issue.

Congress acted in 1984 to set the stage for better, more environmentally sound management of municipal waste. We wanted to encourage elimination of the open dumps that have posed a significant environmental, health, and safety hazard.

I understand the Senator has heard concerns from some local communities trying to meet these deadlines. A hearing will afford us an opportunity to evaluate the problem, and hear a number of different perspectives, including those of States, localities, and the EPA. I don't want to retreat from the goals established in the law. We know that environmentally inadequate landfills make up one-fifth of all sites on the Superfund list. We don't want to encourage new Superfund sites. After a hearing, we can determine whether any action is necessary to address the concerns the Senator has.

Mr. DURENBERGER. I agree with my colleagues from New Jersey and Idaho. We have heard several different views regarding the problems associated with State and local compliance with the RCRA subtitle D criteria. A hearing is an excellent means of helping us to sort through these views, and decide what steps, if any, need to be taken.

Mr. KEMPTHORNE. Mr. President, this issue has become time sensitive for local communities. By midsummer, they will be forced to take action. Under their current constraints, not all of those decisions will be best for the long run.

Will the distinguished chairman of the subcommittee agree to hold these hearings shortly after the Memorial Day recess so that we have some reasonable time following the hearing to evaluate the testimony and decide on a course of action to address the problem?

Mr. LAUTENBERG. I understand the concern the Senator has regarding the timing of a hearing and I will work with him and the chairman of the committee, Senator BAUCUS, to find a hearing date which meets the Senator's concerns and is consistent with other committee priorities.

Mr. CHAFEE. I also would like to add that compliance with the new subtitle D landfill criteria raises a number of complex issues. The distinguished chairman of the Committee on Environment and Public Works, Senator BAUCUS, and I in my capacity as the ranking member of that committee, recently received a request from Senator KASSEBAUM asking us to hold a hearing to consider the impact of the subtitle D regulations. It is clear to me that a hearing on this subject is necessary to help us determine a reasoned course of action.

Mr. KEMPTHORNE. I have one further request of the distinguished chairman with regards to this matter. No doubt during the course of any hearings, we will have ample opportunity to consider the views of the Environmental Protection Agency and the State Departments of Environmental Quality, who have responsibility for State implementation plans. These represent the regulating community.

I hope the Senator will agree to give strong voice to the views of the community being regulated—mayors, county commissioners, and solid waste managers, like those in Rexburg and Twin Falls, who have been struggling to comply with the law. On its face, the regulations provide considerable flexibility, but the real test of any law or regulation is how it works on the ground. These folks know best.

Mr. LAUTENBERG. I would be happy to work with the Senator on the composition of the hearing.

AMENDMENT NO. 336

(Purpose: To provide for coordination in the issuance of permits under Federal environmental laws)

Mr. MURKOWSKI. Mr. President, I have an amendment that I send to the desk. It has been agreed to. I ask that it may be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 336.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, between lines 6 and 7, insert the following new subsection:

(i) ISSUANCE OF PERMITS.—

(1) GUIDES.—At the time a person or small business concern (as defined in sec. 3 of the Small Business Act), including family forms, contacts an officer or employee of the Department to obtain a permit to engage in an activity under the jurisdiction of the Department, the Secretary shall make available, on request of the person, an employee of the Department to—

(A) act as a guide for the applicant in obtaining all necessary permits for the activity in the least quantity of time practicable; and

(B) facilitate the gathering and dissemination of information with respect to the Federal agencies and departments and agencies of States and political subdivisions of States that have a regulatory interest in the activity to reduce the period required to obtain all such necessary permits.

(2) DUTIES OF SECRETARY.—In issuing a permit to an applicant to carry out an activity under the jurisdiction of the Department, the Secretary shall—

(A) provide assistance and guidance to, and otherwise facilitate the processing of the application for, the applicant; and

(B) set reasonable deadlines for action to be taken on an application for the permit.

(3) USE OF GUIDES.—An applicant that chooses to use the services of a guide referred to in paragraph (1) may subsequently choose not to use the services at any time after requesting the guide.

Mr. MURKOWSKI. Mr. President, this amendment simply requires the Department of Environment to provide a guide to any citizen who requests one, and the applicable application would be to those businesses that employ 500 or less. It would be no cost to the Environmental Protection Agency. And I believe it has been agreed to. I ask the floor leaders if they have any objection.

Mr. GLENN. Mr. President, for clarification, did the Senator send to the desk the revised copy?

Mr. MURKOWSKI. I respond to the Senator from Ohio, that is a revised copy. It has a notation at the side—perhaps the clerk could note that—regarding the Small Business Administration.

Mr. GLENN. We were happy to accept that amendment as modified.

If there is no further discussion, we would be prepared to accept it.

The PRESIDING OFFICER. If there is no further debate——

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, it is my understanding Senator ROTH has no objection to this, and I am prepared to urge acceptance of the amendment.

Mr. MURKOWSKI. I ask that the amendment be agreed to by voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 336) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 337

(Purpose: To institute accountability in the Department's regulatory process and establish a program for the systematic selection of regulatory priorities)

Mr. HATCH. Mr. President, I send an amendment to the desk on behalf of myself, Senator SIMPSON, Senator NICKLES, Senator KEMPTHORNE, Senator STEVENS, and Senator GRAMM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. SIMPSON, Mr. NICKLES, Mr. KEMPTHORNE, Mr. STEVENS, and Mr. GRAMM, and others proposes an amendment numbered 337.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, add the following new section:

SEC. . REGULATORY ACCOUNTABILITY.

(a) DEFINITION.—For purposes of this section the term "regulation" or "rule" means any Department statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of the Department, but does not include—

(1) administrative actions governed by the provisions of sections 556 and 557 of title 5, United States Code; or

(2) regulations related to Department organization, management, or personnel.

(b) MANDATORY REQUIREMENT FOR THE ISSUANCE OF NEW REGULATION.—In taking any regulatory action, the Department shall strictly adhere to the following requirements:

(1) Administrative regulatory decisions shall be based on substantial evidence on the public record documenting—

(A) The ability of an action to result in specific, reasonably anticipated benefits;

(B) all alternative regulatory approaches, including performance-based approaches, that will result in the benefits documented under subparagraph (A); and

(C) all foreseeable costs that can reasonably be expected to flow, directly or incidentally, from each approach documented under subparagraph (B).

(2) No final regulatory actions may be taken unless the specific benefits resulting from a specific regulatory approach documented under paragraph (1) clearly outweigh the costs documented under paragraph (1).

(3) The Department shall—

(A) for all proposed new regulatory actions that will generate any cost, propose a range of position revisions to, or revocation of, one or more existing regulations, that can reasonably be expected to fully offset the reasonably anticipated costs of such proposed regulatory action; and

(B) fully offset the costs documented under paragraph (1) through revision to, or revocation of, existing Federal regulation.

(c) EXEMPTION.—The requirements of subsection (b)(3) shall not apply in the case of regulatory actions for which the President includes in the Federal Register, accompanying the regulatory action, a statement of waiver that fully outlines the reasons and needs for waiving the requirements of subsection (b)(3) because of emergency need for such specific regulatory action and includes a timetable for satisfying the requirements of subsection (b) at the earliest possible date thereafter.

(d) EFFECTIVE DATE; SUNSET PROVISION.—

(1) EFFECTIVE DATE.—The provisions of this section shall take effect upon the date of enactment of this Act, except that the effective date for regulations or rules promulgated pursuant to a law enacted after the date that is 2 years before the date of enactment of this Act and not later than the date of enactment of this Act shall be 6 months after the date of enactment of this Act.

(2) SUNSET.—The requirements of subsection (b)(3) shall cease to have effect on the date that is 3 years following the date of enactment of this Act.

Mr. HATCH. Mr. President, I consider this to be a very, very important amendment. I think every city, town, and hamlet in this country would be grateful if this amendment passes. I would just cite, with particularity, this chart, just to begin with, and then I will refer back to it later. This chart shows the percentage distribution of regulatory costs between 1977 and 1988 and how they have changed.

In 1977, environmental regulatory costs were 9 percent of the total regulatory costs of our country. Today, they are 23 percent and going up rapidly. You cannot ignore that. Environmental costs are eating our cities, towns, and municipalities alive. That is because there is no restraint and there is nothing in the law that really provides for any restraint. We have people back here who are, in many ways, unrealistic in what they are imposing upon cities, towns, and municipalities throughout the regulatory process that are costing all of those entities arms and legs that they really cannot afford.

So my amendment is a very simple one but nevertheless a very important one. I offer this amendment to S. 171.

Let me first say I am very supportive of efforts to protect our environment today and in the future. I will add my voice to the many voices now being heard that say we must have clean water, we must have clean air, and we must protect the environment from the damaging consequences of needless pollution. These are goals that I am positive everybody in this body desires to achieve and to achieve in our lifetime.

I will put in a plug here for a program the State of Utah has employed for the past several years. This program is called "Don't Waste Utah." It sets forth specific plans and objectives toward encouraging recycling, and eliminating littering on Utah's lands, and educating Utah's youths as to the benefits of becoming environmentally conscious. We should all adopt this slogan and apply it nationwide: "Don't Waste America."

But at the same time, I am very conscious of the effects which the pursuit of these goals may have on our economic future. The number of regulations put forward by most, if not all, Federal agencies has continued to have a stifling impact on Utah's economy specifically and on our Nation as a whole. Studies have concluded the regulatory costs to the American people are on the rise.

A recent updated study by Prof. Thomas Hopkins at the Rochester Institute of Technology has estimated that the overall cost of Federal regulatory activity in 1992 has reached $564 billion. That is better than a half trillion dollars just in regulatory costs. That breaks down to approximately $5,000 per American household. We all are paying about $5,000 per household in order to meet this $564 billion, better than a half trillion dollar, regulatory burden. Some would say overregulatory burden.

Paul S. MacAvoy with the Yale School of Management estimates that between 1971 and 1987 regulations lowered gross domestic product annually by 1.5 to 2 percent. Think about that—lowered gross domestic product annually by 1.5 to 2 percent. That is Paul MacAvoy, well known here in Washington and all over the country.

Economist Dale Jorgenson and Peter Wilcoxen, in an article published in the "Rand Report of Economics," concluded that environmental regulations alone accounted for approximately a 2.6-percent drop in GDP between 1983 and 1985. as you can easily see from this chart, from 9 percent of total regulations to now 23 percent, and this pie should be much larger, if we had done this accurately, because regulations have grown by leaps and bounds to $564 billion a year in cost.

Professor Hopkins estimates that environmental compliance costs in 1992, just environmental costs, cost the American economy $122 billion. These costs will rise. These costs will rise in 1993. According to the July 1992 midsession review of the 1993 fiscal year budget, the EPA expected to issue 25 major regulations costing an estimated additional $14 billion.

Mr. President, these costs are not budgeted by the Federal Government. They appear on no official ledgers. However, regulatory costs are paid by businesses, State and local governments, and the American people in the form of higher priced goods, fewer jobs, smaller benefits, decreased productivity, and lost investment.

I propose that the very best economic stimulus package this body could pass is one that eliminates many of the burdensome regulations now in existence that prevent businesses from expanding, that require local governments to redirect scarce resources away from education and other services, and that result in lost employment in both urban and rural areas.

This is not a new issue but a new time to consider the subject and to take effective, hard approaches to addressing them.

I might add, when President Clinton says we need an economic stimulus package because unemployment has not come down the way we want to, even though it has come down from 7.8 to 7 percent, what he is failing to understand is we here in Washington, through mandates passed by Congress and overregulatory conduct on the part of these agencies, have made it almost impossible for businesses to expand, especially small businesses. Many of them do not want to expand beyond the threshold of 15 employees that trigger all kinds of legislative mandates, let alone all of these other regulatory burdens that are placed upon them.

Who is accountable for these costs? The regulators? The President? The Congress?

As we attempt to achieve our goals to protect the environment, we often do a disservice to those we intend to protect. The regulations imposed in response to legislation passed by Congress can be extremely costly to the public and private sectors. Nearly half of all compliance costs from municipalities have primarily resulted from water pollution programs mandated by the Clean Water and Safe Drinking Water Acts according to the EPA. The Agency also estimates that another third of compliance costs results from the mandates of the Clean Air Act. The remaining costs are attributable to a variety of land pollution programs mandated by the Resource Conservation and Recovery Act [RCRA], the Comprehensive Environmental Response and Liability Act [CERLA], and the Toxic Substances Control Act [TSCA], I guess is what it is called. Also included in this category are the Emergency Planning and Community Right To Know Act [EPCRKA] enacted with the Superfund Amendments and Reauthorization Act of 1986 [SARA], and the Occupational Safety and Health Act of 1970 [OSHA].

That is just to mention a few of the major complicated agencies. This breakdown by EPA does not reflect compliance costs that cities and counties incur preparing environmental impact statements required by the National Environmental Policy Act [NEPA], the increasing restrictions on land and natural resource uses which affect State and local revenues, or the enormous costs of litigation made possible by the act. These environmental laws and the regulations that accompany them are not necessarily unreasonable. What is unreasonable is that these laws and their corresponding regulations lack sensitivity to all of our States but particularly the Western States and do not take into consideration rural areas where most of our public lands are located, and where most of these regulations have their most direct effect.

I hope that by requiring the cost-benefit analysis of new regulations and—this is what we do with this amendment—a cost offset from existing regulations prior to the implementation of a new regulation, that we will inject a recognition of these cost issues into our regulatory process, costs that particularly affect small and rural communities.

So what we are doing here is requiring cost-benefit analysis of new regulations, but we are also requiring a corresponding cost offset from existing regulations before they can implement the new regulations in order to give people out there a break and a chance.

They can have regulations but let us make them count. Let us also make them pay for them. To give my colleagues an idea of what environmental regulations mean in dollars to local governments, let me cite a few numbers. These cities are not in Utah but Columbus, OH, and Anchorage, AK, which have issued lengthy reports in recent years detailing their costs in meeting Federal environmental mandates.

I want to commend these two cities for undertaking this task. In particular, I applaud the efforts of the city of Columbus because the city has established itself as a leader on this subject. Its report is thorough, comprehensive, and well organized and contains essential information on local governments to comply with Federal environmental regulations. Anyone who is concerned about the impacts on cities, towns, and counties of Federal regulations, all regulations for that matter, all of these in this pie chart, should pay close attention to this report.

I compliment those who conducted the study, and Columbus' mayor and city council for bringing the timely issue to the forefront. The report indicates that the city of Columbus' entire budget for 1991 was $591 million. That is a lot of money. Eleven percent of that amount or $62 million was earmarked for the city to comply with identifiable environmental regulations. Those are just the identifiable ones. This figure is expected to climb to $107 million from that current $62 million in 1991. It will climb to $107 million by 1995.

In this same report, the city identified over $1 billion in costs which the city will incur to achieve compliance with environmental regulations over the next 10 years. The municipality of Anchorage conducted its report last year.

The city, among several findings, determined that its estimated cost to comply with existing environmental regulations by the year 2000 would be approximately $430 million, and that is simply the amount needed to comply with existing regulations.

We are passing legislation, and will pass more in the next few years, and it will require even more regulation also. Who knows what the cost would be to Anchorage, or Columbus, or Salt Lake City, UT, to meet regulations yet to be promulgated.

There are several examples from Utah. During the Easter recess, I traveled through the southern portion of Utah meeting with business and civic leaders, mayors, and county commissioners. In every county, the issue of solid waste management was raised, to give you one issue. The counties are scrambling to meet EPA regulations under RCRA that require county governments to close existing landfills after October of this year if they are not brought into compliance with existing environmental laws.

Mr. President, since bringing these landfills up to date will be cost prohibitive, it is less expensive to the county to close the existing site than to construct a new one, using new EPA measures to protect the groundwater, the ecosystems surrounding the landfill, and so forth. Utah's county commissioners are not complaining about the underlying goals of these regulations, but they are upset when the expenses involved in closing down a landfill, locating an environmentally sensitive site, and doing it all within the timeframe prescribed by the EPA become burdensome to their already strapped budgets. One commissioner from Beaver County told me, "We can't build a landfill and make it pay for itself and do it all by October."

Most counties will need to contract with a sister county which has a landfill ready to go, or to pay the shipping costs to transport solid waste to a public or private landfill somewhere else in the State. These expenses are just too much for Beaver, Iron, Piute, and almost all of Utah's rural counties. These counties cannot live with them. The expenses are killing them, and we are not taking their needs into consideration.

Two small towns, Fountain Green and Enoch, are struggling to decide which of them is going to pay for the provisions of the Clean Water Act that would require them to install expensive sewer systems. Officials of Fountain Green discovered that, to satisfy the regulations implementing this statute, the town would have to borrow $2.1 million to install a new sewer system for 250 users. Think of that. They have concluded that they would have to charge each resident $35 per month for 20 years just to pay back the loan. This does not include the cost of upgrading the facility and the residents' usual water bills.

By the way, these people are not rich. Many of them are struggling to get by. They cannot afford $35 a month just for part of the requisites that this set of regulations would require.

The town of Enoch would be forced to charge each resident $54.67 per month over a 20-year period on a $6.5 million loan to establish its new sewer system under these regulations. That has to be multiplied millions of times across this country.

Mr. President, these amounts may not seem large to those who never travel outside of the Washington Beltway, but to the residents of rural Utah, these costs are absolutely tremendous. As those examples illustrate, new regulation on top of new regulation is burdening these Utahns beyond belief, and they want to know why. They also want to be sure that new regulations are necessary and that the benefits justify the costs involved. It is not that they do not like the goals or do not want to cooperate. They just do not want to have it shoved down their noses without some way of having justification.

What will our particular amendment do? This amendment will institute a regulatory process within the newly created Department of the Environment which is closer to reality and more responsive, in my opinion, to the needs of the American people.

First, a cost-benefit analysis of every new regulation put forward by the Department will need to be placed on the public record. This means departmental officials must assess the benefits of new regulations and all foreseeable costs that can be reasonably anticipated as a result, directly or indirectly, of its implementation before any final regulatory action can occur. The specific benefits resulting from the new regulation must outweigh the anticipated costs.

Second, in order for a new regulation to go into effect, the Department would be required to offset the reasonably anticipated costs by equal regulatory savings, achieved through revoking or revising existing regulations, trimming and streamlining the paperwork burden, or by any other regulatory offsets. After a regulation has undergone this offsetting process, it may then be promulgated. But it has to go through that process and has to justify itself.

In cases where an emergency situation exists, or could be averted by the promulgation of a new regulation, the President is granted the authority to waive the offsetting provision of the amendment. However, he must also publish, along with the wavier, a schedule for compliance with the statute. Nothing in this amendment will prohibit the Department from issuing a new rule or regulation. Nothing in this amendment will prevent the Department from preserving existing rules or regulations that meet the public's needs. Nothing in my amendment will prevent Congress from passing more legislation to address environmental problems.

However, my amendment will force the new Department of the Environment to set regulatory priorities. It will force the new Department to assess its existing rules and regulations that are responsive to our changing environmental needs. Those that are no longer as meritorious as others, and I am sure my colleagues agree many still exist, can be and should be eliminated without handicapping the Department's mission. This is a one-for-one offset—$1 in anticipated costs for a new regulation achieved for $1 saved by eliminating or revising an existing regulation.

This will prevent the pile-it-on mentality, in effect, that small businesses, cities, and counties have suffered for many years. This means the Department would only promulgate the most important new environmental regulations and would promote more effective and efficient regulations, and would, it seems to me, take the needs of our citizens out there, our municipalities, our businesses, and other entities, into consideration for a change.

Mr. President, I alluded to the fact that many officials at the State and local levels are already struggling to balance their budgets in the face of new mandates and regulations. They realize that Washington sets their spending priorities without asking for their consent. And who must cope with these consequences, these actions? Well, these State and local officials, who find themselves raising taxes and slashing essential services in order to cover these mandates and regulations, however good or bad they may be.

It is not unreasonable for the American people to ask Federal departments to prioritize their rules and regulations that affect city councils and governments.

The Weber Area Council of Governments, comprising 17 local governments and two school districts in Weber County, UT, recently adopted a resolution indicating that the Federal fiscal oppression thrust on local governments by heavy Federal regulations should be curtailed.

The legislation before us today affords us the opportunity to start helping small and rural counties and towns. This amendment will do that. It is a chance to assure them that this new Federal Department is intended to respond effectively to the needs of the environment, not overwhelm them with an even bigger, more impressive bureaucracy.

Mr. President, let me also state that I was disappointed to see the Nickles amendment tabled earlier this afternoon. I agreed with the concept of that amendment, and I was a cosponsor of it. At some point, we need to start taking into serious consideration the economic and employment impacts of legislation that is pumped out of this body.

However, I want to make sure that my colleagues understand that my amendment is different than the Nickles amendment.

Briefly, the noteworthy goals of the Nickles amendment were to require an economic and employment impact statement to accompany legislation considered by Congress and require a similar statement to accompany regulations promulgated by Federal agencies which I think is a step in the right direction, but the amendment would also require a threshold under which an impact statement would not be required.

First, the Hatch amendment is specific to the Department of the Environment. It applies to that Department. If it works there, perhaps we can apply it to other ones. Its impact would not be governmentwide but only to the Department of the Environment.

Second, it would require the Department to undertake analysis of anticipated costs and benefits of all proposed regulations, not just those over $100 million.

Third, and most importantly, it requires regulatory relief for States, local governments, and small businesses by requiring an offset for the cost of new regulations.

Over the years, we have added regulation upon regulation and rarely if ever reduced the regulatory burden borne by everyone but the Federal Government. The Hatch amendment will stop this pile-it-on syndrome.

My amendment simply requires revisions or revocations of existing regulations before the proposed new regulations can be implemented. This process will ensure that only the most essential and effective environmental regulations will be promulgated.

So, I simply wanted to make sure that my colleagues understand these differences.

Mr. President, let me go back to this chart again. This pie chart should be much larger, because this is between 1977 and 1988. I apologize for not having done it better. But between 1977 and 1988 regulations have grown even more. But we will let this go for now.

The essential point that I am making is that we have piled on so many environmental regulations that it has jumped in 1977 from 9 percent of the percentage distribution of regulatory costs to over 23 percent as of 1988. It is much higher today. And it is going up by leaps and bounds.

Some of that is justified. I want to support that which is reasonable and worthy environmental regulatory activity, including reasonable environmental legislation, new legislation that we may pass but, by gosh, if we are going to do it let us do it fairly.

If we are going to increase the costs and burdens on these municipalities, on these government entities, on these businesses, and the people out there not only in rural Utah but everywhere else in this country, then, let us make sure there are offsets so they can live with them. Let us make sure there is some reason to the process. Let us make sure there is some hope for these people. Let us get this pile-it-on attitude off their backs, and let us start realizing people are sick of all this. They are sick of it. They are sick of having all these overregulatory burdens thrust upon them.

I think it is time for us, if we are going to issue regulations, to make sure it is a sound issue. Let us make sure it makes sense and does not swamp the people out there. Let us make sure they can live with it and make sure they can pay for it. The best way to do that is have a regulatory offset that will really come to their aid and help them.

Mr. President, I do not have any great desire to make this a long debate. This is a relatively simple amendment. I think everyone who has ever been in any rural part of his or her State can understand it. I think anyone who has been in a major city can understand it, and anyone who has met with business people can understand it. I think it makes sense, and I hope my colleagues will support this amendment that will effectively match all of our rhetoric about undue, unreasonable, and onerous regulations without employing the meat cleaver approach to do it.

So this is the way for us to match our rhetoric with good deeds. This amendment makes sense. I believe it is an amendment that will help especially the Western States but all States in this country, but especially the large public land States, to able to live and get by and yet still go environmentally forward in a sound and decent way.

We are not asking for any of the laws to be changed but just offset these regulatory costs in a way that makes sense.

Mr. President, I will be happy to yield the floor at this time and answer any questions that might arise.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Montana [Mr. BAUCUS] is recognized.

Mr. BAUCUS. Mr. President, I wonder if the Senator from Utah will answer a couple questions.

Mr. HATCH. I am glad to try.

Mr. BAUCUS. First, I am just interested in the effective date of the proposed amendment. As I read the effective date of the Senator's amendment, this amendment would apply to regulations pursuant to statutes that were enacted prior to and including statutes that were enacted 2 years before the enactment of the statute, which is to say that any statute that the Congress passed and the President signed and any regulation pursuant to that statute would be under the Senator's amendment.

Mr. HATCH. My amendment applies to the statutes that have been passed in the last 2 years.

Mr. BAUCUS. And all subsequent statutes?

Mr. HATCH. Yes. Basically, the Senator's question is, Can the Department revise regulations required by statute?

Mr. BAUCUS. But the amendment applies to statutes enacted subsequent to enactment of this amendment if it is enacted?

Mr. HATCH. That is right. It will apply.

Mr. BAUCUS. And all statutes and regulations pursuant to statutes enacted 2 years prior to enactment of this amendment if it were enacted into law.

Mr. HATCH. That is correct.

Mr. BAUCUS. I am asking, are there any particular statutes that the Senator has in mind that the Congress passed the last 2 years that he is specifically interested in, particularly interested in having this amendment apply to?

Mr. HATCH. Not particularly. I just want to have a break for the American people from all statutes within that particular timeframe. Where they are unreasonable or where they should be made reasonable, we provide for regulatory offsets. If they are going to pass new regulations, justify them with regulatory offsets so the American people are not in a bind.

Mr. BAUCUS. So any regulations passed pursuant to the Clean Air Act would not apply here because the Clean Air Act was enacted November 15, 1990?

Mr. HATCH. That is correct. It would apply to the regulations, not the statute.

Mr. BAUCUS. So the Clean Air Act rules and regulations would not be covered by the Senator's amendment?

Mr. HATCH. They would be covered. The Senator needs to understand this: I am applying it from 2 years prior to the date of enactment and thereafter to all statutes that are passed. If this works, and I know it will, and if it does help to reduce the regulatory burdens upon our citizens out there that we are all talking about when we go home, then it might be something that could work in an even broader fashion. By the way, we are only applying to the Department of the Environment.

Mr. BAUCUS. I understand.

Another question: On page 2 of the amendment it is a paragraph (b)1(B).

> Administrative regulatory decisions shall be based on substantial evidence on the record documenting—
>
> (B) all alternative regulatory approaches, including performance-based approach * * *

What did Senator have in mind when he says "all alternative regulatory approaches"?

Mr. HATCH. With regard to the Department of the Environment, we are approaching any regulation that comes out.

Mr. BAUCUS. But as to the Department of the Environment, the Senator's amendment must identify any possible alternative regulatory approach?

Mr. HATCH. We are saying any reasonable alternative approach should be considered to any regulation that comes out within that timeframe. From henceforth, they are going to have to justify it.

Mr. BAUCUS. That is not what the Senator's amendment says. The Senator's amendment says "all alternative regulatory approaches, including performance-based" standards also must be documented in addition to any cost and benefit analysis.

I am just asking the Senator if the Department of the Environment is required to document all alternative regulatory approaches, how much does he think that will cost the Department of the Environment as it attempts to document all alternative regulatory approaches?

Mr. HATCH. I think we should document all alternative regulatory approaches, and this amendment would require that.

Mr. BAUCUS. Does the Senator have a cost estimate as to how much it will cost the Department of the Environment to fully document all alternative regulatory approaches?

Mr. HATCH. I doubt it will cost very much. If it does, it is right that we pay it. Maybe by paying that price we will understand how tough it is on towns and businesses out there.

Mr. BAUCUS. I am asking the Senator the question: Does he have any idea how much it will cost the Department of the Environment to perform this?

Mr. HATCH. I do not have a specific dollar amount for that. But, I do have to tell you we conduct economic analysis all the time. We have the capability of doing it. We have all kinds of agencies that are capable of doing it. We have all kinds of financial agencies. Why not?

Let me finish. Let us stop and think about something. I am more worried about the people out there than I am about how hard it is on the bureaucrats.

Mr. BAUCUS. I understand. I am getting to that.

Mr. HATCH. Let me finish. I am more worried about the people out there than the bureaucrats that have to work back here. If maybe they had to work to justify these costs, maybe if they had to work to justify the regulations, we would not have nearly as onerous or obstreperous or burdensome or downright lousy regulations.

Mr. BAUCUS. I appreciate that and am also concerned about the taxpayers of America. They have to foot that bill for payment to document.

Mr. HATCH. I guarantee the taxpayers of America will love to foot the bill to put the bureaucrats back here on notice they are tired of this situation.

Mr. BAUCUS. Another question——

Mr. HATCH. Let me finish. I think they would love to foot a bill that says to these people back here: quit piling it on us, quit ruling the cities and municipalities with unnecessary and burdensome regulations.

I will bet they would be more than happy to pay for that, rather than to go through what they are going through right now. I will bet you the city of Columbus would issue a cry of exaltation to have this amendment passed, as would every other city in the country that is similarly burdened, that sees their costs going up beyond the amount of money that they have to run their local government.

Mr. BAUCUS. Will the Senator——

Mr. HATCH. Let me just say this.

Let me answer the question.

Mr. BAUCUS. Let me ask the question.

Mr. HATCH. Well, you asked them and I am trying to answer them.

I think this will create new, additional burdens on the Department±.

But, frankly, again I am more concerned with the burdens of my constituents and I think your constituents. Speed and efficiency should not be the goal of regulatory policy.

How many times, Mr. President, have we been approached by community leaders or small business persons to request an agency to reconsider a regulation that involved an unintended——

Mr. BAUCUS. Mr. President——

Mr. HATCH. Mr. President, may I answer the question?

Mr. BAUCUS. Mr. President, I reclaim the floor, please.

Mr. HATCH. If the Senator is going to ask me questions, he ought to give me time to explain them.

Mr. BAUCUS. The Senator is taking advantage of his opportunity to answer the question.

Mr. HATCH. No, I am just trying to answer the question.

Mr. BAUCUS. I have no recourse but to reclaim the floor.

Mr. HATCH. That will be fine.

Mr. BAUCUS. Mr. President, I am tempted to ask the Senator these other questions, but I am not sure that will be fruitful.

At the top of page 3 of the amendment, it states:

> No final regulatory actions may be taken unless specific benefits resulting from a specific regulatory approach documented under paragraph (1) clearly outweigh the costs * * *

The question I ask generally of all Senators is: How does the EPA quantify benefits, particularly life?

Our environmental statutes that we pass today are passed for good reason. They are well intended. And, by definition, by the implementation of a lot of these statutes, there have to be some rules and regulations.

We have very dramatically cleaned up the environment in many ways. For example, in the last 20 years, the total amount of carbon monoxide in America has been cut 50 percent, cut 50 percent. In addition, the amount of particulates in the United States in the last 20 years has also been cut 50 percent because of enactment of American environmental laws.

The air in Utah is cleaner, Mr. President. The air in Ohio and all of our States is cleaner as a consequence of statutes we have passed to clean the air.

In addition, the ambience level that occurs in the atmosphere has been reduced from about 200,000 tons to zero. That is basically because we ban lead in gasoline.

There are tremendous environmental benefits that have occurred because of actions we have taken.

The difficulty, obviously, is how to balance out the cost and the benefits. That is a very, very difficult thing to do.

Mr. HATCH. Will the Senator yield on that point?

Mr. BAUCUS. We all make that judgment the best we possibly can. When we are faced with statutes, faced with legislation here on the floor, we make that judgment the best we possibly can.

Mr. President, this amendment specifically says that the EPA may not pass the legislation pursuant to any statute that we may pass unless the specific benefits clearly outweigh the costs.

What is the benefit of life? We know what the costs are of a regulatory regulation as it affects people—clean air, the Clean Water Act; whether it is lead, lead in paint on the walls or lead in the ground. We know what the costs are. It is pretty easy to determine what the costs are to clean up the environment.

It is a bit more difficult to quantify the benefits, the benefits of life. How are you going to quantify the benefits of life?

And this is very clear language—that "clearly outweigh." That has a very definite legal effect, which means that benefits have to be quantified under this statute in order to outweigh the costs.

How do you quantify the esthetic value of clean air and clean water? How do you quantify that? How is EPA going to quantify that? I do not know.

It cannot quantify life; I do not think it can. I am sure the Senator from Utah agrees that has not been quantified. If it has not been quantified, I submit this provision is basically meaningless. If just cannot be adhered to. It is almost impossible to adhere to. That is a judgment call. It is a judgment call.

And I submit, Mr. President, that if the EPA, the Department of the Environment, attempts to make that judgment call because of the provisions of the statute here, somebody is going to disagree; because it is in law, it will be litigated. Somebody is going to disagree. Somebody is going to go to court.

There is enough gridlock in this country as it is. This society is litigious enough as it is. This is going to cost a lot more lawsuits, going to cost a lot more burdens on the Department of the Environment and, therefore, a lot more burdens on the American people.

Another point which I do not think this body fully understands which is contained in this amendment: This amendment is essentially a zero regulatory budget amendment for the Department of the Environment based on statutes passed in the last 2 years and in the future.

Basically, what I am saying is this: Under this amendment, not only must all of this be documented, and so on and so forth, not only must the benefits be quantified and clearly outweigh the costs, but, more important and more to the point, under this amendment, no—and I repeat the word "no"—no regulation or rule can ever be promulgated by the Department of the Environment unless there is an equal offset; that is, another rule or regulation under the jurisdiction of the Department cut back an equal amount. This is what this says.

This essentially says to the Department of the Environment: "Forget statutes we may pass here; forget any attempt we might make here to make this a better society. You cannot implement anything we pass, you cannot do anything we do here unless you, the Department of the Environment, cut back, repeal, revoke, amend, some rule or regulation that has the same costs as might otherwise occur for a regulation which might otherwise pass."

Now, do we want that? Is this a zero-sum game? That is, do we want no new net regulations ever again passed by the Department of the Environment? That is what this amendment does. That is exactly what this amendment does.

What else does it to? It says that once you do this, once you direct the Department to cut back somewhere else, if it is going to pass a new regulation that has some cost, any cost, one red cent cost—on the second test I am talking about, it has nothing to do with benefits; this is just costs, regardless of the benefits—regardless of the benefits. That is what this amendment says.

This amendment says, regardless of any benefits whatsoever, regardless, assuming you have more benefits or costs you can quantify, but even then, regardless, you have still to cut back some other rule or regulation.

Mr. HATCH. Will the Senator yield on that?

Mr. BAUCUS. I will not yield at this point.

Who decides what rule or regulation to cut back? Under the amendment of the Senator, that wonderful Department of the Environment decides.

I have heard Senators on this floor all afternoon rail against the Department of the Environment—now EPA, about to be the Department of the Environment—rail against it, saying, expressly and impliedly, that that Department is foolish, it has no common sense, it cannot make any right decisions.

This amendment says, give all the eminent power to the Department of the Environment. It says, you make the decision, Department of the Environment, as to what rules and regulations to cut back.

Do we really want to do that, Mr. President?

Mr. CHAFEE. May I ask a question?

Mr. BAUCUS. Yes, I yield to my colleague.

Mr. CHAFEE. If I understand what this amendment does, it says that these elected officials, the Senators of the United States, are not entitled to make a value judgment; that the value judgment is going to be made by these faceless bureaucrats somewhere.

Mr. BAUCUS. Absolutely.

Mr. CHAFEE. See if I am correct in following this. In 1990 we pass a Clean Air Act. In the Clean Air Act we do something about chlorofluorocarbons. We say they go out. Pursuant to that, there have to be regulations.

See if I am correct, and if my distinguished chairman agrees with me on this. The bureaucrats then come to write the regulations. What they read in the Hatch Act is that the benefits must clearly exceed the costs. So somebody over in OMB says: Oh, no, as we look at it, we—the bureaucrats are going to make this judgment—do not find that the benefits clearly exceed the costs of getting rid of CFC's, so we are not going to issue the regulations. Am I correct?

Mr. BAUCUS. Absolutely. That is exactly what this amendment provides.

Mr. CHAFEE. This must be—every bureaucrat in Washington, DC, must be thrilled with this proposal.

Mr. BAUCUS. Thrilled? Ecstatic. I mean, this is nirvana. This puts all power into the bureaucrats down at the EPA, about to be the Department of the Environment. They decide. What the Senator said is exactly right. It takes away this power of decision from the elected officials, U.S. Senators, Members of Congress. It takes it away from us. The bureaucrats decide. That is exactly right. The Senator is exactly right and I am sure the Senator makes that point so very clearly.

Mr. HATCH. Will the Senator yield on a point of personal privilege, because that is not true and you know it. May I raise a point of personal privilege? It is one thing to talk about what my amendment says. It is another thing to distort it. It just plain does not say that. The fact of the matter is, you can quantify. We do it all the time around here.

Mr. BAUCUS. Mr. President, I have the floor. I do not think the Senator is making a point of personal privilege. Mr. President, I regain the floor.

Mr. HATCH. That is not true. I am happy to yield.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BAUCUS. Mr. President, there is another point here that indicates, I think, how this amendment is not thought through, not thought out. Basically, it refers to "any costs." For example it says on page 3, "The Department shall—(A) for all proposed new regulatory actions that will generate any costs."

This amendment in no way determines whether "any costs" refers to Federal Government costs, refers to State government costs, refers to costs on individual citizens, on businesses—we do not know. The way this is worded, it could be kind of a conundrum. That is, obviously it is going to cost the Department of Environment to determine what the costs are. Yet this amendment says "any costs." I do not know what this means. I do not think this amendment has been thought out.

But essentially the main point I want to make is the effect of this amendment is to give immense control and power to the bureaucrats down at the new Department of Environment. They decide whether the benefits, as near as they can determine them, quantify them, outweigh the costs. That is their decision.

In addition to that, this amendment provides even more authority to the new Department of Environment, taking it away from the Congress, by saying the Department of Environment will decide what rules and regulations to cut back for any new rules or regulations, regardless of how costly they are, regardless if they cost one red cent.

Let me make that point again. It is a very important point.

This proposed amendment says, essentially, if there is one penny increase—because it says "any cost"—if there is one penny cost because of a new rule or regulation, then the Department of Environment must find some corresponding offset. Not just a one-penny offset, as I understand this regulation, but if the proposed amendment costs a little more it has to make another offset. But, again, Congress has no right to determine which way the offsets are. That is delegated entirely to the new Department of Environment.

Mr. President, I very much believe Members of the Senate do not want to give all that power to the new Department of Environment. Again, I heard so many Senators earlier this afternoon just railing against the Department of Environment. Now it sounds like they want—they are going to want to enhance the stature of the new Department of Environment by giving it all this new authority. I do not think that is really what they have in mind here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, I do not agree with what my distinguished colleague and friend has been saying. I agree that the Congress is ultimately responsible for this tremendous burden we are placing on the American people. We are responsible—that is what I am trying to get at. It is exactly this type of rhetoric that hides that responsibility. It is as though the wonderful bureaucracy can burden all these cities, municipalities, businesses—but they cannot figure out what the cost-benefit ratio is of the regulation. If they cannot, they should not be promulgating the regulations because they may be harmfully affecting the country with something worse than the original problem.

To argue that the lead content in air and so forth is so important that it ought to be given consideration, my gosh, I agree with that. There are many things that we would agree with the distinguished Senator from Montana that we would not want to implement. I imagine there are a lot of things I would agree with the distinguished Senator from Montana as far as environmental benefits for society. All I am asking is let us consider the impact on the people out there a little bit. Let us not just say we are going to give up governmental power if we do not burden them to death.

We cannot quantify, therefore we should not do anything to help them? Let's keep passing all this junk and let agencies overregulate and not consider the public well-being?

A lot of what we are passing is not junk. A lot of what we are passing is right. A lot of what we are passing is good. I commend the distinguished Senator from Montana for his leadership in helping to do that. But I am saying a lot of the regulations in some areas have no real benefit compared to the costs.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. HATCH. No, I will not yield at this point. I have the floor at this time.

Mr. BAUCUS. Well, the Senator does, but I would like to ask a question later on.

Mr. HATCH. I wanted to ask a few questions of my colleague, too.

I get a little tired of these arguments around here that, my gosh, the holy Department of the Environment does not have to be responsive to the people, wherever they are. I am not asking them to repeal important, necessary environmental regulations. I want them to come up with those. What I am asking them to do is, in the future, just plain justify those regulations by some form of quantification.

I agree, Congress is ultimately responsible for the tremendous burdens. But early today the Congress voted down the Nickles amendment which would have forced Congress to consider costs inherent in regulating. Does this mean Congress does not want anyone to consider these costs? Is that what it means?

Mr. BAUCUS. Will the Senator yield at that point?

Mr. HATCH. I will not yield at this point. Normally I would. But I will not.

Mr. BAUCUS. Will the Senator give some indication of when he will?

Mr. HATCH. I may not yield for a long time to come.

Mr. BAUCUS. All right.

Mr. HATCH. I have to get my composure back—I cannot believe the way my amendment has been characterized. That will take a little bit of time.

The fact of the matter is, does the Congress not want anyone to consider the costs involved? Who is going to be responsive to our constituents? Are we just going to act like, because it has the holy word "environment" on it, we cannot be concerned about the problems these regulations are causing out there?

Come on, I am not asking to change the whole of the environmental laws. I am not asking to cut them out or stop them. I am just asking to have some system of consideration for the people out there.

Currently there is no uniform system for reviewing the costs of all regulations. Most impact analysis focuses on one major factor and that is the cost of compliance. Agencies, including the EPA, typically base their analysis on total industry earnings which often shows the performance of the major firms. Such items as job loss, the effects of new regulations on marginal firms or new business startups, and the differences between regulated entities in differing regions of the country are never assessed, never given the slightest consideration. Less than 5 percent of all proposed new rules are subject to impact analysis as directed under President Reagan's Executive Order 12291. Less than half of those rules reviewed under this and other Executive orders even attempt to assess the benefits of those proposed rules.

Wayne B. Gray, the associate professor of economics at Clark University, Worcester, MA, a research fellow at the National Bureau of Economic Research in Cambridge, MA, in an article entitled "The Impact of OSHA and EPA Regulations on Productivity" states the following:

> When considering whether a particular regulation is justified, we must consider realistically both the potential benefits and the potential costs of the regulations.

I am not asking for anything more than that.

> Regulations that offer small benefits and impose high costs should be eliminated or modified.

I am not asking for anything more than that.

> Regulations that offer substantial benefits at limited costs could then be expanded to yield greater benefits from regulations at lower cost to the economy.

Look, I am not asking for an earth-shaking approach here. I am just asking that we find some reason to the regulatory review process that protects the rights of the American people and stop eating them alive. We pass these laws, turn them over to the bureaucracy and never consider them again. Then we go home and tell them how we are fighting against that bureaucracy.

Mr. BAUCUS. Will the Senator yield on that point?

Mr. HATCH. Can I finish a little more? I do not mean to be unkind or uncharitable to my colleague. I would like to finish and I recall—let me just say a little bit more.

Is there a public desire to try and reform the environmental community and the regulatory process? A poll conducted last year by Penn and Schoen, in March 1992, showed a strong public desire to hold Government responsible for all of its costs of doing business. Eighty-five percent of the respondents indicated that they thought lowering the cost of regulations on the public should be a high Government priority.

That is what I heard this last Easter recess. That is what I have heard every time I have gone home. They are just being eaten alive by the burdensome regulations, and especially the environmental ones; 84 percent believe the Government should weigh costs and benefits when considering new environmental regulations—84 percent.

My gosh, why can't we do something about that? All I am trying to do is do something about controlling new regulatory costs. It is a simple approach and, I might add, a workable approach.

There might be some litigation, but nothing like we have today. For the people who have created some of these laws to now throw litigation in my face is amazing to me, especially anybody from the West. I have to tell you, we have no room to maneuver out there because of environmental litigation that is all one-sided. So do not throw litigation at me. And if it does result in some litigation, I will be sorry about that. But I will tell you one thing, if it results in having to weigh costs against benefits, I will be doggone happy and so will everybody else in this country, at least 84 percent of the people will be. That is a good percentage.

Eighty percent thought that not considering the cost to the public is setting bad public policy. What we are going to do is proceed with business as usual because environmental leaders in the U.S. Senate think that we should never touch this holy order called the Environmental Protection Agency.

Seventy percent indicated the regulators too often mandate solutions without taking into account other alternatives. The people out there are not stupid. They want some of us to stand up and say, "Look, let's put an end to this." Let's at least get some system in here. If we have to quantify, let's quantify. If we do not know how, let's find out how to accomplish it. That is not anything new. We quantify around here all the time. We can quantify with regard to cost-benefit analysis in almost every way if we have the will to do so, and I am suggesting it is time to have the will to do so.

Overwhelming majorities who responded to this poll believed that reducing costly regulations will make the country more competitive, 71 percent; put money into productive areas of the economy, that is 85 percent; put more money into consumers' pockets, that is 74 percent of the people.

All I am asking is we get some reason into this system. This is not a Republican amendment. It is not an anti-Clinton administration amendment. I did not have that in mind at all, nor do I at this present time. I assure my colleagues I would have offered this amendment if George Bush was still President or Ronald Reagan or Jimmy Carter, or whoever else. In fact, I introduced a bill, on which this amendment was based, last year.

I am sorry, and I apologize to my colleagues that it has taken so long to come up with this, but this last trip through my State in Easter—and I covered half the State at that time—brought this home so forcibly to me that I thought it time we stand up and say, look, there are many priorities that must be met, including environmentally. We should meet them. But when we do, let us prioritize regulatory activities and let's not just say we will fund everything and we will regulate everything. Let us get some system going here that makes some sense.

The fact is as well that this amendment is being proposed to help Democratic as well as Republican Governors; Democratic as well as Republican commissioners; and Democratic as well as Republican mayors of major cities, as well as rural suburban cities and towns. And it is to help Democratic and Republican business people; and Democratic and Republican consumers; and Democratic and Republican taxpayers. This is not a partisan amendment. This is an amendment that makes some sense.

Let me put a few letters into the RECORD. The real issue is unfunded mandates. It is not an attempt by me to stop good environmental legislation and regulation, not at all, but to put some prioritization into it so we don't regulate everything and let the public out there be damned.

The real issue is unfunded mandates. This is an attempt, as far as I am concerned, to address this bigger problem. I think the Senator from Montana would agree with me that it is a problem of unfunded mandates. If he finds some language in the amendment that I can correct, I will be happy to do that. I am not unreasonable. I do not consider this to be the Holy Grail of all legislative language, but I have to say, I have read it and I think it makes a lot of sense.

Let me just say this. I would like to put into the RECORD a letter from our Governor Michael Leavitt, who supports this particular bill, now in the form of an amendment that I have called the Hatch amendment. He makes the point:

> Your amendment, which would institute accountability in the department and establish a program for the systematic selection of regulatory priorities, would provide needed relief to States burdened with ever-growing federally mandated regulations.

He is speaking for every Governor in the land affected by this, not just Republican, but Democratic Governors as well. And he goes on. I will put that in the RECORD, if I can. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF UTAH,
Salt Lake City, UT, April 28, 1993.

Hon. ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: I am writing in support of your proposed amendment to S. 171, the Department of the Environment Bill, currently pending before the Senate.

Your amendment, which would institute accountability in the Department and establish a program for the systematic selection of regulatory priorities, would provide needed relief to states burdened with ever growing federally mandated regulations. Congress continuously passes laws that create new regulations, and as a result, state and local governments, as well as businesses, are required to foot the bill. States cannot continue to fund the wishes of the federal government without certain cost containment provisions or additional funding.

You have my full support for this amendment and I would urge your colleagues in the Senate to also support this measure.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

Mr. HATCH. Mr. President, I have a letter from our Democratic mayor of Salt Lake City.

Dear Senator Hatch: I had the opportunity to carefully review your proposed amendment to S. 171, the Department of the Environment Act of 1993. I strongly support your amendment.

As mayor of Utah's largest city, I am very concerned about the propensity of the Federal Government to heap unfunded mandates and costly regulations on local Government.

I think I express the sentiment shared by many other mayors when I say we do not want to simply be known in our communities as the local Federal manager, someone elected to act according to the dictates of the Federal Government. But many times as we are told to implement regulation after regulation, whether we agree with them or not, I feel we work more for the Federal Government than I do for the people who elected me.

While your amendment does not resolve the underlying problem of unfunded mandates, it is a positive first step towards successfully addressing the bigger problem.

As one mayor, I would sincerely appreciate relief, any relief, from the regulatory morass that has been created. Your amendment would go a long way toward doing that with at least one Federal agency.

Thank you again for the opportunity of commenting on your proposed amendment. I appreciate your effort and hope your colleagues in the United States Senate will support this amendment.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SALT LAKE CITY CORP.,
Salt Lake City, April 29, 1993.

Senator ORRIN G. HATCH,
U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: I have had an opportunity to carefully review your proposed amendment to S. 171, the Department of the Environment Act of 1993. I strongly support your amendment.

As mayor of Utah's largest city, I am very concerned about the propensity of the federal government to heap unfunded mandates and costly regulations on local government.

I think I express a sentiment shared by many other mayors when I say that we do not want to simply be known in our communities as the local federal manager, someone elected to act according to the dictates of the federal government. But, many times, as we are told to implement regulation after regulation, whether we agree with them or not, I feel I work more for the federal government than I do for the people who elected me.

While your amendment does not resolve the underlying problem of unfunded mandates, it is a positive first step toward sucessfully addressing the bigger problem. As one mayor, I would sincerely appreciate relief—any relief—from the regulatory morass that has been created. Your amendment will go a long way toward doing that with at least one federal agency.

Thank you again for the opportunity of commenting on your proposed amendment. I appreciate your effort and I hope your colleagues in the United States Senate will support this amendment.

Sincerely,

DEEDEE CORRADINI,
Mayor.

Mr. HATCH. Mr. President, I ask unanimous consent that a letter from the Utah League of Cities and Towns; a letter from John Motley, vice president of NFIB and its 600,000 members; a letter from Mayor Frost of Weber County, Council of Governments; a letter from Booth Wallentine from the Utah Farm Bureau Federation; a letter from the Salt Lake City area Chamber of Commerce, Fred Ball, signatory and president; a letter from the American Farm Bureau Federation; and a letter from James L. Gattuso, vice president for policy development for Citizens for a Sound Economy all be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Utah League of Cities and Towns,
Salt Lake City, UT, April 29, 1993.
Senator Orrin G. Hatch,
Russell Senate Office Building, Washington, DC.

Dear Senator Hatch: Thank you for your concern regarding the costly implementation of environmental mandates onto Utah's cities and towns. As you are aware, these costly programs only serve to increase the taxes on hardworking Utahns. The process of the federal government enacting new regulations onto cities and towns without providing the necessary revenue to implement these regulations is a hidden tax on the citizens of Utah.

It is the policy of the Utah League of Cities and Towns to encourage the federal and state governments to enact legislation which provides funding for any mandated programs.

We realize that we may not be able to accomplish this objective immediately and that this must be accomplished in incremental steps with politics dictating. We are pleased to support your amendment which forces the Department of Environment to "propose a range of position revisions to, one or more existing regulations, that can reasonable be expected to fully offset the reasonably anticipated cost of such proposed regulatory action".

Senator, on behalf of the Mayors and local officials in our state, thank you for your willingness to confront an issue of great concern with us and the citizens of the state of Utah.

Sincerely,

Kenneth H. Bullock,
Executive Director.

National Federation of Independent Business,
Washington, DC, April 27, 1993.
Hon. Orrin Hatch,
U.S. Senate,
Washington, DC.

Dear Senator Hatch: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I want to thank you for introducing S. 13, the Regulatory Accountability Act of 1993.

As Section 2 of your bill indicates, burdensome federal regulations amount to a hidden tax on the American people. Nowhere does this hidden tax do more damage than to the small business community. Small business is the number one job creator in the United States. For it to continue to be so, steps must be taken to stem the tide of ever-increasing regulation. Accordingly, we support S. 13 and specifically your provision to require agencies to offset costs resulting from new regulations by revoking or revising existing regulations.

I understand you will be offering an amendment to S. 171 that would apply the provisions of S. 13 to the proposed Department of the Environment. Because NFIB and the small business community is very concerned about the impact of excessive environmental regulation, we support your effort.

Thank you for your leadership in this matter. Please let me know if I can be of further help on this issue.

Sincerely,

John J. Motley III,
Vice President.

Weber Area Council of Governments—Resolution

Whereas, the Mayors and County Commissioners of Weber County, Utah, comprising the membership of the Weber Area Council of Governments are alarmed at the sharply increasing number of federal regulations and rules being proposed and adopted to control and govern most aspects of urban and suburban life, and

Whereas, Federal Agencies continue to disregard the heavy fiscal impact of these regulations upon the communities and local governments in Weber County and in Utah in general, and

Whereas, these fiscal impacts, due to the ever increasing multiplicity of regulations, have become a heavy burden upon the citizens of Weber County and constitute what is in effect, a grievous hidden tax upon all business and property owners,

Now Therefore, the Weber Area Council of Governments, having reviewed the proposed Legislation prepared by Senator Orrin Hatch, R Utah entitled "Regularity Accountability Act of 1992" in which he proposes restrictions on the regulation making process of federal agencies to make this process more accountable for the heavy costs that these regulations require of local governments, and to establish a program of priority setting for new proposed regulations, Hereby resolve that Senator Hatch be applauded for his awareness of this heavy inequitable burden being thrust on local governments, and for his efforts to curtail this form of federal fiscal oppression and also that the Weber Area Council of Government's express its enthusiastic support of this Legislation and for its passage into law.

Utah Farm Bureau Federation,
Salt Lake City, UT, April 28, 1993.
Hon. Orrin G. Hatch,
Russell Senate Office Building, Washington, DC.

Re proposed S. 171 amendment

Dear Senator Hatch: We have reviewed your proposed amendment to S. 171, which bill would establish the Department of the Environment, etc. We believe your amendment to be critically important to this proposed legislation and on behalf of the 63,000 citizens in the Utah Farm Bureau, we strongly support your amendment. Your amendment would assure that the proposed federal agency would not issue any regulations that have not been subjected to the public hearing process, and further, that there be full disclosure of all costs to the public and private sector of any such promulgated regulations.

Such a requirement could not be more timely. Reports from several reliable research organizations have placed the total cost, public and private, of federal regulations to the economy of our country at or near $500 billion annually. These excessive costs have become a major deterrent to continued economic growth in the nation's economy. More particularly, these regulations have become a stranglehold on many existing businesses and industries in such a way as to prevent their expansion. Numerous documented examples exist of small businesses being forced to cease operation due to excessive regulatory overload.

Significantly, the Utah Legislature has enacted oversight laws for the specific purpose of legislative review of the economic impact of state regulations. Your bill would be a significant step towards that goal for the proposed federal agency. Again, we strongly support your amendment.

Respectfully,

C. Booth Wallentine,
Executive Vice President and Chief Administrative Officer.

Salt Lake Area Chamber of Commerce,
Salt Lake City, UT, April 29, 1993.
Senator Orrin G. Hatch,
U.S. Senate,
Washington, DC.

Dear Senator Hatch: The Salt Lake Area Chamber of Commerce has long been concerned about the environment. We recognize past abuses and have worked hard over the years with our business members to do all we possibly can to correct past abuses and at the same time do all possible to continue to enhance our quality of life.

We are concerned, however, that many times environmental regulations are unreasonable and not cost effective. In the recent years, business associations such as Chambers of Commerce, individual businesses and environmental groups have joined together in lock step to face environmental problems. No longer has it become such an adversarial relationship.

The Chamber is very supportive of your proposed amendment that requires the Department of Environment to offset new regulatory costs through revisions of existing regulations.

This is a critical time in our nation's history. Our economic woes are posing a serious threat to our citizens and our businesses. Balancing the budget, reducing the deficit and balancing the trade deficit should be of concerns to this administration and to the Congress. By continuing to have business shoulder more and more financial burdens that are arbitrary and questionable in value for environmental regulations, is counter productive to the addressing of our nations ills. We salute your efforts to allow our economy to recover without these burdensome environmental regulations and to offer provision sunsets after three years.

A healthy business climate nation-wide that would broaden this country's tax base would do much to help solve our economic problems. Costs to business that impact our bottom line, is counter productive to that effort.

Thank you so very much.

Sincerely,

Fred Ball,
President, Chamber of Commerce.

American Farm Bureau Federation,
Park Ridge, IL, April 29, 1993.
Hon. Orrin G. Hatch,
U.S. Senate,
Washington, DC.

Dear Senator Hatch: The American Farm Bureau Federation (AFBF), the nation's largest general farm organization is concerned that excessive and unnecessary regulations are imposing a tremendous burden on our industry and the economy as a whole. All too often, regulations are promulgated with very little regard for the costs that they impose on individuals and businesses. As a result, jobs have been eliminated, competitiveness in world markets has been hindered and economic growth has been retarded.

AFBF supports your efforts requiring that the Department of Environment, if created by passage of S. 171, must analyze the direct and indirect costs and benefits that would result from regulations it will promulgate. Further, by mandating that no regulatory actions may be taken unless benefits clearly outweigh costs, your amendment will advance the cause of rational analysis in the regulation of economic activity. Ultimately, we hope that an enhanced measure of common sense and careful evaluation of cost/benefit analysis will be applied to the extensive regulation-generating bureaucracy throughout the federal government.

AFBF supports the amendment you will offer during consideration of S. 171. Thank you for your efforts.

Sincerely,

RICHARD W. NEWPHER,
Executive Director, Washington Office.

CITIZENS FOR A SOUND ECONOMY,
Washington, DC, April 27, 1993.

Hon. Senator ORRIN HATCH,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR HATCH: Government and private sector estimates alike find the cost of federal regulation to range between $430 and $562 billion per year. Too often, these costs imposed on the public outstrip the benefits. And the public has noticed. A March 1992 poll by Penn & Schoen Associates found that 77 percent of the public favors legislation to establish a budget limiting new regulatory costs.

Your proposed amendment to legislation elevating the Environmental Protection Agency (EPA) to cabinet level would be a crucial first step toward bringing the largely unmonitored regulatory burden under control. This amendment would require the EPA to inform the public of the costs of new regulations. It also would impose a cost cap that would limit the EPA's regulatory burden. The costs of any new regulation would have to be offset by reductions in—or the elimination of—existing rules.

The ill effects of poorly designed regulations are significant. Excessive or unnecessary regulations are interfering with capital formation, strangling productivity, lowering U.S. competitiveness and creating needless unemployment. This is due in part to the fact that only a small fraction of the regulations issued each year are subjected to the stringent benefit cost review necessary to keep burdens manageable.

CSE strongly believes that the path to a thriving, vigorous economy often lies in regulating less rather than more. Your amendment explicitly recognizes the importance of regulatory reform. In harnessing regulatory growth, the amendment will not block the issuance of any necessary regulation: it simply will require the EPA to ensure that regulatory benefits outweigh costs and that counterproductive rules are scaled down or eliminated when new rules are enacted. We urge you to support their efforts.

Sincerely,

JAMES L. GATTUSO,
Vice President for Policy Development.

Mr. HATCH. Mr. President, I do not mean to overburden my colleagues with continual discussion of this. Can the department revise regulations required by statute? Of course it can. Can it do a cost-benefit analysis? Of course it can. Can it weigh benefit and costs against the regulatory effects? Of course it can. And if it cannot, it ought to. And if it ought to, there ought to be a way of doing it.

All my amendment does is it says we are going to find that way. I am sick and tired of our people being burdened out there.

Mr. BENNETT. Will the Senator yield for a question?

Mr. HATCH. I will be happy to yield.

Mr. BENNETT. Unburdened with a legal education, I need a little help in understanding the language here, and I ask the Senator if he would please comment. I ask the Senator from Utah if he would please comment on the suggestion that has been made on the floor that says that this would be beyond the capability of the bureaucrats in the proposed department because they would be unable to put particular benefits on? Is the language of the senior Senator from Utah sufficiently onerous, from his legal background, that it would have that effect?

Mr. HATCH. We believe the language is not onerous. We believe that these very talented and effective people in the Department of the Environment, the future Department of the Environment, are more than capable of meeting the requisites of this particular amendment. And we think that, yes, they are going to have to really look at it for the first time. They have not had to do this before. But I think it is time for someone to speak for the people out there and say, well, it is time to start doing this, it is time you start looking at effects and causes of your regulatory activity, and, if you will do that, maybe you will find a better way of regulating that is less onerous and burdensome.

Mr. BENNETT. Mr. President, does the Senator agree with me that it would be beneficial for the Nation if the officials of the Department of the Environment were to start thinking about cost-benefit analysis, which apparently is not part of their pattern at the moment?

Mr. HATCH. My colleague makes a very good point, and I appreciate it. The Department, if this amendment passes, must comply with the statute involved. But if a regulation can be revised to achieve the regulatory objectives in a more cost-effective manner, then the Department may make the revisions. Now, this allows the Department to be flexible in regulatory approaches that change with new technologies and shifts in the economic market and what are the regulated entity functions. Nothing in this amendment would hamper the Department from coming back to the Congress and letting Congress know that mandates and statutes passed in the past need to be altered in order to effect a more effective regulatory policy.

I think we have to realize that when we pass statutes we have to set priorities for the Department and sometimes those priorities need to change. So we should encourage the Department to communicate with Congress to let us know if a statute has become inflexible or ineffective. Then we can make necessary changes and that way the Department can make sure that the American people get more bang for their environmental buck. It makes sense, and I do not think there is anything in this bill that the Department cannot do if it makes up its mind to doing it. All we are saying is maybe it has not been done before, maybe it will be difficult, but it sure will be worthwhile.

Mr. BENNETT. Mr. President, if I may comment, the senior Senator from Utah speaks of his experience during the recess going throughout the State. I still have fresh in my memory the experience of the last election, going throughout the State for a period of months, not just weeks. And I can report to you and the Senate that the only agency of Government that I heard more about than the Environmental Protection Agency in terms of citizen resentment was the IRS. I think the EPA is now running the IRS a very close second and soon will overtake them, with the one common theme going through all of the statements made being "these people have no common sense" and "they have no sense of what it costs us to comply with regulations that are not based in common sense."

If I understand the amendment of the Senator, it would force the people in EPA, or whatever they eventually are renamed, to begin to think in terms of what it costs the Nation, costs those people who are faced with these regulations. Based on my experience, I think that is a very salutary change in the mindset that this agency needs to go through if it is to survive with any kind of public support at all, because right now, as the Senator from Utah has demonstrated in citing figures from the polls, there is very little public confidence in this agency at the moment.

I thank the Senator for yielding.

Mr. HATCH. I thank my colleague. Mr. President, I know there are other colleagues who would like to speak. Let me make a few more points that I think should be made in the RECORD in view of the comments that have been made by my friend from Montana.

At this particular point, let me place in the RECORD an excellent article by Jeanne Saddler in today's Wall Street Journal. It is entitled, "Concern Over Taxes, Regulations Stifle Expansion Plans." Subtitle: "Small Manufacturers Will Curb Capital Spending, Job Growth, Survey Shows."

It starts out by saying, "The Clinton administration is counting on small manufacturers to create jobs. But many plan little or no expansion because they are worried about new Federal taxes and regulations." Then it goes on and makes some very important points.

But let me just read one other paragraph before asking that it be placed in the RECORD.

> We're holding our employment down because we're very worried about additional punitive regulations from the Environmental Protection Agency, the Labor Department's Occupational Safety and Health Administration, workers' compensation and potential health care coverage requirements, Mr. Tomlinson said. He said his company, which employs 100 people is "growing every year," but we won't grow with these regulations hanging over our head."

It is a pretty doggone interesting comment that I am hearing everywhere in this country.

One other:

> With all these regulatory and tax burdens, you wonder why you should get up in the morning and beat your brains out. Being in business is just not fun anymore.

I ask unanimous consent that that article be placed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 29, 1993]

CONCERN OVER TAXES, REGULATIONS STIFLE EXPANSION PLANS

SMALL MANUFACTURERS WILL CURB CAPITAL SPENDING, JOB GROWTH, SURVEY SHOWS

(By Jeanne Saddler)

The Clinton administration is counting on small manufacturers to create jobs. But many plan little or no expansion because they are worried about new federal taxes and regulations.

In a National Association of Manufacturers survey of 8,000 small manufacturers released yesterday, most companies said they anticipated only modest gains in capital spending and employment this year, even though expectations for the economy are brighter than they were during most of last year. Many members of the NAM's Smaller Manufacturers Council, visiting Washington for a legislative conference, said the prospect of new labor regulations, energy taxes and President Clinton's coming health-care proposals is stifling expansion plans.

Half of the surveyed companies plan to keep their capital spending unchanged or hold increases to 5% or less in 1993. About 64% have similar plans for employment. Last year, capital spending remained static or rose up to 5% among 53% of the firms polled. Employment changes stayed within those limits at 60% of surveyed concerns in 1992.

Nearly 18% of those surveyed said they planned to reduce employment this year and nearly 19% said they expect to cut capital spending from last year's level.

"Uncertainties about higher taxes, increased regulations and legal costs and the Clinton economic plan are preventing small firms from generating meaningful job growth," NAM President Jerry Jasinowski said.

Of course, a major improvement in the economy could change many plans. But for now, even some small manufacturers that could grow say they are holding back. "I could expand employment 50% but I'm not doing it," said Bob Tomlinson, president of the Foundry of the Shoals Inc., a Florence, Ala., firm that makes iron castings. He said he doesn't intend to hire any additional permanent workers this year.

"We're holding our employment down because we're very worried about additional punitive regulations" from the Environmental Protection Agency, the Labor Department's Occupational Safety and Health Administration, workers' compensation and potential health-care coverage requirements, Mr. Tomlinson said. He said his company, which employs 100 people, is "growing every year. But we won't grow with these regulations hanging over our head."

Ruth Stafford, chairwoman of the NAM council and a vice president of Kiva Container Corp., said the proposed energy tax in Mr. Clinton's economic package would cost her Phoenix company about 1% of its almost $10 million in gross annual sales.

"So many companies are on the brink of profitability, and they [administration officials] are proposing things that go right to the bottom line. You can't expand or look at equipment because no bank will finance it if you don't have the cash flow," Ms. Stafford added.

Lex Taylor, chairman of Taylor Machine Works Inc. in Louisville, Miss., said he worries about criminal penalties included in OSHA legislation proposed by Mr. Clinton. And the president's proposed tax increases for small corporations that pay taxes at the individual rate would be several times larger than the proposed increase for big corporations, complained J. W. Kisling, chairman of Multiplex Co., a St. Louis concern that makes and sells beverage-dispensing equipment.

In the NAM survey, small manufacturers said their top concerns are proposals to expand federal worker safety rules and energy taxes, and the need they perceive for change in product liability laws and for a permanent investment-tax credit that would apply to more manufacturers than Mr. Clinton has suggested. Many small manufacturers have annual sales above $5 million, the proposed limit for the permanent credit.

The requirements of federal laws passed before Mr. Clinton took office, such as the Americans with Disabilities Act, also worry some small business owners. "With all these regulatory and tax burdens, you wonder why you should get up in the morning and beat your brains out," said Ms. Stafford. Being in business "is just not fun anymore."

Eatery owners press fight against cutting business-meal tax deduction.

About 200 restaurant owners from around the country are expected to lobby on Capitol Hill today, adding force to a letter-writing and telephone-calling campaign. The Senate Finance Committee plans hearings today on the Clinton administration's proposal to cut to 50% the 80% tax deduction for business meals. The National Restaurant Association claims that reducing the deductibility of business meals would cost the U.S. economy 165,000 restaurant-industry jobs because of reduced business.

Chip Berman, co-owner of The Outta the Way Cafe in Rockville, Md., a Washington suburb, will lead the charge for the association by testifying before the Senate committee. The business-meal deduction "is being billed as the last remaining loophole for rich folks in three-piece suits dining at fancy restaurants and writing it off on an unsuspecting public," says Mr. Berman. "But the majority of business meals take place in low-to-moderately priced restaurants like my own." He says his cafe seats 100 customers and has annual revenue of about $1 million.

Mr. Berman claims there is little he can do to cut costs to offset lost business, largely because of increasing taxes and fees. He applies what he calls "cheeseburger logic" to the problem.

In order to pay thousands of dollars in proposed new taxes and fees, he estimates he would have to sell 150,000 more cheeseburgers next year, at his price of $5.25 each. "People love our cheeseburgers, but not quite that much."

Value added tax attracts strong opposition from small-business groups.

The VAT, a kind of national sales tax, has been mentioned as a possible means for the Clinton administration to pay for a new health-care system. For small business, the biggest burden would be keeping records on tax due on items at each stage of production, says the National Federation of Independent Business.

A 1990 study conducted for the Federation on the VAT in Great Britain showed that British firms with fewer than 15 employees spent 2.5% of operating costs complying with the tax, while companies employing as many as 500 people spent 0.07% of operating costs.

Mr. HATCH. Mr. President, the distinguished Senator from Montana seems to argue that this would create additional burdens for the agency, for State and local governments, and business. That is a well-worn-out argument. Yes, this may create new burdens on the Department, but, frankly, I am concerned at the creation of new burdens on our constituents.

Speed and expediency—he has argued that the delaying of these regulations would create these problems. Well, speed and expediency should not be the goal of regulatory policy.

How many times have we, Mr. President, been approached by community leaders and small business people requesting agencies to reconsider regulations that have obvious unintended, adverse ramifications? Could these damaging effects of regulatory policy have been avoided if we had taken time to examine them more carefully before issuing them in the first place?

All I am asking is that we examine more carefully an offset. We cannot have regulations for regulation's sake, merely because we want them on the books. My amendment would force the Department into equally offsetting the burdens. For each new dollar in cost there has to be an equal dollar in savings. That is all I am saying. Many regulations we still have to have because they are worthy. They are worthwhile. They are important. But we ought to have to set priority choices among these regulations.

The estimates, some argue, used by the agency to quantify the costs and benefits of the regulations may be challenged in courts, as the distinguished Senator from Montana points out, thereby stalling the regulatory process. Is it fair to saddle the Department with these new requirements that I would have in this particular amendment?

Well, less than 5 percent of all rules promulgated by the Federal Government are analyzed to determine the costs of complying with the new rule—less than 5 percent. No wonder our business people do not think it is worth getting up anymore, going out there and banging their heads up against brick walls.

Of the $5 billion of estimated new costs associated with regulation in just 1992 alone, the EPA accounted for nearly $14 billion of the $15 billion, according to the OMB in July 1992. And most of those regulations reviewed make little attempt to identify the intended benefits of proposed regulation.

I am asking them to do that. This amendment says let's identify it. Let us look at it. Let's be fair. Let's analyze it. Let's quantify it if we can. This review is the prerogative of the judicial branch. However, those that argue we should not determine the cost of regulation because of judicial review, which my friend from Montana seems to be arguing, imply that it is OK to carry on business as usual.

I do not know how his people feel up there in Montana, but I have a pretty good idea they are not too much different from my folks in Utah. From my travels in Montana, I have sure found it to be the case. I have to say I think this amendment would be something they all would give a hue and cry in favor of.

Now, if we do not do this amendment, just because we might be afraid that there might be some litigation coming out of it—hey—it would be litigation the other way for a change. Doing nothing allows the Department as well as other agencies and departments to pile new burdens on top of the old with no accounting whatsoever. Only 5 percent do they even look at; 95 percent they just keep piling it on. I would call my amendment the anti-pile-it-on amendment. I am so sick of what they are doing.

That does not mean I am against good environmental regulation. However, according to EPA estimates, some environmental regulations cost between $6.9 million and $3.5 billion per life saved. If we do not assess the impact of taking those resources from other sectors of the economy, we may never know what effect that $3.5 billion loss may have incurred in other deaths, illnesses, lost jobs, decreasing wages, health benefits, and the like.

Just think about it. Those are important issues, too, not just how much lead is in the air.

This information will allow the American people to assess whether the increasing costs of environmental regulation outweigh the benefits.

Those that argue against analyzing regulations desire to hide the true cost of regulation: $564 billion overall, and $122 billion annually for the environment regulations in 1992 alone, according to Prof. Thomas Hopkins, of the Rochester Institute of Technology. Regulations are not free. They may be essential; but they are not free. They are not all essential. Someone must pay the costs, either the business community, State and local governments, or the American people. If we do not account for these costs, they are going to remain a hidden tax on the American people and regulations are eating us alive.

My folks in Utah are darned sick and tired of costly environmental regulations. I think, if I do not miss my bet, they are getting tired of these same regulations all over this land, according to that recent poll that I cited, regardless of judicial review. That is a pretty pitiful argument, in light of all the litigation that comes the other way that is eating up the livelihoods of everybody in public land States.

This amendment forces the Department to better target its policy efforts. Regulators would have to define or refine scientific knowledge of policy consequences, and they would have to explore other regulatory alternatives that can include performance-based standards and other market oriented approaches. This would increase the flexibility and the efficiency of Federal regulations.

I think it is time someone stood up and controlled rising regulatory burdens. That is my intent. I hope my colleagues will give consideration to this amendment, because I think people back home are going to say: Right on; it is about time. We are not asking you to do away with good regulations. We are asking you to make sense in all those regulations.

I know my colleague from Rhode Island has been standing for a long time and would like to speak, so I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, the distinguished senior Senator from Utah certainly raises good points, but I do believe those points were addressed earlier today. Let us just look over what has happened already today.

The Johnston amendment, for example, mandates new comparative risk assessment. This is going to force EPA to prioritize. Moments ago, we adopted the Murkowski amendment. That deals with the cost-benefit analysis. As you know, what it does is inform the public. The cost-benefit analysis is made. So we require the EPA to determine and publish this data.

But the trouble, it seems to me, with the amendment of the Senator from Utah, is that good parts of it have already been addressed, and the difficult parts of it go too far.

It creates, indeed, havoc.

I would like to, if I might, address a couple of questions to the Senator from Utah, because it seems to me what he is saying is that if Congress passes this legislation, which subsequently requires regulation, then he is going to turn it over to these bureaucrats to determine whether or not we want to go forward with it. So what he seems to be saying is, we have met the enemy—it is like Pogo—we have met the enemy, and they are us.

The evils reside here in the Congress of the United States, in the Senate and the House, because we have made these assessments. We have determined that we are going to go ahead and do it.

Let me ask the Senator from Utah a question, if I might. If I might refer back to the illustration I gave before, the Senator was here in 1990 when we passed the Clean Air Act. The Clean Air Act; in that, we said we are going to phase out CFC's, chlorofluorocarbons. Why are we going to phase them out? Because they do damage to the ozone layer.

Under the Senator's proposal, this is what would happen. Clearly, when we passed the statute such as we did in connection with the CFC's in the Clean Air Act in 1990, there had to be some follow-on regulations. So under his proposal, this is what would occur. If I am wrong, I would be delighted to be straightened out.

We in the Senate and House determined we are going to get rid of CFC's. Then it goes to the bureaucrats. The bureaucrats then, under his proposal, would sit down and make an analysis. If you get rid of all CFC's, with no substitutes, there are not going to be any refrigerators left in the United States; no-air conditioners, likewise. So there has to be a substitute.

Now, Du Pont and other companies have developed alternate CFC's, but these are expensive. It is clearly easy to tabulate what these are going to cost. Let us say it is going to cost $40 billion. So then the bureaucrats would sit down and say: Let us see; $40 billion to get rid of some holes in the ozone layer. We will figure that out. We are going to put a cost to those holes. We figure that those holes do not really cause that much trouble. Oh, yeah, some people may get skin cancer. You can figure that out. So we come to a conclusion that the damage to the ozone layer is only $10 billion, and the cost to replace the CFC's is $40 billion. Therefore, no regulation; we will not go forward.

Who is in charge? We have made a calculated vote right here in the Senate—we were all present—we were going to get rid of CFC's. We made the determination. Under the Senator's proposal, as I understand it, we do not have that right anymore. We are turning that over to the bureaucrats. Have I missed a beat in here? If so, I would be glad to be enlightened.

Mr. HATCH. Mr. President, let me try to respond, as best I can, to my friend from Rhode Island. Of course, the passage of legislation, the authorizing bills, would move the regulations to the forefront of the Department's regulatory list. There is no question about that. The amendment would not stall in any fashion the promulgation of new regulations implementing the will of Congress and these new laws, not in any way. They would be subject to the provisions of the amendment. But that is the essence of the amendment: Replacing a low priority, or duplicative regulation now on the books with a higher priority, based on new congressional intent.

That is all we require. I have no doubt that they would be instituted.

Mr. CHAFEE. Mr. President, will the distinguished Senator help me out?

On the top of page 3 of the printed amendment, it says as follows—we are back to my illustration. The illustration is that the cost is $40 billion, and the benefit is $10 billion; $10 billion is the determination of some bureaucrat somewhere.

So then he turns to page 3—and, by the way, to implement all of this, the bureaucrat has to get out some regulations. Up in the top of page 3, it says as follows:

> No regulatory actions may be taken unless the specific benefits from a specific regulatory approach documented under paragraph so-and-so clearly outweigh the costs documented under paragraph 1.

So we have the situation here where the benefits not only do not clearly outweigh the costs, but the benefits, under his determination, do not come anywhere near the costs. So he says, "I am not issuing any final regulations."

Can the Senator straighten me out?

Mr. HATCH. That is the language, Mr. President. What it basically says is that the agency work with Congress, and Congress would work with the agency, clearly in the order of what is a priority consideration, a vote. Frankly, all we are saying here is that they could not take final regulatory actions without clearly showing that the benefits outweigh the costs. To me, it is time to do that.

Mr. CHAFEE. Mr. President, we have a whole new group of people determining what is law. I mean, I hired on in this job to use my judgment. The people sent me here. I did not hire them; they hired me. I am an employee of the people of the State of Rhode Island. They sent me down here to take some responsibility; not to turn it over to some unknown in some Department.

I stood up and I said I am against CFC's; I think they are dangerous to what is happening to the global environment; I do not want them. The people in Rhode Island know I feel that way.

So I took a vote, as did the Senator from Ohio, the Senator from Utah, and the Senator from Montana. We all did. We passed that bill. As the Senator will recall, it passed something like 87 to 11, or something in that fashion. Clearly, in that, we are going to get rid of CFC's. We are not leaving it up to some fellow over in EPA to determine whether we are going to get rid of CFC's. We made that decision.

Indeed, as the Senator recalls, it was not just a part of a great big bill. We had specific votes on that very subject, as the Senator from Montana so clearly remembers. The CFC's were added to the legislation when it came to the floor. We had an up-or-down vote on it.

Mr. BAUCUS. If the Senator will yield for a question, I would like to ask the Senator, in addition, does this language not say "regardless" of the Department of the Environment determination that the benefits clearly outweigh the costs? Nevertheless, a proposed regulation cannot be implemented if it has any costs at all, unless a corresponding other regulation is revoked or amended or cutback. Is that not what this language says?

So it is really a two-part test. First of all, the benefits have to clearly outweigh the costs. But even if the benefits do clearly outweigh the costs, if it is a regulation that has, say, $1 billion of benefits but 500 million dollars' worth of costs, even though the benefits clearly outweigh the costs, under this amendment that regulation could not go into effect at all because it had some costs, unless the Department of the Environment were to go back and repeal or modify some other regulation that costs about $500 million; and even if it did that, the Department is under no compunction to determine whether the benefits revoked are correct. We are giving that much more authority to the Department. Is that not what it says?

Mr. CHAFEE. That is the way I read it. And no one will accuse the Senator from Utah of favoring bureaucrats. He is a strict governmentalist, and rightfully so. But it seems to me this is what has happened. Just follow through with my illustration. Let us say that the bureaucrats decide, well, we will write those regulations for CFC's, and then we go on and 2 years from now we pass another one that might be dealing with hospital waste washing up on beaches or something; we are going to control that, and that is going to require regulations. They might go back and repeal the regulations dealing with the CFC's. So some unknown down there suddenly eliminates a law we have on the books. I do not get it.

Mr. BAUCUS. That is the question. In effect, a bureaucrat downtown, by repealing regulations, whichever they might want to repeal, is repealing laws we passed here that require promulgation. Is that not the effect?

Mr. CHAFEE. Yes. One other illustration. Let us say a regulation is going to save a life, but the cost of the regulation is $1,000. Well, I think that is easy. I think the bureaucrat would say certainly a life is worth $1,000; so I will approve that regulation. But the next regulation that comes along is going to save a life, but it is going to cost $1 million. Now what? Which way do you go? Is this the kind of thing we are going to leave to some bureaucrat?

Mr. HATCH. Mr. President, I hate to disparage these crocodile tears about our poor bureaucrats down in the central part of this town, who cannot possibly figure out how to do a cost-benefit analysis and how are they going to do it from a regulatory standpoint. We pass legislation all the time whose impact Congress does not anticipate. These laws and their accompanying regulations are detrimental to the public.

All I am asking is that we establish a priority system to this regulatory mess and have regulations justified. Your example of CFC's, I think, is a good one. The example of the chlorofluorocarbons is a good one. We hope that the deputies down in the Department of the Environment will work closely with the Members of Congress as legislation is crafted to ensure that future regulations and statutory language would give us the best bang for our environmental buck.

But, look, you seem to be saying to me that we do not want some regulator in downtown Washington, DC, second-guessing us in Congress when we tell him or her we want to get rid of the chlorofluorocarbon problems. Why, do we want to just let regulators go free, without any responsibility from a regulatory standpoint? That seems to be the other side of the coin. I just am not willing to do it anymore.

My colleagues in the Senate may vote my amendment down tonight, but I think they are going to do it, if they do, with a disturbing lack of consideration to the people out there who are being killed by these regulations.

All I am asking is to make priority changes. If chlorofluorocarbon dismissal is a great choice—and I agree that it is—do it; prioritize it. But do not hang us with a bunch of other regulations that are eating us alive. Offset it so we can get rid of less priority regulations and make it easier on our people. We keep piling it on and piling it on. This anti-pile-it-on amendment, it seems to me, makes sense. I cannot imagine anybody not making sense out of it.

Mr. BAUCUS. If the Senator will yield.

Mr. CHAFEE. I yield, Madam President.

Mr. BAUCUS. I ask the Senator a question. I think the Senator from Rhode Island and the Senators from Ohio and Utah all share the same objective, namely, find some reasonable or responsible way to get a handle on excessive rules and regulations. That is clear.

There is no Senator who is not determined and dedicated to finding some way to get rid of excessive rules and regulations. I might say to the Senator from Utah that the Senator from Montana and Senator CHAFEE and other members of the Environment and Public Works Committee are very concerned about this issue. In fact, as the new chairman of the committee this year, I decided the first hearings this year should not be to go back and automatically reauthorize the basic environmental statutes, the Clean Water Act, et cetera, but, rather, to hold a series of hearings which I call taking stock hearings; that is, taking stock of our environmental laws and trying to determine which ones work and which do not work so we can get a handle on this.

We are very cognizant in the committee of the complaints that we hear from States and that we hear from business people around the country. We want to get a handle on this, too. Part of this, in my judgment, is that there is excessive command and control in American environment statutes today. I think command and control provisions have begun to reach a point of diminishing returns. They are very effective in many ways, but I think in American history they now tend to have the effect of causing, in some cases, excessive costs. I think sometimes they cause the kind of arrogance that sometimes does occur with EPA, as mentioned by the Senator from Wyoming, the Senator from Alaska earlier today, and I think the Senator from Utah made the same point. So we are attempting to address that.

In addition, I say to the Senator, it is my intent as much as possible to try to break down what I regard as the religious wars between conservationists and environmentalists on one hand, and business and economic development on the other. How? One approach that I think we should pursue, which is very important, is the development of environmental technologies—not only the tailpipe, which I think is important, but preventive technologies and a life cycle of planning technologies, very much as advocated by very responsible major American companies, Dow Chemical, for example, and Motorola, 3M, and others.

Why do I say that? Essentially, because that is what other countries are doing—Japan and Germany, for example. And American companies, which are multinational companies that compete worldwide, are doing that. Those companies, therefore, recognize to compete, from the competitive point of view worldwide, they have to do that here in America, too.

Now, the basic point is we are very cognizant of the concerns of the Senator. I am very cognizant of it. And we are doing what we can to address it.

Let us take the Safe Drinking Water Act. The burdens on smaller communities have made it an almost impossible task.

Mr. HATCH. It is killing them.

Mr. BAUCUS. It is killing them.

We in the committee are going to be authorizing legislation, I hope, in the Appropriations Committee to provide dollars particularly for smaller communities to meet some mandates of the Safe Drinking Water Act and go back and look at them. In many cases they formulated those regulations in a way that are excessively burdensome.

I also wish to remind the Senator we did pass the Johnston amendment.

Mr. HATCH. If the Senator will yield, I would like to work with the Senator on that.

Mr. BAUCUS. I know other Senators want to speak.

Mr. HATCH. If I could comment to the Senator, I appreciate what the Senator is saying. I know he comes from the West, and I know his people in Montana feel exactly like my people in Utah. They are just tired of it.

Frankly, I know the distinguished Senator from Montana is working hard to get reason in the system. That is what I am doing here. And I will clarify one point after the Senator is through, that I think makes it. If he will let me, I will do it right now.

Mr. BAUCUS. Yes. If no other Senators wish to speak, I am about to close.

Go ahead.

Madam President, the Senator from Rhode Island, I think, has the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, let me clarify one key point.

I have been informed there is a lot of confusion about this point, and that is that this amendment does not say "notwithstanding any other provision of law," so that regulations specifically required by statute could be overridden. But that is not the case.

Regulations specifically mandated are implicitly not covered by this amendment. However, there is a much, much larger body of rules and regulations that agencies issue that are strictly interpretive, in some cases. I am not even convinced that some of these agencies have correctly interpreted congressional intent.

These regulations would be subject to revision and revocation under my amendment, and those regulations are fair game.

This amendment makes a lot of sense. I really have a rough time seeing why anyone cannot see that, who goes home and talks to his or her people. I wanted to clarify that point, because I think it is an important point.

Look. I, personally, believe that all of us here have the same goals in mind; that is, we would like to get the burdens off our people, that are not justified. How best do you do it? This amendment—we worked on it for a long time—is in the form of a bill, but we decided to bring it up here, and I have been working on it for years. This amendment does help us. I think it makes sense.

I have made most of the points I care to make. I would be prepared to go to a vote any time anyone wants.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. HATCH. Madam President, will the Senator yield for one last question?

Mr. GLENN. I yield without losing right to the floor.

Mr. HATCH. Madam President, I ask unanimous consent to add Senator WALLOP as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. GLENN. Madam President, I listened carefully this afternoon, and patiently. I wanted to get involved a couple times, but I did not. I want to speak my piece on this before we get around to a vote on this.

The Senator from Utah addresses a problem that has been a growing problem for some years. It has almost grown exponentially, I think, in the interest of the people out there.

But it sort of strikes a raw nerve with me when the Senator from Utah says we ought to start speaking for the people out there. Much as I agree with him, I would say that about 4 years ago I started working on this problem, because at that time we had enough people in Ohio, and other people writing in to us, who were concerned about this.

The Governmental Affairs Committee is charged with the efficiencies of Government. There may be some people who think the efficiencies of Government is an oxymoron itself. I do not.

We started back at that time on the Governmental Affairs Committee, and we expanded the Inspectors General, which has been good. We put the chief financial officer legislation through. We had the high-risk list of things in Government by both GAO and OMB. Those were some of the big picture items. But we also went to work at that time on this issue of rules and regulations, and the inundation of businesses and small communities by what was going on.

We had at that time in the White House, in the Office of Management and Budget, the Office of Information and Regulatory Affairs. IRA has to look at all these things. They are supposed to.

I worked for a year and a half with Dick Darman, as head of the OMB, to get agreement on exactly how we were going to review rules and regulations. We worked for a year and a half and had this thing well worked out. And at the end of the Congress, before the last few days, we had it ready to come to the floor. We had the administration behind it, supposedly, and I brought it to the floor.

What I ran into in the last couple days—you may recall this—on the floor, I had the legislation here. I agreed with the administration. I ran into an anonymous hold on the Republican side. That is one of the more onerous things I ran into in my experience in U.S. Senate. It was an anonymous hold on the other side. I could not find out who. By the time I found out and I went to talk to him, there was another person. By the time I figured out who it was, we were out of session for the year.

Then we found out what was going on. That is when the Council on Competitiveness came into existence. That was sort of the superview of all this bill on rules and regulations.

We had hearings on this to try to figure out what was going on. I wanted to stop all this expansion of rules and regulations that have gone on unabated, out of control, over the last few years, almost.

So I have been concerned about this for a long time. And I have worked through the committee and with other committees trying to do something about this. I share the concern. And they have gone up.

The Senator quotes from a study out of Columbus, OH. I am familiar with what the mayor and city did there. I did not bring the figure with me. But they quoted that in 1991 they figured they had $62 million going to environmental purposes. By 1995 it will be up to $107 million. I think those are very, very real figures.

But when we tried to change the procedure and tried to get the review of rules and regulations on a solid basis over there, we were completely thwarted. That is one of the reasons why this thing has just gone all out of proportion over the past 3 years now, when we thought we had an agreement on how to do this, on how to cut paperwork, how to cut duplication.

So, now we are out here with everybody being very concerned about this and coming forward with a number of things that takes the Nickles approach, or this sort of a similar approach here.

But let me just go back a minute. Rather than put another layer of duplication on here, let us go back to the regulation or the Executive order that was signed by President Reagan back in February 1981. I submit, if we made it work, if we made it work instead of piling a new level of complexity on to things, if we made it work, which it was intended to do, it would solve many of the problems we have here.

Let me just quote from this. The Executive order was signed by President Reagan on February 17, 1981. It has as its general requirements—these are general requirements now, not specifies; I will get to the specifics in a moment. The general requirements:

> (a) Administrative decisions shall be based on adequate information concerning the need for and consequences of proposed Government action.
>
> (b) Regulatory actions shall not be undertaken unless the potential benefits to society for the regulation outweigh the potential costs to society.

There is a cost-benefit requirement right in the Reagan Executive order. I will repeat, since the Senator has been a little bit distracted there. I said the Executive order of President Reagan requires in part (b) of section 2: Regulatory action shall not be undertaken unless the potential benefits to society outweigh the potential costs.

The cost-benefit ratio has been required by Executive order and has been there since 1981.

Mr. HATCH. Madam President, will the Senator yield on that just for one comment?

Mr. GLENN. For a comment, but not for a long statement.

Mr. HATCH. Certainly not.

But that certainly has not been implemented and certainly has not been effective.

Mr. GLENN. It has been 12 years of this. It should have been implemented.

Mr. HATCH. This amendment would implement it. This amendment would say to Congress this is what is going to happen. It is not an Executive order. We tell them it is over.

Mr. GLENN. Let me continue this.

> (c) Regulatory objectives shall be chosen to maximize the net benefits to society.
>
> (d) Among alternative approaches to any given regulatory objective, the alternative involving the least net cost to society shall be chosen.

Let me go on with the next one.

> (e) Agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society, taking into account the condition of the particular industries affected by regulations, the condition of the national economy, and other regulatory actions contemplated for the future.

Now those are the general requirements, the general objectives.

Now, each agency, then, when they send over to OMB a proposed major rule, have to prepare a regulatory impact analysis, RIA.

Now, what does it require, then, to meet the general requirements? Let me go through those, because I think they do exactly what people have been talking about on this floor all day yesterday and most of the day today. Let me run through those briefly.

It says that "Each preliminary and final Regulatory Impact Analysis shall contain the following information."

Now, these are the details of what has to be in these impact analysis statements.

"(1) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms"—which is what the distinguished Senator from Rhode Island was talking about a little while ago—"and the identification of those likely to receive the benefits;

"(2) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms"—what we were talking about awhile ago—"and the identification of those likely to bear the costs."

Now that is what is required as No. 2.

"(3) A determination of the potential net benefits of the rule, including an evaluation of effects that cannot be qualified in monetary terms;

(4) A description"—listen to this one, because we have just been through a discussion of this—"a description of alternative approaches that could substantially achieve the same regulatory goal at lower cost, together with an analysis of this potential benefit and costs and a brief explanation of the legal reasons why such alternatives, if proposed, could not be adopted."

They go ahead with the last one, No. (5), which deals with any legal reasons why a rule cannot be based on something or other.

Now, I do not see for the life of me why it does any good. It is like having a committee to investigate other committees, to investigate advisory groups, to investigate something else. We are piling one layer of bureaucracy one another.

I was shocked earlier today when Senator NICKLES was proposing on the floor of the Senate that we add 200 more people to GAO, if that is what is required, in order to accomplish this thing. We are hiring in order to accomplish some of these things, had we passed that legislation.

We voted down President Clinton's stimulus package a couple of weeks ago here. Is this the new answer from across the aisle that we are going to hire those people in Government? We are trying to cut down employment in Government, not expand it.

I just do not see the purpose.

Let me continue out of EO–12291, the Executive order, when it comes back to how the information will be promulgated which we have been talking about.

It says, under regulatory agendas. under section 5.

> (a) Each agency shall publish, in October and April of each year, an agenda of proposed regulations that agency has issued or expects to issue, and currently effective rules that are under agency review pursuant to this Order. These agendas may be incorporated with the agendas published under 5 U.S. Code 602, and must contain at the minimum:
>
> (1) A summary of the nature of each major rule being considered, the objectives and legal basis for the instance of the rule, and

an approximate schedule for completing action on any major rule for which the agency has issued a notice of proposed rulemaking;

(2) the name and telephone number of a knowledgeable agency official for each item on the agenda;

So people can call up and find out what is going on.

"(3) A list of existing regulations to be reviewed under the terms of the Order," and so on and so forth.

But that is most of the heart of this thing anyway.

The point being this: We have been living with a way of coping with this thing, of trying to make regulatory review mean something that has been in this Executive order since 1981. Now everybody is all excited and now we are going to do all sorts of things, propose all sorts of new regulations here, hold everybody's feet to the fire, and say we have a reg offset here.

This is the money offset. This is a reg offset now, because you have to kill one to get one, I guess. You have to knock one out to get a new one. And we have to pay as we go. That is not all bad.

But for all proposed new regulatory actions that will generate any costs, as the distinguished Senator from Montana pointed out, if it costs a penny, if it costs 1 cent, then you have to propose, if it generates any costs, you propose a range of revisions or revocations of one or more existing regulations. It does not say you get money offset someplace else. You have to cancel another regulation to fully offset down to the last penny the reasonably anticipated costs of such proposed regulatory action.

Now, let me run through a few items here on this. I think the amendment is unnecessary, and I think, for obvious reasons of what I just read out of the Executive order, I think it is duplicative.

The proposed amendment duplicates current Governmentwide policy as implemented under Executive Order 12291 and 12298, also. These require the Environmental Protection Agency and the new Department to analyze the cost and benefits of regulations and to examine alternatives to mitigate potential impacts on small business and units of government.

So that is there now. It is required of the new Department. All we have to do is be sensitive enough to this, have our staffs get these reports that I said come out in October and April of every year, and we get our staffs to watch these things, and then we will know exactly what is coming out.

Maybe we, as Senators, can use our staffs and our committee staffs to cut out some of this nonsense before it gets promulgated out there with these thousands upon thousands of questions people have to ask.

And there is nothing more vexing to the people of Ohio and Utah and Montana than having to work through some of these requirements. I know that.

But we have the mechanism here. It is already there in the Executive order which has been in effect since 1981.

The amendment legislates existing and proposed policies that could be addressed administratively. And, in fact, OMB and the administration are right now examining ways to improve regulatory analysis as a part of the Governmentwide regulatory review and development initiative.

I do not propose to get into a big tit-for-tat back across the aisle here on the Council on Competitiveness, but that was one of the first things the new administration did, was do away with that council and start out on a regulatory review on the length and breadth of Government. The Vice President is leading that effort, and I want to work with him on that.

I think the amendment unfairly impacts the Department's regulations without addressing regulations promulgated by other Federal regulatory agencies.

For instance, if Congress wants to legislate new thresholds for regulatory action, then should these things just be applied to EPA? They should be applied to all regulations, not just those promulgated by the EPA or the new Department of the Environment. Why should they not go to the DOD? And they have a new way of promulgating these things, new hoops they have to jump through—Interior, Agriculture, everybody else.

The amendment seems to fail to address legislative intent in several areas where human health and environmental protection are given priority over cost-benefits considerations. That is in RCRA, the Resource Conservation and Recovery Act. The provisions requiring the Department to revoke or revise existing regulations to offset the potential costs of new regulations, I submit, would create chaos in Government.

Mr. JOHNSTON. Will the Senator yield on that point?

Mr. GLENN. Briefly.

Mr. JOHNSTON. We now have the waste isolation pilot plant built at a cost of some $1 billion, where we are trying to get EPA to come out with some new regulations. If this were passed into law, would they not have to withdraw those regulations and go back and find another set of regulations to offset whatever costs there were in putting those into operation, thereby delaying the $1 billion waste isolation pilot plant and, I might say, putting into absolute chaos all the plans of all the States who would then have to keep this transuranic waste in their own States and would not be able to put it there? Is that not what this would do?

Mr. GLENN. That is exactly the way I would read it. I do not think there can be any other interpretation placed on it. I think that is exactly the interpretation. I think it would tie up EPA's regulatory programs.

Talk about uncertainty of Government. Talk about business people wanting to know what they could rely on or not. I do not know what you could do that would create as much uncertainty about which regulations were in effect and which were not in effect. With this you would not know at any time whether, if someone put in a regulation, they would knock out one that you had built your business on a short time before. It would preclude EPA from issuing new regulations and impede the enforcement of those in compliance with current rules. I think it could also jeopardize enforcement of regulations which then may be revoked.

The benefits of many environmental regulations are intangible. The distinguished Senator from Rhode Island addressed some of those concerns a little while ago. I do not know how you quantify some of these things. How do you quantify—how do you put a cost-benefit on an expanded life expectancy that has occurred through the years because of something we did with regard to making a correction with pollution or with something else within the EPA realm? Those are not amenable to the rigors of normal cost accounting. Yet we know they are as valuable as human life. They are as valuable as saying we want a better existence while we are on this planet. How you assign a dollar value to that—I do not think you can do that.

Another area, current techniques for evaluating costs and benefits are unsuitable for making, as I said, a benefit-cost threshold the only criterion for promulgating regulations. A strict benefit-cost threshold for promulgating all these regulations creates a bias against environmental protection. The state of the art of costing methodologies is far advanced compared to our ability to quantify and monetize environmental benefits. With current methods we are often able to capture at best only the use value or benefit of a particular resource.

Another area, assessing the tradeoffs implied by taking a regulatory action is important, but reliance on a benefit-cost threshold alone is not appropriate. I think the administration would agree that evaluating the benefits and costs of a regulatory action is important, especially to inform the public about the tradeoffs inherent in any regulatory action. However reliance on a benefit-cost threshold as the only threshold for deciding to take a regulatory action is inappropriate, given what will be the new Department's mission and responsibilities.

Mr. President, I come back a little bit to where I started. Some of us have been working on this. I do not take second place to anybody in the U.S. Senate in my concern that we get this regulatory review process under control. As I indicated when I started out, I will be working on this, now, for about 4 years. I was very disgruntled when I was thwarted in the Congress before last at the end of the session from getting through what I had agreed with, with Dick Darman over at OMB, and how we were going to review regulations. The new Executive order had been put out some years before that by the President, by President Reagan. We were using that to do cost-benefit review as is required for every regulation that a department or agency sends over to OMB. So what we have been talking about for the last couple of days is already there. It is already in the Executive order.

If someone wants to just take the Executive order and say that is just an Executive order, it could be changed—I suppose that is something we should deal with. Maybe that is what we need to do, is take the Executive order and just make it into law so it cannot be changed. I would prefer not to do that at this time, I might say, because the whole system of regulatory review is under analysis and review itself right now by the Vice President and his group that is assigned to look at that. So this is a priority of the new administration, to look at regulatory review and how we are going to deal with it in the future.

But I really get a short fuse when someone says we all should start speaking out for people out there. Some of us have been talking about regulatory review—and not only talking about it but trying to do something about it for quite a number of years now. We are going to keep on. I think we have made a lot of progess in bringing some efficiencies to Government. I really do believe that.

The expansion of the inspectors general—in 1991 they brought 6,277 cases and prosecuted them before Justice—prosecuted them successfully. That is not the number they brought. They had successful prosecution in that number and got back, in my best estimate, somewhere around $1 billion. That is just a start. We are moving in this area. So I am proud of the action we have been able to take on the Governmental Affairs Committee.

We also put into effect the Chief Financial Officers Act. If you have a mom-and-pop government out there—mom-and-pop government? That is what we need. If you have a mom-and-pop business operation out there and mom says, "Dad, unless we correct this here where we are losing a lot of money, you and I are going to go bankrupt," they look at their accounts and they correct what the problem is.

If they get to be a little bigger business, if mom and pop expand up to being a bigger business, they have some other employees. They probably have a auditor, an accountant, and a comptroller. If they get to be a big business, what do they have? They have a chief financial officer who sees to the efficiencies of that organization, that they are properly run, that they are accomplishing the mission for which they are intended or they cut them out. It is almost inconceivable that the U.S. Government has never had a chief financial officer until just the year before last when we passed it. I am proud to say that was my legislation.

We passed that. For the first time, at the end of last year, we have chief financial officers, now, for the first time required to make a report on their agencies efficiencies. This is not the criminal procedure and abuse that is usually looked into by the inspectors general. This is the efficiencies of Government we are talking about. That is not an oxymoron phrase. I dispute that with anybody who thinks it is because we are making some progress.

We laid out the high risk list of Government—OMB. We have a potential liability across Government of some $6 trillion if all the insurance programs, all the loan guarantees, and everything else came to bear at one time—$6 trillion. So we are addressing that.

When we get those analyses, we send them right over to the departments for them to start working on. So it is not that we are not trying. We are. We are beginning to make—after a long period of time—some headway in this area of getting more efficiency in the Government.

I bring up those other items just to show this is not a lone effort out here in this area of regulatory review. That was addressed back at the same time we were trying to take care of the chief financial officers' operation and we were hamstrung, as I—I gave the reasons for that a few moments ago here.

My point overall is we have an Executive order. It covers all the same things, I think, that the Nickles amendment covered. I believe it covers the same thing that Senator HATCH is admirably trying to do. We have the same goal. I do not quarrel with that at all. I find people just as unhappy and ticked off in Ohio, and DALE BUMPERS goes to Arkansas and I am sure he and Bill Clinton have had the same kind of gripes all over Arkansas. That is the one reason when Bill Clinton came in the first thing he said is we are going to do regulatory review all over the Government. There was good reason. He had experienced what was going on at the State and local level. And that is underway right now and we are already working on it. We already had a couple of meetings with the Vice President on exactly this subject, about where we are going to go with this thing. We are working with Leon Panetta over there in this area of regulatory review and resurrecting some of these things that Dick Darman and I had agreed to and we could not get through on the floor for the reasons I mentioned a little while ago here. That was one of the more frustrating experiences in my life, anonymous rolling holds that ran us through the end of that session of Congress.

I will not go through the end of this. I went through the important part of this.

The mechanisms for dealing with this are here right now. We do not need extra layers of bureaucracy. If we want to make this floor act as an employment agency for accountants and lawyers and try to staff all these things for all the reviews that are not needed—we have that right here. If we want to propose this as some sort of a Government employment plan to replace the Clinton economic stimulus, we can do that. We can put in new layers of bureaucracy if we want to. I think it is not needed. We have the mechanism for doing it. I think we ought to stick to it.

For all these reasons, I oppose the amendment of my distinguished colleague. I compliment him for being interested in it and I compliment him for being impassioned with it. I, too, am impassioned. This is not a come-lately thing. I talked with the people in Columbus about the study he mentioned, and I am concerned about that. I know Columbus is the tip of the iceberg. It is going on in every little town across the country, and big towns, too. I want to correct this, but I think the way we go at it is the way I have outlined here.

I want to work with the distinguished Senator from Utah, but I hope he also wants to work with Vice President GORE and the new administration in putting into place a real way of analyzing these things, and that is what it is all about. It is already required in the Executive order: Cost-benefit analysis, as I read directly out of it. I yield the floor.

Several Senators addressed the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Madam President, I will be brief, and then it is my intention after a brief statement to move to table, unless there is serious objection from my colleagues. I see Senator ROTH may want to speak for a short time. I would not insist on that, but I would like to make a short statement on this because it involves the exact, precise subject matter of my amendment.

Madam President, the question is, what is the problem with regulations? One problem is that this amendment addresses, and I think addresses well, the question of cost-benefit analysis. That needs to be done. I think virtually every Member of this Senate is getting that picture and the American public is getting that picture that regulations cost too much; they are too vexatious; they put too much of a burden on the American people; they need to be analyzed.

On that, the distinguished Senator from Utah and I strongly agree. But I submit to my friend from Utah, the amendment adopted earlier this afternoon requires precisely that analysis, requires that cost benefit, requires that it be based upon science and requires that the Secretary put the basis upon which she made those calculations on the public record.

But, Madam President, this amendment has a very bad effect which I think is unintended, but is a very bad effect. And that is that it will delay or make subject to delay and vexatious lawsuits almost every regulation that comes down the pike.

Some regulations are bad and maybe we want to delay them because they are bad, but there are so many regulations that for want of the regulation, we cannot conduct an activity of Government—I mentioned earlier the waste isolation pilot plant; $1 billion invested and we have had meeting after meeting with EPA to try to get EPA to hurry up their regulations so we can open the plant. We cannot open the plant for testing until those regulations are in place. And believe me, Madam President, if this amendment were adopted, there is no way those regulations could be effective because, first of all, there would be so many legal tests about whether it was sufficient evidence, about what the cost of the regulations you could litigate, the question of cost; the amount of the offset; whether they were based upon sufficient evidence; whether there were reasonably anticipated benefits.

The list of legal hoops to jump through, each one of which is subject to a legal test, is almost endless.

Then when you get through all that, Madam President, you must fully offset the costs through revision to or revocation of existing Federal regulations. So if you have regulations in effect or ready to go into effect—let us take, for example, the Clean Air Act regulations that are due to come into effect. There are benefits to society for clean air; there are clearly costs from clean air. What you would have to do—there are actually billions and billions and billions of dollars worth of costs from the Clean Air Act. You have to use best available technology. You must get rid of millions of pounds of sulfur dioxide, which is going to be put into the atmosphere. You must use the best available technology. I have heard estimates of $50 billion cost for the Clean Air Act.

In order to make the Clean Air Act regulations legal, you would have to go through revision to or revocation of existing Federal regulations to produce $50 billion, or whatever the figure is of the cost of the Clean Air Act. How are you going to do that, Madam President? It cannot be done. Even with the taxing power you cannot do it, but you cannot use taxes. You cannot use the benefits to society of clean air. You cannot argue before the court, Well, we can offset these Clean Air Act costs through benefits to society. You have to produce an amount through revision of other Federal regulations of an amount of money sufficient for the Clean Air Act.

The same thing is precisely true of the waste isolation pilot plant, $1 billion. We have the plant ready to go and here are some regulations for its operations. Do those cost money because they get a $1 billion plant open, or do they make money because we can use an existing facility? That is the stuff of lawsuits, Madam President, endless lawsuits that go to the Supreme Court.

How about the regulations we have been trying to get adopted with respect to Yucca Mountain? We are spending $6.3 billion on Yucca Mountain just to get it characterized, just to determine whether it is suitable and we are going to have to spend billions more to litigate that question?

Madam President, we are spending over $6 billion a year on the cleanup of defense plants. We want to get these defense plants, we want to turn some of these bases back over to the States so they can use the bases. We have one of those in my State. We want to get hold of it and begin to use it for civilian jobs. But under this, the EPA regulations that would control whether or not the base was clean would be subject to endless litigation.

Madam President, I know the Senator from Utah does not mean to do this. He could not mean to do this because I know him to be a reasonable person. But it is just as clear as the noon day Sun on a cloudless day that this amendment results in that result, and we simply cannot do that in this Senate. We want cost-benefit analysis, yes, and we have it from the amendment adopted earlier this afternoon. But this is a ticket to the courthouse, a ticket to delay and, indeed, Madam President, among other things, would prevent the Clean Air Act from going into operation because there will be those who will file a lawsuit and show that you have not complied with it.

It will prevent Yucca Mountain from proceeding; it will prevent the cleanup of defense waste out West; it will prevent the turnover of defense facilities to civilian authorities; it will prevent the waste isolation pilot plant from going into operation, and much, much more.

Madam President, I think we are about ready for a vote. I wonder if I may ask unanimous consent to retain my right to the floor for the purpose of making a motion to table and yield——

Mr. ROTH. I would object to that.

Mr. HATCH. If the Senator will yield on his point.

Mr. JOHNSTON. I yield for a question.

Mr. HATCH. Madam President, we have spent a lot of time on this, but there are some misconceptions here on the floor. For instance, the Senator is saying that this would delay his plant. Not anymore than current law. Anybody can go in there and delay it anyway under current law. What we are trying to do is provide a remedy for these unfunded mandates that are afflicting our cities, towns, municipalities and businesses.

Mr. JOHNSTON. Will the Senator answer my question about the Clean Air Act? Clearly, the Clean Air Act costs billions of dollars. I am sure he would agree with that.

Mr. HATCH. That is correct.

Mr. JOHNSTON. How would you fully offset the cost documented in paragraph 1, through revision to or revocation of existing Federal regulations on the Clean Air Act? How could you possibly do that?

Mr. HATCH. It would be up to the Department to decide, but it is either way. In other words, all we are doing is evening it up. If I wanted to stop your plant, I think I could find legal remedies to do that regardless of whether this amendment passes or not. What this amendment does is it gives a remedy for the unfortunate mandates that are not paid for.

Mr. JOHNSTON. If you zero in on the Clean Air Act, because I do not see how the Senator can answer that question——

Mr. HATCH. Well, I think I can. Take the Senator's amendment that was passed earlier this day. His amendment says "certification required by this section," where you require cost-benefit analysis——

Mr. JOHNSTON. Yes.

Mr. HATCH. "Certification required by this section shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review."

Mr. JOHNSTON. That is right.

Mr. HATCH. In other words, people would not have standing under his own section if that section is constitutional, and, "Nothing in this section shall be construed to grant a cause of action to any person," it goes on to say.

All I am saying is this. the Senator, I know, is my friend and I know that he has the same goals that I do, and that is to put an end to the injustices that are occurring because of regulatory activity that really does not make sense and to get some system into the system that says, look, make priority choices. If you want to make regulations that are going to cost us, then fund some that you can erase those costs with.

Mr. JOHNSTON. The Clean Air Act—almost everybody voted for the Clean Air Act, and this says you must:

> The Department shall fully offset the cost documented under paragraph 1 through revision to or revocation of existing Federal regulations.

Mr. HATCH. Under my amendment, in the Clean Air Act—very important, most all of us support it—if they have regulations, fine, they make that priority choice. All they have to do is offset the cost if the costs are more than the benefits. And I do not think you are going to be able to make the case that the costs are more than the benefits.

Mr. JOHNSTON. It does not say offset the cost through benefits. It says, "through revision or revocation of existing Federal regulations."

Mr. HATCH. That is what I am saying. All they have to do is go back and get rid of some regulations that would offset the costs in clean air. We could do that. The EPA could do that overnight.

Mr. JOHNSTON. The Clean Air Act is costing tens of billions of dollars. What Federal regulations are you going to suspend that would save you tens of billions of dollars?

Mr. HATCH. First of all, we are not talking about the Clean Air Act regulations that are already on the books. They are there. They are there.

Mr. JOHNSTON. I do not think they are filed yet.

Mr. HATCH. They are extensive, they are comprehensive, some are even burdensome, but the fact is they are there. This amendment does not take those regulations away. It only applies to future amendment basically enacted in the last 6 months.

Mr. JOHNSTON. There are many Clean Air Act regulations that have not been issued yet.

Mr. HATCH. That may be, but if they are issued, then what is wrong, I ask my dear colleague, what is wrong with requiring the EPA, before they issue these regulations, to look at the benefits involved versus the costs?

Mr. JOHNSTON. I totally agree with my friend.

Mr. HATCH. That is what the Senator's amendment requires.

Mr. JOHNSTON. Yes.

Mr. HATCH. Assuming the Senator's amendment requires that, then what is further wrong with when the costs outweigh the benefits, we say there are priorities; we have to pay these costs, then finding other regulations that are onerous and burdensome that we can get ride of to offset those costs so they are not just continually passed on to society as a whole or to the municipalities or to the cities or towns or to the businesses or to the taxpayers as consumers? That is all I am saying.

And it makes sense to say—we could make this argument on every regulation. Why, if we impose the Hatch amendment, it means that we are going to stop these regulations. The Senator has cited one illustration where you could be sued anyway. People could stop that anyway. There are a wide variety of subterfuge lawsuits. This is not going to make that one hill of beans worth of difference one way or another on that issue. That can happen.

But what this amendment does do is it says, hey, look, we have reached a point in our society where our people are being inundated with regulations that are not working, that really are eating us alive; they are not paid for, the mandates are not paid for, and we are ruining our cities, towns, businesses, and people. What is wrong with saying to these regulators, look, you can have any regulations you want. If they are costly, you are going to have to offset the costs by getting rid of others. And do not tell me there are not enough regulations to get rid of; there are.

Mr. JOHNSTON. Not those which would save this much money.

Mr. HATCH. Sure, there are.

The PRESIDING OFFICER. The Senator from Louisiana has the floor and yielded for a question from the Senator from Utah.

Mr. HATCH. I will put it in the form of a question. Does not the Senator think—sure, there is not a more overregulatory body in this country that I know of other than the IRS—and I question even this statement—than the Department of the Environment will be and has been. There is not a more overregulatory body that in some ways has caused more harm and has caused more litigation under their regulations than the Department of the Environment. I think the distinguished Senator and I would be together, marching side by side, on some of that.

Now, do we want the Clean Air Act to be implemented? Of course we do.

Mr. JOHNSTON. But you cannot do it under this amendment.

Mr. HATCH. Sure, you can because it is already implemented.

Mr. JOHNSTON. You cannot do it.

Mr. HATCH. No, it is already implemented. It is already implemented. If they want to pass good regulations, they have to have good reason to do it. That is all. That is all this amendment requires.

Mr. JOHNSTON. Would the Senator agree with me that there are regulations under the Clean Air Act that are not yet promulgated?

Mr. HATCH. I am sure that is so, but,

> The requirements of subsection (b)(3) shall not apply in the case of regulatory actions for which the President includes in the Federal Register, accompanying the regulatory action, a statement of waiver that fully outlines the reasons and needs for waiving the requirements of subsection (b)(3) because of emergency need for specific regulatory action and includes a timetable for satisfying the requirements of subsection (b) at the earliest possible date thereafter.

That covers the Senator's concerns and it covers them well. Frankly, I think the Senator ought to be with me on this issue because he has been arguing for this for years. Now I give the Senator a chance to do it. And, frankly, to argue that this might allow them the litigation right that they do not currently have is just plain wrong. They have plenty of litigation rights. And I question whether they are going to have standing under the Senator's own adopted amendment earlier in the day.

Mr. JOHNSTON. Madam President, the amendment adopted earlier today specifically did not give the right to sue. It is not more lawsuits that we need.

Mr. HATCH. I agree.

Mr. JOHNSTON. It is analysis that we need.

Mr. HATCH. I agree.

Mr. JOHNSTON. Even if you accepted the premise that we need analysis and lawsuits, under the Senator's amendment it would be impossible to effectuate any major piece of legislation that costs any money, such as the Clean Air Act, which has not yet been implemented, and, if chlorofluorocarbons were unimplemented, you could not do that. You cannot do the waste isolation pilot plant. You cannot do Yucca Mountain. You cannot do all of those cleanups out at Hanford.

Do you know what the biggest public works project is in America today? It is Hanford cleanup, and we have to have EPA regulations. There is not enough money in the world in regulations to offset that cost.

Mr. HATCH. If the Senator will yield, that is just not true. Every one of those projects can go ahead just like they will with regulation. All we are saying is—you can issue regulations. All we are saying is regulations have to have some reason behind them, and if you want to have them be more costly than the benefits resulting—I suspect in each of those cases they would find more benefits than costs——

Mr. JOHNSTON. No. The Senator——

Mr. HATCH. Wait.

Mr. JOHNSTON. The Senator misses an essential point of his amendment. You cannot offset the cost of the regulation with benefits. You can offset those costs under this language only by the revision of or revocation of other regulations.

Mr. HATCH. Not if the benefits outweigh the costs.

Mr. JOHNSTON. I invite the Senator to look at the specific words of his amendment on page 3, lines 14, 15, and 16, which say,

> The Department shall fully offset the costs documented under paragraph 1 through revision to or revocation of existing Federal regulations.

Mr. HATCH. But the statute still has to be complied with. The Senator is talking about the regulations. That is a different thing. They have to comply with the statute. They have to issue the regulations. The only requisite under this amendment is they have to justify it. And we are providing a remedy, not another burden.

What the Senator from Louisiana seems to be afraid of, it seems to me, is that as new regulations come on line, others will be taken off. I call that relief to the American people. That is all this amendment does. And frankly, that is what the Senator has been fighting for all these years. That is what I am fighting for today. Let us get regulations that are not important or do not have the priority off. That is all we have to do.

Mr. JOHNSTON. Surely my friend from Utah cannot mean what he is saying in the first place.

Mr. HATCH. I sure do mean it.

Mr. JOHNSTON. Even if you could find other regulations that could save billions of dollars by revoking or amending them, agencies do not have the authority to do that. In the Clean Air Act, for example, EPA has a mandate to put in operation certain regulations.

Once those regulations are in operation, they do not have the authority to come in and just repeal it for the purpose of raising money for other regulations. They have specific mandates in statute.

Mr. President, I do not want to keep the Senate too long. I think the point is made, I hope amply made. I do not want the debate to go on too long, but I will not insist on holding the right to the floor.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware [Mr. ROTH].

Mr. ROTH. Mr. President, I was glad to hear the chairman speak about Executive Order 11291. Last year, I introduced S. 2172, which would have codified the language he has quoted. However, I must say that I never understood that the chairman was sympathetic to that effort. Perhaps he will now join me as a cosponsor.

Of course, as the chairman has pointed out, as we speak here today, the Executive order is being rewritten by the new administration. Soon, there may not be a cost-benefit analysis required by the regulatory review process. I hope that the administration does not weaken the current standards, but of course I do not know. It is for that reason I think the Executive order should have been written into statutory form.

Mr. President, I wish to commend the Senator from Utah for his amendment. The compliance cost of regulations are indeed accelerating. I am fully sympathetic that we must somehow get a handle on regulatory growth. Notwithstanding my sympathy to the objectives and goals of the Senator, I cannot however support the amendment in its current form. The amendment grants to the new Department power to withhold regulations even if mandated by law. It allows the Department to withhold a beneficial regulation, one whose benefits far exceed cost, if it cannot find another existing regulation to rescind to offset the cost of the new regulation.

Finally, it is somewhat arbitrary to suggest that the cost of compliance extant today can never increase in the future, even if Congress enacts new laws requiring new regulations and new costs.

As I said, I am sympathetic to the purpose of the Senator from Utah. However, it is my judgment that his amendment makes a better point than it does a law. I am afraid that the real responsibility for the regulatory burden lies with Congress. And that is where the solution lies, as well.

The Nickles amendment and my bill, S. 2289 from last year, would have required Congress to become involved in the weighing of costs and benefits here on the floor before legislation is enacted that generates the regulations that cause the burden. The chairman has agreed to hold hearings on such proposals. We should all work together for a workable solution.

As the Senator from Utah has stated, this is not a partisan issue. On the closely related issue of reducing the paperwork burdens of regulations, I joined Senator NUNN and Senator BUMPERS in cosponsoring their legislation. The bill has over a score of cosponsors fairly evenly divided between the two parties.

So I am confident that on this matter, we will be able to work together to achieve a solution.

I yield the floor.

Mr. HATCH. Mr. President, I only intend to take 2 more minutes—I am prepared to go to a vote—just to clarify a few points.

I would like to ask unanimous consent that Senator BOND be added as a cosponsor.

The PRESIDING OFFICER (Mr. FEINGOLD). Without objection, it is so ordered.

Mr. HATCH. Mr. President, the Reagan Executive order, just to clarify this point, is basically irrelevant to what my amendment does. The Reagan order requires the cost-benefit analysis on the merits of each new regulation. My amendment applies after that evaluation has taken place. My amendment requires that any new regulations be followed by withdrawal or revision of other regulations with a comparable impact.

By the way, my amendment also has a 3-year sunset provision. So we are recognizing that we want to see how it works.

Mr. President, it makes a lot of sense. I have heard a lot of arguments about why we cannot interfere with the regulatory process. We enact these statutes; they have to do regulations. By gosh, we ought to be concerned with how they are doing it. They have not been doing it very well, and in many cases their overregulatory approach has been very burdensome, if not downright damaging, to our cities, towns, municipalities, counties, businesses, and the consumers at large.

All my amendment does is put some system into this process. It says: No more will we let you get away with it. I hope our colleagues will consider voting for it. I think it would send a message that will be a resounding message across this country that there is hope back here, suddenly there is hope against some of this overregulatory mishmash that has been eating us all alive.

Mr. President, I am prepared to vote. I suggest the absence of a quorum.

Mr. JOHNSTON. Will the Senator withhold?

Mr. HATCH. Yes.

Mr. JOHNSTON. Mr. President, for all reasons previously stated, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the amendment of the Senator from Utah.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Louisiana [Mr. BREAUX], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Texas [Mr. KRUEGER], are necessarily absent.

Mr. SIMPSON: I announce that the Senator from New Hampshire [Mr. GREGG], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 70, nays 26, as follows:

[Rollcall Vote No. 112 Leg.]

YEAS—70

Akaka
Baucus
Biden
Bingaman
Boren
Boxer
Bradley
Bryan
Bumpers
Burns
Byrd
Chafee
Cochran
Cohen
Conrad
D'Amato
Danforth
Daschle
DeConcini
Dodd
Domenici
Dorgan
Durenberger
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Graham
Grassley
Harkin
Hatfield

Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mathews
McCain
Metzenbaum
Mikulski
Mitchell
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Simon
Specter
Warner
Wellstone
Wofford

NAYS—26

Bennett
Bond
Brown
Coats
Coverdell
Craig
Dole
Faircloth
Gramm
Hatch
Helms
Kassebaum
Kempthorne
Lott
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Shelby
Simpson
Smith
Stevens
Thurmond
Wallop

NOT VOTING—4

Breaux
Campbell
Gregg
Krueger

So the motion to table the amendment (No. 337) was agreed to.

Mr. WELLSTONE. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will come to order.

Is there a motion to reconsider the vote?

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

AMENDMENT NO. 338

(Purpose: To establish an Office of Environmental Justice, and for other purposes)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Ms. MOSELEY-BRAUN, and Mr. RIEGLE, proposes an amendment numbered 338.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following—

SEC. . OFFICE OF ENVIRONMENTAL JUSTICE.

There is established within the Department the Office of Environmental Justice. The Office of Environmental Justice shall—

(1) develop a strategic plan to ensure equality in environmental protection;

(2) evaluate whether environmental policy is helping individuals who suffer the highest exposure to pollution, and identify opportunities for preventing or reducing such exposure;

(3) compile an annual report on progress in achieving environmental equity;

(4) require the collection of data on environmental health effects so that impacts on different individuals or groups can be understood;

(5) identify environmental high impact areas which are subject to the highest loadings of toxic chemicals, through all media; and

(6) assess the health effects that may be caused by emissions in the environmental high impact areas of highest impact.

Mr. WELLSTONE. Mr. President, could I please have order in the Chamber?

The PRESIDING OFFICER. The Senate will come to order.

Mr. WELLSTONE. Mr. President, the amendment that I have sent to the desk I send in behalf of myself, Senator MOSELEY-BRAUN, and Senator RIEGLE. This amendment creates an Office of Environmental Justice within what will be called the Department of the Environment.

Mr. President, let me just simply summarize what this Office of Environmental Justice would do.

The PRESIDING OFFICER. The Senate will come to order.

Mr. WELLSTONE. Mr. President, some of us wait all day to introduce amendments. We think our amendments are important, and I would like to have order in the Chamber.

The PRESIDING OFFICER. The Senators will cease all conversation.

The Senate will come to order.

Mr. WELLSTONE. I thank you, Mr. President, and my colleagues.

Mr. President, this amendment would create an Office of Environmental Justice. The mission of this office would be, among other things,

To develop a strategic plan to ensure equality in environmental protection; evaluate whether environmental policy is helping individuals who suffer the highest exposure to pollution, and identify opportunities for preventing or reducing such exposure; compile an annual report on progress in achieving environmental equity; and require the collection of data which deals with the effects on those communities that are most affected by environmental degradation.

Mr. President, let me be brief, but cite a few studies.

A 1987 study by the United Church of Christ found that minorities are more likely to live near waste sites.

To date, the best evidence of a correlation between race and environmental pollution was cited in a 1988 study by the Agency for Toxic Substances.

Mr. GLENN. Mr. President, could we have order, please? I know you have called for it several times, but the Senator deserves to be heard on an important amendment.

I could not hear the Senator and I am right here in the middle of the well.

The PRESIDING OFFICER. Senators will please take their conversations to the cloakrooms.

The Senate will be in order.

Mr. WELLSTONE. Mr. President, there are a variety of different studies that point out that when it comes to the siting of waste dump sites or lead content in the bloodstreams of children, or when it comes to who eats the fish contaminated with mercury poisoning, or when it comes to some of the pollution in the air and in the water, that communities of color are disproportionately affected.

This amendment does nothing more than say that an office will be created which will collect the data so that we will know. Ignorance is never random. We do not know what we do not want to know.

But the studies that have been forthcoming suggest that when it comes to environmental degradation, unfortunately, in the United States of America, it is communities of color, people on the bottom who pay the dearest price.

This is a very positive amendment. I hope that my colleagues will accept it.

Some of the studies are really rather startling, Mr. President, in terms of what is happening to people in our country.

I am very proud of this amendment. I think it is going to be accepted.

I thank my colleagues on both sides of the aisle. I think it is long overdue that we look at the impact of some of the environmental pollution and degradation on those people of color. I think that was, in part, the intent of the amendment that was offered by Senator MCCAIN that I was pleased to cosponsor.

So, Mr. President, I yield back my time.

Again, Senator MOSELEY-BRAUN is a cosponsor and Senator RIEGLE is a cosponsor.

If I could get the attention of the manager, Senator GLENN, for a moment, I believe this amendment is going to be accepted.

The PRESIDING OFFICER. Is there further debate?

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I am glad to respond to my distinguished colleague from Minnesota.

He has touched upon a matter about which there has been some study and a matter in which the Environmental Protection Agency, we are told, does have an interest. They have done some work in this particular area and have some functions ongoing over there right now; some people studying the very things he is talking about with this amendment.

I think that we have agreement on both sides of the aisle that we would be glad to accept this amendment and will do so when the Senator has finished his discussion of this, unless there are other Senators who want to express themselves.

Mr. WELLSTONE. Mr. President, I thank both the Senator from Ohio and the Senator from Delaware.

Let me just, by way of conclusion, give two examples that I think are very important as demonstrating the rationale for this amendment. And I believe that soon-to-be Secretary Browner is very supportive of this.

Lead is a classic example of an environmental health problem. Lead disproportionately affects African American children at every income level. Lead affects 3 to 4 million children in the United States, most of whom are African Americans or Latinos who live in urban areas.

Three out of five African Americans and Latinos live in communities with one or more hazardous waste substances sites.

I could go on with these examples, but I do believe the kind of research that is going to be compiled and the kind of prevention steps that are going to be taken by what I believe will be a new major position in the U.S. Government will be very important in responding to this.

I thank both Senators.

Ms. MOSELEY-BRAUN. Mr. President, one of the byproducts of our industrial economy is deadly toxic waste. As disposing of the enormous amounts of that waste has become a national concern, new words and phrases have entered our everyday vocabulary. Phrases such as "cancer clusters," "dioxin levels," and "parts per million."

In some communities, Mr. President, these phrases are more than the subject of academic discussion—they are the code words of lives lived in fear.

That fear haunts communities such as Altgeld Gardens, a South Chicago housing development where 10,000 poor and minority residents live surrounded by 50 abandoned factory dumps. So potent are the discarded mixtures in the dumps that stunned inspectors from the State of Illinois had to abort one expedition to a dumping lagoon when their boat began to disintegrate.

If these chemicals can decompose a boat in a few short hours, Mr. President, imagine what prolonged exposure to them can do to a child.

All of us consume the products that produce toxic waste, Mr. President. And all of us should share in the burden of disposing that waste.

But more than 20 years of research has revealed a disturbing pattern:

Three out of five African-Americans live in communities with abandoned toxic waste sites;

Three of the five largest commercial hazardous waste landfills, accounting for a full 40 percent of the Nation's estimated landfill capacity, are located in predominantly African-American or Latino communities;

A landmark 1987 report found that nationwide, the proportion of minorities in communities which have a commercial hazardous waste facility is about double that of communities with no such facility; and

Most disturbing of all, statistical analysis has shown that race is the single best predictor of where these repositories of poison are located—even when other community socioeconomic characteristics such as income and home values are taken into account.

A few years ago, world outrage halted the ill-conceived plan of some Western nations to export their toxic wastes to the Third World. The international community condemned the scheme as environmental aggression in its rawest form. How then, Mr. President, can we continue to allow a variation of the same pattern to persist within our own borders?

Mr. President, the deliberate siting of these facilities in poor and minority communities is disturbing enough. What is truly outrageous are the indications that minority communities receive disparate and unequal treatment in the enforcement of the laws intended to protect those exposed to environmental danger.

A 1992 report by the National Law Journal found a marked disparity in penalties levied against toxic polluters in minority communities and those in white areas. The report also analyzed every residential toxic waste site in the Superfund Program. It found that in minority communities, the Government:

Takes longer to investigate hazards;

Takes longer to seek redress once a violation is found; and

Often accepts remedies less stringent than those recommended by the scientific community.

Mr. President, we can no longer tolerate this situation.

This amendment is important because it will provide an appropriate locus in the Department of the Environment to gather and analyze data and develop a strategic plan. Further the office can play an important role in identifying economic impact areas and beginning to assess vital health effects.

As the Secretary of the Department of the Environment takes her rightful place at the Cabinet table, environmental justice will finally get the attention it so rightfully deserves. Perhaps most important, it will provide residents of the affected communities with much-needed assistance and information to cope with their terrifying and often demoralizing plight.

Mr. President, no mother likes to see her child come home dirty from rolling in the neighborhood field. But in too many minority communities around this Nation, mothers have to wonder whether that dirt is deadly. And no mother should have to do that.

I applaud the distinguished Senator from Minnesota for his initiative on this issue.

Mr. President, the time has come to make sure environmental protection includes equal protection. I strongly urge my colleagues to support this important amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. SIMON. Mr. President, if I could ask one brief question of my colleague from Minnesota.

Does his amendment cover native Americans, American Indians? Because there is substantial evidence that we have been stockpiling toxic substances on Indian reservations.

Mr. WELLSTONE. Yes, it does; absolutely.

Mr. SIMON. I thank my colleague.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 338) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota is recognized.

Mr. PRESSLER. I thank the Chair.

(The remarks of Mr. PRESSLER pertaining to the introduction of S. 857 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 339

(Purpose: To change the name of the Department of the Environment to the Department of Environmental Protection)

Mr. ROTH. Mr. President, I send an amendment to the desk on behalf of Mr. CHAFEE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for Mr. CHAFEE, proposes an amendment numbered 339.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 37, line 25, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 38, in the table of contents between lines 2 and 3, strike the item relating to section 103 and insert the following new item:

"Sec. 103. Establishment of the Department of Environmental Protection.".

On page 38, lines 7 through 8, strike "Department of the Environment Act" and insert "Department of Environmental Protection Act".

On page 39, lines 17 through 18, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 39, strike lines 19 through 20 and insert the following:

SEC. 103. ESTABLISHMENT OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

On page 39, lines 22 through 23, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 39, line 26, strike "U.S.D.E." and insert "U.S.D.E.P.".

On page 40, line 1, strike "SECRETARY OF THE ENVIRONMENT" and insert "SECRETARY OF ENVIRONMENTAL PROTECTION".

On page 40, lines 2 through 3, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 40, line 21, strike "Deputy Secretary of the Environment" and insert "Deputy Secretary of Environmental Protection".

On page 42, lines 6 through 7, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 42, line 14, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 42, lines 16 through 17, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 42, lines 19 through 20, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 42, lines 23 through 24, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 43, lines 3 through 4, strike "DEPARTMENT OF THE ENVIRONMENT" and insert "DEPARTMENT OF ENVIRONMENTAL PROTECTION".

On page 43, line 5, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 45, line 5, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 48, lines 1 through 2, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 49, lines 7 through 8, strike "Department of Environment" and insert "Department of Environmental Protection".

On page 53, line 7, strike "Department of Environment" and insert "Department of Environmental Protection".

On page 56, lines 11 through 12, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 58, lines 3 through 4, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 60, line 19, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 60, lines 20 through 21, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 61, strike line 1 and insert the following:

"§ 716. Department of Environmental Protection Seal

On page 61, lines 3 through 4, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 61, line 15, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 61, line 19, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 62, line 2, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 62, between lines 5 and 6, strike the item relating to section 716 and insert the following new item:

"716. Department of Environmental Protection Seal.".

On page 66, lines 17 through 18, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 66, lines 20 through 21, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 66, line 24, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 67, lines 3 through 4, strike "Assistant Secretary of the Department of the Environment" and insert "Assistant Secretary of the Department of Environmental Protection".

On page 67, lines 22 through 23, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 69, line 16, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 69, lines 23 through 24, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 70, line 4, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 70, line 7, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 70, line 11, strike "Deputy Secretary of the Environment" and insert "Deputy Secretary of Environmental Protection".

On page 70, lines 16 through 17, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 70, lines 21 through 22, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 70, lines 23 through 24, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 71, lines 3 through 4, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 71, line 9, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 71, lines 15 through 16, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 71, lines 20 through 21, strike "or the Environment" and insert "or Environmental Protection".

On page 71, lines 23 through 24, strike "or the Environment" and insert "or Environmental Protection".

On page 72, line 6, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 73, lines 12 through 13, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 75, line 16, strike "Department of the Environment" and insert "Department of Environmental Protection".

Mr. ROTH. Mr. President, I believe the amendment has been agreed to by both sides. The purpose of the amendment is to establish the title of the new department as the Department of Environmental Protection. I support the amendment.

I would like to note my bill, S. 380, also established the title of the new department as the Department of Environmental Protection, to make clear the mission of the new department is to protect the environment.

Mr. CHAFEE. Mr. President, the amendment I am offering is simple: It will establish the title of the new department as the Department of Environmental Protection. I feel strongly that we must keep the concept of protection in the title of this department. I doubt that we could reach quick agreement on any meaningful mission statement for the new department. But surely we can agree that protecting the environment is among the highest purposes for which government is constituted.

Twenty years ago we undertook a new and difficult challenge as a nation. We saw that life and its most enriching experiences can only be sustained by careful stewardship of our natural environment. We turned to government, principally through the laws now administrated by EPA, to protect our common interest in the quality of our air, waters, and lands.

These laws have been effective. The quality of our air and water has improved. Public lands and threatened wildlife resources are being restored. Untold damage has been avoided. Compared to other, recent Federal efforts, for instance, the budget process or the war on drugs or energy policy, our laws and programs to protect the environment have been a real success.

Twenty years ago, environmental protection as a purpose of the Federal Government may have been a radical idea. Today, it is an accomplished fact. It is time to recognize the reality by creating the Department of Environmental Protection. Incorporating environmental protection into the title of this new agency will leave no doubt regarding its primary mission. I urge its adoption.

I want to thank the chairman of the committee, Senator GLENN, and my distinguished friend from Delaware, Senator ROTH, for their help and support.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, we had an agreement earlier we would take up the Chafee and Wellstone amendment. I am sorry the Senator from Rhode Island is not here.

We agreed to this change here. In committee, Senator STEVENS suggested that we make the name not environmental protection but that we take the protection off with the idea the Department of the Environment was a much bigger area of responsibility. There may be things they want to do that are proenvironment, not just in defense of the environment which protection indicates.

While I still prefer that name, I am glad to agree in the interests of comity here we accept this tonight. I do not know whether we are going to go over the weekend or not. There might possibly be some further discussion of this on Monday.

I discussed this with Senator STEVENS a little bit earlier. He was not against taking this course of action tonight.

With that understanding I will accept the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 339) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I compliment the Senator from Minnesota [Mr. WELLSTONE] for the Office of Environmental Justice amendment that he just offered.

I ask unanimous consent I be added as a cosponsor to the Wellstone amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I strongly support S. 171, the Department of the Environment Act of 1993 which is before us today and I commend the chairman of the Government Relations Committee, Senator GLENN and the Senate leadership for bringing this bill to the Senate floor.

I have long supported the notion of elevating the Environmental Protection Agency to a Cabinet position. I am hopeful that we will be able to accomplish this goal soon, for it is long overdue.

There are important reasons for a Cabinet-level Department of Environmental Protection. EPA has a budget of $7 billion and nearly 15,000 employees, making it larger than some Cabinet agencies. And unlike some Cabinet departments, EPA's constituency includes every citizen in the United States.

The current lack of status denies environmental protection the prominent role it deserves within our Federal Government and puts the Administrator and EPA staff at a significant disadvantage when resolving differences with other Cabinet departments.

On an international level, where status and rank play an important role in negotiations, the United States stands alone among advanced industrialized nations in denying its Environmental Agency Cabinet rank.

Many things have changed since the EPA was created by Executive order 23 years ago and much progress has been made toward protecting our environment. However, as we approach the 21st century, many new and different challenges remain ahead.

Today, it is critical that we link our environment and our economy to produce a win-win situation. Only by having the EPA as an equal partner with other Cabinet departments can we develop the necessary leadership to forge true sustainable development and long-term economic viability.

Domestically, we must allow environmental programs to better compete with other domestic activities for scarce resources.

However, today environmental concerns that affect Americans go far beyond U.S. boundaries. The Earth summit held last June in Rio raised the visibility of global environmental problems to an unprecedented level. Regretfully, during the past two administrations, the United States has not taken the leadership role that many expect from the world's remaining superpower and, in fact, lagged far behind most of the world in its support for international environmental initiatives.

Fortunately, President Clinton has reversed this trend by announcing last week that he will sign the Biodiversity Treaty and by pledging to reduce greenhouse gases such as carbon dioxide to their 1990 emission levels by the year 2000.

But there remain many outstanding global environmental issues—issues that directly or indirectly affect Americans—ranging from protection of Antarctica to international transport of hazardous waste to marine mammal protection, to name a few. In addition, trade and the environment are becoming inextricably connected under the general agreement on tariffs and trade and concerns over the North American Free-Trade Agreement to a great extent revolve around environmental concerns. We need a Cabinet-level Agency and a Chief Administrator of Cabinet rank to pursue all these important agenda items.

Finally, let me say a word about the other important provisions in this legislation which I fully support. In addition to elevating EPA to a Cabinet Department, this bill would establish a Bureau of Environmental Statistics; create a Commission on improving environmental protection; and transfer most of the functions of the Council on Environmental Quality to the new Department.

I believe Congress would be remiss to simply elevate EPA to a Cabinet position without, at the same time, trying to improve our approach to environmental protection and address the management and performance problems at the Agency.

The independent Bureau of Environmental Statistics, modeled on the Federal Bureau of Labor Statistics, would provide Congress and others with the vital and nonpartisan information so critical in making decisions that seek a balance between environmental protection and economic growth. Currently, no single agency collects accurate and objective information about environmental quality or properly measures our progress in meeting important environmental goals. Without such data, Americans cannot tell how well EPA and our environmental laws are working.

While there are thousands of dedicated EPA employees nationwide, a Commission on improving environmental protection is needed to address broader structural issues that currently prevent EPA from fully meeting its Federal mandates. For instance, I believe there are currently institutional barriers at EPA that preclude a full utilization of a prevention approach to pollution. I believe I am not alone and, that there is a growing consensus that we must reexamine the existing approach to regulating environmental pollution and encourage more environmentally effective and cost-effective approaches to pollution prevention and regulation.

Many believe fundamental changes are required in the way EPA operates. However, I know of no easy solution or quick fix. A Commission study would provide the thoughtful analysis necessary to provide Congress with comprehensive options to review.

Mr. President, for all the reasons I have cited, I support this bill, and I am hopeful that this Congress can work expeditiously to pass this critically needed legislation.

Mr. WALLOP. Section 109 of S. 171 provides grants to various organizations, specified and unspecified, for "collecting data and other short-term activities related to section 108." The unspecified "other organizations" would be limited to organizations qualified in statistical data collection, is that not correct?

Mr. GLENN. The Senator is correct. "Unspecified other organizations" referred to above would be organizations qualified in statistical data collection where the purpose of a grant or contract would be for statistical data collection.

Mr. WALLOP. I am concerned that advocacy groups, groups that engage in lobbying activities, would receive funding under this section to provide research to the new Department of the Environment. That research, which would now be part of official reports by the Department, would be used by the advocacy groups to lobbying Congress. What restrictions or remedies would be available to ensure that this did not happen?

Mr. GLENN. With regard to restrictions on lobbying, grant provisions as a rule contain antilobbying clauses, which preclude a grantee from using grant funds for lobbying purposes. When the grant is completed and the research or data collection is provided to the Department and the Department makes it public, any person or group is free to use it for purposes they deem appropriate.

Mr. WALLOP. I thank my distinguished colleague.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following amendments be the only amendments remaining in order to S. 171 and that they be in the first degree and limited to the following time restrictions, where stated, with all time equally divided and controlled in the usual form; that they be subject to relevant second-degree amendments, and that the time limit on the second degree be limited to the time limit on the first degree to which it is offered: An amendment by Senators GLENN and BAUCUS, or their designee, relating to economic impact, 40 minutes; an amendment by Senator DOLE, for discussion only, relating to takings, 30 minutes; an amendment by Senator BOND relating to wetlands, 90 minutes; and amendment by Senator ROTH that is relevant; and an amendment by Senator GLENN that is relevant.

I further ask unanimous consent that any rollcall votes ordered relative to these amendments not occur prior to 2:15 p.m. on Tuesday, May 4; further, that following disposition of all amendments, the Senate proceed to adopt the committee substitute, as amended; the bill be read a third time, and without intervening action or debate, the Senate vote on final passage of S. 171, and that no motion to recommit be in order; that upon disposition of S. 171, the Senate proceed to the consideration of Calendar No. 54, S. 349, the lobbying disclosure bill.

Mr. DOMENICI. Mr. President, reserving the right to object, might I ask a question of the leader?

On Tuesday, when we return, is it possible under that unanimous-consent request that there be some time for morning business, so some who might want to speak to other issues would not be abusing that or using the bill, and rather speak outside of it?

Mr. MITCHELL. Mr. President, I certainly will be pleased to do everything I can to accommodate the Senator from New Mexico. Would he like now a specific time?

Mr. DOMENICI. I would.

Mr. MITCHELL. How much time would the Senator like?

Mr. DOMENICI. I think I need 30 minutes.

Mr. MITCHELL. Would the Senator be prepared to do it at a reasonably early hour?

Mr. DOMENICI. When are we going to start on that? What hour?

Mr. MITCHELL. I was contemplating, looking at the time limits involved—it is not included specifically in this agreement—but we have agreed in the course of these discussions that in good faith we are going to try to finish this bill in time to vote at 2:15, so that we would be voting on these amendments, that is, those that require votes, and final passage beginning at 2:15.

I had intended to start on the bill at a time convenient to the managers. I was going to say 9:30. If the Senator would be in before that——

Mr. DOMENICI. Mr. President, maybe we could switch gears and say a half hour after the bill is passed before the next measure is taken up.

Mr. MITCHELL. That is fine. I have no problem. We will protect the Senator in that regard.

Mr. DOMENICI. I thank the leader.

Mr. MITCHELL. That will be sometime Tuesday afternoon.

Mr. ROTH. Reserving the right to object for the purpose of asking a question, in the case of the Glenn-Baucus amendment, it may be that we will want to offer an amendment in the second degree. We get an additional 40 minutes for that second degree; is that correct?

Mr. MITCHELL. Yes, that is correct, and the same is true of the other amendments. On the Bond amendment relating to wetlands, if a second degree is offered, a like time would be available. With respect to the so-called relevant amendments by Senators ROTH and GLENN, there is no time limitation.

I made the earlier statement because a careful reading of this agreement makes it clear that were someone acting not in good faith, it would be possible to indefinitely delay completion of action on this bill by the offering of a series of second-degree amendments or other delaying tactics.

I accept that not to be the case. I think we are all acting in good faith here, and we have to take a lot of things on faith. But the fact is if, with respect to each of the two principle amendments left, second-degree amendments are offered and the full time utilized, it is possible that we would go beyond 2:15, and I understand and accept that.

If that is so, we will be voting sometime after 2:15 and as soon as the requisite time has been consumed.

Mr. ROTH. Certainly it is not the intent of this Senator to unnecessarily delay, but we may offer an amendment.

Mr. MITCHELL. I understand that. I believe the same is true with respect to the Bond amendment dealing with wetlands.

Mr. ROTH. I withdraw my objection.

The PRESIDING OFFICER. If there is no objection, the unanimous-consent request is agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, accordingly, this agreement having been reached, there will be no further votes this evening, and the next rollcall vote will occur not earlier than 2:15 p.m. on Tuesday, May 4. As I said, it is my hope we will be able to complete action at about 2:15. It is possible, pursuant to the previous discussion with the distinguished Senator from Delaware and others, that it could go beyond that.

But we certainly will finish this bill sometime on Tuesday, and then following the period of morning business for the Senator from New Mexico, and perhaps others who may wish to speak at that time, we will proceed to the lobbying disclosure bill, S. 349.

Mr. President, I want to thank the managers, the distinguished chairman of the committee, the Senator from Ohio, and the Senator from Delaware, for their cooperation in this matter.

Does the Senator wish the floor?

Mr. BAUCUS. Yes.

Mr. MITCHELL. I yield the floor.

Mr. GLENN. Will the Senator yield for a question on this?

Mr. MITCHELL. Yes.

Mr. GLENN. This would mean since we do not have a time certain for a final vote on this, it is incumbent for Senators to get over here to the floor with these amendments.

Do we come in at 9:30?

Mr. MITCHELL. It had been my intention to discuss it with the Senators. If 9:30 is agreeable, we could get back on the bill at 9:30. That is correct. That is one aspect of the good faith I mentioned earlier. This makes certain amendments in order.

If a Senator does not show up, presumably he could indefinitely delay this. I do not think that is going to happen. I do not think that is anybody's intention. We expect Senators are acting in good faith and will be present Tuesday morning at 9:30 to offer their amendments.

Mr. MITCHELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

GRAZING FEE REFORMS

Mr. BAUCUS. Madam President, I rise today to discuss an issue of critical importance to Montana, the West, and the entire Nation; namely, the reform of Federal land management practices.

Like many States in the West, the use of public lands plays a vital role in the lives of virtually every citizen in my home State of Montana. We want these lands managed for balanced, sustainable multiple use.

Way back in 1910, Teddy Roosevelt hit the nail on the head when he said:

> I recognize the right and duty of any generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob from, by wasteful use, the generations that come after.

In Montana, and other Western States, we make our living off the land. And, at the same time, the land, the water, the range, the wide open spaces of the Big Sky are the places we go to play. Improving the quality of our public lands is essential to preserving what we think is this Nation's best way of life.

For Montanans, the land must be there to use; but not to abuse. And there is no question that the use of public lands is of major importance to the economies of Montana and the West.

For instance, the Bureau of Land Management currently manages 176 million acres in the lower 48 States. Of that land, 164 million acres have permitted grazing—virtually all of that is in the 16 western States. Additionally, if you include U.S. Forest Service grazing lands, Federal grazing lands total over 300 million acres. Management of that resource is of great importance.

And, when it comes to Federal range management policies, there have been both success stories and failures.

We should have zero tolerance for those who abuse the land, water and wildlife resources by overgrazing. But, at the same time, we must recognize that most American ranchers are conservationists; they value the wildlife, and want to do what is best for the land.

Through good times and bad, they have remained on the land because that is where their hearts are.

For example, in Montana, there are many marginal small private ranches which are intermingled with Federal lands. Many are family homesteads which have never been large enough to support a gainful family enterprise. Their true value is derived from their proximity to water and grazing on adjacent public lands. This important relationship has kept many areas of the West free from subdivision and other forms of development.

There is a synergy here. Each type of land, Federal and private, has depended on the resources of the other to be productive. In many areas, grazing is the most productive use of the land and provides a means to keep the smaller homestead acreage productive.

Without the ability to graze on public land, many of the smaller landowners will be forced to sell out. The result will be subdivision and the sale of the land only to those who can afford to own the property, regardless of productivity.

Livestock grazing and conservation of the range resource have frequently been presented as opposing interests. But it does not have to be that way.

Careful resource management has produced many success stories. These examples show that properly managed grazing can benefit the producer, the range resource, sportsmen, wildlife, and nearby water resources. This type of win-win outcome is what we must seek in the reform process.

One example is the Wall Creek Game Range, near Ennis, MT. Like much of Montana, this area features private, State, and Federal land ownership in the area.

With each entity managing for their separate individual interests, all suffered. Decreasing wildlife numbers and declining range condition created tension between ranchers, sportsmen, and State and Federal land managers. Finally, all these folks got together and found common ground.

By adopting a broader management scheme called rest rotation, a difficult situation at Wall Creek became a win-win. On the one hand, ranchers received the ability to graze livestock on land which had been reserved for the wildlife. At the same time, the ranchers agreed to limit grazing on their private lands. Wildlife habitat was improved, game populations increased, and both the private and Federal land became more healthy.

Along with addressing broader management questions, we must also find a solution to the longstanding controversy over grazing fees.

I believe it is both inevitable and appropriate that the fee for grazing livestock on Federal lands should be increased. However, let me caution that any increase must—absolutely must—meet two essential conditions:

First, it must be fair and rational. I will oppose any fee increase that I believe is merely a back door attempt to run hard-working and legitimate ranchers off the land. But I will support a fee increase if it is fair and rational.

Second, increased revenue must be invested in the range resource. We should create a system that rewards the conservation-minded rancher; the good steward of the land. We should provide incentives for management practices and projects that improve recreation, forage, watershed, and wildlife habitat.

Mr. President, following the example of Wall Creek, we can replace conflict with cooperation. We can provide a stable and sensible management environment for livestock producers. And, at the same time, improve wildlife habitat.

Bernard Baruch wrote, "The highest and best form of efficiency is the spontaneous cooperation of a free people." For this issue, the time for that efficiency is now.

Madam President, I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. First, Madam President, I commend the Senator from Montana. I know that he and I have had a great difference of opinion on the issue to which he has just spoken, but I am very pleased to see that his position now is getting close to what I can support. And I certainly agree with him also that we must make sure we do not do any damage to the small ranchers and to the grazing lands. So I commend him for his statement.

A RESPONSE WITH FORCE IN BOSNIA

Mr. JEFFORDS. Madam President, 3 weeks ago, I made a statement that the time had come for strong action in the former Yugoslavia. The compelling reasons remain for the United States to intervene against the outrages there. We must show the moral leadership and courage to defend the values our country stands for. I call again for the United States to use its military air force against Serb strategic targets.

Although there has been fighting among all parties in Bosnia, one clear aggressor is guilty of atrocities on a massive scale: the Serbs. Unfortunately, we have seen that diplomatic measures haven't affected the Serbs' behavior. Even U.N. negotiator David Owen, 2 weeks ago, urged Western forces to begin selective bombing to stop supplies reaching Serb forces. The U.N. Security Council has authorized the most severe economic sanctions against Serbia, which is proper and justified. We should have imposed these tough measures—and enforced them—long ago. The economic sanctions already in place have slowed industrial production 70 percent, but have not changed the Serbs' behavior. We and our European allies have tried other means of pressuring the Serbs, without success. The U.N. Charter provides for use of military force after other means have been tried.

It is clear now, only force will slow the Serbs' murderous campaign.

Air strikes won't turn back the clock, restore Bosnia, or bring the dead back to life. But if we finally make clear to the Serbs we will not tolerate their genocidal assaults, we may save future victims from being killed. We can cripple the Serb war machine. Until the Serbs stop their assaults on Bosnia, we have no choice but to respond with force.

In the past, I had advocated lifting the arms embargo for Bosnia. I still do. But now it is way too little, way too late for this option to be effective alone. The arms that Bosnia needs to defend itself are heavy weaponry, which must be brought in through Croatia. Additionally, the Bosnian Government itself acknowledges it would need training in order to be able to use such arms. It is not practical either to expect Croatia to provide safe transit or for other nations to provide trainers. We cannot now get heavy weapons to Bosnia in time to help its people.

Military action should be preceded and accompanied by a public campaign. Serb leaders should understand that their own actions have brought force against them. The people of Serbia are not being allowed to hear the real story. Through broadcasts and leaflets we should bombard the Serbian people with the truth: their leaders are thugs and are isolated in the community of nations. The people of Serbia should understand that military attacks are a last resort of a frustrated and fed-up international community. Serb leaders are not heroes, they are the ruin of their people.

Focusing our military action on the Serb warmaking machine does not absolve the Croats from taking responsibility for their land grabs. We should publicly and strongly tell Tudjman not to support further attacks, and we will hold him responsible if Bosnian Croats continue.

I advocate resort to military force reluctantly. I prefer that our NATO allies join in countering the violence with appropriate military means. The international community, through the United Nations, has already condemned Serbian aggression. But it is time for the United States to assert its leadership against this assault in Bosnia on human values. Failure to do so will invite further problems there, and elsewhere.

Thank you, Madam President. I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I compliment the Senator from Vermont for this very thoughtful statement.

APPOINTMENTS BY THE REPUBLICAN LEADER

The PRESIDING OFFICER. The Chair, in behalf of the Republican leader, pursuant to Public Law 102-581, as amended by Public Law 103-13, announces the appointment of the following individuals to the National Commission to Ensure a Strong and Competitive Airline Industry:

As nonvoting members: The Senator from Missouri [Mr. DANFORTH]. The Senator from Washington [Mr. GORTON].

As voting members: Russell W. Meyer, Jr., of Kansas. Abraham D. Sofaer, of Washington, DC.

Mr. FORD. I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL], is recognized.

ONE HUNDRED DAYS—AND MORE TO COME

Mr. PELL. Madam President, tomorrow, April 30, happens to mark the 100th day that President Clinton has been in office. It is a good time to take stock, but it should not be regarded as a magical threshold for defining achievement or failure.

Many good things have happened since January 20 which I believe reflect well on the new administration and bode well for the Nation.

The President has proposed a bold and courageous plan for revitalizing our lagging national economy through economic growth and job creation.

Deficit reduction has become a bipartisan goal of the highest priority.

The Congress has promptly enacted a Budget Resolution which embodies the President's plan and reflects a whole new set of national priorities.

A serious, concerted effort is underway at the highest levels of the new Administration to reform our national health care system.

Progressive programs like defense conversion, campaign finance, lobby reform and national service have been elevated to high priority status by the President.

United States foreign policy has remained constant in support of democratic reforms in Russia.

The Administration has expressed cautious restraint regarding the deteriorating situation in the Balkans, while rigorously reviewing options for United States intervention.

As encouraging and hopeful as all these developments are, it would be no service to President Clinton for us to indulge in an orgy of deceptive self-congratulations.

As we learned all too painfully in the case of the Senate's rejection of the economic stimulus package, the achievement of the many worthy objectives before us is going to depend on persuasion, compromise negotiation and, in the end, hard bargaining.

The essential fact around which all else revolves is that this is a minority administration. Or, more to the point, the President's potential adversaries are in a majority.

The figures tell the story and bear repeating. President Clinton won the November election with a plurality of 43 percent of the national vote. President Bush got 37.4 percent and Ross Perot 18.9 percent, so together with other minor candidates the opposition took 57 percent of the vote.

These figures correlated in an interesting way with the statistics on mail from my constituents on the President's economic program. Forty percent were opposed to it outright, correlating roughly with President Bush's constituency. Another 40 percent, correlating roughly with the Clinton vote, were in favor. The remaining 20, correlating with Mr. Perot, were in favor, but only if budget cuts preceded new taxes and new revenues reduced the deficit.

While the margins of the key votes in the Senate were much closer, with the President receiving majority support ranging from 52 to 56 percent in the final votes, the opposition held a solid 43 to 46 percent in those votes and was able to block action under the Senate's unique filibuster rules.

The message is clear. The Administration needs to accommodate that sector of public opinion represented by that 20 percent of correspondents in my State who support the President only on certain conditions. Or more pragmatically, the Administration needs to accommodate the legislators most likely to reflect those views.

The process of accommodation and negotiation takes time, with allowance made for trial and error. And this is why, in my judgment, it is neither fair nor realistic to hold this Administration to an arbitrary test of achievement in its first one hundred days.

The expectations for this Administration in its first one hundred days should be much different than they were for Woodrow Wilson, Franklin Roosevelt or even John F. Kennedy, all of whom were elected to effect change but all of whom were majority Presidents.

I am confident that President Clinton, with his energy and intellect and substantial background of practical experience as a Governor, is ideally suited to the task of building new coalitions to reflect new circumstances. I am confident that he will succeed at it in the months and years ahead.

The true measure of his success should be taken over that time frame, without drawing hasty and inaccurate conclusions here and now. One hundred days is only the first milestone of a long journey.

Mr. FORD. Madam President, I thank the distinguished Senator from Rhode Island.

MORNING BUSINESS

Mr. FORD. Madam President, I ask unanimous consent that we have a period for morning business where Senators have a right to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SIGFRID K. LONEGREN

Mr. JEFFORDS. Mr. President, today I rise to honor the memory of a distinguished Vermonter whose contributions were important to the final outcome of World War II. Mr. Sigfrid K. Lonegren was a World War II spy whose efforts were recognized by the President of the United States when he was awarded the Medal of Freedom, our Nation's highest civilian award. He passed away on April 14, 1993, in Greensboro, VT, at the age of 87.

Mr. Lonegren was born in Sweden in 1905, moved to the United States in 1927 and became a United States citizen shortly thereafter. In 1943 he was sent to London to act as a liaison to U.S. military leaders in Washington who were then evaluating various locations for the planned Allied invasion of Europe. As an expert on Norway, Lonegren's insight on this invasion route were invaluable. And, as troops were prepared for all possible routes of invasion, he was tapped to assist Scottish troops to prepare for the possible invasion of Norway.

On November 23, 1943, the Allies made the decision to invade through Normandy, a fact that Lonegren learned the same day. The success of an invasion of Normandy lay in its surprise. At the time, the Allied invasion of Italy had been slowed and nearly halted by the Germans. Germany's static defenses along the English Channel and the North Sea were significant. Mounting a successful offensive through Normandy lay in effective concentration of Allied forces at a point of relative German weakness. If the Germans were aware of the time and location of the Allied offensive, they could easily concentrate their forces to defeat it.

To ensure German forces were dispersed, the Allies had to create the impression in the minds of Germany's decisionmakers that there was a credible chance that they might be attacked in a number of places. Sigfrid Lonegren was critical to the Allies' disinformation effort. Immediately after the decision to land at Normandy, he was transferred to the State Department and assigned to the embassy in Stockholm under the guise of commercial attaché. There, he was placed in charge of counterespionage and sabotage and, most importantly, he was responsible for fooling the Germans into thinking that the coming invasion would take place in Norway. The German belief that the Allies might attack through Norway, with its many fjords and its lengthy coastline, tied down several hundred thousand German troops in Scandinavia.

Later, after the Normandy invasion was underway, Lonegren was responsible for creating the perception that there would be a second invasion through Norway or some other part of Scandinavia. Captured German documents later proved that his efforts had prevented the Germans from moving troops out of Norway that could have been used against the Allied forces in France.

After the war, Lonegren's heroic efforts were recognized by President Truman when Truman awarded him the Medal of Freedom, our Nation's highest civilian honor.

In bestowing this honor on Mr. Lonegren, President Truman wrote:

> Mr. Sigfrid K. Lonegren is awarded the Medal of Freedom for meritorious service and performance of duty in support of offensive military operations from March 1944 to March 1945. He deported himself at all times with dignity and charm that won for him the admiration and respect of everyone who knew him. Mr. Lonegren's exhibition of efficiency, vigorous concentration and clear-headed thinking is a credit to his American Patriotism.

After the war was over, Mr. Lonegren left the Government and began an active career in business. He started the Lonegren Company, which manufactured and marketed the first washable wallpaper made in this country, then became president of Safety Industries. In 1965, he bought an old lumber factory in Bethel, VT, and, with his son-in-law, started Vermont Pacific Company. From public service to private business, Mr. Lonegren was truly an outstanding American and an outstanding Vermonter.

DEATH OF JOHN BALLOU

Mr. COHEN. Mr. President, it is with great sadness that I rise today to remember a good friend from Maine who died of cancer recently at the age of 67. His name was John Ballou, and he was truly one of the leading citizens of the State of Maine.

John was an outstanding attorney and trial lawyer and was recognized by his peers as one of the top attorneys in Maine. But he was much more than that. He was well-liked, well-respected and witty, a bright, generous and caring man who gave much of himself to his friends and to his community.

John was born in Bangor and graduated from Bangor High School. He was a Phi Beta Kappa graduate of the University of Maine in 1949 and received his law degree from Yale University in 1952. In World War II he served with the 87th Infantry Division and received the Battle Star, European Theater.

The list of John's civic and professional achievements was impressive to say the least. He was a senior partner in the Bangor law firm of Mitchell & Stearns, president of the Maine Bar Foundation, chairman of the Judicial Ethics Committee on the Advisory Committee on the Code of Judicial Conduct, former Bangor mayor and member of the city council, former board member and vice president of the Maine Civil Liberties Union, past president of the Bangor Chamber of Commerce and former chairman of the board of overseers of the Bar of Maine.

He was the first chairman of the Bangor airport committee and was instrumental in the transformation of Dow Air Force Base to Bangor International Airport. He also belonged to numerous other civic groups ranging from the Bangor Symphony Orchestra board to the Governor's Advisory Committee on Mental Health.

But he was more than just a doer; he was a thinker as well. He cared deeply about what happened to people, and he worked tirelessly through the years to help the less fortunate. Among his concerns was ensuring that the poor had equal access to the legal system. He was interested in fairness and fair play and civil liberties.

There was also another, less serious, side to John. Comedy was his forte, and he performed regularly in many community theater productions. His activities as a performer were another way in which he gave tirelessly to his community, serving behind the footlights, for example, as a board member of the Bangor Savoyards and the Bangor Civil Theater. Off the stage, too, his subtle sense of humor was a welcome addition at many social and civic gatherings.

But a mere listing of John's many affiliations still does not do justice to the unique individual that he was.

John was blessed with a gift—he wanted to make his part of the world a better place. He dedicated his career to the fair and equal application of the law. He dedicated much of his life to helping others in the community and State.

His record of commitment and achievement should be an example to all of us. He was an exceptional human being, an outstanding citizen and a good friend, and I will miss him.

WASHINGTON LEADS THE WAY ON HEALTH CARE REFORM

Mrs. MURRAY. Mr. President, I am pleased to take the floor today to congratulate Governor Lowry and the Washington State Legislature, especially Senator Phil Talmadge and Representative Dennis Dellwo, for enacting landmark health care reform legislation earlier this week in the State of Washington. The Washington Health Services Act of 1993 is the most comprehensive health care reform bill adopted by any State. It will serve as a model for our efforts at the national level.

I would like to take a few minutes to share with my colleagues some of the more important features of Washington State's new health care plan.

First, every citizen of Washington will have health care coverage by July 1, 1998. Every person will be covered by and contribute to a certified health plan [CHP]. A CHP will offer uniform benefit packages that cover routine and emergency hospital and physician services, preventive services—including child dental care—therapeutic drugs, reproductive, maternity, and well-child care, limited mental health care, and some chemical dependency treatment. Long-term care will be phased in by 1999.

Community rating will be used so that everyone in a given area or health plan is charged the same rate to discourage insurers from charging higher rates to the sick or elderly.

The law requires that certified health plans offer the uniform benefit package using managed care arrangements, and that UBP's be sold at or below a maximum premium, with increases tied to growth in personal income. Supplemental benefits are subject to approval by the State insurance commissioner. Managed care means "an integrated system of insurance, financing, and health delivery functions." The State insurance commissioner may certify any entity as a certified health plan, and a certified plan may not discriminate against any class of providers.

Medicaid coverage would be extended by January 1994 to include children living with families of incomes of less than 200 percent of the Federal poverty level—$27,800 for a family of four. By July 1995, our State's current basic health plan will match the uniform benefit package and will be available on a subsidized basis to 151,600 of the State's 550,000 uninsured. By 1999, an additional 292,400 uninsured will be covered, with the remainder being picked up by the employer mandate.

The basic health plan will also be available to any individual or employer. Enrollees with the plan who earn more than 200 percent of the poverty level must pay the full cost of the plan.

Second, the law severely restricts preexisting conditions and prohibits cancellation or nonrenewal. Starting on July 1, 1995, no insurer will be able to turn anyone away, and up to that time, no insurer will be able to cancel or refuse to renew a policy for any reason other than nonpayment.

Third, on July 1, 1995, the State Health Care Authority will start administering a State insurance pool for the uniform benefit package. The pool will include nearly a quarter of Washington's population. It will be made up of all State employees and employees of the State school system and their dependents, enrollees of the basic health plan, and, if a Federal waiver is granted, Medicaid recipients. Ferry workers will be brought into the pool in 1997. Common rules for eligibility, claims processing, and auditing will produce significant savings.

Fourth, the law carries an employer mandate: Employers must provide coverage to all full-time employees—more than 30 hours a week—and their dependents. Part-time employees are covered on a pro rata basis. Large employers—more than 500 workers—must offer the UBP by 1995; small businesses—fewer than 100 workers—by 1997. Employers will pay no more than half of the premium of the lowest cost plan in their area, encouraging employees to pay more for more expensive plans. Small businesses with low profit margins will be eligible to tap into a $150 million pool to help offset premium costs.

Employers are encouraged to form health insurance purchasing cooperatives to pool their buying power. The pools will also be open to individuals. Four regional health insurance purchasing cooperatives will help pool the buying power of small employers and individuals. The employer mandate will require either a change in or a waiver from the Federal Employee Retirement Income Security Act [ERISA], and I will be working with Governor Lowry to seek this and any other necessary Federal statutory waivers.

Fifth, the new system will be financed by a series of taxes. In the next 2 years, taxes will increase about 4 cents a six-pack on beer, about 20 cents a pack on cigarettes, and about 20 cents a fifth on hard liquor. Starting this July, hospitals will pay a tax on gross revenues of 0.5 percent, increasing to 1.5 percent in 1995. An insurance premium tax of 2 percent on all insurers will take effect in January 1995. The $251 million in taxes over the next 2 years will support expansion of health care coverage or public health programs. By the 1997–99 budget biennium, taxes are expected to total about $1 billion, but some $500 million in savings will have been reached by that time.

What does all this mean for the average Washingtonian? In 1992, an average family of four in Seattle, with no employer-provided health insurance, paid $3,028 for an individually purchased health plan. Under the new law, health insurance would cost about $110 a month for an individual and $312 for an average family of four. However, with employers paying at least 50 percent and as much as 100 percent, the average family of four in Seattle would pay $1,872 a year rather than $3,744 a year for health coverage. This is a saving of at least $1,156 a year.

Consumers would be able to choose among several health plans offered by their employer or by State government, which would cover the unemployed. Individuals will be able to change jobs without losing coverage, and will not be penalized for preexisting conditions. Health plans would contract with physicians, and financial penalties and limits on necessary care would discourage self-referrals to specialists and help contain costs.

The plan will be phased-in: businesses with 500 or more employees would have to cover their workers by mid-1995. Those with fewer than 100 workers would have until July 1997 to offer the benefits package. By mid-1999, all full-time workers—defined as 120 or more hours a month—and dependents would have coverage.

The State's largest employers, such as Boeing and Weyerhaeuser, will be able to continue self-insurance, subject to certification as certified health plans by the State insurance commissioner.

With its "can-do" attitude, the State of Washington once again has set an excellent example for the rest of the Nation. I am very proud of my State, and as a U.S. Senator, I will work to assure that the best of what we have done is available for all Americans. My goal in the Senate is to work for a national health care system that makes coverage secure and affordable for our families, our businesses, and our Government. I will try to secure the necessary Federal waivers and to apply to our national effort the lessons learned in Washington State.

EXECUTIVE SESSION

Mr. FORD. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar 69. Jack R. Devore, Jr., to be an Assistant Secretary of the Treasury;

Calendar 70. Ronald K. Noble, to be an Assistant Secretary of the Treasury;

Calendar 71. Maj. Gen. Michael E. Ryan, to be lieutenant general;

Calendar 72. Brig. Gen. John R. D'Araujo, to be major general;

Calendar 73. Lt. Gen. Robert D. Chelbert, to be lieutenant general;

Calendar 74. Lt. Gen. Edwin S. Leland, Jr., to be lieutenant general;

Calendar 75. Lt. Gen. Barry R. McCaffrey, to be lieutenant general;

Calendar 76. Brig. Gen. Albert C. Harvey, Jr., and Brig. Gen. Larry S. Taylor, for promotion to major general;

Calendar 77. Col. Jerry E. Ward, Col. John W. Hill, Col. Dennis M. McCarthy, and Col. Frederick R. Lopez, to be brigadier general;

Calendar 78. Lt. Gen. Martin L. Brandtner, to be lieutenant general; and

Calendar 79. Maj. Gen. John J. Sheehan, to be lieutenant general.

I further ask unanimous consent that the Senate proceed to immediate consideration, and that the nominees be confirmed, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the nominations.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF THE TREASURY

Jack R. Devore, Jr., of Texas, to be an Assistant Secretary of the Treasury.

Ronald K. Noble, of New York, to be an Assistant Secretary of the Treasury.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States code, section 601:

To be lieutenant general

Maj. Gen. Michael E. Rya [redacted], U.S. Air Force.

IN THE ARMY

The U.S. Army National Guard officer named herein for appointment in the Reserve of the Army of the United States in the grade indicated below, under the provisions of title 10, United States code, sections 593(a) and 3371:

To be major general

Brig. Gen. John R. D'Arauj [redacted].

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Robert D. Chelber [redacted]. U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States code, Section 1370:

To be lieutenant general

Lt. Gen. Edwin S. Leland, Jr [redacted].

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States code, Section 601(a):

To be lieutenant general

Lt. Gen. Barry R. McCaffre [redacted], U.S. Army.

IN THE MARINE CORPS

The following-named brigadier generals of the U.S. Marine Corps Reserve for promotion to the permanent grade of major general, under the provisions of title 10, United States Code, section 5912:

Brig. Gen. Albert C. Harvey, J [redacted], USMCR.

Brig. Gen. Larry S. Tayl [redacted], USMCR.

The following-named officers for appointment in the Reserve of the U.S. Marine Corps under the provisions of title 10, United States Code, section 5912:

To be brigadier general

Col. Jerry E. Ward [redacted].

Col. John W. Hil [redacted].

Col. Dennis M. McCarthy [redacted].

Col. Frederick R. Lope [redacted].

The following-named officer to be placed on the retired list under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Martin L. Brandtne [redacted], USMC.

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

To be lieutenant general

Maj. Gen. John J. Sheeha [redacted], U.S. Marine Corps.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

NOMINATION REFERRED TO COMMITTEES JOINTLY

Mr. FORD. Madam President, as in executive session, I ask unanimous consent that the nomination of George T. Frampton, Jr., of the District of Columbia to be the Assistant Secretary for Fish and Wildlife, received after the recess of the Senate on April 28, 1993, be referred jointly to the committees on Energy and Natural Resources and Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

TO AMEND SENATE RESOLUTION 75

Mr. JEFFORDS. Madam President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution, (S. Res. 105) to amend Senate Resolution 75, agreed to March 3, 1993 (103d Congress).

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 105) is as follows:

S. RES. 105

Resolved, That section 4 of Senate Resolution 75, agreed to March 3, 1993 (103d Congress), is amended by deleting "$250,000" and inserting in lieu thereof "$300,000".

RESOLUTIONS REGARDING "NATIONAL ARBOR DAY" SENATE RESOLUTION 96 AND HOUSE JOINT RESOLUTION 127

Mr. FORD. Madam President, I ask unanimous consent that the Judiciary Committee be discharged, en bloc, from further consideration of Senate Resolution 96 and House Joint Resolution 127, resolutions addressing the issue of "National Arbor Day" and that the Senate then proceed, en bloc, to their immediate consideration; that the resolution be deemed agreed to, the joint resolution deemed read a third time, passed, and the motion to reconsider be laid on upon the table, en bloc; that the preambles be agreed to en bloc, and that the consideration of these measures listed individually in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 96) was deemed agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 96

Resolved, That the President is hereby authorized and requested to issue a proclamation designating the last Friday of April 1993 and 1994, as "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

So the joint resolution (H.J. Res. 127) was deemed read the third time, and passed.

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 5, 1993, the Secretary of the Senate on April 28, 1993, received a message from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received on April 28, 1993 are shown in today's RECORD at the end of the Senate proceedings.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 29, 1993, withdrawing from the further Senate consideration the following nomination:

Sheila Foster Anthony, of Arkansas, to be an Assistant Secretary of Commerce, which was sent to the Senate on April 19, 1993.

ENROLLED JOINT RESOLUTIONS SIGNED

The following enrolled joint resolutions, previously signed by the Speaker of the House of Representatives, were signed by the President pro tempore (Mr. BYRD):

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Weeks."

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–756. A communication from the Director of the Export-Import Bank of the United States, transmitting, pursuant to law, a report on tied aid credits; to the Committee on Banking, Housing and Urban Affairs.

EC–757. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, a report on the financial outlook of the Hospital Insurance Trust Fund; to the Committee on Finance.

EC–758. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, a report relative to the reserves of the Disability Trust Fund; to the Committee on Finance.

EC–759. A communication from the Board of Directors of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Fund, transmitting, pursuant to law, the 1993 annual report of the Board; to the Committee on Finance.

EC–760. A communication from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, transmitting, pursuant to law, the 1993 annual report of the Board; to the Committee on Finance.

EC–761. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a draft of proposed legislation to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply Congressional "fast track" procedures to a bill implementing such agreements; to the Committee on Finance.

EC–762. A communication from the Board of Trustees of the Federal Hospital Insurance Fund, transmitting, pursuant to law, the 1993 annual report of the Board; to the Committee on Finance.

EC–763. A communication from the Fiscal Assistant Secretary of the Department of the Treasury, transmitting, pursuant to law, the reports contained in the March 1993 "Treasury Bulletin;" to the Committee on Finance.

EC–764. A communication from the Secretary of the Agriculture, transmitting, a draft of proposed legislation entitled "Mickey Leland Hunger Prevention Act"; to the Committee on Agriculture, Nutrition and Forestry.

EC–765. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "High-Speed Rail Development Act of 1993"; to the Committee on Commerce, Science and Transportation.

EC–766. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities during the period October through December 1992; to the Committee on Environment and Public Works.

EC–767. A communication from the Acting Director of the United States Arms Control and Disarmament Agency, transmitting, pursuant to law, the report on the Verification of the START II Treaty; to the Committee on Foreign Relations.

EC–768. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report relative to Pakistan; to the Committee on Foreign Relations.

EC–769. A communication from the President of the African Development Foundation, transmitting a draft of proposed legislation to authorize appropriations for the African Development Foundation; to the Committee on Foreign Relations.

EC–770. A communication from the Acting General Counsel, Department of the Treasury, transmitting, pursuant to law, a draft of proposed legislation to amend the Asian Development Bank Act; to the Committee on Foreign Relations.

EC–771. A communication from the Acting General Counsel, Department of the Treasury, transmitting, pursuant to law, a draft of proposed legislation to amend the International Development Association Act; to the Committee on Foreign Relations.

EC–772. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, notice of international agreements relative to the Kingdom of Spain; to the Committee on Foreign Relations.

EC–773. A communication from the Acting Assistant Attorney General (Office of Legislative Affairs), Department of Justice, transmitting, pursuant to law, a report on the administration of the Foreign Agents Registration Act covering the calendar years 1988, 1989, 1990, and 1991; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–67. A resolution adopted by the legislature of the State of Utah relating to federal grazing fees; to the Committee on Energy and Natural Resources.

"HOUSE CONCURRENT RESOLUTION 8

"Whereas agriculture is one of Utah's most important industries;

"Whereas livestock production is the catalyst for over $1 billion of economic activity annually which is critical to the health of our economically stressed rural communities;

"Whereas the federal land resource which represents nearly two-thirds of the land area of Utah plays an important part in combining enough private and public land to create economically viable ranching operations;

"Whereas the fee collected from grazing the federal lands pays an inordinately high portion of the multiple use costs of administering the public lands;

"Whereas there is consistency between the economic activity on the public land as well as its multiple use and the material well being of the range and the animal and plant species on it;

"Whereas contrary to popular theory if public land is left to run wild it would deteriorate over time, create fire hazards, and bring an end to species diversity;

"Whereas over several generations public lands ranchers have developed the confidence to invest in fencing, water development, roads, and forage quality which provides an outdoor experience for public use and increased wildlife populations;

"Whereas the cost of purchasing the permit and its associated non-fee costs such as lower productivity, larger land area needs, predatory animal losses, and more herders need to be taken into account when comparing public land grazing fees and private land leases; and

"Whereas there is a movement among radical environmental groups and some members of the United States Congress to increase the grazing fee to levels that would seriously threaten the stability of Utah's livestock industry: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the governor concurring therein, support the continuation of an equitable fee structure as is embodied in the Public Rangeland Improvement Act fee formula that preserves confidence and integrity over time and provides benefits to all Americans through multiple use of the federal lands including livestock grazing; and be it further

Resolved, That copies of this resolution be sent to the President of the United States, the United States Secretary of Agriculture, the United States Secretary of the Interior, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation."

POM–68. A joint resolution adopted by the legislature of the State of Wyoming relating to the creation of an Endangered Species Citizen Advisory Board; to the Committee on Environment and Public Works.

"JOINT RESOLUTION

"Whereas, Congress enacted the Endangered Species Act, 16 U.S.C. Sections 1531 through 1544 and that through its implementation, enforcement and management the social, political, economic and environmental lifestyle of a broad cross-section of the American public is affected; and

"Whereas, the Act expressly states that "The Congress finds and declares that * * * encouraging the states and other interested parties * * * to develop and maintain conservation programs which meet national and international standards is a key to meeting the Nation's international commitments and to better safeguarding, for the benefit of all citizens, the Nation's heritage in fish, wildlife, and plants." 16 U.S.C. Section 1531(a)(5); and

"Whereas, there exist various endangered species in the state of Wyoming which are currently managed under the Act; and

"Whereas, there exist various social, political, economic and environmental interests in Wyoming which are affected by the endangered species; and

"Whereas, these various interests possess knowledge, skills and experience in cohabitation with and enhancing the viability of these endangered species; and

"Whereas, the Endangered Species Act contains no provision requiring a citizens or public interest advisory board: Now, therefore, be it

Resolved by the undersigned members of the Legislature of the State of Wyoming:

"Section 1. That Congress create an Endangered Species Citizen Advisory Board which represents the board interests affected by endangered species in this state.

"Section 2. That the board consist of, but not be limited to, representatives of the ranching, timber, outfitting, environmental, recreational, oil and gas, mining and sportsmen interests of this state."

POM-69. An initiative adopted by the State of Oregon relating to food stamps, AFDC, and unemployment insurance benefits; to the Committee on Finance.

"MEASURE NO. 7

"Be It Enacted by the People of the State of Oregon:

"Section 1. It is the purposes of this Act to establish and implement and there is hereby created, a pilot program to be known as The Full Employment Program, hereinafter referred to as the "Program". The Program shall be a three year pilot program in which residents of six selected counties in the state of Oregon, in lieu of receiving coupons under the Food Stamp Program, payments under the unemployment compensation system or payments from Aid for Families with Dependent Children, hereinafter referred to as "AFDC", shall be provided with jobs and paid in a way which promotes self-respect and encourages unemployed Oregonians who are willing to work to become self-sufficient and improve their position in the workforce.

"Section 2. The Governor of the state of Oregon, by December 31, 1990, and the Oregon Legislature, by the end of the second month of the 1991 legislative session, shall petition the United States Congress and shall work diligently to obtain all exemptions and waivers from and amendments to federal statutes, rules and regulations necessary to implement the Program as early as possible in the fall of 1991 and to assist in make funds from the suspended federal programs available to the Program.

"Section 3. (1) Upon obtaining all such exemptions, waivers, and amendments referred to in Section 2, the Assistant Director of Employment for the state of Oregon, hereinafter referred to as the "Assistant Director", shall be empowered to and shall promulgate such changes to current rules and regulations as may be required to implement the Program in accordance with this act.

"(2) The Program shall be administered by the Employment Division of the state of Oregon, hereinafter referred to as the "Employment Division". It is contemplated that no additional Employment Division personnel shall be required to administer the Program than are currently administering the unemployment compensation system. An increase over existing personnel levels as a result of the implementation of the Program shall only be allowed upon and to the extent approved by the Assistant Director.

"(3) The pilot counties for the Program shall be selected by the following method. Oregon's 36 counties shall be divided into three groups of 12 counties each. The first group shall consist of the 12 most populous counties, the second groups shall consist of the next 12 most populous counties and the third group shall consist of the 12 least populous counties. County population shall be based upon the 1980 census. The two counties in each grouping with the highest percentage affirmative vote for the Program from the November 6th 1990 initiative election shall be the Program pilot counties.

"(4) A voluntary advisory board shall be established in each Program pilot county to assist the employment office in the administration of the Program and to allow local flexibility in dealing with the particular needs of each pilot county. Each board shall develop policy and procedures consistent with this act and its intent as well as the rules and regulations promulgated by the Assistant Director. Each board shall be comprised of seven members who shall be appointed by the county commissioners in each pilot county. Board members shall be residents of the pilot county and appointed to three year terms.

"Section 4. (1) Upon implementation of the Program in the pilot counties, unemployment taxes paid by employers pursuant to Chapter 657 of the Oregon Revised Statutes are appropriated for and shall be used by the Employment Division of the state of Oregon to carry out the purposes of the Program.

"(2) Funds appropriated for expenditure by or apportioned to the state of Oregon under the Federal Unemployment Tax Act, the Food Stamp Program and AFDC Program shall also be used as necessary to supplement funding provided in section 4(1) to carry out the purposes of this Act.

"(3) During the three year pilot period of the Program, there shall be no benefit accruals to residents of the pilot counties under the Food Stamp Program, AFDC, or the unemployment compensation systems as they currently exist and such benefit accruals shall recommence only upon the termination of the Program.

"Section 5. (1) Any resident of a pilot county who is eighteen (18) years of age or older shall be eligible to participate in the Program. Pilot county residents between sixteen (16) and eighteen (18) years of age shall be eligible for summer work in the Program.

"(2) There shall be no eligibility requirements or limitations other than as provided in subsection (1), above, and no one shall be required to participate.

"Section 6. (1) Every employer, including both public and private sector employers, within the state of Oregon shall have the right to utilize Program participants, according to rules and regulations established pursuant to Section 3(1), in direct proportion to the unemployment compensation taxes paid by such employer in relation to the total unemployment compensation taxes paid by all employers, and at no additional cost. No employer is required to participate (utilize eligible individuals in their workforce) in the Program. All employers will be required to pay the unemployment tax whether they choose to participate or not. To the extent that employers do not desire to utilize their proportionate share of Program participants, such participants shall be assigned equitably by the Employment Division to work for employers desiring more than their normal proportionate share. In the event that there are unassigned participants which no employer desires to utilize, they shall be assigned to work for a public agency located within the pilot county.

"(2) Eligible individuals desiring work through the Program shall contact the nearest Employment office serving the pilot county in which they reside. Employment office personnel shall develop an assessment of the work skills, job history and general preparedness of the individual for work. Employers shall contact the employment office and provide a schedule of the work and number of individuals desired. The employment office shall try to match the profile of a given individual with the needs of an employer when assigning participants to work with a given employer. Either the employer or the participant in the Program may terminate such assignment by contacting the appropriate Employment Division office. In such event, the Employment Division shall upon request reassign the participant and provide the employer with a different participant.

"(3) Eligible individuals participating in the Program shall be entitled to and shall be paid by the Employment Division at the hourly rate of 90% of the Oregon minimum wage then in effect. Skilled participants shall be paid a higher wage only if employers have a need for such labor and specifically request it. For the use of requested skilled participants, employers shall pay the Employment Division an hourly rate equivalent to that received by skilled temporary employees for comparable work within the pilot county, as determined by the Employment Division. In addition to 90% of the Oregon minimum wage, the Employment Division shall pay a skilled participant one half of the difference between 90% of the Oregon minimum wage and the rate charged the employer for the utilization of such skilled labor. The full rate charged to employers will be used by the Employment Division to help fund the Program. The higher rate of pay shall apply only while skilled labor requested by employers is performed, otherwise the participant shall be paid 90% of the Oregon minimum wage. The Employment Division through participating employers shall provide a maximum of 40 hours of work per week and participants shall be compensated only for time worked or for participation in approved training or counseling programs.

"(4) Group health insurance and day care benefits shall be provided by the state or federal legislation requires all employers to provide such benefits.

"(5) Program participants who demonstrate a need for basic work skills or rehabilitation for substance abuse or other work limiting problems, may be sent by the Employment Division to existing local non-profit agencies to receive appropriate training and counseling. Each individual who is willing to participate shall be compensated at the regular Program rate for the time spent in training or counseling up to a maximum of 40 hours per week.

"(6) Program participant wages shall be subject to federal and state income taxes and social security taxes, which shall be withheld and paid in accordance with state and federal law. The employer share of social security and workers compensation shall be paid by the state of Oregon through the Employment division.

"Section 7. (1) At least semi-annually during the three year pilot period of the Program, the Assistant Director shall report the status of the Program to the Legislature and the Governor of the state of Oregon.

"(2) Six months prior to the completion date of the three year pilot period of the Program, the Assistant Director shall submit a written report to the Legislature and the Governor of the state of Oregon containing a full and complete analysis of the Program. Such report shall include recommendations from the Assistant Director regarding appropriate revisions to the Program and the potential for its permanent implementation for the entire state of Oregon.

"Section 8. In the event that the Legislature or Governor of the state of Oregon is not able to obtain the necessary exemptions, waivers or amendments referred to in Section 2 prior to January 1, 1995, this Act shall be deemed repealed as of such date and shall be of no further force or effect."

POM-70. A resolution adopted by the General Assembly of the State of New Jersey relative to the Occhipinti case; to the Committee on the Judiciary.

"ASSEMBLY RESOLUTION NO. 107

"Whereas, Former Immigration and Naturalization Service agent Joseph Occhipinti, of Manalapan, New Jersey served his country for 22 years, daily placing his life in harm's way, and stands today as a most decorated Federal agent, with 78 awards and commendations; and

"Whereas, There is voluminous evidence that in 1991 and 1992 Mr. Occhipinti may have been the target of a well-orchestrated conspiracy by Dominican drug dealers, leading to his prosecution on civil rights charges under 18 U.S.C. §241 and §242; and

"Whereas, Court transcripts may document that Mr. Occhipinti was denied a fair trial and his civil rights violated; and

"Whereas, Mr. Occhipinti served seven months in federal prison, of his 37 month sentence, before President George Bush granted commutation, but because a full pardon was not granted there remains for Mr. Occhipinti the stigma of being known as a felon; and

"Whereas, Mr. Occhipinti is willing to undergo a new trial to clear his name; now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

"1. This House memorializes the President and Congress of the United States to appoint a special or independent prosecutor to investigate the case of Mr. Joseph Occhipinti, including an investigation of the alleged drug cartel conspiracy against Mr. Joseph Occhipinti, and further, of the alleged Justice Department coverup in the handling and prosecution of the Occhipinti case.

"The President is memorialized further to grant, if the investigation warrants, a full pardon so Mr. Occhipinti can clear his name.

"This House further memorializes the President and Congress of the United States to seek a Congressional investigation examining the extent of Dominican crime operations in the United States, especially in New Jersey.

"2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from this State.

"This resolution memorializes the President and Congress of the United States to appoint a special or independent prosecutor to investigate the case of Mr. Joseph Occhipinti, including an investigation of the alleged drug cartel conspiracy against Mr. Joseph Occhipinti, and further, of the alleged Justice Department coverup in the handling and prosecution of the Occhipinti case. The President is memorialized, if the investigation warrants, to grant a full pardon so Mr. Occhipinti can clear his name.

"This resolution also memorializes the President and Congress of the United States to seek a Congressional investigation examining the extent of Dominican crime operations in the United States, with an emphasis on those operations in New Jersey."

POM-71. A resolution adopted by the legislature of the State of Utah relating to a federal balanced budget amendment; to the Committee on the Judiciary.

"RESOLUTION NO. 5

"Whereas with each passing year, the United States becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues;

"Whereas the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues;

"Whereas unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit;

"Whereas knowledgeable planning, fiscal prudence, and common sense require that the budget reflect all federal spending and be in balance;

"Whereas numerous states have constitutional requirements that appropriations not exceed anticipated revenues for the forthcoming year;

"Whereas fiscal irresponsibility at the federal level constitutes the greatest threat now facing our nation; and

"Whereas a constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility: now, therefore, be it

Resolved, That the House of Representatives of the state of Utah urge the United States Congress to amend the United States Constitution to require a balanced budget."

POM-72. A resolution adopted by the legislature of the State of Utah relating to the establishment of medical care savings accounts; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 22

"Whereas health care costs in the United States are quickly spiraling out of control;

"Whereas the solutions to this crisis currently under the scrutiny of the United States Congress consist basically of private or market-based reforms, mandated employer coverage, and government-sponsored national health insurance;

"Whereas a market-based solution the United States Congress should consider is a Medical Care Savings Account program based on the idea that one of the main reasons for the high cost of health insurance is the high cost of processing small claims;

"Whereas under this program participating employers provide an amount which is deposited into a Medical Care Savings Account for each employee to pay for routine medical bills each year and buys a policy providing 100% catastrophic coverage for each employee and their family;

"Whereas providing both the set amount for routine care and purchasing catastrophic coverage may be more cost effective for the employer;

"Whereas if employees lose or change jobs they retain the unused balance deposited into the medical care savings account for that year;

"Whereas at the end of the year any unused portion of the account is retained by the employee and can be spent subject to the required income taxes or kept and invested like an IRA;

"Whereas since no new taxes are needed to pay for the establishment of the Medical Care Savings Account program, businesses and individuals may benefit greatly by establishing such programs; and

"Whereas the program may be an economically sound proposal to overhaul our crumbling health care cost system: Now, Therefore, be it

Resolved, That the Legislature of the state of Utah urge the United States Congress to change federal tax law to allow the establishment of Medical Care Savings Account programs throughout the United States as an efficient and effective method of resolving the nation's health care cost crisis.

"Be it further resolved that copies of this resolution be sent to the President of the United States, President of the United States Senate, the Speaker of the House of Representatives, and the members of Utah's congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, without amendment:

S. 25. A bill to protect the reproductive rights of women, and for other purposes (Rept. No. 103–42).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY, from the Committee on Agriculture, Nutrition and Forestry:

Richard E. Rominger, of California, to be Deputy Secretary of Agriculture.

Bob J. Nash, of Arkansas, to be Under Secretary of Agriculture for Small Community and Rural Development.

Bob J. Nash, of Arkansas, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Eugene Branstool, of Ohio, to be a Member of the Board of Directors of the Commodity Credit Corporation.

Eugene Branstool, of Ohio, to be an Assistant Secretary of Agriculture.

Wardell Clinton Townsend, Jr., of North Carolina, to be an Assistant Secretary of Agriculture.

James R. Lyons, of Maryland, to be an Assistant Secretary of Agriculture.

Richard E. Rominger, of California, to be a Member of the Board of Directors of the Commodity Credit Corporation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following executive report of committee was submitted:

By Mr. NUNN, from the Committee on Armed Services:

Jamie S. Gorelick, of Maryland, to be General Counsel of the Department of Defense.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 840. A bill for the relief of the estate of Dr. Beatrice Braude; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 841. A bill to amend chapter 37 of title 31, United States Code, relating to false claims actions, and for other purposes; to the Committee on the Judiciary.

By Mr. PRESSLER:

S. 842. A bill to provide for the transfer of funds to carry out the financing functions of the Small Business Administration under section 7(a) of the Small Business Act; to the Committee on Small Business.

By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, and Mr. CAMPBELL):

S. 843. A bill to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services; to the Committee on Veterans' Affairs.

By Mr. GORTON (for himself, Mr. CRAIG, Mr. NUNN, Mr. MCCAIN, Mr. DECONCINI, Mr. REID, Mr. WARNER, Mr. BOND, Mr. GRASSLEY, Mr. SHELBY, Mr. COCHRAN, and Mr. BINGAMAN):

S. 844. A bill to amend the Public Health Service Act to establish a program to fund maternity home expenses and improve programs for the collection and disclosure of adoption information, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOND (for himself and Mr. DANFORTH):

S. 845. A bill to provide for the addition of the Truman Farm Home to the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. PELL):

S. 846. A bill to improve learning and teaching by providing a national framework for educational reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROTH (for himself and Mr. KENNEDY):

S. 847. A bill to amend title 10, United States Code, to authorize the Secretaries of the military departments to prescribe the conditions under which female members of the Armed Forces may be assigned to duty in aircraft that are engaged in combat missions; to the Committee on Armed Services.

By Mr. GRASSLEY (for himself and Mr. DURENBERGER):

S. 848. A bill to amend the Agricultural Act of 1949 to modify the authority for haying and grazing on wheat and feed grain reduced acreage, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DOLE (for himself, Mr. PACKWOOD, and Mr. CHAFEE):

S. 849. A bill to amend title XI of the Social Security Act to allow an adult member of a family or household to attest to the citizenship status of other family or household members, and for other purposes; to the Committee on Finance.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. RIEGLE, Mr. KERRY, Mr. DODD, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Ms. MIKULSKI, Mr. BIDEN, and Mr. SASSER):

S. 850. A bill to establish the Office of Economic Conversion Information within the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BUMPERS:

S. 851. A bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CONRAD:

S. 852. A bill to amend title 38, United States Code, to provide for the payment to States of per diem for veterans who receive adult day health care through State homes, and to authorize the provision of assistance to States for the construction of adult day health care facilities at State homes; to the Committee on Veterans' Affairs.

By Mr. BAUCUS:

S. 853. A bill entitled the "Badger-Two Medicine Protection Act"; to the Committee on Energy and Natural Resources.

By Mr. DORGAN:

S. 854. A bill to amend the Elementary And Secondary Education Act of 1965 to require each local educational agency, as a condition for receiving Federal assistance under such Act, to implement a gun free program in its schools; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI:

S. 855. A bill to authorize the Secretary of the Interior to consolidate the surface and substance estates of certain lands within 3 conservation system units on the Alaska Peninsula, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 856. A bill making an emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

By Mr. PRESSLER:

S. 857. A bill to establish a national commission to ensure small aircraft safety in the United States; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. Res. 102. A resolution to refer S. 840 entitled "For the relief of the estate of Dr. Beatrice Braude" to the Chief Judge of the United States Court of Federal Claims for a report thereon; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. Res. 103. A resolution to amend rule XXIV of the Standing Rules of the Senate to limit the length of service of Senators on congressional committees; to the Committee on Rules and Administration.

By Mr. DECONCINI (for himself and Mr. LIEBERMAN):

S. Res. 104. A resolution relating to Bosnia-Herzegovina's Right to self-defense; to the Committee on Foreign Relations.

By Mr. JEFFORDS (for Mr. DOLE (for himself and Mr. MITCHELL)):

S. Res. 105. A resolution to amend Senate Resolution 75, agreed to March 3, 1993 (103d Congress); considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself and Mr. D'AMATO):

S. 840. A bill for the relief of the estate of Dr. Beatrice Braude; to the Committee on the Judiciary.

RELIEF OF DR. BEATRICE BRAUDE

Mr. MOYNIHAN. Mr. President, I rise today on behalf of myself and Senator D'AMATO to introduce a private relief bill for the estate of Dr. Beatrice Braude. Dr. Braude was dismissed from her employment at the U.S. Information Agency [USIA] in 1953 as an alleged security risk. Dr. Braude spent several decades fighting her McCarthy-era dismissal from Federal employment and attempting to clear her name until her death in late 1988. This bill takes no position on the merit of her estate's claim but would allow her estate to obtain a judicial hearing on the matter.

At the time of her dismissal, Dr. Braude was told that her dismissal was a result of budget cuts. After enactment of the Privacy Act of 1974, she obtained her personnel files and discovered that she was considered a security threat and was fired on the grounds of this unfounded suspicion. Dr. Braude had worked for the State Department as a Foreign Service staff officer and had been stationed at the American Embassy in Paris before going to work at the USIA. Imagine her surprise at being told she would receive a raise and promotion and subsequently being fired only a day later.

When Dr. Braude discovered the real reason for her discharge, she filed suit in the U.S. Court of Claims to clear her name and seek reinstatement and monetary damages for the time that she was unable to work for the Federal Government. A divided Court of Claims dismissed her suit as untimely under a 6-year statute limitations. This bill would waive the statute of limitations and allow her estate to have a hearing on the merits of her claims. It takes no position on the actual merits of the claim.

Dr. Braude's case is not new to the Senate. In 1979, Senators Javits and I introduced a similar bill which was passed by the Senate. Unfortunately, the House of Representatives did not take action on the bill before the end of the 96th Congress. Senator D'AMATO and I also introduced a similar measure during the 102d Congress.

Adoption of this bill will permit a citizen's name—one who devoted much of her life to Government service—the full protection of the law.

At this time, I also introduce a resolution that would refer this private relief bill, together with all accompanying papers, to the chief judge of the U.S. Court of Federal Claims. Passage of this resolution would permit the chief judge to report back to the Senate as to the facts and conclusions relating to Dr. Braude's case. At that point, it is my hope that the Senate would act on the private relief bill itself.

Mr. President, I ask unanimous consent that both the private relief bill and the bill of reference be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT TO SUIT.

Notwithstanding any statute of limitations, lapse of time, or bar of laches, the United States Court of Federal Claims shall have jurisdiction to hear, determine, and render judgment upon any claim for back pay by the estate of Dr. Beatrice Braude against the United States arising out of the termination of Dr. Braude's employment at the United States Information Agency on December 30, 1953.

SEC. 2. RESTRICTIONS UPON SUIT.

Suit upon any claim referred to in section 1 may be instituted at any time within 1 year after the date of enactment of this Act. Nothing in this Act shall be construed as an inference of liability on the part of the United States. Except as otherwise provided in this Act, proceedings for the determination of such claims, and review and payment of any judgment or judgments thereupon shall be had in the same manner as in the case of claims over which such court has jurisdiction under section 1491 of title 28, United States Code.

By Mr. GRASSLEY:

S. 841. A bill to amend chapter 37 of title 31, United States Code, relating to false claims actions, and for other purposes; to the Committee on the Judiciary.

THE FALSE CLAIMS ACT AMENDMENTS OF 1993

Mr. GRASSLEY. Mr. President, I rise this morning to introduce a package of housekeeping amendments to the taxpayers' most effective tool in fighting fraud—the False Claims Act. This act, sometimes called the Abe Lincoln Law after its creation in 1863 to combat fraud by civil war profiteers, allows private citizens with knowledge of fraud on the government to sue in the name of the Government, in return for a share in the recovery.

This unique mechanism for fighting fraud, the qui tam lawsuit, has been employed in Anglo-American law since the middle ages to help the Government protect its interests. Just last year, a quarter-billion dollars was recovered in qui tam lawsuits. That doubled the total recoveries in the past 6 years to nearly a half-billion. The taxpayers now recover more money through qui tam lawsuits than they do through fraud lawsuits initiated by the Justice Department.

The act has been especially effective in fighting defense contract fraud, particularly since it was amended in 1986 by Representative BERMAN and myself. In just two cases last year the Government recovered $125 million dollars from two defense contractors for contract fraud, including services billed to the Government but never performed. In another case, still pending, a whistleblower has, alleged hundreds of millions of damages for fraud by the Teledyne Corp., which resulted earlier this year in the debarment of Teledyne relays for 1 year.

Qui tam is also proving an exceptionally useful tool for fighting health care fraud. In a case settled last December, one of the Nation's largest health labs agreed to pay $110 million for unnecessary medical tests billed to Medicare and the Defense Department's health insurance program—the largest ever recovery in a qui tam case. The practice in that case—conducting a series of expensive and unnecessary tests whenever a physician requests a routine blood test, and then billing the cost to the Government—is apparently common in the industry, and a number of labs are currently under investigation.

As with any statute, the false claims act is subject to interpretations by the courts which are contrary to congressional intent. The bill I am introducing today will clarify several issues that have come up in litigation under the 1986 amendments. The bill creates strict limitations on the right of Government employees to file qui tam lawsuits. it eliminates the general jurisdictional bar on a broad category of lawsuits based on publicly disclosed information, creating instead a right of the Government to dismiss parasitic lawsuits based on information derived from an open and active Government fraud investigation. The act further clarifies that the 1986 amendments were intended to apply retroactively, and makes several other clarifications to the act.

I look forward to prompt hearings on this matter in the Judiciary committee. I also look forward to constructive assistance in passing these amendment, and administering the act, from the Justice Department and the Clinton administration. The Justice Department in the past has exhibited a hostility to whistleblower lawsuits, but Attorney General Reno has pledged to reexamine the Department's policy on qui tam. I hope to hear of a favorable review after the President installs a staff to assist the Attorney General in the administration of justice

Representative BERMAN in the House of Representatives is introducing companion legislation like I am introducing today. He and I worked together in 1986 when we beefed up the qui tam provisions of law that have been on the books since 1863 so it would be a more effective piece of legislation. I hope that between Representative BERMAN and myself we can get both bodies to move quickly to make these necessary housekeeping changes in the Government's most effective tool in fighting fraud.

I ask unanimous consent, Mr. President, that the bill and summary of its contents be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 841

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "False Claims Amendments Act of 1993".

SEC. 2. GOVERNMENT RIGHT TO DISMISS CERTAIN ACTIONS.

Section 3730(b) of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(6)(A) No later than 60 days after the date of service under paragraph (2), the Government may move to dismiss from the action the qui tam relator if—

"(i) all the necessary and specific material allegations contained in such action were derived from an open and active fraud investigation by the Government; or

"(ii) the person bringing the action learned of the information that underlies the alleged violation of section 3729 that is the basis of the action in the course of the person's employment by the United States, and none of the following has occurred:

"(I) In a case in which the employing agency has an inspector general, such person, before bringing the action—

"(aa) disclosed in writing substantially all material evidence and information that relates to the alleged violation that the person possessed to such inspector general; and

"(bb) notified in writing the person's supervisor and the Attorney General of the disclosure under division (aa).

"(II) In a case in which the employing agency does not have an inspector general, such person, before bringing the action—

"(aa) disclosed in writing substantially all material evidence and information that relates to the alleged violation that the person possessed, to the Attorney General; and

"(bb) notified in writing the person's supervisor of the disclosure under division (aa).

"(III) Twelve months (and any period of extension as provided for under subparagraph (B)) have elapsed since the disclosure of information and notification under either subclause (I) or (II) were made and the Attorney General has not filed an action based on such information.

"(B) Prior to the expiration of the 12-month period described under subparagraph (A)(ii)(III) and upon notice to the person who has disclosed information and provided notice under subparagraph (A)(ii) (I) or (II), the Attorney General may file a motion seeking an extension of such 12-month period. Such 12-month period may be extended by a court for not more than an additional 12-month period upon a showing by the Government that the additional period is necessary for the Government to decide whether or not to file such action. Any such motion may be filed in camera and may be supported by affidavits or other submissions in camera.

"(C) For purposes of subparagraph (A), a person's supervisor is the officer or employee who—

"(i) is in a position of the next highest classification to the position of such person;

"(ii) has supervisory authority over such person; and

"(iii) such person believes is not culpable of the violation upon which the action under this subsection is brought by such person.

"(D) A motion to dismiss under this paragraph shall set forth documentation of the allegations, evidence, and information in support of the motion.

"(E) Any person bringing a civil action under paragraph (1) shall be provided an opportunity to contest a motion to dismiss under this paragraph. The court may restrict access to the evidentiary materials filed in support of the motion to dismiss, as the interests of justice require. A motion to dismiss and papers filed in support or opposition of such motion shall not be—

"(i) made public without the prior written consent of the person bringing the civil action; and

"(ii) subject to discovery by the defendant.

"(F) If the motion to dismiss under this paragraph is granted, the matter shall remain under seal.

"(G) No later than 6 months after the date of the enactment of this paragraph, and every 6 months thereafter, the Department of Justice shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives relating to—

"(i) the cases in which the Department of Justice has filed a motion to dismiss under this paragraph;

"(ii) the outcome of such motions; and

"(iii) the status of false claims civil actions in which such motions were filed.".

SEC. 3. PROVISIONS RELATING TO ACTIONS BARRED AND QUI TAM AWARDS.

Section 3730 of title 31, United States Code, is further amended—

(1) in subsection (b)(1) by adding at the end thereof "No claim for a violation of section 3729 may be waived or released by any action of any person, except insofar as such action is part of a court approved settlement of a false claim civil action brought under this section.";

(2) in subsection (d)—

(A) in the first sentence by striking out ", subject to the second sentence of this paragraph,"; and

(B) by striking out the second sentence; and

(3) in subsection (e) by striking out paragraph (4).

SEC. 4. WHISTLEBLOWER PROTECTION.

Section 3730(h) of title 31, United States Code, is amended—

(1) by striking out "(h)" and inserting in lieu thereof "(h) WHISTLEBLOWER PROTECTION.—(1)"; and

(2) by adding at the end thereof the following new paragraphs:

"(2)(A) In any action brought by an employee under paragraph (1), the employee shall be entitled to relief if, based upon a preponderance of the evidence, the employee demonstrates that a lawful act described under paragraph (1) was a contributing factor in the action by the employer against the employee that is alleged in the complaint.

"(B) Notwithstanding the provisions of subparagraph (A), such employee shall not be entitled to relief, if the employer demonstrates by clear and convincing evidence that the employer would have taken the same action against the employee in the absence of such lawful act.".

SEC. 5. DEFINITION OF PERSON.

Section 3730 of title 31, United States Code, is further amended by inserting at the end thereof the following new subsection:

"(i) DEFINITION.—For purposes of this section the term 'person' means any natural person, partnership, corporation, association, or other legal entity including any State or political subdivision of a State.".

SEC. 6. STATUTE OF LIMITATIONS.

Section 3731(b) of title 31, United States Code, is amended to read as follows:

"(b)(1) A civil action under section 3730 may not be brought more than 6 years after the date on which the violation of section 3729 is committed.

"(2) For the purpose of computing the period described under paragraph (1), there shall be excluded all periods during which facts material to the right of action are not known and reasonably could not be known by the official of the United States with authority to act in the circumstances.".

SEC. 7. AUTHORITY TO ISSUE INVESTIGATIVE DEMANDS.

Section 3733 of title 31, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in the matter preceding subparagraph (A) by inserting "or an Assistant Attorney General" after "Attorney General" each place it appears; and

(B) in the matter following subparagraph (D)—

(i) in the first sentence by inserting "or an Assistant Attorney General" after "Attorney General"; and

(ii) in the second sentence by striking out ", the Deputy Attorney General,";

(2) in subsection (a)(2)—

(A) in subparagraph (F) by striking out "designated by the Attorney General"; and

(B) in subparagraph (G) by inserting "or an Assistant Attorney General" after "Attorney General" each place it appears;

(3) in subsection (h)(6) by striking out ", the Deputy Attorney General,";

(4) in subsection (i) by inserting "or an Assistant Attorney General" after "Attorney General" each place it appears; and

(5) in subsection (l)(6) by inserting "or an Assistant Attorney General" after "Attorney General".

SEC. 8. APPLICABILITY AND EFFECTIVE DATE.

(a) IN GENERAL.—(1) The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to cases filed on or after the date of enactment of this Act.

(2) The provisions of section 3730(b)(6)(A)(i) of title 31, United States Code (as added by section 2 of this Act), and section 3730 (d) and (e) of such title (as amended by section 3 (2) and (3) of this Act), shall apply to cases pending on the date of the enactment of this Act. In any case that is pending on the date of the enactment of this Act in which the Government has elected to proceed with the action under section 3730(b)(4) of title 31, United States Code, the Government may file a motion to dismiss a qui tam relator under section 3730(b)(6)(A)(i) of such title (as added by section 2 of this Act), no later than 120 days after the date of the enactment of this Act.

(b) PRIOR LAWS.—(1) The amendments made by the False Claims Amendments Act of 1986 (Public Law 99-562) shall apply to cases filed on or after the date of the enactment of such Act, and to cases pending on such date that are still pending on the date of the enactment of this Act.

(2) The amendments made by section 9 of the Major Fraud Act of 1988 (Public Law 100-700) shall apply to cases filed on or after the date of the enactment of such Act, and to cases pending on such date that are still pending on the date of enactment of this Act.

SUMMARY OF S. 841, THE FALSE CLAIMS ACT AMENDMENTS OF 1993

SECTION 1.

Popular title.

SECTION 2: GOVERNMENT RIGHT TO DISMISS CERTAIN ACTIONS.

This section clarifies the Act's application to suits where the government is already conducting an open an active investigation and suits based on information acquired in the course of government employment.

Parasitic lawsuits: The Act deletes the existing jurisdictional bar on suits based on information publicly disclosed in a criminal, civil, or administrative hearing, audit, or investigation, or in a news media report.[1] The current jurisdictional bar was created in 1986 as a replacement for the overly broad bar on any qui tam suit based on information in the possession of the government. The existing bar was intended to prohibit only those suits where the government is already conducting an investigation and a qui tam lawsuit can bring no new information to the government's attention. That section has been wrongly interpreted by a number of courts to bar suits based on information no subject of a government investigation.[2] Moreover, although the jurisdictional bar is designed to protect the fiscal interests of the United States, it has instead become a common basis of uninterested defendants' arguments for dismissal of otherwise meritorious fraud complaints.

The amendments therefore eliminate the jurisdictional bar and replace it with a simplified right of the government to dismiss parasitic lawsuits—suits derived from open and active fraud investigations by the government. The Act's absolute jurisdictional bar on qui tam actions based upon information already the subject of a civil suit by the government is retained.[3]

Government employee lawsuits: Following the lead of legislation passed by the House of Representatives last year, Representative Berman's H.R. 4563, the Amendments address the Act's ambiguity about qui tam lawsuits by government employees. A number of courts have concluded that the Act does not preclude such suits.[4] Recognizing that government employees may have an improper conflict of interest if granted an unrestrained right to sue for fraud discovered in the course of their employment and collect a portion of the government's damages—especially employees whose primary job responsibilities include investigating and prosecuting fraud, the Amendments require employees to report fraud to the government (their agency's inspector general, their supervisor, and the attorney general), and grant the government 12 months to file an action based on the information, before they can file a qui tam suit. The government is granted the right to dismiss qui tam suits which do not meet these requirements.

The government must report every six months to the Judiciary Committees on motions under this section and the status of actions in which such motions were filed.

---

[1] The current jurisdictional bar is contained in 31 U.S.C. §3730(e)(4).

[2] E.g., *United States ex rel. Kreindler & Kreindler* v. *United Technologies Corp.*, ——F.2d —— (2d Cir., Jan. 22, 1993) *Wang* v. *FMC Corp.*, 975 F.2d 1412 (9th Cir. 1992); *United States ex rel. Precision Company* v. *Koch Industries, Inc.*, 971 F.2d 548 (10th Cir. 1992); *United States ex rel. Doe* v. *John Doe Corp.*, 960 F.2d 318 (2d Cir. 1992); *United States ex rel. Stinson, Lyons, Gerlin & Bustamante, P.A.* v. *Prudential Ins. Co.*, 944 F.2d 1149 (3rd Cir. 1991); *United States* v. *Rockwell International Corp.*, 730 F. Supp. 1031 (D. Colo. 1990).

[3] 31 U.S.C. §3730(e)(3).

[4] E.q., *United States ex rel. Williams* v. *NEC Corp.*, 931 F.2d 493 (11th Cir. 1991); *United States ex rel. Hagood* v. *Sonoma County Water Agency*, 929 F.2d 1416 (9th Cir. 1991); *United States ex rel. LeBlanc* v. *Raytheon Corp.*, 913 F.2d 17 (1st Cir. 1990); *United States ex rel. Weinstein* v. *CAC-Ramsay, Inc.*, 744 F. Supp. 1158 (S.D. Fla. 1990).

SECTION 3

Subsection 1 amends the Act to clarify that private parties cannot waive the government's rights under the False Claims Act as part of any private settlement of a potential qui tam suit.

Subsection 2 strikes those sections of the current act which are made redundant by the amendments in section 2.

SECTION 4

This section clarifies that the whistleblower protection provisions of the current act should utilize the same standards as the Whistleblower Protection Act. This amendment passed the House last year as part of H.R. 4563.

SECTION 5

Section 5 clarifies the definition of "person" in the Act, which includes entities other than natural persons (other than the federal government), and pluralities of persons.

SECTION 6

Section 6 clarifies that the 6 year statute of limitations under the Act is tolled in those periods where the government had not and reasonably could not have discovered the fraud.

SECTION 7

Section 7 clarifies that certain mid-level officers of the Department of Justice have the authority to issue civil investigative demands.

SECTION 8

Section 8 addresses the effective date of the amendments. The amendments apply to cases filed after passage, except for the deletion of section 3730(e)(4)(A) and the new government right to dismiss actions based on information derived from open and active government fraud investigations, which apply to pending cases.

The bill also clarifies that the 1986 and 1988 amendments to the Act are intended by Congress to apply retroactively.

By Mr. PRESSLER:

S. 842. A bill to provide for the transfer of funds to carry out the financing functions of the Small Business Administration under section 7(a) of the Small Business Act; to the Committee on Small Business.

SBA REPROGRAMMING ACT OF 1993

Mr. PRESSLER. Mr. President, Tuesday was a tragic day for America's small business men and women. The Small Business Administration's [SBA] largest small business loan guarantee program—ran out of money. It went out of business and closed its doors.

Demand for SBA guaranteed small business loans is up significantly. The $3.6 billion in loan guarantees that Congress approved for fiscal year 1993 was completely depleted by April 27—only 30 weeks into the fiscal year and 98 days into the President's term.

The tragedy here, Mr. President, is that the small business guaranteed loan program didn't need to close its doors Tuesday. The administration has the authority on its own to keep the program alive. The administration could have acted to keep this program up and running for 2, 3, maybe even 4 weeks. Small businesses are falling victim to a very high stakes version of the blame game. The short-term answer is simple—reprogram. With a stroke of the pen, the Clinton administration can reprogram money from other SBA programs and accounts and transfer it into the 7(a) program.

The 7(a) shortfalls are not unusual. As a matter of fact, we experienced a similar situation last year. However, the program didn't shut down last year—the Bush administration took responsible steps to reprogram money until the appropriators in Congress could act.

As the ranking member of the Senate Small Business Committee, I hate to see America's small business men and women being held hostage to a political game—a game Members on the other side of the aisle are playing to lay the blame at the feet of Republicans for shutting down this program.

The 7(a) loan program has strong bipartisan support. It is a program that works. More than 27,700 new jobs were created last year through these loans. Nearly 107,000 jobs have been created in the last 4 years. Additional money for the 7(a) program—along with things like the unemployment benefits extension and child immunization—were some of the very good things included in the President's package. It also is important to point out that additional funding for the SBA's 7(a) program was part of the Republican leader and Senator HATFIELD's emergency stimulus compromise bill. That compromise was rejected.

For that reason, I am introducing legislation instructing the SBA, within 7 days of enactment, to initiate reprogramming action to put at least $30 million into the 7(a) small business loan guarantee program and to notify the Appropriations Committee of the administration's actions.

My bill also instructs the SBA to continue receiving and processing applications right up to the point where money actually leaves the door. This way—when we do eventually find the money to pay for this program—small businesses will already have jumped through all the necessary hoops and can receive their money almost immediately. All the paperwork will be complete. All that will remain will be the formality of releasing the funds.

Tuesday, I wrote the President and urged him to direct both the SBA and the Office of Management and Budget to temporarily reprogram as much money as possible from other accounts and programs at the SBA to keep this important program lending money to small business men and women. It is my hope that the President, who has articulated eloquently the importance of small business and its job-creating ability, will help small business and begin reprogramming the necessary funds immediately. Depriving small businesses of much-needed capital, at least until we have exhausted all the possibilities, is unnecessary and harmful to the most productive sector of our economy.

Mr. President, if my legislation is enacted and small businesses receive a temporary reprieve, it is my hope that during that respite we can find a reasonable way to pay for this program and keep it running until the end of the fiscal year. However, it is my hope that the President will take the most simple and most expeditious course of action: Reprogram the SBA now. He doesn't need Congress to do that. All he needs is a pen.

I hope my colleagues will join me in supporting small business and this legislation.

By Mr. ROCKEFELLER (for himself, Mr. MURKOWSKI, Mr. DECONCINI, Mr. GRAHAM, Mr. AKAKA, Mr. DASCHLE, and Mr. CAMPBELL):

S. 843. A bill to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services; to the Committee on Veterans' Affairs.

UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT ACT OF 1993

• Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to introduce S. 843, the proposed Uniformed Services Employment and Reemployment Rights Act of 1993. This legislation would revise chapter 43 of title 38, United States Code, to clarify veterans' reemployment rights [VRR] law provisions and to make improvements in various aspects of this law. I am extremely pleased to be joined in introducing this bill by the committee's ranking Republican member, Mr. MURKOWSKI, and by committee members DECONCINI, GRAHAM, AKAKA, DASCHLE, and CAMPBELL.

This bill is derived from S. 1095, as passed by unanimous consent in the 102d Congress on October 1, 1992. It is also similar to H.R. 995, as introduced in the House of Representatives by the chairman of the House Veterans' Affairs Committee, Mr. MONTGOMERY, on February 18, 1993, and ordered reported by the House Veterans' Affairs Committee on April 1.

BACKGROUND

Mr. President, the VRR provisions, first enacted in 1940, are codified in chapter 43 of title 38. The current VRR law provides job security to employees who leave their civilian jobs in order to enter active military service, voluntarily or involuntarily. Within certain limits, the law generally entitles the individual who serves in the military to return to his or her former civilian job after being discharged or released from active duty under honorable conditions. For purposes of seniority, status, and pay, the employee is entitled to be treated as though he or she never left. The effect of this law is often characterized as enabling the returning veteran to step back on the seniority escalator at the point he or she would have occupied without interruption for military service. The law applies both to active duty service and to training periods served by reservists and members of the National Guard.

The VRR law is intended to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which occur as a result of such service. The bill that we are introducing today would help ensure that the VRR law effectively and fairly serves this purpose.

The bill is also aimed at clarifying the law. It is important that both employees and employers be able to understand the VRR law clearly so that active duty servicemembers and reservists, whether they serve on active duty during an extended conflict or participate in routine training, do not experience unnecessary delays or disputes in returning to their former civilian jobs. Unfortunately, over the last 53 years the VRR law has become a confusing and cumbersome patchwork of statutory amendments and judicial constructions that, at times, hinder the resolution of claims. Thus, this bill would amend the VRR law to restate past amendments in a clearer manner and to incorporate important court decisions interpreting the law. The substantive rights at the heart of the VRR law would remain as valuable protection to those who provide this country with noncareer service in the uniformed services.

Mr. President, Congress has long recognized that the support of civilian employers is necessary if the uniformed services are to be able to recruit and retain noncareer personnel. I sincerely appreciate the very cooperative and patriotic manner in which the vast majority of employers have carried out their responsibilities under the VRR law. Our bill is designed to take into account the legitimate interest and needs of employers and to assist them by stating their obligations in a clear fashion.

Both Committees on Veterans' Affairs and the administration committed much time and energy to the revision and improvement of this law during the 102d Congress. For over 3 years, an executive branch task force on VRR law, including representatives of the Departments of Labor, Defense, and Justice and the Office of Personnel Management, worked to develop a revision of chapter 43. H.R. 1578, the Uniformed Services Employment and Reemployment Rights Act of 1991, as passed by the House on May 14, 1991, was similar to and largely derived from the administration's March 5, 1991, draft. H.R. 1578 was modified and passed again by the House on October 1, 1992.

The Senate Veteran's Affairs Committee, under the leadership of Chairman Alan Cranston during the 102d Congress, worked closely with representatives from each of the Federal agencies responsible for administering the VRR law in developing the Senate bill, S. 1095, entitled the Uniformed Services Employment and Reemployment Rights Act of 1991. Senator Cranston introduced S. 1095 on May 16, 1991. The Senate Veterans' Affairs Committee held a hearing on the legislation and subsequently filed a report on S. 1095 on November 7, 1991. Unfortunately, the Senate was unable to proceed to the consideration of S. 1095 until October 1, 1992—only a few days before adjournment of the 102d Congress.

The delay of nearly 11 months was the result of objections to S. 1095 by several organizations representing both large and small businesses which expressed reservations with S. 1095 as reported. The bill that the Senate finally passed on October 1, with a substantial committee modification as an amendment to the bill, reflected a substantial compromise reached with the business organizations and various Senators, while upholding the interests of veterans. The legislation we introduce today substantially embodies the compromise reached at the end of the last Congress.

Because this bill is derived from and is so similar to S. 1095, I refer my colleagues and all others with an interest in the bill to the committee report—Senate Report No. 102-203—and the CONGRESSIONAL RECORD for October 1, 1992, for a general discussion of the issues.

SUMMARY OF MAJOR PROVISIONS

As modified by this bill, chapter 43 would:

Define terms used in the new chapter 43.

Continue to protect employees or applicants for employment from discrimination or reprisal based on their military obligation, and add a prohibition of employer reprisals against witnesses in reemployment rights cases.

Expand the term "employee" to include U.S. citizens employed in a foreign country if an American employer controls the corporation, but allow an employer to take an otherwise prohibited action if compliance with chapter 43 would violate the law of the foreign country.

Place a 5-year limit, with certain exceptions, on the cumulative length of time that an individual may be absent from a position of employment and still be eligible for reemployment rights with respect to that position.

Repeal the exclusion of individuals who held temporary positions from reemployment protection.

Generally base time requirements for returning to work or applying for reemployment on the length of the individual's absence for service.

Require absent individual—or an appropriate officer of the uniformed service—to give employer advance written or verbal notice of service.

Allow employers who reemploy individuals absent for more than 90 days for active duty service to require documentation regarding their service before they would become entitled to pension benefits with respect to the period of service.

Codify court holding that entitlement to reemployment protection does not depend upon the timing, frequency, duration, or nature of an individual's service.

Require employers to make reasonable efforts—actions, including training, that do not create an undue hardship on the employer—to refresh or update the skills of an individual who needs training in order to qualify for reemployment.

Require employers to make reasonable efforts to accommodate the disability of an individual seeking employment who has a service-connected disability.

Ensure an individual whose reemployment in a legislative or judicial branch position, or as a National Guard technician, is impossible or unreasonable with an offer of alternative employment in a Federal executive agency in a position of like seniority, status, and pay.

Maintain the so-called escalator principle under which an individual absent from employment by reason of service in the uniformed services is entitled, upon being reemployed, to the seniority and other rights and benefits determined by seniority the individual had when he or she began service plus the additional seniority and rights and benefits he or she would have attained if the person had remained continuously employed.

Reaffirm that while an individual is performing service in the uniformed services he or she is deemed to be on furlough or leave of absence and is entitled to those other rights and benefits not determined by seniority which were in effect at the beginning of the service. Expand the individual's entitlement to include those other rights and benefits which are established while the individual performs the service, but limit the duration of entitlement to such rights and benefits to a period of 18 months or the completion of service, whichever is earlier.

Provide that an individual in the uniformed services who is entitled to an extension of his or her civilian employer's health plan coverage by virtue of being deemed to be on furlough or leave of absence is entitled to that coverage to the extent that he or she is not entitled to care and treatment from the Federal Government as a result of service in the uniformed services.

Provide that an individual in the uniformed services who is entitled to an extension of his or her civilian employer's life insurance policy is entitled to the coverage of a death incurred as a result of participation in, or assignment to an area of, armed conflict to the extent that that coverage is not excluded or limited by any provision of the plan or policy.

Provide that if an individual's employer-sponsored health plan coverage would otherwise terminate due to an extended absence from employment for purposes of service in the uniformed services, he or she may elect to continue the health plan coverage for up to 18 months after the absence begins or for the period of service, whichever period is the lesser. The individual generally could be required to pay no more than 102 percent of the full premium for the coverage, and an individual serving for less than 31 days could not be required to pay more than the normal employee share of any premium. The individual will not be entitled to coverage under that plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of his or her service in the uniformed services.

Provide that, in a multiemployer defined contribution pension plan, the sponsor maintaining the plan may allocate among the participating employers the liability of the plan for pension benefits accrued by individuals who are absent for service in the uniformed services. If no cost-sharing arrangement is provided, the full liability to make the retroactive contributions to the plan would be allocated to the last employer employing the person before the period of uniformed service.

Provide that a returning employee's payments into the pension plan may be made, as the employer and employee may agree, during any reasonable continuous period—beginning with the date of reemployment—but in no event will the individual be afforded a payment period shorter than the length of absence for service for which the payments are due.

Provide, for the purposes of determining an employer's liability or an employee's contributions under a pension benefit plan, that the employee's reconstructed compensation during the period of his or her service in the uniformed services would be based on: First, the rate of pay the employee would have received from the employer but for the absence during the period of service, or second, if the employee's compensation was not based on a fixed rate, on the basis of the employee's average rate of pay during the 12-month period immediately preceding his or her entry into service—or, if shorter than 12 months, the period of employment immediately preceding entry into service.

Provide that unless a pension plan provides otherwise, no earnings would be credited to an employee with respect to any contribution prior to the contribution actually being made to the plan, and any elective employer contributions, or any forfeiture of contributions made by other participants, for any year during the period of service would not be allocated to the returning servicemember.

Require the Secretary of Labor to investigate an individual's complaint that the employer has failed or refused, or is about to fail or refuse, to comply with the reemployment law, and require the Secretary to make reasonable efforts to ensure compliance.

Authorize the Secretary of Labor to require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation.

Enable Federal executive agency employees whose cases are not resolved successfully by the Department of Labor to receive representation by the Office of Special Counsel before the Merit Systems Protection Board [MSPB] and the U.S. Court of Appeals.

Provide that an individual would be able to petition a U.S. Court of Appeals to review a decision of the MSPB and that both the MSPB and Courts of Appeals would have the authority to award reasonable attorneys' fees, expert witness fees, and other litigation expenses to individuals who prevail.

Require the heads of intelligence agencies, which are otherwise exempt from enforcement procedures of the reemployment laws applicable to Federal agencies, to prescribe the conditions under which individuals who are absent from employment by reason of service in the uniformed services will be reemployed and the procedures for ensuring that those who satisfy the conditions are reemployed. In cases where it is impossible, unreasonable, or not practicable to reemploy an individual, the agency head would be required to notify the individual and the Director of the Office of Personnel Management [OPM]. The Director of OPM would be required to place the individual in a comparable position elsewhere in a Federal executive agency.

Authorize the award of attorneys' fees and expenses to employees who choose to be represented by private counsel and who prevail in court.

Provide for liquidated damages in an amount equal to the compensatory damages awarded in a case in which an employee prevails against a State, as an employer, or a private employer in court and the court determines that the employer's failure to comply with the provisions of the employment law was willful.

Provide that, effective August 1, 1990, the amount of Federal civil service retirement payments for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service if the employee had not performed the period of military service.

Provide for the treatment of contributions to the thrift savings fund by Federal employees who perform military service.

CONCLUSION

Mr. President, I urge my colleagues to support this legislation to clarify and strengthen the veterans' reemployment rights law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed Services Employment and Reemployment Rights Act of 1993".

SEC. 2. REVISION OF CHAPTER 43 OF TITLE 38.

(a) RESTATEMENT AND IMPROVEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Chapter 43 of title 38, United States Code, is amended to read as follows:

"CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

"SUBCHAPTER I—GENERAL

"Sec.

"4301. Purposes; sense of Congress.
"4302. Relation to other law; construction.
"4303. Definitions.
"4304. Character of service.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
"4312. Reemployment rights of persons who serve in the uniformed services.
"4313. Reemployment positions.
"4314. Reemployment by the Federal Government.
"4315. Reemployment by certain Federal agencies.
"4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service.
"4317. Employee pension benefit plans.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

"4321. Assistance in obtaining reemployment or other employment rights or benefits.
"4322. Enforcement of rights with respect to a State or private employer.
"4323. Enforcement of rights with respect to the Federal executive agencies.
"4324. Enforcement of rights with respect to certain Federal agencies.
"4325. Conduct of investigation; subpoenas.

"SUBCHAPTER IV—MISCELLANEOUS

"4331. Regulations.
"4332. Outreach.

"SUBCHAPTER I—GENERAL

"§ 4301. Purposes; sense of Congress

"(a) The purposes of this chapter are—

"(1) to encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

"(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service under honorable conditions; and

"(3) to prohibit discrimination against persons because of their service in the uniformed services.

"(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the reemployment practices provided for in this chapter.

"§ 4302. Relation to other law; construction

"(a) Nothing in this chapter shall supersede, nullify or diminish any Federal or State law (including any local law or ordinance) or employer practice, policy, agreement, or plan that establishes a right or benefit more beneficial to a person than a right or benefit provided for such person in this chapter or is in addition to a right or benefit provided for such person in this chapter.

"(b) This chapter supersedes any State law (including any local law or ordinance) or employer practice, policy, agreement, or plan that reduces, limits, or eliminates in any manner any right or benefit provided by this chapter, including the establishment of additional prerequisites to the exercise of any such right or the receipt of any such benefit that is not a prerequisite established by or under this chapter.

"§ 4303. Definitions

"For the purposes of this chapter—

"(1) The term 'Attorney General' means the Attorney General of the United States or any person designated by the Attorney General to carry out a responsibility of the Attorney General under this chapter.

"(2) The term 'benefit', 'benefit of employment', or 'rights and benefits' means any advantage, profit, privilege, gain, status, account, or interest that accrues by reason of an employment contract or an employer practice or custom (other than wages or salary for work performed) and includes rights under a pension or health plan, insurance coverage and awards, rights under an employee stock ownership plan, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

"(3)(A) The term 'employee' means any person employed by an employer.

"(B) With respect to employment in a foreign country, the term 'employee' includes an individual who is a citizen of the United States.

"(4)(A) Except as provided in subparagraphs (B) and (C), the term 'employer' means any person, institution, organization, or other entity that pays salary or wages for work performed or that has control over employment opportunities, including—

"(i) a person, institution, organization, or other entity to whom the employer has delegated the performance of employment-related responsibilities;

"(ii) the Federal Government;

"(iii) a State;

"(iv) any successor in interest to a person, institution, organization, or other entity referred to in this subparagraph; and

"(v) a person, institution, organization, or other entity that has denied initial employment in violation of section 4311 of this title.

"(B) In the case of a National Guard technician employed under section 709 of title 32, the term 'employer' means the adjutant general of the State in which the technician is employed.

"(C) Except as an actual employer of employees, an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) shall be deemed to be an employer only with respect to the obligation to provide benefits described in section 4317 of this title.

"(5) The term 'Federal executive agency' includes the United States Postal Service, the Postal Rate Commission, any nonappropriated fund instrumentality of the United States, and any Executive agency (as that term is defined in section 105 of title 5) other than an agency referred to in section 2302(a)(2)(C)(ii) of title 5.

"(6) The term 'Federal Government' includes any Federal executive agency, the legislative branch of the United States, and the judicial branch of the United States.

"(7) The term 'health plan' means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

"(8) The term 'notice' means (with respect to subchapter II) any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

"(9) The term 'qualified', with respect to an employment position, means having the ability to perform the essential tasks of the position.

"(10) The term 'reasonable efforts', in the case of actions required of an employer under this chapter, means actions, including training provided by an employer, whose carrying out does not place an undue hardship on the employer.

"(11) The term 'Secretary' means the Secretary of Labor or any person designed by such Secretary to carry out an activity under this chapter.

"(12) The term 'seniority' means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

"(13) The term 'service in the uniformed services' means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

"(14) The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories of the United States (including the agencies and political subdivisions thereof).

"(15) The term 'undue hardship', in the case of actions taken by an employer, means actions requiring significant difficulty or expense, when considered in light of—

"(A) the nature and cost of the action needed under this chapter;

"(B) the overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources, or the impact otherwise of such action upon the operation of the facility;

"(C) the overall financial resources of the employer; the overall size of the business of an employer with respect to the number of its employees; the number, type, and location of its facilities; and

"(D) the type of operation or operations of the employer, including the composition, structure, and functions of the work force of such employer; the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

"(16) The term 'uniformed services' means the Armed Forces, the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, the commissioned corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

"§ 4304. Character of service

"A person's entitlement to the benefits of this chapter by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

"(1) A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.

"(2) A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary concerned.

"(3) A dismissal of such person permitted under section 1161(a) of title 10.

"(4) A dropping of such person from the rolls pursuant to section 1161(b) of title 10.

"SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

"§ 4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited

"(a) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, service, or obligation.

"(b) An employer shall be considered to have denied a person initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the person's membership, application for membership, service, application for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can demonstrate that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation.

"(c)(1) An employer may not discriminate in employment against or take any adverse employment action against any person because such person has taken an action to enforce a protection afforded any person under this chapter, has testified or otherwise made a statement in or in connection with any proceeding under this chapter, has assisted or otherwise participated in an investigation under this chapter, or has exercised a right provided for in this chapter.

"(2) The prohibition in paragraph (1) shall apply with respect to a person regardless of whether that person has performed service in the uniformed services.

"(d)(1) An employer may take an action otherwise prohibited by this section with respect to an employee in a workplace in a foreign country if compliance with such section would cause such employer to violate the law of the foreign country in which the workplace is located.

"(2) If an employer controls a corporation incorporated and located in a foreign country, any practice prohibited by this chapter that is engaged in by such corporation shall be presumed to be engaged in by such employer.

"(3)(A) The prohibitions of this section shall not apply to an employer who is a foreign person not controlled by an American employer.

"(B) For purposes of this paragraph the determination of whether an employer controls a corporation shall be based on—

"(i) the interrelation of operations;

"(ii) the common management;

"(iii) the centralized control of labor relations; and

"(iv) the common ownership or financial control of the employer and the corporation.

"§4312. Reemployment rights of persons who serve in the uniformed services

"(a) Subject to subsections (b), (c), and (d) and section 4304 of this title, any person who is absent from a position of employment by reason of service in the uniformed services shall be entitled to the reemployment rights and benefits and other employment benefits of this chapter if—

"(1) the person (or an appropriate officer of the uniformed service in which such service is performed) has given advance written or verbal notice of such service to such person's employer;

"(2) the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years; and

"(3) the person reports to, or submits an application for reemployment to, such employer in accordance with subsection (e).

"(b) No notice is required under subsection (a)(1) if the giving of such notice is precluded by military necessity or the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made pursuant to regulations prescribed by the Secretary of Defense and shall not be subject to judicial review.

"(c) Subsection (a) shall apply to a person who is absent from a position of employment by reason of service in the uniformed services if such person's cumulative period of service in the uniformed services, with respect to the employer relationship for which a person seeks reemployment, does not exceed five years, except that any such period of service shall not include any service—

"(1) that is required, beyond five years, to complete an initial period of obligated service;

"(2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;

"(3) performed as required pursuant to section 270 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined and certified in writing by the Secretary concerned, to be necessary for professional development, or for completion of skill training or retraining; or

"(4) performed by a member of a uniformed service who is—

"(A) ordered to or retained on active duty under section 672(a), 672(g), 673, 673b, 673c, or 688 of title 10;

"(B) ordered to or retained on active duty (other than for training) under any provision of law during a war or during a national emergency declared by the President or the Congress;

"(C) ordered to active duty (other than for training) in support, as determined by the Secretary concerned, of an operational mission for which personnel have been ordered to active duty under section 673b of title 10;

"(D) ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services; or

"(E) called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 3500 or 8500 of title 10.

"(d)(1) An employer is not required to reemploy a person under this chapter if—

"(A) the employer's circumstances have so changed as to make such reemployment impossible or unreasonable; or

"(B) in the case of a person entitled to reemployment under subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 of this title, such employment would impose an undue hardship on the employer.

"(2) In any administrative or judicial proceeding involving an issue of whether—

"(A) any reemployment referred to in paragraph (1) is impossible or unreasonable because of a change in an employer's circumstances, or

"(B) any accommodation, training, or effort referred to in subsection (a)(3), (a)(4), or (b)(2)(B) of section 4313 of this title would impose an undue hardship on the employer,

the employer shall have the burden of proving the impossibility or unreasonableness or undue hardship.

"(e)(1) Subject to paragraph (2), a person referred to in subsection (a) shall, upon the completion of a period of service in the uniformed services, notify the employer referred to in such subsection of the person's intent to return to a position of employment with such employer as follows:

"(A) In the case of a person whose period of service in the uniformed services was less than 31 days, by reporting to the employer—

"(i) not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the person from the place of that service to the person's residence; or

"(ii) as soon as possible after the expiration of the eight-hour period referred to in clause (i), if reporting within the period referred to in such clause is impossible or unreasonable through no fault of the person.

"(B) In the case of a person who is absent from a position of employment for a period of any length for the purposes of an examination to determine the person's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in subparagraph (A).

"(C) In the case of a person whose period of service in the uniformed services was for more than 30 days but less than 181 days, by submitting an application for reemployment with the employer not later than 14 days after the completion of the period of service.

"(D) In the case of a person whose period of service in the uniformed services was for more than 180 days, by submitting an application for reemployment with the employer not later than 90 days after the completion of the period of service.

"(2)(A) A person who is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated by, the performance of service in the uniformed services shall, at the end of the period that is necessary for the person to recover from such illness or injury, report to the person's employer (in the case of a person described in subparagraph (A) or (B) of paragraph (1)) or submit an application for reemployment with such employer (in the case of a person described in subparagraph (C) or (D) of such paragraph). Except as provided in subparagraph (B), such period of recovery may not exceed two years.

"(B) Such two-year period shall be extended by the minimum time required to accommodate the circumstances beyond such person's control which make reporting within the period specified in subparagraph (A) impossible or unreasonable.

"(3) A person who fails to report for employment or reemployment within the appropriate period specified in this subsection shall not automatically forfeit such person's entitlement to the rights and benefits referred to in subsection (a) but shall be subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

"(f)(1) A person who submits an application for reemployment in accordance with subparagraph (C) or (D) of subsection (e)(1) or subsection (e)(2) shall provide to the person's employer (upon the request of such employer) documentation to establish that—

"(A) the person's application is timely;

"(B) the person has not exceeded the service limitations set forth in subsection (a)(2) (except as permitted under subsection (c)); and

"(C) the person's entitlement to the benefits under this chapter has not been terminated pursuant to section 4304 of this title.

"(2) Documentation of any matter referred to in paragraph (1) that satisfies regulations prescribed by the Secretary shall satisfy the documentation requirements in such paragraph.

"(3)(A) Except as provided in subparagraph (B), the failure of a person to provide documentation that satisfies regulations prescribed pursuant to paragraph (2) shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that such person does not meet one or more of the requirements referred to in subparagraphs (A), (B), and (C) of paragraph (1), the employer of such person may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

"(B) An employer who reemploys a person absent from a position of employment for more than 90 days may require that the person provide the employer with the documentation referred to in subparagraph (A) before beginning to treat the person as not having incurred a break in service for pension purposes under section 4317(a)(2)(A) of this title.

"(4) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

"(g) The right of a person to reemployment under this section shall not entitle such person to retention, preference, or displacement rights over any person with a superior claim under the provisions of title, 5, United States Code, relating to veterans and other preference eligibles.

"(h) In any determination of a person's entitlement to protection under this chapter, the timing, frequency, and duration of the person's training or service, or the nature of such training or service (including voluntary service) in the uniformed services, shall not be a basis for denying protection of this chapter if the service does not exceed the limitations set forth in subsection (c) and the notice requirements established in subsection (a)(1) and the notification requirements established in subsection (e) are met.

"§ 4313. Reemployment positions

"(a) Subject to subsection (b) (in the case of any employee) and section 4314 of this title (in the case of an employee of the Federal Government), a person entitled to reemployment under section 4312 of this title upon completion of a period of service in the uniformed services shall be promptly reemployed in a position of employment as follows (and in accordance with the order of priority set forth in the applicable paragraph):

"(1) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for less than 31 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, the duties of which the person is qualified to perform; or

"(B) if the person is not qualified to perform the duties of the position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person, in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services.

"(2) Except as provided in paragraphs (3) and (4), in the case of a person whose period of service in the uniformed services was for more than 30 days—

"(A) in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or a position of like seniority, status, and pay, the duties of which the person is qualified to perform; or

"(B) if the person is not qualified to perform the duties of a position referred to in subparagraph (A) after reasonable efforts by the employer to qualify the person, in the position of employment in which the person was employed on the date of the commencement of the service in the uniformed services, or a position of like seniority, status and pay, the duties of which the person is qualified to perform.

"(3) In the case of a person who has a disability incurred in, or aggravated by, such service, and who (after reasonable efforts by the employer to accommodate the disability) is not qualified due to such disability to be employed in the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service—

"(A) in any other position which is equivalent in seniority, status, and pay, the duties of which the person is qualified to perform or would become qualified to perform with reasonable efforts by the employer; or

"(B) if not employed under subparagraph (A), in a position which is the nearest approximation to a position referred to in subparagraph (A) in terms of seniority, status, and pay consistent with circumstances of such person's case.

"(4) In the case of a person who (A) is not qualified to be employed in (i) the position of employment in which the person would have been employed if the continuous employment of such person with the employer had not been interrupted by such service, or (ii) in the position of employment in which such person was employed on the date of the commencement of the service in the uniform services for any reason (other than disability incurred in, or aggravated by, service in the uniformed services), and (B) cannot become qualified with reasonable efforts by the employer, in any other position of lesser status and pay which such person is qualified to perform, with full seniority.

"(b)(1) If two or more persons are entitled to reemployment under section 4312 of this title in the same position of employment and more than one of them has reported for such reemployment, the person who left the position first shall have the prior right to reemployment in that position.

"(2) Any person entitled to reemployment under section 4312 of this title who is not reemployed in a position of employment by reason of paragraph (1) shall be entitled to be reemployed as follows:

"(A) Except as provided in subparagraph (B), in any other position of employment referred to in subsection (a)(1) or (a)(2), as the case may be (in the order of priority set out in the applicable subsection), that provides a similar status and pay to a position of employment referred to in paragraph (1) of this subsection, consistent with circumstances of such person's case, with full seniority.

"(B) In the case of a person who has a disability incurred in, or aggravated by, service in the uniformed services that requires reasonable efforts by the employer for the person to be able to perform the duties of the position of employment, in any position referred to in subsection (a)(3) (in the order of priority set out in that subsection) that provides a similar status and pay to a position referred to in paragraph (1), consistent with circumstances of such person's case, with full seniority.

"§ 4314. Reemployment by the Federal Government

"(a) Except as provided in subsections (b), (c), (d), and (e), if a person is entitled to reemployment by the Federal Government under section 4312 of this title, such person shall be reemployed in a position of employment as described in section 4313 of this title.

"(b)(1) If the Director of the Office of Personnel Management makes a determination described in paragraph (2) with respect to a person who was employed by a Federal executive agency at the time the person entered the service from which the person seeks reemployment under this section, the Director shall—

"(A) identify a position of like seniority, status, and pay at another Federal executive agency that satisfies the requirements of section 4313 of this title and for which the person is qualified; and

"(B) ensure that the person is offered such position.

"(2) The Director shall carry out the duties referred to in paragraph (1) if the Director determines that—

"(A) the Federal executive agency that employed the person referred to in such paragraph no longer exists and the functions of such agency have not been transferred to another Federal executive agency; or

"(B) it is impossible or unreasonable for the agency to reemploy the person.

"(c) If the employer of a person described in subsection (a) was, at the time such person entered the service from which such person seeks reemployment under this section, a part of the judicial branch or the legislative branch of the Federal Government, and such employer determines that it is impossible or unreasonable for such employer to reemploy such person, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"(d) If the adjutant general of a State determines that it is impossible or unreasonable to reemploy a person who was a National Guard technician employed under section 709 of title 32, such person shall, upon application to the Director of the Office of Personnel Management, be ensured an offer of employment in an alternative position in a Federal executive agency on the basis described in subsection (b).

"(e) The Director of the Office of Personnel Management shall ensure the offer of employment to a person in a position in a Federal executive agency on the basis described in subsection (b) if—

"(1) the person was an employee of an agency referred to in section 2302(a)(2)(C)(ii) of title 5 at the time the person entered the service from which the person seeks reemployment under this section;

"(2) the appropriate officer of the agency determines under section 4315(c) of this title that reemployment of the person by the agency is impossible, unreasonable, or not practicable; and

"(3) the person submits an application to the Director for an offer of employment under this subsection.

"§ 4315. Reemployment by certain Federal agencies

"(a) The head of each agency referred to in section 2302(a)(2)(C)(ii) of title 5 shall prescribe—

"(1) the conditions under which persons who are absent from positions of employment with such agency by reason of service in the uniformed services shall be reemployed by such agency; and

"(2) procedures for ensuring that the persons who satisfy such conditions are reemployed by such agency.

"(b) In prescribing conditions and procedures under subsection (a), the head of the agency shall ensure, to the maximum extent practicable, that—

"(1) the conditions under which persons shall be reemployed by the agency are similar to the conditions for the entitlement of a person to reemployment rights under section 4312 of this title; and

"(2) the procedures for the reemployment of such persons provide for the reemployment of such persons by the agency in a manner that is similar to the manner described in section 4313 of this title.

"(c)(1) In prescribing conditions and procedures under subsection (a), the head of the agency shall designate an officer of the agency who shall determine if the reemployment of a person by the agency under this section is impossible, unreasonable, or not practicable.

"(2)(A) Upon making a determination that the reemployment of a person under this chapter is impossible, unreasonable, or not practicable, such officer shall notify such person and the Director of the Office of Personnel Management of such determination.

"(B) The head of each agency shall, on an annual basis, submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report of the number of persons whose reemployment with the agency was determined to be impossible, unreasonable, or not practicable during the year preceding the report and the reason for each such determination.

"(C) A determination under paragraph (1) shall not be subject to judicial review.

"§ 4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service

"(a) A person who is reemployed under this chapter after a period of service in the uniformed services is entitled to the seniority and other rights and benefits determined by seniority that the person had on the date of the commencement of such service plus the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed.

"(b)(1) Subject to paragraphs (2), (3), (4), and (5), a person who performs service in the uniformed services shall be (A) deemed to be on furlough or leave of absence while performing such service, and (B) entitled to such other rights and benefits not determined by seniority, relating to other employees on furlough or leave of absence which were in effect by practice, policy, agreement, or plan at the commencement of such service or were established while such person performs such service. Such person may be required to pay the employee cost, if any, of any funded benefit continued pursuant to the preceding sentence to the extent other employees on furlough or leave of absence are so required.

"(2) A person is not entitled under this subsection to coverage under a health plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(3) A person is not entitled under this subsection to coverage, under a life insurance policy, of a death incurred by the person as a result of the person's participation in, or assignment to an area of, armed conflict to the extent that such coverage is excluded or limited by a provision of such policy.

"(4) The requirement that an employer provide rights or benefits under paragraph (1) to a person deemed to be on furlough or leave of absence shall expire on the earlier of—

"(A) the date of the end of the 18-month period that begins on the date on which the person commences the performance of the service referred to in paragraph (1); or

"(B) the date on which the person completes the performance of such service.

"(5) A person is not entitled under this subsection to a right or benefit provided under an employee pension benefit plan.

"(c)(1)(A) Subject to subparagraphs (B) and (C), if a person's employer-sponsored health-plan coverage would otherwise terminate due to an extended absence from employment for purposes of performing service in the uniformed services, the person shall have the right to elect to continue health-plan coverage acquired through civilian employment in accordance with this paragraph so that such coverage continues for a maximum of 18 months after such absence begins. A person who elects to continue health-plan coverage under this paragraph may be required to pay not more than 102 percent of the full premium (determined in the same manner as the applicable premium under section 4980B(f)(4) of the Internal Revenue Code of 1986 (26 U.S.C. 4980B(f)(4)) associated with such coverage for the employer's other employees, except that in the case of a person who performs a period of service in the uniformed services for less than 31 days, such person may not be required to pay more than the employee share, if any, for such coverage.

"(B) A person who elects to continue health-plan coverage under this paragraph shall not be entitled to coverage under the plan to the extent that the person is entitled to care or treatment from the Federal Government as a result of such person's service in the uniformed services.

"(C) The period of coverage of a person and the person's dependents under a continuation of health-plan coverage elected by the person under this paragraph shall be the lesser of—

"(i) 18 months; or

"(ii) the period of the person's service in the uniformed services.

"(2) In the case of a person whose coverage by an employer-sponsored health plan as an employee is terminated by reason of the service of such person in the uniformed services, an exclusion or waiting period may not be imposed by any person in connection with the reinstatement of the coverage of the person upon reemployment under this chapter, or in connection with any other individual who is covered by the health plan by reason of the reinstatement of the coverage of such person upon reemployment, if an exclusion or waiting period would not have been imposed under such health plan had coverage of such person by such health plan not been terminated as a result of such service.

"(d) A person who is reemployed by an employer under this chapter shall not be discharged from such employment, except for cause—

"(1) within one year after the date of such reemployment, if tne person's period of service before the reemployment was more than 180 days; or

"(2) within 180 days after the date of such reemployment, if the person's period of service before the reemployment was more than 30 days but less than 181 days.

"(e)(1) Any person described in paragraph (2) whose employment with an employer referred to in that paragraph is interrupted by a period of service in the uniformed services shall be permitted, upon request of that person, to use during such period of service any vacation or annual leave with pay accrued by the person before the commencement of such service.

"(2) A person entitled to the benefit described in paragraph (1) is a person who—

"(A) has accrued vacation or annual leave with pay under a policy or practice of a State (as an employer) or private employer; or

"(B) has accrued such leave as an employee of the Federal Government pursuant to subchapter I of chapter 63 of title 5.

"§ 4317. Employee pension benefit plans

"(a)(1)(A) Except as provided in subparagraph (B), in the case of a right provided pursuant to an employee pension benefit plan described in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)) or a right provided under any Federal or State law governing pension benefits for governmental employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

"(B) In the case of benefits under the Thrift Savings Plan, the rights of a person reemployed under this chapter shall be those rights provided in section 8432b of title 5. This subparagraph shall not be construed to affect any other right or benefit under this chapter.

"(2)(A) Except as provided in section 4312(f)(3)(B) of this title, a person reemployed under this chapter shall be treated as not having incurred a break in service with the employer or employers maintaining the plan by reason of such person's period or periods of service in the uniformed services.

"(B) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the employer or employers maintaining the plan for purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

"(b)(1) An employer reemploying a person under this chapter shall be liable to an employee benefit pension plan for funding any obligation of the plan to provide the benefits described in subsection (a)(2). For purposes of determining the amount of such liability and for purposes of section 515 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1145) or any similar Federal or State law governing pension benefits for governmental employees, service in the uniformed services that is deemed under subsection (a) to be service with the employer shall be deemed to be service with the employer under the terms of the plan or any applicable collective bargaining agreement. In the case of a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), any liability of the plan described in this paragraph shall be allocated by the plan in such manner as the sponsor maintaining the plan may provide (or, if the sponsor does not so provide, shall be allocated to the last employer employing the person before the period described in subsection (a)(2)(B)).

"(2) A person reemployed under this chapter shall be entitled to accrued benefits pursuant to subsection (a) that are contingent on the making of, or derived from, employee contributions or elective deferrals (as defined in section 402(g)(3) of the Internal Revenue Code of 1986) only to the extent the person makes payment to the plan with respect to such contributions or deferrals. No such payment may exceed the amount the person or employer would have been permitted or required to contribute had the person remained continuously employed by the employer throughout the period of service described in subsection (a)(2)(B). Any payment to the plan described in this paragraph shall be made during any reasonable continuous period (beginning with the date of reemployment) as the employer and the person may agree but in no event shall such person be afforded a payment period shorter than the length of absence for service for which the payments are due.

"(3) For purposes of computing an employer's liability under paragraph (1) or the employee's contributions under paragraph (2), the employee's compensation during the period of service described in subsection (a)(2)(B)—

"(A) shall be computed at the rate the employee would have received but for the absence during the period of service; or

"(B) if the employee's compensation was not based on a fixed rate, shall be computed on the basis of the employee's average rate of compensation during the 12-month period immediately preceding such period (or, if shorter, the period of employment immediately preceding such period).

"(4) Unless the plan provides otherwise—

"(A) no earnings shall be credited to an employee with respect to any contribution prior to such contribution being made; and

"(B) any elective employer contributions, or any forfeitures, during the period described in subsection (a)(2)(B) shall not be allocated to persons reemployed under this chapter.

"(c) Any employer who reemploys a person under this chapter and who is an employer contributing to a multiemployer plan, as defined in section 3(37) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(37)), under which benefits are or may be payable to such person by reason of the obligations set forth in this chapter, shall, within 30 days after the date of such reemployment, provide notice of such reemployment to the administrator of such plan.

"(d) No provision of this section shall apply to the extent it—

"(1) requires any action to be taken which would cause the plan, participant, or employer to suffer adverse tax or other consequences under the Internal Revenue Code of 1986; or

"(2) requires contributions to be returned, or additional contributions to be made, with respect to employees not reemployed under this chapter.

"SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

"§ 4321. Assistance in obtaining reemployment or other employment rights or benefits

"(a) The Secretary (through the Veterans' Employment and Training Service) shall provide assistance to any person with respect to the employment and reemployment rights and benefits to which such person is entitled under this chapter. In providing such assistance, the Secretary may request the assistance of existing Federal and State agencies engaged in similar or related activities and utilize the assistance of volunteers.

"(b)(1)(A) A person referred to in subparagraph (B) may submit a complaint to the Secretary with respect to the matters described in clause (ii) of such subparagraph. Such complaint shall be submitted in accordance with subsection (c) .

"(B) A person may submit a under subparagraph (A) if the person claims—

"(i) to be entitled under this chapter to employment or reemployment rights or benefits with respect to employment by an employer; and

"(ii) that the employer (including the Office of Personnel Management, if the employer is the Federal Government) has failed or refused, or is about to fail or refuse, to comply with the provisions of this chapter.

"(2) The Secretary shall, upon request, provide technical assistance to a potential claimant with respect to a complaint under this subsection, and to such claimant's employer.

"(c) A complaint submitted under subsection (b) shall be in a form prescribed by the Secretary and shall include—

"(1) the name and address of the employer or potential employer against whom the complaint is directed; and

"(2) a summary of the allegations upon which the complaint is based.

"(d) The Secretary shall investigate each complaint submitted pursuant to subsection (b). If the Secretary determines as a result of the investigation that the action alleged in such complaint occurred, the Secretary shall make reasonable efforts to ensure that the person or entity named in the complaint complies with the provisions of this chapter.

"(e) If the efforts of the Secretary with respect to a complaint under subsection (d) are unsuccessful, the Secretary shall notify the person who submitted the complaint of—

"(1) the results of the Secretary's investigation; and

"(2) the complainant's entitlement to proceed under the enforcement of rights provisions provided under section 4322 of this title (in the case of a person submitting a complaint against a State or private employer) or section 4323 of this title (in the case of a person submitting a complaint against the Federal Government).

"(f) This subchapter does not apply to any action relating to benefits to be provided under the Thrift Savings Plan under title 5.

"§ 4322. Enforcement of rights with respect to a State or private employer

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4321(e) of this title of an unsuccessful effort to resolve a complaint relating to a State (as an employer) or a private employer may request that the Secretary refer the complaint to the Attorney General. If the Attorney General is reasonably satisfied that the person on whose behalf the complaint is referred is entitled to the rights or benefits sought, the Attorney General may appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and commence an action for appropriate relief for such person in an appropriate United States district court.

"(2)(A) A person referred to in subparagraph (B) may commence an action for appropriate relief in an appropriate United States district court.

"(B) A person entitled to commence an action for relief with respect to a complaint under subparagraph (A) is a person who—

"(i) has chosen not to apply to the Secretary for assistance regarding the complaint under section 4321(c) of this title;

"(ii) has chosen not to request that the Secretary refer the complaint to the Attorney General under paragraph (1); or

"(iii) has been refused representation by the Attorney General with respect to the complaint under such paragraph.

"(b) In the case of an action against a State as an employer, the appropriate district court is the court for any district in which the State exercises any authority or carries out any function. In the case of a private employer the appropriate district court is the district court for any district in which the private employer of the person maintains a place of business.

"(c)(1)(A) The district courts of the United States shall have jurisdiction, upon the filing of a complaint, motion, petition, or other appropriate pleading by or on behalf of the person entitled to a right or benefit under this chapter—

"(i) to require the employer to comply with the provisions of this chapter;

"(ii) to require the State or private employer, as the case may be, to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter; and

"(iii) to require the employer to pay the person an amount equal to the amount referred to in clause (ii) as liquidated damages, if the court determines that the employer's failure to comply with the provisions of this chapter was willful.

"(B) Any compensation under clauses (ii) and (iii) of subparagraph (A) shall be in addition to, and shall not diminish, any of the other rights and benefits provided for in this chapter.

"(2)(A) No fees or court costs shall be charged or taxed against any person claiming rights under this chapter.

"(B) In any action or proceeding to enforce a provision of this chapter by a person under subsection (a)(2) who obtained private counsel for such action or proceeding, the court may award any such person who prevails in such action or proceeding reasonable attorney fees, expert witness fees, and other litigation expenses.

"(3) The court may use its full equity powers, including temporary or permanent injunctions and temporary restraining orders, to vindicate fully the rights or benefits of persons under this chapter.

"(4) An action under this chapter may be initiated only by a person claiming rights or benefits under this chapter, and not by an employer, prospective employer, or other entity with obligations under this chapter.

"(5) In any such action, only a State and local government (as an employer), an employer, or a potential employer, as the case may be, shall be a necessary party respondent.

"(6) No State statute of limitations shall apply to any proceeding under this chapter.

"(7) A State shall be subject to the same remedies, including prejudgment interest, as may be imposed upon any private employer under this section.

"§ 4323. Enforcement of rights with respect to Federal executive agencies

"(a)(1) A person who receives from the Secretary a notification pursuant to section 4321(e) of this title of an unsuccessful effort to resolve a complaint relating to a Federal executive agency may request that the Secretary refer the complaint for litigation before the Merit Systems Protection Board. The Secretary shall refer the complaint to the Office of Special Counsel established by section 1211 of title 5.

"(2)(A) If the Special Counsel is reasonably satisfied that the person on whose behalf a complaint is referred under paragraph (1) is entitled to the rights or benefits sought, the Special Counsel (upon the request of the person submitting the complaint) may appear on behalf of, and act as attorney for, the person and initiate an action regarding such complaint before the Merit Systems Protection Board.

"(B) If the Special Counsel decides not to initiate an action and represent a person before the Merit Systems Protection Board under subparagraph (A), the Special Counsel shall notify such person of that decision.

"(b)(1) A person referred to in paragraph (2) may submit a complaint against a Federal executive agency under this subchapter directly to the Merit Systems Protection Board. A person who seeks a hearing or adjudication by submitting such a complaint under this paragraph may be represented at such hearing or adjudication in accordance with the rules of the Board.

"(2) A person entitled to submit a complaint to the Merit Systems Protection Board under paragraph (1) is a person who—

"(A) has chosen not to apply to the Secretary for assistance regarding a complaint under section 4321(c) of this title;

"(B) has received a notification from the Secretary under section 4321(e) of this title;

"(C) has chosen not to be represented before the Board by the Special Counsel pursuant to subsection (a)(2)(A); or

"(D) has received a notification of a decision from the Special Counsel under subsection (a)(2)(B).

"(c)(1) The Merit Systems Protection Board shall adjudicate any complaint brought before the Board pursuant to subsection (a)(2)(A) or (b)(1).

"(2) If the Board determines that a Federal executive agency has not complied with the provisions of this chapter relating to the employment or reemployment of a person by the agency, the Board shall enter an order requiring the agency to comply with such provisions and to compensate such person for any loss of wages or benefits suffered by such person by reason of such lack of compliance.

"(3) Any compensation received by a person pursuant to an order under paragraph (1) shall be in addition to any other right or benefit provided for by this chapter and shall not diminish any such right or benefit.

"(4) If the Board determines as a result of a hearing or adjudication conducted pursuant a complaint submitted by a person directly to the Board pursuant to subsection (b)(1) that such person is entitled to an order referred to in paragraph (2), the Board may, in its discretion, award such person reasonable attorney fees, expert witness fees, and other litigation expenses.

"(d) A person adversely affected or aggrieved by a final order or decision of the Merit Systems Protection Board under subsection (c) may petition the United States Court of Appeals for the Federal Circuit to review the final order or decision. Such petition and review shall be in accordance with the procedures set forth in section 7703 of title 5.

"(e) A person may be represented by the Special Counsel in an action for review of a final order or decision issued by the Merit Systems Protection Board pursuant to subsection (c) that is brought pursuant to section 7703 of title 5 unless the person was not represented by the Special Counsel before the Merit Systems Protection Board regarding such order or decision.

"§ 4324. Enforcement of rights with respect to certain Federal agencies

"(a) This section shall apply to any person who alleges that—

"(1) the reemployment of such person by an agency referred to in section 4315(a) of this title was not in accordance with the procedures for the reemployment of such person prescribed under such section; or

"(2) the failure of such agency to reemploy the person under such section was wrongful.

"(b) Any person referred to in subsection (a) may submit a claim relating to the allegation to the Inspector General of the agency. The Inspector General shall investigate and resolve the claim pursuant to procedures prescribed by the head of the agency.

"(c) The head of each agency referred to in section 4315(a) of this title shall prescribe procedures for the investigation and resolution of allegations submitted under subsection (b). In prescribing procedures under this subsection, the head of the agency shall ensure, to the maximum extent practicable, that the procedures are similar to the provisions relating to the investigation and resolution of a claim by the Secretary under section 4321(d) of this title.

"§ 4325. Conduct of investigation; subpoenas

"(a) In carrying out any investigation under this chapter, the Secretary's duly authorized representatives shall, at all reasonable times, have reasonable access to, for purposes of examination, and the right to copy and receive, any documents of any person or employer that the Secretary considers relevant to the investigation.

"(b) In carrying out any investigation under this chapter, the Secretary may require by subpoena the attendance and testimony of witnesses and the production of documents relating to any matter under investigation. In case of disobedience of the subpoena or contumacy and on request of the Secretary, the Attorney General may apply to any district court of the United States in whose jurisdiction such disobedience or contumacy occurs for an order enforcing the subpoena.

"(c) Upon application, the district courts of the United States shall have jurisdiction to issue writs commanding any person or employer to comply with the subpoena of the Secretary or to comply with any order of the Secretary made pursuant to a lawful investigation under this chapter and district courts shall have jurisdiction to punish failure to obey a subpoena or other lawful order of the Secretary as a contempt of court.

"SUBCHAPTER IV—MISCELLANEOUS

"§ 4331. Regulations

"(a) The Secretary (in consultation with the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with respect to States and local governments (as employers) and private employers.

"(b)(1) The Director of the Office of Personnel Management (in consultation with the Secretary and the Secretary of Defense) may prescribe regulations implementing the provisions of this chapter with regard to the application of this chapter to Federal executive agencies (other than the agencies referred to in paragraph (2)) as employers. Such regulations shall be consistent with the regulations pertaining to the States as employers and private employers.

"(2) The following entities may prescribe regulations to carry out the activities of such entities under this chapter:

"(A) The Merit Systems Protection Board.

"(B) The Office of Special Counsel.

"(C) The agencies referred to in section 2303(a)(2)(C)(ii) of title 5.

"§ 4332. Outreach

"The Secretary, the Secretary of Defense, and the Secretary of Veterans Affairs shall take such actions as such Secretaries determine are appropriate to inform persons entitled to rights and benefits under this chapter and employers of the rights, benefits, and obligations of such persons and employers under this chapter.".

(b) TABLE OF CHAPTERS.—The tables of chapters at the beginning of title 38, United States Code, and the beginning of part III of such title are each amended by striking out the item relating to chapter 43 and inserting in lieu thereof the following:

"43. Employment and reemployment rights of members of the uniformed services .... 4301".

(c) REPORT RELATING TO IMPLEMENTATION OF REEMPLOYMENT RIGHTS PROVISIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Labor, the Attorney General of the United States, and the Special Counsel referred to in section 4323(a)(1) of title 38, United States Code (as added by subsection (a)), shall each submit a report to the Congress relating to the implementation of chapter 43 of such title (as added by such subsection).

SEC. 3. EXEMPTION FROM MINIMUM SERVICE REQUIREMENTS.

Section 5303A(b)(3) of title 38, United States Code, is amended—

(1) by striking out "or" at the end of subparagraph (E);

(2) by striking out the period at the end of subparagraph (F) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new subparagraph:

"(G) to an entitlement to rights and benefits under chapter 43 of this title.".

SEC. 4. REPEAL OF TITLE 5 PROVISIONS RELATING TO REEMPLOYMENT RIGHTS OF RESERVISTS.

(a) REPEAL.—Subchapter II of chapter 35 of title 5, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the items relating to subchapter II and section 3551.

SEC. 5. REVISION OF FEDERAL CIVIL SERVICE RETIREMENT BENEFIT PROGRAM FOR RESERVISTS.

(a) REVISION IN CONTRIBUTIONS RELATING TO MILITARY SERVICE.—Subsection (e)(1) of section 8422 of title 5, United States Code, is amended by inserting after the first sentence the following new sentence: "The amount of payment of an employee or Member under this paragraph for a period of military service may not exceed the amount that would have been deducted or withheld for a period of civilian service, if any, under subsection (a)(1) if the employee or Member had not performed the period of military service.".

(b) TECHNICAL AMENDMENT.—Subsection (a)(2)(A)(ii) of such section is amended by striking out "1954" and inserting in lieu thereof "1986".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 1990, and shall apply to periods of military service that begin on or after that date.

SEC. 6. THRIFT SAVINGS PLAN.

(a) IN GENERAL.—(1) Title 5, United States Code, is amended by inserting after section 8432a the following:

"§ 8432b. Contributions of persons who perform military service

"(a) This section applies to any employee who—

"(1) separates or enters leave-without-pay status in order to perform military service; and

"(2) is subsequently restored to or reemployed in a position which is subject to this chapter, pursuant to chapter 43 of title 38.

"(b)(1) Each employee to whom this section applies may contribute to the Thrift Savings Fund, in accordance with this subsection, an amount not to exceed the amount described in paragraph (2).

"(2) The maximum amount which an employee may contribute under this subsection is equal to—

"(A) the contributions under section 8432(a) which would have been made, over the period beginning on date of separation or commencement of leave-without-pay status (as applicable) and ending on the day before the date of restoration or reemployment (as applicable); reduced by

"(B) any contributions under section 8432(a) actually made by such employee over the period described in subparagraph (A).

"(3) Contributions under this subsection—

"(A) shall be made at the same time and in the same manner as would any contributions under section 8432(a);

"(B) shall be made over the period of time specified by the employee under paragraph (4)(B); and

"(C) shall be in addition to any contributions then actually being made under section 8432(a).

"(4)(A) The Executive Director shall prescribe the time, form, and manner in which an employee may specify—

"(i) the total amount such employee wishes to contribute under this subsection with respect to any particular period referred to in paragraph (2)(B); and

"(ii) the period of time over which the employee wishes to make contributions under this subsection.

"(B) The employing agency may place a maximum limit on the period of time referred to in subparagraph (A)(ii), which cannot be shorter than two times the period referred to in paragraph (2)(B) and not longer than four times such period.

"(c) If an employee makes contributions under subsection (b), the employing agency shall make contributions to the Thrift Savings Fund on such employee's behalf—

"(1) in the same manner as would be required under section 8432(c)(2) if the employee contributions were being made under section 8432(a); and

"(2) disregarding any contributions then actually being made under section 8432(a) and any agency contributions relating thereto.

"(d) An employee to whom this section applies is entitled to have contributed to the Thrift Savings Fund on such employee's behalf an amount equal to—

"(1) 1 percent of such employee's basic pay (as determined under subsection (e)) for the period referred to in subsection (b)(2)(B); reduced by

"(2) any contributions actually made on such employee's behalf under section 8432(c)(1) with respect to the period referred to in subsection (b)(2)(B).

"(e) For purposes of any computation under this section, an employee shall, with respect to the period referred to in subsection (b)(2)(B), be considered to have been paid at the rate which would have been payable over such period had such employee remained continuously employed in the position which such employee last held before separating or entering leave-without-pay status to perform military service.

"(f)(1) The employing agency shall be required to pay lost earnings on contributions made pursuant to subsections (c) and (d). Such earnings shall be calculated retroactively to the date the contribution would have been made had the employee not separated or entered leave-without-pay status to perform military service.

"(2) Procedures for calculating and crediting the earnings payable pursuant to paragraph (1) shall be prescribed by the Executive Director.

"(g) Amounts paid under subsection (c), (d), or (f) shall be paid—

"(1) by the agency to which the employee is restored or in which such employee is reemployed;

"(2) from the same source as would be the case under section 8432(e) with respect to sums required under section 8432(c); and

"(3) within the time prescribed by the Executive Director.

"(h)(1) For purposes of section 8432(g), in the case of an employee to whom this section applies—

"(A) a separation from civilian service in order to perform the military service on which the employee's restoration or reemployment rights are based shall be disregarded; and

"(B) such employee shall be credited with a period of civilian service equal to the period referred to in subsection (b)(2)(B).

"(2)(A) An employee to whom this section applies may elect, for purposes of section 8433(d), or paragraph (1) or (2) of section 8433(h), as the case may be, to have such employee's separation (described in subsection (a)(1)) treated as if it had never occurred.

"(B) An election under this paragraph shall be made within such period of time after restoration or reemployment (as the case may be) and otherwise in such manner as the Executive Director prescribes.

"(i) The Executive Director shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by inserting after the item relating to section 8432a the following:

"8432b. Contributions of persons who perform military service.".

(b) PRESERVATION OF CERTAIN RIGHTS.—(1) Section 8433(d) of title 5, United States Code, is amended by striking "subsection (e)." and inserting "subsection (e), unless an election under section 8432b(h)(2) is made to treat such separation for purposes of this subsection as if it had never occurred.".

(2) Paragraphs (1) and (2) of section 8433(h) are each amended by striking the period at the end and inserting ", or unless an election under section 8432b(h)(2) is made to treat such separation for purposes of this paragraph as if it had never occurred.".

(c) ELECTION TO RESUME REGULAR CONTRIBUTIONS UPON RESTORATION OR REEMPLOYMENT.—Section 8432 of title 5, United States Code, is amended by adding at the end the following:

"(i)(1) This subsection applies to any employee—

"(A) to whom section 8432b applies; and

"(B) who, during the period of such employee's absence from civilian service (as referred to in section 8432b(b)(2)(B))—

"(i) is eligible to make an election described in subsection (b)(1); or

"(ii) would be so eligible but for having either elected to terminate individual contributions to the Thrift Savings Fund within 2 months before commencing military service or separated in order to perform military service.

"(2) The Executive Director shall prescribe regulations to ensure that any employee to whom this subsection applies shall, within a reasonable time after being restored or reemployed (in the manner described in section 8432b(a)(2)), be afforded the opportunity to make, for purposes of this section, any election which would be allowable during a period described in subsection (b)(1)(A).".

(d) APPLICABILITY TO EMPLOYEES UNDER CSRS.—Section 8351(b) of title 5, United States Code, is amended by adding at the end the following:

"(11) In applying section 8432b to an employee contributing to the Thrift Savings Fund after being restored to or reemployed in a position subject to this subchapter, pursuant to chapter 43 of title 38—

"(A) any reference in such section to contributions under section 8432(a) shall be considered a reference to employee contributions under this section;

"(B) the contribution rate under section 8432b(b)(2)(A) shall be the maximum percentage allowable under subsection (b)(2) of this section; and

"(C) subsections (c) and (d) of section 8432b shall be disregarded.".

(e) EFFECTIVE DATE; APPLICABILITY.—This section and the amendments made by this section—

(1) shall take effect on the date of enactment of this Act; and

(2) shall apply to any employee whose release from military service, discharge from hospitalization, or other similar event making the individual eligible to seek restoration or reemployment under chapter 43 of title 38, United States Code (as added by section 2(a)), occurs on or after August 2, 1990.

(f) RULES FOR APPLYING AMENDMENTS TO EMPLOYEES RESTORED OR RE-EMPLOYED BEFORE EFFECTIVE DATE.—In the case of any employee (described in subsection (e)(2)) who is restored or re-employed in a position of employment (in the circumstances described in section 8432b(a) of title 5, United States Code, as amended by this section) before the date of enactment of this Act, the amendments made by this section shall apply to such employee, in accordance with their terms, subject to the following:

(1) The employee shall be deemed not to have been reemployed or restored until—

(A) the date of enactment of this Act, or

(B) the first day following such employee's reemployment or restoration on which such employee is or was eligible to make an election relating to contributions to the Thrift Savings Fund,

whichever occurs or occurred first.

(2) If the employee changed agencies during the period between date of actual reemployment or restoration and the date of enactment of this Act, the employing agency as of such date of enactment shall be considered the reemploying or restoring agency.

(3)(A) For purposes of any computation under section 8432b of such title, pay shall be determined in accordance with subsection (e) of such section, except that, with respect to the period described in subparagraph (B), actual pay attributable to such period shall be used.

(B) The period described in this subparagraph is the period beginning on the first day of the first applicable pay period beginning on or after the date of the employee's actual reemployment or restoration and ending on the day before the date determined under paragraph (1).

(4) The day before the date of restoration or reemployment (as applicable) under section 8432b(b)(2)(A) of title 5, United States Code (as added by subsection (a) shall be deemed to be the date of re-employment or restoration determined under paragraph (4) of this subsection.

SEC. 7. CONFORMING AMENDMENTS.

(a) TITLE 5.—Section 1204(a)(1) of title 5, United States Code, is amended by striking out "section 4323" and inserting in lieu thereof "chapter 43".

(b) TITLE 10.—Section 706(c)(1) of title 10, United States Code, is amended by striking out "section 4321" and inserting in lieu thereof "chapter 43".

SEC. 8. TECHNICAL AMENDMENT.

(a) TECHNICAL AMENDMENT.—Section 9(d) of Public Law 102–16 (105 Stat. 55) is amended by striking out "Act" the first place it appears and inserting in lieu thereof "section".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in Public Law 102–16 to which such amendment relates.

SEC. 9. TRANSITION RULES AND EFFECTIVE DATES.

(a) RE-EMPLOYMENT.—(1) Except as otherwise provided in this Act, the amendments made by this Act shall be effective with respect to re-employments initiated on or after the first day after the 60-day period beginning on the date of enactment of this Act.

(2) The provisions of chapter 43 of title 38, United States Code, in effect on the day before such date of enactment, shall continue to apply to reemployments initiated before the end of such 60-day period.

(3) In determining the number of years of service that may not be exceeded in an employee-employer relationship with respect to which a person seeks reemployment under chapter 43 of title 38, United States Code, as in effect before or after the date of enactment of this Act, there shall be included all years of service without regard to whether the periods of service occurred before or after such date of enactment unless the period of service is exempted by the chapter 43 that is applicable, as provided in paragraphs (1) and (2), to the reemployment concerned.

(4) A person who initiates reemployment under chapter 43 of title 38, United States Code, during or after the 60-day period beginning on the date of enactment of this Act and whose reemployment is made in connection with a period of service in the uniform services that was initiated before the end of such period shall be deemed to have satisfied the notification requirement of section 4312(a)(1) of title 38, United States Code, as provided in the amendments made by this Act, if the person complied with any applicable notice requirement under chapter 43, United States Code, as in effect on the day before the date of enactment of this Act.

(b) DISCRIMINATION.—The provisions of section 4311 of title 38, United States Code, as provided in the amendments made by this Act, and the provisions of subchapter III of chapter 43 of such title, as provided in the amendments made by this Act, that are necessary for the implementation of such section 4311 shall become effective on the date of enactment of this Act.

(c) INSURANCE.—(1) Except as provided in paragraph (2), the provisions of section 4316(c) of title 38, United States Code, as provided in the amendments made by this Act, concerning insurance coverage shall become effective on the date of enactment of this Act.

(2) A person on active duty on the date of enactment of this Act, or a family member or personal representative of such person, may, after the date of enactment of this Act, elect to reinstate or continue insurance coverage as provided in such section 4316. If such an election is made, insurance coverage shall remain in effect for the remaining portion of the 18-month period that began on the date of such person's separation from civilian employment or the period of the person's service in the uniformed service, whichever is the period of lesser duration.

(d) DISABILITY.—(1) Section 4313(a)(3) of chapter 43 of title 38, United States Code, as provided in the amendments made by this Act, shall apply to reemployments initiated on or after August 1, 1990.

(2) Effective as of August 1, 1990, section 4307 of title 38, United States Code (as in effect on the date of enactment of this Act), is repealed, and the table of sections at the beginning of chapter 43 of such title (as in effect on the date of enactment of this Act) is amended by striking out the item relating to section 4307.

(e) EMPLOYEE PENSION BENEFIT PLAN.—Section 4317 of title 38, United States Code, as provided in the amendments made by this Act, shall apply to reemployment initiated on or after August 1, 1990.

(f) PREVIOUS ACTIONS.—Except as otherwise provided, the amendments made by this Act do not affect reemployments that were initiated, rights, benefits, and duties that matured, penalties that were incurred, and proceeding that were begin the end of the 60-day period referred to in subsection (a).

(g) DEFINITION.—For the purposes of this section, the term "service in the uniformed services" shall have the meaning given such term in section 4303(13) of title 38, United States Code, as provided in the amendments made by this Act.•

By Mr. GORTON (for himself, Mr. CRAIG, Mr. NUNN, Mr. MCCAIN, Mr. DECONCINI, Mr. REID, Mr. WARNER, Mr. BOND, Mr. GRASSLEY, Mr. SHELBY, Mr. COCHRAN, and Mr. BINGAMAN):

S. 844. A bill to amend the Public Health Service Act to establish a program to fund maternity home expenses and improve programs for the collection and disclosure of adoption information, and for other purposes; to the Committee on Labor and Human Resources.

FAIRNESS FOR ADOPTED CHILDREN ACT

Mr. GORTON. Mr. President, today, with the bipartisan support of Senators NUNN and CRAIG, I introduce the Fairness for Adopted Children Act. This legislation will create a support network for those involved in the adoption process, make benefits equal between children of adoptive and biological parents, and increase the attractiveness and viability of the adoption alternative.

For many women, the number of choices available to an unmarried mother has been effectively reduced from three to two—keep the baby or terminate the pregnancy. A study conducted by the University of Illinois found that nearly 40 percent of pregnancy counselors do not even mention adoption as an alternative—despite the fact that adoption assures a child of a solid and stable home, and gives the birth mother the opportunity to mature before taking on the adult responsibility of childrearing.

The number of women faced with unintended pregnancies who choose adoption has declined dramatically. In 1970, there were approximately 89,000 adoptions. In 1986, there were only 51,000 adoptions—and today, only 6 percent of all pregnant teens select adoption. This decline has occurred even though the number of births to unmarried teenage girls has multiplied, and the number of parents eager to adopt surpasses 1 million.

I cannot begin to understand the emotional demands placed on a young woman trying to decide what is best for her and her baby. The obstacles and difficulties in choosing adoption, however, are clear.

The decision itself is extremely painful—and the ensuing months of pregnancy do not get any easier. A young woman who has made this courageous and selfless decision needs counseling, support, and encouragement—and for poor women who carry their babies to term, those needs often go unmet.

The comprehensive maternity home used to be a source of great comfort and assistance to unwed mothers. Today, despite their many benefits, they are declining institutions. A maternal home provides a range of services including prenatal, delivery, and postdelivery care; education on caring for the baby; nutrition counseling; adoption counseling; and vocational counseling.

This legislation will create a new grant program that provides maternal health certificates to low-income pregnant women who enter maternity homes or use the outpatient services of those homes. The birth mother will be able to decide what alternative will provide long-range happiness for herself and her child without bearing additional pressures from the outside world.

This program is an essential part of easing the way for women who have made difficult choices. It proposes a valuable step in decreasing the obstacles, and increasing the viability, of the adoption alternative. These young women must have our support and our assistance.

The second part of this legislation addresses the difficulties that adoptive families face in securing health insurance for their children. The lack of coverage for adopted children has become a significant barrier to the adoption of both American children and those from overseas.

Many health care plans offered by companies to their employees and governed by the Employee Retirement Income Security Act, or ERISA, do not cover adoptive families in the same way as they do families formed by birth. The problem is twofold: the refusal of health insurance companies to provide coverage for newly adopted children on the same basis as for children newly born to the family for preexisting conditions, and their refusal to provide coverage to children during the waiting period between placement in the home and the legal finalization of adoption.

An adoptive family is left open to substantial financial risks. For example, a family in Tennessee had arranged to adopt a child before he was born. The child was born prematurely, and spent a week and a half in the hospital with a medical bill of approximately $30,000. The family's insurance company refused to cover the child's medical costs contending that the conditions of the child's birth—prematurity—were preexisting conditions. If the child had been the family's biological offspring, the insurance company would not have classified the premature birth as a preexisting condition and would have covered the cost.

This inequity is even more devastating for children with special needs. All too often, these children are kept in State-run facilities because their special circumstances make it harder to place them in good homes. To compound this difficulty, many insurance companies refuse to provide health coverage for adopted children with preexisting or congenital conditions that are known prior to adoption.

Without health insurance, the care necessary for these children can run a family deeply into debt. While many parents and families are anxious to care for these children, the financial responsibilities are too great, and adoption becomes an impossibility.

All children need access to health care, and all children need loving and caring homes. It is discouraging enough that the current law discriminates against parents who would make wonderful parents but cannot afford the potential health care costs. Even more troubling is that the current law discriminates against innocent children who have an acute need for health care, and a very dire need for loving parents.

Our society has fought hard to end the stigma attached to adoption. Families that adopt should not be treated differently because of the way their families were created. Adoptive parents are legally and financially responsible from the time of placement of the child into the home, and do not treat their children any differently than if they had been born into the family. An adoptive family's responsibilities and experiences are not different than those of any other family.

This inequity cries out for resolution. The legislation that I introduces today will amend ERISA laws to prohibit discrimination by insurance companies in the writing or executing of insurance policies solely on the basis of whether a child is adopted. It defines a son or daughter as a biological child, adopted child, step child, legal ward, or a child placed for adoption. Additionally, the Fairness for Adopted Children Act calls on all 50 States to require health insurers to drop preexisting condition restrictions on adoptive children. These provisions will ensure that all families, whether adoptive or biological, are given equal benefits.

This legislation has four additional provisions that will increase the viability of the adoption alternative.

In 1975, the Federal Government discontinued data collection on adoption. Incredibly, it has become far easier to recite statistics on how many potato chips are eaten annually by each child in America than it is to recite statistics on how many children are adopted annually. The legislation I introduce will provide for the resumption of comprehensive data collection on adoption.

In addition the Fairness for Adopted Children Act will establish a National Advisory Council on Adoption to monitor the implementation of the provisions of this act. It will establish a grant program for States to develop adoption education programs, and finally, it will establish 50 graduate fellowships to study innovative adoption programs.

Instead of viewing adoption as a mother's "abandonment" of her child, our society now recognizes that adoption represent a mother's selfless decision to give her child a life that she could not provide—and we know that this tough decision could not be rooted in anything else but concern and love for that child.

The opportunities for birth mothers and hopeful families to choose adoption however, has been severely limited by unnecessary barriers and obstacles. This legislation will help hundreds of young women who must make difficult decisions that will have profound consequences on their lives, and the lives of their child—and it is a needed measure that will ensure fairness for adoptive families.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 844

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness for Adopted Children Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) in the United States today, 25 percent of children are born into single parent homes;

(2) the number of children in single female-headed homes has increased 85 percent, rising from 7,500,000 in 1970 to 13,900,000 in 1988;

(3) the rise in single-parenthood is one of the root causes of family disintegration in the Nation today;

(4) adoption addresses the problem of family disintegration at the beginning by getting children into solid, two-parent homes and giving birthmothers the opportunity to mature before taking on the adult responsibilities of child-rearing;

(5) (A) in 1970 there were 89,000 adoptions;

(B) in 1990 there were 51,000 adoptions; and

(C) currently, only 6 percent of all teenage mothers choose adoption;

(6) young, unmarried women who made an adoption plan for babies are more likely to complete high school, less likely to live in poverty, and less likely to receive public assistance than single parents;

(7) 60 percent of welfare recipients are, or were at one time, teenage mothers;

(8) several studies show that, when compared to teenage mothers, teenagers who choose adoption are less likely to have repeat unwed pregnancies;

(9) 90 percent of adopted children live with two married parents and 54 percent of the children live in homes with family income three times higher than poverty level;

(10) adopted children have been found to have the same levels of confidence as, or greater levels of confidence than, children who are not adopted;

(11) maternity homes provide young mothers a safe haven away from peer pressure and time to consider thoughtfully the best plan for themselves and their babies;

(12) young mothers in maternity homes receive counseling, a structured environment, and a variety of other services such as schooling, job counseling, and prenatal care;

(13) when comprehensive services, including adoption services, are offered, the percentage of mothers who choose adoption for their children is significantly higher than the general adoption placement rate;

(14) St. Anne's Maternity Home in California reports that 22 percent of its residents choose adoption, compared to a general rate of 5 percent of California mothers who choose adoption;

(15) there are approximately 450,000 children in foster care in the United States, of whom less than 10 percent are available for adoption;

(16) 40 percent of the children in foster care have been in the system 2 or more years, while 25 percent have been in foster care at least 3 years; and

(17) 60 percent of children in foster care are classified as "children with special needs", which means the children have physical or emotional difficulties, belong to sibling or minority groups, or are older children.

SEC. 3. NATIONAL ADVISORY COUNCIL ON ADOPTION.

(a) ESTABLISHMENT.—There is hereby established the National Advisory Council on Adoption (in this section referred to as the "Council").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be composed of 13 members appointed by the Secretary of Health and Human Services.

(2) REPRESENTATIVES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall appoint the members of the Council, and shall include in such appointment as Council members representatives of—

(A) private, nonprofit organizations involved in child welfare and maternity services, including national organizations representing organizations that provide adoption services or maternity housing and services facilities;

(B) private, nonprofit organizations representing adopted children, adoptive families or biological parents;

(C) organizations or agencies involved with privately arranged or international adoptions;

(D) organizations representing State and local government agencies with responsibility for coordinating or regulating adoption services or maternity and housing services facilities; and

(E) organizations representing State and local courts or judicial entities with jurisdiction over issues of family law.

(3) RECOMMENDATIONS.—Of the 13 members of the Council, the Secretary shall appoint—

(A) 3 members from among persons nominated by the Speaker of the House of Representatives;

(B) 2 members from among persons nominated by the Minority Leader of the House of Representatives;

(C) 3 members from among persons nominated by the Majority Leader of the Senate; and

(D) 2 members from among persons nominated by the Minority Leader of the Senate.

(c) DUTIES.—The Council shall—

(1) monitor on behalf of Congress the implementation of the programs established

and activities required under this Act and make such recommendations as it determines appropriate to help carry out the intent of Congress in establishing such programs and requiring such activities;

(2) consult with the heads of departments and agencies charged with the responsibility of carrying out such programs and activities; and

(3) make such recommendations as it determines appropriate, including recommendations regarding additional legislation, to carry out the purposes of this Act.

(d) CHAIRPERSON.—The Secretary of Health and Human Services shall select a Chairperson from among the members of the Council.

(e) TERM OF OFFICE.—Members shall be appointed for 3-year terms.

(f) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(g) MEETINGS.—The Council shall hold such meetings as may be appropriate, but shall meet at least once every 90 days.

(h) QUORUM.—A majority of the Council shall constitute a quorum for the transaction of business.

(i) COMPENSATION AND EXPENSES.—Members of the Council shall not be compensated for the performance of duties for the Council. Each member of the Council may, at the option of the member, receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(j) POWERS.—The Council is authorized to hold such hearings and sit and act at such times, and take such testimony, as the Council may determine to be necessary to carry out the duties of the Council.

(k) OATHS.—Any member of the Council may administer oaths or affirmations to witnesses appearing before the Council.

(l) INFORMATION.—

(1) SECURING INFORMATION.—The Council may secure directly from any Federal agency, and from any State agency, or private organization, that receives Federal assistance under this Act, such information as the Council may require to carry out its duties.

(2) DISCLOSURE.—The Council shall comply with the procedures described in section 4(c)(3) regarding the disclosure of the information described in paragraph (1).

(m) GIFTS AND DONATIONS.—The Council may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Council.

(n) USE OF MAIL.—The Council may use the United States mails in the same manner and under the same conditions as Federal agencies.

(o) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Council, the Secretary of Health and Human Services shall detail, without reimbursement, any of the personnel of the Department of Health and Human Services to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(p) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Council, the Secretary of Health and Human Services shall provide such technical assistance to the Council as the Council determines to be necessary to carry out its duties.

(q) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 1993 through 1995.

(r) TERMINATION.—The Council shall terminate at the expiration of the 3-year period that begins on the date of the enactment of this Act.

SEC. 4. IMPLEMENTATION OF ADOPTION DATA COLLECTION SYSTEM.

(a) REPORT ON STATUS OF FINAL REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing information on the status of the implementation of the data collection system required pursuant to section 479(b)(2) of the Social Security Act (42 U.S.C. 679(b)(2)).

(2) SPECIFIC ASSURANCES REQUIRED.—The report described in paragraph (1) shall include specific assurances that the data collection system will comply with the regulations described in subsection (c).

(b) MONTHLY PROGRESS REPORTS.—Every 30 days after the report described in subsection (a) is required to be submitted, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing information on the progress made in implementing the data collection system.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue such regulations as the Secretary determines to be necessary to carry out this section, including appropriate requirements and incentives to ensure that the data collection system functions reliably throughout the United States.

(2) SUBJECTS.—The regulations issued under paragraph (1) shall require that the data collection system—

(A) shall avoid unnecessary diversions of resources from agencies responsible for adoption and foster care;

(B) shall use uniform definitions and methodologies to ensure that any data collected is reliable and consistent over time and among jurisdictions;

(C) shall include in the data collection system—

(i) data concerning adoptions arranged through State and private agencies that receive Federal assistance; and

(ii) to the extent such data are voluntarily released by State and private agencies that receive no Federal assistance, data concerning adoptions arranged through the agencies; and

(D) shall, using data described in subparagraph (C), and in accordance with paragraph (3), provide comprehensive national information with respect to—

(i) the demographic characteristics of all adopted and foster children and their biological and adoptive or foster parents;

(ii) the status of the foster care population, including the number of children in foster care, the length and type of placement, availability for adoption, and goals for ending or continuing foster care;

(iii) the number and demographic characteristics of all children placed in or removed from foster care, children adopted, and children with respect to whom adoptions have been terminated; and

(iv) the extent and nature of assistance provided by Federal, State, and local adoption and foster care programs and the characteristics of the children with respect to whom such assistance is provided.

(3) DISCLOSURE AND CONFIDENTIALITY.—The regulations issued under paragraph (1) shall provide for the establishment of procedures—

(A) for the disclosure by the Secretary of aggregate information collected under this section relating to adoption and foster care in the United States; and

(B) for the maintenance of confidentiality by the Secretary, the agencies described in paragraph (2)(C)(i), and the agencies described in paragraph (2)(C)(ii) to the extent such agencies collect information under this section, of information collected under this section with respect to the identity of an individual.

(4) CONSULTATION.—In developing the regulations issued under paragraph (1), the Secretary shall consult with the National Advisory Council on Adoption established under section 3(a).

SEC. 5. MATERNAL HEALTH CERTIFICATES.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

"PART M—MATERNAL HEALTH AND ADOPTION

"SEC. 399F. MATERNAL HEALTH CERTIFICATES PROGRAM.

"(a) GRANTS.—The Secretary shall award grants to States to enable the States to establish programs to provide maternal health certificates to eligible women within such States.

"(b) STATE ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State shall prepare and submit to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including—

"(1) an assurance that the State shall establish a maternal health certificates program in accordance with this section;

"(2) an assurance that the State shall establish procedures to comply with the requirements of subsection (f)(3); and

"(3) the name of an agency designated by the State to administer the maternal health certificates program.

"(c) ELIGIBLE WOMEN.—To be eligible to receive a maternal health certificate under a program established under this section, a woman shall—

"(1) be a pregnant female;

"(2) have an annual income (within the meaning of section 1612(a) of the Social Security Act (42 U.S.C. 1382a(a)) but not including the income of, or support received by the woman from, parents, guardians, or the father of the child) that does not exceed 175 percent of the State poverty level;

"(3) be a current resident of a maternity home, on a waiting list for such a home, or receiving outpatient services from such a home;

"(4) prepare and submit, to the State agency designated under subsection (b)(3), an application at such time, in such form, and containing such information as such agency shall require, including—

"(A) the name and address of the maternity home in which the woman resides or intends to reside, or from which the woman intends to receive services; and

"(B) the rates charged by the maternity home and the estimated length of time the woman expects to stay or receive services from the home; and

"(5) comply with any other requirements determined appropriate by the Secretary.

"(d) MATERNITY HOME ELIGIBILITY.—To be eligible to receive a maternal health certificate as payment for services provided to a eligible woman under a program established under this section, a maternity home shall—

"(1) be a residence for pregnant women or provide outpatient services for pregnant women;

"(2) have the capacity to serve at least four pregnant women concurrently;

"(3) be licensed or approved by the State; and

"(4) provide, either directly or by referral, to eligible women and, where appropriate, to their babies a range of services that are in accordance with the standards promulgated by the Secretary under subsection (g), including standards regarding—

"(A) room and board;

"(B) medical care for the women and their babies, including prenatal, delivery, and post-delivery care;

"(C) instruction and education concerning future health care for both the women and babies;

"(D) nutrition and nutrition counseling;

"(E) counseling and education concerning all aspects of pregnancy, childbirth, and motherhood;

"(F) general family counseling;

"(G) child and family development education;

"(H) adoption counseling, which shall include referral to a licensed nonprofit adoption agency, if the home is not such an agency;

"(I) counseling and services concerning education, vocation, or employment; and

"(J) reasonable transportation services.

"(e) USE OF CERTIFICATES.—A woman who receives a certificate awarded under a program established under this section shall use such certificate to pay the costs associated with the residence of or services provided to the woman in a maternity home. Such costs shall be reasonably related to the range of services described in subsection (d)(4).

"(f) LIMITATIONS ON CERTIFICATES.—

"(1) TIME.—Certificates awarded under a program established under this section shall cover expenses incurred during a period that shall end not later than 1 month after the birth of the baby to the eligible woman.

"(2) AMOUNT.—The amount of a certificate awarded under a program established under this section shall not exceed, during the period in which the certificate is valid—

"(A) in the case of a resident, $80 per day; and

"(B) in the case of a woman receiving outpatient services, $50 per day.

"(3) MATCHING REQUIREMENT.—Procedures established under subsection (b)(2) shall require that—

"(A) the State agency designated under subsection (b)(3);

"(B) the maternity home receiving a certificate under a program established under this section; or

"(C) both the State agency and the maternity home receiving the certificate;

provide an amount that is at least equal to the amount of the certificate awarded to an eligible woman for the payment of the costs associated with providing residence or services to the woman in a maternity home.

"(g) REGULATIONS.—Not later than 90 days after the date of the enactment of this part, the Secretary shall promulgate regulations to establish the standards described in subsection (c)(4). In promulgating the regulations, the Secretary shall consider such standards as the Council on Accreditation for Services to Children and Families may determine to be appropriate.

"(h) PARTICIPATION IN AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM.—Notwithstanding any other provision of this section, no woman shall be required to participate in the program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to be eligible for a maternal health certificate under this section.

"(i) PROHIBITION ON SUPPLANTING OF SERVICES.—No maternal health certificate issued under this section shall be used to supplant existing State, county, or local government funds that are used to provide services similar to those described in subsection (d)(4) for low-income pregnant females.

"(j) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall provide, through grants or contracts, for the continuing evaluation of programs established under this section, to determine—

"(A) the effectiveness of such programs in achieving the goals stated in paragraph (3) in general, and in relation to cost;

"(B) the impact of such programs on related programs, including programs under titles IV, V, and XIX of the Social Security Act (42 U.S.C. 601 et seq., 701 et seq., and 1396 et seq.) and titles X and XX of this Act; and

"(C) the structure and mechanisms for the delivery of services for such programs.

"(2) COMPARISONS.—The Secretary shall include in evaluations under paragraph (1), where appropriate, comparisons of participants in such programs with individuals who have not participated in such programs.

"(3) GOALS.—For purposes of paragraph (1)(A), the goals of this section shall be to—

"(A) increase the availability of services to low-income pregnant eligible women;

"(B) improve the physical and psychological health of such a woman;

"(C) ensure a safe and healthy pregnancy, delivery, and postpartum period for the woman;

"(D) promote the delivery of a healthy baby to the woman;

"(E) increase the knowledge of the woman regarding proper health and nutrition for the woman and her baby;

"(F) increase the ability of the woman to support herself financially;

"(G) help the woman make an informed decision whether to parent her baby or to make an adoption plan for her baby;

"(H) increase the ability of the woman to support her baby financially and emotionally, if the woman so chooses; and

"(I) assist the woman in placing her baby for adoption, if the woman so chooses.

"(k) CONSULTATION WITH ADVISORY COUNCIL.—The Secretary of Health and Human Services shall issue such regulations as the Secretary determines to be necessary to carry out the program established under subsection (a). In developing the regulations, the Secretary shall consult with the National Advisory Council on Adoption established under section 3(a) of the Omnibus Adoption Assistance and Maternal Health Certificates Act.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for each of the fiscal years 1993 through 1995.".

SEC. 6. SOCIAL WORK GRADUATE STUDY FELLOWSHIPS.

(a) PROGRAM ESTABLISHMENT.—Title IX of the Higher Education Act of 1965 (20 U.S.C. 1134 et seq.) is amended—

(1) by redesignating part G as part H;

(2) by redesignating section 971 as section 981; and

(3) by inserting after part F the following new part:

"PART G—GRADUATE SOCIAL WORK FELLOWSHIPS

"SEC. 971. AWARD OF FELLOWSHIPS.

"(a) IN GENERAL.—

"(1) FELLOWSHIPS AUTHORIZED.—From the amount appropriated pursuant to the authority of section 981(g), the Secretary shall award not more than 50 fellowships in accordance with the provisions of this part for study in graduate schools of social work that offer innovative programs described in subsection (b) to students selected on the basis of demonstrated achievement and exceptional promise.

"(2) DURATION.—The fellowships described in paragraph (1) shall be awarded for only one academic year of study and shall be renewable for two additional years.

"(b) INNOVATIVE PROGRAMS DEFINED.—The innovative programs described in subsection (a) are innovative programs concerning the effects of adoption on the children who are adopted, the families who adopt children and the biological parents who make an adoption plan, including—

"(1) a basic research program on the short-term and long-term effects of adoption on adopted children, biological parents and adoptive families;

"(2) development of a model curriculum and instructional program to assist adopted children, biological parents and adoptive families;

"(3) development of an innovative program to counsel pregnant women on the availability and benefits of choosing to make an adoption plan; or

"(4) any other program determined to be consistent with the provisions of this part.

"(c) FELLOWSHIP RECIPIENT SELECTION PROCEDURES.—The Secretary, by regulation, shall establish such selection procedures for fellowship recipients as are appropriate to carry out this part.

"SEC. 972. STIPENDS.

"(a) AWARD BY SECRETARY.—The Secretary shall pay to individuals awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such individuals and their dependents) as the Secretary may determine to be appropriate, adjusting such stipends as necessary so as not to exceed the fellow's demonstrated level of need according to measurements of need approved by the Secretary. The stipend levels established by the Secretary shall reflect the purpose of the fellowship program assisted under this part to encourage highly talented students to undertake graduate study and shall provide a level of support comparable to that provided by federally funded graduate fellowships in the science and engineering fields.

"(b) INSTITUTIONAL PAYMENTS.—

"(1) IN GENERAL.—The Secretary (in addition to the stipends paid to individuals under subsection (a)) shall pay to the institution of higher education, for each individual awarded a fellowship for pursuing a course of study at such institution, $6,000, except that such amount charged to a fellowship recipient and collected from such recipient for tuition and other expenses required by the institution as part of the recipient's instructional program shall be deducted from the payment of the institution under this subsection.

"(2) REDUCTION LIMITATION.—Subject to the availability of appropriations, amounts payable to an institution of higher education by the Secretary pursuant to this subsection shall not be reduced for any purpose other than the purpose specified under paragraph (1).

"SEC. 973. FELLOWSHIP CONDITIONS.

"(a) REQUIREMENTS FOR RECEIPT.—An individual awarded a fellowship under this part shall continue to receive payments described in section 972(a) only during such periods as the Secretary finds that such individual is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment by such institution in teaching, research, or similar activities, approved by the Secretary.

"(b) REPORTS FROM RECIPIENTS.—The Secretary is authorized to require reports containing such information in such form and at such times as the Secretary determines necessary from any individual awarded a fellowship under this part. The reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, stating that such individual is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.".

(b) CONSULTATION WITH ADVISORY COUNCIL.—In developing regulations needed to carry out part G of title IX of the Higher Education Act of 1965 (as added by subsection (a)), the Secretary of Education shall consult with the National Advisory Council on Adoption established under section 3(a).

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 981 of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g) PART G.—There are authorized to be appropriated to carry out part G of this title such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.".

SEC. 7. GRANTS FOR ADOPTION EDUCATION PROGRAMS.

(a) PROGRAM AUTHORIZED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Education (hereafter in this section referred to as the "Secretary") shall make grants to States to enable such States to carry out adoption education programs.

(b) GRANT AMOUNTS.—The Secretary shall determine the amount of the grant any State is eligible to receive under this section based on the estimated size and cost of the program to be assisted under the grant and the number of children to be served by the program.

(c) APPLICATION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information and assurances as the Secretary may reasonably require.

(d) GUIDELINES.—The Secretary shall by regulation publish guidelines for model adoption education programs to be assisted under this section.

(e) CONSULTATION WITH ADVISORY COUNCIL.—In developing regulations needed to carry out this section, the Secretary shall consult with the National Advisory Council on Adoption established under section 3(a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1993, 1994, and 1995 to carry out this section.

SEC. 8. EQUAL INSURANCE COVERAGE FOR ADOPTED CHILDREN.

Section 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1140) is amended—

(1) by inserting "(a)" after "510.";

(2) by striking the last sentence; and

(3) by adding at the end the following new subsections:

"(b)(1) As used in this subsection, the term 'son or daughter' means a biological or adopted child, a stepchild, a legal ward, or a child placed for adoption.

"(2) Notwithstanding any other provision of law, it shall be unlawful for any person to discharge, fine, suspend, expel, discipline, or discriminate against a participant or beneficiary for the purpose of interfering with the attainment of any right, including a right with respect to coverage, benefits, or cost sharing, to which such participant may become entitled under an employee benefit plan, this title, or the Welfare and Pension Plans Disclosure Act, on the basis of the fact that—

"(A) a son or daughter of the participant is not a biological child of the participant; or

"(B) a son or daughter that is not a biological child of the participant has a health-related condition that existed prior to the date on which the child became a son or daughter of the participant.

"(3) Nothing in this subsection shall be construed to require any person to extend a benefit under an employee benefit plan to any participant if the person would not otherwise be required to extend the benefit to a participant with a biological child.

"(c) The provisions of section 502 shall be applicable in the enforcement of this section.".

SEC. 9. EQUAL LEAVE BENEFITS FOR ADOPTIVE PARENTS.

(a) DEFINITIONS.—As used in this section:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) EMPLOY.—The term "employ" has the meaning given the term in section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)).

(3) EMPLOYEE.—The term "employee" means any individual employed by an employer.

(4) EMPLOYER.—The term "employer" means any person engaged in commerce or in any industry or activity affecting commerce.

(5) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including health insurance, sick leave, and annual leave, regardless of whether such benefits are provided by a policy or practice of an employer or through an "employee welfare benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(6) LEAVE BENEFIT.—The term "leave benefit" means—

(A) any leave provided by the employer to enable a parent to prepare for the arrival of a son or daughter or to care for a son or daughter;

(B) any right to reemployment with the employer after the leave described in subparagraph (A); and

(C) any right to the receipt of pay or employment benefits, or the accrual of seniority, during the leave described in subparagraph (A).

(7) PARENT.—The term "parent" means the biological parent, adoptive parent, prospective adoptive parent, legal guardian, or stepparent, of the child.

(8) SON OR DAUGHTER.—The term "son or daughter" means a biological or adopted child, a stepchild, a legal ward, or a child placed for adoption.

(b) NONDISCRIMINATION.—It shall be an unlawful employment practice for an employer to discriminate against an employee with respect to a term or condition of any leave benefit on the basis of the fact that a son or daughter of an employee is not a biological child of the employee.

(c) RIGHT TO BRING CIVIL ACTION.—

(1) IN GENERAL.—Subject to the limitations contained in this section, any person may bring a civil action against an employer to enforce the provisions of this section in any appropriate court of the United States or in any State court of competent jurisdiction.

(2) TIMING OF COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under paragraph (1) later than 1 year after the date of the last event that constitutes the alleged violation.

(3) VENUE.—An action brought under paragraph (1) in a district court of the United States may be brought in any appropriate judicial district under section 1391 of title 28, United States Code.

(4) RELIEF.—In any civil action brought under paragraph (1), the court may—

(A) grant as relief against any respondent that violates any provision of this title—

(i) any permanent or temporary injunction, temporary restraining order, or other equitable relief as the court determines appropriate; and

(ii) damages in an amount equal to any wages, salary, employment benefits, or other compensation denied or lost to such eligible employee by reason of the violation, plus interest on the total monetary damages calculated at the prevailing rate; and

(B) award to a prevailing party (other than the United States) in the action a reasonable attorney's fee.

(d) CONSTRUCTION.—Nothing in this section shall be construed to require an employer to provide any leave benefit that the employer would not otherwise have provided to an employee with a biological child.

SEC. 10. PAYMENTS TO STATES FOR EXPEDITED PLACEMENT UNDER THE ADOPTION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)), as amended by section 5071 of the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

(2) by striking "and" at the end of subparagraph (B); and

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) 80 percent of so much expenditures as are for the recruitment of adoptive parents in any case where the placement for adoption of a child with special needs occurs not later than 3 months after the child is determined under State law to be legally free for adoption, and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for each quarter beginning on or after 60 days after the date of enactment of this Act.

SEC. 11. SENSE OF CONGRESS REGARDING CHANGES IN STATE ADOPTION LAWS.

(a) IN GENERAL.—It is the sense of Congress that each State should adopt, and assume responsibility for enforcing laws, rules, or regulations that would provide that—

(1) the State shall make available to a prospective adoptive parent all relevant information with respect to the placement of the child for adoption, including information with respect to the medical, social, and adoption and foster care placement history and ethnic background of the child and the biological parents of the child (except to the extent that such information would identify the child or biological parents) and shall impose criminal penalties on any person who makes an unauthorized disclosure of such information;

(2) a State-approved professional working in a licensed agency setting shall investigate the prospective adoptive parent of a child before the child is placed with such parent for adoption;

(3) the courts of the State shall not finalize any adoption before each party to the adoption proceeding has submitted to the court all information relating to the costs incurred by or on behalf of the party in connection with the adoption, including a list of all payments, benefits, gifts, or other things of value;

(4) the State shall require adequate legal representation with respect to the adoption proceeding for the biological mother of a child who is the subject of such proceeding, if the biological mother wants separate legal representation;

(5) if a child is placed with an individual pursuant to a written plan of adoption before the adoption occurs and such individual does not file a petition for the adoption of the child with the appropriate court during the 6-month period beginning on the date the child is placed with such individual, and the individual cannot demonstrate just cause for failure to file the petition during such period, such individual shall be barred from adopting the child; and

(6) with respect to each health benefit plan providing coverage to individuals in the State—

(A) each such plan shall provide coverage of health expenses relating to pregnancy and childbirth (not including any expenses relating to carrying out a surrogate parenting arrangement)—

(i) upon the adoption of a child by an individual enrolled in the plan, for the child and for the biological mother of such child, with respect to expenses incurred after the individual enrolled in the plan furnishes written notice to the sponsor of the plan of the intent of the individual to adopt the child of the biological mother, and

(ii) for any dependent child of an individual enrolled in the plan; and

(B) the sponsor of such a plan may not exclude, terminate, or otherwise limit coverage under the plan with respect to the adopted child of an individual enrolled in the plan on the basis that such child has a preexisting condition.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "health benefit plan" means any plan, fund, or program that provides medical care to participants or beneficiaries directly or through insurance, reimbursement, or otherwise;

(2) the term "preexisting condition" means any disease, disability, disorder, impairment, or other health condition; and

(3) the term "sponsor" means any entity in a State providing a health benefit plan in a State.

FAIRNESS FOR ADOPTED CHILDREN ACT

SECTION 2. FINDINGS

In 1970 there were 89,000 adoptions per year, in 1990 there were only 51,000.

Currently, only 6% of teenage mothers choose adoption.

Young, unmarried women who make an adoption plan for their babies are more likely to complete high school, less likely to live in poverty, and less likely to receive public assistance than single parents.

60% of welfare recipients are, or were at one time, teenage mothers.

Adopted children have been found to have the same levels of confidence, or greater levels of confidence than, children who are not adopted.

Maternity homes provide young mothers a safe haven away from peer pressure and time to consider thoughtfully the best plan for themselves and their babies. Young mothers in maternity homes receive counseling, schooling, and job counseling, and prenatal care.

SECTION 3. NATIONAL ADVISORY COUNCIL ON ADOPTION

Establishes the National Advisory Council on Adoption to monitor the implementation of the provisions of this Act and to recommend additional changes in law to promote the objectives of this Act.

SECTION 4. ADOPTION DATA COLLECTION SYSTEM

Existing HHS regulations on adoption data collection apply only to those supervised by public agencies. This act would require HHS to collect data from all adoption entities (public or private) that receive any federal assistance. HHS would also collect any data that private agencies (not already required to participate) were willing to provide.

HHS is required to develop regulations to protect the confidentiality of individuals included in the adoption data gathered by the agency.

SECTION 5. MATERNAL HEALTH CERTIFICATES

The Secretary of HHS is directed to establish through the states programs to provide maternal health certificates to eligible pregnant women. To qualify for assistance, the women's income must be at or below 175% of the state poverty level. The income of the parents, guardians, or the father of the child shall not be taken into account in the determination of eligibility.

Eligible facilities must be able to house at least four women. The facilities must provide a range of pregnancy services, including prenatal, delivery, and post-delivery care; education on caring for the baby, nutrition counseling adoption counseling; and, vocational counseling. Services may be provided for the full duration of the pregnancy plus one month of the post-partum services. The bill provides an authorization level of $30 million a year for three years.

SECTION 6. SOCIAL WORK GRADUATE STUDY FELLOWSHIPS ON ADOPTION

Directs the Secretary of Education to establish up to 50 fellowships for the study of innovative adoption programs. Topics for study would include: basic research on the short-term and long-term effects of adoption on children, biological parents and adoptive families; development of model curriculum to assist adoptive children and their families and counseling for pregnant women on the availability and benefits of making adoption plans. Authorizes such funds as may be necessary to carry out this section.

SECTION 7. GRANTS TO STATE FOR ADOPTION EDUCATION PROGRAMS

Provides up to $10 million in grants for FY 93–95 to the states for the development of public school curriculum on adoption to be included in school family life programs.

SECTION 8. EQUAL INSURANCE COVERAGE FOR ADOPTED CHILDREN

Of those people who have insurance coverage, 56 percent (112 million people) receive coverage through employers who provide their own insurance. These plans are governed by ERISA and not by the States. Adoptive parents have claimed they have been discriminated against receiving equal insurance coverage for their adopted children. In some cases, health insurance benefits will only cover health problems that occur after the child has been officially placed or the adoption is finalized. This "gap" in coverage is potentially serious in the event of postnatal complications. This section would amend ERISA laws to prohibit discrimination by insurance companies in the writing or executing of insurance policies solely on the basis of whether a child is adopted. Defines son or daughter as a biological child, adopted child, step child, legal ward, or a child placed for adoption.

SECTION 9. EQUAL EMPLOYEE BENEFITS FOR ADOPTIVE PARENTS

Requires businesses to offer the same family and medical leave and insurance benefits to adoptive parents as they offer to other employees.

SECTION 10. EXPEDITED PLACEMENT OF CHILDREN WITH SPECIAL NEEDS

Provides enhanced reimbursement to states for expenses incurred in placing a child with "special needs" in adoptive homes if the child is placed within three months of becoming available for adoption.

Considering that 25% of all children in foster care have been there for over 3 years, and 40% have been there for over 2 years, this expedited placement will save money.

SECTION 11. SENSE OF CONGRESS REGARDING CHANGES IN STATE ADOPTION LAWS

A "sense-of-the-Congress" resolution is added calling on the states to make certain that all necessary information is made available to adoptive parents. In addition, the resolution recommends that states require adequate legal counsel be provided to biological mothers.

Finally, the resolution calls on states to require health insurers to drop pre-existing condition restrictions on adoptive children. Of those people who have health insurance, 44% (88 million) receive coverage through employers that purchase their insurance from an insurance company, which are governed primarily by state laws.

Mr. GRASSLEY. Mr. President, Iowa has been torn in recent months by an ongoing child custody suit concerning a little girl. Born to an unwed mother, she was given up for adoption to a couple which could not have children of their own, and the official adoption process began. After having relinquished her parental rights, the birth mother decided that she wanted to keep her baby, and with the father of the child, sued for a determination that the revocation of her parental rights should be overturned.

This case has lingered for over 2 years as the child has grown from infant to toddler.

Without commenting on the particular outcome of this case, I cannot help but believe that the bill introduced by my colleague, Senator GORTON, might have made this situation different.

Had this birth mother been in a maternity home where she received extensive counseling concerning whether she wanted to relinquish her parental rights, this case might not have turned out as it has.

We cannot intervene in the case concerning this little girl; but, we can promote legislation that will make this circumstance less likely to happen in the future.

The funds provided in this bill establish State programs that give maternal health certificates to women who wish to live in, or be an outpatient in, a maternity home. The home would provide adoption and career counseling services, education, and nutrition assistance to women experiencing an unexpected pregnancy.

The bill also provides fellowships for study on various innovative adoption programs, including research on the effects of adoption on children, biological and adoptive parents, the development of model curricula to assist adoptive families, and other issues of concern to adoptive families and service providers.

Mr. President, the issue of unexpected pregnancies is one which we must confront on a local, State, and National level.

I support this proposal as a compassionate, constructive and cost-effective means of doing so and urge my colleagues to do the same.

Mr. BOND. Mr. President, I am pleased to join the Senator from Washington as a cosponsor of the Fairness for Adopted Children Act. I believe it contains a number of important provisions addressing the problem of infant mortality and issues of fairness for families who are willing to commit years of their lives to raising adopted children.

The provisions of this bill relating to material health vouchers are similar to a proposal I introduced in 1991 designed to combat the tragedy of infant mortality on three fronts: housing, nutrition, and health care. What we found, through visits to St. Louis, Kansas City and Springfield, is that many poor pregnant women have nowhere to go. Whether shunned by family, or runaways, these teens are unable to obtain public housing and must drift from shelter to shelter. We developed a maternity housing assistance program for private or public nonprofit agencies who wished to serve this special population. Those receiving assistance would have to provide additional support services or referrals to prenatal care, job and education training and the like. The end result would be young women in a stable, healthy environment where they could make decisions concerning their own welfare and that of their children. We also hoped that such a program would result in more adoptions.

The differences between my maternal housing voucher proposal and that of the Senator from Washington are minor—having more to do with committee jurisdiction than any other factor. I plan to reintroduce the maternal housing voucher proposal and other portions of my 1991 Families in Need Act. In the meantime, I am happy to join the Senator from Washington in his laudable effort to help young pregnant women and the families who wish to adopt their babies.

From a larger perspective, I have spent much of my career looking at ways to assist children and families in need. Most recently, Senator ROCKEFELLER and I introduced the Child Protection Reform bill, which, if passed, would be the first major overhaul of the system which takes care of abused and neglected children in over a dozen years. Issues of adoption figure prominently in the field of child welfare. While we would like to see all children cared for by their own parents in stable, loving homes, the reality is that many people simply cannot handle the responsibilities of parenthood. And they are many.

I think all of us who are parents would agree that there is no more challenging task in this life than to help form the character and provide for the needs of our children. It is a job which takes 24 hours a day, 7 days a week, 52 weeks a year for many, many years. It requires an investment of time, thought, energy, and of course, money. It requires patience, adherence to high standards, self-sacrifice and delayed gratification—all qualities which are in scant supply in American popular culture. They are also qualities which most teenagers do not yet possess.

Yet despite the fact that adolescents are not prepared to live independently, let alone be successful parents, more and more are becoming parents with each passing year. And, as the social stigma of illegitimacy wears off, more and more unwed teen-age mothers are choosing to keep their babies. Today only about 6 percent of teenage mothers choose adoption.

Perhaps if they knew what lay ahead they would not choose to parent. The weight of the evidence continues to show that children of divorced and never-wed parents are at much greater risk of delinquency, school failure, teen-age pregnancy, and divorce than their peers who live with both parents. 80 percent of children born to teen-age mothers will live on Aid to Families with Dependent Children within 5 years of birth. And about 50 percent of female-headed households are poor.

We are facing a social catastrophe of dramatic proportions if current trends continue. It is my hope that this bill, which provides concrete support to young pregnant women and to the families which adopt their children lead more teens to opt to give their children up for adoption. At the very least I hope we begin a debate on the subject of teen pregnancy.

Obviously, the best place to begin is with teen-age pregnancy PREVENTION programs. And I fully support the title X and title XX family planning programs.

However, where pregnancy has occurred, there is a legitimate social purpose in providing the support necessary to ensure that the babies are born healthy and that their mothers are equipped to make decisions in their own and in their child's best long-term interests.

By Mr. BOND (for himself and Mr. DANFORTH):

S. 845. A bill to provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri, and for other purposes; to the Committee on Energy and Natural Resources.

TRUMAN FARM HOME ACT OF 1993

• Mr. BOND. Mr. President, Senator DANFORTH and I are introducing legislation today which will provide for the addition of the Truman Farm Home to the Harry S. Truman National Historic Site in the State of Missouri. Although the farm was established in 1978 as a historic landmark, the future of the farm is threatened by the lack of resources available to the Jackson County Department of Parks and Recreation to preserve, maintain, and promote the site. My legislation would authorize the National Park Service to acquire the Truman Farm Home located in Grandview, Jackson County, MO, and make this 5.2-acre site part of the Truman National Historic Site.

Harry Truman lived and worked on the farm from 1905 until he left for the Army in 1917. During his Presidency, he visited the farm as often as possible. The farm is recognized historically as playing a very significant part in Truman's life. Noted historians, Robert Donovan and Robert H. Ferrell, strongly advocate Federal preservation of the farm home.

Currently, responsibility for the farm home is shared by the Jackson County Department of Parks and Recreation and a dedicated group of volunteers, the Friends of the Truman Farm Home. Funds for restoration have been provided for the most part by private donations. Due to the lack of funds available for maintenance, the volunteers of the farm home have severely restricted visiting hours for tourists to only a few days each week from April to November. The home is a favored tourist stop, appreciated by both Missouri residents and many travelers from across the Nation.

Congressman ALAN WHEAT introduced this measure in the House. On

January 6, the National Parks and Public Lands Subcommittee reported H.R. 486 to the full Committee on Interior and Insular Affairs. I encourage my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 845

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION OF TRUMAN FARM HOME TO HARRY S TRUMAN NATIONAL HISTORIC SITE.

The first section of the Act entitled "An Act to establish the Harry S Truman National Historic Site in the State of Missouri, and for other purposes", approved May 23, 1983 (97 Stat. 193), is amended by adding at the end the following new sentence: "The Secretary is further authorized to acquire from Jackson County, Missouri, by donation, the real property commonly referred to as the 'Truman Farm Home' located in Grandview, Jackson County, Missouri, together with associated lands and related structures, comprising approximately 5.2 acres.".•

By Mr. KENNEDY (for himself and Mr. PELL):

S. 846. A bill to improve learning and teaching by providing a national framework for educational reform; to promote the research, consensus building, and systemic changes needed to ensure equitable educational opportunities and high levels of educational achievement for all American students; to provide a framework for reauthorization of all Federal education programs; to promote the development and adoption of a voluntary national system of skill standards and certifications; and for other purposes; to the Committee on Labor and Human Resources.

GOALS 2000: EDUCATE AMERICA ACT

Mr. KENNEDY. Mr. President, I am pleased to introduce today for what I hope be prompt consideration and enactment the Goals 2000: Educate America Act. This legislation, proposed by President Clinton, is an important first step toward revitalizing education in communities across America and achieving long overdue reform in the Nation's approach to job training.

Just as President Kennedy challenged the Nation to put a man on the Moon by the end of the decade of the 1960's, President Clinton is challenging the Nation to revitalize the Nation's schools by the year 2000. He is also laying the foundation for an effective national training system to better equip those who are entering the work force and those who are already in the work force to respond to the competitive challenges that we face in the global economy.

The Goals 2000: Educate America Act will:

Set into law the six national education goals and establish a bipartisan National Education Goals Panel to report on progress toward achieving the goals;

Develop voluntary academic standards and assessments that are meaningful, challenging, and appropriate for all students through the National Education Standards and Improvement Council;

Identify the conditions of learning and teaching necessary to ensure that all students have the opportunity to meet high standards;

Establish a National Skills Standards Board to promote the development and adoption of occupational standards to ensure that American workers are among the best trained in the world;

Help States and local communities involve public officials, teachers, parents, students, and business leaders in designing and reforming schools; and

Increase flexibility for States and school districts by waiving regulations and other requirements that might impede reforms.

Codifying the six basic education goals will strengthen our commitment to reach them. Having every child ready to learn; attaining a 90 percent high school completion rate; meeting check points for having 4th, 8th and 12th graders master challenging material; becoming first in the world in math and science achievement; making sure every adult American has learned to read; and having safe and drug-free schools are daunting goals to which to aspire. But our country has faced other difficult challenges, and with leadership and dedication, we will succeed.

High standards are the cornerstone of this legislation. The bill requires that in seven areas—English, math, science, foreign languages, arts, history, and geography—outlines be developed that describe the ideas, concepts, and material that students should be learning. These outlines will help to end the confusion about what parents ought to expect and what makes a school good: A school will be a good school where all students are learning what the standards describe.

Similarly, the development of a system of national skill-based standards for occupational training will give workers and those who are seeking to enter the work force clear guidance as to the skills that should be acquired for entry into and advancement in their chosen occupational fields and help us rationalize our confusing system of more than 125 separate federally supported training programs.

Both public and private job training efforts currently suffer from the lack of a national consensus as to what kinds of skills workers should be acquiring, the lack of a system by which to measure whether particular training programs are effective in providing workers with such skills, and the lack of a system to certify that workers have attained those skills. The development of a voluntary national system of skill-based standards will enable Government policymakers and private employers to measure the effectiveness of public and private training programs, and assist workers in acquiring accredited, portable skills.

Finally, the planning grants in this legislation will enable States to enter into a partnership with local schools and help them train their teachers, organize their programs, and set up schools with this fundamental principle in mind: How do we make sure that every student in a school learns the challenging material set out in the school's standards and graduates well prepared for further education or for entering the workplace.

Appearing together before the Labor and Human Resources Committee earlier this year, Secretaries Reich and Riley emphasized the Clinton administration's view that creation of an effective human capital development system depends on building bridges between education and the world of work. This legislation will provide just such a bridge. I commend the President, Secretary Riley, and Secretary Reich for their vision and leadership, and I look forward to early action by Congress.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 846

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Goals 2000: Educate America Act".

PURPOSE: DEFINITION

SEC. 2. (a) PURPOSE.—It is the purpose of this Act to provide a framework for meeting the National Education Goals established by title I of this Act by—

(1) promoting coherent, nationwide, systemic education reform;

(2) improving the quality of learning and teaching in the classroom;

(3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform;

(4) establishing valid, reliable, and fair mechanisms for—

(A) building a broad national consensus on American education reform;

(B) assisting in the development and certification of high-quality, internationally competitive content and student performance standards;

(C) assisting in the development and certification of opportunity-to-learn standards; and

(D) assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and student performance standards;

(5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards;

(6) providing a framework for the reauthorization of all Federal education programs by—

(A) creating a vision of excellence and equity that will guide all Federal education and related programs;

(B) providing for the establishment of high-quality, internationally competitive content and student performance standards that all students, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, and academically talented students, will be expected to achieve;

(C) providing for the establishment of high-quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve;

(D) encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children; and

(E) providing resources to help individual schools, including those serving students with high needs, develop and implement comprehensive improvement plans; and

(7) stimulating the development and adoption of a voluntary national system of skill standards and certification to serve as a cornerstone of the national strategy to enhance workforce skills.

(b) DEFINITION.—As used in this Act, the term "all students" means students from the broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, student with limited English proficiency, and academically talented students.

TITLE I—NATIONAL EDUCATION GOALS

PURPOSE

SEC. 101. It is the purpose of this title to establish National Education Goals.

NATIONAL EDUCATION GOALS

SEC. 102. The Congress declares the National Education Goals are that—

(1)(A) SCHOOL READINESS.—By the year 2000, all children in America will start school ready to learn.

(B) The objectives for this Goal are that—

(i) all disadvantaged and disabled children will have access to high-quality and developmentally appropriate preschool programs that help prepare children for school;

(ii) every parent in America will be a child's first teacher and devote time each day to helping his or her preschool child learn, and parents will have access to the training and support they need; and

(iii) children will receive the nutrition and health care needed to arrive at school with healthy minds and bodies, and the number of low-birthweight babies will be significantly reduced through enhanced prenatal health systems.

(2)(A) SCHOOL COMPLETION.—By the year 2000, the high school graduation rate will increase to at least 90 percent.

(b) The objectives for this Goal are that—

(i) the Nation must dramatically reduce its dropout rate, and 75 percent of those students who do drop out will successfully complete a high school degree or its equivalent; and

(ii) the gap in high school graduation rates between American students from minority backgrounds and their non-minority counterparts will be eliminated.

(3)(A) STUDENT ACHIEVEMENT AND CITIZENSHIP.—By the year 2000, American students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.

(B) The objectives for this Goal are that—

(i) the academic performance of elementary and secondary students will increase significantly in every quartile, and the distribution of minority students in each level will more closely reflect the student population as a whole;

(ii) the percentage of students who demonstrate the ability to reason, solve problems, apply knowledge, and write and communicate effectively will increase substantially;

(iii) all students will be involved in activities that promote and demonstrate good citizenship, community service, and personal responsibility;

(iv) the percentage of students who are competent in more than one language will substantially increase; and

(v) all students will be knowledgeable about the diverse cultural heritage of this nation and about the world community.

(4)(A) MATHEMATICS AND SCIENCE.—By the year 2000, United States students will be first in the world in mathematics and science achievement.

(B) The objectives for this Goal are that—

(i) math and science education will be strengthened throughout the system, especially in the early grades;

(ii) the number of teachers with a substantive background in mathematics and science will increase by 50 percent; and

(iii) the number of United States undergraduate and graduate students, especially women and minorities, who complete degrees in mathematics, science, and engineering will increase significantly.

(5)(A) ADULT LITERACY AND LIFELONG LEARNING.—By the year 2000, every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

(B) The objectives for this Goal are that—

(i) every major American business will be involved in strengthening the connection between education and work;

(ii) all workers will have the opportunity to acquire the knowledge and skills, from basic to highly technical, needed to adapt to emerging new technologies, work methods, and markets through public and private educational, vocational, technical, workplace, or other programs;

(iii) the number of quality programs, including those at libraries, that are designed to serve more effectively the needs of the growing number of part-time and mid-career students will increase substantially;

(iv) the proportion of those qualified students, especially minorities, who enter college, who complete at least two years, and who complete their degree programs will increase substantially; and

(v) the proportion of college graduates who demonstrate an advanced ability to think critically, communicate effectively, and solve problems will increase substantially.

(6)(A) SAFE, DISCIPLINED, AND DRUG-FREE SCHOOLS.—By the year 2000, every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning.

(B) The objectives for this Goal are that—

(i) every school will implement a firm and fair policy on use, possession, and distribution of drugs and alcohol;

(ii) parents, businesses, and community organizations will work together to ensure that schools are a safe haven for all children; and

(iii) every school district will develop a comprehensive K-12 drug and alcohol prevention education program. Drug and alcohol curriculum should be taught as an integral part of health education. In addition, community-based teams should be organized to provide students and teachers with needed support.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

PART A—NATIONAL EDUCATION GOALS PANEL

PURPOSE

SEC. 201. It is the purpose of this part to establish a bipartisan mechanism for—

(1) building a national consensus for education improvement;

(2) reporting on progress toward achieving the National Education Goals; and

(3) reviewing and approving the voluntary national content and student performance standards and opportunity-to-learn standards certified by the National Education Standards and Improvement Council, as well as the criteria for their certification, and the criteria for the certification of State assessments by the National Education Standards and Improvement Council.

NATIONAL EDUCATION GOALS PANEL

SEC. 202. (a) ESTABLISHMENT.—There is established in the Executive Branch a National Education Goals Panel (hereafter referred to as the "Goals Panel").

(b) COMPOSITION.—The Goals Panel shall be composed of 18 members (hereafter referred to in this part as "members"), including—

(1) two members appointed by the President;

(2) eight members who are Governors, three of whom shall be from the same political party as the President and five of whom shall be of the opposite political party of the President, appointed by the Chairperson and Vice Chairperson of the National Governors' Association, with each appointing representatives of his or her respective political party, in consultation with each other;

(3) four Members of Congress appointed as follows—

(A) one member appointed by the majority leader of the Senate from among the Members of the Senate;

(B) one member appointed by the minority leader of the Senate from among the Members of the Senate;

(C) one member appointed by the majority leader of the House of Representatives from among the Members of the House of Representatives; and

(D) one member appointed by the minority leader of the House of Representatives from among the Members of the House of Representatives; and

(4) four members of State legislatures appointed by the President of the National Conference of State Legislatures, of whom not more than two may be of the same political party as the President of the United States.

(c) SPECIAL APPOINTMENT RULES.—(1) The members appointed pursuant to subsection (b)(2) shall be appointed as follows:

(A) If the Chairperson of the National Governors' Association is from the same political party as the President, the Chairperson shall appoint 3 individuals and the Vice Chairperson shall appoint 5 individuals.

(B) If the Chairperson of the National Governors' Association is from the opposite political party as the President, the Chairperson shall appoint 5 individuals and the Vice Chairperson shall appoint 3 individuals.

(2) If the National Governors' Association has appointed a panel that meets the requirements of subsections (b) and (c), except for the requirements of subsection (b)(4), prior to the date of enactment of this title, then the members serving on such panel be deemed to be in compliance with subsections (b) and (c) and shall not be required to be reappointed pursuant to subsections (b) and (c).

(d) TERMS.—The terms of service of members shall be as follows:

(1) Members appointed under subsection (b)(1) shall serve at the pleasure of the President.

(2) Members appointed under subsection (b)(2) shall serve a two-year term, except that the initial appointments under such paragraph shall be made to ensure staggered terms with one-half of such members' terms concluding every two years.

(3) Members appointed under subsections (b)(3) and (4) shall serve a term of two years.

(e) DATE OF APPOINTMENT.—The initial members shall be appointed not later than 60 days after the date of enactment of this Act.

(f) INITIATION.—The Goals Panel may begin to carry out its duties under this part when ten members of the Goals Panel have been appointed.

(g) VACANCIES.—A vacancy on the Goals Panel shall not affect the powers of the Goals Panel, but shall be filled in the same manner as the original appointment.

(h) TRAVEL.—Each member may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(i) CHAIR.—The members of the Goals Panel shall select a Chair from among the Governors who are members. The Chair shall serve a 1-year term and shall alternate between political parties.

DUTIES

SEC. 203. (a) DUTIES.—The Goals Panel shall—

(1) report on the progress the Nation and the States are making toward achieving the National Education Goals established under title I of this Act, including issuing an annual national report card;

(2) submit to the President nominations for appointment to the National Education Standards and Improvement Council, in accordance with sections 212(b) and (c);

(3) review and approve (or explain why approval is withheld) the—

(A) criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments, and opportunity-to-learn standards; and

(B) voluntary national content and student performance standards and opportunity-to-learn standards certified by the National Education Standards and Improvement Council;

(4) report on promising or effective actions being taken at the national, State, and local levels, in the public and private sectors, to achieve the National Education Goals; and

(5) help build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

(b) NATIONAL REPORT CARD.—(1) The Goals Panel shall annually prepare and submit to the President, the Secretary, the appropriate committees of Congress, and the Governor of each State a national report card that shall—

(A) report on the progress of the United States toward achieving the National Education Goals; and

(B) identify actions that should be taken by Federal, State, and local governments to enhance progress toward achieving the National Education Goals.

(2) National report cards shall be presented in a form, and include data, that is understandable to parents and the general public.

POWERS OF THE GOALS PANEL

SEC. 204. (a) HEARINGS.—(1) The Goals Panel shall, for the purpose of carrying out this part, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Goals Panel considers appropriate.

(2) In carrying out this part, the Goals Panel shall conduct hearings to receive reports, views, and analyses of a broad spectrum of experts and the public on the establishment of voluntary national content and student performance standards, assessments, and opportunity-to-learn standards.

(b) INFORMATION.—The Goals Panel may secure directly from any department or agency of the United States information necessary to enable the Goals Panel to carry out this part. Upon request of the Chairperson of the Goals Panel, the head of a department or agency shall furnish such information to the Goals Panel to the extent permitted by law.

(c) POSTAL SERVICES.—The Goals Panel may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(d) GIFTS; USE OF FACILITIES.—The Goals Panel may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) with their consent, use the research, equipment, services, and facilities of any agency or instrumentality of the United States, or of any State or political subdivision thereof.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—(1) The Secretary shall provide to the Goals Panel, on a reimbursable basis, such administrative support services as the Goals Panel may request.

(2) The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangement that are requested by the Goals Panel to help it compile and analyze data or carry out other functions necessary to the performance of its responsibilities.

ADMINISTRATIVE PROVISIONS

SEC. 205. (a) MEETINGS.—The Goals Panel shall meet on a regular basis, as necessary, at the call of the Chairperson of the Goals Panel or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING.—No individual may vote, or exercise any of the powers of a member, by proxy.

(d) PUBLIC ACCESS.—The Goals Panel shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS

SEC. 206. (a) DIRECTOR.—The Chairperson of the Goals Panel shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for Level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—(1)(A) The Director may appoint not more than four additional employees to serve as staff to the Goals Panel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under paragraph (1)(A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS–15 of the General Schedule.

(2) The Director may appoint additional employees to serve as staff to the Goals Panel consistent with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Goals Panel may procure temporary and intermittent services of experts and consultants under section 3019(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Goals Panel, the head of any department or agency of the United States may detail any of the personnel of that agency to the Goals Panel to assist the Goals Panel in its duties under this part.

PART B—NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

PURPOSE; DEFINITION

SEC. 211. (a) PURPOSE.—It is the purpose of this part to establish a mechanism to—

(1) certify voluntary national content and student performance standards that define what American students should know and be able to do;

(2) certify content and student performance standards submitted by States on a voluntary basis, if such standards are comparable in rigor and quality to the voluntary national content and student performance standards certified by the Council;

(3) certify voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content and student performance standards certified by the National Education Standards and Improvement Council;

(4) certify opportunity-to-learn standards submitted by States on a voluntary basis, if they are consistent with the voluntary national opportunity-to-learn standards; and

(5) certify systems of assessments submitted by States on a voluntary basis, if they are aligned with State content standards certified by the Council and if they are valid, reliable, and fair when used for their intended purposes.

(b) DEFINITION.—As used in this Act, the term "opportunity-to-learn standards" includes ways of measuring the extent to which such standards are being met.

NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL

SEC. 212. (a) ESTABLISHMENT.—There is established in the Executive Branch a National Education Standards and Improvement Council (hereafter in this part referred to as the 'Council').

(b) COMPOSITION.—The Council shall be composed of 20 members (hereafter in this part referred to as 'members') appointed by the President from nominations submitted by the Goals Panel.

(c) QUALIFICATIONS.—(1) The members of the Council shall include—

(A) five professional educators, including elementary and secondary classroom teachers, preschool educators and other school-based professionals, local district of State administrators, and other educators;

(B) five representatives of business and industry and postsecondary educational institutions, including at least one representative of business and industry who is also a member of the National Skill Standards Board established pursuant to title IV of the Act;

(C) five representatives of the public, including representatives of advocacy and civil rights groups, parents,

* * *

(h) VACANCY.—A vacancy on the Council shall not affect the powers of the Council, but shall be filled in the same manner as the original appointment.

(i) COMPENSATION.—Members of the Council who are not regular full-time employees of the United States may, while attending meetings or hearings of the Council, be provided compensation at a rate fixed by the Secretary, but not exceeding the maximum rate of basic pay payable for GS-15 of the General Schedule.

(j) TRAVEL.—Each member of the Council may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(k) OFFICERS.—The members of the Council shall select officers from among its members. The officers of the Council shall serve for 1-year terms.

DUTIES

SEC. 213. (a) VOLUNTARY NATIONAL CONTENT STANDARDS.—(1) The Council shall—

(A) identify areas in which voluntary national content standards need to be developed;

(B) certify voluntary national content and student performance standards that define what American students should know and be able to do; and

(C) forward such voluntary national content and student performance standards to the Goals Panel for approval.

(2)(A) The Council shall—

(i) identify and develop criteria to be used for certifying the voluntary national content and student performance standards; and

(ii) before applying such criteria, forward them to the Goals Panel for approval.

(B) The criteria developed by the Council shall address—

(i) the extent to which the proposed standards are internationally competitive and comparable to the best in the world;

(ii) the extent to which the proposed content and student performance standards reflect the best available knowledge about how all students learn and about how the content area can be most effectively taught;

(iii) the extent to which the proposed content and student performance standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, and the public; and

(iv) other factors that the Council deems appropriate.

(C) In developing the criteria, the Council shall work with entities that are developing, or have already developed, content standards, and any other entities that the Council deems appropriate, to identify appropriate certification criteria.

(b) VOLUNTARY STATE CONTENT STANDARDS.—The Council may certify content and student performance standards presented on a voluntary basis by States, if such standards are comparable in rigor and quality to the voluntary national content and student performance standards certified by the Council.

(c) VOLUNTARY NATIONAL OPPORTUNITY-TO-LEARN STANDARDS.—(1) The Council shall certify exemplary, voluntary national opportunity-to-learn standards that will establish a basis for providing all students a fair opportunity to achieve the knowledge and skills set out in the voluntary national content standards certified by the Council.

(2) The voluntary national opportunity-to-learn standards shall be sufficiently general to be used by any State without unduly restricting State and local prerogatives regarding instructional methods to be employed.

(3) The voluntary national opportunity-to-learn standards certified by the Council shall address—

(A) the quality and availability of curricula, instructional materials, and technologies;

(B) the capability of teachers to provide high-quality instruction in each content area;

(C) the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvement;

(D) the extent to which curriculum, instructional practices, and assessments are aligned to content standards; and

(E) other factors that the Council deems appropriate to ensure that every student receives a fair opportunity to achieve the knowledge and skills described in the voluntary content and student performance standards certified by the Council.

(4) In carrying out this subsection, the Council shall—

(A) identify what countries with rigorous content standards do to—

(i) provide their children with opportunities to learn;

(ii) prepare their teachers; and

(iii) provide continuing professional development opportunities for their teachers; and

(B) develop criteria to be used for certifying the voluntary national opportunity-to-learn standards and, before applying such criteria, forward them to the Goals Panel for approval.

(5) The Council shall assist in the development of the voluntary national opportunity-to-learn standards by—

(A) making recommendations to the Secretary regarding priorities and selection criteria for the award made under section 218; and

(B) coordinating with the consortium receiving an award under section 218 to ensure that the opportunity-to-learn standards the consortium develops are of high quality and are consistent with the criteria developed by the Council for the certification of such standards.

(6) The Council shall forward the voluntary national opportunity-to-learn standards it certifies to the Goals Panel for approval.

(d) VOLUNTARY STATE OPPORTUNITY-TO-LEARN STANDARDS.—The Council may certify opportunity-to-learn standards presented on a voluntary basis by a State, if they are consistent with the voluntary national opportunity-to-learn standards.

(e) ASSESSMENTS.—(1)(A) The Council shall certify a system of assessments that is presented on a voluntary basis by a State if such system is aligned with the State's content standards certified by the Council.

(B) Systems of assessments shall be certified by the Council for the purpose of—

(i) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected, including the identification of student performance standards;

(ii) improving classroom instruction and improving the learning outcomes for all students;

(iii) informing students, parents, and teachers about student progress toward the standards;

(iv) measuring and motivating individual students, schools, districts, States, and the Nation to improve educational performance; and

(v) assisting education policymakers in making decisions about education programs.

(C) The Council shall certify a system of assessments only if it will not be used to make decisions regarding graduation, grade promotion, or retention of students for a period of five years from the date of enactment of this Act.

(2)(A) The Council shall develop and, no sooner than three years or later than four years after the enactment of this Act, begin utilizing criteria for the certification of assessment systems for the purposes indicated in paragraph (1)(B). Before using such criteria, the Council shall forward the criteria to the Goals Panel for approval.

(B) The certification criteria developed by the Council shall address the extent to which the assessment system—

(i) is aligned with State content standards certified by the Council;

(ii) is to be used for a purpose for which it is valid, reliable, fair, and free of discrimination; and

(iii) includes all students, especially students with disabilities or with limited English proficiency.

(C) In determining appropriate certification criteria, the Council shall—

(i) consider standards and criteria being developed by other national organizations and recent research on assessment;

(ii) recommend needed research;

(iii) encourage the development and field testing of systems of assessments; and

(iv) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessment systems.

(D) Prior to determining the certification criteria, the Council shall take public comment on its proposed criteria.

(f) PERFORMANCE OF DUTIES.—In carrying out its responsibilities under this title, the Council shall—

(1) work with Federal and non-Federal agencies and organizations that are conducting research, studies, or demonstration projects to determine internationally competitive education standards and assessments, and may establish subject matter and

other panels to advise it on particular content, student performance, and opportunity-to-learn standards and on assessments;

(2) shall establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards under this title with the development of skill standards under title IV of this Act;

(3) recommend studies to the Secretary that are necessary to carry out the Council's responsibilities;

(4) inform the public about what constitutes high quality, internationally competitive, content, student performance, and opportunity-to-learn standards, and assessment systems;

(5) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessment systems; and

(6) periodically recertify, as appropriate, the voluntary national content and student performance standards, and the voluntary national opportunity-to-learn standards that it certifies under this section.

ANNUAL REPORTS

SEC. 214. Not later than one year after the date the Council concludes its first meeting, and in each succeeding year, the Council shall prepare and submit a report to the President, the Secretary, the appropriate committees of Congress, the Governor of each State, and the Goals Panel regarding its work.

POWERS OF THE COUNCIL

SEC. 215. (a) HEARINGS.—(1) The Council shall, for the purpose of carrying out its responsibilities, conduct such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Council considers appropriate.

(2) In carrying out this part, the Council shall conduct public hearings in different geographic areas of the United States, both urban and rural, to receive the reports, views, and analyses of a broad spectrum of experts and the public on the establishment of national content, student performance, and opportunity-to-learn standards, and assessment systems.

(b) INFORMATION.—The Council may secure directly from any department or agency of the United States information necessary to enable the Council to carry out this part. Upon request of the Chairperson of the Council, the head of a department or agency shall furnish such information to the Council to the extent permitted by law.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(d) GIFTS; USE OF FACILITIES.—The Council may—

(1) accept, administer, and utilize gifts or donations of services, money, or property, whether real or personal, tangible or intangible; and

(2) with their consent, use the research, equipment services, and facilities of any agency or instrumentality of the United States, or of any State or political subdivision thereof.

(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT.—(1) The Secretary shall provide to the Council, on a reimbursable basis, such administrative support services as the Council may request.

(2) The Secretary shall, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements that are requested by the Council to help it compile and analyze data or carry out other functions necessary to the performance of its responsibilities.

ADMINISTRATIVE PROVISIONS

SEC. 216. (a) MEETINGS.—The Council shall meet on a regular basis, as necessary at the call of the Chairperson of the Council or a majority of its members.

(b) QUORUM.—A majority of the members shall constitute a quorum for the transaction of business.

(c) VOTING.—The Council shall take all action of the Council by a majority vote of the total membership of the Council, ensuring the right of the minority to issue written views. No individual may vote or exercise any of the powers of a member by proxy.

(d) PUBLIC ACCESS.—The Council shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS

SEC. 217. (a) DIRECTOR.—The Chairperson of the Council shall, without regard to the provisions of title 5, United States Code, relating to the appointment and compensation of officers or employees of the United States, appoint a Director to be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(b) APPOINTMENT AND PAY OF EMPLOYEES.—(1)(A) The Director may appoint not more than four additional employees to serve as staff to the Council without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(B) The employees appointed under subparagraph (A) may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but shall not be paid a rate that exceeds the maximum rate of basic pay payable for GS-15 of the General Schedule.

(2) The Director may appoint additional employees to serve as staff of the Council consistent with title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Council may procure temporary and intermittent services under section 3019(b) of title 5, United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon the request of the Council, the head of any department or agency of the United States may detail any of the personnel of that department or agency to the Council to assist the Council in its duties under this part.

OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT

SEC. 218. (a) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.—(1) The Secretary is authorized to make a grant, on a competitive basis, to a consortium of individuals and organizations to develop voluntary national opportunity-to-learn standards.

(2) To the extent possible, such consortium shall include the participation of—

(A) Governors (other than Governors serving on the Goals Panel);

(B) chief State school officers;

(C) teachers (especially teachers involved in the development of content standards);

(D) principals;

(E) superintendents;

(F) State and local school board members;

(G) curriculum and school reform experts;

(H) parents;

(I) State legislators;

(J) representatives of businesses;

(K) representatives of higher education;

(L) representatives of regional accrediting associations; and

(M) advocacy groups.

(b) APPLICATIONS.—(1) Any consortium that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(2) In establishing priorities and selection criteria for such grant, the Secretary shall give serious consideration to the recommendations made by the Council pursuant to section 213(c)(5)(A).

ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS

SEC. 219. (a) GENERAL.—The Secretary is authorized to make grants to States and local educational agencies to help defray the cost of developing, field testing, and evaluating systems of assessments, to be used for some or all of the purposes indicated in section 213(e)(1)(B), that are aligned to State content standards certified by the Council.

(b) APPLICATIONS.—A State or local educational agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

(c) REQUIREMENTS.—(1) A recipient of a grant under this section shall—

(A) examine the validity, reliability, and fairness of an assessment, or system of assessments, for the particular purposes for which such assessment was developed; and

(B) devote special attention to how an assessment, or system of assessments, treats all students, especially with regard to the race, gender, ethnicity, and language proficiency of such students.

(2) An assessment, or system of assessments, developed and evaluated with funds under this section may not be used for decisions about individual students relating to program placement, promotion, or retention, graduation, or employment for a period of five years from the date of enactment of this Act.

PART C—AUTHORIZATION OF APPROPRIATIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 221. (a) NATIONAL EDUCATION GOALS PANEL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994 and such sums as may be necessary for each of the four succeeding fiscal years to carry out part A of this title.

(b) NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL.—There are authorized to be appropriated $3,000,000 for fiscal year 1994 and such sums as may be necessary for each of the four succeeding fiscal years to carry out part B of this title.

(c) OPPORTUNITY-TO-LEARN DEVELOPMENT GRANT.—There are authorized to be appropriated $1,000,000 for fiscal year 1994 and such sums as may be necessary for fiscal year 1995 to carry out the Opportunity-to-Learn Development Grant program established under section 218 of this title.

(d) ASSESSMENT DEVELOPMENT AND EVALUATION GRANTS.—There are authorized to be appropriated $5,000,000 for fiscal year 1994 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the Assessment Development and Evaluation Grants program established under section 218 of this title.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

CONGRESSIONAL FINDINGS

SEC. 301. The Congress finds that—

(1) all students can learn to high standards and must realize their potential if the United States is to prosper;

(2) the reforms in education of the last 15 years have achieved some good results, but these efforts often have been limited to a few schools or to a single part of the educational system;

(3) leadership must come both from teachers, related services personnel, principals, and parents in individual schools and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur;

(4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards;

(5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of public education through comprehensive, coherent, and coordinated improvement;

(6) parents, teachers and other local educators, and business, community, and tribal leaders must be involved in developing system-wide improvement strategies that reflect the needs of their individual communities;

(7) State and local education improvement efforts must incorporate strategies for providing students and families with coordinated access to appropriate social services, health care, nutrition, and child care to remove preventable barriers to learning and enhance school readiness for all students;

(8) States and local educational agencies, working together, must immediately set about developing and implementing such system-wide improvement strategies if the Nation is to educate all children to meet their full potential and achieve the National Education Goals listed in title I of this Act;

(9) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the workforce as well as to higher education;

(10) business should be encouraged to enter into partnerships with schools, provide information and guidance to schools on the needs of area business for properly educated graduates in general and on the need for particular workplace skills that the schools may provide, provide necessary material and support, and continue the lifelong learning process throughout the employment years of an individual;

(11) the appropriate and innovative use of technology can be very effective in helping to bring all students the opportunity to learn and meet high standards; and

(12) Federal funds should be targeted to support local and State initiatives, and to leverage State and local resources for designing and implementing system-wide improvement plans.

PURPOSE

SEC. 302. It is the purpose of this title to improve the quality of education for all students by supporting a long-term, broad-based effort to promote coherent and coordinated improvements in the system of education throughout the Nation at the local and State levels. This title provides new authorities and funding for the nation's school systems. It does not replace or reduce funding for existing Federal education programs. It is the intention of the Congress that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

AUTHORIZATION OF APPROPRIATIONS

SEC. 303. For the purpose of carrying out this title, there are authorized to be appropriated $393,000,000 for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

ALLOTMENT OF FUNDS

SEC. 304. (a) RESERVATIONS OF FUNDS.—From funds appropriated under section 303, the Secretary—

(1) shall reserve a total of one percent to provide assistance, in amounts determined by the Secretary—

(A) to the outlying areas; and

(B) to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs; and

(2) may reserve a total of up to six percent for—

(A) national leadership activities under section 312; and

(B) the costs of peer review of State improvement plans and applications under this title.

(b) STATE ALLOTMENTS.—The Secretary shall allot the remaining amount appropriated under section 303 for each fiscal year to the States as follows:

(1) 50 percent of such remaining amount shall be allocated in accordance with the relative amounts such State received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year.

(2) 50 percent of such remaining amount shall be allocated in accordance with the relative amounts each such State received under part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965 for the preceding fiscal year.

(c) REALLOTMENTS.—If the Secretary determines that any amount of a State's allotment for any fiscal year under subsection (b) will not be needed for such fiscal year by the State, the Secretary shall reallot such amount to other States that need additional funds, in such manner as the Secretary determines is appropriate.

STATE APPLICATIONS

SEC. 305. (a) GENERAL.—(1) If a State desires to receive a grant under this title, the State educational agency shall submit an application to the Secretary at such time and in such manner as the Secretary may determine.

(2) In addition to the information described in subsections (b) and (c), each such application shall include—

(A) an assurance that the State educational agency will cooperate with the Secretary in carrying out the Secretary's responsibilities under section 312, and will comply with reasonable requests of the Secretary for data related to the State's progress in developing and implementing its State improvement plan under this title;

(B) an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be delivered under section 306, or that such authority will be sought; and

(C) such other assurances and information as the Secretary may require.

(b) FIRST YEAR.—A State's application for the first year of assistance under this title shall—

(1) describe the process by which the State will develop a school improvement plan that meets the requirements of section 306; and

(2) describe how the State educational agency will use funds received under this title for such year, including how the State educational agency will make subgrants to local educational agencies and for teacher training.

(c) SUBSEQUENT YEARS.—A State's second application under this title shall—

(1) cover the second through fifth years of its participation—

(2) include a copy of the State's improvement plan that meets the requirements of section 306 or, if the State plan is not complete, a statement of the steps it will take to complete the plan and a schedule for doing so; and

(3) include an explanation of how the State will use funds received under this title, including how it will make subgrants to local educational agencies and for teacher training under section 308(b)(1).

STATE IMPROVEMENT PLANS

SEC. 306. (a) BASIC SCOPE OF PLAN. Any State educational agency that wishes to receive a grant under this title after its first year of participation shall develop and implement a plan for the fundamental restructuring and improvement of elementary and secondary education in the State. This plan must address—

(1) in accordance with subsection (c), the establishment or adoption of challenging content and student performance standards for all students and the use of curricula, instructional practices, assessments, technology, and professional preparation and development approaches appropriate to help all students reach those standards;

(2) in accordance with subsection (d), the establishment or adoption of opportunity-to-learn standards that will define the conditions of teaching and learning that provide all students the opportunity to meet the challenging content and student performance standards;

(3) in accordance with subsection (e), needed changes in the governance and management of the education system in order to effectively focus schools on, and assist them in, preparing all students to meet the challenging State standards;

(4) in accordance with subsection (f), comprehensive strategies to involve communities, including parents, businesses, libraries, museums, employment and training agencies, health and human service agencies, and other public and private agencies that provide social services, health care, child care, and nutrition to students, in helping all students meet the challenging State standards;

(5) in accordance with subsection (g), strategies for ensuring that all local educational agencies and schools within the State are involved in developing and implementing needed improvements within a specified period of time; and

(6) in accordance with subsection (h), strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools.

(b) PLAN DEVELOPMENT.—(1) A State improvement plan under this title must be developed by a broad-based panel in cooperation with the State educational agency and the Governor. The panel shall include—

(A) the Governor and the chief State school officer, or their designees;

(B) the chairman of the State board of education and the chairman of the appropriate authorizing committees of the State legislature, or their designees;

(C) teachers, principals, and administrators who have successfully improved student performance;

(D) representatives of teachers' organizations, parents, business and labor leaders, community-based organizations, local boards of education, State and local officials responsible for health, social services, and other related services, and others, as appropriate; and

(E) representatives from rural and urban local educational agencies in the State.

(2) The Governor and the chief State school officer shall each appoint half the members of the State panel and shall jointly select the Chairperson of the panel.

(3) The membership of the panel shall be geographically representative of the State and reflect the racial and ethnic diversity of the population of the State.

(4) The panel shall consult the Governor, the chief State school officer, the State board of education, and relevant committees of the State legislature in developing the plan.

(5) The panel shall be responsible for conducting a statewide, grass-roots outreach process, including conducting public hearings, to involve educators, parents, local officials, community and business leaders, citizens, children's advocates, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and its student population, in the development of the State plan and in a continuing dialogue regarding the need for and nature of challenging standards for students and local and State responsibilities for helping all students achieve them.

(6) The panel shall develop a continuing process for interacting with local educational agencies and individual schools engaged in systemic reform, especially including those local educational agencies and schools receiving subgrants under section 309 of this Act, to ensure that the development and implementation of the State plan reflects their needs and experiences.

(7) The panel shall develop a State plan, provide opportunity for public comment, and submit the State plan to the State educational agency for approval.

(8) The State educational agency shall submit the State's plan, together with an explanation of any changes made by such agency to the plan developed by the panel, to the Secretary for approval.

(9) If any portion of the State's plan addresses matters that, under State or other applicable law, are not under the authority of the State educational agency, the State educational agency shall obtain the approval of, or changes to, such portion, with an explanation therefor, from the Governor or other official responsible for that portion before submitting the plan to the Secretary.

(10) After approval of the State plan by the Secretary, the panel, in close consultation with teachers, principles, administrators, and parents in local educational agencies and schools receiving funds under this title, shall monitor the implementation and effectiveness of the State plan to determine if revisions are appropriate, and shall periodically report its findings to the public.

(c) TEACHING, LEARNING, STANDARDS, AND ASSESSMENTS.—Each State plan shall establish strategies for improving teaching and learning, including—

(1) a process for developing or adopting challenging content and a student performance standards for all students;

(2) a process for providing assistance and support to local educational agencies and schools to give them the capacity and responsibility to provide all of their students the opportunity to meet challenging State content and student performance standards;

(3) a process for developing, adopting, or recommending instructional materials and technology to support and assist local educational agencies and schools to provide all of their students the opportunity to meet the challenging State content and student performance standards;

(4) a process for developing and implementing a valid and non-discriminatory assessment system or set of locally-based assessment systems that is capable of providing coherent information about student attainments relative to the State content standards. The process shall also provide for monitoring the implementation of such system or systems and the impact on improved instruction for all students;

(5) a process for improving the State's system of teacher and school administrator preparation, licensure, and continuing professional development so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards under paragraph (1);

(6) a process for providing appropriate and effective professional development, including the use of technology, necessary for teachers, school administrators, and others to help all students meet the challenging standards under paragraph (1); and

(7) a process to ensure widespread participation of classroom teachers in developing the portions of the plan described in this subsection.

(d) OPPORTUNITY-TO-LEARN STANDARDS.—Each State plan shall establish a strategy and timetable for—

(1) adopting or establishing opportunity-to-learn standards;

(2) ensuring that every school in the State achieves the State's opportunity-to-learn standards;

(3) ensuring that the State's opportunity-to-learn standards address the needs of all students; and

(4) periodically reporting to the public on the extent of the State's improvement in achieving such standards and providing all students with a fair opportunity to achieve the knowledge and skill levels that meet the State's content and student performance standards.

(e) GOVERNANCE AND MANAGEMENT.—Each State plan shall establish strategies for improved governance and management of its education system, such as—

(1) aligning responsibility, authority, and accountability throughout the education system, so that decisions regarding content and student performance standards are coordinated and decisions regarding the means for achieving them are made closest to the learners;

(2) creating an integrated and coherent approach to attracting, recruiting, preparing and licensing, appraising, rewarding, retaining, and supporting the continued professional development of teachers, administrators, and other educators, including bilingual educators, so that there is a highly talented workforce of professional educators capable of preparing all students to reach challenging standards, with special attention to the recruitment, training, and retention of qualified minorities into the education profession within the State to ensure that it reflects the racial and ethnic diversity of the student population;

(3) providing incentives for high performance, such as—

(A) working with employers and institutions of higher education to devise strategies to reward student achievement;

(B) incentives for classroom teachers and other professional educators to participate in professional development activities; and

(C) school-based incentives for schools and local educational agencies to improve student performance;

(4) increasing the proportion of State and local funds allocated to direct instructional purposes; and

(5) increasing flexibility for local districts and schools by, for example—

(A) waiving State regulations and other requirements that impede educational improvement;

(B) focusing accountability on educational outcomes rather than monitoring compliance with input requirements; and

(C) fostering conditions that allow teachers, principals, and parents in the school community to be creative in helping their students meet challenging standards.

(f) PARENTAL AND COMMUNITY SUPPORT AND INVOLVEMENT.—Each State plan shall describe strategies for how the State will develop support for, and help implement its plan, such as—

(1) educating the public about the need for higher standards and systematic improvement;

(2) involving parents and communities in the State's standard-setting and improvement process;

(3) reporting, on an ongoing basis, to parents, educators, and the public on the State's progress in implementing the plan and improving student performance;

(4) focusing public and private community resources and public school resources on prevention and early intervention to address the needs of all students by—

(A) identifying and removing unnecessary regulations and obstacles to coordination;

(B) improving communication and information exchange; and

(C) providing appropriate training to agency personnel; and

(5) increasing the access of all students to social services, health care, nutrition, and child care services, and locating such services in schools, cooperating service agencies, community-based centers, or other convenient sites designed to provide "one-stop shopping" for parents and students.

(g) MAKING THE IMPROVEMENTS SYSTEMWIDE.—To help provide all students throughout the State the opportunity to meet challenging State standards, each State plan shall describe strategies such as—

(1) ensuring that the improvement efforts expand from the initial local educational agencies, schools, and educators in the State education system through such approaches as teacher and administrator professional development; technical assistance; whole school projects; intensive summer training; and networking of teachers and other educators, consortia of schools, and local educational agencies undertaking similar improvements;

(2) developing partnerships among preschools, elementary and secondary schools, institutions of higher education, health and social service providers, and employers to improve teaching and learning at all levels of the education system and to foster collaboration and continuous improvement;

(3) strategies to provide for the close coordination of standards development and improvement efforts among institutions of higher education and secondary, middle, and elementary schools;

(4) conducting outreach programs aimed at parents whose language is a language other than English, and other special populations, including Native Americans, to involve all segments of the community in the development of the State plan;

(5) developing partnerships with tribes and BIA-funded schools, where appropriate, to improve consistency and compatibility in curriculum among public and BIA-funded schools at all grade levels;

(6) allocating all available local, State, and Federal resources to achieve system-wide improvement;

(7) providing for the development of objective criteria and measures against which the success of local plans will be evaluated;

(8) providing for the availability of curricular materials, learning technologies, and professional development in a manner ensuring equal access by all local educational agencies in the State;

(9) taking steps to ensure that all local educational agencies, schools, and educators in the State benefit from successful programs and practices supported by funds made available to local educational agencies and schools under this title; and

(10) providing remedial assistance to students, teachers, schools, and local educational agencies that are identified through the assessment system developed under subsection (c)(4) as needing such assistance.

(h) PROMOTING BOTTOM-UP REFORM.—Each State plan shall include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies, and schools, as well as guided by coordination and facilitation from State leaders, including strategies such as—

(1) ensuring that the State plan is responsive to the needs and experiences of local educational agencies, schools, teachers, and community leaders;

(2) establishing mechanisms for continuous input from local schools, communities, colleges, and school districts into, and feedback on, the implementation of the State plan;

(3) providing discretionary resources that enable teachers and schools to purchase needed professional development and other forms of assistance consistent with their improvement plan from high-quality providers of their choice;

(4) establishing collaborative networks of teachers centered on content standards and assessments for the purpose of improving teaching and learning;

(5) providing flexibility to individual schools and local educational agencies to enable them to adapt and integrate State content standards into courses of study appropriate for individual schools and communities;

(6) facilitating the provision of waivers from State rules and regulations that local educational agencies or schools believe would promote innovation and enhance school performance; and

(7) facilitating communication among educators within and between districts for the purpose of sharing innovative and effective practices, including through the use of telecommunications site visits, and other means.

(i) BENCHMARKS AND TIMELINES.—Each State plan shall include specific benchmarks of improved student performance and of progress in implementing the improvement plan, and timelines against which the progress of the State in carrying out its plan, including the elements described in subsections (c) through (h), can be measured.

(j) PEER REVIEW AND SECRETARIAL APPROVAL.—(1) The Secretary shall review each State improvement plan prepared under this section, and each application submitted under section 305, with the assistance and advice of State and local education policymakers, educators, classroom teachers, experts on educational innovation and improvement, and other appropriate individuals. The peer review process shall be representative of the geographic, racial, and cultural diversity of the United States. The review process shall include at least one site visit to each State.

(2) The Secretary shall approve a State's plan when the Secretary determines, after considering the peer reviewers' comments, that it—

(A) reflects a widespread commitment within the State; and

(B) holds reasonable promise of helping all students.

(3) The Secretary shall not decline to approve a State's plan, or any State application submitted under section 305, before offering the State—

(A) an opportunity to revise its plan or application; and

(B) a hearing.

(k) AMENDMENTS TO PLAN.—(1) Each State shall periodically review its plan and revise it, as appropriate, in accordance with the process described in subsection (b).

(2) The Secretary shall review major amendments to a State's plan through the same process, described in subsection (j), used to review the original plan.

(l) PRE-EXISTING STATE PLANS AND PANELS.—(1) If a State has developed a comprehensive and systemic improvement plan to help all students meet challenging standards, or any component of such a plan, that otherwise meets the requirements of this section, the Secretary may approve such plan or component notwithstanding that it was not developed in accordance with subsection (b), if the Secretary determines that such approval would further the purposes of the State systemic education improvement.

(2) If, before the enactment of this Act, a State has made substantial progress in developing a plan that otherwise meets, or is likely to meet, the requirements of this section, but was developed by a panel that does not meet the requirements of subsection (b)(1)–(3), the Secretary may, at the request of the Governor and the State educational agency, treat that panel as meeting those requirements for all purposes of this title if the Secretary determines that there has been substantial public involvement in the development of the plan.

SECRETARY'S REVIEW OF APPLICATIONS; PAYMENTS

SEC. 307. (a) FIRST YEAR.—The Secretary shall approve the State educational agency's initial year application under section 305(b) if the Secretary determines that—

(1) it meets the requirements of this title; and

(2) there is a substantial likelihood that the State will be able to develop and implement an education improvement plan that complies with section 306.

(b) SECOND THROUGH FIFTH YEARS.—The Secretary shall approve the State educational agency's renewal application under section 305(c)(1) for years two through five only if—

(1)(A) the Secretary has approved the State's improvement plan under section 306(j); or

(B) the Secretary determines that the State has made substantial progress in developing its plan; and

(2) the application meets the other requirements of this title.

(c) PAYMENTS.—For any fiscal year for which a State has an approved application under this title, the Secretary shall make a grant to the State educational agency in the amount determined under section 304(b).

STATE USE OF FUNDS

SEC. 308. (a) FIRST YEAR.—In the first year for which a State educational agency receives a grant under this title, the State—

(1) shall use at least 50 percent of such funds to make subgrants, in accordance with section 309(a), to local educational agencies for the development or implementation of local improvement plans and to make subgrants, in accordance with section 309(b), to improve educator preservice programs and for professional development activities consistent with the State plan, if the amount allocated to States under section 304(b) for such year is at least $100,000,000. The State may use such funds for such subgrants if such amount is less than $100,000,000; and

(2) shall use the remainder of such funds to develop, revise, expand, or implement an education improvement plan described in section 306.

(b) SUCCEEDING YEARS.—A State that receives assistance under this title for any year after the first year of participation shall—

(1) use at least 85 percent of such assistance in each succeeding year to make subgrants—

(A) to local educational agencies, in accordance with section 309(a), for the implementation of the State improvement plan and of local improvement plans; and

(B) in accordance with section 309(b), to improve educator preservice programs and for professional development activities that are consistent with the State improvement plan; and

(2) shall use the remainder of such assistance for State activities designed to implement its improvement plan, such as—

(A) supporting the development or adoption of State content and student performance standards, State opportunity-to-learn standards, and assessment tools linked to the standards, including through consortia of States and in conjunction with the National Education Standards and Improvement Council established under part B of title II of this Act;

(B) supporting the implementation of high-performance management and organizational strategies, such as site-based management, shared decision-making, or quality management principles, to promote effective implemenation of such plan;

(C) supporting the development and implementation, at the local educational agency and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating, and rewarding educators;

(D) providing special attention to the needs of minority and female students, including instructional programs and activities that encourage such students in elementary and secondary schools to aspire to enter and complete higher education;

(E) supporting the development, at the State or local level, or performance-based accountability and incentive systems for schools;

(F) outreach to parents, tribal officials, classroom teachers and other educators, and the public related to education improvement;

(G) providing technical assistance and other services to increase the capacity of local educational agencies and schools to develop and implement local systemic improvement plans, implement new assessments, and develop curricula consistent with the State's content and student performance standards;

(H) promoting public magnet schools, public "charter schools", and other mechanisms for increasing choice among public schools; and

(I) collecting and analyzing data.

(c) LIMIT ON ADMINISTRATIVE COSTS.—In each year, a State may use not more than four percent of its annual allotment under this title, or $100,000, whichever is greater, for administrative expenses, not including the activities of the panel established under section 306(b)(1).

SUBGRANTS FOR LOCAL REFORM AND PROFESSIONAL DEVELOPMENT

SEC. 309. (a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—(1)(A) Each State educational agency shall make subgrants to local educational agencies under section 308(a)(1) and (b)(1)(A) through a competitive process.

(B) Each subgrant shall be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the purpose of this title effectively.

(2) Each local educational agency wishing to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) is developed by a broad-based panel, appointed by the local educational agency, that is representative of the racial, language, ethnic, and socioeconomic diversity of the students and community and includes teachers, parents, school administrators, business representatives, and others, as appropriate, and is approved by the local educational agency, with any modifications the local educational agency deems appropriate;

(B) includes, not later than the beginning of the second year for which assistance is sought, a comprehensive local plan for district-wide education improvement, directed at enabling all students to meet the State's challenging content and student performance standards, including specific goals and benchmarks, that is consistent with the State's improvement plan (either approved or under development) and includes a strategy for—

(i) ensuring that all students have a fair opportunity to learn;

(ii) improving teaching and learning;

(iii) improving governance and management;

(iv) generating and maintaining parental and community involvement; and

(v) expanding improvements throughout the local educational agency;

(C) describes how the local educational agency will encourage and assist schools to develop comprehensive school improvement plans that focus on helping all students reach challenging content and student performance standards and that address each element of the local educational agency's improvement plan identified in subparagraph (B);

(D) describes how the local educational agency will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private agencies to increase the access of students and families to coordinated services in a school setting or at a nearby site;

(E) describes how the subgrant funds would be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (4)(A);

(F) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that it requests be waived in accordance with section 310, which requests shall promptly be transmitted to the Secretary by the State educational agency; and

(G) contains such other information as the State educational agency may reasonably require.

(3) The panel appointed under paragraph (2)(A) shall, after approval of the local educational agency's application by the State educational agency, monitor the implementation and effectiveness of the local improvement plan in close consultation with teachers, principals, administrators, and parents from schools receiving funds under this title, to determine if revisions to the local plan should be recommended to the local educational agency. The panel shall make public its findings.

(4)(A) A local educational agency that receives a subgrant under this subsection shall—

(i) in the first year, use no more than 25 percent of those funds to develop a local improvement plan or for any local district activities approved by the State educational agency that are reasonably related to carrying out the State or local improvment plans, and not less than 75 percent of such funds to support individual school improvement initiatives directly related to providing all students in the school the opportunity to meet challenging State content and student performance standards; and

(ii) in subsequent years, use those funds for any activities approved by the State educational agency that are reasonably related to carrying out the State or local improvement plans, except that at least 85 percent of such funds shall be made available to individual schools to develop and implement comprehensive school improvement plans designed to help all students meet challenging State content standards.

(B) At least 50 percent of the funds made available by a local educational agency to individual schools under this section in any fiscal year shall be made available to schools with a special need for such assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the local educational agency.

(b) SUBGRANTS FOR PRESERVICE TEACHER EDUCATION AND PROFESSIONAL DEVELOPMENT ACTIVITIES.—(1)(A) Each State educational agency shall make subgrants to consortia of local educational agencies, institutions of higher education, private nonprofit organizations, or combinations thereof, under section 308(a)(1) and (b)(1) through a competitive, peer-reviewed process to—

(i) improve preservice teacher education programs consistent with the State plan; and

(ii) support continuing, sustained professional development activities for educators consistent with the State plan.

(B)(i) In order to apply for a subgrant described in subparagraph (A)(i), a consortium must include at least one local educational agency and at least one institution of higher education.

(ii) In order to apply for a subgrant described in subparagraph (A)(ii), a consortium must include at least one local educational agency.

(2) A consortium that wishes to receive a subgrant under this subsection shall submit an application to the State educational agency that—

(A) describes how the applicant will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator professional development activities consistent with the State plan;

(B) identifies the criteria to be used by the applicant to judge improvements in preservice education or the effects of professional development activities consistent with the State plan; and

(C) contains any other information that the State educational agency determines is appropriate.

(3) A recipient of a subgrant under this subsection shall use the subgrant funds for activities supporting—

(A) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or

(B) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, principals, and other educators at the school or district level that equip educators with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

(c) SPECIAL AWARD RULE.—(1) Each State educational agency shall award at least at 50 percent of subgrant funds under subsection (a) in each fiscal year to local educational agencies that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all local educational agencies in the State.

(2) The State educational agency may waive the requirement of paragraph (1) if it does not receive a sufficient number of applications to comply with such requirement.

WAIVES OF STATUTORY AND REGULATORY REQUIREMENTS

SEC. 310. (a) GENERAL.—(1) Except as provided in subsection (c), the Secretary may waive any requirement of any statute listed in subsection (b) or of the regulations issued under such statute for a State educational agency, local educational agency, or school that requests such a waiver—

(A) if, and only to the extent that, the Secretary determines that such requirement impedes the ability of the State, or of a local educational agency or school in the State, to carry out the State or local education improvement plan;

(B) if the State educational agency has waived, or agrees to waive, similar requirements of State law; and

(C) if, in the case of a Statewide waiver, the State educational agency—

(i) provides all local educational agencies in the State with notice and an opportunity to comment on the State educational agency's proposal to seek a waiver; and

(ii) submits the local educational agencies' comments to the Secretary.

(2) The Secretary shall act promptly on any such request.

(3) Each such waiver shall be for a period not to exceed three years. The Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State or affected local educational agencies to carry out their reform plans.

(b) INCLUDED PROGRAMS. The statutes subject to the waiver authority of this section are as follows:

(1) Chapter 1 of title I of the Elementary and Secondary Education Act of 1965, including the Even Start Act.

(2) Part A of chapter 2 of title I of the Elementary and Secondary Education Act of 1965.

(3) The Dwight D. Eisenhower Mathematics and Science Education Act (title II, part A of the Elementary and Secondary Education Act of 1965).

(4) The Emergency Immigrant Education Act of 1984 (title IV, part D of the Elementary and Secondary Education Act of 1965).

(5) The Drug-Free Schools and Communities Act of 1986 (title V of the Elementary and Secondary Education Act of 1965).

(6) The Carl D. Perkins Vocational and Applied Technology Education Act.

(c) WAIVERS NOT AUTHORIZED. The Secretary may not waive any statutory or regulatory requirement of the programs listed in subsection (b) relating to—

(1) maintenance of effort;

(2) comparability of services;

(3) the equitable participation of students attending private schools;

(4) parental participation and involvement; or

(5) the distribution of funds to States or to local educational agencies.

(d) TERMINATION OF WAIVERS. The Secretary shall periodically review the performance of any State, local educational agency, or school for which the Secretary has granted a waiver and shall terminate the waiver if he or she determines that the performance of the State, the local educational agency, or the school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

PROGRESS REPORTS

SEC. 311. (a) STATE REPORTS TO THE SECRETARY. Each State educational agency that receives funds under this title shall annually report to the Secretary—

(1) on the State's progress in meeting its goals and plans;

(2) on the State's proposed activities for the succeeding year; and

(3) in summary form, on the progress of local educational agencies in meeting local goals and plans.

(b) SECRETARY'S REPORTS TO CONGRESS. By April 30, 1996, and every two years thereafter, the Secretary shall submit a report to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate describing the activities and outcomes of grants under—

(1) section 219 of this Act, including—

(A) a description of the purpose, uses, and technical merit of assessments evaluated with funds under such section; and

(B) an analysis of the impact of such assessments on the performance of students, particularly those of different racial, gender, ethnic, or language groups; and

(2) this title, including a description of the effect of waivers granted under section 310.

NATIONAL LEADERSHIP

SEC. 312. (a) ACTIVITIES AUTHORIZED. From funds reserved each year under section 304(a)(2)(A), the Secretary may, directly or through grants or contracts—

(1) provide technical assistance to States and local educational agencies developing or implementing school improvement plans, in a manner that ensures that each such State has access to such assistance;

(2) gather data on, conduct research on, and evaluate systemic education improvement, including the programs authorized by this title; and

(3) disseminate research findings and other information on systemic education improvement.

(b) RESERVATION OF FUNDS. The Secretary shall use at least 50 percent of the funds reserved each year under section 304(a)(2)(A) to make grants, consistent with those provisions of section 309(a) that the Secretary finds appropriate, to urban and rural local educational agencies with large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency, to assist those agencies develop and implement local school improvement plans.

ASSISTANCE TO THE OUTLYING AREAS AND TO THE SECRETARY OF THE INTERIOR

SEC. 313. (a) OUTLYING AREAS.—(1) Funds reserved for the outlying areas under section 304(a)(1)(A) shall be made available to, and expended by, such areas, under such conditions and in such manner as the Secretary determines will best meet the purposes of this title.

(2) The provisions of Public Law 95-134, permitting the consolidation of grants to the Insular Areas, shall not apply to funds received by such areas under this title.

(b) SECRETARY OF THE INTERIOR. The funds reserved by the Secretary for the Secretary of the Interior under section 304(a)(1)(B) shall be made available to the Secretary of the Interior pursuant to an agreement between the Secretary and the Secretary of the Interior containing such terms and assurances, consistent with this title, as the Secretary determines will best achieve the purpose of this title.

(c) SECRETARY OF DEFENSE. The Secretary shall consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of this title are applied to the Department of Defense schools.

TITLE IV—NATIONAL SKILL STANDARDS BOARD

PURPOSE

SEC. 401. It is the purpose of this title to stimulate the development and adoption of a voluntary national system of skill standards and certification to serve as a cornerstone of the national strategy to enhance workforce skills, and that can be used—

(1) by the Nation, to ensure the development of a high skills, high quality, high performance workforce, including the most skilled front-line workforce in the world, and that will result in increased productivity, economic growth and American economic competitiveness;

(2) by industries, as a vehicle for informing training providers and prospective employees of skills necessary for employment;

(3) by employers, to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees;

(4) by labor organizations, to enhance the employment security of workers by providing portable credentials and skills;

(5) by workers, to obtain certifications of their skills to protect against dislocation, to pursue career advancement, and to enhance their ability to reenter the workforce;

(6) by students and entry level workers, to determine the skill levels and competencies needed to be obtained in order to compete effectively for high wage jobs;

(7) by training providers and educators, to determine appropriate training services to offer;

(8) by Government, to protect the integrity of public expenditures by ensuring that publicly-funded, employment-related training meets industry standards where they exist; and

(9) to facilitate linkages between other components of the workforce investment strategy, including school-to-work transition and job training programs.

ESTABLISHMENT OF NATIONAL BOARD

SEC. 402. (a) IN GENERAL.—There is established a National Skill Standards Board (hereafter referred to in this title as the "National Board").

(b) COMPOSITION.—

(1) IN GENERAL.—The National Board shall be composed of 28 members, appointed in accordance with paragraph (2), of whom—

(A) one member shall be the Secretary of Labor;

(B) one member shall be the Secretary of Education;

(C) one member shall be the Secretary of Commerce;

(D) one member shall be the Chairperson of the National Education Standards and Improvement Council established pursuant to title II of this Act;

(E) eight members shall be representatives of business and industry selected from among individuals recommended by business organizations and trade associations;

(F) eight members shall be representatives of organized labor selected from among individuals recommended by recognized national labor federations; and

(G) eight members shall be representatives of educational institutions, technical associations, community-based organizations and State governments who have expertise in the area of education and training and who have expertise that reflects a broad cross-section of occupations and industries.

(2) APPOINTMENT.—The membership of the National Board shall be appointed as follows:

(A) Twelve members (4 from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President.

(B) Six members (2 from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the Speaker of the House of Representatives, upon the recommendations of the Majority and Minority Leaders of the House, respectively.

(C) Six members (2 from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1)) shall be appointed by the President pro tempore of the Senate, upon the recommendations of the Majority and Minority Leaders of the Senate, respectively.

(3) TERM.—Each member of the National Board appointed under subparagraphs (E), (F), and (G) of paragraph (1) shall be appointed for a term of 4 years, except that of the initial members of the Board appointed under such paragraph, 12 members shall be appointed for a term of 3 years (4 from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1), of whom 2 from each class shall be appointed in accordance with paragraph (2)(A), 1 from each class shall be appointed in accordance with paragraph (2)(B), and 1 from each class shall be appointed in accordance with paragraph (2)(C), and 12 members shall be appointed for a term of 4 years (4 from each class of members described in subparagraphs (E), (F), and (G) of paragraph (1), of whom 2 from each class shall be appointed in accordance with paragraph (2)(A), 1 from each class shall be appointed in accordance with paragraph (2)(B), and 1 from each class shall be appointed in accordance with paragraph (2)(C).

(c) CHAIRPERSON AND VICE CHAIRPERSONS.—

(1) CHAIRPERSON.—The Chairperson of the National Board shall be elected biennially from among the members of the National Board by a majority vote of such members.

(2) VICE CHAIRPERSONS.—The National Board shall annually elect 3 Vice Chairpersons (each representing a different one of the classes of members described in subparagraphs (E), (F), and (G) of paragraph (1)) from among its members appointed under paragraph (2), each of whom shall serve for a term of 1 year.

(d) COMPENSATION AND EXPENSES.—

(1) COMPENSATION.—Members of the National Board who are not regular full-time employees of the United States Government shall serve without compensation.

(2) EXPENSES.—While away from their homes or regular places of business on the business of the National Board, members of such Board shall receive payment for necessary travel expenses in accordance with subchapter I of chapter 57, title 5, United States Code.

(e) EXECUTIVE DIRECTOR AND STAFF.—The Chairperson of the National Board shall appoint an Executive Director, who shall be compensated at a rate determined by the National Board that shall not exceed the rate of pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, and who may appoint such staff as is necessary in accordance with title 5, United States Code.

(f) GIFTS.—The National Board is authorized, in carrying out this title, to accept, purchase, or lease, and employ or dispose of in furtherance of the purposes of this title, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services notwithstanding the provisions of section 1342 of title 31, United States Code.

(g) AGENCY SUPPORT.—

(1) USE OF FACILITIES.—The National Board may use the research, equipment, services and facilities of any agency or instrumentality of the United States with the consent of such agency or instrumentality.

(2) STAFF OF FEDERAL AGENCIES.—Upon the request of the National Board, the head of any department or agency of the United States may detail to the National Board, on a reimbursable basis, any of the personnel of such department or agency to assist the National Board in carrying out this title.

FUNCTIONS OF THE NATIONAL BOARD

SEC. 403. (a) IDENTIFICATION OF OCCUPATIONS.—The National Board shall identify broad clusters of major occupations that involve one or more than one industry in the United States.

(b) DEVELOPMENT OF SKILL STANDARDS.—With respect to each broadly based occupational cluster identified pursuant to subsection (a), the National Board shall encourage, promote, and assist in the voluntary development and adoption by the groups described in subsection (c) of—

(1) skill standards, which at a minimum—

(A) take into account, to the extent practicable, standards used in other countries and international standards;

(B) take into account content and performance standards certified pursuant to title II of this Act;

(C) take into account the requirements of high performance work organizations;

(D) are in a form that allows for regular updating to take into account advances in technology or other developments within the occupational cluster;

(E) are formulated in such a manner that the attainment of such standards is likely to meet the requirements for transferable credit and enable a student, trainee, or employee to continue education and training, with a special emphasis on transferability among firms and labor markets; and

(F) are not discriminatory with respect to race, gender, age, ethnicity, disability or national origin;

(2) a system of assessment and certification of the attainment of skill standards developed pursuant to paragraph (1), which at a minimum shall—

(A) take into account, to the extent practicable, methods of assessment and certification used in other countries;

(B) utilize a variety of evaluation techniques, such as oral and written evaluations, portfolio assessments and, where appropriate, performance tests;

(C) include methods for validating the fairness and effectiveness of the assessment and certification system; and

(D) utilize certification techniques that are designed to avoid disparate impacts (which, for the the purposes of this subparagraph, means substantially different rates of certification) against individuals based on race, gender, age, ethnicity, disability or national origin;

(3) a system to evaluate the implementation of the skill standards, and assessment and certification systems developed pursuant to this subsection;

(4) a system to promote the use of and disseminate information relating to skill standards, and assessment and certification systems developed pursuant to this subsection; and

(5) a system to periodically revise and update the skill standards, and assessment and certification systems developed pursuant to this subsection, which will take into account changes in standards in other countries.

(c) PARTICIPATION OF REPRESENTATIVES.—(1) In order to carry out subsection (b), the national Board shall invite and obtain the full and balanced participation of—

(A) representatives of business and industry who have expertise in the area of workforce skill requirements, including representatives of large and small employers, recommended by national business organizations and trade associations representing employers in the occupation or industry for which a standard is being developed, and representatives of trade associations that have received demonstration grants from the Department of Labor or the Department of Education to establish skill standards prior to the enactment of this title;

(B) employee representatives who have expertise in the area of workforce skill requirements and who shall be:

(i) individuals recommended by recognized national labor organizations representing employees in the occupation or industry for which a standard is being developed; and

(ii) such other individuals who are nonmanagerial employees with significant experience and tenure in such occupation or industry as are appropriate given the nature and structure of employment in the occupation or industry; and

(c) representatives of educational institutions, including representatives of high schools, technical and trade schools, junior and community colleges, and four-year postsecondary institutions, and representatives of technical associations, community-based organizations, State governments, State agencies with jurisdiction over education, employment and training, and other policy development organizations with expertise in the area of work force skill requirements.

(2) The National Board may supplement the invitations and participation provided for in paragraph (1) by inviting and soliciting the participation of such other individuals as the National Board deems to be independent, qualified experts in their fields.

(d) ENDORSEMENT OF STANDARDS.—The National Board shall endorse those skill standards, assessment and certification systems and systems for evaluating, disseminating and updating such standards and assessment and certification systems described in subsection (b), that the National Board determines, after public review and comment, meet the requirements of this section and are appropriate for the industry or occupation.

(e) LIMITATIONS.—The National Board shall not carry out the requirements of subsections (b), (c) or (d) with respect to any occupation or trade within the construction industry for which recognized apprenticeship standards have been jointly developed by labor and management representatives and are being actively used for training workers in such occupation or trade unless labor and management representatives of such occupation or trade and representatives of certified apprenticeship programs within such occupation or trade jointly request the assistance of the National Board.

(f) COORDINATION.—The National Board shall establish cooperative arrangements with the National Education Standards and Improvement Council to promote the coordination of the development of skill standards under this title with the development of content and performance standards under title II of this Act.

(g) ADDITIONAL DUTIES.—In order to support the activities described in subsection (b), the National Board shall—

(1) conduct work force research relating to skill standards and make such research available to the public, including the representatives described in subsection (c);

(2) identify and maintain a catalog of skill standards used by other countries and by States and leading firms and industries in the United States;

(3) serve as a clearinghouse to facilitate the sharing of information on the development of skill standards and other relevant information among representatives of occupations and industries identified pursuant to subsection (a);

(4) develop a common nomenclature relating to skill standards;

(5) encourage the development and adoption, in accordance with the participation requirements of subsection (c), of curricula and training materials, for attaining the skill standards developed pursuant to subsection (b), that include structured work experiences and related study programs leading to progressive levels of professional and technical certification;

(6) provide appropriate technical assistance; and

(7) develop long-term strategic plans relating to the development and utilization of skill standards.

(h) FINANCIAL ASSISTANCE.—From funds appropriated pursuant to section 406, the Secretary of Labor may award grants and enter into contracts and cooperative arrangements that are requested by the National Board for the purposes of carrying out this title.

DEADLINES

SEC. 404. No later than December 31, 1995, the National Board shall—

(1) identify occupational clusters pursuant to section 403(a) representing a substantial portion of the work force; and

(2) ensure the development of an initial set of skill standards in accordance with section 403(b) for such clusters, to be updated as appropriate.

REPORTS

SEC. 405. The National Board shall submit to the President and the Congress in each fiscal year a report on the activities conducted under this title, including the extent to which skill standards have been adopted by employers, training providers, and other entities and the effectiveness of such standards in accomplishing the purposes described in section 401.

AUTHORIZATION OF APPROPRIATIONS

SEC. 406. (a) IN GENERAL.—There are authorized to be appropriated $15,000,000 for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through 1999 to carry out this title.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

Title V—Miscellaneous

DEFINITIONS

SEC. 501. As used in this Act—

(1) the term "content standards" means broad descriptions of the knowledge and skills students should acquire in a particular subject area;

(2) the term "Governor" means the chief executive of the State;

(3) the terms "local educational agency" and "State educational agency" have the meaning given those terms in section 1471 of the Elementary and Secondary Education Act of 1965;

(4) the term "outlying areas" means Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the effective date of the Compact of Free Association with the Government of Palau);

(5) the term "performance standards" means concrete examples and explicit definitions of what students have to know and be able to do to demonstrate that they are proficient in the skills and knowledge framed by content standards;

(6) the term "school" means a school that is under the authority of the State educational agency and a local educational agency or, for the purpose of carrying out section 313(b), a school that is operated or funded by the Bureau of Indian Affairs;

(7) the term "Secretary", except where used in title IV, means the Secretary of Education; and

(8) the term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

LIMITATION

SEC. 502. No funds provided under titles II or III of this Act shall be used to undertake assessments that will be used to make decisions regarding the graduation, grade promotion, or retention of students for five years from the date of enactment of this Act.

Goals 2000: Educate America Act—Section-by-Section Analysis

Section 2. Section 2 of the bill would state that the purpose of the Act is to provide a framework for meeting the National Education Goals established under title I of this Act by: (1) promoting coherent, nationwide, systemic education reform; (2) improving the quality of learning and teaching in the classroom; (3) defining appropriate and coherent Federal, State, and local roles and responsibilities for education reform; (4) establishing valid, reliable, and fair mechanisms: for building a broad national consensus on American education reform; assisting in the development and certification of high-quality, internationally competitive content and student performance standards; and assisting in the development and certification of high-quality assessment measures that reflect the internationally competitive content and performance standards; and assisting in the development of model opportunity-to-learn standards; (5) supporting new initiatives at the Federal, State, local, and school levels to provide equal educational opportunity for all students to meet high standards; and (6) providing a framework for the reauthorization of all Federal education programs by creating a vision of excellence and equity that will guide all Federal education and related programs; providing for the establishment of high quality, internationally competitive content and performance standards that all students will be expected to achieve; providing for the establishment of high-quality, internationally competitive opportunity-to-learn standards that all States, local educational agencies, and schools should achieve; encouraging and enabling all State educational agencies and local educational agencies to develop comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion that effectively educates all children; providing resources to help individual schools, including those serving students with high needs, develop and implement comprehensive improvement plans that will provide a coherent framework for the implementation of reauthorized Federal education and related programs in an integrated fashion; and stimulating the development and adoption of a voluntary national system of skill standards and certification to serve as a cornerstone of the national strategy to enhance workforce skills. Section 2 would also define the term "all students" to mean students from the broad range of backgrounds and circumstances, including disadvantaged students, students with diverse racial, ethnic, and cultural backgrounds, students with disabilities, students with limited English proficiency, and academically talented students.

TITLE I—NATIONAL EDUCATION GOALS

Section 101. Section 101 of this bill would state that the purpose of Title I is to establish the National Education Goals.

Section 102. Section 102 of the bill would provide that Congress declares the National Education Goals to be that, by the year 2000: (1) all children in America will start school ready to learn; (2) the high school graduation rate will increase to at least 90 percent; (3) American students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter including English, mathematics, science, foreign languages, arts, history, and geography, and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy; (4) United States students will be first in the world in mathematics and science achievement; (5) every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship; and (6) every school in the United States will be free of drugs and violence and will offer a disciplined environment conducive to learning. Section 102 would also state specific objectives for the goals.

TITLE II—NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

Part A—National Education Goals Panel

Section 201. Section 201 of the bill would set forth as the purpose of the part the establishment of a bipartisan mechanism for: (1) building a national consensus for education improvement; (2) reporting on progress toward achieving the National Education Goals; and (3) reviewing and approving the voluntary national content and student performance standards and opportunity-to-learn standards certified by the National Education Standards and Improvement Council established under Part B, as well as the criteria for their certification, and the criteria for the certification of State assessments by the National Education Standards and Improvement Council.

Section 202. Section 202(a), (b), and (c) of the bill would establish in the Executive Branch an 18-member National Education Goals Panel (the "Goals Panel"), of which: (1) two members would be Presidential appointees; (2) eight members would be Governors appointed by the Chairperson and Vice Chairperson of the National Governors' Association (NGA) (each appointing representatives of his or her respective political party), three of who would be from the same political party as the President and five of whom would be from the opposite political party; (3) two members of the Senate, one appointed by the majority leader and one appointed by the minority leader of the Senate; (4) two members of the House of Representatives, one appointed by the majority leader and one appointed by the minority leader of the House; and (5) four State legislators appointed by the President of the National Conference of State Legislatures, of whom not more than two could be of the same political party as the President. Section 202(c) would ensure balanced political representation on the Goals Panel by requiring the Chairperson of the NGA to appoint 3 members and the Vice Chairperson to appoint 5 members when the Chairperson is from the same political party as the President and vice versa when the Chairperson of the NGA is from the opposite political party as the President. Section 202(c) would also "grandfather" the existing NGA goals panel as meeting, except for the appointment of State legislators, the requirements of sections 202 (b) and (c).

Section 202(d) would set forth the terms of the Goals Panel's members. Members who are Presidential appointees would serve at the pleasure of the President. Members who are Governors would serve for two years, except that initial appointments would be made to ensure staggered terms. Members who are Senators, United States Representatives, and State legislators would serve for two years.

Section 202(e) would require that initial Goals Panel members be appointed not later than 60 days after the date of enactment of the Act.

Section 202(f) would permit the Goals Panel to begin to carry out its duties when ten members of the goals Panel have been appointed.

Section 202(g) would require that a vacancy on the Goals Panel be filled in the same manner as the original appointment.

Section 202(h) would set forth the allowed travel expenses, including per diem, for Goals panel members.

Section 202(i) would set forth the terms of and procedures for selecting the Chair of the Goals Panel. It requires that the Chair be selected from among the governors on the

Goals Panel. The Chair would serve a one year term, and the position would alternate between political parties.

Section 203. Section 203(a) of the bill would set forth the duties of the Goals Panel, which include: (1) reporting on the progress the Nation and the States are making toward achieving the National Education Goals; (2) submitting to the President nominations for appointment to the National Education Standards and Improvement Council, in accordance with sections 212 (b) and (c); (3) reviewing and approving (or explaining why approval is withheld) the criteria developed by the National Education Standards and Improvement Council for the certification of content and student performance standards, assessments, and opportunity-to-learn standards, and the voluntary national content and student performance standards and opportunity-to-learn standards certified by the National Education Standards and Improvement Council; (4) reporting on promising or effective actions being taken at the national, State, and local levels, in the public and private sectors, to achieve the National Education Goals; and (5) helping to build a nationwide, bipartisan consensus for the reforms necessary to achieve the National Education Goals.

Section 203(b) would require the Goals Panel to submit to the President, the Secretary, the Congress, and each Governor an easily understandable, annual, national report card that would report on the progress of the United States toward achieving the National Education Goals and identify actions that should be taken by Federal, State, and local governments.

Section 204. Section 204 of the bill would set forth the powers of the Goals Panel, including conducting hearings; securing information from Federal departments and agencies; using the United States mail in the same manner as Federal departments and agencies; accepting gifts; and using Federal, State, and local governmental equipment and facilities. Section 204 would also require the Secretary of Education (the "Secretary") to provide the Goals Panel, on a reimbursable basis, with administrative support services, and, to the extent appropriate, and on a reimbursable basis, make contracts and other arrangements requested by the Goals Panel to help it compile and analyze necessary data.

Section 205. Section 205 of the bill would set forth administrative provisions for the Goals Panel, including provisions related to meetings, quorums, and voting. Section 205 would also require the Goals Panel to ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

Section 206. Section 206 of the bill would require the Chairperson of the Goals Panel to appoint a Director, who could be paid without regard to the provisions of title 5 of the United States Code, subject to a salary "cap" equal to the basic pay for level V of the Executive Schedule. Section 206 would provide authority for the hiring and paying of staff for the Goals Panel, including not more than four excepted service staff in addition to the Director, and of experts and consultants. Section 206 would also authorize the head of any Federal department or agency, upon request of the Goals Panel, to detail, on a reimbursable basis, any of their personnel to the Goals Panel.

Part B—National Education Standards and Improvement Council

Section 211. Section 211 of the bill would set forth as the purpose of Part B the establishment of a mechanism for: (1) certifying voluntary national content and student performance standards that define what American students should know and be able to do; (2) certifying content and student performance standards submitted by States on a voluntary basis, if such standards are comparable in rigor and quality to the voluntary national content and student performance standards certified by the National Education Standards and Improvement Council ("NESIC"); (3) stimulating the development of several alternative, prototype, voluntary curricula that demonstrate diverse ways in which content standards in different subject areas can be integrated into a coherent instructional program for all students; (4) certifying voluntary national opportunity-to-learn standards that describe the conditions of teaching and learning necessary for all students to have a fair opportunity to achieve the knowledge and skills described in the voluntary national content and student performance standards certified by the NESIC; (5) certifying opportunity-to-learn standards submitted by States on a voluntary basis, if they are consistent with the voluntary national opportunity-to-learn standards; and (6) certifying systems of assessments submitted by States on a voluntary basis, if they are aligned with State content standards certified by NESIC and if they are valid, reliable, and fair when used for their intended purposes. Section 211 would also define the term "opportunity-to-learn standards" to include ways of measuring the extent to which such standards are being met.

Section 212. Section 212(a), (b), and (c) of the bill would establish in the Executive Branch a 20-member National Education Standards and Improvement Council appointed by the President from nominations submitted by the Goals Panel. Members of NESIC would include: (1) five professional educators, including elementary and secondary classroom teachers, preschool administrators and other school-based professionals, local district or State administrators, and other educators; (2) five representatives of business and industry and postsecondary educational institutions, including at least one representative of business and industry who is also a member of the National Skill Standards Board established in Title IV of this Act; (3) five representatives of the public, including representatives of advocacy and civil rights groups, parents, civic leaders, and local and State education policymakers (including State or local school boards); and (4) five education experts, including experts in measurement and assessment, curriculum, school finance and equity, and school reform. The Goals Panel would be required to submit to the President at least 15 nominations for each of the four categories of appointments. To the extent feasible, the membership of NESIC would be geographically representative of the United States and reflect the racial and ethnic diversity of the United States.

Section 212(d) would generally establish 3-year terms for NESIC members, except that initial appointments would be staggered to establish a rotation of membership. Section 212(d) would prohibit any member from serving more than two consecutive terms.

Section 212(e) would require that initial NESIC members be appointed not later than 120 days after the date of enactment of the Act.

Section 212(f) would require NESIC to begin its duties when all 20 members have been appointed.

Section 212(g) would require that NESIC members attend at least two-thirds of the scheduled meetings in any given year in order to retain their appointment.

Section 212(h) would require that a vacancy on NESIC be filled in the same manner as the original appointment.

Section 212(i) would authorize compensation, at a rate fixed by the Secretary (but not higher than the maximum rate of basic pay for GS–15) for NESIC members, while they attend NESIC functions and while performing their duties away from home or the regular place of business.

Section 212(j) would set forth the allowed travel expenses, including per diem, for NESIC members.

Section 212(k) would require that officers of NESIC be selected from and by its members, and that those officers serve 1-year terms.

Section 213. Section 213 of the bill would set forth the duties of the NESIC.

Section 213(a) would set forth the duties of the NESIC regarding voluntary national content standards. Section 213(a) would require NESIC to identify areas in which voluntary national content standards need to be developed, certify voluntary national content and student performance standards that define what American students should know and be able to do, and forward such standards to the Goals Panel for approval. NESIC would be required to identify and develop criteria to be used for certifying such national content standards, and, before applying such criteria, forward them to the Goals Panel for approval. The criteria would have to address: (1) the extent to which the proposed standards are internationally competitive and comparable to the best in the world; (2) the extent to which the proposed standards reflect the best available knowledge about how all students learn and about how the content area can be most effectively taught; (3) the extent to which the proposed standards have been developed through an open and public process that provides for input and involvement of all relevant parties, including teachers and other professional educators, employers and postsecondary education institutions, curriculum and subject matter specialists, and the public; and (4) other factors it deems appropriate. In developing the criteria, NESIC would be required to work with entities that are developing, or have already developed, content standards, and other entities that it deems appropriate, to identify appropriate certification criteria.

Section 213(b) would authorize the Council to certify content and student performance standards presented on a voluntary basis by States, if such standards are comparable in rigor and quality to the voluntary national content and student performance standards certified by the Council.

Section 213(c) would set forth the duties of NESIC regarding voluntary national opportunity-to-learn standards. Section 213(c) would require NESIC to certify exemplary, voluntary opportunity-to-learn standards that establish a basis for providing all students with a fair opportunity to achieve the knowledge and skills prescribed by the voluntary national content standards certified by NESIC. The voluntary national opportunity-to-learn standards would be required to be sufficiently general to be adopted by any State without unduly restricting State and local prerogatives regarding instructional methods to be employed. Such opportunity-to-learn standards would have to address: (1) the quality and availability of curriculum, instructional materials, and technologies; (2) the capability of teachers to provide high-quality instruction in each content area; (3) the extent to which teachers and administrators have ready and continuing access to professional development, including the best knowledge about teaching, learning, and school improvements; (4) the extent to which curriculum, instructional practices, and assessments are aligned to content standards; and (5) other factors that NESIC deems appropriate to ensure that every student receives a fair opportunity to achieve the knowledge and skills described in the voluntary content and student performance standards certified by NESIC. NESIC would be required to forward the voluntary national opportunity-to-learn standards it certifies to the Goals Panel for approval. In carrying out its duties, NESIC would be required to: (1) identify what countries with rigorous content standards do to provide their children with opportunities to learn, prepare their teachers, and provide continuing professional development opportunities for their teachers; and (2) develop criteria to be used for certifying the voluntary national opportunity-to-learn standards and, before applying such criteria, forward them to the Goals Panel for approval. Section 213(c) would also require NESIC to assist in the development of the voluntary national opportunity-to-learn standards by: (1) making recommendations to the Secretary on the priorities and selection criteria for the award made under section 218; and (2) coordinating with the consortium receiving an award under section 218 to ensure that the opportunity-to-learn standards the consortium develops are of high quality and are consistent with the criteria developed by the Council for the certification of such standards.

Section 213(d) would require NESIC to certify opportunity-to-learn standards presented on a voluntary basis by States, if they are consistent with the voluntary, national opportunity-to-learn standards.

Section 213(e) would set forth the duties of NESIC regarding assessments. Section 213(e) would require NESIC to certify a system of assessments presented on a voluntary basis by a State, if they are aligned with the State's content standards certified by NESIC. Section 213(e) would require systems of assessments to be certified by NESIC for the purpose of: (1) exemplifying for students, parents, and teachers the kinds and levels of achievement that should be expected, including the identification of student performance standards; (2) improving classroom instruction and improving the learning outcomes for all students; (3) informing students, parents, and teachers about student progress toward the standards; (4) measuring and providing incentives to individual students, schools, districts, States, and the Nation to improve educational performance; and (5) assisting education policymakers in making decisions about education programs. NESIC could certify a system of assessments only if it will not be used to make decisions regarding graduation, grade promotion, or retention of students for a period of five years from the date of enactment of this Act.

Section 213(e) would also require NESIC to develop and, no sooner than three years or later than four years after the enactment of this legislation, begin utilizing criteria for the certification of such assessment systems. Before using such criteria, NESIC would be required to forward the criteria to the Goals Panel for approval. The certification criteria developed by NESIC would be required to address the extent to which the assessment system: (1) is aligned with State content standards certified by the Council; (2) is to be used for a purpose that is valid, reliable, fair, and free of discrimination; and (3) includes all students, especially students with disabilities or with limited English proficiency. In determining appropriate certification criteria, NESIC would be required to: (1) consider standards and criteria being developed by other national organizations and recent research on assessment; (2) recommend needed research; (3) encourage the development and field testing of systems of assessments; and (4) provide a public forum for discussing, debating, and building consensus for the criteria to be used for the certification of assessment systems. Prior to determining the certification criteria, NESIC would have to take public comment on its proposed criteria.

Section 213(f) would require NESIC to: (1) work with other Federal and non-Federal agencies and organizations that are conducting research, studies, or demonstration projects to determine internationally competitive education standards and assessments and authorize NESIC to establish subject matter and other panels to advise it on particular student performance and opportunity-to-learn standards and on assessments; (2) establish cooperative arrangements with the National Skill Standards Board to promote the coordination of the development of content and student performance standards with the development of skill standards; (3) recommend studies to the Secretary that are necessary to carry out NESIC's responsibilities; (4) inform the public about what constitutes high-quality, internationally competitive, content, student performance, and opportunity-to-learn standards, and assessment systems; (5) on a regular basis, review and update criteria for certifying content, student performance, and opportunity-to-learn standards, and assessment systems; and (6) periodically recertify, as appropriate, the voluntary national content and student performance standards, and the voluntary national opportunity-to-learn standards that it certifies under this section.

Section 214. Section 214 of the bill would require NESIC to submit annual reports on its work to the President, the Secretary, the Congress, each Governor, and the Goals Panels.

Section 215. Section 215 of the bill would set forth the powers of the NESIC, including conducting hearings; securing information from Federal departments and agencies; using the United States mail in the same manner as Federal departments and agencies; accepting gifts; and using Federal, State, and local governmental equipment and facilities. Section 215 would also require the Secretary to provide NESIC, on a reimbursable basis, with administrative support services and, to the extent appropriate, and on a reimbursable basis, make contracts requested by NESIC to help it compile and analyze necessary data and carry out other functions necessary to the performance of its responsibilities.

Section 216. Section 216 of the bill would set forth administrative provisions for NESIC, including provisions related to meetings and quorums. Section 216(c) would require NESIC to take all actions by a majority vote of its total membership, ensuring the right of the minority to issue written views. Section 216(d) would require NESIC to ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) and make available to the public, at reasonable cost, transcripts of such proceedings.

Section 217. Section 217 of the bill would require the Chairperson of NESIC to appoint a Director, who could be paid without regard to the provisions of Title 5 of the United States Code, subject to a salary "cap" equal to the basic pay for level V of the Executive Schedule. Section 217 would provide authority for the hiring and paying of staff for NESIC, including not more than four excepted service staff in addition to the Director, and of experts and consultants. Section 217 would also authorize the head of any Federal department or agency, upon request of NESIC, to detail, on a reimbursable basis, any of their personnel to NESIC.

Section 218. Section 218 of the bill would authorize the Secretary to make a grant, on a competitive basis, to a consortium of individuals and organizations to develop voluntary national opportunity-to-learn standards. Section 218 would: (1) specify the entities that the consortium shall, to the extent possible, include; and (2) require any consortium desiring to receive a grant to submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require. In establishing priorities and selection criteria for such grant, the Secretary would be required to give special consideration to the recommendations made by NESIC pursuant to section 213(c)(5)(A) of the bill.

Section 219. Section 219 of the bill would authorize the Secretary to make grants to States and local educational agencies to help defray the cost of developing, field testing, and evaluating assessments aligned to State content standards certified by the Council. Section 219 would require any State or local educational agency that desires to receive a grant under this section to submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require. A grant receipt would be required to: (1) examine the validity, reliability, and fairness of an assessment, or system of assessments, for the particular purpose for which such assessment was developed; and (2) devote special attention to how an assessment, or system of assessments, treats all students, especially with regard to the race, gender, ethnicity, and language proficiency of such students. Section 219 also requires that an assessment, or system of assessments, developed and evaluated with funds under this section may not be used for decisions about individual students relating to programs placement, promotion, or retention, graduation, or employment for a period of five years from the date of enactment of this Act.

Part C—Authorization of Appropriation

Section 221. Section 221(a) of the bill would authorize $3 million to be appropriated for fiscal year 1994 and authorize such sums as may be necessary to be appropriated for each of the four succeeding fiscal years to carry out Part A of Title II.

Section 221(b) of the bill would authorize $3 million to be appropriated for fiscal year 1994 and authorize such sums as may be necessary to be appropriated for each of the four succeeding fiscal years to carry out Part B of Title II.

Section 221(c) would authorize $1 million to be appropriated for fiscal year 1994 and authorize such sums as may be necessary to be appropriated for fiscal year 1995 to carry out section 218 of Title II.

Section 221(d) of the bill would authorize $5 million to be appropriated for fiscal year 1994 and authorize such sums as may be necessary for each of the four succeeding fiscal years to carry out the Assessment Development and Evaluation Grants program under section 219 of Title II.

TITLE III—STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT

Section 301. Section 301 of the bill would set out the following congressional findings: (1) all students can learn to high standards and must realize their potential if the United States is to prosper; (2) the reforms in education of the last 15 years have achieved some good results, but these efforts often have been limited to a few schools or to a single part of the educational system; (3) leadership must come both from teachers, related services personnel, principals, and parents in individual schools and from policymakers at the local, State, tribal, and national levels, in order for lasting improvements in student performance to occur; (4) simultaneous top-down and bottom-up education reform is necessary to spur creative and innovative approaches by individual schools to help all students achieve internationally competitive standards; (5) strategies must be developed by communities and States to support the revitalization of all local public schools by fundamentally changing the entire system of education through comprehensive, coherent, and coordinated improvement; (6) parents, teachers and other local educators, and business, community, and tribal leaders must be involved in developing system-wide improvement strategies that reflect the needs of their individual communities; (7) State and local education improvement efforts must incorporate strategies for providing students and families with coordinated access to appropriate social services, health care, nutrition, and child care to remove preventable barriers to learning and enhance school readiness for all students; (8) States and local educational agencies (LEAs), working together, must immediately set about developing and implementing such system-wide improvement strategies if the Nation is to educate all children to meet their full potential and achieve the National Education Goals listed in Title I of this Act; (9) State and local systemic improvement strategies must provide all students with effective mechanisms and appropriate paths to the workforce as well as to higher education; (10) business should be encouraged to enter into partnerships with schools, provide information and guidance to schools on the needs of area business for properly educated graduates in general and on the need for particular workplace skills that the schools may provide, provide necessary material and support, and continue the lifelong learning process throughout the employment years of an individual; (11) the appropriate and innovative use of technology can be very effective in helping to bring all students the opportunity to learn and meet high standards; and (12) Federal funds should be targeted to support local and State initiatives, and to leverage local and State resources for designing and implementing system-wide improvement plans.

Section 302. Section 302 of the bill would state that it is the purpose of Title III of the bill to improve the quality of education for all students by supporting a long-term, broad-based effort to promote coherent and coordinated improvements in the system of education throughout the Nation at the local and State levels in order to meet the National Education Goals. This section would further provide that Title III provides new authorities and funding for the Nation's school systems and that it does not replace or reduce funding for existing Federal education programs. Finally, section 302 would express a congressional expectation that no State or local educational agency will reduce its funding for education or for education reform on account of receiving any funds under this title.

Section 303. Section 303 of the bill would authorize the appropriation of $393 million for the fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998, to carry out Title III.

Section 304. Section 304 of the bill would describe how funds appropriated under section 303 for any fiscal year would be used for various purposes and allotted to the States.

Under section 304(a)(1), the Secretary would be required to reserve a total of 1 percent of the Title III appropriation to provide assistance, in amounts determined by the Secretary, to the outlying areas and to the Secretary of the Interior to benefit Indian students in schools operated or funded by the Bureau of Indian Affairs. Section 304(a)(2) would permit the Secretary to reserve a total of up to 6 percent of the Title III appropriation for national leadership activities under section 312 of the bill, and for the costs of peer review of State improvement plans and applications under the program.

Under section 304(b), the Secretary would allot the remaining amount to the States as follows: (1) 50 percent of the remaining amount would be allocated in accordance with the relative amounts each State received under Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965 (ESEA) for the preceding fiscal year; and (2) 50 percent of the remaining amount would be allocated in accordance with the relative amounts each State received through the State formula grant program under Chapter 2 of Title I of the ESEA for the preceding fiscal year.

Section 304(c) would direct the Secretary, if he determines that any amount of a State's allotment for any fiscal year will not be needed by the State, to reallot that amount to other States that need additional funds, in whatever manner the Secretary determines is appropriate.

Section 305. Section 305 of the bill would describe the process for States to apply for funds under Title III.

Section 305(a) would require the State educational agency (SEA) of any State desiring to receive a grant to submit an application to the Secretary at such time and in such manner as the Secretary may determine. In addition to the material described in subsections (b) and (c), each application would have to include an assurance that the SEA will cooperate with the Secretary in carrying out the Secretary's national leadership responsibilities under section 312 and comply with reasonable data collection requests of the Secretary; an assurance that State law provides adequate authority to carry out each component of the State's improvement plan developed, or to be developed under section 306, or that such authority will be sought; and other assurances and information that the Secretary may require.

Section 305(b) would require that a State's application for the first year of assistance under Title III: (1) describe the process by which the State will develop a school improvement plan that meets the requirements of section 306; and (2) describe how the State will use Title III funds for that year, including how it will make subgrants to LEAs and for teacher training.

Section 305(c) would provide for a succeeding multi-year application for each State, to be submitted before the second year of the program. Under section 305(c)(1), a State's second application would: (1) cover the second through fifth years of its participation; (2) include a copy of the State's improvement plan that meets the requirements of section 306 or, if the State plan is not complete, a statement of the steps it will take to complete the plan and a schedule for doing so; and (3) an explanation of how the State will use Title III funds, including how it will make subgrants to LEAs and for teacher training under section 308(b)(1).

Section 306. Section 306(a) of the bill would require any State that wishes to receive a Title III grant after its first year of participation to develop and implement a plan for the fundamental restructuring and improvement of elementary and secondary education in the State. This plan would have to address: (1) The establishment or adoption of challenging content and student performance standards for all students, and the use of curricula, instructional practices, assessments, technology, and professional preparation and development approaches appropriate to help students reach those standards, as more fully described in section 306(c); (2) the establishment or adoption of opportunity-to-learn standards that will define the conditions of teaching and learning that provide all students the opportunity to meet the challenging content and student performance standards, as more fully described in section 306(d); (3) needed changes in the governance and management of the education system in order to effectively focus schools on, and assist them in, preparing all students to meet the challenging State standards, as more fully described in section 306(e); (4) comprehensive strategies to involve communities, including parents, businesses, libraries, museums, employment and training agencies, health and human service agencies, and other public and private agencies that provide social services, health care, child care, and nutrition to students, in helping all students meet the challenging State standards, as more fully described in section 306(f); (5) strategies for ensuring that all LEAs and schools within the State are involved in developing and implementing needed improvements within a specified period of time, as more fully described in section 306(g); and (6) strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, LEAs, and schools, as more fully described in section 306(h).

Section 306(b)(1) would require that each State's improvement plan be developed by a broad-based panel in cooperation with the SEA and the Governor. The panel must include: (1) the Governor and the chief State school officer, or their designees; (2) the chairman of the State board of education and the chairmen of the appropriate authorizing committees of the State legislature, or their designees; (3) teachers, principals, and administrators who have successfully improved student performance; (4) representatives of teachers' organizations, parents, business and labor leaders, community-based organizations, local boards of education, State and local officials responsible for health, social services, and other related services, including local school board members, parents, and others, as appropriate; and (5) representatives from rural and urban LEAs in the State.

Under section 306(b)(2), the Governor and the chief State school officer (CSSO) would each appoint half the members of the State panel and would jointly select the Chairperson of the panel. Section 306(b)(3) would require that the panel be geographically representative of the State and reflect the racial and ethnic diversity of the population of the State. Section 306(b)(4) would direct the panel to consult the Governor, the CSSO, the State board of education, and relevant committees of the State legislature in developing the plan.

Under section 306(b)(5), the panel would be responsible for conducting a statewide, grass-roots outreach process, including conducting public hearings, to involve educators, parents, local officials, community and business leaders, citizens, children's advocates, and others with a stake in the success of students and their education system, and who are representative of the diversity of the State and its student population, in the development of the State plan and in a continuing dialogue regarding the need for and nature of challenging standards for students and local and State responsibilities for helping all students achieve them.

Section 306(b)(6) would require the panel to develop a continuing process for interacting with LEAs and individual schools engaged in systemic reform, especially including those LEAs and schools receiving subgrants under section 309 of the Act, to ensure that the development and implementation of the State plan reflects their needs and experiences.

Section 306(b)(7) would require the panel to develop a State plan, provide opportunity for public comment, and submit the State plan to the SEA for approval. Under section 306(b)(8), the SEA would submit the State's plan, together with an explanation of any changes made by the SEA to the plan developed by the panel, to the Secretary for approval. If any portion of the State's plan addresses matters that, under State or other applicable law, are not under the authority of the SEA, section 306(b)(9) would require the SEA to obtain the approval of, or changes to, such portion from the Governor or other responsible official before submitting the plan to the Secretary.

After the Secretary has approved a State's plan, section 306(b)(10) would require the panel, in close consultation with teachers, principals, administrators, and parents, to monitor the implementation and effectiveness of the State plan to determine if revisions to the plan are appropriate, and to periodically report its findings to the public.

Section 306(c) would provide that, in the area of teaching, learning, standards, and assessments, each State plan must establish strategies for improving teaching and learning, including: (1) a process for developing or adopting challenging content and student performance standards for all students; (2) a process for providing assistance and support to local educational agencies and schools to give them the capacity and responsibility to provide all of their students the opportunity to meet challenging State content and student performance standards; (3) a process for developing, adopting, or recommending instructional materials and technology to support and assist local educational agencies and schools to provide all of their students the opportunity to meet the challenging State content and student performance standards; (4) a process for developing and implementing a valid and non-discriminatory assessment system or set of locally-based assessment systems that is capable of providing coherent information about student attainments relative to the State content standards. The process shall also provide for monitoring the implementation of such system or systems and the impact on improved instruction for all students; (5) a process for improving the State's system of teacher and school administrator preparation, licensure, and continuing professional development so that all teachers, related services personnel, and administrators develop the subject matter and pedagogical expertise needed to prepare all students to meet the challenging standards under paragraph (1); (6) a process for providing appropriate and effective professional development, including the use of technology, necessary for teachers, school administrators, and others to help all students meet the challenging standards, under paragraph (1); and (7) a process to ensure widespread participation of classroom teachers in developing the portions of the plan described in this subsection.

Section 306(d) of the bill would provide that, in the area of opportunity-to-learn standards, each State plan must establish a strategy and a timetable for: (1) adopting or establishing opportunity-to-learn standards; (2) ensuring that every school in the State achieves the State's opportunity-to-learn standards; (3) ensuring that the State's opportunity-to-learn standards address the needs of all students; and (4) periodically reporting to the public on the extent of the State's improvement in achieving such standards and providing all students with a fair opportunity to achieve the knowledge and skill levels that meet the State's content and student performance standards.

Section 306(e) would provide that, in the area of governance and management each State plan must establish strategies for improved governance and management of its education system, such as: (1) aligning responsibility, authority, and accountability throughout the education system, so that decisions regarding content and student performance standards are coordinated and decisions regarding the means for achieving them are made closest to the learners; (2) creating an integrated and coherent approach to attracting, recruiting, preparing and licensing, appraising, rewarding, retaining, and supporting the continued professional development of teachers, administrators, and other educators, including bilingual educators, so that there is a highly talented workforce of professional educators capable of preparing all students to reach challenging standards, with special attention to the recruitment, training, and retention of qualified minorities into the education profession within the State to ensure that it reflects the racial and ethnic diversity of the student population; (3) providing incentives for high performance by students, teachers and other educators, schools, and LEAs; (4) increasing the proportion of State and local funds allocated to direct instructional purposes; and (5) increasing flexibility for local districts and schools by, for example, waiving State regulations and other requirements that impede educational improvement; focusing accountability on educational outcomes rather than monitoring compliance with input requirements; and fostering conditions that allow teachers, principals, and parents in the school community to be creative in helping their students meet challenging standards.

Section 306(f) would provide that, in the area of parental and community support and involvement, each State plan must describe strategies for how the State will develop support for, and help implement its plan such as: (1) educating the public about the need for higher standards and systemic improvement; (2) involving parents and communities in the State's standard-setting and improvement process; (3) reporting, on an ongoing basis, to parents, educators, and the public on the State's progress in implementing the plan and improving student performance; (4) focusing public and private community resources and public school resources on prevention and early intervention to address the needs of all students by identifying and removing unnecessary regulations and obstacles to coordination; improving communication and information exchange; and providing appropriate training to agency personnel; and (5) increasing the access of all students to social services, health care, nutrition, and child care services, and locating such services in schools, cooperating service agencies, community-based centers, or other convenient sites designed to provide "one-step shopping" for parents and students.

Section 306(g) would provide that, in order to help provide all students throughout the State the opportunity to meet challenging State standards, each State plan must describe strategies such as: (1) ensuring that the improvement efforts expand from the initial LEAs, schools, and educators involved to all LEAs, schools, and educators in the State education system through such approaches as teacher and administrator professional development; technical assistance; whole school projects; intensive summer training; and networking of teachers and other educators, consortia of schools, and LEAs undertaking similar improvements; (2) developing partnerships among preschools, elementary and secondary schools, institutions of higher education, health and social service providers, and employers to improve teaching and learning at all levels of the education system and to foster collaboration and continuous improvement; (3) strategies to provide for the close coordination of standards development and improvement efforts among institutions of higher education and secondary, middle, and elementary schools; (4) conducting outreach programs aimed at parents whose language is a language other than English, and other special populations, including Native Americans, to involve all segments of the community in the development of the State plan; (5) developing partnerships with tribes and BIA-funded schools, where appropriate, to improve consistency and compatibility in curriculum among public and BIA-funded schools at all grade levels; (6) allocating all available local, State, and Federal resources to achieve system-wide improvement; (7) providing for the development of objective criteria and measures against which the success of local plans will be evaluated; (8) providing for the availability of curricular materials, learning technologies, and professional development in a manner ensuring equal access by all LEAs in the State; (9) taking steps to ensure that all LEAs, schools, and educators in the State benefit from successful programs and practices supported by funds made available to LEAs and schools under this title; and (10) providing remedial assistance to students, teachers, schools, and LEAs that are identified through the assessment system developed under subsection (c)(4) as needing such assistance.

Section 306(h) would require that each State plan include strategies for ensuring that comprehensive, systemic reform is promoted from the bottom up in communities, local educational agencies and schools, as well as guided by coordination and facilitation from State leaders, including strategies such as: (1) ensuring that the State plan is responsive to the needs and experiences of LEAs, schools, teachers, and community leaders; (2) establishing mechanisms for continuous input from local schools, communities, colleges, and school districts into, and feedback on, the implementation of the State plan; (3) providing discretionary resources that enable teachers and schools to purchase needed professional development and other forms of assistance consistent with their improvement plan from high-quality providers of their choice; (4) establishing collaborative networks of teachers centered on content standards and assessments for the purpose of improving teaching and learning; (5) providing flexibility to individual schools and LEAs to enable them to adapt and integrate State content standards into courses of study appropriate for individual schools and communities; (6) facilitating the provision of waivers from State rules and regulations that local educational agencies or schools believe would promote innovation and enhance school performance; and (7) facilitating communication among educators within and between districts for the purpose of sharing innovative and effective practices, including through the use of telecommunications, site visits, and other means.

Section 306(i) would provide that each State plan must include specific benchmarks of improved student performance and of progress in implementing the improvement plan, and timelines against which the progress of the State in carrying out its plan, including the elements described in subsections (c) through (h), can be measured.

Under section 306(j), the Secretary would review each State improvement plan prepared under section 306, and each application submitted under section 305, with the assistance and advice of State and local education policymakers, educators, classroom teachers, experts on educational innovation and improvement, and other appropriate individuals. The review process would be representative of the geographic, racial, and cultural diversity of the United States and would include at least one site visit to each State.

Section 306(j) would also direct the Secretary to approve a State's plan when he determines, after considering the peer reviewers' comments, that it reflects a widespread commitment within the State and holds reasonable promise of helping all students. The Secretary could not disapprove a State's plan, or a State application submitted under section 305, before offering the State an opportunity to revise its plan or application and a hearing.

Section 306(k) would require each State to periodically review its plan and revise it, as appropriate, following the same process, described in section 306(b), it used to develop the plan. Similarly, the Secretary would review major amendments to a State's improvement plan through the same process, described in section 306(j), used to review the original plan.

Section 306(l)(1) would provide that if a State has developed a comprehensive and systemic improvement plan to help all students meet challenging standards, or any component of such a plan, that otherwise meets the requirements of section 306, the Secretary could approve the plan or that component even if it was not developed through the procedures described in section 306(b), if the Secretary determines that such approval would further the purposes of the State systemic education improvement. Similarly, section 306(b)(2) would provide that if before the enactment of the bill, a State has made substantial progress in developing a plan that otherwise meets, or is likely to meet, the requirements of section 306, but was developed by a panel that does not meet the requirements of subsection (b)(1)–(3), the Secretary may, at the request of the Governor and the SEA, treat that panel as meeting those requirements for all purposes of Title III if the Secretary determines that there has been substantial public involvement in the development of the plan.

Section 307. Section 307 of the bill would describe the standards by which the Secretary reviews a State's applications under Title III. Section 307(a) would require the Secretary to approve the State's initial year application under section 305(b) if the Secretary determines that: (1) it meets the requirements of Title III; and (2) there is a substantial likelihood that the State will be able to develop and implement an education improvement plan that complies with section 306.

Under section 307(b), the Secretary would approve the State's renewal application for years two through five only if the Secretary has approved the State's improvement plan, or the Secretary determines that the State has made substantial progress in developing its plan, and the application meets the other requirements of Title III.

Section 307(c) would direct the Secretary to make a grant to the SEA for any fiscal year for which the State has an approved application. The amount of each State's grant is determined under section 304(b).

Section 308. Section 308 of the bill would describe how a State would use funds granted under Title III. Section 308(a) would provide that, in the first year for which a State receives a grant, the State would have to use at least 50 percent of the grant to make subgrants to LEAs for the development or implementation of local improvement plans and to make subgrants for teacher training, if the amount allocated to States under section 304(b) for that fiscal year is $100 million or more. If that amount is less than $100 million or more. If that amount is less than $100 million, the State would be permitted, but not required to make subgrants. The State would use the remainder of its grant to develop, revise, expand, or implement its education improvement plan.

Section 308(b) would require a State to use at least 85 percent of its grant in the second and succeeding years to make subgrants to LEAs for the local implementation of the State improvement plan and of local improvement plans that are consistent with the State improvement plan, and to make subgrants for teacher training. The State would use any remaining grant funds for State activities designed to implement its improvement plan. Such activities could include: (1) supporting the development or adoption of State content and student performance standards, State opportunity-to-learn standards, and assessment tools linked to the standards; (2) supporting the implementation of high-performance management and organizational strategies to promote effective implementation of the State plan; (3) supporting the development and implementation, at the LEA and school building level, of improved human resource development systems for recruiting, selecting, mentoring, supporting, evaluating, and rewarding educators; (4) providing special attention to the needs of minority and female students; (5) supporting the development, at the State or local level, of performance-based accountability and incentive systems for schools; (6) outreach to parents, tribal officials, classroom teachers and other educators, and the public related to education improvement; (7) providing an array of technical assistance and other services to increase the capacity of LEAs and schools to develop and implement local systemic improvement plans, implement new assessments, and develop curricula consistent with the State's content and student performance standards; (8) promoting public magnet schools, public "charter schools", and other mechanisms for increasing choice among public schools; and (9) collecting and analyzing data.

Section 308(c) would limit each State's use of its grant funds for administrative expenses to four percent of its annual allotment, or $100,000, whichever is greater. The activities of the panel established under section 306(b)(1) to develop the State's plan would not be subject to this limit.

Section 309. Section 309 of the bill would describe how subgrants would be made to LEAs and for teacher training, and how LEAs and other recipients would use those subgrants. Subsection (a)(1) would require each State to make subgrants to LEAs through a competitive process. Each subgrant would have to be for a project of sufficient duration and of sufficient size, scope, and quality to carry out the program purpose effectively.

Seciton 309(a)(2) would require each LEA wishing to receive a subgrant to submit an application to the SEA that: (1) is developed by a broad-based panel, appointed by the LEA, that is representative of the racial, language, ethnic, and socioeconomic diversity of the students and community and includes teachers, parents, school administrators, business representatives, and others, as appropriate, and is approved by the LEA, with any modifications the LEA deems appropriate; (2) includes, not later than the beginning of the second year for which assistance is sought, a comprehensive local plan for district-wide education improvement, directed at enabling all students to meet the State's challenging content and student performance standards, including specific goals and benchmarks, that is consistent with the State's improvement plan (either approved or under development), and that addresses each of the main topics required of State plans by section 306; (3) describes how the LEA will encourage and assist schools to develop comprehensive school improvement plans; (4) describes how the LEA will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private agencies to increase the access of students and families to coordinated services in a school setting or at a nearby site; (5) describes how the subgrant funds would be used by the local educational agency, and the procedures to be used to make funds available to schools in accordance with paragraph (4)(A); (6) identifies, with an explanation, any State or Federal requirements that the local educational agency believes impede educational improvement and that it requests be waived in accordance with section 310, which requests shall promptly be transmitted to the Secretary by the SEA; and (7) contains such other information as the SEA may reasonably require. If the LEA's application is approved, the local panel would be required to monitor the implementation and effectiveness of the local improvement plan, in close consultation with teachers, principals, administrators, and parents from affected schools, to determine if revisions to the local plan should be recommended to the LEA. The panel would be required to make its findings public.

Section 309(a)(4) would permit an LEA to use up to 25 percent of its first year subgrant funds to develop a local improvement plan or for any activities approved by the SEA that are reasonably related to carrying out the State or local improvement plans. The LEA would have to use at least 75 percent of the first year subgrant to support individual school improvement initiatives directly related to providing all students in the school the opportunity to meet challenging State content and student performance standards. Subgrant funds in succeeding years could be used for any activities approved by the SEA that are reasonably related to carrying out the State or local improvement plans, except that at least 85 percent of these funds in each year would have to be made available to individual schools to develop and implement school improvement plans designed to help all students meet challenging standards. Finally, at least half the funds made available by an LEA to individual schools in any year would have to be made available to schools with a special need for such assistance, as indicated by a high number or percentage of students from low-income families, low student achievement, or other similar criteria developed by the LEA.

Section 309(b)(1) of the bill would require each State to make subgrants, on a competitive, peer-reviewed basis, to consortia of LEAs, institutions of higher education, private nonprofit organizations, or combinations of these entities, to improve preservice teacher education programs, consistent with the State plan; and to support continuing, sustained professional development activities for educators consistent with the State improvement plan. A consortium seeking a subgrant for preservice activities must include at least one LEA and one institution of higher education, and a consortium seeking a subgrant for continuing professional development activities must include at least one LEA.

Section 309(b)(2) would require each consortium that wishes to receive one of these subgrants to submit an application that describes how it will use the subgrant to improve teacher preservice and school administrator education programs or to implement educator professional development activities consistent with the State plan; identifies the criteria to be used by the applicant to judge improvements in preservice education or the effects of professional development activities consistent with the State plan; and contains any other information that the SEA determines is appropriate.

Section 309(b)(3) would direct a recipient of such a subgrant to use those funds for activities supporting: (1) the improvement of preservice teacher education and school administrator programs so that such programs equip educators with the subject matter and pedagogical expertise necessary for preparing all students to meet challenging standards; or (2) the development and implementation of new and improved forms of continuing and sustained professional development opportunities for teachers, principals, and other educators at the school or district level that equip educators with such expertise, and with other knowledge and skills necessary for leading and participating in continuous education improvement.

Section 309(c) of the bill would require each SEA to award at least 50 percent of LEA subgrant funds under section 309(a) in each fiscal year to LEAs that have a greater percentage or number of disadvantaged children than the statewide average percentage or number for all LEAs in the State. The SEA could waive this requirement if it did not receive a sufficient number of applications to comply with it.

Section 310. Section 310 of the bill would permit the Secretary to waive statutory and regulatory requirements of certain programs administered by the Secretary, in conjunction with a State improvement plan approved under Title III. In general, section 310(a) would authorize the Secretary to waive any such requirement at the request of the State, an LEA, or a school if, and only to the extent that, the Secretary determines that the requirement impedes the ability of the State, or of an LEA or school in the State, to carry out the State or local education improvement plan. The SEA must also have waived, or agreed to waive, similar requirements of State law. If the SEA requests a statewide waiver of a requirement, the SEA must provide all LEAs in the State with notice and an opportunity to comment on the SEA's proposal to seek that waiver, and must submit the LEAs' comments to the Secretary. The Secretary would be required to act promptly on a wavier request. Each waiver would be a period not to exceed three years. The Secretary could extend the period of a waiver if the Secretary determines that the waiver has been effective in enabling the State or affected LEAs to carry out their reform plans.

Section 310(b) identifies the following statutes as subject to this waiver authority: (1) Chapter 1 of Title I of the ESEA, including the Even Start Act; (2) Part A (State Grants) of Chapter 2 of Title I of the ESEA; (3) the Dwight D. Eisenhower Mathematics and Science Education Act (Title II, Part A of the ESEA); (4) the Emergency Immigrant Education Act of 1984 (Title IV, Part D of the ESEA); (5) the Drug-Free Schools and Communities Act of 1986 (Title V of the ESEA); and (6) the Carl D. Perkins Vocational and Applied Technology Education Act.

Section 310(c) would prohibit the Secretary from waiving any statutory or regulatory requirement of the programs listed in subsection (b) relating to: (1) maintenance of effort; (2) comparability of services; (3) the equitable participation of students attending private schools; (4) parental participation and involvement; or (5) the distribution of funds to States or to LEAs.

Section 310(d) would direct the Secretary periodically to review the performance of any State, LEA, or school for which he has granted a waiver and to terminate the waiver if he determines that the performance of the State, LEA, or school in the area affected by the waiver has been inadequate to justify a continuation of the waiver.

Section 311. Section 311(a) of the bill would require each SEA that receives funds under Title III to report annually to the Secretary on the State's progress in meeting its goals and plans, on the State's proposed activities for the succeeding year, and, in summary form, on the progress of LEAs in meeting local goals and plans.

Section 311(b) would require the Secretary to submit a report to Congress by April 30, 1996, and every two years thereafter. The report would describe the activities and outcomes of grants under: (1) section 219 of the Act, including a description of the purpose, uses, and technical merit of assessments evaluated with funds under that section; and an analysis of the impact of such assessments on the performance of students, particularly those of different racial, gender, ethnic, or language groups; and (2) Title III, including a description of the effect of waivers granted under section 310.

Section 312. Section 312(a) of the bill would authorize the Secretary to use funds reserved under section 304(a)(2)(A) to provide technical assistance to States and to LEAs developing or implementing school improvement plans, in a manner that ensures that each such State has access to such assistance; to gather data on, conduct research on, and evaluate systemic education improvement, including Title III programs; and to disseminate research findings and other information on systemic education improvement.

Section 312(b) would require the Secretary to use at least 50 percent of the funds so reserved to make grants, consistent with those provisions of section 309(a) that the Secretary finds appropriate, to urban and rural LEAs with large numbers of concentrations of students who are economically disadvantaged or who have limited English proficiency, to assist those agencies develop and implement local school improvement plans.

Section 313. Section 313(a) of the bill would provide that funds reserved for the outlying areas under section 304(a)(1)(A) shall be made available to, and expended by, those areas, under the conditions and in the manner the Secretary determines will best meet the purposes of the program. This section would make Public Law 95-134, which permits the consolidation of certain grants to the Insular Areas, inapplicable to funds received by those areas under this program. The need for fundamental educational improvement throughout the Nation is sufficiently important to require that funds appropriated to promote such improvement be spent for that purpose.

Section 313(b) of the bill would provide that funds reserved by the Secretary for the Secretary of the Interior under section 304(a)(1)(B) shall be made available to the Secretary of the Interior pursuant to an agreement between the two Secretaries containing such terms and assurances, consistent with Title III, as the Secretary of Education determines will best achieve the purpose of the program.

Section 313(c) would direct the Secretary of Education to consult with the Secretary of Defense to ensure that, to the extent practicable, the purposes of Title III are applied to the Department of Defense schools.

TITLE IV—NATIONAL SKILL STANDARDS BOARD

Section 401 describes the purpose of title IV as stimulating the development and adoption of a voluntary national system of skill standards and certification to serve as a cornerstone of the national strategy to enhance workforce skills. This section also identifies how various stakeholders will be able to use the skill standards system. Section 401(1) states that the standards can be used by the Nation to ensure the development of a high skills, high quality, high performance workforce that will increase productivity, economic growth and American economic competitiveness. Section 401(2) provides that industries can use the standards as a vehicle for informing training providers and prospective employees of the skills necessary for employment. Section 401(3) indicates that employers can use the standards to assist in evaluating the skill levels of prospective employees and to assist in the training of current employees. Section 401(4) states that labor organization can use the standards to enhance the employment security of workers by providing portable credentials and skills. Section 401(5) provides that workers can use the standards to obtain certification of their skills which will protect against dislocation, facilitate career advancement, and enhance their ability to re-enter the workforce. Section 401(6) indicates that students and entry-level workers can use the standards to determine the skill levels and competencies needed to be obtained in order to compete for high wage jobs. Section 401(7) states that the standards can be used by training providers to determine appropriate training services to offer. Section 401(8) provides that the government can use the standards to protect the integrity of public expenditures by ensuring employment-related training meets industry standards where such standards exist. Finally, section 401(9) indicates that the standards can be used to facilitate linkages between other components of the national workforce investment strategy, including school-to-work and job training programs.

Section 402(a) would provide for the establishment of a National Skill Standards Board.

Section 402(b) would provide that the National Board is to be composed of 28 members, which would include the Secretaries of Labor, Education, and Commerce, the Chairperson of the National Education Standards and Improvement Council established under title II of this Act, 8 members who are representatives of business and industry, 8 members who are representatives of organized labor, and 8 members who are representatives of educational institutions, technical associations, community-based organizations and State governments. Of the business, labor, and educational representatives, one-half (12) are to be appointed by the President (4 from each group), and one-half by the Congress, with the Speaker of the House appointing 2 from each group (for a total of 6) based on recommendations of the Majority and Minority Leaders, and the President *pro tempore* of the Senate also appointing 2 from each group (for a total of 6) upon Majority and Minority Leader recommendations. The terms of the members in each of these 3 classes of representatives is to be four years. However, in order to provide continuity the initial terms are staggered, with half the members appointed for a three-year term and half for the full four-year term.

Section 402(c) would provide that the Chairperson is to be elected biennially from among the members of the National Board by a majority vote. The National Board is also to annually elect three Vice Chairpersons, one from the business representatives, one from the organized labor representatives, and one from the educational/State/Community-based organization representatives.

Section 402(d) would provide that the members of the National Board who are not regular Federal employees are to serve without compensation, but are to receive travel expenses.

Section 402(e) would provide that the Chairperson of the Board is to appoint an Executive Director, who may be compensated at a level determined by the National Board that does not exceed level V of the Federal Executive Schedule, and who may appoint such staff as is necessary.

Section 402(f) would authorize the National Board to accept gifts and voluntary services.

Section 402(g) would authorize the National Board to use the facilities and services of Federal agencies with their consent, and would authorize the heads of Federal agencies, upon the request of the National Board, to detail personnel to the National Board to assist in carrying out this title.

Section 403 describes the functions of the National Board. Section 403(a) would require the National Board to identify broad clusters of major occupations involving one or more than one industry in the U.S.

Section 403(b) would provide that with respect to each occupational cluster identified by the National Board, the National Board is to encourage, promote and assist in the development and adoption of a national voluntary skill standards system. This system would include five components. First, the National Board is to promote the development and adoption of skill standards that, at a minimum: take into account standards used in other countries; take into account content and performance standards certified pursuant to title II; take into account the requirements of high performance work organizations; are in a form that allows regular updating; are formulated in a manner that will promote transferability of credit for students, trainees and employers among firms and labor markets; and are not discriminatory with respect to race, gender, age, ethnicity, disability or national origin. Second, the National Board is to promote the development and adoption of a system of assessment and certification of the attainment of skill standards, which at a minimum are to: take into account methods used in other countries; utilize a variety of evaluation techniques, including oral and written evaluations, portfolio assessments, and appropriate performance tests; include methods for validating the fairness and effectiveness of the assessment and certification system; and utilize certification techniques designed to avoid disparate impacts against individuals based on race, gender, age, ethnicity, disability or national origin. Third, the National Board is to promote the development of a system to evaluate the implementation of the skill standards, and assessment and certification systems. Fourth, the National Board is to encourage the development and adoption of a system that will promote the use of and disseminate information relating to skill standards, and assessment and certification systems. Finally, the National Board is to promote the development and adoption of a system to periodically revise and update the skill standards, and assessment and certification systems that will take into account changes in standards in other countries.

Section 403(c) would provide that, in carrying out these functions, the National Board is to invite and obtain the full and balanced participation of: representatives of business and industry, including trade associations that received demonstration grants to develop skill standards prior to the enactment of this title; employee representatives consisting of individuals recommended by national labor organizations and such other individuals who are nonmanagerial employees and whose participation is appropriate given the nature and structure of employment in an occupation or industry; and representatives of educational institutions, technical associations, community-based organizations and State governments. The representatives described above are to have expertise in the area of workforce skill requirements. The National Board may also invite the participation of other individuals the National Board deems to be independent, qualified experts in their fields.

Section 403(d) would provide that the National Board is to endorse those skill standards, assessment and certification systems and other systems described in section 403(b) if such standards and systems meet the requirements of section 403 and are appropriate for an occupation or industry.

Section 403(e) would impose a limitation that the National Board is not to promote the development of skill standards, solicit the participation of representatives, or approve standards relating to any occupation or trade within the construction industry for which recognized apprenticeship standards have been jointly developed by labor and management representatives and are being used to train workers unless labor and management representatives of that occupation or trade and representatives of the certified apprenticeship programs within that occupation or trade jointly request the assistance of the National Board.

Section 403(f) would require the National Board to establish cooperative arrangements with the National Education Standards and improvement Council to promote the coordination of the development of skill standards with the development of content and performance standards developed under title II of this Act.

Section 403(g) would provide that in order to support the development of skill standards the National Board is to carry out additional duties. These duties include: conducting workforce research and making such research available to the public; identifying and maintaining a catalog of skill standards used by other countries and by States and leading firms within the U.S.; serving as a clearinghouse to facilitate the sharing of information on the development of skill standards; developing a common nomenclature relating to skill standards; encouraging the development and adoption of curricula and training materials for attaining skill standards; providing appropriate technical assistance; and developing long-term strategic plans relating to the development and utilization of skill standards.

Section 403(h) would authorize the Secretary of Labor, from funds appropriated under section 406, to award grants or enter into contracts and other arrangements requested by the National Board to carry out the purposes of title IV.

Section 404 would require that no later than December 31, 1995, the National Board identify occupational clusters that represent a substantial portion of the workforce and ensure the development of an initial set of skill standards for those clusters, to be updated as appropriate.

Section 405 would require that the National board submit to the President and the Congress each fiscal year a report on the activities conducted under this title. Each report is to include a description of the extent to which skill standards have been adopted by employers, training providers and other entities and an assessment of the effectiveness of the skill standards in accomplishing the purposes of this title.

Section 406 would authorize an appropriation of $15 million in fiscal year 1994 and such amounts as may be necessary for fiscal year 1995-99 to carry out this title. This section would also provide that the amounts appropriated under this title are to remain available until expended.

TITLE V—MISCELLANEOUS

Section 501. Section 501 of the bill would define the terms "content standards", "Governor", "outlying areas", "performance standards", "school", "Secretary", and "State" for purposes of the act, and would incorporate the definitions of "local educational agency" and "State educational agency" from Chapter 1 of Title I of the ESEA.

Section 502. Section 502 of the bill would provide that no funds provided under Titles II or III of the Act shall be used to undertake assessments that will be used to make decisions regarding the graduation, grade promotion, or retention of students for five years from the date of enactment of the act.

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY,
April 21, 1993.

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Goals 2000: Educate America Act."

This legislation strives to support State, local communities, schools, business and industry, and labor in reinventing our education system so that all Americans can reach internationally competitive standards, and our Nation can reach the National Education Goals. Also transmitted is a section-by-section analysis.

Education is and always has been primarily a State responsibility. States have always been the "laboratories of democracy." This has been especially true in education over the past decades. The lessons we have learned from the collective work of States, local education agencies, and individual schools are incorporated in Goals 2000 and provide the basis for a new partnership between the Federal Government, States, parents, business, labor, schools, communities, and students. This new partnership is not one of mandates, but of cooperation and leadership.

The "Goals 2000: Educate America Act" is designed to promote a long-term direction for the improvement of education and lifelong learning and to provide a framework and resources to help States and others interested in education strengthen, accelerate, and sustain their own improvement efforts. Goals 2000 will:

Set into law the six National Education Goals and establish a bipartisan National Education Goals Panel to report on progress toward achieving the goals;

Develop voluntary academic standards and assessments that are meaningful, challenging, and appropriate for all students through the National Education Standards and Improvement Council;

Identify the conditions of learning and teaching necessary to ensure that all students have the opportunity to meet high standards;

Establish a National Skill Standards Board to promote the development and adoption of occupational standards to ensure that American workers are among the best trained in the world;

Help States and local communities involve public officials, teachers, parents, students, and business leaders in designing and reforming schools; and

Increase flexibility for States and school districts by waiving regulations and other requirements that might impede reforms.

Though voluntary, the pursuit of these goals must be the work of our Nation as a whole. Ten years ago this month, A Nation At Risk was released. Its warnings still ring true. It is time to act boldly. It is time to rekindle the dream that good schools offer.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 21, 1993.*

THE WHITE HOUSE,
OFFICE OF THE PRESS SECRETARY
April 21, 1993.

HOW "GOALS 2000: EDUCATE AMERICA" WILL WORK

TITLE I: NATIONAL EDUCATION GOALS

Title I codifies into law the six National Education Goals and their objectives. By enacting the "Goals 2000: Educate America Act," Congress becomes a full partner, with the President and the Nation's Governors, in providing a national vision of what we must strive to achieve by the year 2000. Recognizing that learning begins at birth and continues throughout life, the goals provide a framework for a new education system for the 21st century. These goals must be achieved if the United States is to remain competitive in the world marketplace and our citizens are to reach their fullest potential.

TITLE II: NATIONAL EDUCATION REFORM LEADERSHIP, STANDARDS, AND ASSESSMENTS

National Education Goals Panel.—Title II establishes in law the National Education Goals Panel. The Panel has responsibility for reporting annually on State and national progress toward achieving the National Education Goals and for keeping this nation focused on the steps necessary to meet the goals. It also has responsibility for promoting the effort to develop voluntary national content and opportunity-to-learn standards.

Membership

The bipartisan panel will be composed of two members appointed by the President, eight governors, four members of Congress, and four members of State legislatures.

Funding

The bill authorizes $3 million for the Panel for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

Responsibilities

Each year the Panel will report progress toward achieving the National Education Goals. It will also work to build and maintain public support for the educational reforms necessary to achieve the goals.

The Panel will review and approve the criteria the National Education Standards and Improvement Council will use to certify voluntary national content and student performance standards and voluntary opportunity-to-learn standards. It will also approve the standards themselves once certified by NESIC. In addition, the Panel will approve the criteria for certification of State assessments.

National Education Standards and Improvement Council.—Title II also establishes a National Education Standards and Improvement Council (NESIC).

All students can learn more than they do presently. Too many children and youth receive a watered-down curriculum and suffer from expectations that are too low. The Nation needs clear standards of what all students should know and be able to do and clear statements of what it will take to provide all of them the opportunity to meet these standards. NESIC is responsible for stimulating and certifying high quality benchmarks (in the form of voluntary national examples) for States to work toward as they adopt or develop their own content and student performance standards, assessments, and opportunity-to-learn standards. This will provide a substantial incentive for States to create the very best and most equitable set of standards and assessments.

Membership

NESIC will be comprised of twenty members, appointed by the President, who will select from a panel of at least sixty persons nominated by the National Education Goals Panel. These members will include educators; members of the public; representatives of business and higher education; and curriculum, assessment and reform experts.

Funding

The legislation authorizes $3 million for fiscal year 1994 and such sums as may be necessary for each of fiscal years 1995 through fiscal year 1998 to establish and operate the Council.

The legislation authorizes $1 million for fiscal year 1994 and such sums as may be necessary for fiscal year 1995 to fund a consortium of individuals and organizations that will develop voluntary national opportunity-to-learn standards.

The legislation authorizes $5 million for fiscal year 1994 and such sums as may be necessary for each of the fiscal years 1995 through 1998 to State and local education agencies to help defray the costs of developing, field testing, and evaluating systems of assessments.

Responsibilities

NESIC will examine and certify national and State content standards, opportunity-to-learn standards, and assessment systems.

At the National Level

Content Standards: The Council will work with appropriate organizations to determine criteria for certifying voluntary content standards and to ensure that they are internationally competitive, reflect the best knowledge about good teaching and learning, and have been developed through a broad-based and open process.

National organizations in each of the subject areas (e.g. the National Council of Teachers of English and the National Academy of Sciences) will develop voluntary national curriculum content standards to be certified by NESIC. These standards will serve as voluntary benchmarks of quality to inform States as they adopt or develop their own standards.

Opportunity-to-Learn Standards: The Council will develop criteria for certifying exemplary voluntary national opportunity-to-learn standards that will establish a basis for giving all students the opportunity to achieve the knowledge and skills set out in the national content standards certified by the council. These standards will serve as voluntary benchmarks of quality for States as they develop or adopt their own opportunity-to-learn standards.

With the advice of NESIC, the Secretary will award a grant to a consortium of educators, policy makers, advocates, and others who will develop model opportunity-to-learn standards.

These standards will address the quality and availability of curriculum, instructional materials, and technologies; the capabilities of teachers to provide quality instruction in each content area; the extent to which teachers and administrators have access to professional development; and the extent to which curriculum, instructional practices, and assessments are aligned to content standards. The standards will be sufficiently general so they can be adopted by any State without restricting State and local prerogatives regarding instruction.

Assessments: The Council will work toward the development of criteria for certifying assessments that are consistent with the content standards. These assessments can be used to exemplify for students, parents, and teachers the kinds and levels of student achievement that are expected; improve classroom teaching and learning; inform students, parents, and teachers about student progress toward achieving the content standards; and measure and motivate individual students, schools, districts, States and the Nation to improve educational performance.

As a result of ongoing development work by States and by other entities to develop projects, portfolio's and other innovative performance assessments, the state of the art of developing assessments, which measure challenging content standards, is rapidly changing. The Council will initially work to help advance the state of the art and to develop certification criteria by recommending needed research, providing a public forum for discussion and debate, and by encouraging the development and field testing of assessment systems at the State and local level.

In not less than three nor more than four years, the Council will develop criteria for the voluntary certification of State assessment systems. The Council will be prohibited from certifying assessments that are to be used for making decisions about individual students regarding such matters as promotion, program placement or graduation.

At the State Level

On a voluntary basis, States may submit to the Council their own content, student performance and opportunity-to-learn standards for certification that they are consistent with the national standards.

On a voluntary basis, States may submit their student assessment systems, for certification that they meet the Council's criteria.

TITLE III: STATE AND LOCAL SYSTEMIC IMPROVEMENT

This Title provides a framework and resources to support, accelerate, and sustain State and local improvement efforts aimed at helping all students reach challenging content standards.

States have long been "laboratories of democracy," especially in education. Over the last several years, through State and local efforts, much has been learned about the components of effective, lasting and large scale education improvement. These lessons point toward a systemic approach to education improvement, centered on developing challenging content standards and aligning assessments, opportunity-to-learn standards and the preparation and continued professional development of teachers with the content standards. Title III reflects these and other related lessons and assists all States to incorporate them into their own reforms. States with improvement efforts already underway will be able to use the funds provided in Title III to develop more comprehensive strategies and to advance the pace of their reforms. Title III will also provide incentives to additional States to initiate new improvement efforts in order to help all students reach challenging content standards.

Title III challenges States to:

Establish a structure and process for developing a State improvement plan

The State improvement plan would be developed by a broad-based panel comprised of the Governor, the Chief State School Officer, the chairman of the State board of education, the chairmen of the appropriate authorizing committees of the State legislature, or their designees, teachers, principals, and administrators, and representatives of business, labor, and members of the public. The Governor and the Chief State School officer will each appoint half the members of the State panel and jointly select the chairperson.

The panel will be responsible for conducting a State-wide, grass-roots outreach process in order to develop the improvement plan. As a part of this process, the panel is asked to consult with local school districts and schools that are at the cutting edge of systemic reform.

Develop a comprehensive improvement plan

Each State will be asked to develop a plan that addresses:

Strategies for development of content standards, student assessments, student performance standards, and plans for teacher training.

School-based opportunity-to-learn standards. State plans must spell out each State's proposal to ensure that all children in the State have well trained teachers, challenging curriculums, and access to new technologies.

Management and governance plans that include strategies for creating better outcomes for students. These would include giving educators in each school the flexibility to achieve high results, strategies for overhauling teacher preparation plans, and developing new ways to license, select and award teachers.

Strategies to involve parents and the community in the creation of high academic standards, finding ways to spread good ideas throughout the school districts, and developing plans that make sure reforms that come up from the schools, communities, and districts are implemented.

Strategies to ensure that all local education agencies and schools in the State are involved in developing and implementing needed improvements.

Strategies for ensuring that systemic reform is promoted from the bottom up in communities, local education agencies, and schools.

Provide funds to local districts and schools and institutions of higher education

The effective implementation of a State's plan is dependent on closely related changes that must be made in local school districts and individual schools. Local school districts and individual schools must develop their own improvement plans that both reflect and shape the overall State approach, and that take into account unique local circumstances. In addition, the success of any improvement plan—at the school building, local district or State level—is dependent upon continuously strengthening the capacity of classroom teachers to help all students, regardless of their background, learn challenging content. For these reasons, States are required to utilize a significant share of their funds under this title for:

Grants to local education agencies for the development and implementation of local improvement plans which address the same components as those required in the state plan.

Local education agencies that receive these grants are required, in turn, to utilize the vast majority of these funds to support the development and implementation of improvement plans initiated at the individual school building level.

Grants to consortia of institutions of higher education, local education agencies and nonprofit organizations, or combinations thereof, for the improvement of pre-service teacher education and professional development activities.

Funding

Title III authorizes $393 million for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.

Funds Provided to States: Ninety-three percent will be allocated to States through a formula based half on States' relative amounts of funding under chapter 1 of title I of the Elementary and Secondary Education Act of 1965, and half on the relative amount each State receives under part A of chapter 2 of title I.

Mr. PELL. Mr. President, I am pleased to join my colleagues in expressing my enthusiastic support for the Goals 2000: Educate America Act school reform proposal submitted by the Clinton administration. This legislation serves as both a catalyst and framework to improve and reform America's schools. For this administration in its first 100 days to demonstrate its strong commitment to the national goals, to voluntary standards and assessments, and education reform is most heartening.

For more than 25 years I have called for both standards and assessments in general education. To my mind, they are the keys to effective and widespread reform. Goals 2000 moves clearly in that direction—to establish challenging content standards for all students. Such standards are essential if we are to state clearly what we expect our children to learn at every stage of their elementary and secondary school education.

Goals 2000 also promotes quality assessment, which measures a student's knowledge of subject matter rather than simply how students compare to their peers. This will aid us in comparing schools, districts, and States so that we might better target our limited Federal resources.

And, Goals 2000 goes an extra step in establishing opportunity-to-learn standards, so that policymakers are also held accountable in meeting their responsibility to see that each child receives a fair chance at actually receiving a world-class education.

If we are to remain leaders in the world economy, American education must be second to none. It is without question that a world-class work force depends on a world-class education system, and a world-class education must surely be a goal to which we all subscribe.

That is why the President's education reform proposal—Goals 2000—is so refreshing. It recognizes educational reform as critical to our Nation's competitive education, and something that must sweep our Nation. If our educational system is to become second to none, quality education must be within the reach of every child in every classroom in America. Goals 2000 does precisely that—it reaches out to every school, every community, and every student. It is truly a mandate for change and excellence in American education.

I am especially pleased that the legislation contains a special emphasis on financially distressed areas. Education reform requires resources, particularly in our most needy areas. In Rhode Island, a healthy proportion of the more than $1.5 million the State could receive under the Goals 2000 Program would go to such financially strapped areas as Central Falls, Pawtucket, Providence, and Newport.

Mr. President, this is a good, solid bill. It merits our strong support and swift enactment.

By Mr. GRASSLEY (for himself and Mr. DURENBERGER):

S. 848. A bill to amend the Agricultural Act of 1949 to modify the authority for haying and grazing on wheat and feed grain reduced acreage, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

LEASEBACK ACT OF 1993

Mr. GRASSLEY. Mr. President, with the budget resolution settled, the task facing this Chamber will soon turn to the business of reconciliation. That job, as we all know, appears daunting. The Senate Agriculture Committee alone is charged with finding over $3 billion in savings over the next 5 years. I personally do not relish the inevitable task of cutting commodity programs to meet the reconciliation instructions. I know my colleagues on that committee share my concerns.

But faced with these impending difficult decisions forces us to consider untapped sources of revenue, to find alternatives that would not only line the Federal coffers, but also contribute to the bottom line of the taxpayers as well.

With that in mind, Mr. President, I am today introducing a bill which would allow farmers to lease back their set-aside acres for haying and grazing from the Federal Government.

Simply put, this bill would allow farmers to decide if they want to lease back the annual conservation reserve [ACR] acres for forage, whenever necessary, whether or not their county had been declared a disaster area under provisions of the 1990 farm bill. Rates for leasing set-aside acres would be comparable to those established for grazing on Federal lands controlled by the Bureau of Land Management.

According to the Congressional Research Service, limited haying and grazing on Government set-aside acres have been allowed every year almost without exception, since the mid-1960's. That trend, in all likelihood, will continue under current law. But under current law, the farmer gets to hay or graze too late for it to do much good, and the Government receives no tangible financial benefit. This bill would change all of that.

Most importantly, this bill puts the decision whether to hay or graze where it belongs—with the farmer—and not with the bureaucracy. Farmers would no longer have to lobby to have their county declared a disaster area; farmers would no longer have to consider the prospect of liquidating livestock herds pending an administrative decision; farmers would no longer be left with a single cutting of marginal hay. In giving producers greater management control over their farming operations, this legislation would reinforce one of the key elements of the 1990 farm bill—increased flexibility. The leaseback provision would permit farmers to decide for themselves whether or not they should raise forage crops on their set-aside acreage, or plant an approved cover crop and let the land lie fallow, as they have in the past. This bill is also consistent with the trend which began in 1985, to wit, to orient farm programs more toward market forces; a producer would thus have to weigh the costs of a set-aside leaseback against the potential revenues that would be gained from raising a forage crop.

This proposal could also serve as a valuable adjunct to farm bill disaster provisions, as it would permit the farmer—rather than the county or State committees—to determine whether they need to compensate for crop losses by haying and grazing on set-aside acreage during the normally prohibited 5-month period. This would constitute an improvement over the current program, both because it would be more timely—farmers would not have to wait for the USDA to declare an emergency—and because it would bring the disaster determination down to the individual farm level. Finally, unlike many farm program proposals which typically involve an increase in expenditure for USDA's Commodity Credit Corporation, this provision will actually raise Federal revenues; this feature would make it an attractive option for agriculture in the ongoing efforts to reduce the Federal deficit.

And the revenues that would be raised are substantial.

The Congressional Budget Office has stated that this bill would generate $350 million over 5 years. The Food and Agriculture Policy Research Institute—also known as FAPRI—at Iowa State University made a conservative estimate of $419 million in savings over 5 years. With the Agriculture Committee instructed to find $3 billion in additional cuts in budget reconciliation, this measure makes better sense than ever. Better to generate receipts from land that heretofore simply sat barren without generating economic benefit, than to gut the core commodity programs—the very heart and soul of our agriculture policy.

In this day and age, when we struggle with limited resources to encourage the most good, we must look to any source of underutilized economic benefit. The annual set-aside acres is certainly a valuable resource which is an untapped source of Federal revenues. Moreover, in a time when, under a new administration, we have heard the term "rural development" offered as a new focus, we must look to measures that will stimulate rural economies. This measure would certainly do that. I urge my colleagues to give this measure every due consideration.

By Mr. DOLE (for himself, Mr. PACKWOOD, and Mr. CHAFEE):

S. 849. A bill to amend title XI of the Social Security Act to allow an adult member of a family or household to attest to the citizenship status of other family or household members, and for other purposes; to the Committee on Finance.

MULTIPLE SIGNATURE LEGISLATION

Mr. DOLE. Mr. President, welfare reform promises to be one of the most important domestic issues before the 103d Congress. And, while we probably don't all agree on what is in the long-term best interest of recipients, we probably can agree that we need to simplify and better coordinate the administration of these programs. Today, I am reintroducing legislation that will help do just that. Joining me are Senator PACKWOOD and Senator CHAFEE.

My bill eliminates a Medicaid and Aid to Families With Dependent Children [AFDC] provision that requires all adult members in a household to sign a written declaration attesting to their own and their children's citizenship status as a condition of eligibility for these programs. Instead, one adult would be allowed to sign for the entire household. A household member would not be required to attest to the status of a newborn, who is by definition a U.S. citizen, until the household's next redetermination.

The so-called multiple-signature rule in existing law has been found by welfare officials to be administratively burdensome and error-prone, as well as a barrier to participants.

The American Public Welfare Association supports the elimination of the multiple-signature rule, and, in fact, Congress last year passed proposal as part of the urban aid/tax bill. I would also note that Congress in the 1990 farm bill eliminated a similar requirement for the Food Stamp Program with the Bush administration's support.

I want to emphasize that my proposal would not remove the requirement that State agencies verify the alien status of Medicaid and AFDC applicants and recipients. That responsibility remains, and would not be hindered by this bill.

The Kansas Department of Social and Rehabilitation Services is to be commended for bringing this issue to my attention. Although the change I am proposing is limited in scope, I think anything we can responsibly do to improve the administration and coordination of our welfare programs is worthwhile. I would like to take this opportunity to commend one of my constituents, Marie Bledsoe, of Kansas City, KS, who is working on these issues as a member of the congressionally authorized Welfare Simplification and Coordination Advisory Committee.

I thank my colleagues and encourage them to give this proposal their support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 849

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADULT MEMBER OF FAMILY OR HOUSEHOLD ALLOWED TO ATTEST TO CITIZENSHIP STATUS OF OTHER FAMILY OR HOUSEHOLD MEMBERS.

(a) IN GENERAL.—Section 1137(d)(1)(A) (42 U.S.C. 1320b–7(d)(1)(A)) is amended to read as follows:

"(1)(A) The State shall require, as a condition of an individual's eligibility for benefits under any program listed in subsection (b), a declaration in writing, under penalty of perjury—

"(i) in the case of an individual who is an adult member of a family or household applying for or receiving such benefits, by such individual or another adult member of such family or household on such individual's behalf, or

"(ii) in the case of an individual who is a child, by an adult on the individual's behalf, or

"(iii) in the case of an individual born into a family or household receiving such benefits, by an adult member of such individual's family or household on the individual's behalf no later than the next redetermination of eligibility of such family or household following the birth of such individual,

stating whether the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective with respect to benefits provided on or after July 1, 1993.

Mr. PACKWOOD. Mr. President, I am pleased to join the esteemed Republican leader, Senator DOLE, in introducing today a bill that will simplify the administration of welfare programs. Our welfare system is plagued with redtape. That redtape is burdensome to both the administrators and the participants in the program. In many cases that burden is justified. The so-called redtape is needed to prevent fraud and abuse, and to ensure that program goals are being met. However, it is sometimes unnecessary. Administrators of welfare programs have identified one piece of redtape, which, if removed, would improve program administration without jeopardizing program integrity.

Currently, all adult members in a household must sign a citizen declaration from attesting to the citizenship of themselves and any children in the household before any Medicaid or Aid to Families With Dependent Children Program [AFDC] assistance will be provided to them. Welfare administrators complain that this multiple-signature rule is needless, burdensome, enhances the likelihood of mistakes, and may be a barrier to program participation. For these reasons, a similar requirement for the Food Stamp Program was eliminated in the 1990 farm bill.

Our bill will allow one adult to sign for the entire household. The bill will not change or interfere with requirements that State agencies verify the alien status of Medicaid and AFDC applicants and recipients. Nor will this bill change the penalties associated with fraud. But, this bill will streamline the administrative process. It will make the welfare system more manageable for its administrators and recipients.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, Mr. RIEGLE, Mr. KERRY, Mr. DODD, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mrs. MURRAY, Ms. MOSELEY-BRAUN, Ms. MIKULSKI, Mr. BIDEN, and Mr. SASSER):

S. 850. A bill to establish the Office of Economic Conversion Information within the Department of Commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ECONOMIC CONVERSION CLEARINGHOUSE ACT

• Mrs. BOXER. Mr. President, Congress and the President understand that the Nation's economy is in transition. In this post-cold war era, we are moving from a military to a civilian-based economy. That is why Congress has passed myriad important programs to retrain workers, assist defense contractors to produce civilian products and help communities deal with base closures and canceled contracts. And, that is why the President has released needed funds from last year to pursue a more vigorous conversion program.

Unfortunately, there is no one-stop information shop on available conversion assistance. Many excellent programs are now scattered among more than two dozen Federal departments and agencies.

We need to help workers and businesses to get the information they need now. To make the transition now. They do not need to face layers of confusing and faceless bureaucracy. Our workers and our businesses need answers to their questions and they want action and they want it now, so they can keep companies and workers productive as they move to civilian technology.

Today, I am introducing, along with my colleague from California, Senator FEINSTEIN, and Senators RIEGLE, JOHN KERRY, DODD, LIEBERMAN, ROCKEFELLER, MURRAY, MOSELEY-BRAUN, MIKULSKI, BIDEN and SASSER, the Economic Conversion Clearinghouse Act—to get critical information out to people when they need it—information about available assistance, who to talk to, and how and where to apply for needed help.

Now, the available resources for economic adjustment and conversion assistance to communities, businesses and workers hurt by defense cuts and military base closures are spread out among 23 different Federal departments and agencies. In addition, several other agencies are involved in technology reinvestment. To a displaced defense worker or to a defense dependent community whose economy has been devastated by lost defense contracts, this means too many questions and too few answers if you can even find someone to ask.

We must streamline the process. There's no time to lose if we are to compete in a very competitive civilian marketplace.

Our legislation will establish an Economic Conversion Clearinghouse within the Department of Commerce to help coordinate and expedite the efforts of the many Federal departments so that communities, businesses, and workers seeking assistance can get it by contacting one phone number.

We have heard stories of the incredible red tape you must try and work through, sometimes with no positive result, no light at the end of the tunnel, no direct answers. The Arizona Council for Economic Conversion spent the last 18 months, at great cost, to find out that they weren't even eligible for grants for which they had applied.

In California, the city of Atwater has attempted to lease space on the closing Castle Air Force Base for the last 13 months. To do so, all they needed was one-fourth mile of onbase sewer line to connect the base to the local water treatment plant, located just a few miles off the base property. Because of a lack of available information from the EPA, Department of Commerce, and Office of Economic Adjustment in the DOD, the city was unable to get approval for this relatively inexpensive process. As a result, the city wasn't able to lease the base to local businesses—which would have created jobs and income.

This legislation will help workers, communities and businesses get the information they need quickly.

The Clearinghouse will:

List and summarize all Federal, State, and local conversion programs—so that a defense company that lost its contract can find out about available assistance for retraining its workers or marketing new products;

Make information available to communities about base closures and canceled defense contracts;

Provide examples of successful conversion efforts, such as the Acurex Corp. of Mountain View, CA, which shifted its product line from rocket nozzles to solar heating systems; and

Generate lists of potential commercially viable technologies and match them to compatible defense industries.

All Clearinghouse information will be easy to obtain. It will have:

A toll free telephone number for easy access to oncall adjustment and conversion specialists;

Manuals and other print materials;

Workshops on clearinghouse services; and

Online computer access to clearinghouse information.

Let me just cite a few more examples of companies in my State of California which are in the process of converting from defense to civilian activities. The FMC Corp. of San Jose which has been making drive trains for the Bradley Fighting Vehicle, is now pursuing a conversion project to produce drive trains for small electric cars.

Titan Communications of San Diego, which I visited recently, is working on new civilian uses for advanced computer and software technologies. Their disaster training module simulates natural disasters and tests responses to them, enabling disaster response teams to better handle the situation.

I am pleased that this legislation has been endorsed by 29 business and labor groups, and numerous government and citizen organizations, including the Economic Development Corp. of Los Angeles/Aerospace and High Technology Business Task Force, the National Security Industrial Association, the Lawrence Livermore Laboratory, General Atomics Corp., the International Association of Machinists and Aerospace Workers, the United Auto Workers, the International Federation of Professional and Technical Engineers, and the city of San Jose and the San Diego Economic Development Corp.

President Clinton has demonstrated a commitment to provide the funds needed to help communities and displaced workers to build a new future. My bill will help to deliver upon this commitment to ensure that people, communities and industry get the assistance they so desperately need. The Economic Conversion Clearinghouse Act provides information and opportunity. I am pleased to introduce this bill and urge my colleagues to support it.

I ask unanimous consent that the full text of the bill be printed in the RECORD at this point. I also ask unanimous consent to have printed in the RECORD the letters of endorsement of the Economic Conversion Clearinghouse Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Economic Conversion Clearinghouse Act".

SEC. 2. OFFICE.

(a) ESTABLISHMENT.—There is established, within the Department of Commerce, the Office of Economic Conversion Information (hereinafter referred to as "Office").

(b) PURPOSE.—It is the purpose of the Office—

(1) to serve as a central information clearinghouse on matters relating to economic adjustment and defense conversion programs and activities of the Federal and State governments, including political subdivisions of the States; and

(2) to help potential and actual applicants for economic adjustment and defense conversion assistance under Federal, State and local laws in locating and applying for such assistance, including financial and technical assistance.

(c) DIRECTOR.—The Office shall be headed by a Director. The Secretary of Commerce shall appoint and fix the compensation of the Director.

(d) STAFF.—The Director may appoint such personnel as may be necessary to enable the Office to perform its duties.

SEC. 3. FUNCTIONS.

(a) INFORMATION DATABASES.—

(1) USES.—The Office shall develop information databases for use by Federal departments and agencies, State and local governmental agencies, public and private entities, and individuals to assist such agencies, entities, and individuals in the process of identifying and applying for assistance and resources under economic adjustment and defense conversion programs and activities of the Federal, State, and local governments.

(2) FEDERAL AGENCIES AND PROGRAMS.—The databases established pursuant to paragraph (1) shall include a comprehensive compilation of all relevant information concerning available economic adjustment and defense conversion-related programs of the Federal Government. The compilation shall identify the administering department, office, or agency, which administers such programs, and key contact people; and descriptions of the application process, eligibility requirements and criteria, selection, and followup procedures. Such compilation shall also include data as to the expenditure of funds under such programs, projects supported by such programs, and the types and amounts of funding available for assistance under such programs.

(3) RANGE OF PROGRAMS.—The range of programs covered by the database shall include: worker adjustment assistance for private sector employees and Federal civilian and military personnel; community adjustment assistance (planning and implementation), including the so-called "bricks and mortar" programs, such as infrastructure rebuilding, and airport improvement; technology development and deployment programs administered through the Advanced Research Projects Agency, Department of Defense, coordinated Technology Reinvestment Project; other relevant technology research and development programs administered by the Department of Commerce, National Aeronautics and Space Administration, Department of Energy, the Environmental Protection Agency, Department of Transportation, and the National Institutes of Health and other technology agencies; small business assistance (financial, technical, marketing); defense facility environmental restoration; available tax credits and incentives, relevant regulatory information (environmental, occupational health and safety, and intellectual property rights) affecting application procedures and the implementation of federally supported projects involving economic adjustment and defense conversion.

(4) AVAILABLE ASSISTANCE.—In developing such database, the Office shall survey all Federal departments and agencies in order to identify all relevant assistance and resources that may be available to assist defense-dependent communities, businesses, and workers in their adjustment and conversion efforts, especially the Department of Defense, the Department of Commerce, the Department of Labor, the Small Business Administration, the Department of Housing and Urban Development, the Department of Health and Human Services, the Department of Education, the Department of Transportation, the National Science Foundation, the National Aeronautics and Space Administration, and the Environmental Protection Agency.

(5) DATABASE OF MAJOR STATE AND LOCAL PROGRAMS.—The Office shall establish a database containing State and local governmental economic adjustment and defense conversion assistance programs. Such database shall include a current listing of appropriate offices, officers, and contact personnel connected with, or involved in, such programs.

(6) DEFENSE CUTBACK EARLY WARNING DATABASE.—The Office, working with the Secretary of Defense, shall establish and keep current a database containing a listing of available defense contracts, and information listing military bases and installations expected to be closed, cut back, or realigned, or which are in the process of being closed, cut back, or realigned, including a current listing of States, communities, industries, firms, and employment likely to be most adversely affected as a result thereof.

(7) DATABASE OF CONVERSION EFFORTS AND SUCCESSES.—The Office shall establish a database of listings and descriptions of defense conversion efforts, their successes and failures, as well as a current listing of ongoing conversion and assistance efforts by communities, contractors, and small- and mid-sized businesses, and labor organizations.

(8) REFERENCE LISTS AND BIBLIOGRAPHIES.—The Office shall establish a database which shall include a listing of published works (books, reports, articles, videos, and tapes) related to all facets of defense economic adjustment and defense conversion. Such listing shall further include manuals relating to economic adjustment and defense conversion developed by the National Governors Association, the National League of Cities, public interest groups, labor unions, business associations, and similar organizations, and a listing of contact organizations and people for obtaining such references. The Office shall also maintain in electronic form the full texts of selected references and make such references available to the public through online services.

(9) ALTERNATIVE PRODUCT BANK FOR INDUSTRIES AND FIRMS.—The Office shall establish a databank of potentially commercializable technologies and products matched to the capabilities of defense-dependent industries and firms. Such databank shall include a short overview of market potential and shall identify potential programs in Federal, State and local governments that may be available to support technology development, deployment, and commercialization in these specific areas.

(b) MULTIPLE POINTS OF PUBLIC ACCESS TO DATABASES.—

(1) EASY ACCESS.—The Office shall establish several mechanisms to assure easy access by the public and others to such

databases, and to assure that the databases be as accessible, user-friendly, culturally neutral, and affordable as possible. In addition, the Office shall conduct an extensive outreach to States and communities, especially in the most defense-dependent regions of the Nation, and to a wide range of constituencies, including State and local government officials, chambers of commerce, industrial organizations, labor unions, and community organizations, to publicize the existence of databanks and other assistance and services provided by this Act, and how to acquire such assistance and services, and access such databanks.

(2) 1-800-TOLL FREE NUMBER.—The Office shall establish a toll free 1-800 number to provide a first point of entry into the Office information database system. An individual calling such number shall receive information on how to use the Office databases, how to receive printed materials, and how to contact appropriate people in other governmental agencies for information about specific programs, and answer other requests regarding services of the Office.

(3) ONLINE ELECTRONIC ACCESS THROUGH NETWORK.—Databases established by the Office shall be easily accessible through existing computer networks and publicly available computer database access facilities, such as at repository libraries and by direct call-in via modem, and shall be menu-driven and highly user-friendly.

(4) PRINTED MANUALS AND ORIENTATION MATERIALS.—The Office shall develop and make available to the public and others a printed manual, and other printed material, reviewing the major Federal agencies and programs engaged in economic adjustment, defense conversion, and technology investments. It shall also serve as a guide to using the databases and services of the Office, list State and local contacts and resources, and include a bibliography of major reference materials.

(5) ORIENTATION WORKSHOPS.—The Office shall offer periodic workshops (1-2 weeks long) available to selected representatives from defense-dependent communities, businesses, and occupational groups, to orient and train them in using the Office and the services of the Office.

(6) INFORMATION SPECIALISTS.—The Office shall maintain on-call economic adjustment and conversion information specialists to address special problems requiring person-to-person assistance, as needed.

(c) PROGRAM EVALUATION.—

(1) REVIEW.—The Office shall conduct a regular review of the various agencies and programs in the Federal system involving economic adjustment and defense conversion. Such review shall evaluate the procedures of these agencies and programs, and the success of their activities. Such reviews shall be based on periodic surveys of both Federal officials and recipients of assistance pursuant to this Act. The Office shall identify problems with the programs and barriers to entry, for inclusion in the databases established pursuant to this Act. Such review shall include recommendations for improving such programs.

(2) COMMUNITY ROUNDTABLES.—The Office shall conduct, on an annual basis, consultative meetings and briefings with defense-impacted constituencies drawn from local and State governments, business, labor, community and public interest organizations and academic institutions. Such meetings and briefings shall be held in all major defense-dependent regions of the United States, both to introduce its programs and receive comments and recommendations concerning its services and how to expand and improve them.

SEC. 4. INTERAGENCY COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—There is established the Interagency Economic Conversion Information Coordinating Committee (referred to in this section as the "Committee").

(b) MEMBERS.—The members of the Committee are as follows:

(1) Director of the Office, who shall serve as Chairperson of the Committee.

(2) Director of the Economic Development Administration.

(3) Director of the Office of Economic Adjustment, Department of Defense.

(4) One member appointed by the Secretary of Labor.

(5) Director of the Advanced Research Projects Agency, Department of Defense.

(6) Director of the National Institute for Standards and Technology.

(7) Director of the Small Business Administration.

(8) One member appointed by the Director of the National Economic Council.

(c) FUNCTIONS.—It shall be the function of the Committee—

(1) to advise and make recommendations to the Office in carrying out the purposes of this Act;

(2) to coordinate and facilitate the information gathering and monitoring activities of the Office among Federal departments and agencies;

(3) to help the Office prepare and present information in a manner that is publicly accessible, affordable, and user-friendly; and

(4) to assist the Office in making technical assistance personnel available as needed.

(d) COMPENSATION OF MEMBERS.—All members of the Committee shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(e) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(f) STAFF.—The Chairman of the Committee may request any Federal department or agency to detail such employees to the Committee as may be necessary to enable the Committee to perform its duties.

(g) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 5. AUTHORIZATION.

(a) STARTUP AND OPERATING EXPENSES.—For fiscal year 1994, there are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

(b) OPERATING EXPENSES.—For fiscal year 1995, and each fiscal year thereafter, there are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

NATIONAL SECURITY INDUSTRIAL ASSOCIATION, NATIONAL HEADQUARTERS,
Washington, DC, April 28, 1993.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BOXER: On behalf of the National Security Industrial Association (NSIA), I would like to thank you for giving us the opportunity to review your proposed legislation, the "Economic Conversion Clearinghouse Act". We believe that this proposal represents a potentially valuable form of assistance by providing critical information regarding economic adjustment programs and activities to those individuals, businesses and communities most greatly affected by defense contract terminations and base closures.

Never has it been more important to establish a close cooperative working relationship between government and industry to provide the foundation for maintaining American military and economic leadership into the twenty-first century. Leaders in the Administration, Congress and industry must work together to focus on the impact of government policies on the industrial base.

A financially healthy network of suppliers capable of providing technological and manufacturing leadership is pivotal to meeting threats to our national security and is essential to the creation and preservation of many thousands of American jobs in high-technology firms located throughout the country. Benefits accruing to our nation's skilled workforce as a result of a rational transition are obvious, both for the individual employee as well as the country.

Top level attention and priorities are needed to develop and monitor a responsible national industrial strategy approach. I am enclosing a copy of a paper NSIA prepared for the Clinton Administration which delineates many of the concerns industry believes must be addressed during the rationalization process. At your earliest convenience, we would appreciate the opportunity to meet with you and your staff to discuss these vitally important issues which lie at the heart of "defense conversion".

Again, thank you for the opportunity to review your legislation. We look forward to working with you in the future on the myriad issues surrounding the future of the nation's defense industrial base.

Sincerely,

JAMES R. HOGG,
President.

INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
Upper Marlboro, MD, April 28, 1993.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BOXER: On behalf of the membership of the IAM, I wish to express to you my appreciation for introducing legislation in the 103rd Congress to establish A National Economic Adjustment and Conversion Information Office within the United States Department of Commerce. As you know, such a central information clearing house on all Federal, State and local economic adjustment programs and activities would be a big help for our unemployed or soon to be unemployed aerospace workers and other working Americans who are fast becoming the victims in defense budget cuts.

I look forward to working with you and your staff as this important legislation moves through the Senate.

With best wishes, I remain

Sincerely,

GEORGE J. KOURPIAS,
International President.

LAWRENCE LIVERMORE
NATIONAL LABORATORY,
April 28, 1993.

Senator BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR MR. YUDKIN: We very much appreciate the efforts Senator Boxer is making on behalf of the California Economy and Economic Adjustment. John Ormsby in your San Francisco office sent us a description of Senator Boxer's proposed legislation to establish a National Economic Adjustment and Conversion Information Office in the Department of Commerce. It would appear that the information data bases to be developed by this office could be useful to communities and businesses seeking assistance.

When Senator Boxer visited the Laboratory on April 20, she suggested that we could participate in a network such as that proposed in this bill to help companies with information they need as they shift to new lines of business.

As Senator Boxer's bill moves forward, we would be pleased to help in any way we can.

Sincerely,

PHILIP E. COYLE III,
Principal Laboratory Associate Director.

INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS,
Silver Spring, MD, April 28, 1993.

Senator BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing today on behalf of our 20,000 federal employee members, most of whom are employed by the Department of Defense to offer our endorsement of your bill, the National Economic Adjustment and Conversion Information Act. We represent employees at all eight naval shipyards from Kittery, Maine to Charleston, South Carolina to Long Beach and Vallejo, California to Pearl Harbor Hawaii *and* many DoD installations in between. We are pleased with the content and goals of many of the new programs enacted to assist laid off defense workers and their communities. Nevertheless, we are struggling to coordinate the plethora of programs administered by numerous state and federal agencies.

We applaud your efforts to centralize and simplify our access to these programs.

Sincerely,

JAMES E. SOMMERHAUSER,
President, I.F.P.T.E.

FUND FOR NEW PRIORITIES IN AMERICA,
New York, NY, April 27, 1993.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: Congratulations on the proposed Economic Conversion Clearinghouse Act. The Fund for New Priorities in America is pleased to endorse the proposed legislation.

It is clear to us that your legislative proposals, if enacted, will provide the kinds of services increasingly needed by businesses, communities and workers impacted by the massive changes resulting from the end of the Cold War. Commonsense and practical services which citizens should be able to expect from the federal government, such as information databases, "user-friendly" methods of access, and routine coordination among the various agencies involved, will help make economic conversion and adjustment more efficient and less painful.

We agree that the placement of the clearinghouse is most appropriately within the Department of Commerce.

Again our congratulations. We will follow this important legislation with great interest.

Sincerely yours,

MAURICE S. PAPRIN,
President.

NOVA PRIVATE INDUSTRY COUNCIL,
Silicon Valley, CA, April 28, 1993.

Hon. BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: On behalf the North Valley (NOVA) Private Industry Council, I wish to extend my appreciation for the opportunity to review and make comments on your proposed legislation, the National Economic Adjustment and Conversion Information Act. The NOVA Private Industry Council serves the cities of Palo Alto, Mountain View, Los Altos, Sunnyvale, Cupertino and Santa Clara. This area, referred to as Silicon Valley, has the highest defense industry per capita employment in California and is being significantly affected by the reduction in defense industry expenditures.

The NOVA Private Industry Council is continuously being approached by private sector employers for assistance in identifying and soliciting resources to mitigate the employment loss created by defense conversion. Our efforts to date to provide this information have been both frustrating and ineffective. Your legislation would provide the "one stop shop" needed to put our employers in contact with the needed opportunities, ideas and technical assistance.

It is our opinion that our dislocated workers, our employers and our community will all benefit from better access to the Federal conversion resources that are being developed. We stand in strong support of this effort.

Please let us know how the NOVA Private Industry Council can assist in making this resource a reality. We look forward to working with you and your office in assuring that the services authorized through this legislation address the information and technical assistance needs of our employer community.

Again, thank you for the opportunity to comment on and support passage of your proposed National Economic Adjustment and Conversion Information Act.

Respectfully,

MICHAEL J. CURRAN,
Director.

CITY OF SUNNYVALE,
Sunnyvale, CA, April 23, 1993.

Hon. BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: Thank you for the opportunity to provide advance comments on your legislation, the National Economic Adjustment and Conversion Information Act. Sunnyvale, the "Heart of the Silicon Valley," is extremely interested in the issue of defense conversion, and we support your bill.

California, and the Silicon Valley in particular, have been disproportionately hit by the defense cutbacks. We need the support and cooperation of our federal officials to ensure a smooth transition to a non-defense based economy. Your efforts in this regard are greatly appreciated.

Sunnyvale has adopted a policy to:

Support programs for defense conversion and the integration of the defense industrial base into the national industrial base to maintain and enhance the research and development capabilities of our existing industries, and to minimize the impact of local communities from the reductions in defense-related contracts.

Your legislation is consistent with this policy, and so we are pleased to endorse it. Your bill will help local governments and businesses connect with the federal government and work through the maze in Washington. This is particularly important to us in California, because we are separated by three time zones and so such distance. Knowing how to access assistance will be a tremendous help to the cities and companies in our area.

As President of the League of California Cities, I would be happy to share your bill with my colleagues and ask them to review it.

Sincerely,

PATRICIA E. CASTILLO,
Mayor.

COMMUNITY DEVELOPMENT DEPARTMENT,
Tustin, CA, April 20, 1993.

Hon. BARBARA BOXER,
U.S. Senate,
San Francisco, CA.

DEAR SENATOR BOXER: I have been made aware of your proposed legislation to establish a National Economic Adjustment and Conversion Information Office with the Department of Commerce and am writing to express the City of Tustin's strong support for its creation.

Due to the pending closure of the Tustin Marine Corp Air Station, Tustin is a community affected by defense cuts and military base closures. We have found that the available resources for economic adjustment and conversion assistance to communities such as Tustin are spread out among a number of federal departments and agencies. The creation of a central Office of Economic Adjustment and Conversion (OEAC) would be of tremendous value to those seeking financial and technical assistance.

We especially support your proposal's provision that the OEAC would provide the following services, information and assistance:

Information Databases—including comprehensive listings of all major economic adjustment and conversion-related programs, major defense contracts terminations and military base closures, and conversion efforts and successes; and reference lists and bibliographies.

Multiple Points of Access—including several affordable, "user-friendly" mechanisms to ensure widespread public accessibility to the databases such as an "800" telephone number; on-line electronic access through computer networks; printed manuals and orientation materials; periodic orientation workshops; and on-call economic adjustment and conversion information specialist.

Program Evaluation—to review the effectiveness of the various federal agencies and programs involved in economic adjustment and conversion, and make recommendations for improving such programs.

Interagency Coordinating Committee—to help coordinate and facilitate the primary activities of the new office of Economic Adjustment and Conversion.

Again, we are in full support of the establishment of a National Economic Adjustment and Conversion Information Office and look forward to working with you and members of your staff on this necessary legislation.

Sincerely,

CHRISTINA A. SHINGLETON,
Assistant City Manager.

ECONOMIC DEVELOPMENT OF
DIVERSE COMMUNITIES,
San Francisco, CA.

HONORABLE MEMBERS OF THE U.S. SENATE

I am Robert Allen Baker, Chairman of Economic Development of Diverse Communities, an innovative California effort to promote entrepreneurship and job creation strategies. The purpose of this testimony is to support the proposed National Economic Adjustment and Conversion Information Act introduced by Senator Barbara Boxer.

Since the California Economic Summit Conference in February, 1993 where we strongly responded to the economic crisis confronting this state and nation, members of the state legislature—and especially of the California Congressional Delegation—have clearly accepted the tremendous challenge of revitalization, or economic conversion. You are to be commended for your initiative, and particularly for your recognition of the strongly proactive roles played by the private sector in this regard, and the need for partnership in taking on the challenge of economic conversion.

With this conversion challenge on the minds of all Californians, and indeed the nation, Sen. Boxer's initiative attacks one of the principal barriers to revitalization: lack of information in our communities of diversity—particularly our urban communities—about economic assistance programs for entrepreneurship and job creation, for conversion of the defense economy. This measure offers a well-thought method of making this information available to all Californians and the nation.

A major economy can be incurred, I want to add, by linking this proposed state "one-stop shopping center" to the state information center which will be proposed by Assemblywoman Barbara Lee to the California Assembly on Thursday, April 29, 1993. Further, tne bi-partisan sponsorship for her AB2222 suggests that even deeper community outreach with conversion information can be achieved by developing appropriate linkages with state agencies and the Governor's office as they too cope with the conversion challenge.

In remarks to the California Economic Summit, Dr. Tapan Munroe suggested that "unless all Californians participate to their fullest potential (in our economy), we will not be able to sustain our current standard of living—a statement with national implications, since one of every ten residents of this nation live in California. We must be held to the same standard of inclusivity at every stage of our economic conversion efforts, a standard that I know the Senate recognizes through this legislation. Thank you.

GENERAL ATOMICS,
April 28, 1993.

To: Joel Yudkin, Office of Sen. Barbara Boxer, Washington DC.

From: Doug Fouquet, General Atomics, San Diego CA.

General Atomics supports Senator Boxer's legislation for a National Economic Adjustment and Conversion Office, as outlined in the fact sheet sent to us by John Ormsby of Senator Boxer's San Francisco office.

The San Diego Supercomputer Center (SDSC), which GA operates on the UC San Diego campus for the National Science Foundation, has some special capabilities which may be useful in implementing the activities of the office. We will send you some additional information on SDSC later this week.

ECONOMIC DEVELOPMENT CORP.,
Los Angeles, CA, April 23, 1993.

Hon. BARBARA BOXER,
Hart Office Building,
Washington, DC.

DEAR SENATOR BOXER: Thank you for your leadership in proposing legislation to establish a National Economic Adjustment and Conversion Information Office.

Timely updated information is the most critical element in the process of adaptation and growth during what we expect to be a major transition for defense and aerospace companies and communities dependant on defense contracts or military expenditures.

The Economic Development Corporation of Los Angeles County (EDC), a private nonprofit corporation with strong ties to local and state government, organized and managed the Los Angeles Aerospace Task Force (ATF), a coalition of all stakeholders seeking to articulate our areas response to defense downsizing. Our strategy, issued in a report in 1992, has just been funded under a multi-year grant from the Economic Development Administration of the Department of Commerce (EDA).

The linchpin of the strategy is the High Technology Council (HTC), a public-private partnership which is expected to be the focal point of all defense adjustment efforts in Los Angeles County. We are also in the process of establishing a Los Angeles Technology Resource Center (LATRC) which will provide subsidized consulting and product development assistance including low interest loans. As you know this is the first and only federally funded effort of its kind in California and utilizing funding from the Defense Conversion Act of 1991.

The LATRC will oversee a communications network in the Los Angeles area to serve as a clearinghouse of information and plans, suggestions and dialogue. We expect this to "piggyback" other efforts at the state level and a similar network being planned in Northern California. It would be of great interest to us to "plug in" to the network proposed in your bill.

Conversion efforts are undertaken at the local level, and sharing the expertise of the companies and individual talents in our communities is a vital part of the adjustment effort. We applaud and support your creative solutions and we look forward to assisting with the creation and maintenance of the Information Office.

Sincerely,

ROHIT K. SHUKLA,
Director, Aerospace and
High Technology Business.

NAPA-SOLANO COUNTIES BUILDING
AND CONSTRUCTION TRADES COUNCIL
Vallejo, CA, April 28, 1993.

Senator BARBER BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: The Napa-Solano Building Trades Council is in full support of your proposal to establish a National Economic Adjustment and Conversion Information Office.

With the threat of Military Base closures, especially Mare Island Naval Ship Yard in Vallejo, the establishment of this office would be a bright spot in the dismal economy of our two counties.

The closure would dump a massive blue collar work force on the already depressed building and construction trades in our two counties. With an unemployment rate hovering around 35% we cannot withstand another trained work force to compete for our jobs's.

The Adjustment and Conversion Information Office would help laid off workers obtain the financial and technical assistance they require without increasing the burden of finding work for our members.

Thanking you in advance.

Sincerely,

LOU FRANCHIMON,
Bus. Mgr./Sec. Tres.

QUANTIC INDUSTRIES, INC.,
San Carlos, CA, April 28, 1993.

To: Mr. Joel Yudkin.

From: Mr. Kenneth E. Willis, Vice President, Aerospace and Defense Products, Quantic Industries, Inc., 990 Commercial Street, San Carlos, California.

Subject: Proposed Legislation Entitled "National Economic Adjustment and Conversion Information Act".

I recently received from Mr. John Orsby of Senator Boxer's San Francisco office an outline of the subject legislation. I would like to state that I fully support this legislation and that Quantic Industries, Inc. would, as a small business attempting to convert from defense to civilian production, make use of the services this legislation would provide.

Sincerely,

K.E. YUDKIN.

INDUSTRIAL DISTRICT LODGE 720,
INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, AFL–CIO
Torrance, CA, April 28, 1993.

Hon. BARBARA BOXER,
U.S. Senator,
San Francisco, CA.

DEAR SENATOR BOXER: This letter is to let you know that you have my full endorsement to proceed on the necessary legislation for the National Economic Adjustment and Conversion Information Act.

Our membership employed at McDonnell Douglas Corporation has been hard hit by the defense cuts that have affected their jobs. Something has to be done to stanch the financial bleeding of our working people and our communities. I truly hope that this program will serve those for whom it is intended.

Yours truly,

E.M. SMITH,
President—Directing Business Representative.

THE CENTRAL LABOR COUNCIL OF
SANTA CLARA AND SAN BENITO
COUNTIES, AFL–CIO
San Jose, CA, April 28, 1993.

Hon. BARBARA BOXER,
Hart Office Building,
Washington, DC.

DEAR SENATOR BOXER: I was pleased to receive information regarding your proposed legislation to establish a National Economic Adjustment and Conversion Information Office within the Department of Commerce. Repeatedly, we have seen the need for such a clearinghouse, a place for worker one-stop shopping, to help everyone effectively access the myriad number of programs, agencies, funding sources, etc.

As you may know, Santa Clara County receives more defense contract dollars per capita than any other county in the country. Over the past months, we have seen the loss of thousands of good paying jobs and have been actively working with all levels of government and local community groups to find ways to retain high wage/high skill jobs in our community. It is our hope that many of the questions we have been asking about services and funds available for conversion activities will be answered by this newly created office in a way that is less confusing and more accessible. Currently, all too many workers fall between the bureaucratic cracks and turn up at the local social service agencies doors.

In addition, we hope that you will continue to keep conversion activities as a high priority on your agenda. As you well know, it is not enough to fund planning and coordination, we must create possibilities for new payrolls—putting people to work at jobs that pay living wages. My staff and I look forward to working together with you on these very vital issues.

Again, we thank you for your important pro-active legislation and support it. Please let us know how we may be of any assistance.

Sincerely,

RICHARD F. SAWYER,
Business Manager.

VARIAN ASSOCIATES, INC.,
Palo Alto, CA.

Senator BARBARA BOXER,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR BOXER: On behalf of Varian Associates, Inc. I am writing to express support for the subject bill which will essentially provide a "one stop shop" office within the Department of Commerce for Economic Adjustment and Conversion programs. Varian is an international, diversified company headquartered in California.

One of Varian's four major business areas is electron tubes which are primarily used for military communications, radar, and electronic warfare systems. Like other firms with defense business, we have been hurt by the defense "drawdown" and resultant reductions in the DoD budget.

Defense Conversion and similar Economic Adjustment programs could be of potential benefit to companies such as ours as we seek to apply military oriented engineering and production resources to the commercial and/or industrial sectors. To facilitate and make these initiatives of greater benefit to industry, a more centralized and simplified process for accessing information is needed. This bill appears to provide a more rationalized process for accomplishing this objective.

To make this information service more useful to industry, we recommend that the proposed data base be expanded to include topical information on the various research activities being conducted within the National Laboratories. Access to this information is an important step in establishing Cooperative Research and Development Agreements (CRDAs) with these facilities.

We appreciate your leadership on this issue and would be pleased to provide further details on the points raised in this letter.

Sincerely,

DERREL DE PASSE,
Vice President,
Worldwide Government Relations.

AERONAUTICAL INDUSTRIAL DISTRICT LODGE 727, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS,
Burbank, CA, April 20, 1993.

Senator BARBARA BOXER,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: On behalf of the membership of the Machinists Union, District 727, I would like to voice my strong support of your proposed legislation, the National Economic Adjustment and Conversion Information Act.

As you may know, our union has been on the forefront of economic conversion activity among labor unions in the United States. As direct participants in the activity of economic conversion the past three years, we can testify to the difficulty related to persuing the voluminous resources on defense conversion. A centralized information clearinghouse would be invaluable to organizations attempting this most difficult transition.

We have closely reviewed your proposed legislation, and we believe the concepts you have identified as part of this project would be critical to the successful transition of our defense workers and defense industry to a commercial environment.

Again, we provide a strong endorsement of your proposed National Economic Adjustment and Conversion Information Act.

Sincerely,

A.E. CHARLIE BROWN,
President.

CASTLE JOINT POWERS AUTHORITY,
Atwater, CA, April 27, 1993.

Senator BARBARA BOXER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOXER: The Castle Joint Powers Authority is comprised of the Cities of Merced and Atwater, along with Merced County. Its purpose is to represent local interest in all matters related to the closure, civil conversion, and reuse of Castle Air Force Base.

We've quickly learned that the military base closure process is extremely challenging to smaller communities such as ours. it's tough costly, and complex. Without Washington representation, we have great difficulty staying informed of policy and procedural changes, potential legislative initiatives, and defense conversion programs which might be available to assist in recovery from base closure. We have very limited resources and staff to interact with the large array, of federal, state, and local agencies, as well as literally dozens of potential reuse clients.

Therefore, it was extremely gratifying to learn of your sponsorship of the National Economic Adjustment and Conversion Information Act. The features embodied in this legislation are vitally needed to assist closure communities in working through monumental challenges in such areas as environmental, federal property disposal requirements, and the myriad issues associated with attempting economic development in an era of little economic expansion.

We commend you for conceiving and introducing this legislation. We strongly support it. We look forward to early implementation of all its features so that the prospects for meaningful recovery from the great pain of base closure might be improved.

Many thanks, and best wishes.

Sincerely,

RICHARD D. MARTIN,
Executive Director.

LONG BEACH, CA,
April 23, 1993.

Senator BARBARA BOXER,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR BOXER: On behalf of our Long Beach Area Citizens involved Task Force on Economic Conversion I would like to endorse your National Economic Adjustment and Economic Conversion Information proposal. The need for a National Clearinghouse to more easily facilitate adjustment assistance to communities is urgent.

We welcome further communication regarding future conversion efforts on your part.

Sincerely,

DR. NANCY L. MARY,
Chair, Long Beach Area Citizens Involved Task Force on Economic Conversion.

RESOLUTION IN SUPPORT OF THE NATIONAL ECONOMIC ADJUSTMENT AND CONVERSION INFORMATION ACT

Whereas, the United States defense budget is being significantly decreased in response to the end of the cold war and federal budget deficits; and

Whereas, the decrease in military spending is severely impacting California's already battered economy due to decreased funding for defense contractors, reorienting of national laboratories, and base closures; and

Whereas, Alameda County is facing the possibility of closures of several military facilities including the Alameda Naval Air Station, the Naval Aviation Depot, the Oakland Naval Supply Center, and the Oaknoll Naval Hospital; and

Whereas, The Lawrence Livermore Laboratory, Lawrence Berkley Laboratory, and the Sandia Laboratory are all facing a deemphasis on military related research and a shift to civilian work; and

Whereas, the long term needs for effective conversion include planning, toxic cleanup, worker training and job development, economic adjustment funds for human services, infrastructure, technology transfer, and land acquisition; and

Whereas, current federal funds and information available for conversion planning and reuse are diffuse and inadequate for the enormity of the task; and

Whereas, the bureaucratic maze faced by communities like ours that are seeking conversion assistance is daunting and extremely difficult to navigate; and

Whereas, the National Economic Adjustment and Conversion Information Act will directly address the current problems by setting up information databases, multiple points of access, program evaluation, and an Interagency Coordinating Committee; now therefore be it

Resolved That the Alameda County Board of Supervisors endorses and supports the passage of the National Economic Adjustment and Conversion Information Act introduced by Senator Barbara Boxer in order to facilitate the conversion process for Alameda County, California, and the United States.

ASSEMBLY, CALIFORNIA LEGISLATURE,
Oakland, CA, April 18, 1993.

Hon. BARBARA BOXER,
U.S. Senate, Hart Senate Office Building,
Washington DC.

DEAR SENATOR BOXER: I am writing to you to express support and interest in your legislation establishing the National Economic Adjustment and Conversion Information Act. I share you concern for the need to streamline and coordinate the efforts for California specifically, and our nation as a whole.

As chairwoman of the Defense Conversion Task Force created by Speaker Willie L. Brown, Jr., I (along with the 21 bipartisan membership of the task force), have participated in several hours of hearings and testimony on defense conversion. One of our major objectives is to help California maximize its fair share of the $1.7 billion that the Congress has already appropriated for defense conversion, and to organize California's own defense conversion efforts.

I have introduced legislation to create a California Defense Conversion Task Force. This task force would have the responsibility to coordinate California's defense conversion programs.

Our nation confronts the challenge of converting our defense-dependent economic sector to meet the rigors of commercial competition. The task alone is a major one, but with the knowledge, and agreement on both state and federal level that the bureaucratic maze must be organized and streamlined, the challenge can be met.

I wish you well with your legislation and look forward to working with you in the future.

Sincerely,
Assemblywoman BARBARA LEE,
Member of the California
State Assembly, 16th District.

EAST COUNTY
ECONOMIC DEVELOPMENT COUNCIL,
April 29, 1993.

Hon. BARBARA BOXER,
Hart Senate Office Building,
Washington DC.

DEAR SENATOR BOXER: As an economic development organization we have a keen interest in any assistance that will allow our existing industries to make a smooth transition from defense-dependent activities to greater participation in emerging technologies. The outline of your proposed legislation to establish a National Economic Adjustment and Conversion Information Office seems to offer the kind of support that will facilitate our efforts to help our region's businesses to adapt and prosper in this changing economy.

We look forward to receiving additional details.

Sincerely,
DEANNA WEEKS,
Chief Administrative Officer.•

• Mr. RIEGLE. Mr. President, base closures and realignments are major blows to the economies of the communities and regions where they are located. In my home State of Michigan, we are facing the prospect of the closure of K.I. Sawyer Air Force Base in the Upper Peninsula and the removal of over 1,000 defense support jobs from the Federal Center in Battle Creek. This comes on top of our current efforts to cope with the closure of Wurtsmith Air Force Base in Oscoda. These and other communities across our Nation need all the help they can get to adjust to the devastating loss of a major employer.

Therefore, I am pleased to cosponsor the National Economic Adjustment and Conversion Information Act, introduced today by my colleague, Senator BOXER. The legislation seeks to create a one-stop information clearinghouse on defense conversion and adjustment programs. This will allow communities, firms, and workers to better understand and gain access to Federal economic adjustment assistance programs.

This legislation is a logical next step for the programs and initiatives Democrats in Congress have already put in place. In 1990, I had the privilege of chairing the Senate Democratic task force on defense conversion. As a result of that task force, I authored an amendment to the 1991 defense bill which, in addition to increasing funding for worker retraining programs and community adjustment assistance, established an advanced warning function in the Defense Department to give communities adequate notice of possible cutbacks. This amendment also improved coordination of programs through the interagency Economic Adjustment Council.

In last year's defense bill, we were able to greatly expand these programs through the work of the Senate Democratic Task Force on Defense/Economic Conversion, ably chaired by Senator PRYOR and of which I was pleased to be a member.

Yet, much remains to be done. The majority leader, Senator MITCHELL, recently announced an extension and renaming of that group, now called the Senate Democratic Task Force on Defense Reinvestment. I look forward to working with my colleague on this task force, and with President Clinton, in continuing our efforts, such as with Senator BOXER's legislation and my bill, S. 660, which requires an economic plan be in place before a military base can be closed. We must continue to do all we can to strengthen job creation and growth in this country, even in the face of defense cutbacks and base closings, to insure a brighter future for all our citizens.•

By Mr. BUMPERS:

S. 851. A bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes; to the Committee on Environment and Public Works.

CARL GARNER FEDERAL LANDS CLEANUP ACT

• Mr. BUMPERS. Mr. President, several years ago I introduced legislation which resulted in the creation of the Federal Lands Cleanup Act. This law designates the first Saturday after Labor Day of each year as Federal Lands Cleanup Day and requires each Federal land managing agency to organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and maintaining Federal public lands.

I was inspired to introduce this legislation by a talented and dedicated public servant by the name of Carl Garner. Carl is the resident engineer with the Army Corps of Engineers at the Greers Ferry Lake site in Arkansas. In 1970, he organized a group of about 50 volunteers to clean up trash that had accumulated along the shoreline of the lake. The Greers Ferry Cleanup Day was such an overwhelming success that eventually it was expanded to other Corps of Engineers-operated lakes and other Federal and State lands in Arkansas and became known as the Great Arkansas Cleanup. The cleanup has become so popular that last year more than 24,000 Arkansans participated in it at more than 100 sites.

Carl Garner recognized that we must instill in our citizens a greater sense of ownership, pride and responsibility for the care and management of our State and public lands. His efforts and the phenomenal success of the Arkansas Cleanup Program inspired me to introduce the Federal Lands Cleanup Act of 1985.

Today, I am introducing legislation that will rename the Federal Lands Cleanup Act and the day in honor of Carl Garner. I want future generations who enjoy and treasure our Nation's forests, national parks, and waterways to know that it was the vision and leadership of Carl Garner that was responsible for creating this national cleanup effort.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE CARL GARNER FEDERAL LANDS CLEANUP ACT.

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169i—169i-1) is amended by striking "Federal Lands Cleanup Day" each day it appears and inserting "Carl Garner Federal Lands Cleanup Day."•

By Mr. CONRAD:

S. 852. A bill to amend title 38, United States Code, to provide for the payment to States of per diem for veterans who receive adult day health care through State homes, and to authorize the provision of assistance to States for the construction of adult day health care facilities at State homes; to the Committee on Veterans' Affairs.

STATE VETERANS HOMES ACT OF 1993

• Mr. CONRAD. Mr. President, I am introducing legislation today that would amend section 1741 of Title 38—Payments to State Homes—to extend discretionary authority to the Department of Veterans Affairs to provide a per diem payment for adult day health care. This measure would also authorize the use of funds from the program—Grants for Construction of State Extended Care Facilities—under section 8131 by States to provide adult day health care facilities for veterans.

Currently, under section 1741, the Department of Veterans Affairs is required to pay a per diem to States for each veteran that is assisted through a State Home Facilities Program with hospital, nursing home, or domiciliary care. The per diem payment is $11.79 for domiciliary care, and $27.61 for nursing home and hospital care. Under section 8131, State home facilities, the Department of Veterans Affairs is authorized to provide limited grant assistance for the construction, expansion, or remodeling of existing buildings for domiciliary, nursing home, or hospital care for veterans residing in State veterans home facilities.

Under the legislation that I am proposing today, the Department of Veterans Affairs would be authorized to establish and provide a per diem payment for veterans assisted by State veterans homes in an adult day care environment. State veterans homes would also be authorized, under section 8131, to apply for matching grant assistance to provide facilities for adult day care. In fiscal year 1993, Congress appropriated $40 million under the State Home Facilities Program for the construction or expansion of State extended care facilities for veterans.

Mr. President, I have discussed the proposed amendments to title 38 relating to adult day health care with State veterans home officials in North Dakota and representatives of the National Association of State Veterans Homes. The arguments by these officials for extending adult day health care to veterans through State veterans homes are compelling.

The provision of adult day health care services during the daytime hours in a community setting would enable many veterans to remain at home in a supportive environment among family and friends as an alternative to nursing home placement.

For veterans who may be early victims of Alzheimer's disease, require a supportive environment to respond to depression, or require supervision and medication in a postoperative situation, the opportunity to participate in an adult day health care program would also meet the limited health care requirements of this growing veterans population. Equally important, adult day health care would provide respite for the primary caregivers of veterans. Unquestionably, adult day health care programs would also lower demands on the Department of Veterans Affairs health care system as well as the requirements for the expansion of costly nursing and residential home care.

Mr. President, as the health care requirements of our veterans population change and the demands on limited DVA medical care resources increase, I believe it is important that State veterans homes have the opportunity to extend adult day health care services to veterans. The 71 State veterans homes across the country program have a proven record of providing excellent domiciliary, nursing home, and hospital care for veterans—all in a cost-effective manner that ensures the maximum benefit to veterans from Federal, State, and local resources.

Additionally, State veterans home staff have considerable expertise in geriatrics and working with those individuals who are handicapped or have other special health care needs. I believe the staff are uniquely qualified to serve the veterans population in this supportive adult day care environment. I urge the Senate Committee on Veterans' Affairs to carefully examine this proposal for extending adult day health care services to veterans.

Mr. President, I ask unanimous consent that the full text of my bill along with letters in support of this initiative from the National Association of State Veterans Homes in Marshalltown, IA, and the North Dakota Veterans Home in Lisbon, ND, to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT TO STATES OF PER DIEM FOR VETERANS RECEIVING ADULT DAY HEALTH CARE.

Section 1741 of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph (2):

"(2) The Secretary may pay each State per diem at a rate determined by the Secretary for each veteran receiving adult day health care in a State home, if such veteran is eligible for such care under laws administered by the Secretary.".

SEC. 2. ASSISTANCE TO STATES FOR THE CONSTRUCTION OF ADULT DAY HEALTH CARE FACILITIES AT STATE HOMES.

(a) IN GENERAL.—Section 8131(3) of title 38, United States Code, is amended by inserting "adult day health," before "or hospital care".

(b) DECLARATION OF PURPOSE.—Section 8132 of such title is amended by inserting "adult day health," before "or hospital care".

(c) PRIORITY OF APPLICATIONS.—Section 8135(b) of such title is amended—

(1) in paragraph (2)(C), by inserting "or adult day health care facilities" after "domiciliary beds"; and

(2) in paragraph (3)(A), by inserting "or construction (other than new construction) of adult day health care buildings" before the semicolon.

NATIONAL ASSOCIATION OF
STATE VETERANS HOMES,
Marshalltown, IA, April 26, 1993.

Hon. KENT CONRAD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CONRAD: This is to express the views of the National Association of State Veterans Homes pertinent to proposed legislation to improve (3) the State Home Program.

(A) Title 38 United States Code, Section 1741, authorizes per diem to State Homes for domiciliary, nursing home care and hospital care. We endorse legislation to provide authority to the Secretary, Department of Veterans Affairs, to provide a per diem payment for adult day health care and construction grant support for expansion, remodeling or alteration of existing buildings to permit provision of adult day health care.

A survey conducted by the National Association of State Veterans Homes in 1984 overwhelmingly supported an adult day health care initiative if an appropriate reimbursement system through the Veterans Administration could be developed for State Homes. Of the 48 responses from 52 Homes surveyed, 38 responded positively.

It is recommended that Section 1741 be amended to include authorization for State Home Adult Day Health Care.

Often times, family and loved ones are the primary caregivers for adult persons. Trying to maintain adults in the home can be very stressful and care can be difficult to provide both physically and psychologically. Resources can be extremely limited, especially in rural communities and families may not be aware of what resources are available. Adult "day care" has been one concept implemented to address dependent adult care.

The seventy-one State Veterans Homes in forty-one states being long-term care facilities employ clinicians with expertise in geriatrics and staff with years of experience in working with dependent, infirm, and/or handicapped individuals. The Homes have the potential to offer adult day health care in a safe, structured environment with trained, caring staff. There could be provisions for meals and nutritious snacks, medication dispensing, exercise programming and the offering of health assessment and patient/family teaching. There could be planned activities and social interactions for adult participation.

Such a program would be an ideal option for the elderly veterans who are:

In need of social stimulation to combat depression;

In need of supervision and/or personal care;

Post-operative in need of supervision or medication;

Victims of early Alzheimer's Disease.

Involvement in adult day health care would provide a peace of mind and respite for the working and non-working caregivers.

The provision of these services during daytime hours in a congregate setting would enable veterans to be maintained at home in a supportive environment and be an alternative to a nursing home placement. Participation in an Adult Day Health Care Program could possibly prolong the ability of the veteran to stay in his home thereby lowering the demands on the Department of Veterans Affairs system.

Besides providing respite for the primary caregivers, veterans could be screened and referred for medical and/or community resources, including Department of Veteran's Affairs medical care facilities. Pre-assessment for admission could take place if the veteran desires to make application for permanent living in the State Home. Other advantages to the individuals and family members are networking with family members and professionals, participation in support groups, gaining knowledge about community resources and how to access the system.

The National Association of State Veterans Homes supports that provisions in United States Code 38, Section 1741, be amended to authorize State Home Adult Day Health

Care; per diem payments to states for providing same; and to permit the Department of Veterans Affairs to provide grants for expansion, remodeling or alteration of existing buildings to permit provision of such care.

We in the State Home Program do not know the level of participation by the states at this time; however, it is anticipated there would be activity initially by five to ten Homes in this area. Since the Department of Veterans Affairs is unable to approve requests for construction grants totaling more than the amount specifically appropriated by the Congress for that fiscal year, any additional grant requests for construction for adult day health care over the specified funding allowed would probably require a waiting period. This waiting period would allow an opportunity for the Department of Veterans Affairs and State Home Program to bring the increased need for additional construction funds to the attention of the Veterans Affairs Committees for consideration.

The State Home Program has a proven track record of being able to blend Federal, State and private resources to maximize the resources available for providing care for the veterans of this Nation. Because of this track record, it is always wise to look for opportunities to expand the relationship, so as to further enhance the efficient use of the Department of Veterans Affair's resources in its provision of care for veterans. The establishment of a per diem for these services is an expansion of the already successful State Home Program with the Department of Veterans Affairs. With this per diem as a starting point, the State Home Program in partnership with the Department of Veterans Affairs has the potential to move towards an efficient, effective means of providing this necessary service for its constituents.

(B) Sharing: While the United States Congress has been generous in providing for its veterans, and the Department of Veterans Affairs has done a commendable job within the confines of the budgeted amounts in taking care of the Nation's veterans, the resources to do so are becoming more limited. We must continue to work closer together, share ideas, stretch and share resources and assist one another if we are going to fulfill our mutual obligation to provide the necessary health care services for the Nation's veterans. This sharing proposal is an initiative to formalize a closer-working relationship between the Department of Veterans Affairs Medical Centers in states where State Veterans Homes presently exist. It will strengthen the long and successful partnership between the Department of Veterans Affairs and State Homes which has long been recognized as a vital resource for the Department of Veterans Affairs in providing care for the chronically ill, elderly veterans.

Since many State Homes are located within a radius of one hundred miles of a Department of Veterans Affairs medical facility, it is felt that sharing of services would result in service, efficiency and economy in provision of care. The ability to have Department of Veterans Affairs clinics, such as Urology, Psychiatric Consultation, Physical Medicine/Rehabilitation Consultation, etc., located within a State Veterans Home, would enhance continuity of care for the benefit of the veterans in State Homes. Chronically ill, debilitated, infirm veterans would not have to experience traveling to and from the medical centers for some clinics if such a sharing was possible. Other areas of sharing could be in non-clinical services such as laundry, Life/Safety, Quality Assurance programming, housekeeping, etc.

It is felt that by permitting the Department of Veterans Affairs and the State Home Program to expand, their sharing will result in greater efficiencies and enhance care for veterans. The National Association of State Veterans Homes supports enactment of the concept of sharing in this proposed legislation and believes it to be a benefit to veterans, the Department of Veterans Affairs and the State Home program.

On behalf of the National Association of State Veterans Homes, thank you for the opportunity to support legislation to improve the State Veterans Home Program.

Sincerely,

JACK J. DACK,
Chairperson, Legislative Committee, National Association of State Veterans Homes, Commandant, Iowa Veterans Home.

NORTH DAKOTA VETERANS HOME,
Lisbon, ND, March 24, 1993.

Hon. KENT CONRAD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CONRAD: I am writing to indicate a need as we see it, not only here at the North Dakota Veterans Home, but would apply on a national basis. That concern is that there be other modalities of care for veterans at the state veterans homes other than domiciliary or basic care and skilled nursing.

With the issues that have been faced in North Dakota this past legislative session, it is imperative that we look at all options. We had attempted to obtain approval for 20 additional skilled nursing beds at the Lisbon, North Dakota, Veterans Home to make it a more economically sound operation, with 58 beds rather than just 38 beds. We also need 60 beds of skilled nursing care in western North Dakota to meet the unmet needs of veterans living there.

In addition, efforts were made to have a building at the Grafton Developmental Center designated as a North Dakota Veterans Home and the Administrative Committee on Veterans Affairs have responsibility for that operation as well.

As we look at these proposals and the needs of veterans, not only in North Dakota but nationally, considerations other than basic and skilled care should be studied. Those considerations should include congregate living, adult day-care centers, and respite care for state veterans homes which gives consideration to a less costly means of providing veteran care.

We would urge your support of these considerations in the interest of the taxpayers we all serve in one way or another, and to urge the cooperation of the U.S. Department of Veterans Affairs in these efforts.

Sincerely,

FRANK E. GATHMAN,
Commandant.

NORTH DAKOTA VETERANS HOME,
Lisbon, ND, April 26, 1993.

Hon. KENT CONRAD,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR CONRAD: As a follow-up to my March 24, 1993, letter, I am not only encouraging but in turn offering our full support for your proposal to provide V.A. construction funds to construct adult day-care centers for state veterans homes and for the V.A. to provide per diem rate for eligible veterans participating in this program.

It is only reasonable that we look at alternative means of care rather than immediately going to the most costly, which would be skilled nursing home. It is certainly commendable of you to undertake this tax saving measure and in turn help the National Association of State Veterans Homes provide yet another mode of care for the nations deserving veterans.

We wholeheartedly endorse this effort and thank you for your efforts on behalf of the nations veterans.

Sincerely,

FRANK E. GATHMAN,
Commandant.

By Mr. BAUCUS:

S. 853. A bill entitled the "Badger-Two Medicine Protection Act"; to the Committee on Energy and Natural Resources.

BADGER-TWO MEDICINE AREA ACT OF 1993

• Mr. BAUCUS. Mr. President, today, I am introducing legislation to designate the Badger-Two Medicine area in northwestern Montana as wilderness study area. Located in the Glacier National Park-Bob Marshall Ecosystem, this is an area of profound ecological and cultural significance. It is an area the people of Montana cherish and the Montana delegation has tried to protect in past wilderness bills.

On January 14, 1993, the Bureau of Land Management approved a permit to drill exploratory oil wells in the Badger-Two Medicine Area. Such activity would certainly impair the integrity of this area. This legislation is intended to serve notice that the Badger-Two Medicine is an area deserving of wilderness study protection. It is my expectation that this legislation is but one part of the larger Montana wilderness issue that I hope to see resolved by this Congress.

I ask unanimous consent that the full text of my bill be printed in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BADGER-TWO MEDICINE AREA.

(a)(1) Subject to valid existing rights, all federally owned lands as depicted on a map entitled "Badger-Two Medicine Area", dated September 1991, comprising approximately one hundred sixteen thousand six hundred acres, are withdrawn from all forms of entry, appropriation, and disposal under the mining and public land laws and from disposition under the geothermal and mineral leasing laws. Until otherwise directed by Congress, the Secretary shall manage this area so as to protect its currently existing wilderness qualities.

(2) Nothing in this section shall preclude the gathering of timber by the Blackfeet Tribe in exercise of valid treaty rights within the Badger-Two Medicine Area.

(3)(A) With respect to oil and gas leases on Federal lands within the Badger-Two Medicine Area, no surface disturbance shall be permitted pursuant to such leases until Congress determines otherwise.

(B) Notwithstanding any other law, the term of any oil and gas lease subject to the limitations imposed by this section shall be extended for a period of time equal to the term that such limitation remains in effect.

(b) The Secretary shall conduct a review of this area in accordance with the Wilderness Act of 1964 and the following provisions. Within five years of the date of enactment of this Act, the Secretary shall report his findings to Congress. In conducting this review:

(1) The Secretary shall establish a committee composed of representatives of the Blackfeet Tribal Business Council, the Pikuni Traditionalist Association, the National Park Service, and representatives of the user public including environmental groups and representatives of user industry groups. The committee shall regularly advise the Secretary of the development of the report and submit its findings to Congress along with those of the Secretary.

(2) Special consideration shall be given to the religious, wilderness and wildlife uses of the area, taking into account any treaties the United States has entered into with the Blackfeet Nation.

(3) In consultation with the Committee, the Secretary shall establish a process to provide information to the Tribe and interested public about options for future designation of the Badger-Two Medicine Area.•

By Mr. MURKOWSKI:

S. 855. A bill to authorize the Secretary of the Interior to consolidate the surface and substance estates of certain lands within three conservation system units on the Alaska Peninsula, and for other purposes; to the Committee on Energy and Natural Resources.

ALASKA PENINSULA SUBSURFACE CONSOLIDATED ACT OF 1993

• Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill that will allow the Federal Government to acquire an Alaska Native Regional Corp. subsurface selection rights on the Alaska Peninsula. This will consolidate the surface and subsurface estates with the Federal Government.

Koniag, Inc. is an Alaska Regional Corp. organized under the Alaska Native Claims Settlement Act [ANCSA]. In accordance with the selection rights provisions of ANCSA, Koniag is entitled to receive oil and gas rights and other interests in the subsurface estate to 275,000 acres on the Alaska Peninsula.

These subsurface interests are located within three Federal conservation units, Becharof National Wildlife Refuge, Alaska Peninsula National Wildlife Refuge, and Aniakchak National Monument and Preserve. The Federal Government owns the surface. Acquisition of the Koniag subsurface interests will consolidate the subsurface and surface estates under the ownership and management of the Federal Government. Without this consolidation, Park Service and Fish and Wildlife land use decisions would be hindered and certain management actions would not be possible because of the split estate.

Any attempt by Koniag to develop their subsurface interest would probably generate years of dispute and litigation between Koniag and the land management agencies.

Koniag, Inc. is a for profit corporation with a responsibility to its shareholders to realize a benefit from its land holdings. Koniag has been trying for six years to get some value for their Alaska Peninsula subsurface interests. This bill will allow Koniag an opportunity to obtain a benefit from their ANCSA selection rights.

This bill will also benefit all the other Alaska Native Corps. Seventy percent of the revenue Koniag receives from this consolidation will be shared according to the 7(i) provisions of ANCSA. This will benefit all Alaska natives.

So this consolidation will be an equitable solution for both Koniag and the Federal Government and will benefit all Alaska natives.

I urge my colleagues to support the Alaska Peninsula Subsurface Consolidation Act of 1993.•

By Mr. SPECTER:

S. 856. A bill making an emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations.

COMPROMISE STIMULUS LEGISLATION

Mr. SPECTER. Mr. President, I am today introducing a package which increases funding for the critical programs President Clinton sought to supplement, but which does not add to the Federal deficit. As a longtime supporter of funding for unemployment compensation, community development block grants, repair of the infrastructure, summer youth jobs, and child immunization programs, it was difficult for me to oppose President Clinton's package. I did so because I believe that Congress should not agree to any new spending without finding a way to pay for it.

During consideration of President Clinton's emergency supplemental appropriations bill, I referred to Office of Management and Budget reports which show that there are billions of dollars which have been appropriated and are still unspent for the same programs the President sought to increase. For example, President Clinton's package called for $1 billion for summer youth jobs. There is $670 million available for fiscal year 1993 for the summer youth jobs program. In addition, there is another $267 million available that is funding left over from fiscal year 1992. In other words, there is nearly $1 billion already available for the summer youth jobs program, which is the same amount of money President Clinton was seeking. This scenario held true for community development block grants, which has approximately $8.8 billion available to be spent on ready-to-go projects, and for almost every item listed in the President's package. These available funds, however, do not help those cities which have already spent or obligated their funds.

In meetings on the stimulus package with many people, we discussed how expanding programs such as the community development block grants and summer youth employment could be of particular help to distressed cities. I support expanding these programs so long as we find a way to pay for it that does not add to the Federal deficit or raise taxes. That is why the package I am proposing today is paid for with across-the-board cuts in domestic discretionary programs and cuts in Federal agency administrative expenses.

My compromise proposal would increase funds for highways and mass transit ($2.2 billion), summer youth employment ($900 million), employment for older Americans ($32 million), community development block grants ($1 billion), child immunizations ($300 million), Small Business Administration loan program ($100 million), and chapter one adjustment ($200 million). I believe it is important to note that the CDBG increase would be directed to fiscally distressed areas, which can demonstrate the need and ability to use these funds most effectively. In addition, the increase for SBA loans is critical because loan funds ran out on April 27 of this year. I urge my colleagues on both sides of the aisle to support these increases, which would not add to the Federal deficit or be paid for by an increase in taxes. I do this in the spirit of compromise so that we can move ahead to solve the problems of the American people.

I have said both publicly and privately that I am prepared to help President Clinton, but I am not prepared to give him a blank check. The national debt is rising at an astronomical rate. Even with President Clinton's plan to cut Federal spending by $473 billion over the next 5 years, the debt will still rise by nearly $1.157 trillion. We simply cannot continue to borrow—to mortgage the future of unborn generations of Americans—for current spending.

Another issue at stake here is the confidence of the American people in our system of Government. There is a consistent view by the American people that gridlock controls the Congress and relations between the Congress and the executive branch, and regrettably, I think there is something to that. In fact, a recent poll shows that 70 percent of the American people do not approve of the job Congress is doing. I do not point this out to direct blame at any person or political party. But I believe that in light of this, each one of us—Democrats and Republicans, Members of Congress and the President—must make a much greater effort to work together and get things done. We must show the American people that we in Washington are more interested in finding solutions to problems than we are in political wrangling.

Congress and the American people simply cannot afford a recurrence of the parliamentary steamroller tactics and partisan political bickering that occurred during consideration of President Clinton's package. In a joint letter to the distinguished Republican leader BOB DOLE, signed by all the other 42 Republican Senators, we expressed our concern that the emergency supplemental appropriations bill would worsen the Federal budget deficit. I think it is important to point out that the Senate is the last place in Washington, DC, where the Republican Party has a voice in public policy. Each of the 100 Senators was elected by voters in their own States, and I believe each of us was elected to use our own judgment and not to give a rubber stamp to the actions of the President or anyone else for that matter.

I believe there are lessons to be learned from the events that occurred on both sides of the aisle and both ends of Pennsylvania Avenue. I am encouraged that President Clinton has said he will seek input from Republicans on his health care proposal and hope he plans to seriously consider our ideas.

Early in the morning on Wednesday, April 21, I telephoned President Clinton and received a call back from him before the 10:45 a.m. time set for the cloture motion. I suggested to President Clinton that if the cloture motion failed, which I predicted it would, that President Clinton call in Senator MITCHELL and Senator DOLE in an effort to work out a compromise. Later that day, after meeting with a group of Republican Senators, Senator DOLE met with Senator MITCHELL to discuss a compromise. At that point, the President's figures had reduced to $11.9 billion, including $4 billion to extend unemployment insurance. Senator DOLE offered Senator MITCHELL a package of $6.55 billion, which was rejected. Ultimately, the $4 billion in unemployment compensation was passed separately. By adding the $4.7 billion in this package, the $4 billion in unemployment compensation, that would make a total of $8.7 billion which would be within negotiating range of the $11.9 billion figure.

Conversations have been undertaken by officials from the White House with Members of Congress to include at least some of the items from the President's stimulus package in a second supplemental appropriations bill. It is my preference that we move ahead at this time with separate legislation because a new appropriations bill must originate in the House and will doubtlessly involve many other items. The precise form such legislative action will take is obviously yet to be determined.

It is still my hope that the Congress and the President—Democrats and Republicans—can produce a bill which will meet the needs of the American people and reach a compromise on the stimulus package that will benefit Americans and be paid for without worsening the Federal deficit. I was disappointed that despite repeated efforts to reach a compromise, we were unable to reach an agreement. This proposal I am introducing today, I believe addresses the concerns raised on both sides of the aisle. My package increases funds for important programs, which will help to create or preserve much-needed jobs, while at the same time pays for these increases without worsening the Federal deficit.

I urge my colleagues on both sides of the aisle to support this compromise, which will help solve the problems of the American people and perhaps help restore their faith in our democratic system. I am attaching to this statement a summary of this supplemental appropriations proposal.

I ask unanimous consent that the text of the bill and the attached summary be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 856

Be it enacted in the Senate and the House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the fiscal year ending September 30, 1993, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOANS PROGRAM ACCOUNT

For an additional amount for "Business loans program account" for the cost of guaranteed loans authorized by section 7(a) of the Small Business Act, $100,000,000, to remain available until expended: *Provided,* That up to $2,000,000 of this amount may be made available for administrative expenses of the guaranteed loans program and may be transferred to and merged with appropriations made available under Public Law 102–395 for "Salaries and expenses", Small Business Administration.

CHAPTER II

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", $900,000,000, to carry out activities under part B of title II of the Job Training Partnership Act: *Provided,* That of the funds provided herein for part B of title II, 30 percent shall be for academic enrichment, as defined by the Secretary: *Provided further,* That funds used for academic enrichment shall not be used to supplant other Federal funds for existing academic services or activities, and services shall be maintained at least at the level of funding used for these purposes during the summer of 1992: *Provided further,* That of the funds provided herein for part B of title II, except for the 30 percent expressly used for academic enrichment activities, service delivery areas may transfer up to 10 percent to the program under part C of title II of the Act, if such transfer is approved by the Governor: *Provided further,* That up to 3 percent of each State's allotment used for academic enrichment, at the State's discretion, may be reserved for State administration, oversight, and support of a State practitioner's network: *Provided further,* That the funds provided herein for part B of title II shall be available for obligation upon enactment of this Act.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

For an additional amount for "Community service employment for older Americans", $32,000,000, of which $25,062,000 is for national grants or contracts with public agencies and public or private nonprofit organizations under section 506(a)(1)(A) of the Older Americans Act of 1965, as amended; and of which $7,069,000 is for grants to States under section 506(a)(3) of said Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Office of the Assistant Secretary for Health" for carrying out childhood immunization activities under title III and subtitle 1 of title XXI of the Public Health Service Act, $300,000,000, of which $282,800,000 shall be transferred to the Center for Disease Control and Prevention, of which $4,200,000 shall be transferred to the National Institute of Allergy and Infectious Diseases, and of which $7,000,000 shall be transferred to the Food and Drug Administration.

DEPARTMENT OF EDUCATION

COMPENSATORY EDUCATION FOR THE DISADVANTAGED

For an additional amount for grants to the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico, to carry out subpart 1 of part A of chapter 1 of title I of the Elementary and Secondary Education Act of 1965, $200,000,000, which shall be allocated to such jurisdictions, notwithstanding any other provision of law, so that all counties that, under title III of Public Law 102–394, are allocated less than 91 per centrum of the amount they were allocated under such subpart for fiscal year 1992 shall be allocated, under Public Law 102–394 plus this additional amount, 91 per centrum of the amount such counties received under such subpart for fiscal year 1992: *Provided,* That such allocations to States shall be ratably reduced if necessary: *Provided further,* That each State shall distribute its portion of such funds to local educational agencies in the State so that all such agencies that, under title III of Public Law 102–394, are receiving less than 91 per centrum of the amount they received under such subpart for fiscal year 1992 shall receive, under Public Law 102–394 plus this additional amount, an amount not to exceed 91 per centrum of such fiscal year 1992 amount, which percentage shall be ratably reduced as necessary: *Provided further,* That such funds shall not be treated as funds appropriated, allocated, or received under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 for the purposes of sections 1403, 1404, and 1405 of such

Act: *Provided further*, That such funds shall not be taken into account for purposes of determining the allocation of funds for any fiscal year under any Federal program.

CHAPTER III

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, as amended by deleting "$15,326,750,000" and inserting "$17,326,750,000": *Provided*, That section 310(c) of said Act is amended by renumbering existing subsection (2) as subsection (2)(B) and by adding a new subsection (2)(A) as follows:

"(2)(A) ninety days after distribution of any increase in the fiscal year 1993 collection limitation, as enacted October 6, 1992, revise the distribution of such increased funds under subsection (a) if a State has not obligated and received bids on projects for the increased amount distributed, and redistribute amounts to all States able to obligate amounts on projects for which bids can be received no later than August 1, 1993.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount for "Formula grants" for capital grants, $100,000,000, to remain available until September 30, 1993, of which $10,000,000 shall be apportioned under section 16, $10,000,000 under section 18, and $80,000,000 under section 9 of the Federal Transit Act, as amended: *Provided*, That, if any such funds are not obligated within 90 days of enactment of this Act, such funds shall be allocated for any eligible capital project under such Act, at the discretion of the Secretary.

The language under this heading in the Department of Transportation and Related Agencies Appropriations Act, 1993, is amended by deleting "$1,700,000,000" and inserting in lieu thereof "$1,900,000,000".

DISCRETIONARY GRANTS

For an additional amount for "Discretionary grants", $100,000,000, to remain available until September 30, 1993: *Provided*, That none of the funds may be available for grants under section 3(k)(1)(A) or section 3(k)(1)(B) of the Federal Transit Act, as amended.

CHAPTER IV

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $1,000,000,000, to remain available until December 31, 1994: *Provided*, That from the foregoing amount, $10,000,000 shall be available for grants to Indian tribes in compliance with section 106(a)(1) of the Housing and Community Development Act of 1974, as amended, $1,000,000 shall be available for grants under section 107(b)(1) of such Act, and the remainder shall be for States and units of general local government that are eligible under section 106 of such Act: *Provided further*, That none of the fund appropriated under this heading in this Act shall be available for distribution to entitlement cities and counties, or for use under the nonentitlement (States and small cities program) distribution in any political subdivision of a State, which does not have (a) an average poverty rate for the calendar year immediately preceding the year in which its fiscal year begins was equal to or greater than 125 percent of the average national poverty rate during such calendar year (as determined according to information of the Bureau of the Census), or (b) an average per capita income for the calendar year immediately preceding the year in which its fiscal year begins was less than 75 percent of the average national per capita income during such calendar year (as determined according to information of the Bureau of the Census): *Provided further*, That the Secretary may waive entirely, or in any part, any requirement set forth in title I of such Act, except a requirement relating to fair housing and nondiscrimination, the environment, and labor standards, if the Secretary finds that such waiver will further the purposes of this appropriation: *Provided further*, That after December 31, 1994, any of the foregoing amount that is obligated, but which the grantee has to draw down from its letter of credit, shall be deobligated by the Secretary and shall expire.

SUPPLEMENTAL APPROPRIATIONS PROPOSAL

This proposal for a Supplemental Appropriations Bill for fiscal year 1993 provides $4.7 billion in additional funds for nine programs above the appropriations already provided for fiscal year 1993.

The bill provides that all new spending will be offset through an across-the-board cut in domestic discretionary programs and cuts in federal agency administrative expenses.

HIGHWAYS—$2 BILLION

In addition to the obligations already made in FY93 of $15.3 billion, this appropriation will bring the fiscal year 1993 program level close to that contained in the Intermodal Surface Transportation Efficiency Act (ISTEA). The funds, as provided in H.R. 1335, will be directed to fast-spending resurfacing, rehabilitation, and restoration projects. Funds will be applied to programs through the highway account of the highway trust fund.

MASS TRANSIT—$200 MILLION

This proposal brings the transit funding of $3.8 billion closer to the authorized level for fiscal year 1993 for a total of $4 billion. The funds are divided equally between formula programs and discretionary programs designed to replace aging bus systems and rail rehabilitation projects.

SUMMER YOUTH EMPLOYMENT—$900 MILLION

This supplemental is the same as that proposed by H.R. 1335. The program creates job opportunities for economically disadvantaged youth. There is already $939 million available from fiscal year 1993 appropriated funds and funds unexpended in fiscal year 1992. The $900 million. for fiscal year 1993 as proposed will support an additional 600,000 summer jobs.

EMPLOYMENT FOR OLDER AMERICANS—$32 MILLION

This program provides part-time work opportunities in community service activities for unemployed, low-income persons age 55 or older. The additional funds are same as those proposed in H.R. 1335. It would provide an additional 5,300 employment slots, bringing the total number of slots to nearly 70,000 in fiscal year 1993.

IMMUNIZATIONS—$300 MILLION

Program finances vaccine purchases and education to increase vaccination levels for eligible children under the age of 2 years. The funds will support state and local immunization action plans developed and initiated during fiscal year 1992.

CHAPTER ONE ADJUSTMENT—$200 MILLION

Program supports local school districts whose fiscal year 1993 Chapter 1 grants are being decreased. Current law provides that 85 percent hold harmless for those States projected to receive less funds than in the previous year. The additional funds requested would assist school districts in absorbing reductions in funding resulting from use of new census data.

SMALL BUSINESS ADMINISTRATION LOAN GUARANTEES—$100 MILLION

Due to increased demand for SBA loan guarantees, loan funds ran out on April 27, 1993.

COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG)—$1 BILLION

Proposal is $1.58 billion less than that proposed in H.R. 1335. As of February 28, 1993, there remains $8.8 billion unexpended in the CDBG program for fiscal year 1993. These funds are a result of nearly $3 billion in unobligated funds from fiscal year 1993 which have already been appropriated and some $5.8 billion unexpended from previous fiscal years. This proposal will provide $1 billion in increased funds to the CDBG program for fiscally distressed areas (based on per capita income and poverty) which can demonstrate the need and ability to use these funds most effectively.

By Mr. PRESSLER:

S. 857. A bill to establish a national commission to ensure small aircraft safety in the United States; to the Committee on Commerce, Science, and Transportation.

NATIONAL COMMISSION TO ENSURE SMALL AIRCRAFT SAFETY ACT OF 1993

Mr. PRESSLER. Mr. President, I rise today to introduce legislation that would address the critical issue of small aircraft safety. Specifically, this legislation calls for the establishment of a national commission to ensure small aircraft safety. As my colleagues know, my home State of South Dakota suffered a great loss. Our State Governor and seven other well-respected business leaders were killed last week when their small aircraft crashed.

My immediate reaction to this tragedy was: Could this accident have been prevented? Initial investigations of this particular crash and its similarities to a previous incident indicate that may be the case. On three separate occasions, the National Transportation Safety Board, or NTSB, recommended that the Federal Aviation Administration [FAA] conduct a full-fleet inspection of the HC–B4 propeller assembly on all Mitsubishi MU–2 aircraft. However, last January the FAA concluded that a special investigation was not warranted.

Today we get a different story. Earlier this afternoon, the FAA reversed its earlier decision and ordered a full-fleet investigation—10 days after the deaths of eight distinguished South Dakotans. Today's FAA decision is commendable, but 3 months overdue.

This course of events is disturbing. What recourse does the NTSB have when the FAA disagrees with the recommendations? Under the law, there is nothing the NTSB can do. Until this afternoon, we had a dangerous case of Government gridlock of the worst kind—one that directly affects the well-being of human lives.

Mr. President, permit me to illustrate in detail the chronology of events that led to this Federal interagency gridlock.

On August 13, 1992, Carl Vogt, Chairman of the NTSB, wrote to then-FAA Administrator Thomas Richards. In this letter, Mr. Vogt indicated that on September 27, 1991, a Mitsubishi aircraft sustained substantial damage when a propeller blade separated in flight near Utica, NY. The airplane landed in Utica. No injuries occurred.

A postaccident exam of the aircraft found that one of the four hub arms in the No. 2 engine had separated, releasing the blade. The loose blade damaged an adjacent blade and ripped a 12-inch hole in the fuselage.

A metallurgical exam of the propeller hub, a Hartzell HC–B4, found the following: First, the fracture of the hub arm was caused by a fatigue crack on the inside diameter surface of the hub arm; second, the inside diameter surface contained scratch marks that extended over about a half-inch of the hole wall circumference and on the fracture surface; and third, the origin of the fatigue crack was located within the area of scratches.

The NTSB concluded that the scratches most likely were created at the initial manufacturing or repair stages. Therefore, it recommended to the FAA the following:

First, develop an inspection technique capable of detecting hub arm cracks and issue an airworthiness directive requiring that all Hartzell HC–B4 hubs with 3,000 or more operating hours be inspected using this technique the next time propeller assembly is overhauled or at the next annual inspection, whichever comes first;

Second, determine, based on the above inspections, if hubs should be inspected at more periodic intervals. If such inspections are warranted, issue an airworthiness directive requiring periodic inspections; and

Third, determine if three- and five-blade hubs should be inspected for cracking. If warranted, issue an airworthiness directive to that effect.

On October 26, 1992, Thomas Richards responded to Chairman Vogt's letter. Mr. Richards stated that the FAA would review the service history of the Hartzell propeller hub to determine the magnitude of the problem. The FAA also would review the service manuals to determine if changes in the service schedule need to be made.

On January 6, 1993, NTSB Chairman Vogt sent a response to the FAA letter. Mr. Vogt disagreed with the FAA's decision to review service history. Therefore, the NTSB classified the FAA's initial responses to the first two NTSB recommendations as "Open-unacceptable."

On January 4, 1993, as a supplement to his October letter, Mr. Richards wrote again to Carl Vogt. Mr. Richards stated that the FAA ruled that an airworthiness directive was not necessary. The FAA maintained that since the Utica incident was the only known failure of the propeller assembly, a special full-fleet investigation was not warranted. The FAA also reviewed magnetic particle inspections of the propeller assembly, which are recommended during overhaul. These inspections found no cracks in any of the assemblies. The FAA concluded that the standard service schedule as recommended by the manufacturer was adequate, and no special investigations or investigation techniques were necessary.

On March 4, 1993, NTSB Chairman Vogt wrote to Joseph Del Balzo, the current Acting Administrator of the FAA. The NTSB disagreed with the FAA conclusions. The NTSB noted that the standard investigation technique—a magnetic particle inspection—could not detect the kinds of cracks that caused the hub separation in Utica. The NTSB also concluded that a hub failure could occur well within the time between standard inspections of the propeller assembly.

In short, according to the NTSB, standard maintenance practices were not enough to detect fatigue in a propeller assembly hub. According to the FAA, standard maintenance practices were sufficient.

What can we conclude from all this? We have two Federal entities that have a disagreement over how to proceed with a safety issue. Regardless of which entity is right, we have a situation where gridlock has occurred or over a safety issue. How offen does this kind of disagreement occur?

I believe a thorough review of this process and ways to break this gridlock is in order. Is there a procedure that enables the NTSB to seek a second opinion if the FAA's response is unacceptable to them? If not, we should consider creating such a process. Without it, questions of safety will languish in limbo. The result: The Federal Government loses its effectiveness to enforce small aircraft safety and prevent serious accidents from occurring.

Mr. President, the legislation I am introducing today would restore the Government's effectiveness to prevent small aircraft accidents. This bill would establish a National Commission to study current investigatory procedures and practices of the NTSB and the FAA with respect to small aircraft safety. The Commission will have 6 months to submit to the President and Congress a report with recommendations on how to fully utilize the investigation and enforcement resources of the NTSB and the FAA.

Small aircraft safety should be a top priority of the administration and the Congress. We should do all we can to ensure that additional lives are not needlessly lost. Effective enforcement of small aircraft safety can only occur if the NTSB and the FAA prevent aircraft crashes, not respond to them.

Mr. President, the point of the matter is I hope that it did not take the death of the Governor and seven of our leading citizens in my State to get this warning issued. I hope we will find that is not true. But I am very concerned and I have requested that the Aviation Subcommittee hold hearings.

Senator HOLLINGS has indicated that would be agreeable if it is agreeable with Senator FORD. But it is a very serious matter in my State and I think—I see Senator FORD on the floor, and I thank him very much for any consideration he might have.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. FORD. Mr. President, I did not know the Senator from South Dakota was going to make a statement on the floor regarding the hearing. He talked with me this afternoon around 2:30, something like that, about holding the hearing. That was the first I heard about it. I talked with the chairman of the full committee. We are trying right now to find a date on which we can hold a hearing. I will be very pleased to hold that hearing.

It will be on the airplane. It will be on the airplane. The hearing will be in that particular sphere. I do not want to agree to go too far from that. It is a narrow problem. I am not sure commercial airlines use a Mitsubishi that the Senator referred to. But Senator HOLLINGS and I have already conferred and we are now attempting to set a date. We intend to do it soon.

I thank the Chair.

Mr. PRESSLER. Mr. President, I ask unanimous consent to have the legislation I am introducing printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Commission To Ensure Small Aircraft Safety Act of 1993".

SEC. 2. FINDINGS.

Congress finds and declares the following:

(1) Small aircraft safety is a serious national concern.

(2) The Federal Government's resources must be utilized to ensure the safety of small aircraft travel.

(3) On at least three separate occasions, the National Transportation Safety Board

contacted the Federal Aviation Administration regarding the Hartzell HC-B4 propeller assembly featured on Mitsubishi MU-2 aircraft.

(4) The National Transportation Safety Board urged the Federal Aviation Administration to conduct full fleet inspections of Hartzell propeller assemblies as a result of an accident near Utica, New York.

(5) The Federal Aviation Administration concluded that a special investigation was not warranted.

(6) The National Transportation Safety Board found the Federal Aviation Administration's responses unacceptable.

(7) The National Transportation Safety Board has no other authority to pursue its recommendations other than to report to the Federal Aviation Administration.

(8) Small aircraft safety investigatory practices and procedures should be examined.

(9) Federal Government resources are not utilized effectively when there is no mechanism or procedure to resolve disagreements among Federal agencies over questions of small aircraft safety.

(10) Procedures are necessary to resolve Federal agency disagreements over aircraft safety.

(11) Alleviating Government gridlock among Federal entities responsible for the safety of our Nation's pilots and passengers should be a top priority.

SEC. 3. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—There is established a commission to be known as the National Commission To Ensure Small Aircraft Safety (hereafter in this Act referred to as the "Commission").

(b) Membership.—

(1) Composition.—The Commission shall be composed of 11 members of whom—

(A) 1 shall be appointed by the President, subject to paragraph (2);

(B) 5 shall be appointed by the President pro tempore of the Senate, 3 upon the recommendation of the majority leader of the Senate, and 2 upon the recommendation of the minority leader of the Senate, from among the Members of the Senate; and

(C) 3 shall be appointed by the Speaker of the House of Representatives from among the Members of such House, and 2 shall be appointed by the minority leader of the House of Representatives from among the Members of such House.

(2) Prohibition.—The member of the Commission appointed under paragraph (1)(A) may not be an employee or former employee of the Federal Government.

(3) Date.—The appointments of the members of the Commission shall be made no later than 30 days following the date of the enactment of this Act.

(c) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Initial Meeting.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) Meetings.—Except for its initial meeting, the Commission shall meet at the call of the Chairman.

(f) Quorum.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) In General.—Members appointed shall be appointed from among individuals who are experts in general aviation policy (including representatives of Federal, State and local governments and other public authorities responsible for general aviation and small aircraft safety), small aircraft safety, and organizations representing general aviation, small aircraft pilots, passengers, shippers, and small aircraft designers and manufacturers.

(h) Chairman and Vice Chairman.—The Commission shall select a Chairman and Vice Chairman from among its members.

SEC. 4. DUTIES OF THE COMMISSION.

(a) Study.—The Commission shall conduct a thorough study and investigation of all matters relating to current investigatory procedures and practices of the National Transportation Safety Board and the Federal Aviation Administration with respect to small aircraft safety; the adequacy of these practices and procedures, the coordination of National Transportation Safety Board and Federal Aviation Administration investigations and enforcement of recommendations; the enforcement of Federal Aviation Administration small aircraft safety regulations; and the impediments to full utilization of National Transportation Safety Board and Federal Aviation Administration investigatory resources and enforcement.

(b) Recommendations.—The Commission shall develop recommendations on those policies which need to be adopted to—

(1) achieve a national goal of safety in small aircraft and the general aviation industry;

(2) resolve disagreements among Federal investigatory and regulatory agencies responsible for small aircraft safety;

(3) develop coordination among Federal agencies responsible for investigating small aircraft safety; and

(4) ensure full and effective enforcement of small aircraft safety regulations.

(c) Report.—No later than 6 months after the date of the enactment of this Act, the Commission shall submit a report to the President and the Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

SEC. 5. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(b) Information From Federal Agencies.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 6. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Staff.—

(1) In general.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) Compensation.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) Detail of Government Employees.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 7. TERMINATION OF THE COMMISSION.

The Commission shall terminate 180 days after the date on which the Commission submits its report under section 4. All records and papers of the Commission shall be deposited by the Administrator of General Services in the National Archives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated $________ for fiscal year 1994 to the Commission to carry out the purposes of this Act.

ADDITIONAL COSPONSORS

S. 70

At the request of Mr. Cochran, the names of the Senator from New Mexico [Mr. Domenici] and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of S. 70, a bill to reauthorize the National Writing Project, and for other purposes.

S. 216

At the request of Mr. D'Amato, the names of the Senator from Virginia [Mr. Robb] and the Senator from Delaware [Mr. Roth] were added as cosponsors of S. 216, a bill to provide for the minting of coins to commemorate the World University Games.

S. 297

At the request of Mr. STEVENS, the names of the Senator from Indiana [Mr. COATS] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 321

At the request of Mr. DECONCINI, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 321, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide on-site day-care facilities for dependents of their employees, and for other purposes.

S. 340

At the request of Mr. HEFLIN, the names of the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from South Carolina [Mr. THURMOND], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 340, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate uses of new animal drugs and new drugs intended for human use, and for other purposes.

S. 342

At the request of Mr. BOREN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 342, a bill to amend the Internal Revenue Code of 1986 to encourage investment in real estate, and for other purposes.

S. 368

At the request of Mr. BUMPERS, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

S. 377

At the request of Mr. GRAMM, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 377, a bill to require a balanced Federal budget by fiscal year 2000 and each year thereafter, to protect Social Security, to provide for zero-based budgeting and decennial sunsetting, to impose spending caps on the growth of entitlements during fiscal years 1994 through 2000, and to enforce those requirements through a budget process involving the President and Congress and sequestration.

S. 434

At the request of Mr. BUMPERS, the names of the Senator from Oklahoma [Mr. BOREN] and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 434, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers a bad debt deduction for certain partially unpaid child support payments and to require the inclusion in income of child support payments which a taxpayer does not pay, and for other purposes.

S. 439

At the request of Mr. COATS, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 439, a bill to amend the Solid Waste Disposal Act to permit Governors to limit the disposal of out-of-State solid waste in their States, and for other purposes.

S. 446

At the request of Mr. ROTH, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 446, a bill to extend until January 1, 1996, the existing suspension of duty on tamoxifen citrate.

S. 549

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 549, a bill to provide for the minting and circulation of one-dollar coins.

S. 591

At the request of Mr. D'AMATO, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 591, a bill to authorize the President to suspend the application of laws and regulations that impede economic revitalization and growth.

S. 600

At the request of Mr. BOREN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 631

At the request of Mr. SPECTER, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 631, a bill to contain health care costs and increase access to affordable health care, and for other purposes.

S. 636

At the request of Mr. KENNEDY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 636, a bill to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

S. 656

At the request of Mr. MITCHELL, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 656, a bill to provide for indoor air pollution abatement, including indoor radon abatement, and for other purposes.

S. 660

At the request of Mr. RIEGLE, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 660, a bill to require the preparation of community economic adjustments plans before the closure or realignment of military installations under base closure laws.

S. 672

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 672, a bill to amend the Federal Food, Drug, and Cosmetic Act to regulate the sale and distribution of tobacco products containing tar, nicotine, additives, carbon monoxide, and other potentially harmful constituents, and for other purposes.

S. 687

At the request of Mr. DANFORTH, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 689

At the request of Mr. BRADLEY, the names of the Senator from California [Mrs. BOXER] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 689, a bill to improve the interstate enforcement of child support and parentage court orders, and for other purposes.

S. 731

At the request of Mr. PRESSLER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 731, a bill to assist rural rail infrastructure, and for other purposes.

S. 762

At the request of Mr. PRYOR, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 762, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

S. 775

At the request of Mr. WALLOP, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 775, a bill to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. THURMOND], the Senator from New York [Mr. D'AMATO], and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from Tennessee [Mr. SASSER], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Nebraska [Mr. EXON], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Nevada [Mr. BRYAN], the Senator from Kansas [Mr. DOLE], the Senator from Missouri [Mr. DANFORTH], the Senator from North Dakota [Mr. CONRAD], the Senator from Maine [Mr. COHEN], the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week."

SENATE JOINT RESOLUTION 60

At the request of Mr. BYRD, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the names of the Senator from Kansas [Mr. DOLE] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the last week of September 1993, and the last week of September of 1994, as "National Senior Softball Week."

SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the names of the Senator from Missouri [Mr. DANFORTH], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day."

SENATE JOINT RESOLUTION 84

At the request of Mr. DOLE, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Montana [Mr. BURNS], the Senator from North Dakota [Mr. DORGAN], the Senator from Arizona [Mr. DECONCINI], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Indiana [Mr. COATS], the Senator from Hawaii [Mr. AKAKA], the Senator from Mississippi [Mr. COCHRAN], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. SIMPSON], the Senator from Virginia [Mr. WARNER], the Senator from Tennessee [Mr. SASSER], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 84, a joint resolution designating the week of June 1, 1993, through June 7, 1993, as a "Week for the National Observance of the 50th Anniversary of World War II."

SENATE CONCURRENT RESOLUTION 16

At the request of Mr. SHELBY, the names of the Senator from Georgia [Mr. NUNN] and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Concurrent Resolution 16, a concurrent resolution expressing the sense of Congress that equitable mental health care benefits must be included in any health care reform legislation passed by Congress.

SENATE RESOLUTION 96

At the request of Mr. BRADLEY, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Delaware [Mr. BIDEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Oklahoma [Mr. BOREN], the Senator from California [Mrs. BOXER], the Senator from Louisiana [Mr. BREAUX], the Senator from Nevada [Mr. BRYAN], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from North Dakota [Mr. DORGAN], the Senator from Nebraska [Mr. EXON], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from California [Mrs. FEINSTEIN], the Senator from Kentucky [Mr. FORD], the Senator from Ohio [Mr. GLENN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Tennessee [Mr. MATHEWS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Maine [Mr. MITCHELL], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from New York [Mr. MOYNIHAN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Washington [Mrs. MURRAY], the Senator from Rhode Island [Mr. PELL], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], the Senator from Maryland [Mr. SARBANES], the Senator from Illinois [Mr. SIMON], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Missouri [Mr. BOND], the Senator from Colorado [Mr. BROWN], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], the Senator from Missouri [Mr. DANFORTH], the Senator from New Mexico [Mr. DOMENICI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Iowa [Mr. GRASSLEY], the Senator from New Hampshire [Mr. GREGG], the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], the Senator from Florida [Mr. MACK], the Senator from Oregon [Mr. PACKWOOD], the Senator from South Dakota [Mr. PRESSLER], the Senator from Delaware [Mr. ROTH], the Senator from Wyoming [Mr. SIMPSON], the Senator from New Hampshire [Mr. SMITH], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Resolution 96, a resolution to authorize the President to proclaim the last Friday in April 1993 and 1994, as "National Arbor Day."

SENATE RESOLUTION 102—RELATIVE TO THE RELIEF OF THE ESTATE OF DR. BEATRICE BRAUDE

Mr. MOYNIHAN (for himself and Mr. D'AMATO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 102

Resolved, That the bill S. 840 entitled "For the relief of the estate of Dr. Beatrice Braude." now pending in the Senate, together with all the accompanying papers, is referred to the Chief Judge of the United States Court of Federal Claims. The Chief Judge shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due to the claimants from the United States.

SENATE RESOLUTION 103—TO AMEND THE STANDING RULES OF THE SENATE

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 103

Resolved,

SECTION 1. LIMITATION ON LENGTH OF SERVICE ON CONGRESSIONAL COMMITTEES.

Rule XXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

"(5) For the purposes of this paragraph, the term "committee" includes a standing committee, select committee, and any other committee of the Senate and a joint committee of the Senate and the House of Representatives.

"(b) A Senator who has completed service as a member of a committee for 4 consecutive full Congresses may not be appointed to serve as a member of that committee until the beginning of the third Congress following the completion of the Senator's fourth term of service as a member of the committee.

"(c) To the extent possible, at least one-half of the Members of the majority party and one-half of the Members of the minority party that are appointed to serve on a committee during a Congress shall be Senators who served on that committee during the preceding Congress.

"(d) It shall not be in order to consider a resolution or take any other action that appoints Senators to serve on a committee in violation of this rule or any other rule of the Senate.".

SEC. 2. PHASING IN.

(a) SERVICE PRIOR TO THE 104TH CONGRESS.—Service by a Senator as a member, chairman, or vice chairman of a committee of the Senate or of a joint committee of the Senate and the House of Representatives prior to the beginning of the 104th Congress shall not be counted for the purposes of paragraph 5 of rule XXIV of the Standing Rules of the Senate, as added by section 1.

(b) ESTABLISHMENT OF REGULAR ROTATION OF MEMBERSHIP.—(1) To the extent practicable, no more then three-fourths of the Senators appointed to a committee for the 105th Congress shall be Senators who served on that committee for the 104th Congress.

(2) To the extent practicable, no more than three-fourths of the Senators appointed to a committee for the 106th Congress shall be Senators who served on that committee for the 104th and 105th Congress.

(3) To the extent practicable, no more than three-fourths of the Senators appointed to a committee for the 107th Congress shall be Senators who served on that committee for the 104th 105th, or 106th Congress.

(4) To the extent practicable, no more than three-fourths of the Senators appointed to a committee for the 108th Congress shall be Senators who served on that committee for the 104th, 105th, 106th, or 107th Congress.

Mr. GRASSLEY. Mr. President, I rise to introduce a resolution to amend the rules of the Senate to limit Senators' service on committees.

Mr. President, the Congress continues to be held in low esteem. The people are upset with Congress for exempting itself from various laws, for raising its salaries in the dead of night, for allowing drug deals in the House Post Office, and for many other inexcusable actions.

Congress is beginning to get the message that it needs to change its ways.

Although we have finally provided the beginning of congressional coverage under the civil rights laws, and established a committee to consider reform proposals, the job of enhancing public confidence has barely begun.

One of the major causes of Congress' inability to legislate properly, and for the public disgust with this body, is what political scientists have called iron triangles. These are interlocking groups of committees, agencies, and affected special interests, that seize control of the policy and budgetary agenda at the expense of the general public.

The special interest groups lobby committee members, who use oversight hearings to make the agency responsive to the special interest group's desires. Satisfying those desires is a key means by which the member gains political support. And the agency, mindful of its future funding, makes its policy decisions with a watchful eye on the congressional committee.

The net result is that the interest groups have a strong hand over what the congressional committee and agency do. In the absence of the iron triangle, if the Senate rules required rotation of committee assignments, members would consider a broader range of interests in their legislative duties.

By moving to different committees, members would gain expertise in many policy areas, rather than only a few.

This would allow members to approach problems with insights from other areas that they can share in a variety of assignments. There will not be a loss of specialized expertise. A member knows little more about a committee's domain after 20 years on a committee than he or she knew after 10.

Under my proposal, Senators could serve up to 8 years on any committee.

They then would have to serve on another committee. However, they could return to the original committee after 4 years. Rotation would be phased in to preserve the continuity and expertise among committee members. Committee rotation has worked well for the Intelligence Committee, and I believe it would function well for all committees.

Last year, Mr. President, residents of a number of States decided to limit terms of Members of Congress. I encourage my colleagues to consider this measure as a means of addressing many of the concerns that proponents of term limits have raised.

Iron triangles are a major reason for the entrenchment of members, and this resolution will go a long way to achieve through internal reform what many citizens now believe can only attained through limiting congressional terms.

Mr. President, I hope that hearings can soon be held on this important and worthwhile proposal, and I ask unanimous consent that the text of the resolution be printed in full in the RECORD.

SENATE RESOLUTION 104—RELATIVE TO BOSNIA-HERZEGOVINA

Mr. DECONCINI (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 104

Whereas Bosnia-Herzegovina is a sovereign and independent state, a member of the United Nations, and a participating State of the Conference on Security and Cooperation in Europe;

Whereas the people of Bosnia-Herzegovina have been and remain the target of armed aggression by Serbia, Serbian-backed forces, and other irregular forces which have subjected civilians to organized, systematic, and premeditated war crimes, crimes against humanity and genocide;

Whereas the armed aggression and "ethnic cleansing" in Bosnia-Herzegovina have resulted in human suffering and loss of life which has reached an unprecedented scale in post-World War II Europe;

Whereas diplomacy has not worked and negotiations have consumed significant time during which the situation on the ground in Bosnia has further deteriorated;

Whereas the United States shares with Europe not only a moral and legal obligation, but a genuine strategic interest in ending aggression and genocide in Bosnia-Herzegovina before it spreads elsewhere in the former Yugoslavia and beyond; and

Whereas as a sovereign member of the United Nations, Bosnia-Herzegovina has the right, under Article 51 of the UN Charter, to individual or collective self-defense, if attacked: Now, therefore, be it

Resolved, That it is the sense of the Senate that (1) the United States should, without further delay, assemble and lead a multinational coalition to undertake resolute action in order to prevent the wholesale slaughter and further "ethnic cleansing" of innocent civilians in Bosnia-Herzegovina

(A) by taking immediate steps to neutralize heavy arms in the hands of irregular forces and their supply lines in Bosnia-Herzegovina, including through the use of military air force;

(B) by ensuring the immediate, effective and unimpeded delivery of humanitarian aid to all civilian populations in Bosnia-Herzegovina, including the use of military force, if required;

(C) by ensuring unimpeded access to all camps, prisons and detention centers in Bosnia-Herzegovina by the International Committee of the Red Cross and other international humanitarian organizations and facilitate the release of all detainees from such facilities maintained by irregular forces; and

(D) by seeking the immediate lifting of the international arms embargo as it applies to Bosnia-Herzegovina, thus enabling that country to obtain defensive weapons.

(2) The President should promptly consult with Congress concerning specific steps to be taken and necessary legislative measures of support and authorization for the actions outlined above.

SENATE RESOLUTION 105—RELATIVE TO SENATE RESOLUTION 75

Mr. JEFFORDS (for Mr. DOLE, for himself and Mr. MITCHELL) submitted the following resolution; which was considered and agreed to:

S. RES. 105

Resolved, That section 4 of Senate Resolution 75, agreed to March 3, 1993 (103d Congress), is amended by deleting "$250,000" and inserting in lieu thereof "$300,000".

AMENDMENTS SUBMITTED

DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

LIEBERMAN (AND OTHERS) AMENDMENT NO. 331

Mr. LIEBERMAN (for himself, Mr. CONRAD, Mr. LEVIN, Mr. BAUCUS, Mr. CHAFEE, Mr. RIEGLE, Mr. DECONCINI,

Mr. SASSER, Mr. JEFFORDS, Mr. HATFIELD, Mr. LAUTENBERG, Mr. ROBB, Mr. HARKIN, Mr. PRESSLER, Mr. ROTH, and Mr. WOFFORD) proposed an amendment to the bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes, as follows:

On page 38, in the table of contents, redesignate the items relating to sections 108 through 118 of the bill as items relating to sections 109 through 119, respectively.

On page 38, in the table of contents, insert after the item relating to section 107, the following:

"Sec. 108. Small business compliance assistance.".

On page 48, between lines 2 and 3, insert the following:

SEC. 108. SMALL BUSINESS COMPLIANCE ASSISTANCE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of the Environment shall establish within the Department of Small Business Ombudsman Office (hereafter in this section referred to as the "Office"). The Office shall be headed by a Director designated by the Secretary.

(2) DUTIES.—

(A) IN GENERAL.—The Director shall report directly to the Secretary. The Secretary, acting through the Director, shall develop and carry out programs of environmental compliance and technical assistance for small business concerns (as defined in section 3 of the Small Business Act), including family farms.

(B) SPECIFIC DUTIES.—The duties of the Office shall include—

(i) providing to small business concerns—

(I) confidential compliance assistance;

(II) explanations of environmental regulatory requirements; and

(III) available environmental reports and documents;

(ii) assembling and disseminating to small business concerns information on approaches to achieving compliance with environmental laws and improving environmental performance and product yield, including new environmental technologies and techniques for preventing pollution;

(iii) carrying out the functions assigned to the Small Business Ombudsman under section 507 of the Clean Air Act Amendments of 1990;

(iv) serving as the Department's liaison to and advocate for the small business community;

(v) ensuring, as appropriate, consideration of the concerns of small business in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act; and

(vi) coordinating the Department's small business compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws.

(b) COORDINATION WITH NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Environment and the Secretary of Commerce shall enter into such agreements as may be necessary to permit the Department to provide technical assistance and support to the Manufacturing Technology Centers administered by the National Institute of Standards and Technology of the Department of Commerce. Such assistance shall include—

(1) preparing environmental assistance packages for small business concerns generally, and where appropriate, for specific small business sectors, including information on—

(A) environmental compliance requirements and methods for achieving compliance;

(B) new environmental technologies;

(C) alternatives for preventing pollution that are generally applicable to the small business sector; and

(D) guidance for identifying and applying opportunities for preventing pollution at individual facilities;

(2) providing technical assistance to small business concerns seeking to act on the information provided under paragraph (1);

(3) coordinating with the National Institute of Standards and Technology to identify those small business sectors that need improvement in environmental compliance or in developing methods to prevent pollution; and

(4) developing and implementing an action plan for providing assistance to improve environmental performance of small business sectors in need of such improvement.

(c) COORDINATION WITH OTHER FEDERALLY SUPPORTED EXTENSION PROGRAMS.—The Secretary of the Environment may coordinate with other small business and agricultural extension programs and centers, as appropriate, to provide environmental assistance to small businesses.

GLENN (AND OTHERS) AMENDMENT NO. 332

Mr. GLENN (for himself, Mr. LIEBERMAN, Mr. CONRAD, Mr. LEVIN, Mr. BAUCUS, Mr. CHAFEE, Mr. ROTH, Mr. JEFFORDS, and Mr. HATFIELD) proposed an amendment to the bill, S. 171, supra, as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. 109. SMALL GOVERNMENTAL JURISDICTION COMPLIANCE ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Environment shall develop and carry out programs of environmental compliance and technical assistance for small governmental jurisdictions as defined in section 601(5) of title 5, United States Code.

(b) SPECIFIC DUTIES.—The duties of the Secretary of the Environment shall include—

(1) providing to small governmental jurisdictions—

(A) compliance assistance;

(B) explanations of environmental regulatory requirements; and

(C) available environmental reports and documents;

(2) assembling and disseminating to small governmental jurisdictions information on approaches to achieving compliance with environmental laws and improving environmental performance, including new environmental technologies and techniques for preventing pollution;

(3) designating liaisons to serve as advocates for small governmental jurisdictions, as appropriate;

(4) ensuring, as appropriate, consideration of the concerns of small governmental jurisdictions in the regulatory development process, including ensuring that reporting requirements are consistent and avoid unnecessary redundancy across regulatory programs, to the extent possible, and ensuring effective implementation of the Regulatory Flexibility Act; and

(5) coordinating the Department of the Environment's small governmental jurisdiction environmental compliance and technical assistance programs with other Federal and State agencies having responsibilities for carrying out and enforcing environmental laws.

HATFIELD AMENDMENT NO. 333

Mr. HATFIELD proposed an amendment to the bill, S. 171, supra, as follows:

On page 44, line 9, strike "and".

On page 44, line 13, strike the period and insert "; and".

On page 44, between lines 13 and 14, insert the following new subparagraph:

(T) regional operations and State and local capacity.

On page 74, line 2, strike "and".

On page 74, line 8, strike the period and insert "; and".

On page 74, between lines 8 and 9, insert the following new paragraph:

(6) enhance the capacity of State and local governments to manage, finance, and implement environmental laws (including regulations).

At the appropriate place, insert the following:

"It is the sense of the Senate that building the capacity of state and local governments to more efficiently and effectively implement and manage environmental regulations should be a primary mission of the Department of the Environment."

JOHNSTON (AND LEVIN) AMENDMENT NO. 334

Mr. JOHNSTON (for himself and Mr. LEVIN) proposed an amendment to the bill, S. 171, supra, as follows:

At the appropriate place in the bill, insert the following:

"(a) In promulgating any final regulation relating to public health and safety or the environment after the date of enactment of this Act, the Secretary of the Environment shall publish in the Federal Register—

"(1) an estimate, performed with as much specificity as practicable, of the risk to the health and safety of individual members of the public addressed by the regulation and its effect on human health or the environment and the costs associated with implementation of, and compliance with, the regulation;

"(2) a comparative analysis of the risk addressed by the regulation relative to other risks to which the public is exposed.

"(3) the Secretary's certification that—

"(A) the estimate under paragraph (1) and the analysis under paragraph (2) are based upon a scientific evaluation of the risk to the health and safety of individual members of the public and to human health or the environment and are supported by the best available scientific data;

"(B) the regulation will substantially advance the purpose of protecting the public health and safety or the environment against the specified identified risk; and

"(C) the regulation will produce benefits to the public health and safety or the environment that will justify the cost to the Government and the public of implementation of and compliance with the regulation.

"(b) In the event that the Secretary cannot make the certification required under subsection (a), the Secretary shall report to Congress that such certification cannot be made and shall include a statement of the reasons therefor in such report and in the final regulation.

"(c) The certification required by this section shall not be construed to amend, modify or alter any statute and shall not be subject to judicial review. Nothing in this section shall be construed to grant a cause of action to any person."

MURKOWSKI (AND OTHERS) AMENDMENT NO. 335

Mr. MURKOWSKI (for himself, Mr. NICKLES, and Mr. PACKWOOD) proposed an amendment to the bill, S. 171, supra, as follows:

On page 52, insert between lines 20 and 21 the following new subsection:

(f) REVIEW OF REGULATIONS.—For each proposed new regulation and each proposed change to existing regulations the Director shall publish in the Federal Register as part of the notice of the proposed rulemaking, a comprehensive assessment of specific costs and benefits resulting from implementation of the proposed new regulation or the proposed regulatory change including an assessment of the total number of direct and indirect jobs to be gained or lost as a result of implementation of the proposed new regulation or the proposed regulatory change.

MURKOWSKI AMENDMENT NO. 336

Mr. MURKOWSKI proposed an amendment to the bill, S. 171, supra, as follows:

On page 43, between lines 6 and 7, insert the following new subsection:

(i) ISSUANCE OF PERMITS.—

(1) GUIDES.—At the time a person or small business concern (as defined in Sec. 3 of the Small Business Act), including family forms, contacts an officer or employee of the Department to obtain a permit to engage in an activity under the jurisdiction of the Department, the Secretary shall make available, on request of the person, an employee of the Department to—

(A) act as a guide for the applicant in obtaining all necessary permits for the activity in the least quantity of time practicable; and

(B) facilitate the gathering and dissemination of information with respect to the Federal agencies and departments and agencies of States and political subdivisions of States that have a regulatory interest in the activity to reduce the period required to obtain all such necessary permits.

(2) DUTIES OF SECRETARY.—In issuing a permit to an applicant to carry out an activity under the jurisdiction of the Department, the Secretary shall—

(A) provide assistance and guidance to, and otherwise facilitate the processing of the application for, the applicant; and

(B) set reasonable deadlines for action to be taken on an application for the permit.

(3) USE OF GUIDES.—An applicant that chooses to use the services of a guide referred to in paragraph (1) may subsequently choose not to use the services at any time after requesting the guide.

HATCH (AND OTHERS) AMENDMENT NO. 337

Mr. HATCH (for himself, Mr. SIMPSON, Mr. NICKLES, Mr. KEMPTHORNE, Mr. COATS, Mr. STEVENS, Mr. GRAMM, Mr. BOND, and Mr. WALLOP) proposed an amendment to the bill, S. 171, supra, as follows:

At the end of title I, add the following new section:

SEC. . REGULATORY ACCOUNTABILITY.

(a) DEFINITION.—For purposes of this section the term "regulation" or "rule" means any Department statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of the Department, but does not include—

(1) administrative actions governed by the provisions of sections 556 and 557 of title 5, United States Code;

(2) regulations related to Department organization, management, or personnel.

(b) MANDATORY REQUIREMENT FOR THE ISSUANCE OF NEW REGULATION.—In taking any regulatory action, the Department shall strictly adhere to the following requirements:

(1) Administrative regulatory decisions shall be based on substantial evidence on the public record documenting—

(A) the ability of an action to result in specific, reasonably anticipated benefits;

(B) all alternative regulatory approaches, including performance-based approaches, that will result in the benefits documented under subparagraph (A); and

(C) all foreseeable costs that can reasonably be expected to flow, directly or incidentally, from each approach documented under subparagraph (B).

(2) No final regulatory actions nay be taken unless the specific benefits resulting from a specific regulatory approach documented under paragraph (1) clearly outweigh the costs documented under paragraph (1).

(3) The Department shall—

(A) for all proposed new regulatory actions that will generate any cost, propose a range of position revisions to, or revocation of, one or more existing regulations, that can reasonably be expected to fully offset the reasonably anticipated costs of such proposed regulatory action; and

(B) fully offset the costs documented under paragraph (1) through revision to, or revocation of, existing Federal regulation.

(c) EXEMPTION.—The requirements of subsection (b)(3) shall not apply in the case of regulatory actions for which the President includes in the Federal Register, accompanying the regulatory action, a statement of waiver that fully outlines the reasons and needs for waiving the requirements of subsection (b)(3) because of emergency need for such specific regulatory action and includes a timetable for satisfying the requirements of subsection (b) at the earliest possible date thereafter.

(d) EFFECTIVE DATE; SUNSET PROVISION.—

(1) EFFECTIVE DATE.—The provisions of this section shall take effect upon the date of enactment of this Act, except that the effective date for regulations or rules promulgated pursuant to a law enacted after the date that is 2 years before the date of enactment of this Act and not later than the date of enactment of this Act shall be 6 months after the date of enactment of this Act.

(2) SUNSET.—The requirements of subsection (b)(3) shall cease to have effect on the date that is 3 years following the date of enactment of this Act.

WELLSTONE (AND OTHERS) AMENDMENT NO. 338

Mr. WELLSTONE (for himself, Mr. RIEGLE, Ms. MOSELEY-BRAUN, Mr. LAUTENBERG, and Mr. FEINGOLD) proposed an amendment to the bill, S. 171, supra, as follows:

At the appropriate place, insert the following—

SEC. . OFFICE OF ENVIRONMENTAL JUSTICE.

There is established within the Department the Office of Environmental Justice. The Office of Environmental Justice shall—

(1) develop a strategic plan to ensure equality in environmental protection;

(2) evaluate whether environmental policy is helping individuals who suffer the highest exposure to pollution, and identify opportunities for preventing or reducing such exposure;

(3) compile an annual report on progress in achieving environmental equity;

(4) require the collection of data on environmental health effects so that impacts on different individuals or groups can be understood;

(5) identify environmental high impact areas which are subject to the highest loadings of toxic chemicals, through all media; and

(6) assess the health effects that may be caused by emissions in the environmental high impact areas of highest impact.

CHAFEE AMENDMENT NO. 339

Mr. ROTH (for Mr. CHAFEE) proposed an amendment to the bill, S. 171, supra, as follows:

On page 37, line 25, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 38, in the table of contents between lines 2 and 3, strike the item relating to section 103 and insert the following new item:

"Sec. 103. Establishment of the Department of Environmental Protection.".

On page 38, lines 7 through 8, strike "Department of the Environment Act" and insert "Department of Environmental Protection Act".

On page 39, lines 17 through 18, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 39, strike lines 19 through 20 and insert the following:

SEC. 103. ESTABLISHMENT OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

On page 39, lines 22 through 23, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 39, line 26, strike "U.S.D.E." and insert "U.S.D.E.P.".

On page 40, line 1, strike "SECRETARY OF THE ENVIRONMENT" and insert "SECRETARY OF ENVIRONMENTAL PROTECTION".

On page 40, lines 2 through 3, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 40, line 21, strike "Deputy Secretary of the Environment" and insert "Deputy Secretary of Environmental Protection".

On page 42, lines 6 through 7, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 42, line 14, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 42, lines 16 through 17, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 42, lines 19 through 20, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 42, lines 23 through 24, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 43, lines 3 through 4, strike "DEPARTMENT OF THE ENVIRONMENT" and insert "DEPARTMENT OF ENVIRONMENTAL PROTECTION".

On page 43, line 5, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 45, line 5, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 48, lines 1 through 2, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 49, lines 7 through 8, strike "Department of Environment" and insert "Department of Environmental Protection".

On page 53, line 7, strike "Department of Environment" and insert "Department of Environmental Protection".

On page 56, lines 11 through 12, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 58, lines 3 through 4, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 60, line 19, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 60, lines 20 through 21, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 61, strike line 1 and insert the following:

"§ 716. Department of Environmental Protection Seal

On page 61, lines 3 through 4, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 61, line 15, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 61, line 19, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 62, line 2, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 62, between lines 5 and 6, strike the item relating to section 716 and insert the following new item:

"716. Department of Environmental Protection Seal.".

On page 66, lines 17 through 18, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 66, lines 20 through 21, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 66, line 24, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 67, lines 3 through 4, strike "Assistant Secretary of the Department of the Environment" and insert "Assistant Secretary of the Department of Environmental Protection".

On page 67, lines 22 through 23, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 69, line 16, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 69, lines 23 through 24, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 70, line 4, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 70, line 7, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 70, line 11, strike "Deputy Secretary of the Environment" and insert "Deputy Secretary of Environmental Protection".

On page 70, lines 16 through 17, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 70, lines 21 through 22, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 70, lines 23 through 24, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 71, lines 3 through 4, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 71, line 9, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 71, lines 15 through 16, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 71, lines 20 through 21, strike "or the Environment" and insert "or Environmental Protection".

On page 71, lines 23 through 24, strike "or the Environment" and insert "or Environmental Protection".

On page 72, line 6, strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

On page 73, lines 12 through 13, strike "Department of the Environment" and insert "Department of Environmental Protection".

On page 75, line 16, strike "Department of the Environment" and insert "Department of Environmental Protection".

Amend the title so as to read "A bill to establish the Department of Environmental Protection, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 29 at 10 a.m. to hold hearings on AID and State Department nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RENEWABLE ENERGY, ENERGY EFFICIENCY AND COMPETITIVENESS

Mr. FORD. Mr. President, I ask unanimous consent that the Subcommittee on Renewable Energy, Energy Efficiency and Competitiveness of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., April 29, 1993, to receive testimony on industrial competitiveness through energy efficiency and waste minimization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Thursday, April 29, 1993, at 10 a.m. to conduct a hearing on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FORD. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Thursday, April 29, at 9:30 a.m., for a hearing on the subject: Rebuilding FEMA: Preparation for the Next Disaster.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, April 29, 1993 after the first vote in the President's Room to consider the nominations of Richard Rominger, Bob Nash, Jim Lyons, Eugene Branstool, and Wardell Townsend.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on April 29, 1993 at 9:30 a.m., to hear testimony on the subject of the administration's tax proposals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Agriculture Research, Conservation, Forestry and General Legislation be allowed to meet during the session of the Senate on Thursday, April 29, 1993 at 9 a.m., in SR-332 on the Alternative Agricultural Research and Commercialization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, April 29, 1993 at 9:30 a.m., in open session, to receive testimony on the military policy concerning the service of gay men and lesbians in the Armed Forces: the experience in foreign countries.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO ROGER RECTOR, SUPERINTENDENT OF ASSATEAGUE ISLAND NATIONAL SEASHORE

• Mr. SARBANES. Mr. President, I rise today to recognize and pay tribute to a distinguished public servant and steward of America's national parks system, Roger Rector, superintendent of one of the jewels in the crown of our national park system, Assateague Island National Seashore. Roger is moving on to become superintendent of Delaware Water Gap National Recreation Area, and I, and many others in our State, are sorry to see him go.

Throughout his 27-year career with the National Park Service, Roger Rector has distinguished himself for his commitment and dedication to managing and protecting our Nation's most precious natural and cultural resources. Beginning as an instructor with the Jobs Corps conservation center at Cumberland Gap National Historical Park in Kentucky, Roger also served as an administrative assistant in the Park Service's Philadelphia regional office and as a program officer at Independence National Historic Park. In 1974 he became assistant superintendent of Colonial National Historic Park in Virginia and 5 years later was promoted to superintendent of Petrified Forest National Park in Arizona.

I came to know Roger when he was appointed superintendent of Assateague Island National Seashore in 1983 and have had the privilege of working closely with him over the past 10 years on a number of issues of mutual concern affecting the national park. For those who have never had the opportunity to visit this area, Assateague Island is a 37-mile barrier island on the Atlantic coast, off the Maryland and Virginia mainland. It is one of the preeminent national seashores in the country, noted for its solitude, natural beauty, pristine beaches, wildlife, and of course, the famous Assateague wild ponies. Millions of people come to the seashore each year to enjoy its abundant recreational opportunities including swimming, fishing, boating, and camping. It presents a special challenge to manage this magnificent resource—a challenge that Roger met with great success.

Under Roger Rector's leadership, the campgrounds and other facilities have been upgraded. Plans have been developed and implemented to protect Assateague's unique and fragile natural environment and the wildlife found on the island, including the threatened piping plover. A new barrier island visitors center and museum is under development to accommodate the increasing number of visitors to the island and to foster a better appreciation of the complex and fragile nature of barrier islands, coastal bays, and their environment.

In recognition of his outstanding service to Assateague and to the other units of the national park system at which he worked, Roger has received numerous awards and commendations, including several special achievement and superior performance awards. He even has an extinct animal, lythrodynastes rectori, named in honor of his work at Petrified Forest National Park in reinitiating studies of the fossil remains in the park. Last year Roger was awarded the Meritorious Service Award—the second highest honor award given at the Department of the Interior.

The efforts of Roger Rector throughout the past 27 years have earned him the respect and admiration of everyone with whom he has worked, and the visitors to Assateague and other units of the national park system will benefit from Roger's labors for years to come. He leaves behind a national park at Assateague that has been protected and improved due to his efforts, and many friends who are appreciative of his leadership. I know he will be successful in his new endeavors and extend my best wishes to him and his family.•

REAUTHORIZATION OF THE NATIONAL WRITING PROJECT

• Mr. DOMENICI. Mr. President, I am pleased to add my support to Senator COCHRAN's bill, S. 70, which reauthorizes the National Writing Project. This is a program which is pointed at improving student writing by improving the ways our teachers teach writing in schools.

Continued support of this program will provide grants to teachers to promote improvement in classroom instruction, teacher research, the publication of student writing, and other non-traditional programs and projects. It will also help improve the teaching of writing at all grade levels, as well as emphasizing student writing as a stepping stone to improved learning in all disciplines.

In New Mexico, for example, these funds will assist the Rio Grande Writing Project, which enables children to understand the process of writing, how to work through the initial conceptualization of an idea, then move through several drafts, focusing on content first, then on perfecting form. The local director of the program has indicated that he will search for State and local sources of funding, should Federal funding expire, but is concerned that loss of Federal funds may mean the end of the program. I am hoping we can prevent this from happening.

New Mexico State University, in Las Cruces, hosted a division of the Writing Project from 1979 until 1985, when funding ran out. The program was highly touted during its existence for reaching teachers not only in the Las Cruces area, but across the State as well. This year, NMSU is reinstating the program, but the length of its tenure will depend on the ability to financially sustain the program.

Mr. President, one of the most valuable skills we can instill in our students is the ability to write well. Writing is not merely a cornerstone of basic literacy—something to be aspired to only by academics and eggheads—it is essential to working, living, and functioning successfully in our society and workplace.

In his "A Book of Prefaces," the great writer H.L. Mencken wrote of the joy and elation writers find each time they put pen to paper that I think wonderfully conveys the thrill of writing well:

> To the man with an ear for verbal delicacies—the man who searches painfully for the perfect word, and puts the way of saying a thing above the thing said—there is in writing the constant joy of sudden discovery, of happy accident.

I hope we may continue to help our students reach that joy of sudden discovery. I therefore am pleased to ask the Senator from Mississippi to add my name as a cosponsor of his bill.•

HONORING CITY CENTER'S 50TH ANNIVERSARY

• Mr. D'AMATO. Mr. President, I rise today to honor City Center, New York's first true performing arts center, founded by Mayor La Guardia as the people's theater in 1943. This year, City Center is celebrating its 50th anniversary season. City Center is a home for drama, musical theater, and Shakespeare, as well as dance and music. Its honor roll of legendary performers and performances includes engagements as varied as "Carousel," "A Streetcar Named Desire," "Othello," "Mr. Roberts" and "Cyrano de Bergerac," with stars like Orson Welles, Helen Hayes, Paul Robeson, Leonard Bernstein, Jose Ferrer, Tallulah Bankhead, Beverly Sills, and Maureen Stapleton.

As New York's first home for dance, City Center provides the vital support and services which make regular dance seasons by America's finest dance companies possible. A beautiful, comfortable theater for both audiences and performers in dozens of American and international companies, the resident companies who most count on it represent the best dance this country has to offer—from Alvin Ailey American Dance Theater and the Joffrey Ballet to the companies of Martha Graham, Paul Taylor, and Merce Cunningham.

In 1993, we celebrate City Center's 50 years of service in bringing American art forms to all the citizens of New York, both adult audiences and the millions of school children City Center has reached and continues to reach, bringing to them the wonders of the arts and their first glimpse of the cultural glories of their city.•

THE CIVIC EDUCATION ACT OF 1993

• Mr. DOMENICI. Mr. President, one of the six national education goals agreed upon by the Nation's Governors, and included in both the previous and current administration's education agenda, is that every American shall have the skills necessary to exercise the rights and responsibilities of citizenship. One of the most successful programs the Federal Government has established to encourage this kind of civic education is the "We the People * * * the Citizen and the Constitution" Program.

This program, established in 1985 by the Congress, with the support of the U.S. Departments of Justice and Education, fosters civic competence and civic responsibility by helping students develop an understanding of the Constitution and Bill of Rights, and the fundamental principles and values these documents embody. Equally as important, the program helps students understand the rights and responsibilities that living in a democratic society imparts.

The "We the People * * *" curriculum provides upper elementary, middle, and high school students with a unique course of instruction on the Constitution and Bill of Rights. As part of the high school study, high school classes participate in academic competition. As part of these competitions, students prepare oral presentations on constitutional topics, and respond to questions posed by a panel of judges. Teams are judged on their understanding of the Constitution, the Bill of Rights, and relevant documents.

More than 21,000 schools across the Nation participate in this program, including 159 in New Mexico. The program has been used by more than 176,000 teachers, and more than 12 million students.

Mr. President, I don't have to tell you how closely I follow the cost of Government programs. In the case of the "We the People * * *" Program, for fiscal year 1993, the $4.3 million appropriated by the Congress was matched in direct funding and cost sharing at the State and local levels by nearly $30 million. These funds are raised by students, teachers, and State and local coordinators. Individuals and organizations have donated funds to support local programs, while cost-sharing is provided by services, materials, and facilities allocated to the program by participating teachers, administrators, and community members.

In return for this investment, an evaluation of the program in 1991 found that students at all levels outperformed comparison students on every topic studied, and that a random sample of the participating high school students showed a greater knowledge and understanding of the Constitution and Bill of Rights than did sophomores and juniors in political science courses at a major university. Even more encouraging are the results of a study in Nevada, which showed that 80 percent of seniors participating in the program registered to vote, as compared with a school average of 37 percent.

I couldn't agree more with Senators HATFIELD and DODD that this is a program that meets the national need for high standards of achievement in civics while encouraging an active participation in government. Informed, active students become informed, active voters and citizens. This benefits us all. I am pleased to join with Senators HATFIELD and DODD as an original cosponsor of the legislation to reauthorize this program.•

COMPREHENSIVE CHILD IMMUNIZATION ACT AND COMPREHENSIVE CHILD HEALTH IMMUNIZATION ACT

• Mr. BINGAMAN. Mr. President, I rise today, during "National Preschool Immunization Week," to cosponsor two important bills aimed at improving the health status of all American children: the Comprehensive Child Immunization Act, S. 732, and the Comprehensive Child Health Immunization Act, S. 733. These two pieces of legislation, initiated by President Clinton, represent a fundamental first step toward comprehensive health care reform, and they embody the President's commitment to prevention and to comprehensive health care for all Americans.

I am pleased to join the sponsors of S. 732 and S. 733, the distinguished chairman of the Labor and Human Resources Committee, Senator KENNEDY, and the distinguished chairman of the Finance Subcommittee on Health for Families and the Uninsured, Senator RIEGLE, in support of the President's initiatives. I want to commend my good friends for their longstanding and tireless leadership in the effort to improve the health and well being of all American children.

Many times over the past several years our efforts seemed futile. Now, through strong and dedicated leadership from the White House, the goals of universal access to health care and an improved quality of health and life for all children are within our reach. I am confident we can achieve these goals if we agree to work together. We can begin by enacting S. 732 and S. 733.

Through these measures, new partnerships will be created among parents, health care providers, vaccine manufacturers, and Federal, State, and local governments to protect our children from infectious disease. The universal purchasing program established through these partnerships will help us remove one of the chief barriers to immunization: cost. The program will help ensure that children across the United States are immunized against vaccine-preventable diseases by their second birthday. And by providing grants to states to establish immunization registries, the program will put in place a mechanism for parents and providers to keep track of childhood immunizations. More specifically, this legislation will:

Authorize the Secretary of Health and Human Services, beginning in fiscal year 1995, to purchase and provide childhood vaccines in quantities sufficient to meet the immunization needs of children in the United States;

Provide free immunization through Federal health care providers, community health centers, migrant health centers and Federal Indian health care centers, among others;

Stipulates that health care providers may not charge patients for the cost of the vaccine, but may impose a fee for its administration unless such a fee would result in the denial of an immunization to someone unable to pay;

Organize community-based outreach and information campaigns; and

Help States establish immunization registries to assist parents in providing their children with immunizations at the earliest appropriate age.

In my home State of New Mexico, a partnership similar to that envisioned by the President has been established. Last month, our State's distinguished First Lady, Mrs. Alice King, the New Mexico Department of Health, and Lovelace health plan joined forces to announced a free statewide immunization program for infants and children living in rural areas.

The program—the first statewide public-private partnership of its kind in New Mexico—will focus initially on 18 communities that have no health care facilities. Appropriately, actual service delivery through the Alice King/Lovelace immunization van will kick off later this week, which has been designated "National Preschool Immunization Week." The van's first stop will be on Thursday, April 29, 1993, in Magdalena, NM. A return trip will be made to Magdalena and other communities every 2 months for followup vaccinations.

I am proud of the partnership forged by Mrs. King and Lovelace, and I hope other corporate partners will join their effort over the next few years. In New Mexico, this is precisely the type of program we need to encourage. It is a program focused on some of the other barriers to immunization: access, service delivery, and public education. New Mexico, like several other States, already has significantly broken the cost barrier through a program that provides free immunizations at State health clinics. But free immunizations have not translated into high immunization rates: 45 percent of New Mexico's children under the age of 2 still were not properly immunized last year. Unquestionably, cost is not the only barrier facing our families.

I believe the solution lies in a combination of initiatives and programs. We need to encourage programs that focus on education, access, and delivery, such as the Alice King/Lovelace Immunization Program; and we need to bolster them by the legislation proposed by the President. Through this combined effort, we can begin to improve our Nation's dangerously low immunization rates.

The bottom line is that the President's initiative makes good sense. As the Secretary of Health and Human Services, Dr. Shalala said recently:

> Proper immunization is the right thing to do, and the smart thing to do. Children are America's greatest national resource, and protecting them should be viewed as a basic function of government, on par with protecting our water, our air, and our food.

To the Secretary's statement I would only add that we must take care in defining that "basic function." We cannot allow ourselves to be satisfied by simply creating a Government purchase program. My State's experience and surveys of health maintenance organizations and other health insurance providers across the Nation indicate that coverage, including full coverage, of vaccinations does not guarantee that parents will have their children immunized. Among many HMO's providing full coverage, immunization rates of 60 to 65 percent—or less—are common. As I stated earlier, New Mexico's statewide statistics are similar.

In closing, Mr. President, I want to reiterate that many barriers, including cost, impact immunization. To fulfill our commitment to our children, we need to break each one of these barriers down. We need to make a commitment to culturally-competent public health education; we need to help ensure that parents have access to transportation or that the services come to them; we need to ensure that the public health clinics many families depend upon are adequately staffed and not overcrowded. Simply put, we need to remain committed to the goal of comprehensive health care for all Americans, including children. This important legislation is an excellent beginning.•

FOUNDERS DAY AT HOOD COLLEGE

• Mr. SARBANES. Mr. President, on May 12, 1993, Hood College in Frederick, MD, will have a Founders' Day convocation marking the culmination of its yearlong centennial celebration. I congratulate Hood's president, Martha Church, its students, faculty, and alumnae on this historic milestone and their achievements over the last year in rededicating themselves to maintaining Hood's high academic standards and superb reputation.

Hood College is in the forefront of America's small residential liberal arts colleges for women and has earned a well-deserved national reputation for academic excellence. It has been consistently ranked by the annual U.S. News & World Report survey as one of America's best colleges.

In 1975, Dr. Martha Church was selected as the first woman president of Hood, and she has been named by her peers as one of the 100 most effective college presidents in the United States. She has concentrated on improving Hood's academic reputation. She upgraded its curriculum, stressed faculty development, and instituted Hood's first honors program. Recognizing early on that a college of Hood's reputation needed a first-rate physical plant, she was instrumental in developing a comprehensive plan for the development of Hood's campus. The dedication last September of the Beneficial-Hodson Library and Information Technology Center, a superb facility designed to meet the needs of its students well into the next century, marked the completion of a major part of the comprehensive plan. I was proud to participate in the dedication of the Beneficial-Hodson Library last fall.

Hood's 1,100 undergraduates may choose from among 31 majors in the traditional liberal arts and sciences and other career-oriented study areas. Hood offers classes in an academic center in Montgomery County as well as on its 50-acre campus in Frederick. Hood's programs for adult learners, based on streamlined admissions, preenrollment advising, credit for life experience, and special support services, are now recognized as a national model. Classes are small—averaging 15–18 students—and are taught by outstanding faculty. Hood has one of the most advanced intern placement programs in the country and encourages students to take internships at one of many sites throughout the United States and abroad.

Hood College is one of our State and Nation's premier academic institutions. The graduates of Hood College have immeasureably enriched our Nation over the last 100 years, and I am confident will continue to do so in the future.•

CHERNOBYL NUCLEAR ACCIDENT

• Mr. LIEBERMAN. Mr. President, I rise to voice my deep and growing concern about the aftermath of the Chernobyl nuclear accident, and the continuing danger which the Chernobyl-type RBMK reactors pose to our global environment.

Last July, Senator BOB GRAHAM and I hosted hearings before the Subcommittee on Nuclear Safety to determine the extent of the damage which had been caused by the 1986 accident in Chernobyl, Ukraine. At that time, I listened to very disturbing testimony from Prof. Murray Feshbach of Georgetown, Dr. Zenon Matkiwsky of the Children of Chernobyl Relief Fund, and other experts who cited the increase in cancers and leukemias in the region most directly affected by Chernobyl's fallout. According to the Ukrainian Health Ministry, the rate of children's cancer in that Republic has tripled since 1986, and the rate of birth defects had doubled since the accident. Thyroid cancer has been increasing at an even more alarming rate, apparently due to the children's exposure to radioactive iodine.

Since the July hearings, I have learned that Chernobyl's impact may be even more dire than the highest estimates our witnesses had offered. In a report published in September, in the prestigious British scientific journal Nature, the World Health Organization announced that, among children living near the reactor site, in the heavily irradiated region of Gomel, Belarus, the rate of thyroid cancer has risen to 80 times higher than normal. Following the WHO study, there is no longer any doubt that the impact of Chernobyl has been devastating, and we know from the experience following the bombing of Hiroshima and Nagasaki, that the majority of latent cancers and tumors stemming from the disaster will not occur until 10 to 15 years after the victims were exposed. This means that Chernobyl is just beginning to take its toll. Between 1995 and the year 2000, we are likely to see an unprecedented rise in catastrophic illnesses in this region.

It is also important for us to remember that Chernobyl was not just a regional, but a global event. Radiation from the reactor reached the northern sections of Finland, Sweden, and Norway, and radioactive particles from Chernobyl were found as far away as Italy, Turkey, Alaska, and the British Isles.

Expert witnesses from the Los Alamos Technical Associates, and Oak Ridge testified last summer that the problems stemming from Chernobyl unit 4 are far from over. There are major structural problems in the makeshift sarcophagus that was built around the ruined reactor core, and many engineers worried openly that a collapse of the roof could lead to a second catastrophic release of radiation. There are 40 other nuclear plants scattered around Eastern Europe, which were built on the Chernobyl-type, RBMK model, and many nuclear experts in the United States believe that all of these plants are unacceptably dangerous, and should be shut down as soon as possible. Considering the other economic burdens facing the republics of the former Soviet Union, we need to imagine the crippling effect that another ecological disaster could have on these struggling democracies.

There really is no time to waste. Last year, I offered several amendments to the Freedom Support Act, to help the NIS countries clean up the toxic and radioactive waste sites within their borders. We also need to help these nations develop alternatives to their unsafe nuclear plants as quickly as possible. Low-cost energy sources, including wind, solar, and energy conservation are a matter of critical need.

We need to work with international agencies and groups such as the National Resources Defense Council, to develop plans for the phaseout of the RBMK reactors, and to replace them with other, viable sources. I would like to see our Agency for International Development, the EPA, the National Institutes of Health, and our private corporations to develop more creative and cost-effective programs to tackle these monumental problems. We need to support organizations such as the Children of Chernobyl Relief Fund, which has some strong chapters in my State—organizations that have proven their effectiveness in bringing medical aid into the affected areas. I would also like to see us encourage private corporations—especially pharmaceutical and hospital supply manufacturers, to develop markets in these countries, to help them rebuild their medical infrastructure, which in the Soviet system left in shambles. We need to provide incentives—perhaps even a competitive bidding program for pilot project contracts to set up production labs in Ukraine and the Baltic States. If the United States could help these nations develop even one line of generic antibiotics, we would be helping to save thousands of children's lives.

Too often, we wait until a public health disaster is completely out of control before we respond to international emergencies. In the case of Chernobyl, where most cancers will not peak until 1996, we have a unique, 3-year window of opportunity to anticipate and brace for a monstrous surge in catastrophic illnesses, and to give the victims a fighting chance, and significantly boost their rate of survival.

With President Yeltsin hanging by a thread in Moscow, and reactionary Communist forces growing bolder in other Republics, we cannot afford to waste any time. Effective medical relief is one of the best and least controversial ways for us to strengthen and encourage the democratic forces in Eastern Europe, and to help overcome the widespread despair that could lead to social and political disaster. Let us not ignore this urgent historic opportunity.●

NATIONAL CORRECTIONS OFFICER WEEK

● Mr. DECONCINI. Mr. President, I rise today to pay tribute to the brave men and women of the Corrections Association of Pima County who are being honored as part of National Corrections Officer's Week, May 2–8, 1993. It is only fitting that a week be set aside during the year to recognize the contributions of this dedicated group of professionals who ensure public safety by serving in the correctional institutions of this country.

As the recent events in Ohio remind us, maintaining the custody and care of offenders is no easy task. The men and women of the Pima County Corrections Association often perform their duties under very dangerous conditions and all too frequently, their efforts go unrewarded. Despite the often thankless nature of their work, these fine officers labor tirelessly not only to protect the community, but to provide inmates with the skills and attitudes to return to society as productive, law-abiding citizens. To accomplish these goals, officers design innovative programs to provide inmates with the requisite skills to change the course of their lives. These officers are among the most dedicated individuals in any community. their ongoing and daily struggle to make a difference in the lives of those on whom many have given up deserves special recognition. Their commitment and their caring do make a difference, not just to the inmates but to society as a whole.

Mr. President, I ask my colleagues to join me in recognizing not only the outstanding correctional officers of Pima County, but correctional officers throughout the Nation who dedicate their professional lives to the security of their respective communities.●

THE 50TH BIRTHDAY OF ANDREWS AIR FORCE BASE

● Mr. SARBANES. Mr. President, I rise to pay tribute to one of our Nation's most important military facilities, Andrews Air Force Base, as it celebrates 50 years of distinguished service to our Nation.

World War II spawned many new bases. One of the Army Air Corps' bases that was activated during the war sits only about 10 miles from the Capitol Building and continues to serve our country well.

Many Americans know that Andrews Air Force Base is the aerial gateway to the Nation's Capital. Under the command jurisdiction of the Air Mobility command, located at Scott Air Force Base, the base sees a host of visitors. These range from the President, as he arrives and departs aboard Air Force One, to foreign heads of state and other visiting dignitaries who fly aboard 89th Airlift Wing special air mission aircraft.

While I trust that each of my colleagues is familiar with Andrews because of that critical mission, they may not be aware that the base has also played a very important role in our national defense.

The 89th also hosts more than 40 separate units, including some who operate their own air missions from the Andrews flight line. The D.C. Air National Guard's 113th Fighter Wing operates F-16 Fighting Falcons, and the Guard's 201st Airlift Squadron operates C–21 and C–22 special airlift mission aircraft. The Air Force Reserve's 459th Airlift Wing operates C–141 Starlifters.

Also stationed at Andrews is the Naval Air Facility Washington, it is known as the Crossroads of the Navy due to the high volume of air traffic to many naval air stations worldwide. A variety of naval aircraft are operated from NAF Washington including the P-3 Orions and EA–6B Prowlers. F–18 Hornets are flown by Marine Aircraft Group 41 stationed there. The Army, Navy, and Marine Corps each has its own special airlift missions at Andrews.

In the middle of 1941, with the Germans driving through Russia with great success, the probability that the United States would enter the European war had become almost certain. Thus, it became necessary to establish a military airport in the immediate vicinity of Washington to help protect both the Capital and parts of the east coast.

Recognizing that need, which intensified following the Pearl Harbor attack, President Franklin D. Roosevelt wrote a letter to the Secretary of War directing acquisition of land that became Camp Springs Army Air Field. The first aircraft—a P–47 Thunderbolt flown by Capt. D.A. Younglas—landed at the newly opened base on May 2, 1943. His landing began the base's operational history and started 50 years of airpower. The arrival of 75 other P–47's during May 1943 paved the way for establishment of a combat training program that remained active until April 1945.

Those Thunderbolt pilots, trained at Andrews, were soon helping to maintain Allied air superiority in the skies over France and Germany. While the 405th was engaged in those and other critical areas of the war, their counterparts in sister squadrons stationed at the base were playing an active part in a fighter defense network protecting cities along our eastern seaboard.

Mr. President, on Monday, May 3, 1993 at 2 p.m., I will join the base community in pausing to reflect on the memories of the past five decades with a base rededication ceremony. Many honored guests will attend, but none so distinguished as members of the original 405th Fighter Squadron of the 371st Fighter Group. They will make their way from homes around the country to join in this historic occasion.

Over the years the men of the 405th have stayed in contact with each other and the base. During a 1991 visit, former 405th pilot Milt Seale said, "We loved the P–47. It took a lot of punishment. It would get shot up and still fly. In fact, those who flew it felt that it was the best fighter plane in World War II."

Near the end of the war, the name of the base was officially changed to Andrews Field on February 7, 1945, and formally dedicated March 31, 1945, in honor of Lt. Gen. Frank M. Andrews. General Andrews was commander of

European operations for all Army Air Forces at the time of his death in 1943. With the establishment of the Air Force as a separate military service on September 18, 1947, the name was modified to its present form, Andrews Air Force Base.

Serving largely as a headquarters base in a curtailed operational capacity during the post-World War II years, Andrews has been the home of the Strategic Air Command, the Military Air Transport Service, the Continental Air Command, and the headquarters command of the U.S. Air Force.

As part of recent reorganizations, the Air Force Systems Command, which was headquartered at Andrews from late 1957 until June 1992, merged with the Air Force Logistics Command to form the Air Force Materiel Command, which is now based at Wright-Patterson Air Force Base.

Despite a changing command structure, Andrews has always remained closely identified with military aviation beginning with the arrival of Captain Younglas' Thunderbolt. As the new Air Force started out on its own distinguished history, 1947 also marked the arrival of the first permanently assigned jet-powered aircraft at Andrews, the F–80 Shooting Star. The long-lived and versatile training version of the F–80, the T–33 continued to play an important role in proficiency flying programs at Andrews more than 30 years later.

With the onset of the Korean war in June 1950, Andrews rapidly became involved in combat readiness training for B–25 medium bomber crews. Combat readiness training and proficiency flying for military pilots assigned nonflying duties in the Washington area have remained two key elements of the local mission since the base's establishment.

Andrews' air defense role was strengthened in the 1950's with the latest in fighter-interceptor hardware appearing on the flight line. F–94 Starfires, F–102 Delta Daggers, and finally, F–106 Delta Darts formed the backbone of the three fighter interceptor squadrons that operated from the base until 1963.

Over the years, Andrews' flight operations and importance have increased greatly. In 1961, the last of the Military Air Transport Service's flying units at Washington National Airport transferred to Andrews. This was followed a year later by the transfer to Andrews of all fixed-wing flying activities from Bolling Air Force Base, DC. Andrews then became firmly established as the main port of entry for foreign military and government officials en route to Washington and the United States.

In July 1961, Andrews became the home of the official Presidential aircraft, Air Force One. Prior to that, the Presidential airplane had been kept at Washington National Airport and Bolling Air Force Base.

A tragic time in the 50-year history of Andrews occurred November 22, 1963, when the 35th President of the United States was assassinated in Dallas. The body of John F. Kennedy arrived at Andrews at 6:08 p.m., the same evening, accompanied by his widow Jacqueline B. Kennedy, newly sworn-in President Lyndon B. Johnson, and his wife Ladybird.

Since then, Andrews has seen the arrival of other fallen Americans who died abroad. The remains of Beirut CIA Station Chief William F. Buckley and U.N. peacekeeping force leader Marine Lt. Col. William Richard Higgins were flown to Andrews December 30, 1991.

However, the ceremonies have not always been somber at Andrews. In February 1973, the base was the scene of joyful reunions as United States prisoners of war began returning to the United States from Vietnam.

In 1981, the people of Andrews witnessed the return of the United States hostages from Iran. In 1985, the flight line had the Nation's attention with the return of TWA flight 847's hostages from Beirut. Andrews was also a key arrival and departure point for troops, diplomats, and refugees throughout Operations Desert Shield and Desert Storm.

Today, through Andrews, President Clinton and his administration access communities around the United States as well as the world continuing our country's legacy of peace and good will.

Springing from a rural woodland in Maryland, Andrews Air Force Base has become one of the most recognized bases in the Air Force. Its people have continually proved Proud, Professional, and Prepared—the theme of this year's Department of Defense Joint Services Open House scheduled for May 14 and 15 at Andrews—earning a reputation as airmen among airmen.

Under the excellent leadership of Brig. Gen. Bob L. Mitchell, the military and civilian employees at the base stand ready to meet the challenges of the next 50 years. Like those who came before them, the men and women assigned to Andrews today, no matter what service uniform they wear, are proudly continuing this 50-year history that began with a "Bolt From the Blue."•

RECOGNITION FOR NEVADA FINALISTS IN THE WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION PROGRAM

• Mr. **REID.** Mr. President. On May 1–3, more than 1,200 students from 47 States and the District of Columbia will be in our Nation's Capitol to compete in the national finals of the We the People . . . The Citizen and the Constitution Program. I am proud to announce that the class from E.W. Clark High School from Las Vegas will represent the State of Nevada. These young scholars have worked diligently to reach the national finals by winning district and State competitions. The distinguished members of the team representing Nevada are:

Mariza Artillaga, Erika Bein, Jill Bernacki, Mitchell Bishop, Michelle Brady, Sarah Bushman, Stacy Campbell, Elizabeth Citta, Hilary Clark, Kevin Hodsdon, Heather Humphrey, Bonnie Ivie, Clarissa Joachim, and John Jobes.

Matthew Krenzer, Kenneth Langston, Crystaline Lee, Sil Lee, Adrian Leon, Grace Lin, Chad Newell, Janeil O'Donnell, Micha Olson, Jessica Perez, Diep Senh, Andrea Snell, and Vivien Valentin.

I would also like to recognize their teacher, Mr. Nathaniel Morrell, who deserves much of the credit for the success of the team. The district coordinator, Ms. Lorraine Alderman, and the State coordinator, Ms. Phyllis Darling, have also contributed much time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition stimulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. Administered by the Center for Civil Education, the program, now in its sixth year, has reached over 12 million students in 21,490 elementary, middle, and high schools nationwide.

The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am proud of these students representing the State of Nevada and commend them and their teacher for their hard work. I wish them the best of luck in this competition—and a bright future thereafter.•

JUNIOR ACHIEVEMENT OF BLACK HAWK LAND, INC.

• Mr. **GRASSLEY.** Mr. President, on the occasion of its 20th anniversary I would like to congratulate Junior Achievement of Black Hawk Land, Inc. Junior Achievement is an award-winning organization whose mission is to promote economic literacy and understanding of business among young people, the future leaders and future participants in our society. On January 25, 1973, 31 progressive business men and women formed Junior Achievement of Black Hawk Land, Inc., which is now based in Waterloo, IA.

Junior Achievement of Black Hawk Land, Inc. began as a traditional high school night-time program reaching 500 students annually. Through the continued support of the John Deere Corp., a powerful board of directors, and numerous corporate and individual sponsors, the program evolved into an in-school program for students in the 5th through 12th grade. During its prominent 20-year history, Junior Achievement of Black Hawk Land, Inc. has reached over 28,000 young inspiring entrepreneurs.

Through Junior Achievement of Black Hawk Land, Inc. education and business continues to strengthen their partnership. I wish them many more years of successfully investing in the youth of Black Hawk County, benefiting both the State of Iowa and the Nation.•

THE DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1993

• Mr. D'AMATO. Mr. President, I rise today to lend my support to S. 784, the Dietary Supplement Health and Education Act of 1993.

Improving the health of our Nation is a concern we all share. Clinical research has shown that good nutrition, including a balanced diet, can lower the incidence of chronic disease which in turn lowers expenditures for health care.

Today, over 100 million Americans purchase and use nutritional substances to supplement their diets. They realize that a key to controlling health care costs is the prevention of chronic illness and feel that nutritional supplements are a key element of prevention. Americans are entitled to make decisions regarding their own health and should have access to truthful, accurate information on which to base these decisions.

This bill provides a regulatory basis to reform the regulation of dietary supplements while offering consumer protection in its labeling provisions.

Last year, I was pleased to join my colleague, Senator HATCH, in sponsoring the Health Freedom Act, and am happy once again to join him in support of this legislation.•

FACES OF THE HEALTH CARE CRISIS IN MICHIGAN

• Mr. RIEGLE. Mr. President, I rise today to tell the story of a real fighter, Vickie Girard of Columbiaville, MI. Vickie is an admirable woman who is fighting two battles; one against breast cancer and one against the health care system. Like many Americans who become seriously ill, Vickie is struggling with the high costs of obtaining health care. She is also an example of the power of consumer education, which will be a key element of the President's health care reform package.

Vickie was first diagnosed with breast cancer in 1989, at age 36. Fortunately, the cancer was in stage I, the early stages of the disease. At the recommendation of her doctors she had a partial mastectomy and her lymph nodes were removed. Since her lymph nodes were free of cancer, her doctors recommended no further treatment.

After her initial diagnosis and treatment, Vickie began to educate herself about breast cancer and appropriate therapies for the disease. During this time, Vickie learned that the National Cancer Institute recommended chemotherapy or radiation treatments following surgery even when a woman's lymph nodes are clean, as hers were in 1989. Had information been more readily available to her, she might have demanded followup therapies and had a better chance of fighting the cancer.

In the spring of 1991 when she first began experiencing pain in her shoulder, Vickie knew this was a possible sign of the cancer spreading to her bones. However, the three doctors she saw did not take her seriously and treated her for rheumatoid arthritis. Finally, 8 months later, in January 1992, an x ray showed that, indeed, her cancer had spread to her bones.

At this point Vickie had her ovaries removed, since her cancer was fed by the estrogen produced by her ovaries. She was told she had 2 years to live. While the news was devastating, Vickie and her husband, Rick, decided they were going to do everything they could to fight the cancer. Vickie called medical facilities across the country and over a year ago began receiving chemotherapy and vitamin and nutrition therapy from a cancer treatment center in Chicago. She continued to work at General Motors as a secretary, part time, while making monthly trips for 5 days of chemotherapy in the hospital.

These trips have paid off—Vickie's cancer has receded in all but one of seven spots which is quite remarkable. However, she has had to stop using the particular chemotherapy drug because after a while it begins to harm a patient's heart. Her doctor has recommended a bone marrow transplant, which has been shown to lead to remission in 20 to 25 percent of patients with recurrent breast cancer. Her chances of a significant remission are much lower, possibly as low as 1 percent, if she continues chemotherapy with a different drug.

Vickie is an ideal candidate for a bone marrow transplant due to her remarkable recovery, her young age and her otherwise good health. The costs of the transplant which average between $65,000 and $200,000, and Vickie's costs are expected to be at the low end of the range. Her insurance company will not pay for the procedure, and she and her husband cannot afford the expense themselves.

Vickie's illness is taking a large toll on her family in a number of ways. This winter she found she could not continue to work, even on a part-time basis, and she went on extended sick leave. In addition, her husband Rick has developed a back problem primarily due to the stress of dealing with Vickie's illness and has had to go on extended sick leave. Their income has declined as a result. She and her husband now pay about $500 each month for her health care expenses. Her friends and family have rallied to help her but they are not sure if they can raise the money to pay for the bone marrow transplant.

Vickie Girard is one of more than 1.8 million women in the United States today who have a history of breast cancer. A number of events have been planned to bring the issue of breast cancer back into the public eye. This weekend in Washington, DC, the National Breast Cancer Coalition is holding a rally to kick off a massive campaign to fight breast cancer. In addition, an exhibit of photographs of women who have died of breast cancer will open this weekend to put a human face on this disease.

While Vickie's fate is still up in the air, she remains hopeful and has vowed to do all she can to educate the public about breast cancer and about the importance of being an educated health care consumer. I'm telling Vickie's story today to help her with her mission and to emphasize the urgency of reforming our health care system.•

THOMAS JEFFERSON

• Mr. PRESSLER. Mr. President, this month we recognize the birthday of one of the Founding Fathers of our Nation, Thomas Jefferson. April 13, 1993, marked the 250th anniversary of the birth of Thomas Jefferson. Our Nation's third President, he is one of the most colorful and distinguished figures of American history.

A true statesman, diplomat, and political thinker, Thomas Jefferson was a man of both philosophical and scientific curiosity. His outstanding career as a political leader was matched by his excellence as a scientist, author, and architect.

The author of the Declaration of Independence was born to Peter and Jane Jefferson at Shadwell, in Albemarle County, VA. His education consisted mostly of tutors and 2 years at the College of William and Mary. Admitted to the bar in 1767, he became a successful and influential lawyer while enjoying the pursuits of architecture and planting at his home in Monticello.

His 40 years of public service concluded at the pinnacle of American Government. He served one term as Vice President and two terms as our third President. During his Presidency, the size of the United States doubled with the purchase of the vast Louisiana Territory, and Congress passed a law banning the slave trade.

Thomas Jefferson's distinguished career as an American Revolutionary included service in the First and Second Continental Congresses. He was Minister to Paris and our Nation's first Secretary of State.

I am proud to be from the great State of South Dakota, where we have the honor of hosting the Mount Rushmore National Memorial. This huge granite carving located in the Black Hills near Rapid City, depicts the faces of four American Presidents, including the great Thomas Jefferson.

Gutzon Borglum, who designed the memorial and supervised most of the work, selected the four historic figures—George Washington, Thomas Jefferson, Theodore Roosevelt, and Abraham Lincoln—as representations of the spirit and ideals of America's geographical expansion and political development.

While it is not known precisely how Gutzon Borglum came to choose these four historic figures, he could firmly defend his selection. Of Thomas Jefferson, Borglum touted that Jefferson's purchase of Louisiana typified the entire spirit of the manifest destiny of America to extend to both coasts of the continent. Little objection was raised to the memorialization of Thomas Jefferson.

As my colleagues know, a project to preserve and renovate Mount Rushmore National Memorial is underway. The improvement project is essential to accommodate the growing number of visitors to the monument, which has grown to more than 2 million annually.

While preservation efforts are underway, the visitors in 1993 will undoubtedly take particular notice to the second leader carved in stone—Thomas Jefferson—and salute his historic contributions as they note the 250th anniversary of his birth.•

JEWISH HERITAGE WEEK

• Mr. RIEGLE. Mr. President, this week we pay tribute to the 6 million Jews who live in the United States. We honor their profound contributions to our country and its future. Despite their small numbers, Jews have helped build the social, technological, and cultural foundations of our Nation. This week, commemorating Jewish Heritage, is intended to raise awareness of the cultural and religious heritage of the Jewish community. America's strength has always come from its cultural and ethnic diversity—and the Jewish people are a critical part of our cultural mosaic.

This year's observation of Jewish Heritage Week, however, takes on somber tones because it coincides with the opening of the Holocaust Memorial Museum in Washington, DC on April 26 and with the 50th anniversary of the Warsaw Ghetto Uprising. On April 18, America remembered the few courageous Jewish residents of the Warsaw ghetto who defended their homes in a battle against their oppressors. For one stunning week in 1943, during the Passover holiday—when Jews celebrate their ancestors' release from Egyptian bondage—a handful of Jewish men, women, and children fought to free themselves from the horrific bondage of the Nazis. This small group of people had already watched as Nazis forcibly removed over 300,000 residents of the ghetto from their homes and forced them like cattle into boxcars bound for the concentration camp in Auschwitz. In a final act of destruction, the Nazis proceeded to burn the neighborhood to the ground. We remember this event and honor its victims because it reminds us of the damages of sitting idly by while tragic and horrific events take place.

Today, however, with the passing of 50 years, fewer and fewer survivors of the Holocaust are still alive to remind us of the horrors of the genocidal Nazis. So that the world will never forget what happened half-a-century ago in Europe, America, this week, dedicated and opened the National Holocaust Museum here in Washington, DC. This museum has been widely praised for its creative layout and meaningful exhibits. It is appropriate that Bill Clinton and Holocaust survivor Elie Wiesel spoke at the occasion of its opening.

Some people have, however, questioned the need for such a museum, noting its depressing nature and its focus on only the Jewish victims. It is true that many others, including Poles, gays, Gypsies, and the elderly, suffered at the hands of the Nazis—and we mourn their loss. But, none were persecuted with such overriding purpose as the Jews. Above all others, the Nazis singled out the Jews for scorn, persecution, and ultimately death as Nazi Germany pursued its goal of world dominance.

Last week, I learned of a poll which stated that one in five Americans are not sure whether the Holocaust actually took place. I find this poll very frightening. With the passing of Holocaust survivors and the American and other forces which liberated the camps, the task of remembering becomes more difficult. No one must be allowed to forget! We must recognize that the key to preventing genocide in the future is to vividly remember and learn from the tragedies of the past. The Holocaust and this new museum memorializing it reaffirm the lesson that intolerance and discrimination only lay the seeds of our own destruction.

Mr. President, as we observe Jewish Heritage Week, I am resigned to the fact that the aspects of Jewish history and culture we must commemorate this year have a tragic theme. To be sure, Jewish scientists, leaders, academics have all made important contributions to the history not only of this country, but the world. But the opening of the Holocaust Museum and anniversary of the fall of the Warsaw ghetto remind us of the perverse waste of human life which occurred earlier this century. However, if any good can be derived from the tragedy of the Holocaust, it is only the lesson that history binds us and cries out to the people who remember it, to take greater care in working together toward understanding and against injustice.•

IN HONOR OF DR. LAWRENCE K. PETTIT

• Mr. WOFFORD. Mr. President, I rise today to congratulate Dr. Lawrence K. Pettit on becoming the 21st president of Indiana University of Pennsylvania in Indiana, PA.

Dr. Pettit holds degrees from the University of Montana, Washington University, and a Ph.D. in political science from the University of Wisconsin. He has authored several books and has written extensively in periodicals and journals on the impact of political science on higher education.

Prior to becoming president of IUP, Dr. Pettit served in a variety of capacities. Most notably, he served as chancellor of Southern Illinois University, chief academic officer for the Texas College and University system, chief executive officer of the Montana University system and chairman of the political science department at Montana State University.

Dr. Pettit has also been active in politics and Government as he formerly served as campaign manager for the Governor of Montana, as well as legislative assistant for two U.S. Senators.

Dr. Lawrence Pettit's unwavering commitment to achieving excellence through education will continue to be an inspiration to us all. Again, I offer my congratulations and best wishes to Dr. Pettit, his family, and all those associated with the Indiana University of Pennsylvania.•

ORDERS FOR TOMORROW

Mr. FORD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:30 a.m., Friday, April 30; that following the prayer, the Journal of the proceedings be deemed approved to date, and the time for the two leaders reserved for their use later in the day; that there then be a period for morning business with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 11:30 A.M.

Mr. FORD. Madam President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 9:15 p.m., recessed until Friday, April 30, 1993, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate after the recess on April 28, 1993, under authority of the order of the Senate of January 5, 1993:

DEPARTMENT OF THE INTERIOR

GEORGE T. FRAMPTON, JR., OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, VICE MIKE HAYDEN, RESIGNED.

DANIEL P. BEARD, OF WASHINGTON, TO BE COMMISSIONER OF RECLAMATION, VICE DENNIS B. UNDERWOOD, RESIGNED.

DEPARTMENT OF AGRICULTURE

EUGENE MOOS, OF WASHINGTON, TO BE UNDER SECRETARY OF AGRICULTURE FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS, VICE RICHARD THOMAS CROWDER, RESIGNED.

EUGENE MOOS, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE RICHARD THOMAS CROWDER, RESIGNED.

DEPARTMENT OF LABOR

MARIA ECHAVESTE, OF NEW YORK, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAULA V. SMITH, RESIGNED.

DEPARTMENT OF EDUCATION

THOMAS W. PAYZANT, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE JOHN T. MACDONALD, RESIGNED.

DAVID A. LONGANECKER, OF COLORADO, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE CAROLYNN REID-WALLACE, RESIGNED.

GENERAL SERVICES ADMINISTRATION

ROGER W. JOHNSON, OF CALIFORNIA, TO BE ADMINISTRATOR OF GENERAL SERVICES, VICE RICHARD G. AUSTIN, RESIGNED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

RUTH R. HARKIN, OF IOWA, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, VICE FRED M. ZEDER II, RESIGNED.

DEPARTMENT OF STATE

DANIEL K. TARULLO, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF STATE, VICE EUGENE J. MCALLISTER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. TREVOR A. HAMMOND, [redacted] U.S. AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. NOWAK, [redacted] U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING NAMED REAR ADMIRAL (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral

REAR ADM. (1H) WILLIAM ANTON HEINE, II [redacted] U.S. NAVAL RESERVE.

THE FOLLOWING NAMED REAR ADMIRAL (LOWER HALF) OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF REAR ADMIRAL IN THE STAFF CORPS, AS INDICATED, PURSUANT TO THE PROVISION OF TITLE 10, UNITED STATES CODE, SECTION 5912:

SUPPLY CORPS OFFICER

To be rear admiral

REAR ADM. (1H) DOUGLAS MATTHEW MOORE [redacted] U.S. NAVAL RESERVE.

THE FOLLOWING-NAMED CAPTAIN IN THE STAFF CORPS OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS

To be rear admiral (lower half)

CAPT. DENNIS IRWIN WRIGHT [redacted] U.S. NAVY.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be colonel

JOHN P. SCOVILL [redacted]

To be major

LANG K. COLEMAN [redacted]

Executive nominations received by the Senate April 29, 1993:

DEPARTMENT OF JUSTICE

SHEILA FOSTER ANTHONY, OF ARKANSAS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE W. LEE RAWLS, RESIGNED.

FRANK HUNGER, OF MISSISSIPPI, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE STUART M. GERSON, RESIGNED.

ELEANOR ACHESON, OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE STEPHEN J. MARKMAN, RESIGNED.

WALTER DELLINGER, OF NORTH CAROLINA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE TIMOTHY E. FLANIGAN, RESIGNED.

ANNE BINGAMAN, OF NEW MEXICO, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JAMES FRANKLIN RILL, RESIGNED.

LANI GUINER, OF PENNSYLVANIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE JOHN R. DUNNE, RESIGNED.

DEPARTMENT OF DEFENSE

STEVEN S. HONIGMAN, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE NAVY, VICE CRAIG S. KING, RESIGNED.

ASHTON B. CARTER, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE DAVID S.C. CHU, RESIGNED.

EDWIN DORN, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE CHRISTOPHER JEHN, RESIGNED.

EDWARD L. WARNER, III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE COLIN RILEY MCMILLAN, RESIGNED.

ANITA K. JONES, OF VIRGINIA, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING, VICE VICTOR H. REIS, RESIGNED.

DEPARTMENT OF ENERGY

JAMES JOHN HOECKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 1995, VICE BRANKO TERZIC, RESIGNED.

WILLIAM LLOYD MASSEY, OF ARKANSAS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 20, 1993, VICE MARTIN LEWIS ALLDAY, RESIGNED.

WILLIAM LLOYD MASSEY, OF ARKANSAS, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1998. (REAPPOINTMENT)

DONALD FARLEY SANTA, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 1997, VICE CHARLES A. TRABANDT, TERM EXPIRED.

DEPARTMENT OF AGRICULTURE

ELLEN WEINBERGER HAAS, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE CATHERINE ANN BERTINI, RESIGNED.

ELLEN WEINBERGER HAAS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE CATHERINE ANN BERTINI, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOSEPH SHULDINER, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JOSEPH G. SCHIFF, RESIGNED.

MARILYN A. DAVIS, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE JIM E. TARRO, RESIGNED.

AIDA ALVAREZ, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FOR A TERM OF FIVE YEARS. (NEW POSITION)

IN THE ARMY

THE FOLLOWING NAMED CADETS, GRADUATING CLASS OF 1993, UNITED STATES MILITARY ACADEMY, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, 533 AND 4353:

ERIK J. AASTERUD [redacted]
DAVID S. ABRAHAMS [redacted]
DAVID B. ABSHIRE [redacted]
ERIC R. ACHENBACH [redacted]
JAMES R. ACOSTA [redacted]
LAMAR D. ADAMS [redacted]
SHERRI R. ADAMS [redacted]
CALVIN L. ADDISON, JR [redacted]
THOMAS L. AIELLO [redacted]
THOMAS L. AILINGER [redacted]
STEVEN T. ALCH [redacted]
VIRGINIA J. ALCORN [redacted]
BRENT W. ALEXANDER [redacted]
DENNIS G. ALFF [redacted]
CHAD E. ALLEN [redacted]
DERRIK T. ALLEN [redacted]
ERIC N. ALLEN [redacted]
KENNETH S. ALLEN [redacted]
ROBERT K. ALLISON [redacted]
JOEL N. ALLMANDINGER [redacted]
JONATHAN K. ALT [redacted]
DAVID T. AMBROSE [redacted]
JASON L. AMERINE [redacted]
PAUL M. AMRHEIN [redacted]
KIRK J. ANDEREGG [redacted]
ERIK N. ANDERSON [redacted]
JAMES E. ANDERSON [redacted]
JEFFREY F. ANDERSON [redacted]
CORT W. ANDREWS [redacted]
JIMMY D. ANDREWS, JR [redacted]
BRIAN N. ANDRUSIN [redacted]
STEVEN R. ANSLEY, JR. [redacted]
ANDREW S. APGAR [redacted]
BRIAN P. APGAR [redacted]
AUSTIN T. APPLETON [redacted]
LYNDA R. ARMER [redacted]
CHARLES S. ARMSTRONG [redacted]
RYAN D. ARNE [redacted]
REYNOLD R. ARREDONDO [redacted]
RANDALL J. ARVAY [redacted]
THOMAS J. ATKINS [redacted]
PAUL E. AUS [redacted]
KEVIN M. BACKUS [redacted]
BERKLEY A. BAKER [redacted]
BOBBY J. BAKER [redacted]
JOHN M. BAKER [redacted]
PAUL V. BAKER [redacted]
ALLANA J. BALKAM [redacted]
JEREMY A. BALL [redacted]
RICHARD P. BANEZ [redacted]
BOBBY H. BANG [redacted]
YOUNG J. BANG [redacted]
MANDY L. BANTHER [redacted]
DARREN M. BARKER [redacted]
GILBERTO J. BARRERA [redacted]
CLARK C. BARRETT [redacted]
JAMES T. BARTELME, JR [redacted]
LEE J. BARTON [redacted]
DARRIN J. BATCHELOR [redacted]
WILLIAM A. BATES, IV [redacted]
STEVEN D. BATTLESO [redacted]
CHADWICK T. BAULD [redacted]
CRAIG S. BAUMGARTNER [redacted]
SCOTT T. BEALL [redacted]
JAMES M. BEALS [redacted]
JASON D. BEAM [redacted]
KRISTINE A. BEARDSLEY [redacted]
JENNIFER M. BEASON [redacted]
BRIAN C. BECK [redacted]
CHRISTOP G. BECK [redacted]
GREGG H. BELL [redacted]
RICHARD C. BELL, JR [redacted]
TREAVOR J. BELLANDI, [redacted]
PETER N. BENCHOFF [redacted]
JAMES E. BENNETT [redacted]
JENNIFER M. BENNETT [redacted]
CHARLES K. BERGMAN [redacted]
MARK BERNETI [redacted]
RICHARD K. BERUBE [redacted]
JOHN A. BEST [redacted]
MICHAEL J. BEST [redacted]
WILLIAM H. BESTERMANN, I [redacted]
KURT L. BEURMANN [redacted]
KEVIN A. BIGELMAN [redacted]
JOHN R. BIRD [redacted]
ALAN D. BISENIEKS [redacted]
JOHN W. BITTNER [redacted]
CHAD W. BIXBY [redacted]
MICHAEL F. BLANDINO [redacted]
JEFFREY D. BLANEY [redacted]
BENJAMIN C. BLOCK [redacted]
WENDY A. BLOUNT [redacted]
BRADLEY T. BODI [redacted]
DENNIS E. BOGDAN [redacted]
DOUGLAS J. BOHRER, JR [redacted]
JOHN J. BONIN [redacted]
ROBERT A. BORCHERDING, [redacted]
CHRISTOP BOWEN [redacted]
DARRION L. BOWERS [redacted]
PAUL L. BOWERS [redacted]
DAVID A. BOWLUS [redacted]
LANCE P. BOYCE [redacted]

CHRISTOP J. BOYD [redacted]
JAMES J. BOYLE [redacted]
SCOTT D. BOYLE [redacted]
STEVEN R. BRADDOM [redacted]
WILLIAM K. BRADFORD [redacted]
JOSEPH F. BRADLEY, J [redacted]
SCHAWN L. BRANCH [redacted]
JEFFREY A. BRANDSMA [redacted]
GREGORY C. BRAUNTON [redacted]
KEVIN W. BREEDLOVE [redacted]
GREGORY A. BREITENFELD [redacted]
ANDREW P. BRICKSON [redacted]
WILLIAM R. BRIGMON [redacted]
MICHAEL D. BRINEGAR [redacted]
STEPHEN M. BROOKS [redacted]
MICHAEL W. BROUGH [redacted]
DONALD M. BROWN [redacted]
JOHN C. BROWN [redacted]
KEVIN S. BROWN [redacted]
WILLIAM N. BROWN, III [redacted]
BRADLEY K. BRUMBACH [redacted]
PATRICK D. BUCKLEY [redacted]
CHAD A. BUFFINGTON [redacted]
CHARLES W. BUFFINGTON [redacted]
STEPHEN P. BURKE [redacted]
KENNETH W. BURKMAN [redacted]
DOUGLAS R. BUSH [redacted]
JAMES H. BUSH, JR [redacted]
TODD E. BUTLER [redacted]
KEVIN J. BYRNE [redacted]
BRIAN E. BZDAWKA [redacted]
SAMUEL L. CALKINS [redacted]
LANCE K. CALVERT [redacted]
PAUL F. CAMPAGNA [redacted]
CAMERON M. CANTLON [redacted]
BROOK W. CAPPS, [redacted]
ANTHONY T. CARANGO, [redacted]
DANIEL M. CAREY [redacted]
CHRISTOP P. CARLTON [redacted]
LINCOLN R. CARROLL [redacted]
NICOLE J. CARROLL [redacted]
PETER J. CARROLL [redacted]
JAMES R. CARSON [redacted]
BRANDON R. CARTEEN [redacted]
WILBERT B. CARTER, III [redacted]
DAVID M. CASCIO [redacted]
JOHN J. CASISA [redacted]
DONALD R. CATHCART [redacted]
JONATHAN D. CAUDILL [redacted]
KERRY S. CECIL [redacted]
CHRISTOP C. CERNIAUSKAS [redacted]
PAUL A. CERNIAUSKAS [redacted]
DANIEL L. CHANDLER [redacted]
WILLIAM H. CHAPMAN [redacted]
JASON A. CHARLAND [redacted]
WILLIAM C. CHESS, [redacted]
MARY R. CHEYNE [redacted]
DARREN J. CHIAPPINELL [redacted]
DAVID B. CHIESA [redacted]
TIMOTHY H. CHO [redacted]
MICHAEL H. CHOI [redacted]
MICHAEL T. CHONG [redacted]
JEFFREY D. CHUCK [redacted]
ALLYSON M. CHURINS [redacted]
MICHAEL N. CLANCY [redacted]
JEREMY S. CLARK [redacted]
PHILIP R. CLARK [redacted]
EDDIE O. CLAY [redacted]
MICHAEL B. COACHYS [redacted]
ROBERT R. COCHRAN [redacted]
CHARLES R. COE [redacted]
DAVID A. COLEBANK [redacted]
CHAD A. COLLIER [redacted]
LARA E. COLTON [redacted]
THOMAS J. COMBS [redacted]
KURT P. CONNELL [redacted]
CHRISTOP J. CONRAD [redacted]
EDWIN A. COOK [redacted]
JASON E. COOK [redacted]
NATHAN E. COOK, II [redacted]
ANDREW E. COOPER [redacted]
JIMMY B. COOPER [redacted]
KRISTA L. COOPER [redacted]
THOMAS M. CORBITT [redacted]
DAVID L. COSLIN [redacted]
DAVID E. COVOLESKY [redacted]
WILLIAM H. COX, III [redacted]
PAUL G. CRAFT [redacted]
JAMES R. CRAIG [redacted]
STEVEN P. CRAM [redacted]
JACOB E. CRAWFORD, II [redacted]
JEREMY A. CRIST [redacted]
JOHN J. CRITELLI [redacted]
CHRISTOP W. CROFOOT [redacted]
JAY F. CROOK [redacted]
JOHN D. CROSS [redacted]
JAMES W. CROSSLEY [redacted]
MASON W. CROW, [redacted]
STEPHEN J. CRUMBLISH [redacted]
GRETCHEN M. CUDABACK [redacted]
EMMA A. CUEVAS [redacted]
CECIL W. CULBRETH, JR [redacted]
CRAIG P. CUMMINGS [redacted]
THOMAS K. CUPIT [redacted]
DAVID H. CURL [redacted]
WILLIAM R. CURRENCE [redacted]
KAREN A. CURTIS [redacted]
JOHN M. CUSHING [redacted]
SHAWN L. DANIEL [redacted]
PETER A. DANNENBERG [redacted]
PETER E. DARGLE [redacted]
PAUL T. DARLING [redacted]
RICHARD W. DAROUSE, III [redacted]
MICHAEL L. DAVIDSON [redacted]
DANIEL M. DAVIS [redacted]
JAMES R. DAVIS [redacted]
ROBERT W. DAVIS [redacted]
RUSSELL O. DAVIS, II [redacted]
SOO L. DAVIS [redacted]
JEFFERY K. DAY [redacted]
JEFFREY A. DEAN [redacted]
JUDITH A. DEBOCK [redacted]
SHAD H. DEERING [redacted]
STEVEN M. DELGADO [redacted]
GREGG M. DELLERT [redacted]
CHRISTOP D. DELOSSANTOS [redacted]
CHARLES R. DEMARTINO [redacted]
ANTHONY V. DEMASI [redacted]
JASON K. DEMPSEY [redacted]
JAMES A. DENSMORE [redacted]
SELINA K. DEVINEY [redacted]
PHILLIP J. DEVRIES, I [redacted]
TORREY A. DICIRO [redacted]
RONALD J. DIEHL [redacted]
CHARLES S. DIETRICH [redacted]
LARRY F. DILLARD, JR [redacted]
JAMES T. DILLON, II [redacted]
RICHARD P. DIMEGLIO [redacted]
JOHN P. DINA, II [redacted]
LUKE S. DODDS [redacted]
ROSS S. DOLGOFF [redacted]
ROY L. DONELSON [redacted]
CHRISTOP P. DONNELLY [redacted]
MARK L. DOTSON [redacted]
THOMAS W. DOUGHTY [redacted]
TRACY A. DOWLING [redacted]
PATRICK M. DOWNES [redacted]
DAVID S. DOYLE [redacted]
DANIEL J. DRISCOLL [redacted]
BRIAN C. DUDLEY [redacted]
WILLIAM H. DUNBAR [redacted]
LANDY D. DUNHAM [redacted]
JAMES K. DUNIVAN [redacted]
DAVID W. DUNPHY [redacted]
JAMES C. DURANT, II [redacted]
JON R. DURANT [redacted]
FRANK M. DURIANCIK, III [redacted]
JAMES J. DUTHU [redacted]
FRANK E. DWYER [redacted]
JAMES P. DYKE [redacted]
ARTHUR R. DYMOND [redacted]
JAMES D. DZWONCHYK [redacted]
MARK A. EBERLE [redacted]
ADAM T. EDWARDS [redacted]
JAMES M. EFAW [redacted]
MATTHEW L. EICHBURG [redacted]
JOSEF K. EICHINGER [redacted]
ROBERT M. EINFALT, JR [redacted]
ROBERT W. ELDRED [redacted]
ELLIOTT S. ELLIOTT [redacted]
RICHARD S. ELLIOTT [redacted]
JON E. ELLIS [redacted]
MICHAEL D. ELLIS [redacted]
HENRY P. ELLISON [redacted]
ROBERT J. ELLS [redacted]
RONALD L. ELLS [redacted]
DANIEL J. ENGEL, [redacted]
CHARLES B. ENGLE, III [redacted]
JAMES C. ENGLISH [redacted]
TERESA M. ERB [redacted]
JEFFREY M. ERICKSON [redacted]
REED G. ERICKSON [redacted]
PEDRO R. ESPINOZA, I [redacted]
BRAD M. EVANGELIST [redacted]
SCOTT A. EWALD [redacted]
CHRISTOP T. FABER [redacted]
PHILLIP E. FANT [redacted]
SCOTT G. FARESTER [redacted]
TIMOTHY W. FARMER [redacted]
KENNETH E. FARRIS [redacted]
KRISTINA D. FEEMSTER [redacted]
CARL R. FEHRENBACHER [redacted]
CHRISTIA H. FELLOWS [redacted]
DOUGLAS N. FERREL, JR [redacted]
BRUCE K. FERRELL [redacted]
VICTOR W. FERSON [redacted]
MICHAEL L. FIGLIUOLO [redacted]
TONEY E. FILOSTRAT [redacted]
SCOT A. FISCHER [redacted]
SCOTT M. FITZGERALD [redacted]
DAVID G. FIVECOAT [redacted]
STEPHEN P. FLEMING [redacted]
PAUL R. FLOOD [redacted]
LOUIS A. FLORENCE [redacted]
BENJAMIN C. FORD [redacted]
BRIAN A. FORN [redacted]
VINCENT J. FORTUNATO [redacted]
JAMISON L. FOX [redacted]
MARC G. FRANKLIN [redacted]
DWIGHT E. FRASER [redacted]
JOHN P. FREDERICK [redacted]
CHARLES W. FRITZ, I [redacted]
PRESTON L. FUNKHOUSER, IV [redacted]
STUART D. FURNER, [redacted]
MARCUS A. GACCIONE [redacted]
EDWARD A. GAFFNEY [redacted]
DANIEL E. GALLAGHER [redacted]
MICHAEL P. GALLAGHER [redacted]
ERIN J. GALVIN [redacted]
SAMUEL GANNELLI [redacted]
RALPH R. GARCIA, JR [redacted]
SCOTT T. GARDINER [redacted]
JASON T. GARKEY [redacted]
ELIZABET C. GARRISON [redacted]
STEPHEN E. GAUTHIER [redacted]
KARA M. GEISLER [redacted]
DARREN S. GERBLICK [redacted]
DARRYL L. GEROW [redacted]
DENNIS J. GEYER [redacted]
GRANT S. GEYER [redacted]
BRYAN R. GIBBY [redacted]
THOMAS M. GILLERAN [redacted]
TERRANCE J. GILLESPIE [redacted]
SEAN M. GLADIEUX [redacted]
WILLIAM R. GLASER [redacted]
JAMES P. GODDARD [redacted]
ARI S. GOETZ [redacted]
MARK R. GOLDSCHMIDT [redacted]
HOMER I. GONZALEZ [redacted]
RODNEY S. GONZALEZ [redacted]
JOHN J. GORDAN, II [redacted]
AARON P. GORDON [redacted]
ROBERT E. GORDON, JR [redacted]
JOHN M. GORKOS, [redacted]
AARON L. GOULD [redacted]
NICHOLAS G. GOUZOULIS [redacted]
DANIEL D. GRAHAM [redacted]
NORMAN D. GRANT [redacted]
MICHAEL D. GRAY [redacted]
DAVID R. GRAYSON [redacted]
THOMAS A. GREASON [redacted]
MICHAEL V. GRECO, JR [redacted]
JEAN–PIE GREEN [redacted]
RICHARD A. GREEN [redacted]
GAYLORD W. GREENE [redacted]
WILLIAM W. GRISWOLD [redacted]
JEFFREY M. GROSSO [redacted]
MATHEW D. GUERRIE [redacted]
CHRISTOP C. GUERRIERO [redacted]
JOSEPH C. GUERRIERO [redacted]
KENT G. GUFFY [redacted]
EUGENIA K. GUILMARTIN [redacted]
YI S. GWON [redacted]
ANNA M. HABERZETTL [redacted]
ERIC R. HADLOCK [redacted]
MICHAEL L. HAGGARD [redacted]
JAMES T. HAGY [redacted]
MAURICE S. HAJJAR [redacted]
ANTHONY S. HALE [redacted]
BRIAN C. HALE [redacted]
MATTHEW T. HALFERTY [redacted]
JUSTIN R. HALL [redacted]
RICHARD H. HALLIBURTON [redacted]
CHARLES S. HALTIWANGER [redacted]
AKEMI L. HAMAN [redacted]
WARREN D. HAMILTON [redacted]
THAD S. HAND [redacted]
CHARLES E. HANSELL [redacted]
DANE L. HANSON [redacted]
DOUGLAS D. HANSON [redacted]
TRAVIS D. HANSON [redacted]
CHARLES T. HARDMAN [redacted]
GREGORY S. HARKINS [redacted]
MATTHEW J. HARLEMAN [redacted]
MATTHEW B. HARLESS [redacted]
STEPHEN R. HAROLD [redacted]
JERAD I. HARPER [redacted]
JOHN K. HARRIS [redacted]
GERALD J. HART, JR [redacted]
RAPHAEL R. HART [redacted]
JAMES W. HARTMAN [redacted]
STEVEN C. HARTMAN [redacted]
MICHAEL D. HARVEY [redacted]
LORNA J. HASTINGS [redacted]
KENNETH R. HATHAWAY [redacted]
HARRY A. HATZIS [redacted]
JUSTIN C. HAWKE [redacted]
JOHNNY D. HAWKINS [redacted]
DONALD J. HAZELWOOD, JR [redacted]
JOHN W. HEATON [redacted]
KEITH R. HEDGSPETH [redacted]
STEVEN B. HEDRICK [redacted]
GEORGE S. HEGEDUS [redacted]
TREVOR L. HEILMAN [redacted]
STEVEN J. HELLER [redacted]
ROGER G. HENDERSON [redacted]
JASON C. HENNEKE [redacted]
GARY G. HENNIGAN [redacted]
MATTHEW HENNIGAN [redacted]
SIMON J. HERNAEZ [redacted]
MARK E. HEWITT [redacted]
JOHN M. HICKS [redacted]
JOSHUA J. HIGGINS [redacted]
RICHARD C. HILL [redacted]
BRODIE R. HODGES [redacted]
GREGORY T. HODNETT [redacted]
TIMOTHY W. HOFFNER [redacted]
CHRISTOP E. HOGAN, [redacted]
WILLIAM B. HOLDEN [redacted]
SCOTT R. HOLSTINE [redacted]
DEANNA M. HOLT [redacted]
ABRAHAM Y. HONG [redacted]
SONKI HONG [redacted]
KATHERIN R. HOOS [redacted]
CHRISTOP L. HOPKINS [redacted]
JAMES R. HOSKIN, JR [redacted]
MARTHA A. HOUSE [redacted]
ERIK K. HOVDA [redacted]
JASON A. HOWE [redacted]
JEFFREY D. HUDSON [redacted]
TIMOTHY P. HUGHES [redacted]
FRED L. HUH [redacted]
KRISTEN C. HULL [redacted]
DHANIA J. HUNT [redacted]
MICHAEL H. HUNTER [redacted]
THOMAS R. HUSTEAD [redacted]

MARK C. HUSTIS [redacted]
ANDREW J. HYATT [redacted]
JOSEPH P. IACONO [redacted]
LUKE A. IHDE [redacted]
DAVID C. IM [redacted]
KEVIN C. INGLIN [redacted]
TYRONE B. INGO, JR [redacted]
CULPEPPE F. INGRAM, JR [redacted]
SEAN M. INNES [redacted]
FRANK P. INTINI, III [redacted]
STEVEN L. ISENHOUR [redacted]
EDWARD C. JACKMAN [redacted]
CHRISTOP A. JACKSON [redacted]
JAMES W. JACKSON, I [redacted]
JOHN C. JACKSON [redacted]
JENNIFER A. JACOBS [redacted]
CARL R. JACQUET [redacted]
JOSEPH E. JANCZYK [redacted]
RYAN M. JANOVIC [redacted]
ABEL JARAMILLO [redacted]
CHRISTOP G. JARVIS [redacted]
MICHAEL A. JASKOWIEC [redacted]
HAROLD A. JENKINS, II [redacted]
SHAWN T. JENKINS [redacted]
MATTHEW S. JENNINGS [redacted]
JASON A. JOERG [redacted]
TINA L. JOHNS [redacted]
ANN M. JOHNSON [redacted]
CHRISTOP D. JOHNSON [redacted]
DONALD S. JOHNSON [redacted]
JAMES D. JOHNSON [redacted]
JEFFREY C. JOHNSON [redacted]
LAURI E. JOHNSON, [redacted]
SHANNON R. JOHNSON [redacted]
STEVEN K. JOHNSON [redacted]
DANA M. JONES [redacted]
JAMES A. JONES [redacted]
RAYMOND T. JONES [redacted]
SEAN C. JONES [redacted]
JASON M. JOWERS [redacted]
AMY D. JUDD [redacted]
ANTHONY G. JUDGE [redacted]
EDGAR R. JUGUETA [redacted]
DANO M. JUKANOVICH [redacted]
MATTHEW A. JURY [redacted]
SHAWN C. JURY [redacted]
TODD A. JUSTMAN [redacted]
MICHAEL A. KACHURE [redacted]
MICHAEL S. KACZMAREK [redacted]
ROBERT P. KADERAVEK [redacted]
JAMES W. KAINE [redacted]
JACQUELI M. KALATA [redacted]
DOUGLAS M. KATZ [redacted]
BRENT A. KAUFFMAN [redacted]
ROBERT R. KEETER [redacted]
DANNY M. KELLEY, II [redacted]
MARK P. KEMPF [redacted]
MICHAEL T. KENNY [redacted]
MICHAEL P. KEOWN, JR [redacted]
DAVID J. KEPPEL [redacted]
LAURA L. KESLER [redacted]
MATTHEW B. KEZAR [redacted]
ROBERT G. KILBORN [redacted]
KEVIN W. KILKELLY [redacted]
DEAN J. KIM [redacted]
IKE W. KIM [redacted]
RICHARD H. KIM [redacted]
TERENCE A. KIMBALL [redacted]
GEORGE B. KIMES, III [redacted]
ERIC J. KINDGREN [redacted]
PATRICK V. KINSMAN [redacted]
JASON A. KIRK [redacted]
MICHAEL E. KISNER, I [redacted]
SHARA L. KISTNER [redacted]
DOUGLAS L. KITANI [redacted]
DEAN T. KLOPOTOSKI [redacted]
ROBERT J. KLOPP [redacted]
JEROME C. KNOX [redacted]
ADAM C. KOCHERAN [redacted]
STEPHEN S. KOH [redacted]
MICHAEL A. KONCZEY [redacted]
LAURA A. KOOPMAN [redacted]
GEORGE J. KOPSER, JR [redacted]
DOUGLAS M. KORNESKI [redacted]
DONALD J. KOSATKA [redacted]
CHRISTIA R. KOSHINSKI [redacted]
PATRICK G. KOSTER [redacted]
ERIC C. KOTOUC [redacted]
EDWARD A. KOVALESKI [redacted]
DEREK A. KREAGER [redacted]
MARCH L. KROTEE, JR [redacted]
ERIC C. KRUMIN [redacted]
MARYANN M. KU [redacted]
MARK E. KULECK [redacted]
MASAMI M. KUNZ [redacted]
KEOKI P. KUSANO [redacted]
OH H. KWON [redacted]
WILLIE J. LACY, JR [redacted]
TROY L. LAMBETH [redacted]
BRIAN B. LANE [redacted]
GROVER J. LAPORTE, JR [redacted]
ANDREW P. LATHROP [redacted]
JAMES R. LAUGHLIN, III [redacted]
LEONARD A. LEASSEAR [redacted]
BRENT L. LECHNER [redacted]
DERRICK S. LEE [redacted]
JAMES K. LEE [redacted]
SANG K. LEE [redacted]
RONALD A. LEHMAN, JR [redacted]
JOHN F. LEIDE [redacted]
GEORGE C. LEIGHOW [redacted]
SHAWN J. LEIGHT [redacted]

KENNETH R. LEMIRE [redacted]
ROBERT J. LENZ, JR [redacted]
RENE J. LERMA [redacted]
YALE F. LEVIN [redacted]
CHARLES W. LEWIS [redacted]
BRIAN M. LINCOLN [redacted]
SCOTT T. LINDBERG [redacted]
ROBIN J. LINDELL [redacted]
PAUL A. LIPPS [redacted]
STEPHEN M. LIVEZEY [redacted]
JOHN E. LIVINGSTONE [redacted]
GEORGE M. LOPEZ [redacted]
THOMAS D. LOPEZ [redacted]
JOSEPH R. LOREN [redacted]
DARIO N. LORENZETTI [redacted]
FRANK P. LORIA, JR [redacted]
PETER A. LUHOWY [redacted]
MICHAEL S. LYNCH [redacted]
PATRICIA C. LYNN [redacted]
KEVIN C. MACKENZIE [redacted]
ALEX N. MACMASTER [redacted]
OSCAR L. MAGEE [redacted]
JAMES M. MALAKOFF [redacted]
PATMON A. MALCOM [redacted]
STANLEY A. MALLOY [redacted]
PHILIP M. MANDRY [redacted]
THOMAS J. MANGINE [redacted]
JOSEPH V. MANGOLINI [redacted]
MARSHALL W. MANLEY [redacted]
TRACY L. MANN [redacted]
TODD A. MANNINEN [redacted]
WILLIAM O. MANNING [redacted]
ROBERT R. MANSELL [redacted]
BRIAN S. MANUS [redacted]
EVE M. MANZKE [redacted]
SAVA C. MARINKOVICH [redacted]
JOSEPH A. MARINO [redacted]
MARK P. MARKOWSKI [redacted]
SEAN H. MARSHALL [redacted]
WILLIAM M. MARTIN [redacted]
KOFO A. MARTINS [redacted]
JAMES M. MARUCCI [redacted]
SCOTT D. MASON [redacted]
THOMAS MATHIS [redacted]
WILLIAM B. MATIER [redacted]
MIKI MATSUO [redacted]
SCOTT D. MAXWELL [redacted]
CHRISTOP T. MAYER [redacted]
JEFFREY W. MAYO [redacted]
JEFFREY W. MAZIKOWSKI [redacted]
MICHAEL J. MAZZOCCO [redacted]
JOHN A. MCAFEE [redacted]
THOMAS M. MCCARDELL [redacted]
DAVID B. MCCARSON [redacted]
JEFFREY J. MCCONIHAY [redacted]
JOHN D. MCDONALD [redacted]
RAYMOND M. MCDONALD [redacted]
MICHAEL P. MCELRATH [redacted]
SUZETTE M. MCGEE [redacted]
THEODORE J. MCGOVERN [redacted]
CHRISTOP M. MCGOWAN [redacted]
RICHARD K. MCGOWAN [redacted]
JEFFREY P. MCGUCKIN [redacted]
JAMES A. MCINERNEY [redacted]
CHARLES E. MCINTYRE [redacted]
HOWARD D. MCINVALE [redacted]
JOSEPH P. MCNALLY [redacted]
EVAN H. MCNAMARA [redacted]
JOHN D. MCNEILL [redacted]
KENNETH T. MENO, JR [redacted]
DAVID C. MENSER [redacted]
CHANCE J. MERCURE [redacted]
AARON J. MERRILL [redacted]
CHARLES M. MERRIMON, II [redacted]
JOHN R. MEYER [redacted]
DALE E. MICHALK [redacted]
FERNANDO D. MIGUEL [redacted]
SEAN R. MIKULA [redacted]
MARSHALL C. MILES [redacted]
BRADLEY J. MILLER [redacted]
WENDY F. MILLING [redacted]
MICHAEL B. MILLS, JR [redacted]
LORRAINE M. MILUTIN [redacted]
JOSEPH M. MINASOLA, JR [redacted]
JENNIFER L. MISCHLER [redacted]
TREVOR A. MISHLER [redacted]
PATRICK M. MITCHELL [redacted]
THOMAS B. MITCHELL [redacted]
WEBB E. MITCHELL [redacted]
ROBERT T. MOBLEY [redacted]
DAVID M. MOGA [redacted]
CHARLES I. MONTANA, II [redacted]
MARK G. MONTGOMERY [redacted]
TODD C. MOONEY, [redacted]
DANIEL W. MOORE [redacted]
MARK A. MOREK [redacted]
JOHN R. MORITZ [redacted]
DARRIN A. MORRIS [redacted]
ANDREW J. MUENCH [redacted]
DAVID C. MULLIGAN [redacted]
KATHRYN M. MULLIGAN [redacted]
BRENT T. MUMFORD [redacted]
EARL J. MUNDORF [redacted]
THOMAS M. MURPHY, JR [redacted]
MARK C. NACE [redacted]
JOSEPH T. NAPIER [redacted]
MICHELLE K. NAPOL [redacted]
MICAH J. NAREL [redacted]
JEREMY P. NATHAN [redacted]
DAVID W. NAVRATIL [redacted]
JOHN D. NAWOICHYK [redacted]
DEAN S. NEWMAN [redacted]

JULIE A. NEYLON [redacted]
THU D. NGUYEN [redacted]
JAMES W. NIEMIEC [redacted]
MATTHEW T. NILSON [redacted]
GLENN W. NOCERITO [redacted]
JOHN S. NOH [redacted]
CHARLES W. NOLAN, II [redacted]
LISA A. NOLAN [redacted]
ERIC A. NORD [redacted]
KENNETH S. NOYES [redacted]
RALPH C. OBERT [redacted]
MICHAEL C. OBRIEN [redacted]
WILLIAM T. OBRIEN [redacted]
CAROLYN F. ODONNELL [redacted]
JOHN E. ODONNELL [redacted]
JOHN S. OH [redacted]
PATRICK A. OHARA [redacted]
DONOVAN D. OLLAR [redacted]
KIM H. OLMSTEAD, II [redacted]
MICHAEL G. OLMSTEAD [redacted]
JASON A. OLSON [redacted]
LANCE R. OLSON [redacted]
WILLIAM T. OLSON [redacted]
JEROME W. ONEAL [redacted]
DENNIS W. ONEILL [redacted]
CHARINA ORO [redacted]
JAMES M. OROSZ [redacted]
JEFFREY ORTOLI [redacted]
CARL R. OTT [redacted]
JASON J. OTTMAN [redacted]
STEVEN R. OVERBY [redacted]
DAMON E. OWENS, [redacted]
MICHAEL P. OWENS [redacted]
DAVID L. PAINTER [redacted]
LISA M. PAIS [redacted]
JOHN W. PANHORST [redacted]
MARK S. PARKER [redacted]
RONALD A. PARUNGAO [redacted]
JON F. PARVIN [redacted]
NEAL E. PASON [redacted]
JOHN S. PASSYN [redacted]
TARAK H. PATEL [redacted]
JASON A. PATES [redacted]
ANDREW M. PATTERSON [redacted]
THOMAS C. PAUDLER [redacted]
MICHAEL J. PECK [redacted]
JOHN PEDROZA [redacted]
DAVID S. PELKEY [redacted]
MICHEL V. PELOQUIN [redacted]
ERIC J. PELTZER [redacted]
JAMES J. PENNELLA [redacted]
WILLIAM S. PENZEL [redacted]
DOUGLAS R. PEPLOWSKI [redacted]
ALLEN J. PEPPER [redacted]
JOHANN A. PERERA [redacted]
JEREMY G. PERKINS [redacted]
DONALD J. PERRY [redacted]
GREGORY D. PERRY [redacted]
PAUL S. PERRY [redacted]
ANTONY E. PETERS [redacted]
DWIGHT J. PETERS, JR [redacted]
ANDREW M. PHALAN [redacted]
DEREK R. PHILLIPS [redacted]
CORY L. PICKENS [redacted]
JOHN E. PIROG [redacted]
JOHN N. PISTONE [redacted]
MISCHA A. PLESHA [redacted]
TODD A. PLOTNER [redacted]
DOUGLAS E. PORTREY [redacted]
WILLIAM G. PORTWOOD, JR [redacted]
JOSHUA J. POTTER [redacted]
ADRIAN R. PRATT, JR [redacted]
MICHAEL G. PRATT [redacted]
JACK D. PRESTON [redacted]
CHRIS S. PREVO [redacted]
ROBERT D. PRINS [redacted]
MATTHEW G. PRYOR [redacted]
MICHAEL K. QUILLINAN [redacted]
MILTON S. QUIROS [redacted]
JENNIFER M. RADUE [redacted]
JAMES C. RAGAN [redacted]
GERARDO RAMIREZ [redacted]
RICHARD A. RANDAZZO [redacted]
ASHLEIGH D. RANEY [redacted]
JOHN P. RAPISARDA [redacted]
DAVID L. RAUGH [redacted]
ANTHONY M. RAY [redacted]
CHRISTOP A. RECKER [redacted]
MATTHEW J. REED [redacted]
SIMON R. REESE [redacted]
STEPHEN C. REICH [redacted]
KEVIN H. REILLY [redacted]
MARCUS R. REINHART [redacted]
KRISTIN M. REISENWEBER [redacted]
JOSHUA I. REITZ [redacted]
CHRISTOP C. RICCARDI [redacted]
LUCAS B. RICE [redacted]
J. S. RICHARDSON [redacted]
RONALD W. RICHARDSON [redacted]
ADAM A. RIDDLE [redacted]
THOMAS A. RIDER, II [redacted]
FRANK M. RIESER [redacted]
THOMAS A. RIPPERT [redacted]
JEFFREY A. RITSICK [redacted]
ALDOLPHU S. ROBERTS [redacted]
GREGORY L. ROBERTS [redacted]
KRISTYN E. ROBERTS [redacted]
MICHAEL L. ROBERTSON [redacted]
VERONICA R. ROBERTSON [redacted]
JAY H. ROBINSON [redacted]
IRVING S. ROGERS, III [redacted]
KRISTIAN A. ROGERS [redacted]

JOSE A. ROJAS [redacted]
ROB A. ROLAND [redacted]
JASON E. RONCORONI [redacted]
J. M. ROSE, JR [redacted]
MARCO V. ROSITO [redacted]
JOHN S. ROSS [redacted]
KENNETH E. ROTKOFF [redacted]
SCOTT A. ROUSSEAU [redacted]
STEPHANI H. ROWAND [redacted]
ROBERT S. ROWE [redacted]
STEPHEN B. ROYALL [redacted]
JAMES D. RUCHTI [redacted]
DANA RUCINSKI [redacted]
MELISSA L. RUCKER [redacted]
BILLY B. RUHLING, I [redacted]
KATHLEEN M. RUMELY [redacted]
DARRYL A. RUPP [redacted]
EDGAR A. RUSSELL [redacted]
RICHARD M. RUSSO [redacted]
WILSON R. RUTHERFORD, IV [redacted]
SCOTT G. RYAN [redacted]
JEFFREY A. RYNBRANDT [redacted]
ALEXANDR M. SABOE [redacted]
ELIZA M. SACCO [redacted]
DAVID A. SADLER [redacted]
SAMUEL J. SAINE [redacted]
SCOTT A. SALMON [redacted]
DAVID W. SANDOVAL [redacted]
JOHN D. SARABIA [redacted]
GINA L. SCARSELLA [redacted]
SEAN S. SCHARNIKOW [redacted]
JOANNE E. SCHELL [redacted]
BRUCE T. SCHEMPP [redacted]
MICHAEL E. SCHEUING [redacted]
MARY E. SCHMELZER [redacted]
ERIC M. SCHOENNAUER [redacted]
KURT A. SCHUMACHER [redacted]
ERIC R. SEAL [redacted]
DOUGLAS A. SEAWORTH [redacted]
JEFFREY A. SEGG [redacted]
JACKSON J. SEIMS [redacted]
MICHAEL E. SENN [redacted]
DENNIS S. SENTELL, JR [redacted]
JON D. SHAFER [redacted]
BRYAN R. SHAW [redacted]
CHRIS D. SHAW [redacted]
DESMOND J. SHAW [redacted]
JASON K. SHEPARD [redacted]
JAMES M. SHERIDAN [redacted]
PAUL D. SHERMAN [redacted]
BRADLEY P. SHERRILL [redacted]
RAYMOND Y. SHETZLINE, III [redacted]
CHADWICK W. SHIELDS [redacted]
JAMES M. SHIFFERD [redacted]
TIMOTHY J. SHIN [redacted]
JAMES E. SHUMAN [redacted]
JASON J. SIDEL [redacted]
BRIAN W. SIEFERING [redacted]
CHRISTOP J. SIERAKOWSKI [redacted]
ADAM L. SILVA [redacted]
ERIC C. SILVER [redacted]
MICHAEL J. SIMMERING [redacted]
JULIE A. SIMONI [redacted]
SAMUEL K. SIMPSON, I [redacted]
SEAN D. SIMPSON [redacted]
KENNETH J. SIMURDIAK [redacted]
ALAN M. SKAGGS [redacted]
DAVID J. SLIVKA [redacted]
JAMES R. SLOWINSKI [redacted]
MICHAEL A. SMITH [redacted]
ANDREW P. SMITH [redacted]
DANIEL R. SMITH [redacted]
DREW P. SMITH [redacted]
ELIZABET R. SMITH [redacted]
JOEL A. SMITH [redacted]
KEVIN M. SMITH [redacted]
LEUMAS J. SMITH [redacted]
STEPHEN B. SMITH [redacted]
WILLIAM D. SMITH [redacted]
RICHARD H. SNEED [redacted]
JENNIFER L. SNIDER [redacted]
MARK S. SNYDER [redacted]
BRIAN T. SOLDON [redacted]
BENJAMIN R. SOMMERNESS [redacted]
DALE S. SONG [redacted]
DARREN D. SORGENFREI [redacted]
JAMES R. SOSNICKY [redacted]
TODD C. SOUCY [redacted]
DAVID A. SPANGLER [redacted]
KURT H. SPARKMAN [redacted]
PHILIP B. SPENCER [redacted]
PHILIP P. SPETH [redacted]
GEORGE J. STALTER [redacted]
TIMOTHY M. STECKEL [redacted]
MITCHELL P. STEIDL [redacted]
JON D. STEINKE [redacted]
GREGORY K. STEPHENS [redacted]
MARK A. STEPHENS [redacted]
DAN T. STEPHENSON [redacted]
BART D. STEWART [redacted]
GEORGE A. STEWART, III [redacted]
MAREK R. STOBBE [redacted]
FREDERIC M. STOREY [redacted]
DAVID B. STOUFFER [redacted]
DAVID B. STRINGER [redacted]
JACK T. STROTHER [redacted]
HEIDI R. STRUBBE [redacted]
RICHARD A. STUHRKE, JR [redacted]
WALTER B. STUREK, JR [redacted]
GREGORY J. SUCHANEK [redacted]
CHARLES H. SUH [redacted]
GERARD J. SULLIVAN [redacted]
CHAD R. SUNDEM [redacted]
PAUL F. SUTTER [redacted]
SCOTT R. SWARTZWELTER [redacted]
CHRISTOP J. SWEENEY [redacted]
CHRISTOP D. SWENSON [redacted]
ROBERT M. SWISHER [redacted]
BRIAN C. SYMONDS [redacted]
DREW M. SYPHUS [redacted]
THANE J. SYVERSON [redacted]
STACY D. TAKATS [redacted]
MARK E. TALBOT [redacted]
DAVID P. TAMBURRI [redacted]
TODD M. TARANTELLI [redacted]
SCOTT A. TARDANICO [redacted]
DOUGLAS J. TAYLOR [redacted]
JAMES W. TAYLOR [redacted]
PAUL J. TAYLOR [redacted]
PATRICK A. TERHUNE [redacted]
ALBERT B. TERRELL [redacted]
ANTHONY J. TESTA [redacted]
GEORGE T. THAMES [redacted]
ALLEN T. THIESSEN [redacted]
JAMES J. THOME, JR [redacted]
THEODORE M. THOME [redacted]
BENJAMIN H. THOMPSON [redacted]
JAMES E. THOMPSON [redacted]
JEFFERY B. THOMPSON [redacted]
MATTHEW G. THOMPSON [redacted]
BRENT A. THOMSEN [redacted]
JOHN THONG [redacted]
JILL B. THORKILDSON [redacted]
RANDALL J. THORN [redacted]
DONALD W. TIDWELL [redacted]
ROBERT J. TISCH, JR [redacted]
CHARLOTT L. TOBIN [redacted]
PATRICK R. TOMLINSON, JR [redacted]
SCOTT C. TOMPKINS, JR [redacted]
MICHAEL J. TORREANO [redacted]
DARRYL J. TORRES [redacted]
CHANDRA M. TOY [redacted]
FELIX J. TRINIDAD [redacted]
STEPHEN F. TROUTNER [redacted]
CARY J. TUCKER [redacted]
RENEE M. UNDERWOOD [redacted]
BRIAN A. URKIEL [redacted]
ELIAS URSITTI [redacted]
BENJAMIN S. VALENTINE [redacted]
STEPHEN J. VANASKIE [redacted]
TONG C. VANG [redacted]
THOMAS F. VEALE [redacted]
JAMES L. VELER, JR [redacted]
KIRK J. VENABLE [redacted]
ZACHARY L. VENEGAS [redacted]
JAMES D. VICKREY, I [redacted]
MICHAEL A. VIERA [redacted]
CORINA P. VILLEGAS [redacted]
KEVIN W. VINA [redacted]
BRUCE A. VITOR [redacted]
JENNIFER S. VOIGTSCHILD [redacted]
KYLE R. VOWINKEL [redacted]
JILL L. WAGNER [redacted]
ERIC L. WALKER [redacted]
ROBERT W. WALKER, I [redacted]
ANTHONY B. WALL [redacted]
BRIAN F. WALTMAN [redacted]
FRANK J. WALTON [redacted]
ERIC G. WALTZ [redacted]
SHANE R. WARD [redacted]
JARED L. WARE [redacted]
DAVID A. WARNICK [redacted]
MICHAEL J. WASHINGTON [redacted]
WILLIAM R. WATSON [redacted]
JONATHAN K. WEAVER [redacted]
PAUL V. WEBB, III [redacted]
STEPHEN A. WEBB [redacted]
DAVID E. WEBBER [redacted]
TIMOTHY A. WEBER [redacted]
DEAN D. WEGNER [redacted]
MARC A. WEHMEYER [redacted]
TODD M. WEIDOW [redacted]
DEVIN A. WEIL [redacted]
MELISSA L. WERNER [redacted]
JOE D. WEST, JR [redacted]
PATRICIA L. WESTBROOK [redacted]
EDWARD A. WHATLEY, JR [redacted]
HAROLD H. WHIFFEN [redacted]
DEMETRIU D. WHITE [redacted]
RANDY E. WHITE [redacted]
THOMAS E. WHITE, III [redacted]
TODD D. WIELINSKI [redacted]
ANN E. WILCOX [redacted]
CRAIG A. WILHELM [redacted]
DAVID G. WILLIAMS [redacted]
JOSH M. WILLIAMS [redacted]
PHILIP L. WILLIAMS, JR [redacted]
ROBERT S. WILLIAMS, JR [redacted]
JASON B. WILLS [redacted]
WILLIAM J. WILSHIRE [redacted]
BRANT A. WILSON [redacted]
ERIC M. WILSON [redacted]
TERRI A. WISE [redacted]
BRENT V. WITHERINGTON [redacted]
SARAH E. WOEHRMAN [redacted]
KENNETH B. WOJCIK [redacted]
ERIC H. WOJTKUN [redacted]
JAMES E. WOLFE [redacted]
WILLIAM L. WONG [redacted]
BERKELEY J. WOOD [redacted]
CHRISTOP L. WOODS [redacted]
JASON L. WOS [redacted]
TIMOTHY D. WRIGHT [redacted]
TODD J. WRIGHT [redacted]
JOSEPH L. WYSZYNSKI [redacted]
MARK YANKOPOULOS [redacted]
NICOLE M. YANKOUPE [redacted]
MICHAEL A. YERKIC, JR [redacted]
KATHERIN A. YEROVI [redacted]
ADAM M. YOUNG [redacted]
JASON J. YOUNG [redacted]
MARTIN S. YOUNG [redacted]
MATTHEW T. ZACHER [redacted]
CHRISTIN D. ZERANICK [redacted]
JOHN A. ZIMMERMAN [redacted]
DANIEL E. ZINK [redacted]
PATRICK D. ZOCH [redacted]
JESSE W. ZUCK [redacted]

THE FOLLOWING NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

ADRIENNE ADAMS [redacted]
CHRISTINE L. ADAMS [redacted]
ROY H. ADAMS, III [redacted]
ANDREA ADAMY [redacted]
COLLEEN M. ADINOLFI [redacted]
TOM ALEXANDER, JR [redacted]
EDWARD W. ALLEN, I [redacted]
BRADLEY L. ALLGOOD [redacted]
RANDY S. ALLISON [redacted]
HEATHER L. ALTMAN [redacted]
EDWIN V. AMERMAN [redacted]
ELIZABETH A. ANDERSON [redacted]
JOEY L. ANDERSON [redacted]
JOHN M. ANDERSON [redacted]
JOSEPH S. ANDERSON [redacted]
SEAN D. ANDERSON [redacted]
JENNIFER L. ANDRESS [redacted]
KIRSTEN M. ANKE [redacted]
MICHAEL J. ANLAGE [redacted]
CHRISTOPHER E. ANSELL [redacted]
RICHARD T. APPELHANS [redacted]
TIMOTHY J. ARCHER [redacted]
THEODORE S. ARLAUSKAS [redacted]
ANDREW A. ARMONDO [redacted]
JOHN M. AUTEN, III [redacted]
ERIC D. AVILA [redacted]
KENNETH J. BABCOCK [redacted]
DAVID L. BACH [redacted]
SCOTT J. BAIER [redacted]
TODD M. BAIR [redacted]
BRANDON J. BAKER [redacted]
TODD M. BAKER [redacted]
ANDRE J. BALDANZA [redacted]
TODD L. BANEY [redacted]
JEFFREY R. BAPTISTA [redacted]
JOSEPH D. BARBER, III [redacted]
JEFFREY S. BARDEN [redacted]
KATHLEEN A. BARES [redacted]
MARY C. BARILE [redacted]
GLENN D. BARNES [redacted]
ANN C. BARTHOLOMEW [redacted]
ESTER C. BASENSPILER [redacted]
SUSAN P. BATE [redacted]
SEAN T. BATEMAN [redacted]
KELLY M. BATES [redacted]
STACY M. BATTS [redacted]
ANDREW C. BAXTER, JR [redacted]
CAROL L. BECKETT [redacted]
CHRISTOPHER L. BELCHER [redacted]
CORNELIA E. BELL [redacted]
PAUL N. BELL [redacted]
RALPH D. BENNETT, III [redacted]
ALICIA F. BENTON [redacted]
JAMES P. BENTON, III [redacted]
ROBERT L. BERRY [redacted]
BRUCE F. BEYERS [redacted]
DANIEL J. BICKEL [redacted]
JONATHAN D. BIGGERT [redacted]
DANIEL L. BILLQUIST [redacted]
EDWARD A. BIRD [redacted]
TIMOTHY E. BLUBAUGH [redacted]
SYLVIA T. BONNETTE [redacted]
LEWIS L. BOOTHE [redacted]
STEVEN J. BORG [redacted]
JULES C. BORGHARDT [redacted]
CHAD M. BORTON [redacted]
JONATHAN BOSTON [redacted]
JOHN M. BOTDORF [redacted]
ANN E. BOYLE [redacted]
DAVID M. BRADSHAW [redacted]
JAMES N. BRADY [redacted]
JAMES T. BRADY, II [redacted]
JEREMY T. BRADY [redacted]
MICHAEL C. BRAINE [redacted]
ROBERT H. BRASINGTON [redacted]
MICHAEL R. BRAUN [redacted]
TIMOTHY D. BRITT [redacted]
ROBERT A. BROADBENT [redacted]
ROBERT A. BROGAN [redacted]
WILLIAM J. BROOKS [redacted]
ALFRED E. BROWN, JR [redacted]
GEORGE N. BROWN [redacted]
MATTHEW J. BROWN [redacted]
ROGER A. BROWN [redacted]
RONNIE F. BROWN [redacted]
SHONDA L. BROWN [redacted]
THOMAS J. BROWN [redacted]
VINCENT M. BROWN [redacted]
CASSANDRA BROWNING [redacted]
CATHERINE J. BRYANT [redacted]
TODD D. BRYANT [redacted]
DARLENE M. BUDZINSKI [redacted]

JAY P. BULLOCK [redacted]
GREGORY N. BUNN [redacted]
ALEXANDER H. BURGESS [redacted]
JILL L. BURGESS [redacted]
DARRIEL BURLESON [redacted]
ROBERT M. BURMASTER [redacted]
TODD W. BURNLEY [redacted]
LAWRENCE M. BURNS [redacted]
JOSHUA R. BURRIS [redacted]
RYAN N. BYRD [redacted]
ROBERT W. CAIN [redacted]
DEMETRIUS D. CALDWELL [redacted]
JOHN C. CALHOUN [redacted]
JOHN P. CALHOUN [redacted]
GARY A. CAMPBELL [redacted]
JULIA C. CAMPBELL [redacted]
SHAWN K. CAMPBELL [redacted]
LEE R. CAMPE [redacted]
ASHLEY R. CANNON [redacted]
MARK J. CAPPONE [redacted]
SANDRA R. CARLEY [redacted]
BRYAN J. CARLSON [redacted]
FRANCIS J. CARR, JR [redacted]
RAUL CARRILLO [redacted]
DAWN L. CARSTENS [redacted]
JEFFREY A. CARTER [redacted]
MARTIN J. CASAGRAND, IV [redacted]
CHARLES S. CATALANO [redacted]
MICHAEL J. CATHEY [redacted]
JASON L. CAWTHORNE [redacted]
EDWARD P. CHAMBERLAYNE [redacted]
LEMUEL R. CHANCE [redacted]
SCOTT T. CHANCELLOR [redacted]
RICHARD S. CHANG [redacted]
GREGORY T. CHAPA [redacted]
MICHAEL J. CHAPLIN [redacted]
SAMUEL M. CHAVEZ [redacted]
MEI D. CHEO [redacted]
CARL CHEW [redacted]
MICHAEL J. CHIARUTTINI [redacted]
DIRK A. CHRISTIAN [redacted]
DARRELL C. CHUGG [redacted]
DANIELA R. CIMINELLA [redacted]
HOWARD L. CLARK, III [redacted]
PERIN W. CLARK [redacted]
ANNE CLOHERTY [redacted]
MATTHEW J. COATES [redacted]
MELANIE E. COGAN [redacted]
DAVID J. COKER [redacted]
RODERICK W. COLE [redacted]
CYNTHIA G. COLEMAN [redacted]
TIJUANA D. COLLIER [redacted]
MICHAEL G. COLLINS [redacted]
RONNIE L. CONEY [redacted]
FAYNELL D. CONNER [redacted]
MICHAEL P. CONROY [redacted]
JOHN H. COOK [redacted]
ANTHONY H. COOPER [redacted]
FREDERICK L. CORCORAN, III [redacted]
STEVE E. CORNELIUS [redacted]
KEITHON R. CORPENING [redacted]
JEREMY L. CORWIN [redacted]
SHAWN M. COSSIN [redacted]
ELAINE M. COVARRUBIAS [redacted]
BRIAN C. COX [redacted]
CHRISTOPHER J. COX [redacted]
DAWN M. COX [redacted]
RICHARD B. COX [redacted]
SHAWN M. COX [redacted]
CAMERON C. COZZENS [redacted]
JEFFREY M. CRABLE [redacted]
PATRICK T. CREED [redacted]
PHILIP T. CROSBIE [redacted]
TROY W. CROSBY [redacted]
BILL R. CROUSE [redacted]
JASON A. CROWE [redacted]
STACY E. CROWELL [redacted]
KEVIN J. CRYBLSKEY [redacted]
MARC J. CUMMINS [redacted]
SCOTT R. CUMMINS [redacted]
ANDREW W. CUNNINGHAM [redacted]
THOMAS J. CUNNINGHAM [redacted]
MARYHELEN DALE [redacted]
MICHAEL D. DANIELS [redacted]
COURTNEY A. DARAGAN [redacted]
HOWARD DARDEN, III [redacted]
JOHN P. DAUGHERTY [redacted]
CHERRIE L. DAVIS [redacted]
JOHNNY K. DAVIS [redacted]
MARTHA R. DAVIS [redacted]
MARY K. DAVIS [redacted]
WILLIAM E. DAVIS, IV [redacted]
ROBERT A. DAWSON [redacted]
GLENN A. DEAN, III [redacted]
MICHAEL A. DEAN [redacted]
SHARON E. DBAGE [redacted]
ERIC N. DEER [redacted]
STEVEN D. DEICK [redacted]
PETER R. DEMALLIE, JR [redacted]
NINALYNN S. DENINA [redacted]
THOMAS S. DENIS [redacted]
BONNIE R. DESCH [redacted]
TODD R. DESLAURIERS [redacted]
LAURA D. DESNOO [redacted]
PAUL H. DILL, III [redacted]
EDWILYN A. DINGLE [redacted]
JOHN J. DODDS [redacted]
GORDON E. DODSON, JR [redacted]
BLAINE P. DOOLEY [redacted]
MATTHEW M. DORSETT [redacted]
MONICA S. DOUGLAS [redacted]
TRUDI L. DRESS [redacted]
JOHN H. DROSOS [redacted]
DIONNE R. DRUMMOND [redacted]
DANIEL G. DUDZINSKI [redacted]
STEPHEN M. DUNAWAY [redacted]
SHANE N. DUNCANSON [redacted]
CHARLES A. DUNFORD, JR [redacted]
KELLY J. DURGA [redacted]
KRISTINA L. EDDY [redacted]
PAUL D. EDGAR [redacted]
JOSEPH A. EDWARDS, I [redacted]
MICHAEL A. ELLICOTT, JR [redacted]
JAY T. ELLIOTT [redacted]
TODD A. ELLIOTT [redacted]
WILLIAM L. ELLIS, 541-06-0585
CHARLES W. EMBACH, JR [redacted]
JOHN W. EMICK [redacted]
ELIZABETH A. ENGLISH [redacted]
RICHARD J. ENNIS [redacted]
CARL S. ERICKSON [redacted]
TODD D. EUNGARD [redacted]
RICHARD W. EVANS, JR [redacted]
HOA V. EWING [redacted]
DALE L. FARRAND [redacted]
DAVID M. FAUDI [redacted]
RICHARD E. FELICES [redacted]
DAWN M. FELIX [redacted]
KERRY E. FIELDS [redacted]
BARRY L. FIORE [redacted]
CRAIG R. FISHER [redacted]
EDWARD J. FISHER [redacted]
HERBERT J. FLACHOFSKY [redacted]
SCOTT E. FLANNERY [redacted]
ERIK W. FLINT [redacted]
VERNELL R. FLOOD [redacted]
NORBERT A. FOCHS [redacted]
BRIAN J. FORD [redacted]
CHRISTOPHER M. FORD [redacted]
JENNIFER L. FORD [redacted]
TIMOTHY R. FRAMBES [redacted]
JAMIE L. FRASSENEI [redacted]
TULIP C. FRAZIER [redacted]
DAMON L. FRENN [redacted]
JEFFREY A. FRITZ [redacted]
SCOTT C. FULMER [redacted]
PAMELA M. FULTON [redacted]
HOWARD L. GABBERT [redacted]
JOHN M. GALLAGHER [redacted]
JEFFREY E. GALUSKY [redacted]
DOUGLAS H. GALUSZKA [redacted]
KRISTIN F. GARWICK [redacted]
THOMAS M. GASTON, JR [redacted]
BLAIR R. GATCHEL [redacted]
RICHARD S. GATEWOOD [redacted]
DAVID A. GENRICH [redacted]
STEVEN M. GEORGE [redacted]
MARK A. GERALDI [redacted]
DERICK L. GERLOCK [redacted]
CHARLES E. GETER [redacted]
OCTAVIOUS L. GIBBONS [redacted]
SHEPHARD H. GIBSON, I [redacted]
JAMES D. GILLHAM [redacted]
TROY L. GLAZIER [redacted]
ANTHONY D. GLEGHORN [redacted]
STEPHEN C. GOFF [redacted]
BRIAN D. GOLD [redacted]
THOMAS GOLDNER [redacted]
MICHAEL GONZALES [redacted]
JANET D. GOODART [redacted]
ELISABETH M. GOODING [redacted]
JERRI R. GOODMAN [redacted]
ROBERT E. GOODSON, JR [redacted]
ROBERT K. GOSSETT [redacted]
MARK B. GOWING [redacted]
JENNIFER A. GRADY [redacted]
ANDREW F. GRAHAM [redacted]
THOMAS P. GRAHAM [redacted]
ROB L. GRAY [redacted]
SCOTT A. GREENLEAF [redacted]
BURTON P. GRIMM [redacted]
THOMAS G. GROGGETT [redacted]
ALICIA G. GRUDZINSKI [redacted]
MARC S. HAES [redacted]
JONATHAN D. HAIGHT, JR [redacted]
CHARLES C. HALL, JR [redacted]
MEGAN K. HALL [redacted]
ERIC H. HALLSTROM [redacted]
KATHERINE L. HAMBEL [redacted]
KEVIN T. HAMM [redacted]
WILLIAM T. HAMMANN [redacted]
DAN R. HANSON [redacted]
STEVEN HARRELL [redacted]
BENJAMIN J. HARRIS [redacted]
RICHARD L. HARRIS, JR [redacted]
BENJAMIN A. HARRISON [redacted]
KENNETH M. HARVEY [redacted]
KIRK A. HARVEY [redacted]
SCOTT M. HASSELBACH [redacted]
JAMES M. HATHAWAY [redacted]
LESLIE S. HAWKINS [redacted]
SANDRA HAYLOCK [redacted]
AMY J. HAYNIE [redacted]
SANDRA J. HAZELTON [redacted]
MICHAEL B. HEDGES [redacted]
ERIC L. HEFNER [redacted]
RICHARD D. HEMMELGARN [redacted]
JASON A. HENRY [redacted]
WAYNE J. HERDELL [redacted]
MARK K. HERMANN [redacted]
DELISA L. HERNENDEZ [redacted]
LORIE M. HESS [redacted]
MICHAEL S. HESS [redacted]
ADRIAN A. HESTER [redacted]
CHRISTOPHER J. HICKEY [redacted]
JOSEPH E. HILBERT, JR [redacted]
MARK A. HITCHCOCK [redacted]
LIANA C. HIXSON [redacted]
SCOTT M. HOFFMANN [redacted]
MICHAEL S. HOGAN [redacted]
STEVEN F. HOGLUND [redacted]
CHARMAGNE E. HOLLAND [redacted]
MICHAEL R. HOLLEY [redacted]
DANIEL F. HOLLINGSHEAD [redacted]
BRIAN HOLMES [redacted]
JOHN W. HOLMES [redacted]
ADRIAN D. HOPE [redacted]
PAUL T. HOPKINS, JR [redacted]
HANS C. HOPPE [redacted]
KELSO C. HORNE, III [redacted]
ARTURO J. HORTON, III [redacted]
RAYMOND A. HRINKO [redacted]
BRADLEY T. HUDGENS [redacted]
JEFFREY J. HUEBSCHEN [redacted]
SHANNON M. HUFFMAN [redacted]
WILLIAM R. HUMES [redacted]
ROBERT W. HUMPHREYS [redacted]
WILBUR D. IRICK [redacted]
MICHAEL L. JACKMAN [redacted]
ERIC L. JACKSON [redacted]
JAMES D. JACKSON [redacted]
MINTER S. JACKSON [redacted]
RICHARD W. JACKSON [redacted]
JACQUELINE A. JAKOVCIC [redacted]
ROBERT G. JAMES [redacted]
ROBERT G. JAMES, JR [redacted]
KIMBERLY L. JANIK [redacted]
IVERSON JARRELL, JR [redacted]
SEAN P. JAVAHERI [redacted]
DAVID A. JENKINS, JR [redacted]
ALANA L. JEPSON [redacted]
GEORGE F. JOHNSON [redacted]
WADE A. JOHNSON [redacted]
WENDY S. JOHNSON [redacted]
WILLIAM M. JOHNSON [redacted]
WADE B. JOHNSTON [redacted]
ANTHONY C. JONES [redacted]
DAVID G. JONES [redacted]
DAVID H. JONES [redacted]
DAVID L. JONES [redacted]
DOROTHY L. JONES [redacted]
JAMES R. JORDAN [redacted]
TANYA L. KABEL [redacted]
DAVID M. KALEY [redacted]
MICHAEL W. KANE [redacted]
RANDALL M. KAPLOE [redacted]
ERIC J. KEHL [redacted]
KELLY D. KENDRICK [redacted]
CHRISTINE C. KENNEDY [redacted]
PATRICK F. KENT [redacted]
BRETT E. KESSLER [redacted]
MATTHEW L. KIMMEL [redacted]
JAMIE K. KING [redacted]
JAMES L. KINSMAN [redacted]
JAMES H. KIPERS, JR [redacted]
NORMAN B. KIRBY, JR [redacted]
WILBUR E. KLINE [redacted]
JULIE M. KNAPP [redacted]
AARON D. KOENIGSEKER [redacted]
STANISLAW KOSALA [redacted]
JEFFREY V. KONECKY [redacted]
KIP A. KORTH [redacted]
SARAH J. KRAJNIK [redacted]
STEVEN K. KRIPPNER [redacted]
BRADLEY J. KRUIZENGA [redacted]
ALEXANDER V. KUGAJEVSKY [redacted]
JON T. KUGLER [redacted]
KAREN E. KUPHAL [redacted]
JOSEPH W. LAEHU [redacted]
LINDA L. LAGER [redacted]
WALTER A. LAMAR [redacted]
KEVIN J. LAMBERT [redacted]
DEBRA A. LAMPMAN [redacted]
ERIC D. LANHAM [redacted]
TRACY L. LANIER [redacted]
MELINDA I. LAPALM [redacted]
NICHOLAS LASALA, JR [redacted]
DANIEL B. LASERIA [redacted]
CLAY J. LATIOLAIS [redacted]
PATRICK L. LAVERENZ [redacted]
JOHN C. LAWHORN [redacted]
BARTON L. LAWRENCE, JR [redacted]
HARRY M. LAWSON, JR [redacted]
KEVIN C. LEAHY [redacted]
JEFFREY D. LEB [redacted]
DAVID S. LEE [redacted]
JAMES M. LEE [redacted]
JAMES O. LEE [redacted]
CHRISTOPHER W. LEMMER [redacted]
KENNETH A. LEMONS [redacted]
ERIC E. LENDEWIG [redacted]
CHARLES T. LENT [redacted]
DENVER A. LEONARD [redacted]
KATHRYN O. LEONARD [redacted]
KEVIN A. LEWIS [redacted]
PATRICK A. LEWIS [redacted]
JAMES M. LIEBBE [redacted]
OTTO K. LILLER [redacted]
STANFORD W. LINDQUIST [redacted]
JOSEPH F. LINEBERRY, JR [redacted]
JONATHAN E. LITTLE [redacted]
TODD R. LITTLE [redacted]
SHAWN LOCKHART [redacted]
BARBARA A. LOEDDING [redacted]
KENNETH B. LOEWRIGKEIT [redacted]
FRANKLIN M. LOFTUS [redacted]

PAUL R. LONGGREAR, II [redacted]
RAFAEL LOPEZ [redacted]
SAMUEL LOPEZSANTATA [redacted]
WILLIAM R. LOVE [redacted]
ANTHONY E. LOWRY [redacted]
FRANCISCO J. LOZANO [redacted]
SHAWN P. LUCAS [redacted]
TOMMIE J. LUCIUS [redacted]
MERISSA L. MACK [redacted]
LISA K. MACKENZIE [redacted]
MATTHEW R. MADDOX [redacted]
SCOTT M. MAIR [redacted]
RUDOLPH V. MALONE [redacted]
BRENDA M. MALONEY [redacted]
JOSE D. MANGLICMOT [redacted]
JOHN R. MANN [redacted]
MARTIN JOHN J [redacted]
MILENA R. MARTINEZ [redacted]
VICTORIA E. MASON [redacted]
AMANDA S. MATCHETT [redacted]
CHRISTOPHER D. MATHERNE [redacted]
JOSH W. MCCAIN [redacted]
THOMAS M. MCCANNA [redacted]
GERARD L. MCCOOL [redacted]
SHAWN M. MCCOY [redacted]
THOMAS D. MCCRACKEN, JR [redacted]
ANGELA K. MCCRAY [redacted]
DONALD J. MCDANNALD [redacted]
ELIZABETH A. MCDIVITT [redacted]
ERIC M. MCFADDEN [redacted]
NANCY E. MCHODGKINS [redacted]
GWENDOLYN M. MCILHANEY [redacted]
MARK T. MCKAY [redacted]
BARBARA A. MCKEE [redacted]
ROBERT S. MCKEE [redacted]
JAMES T. MCKINLEY [redacted]
HEATHER L. MCLAUGHLIN [redacted]
THOMAS W. MCLOUD [redacted]
MICHAEL MCNEILL [redacted]
HENRY I. MCNEILLY [redacted]
VASCO T. MCRAE [redacted]
KATIE A. MCSHANE [redacted]
RAYMOND E. MEADOWS [redacted]
TODD W. MEHRHOFF [redacted]
DAVID P. MELLARS [redacted]
CHRISTOPHER R. MEYER [redacted]
JOHN V. MEYER, III [redacted]
PATRICK R. MICHAELIS [redacted]
AMEED D. MICKO [redacted]
DARREN B. MIDDLETON [redacted]
PATRICK M. MIFSUD [redacted]
PATRICK M. MIHAN [redacted]
JENNIFER K. MILAN [redacted]
AUSTIN J. MILLER [redacted]
JEFFREY A. MILLER [redacted]
KAROLYN I. MILLER [redacted]
ROLLIN L. MILLER [redacted]
DAVID R. MIZELLE [redacted]
JAMES M. MOCK [redacted]
WILLIAM S. MOE [redacted]
BRENNA H. MONAGHAN [redacted]
RALPH K. MONROE [redacted]
KENNETH R. MOORE [redacted]
PATRICIA A. MOORE [redacted]
CHANNING B. MOOSE [redacted]
MICHAEL R. MORIN [redacted]
PAUL W. MORRISON [redacted]
TEWANNA K. MOSS [redacted]
BRIDGET K. MURPHY [redacted]
MARK E. MURPHY [redacted]
DONALD K. MUZZY [redacted]
LOUIS M. NAPOLITANO, III [redacted]
MICHAEL A. NAPOLITANO [redacted]
PATRICK J. NEIL [redacted]
KEVIN B. NEISLER [redacted]
MONICA A. NELIPOVICH [redacted]
BROOK A. NELSON [redacted]
STEVEN P. NELSON [redacted]
DANIEL A. NERDIG [redacted]
DANTE S. NETHERY [redacted]
ERIC J. NEWLAND [redacted]
MICHAEL H. NGO [redacted]
DIANNE M. NICHOL [redacted]
JOHN P. NIXON, IV [redacted]
RICHARD J. NOBLE [redacted]
CLARENCE S. NORTON [redacted]
HILTON J. NUNEZ [redacted]
MARK D. NUTSCH [redacted]
MARK M. OCONNOR [redacted]
KEITH D. OETTING [redacted]
KEVIN D. OLIVER [redacted]
FRANCIS R. ORLANDO [redacted]
EDDIE W. ORTIZ [redacted]
LYNETTE F. ORTIZ [redacted]
JOHN R. OSBORNE [redacted]
PAUL H. OSTIEN, III [redacted]
JOSEPH A. OSTROWSKI [redacted]
ROBERT A. OTT [redacted]
JAMES C. OWENS [redacted]
LANE V. PACKWOOD [redacted]
STEVEN T. PAGLIONE [redacted]
DONALD L. PAQUIN [redacted]
JASON G. PARDUE [redacted]
DAVID J. PARIS [redacted]
CHARLES R. PARKER [redacted]
DAVID G. PARKER [redacted]
HEATHER L. PARTRIDGE [redacted]
DONALD M. PATTERSON [redacted]
MATTHEW S. PAUL [redacted]
JESSE T. PEARSON [redacted]
WILLIAM L. PEEL [redacted]
GREGORY H. PENFIELD [redacted]

JASON E. PEPE [redacted]
GUSTAVO C. PEREZ [redacted]
BRIAN M. PESSARO [redacted]
JESSICA PETERKIN [redacted]
JOSEPH S. PETERSON [redacted]
MICHAEL E. PETTENGILL [redacted]
TIMOTHY R. PETTY [redacted]
SCOTT E. PFAU [redacted]
ALFONSO PICON [redacted]
CLIFTON T. PINGREY [redacted]
JOHN T. PITTMAN [redacted]
WILLIAM B. PITTS [redacted]
GEORGE A. PIVIK [redacted]
STEVEN R. POCK [redacted]
ROBERT S. POE, II [redacted]
DOUGLAS W. POFF [redacted]
THOMAS O. POLESEL [redacted]
DAVINA POLK [redacted]
PAIGE L. POPHAM [redacted]
DAVID L. PORTALATIN [redacted]
JENNIFER M. PORTER [redacted]
MICHAEL R. POUNCEY [redacted]
CALVIN J. POUNCY [redacted]
TERENCE F. POWELL, JR [redacted]
JOHNNY J. POWERS [redacted]
CURTIS W. PRICE [redacted]
RODNEY V. PRICE [redacted]
MARK C. PROBUS [redacted]
KRISTAN S. PRYOR [redacted]
EVAN H. PRYSE [redacted]
TERESA A. PUGH [redacted]
ALLEN E. PURCELL [redacted]
CHRISTOPHER J. PYLE [redacted]
SEAN P. QUINN [redacted]
ROBERT RAMOS [redacted]
JEFFREY D. RAMSEY [redacted]
VERN L. RANDALL [redacted]
SHAWN A. RANSFORD [redacted]
WILLIAM M. REDING [redacted]
MATTHEW B. REEDY [redacted]
DAVID L. REID [redacted]
NEIL A. REILLY, JR [redacted]
PHILIP E. REISENLEITER [redacted]
PETER C. REYMAN [redacted]
JOSEPH C. RHENEY [redacted]
JACK L. RICH, JR [redacted]
DONOVAN A. RICKEL [redacted]
KEVIN J. RIEPPEL [redacted]
FREDERICK R. RIETHMILLER [redacted]
ERIC C. RIVERS [redacted]
JOHN C. ROADCAP [redacted]
BRIAN W. ROBERTS [redacted]
SCOTT B. ROBERTS [redacted]
LEAH R. RODE [redacted]
ROBERT D. RODRIGUEZ, JR [redacted]
ROBERT M. RODRIGUEZ [redacted]
SANTIAGO RODRIGUEZ, III [redacted]
MATTHEW A. ROMAGNUOLO [redacted]
JENNIFER E. ROTA [redacted]
GENEVIEVE M. RUDNICKI [redacted]
DAVID G. RUITER [redacted]
ANN R. RUNEY [redacted]
GREGORY M. RUPKALVIS [redacted]
HARRISON S. RUSSELL [redacted]
SHEA RUSSELL [redacted]
WAYNE G. RUSSELL [redacted]
ROBERT M. RYAN [redacted]
THOMAS J. RYAN [redacted]
WILLIAM J. RYAN [redacted]
JOHN C. SABAT [redacted]
PETER C. SABO [redacted]
THOMAS E. SACHARIASON [redacted]
RICHARD M. SALTUS [redacted]
ROY E. SALYER [redacted]
ENRIQUE E. SANDOVAL [redacted]
JONATHAN F. SAULNIER [redacted]
JOSHUA B. SAUNDERS [redacted]
MATTHEW J. SAXTON [redacted]
ROBERT W. SCHAEFER [redacted]
JOSEPH A. SCHAFER [redacted]
CHRISTOPHER M. SCHAFT [redacted]
KATRINA S. SCHMIDT [redacted]
MARK J. SCHULTZ [redacted]
THOMAS J. SCHWAB [redacted]
DAVID R. SCHWIER [redacted]
JENNIFER S. SCOTT [redacted]
THAYER C. SCOTT [redacted]
MICHAEL F. SCUTERI, [redacted]
GEORGE R. SHATZER [redacted]
ROBERT A. SHERROCK [redacted]
BRADLEY T. SHIELDS [redacted]
JEFFREY D. SHIELDS [redacted]
PHILIP B. SHIPLEY [redacted]
MAELIEN SHIPMAN [redacted]
MICHAEL L. SHIPMAN [redacted]
ERIC P. SHIRLEY [redacted]
JOSHUA S. SHUEY [redacted]
MICHAEL R. SIERAKOWSKI [redacted]
JEFFREY S. SIMPSON [redacted]
ROBERT B. SIMS [redacted]
JAMES H. SINGER [redacted]
HERBERT L. SKINNER, [redacted]
MATTHEW D. SMITH [redacted]
QUENTIN L. SMITH [redacted]
STEPHEN M. SMITH [redacted]
THOMAS L. SNEAD [redacted]
MARTIN D. SNIDER [redacted]
MICHAEL K. SNOOK [redacted]
STEPHANIAL SNYDER [redacted]
STEVEN J. SOIKA [redacted]
SUSANNA M. SORENSEN [redacted]
JASON D. SORIANO [redacted]

CHRISTOPHER D. SPERA [redacted]
JASON W. SPINKS [redacted]
EDWIN W. STACY [redacted]
PATRICK A. STAMM [redacted]
TERESA L. STARKS [redacted]
WILLIAM E. STEBBINS, JR [redacted]
THOMAS A. STEEN [redacted]
FRANK P. STEFANICK [redacted]
DARLA L. STENCAVAGE, [redacted]
JILL M. STENFORS [redacted]
DAVID M. STEPHENS [redacted]
BENJAMIN L. STEVENS [redacted]
JEFF R. STEWART [redacted]
JENNIFER F. STEWART [redacted]
BRYAN T. STINCHFIELD [redacted]
CAMERON C. STOKES [redacted]
RAMONA L. STONE [redacted]
TERESA L. STRAUS [redacted]
TERRY L. STREET [redacted]
WILLIAM M. STRIDER [redacted]
AMANDA R. STURTEVANT [redacted]
GRANT S. SULLIVAN [redacted]
SANDFORD S. SULLIVAN [redacted]
KYLEE V. SUTHERLIN [redacted]
CHARLES J. SVELAN [redacted]
JASON M. SWAIM [redacted]
KYE E. SWANSON [redacted]
DAVID G. SWEET, JR [redacted]
FRANK A. TARENTINO, III [redacted]
ANTONIO L. TAYLOR [redacted]
CLINT C. TAYLOR [redacted]
DALE E. TAYLOR [redacted]
JAMES R. TERRELL [redacted]
SAMANTHA TESTMAN [redacted]
BRADLEY M. THOMPSON [redacted]
GUY H. TINNIRELLO, [redacted]
ERIC J. TOBIASON [redacted]
KENNETH D. TOOLE [redacted]
EDUARDO TORRES [redacted]
ODELL R. TRAFFANSTEDT [redacted]
ROY R. TRUMBLE, II [redacted]
BENJAMIN K. TUCKER [redacted]
GEORGE C. TURNER, JR [redacted]
BRIAN A. ULLOA [redacted]
JAMIE L. ULMER [redacted]
STACY E. USHER [redacted]
TODD A. UTERSTAEDT [redacted]
MARIA M. VANTERPOOL [redacted]
RAYMOND P. VARA, JR [redacted]
LANCE C. VARNEY [redacted]
DONALD D. VESTAL [redacted]
JILL S. VOGEL [redacted]
JAMES L. WADDICK, JR [redacted]
RAVINDRA V. WAGH [redacted]
HARRY D. WAKEFIELD, II [redacted]
DENNIS W. WALKER [redacted]
FRANK E. WALKER [redacted]
COREY K. WALKOSAK, [redacted]
MATTHEW A. WALLACE [redacted]
JOHN K. WALMSLEY [redacted]
DAVID C. WALTON [redacted]
OLIVER T. WALTON [redacted]
BRAD W. WAMBEKE [redacted]
PAMELA J. WARCHOL [redacted]
WARNER R. WARD [redacted]
BRIAN S. WARING [redacted]
MICHAEL G. WARMERDAM [redacted]
MICHAEL P. WARRINGTON [redacted]
KECIA M. WATSON [redacted]
LISA A. WEIDENBUSH [redacted]
ERIC J. WEIS [redacted]
JOSEPH C. WELLER [redacted]
GREGORY T. WERKOWITCH [redacted]
ERIC D. WESLEY [redacted]
GREGORY S. WESSELS [redacted]
SCOTT D. WHATMOOR, [redacted]
MARC WHEELER [redacted]
JAMES E. WHITE, JR [redacted]
RODERICK H. WHITE [redacted]
SABRINA WHITE [redacted]
JANINE M. WICK [redacted]
NATHAN S. WIEDENMAN [redacted]
STACY L. WIFFLER, [redacted]
JAMES E. WILLARD [redacted]
MICHAEL WILLERER [redacted]
CRYSTAL M. WILLIAM [redacted]
SARAH A. WILLIAMS [redacted]
VALARIE D. WILLIAMS [redacted]
PAUL W. WILLOUGHBY [redacted]
RICHARD D. WILSON [redacted]
SCOTT G. WILSON [redacted]
TODD C. WILSON [redacted]
JASON S. WINDSOR, [redacted]
JASON R. WING [redacted]
JEFFREY S. WINSTON [redacted]
JOSEPH N. WINTER [redacted]
ROBIN L. WISDOM [redacted]
TARPON S. WISEMAN [redacted]
DONNA WOLFF, [redacted]
JERRY L. WOOD [redacted]
ROBERT T. WOOLDRIDGE, II [redacted]
DAVID M. WRIGHT [redacted]
DANIEL D. WURDINGER [redacted]
MICHAEL A. YORK [redacted]
STEPHEN M. YORK [redacted]
DAVID W. YOUNG, [redacted]
DEON K. YOUNG, [redacted]
TRACY K. YOUNG [redacted]
JOHN YU, [redacted]
WING K. YU [redacted]
TIMOTHY M. ZAJAC [redacted]
JAMES M. ZEPP, III [redacted]

PERRY D. ZIMMERMAN [redacted]

THE FOLLOWING NAMED DISTINGUISHED HONOR GRADUATES FROM THE OFFICER CANDIDATE SCHOOL FOR APPOINTMENT IN THEIR ACTIVE DUTY GRADE OF SECOND LIEUTENANT IN THE REGULAR ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

THOMAS E. HANSON [redacted]
SUZANNE K. HECKENBACH [redacted]

THE FOLLOWING NAMED CADETS, GRADUATING CLASS OF 1993, UNITED STATES AIR FORCE ACADEMY WHO HAVE REQUESTED APPOINTMENT IN THE REGULAR ARMY IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531(A) AND 541:

CHARLES M. BARTENFELD [redacted]
SEAN M. CHOQUETTE [redacted]
MICHAEL A. CIZEK [redacted]
JONATHAN M. CREFELD [redacted]
RODERICK M. HYNES [redacted]
JEFFREY M. JANEY [redacted]
JAMES A. ORAHOOD [redacted]
RICHARD J. SHERMAN [redacted]
DENNIS N. SNELLING [redacted]
DARREN H. VANZEE [redacted]

THE FOLLOWING NAMED MIDSHIPMEN, GRADUATING CLASS OF 1993 UNITED STATES NAVAL ACADEMY WHO HAVE REQUESTED APPOINTMENT IN THE REGULAR ARMY IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531(A) AND 541:

WILLIAM C. BURRISS, III [redacted]
STRIDER SULLEY [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate April 29, 1993:

DEPARTMENT OF THE TREASURY

JACK R. DEVORE, JR., OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

RONALD K. NOBLE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL E. RYAN [redacted] U.S. AIR FORCE.

IN THE ARMY

THE U.S. ARMY NATIONAL GUARD OFFICER NAMED HEREIN FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES IN THE GRADE INDICATED BELOW, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A) AND 3371:

To be major general

BRIG. GEN. JOHN R. D'ARAUJO [redacted]

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ROBERT D. CHELBERG [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. EDWIN S. LELAND, JR [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. BARRY R. MCCAFFREY [redacted] U.S. ARMY.

IN THE MARINE CORPS

THE FOLLOWING NAMED BRIGADIER GENERALS OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE PERMANENT GRADE OF MAJOR GENERAL, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

BRIG. GEN. ALBERT C. HARVEY, JR [redacted] USMCR.
BRIG. GEN. LARRY S. TAYLOR [redacted] USMCR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE U.S. MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

To be brigadier general

COL. JERRY E. WARD [redacted]
COL. JOHN W. HILL [redacted]
COL. DENNIS M. MCCARTHY [redacted]
COL. FREDERICK R. LOPEZ [redacted]

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MARTIN L. BRANDTNER [redacted] USMC.

THE FOLLOWING NAMED OFFICER, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 601, FOR ASSIGNMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY AS FOLLOWS:

To be lieutenant general

MAJ. GEN. JOHN J. SHEEHAN [redacted] U.S. MARINE CORPS.

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 29, 1993, withdrawing from further Senate consideration the following nominations.

DEPARTMENT OF COMMERCE

SHEILA FOSTER ANTHONY, OF ARKANSAS, TO BE ASSISTANT SECRETARY OF COMMERCE, VICE MARY JO JACOBI, RESIGNED, WHICH WAS SENT TO THE SENATE ON APRIL 19, 1993.

EXTENSIONS OF REMARKS

PRESCRIPTION FOR A SOLID HEALTH CARE PLAN: GOOD IDEAS FROM LTV STEEL CO.

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. STARK. Mr. Speaker, the LTV Steel Co. has just sent Members of Congress a concise, clear, and powerful statement of why national health care reform is so desperately needed.

American business and American labor needs health care coverage and definable, certain cost containment. The plan described in the following letter would do it.

We don't need to invent fancy new systems or establish new bureaucracies. The system described in the letter would do it.

LTV CORP.,
Cleveland, OH, March 26, 1993.

Hon. PETE STARK,
House of Representatives,
Washington, DC.

DEAR MR. STARK: As a private citizen and as CEO of LTV Steel, our nation's third-largest steel producer, I am a strong supporter of national health care reform. The enormity and complexity of the national health care reform effort is surpassed only by its importance and urgent need. Thirty-five million Americans with no health care coverage cannot be allowed to continue.

My concern also comes from LTV's experiences as a self-insured employer. For us, as for many others, health care costs have made the difference between profit and loss. In 1992, we spent $240 million providing health care coverage to our active and retired employees, and their families. During that same period, we had a net operating loss of $178 million.

It is a fact that our foreign competition does not have to contend with health care costs of this magnitude under their care systems. If this is allowed to continue, our nation's industrial base will be further weakened, and our ability to achieve a stable, job-generating economy will be greatly diminished. So, we have not only an accessibility issue, but a quality and competitiveness issue as well.

Due to the decade-long rationalization of the steel industry and the resulting reduction in our active work force, LTV Steel pays the health care bills of nearly 140,000 men, women and children—even though *only* 17,000 people are actively employed by the company. Each active worker must generate sufficient economic value to provide for the health care needs of eight people. In 1992, our health care costs were $7.50 for every manhour worked.

We have experienced monumental escalation of health care costs. The company's total cost per active employee was four times greater in 1990 than it was just 10 years earlier. The cost of individual cases has risen to exorbitant extremes.

Our circumstances are only worsened by the additional burden caused by the extraordinary amount of public-pay-to-private-pay cost shifting we have experienced. For many medical treatments we pay substantially more than the maximum Medicare reimbursement. For example, we have paid an average of $7,947 per case (based on 157 cases) for heart failure and shock (DRG 107); in contrast, the Medicare reimbursement is $3,743. This private-pay penalty of 112 percent is not unique; our experience shows numerous examples, some with even greater inequities between private pay and public pay.

We have not accepted uncontrolled escalation of health care costs as inevitable, but have aggressively sought for more than 10 years to control these costs. We have used virtually every known method of cost control consistent with quality medical benefits. Most recently, we instituted managed care systems for our employees and retirees. Despite our best efforts we have been unable to achieve a meaningful level of cost control in the present tangle of health care delivery systems.

As a result of these experiences, and after much analysis, LTV has become a strong advocate for national health care reform, and a supporter of universal health care coverage. We believe that a combination of privately and publicly administered coverage is the best approach, and have formulated specific recommendations on this and other aspects of national health care policy. In attacking the health care issue, we believe it is imperative that all three principal issues—access, cost and quality—are addressed at the same time. Cost shifting from Medicare, Medicaid and the uninsured is a critical problem for industry today.

We have developed recommendations as a member of the Joint National Health Care Policy Committee, along with the United Steelworkers of America, and five other major steel companies. A summary of the Committee's recommendations is attached.

We at LTV want to be active participants in the health care reform effort. We have had a tremendous amount of front-line experience. As you tackle this complex issue I hope you will call on us to share our experiences and recommendations.

Sincerely,

DAVID H. HOAG.

Attachment.

JOINT NATIONAL HEALTH CARE POLICY COMMITTEE OF THE UNITED STEELWORKERS OF AMERICA AND MEMBER STEEL COMPANIES

Summary of the six essential features of the Committee's recommendations:

1. Employer Choice of Public or Private Insurance Coverage.—Under this proposed universal health insurance system, employers would have the choice of providing basic health insurance coverage to workers and dependents privately, or paying a payroll tax contribution toward the cost of their coverage under a nationwide public plan administered by the government.

2. All Payer Provider Payment System.—An all payer provider payment system would be established for controlling health care costs. Private health insurance plans as well as public health insurance plans would pay hospitals, physicians, and other health care providers at the same prospective payment rate. Expenditure targets would be established to constrain total health care spending. Under this system, payment rates would be negotiated with providers, or, for example, the Medicare payment system could be extended to all insurance plans.

3. Quality of Care.—The plan would improve the quality of care available to all Americans through expanded funding of health outcomes and medical effectiveness research, development of national guidelines for medical practice tied to payment, and malpractice reform including alternative dispute resolution mechanisms. Systems for measuring and monitoring quality of care for individual providers would be developed. Providers not meeting quality standards would not be eligible for participation in public and private health insurance plans. Accreditation of health care facilities would be linked to performance in meeting quality standards.

4. Expansion of Medicare to retirees under Age 65.—The eligibility age for Medicare would be reduced to age 60. Employers would also be given the option of buying Medicare coverage for retirees under age 60 by making the same payroll tax contribution assessed for active workers covered under the public plan. Employer health insurance plans would continue to be primary payers for working older adults, while Medicare would be primary payer for retired individuals.

5. Subsidies for Low-Income Families.—Public plan coverage would be automatically extended to all individuals not covered under a private health insurance plan. The public plan would be a uniform national plan administered by the federal government, although the federal government could contract with state governments or other entities to carry out various administrative functions. Public plan coverage would be provided without charge to those uninsured with family incomes below the federal poverty level. Partial subsidies would be provided to those with incomes up to twice the federal poverty level. This plan would also replace acute care coverage under the current Medicaid program. Low-wage workers covered under employer-provided private health insurance would also receive subsidies to offset premium contributions to private health insurance plans, such as an increase in the Earned Income Tax Credit.

6. Administrative Simplification.—The plan would reduce the administrative cost of the current system and make health insurance easier for patients and providers to understand. Creation of a single system of hospital and physician payment would eliminate the confusion of multiple systems now in place. Establishment of a prospective payment system for hospitals based on diagnosis-related-groups would eliminate the system of hospital charges which currently requires detailed itemization and tracking of services received by patients. A uniform claims form for hospitals and physicians, and other health care providers, would be used by all payers—public and private.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LYNNE-RAE DYSON: DEDICATED SERVICE TO THE TOWN OF LEICESTER, MA

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I take this opportunity to pay tribute to a woman who has been a dedicated public servant in the town of Leicester, MA. Lynne-Rae Dyson has served as a dispatcher at the Leicester Police Department for the past 10 years and has done an exemplary job. Emergency dispatching is one of the toughest jobs out there and Lynne-Rae has performed faithfully and with great skill at the Leicester Police Department.

It is interesting to note that Lynn-Rae's son Eric is now a full-time officer on the Leicester Police Department and that her husband Victor is a part-time dispatcher. Police service truly runs in the family. Lynne-Rae also is a member of the Lions Club and enjoys creating crafts for sale at charity events. The town of Leicester has gained a lot from this family. Lynne-Rae Dyson will be honored at a banquet on May 8. Lynne-Rae and Victor also have two other sons, John and Daniel, as well as five grandchildren. Mr. Speaker, I am pleased to join with Lynne-Rae Dyson's colleagues at the police department and her friends and neighbors in thanking her for 10 years of fine service and wishing her the best of luck in the years ahead.

TRIBUTE TO JOHN KENLEY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to Mr. John Kenley, a man who has distinguished himself in the American theater industry.

Mr. Speaker, when John was in the Merchant Marines, he entertained people with his routine as an acrobat, singer, mimic, and pianist. He was involved with the beginnings of the Actors Union, Actors' Equity. He also served as the personal secretary and general manager for the famous Shubert Organization in New York City.

Between the 1940's through the 1980's, John Kenley established theaters in Deer Lake and Barnesville, PA, and subsequently in Warren, OH. John Kenley possessed two gifts: a knack for producing quality stage productions and entrepreneurial skills to make his theater profitable. His Kenley Players were famous for their brilliant productions and prominent stars. Those who were fortunate enough to come in contact with Mr. John Kenley in a professional context remain forever changed and enhanced by the association. Those who simply experienced the joy of being part of his loyal audience also benefited in a very special way. His productions lived long in the memories of the audience.

Mr. Speaker, it gives me great pleasure to stand here today to honor Mr. John Kenley. His contributions to the entertainment industry and to the entire Mohoning Valley cannot be measured. I am happy to be able to recognize him here today.

A TRIBUTE TO MSGR. LEO McFADDEN

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. BILBRAY. Mr. Speaker, I rise today to pay tribute to one of Nevada's spiritual leaders, and my friend, Msgr. Leo McFadden on the occasion of his retirement.

Leo McFadden's family moved to Boulder City, NV, where his father was employed as a jackhammer man at the Boulder Dam project in the 1930's. Surely one of the most dangerous jobs in existence, he was lowered into the canyon on a rope to drill holes into the mountainside. Msgr. McFadden's family moved to Las Vegas at a time when the city was a smalltown desert with dreams of becoming a great metropolis.

Leo McFadden was ordained in the Pope's basilica, St. John Lateran, in 1953. His service to Nevada began at St. Albert's, across from the University of Nevada in Reno. He was the Catholic chaplain at UNR and founded the Catholic Newman Club at Nevada Southern University, which became UNLV. From 1957 to 1968, Msgr. McFadden worked for the Nevada Register, a weekly Catholic newspaper, eventually becoming its editor. He joined the Nevada Air National Guard in 1958, and served 18 months on active duty as a chaplain during and after the U.S.S. *Pueblo* crisis. In 1969, he served as a reporter for the National Catholic News Service and was on assignment in Northern Ireland, Bangladesh, Egypt, Lebanon, Israel, Iran, and Saigon.

He returned to Nevada and served in Carson City, the State capital. In 1977, Leo McFadden became Prelate of Honor, Monsignor.

Leo McFadden continues his service to Nevada. He writes a weekly column for Reno newspapers. In 1983, he became the first chaplain in the history of the American militia ever promoted to the rank of general line officer and served as liaison between the Air Force Chief of Chaplains in Washington, DC, and all Air Guard chaplain. Upon retirement from the military in 1986, Leo McFadden was awarded the Legion of Merit and promoted to the rank of major general in the Nevada Air National Guard.

Today I ask my colleagues to stand and recognize a truly outstanding man of God and a great Nevadan. Please join me in wishing Msgr. Leo McFadden the very best in his retirement.

CHABAD CELEBRATES 18TH ANNIVERSARY

HON. PETER G. TORKILDSEN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. TORKILDSEN. Mr. Speaker, on Monday, May 3, a very special Jewish community-based organization called Chabad will be celebrating its 18th anniversary of operations serving the communities of greater Boston and eastern Massachusetts. The contributions made to the State of Massachusetts by this organization have been immeasurable and the organization has been forced to expand from one to four Chabad centers in this relatively short period of time in order to adequately serve the needs of the community.

Since 1975, the Chabad of eastern Massachusetts has been providing counsel to young men and women during difficult times of need. In addition to lending a sympathetic ear, Chabad conducts educational seminars and holiday programs designed to ensure that the many beautiful traditions of the Jewish religion are passed down from one generation to another. It is clear that the great work and efforts sponsored by the Chabad contributes to the vibrant development of the American Jewish community. What many do not realize however, is that the Chabad's activities also impact positively upon the community at large by providing a demonstrative example which instills a foundation of ethical conduct, family values, and morality.

According to the Hebrew language, an 18th anniversary is known as a "Chai" anniversary—because the numerical value of the letters which make up the word "Chai" equals 18. In Hebrew, the word "Chai" means life. On this special anniversary it is more than appropriate to recognize the contributions made by the Chabad organization in enhancing so many individual lives in eastern Massachusetts.

The American people have always recognized the importance of community activism. We understand that people are imbued with a tremendous ability to take care of those around us who are in need, be a guiding light to our children, and be an effective antidote for our social ills. The challenge of our generation is to unleash the reservoir of human potential, especially at the grass-roots level.

A number of outstanding community leaders have played key roles in the development and work of Chabad. I would like to pay special tribute to Zvi Schwarzman—the Man of the Year honoree for this celebration, Rabbi Chaim Prus—regional director of Chabad in eastern Massachusetts, Rabbi Ira Korf, Richard Sternberg, and Richard Slifka.

In addition, I'd also like to note the special role played by Mark Isaacson in the development and growth of the Chabad organization. Mark Isaacson, through his work as a vice-chairman of the National Jewish Coalition has sought to build support for important public policies in the Jewish community. Many of these policies parallel the interests of organizations such as Chabad—policies which work toward unleashing the potential of the individual and policies which recognize the important contributions made by religious organizations and institutions.

All of these individuals have demonstrated remarkable leadership on, and a remarkable commitment to, issues of great concern to both local communities in Massachusetts and the country at large.

In honor of this upcoming anniversary celebration, I salute the work of Chabad in eastern Massachusetts and wish it continued success in the future.

SUPPORT DUTY SUSPENSION FOR BULK VENDING TOYS AND NOVELTIES

HON. DAVID A. LEVY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. LEVY. Mr. Speaker, today I am introducing legislation to extend for 2 years the existing suspension of duty for certain small toys, toy jewelry, and novelty goods imported at not more than 8 cents per item. These small toys and novelty items are sold through bulk vending machines found in supermarkets, department stores, and other retail establishments. American children derive countless recreational benefits from these items and the bulk vending industry provides jobs for the America public.

The tariffs in question no longer serve a useful purpose; there no longer is any significant American manufacturing industry of the small toys and novelties vended. Thus, these tariffs do not protect a domestic industry, but actually are destroying one. Congress has historically suspended the duty on small toys and novelty goods. The first duty suspension was adopted by Congress in 1982. A second temporary duty suspension was adopted in 1986. A third temporary duty suspension was contained in Public Law 101–382 in 1990 and expired at the end of last year. None of the prior suspensions has raised any objections. In fact, all domestic vendors, wholesalers, and distributors supported the prior suspensions. The modest savings to the industry from the prior duty suspension has made the bulk vending industry more healthy and has encouraged some domestic production. If the duty suspension is further extended, this trend may likely continue.

The American bulk vending industry consists of small businesses engaged in the manufacture, operation, and servicing of bulk vending machines as well as the importation, and distribution of small toys, movelties, toy jewelry, gumballs, and other products vended through these machines. This is a small industry, which represents less than 1 percent of the vending industry overall and includes less than 500 operators and 12 manufacturers of bulk vending machines. However, the bulk vending industry employs over 100,000 people, including many who are physically challenged, throughout the United States.

The companies involved in the bulk vending industry are entirely small businesses, virtually all are "Mom and Pop" operations, which rely on duty-free imports of these goods. The bulk vending industry has high volume and relatively low profit. Due to the nature of the industry, these small businesses cannot readily pass on increases in costs, including the outdated and unnecessary tariffs related to this legislation. This industry has already been hit hard by the current economic downturn and the closing of national supermarkets and chain stores. As a result, one-half of the companies in this industry have closed over the last decade; the rest are struggling with small profit margins. Extending the existing duty suspension on small toys and novelty items will ensure that these jobs are not lost and that this group of small businesses survives.

This bill would also amend the Harmonized Tariff Schedule by increasing the maximum value of the small toy or novelty item which could enter the United States duty free from 5 cents to 8 cents. The reason that this increase is necessary is because of inflation and increased labor costs between 1989, when the previous legislation was introduced, and 1995, when the measure I am introducing sunsets. A 3-cent increase is the amount estimated to account for the increase in cost.

The duty suspension legislation that I am introducing today will have a beneficial effect on American children by ensuring that a small, inexpensive source of recreation continues, on the bulk vending industry by stabilizing costs and to the American public by ensuring that this source of jobs remains viable.

I ask all of my colleagues to express their endorsement for American small business by supporting the legislation which I am introducing today.

DEPENDENT CARE TAX CREDIT REFUNDABILITY ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Ms. SNOWE. Mr. Speaker, today I am reintroducing legislation to reverse a detrimental trend in the dependent care tax credit and restore Congress' original intent to provide the greatest benefit of tax credit to low-income taxpayers. My legislation expands the dependent care tax credit, makes it applicable for respite care expenses, and makes the credit refundable.

The increase of women entering the work force and the aging population have brought a corresponding increase in the need of both child and elder care. Expenses incurred for such care can significantly strain a family's budget.

Bureau of Labor Statistics 1990 data reveal that over 54 percent of women with children under 6 years old work outside the home. Costs for out of home child care vary widely, with the average cost of full-time care approximately $3,500 per year, per child. Managing child care costs is difficult for many families, but is exceptionally burdensome for those in lower income brackets.

In 1976, Congress enacted the dependent care tax credit to help low- and moderate-income families alleviate the burden of employment-related dependent care. Over the years, the DCTC has provided significant Federal assistance to millions of families with child and adult dependent care expenses. In fact, the DCTC is the largest source of Federal child care assistance.

The amount of dependent care tax credit that may be claimed is determined by the amount of the taxpayer's expenses and the taxpayer's adjusted gross income [AGI]. For all taxpayers, eligible expenses may not exceed $2,400 for one dependent or $4,800 for two or more dependents. Taxpayers with AGI's of $10,000 or less are eligible for a credit equal to 30 percent of their qualifying expenses, while taxpayers with AGI's over $28,000 are eligible for a credit equal to 20 percent of their qualifying expenses. Between $10,000 and $28,000 AGI, the applicable percentages declines by one percentage point for $2,000 increase in AGI. The credit is not refundable, which means that an individual can only receive the credit if he or she pays taxes.

Unfortunately, the value of the dependent care tax credit for low- and moderate-income families has eroded in recent years. The primary causes of the reduced value of the DCTC are the lack of inflationary indexing and refundability.

The Tax Reform Act of 1986 provided for inflationary indexing of all the basic provisions of the Internal Revenue Code that determine tax liability except for the DCTC. As a result, fewer and fewer families with incomes low enough to take advantage of the maximum credit amount, 30 percent, have any tax liability.

For example, this year, the tax thresholds of married couples with two or more children are above $15,000. The DCTC's lack of inflationary indexing and refundability results in two negative outcomes. First, married couples with children who earn less than $15,000 would not pay taxes, precluding their eligibility for the DCTC, despite their expenditures for dependent care. Additionally, since tax liability starts at $15,000, married couples with two or more children who are eligible for the DCTC cannot receive the maximum credit amount, 30 percent, which requires an AGI of $10,000.

The result is a shift in DCTC benefits away from low-income families and toward moderate-income families. Fewer and fewer low-income family's AGI's reach the tax thresholds necessary to receive the tax credit; and those low-income individuals who do reach the threshold lose out on the maximum credit available. Therefore, rather than helping low-income families with dependent care expenses as was Congress' original intent, the DCTC is evolving into assistance for less needy middle-income families.

Mr. Speaker, I feel it is critical to get the DCTC back on track helping those families most in need in our country. If we do not address these issues now, each year increasing tax thresholds will prevent more and more low-income individuals from benefiting from the DCTC.

The legislation I am reintroducing would make the adjustments necessary to restore this important benefit to low-income individuals and families. It indexes the DCTC to inflation, and makes it refundable so that those who do not reach the tax thresholds still receive Federal assistance for their dependent care expenses.

My legislation goes beyond these important measures to further help families struggling with dependent care expenses. Recognizing the realistic costs of dependent care, my bill raises the DCTC sliding scale from 30 to 50 percent of work-related dependent care expenditures for families earning $15,000 or less. The scale would then be reduced by 1 percentage point for each additional $1,000 of income, down to a credit of 20 percent for persons earning $45,000 or more.

Finally, this legislation expands the definition of dependent care to include respite care, thereby offering relief from this additional expense. A respite care credit would be allowed for up to $1,200 for one qualifying dependent and $2,400 for two qualifying dependents. The credit for respite care expenses would be available regardless of the caregiver's employment status.

Members of the House, Congress intended the dependent care tax credit to help low- and moderate-income families manage the costs of dependent care assistance which is vital to so many families' economic livelihood. However, each year that we do not address the issues of inflationary indexing and refundability, we deny those very families assistance and, instead, help families with greater financial means. Please join me in cosponsoring the Dependent Care Tax Credit Refundability Act to restore this important benefit to working families most in need.

THE NEED FOR HEALTH CARE REFORM NO. 7: "WE, AS AMERICANS, ARE UNBELIEVABLY NERVOUS ABOUT OUR HEALTH CARE"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. STARK. Mr. Speaker, I would like to share with the Members another example of why we need national health care reform as soon as possible. Following is a portion of a copy of a letter to Mrs. Clinton which I received from a couple who have retired to Arizona:

DEAR MS. CLINTON: I am one of the many victims of the present health care system.

I am retired, 63 years of age, with my wife, age 61, and living in Arizona. I worked my entire life as a pharmacist. I was covered throughout, mainly by Blue Cross/Blue Shield. I paid for the premiums and I eventually owned and ran a pharmacy in Albany, NY, from 1961 until 1987. All that time, I carried BC/BS as a group and had my full time employees covered. I never regretted paying for my employees, or my family. I never fought their premiums and the claims for all concerned were very minor.

I sold store in 1987, and was employed by the VA hospital in Albany, NY until December 1990. While there I was covered again by BC/BS, and paid appropriate premiums. When I retired in December 1990. Under COBRA, I was able to transfer to BC/BS and did that. Then the problems started.

Blue Cross/Blue Shield, Empire, in Albany, NY, put me in the (New York City) grouping, not in the Albany grouping and I questioned it to no avail. The rates of N.Y.C. are much higher than the Albany group. I feel this is discriminatory to say the least, since I was always in the Albany area, for all my life.

The rates have escalated unconscionably since. (When I retired, my wife and I moved to Arizona to enjoy retirement). I am now paying $1,491.60 per quarter ($5966.40 annually) and there was a note to the effect that it would have been $1,800.00 approx. except Gov. Cuomo blocked them. On top of this $6,000 premium, I have a $1,000 deductible on both my wife and I. This means that I have an $8,000 bill before I can expect anything from BC/BS.

For perspective comparison, I get Social Security of $813.00 monthly ($9756 annually). Subtracting the BC/BS $$$, I get a net of $1,756 to live a year. I have no pension. I have savings (thank God) and as you can plainly see, they are being used to live.

I tried unsuccessfully to change to BC/BS (Arizona), but since all BC/BS groups are separate entities, I could not do that. A sidelight is the fact that I think many people think BC/BS is an entity. All it truly does is furnish a franchise name for this unique situation.

Being in reasonably good health (both of us), you might think it would be easy to get health plan coverage (affordable). This is not the case since, you can't join a group (when you are an individual) and any pre-existing conditions (not currently a problem-except high blood pressure) prevents your joining and/or will not now or maybe at any future time be covered.

We as Americans, are unbelievably nervous about our health care.

To allow health care providers to rule, rather than to be ruled by our country, is basically sick of its self.

Please, effect a change. Please make something happen.

America needs a health care plan now. It needs coverage for all, not just the privileged few, not for just the big groups and not controlled by in house insurance companies. They hide behind the fact that they say "oh, we are controlled by our state insurance commissions, etc.!" Not true, they set the rates, and they lobby to get them approved.

It is rumored that the Albany BC/BS pays top executives $600,000 salaries and consider themselves a nonprofit organization. Maybe, it is time for that designation to be done away with. When you set the salaries, when you take out very expensive advertising campaigns to entice the general public, when you spend any profits to enhance your "prestigious" image, you are not living up to the ethical standard of a nonprofit organization.

INTRODUCTION OF TAX LEGISLATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing a bill to amend the Internal Revenue Code of 1986 to repeal the special $15 million limitation on the amount of a tax-exempt bond issue which may be used to provide an output facility. The intent of this legislation is to treat public power in the same manner as other public facilities.

Traditionally, States and local governments and other public entities have traditionally relied on the issuance of municipal tax-free bonds to finance construction of a wide range of essential public facilities, including schools, roads, water and wastewater treatment systems, electric and gas utilities, hospitals, health centers, prisons, and public transit. The Tax Reform Act of 1986 included numerous provisions restricting the use of tax exempt bonds. These provisions were enacted in order to curb abuses in the bond community and to increase revenue to reduce the Federal budget deficit.

One of the changes in 1986 was the extent to which private parties could benefit from the use of facilities financed by tax-exempt bonds. Pre-1986, up to 25 percent of facilities constructed through the issuance of tax-exempt bonds could benefit from the use of facilities financed by tax-exempt bonds. The Tax Reform Act of 1986 reduced this restriction to 10 percent for all Government bonds. However, a further limitation was imposed on public power and public natural gas transmission facilities. The private use test for public power is the lesser of 10 percent or $15 million. No other entities are subject to the $15 million private-use test.

The removal of the $15 million cap would place public power on equal footing with other public facilities. The additional restriction on public power hampers the ability of these entities to buy and sell power in the open market. In addition, the restriction constrains public power entities from building units of a size which allow them to gain economies of scale.

In 1989, the Anthony Commission on Public Finance, chaired by former Representative Beryl Anthony issued a report entitled "Preserving the Federal-State-Local Partnership: The Role of Tax-Exempt Financing." The commission recommended the elimination of the $15 million public power limit. The bottom line is that this restriction is not only discriminatory, but it drives up the cost of power to consumers of public systems.

The legislation will remove the $15 million cap and treat public power like other public facilities and I urge my colleagues to join me in cosponsoring this legislation.

TRIBUTE TO MENTAL HEALTH WEEK

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to the Mahoning County Mental Health Board which recently celebrated its 25th anniversary.

Mr. Speaker, the Mahoning County Health Board was established in 1968 by the State of Ohio with the purpose of planning and implementing community mental health programs for the residents of Mahoning County. It is the mission of the Mahoning County Mental Health Board to reduce the incidence and severity of mental illness experienced by persons of all ages with special attention given to persons with severe mental illness. Clients' choices are the shaping principle activities by the mental health board. The mental health board carries out this mission through maximizing and coordinating public service, delivery, program development, research, and monitoring.

Mr. Speaker, at the 25th anniversary, several prominent local figures were honored for their contributions throughout the years. They are, State Senator Harry Meshel, Martha Zarlenga, Philip Carlon, William Miller, Doris Burdman, Paul Luce, Bill Galloway, Armond Rossi, Theodora, Askerneese, Joseph Edwards, Catherine Grizinski, Ruth Adams, Edward Mocker, William T. James II, and Charles Street.

Mr. Speaker, these individuals have been involved with the Mahoning County Mental Health Board from the beginning. Without them, this program would be nothing. I stand here today to publicly thank them for their efforts and marvel at the results.

CONGRATULATIONS TO MISSION INN AND DUANE ROBERTS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. CALVERT. Mr. Speaker, May 1, 1993, will be a significant day in the history of Riverside County. On that day, the historic Mission Inn will hold its formal grand opening, after being closed for 8 years.

The Mission Inn is Riverside's premier historical and architectural landmark. The current building occupies an entire city block in the heart of downtown Riverside, but this was not always so. The Mission Inn's origins were humble—a two-story, 12-room adobe boarding house. Built in 1876 by Christopher Columbus Miller on land deeded him by the city fathers as payment for his services as a civil engineer, the adobe also served as the Miller family home.

In 1880, at the age of 22, Mr. Frank Miller purchased the inn and surrounding property from his father for $5,000. In 1902, with an architectural design by Mission Revival proponent Arthur B. Benton and the financial backing of Henry E. Huntington, Miller built a four story U-shaped hotel enclosing a large central courtyard. Over the next 30 years, he added three more wings to the structure—the cloister wing, built in 1910; the Spanish wing in 1913–14; and the international rotunda wing, completed in 1931 near the end of Miller's life.

Besides being itself a work of art, the Mission Inn contains magnificent furniture, priceless paintings and objets d'art from all over the world, making it not only a first-class hotel, but also a first-class museum. During his lifetime, Frank Miller cultivated a wide circle of friends from among his guests. President Theodore Roosevelt stayed at the inn soon after the 1903 mission wing was built and took part in the ceremonial replanting of one of Riverside's two parent navel orange trees in the courtyard of the hotel. Other special guests and friends included President Taft, Andrew Carnegie, David Starr Jordan, and Elbert Hubbard. And, in later years, Richard and Pat Nixon were married at the inn, and Ronald and Nancy Reagan spent their wedding night there.

After Frank Miller's death in 1935, the Mission Inn began a slow decline, culminating in its closing in 1985. Fortunately for the citizens of Riverside, and for the entire country, the inn was rescued in 1992 by Mr. Duane R. Roberts who completed a renovation begun in 1988, and restored the Mission Inn to its previous grandeur.

In commemoration of the grand re-opening of the historic Mission Inn, I want to congratulate the people of Riverside, and especially Mr. Duane R. Roberts. We are all richer because this wonderful hotel and museum has been rescued and is once again a living part of our community.

INTRODUCTION OF LEGISLATION TO EXEMPT EXPLOSIVES HANDLING TRUCKS FROM FEDERAL EXCISE TAX

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. GOODLATTE. Mr. Speaker, today I am introducing legislation to help solve a problem that shouldn't even exist. The bill I am introducing will result in fair tax treatment of the explosives, mining, construction, and quarrying industries in this country.

This bill is cosponsored by my colleague Representative KAREN SHEPHERD of Utah. It proposes to exempt from Federal excise tax vehicles or mobile units which handle bulk explosives.

The bill refers to explosives handling vehicles which are actually mobile manufacturing plants. These vehicles mix dangerous chemicals into a volatile compound for insertion into detonation chambers in mining operations.

This bill will impact nearly 240 companies in 42 States, some of which are facing significant financial hardship and potential bankruptcy if this legislation is not enacted. Since the IRS has not collected the Federal Excise Tax [FET] on these explosives handling trucks for over 10 years many companies face a tax charge that will deplete their capital resources and jeopardize their financial stability.

All the manufacturers of these trucks are small businesses. They are unable to come up with $300,000 to $500,000 in back taxes. Many will face potential bankruptcy if Congress doesn't specifically exempt them from FET.

This is not a new issue. Last year Senator HATCH of Utah offered an amendment to exempt explosives handling trucks from FET which was passed as part of the conference report to H.R. 11. As we all know, last year's tax bill was vetoed by the President for other reasons.

Mr. Speaker, manufacturers of these trucks are already paying a 12-percent excise tax, an average of $7,000 to $8,000 per truck, on the chassis portion of these vehicles. This legislation would simply exempt the manufacturing bodies of the trucks from excise tax. Levying excise taxes on the mixing equipment will increase the price of these trucks up to $3,000. This cost will be passed along to mining companies which buy the trucks. Eventually the cost will be passed along to consumers of mined products.

Let me explain why these trucks should not be subject to additional excise taxes. When the Internal Revenue Service [IRS] says that explosive mixing trucks are capable of transporting on the roads and therefore subject to excise taxes, they miss the point. These trucks simply aren't designed for highway transportation purposes.

In fact only a small percentage of the vehicle's mixing unit, permanently attached to a specially configured truck chassis, contains bin space for explosives transport. Approximately 70 percent of the units operate off-road all the time. Many of these cannot pass inspection for legal on-road operation. The other 30 percent spend most of their life off the highway. Explosives handling vehicles will travel on average a total of only 6,000 to 10,000 miles annually, and are primarily off highway vehicles.

Explosives handling trucks cannot exceed 45 to 50 miles per hour. They cannot turn or maneuver safely, nor can they transport anything except mixing equipment that is permanently fixed to a special configured vehicle. Once the mixing bins are separated from the chassis, they are not able to transport any item.

Congress has exempted other dual use trucks in the past. In fact, there is a stronger case for exempting explosives handling trucks than exists for exempting concrete mixers which Congress did exempt in Internal Revenue Code section 4053(5). The explosives handling vehicles would be made exempt from the federal excise tax by treating them in the same exemption category in Internal Revenue Code section 4053 as the cement mixer. The explosives mixing truck meets the terms of the Code, justifies the exclusion and needs no special treatment and therefore his legislation should not even be necessary.

The only reason Congress must take action on this matter to enact a specific exemption for explosives handling trucks is because the IRS is now starting to pursue the manufacturers of these trucks for back and present taxes. The industry had relied on an IRS tax case from the 1970's in which the IRS decided not to tax EHV's and refunded provisional taxes to vehicle manufacturers. The IRS is now relying on a 1979 revenue ruling, 79–191, which held that the mixing units attached to the truck chassis were liable for FET. Last month in a meeting with the IRS, industry representatives demonstrated to my complete satisfaction that the evolution of the mixing unit technology nullifies the earlier reasoning in the 1979 revenue ruling.

The 1979 revenue ruling was based on the style of this type of truck that was used 15 years ago and which are no longer in use. The storage containers on those trucks could be removed and once removed the flat bed truck could be used for other purposes. As I have explained, that is not the case with modern, more sophisticated explosives handling trucks which have been modified for one singular use—to mix mining explosives. The industry redesigned the vehicles and they have become an integral mobile unit. In 1991, an IRS technical advice memorandum [TAM] reviewed the 1979 decision finding that both the mixer and the chassis continued to be liable for FET. However, the TAM also relied on the 1970-era vehicle, rather than the modern version.

There is even disagreement and uncertainty in the field among IRS agents as to the taxability of this equipment. In some States IRS agents have decided that the mixing equipment is exempt from FET, while in others, agents are going forward with collection of taxes, both past and present. This illustrates the uncertainty which exists regarding the taxability of EHV's.

Explosives handling trucks are designed to manufacture explosives in an economical and safe manner. The ingredients for explosives are stored in separate compartments on the truck, in a nonexplosive state. At the blast site the explosives are manufactured, and pumped directly down the bore hole. I am concerned that some mining companies have purchased and are using cement mixers instead of trucks built specifically for explosives mixing in order to escape the resulting price increase. This use of cement trucks clearly presents a danger to the employees who work at the mine sites.

Since cement mixers and explosives manufacturing equipment perform similar functions, it is arbitrary and discriminating to grant an exemption to the cement industry and not the explosives industry. This treatment simply serves to encourage the use of cement mixers to manufacture explosives, and thus jeopardize the safety features included in the design of the explosives manufacturing equipment.

I would like to assure my colleagues that the tax impact related to this bill is almost negligible and I believe it to be tax neutral. The amount of FET collected would be approximately $150,000 and no more than $200,000 annually. Prior estimates of the Joint Committee on Taxation estimated that enactment of this provision would cost the Treasury $2 million over 5 years, however, the joint committee is currently revising its figures and is expected to report back an even lower estimate which is more likely to represent the $150,000 per year figure. In addition this Federal excise tax is not currently being collected on an industry wide basis.

This legislation is tax neutral because despite the exemptions that this legislation seeks, the vehicles will still generate tax revenues proportionate with their limited production. The FET of approximately $7,000 will continue to be paid on each chassis manufactured for later modification into the mobile explosives handling unit. In fact, the IRS may lose revenues they are currently collecting on the chassis if companies quit manufacturing new trucks and simply go into the business of refurbishing older models or if mining companies shift to the use of cement mixers which are exempt from Federal excise tax.

Finally, this legislation makes economic sense. The U.S. technology in these explosives mixing trucks is the best in the world. The United States currently controls the domestic market for this equipment. Taxing the life blood out of small businesses who manufacture this specialized equipment could jeopardize our market share in foreign markets as well as encourage foreign companies to manufacture the product.

Last year Congress realized this legislation was good policy and included it in the tax bill. In this instance I hope that my colleagues will repeat history and provide fair treatment for these industries that are so important to the economy of this country.

INTRODUCTION OF LEGISLATION REGARDING DEFICIT REDUCTION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. ROEMER. Mr. Speaker, today I am introducing legislation that would require unexpended congressional office funds to be returned directly to the U.S. Treasury for deficit reduction.

I know that many other Members share my frustration that money saved by congressional offices each year simply reverts back to the legislative branch appropriations fund, and is not applied to deficit reduction. It is becoming increasingly difficult to justify such accounting practices during these difficult financial times when many Americans are out of work and deficit reduction is a key goal of our national economic policy.

We have already taken bold steps toward trimming the Federal deficit, including the legislative branch budget, and we must continue to lead by example in this process. In this age of unprecedented budget deficits, we must take conscientious actions to reduce our own spending, both as a contribution toward the total deficit-reduction program and also as a method of receiving the support of the American people in our efforts to reinvigorate the U.S. economy and cut waste in government.

Mr. Speaker, my legislation is simple and straightforward. It would allow unexpended funds from the clerk-hire, official expenses, and mail accounts of each congressional office to be returned directly to the Treasury at the end of each fiscal year in order to reduce the deficit. This would create an incentive for Members to seek to reduce the cost of the operations of their offices, saving taxpayer dollars, and providing a much-needed boost to the credibility of this institution's efforts to streamline and increase efficiency in the Congress.

We all know that the long-term good of the country depends on getting control of our deficit problem. I believe that this bill makes one small step toward achieving this goal, and I urge my colleagues to join me in supporting this legislation.

THE INTRODUCTION OF THE NAMES OF KAHUKU HIGH SCHOOL STUDENT FINALIST WINNERS IN THE "WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION" CONTEST

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mrs. MINK. Mr. Speaker, on May 1–3 more than 1,200 students from 47 States and the District of Columbia will be in our Nation's Capital to compete in the national finals of "We the People * * * The Citizen and the Constitution" Program. I am most pleased to announce that the class from Kahuku High School, Kahuku, HI, will represent the State of Hawaii. These young scholars have worked diligently to reach the national finals by winning district and State competitions. The Hawaii teams members are: Lisa Brewer, Daniel Chee, Douglass Cole, Heather Crump, Spencer Goo, Casey Graham, Katherine Grandy, Anne Han, Caroline Hendry, Kerry Jacques, Jeremy Kokkonen, Noel Livingston, Brandy Mamizuka, Darren Miller, Zachary Moffat, Keilani Navalta, Eric Nielson, Mehanamaiolani Oleole, Jodie Pierce, Jamie Smith, Liesl Smith, Meilani Smith, Yoichi Soma, Aron Steward, Ephraim Temple, Naomi Te'o, Jared Underwood, Ian Walker, and LeVon Webb.

I would also like to recognize their teacher, Ms. Sandra Cashman, who deserves much of the credit for the success of the team. The district coordinators, Ms. Kathy Ellwin and Ms. Jane Kinoshita, and the State coordinator, Ms. Sharon Kaohi, must also be recognized for their time and effort helping the Kahuku Team reach the national finals.

The "We the People * * * The Citizen and the Constitution" Program, supported and funded by Congress, is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the country to demonstrate their knowledge of constitutional issues. Administered by the Center of Civic Education, the program, now in its sixth year, has reached over 12 million students in 21,490 elementary, middle, and high schools nationwide.

The program provides and excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am proud of these students representing Hawaii from my district and commend them and their teacher for their hard work. I wish them the best of luck in this competition.

THE TAX EQUITY ACT OF 1993

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. NADLER. Mr. Speaker, I have introduced today the Tax Equity Act of 1993, which would index tax brackets to reflect regional differences in the cost of living, so that the rate at which a person is taxed would reflect the real value of his or her income.

It is common knowledge that some parts of the country are more expensive to live in than others. In an area with a relatively high cost of living, a given income does not go as far as the same income does in an area with a relatively low cost of living. Thus, for example, $35,000 may be a handsome salary in Arkansas—it was Bill Clinton's highest salary as

Governor—but it is a very modest salary in Anchorage or Los Angeles or Boston or Washington, DC, and their metropolitan areas. To take extremes, the cost of living in the New York City metropolitan area is over 2½ times as great as the cost of living in Kennett, MO.

The cost of living in the New York City metropolitan area is over twice the national average—214.2 percent, to be exact. It will surprise no one familiar with New York City and its suburbs to learn that the single greatest contributing factor to the area's high cost of living is the cost of housing, which is 373.7 percent of the national average. But the high cost of living in the New York City metropolitan area is not limited to housing, not by a long shot. The cost of groceries is 144.7 percent of the national average. The cost of health care is 202.1 percent of the national average. The cost of utilities is 171.8 percent of the national average. And so on. So pretending that a New York City family earning $50,000 per year is high income is a joke—a bad joke, if you happen to be a New Yorker.

The Federal Government recognizes regional cost-of-living differences with respect to the housing allowances afforded to military personnel. Regional differences are also recognized, and compensated for, under the Federal Employees Pay Comparability Act of 1990, which provides for locality-based salary adjustments, based on wage levels in the area, for Federal employees.

It is high time that our income tax system reflected these same realities. The governing principle of a progressive income tax is that the higher one's income, the higher the rate at which one's income should be taxed. The underlying assumption is that, as a person's income goes up, the greater the percentage of that income that can be used for discretionary spending, rather than for essentials—food, clothing, rent or mortgage payments, medical expenses, and so forth. But that assumption becomes a fallacy where the value of a high nominal income is vitiated by a higher cost of living. Thus there is no good reason why a person with a taxable income of $50,000 living in the Philadelphia metropolitan area—with a cost of living 131.5 percent of the national average—should be taxed at the same rate as a person enjoying a $50,000 salary in Murray, KY—with a cost of living just 87.1 percent of the national average. The Kentucky resident has a much higher real income.

The Tax Equity Act of 1993 would correct this inequity by indexing tax brackets so as to adjust for the regional cost of living. In other words, if the marginal rate on income between $60,000 and $80,000 were 28 percent, that 28 percent rate would apply to income between $90,000 and $120,000 in a region where the cost of living is 1.5 times the national average. In an area where the cost of living is only 90 percent of the national average, the 28-percent rate would apply to income between $54,000 and $72,000.

I urge my colleagues to join me in providing for fair taxation, based on real income, by supporting the Tax Equity Act of 1993.

CLINTON'S BROKEN PROMISES HELP REPUBLICAN PARTY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. CRANE. Mr. Speaker, President Clinton campaigned on the promise that he was a "new" Democrat, who understood the past errors of his party's philosophy. However, less than 1 month after coming to office he proposed a whole series of tax and spending increases which showed everyone his true colors and proved the old adage that "actions speak louder than words." Indeed, as the public comes to understand more of the details of President Clinton's proposals, it will serve as the greatest source of revitalization for conservatism in our country.

An editorial by George Will, which appeared in the Sun-Sentinel on February 21, 1993, takes a close look at the effects of President Clinton's broken promises. I submit for the RECORD Mr. Will's article on this issue for the benefit of my colleagues.

CLINTON'S BROKEN PROMISES SHOULD HELP REVERSE DECLINE OF REPUBLICAN PARTY

(By George Will)

At the end of the worst first month of a modern presidency, there lingers, in fading echo, the word "covenant." That word, which candidate Bill Clinton used to describe the relationship he wanted between government and citizenry, means, in a democracy, a solemn promise to keep promises.

The fraying of Clinton's covenant with the electorate is pertinent to this question: Which president does Clinton resemble? Not Kennedy, whose tax cut ignited a boom. Rather, Clinton resembles the two presidents of his politically formative years. Lyndon Johnson and Richard Nixon.

Clinton's conduct since the campaign marks his campaign as the most disingenuous since at least 1964, when Johnson disguised his intentions regarding Vietnam. Also, Clinton's plans for expanding government's graspingness and bossiness resemble Johnson's.

And Nixon's, whose administration oversaw explosive growth of the regulatory state. Nixon's wage and price controls (Clinton is contemplating control-by-edict of prices in the health care field) were the most radical extension of federal power into economic life since the 1930s.

One economic promise about which Clinton remains punctilious is one he should abandon—his promise to stimulate the economy, which is surging. What is breathtaking about Clinton's pork-laden stimulus package—fine-tuning tax credits, grants for state and local governments, Amtrak, road repairs—is its banality. For this you do not need to go to Oxford, you just need to have gone to sleep 20 years ago.

His larger program—tax increases, defense cuts, domestic spending increases, "administrative efficiencies," proposed domestic cuts, most of which will not materialize—hardly amounts to "re-inventing government".

George Stephanopoulos, Clinton's spokesman, promises a "reversal of Reaganism." Reaganism: a record 93 months of growth, low inflation, declining interest rates and unemployment, almost 19 million new jobs, exports nearly doubled, one-third increase in real GNP. Clinton may indeed keep his promise to reverse this.

Clinton's program should reverse the decline of the GOP. Conservatism's vitality is linked to the public's disgust with the political class. Clinton's multiplying apostasies from his campaign themes and promises—from all that was supposed to define a "new Democrat"—are, to say no more, not calculated to enhance the reputation of the political class.

Furthermore, Clinton's agenda of metastasizing government propels Republicans back to Reaganism from Bushism. Consider, again, Clinton's stimulus. If government raises $X billions in new taxes and sends out an equal amount billions in "stimulus," the result is not, as Democrats see it, a wash.

Rather, the result is "progressive" because government has gained yet more ground in reducing the scope of private choice and increasing the permeation of life by politics. That is the liberalism of "new Democrats," as of old ones.

Will Congress cooperate? Perhaps. But the House in which Clinton spoke Wednesday evening is composed of 435 members, all of whom did better than Clinton's 42.9 percent in November. Fifteen of them ran unopposed, 104 won more than 70 percent of the vote; 252 got more than 60 percent; the average of those who won against opposition was 63.1 percent, substantially better than even Clinton's 53.4 percent of the two-party vote. They may not defer to this political judgment.

All of them will face the voters again in 20 months.

Most of them probably understand that if Clinton had said four months ago what he is saying now, he would still be living in Little Rock.

BUD FITCH, WE WILL MISS YOU

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. BARCIA. Mr. Speaker, I rise to pay tribute to a great individual who is being honored with a surprise retirement party this evening. Floyd "Bud" Fitch has been the executive director for region 12–D of the Michigan Education Association since 1971. After these fast-paced and productive 22 years, Bud has decided to retire.

It is only because of our session here today that I am not at this surprise celebration personally.

Bud Fitch has spent his entire life promoting family values, being one of six children himself, and being the proud father of two and grandfather of one. He served his country in Korea, and served his community as a teacher following his earning of a B.A. degree in education from Central Michigan University in 1956. He has taught at schools in Muskegon and Kalamazoo, before going to work for the Michigan Employment Services Commission, and then later becoming the assistant labor relations director for Dow Chemical, a post he held for 8 years.

And in personally demonstrating the philosophy that there is always more to learn, Bud earned his masters degree in labor relations from Michigan State University in 1976.

Bud has been the best kind of role model that our young people can have. His insatiable desire to learn, as evidenced by his tremendous appetite for the news, his broad-based interests extending from sailing to opera and the symphony, and his deep appreciation for our political system make Bud a man that we all should try to emulate.

Mr. Speaker, when Bud and his wife move to Pentwater to live in their newly renovated home on Lake Michigan this June, our community will be quickly missing a good neighbor and a distinguished leader. I ask all of our colleagues to join with me in wishing Bud and his wife the very best with his new challenges in retirement.

HONORING BERENICE BLUM-BART FOR OUTSTANDING ELEMENTARY SCIENCE EDUCATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. SMITH of New Jersey. Mr. Speaker, this week 108 elementary school teachers from across the Nation are being honored with the National Science Foundation's Presidential Awards for Excellence in Science and Mathematics Teaching. One of these exceptional educators is Mrs. Berenice Blum-Bart, a science teacher at the Perry L. Drew School in East Windsor, NJ. I have received a firsthand account of Mrs. Blum-Bart's effectiveness through one of my staff members, Michelle Colitas, whose life was touched by Mrs. Blum-Bart, who served as her teacher in the fourth and fifth grades.

Mrs. Blum-Bart is described as the teacher who taught more that basic academics. She taught teamwork and citizenship by organizing group projects and helping the kids work better together. Mrs. Blum-Bart made learning fun, and she taught diligence and excellence by patiently encouraging students to reach further and further for perfection.

And, perhaps most importantly, Mr. Speaker, Mrs. Blum-Bart taught the fourth and fifth grades of yesterday an invaluable lesson she still teaches her students today: never stop learning, never be ashamed to try harder, and always take pride in what they accomplish.

I would like to join the National Science Foundation and the thousands of students who have passed through her classrooms in honoring Mrs. Berenice Blum-Bart for her outstanding achievements in elementary science education.

MOUNT VERNON AND BRONX ROTARY HONORED FOR 75 YEARS OF "SERVICE ABOVE SELF"

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mrs. LOWEY. Mr. Speaker, I rise today in proud recognition of the 75th anniversary of the Mount Vernon and Bronx Rotary Clubs.

Living by the motto "service above self," the Rotarians have made a remarkable contribution to our community over their long history. Rotary fund-drives and charitable donations have helped hundreds in our extended family around Southern Westchester and the Bronx, especially the young.

With the assistance of the Rotary Club, organizations like the YMCA, YMHA, the Boys Club, the Mt. Vernon Little League and Hospital, the Salvation Army, and the Westchester Youth Center have grown and prospered.

Perhaps more important, the Rotary has helped remind each of us of our continuing obligation to one another; through its fine example, redeeming the promise of a strong community in which trials and triumphs are shared.

This year, the Mount Vernon Rotary, one of the oldest in the world, turns a special page in its history as it elevates Billie Woolf to its presidency—the first woman to occupy that post and vivid proof of the inclusive spirit that now characterizes the Rotary Club.

I have every confidence that Ms. Woolf will uphold the Rotary's fine tradition with the same dedication as outgoing president Bob Gurian and all the past leaders of the Mount Vernon Rotary Club.

Mr. Speaker, I join the entire Westchester and Bronx community, as well as Clifford Dochterman, president of Rotary International, in heartfelt congratulations and thanks for a job well done.

DON'T TURN BOSNIA INTO ANOTHER VIETNAM; INTRODUCTION OF LAND FORCES WOULD BE A BIG MISTAKE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. BEREUTER. Mr. Speaker, because there is so much discussion about alternative actions of the United States with respect to Bosnia, this Member wants to make his views clear regarding this issue.

The introduction of United States land forces into Bosnia, which the Clinton administration seems to be actively considering, would be a tragic mistake. It is probably impossible to impose peace on the area by external means.

The presence of American troops on the ground, now or at some future date, would do little to alleviate the basic religious and cultural conflicts that have lead to this brutal conflict. The actions that we have seen in Bosnia are appalling and outrageous, the civilized world is shocked, and we know that we must try to find some effective way to address this situation.

However, some members of this body—both Republicans and Democrats—are too quick to engage American military forces in Bosnia. There are some in Congress who are even urging a resolution granting broad powers to the President to do whatever is necessary to halt fighting in Bosnia. This would be a dangerous course of action reminiscent of the action of Congress in passing the Gulf of Tonkin resolution that gave Lyndon Johnson broad authority for the Vietnam war. In the case of the conflict in Bosnia, this is not acceptable. It is inconceivable that we start down that slippery slope to a massive and bloody military operation.

It is interesting to note that most Members of Congress who have military experience are opposed to the introduction of land forces in Bosnia. The U.S. military is very reluctant to engage our forces, and appropriately so. While we are all repulsed and outraged at the atrocities that are talking place, we must be very cautious about committing U.S. troops in a conflict where the U.S. national interest is not immediately apparent, where the strategic objectives are murky, and where prospects for success are highly uncertain.

The Serbian military forces have accomplished virtually all of their objectives. They have successfully secured the desired land corridors and have devastated and dismembered Moslem portions of Bosnia. If our objective is to remove Bosnian Serbs from the land they have ethnically cleansed, those of us with military experience agree that it would take hundreds of thousands of American troops, and even that would be followed by continued guerrilla warfare. Moreover, it is not clear that even a massive U.S. ground presence would be able to halt the ethnic killing for any period of time.

Others have pointed to airstrikes as a low-risk way to stop the Bosnian Serbs. This Member believes this option, too, is a mistake. Unlike the deserts of Iraq, where Saddam Hussein's army had nowhere to hide, the terrain in Bosnia is incredibly rugged and vegetated. Even the initial United States and NATO allied airstrikes are likely to have only a limited effective upon the tanks and heavy artillery of the Bosnian Serbs. As soon as we launched our first airstrike, the Serbs would begin hiding the heavy weapons. Suddenly, we would find that the Bosnian Serbs had placed their tanks and artillery in the midst of civilian population centers. Do we then continue to attack Serbian assets and risk inflicting huge civilian casualties?

Military experts will tell you that air strikes, if they are to be most effective, must be coordinated with troops on the ground. Air and land forces complement one another, and one is diminished if the other is absent. For example, highly accurate airstrikes require forward spotters on the ground to identify targets, mark the targets with lasers so that the attacking aircraft can home in on their objective, and communicate with the pilots to alert them of possible dangers.

There are options that do not involve armed combat by U.S. force. For example, this Member firmly supports the much tougher sanctions that the United Nations has imposed in recent days. Imposition of these harsh new sanctions is designed to cut off all meaningful trade with the Serbian aggressors. yet, we must not delude ourselves into believing that these new sanctions will, by themselves, bring an end to the fighting. These new sanctions are long overdue and will severely strain the Serbian economy, but Serbia, with Montenegro, seems to have sufficient internal resources to hold out for an indefinite period.

In addition, it is time to at least reconsider the arms embargo that was imposed on the Bosnian Moslems. When the conflict erupted the U.N. Security Council imposed an arms embargo on all combatants in Bosnia, Serbs, Croats, and Moslem alike. Though well-intentioned, this was a mistake because in practice it only affected one side, the Bosnian Moslems. Throughout this conflict the Bosnian Serbs have received massive assistance from the old Yugoslav Army. Mr. Milosovec and the other Serbian leaders have provided the Bosnian Serbs with hundreds of artillery pieces, tanks, and other heavy weapons. The Moslem forces, on the other hand, have virtually no heavy weaponry. The embargo has denied the Bosnian Moslems an opportunity to defend themselves, and has forced them to watch while their civil society has been destroyed, the population murdered or "cleansed," and the woman systematically raped.

Yet we must also be aware that, even though it is unconscionable to deny the Moslems the opportunity to defend themselves, lifting the embargo will raise many complications and questions. Currently the British, French, and Canadian peacekeepers in Bosnia are very vulnerable to attack. The Bosnian Serbs have made it clear that these peacekeepers would be targeted if the embargo were lifted. We should also expect the international relief agencies currently operating in Bosnia to become targets for Serbian reprisal.

Lifting the embargo would raise a host of questions. What arms could the Moslems acquire? How quickly could weapons be delivered? Who would pay for the weapons? How much training would be needed for the Moslem forces? Would the Serbian troops simply accelerate their attack on the Moslems before Western arms reached the battlefield? These are the sort of questions we must consider as we move toward lifting the arms embargo.

The U.N. Security Council has finally recommended that Macedonia be admitted to the United Nations. The United States and other Western countries should push for immediate General Assembly approval. The Government of Macedonia surely will, shortly, request the presence of multinational U.N. forces in Macedonia as a deterrent or firebreak military force. In contrast to usual practice, these forces should be heavily armed and should be prepared to serve as a peace-enforcement force. It is appropriate that the United States should support and participate in that "firebreak," peacekeeping force.

If Macedonia or Kosovo erupt in bloodshed, that is likely to bring Greece, Turkey, Romania, and Bulgaria into the conflict. If that happens, the conflict that thus far has been limited to the former Yugoslavia would erupt and envelop the entire region. Such a regional war would be a threat to United States security interests and would be a threat to the survival of the NATO alliance with Greece and Turkey on opposite sides of the warfare.

LEUKEMIA SOCIETY OF AMERICA, FINGER LAKES CHAPTER

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Ms. SLAUGHTER. Mr. Speaker, I rise to recognize the tremendous work of the Finger Lakes Chapter of the Leukemia Society of America. The chapter performs an invaluable service in the Rochester, NY, community by working to provide support for those who suffer from leukemia and for their families and friends.

Leukemia is a disease of the blood-forming tissues: the bone marrow, lymph nodes, and the spleen. When leukemia strikes, millions of abnormal and useless white blood cells are formed and are carried throughout the body by the bloodstream and the lymph system. These abnormal cells crowd out and slow production of red blood cells and platelets vital to the body's many continuous functions.

Leukemia is often mistakenly considered to be a childhood disease. While causes the deaths of more children than other diseases, many adults are stricken with this illness each year. Leukemia and its allied illnesses—the lymphomas, multiple myelomas, and Hodgkin's disease—will strike approximately 77,600 Americans this year and will cause the death of 43,300 persons.

The cause of leukemia remains unknown. However, the effectiveness of recently developed treatment methods and steady advances in research bring us closer every day to finding the causes and possible cures of leukemia and related disorders.

The Finger Lakes Chapter of the Leukemia Society of America currently supports two research projects at the University of Rochester. Jane Liesveld, M.D., is conducting an "In Vitro Study of Leukemia—Microenvironmental Interactions" and Alanna Ruddel, Ph.D., finished the second year of her study "Role of Labile Enhancer Binding Proteins in Avian Leukosis Virus Lymphomagenesis."

The Finger Lakes chapter has developed a variety of community service programs to improve quality of life for leukemia patients and to educate the general public.

The Leukemia Society supports a program of financial assistance to patients with leukemia, the lymphomas, Hodgkin's disease, multiple myeloma and preleukemia. In 1991, the Finger Lakes chapter had more than 220 patients enrolled, and more than $42,100 was spent assisting them. Nationally, the society helped more than 6,000 patients with specific outpatient expenses: chemotherapy, certain transfusion fees, transportation to and from a doctor's office, some x-ray therapies, and testicular treatment therapy.

The chapter also sponsors a monthly support group which meets at Strong Memorial Hospital. "Living with Leukemia and Related Illnesses" provides education, sharing, and support for patients and their families dealing with leukemia or related illnesses. The Finger Lakes chapter also conducts education programs to alert the public to the nature and symptoms of leukemia and related diseases.

Mr. Speaker, I would like to take this opportunity to commend the staff, volunteers, and supporters of the Finger Lakes Chapter of the Leukemia Society of America for their work on behalf of all the children and adults who must face this illness each day. I urge my colleagues and citizens across the Nation to support the work of the Leukemia Society of America chapter nearest to them.

Above all, I salute all of the people who live with leukemia or related illnesses. Life is composed of many challenges which hopefully make us stronger, but it takes resolution and heart to face these tribulations. Those who suffer from life-threatening diseases face an added burden; I recognize their courage and extend my best wishes.

OVERCOMING BIGOTRY

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. LAROCCO. Mr. Speaker, on April 22, 1993, the U.S. Holocaust Memorial Museum was dedicated in Washington, DC. This museum will serve to teach us all about this horrific injustice which must never be forgotten.

In Idaho, we too have encountered hatred and intolerance in a variety of forms. From the racially motivated crimes of the Aryan Nation's movement to the exclusionary tactics of the antigay Idaho Citizens Alliance, Idahoans have often been challenged to confront bigotry and discrimination.

A recent editorial by Coeur d'Alene Mayor Raymond L. Stone, reflects on the significance of the Holocaust Museum and applauds Idaho's commitment to human rights. As Mayor Stone writes, the museum "will be a beacon that illuminates the events of the past, and warns us of the dangers that may again exist if we do not control the hateful impulses of ethnic stereotyping, prejudice, and conflict." I fully agree with Mayor Stone and request that his remarks be printed in the CONGRESSIONAL RECORD.

BATTLES AGAINST BIGOTRY ARE FOUGHT EVERY DAY

(By Raymond L. Stone)

In the spring of 1945, as part of the 325th Glider Infantry Regiment of the 82nd Airborne Division, I was in the first jeep that entered the concentration camp of Woebbelin, near the town of Ludwiglust, Germany. The camp was in absolute chaos. The German guards had left, and at least 1,000 prisoners had died of starvation the week the Americans arrived.

In the barracks that housed far too many prisoners, the living lay next to the dying and the dead. The stench, the filth and the despair registered on the faces of the living will forever be etched in my memory.

Today, as I sit in my office at City Hall overlooking shimmering Lake Coeur d'Alene and the beauteous vista of timbered hills beyond, the contrast with the images of horror so many decades ago could hardly be more acute.

And there is no comfort in the assumption that the hate exists only on distant shores. The woods north of Hayden Lake, just a few miles from here, remain home to the Aryan Nations, a small group of neo-Nazi zealots, who attracted national attention some years ago when they bombed several houses and proclaimed their white supremacist philosophy.

The people of Northern Idaho rejected this vile philosophy and turned away from prejudice, refusing to let these outsiders come into our area to poison our city and distort the principles by which we have lived our lives. We won a victory of sorts, but we cannot pretend that the battle is won.

As a witness to the Holocaust in Europe and to the offshoot of Nazi sentiment that has existed near our community for the past

14 years, I am profoundly heartened that the United States Holocaust Memorial Museum will open to the public Monday in Washington, D.C.

This museum will depict the events of 1933–45, and factually describe our own nation's role in first ignoring, and then battling, Nazism and its consequences. It will be a beacon that illuminates the events of the past, and warns us of the dangers that may again exist if we do not control the hateful impulses of ethnic stereotyping, prejudice and conflict.

On a more personal note, as I come to work every day to the mayor's office in Coeur d'Alene, I am even more grateful for the people of Coeur d'Alene and the Spokane area for their ability and their fortitude in standing up to some of the people in our area who espouse the philosophy that the Nazi party surrounded themselves with in Germany many years ago.

The people of this area can be proud of their stand on human rights and diversity. None of us anywhere in this nation, but in particular in our own Inland Empire, particularly while contending with those who maintain that the event never happened.

It is a fact that not all battles against bigotry are fought on a global scale as in World War II. They are fought every day in one's own mind and heart within our city and other cities that are faced with bigotry and injustice perpetuated by small bands of fanatics whose philosophy is not at all in line with the constitutional principles of the United States. Long after the eyes of all the victims, survivors and witnesses are closed, this museum will help ensure that the eyes of the whole world will remain open to the Holocaust and its lessons.

This Holocaust Memorial Museum really is a memorial to the past and for the future, but more than that, it is a positive way to light a beacon that says we are making a national commitment, and also a local commitment, to bear witness now and for the generations to come that this shall not happen again.

We need at this time to take a strong look at what is happening in former Yugoslavia and become witnesses against that slaughter, just as we have become witnesses by this museum against the slaughter that took place in those horrible days in World War II.

FINANCIAL NET WORTH

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. SENSENBRENNER. Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 1993, a matter of public record. I have filed similar statements for each of the 14 preceding years I have served in the Congress.

Assets

Real property:

Single family residence at 609 Ft. Williams Parkway, city of Alexandria, VA., at assessed valuation. Assessed at $629,500.00. Ratio of assessed to market value: 100 percent—Encumbered	$629,500.00
Condominium at N76 W14726 North Point Drive, village of Menomonee Falls, Waukesha County, WI, at assessor's estimated market value. Unencumbered	82,500.00
Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, village of Chenequa, Waukesha County, WI, at 25/44ths of assessor's estimated market value of $303,900	172,670.45
Total real property	884,670.45

COMMON AND PREFERRED STOCK

	Number of shares	Cost	Value
Firstar Corp.	676	$33.38	$22,899.50
American Telephone & Telegraph	497.395	56.75	28,227.17
American Information Technologies	163.391	76.88	12,560.68
Bell Atlantic Corp	214.774	56.00	12,027.34
Bell South Corp	243.888	56.63	13,810.16
NYNEX, Inc	112.721	92.13	10,384.42
Pacific Telesis, Inc	148	48.75	7,215.00
Southwest Bell, Inc	166.32	78.13	12,993.75
U.S. West, Inc	223.06	43.63	9,730.99
Tenneco Corp	712.423	45.88	32,682.41
Newell Corp	838	39.00	32,682.00
General Mills, Inc	1440	70.88	102,060.00
Kellogg Corp	1600	60.50	96,800.00
Dunn & Bradstreet, Inc	2000	59.00	118,000.00
Halliburton Co	1000	36.25	36,250.00
Kimberly-Clark Corp	32944	54.75	1,803,684.00
Minnesota Mining & Manufacturing	500	109.50	54,750.00
Exxon Corp	2132	66.13	140,978.50
Amoco Corp	1162	57.50	66,815.00
Eastman Kodak	1080	54.25	58,590.00
General Electric Co	1075	89.13	95,809.38
General Motors Corp	408	37.63	15,351.00
Merck & Co., Inc	15639	35.38	553,229.63
Warner Lambert Co	952	70.13	66,759.00
Sears Roebuck & Co	200	54.75	10,950.00
Ogden Corp	910	24.63	22,408.75
International Business Machines, Inc	418	50.75	21,213.50
Sandusky Voting Trust	26	105.00	2,730.00
Monsanto Corp	1422	49.75	70,744.50
E.I. DuPont de Nemours Corp	450	48.25	21,712.50
Wisconsin Energy Corp	767	27.75	21,284.25
Abbott Laboratories, Inc	3600	25.75	92,700.00
Bank One Corp	1551	57.75	89,570.25
Unisys, Inc. Preferred	100	46.13	4,612.50
Benton County Mining Co	333		
Total common and preferred stocks			$3,762,216.17

LIFE INSURANCE POLICIES

	Face value	Surrender value
Northwestern Mutual No. 4378000	12,000	$24,573.91
Northwestern Mutual No. 4574061	30,000	58,780.15
Massachusetts Mutual No. 4116575	10,000	5,120.99
Massachusetts Mutual No. 4228344	100,000	103,790.00
Old Line Life Ins. No. 5–1607059L	175,000	19,436.43
Total life insurance policies		211,701.48

BANK AND SAVINGS & LOAN ACCOUNTS

	Account number	Balance amount
Bank One, Milwaukee, N.A., checking account	0046–2366	$2,041.62
Bank One, Milwaukee, N.A., preferred savings	4158–8070	35,365.66
Bank One, Milwaukee, N.A., regular savings	497–525	692.69
Valley Bank, N.A., Hartland, WI, checking account	03056664–06	472.41
Valley Bank, N.A., Hartland, WI, savings	03056544–11	576,43
Burke & Herbert Bank, Alexandria, VA, checking account	601–301–5	1,255.82
Firstar, FSB, Butler, WI, IRA accounts		41,250.72
Total bank and savings & loan accounts		81,655.35

Miscellaneous

	Value
1985 Pontiac 6000 automobile—blue book retail value	2,300.00
1991 Buick Century automobile—blue book retail value	9,650.00
Office furniture & equipment (estimated)	1,000.00
Furniture, clothing & personal property (estimated)	125,000.00
Stamp collection (estimated)	34,000.00
Interest in Wisconsin retirement fund	45,669.35
Deposits in Congressional Retirement Fund	75,897.05
Deposits in Federal Thrift Savings Plan	40,216.89
Traveler's checks	6,350.00
20-ft Manitou pontoon boat & 35 hp Force outboard motor (estimated)	5,000.00
Total miscellaneous	345,083.29
Total assets	5,285,326.74

Liabilities:

Nations Bank Mortgage Company, Louisville, KY on Alexandria, VA residence, loan No. 830865–1	172,713.15
Miscellaneous charge accounts (estimated)	2,000.00
Total liabilities	174,713.15
Net worth	5,110,613.59

Statement of 1992 taxes paid:

Federal income tax	62,581.00
Wisconsin income tax	17,903.00
Menomonee Falls, WI property tax	2,188.00
Chenequa, WI property tax	8,753.00
Alexandria, VA property tax	6,543.00

I further declare that I am trustee of a trust established under the will of my late father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son under the Uniform Gifts to Minors Act. Also, I am neither an office nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

F. JAMES SENSENBRENNER, Jr.,
Member of Congress.

SO SUE ME, EVERYONE ELSE HAS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. GINGRICH. Mr. Speaker, I would like to submit an article by Tama Starr, a small business owner in New York City, for inclusion in the CONGRESSIONAL RECORD. The piece, which originally appeared in the April 13 edition of the Washington Post, vividly portrays the stultifying effect of excessive governmental regulation of small business.

I recommend the article to my colleagues.

SO SUE ME, EVERYBODY ELSE HAS

(By Tama Starr)

If you had asked me a year ago how many of my 80-odd employees are members of officially recognized minority groups, I could not have told you. I didn't know because I didn't care. My 95-year-old company, which makes the giant neon signs that have earned Broadway the sobriquet of "The Great White Way" (now obviously politically incorrect), has always been resolutely colorblind. We hired people we thought could do the job and laid off the least efficient workers when times were slow. When racial consciousness began muscling its way to the forefront some years ago, we found it mildly amusing that we didn't seem to number a single male WASP among our employees. Then we dropped the subject and went back to work. Silly us.

Today, I happen to know, everybody in my employ is a member of a "protected minority." Every one is female, gay, foreign-born or of foreign ancestry, religious or atheistic, dark-skinned or melanin-impaired, single or married, old or young. They are physically, mentally or culturally disabled; otherwise disabled (possibly by low self-esteem) or something else. It is impossible to find anyone not entitled to a group entitlement.

How did I learn this? Painfully. At any one time I am defending four or five lawsuits at federal, state and city levels contending that I've exercised "prejudice" in hiring or firing. The most astonishing vector in all this is that to all intents and purposes the burden of proof is on me to show that I am not prejudiced. As has been explained to me numerous times (I keep asking, hoping for a more congenial response), since this is an administrative and not a judicial matter, at least until the appeals stage, the common law presumption that one is "innocent until proven guilty" does not apply. Thus suit piles upon suit, legal bill upon bill, until I find myself with a penetrating, almost liberating, insight: As an employer in the age of hyperfairness, I'm a victim too. Call me severely lawyer-impaired.

My initiation into the empire of employer discrimination suits came from a laid-off employee who claimed discrimination on account of her age (which I still do not know) and nation of birth (Canada). This claimant had numerous identical suits pending against her previous employers and submitted a 26-page document alleging that we'd entered into a conspiracy with these other former employers plus the mafia and the FBI to bug her apartment, destroy her mind, follow her everywhere and pay cash to total strangers, including millions of users of the New York City subway system, to laugh at her and humiliate her (with bonuses to those whose laughter she couldn't discern). All this had no bearing on the case. The investigator from the New York State Division of Human Rights ordered us to analyze four years' worth of our payroll by age, race, color, sex, creed/religion, marital status and disability, with special emphasis on Canadian Americans.

"But we don't keep records that way," I objected. "I don't care whether people are married, or whether they go to church. What if I can't produce this information?"

"Then we will be forced to assume you are guilty," he said.

"But I thought employers are not allowed to ask such questions."

Now here's the kicker. "You aren't allowed to ask," he replied, "but you're supposed to know."

Much head-scratching and statistical analysis and many legal bills later, we did beat that one.

The next case entailed our proving that we do not have a pattern of discrimination against Hondurans. Then it was Filipino Mormons. Then Portuguese Hawaiians. Who will be next? If it is a gay person, will I be required to determine, somehow, the sexual preference(s) of all my employees? Wouldn't my non-suing employees—gay, bi, straight or otherwise—find such an effort unseemly, and in that case be entitled to sue me for sexual harassment?

If so, they can stand in line. I have just learned that one of the individuals whose complaint with the Equal Employment Opportunity Commission (EEOC) against me was dismissed for lack of evidence has now filed suit in federal court—against me, my brother, our chief financial officer and nine other individuals and entities—on the grounds of sexual harassment, prejudice based on her national origin (unknown), race (unknown; she sort of looked like me) and language (we always considered her fluency in another language an asset—she could translate for our customers). Four complaints against 12 defendants adds up to 48 federal law suits against which I have to pay a lawyer big money to defend. But the complainant, acting pro se, doesn't even have to pay a filing fee, much less court or lawyer costs, whether she wins or loses.

Mind you, I can't just do one monster survey of my company's hiring, pay and harassment trends and get my statistical defense of all these complaints over with. Each analysis of each complaint is necessarily different. The complainant defines the oppressed group he or she claims to belong to and the universe of employees (by department, rank, pay scale, seniority, work team, trade or physical location in the factory or office, for instance) to be compared. The government agency determines the time period to be analyzed. And I get to correlate the real reason for the layoff against the real reason for the layoff against the other categories. One complainant had been late for work or absent entirely 70 out of 249 consecutive work days when our job load diminished and we were able to fire him. I still had to provide reams of data comparing lateness and absenteeism by observed skin color for all apprentices within his particular trade over a 52-week period.

* * * * *

In such a climate, there's nothing an employer can do but become hyperconscious of race and sex and sexual orientation—a mode of thinking I don't just resent being coerced into, but which I find wildly impractical. (Have you seen one American-born person lately, of any hue, who is racially "pure"?) Nonetheless, categorize I must if I intend to stay in business.

Contract documents on construction jobs of any size, particularly those that are in any way government-related, even via temporary tax incentives, now require elaborate ethnic and gender breakdowns by job category; rococo reports about veterans and the handicapped—and there is no end in sight. Long after the "multiculturalism" fad has passed from college campuses, these laws and regulations will still be driving us mad—and making us broke.

Legal fees run between $15,000 and $30,000 per case, win or lose. My own time is taken up, not with improving my business and caring for my customers, but in defending lunatic suits. Who is paying for all this? The customers will only stand for so much. But I know who is subsidizing the bureaucrats whose specialty is laying out these specious requirements and then probing the data: You are!

But frankly, I can't worry about you at the moment. You, taxpayer, may be a member of an oppressed minority, but you are not officially listed as "protected," so you will have to look after yourself. Meanwhile, let me secure my status as an approved Victim, so I can get me some of these subsidies and preferential treatments.

Some months ago, in the benighted days before the Americans with Disabilities Act, I had an applicant for the position of office manager who was obviously so, let me say, *challenged* that her mother, who sat in on the job interview and answered all the questions for her, had to accompany her to the bathroom. Having failed to hire this person, shall I turn myself in to the authorities now, or wait for them to come and get me?

As you can see, I am becoming paranoid. Paranoia, a mental illness, is an "approved" disability. So am I not entitled to Victim status?

Come to think of it, aren't you? Let's come right out and say it: *Everybody* is a victim. Everyone is equally entitled to preferential treatment. If we admit this, won't we be back to where we started when we ratified the Constitution, and individuals had rights against an oppressive government? "Gimme a break!" is the plea of the age-impaired (the young). Why don't we all give ourselves a break and just drop this outrageous game before it puts America out of business.

THE PORT CHESTER VILLAGE NUTRITION PROGRAM HONORED

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mrs. LOWEY. Mr. Speaker, I rise today in proud recognition of the 20th anniversary of the Port Chester Village Nutrition Program.

Seniors have given a lifetime to our communities and our Nation. Together, we have a profound responsibility to honor that contribution, and to insure that the golden years of retirement are as rich and exciting as those of childhood.

For 20 years, the dedicated directors and staff at the Don Bosco Senior Center have served thousands of meals to senior citizens, an important lifeline for many, and a real contribution to the health of the entire Port Chester community.

Perhaps more important, the nutrition program has given many seniors a valuable opportunity to interact, to delve into the arts, to socialize, and to celebrate life in a setting which reminds each of us of a continuing ability to share our thoughts and hearts with one another.

I am confident that the fine service and warm family spirit on which the Don Bosco Center and the nutrition program have thrived will continue for many years to come. It is a pleasure to join the entire community in extending my heartfelt congratulations and thanks.

THE INTRODUCTION OF THE ENVIRONMENTAL EQUAL RIGHTS ACT OF 1993

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mrs. COLLINS of Illinois. Mr. Speaker, today I am introducing the Environmental Equal Rights Act of 1993 to promote equity, justice, and community involvement in the selection of locations for waste facilities. It gets at the heart of the need for waste facilities to be placed only in locations which minimize the total impact on the health and well-being of nearby residents from all sources of contamination. The bill would establish a process for exercising our inherent rights respecting the development and evolution of our communities.

Repeatedly in the past, sites for many waste facilities have been chosen for the wrong reasons. Since it is politically difficult to select any location, the choice has often come down to a question of political influence: those with the least have lost.

The result is that too many facilities have been placed in communities populated largely by minorities and the poor. These sitings regularly occur irrespective of the suitability of the site, and of critical importance, irrespective of the degree to which the community is already exposed to other polluting facilities. It is a simple fact of life that these communities usually do not have the financial or political resources to compete on these issues with other neighborhoods. Consequently, as multiple facilities are placed in minority and poor communities, the residents of these communities face unjustifiably severe health hazards and have no vehicle with which to protect themselves against such exposure.

According to a study by the Commission for Racial Justice in 1987, 60 percent of African-Americans, approximately 15 million, live in communities with abandoned toxic waste sites. In 1979, one of the first studies on these issues, called "Invisible Houston: The Black Experience in Boom and Bust," found that all of Houston's city-owned municipal solid waste landfills, and six of its eight solid waste incinerators, were located in African-American neighborhoods.

The 1992 University of Michigan study, entitled "Environmental Racism: Reviewing the Evidence," found that, within the area that it studied, the proportion of minorities in communities which have a commercial hazardous waste facility is about double that in communities without such facilities. The University of Michigan study also found that, where two or more such facilities are located, the proportion of minorities is more than triple that of communities without a facility.

A 1983 analysis by the General Accounting Office found that, in the southeastern United States, three of the four commercial hazardous waste landfills were located in communities with more blacks than whites, and the percentage of residents near the sites with incomes below the poverty line ranged from 26 percent to 42 percent.

In a 1992 report, the Environmental Protection Agency corroborated the evidence of the disproportionate impact of contaminants on racial minority and low-income populations when it concluded that these groups experience higher than average exposures to selected air pollutants and hazardous waste facilities.

Currently, projected human health impacts of a new waste facility usually do not figure into the decision of whether or not to award a permit. Once again, recent studies have found that urban, minority communities are the most exposed to particulates, sulfates, and other contaminants.

Perhaps most significantly, lead levels have been found to be higher in poor, African-American, urban children than in any other group of Americans. Former Health and Human Services Secretary Louis Sullivan's declaration that lead poisoning is the "No. 1 environmental threat to children" underscores the urgency of our action.

The Environmental Equal Rights Act [EERA] would allow citizens of a State in which a waste facility has been proposed to be sited in an environmentally disadvantaged community to challenge the siting. A successful challenge would prevent the issuance of a permit for the construction and operation of the proposed facility.

A challenge would be based on: First, the choice of location being within 2 miles of another waste facility, Superfund site, or facility that releases toxic contaminants, and second, being in a community that has a higher than average percentage of low-income or minority residents. The petitioner would also have to show that the proposed facility may adversely affect the human health or the environmental quality of the community.

Even if the petitioner makes this showing, the proponent of the facility could still defeat the challenge if it is shown: First, that there is no alternative location within the State that poses fewer risks, and second, that the proposed facility either will not release contaminants or will not increase the cumulative impact of contaminants on residents of the community.

This legislation is supported by the National Council of Churches and many of its component denominations, as well as the Sierra Club Legal Defense Fund and other environmental organizations. The bill has also benefited from the contributions of individuals and organizations who have long been associated with the drive for equal justice in environmental issues.

In short, Mr. Speaker, the Environmental Equal Rights Act will equip environmentally disadvantaged communities with basic tools to protect their environment and the health of their residents. These tools are necessary to compensate for the fact that people in these communities are underrepresented and have fewer resources with which to protect themselves. We should all be able to agree that underrepresentation is an unacceptable basis for exposing people to substances which can impair mental development and cause harmful health conditions. Thus, to stop short of providing these rights in these situations would perpetuate the gross injustices and exposure to great risks that have become all too common.

I urge all my colleagues to support fairness in environmental issues by supporting this legislation.

CONGRESSIONAL SPENDING—NOT A WASTE OF MONEY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. CLAY. Mr. Speaker, so far, the 103d Congress has been distinguished by a near obsession with reforming itself. As a Member of this House for more than 24 years, I have seen many changes in this institution. As a former member of the Patterson Commission, I have a longtime understanding of the need to keep improving the operations of this body. For these reasons I must take this opportunity to caution my colleagues to be a little less reactive and a little more reflective in the face of criticism about the effectiveness of Congress and the electoral process.

There is no question but that we can improve the productiveness of Congress. However, in so doing, it is critical that we not create new obstacles to progress.

The following editorial appeared in the St. Louis Post-Dispatch on April 9, 1993. I commend it to my colleagues on both sides of the aisle.

PENNY WISE, POUND FOOLISH

Public discontent with the political process helped elect 47 new Republican members of Congress last year and 63 new Democrats. Many of them share the very public anger that helped get them their jobs, and they want to appease it.

Most, for instance, endorse vigorous campaign-finance reform and tougher lobbying-disclosure rules. But they also have endorsed some less sensible proposals. One, in particular, is a favorite among freshmen of both parties: cutting congressional spending. It's the wrong idea.

Last week many freshmen, along with others, voted to eliminate four special congressional committees, to save $2.7 million in a $55 million budget. Abolished are the special committees on Aging, on Children, Youth and Families, on Hunger and on Narcotics Abuse and Control. These panels don't have the power to legislate, but they can hold hearings, review policy and otherwise call attention to their issues. They should have been retained.

Worse, GOP freshmen voted, unsuccessfully, to cut Congress' legislative budget by 25 percent. Then freshmen Democrats endorsed the idea—as long as none of the cuts affect their ability to deliver services to constituents, and so help keep their jobs.

Freshman Republican Jay C. Kim of California called Congress' failure to make the cut, "a slap in the face of the taxpayer." But his more experienced Democratic colleague, Rep. Ron Dellums, also of California, retorted, "for a few thousand dollars, we can bring you savings of billions."

Mr. Dellums is right. The federal bureaucracy is an enormous machine that needs watching. Only Congress can do so—but not without sufficient staff, which requires money.

Twenty years ago, when congressional staffs were much smaller, the executive branch regularly outgunned Congress' attempts to participate in formulating policy by virtue of superior resources. That has changed with the growth of Congress. It is a lesson freshmen ought to learn—from their more experienced elders.

WASHINGTON SHOULD BACK UP MANDATES WITH ASSISTANCE FOR HARD-PRESSED COMMUNITIES

HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. SWETT. Mr. Speaker, I rise today to express my support for the work of the Public Works and Transportation Committee in moving forward legislation to authorize a new program to help communities comply with the mandates of the Safe Drinking Water Act. Our committee is taking the lead on addressing what has become a critical problem for local communities in my district. The surface water treatment systems required by this law are expensive—onerously so for many small towns in New Hampshire. Many communities in my district cannot afford these systems, and their citizens cannot afford higher property taxes to pay for them. This is especially true given the economic hardship still besetting New Hampshire. Too many families have breadwinners who have been laid off; too many families are having trouble holding on to their homes. The added tax burden associated with Safe Drinking Water Act compliance is just one more burden that New Hampshire towns and their hard-pressed taxpayers can ill afford.

To his great credit, President Clinton has tried to address this problem in his long term infrastructure investment program. The President has called for the creation of a new State Revolving Loan Fund Program to help communities meet their obligations under the law. This proposal is, in fact, the only brandnew component of the President's infrastructure package. The President has modeled his new proposal on the existing Wastewater Treatment Revolving Loan Fund Program. He has asked Congress to appropriate $599 million for this new fund in the coming fiscal year 1994, and a billion per year thereafter. While this is not enough money to do all that needs to be done, it is a start and a clear signal that the Federal Government intends to help communities meet mandated standards for drinking water.

This proposal seems to me to be both a practical response to a serious problem, as well as a recognition of an important principle: If Washington insists on mandating expensive environmental programs for local communities, then Washington should help find the funds to pay for them.

I look forward to working with my committee colleagues in refining and passing this important legislation.

JOINT MEMORIAL OF IDAHO LEGISLATURE IN SUPPORT OF NATIONAL FOREST HEALTH ACT

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. LAROCCO. Mr. Speaker, as the author and principal sponsor of the National Forest Health Act of 1993, I take pride in submitting for the RECORD a copy of SJM 104, a joint memorial passed by the Idaho State Legislature in support of my bill, H.R. 229.

The National Forest Health Act, which has 19 cosponsors, seeks to improve the health of the National Forest System. It has been referred to the Committees on Natural Resources and Agriculture.

A joint memorial to the Senate and House of Representatives of the United States in Congress assembled, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-second Idaho Legislature, do hereby respectfully represent that:

Whereas, the health of our western national forests is very poor and is projected to steadily decline under current forest practices; and

Whereas, in Idaho, the Boise National Forest has lost approximately 400,000 trees since 1988. The Payette National Forest has lost nearly all their spruce trees from the spruce budworm and the Targhee National Forest has lost most of the lodgepole pine from bark beetle; and

Whereas, the loss of more trees than we are growing would limit the Forest Service's ability to provide the raw materials to the wood products industry. Additionally, the dead and dying timber provides fuel for wildfires; and

Whereas, Representative Larry LaRocco has introduced the National Forest Health Act which would authorize the Secretaries of Agriculture and the Interior to declare a forest health emergency on federal lands where unacceptable forest health conditions exist. Forest managers would then implement an expedited forest health improvement program during the emergency, including salvage of dead timber, watershed restoration and reforestation activities. The bill encourages long-term management strategies focused on creating diverse and healthy forest ecosystems.

Whereas, the Boise National Forest has taken the lead in solving the forest health crisis. Its program, Forest Health Strategy, consists of three parts: first, to salvage dead and dying trees from commercial timber lands to recover their economic value; second, to thin living trees over large acreages of commercial forests, which will reduce the number of trees competing for water; and third, develop a long term strategy with several partners to improve forest health and restore and improve the resilience of the forest ecosystems: Now, therefore, be it

Resolved by the members of the First Regular session of the Fifty-second Idaho Legislature (the Senate and the House of Representatives concurring therein), That we support Representative Larry LaRocco's National Forest Health Act.

Be it further resolved, That the Fifty-second Idaho Legislature use every means possible to support the Boise National Forest's Health Strategy Program and implement this strategy in other forest programs.

Be it further resolved, That the Fifty-second Idaho Legislature supports improving the health of state forest lands, including appropriating money to the State Department of Lands, if needed.

Be it further resolved, That the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

1993 CROP WALKS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Ms. SLAUGHTER. Mr. Speaker, I want to raise my voice in support of the 1993 CROP Walks which are taking place in my district and across our Nation on Sunday, May 2.

This annual nationwide event does an exemplary job of increasing public awareness about the many men, women, and children who go to bed each night without sufficient nourishment. Even more importantly, this event raises critical funds to help end hunger in our Nation and around the world.

Last year, over 4,000 Rochester area residents participated in CROP Walks and raised nearly $156,000. There were a total of 1,856 walks nationally involving 3.17 million people as participants and sponsors. An additional 105 communities chose to canvass, fast, hold fundraisers, or create their own individualized activity under the CROP banner.

CROP Walk proceeds provide food, relief supplies, refugee assistance, preventive health care, improvements in food production, development of water resources, and many other important services to people in need in more than 70 nations worldwide. A primary emphasis is placed upon eliminating the basic causes for hunger and creating long-term solutions rather than just quick fixes.

In addition, CROP Walks help stop hunger in their home communities. Up to 25 percent of all CROP proceeds support local foodbanks, pantries, and hunger programs.

My constituents take the issue of hunger very seriously and work in numerous ways to end the American and international tragedy of hunger. As their representative, I have worked hard to ensure that our Nation is aware of and works to end hunger.

The Clinton administration has demonstrated a commitment to addressing these vital issues through national policy. I share their dedication to those efforts that will reduce hunger, not only in our own Nation but abroad.

During my tenure in Congress I have supported the Adolescent Nutritional Equity Act, the Freedom From Want Act, the Mickey Leland Childhood Hunger Relief Act, the Older Americans Act, and the reauthorization of WIC and childhood nutritional programs, just to name a few. I am very proud of my record on hunger issues and pleased to be working with members of the greater Rochester community to eliminate hunger and to foster public policies that respect our Earth and the dignity of every person.

During this 103d Congress, I am proud to be an original cosponsor of a resolution honoring the United Nations Food and Agricultural Organization on its 50th anniversary and reaffirming the commitment of the United States to ending hunger and malnutrition. In addition, I have cosponsored H.R. 1678, the Every Fifth Child Appropriations Act, a critical part of our fight to feed hungry children. I urge this House to act expeditiously to pass both measures.

I applaud the recent announcement that the House Committee on Agriculture is enhancing legislative efforts to fight hunger. The reorganized Subcommittee on Foreign Agriculture and Hunger and the Subcommittee on Department Operations and Nutrition are holding hearings this week to begin work on the Mickey Leland Childhood Hunger Relief Act.

Mr. Speaker, I encourage you and all our colleagues to support the efforts of CROP Walks across the United States. You can be sure that my efforts to end hunger in my district, in our Nation, and around the world will continue until no person is left without proper nutrition. It is encouraging to see the energy and vigor of CROP Walk participants joining in this important endeavor.

THE 25TH ANNIVERSARY OF THE OROVILLE DAM

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. HERGER. Mr. Speaker, I welcome the opportunity to recognize the 25th anniversary of the Oroville Dam, located in Butte County, CA. A community celebration of this occasion will take place on May 8, 1993.

Lake Oroville is surely the jewel of Butte County. This year, having recovered from a multiyear drought, the lake is full and truly a breathtaking sight. Partially ringed by the forested hills of the Plumas National Forest, and fed by the crystal clear waters of the Feather River, Lake Oroville serves the Golden State by providing for recreation, hydropower, and agriculture.

As the highest Earth fill dam in the Western Hemisphere, the dam contains over 80 million cubic yards of gold dredger tailings and other material. The hydropower plants produce enough electricity to serve a city of 1 million people. The lake boasts 167 miles of shoreline.

Even as the celebration gets underway, community residents are rolling up their sleeves and going to work to ensure that Lake Oroville receives some long overdue recreational facility improvements and new construction.

For too long, the full tourism and recreation potential of beautiful Lake Oroville has not been realized. Many camping and picnicking sites that were proposed when the dam was constructed have not been built.

But in recent years, the community has demonstrated a unity of purpose to ensure that the planned improvements indeed take place. I commend their spirit of resolve, and gladly join with them in celebrating lake Oroville's quarter century anniversary. The best is yet to come.

CLIFF VAN DYKE: A MOST DISTINGUISHED INDIVIDUAL

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. BARCIA. Mr. Speaker, I rise to pay tribute to a good friend and most distinguished individual, Cliff Van Dyke, who has been named Distinguished Citizen for 1993 by the Lake Huron Council of the Boy Scouts of America. Cliff has been a guiding force in mid-Michigan for many years and richly deserves the honor being bestowed upon him.

I would like to take this opportunity to share with my colleagues some information about Cliff and his service to the community of Bay City. Originally born in Iowa and raised in Illinois, Cliff graduated from Knox College at Galesburg, IL, and then went on to earn a master's degree in business administration from Harvard Graduate School. Cliff began his career in banking in 1955 when he moved to Detroit. He became vice president of National Bank of Detroit in 1971 and was put in charge of all commercial and public fund deposits and lending in outstate Michigan. However, in 1976, Cliff traded all of that to become president of Peoples National Bank & Trust in Bay City. He later became chairman of the board and chief executive officer. That bank was merged with First of America Bank, and First of America Bank, and Mid Michigan was formed. Cliff now serves as senior vice president of that bank.

Not only has Cliff excelled in this position with First of America, he has also been generous with his personal time and has made significant contributions to his community. Cliff has been president of Bay County Growth Alliance, chair of the Mid Michigan venture forum and an active member of the Bay Area Chamber of Commerce, Tri-County legislative issues committee. He serves on the board of Delta College, he is president of the Kantzler Foundation, 1980 chair of the United Way of Bay County and was presented with the United Way's prestigious Carl H. Weber Award for Voluntarism in 1985. Cliff helped found the Junior Achievement program in Bay City and chaired the volunteer committee for education. To say that Cliff is community-minded would certainly understate the impact he has made on our community.

All of us who know Cliff have been touched by his service and dedication—these are the marks left by a person who has worked hard, not to make a name for himself, but to contribute to others. He has made special efforts to bring economic opportunities to all in Bay County.

It has been a pleasure for me to know Cliff and to call him a friend, and I would like you to join me in congratulating him for being named distinguished citizen of the year. I know of no better candidate for this award.

FORMER SOVIET UNION NUCLEAR THREAT REDUCTION ACT OF 1993

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. EVANS. Mr. Speaker, today I join Representatives PETE STARK, NORM DICKS, and HOWARD BERMAN in offering legislation to help prevent a new and very dangerous threat to our national security—nuclear proliferation in the republics of the Soviet Union.

For over 40 years, the Soviet nuclear arsenal was the main threat to our Nation's security. Yet, even with the breakup of the USSR and the surge of the democratic reform movement in the Republics, we still face dangers from the Soviet nuclear legacy. Out of the chaos of change there is a real possibility that nuclear warheads, weapons material and technology may find their way to other nations. Already there have been reports of weapons material and technology falling into unfriendly hands. The possibility that more nations may join the nuclear club because of this critical situation raises the stakes even higher for our own security.

We must do all that we can to urge the new Republics to become partners with our Nation in controlling nuclear arms and the means by which they might spread. Unfortunately, they have not all joined us in these efforts. Ukraine and Kazakhstan have still not carried out their commitments to either START I or the Nuclear Non-Proliferation Treaty [NPT]. And their lack of action in ridding themselves of their nuclear arsenals has done little to discourage other nations from obtaining nuclear weapons.

The Republics will eventually sign these treaties, if we work with them in solving problems we share—such as the waste and contamination left by 40 years of producing nuclear weapons. Our country alone will have to spend close to $200 billion in the next few decades to clean up the mess left over from producing nuclear weapons. Ironically, the combined affects of chemical and radioactive contamination from weapon production give our Nation an environmental challenge equal to the original Manhattan project. The Republics face a possibly more daunting task. Much of their complex is made up of poorly run and obsolescent facilities. The recent explosion at the Tomsk nuclear facility and the specter of the Chernobyl disaster are reminders of the dangers they face.

We should help the Republics deal with these dangers, but only if they deal with the threat of proliferation by ratifying START I and the NPT. The legislation that I have joined with my colleagues today would condition up to $500 million to assist them in a program of decommissioning plutonium processing facilities, close Chernobyl-type reactors, deactivate nuclear powered submarines and a variety of other clean-up activities. The funding would come from unexpended balances in the Department of Energy. To receive this assistance, the President would have to certify that the Republics are living up to their committments on START I and the NPT.

It is a bargain that all parties would benefit from. But above all, it is a bargain that would help end the nuclear legacy of the cold war instead of it living on in a world of new nuclear powers. I urge my colleagues to support the Former Soviet Union Nuclear Threat Reduction Act of 1993.

TRIBUTE TO OTTIS WINSLOW

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. REED. Mr. Speaker, I rise today to pay tribute to a distinguished Rhode Islander, Mrs. Ottis Winslow. After 27 years of service at the Robert Beverly Hale Library in Matunuck, RI, Ottis Winslow will be retiring this month.

Ottis Schuerman Winslow was born in New Orleans, LA. Ottis spent her early years in New Orleans attending local elementary schools and graduating in May 1943 from Holy Angels Academy.

Ottis Schuerman married Donald Winslow, on April 14, 1945. During their Navy career, Ottis traveled extensively with her husband to Louisiana, Virginia, Texas, South Carolina, New Jersey, Maryland, Newport, and finally to Quonset Point, RI. The Winslows settled permanently in Rhode Island when Don, a native of our State, retired from the Navy in April 1957 after 20 years of service.

The family moved to South Kingstown in 1963, where they have made their home ever since. The Winslows have two children, who are both authors. Their daughter, Kristine Rolofson, is a romance writer for Harlequin Books. Their son, Don Winslow, is currently writing his third novel for St. Marten's Press.

Ottis Winslow joined the staff of Robert Beverly Hale Library in 1967. Throughout her 27 years of service, Ottis has always conveyed a personal touch at the cottage-like library in Matunuck, RI. Each patron that has come in contact with this dynamic and witty librarian received individual attention. Over the years, Ottis' service-oriented philosophy has made children feel at home in the world of books, helped and encouraged students, and made thoughtful reading suggestions to many Hale Library patrons. Ottis' genuine devotion and delight in her chosen profession make her a very special librarian to the community she has served with distinction.

Mr. Speaker, it gives me great pleasure to commend Mrs. Ottis Winslow for her distinguished service to the community of Matunuck, RI.

HORRORS OF WAR DO NOT END ON BATTLEFIELD

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Ms. MOLINARI. Mr. Speaker, the horrors of war do not end on the battlefield. Many of our American soldiers have been held as prisoners of war, and many others who have never been accounted for are simply pronounced missing in action. The families of these brave soldiers continue to wait on the homefront, not knowing what happened to their family member for years.

The Senate Select Committee report on POW's held open the possibility that some U.S. soldiers languished in enemy hands. This report leads us to question the number of American POW's that the Vietnamese released versus the number that they may have captured during the Vietnam war.

We in Congress should work to halt the consideration of any monetary assistance, maintain the trade embargo, and should not pursue standard diplomatic relations until the Socialist Republic of Vietnam is fully forthcoming with acceptable responses concerning our American soldiers.

INTERNATIONAL ADOPTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. SMITH of New Jersey. Mr. Speaker, today I testified before the congressional coalition on adoption, chaired by Mr. CRAIG, Mr. SIMON, Mr. BLILEY, and Mr. OBERSTAR. The hearing addressed the myriad of issues surrounding adoption from health insurance fairness for adoptive children to affordability of adoption and related social services to improving the process for international adoptions—the topic on which I testified.

I have often said that adoption is the forgotten option. Over the years, in our haste for a quick fix to societal problems, adoption has been relegated to the bottom of the list of priorities. Years of neglect for this loving practice have allowed bureaucracy and discrimination to smother the purpose of adoption—to meet the best interests of the children.

Throughout the 1970's and 1980's, the number of adoptable children in the United States has steadily decreased, while the number of parents interested in adopting has remained consistent. The lack of sufficient numbers of adoptable American children has led our families overseas where thousands of babies still await families. Nowhere has this been more prevalent than in the new democracies of Eastern Europe and the former Soviet Union.

This problem was particularly pronounced in Romania. As a Commissioner with the Helsinki Commission, I have traveled to Romania on several occasions to investigate human rights abuses. A few weeks after the fall of Ceausescu, with tanks in the street and mobs chanting and marching almost 24 hours a day, I visited an orphanage in Bucharest. The children, I observed, were forced to grow up in cold, crowded human warehouses where they were subjected to malnutrition, disease, shortages of medical supplies, and even death. The suffering in these institutions still plagues the fledgling democracy years later.

This tragedy is through no fault of the nurses, social workers and other personnel whom I observed to be loving and compassionate to the plight of the children. The inadequate supplies and resources hamper the ability of these staffers—who are few in number—to care for the multitudes of children.

The vicious realities of life for abandoned children in Romania over the years has drawn—and continues to draw—worldwide attention. The heartless dictatorship of Ceausescu condemned an estimated 160,000 children to languish in orphanages devoid of proper health care and sanitation; to say nothing of love. Even today, an estimated 40,000 children remain in these harsh institutions, despite the fact that Romania has become the No. 1 nation for American families seeking adoption overseas.

Unfortunately, loving families looking to adopt Romanian children often times have become victims of shysters who stepped in to answer the call of the thousands of adoptive parents by establishing an intricate and highly profitable black market in adoption. These greedy middlemen exploited parents frustrated with the complex international adoption process, charging $25,000—or sometimes more—to adopt a child. These black marketeers clearly did not have the best interests of the families or the children in mind; they cared only for profit at any cost.

To hasten the demise of baby trafficking, both the Romanian Government and the United States Government have instituted strict policies on international adoptions. Additionally, Romania has established the Romanian Committee on Adoptions to oversee the implementation of a comprehensive national adoption policy. It tightens responsibility for nearly all international adoptions to seven well-regulated agencies.

Some of its provisions which took effect July 17, 1991, include: the banning of private adoptions; facilitation of adoption exclusively through the Romanian adoption committee; requiring that a child, prior to becoming eligible for international adoption must first be considered for adoption in Romania for no less than 6 months, and criminalizing the offering or receipt of money or material goods to obtain the release of children for adoption.

It is clear that the new policies, at times, have added to the already lengthy and frustrating process. I have received countless inquiries from constituents interested in adopting a Romanian child who have jumped through one hoop after another only to find a brick wall, though they were close to success. The problems stem from a variety of technicalities from the legal definition of an orphan to the immigration status of a child adopted abroad to the lengthy background checking procedures.

It is important to note, that the Romanian Government is currently reviewing reforms which will help with remaining problems. First, the new law seeks to clarify the status of children who are in orphanages, but remain unadoptable. To many Romanian parents, orphanages serve as a foster home. The new policy is likely to require that any child left in an orphanage for a time—which I understand to be 6 months to a year—will become eligible for the adoption process.

A second reform imposes penalties on orphanage directors who fail to identify children eligible for adoption. This provision ensures that directors do not artificially maintain high numbers of children in order to obtain more State money.

All indications are that the international community will take another step forward with the

Hague Convention on Intercountry Adoption, which is expected to be completed in June. The anticipated direction of the Convention requires that the United States be prepared to reevaluate its own policies toward international adoption, which must accurately reflect the strong desire of American families to provide Romanian, and other children, with permanent, loving homes.

I cannot stress enough the critical nature and urgency of this discussion. The atrocities occurring right now in Bosnia and Herzegovina, unfortunately, promise that thousands of children will be again be left orphaned. Adoption is much more than a marginal human interest story. Especially in the realm of international adoptions, it is an issue of human rights.

The United States Government has been responsive to this need in the past, appropriating $4.5 million in fiscal year 1993 for humanitarian assistance for Romanian children. This helps fund programs related to AIDS and other health and child survival activities, including such basic care and treatment of abandoned children as improved facilities, food, medicine, and training of personnel. $1 million of this assistance goes to facilitating family reunification, foster care and adoption, and training of adoption and child welfare specialists.

This is helpful but it is time we put our mouth where our money is and implement effective policies to facilitate adoption. This applies to domestic adoption policy as well. Last year, I introduced legislation to improve the adoption process, the Omnibus Adoption Act.

Among its other provisions, this legislation proposed a $5,000 tax credit for nonrecurring adoption expenses and equitable leave work leave policies for new adoptive parents to make adoption—both domestic and international—a more affordable option. Furthermore, it established programs for maternal health certificates and maternity homes to help poor pregnant women give birth to healthy babies and gain access to social services that might not be otherwise available.

I plan to reintroduce this legislation next month, as well as the Health Care and Housing for Women and Children Act—a separate bill carrying the maternity home and maternal health certificate provisions of the omnibus legislation. I am hopeful that my colleagues in the congressional coalition on adoption will join me as cosponsors.

TRIBUTE TO ALEXANDER MacARTHUR

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. CRANE. Mr. Speaker, it is my sad duty to report the death of an outstanding American and a special friend, Alexander MacArthur of Barrington, IL.

Alex MacArthur served his country well in wartime and his community, State, and country in peacetime.

As a young man, he enlisted in the Army Air Corps and flew combat missions in the European Theater of Operations [ETO] as a member of a B–24 bomber crew. During one of his bomber runs over Italy, Alex was wounded and his plane was shot down. He spent over a year in a prisoner-of-war camp in Germany.

Returning to civilian life, Alex worked as a reporter for the old Chicago Times before plunging into the political arena.

He was elected a Palatine Township Republican committeeman. He served as deputy Cook County sheriff to Richard Ogilvie, who later was elected Governor of Illinois.

Governor Ogilvie appointed Alex as chairman of the Illinois Racing Board. While serving as chairman, his life was threatened as he fought to remove any taint of corruption from this field. But, Alex displayed the same courage in this country in peacetime as he had in Europe in wartime, and would not be intimidated.

He served on the staff of Vice President Richard Nixon.

On the community level, Alex was president pro tem of the village board of Barrington Hills. He honored me by serving as my campaign chairman.

We extend our sympathy to his wife, Barbara; his daughters, Virginia Jenner, Jennifer Wilson, Mary Ellen, and Alexandra; and his sons, David, Bruce, and Lawrence.

INTRODUCTION OF THE INDOOR AIR QUALITY ACT

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. KENNEDY. Mr. Speaker, today I am introducing the Indoor Air Quality Act of 1993, a bill that will attempt to clean up some of the dirtiest air in this country—the air we all breathe indoors.

By now, we all have become more concerned about the deleterious health effects of ozone, carbon monoxide, and other toxic chemicals which are components of smog. High smog levels are often accompanied with advisories to stay indoors. But is air quality any better indoors? Not according to recent studies, which have shown that indoor air can be up to 1,000 times more polluted than outdoor air.

Mr. Speaker, the right of Americans to breathe clean air does not end the moment they walk indoors. Ninety percent of Americans are exposed day after day to indoor contaminants that both the EPA and the scientific community identify as serious health risks. These contaminants may cause as many as 6,000 cancer deaths each year, with radon causing an additional 20,000 deaths each year. Respiratory illnesses, fatigue, and headaches plague students, teachers, office workers, laborers, and thousands of others. This leads to lower productivity, higher medical costs, and higher absenteeism.

As a matter of fact, the Environmental Protection Agency, in a 1987 report, called "Unfinished Business," identified indoor air pollution as the No. 1 environmental health threat facing Americans, ahead of hazardous waste and outdoor air pollution. Yet, today, the EPA's indoor air budget stands at $8.7 million, a sum that pales in comparison to the billions of dollars the Federal Government spends cleaning up hazardous waste an the hundreds of millions we spend cleaning up outdoor air pollution.

Mr. Speaker, the Indoor Air Quality Act of 1993 is intended to meet our responsibility to protect Americans from unseen dangers in the air that we breathe every day. The first goal of this bill is to improve our knowledge about the causes and effects of indoor air pollution. The legislation provides $25 million for research including: health effects, exposure assessment, identification of populations at risk, and the development of innovative products. The research includes publishing technical practice bulletins to provide building owners and developers with information so they may prevent, reduce, or eliminate indoor air contaminants.

This bill also provides for a national assessment of schools and child care facilities to survey the seriousness and extent of indoor air contamination. As you may know, many of our Nation's schools are plagued with indoor air problems. The fact is, the teachers and the parents of students from the Cambridge Rindge and Latin High School in my district initially brought this issue to my attention. Dozens of previously healthy teachers and students were being sent home with complaints of respiratory illnesses, fatigue, and headaches. Students with medical histories of asthma and bronchitis, who were once controlled with medications, could no longer attend classes. The culprit was not a new outbreak of the flu virus but rather an inadequate ventilation system coupled with fumes from new construction going on in one part of the school. The fact is, the problems in schools are only a drop in the bucket as compared to what is going on in housing and workplaces across the country.

Mr. Speaker, the health advisories in this legislation will provide the public with practical information about the risks of certain indoor air pollutants including the levels that require action. The health advisories along with the research program respond to the need for answers and will lay the groundwork for future public and private response.

EPA will also be given $10 million to devise and implement a Federal indoor air response plan. This includes establishing an Indoor Air Clearinghouse and a toll-free phone number so that concerned individuals have a place to call when they have problems or questions. States will also be provided $12 million in matching grants for devising response plans which meet the needs of the people back home.

Mr. Speaker, the passage of this legislation will enable us to make significant progress in the field of indoor air pollution so that someday we may all breathe a little easier—even if we happen to be indoors. I urge my colleagues to support this legislation.

HISTORICAL REENACTMENTS AT FORT TICONDEROGA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. SOLOMON. Mr. Speaker, our 22d District of New York is one of the most historic districts in the country and on May 8 I'd like to invite you and every other Member of the House to share a piece of it.

That weekend, Fort Ticonderoga will open for the season. Marking the occasion will be members of three recreated 18th century regiments that were active at Fort Ticonderoga during the War for American Independence.

One of those regiments is His Majesty's 53d Regiment of Foot, led by Lt. Col. Paul R. Loding. This historical unit is based in Hudson Falls, NY, and is made up of local individuals interested in this period of our history.

Also participating is the 29th Regiment of Foot, which, according to historical accounts, fired at colonists during the Boston Massacre. These two British units wear the brick-red uniforms used by the British Army in the late 18th century.

Representing the colonials will be the 2d New York Regiment, from my hometown of Glens Falls. This unit wears the kind of clothing issued to America's first full-time soldiers.

Members of the three units will spend the weekend practicing the intricacies of 18th century soldiering and marching.

Mr. Speaker, it promises to be a colorful weekend. I'm extraordinarily proud that there are so many people in the district who work so hard to make history come alive.

I want to commend Paul Loding for his 20-year dedication to the 53d Regiment and to preserving this important part of our national and local heritage.

And finally, Mr. Speaker, I repeat my invitation to everyone in this body to drive north the weekend of May 8 for a vivid reenactment of American history.

NATIONAL PRESCHOOL IMMUNIZATION WEEK

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in special recognition of National Preschool Immunization Week and all the many activities which have been going on in my State of Connecticut and around the country to increase the awareness of the importance of full immunization for all children in America. Sadly, fewer than half of all American children receive the immunizations they need before age 2.

Children who aren't receiving immunizations aren't receiving basic health care. Small health problems, then, can become larger ones, setting the stage for lifelong medical problems, developmental delays and permanent disabilities. The cost—in dollars and in lost potential of our children—is staggering.

Treatment is much more costly than prevention. The measles-mumps-rubella vaccine saves $14 for every dollar invested in it.

We don't need massive investment in research and development. The vaccines already exist and the medical infrastructure is in place. We need carefully planned projects that will educate parents and connect the children who need shots with the doctors and clinics that provide them.

The Surgeon General has made immunization a priority—setting a goal that 90 percent of America's children will be immunized before their second birthday by the year 2000. This important issue has given rise to exciting public-private partnerships aimed at protecting the health and well-being of our Nation's children.

One such commitment which deserves special recognition this week is that of the Aetna Foundation and the employees of Aetna health plans all across the country. As one of the Nation's largest providers of health insurance and managed care, Aetna is heavily involved in the efforts to change the unacceptable statistics regarding immunization rates of America's children. Over the next 4 years, the Aetna Foundation plans to commit up to $15 million in grants to community-based projects to reduce the barriers to immunization and to help link children to ongoing health care.

In addition to the financial commitment of the foundation, Aetna employees are giving of themselves to make a difference in this important health area. Many Aetna employees are personally involved in the community-based projects their foundation is supporting. I salute these individuals in Connecticut and all across the country who are lending their time, energy, leadership and expertise to local immunization efforts.

The Aetna Foundation is supporting many different kinds of community efforts. In Hartford, for example, the foundation has granted $1,000,000 over 5 years to support the Children's Fund, which is a community-based primary and preventive pediatric care project for Hartford children. Similarly, a grant has been awarded to the Hartford Childhood Immunization project to develop a computerized registry to track the immunization status of all Hartford children. This project also provides for an outreach and followup system, education and public awareness campaigns, expanded clinic hours and other measures to increase the proportion of Hartford children immunized by age 2 from 52 percent to 90 percent by 1995.

There are many other projects across the country which are working to meet the needs of individual communities. In Ohio, for example, the Aetna Foundation is working with the State government to develop a statewide database for tracking the immunization status of all children and facilitating follow-up with the families of those not receiving vaccinations on time. Today, the mayor of Baltimore is announcing an Aetna Foundation grant which will provide a mobile van and staff to bring immunizations, screening and other primary health care services to the children of underserved neighborhoods in Baltimore. In Alaska, an Aetna grant will fund community-based immunization coordinators who will work with local health care and social service providers to remove barriers to on-time immunizations in Juneau, Fairbanks, and Anchorage.

It is fitting indeed during National Preschool Immunization Week to salute the employees of Aetna and the Aetna Foundation for their commitment to making a difference on this critical health care problem in our country. I congratulate the leadership of the foundation on its decision to focus on immunization as a top priority and I congratulate the men and women of Aetna who give of themselves—their time and expertise—to make a difference—a positive difference—for children across the country.

DR. THEODORE COOPER HONORED

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. UPTON. Mr. Speaker, I rise today to pay heartfelt tribute to an outstanding industrial leader, community activist, and friend, Dr. Theodore "Ted" Cooper. Until his untimely death just a few days ago, Ted Cooper served as chairman of the Upjohn Co. headquartered in Kalamazoo, MI. In this role, he masterfully steered the company through some rocky waters and seas of change.

While I will forever use Ted Cooper's business sense and prowess as a guide, that is not the main reason I rise to laud him today. Today, I speak in honor of the wonderful personal qualities of warmth, respect, and genuine caring that made Ted Cooper such a giant in his community, our State, and indeed throughout the Nation.

When I first heard that Ted had lost his hard, courageously fought battle with cancer, I began to reflect on the characteristics of the man that so many people came to admire. Rare is it that an individual comes along that can achieve the phenomenal amount of success that Ted did and yet remain so unassuming, kind, and considerate.

Here in Washington, Ted's honest, down-to-the-earth approach was a refreshing change from business as usual. Whether it be a powerful committee chairman, a U.S. Senator, or a congressional staffer, Ted Cooper treated all people with dignity and respect.

Ted was intensely driven by the overriding goal of improving the quality of life for others. Through he was heralded for his amazing leadership abilities, he preferred to be viewed as an enthusiastic team player. And though he was the heart, soul, and driving force behind numerous worthy activities, Ted never viewed himself as a superior.

When I saw Ted just a few weeks ago, his attitude was still full speed ahead. As he excitedly talked about prospects for projects on which we were working, I had no idea that would be the last time we would sit down together, as we did so many times, to plot a course for the future. Indeed, we are reminded of how precious and fragile life is.

Ted Cooper made a tremendous difference with his life, and leaves a tremendous void with his death. My heart goes out to his family and many friends. We mourn his early death, yet give praise and thanks for his wondrously full life during which he contributed so much to so many.

As we reflect on Ted Cooper's life, we realize, though his time was cut cruelly short, he lived each day to the fullest and never lost sight of what really matters. It breaks our hearts that he has passed away, but we find comfort in knowing that because Ted Cooper had the gift of life, the world truly is a better place.

THE SBA IS OUT OF MONEY

HON. JAN MEYERS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mrs. MEYERS of Kansas. Mr. Speaker, as you probably know, 2 days ago the Small Business Administration ran out of the appropriations needed to guarantee 7(a) general small business loans for the rest of this fiscal year.

While H.R. 1335, President Clinton's stimulus package, provided supplemental appropriations of $141 million to reach the guarantee level authorized by the Small Business Committee and Congress in Public Law 102–366, the bill failed to pass in the Senate.

To correct the problem and to help small businesses throughout the country, 13 members of the House Small Business Committee, from both sides of the aisle, are joining me today to introduce legislation offering a freestanding appropriation of $141 million to get the program working again.

We appeal to all our colleagues to cosponsor and support what we hope will be a bipartisan effort on behalf of small firms, their workers, and indeed our Nation as a whole.

Mr. Speaker, our bill is not an emergency spending measure. The appropriators will have to find offsetting spending cuts to make up the difference. And we know this sounds like a daunting task. So let me offer a few facts and figures that may put our proposal in perspective.

The $141 million in appropriations will meet the full $6.2 billion authorized for 7(a) loans. this translates into about 26,000 loans which, in turn, will give small businesses the wherewithal to create about 639,000 jobs. That comes to approximately $516 per job.

The bill making fiscal year 1993 appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, including SBA, spent over $23 billion in taxpayers' money. With that figure in mind, we have to believe that we can trim a mere six-tenths of 1 percent from other programs in the bill to raise the $141 million needed for small business loan guarantees.

Let me emphasize that this is not a request for a particular project or program that will benefit only a specific State or congressional district. The 7(a) loan program helps small businesses in every State across the Nation.

Mr. Speaker, if we as a Congress believe our own rhetoric—that small business is the engine that pulls our economy—then I think we should back up our words with action. Let's put politics aside and support and pass legislation to get the 7(a) program up and running again.

On behalf of small business, let me offer my thanks to my colleagues for joining with me in helping small business help America.

THE RIGHTS OF INDIGENOUS PEOPLES ADDRESSED

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. SMITH of New Jersey. Mr. Speaker, in the Western Hemisphere alone, it is estimated that the indigenous population numbers some 30 to 40 million people. Today we welcomed to our Subcommittee on Western Hemisphere Affairs the Nobel Prize recipient Ms. Rigoberta Menchu of Guatemala. The issue of the rights of indigenous peoples crosses many borders, including Bolivia, Ecuador, Peru, Nicaragua, and Brazil. Indeed, this is a global issue.

Mr. Speaker, there is a growing recognition of the importance of the treatment of indigenous populations. The U.N. General Assembly has declared 1993 the International Year for the World's Indigenous People. This summer, the U.N. working group on indigenous populations plans to complete work on the draft declaration on the rights of indigenous peoples. The U.N. Human Rights Commission will then consider the declaration early next year.

In this hemisphere, as well, steps have been taken to recognize the rights of indigenous peoples. The O.A.S. General Assembly has an ongoing project to develop new international legal standards for indigenous peoples. The Inter-American Development Bank has created an indigenous people's fund. And, the Pan American Health Organization is developing an indigenous people's health project.

I share the growing concern about the human rights of indigenous peoples, and I encourage the administration to provide greater focus on the human rights accorded this large sector of the Western Hemisphere population. I also believe it is incumbent upon us to do all we can to assist our Latin neighbors as they struggle with preserving indigenous cultures, while working to incorporate indigenous peoples as fully participating citizens within the political, economic, and social spheres. We struggle toward this goal even in our own country.

My conversations with Ms. Menchu today were informative and interesting. I value the important perspective that Ms. Menchu has gained as a result of the tragedies inflicted on her family and her culture. While she has helped raise the awareness of the rights of indigenous people, she speaks today from her perspective of activism for more than a decade. We must also lend our support to the efforts of President Serrano to heal the wounds of Guatemalan society, indigenous and otherwise, and trust that the sincere issues of the indigenous population of Guatemala will be reflected in the ongoing peace negotiations.

As our Subcommittee focuses on the human rights of indigenous peoples in this hemisphere, I would also hope that due consideration be given to the International Indigenous Peoples Protection Act, H.R. 510, introduced by Mr. GILMAN, my friend from New York.

TRIBUTE TO FOSTER WHALEY

HON. BILL SARPALIUS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. SARPALIUS. Mr. Speaker, this past Tuesday I spoke at a funeral in Pampa, TX, for former State Representative Foster Whaley. He was my teacher in the art of politics. He was my colleague in the State legislature. I served in the Senate for 8 years while Foster served in the House for 10. We worked together as a team on many pieces of legislation to try to help make life better for the citizens of the Texas Panhandle. He was my supporter, no only financially in every campaign, but he worked his heart out for me. Most of all, he was my friend, always there to offer a helping hand and a kind word of advice.

I have always thought that when the day comes for us to stand before the good Lord, I don't think He will ask us how fancy was the car that we drove, how big was the house we lived in, how much money did we make or what kind of job did we have. I think He will ask us two questions. One would be, in our lifetime, what did we do to serve the Lord and the other would be what did we do to help our friends and neighbors. You see, what we accomplish for ourselves in life has no bearing. It is what we give of ourselves that counts and Foster truly gave.

In Matthew 22:34–40, the Bible tells about the Pharisees trying to tempt Jesus. One of the lawyers spoke to Jesus and he said, "Master, which is the great commandment?" Jesus answered him, "Thou shalt love the Lord they God with all thy heart, with all thy soul and with all they mind. This is the first and great commandment and the second is like unto it. Thou shalt love thy neighbor as thyself. On these two commandments hang all the laws and all the prophets."

You see, the two great commandments that Jesus was talking about were based on love for God and love for your neighbor. There is no question that Foster loved his God. You could tell that by the example that he was and the way that he lived. There is no question that Foster loved his family. He never took credit for anything without first giving credit to his wife, Lois, and his children. And, boy, did he love his neighbor.

Foster fought in World War II with General Patton offering to give his life for the very principles this country represents. He served 28 years as a county agent trying to help farmers become better farmers and helping to inspire young men and women through the 4–H programs. He served in the State legislature for 10 years. Foster was one of those legislators who didn't look at the job as just an opportunity to vote, but as an opportunity to serve and to help make life better for our children.

His life has been an example to all of us of what love really is, what a husband should be, how a father is respected and what a public servant is made of. For those people who knew him and loved him, use his life as a model and example to follows.

I know that Foster is at peace with our Lord. We will miss him and we will never forget what he contributed to all our lives.

IN TRIBUTE TO EIGHT SOUTH DAKOTA LEADERS

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. JOHNSON of South Dakota. Mr. Speaker, on Thursday, April 22, in the solemn rotunda of the South Dakota State Capitol in Pierre, my wife Barbara and I participated in a memorial service for eight men who tragically perished in an airplane accident on April 19. They were: Gov. George Mickelson, Angus Anson, David Birkeland, Ronald Becker, Roland Dolly, Roger Hainje, David Hansen, and Ron Reed.

The memorial service was a very sad and emotional occasion for the hundreds of us who attended—including my colleagues from the Senate, TOM DASCHLE and LARRY PRESSLER—as well as the thousands of other South Dakotans who assembled on the Capitol lawn and who participated through radio and television.

It is impossible to adequately convey the profound and abiding sense of personal loss that has been experienced by the families of the men who died. The thoughts and prayers of friends throughout our country are with them in these terribly difficult days.

Leaders of the memorial service, who offered heartfelt words of comfort and assurance that were deeply appreciated by everyone in attendance, included Gov. Walter Dale Miller, our former Lieutenant Governor who has assumed the mantel of leadership at this crucial time; Frank Brost, chief of staff to Governor Mickelson; Dr. Leonard Haggin, pastor of the First Methodist Church in Pierre; Gary L. Drewes, mayor of Pierre; Gov. Roy Romer of Colorado; Gov. Carroll Campbell of South Carolina; White Eagle, a native American singer, and Dr. Don Veglahn, pastor of Asbury Methodist Church in Sioux Falls, who spoke on behalf of the Mickelson Family.

The printed program that was provided to us at the memorial service offered the following biographical tribute to Gov. George Mickelson, a man whose contributions to his State and Nation will never be forgotten:

OUR GOVERNOR

Governor George Speaker Michelson was a loving son, brother, husband, and father to his family and a caring friend to all who met him. Inspired by his parents, George Speaker Mickelson dedicated his life to his family and the people of South Dakota.

He was born on January 31, 1941, in Mobridge, the youngest of George T. and Madge Mickelson's four children. He was a graduate of Sioux Falls Washington High School. After earning a Business Administration degree in 1963 and a Juris Doctorate in 1965 from the University of South Dakota, George joined the United States Army and proudly served his country in Vietnam. Captain Mickelson was honorably discharged after two years of service. On August 10, 1963, he married Linda Jane McCahren at Sioux Falls, South Dakota.

In 1967, he returned to South Dakota to work as a special prosecutor in the Office of the Attorney General. In 1968, he and his family moved to Brookings where he entered private law practice and became active as a community leader.

In 1970, he was elected to the first of two terms as Brookings County States Attorney. From 1975 to 1980, he served in the South Dakota House of Representatives. George was elected Speaker Pro Tempore of the House for the 1977 and 1978 sessions and Speaker of the House for the 1979 and 1980 sessions. He served on the taxation, judiciary, state affairs, and intergovernmental cooperation committees and also on the Legislative Research Council's executive board. Representative George Mickelson chaired the special committee on personal property tax replacement that was a driving force in eliminating all personal property taxes in South Dakota in 1978.

George Mickelson won primary and general election victories in 1986 to become South Dakota's twenty-eighth Governor. Governor Mickelson took the oath of office on January 10, 1987, exactly forty years after his father had become the state's eighteenth Governor. He was re-elected in 1990 for a second term.

As Governor, George Mickelson always looked for opportunities to make South Dakota a better place to live. He paved the way for the state's Revolving Economic Development and Initiative Fund, a year-long State Centennial Celebration, landmark environmental legislation, education and health care reform, water development and a statewide reconciliation program that will continue for the next century.

Governor Mickelson was serving as co-chairman of the National Governors' Association's Task Force on Health Care and was a former chairman of the Western Governors' Association.

In all of his actions, Governor Mickelson emphasized creating new prosperity through caring for others, problem-solving, and building a better future for South Dakota's next generations.

Governor George S. Mickelson was always an enthusiastic optimist about South Dakota's future. He believed that problems could be turned into opportunities and that hard work would make South Dakota's dreams come true.

He is survived by his wife, Linda; three children, Mark, Amy, and David; his mother, Madge; and three sisters, Janice Carmody, Lavon Meyers, and Patricia Adam; and all of the citizens of the Great State of South Dakota.

In conclusion, I would like to share the words—also from the printed program of the memorial service—which George Mickelson's family dedicated to the other seven men whose lives were lost in the accident. This tribute symbolizes the outpouring of admiration and affection that has come forth from people in all walks of life:

Like George, our friends worked hard for us. They unselfishly contributed countless hours and made the extra efforts to create new opportunities and new benefits for their fellow South Dakotans. While it was their talents that made them successful professionally, our appreciation for them is also very personal.

Our friends were unique human beings who created happiness and joy in the lives of their loved ones and in the lives of all of us who knew them.

We are not just a better state because they lived. We are better people because they touched our lives.

SOME VIRGINIA MRI CENTER PROFITS: WHY WE NEED COST CONTAINMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1993

Mr. STARK. Mr. Speaker, wonder why there are so many MRI and CT scan centers? Because they are wonderful profit centers for their owners. The proliferation of these high-technology centers and the failure of their charges to come down as supply and productivity increased, and machine costs fell, is exhibit A in the need for an all-payor cost containment system in America.

The private sector pays too much for MRI's and CT scans. Imaging charges to the private sector are often two to three times higher than the amount that Medicare pays—and Medicare payments allow for a very decent profit.

If anyone doubts, please look at the following items from the Virginia Health Services Cost Review Council's "Commercial Diversification Survey of Virginia Hospitals," dated December 1, 1992. Note the profit on some of the original investment. For example, the Mobile MRI of Hampton Roads reports a 1988 investment of $115,000 and profits in 1991 of $936,827.

While other Virginia MRI's profit levels were not as dramatic as these, the numbers do indicate that there are plenty of places where cost containment can be achieved without diminishing services.

Parent Corporation: Inova Health Systems.

Reporting Institutions: Fair Oaks Hospital; Fairfax Hospital; Jefferson Hospital; Mount Vernon Hospital.

Name: Reston Imaging Center, Limited.

Principal Activity: Partnership, Radiology Leasing Equipment.

Nature of Affiliation: General Partner.

Method of Affiliation: Created.

1. Date of Incorporation: 1986.
2. Date of Affiliation: 1986.
3. Source of Capital: Equity.
4. Share of Initial Contribution: 100%.
5. Amount of Initial Contribution: $747,000.

Current Percent of Ownership Interest: 75%.

Tax Status: For-profit.

Date of Last Fiscal Year End: December 31, 1991.

Total Revenues in Last Fiscal Year: $635,063.

Net Profit or Excess of Revenues over Expenses: $334,088.

Total Assets at End of Last Fiscal Year: $804,157.

Net Equity or Fund Balance of Last Fiscal Year: $799,118.

Parent Corporation: Alexandria Health Services Corporation.

Reporting Institutions: Alexandria Hospital.

Name: Alexandria Computed Tomography Center; Med-Tech, Inc.

Principal Activity: Medical Imaging Center; Magnetic Resonance Imaging Ctr.

Nature of Affiliation: Limited Partnership; Stock Ownership.

Method of Affiliation: Created; Created.

1. Date of Incorporation: September, 1987; December 19, 1985.
2. Date of Affiliation: September, 1987; December 19, 1985.

3. Source of Capital: Equity; Alexandria Health Enterprises Grp.

4. Share of Initial Contribution: 45%; 50%.

5. Amount of Initial Contribution: $100,000; $150,000.

6. Current Percent of Ownership Interest: 45%; 50%.

Tax Status: Subchapter K; For-Profit.

Date of Last Fiscal Year End: December 31, 1991; September 29, 1991.

Total Revenues in Last Fiscal Year: $361,571; $513,861.

Net Profit or Excess of Revenues over Expenses: $80,618; $211,864.

Total Assets at End of Last Fiscal Year: $111,268; $543,285.

Net Equity or Fund Balance of Last Fiscal Year: $98,078; $479,418.

Reporting Institutions: Chesapeake General Hospital.

Name: Mobile MRI of Hampton Roads.
Principal Activity: Mobile MRI.
Nature of Affiliation:
Method of Affiliation: Stock Ownership.
1. Date of Incorporation: Created.
2. Date of Affiliation: November 28, 1988.
3. Source of Capital: November 28, 1988, Equity.
4. Share of Initial Contribution: 100%.

5. Amount of Initial Contribution: $115,000.
6. Current Percent of Ownership Interest: 33%.

Tax Status: Tax-Exempt 501(c)(3).

Date of Last Fiscal Year End: December 31, 1991.

Total Revenues in Last Fiscal Year: $1,723,029.

Net Profit or Excess of Revenues over Expenses: $936,827.

Total Assets at End of Last Fiscal Year: $2,074,513.

Net Equity or Fund Balance of Last Fiscal Year: $1,283,035.

SENATE—*Friday, April 30, 1993*

(Legislative day of Monday, April 19, 1993)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. The prayer will be led by the Senate Chaplain, the Reverend Dr. Richard C. Halverson.

Dr. Halverson, please.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us pray for the family of Michael Austin, retired officer of the Capitol Hill police and highly decorated Vietnam veteran, who died early this morning of cancer.

"* * * Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. And * * * Thou shalt love thy neighbour as thyself. On these two commandants hang all the law and the prophets." (Matthew 22:37, 39–40)

The Apostle Paul reminds us that, "Love is the fulfilling of the law." Quicken us to the desperate need for understanding, acceptance, conciliation, cooperation, forgiveness, and love.

God of love, help us to see that love is the most powerful force in the world. It may lose some battles, but it will win the war. Help us to see that love is a commandment to be obeyed, not an emotion to be felt—that it is volitional, a matter of the will; not emotional, a matter of feeling. Give each of us the grace to obey—to love as God commands.

We pray in the name of Jesus who is Love incarnate. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Also, under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 10 minutes each.

The Senator from Alaska [Mr. STEVENS] is recognized for not to exceed 10 minutes.

LEAVE OF ABSENCE

Mr. STEVENS. Mr. President, pursuant to rule VI, paragraph 2, I ask unanimous consent that Senators PELL, NUNN, WARNER, LUGAR, BUMPERS, and myself be granted leave from the Senate to be absent from the close of business today, April 30, until the Senate commences business on May 6, for the purpose of an official United States Senate trip to investigate matters in Bosnia and matters in the Russian Republic.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair notes that the Senator from Alaska consistently adheres to this rule and sets a good example for all Senators doing so.

The Senator from Iowa [Mr. GRASSLEY] is recognized for not to exceed 10 minutes.

Mr. GRASSLEY. Thank you, Mr. President.

Once again a note to my friend, the distinguished Senator from West Virginia, the President pro tempore of the Senate, I am probably going to say something that might shock him, because I want to rise to compliment an official in the Clinton administration for something that was very good news this morning.

SECRETARY LES ASPIN

Mr. GRASSLEY. Mr. President, since early February, I have urged appropriate officials in the Defense Department and the Congress to hold accountable those responsible for the total breakdown of discipline and integrity in the management of the Air Force's C–17 Transport Program. Today, the Secretary of Defense, Les Aspin, in response to investigations by the Department of Defense inspector general and the Air Force, directed that Air Force Maj. Gen. Michael J. Butchko, Jr., be relieved as commander of the Air Force Development Test Center. That decision was based on General Butchko's poor performance as C–17 system program director. The Secretary also ordered that three other individuals linked with the C–17's poor management performance no longer work in the field of acquisition.

One of these individuals is Brig. Gen. John M. Nauseef, Deputy Chief of Staff, Financial Management and Comptroller, Headquarters, Air Force Materiel Command.

General Nauseef is presently on a promotion list that is before the U.S. Senate. Before the Senate considers General Nauseef's promotion, I am quite confident that my colleagues will want to know of Secretary Aspin's disciplinary measures that he took against General Nauseef.

Mr. President, Secretary Aspin's actions in the C–17 matter are to be hailed and commended. He is holding a class in accountability today; setting a very good example. He has sent a clear signal of zero tolerance toward the breakdown of financial integrity in his Department's acquisition process. This is the single best deterrent to future failures of management integrity.

The Senate is obliged to send an equally clear signal. The Senate should deny the promotion of General Nauseef. The two reports and the decision today by Secretary Aspin raise serious questions about General Nauseef's integrity. He has been a poor steward of the taxpayers' trust. His suitability for higher, more responsible positions is in question. If promoted, he would become head of the entire Air Force budget. What kind of signal would this send to the public?

Mr. President, thanks to Secretary Aspin, thanks to the DOD inspector general's office, and thanks to the Air Force investigation, I am confident that my colleagues will do the right thing and deny General Nauseef a promotion. Certainly, this is the single most effective signal we can send, in this body, to contribute to improved management of the taxpayers' defense dollars.

Again, I commend Secretary Aspin's actions, and I hope the steps my colleagues will take will follow in his footsteps.

BREAKDOWN OF DISCIPLINE AND INTEGRITY

Mr. GRASSLEY. Mr. President, in addition on a related matter as well, but not directly related to what Secretary Aspin did this morning, over the past month I have spoken several times to this body about the breakdown of discipline and integrity in financial management throughout the Federal Government.

The total disregard for the laws governing the use of the taxpayers' money is unacceptable. It must not be tolerated.

Those responsible for such misconduct must be held accountable as Secretary Aspin held some generals accountable by action he took this morning. Without accountability, Mr. President, nothing else we do in this Congress will amount to much. Unfortunately, Mr. President, there is a much more fertile ground to be tilled than

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

even this C–17 aircraft situation I discussed earlier. I have yet then for you another case of financial mismanagement like the C–17.

The story is told in an excellent report by the DOD Inspector General in Audit Report No. 93–053. It is called "Missile Procurement Appropriations, Air Force."

I would point out to this body that is the document that I am referring to. This is a story about a cost overrun on two fixed-price contracts with General Dynamics' Convair Division to build 250 advanced cruise missiles or ACM's.

The Air Force let General Dynamics run up $112.2 million in expenses to fix the missiles but had no money in the bank to pay the bills.

The Air Force then devised a crooked reprocurement scheme to launder the bills in order to conceal a violation of the Antideficiency Act.

Mr. President, I raise the ACM reprocurement issue today for a reason.

The former ACM program manager, Col. Claude Bolton, has a promotion pending before the Senate.

Colonel Bolton was program manager for the ACM from September 1, 1989, through September 20, 1992, a time when many fateful decisions were taken.

Before we approve Colonel Bolton's promotion, we need to know more about his role in the reprocurement scheme.

The DOD IG has raised a number of very serious questions about the legality of this plan.

In a nutshell, this is what the IG found:

First, the ACM program violated the Antideficiency Act (31 U.S.C. 1341).

Second, the Air Force failed to report and investigate a known violation of the Antideficiency Act as required by 31 U.S.C. 1351.

Third, the Air Force attempted to avoid and possibly conceal the violation:

By failing to record contractual obligations of $112.2 million in accounting records for over 2 years.

By terminating fixed-price contracts for the Government's convenience on April 6, 1992, and reawarded 2 days later to the same company.

Fourth, the Air Force agreed to pay the contractor an additional $160.3 million to fix missiles that failed to meet contract specifications.

Fifth, the cost to finish building fiscal year 1987 and fiscal 1988 missiles was arbitrarily declared new work and improperly charged to fiscal year 1992 appropriations—a violation of 31 U.S.C. 1502.

Sixth, the Air Force reduced the fiscal year 1992 ACM procurement by 120 missiles to generate the extra cash to complete the old contracts.

Seventh, the reprocurement scheme could cost the taxpayers an extra $80 million.

To this day, senior Air Force officials contend that there was no violation of the Antideficiency Act and that the contractual obligation to pay General Dynamics $112.2 million did not exist until April 1992.

Mr. President, I have documents that prove the Air Force is not telling the whole truth.

Mr. President, I ask unanimous consent that five Air Force documents be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

[Unclassified]

SAF Washington DC//FMB//
HQ AFMC(I) Wright Patterson AFB OH//FM/ / INFO DFAS DE Lowry AFB CO//AR//
HQ ASD Wright Patterson AFB//FR/VCP//
ZEN SAF Washington DC//FMB/AQX/AQC/ AQQ//
ZEN HQ USAF Washington DC//PEO-ST//

Subject: Upward adjustment request for the advance cruise missile reference SAF/ FMBMB 26 Nov 91 memo, subject: Request for approval to cite expired funds ($71.5M)

Reference SAF/FMBMB 26 Nov 91 memo, subject: Request for approval to cite expired funds ($27.1M)

Because of the recent decision to terminate partially the FY87 and FY88 ACM contracts, your request for approval of upward obligation adjustments of $71.5M and $27.1M (revised to $81.5M and $30.7M) to FYS 87/88, 3020 appropriations, to cover cost growth on the ACM program is no longer necessary. If other adjustments are necessary because of the partial contract termination, request you address that in a new request for upward obligation adjustment.

MARILYN THOMAS,
SAF/FMBMC/54942.
JOHN W. BEACH
SAF/FMB/54942.

DEPARTMENT OF THE AIR FORCE,
Washington DC, November 26, 1991.

Memorandum for SAF/FMBMC.

Subject: Request for Approval to Cite Expired Funds—Action Memorandum.

This office has received the attached request for funding and approval to cite $27,100,00 of FY 88 3020 funds to cover cost overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. RAY SMITH,
Special Programs Office, Deputy for Budget Management and Execution.—

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AERONAUTICAL SYSTEMS DIVISION (AFSC),
Wright-Patterson Air Force Base, OH,
October 30, 1991.

Subject: Request for Expired Appropriations for Contract Overrun (FY88, Appn: 3020).

To: SAF/FMBMB.

1. Request you provide Budget Authorization to fund a contract requirement. The following information provides the specifics concerning this request:

a. Amount Requested: $27,100,000 (FY88, Appn: 3020).

b. Date funds are needed, lead time away from obligation date, necessary to get contractual documents processed: May 1992.

c. Data approval is needed to preclude penalties from accruing: The contractor states current funding will cover work through June 1992. Any work performed thereafter will be unbillable due to insufficient funding on the contract.

d. Amounts, nature, and dates of penalties that would accrue: Unknown.

e. Accounting Classification: 5783020 158 6045 20CLPG 010100 00000 659900 F59900.

f. Contract Number: F33657–88–C–0103.

g. Name of Contractor: General Dynamics, Convair Division.

h. Type of Contract: FPIF (70/30 percent overrun share).

i. Contract Purpose: Production of Advanced Cruise Missiles (AGM–129A) in the FY88 procurement contract.

j. Date of the original contract: 30 January 1990.

k. Contract change certification: This requirement is not for a contract change.

l. Amount of FY88 funds previously deobligated from the contract: None.

m. Within scope certification: This requirement is within the scope of the original contract.—(Claire Ride, Contracting Officer)

n. Purpose of adjustment: To fund the Air Force share of over-target costs on this production contract. The latest estimate-to-complete conducted by the ACM Program Office in September 1991 indicates that the final contract price will be at contract ceiling price. The DCAA will provide an audit report concerning the contractor's overrun proposals. This report is due to the Program Office approximately 4 November 1991.

o. Justification for using the expired appropriation: Appropriations used to fund cost increases are the same as used to fund the original effort (i.e. FY88/3020) per DoD Directive 7200.4, Full Funding of DoD Procurement Programs, implemented by AFR 172–14. Cost overrun is attributable to: (1) unplanned efforts associated with the investigation, redesign, and replacement of missile components failing to meet required specifications or quality standards; and, (2) factory shutdown and restart impacts related to suspension of missile delivery.

p. Amount originally obligated for the contract: $133,603,000 (excludes $98,130,000, FY87 Advance Buy funds obligated for this purchase).

q. Program name: Advanced Cruise Missile (AGM–129).

r. Cumulative amount of restorations approved for program: None known at field level (i.e. ASD/VC). Appropriation records kept at SAF/FMBM.

s. Total amount obligated from FY88 for the program:

Appn: 3020.
BPAC: Multiple.
Amount: $144,294,950.

t. Amount previously deobligated from FY88 for the program: None.

u. Source of deobligations: None known. Financial and contracting personnel in the ACM Program Office are auditing contractual and accounting records for this contract to reconcile with those of the contractor. Any excess obligations will be reapplied to fund this overrun.

2. My point of contact for this matter is Mr. David C. Engwall, ASD/VCPB, AV:785-7879.

MARK V. DAVIDSON,
Director of Program Control,
Advanced Cruise Missile SPC.

DEPARTMENT OF THE AIR FORCE,
Washington, DC, November 26, 1991.

Memorandum for SAF/FMBMC.

Subject: Request for Approval to Cite Expired Funds—Action Memorandum.

This office has received the attached request for funding and approval to cite $71,500;000.00 of FY 87 3020 funds to cover overruns associated with the Advanced Cruise Missile program. Based on previous discussions with the 3020 Appropriation Manager, funding of this magnitude is not presently available. However, this requirement needs to be documented and included in the funding strategy discussions being pursued for this and other programs with similar funding problems.

The attached ASD/VCP memo describes the scope and nature of the request for adjustment as well as the information regarding the original contract funding. Please include this action with other unclassified requests for prior year 3020 funding.

E. RAY SMITH,
Special Programs Office, Deputy for
Budget Management and Execution.

DEPARTMENT OF THE AIR FORCE,
HEADQUARTERS AERONAUTICAL
SYSTEMS DIVISION (AFSC),
WRIGHT-PATTERSON AIR FORCE
BASE, OH
October 28, 1991.

Subject: Request for Expired Appropriations for Contract Overrun (FY87, Appn: 3020).

To: SAF/FMBMB.

1. Request you provide Budget Authorization to fund a contract requirement. The following information provides the specifics concerning this request:

a. Amount Requested: $71,500,000 (FY87, Appn: 3020).

b. Date funds are needed, lead time away from obligation date, necessary to get contractual documents processed: 16 December 1991.

c. Date approval is needed to preclude penalties from accruing: The contractor states current funding will cover work through December 1991. Any work performed thereafter will be unbillable due to insufficient funding on the contract.

d. Amounts, nature, and dates of penalties that would accrue: Unknown.

e. Accounting Classification: 5773020 157 6045 20CLPG 0012 659900.

f. Contract Number: F33657-88-C-0103.

g. Name of Contractor: General Dynamics, Convair Division.

h. Type of Contract: FPIF (70/30% overrun share).

i. Contract Purpose: Production of Advanced Cruise Missiles (AGM-129A) in the FY87 procurement contract.

j. Date of the original contract: 25 September 1989.

k. Contract change certification: This requirement is not for a contract change.

l. Amount of FY87 funds previously deobligated from the contract: None.

m. Within scope certification: This requirement is within the scope of the original contract.—Claire Ride, Contracting Officer.

n. Purpose of adjustment: To fund the Air Force share of over-target costs on this production contract. The latest estimate-to-complete conducted by the ACM Program Office in September 1991 indicates that the final contract price will be at contract ceiling price. The DCAA will provide an audit report concerning the contractor's overrun proposals. This report is due to the Program Office approximately 4 November 1991.

o. Justification for using the expired appropriation: Appropriations used to fund cost increases are the same as used to fund the effort (i.e. FY87/3020) per DoD Directive 7200.4, Full Funding of DoD Procurement Programs, implemented by AFR 172-14. Cost overrun is attributable to: (1) unplanned efforts associated with the investigation, redesign, and replacement of missile components failing to meet required specifications of quality standards; and, (2) factory shutdown and restart impacts related to suspension of missile delivery. The attached explanation of the overrun chronology is for your information.

p. Amount originally obligated for the contract: $537,200,000 (9/25/89).

q. Program name: Advanced Cruise Missile (AGM-129).

r. Cumulative amount of restorations approved for program: $2,524,950 was returned to the program via Amendment 11, OA-760-027, on 6 March 91. $3,236,000 was issued via Budget Authorization #35, issued 30 September 1991. These additions were provided for payment of Award Fee liabilities.

s. Total amount obligated from FY87 for the program:

Appn: 3020.
BPAC: Multiple.
Amount: $555,600,000.

t. Amount previously deobligated from FY87 for the program: None.

u. Source of deobligations: None known. Financial and contracting personnel in the ACM Program Office are auditing contractual and accounting records for this contract to reconcile with those of the contractor. Any excess obligations will be reapplied to fund this overrun.

2. My point of contact for this matter is Mr. David C. Engwall, ASD/VCPB, AV:785-7879.

MARK V. DAVIDSON,
Director of Program Control,
Advanced Cruise Missile SPC.

Mr. GRASSLEY. Mr. President, I have other documents that tell the same story, but they contain proprietary data and should not be placed in the RECORD.

These documents clearly indicate that Air Force officials knew the Advanced Cruise Missile Program was in violation of Antideficiency Act on November 26, 1991.

These documents prove they had bills to pay and no money to pay them.

The documents show the Air Force owed General Dynamics $112.2 million to cover the Government's share of target-to-ceiling costs on two contracts. One was signed on September 25, 1989, for $81.5 million, and the other was signed on January 30, 1990, for $30.7 million.

Under law, those bills had to be charged to the missile procurement accounts for fiscal years 1987 and 1988. And the Air Force knew it.

Sadly, those accounts were overdrawn.

The balance in those accounts on March 31, 1992—on the eve of the ACM reprocurement action—was minus $118.9 million for fiscal year 1987 and minus $183 million for fiscal year 1988.

Mr. President, it is hard to pay bills from a bank account with a negative balance.

Mr. President, no matter how you slice it, the ACM Program was in violation of the law in March 1992.

The central issue before us is this: The failure to report and investigate a known violation of the Antideficiency Act.

The Comptroller General has rendered an important legal opinion on this issue.

In a document dated August 11, 1992, and identified by the number B-245856.7, the Comptroller General states:

> The failure to disclose known violations of the Antideficiency Act is a felony and can be the subject of disciplinary action.

With regard to the failure to record $112.2 million in bills due, the Comptroller General states:

> The knowing and willful failure to record an overobligation in account in order to conceal a violation of the Antideficiency Act would be an offense under existing law.

Mr. President, those responsible must be held accountable.

Mr. Michael B. Donley, who was Assistant Secretary of the Air Force for Financial Management and Comptroller in 1991-92, must be held accountable.

Colonel Bolton, the program manager of the ACM, must also be held accountable.

Both Mr. Donley and Colonel Bolton knew there was a serious money shortfall but did nothing about it.

Colonel Bolton, in statements published in the April 27, 1993, issue of Congress Daily, contends that the reprocurement transaction was "sanctioned" by the "Pentagon contracting community" and at "all levels of the Government" and declared completely legal by Air Force attorneys.

Mr. President, Colonel Bolton is absolutely correct—to a point. The reprocurement plan was even approved by former Secretary of the Air Force Rice. But that does not make it right or legal.

The plan was subsequently disapproved by DOD Comptroller O'Keefe, because it was illegal to use fiscal year 1992 appropriations to cover cost overruns on these old contracts. The Air Force went ahead and did it anyway.

I wrote to Senator NUNN on March 29, 1993, requesting that a decision on Colonel Bolton's promotion be delayed until I am able to obtain more information on this matter. On March 29, 1993, I asked the DOD IG to gather that information.

Mr. President, I ask unanimous consent that these two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 29, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SAM: I am writing to you about the proposed promotion of Colonel Claude Bolton, U.S. Air Force, to the rank of brigadier general.

Colonel Bolton's nomination has been submitted to the Senate and referred to your Committee for confirmation.

Sam, I have good reason to believe that Colonel Bolton may have engaged in either illegal or improper conduct while program manager of the Advanced Cruise Missile (ACM) program. My suspicions are based on information contained in a recent Department of Defense (DOD) Inspector General (IG) report. That report is entitled "Missile Procurement Appropriations, Air Force," Audit Report No. 93-053, dated February 12, 1993. A copy is attached for your consideration.

Based on the contents of the IG's report, I respectfully request that Colonel Bolton's promotion not be approved—until I am able to verify whether he bears any responsibility for the misconduct described in that report. I have asked the IG to provide the information that I think I need to make a final decision on this matter.

A brief summary of the contents of the IG's report helps to put my concerns about Colonel Bolton's conduct in better perspective.

I am most disturbed over the revelations outlined in the section on "Reprocurement of the Advanced Cruise Missile (ACM)." The information presented in this section suggests a total disregard for the laws governing the use of appropriations.

In a nutshell, this is what the IG found:

ACM program is in violation of the Antideficiency Act.

Air Force failed to report and investigate known ACM violation of Antideficiency Act as required by law.

Air Force attempted to "avoid" or possibly conceal violation by failing to record obligations and terminating and re-awarding contracts:

—Air Force failed to record ACM obligations of $112.2 million in accounting records for more than two years.

—Air Force terminated fixed-price FY 1987 and 1988 ACM contracts for "government's convenience" and immediately re-awarded contracts to same company, committing government to pay contractor's share of the cost overrun plus additional liabilities.

Inspector General estimates that termination and reprocurement action could cost taxpayers an extra $79.7 million.

Cost overrun on FY 1987 and 1988 ACM contracts were improperly charged to FY 1992 appropriations—a potential violation of 31 U.S.C. 1502.

Sam, the Air Force's handling of the ACM "reprocurement" was dishonest from beginning to end.

The General Counsel at the General Accounting Office (GAO) has rendered a legal opinion on the central issue addressed in the Inspector General's report—*the failure to report and investigate known violations of the Antideficiency Act*.

The GAO opinion is embodied in a report entitled "Analysis of Agency Authority to Pay Overobligations in Expired Accounts and Comments on DOD IG's Proposal to Amend the Antideficiency Act." The GAO document is dated August 11, 1992, and is identified by the number B-245856.7. It includes a section on "Current Criminal Penalties for Nondisclosure" of Antideficiency Act violations. A copy is attached.

The failure to report known violations of the Antideficiency Act is a violation of federal criminal law—18 USC 4. The Comptroller General report states: "the failure to disclose known violations of the Antideficiency Act is a felony and can be the subject of disciplinary action." With regard to a failure to record "upward obligation adjustments", the Comptroller General states: "the knowing and willful failure to record an overobligation in an account to conceal a violation of the antideficiency act would be an offense under existing law."

Sam, the IG states unequivocally that the ACM program was and is in violation of the Antideficiency Act. Why have responsible Air Force officials failed to report and investigate this matter as required by law?

The Inspector General's report states:

"The Antideficiency Act was violated when the Air Force recognized that the cost to complete the ACM had exceeded amounts available for obligations, but permitted work to continue."

Sam, exactly when did Colonel Bolton know that incurred obligations against the FY 1987 and 1988 ACM contracts exceeded available funds in the missile procurement accounts for FY 1987 and 1988? On what date did he acquire that knowledge? What steps did he take to report the Antideficiency Act violation to the proper authorities as required by law? Why did he allow work to continue on the contracts once he knew there was insufficient money remaining to pay outstanding bills? Did Colonel Bolton recommend that the ACM cost overrun be handled in more appropriate ways?

I would like to have answers to these questions before I vote on Colonel Bolton's promotion.

Surely, as ACM program manager, he bears some responsibility for what happened to his program.

Your consideration of my request would be appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

U.S. SENATE,
Washington, DC, March 29, 1993.

Mr. DEREK J. VANDER SCHAAF,
Deputy Inspector General, Department of Defense, Arlington, VA.

DEAR MR. VANDER SCHAAF: I am writing to you to raise several questions about the findings and recommendations contained in your audit report entitled "Missile Procurement Appropriations, Air Force," No. 93-053, dated February 12, 1993.

This is another excellent piece of work, and I would like to commend the project manager, Mr. Richard Bird, for a job well done.

Unfortunately, your report presents a sad story. It is a case study in financial mismanagement. It suggests a total breakdown of integrity and discipline in the procurement process and a breakdown of controls over taxpayer dollars. It shows a total disregard for the most basic laws governing the use of appropriations.

Mr. Vander Schaaf, this kind of dishonest behavior is unacceptable and must not be tolerated.

Those involved in wrongdoing must be held accountable. Your report clearly indicates that federal statutory laws were violated, but those responsible are not identified, and no punitive action is recommended.

A brief review of the facts in the case involving the Advanced Cruise Missile (ACM) program—as outlined in your report—helps to underscore the need for stringent corrective action.

BACKGROUND—ACM COST OVERRUN

In July 1991, senior Air Force officials realized they had a major cost overrun on FY 1987 and 1988 ACM contracts with General Dynamics/Convair. The cost overrun was caused by a variety of technical problems with the missile, including fuel leaks. The product was defective and failed to meet government standards. Needed redesign and retrofit work led, in turn, to schedule slippage and additional costs. As a result of these technical problems, additional obligations were incurred—$81.5 million on the FY 1987 contract and $30.7 million on the FY 1988 contract.

The new obligations of $112.2 million were incurred on September 22, 1989 and January 30, 1990, respectively, but were not registered in accounting records until March 27, 1992—a delay of over two years.

To meet increased obligations of $112.2 million against ACM and another $117.7 million in outstanding obligations against other missile programs—AMRAAM and Titan IV, the Air Force had only $25.2 million available for FY 1987 and $34.5 million in FY 1988 as of February 29, 1992.

The missile procurement account of the Air Force was in violation of the Antideficiency Act.

Numerous internal Air Force documents clearly indicate that senior Air Force officials, including the Assistant Secretary for Financial Management Michael Donley, knew by January 1992 that: (1) there were insufficient funds available to meet outstanding obligations on ACM contracts; and (2) the ACM program was in violation of the Antideficiency Act.

AIR FORCE SOLUTION

So how did the Air Force solve the problem?

When all ACM money was literally depleted, the Air Force terminated the 1987 and 1988 ACM contracts for "convenience of the government," beginning on April 6, 1992, and within the short space of two days, re-awarded them to the same company using FY 1992 funds. The plan was approved by Secretary Rice, Assistant Secretary for Acquisition Welch, and Mr. Donley. The plan was specifically disapproved by DOD Comptroller O'Keefe.

How did the Air Force justify the scheme to finance the cost overrun?

First, senior Air Force officials argue that the termination and reprocurement action was their "only legal option." They contend that had they not terminated the contracts there would have been a violation of the Antideficiency Act. By terminating the contracts, they maintain, "old" work needed to complete 1987 and 1988 contracts could be arbitrarily declared "new" work, and thus legitimately funded with FY 1992 money—in theory alleviating the funding shortfall.

In brief, the Air Force shifted the cost overrun on 1987 and 1988 contracts to the 1992 contracts, took the money provided in 1992 to buy 120 missiles and used it to complete fabrication and assembly work on 120 FY 1987 and 1988 missiles.

Second, senior Air Force officials argue that no violation of the Antideficiency Act occurred—"since contractual obligations had not been recorded or executed." That statement is misleading. The obligations in question were not recorded for over two years but were, indeed, recorded on March 27, 1992, just in advance of the contract termination and reprocurement action. Nevertheless, the Air Force maintains to this day that no violation occurred. For this reason, the Air Force has refused to report and investigate the matter as required by 31 USC 1351.

INSPECTOR GENERAL'S FINDINGS

Mr. Vander Schaaf, your report reached several important conclusions as follows:

ACM program is in violation of Antideficiency Act Air Force failed to report and investigate ACM violation of Antideficiency Act as required by law

Air Force attempted to "avoid" or possibly conceal Antideficiency Act violation by: (1) failing to record new obligations of $112.2 million for over two years; and (2) by terminating and re-awarding contracts

Cost overruns on FY 1987 and 1988 contracts were "improperly" financed with FY 1992 appropriations

Air Force terminated FY 1987 and 1988 ACM fixed-price contracts for "government's convenience" and immediately re-awarded contracts to same company, committing government to pay contractor's share of cost overrun plus additional liabilities

Inspector General estimates that termination and reprocurement action could cost taxpayers an extra $79.7 million

POSSIBLE VIOLATIONS OF LAW

On the surface, it appears as though at least 5 statutes were violated by Air Force officials in their handling of the ACM cost overrun.

My conclusions are based, in part, on a careful and thoughtful piece of work done by the General Counsel at the General Accounting Office (GAO) entitled "Analysis of Agency Authority to Pay Overobligations in Expired Accounts and Comments on DOD Deputy IG's Proposal to Amend the Antideficiency Act," (B-245856.7) dated August 1992. The section on "Current Criminal Penalties for Nondisclosure" is of particular interest. A copy is attached for your consideration.

First, your report clearly states that the ACM program is in violation of the Antideficiency Act—31 USC 1341. A violation of this act is punishable by a fine of up to $5,000, imprisonment for not more than 2 years, or both, as specified in 31 USC 1350, and according to the GAO, constitutes a Class E felony by virtue of 18 U.S.C. 3359(a)(1)(E). Such violations are to be reported "immediately" to the President and Congress along with "relevant facts and a statement of actions taken" by 31 USC 1351.

Secondly, your report suggests senior Air Force officials knew that the ACM program was in violation of the Antideficiency Act but failed to report it as required by law, and, in fact, may have attempted to conceal it in at least two ways: (1) by failing to record incurred obligations for more than two years; and (2) arbitrarily declaring "old" work "new" work with the reprocurement scheme. According to the GAO, "the failure to disclose known violations of the antideficiency act is a felony and can be the object of disciplinary action." The GAO also states: "The knowing and willful failure to record an overobligation in an account in order to conceal a violation of the antideficiency act would be an offense under existing law—31 U.S.C. 1501 and 18 U.S.C. 4. A violation of 18 U.S.C. 4 is punishable by a fine of not more than $500 or imprisonment of not more than 3 years, or both."

Mr. Vander Schaaf, this is not a very pretty picture, but what is even more disturbing is that the ACM case is not an isolated example. It seems to be part of a general pattern of abuse that is emerging in your audit and investigative reports.

Mr. Vander Schaaf, this kind of dishonest behavior is unacceptable. It must not be tolerated. It must be stopped.

QUESTIONS

Mr. Vander Schaaf, I would like you to affix responsibility for the misconduct described in your report. I would like to know which laws were violated, and who was responsible for violating those laws.

First, under the law—10 U.S.C. 8022—Mr. Donley has a responsibility to maintain the integrity of all Air Force accounts. As Comptroller, he was in a position in 1991–92 to know whether Air Force appropriations accounts contained sufficient funds to cover increasing obligations incurred against the ACM contracts.

Exactly when did Mr. Donley know that incurred obligations against the FY 1987 and 1988 ACM contracts exceeded available funds in the missile procurement accounts for FY 1987 and 1988? On what date did he acquire that knowledge, and what steps did he take to report and investigate the violation of the Antideficiency Act as required by law?

Second, when did the program manager, Colonel Claude Bolton, recognize that the cost to complete the ACM contracts exceeded amounts available for obligation? Why did he permit work to continue on the contracts once he realized there was insufficient money to pay outstanding bills? What actions did he take to report the violation of the Antideficiency Act as required by law? Did he recommend that the cost overrun be resolved in more appropriate ways?

Third, did the use of FY 1992 appropriations to cover obligations incurred on September 22, 1989, and January 30, 1990, constitute a violation of 31 U.S.C. 1502?

Fourth, I would also like to know why no disciplinary action was recommended in the case of the ACM reprocurement, since there appears to be ample justification for it.

Fifth, because the ACM contract termination may have been based on governmental negligence, was the use of the convenience termination clause improper.

Mr. Vander Schaaf, if a violation of the federal criminal code has occurred, then I ask that the matter be reported to the Attorney General as required by Section 4(d) of the Inspector General Act of 1978. If you suspect that the Uniform Code of Military Justice has also been violated, you must report the matter to the Secretary of Defense as required by Section 8(d) of the 1978 Act.

Mr. Vander Schaaf, there is a certain amount of urgency in my request. The former ACM program manager, Colonel Bolton, has been selected for promotion to the rank of brigadier general. His promotion is currently awaiting confirmation by the Senate Armed Services Committee. I have asked the Committee to delay action on his promotion until you are able to verify whether he bears any responsibility for the misconduct described in your report. I would like to know if he is in any way responsible for what happened.

A prompt response is requested. Your assistance is always appreciated.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

Mr. GRASSLEY. Mr. President, the ACM reprocurement scheme is difficult to understand, and it is even harder to explain. I would like to leave you with a few thoughts that might help to put it in perspective.

When the plan was put into effect in early April 1992, all the money that had been set aside to build the 250 ACM missiles was gone—spent. But only 54 missiles had been completed. The other 196 missiles were in pieces on the factory floor.

If the Air Force did not owe General Dynamics more money, then why was not the company forced to complete those 196 missiles free of charge or face termination for default? Why did the Air Force pay General Dynamics $160.2 million to finish those 196 missiles if only $112.2 million was owed? Was this a gift or an obligation?

Mr. President, this contract action needs scrutiny.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri [Mr. BOND] is recognized for not to exceed 10 minutes.

Mr. BOND. I thank the Chair.

ENVIRONMENTAL POLICY

Mr. BOND. Mr. President, I speak today on the urgent need to change the way we formulate environmental policy in this country. I intend to speak regularly on this subject because I believe that its public health and cost implications make it one of the most critical issues facing us now and in the future. I think that this is an appropriate time to begin this discussion because we are currently debating S. 171, which elevates EPA to a Cabinet-level Department.

Many of the issues that I want to raise were discussed in the debates yesterday. I also had the opportunity, in our appropriations hearings on the EPA budget, to discuss these with Administrator Browner.

I have long believed that our country has an obligation to balance the need for economic growth with the equally compelling obligation of stewardship—the protection of our environment and natural resources for future generations. We cannot have one without the other—a country which fails to protect its environment in pursuit of wealth will soon have neither. Conversely, a country which fails to provide its citizens with opportunities for economic advancement will also lose its natural resources as people destroy the environment in order to feed their families.

I also believe that we must spend our scarce financial resources wisely. With the enormous Federal deficit, numerous unmet needs in other sectors of our society, and the burdens we put on our private sector already, we must focus our resources on those problems which post the most serious risk to human health and the environment. As part of that effort, we must use sound science to identify and reduce the greatest risks. A renewed dedication to the scientific evaluation of environmental hazards will help ensure that scarce public funds are used effectively.

Twenty years ago, when the modern environmental movement began, these principles of economic and environmental cooperation would have been considered wild-eyed and radical. In fact, I have been called a heretic, and worse—significantly worse—on several occasions. Today, however, the dynamics are starting to change. Sound science and responsible risk assessment may be coming back into vogue. As someone who has held these beliefs for a long time, and indeed tried to govern by them, I feel positively trendy.

That is why I was so heartened to see the recent series of articles in the New York Times on Federal environmental policy. The title of the first article was apt: "New View Calls Environmental Policy Misguided." I want to discuss some of the key points in the series.

The basic premise of the series is that emotionalism, instead of good science, has too often driven our environmental policy. A quote from former EPA Administrator William Reilly states it well:

> We need to develop a new system for taking action on the environment that isn't based on responding to the nightly news. What we have had in the United States is environmental agenda-setting by episodic panic.

I was Governor of Missouri during the period 1983 and 1984, when the town of Times Beach, MO, made headlines and the top of nightly news every night for too many months because of the existence of dioxin in low levels in the dust around Times Beach. I can give personal testimony to the power of panic, fed largely by the national media.

We worked with EPA for months to evacuate the residents of that beleaguered town, spending hundreds of millions of dollars in the process, only to find out later that dioxin might not have been quite the hazard that it was originally thought to be, as we were told by the Centers for Disease Control.

The New York Times article cites numerous other examples of hysteria-driven environmentalism. In 1985, Congress approved sweeping legislation requiring the removal of asbestos insulation from schools and public buildings, for which cities and States spent over $15 billion. And we in Missouri contributed a significant amount of that sum. This is an awesome sum of money, especially given the fact that just 3 years later, EPA completed a study which concluded that in many instances, ripping out asbestos posed a greater threat than leaving it in place.

The situation was much the same for the pesticide alar. After an initial media-generated scare, it was determined that alar did not pose a significant risk to public health. Once again, the alarmists said the sky was falling. However, all that fell was the public's confidence in the Government's ability to distinguish between real and perceived health threats.

Perhaps one of the best known examples of a well-intentioned environmental program which has not only failed in its mission, but wasted millions of dollars in the process, is Superfund. Instead of cleaning up hazardous waste sites, the program has paid huge fees to lawyers and consultants, as the various parties responsible for the dumping of waste sue each other. And when sites have been cleaned up, EPA has often insisted on an unrealistic cleanup standard which pushes the costs completely out of sight.

The results of action based on this irrational approach are doubly tragic. We waste precious time and scarce dollars trying to fix the wrong problems and, as a result, we have too little time, attention and resources to devote to fixing the real problems that challenge our environment.

Mr. President, I would like to emphasize that I fully support the 20-year national effort to clean up our air, water and hazardous waste sites. Our cities were smog ridden, our rivers filled with sewage and contaminents and our hazardous waste sites were unregulated—a national cleanup campaign was urgently needed. We should as proud that it has been so successful, to the point that we are the model for the rest of the world on economic and environmental compatibility.

The issue I raise today is how to address the next generation of environmental problems so that we incorporate the best science we have into the decisionmaking process and thus spend our increasingly scarce taxpayer dollars as effectively as possible. For example, I urged EPA Administrator Browner to make more effective use of the Agency's Science Advisory Board during her recent appearance before the VA, HUD Appropriations Subcommittee.

It will not be easy to change the old ways of simply reacting to crises instead of thinking through them. But if we do not substitute science for emotion when making environmental policy, we will fritter away today the money we urgently need for tomorrow's problems.

In closing, Mr. President, I ask unanimous consent to have an article by Jerry Heaster, a business writer for the Kansas City Star, printed in the RECORD. It is an excellent summary of the issues I have just discussed and I recommend it highly, and hope my colleagues will read it closely.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Kansas City Star, Apr. 24, 1993]

EARTH DAY MOVEMENT: GONE AWRY

(By Jerry Heaster)

The best Earth Day gift from the environmental movement would have been its pledge to pursue its mission with a greater appreciation for economic and scientific reality.

It also would have been the best gift the green missionaries could have given themselves, because the further they push the limits of society's credibility, the more they risk not being taken seriously.

Take the global-warming scare, for instance. One of the most amusing put-downs of this contrivance was a recent magazine cartoon depicting "Chicken Little Media" flanked by quotes from two editions of Newsweek 17 years apart.

"The central fact is that the earth's climate seems to be cooling down," warned the April 28, 1975, article. "(Meteorologists) are almost unanimous in the view that the trend will reduce agricultural productivity." On June 1, 1992, however, another such article proclaimed that "the atmosphere may be reaching the limit of its capacity to absorb emitted carbon dioxide without falling into a disastrous greenhouse effect."

In the caption, Chicken Little Media say: "Cooling, warming—whatever! The sky is falling."

Vice President Al Gore's variation on the Chicken Little impersonation comes in his book, The Earth in Balance, when he asserts, "We must act boldly, decisively, comprehensively and quickly, even before we know every last detail of the (global-warming) crisis."

"This sort of dithering ignorance about alleged but highly suspect environmental threats would be laughable if it weren't so dangerous to humanity's long-term welfare. The greatest threat posed by overzealous environmentalism is that it not only will waste today's scarce economic resources but also impede the economic growth that will create the wealth needed to enhance life for future generations.

Environmentalists say they're trying to save the planet for future generations, but what many don't seem to understand is that improving the environment is only possible in societies wealthy enough to afford it.

The aggressive environmental cleanup initiatives that began a generation ago didn't result entirely from the alarm caused by rivets catching on fire and people breathing air they often could see.

What eventually made the launching of a big environmental cleanup possible was a national recognition of our economic ability to pay for the effort. After 20 years of ruling the postwar global economy, the richest nation on Earth was finally in a position to spend what it needed to improve the environment without having to worry about tradeoffs.

It was an admirable effort, but it has gone too far. Even The New York Times was prompted to question the wisdom of unbridled environmentalism. A recent series titled "What Price Cleanup?" noted that "many scientists, economists and government officials have reached the dismaying conclusion that much of America's environmental program has gone awry."

The problem, The Times said, is that the reaction to popular environmental concerns over the last decade or so has been based on "little if any sound research" about the nature of threats involved. This has led to solutions that are often both overpriced and misguided, the report said.

If The Times is confronting such verities about the more irrational aspects of environmentalism, who might be next to do so? The greens themselves?

The PRESIDENT pro tempore. The Senator from Michigan [Mr. RIEGLE] is recognized for not to exceed 10 minutes.

Mr. RIEGLE. Mr. President, I ask unanimous consent to proceed for 15 minutes.

The PRESIDENT pro tempore. Is there objection to the Senator's request? Hearing no objection, the Senator from Michigan [Mr. RIEGLE] will proceed for not to exceed 15 minutes.

A NEW PRESIDENT WITH A DIFFERENT VISION

Mr. RIEGLE. Mr. President, I want to cover several things in the time I have.

I want to start out by addressing the important steps, constructive and positive steps, that President Clinton and First Lady Hillary Rodham Clinton and their Cabinet and administration made in the first 100 days of their time in office. It is very important we understand where we are and what the barriers to constructive change are that we are confronting and that are standing in the way here.

I think it is fair to say in terms of starting out with that assessment that this President coming into office inherited a very difficult set of problems. Probably nothing illustrates that more clearly than the fact that the outgoing President was, in a sense, removed from the job—I'm talking about President Bush and Vice President Quayle. They were removed by the American people, although they were seeking reelection, I think because they did not perform adequately on the range of issues facing this country and in very particular, the economic issues hurting America: The lack of jobs, the lack of health care reform, other matters really affecting the daily lives of the American people.

People wanted change. They knew the country was on the wrong economic path going into the future. So they did something that they seldom do and that is they turned out a sitting President and elected a new President, a challenger. Bill Clinton and AL GORE were elected to come in, tackle these problems, set a new direction, see if we could not make some progress in starting to address these issues.

So it is not surprising, when the new President arrived at the White House 100 days ago, there were a great pile of problems there on the doorstep left from the last 12 years, and even a longer period than that, with which he has had to deal and which the American people have asked him to take on and do something about.

He certainly has been working very hard in that respect. I have served under seven Presidents. I have not seen one of them work harder than this President, or work more carefully or intelligently in terms of getting at the root problems of several of these issues.

He is getting things done. He got his budget plan enacted and that budget plan does several important things. It changes the direction of our country. It brings down the annual level of our Federal budget deficit stretching out over the next 5 years, it invests in this country, it invests in job growth, it invests in things that really will make life start to improve and our economy get stronger here in the United States. That plan will reduce deficits and in fact help bring about the 8 million new private sector jobs that he has set as the principal goal for his administration over this first 4-year term.

I have just left a meeting just outside the Senate Chamber, across the hall, where Hillary Rodham Clinton, the First Lady, was meeting this morning for 2½ hours with Members of the Senate on health care reform. It was a bipartisan meeting—52 of the 100 Senators were there. It is not her first bipartisan meeting, I hasten to add. I serve as a Member of the Finance Committee where we have jurisdiction over a lot of the health care reform issues. Just within the last 2 weeks she came over to the Senate Finance Committee, met in a private session with all of the Republicans, and all of the Democrats who wished to participate. Many were there. Most were there. Some were not. Most were. I remember specifically a number of good questions and exchanges coming from the Republican members of the Finance Committee who were present in that meeting, which also ran about 2 hours.

So, let there be no misunderstanding about the issue of whether or not there has been back and forth, and communication, and solicitation of views from the Republican side on health care. There have been some mischaracterizations about that, one as recently as this morning on the morning news. That just unfortunately is inaccurate.

But in any event, the Clinton administration is pressing ahead on these issues, on issues that people want action on, are worried about, the real issues that are keeping American families awake at night, in terms of the lack of job opportunity, the soft economy, and the absence of affordable health care for people in this country.

I am not just talking about those who do not have any health insurance. Most of the people today who have health insurance are finding they cannot afford to maintain it because the costs are going through the roof. There are all these deductibles, copayments, and exclusions. If you have a child with asthma, the insurance companies do not want to cover that child. Or if you have a spouse with a health problem, the insurance company wants to get rid of coverage for the spouse. If you change jobs, often you cannot take your health insurance from one job to another.

These are problems we have to fix. I am glad we have a President who has the guts to stand up and say, let us change and reform the health care system and make health care affordable and get the costs down within reach of American families in this country. That is why he was elected. That is why the other President was removed because he was unwilling to face up to those urgent domestic issues.

I have said many times on this floor that the past administration was putting too much emphasis on foreign policy, had plans for every other country around the world, no plan for this country, and the American people said they had enough of that.

So now we have a new President with a different vision, and that vision is to do something about rebuilding the basic strength of America: The job base, our health base and really helping families get their feet under them and be able to come ahead.

I want to just point out two things, just in terms of just in terms of what this new President is confronting. Bear in mind he has been in office only about 3 months.

If you look at this chart that shows this recession that has been underway for such a long period of time which we are still struggling to get out of, this blue line on this chart shows the job loss as this recession started back 32 months ago. This black line, straight across, is a line that shows whether you are gaining jobs above the line or losing jobs below the line.

As the blue line shows, this is the average of the last seven recessions, since World War II. As you go into a recession, you lose jobs coming out to about 10, 12, 14 months. Then the recession bottoms out and you start to regain the jobs. The economy starts to come back. That is what the past history has been, and as you come out in time, 18, 20, 22, 24 months, you regain the jobs you lost, you get back into positive ground, you start adding jobs and, by historical experience, by the time we are out 32 months, which is where we are now from where this recession started, we should be way up here. We should have added about 4 million new jobs to the economy. We should have gotten back all the jobs we lost and added another 4 million to the good.

That is not where we are. We are languishing way down here. We are still down here with fewer jobs than we had when the economy went into the recession some 2½ years ago. We ought to be up here; we are down here.

If you back this up 90 days to when Bill Clinton became President, you can see this was one of the reasons why he was elected President. The American people know this is happening. They may not know this chart, but they know what is happening in their lives. They may be losing their job or they may be seeing that their children are coming out with either education completed or job training and cannot find a job, so they know in terms of their daily experience about this problem.

So back about here they said goodbye to trickle-down economics and to Reaganomics and to Bush and to Quayle and they said, "We're going to try something different to see if we can't get out of this hole and get back up here on high ground where we should be."

I will concede that it is a legitimate argument for the Republicans to take the other side of the economic issue, and to challenge that issue because they are tied hand and foot to the old economics, the trickle-down economics and it has been very beneficial to them, I might say. And so they cannot really break away from it. What they need to do now, or what they are doing—I do not think they should be—but what they are doing is they are arguing their economic philosophy, even though it is failed, and they are doing everything they can to prevent President Clinton from having the chance of putting his ideas into effect. We saw that with the filibuster on the jobs bill. The occupant of the chair, Senator BYRD, knows, he was on the other side trying to break that filibuster. The Republican Senators were in here filibustering to prevent the President from doing something in the way of job creation to get some job lift to solve this problem.

So it is not surprising in the area of economic policy that our Republican friends are throwing every banana peel under Bill Clinton they can because they do not want him to succeed and because they want to protect the old policies, even though they are failed policies.

Let me show you why. If you look at how Reaganomics, trickle-down economics has worked since 1980, we have the money in this country running uphill. It is running uphill to the wealthiest people in America, and people who are in the working class and the middle class are, for the most part, sliding backward. Yes, in many cases you have two people working, a husband and wife who are out working to earn as much as one wage earner was able to earn maybe 10, 15, or 20 years ago.

This chart is very instructive. This shows who got richer and who got poorer since 1980 as we tried this misguided experiment in trickle-down economics. These five boxes right here represent, each one, 20 percent of the American people. So 20, 40, 60, 80, 100; 100 percent of the American people are put into these five categories based on the amount of income they earned.

This is the group that earns the least amount of income, the lowest 20 percent of wage-earning families in the country. This is the next lowest 20 percent. The middle 20 percent, then somewhat higher income people, then the people at the top, the highest 20 percent in terms of what they earn.

This measures who gained and who lost under Reaganomics and under trickle-down economics. You see the lowest 20 percent actually lost ground in the last 12 years. On average they are down almost 6 percent in terms of their actual income.

The second 20 percent, which contains a lot of the middle class, sort of maybe what you call the lower middle class but families earning $25,000 a year, they also lost ground. They slipped backward 6.3 percent.

The middle 20 percent also lost ground. They lost 3 percent, as well.

You do not start to see any net gain until you get at the high end of the income scale, the fourth group up. They gain 2.4 percent. Not great, but they are doing better than these three groups.

But look at the top income group, the top 20 percent. They hit the jackpot. Trickle down really meant trickle up. That is the way it worked, only it was not a trickle, it was a lot of money. And if you take out the top 20 percent, you say, all right, so the top 20 percent, they got virtually all the money and everybody else slid backward, in fact, money went from these folks who really need it up to these folks who do not really need it.

You might say, "Wait, didn't the people at the high end create a lot of jobs in America?" You know the answer to that. Do you see any jobs in America? You see jobs going to Mexico, jobs to Japan, jobs to Singapore, jobs all over the world. You do not see enough jobs in America. So, no, they did not take the money and invest it in job growth in America.

If you take this top 20 percent and chip off just the top 1 percent, look how well they did. Their incomes went up 65 percent over that 12-year period of time. That is just the top 1 percent of income earners in the country.

So I ask any Member here, anybody who is following this debate: Where do you fit along this scale? If you fit in the top 1 percent of wage earners in the country, you hit the jackpot with trickle-down economics. That is what is going on here right now.

Some people do not want to change that. Who does not want to change it? The people who do not want to change it are the people in this top 1 percent because if they keep it going a few more years, they can take and rack up a whole lot of additional wealth and strip mine everybody else and strip mine the economic system and strip mine the job base of this country.

So that is what is going on. This is an economic debate about privilege and about failed policies and about whether or not those policies are going to continue or be changed.

Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RIEGLE. I gather now with the additional 5 minutes, I have how much time, 7 minutes; is that correct?

The PRESIDENT pro tempore. The Senator has 7 minutes.

Mr. RIEGLE. Mr. President, to finish up what I was saying, so the economic issue is a bread-and-butter issue. The question is, where is the money going to go? Trickle down takes it to the top of the income scale, as that chart shows, and a change in policy will change those patterns and we will start to see other people in this country start to participate again in the American dream and be able to have more, earn more, invest more in their families, education, housing, things that people need and want.

So that is a change in direction. That is why there is such a big fight. It is important to understand what drives the fight.

There is a second element, and that is politics. The Presidential race of 1996 has already started and, unfortunately, an awful lot of our colleagues—some in the Senate, some outside the Senate—in the other party are now making their way up to New Hampshire to go up and roll out their 1996 Presidential campaigns because there is a fight for succession in that party.

Obviously, Bush and Quayle went down the drain. Somebody is going to get nominated in 1996. We have at least two people in the Senate who are sort of self-identified as candidates, both of whom, by the way, were up campaigning in New Hampshire in the last 2 weeks; and others, people like Dick Cheney, Bill Bennett, and Jack Kemp, are also scheduled to be up there soon.

So that is what is going on. You look at a map of the United States and when you see a Senator, say, from Texas, who clearly has a Presidential ambition—here is Washington, and here is New Hampshire up here. You do not have to go up to New Hampshire to get to Texas. And the same thing is true here. If you are going from Washington to Kansas, you do not have to go to New Hampshire, not this time of the year.

You go for one reason, and that is because you are rolling out a Presidential campaign. Now, it is all right to have that go on. I have not seen it ever happen this early, however. In other words, in the first 100 days of a new President, you already have the next Presidential campaign starting up again, going on full bore in New Hampshire. They are running out of hotel rooms up in New Hampshire. My colleagues in the Senate are bumping into each other in the airport up in Nashua, NH. One Senator gets off the plane, another one gets on the plane. So understand, there is a lot of politics, as well as real economics in terms of who wins and who loses in this debate.

In the time remaining, I would like to appeal for a political cease-fire on both issues, and most particularly on the politics, on the issue of health care reform and making health care affordable for the people of this country. That ought not be a partisan issue, and it ought not be caught up in this just-started 1996 race for the Republican Presidential nomination. We ought to be able to put that aside, and we ought to be able to concentrate on health care reform.

I have worked for the last 3 years on a bipartisan basis in the Senate with Senator DURENBERGER, and earlier with Senator CHAFEE and Senator HATCH. We had a bipartisan group on health care reform. We spent 2 years on it. We came up with a group of principles. I went to the President at that time, President Bush, and asked him to take the lead and get in on it; we would do this on a bipartisan basis. He was not interested in doing it.

It ought to be done on a bipartisan basis, or a nonpartisan basis, not on the basis of mischaracterization and hardball politics related to the nomination for President in 1996.

I will say this. The Senator from Kansas was on his way to the nomination over 4 years ago up in New Hampshire, and he was hit with a mischaracterization and a slander in his own party on the tax issue. I think it had the effect of taking the nomination away from him at that time, and I thought it was unfair and I said so.

So he has seen and I have seen, we have all seen, what mischaracterizations can do to somebody or do to an idea or do to a program when it is used and used unfairly, and it was used unfairly on him in that situation. The Sununu forces and the Bush forces cooked it up and it was wrong. It ought to be said for the record. Let us not let that happen to health care reform in this country, and let us not make the race for 1996 turn into a situation where health care gets injured or knocked into a political situation when it ought to be in a political cease-fire zone.

This is an issue that affects everybody in the country—Republicans, Democrats, Independents, people who have no party interest or party affiliation. We need health care reform. Business wants it. Citizens want it. Providers want it. Labor wants it. I cannot find anybody who does not want it.

Oh, yes, there are a handful of people who are getting rich on the way the system is breaking down now, but they are a minor exception, although they are a real problem. Most people want health care reform. I would hope that on the Republican side and the Democratic side we could play straight with the facts. The First Lady was here today in that spirit. And let us put that issue, the health care reform issue, in a political cease-fire zone. Let us take that out of the Presidential race for 1996. After all, that is over 3½ years away, anyway.

So let us put that off to the side and do the American people at least that one favor and take the politics out of it and keep the characterizations honest. I heard one this morning that was not accurate, which said there had not been any consultation with the Republican Members of the Senate. I sat at a meeting myself 2 weeks ago in the Senate Finance Committee with my Republican colleagues for 2 hours with Hillary Clinton in a consultative session back and forth. My Republican colleagues were talking, being heard, interacting, questions were being asked and answered. Today was not the first meeting and the record ought to be clear on that issue.

But let us take that issue, let us take the health care issue and put it out of the political cross-fire in the name of the American people. Let us create a political cease-fire at least for that one issue and do something, for a change, to help America.

I say to my friends on the other side, if you want to continue to defend trickle-down economics, you can do it until none of you hold office because the people have rejected that and are going to continue to reject it. I think in the end Bill Clinton's plans to put America on a different track and invest in this country and build a job base in the private sector are sound ideas and the country is going to support that. That is why he was elected. So you can stand in the way of that. That is a losing proposition. The last election ought to demonstrate that.

But in the area of health care, let us take that out of the politics of today. Let us take it out of the politics of who is going to be the Republican nominee in 1996 and let us do something for the American people, and let us do it this year because people need it now. They have been waiting year after year after year after year.

Health care costs are up to 14 percent of our gross domestic product. They are going right through the roof. People cannot afford it. It is damaging people, damaging our country, damaging businesses. We can fix it. I say hats off to the President for steering directly into that issue. Some people have said you cannot do it now, or it is too tough. He said, "No, it is exactly what has to be done. It is why he ran."

I applaud the President and the First Lady, Hillary Rodham Clinton, for sailing right straight into this issue. I appreciate their leadership. It is what this country has needed for a long, long time and now they are getting to it.

I appeal to my friends on the other side of the aisle. I used to serve on that side of the aisle. I have served in both parties. I say to my friends on the other side of the aisle, help this country achieve health care reform to make it affordable and to make sure we are efficient in our health care system and everybody has a chance on the health side to begin to realize the American dream.

The PRESIDING OFFICER (Mr. DORGAN). The Senator's time has expired.

Mr. RIEGLE. We are all God's children and everybody ought to have a chance for decent health care in this country. We can do it this year if we will do it on a bipartisan basis and take politics out of it.

I yield the floor.

SOUND ADVICE ON RUSSIAN AID

Mr. DOLE. Mr. President, as Congress and the administration prepare for the implementation of the Russian aid packages announced in Vancouver and Tokyo this month, there is no shortage of advice—including some very good advice—on how best to deal with Russia and the other independent States of the former Soviet Union.

One of the soundest, most thoroughly reasoned pieces of advice on Russia that I have seen since we began discussing the issue is a speech given by former Ambassador Robert Strauss for the John Findley Green lecture at Westminster College in Fulton, MO.

Mr. President, there are few Americans better qualified to talk about the development of democracy and the economy in the former Soviet Union than Ambassador Strauss—a Democrat serving a Republican President as the last American Ambassador to the Soviet Union and the first American Ambassador to the Russian Federation. His experience as a diplomat, trade negotiator, businessman, and political organizer gives him an excellent perspective on the process of political and economic reform.

I would like to highlight just a few of the points in his speech that I think we should all keep in mind here as we discuss the Russian aid packages.

First of all, he says that we cannot bring democracy to Russia. We cannot transplant our system wholesale to Moscow. Democracy has to be established and nurtured by the Russians themselves. We can help—by deed and by example—but there is a limit to what we can do.

Another critical point he addresses is cost. The U.S. contribution to all the proposed assistance packages—loans, loan guarantees, technical assistance, and direct aid—will amount to perhaps $12 billion. We need to think of this in comparison with the trillions of dollars spent fighting the cold war. Or to look at it another way—$600 million in United States aid to Hungary or $650 million for a new B-1 bomber—$80 million for Latvia but $298 million for a new C-17 aircraft.

The fall of communism brought about events in Eastern Europe and the former Soviet Union, Mr. President, that were simply unthinkable a few years ago. We can now speculate on the outcome of free elections in Eastern Europe and the referendum in Russia—how Yeltsin is doing in the cities, the suburbs and the countryside—just like we speculate on the vote in Kansas or Maine.

The speech offers good advice for those who are disposed and opposed to Russian aid. For those who are enthusiastic, it suggests we temper our enthusiasm with the reality of how much we can do. For those who doubt, it is a good reminder of the remarkable changes that have already taken place.

Mr. President, I strongly recommend Ambassador Strauss' remarks to all my colleagues, and I ask unanimous consent that the entire text be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

[The John Findley Green Lecture, Westminster College, Fulton, MO, presented by Robert S. Strauss, April 20, 1993]

RUSSIA AND RENEWAL: THE NEED FOR PERSPECTIVE

In January President Clinton compared the ceremony of his inauguration to forcing the spring in a bleak midwinter—an observation that the celebration of democratic renewal, of which he was that day the center, brings to our human experience its own light, it own warmth.

'Forcing the spring' was to me a felicitous image. And now that a true spring has come and we can begin to feel the warmth of the sun as April has found its way to central Missouri and to Westminster College, I want to relate that phrase to my own experience and, in a much larger sense, to our experience as a nation. For having had the privilege of seeing much in a life that has stretched seven decades, and been blessed by the opportunity to make some contribution to our public life, I am convinced that the renewed commitment of a people to democracy, if not as powerful as the earth moving closer to the sun, is indeed its human equivalent—the highest and best objective of our political and civic life.

As I begin my remarks, I am reminded of the wise man who said "No metaphysician ever felt the deficiency of language so much as the grateful." I am sympathetic to that author's plight as I stand before you today. For it is difficult to find words to express what I feel. To receive an honorary degree from Westminster, to stand on this stage where world leaders and great thinkers have stood to address the college and nation, is both a humbling experience and, at the same time, one of the greatest honors of my life. I thank the Board of Trustees, President Traer, and the greater college community for your trust that I might be a worthy recipient of this attention.

I remember as if it were yesterday when Winston Churchill visited this beautiful college and gave a speech which, for the first time, put into words the reality of the postwar world. That I, at that time a young lawyer starting out in Texas, might some day play any modest role in the greater world in which giants like Churchill and Truman acted, was beyond rational expectation. That I had that opportunity, and that it would lead me here today, is of highly personal significance.

Since 1946, the John Findley Green lecture at Westminster College has, on important occasions, been a forum for an analysis of the relationship of the United States to the Soviet Union—and now Russia. Last year, former General Secretary Gorbachev spoke. Certainly, my role as the last U.S. Ambassador to the Soviet Union and the first U.S. Ambassador to the Russia Federation ensures that I will carry on that tradition, if not in stature and competence, at least in form.

When another Westminster College Doctor of Laws, George Bush, asked me to become Ambassador to the then Soviet Union in the summer of 1991, it was his view, and that of Secretary of State Baker, that the United States needed an envoy in Moscow who had a demonstrated relationship with the President, and who could work closely with General Secretary Gorbachev as he grappled with the perilous evolution of his nation from totalitarianism to greater political and economic freedom. That I was a Democrat serving a Republican President underscored a bipartisan approach to the problems arising in the U.S.-Soviet dialogue. The President said that the appointment would send the right message that this country was committed to the reform process in the Soviet Union and would participate in every appropriate way.

Needless to say, neither the President, his Secretary of State nor his new Ambassador-designate knew what the future would bring. By the time I arrived in Moscow, in August of 1991 in the middle of the attempted coup, I entered the city with personal security guards driving through rows of tanks and past barricades. All of our expectations had been knocked on their head. It was a symbolic and fitting introduction to the post. All of us working on the US-Soviet relationship were forced to reassess our expectations.

I have been in many strange and difficult situations, but nothing prepared me for what I found in Russia:

Imagine a world where much of your recent history is a void: A mixture of half-truths and lies, of brutality and ignorance. Imagine a society where nearly all your institutions have been totally discredited: Discredited by history, discredited by world opinion, discredited by simple failure.

Imagine a world where you see for the first time—through television, films, visual arts, and increasing numbers of visitors—glimpses of another world you never even knew existed, a new world awash in color, beauty and material goods, a world you realize with resignation and despair is utterly out of your reach in your lifetime and in the lifetime of your children.

Imagine a world where everyone you know, from factory managers, teachers, shopkeepers, lawyers, doctors, homemakers, parents, brothers, sisters—everyone—each day is reinventing their careers and their role in society; where every hierarchy has been undermined and every prize discounted.

Imagine all of this against the backdrop of a broken economy, with hunger, falling production, declining trade and the looming possibility of hyperinflation. Add systemic corruption at all levels, political deadlock, increasing poverty, scarce resources, dangerous transportation, epidemic illnesses and environmental disaster everywhere you look. Imagine all this and you will have only a slightly exaggerated description of the Russian nation today. This is a people that must accept the fact that their beliefs of a lifetime had no basis. This is a nation and a people that we in the west sometimes appear to believe should stand-up and take charge of its destiny overnight. Such an expectation makes no sense.

So as we in this nation struggle with the challenges brought on by our prosperity and rapid advancement, our new friends on the other side of the former iron curtain struggle with a different set of challenges. It is not only material deprivation and economic backwardness—factors which cannot be underestimated. It is also a struggle of the soul, a struggle of a people, particularly young people, trying to express themselves democratically when they do not have the experience to do so and do not have the history to understand what democracy really means. These are nations where, for generations, people were not allowed to force the spring. These are people who, for generations, lived in a cold, dark and bitter winter.

As a result, today we in the west are separated from the east by a great divide. Our political experiences simply do not mesh.

Bridging the great divide will not be easy; it will not be quick. But, it will be the primary challenge of the future. We must adjust our expectations; they must modulate theirs; and both will require our wisdom and patience for many years. I am confident that Boris Yeltsin and the people around him in Russia know the direction they would like to take. They just have no experience in getting there. And as recent events have shown, their path is obstructed by forces that still have power, but do not share genuine democratic values.

Our experiences of the last few years have already taught us, that there are no levers to pull, no mechanisms to trigger, no magic wands to wave that will turn Russia, or Kazakhstan or any of the other newly independent states into nations that will look, act, sound and feel like western nations.

It has been said many times in the last months, but it is no less true or important from repetition: We cannot bring democracy to Russia. We cannot transplant our system wholesale to Moscow. Democracy must be established, nurtured and developed by Russians for Russians. We in the west can play a vital role and we should do so. But we can affect the outcome only on the margins.

On the other hand, we must not underestimate what we in the west, as successful democracies, have contributed merely by example. Without the functioning Parliaments of Europe and Asia, without our own two-hundred-seventeen year example, Russia could not have even begun its renewal.

We are the inspiration, we are the proof. And as Russia cures itself from within from the totalitarian disease that for over seventy years perverted all the potential promise of modern industrial societies, it will return again and again to American models of democratic institutions. Indeed, even the talk of President Yeltsin's possible impeachment in recent weeks owed more to Russian perceptions of American Democratic process than to any Russian tradition that allowed for the peaceful removal from office of a chief executive. We have a role in Russia's democratic renewal simply by proving that democracy works.

But, as Russia finds its way, maintaining realistic expectations—both in the east and in the west—will be part of the economic, diplomatic and political challenge in the coming decades. Keeping realistic expectations will be the critical challenge for the people of Russia and the other newly independent states.

Yet, is it all despair and hopelessness?

No—it is not hopeless.

Russia is a great nation. Its history has demonstrated this. Its people know it. That the nation lost its way does not mean that it has ceased to exist or that it cannot be an important contributor to the world community.

The United States cannot allow Russia to drift. Russia's extraordinary size, its resources, the richness of its history and the talent and strength of its people, all ensure that it must remain one of the major powers of the earth. The disposition of the former Soviet Union's vast nuclear arsenal, from a security standpoint, requires our unwavering attention.

The potential chaos of the last weeks should be a spur to even greater engagement and even greater creativity in fashioning a new U.S.-Russian relationship.

Fortunately, I do not believe that there is a serious difference of opinion on this issue in the United States. Fortunately, I believe that now that Communism has succumbed to its own poisons, there is no serious opinion that Russia and the other states are our enemy, or that Russia should, in some way, be kept weak in the interest of American security.

This is, in itself, a very positive development. Abandoning long held enmities requires a tremendous effort, whether for an individual or a nation. It is especially so in the world we created during the Cold War, a world in which immense social, economic, industrial, political and ideological superstructures were developed in response to our genuine fears and suspicions of that era.

Russia and its people are not our enemies and we are not their's. To continue to think of Russia as a political rival is a tremendous waste of national energy. As former President Nixon, a man with whom I have had serious political differences in the past, but whose wisdom on this and other issues I respect, recently wrote:

> Russia did not lose the cold war. The Communists did. The U.S. and our allies deserve great credit for maintaining the military and economic power to resist and turn back the Soviet aggression. A democratic Russia deserves credit for delivering the knockout blow to Communism in its motherland. Russia should be treated as a proud struggling friend, not as a weak former enemy looking for a handout.

To think otherwise is a delusion. The United States is not faced with a choice of determining whether there will be a weak or strong Russia. There will again be a strong Russia. The United States is faced with the certainty that if it sits by and offers no help, there is no hope for success; and the dilemma that even significant help will only marginally affect the outcome. But whether Russia is a strong democratic nation with market institutions, or a strong, non-democratic, authoritarian nation, led by a demagogue who might rise to power to fill a political vacuum, is very much our concern.

Today, our attention is focussed on the drama of the Yeltsin Presidency—and with good reason. Until now, few in this country understood that the Russian Presidency is an exceptionally weak office. Moreover, it is under the thumb of a Parliament filled with holdovers from the Brezhnev era and this serves to compound the problem. Unfortunately, from the heady days following the coup, the subsequent wrenching economic and political upheavals have steadily eroded Boris Yeltsin's political power.

He has not been dealt a winning hand. How he plays it, and whether or not he regains the political initiative are the questions of the hour. If commitment to democracy, strength of character, personal courage and creativity contribute to one's ultimate political success, then Boris Yeltsin has a chance.

Even with the noblest intentions and greatest of commitments, it is difficult to know how the United States can best be of assistance. Frankly, because of the dreadful fiscal situation we Americans have gotten ourselves into over the last decade, the truth is that we do not have the financial flexibility we need as we develop the political will.

Yet, although I am disturbed by the relatively small investment the west, including the United States, has made in Russia and the former eastern bloc, helping Russia, like so much in life, is not as easy as it sounds.

I can tell you from my own experience, that spending money usefully in Russia at this time is a difficult matter. We cannot repeat a program like the Marshall Plan, a massive aid effort by the west, because we would not be delivering aid to societies and nations sophisticated in commerce and the use of capital. Indeed the ability of Russia to use and absorb capital is very doubtful. Moreover, there is always the risk that massive aid by the United States can be wasted, stolen or diverted for unforeseen purposes. And we can be assured that the Russian bureaucracy, even in the best of circumstances, will make it exceedingly difficult to effectively deliver the kind of assistance their economy so desperately needs.

However, even if we cannot agree on how our money should best be spent, we must not be so misguided as to believe that we can offer only minimal assistance. Perhaps we should adopt the calculus that we used from the late 1950's until the end of the Cold War. During that period we judged our own commitment, the commitment of our allies and the determination of our foes by comparing what percentage of each nation's resources was being devoted to defense. We justified these immense expenditures as necessary to preserve the peace. Why should our commitment to helping restructure the Communist world be considered on any other basis? What is more, it could be done for a lot less money.

Future generations will applaud our forty years of effort to destroy Communism. It was costly: trillions of dollars; but it was cheap compared to the alternative.

But they will be dumbfounded by our response to Communism's ultimate collapse. How can they think otherwise when they compare the figures? Trillions for defense, yet only a total of nineteen billion dollars in assistance since the fall of the Berlin Wall, spread among twenty-five countries, for rebuilding. Six hundred million dollars in aid from the United States of America to newly free Hungary, but six hundred sixty-five million dollars for a single B-2 bomber. Two hundred ninety-eight million dollars for a new C-17 aircraft, but eighty million dollars for all of Latvia. Five hundred and fifty million dollars for the Czech and Slovak Republics, eight hundred and five million dollars for one new destroyer.

The victory over Communism, when it came, was a silent one. When its foundations crumbled, the extraordinary corruption and rottenness of the whole made its final collapse preordained. At the time, it was truly difficult to comprehend the swift and peaceful death of European Communism. As a result, there was a failure to adequately articulate what the victory meant to future generations in terms of peace and prosperity as well as the challenges and sacrifices that we would need to make to capture the tremendous new opportunities brought about by the end of Communism.

Even though we had our own budgetary restraints and a reality in Russia that made the absorption and delivery of aid problematic—the entire western establishment, business, political, foreign policy—me included—proved politically hesitant and insufficiently moved intellectually by the vast changes unfordling in the realms of our old antagonists. At a critical time, the west failed to define a new political vision for the democratic nations. We failed to inspire the world to meet the new reality. It would be difficult to imagine President Truman or Prime Minister Churchill hesitant before such momentous change.

The greatest failure of the west was not in failing to manage the collapse of Communism, for we did that well. Our failure was not engaging our people in the important political and security challenge—and adventure—that the victory of democracy over Communism offered.

There are those, never enthusiastic about foreign aid, who would suggest that letting matters take their course is the proper way. But caving in to such suggestions sells the American people short. Thirty years of political involvement has convinced me that whenever the American public is told the facts, given the options and the cost of each alternative, they invariably do what is right.

President Clinton took a step in the right direction a few weeks ago in Vancouver. His timely offer of support for Boris Yeltsin at one of the most critical junctures of Yeltsin's presidency showed that the United States is prepared to listen and to respond responsibly in whatever way it can to the needs of Russians who are struggling towards democracy and to encourage other nations of the world to join with us. President Clinton's meeting with President Yeltsin was more than just a symbolic act, intended to convey concern for the development of democracy. It was a meeting of two equals, at the helm of two of the greatest nations in the world, attempting to grapple in good faith with the problems presented by a transition in Russia which affects not only Russians, but all of us. The meeting last week of G-7 Ministers in Tokyo produced additional substantive progress and sent a clear and positive signal to Russia and the other Republics. Finally, I believe, the great democracies have set in motion the processes by which material aid may begin, if only Russia begins to deal with its own political and bureaucratic chaos.

I want to leave you today with a sense of the immensity of the task ahead: to bridge the divide between the west and east. And I want you to go away with the understanding that reaching out to our former adversaries is not only the right thing to do, it is also in our own interest. Common sense can lead to no other conclusion.

Many years ago, Judge Learned Hand, ever wise, wrote:

"Justice is not a domestic institution. Even in our own interest we must have an eye to the interests of others; a nation which lives only to itself will in the end perish; false to the faith, it will shrivel and pass to that oblivion that is its proper receptacle."

We must reach out. Our resigned acceptance of the iron curtain nearly four decades ago demonstrated one effect of containment. Just as the Communists were closing their captive people in, we over time, became accustomed to having them fenced out. Unable to affect the political world on the other side of the border, in time we became accustomed to the wall which had been created. If you cannot get along with your neighbor, you might as well have a tall fence.

The fencing out took many forms. People could not move freely and two generations of westerners grew up with the experience that everything on the other side of the fence was a mysterious, impenetrable bloc. The national identity of the various nations under the control of Soviet Russia became lost. Understandably, we were unable to see or feel the soul of the Russian people. We saw only their leadership and the sordid values they stood for. The complexities of the Soviets' internal problem were concerns only to scholars and analysts. With every justification in the world, we tended our own garden.

Thankfully, that time is over. The fence is down. At last we can see the other side. Yes, we find the grass long, weedy and unkempt. But there are overlooked, yet promising, buds of personal initiative, modest economic progress and private enterprise that I saw when I was in Russia that over time will overtake the weeds.

How swiftly we demonstrate our quality as good neighbors will determine whether we live in peace, or under renewed tension, for many decades to come.

I began this evening by speaking about the spring as a metaphor for democratic renewal. In Russia today, the sun has not yet broken through. The Russians are on the eve of a national referendum. Its results at best can only marginally help; at worst, it will be a major set back. More of the same confusion is the likely outcome.

However, as someone who has spent a good deal of time in elective politics, I must share with you my pleasure yesterday in speaking to my former Deputy, Jim Collins, at the Embassy in Moscow. We were speculating on the referendum and how Yeltsin would do in Moscow, the suburbs and the countryside like we were talking about the possible turnout in St. Louis or Jefferson City in an off-year election. Whatever happens, there has been progress.

Because of the strength and indomitable spirit of the Russian people, the promise of spring exists. The source of the Russian rebirth must come, as in all successful political transformations, from the Russian people themselves and from all the people once under Soviet rule.

But, they are not alone. There is a vital role for the United States, its democratic partners, and, indeed, for all of us in this room tonight. Warmed by our own successive springs and recommitments to democracy, we must share that warmth with our newly re-found friends. Through our understanding of the hardships and dangers they face in every day life as they strive to achieve the society we take for granted, through our commitment to our own values, we can provide for them some hope that their hesitant spring will turn to a glorious summer.

When I arrived in Moscow, I drove in a convoy through lines of tanks. When I left, it was in a single car through street—despite the terrible political, economic and social turmoil—that were as tranquil as those of Fulton, Missouri. I, for one, believe that the Russian people are destined to make a contribution to world harmony and peace. I say to you tonight, our great nation and each and everyone of you—have a part to play in that destiny.

Goodnight and thank you for permitting me to occupy this platform at this splendid institution.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania [Mr. SPECTER].

THE COMPROMISE STIMULUS PACKAGE

Mr. SPECTER. Mr. President, I thank the Chair.

Mr. President, last night, shortly before the Senate adjourned, I introduced a package which increases funding for critical programs which President Clinton sought to supplement, but which does not add to the Federal deficit.

As a long-time supporter of funding for unemployment compensation, community development block grants, repair of the infrastructure, summer youth jobs, and child immunization programs, it was difficult for me to oppose President Clinton's package. But I did so because I believe very strongly that Congress should not agree to any new spending without finding a way to pay for it.

During consideration of President Clinton's emergency supplemental appropriations bill, I referred to Office of Management and Budget reports which show that there are billions of dollars which have been appropriated and are still unspent for the same programs the President sought to increase.

For example, President Clinton's package called for $1 billion for summer youth jobs. There is presently $670 million available for this fiscal year 1993. In addition, there is another $267 million available from funding left over from last year. In other words, there is nearly $1 billion already available for summer jobs.

This scenario held true for community development block grants, where there were approximately $8.8 billion available to be spent, reprogram as necessary, or perhaps supplement as necessary to help certain big cities which are distressed.

In meetings on the stimulus package with many people, we discussed how expanding programs such as community development block grants and summer youth employment could be of particular help to distressed cities. I support expanding these programs so long as we find a way to pay for them that does not add to the Federal deficit or raise taxes. That is why the package I am proposing today is paid for with across-the-board cuts in domestic discretionary programs and cuts in Federal agency administrative expenses.

My compromise proposal would increase the funding for highways and mass transit $2.2 billion; summer youth employment, $900 million; older Americans employment, $32 million; community development block grants, $1 billion directed at distressed cities; child immunization, $300 million; Small Business Administration Loan Program, $100 million; and chapter 1 adjustments on education, $200 million.

I believe it is important to note that the Community Development Block Grant Program increase would be directed to fiscally distressed areas which can demonstrate the need and ability to use those funds most effectively. In addition, the increase for the Small Business Administration is critical because loan funds ran out earlier this week on April 27.

I have introduced this package in the spirit of working the issue out so that we can all move ahead to solve the problems of the American people. Mr. President, I have said both publicly and privately that I am prepared to help President Clinton, but I am not willing to give him a blank check. The national debt is rising at an astronomical rate. Even with President Clinton's plan to cut Federal spending by $473 billion over the next 5 years, the debt will still rise by $1.157 trillion.

Mr. President, I ask unanimous consent that at the conclusion of my presentation a chart appear, which is President Clinton's report, "A Vision of Change for America," February 17, 1993, which shows those figures.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, we simply cannot continue to borrow—to mortgage the future of unborn generations of Americans—for current spending.

Another issue at stake here, and a very vital one, is the confidence of the American people in our system of Government. There is a consistent view by the American people that gridlock controls the Congress and relations between Congress and the President, and regrettably, there is much to that. In a recent poll more than 70 percent of the American people expressed disapproval of the job that the Congress is doing.

I do not cite this figure to blame any person or any political party. But I believe that in light of this, each one of us, Republicans and Democrats, Members of Congress and the President, House and Senate, must make a much greater effort to work together and get things done. We must show the American people that we in Washington are more interested in finding solutions to problems than we are in political wrangling.

The American people do not care whether the answers are provided by Republicans or Democrats, only that answers are provided. Congress and the American people simply cannot afford a recurrence of the parliamentary steamroller tactics and partisan political bickering which occurred during the consideration of President Clinton's package.

In a joint letter to the distinguished Republican leader, Senator DOLE, signed by all of the 42 Republican Senators, including this Senator, we expressed our concern that the emergency supplemental appropriations bill would worsen the Federal deficit. I think it is important to point out that the Senate is the last place in Washington, DC, where the Republican Party has an effective voice in public policy. Each of the 100 Senators was elected by voters in his or her own State. And I believe each of us was elected to use our own judgment and not to give a rubber stamp to the actions of the President or anyone else for that matter.

Mr. President, I believe that there are lessons to be learned from the events that occurred on both sides of the aisle, both Republicans and Democrats, and at both ends of Pennsylvania Avenue—the Congress, the Senate and the House, and the White House, the President.

I am encouraged that President Clinton has said he will seek input from Republicans on his health care proposal, and I hope he plans to consider our ideas.

Early in the morning on Wednesday, April 21, I telephoned President Clinton and received a call back from him before the 10:45 a.m. time set for the cloture motion. I suggested to President Clinton that if the cloture motion failed—I suggested that it would—he call in Senator MITCHELL and Senator DOLE in an effort to work out a compromise.

Later that afternoon, Senator DOLE met with a group of Republican Senators and took to Senator MITCHELL a proposal of $6.55 billion, which included the $4 billion to extend unemployment insurance. At that point, the President's figure had reduced to $11.9 billion, which includes the $4 billion for unemployment insurance.

Senator DOLE's offer of $6.55 billion was rejected and then ultimately the $4 billion in unemployment compensation was passed separately. By adding $4.7 billion in this package to the $4 billion in unemployment compensation, that makes a total of $8.7 billion which would be within negotiating range of the $11.9 billion figure.

Conversations have been undertaken by officials in the White House with Members of Congress to include at least some of the items in the President's stimulus package in a separate supplemental appropriations bill. It is my preference that we move ahead at this time with separate legislation because a new appropriations bill must originate in the House, and will doubtless involve many other issues. The precise form such legislative action will take is obviously yet to be determined.

This morning, Mr. President, in addition to the statement which I filed last night which I am presenting today on the Senate floor, I note a press report that items from the President's package may be taken upon a bill for aid to Russia. While that is not my preference, that may be a vehicle which would enable us to move ahead on these important items. Time is of the essence on summer youth employment, on the community development block grants for big cities all across the country, some of which are in Pennsylvania.

It is still my hope that the Congress and the President can produce a bill which will meet the needs of the American people, and provide a compromise. I was disappointed that the efforts of compromise did not succeed. But as we look to the future, after a period of some rest, and after a period for cooler heads to prevail, I think that we can do our job. And I urge my colleagues to consider the proposal which I introduced late last night and have repeated on the Senate floor here today. I thank the Chair.

EXHIBIT 1

PRESIDENT CLINTON'S REPORT, A VISION OF CHANGE FOR AMERICA, FEBRUARY 17, 1993

TABLE 3–1.—HIGHLIGHTS OF THE PLAN

[In billions of dollars]

	1993	1994	1995	1996	1997	1998	1994–97 Total	1994–98 Total
Baseline Deficit	319	301	296	297	346	390	1,241	1,630
Spending Changes:								
Defense Discretionary		−7	−12	−20	−37	−36	−76	−112
Nondefense discretionary	1	−4	−10	−15	−20	−23	−50	−73
Entitlements	−(1)	−6	−12	−24	−34	−39	−76	−119
Social Security	—	−3	−6	−6	−7	−8	−21	−29
Subtotal	(1)	−20	−40	−65	−98	−106	−223	−329
Debt Service	(1)	−(1)	−3	−7	−14	−22	−24	−46
Total spending cuts (−)	1	−20	−43	−73	−112	−128	−247	−375
Revenue Increases (−)	−3	−46	−51	−66	−83	−82	−246	−328
Gross deficit reduction	−2	−66	−93	−139	−195	−210	−493	−704
Stimulus and investment:								
Stimulus outlays	8	6	2	1	(1)	(1)	9	9
Investment outlays		9	20	32	39	45	100	144
Tax incentives	6	13	17	15	15	17	60	77
Total Stimulus and investment	15	27	39	47	55	62	169	231
Total Deficit Reduction	13	−39	−54	−92	−140	−148	−325	−473
Resulting Deficit	332	262	242	205	206	241	916	1,157
Deficit as a percent of GDP (percent)	5.4	4.0	3.5	2.9	2.7	3.1	3.3	3.2

(1) $500 million or less.

COMMENDING SENATOR SPECTER

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from Pennsylvania for the spirit with which he has articulated his views on the need for compromise on a good jobs bill. As he said, time is of the essence. I am certainly hopeful that, in that spirit, we can find compromise and we can move to conclusion on a very important piece of legislation at some point in the not-too-distant future.

REPORTS ON PRESIDENT CLINTON'S FIRST 100 DAYS

Mr. DASCHLE. Mr. President, I am interested in the number of reports that have been provided in the last several days with regard to an assessment of President Clinton's first 100 days. I am amused somewhat at the way with which pollsters, in particular, are consumed by popularity numbers, by ways in which to determine whether or not, at this point, 100 days after the inauguration, the President is popular or not popular, and what that may mean for his administration in the longer term.

It seems to me that popularity and all that polling data is really an odd determinate of success. It is not hard to be popular. There are really only two shortcut rules: Do not do anything and tell people what they want to hear. But the American people really do not need a President who seeks to be popular. The American people voted for change last November, and that is what they are getting—change.

Bill Clinton is about change, big change, rapid change, change all over the place. This is an administration who thinks America needs to be shaken up. I am convinced that this President, if he could, would work 24 hours a day and take on every problem and try to solve them all. He is that kind of an individual.

A changemaker is a chancetaker. Bill Clinton is going to win some, and he is going to lose some, and he knows that. I admire that. Better to try to accept a loss or two than to not even try at all. After a generation of gridlock, that is the kind of leadership we need. We needed it during the first 100 days, and we will need it during the next 1,000.

Leadership is not found in popularity polls. Presidents from Abraham Lincoln to Harry Truman could tell you that. Harry Truman's numbers, I am sure, were the lowest of any President this century. But as we look back, with Democrats and Republicans, and assess who was our best President, he ranks right up there with those at the top.

Leadership is, as the old saying goes, "thinking about the next generation, not the next election." That has been exactly what we have needed in this country—that visionary approach to change, the realization that without change, leadership, and without a commitment to do the things that we have to do, then really all hope is lost.

Leadership, thus far, is passage of the deficit reduction package, the largest we have seen in history, $500 billion over a 4-year period of time, with $250 billion in spending cuts. Leadership is putting our economy back on track, with interest rates at the lowest they have been now in 20 years, with a bold plan to create 8 million new jobs; a plan to shift priorities from shortsighted spending to long-term investment.

Leadership is best directed the way the President himself describes it: by putting people first, and enacting, at long last, family and medical leave, allowing families for the first time when they have a sick child, a sick husband, or a sick wife, to tend first to that family member and to give them the priority and attention they need, without fear of losing their job. That is leadership. That is the kind of vision, spirit, and hope that our people have wanted and have yearned for for so long: proposing a plan to immunize every child; to fully fund Head Start and WIC; to enact sweeping reform of the welfare system, something Democrats and Republicans have talked about for a long period of time; to crack down on deadbeat parents with plans to strengthen the child support enforcement system in our country; leadership, too, on one of the biggest problems facing our country today—health care.

The President has launched an effort to reform the health care system in a fundamental way, by controlling costs, by providing universal access with priority on prevention, and a new health system architecture, recognizing full well that the current architecture just does not work. The current architecture is not capable of solving the cost containment and access and paperwork and bureaucracy problems that we find so laden today. It is leadership of the strongest kind.

There is leadership on political reform, by closing the revolving door in Government with the imposition of tough, new ethics standards for people in this administration, by abolishing perks, by proposing a major reformation of the campaign finance laws in this country.

I must say, the Vice President, too, has shown his commitment to change and his capacity for leadership as head of a commission to reinvent Government, by ordering a performance review of every Federal agency and every Federal program, by giving the country new direction and hope on environmental policy.

It was this administration which showed the courage and commitment to bring together all sides, to end the impasse over forest management about a month ago. This is leadership for change, leadership which calls upon young people to enlist in national service, while creating more opportunities for college and job training.

So as we reach this 100-day mark, Mr. President, there may be a good deal about which we disagree, but there is one item upon which there should be unanimity: We got what the country voted for. We are getting change—change which should be judged not by the popularity polls in the first 100 days, but by the impact of this leadership for change on our future and on our children's future.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota yields the floor.

Who seeks time?

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

SENATOR MOYNIHAN'S TIMELY SOCIAL INSIGHT

Mr. BYRD. Madam President, throughout the history of the United States Senate, this storied body has counted among its Members some of the most distinguished personalities and intellects from every generation since the founding of the Republic.

That quality is, I believe, no less true currently, and among our most distinguished current Members would have to be included the senior Senator from the State of New York, our friend, DANIEL PATRICK MOYNIHAN.

The worthy possessor of numerous earned academic degrees, Dr. MOYNIHAN had taught variously at Cornell, Syracuse, and Harvard Universities; lectured with authority throughout the college and university worlds; and contributed extensively to scholarly publications and to the learned bibliographies of several disciplines.

Certainly, when the Founding Fathers created the United States Senate, a man of the intellectual depth and grasp that characterize Senator MOYNIHAN was among the caliber of membership that they intended to claim a seat in this body.

Since his election to the Senate in 1976, more than once I have marvelled at, and benefited from, Senator MOYNIHAN's keen insights and broad comprehension concerning numerous issues, and I concur with an assessment in the 1984 edition of the Almanac of American Politics that, "[DANIEL PATRICK] MOYNIHAN's prescience, his ability to spot rising issues is almost eerie * * *."

Madam President, an article written by Senator MOYNIHAN and published in the winter 1993 issue of the American Scholar, entitled "Defining Deviancy Down," again confirms my judgment of Senator MOYNIHAN's intellect, as well as the distinction attributed to his perceptions by "The Almanac of American Politics."

In this insightful essay, Senator MOYNIHAN warns of the ongoing dulling of our sensitivities to the violence, brutality, crime, and murder that seem to be ever-increasingly besetting our society. Writing of the "trivialization of the lunatic crime rate," Senator MOYNIHAN asserts that we are "getting used to a lot of behavior that is not good for us," and sounds alarms warning of the "decline of the American civic order."

Against the background the events such as the recent wave of drive-by murders in the Mount Pleasant-Columbia Heights neighborhood here in the Nation's Capital and the implications of some of the disturbing defenses of David Koresh and his Waco fortress, Senator MOYNIHAN's insights are particularly timely and on the mark.

Madam President, in order that more of our colleagues might benefit from Senator MOYNIHAN's astute and acute perceptions, I ask unanimous consent that his article from the American Scholar be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the American Scholar, Vol. 62, No. 1, Winter 1993]

DEFINING DEVIANCY DOWN

(By Daniel Patrick Moynihan)

In one of the founding texts of sociology, *The Rules of Sociological Method* (1895), Emile Durkheim set it down that "crime is normal." "It is," he wrote, "completely impossible for any society entirely free of it to exist." By defining what is deviant, we are enabled to know what is not, and hence to live by shared standards. This apercu appears in the chapter entitled "Rules for the Distinction of the Normal from the Pathological." Durkheim writes:

"From this viewpoint the fundamental facts of criminology appear to us in an entirely new light. . . . [T]he criminal no longer appears as an utterly unsociable creature, a sort of parasitic element, a foreign, inassimilable body introduced into the bosom of society. He plays a normal role in social life. For its part, crime must no longer be conceived of as an evil which cannot be circumscribed closely enough. Far from there being cause for congratulation when it drops too noticeably below the normal level, this apparent progress assuredly coincides with and is linked to some social disturbance."

Durkheim suggests, for example, that "in times of scarcity" crimes of assault drop off. He does not imply that we ought to approve of crime—"[p]ain has likewise nothing desirable about it"—but we need to understand its function. He saw religion, in the sociologist Randall Collins's terms, as "fundamentally a set of ceremonial actions, assembling the group, heightening its emotions, and focusing its members on symbols of their common belongingness." In this context "a punishment ceremony creates social solidarity."

The matter was pretty much left at that until seventy years later when, in 1965, Kai T. Erikson published *Wayward Puritans*, a study of "crime rates" in the Massachusetts Bay Colony. The plan behind the book, as Erikson put it, was "to test [Durkheim's] notion that the number of deviant offenders a community can afford to recognize is likely to remain stable over time." The notion proved out very well indeed. Despite occasional crime waves, as when itinerant Quakers refused to take off their hats in the presence of magistrates, the amount of deviance in this corner of seventeenth-century New England fitted nicely with the supply of stocks and whipping posts. Erikson remarks:

"It is one of the arguments of the . . . study that the amount of deviation a community encounters is apt to remain fairly constant over time. To start at the beginning, it is a simple logistic fact that the number of deviancies which come to a community's attention are limited by the kinds of equipment it uses to detect and handle them, and to that extent the rate of deviation found in a community is at least in part a function of the size and complexity of its social control apparatus. A community's capacity for handling deviance, let us say, can be roughly estimated by counting its prison cells and hospital beds, its policemen and psychiatrists, it courts and clinics. Most communities, it would seem, operate with the expectation that a relatively constant number of control agents is necessary to cope with a relatively constant number of offenders. The amount of men, money, and material assigned by society to 'do something' about deviant behavior does not vary appreciably over time, and the implicit logic which governs the community's efforts to man a police force or maintain suitable facilities for the mentally ills seems to be that there is a fairly stable quota of trouble which should be anticipated.

"In this sense, the agencies of control often seems to define their job as the that of keeping deviance within bounds rather than that of obliterating it altogether. Many judges, for example, assume that severe punishments are a greater deterrent to crime than moderate ones, and so it is important to note that many of them are apt to impose harder penalties when crime, seems to be on the increase and more lenient ones when it does not, almost as if the power of the bench were being used to keep the crime rate from getting out of hand."

Erikson was taking issue with what he described as "a dominant strain in sociological thinking" that took for granted that a well-structured society "is somehow designed to prevent deviant behavior from occurring." In both authors, Durkheim and Erikson, there is an undertone that suggests that, with deviancy, as with social goods, there is the continuing problem of demand exceeding supply. Durkheim invites us to "imagine a society of saints, a perfect cloister of exemplary individuals, Crimes, properly so called, will there be unknown; but faults which appear venial to the layman will create there the same scandal that the ordinary offense does in ordinary consciousness. If, then, this society has the power to judge and punish, it will define these acts as criminal and will treat them as such."

Recall Durkheim's comment that there need be no cause for congratulations should the amount of crime drop "too noticeably below the normal level." It would not appear that Durkheim anywhere contemplates the possibility of too much crime. Clearly his theory would have required him to deplore such a development, but the possibility seems never to have occurred to him.

Erikson, writing much later in the twentieth century, contemplates both possibilities. " Deviant persons can be said to supply needed services to society." There is no doubt a tendency for the supply of any needed thing to run short. But he is consistent. There can, be believes, be *to much* of a good thing. Hence "the number of deviant offenders a community *can afford* to recognize is likely to remain stable over time." [My emphasis]

Social scientists are said to be on the lookout for poor fellows getting a bum rap. But here is a theory that clearly implies that there are circumstances in which society will choose *not* to notice behavior that would be otherwise controlled, or disapproved, or even punished.

It appears to me that this is in fact what we in the United States have been doing of late. I proffer the thesis that, over the past generation, since the time Erikson wrote, the amount of deviant behavior in American society has increased beyond the levels the community can "afford to recognize" and that, accordingly, we have been re-defining deviancy so as to exempt much conduct previously stigmatized, and also quietly raising the "normal" level in categories where behavior is now abnormal by any earlier standard. This redefining has evoked fierce resistance from defenders of "old" standards, and accounts for much of the present "cultural war" such as proclaimed by many at the 1992 Republican National Convention.

Let me, then, offer three categories of redefinition in these regards: the *altruistic*, the *opportunistic*, and the *normalizing*.

The first category, the *altruistic*, may be illustrated by the deinstitutionalization movement within the mental health profession that appeared in the 1950s. The second category, the opportunistic, is seen in the interest group rewards derived from the acceptance of "alternative" family structures. The third category, the normalizing, is to be observed in the growing acceptance of unprecedented levels of violent crime.

II

It happens that I was present at the beginning of the deinstitutionalization movement. Early in 1955 Averell Harriman, then the new governor of New York, met with his new commissioner of mental hygiene, Dr. Paul Hoch, who described the development, at one of the state mental hospitals, of a tranquilizer derived from rauwolfia. The medication had been clinically tested and appeared to be an effective treatment for many severely psychotic patients, thus increasing the percentage of patients discharged. Dr. Hoch recommended that it be used systemwide; Harriman found the money. That same year Congress created a Joint Commission on Mental Health and Illness whose mission was to formulate "comprehensive and realistic recommendations" in this area, which was then a matter of considerable public concern. Year after year, the population of mental institutions grew. Year after year, new facilities had to be built. Never mind the complexities: population growth and such like matters. There was a general unease. Durkheim's constant continued to be exceeded. (In *Spanning the Century: The Life of W. Averell Harriman*, Rudy Abramson writes: "New York's mental hospitals in 1955 were overflowing warehouses, and new patients were being admitted faster than space could be found for them. When he was inaugurated, 94,000 New Yorkers were confined to state hospitals. Admissions were running at more than 2,500 a year and rising, making the Department of Mental Hygiene the fastest-growing, most-expensive, most-hopeless department of state government.")

The discovery of tranquilizers was adventitious. Physicians were seeking cures for disorders that were just beginning to be understood. Even a limited success made it possible to believe that the incidence of this particular range of disorders, which had seemingly required persons to be confined against their will or even awareness, could be greatly reduced. The Congressional Commission submitted its report in 1961; it proposed a nationwide program of deinstitutionalization.

Late in 1961, President Kennedy appointed an interagency committee to prepare legislative recommendations based upon the report. I represented Secretary of Labor Arthur J. Goldberg on this committee and drafted its final submission. This included the recommendation of the National Institute of Mental Health that 2,000 community mental health centers (one per 100,000 of population) be built by 1980. A buoyant Presidential Message to Congress followed early in 1963. "If we apply our medical knowledge and social insights fully," President Kennedy pronounced, "all but a small portion of the mentally ill can eventually achieve a wholesome and a constructive social adjustment." A "concerted national attack on mental disorders [was] now possible and practical." The President signed the Community Mental Health Centers Construction Act on October 31, 1963, his last public bill-signing ceremony. He gave me a pen.

The mental hospitals emptied out. At the time Governor Harriman met with Dr. Hoch in 1955, there were 93,314 adult residents of mental institutions maintained by New York State. As of August 1992, there were 11,363. This occurred across the nation. However, the number of community mental health centers never came near the goal of the 2,000 proposed community centers. Only some 482 received federal construction funds between 1963 and 1980. The next year, 1981, the program was folded into the Alcohol and Other Drug Abuse block grant and disappeared from view. Even when centers were built, the results were hardly as hoped for. David F. Musto of Yale writes that the planners had bet on improving national mental health "by improving the quality of general community life through expert knowledge, not merely by more effective treatment of the already ill." There was no such knowledge.

However, worse luck, the belief that there was such knowledge took hold within sectors of the profession that saw institutionalization as an unacceptable mode of social control. These activists subscribed to a re-defining mode of their own. Mental patients were said to have been "labeled," and were not to be drugged. Musto says of the battles that followed that they were "so intense and dramatic precisely because both sides shared the fantasy of an omnipotent and omniscient mental health technology which could thoroughly reform society; the prize seemed eminently worth fighting for."

But even as the federal government turned to other matters, the mental institutions continued to release inmates. Professor Fred Siegel of Cooper Union observes: "In the great wave of moral deregulation that began in the mid-1960s, the poor and the insane were freed from the fetters of middle-class mores." They might henceforth sleep in doorways as often as they chose. The problem of the homeless appeared, characteristically defined as persons who lacked "affordable housing."

The *altruistic* mode of redefinition is just that. There is no reason to believe that there was any real increase in mental illness at the time deinstitutionalization began. Yet there was such a perception, and this enabled good people to try to do good, however unavailing in the end.

III

Our second, or *opportunistic* mode of re-definition, reveals at most a nominal intent to do good. The true object is to do well, a long-established motivation among mortals. In this pattern, a growth in deviancy makes possible a transfer of resources, including prestige, to those who control the deviant population. This control would be jeopardized if any serious effort were made to reduce the deviancy in question. This leads to assorted strategies for re-defining the behavior in question as not all that deviant, really.

In the years from 1963 to 1965, the Policy Planning Staff of the U.S. Department of Labor picked up the first tremors of what Samuel H. Preston, in the 1984 Presidential Address to the Population Association of America, would call "the earthquake that shuddered through the American family in the past twenty years." The New York Times recently provided a succinct accounting of Preston's point:

> "Thirty years ago, 1 in every 40 white children was born to an unmarried mother; today it is 1 in 5, according to Federal data. Among blacks, 2 of 3 children are born to an unmarried mother; 30 years ago the figure was 1 in 5."

In 1991, Paul Offner and I published longitudinal data showing that, of children born in the years 1967–69, some 22.1 percent were dependent on welfare—that is to say, Aid to Families with Dependent Children—before reaching age 18. This broke down as 15.7 percent for white children, 72.3 percent for black children. Projections for children born in 1980 gave rates of 22.2 percent and 82.9 percent respectively. A year later, a New York Times series on welfare and poverty called this a "startling finding . . . a symptom of vast social calamity."

And yet there is little evidence that these facts are regarded as a calamity in municipal government. To the contrary, there is general acceptance of the situation as normal. Political candidates raise the subject, often to the point of dwelling on it. But while there is a good deal of demand for symbolic change, there is none of the marshaling of resources that is associated with significant social action. Nor is there any lack of evidence that there is a serious social problem here.

Richard T. Gill writes of "an accumulation of data showing that intact biological parent families offer children very large advantages compared to any other family or non-family structure one can imagine." Correspondingly, the disadvantages associated with single-parent families spill over into other areas of social policy that now attract great public concern. Leroy L. Schwartz, M.D., and Mark W. Stanton argue that the real quest regarding a government-run health system such as that of Canada or Germany is whether it would work "in a country that has social problems that countries like Canada and Germany don't share to the same extent." Health problems reflect ways of living. The way of life associated with "such social pathologies as the breakdown of the family structure" lead to medical pathologies. Schwartz and Stanton conclude: "The United States is paying dearly for its social and behavioral problems," for they have now become medical problems as well.

To cite another example, there is at present no more vexing problem of social policy in the United States than that posed by education. A generation of ever-more ambitious statutes and reforms have produced weak responses at best and a fair amount of what could more simply be called dishonesty. ("Everyone knows that Head Start works." By the year 2000, American students will "be first in the world in science and mathematics.") None of this should surprise us. The 1966 report Equality of Educational Opportunity by James S. Coleman and his associates established that the family background of students played a much stronger role in student achievement relative to variations in the ten (and still standard) measures of school quality.

In a 1992 study entitled *America's Smallest School: The Family*, Paul Barton came up with the elegant and persuasive concept of the parent-pupil ratio as a measure of school quality. Barton, who was on the policy planning staff in the Department of Labor in 1965, noted the great increase in the proportion of children living in single-parent families since then. He further noted that the proportion "varies widely among the states" and is related to "variation in achievement" among them. The correlation between the percentage of eighth graders living in two parent families and average mathematics proficiency is a solid .74. North Dakota, highest on the math test, is second highest on the family compositions scale—that is, it is second in the percentage of kids coming from two-parent homes. The District of Columbia, lowest on the family scale, is second lowest in the test score.

A few months before Barton's study appeared, I published an article showing that the correlation between eighth-grade math scores and distance of state capitals from the Canadian border was .522, a respectable showing. By contrast, the correlation with per pupil expenditure was a derisory .203. I offered the policy proposal that states wishing to improve their schools should move closer to Canada. This would be difficult, of course, but so would it be to change the parent-pupil ratio. Indeed, the 1990 Census found that for the District of Columbia, apart from Ward 3 west of Rock Creek Park, the percentage of children living in single-parent families in the seven remaining wards ranged from a low of 63.6 percent to a high of 75.7. This being a one-time measurement, over time the proportions become asymptotic. And this in the nation's capital. No demand for change comes from that community—or as near to no demand as makes no matter. For there is good money to be made out of bad schools. This is a statement that will no doubt please many a hard heart, and displease many genuinely concerned to bring about change. To the latter, a group in which I would like to include myself, I would only say that we are obliged to ask why things do not change.

For a period there was some speculation that, if family structure got bad enough, this mode of deviancy would have less punishing effects on children. In 1991 Deborah A. Dawson, of the National Institutes of Health, examined the thesis that "the psychological effects of divorce and single parenthood on children were strongly influenced by a sense of shame in being 'different' from the norm." If this were so, the effect should have fallen off in the 1980s, when being from a single-parent home became much more common. It did not. "The problems associated with task overload among single parents are more constant in nature," Dawson wrote, adding that since the adverse effects had not diminished, they were "not based on stigmatization but rather on inherent problems in alternative family structures"—alternative here meaning other than two-parent families. We should take note of such candor. Writing in the Journal of Marriage and the Family in 1989, Sara McLanahan and Karen Booth noted: "Whereas a decade ago the prevailing view was that single motherhood had no harmful effects on children, recent research is less optimistic."

The year 1990 saw more than this lesson. In a paper prepared for the Progressive Policy Institute, Elaine Ciulla Kamarck and William A. Galston wrote that "if the economic effects of family breakdown are clear, the psychological effects are just now coming into focus." They cite Karl Zinsmeister:

> "There is a mountain of scientific evidence showing that when families disintegrate children often end up with intellectual, physical, and emotional scars that persist for life. . . . We talk about the drug crisis, the education crisis, and the problems of teen

pregnancy and juvenile crime. But all these ills trace back predominantly to one source: broken families."

As for juvenile crime, they cite Douglas Smith and G. Roger Jarjoura: "Neighborhoods with larger percentages of youth (those aged 12 to 20) and areas with higher percentages of single-parent households also have higher rates of violent crime." They add: "The relationship is so strong that controlling for family configuration erases the relationship between race and crime and between low income and crime. This conclusion shows up time and time again in the literature; poverty is far from the sole determinant of crime." But the large point is avoided. In a 1992 essay "The Expert's Story of Marriage," Barbara Dafoe Whitehead examined "the story of marriage as it is conveyed in today's high school and college textbooks." Nothing amiss in this tale.

It goes like this:

"The life course is full of exciting options. The lifestyle options available to individuals seeking a fulfilling personal relationship include living a heterosexual, homosexual, or bisexual single lifestyle; living in a commune; having group marriage; being a single parent, or living together. Marriage is yet another lifestyle choice. However, before choosing marriage, individuals should weigh its costs and benefits against other lifestyle options and should consider what they want to get out of their intimate relationships. Even within marriage, different people want different things. For example, some people marry for companionship, some marry in order to have children, some marry for emotional and financial security. Though marriage can offer a rewarding path to personal growth, it is important to remember that it cannot provide a secure or permanent status. Many people will make the decision between marriage and singlehood many times throughout their life.

"Divorce represents part of the normal family life cycle. It should not be viewed as either deviant or tragic, as it has been in the past. Rather, it establishes a process for uncoupling and thereby serves as the foundation for individual renewal and new beginnings."

History commences to be rewritten. In 1992, the Select Committee on Children, Youth, and Families of the U.S. House of Representatives held a hearing on "Investing in Families: A Historical Perspective." A fact sheet prepared by committee staff began:

"INVESTING IN FAMILIES: A HISTORICAL PERSPECTIVE"

"FACT SHEET

"*Historical shifts in family composition challenging conventional wisdom*

"While in modern times the percentage of children living with one parent has increased, more children lived with just one parent in Colonial America."

The fact sheet proceeded to list program on program for which federal funds were allegedly reduced in the 1980s. We then come to a summary.

"Between 1970 and 1991, the value of AFDC [Aid to Families with Dependent Children] benefits decreased by 41%. In spite of proven success of Head Start, only 28% of eligible children are being served. As of 1990, more than $18 billion in child support went uncollected. At the same time, the poverty rate among single-parent families with children under 18 was 44%. Between 1980 and 1990, the rate of growth in the total Federal budget was four times greater than the rate of growth in children's programs."

In other words, benefits paid to mothers and children have gone down steadily, as indeed they have done. But no proposal is made to restore benefits to an earlier level, or even to maintain their value, as is the case with other "indexed" Social Security programs. Instead we go directly to the subject of education spending.

Nothing new. In 1969, President Nixon proposed a guaranteed income, the Family Assistance Plan. This was described as an "income strategy" as against a "services strategy." It may or may not have been a good idea, but it was a clear one, and the resistance of service providers to it was equally clear. In the end it was defeated, to the huzzahs of the advocates of "welfare rights." What is going on here is simply that a large increase in what once was seen as deviancy has provided opportunity to a wide spectrum of interest groups that benefit from re-defining the problem as essentially normal and doing little to reduce it.

IV

Our *normalizing* category most directly corresponds to Erikson's proposition that "the number of defiant offenders a community can afford to recognize is likely to remain stable over time." Here we are dealing with the popular psychological notion of "denial." In 1965, having reached the conclusion that there would be a dramatic increase in single-parent families, I reached the further conclusion that this would in turn lead to a dramatic increase in crime. In an article in *America*, I wrote:

"From the wild Irish slums of the 19th century Eastern seaboard to the riot-torn suburbs of Los Angeles, there is one unmistakable lesson in American history: a community that allows a large number of young men to grow up in broken families, dominated by women, never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future—that community asks for and gets chaos. Crime, violence, unrest, unrestrained lashing out at the whole social structure—that is not only to be expected; it is very near to inevitable."

The inevitable, as we now know, has come to pass, but here again our response is curiously passive. Crime is a more or less continuous subject of political pronouncement, and from time to time it will be at or near the top of opinion polls as a matter of public concern. But it never gets much further than that. In the words spoken from the bench, Judge Edwin Torres of the New York State Supreme Court, Twelfth Judicial District, described how "the slaughter of the innocent marches unabated: subway riders, bodega owners, cab drivers, babies; in laundromats, at cash machines, on elevators, in hallways." In personal communication, he writes: "This numbness, this near narcoleptic state can diminish the human condition to the level of combat infantrymen, who, in protracted campaigns, can eat their battlefield rations seated on the bodies of the fallen, friend and foe alike. A society that loses its sense of outrage is doomed to extinction." There is no expectation that this will change, nor any efficacious public insistence that it do so. The crime level has been *normalized*.

Consider the St. Valentine's Day Massacre. In 1929 in Chicago during Prohibition, four gangsters killed seven gangsters on February 14. The nation was shocked. The event became legend. It merits not one but two entries in the World Book Encyclopedia. I leave it to others to judge, but it would appear that the society in the 1920s was simply not willing to put up with this degree of deviancy. In the end, the Constitution was amended, and Prohibition, which lay behind so much gangster violence, ended.

In recent years, again in the context of illegal traffic in controlled substances, this form of murder has returned. But it has done so at a level that induces denial. James Q. Wilson comments that Los Angeles has the equivalent of a St. Valentine's Day Massacre every weekend. Even the most ghastly re-enactments of such human slaughter produce only moderate responses. On the morning after the close of the Democratic National Convention in New York City in July, there was such an account in the second section of the New York Times. It was not a big story; bottom of the page, but with a headline that got your attention. "3 Slain in Bronx Apartment, but a Baby is Saved." A subhead continued: "A mothers last act was to hide her little girl under the bed." The article described a drug execution; the now-routine blindfolds made from duct tape; a man and a woman and a teenager involved. "Each had been shot once in the head." The police had found them a day later. They also found, under a bed, a three-month-old baby, dehydrated but alive. A lieutenant remarked of the mother, "In her last dying act she protected her baby. She probably knew she was going to die, so she stuffed the baby where she knew it would be safe." But the matter was left there. The police would do their best. But the event passed quickly; forgotten by the next day, it will never make World Book.

Nor is it likely that any great heed will be paid to an uncanny reenactment of the Prohibition drama a few months later, also in the Bronx. The Times story, page B3, reported:

"9 MEN POSING AS POLICE ARE INDICTED IN 3 MURDERS; DRUG DEALERS WERE KIDNAPPED FOR RANSOM"

The Daily News story, same day, page 17, made it *four* murders, adding nice details about torture techniques. The gang members posed as federal Drug Enforcement Administration agents, real badges and all. The victims were drug dealers, whose families were uneasy about calling the police. Ransom seems generally to have been set in the $650,000 range. Some paid. Some got it in the back of the head. So it goes.

Yet, violent killings, often random, go on unabated. Peaks continue to attract some notice. But these are peaks above "average" levels that thirty years ago would have been thought epidemic.

"LOS ANGELES, Aug. 24.—Twenty-two people were killed in Los Angeles over the weekend, the worst period of violence in the city since it was ravaged by riots earlier this year, the police said today.

"Twenty-four others were wounded by gunfire or stabbings, including a 19-year old woman in a wheelchair who was shot in the back when she failed to respond to a motorist who asked for directions in south Los Angeles.

"['The guy stuck a gun out of the window and just fired at her,' said a police spokesman, Lieut. David Rock. The woman was later described as being in stable condition.

"Among those who died was an off-duty officer, shot while investigating reports of a prowler in a neighbor's yard, and a Little League baseball coach who had argued with the father of a boy he was coaching.]

"The police said at least nine of the deaths were gang-related, including that of a 14-year old girl killed in a fight between rival gangs.

"Fifty-one people were killed in three days of rioting that started April 29 after the acquittal of four police officers in the beating of Rodney G. King.

"Los Angeles usually has above-average violence during August, but the police were at a loss to explain the sudden rise. On an average weekend in August, 14 fatalities occur."

Not to be outdone, two days later the poor Bronx came up with a near record, as reported in New York Newsday:

"Armed with 9-mm. pistols, shotguns and M-16 rifles, a group of masked men and women poured out of two vehicles in the South Bronx early yesterday and sprayed a stretch of Longwood Avenue with a fusillade of bullets, injuring 12 people."

A Kai Erikson of the future will surely need to know that the Department of Justice in 1990 found that Americans reported only about 38 percent of all crimes and 48 percent of violent crimes. This, too, can be seen as a means of normalizing crime. In much the same way, the vocabulary of crime reporting can be seen to move toward the normal-seeming. A teacher is shot on her way to class. The Times subhead reads: "Struck in the Shoulder in the Year's First Shooting Inside a School." First of the season.

It is too early, however, to know how to regard the arrival of the doctors on the scene declaring crime a "public health emergency." The June 10, 1992, issue of the Journal of the American Medical Association was devoted entirely to papers on the subject of violence, principally violence associated with firearms. An editorial in the issue signed by former Surgeon General C. Everett Koop and Dr. George D. Lundberg is entitled: "Violence in America: A Public Health Emergency." Their proposition is admirably succinct.

"Regarding violence in our society as purely a sociological matter, or one of law enforcement, has led to unmitigated failure. It is time to test further whether violence can be amenable to medical/public health interventions.

"We believe violence in America to be a public health emergency, largely unresponsive to methods thus far used in its control. The solutions are very complex, but possible."

The authors cited the relative success of epidemiologists in gaining some jurisdiction in the area of motor-vehicle casualties by redefining what had been seen as a law enforcement issue into a public health issue. Again, this process began during the Harriman administration in New York in the 1950s. In the 1960s the morbidity and mortality associated with automobile crashes was, it could be argued, a major public health problem; the public health strategy, it could also be argued, brought the problem under a measure of control. Not in "the 1970s and 1980s," as the Journal of the American Medical Association would have us think: the federal legislation involved was signed in 1965. Such a strategy would surely produce insights into the control of violence that elude law enforcement professionals, but whether it would change anything is another question.

For some years now I have had legislation in the Senate that would prohibit the manufacture of .25 and .32 caliber bullets. These are the two calibers most typically used with the guns known as Saturday Night Specials. "Guns don't kill people," I argue, "bullets do."

Moreover, we have a two-century supply of handguns but only a four-year supply of ammunition. A public health official would immediately see the logic of trying to control the supply of bullets rather than of guns.

Even so, now that the doctor has come, it is important that criminal violence not be defined down by epidemiologists. Doctors Koop and Lundberg note that in 1990 in the state of Texas "deaths from firearms, for the first time in many decades, surpassed deaths from motor vehicles, by 3,443 to 3,309." A good comparison. And yet keep in mind that the number of motor vehicle deaths, having leveled off since the 1960s, is now pretty well accepted as normal at somewhat less than 50,000 a year, which is somewhat less than the level of the 1960s—the "carnage," as it once was thought to be, is now accepted as normal. This is the price we pay for high-speed transportation: there is a benefit associated with it. But there is no benefit associated with homicide, and no good in getting used to it. Epidemiologists have powerful insights that can contribute to lessening the medical trauma, but they must be wary of normalizing the social pathology that leads to such trauma.

V

The hope—if there be such—of this essay has been twofold. It is, first, to suggest that the Durkheim constant, as I put it, is maintained by a dynamic process which adjusts upwards and downwards. Liberals have traditionally been alert for upward redefining that does injustice to individuals. Conservatives have been correspondingly sensitive to downward redefining that weakens societal standards. Might it not help if we could all agree that there is a dynamic at work here? It is not revealed truth, nor yet a scientifically derived formula. It is simply a pattern we observe in ourselves. Nor is it rigid. There may once have been an unchanging supply of jail cells which more or less determined the number of prisoners. No longer. We are building new prisons at a prodigious rate. Similarly, the executioner is back. There is something of a competition in Congress to think up new offenses for which the death penalty is seemed the only available deterrent. Possibly also modes of execution, as in "fry the kingpins." Even so, we are getting used to a lot of behavior that is not good for us.

As noted earlier, Durkheim states that there is "nothing desirable" about pain. Surely what he meant was that there is nothing pleasurable. Pain, even so, is an indispensable warning signal. But societies under stress, much like individuals, will turn to pain killers of various kinds that end up concealing real damage. There is surely nothing desirable about *this*. If our analysis wins general acceptance, if, for example, more of us came to share Judge Torres's genuine alarm at "the trivialization of the lunatic crime rate" in his city (and mine), we might surprise ourselves how well we respond to the manifest decline of the American civic order. Might.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SARBANES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Maryland for a period up to 10 minutes.

THE JOBS BILL

Mr. SARBANES. Madam President, a week ago in this body, as a consequence of a repeated filibuster by our Republican colleagues, we finally set aside the jobs bill, an essential part of the President's economic program.

Part of the argument that was being made on the other side against that bill was that it was not really needed. They pointed to the 4.7-percent growth in the last quarter of 1992 in the economy and they said, "you know, things are really all right; they are getting better; we do not need any of this."

Many of us argued very strenuously against that. We pointed out the unemployment rate today is higher than the unemployment rate was 23 months ago at the bottom of the recent recession. We have never had that experience in the post-World War II period, where the unemployment rate this far after the bottom of the recession would still be higher than it was in the recession. Usually you go down into a recession and you come back out of it and you recover jobs and your unemployment rate then drops. We have not recovered jobs coming out of this recession and, as a consequence, we have the situation confronting us now where the unemployment rate is higher than it was at the bottom of the recession.

Despite all of these arguments, and despite our plea to the other side simply to let us have a vote, we were prevented from having a vote on the President's jobs bill.

We understood they were against the President's proposal, but we did not think they should deny the institution the opportunity to vote on it. We understood if we got to a vote it would be the burden of the Democratic supporters of the President to help carry his program here, and that most, if not all the Republicans intended to vote against it. But they never allowed us even to get to a vote. They used the filibuster rule—actually, in my judgment, abused the filibuster rule—in order to keep the Senate from voting on an important part of the President's package.

I simply note when Ronald Reagan was President, in his first term, and the Democrats were in the minority, though with sufficient numbers that we could have blocked consideration of the President's program, we did not do so. We thought the President was entitled to have his program considered. Some of us voted against parts of his program when it was actually put to a vote, but we did not muster our numbers in order to preclude there even being a vote upon his program.

That happened last week. The minority prevented us from even having a vote on President Clinton's proposal. Now we are going to see the aftermath of it. In this morning's paper, the lead story in the New York Times was, "Pace of Economy Slowed Markedly in First Quarter; Rate of Gain Is Only 1.8 Percent."

> The economy grew at an unexpectedly slow annual pace of 1.8 percent during the first 3 months of the year * * *

These are figures released yesterday by the Commerce Department.

> Economists in and out of the Government said the figures suggested that growth would continue, but too slowly to have much effect on unemployment.
>
> But they said the slower growth, down from a 4.7 percent rate of expansion during the final 1992 quarter, was more severe than expected.

Of course, the President made reference to this report in terms of underscoring the justification which he had advanced for his jobs bill. Now this morning—these figures were yesterday morning—this morning, there is a story on the ticker that says:

> At 10 a.m. this morning—

This is Friday morning—

> the Commerce Department reported that factory orders fell 1.5 percent in March.

So the factory orders had dropped. In fact, the backlog of orders at factories has dropped. In other words, new orders at factories have dropped, the backlog on existing orders at factories has dropped, and, in fact, the 1.8 percent gain reported for the first quarter of this year was all in inventory accumulation.

So, what you have is a buildup in inventory, a drop in the backlog of factory orders, and a drop in new orders at factories. You put all of that together, and quite obviously the prospects are not very good as you look ahead for increased production. Factories are not getting new orders, the existing orders are being met, they are working down the backlog of existing orders, and there is a buildup in inventory.

So this sluggish growth, in my judgment, only underscores the need for the jobs bill which the President put forward earlier this year but which was finally dropped last week in the face of a filibuster that would not be broken.

So the President is trying to change the economic direction of this Nation, and everyone is now trying to evaluate the President's first 100 days.

My Republican colleagues on the other side of the aisle went up yesterday and held a press conference on the first 100 days of the new administration. They did this kind of hokey publicity stunt of bringing in a report card. They printed up a little thing that looked like a report card on the President's first 100 days. They then listed different issues and proceeded to give him a grade.

I did not expect to get objective grading on that exercise, and, of course, we obviously did not get objective grading on it. They were out simply to make a publicity point.

We met with the press later in the day. They asked us, "what about it?" I happen to think Government is serious business and we are facing serious problems in the country and I regard this as something of a silly exercise. They kept pressing and asked, "What grades would you give the Republicans?" We said we did not want to do this. But, they insisted. We then said, if you insist, we give them an F for filibuster and a G for gridlock because that is what we have been encountering in this body: filibuster and gridlock.

I think the American people on November 3 last year voted to end gridlock. I think they want our new President to have a chance to put his program into place. I think they want him to have a chance to see if it will work, and they will hold him accountable and those who support him accountable.

If the President gets the full dimensions of his program and it does not work, it is the President's responsibility and the responsibility of those of us who support him. But you cannot deny the President essential pieces of his program and then put the finger on him and say, "You're the responsible person" because you are denying him elements that he has asserted—correctly in my opinion, as this economic news of yesterday and today bear out—we need to get the economy moving again. In addition to the budget resolution with its deficit reduction program and its investment strategy, we also need a jobs piece to that total economic package, and the President was denied that jobs piece by a minority. I underscore that—a minority of this body. If we could have gone to a vote on the President's jobs program, it would have passed. But we were denied the vote by the use, and in my view, the abuse—of the filibuster rule.

Mr. BYRD. Madam President, will the Senator from Maryland yield?

Mr. SARBANES. I yield to the distinguished Senator.

Mr. BYRD. I compliment the distinguished Senator from Maryland [Mr. SARBANES] on his statement and on the attention which he continues to give to the serious economic problems facing this country, as well as on the work that he does in committees in attempting to bring about a solution.

Would not a more realistic report card have been, instead of talking about the first 100 days of this administration, would not a more realistic report card have been that of the past 12 years in which we have seen for the first time triple-digit billion dollar deficits, a quadrupling of the public debt and interest on the public debt, which constitutes a hidden tax to every American, of $200 billion a year? Would not that have been a more realistic report card? And did not the American people look at that report card last November and render a judgment thereof and ask for a change? And they gave us a new President. They turned out the sitting President and Vice President, which is not done very often. They turned them out on the basis of that report card, and they gave us a new President. They asked for a change. And this President is trying to bring about a change.

I would like to have the Senator's comment.

Mr. SARBANES. I think the Senator is absolutely correct. And, of course, the logical progression of the point that the Senator has just made with respect to the public's judgment last November 3 about the previous performance is that the new President was handed a very difficult agenda. This must be understood.

This new President has now been in office 100 days. He came in and was handed a very tough agenda. He was handed an economy with rising deficits and an increase in the debt. He was handed an economy in which we have not been making investments in the future strength of our country. We have been underinvesting in education and training, in the Nation's transportation infrastructure, and in research and development. There has been an underinvestment in the private sector in plants and equipment.

All our competitors abroad are making these investments, and, therefore, as a consequence, are in a better position to compete with us. They have developed the skills of their work force to a higher level. Both Germany and Japan are outinvesting the United States in civilian research and development by substantial margins. The European Community now is going to invest $30 billion in upgrading the rail network in Europe. They already have a rail network which, when most Americans visit and travel on it, come away very impressed. Still, they are going to take that system and put $30 billion into it in order to upgrade it, thereby enhancing their efficiency and their competitiveness.

The President got a nonrecovery from a recession handed to him. We had not brought back the jobs. We did not have economic growth. He was handed a very tough agenda. He is now addressing the health care issue. We have gone years here without addressing the health care issue. The President is taking on that issue. In fact, he has made Mrs. Clinton the head of the task force, so deep is his commitment and her commitment to trying to deal with that problem.

So the President was handed a very, very tough agenda and he is trying to come to grips with it. They want to judge him on the first 100 days. My own view is, that is an inaccurate measurement., The 100 days comes from the first administration of Franklin Roosevelt. At that time, 25 percent of the Nation was unemployed. We had an economic crisis, the likes of which this country has not seen in the 20th century, perhaps ever in our history, when Roosevelt came in. Of course, the demand to do something was very, very intense. But even if you choose to apply the 100-day standard, our new President said he was going to really do things and get things moving and he has. This new President is a very vibrant, energetic, optimistic, and hopeful person. Thank heavens for that. We need that kind of leader. He wants to come to grips with problems, and he undertook to do it.

Now what has the President done? The budget resolution, which was adopted by both the House and Senate, which essentially conforms to the President's proposal to the Congress, was adopted at the earliest date in the history of budget resolutions.

The budget resolution now needs to be fully implemented by what is called the reconciliation bill. In other words, the budget resolution made broad decisions and we now have to carry them out in the detail. That is the challenge ahead of us over the next couple of months. But that budget resolution represented a major sea change in the direction of the American economy. It was an effort by this President, in my judgment, to move the American economy off the quicksand and onto firm ground so we could build for the future.

The President came in and said, we are going to address this budget deficit; we are going to address the shortfall in investment and in building the future strength of the American economy. We have to develop our physical and human capital if we are going to be a vibrant, competitive, productive economy.

So he undertook to do that in the budget resolution. He did it by spending cuts and by revenue increases.

There has been a lot of misrepresentation of some of that. Seventy percent of the revenue increases which the President will realize as a consequence of his budget proposal will come from people making $100,000 a year and above—70 percent of it.

Now, this is the very group which reaped very disproportionate benefits from the economic policies of the 1980's. There was a tremendous shift in concentration of income and wealth over the decade of the 1980's to the upper end of the income scale, the top 5 percent—primarily the top 1 percent, but up at that level.

The President is saying we ought to recoup for the general public good, including, I think, the good of the people at the top, some of that bonanza that was reaped over the 1980's. The people at the top ought to want the society, all the way down, to be healthy and productive. You really cannot have much confidence in your position if you are on the top of the house and the foundations down below are rotting away.

So the President is recognizing that. He is trying to come at that with a sense of community and to build a strong economy which includes all of our people. The budget resolution represents that judgment.

I deeply regret that an essential part of that strategy, which was the jobs bill, was denied to the country. The losers, from the failure to pass that legislation, are the American people. That is who the losers are. And of course it turns into a political battle because, unfortunately, it appears the Presidential campaign of 1996 is already upon us. We are barely 3 months into a 4-year term of the new President and already we can see the Presidential electoral politics of 1996 beginning to play itself out on the national stage.

Madam President, I simply wanted to underscore these economic figures that have been reported. I think they clearly provide an additional demonstration of the need for the jobs bill that we were simply thwarted and frustrated from reaching.

The filibuster rule was put there to be used in extraordinary circumstances. The filibuster rule requires that you have 60 votes in order to cut off debate, or cut off amendments, so you can go to a final vote on a measure.

Now, there are 43 Members on the Republican side. That is more than the 41 needed to sustain a filibuster. They all signed a letter—we are now having filibuster by letter—saying they were not going to allow the measure to be considered, and we were never able to get to a vote on an important element of the President's package.

In effect, what we are being told by a minority of this body is that unless you meet our specifications, we are not going to allow a vote on final passage.

I do not think we can go doing business this way, I am very frank to say, and I think we have to start giving some thought to a reasonable way to alter that rule. I notice that in other parliaments around the world where they have provisions for a higher vote than a simple majority, if they fail to achieve it after a certain number of times or the elapse of a certain period of time, they reduce the number down. If the filibuster rule was designed to slow things up and to require you to take a more careful look and make sure something did not simply rush through, that purpose would be met if the filibuster rule provided for a slowdown but did not in the end preclude considering the measure at all.

I am frank to tell you that on close and difficult issues, the notion of getting margins of 60 to 40 is a very substantial margin. That is not going to come easily. In fact, Ronald Reagan defeated Walter Mondale by 60 to 40 and everybody thought it was an absolute trouncing. They said it was not even close, it was not even a close election. And yet that is the margin that is required on the floor of the Senate to bring an end to a filibuster and allow us to go to a vote on important matters; and in this instance an essential piece of the President's economic package.

I believe we are going to pay for that many times over. There were many important programs in the stimulus package, programs that would have helped to create new jobs and to get the economy moving again. It addressed some very important issues. The Summer Jobs Program was in that bill; efforts to improve the transportation network were in that legislation; the President's innoculation program for the health of young children and a whole host of important programs. They all were lost, and now we are getting these kinds of figures reported on the economy with respect to sluggish growth and weak economic output.

The PRESIDING OFFICER. The Chair would notify the Senator from Maryland that his time has expired.

Mr. SARBANES. I thank the Chair. I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

THE FIRST 100 DAYS

Mr. BINGAMAN. Madam President, I appreciate the chance to speak today about the first 100 days of the Clinton administration. I ask, Madam President, how much time has been allotted for me to speak?

The PRESIDING OFFICER. Ten minutes.

Mr. BINGAMAN. I thank the Chair.

Madam President, I do believe the Clinton Presidency and the Clinton administration has brought tremendous change to our country and here to our Nation's Capital, a positive change.

The best summary of the change in attitude, the best summary that I have seen was in the Wall Street Journal article by Gerald Seib entitled, "Clinton's Woes Mask Big Change in Capital's Ways." The main point, I believe, being made in that article, and the one that I firmly believe is accurate, is that the American people have seen for the first time in a long time an administration which is trying to come to grips with major problems facing the country.

We have an honest debate going on in this town today about how we deal with the deficit, how we deal with health care. We are beginning a debate on how we deal with educational reform, what the Government can do in partnership with industry to get our economy moving.

Those are the issues that Americans care about, and those are the issues the Clinton administration has put on the Nation's agenda here in this first 100 days.

So I think there is a tremendous amount of progress to report in terms of focusing the country on what needs to be done.

The American public has known for a long time that many of the key problems facing the country were going unattended. I believe that is a major reason for President Clinton's election last fall. I believe it is a major reason why his administration has been generally well received by the American people.

Let me just cite four areas in which I do think significant progress has been made, and the President is moving this country in the right direction.

First, of course, is the President's economic plan and proposal to cut the deficit by $500 billion over the next 5 years.

Madam President, that is a bold and courageous proposal on his part. He has not only put out some politically very difficult steps, for all of us to be challenged to take along with him, but he has now the two major political parties essentially bidding against each other to see who can make the most in the way of cuts to address this deficit problem. This is long overdue.

The administration prior to this administration had largely determined to allow the deficit issue to go unaddressed. I think that is a very unfortunate circumstance. I can recall when President Bush was elected there was a commission that had come up with a report proposing a variety of major initiatives to deal with the deficit. That commission—I know Senator MOYNIHAN was part of that commission; I know Senator DOMENICI was part of that commission—their report was presented to the President after the election and unfortunately the recommendations were not taken. The report was not seriously considered and a great opportunity for a significant deficit reduction was lost.

This administration on the other hand has seized the initiative, and begun pursuing deficit reduction in a very serious way. I think it is going to be incumbent upon the Congress to stay the course with this President and continue to focus on deficit reduction for many years into the future. And I hope we can do that.

The second area that this administration has broken new ground—and I believe moved in the direction the American people want us to move into—is that for the first time we have an administration that is not afraid to embrace a national technology policy, a national policy designed to help U.S. industry to be competitive in world markets around the world.

The administration has presented its own technology plan. The plan makes it very clear that the old debate which has characterized Washington for many decades now about whether or not the Government has a legitimate role in helping industry to be competitive, helping industry to modernize—that old debate is behind us. The question now is not whether Government has a legitimate role but how the Government can constructively work with industry to help them compete.

The initiatives that we put in last year's defense bill that are generally referred to as reinvestment and conversion initiatives have been endorsed. And this administration is moving out very quickly to implement those recommendations. I think that is a major step in the right direction. I believe strongly that this administration will help us to build on those initiatives, and will for the first time put the Federal Government in the role of helping industry to be competitive in the way that our allies have been helping their industries to be competitive for a very long time. I think that is major progress.

The third area which we have had a lot of discussion about—in fact, which we had a meeting on this morning with Mrs. Clinton here in the Capitol—is on the issue of health care reform. I do not know any more difficult and complex issue facing this country. We have had some in the range of 12 efforts over the last several decades to approach and pursue major health care reform in this country. All have failed. This administration has made it clear that its reputation, its success, the country's success, our economy's future success ride on our ability to deal with health care in a meaningful and responsible way.

Again, this is going to require some political courage by those of us here in Congress. There are going to be parts of this reform that are not going to be popular when we start out on it. But clearly, the present system cannot continue to operate as it has operated.

Our ability to control the deficit at the national level, our ability to get our people working in a productive way, and controlling health care costs generally is at stake. I think the administration has made a tremendous start in coming to grips with this.

Hillary Clinton is as capable as any person I have had the good fortune to deal with in my public life. She has obviously devoted herself to this issue. She knows the issue. She is providing the leadership that is needed.

Again, the contrast between this administration's approach to health care reform and the effort or lack of effort by previous administrations is absolutely striking.

So I certainly think that is a major, major step in the right direction.

The final area that I would cite for my colleagues today is the area of educational reform. We have a superb person in the position of Secretary of Education, former Governor Riley, now Secretary Riley from South Carolina. And he has presented to the Congress and my colleague from Massachusetts, Senator KENNEDY, who chairs the committee of jurisdiction in this Senate, has introduced as recently as yesterday the Goals 2000 Educate America Act, which is a first major initiative in the education reform area that I believe has a very real chance of being enacted.

It is a bill, a proposal that has been worked up jointly in a bipartisan way, with Republican help, Democratic help. It is an effort to put into law the national education goals that President Clinton, then Governor Clinton, and other Governors worked on with former President Bush. This is an area, if there is any area of our national life, other than national defense—I think all of us recognize that national security issues require a degree of bipartisanship, which is sometimes not present when we deal with other issues. I feel the same way about educational reform. I think that is an area of such significance and such importance to our children and to future generations that, again, it requires us to rise above the politics and work jointly for a solution.

President Clinton, I think, has a record of doing that exact thing, working with Republicans and Democrats alike to bring about reform at the State level. Now in his new position as President of this country, I believe he will be seen and remembered as a genuine education President. And I believe the beginning of that process of developing real progress and real momentum in educational reform began with the introduction of this Goals 2000 Educate America Act that was introduced by Senator KENNEDY yesterday.

It would enact into law those national education goals and set up a mechanism for ensuring that we have standards at the national level, content standards, performance standards, and opportunity to learn standards which would be set at each State at the level of each State. And I do think that will have a very, very major impact, long term, on the ability our children have to compete in the world.

I am one who believes that we ask too little of our children in school. We challenge them too little. We expect too little. The setting of these national standards will help to correct that, begin the process of changing that. It is long overdue, and I very much applaud this administration for taking the lead in this respect.

Madam President, I appreciate the chance to speak to my colleagues. I commend the administration for the success they have had in the first 100 days. I look forward to the next hundred days and the next hundred days after that, during which I hope we can make major progress for the citizens of this country.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia, Senator BYRD.

THE EXPEDITED RESCISSIONS ACT OF 1993

Mr. BYRD. Madam President, the House of Representatives passed a bill yesterday entitled the Expedited Rescissions Act of 1993.

Madam President, I compliment the House leadership and the House Members, generally, on not sending the Senate a line-item veto because, as everyone knows, I have long been opposed to a line-item veto and to the so-called enhanced rescissions approach that I have seen around here for a good many months or years. But I must say, Madam President, that the title of the act is a bit misleading. I will read again. "This act may be cited as the Expedited Rescissions Act of 1993."

It is anything but that, Madam President. This legislation is very poorly written, and it is full of loopholes. It is as full of holes as a 1980 dishrag would be. A major hole is in the fact that it does not provide for bringing a rescissions bill out of conference between the two Houses. There is noting that provides for expediting action in the conference on such a measure from the House, acted upon by the Senate, and changed by the Senate. And if such a bill were to emerge from conference, there is no time limit provided for debate on the conference report.

So the measure passed by the House yesterday really does not conform with the title of the act—an Expedited Rescissions Act. If I wanted to, I could say, well, do not throw me into that briar patch, and I could come out here onto the floor and oppose this legislation, hoping all the time that the Senate would agree to it, if that were my motive. Don't throw me into that briar patch. I could speak against this bill when it is called up on this floor, hoping that the Senate would, indeed, approve it.

This legislation raises expectations, expectations which cannot be fulfilled. The people, on the face of it, will think the House has passed an act now that will help to bring our deficits under control, an act that will tighten the President's grip, an act that will enable the President to reduce spending. It is a misnomer. And that one glaring loophole—omission to a conference—is enough to say, with respect to this legislation, that it will not work; and there are other loopholes in it. The idea of having to vote for a bill first, and then vote on amendments to it, stands the legislative process on its head. We vote on amendments first before we vote on the passage of bills. This act says vote on the bill first, then vote on the amendments. And it limits the amendments to one substitute amendment—one substitute amendment—brought out by the Appropriations Committee. Members of the body are not allowed to amend that amendment.

So it takes away from the Senate one of the unique functions of the Senate that makes the U.S. Senate the greatest upper body in the world. It takes away those functions—the ability to debate at some length, and the inability to amend. Therefore, it would take away from this body the two really unique functions that make this body the outstanding upper body in all of the legislative branches of the world.

One would wonder, what goes on in the minds of legislators when they do not think of that critical "third house"—the conference. Measures go to conference. This would allow a rescissions bill to die there. If I were satisfied just to obstruct, I would lie low in the bushes here and let this come over here, and I would make big talk opposing it—the very brier patch I do not want to be in; don't throw me into that brier patch—hoping it would pass.

Let us say that the Senate adopts this House measure as it is written. What do you have? You have a law on the books that raises the expectations of the American people. Now we really have something, they would think. Now we have put into the President's hands a tool by which he can reduce Federal spending, the politicians would say. But in the first place, this will not do that. In the second place, it will not work. Suffice it to say that upon greater scrutiny and study, other flaws can be found in this piece of legislation, which passed the House yesterday.

Madam President, I have given a lot of thought over the past few years to the matter of a line-item veto. I do not want to see anything enacted that would, in effect, shift power from the legislative branch to the executive branch. I think it is one of the main pillars of the constitutional system, the unique system of checks and balances and separation of powers, and a line-item veto would shift that power, would shift power from the legislative branch, which is made up of the elected representatives of the people, to an executive who is not elected directly by the people but only indirectly elected by the people. It would fly in the face of the intent of the Founding Fathers to have such a shift in power.

I am unalterably opposed to doing that. I have been and will remain so.

I also recognize, however, Madam President, the terrible debt that has been accumulated over the past 12 years, quadrupling the debt of the previous 192 years of the Republic, and the triple-digit, billion-dollar deficits of the past 12 years, resulting in interest payments on the national debt that constitute a hidden tax on every man, woman, boy, and girl in this country, of $200 billion a year.

There really, really needs to be a lot of thought put into trying to devise a way whereby the President, working with the Congress, can get a better handle on these deficits.

I have given that kind of thought because I recognize that there are funds that are appropriated that constitute, in many instances, waste and certainly are not the best expenditure of the taxpayers' dollars. I also recognize that the Appropriations Committees have not created the deficits.

Over the past half century, or thereabouts, the Appropriations Committees have appropriated less moneys than the combined budgets requested by all of the Presidents during that period of time.

But still the Appropriations Committees continue to be the target. Those who appeal to the galleries here and throughout the country, in an exercise of pure political demagoguery, continue to point the finger at the Appropriations Committees and at the appropriations process and at the Congress as the culprits.

There seems to be a determined effort, even in this body, as I have viewed it over the past few years; certainly, there seems to be a determined effort to shift power away from the Congress to the executive. There seems to be a very conscious effort to do so. Perhaps I am seeing too much in the effort. But if it were to succeed, Madam President, that would be the effect: A shift of power.

So what? So what if you do shift power away from the legislative branch? In reality, it would constitute the shifting of power away from the elected representatives of the people, to an executive who has over the years become stronger and more powerful, far beyond what the Founding Fathers envisioned.

So, can we find a way, I have thought, can we find a way to enable the President, working with the Congress, to get a better grip on these rising deficits and bring them under control without shifting power?

I am chagrined at what appears to be a rank thoughtlessness on the part of some Members in both Houses and an absolutely uncaring attitude about this institution, an absence entirely of institutional memory, an almost intended, it seems to be, lack of knowledge of history.

As Members go about putting together a little piece of legislation to bring about lower deficits, they put together a bill that is not well prepared, not well thought out, and we are supposed to pass something like this and let the people feel that we have really done something about the deficits. And the President may even think that the House has given him a little tighter handle, if only the Senate would go along.

This is not the kind of legislation that reflects a great deal of thought.

It is a matter so serious, Madam President, that I think we ought to give our very best thought and reflection to the devising of a way to enable us conscientiously and effectively to come to grips with the major problem, or one of the major problems, facing this country: The spiraling, triple-digit deficits, the spiraling debt, and the ever-increasing burden that we are shifting to our children and grandchildren. We cannot deal with something like this in a happenstance way.

It is not my intention, Madam President, simply to attempt to filibuster something if we can come up with legislation that will be meaningful and effective, and that will provide for expedited action at all points, including the conference, and messages between Houses, something that will really enable the President and the Congress—any President, not just this Democratic President, not just President Clinton—any President, working with the Congress, enable them to come together and effectively deal with the deficits insofar as the appropriations process and the committee process overall are concerned in achieving that goal, but, at the same time, doing it in a way that does not shift any power from either branch to the other and thus undermine the constitutional system.

And so I have given it a lot of thought. And, when this matter comes up before the Senate, I do not intend to raise any objection to its being called up. I intend to try to amend it. I have been working on an amendment for a long time.

Now, the Senate may not adopt my amendment. Not all Senators will want to support it, and it may have to be changed. But that is the legislative process. But I am going to offer the Senate an opportunity to put this matter to rest.

As I say, I do not know what the Senate will do with my amendment. It may be that, collectively, it can be improved upon if we put all our heads together, or at least several heads together. My amendment, undoubtedly, can be improved upon.

But I am going to make that effort, Madam President, namely, to offer an amendment that will really, if enacted, enable us to do something by way of getting a better grip on the programs that are enacted by the committees of the Congress, not just the appropriations process, but with that included, and without shifting the power from the legislative branch.

Hence, as we move down the road toward the time when this measure is taken up in the Senate, I want to give some thought to some statements—maybe only two or three; maybe a half dozen—that I would want to make as time goes on, because I hope to put this whole matter into a better focus, and I hope to lift the level of our overall psyche and knowledge with respect to what we are dealing with when we cope with this problem. For those who are willing to listen, I hope that what I have to say will help to bring about a more thoughtful approach to the problem.

Madam President, I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Chair recognizes the Senator from Nebraska for up to 10 minutes.

Mr. EXON. Mr. President, I ask unanimous consent that I may be allowed to proceed as if in morning business for a period of 15 minutes, approximately, or such additional time as I might need.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FUTURE OF THE GLOBAL POSITION SYSTEM

Mr. EXON. Mr. President, I rise today to address the future of the U.S. global positioning system commonly known as GPS, and to discuss an important initiative that could provide substantial benefits to U.S. industry and the world economy as a whole, as well as welcome relief to the U.S. taxpayer. The future of the global positioning system could significantly affect issues of defense conversion, dual use of defense technologies, the President's desire to identify effective and affordable infrastructure investments, a new generation of information services and our balance of trade.

The Department of Defense operates a constellation of navigation satellites known as the global positioning system or, as I said, commonly referred to as GPS. The U.S. taxpayers have invested well over $10 billion in this system. The United States currently provides these extremely accurate GPS navigation signals to the entire world for nothing, free of charge. These signals are going to revolutionize the movement of people, goods, and services the world over. I believe the time has come to debate the direction and the role of GPS in the transportation and military infrastructure of the next century. We must consider whether the system should be under civilian or military jurisdiction, how the United States can seize a competitive advantage in the development, use and manufacture of GPS consumer equipment and whether the civilian beneficiaries of GPS technology should share in the deployment and maintenance costs of the system.

I speak to this issue with some authority, as the chairman of the Armed Services Committee subcommittee with jurisdiction over GPS, and as a senior member of the Commerce Committee that has jurisdiction over aviation, surface transportation, and space. In addition to bringing this matter to the attention of the Senate today, I have written letters on this subject to the President's science adviser and to the Secretaries of Defense and Transportation. I am asking that the President and his relevant Cabinet officials join me in charting the future management of the GPS satellite system.

I am astonished almost daily at news of some new advance in GPS navigation technology or its application to civil and commercial uses. It appears to me that GPS is rapidly becoming a key element of the basic infrastructure of the world's economy and holds the promise for dramatic increases in productivity.

GPS, when combined with two-way communications capabilities, has the clear potential to dramatically increase the efficiency of airline operations by reducing fuel costs, lowering flight times, and speeding up ground-support operations. There is growing appreciation of the importance of this GPS application, but there is as yet no comprehensive, Governmentwide agenda or focus for bringing it to fruition quickly.

The President recently announced his commitment to assisting the airlines to return to profitability and to invigorate the market for our premier aircraft manufacturing industry. I was proud to work with Secretary Peña and President Clinton to establish a blue ribbon, bipartisan commission to make recommendations to the Congress and the President on aviation policies for the 1990's and the next century.

An aggressive Government initiative to bring about a space-based air traffic control system worldwide in the near future could help make a substantial contribution toward the President's aviation goals.

The essential ingredients of a space-based air traffic control system—GPS and two-way communications for mobile users—could also provide the basis for another Presidential infrastructure initiative known as the intelligent vehicle highway systems or IVHS. GPS, married to modern digital communications will bring enormous productivity improvements to the world's shipping and transportation industries, as well as dramatically improve the efficiency of police, ambulance, and fire dispatching. Other, private dispatching-based industries—such as taxicab companies and delivery services—would benefit enormously as well as the driving public, which is not fully aware of what is about to come their way—favorably. It may soon be possible to plan a route and track your course using an onboard GPS automotive system or use GPS to track and locate stolen vehicles.

In addition, it is possible that the world's major automobile manufacturers will offer consumers an array of amazing capabilities derived from GPS on a massive scale within a relatively few years. Finally, the consumer electronics sector may soon experience explosive growth in the market for small, inexpensive, hand-held GPS receivers. Hand-held GPS navigation devices for boating navigation are already available for under $800.

A Presidential initiative to focus Government resources and capabilities to further the information revolution in these areas, through the Departments of Defense and Transportation, would, at little or no Government expense, bring enormous returns to society in terms of productivity and public safety improvements. In addition, U.S. industry could further its current lead in exploiting the integration of navigation, communication, and information processing technologies and exporting them to the world.

The U.S. Government must address several complex and challenging policy issues. The most important of these issues concern management of the GPS system.

The current policy of providing GPS signals to the world free of charge for the foreseeable future must be carefully reviewed. It is clear to me that GPS will not only provide the United States but every nation in the world with substantial economic benefits. In addition, the worldwide commercial market for GPS-derived products and technologies could be huge. Now is the time to make every effort to determine whether U.S. taxpayers could be relieved of some of the expenses of providing GPS satellite services. The United States should carefully assess whether the GPS satellite constellation could generate profits for U.S. industry and offset the expense of the system without diminishing the world's appetite for GPS-derived products and technologies.

The Department of Defense is already a minority user of the GPS system. Certainly in the future civil and commercial use of GPS will dwarf that of the Department of Defense. It is increasingly clear, then, that the selective availability security feature built into the GPS satellites has been rendered all but meaningless by the march of technology—much of it sponsored and used by other departments and agencies of the U.S. Government. Various differential correction schemes will provide universal access to extremely precise navigation services within at most a few years. It is unrealistic to imagine that the Department of Defense would ever turn off or seriously degrade the GPS signal available to the public in any but the most grave and dire circumstances because of the large number of innocent lives that will be depending on GPS at any given moment the world over.

As GPS technology advances, the Department of Defense must, in contrast, assume that adversaries will be able to navigate precisely and proceed from that premise to develop countermeasures having effective, local results. This course is all the more imperative given that map products with extremely accurate GPS coordinates for all fixed structures are almost certain to be commercially available within the next decade for all the world's major urban-industrial areas.

While civilian GPS uses grow, the Department of Defense retains a critical and increasing interest in the system. Access to an encrypted, antijam, precise navigation signal is a fundamental national security requirement.

In spite of continuing defense needs, it may no longer be necessary for the Department of Defense to own and operate the GPS system. Civilianization of GPS could occur if we are assured that unique national security requirements will be met and that potentially hostile nations or groups can be denied access, as far as possible, to a signal corresponding to the precise positioning service provided by GPS. It is clear that national security still requires that any GPS operator be under the ultimate control of the U.S. Government. While it may be possible and practical to permit the GPS standard positioning service available to the public to be internationalized, the U.S. Government must be able to exercise control over the future technical specifications of that signal—to prevent it from evolving into a dangerous warfighting tool for any possible adversary. Given the predominant civilian and commercial uses and future of GPS, I am very doubtful that the Department of Defense should be the manager of GPS in the next century.

To play a role in a global airtraffic control, the Federal Aviation Administration must be assured that the GPS system is on a sound financial footing and operated with a high degree of professionalism for public safety and acceptance.

The U.S. Congress and new administration should explore options including the possibility that a public, for-profit corporation, newly created or existing, might be a candidate for owning and operating the GPS system, or whether continued U.S. Government ownership could be structured in a manner that lessens the burdens on U.S. taxpayers, or whether a quasi-public nonprofit entity similar to the Corporation for Public Broadcasting could be created to operate and maintain the system.

We must assure that any new entity satisfy DOD concerns about U.S. control of the system and unique military requirements. In addition, it must ensure signal integrity for public safety and acceptance.

Shifting GPS management out of the Department of Defense will ease international concerns about relying heavily on a U.S. military system for a wide variety of civil and commercial applications. The course would have the secondary benefit of at least reducing DOD's consideration expenses for GPS satellites, launch vehicles, satellite control operations, and research and development. Shifting some or all of the GPS system responsibilities to the civil or commercial sector would also be consistent with the administration's general objectives for defense conversion, civil-military cooperation, and economic competitiveness.

I fully recognize that current U.S. policy is to provide the GPS standard positioning service or SPS to the world without direct user charges for the foreseeable future and that we are committed to provide at least 6 years notice of any intent to change that policy. However, given the lead-times involved in satellite development and production, and in populating a constellation and the continuing growth of the U.S. national debt, it is not too early to begin to analyze and debate these issues. For example, the current block of GPS satellites in production, the block called IIR will not be fully deployed until well after the turn of the century, and yet procurement decisions on the set of satellites which would replace the block IIR's must be made within the next several years at the latest if we are to maintain our position on top of all this. If we are ever going to change GPS management and cost arrangements, and the design of the satellites themselves to reflect these new arrangements, we must begin the process of debate and consideration now.

I cannot stress enough the urgency of a review of GPS policy. The FAA is currently developing plans to place payloads on future Inmarsat satellites that would provide an additional GPS signal, a global differential correction broadcast, and satellite integrity monitoring. As yet, however, the FAA does not know how it will finance these payloads. It might make sense to enhance these services further and charge fees or royalties for their use. This action could generate revenues for further development of a space-based air traffic control system and provide a test of GPS user-fee potential—without violating U.S. policy of not charging direct user fees on the standard GPS signal. If this option is pursued and selected, it must be done in the near future.

It may be that charging user fees for GPS service will prove to be impractical, unsafe, or otherwise inadvisable. It may be that the commercial potential of GPS will prove to be illusory upon careful scrutiny. It may be that the international community will never accept sole use of GPS for air traffic control unless it is either offered free of charge by the United States or is internationalized. It could be that placing GPS on a more commercial basis would spark successful international competition to GPS—by Europe, Japan, Russia, or some combination thereof. It may also be that charging user fees would cripple some or all of the emerging applications industries—or that the fee collection scheme would turn out to be so costly that productivity gains would be severely curtailed.

Only one thing is certain and that is we will never know unless we study and debate the issues. Since there appears to be significant potential for GPS to provide an enormous return to the U.S. taxpayers and U.S. industry, I believe that a frank and comprehensive examination of this matter is well worth the attendant risks.

I am aware that the Department of Defense and the FAA examined many of these issues in the early to mid 1980's. I believe, however, that so much has changed since then that the validity of these previous studies is questionable. Ten years ago receiver costs were still high, the user base was as yet very uncertain, differential correction technology was not yet developed and diffused, and the marriage of GPS with commercially available digital communications and information processing technology—and the applications this marriage would permit—were at best dimly perceived. By 1993, the future civil and commercial user base appears broad and deep, which suggests the possibility that user fees or royalties could be modest and acceptable; and the emergence of differential broadcast services, communications systems, and foreign governments as central nodes in high-value GPS applications suggest the possibility that effective, efficient, and acceptable recoupment arrangements could be developed.

Mr. President, I intend to continue to investigate the issues I have raised here today. I look forward to a favorable response on this matter soon from the President's advisers and Cabinet officials.

MORNING BUSINESS

TRIBUTE TO JOAN BOWERS

Mr. HOLLINGS. Mr. President, when people watch the Senate at work on C-SPAN or on the news, what they see, more often than not, is their Senators at work. What people do not get to see—and this is unfortunate—are the hundreds of people who labor behind the scenes, the people who offer their professionalism, their dedication, and their working lives to make this institution succeed.

Joan Bowers is one of those people. Today, I take a moment to tell people about Joan because, after 38 years and a lifetime of hard work and dedication to the Senate, Joan has decided to retire.

Joan Bowers has served as the financial officer on the Senate Committee on Commerce, Science, and Transportation. Since 1987, I have been privileged to serve as chairman of that committee and, as chairman, pleased also to have had the opportunity to work closely with Joan as the committee has prepared its annual budgets. The position of financial officer of the Commerce Committee is a nonpartisan job, which means that Joan has served not only Democratic committee members, but Republican members as well. During her career, Joan has served five different chairmen, and she has served them all equally well and with unsurpassed excellence.

The job of financial officer requires many important and special skills. It calls for a detailed knowledge of not only the principles of budgeting but also all the various rules and regulations on staff travel, employee benefits, and ethics. The committee could not have found a better person and a better professional to perform this important job.

Joan also has brought other special qualities to her job. She is hard working and extremely competent, and a pleasure to work with. Joan is a warm and caring person whose friendship her coworkers value. She has earned the great respect not only of those of us on the Commerce Committee but also of Members and staff throughout the Senate.

Joan will be truly missed by me and by all her coworkers on the Commerce Committee and throughout the Senate. However, Joan now will be able to spend all the time she wants with her son Doug, her daughter-in-law Jane, and her grandchildren Megan and Brian, and with the rest of her family and friends. Joan is so dedicated to her family, and she is looking forward to this well-deserved retirement.

Mr. President, this is how it should be. Since 1955, Joan Bowers has given her all to the U.S. Senate. We on the Commerce Committee regrettably must say goodbye to one of our most respected and valued workers. However, she retires with all of our blessings and good wishes. Good luck and good job, Joan.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as anyone even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that Reagan ran up the Federal debt, or that Bush ran it up, bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,238,574,107,662.18 as of the close of business on Wednesday, April 28. Averaged out, every man, woman and child in America owes a share of this massive debt, and that per capita share is $16,501.56.

TRIBUTE TO LIFE-LONG FRIEND AND LITERACY LEADER

Mr. PELL. Mr. President, I speak today in honor of an exceptional leader and lifelong friend, Harold W. McGraw Jr., former CEO of McGraw-Hill, Inc., and founder of the Business Council for Effective Literacy [BCEL]. Upon the announcement of BCEL closing its operations, I want to express my heartfelt thanks to Harold for his invaluable contribution toward helping to solve the problem of illiteracy in our country and toward creating a world class work force.

When Harold retired 10 years ago as CEO of McGraw-Hill, Inc., he embraced the visionary leadership that he so successfully provided to McGraw-Hill and founded the Business Council for Effective Literacy. Since that time, thousands of businesses across the Nation have initiated basic skills programs and almost every State has established a program to reduce functional illiteracy. With Harold at the forefront, BCEL has continued to provide hands-on assistance and information to individuals throughout the business and literacy communities.

Harold's work on adult literacy has undoubtedly served as an inspirational model for national literacy policy. Due largely to his guidance and determination, the National Literacy Act of 1991 was enacted. BCEL has also served as a key advisor to the National Institute for Literacy. At the advent of its closing, I know how greatly BCEL will be missed; by the same token, however, it is also a true testimony to the strength of the new law.

I ask my distinguished colleagues to join me in saluting this remarkable man whose generosity and vision have had a profound impact upon countless lives in the pursuit to change the face of America's work force.

RETIREMENT OF HAROLD R. DENTON

Mr. JOHNSTON. Mr. President, I would like to take this opportunity to commend an outstanding civil servant, Harold R. Denton, on the occasion of his retirement from a long and illustrious career of public service with the U.S. Nuclear Regulatory Commission.

Mr. Denton stepped into the public spotlight 14 years ago during the accident at the Three Mile Island [TMI] nuclear power plant. As Director of the NRC's Nuclear Reactor Regulation Office at the time, Mr. Denton led the NRC's effort to assess the cause and effects of the accident. He was the NRC's principal spokesman on the scene and calmly and clearly explained the situation to the public.

In recent years, Mr. Denton has been the NRC's Director of Governmental and Public Affairs and, most recently, its Director of International Programs. In these roles, he has worked to ensure that the lessons of TMI, Chernobyl, and lesser incidents were learned by the nuclear community, both here and abroad, enhancing the safety of nuclear power throughout the world. He has been in the forefront of the NRC's efforts to help improve the safety of nuclear power in the former Soviet Union and Eastern Europe, where safety concerns are particularly troubling and much help is urgently needed.

The American people and the world at large owe Mr. Denton a debt of gratitude for his efforts to improve nuclear safety. We wish him a long and happy future in whatever he chooses to do and hope that the legacy of his skills and broad knowledge of nuclear safety issues will continue to light the way for those who come after him and continue his important work at the NRC.

DEATH OF REV. JOSEPH A. SELLINGER, S.J.

Mr. SARBANES. Mr. President, recently, Maryland lost one of its leading citizens and educators with the death of Rev. Joseph A. Sellinger, S.J., president of Loyola College in Baltimore, MD.

Father Sellinger served as president of Loyola from 1964 until his passing on April 19, 1993. He was not only the dean of Maryland college and university presidents, but also the longest tenured 4-year college president in the Nation.

Since becoming president of Loyola, Father Sellinger became a key player in the pressing issues of the day including the sweeping changes in American higher education and the challenges faced by the Society of Jesus in the modern world. He met these challenges and many more with quiet determination and a verve that marked his teaching, presidency, and clerical life.

Father Joe, as he was known on and off campus, helped transform Loyola from a small local men's school to a regional coed college. When Father Joe became president, the college had 1,300 students, a $1.4 million operating budget, and an endowment of $1 million. Today, Loyola's enrollment has swelled to an all time high of 6,200 students, a $65 million operating budget, and an endowment of $62 million.

Much of the college's progress can be attributed to Father Sellinger's philosophy of hard work, order, and discipline. During his tenure he oversaw the building of Loyola's first dormitory, the establishment of a separate school of business and management, the naming of the first lay person to the board of trustees, and the merger with Mount St. Agnes College.

While Father Sellinger is credited with transforming Loyola into a highly respected college, his work was not restricted to the campus. His work and life have had a significant impact on the community. He sat on the board of many local businesses, was instrumental in helping the State establish a formula to give aid to private colleges, and was a champion of Catholicism.

Perhaps the greatest gift Father Sellinger bequeathed Loyola and the community is that of a bright future for Loyola. He has left Loyola poised to meet new objectives. For example, the college is applying for a chapter of Phi Beta Kappa, developing tougher admissions requirements, and increasing endowments. In order to ensure a culturally and ethnically diverse student body and faculty, Loyola is establishing a study abroad program in China and creating a Department of Multicultural Affairs. Loyola was also ranked 11th best regional university in the northeast by U.S. News & World Report. Father Sellinger's preparation for the future included more than academics. He was proud of the student body's growing community service and increased mass attendance.

In retrospect, it seems clear that Father Sellinger's success was due to his ability to bring visions to reality, to temper his drive with wit and compassion, and to bring spirituality to everyday life.

In 1964, during his inaugural address Father Sellinger explained that, "Education is not for the good of government. It is not for the good of science. It is not for the good of business. It is, primarily at least, for the essential good of man." On that day nearly three decades ago, Father Joe began a transformation of Loyola from a small institution to an expanded liberal arts college. He proceeded to do so by combining an emphasis on the humanistic traditions of American education with Loyola's Jesuit traditions.

Mr. President, I would like to insert into the Record editorials from the Catholic Review, Baltimore Evening Sun, and an op-ed piece by Mr. John Steadman that appeared in the Baltimore Evening Sun.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Catholic Review, Apr. 21, 1993]

Father Joseph Sellinger

Father Joseph Sellinger—priest, administrator, teacher and friend—was a leader among leaders. Word of Father Sellinger's death this week evoked an outpouring of accolades. His life of service to Loyola College, and the many successes that followed his untiring labor, was deserving of these tributes.

By any standard, the 72-year-old priest was a marvelous college administrator. For nearly 30 years he labored to lift Loyola College to the forefront in Catholic higher education. With single-minded determination, he succeeded. During his tenure the small Loyola campus grew—in enrollment, in facilities, in endowment and in influence.

With the longest tenure of any four-year college president, Father Sellinger was recognized among college administrators as their dean. Father Sellinger was guided by the Second Vatican Council's call that Catholic institutions of higher learning should bring their work to the world. Father Sellinger took the council's teaching as marching orders promoting programs that brought students, faculty and the community in closer contact.

Because he was an active and visible member of the community—on and off campus—many had first-hand experience with Father Sellinger. He was a character and stories of his dealings and legendary. But to those who came in contact with him, Father Sellinger was an inspiration. However, those who have done no more than drive by the North Charles Street campus have been touched by Father Sellinger and his ministry. In our community, virtually every business, school, church or home in some way is connected to Loyola through is graduates. Because of Father Sellinger's success in building up Loyola College, our community is a better place.

The many accolades demonstrate that Father Sellinger's was a life deserving of earthly honor. But his legacy will outlive these moments of deserved tribute. Father Sellinger used his gifts in the Jesuit tradition—for the greater honor and glory of God. And that's a tribute that merits eternal reward.

[From the Baltimore Evening Sun, Apr. 21, 1993]

Father Joseph Sellinger

At the beginning of this school term—his 28th year as president of Loyola College—the Rev. Joseph A. Sellinger addressed the Loyola community, reminding students, faculty and staff alike that the mission and identity of the college is something that must be constantly renewed and carefully tended. Driven toward excellence, dynamic and innovative, concerned about the moral and personal development of students. Loyola, he told them, should always strive to embody the best of a Catholic, Jesuit, liberal arts education.

Father Joe, as he was known on campus and off, epitomized those values as well as anybody. He also represented the best of the modern college president. He could wheel and deal, but he remained at heart a teacher devoted to his calling and a priest dedicated to his faith. With his death Monday at the age of 72, Loyola College lost a president who reshaped the school and pointed it toward a vastly brightened future.

Father Joe's fund-raising abilities were legendary, even earning him a description from some quarters as the "Lee Iacocca of higher education"—back when that was the ultimate compliment from results-oriented executives. His influence and wise counsel were as valued outside the college as on campus, and his death leaves a significant void in the larger community.

Father Joe was not only the dean of Maryland college and university presidents, but also one of the longest-serving presidents in the country—in an era when few presidents last a decade. His relationships with corporate leaders worked to Loyola's benefit and helped the school to prosper.

When Father Joe became president of Loyola in 1964, the college was known largely as a sleepy commuter school for men. He left it a vastly improved coeducational college, combining a strong commitment to the core of the liberal arts with professional training. There were personal transformations as well. His time as president encompassed great changes in the Roman Catholic Church and in society at large, some of which he admitted were difficult for him. But whether the change was from Latin to English in the Mass or a new style of assertiveness in students who sometimes seemed to disdain authority, Father Joe always rose to the challenge. He leaves a rich legacy.

———

[From the Baltimore Evening Sun, Apr. 21, 1993]

FATHER SELLINGER: FRIEND AND PARTNER IN ECCLESIASTICAL COLLAR

(By John Steadman)

His presence, of course, was at all times priestly. He was the Rev. Joseph Sellinger, S.J., a truly ecumenical man profoundly respected by Jew, Protestant and Roman Catholic alike. He made an impact on Baltimore during the 29 years he presided over Loyola college such as few clerics or administrators have.

It was Father Sellinger who changed the stature of Loyola, taking it from a school for "day hops" to a position in academia that now attracts a cross-section of America. Loyola and Father Sellinger became almost synonymous.

He was more than the chief executive of an educational institution. He was a walking-around friend and confidant to faculty, alumni, students and even to those who didn't have ties to the school founded by Jesuits in 1852.

Father Sellinger, handsome and articulate, was never presidential or pompous. Setting himself apart, the aloof manner, simply wasn't his style. He became involved with the Baltimore business community, a kind of ecclesiastical partner in a Roman collar.

Turn the calendar to a winter morning in 1964, when this reporter happened to meet Father Sellinger, newly arrived at Loyola, under odd circumstances. Both of us were dressed as we came into the world, sharing the sauna at a health club in the Blaustein Building and perspiring profusely.

The discussion, after "hello" and "how are you, evolved to sports. His strong shoulders indicated he might once have been a football player.

"That's right," he said. "I played at St. Joseph's Prep in Philadelphia. If you look at my nose, you can see it's bent. That happened when Frank 'Bucko' Kilroy hit me with his fist on the first play of a game."

Yes, the same "Bucko" who became one of the most feared middle guards the National Football League ever knew. This reporter told him "Bucko" was a friend of long-standing. "How do you know him?", he asked. Then we introduced ourselves, a sports writer meeting a priest and college president, both of us continuing to offer testimony to the toughness of "Bucko" Kilroy.

Father Sellinger said once St. Joseph's was playing one of its traditional football foes, Northeast Catholic High. But the night before, at a pep rally, all the girls had wanted to dance with the St. Joseph's football players, not those from Northeast.

"When 'Bucko' hit me he said, 'that's for you guys dancing with all the girls last night. All we got were turn-downs,'" Father Sellinger recalled.

When it was explained to "Bucko" that he had hit a rival lineman in high school who later had become the new president of Loyola College, the irrepressible former Philadelphia Eagle said, "Look, John, I hit so many guys I never kept score."

When Father Sellinger heard the postscript to the story he laughed and said to make sure to give "Bucko" his best.

Father Sellinger, when he was academic dean at Georgetown, had Pete Hope, the son of comedian Bob Hope, under his tutelage. Hope, who called Father Sellinger "Father Joe," would come to Baltimore for performances and to play in golf tournaments to benefit Loyola and other causes.

Once, at the old Civic Center, Hope came on stage and, after saying he had "worked in garages that looked better than this place," he hollered for the house lights. "Where is Father Joe?" he asked. "Stand up Father Sellinger, I know you're here."

Father got to his feet. All eyes in the audience turned to him as Hope said, "Take a look at the good padre. He taught my boy Pete at Georgetown. That added to my troubles because every time he wrote home for money not only was it in English but in Latin, too."

Our friendship developed as time went by. It made no difference to Father Sellinger that this reporter wasn't a "Loyola man." Last May, at a campus dinner preceding the annual Johnny Bass-Frank Cuccia Golf Tournament, we sat and talked. Father had no complaints, physical or otherwise, except the state of his golf game.

"I was at our retreat last week," he mentioned. "One afternoon I was in the chapel all alone. I offered some prayers, thanked the Lord for letting me be a priest and then talked to Him in a rather casual way. I said something like, 'Lord, I've never wanted much but I'd like my golf to improve. Not to be great, just to play better than I do now.'

"Then I caught myself. I said, 'please forgive me, Lord, for asking something so unimportant. Besides, Lord, I'm such a bad golfer I wouldn't want to put that responsibility on your shoulders.'"

Father Sellinger smiled, then recalled Bernard Saltysiak, a former Loyola College golf captain who had died. "After the funeral, his wife called and said there was a letter Bernard had left for me. He was grateful for what I had been able to do during his illness, which wasn't much, but he pointed out if I wanted to improve in golf, to make sure to call a man who lived in Phoenix, Md., named Nevin 'Tommy' Kendrick."

Dr. Saltysiak wanted Father Sellinger to meet Kendrick, who was not Catholic, and take some golf lessons. Though Kendrick wasn't a professional, he had an excellent understanding of the game and was respected by the amateurs he coached.

Father Sellinger went to see Kendrick and they became friends as well as teacher and struggling golf pupil.

"But it has all been too brief," said Father Sellinger. "He has a net in his basement and he has helped me with the swing. He's one great fellow. But I've just learned he's sick and it's serious."

At the time, Father Sellinger himself had no complaints. He felt fine. It was Kendrick he was concerned about. Nevin "Tommy" Kendrick died of leukemia. Then "Father Joe" also took ill and was diagnosed with terminal pancreatic cancer.

So now both the priest and the golf instructor he wanted so much to work with have gone on to their eternal rewards. May they both be playing together on their heavenly new course, where traps and roughs don't exist, where the fairways are eternally plush and all the putts are makeable.

TRIBUTE TO JIM BAILEY'S GOVERNMENT SERVICE

Mr. SIMON. Mr. President, I want to take this opportunity to give recognition to Jim Bailey, the Director of the Northern Service Center for the Immigration and Naturalization Service in Lincoln, NE.

Mr. Bailey will be leaving that post shortly to head the Southern Service Center in Texas. The northern region covers my home State of Illinois and Mr. Bailey has been attentive to the needs of the congressional delegation in my State when it comes to constituent inquiries about immigration. I was particularly impressed when, at one briefing for congressional staffs and the public organized by my office, Mr. Bailey made a presentation on the O and P entertainer visas in English and then summarized his remarks in Spanish for those members of the audience who could understand them better in that language.

Since 1990, when Jim Bailey was assigned to be Director, the Northern Service Center has installed a congressional response unit and an information unit to respond to congressional offices and public inquiries. The Center has also completed 10,000 Cuban adjustment cases over and above the normal workload of a service center. Following enactment of the Immigration Act of 1990, under Jim Bailey's leadership and direction, the Center also established a Philippine Veterans Naturalization Program.

As a member of the Immigration and Refugee Affairs Subcommittee, I am well aware that our District Director in Chicago and our Regional Service Center Director are among the best that the Immigration and Naturalization Service has. I wish Jim Bailey well in his new position.

SOUTH FLORIDA COMMUNITY COLLEGE OPENS NEW EDUCATIONAL COMPLEX

Mr. GRAHAM. Mr. President, I rise today to commemorate an important event in the Florida educational community. Monday, May 3, 1993, marks the opening of the new 70,000-square-foot student services/classroom complex at South Florida Community College in Avon Park, FL. The structure will increase classroom and laboratory space by 50 percent and consolidate all major student services—registration, admissions and counseling, testing, and financial aid, bookstore, and a career center—under one roof. It is the first of a three stage plan that will see a data processing/classroom building and an agriculture center added to the campus in the next 3 years.

Founded in 1965, South Florida Community College [SFCC] is located in Florida's heartland, serving the predominantly rural counties of Highlands, Hardee, and DeSoto. This citrus/dairy/farming community relies heavily on the institution to provide academic, vocational, and cultural offerings. Over the last 8 years, the institution has experienced unprecedented growth. From 1985 through 1992, enrollments in all areas have increased sixfold. SFCC served over 15,000 persons last year. In a recent study performed by the economic development commission [SFCC] was cited as the single most influential business and economic growth factor of Highlands County.

Much of this success is due to the dynamic leadership of Dr. Catherine P. Cornelius. Stepping into the presidency on July 2, 1984, Doctor "C", as she is known to students, faculty, and staff, brought with her a vision of academic excellence and diverse educational programming. Not only does her insight address today's needs, but the future's as well. It is fitting that as one of her goals, the student services/classroom complex opens its doors on Doctor Cornelius' birthday.

Born in Lakeland, FL, Catherine P. Cornelius received her bachelors and masters degrees at Rollins College, and her doctorate at the University of Florida. Her teaching experience spans a 12-year period, including 6 years as a foreign language instructor at Seminole Community College. Prior to her appointment as president of South Florida Community College, Dr. Cornelius spent 11 years in postsecondary administration, serving 5 years as vice president of academic affairs at Daytona Beach Community College.

Doctor Cornelius' strong commitment to postsecondary education is clearly evidenced through her past service as president of the Florida Association of Community Colleges, chair of the Florida Council of Community College Presidents, executive board member of the Presidents Academy-American Association of Community/Junior Colleges. Currently, Doctor Cornelius serves as president-elect of the board of Florida Association of Colleges and Universities.

Reflecting her dedication to community service, Doctor Cornelius was the first woman in 49 States and Canada to be invited to join Rotary.

This relentless pursuit of excellence has been both an inspiration and an example to the people of heartland. Congratulations to South Florida Community College and a very happy birthday to Dr. Catherine Cornelius.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-774. A communication from the Chairman of the United States Nuclear Regulatory Commission, transmitting, a draft of proposed legislation relative to employee recruitment; to the Committee on Governmental Affairs.

EC-775. A communication from the Director of the United States Office of Government Ethics, transmitting, a draft of proposed legislation entitled "Office of Goverment Ethics Authorization Act of 1994"; to the Committee on Governmental Affairs.

EC-776. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report under the Chief Financial Officers Act of 1990 for fiscal year 1992; to the Committee on Governmental Affairs.

EC-777. A communication from the Acting Director (Central Intelligence), Central Intelligence Agency, transmitting, a draft of proposed legislation entitled "Central Intelligence Agency Separation Pay Act"; to the Select Committee on Intelligence.

EC-778. A communication from the Secretary of Veterans Affairs and from the Secretary of Defense, transmitting, pursuant to law, a report on the implementation of health resources sharing; to the Committee on Veterans Affairs.

EC-779. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on granted equitable relief in calendar year 1992; to the Committee on Veterans Affairs.

EC-780. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation relative to the due date of an annual report to Congress; to the Committee on Veterans Affairs.

EC-781. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, notice of amendments to the federal rules of evidence; to the Committee on the Judiciary.

EC-782. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, notice of proposed amendments to the federal rules of criminal procedure; to the Committee on the Judiciary.

EC-783. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, notice of amendments to the federal rules of civil procedure and forms; to the Committee on the Judiciary.

EC-784. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, notice of proposed amendments to the federal rules of bankruptcy procedure; to the Committee on the Judiciary.

EC-785. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, notice of proposed amendments to the federal rules of appellate procedure; to the Committee on the Judiciary.

EC-786. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report and recommendation relative to an employee of the federal government; to the Committee on the Judiciary.

EC-787. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the report on applications for orders authorizing or approving the interception of wire, oral, or electronic communications for calendar year 1992; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOREN (for himself and Mr. DANFORTH):

S. 858. A bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax system, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 859. A bill to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926; to the Committee on Energy and Natural Resources.

By Mr. DECONCINI:

S. 860. A bill to establish a new educational assistance program for veterans who served during the Persian Gulf war and to make benefits under that program comparable to those provided to veterans of other wars, to provide comparability between the Persian Gulf war educational assistance program and the educational assistance program provided under chapter 30 of title 38, United States Code, and for other purposes; to the Committee on Veterans Affairs.

By Mr. BRADLEY (for himself, Mr. BIDEN, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KOHL, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, Mr. KERRY, Mr. LIEBERMAN, and Mr. HATCH):

S. 861. A bill to provide assistance to community development financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRADLEY (for himself, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. HATCH, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, Mrs. MURRAY, Mr. LIEBERMAN, and Mr. WOFFORD):

S. 862. A bill to promote the development of small business in economically distressed central cities by providing for entrepreneurship training courses and Federal guarantees of loans to potential entrepreneurs, and for other purposes; to the Committee on Small Business.

By Mr. BRADLEY (for himself, Mr. BIDEN, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, and Mr. HATCH):

S. 863. A bill to provide for the establishment of demonstration projects designed to determine the social, psychological, and economic effects of providing to individuals with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals with low income to achieve economic self-sufficiency; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mr. BIDEN, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, Mrs. MURRAY, Mr. KERRY, Mr. DODD, Mr. LIEBERMAN, Mr. WOFFORD, Mr. HATCH, and Mr. KRUEGER):

S. 864. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize community policing grant program; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself, Mr. BIDEN, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, Mr. HATCH, Mrs. MURRAY, Mr. DANFORTH, Mr. KERRY, Mr. KOHL, and Mr. WOFFORD):

S. 865. A bill to establish a Mobility for Work Demonstration Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BRADLEY (for himself, Mr. BIDEN, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. HATCH, Mr. SIMON, and Mr. WELLSTONE):

S. 866. A bill to provide for the establishment of a neighborhood reconstruction corps program to award grants for the employment of disadvantaged workers for infrastructure repair activities, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOREN (for himself and Mr. DANFORTH):

S. 858. A bill to amend the Internal Revenue Code of 1986 to modify the alternative minimum tax system, and for other purposes; to the Committee on Finance.

MINIMUM TAX REFORM ACT OF 1993

Mr. BOREN. Mr. President, I am pleased to join with my colleague from Missouri, Mr. DANFORTH, in introducing the Minimum Tax Reform Act of 1993. This bill would change the alternative minimum tax [AMT] system so that it works in the way that we intended when it was adopted in 1986. It is consistent with the President's goal of stimulating domestic investment and spurring long-term economic growth.

Certainly, we all agree that corporations making a profit ought to pay some tax. In 1986, the AMT was formulated to deal with the relatively prevalent abuse of this basic tenet. Unfortunately, hearings in my Subcommittee on Taxation and recent studies indicate that the system we constructed is having unintended and negative effects on investment. For example, in 1986 we believed that only a very few companies would be AMT payers and that they would move in and out of the regular tax and the AMT. This has not proved to be the case. A Business Roundtable survey revealed that 39 percent of its members expected to pay the AMT in 1992, and that 57 percent of Roundtable companies paid AMT in at least one of the last 3 years. Another 15 percent indicated that the existence of the AMT was a significant factor in their tax and financial planning. Thus, rather than being an occasional backstop to the regular income tax, the AMT is the determinative Federal income tax for more than 33 percent of large corporations and has directly affected the financial situation of 72 percent during the last 3 years.

I am particularly concerned about the effect of the AMT during the recent prolonged recession. If companies continue to invest in new plants and equipment during a recession when their profits are low, they are increasingly likely to be thrown into the AMT. A 1992 National Association of Manufacturers [NAM] survey revealed that firms with large decrease in profitability during recession years were increasingly likely to become AMT payers at the same time their profits were decreasing. Of 152 respondents to the survey, 40 companies were required to pay AMT in a year in which they sustained book income loss.

The effect of this tax on our international competitiveness is staggering. A year ago, several industry representatives and economists testified before Senator DANFORTH and myself about the debilitating effect on the AMT on U.S. companies' ability to compete in the world market. For example, a University of Maryland study compared the cost of capital in the United States to that of several major global competitors. An AMT payer in the United States generally recovers 34.06 percent of its capital investment over 5 years. By contrast, a German company recovers 87.34 percent in the same time period; a Japanese company recovers 64.35 percent; and a Korean company recovers nearly all of its investment in 5 years.

This legislation is designed to fix the AMT in three ways. First, the NAM survey revealed that depreciation is the primary reason a company falls into the AMT. The percentage contribution of depreciation to all factors responsible for making a company subject to the AMT was 85 percent. Accordingly, this proposal would allow for more generous depreciation for companies in the AMT than is currently allowed. The bill would allow companies to use the 150-percent declining balance method to compute depreciation. We believe that this adjustment will go a long way to eliminating the negative impact of the AMT.

Unfortunately, many companies have become chronic AMT payers under the current, flawed system. Part of the AMT scheme is the provision that allows a corporation a credit in the amount of the excess of its minimum tax over its regular tax; the AMT credit is applied against regular tax liability in future years. In 1986, we expected that corporation would revert to paying regular corporate tax soon enough for them to use these credits while they still had some value. That has not been the reality of the operation of the AMT, however. Companies stay in AMT for years, and the AMT credit decreases in value as the ability to use it is postponed further and further into the future.

We can fix this problem in the future by this change in depreciation. To help those companies that have accumulated immense AMT credits in the past, we have included a provision allowing them to use pre-1993 AMT credits against AMT liability up to 50 percent of that liability. This proposal should allow these companies to use their accumulated, pre-1993 AMT credits in a meaningful timeframe.

Third, we have included provisions to eliminate the preference treatment of some corporate investment and business expenditures that the country should encourage for valid policy reasons. For example, the bill would eliminate the preference treatment of investment in environmental improvement assets. It would therefore remove any disincentive caused by the AMT system for companies to invest in technology that will reduce waste, eliminate environmental hazards, reduce noise pollution, and protect the environment in other ways. In addition, the bill would allow businesses to offset up to 25 percent of their AMT liability with general business credits, such as the targeted jobs tax credit, the research tax credit and the low-income housing tax credit. We believe that these credits encourage worthwhile business activities and their effect should not be limited to those companies paying regular corporate tax.

Mr. President, I believe enactment of these proposals is vital to economic growth and to regarding international competitiveness. I look forward to working with my colleagues on the Finance Committee and in the Senate to include these provisions in the tax bill.

I ask unanimous consent that the statement of my colleague Senator DANFORTH and a copy of the bill appear in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Minimum Tax Reform Act of 1993".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. DEPRECIATION ADJUSTMENT USED IN COMPUTING ALTERNATIVE MINIMUM TAXABLE INCOME.

(a) 150-PERCENT DECLINING BALANCE METHOD.—

(1) IN GENERAL.—Paragraph (1) of section 56(a) (relating to depreciation) is amended to read as follows:

"(1) DEPRECIATION.—

"(A) 150-PERCENT DECLINING BALANCE METHOD.—

"(i) IN GENERAL.—In the case of property not described in clause (ii), the depreciation deduction allowable under section 167 shall be determined as provided in section 168(a), except that the applicable depreciation method under section 168(a)(1) shall be—

"(I) the 150-percent declining balance method,

"(II) switching to the straight line method for the 1st taxable year for which using the straight line method with respect to the adjusted basis as of the beginning of the year will yield a higher allowance.

"(ii) PROPERTY NOT USING 150-PERCENT METHOD.—Property described in this clause is section 1250 property (as defined in section 1250(c)) or any other property if the depreciation deduction determined under section 168 with respect to such other property for purposes of the regular tax is determined by using the straight line method.

"(B) NORMALIZATION RULES.—With respect to public utility property described in section 168(i)(10), the Secretary shall prescribe the requirements of a normalization method of accounting for this section."

(2) NO ADJUSTMENT FOR ADJUSTED CURRENT EARNINGS SYSTEM.—Clause (i) of section 56(g)(4)(A) (relating to depreciation adjustments for computing adjusted current earnings) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to property placed in service in taxable years beginning after December 31, 1992, and the depreciation deduction with respect to such property shall be determined under the rules of subsection (a)(1)(A)."

(b) EXCEPTION FOR ENVIRONMENTAL PROPERTY.—

(1) IN GENERAL.—Section 56(a)(1) (relating to depreciation adjustments), as amended by subsection (a)(1), is amended by adding at the end the following new subparagraph:

"(C) ENVIRONMENTAL IMPROVEMENT ASSETS.—This paragraph shall not apply to environmental improvement assets (as defined in section 59(k))."

(2) ENVIRONMENTAL IMPROVEMENT ASSETS.—Section 59 (relating to definition and special rules) is amended by adding at the end the following new subsection:

"(k) ENVIRONMENTAL IMPROVEMENT ASSETS.—

"(1) IN GENERAL.—For purposes of section 56(a)(1)(B), the term 'environmental improvement asset' means tangible property which is—

"(A) of a character subject to the allowance for depreciation provided in section 167;

"(B) used for, or is functionally related to property used for, one or more of the following purposes—

"(i) source reduction,

"(ii) solid waste minimization,

"(iii) waste conversion or recycling,

"(iv) reduction of environmental hazards,

"(v) compliance with environmental permits, rules, and similar requirements, including requirements with respect to noise pollution such as the reduction of aircraft noise level to stage 3 noise level (as defined in 14 CFR §36.1(f)(5)),

"(vi) prevention, containment or control of unplanned releases, or

"(vii) the manufacture, distribution and sale of alternate fuels and blending stocks or fuel additives for reformulated fuels, and

"(C) except in the case of property used for the reduction of aircraft noise levels described in subparagraph (B)(v), located and used exclusively in the United States during the taxable year.

If only a portion of property described in subparagraphs (A) and (C) is described in subparagraph (B), such portion shall be treated as an environmental improvement asset.

"(2) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) SOURCE REDUCTION.—The term 'source reduction' means reduction of the amount of regulated substances or other pollutants from fixed or mobile sources released into the environment if such reduction reduces hazards to public health or environment.

"(B) SOLID WASTE MINIMIZATION.—The term 'solid waste minimization' means the reduction in the generation of, or the recovery of commercially usable products from, residual materials which are classified as, or which if disposed would be classified as, solid wastes (within the meaning of the Resource Conservation and Recovery Act).

"(C) WASTE CONVERSION OR RECYCLING.—The term 'waste conversion or recycling' means the processing or conversion of liquid, solid, or gaseous wastes into fuel, energy, or other commercially usable products, and the production of such products if production occurs at the same facility as the conversion.

"(D) ABATEMENT OF ENVIRONMENTAL HAZARDS.—The term 'abatement of environmental hazards' includes the abatement, reduction, monitoring, or stabilization of potential human exposure to toxic chemicals, hazardous or extremely hazardous substances, or harmful radiation.

"(E) UNPLANNED RELEASES.—The term 'unplanned releases' means any release of regulated substances (except federally permitted releases), including indoor releases.

"(F) REGULATED SUBSTANCE.—The term 'regulated substance' includes any substance the release or emission of which is prohibited, limited, or regulated by Federal or State law or by Federal regulations (as determined without regard to whether a particular release would have been prohibited or limited).

"(G) RELEASE.—The term 'release' means any spilling, leaking, pouring, discharging, escaping, dumping, or disposing into the environment, including the abandonment or discarding of barrels or other closed receptacles."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after December 31, 1992.

SEC. 3. PRE-1993 MINIMUM TAX ALLOWED AS CREDIT AGAINST MINIMUM TAX FOR CERTAIN TAXPAYERS.

(a) IN GENERAL.—Section 53(c) (relating to limitation) is amended by adding at the end the following new paragraph:

"(2) SPECIAL RULE FOR CERTAIN TAXPAYERS WITH PRE-1993 UNUSED MINIMUM TAX CREDITS.—

"(A) IN GENERAL.—If a taxpayer had an unused minimum tax credit for at least 3 of the taxable years in the testing period, then, subject to the limitation of subparagraph (B), the limitation under paragraph (1) for any taxable year following the testing period shall in no event be less than 50 percent of the excess (if any) of—

"(I) the tentative minimum tax for such taxable year, over

"(II) the sum of the credits allowable under subparts A, B, D, E, and F of this part.

"(B) LIMITATION.—

"(i) IN GENERAL.—The aggregate increases in the limitation under paragraph (1) by reason of subparagraph (A) shall not exceed the pre-1993 unused minimum tax credits.

"(ii) ORDERING RULE.—For purposes of clause (i), any credit under subsection (a) for taxable years following the testing period shall be treated as allocated to pre-1993 unused minimum tax credits until such credits are used up.

"(C) DEFINITIONS.—For purposes of this paragraph—

"(i) TESTING PERIOD.—The term 'testing period' means the 5-taxable year period ending with the taxpayer's last taxable year beginning in 1992.

"(ii) PRE-1993 UNUSED MINIMUM TAX CREDITS.—The term 'pre-1993 unused minimum tax credits' means the credits allowable under subsection (a) remaining unused as of the close of the testing period."

(b) CONFORMING AMENDMENTS.—Section 53(c) (as in effect before the amendment made by subsection (a)) is amended—

(1) by striking "The" and inserting:

"(1) IN GENERAL.—Except as provided in paragraph (2), the", and

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1992.

SEC. 4. ALLOWANCE OF GENERAL BUSINESS CREDIT AGAINST PORTION OF MINIMUM TAX.

(a) IN GENERAL.—Subparagraph (A) of section 38(c)(1) (relating to limitation based on amount of tax) is amended by inserting "75 percent of" before "the tentative minimum tax".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1992.

Mr. DANFORTH. Mr. President, I am pleased to join with my colleague from Oklahoma, Senator BOREN, in introducing the Minimum Tax Reform Act of 1993.

This bill modifies the alternative minimum tax [AMT] rules enacted in 1986. After careful review of the effect of the AMT rules on taxpayers, I believe that the rules go beyond Congress's original intent to ensure that all taxpayers pay their fair share to the Federal Government. Specifically, the rules were designed to end the situation where corporations could report high earnings to shareholders, but avoid taxes by offsetting their income with tax deductions and credits.

The AMT has become the primary tax system for many of America's basic industries. These industries include—chemicals, automobiles, steel, airlines, paper, energy, utilities, and transportation. Many corporations in these industries have turned in some of the poorest financial results of all U.S. corporations. Reduced earnings and significant capital investment have forced an increased number of these corporations into the AMT system. For example, a Business Roundtable survey found that 57 percent of the Roundtable companies paid AMT in at least one of the past 3 years. Moreover, it is generally believed that about one-half of corporate filers are in, or recently have been in, the AMT system.

What type of corporations are most likely to be in the AMT? With the ability to use hindsight, we see the AMT corporations are not businesses with huge profits, paying out high dividends, and using adroit tax planning in order to avoid taxes. Instead, AMT corporations tend to be businesses with depressed earnings, and/or corporations with significant investments in capital equipment. According to a survey conducted by the National Association of Manufactures [NAM] in 1992, 40 of 150 respondents were required to pay the AMT in a year in which they sustained a book income loss. The study found that in recession years, firms with large decreases in profits are increasingly likely to be AMT taxpayers at the same time their profits are decreasing. Thus, as profits erode, the AMT kicks in, and cash flow is reduced even further.

Many of us in Congress have been attempting to craft policies to stimulate capital investment. Capital investment boosts productivity, enhances competitiveness, creates new private sector jobs, and generally strengthens the economy. Members of Congress and the administration can and do differ at times on the best way to encourage capital investment. But all legislators realize its importance to the health of our economy and the competitiveness of U.S. industry. However, the AMT inhibits capital investment. In fact, in many cases it actually punishes taxpayers that invest in new plants and equipment. The catch 22 here is that the AMT increases the cost of capital projects by wiping out benefits of accelerated depreciation. A taxpayer can extract itself from the AMT by reducing capital investment, which is the opposite of what we want the taxpayer to do. The NAM study noted that depreciation accounted for 85 percent of all factors responsible for keeping a taxpayer under the AMT. Thus, an AMT taxpayer hurts itself financially by trying to invest in new capital.

Not only does the AMT system discourage capital investment, it increases the capital costs of AMT taxpayers to a level 15 to 20 percent higher than non-AMT taxpayers. Research sponsored by the American Council for Capital Formation suggests that the AMT subjects U.S. capital intensive industries to the worst capital cost recovery rates in the industrialized world. An AMT payer in the United States generally recovers little over one-third of its investment over 5 years. By contrast, our trading partners have much more generous recovery systems. In Germany, for example, corporations generally recover 85 percent over 5 years while Japanese and Korean corporations recover 64 percent and 95 percent of their investments respectively over the same period.

We cannot be so disingenuous as to claim to provide tax incentives for capital formation, and increased investment through tax credits and deductions, on one hand, but deny through the AMT such benefits to nearly 50 percent of U.S. corporations.

Our legislation addresses these problems in several ways. First, the bill replaces the two current AMT depreciation systems with a single system that conforms the recovery period for AMT to those of the regular tax depreciation system. The new system would reduce the current AMT penalty by about one-half and result in less recordkeeping, because a single recovery period can be used for both AMT and regular depreciation.

This new system is nearly identical to what has been proposed by the President. They are two differences. Our proposal is effective for investments in 1993, while the President's is not effective until 1994. Making the proposal effective now will not prevent AMT payers from investing immediately, and will free up additional cash to stimulate the economy immediately. The second difference is that our bill provides a 150-percent declining balance recovery rate versus 120 percent in the President's plan. Companies investing in shorter lived assets, such as computers and automobiles, would not receive any benefits from the President's proposal.

Our legislation exempts investments in assets purchased for environmental reasons from the AMT calculation. Increasingly, firms are spending capital on assets to improve the environment, either voluntarily or to meet Federal or State environmental mandates. Currently, AMT payers are discouraged from making these investments because the after tax cost is increased by the AMT.

The bill permits AMT payers to reduce up to 25 percent of their AMT liability with general business credits, including the targeted jobs credit, low-income housing credit, research and development credit, and rehabilitation credit. I believe these credits encourage worthwhile investments. The benefits of these provisions are diminished if they are limited to regular taxpayers. Investment by AMT payers in low-income housing, rehabilitation, and research and development, for example, are no less beneficial than investments by regular taxpayers. To the contrary, AMT payers, many of which have reduced earnings, could arguably use the incentive effects of these provisions more than regular taxpayers.

Mr. President, I believe the provisions of this bill will reduce the cost of capital for many U.S. corporations, stimulate investment and economic growth, and enhance U.S. manufacturer's international competitiveness. I commend Senator BOREN and his staff for helping to craft this important legislation and look forward to working with my colleagues to enact these provisions in the tax bill this year.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 859. A bill to reduce the restrictions on lands conveyed by deed under the act of June 8, 1926; to the Committee on Energy and Natural Resources.

KAYSVILLE CITY, UT, ACT OF 1993

• Mr. HATCH. Mr. President, I am pleased today to reintroduce legislation, with my colleague Senator BENNETT, that permits Kaysville City, UT, to lease certain patented lands for communication purposes. This measure was introduced last session. Unfortunately, as it began moving through the legislative process, other language that had nothing to do with the underlying subject was attached to it. Eventually, the bill died before the session ended due to the additional proposals. I hope our bill will remain intact and receive better consideration by the 103d Congress.

In 1926, Kaysville City was granted a patent to Federal lands located on Kaysville Peak in order to provide protection to the city's watershed. The 1926 act prohibited the use of the property for any purpose other than watershed protection or the property would revert to the Federal Government.

When this patent was executed, communication stations on mountain peaks were very rare. Now, they are very common and an essential part to enhancing the communication link between the various local departments and city vehicles.

In 1978, a communication relay station was constructed on the patented land located on Kaysville Peak. This station is operated by a private company and is primarily used for the daily operations of Davis County School District buses. The presence of this important station is not permitted under the 1926 act and the city is technically violating the terms of the patent.

This legislation will correct this technicality by amending the 1926 act to permit the relay station to remain on the site in a manner consistent with watershed protection. The Bureau of Land Management indicated in 1989 that there was no administrative relief available for this situation. Therefore, we are asking Congress to adopt the appropriate remedy. Since there is no degradation to Kaysville City's watershed by having the station located on Kaysville Peak, we are eager to see this legislation adopted.

We urge our colleagues to favorably consider this important piece of legislation.•

By Mr. DECONCINI:

S. 860. A bill to establish a new educational assistance program for veterans who served during the Persian Gulf war and to make benefits under that program comparable to those provided to veterans of other wars, to provide comparability between the Persian Gulf war educational assistance program and the educational assistance program provided under chapter 30 of title 38, United States Code, and for other purposes; to the Committee on Veterans' Affairs.

COMBAT ERA SERVICEPERSONS' READJUSTMENT ACT OF 1993

• Mr. DECONCINI. Mr. President, I rise to reintroduce very important legislation for America's veterans that I first introduced last Congress. This bill simply seeks to increase the level of educational benefits for Persian Gulf veterans and other combat era veterans to $777 per month from $400 per month for full-time students, a level comparable to that of veterans who fought in defense of their country in prior wars.

Mr. President, the current level of educational assistance benefits authorized for individuals who served during the Persian Gulf war and other conflicts are not comparable to those benefits provided to veterans of World War II, the Korean or Vietnam war. Instead, current veterans' educational assistance benefits have been scaled back to address specific needs and purposes related to peacetime military service and fiscal restraints.

Nonetheless, the Montgomery GI bill has served our peacetime needs very well. Witness after witness has given testimony before the Senate and House Committees on Veterans' Affairs and Armed Services in recent years indicating that the services attracted a significantly higher caliber recruit as a direct result of the Montgomery GI bill. The Nation profitted as well from the Montgomery GI bill, or new GI bill as many refer to it. Some economists even estimate that the country gets back as much as $17 for each dollar spent on the new GI bill. However, the sad truth is that full-time new GI bill educational assistance for veterans today barely covers tuition costs for State-supported institutions leaving the veteran to absorb hundreds of dollars in costs for books, lab fees, and other university-required charges.

Mr. President, today's new GI bill just doesn't measure up to the old GI bill our Nation provided to veterans of former wars. Unfortunately, current educational assistance provided to the Desert Storm and other combat veterans is inconsistent with the longstanding commitment of a grateful Nation to provide a comprehensive program of benefits, including educational assistance, to each and every person who serves in defense of our freedoms during periods of war. When the veterans of these former wars came home, they could rely upon their country through the old GI bill to pay its fair share of educational assistance. Today's combat veteran cannot.

Mr. President, my purpose today isn't to argue what a fair share of the future educational needs of these combat veterans is and which veterans should be considered. My purpose today is solely to lay a much broader issue before the Senate as we begin to consider what our new domestic budget priorities will be in light of reduced foreign military threats.

Mr. President, President Clinton's national community service legislation was announced earlier today. At this time we must weigh the impacts of that legislation upon one of the most important components of our voluntary national defense system. As we understand it today, the President's community service proposal may provide the same or greater benefits as the new GI bill and would not require any monetary contribution by a participant. We must ask ourselves if this is a fair deal for our veterans.

The Montgomery GI bill educational assistance program is a contributory system where each participant must forgo $1,200 in active duty pay in order to qualify. The Clinton national service proposal would provide $13,000 in assistance in exchange for a 2-year obligation. A 2-year enlistment in defense of this Nation today would provide only a maximum of $10,500 in education benefits—$325 per month for 36 months, less the $1,200 mandatory contribution already paid while on active duty—for a full-time student. A 3-year enlistment would yield a maximum of $13,200 in full-time education benefits—$400 per month for 36 months, less the $1,200 contribution. The recently announced Clinton fiscal year 1994 budget proposal would also dramatically increase the contribution by $400 to $1,600.

In conclusion, Mr. President, my purpose today is not to criticize President Clinton's national service proposal, but to remind my colleagues again that the peace dividend shares we are spending today are the product of the sweat and blood of the men and women of the armed services. To assure veterans who served in the Persian Gulf war and other conflicts and who continue to serve that we have not forgotten them after all the ticker tape and yellow ribbons have been swept up and thrown away, we must increase their GI bill benefits. It's the right thing for a grateful Nation to do.

Mr. President, I strongly urge all my colleagues to cosponsor this important legislation and work toward its expeditious enactment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 860

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Combat Era Servicepersons' Readjustment Act of 1993".

FINDINGS AND DECLARATIONS

SEC. 2. (a) The Congress finds that—

(1) the members of the Active, Reserve, and National Guard Forces of the United States carried out their responsibilities in Operations Desert Shield and Desert Storm in an exemplary manner;

(2) the men and women who served in the Armed Forces during the Persian Gulf war deserve a comprehensive program of veterans' benefits, as provided by a grateful Nation, no less than their forebears who served during World War II and the Korean and Vietnam wars;

(3) the benefits currently provided through the Department of Veterans Affairs and other Federal agencies were established in some instances to address specific needs or purposes related to peacetime military service;

(4) the veterans of World War II, and the Korean and Vietnam wars, received proportionally more educational assistance as readjustment assistance than currently is available for Persian Gulf war veterans under chapter 30 of title 38, United States Code; and

(5) the members of the Armed Forces who served during the Persian Gulf war are now entitled to educational assistance benefits at least equivalent to those received by veterans of previous wars.

(b) The Congress therefore declares that the purpose of this Act is to provide, on behalf of a grateful nation, educational assistance benefits to individuals who served during the Persian Gulf war which are comparable to those benefits provided to veterans of other wars, to establish educational assistance programs that are adequate to ensure a high degree of participation by eligible veterans, and to provide for comparability of benefits under the Montgomery GI Bill.

PERSIAN GULF WAR EDUCATIONAL ASSISTANCE PROGRAM

SEC. 3. (a)(1) Title 38, United States Code, is amended by inserting after chapter 43 the following new chapter:

"CHAPTER 44—PERSIAN GULF WAR EDUCATIONAL ASSISTANCE PROGRAM

"SUBCHAPTER I—PURPOSE—DEFINITIONS

"Sec.
"2101. Purpose.
"2102. Definitions.

"SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

"2110. Eligibility; entitlement; duration.
"2111. Time limitations for completing a program of education.
"2112. Educational and vocational counseling.

"SUBCHAPTER III—ENROLLMENT

"2120. Selection of program.
"2121. Applications; approval.
"2122. Disapproval of enrollment in certain courses.
"2123. Discontinuance of unsatisfactory conduct or progress.
"2124. Education outside the United States.

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

"2130. Educational assistance allowance.
"2131. Computation of Educational assistance allowances.
"2132. Approval of courses.
"2133. Apprenticeship or other on-job training; correspondence courses.
"2134. Work-study allowance.

"SUBCHAPTER V—ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"2140. Purpose.
"2141. Elementary and secondary education and preparatory educational assistance.

"2142. Tutorial assistance.
"2143. Effect on educational entitlement.

"SUBCHAPTER VI—GENERAL AND ADMINISTRATIVE PROVISIONS

"2151. Bar to duplication of educational assistance benefits.
"2152. Allocation of administration and of program costs.
"2153. Reporting requirement.

"SUBCHAPTER I—PURPOSE—DEFINITIONS

"§ 2101. Purpose

"The Congress of the United States hereby declares that the educational assistance program created by this chapter is for the purpose of (1) providing veterans who served on active duty during the Persian Gulf war with educational assistance benefits comparable to those enjoyed by their forebears who served in other wars, (2) extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, (3) providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted or impeded by reason of active duty during the Persian Gulf war, and (4) aiding such persons in attaining the vocational and educational status which they might normally have aspired to and obtained had they not served their country.

"§ 2102. Definitions

"For the purposes of this chapter and chapter 36 of this title:

"(a) The term 'incremental costs associated with Operation Desert Storm' means costs referred to in section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

"(b) The term 'Persian Gulf war' means the period beginning on August 2, 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

"(c)(1) The term 'eligible veteran' means any veteran who—

"(A) served on active duty for a period of more than 90 days during the Persian Gulf war, and was discharged or released therefrom under conditions other than dishonorable; or

"(B) contracted with the Armed Forces and was enlisted in or assigned to a reserve component (including the Army National Guard of the United States and the Air National Guard of the United States) prior to August 2, 1990, and as a result of such enlistment or assignment served during the Persian Gulf war on active duty, any part of which commenced within 12 months after August 1, 1990, and was discharged or released from such active duty under conditions other than dishonorable; or

"(C) was discharged or released from active duty, any part of which was performed during the Persian Gulf war, or following entrance into active service from an enlistment or assignment provided for under subparagraph (B) of this paragraph, because of a service-connected disability.

"(2) The requirement of discharge or release, prescribed in paragraph (1)(A) or (B), shall be waived in the case of any individual who served more than 90 days in an active-duty status for so long as such individual continues on active duty without a break therein.

"(3) For purposes of paragraph (1)(A) and section 2110(a), the term "active duty" does not include any period during which an individual (A) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (B) served as a cadet or midshipman at one of the service academies, or (C) served under the provisions of section 511(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve unless at some time subsequent to the completion of such period of active duty for training such individual served on active duty for a consecutive period of 90 days or more during the Persian Gulf war (not including any service as a cadet or midshipman at one of the service academies).

"(d) The term 'program of education' means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. Such term also means any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field. Such terms also means any unit course or subject, or combination of courses of subjects, pursued by an eligible veteran at an educational institution required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of section 7(i)(1) of the Small Business Act (15 U.S.C. 636(i)(1)).

"(e) The term 'educational institution' means any public or private elementary school, secondary school, vocational school, correspondence school, business school, university, or scientific or technical institution, or other institution furnishing education for adults.

"(f) The term 'dependent' means—

"(1) a child of an eligible veteran;

"(2) a dependent parent of an eligible veteran; and

"(3) the spouse of an eligible veteran.

"(g) The term 'training establishment' means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established pursuant to chapter 4C of title 29, or any agency of the Federal Government authorized to supervise such training.

"(h) The term 'institution of higher learning' means a college, university, or similar institution, including a technical or business school, offering postsecondary level academic instruction that leads to an associate or higher degree if the school is empowered by the appropriate State education authority under State law to grant an associate or higher degree. When there is no State law to authorize the granting of a degree, the school may be recognized as an institution of higher learning if it is accredited for degree programs by a recognized accredit agency. Such term shall also include a hospital offering educational programs at the postsecondary level without regard to where the hospital grants a postsecondary degree. Such term shall also include an educational institution which is not located in a State, which offers a course leading to a standard college degree, or the equivalent, and which is recognized as such the secretary of education (or comparable official) of the country or other jurisdiction in which the institution is located.

"(i) The term 'standard college degree' means an associate or higher degree awarded by (1) an institution of higher learning that is accredited as a collegiate institution by a recognized regional or national accrediting agency; (2) an institution of higher learning that is a 'candidate' for accreditation as that term is used by the regional or national accrediting agencies; or (3) an institution of higher learning upon completion of a course which is accredited by an agency recognized to accredit specialized degree-level programs. For the purpose of this section, the accrediting agency must be one recognized by the Secretary of Education under the provisions of section 1775 of this title.

"SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

"§ 2110. Eligibility; entitlement; duration

"(a) Except as provided in the second sentence of this subsection, each eligible veteran shall be entitled to educational assistance under this chapter or chapter 36 for a period of 36 months (or the equivalent thereof in part-time educational assistance). If an eligible veteran has served a continuous period of 18 months or more on active duty after August 1, 1990, and has been released for such service under conditions that would satisfy the veteran's active duty obligations, the veteran shall be entitled to educational assistance under this chapter for a period of 45 months (or the equivalent thereof in part-time educational assistance). In the case of any person serving on active duty on the date that the period of the Persian Gulf war is ended by Presidential proclamation or by law, or a person whose eligibility is based on section 2102(d)(1)(B) of this chapter, the ending date for computing such person's entitlement shall be the date of such person's first discharge or release from active duty after the ending date of such Persian Gulf war.

"(b) Whenever the period of entitlement under this section of an eligible veteran who is enrolled in an educational institution regularly operated on the quarter or semester system ends during a quarter or semester, such period shall be extended to the termination of such unexpired quarter or semester. In educational institutions not operated on the quarter or semester system, whenever the period of eligibility ends after a major portion of the course is completed such period shall be extended to the end of the course or for 12 weeks, whichever is the lesser period.

"(c) Except as provided in subsection (b) and in subchapter V of this chapter, no eligible veteran shall receive educational assistance under this chapter in excess of 45 months.

"§ 2111. Time limitations for completing a program of education

"(a)(1) Subject to paragraph (4) of this subsection, no educational assistance shall be afforded an eligible veteran under this chapter beyond the date 10 years after the veteran's last discharge or release from active duty after August 2, 1990; except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran's chosen program of education with such time period because of a physical or mental disability which is not the result of such veteran's own willful misconduct, such veteran shall, upon application made within 1 year after the last date of the delimiting period otherwise applicable under this section, or the termination of the period of such mental or physical disability, whichever is the latest, be granted an extension of the applicable delimiting period for such length of time as the Secretary determines, from the evidence, that such veteran was so prevented from initiating or completing such program of education. When an extension of the applicable delimiting period is granted a veteran under the preceding sentence, the delimiting period with respect to such veteran will again begin running on the first day following such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations which the Secretary shall prescribe, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter.

"(2)(A) Notwithstanding the provisions of paragraph (1) of this subsection, any veteran shall be permitted to use any such veteran's unused entitlement under section 2110 of this title for the purpose of eligibility for an education loan, pursuant to the provisions of subchapter III of chapter 36 of this title, after the delimiting date otherwise applicable to such veteran under such program (1), if such veteran was pursuing an approved program of education on a full-time basis at the time of the expiration of such veteran's eligibility.

"(B) Notwithstanding any other provision of this chapter or chapter 36 of this title, any veteran whose delimiting period is extended under subparagraph (a) of this paragraph may continue to use any unused loan entitlement under this paragraph as long as the veteran continues to be enrolled on a full-time basis in pursuit of the approved program of education in which such veteran was enrolled at the time of expiration of such veteran's eligibility (i) until such entitlement is exhausted, (ii) until the expiration of the delimiting date otherwise applicable to such veteran under paragraph (1) of this subsection, or (iii) until such veteran has completed the approved program of education which such veteran was enrolled at the end of the delimiting period referred to in paragraph (1) of this subsection, whichever occurs first.

"(3)(A) Subject to subparagraph (C) of this paragraph and notwithstanding the provisions of paragraph (1) of this subsection, an eligible veteran who served on active duty during the Persian Gulf war shall be permitted to use any of such veteran's unused entitlement under section 2110 of this title for the purpose of pursuing—

"(i) a program of apprenticeship or other on-job training;

"(ii) a course with an approved vocational objective; or

"(iii) a program of secondary education, if the veteran does not have a secondary school diploma (or an equivalency certificate).

"(B) Upon completion of a program or course pursued by virtue of eligibility provided by this paragraph, the Secretary shall provide the veteran with such employment counseling as may be necessary to assist the veteran in obtaining employment consistent with the veteran's abilities, aptitudes, and interests.

"(C)(i) Educational assistance shall be provided a veteran for pursuit of a program or course described in clause (i) or (ii) of subparagraph (A) of this paragraph using eligibility provided by this paragraph unless the Secretary determines, based on an examination of the veteran's employment and training history, that the veteran is not in need of such a program or course in order to obtain a reasonably stable employment situation consistent with the veteran's abilities and aptitudes. Any such determination shall be made in accordance with regulations which the Secretary shall prescribe.

"(ii) Educational assistance provided a veteran for pursuit of a program described in clause (iii) of subparagraph (A) of this paragraph using eligibility provided by this paragraph shall be provided at the rate determined under section 2141(b)(2) of this title.

"(D) Educational assistance may not be provided by virtue of this paragraph after a date to be determined by the Secretary, pursuant to regulations which the Secretary shall prescribe.

"(4) For purposes of paragraph (1) of this subsection, a veteran's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 1411(a)(1)(A)(ii)(III) of this title.

"(b) In the case of any eligible veteran who has been prevented, as determined by the Secretary, from completing a program of education under this chapter within the period prescribed by subsection (a), because the veteran had not met the nature of discharge requirements of this chapter before a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, the correction of the military records of the proper service department under section 1552 of title 10, or other corrective action by competent authority, then the 10-year delimiting period shall run from the date the veteran's discharge or dismissal was changed, corrected, or modified.

"(c) In the case of any veteran (1) who served on or after August 2, 1990, (2) who became eligible for educational assistance under the provisions of this chapter or chapter 36 of this title, and (3) who, subsequent to the veteran's last discharge or release from active duty, was captured and held as a prisoner of war by a foreign government or power, there shall be excluded, in computing the veteran's 10-year period of eligibility for educational assistance, any period during which the veteran was so detained and any period immediately following the veteran's release from such detention during which the veteran was hospitalized at a military, civilian, or Department of Veterans Affairs medical facility.

"(d) No educational assistance shall be afforded any eligible veteran under this chapter or chapter 36 of this title after a date to be determined by the Secretary, pursuant to regulations which the Secretary shall prescribe.

"§ 2112. Educational and vocational counseling.

"The Secretary shall make available to any eligible veteran, upon such veteran's request, counseling services, including such educational and vocational counseling and guidance, testing, and other assistance as the Secretary deems necessary to aid such veteran in selecting (1) an educational or training objective and an educational institution or training establishment appropriate for the attainment of such objective, or (2) an employment objective that would be likely to provide such veteran with satisfactory employment opportunities in light of such veteran's personal circumstances. In any case in which the Secretary has rated the veteran as being incompetent, such counseling shall be required to be provided to the veteran prior to the selection of a program of education or training. At such intervals as the Secretary shall make available information respecting the need for general education and for trained personnel in the various crafts, trades, and professions. Facilities of other Federal agencies collecting such information shall be utilized to the extent the Secretary deems practicable. The Secretary shall take appropriate steps (including individual notification where feasible) to acquaint all eligible veterans with the availability and advantages of such counseling services.

"SUBCHAPTER III—ENROLLMENT

"§ 2120. Selection of program

"Subject to the provisions of this chapter, each eligible veteran may select a program of education to assist the veteran in attaining an educational, professional, or vocational objective at any educational institution (approved in accordance with chapter 36 of this title) selected by the veteran, which will accept and retain the veteran as a student or trainee in any field or branch of knowledge which such institution finds the veteran qualified to undertake or pursue.

"§ 2121. Applications; approval

"Any eligible veteran, or any person on active duty (after consultation with the appropriate service education officer), who desires to initiate a program of education under this chapter shall submit an application to the Secretary which shall be in such form, and contain such information, as the Secretary shall prescribe. The Secretary shall approve such application unless the Secretary finds that (1) such veteran or person is not eligible for or entitled to the educational assistance for which application is made, (2) the veteran's or person's selected educational institution or training establishment fails to meet any requirement of this chapter or chapter 36 of this title, (3) the veteran's or person's enrollment in, or pursuit of, the program of education selected would violate any provision of this chapter or chapter 36 of this title, or (4) the veteran or person is already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the program of education is offered. The Secretary shall notify the veteran or person of the approval or disapproval of the veteran's or person's application.

"§ 2122. Disapproval of enrollment in certain courses

"(a) The Secretary shall not approve the enrollment of an eligible veteran in—

"(1) any bartending course or personality development course;

"(2) any sales or sales management course which does not provide specialized training within a specific vocational field;

"(3) any type of course which the Secretary finds to be avocational or recreational in character (or the advertising for which the Secretary finds contains significant avocational or recreational themes) unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of the veteran's present or contemplated business or occupation; or

"(4) any independent study program except one leading to a standard college degree.

"(b) The Secretary shall not approve the enrollment of an eligible veteran in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible veteran is seeking.

"(c) The Secretary shall not approve the enrollment of an eligible veteran in any course to be pursued by radio or by open circuit television, except that the Secretary may approve the enrollment of an eligible veteran in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television.

"(d)(1) Except as provided in paragraph (2) of this subsection, the Secretary shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Secretary finds that more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 106 of title 10. The Secretary may waive the requirements of this subsection, in whole or in part, if the Secretary determines, pursuant to regulations which the Secretary shall prescribe it to be in the interest of the eligible veteran and the Federal Government. The provisions of this subsection shall not apply to any course offered by an educational institution if the total number of veterans and persons receiving assistance under this chapter or chapter 30, 31, 32, 34, 35, or 36 of this title or under chapter 106 of title 10 who are enrolled in such institution equals 35 percent or less, or such other per cent as the Secretary prescribes in regulations, of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution), except that the Secretary may apply the provisions of this subsection with respect to any course in which the Secretary has reason to believe that the enrollment of such veterans and persons may be in excess of 85 percent of the total student enrollment in such course.

"(2) paragraph (1) of this subsection—

"(A) does not (except as provided in section 2141(c) of this title) apply with respect to the enrollment of a veteran in a course offered pursuant to subchapter V of this chapter;

"(B) does not apply with respect to the enrollment of a veteran in a farm cooperative training course; and

"(C) does not apply with respect to the enrollment of a veteran in a course described in section 1789(b)(6) of this title.

"§ 2123. Discontinuance of unsatisfactory conduct or progress

"The Secretary shall discontinue the educational assistance allowance of an eligible veteran if, at any time, the Secretary finds that according to the regularly prescribed standards and practices of the educational institution, the veteran's attendance, conduct, or progress is unsatisfactory. The Secretary may renew the payment of the educational assistance allowance only if the Secretary finds that—

"(1) the veteran will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such veteran's reenrollment and certified it to the Department of Veterans Affairs; or

"(2) in the case of a proposed change of either educational institution or program of education by the veteran—

"(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

"(B) the program proposed to be pursued is suitable to the veteran's aptitudes, interests, and abilities; and

"(C) if a proposed change of program is involved, the change meets the requirements for approval under section 1791 of this title.

"§ 2124. Education outside the United States

"An eligible veteran may not enroll in any course at an educational institution not located in a State unless such course is pursued at an approved institution of higher learning and the course is approved by the Secretary. The Secretary may deny or discontinue educational assistance under this chapter in the case of any veteran enrolled in an institution of higher learning not located in a State if the Secretary determines that such enrollment is not in the best interest of the veteran or the Federal Government.

"SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

"§ 2130. Educational assistance allowance

"(a) The Secretary shall, in accordance with the applicable provisions of this section and chapter 36 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of the veteran's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

"(b) The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence, at an educational institution shall be paid as provided in chapter 36 of this title.

"§ 2131. Computation of educational assistance allowances

"(a)(1) Except as provided in subsection (b), (c), or (g) of this section or section 1787 of this title, while pursuing a program of education under this chapter of half-time or more, each eligible veteran shall be paid during the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly educational assistance allowance set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the applicable type of program as shown in column I:

Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	$777	$925	$1,054	$66
Three-quarter time	9583	9692	23789	949
Half-time	9389	9463	23528	935
Cooperative	9629	9735	23836	948

"(2) With respect to the fiscal year beginning on October 1, 1993, the Secretary shall pay, in lieu of the rates payable under paragraph (1) of this subsection, the monthly rates payable under such paragraph and shall provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

"(3) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary shall pay, in lieu of the rates payable under paragraph (1) of this subsection, the monthly rates payable under this subsection for the previous fiscal year and shall provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(4) A "cooperative" program, other than a "farm cooperative" program, means a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion.

"(b) The educational assistance allowance of an individual pursuing a program of education—

"(1) while on active duty, or

"(2) on less than a half-time basis,

shall be computed at the rate of (A) the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) $777 per month (or such rate as adjusted pursuant to subsection (a)(2) of this section) for a full-time course, whichever is the lesser. An individual's entitlement shall be charged for institutional courses on the basis of the applicable monthly training time rate as determined under section 1788 of this title.

"(c)(1) An eligible veteran who is enrolled in an educational institution for a 'farm cooperative' program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months and who pursues such program on—

"(A) a full-time basis (a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period),

"(B) a three-quarter-time basis (a minimum of 7 clock hours per week), or

"(C) a half-time basis (minimum of 5 clock hours per week), shall be eligible to receive an educational assistance allowance at the appropriate rate provided in the table in paragraph (2) of this subsection, if such eligible veteran is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Secretary. In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled.

"(2) The monthly educational assistance allowance of an eligible veteran pursuing a farm cooperative program under this chapter during the period beginning on October 1, 1991, and ending on September 30, 1993, shall be paid as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the basis shown in column I:

Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Full-time	$629	$735	$836	$48
Three-quarter time	9472	9551	9627	937
Half-time	9315	9369	9419	925

"(3) With respect to the fiscal year beginning on October 1, 1993, the Secretary shall pay, in lieu of the rates payable under paragraph (2), the monthly rates payable under such paragraph and shall provide a percentage increase in such rates equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.

"(4) With respect to any fiscal year beginning on or after October 1, 1994, the Secretary shall pay, in lieu of the rates payable under paragraph (2), the monthly rates payable under this subsection for the previous fiscal year and shall provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which—

"(A) the Consumer Price Index (all items, United States average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

"(d)(1) Notwithstanding the prohibition in section 2121 of this title prohibiting enrollment of an eligible veteran in a program of education in which such veteran has 'already qualified,' a veteran shall be allowed up to 6 months of educational assistance (or the equivalent thereof in part-time assistance) for the pursuit of refresher training to permit such veteran to update such veteran's knowledge and skills and to be instructed in the technological advances which have occurred in such veteran's field of employment during and since the period of such veteran's active military service.

"(2) A veteran pursuing refresher training under this subsection shall be paid an educational assistance allowance based upon the rate prescribed in the table in subsection (a)(1) or subsection (c)(2) of this section, whichever is applicable.

"(3) The educational assistance allowance paid under the authority of this subsection shall be charged against the period of entitlement the veteran has earned pursuant to section 2110(a) of this title.

"(e) The educational assistance allowance of an eligible veteran pursuing an independent study program which leads to a standard college degree shall be computed at the rate provided in subsection (b) of this section. If the entire training is to be pursued by independent study, the amount of such veteran's entitlement to educational assistance under this chapter shall be charged in accordance with the rate at which the veteran is pursuing the independent study program but at not more than the rate at which such entitlement is charged for pursuit of such program on less than a half-time basis. In any case in which independent study is combined with resident training, the educational assistance allowance shall be paid at the applicable institutional rate based on the total training time determined by adding the number of semester hours (or the equivalent thereof) of resident training to the number of semesters hours (or the equivalent thereof) of independent study that do not exceed the number of semester hours (or the equivalent thereof) required for the less than half-time institutional rate, as determined by the Secretary, for resident training. A veteran's entitlement shall be charged for a combination of independent study and resident training on the basis of the applicable monthly training time rate as determined under section 1788 of this title.

"(f) The educational assistance allowance of an eligible veteran pursuing a course in part by open circuit television shall be computed in the same manner that such allowance is computed under subsection (e) of this section for an independent study program.

"(g)(1) Subject to the provisions of paragraph (2) of this subsection, the amount of the educational assistance allowance paid to an eligible veteran who is pursuing a program of education under this chapter while incarcerated in a Federal, State, or local penal institution for conviction of a felony may not exceed such amount as the Secretary determines, in accordance with regulations which the Secretary shall prescribe, is necessary to cover the cost of established charges for tuition and fees required of similar circumstanced nonveterans enrolled in the same program and to cover the cost of necessary supplies, books, and equipment, or the applicable monthly educational assistance allowance prescribed for a veteran with no dependents in subsection (a)(1) or (c)(2) of this section or section 1787(b)(1) of this title, whichever is the lesser. The amount of the educational assistance allowance payable to a veteran while so incarcerated shall be reduced to the extent that the tuition and fees of the veteran for any course are paid under any Federal program (other than a program administered by the Secretary) or under any State or local program.

"(2) Paragraph (1) of this subsection shall not apply in the case of any veteran who is pursuing a program of education under this chapter while residing in a halfway house or participating in a work-release program in connection with such veteran's conviction of a felony.

"§ 2132. Approval of courses

"An eligible veteran shall receive the benefits of this chapter while enrolled in a course of education offered by an educational institution only if such course is approved in accordance with the provisions of subchapter I of chapter 36 of this title.

"§ 2133. Apprenticeship or other on-job training; correspondence courses

"Any eligible veteran may pursue a program of apprenticeship or other on-job training or a program of education exclusively by correspondence and be paid an educational assistance allowance or training assistance allowance, as applicable, under the provisions of section 1787 or 1786 of this title.

"§ 2134. Work-study allowance

"(a)(1) Individuals utilized under the authority of subsection (b) of this section shall be paid an additional educational assistance allowance (hereafter referred to as 'work-study allowance'). Such work-study allowance shall be paid in an amount equal to the applicable hourly minimum wage times the number of hours worked during the applicable period, in return for such individual's agreement to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period, required in connection with (1) the out-reach services program under subchapter IV of chapter 3 of this title as carried out under the supervision of a Department of Veterans Affairs' employee, (2) the preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Department of Veterans Affairs, (3) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, (4) any other activity of the Department of Veterans Affairs as the Secretary shall determine appropriate, or (5) in the case of an individual who is receiving educational assistance under chapter 106 of title 10, activities relating to the administration of such chapter at Department of Defense facilities. An individual shall be paid in advance an amount equal to 40 per cent of the total amount of the work-study allowance agreed to be paid under the agreement in return for the individual's agreement to perform the number of hours work specified in the agreement.

"(2) For the purposes of paragraph (1) of this subsection, the term 'applicable hourly minimum wage' means (A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), or (B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in clause (A) and the Secretary has made a determination to pay such higher wage.

"(b) Notwithstanding any other provision of law, the Secretary shall utilize, in connection with the activities specified in subsection (a)(1) of this section, the service of individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34 of this title or chapter 106 of title 10, at a rate equal to at least three-quarters of that required of a full-time student. In carrying out this section, the Secretary, wherever feasible, shall give priority to veterans with disabilities rated at 30 percent or more for purposes of chapter 11 of this title. In the event an individual ceases to be at least three-quarter-time student before completing such agreement, the individual may, with the approval of the Secretary, be permitted to complete such agreement.

"(c) The Secretary shall determine the number of individuals whose services the Department of Veterans Affairs can effectively utilize and the types of services that such individuals may be required to perform, on the basis of a survey, which the Secretary shall conduct annually, of each Department of Veterans Affairs regional office in order to determine the numbers of individuals whose services can effectively be utilized during an enrollment period in each geographical area where Department of Veterans Affairs' activities are conducted, and shall determine which individuals shall be offered agreements under this section in accordance with regulations which the Secretary shall prescribe, including as criteria (a) the need of the individual to augment the individual's educational assistance or subsistence allowance; (2) the availability to the individual of transportation to the place where the individual's services are to be performed; (3) the motivation of the individual; and (4) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran's physical condition.

"(d) While performing the services authorized by this section, individuals shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administrated by the Office of Personnel Management.

"SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

"§ 2140. Purpose

"It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to assist eligible veterans to pursue postsecondary education through tutorial assistance where required, and (3) to encourage educational institutions to develop programs which provide special tutorial, remedial, preparatory, or other educational or supplementary assistance to such veterans.

"§ 2141. Elementary and secondary education and preparatory educational assistance

"(a) In the case of any eligible veteran who—

"(1) has not received a secondary school diploma (or an equivalency certificate), or

"(2) is not on active duty and who, in order to pursue a program of education for which the veteran would otherwise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution, the Secretary may, without regard to so much of the provisions of section 2121 of this title as prohibit the enrollment of an eligible veteran in a program of education in which the veteran is 'already qualified', approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

"(b)(1) The Secretary shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a)(2) of this section, an educational assistance allowance as provided in sections 2130 and 2131 (a) or (b) of this title.

"(2) The Secretary shall pay to an eligible veteran described in subsection (a)(1) of this section who is pursuing a course or courses or program under this subchapter for the purpose of attaining a secondary school diploma (or an equivalency certificate) an educational assistance allowance (A) at the rate of established charges for tuition and fees required of similarly circumstanced nonveterans enrolled in the same course, courses, or program, or (B) at the institutional full-time rate provided in section 2131(a) of this title, whichever is the lesser.

"(c) The provisions of section 2122(d)(1) of this title, relating to the disapproval of enrollment in certain courses, shall be applicable to the enrollment of an eligible veteran who, while serving on active duty, enrolls in one or more courses under this subchapter for the purpose of attaining a secondary school diploma (or an equivalency certificate).

"§ 2142. Tutorial assistance

"(a) In the case of any eligible veteran who—

"(1) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

"(2) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education, the Secretary may approve individual tutorial assistance for such veteran if such assistance is necessary for the veteran to complete such program successfully.

"(b) The Secretary shall pay to an eligible veteran receiving tutorial assistance pursuant to subsection (a) of this section, in addition to the educational assistance allowance provided in section 2131 of this title, the cost of such tutorial assistance in an amount not to exceed $400 per month, for a maximum of twelve months, or until a maximum of $4,800 is utilized, upon certification by the educational institution that—

"(1) the individualized tutorial assistance is essential to correct a deficiency of the eligible veteran in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

"(2) the tutor chosen to perform such assistance is qualified and is not the eligible veteran's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister; and

"(3) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

"§ 2143. Effect on educational entitlement

"The educational assistance allowance or cost of individualized tutorial assistance authorized by this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 2110(a) of this title.

"SUBCHAPTER VI—GENERAL AND ADMINISTRATIVE PROVISIONS

"§ 2151. Bar to duplication of educational assistance benefits

"(a) An individual entitled to educational assistance under a program established by this chapter who is also eligible for educational assistance under a program under chapter 30, 31, 32, 34 or 35 of this title, under chapter 106 or 107 of title 10, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more of such programs concurrently but shall elect (in such form and manner as the Secretary may prescribe) under which program to receive educational assistance.

"(b) A period of service counted for purposes of repayment under section 90 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), of an education loan may not also be counted for purposes of entitlement to educational assistance under this chapter.

"§ 2152. Allocation of administration and of program costs

"(a) Except to the extent otherwise specifically provided in this chapter, the educational assistance programs established by this chapter shall be administered by the Department of Veterans Affairs.

"(b) The payments for entitlement under this chapter are hereby designated as incremental costs associated with Operation Desert Storm. Except as provided in section 5 of the Desert Storm Servicepersons' Readjustment Act of 1991, payments for entitlement earned under this chapter shall be made from funds appropriated to, or otherwise available to, the Department of Veterans Affairs for the payment of readjustment benefits.

"§ 2153. Reporting requirement

"(a) The Secretary shall submit to the Congress at least once every two years a report on the operation of the program provided for in this chapter.

"(b) The Secretary shall include in each report submitted under this section—

"(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter; and

"(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance under this chapter to members of the Armed Forces and veterans as the Secretary considers appropriate.

"(c) The first report by the Secretary under this section shall be submitted not later than January 1, 1993.".

(2) The table of chapters at the beginning of Part III of title 38, United States Code, is amended by adding the following new item:

"44. Persian Gulf War Educational Assistance Program .... 2101".

(b) Chapter 44 of title 38, United States Code, as added by subsection (a), shall take effect on the date of enactment of this Act.

MONTGOMERY GI BILL EDUCATIONAL ASSISTANCE ADJUSTMENTS

SEC. 4. (a) Section 1411 of title 38, United States Code, is amended—

(1) in subsection (a) by striking out "Except as provided in subsection (c)" and by in-

serting in lieu thereof "Except for an individual who is entitled to basic educational assistance under chapter 44 of this title, and except as further provided in subsection (c)".

(2) in subsection (b) by inserting "(1)" prior to the text thereof, and by inserting the following new paragraphs:

"(2)(A) The amount by which an individual's basic pay is reduced on or after August 1, 1990 pursuant to paragraph (1) of this subsection shall be deemed to be payable to such individual as readjustment assistance, and shall be paid by the Secretary pursuant to regulations which the Secretary shall prescribe.

"(B) In the event that an individual's basic pay was reduced prior to August 1, 1990 pursuant to paragraph (1) of this subsection, and such individual subsequently demonstrates that, for good cause shown, he or she was unable to receive educational assistance under this chapter, the Secretary shall pay to such individual as readjustment assistance the amount by which such individual's basic pay was reduced prior to such date. Payment under this subparagraph shall be made by the Secretary pursuant to regulations which the Secretary shall prescribe.

"(3) The authority provided by paragraph (1) of this subsection to reduce basic pay shall terminate on the date of enactment of the Desert Storm Servicepersons' Readjustment Act of 1991. Notwithstanding the provisions of subsection (c)(1) of this section, any individual who made an election pursuant to such subsection not to receive educational assistance under this chapter shall be entitled to such assistance: *Provided*, That the monthly rate of educational assistance to such an individual for an approved program of education shall be reduced by an amount not to exceed $50 for an approved program pursued on a full-time basis, or by proportionally lesser amounts for approved programs pursued on a less-than-full-time basis, as determined by the Secretary pursuant to regulations that shall be prescribed by the Secretary, until the cumulative amount of such reduction in basic educational assistance paid to such individual totals that amount by which such individual's basic pay would have been reduced prior to August 1, 1990, had such individual not made such election pursuant to subsection (c)(1) of this section.".

(3) in subsection (c)(1) by adding at the end the following new sentences: "The provisions of this paragraph shall not apply to an individual who initially enters on active duty as a member of the Armed Forces on or after August 2, 1990. Any individual who initially enters on active duty as a member of the Armed Forces on or after August 2, 1990, shall be deemed to have elected to receive educational assistance under this chapter.".

(b) Section 1412 of title 38, United States Code, is amended—

(1) in subsection (a) by striking out "Except as provided in subsection (d)" and by inserting in lieu thereof "Except for an individual who is entitled to basic educational assistance under chapter 44 of this title, and except as further provided in subsection (d)".

(2) in subsection (c) by inserting "(1)" prior to the text thereof, and by inserting the following new paragraphs:

"(2)(A) The amount by which an individual's basic pay is reduced on or after August 1, 1990 pursuant to paragraph (1) of this subsection shall be deemed to be payable to such individual as readjustment assistance, and shall be paid by the Secretary pursuant to regulations which the Secretary shall prescribe.

"(B) In the event that an individual's basic pay was reduced prior to August 1, 1990 pursuant to paragraph (1) of this subsection, and such individual subsequently demonstrates that, for good cause shown, he or she was unable to receive educational assistance under this chapter, the Secretary shall pay to such individual as readjustment assistance the amount by which such individual's basic pay was reduced prior to such date. Payment under this subparagraph shall be made by the Secretary pursuant to regulations which the Secretary shall prescribe.

"(3) The authority provided by paragraph (1) of this subsection to reduce basic pay shall terminate on the date of enactment of the Desert Storm Servicepersons' Readjustment Act of 1991. Notwithstanding the provisions of subsection (d)(1) of this section, any individual who made an election pursuant to such subsection not to receive educational assistance under this chapter shall be entitled to such assistance: *Provided*, That the monthly rate of educational assistance to such an individual for an approved program of education shall be reduced by an amount not to exceed $50 for an approved program pursued on a full-time basis, or by proportionally lesser amounts for approved programs pursued on a less-than-full-time basis, as determined by the Secretary pursuant to regulations that shall be prescribed by the Secretary, until the cumulative amount of such reduction in basic educational assistance paid to such individual totals that amount by which such individual's basic pay would have been reduced prior to August 1, 1990, had such individual not made such election pursuant to subsection (d)(1) of this section.".

(3) in subsection (d)(1) by adding at the end the following new sentences: "The provisions of this paragraph shall not apply to an individual who initially enters on active duty as a member of the Armed Forces on or after August 2, 1990. Any individual who initially enters on active duty as a member of the Armed Forces on or after August 2, 1990, shall be deemed to have elected to receive educational assistance under this chapter.".

(c) Section 1413 of title 38, United States Code, is amended by amending subsection (c) to read as follows:

"(c) Subject to section 1795 of this title, each individual entitled to basic educational assistance under section 1418 of this title shall be entitled to 36 months of educational assistance under this chapter (or the equivalent thereof in part-time educational assistance).".

(d) Section 1415 of title 38, United States Code, is amended—

(1) in subsection (f)(1) by striking out "$400 and $325" and inserting in lieu thereof "$777 and $518";

(2) in subsection (f)(2) by striking out "may" each time it appears and inserting in lieu thereof "shall"; and

(3) in subsection (f)(3) by striking out "may" each time it appears and inserting in lieu thereof "shall".

(e) Section 2131 of title 38, United States Code, is amended—

(1) in subsection (b)(2)(A) by striking out "$190, $143, and $95" and inserting in lieu thereof "$377, $284, and $189";

(2) in subsection (b)(2)(B) by striking out "may" each time it appears and by inserting in lieu thereof "shall"; and

(3) in subsection (b)(2)(C) by striking out "may" each time it appears and by inserting in lieu thereof "shall".

AUTHORIZATION OF APPROPRIATIONS FROM DEFENSE COOPERATION ACCOUNT

SEC. 5. (a) AUTHORIZATION.—There is hereby authorized to be appropriated from the Defense Cooperation Account such sums as may be necessary for payment in fiscal years 1992 through 1995 of the costs of educational assistance programs established in chapter 44 of title 38, United States Code.

(b) INCREMENTAL COSTS ASSOCIATED WITH DESERT STORM.—Notwithstanding the requirement of Presidential designation in section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, the educational assistance benefits described in subsection (a) of this section are hereby designated as incremental costs associated with Operation Desert Storm, and as such are costs referred to in section 251(b)(2)(D)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(ii)).

COORDINATION WITH OTHER VETERANS' EDUCATION AND TRAINING PROGRAMS

SEC. 6. (a) Section 708 of title 10, United States Code, is amended in subsection (e) by striking out "chapter 30" and inserting in lieu thereof "chapter 30 or 44".

(b) Section 135 of title 26, United States Code, is amended in subparagraph (d)(1)(B) by striking out "chapter 30, 31, 32, 34 or 35" and inserting in lieu thereof "chapter 30, 31, 32, 34, 35 or 44".

(c) Section 113 of title 38, United States Code, is amended in subsection (c)(2) by striking out "or 36" and inserting in lieu thereof "36, or 44".

(d) Section 1508(f)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking out "chapter 30 or 34" and inserting in lieu thereof "chapter 30, 34 or 44"; and

(B) by striking out "chapter 30 or chapter 34" and inserting in lieu thereof "chapter 30, chapter 34, or chapter 44"; and

(2) in subparagraph (B), by striking out "30 or 34" and inserting in lieu thereof "30, 34 or 44".

(e) The third sentence of section 1673(d)(1) of title 38, United States Code is amended by striking out "or 36" and inserting in lieu thereof "36, or 44".

(f) Section 1685 of title 38, United States Code, is amended in subsection (b) by striking out "chapter 30, 31, 32 or 34" and inserting in lieu thereof "chapter 30, 31, 32, 34 or 44".

(g) Section 1774 of title 38, United States Code, is amended in subsection (a)(1) by striking out "chapter 30 through 35" and inserting in lieu thereof "chapter 30 through 35 and chapter 44".

(h) Section 1781 of title 38, United States Code is amended—

(1) in subsection (a) by striking out "or 36" and by inserting "36, or 44" in lieu thereof; and

(2) in subsection (b)(1) by striking out "and 36," and inserting in lieu thereof "36, or 44".

(i) Section 1784 of title 38, United States Code, is amended in subsection (c) by striking out "chapter 31, 34 or 35" and inserting in lieu thereof "chapter 31, 34, 35 or 44".

(j) Section 1790(b)(3) of title 38, United States Code, is amended in subparagraph (A) by striking out "chapter 30, 32, 34, or 35" and inserting in lieu thereof "chapter 30, 32, 34, 35 or 44".

(k) Section 1792 of title 38, United States Code, is amended in subsection (a) by striking out "or 35" and inserting in lieu thereof "35, or 44".

(l) Section 1793 of title 38, United States Code, is amended—

(1) in subsection (a) by striking out "chapters 30 through 36" and inserting in lieu thereof "chapters 30 through 36 and 44"; and

(2) in subsection (b) by striking out "chapters 30 through 36" and inserting in lieu thereof "chapters 30 through 36 and 44".

(m) Section 1795(a) of title 38, United States Code, is amended by striking out "and 36," in clause (4) and inserting in lieu thereof "36, and 44".

(n) Section 1797 of title 38, United States Code, is amended in subsection (a) by striking out "chapter 30, 32, 34 or 35" and inserting in lieu thereof "chapter 30, 32, 34, 35 or 44".

(o) Section 3013 of title 38, United States Code, is amended by striking out "and 35" and inserting in lieu thereof "35, and 44".

(p) Section 3103A of title 38, United States Code, is amended in subsection (b)(3)(F) by striking out "chapter 30" and inserting in lieu thereof "chapter 30 or 44".

By Mr. BRADLEY (for himself, Mr. BIDEN, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KOHL, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, Mr. KERRY, Mr. LIEBERMAN, and Mr. HATCH):

S. 861. A bill to provide assistance to community development financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

COMMUNITY CAPITAL PARTNERSHIP ACT OF 1993

• Mr. BRADLEY. Mr. President, I am introducing, with a coalition of Democratic and Republican Senators, a package of legislation intended to give urban communities new tools to improve work skills, infrastructure, safety, family life, access to capital and jobs, and opportunity to save and invest. The urban community-building initiative, which I announced 2 weeks ago, will build on tools that have been invented at the local level and use the power of government to make them available nationally to community leaders who can make them work.

Over the past 12 years, we have denied America's cities investment, attention, and our imagination. As a result, cities are poorer, sicker, less educated, and more violent than ever in my lifetime. Fully funding programs that work, such as Head Start, can make up for some of the financial neglect, but we also need to think anew about how communities can rebuild themselves. At a relatively modest cost of only $1.44 billion in total for eight programs, my initiative is intended to provide a massive investment of imagination and innovation for our cities.

The urban community-building initiative consists of eight bills. Two weeks ago I spoke at length to describe some of the local initiatives that inspired these bills. I would refer my colleagues to the CONGRESSIONAL RECORD of March 18, 1993, for my full statement. Today I am introducing six bills, and later this spring I will introduce the seventh and eighth components of this package.

I ask unanimous consent that a short summary of all the bills be printed in the RECORD as follows:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR BILL BRADLEY'S URBAN COMMUNITY-BUILDING INITIATIVE

The Urban-Community Building Initiative is a package of legislation intended to give urban residents new tools to improve work skills, infrastructure, safety, family life, access to capital and jobs, and opportunity to save and invest. The eight bills that will make up the initiative are generally based on creative initiatives undertaken at the local level, without government assistance, that have succeeded and deserve a national test. The legislation establishes widespread demonstration grant programs, distributed based on recommendations of a peer review panel made up of people with a track record in making similar programs work at the local level.

The total cost of the program is $1.45 billion a year, on average over five years. Most is authorized as discretionary spending, subject to appropriations. With private sector partnerships, and by helping urban residents save and invest, the total value of the package for cities will be much higher.

NEIGHBORHOOD RECONSTRUCTION CORPS ACT OF 1993

Authorizes $500 million in matching funds to non-profit community development corporations and for-profit businesses in economically-distressed central cities to build, remodel, restore, or enhance public infrastructure. The funds must be used to hire corps of disadvantaged workers in the areas in which the projects are conducted. Examples of qualifying projects include enhancing public parks, making public buildings accessible to the disabled, graffiti removal, repairing bus shelters, replacement of sidewalks, and other light repairs to public infrastructure. The federal match to qualifying projects can not exceed $500,000.

COMMUNITY CAPITAL PARTNERSHIP ACT OF 1993

Authorizes approximately $475.3 million in federal assistance over four years to community development banks, community development loan funds, community development credit unions, and community development corporations. $400 million would help community development financial institutions that are not yet community development banks make the transition, and help current community development banks expand services and lending. The bill also makes $36.3 million in new capital and operating assistance available to community development financial institutions under the Community Investment Corporation Demonstration, and expands the types of institutions eligible for assistance under that program. The bill provides an additional $19 million to the National Credit Union Administration for its Community Development Credit Union Revolving Loan Fund. Finally, the bill provides $20 million in grant assistance to community development loan and equity funds that make loans or investments in amounts between $25,000 and $250,000.

ENTREPRENEURSHIP & SELF-EMPLOYMENT TRAINING ASSISTANCE ACT OF 1993

Authorizes $80 million in grants to community colleges and community development corporations in economically-distressed central cities to develop an entrepreneurship curriculum and train urban residents for self-employment. Also provides $150 million/year in guaranteed loans made by community development corporations, community development loan funds, community development credit unions, and community development banks to finance small business start-ups by graduates of such self-employment training programs. Total cost, including the cost of guaranteed loans, is less than $100 million/year.

COMMUNITY POLICING ASSISTANCE ACT OF 1993

Authorizes $200 million in matching funds to local law enforcement and community groups to support community policing activities in economically-distressed central cities. Possible uses of funds include activities to promote better crime-prevention activity between the police and the local community, activities that enhance or make possible the operation of local police substations, and activities that enhance or make possible the staffing of regular police neighborhood beats.

ASSETS FOR INDEPENDENCE ACT OF 1993

Authorizes up to $200 million for Individual Development Accounts to help match money saved by poor people in accounts designated for home purchase, a very small business, education, or retirement. Individuals with incomes up to 200% of poverty, or about $20,000 for a family of four, would qualify for a match through a combination of federal funds and contributions through a community-based organization.

MOBILITY FOR WORK ACT OF 1993

Authorizes $15 million in grants to local governments, non-profits or transit agencies to help disadvantaged urban workers get to suburban labor markets where jobs are available.

15-MONTH HOUSES (LEGISLATION TO BE INTRODUCED LATER IN 1993)

Will authorize up to $250 million to establish residential programs for low-income and young mothers during the most important fifteen months for a child: the third trimester of the mother's pregnancy and the first year of life. The program must provide the mother with health and substance abuse screening or treatment, and education in parenting. For the child, the program must include cognitive stimulation as well as immunizations and other care.

COMMUNITY SCHOOLS (LEGISLATION TO BE INTRODUCED WITH SEN. DANFORTH LATER IN 1993)

Will authorize $15 million to open public schools after hours and on weekends for uses that community groups develop for young people to use the space. Uses might include establishing a "safe haven" for students to do homework with help from adult volunteers, parenting education, entrepreneurship training programs, health care, or athletic activities.

Mr. BRADLEY. Mr. President, I introduce one of the bills I announced previously as part of my urban community-building initiative: the community capital partnership.

Most of us take basic financial institutions for granted. We have savings and checking accounts, our bank lends our money to businesses in our communities, and we borrow ourselves when it comes time to buy a home or we have an inspiration to start a business. But in most American cities, the only financial institution they know is the check-cashing cubicle, which charges up to 5 percent just to cash a Government check, and takes the money back out of the community. People who want to save have nowhere to go and businesses have no access to capital. Within the 165 square miles that make up the areas most affected by the Los Angeles riots, there are 19 bank branches, as compared to 135 check cashing establishments.

But there are islands of hope for people who want to save and invest in troubled communities. Two weeks ago, I visited La Casa de Don Pedro, which operates a credit union in a very poor section of Newark. La Casa is a multipurpose community organization that just happens to have a credit union. While I was there, a stream of members poured into the small building which houses the credit union, day care center, and other programs, depositing $20, $50, and $100 at a time. I did not see any banks in the vicinity of La Casa. My guess is that if it were not for the credit union, many of the community's residents would have no place to deposit their money, secure small loans, or take advantage of other services we often take for granted.

Community credit unions and banks may start small, but they don't have to stay small. And their impact on communities is rarely small. Over the last 20 years, Shorebank of Chicago has shown the world that a financial institution that is committed to community development can lead a community back from the brink of economic and social decline. Since 1973, it has made $340 million in development financing, mainly for the purchase or rehabilitation of housing units in Chicago's South Shore neighborhood.

Shorebank is more than just a bank. Through its various subsidiaries and affiliates, it has been an active force in the revitalization of the South Shore. Shorebank has used a subsidiary, City Lands Corp., to make high-risk loans for housing development. It has used a nonprofit affiliate, the Neighborhood Institute, to help disadvantaged residents achieve their GED's, start up small businesses, and train for jobs available in the community. It has used its depository institution, South Shore Bank, to make loans to people seeking to renovate apartment buildings and establish small businesses that generate jobs in the community.

The bank now boasts over $211 million in deposits, almost half of which come from residents of the South Shore community. We often hear about how banking institutions take money in the form of deposits from economically-distressed areas and reinvest them in other areas. Shorebank shows how assets from the community can be put to work for the community.

Another home-grown project dedicated to the benefits of capital and savings is New Community Corp. in Newark, NJ. New Community Corp. was formed in the wake of the Newark riots of 1967. Over the last 25 years, it and its subsidiaries have developed over 2,500 housing units, 25,000 square feet of office space, and an $11 million extended care facility. New Community has also built a $15 million shopping center, which contains central Newark's only major grocery store built since 1967.

New Community's founder, Msgr. William Linder, testified recently before Congress:

> I have seen bank branch after bank branch close because the bank did not find serving our community profitable. There was always the same trend. Managers were frequently changed, service became poor, the facility was always dirty. Frankly, no one in authority cared about our community.

But instead of giving up hope, Msgr. Linder and others started a credit union. He now presides over a credit union with about $1.7 million in assets that provides basic banking services to community residents. last year, New Community's credit union made 165 loans, mainly to poor residents of Newark's central ward. Basic banking services like check cashing, consumer loans, and savings accounts are taken for granted by a lot of people, but in places like the central ward of Newark they have become scarce and prized resources. Like Shorebank, New Community, in its own way, has recreated opportunities for its community.

The bill I introduce today commits the Federal Government to efforts like those taken in Shorebank in Chicago or New Communities in Newark. It increases the amount of funds authorized in various Government programs for the benefit of community development financial institutions, and expands the number of institutions that are eligible for the funds. It creates a new program specifically designed to help institutions like New Community—community development financial institutions—grow into community development banks like Shorebank, and it helps institutions like Shorebank expand their services.

These new incentives would in no way replace the Community Reinvestment Act which has evolved into an important tool for community groups to use in attracting bank investment into capital-starved areas. CRA should be strengthened, because about 85 percent of all banks received excellent or satisfactory CRA ratings in the 1980's, even though many had abandoned poor communities. Research during that same period showed that blacks with the same incomes were much more likely to be turned down for mortgage loans than whites. Traditional banks should be encouraged to invest in community development financial institutions, but they should not be relieved of their CRA obligations. Instead, they should be encouraged to lend more to depressed communities as part of their general lending programs.

The first section of the bill, the Community Investment Corporation Demonstration Improvements, expands the types of institutions that qualify for assistance under the Community Investment Corporation Demonstration, section 853 of the Housing and Community Development Act of 1992, from community development banks to the larger number of community development financial institutions, including community development banks, community development loan funds, and community development credit unions.

This section also increases the amount of capital assistance authorized for 1994 from $26,000,000 to $50,000,000. It increases the amount of development services and technical assistance funds authorized for 1994 from $15,600,000 to $25,000,000. And it increases the amount of money authorized for the training program in 1994 from $2,100,000 to $5,000,000.

The second major section of my bill increases the National Credit Union Administration's Community Development Credit Union Revolving Loan Fund from $6 million to $25 million. It also allows the NCUA to invest idle revolving loan fund money to fund technical assistance to community development credit unions.

The third section of the bill establishes a Community Development Banking Transition Assistance Program to help community development banks expand their activities and help community development loan funds, community development credit unions, and community development corporations that want to become community development banks develop into community development banks. This assistance would be authorized at $400 million over 4 years.

The fourth section of the bill would provide $20 million in Federal matching grant support to community development loan and equity funds which make loans and investments of $25,000 to $250,000 for housing and economic development.

I ask unanimous consent that the text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Community Capital Partnership Act of 1993".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Community Investment Corporation demonstration amendments.
Sec. 4. Community development credit union assistance.

Sec. 5. Community development banking transition assistance.
Sec. 6. Federal assistance to community development loan and investment funds.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) access to credit is essential to eliminating poverty and alleviating economically-distressed communities;

(2) many small- and medium-size businesses, low-income individuals, and economically-distressed areas lack adequate access to credit and private capital;

(3) community development banks, community development loan funds, community development credit unions, micro-enterprise loan funds, and community development corporations have all been instrumental in channeling private capital to economically-distressed areas;

(4) the investments of these community development financial institutions have resulted in the development of areas that are not currently being adequately served by traditional financial institutions;

(5) community development financial institutions often provide a link between conventional lending institutions and unconventional borrowers by creating new markets for the lenders while giving the borrowers access to capital; and

(6) the Federal Government can assist in the development of community development financial institutions by providing capital and operating assistance.

(b) PURPOSE.—The purpose of this Act is to provide Federal assistance to community development financial institutions to better enable them to broaden their development activities.

SEC. 3. COMMUNITY INVESTMENT CORPORATION DEMONSTRATION AMENDMENTS.

(a) DEFINITION OF ELIGIBLE ORGANIZATION.—Section 853(b)(3)(D)(i) of the Housing and Community Development Act of 1992 (42 U.S.C. 5305(b)(3)(D)(i)) is amended—

(1) by striking "or" at the end of subclause (I); and

(2) by adding at the end the following:

"(III) a Federal or State credit union, as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752);

"(IV) a nonprofit organization, as provided for under section 501(c)(3) of the Internal Revenue Code of 1986, which acts primarily as a financial intermediary that routinely takes in funds from many sources in the form of grants, deposits, or loans, and routinely lends these funds out or makes equity investments with these funds; or

"(V) a depository institution that is not owned by a depository institution holding company, as both terms are defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).".

(b) SELECTION CRITERIA.—Section 853(b)(4) of the Housing and Community Development Act of 1992 is amended—

(1) by striking "and" at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting a semicolon;

(3) by adding at the end of subparagraph (D) the following: ", as

"measured by—

"(i) the number of federally insured depository institutions serving the area;

"(ii) the incidence of poverty in general and among specific racial and ethnic groups in the area; and

"(iii) the degree of unemployment in general and among specific ethnic groups in the area;"; and

(4) by adding at the end the following new subparagraphs:

"(I) with respect to federally regulated financial institutions, such institutions' record of complying with all requirements of the appropriate Federal supervisory agencies; and

"(J) the financial condition of the applicant.".

(c) CAPITAL ASSISTANCE.—Section 853(b)(7)(A) of the Housing and Community Development Act of 1992 is amended to read as follows:

"(A) IN GENERAL.—The Secretary shall make grants and loans to eligible organizations.".

(d) AUTHORIZATION.—Section 853(b)(7)(D) of the Housing and Community Development Act of 1992 is amended by striking "$26,000,000" and inserting "$50,000,000".

(e) CAPITAL REQUIREMENTS.—Section 853(b)(7) of the Housing and Community Development Act of 1992 is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(f) DEVELOPMENT SERVICES AND TECHNICAL ASSISTANCE GRANTS.—Section 853(b)(8)(B) of the Housing and Community Development Act of 1992 is amended by striking "$15,600,000" and inserting "$25,000,000".

(g) TRAINING PROGRAM.—Section 853(b)(9)(B) of the Housing and Community Development Act of 1992 is amended by striking "$2,100,000" and inserting "$5,000,000".

SEC. 4. COMMUNITY DEVELOPMENT CREDIT UNION ASSISTANCE.

(a) IN GENERAL.—The Federal Credit Union Act is amended by inserting after section 129 (12 U.S.C. 1772c) the following new section:

"SEC. 130. COMMUNITY DEVELOPMENT REVOLVING LOAN FUND FOR CREDIT UNIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 for the purposes of the Community Development Revolving Loan Fund.

"(b) INVESTMENT OF FUNDS.—The Board may invest any idle Fund moneys in United States Treasury securities. Any interest accrued on such securities shall become a part of the Fund.

"(c) AUTHORITY.—Notwithstanding any other provision of law, the Board may exercise the authority granted it by the Community Development Credit Union Revolving Loan Fund Transfer Act (Public Law 99-609, sec. 1, Nov. 6, 1986, 100 Stat. 3475), including any additional appropriations made and earnings accrued, subject only to this section and to rules and regulations prescribed by the Board.".

(b) CONFORMING AMENDMENT.—The Federal Credit Union Act is amended by striking section 120(k) (12 U.S.C. 1766(k)).

SEC. 5. COMMUNITY DEVELOPMENT BANKING TRANSITION ASSISTANCE.

(a) IN GENERAL.—The Secretary of Housing and Urban Development (hereafter in this Act referred to as the "Secretary") may provide capital and operating assistance to—

(1) existing community development banks to expand their activities; and

(2) community development financial institutions and community development corporations to assist such institutions to expand into community development banks.

(b) DEFINITION OF COMMUNITY DEVELOPMENT BANK.—For the purposes of this Act, the term "community development bank" means an organization—

(1) that owns, controls, is affiliated with, or is a federally insured depository institution which is regulated by a Federal financial supervisory agency;

(2) owns, controls, or is affiliated with at least one or more subsidiaries or affiliated organizations that supplement the depository institution's lending with technical assistance, direct community development activities, or higher risk financing;

(3) whose primary or sole mission is to revitalize a targeted geographic area;

(4) that maintains through significant representation on its governing board and otherwise, accountability to community residents; and

(5) that has principals active in the implementation of its programs who possess significant experience in lending and the development of affordable housing, small business development, or community revitalization.

(c) ELIGIBILITY FOR TRANSITION ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide transition assistance to any institution, corporation, or nonprofit community development organization that is eligible for assistance under section 853(b)(3)(D) of the Housing and Community Development Act of 1992 (42 U.S.C. 5305(b)(3)(D) note), or to a community development corporation as defined in paragraph (2).

(2) DEFINITION.—For the purposes of this subsection, the term "community development corporation" means a private, nonprofit corporation—

(A) the principal purpose of which includes providing housing or community economic development projects that primarily benefit low-income individuals and communities;

(B) that is not owned or controlled by a depository institution holding company, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813); and

(C) that matches dollar-for-dollar any assistance received under this section with funds from non-Federal sources.

(d) SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall select organizations to provide assistance under this section based on the selection criteria set forth in section 853(b)(4) of the Housing and Community Development Act of 1992 and additional applicable selection criteria set forth in paragraph (2).

(2) ADDITIONAL SELECTION CRITERIA.—

(A) SELECTION CRITERIA FOR ESTABLISHED COMMUNITY DEVELOPMENT BANKS.—In addition to the selection criteria set forth in paragraph (1), the Secretary shall select eligible community development banks based on—

(i) the potential for the institution to expand the scale and range of its development lending;

(ii) the potential for growth in deposits due to increases in the institution's capital base;

(iii) the potential for the development of new loan products and services which could be replicated by other lenders; and

(iv) the potential for refinement of staff skills and increased organizational self-sufficiency.

(B) SELECTION CRITERIA FOR NONDEPOSITORY LENDING INSTITUTIONS.—In addition to the selection criteria set forth in paragraph (1), the Secretary shall select eligible nondepository lending institutions based on—

(i) the potential for expansion of the institution's existing lending targets;

(ii) the potential for the institution to develop banking products and services;

(iii) the potential for the institution to expand its systems, networks, and capacity;

(iv) the potential for refinement of staff skills; and

(v) the potential for the institution to add a depository component by chartering a new depository institution, merging or affiliating with an existing depository institution, or buying a controlling interest in a stockholder-owned depository institution.

(C) SELECTION CRITERIA FOR EXISTING COMMUNITY DEVELOPMENT CREDIT UNIONS.—In addition to the selection criteria set forth in paragraph (1), the Secretary shall select eligible community development credit unions based on—

(i) the potential for expansion of the institution's existing lending activities;

(ii) the potential for the institution to expand its capacity to undertake sophisticated financing and development services activities;

(iii) the potential for the institution to expand its deposit base; and

(iv) the potential for refinement of staff skills.

(D) SELECTION CRITERIA FOR EXISTING COMMUNITY DEVELOPMENT CORPORATIONS NOT ENGAGED IN DEVELOPING LENDING.—In addition to the selection criteria set forth in paragraph (1), the Secretary shall select eligible community development corporations that are not engaged in development lending based on—

(i) the potential for the institution to undertake development lending;

(ii) the potential for the institution to charter, acquire, or affiliate with a development lending institution;

(iii) the potential for the institution to expand its systems, network, and capacity; and

(iv) the potential for refinement of staff skills.

(e) COURSE-OF-ACTION STATEMENT.—

(1) IN GENERAL.—The Secretary shall also base the selection of applicants on a course-of-action statement submitted by eligible institutions that describes how the applicant satisfies the selection criteria set forth in subsection (d), and, where applicable, how the applicant intends to become a community development bank.

(2) IN PARTICULAR.—Each course-of-action statement shall outline specifically how and over what time period the applicant will achieve the goals set out in subsection (d) that apply to the particular applicant and how the applicant plans to develop into a community development bank, if applicable.

(f) ASSISTANCE.—Assistance available shall be in the form of operating assistance or capital assistance, and may vary depending on the recipient's organizational type or stage of development toward the community development banking model. The Secretary may determine the terms and conditions of such assistance, consistent with the purposes of this Act.

(g) ELIGIBLE ACTIVITIES.—

(1) CAPITAL ASSISTANCE.—Capital assistance provided under this section may only be used to—

(A) increase the amount of capital available to make loans;

(B) provide funds for equity investments in projects;

(C) provide credit enhancement;

(D) increase an institution's development lending activities; or

(E) further other activities that the Secretary deems appropriate.

(2) OPERATING ASSISTANCE.—Operating assistance provided under this section may only be used to assist in—

(A) marketing and management activities;

(B) business planning and counseling services;

(C) staff training;

(D) planning the transition of the institution from its current activities to community development banking; or

(E) other capacity building activities which the Secretary deems appropriate.

(h) PERFORMANCE STANDARDS.—

(1) IN GENERAL.—As a condition of assistance, the Secretary shall negotiate performance standards with each applicant based on the applicant's course-of-action statement and other factors consistent with the criteria set forth in subsection (d) that the Secretary deems appropriate. These performance standards shall be met by the applicant over a period of time to be determined by the Secretary.

(2) IN PARTICULAR.—In addition to other issues deemed appropriate by the Secretary, performance standards shall relate to an applicant's—

(A) lending volume;

(B) portfolio performance;

(C) staff development; and

(D) service to traditionally underserved communities within the applicant's targeted geographic area.

(3) FAILURE TO MEET PERFORMANCE STANDARDS.—The Secretary may deny funding to an applicant if the Secretary determines that the applicant has not satisfactorily met performance standards negotiated pursuant to this subsection.

(i) ACTIVITIES REQUIRED.—All eligible organizations receiving assistance under this Act shall engage in activities that provide access to capital for initiatives that benefit residents and businesses in targeted geographic areas.

(j) AUTHORIZATION.—There are authorized to be appropriated $400,000,000 for fiscal years 1994 through 1997 for the purpose of carrying out this section.

(k) EVALUATION AND REPORT.—The Secretary shall submit to the Congress an annual report containing a summary of the activities carried out under this section during the fiscal year and any preliminary findings or conclusions.

(l) REGULATIONS.—

(1) BY THE SECRETARY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall issue such regulations as may be necessary to carry out the provisions of this subsection.

(2) BY OTHER AGENCIES.—The appropriate Federal financial supervisory agency, by regulation or order—

(A) may restrict any regulated financial institution's receipt of an extension of credit from, or investment by, an eligible organization;

(B) may restrict the making, by a regulated financial institution or nolding company, of an extension of credit to, or investment in, an eligible organization; and

(C) shall prohibit any transaction that poses an undue risk to the affected deposit insurance fund.

(3) COORDINATION.—To the extent practicable, the Secretary and the Federal financial supervisory agencies shall coordinate the development of regulations and other program guidelines.

(m) ADVISORY BOARD.—In establishing requirements to carry out this section and considering applications under this section, the Secretary shall consult with the advisory board established pursuant to section 853(b)(11) of the Housing and Community Development Act of 1992.

(n) SAFETY AND SOUNDNESS OF INSURED DEPOSITORIES.—Nothing in this section shall limit the applicability of other law relating to the safe and sound operation and management of a regulated financial institution (or a holding company) affiliated with an eligible organization or receiving assistance provided under this section.

SEC. 6. FEDERAL ASSISTANCE TO COMMUNITY DEVELOPMENT LOAN AND INVESTMENT FUNDS.

(a) IN GENERAL.—The Secretary may make grants to nonprofit community development loan and equity funds that meet the requirements of this section.

(b) AMOUNT OF GRANTS.—A grant under this section may not exceed $1,000,000 to each recipient.

(c) ELIGIBILITY.—The Secretary may make grants to any nonprofit community development loan or equity fund that—

(1) is a nonprofit organization;

(2) acts primarily as a financial intermediary that routinely takes in funds from many sources in the form of grants, deposits, or loans;

(3) that routinely lends or invests these funds out in amounts of between $25,000 and $250,000;

(4) that has as its primary mission the revitalization of a targeted geographic area;

(5) that maintains, through significant representation on its governing board and otherwise, accountability to community residents;

(6) that has principals active in the implementation of its programs who possess significant experience in lending and the development of affordable housing, small business development, or community revitalization;

(7) that directly or through a subsidiary or affiliate carries out development services; and

(8) that will match any assistance received dollar-for-dollar with non-Federal sources of funds.

(d) SELECTION CRITERIA.—The Secretary shall select eligible organizations from among applications submitted based on—

(1) the capacity of the eligible organization to carry out the purposes of this section;

(2) the range and comprehensiveness of lending, investment strategies, and development services to be offered by the organization directly or through its subsidiaries and affiliates;

(3) the types of activities to be pursued, including lending and development of small business, industrial, commercial, or residential projects;

(4) the extent of need in the targeted geographic area to be served;

(5) the experience and background of the principals at each eligible organization responsible for carrying out the purposes of this section;

(6) the extent to which the eligible organization directly or through subsidiaries and affiliates has successfully implemented other revitalization activities;

(7) an appropriate distribution of eligible organizations among regions of the United States; and

(8) other criteria determined to be appropriate by the Secretary and consistent with the purposes of this section.

(e) ELIGIBLE ACTIVITIES.—Assistance under this section may only be used to support the following activities:

(1) Increasing the capital available for the purpose of making loans.

(2) Providing funds for equity investments in projects.

(3) Providing credit enhancement.

(4) Marketing and management assistance.

(5) Business planning and counseling services.

(6) Other capacity building activities which enable borrowers, prospective borrowers, or entities in which eligible organizations have invested, or expect to invest, to improve the likelihood of success of their activities.

(7) Other activities that the Secretary deems appropriate.

(f) AUTHORIZATION.—There is authorized to be appropriated $20,000,000 for fiscal year 1994 to carry out this section.•

By Mr. BRADLEY (for himself, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. HATCH, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, Mrs. MURRAY, Mr. LIEBERMAN, and Mr. WOFFORD):

S. 862. A bill to promote the development of small business in economically distressed central cities by providing for entrepreneurship training courses and Federal guarantees of loans to potential entrepreneurs, and for other purposes; to the Committee on Small Business.

ENTREPRENEURSHIP AND SELF-EMPLOYMENT TRAINING ACT

• Mr. BRADLEY. Mr. President, I introduce one of the bills I announced last week as part of my Urban Community-Building Initiative: the Entrepreneurship and Self-Employment Training Act.

When we confront our fears about the city, we have to start with our assumptions about the people who live there, particularly young black men. But here is another view of the young people of the inner city: "They confront risk daily, they are resilient, intuitive, creative and observant, and they have learned to take great initiative within a stifling environment, just to survive." To Steve Mariotti, a former Detroit auto executive, these were the characteristics of a successful entrepreneur. With help from private foundations, he started the National Foundation for Teaching Entrepreneurship. Where others looked at these same kids and saw only their deficits and their problems, Steve saw their strengths. And he was right. By working in schools and settlement houses with kids as young as 6 and up to the age of 24, he taught people about the value of money, and about how to use their instincts and skills to grow in the long-run, not just to survive in the short-run. In 1990, the Foundation graduated 225 young entrepreneurs, who started 152 businesses, including retail clothing firms, food, and catering businesses.

The Foundation for Teaching Entrepreneurship is just one program that might benefit from my Entrepreneurship Training Program for urban residents young or old. The bill authorizes $85 million in grants to community colleges and community development corporations in economically distressed central cities to develop an entrepreneurship curriculum and train urban residents for self-employment. It also provides $150 million in guarantees of loans made by community development corporations, community development loan funds, community development credit unions, and community development banks to finance small business start-ups by graduates of such self-employment training programs.

In just the last 2 or 3 years, almost 100 groups have pulled together as microenterprise or employment training programs. Some have received limited assistance through the Small Business Administration's recent microloan program, but most have been very much on their own in figuring out how to train people to make independent, realistic judgments about their own abilities, risks and rewards. This legislation will broaden these initiatives, develop some new approaches to training, bring new, accessible institutions, especially community colleges, into the effort, and make more money available for those urban residents who have the training, drive, and ability to go into business for themselves.

I ask unanimous consent that the text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 862

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Entrepreneurship and Self-Employment Training Act of 1993".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the growth of small business is crucial to economic growth;

(2) many people residing in economically distressed central cities lack the opportunity to develop the skills necessary to become entrepreneurs and small business owners;

(3) community colleges and community development corporations are uniquely positioned to provide entrepreneurship and self-employment training;

(4) community development corporations, community development loan funds, community development credit unions, and community development banks are uniquely positioned to provide credit to individuals interested in starting small businesses in economically distressed central cities; and

(5) the Federal Government can promote the delivery of credit to potential entrepreneurs in economically distressed central cities by providing guarantees for small business development loans made by community development corporations, community development loan funds, community development credit unions, and community development banks.

(b) PURPOSE.—The purpose of this Act is to promote the development of small business in economically distressed central cities by providing for the development of entrepreneurship training courses and Federal guarantees of loans to potential entrepreneurs.

SEC. 3. SPECIALIZED TRAINING CURRICULUM GRANTS.

(a) IN GENERAL.—The Secretary of Labor (hereafter referred to in this section as the "Secretary") shall award competitive grants to community colleges or Historically Black Colleges and Universities that serve Economically Distressed Central Cities to enable such colleges to develop specialized training curricula for entrepreneurship and self-employment for disadvantaged, inner-city individuals.

(b) APPLICATION.—To be eligible to receive a grant under this section a community college or Historically Black College or University shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including assurances that the applicant serves an Economically Distressed Central City.

(c) CURRICULUM.—In developing a curriculum with amounts received under a grant awarded under subsection (a), a community college or Historically Black College or University shall ensure that the curriculum includes training components with respect to business plan development, cash accounting, credit, business communications, inventory management, and other basic business skills determined appropriate by the Secretary.

(d) TERM OF GRANTS.—A grant awarded under this section shall be for a term of 1 year.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 1994.

SEC. 4. TRAINING GRANTS.

(a) IN GENERAL.—The Secretary of Labor (hereafter referred to in this section as the "Secretary") shall award competitive grants to community colleges or Historically Black Colleges and Universities, micro-enterprise programs and community development corporations to enable such colleges, programs and corporations to provide training under the curricula developed under section 3.

(b) APPLICATION.—To be eligible to receive a grant under this section an entity of the type described in subsection (a) shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) TRAINING.—Amounts provided under a grant awarded under this section shall be used to enable the grantee to provide training, through 6 to 12 week training programs that resemble or are based on the curricula developed under section 3, to residents of Economically Distressed Central Cities that—

(1) have been unemployed in excess of 20 consecutive weeks;

(2) have recently been discharged from the armed forces;

(3) receive assistance under title IV of the Social Security Act; or

(4) are otherwise determined appropriate by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $75,000,000 for fiscal years 1995 through 1998.

SEC. 5. LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—The Administrator of the Small Business Administration (hereafter referred to in this section as the "Administrator") shall establish a loan guarantee program under which the Administrator shall guarantee loans, not to exceed $25,000, made to eligible individuals by community development corporations, community development loan funds, community development credit unions, micro-enterprise programs and community development banks

(b) ELIGIBILITY FOR GUARANTEES.—With respect to a loan made by a community development corporation, micro-enterprise program, community development loan fund, community development credit union, or community development bank, to be eligible to receive a loan guarantee covering such loan under the program established under subsection (a), the community development corporation, micro-enterprise program, community development loan fund, community development credit union, or community development bank shall—

(1) prepare and submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require;

(2) certify in such application that such loan will be made to an eligible individual as described in subsection (c);

(3) in the case of federally regulated depository institutions, clarify that such institutions are in compliance with the requirements of the appropriate Federal supervisory agencies; and

(4) meet such other requirements as the Administrator may require.

(c) ELIGIBILITY FOR LOANS.—To be eligible to receive a loan for which a guarantee may be provided under subsection (a), an individual shall—

(1) prepare and submit to the appropriate community development corporation, micro-enterprise program, community development loan fund, community development credit union, or community development bank an application at such time, in such manner, and containing such information as the community development corporation, micro-enterprise program, community development loan fund, community development credit union, or community development bank may require;

(2) have completed a training program of the type described in section 4;

(3) ensure that amounts received under the loan will be used to start up a business that is located in an Economically Distressed Central City and provide a detailed description of the business that the individual intends to establish; and

(4) meet such other requirements as the Administrator may require.

(d) PROCESS FOR IMPLEMENTATION OF PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Administrator shall develop and publish procedures under which the Administrator shall provide loan guarantees under the program established under subsection (a). Such procedures shall include—

(1) application procedures;

(2) criteria which community development corporations, micro-enterprise programs, community development loan funds, community development credit unions, or community development banks should apply when considering applications for loans to which guarantees may be provided under this section;

(3) criteria that the Administrator will utilize in considering applications submitted for guarantees under this section;

(4) any other information determined appropriate by the Administrator.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $150,000,000 for fiscal years 1995 through 1998.

SEC. 6. LIMITATION.

To be eligible to receive a grant or participate in the loan guarantee program under this Act, a community development corporation, micro-enterprise programs, community development loan fund, community development credit union, community development bank, or community college or Historically Black College or University shall provide assurances in the application submitted by such community college or Historically Black College or University, community development corporation, micro-enterprise program, community development loan fund, community development credit union, or community development bank under this Act that the area served by such community college or Historically Black College or University, community development corporation, micro-enterprise program, community development loan fund, community development credit union, or community development bank has an unemployment rate, with respect to the 12-month period preceding the date on which the application is submitted, in excess of 9 percent.

SEC. 7. MISCELLANEOUS PROVISIONS.

(a) IN GENERAL.—As used in this Act:

(1) COMMUNITY COLLEGE.—The term "community college" has the same meaning given the term "junior or community college" in section 312(e) of the Higher Education Act of 1965.

(2) COMMUNITY DEVELOPMENT BANK.—The term "community development bank" means an organization—

(A) that is affiliated with or has a subsidiary that is a federally insured depository institution (such as a savings bank, commercial bank, or credit union) which is regulated by a Federal financial supervisory agency;

(B) that has at least one or more subsidiaries or affiliated organizations that supplement the depository institution's lending with technical assistance, direct community development activities, or higher risk financing;

(C) whose primary or sole mission is to revitalize a targeted geographic area;

(D) that maintains, through significant representation on its governing board and otherwise, accountability to community residents; and

(E) that has principals active in the implementation of its programs who possess significant experience in lending and the development of affordable housing, small business development, or community revitalization.

(3) COMMUNITY DEVELOPMENT CORPORATION.—The term "community development corporation" means a private, nonprofit corporation whose board of directors is comprised of business, civic and community leaders, and whose principal purpose includes the provision of low-income housing or community economic development projects that primarily benefit low-income individuals and communities.

(4) COMMUNITY DEVELOPMENT CREDIT UNION.—The term "community development credit union" means a Federal or State chartered credit union as defined in section 101 of the Federal Credit Union Act that serves predominantly low-income members.

(5) COMMUNITY DEVELOPMENT LOAN FUND.—The term "community development loan fund" means a private nonprofit organization which acts primarily as a financial intermediary that routinely takes in funds from many sources in the form of grants, deposits or loans, and routinely lends these funds out to support the development of low- and moderate-income housing and business development in economically depressed areas.

(6) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—The term "Historically Black Colleges and Universities" means part B institutions as such term is defined in section 322(2) of the Higher Education Act of 1965.

(7) MICRO-ENTERPRISE PROGRAM.—The term "micro-enterprise program" means

(A) a private, nonprofit entity;

(B) a nonprofit community development corporation;

(C) a consortium of private, nonprofit organizations; or

(D) a quasi-governmental economic development entity (such as a planning and development district) other than a State, county, or municipal government or agency thereof; that provides business training and financial assistance (of not to exceed $15,000) to women, low-income, or minority entrepreneurs who wish to start-up or expand small business concerns.

(b) ECONOMICALLY DISTRESSED CENTRAL CITY.—

(1) IN GENERAL.—The term "economically distressed central city" means a city that meets the requirements of this paragraph.

(2) REQUIREMENTS.—To be an Economically Distressed Central City under paragraph (1), a city shall—

(A) be a metropolitan city (as defined in section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)));

(B) be eligible to receive an allocation of funds under section 106(a)(3) of the Housing and Community Development Act of 1974 for the most recent fiscal year ending prior to the date of enactment of this Act;

(C) have a population of at least 30,000; and

(D) have a need adjusted per capita income less than 1.25 (as determined under paragraph (3)) on the basis of the most recent data available.

(3) NEED ADJUSTED PER CAPITA INCOME.—The Secretary of Housing and Urban Development shall determine the Need Adjusted Per Capita Income for each city that meets the requirements of subparagraphs (A) and (B) of paragraph (2) under the following formula:

(A) DETERMINATION OF NEED INDEX.—

(i) For purposes of this subsection, the term "need index" means the number equal to the quotient of—

(I) the term "N", as determined under clause (ii); divided by

(II) the term "P", as determined under clause (iii).

(ii) For purposes of clause (i)(I), the term 'N' means the percentage constituted by the ratio of—

(I) the amount of funds allotted to the city in the fiscal year in which the calendar year begins under section 106(a)(3) of the Housing and Community Development Act of 1974; to

(II) the sum of the amount of funds received by all eligible cities in such fiscal year under section 106(a)(3) of the Housing and Community Development Act of 1974.

(iii) For purposes of clause (i)(II), the term "P" means the percentage constituted by the ratio of—

(I) the amount equal to the total population of the city, as determined by the Secretary using the most recent data that is available from the Secretary of Commerce pursuant to the decennial census and pursuant to reasonable estimates by such Secretary of changes occurring in the data in the ensuing period, to

(II) the amount equal to the total population of all eligible cities in the current fiscal year.

(iv) For purposes of this subparagraph, the term "eligible cities" means those cities which meet the requirements of subparagraphs (A) and (B) of paragraph (2).

(B) DETERMINATION OF NEED ADJUSTED PER CAPITA INCOME FACTOR.—

(i) For purposes of this section (and subject to clause (iv)), the term "need adjusted per capita income factor" means the amount equal to the percentage determined for the city in accordance with the following formula:

$$1-.15\left(\frac{I}{Q}\right)$$

(ii) For purposes of clause (i), the term "I" means the per capita income of the city for the most recent year for which data is available, as determined by the Secretary of Commerce.

(iii) For purposes of clause (i), the term "Q" means the product of—

(I) the need index of such city, as determined under subparagraph (A); and

(II) the amount equal to the per capita income of the United States for the most recent year for which data is available, as determined by the Secretary of Commerce.

(iv) In the case of a city for which the quotient of the term "I" (as determined under clause (ii)) divided by the term "Q" (as determined under clause (iii)) is less than 0.2, then such quotient shall be deemed to be equal to 0.2 for such city for purposes of the formula under clause (i).•

By Mr. BRADLEY (for himself, Mr. BIDEN, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, and Mr. HATCH):

S. 863. A bill to provide for the establishment of demonstration projects designed to determine the social, psychological, and economic effects of providing to individuals with limited means an opportunity to accumulate assets, and to determine the extent to which an asset-based welfare policy may be used to enable individuals with low income to achieve economic self-sufficiency; to the Committee on Finance.

ASSETS FOR INDEPENDENCE ACT

• Mr. BRADLEY. Mr. President, I am introducing a bill that I announced last month as part of my urban community-building initiative, the Assets for Independence Act, which would establish individual development accounts.

We have to face up to Government's failure to lift people out of poverty. The average income in Newark, NJ, is about $9,000 a year. The average income for New Jersey overall is three to four times that. While cities have gotten poorer, Government has been engaged in an endless debate about whether traditional welfare programs give people too much income, discouraging work, or too little. While this debate is important, it misses a key point: Traditional welfare programs that support income and spending can never, by themselves, lift people out of poverty. You can no more spend your way out of poverty than you can borrow your way out of debt. To become economically self-sufficient requires at least some assets—a house, a savings account in case of an emergency, even an education counts as an asset. Poor people are much poorer in assets than in income. For example, black families with monthly incomes below $900 have an average net worth of about $88. That includes everything—furniture, a car, savings, the value of a pension. The average net worth for white families earning only two to three times as much is more than $50,000.

For middle-class people, the Government encourages and heavily subsidizes the development of assets. Interest paid on home mortgages is tax deductible. Pensions are tax deferred, and individual retirement accounts are encouraged. Meanwhile, poor people live in neighborhoods where there are no banks; without a pension or a downpayment on a home, they cannot take advantage of the many ways our Government helps people develop assets. If they are on welfare, they cannot even save $2,000 or so to buy a car and get to a job without being penalized by welfare. Indeed, in Milwaukee, WI, 2 years ago, a young single mother named Grace Capitello managed to save $3,000 by making clothes and toys for her daughter instead of buying them, and by scrimping at the grocery store. For her efforts, she was charged with fraud by the county and ordered to turn over all her savings. Fortunately, a judge understood. Throwing out the case, he complained, "I don't know how much more powerfully we could say it to the people in our society: 'Don't try to save'—than we were by this action."

Two weeks ago in Paterson, NJ, I stopped by a small old bank branch, one of the few that remain. There were only a few people in the bank, and only two at the teller's windows. I started talking with a woman who was depositing $100. We talked about her family—she and her husband have five children. She told me their income: less than $20,000. I asked her how much she and her husband had saved last year: $3,000. I believe we ought to reward, encourage, and do everything we can for people who are working this hard for the future.

From the hard work of this family and the creativity of Grace Capitello comes the idea for the Assets for Independence Act. This bill would not only allow poor people to save without penalty, it would encourage it. It would allow anyone with income up to twice the poverty line—or about $22,000 for a family of four—to establish an individual development account and contribute up to $2,000 a year, the same as in an individual retirement account. This account could be used for only four purposes: to buy a first home, to pay for college education, for retirement, or to start a small business. To reward savings, the program would provide funds to community-based nonprofits to match the savings in an IDA, up to a total of $2,000. This bill would authorize $200 million to establish a broad demonstration of this revolutionary concept.

Low-income people who managed to put aside savings in an individual development account would receive a match based on the amount they deposited and their income, on a sliding scale. Community-based organizations community credit unions or community banks could apply for a Federal demonstration grant under this act. The organization would then use the grant funds and other funds to match individual development account savings for all low-income participants in the community served.

Participants could withdraw funds at any time for any of the four qualified purposes, without penalty. If IDA savings are withdrawn for any other purpose, there is a penalty comparable to the penalty for early withdrawal from an individual retirement account and all funds and interest attributable to the Federal match would be returned to the Treasury.

Individual development accounts are intended to remedy the lack of savings and security in poor neighborhoods, the develop a long-term habit of spending, and to match the Government's subsidy for asset development by the middle class with a comparable, though modest, subsidy for the working poor.

I ask that the text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assets for Independence Demonstration Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) traditional welfare programs in the United States have provided millions of low-income persons with critically needed food, health, and cash benefits, and such programs should be improved and continued;

(2) while such programs have sustained millions of low-income persons, too rarely have such programs been successful in promoting and supporting the transition to economic self-sufficiency;

(3) millions of Americans continue to live in poverty and continue to receive public assistance;

(4) in addition to the social costs of poverty, the economic costs to the Federal Government to provide basic necessities to the poor exceeds $120,000,000,000 each year;

(5) poverty is a loss of human resources and an assault on human dignity;

(6) poverty rates remain high and welfare dependency continues, in part, because welfare theory has taken for granted that a certain level of income or consumption is necessary for one's economic well-being when, in fact, very few people manage to spend or consume their way out of poverty;

(7) economic well-being does not come solely from income, spending, and consumption, but also requires savings, investment, and accumulation of assets, since assets can improve economic stability, connect people with a viable and hopeful future, stimulate development of human and other capital, enable people to focus and specialize, yield personal, social, and political dividends, and enhance the welfare of offspring;

(8) income-based welfare policy should be complemented with asset-based welfare policy, because while income-based policies ensure that present consumption needs (such as food, child care, rent, clothing, and health care) are met, asset-based policies can provide the means to achieve economic self-sufficiency and, accordingly, to leave public assistance;

(9) the Federal Government spends more than $100,000,000,000 each year to provide middle- and upper-income persons with many incentives to accumulate savings and assets (including tax subsidies for home equity accumulation and retirement pension accounts), but such benefits are beyond the reach of most low-income persons;

(10) under current welfare policies, poor families must deplete most of their assets before qualifying for public assistance;

(11) the Federal Government should develop policies that promote higher rates of personal savings and net private domestic investment, both of which fall behind the levels attained in other highly developed industrial nations; and

(12) the Federal Government should undertake an asset-based welfare policy demonstration project to determine the social, psychological, and economic effects of asset accumulation opportunities for low-income persons and to determine if such a policy could provide a new foundation for anti-poverty policies and programs in the United States.

SEC. 3. INDIVIDUAL DEVELOPMENT ACCOUNT DEMONSTRATION PROJECTS.

(a) PURPOSE.—The purpose of this section is to provide for the establishment of demonstration projects designed to determine—

(1) the social, psychological, and economic effects of providing to individuals with limited means an opportunity to accumulate assets; and

(2) the extent to which an asset-based welfare policy may be used to enable individuals with low income to achieve economic self-sufficiency.

(b) APPLICATIONS.—

(1) SUBMISSION.—Not later than April 1, 1994, any organization may submit to the Secretary of the Treasury (in this section referred to as the "Secretary") an application to conduct a demonstration project under this section.

(2) CONTENTS.—The application shall contain—

(A) a description of the demonstration project;

(B) information about the ability of the organization to—

(i) assist project participants in achieving economic self-sufficiency through the project; and

(ii) administer the project;

(C) a commitment made to the organization by the State in which the project is to be conducted that the State will provide a specified amount of funds to the organization for the project, and any similar commitment made to the organization by any other non-Federal public entity or by any private entity; and

(D) a plan to provide the organization evaluating the project with such information with respect to the project as may be required for the evaluation.

(3) CRITERIA.—In considering whether or not to approve any application to conduct a demonstration project under this section, the Secretary shall assess the following:

(A) SUFFICIENCY OF PROJECT.—The degree to which the project described in the application appears likely to aid project participants in achieving economic self-sufficiency through activities requiring qualified expenses (as defined in section 529(c)(1) of the Internal Revenue Code of 1986). In making such assessment, the Secretary shall consider the overall quality of project activities and shall not consider aid in making any particular kind or combination of qualified expenses (as so defined) to be an essential feature of any project.

(B) ADMINISTRATIVE ABILITY.—The ability of the applicant to responsibly administer the project.

(C) COMMITMENT OF NON-FEDERAL FUNDS.—The aggregate amount of funds from non-Federal sources that are committed to the project.

(D) ADEQUACY OF PLAN FOR PROVIDING INFORMATION FOR EVALUATION.—The adequacy of the plan for providing information relevant to an evaluation of the project.

(4) APPROVAL.—Not later than June 1, 1995, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration projects under this section as the Secretary deems appropriate, taking into account the assessment required by paragraph (3).

(c) DEMONSTRATION AUTHORITY; ANNUAL GRANTS.—

(1) DEMONSTRATION AUTHORITY.—If the Secretary approves an application to conduct a demonstration project under this section, the Secretary shall, not later than July 1, 1995, authorize the applicant to conduct the project for 5 project years in accordance with the approved application therefor and this section.

(2) GRANT AUTHORITY.—For each project year of a demonstration project conducted under this section, the Secretary shall make a grant to the organization authorized to conduct the project, on the first day of the project year.

(3) LIMITATIONS ON GRANT AMOUNTS.—

(A) MAXIMUM.—The amount of each grant under paragraph (2) shall be not more than $20,000,000.

(B) FIRST YEAR GRANT LEVEL ASSURED.—The amount of each grant to an organization under paragraph (2) after the first such grant shall be not less than the amount of such first grant.

(C) GRANTS REDUCED, IF NECESSARY, IN PROPORTION TO ANY REDUCTIONS IN APPROPRIATIONS AFTER FIRST YEAR.—If the amount appropriated to carry out this section for any particular fiscal year after fiscal year 1995 is less than the amount so appropriated for fiscal year 1995, then the limitations of subparagraphs (A) and (B) shall each be reduced for the particular fiscal year in equal proportion to the reduction of such appropriations, but only to the extent that the reduction of such limitations is made necessary by the reduction in such appropriations.

(d) RESERVE FUND.—

(1) ESTABLISHMENT.—Each organization authorized to conduct a demonstration project under this section shall establish a Reserve Fund which shall be used in accordance with this subsection.

(2) AMOUNTS IN RESERVE FUND.—

(A) IN GENERAL.—As soon after receipt as is practicable, the organization shall place in the Reserve Fund established under paragraph (1)—

(i) all funds provided to the organization by any public or private entity to conduct the demonstration project;

(ii) the proceeds of any investment made under paragraph (3)(B).

(B) INDIVIDUAL DEVELOPMENT ACCOUNT PENALTIES.—

(i) PENALTY AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR PAYMENT TO THE RESERVE FUND.—For payment to the Reserve Fund established by an organization that provides financial assistance under subsection (g) of this section to any individual who pays, or from whose individual development account is paid, a penalty amount, there is authorized to be appropriated to the Secretary, without fiscal year limitation, an amount equal to the penalty amount.

(ii) PAYMENT TO RESERVE FUND OF PENALTY AMOUNTS APPROPRIATED THEREFOR.—The Secretary shall immediately pay to the Reserve Fund any amount appropriated pursuant to clause (i) for payment to the Reserve Fund.

(C) UNIFORM ACCOUNTING REGULATIONS.—The Secretary shall prescribe regulations with respect to accounting for amounts in Reserve Funds.

(3) USE OF RESERVE FUND.—

(A) IN GENERAL.—The organization shall use the amounts in the Reserve Fund established under paragraph (1) to—

(i) assist participants in the demonstration project in obtaining the skills and information necessary to achieve economic self-sufficiency through activities requiring qualified expenses (as defined in section 529(c)(1) of the Internal Revenue Code of 1986);

(ii) provide financial assistance in accordance with subsection (g) to individuals selected by the organization to participate in the project;

(iii) administer the project; and

(iv) provide the organization evaluating the project under a contract entered into under subsection (k) with such information with respect to the project as may be required for the evaluation.

(B) AUTHORITY TO INVEST FUNDS.—The organization shall invest such amounts in the Reserve Fund as are not immediately needed to carry out subparagraph (A) of this paragraph, in accordance with guidelines which shall require such investments to be highly liquid and of low risk.

(C) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amounts provided to the organization under subsection (c)(2) may be used to administer, or notify the public about, the demonstration project.

(4) UNUSED FEDERAL GRANT FUNDS TRANSFERRED TO THE SECRETARY WHEN PROJECT TERMINATES.—Notwithstanding paragraph (3), upon the termination of any demonstration project authorized under this section, the organization conducting the project shall transfer to the Secretary an amount equal to—

(A) the amounts in the Reserve Fund at time of the termination; multiplied by

(B) a percentage equal to—

(i) the aggregate amount of grants made to the organization under subsection (c)(2); divided by

(ii) the aggregate of the amounts provided to the organization by all entities to conduct the project.

(e) ELIGIBILITY FOR ASSISTANCE.—Any individual who is a member of a household that meets the following requirements shall be eligible for assistance under a demonstration project conducted under this section:

(1) INCOME TEST.—The income of the household for the immediately preceding calendar year is not more than 200 percent of the poverty threshold for such period.

(2) NET WORTH TEST.—The net worth of the household, as of the close of such immediately preceding calendar year, is not more than $20,000.

(f) SELECTION OF INDIVIDUALS TO RECEIVE ASSISTANCE.—From among the individuals eligible for assistance under a demonstration project conducted under this section, the organization authorized to conduct the project shall select the individuals—

(1) whom the organization deems to be best suited to receive such assistance; and

(2) to whom the organization will provide financial assistance in accordance with subsection (g).

(g) Provision of Financial Assistance.—Each organization to which a grant is made under subsection (c)(2) of this section for a project year shall, during the project year, deposit directly into the individual development account of any individual selected by the organization under subsection (f) of this section an amount determined in accordance with the following table:

If the income of the individual for the applicable period is the following percentage of the poverty threshold:	The amount is not to exceed the lesser of:		
	The following percentage of the qualified savings of the individual for the period:	OR	The following dollar amount:
Not more than 75 percent	300	or	$1,500
More than 75 percent but not more than 125 percent.	100	or	$1,000
More than 125 percent but not more than 160 percent.	66	or	$750
More than 160 percent but not more than 200 percent.	33	or	$500.

(h) Local Control Over Demonstration Projects.—Each organization authorized to conduct a demonstration project under this section shall, subject to the provisions of subsection (j), have sole authority over the administration of the project. The Secretary may prescribe only such regulations with respect to demonstration projects under this section as are necessary to ensure compliance with the approved applications therefor and this section.

(i) Semiannual Progress Reports.—

(1) IN GENERAL.—Each organization authorized to conduct a demonstration project under this section shall prepare 10 semiannual reports on the progress of the project, including—

(A) information on participation of individuals in the project;

(B) information on amounts in the Reserve Fund established with respect to the project;

(C) information on amounts in the individual development accounts of the individuals to whom assistance is provided under the project; and

(D) such other information as the Secretary may require to assess the project.

(2) SUBMISSION OF REPORTS.—The organization shall submit each report required to be prepared under paragraph (1) with respect to a demonstration project to—

(A) the Secretary; and

(B) the Treasurer (or equivalent official) of the State in which the project is conducted.

(3) TIMING.—The first report required by paragraph (1) shall be submitted at the end of the 6-month period beginning on the date the Secretary authorized the organization to conduct the demonstration project, and subsequent reports shall be submitted 6 months apart.

(j) Sanctions.—

(1) AUTHORITY TO REVOKE DEMONSTRATION AUTHORITY.—If the Secretary determines a demonstration project is not operating in accordance with its application and this section (and has not implemented any recommendations made by the Secretary), the Secretary may revoke the original authorization to conduct the project.

(2) ACTIONS REQUIRED UPON REVOCATION.—If the Secretary revokes the original authorization to conduct a demonstration project, the Secretary—

(A) shall suspend the project;

(B) shall take control of the Reserve Fund established pursuant to subsection (d) as part of the project;

(C) shall make every effort to find another organization willing and able to conduct the project in accordance with the approved application therefor (as modified, if necessary, to incorporate the recommendations) and this section;

(D) if the Secretary finds such an organization, shall—

(i) authorize the organization to conduct the project in accordance with the approved application therefor (as modified, if necessary, to incorporate the recommendations) and this section;

(ii) transfer to the organization control over the Reserve Fund established pursuant to subsection (d) as part of the project; and

(iii) for purposes of this section, consider—

(I) such other organization to be the organization originally authorized to conduct the project; and

(II) the date of such authorization to be the date of the original authorization; and

(E) if, by the end of the 1-year period beginning on the date of such revocation, the Secretary has not found such an organization, shall—

(i) terminate the project; and

(ii) from the Reserve Fund established as part of the project, remit to each entity that has provided amounts to the organization originally authorized to conduct the project, an amount equal to that percentage of the aggregate of the amounts so provided by all entities that is represented by the amount so provided by such entity.

(k) Evaluations.—

(1) IN GENERAL.—Not later than July 1, 1995, the Secretary shall enter into a contract with an independent research organization that requires the organization, in accordance with this subsection, to evaluate the demonstration projects conducted under this section, individually and as a group.

(2) RESEARCH QUESTIONS.—In evaluating any demonstration project conducted under this section, the research organization shall address the following questions:

(A) What types of information and public education efforts are successful in attracting project participants?

(B) How can participation in the demonstration project be made as easy and accessible as possible for participants?

(C) What level of financial incentives is required to stimulate participation in the demonstration project, and does this vary among different populations?

(D) What program features in conjunction with individual development accounts (such as peer support, structured planning exercises, mentoring, and case management) increase the rate and consistency of participation in the demonstration project?

(E) What are the economic, psychological, and social effects of asset accumulation, and for whom? To what extent, under what circumstances, and for whom does asset accumulation under the demonstration project lead to any or all of the following:

(i) A greater sense of security and control?

(ii) Greater stability in the household?

(iii) A more positive future outlook?

(iv) More long-term planning?

(v) Increased efforts to maintain and develop assets?

(vi) Greater knowledge about savings, investments, and other financial matters?

(vii) Increased effort and success in educational achievement (including those of parents working to provide for the education of their children)?

(viii) Increased specialization in career development?

(ix) Greater self-esteem and personal efficacy?

(x) Improved social status?

(xi) Increased political participation?

(xii) Increased community involvement?

(xiii) Increased labor earnings in the long term?

(xiv) Decreased reliance on traditional forms of public assistance in the long term?

(3) METHODOLOGICAL REQUIREMENTS.—In evaluating any demonstration project conducted under this section, the research organization shall—

(A) use control groups to compare participants with nonparticipants as much as possible;

(B) before, during, and after the project, obtain such quantitative data as are necessary to thoroughly evaluate the project; and

(C) develop a qualitative assessment, derived from sources such as in depth interviews, of how asset accumulation affects individuals and families.

(l) Definitions.—As used in this section:

(1) APPLICABLE PERIOD.—The term "applicable period" means, with respect to amounts to be paid from a grant made for a project year, the calendar year immediately preceding the calendar year in which the grant is made.

(2) HOUSEHOLD.—The term "household" means all individuals who share use of a dwelling unit as primary quarters for living and eating separate from other individuals.

(3) HOUSEHOLD NET WORTH.—

(A) IN GENERAL.—The term "net worth" means, with respect to a household, the aggregate market value of all assets not excluded under subparagraph (B) that are owned in whole or in part by any member of the household, minus the obligations or debts of any member of the household.

(B) ASSETS EXCLUDED.—The following assets (and obligations or debts with respect thereto) shall be excluded in determining the net worth of any household:

(i) $35,000 OF HOME EQUITY.—The lesser of—

(I) the equity of the members of the household in the dwelling unit in which the members reside; or

(II) $35,000.

(ii) MOTOR VEHICLE.—The most valuable motor vehicle owned by any member of the household.

(iii) FURNITURE; APPLIANCES; CLOTHING.—All furniture, appliances, and clothing used by any member of the household in the course of daily living.

(iv) ART OBJECTS.—All art objects displayed in the dwelling unit in which the members of the household reside.

(v) JEWELRY.—All jewelry owned by any member of the household.

(4) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term "individual development account" has the same meaning given such term in section 529 of the Internal Revenue Code of 1986.

(5) PENALTY AMOUNT.—The term "penalty amount" means any of the following:

(A) FINANCIAL ASSISTANCE FORFEITED.—Any amount paid into the general fund of the Treasury of the United States under section 529(e) of the Internal Revenue Code of 1986.

(B) 10 PERCENT ADDITION TO TAX.—Any additional tax imposed by section 529(f) of the Internal Revenue Code of 1986.

(C) OTHER PENALTY TAXES.—Any tax imposed with respect to an individual development account by section 4973, 4975, or 6693 of the Internal Revenue Code of 1986.

(6) POVERTY THRESHOLD.—The term "poverty threshold" means, with respect to a calendar year, the Federal poverty line for the calendar year for the relevant family size, as defined annually by the Bureau of the Census.

(7) PROJECT YEAR.—The term "project year" means, with respect to a demonstration project, any of the 5 consecutive 12-month periods beginning on the date the project is originally authorized to be conducted.

(8) QUALIFIED SAVINGS OF THE INDIVIDUAL FOR THE PERIOD.—The term "qualified savings of the individual for the period" means the aggregate of the amounts contributed by the individual to the individual development account of the individual during the period.

(m) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated to the Secretary of the Treasury not to exceed $100,000,000 for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

(2) CERTAIN AMOUNTS TO BE USED FOR EVALUATIONS.—The Secretary shall expend from amounts appropriated under paragraph (1) such amounts as the Secretary determines appropriate to obtain evaluations of the projects in accordance with subsection (k).

SEC. 4. INDIVIDUAL DEVELOPMENT ACCOUNTS.

(a) IN GENERAL.—Subchapter F of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by adding at the end the following new part:

"PART VIII—INDIVIDUAL DEVELOPMENT ACCOUNTS

"Sec. 529. Individual development accounts.

"SEC. 529. INDIVIDUAL DEVELOPMENT ACCOUNTS.

"(a) ESTABLISHMENT OF ACCOUNTS.—

"(1) IN GENERAL.—An individual development account may be established by or on behalf of an eligible individual for the purpose of accumulating funds to pay the qualified expenses of such individual.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual for whom assistance is (or at any prior time was) provided under section 3(g) of the Individual Development Account Demonstration Act.

"(b) LIMITATIONS.—

"(1) ACCOUNT MAY NOT BE ESTABLISHED FOR BENEFIT OF MORE THAN 1 INDIVIDUAL.—An individual development account may not be established for the benefit of more than 1 individual.

"(2) ELIGIBLE INDIVIDUAL TREATED AS ELIGIBLE INDIVIDUAL ONLY WITH RESPECT TO 1 ACCOUNT.—If, at any time during a calendar year, 2 or more individual development accounts are maintained for the benefit of an eligible individual, such individual shall be treated as an eligible individual for the calendar year only with respect to the 1st of such accounts.

"(3) ANNUAL LIMIT.—Contributions to an individual development account for any taxable year shall not exceed $2,000. No contribution to the account under section 3(g) of the Individual Development Account Demonstration Act shall be taken into account for purposes of this paragraph.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED EXPENSES.—The term 'qualified expenses' means 1 or more of the following, as provided by the organization providing assistance to the individual under section 3(g) of the Individual Development Account Demonstration Act:

"(A) POST-SECONDARY EDUCATION EXPENSES.—Post-secondary educational expenses paid from an individual development account directly to an eligible educational institution. For purposes of this subparagraph—

"(i) IN GENERAL.—The term 'post-secondary educational expenses' means—

"(I) tuition and fees required for the enrollment or attendance of a student at an eligible educational institution,

"(II) fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution, and

"(III) a reasonable allowance for meals, lodging, transportation, and child care, while attending an eligible educational institution.

"(ii) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means the following:

"(I) INSTITUTION OF HIGHER EDUCATION.—An institution described in section 481(a)(1) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1) or 1141(a)), as such sections are in effect on the date of the enactment of this section.

"(II) POSTSECONDARY VOCATIONAL EDUCATION SCHOOL.—An area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of the enactment of this section.

"(B) FIRST-HOME PURCHASE.—Qualified acquisition costs with respect to a qualified principal residence for a qualified first-time homebuyer, if paid from an individual development account directly to the persons to whom the amounts are due. For purposes of this subparagraph—

"(i) QUALIFIED ACQUISITION COSTS.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

"(ii) QUALIFIED PRINCIPAL RESIDENCE.—The term 'qualified principal residence' means a principal residence (within the meaning of section 1034), the qualified acquisition costs of which do not exceed 110 percent of the average area purchase price applicable to such residence (determined in accordance with paragraphs (2) and (3) of section 143(e)).

"(iii) QUALIFIED FIRST-TIME HOMEBUYER.—

"(I) IN GENERAL.—The term 'qualified first-time homebuyer' means a taxpayer (and, if married, the taxpayer's spouse) who has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this subparagraph applies.

"(II) DATE OF ACQUISITION.—The term 'date of acquisition' means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subparagraph applies is entered into.

"(C) BUSINESS CAPITALIZATION.—Amounts paid from an individual development account directly to a business capitalization account which is established in a federally insured financial institution and is restricted to use solely for qualified business capitalization expenses. For purposes of this subparagraph—

"(i) QUALIFIED BUSINESS CAPITALIZATION EXPENSES.—The term 'qualified business capitalization expenses' means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

"(ii) QUALIFIED EXPENDITURES.—The term 'qualified expenditures' means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

"(iii) QUALIFIED BUSINESS.—The term 'qualified business' means any business that does not contravene any law or public policy (as determined by the Secretary).

"(iv) QUALIFIED PLAN.—The term 'qualified plan' means a business plan which—

"(I) is approved by a financial institution, or by a nonprofit loan fund having demonstrated fiduciary integrity,

"(II) includes a description of services or goods to be sold, a marketing plan, and projected financial statements, and

"(III) may require the eligible individual to obtain the assistance of an experienced entrepreneurial advisor.

"(D) RETIREMENT EXPENSES.—Expenses for which amounts may be distributed from an individual retirement plan, subject to the same requirements and limitations as apply to such amounts.

"(E) TRANSFERS TO IDA'S OF FAMILY MEMBERS.—Amounts paid from an individual development account directly into another such account established for the benefit of an eligible individual who is—

"(i) the taxpayer's spouse, or

"(ii) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151.

"(2) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term 'individual development account' means a trust created or organized in the United States exclusively for the purpose of paying the qualified expenses of an eligible individual, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted unless it is in cash.

"(B) The trustee is a federally insured financial institution.

"(C) The assets of the account will be invested in accordance with the direction of the eligible individual.

"(D) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(E) Except as provided in subparagraph (F), any amount in the account which is attributable to assistance provided under section 3(g) of the Individual Development Account Demonstration Act may be paid or distributed out of the account only for the purpose of paying the qualified expenses of the eligible individual.

"(F) Any balance in the account on the day after the date on which the individual for whose benefit the trust is established dies will be distributed within 30 days of such date as directed by such individual to another individual development account established for the benefit of an eligible individual.

"(4) TIME WHEN CONTRIBUTIONS DEEMED MADE.—A taxpayer shall be deemed to have made a contribution on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof).

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any amount paid or distributed out of an individual development account shall be included in gross income of the payee or distributee for the taxable year in the manner provided in section 72.

"(2) DISTRIBUTION USED TO PAY QUALIFIED EXPENSES.—A payment or distribution out of an individual development account shall not be included in gross income to the extent such payment or distribution is used exclusively to pay the qualified expenses incurred by the eligible individual for whose benefit the account is established.

"(3) ASSISTANCE PAYMENTS.—For purposes of section 72, contributions to the account under section 3(g) of the Individual Development Account Demonstration Act shall be treated in the same manner as earnings on the account.

"(e) TAX TREATMENT OF ACCOUNTS.—

"(1) EXEMPTION FROM TAX.—An individual development account is exempt from taxation under this subtitle unless such account has ceased to be an individual development account by reason of paragraph (2). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations, etc.).

"(2) LOSS OF EXEMPTION OF ACCOUNT WHERE INDIVIDUAL ENGAGES IN PROHIBITED TRANSACTION.—

"(A) IN GENERAL.—If the individual for whose benefit an individual development account is established or any individual who contributes to such account engages in any transaction prohibited by section 4975 with respect to the account, the account shall cease to be an individual development account as of the 1st day of the taxable year (of the individual so engaging in such transaction) during which such transaction occurs.

"(B) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be an individual development account by reason of subparagraph (A) as of the 1st day of any taxable year—

"(i) all assets in the account on such 1st day which are attributable to assistance provided under section 3(g) of the Individual Development Account Demonstration Act shall be paid into the general fund of the Treasury of the United States, and

"(ii) paragraph (1) of subsection (d) shall apply as if there was a distribution on such 1st day in an amount equal to the fair market value of all other assets in the account on such 1st day.

"(3) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit an individual development account is established, or any individual who contributes to such account, uses the account or any portion thereof as security for a loan—

"(A) an amount equal to the part of the portion so used which is attributable to assistance provided under section 3(g) of the Individual Development Account Demonstration Act shall be paid into the general fund of the Treasury of the United States, and

"(B) the remaining part of the portion so used shall be treated as distributed to the individual so using such portion.

"(f) ADDITIONAL TAX ON CERTAIN AMOUNTS INCLUDED IN GROSS INCOME.—

"(1) DISTRIBUTION NOT USED FOR QUALIFIED EXPENSES.—In the case of any payment or distribution to which subsection (d)(1) applies, the tax liability of each payee or distributee under this chapter for the taxable year in which the payment or distribution is received shall be increased by an amount equal to 10 percent of the amount of the distribution which is includible in the gross income of such payee or distributee for such taxable year.

"(2) DISQUALIFICATION CASES.—If an amount is includible in the gross income of an individual for a taxable year because such amount is required to be treated as a distribution under paragraph (2) or (3) of subsection (e), such individual's tax liability under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount required to be treated as a distribution and included in such individual's gross income.

"(3) DISABILITY OR DEATH CASES.—Paragraphs (1) and (2) shall not apply if the payment or distribution is made after the individual for whose benefit the individual development account becomes disabled within the meaning of section 72(m)(7) or dies.

"(g) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(h) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 408(n)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an individual development account described in subsection (c)(2). For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(i) REPORTS.—The trustee of an individual development account shall—

"(1) prepare reports regarding the account with respect to contributions, distributions, and any other matter required by the Secretary under regulations, and

"(2) submit such reports, at the time and in the manner prescribed by the Secretary in regulations, to—

"(A) the individual for whose benefit the account is maintained,

"(B) the organization providing assistance to the individual under section 3(g) of the Individual Development Account Demonstration Act, and

"(C) the Secretary."

(b) CONTRIBUTION NOT SUBJECT TO GIFT TAX.—Section 2503 of such Code (relating to taxable gifts) is amended by adding at the end the following new subsection:

"(h) INDIVIDUAL DEVELOPMENT ACCOUNTS.—Any contribution made by an individual to an individual development account described in section 529(c)(3) shall not be treated as a transfer of property by gift for purposes of this chapter."

(c) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR INDIVIDUAL DEVELOPMENT ACCOUNTS.—An individual for whose benefit an individual development account is established and any contributor to such account shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be an individual development account by reason of the application of section 529(e)(2)(A) to such account.", and

(2) by inserting ", an individual development account described in section 529(c)(3)," in subsection (e)(1) after "described in section 408(a)".

(d) FAILURE TO PROVIDE REPORTS ON INDIVIDUAL DEVELOPMENT ACCOUNTS.—Section 6693 of such Code (relating to failure to provide reports on individual retirement accounts or annuities) is amended—

(1) by inserting "**OR ON INDIVIDUAL DEVELOPMENT ACCOUNTS**" after "**ANNUITIES**" in the heading of such section, and

(2) by adding at the end of subsection (a) the following new sentence: "The person required by section 529(i) to file a report regarding an individual development account at the time and in the manner required by such section shall pay a penalty of $50 for each failure, unless it is shown that such failure is due to reasonable cause."

(e) SPECIAL RULE FOR DETERMINING AMOUNTS OF SUPPORT FOR DEPENDENT.—Subsection (b) of section 152 of such Code (relating to definition of dependent) is amended by adding at the end the following new paragraph:

"(6) A distribution from an individual development account described in section 529(c)(3) to the individual for whose benefit such account has been established shall not be taken into account in determining support for purposes of this section to the extent such distribution is excluded from gross income of such individual under section 529(d)(2)."

(f) CLERICAL AMENDMENTS.—

(1) The table of parts for subchapter F of chapter 1 of such Code is amended by inserting at the end the following new item:

"Part VIII. Individual development accounts."

(2) The table of sections for subchapter B of chapter 68 of such Code is amended by striking the item relating to section 6693 and inserting the following new item:

"Sec. 6693. Failure to provide reports on individual retirement accounts or annuities or on individual development accounts."

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after June 30, 1993.

SEC. 5. FUNDS IN INDIVIDUAL DEVELOPMENT ACCOUNTS OF DEMONSTRATION PROJECT PARTICIPANTS DISREGARDED FOR PURPOSES OF ALL MEANS-TESTED FEDERAL PROGRAMS.

Notwithstanding any Federal law (other than the Internal Revenue Code of 1986) that requires consideration of 1 or more financial circumstances of an individual, for the purpose of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such law to be provided to or for the benefit of such individual, funds (including interest accruing) in an individual development account (as defined in section 529 of the Internal Revenue Code of 1986) shall be disregarded for such purpose with respect to any period during which such individual participates in a demonstration project conducted under section 3 of this Act (or would be participating in such a project but for the suspension of the project).●

By Mr. BRADLEY (for himself, Mr. BIDEN, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKE-

FELLER, Mr. SIMON, Mr. WELLSTONE, Mrs. MURRAY, Mr. KERRY, Mr. DODD, Mr. LIEBERMAN, Mr. WOFFORD, Mr. HATCH, and Mr. KRUEGER):

S. 864. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize community policing grant program; to the Committee on the Judiciary.

COMMUNITY POLICING ASSISTANCE ACT

• Mr. BRADLEY. Mr. President, I am introducing a bill that I announced last month as part of my urban community-building initiative: The Community Policing Assistance Act.

Earlier this year, in a New Jersey city I met a man who owned a small store, an immigrant, who was terrified by frequent robberies. His store was in the shadow of city hall, just blocks away, but when he called the police, he said it took them 3 hours for a squad car to respond. He concluded that government would do nothing to ensure his safety, and now he carries a gun.

Government's response to the epidemic of violent urban crime has been to toughen and toughen again the penalties. I have supported this effort—because the penalties should fit the magnitude of crimes involving drugs and violence—but there is a larger point. A police culture that isolates officers in squad cars, responding to crimes only after the fact, will never prevent crime and will rarely catch the criminal.

While Government was speaking louder about crime, but carrying what looked like a smaller and smaller stick, a few communities were inventing for themselves a new way to ensure safety. In East Orange, NJ, police officers recently took the roughest 12-block zone of the city and made it a miniprecinct, with an accessible office and distinct neighborhood beats for every officer. A similar program that started in 1990 in Columbia, SC, brought an immediate 30-percent reduction in crime. An elderly woman living in a housing project, who had slept on her floor for 5 years because she feared bullets coming through her window, was finally able to get back into bed. Now police officers worry less about what crimes have occurred, and spend more time talking to people, finding out where trouble is brewing, and intervening before it happens. Police know the mothers who are worried about their sons and daughters; they know the shopkeepers who are worried about neighborhood thugs, and they know the thugs the shopkeepers worry about. With knowledge comes trust and trust is the foundation for security.

This new model, known as community policing, can build a base of trust and knowledge in every community. But it requires an investment, at least at the beginning. When police officers spend more time on the streets, preventing crime, a city needs more police officers to provide the same basic level of security and the same response time when crime does occur. My community policing bill, the third component of this initiative, authorizes $200 million in matching funds to local law enforcement and community groups to support community policing activities in economically distressed central cities. Police departments can use these funds for local police substations, or to staff regular police neighborhood beats.

Community policing boils down to using intelligence. We won the Persian Gulf war because we had great military firepower and the intelligence as to where to direct that firepower. In urban America today, we have police departments, but we don't have the intelligence as to where to direct the police power. Community policing, by involving the community in the process, will create an atmosphere in which the police could deploy their resources intelligently to achieve what the people in the community want, which is greater security.

I ask unanimous consent that the text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Policing Assistance Act of 1993".

SEC. 2. COMMUNITY POLICING; COP ON THE BEAT.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as 1801; and

(3) by inserting after part P the following new part:

"PART Q—COMMUNITY POLICING; COP ON THE BEAT

"SEC. 1701. GRANT AUTHORIZATION.

"(a) GRANT PROJECTS.—The Director of the Bureau of Justice assistance may make grants to units of local government and community groups in economically distressed central cities to establish or expand cooperative efforts between police and community for purposes of increasing police presence in the community, including—

"(1) developing innovative neighborhood-oriented policing programs;

"(2) providing new technologies to reduce the amount of time officers spend processing cases instead of patrolling the community or problem solving in the community;

"(3) purchasing equipment to improve communications between officers and the community and to improve the collection, analysis, and use of information about crime-related community problems;

"(4) developing policies that reorient police emphasis from reacting to crime to preventing crime;

"(5) creating decentralized police substations throughout the community where officers can be permanently assigned to gain community confidence and support so as to encourage interaction and cooperation between the public and law enforcement personnel on the local level;

"(6) providing training in problem solving for community crime problems;

"(7) providing training in cultural differences for law enforcement officials;

"(8) developing community-based crime prevention programs, such as safety programs for senior citizens, community anticrime groups, and other anticrime awareness programs;

"(9) developing crime prevention programs in communities which have experienced a recent increase in gang-related violence; and

"(10) developing projects following the model under subsection (b).

"(b) MODEL PROJECT.—The Director shall develop a written model that informs community members regarding—

"(1) how to identify the existence of a drug or gang house;

"(2) what civil remedies, such as public nuisance violations and civil suits in small claims court, are available; and

"(3) what mediation techniques are available between community members and individuals who have established a drug or gang house in such community.

"SEC. 1702. APPLICATION.

"(a) IN GENERAL.—(1) To be eligible to receive a grant under this part, a chief executive of a unit of local government, a duly authorized representative of a combination of local governments within a geographic region, or a community group shall submit an application to the Director in such form and containing such information as the Director may reasonably require.

"(2) In such application, one office or agency (public, private, or nonprofit) shall be designated as responsible for the coordination, implementation, administration, accounting, and evaluation of services described in the application.

"(b) GENERAL CONTENTS.—Each application under subsection (a) shall include—

"(1) a request for funds available under this part for the purposes described in section 1701;

"(2) a description of the areas and populations to be served by the grant; and

"(3) an assurance that Federal funds received under this part shall be used to supplement, not supplant non-Federal funds that would otherwise be available for activities funded under this part.

"(c) COMPREHENSIVE PLAN.—Each application shall include a comprehensive plan which contains—

"(1) a description of the crime problems within the areas targeted for assistance;

"(2) a description of the projects to be developed;

"(3) a description of the resources available in the community to implement the plan together with a description of the gaps in the plan that cannot be filled with existing resources;

"(4) an explanation of how the requested grant shall be used to fill those gaps;

"(5) a description of the system the applicant shall establish to prevent and reduce crime problems; and

"(6) an evaluation component, including performance standards and quantifiable goals the applicant shall use to determine project progress, and the data the applicant shall collect to measure progress toward meeting project goals.

"(d) PARTICULAR APPLICATIONS.—

"(1) APPLICATION OF A LAW ENFORCEMENT AGENCY SEEKING A GRANT TO ESTABLISH A COMMUNITY POLICING PROGRAM.—In addition to meeting the requirements of subsections (a), (b), (c), an application of a law enforcement agency seeking a grant to establish a community policing program shall—

"(A) propose a project that has as its primary goal the establishment of a community-centered police patrol or beat through—

"(i) the staffing of a neighborhood police substation where police officers are assigned for periods of at least 18 months; or

"(ii) the establishment of a community police patrol made up of a cadre of police officers assigned to a neighborhood for periods of at least 18 months; and

"(B)(i) demonstrate community support for a neighborhood community police patrol; or

"(ii) set forth in detail a plan for forming a community/police partnership to target crime.

"(2) APPLICATION OF A LAW ENFORCEMENT AGENCY SEEKING A GRANT TO EXPAND A COMMUNITY POLICING PROGRAM.—In addition to meeting the requirements of subsections (a), (b), (c), an application of a law enforcement agency seeking a grant to expand a community police program through development of a community centered project shall—

"(A) provide evidence that there is community support for the project; and

"(B) describe how the project will promote the goals of the community policing program.

"(3) APPLICATION OF A COMMUNITY GROUP SEEKING A GRANT TO EXPAND OR ESTABLISH A COMMUNITY POLICING PROGRAM.—In addition to meeting the requirements of subsections (a), (b), (c), an application of a community group seeking a grant to expand or establish a community policing program shall—

"(A) describe how the community group intends to work with the police; and

"(B) demonstrate police support for the project.

"SEC. 1703. ALLOCATION OF FUNDS; LIMITATIONS ON GRANTS.

"(a) ALLOCATION.—The Director shall allocate not less than 75 percent of the funds available under this part to units of local government or combinations of such units and not more than 20 percent of the funds available under this part to community groups.

"(b) ADMINISTRATIVE COST LIMITATION.—The Director shall use not more than 5 percent of the funds available under this part for the purposes of administration, technical assistance, and evaluation.

"(c) RENEWAL OF GRANTS.—A grant under this part may be renewed for up to 2 additional years after the first fiscal year during which the recipient receives its initial grant, subject to the availability of funds, if the director determines that the funds made available to the recipient during the previous year were used in a manner required under the approved application and if the recipient can demonstrate significant progress toward achieving the goals of the plan required under section 1702(c).

"(d) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total cost of the projects described in the application submitted under section 1702 for the fiscal year for which the projects receive assistance under this part.

"SEC. 1704. AWARD OF GRANTS.

"(a) SELECTION OF RECIPIENTS.—The Director shall consider the following factors in awarding grants to units of local government or combinations of such units under this part:

"(1) NEED AND ABILITY.—Demonstrated need and evidence of the ability to provide the services described in the plan required under section 1702(c).

"(2) COMMUNITY-WIDE RESPONSE AND SUPPORT.—Evidence of community support for the project and evidence of the ability to coordinate community-wide response to crime.

"(3) MAINTAIN PROGRAM.—The ability to maintain a program to control and prevent crime after funding under this part is no longer available.

"(b) GEOGRAPHIC DISTRIBUTION.—The Director shall attempt, to the extent practicable, to achieve an equitable geographic distribution of grant awards.

"SEC. 1705. REPORTS.

"(a) REPORT TO DIRECTOR.—Recipients who receive funds under this part shall submit to the Director not later than March 1 of each year a report that describes progress achieved in carrying out the plan required under section 1702(c).

"(b) REPORT TO CONGRESS.—The Director shall submit to the Congress a report by October 1 of each year that shall contain a detailed statement regarding grant awards, activities of grant recipients, and an evaluation of projects established under this part.

"SEC. 1706. DETERMINATION OF NEED ADJUSTED PER CAPITA INCOME.

The Secretary of Housing and Urban Development shall determine the need adjusted per capita income for each city that meets the requirements of subparagraphs (A) and (B) of section 1707(3) under the following formula:

(1) DETERMINATION OF NEED INDEX.—

(A) For purposes of this section, the term "need index" means the number equal to the quotient of—

(i) the term "N", as determined under subparagraph (B); divided by

(ii) the term "P", as determined under subparagraph (C).

(B) For purposes of subparagraph (A)(i), the term "N" means the percentage constituted by the ratio of—

(i) the amount of funds allotted to the city in the fiscal year in which the calendar year begins under section 106(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(a)(3)); to

(ii) the sum of the amount of funds received by all eligible cities in such fiscal year under section 106(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(a)(3)).

(C) For purposes of subparagraph (A)(ii), the term "P" means the percentage constituted by the ratio of—

(i) the amount equal to the total population of the city, as determined by the Secretary using the most recent data that is available from the Secretary of Commerce pursuant to the decennial census and pursuant to reasonable estimates by such Secretary of changes occurring in the data in the ensuing period, to

(ii) the amount equal to the total population of all eligible cities in the current fiscal year.

(D) For purposes of this paragraph, the term "eligible cities" means the cities which meet the requirements of paragraph (1) and (2) of subsection (b).

(2) DETERMINATION OF NEED ADJUSTED PER CAPITA INCOME FACTOR.—

(A) For purposes of this section (and subject to subparagraph (D)), the term "need adjusted per capita income factor" means the amount equal to the percentage determined for the city in accordance with the following formula:

$$1 - .15\left(\frac{I}{Q}\right)$$

(B) For purposes of subparagraph (A), the term "I" means the per capita income of the city for the most recent year for which data are available, as determined by the Secretary of Commerce.

(C) For purposes of subparagraph (A), the term "Q" means the product of—

(i) the need index of the city, as determined under paragraph (1); and

(ii) the amount equal to the per capita income of the United States for the most recent year for which data are available, as determined by the Secretary of Commerce.

(D) In the case of a city for which the quotient of the term "I" (as determined under subparagraph (B)) divided by the term "Q" (as determined under subparagraph (C)) is less than 0.2, the quotient shall be deemed to be equal to 0.2 for that city for purposes of the formula under subparagraph (A).

"SEC. 1707. DEFINITIONS.

"For purposes of this part—

"(1) The term 'community group' means a community-based nonprofit organization that has a primary purpose of crime prevention.

"(2) The term 'Director' means the Director of the Bureau of Justice Assistance.

"(3) The term 'economically distressed central city' means a city that—

"(A) is a metropolitan city (as defined in section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4));

"(B) is eligible to receive an allocation of funds under section 106(a)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(a)(3) for the most recent fiscal year ending prior to the date of enactment of this Act;

"(C) has a population of at least 30,000; and

"(D) has a need adjusted per capita income less than 1.25 on the basis of the most recent data available.

"(4) The term 'need adjusted per capita income' means the need adjusted per capita income of a city determined under section 1706.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the matter relating to part Q and inserting the following:

"PART Q—COMMUNITY POLICING; COP ON THE BEAT GRANTS

"Sec. 1701. Grant authorization.
"Sec. 1702. Application.
"Sec. 1703. Allocation of funds; limitation on grants.
"Sec. 1704. Award of grants.
"Sec. 1705. Reports.
"Sec. 1706. Determination of need adjusted per capita income.
"Sec. 1707. Definitions.

"PART Q—TRANSITION; EFFECTIVE DATE; REPEALER

"Sec. 1801. Continuation of rules, authorities, and proceedings.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1986 (42 U.S.C. 3793) is amended—

(1) in paragraph (3) by striking "and N" and inserting "N, O, P, and Q"; and

(2) by adding after paragraph (10) the following new paragraph:

"(10)(A) There is authorized to be appropriated to carry out part Q $200,000,000 for fiscal year 1994.".•

By Mr. BRADLEY (for himself, Mr. BIDEN, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SIMON, Mr. WELLSTONE, Mr. HATCH, Mrs. MURRAY, Mr. DANFORTH, Mr. KERRY, Mr. KOHL, and Mr. WOFFORD):

S. 865. A bill to establish a Mobility for Work Demonstration Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MOBILITY FOR WORK ACT

• Mr. BRADLEY. Mr. President, I am introducing a bill that I announced last month as part of my urban community-building initiative: The Mobility for Work Act.

The most striking characteristic of American central cities today is their isolation. Once the hub of their regions, the center of commerce, jobs and culture, inner-city residents are now isolated socially, culturally and economically. Outsiders look in, through movies like "Boyz in the Hood," at a world with its own values, its own language, and its own icons of popular culture. But all the talk in Washington about the culture of poverty diverts our attention from the very simple fact of isolation from jobs. It is not news that a central city like Newark lost 80,000 jobs between 1970 and 1988. But these cities are nestled in metropolitan areas that were creating far more jobs than were lost, including many entry-level jobs with modest skill requirements. Mobility strategies say to connect where the entry-level jobs are with the people who need the entry-level jobs with creative transportation.

Unfortunately, those jobs were in the suburbs. To say that an urban resident can't get an entry-level job until the city revives in total is to say that a generation will be wasted as politicians of all races give excuses and bureaucrats twiddle their thumbs and push paper. In 20 large metropolitan areas of America, more than 75 percent of the jobs created in the 1980's were outside of the central city. And in six areas, including Chicago, Cleveland, and Detroit, every single new job created—100 percent of the net job growth—was in the suburbs. Government has tried various costly strategies to address this enormous disparity. Urban development has cost hundreds of billions, gentrified a few small downtown areas, but still left poor people in the cities living increasingly in areas where almost everyone else is also poor. The latest effort at urban development, enterprise zones, might turn out to be more successful, but the cost is high and the change only marginal. Dispersal strategies, efforts to help inner-city residents move to the suburbs, have been very successful when ordered by a court, as in the Gautreaux project near Chicago, but encounter intense political resistance. With the failure of these two strategies, the only alternative has been abandonment, leaving the cities, with their vast human capital behind, while businesses in the suburbs struggle to fill $5-an-hour entry-level jobs from a limited labor pool.

There is an alternative, possibly a much less expensive one: mobility. In southeast Chicago, residents of the Le Clair Court housing project concluded that the barrier between Le Clair residents and jobs was simply transportation. Most Le Clair residents don't own cars, and bus transportation to a suburban job means getting up 3 hours before work and returning home well after dark. With the help of a creative young manager named Theresa Prim, they scraped together $250,000 from foundations to buy five 20-person vans, and began to talk to suburban businesses about their desperate need for entry-level workers. They concluded that if people had good jobs, they would pay $6 a day for transportation to those jobs. Now fares paid by workers or employers cover almost half the cost of the Accel Transportation project. The vans are full. And many Le Clair residents soon buy a car to get to their new jobs, opening a spot in the van for someone new. Besides transportation, the program includes job counseling and conflict resolution for workers who are not used to suburban jobs and employers who are not accustomed to hiring inner-city residents and often must overcome their own ingrained impulses on issues of race.

I have not given up hope that we can draw more jobs to the cities, but we can no longer put all our hopes in that strategy. We know where the jobs are, and we know that in good economic times, companies have a hard time filling those jobs. In 1987 and 1988, companies in northern New Jersey were desperate for workers and began to run their own vans into Newark. But when the economy turned down, companies quickly cut this cost, and urban workers were cut off before they developed a permanent attachment to the work force.

My mobility for work initiative is intended to build a lasting connection between urban workers and suburban jobs by helping projects like Accel Transportation get going. At only $15 million, it is the least expensive component of this urban initiative, but one with the most possibilities. Everything is interconnected. For example, when city dwellers return to their communities in the evening with real earnings from jobs, banks and retail businesses will emerge to serve them, creating more jobs in the community and starting a cycle of prosperity. Some urban residents might move out to the suburbs, closer to the jobs, or some businesses might be drawn back to the city, once they overcome their prejudices about inner-city minority workers. This is a demonstration program, with a rigorous evaluation at the end to determine the effects of this new strategy.

Programs funded under this bill must utilize one of the following models:

Expansion of existing job training or job search programs to include transportation;

Improving public transit systems to create links between urban residential areas and outlying areas of high job growth; and

Establish regional coalitions to improve central city access to jobs.

The program will be administered by the Secretary of Labor in consultation with the Secretaries of Transportation and Housing and Urban Development. It is intended to encourage similar cooperation among local job training and placement programs, transit agencies, and economic development authorities.

To limit the assistance to the areas of greatest need, eligibility will be limited to metropolitan areas in which 75 percent or more of the job growth over the previous 10 years was outside of the central city. Based on current figures, this includes 20 metropolitan areas, among them Chicago, Los Angeles, Cleveland, Detroit, Washington, DC, Philadelphia, and Milwaukee.

I ask that the full text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Mobility for Work Act of 1993".

SEC. 2. PURPOSE.

The purpose of this Act is to—

(1) improve the employment rate and earnings of residents of central cities by improving the access of the residents to areas of high job growth;

(2) meet the labor needs of employers in suburban locations during periods of economic growth and build permanent attachments between workers and jobs; and

(3) test differing approaches to achieving the purposes described in paragraphs (1) and (2) and determine the effects of the approaches.

SEC. 3. MOBILITY FOR WORK DEMONSTRATION GRANTS.

(a) DEFINITIONS.—As used in this section:

(1) AREA OF HIGH JOB GROWTH.—The term "area of high job growth" means an area, within a Primary Metropolitan Statistical Area, that has averaged, during the 3 years preceding the date on which the determination regarding the area is made, a higher percentage increase in the number of jobs, as measured by the Bureau of Labor Statistics or a comparable State agency, than the Primary Metropolitan Statistical Area as a whole.

(2) CENTRAL CITY.—The term "central city" means a central city, as defined by the Bureau of the Census as of the date of enactment of this Act.

(3) COMMUNITY-BASED ORGANIZATION.—The term "Community-based organization" means an entity described in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).

(4) ELIGIBLE METROPOLITAN AREA.—The term "eligible metropolitan area" means an area—

(A) that is a Primary Metropolitan Statistical Area; and

(B) in which the job growth outside of central cities accounted for 75 percent or more of total job growth in the Primary Metropolitan Statistical Area over the most recent 10-year period for which data are available.

(5) PRIMARY METROPOLITAN STATISTICAL AREA.—The term "Primary Metropolitan Statistical Area" means a Primary Metropolitan Statistical Area, as defined by the Bureau of the Census as of the date of enactment of this Act.

(6) SUBURBAN JOB LOCATION.—The term "suburban job location" means a job location that—

(A) is in an area of high job growth; and

(B) is not in a central city.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall establish a Mobility for Work Demonstration Program to evaluate the effects of assisting residents of a central city within an eligible metropolitan area to commute to job locations, especially suburban job locations, within the metropolitan area.

(2) GRANTS AUTHORIZED.—The Secretary of Labor, in consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall make grants through the Mobility for Work Demonstration Program to not more than six entities to carry out demonstration projects in eligible metropolitan areas, utilizing the program models described in subsection (d).

(3) PEER REVIEW PANEL.—

(A) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall establish a peer review panel.

(B) EXPERIENCE.—The panel shall be comprised of individuals with experience in designing our implementing successful programs to improve mobility for work.

(C) COMPOSITION.—The panel shall include at least one representative from each of the following:

(i) A local or regional transportation authority.

(ii) A community-based organization that has organized such a program.

(iii) A local or regional government.

(iv) A nonprofit organization that has helped design or evaluate such a program.

(D) DUTIES.—The panel shall conduct an initial review of, and make recommendations to the Secretary of Labor regarding, applications submitted under subsection (c). The panel shall recommend to the Secretary of Labor and the Secretary of Transportation a design for the evaluation described in subsection (e).

(c) APPLICATION AND APPROVAL CRITERIA.—To be eligible to receive a grant under this section to carry out a demonstration project, an entity shall submit an application to the Secretary of Labor at such time, in such manner, and containing such information as the Secretary of Labor, in consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, may require, including information demonstrating that—

(1) the applicant will use one of the three program models described in subsection (d) to carry out the project;

(2) the applicant will establish data collection procedures that will be sufficient to enable the Secretary of Labor, in consultation with the Secretary of Transportation, to conduct an evaluation in accordance with subsection (e); and

(3) the applicant has the capability to carry out the project adequately and to meet such other criteria as the Secretary of Labor may prescribe.

(d) PROGRAM MODELS.—In making grants to entities to carry out demonstration projects under this section, the Secretary of Labor, in consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development shall make grants to entities that agree to use one of the program models described in paragraphs (1), (2), and (3), and shall make at least one grant to an entity that agrees to use each of the following program models:

(1) ADDING TRANSPORTATION SERVICES TO EXISTING JOB TRAINING AND PLACEMENT PROGRAMS.—Under this model an entity shall supplement job training and placement programs that are in existence on the date of the submission of the applicable application by increasing the access of residents of a central city in an eligible metropolitan area to job locations in areas of high job growth in the metropolitan area. The entity shall increase such access through the establishment of new transportation services that are designed to—

(A) transport the residents to the locations, such as van service provided between—

(i) the central city; and

(ii) business parks or major employers in such locations,

by a public agency, a private entity, or a community-based organization;

(B) provide transportation counseling and assistance (such as services to promote the creation of carpools or provide education on public transit routes) to the residents to supplement counseling on job search and workplace conduct provided through the job training and placement programs; or

(C) provide a direct subsidy of public transit fares or private automobile expenses for low-income residents of central cities.

(2) IMPROVING PUBLIC TRANSIT SYSTEMS TO FACILITATE ACCESS TO AREAS OF HIGH JOB GROWTH.—

(A) IN GENERAL.—Under this model an entity shall—

(i) work with the relevant public transit operator or agency to modify public transit routes and schedules, in order to increase the access of residents described in paragraph (1) to job locations described in paragraph (1), through public transit services such as—

(I) express bus service to business parks in such locations at times coinciding with shift changes; or

(II) new connecting services to fill gaps in transportation service that impede commuting from central cities to such job locations; or

(ii) reimburse public transit operators for the costs of providing reduced fare programs to increase such access.

(B) EMPLOYER CONTRIBUTIONS.—An entity carrying out a demonstration project in accordance with subparagraph (A)(i) may request that employers of the residents described in such subparagraph contribute to the costs of implementing the transit services described in such subparagraph.

(3) ESTABLISHING REGIONAL COALITIONS TO IMPROVE CENTRAL CITY ACCESS TO JOBS.—

(A) COALITION.—Under this model an entity shall establish a regional coalition, which may include neighborhood organizations, employers, employer associations, transportation providers, and similar entities, to implement comprehensive strategies to improve the access of low-income residents of a central city in an eligible metropolitan area to job locations within the metropolitan area.

(B) SERVICES.—The entity shall identify transportation barriers between central cities and such job locations and shall address the barriers through—

(i) modifications in job training and placement services;

(ii) the provision of support services such as child care; and

(iii) the provision of transportation services.

(C) AREA.—The entity shall attempt to link job training and placement program participants with job opportunities throughout as much of the eligible metropolitan area as is practicable.

(e) EVALUATION.—The Secretary of Labor, in consultation with the Secretary of Transportation, shall conduct a thorough evaluation of the demonstration projects established under this section, which evaluation shall include an assessment—

(1) with respect to entities establishing transportation services to supplement job training and placement programs in accordance with subsection (d)(1), the effect of the addition of such transportation services on employment rates, job retention, and earnings among residents of the area in which the demonstration project is conducted;

(2) with respect to entities improving public transit systems in accordance with subsection (d)(2), the effect of the improvements on such employment rates, job retention, and earnings; and

(3) with respect to entities establishing regional coalitions and implementing comprehensive strategies in accordance with subsection (d)(3), the effects of such strategies on such employment rates, job retention, and earnings.

(f) OTHER FUNDING SOURCES.—Nothing in this section shall be construed to prevent an entity that receives a grant under this section to carry out a demonstration project from receiving funds to carry out the project from other sources to supplement the funds made available through the grant.

(g) AUTHORIZATION OF FUNDS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 1994, and such sums as may be necessary for each of the fiscal years 1995 through 1998.•

By Mr. BRADLEY (for himself, Mr. BIDEN, Mrs. BOXER, Mr. BRYAN, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. KERREY, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. HATCH, Mr. SIMON, AND Mr. WELLSTONE):

S. 866. A bill to provide for the establishment of a neighborhood reconstruction corps program to award grants for the employment of disadvantaged workers for infrastructure repair activities, and for other purposes; to the

Committee on Labor and Human Resources.

NEIGHBORHOOD RECONSTRUCTION CORPS ACT

• Mr. BRADLEY. Mr. President, I rise today to introduce the first of the bills I announced last month as part of my urban community-building initiative: The Neighborhood Reconstruction Corps Act.

I have spoken here and in the past about the deterioration of public spaces and the vast number of young people, with a high school diploma or even a long work history, who need skills and work. But today I want to speak about people who are gaining skills and public spaces that are being improved. In East Harlem, for example, Dorothy Stoneman started Youth Build in 1978 to give young people both basic education and marketable vocational skills. While getting their high school equivalency diplomas, they have rehabilitated hundreds of abandoned buildings to create affordable housing. Other programs, such as developer James Rouse's Enterprise Foundation, have shown in Baltimore, Detroit, Miami and other cities that local companies are willing to participate in rebuilding the cities in which they prosper.

To combine the idea of improving job skills with the idea of asking private companies to help build an economically healthy community, I have developed the Neighborhood Reconstruction Corps. This demonstration would provide Federal funds to match private investments in light infrastructure projects for public entities. For example, if a local company was willing to put up money to help repaint an inner-city school, or to refurbish a neighborhood center, some money would be available if an important condition was met: the project must employ a Neighborhood Construction Corps, a corps of disadvantaged workers who would be organized and trained for light construction by a community-based organization. The first idea might come from a company that realizes its own profit depends on clean, modern roads and good schools and housing. Or the initiative might come from the community-based organization that first assembles a Neighborhood Reconstruction Corps and then seeks out companies that want to undertake projects.

The Neighborhood Reconstruction Corps combines two successful ideas: using community organizations to give disadvantaged workers marketable job skills and real work, and enlisting private enterprise as partners in rebuilding public spaces and public buildings. Program funds will be used to train disadvantaged workers for light infrastructure repair work, and to match private investment in public projects.

Federal grants will be available for nonprofit community development corporations or private business entities at up to a one-to-one match of private funds. Projects cannot cost more than $1,000,000 and the Federal match cannot exceed $500,000. Qualifying projects would include enhancing public parks, bringing public buildings into compliance with the requirements of the Americans With Disabilities Act, graffiti removal, repairing bus shelters, replacement of sidewalks, painting schools, and similar light public projects.

The Department of Labor will administer the program, but grant applications will be reviewed by a separate peer review panel made up of community leaders with successful experience in similar programs. To avoid the diffusion that has weakened comparable grant programs, only cities designated economically distressed central cities, under a formula in the bill, can qualify for grants. The formula is based on a modified CDBG formula, and currently 297 cities of 35,000 or more population would qualify.

Everyone must work together—the private business that will put up at least half the money, the local government or school system, and the community-based nonprofit—and if they do, the government will be there to help. This bill would authorize up to $500 million a year for the Neighborhood Reconstruction, Corps, enough to fuel at $1 billion in total new investment in the public infrastructure of cities.

I ask unanimous consent that the text of the bill be printed following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 866

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Neighborhood Reconstruction Corps Act".

SEC. 2. PURPOSE.

It is the purpose of this Act to—

(1) create incentives for private enterprise to invest in light infrastructure projects in cities in which such enterprises do business;

(2) assist community based organizations in assembling and finding employment for residents of the community in neighborhood reconstruction corps projects; and

(3) provide training, positive work habits, work skills, and light construction skills for urban residents.

SEC. 3. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary of Labor (hereafter referred to in this section as the "Secretary"), shall establish a program, to be known as the Neighborhood Reconstruction Corps Program, under which the Secretary shall award competitive matching grants to eligible entities to enable such entities to employ economically disadvantaged adults, as described in section 202(d)(1)(A) of the Job Training Partnership Act, or disadvantaged youth, as described in part B of title IV of such Act, to perform infrastructure repair services in Economically Distressed Central Cities.

(b) ELIGIBILITY AND APPLICATION.—To be eligible to receive a matching grant under the program established under subsection (a), an entity shall—

(1) be a nonprofit community development corporation, or a private business entity;

(2) serve in an area of high unemployment and poverty within an Economically Distressed Central City;

(3) prepare and submit to the Secretary an application at such time, in such manner and containing such information as the Secretary may require, including—

(A) a description of the activities to be carried out with amounts received and matched under the grant;

(B) a certification from the State or local governmental entity with respect to such activities;

(C) assurances, satisfactory to the Secretary, that non-Federal funds will be provided by the applicant to carry out activities under the grant;

(D) a description of the organizations to be used for the management of the project; and

(E) any other information determined appropriate by the Secretary;

(4) meet any other requirements determined appropriate by the Secretary.

(c) USE OF AMOUNTS.—

(1) IN GENERAL.—An entity that receives a matching grant under this section shall use amounts received under such grant to employ economically disadvantaged adults in projects to perform light, labor-intensive infrastructure repair.

(2) REQUIREMENTS.—Projects funded under paragraph (1) shall—

(A) be for the repair of—

(i) public facilities, including schools, governmental buildings, and public housing facilities; or

(ii) publicly owned property not otherwise covered under clause (i), including roadways, bridges and sewers;

(B) include—

(i) construction in compliance with the Americans with Disabilities Act of 1990;

(ii) the removal of graffiti;

(iii) the replacement of sidewalks, curbs, or roadsides;

(iv) the refurbishing or refinishing of publicly owned housing or building stock;

(v) the construction of fences bordering publicly owned abandoned buildings;

(vi) demolition clean up;

(vii) asbestos removal; and

(viii) lead abatement projects;

(C) not cost in excess of a total of more than $1,000,000;

(D) provide for the contribution of matching funds in an amount that is equal to 50 percent of the amount of the grant, but in no case in excess of $250,000;

(E) with respect to projects carried out by private entities, not be utilized as a condition for any kind of waiver or exemption for such entities from local zoning or property tax laws;

(F) employ individuals residing in the community to be served by the project;

(G) provide such individuals with the necessary training in a construction trade to enable such individuals to carry out their duties under the project;

(H) provide the training required under subparagraph (G) through a partnership with a local contractor or a construction trade union; and

(I) meet such other requirements as the Secretary determines appropriate.

(3) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to projects that demonstrate successful efforts to serve non-custodial parents of nondependent children who are recipients of

assistance under title IV of the Social Security Act, except that such project must require that such non-custodial parents agree in writing to have an appropriate portion of their earnings under the project withheld to meet any child support order.

(d) Peer Review Panel.—The Secretary shall provide for the establishment of a peer review panel to perform the initial review of applications for assistance under this section and make recommendations to the Secretary with respect to such applications. The panel shall include at least one representative of—

(1) a contractor for public infrastructure construction;

(2) a member of a private industry council under section 102 of the Job Training Partnership Act;

(3) individuals who have been instrumental in developing a model construction job training program;

(4) employees in community or urban planning at a local or city government; and

(5) employees of a non-profit or for profit housing authority.

(e) Amount of Grant.—The amount of a grant awarded under this section shall not exceed the amount contributed to the project by the applicant entity. Such contributed amounts shall be non-Federal in nature and be made available directly or through donations from public or private entities.

(f) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section, $500,000,000 for each of the fiscal years 1993 through 1997.

(2) Use.—Of the amounts appropriated for each fiscal year under paragraph (1)—

(A) not to exceed 5 percent of such amount shall be used for administrative costs; and

(B) the remainder of such amounts shall be used to award matching grants.

(g) Community Development Corporation.—As used in this section the term "community development corporation" means a private, nonprofit corporation whose board of directors is comprised of business, civic and community leaders, and whose principal purpose includes the provision of low-income housing or community economic development projects that primarily benefit low-income individuals and communities.

SEC. 4. ECONOMICALLY DISTRESSED CENTRAL CITIES.

(a) Requirements.—To be an Economically Distressed Central City under section 4, a city shall—

(1) be a metropolitan city (as defined in section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4));

(2) be eligible to receive an allocation of funds under section 106(a)(3) of the Housing and Community Development Act of 1974 for the most recent fiscal year ending prior to the date of enactment of this title;

(3) have a population of at least 30,000; and

(4) have a need adjusted per capita income less than 1.25 (as determined under subsection (b)) on the basis of the most recent data available.

(b) Need Adjusted Per Capita Income.—The Secretary of Housing and Urban Development shall determine the Need Adjusted Per Capita Income for each city that meets the requirements of paragraphs (1) and (2) of subsection (a) under the following formula:

(1) Determination of need index.—

(A) For purposes of this section, the term "need index" means the number equal to the quotient of—

(i) the term "N", as determined under subparagraph (B); divided by

(ii) the term "P", as determined under subparagraph (C).

(B) For purposes of subparagraph (A)(i), the term 'N' means the percentage constituted by the ratio of—

(i) the amount of funds allotted to the city in the fiscal year in which the calendar year begins under section 106(a)(3) of the Housing and Community Development Act of 1974; to

(ii) the sum of the amount of finds received by all eligible cities in such fiscal year under section 106(a)(3) of the Housing and Community Development Act of 1974.

(C) For purposes of subparagraph (A)(ii), the term "P" means the percentage constituted by the ratio of—

(i) the amount equal to the total population of the city, as determined by the Secretary using the most recent data that is available from the Secretary of Commerce pursuant to the decennial census and pursuant to reasonable estimates by such Secretary of changes occurring in the data in the ensuing period, to

(ii) the amount equal to the total population of all eligible cities in the current fiscal year.

(D) For purposes of this paragraph, the term "eligible cities" means those cities which meet the requirements of paragraphs (1) and (2) of subsection (a).

(2) Determination of need adjusted per capita income factor.—

(A) For purposes of this section (and subject to subparagraph (D)), the term "need adjusted per capita income factor" means the amount equal to the percentage determined for the city in accordance with the following formula:

$$1-.15\left(\frac{I}{Q}\right)$$

(B) For purposes of subparagraph (A), the term "I" means the per capita income of the city for the most recent year for which data is available, as determined by the Secretary of Commerce.

(C) For purposes of subparagraph (A), the term "Q" means the product of—

(i) the need index of such city, as determined under paragraph (1); and

(ii) the amount equal to the per capita income of the United States for the most recent year for which data is available, as determined by the Secretary of Commerce.

(D) In the case of a city for which the quotient of the term "I" (as determined under subparagraph (B)) divided by the term "Q" (as determined under subparagraph (C)) is less than 0.2, then such quotient shall be deemed to be equal to 0.2 for such city for purposes of the formula under subparagraph (A).•

ADDITIONAL COSPONSORS

S. 285

At the request of Mr. Roth, the name of the Senator from Mississippi [Mr. Lott] was added as a cosponsor of S. 285, a bill to amend the Internal Revenue Code of 1986 to require reporting of group health plan information on W-2 forms, and for other purposes.

S. 600

At the request of Mr. Boren, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

SENATE RESOLUTION 104

At the request of Mr. DeConcini, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of Senate Resolution 104, a resolution relating to Bosnia and Herzegovina's right to self-defense.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. EXON. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on April 30, 1993, at 10:30 a.m., to hear testimony on the subject of the administration's tax proposals.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. EXON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee for authority to meet for a hearing on S. 185, the Hatch Act Reform Amendments of 1993, on Friday, April 30, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DEMOCRACY IN PARAGUAY

• Mr. COVERDELL. Mr. President, in May 1989, shortly after I had been nominated to be Director of Peace Corps, I had the honor to be asked by President George Bush to go to Paraguay as a member of the Presidential delegation for the inauguration of President Andres Rodriguez. President Rodriguez had been elected in the first democratic elections held in Paraguay for over 30 years. The move toward democracy in that country presaged an embracing of democratic principles in numerous other countries in this hemisphere and constituted a great victory for the Paraguayan people. President Rodriguez has presided over the first presidential term of the new democracy in Paraguay and is now preparing to turn over the helm of government to a new, constitutionally elected president. The Presidential elections in Paraguay will be held on May 9, 1993.

I would like to extend my best wishes to the people of Paraguay for their continued commitment to democratic principles in that beautiful country and to express a collective pride which I believe is felt throughout the Western Hemisphere for a peaceful and democratic transition from one democratically elected government to another in Paraguay. Democracy in Paraguay provides not only the best path of hope for that country but also serves as a beacon of inspiration to all freedom loving peoples in our hemisphere and the rest of the world.

Just as I was rightfully proud to be able to witness the beginning of a new era of democracy in Paraguay 4 years ago, I am today even more proud of the success of the Paraguayan people in continuing their democracy and respect for freedom and constitutional law.●

SALUTE TO THE CLINTON ADMINISTRATION

● Mr. MATHEWS. Mr. President, I rise to offer my congratulations to President Clinton and Vice President GORE for the tremendous progress their administration has made in only 100 short days. I have to admit that I did not envy President Clinton when he took office. He inherited a morass of problems: a mammoth deficit, a stagnant economy, a health care crisis, a neglected environment, and declining public trust in Government. Our new President, however, faced this situation undauntedly. He immediately began forthrightly addressing these and other serious problems, many of which had been all but ignored by previous administrations. For its willingness, even enthusiasm, to tackle these tough issues, I have the greatest admiration for our new administration.

During his first 100 days in office, President Clinton presented a serious budget proposal, a plan which contains significant deficit reduction measures but still invests wisely in our future in a way that provides job growth, improves our infrastructure, and utilizes our human capital. The President created a National Performance Review Commission, headed by the Vice President, to make Government more effective and responsive. He signed the Family and Medical Leave Act, which had been shunned by previous administrations for the last 8 years while American families waited in fear of losing their jobs in times of medical emergencies. The President returned to American women the right to make their own decisions about personal reproductive matters. Under Mr. Clinton's leadership, the United States has finally joined the rest of the industrialized world in support of the Biodiversity Treaty, and the President has actively promoted democracy in the former Soviet Union and elsewhere in the world. Unfortunately, the old ways of gridlock prevailed here once again recently in the Senate, and the President was not given the chance to see his economic stimulus proposal work for the benefit of the American people. I hope that we will revisit this issue again soon.

What most impresses me about the Clinton administration, however, is how this group of people has been able, in only a few months, to change the tenor of debate here in Washington. I would like to draw my colleagues' attention to an article that appeared in the Wall Street Journal this past Wednesday. Now I think it is safe to say that no one can accuse this publication of being part of the liberal media. Journal reporter Gerald Seib points out in his article that by focusing too much attention on single issues or problems, such as the defeat of the economic stimulus package, we miss the big picture of the importance of the Clinton administration: that Clinton and his team have already changed Washington in many important ways. In only a very brief tenure, the following has happened—and I am quoting from the Wall Street Journal here: "Sweeping health care reform will happen. That is a radical change from just two years ago, when the Bush Administration was dodging the issue." The question is no longer whether there will be health care reform, but how and how soon, this year or next? The Journal article also states: "Deficit reduction has become a passion among Democrats." The article claims that President Clinton's "postelection evangelizing on the deficit changed the tone within his party." I will ask that the entire Journal article be inserted in the RECORD, but let me again read a few lines from it here: "Industrial policy has arrived. The very words were banned from the Bush and Reagan Administrations. New Vice President AL GORE meets with telephone company executives to discuss cooperating on a new information superhighway. Administration aides talk to automakers about working together on electric cars." Finally, the Journal states: "Americans are tuned in to their government again. Somehow Mr. Clinton had made the executive branch seem accessible." I say, quite an impressive performance for 100 days. The new administration has changed the agenda here in Washington and has awakened the American people's interest in the political process. Thanks in large measure to Mr. Clinton, gridlock is beginning to give way to progress.

Let me end by saying that it is a great honor for me to serve in Washington at the same time as the Clinton administration, to work with this group of people determined to confront the tough issues facing our country and to put Government back to work for the American people. I look forward with high hopes and great expectations to the next 1,361 days of President Clinton's first term in office.

The text of the article follows:

[From the Wall Street Journal, Apr. 28, 1993]

CLINTON'S WOES MASK BIG CHANGE IN CAPITAL WAYS

(By Gerald F. Seib)

As Republicans chortle over the defeated economic stimulus package, and the White House strains to find a new American policy on Bosnia, the capital's cognoscente have lost sight of something important about Bill Clinton: He already has changed Washington in important ways.

Whatever his current problems, Mr. Clinton has in fact helped produce some significant changes in attitude over the last four months, some of which are so thorough that they're already taken for granted. Consider:

Sweeping health-care reform will happen. That is a radical change from just two years ago, when the Bush administration was dodging the issue. Now even Republicans are drawing up an alternate to the coming Clinton plan. The reform promises to be the most far-reaching since the Great Society, yet lawmakers wonder only whether it will happen this year or next.

Deficit reduction has become a passion among Democrats. The debate within the party over the Clinton economic program has turned largely on how to cut spending more, which is a remarkable role reversal. Ross Perot has much to do with that, but so does President Clinton, whose postelection evangelizing on the deficit changed the tone within his party. Just yesterday, Mr. Clinton dwelled extensively on the deficit in a long speech in which he declared: "I am appalled at this deficit."

Industrial policy has arrived. The very words were banned from the Bush and Reagan administrations. Now Vice President Al Gore meets with telephone company executives to discuss cooperating on a new information superhighway. Administration aides talk to automakers about working together on electric cars. Nobody blinks an eye.

Americans are tuned in to their government again. Somehow Mr. Clinton has made the executive branch seem accessible. White House aides estimate that mail is coming in at triple its old rate. Phone calls come in at a clip of 65,000 to 70,000 a day, so many that a new switchboard is needed.

Beyond that, Mr. Clinton also brought an obvious but dramatic generational change to the White House. That means disenchanted twentysomething and thirtysomething Americans identify more with their leaders, an asset that Mr. Clinton hasn't used nearly as well as he might. When Kelly Coleman, a 27-year-old Connecticut mother and insurance-company employee, was asked about Mr. Clinton during a Wall Street Journal focus group discussion last week, she had little positive to say, except this: "The only good thing I can see about what Clinton's doing right now that's different, that really sticks out in my mind, [is] the generational issue."

None of this means Mr. Clinton has succeeded in changing Washington as much as he promised. His own frustration surfaced not long ago when he was wrestling again with the task of filling top administration jobs. He walked into the office of a top aide and declared that he wanted to see resumes from people in places like Ohio or Illinois, not from predictable establishment types.

But whatever the pace of change, things are different. Ask Jane Harman. She's a freshman congresswoman from California, elected along with Mr. Clinton. She has also seen Washington up close before, as a top aide in the Carter White House. Though it's far from clear what the precise results will be, Rep. Harman sees a subtle change in the nature of the debate on many issues. "It's not whether to do things, it's how to do them," she says.

Consider the scene earlier this month in Rep. Harman's home district in Los Angeles, where she attended a meeting with some 1,500 defense-industry executives. They gathered to learn how to tap into $472 million in matching grants the government will disperse this year to help defense industries convert to civilian work. The program was created earlier, but now the money is starting to flow.

But the most fundamental change is in Democrats' attitude toward the deficit. Rep. Harman is one of a group of Democrats in the House who have proposed what once was a Republican idea: They suggest putting all revenues collected from the Clinton economic program into a "trust fund" that could be used only to pay down the deficit. Any new programs would have to be paid for out of spending cuts.

As his political mentor James Carville is fond of repeating, Mr. Clinton will succeed so long as he is seen as an agent of change in Washington. When Mr. Clinton and Mr. Gore met with freshman lawmakers in the Capitol's Rayburn Room early on, Mr. Gore declared that the Clinton/Gore team had more in common with the new lawmakers then the established leaders of Congress. Both the new administration and the new legislators were elected to change Washington. It's a refrain worth repeating in Mr. Clinton's hours of trouble.●

IN RECOGNITION OF THE RHODE ISLAND MATHCOUNTS WINNERS

● Mr. CHAFEE. Mr. President, I am pleased to have the opportunity to recognize four eighth grade students, Benjamin Blackmun and Bradley Thompson from Winman Junior High School, Seth Brown from Archie Cole Junior High School, and Brandon Argianis from Western Hills, who, along with their teacher/coach, Paulette McLaren, will represent Rhode Island in the national Mathcounts competition, being held in Washington this weekend.

Since 1983, over 3 million students in all 50 States have participated in Mathcounts, a program designed to promote student interest in math by making the subject challenging and fun. In its 10 years of operation, Mathcounts has become one of the country's most successful business-education partnerships. In Rhode Island, for example, the Rhode Island Society of Professional Engineers plays an active role in coordinating local competitions and providing schools and teachers with the materials necessary to participate in the program.

The four students and their coach began training for the competition last fall. They competed individually and as teams in a series of local and State events, and earned the honor of representing Rhode Island at the national competition by finishing in the top four positions at the State competition.

Mathcounts has been very successful in fostering team problem solving. This program is not just for those students who already excel in math; the materials are designed so that students of all abilities can participate

Benjamin, Bradley, Seth, and Brandon should be proud of their accomplishments. I wish them the best of luck in this weekend's competition.●

RESPONSE TO PRESIDENT CLINTON'S NATIONAL SERVICE AND STUDENT LOAN PROPOSALS

● Mr. DURENBERGER. Mr. President, I rise to comment briefly on the national service and student loan proposals that are being unveiled by President Clinton in his speech this noon in New Orleans.

I want to begin by commending the President, and his advisors, for launching this initiative at a time when we as a Nation need to be focusing much more attention on children and on young people—tapping their energies and talents to address community problems, better preparing them for work and for life, and helping them and their families meet the rising cost of going to college.

These are the goals I want to help the administration achieve this year, Mr. President, through this legislation and through other education reform, service learning, and school-to-work transition proposals we will have before us.

My own interest in the President's proposal stems from my previous legislative initiatives on youth service, service learning, and fundamental reforms in Federal student loan programs. They include my cosponsorship of the National and Community Service Act in 1990, my authorship, with Senator WOFFORD, of the Service Learning Act of 1993, S. 676 and my work with Senator PAUL SIMON and others on the income contingent direct loan demonstration that Congress included in the Higher Education Amendments of 1992.

STUDENT LOAN CHANGES DRAW ON IDEA

Mr. President, I have a strong interest in all aspects of the Clinton administration's proposal. But, because of my position on both the Senate Finance and Labor Committees, I expect to be especially involved in helping to shape the student loan portion of the President's proposal as it comes to the Congress.

My experience last year made it clear that there is both strong support and strong opposition to direct lending on both sides of the aisle. And, it is clear that Sallie Mae, the banks, and other special interests are gearing up for a major fight on this issue.

So, a lot of educating on this subject will be needed. And, a bipartisan majority will be crucial to any efforts to expand on last year's direct loan demonstration.

There are also a number of very specific issues that must be addressed as we consider the direct lending parts of the President's national service proposal. They include how startup capital will be raised; what role the Department of Education, current intermediaries, and colleges will play in issuing loans; how loan payments will be pegged to postcollege income; and whether and how the IRS, or some other set of entities, will do the actual loan collection.

I believe the income dependent education assistance [IDEA] proposal that Senator SIMON and I first introduced in 1991 offers guidance on how to address all of these issues. And, I am pleased to see that the President has incorporated a number of provisions from the IDEA proposal in the legislation he is announcing today.

In his proposal, the President has also responded to a number of concerns that have been raised about both direct lending and income contingent loan payment by financial aid directors, college administrators, student leaders, and other stakeholders in the current Federal student loan system.

For example, the President's proposal offers the flexibility to use parts of the current student loan system for loan origination and collection. It offers participating schools the option to not originate loans and, for those who do, the assurance that they will be compensated for the extra expense.

The President's proposal also retains the in-school interest subsidy that is so important to students participating in existing subsidized student loan programs. And, it offers students the choice of a number of repayment options—including graduated repayment and income-contingent repayment.

Finally, the President's proposal takes several steps designed to pave the way for eventual IRS involvement in student loan collection. I realize there are a number of issues that need to be addressed in determining the role of the IRS in a program like the President is proposing. But, I strongly believe the IRS can be a highly efficient collection mechanism, and the best way to implement the kind of income-contingent repayment plan that I believe most student borrowers will eventually choose.

Today's announcement of this important set of reforms in student loan programs represents a major stop forward for higher education, for students, and for families in America. And, as this proposal now comes to the Congress, I personally intend to do everything I can to help make sure it accomplishes its very important objectives.

A DECENTRALIZED NATIONAL SERVICE PROGRAM

With respect to the national service portion of the President's proposal, I appreciate very much the administration's efforts to design this initiative in a way that builds off existing programs and that respects the Nation's diversity and the importance of building any program of national service from the ground up.

The coincidence of their reauthorizations this year also makes this an ideal time to consider the future of both the

Commission on National and Community Service and ACTION and how they, and the programs they run, might be integrated into a new national service initiative.

In particular, I am looking forward to a full exploration of the issues involved in bringing ACTION under a new National Service Corporation. Although I have been a supporter of maintaining an independent ACTION in the past, my general philosophy of working through a strong State and local service infrastructure makes me open to eliminating the regional and State offices that ACTION has around the country and using those savings to help finance other parts of the President's proposal.

I realize, of course that ACTION oversees several volunteer programs that involve older Americans, while the balance of what the President is proposing deals mainly with youth. However, I also believe that local communities are best able to tap the energies and contributions of their older residents. With that in mind, there may be other options for decentralizing the administration of the nonyouth programs now run by ACTION, as well.

Finally, this year's reauthorization of the Elementary and Secondary Education Act [ESEA] makes this a good time to consider how best to make the links between K-12 and postsecondary service learning and the kind of stipended service the President's plan would make available on a much larger scale.

As I noted earlier, Senator WOFFORD and I have introduced S. 676, the Service Learning Act of 1993, which takes a number of steps designed to integrate service learning into existing Federal education programs and to create a new national program that promotes teacher training in service learning.

STRESS LINKS TO THE LOCAL COMMUNITY

Mr. President, any proposal of this significance will undergo changes and improvements as it winds its way through the political process. As we do that, a high priority must go to providing better focus to objectives of this program and to making sure it meets the tough test of today's fiscal realities.

The key questions we must ask, in other words, are not "whether?", but "what for?", "how big?", and "how soon?"

As we answer the "what for?" question, my own preference would be to start by calling what we are doing in this legislation, the promotion of community—rather than national—service.

Unlike earlier times—in the 1930's or 1960's—I do not believe as many young people will be stimulated by a call to serve their country as will respond to a call to serve their own community. And, our communities desperately need the creative energies and commitment of young people to address a wide range of community problems and community needs.

I think the President recognizes that reality by focusing his proposal on States and communities—in its administration, in its recruitment of servers, and in its placement of young people who will serve. We need to make sure that this emphasis on bottom up rather than top down stays a central feature of the President's bill.

STRENGTHEN SERVICE LEARNING PROGRAMS

Beyond this broad response to "what for?", I believe that any program of youth and community service needs a much stronger and more explicit link to education—and to education reform.

And, for fiscal and other reasons, I strongly believe we must work to reduce expectations that a stipended national service program can be counted on to assure financial access to college for any significant number of Americans.

On the positive side of "what for," I believe the nonstipended service learning components of this proposal need to be given much greater visibility and support.

As we do that, we must listen carefully to the Commission on National and Community Service and its Serve America grant recipients around the country. They now have 2 years of experience in testing how best to design Federal support for K-12 and postsecondary service learning projects.

We also need to make sure the commitment to decentralized support functions through regional clearinghouses remains an important part of whatever national service program we end up adopting. I am very proud that the first of those clearinghouses—stressing support for service learning—will be based in Minnesota.

MAKE KEEPING PELL GRANT COMMITMENTS OUR FIRST PRIORITY

Beyond the explicit service learning portions of the President's proposal, I believe we must answer the "what for" question by making much stronger and more explicit links between stipended community service and education reform.

The President's proposal envisions a package of stipends, educational benefits, health insurance, and other benefits that, when administrative costs are added in, could easily push the per server cost of this program past $20,000 per year. Two years of participation in the program could double that amount.

At that level of per-participant cost, it is easy to see how the President's proposal quickly becomes a $3.4 billion per year program. And, even at that level, the program is able to include only 150,000 participants—less than 1 percent of the 16 million students now going to college.

In today's deficit-conscious environment, that level of cost per participant will force the Congress to ask not only "what for?" but also "how big?" and "how soon?"

As I have already stated, I do not think the "what for" question can be answered in the way the President sold this program during last year's campaign—helping to make college affordable for middle-income Americans.

I take that position somewhat reluctantly, because the rising cost of college for all Americans is a high priority concern we can and must address.

But, making college more affordable for more Americans is a task I strongly believe is best left to traditional financial aid programs: by phasing in a radically overhauled student loan system along the lines the President is proposing; and by meeting the commitments we have previously made to the Pell Grant Program that serves low-income students.

As we all know, over the past several years, the number of Pell Grant recipients has exceeded advance estimates made by the U.S. Department of Education. As a result, we are now facing an accumulated shortfall in the Pell Program of almost $2.0 billion.

Last year, that shortfall forced a reduction in the maximum Pell grant from $2,400 to $2,300. And, even with the administration's proposed $200 million increase in the Pell Program next year, it appears the $2,300 maximum grant will not be raised any time soon.

Ironically, Congress approved a significant increase in the authorized annual Pell grant last year—to $3,700, with $200 annual increases until the authorized maximum reaches $4,500 in 1997-98. But, if we do not find some way of meeting the past $2 billion shortfall, Pell grants we award low-income students may have to be reduced even further.

Because Pell grants have fallen so far behind rising tuition levels, it is not surprising that some leaders in the higher education community are quietly urging Congress to use at least some of the more than $7.4 billion the President wants to spend on national service over the next 4 years to increase Pell grant appropriations.

A couple of quick calculations help explain why.

According to the President's fiscal year 1994 budget proposal, the average Pell grant in 1992 was $1,520. Because of the $100 cut in the maximum grant, that average fell to $1,452 in 1993, and will decline to $1,324 next year—even with the $200 million increase the President has proposed in fiscal year 1994 Pell grant appropriations.

Assuming the number of grant recipients remained the same, the $7.4 billion the President wants to spend on national service over the next 4 years could be used to not only pay off the past $2 billion deficit, but to also increase the average annual Pell grant by almost $300 per student.

Coming at these numbers another way, for every stipended service position that costs $20,000 per year, nine additional students could receive the maximum $2,300 Pell grant. Or, nine current Pell grant recipients could have their $2,300 grant doubled.

TARGET STIPENDED PROGRAMS AND LINK THEM TO EDUCATION

These calculations have led me to conclude that Congress must help answer the "what for?" and "how big?" and "how fast?" questions in a way that targets stipended community service opportunities to those who can most benefit from strong links to education.

For example, spending $20,000, or even $40,000, per participant in a stipended service program can be a good investment if the young server is out of school, out of work and now facing a future that could include long-term unemployment, teenage pregnancy, substance abuse, crime, jail, or perhaps even a violent death.

Young people facing that kind of future—often young people for whom the traditional education system does not work—need some alternative way of preparing for work and preparing for life.

In many cases, a stipended service program—like a highly disciplined service or conservation corps—can provide that link back to formal education and back to a constructive role in society. That kind of answer to "what for?" makes sense, even at $20,000 or $40,000 per participant.

THE BOTTOM LINE OF "WHAT FOR?", "HOW BIG?", AND "HOW FAST?"

Taken together, then, my answers to the "what for?", "how big?", and "how fast" questions would result in a five-part youth service and student loan proposal that:

Places a stronger emphasis on a nonstipended service learning programs like the K–12 and postsecondary Serve America programs run by the Commission on National and Community Service and the related regional clearinghouse initiatives the Commission has now begun to fund.

Makes a stronger and more explicit link between stipended service programs and education reform, partly in the content of the service programs and partly by focusing stipended programs on at-risk and out-of-school, out-of-work young people who have not succeeded in a traditional education environment.

Uses savings from a merger of ACTION and the Commission on National and Community Service to free up resources for new and expanded service learning and stipended service initiatives and an expanded grassroots infrastructure that focuses on regional clearinghouses.

Uses fundamental changes in existing student loan programs to produce greater efficiencies, improved service, and greater financial access to college for middle-income students and their families.

Uses those savings to maintain and increase our commitment to the Pell Grant Program.

PRINCIPLES FOR CONSIDERING FEDERAL LEGISLATION

Mr. President, because I find it easiest to approach complex policy issues like this from a larger perspective, I have prepared a set of principles for considering not only President Clinton's national service and student loan proposals, but also other related legislation the Congress will face this year. I would ask that the full text of these principles follow the conclusion of my statement.

These principles are heavily influenced by my past experience with Federal programs in these areas, as well as the strong emphasis that my own State of Minnesota has placed on the links between community service and education reform. Perhaps understandably, these principles are also heavily influenced by today's fiscal realities, as well as the need to assess each legislative initiative we face on how well it defines and meets predetermined outcomes.

These principles would support the overall objectives that President Clinton is seeking, but would make sure that the "what for?" "how big?" and "how fast?" questions on any national service plan are answered in ways that are consistent with the highest priority needs facing young people and their communities, as well as today's fiscal realities.

As I stated at the outset, Mr. President, I want to commend the President, his advisers, and all those who have contributed to this important legislative proposal. I look forward to working closely with the administration—and with my colleagues on the Labor and Finance Committees—as we consider and act on this initiative in the weeks and months ahead.

The text of principles follows:

PRINCIPLES FOR CONSIDERATION OF PROPOSALS ON NATIONAL AND COMMUNITY SERVICE, STUDENT FINANCIAL AID, SCHOOL-TO-WORK TRANSITION, AND K–12 EDUCATION REFORM

BACKGROUND

Congress and the Administration will be considering a number of legislative opportunities this year that include new or expanded programs that all relate to youth and community service, education, and preparation for work. They include:

Reauthorization of the National and Community Service Act, including its service learning and national service demonstration provisions;

Reauthorization of the Elementary and Secondary Education Act, including proposals to add significant new service learning components to the ESEA;

Reauthorization of ACTION, including VISTA and several service programs that cross generational lines;

Implementation and/or expansion of the "direct loan" demonstration authorized by last year's Higher Education Amendments;

President Clinton's national service proposal, including its direct loan and income-contingent loan repayment provisions;

President Clinton's "Goals 2000" education reform initiative;

President Clinton's apprenticeship/school-to-work transition proposal;

Possible Clinton Administration welfare reform and/or job training reform initiatives;

FY 1994 appropriations decisions on the Pell Grant program, including proposals to make up past shortfalls in the program;

FY 1994 appropriations decisions on the Commission on National and Community Service, ACTION, and, if authorized, the Clinton national service, [ESEA] service learning, K–12 education reform, direct loan, and apprenticeship initiatives.

PRINCIPLES FOR CONGRESSIONAL CONSIDERATION AND ACTION

1. Consider related proposals in tandem: Although these legislative vehicles will be introduced separately—and in some cases referred to different committees and subcommittees—they must be considered in tandem. Their common elements include their focus on children, youth and young adults; and their shared objectives, including improved educational outcomes, better preparation for work, and improved financial access to higher education.

2. Consider proposals in a context of fiscal realities: Although each of these initiatives has obvious merit, they are being considered at a time when the deficit and other fiscal realities will force priorities to be set, efficiencies to be achieved, outcomes to be defined, and accountability for achieving outcomes to be established and maintained.

3. Keep administration decentralized: Within broad federal standards, states should have the primary responsibility for designing and implementing new national initiatives in the areas of national service, service learning, school-to-work transition, and K–12 education reform.

4. Focus on communities: National and community service should be valued primarily for its potential impact on communities, as well as impacts on individual learner outcomes, self-esteem, and individual preparation for life—and not primarily as a way of assuring financial access to higher education.

5. Target stipended service opportunities on those who can benefit the most: Although there are advantages to including young people with diverse backgrounds in stipended national service programs, fiscal realities require that at-risk students and students who have not succeeded in a traditional educational environment be given a clear priority in selecting participants.

6. Use the Pell program to provide financial access to college to low income students: The goal of assuring financial access to higher education for lower income students should be met primarily through adequate funding for the Pell Grant program, not through immediate implementation of a large-scale stipended service program that offers significant educational benefits.

7. Use fundamental changes in student loan programs improve access to college for middle income students and to capture significant savings: Substantial savings can and should be achieved through fundamental reforms in existing federal student loan programs, both through greater efficiencies and fewer defaults. Those reforms should eliminate functions and participants that are unnecessary and inefficient; and should offer repayment options that are flexible enough to respond to changing economic circumstances and that respect family and career choices made by each student borrower.

8. Implement student loan changes carefully and over a period of time: Fundamental

changes in student loan programs should be implemented carefully and at a pace that provides maximum assurance that they will be actuarially sound and well-within the capabilities of federal and state agencies and higher education institutions to administer.

9. Make cost saving changes now, regardless of an eventual shift to direct lending: Fundamental changes in student loan programs that are being proposed by elements of the current system should be carefully evaluated. Where efficiencies can be obtained without detrimental effects on students and/or academic institutions, those changes should be implemented as quickly as possible—regardless of whether a decision is made to phase in a new system of direct lending.

10. Monitor impact of improved access on cost: As fundamental changes are made in student loan programs—and as efforts are made to meet past commitments to the Pell Grant program—the impact of eased financial access on the cost of higher education should be carefully monitored and evaluated.

11. Provide leadership in increasing accountability for outcomes: The federal government should also provide leadership in designing and implementing appropriate ways of using federal student loan and grant programs to promote realistic cost containment and an increased emphasis on quality, outcomes, and accountability in higher education.

12. Don't use student loan savings to fund a large new stipended service program: Until current commitments to the Pell Grant program have been met, savings from reforms in student loan programs should not be used to help finance a large new stipended national service program.

13. Use savings to meet existing Pell Grant commitments: Savings from fundamental reforms in student loan programs should be used to help meet commitments in last year's Higher Education Amendments to the Pell Grant program, as well as for bonus scholarships to high achieving low-income students, and to state programs that help prepare at-risk students for college.

14. Begin life-long service commitment at a young age: A commitment to community service should be viewed as a life-long objective that begins at a very young age, encouraged by community service learning opportunities that are integrated into the elementary, secondary, and post-secondary school curriculum.

15. Expand commitment to service learning: Any new national service initiative should include a significant commitment to K-12 and post-secondary service learning programs, teacher training, and technical assistance and other multi-state clearinghouse activity.

16. Incorporate service learning into existing education programs: Expanding service learning opportunities should be high priority during reauthorization of existing federal categorical education programs and in the design of state and federally supported education reform initiatives.

17. Expand federal role in research on outcomes: The federal government should also make a significant commitment to research on the impact of various community-based learning models—including school-based service learning, stipended service corps, and apprenticeships—on the contributions that young people can make to their communities; and on individual self-esteem, on learner outcomes, and on other factors which help determine individual behavior and preparation for work and for a productive and contributing life.•

RECORD TO REMAIN OPEN UNTIL 3 P.M.

Mr. EXON. Mr. President, I ask unanimous consent that the RECORD remain open today until 3 o'clock for the introduction of legislation and submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MAY 4, 1993

Mr. EXON. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Tuesday, May 4; that following the prayer, the Journal of proceedings be approved to date, and that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each; with Senator GRAMM of Texas recognized for up to 10 minutes; that at 9:30 a.m., the Senate resume consideration of Calendar No. 57, the Department of the Environment Act; that on Tuesday, May 4, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the regular party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TUESDAY, MAY 4, 1993, AT 9 A.M.

Mr. EXON. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess, as previously ordered.

There being no objection, the Senate, at 2:24 p.m., recessed until Tuesday, May 4, 1993, at 9 a.m.